CITY COUNCIL AGENDA
REGULAR MEETING
CITY OF HALF MOON BAY

TUESDAY, SEPTEMBER 1, 2020

REMOTE PARTICIPATION (SEE NEXT PAGE)

Adam Eisen, Mayor
Robert Brownstone, Vice Mayor
Deborah Penrose, Councilmember
Harvey Rarback, Councilmember
Debbie Ruddock, Councilmember

7:00 PM

This agenda contains a brief description of each item to be considered. Those wishing to address the City Council on any matter not listed on the Agenda, but within the jurisdiction of the City Council to resolve, may come forward to the podium during the Public Forum portion of the Agenda and will have a maximum of three minutes to discuss their item. Those wishing to speak on a Public Hearing matter will be called forward at the appropriate time during the Public Hearing consideration.

Please Note: Anyone wishing to present materials to the City Council, please submit seven copies to the City Clerk.

Copies of written documentation relating to each item of business on the Agenda are on file in the Office of the City Clerk at City Hall and the Half Moon Bay Library where they are available for public inspection. If requested, the agenda shall be available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132.) Information may be obtained by calling 650-726-8271.

In compliance with the Americans with Disabilities Act, special assistance for participation in this meeting can be obtained by contacting the City Clerk's Office at 650-726-8271. A 48-hour notification will enable the City to make reasonable accommodations to ensure accessibility to this meeting (28 CFR 35.102-35.104 ADA Title II).

http://hmbcity.com/

SPECIAL REMOTE PARTICIPATION PROTOCOLS

In accordance with Governor Newsom's Executive Order No-29-20, this will be a teleconference meeting without a physical location to help stop the spread of COVID-19. This meeting will be conducted entirely by remote participation, in compliance with the Governor's Executive Order N-29-20 allowing for deviation of teleconference rules required by the Ralph M. Brown Act.

This meeting will be conducted via Zoom Webinar. Members of the public are welcome to login into the webinar as Attendees. During any public comment portions, attendees may use the "raise your hand" feature and will be called upon and unmuted when it is their turn to speak. Written comments (jblair@hmbcity.com) submitted by 5:00 p.m. on meeting day will be added to the online agenda packet and emailed to the City Council. The meeting will also be streamed on Channel 27, on pacificcoast.tv, on Facebook in English at www.facebook.com/cityofhalfmoonbay and in Spanish at www.facebook.com/halfmoonbayrecreation. Please click to join the webinar: https://zoom.us/j/93155286700 or join by phone at 669-900-9128, using Webinar ID 931-5528-6700.

ROLL CALL

PUBLIC FORUM

PROCLAMATIONS AND PRESENTATIONS

MAYOR'S ANNOUNCEMENTS OF COMMUNITY ACTIVITIES AND COMMUNITY SERVICE

REPORT OUT FROM RECENT CLOSED SESSION MEETINGS

CITY MANAGER UPDATES TO COUNCIL
COVID-19 UPDATE
CZU LIGHTNING COMPLEX FIRE UPDATE
LABOR DAY ENFORCEMENT AND FUTURE BEACH CLOSURES
BEACH ACCESS / PARKING PLAN UPDATE

1. CONSENT CALENDAR

1.A WAIVE READING OF RESOLUTIONS AND ORDINANCES

1.B SAM ENERGY EFFICIENT AND INFRASTRUCTURE IMPROVEMENT PROJECTS

Staff Recommendation: By motion, approve the recommended SAM Energy Efficient and Infrastructure Improvement Projects, pending approval by the SAM Board of Directors.

STAFF REPORT

ATTACHMENT 1

1.C LIBRARY CAPITAL DONATIONS

Staff Recommendation: Adopt a resolution accepting donations from the Friends of the Half Moon Bay Library and amending the FY 2020-21 budget to record additional revenues of $48,148.43 and appropriate these funds in the Library Capital Fund (F16).

STAFF REPORT

RESOLUTION

2. ORDINANCES AND PUBLIC HEARINGS

2.A SECOND READING OF AN ORDINANCE AMENDING CHAPTER 8.04 "ANIMAL CONTROL", CHAPTER 9.12 "PUBLIC NUISANCES AFFECTING PUBLIC PEACE AND SAFETY" AND CHAPTER 9.13 "PARK REGULATIONS" OR REINTRODUCE WITH AMENDMENTS

Staff Recommendation: Waive second reading and adopt, or reintroduce with amendments, an ordinance amending Chapter 8.04 (Animal Control), Chapter 9.12 (Public Nuisances Affecting Public Peace and Safety), and Chapter 9.13 (Park Regulations) of the Half Moon Bay Municipal Code to include "Beaches" in Chapter 9.13 and add and clarify rules and regulations including the walking of dogs on leash, off-leash activities, smoking in parks and beaches, alcohol consumption in parks and the prohibition of single use plastic bottles in City-owned parks and beaches.

STAFF REPORT

ORDINANCE

ATTACHMENT 2

3. RESOLUTIONS AND STAFF REPORTS

3.A LAW ENFORCEMENT ANNUAL UPDATE

Staff Recommendation: Receive annual update from the San Mateo County Sheriff's Department. There is no staff report associated with this item.

COMMISSION / COMMITTEE UPDATES

FOR FUTURE DISCUSSION / POSSIBLE AGENDA ITEMS

CITY COUNCIL REPORTS

ADJOURNMENT

CORRESPONDENCE RECEIVED AFTER PACKET PUBLICATION

Balson_Item2A_090120

BUSINESS OF THE COUNCIL OF THE CITY OF HALF MOON BAY

AGENDA REPORT

For meeting of: **September 1, 2020**

TO: Honorable Mayor and City Council

VIA: Bob Nisbet, City Manager

FROM: John Doughty, Public Works Director
Maziar Bozorginia, City Engineer

TITLE: **SEWER AUTHORITY MID-COASTSIDE (SAM) ENERGY EFFICIENT AND INFRASTRUCTURE IMPROVEMENT PROJECTS**

RECOMMENDATION:
By motion, approve the recommended SAM Energy Efficient and Infrastructure Improvement Projects, pending approval by the SAM Board of Directors.

FISCAL IMPACT:
There is no fiscal impact associated with this action. The final turnkey price for the recommended set of improvements is $2,314,273, with favorable financing available. With this investment, SAM expects to realize energy savings of $672/year, annualized avoided emergency repair costs of $24,334/year, and $740,000 of budgeted items from the last approved 5-year SAM Capital Improvement Plan (CIP) which amounts to $1,413,862 of savings over twenty years.

BACKGROUND:
On October 28, 2019, the Board approved a Project Development Agreement with Ameresco to develop a turnkey, design-build energy project for SAM that maximizes capital improvement funds allocated for plant improvements by leveraging these funds with energy and operational savings. The following activities have been completed with respect to the Project Development phase of the project:

- Preliminary mechanical and electrical design
- Obtained funding agreement and parameters
- Contractor site visits to solicit bids
- Final pricing obtained for all materials, labor, factory service packages, operations, and maintenance

DISCUSSION:
SAM spends an average of $250,000 on energy costs annually. In order to maintain operational efficiency and insure the most responsible use of funds, staff has been looking for opportunities

to reduce operating expenses by achieving greater energy efficiency, developing on-site generation assets, and replacing aging facility infrastructure. A strong driver was the desire to mitigate risks associated with critical equipment (pumps, motors, biogas flare, etc.) that is operating inefficiently and beyond it's useful life as well as looking at opportunities to create more sustainable facilities with the goal of decreasing long-term costs and environmental impacts of SAM's operations.

