

City of Richmond – POINT MOLATE COMMUNITY ADVISORY COMMITTEE

Multi-Purpose Room
440 CIVIC CENTER PLAZA

MINUTES

MONDAY, December 16, 2013, 6:30 PM

1. CALL TO ORDER

Vice Chair Carman called the meeting to order at 6:30 p.m.

2. ROLL CALL

Present: Committee Members Carman, Garrett, Hite, Kortz, Martinez, Puleo, Smith, Stello (7:40), Stephenson, Sundance.

Absent: Gilbert

Staff Present: Craig K. Murray, Staff Liaison, Development Project Manager II

3. WELCOME AND MEETING PROCEDURES

Carman welcomed audience. Carman then explained meeting procedures, and discussed the Speaker Card process.

4. AGENDA REVIEW AND ADOPTION

Carman reviewed Agenda items and briefed PMCAC on the Agenda order and speakers. Garrett noted items of clarification to Agenda. Carman moved to adopt the Agenda with a time limit of 30 to 45 minutes for Item 7 Presentations, seconded by Hite. Item passed unanimously.

5. ANNOUNCEMENTS THROUGH THE CHAIR

Chair asked Murray to report on the Cal Trans notice regarding Scofield Deck replacement. Murray reported updates as received from Cal Trans.

6. OPEN FORUM

Carman confirmed no speakers.

7. PRESENTATIONS, DISCUSSION & ACTION ITEMS

a. Discussion of Broom Eradication

Jim Hanson and David Amme presented problems with broom. Hanson noted that there are problems with broom that have been building up above the Beach Park. General discussion regarding Goats R Us and expected initial locations of goat grazing. Hanson noted that goat grazing can help but concern if there is a long period and members may want to review proposed grazing areas. Amme introduced himself as retired from East Bay Regional Park District and involved with Pt Molate for over 30 years. Amme noted areas of wash outs and huge pits on Pt San Pablo Peninsula. Amme noted that two years of prior broom removal and can't access certain areas due to vast broom growth. Amme suggested to work with Chevron to get ideas to remove heavy broom areas. Amme discussed Molate Fescue and it was found out on the Berkeley waterfront and used because it is a very strong and beautiful plant. Amme noted areas on Peninsula are being degraded due to neglect and non-management and it would be helpful to Pt Molate.

Martinez inquired if Amme had any conversations with Chevron. Amme indicated no. Smith inquired to how labor intensive the broom eradication will require. Amme described removal process with weed wrenches and cutting at grade and then grinding up materials. Smith inquired if Amme can sponsor a practice day at the Pt Molate Beach Park. Amme indicated that he could do that and could get wrenches. Carman inquired to process to pulling broom. Hanson indicated that larger broom, like a tree, can be cut at ground. Garrett noted that Hanson and Amme needs to coordinate with Citizens for Sustainable Pt Molate and would like to know total impacted acreage and total time to take out broom in a set area. Amme noted that broom height is about

three foot. Garrett noted that there is broom at Pt Molate, not a lot, but only Pt Molate is jurisdiction of City and other areas are with those owners such as Chevron. Sundance inquired if Goats will eat the Broom. Amme noted yes that Goats will strip the broom and kill it but cautioned with goats that it is not disturbed too much. Hanson noted that goats will strip but not kill it. Amme stated that really want sustainable restoration without it coming back. Garrett noted that Goats are indiscriminate and Carman agreed and concern about non invasive plants.. Hanson noted that it is up to management of goats. Carman stated that one morning 89 native plant species were noted and important that volunteers aren't trampling it. Garrett noted that Peninsula really needs a natural resources management plan. Stephenson expressed concern about erosion once plants are removed. Amme noted that really steep areas waddels are placed until area heals. Amme noted that his favorite tool is a Pulaski with a blade on one side and chopper on another and hand saws are another tool. Carman thanked the speakers for presenting to PMCAC.

