CITY OF RICHMOND

Pt. Molate Community Advisory Committee

Monday, November 18, 2013 6:30 PM

Multi-Purpose Room, 440 Civic Center Plaza

Members:

Vacant
Chair

Paul Carman
Vice-Chair

Joan Garrett

Dorothy Gilbert

Jim Hite

Jeanne Kortz

Eduardo Martinez

Joseph Puleo

Charles T. Smith

Pam Stello

Glenn Stephenson

Mary H. Sundance

AGENDA

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** (5 min.)
   a. Resignation of PMCAC Chair, Committee Member

6. **Open Forum** (3 minutes per person limit)

7. **Presentations, Discussion & Action Items** (70 min.)

   a. Presentation of IR Site 3 Technology Alternatives – Terraphase Bill Carson (10 min.), (10 min.) Q&A
   b. Discussion of November 1, 2013 Finance Committee Item – NCE Contract – Joan Garrett (5 min.), (5 min.) Q&A
   c. Discussion of 2014 PMCAC Meeting Dates – Craig K. Murray (5 min.), (10 min.) Q &A
   d. Review and discussion of PEL technology as remediation alternative for IR Site 3 – Paul Carman (5 min.), (10 min.) Q&A
   e. Discussion of Item L-1 on November 19, 2013 City Council Meeting regarding a request for a shooting range at Point Molate Building 87 – Joan Garrett (5 min.), (5 min.) Q&A

8. **Staff Reports** (45 min.)
Following discussion of each item, the Committee may vote to make recommendations to staff or to the City Council.

   Project Manager's Staff Report (15 min.) - including
   a. Report on new US Navy Escrow Fund Agent - (5 min.).
   b. Review of fund balances for Pt. Molate General Fund budget and Navy Escrow Account – (5 min.)
   c. Report on Facility Survey with City of Richmond Caretaker – (5 min.)
   d. Inquiry of Use of Goats for Vegetation Management – (5 min.)
   e. Information from David Rosenberg, Esq. Presentation on Rosenberg Rules (5 min.)
   f. PMCAC Establishment Resolution No. 8-11 Review – (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 – PMCAC meeting minutes of September 16, 2013
b. APPROVE – PMCAC meeting minutes of October 21, 2013

10. Future Agenda Items (5 min.)

11. City Council Liaison Reports (7 min.)

a. Report by Councilmember/Mayor McLaughlin regarding recent issues in Richmond relevant to the Advisory Committee. (5 min.)
b. PMCAC appointment status – TBD (2 min.)

12. Chair and Sub-Committee Reports (22 min.)

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

a. Clean-Up and Restoration (10 min.)
   1. Report on 3Q 2013 QMR Site 1 Landfill (2 min.)
   2. Report on 3Q 2013 QMR USTs (2 min.)
   3. Report on 3Q SMR PGWTP (2 min.)
   4. Report out on October 2013 Monthly Report (4 min.)

b. Community Outreach (5 min.)
   1. Review of previous month's activities and plans for next month
   2. Review of current draft of PMCAC brochure
   3. Review of schedule for Neighborhood Council presentations

c. Grant Development (5 min.)
   - Grant App. Status

d. Pt. Molate Beach (15 min.)
   -

e. Chair (2 min.)
   - Identification of pending schedule conflicts

13. Adjournment of PMCAC regular meeting

14. Assemblage of PMCAC Standing Sub-Committees

Scheduled Meetings

Committee Meeting - Monday, December 16, 2013, 6:30pm

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

Additional correspondence can be directed to PtMolateCAC@gmail.com

Craig Murray

From: Craig Murray
Sent: Friday, November 01, 2013 9:40 AM
To: City Clerk Dept
Cc: [redacted]
Subject: Finance Committee - Nov.1 Item A.2

Chair Beckles requested that this item be continued due to a letter that she received from PMCAC.
May I have a copy of this letter that was delivered to the Finance Committee.

Thanks.

Craig K. Murray, SR/WA
Development Project Manager II
Successor Agency, Engineering Department
450 Civic Center Plaza, 2nd Floor
Richmond, CA 94804-1630
510-307-8091
510-307-8188 direct
510-307-8116 fax

7.B.1

7.B.2

Craig Murray

From: Craig Murray
Sent: Tuesday, November 05, 2013 1:38 PM
To: 'Whitty, Eileen'; 'Joan Garrett'; 'Paul Carman'
Subject: RE: NCE Contract Renewal

PMCAC:

In future, it would be appreciated if any correspondence from individual PMCAC members is forwarded to the Committee President or VP and then to me &/or City Clerk's Office in regards to items relating to FC or CC Meetings. PMCAC may want to remind Committee Members to coordinate communication through its President or Vice President.
PMCAC next meets on 11/18 and Staff has until 11/21 to submit a report to catch the 12/6 FC Mtg.
As I understood PMCAC request and after a lengthly discussion during a PMCAC meeting between Mr. Mike Leacox of NCE and the PMCAC, that after a six month period, there could be a recommendation at that time (apparently based on performance) to in fact go to bid.
Language in the 11/1 FC Staff Report reflected a PMCAC request for 6 months then Bid (at June, 2014). Staff requests NCE contract to extend to Dec.2014.
NCE has been working w/o a Contract since CC acted to reduce their contract to a 6/13 term.