On August 24, 2020, the SAM Board of Directors held an information session to review Energy Efficient and Infrastructure Improvement projects, which was presented by Ameresco, Inc., outlining a list recommended projects to increase energy efficiency. A copy of the presentation is attached to this report (Attachment 1).

Aside from realized energy savings and avoided operational, maintenance, and emergency costs, SAM will benefit from this project by leveraging Ameresco to bring speed and efficiency to these improvement projects. Ameresco is prepared to order all equipment and materials necessary immediately after contracting. This would allow onsite construction to begin in the Spring of 2021 during the slow time of the year, with completion expected around July 2021.

Conclusion
By approving this motion, pending approval of the SAM Board of Directors, the SAM plant will be more resilient & efficient and will address critical maintenance issues to be able to weather future demanding events on the system.

ATTACHMENTS:
Ameresco, Inc. Presentation – SAM Information Session and Project Update (8/24/2020)

AMERESCO
Green • Clean • Sustainable

ameresco.com

Sewer Authority Mid-Coastside

Information Session and Project Update

Board Meeting

August 24, 2020

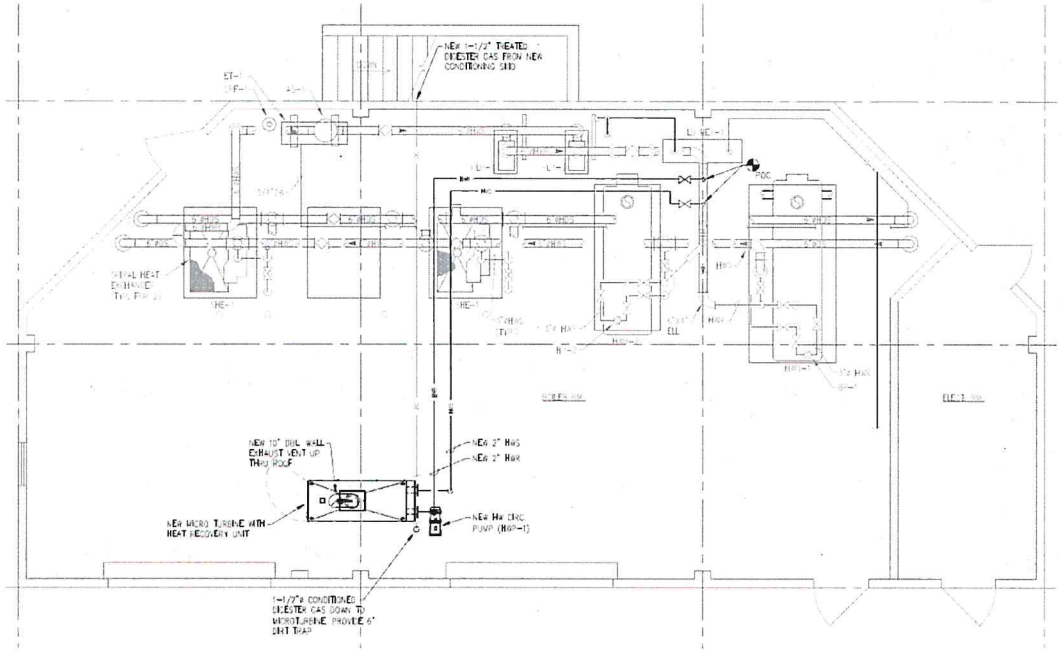
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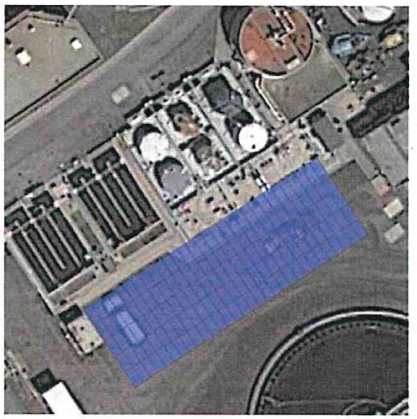
List of Scope Items Investigated:

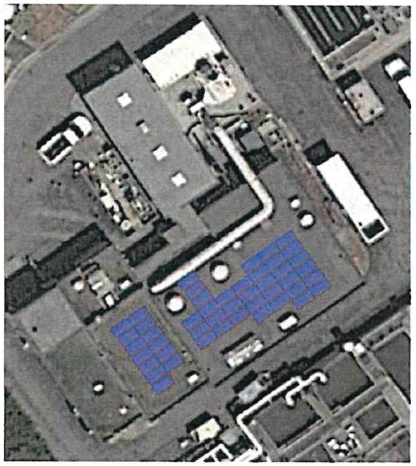
- Replace Influent Pumps and Motors 1 - 5
  - NEW CONCRETE PADS WITH EPOXY COAT
- Replace Primary Scum Pump and Motor
- Replace Sludge Pumps and Motors 1 - 3
  - NEW CONCRETE PADS WITH EPOXY COAT
- Replace Grit Pumps, Appurtenances, Motors 1 - 2
  - NEW CONCRETE PADS WITH EPOXY COAT
- Replace Effluent Pumps 1 - 2, Motor #2
  - NEW CONCRETE PADS
- Replace Montara Station Pump and Motor #2 (with high efficiency grinder style similar to #3)
- Install VFDs on Bottom Sludge Transfer Pumps 1 &2
- New MCC, VFDs, Conduits, etc. for Influent Pumps 1 - 5
- Capstone 65kW Microturbine
- Rooftop Solar PV
- Chemical Feed Solar Carport

Full Project Details:

- Full project cost is $4,141,150 before legal fees and construction period interest
- Payment of approximately $460,000 pear year, escalating less than 1% per year for 20 years







- Microturbine and Solar PV failed to generate a neutral or better net annual benefit and were removed from the list of recommended measures

Recommended Project Details:

Fiscal Impact

- Microturbine and Solar removed
- The final turnkey price for the recommended set of improvements is $2,314,273
- Ameresco secured a 20-year financing agreement at a highly competitive rate of 3.16%
- Payments due twice per year, beginning six (6) months after construction is completed
  - Estimated late-Q2/early-Q3 CY2021
- $149,329 on Year 1, with an annual increase of less than 1% for twenty (20) years.

- Project scope items have exceeded their useful life. It is critical that this equipment be replaced to avoid risk to SAM's ability to maintain quality operations.
- All items were adopted and approved in SAM's 5-year CIP plan, spanning 2019-20 through 2023-24.

