

May 4, 2004

The Benicia City Council meets the 1st and 3rd Tuesday of each month at 7:30 p.m. in the Council Chambers. Copies of Council Agendas are available in the City Clerk's office on the Friday afternoon before the Council meeting.

**MINUTES OF THE
SPECIAL MEETING - CITY COUNCIL
MAY 4, 2004**

The special meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 6:47 p.m. on Tuesday, May 4, 2004, in the City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

Present: Council Members Campbell, Patterson, and Mayor Messina

Absent: Council Members Smith and Whitney

(Council Members Smith and Whitney arrived after Closed Session began.)

PLEDGE OF ALLEGIANCE:

Mayor Messina led the pledge to the flag.

ADOPTION OF AGENDA:

On motion of Council Member Campbell, seconded by Vice Mayor Patterson, the Agenda was adopted as presented.

COMMUNICATIONS ON CLOSED SESSION ITEMS:

WRITTEN:

None

PUBLIC COMMENT:

None

CLOSED SESSION:

Mayor Messina read the announcement of Closed Session.

CONFERENCE WITH LEGAL COUNCIL - ANTICIPATED LITIGATION

(Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9)

Number of potential cases: One

CONFERENCE WITH LEGAL COUNCIL - EXISTING LITIGATION

(Subdivision (a) of Government Code Section 54956.9)

**Name of Cases: Lucas Marine v. City of Benicia
Vilarrasa v. City of Benicia**

ADJOURNMENT:

Mayor Messina adjourned to Closed Session at 6:50 p.m.

Lisa Wolfe, City Clerk

**MINUTES OF THE
REGULAR MEETING - CITY COUNCIL
MAY 4, 2004**

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 7:30 p.m. on Tuesday, May 4, 2004, in the City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

Present: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina

Absent: None

PLEDGE OF ALLEGIANCE:

Mayor Messina led the pledge to the flag.

ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

ANNOUNCEMENTS:

Mayor Messina made the following announcements:

Announcement of action taken, if any, in Closed Session:

Mayor Messina stated that Council gave direction to Staff to settle all three cases: Anticipated litigation, Lucas Marine v. City of Benicia, and Vilarrasa v. City of Benicia.

PUBLIC WORKS OPEN HOUSE:

The Benicia Public Works Department will host an open house on Saturday, May 22, 2004, from 10:00 a.m. to 2:00 p.m. at the Water Treatment Plant.

WATER AWARENESS DISPLAY:

There will be a Water Awareness Display during the month of May 2004 at the Benicia Public Library.

APPOINTMENTS:

None:

PRESENTATIONS:

GRAND JURY OPENINGS:

Mr. Louis Burgelin, Jury Foreman, presented this item. Mr. Burgelin stated that each Council Member should have received a letter from the Jury Commissioner regarding the nomination to the Grand Jury for 2005. He stated that all Council Members have the privilege and responsibility for nominating a citizen to the Grand Jury. Mr. Burgelin encouraged Council Members to complete the forms (which he handed out) by 5/15/04. The nominations would be for a Civil Grand Jury. It will look at everything that goes on in the Government within Solano County. (School Boards, City budgets, etc.)

NATIONAL PUBLIC WORKS WEEK:

Dan Schiada, Director of Public Works presented this item. Mr. Schiada gave a brief description of the various aspects of the Public Works Department. An entertaining video showing all Public Works employees was played. Mr. Schiada thanked John Bailey for his efforts in putting together the video presentation.

PROCLAMATIONS:

Mayor Messina presented the following Proclamations:

WATER AWARENESS MONTH - May 2004 - Dave Wenslawski, Water Quality Technician accepted the Proclamation.

NATIONAL PUBLIC WORKS WEEK - May 16-22, 2004 - Dan Schiada, Public Works Director accepted the Proclamation.

NATIONAL POLICE WEEK - MAY 9-15, 2004 - Sergeant Frank Hartig accepted the Proclamation.

ADOPTION OF AGENDA:

Mayor Messina requested that the Reports from the City Manager go before New Business items.

