

July 20, 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
REGULAR MEETING - CITY COUNCIL
JULY 20, 2004**

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 7:32 p.m. on Tuesday, July 20, 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, Whitney, and Mayor Messina

Absent: Council Member Smith

PLEDGE OF ALLEGIANCE:

Mayor Messina led the pledge to the flag.

ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

ANNOUNCEMENTS:

APPOINTMENTS:

PRESENTATIONS:

PROCLAMATIONS:

Mayor Messina presented a Certification of Recognition from the California Heritage Council to Reed Robbins, for the restoration of the Jefferson Street Mansion.

Ms. Reed gave an acceptance speech, graciously thanking everyone involved for their support.

Mayor Messina called for a 5-minute break at 7:41 p.m.

The meeting resumed at 7:48 p.m.

ADOPTION OF AGENDA:

Mayor Messina asked if there were any changes to the Agenda.

There were no changes to the Agenda.

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

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

Noes: None

Absent: Council Member Smith

COMMUNICATIONS:

WRITTEN:

None

PUBLIC COMMENT:

1. Marilyn Bardet - Ms. Bardet stated that Reed Robbins' award is an honor for the City of Benicia to treasure. The Jefferson Street Mansion is a building of great historic significance. She would like the City to look into the possible noise issues with the Cal Trans project at the arsenal. The City could possibly acquire some funds from the project. Mitigation measures may be a possibility. Vice Mayor Patterson asked Ms. Bardet to work with Staff and provide them with the information she has on the possible mitigation measure.
2. Alex Berry - Ms. Berry is a Project Manager for the Waters End Development. She is working with Shea and Centex Homes. They are excited about being involved in Benicia. They have made various donations to several causes in Benicia. She presented Mayor Messina with a \$5,000 check to help preserve the Von Pfister Adobe. Bonnie Silveria thanked Ms. Berry, Shea, and Centex Homes for the donation.
3. Council Member Whitney announced that City Manager Jim Erickson's father passed away recently. He wanted to express Council's condolences to the Erickson family.

CONSENT CALENDAR:

Mayor Messina asked if there were any items to be pulled.

Council Member Campbell requested item V-D be pulled.

Mayor Messina requested item V-F be pulled.

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

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

Noes: None

Absent: Council Member Smith

The minutes of June 15, 2004 and July 6, 2004 were approved.

RESOLUTION 04-102 - A RESOLUTION ACCEPTING THE PRESSURE REDUCING VALVE STATIONS REPLACEMENT PROJECT INCLUDING CHANGE ORDERS NO. 1 AND 2, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER

RESOLUTION 04-103 - A RESOLUTION SETTING THE 2004-05 SECURED TAX RATES FOR THE 1997 SEWER BONDS

RESOLUTION 04-104 - A RESOLUTION REJECTING THE BID RECEIVED FOR THE CAMEL BARN MUSEUM FLOOR PROJECT AND AUTHORIZING STAFF TO RE-BID THE PROJECT

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

(END OF CONSENT CALENDAR)

Council took the following actions:

Consideration of prepaying the employer share of California Public Employee Retirement System (CalPERS) at a discounted amount:

Rob Sousa, Finance Director reviewed the staff report on this item.

Vice Mayor Patterson asked Mr. Sousa to explain the last paragraph on page V-D-1, regarding the risk to the City. Mr. Sousa explained that CalPERS uses 8-1/4 % in projecting future earnings. Most of the money they have is invested in the Stock Market. They recognize larger gains than we have available. They are able to invest for a longer periods of time.

Council Member Whitney asked Mr. Sousa to confirm if the account being set up is a permanent account. Mr. Sousa confirmed that it was a permanent account, and explained how the account will work.

On motion of Council Member Whitney, seconded by Vice Mayor Patterson, Council unanimously approved (by Minute Order) a lump-sum prepayment of the employer share of CalPERS retirement contributions at a discounted amount, on roll call by the following vote:

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

Noes: None

Absent: Council Member Smith

Cancellation of the August 17, 2004 City Council Meeting:

Mayor Messina wanted this item pulled because he is opposed to the cancellation of Council meetings.

