

CITY OF RICHMOND
Pt. Molate Community Advisory Committee

Monday, November 21, 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 Glendenning

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 committee 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 committee 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 committee.

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** (40 min.)
 - a. Presentation of Community Clean Up Event at Pt Molate during MLK Day of Service, Monday, January 16, 2012 – The Watershed Project (20 min.)
 - b. Discussion of Contractor/Staff Interaction Protocols for PMCAC regarding inquiries to staff and Pt. Molate Contractors – Craig K. Murray (10 min.)
 - c. Presentation of document Repository resources – Joan Garrett (10 min)
8. **Staff Reports** (50 min.)
Following discussion of each item, the Commission may vote to make recommendations to staff or to the City Council.
 - a. Presentation of Placed Based Developments and Bay Area Best Practices of revitalization of former Department of Defense Installations – KLMR (45 min.)
 - b. Presentation of Western Drive/I-580 Interchange Work and Bridge Deck Replacements through 2014 – Bruce Beyaert (5 min.)

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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 – October 17, 2011 minutes
- b. APPROVE - Action-Style minute implementation commencing December, 2011

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 status – 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, December 19, 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 Clerk's web location: <http://ca-richmond2.civicplus.com/index.aspx?NID=2442>

Idea Scrum Submissions: 10/17/11

After dupes removed, total of 17 Ideas Submitted in Scrum

| Submitter | Description | Priority |
|-------------|--|----------|
| M. Sundance | PMCAC website to update and take input from community | V.H. |
| J. Garrett | PMCAC designate to develop document repository | V.H. |
| J. Kortz | Website for Pt. Molate history and future plans | V.H. |
| | | |
| M. Sundance | Develop Flyers, and attend city events to inform public of PMCAC progress | V.H. |
| J. Kortz | Community outreach to all communities in Richmond: public participation in land use, engagement in cleanup and history | V.H. |
| | | |
| B. Bayaert | Determine if \$28.5 Navy grant sufficient to complete cleanup to RWQCB standards (T.O.) incl legal & consulting fees | V.H |
| | | |
| P. Stello | Explore bioremediation options, invite expertise | H |
| | | |
| S. Rosing | Define needs to expedite reopening of Pt. Molate Beach Park | M.H. |
| D. Helvarg | Pt. Molate Beach Bash for Community | M.H. |
| J. Garrett | Move to shorter form action style minutes | M.H. |
| | | |
| S. Clark | Explore w/Wildcare establishment of marine care/rescue hospital | M |
| E. Whitty | Outdoor amphitheatre – designed by students | M |
| E. Martinez | Invite UCB Enviro Design dept. to generate land use ideas | M |
| | | |
| E. Whitty | Env. Campgrounds ontop of UST sites | M.L. |
| C. Smith | Preserve Pt. Molate as Open Space | M.L. |
| J. Garrett | Tom Butt provide historical presentation on Pt. Molate | M.L. |
| J. Hite | SuperYacht Port and helipad for private use | M.L. |

V.H. = Very High. H=High. M.H. = Medium High. M=Medium. M.L. = Medium Low

Land Use Issues

Community Outreach

Web site - repository

Point Molate Visioning

On a scale of 1-5 please rank the following uses for former Point Molate Naval Fuel Depot. You may rank more than one item "1", which represents the highest priority.

Cultural uses which would benefit the community

- Performing Arts /Cultural Center
- Arts Marketplace (e.g., Fort Mason)
- Artist Studios (Including Hobbies & Crafts)
- Museum containing History of Winehaven and Chinese shrimpers, whaling station. etc.
- Entertainment Incubator
- Design Studios, etc.

Educational & Research, including job training as well as high school, junior college & other higher learning institutions

- Education & Research (UC Extension. Contra Costa College. K-12)
- Teaching/Training Center
- Asilomar type conference and retreat center for workshops & seminars

Business Opportunities

- Office Space Development
- Business Incubator

Commercial Development

- Restaurants (on Pier)
- Bed and Breakfast facility
- Hotel (small. first class)
- Hostel (Elder hostel)
- Shops & Boutiques
- 9-hole golf course
- Mega-yacht port and helipad for private use
- Light Industry