On motion of Vice Mayor Patterson, seconded by Council Member Whitney, the Agenda was adopted as amended.

COMMUNICATIONS:

WRITTEN:

None

PUBLIC COMMENT:

1. Gretchen Burgess, 28 Buena Vista - Ms. Burgess is a resident of West Manor. She wanted to bring to Council's attention the complete restoration of the 1940's sandstone pillars that grace the entrance of West Manor. Ms. Burgess stated that there are 125 homes in West Manor. The West Manor Park is often the first and last impression visitors have of the City of Benicia. The people that live in West Manor asked the City for funds to restore the park. The City told them that there were not sufficient funds for the project. The citizens of West Manor went door to door and raised funds to restore the park. They raised \$1573 towards the restoration of the park. They then went to the City, and plans were made to begin working on the park.

The volunteers, along with the outstanding efforts of the Parks and Recreation Department, started restoring the park. In August of 1995, they celebrated the restoration of the park. However, the pillars still needed to be repaired. For the next 9 years, the citizens creatively raised funds to restore the pillars. Ms. Burgess thanked all the individuals that assisted in the process of rebuilding the pillars. Ms. Burgess wanted everyone who participated to know how proud she was of them and their efforts in restoring the West Manor Park.

2. **Betsy Campbell, Asthma Educator, Solano Asthma Coalition** - Ms. Campbell discussed the statistics of asthma in Solano County. She stated that Particulate Matter (PM), which comes from woodburning smoke, is a trigger for asthma. She gave Council a pamphlet which described a proposed woodburning ordinance.
3. **Vice Mayor Patterson** thanked Ms. Campbell for bringing this information to Council's attention. She asked to what extent the State has moved forward in addressing asthma as it relates not only to woodburning, but also to diesel. Ms. Campbell referred the question to her coworker; Mr. Joel Ervice, who is more prepared to answer questions relating to Diesel. Vice Mayor Patterson asked Ms. Campbell if she would be returning to provide statistics on how many communities have adopted such ordinances. Ms. Campbell stated that she would come back, as long as she could get on the agenda.
4. **Joel Ervice, Associate Director of the Regional Asthma Management and Prevention Initiative** - Mr. Ervice stated that there are 24 other cities and counties that have adopted a woodburning ordinance. He encouraged Council to adopt such an ordinance. Mr. Ervice addressed Vice Mayor Patterson's question regarding diesel. He stated that there is a tremendous amount of work being done at the State level to address diesel reduction. There are legislative solutions being considered, which may include a school bus retrofit program. Any feedback from concerned citizens regarding this issue is appreciated.
5. **Council Member Smith** stated that 'existing masonry fireplaces will be exempt' per the proposed ordinance. This proposed ordinance is trying to reduce increased pollution in remodels and new construction.
6. **Tony Shannon, 28 Buena Vista** - Mr. Shannon discussed the issue of the EDB hiring a consultant. He was involved in the restoration of West Manor Park. He stated that he has a problem with the fact that the citizens of West Manor were told that there was no money in the budget to assist in the project, yet it spends \$40-\$60,000 on consultants. He stated that there are cheaper ways to find out what the citizens of Benicia want regarding downtown. The City could do an Internet survey. Mr. Shannon stated that he hoped the City would look into more cost effective ways to find out what the citizens of Benicia want.
7. **Bob Mutch, 695 Knight Drive** - Mr. Mutch commented on Mr. Shannon's suggestions regarding alternatives to the EDB hiring a consultant. The EDB is not hiring a consultant to poll the citizens. It is to facilitate face-to-face discussions with citizens to gain input from the citizens regarding important issues. It should be considered by Council, an opportunity to have someone neutral come in and lead the discussion objectively and dispassionately. The polling may be one component of the discussion; however it is not the only reason for bringing in a consultant.

