

CITY OF RICHMOND
Pt. Molate Community Advisory Committee

Monday, October 17, 2011 6:30 PM
Multi-Purpose Room, 440 Civic Center Plaza

AGENDA

Members:

Bruce Beyaert
Vice-Chair

Stephen M. Clark

Joan Garrett
Chair

Dorothy Gilbert

Susan Glendening

Robert W. Ham

Toni Hanna

David Helvarg

Jim Hite

Jeanne Kortz

Eduardo Martinez

Steven Rosing

Charles T. Smith

Nina G. Smith

Andres Soto

Pam Stello

Mary H. Sundance

Eileen Whitty

1. Call to Order (1 min.)

2. Roll Call (1 min.)

3. Welcome and Meeting Procedures (1 min.)

Individuals who would like to address the commission on matters not listed on the agenda may do so under Open Forum. Please file a speaker's card with the note taker prior to the commencement of Open Forum. Individuals who want to comment on an individual item, please file a speaker's card before the item is called. The standard amount of time for each speaker will be three minutes.

At 8:30 PM, any items remaining on the agenda that require immediate attention may be taken out of turn, as necessary. All other items will be continued to another or the following commission meeting in order to make fair and attentive decisions. This meeting adjourns at 9:00 PM. The meeting may be extended by a majority vote of the commissioners.

4. Agenda Review and Adoption (2 min.)

The order in which items will be heard may be adjusted at this time. In addition, items may be removed from or placed on the Consent Calendar at this time.

5. Announcements through the Chair (3 min.)

6. Open Forum (3 minutes per person limit)

7. Presentations, Discussion & Action Items (30 min.)

- a. Idea Scrum. 1 minute presentation/per each Committee member of subjects the committee should explore. Ideas will then be indexed and prioritized for either distribution to sub-committee or full Committee for consideration. (30 min.)

8. Staff Reports (20 min.)

Following discussion of each item, the Commission may vote to make recommendations to staff or to the City Council.

- a. Presentation of July 29, 2011 Non-Gaming Development Alternative for Point Molate. – Bruce Beyaert (10 min.)
- b. Presentation of Quarterly budget for period of July 1, 2011 to September 30, 2011, broken out by 1) income and expenses 2) by account (i.e. remediation fund account – funds supplied by the Navy, and Upstream LDA payments account) and details for various entries that compromise the administrative costs – LaShonda Wilson (10 min.)

CITY OF RICHMOND
Pt. Molate Community Advisory Committee
Monday, October 17, 2011 6:30 PM
Multi-Purpose Room, 440 Civic Center Plaza

AGENDA

Members:

Bruce Beyaert
Vice-Chair

Stephen M. Clark

Joan Garrett
Chair

Dorothy Gilbert

Susan Glendening

Robert W. Ham

Toni Hanna

David Helvarg

Jim Hite

Jeanne Kortz

Eduardo Martinez

Steven Rosing

Charles T. Smith

Nina G. Smith

Andres Soto

Pam Stello

Mary H. Sundance

Eileen Whitty

9. Consent Calendar (2 min.)

Items on the consent calendar are considered matters requiring little or no discussion and will be acted upon in one motion

- a. APPROVE – August 15, 2011 minutes
September 19, 2011 minutes
September 26, 2011 minutes

10. Future Agenda Items (5 min.)

11. City Council Liaison Reports (20 min.)

- a. Report by Councilmember/Mayor McLaughlin regarding recent issues in Richmond relevant to the Advisory Committee.
- b. PMCAC appointment review process – Marilyn Langlois (10 min.)

12. Chair and Sub-Committee Reports (30 min.)

- a. By-Laws (10 min.)
- b. Clean-Up and Restoration (15 min.)
- c. Finance
- d. Legal

13. Adjournment

14. Scheduled Meetings

- a. Committee Meeting – Monday, November 21, 2011, 6:30 PM, Multi-Purpose Room, 440 Civic Center Plaza

This meeting is held in a building that is accessible to people with disabilities. Persons with disabilities, who require auxiliary aids of services using city facilities, services or programs or would like information of the city's compliance with the American Disabilities Act (ADA) of 1990, contact: Rochelle Monk, City of Richmond (510) 620-6511 (voice).

Pt. Molate Community Advisory Committee Staff Liaison Contact: Craig K. Murray (510) 307-8140, craig_murray@ci.richmond.ca.us. Agenda and minute information on the PMCAC can be found on the City Clerks web location: <http://ca-richmond2.civicplus.com/index.aspx?NID=2442>

City of Richmond – POINT MOLATE COMMUNITY ADVISORY COMMITTEE

Multi-Purpose Room
440 CIVIC CENTER PLAZA

**PROPOSED MINUTES
MONDAY, August 15, 2011, 6:30 PM**

1. CALL TO ORDER

Garrett called the meeting to order at 6:36 p.m.

2. ROLL CALL

Present: Committee Members Beyaert, Clark, Garrett, Gilbert (6:39pm), Glendening, Ham, Hanna, Hite, Kortz, Martinez (6:41), Rosing, Smith, C., Smith, N., Soto, Stello, Sundance and Whitty.

Absent: Committee Members Gordon, Helvarg, Hite

Staff Present: Gayle McLaughlin, Mayor; Marilyn Langlois, Community Advocate, Mayor's Office; Craig K. Murray, Staff Liaison/Development Project Manager II, Community & Economic Development Department/Redevelopment

3. WELCOME AND MEETING PROCEDURES

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

4. AGENDA REVIEW AND ADOPTION

Garrett reviewed Agenda items and suggested to move item 12b to follow item 7b. Beyaert suggested friendly amendment that Committee receive item 8a City Staff Report as part of 7b and continue July minutes to August meeting. Stello then moved to accept the agenda amended as recommended by Chair Garrett. C. Smith seconded. Passed unanimously.

5. ANNOUNCEMENTS THROUGH THE CHAIR

Garrett announced resignations that were received from Committee Member Jon Gordon from the Clean Up and Restoration Sub Committee and from the PMCAC itself and from Committee Member Toni Hanna from the Clean Up and Restoration Sub Committee. Soto announced that on Saturday October 8, 2011, 10am-5pm, there will be the North Shoreline Festival at Pt Pinole Park as sponsored by the North Richmond Shoreline Open Space Alliance.

6. OPEN FORUM

Don Gosney, Richmond resident – commented on the meetings and that they are public, and speakers choice of meeting venue, trouble recording meeting due to the room and side conversations, and placement of Agenda on web.

7. PRESENTATIONS, DISCUSSIONS & ACTION ITEMS

A. Establish Day, Time for tour of certain Pt Molate grounds and facilities (20 min.)

Murray presented information on Pt Molate Tours and Committee discussed possible dates. Murray to forward survey to Committee for consideration of two tour dates.

B. Tentative Order for adoption of Site Cleanup Requirements – CA Regional Water Quality Control Board (40 Min.)

George Leyva and Alec Naugle of the State Regional Water Quality Control Board attended meeting to provide information based on Committee and audience questions to the draft Tentative Clean-Up Order. Leyva presented the Tentative Order (Order) as found in the Agenda packet and Order states the problem and requests that the City provide a plan on how to work with it. Leyva can help guide your consultants on the scope of work.

Plan is due in February, 2012. Committee presented questions:

1. Glendening questioned what type of EIR is used to satisfy the Order & the Cortese list. Leyva indicated in 2008 an exemption was issued but later for Pt Molate Water Board indicated that yes it is a military site but only small amount of TCE existed on site even though it was not on the Cortese list and subsequently asked consultant putting EIR together to list what other needed mitigations and to include the Order as part of the project. Leyva indicated that the water board did wait for EIR for this project & used it to satisfy the CEQA requirement and clarified that a separate environmental report is not needed for the Order.
2. Glendening asked if this is why it took so long for the revised Tentative Order to be issued. Leyva indicated yes, that the order needed to be written and provided to the attorneys who had changes that needed to be incorporated and that along with the other necessary steps saw the order going out on July 26.
3. Glendening indicated that written comments due by Sept.9 doesn't give much time for review of the order and that the PMCAC will not have an opportunity for another public meeting prior to the current comment due date. Leyva indicated that it is a very simple order, however if the city needs more time, that could be discussed with the water board. Leyva indicated that and February is a reasonable time considering that you need to have a plan in place before you can consider doing any work. He also stated that if they don't get the city's plan in early spring, you can't start doing any work during the summer with the optimum period of time to do any significant digging which would put it into the following year. Leyva also stated that it has been a long time coming to get Pt. Molate cleaned up.
4. Soto asked about Site 1 on page 3 , number 11 Site A Landfill monitoring as clean-up order and expressed that he thought the cleanup order with relation to this site was highly inadequate. Leyva advised that in June 2005 the Navy proposed a ROD to cover the site with an impermeable surface and monitor at the bottom. He described process and site dates back to 1940's and tests and recent 5-year review of ROD shows it is still relatively clean, and is clean enough that it is not causing a toxic effect to the environment or to human health. Analyzing on semi-quarterly basis, and just finished a 5 year review of the site to determine if the remedy in the ROD is adequate and that this review is done every 5 years. ROD under CERCLA is legal document that it is authorized to clean-up. Leyva indicated that the contaminants could be removed but the powers that be back in 2005 determined that the remedy put forward in the ROD was the way to go, and also indicated that expenses involved with digging out the site and hauling away contaminants were a consideration. Further there is a deed restriction that prevents anyone from doing anything to the cap or damaging the cap.
5. Garrett inquired to Water Board letter to US Navy regarding cap in December, 2007 that monitoring is of questionable quality. Leyva explained that Navy installed an additional well and that concern was petroleum at site and need to have well that would screen across the water table as it should be. Leyva is comfortable that monitoring is adequate, and did not see any floating product when the well was dug.
6. Whitty questioned amount of time of monitoring. Bill Carson indicated quarterly on the land fill. Leyva confirmed that monitoring would be indefinite period of time, but that the long term monitoring schedule could be looked at to reduce the number of times reporting to reduce costs.
7. Beyaert had three inquiries including:
8. 1) changes to the new Order. Leyva discussed previously and discussion from Upstream to break out Site 3, 4 remediation and how reports will be submitted. There was a report that was received from Upstream that had been in the previous order – a monitoring proposal. That report was taken out of the current order, but the water board has the monitoring report previously submitted, although it has not yet been approved.
2) With uncertainty of development, how are cleanup standards accommodated? Leyva indicated saturated zone clean up criteria with primarily Site 3 and described Navy dig out of the treatment ponds only to 10 feet. The Navy's assumption being that no one would touch the site and thus it would be ok to leave it, and didn't ask how clean is ok to leave as is. The order asks the City what concentrations will be o.k. on zone that hasn't been touched and deal with mobile product - if it's something that's going to migrate to Bay. Glendening asked if this was to be site wide? Whitty indicated answer can be found on Page 4 B on top of Order. Leyva wanted a decision document but it won't be now that is flowing oil.
Beyaert
9. 3) With amount of funds flowing on other items, apparently Site 3 seems to be needing to start from scratch without any groundwater or soil having been to be cleaned up yet. Leyva confirmed a lot of consultant work on site performed but need to decide how much to clean it up to and it doesn't help on what

- concentration can be left behind and therefore Water Board wants a decision document. Leyva indicated working hard not to retread old steps.
10. Whitty inquired in regards to how much clean up with Site 2 and 4 to residential use standards. Leyva stated that under the EIR submitted, if there's a residential area has to be cleaned up to residential standards and referred to use map for residential, however noting that Navy for the most part cleaned up to industrial standards for which the concentration levels are very high. Leyva indicated that it is up to City and tell Water Board that clean up will meet residential standard and can be found in the FS-RAP. Whitty asked when will Water Board be told. Leyva indicated that February 3 is date.
 11. Glendening inquired about clean up goals and items in EIR are flexible and don't want to see clean-up that will restrict for future land use opportunities. Leyva indicated if proposed used and cleanup not in EIR then City will need to amend the EIR, but doesn't prevent Water Board from issuing Order to clean it up.
 12. Whitty reviewed development options and questioned if level of clean-up is there because in the CEQA document. Leyva says order doesn't say have to put Residential here, but how are you going to clean up. Leyva has certified environmental project. If there is a change in design, it doesn't have a lot of effect on the order except that you'd request different clean up.
 13. Beyaert questioned 5c inconsistent with Alt. D residential and why in FEIR Navy allowed to clean up to different standard. Leyva indicated it was Navy that determine use level sensitivity for cleanup and Navy cleanup, but the water board couldn't force them to clean up to residential standards just commercial/industrial.
 14. Garrett indicated that Water Board has used an EIR with low validity and suggest rolling back time tables about an additional four months for PMCAC and public review. Leyva indicated that current Order still shows clean up two years out. Alec Naugle pointed out that Order only requires clean-up plans commensurate with the redevelopment, but all the water board knows about the redevelopment is what the EIR said, and that they are relying upon the submittal of a cleanup plan to provide the water board with the detail associated for proposed uses including residential. Garrett inquired how a cleanup plan can be developed by February 3, 2012 without knowing what kind of development is contemplated. Naugle responded that they had been advised that the cleanup plan can be done in time, and what the plan has in it meets the multi-family residential level, i.e., that it meets the development outlined in Alternate D (for IR Site 3). Bill Carson provided information about IR Site 3. Leyva indicated 1995, 1997 and 2003 attempts made to clean up and that we are now in 2011 and asked how much more time is needed to "dig this up" specifically referring to Site 3. Mayor indicated points raised by Committee members are valid and main use, a Casino Use, has been rejected by Council. Mayor indicated an extreme change has occurred since 1997 and can time be extended for clean up for use and for safety of those visiting the site and if there would be any problem in providing a four month extension, and that having time to make comments would be important. Leyva indicated that Water Board has provided additional time and that is something that they will just have to decide on whether it's reasonable and that they can be included in comments to be provided by Sept. 9th, and they will consider it. Naugle indicated that would consider that and hearing that uses presented in EIR are not the uses contemplated and that it does present a problem and doesn't know who will figure that out perhaps the City. Leyva indicated that if the city would put together a set of comments that if the time schedule for the order was pushed out it may delay digging by an entire year.
 15. Garrett indicated that published 2008 and rescinded in 2009 and inquired why now sudden rush and only three week comment period without knowing what use will be. Leyva accept that and please put in writing.
 16. Soto inquired about hotel placement would be temporary standards and therefore not residential. Leyva confirmed hotel is commercial.
 17. Soto inquired about fault lines and treatment area threats. Leyva indicated that seismic analysis has not been done. Leyva indicated want extraction trench taken out as it was put in in 1991 as a stop gap measure with the full intention that a full cleanup plan for Site 3 would be developed. Leyva also stated there has been some geologic assumptions and don't expect seismic failure there. Bill Carson of Terraphase responded that extraction trench failure that far from seismic area would not be seen but would see things such as power failure and if so there would be catastrophic events in entire Bay Area. The proposed plan IR Site 3 meets multi-family residential and with cost estimates from Navy and if you want to go beyond that in clean up then there is not the amount of money the Navy has provided. Leyva expressed concern

- about some oil escaping the southern end of the trench, but has noted that in the past 3 years oil has been detected, and that the trench is not good enough going forward.
18. Soto inquired about chemical process. Leyva and Carson responded.
 19. Whitty inquired on TO on a CEQA document based on EIR that has changed and if a developer submitted a new plan that did not match cleanup proposed under existing TO, would TO need to be done again?. Leyva indicated don't get involved in Land Use decisions. Naugle indicated that clean up plan needs to be redone if wanted residential and said commercial. Leyva confirmed plan needs to be redone but not the TO.
 20. Clark expressed concern that if site is cleaned up to certain standard, it sets a precedent that is what the land use must be limited to, and expressed concern about the cost associated with going back and doing additional cleanup for another use. Leyva indicated that it behooves the city to decide now what they plan on having for use and that the cleanup plan would then need to be adjusted, but not the TO itself.
 21. C.Smith suggested to clean up to higher standard now. Leyva agreed that plan needs to be adjusted if this is case. Naugle indicated that it is whatever is negotiated to that level and monies that are available. Carson indicated that it is a FS-RAP and what is standard and beyond and could go back to re-do RAP to look at variety of alternatives and recommend one. Leyva indicated that the FS-RAP is a City document and if City wanted to clean up to an example such as a school then City has to decide if it wants to come up with additional funding and City needs to go through that process.
 22. Glendening indicated that Water Board should put information in Order that there are some unknowns about the EIR and not just one project highlighted. Leyva indicated whole idea of EIR and Water Board should know sooner than later.
 23. Garrett summarized and wrapped up documents with EIR and assumptions in Order and a need for time. Leyva indicated that as long as stay in bounds of clean up within the EIR. Naugle indicated in 2008 Order was remanded because of a technical exemption because it was not a Cortese site and indicated what the Water Board could have used and confirmed that there is no project and Water Board is not writing a plan. Naugle provided likely scenarios to get to what is required for Order and three years ago didn't know information in FS-RAP. Leyva recommended to identify what areas you want cleaned up for what uses the city thinks that may be undertaken and proceed with the FS-RAP based on those assumptions.
 24. Soto inquired if a motion would be in order at this time for a formal request for an extension of time. Beyaert indicated that the Sub Committee will be asking for more time.
 25. Rosing thanked Water Board for their work here and indicated that we don't know what will happen on that property in the future and with a few more months to ensure process due to long nature of its reuse. Leyva asked for those comments to be put in writing, and management has to decide.
 26. Leyva asked if Order is too complicated the way it was written. Garrett responded that there are many documents to be reviewed in relation to it by September 9. Leyva indicated that he did want comments by September 9th, so that he has adequate time to put together a written response, and Order won't be heard until October 12 but may receive comments by October 1 but may not be able to address them but could address verbally to Board so technically there is more time. There is opportunity at the board meeting itself to put in any changes.