Point Molate Visioning

Recreation

- Tourism/Visitor Attractions
- Marina/Fishing Pier
- Convert Red Rock Marina to public use
- Waterfront development like San Francisco Pier 39, e.g. ferries, etc.
- Reopen Point Molate Beach Park
- Boating
- Swimming
- Picnic areas
- Outdoor amphitheater
- Environmental campsites on UST sites

Open Space. Nature and Recreational Uses

- Extend Bay Trail
- Shoreline Trail - Hiking. Biking (ADA assessable)
- Restoration and enhancement of plant and wildlife habitat
- Protect and enhance intertidal marine habitat
- Restore and protect native coastal prairie habitat on hillsides
- Hillside open space for hiking and picnicking
- Nature Interpretive Center
- wildlife rescue & rehabilitation
- Rail service from Marina to Point Molate

Other Uses (Please list & prioritize)

-
-
-
-
-
-
-
-
-

Nov. 18, 2011

The Watershed Project's mission is to inspire Bay Area communities to understand, appreciate and protect our local watersheds

search

WHO WE ARE

WHAT WE DO

LEARN MORE

GET INVOLVED

DONATE

Healthy Watersheds

Living Shoreline

Greening Urban Watersheds

Building a Watershed Movement

Environmental Careers

GET INVOLVED

- Join Our Team
- View Our Programs
- Join an Event
- Donate

UPCOMING EVENTS

- Wildcat creek workday
November 19, 2011
- Greenway workday
December 10, 2011
- Wildcat creek workday
December 17, 2011
- Greenway workday
January 14, 2012

[view all](#)

What We Do

The Watershed Project is committed to inspiring Bay Area communities to understand, appreciate and protect local watersheds.

We are working to **restore and preserve** the unique ecosystems that make up the San Francisco Bay. We bring a watershed perspective to the **urban environment**, promoting green design and supporting natural cycles.

We engage students, teachers and classroom volunteers, in creek beds and on the shoreline, giving them the tools to create and care for **healthy watersheds**. We reach out to support **grassroots watershed organizations** and nurture young people who aspire to **environmental careers** defending precious natural resources.

We all have the power to protect our local watersheds. Exercise your power—join us.

Find out what's happening in your watershed!

Sign up for our eNewsletter, Ebb & Flow.

[sign up today](#)

A WATERSHED MOMENT



When we ask students to think of solutions to the problem of marine debris, there is always a student who suggests a machine or other engineering solution. More and more, however, students are recognizing that small actions are a great way to tackle environmental challenges. They sign our trash pledge with promises like: "I will recycle more" or "I will bring my reusable water bottle to school" or "I will pick up trash while I walk my dog."

*by Juliana Gonzalez,
Healthy Watersheds Program Manager*

*"When you put your hand in a flowing stream, you touch the last that has gone before and the first that is still to come."
Leonardo da Vinci*

WHAT'S IN YOUR WATERSHED?



7.A.1

FACT SHEET

Scofield Avenue & Western Drive Bridge Deck Replacements On Route 580, in the City of Richmond, east of the Richmond-San Rafael Bridge



Status:

Project Design is complete. Project contract documents are being prepared for construction bid advertisement.

Project Location:

In Contra Costa County on Interstate 580 in Richmond at the east approach to the Richmond San Rafael Bridge.

Scope:

Replace concrete bridge decks at Scofield Avenue and Western Drive. Work includes pavement joint replacements and strengthening and painting the steel bridge structure.

Project Schedule:

- Design complete: 6/2/11
- Project contract ready: October 2011
- Funds vote (Calif. Transportation Commission): October 2011
- Construction Advertisement: November 2011
- Begin Construction: Spring 2012
- Complete Construction: Summer/Fall 2014



District 4, Division of
Program/Project Management
Mail Station: 9D
111 Grand Avenue
Oakland, CA 94612
Mail: P.O. Box 23660
Oakland, CA 94623-0660

Cheryl Nevares
Project Manager
Office of Project Management East

510.286.5925
Calnet 8.541.5925
Fax 510.286.5952
cheryl_nevares@dot.ca.gov

Funding:

\$17.57 million is programmed for construction, \$24.2 million total cost. Funding source is the 2010 State Highway Operation and Protection Program (SHOPP).