8. Council Member Smith stated that he has asked Staff to have Kinder Morgan come to City Hall and provide some sort of explanation for the pipeline break in the Suisun Marsh, and their response to the accident. Kinder Morgan was unavailable for the 5/4 meeting, but may be coming to the 5/18 City Council Meeting. Council Member Smith announced the following upcoming events:

- **On 4/5/04 at 4:00 p.m. at City Hall, Benicia Main Street is hosting an informational meeting on the concepts of business improvement districts and community benefit districts.**
- **On 4/5/04 at 6:30 p.m. the Historic Preservation Commission (HPC) will have a meeting. On the agenda will be discussion on the status of becoming a Certified Local Government (CLG), and potential changes to the HPC and DRC.**
- **On 4/6/04, there will be a joint meeting of the City Council and several Commissions. City Staff and consultants have been working on improving the project approval process. The consultant, Paul Zucker, will be presenting his findings at this meeting.**
- **'Listening to the Prairie', an exhibit, is still showing at the Benicia Public Library. On 5/7/04, there will be a reception to celebrate this event at 7:00 p.m. at the Library.**
- **On 5/7/04 and 5/8/04, the Children's Network is presenting their annual conference about children safe from the start 'Partnership In Action'. For more information, call 421-7229.**
- **On 5/8/04, National Museum Month will be celebrated at the Camel Barn from 12:00 to 4:00 p.m.**
- **On 5/8/04, at 8:00 p.m., the BPAF will be presenting the world-famous flamenco guitar player, Juan Serrano, at the Majestic Theatre. For more information, call 747-0182.**
- **On 5/14/04 and 5/15/04, the City of Benicia is sponsoring a computer recycling event at the First Street Green. The event will take place on 5/14 from 2:00 p.m. to 6:00 p.m., and on 5/15 from 10:00 a.m. to 2:00 p.m.**
- **On 5/20/04, the Kiwanis Club of Benicia is holding its second Annual Golf Tournament on Mare Island. For more information, call 746-8244.**
- **Council Member Whitney acknowledged the Public Works Department, and all other City departments. He stated that they all do an excellent job. He discussed a flyer on water quality control that was recently distributed. He stated that the City departments do an excellent job of getting information out to the public. Council Member Whitney also wanted to update the community on recent events regarding the CAP. The CAP subcommittee recently interviewed two organizations for the audit on Valero. The organization that will be performing the audit should be chosen soon, possibly next week. If all goes as planned, Council should have a report from the chosen auditor by September 2004.**

- Vice Mayor Patterson stated that she was asked by the American Association of University Women to announce and invite people to come on Saturday, 5/15/04 from 3:00-5:00 p.m. to a presentation at 991 Tyler Street. This will be a presentation, in conjunction with Arts Benicia, called 'Creative Women, A Space of One's Own'. It will include a presentation by Professor Ruth Saxton. This will be followed by a moderated discussion.

CONSENT CALENDAR:

Mayor Messina asked if there were any items to be pulled from the Consent Calendar.

Council Member Smith requested items V-A and V-C be pulled.

On motion of Council Whitney, seconded by Council Member Smith, the Consent Calendar was adopted as amended.

Denial of Claim (Arens) and referral to insurance carrier

Approval to waive the reading of all ordinances introduced and adopted pursuant to this agenda.

(END OF CONSENT CALENDAR)

Council took the following actions:

Minutes of April 20, 2004:

Council Member Smith stated that he had some issues with the minutes. He requested that they be tabled until the next Council Meeting, until he has a chance to review the issues with the City Clerk.

Award of purchase order for buses:

Mayor Messina stated that the total cost of the three vehicles is \$152,057.

Council Member Smith stated that Benicia has farmed out the management of its transit system to the Vallejo Transit Administration. He is concerned about purchasing diesel busses. He is not sure if enough attention was paid to seeking out alternative fuel or cleaner running vehicles. He would like to see Staff look into seeing if there is any hybrid or electric models available.

City Manager Jim Erickson stated that the City is under a deadline to purchase vehicles and get in line so that we don't have vehicles that are breaking down. Delaying the purchase could also affect the City's grant status.