b. Presentation of United States Customs and Border Protection, Use of Building 1

Steve Baxter, Stuart Tsang, and Lou Western introduced themselves. Baxter noted that about 1.5 years ago US Customs started using the Halo range. Baxter explained training and simulated environments that Officers will train in dry environment in building and expressed appreciation to City of Richmond for allowing use of the space. Kortz inquired about Scenarios. Baxter noted Airport and how to control person in an environment with right amount of force. Baxter responded that Customs responded to goods coming through international facilities such as truck drivers at Ports and those that come through Airports. Martinez inquired if Customs helps local police. Baxter said only if requested but Customs does not have the power to write tickets and powers of local police. Martinez inquired if training is done in conjunction with other police. Baxter indicated only CBP. Garrett inquired if any other federal agencies were using Pt Molate for training and Baxter replied that to his knowledge 'no'. Puleo inquired what do for lighting. Baxter noted just natural light. Smith inquired if any other groups training, if scale walls, push in doors, bolts on walls or just use structure. Baxter said just sweep floors. Smith inquired to rent. Baxter noted that there are other concerns with OSHA, etc. if go with rent and funds committed in CBP but very appreciative to use the space. Baxter noted do not use other levels. Garrett inquired what is the daily use. Baxter explained discussion and training effort and it is 4 hours a quarter for 600 personnel and training is Tuesday through Friday. Garrett inquired if use of Batons. Baxter noted there is training for proper striking but not use of Batons. Garrett asked if there are protocols on contact with public and DP Security and lay people intimidated by Officers. CBP indicated that contact is made with Officer Arlington of DP Security and hope that CBP presence is more invited to keep undesirable element out and encourage people to use Beach Park. Baxter noted that CBP wants to enhance use of Pt Molate. Garrett noted that it is important to publish use to others. Stephenson questioned if live fire is used in Pt Molate. Baxter said no that is at the Halo range. Sundance inquired if the border agents near Tijuana are trained here. Baxter indicated no and they should have their own facilities. Smith inquired if work is at Port of Oakland. Baxter noted there are 130 people and majority at SFO but also at Port of Oakland and also at Richmond. Baxter said that they check incoming ship crews at Richmond and Martinez for narcotics coming in and jurisdiction of Ports from Monterey to Eureka. Baxter responded to use of dogs at Ports and use of Beagles only at airports. PMCAC thanked US Customs and Border Protection for their presentation.

Garrett summarized CBP use of this space and noted that the management of space at Pt Molate is out of control. Carman inquired if DHS is at Pt Molate. Murray noted not that is authorized and noted that there has been police training at the Pier and SWAT training also at Pt Molate. Garrett requested if list can be published on all uses of each of the buildings. Murray indicated that Access Request files are available anytime to review and noted that majority of use is passive, storage of material by City Departments and related interests such as Richmond Museum of History. Garrett noted that interest is long term users and would request a report and also expressed concern of lock combinations being given out to variety of users. Martinez noted that PMCAC would be interested in the heavy users and if there could be one page of information provided. Murray said that metrics requested can be placed on future agenda for discussion. Puleo said that the number of people entering each facility would be of interest. Stephenson expressed concern of people stealing. Garrett indicated that buildings are valuable and not understand why it is not known what are the rents and people in each building. Smith inquired if City is insured for items. Murray indicated that City is self insured. Smith inquired if someone falls off building what would happen. Murray noted that those

that enter sign Liability waiver and contractors would have their own insurance. Murray inquired past intent in use of Pt Molate in past and near past with Administrative Chief Janet Schneider was to only have short term use, like when it was with the Navy, to provide flexibility for future use. Murray noted that City may want to look at space occupied by certain groups as In Kind Donations. Smith inquired if rent was requested for Federal Agency use of Pt Molate. Murray noted that we have requested rent for building with no plumbing, no electricity and response is very grateful but there are concerns such as OSHA and building readiness.