Issues of Note:

1. Western Drive bridge deck replacement will require closure of the Eastbound 580 on ramp for an extended period of time. Vehicles will be detoured west across the Richmond-San Rafael Bridge and back.
2. Bicycle travel is not possible on the freeway shoulders during construction. A bicycle shuttle service will be in place during construction from points east and west of the construction zone.

California Department of Transportation, District 4
Project Manager: Cheryl Nevares

City of Richmond – POINT MOLATE COMMUNITY ADVISORY COMMITTEE

Multi-Purpose Room
440 CIVIC CENTER PLAZA

PROPOSED MINUTES

MONDAY, October 17, 2011, 6:30 PM

1. CALL TO ORDER

Garrett called the meeting to order at 6:33 p.m.

2. ROLL CALL

Present: Committee Members Beyaert, Clark, Garrett, Gilbert, Glendening (6:41pm), Helvarg, Hite, Kortz, Martinez (7:01pm), Rosing, Smith, C.(6:38pm), Stello, Sundance and Whitty.

Absent: Committee Members Hanna, Smith, N., 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.

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 briefed PMCAC on the idea scrum process and hold over item 8b to November 21 meeting. Whitty then moved to accept the agenda amended as recommended by Chair Garrett. Beyaert seconded. Passed unanimously.

5. ANNOUNCEMENTS THROUGH THE CHAIR

Garrett announced success of the North Shoreline festival, PMCAC recommendation of continuance of the Water Board Tentative Order appeared in front of City Council on October 4 and announced that this motion was passed by City Council with the request to have a Study Session in future on the state of clean-up and items associated with the Water Board Order, Chair Garrett attended the October 12 Water Board Meeting in behalf of the PMCAC and there was not a quorum present to take action on adoption of the Pt Molate Tentative Order and announced that the TO was put over to their November meeting unless they elect to have a Special Meeting.

6. OPEN FORUM

One speaker for Open Forum. Speaker Don Gosney, Richmond resident, asked about rules enforced on members that miss meetings. Garrett responded that it is three regular meetings with no member meeting that yet and the By Laws Committee can establish rules via the By Laws.

7. REPORTS

A. Idea Scrum

Garrett called for members to verbally tell their items, written ideas will be collected and shared, and scrum items presented will be prioritized. Sundance stated two ideas: public information tables and website for PMCAC to communicate with public on ideas. Gilbert indicated she liked a Wildcare concept. Charles Smith indicated that he liked a low impact Open Space preserve and also liked PMCAC table at public events. Garrett indicated she would like an Information Repository on a website and a PMCAC information liaison and to go to Action-style minutes but still have recordings for full transcript and Tom Butt to present a history presentation. Beyaert presented question of Navy's funding adequate for clean-up. Stello wants experts on Bio-Remediation for development considerations and experts on citizen participation. Whitty stated two ideas on land use with one for camping on underground storage tanks and an outdoor theater. Clark indicated that his ideas were covered by and Kortz indicated hers were also covered. Glendening brought up Marin Wildlife Center Wildcare. Clark indicated that Wildcare is looking for a state-of-the-art animal care hospital. Helvarg