C. Presentation of General Plan timelines, and current LUD for Change Area 13; Point Molate and the San Pablo Peninsula (10 Min.)

Written information was provided by the City of Richmond Planning Department. Soto advised Committee as a Planning Commissioner that Commission envisioned that there would not be enough time so commencing September 1 that additional time may be provided to submit something on proposed land uses to Planning Commission. Beyaert indicated that Reuse Plan was adopted in 1997 and what is there to discuss. Soto and Garrett indicated that there is a lot to discuss and recommend that this item be put over to future meeting along with item 8a. No objections.

8. STAFF REPORTS

A. DISCUSSION ON ADMINISTRATIVE EXPENDITURE/REMEDIATION BY CITY/UPSTREAM

9. CONSENT CALENDAR

1. Minutes of July 18, 2011 were discussed with Soto proposing change on an item and Garrett suggested to carry minutes over to next meeting. Whitty moved item, Soto seconded and approved unanimously.

10. FUTURE AGENDA ITEMS

Beyaert commented that he would like to hear from Upstream on their new development plan. Soto indicated that he would like discussion on what community would like to see there. N.Smith asked if the City Attorney's Office could present information on the legal status of Upstream. Ham presented that a draft of the PMCAC By Laws should be ready by next meeting.

11. CITY COUNCIL LIAISON REPORTS

- a. Report by Mayor McLaughlin that Developer Upstream has provided correspondence to the City and that this correspondence is currently being reviewed by City Attorney's Office and outside legal counsel. Mayor indicated that as soon as information is available that she will forward that to this Committee.

12. CHAIR AND SUB-COMMITTEE REPORTS

- a. By-Laws: Ham indicated that the By Laws are in rough draft and currently in the Sub Committee process. Ham indicated that he would like to run the draft copy through the City Attorney's Office.
- b. Clean Up and Restoration: Glendening reported that she is Chair and Beyaert is Vice Chair and that communication via emails on Tentative Order and Committee met today and have many questions. Beyaert motioned Sub Committee comments to Committee that correspondence to City include not having sufficient time to review the proposed TO and all the background documents and that given the limited time available, recommend the city make the following comments on the proposed TO:
- c. The first item deals with the land ownership around the NFD property with a note to correct the property owned on the northern side is owned by Chevron, the second deals with the amount of time that filling has occurred in the past with a note to correct the time period to 105 years, the third is a suggestion to move Task 1 Saturated Zone Cleanup Criteria to become a sub-task under Task 3 for IR Site 3, the fourth is a recommendation that the City review the compliance dates carefully to ensure they are feasible, and the fifth recommends that all sites be cleaned up to residential standards with the exception of Site 1 which has a deed restriction prohibiting residential, and the sixth item is related to Item 5c on page 2 of the TO, recommend revising the last sentence recommended cleanup up to industrial use to be changed recommending cleanup to residential use, with the exception of Site 1, recognizing that alternative D in the EIR has residential uses as does the Reuse Plan.
- d. Garrett asked for clarification on whether the six items constituted the cleanup and reuse subcommittees report or a motion. Beyaert indicated that it was a motion under agenda item 7b. Glendening added a clarification for the third of the six items that the cleanup criteria would be applicable site wide if needed so comment three would not need to be included.
- e. Garrett proposed substitute motion to reject TO based on its current time schedule and it be extended with adequate dates for comments to be provided upon advice of the PMCAC to the City and to the Water Board with time frame extensions to be provided by the cleanup and restoration sub-committee. Soto seconded. Beyaert indicated bad idea to delay TO/Clean Up and potential contamination to Bay. General comments on whether or not there is currently contamination occurring. Monitoring reports are available. General comments on clean up standard consensus and concerns if any possibility of getting additional funding from the Navy and likelihood of resolution of all items within 90 days. Call to Vote. PMCAC in favor with exceptions of voting No: Beyaert, Whitty & Sundance.
- f. Finance: Ham reported no action.

- g. Legal: N.Smith reported that she is Chair and indicated that Sub Committee has two issues: 1) Status of LDA, question if it is in effect and does it expire this Thursday; 2) On the Insurance Policy, question of what does it actually cover and noted Sub Committee hasn't received it yet.

13. Adjournment

Soto moved to adjourn meeting at 8:48pm. Sundance seconded. Passed unanimously.

14. SCHEDULED MEETINGS

Committee Meeting –

Friday, August 26, 2011, 3:00 p.m., Point Molate, Bldg.123, 2100 Western Drive

Monday, September 12, 2011, 1:00 p.m., Point Molate, Bldg.123, 2100 Western Drive

Monday, September 19, 2011, 6:30 p.m., Multi-Purpose Room, 440 Civic Center Plaza.

Minutes respectfully submitted by:

Craig K. Murray, PMCAC Staff Liaison

City of Richmond – POINT MOLATE COMMUNITY ADVISORY COMMITTEE

Multi-Purpose Room
440 CIVIC CENTER PLAZA

PROPOSED MINUTES

MONDAY, September 19, 2011, 6:30 PM

1. CALL TO ORDER

Garrett called the meeting to order at 6:38 p.m.

2. ROLL CALL

Present: Committee Members Beyaert, Clark (6:43pm), Garrett, Gilbert, Glendening, Hite, Kortz, Martinez, Rosing, Smith, C., Smith, N., Stello, Sundance and Whitty.

Absent: Committee Members Hanna, Helvarg, Soto.

Staff Present: Gayle McLaughlin, Mayor; Marilyn Langlois, Community Advocate, Mayor's Office; Craig K. Murray, Staff Liaison/Development Project Manager II, Community & Economic Development Department/Redevelopment; Joel Camacho, P.E., Associate Civil Engineer, Engineering Department.

3. WELCOME AND MEETING PROCEDURES

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

4. AGENDA REVIEW AND ADOPTION

Garrett reviewed Agenda items and suggested to move item 12b in front of items 7,8. Kortz then moved to accept the agenda amended as recommended by Chair Garrett. Rosing seconded. Passed unanimously.

5. ANNOUNCEMENTS THROUGH THE CHAIR

Garrett announced appreciation to Vice Chair Bruce Beyaert, Don Gosney and City Councilman Tom Butt for helping lead the two special tours of Pt. Molate and to Mary Sundance for suggesting to hold a tour. Garrett expressed thanks to those who participated in Shoreline Clean-Up and announced the North Shoreline festival on Sat. October 8th and the Home Front Festival the weekend of October 15.

6. OPEN FORUM

No speakers for Open Forum. Murray announced that there is a speaker, Don Gosney, Richmond resident, on items 7C and 12A.

7. REPORTS

A. Presentation of 1997 Point Molate Reuse Plan adopted by City Council

Beyaert presented information on the requirement by the Department of the Defense for the Reuse Plan and that it was also used in the EIS. Beyaert indicated that in 1995 Mayor Corbin established a 45 member Blue Ribbon Committee with four Sub-Committees. Beyaert gave history of those that served, resultant action such as a no petroleum operation position, and rationale to develop the top-ranked alternatives including housing. Questions received about how many supported this plan and how many homes envisioned. Beyaert indicated the majority decided and about 550 homes. Reuse plan was elemental to the US Navy EIS/EIR. Garrett asked about Navy basis for reuse plan and Beyaert explained that basis is in the Federal Base Reuse Act and part of process of turning over property to the City. Garrett asked if this plan was reflected in an amended General Plan or in the future General Plan. Beyaert explained that it is reflected in the future General Plan.

B. Discussion on San Pablo Peninsula Open Space Study (SPPOSS)

Beyaert indicated that this was a study initiated by the Trails for Richmond Action Committee (TRAC) and although TRAC normally doesn't do Land Use but there were happenings to the north of Pt Molate such as a

proposed oil shipment facility, new wharf, pipelines to ship oil and the Port of Richmond was trying to find a good use for its rather derelict Terminal 4. TRAC developed concept of study and Richmond City Council approved it under a Resolution in 2003, East Bay Regional Park District (EBRPD), California Coastal Conservancy (CCC), and Muir Heritage Land Trust/Western County Land Trust were also involved. Muir Heritage Land Trust/Western County Land Trust managed the funds provided by EBRPD and CCC. Retired Chief Planner Jim Cutler managed the process with a 7-member Steering Committee including Chevron. Study accepted the Reuse Plan of Pt. Molate and prime recommendations of the Reuse Plan including a Shoreline Park from entire length of the Peninsula from I-580 to Pt. San Pablo Yacht Harbor and hillside Open Space. Beyaert explained that the key thing to come out of the study was that Terminal 4 be reserved for recreational space and that this Study was never adopted by City Council but believes this City Council will approve and this study is also recommended to be included in the new General Plan. Mayor McGlaughlin indicated that it was presented to City Council and Council provided comments. Committee question regarding exclusion of housing. Beyaert indicated that certain improvements are discussed such as the pier and that City Council already embraced and adopted the Reuse Plan and SPOSS study didn't change the recommendations in regards to development and SPOSS had recommendations on Open Space and Parks throughout the Peninsula and in the SPOSS, Pt Molate was secondary to primary focus on entire Peninsula. Garrett stated that Terminal 4 is out of Port Priority use per MTC determination and questioned whether the City wanted to rezone site as Recreational Marine. McGlaughlin indicated that there was some discussion with prior Council and doesn't remember if there was an outcome to it. Beyaert indicated that this study gave direction for the new General Plan.