c. Discussion of December 6, 2013 Finance Committee Item

Garrett reported and noted that PMCAC letter was provided on December 5 and Murray and NCE Leacox presented and Garrett was requested to respond in lengthy discussion. Garrett noted that NCE contract at this meeting was approved through December, 2014 and will go forward to Council. Garrett also noted that there was an immediate meeting following the Finance Committee with Murray and Garrett. Garrett noted that a two page NCE letter is provided in the PMCAC packet that further reviews the work expectations for 2014. Garrett noted that it was fairly disturbing that the recommendations were overridden. Puleo noted that PMCAC will ask that this item be pulled off of the December 17 City Council meeting. Garrett inquired then what will PMCAC representatives do with it and what information will be provided. Hite expressed thanks to Garrett for going to this trouble and inquired if a recommendation to dissolve the contract be requested. Carman inquired why the NCE contract is requested through 2014. Murray noted that PMCAC may want to review Finance Committee audio but it would be disruptive in IR Site 3 process to switch contractors while bidding. Murray further noted that NCE can attend PMCAC meetings. Martinez noted that 30 Day Termination would be disruptive. Garrett noted that NCE has not participated in much of anything and it is not a Continuity Problem. Sundance inquired if Puleo pulls item off Consent Calendar that it will need to be discussed. Carman inquired if 30 days termination of NCE is what can be recommended. Garrett said yes. Carman said that as soon as Site 3 items are considered then should not need NCE. Garrett noted that not closed underground storage tanks and do not know final expenditures of remaining \$19M. Garrett said that expenditure review is simply not occurring and that is why NCE is needed. Garrett noted to Carman options to send letter to City Council on NCE contract. Smith noted that PMCAC can make a motion to pull item off City Council and who will be there. Puleo said he will be there and will make the argument and defend the PMCAC position. Martinez said he will be there and thought that the Committee should not just give up. Carman inquired to what will be said. Martinez said strategic management will be needed and someone to map out all the environmental costs. Carman noted that there was a recent meeting with Mayor, Mr. Lindsay, Garrett and Stello about all the problems. Carman noted that City Manager responded that NCE was hired to review only NCE and see that City staff is needed to have additional needs of NCE. Martinez said that City Council can also provide recommendations but they need to be brought first to City Council. Carman clarified that City Council can request that scope be expanded to what this firm should be doing. Martinez agreed and why RFP should be issued to hire another firm. Stello noted that City Council needs to know that Strategic Project Management is needed now. Stello motioned to pull item, Hite seconded. Carman called for discussion. Hite inquired if this would slow down getting place cleaned up. Hite asked Murray if this action would slow down. Murray clarified that FS RAP needs to be approved, put out to bid as PMCAC recommended, and necessary with technical assistance. Smith called for the question. Carman said end of discussion, call for question and re-read motion to request that NCE Contract be pulled from December 17, 2013 City Council meeting. Martinez restated PMCAC position for six month contract. Item passed unanimously.

d. Election of a Committee Chair to fulfill the term of Eileen Whitty

Carman called for nominations. Sundance nominated Carman for Chair. Garrett stated that she would accept Vice Chair if Carman accepts Chair. Carman accepted Garrett's Chair nomination and Garrett's Vice Chair nomination. Smith then nominated Carman for Chair, Hite seconded. Smith called for the question. Item passed unanimously. Smith noted that nomination for Vice Chair is Garrett, Puleo seconded. Item passed unanimously.