On motion of Council Member Whitney, seconded by Mayor Messina, Council did not approve the cancellation of the August 17, 2004 City Council Meeting on roll call by the following vote:

Ayes: Council Member Whitney

Noes: Council Members Campbell, Patterson, and Mayor Messina

Absent: Council Member Smith

PUBLIC HEARINGS:

None

UNFINISHED BUSINESS:

Acceptance of Zucker Action Plan and initiation of revisions to the appeal process and the consultant contracting procedures:

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

Vice Mayor Patterson discussed the priority schedule of projects. She stated that the review approach to code enforcement is almost the next one in line. When we say code enforcement, we are referring to such issues as beautification, neighborhood preservation, views, and possibly trees. Ms. Meunier stated that although Staff has a challenging work plan, she anticipates they will be able to make significant progress on it within the current fiscal year. Vice Mayor Patterson stated that Council requested quarterly reports on Staff's ability to make progress on these items. Vice Mayor Patterson then asked City Attorney Heather McLaughlin if it would be appropriate for Council to give some schedule for the necessary appeals procedure. Ms. McLaughlin stated that this could be accomplished in-house. Ms. Meunier stated that the approximate time would be October. It is an amendment to Title 17, which goes before the Planning Commission.

Council Member Campbell asked Ms. Meunier to explain why the De novo model is better than the current appeals process that is currently being used. Ms. Meunier explained the differences between the appeals process and the De novo model.

On motion of Vice Mayor Patterson, seconded by Council Member Whitney, Council unanimously approved the Zucker Action Plan and initiation of revisions to the appeal process and the consultant contracting procedures, on roll call by the following vote:

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

Noes: None

Absent: Council Member Smith

Discussion and direction to staff on City-owned property from the Marina to the foot of First Street: Mayor Messina excused himself from this portion of the meeting due to a conflict of interest. Vice Mayor Patterson chaired this portion of the meeting.

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

Public Comment:

- 1. Libby McKendry, Benicia Main Street - Ms. McKendry asked Council to include public input and participation as one of their options. She stated that the public needs to have a forum.**
- 2. Bonnie Silveria - Ms. Silveria urged Council to allow a public process. There should not be a knee-jerk reaction. Council needs to reach out to the public on this issue.**
- 3. J.B. Davis - Mr. Davis stated that in November 2003, the City overwhelmingly supported Measure K. We need to consider urban infill. We need to have community conversation on this issue.**

4. **Kitty Griffin - Ms. Griffin stated that she agrees with Mr. Davis on the infill issue. She agrees with a comment Mr. Bob Craft made last week. The public needs to have a say in this issue. If the City waits to see what Protect Our Waterfront's (POW's) outcome is, there will be no other options. She wants anyone in the community who has envisioned something great at the end of First Street to rise up and offer another choice. They should come up with something to put on the March ballot as an alternative to POW's initiative.**
5. **Mike Ioakimedes - Mr. Ioakimedes urged Council to allow the public to have input on this issue. He stated that Susan Street should not be allowed to dictate to the community what goes on in the City. This is ballot box hijinx. People need to have the ability to cast their ballots. This is an issue that Council needs to lead. Council needs to say in a loud and clear voice that they support public input. Do not allow that the only method of listening to the public to be through an initiative process.**
6. **Susan Street, Protect Our Waterfront - Ms. Street stated that POW will begin collecting signatures on 8/5/04, or sooner if possible. They are proceeding with the initiative process for many reasons. When the initiative passes, they are looking forward to a formal or informal workshop to engage in lots of community dialogue to plan the waterfront park.**
7. **Stan Houston, Downtown Asset Manager - Mr. Houston stated that the initiative process eliminates exploring the full potential of this asset (City-owned property from the Marina to the foot of First Street). He asked for a full asset exploratory so that all of the community's options can be discussed.**
8. **Belinda Smith - Ms. Smith stated that she is troubled that a community process had not been done. There needs to be a compromise on this issue.**
9. **Jan Cox-Golovich - Ms. Cox-Golovich stated that the staff report on this item was excellent. She urged Council to go with option #1, which is to have a formal community workshop. Ms. Cox-Golovich commented on the planning process.**
10. **Bill Thomason - Mr. Thomason urged Council to go with the community workshops. He asked if the State Lands had some control over the property. He also wanted to know if the large loan for the waterfront property would come into play. Ms. McLaughlin stated that the State Lands Tidelands Trust covers a portion of the land. The lands that the City owns are clear of the Tidelands Trust. Ms. Majors discussed the question on the loan. She stated that part of the process that the City went through years ago when the land transfer happened was that the City would develop each of the parcels as a form of revenue that would become a source of repayment for the Cal Boating loans.**
11. **Bob Craft - Mr. Craft stated that he is not a member of POW. He visits the foot of First Street often. He thinks that an advisory vote is the most appropriate choice. The area is nearly perfect just the way it is. To determine what the public wants, and if they want development, then is the time to spend money determining a consensus on what that might be.**
12. **Bob Mutch - Mr. Mutch suggested that an advisory measure would facilitate a more and better-informed vote. He was dismayed by comments made at one of the POW meetings. It is time to decide what the community wants to do at the Foot of First Street. The right thing to**