Craig K. Murray, SR/WA
Development Project Manager II
Successor Agency, Engineering Department
450 Civic Center Plaza, 2nd Floor
Richmond, CA 94804-1630
510-307-8091
510-307-8188 direct
510-307-8116 fax

From: Whitty, Eileen [mailto:ewhitty@ebmud.com]
Sent: Tuesday, November 05, 2013 10:22 AM
To: 'Joan Garrett'; 'Paul Carman'
Cc: Craig Murray
Subject: RE: NCE Contract Renewal

Thanks -
The idea was to extend for six months the current NCE contract and then end it (start and end date of the six months were/could not determined in September 2013). Next step would be to issue an RFP for a new contract that NCE and others could bid on. I believe we left the duration of that contract vague.
E

From: Joan Garrett [mailto:joan@vbsi.com]
Sent: Tuesday, November 05, 2013 9:32 AM
To: Whitty, Eileen; 'Paul Carman'
Subject: NCE Contract Renewal

Hi folks -

7.B.3

I contacted Jovanka Beckels and asked her to pull the item from the FC's consent calendar as a renewal for NCE through December 2014 was not what PMCAC had recommended. Craig perhaps misunderstood what PMCAC's recommendations were.....and generated a renewal through December 2014 as a sole source contract.

Thanks!
Joan Garrett
510-235-8210

On November 5, 2013 at 7:34 AM "Whitty, Eileen" <ewhitty@ebmud.com> wrote:

Yes - we wanted NCE to have to bid on a new contract after the short 6 month contract expired. Sorry it wasn't clear in the letter.
E

From: Paul Carman [mailto:paulcarman@comcast.net]
Sent: Monday, November 04, 2013 6:06 PM
To: Joan Garrett; Whitty, Eileen
Subject: Re: NCE Contract Renewal

Yes, upon reading this letter again, it is very unclear, which may be why the FC is asking for our clarification. How do you think we should proceed? If they contact me, I will clarify as you say below.
But I think it was never clear was how and who, and on what criteria the review at the end of December was to happen.It't not clear to me anyway.

Paul

---- Original Message ----
From: Joan Garrett
To: Whitty, Eileen ; Paul Carman
Sent: Monday, November 04, 2013 5:24 PM
Subject: NCE Contract Renewal

Hi folks -
The NCE contract renewal was put before the Finance Committee as a consent calendar item for their meeting last Friday.
The renewal presented in the FC's agenda packet, called for a contract period from July 2013 to December **2014** (this included the 6 month extension from 7/1/13 to 12/31/13) in the amount of $187,500 as a sole source contract. Here is the proposed renewal that was in the FC;s agenda packet: http://sireweb.ci.richmond.ca.us/sirepub/cache/2/31vkeodu5gw1dv2wscd13rjd/387723110420 1305125168.PDF
When PMCAC discussed this item in the August (and July) meetings, IIRC - **and correct me if I'm wrong** - what PMCAC agreed to was
1) providing a 6 month extension from 7/1/13 to 12/31/13
2) amending the services to be delivered
3) encourage NCE to use that 6 month period to improve their performance
4) at the end of the 6 month period, put the contract out to RFP (if NCE performance had not improved) and have a contract provision of a one year term
Subsequently, via motion from PMCAC a letter (the 9/17/13 letter) was sent to City Council/City Mgr outlining the terms of the motion (letter attached).

7.B.4

I can see from reading the second para of the letter that one could have been confused into thinking that the letter recommended renewing NCE through 12/31/14, but what was meant (I believe) was to put the contract out to RFP (and of course NCE could bid on it).
The letter referred to in Craig's email is the 9/17/13 letter.
Thanks!
Joan Garrett
510-235-8210

On November 4, 2013 at 12:35 PM "Whitty, Eileen" <ewhitty@ebmud.com> wrote:

Letter 9.17.13 attached.
Is this the letter of which you speak?
Eileen

From: Craig Murray [mailto:Craig_Murray@ci.richmond.ca.us]
Sent: Monday, November 04, 2013 12:29 PM
To: Paul Carman; Whitty, Eileen
Cc: joan@vbsi.com; Carlos A. Privat
Subject: RE: PEL-enhanced olid recovery

Paul:

Did Councilwoman Beckles Office &/or Mayor's Office contact you?
At the Nov.1, 2013 Finance Committee, the NCE contract was delayed to Dec. apparently due to a PMCAC letter that was received.
I am trying to get a copy of that PMCAC letter delivered prior to the Nov.1, 2013 FC Mtg. (I am copying Eileen too on this request).
Finance Committee Chair Beckles expressed a need for further meeting with the community and Committee Member Rogers wanted to know what exactly is the request from PMCAC.
Did you want to discuss "PEL" Techonology first with PMCAC or have this request for information forwarded to Terraphase to consider and report to PMCAC?
Your request for NCE to perform additional work on review of PEL will need to wait until FC and CC considers and approves NCE Contract/ additional work.
This now may not be until late December, 2013.