indicated a Pt Molate Beach Bash for community. Rosing supported other ideas and also public safety and road concerns and beautification and maintenance. Hite likes Wildcare and his idea is an Angel like Gates Foundation to return area back to nature. Martinez indicated that he had nothing more to add. Garrett indicated to Hite that Mega-yacht surveying has taken place in Richmond including Pt Molate and this could be a future presentation. Garrett indicated that funding for remediation, Action Minutes, Tom Butt Presentation are priorities for consideration. Beyaert indicated google Pt Molate to access information placed on the Point Richmond site. Garrett continued with community outreach and the land use items as early stage items for review. Garrett indicated that Community Outreach, Information Repository and Land Use are top three. Beyaert cautioned on Land Use discussions until City has completed issues with Upstream. Smith indicated that group indicated that Housing is inappropriate and this is message sent to Planning Commission to include in General Plan. Glendening wants to keep land use as priority for review especially with ideas to present to a Master Developer. Rosing indicated that Clean Up Restoration sub-committee to work. Stello talked about community-based developer versus a Master Developer and those willing to work with community. Martinez stated that we should discuss land use so everyone can discuss a better plan. Beyaert indicated that he will send out a Blue Ribbon Committee Plan discussing various alternatives. Garrett indicated that the Community element piece is really important and it is what sidetracked the Casino proposal. Garrett indicated an order could be: Information with a website, community outreach but needs to be fleshed out especially to large sections of Richmond that have felt it has never been represented. Question if City can go out and negotiate with others for Pt Molate. Mayor responded that City is determining its rights via Upstream proposal and legal process will determine a more accurate way. Beyaert cautioned severe lack of infrastructure will not make it easy for attracting and may not want to do it piece-meal. C. Smith reminded PMCAC is an advisory committee and link between community and City Council and community needs to be brought out to see Pt Molate to understand such as walks, history tours and barbecues. Sundance indicated that she didn't attend RAB workshops & what US Navy did with public. Beyaert indicated that it was open to public but very technical items. Whitty indicated only time was with Bureau on what to do with land and EIR and there were Miller and Butt walks with maximum of 100 people. Stello asked if RAB consulted with BioRemediation. Beyaert and Whitty said yes and US Navy used TetraTech. Beyaert indicated that Navy used great technical consultants for over 14 years that was different than the PMCAC. Stello indicated that she has spoken with LBNL experts and there are BioRemediation applications that can be used at Pt Molate. Rosing commented on Infrastructure and if Pt Molate was to be kept Sustainable then it would be limited and may not be healthy and such most would agree that road would need to be widened but objects to heavy infrastructure out there. Hite referenced Slide Ranch with limited infrastructure for water and sanitation. Garrett summarized what is important for Committee and what to look at right away. C. Smith questioned if need community rather than communications on form. Garrett called out for show of hands varying topics: US Navy CleanUp information (high), Action minutes (high-moderate), Tom Butt Presentation (medium-low), mega-yacht facility-finding an Angel (high), community outreach (high), website (high) Garrett called for liaison w/Murray and Mayor's Office. Stello volunteered. Helvarg cautioned for community-based integrated real-time information. Sundance indicated hard time converting PDF and questioned if outside-City website would work. Garrett asked Sundance to work with Stello to gather requirements for City or outside based website and if it could be added on existing Pt San Pablo website. Stello thought on Social networking to go with interns and non-profit. Rosing indicated look to region and outside people to draw. Garrett back to topic on Early Land Use (high) and Garrett recognized Glendening for re-do if immediate need and re-vote showed Early Land Use (medium). Garrett concluded session and asked Committee to keep form for future work. No public speakers.

8. PRESENTATIONS, DISCUSSIONS & ACTION ITEMS

A. Presentation of Pt Molate Non-Gaming Alternative

Beyaert summarized Upstream's July 29 letter to the City regarding the non-gaming alternative. A map of three parcels was shown with City retaining the historic and off shore parcels. IR Site 3 would become the City's property. Parcel B across from Pt Molate beach proposal residential property. Parcel A residential development discussed and there are some seasonal wetlands on the Westside to use as mitigation site. Parcel B proposal includes Renewable energy park is also proposed with open space and recreation areas to be determined with City. Upstream provided proposals to City to use the \$15M funds for various non-gaming proposals. General discussion regarding LDA payments and commitments and the timeframe for acquisition of parcels. Sundance questioned if it could be a National Park and receive funds. Beyaert said yes and it could be Federal, State or local park and provided scenario with East Bay Regional Park but it does not have the resources.

B. Quarterly Budget Review

Garrett announced that the item is held over.

9. CONSENT CALENDAR

Minutes of August 15, September 19, and September 26, 2011 were presented by Garrett. Moved by Beyaert, seconded by Helvarg. Passed unanimously.

10. FUTURE AGENDA ITEMS

Garrett indicated a hold over on financial review and hopefully an answer on the \$28.5 M and, if can get information good couple of weeks before to Craig such as Website then that can be included. Clark offered Pt San Pablo Yacht Harbor invitation to meet there. Garrett indicated that Committee could meet at Community Centers.