do is to allow community consensus building. We should do the right thing and vote for a community consensus process.

13. John Van Landschoot - Mr. Van Landschoot stated that he collected signatures for POW, and he would do it again. He did not misrepresent any of the issues. The consensus process is a good idea. He discussed past experiences with the consensus process for Measure K.

14. Larry Fullington - Mr. Fullington appreciates the efforts of POW. His concerns were that all the amenities that the City provides cost money. It concerns him that the City is rushing this process. We need to make sure there is full disclosure with this issue.

Council Member Campbell stated that an advisory vote is his choice at this point in time.

Vice Mayor Patterson questioned the value of having the two measures on the ballot when nothing will change for March.

Council Member Whitney stated that he is not afraid of an initiative vote. What does concern him is an educated vote vs. an uneducated vote. It comes down to a sense of honesty and fair play. He would like the community to have an opportunity to come up to speed on this before they vote. The community consensus process works. He is all for community workshops.

Vice Mayor Patterson stated that the City should do no harm in this process. She heard the desire and hunger for a dialogue and conversation on this issue. She thinks that Council is a resource. She wants the leadership of the Council to provide a resource to the community. She thinks that an advisory vote is using the resources to make the community think. She prefers a more formal workshop. She agrees with Council Member Whitney that the City should support one or two community workshops, the sooner the better. This will help inform the community and make information available.

Council Member Campbell asked Vice Mayor Patterson to clarify her position. Vice Mayor Patterson stated that Council, as a resource, doing an advisory vote, would be doing some of the gathering of information, letting the public think and discuss. She prefers a more formal workshop approach. The problem of advisory measures on the ballot is that it seems to limit interaction with the public. She thinks that two or three workshops would be appropriate. Council Member Campbell stated that an advisory measure is a good way to disseminate information. By conducting public workshops, you run the risk of the public not attending. Vice Mayor Patterson asked Staff if the public workshops could be handled in-house as opposed to hiring a consultant for \$12,000. Ms. Majors stated that the expertise that several of the consultant groups they have talked with would bring expertise and objectivity to the table that City Staff does not have.

Council Member Whitney stated that he feels two public workshops would be appropriate.

Council asked staff to work on three advisory measures (1) one to mimic POW's initiative, (2) a measure involving the consensus process, and (3) an alternative to POW's initiative that would include some degree of development and open space. Also, there is to be at least one public workshop, two if necessary. Ms. Majors asked Council if they were sure they wanted Staff to work on three advisory measures. Council verified that yes that was correct. Staff will work on preparing three

advisory measure questions for the 8/3/04 Council Meeting.

Vice Mayor Patterson called for a 5-minute break at 9:26 p.m.

The meeting resumed at 9:34 p.m.

NEW BUSINESS:

Request by Friends of Solano Regional Park District to discuss the formation of a Regional Park District for Solano County:

Mr. Mike Alvarez, Director of Parks and Community Services, reviewed the staff report on this item.

Mr. Bob Berman, Friends of Solano Regional Park District, discussed a recent summit that was held on 7/12/04. There will be another summit on 9/20/04.

Council Member Whitney stated that the group has spent a lot of time and effort on this issue. They are focused and on task. This is an issue that will benefit all residents in Solano County. He thanked Mr. Alvarez for his efforts on this issue.

Vice Mayor Patterson stated that the summit was well done. It was a very constructive session. It was the general understanding that this is probably the last chance to get this right, with regards to the Regional Parks system. Regional Parks are probably the most important fabric in keeping the County and the community together.