Craig K. Murray, SR/WA
Development Project Manager II
Successor Agency, Engineering Department
450 Civic Center Plaza, 2nd Floor
Richmond, CA 94804-1630
510-307-8091
510-307-8188 direct
510-307-8116 fax

From: Paul Carman [mailto:paulcarman@comcast.net]
Sent: Monday, November 04, 2013 10:11 AM
To: Craig Murray
Cc: joan@vbsi.com
Subject: PEL-enhanced olid recovery

Hi Craig,

7.B.5

In concert with the preparation of the FS/RAP. which I believe is already underway, I would like to include on the next agenda, a discussio of a new technology for cleaing fuel contaimimated soil called PEL.
The technology employs magnetized fields to separate the hydrocarbons from the soil. I believe that this technology is being used in conjunction with the processing of those dreaded tarsands.

This method could be perfect for site 3 for the following reasons:
1. The firm employing the PEL method would take away the fuel portion as partial payment for the project since it has commerical value-same as in tarsands, possibly making this scenario the cheapest of all.
2. No air quality permit required because it inovles no emissions.
3. Like thermal disorption, the cleaned soild remains on site so no trucking/disposal costs
3. Terraphase/NEC might not not resist this method because they could remain in control of the excavation/replanement portion of the project while PEL firm handles the cleaning aspect only.

Certainly you could ask NEC to weigh in on this metohd now, and also inform Mr. Lindsay of the this possible option.

I do not know if it is a viable alternative yet, but I believe the City would be remiss to examine it more closely before the FS/RAP is complete.

Thank you,
Paul Carman

7.B.6

Point Molate Community Advisory Committee

September 17, 2013 via eMail

City of Richmond
450 Civic Center Plaza
Richmond, CA 94804

Attn: Mayor Gayle McLaughlin, PMCAC Liaison

Re: Pt. Molate environmental cleanup oversight contract

Dear Madame Mayor and City Council:

REQUEST
At our September 16, 2013 PMCAC meeting, we discussed and voted to recommend the following ten provisions be included in the new Nichols Consulting Engineers (NCE) contract, to be acted upon by the City Council.

If necessary, after a six month period, PMCAC requests that the City circulate a Request for Proposals (RFP) for a subsequent new contract to provide technical and financial oversight of the environmental cleanup at Pt. Molate, in the proposed amount of $125,000, for the period January 1, 2014 through December 31, 2014 (or thereabouts).

BACKGROUND
Nichols Consulting Engineers (NCE) is providing oversight of the environmental cleanup at Pt. Molate. Because the scope of oversight work has changed since the original contract was initiated and background assumptions are outdated, a new contract should be updated by the City.

In order to assist the City's Project Manager in protecting the City's interests in the remediation of the Pt. Molate site and to oversee the successful discharge of the tasks outlined in the original Remediation Agreement and any other imposed site remediation obligations (including those of the Water Board and Early Transfer Cooperative Agreement (ETCA), contractor shall be charged to do the following:

1. **Monitor work progress to ensure regulatory deadlines are met, including review and analysis of the work schedule and budget;**
2. **Review proposed technical documents before they are submitted to the Water Board;**
3. **Review and make recommendations regarding remediation methodologies, cost effectiveness, implementation effectiveness and monitor all remediation progress;**
4. **Review and consult on invoices submitted to the City for remediation, compliance and planning activities, and recommend whether the City's Project Manager should approve a disbursement;**
5. **Communicate with representatives of Terraphase, other consultants and contractors, City staff, and Water Board staff to ensure that the City's obligations are being satisfied and the City's environmental and financial interests are being protected;**
6. **Review financial status, financial control report, state of fund and income with balance percentages spent, accordingly with detailed exhibit on financial control services;**

7. **Provide a monthly status report to the City's Project Manager and to PMCAC describing status of work schedule, funding levels, anticipated outlays, recommendations and progress of project activities, financial control progress, and next steps;**
8. **Assist in any reporting required by the City pursuant to the ETCA;**
9. **Attend, upon request, PMCAC meetings; and**
10. **Attend all City meetings with the Water Board and other meetings requested by the City's Project Manager.**

Please contact me if you have any questions.

Respectfully,

Eileen Whitty

Eileen Whitty
Chair, Point Molate Community Advisory Committee

AGENDA ITEM REQUEST FORM

Department: Engineering Department **Department Head:** Alan Wolken **Phone:** 510-307-8137

Meeting Date: 11/1/2013 **Final Decision Date Deadline:**_____

STATEMENT OF THE ISSUE: The City Council previously directed staff to contract with a qualified consulting firm to assist the City in protecting its interests in the remediation of Pt. Molate, and to provide third party technical and budgetary oversight to provide for the successful discharge of the tasks as obligated under the Early Transfer Cooperative Agreement (2008) with the United States Navy, and any other imposed site remediation obligations. The City Council subsequently approved a contract with Nichols Consulting Engineers to provide these services, and staff is recommending that their services be extended through the end of 2014 by approval of a new contract.