11. CITY COUNCIL LIAISON REPORTS

Report by Mayor McLaughlin stated that Marilyn is not here and reported on recent issues for Pt Molate include the City Council request to Water Board to hold a 60 day continuance on the Tentative Order and staff is continuing to pursue Water Board staff to come to a study session that is likely in October but if agree to a continuance then it will be 4th Tuesday of October or November and that will include Terraphase and PMCAC. Mayor indicated that there are a couple seats available and the application is in the packet and applications should be submitted to City Clerk office and then an interview by Mayor office. Recommendations could be suggested to Garrett or to Mayor's Office. Mayor indicated that some applications are in and they are reviewing but positions are open to everyone. Garrett inquired if 4th Tuesday in November and Mayor said that date would be more likely. Beyaert questioned if Website that positions are available on website. Mayor indicated that if there are any specific suggestions then they should be forwarded directly to Mayor's Office than through Murray.

12. CHAIR AND SUB-COMMITTEE REPORTS

- a. By-Laws: Garrett reviewed revised draft in board packet and asked Helvarg to walk Committee through. Garrett indicated that changes and approval would need to be a subsequent meeting. Beyaert indicated thought draft close to being just right with Board to Committee word change and section supplied by Whitty from DRB on adjournment to supplant words in draft and delete 3.5 findings. Beyaert indicated that more for DRB and written findings used in those formal processes and requires a lot of up front time not appropriate to this committee. Helvarg received new language. Garrett questioned about nominating committee language and if it was also to nominate sub-committee or just officers of PMCAC. Beyaert indicated that prior section shows Chair is in charge of SubCommittees.

Whitty 4.2 on auto resignation for more than 3 regularly scheduled or special meetings. Whitty said delete special meetings. C.Smith on 6.3 Terms and removal of Officers to serve term of one year and thought it is not appropriate if can't be voted in to reserve since limit is four terms and believes language should be removed. Helvarg indicated that can revoke on Officer. Hite on 4.2 auto resignation absence because of other city business. Hite feels not to delete. Garrett indicated that this is second reading of By-laws. Beyaert inquired if want telephone call-ins and felt it is not very effective and therefore delete exception to participate by telephone or remote electronic device. No opposition and item deleted. Garrett indicated that this goes back to By Laws Committee to final and then called for public comment. Don Gosney referenced 5 things in Resolution that allows authority to change and other items can't change and referred to items such as stated opening sentence that by laws adopted, 2.5 retreats to discuss items, 2.7 conflict with Rosenberg Rules, 3.3 Time limits for speakers and who makes that decisions – need to define, 5.2 Nominating SubCommittee. Cliques and why can't members nominate. Beyaert indicated good comments. Helvarg commented to drop 5.2 and Committee agreed. Garrett indicated that time limit is noted on Agenda. Beyaert indicated that Chair would still have discretion if there were many speakers. Garrett would like clarification. Mayor indicated process with City Council and variations for Public Hearing. Beyaert indicate to broaden 3.3 to include other area Open Forum, Public Hearings and Agenda Items. Discussion not to include Public Hearings because doubt that PMCAC will do Public Hearings. Mayor confirmed this since Public Hearings are only for City Council or Planning Commission. Beyaert stated put blank for date that By Laws are actually adopted for the opening statement questioned by Gosney. Glendening inquired if Special Meeting such as field trip should be included as a meeting to count. Helvarg stated if failed to attend three consecutive meetings. Garrett inquired if resolution and rules that can be adopted by PMCAC. Garrett recommend to delete section 2.5 on retreats. Mayor stated that if Scott Dickey of City Attorney Office states that the original PMCAC-formation resolution supercedes any modified By Laws on attendance then Mayor could bring a modified Resolution on PMCAC back to Council to obtain clarity that it is three consecutive meetings relative to attendance and that special meetings haven't been talked about.

- b. Clean Up and Restoration: Glendening reported SubCommittee met on 9/27 and Agenda was to select another Vice Chair because Beyaert has stepped down. Pier with fuel pipes and degraded lead based paint not addressed in TO and think needs to be highlighted. Committee thought to bring BioRemediation to table for review and Stello looking for BioRemediation expert to speak to PMCAC. Stello stated put out word and no one yet. Committee reviewing clean-up orders back to 1987 and almost done and should be able to email prior to next meeting. Committee hope to have relevant City staff, Water Board staff and Terraphase at Oct.25 to have room to present. Murray reported that Richmond Room 6:30 to 9:00pm is available. Discussion is that it is City Council night. Whitty stated can't presentation be to whole PMCAC and Garrett indicated that SubCommittee rather than whole PMCAC could review. Clark indicated that all should hear information with critical detail. Garrett indicated that it is difficult to get down into details in lengthy session as a regular meeting and more appropriate for SubCommittee time and review.
- c. Finance: No report.
- d. Legal: No report.