Mayor Messina stated that Council supports the efforts and recommendations of Staff. Vice Mayor Patterson suggested appointing a Council Member and an alternate as well. Mayor Messina stated that Council should wait until the 8/3/04 meeting to address the appointment, to give Council Member Smith a chance to be involved.

Approval of the Memorandum of Understanding (MOU) on Joint Solano Emergency (Police, Fire, and Emergency Medical Services) Communications Activities (SECA) with the Cities of Dixon, Fairfield, Rio Vista, Suisun City, Vallejo, and Vacaville, and the Solano Emergency Medical Services Cooperative:

RESOLUTION 04-105 - A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A MEMORANDUM OF UNDERSTANDING (MOU) ON JOINT SOLANO EMERGENCY (POLICE, FIRE AND EMERGENCY MEDICAL SERVICES (EMS) COMMUNICATIONS ACTIVITIES (SECA) WITH THE CITIES OF DIXON, FAIRFIELD, RIO VISTA, SUISUN CITY, VALLEJO AND VACAVILLE, AND THE SOLANO EMERGENCY MEDICAL SERVICES COOPERATIVE

Police Chief Jim Trimble presented the staff report on this item.

Vice Mayor Patterson stated that it is in the best interest of the public to include an elected member to the steering committee. Chief Trimble stated that this option is available. Vice Mayor Patterson stated that she would like it on record that an elected member would be appointed to the steering committee.

On motion of Vice Mayor Patterson, seconded by Council Member Whitney, and unanimously approved, Council approved the City of Benicia having an elected member as part of the membership of the MOU steering committee, on roll call by the following vote:

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

Noes: None

Absent: Council Member Smith

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

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

Noes: None

Absent: Council Member Smith

Approval of Solano County Transportation Expenditure Plan for proposed ½ cent sales tax in Solano County:

RESOLUTION 04- A RESOLUTION APPROVING THE TRAFFIC RELIEF PLAN FOR SOLANO COUNTY TRANSPORTATION EXPENDITURE PLAN

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

Mr. Daryl Halls, Solano Transportation Authority, reviewed the Solano County Transportation Expenditure Plan (included in the Agenda Packet).

Mayor Messina asked Mr. Halls if the other cities have approved this plan. Mr. Halls stated that all cities that have voted on the plan have approved it.

Council Member Whitney clarified that the cities that have self-help dollars have definitely benefited from them. He asked Mr. Halls to describe the current situation with light rail. Mr. Halls stated that light rail is a possibility in the 'hazy' future. These funds would be for a commuter rail on the existing tracks. Council Member Whitney asked him to comment on the ferry situation in Benicia. Mr. Halls stated that Benicia and Vallejo need to partner together for not just the ferry system, but transportation in general. It is possible that a dialogue and partnership with Vallejo could assist in getting a ferry stop in Benicia.

Council Member Campbell asked Mr. Halls who decides the payout? Mr. Halls stated that there is a commitment in the Plan for the local Return to Source. It will be based on the average population over 30 years. Council Member Campbell discussed his concerns with the Regional Measure 2 (RM2) funds.

Public Comment:

1. Brent Schoradt, Field Representative, Greenbelt Alliance - Mr. Schoradt urged Council to reject the sales tax increase for two reasons; (1) The increase insufficiently funds transit projects,

and (2) there is no link to land use. By not encouraging smart land use controls, it is essentially encouraging sprawl. Approximately 50% of the money is going towards highway expansion. Transportation for Livable Communities (TLC) could help revitalize downtown Benicia. There is no dedicated funding in this measure for TLC, local transit, or pedestrian/bicycle trails. Mr. Schoradt said there was a poll done that suggested 83% of Solano County citizens were in support of growth control. He suggested we not support an expenditure plan that goes against what 83% of the County wants.