C. Presentation of Land Use Evaluation Report

Garrett reviewed information in Agenda packet regarding work performed about one year ago on Pt Molate alternatives. Consultants reviewed Twenty-eight submittals and necessary filters used to review the final twenty-four proposals and that each proposal needed to have been unique versus what was already presented. Garrett referenced URL for access to additional information. Garrett explained assumptions that there needs to be \$50 Million threshold to City and it has to have a positive payback at build that most developments could not meet and ultimately only a Medical Marijuana proposal could meet the criteria but energy consumption to grow 80,000 pot plants was not evaluated and therefore was ultimately rejected by City Council. Evaluation Criteria thought to be stilted but wanted to share with PMCAC because of some really good ideas. Proposals also needed to conform to the Base Reuse Plan. Speaker Gosney advised not all proposals were well received and BCDC 100 foot setback is voluntary goal.

D. Presentation of BCDC Plan Recommendations – Pt. Molate, San Pablo Peninsula

Garrett indicated that Metropolitan Transportation Commission (MTC) makes a lot of recommendations on how properties will be used and the Bay Conservation and Development Commission (BCDC), under the McAteer-Petris Act, was given land use overview on the first 100 feet of shore in the Bay Area. General discussion of history and development of the BCDC plan. Garrett indicated that the Pt Molate property should be a waterfront beach that is a little different than the Reuse Plan but cautioned that the mapping was conducted in the mid- 1960's. Remaining property would be commercial-industrial. BCDC is looking to update maps with eye towards climate change but only few areas in Richmond affected by this. BCDC has taken 2-3 years so far to try to update these maps. Garrett explained 1997 Reuse Plan and Destination Resort set back 50 feet with BCDC set back at 100 feet. Beyaert indicated Map four amended in 2007 and policies related to Pt Molate and Pt San Pablo Peninsula and BCDC has very strict review in the 100 shoreline band as well as offshore. Whitty explained that BCDC has its Climate Change Maps on line for 50 and 100 year view. Garrett explained the 50 year addresses a 15" change and 100 year addresses a higher sea level change.

8. PRESENTATIONS, DISCUSSIONS & ACTION ITEMS

A. Presentation of Building Emergency Structural Restabilization Work

Camacho reviewed buildings in need of restabilization and process of selecting a firm with much of the work in Building 1 and Building 6. Camacho indicated original budget was \$300,000 from Upstream but estimate came in at \$809,000. when assessment was completed. Staff decided \$60,000 on design was not practical for \$300,000. budget so process moved to Design-Build and proposals were sought. Plant Construction worked with WJE. WJE did assessment work. Proposal came in at \$489,000 and City funded difference for a total of \$587,000. Camacho answered questions about debris left on site and change orders that affected the contingency funds. Garrett asked about open space in Building 6 roof. Camacho indicated that amount is about the same and Caretaker takes about 12 hours to pump out water after a storm. Consultant structural engineer and historic architect felt, since roof wasn't carrying water to gutters, that amount of inflow was same. Camacho presented that due to Building 1 issues and things get worse by year and with authorization by Steve Duran to perform annual inspections by a structural engineer. Garrett asked about what annual maintenance would be and would be the costs until useful lifecycle of buildings has been met. Camacho discussed stabilization will last with intent of 5 years and that the City hopes to have something there prior to the five years. Part of yearly assessment proposal will help to identify but it is hard to know because they are really old buildings. Camacho responded and agreed that buildings could collapse such as with an earthquake but it is quite better. Camacho indicated that buildings need a lot of bracing but structural engineer does not certify that they are earthquake safe buildings. Questions on bricks falling apart are only at turrets and Camacho indicated that the turrets have been stabilized. No evaluation was performed on the cottages but Camacho didn't know why but believes it is due to size and emergency structural risk.

B. PMCAC appointment review and recommendations.

Murray discussed that additional PMCAC member did file a statement of resignation but Mr. Ham did forward his draft By Laws. Murray indicated that Mr. Ham due to personal reasons had to leave the City and indicated that now PMCAC is down two Committee Members. Murray indicated that City Council has the authority to appoint new members and questioned the Committee if it wants to review PMCAC needs that could be fulfilled by new members. Mayor McLaughlin welcomed applications and is happy to hear Chair recommendations. Mayor explained that she has put out personal requests. Beyaert indicated desperate need for persons with sub-surface technical expertise and City Council has put some heavy requests on the Clean Up and Restoration SubCommittee. McLaughlin indicated that she is only one to recommend new members and the City Council must approve appointments. Other areas of Committee Member experience desired were stated as Attorney and CPA. Garrett advised PMCAC members to search for any interested potential members and to forward those directly to Garrett. Garrett indicated that could be without additional support for about 3 months. Mayor indicated that some Commissions have vacant spots.

C. Presentation on General Plan timelines, and current LUD for Change Area 13; Point Molate and the San Pablo Peninsula

Beyaert reviewed written materials and charts and advised that General Plan was adopted in 1994. Beyaert was on the General Plan Advisory Committee that shut down about one year ago. Discussion on General Plan goals and policies as it relates to Pt Molate. Questions and discussion about Chevron's Pt Orient area and Beyaert indicated that it is designated Open Space and points that Chevron has agreed to in regards to the Open Space Plan. Kortz question if land designated residential would require additional funds. Bill Carson indicated that Drum Lot 2 was envisioned to clean up to residential. There is a difference in clean-up costs with single family and multi-family residential. Carson indicated portion with TCE plume would require more costs to clean up in the northern portion of the low density part of the map. Garrett indicated that helpful what happen to approve General Plan with Zoning. Beyaert indicated that changes can occur approximately one time a year and that it is hard to predict future but General Plan can be changed. Garrett indicated that this area is noted as a new community node in the new General Plan, but questioned whether transportation,

schools would be needed for bonafide community node. Beyaert thought not so with schools. Question about Casino now out of Community Node and Garrett believes that Community Node designation may have been left there as an oversight. Mayor responded that idea of General Plan is blueprint and narrowed down to what the community wants versus something that can be changed. Beyaert indicated that adoption timeline keeps moving. Mayor indicated she thought it would be the first week in October. Garrett thought final version would be to Planning Commission on October 6 and if PMCAC has comments then they need to be to Planning Commission by that meeting. Garrett indicated that in April virtually no comment except North Richmond and Pt Molate and discussion to White Zone Point Molate. Garrett discussed differences of Zoning versus a White Zone and White Zone stamps area to be determined with a finite time frame and provided examples of south Shoreline and pollution monitoring by parcel. Martinez asked who would make White Zone determination. Garrett indicated Planning Commission and then City Council. Beyaert moved to support General Plan and Open Space Plan and question the community node. Garrett motioned that this, due to its importance, should be heard at a Special Meeting prior to October 6. Seconded by C.Smith. Whitty indicated at the Special Meeting like to discuss White Zone. Discussion either September 26 or October 3. N.Smith requested September 26. Beyaert indicated that he has meetings ever Monday night. Garrett polled members of available date for a quorum. N.Smith motioned to hold Special meeting to advise the Planning Commission on Monday, September 26 at 6:30. Seconded by Rosing. Passed unanimously.

9. CONSENT CALENDAR

Minutes of July 18, 2011 were discussed by Murray that Soto proposed change was included. Beyaert moved to approve the Consent Calendar including minutes of July 18, 2011, August 15, 2011, August 26, 2011, and September 12, 2011. Seconded by Whitty. Stello made friendly amendment to withhold August 15 and bring back. Beyaert indicated that Committee Member needs to pull item on consent prior to this time. Mayor indicated that two-thirds of body could suspend. Motion by Stello and second by Whitty. Voted unanimously to hold over the August 15, 2011 minutes. Moved by C.Smith to hold August 15, 2011 over. Martinez seconded. Passed unanimously.

10. FUTURE AGENDA ITEMS

Beyaert commented that he would like to have Pt Molate Beach Park and City's Management structure of Pt Molate including security, maintenance, remediation, and marketing. Garrett wanted review of Administrative expenses for current and prior fiscal year. Martinez would like to hear about Pt Molate becoming a University site. N.Smith requested report from City Attorney on Upstream litigation.