INDICATE APPROPRIATE BODY

- ☐ City Council
- ☐ Redevelopment Agency
- ☐ Housing Authority
- ☐ Surplus Property Authority
- ☐ Joint Powers Financing Authority
- ☒ Finance Standing Committee
- ☐ Public Safety Public Services Standing Committee
- ☐ Rules and Procedures Standing Committee
- ☐ Local Reuse Authority
- ☐ Other_____

ITEM _____

- ☐ **Presentation/Proclamation/Commendation (3-Minute Time Limit)**
- ☐ **Public Hearing**
- ☐ **Ordinance**
- ☐ **Other** _____
- ☒ **Contract/Agreement**
- ☐ **Council As Whole**
- ☐ **Grant Application/Acceptance**
- ☐ **Claims Filed Against City of Richmond**
- ☐ **Resolution**
- ☐ **Video/PowerPoint Presentation** (contact KCRT @ 620.6759)

RECOMMENDED ACTION: **CONSIDER**: recommending approval of a contract with Nichols Consulting Engineers to provide technical and budgetary oversight concerning environmental remediation activities at Point Molate in an amount not to exceed $187,500, funded by the remediation account established by the United States Navy, for a contract term commencing July 1, 2013, and ending December 31, 2014 - Engineering Services Department (Craig Murray 307-8091/Alan Wolken 307-8137).

REVIEWS/APPROVALS DO NOT WRITE IN THIS SPACE

This item has been reviewed and approved by the **FINANCE DIRECTOR, CITY ATTORNEY, and CITY MANAGER.**

AGENDA ITEM NO:

A-2

7.B.10

7.B.11

City of Richmond

Engineering Department

AGENDA REPORT

DATE: November 1, 2013

TO: Members of the Finance Committee

FROM: Craig Murray, Development Project Manager II, Successor Agency, Engineering Department

SUBJECT: Point Molate Environmental Remediation Oversight Consultant Contract

STATEMENT OF THE ISSUE:

The City Council previously directed staff to contract with a qualified consulting firm to assist the City in protecting its interests in the remediation of Pt. Molate, and to provide third party technical and budgetary oversight to provide for the successful discharge of the tasks as obligated under the Early Transfer Cooperative Agreement (2008) with the United States Navy, and any other imposed site remediation obligations. The City Council subsequently approved a contract with Nichols Consulting Engineers to provide these services, and staff is recommending that their services be extended through the end of 2014 by approval of a new contract.

RECOMMENDED ACTION:

CONSIDER: recommending approval of a contract with Nichols Consulting Engineers to provide technical and budgetary oversight concerning environmental remediation activities at Point Molate in an amount not to exceed $187,500, funded by the remediation account established by the United States Navy, for a contract term commencing July 1, 2013, and ending December 31, 2014.

FINANCIAL IMPACT:

The proposed expenditure of $187,500 ($62,500 to cover work rendered from July 1, 2013 through December 31, 2013, and $125,000 to cover work rendered from January 1, 2014 – December 31, 2014) will be funded from the United States Navy initial deposit of $28,500,000, currently being held in an escrow account, pursuant to the Early Transfer Cooperative Agreement (2008) for remediation of Pt. Molate. There is no impact to the General Fund.

7.B.12

DISCUSSION:

In June 2010, the City issued a Request for Proposals (RFP) for environmental remediation oversight consulting services at Pt. Molate. The RFP was posted on the City's BidsOnline System and 235 firms received copies of the proposal. Twenty-one consultant proposals were received and reviewed, six firms were selected for the first round of oral interviews, and three firms were then selected for second and final interviews. City staff from the City Manager's Office, Planning Department, and City Attorney's Office, and Public Works evaluated the firms on the following criteria:

1. Qualifications of firm;
2. Staffing and project organization;
3. Work plan/approach;
4. Cost; and
5. Presentation.

After interviews were conducted, and based on the evaluation criteria above, City staff recommended to the City Council on September 22, 2010, that Richmond-based firm Nichols Consulting Engineers (Nichols) be selected to perform the environmental remediation oversight consulting services.

The original contract (Attachment 3) with Nichols commenced on October 1, 2010 and ended on September 30, 2011. A second contract was approved by the Council, allowing Nichols to continue to provide services through June 30, 2013 (Attachment 4). The sole source justification is attached (Attachment 2). Staff is now recommending approval of a new contract, with a proposed expiration date of December 31, 2014 (Attachment 1), to allow Nichols to continue to perform services through this time period.

In order to assist the City's Project Manager in protecting the City's interests in the remediation of the Pt. Molate site, and to oversee the successful discharge of the tasks outlined in any imposed site remediation obligations (including those of the Water Board and Early Transfer Cooperative Agreement [ETCA]), the scope of work for the contract includes the following tasks:

- Monitor work progress to ensure regulatory deadlines are met, including review and analysis of the work schedule and budget;
- Review proposed technical documents before they are submitted to the Regional Water Control Board (Water Board);
- Communicate with representatives of Terraphase, other consultants and contractors, City staff, and Water Board staff as necessary to ensure that the City's obligations are being satisfied and the City's environmental and financial interests are being protected;
- Attend all City meetings with the Water Board and other meetings requested by the City's Project Manager.
- Attend, upon request, Pt. Molate Citizens Advisory Committee (PMCAC) meetings;

- Review and make recommendations regarding remediation methodologies, cost effectiveness, and implementation effectiveness and monitor all remediation progress;
- Review and consult on invoices submitted to the City for remediation, compliance and planning activities, and recommend whether the City's Project Manager should approve a disbursement from the Navy grant funds;
- Provide a monthly status report to the City's Project Manager and PMCAC, including the status of the work schedules, funding levels, anticipated outlays, recommendations and progress of project activities and next steps;
- Review, analyze and report on remediation-related financial matters, including budget control;
- Assist in any reporting required by City pursuant to the ETCA.