13. **Adjournment**

Whitty moved to adjourn meeting at 8:39pm. Beyaert seconded. Passed unanimously.

14. **SCHEDULED MEETINGS**

Committee Meeting –

Monday, November 21, 2011, 6:30 p.m., Multi-Purpose Room, 440 Civic Center Plaza.

Minutes respectfully submitted by:

Craig K. Murray, PMCAC Staff Liaison

REQUEST FOR LEGAL OPINION

Print Document - Add Attachments - Deliver to City Attorney's Office

Date: 11/03/2011

CITY OF RICHMOND

RECEIVED

NOV 09 2011

RCRA

Department: Redevelopment Initiated by: Craig K. Murray *CKM*

Phone: 307-8140

Subject: Review/Comment on Final Draft of PMCAC By-Laws
Contract No. /Amendment No.

Resolution: Ordinance: Contract: RFP/Q: Opinion: Review:

Please indicate the nature of your request and the purpose of the contract or document to be reviewed:

PMCAC Final Draft of By-Laws enclosed. Please review/advise.

Plan is to place final Draft By-Laws on PMCAC 11/21 Consent Calendar. Please provide opinion if this is correct.

(Items must have completed the review process BEFORE placement on the Agenda)

Deadline for opinion? 11/09/2011 Meeting Agenda (choose one): City Agency Authority
Date: _____

List Attachments:

Final Draft Pt Molate Community Advisory Committee (PMCAC) ByLaws.

RESPONSE BY CITY ATTORNEY'S OFFICE

APPROVED SUBJECT TO CHANGES SHOWN REPLY ATTACHED OTHER

Please See Attached revisions and comments.

Please forward revised bylaws for further review

1st Review Date: _____
3rd Review Date: _____

2nd Review Date: _____

APPROVED AS TO FORM

Attorney's Signature: *[Signature]* Date: 11/9/11

rev. 3-07

12.A.1

BYLAWS

INTRODUCTION

These by-laws were adopted by the Point Molate Community Advisory Committee (PMCAC) on MONTH /DAY/ YEAR

Section 1: Purpose and Duties of the PMCAC

The PMCAC is a 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. Committee members are appointed by the Mayor with the concurrence of at least three members of the City Council.

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.

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.

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.

2.5: Public Nature of Meetings

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

2.6: Quorum

total number of sitting committee members
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 adopted parliamentary rules.* 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.

2.7: 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.

2.8: Agenda

in the same place and in the same manner as city council meeting 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. *STET*

2.9: Consent Calendar

Does PMCAC have consent items?
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.

most Boards move matters taken off consent to the end of the Agenda.
12.A.3

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.

2.10: 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:

- Call to Order
- Roll Call
- Approval of Agenda
- Approval of Minutes
- Consent Calendar
- Held Over items
- New Items
- Other
- Reports of Officers, Committees and Staff
- ~~Brown Act Forum~~ *General Public Comment* ✓
- Adjournment

2.11: 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, *except as otherwise provided in these bylaws. #* unless ~~overruled~~ *overruled by a majority of the members present.* ✓

2.12: 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.

2.13: 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

Announced by affirming to same time

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

2.14: Adjournment

The Committee shall adjourn any regular or special meeting at the posted time, this following reports of officers and committee staff and any other 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 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 Committee that, 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.

3.3: Time Limits

*PMCAL
May hear
but
does not
have
the
authority
to hold
public
hearings
or
make
decisions.*

Time limits shall be three minutes for public items, hearings and open forums 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 and may adjust the time limit downward if there are a large number of people wishing to speak in order to assure the greatest number of speakers are heard by the committee.

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.

3.5: 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.

Consensus of at least three members ✓

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.

12 months ✓

Nonattendance due ✓

Handwritten note: needs to be - / Reso. 8-11

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.

4.4: Conflict of Interest

No member of the Committee shall participate in a 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.

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.

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.

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.

5.2: 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

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.

noticed

Do you want Term limits?

6.4: Special Election of Officers

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.

the office

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.

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.

SECTION 7: AMENDMENTS

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.