11. CITY COUNCIL LIAISON REPORTS

Report by Mayor McLaughlin requested that if City Council Liaison report could come before future agenda items. Mayor met with Attorney Goodmiller and that it is not good time to discuss with anyone except City Council. Upstream response expected to be filed in two weeks in response to the Declaratory Relief. Mayor asked status with Terraphase and work continues on remediation and on Water Board order. Mayor requested letter as soon as possible from PMCAC and will relay to City Attorney and put item on agenda.

12. CHAIR AND SUB-COMMITTEE REPORTS

- a. By-Laws: Garrett reported that Ham drew up draft and no other By-laws Sub-Committee members were present. Murray reported that draft by laws are included in Agenda Packet and there is a Public Speaker on item. Beyaert discussed marked up items and that Ham did a good job in working from DRB by laws. Beyaert indicated that there is some clean-up language such as what is a necessary for a quorum, delete written findings section and other policy questions on serving terms. Whitty brought up 4.2 and can it be unexcused absence for three absences within twelve months of an automatic removal from a Committee. Mayor indicated that language is same with all Committees but will check if there are exceptions. Don Gosney spoke about use of wrong words such as in By Laws,

Section 2.7 on Quorum, and what constitutes a quorum of those seated or of a total of the PMCAC. In Section 2.8, if don't have quorum have to cancel meeting and discussed other areas such as 6.3 Terms of Office that Officers can be removed by 2/3 and not clear if those attending or all members and 6.4 fulfilling term does it mean at start of year but it could mean there would be gaps in officer terms. N.Smith questioned Brown Act about 72 hour posting and Authorizing Resolution states a week. Mayor thought it would be left to Committee. Mayor indicated most Committees created by Ordinance and this Committee created by Resolution but with some minor adaptations of Resolution can do it legally. Discussion regarding changing posting to one week in advance. Garrett motioned to return draft By Laws to By Laws SubCommittee to develop an improved version. N.Smith Second. Passed unanimously.

- b. Clean Up and Restoration: Glendening reported that there was a deadline for SF RWQCB comments and Sub-Committee discussed if comments should be submitted by Sub-Committee or by individuals and it was understood to submit by individuals. Glendening summarized comments that PMCAC needs more time to review and questioned how the City can go so quickly with the clean-up without a project. Garrett indicated that Beyaert submitted comments and that there is a recommendation by the PMCAC to the City to request for an extension of time for four months and to not depend on the FEIR for the development and that a letter is under draft review and hopefully will go to City Council within the week. Mayor McLaughlin asked for Beyaert's comments. Beyaert indicated it revolved about need of a basewide saturated zone clean-up plan and nature and location of future land uses and named dischargers only consistent of commercial-industrial and US Navy should be subject to the Base Reuse Plan. Whitty questioned area in Eelgrass to do some work. Bill Carson of Terraphase explained that Tentative Order said there are some old storm water basins that need to go into and may be near shoreline but will not go into the offshore Eelgrass areas and wanted to make sure Water Board Order showed the difference. Effort is to remove petroleum product within 100 feet of the shoreline.
- c. Finance: No report.
- d. Legal: N.Smith reported that she did receive copy finally of insurance document and would like others to review. It allows for \$20M overrun after original \$29.5M expense. Garrett questioned if can be transferable. N.Smith believes so with authorization of City.

13. Adjournment

Beyaert moved to adjourn meeting at 9:12pm. N.Smith seconded. Passed unanimously.

14. SCHEDULED MEETINGS

Committee Meeting –

Monday, October 17, 2011, 6:30 p.m., Multi-Purpose Room, 440 Civic Center Plaza.

Minutes respectfully submitted by:

Craig K. Murray, PMCAC Staff Liaison

City of Richmond – POINT MOLATE COMMUNITY ADVISORY COMMITTEE

Special Meeting
Multi-Purpose Room
440 CIVIC CENTER PLAZA

PROPOSED MINUTES

MONDAY, September 26, 2011, 6:30 PM

1. CALL TO ORDER

Garrett called the meeting to order at 6:30 p.m.

2. ROLL CALL

Present: Committee Members Clark, Garrett, Gilbert, Hite, Kortz, Martinez, Smith, C., Smith, N., Stello, Sundance and Whitty.

Absent: Committee Members Beyaert, Glendening, Hanna, Helvarg, Rosing, and Soto. Staff: Murray

Staff Present: Gayle McLaughlin, Mayor; Marilyn Langlois, Community Advocate, Mayor's Office

3. WELCOME AND MEETING PROCEDURES

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

4. AGENDA REVIEW AND ADOPTION

Garrett reviewed Agenda items and discussed items on General Plan and land use as Agenda items 7A and 7b. Whitty then moved to accept the agenda amended as recommended by Chair Garrett. C.Smith seconded. Passed unanimously.

5. ANNOUNCEMENTS THROUGH THE CHAIR

Garrett indicated that there are no other announcements.

6. OPEN FORUM

Attending Staff Liaison Langlois indicated that there are no speakers.

7. PRESENTATIONS, DISCUSSIONS & ACTION ITEMS

A. Presentation of 2030 General Plan Update and process as it relates to Pt Molate

Chair Garrett presented item 7a on General Plan. Garrett referenced the General Plan reading guide that was sent out to the PMCAC for reference. Garrett reviewed the schedule of the General Plan and that ultimately Zoning Ordinances will be established for the next 20 years and reviewed elements of the General Plan that will have a direct impact on Pt Molate. Martinez announced at the last Parks and Recreation Commission meeting a vote was taken to move to not open the Pt Molate Beach Park because to do so would take needed funds away from parks already open.

B. Discussion of Land Use Determinations for Pt Molate within the 2030 Final Draft of the General Plan

Chair Garrett started discussion by discussing goals in General Plan within the various elements of the General Plan. Garrett reviewed the six key Change Areas and noted the classification of certain areas as districts such as the San Pablo Peninsula noting that it offered environmental restoration and habitat preservation opportunities. Question of Pt Molate noted as Community Node without any amenities there. Discussion of various Land Use Determinations (LUD) elements including habitat restoration and Winehaven and Pt Molate and developing mixed use waterfront on the peninsula as a regional recreation destination with mixed use activity centers providing broad range of revenues to the City.

Garrett reviewed the 2003 and 2010 transfers of Pt Molate property from US Navy to City of Richmond. This review included various restrictions of Deeds and reference to LUDs. Sundance asked how the Casino

9A12

proposal would meet the various restrictions. Garrett stated belief it would be through the application of a variance. Hite asked if nothing can be built on top of the underground storage tanks. Garrett indicated that was correct. Garrett indicated that three tanks are noted within an area of medium density residential with 20 units an acre. Review of Light Industrial areas and that Southern Shoreline people want to designate the area as White Zone (LUD's to be determined in the future) and stated that land use designation would be determined in the future, but cautioned that it would require another EIR process for the white zoned area when explicit land uses were applied, and would also require an amendment to the General Plan, therefore, a long process. Zones within the FEIR of this General Plan are done and if a White Zone was invoked then the EIR for the General Plan may need to be amended. Whitty clarified that it would be just for that area identified as White Zone. Stello asked who pays for clean-up if proposal is received to develop residential. Garrett explained in certain areas there are No Further Action and others would require more clean-up.

C. Smith asked what Navy obligation to bring up to Residential standards. Garrett said there were none, and that it was transferred under premise of Commercial/Industrial and Navy doesn't have to clean up at any higher level. C. Smith asked if insurance policy can pay for higher level clean-up to Residential. Garrett believed that the particular policy was really to cover environmental hazards or findings that may be discovered in the future that were not laid out in the known impacted areas at the time of the property transfer. Question could be forwarded to the C&R Subcommittee and Mayor for legal check. Discussion on lacking of community infrastructure against the goal of placed based development. Discussion of location of housing and raising the carbon footprint. Whitty questioned transient housing and how seasonal camping would work. Garrett indicated that mobile homes and temporary residential, would not be allowed under the CRUPs, but a cabin and transient housing, would be allowed. Sundance indicated a possibility for use as an aquarium and gave examples of gifted funds run by non-profits and foundations that could help with the funding problem. Martinez indicated that transportation there is the major problem. Garrett indicated that Transportation was not considered in the Base Reuse Plan and indicated that the non-gaming alternative in the Tribal Destination Resort FEIR did analyze transportation and that it was classified as a significant impact.

N. Smith pointed out the Water Board representative indicated that Pt Molate was not being cleaned to residential standards. Clark asked how residential was put into the plan. Garrett indicated that it came from a 2007 General Plan visioning workshop. Mayor asked how PMCAC would like to alter those Residential LUDs at Pt Molate and is most of the ReUse Plan acceptable to PMCAC except residential. Martinez indicated that he did not see the use of having it zoned for residential because the infrastructure is not there and should start with other uses such as Light Industrial.