It is anticipated that the Contractor will spend approximately 20 to 40 hours per month for these services. In the event that the Contractor services are required beyond the anticipated levels of effort (20-40 hours/month), Contractor would appraise the City and seek authorization for additional time.

For each billing period, the Contractor will send the City's Project Manager a monthly status report and an invoice including the amount of time worked by each employee, and a brief description of worked performed.

Funding to cover these services will be paid directly from the escrow account established by the Navy's initial deposit of $28.5 million to fund remediation-related activities pursuant to the Early Transfer Cooperative Agreement. The City's Project Manager will review and approve invoices prior to submission to the escrow account holder for payment.

It should be noted that the Point Molate Citizens' Advisory Committee (PMCAC) is recommending that the new contract with Nichols Consulting Engineers only extend to June 30, 2014, rather than December 31, 2014. PMCAC is recommending that staff re-bid the contract for technical oversight to coincide with this earlier expiration date. Staff believes, however, that Nichols is performing well under the current contract, and that it is important to have continuity in engineering and technical oversight throughout the entire remainder of the process to finalize bid documents, analyze bids, and begin work on the soils remediation project. Staff does not believe that it is in the City's best interest to potentially change well-performing technical staff in the middle of this complex remediation project.

DOCUMENTS ATTACHED:

Attachment 1 – Proposed Nichols Contract through December 31, 2014
Attachment 2 – Nichols Consulting Sole Source Documentation
Attachment 3 – Nichols Contract through September 30, 2011
Attachment 4 – Nichols Contract through June 30, 2013

7.B.15

Craig Murray

From: Soco Perez
Sent: Friday, November 15, 2013 3:16 PM
To: Craig Murray
Subject: RE: 440 CCP - Multi-Purpose Room Reservations 2014 - PMCAC Mtgs.

Hi Craig,

Per our conversation, here are the dates booked according to availability of the Multi-Purpose Room for the PMCAC Meetings.

Thank you,

Soco Pérez

CITY OF RICHMOND | City Manager's Office
450 Civic Center Plaza, Suite 300 | Richmond, CA 94804
Tel: 510-620-5458 | Fax: 510-620-6542 | soco_perez@ci.richmond.ca.us |
www.ci.richmond.ca.us

From: Craig Murray
Sent: Thursday, November 14, 2013 3:24 PM
To: Soco Perez
Subject: 440 CCP - Multi-Purpose Room Reservations 2014 - PMCAC Mtgs.

Soco:

PMCAC meets regularly on the 3rd Monday of each month in the Multi-Purpose Room.
Based on last year's decision by PMCAC, the Jan. and Feb. mtgs. Were held 1 week earlier due to the 3rd Mondays being a holiday.
Please confirm the Multi-Purpose Room for 2014 for the following meeting dates and appropriate afternoon set-up time:

All dates are for Mondays:
1/13 – NOT AVAILABLE – Booked January 27th.
2/10 – NOT AVAILABLE – Booked February 24th.
3/17 – Already booked
4/21 - Already booked
5/19 – Already booked
6/16– Already booked
7/21– Already booked
8/18– Already booked
9/15– Already booked
10/20– Already booked
11/17– Already booked
12/15– Already booked

Thanks.
Craig K. Murray, SR/WA

7.C.1

Development Project Manager II
Successor Agency, Engineering Department
450 Civic Center Plaza, 2nd Floor
Richmond, CA 94804-1630
510-307-8091
510-307-8188 direct
510-307-8116 fax

Jeanblanc International, Inc.

RECEIVED

NOV 1 5 2013

CITY OF RICHMOND
ENGINEERING SERVICES DEPT

November 15, 2013

Bill Lindsay, City Manager
Craig Murray, Point Molate Project Manager

Subject: Expression of Interest in Using PEL℠ on the Point Molate Clean-Up Project

Dear Sirs;

This letter is to express our interest in using our proprietary PEL℠ Liquid Magnet℠ technology for you contamination clean-up project at Point Molate. We believe we have the most environmentally friendly approach to the clean-up as well as being very cost competitive due to the ability to do the clean-up on site. We understand that you can provide us with the material to be cleaned and then we can on-site clean it and allow others to disburse the material for the project after cleaning. This method lowers the shipping and handling costs of the material both to be cleaned and after it is cleaned. Most of all when the cleaned material is tested by the appropriate government authorities it is approved as clean and the on-going liability of the polluted soil is resolved permanently.

This letter is a preliminary expression of interest. We would like to receive the complete information package to more fully evaluate the opportunity and project details. However, we feel this can be a good solution for your clean-up and most importantly without putting the pollution into the air. We believe our solution is best environmental solution and cost effective when considered along with your thoughts of some arrangement to lower the overall project costs by agreed reduction after the project is complete. The contract arrangements can include a sharing of the value -added by our Liquid Magnet℠ which allows recovery of the refined product (and resold) removed as a pollutant and converted back to a value product again.