Asset	Asset Age (years)	Useful Life (years)	Remaining Life (years)
Influent Pumps 1 - 5	36	20	-16
Primary Scum Pump and Motor	37	20	-17
Sludge Pumps and Motors 1 - 3	36	20	-16
Grit Pumps, Appurtenances, Motors 1 - 2	36	20	-16
Effluent Pumps 1 - 2, Motor #2	37	20	-17
Montara Station Pump and Motor #2	37	20	-17
Influent Pumps 1 - 5 MCC	36	30	-6

Project Savings:

Energy Savings

- Consumption savings driven by higher efficiency motors
- Demand savings realized by installation of VFDs to slow pumps for Sludge Transfer System

- Savings were less than anticipated due to the following:
  - Premium efficiency motors exist
  - Some pumps do not run or run only during peak flow events
  - Some infrastructure improvements do not produce energy savings (MCC Replacement; safety concerns)

O&M Savings

- Estimated O&M savings from emergency repair event.
  - Sum of 5 Year CIP related to pumps/motors
  - Assumes 25% fail over 20 years
  - Assumes 200% price premium
    - $24,334 in Year 1

Project Benefits:

- Leverage Ameresco to bring speed and efficiency to recommended improvement projects
  - Allows SAM to benefit from completion in ~mid-2021 instead of piecemeal over next 5+ years
  - Allows SAM to focus on other items in current CIP
  - Addresses current CIP items plus future 2023-27 plan items (grit pumps)

- Increases SAM's resiliency and ability to weather future demanding events

- Results in energy savings and avoided operational, maintenance, and emergency repair/replacement costs
  - SAM experienced premium costs during emergency this year:
    - Vallemar Emergency Pump Repair = **$31,696**
    - Vallemar Pump Replacement = **$56,320**
      - 10-12 week lead time
    - Portola Pump #1: 5 week downtime and $11,000

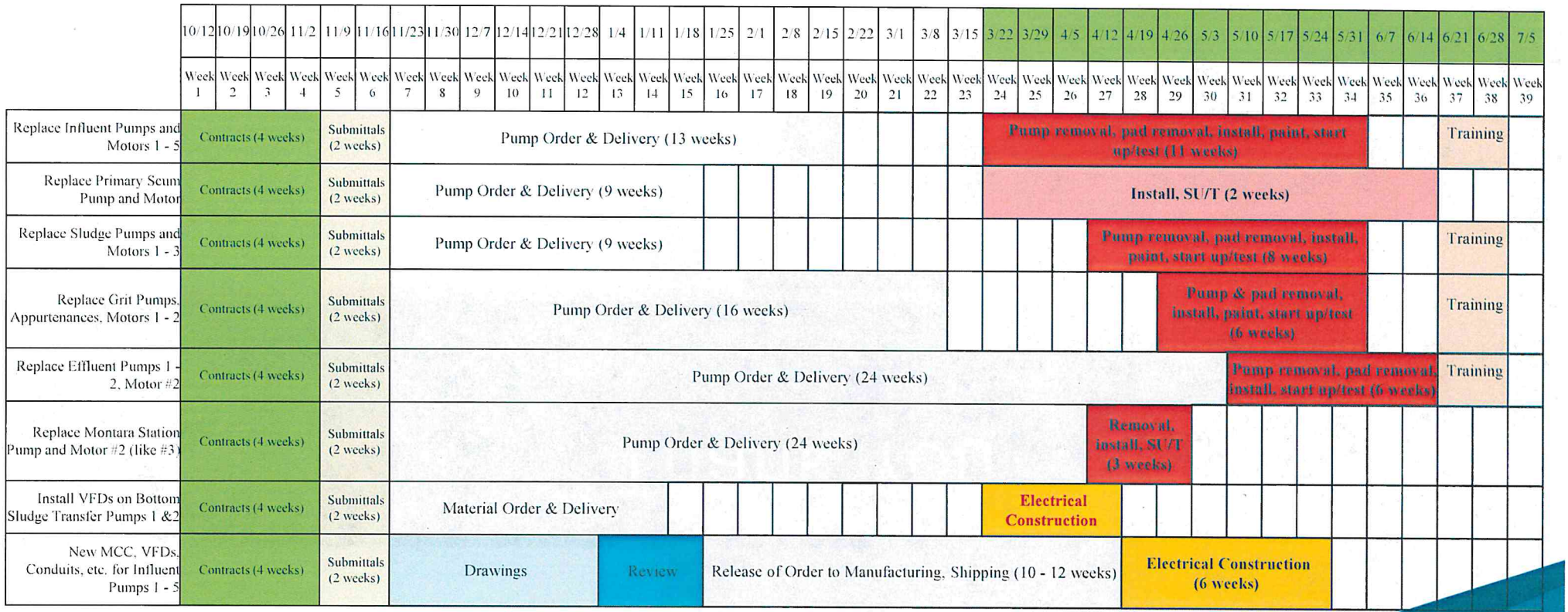
Project Cash Flow

Project Costs:		
Investment Grade Audit		Included
Performance and Payment Bond	$	25,238
Implementation Costs	$	2,185,854
Taxes		Included
Total Ameresco Contract Amount	**$**	**2,211,092**
SAM Legal Fee	$	20,000
Lender's Counsel Fee	$	35,000
Customer Contribution	$	-
Net Project Costs	**$**	**2,266,092**
Construction Period Interest	$	48,181
Total Amount Financed	**$**	**2,314,273**

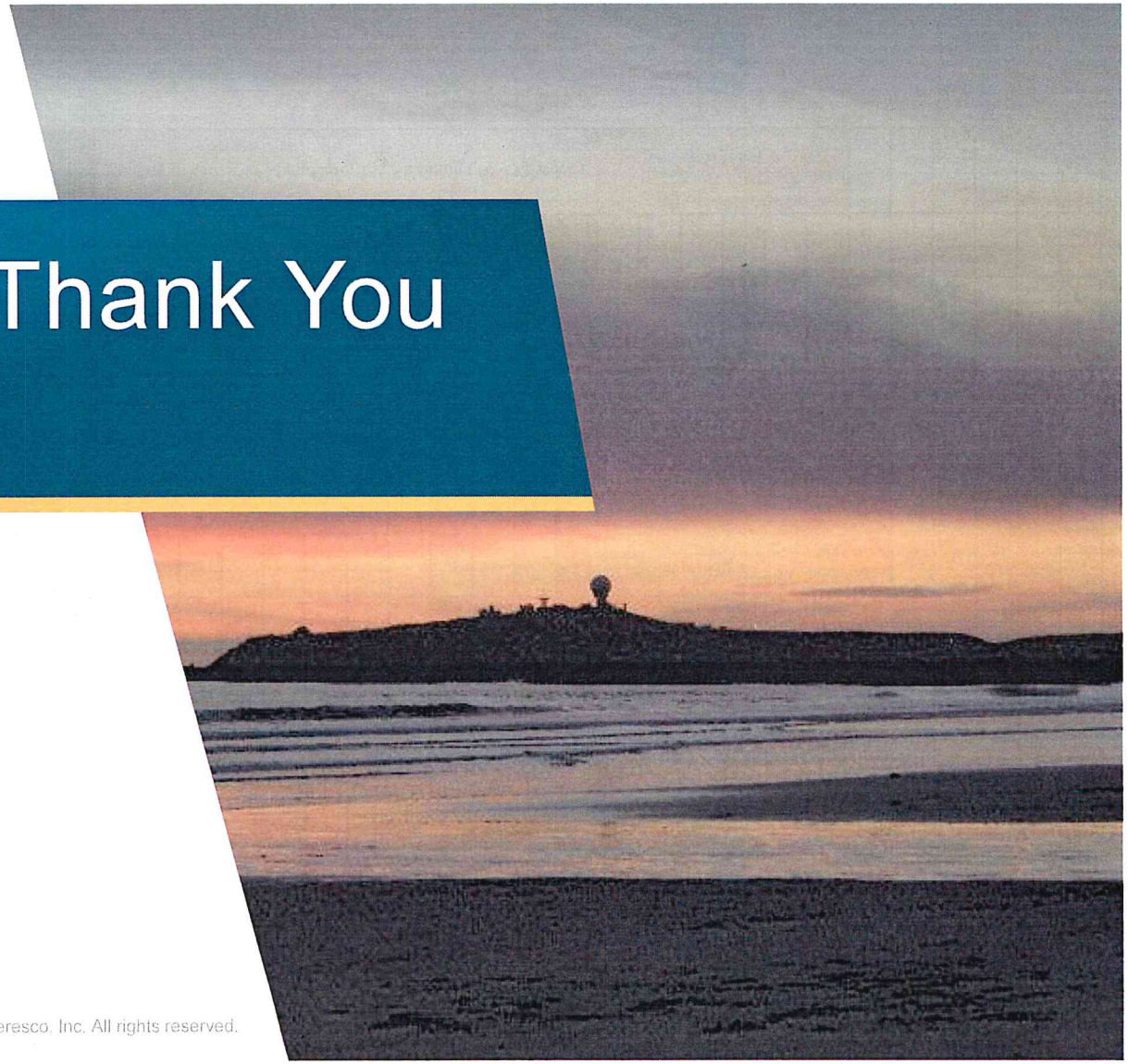
Proforma	Initial Values	Year 1	2	3	4	5
1 Projected Energy Cost Savings		$ 672	$ 699	$ 727	$ 756	$ 786
2 O&M Savings		$ 24,334	$ 25,064	$ 25,816	$ 26,590	$ 27,388
3 5 Year CIP		$ 165,000	$ 75,000	$ 300,000	$ 50,000	$ 150,000
4 Total Project Savings		**$ 190,006**	**$ 100,763**	**$ 326,543**	**$ 77,346**	**$ 178,174**
5 Payments for Financing Equipment		$ 149,329	$ 150,086	$ 150,866	$ 151,669	$ 152,497
6 Payments for O&M and M&V Services		$ -	$ -	$ -	$ -	$ -
7 Total Payments		**$ 149,329**	**$ 150,086**	**$ 150,866**	**$ 151,669**	**$ 152,497**
8 Net Annual Benefit		**$ 40,677**	**$ (49,323)**	**$ 175,677**	**$ (74,323)**	**$ 25,677**
9 Cumulative Cash Flow	$ (1,746,468)	$ 40,677	$ (8,646)	$ 167,031	$ 92,708	$ 118,384
10 Net Present Value of Cash Flow	**$ (1,146,322)**					
11 Interest Rate	3.16%					