8. STAFF REPORTS

PROJECT MANAGER'S STAFF REPORT INCLUDING

- a. Project Manager's Staff Report
- b. Report on Facility Survey with City of Richmond Caretaker

Murray summarized Goats request, meeting with City representatives from Parks and Fire and applicant, and area above Bldg. 123 has been identified to provide area to winter Goats. Murray noted that Goats R Us will need to develop request to use this area. Garrett noted that cultural resources appendix in EIR, and a California Plant Society document addenda to the FEIR shows that the sensitive species are all over Pt Molate. Garrett asked if there are any costs to City associated with the Goats R Us removing brush. Murray indicated no cost and PMCAC is welcome to put forward a recommendation. Murray noted that in field review with Goats R Us and Chris Chamberlain that it will be beneficial to City to have the Goats. Garrett asked that this be brought back to next meeting for further discussion. Murray noted that he will parallel track request with City Attorney to develop an Agreement. Garrett noted that Murray would be premature to do that for City. Stello indicated that she will have someone from the Native Plant Society speak with the Goats R Us representatives. Stello further noted that Native Plant Society can tour the site and note any changes from prior survey. Stello indicated that either Jim Hanson or Lech Naumpovich can perform that review. Garrett indicated that person that would have all this information readily is Laura Baker of CNPS. Stello indicated that she has Laura's contact information. Carman indicated that also Gene Robertson can do the new survey and Carman can contact her. Carman asked how long will goats stay. Murray believed just a few months. Hite inquired if there is a place to put Goats that is not sensitive and mentioned that traditionally goats have been there at Pt Molate anyway. Garrett noted that you will need data from survey first to determine where they can go. Carman said the Pt Molate Fescue is everywhere. Garrett motioned to put a letter from PMCAC to City Councilmember Tom Butt and Parks Superintendent Chris Chamberlain to express concerns with Goats, to get information on native plants and to continue this item to the January 2014 PMCAC Meeting to invite Tom Butt, Goats R Us or others that are interested to speak on this item. Second by Stello. Item passed unanimously.

Stephenson inquired about if the Vegetation Report will be available by next meeting. Garrett noted that there are two surveys that are available and yes they can be provided for next meeting. Stello noted that 95% of Coastal Prairie has been decimated due to coastal development and at Pt Molate on the Point San Pablo Peninsula this is one of the remaining strands in existence and it is a national treasure.

Murray continued Staff Report and showed pictures of materials dumped at Pt Molate such as large timbers behind Bldg. 123 that have been cleaned up. PMCAC noted appreciation to Parks for the re-purposed wood signs at the Beach Park entrance. Murray noted that Dr. Boyer did respond and she will be available to present on the Beach Park Eelgrass in the future. General discussion about timbers deposited onto Pt Molate Beach Park. Murray reported on efforts to remove hazardous materials at certain buildings as they have been identified in walk through with the Public Works Dept. Caretaker.

Murray referenced the Rosenberg Rules information in the Committee Packet and this is what the Richmond City Council and this Committee work under. Murray also shared with Committee correspondence from City Clerk advising PMCAC that Ethics course under AB 1234 needs to be taken every two years. Committee members should provide evidence of course participation, their certificate, directly to City Clerk and Murray provided weblink where the course could be taken online. Murray noted that the Richmond City Attorney's Office will also periodically provide this training. Murray indicated that financial reports will be moved forward to next meeting and shared with Committee information as received from DTSC on constructing solar arrays at Brownfield sites.

9. CONSENT CALENDAR

- a. APPROVE – PMCAC meeting minutes of September 16, 2013
- b. APPROVE – PMCAC meeting minutes of October 21, 2013

Carman called for approval of Consent Items. Garrett moved item, Martinez seconded. Item passed unanimously.

10. FUTURE AGENDA ITEMS

Carman reviewed future items including Goat presentation. Sundance inquired if Adopt A Beach can be presented. Garrett noted that CFSPM would need to present this item and has worked extensively with City Parks Superintendent and suggested maybe a later date in 2014. Sundance inquired if Drakes Bay Oyster Company could be placed it on San Pablo Peninsula. Garrett noted large research into San Pablo Bay and Pt Molate Beach is not a target. Garrett noted that DP Security protocol regarding contact and management and perhaps in February and Garrett noted that Cal Trans has a narrow chicane and concern with winter construction suspension mode especially with proposed work at Pt Molate later in 2014. Garrett noted never had a Chevron rep speak and it is not time sensitive. Martinez noted that he would like other law enforcement agencies to present. Garrett noted FEMA, Cal-Maritime, Hercules, and Richmond, U.S. Coast Guard and the FBI is out there. Hite proposed a letter to former Chair Whitty thanking her and Hite said that he will draft the letter. Murray noted that Smith requested a Broom Removal presentation. Garrett said that Jim Hanson group needs to get together with CFSPM and work up a proposal with Youthworks.