Sundance indicated that cottages could potentially be used for vacation rentals, certain employee housing and for businesses. Hite said that he would not mind seeing more residential towards beach if could keep the land use designation and light industrial and restaurant in the bluff. C. Smith felt that there should not be any kind of residential housing there. N. Smith agreed with that and felt manipulation in just raising value of land. Garrett polled each of the members if they felt residential is appropriate and then asked what it should be replaced with. A discussion followed on the impact of rezoning the currently designated residential areas to open space. Garrett indicated that an explicit LUD designation that inherently had an EIR impact less than the impact associated with an LUD designation in the draft General Plan would likely not require a change in the EIR for the General Plan. Garrett indicated that a change in LUD designation from residential to open space would be default lower the overall property value of the changed LUD area. Inquiries were made about the difference between designation as parks vs. open space. Garrett and Martinez indicated that a parks LUD implied a requirement for some level of improvements for park usage.

C. Smith expressed urgency for PMCAC to review items for General Plan such as housing but expressed caution for PMCAC to now say what should go there and believed White Zone may be way to go. Garrett indicated that it would be easy for PMCAC to say White Zone but it will require a GP Amendment, new EIR and provide a long term blank designation that would not deliver a positive signal to outside interests. N. Smith indicated that south area and this area could be coordinated if they are white zoned. Martinez indicated one of problems in Richmond is developing a plan for all of the shore and thinks White Zone may be intelligent thing

to do but also felt that PMCAC should have a back up plan such as make it all park land and can always redesignate. Garrett indicated that many other communities have integrated shoreline plans and that San Francisco has had an integrated shoreline plan from Fort Mason down the Embarcadero for 15 years. Clark thought as part of transfer this property needed to be economically viable like the Presidio. Garrett indicated entire purple zone is commercial-industrial. Mayor inquired that if the areas are re-designated Open Space whether the upzoning process would be less of a burden than downsizing. Garrett indicated North Richmond Shoreline as example with private ownership and anticipation of economic benefit from the property and problems associated with downzoning land to a lesser value status. Mayor asked don't have to go through EIR like a White Zone and Garrett indicated not until you have a project. Garrett suggested that this could be a Special District rather than a White Zone. Whitty indicated that she would like Park and Recreation. Hite inquired about what Beyaert offered last meeting. General comment back as residential. Whitty indicated White Zoning then would be OK. Garrett polled first for those in favor of White Zoning with Martinez and Whitty affirmative. A second poll was taken for re-designation as open space with Sundance, Hite, Kortz, N.Smith, Stello, C.Smith, and Clark affirmative. Martinez and Whitty then indicated their desire to change their polling response to support that of Open Space Designation. A final poll was taken and re-designation of currently indicated residential LUDs to Open Space was unanimous. Whitty inquired to back up plan. Garrett indicated that PMCAC could provide future updates. Garrett formally motioned for PMCAC to correspond with the Richmond Planning Commission to rezone Pt Molate high and medium density residential to an Open Space designation. C.Smith seconded. Passed unanimously.

8. STAFF REPORTS

NONE

9. CONSENT CALENDAR

None

10. FUTURE AGENDA ITEMS

None

11. CITY COUNCIL LIAISON REPORTS

No Report

12. CHAIR AND SUB-COMMITTEE REPORTS

None

13. Adjournment

Garrett moved to adjourn meeting at 8:30pm. C.Smith seconded. Passed unanimously.

14. SCHEDULED MEETINGS

Committee Meeting –

Monday, October 17, 2011, 6:30 p.m., Multi-Purpose Room, 440 Civic Center Plaza.

Minutes respectfully submitted by:

Craig K. Murray, PMCAC Staff Liaison

9A14



BOARD OR COMMISSION APPLICATION FORM

DATE: _____

Check one: **New Appointment**

Re-Appointment

NAME OF BOARD OR COMMISSION: _____

NAME: _____

HOME ADDRESS: _____

ZIP CODE: _____ HOME PHONE: _____ WORK PHONE: _____

OCCUPATION: _____ EMAIL ADDRESS: _____

HOW LONG HAVE YOU BEEN A RESIDENT OF THE CITY OF RICHMOND: _____

PLACE OF EMPLOYMENT: _____

REASONS FOR INTEREST IN APPOINTMENT:

FRATERNAL AND/OR CIVIC ORGANIZATIONS:

EDUCATION:

REFERENCES (Minimum 5 – List Name, Address, and Phone Number)

1. _____
2. _____
3. _____
4. _____
5. _____

To the best of my knowledge the information provided is true and correct:

Signature

Date

Deliver or Mail to:

City Clerk
450 Civic Center Plaza
Richmond, CA 94804

Or Fax to: 510-620-6542

For Office Use Only: New Appointment: Reappointment: 1st 2nd 3rd

11B1

RESOLUTION NO. xx-11

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA, AUTHORIZING THE ESTABLISHMENT OF THE POINT MOLATE COMMUNITY ADVISORY COMMITTEE

WHEREAS, on March 29, 2010, the U.S. Navy transferred the Point Molate property to the City of Richmond; and

WHEREAS, pursuant to the Point Molate Remediation Agreement of September 2, 2008 by and between the City of Richmond and Upstream Point Molate LLC, the parties agreed in Section 720 that either the Navy Point Molate Restoration Advisory Board (RAB), or a successor entity serving a substantially similar advisory function, should exist after the Navy no longer owns an interest in Point Molate; and

WHEREAS, the City of Richmond has benefited, and continues to benefit, from the community input provided by officially recognized committees such as the Historical Preservation Advisory Committee and the General Plan Advisory Committee; and

WHEREAS, the Point Molate property is considered a key asset of the City of Richmond and its residents, as well as a cornerstone of its future sustainable development; and

WHEREAS, the City of Richmond recognizes that the community of its residents, and other interested parties, should have a primary channel for input to the City Council on all matters related to the Point Molate area of Richmond, including clean-up, restoration, sustainable development and use; and

WHEREAS, the City of Richmond will benefit from having a community advisory committee that works with the City Council, staff and other citizen advisory boards and commissions as appropriate to provide advice and input on all Point Molate matters; that reviews proposed Point Molate development budgets with City staff; and that makes Point Molate development expenditure recommendations, in conjunction with staff, to the City Council; and

WHEREAS, a community advisory committee will provide Richmond residents with a vehicle for interacting and cooperating with other governmental jurisdictions on all matters related to the Point Molate area of Richmond, including but not limited to clean-up, restoration, sustainable development and use of Point Molate;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Richmond, California, hereby authorizes the creation of the POINT MOLATE COMMUNITY ADVISORY COMMITTEE, as a successor to the former Navy RAB, continuing its restoration advisory function and expanding the advisory role to work with the City Council, staff and other citizen advisory boards and commissions as appropriate to provide advice and input on all Point Molate matters, including but not limited to the appropriate clean-up, restoration, sustainable development and use of Point Molate;

BE IT FURTHER RESOLVED, that the POINT MOLATE COMMUNITY ADVISORY COMMITTEE shall have nineteen (19) members, who shall be residents of the City of Richmond, and who shall not be officers and employees of the City of Richmond, and who shall be appointed by the Mayor with concurrence of at least three (3) members of the City Council, and who shall serve without compensation for no more than four consecutive two-year terms, and whose appointment to the Committee does not preclude serving on other City Commissions; and

BE IT FURTHER RESOLVED, that regular meetings of the Committee shall be held monthly at such day, time and place as designated by the Committee. All meetings of the Committee shall be open to the public.

BE IT FURTHER RESOLVED, that the Committee shall be subject to the Brown Act, including the requirement that the public will be an opportunity to speak on all items and during the Open Forum portion of the meetings of the Committee.

BE IT FURTHER RESOLVED, that attendance at all regular and special meetings of the Committee is required, and absence from more than three (3) meetings in any twelve (12) month period shall be deemed an automatic resignation from the Committee.

BE IT FURTHER RESOLVED, that in order to allow the Committee members to begin meeting in the shortest possible time after their appointments, the Committee shall begin meeting under the following basic rules, which the Committee may eventually revise.

- The Committee shall elect a chair and vice-chair who shall serve in such capacity for a one (1) year term.
- The first subject to be addressed by the Committee at each meeting shall be any actions related to the clean-up and restoration of Point Molate. Subsequently all other Point Molate-related issues may be addressed.
- The meetings will be conducted by the chair or vice-chair under Rosenberg's Rules of Order. Items for discussions must be agendized in advance and any member may agendize any Pt. Molate-related item. The chair and vice-chair will prepare the agenda and make it public one week before each regularly scheduled meeting. For the purpose of conducting the business of the Committee, a quorum of fifty percent plus one (50% + 1) of the appointed membership of the Committee shall be necessary. A majority vote of the Committee members present shall be necessary to make decisions on behalf of the Committee.
- Minutes, including the names of attendees, shall be kept for each meeting by the designated staff, and disseminated to all Committee members. Minutes shall be made available for public review on the City's web site and elsewhere.
- The Committee shall work to accommodate presentations by all current and future developers of Point Molate and facilitate the general public's understanding of projects and encourage the community to comment and provide input to the City Council.