Rob Sousa, Finance Director, stated that what the City is looking for are busses that will go above and beyond the current busses that the City owns. The City is going through a short-range transit plan review, which is due in 12/04. Benicia is also looking at an integration study that Solano Transportation Authority has gifted \$40,000 to Vallejo to conduct. The City looked at three different kinds of busses. Two of the busses will have seating for 12 passengers, and two wheelchairs. The third bus will have seating for 8 passengers and 4 wheelchairs. The City also looked at the three different types of motor styles available (1) gasoline (2) diesel and (3) compressed natural gas. The problem

with the compressed natural gas engine is that it has a very high capital cost. The diesel bus is the lower cost of ownership option. There are some aftermarket choices that can be installed on the busses that will decrease the fuel emissions. He hopes that Council will allow Staff to proceed with the purchase at this time, with the clear direction that every time that this type of purchase is going to be made, compressed natural gas is considered (or whatever alternative fuel source is available at that time).

Council Member Smith clarified that it was his understanding that the federal grant money was not endangered by holding off on a decision for a couple of weeks. Since we already have an electric charging station, we should explore other alternatives.

City Manager Jim Erickson stated that the electric busses would not work well in the hilly areas.

Mr. Sousa stated that the current busses would continue to experience maintenance issues. Mr. Sousa was not sure about the deadline for the grant funds. He is not sure if he will be able to complete a study on alternatives within two weeks.

Vice Mayor Patterson stated that since we are in a non-attainment area, it would be nice if the fed's were coordinated with their granting. It would helpful to know if there was a link to grants that allow communities to go to non-particulate diesel. The City needs to look at what the EPA's concerns are about air quality. There was a recent case that was decided against Southern California Air District for requiring non-diesel fleets. However, they could not require that of private fleets, only public fleets. This may be a source of information for Mr. Sousa to do a study.

Mr. Sousa stated that he would need at least a month to perform such a study. He will most likely need to bring in a consultant to assist such a study. He feels that Staff's recommendation to purchase the busses is a valid recommendation. The cost of ownership is a very important issue. He recommended that Council approve the purchase of the busses, with the understanding that the City will continue to pursue alternatives for all future bus purchases.

Vice Mayor Patterson asked Joel Ervice the difference between the old and new diesel. Mr. Ervice stated that, as far as he knows, the new diesel engines are cleaner. However, they are still diesel, so the health concerns are still there.

Mayor Messina stated that the City needs to be ahead of the curve in terms of pollution. He stated that Staff needs to find out how much time the City has to use the grant funds. Mayor Messina also has issues with the size of vehicles proposed. He does not want to rush into this before all concerns are addressed.

PUBLIC HEARINGS:

Public Hearing on Water Distribution System Improvement Project approval of environmental documents, preliminary design, and task order for final engineering design services:

RESOLUTION 04-57 - A RESOLUTION ADOPTING THE MITIGATED NEGATIVE DECLARATION/INITIAL

STUDY AND APPROVING THE PRELIMINARY DESIGN, INCLUDING SITE 1 AS THE RESERVOIR SITE, FOR THE WATER DISTRIBUTION SYSTEM IMPROVEMENT PROJECT

On motion of Vice Mayor Patterson, seconded by Council member Smith, and unanimously approved, the above Resolution was adopted on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina

Noes: None

RESOLUTION 04-58 - A RESOLUTION APPROVING TASK ORDER NO. 38 FOR FINAL DESIGN ENGINEERING SERVICES WITH CAMP DRESSER & MCKEE, INC. FOR A COST NOT-TO-EXCEED \$649,232 FOR THE WATER DISTRIBUTION SYSTEM IMPROVEMENT PROJECT AND AUTHORIZING THE CITY MANAGER TO SIGN THE DOCUMENT ON BEHALF OF THE CITY

On motion of Vice Mayor Patterson, seconded by Council Member Whitney, and unanimously approved, the above Resolution was adopted on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina

Noes: None

Dan Schiada, Public Works Director reviewed the Staff report summary on this item.