11. CITY COUNCIL LIAISON REPORTS

- a. Report by Councilmember/Mayor McLaughlin regarding recent issues in Richmond relevant to the Advisory Committee

Carman noted that Garrett would read statement from Mayor since she is on her way back from Cuba. Garrett discussed that arguments for summary motions have been ruled on by judge and that 5 of the 7 counts have been fully dismissed including breach and series of related counts to breach. Garrett said what remains are counts related to misrepresentation including misrepresentation to defraud and negligence. Discussion on the Land Disposition Agreement (LDA) being very clear and the deposits were considered non-refundable.

- b. PMCAC appointment status

Carman noted that he did try to recruit Zeneca people. No report from others.

12. CHAIR AND SUB-COMMITTEE REPORT

- a. Clean-Up and Restoration:
 1. Summation 3Q 2013 Site 1 Landfill Report

Carman introduced Bill Carson of Terraphase and inquired if Carson would like to go at the start of meeting rather than end. Hite inquired if City is paying for Carson's time. Carson noted that there will be a Terraphase charge only if Terraphase needs to prepare. Garrett stated that this is a subcommittee report and she will report out. Puleo called for a Point of Order that is after 9:00 pm and will need a time extension. Garrett moved to extend to meeting to 9:30pm, seconded by Puleo. Carman called for vote with Stephenson against and all others in favor. In regards to the Site 1 Landfill Report, Garrett reported that there was nothing extraordinary.

2. Summation 3Q 2013 USTs Report

Garrett noted that there was nothing extraordinary in this report. Carson confirmed.

3. Summation 3Q 2013 PGWTP Report

Garrett noted that she had a few comments on this report and asked for Carson to comment. Garrett inquired about levels of TPH in the August report. Carson explained the variation on the nature of the material and that sometimes you get emulsified oil there. Carson indicated that system is completely offline and being run with just sand and carbon and that there has been no problems and that this should significantly reduce labor time there. Garrett further noted no other extraordinary items.

4. Summation Oct 2013 Monthly Report

Garrett inquired about post-treatment monitoring for IR Site 4. Carson explained that concentrations have come way down. Carson noted that Terraphase could do an interim table but they are taking samples in December for that and can put in a table for next time and then make assumptions if done or not and if it worked. Garrett confirmed that she would like to see this for next time.