BE IT FURTHER RESOLVED, that the specific powers and duties of the Committee are as follows:

- (1) Serve as the primary conduit for residents to provide input on all Point Molate matters, including but not limited to the Point Molate clean-up, restoration, sustainable development and uses;
- (2) Work with the City Council, staff and other citizen advisory boards and commissions as appropriate to provide advice and input on all Point Molate matters;
- (3) Review proposed Point Molate development budgets with City staff and make Point Molate development expenditure recommendations, in conjunction with staff, to the City Council; all major decision-related documents shall be submitted to the Committee for review and recommendations, when feasible, before being presented to the City Council. Informational items may be submitted to the Committee and the City Council simultaneously.
- (4) Organize, with the help of staff, processes by which residents can provide input into programs and studies undertaken on all matters related to the Point Molate area of Richmond, including but not limited to clean-up, restoration, sustainable development and use of Point Molate; the City Manager shall assign a City department to provide staff support to the Committee.

(5) Interact and cooperate with other governmental jurisdictions on all matters related to the Point Molate area of Richmond, including but not limited to clean-up, restoration, sustainable development and use of Point Molate;

(6) The first task and priority of the Committee shall be to prepare, with the help of staff, a report to the City Council that includes a summary of the state of the clean-up, a complete budget including all revenues and expenses, an updated schedule, and any comments or recommendations about clean-up and restoration. This priority does not prohibit the Committee from addressing other matters related to Point Molate.

(7) Perform other duties as requested by the City Council.

I hereby certify that the foregoing resolution was duly passed, approved and adopted by the City Council of the City of Richmond, California, at a joint meeting of said City Council held on XXX XXX 2011, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

BYLAWS

INTRODUCTION

These by-laws have been adopted by the Point Molate ~~Community~~ Advisory Committee (PMCAC).

Deleted: Citizens

Section 1: Purpose and Duties of the PMCAC

The PMCAC is ~~19-member committee of Richmond residents authorized by City Council Resolution 8-11 adopted January 18, 2011. Its purpose is to advise the City Council as well as city staff, boards and commissions on all Point Molate matters, including but not limited to the appropriate clean-up, restoration, sustainable development and use of Point Molate. Members are appointed by the Mayor with concurrence of at least three members of the City Council.~~

Deleted: citizens body appointed by the Mayor and ratified by the city council created for the purpose of advising city government and staff on matters pertaining to the clean up and development of the city owned former Naval Fuel Depot at Point Molate.

Section 2: Meetings

2.1: Regular Meetings

Regular meetings of the PMCAC will be held in the Multi Purpose room at City hall on the third Monday of every month ~~beginning at 6:30 PM.~~

2.2: Cancellation of Regular Meetings

A future regular meeting can be canceled or rescheduled by a majority present at any meeting if:

~~there is no business scheduled,~~

~~the future meeting falls on a public holiday~~

~~there is other good reason for cancelation.~~

Deleted: If

Deleted: If

Deleted: If

In the event of an emergency, any meeting or session can be canceled by the Chair Person or, if the Chair Person is unavailable, the Vice Chair Person. Any matters which were to be heard at the canceled meeting will be moved to the top of the agenda for the next regular meeting unless set for hearing on another date by the committee.

2.3: Change of Location or Starting Time of Regular Meetings

The location or starting time of a regular meeting may be changed from time to time by providing the new starting time and/or location in the notice and agenda distributed by city staff in advance of the meeting or session in accordance with the governing law. In addition, the location of the meeting may be changed due to an emergency or pre-emption of the regular meeting location by other government business. In such event, the new location of the meeting shall be posted on the door of the regular site of the meeting at least one-half hour before the meeting time.

Deleted: ,

2.4: Special Meetings

Special meetings and hearings of the Committee may be called by the Chairperson or by any ten, members of the Committee and shall be held within the City of Richmond. Written notices of special meetings of the Committee shall be given in accordance with governing law and, in accordance with law, the Committee may not consider any business at the special meeting other than that which appears in the notice.

- Deleted: Board
- Deleted: three (3)
- Deleted: Board
- Deleted: Board
- Deleted: Board

2.5: Committee Retreats and Workshops

At the direction of the Committee, city staff will arrange retreats for the Board at either a special or a regular meeting of the Committee. The purpose of a retreat shall be generally to provide the Committee with education and in-depth orientation on planning, procedures and guidelines. At a retreat, the Committee shall not discuss decisions on specific projects then pending before the Committee or which will come before the Committee in the future.

- Deleted: Board

2.6: Public Nature of Meetings

All meetings of the PMCAC shall be open to the public.

- Deleted: Point Molate Citizens Advisory Committee

2.7: Quorum

A majority of the Committee, - shall constitute a quorum for the conduct of business and if a quorum is present, a majority of votes cast is sufficient to carry any motion that is in order unless otherwise required by law or these by-laws. Committee members who expect to be absent from a regular meeting shall notify the city staff or the Chair Person at the earliest opportunity. City staff shall notify the Chairperson in the event the projected absences will result in a lack of a quorum.

- Comment [H1]: Should follow Rosenberg's rules here.
- Deleted: present
- Deleted: s

2.8: No Quorum

Whenever less than a quorum attends a regular or special meeting of the Committee, the Chairperson (or acting chairperson) shall adjourn the meeting to the next regular meeting unless, following a motion, a majority of those present vote to adjourn the meeting to some other specific time: Other than the foregoing, no business shall be conducted when no quorum is present.

- Deleted: Board

2.9: Agenda

The City staff shall deliver a copy of the agenda for each regular meeting of the Committee to each member and post for the public not later than seventy-two (72) hours prior to such meeting.

- Deleted: Planning Department
- Deleted: Board
- Deleted: -

2.10: Consent Calendar

Prior to consideration of the consent calendar by the Committee, the Chairperson shall ask if any Committee member, staff member or member of the public wishes to remove any item or items from the consent calendar. All requests for removal of an item from the consent calendar for purposes of discussion shall result in the item removed being heard and acted upon in its regular numerical order on the agenda.

After all requests for removal have been honored, any Committee member may move that the remaining consent calendar items be adopted. The Committee's adoption of the consent calendar means that those items have been acted upon by the Committee collectively by a single motion adopting the recommendations contained in the agenda packet. Any requirement for a public hearing shall be deemed satisfied by this process so long as no one has requested to speak on the item prior to the adoption of the consent calendar.

Deleted: Planning Department

2.11: Order of Business

The order of business for regular meetings of the Committee shall be as follows except that, with the consent of a majority of the Board, matters may be taken out of order:

Deleted: Board

- Call to Order
- Roll Call
- Approval of Agenda
- Approval of Minutes
- Consent Calendar
- Held Over items
- g. New Items
- h. Other
- i. Reports of Officers, Committees and Staff
- Brown Act Forum
- Adjournment

2.12: Rules of Order

Rosenberg's Rules of Order shall govern the Committee in all cases. The Chair shall act as the parliamentarian for the Committee and his or her ruling shall be deemed final.

2.13: Manner of Voting and Reporting on Votes

The vote on all questions coming before the Committee shall be by roll call or by vote tabulator and the yeas, nays and abstentions shall be entered upon the minutes of the meeting and set forth in any reports to the City Council on any action taken by the Committee.

2.14: Motion To Continue a Portion of the Agenda

At any time during a regular meeting of the Committee, any Committee member may move to continue a portion of the agenda to the next regular meeting of the Committee or to a special meeting of the Committee, based upon their estimation that the Committee will not have sufficient time in which to

complete the entire agenda at a reasonable hour. Approval by a two-thirds majority of members present shall be necessary to adopt such a motion. The motion shall: 1) Identify the numbers of the agenda items proposed to be heard at the current meeting; 2) specify the numbers of the agenda items to be continued; and 3) propose that public hearings to be continued be opened and then continued to a specific future meeting of the Committee where they will be given priority as "Held Over" items. The purpose of this motion is to benefit members of the public attending or viewing the meeting by providing information, as early as possible in the evening, as to what matters will be continued to a later date

2.15: Adjournment

What is the following sentence intended to say???? The Committee shall adjourn regular or special meeting a forum, reports of officers, committees staff and any other remaining agenda items deemed compelling. Any unfinished items of business appearing on the agenda which have not been acted upon shall be continued to the next regular meeting. Upon adjourning with unfinished items on the agenda, the Chairperson or acting chairperson shall announce to the public the date and place to which said unfinished agenda items are continued. Notwithstanding the above, the Committee may pass a motion to extend any regular or special meeting beyond the posted meeting finish time by majority vote.

SECTION 3: PUBLIC HEARINGS

3.1: Function

The function of a public hearing is to enable the public to present information and opinions which are relevant to the items under consideration by the Committee. Hearings shall be conducted in an orderly and impartial manner which brings out the pertinent viewpoints. In addition, it is the purpose of the public hearing to inform the interested public about the specific details of the proposal under consideration.