Detailed 20-year Cash Flow

Project Schedule



Thank You



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BUSINESS OF THE COUNCIL OF THE CITY OF HALF MOON BAY

AGENDA REPORT

For meeting of: **September 1, 2020**

TO: Honorable Mayor and City Council

VIA: Bob Nisbet, City Manager

FROM: Matthew Chidester, Deputy City Manager

TITLE: **LIBRARY CAPITAL DONATIONS**

RECOMMENDATION:
Adopt a resolution accepting donations from the Friends of the Half Moon Bay Library and amending the FY 2020-21 budget to record additional revenues of $48,148.43 and appropriate these funds in the Library Capital Fund (F16).

FISCAL IMPACT:
The donations totaling $48,148.43 will be added to the Library Capital Fund, to help offset the maintenance and debt service costs of the new library.

STRATEGIC ELEMENT:
This action supports the *Infrastructure and Environment*, *Fiscal Sustainability*, and *Inclusive Governance* Elements of the Strategic Plan.

BACKGROUND:
The new Half Moon Bay Library was opened in August, 2018. Under the previous County Library JPA agreement, the costs of constructing the facility were shared by the City and the County of San Mateo. Of the approximately $12 million City portion, $6 million was paid in cash from City reserves, with the remaining $6 million paid out of the proceeds of a loan from the County. The JPA contributed more than $1 million for the furniture, fixtures and equipment, as well as the library collections.

Over the last several years, the Friends of the Half Moon Bay Library, a non-profit organization (the "Friends"), have supported capital fundraising efforts for the new library on behalf of the City. To date, the Friends have collected more than $900,000 in capital donations. They continue to partner with the City and remain supportive in fund raising efforts.

DISCUSSION:
The Friends of the Half Moon Bay Library previously approximately $858,000, which was recorded in the Library Capital Fund. If accepted, the additional donations totaling

approximately $48,000 will also be added to the Library Capital Fund. The total offset to the City's portion of the library construction project through donations to the Friends would be approximately $906,000. Commitments of an additional $60,000 will be received over the next five years.

ATTACHMENTS:
Resolution accepting a donation from the Friends of the Half Moon Bay Library and amending the FY 2020-21 Adopted Budget.

Resolution No. C-2020-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HALF MOON BAY ACCEPTING DONATIONS FROM THE FRIENDS OF THE HALF MOON BAY LIBRARY AND AMENDING THE FY 2020-21 ADOPTED BUDGET TO RECORD ADDITIONAL REVENUES OF $48,148.43 AND APPROPRIATE THESE FUNDS IN THE LIBRARY CAPITAL FUND (F16).

WHEREAS, in August 2018, the City opened the new Half Moon Bay Library, which was constructed as a joint project between the city, the County of San Mateo, and the San Mateo County Library JPA; and

WHEREAS, the Friends of the Half Moon Bay Library, a non-profit organization (the "Friends"), has supported capital fund raising efforts for the new library on behalf of the City; and

WHEREAS, the Friends have presented to the City a check for $48,143.43, which was collected as donations to the library capital fundraising campaign, to be used to help offset the maintenance and debt service costs of the new library; and

WHEREAS, the City must amend the FY 2020-21 Adopted Budget to recognize this unanticipated revenue.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Half Moon Bay hereby accepts donations from the Friends of the Half Moon Bay Library in the amount of $48,143.43 and directs staff to amend the FY 2020-21 Adopted Budget to record the additional revenues and appropriate the funds in the Library Capital Fund (F16.

****

I, the undersigned, hereby certify that the foregoing Resolution was duly passed and adopted on the 1st day of September, 2020 by the City Council of Half Moon Bay by the following vote:

AYES, Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers:

ATTEST:

_____
Jessica Blair, City Clerk

APPROVED:

_____
Adam Eisen, Mayor

BUSINESS OF THE COUNCIL OF THE CITY OF HALF MOON BAY

AGENDA REPORT

For meeting of: **September 1, 2020**

TO: Honorable Mayor and City Council

VIA: Bob Nisbet, City Manager

FROM: Jessica Blair, Communications Director / City Clerk

TITLE: **SECOND READING OF AN ORDINANCE AMENDING CHAPTER 8.04 "ANIMAL CONTROL", CHAPTER 9.12 "PUBLIC NUISANCES AFFECTING PUBLIC PEACE AND SAFETY" AND CHAPTER 9.13 "PARK REGULATIONS" OR REINTRODUCE WITH AMENDMENTS**

RECOMMENDATION:
Waive second reading and adopt, or reintroduce with amendments, an ordinance amending Chapter 8.04 (Animal Control), Chapter 9.12 (Public Nuisances Affecting Public Peace and Safety), and Chapter 9.13 (Park Regulations) of the Half Moon Bay Municipal Code to include "Beaches" in Chapter 9.13 and add and clarify rules and regulations including the walking of dogs on leash, off-leash activities, smoking in parks and beaches, alcohol consumption in parks and the prohibition of single use plastic bottles in City-owned parks and beaches.