5. Summation IR Site 3 Status on Alternatives

6. Report on Nov. 2013 Monthly Report

Garrett inquired about status of Management Plan. Carson noted that he will write and provide to Murray the three Work Orders to close the three tanks and have a closure report on those. Garrett inquired where the Water Board is coming from on this approach. Carson indicated that he could inquire with George Leyva of the Water Board on water near tanks and Carson noted that Leyva already recognized that there is no water down gradient of the tanks so this is not a concern. Carson stated that if Terraphase can put together a reasonable presentation to close the tanks then the Water Board will see that as progress. Garrett inquired about Task 9, submitting the Insurance Report. Carson said that Terraphase has not completed it and they don't really have a budget to do this. Garrett noted that it has not been prepared since March. Garrett inquired about new Influent Valve on the PGWTP system. Carson indicated it was installed a while ago but that PMCAC should not want that level of detail from Carson and with others at Terraphase. Garrett asked Carson to summarize key achievements in October and November. Carson stated push is on IR Site 3 and summarized last instruction from City and City Manager to take the two alternatives including the Waste Management Unit alternative and the alternative to removing the Waste Management Unit completely and to get pricing for that alternative. Carson noted that he would put a performance based treatment option including thermal and soil washing to allow for a more innovative approach that he believes Committee wanted to Terraphase to do. Carson noted that these will be between Alternative 2 and 4. Carson cautioned that this will be a little messier document but believes it will allow people to bid on those options. Garrett inquired if both scenarios pursued are completely unrestricted. Carson said no and what is pursued is a multi-family scenario without a Waste Management Unit in it. Carson noted that it will not be unrestricted and one, for instance, couldn't plant apple trees there. Carson noted that he believes it will be too costly to treat to unrestrictive and proposing to treat down to five feet for residential but less than maintenance worker. This will get rid of the Waste Management Unit but noted it is not Unrestricted Use. Garrett stated that this is the Zeneca issue that it will allow to build townhomes but residents not to dig in yards, no gardens. Carson said can't plant food and not allowed to dig five feet down. Carson noted other includes commercial and believes the budget will support. Garrett inquired what difference is there to include Unrestricted whether over budget or not. Carson noted that it is in the document but RAP will only go through the other two alternatives. Discussion on what will go to bid. Garrett summarized that Committee recommends that there should be three: Unrestricted with non-edible plants, smaller footprint WMU and we will have dig and haul, thermal, and soil washing. Carson noted that soil washing can include a variety of types. Carson noted that it is onsite,

dug up and put back to meet the residential standard. Carson explained that is residential treatment to 5 feet, maintenance worker to 10 feet and outside is maintenance worker all the way down to 20 feet. Carson showed Committee on white board the various levels of treatment to be considered unrestricted on residential and maintenance worker and what is being proposed with going to treatment, needing to be residential when it comes back. Carman inquired about if in future relative ease to remove engineered systems. Carson explained.

b. Community Outreach:

1. Review of previous month's activities and plans for next month
2. Review of schedule for Neighborhood Council presentations

Hite reported that sub committee participated in Pt Richmond Neighborhood Council and with assistance of Puleo handed out a number of Committee surveys. Hite noted that with Christmas holidays that sub committee will wait until it approaches other Neighborhood Councils. Hite said that he had a bunch of surveys and challenged other Committee members to take some and when going to the beach hand surveys out to others. Smith inquired can you have a box to leave the surveys there. Stephenson asked for some copies and that he would make more copies to hand out. Kortz asked for copies as well. Carman inquired about the schedule and Hite responded that it would push would be in January to get a schedule for all Neighborhood Councils. Hite also reported that he contacted a reporter to show all the conflicting interests that the PMCAC is dealing with.

c. Grant Development:

Stello reported that Lech Naumpovich, Executive Director of the Golden Hour Restoration Institute, is submitting a grant to the National Fish and Wildlife Foundation for a 0.5 Acre coastal prairie restoration at Pt Molate Beach Park. Stello read text of a PMCAC letter regarding support to Lech for the grant. Garrett asked Stello to read since this PMCAC support letter was not provided for the Agenda packet. Garrett moved that the Committee supports this letter, seconded by Hite, approved unanimously.

d. Pt Molate Beach:

No report.

e. Chair: Identification of pending schedule conflicts

Carman clarified that January and February meetings will be held on alternative dates in the 4th Monday of each Monday due to holidays. No other conflicts reported.

13. ADJOURNMENT

Carman moved to adjourn the meeting at 9:38 pm, seconded by Stephenson. Passed unanimously.

14. Assemblage of PMCAC Standing Sub-Committees

Adjourned to Sub-Committee Meetings.

15. SCHEDULED MEETINGS

Committee Meeting – .

Monday, January 27, 2014, 6:30 p.m., Multi-Purpose Room, 440 Civic Center Plaza

Minutes respectfully submitted by:



Craig K. Murray, PMCAC Staff Liaison