Regards,

James K. Jeanblanc

CC: Gayle Mclaughlin, Mayor
Paul Carmen, Committee Chairman

Office:
6686 S. Derinda Road
Elizabeth, IL USA 61028
Phone: (815) 598-3400

Laboratory & Fabrication:
1403 32nd Street
(Former Army Depot)
Savanna, IL (USA) 61074

Email:
jjeanblanc@jeanblanc.com
Internet Site:
www.jeanblanc.com

7.D.1

7.D.2

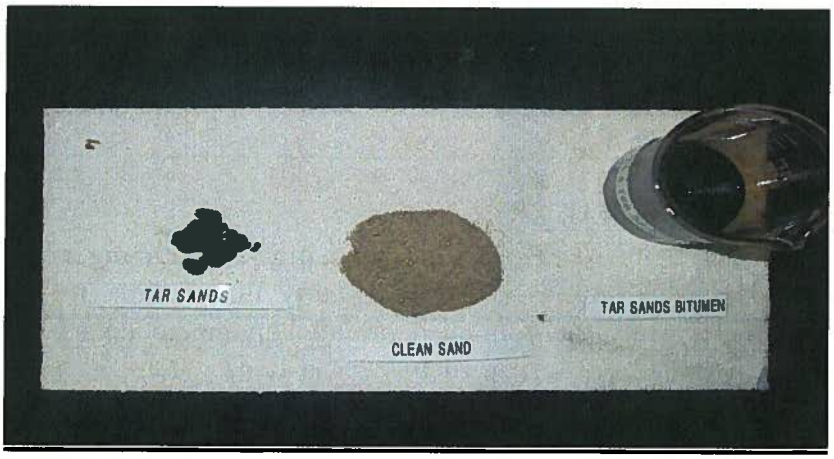
POLARITY ENHANCED LIQUID, or ("PEL℠")

HYBRID ORBITAL BONDS

The Polarity Enhanced Liquid also known as "PEL℠" is one that uses electrochemistry at a new level. PEL℠ utilizes a proprietary process with new molecular science applied to certain catalysts used with a special chemical formulation to create the liquid we call "PEL℠". The combination of the formula and new molecular treatment creates new molecular properties which bond with hydrocarbons many times stronger than other molecular bonds. This bond keeps the hydrocarbon from re-attaching to any other surface yet it can be reversed relatively easy.

It is easily proven, and will be shown in video recorded lab demonstrations that the bond between PEL℠ and the hydrocarbon is much stronger than any surfacial bond of hydrocarbon to any rock formation. The basic success of PEL℠ in encapsulating hydrocarbons is that PEL℠'s ionic charge has an affinity to a special type of bonding which occurs between the carbon atoms and molecules of PEL℠. This combination of PEL℠ and hydrocarbons creates an equilibrium state, (which is easily reversible), using what is known as a "combined orbital" or "hybrid orbital"; that the molecules are held together by shared electrons in the *s or p* orbitals of the carbon atoms.[1] With PEL℠, this creates a stronger bond than the "adhesive force" or an attraction of hydrocarbons stronger than that of the surface tension[2] to the surrounding rock or dirt.

PEL℠ REMOVES BITUMEN FROM CANADIAN TAR SANDS WITHOUT HEAT



The industry standard is to try and lower the surface tension or adhesive force of the oil to the surrounding rock. In short, the industry standard practice is to try to make the rock formation more "slippery" using surfactant and polymer flooding. However, surfactants and polymers merely try to "wash" the oil from the rock formation with neither having the type of bond that is created between PEL℠ and the hydrocarbon. This bonding with PEL℠ will prove the difference in the effectiveness of the PEL℠ flooding and will increase the successful recovering of hydrocarbons. Industry studies of surfactant performance have proven that "non-ionic surfactants have not performed as well for

[1] "The Visual Dictionary of Chemistry – Page 17, by Jack Challoner, DK Publishing, Inc.
[2] "The Visual Dictionary of Physics" – Page 26, by Jack Challoner, Dorling Kindersley Publishing, Inc.

7.D.3

[Enhanced Oil Recovery] EOR as anionic surfactants"[3] Thus polarity plays a large role in the effectiveness of enhanced oil recovery techniques. In fact, studies have shown an almost geometric progression of recoverability based on the solubility ratio of the emulsion to oil in the micro-emulsion phase created with surfactants[4].

We believe PEL℠ has solved the problem of trying to balance surfactant polarity with that of the oil and rock formation through the special chemical bond created and resulting encapsulation of the hydrocarbon. In addition, with PEL℠ there is no problem of viscosity when it comes in contact with down hole saltwater as with use of polymers..