Council Member Smith asked Mr. Schiada how prior City contracts with Camp Dresser & McKee, Inc turned out. Mr. Schiada stated that all prior contracts with the company turned out very well. Council Member Smith then stated that the City had received commendations about its water delivery system. He then read a quote from the State Department of Health Services recent annual inspection of the City's water facilities in which they concluded that concluded that all State and Federal regulations are being met.

Public Hearing on the vacation of a portion of the West L Street right-of-way between West 12th and West 13th Street:

RESOLUTION 04-59 - A RESOLUTION ORDERING THE VACATION OF A PORTION OF WEST L STREET RIGHT-OF-WAY BETWEEN WEST 12TH STREET AND WEST 13TH STREETS

Dan Schiada, Public Works Director, reviewed the Staff report summary on this item.

Public Comment:

1. Joel Steffen, 1206 Church Street - Mr. Steffen asked what vacating this particular parcel of land mean to the landowners in the area. Mr. Schiada stated that the particular piece of land in question would not result in any changes to the landowners, other than allow the homeowner to buy the strip of land from the City.

On motion of Council Member Whitney, seconded by Council Member Smith, and unanimously approved, the above Resolution was adopted on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina

Noes: None

Public Hearing on the vacation of a portion of the Military East right-of-way at East 6th Street:

RESOLUTION 04-60 - A RESOLUTION ORDERING THE VACATION OF A PORTION OF MILITARY EAST RIGHT-OF-WAY AT EAST 6TH STREET

Dan Schiada, Public Works Director, reviewed the Staff report summary on this item.

On motion of Council Member Smith, seconded by Council Member Whitney, and unanimously approved, the above Resolution was adopted on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina

Noes: None

UNFINISHED BUSINESS:

None

REPORTS FROM THE CITY MANAGER:

Update on the Intermodal Transportation Station, park and ride lot, and a tour to be organized of possible sites:

Dan Schiada, Public Works Director, reviewed the Staff report summary on this item.

Mayor Messina stated that the City has a short window of opportunity. The plan must be submitted this month. If the City shifts priorities, it influences its ability to get funds. After the tour, Council needs to try and achieve consensus on this item.

Vice Mayor Patterson stated that the idea of looking at the park and ride as a place that would enable people to park and ride the bus is a good idea. She is curious why the City cannot look at connections to the ferry, Amtrak, and Solano Transit that goes in the other direction. Mr. Schiada said that those ideas could be looked into.

Council Member Campbell stated that his issue is still 'lots of promises, no paychecks'. He asked if the City is suspending work on the environmental review, but it has not said it was not putting the station somewhere else, how this is jeopardizing its position in line. Mayor Messina clarified the STA's position on the reimbursement procedures. Council Member Smith stated that STA staff told him that part of the funds would be not be reimbursable if the train portion of the station was not built.

Vice Mayor Patterson asked how the proposal for the park and ride lot ties in with the Transportation for Livable Communities (TLC) planning that the City will be doing. Mr. Schiada stated that this particular site would need to be analyzed when the City looks at TLC. The intent of the park and ride facility was an idea of providing an immediate service. This would come out of a different category of funding than the ITS is in.

Vice Mayor Patterson stated that one of the things that was lacking in the planning that was done for

the Goodyear site, and why it does not work, is that there was not a careful, experienced planner involved. She asked if it was possible to have some from ABAG to assist the STA. Mayor Messina said that the City could certainly make the request to ABAG.

Council Member Whitney stated that the Park Road proposed area is a good idea. He is not opposed to moving the ITS to an alternate location.

Council Member Campbell stated that the Park/Industrial Road is a much better option. He asked for clarification on the STIP and RM2 funding. Mr. Schiada stated that we have a competitive advantage, as the money for this can be tied into the Park Industrial Intersection Project, where the City already has \$575,000. We have local matched funds, which is an advantage.

Council discussed various options for a date and time for the tour of possible sites for the ITS. Staff will contact the possible sites to attempt to schedule a tour that accommodates all Council Members and Staff involved.

Mayor Messina called for a 5-minute break at 9:14 p.m.
The meeting resumed at 9:23 p.m.