2. Council Member Whitney - Council Member Whitney asked Mr. Schoradt to clarify the issue of land use. Mr. Schoradt stated that it is clearly a land use decision. Highway expansion is absolutely a land use issue, as it encourages sprawl.
3. Vice Mayor Patterson - Vice Mayor Patterson asked Mr. Schoradt for an example of one of Contra Costa County's measures for linking land use decisions with their transportation ½ cent sales tax. Mr. Schoradt stated that some examples were the urban wide county limit line, the improvements in the jobs/housing balance, and the comprehensive plan to reduce total miles traveled. He stressed the importance of providing incentives for people to reduce miles traveled.
4. Council Member Campbell - Council Member Campbell asked for clarification of the plan to reduce the total miles traveled idea. Mr. Schoradt stated that the idea is to have more jobs than houses, as you want there to be incentives for people not to get on the freeways and commute to their jobs.
5. Belinda Smith - Ms. Smith had three reasons why Council should reject the ½ cent sales tax increase; (1) Ferry service was not included in the plan, (2) there is no requirement to link land use, and (3) the tax increase was not developed in an honest way. The poll that was conducted was private, not public. Vice Mayor Patterson asked Ms. Smith who conducted the private poll. Ms. Smith was not sure. Vice Mayor Patterson asked Mr. Halls if he could tell Council who conducted the polls.
6. Daryl Halls, STA - Mr. Halls stated that the polls were conducted by the private sector on two occasions. It was done by a group of business people throughout the County. Mr. Halls stated that he did not know specifically who conducted the polls, but he could ask his staff for the information. He then stated that Council could contact Mr. John Nerland, the CEO of Solano Bank. He would be the best person to contact for more detailed information on the poll. Vice Mayor Patterson asked that Mr. Halls provide Staff with the contact information for Mr. Nerland.

Vice Mayor Patterson stated that the process troubled her. There needs to be a link between public transportation and land use. She wrote her Masters thesis on Measure C in Contra Costa County, which failed the first time because it lacked land use linkages. The second passage of the second effort did include some land use linkage. This land use connection led to the establishment of the Growth Management czar for the County. The County has had 12 years of dialogue on land use. She would like to see Solano County take the lessons learned over the last 12 years and use them now, and not make the mistakes that were made before. She would vote for this to be on the ballot if she felt that it had a genuine opportunity to have a dialogue that is needed in the County. She does not have the

confidence in this right now.

Mayor Messina stated that we couldn't control the fact that other cities may want sprawl. We can only control what goes on in Benicia. Vice Mayor Patterson discussed the need for regional planning because the air we breathe is the same as Fairfield and the land use decisions that other cities may affect Benicia.

Vice Mayor Patterson discussed her proposed change to the language in the resolution on this item. She suggested adding 'Be it further resolved that the Return to Source funding from the Countywide Transportation Expenditure Plan to be used by the City of Benicia must be consistent with the Benicia General Plan and the Solano Transportation Authority's Transportation for Livable Communities Program with a focus on, but not limited to, transit oriented projects, pedestrian, bicycle transit and other safety projects'.

On motion of Mayor Messina, seconded by Council Member Whitney, the above Resolution was not approved on roll call by the following vote:

Ayes: Council Member Whitney and Mayor Messina

Noes: Council Members Campbell and Patterson

Absent: Council Member Smith

REPORTS FROM CITY MANAGER:

Report regarding air and water quality from Jet Ski Races at the Waterfront Festival:

Dan Schiada, Public Works Director reviewed the staff report on this item. He passed out samples of information and cleanup kits that would be provided to the race participants.

Council Member Campbell asked how the testing would be done. Mr. Schiada stated that he has no criteria or protocol to know when, where, etc. the testing should be done. He is concerned about this. Mr. Schiada stated that the Carquinez is basically a water 'truck route'. It will be hard to determine where the constituent in the testing is actually coming from. It may be more beneficial to educate the participants on the issues involved.

Public Comment:

- Carl Schrebeck, BlueWater Network - Mr. Schrebeck stated that he is aware that they (BlueWater Network) used drinking water standards when doing the comparisons. Even though the waterway contains industrial pollution, it is not a reason to further pollute the waterway. To their knowledge, the Coast Guard has not finalized the permit that the applicant applied for. It may have been submitted later than required. There is a question on the permit that is answered incorrectly. Mr. Schrebeck submitted a copy of the application to be put on the record. BlueWater supports Staff's recommendation of passing out the informational clean up kits, as well as testing before, during, and after the races.
- Vice Mayor Patterson asked Mr. Schrebeck if the Coast Guard permit is a Federal action. Mr. Schrebeck confirmed that it is a Federal action. Vice Mayor Patterson discussed the discharge

permit that Valero has, and noted that if Valero discharged the same petroleum product into the water, they would be in violation of their permit. She asked Mr. Schrebeck how long he thought it would take for the older style 2-stroke jet ski's to wear out. Mr. Schrebeck did not know an exact date, other than to say it would be quite a long time.