3.2: Notice

Hearings conducted by the Committee shall be held at such times and places as shall be fixed by the Committee and shall be called, noticed, conducted and reported as required by law. A hearing before the Board which, for any reason, cannot be completed at the time and place originally noticed, may be continued to a later date and the announcement at the hearing of the time and place to which such hearing is continued shall constitute a sufficient notice to all parties concerned.

Deleted: Board

Deleted: Board

3.3: Time Limits

Time limits shall be announced by the Chairperson before the hearing begins in accordance with law. The Chairperson may request groups to select a representative to present the viewpoint of the group.

Deleted: published

3.4: Public Hearing Procedures

Public hearings before the Committee shall be conducted in accordance with the procedure and rules set forth on each agenda prior to Commencing the first public hearing on the agenda the Chairperson shall – refer the public to the information on public hearings on the agenda. In conducting each hearing, the Committee shall: (a) provide interested or affected individuals or organizations a fair opportunity to be heard; (b) hear comments with a open mind; (c) discuss Committee observations and the facts and opinions presented; (d) ask questions to solicit additional needed information; (e) be guided in reaching a decision by the public interest and the purposes of the proposal; and (f) discourage all comments that are off the record or off the subject.

Deleted:
Deleted: Board
Deleted: Board

3.5: Findings Delete This Section???

In order to put forward specific recommendations to the City of Richmond, the Committee shall base its recommendations upon written findings, Recommendations shall be established by majority vote of the Committee, and shall be based upon evaluation of plans, materials, testimony and information presented including staff reports and statements.

Deleted: establish specific reasons upon which the
Deleted: Board
Deleted: bases
Deleted: decision,
Deleted: shall be made in the consideration of each matter before the Committee
Deleted:
Deleted: Board
Deleted: Findings
Deleted: consensus or, in case of doubt, by an actual
Deleted: Board
Deleted: at the hearing

3.6: Action Upon Matters Heard

The following rules apply:

- a) After a public hearing has been closed, the matter heard may be decided and ruled upon at that time or may be taken under advisement for decision at a subsequent meeting within 60 days
- b) In case of a tie vote, the motion fails.

SECTION 4: MEMBERSHIP

4.1: Appointment

Members shall be appointed by the Mayor with the approval of the City Council for a term of two years and serve without compensation. No member shall serve for more than four consecutive two-year terms.

Deleted: t

4.2: Automatic Resignation

The absence of any member from more than three (3) regularly scheduled meetings in a one year period shall constitute an automatic resignation from the Committee. Nonattendance due to requirements of other City business shall not constitute an absence, nor shall attendance by telephone or other remote communication device or means. Committee members who become automatically resigned may re-apply for Committee membership.

Deleted: c
Deleted: .

4.3: Duties of Committee Members

It is the duty of members to become informed to the best of their ability on each item that comes before the Committee for action, to form an opinion on every question that is brought to and vote and to express this opinion by his or her vote unless the member has a possible conflict of interest or other justifiable basis.

Deleted: Board

4.4: Conflict of Interest

No member of the Committee shall participate in discussion or vote upon any matter with respect to which he or she may have a conflict of interest, as defined by applicable California law. Instead, the member shall excuse himself or herself from the proceedings, stating for the minutes the basis for doing so, and shall leave the room while the matter is being discussed and/or acted upon.

Deleted: c

If a member of the Committee is challenged in regard to a conflict of interest in a particular matter and does not choose to excuse himself/herself from the proceedings, the Chairperson shall ask the Committee's legal counsel for a ruling. If the Committee's legal counsel determines that there appears to be a conflict of interest, the challenged member shall refrain from participating on that particular item in compliance with the conflict of interest provisions of these Procedural Rules. If a member does not comply with this requirement after a ruling by the Committee's legal counsel, the City Council shall be so advised by the City Attorney's Office.

Deleted: c

Deleted: Board's

Deleted: Board's

Deleted: Board's

4.5: Staff Assistance

The committee may call upon city staff for technical or clerical assistance in connection with the committee's performance of its duties. The committee may also request funding for a written report from an expert consultant in matters pertaining to the Committee's work.

Deleted: c

SECTION 5: SUBCOMMITTEES

5.1: Subcommittees

The Chairperson of the Committee may create sub committees, define their powers and duties, and appoint the members and chairs thereof.

Deleted: Board

5.2: Nominating Subcommittee

Comment [H2]: Was this meant to address nomination to both the full Committee and Sub-Committees?

The Nominating Subcommittee shall be comprised of five (5) members of the committee. The Nominating Subcommittee shall formulate a slate of officers for the Committee, which shall be presented to the Committee at least ten (10) days prior to the date of the annual election of officers to be held during the first PMCAC meeting in the month of July.

Deleted: c

5.3: Terms of Subcommittee Members

Subcommittee members shall serve a term of one year on each committee to which they are appointed.

SECTION 6: OFFICERS

6.1: Designation of Officers

The officers of the Committee shall consist of a Chairperson and Vice Chairperson

Deleted: c

6.2: Election of Officers

Officers shall be elected by a majority of a committee quorum present. In the event of more than two candidates for officer positions and no candidate receives a majority of the quorum present, then a runoff vote will be held between the two top vote getters.

6.3: Terms of Officers and Removal of Officers

Officers shall serve a term of one year. Officers may be removed from office with a two thirds vote of the committee (either the committee as a whole or those present) at a regular or special meeting.

Deleted: Officers may not serve more than one consecutive term

6.4: Special Election of Officers

Comment [H3]: How do we want to treat this for sub-committees?

If any vacancy occurs in any office by reason of death, resignation, removal of any officer or other reason, such vacancy shall be promptly filled for the remainder of its term, from the ranks of the Committee by means of a special election conducted by the members of the Committee. At the request of the Chairperson of the Committee, the Nominating Subcommittee shall meet and recommend a candidate to fill the open officer position. In addition, any member of the Committee may nominate any member of the Committee for the vacant office at or prior to the special election.

Deleted:

6.5: Powers and Duties of Officers

- a) Chairperson. The Chairperson shall preside at all meetings of the Committee, shall appoint all subcommittees and subcommittee chairs, and shall have all the powers and duties conferred by law, and shall perform such other duties as may from time to time be prescribed by the Committee.
- b) Vice Chairperson. The Vice Chairperson shall have all of the powers and perform all of the duties of the Chairperson in the case of the Chairperson's absence or inability of the Chairperson to act. The Vice Chairperson shall have all the powers and duties conferred by law, and shall perform such other duties as may from time to time be prescribed by the Committee.
- c) Acting Chairperson. In the absence of the Chairperson and Vice Chairperson, then the members of the Committee present at the meeting shall elect an Acting Chairperson who shall preside over and conduct the meeting if there is a quorum present or who shall set a date for continuing the agenda if there is not a quorum present.

Deleted: Board

Deleted: <#>Committee.¶

Deleted: so

Deleted: Board

6.6: Additional Officers and Personnel

The Committee may from time to time by resolution appoint such additional officers or assistant officers as it may deem necessary or desirable and may define their duties.

Deleted: Board

SECTION 7: AMENDMENTS

Deleted: M

These Bylaws may be adopted, amended or repealed by the affirmative vote of two-thirds of the total members of the Committee at any regular or special meeting, provided that any proposed amendment to be voted on shall be included in the notice of the meeting. Such amendments must be in conformity with the general intent specified in the basic enabling legislation and applicable provisions of state law.

Deleted: Procedural Rules

12A7

Craig Murray

From: William Carson [william.carson@terrphase.com]
Sent: Wednesday, October 12, 2011 4:01 PM
To: joan@vbsi.com
Cc: Craig Murray
Subject: Presentation to Remediation Subcommittee

Joan,

Per our discussion after the abbreviated RWQCB meeting, I can give a more detailed presentation to the PMCAC Remediation subcommittee on the Point Molate overall remediation strategy on the following times:

Afternoon or Evening of October 21, 25, 26, or 28

Afternoon on October 27 (I coach soccer at 5:30 so we would need to wrap by 4:30)

I think a PowerPoint presentation is the best way to go because the information is a little dense and can be conveyed this way in the most time efficient manner. We really should schedule at least an hour to convey information and then maybe a half hour to hour for Q/A.

Go ahead and circulate with the Remediation subcommittee and let me know what works best. Sorry I cannot make this upcoming Monday but I will attend most of the overall meetings.

William Carson, P.E. (C60735), Principal Engineer and President

Terraphase Engineering Inc. 414 13th Street, Suite 400, Oakland, California 94612

william.carson@terrphase.com

510-388-8745

www.terrphase.com

Please consider the environment before printing

This e-mail (including any attachments to it) is intended solely for the use of the individual(s) or entity named above. It may contain confidential or privileged information. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately and delete the original message.

12 B 1