FISCAL IMPACT:
There is no fiscal impact associated with the adoption of this ordinance.

STRATEGIC ELEMENT:
This action supports the Infrastructure and Environment, Healthy Communities and Public Safety, and Inclusive Governance Elements of the Strategic Plan.

DISCUSSION:
On July 21, 2020, the City Council introduced the ordinance following the conduct of a duly-noticed public hearing. As required by law, the ordinance appears for second reading and adoption at a regular meeting more than five days past introduction. In light of communication received (Attachment 2) after the introduction of the ordinance, this item is also agendized for possible re-introduction with amendments.

ATTACHMENTS:
1. Ordinance amending Titles 8 and 9 of the HMB Municipal Code
2. Correspondence Received from the Public

ORDINANCE NO. C-2020-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HALF MOON BAY, CALIFORNIA AMENDING CHAPTER 8.04, ANIMAL CONTROL, CHAPTER 9.12, PUBLIC NUISANCES AFFECTING PUBLIC PEACE AND SAFETY AND CHAPTER 9.13, PARK REGULATIONS

THE CITY COUNCIL OF THE CITY OF HALF MOON BAY DOES ORDAIN AS FOLLOWS:

Section 1. Findings: The City Council finds and declares as follows:

(a) The Municipal Code of the City of Half Moon Bay requires periodic updates to reflect current information, changes in law, provide clarification to the community, and provide for improved customer service and administration of City business.

(b) Setting clear understanding for use and behavior in parks and beaches is critical to maintaining safe and high quality recreation experiences for residents and visitors;

(c) Managing the activities of certain dog walkers is necessary to protect public health and safety and to protect the coastal environment;

(d) Plastic bottles are a significant component of the plastic waste stream. According to the Container Recycling Institute, Americans purchase 42.6 billion water bottles per year. Although plastic represents a relatively small fraction of the overall waste stream in California, particularly based upon weight, plastic waste is the predominate form of marine debris with 8 million metric tons of plastic entering the ocean every year. Plastics are estimated to comprise 60% to 80% of all marine debris and 90% of all floating debris. According to the California Coastal Commission, the primary source of marine debris is urban runoff. Prohibiting the use and possession of 1 liter or smaller single use plastic (PET) bottles in parks and beaches is necessary to protect our unique environment and to reduce the potential for migration of plastic into local creeks and the Pacific Ocean.

Section 2. Municipal Code Update (Parks and Other Matters) including revisions to Chapters 8.04, 9.12 and 9.13 of the Half Moon Bay Municipal Code is adopted as set forth in Attachments "A","B" and "C" to this Ordinance shown for introduction as deletions in ~~strike-through~~ and additions in double-underline.

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council herby declares that it would have passed this Ordinance and adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 4. Publication. The City Clerk of the City of Half Moon Bay is hereby directed to publish this Ordinance, or the title hereof as a summary, pursuant to Government Code Section 36933, once within fifteen (15) days after its passage in the Half Moon Bay Review, a newspaper of general circulation published in the City of Half Moon Bay.

Section 5. Effective date. This Ordinance shall take effect and be in force on the thirtieth (30th) day from and after its final passage.

INTRODUCED at a regular meeting of the City Council of the City of Half Moon Bay, California, held on the 21st day of July, 2020, by the following vote:

Ayes, Councilmembers: _____
Noes, Councilmembers: _____
Absent, Councilmembers: _____
Abstain, Councilmembers: _____

ATTEST:

_____ _____
Jessica Blair, City Clerk Adam Eisen, Mayor

EXHIBIT A

Chapter 8.04
Animal Control

8.04.040 Prohibited conduct~~.~~
No owner or ~~possessor~~guardian of any animal shall cause or permit it to do any of the following:

A. To be ~~upon~~in any public street, sidewalk, park, school ground, or any public property, o r upon ~~any~~ unenclosed premises in ~~this jurisdiction~~the city unless the animal is properly licensed, if such licensing is ~~necessary hereunder~~required by the city, and under the control of the owner by being saddled, harnessed, haltered~~,~~ or leashed by a substantial chain, lead rope~~,~~ or leash, six foot maximum, which ~~chain, lead rope, or leash~~ shall be ~~continuously~~ held by some competent person capable of controlling such animal.

B. To trespass upon any private property without the consent of the owner thereof, and to knowingly permit the animal to remain upon the property or to habitually continue to trespass thereon.

C. To suffer or permit such animal to habitually bark or meow or act in such a manner as to continuously disturb the peace of any citizen or to be a public nuisance.

D. To be without proper and adequate food, water, shelter, care, and attention as described in Section 597(f) of the Penal Code.

E. Subsection A of this section shall not be applicable to cats.

F. Notwithstanding any contrary provision contained in this title, dogs are not required to be leashed while located in an off-leash dog area ~~of a city~~ that has been designated ~~dog park.~~ by the City Council. The city shall post appropriate signs and notices designating off-leash dog areas and indicating the rules and regulations applicable to such designated ~~enclosed~~ off-leash dog areas. Failure to comply with the posted rules and regulations shall constitute a violation of this section.

G. To walk more than three dogs at any one time or walk dogs for a fee in any public place without an annual permit from the city. The City Manager or designee shall establish the requirements and conditions for the dog walking permit program. Any dog walker failing to possess a dog walking permit shall be in violation of this section and shall be punishable.

EXHIBIT B

Chapter 9.12
Public Nuisances Affecting Public Peace and Safety

Sections:
9.12.010 Generally.
9.12.020 Use of law enforcement agency uniform, vehicle, identification or insignia.
9.12.030 Acts menacing public peace and safety.
9.12.~~035~~ 040 Interference with police dogs.
9.12.~~040~~ 050 Consumption of alcoholic beverages on public rights-of-way or ~~public or~~ private property open to public view.
~~9.12.050 Alcoholic beverages--Public parks.~~
9.12.060 Violation--Penalty.
~~9.12.070 Prohibition of fires on city beaches.~~
~~9.12.080 Prohibition of fires in city parks.~~
~~9.12.090 Prohibition of glass containers at city parks and beaches.~~

9.12.010 Generally.
The acts enumerated in this chapter are public nuisances affecting public peace and safety in addition to any other provisions of this code.

9.12.020 Use of law enforcement agency uniform, vehicle, identification or insignia.
The wearing, displaying or using of any title, identification card, vehicle, uniform, cap, badge or insignia by any person not in an official capacity which causes a reasonable individual to believe that such person is a member of the ~~Half Moon Bay police department,~~ San Mateo County sheriff's office, California Highway Patrol or other law enforcement agency having jurisdiction within the city is a public nuisance affecting public peace and safety.

9.12.030 Acts menacing public peace and safety.
All other acts, occupations and uses of property, not specifically mentioned in this chapter, which are in fact a menace to the public peace and safety are public nuisances affecting public peace and safety.

9.12.~~035~~040 Interference with police dogs.
No person shall willfully or maliciously torture, torment, beat, kick, strike, mutilate, injure, disable or kill any dog used by the police department or county sheriff in the performance of the functions or duties of such department, or interfere with or meddle with any such dog

while being used by said department or any member thereof in the performance of any of the functions or duties of said department or of such officer or member.