PEL℠ allows the hydrocarbon to move more easily through its rock formation to the well bore to be pumped. PEL℠ solves the problem of down-hole ionic charges by the encapsulation nature of the bonds with hydrocarbons. However, because of the hybrid orbital of the special carbon bonding the PEL℠-hydrocarbon liquid is in equilibrium with the hydrocarbon that is easily broken by small amounts of additional heat. Thus PEL℠ is easily recovered in its original state leaving the hydrocarbon in **its original state also.**

PEL℠'s "special carbon bonding" using a shared electron in hybrid orbital which creates an easily reversible temporary equilibrium state is supported by 1) the fact that PEL℠'s chemical formulation is many times more effective after the proprietary treatment using new electrochemistry science than in its untreated chemical formulation, 2) no other liquids have the same attraction and bond to PEL℠ as have been noted with hydrocarbons, 3) the change in the molecular weight of the combined PEL℠ and hydrocarbons after combination exceed that of water…(combined PEL℠ and hydrocarbon no longer floats on water), even with a more viscous combination than the hydrocarbon alone, and 4) both PEL℠ and the hydrocarbons are recovered in their original state after a slight additional heat.

CHEMICAL/MAGNETIC ATTRACTION

PEL℠ is chemically attracted to hydrocarbons similar to a magnet attracting metals. In a sense through the proprietary electrochemistry process and a proprietary formulation, we have created a "liquid magnet℠" for hydrocarbons using the combined orbital bonding to do so. We know of no other attraction as strong for hydrocarbons as that of PEL℠, yet with a chemical equilibrium that is easily reversible. PEL℠ even tries to pull hydrocarbons from solids such as plastics by melting plastics after exposure to PEL℠ only a few minutes.

ALTERNATIVE METHODS FOR HEAVY OIL RECOVERY

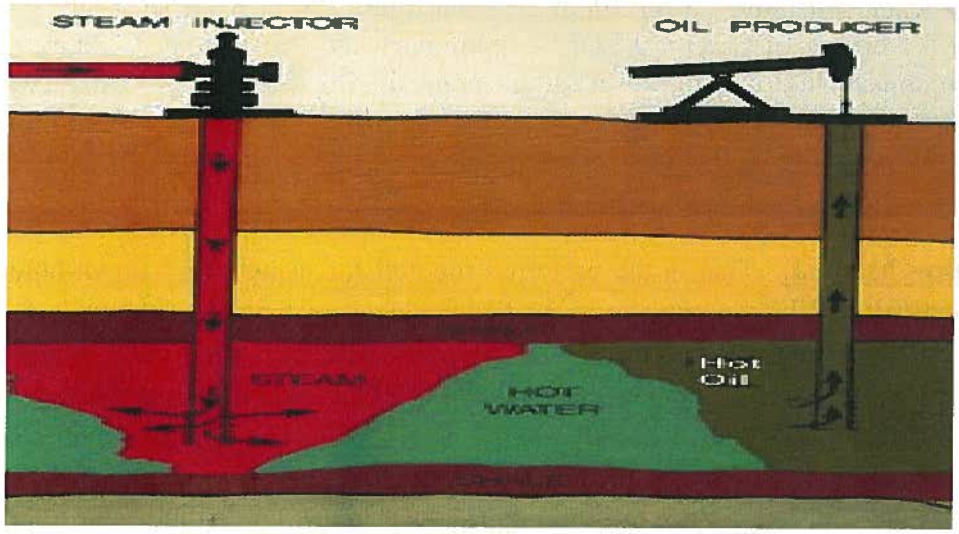
Steam Flooding Steam Flooding: Steam methods are considered "state-of-the-art" for removing oil from tar sands. Although acceptable in many mining tar sands operations, this method has major limitations in down-hole applications. In some situations, "Steam flooding [down-hole] has recovered

[3] "Overview of Chemical EOR" –Page 28- Center for Petroleum and Geosystems Engineering-Univ of Texas
[4] IBID – Graph "Microemulsion Phase Behavior"– Page 41

7.D4

50 to 70 percent of the oil in place [including primary production]."[5] In steam injection… boilers at the surface burn oil to make steam – one barrel for every three barrels produced – and inject it into the well."[6] As distance from the steam source increases heat dissipates. As steam moves within the rock formation or pipeline it turns from steam to hot water limiting the effectiveness of the heating the oil as shown in the following diagram.

SOR- Steam Flooding



- Boilers at the surface burn oil to make steam
- Expensive - **<u>One barrel of oil burned per every three produced</u>**[7]
- With primary production, steam flooding has recovered 50-70% of oil in place[8]

<u>Chemical Flooding:</u> Oil does not sit in pools but instead is trapped in rock formations. This is very important to know. The oil must move from the rock pores. Generally chemical flooding is surfactant flooding and polymer flooding or a combination of the two in conjunction with water flooding.

Standard Industry "Chemical Flooding"

[5] IBID – Page 175
[6] IBID – Page 175
[7] Fundamentals of Petroleum Industry- Pg 175 Robert O. Anderson
[8] Fundamentals of Petroleum Industry- Pg 175 Robert O. Anderson

7.D.5

Surfactants (a variation of soap) are used in water flooding to reduce the interfacial bonds of oil with the rock formations. Many surfactants will reduce the interfacial tension to ultra low values-this is not hard to achieve. The limitations of most surfactants are usually related to high viscosity emulsions or microemulsions and high retention in the formation.