NEW BUSINESS:

Configuration of the Sky Valley Open Space Committee:

Collette Meunier, Community Development Director, reviewed the Staff report on this item.

Mayor Messina stated that when the Committee was first composed, there were a number of concerns expressed. (1) The Committee would recommend policies to protect the Sky Valley both from encroachment by other cities, and by unacceptable development by the County, (2) They would recommend policies to incorporate as much of Sky Valley into the Regional Park system. He would like to see the initial concerns addressed.

Vice Mayor Patterson encouraged Council to move forward with the proposed composition of the committee.

City Manager Jim Erickson raised question as to how much Staff time will need to be spent on this committee. Mayor Messina asked Mr. Erickson to look into estimating how much Staff time will be required.

Mayor Messina discussed whether or not Council Members should be Chair and Vice Chair on this Committee. Vice Mayor Patterson prefers to empower the public, and have the Council Members provide information and support.

Council gave Staff direction to put this item in Resolution form and bring it back to Council for approval.

Economic Development Board recommendation regarding a community consensus process to

determine development potential for City-owned property from Marina to First Street Spit:

Mayor Messina excused himself due to a potential conflict of interest.

Vice Mayor Patterson chaired the remainder of the meeting.

Karen Majors, Assistant City Manager, reviewed the Staff report on this item.

Mike Ioakimedes, Chairman of the EDB stated the EDB is not an advocate for developers. The EDB is trying to define as a community, exactly what is wanted, in terms of development. The majority of the EDB members felt that the committee needed to reach out to the community to create a process, so that it could better define what the community wanted, if anything, at the foot of First Street, before the RFP was created. This was the sole purpose of the 4/14 EDB meeting. The consensus of the citizens at the meeting was that they did not want any development at the foot of First Street. The EDB is not an advocate for the development community, but an advocate for the community. The EDB felt it was prudent to bring outside support to address the community consensus on this issue.

Public Comment:

1. J.B. Davis, 385 West K Street - Mr. Davis stated that he does not oppose some level of development on some part of the area stretching from the end of the spit to the entrance of the Marina. He believes moving forward on building community consensus is vitally important. It is bad public policy to spend Staff time and public money putting together a development plan for an area when there is talk of a citizen's initiative that would prevent development from happening in the area. He recommended Council table the issue for the time being.
2. Susan Street, 240 East Second Street - Ms. Street stated that the citizens have begun the initiative process to save the remaining waterfront area. They have begun gathering signatures. She discussed the various reasons for beginning the initiative process. She stated that Save Our Shores (SOS) and Protect Our Waterfront (POW) feel it is too late for consensus at this time. The initiative will change the General Plan and save the waterfront for all Benicia's to enjoy on a permanent basis. Council Member Campbell asked Ms. Street to clarify the portion of land the initiative will address.
3. Gretchen Burgess, 28 Buena Vista - Ms. Burgess suggested the City should communicate with the community. The City should not be hiring consultants to deal with issues inside the community. She agrees that the discussion on this issue needs to continue, however she disagrees with bringing in a consultant being involved. Ms. Burgess suggested using the Internet to poll the public.
4. Kitty Griffin, 236 Baker Street - Ms. Griffin stated that the citizens involved in the initiative process have done the community a favor. They have put the issue of waterfront development with the public. She believes they will succeed in getting all necessary signatures for the initiative. She stated that the area of waterfront property in question is unkempt. She referenced past documentation stating that the public wanted to see development at the end of First Street. She feels that the City should have a charrette process, but not a consultant.

Ms. Griffin discussed some possibilities for ideas on what types of development could be put at the end of First Street. Council Member Campbell discussed the initiative process with Ms. Griffin.

5. Bob Mutch, 695 Knight Drive - Mr. Mutch thanked Mr. Ioakimedes and Karen Majors for their efforts on this issue over the years. Mr. Mutch discussed the issue of hiring a consultant to obtain community consensus on this issue. He disagrees with some of the citizens that spoke earlier in the meeting. He hopes the initiative being worked on is modeled after the Measure K initiative.