9.12.0450 Consumption of alcoholic beverages on public rights-of-way or public or private property open to public view.

~~It is unlawful for any~~No person ~~to~~shall consume an~~y~~ alcoholic beverage, or to have in thei~~s~~r possession or on thei~~s~~r person any bottle, can or other receptacle containing an alcoholic beverage which has been opened, or a seal broken or the contents of which have been partially removed while such person is standing, sitting or otherwise occupying any public right-of-way, including any public street, sidewalk, pedestrian mall, alleyway or thoroughfare; nor shall any person consume any alcoholic beverage in any private or public parking lot within the city where such parking lot has immediate access to a public street; nor shall any person consume any alcoholic beverage within fifteen feet of any public rights-of-way while on a private stairway, doorway, or other private property open to public view without the express or implied permission of the owner, ~~his~~owner's agent, or the person in lawful possession thereof; provided, however, that the provision of this section shall not apply to the interior portion of any private dwelling, habitat or building, to the consumption by persons in the areas herein designated of any duly prescribed and dispensed medication having alcoholic content~~, or those persons consuming alcoholic beverages while viewing a parade for which a permit has been granted pursuant to Half Moon Bay city ordinance. Further, this~~. This section shall not be applicable ~~in~~to those areas and during such time as the city council has granted permission for temporary use or occupancy of public streets and appurtenant areas pursuant to the city ordinances of Half Moon Bay including while viewing a parade for which a permit has been granted. These provisions apply to any cup, glass, cooler cups and other containers for which an alcoholic beverage is poured into and consumed.

~~**9.12.050 Alcoholic beverages--Public parks.**~~
~~No person shall consume any alcoholic beverage, or have in his possession or on his person any bottle, can or other receptacle containing any alcoholic beverage which has been opened, or the seal broken or the contents of which have been partially removed, while such person is occupying any municipal public park within the city.~~

9.12.060 Violation--Penalty.
Any person violating the provisions of this chapter shall be guilty of an infraction, and if convicted shall be punished by (~~A~~a) a fine not exceeding ~~twenty-five dollars for~~ the ~~first violation, until July 1, 1996, when~~amount identified in the ~~fine shall be increased to seventy-five dollars, (B~~city council approved citywide fee schedule, (b) any person violating these sections a

second or more times shall be guilty of a misdemeanor and upon conviction shall be punished as set forth in Title ~~1.~~ 4 of this Code.

~~9.12.070 Prohibition of fires on city beaches.~~

~~No person shall light, build, use or maintain a fire on any beach owned by the city excepting a portable camp stove or barbecue.~~

~~9.12.080 Prohibition of fires in city parks.~~

~~No person shall light, build, use or maintain a fire in any city park except in a fireplace provided, maintained and designated for such purpose, or a portable barbecue or camp stove used in areas designated for such use.~~

~~9.12.090 Prohibition of glass containers at city parks and beaches.~~

~~No person shall have in their possession or on their person any bottle or other container with an exterior made of glass at any city park or beach owned by the city.~~

EXHIBIT C

Chapter 9.13
Park and Beach Regulations

Sections:
9.13.010 Purpose.
9.13.020 Designated parks. and beaches.
9.13.030 Park and beach hours.
9.13.040 Park and beach hour applicability.
9.13.050 Unlawful activities designated.
9.13.060 Alcoholic beverages—public parks
9.13.065 Prohibition of glass containers and plastic water bottles.
9.13.070 Prohibition against fires on city beaches.
9.13.075 Prohibition against fires in city parks.
9.13.080 Violation – Penalty
9.13.090 Standards for naming public park and recreation facilities.
9.13.100 Gifts and memorials.

9.13.010 Purpose.

The purpose of this chapter is to aid in the operation, programming, use and maintenance of each city park. city parks and beaches.

9.13.020 Designated parks and beaches.

A. For the purpose of this chapter, "parks" includes the following municipal public parks located in Half Moon Bay:

A 1. Kehoe Park located on the corner of1310 Loryn and St. Joseph;Lane

B2. Ocean View Park located at 627 Alsace Lorraine;

C3. Frenchmans Creek Park located at 525-529 Ruisseau Francais; Avenue

D4. John L. Carter Park located at 10 Stone Pine; Road

E5. MacDutra ParkPlaza located at 5042 Main Street;

F6. Kitty Fernandez ParkPlaza located on at Main Street and Filbert Street., between Filbert and Spruce;

G7. Oak Avenue Park located onat 461 Oak Avenue;

~~H.~~ 8. Smith Field Park (including the baseball field, horseshoe pits, dog park, and all associated facilities) located at ~~the west end of~~ 201-203 Wavecrest Road~~;~~

~~I.~~ 9. Johnston House Historical Park (including the Johnston House, Train Depot, and all associated facilities) located at 110 Higgins Canyon Road~~;~~

~~J.~~

10. Poplar Linear Park and Parking Lot located between the Seymour Ditch and Kelly Avenue (Parking Lot 100 Poplar Street)

11. Ted Adcock Community Center and HMB Skate Park located at 535 Kelly Avenue

12. Miramontes Point Road Parking Lot and Trailhead

B. For the purpose of this chapter, "beaches" includes the following municipal public beaches located in Half Moon Bay:

1. Poplar Beach located between Seymour ~~Street~~Ditch and Kelly Avenue~~;~~

~~K.~~

2. Cañada Verde Beach area located at the west end of Miramontes Point Road~~;~~ (Miramontes Point Road)

~~L.~~

3. Surfers Beach located at the westerly extension of Coronado Street (between the breakwater and ~~Coronado Street;~~mean high tide

~~M. Skate Park located at 535 Kelly Avenue.~~

9.13.030 Park and beach hours.

~~All parks and parking lot facilities shall be closed to the public from sunset to sunrise unless preapproved with a permit from the department of parks and recreation. This section shall not apply to buildings located in parks where the hours of use shall be regulated by the director of parks and recreation.~~

A. Except as otherwise designated by city council resolution or permitted under special event permit or city use/license agreement, all parks shall be open to the public from sunrise to sunset. Recreation facility hours of operation shall be established by the city manager. Where an activity at a park concludes at or near sunset, participants and/or spectators shall be allowed up to one-half hour to depart the park.

B. City beaches are open 24-hours per day in accordance with the California Coastal Act. The City may and does regulate the hours of access to parking and related facilities serving city beaches.

9.13.040 Park and beach hour applicability.

No person~~s~~ shall enter, use, cross, remain, reside, camp, dwell or loiter in a park ~~and recreation facility or area, or the~~ an appurtenant parking lot ~~adjacent thereto,~~or facility except during the hours that such park ~~and~~or recreation ~~areas and~~ facilities ~~and parking lots shall be open to the public as provided in this chapter. Where an activity concludes at or near sunset participants and/or spectators shall be allowed up to one-half hour to depart from the facilities.~~ are open to the public.

9.13.050 Unlawful activities designated.

A. ~~No person, group or organization using or present upon or within any park or area, or parking lot, including the immediately adjacent sidewalks and streets, and which bound such public park or parking lot, shall:~~

~~1.~~ It shall be unlawful for any person in any city park or public beach to:

1. Fail to obey all city, county or state regulations while on the beach or in the park.

2. Deposit, create, throw, discharge or otherwise place any paper, ashes, bottles, cans, trash, litter, human or domesticated animal waste, animal carcass, rubbish, debris or any substance, matter or thing, either liquid or solid on the beach or water body except in proper receptacles where provided; nor shall any person bring any such substance accumulated outside the beach or park to a city park or beach. Where receptacles are not provided or are full and unable to accommodate any additional material, all such rubbish shall be placed in closed plastic bags and placed next to the nearest city receptacle or carried home for disposal by the person or persons responsible.