- Council Member Campbell asked if the jet ski's involved in the upcoming races were the older style 2-stroke, or the newer style. Mr. Schrebeck stated that it was his understanding that the old 2-stroke style jet ski's are more powerful.
- Terry Winnet, Organizer, Jet Ski Races - Mr. Winnet stated that on a repeat event, the question that BlueWater Network said he had answered incorrectly, was actually answered correctly. He stated that had they done their homework, they would have found that on a repeat event, the applicant is not required to go through the environmental survey, nor are they required to submit the application 120 days in advance. The application was filled out completely, honestly, and it was turned in on time. He said that the Coast Guard has given him verbal approval for the event. He stated that the paperwork is on its way. Petty Officer Clark (U.S. Coast Guard) has told Mr. Winnet that anyone with questions is welcome to call him for information on the application. Mr. Winnet discussed the many hours of research he has done on water testing for such events. There is not a lot of information on water testing for such events. Prior to 2 weeks ago, he had full intentions to do the testing. However, he has since found that there are no standards by which to do these tests. There is nothing to compare the tests to. To do a proper test, it would take several months. He embraces the educational aspect suggested by Mr. Schiada. However, if Council wants him to do the testing, he will comply. He did however, caution on the inaccuracy on the testing procedures.
- Vice Mayor Patterson asked Mr. Winnet if he could provide Staff with a copy of the original questionnaire, containing the environmental analysis that he completed when he organized the initial races a few years back. She had questions with regards to the National Environmental Protection Act (NEPA). Mr. Winnet stated that he did not think providing this to Staff would be a problem. Vice Mayor Patterson stated that some of the questions that Council is asking might be more appropriately directed to the Coast Guard. She asked Mr. Winnet to provide Staff with the contact information of the persons he has been dealing with at the Coast Guard.
- Council Member Campbell questioned the value of testing, if there are no standards to compare against. Mr. Winnet said he would comply with the will of the Council. He has an estimate of \$1,000 for the testing.
- Peter Kilkus, American Watercraft Association Representative - Mr. Kilkus stated that many environmentalists do not consider BlueWater an environmental organization, but rather a radical exclusionist group that plays fast and loose with the facts. He is amazed that the BlueWater Network continues to spread untrue statements regarding personal watercraft. Mr. Kilkus provided Council with a current copy of the American Watercraft Association's magazine. There is information that proves that there is no significant difference in the water quality before and after the jet ski races. He urged Council to eliminate the water quality testing. There is no law, requirement, or need to do the testing.

- **Hank Howard - Mr. Howard discussed how the dynamics of the water would make testing inaccurate. He stated that the City should not waste its money on testing.**

Vice Mayor Patterson stated that she supports the recommendations in the staff report. She wanted to add a 5th recommendation: For Staff to contact the National Park Service and the Marin County Coastal Commission to obtain information on their studies and policies. Vice Mayor Patterson suggested the possibility of having the Coast Guard come and address the Council at some point.

Mayor Messina questioned whether recommendation #4, (Observing BlueWater Network's and the race organizer's water sample collections and document location of samples) is a good use of Staff's time. Mr. Schiada recommended deleting recommendation #4, and place more emphasis on education.

Council Member Whitney stated that based on what he has heard tonight, he does not see a value in taking water samples.

Vice Mayor Patterson asked Staff to make a list of question of what they would like to know if they were the experts. Mayor Messina asked Mr. Schrebeck to provide their protocol for testing to Staff.

Mr. Winnet asked the BlueWater Network to comply with the EPA Guidelines under the USW-846 document, so there is some sort of semblance of order that is used. Mayor Messina asked Mr. Winnet to share his information on testing with the BlueWater Network. Mr. Winnet said that to have any sort of fairness in the testing is to have access to the water during the races. This could affect the races. Vice Mayor Patterson suggested Mr. Winnet work with the BlueWater Network on this issue.

REPORTS FROM CITY COUNCIL COMMITTEES:

This item was continued to the next meeting.

ADJOURNMENT:

Mayor Messina adjourned the meeting at 12:00 a.m. on 7/21/04.

Lisa Wolfe, City Clerk