Council Member Smith stated he is guided by the General Plan (GP) on this issue. He referenced goals in the GP that pertain to this issue. He stated that the City definitely needs to develop a community consensus. He does not believe the City has that at this time. He is not sure about the Internet to poll the community. The only reliable consensus is the ballot. He is in favor of waiting to see if SOS and POW can get on the ballot. He suggested that Council direct Staff to develop an alternative measure to go on the ballot. We have to give the public a choice.

Council Member Campbell stated that he would prefer waiting to hire a consultant until the City figures out what they want to do in the Marina area. He agreed with Council Member Smith that the EDB should hold off on hiring a consultant at this time.

Council Member Whitney stated that as a Council, they should be wary of giving the impression of discounting the efforts of the commissions that they have put to work for them. However, he concurs that having an advisory vote is the way to go.

Vice Mayor Patterson is troubled by the issue of ballot planning. She stated that in the discussion, she heard three things, (1) the need for certainty (2) the need for stakeholders' process and (3) consensus. She stated that the opportunity for gaining a consensus is very good. She is not fond of the idea of going out and getting an advisory vote, when the City has the opportunity to inform the public about where development could be, where the open space and green could be, where there could be recreational areas, and where the City could find the funding for the development for the recreational area. Vice Mayor Patterson asked Ms. Street to tell Council what she would need for assurances in order not to proceed with an initiative, as the charrette process does take time.

Ms. Street was not sure there was anything Council could do at this point. She discussed specifics on the initiative. Ms. Street said that she would talk to the citizens involved and see if they had comments or feedback on this issue. Vice Mayor Patterson reaffirmed the importance of getting a community consensus.

Mr. Ioakimedes stated that the EDB needs clear direction from Council on what they want or don't want the EDB to do at this point. Vice Mayor Patterson stated that it is clear that Council does not want to have a consultant at this time.

Report on the City owned property from the Marina to the First Street Spit:
Heather McLaughlin, City Attorney, reviewed the Staff report summary on this item.

Council Member Smith asked Ms. McLaughlin if she had an inclination whether an EIR or a Negative Declaration would be more appropriate in the event that this item was put on a ballot. Ms. McLaughlin stated that it would most likely a full EIR would be required.

Council Member Campbell provided more detail on the cost of adding a second item (advisory vote) to the ballot. The first item would cost approximately \$2.00 per registered voter, and the second item would basically be the cost of printing.

Public Comment:

- Kitty Griffin, 236 Baker Street - Ms. Griffin discussed the initiative process, and her experiences with Measure K, and suggestions on how to deal with an alternative initiative.

City Manager Jim Erickson discussed the role that consultants play, and their importance. He also discussed putting together an initiative or measure on the upcoming ballot and what would be required to do this. Staff's time is limited, and this will need to be considered.

Vice Mayor Patterson stated that she hopes that Council could work out an agreement where Council could buy some time to start some dialogue, and still have an opportunity for the March, 2004 ballot. She does not support an advisory vote. She does not support the expenditures on a ballot initiative by the City. She does support the notion that the City could do some planning dialogue in the next 6 months, and hopefully come up with something.

Council Member Smith stated that he would like to see Staff develop an alternative measure that proposes a rezone of the First Street Green as open space parkland, but preserves the commercial uses that are currently zoned for East and West sides of it.

Council Member Whitney stated that he sees the value of a charrette. He is not sure with these circumstances, if there can be a fair charrette. He stated that Council should have an answer on this issue at the next Council meeting.

Council Member Campbell stated that a dueling initiative is a bad idea. It will split the community. He wants a decision on what the City is going to do with the end of First Street.

Vice Mayor Patterson gave direction to Staff to see what they could do in the next two weeks. Staff could take the initiative and put something together with Ms. Street and Mr. Ioakimedes. The goal would be to see if there could be some kind of agreement on the process, whether it is a charrette, community facilitator, etc. A status report is due at the next council meeting. The final date for a decision is 8/3/04.

ADJOURNMENT:

Vice Mayor Patterson adjourned the meeting at 11:17 p.m.

Lisa Wolfe, City Clerk