3. Ride a bicycle, skateboard ~~or skates~~, razor scooter or similar, with or without motor, on pedestrian pathways or sidewalks, or upon turf areas, athletic fields, courts or planted areas, or within buildings, unless ~~the use is specifically designated for such facility;~~specifically designated for use at such facility or otherwise allowed by state law. With the exception of sworn officers and authorized city, county, or state staff, no motor vehicles shall be operated on a city beach.

4. Fail to obey all traffic signs and posted regulations, “no parking” or other parking limitations, direction of traffic officers or city employees or state motor vehicle traffic laws in a city park.

~~2.~~ 5. Willfully mark, cut, deface, write upon, disfigure, injure, open, expose, interfere or tamper with, or displace or remove any turf, soil, sand, grass, rock, tree, shrub, wood, protected flora or fauna, water pipe, gas pipe, hydrant, stopcock, sewer, basin, bench, table, furniture, utensil, monument, fence, equipment, paving, heavy materials, utility lines, signs, notices or placards, apparatus, or any portion of any structure or equipment of any facility, building or other city property whatsoever~~;~~.

6. Swim or wade in waters or waterways adjacent to any park, except in such waters and at such places as are specifically provided and posted for recreation by the city.

~~3.~~ 7. Take part in or play any game involving the thrown or otherwise propelled objects such as arrows, javelins, model airplanes, rockets or drones, except in areas set apart for such forms of recreation and/or provided for by recreation programs of the city. City authorized commercial drone use may be permitted for purposes including but not limited to planning, engineering or managing parks and beaches.

8. Ride a horse, except on designated equestrian trails and as provided for on Poplar Beach. Where permitted, horses shall be thoroughly broken and properly restrained and ridden with due care and shall not be allowed to graze or go unattended nor shall they be hitched to any rock, tree or shrub.

9. Enter any area which is posted as being closed to the public ~~to protect growth or establish plants, or which~~ or to take part in an activity that is ~~used as a service facility, or which is under repair;~~

~~4.~~ posted as prohibited.

10. With the exception of ~~police~~sworn peace officers, no person ~~in or upon any park and recreation facility or area shall~~ shall take or cause to be taken into ~~that~~a city park, facility, or ~~area, exhibit, or use~~beach any firearm, ~~airgun~~air gun, slingshot, fireworks of any kind, or weapon of any sort, including the use of any dangerous instrumentality in any manner which approximates a weapon~~; and~~.

11. Hold an event or activity without first obtaining any required permit or authorization from the city in advance.

~~5. Pursuant to Section 7.50.040, smoke~~12. Smoke in recreation areas and recreation area parking areas, as defined in ~~Sections 7.50.040(O) and (P).~~ Chapter 7.50 to include beaches and parks and their parking areas.

13. Have any dog off leash except as provided in Chapter 8.04, Section 8.04.040 G.

14. Walk more than three dogs or walk any number of dogs for a fee without first obtaining a permit from the city in accordance with Chapter 8.04, Section 8.04.040E.

9.13.060 Alcoholic beverages--public parks.

No person shall consume or have in their possession or on their person, any bottle, can or other receptacle containing alcoholic beverage(s) which has been opened, or the seal broken or the contents of which have been partially removed, while such person is occupying any municipal public park except where the city council has expressly authorized the sale and/or consumption in conjunction with a special event. These provisions apply to any cup, glass, cooler cup or other container for which an alcoholic beverage is poured into and consumed in a city park.

9.13.065 Prohibition of glass containers and plastic water bottles.

A. No person shall have in their possession or on their person any bottle or other container with an exterior made entirely or partially of glass at any city-owned park or beach.

B. No person shall have in their possession or on their person any polyethylene terephthalate (PET) bottles or other plastic bottles intended for single use of 1 liter (34 ounces) or less on any city-owned park or beach.

9.13.070 Prohibition of fires on city beaches.

No person shall light, build, use or maintain a fire on any city owned beach excepting: 1) use of a portable propane camp stove or barbecue (no charcoal or wood) by individuals for day use recreation; or 2) use of city owned and designated fire pits.

9.13.075 Prohibition of fires in city parks.

No person shall light, build, use or maintain a fire on any municipal public park, plaza or parking lot excepting: 1) use of a portable propane camp stove or barbecue by individuals for day use recreation; or 2) the use of city provided outdoor grills.

9.13.080 Violation--Penalty.

Any person violating the provisions of this chapter shall be guilty of an infraction, and if convicted shall be punished by (a) a fine not exceeding the amount identified in the city council approved citywide fee schedule, (b) any person violating these sections a second or more times shall be guilty of a misdemeanor and upon conviction shall be punished as set forth in Title 4 of this Code.

9.13.090 Standards for naming ~~public~~a city park ~~and~~, beach, or recreation facilit~~ies~~y.
Requests for the naming of city owned or controlled parks, beaches, open space, recreational facilities or contained features~~, except proposals initiated by~~ shall be at the sole discretion of the city council~~, shall be submitted in writing to the director of~~ with a recommendation from the parks and recreation commission. Any resident or entity may submit a written request and/or petition to the city clerk at any time. When considering the naming or renaming of a recreational facility, it shall be the general policy of the city that the following criteria apply:

A. ~~Procedure. The parks and recreation director shall review such proposals to insure consistency with the criteria outlined below and shall make a determination as to whether the proposed name/or a similar name is already in use, and shall forward such proposal to the parks and recreation commission. The commission shall notify the public of hearing(s) on the naming proposals and will forward any recommendations to the city council for formal action.~~

~~B. Naming Policy.~~ In naming or renaming any ~~new~~ city park, open space area, beach, recreational facility or feature, the city council shall initially consider its service function and/or geographic location and shall determine the process of securing public input in the naming of new facilities. The city discourages name change proposals of established facilities/areas after a person, event, or any other factor. However, the city will consider requests that meet the following criteria:

1. ~~A proposal~~Proposals that detail~~s~~ a significant geological, geographical, cultural, historical, botanical, horticultural, scientific, or other factors or events that are associated with the area or population served by the facility, park, beach, or open space area~~;~~.

2. Proposals that illustrate the appropriateness of honoring or showing gratitude to a person or family deserving of recognition within the local community served by the public facility, park or open space area. Such contributors should reflect a significant contribution to the acquisition, development, design and/or securing community consensus that insured ~~the park or recreational facility~~ development. ~~Such individuals~~ Names may include past mayors, council members, committee members, commissioners, officers or employees of the city who have left city service for five or more years, or are deceased.

~~C. Subdivision Dedications. Park land dedications or park improvements dedicated to the city by a developer may be recognized by its subdivision name by formal request from the developer as a condition of dedication. Without such a request, the city may select a name appropriate to the service function, geographic location or by any mechanism selected by city ordinance.~~

~~D. Donations.~~ 3. Upon receipt of full value of a parks construction or construction of a park component, open space donation/purchase, recreational facility development ~~and with the prior approval of the city council~~, a corporation, company, community organization or association, or individuals, may name the park or recreational facility or component as the donating party designates ~~with city council approval~~.

~~E. Gifts and Memorials. Individuals, groups, companies or corporations may purchase or provide funds for city-prescribed apparatus, equipment, trees and landscaping or other components that the city identifies for existing park and recreation facilities. Such gifts or memorial purchases must be preapproved by the parks and recreation commission. Any signage or identifying plaques are subject to regulations and restrictions set forth by the city.~~

~~F. Prohibitions and Limitations. Names related to religious denominations, historical religious events or religious leaders shall be prohibited. Naming of any facility after any individual currently holding public office or serving as an employee for a local government jurisdiction may not be considered until such individual has left public service for a period of five years or is deceased.~~

4. Facilities or features should not be given names that could cause confusion with other park and recreation amenities or public buildings within the system.

~~Circumstances of overriding consideration may be presented should a proposal vary from these regulations.~~

9.13.100 Gifts and memorials.

The city may establish a gift or memorial program(s) to permit individuals, groups, companies or corporations to provide funds for purchase of city-prescribed apparatus, equipment, trees and landscaping or other components identified by the city as needed. Such gifts or memorial must be pre-approved by city staff and affirmed by the parks and recreation commission subject to city council approved gift and memorial policy. Any signage or identifying plaques are subject to regulations and restrictions set forth by the policy and shall be limited in display to the useful life of the apparatus (max 20 years) for equipment or a maximum 10-years for trees and landscaping.

Jessica Blair

From: Laura McHugh <[redacted]>
Sent: Tuesday, August 11, 2020 7:56 AM
To: Jessica Blair
Subject: Alcohol on Poplar Beach

Jennifer -

As a resident on Poplar ([redacted] where cars park all year long, night an day, with beach visitors, I implore you to not support approval of alcohol use at City-owned beaches.

Many times, I have called for San Mateo Sheriffs to respond to loud people, people parking across my driveway, etc. Sometimes they come out, sometimes, the behavior is not worth using these valuable resources. But what I can tell you is that I have personally witnessed a lot of very bad behavior accompanied by apparent alcohol consumption, including but not limited to:

- underage individuals carrying 24-packs of beer down the street.
- containers of beer and hard liquor left in the street/gutter of 1st Ave so that people aren't caught with open containers. They are clearly intoxicated when leaving in these vehicles.
- other trash left in gutters from people carelessly emptying their cars. This includes used condoms, fast food wrappers, dirty baby diapers (probably/hopefully not the same people drinking), shoes, articles of clothing, used face coverings.
- vomit in my front yard from people who have overindulged.
- so. much. Alcohol-related trash on the beach itself.

I can't see any good reason to approve alcohol consumption. We've already endured so much additional impact by beachgoers along Poplar and the surrounding neighborhood. Making this a known approved area where drinking is acceptable would really make things so much worse than they already are.

Laura McHugh PE
[redacted]

Jessica Blair

From: Steve Maller <s[redacted]>
Sent: Monday, August 10, 2020 3:30 PM
To: Jessica Blair
Subject: Alcohol on Poplar Beach

Jessica, Council members and Staff,

I was made aware of an ongoing conversation and a proposal to amend the city rules regarding alcohol on Poplar Beach to permit people to legally consume alcohol on the beach.

Do I have that information correct?

If this is, in fact, true, I have some serious concerns.

1. How can the city justify such a change? I can see no direct or indirect economic, cultural or community benefit to allowing alcohol on the beach. Our outdoor recreation areas are open for all to share and enjoy, and while I fully support each resident's freedom to behave as they wish in their own homes, alcohol consumption in public areas is strictly forbidden in almost all cities in the United States.
2. Our ocean areas are known to be dangerous with riptides and other risks. Allowing alcohol will undoubtedly encourage lapses in judgement which result in tragedy.
3. We have a serious trash problem, and already are inundated with alcohol-related trash, partly because of a lack of enforcement of existing laws.
4. Lastly, almost everybody who visits our beaches does so in a car, and allowing people to drink on the beach is also going to inevitably lead to even worse driving through our neighborhoods than we already have to suffer.

Instead of surrendering to this issue, we should be discussing how to adequately patrol our neighborhoods and protect the people who live here. We cannot allow Poplar Beach to become even more of a magnet for partying and bad behaviors.

Thank you for hearing my concerns,
Steve Maller
Arleta Park

Jessica Blair

From: Rebecca Illowsky Burriesci <[redacted]>
Sent: Monday, August 10, 2020 9:11 PM
To: Jessica Blair
Subject: No alcohol on Poplar beach

Hello Jessica,
I heard that the council is considering allowing alcohol on Poplar beach.

I live on Poplar. I am already very concerned about the driving and drunk behavior of people near my home. I have a 1.5 year old daughter, and I am scared that someone will hit her as they go speeding past our house. Some of the cars seem to take it as a challenge to go as fast as possible between railroad and the parking lot. In addition, there are no sidewalks for us or traffic control measures for them to reduce risk. Poor drivers also get stuck in the ditch, requiring police to spend their time helping them get tow trucks and do traffic control.

We've also had drunk people break into our backyard because they were "thirsty". We frequently hear yelling and loud inappropriate comments from people stumbling away from the beach in large groups.

Both driving and drunk behavior will get worse if alcohol is permitted at the beach. Please prevent this from happening.
Thanks,
Rebecca

Jessica Blair

From: jane lewis <[redacted]>
Sent: Wednesday, August 12, 2020 4:26 PM
To: Jessica Blair
Subject: Alcohol on Poplar Beach
Attachments: Drunk driver on Poplar St1.JPG; Drunk driver on Poplar St2.JPG; Drunk driver on Poplar St.JPG

Dear Jessica,

I hear that the city is considering allowing alcohol use at Poplar Beach. If this is true, why? I live on Poplar St. and see groups of underage children going down to the beach almost everyday. Their purpose is clear, to have a party. They will arrive in the late afternoon carrying blankets, bags, and boxes of "picnic supplies." They stay until after dark and leave without their trash.

We know that alcohol is used on the beach because we pick up bottles on our evening walks. But we never see any enforcement of the current prohibitions against underage drinking or booze on the beach. Who is responsible for enforcing the laws here?

Attached are images of the effects of a drunk driver speeding around the corner at Poplar and Railroad. He went off the road and into the drainage ditch. It looks like they got away without injury, but it's a recurring safety issue.

How about a public relations effort to inform our community that fines will be assessed, and then do it.

Thank you for considering our concerns,

Jane Lewis
[redacted]






STOP

Jessica Blair

From: [redacted]
Sent: Monday, August 31, 2020 5:36 PM
To: Debbie Ruddock; Deborah Penrose; Adam Eisen; Harvey Rarback; Robert Brownstone
Cc: Jessica Blair
Subject: RE: animal control rule on the agenda

Dear City Council Members,
In the animal control rule being considered, the phrase "public place" is used without definition. Since there are several different definitions in California code, the City should define the phrase. I recommend "A public place for the purpose of this chapter means an area open to the public, including a street, sidewalk, bridge, trail, alley, plaza, park, beach, driveway, parking lot, or the grounds enclosing the front of a publicly owned or leased building or dwelling."

There are two issues this definition cures. 1) it excludes from coverage contiguous areas of private property the public only has access by permission (e.g. PUDs) and 2) it excludes the private yards of pet owners. The only use of the phrase "public place" appears to occur in the definition of who must be licensed to walk an animal. If the state code on public place was adopted (one for brandishing a weapon in public and one for prostitution), then a paid teenage pet sitter walking a dog wholly on private property might be swept into the licensing requirement.

Bill