Polymer flooding is the use of special polymers with water flooding. A huge problem with polymers is that higher concentrations of salt in the water create high viscosity of polymer emulsions almost geometrically when salt moves from .01 to .3% see figure 8-6 at page 16 in Overview of Chemical EOR.[9] From "Overview of Chemical EOR"- "Summary and conclusions: …At current oil prices, oil companies can make a high rate of return using chemical EOR methods."[10] **"Until recently, it was not worth the expense to attempt to recover the remaining 40 to 50% of the oil in place using tertiary methods**, [or other secondary oil recovery techniques]. Now it is becoming more worthwhile all the time."[11]

PEL℠ Flooding Method: This is the preferred method for using PEL℠ down-hole in enhanced oil recovery. Generally PEL℠ flooding is using PEL℠ placed in the injection wells followed by water flooding. The PEL℠ breaks the bond of the hydrocarbon with the rock formation and because PEL℠ is non-miscible in water, the hydrocarbon encapsulated in PEL℠ can be pushed through the reservoir rock formation following PEL℠ with water flooding. The vapor point of PEL℠ can also be established through our formulations in relation to the down-hole temperature to enable PEL℠ to move through rock pores as a gas and cycle back to liquid as it encapsulates crude, and then return to gas form to recapture more crude oil. PEL℠ prevents the hydrocarbon from re-attaching to the rock formation while it moves through the formation to the well-bore for pumping, thus allowing significantly more oil to be produced than all other EOR methods which allow the oil to reattach due to surface bonds with the rock formation as it flows through the rock to the well bore.

CONCLUSION

Because of the more effective stripping of the down-hole formation, PEL℠ recovery rates should generally be more than 2-3 times the oil recovered from either water or polymer flooding. We believe PEL℠ is the most cost effective secondary oil recovery method due to its complete stripping ability based on its polarity to oil; and its ability to be recaptured and separated from the crude oil for re-use. Designed to remove hydrocarbons down to non-detectible levels in soil from fuel tank leaks, we know of **no other secondary oil technology that has that type of capability to effectively remove hydrocarbons to non-detectible levels. PEL℠ is effective in "stripping" much more of the crude oil from its reservoir that cannot be recovered by current industry methods.**

[9] Overview of Chemical EOR –Page 16- Center for Petroleum and Geosystems Engineering-Univ of Texas
[10] IBID - Page 131
[11] IBID – Page 175

7.D.6

This is done by using proprietary formulations in conjunction with a revolutionary proprietary electromagnetic approach to prepare a proprietary chemical solution for use down-hole pre-injecting PEL℠ followed with normal water flooding methods. The proprietary process creates **a temporary combined orbital bond with the hydrocarbon.** Although there is much we have learned, the process has yet to be fully developed, the technique however shows great promise for enhanced oil recovery. It is easily proven, and shown in a video recorded lab demonstration that **the bond between PEL℠ and the hydrocarbon is much stronger than any surfacial bond of hydrocarbon to the rock formation** which contains the crude oil. This bond prevents the hydrocarbon from adhering to the rock formation as it moves to the well bore. By the encapsulating nature of PEL℠ with this bond, more crude will be moved from the formation to the well bore for production than any other secondary oil process.

REMEDIATION OF CONTAMINATED SOILS & SANDS

Jeanblanc International, Inc PEL℠ brings a very significant value to any remediation project with our proprietary PEL℠ technology. PEL℠ allows the contamination to be cleaned on-site without burning the hydrocarbon and polluting the air and also minimizes the cost of shipping and handling the contaminated soils and disposing of it afterward. Jeanblanc International, Inc. plans to manufacture PEL℠ at its location at the Former Savanna Army Depot in Illinois on the Mississippi River. Also see: http://www.Jeanblanc.com.

7.D.7

AGENDA ITEM REQUEST FORM

Department: City Council **Department Head:** Vice Mayor Booze' **Phone:** 510-620-6593

Meeting Date: 11/19/2013 **Final Decision Date Deadline:** 11/19/2013

STATEMENT OF THE ISSUE: The Richmond Police Officers Association requested that Vice Mayor Boozé introduce an item to the City Council to consider utilizing the Quonset Hut on Western Drive at Point Molate as a shooting range for the Richmond Police Department.

INDICATE APPROPRIATE BODY

- ☒ City Council
- ☐ Redevelopment Agency
- ☐ Housing Authority
- ☐ Surplus Property Authority
- ☐ Joint Powers Financing Authority
- ☐ Finance Standing Committee
- ☐ Public Safety Public Services Standing Committee
- ☐ Rules and Procedures Standing Committee
- ☐ Local Reuse Authority
- ☐ Other_____

ITEM RICHMOND POLICE SHOOTING RANGE

- ☐ **Presentation/Proclamation/Commendation (3-Minute Time Limit)**
- ☐ **Public Hearing**
- ☐ **Ordinance**
- ☐ **Other** _____
- ☐ **Contract/Agreement**
- ☒ **Council As Whole**
- ☐ **Grant Application/Acceptance**
- ☐ **Claims Filed Against City of Richmond**
- ☐ **Resolution**
- ☐ **Video/PowerPoint Presentation** (contact KCRT @ 620.6759)

RECOMMENDED ACTION: DISCUSS and consider directing staff to research utilizing the Quonset Hut on Western Drive at Point Molate as an indoor shooting range for the Richmond Police Department – Vice Mayor Boozé (620-6593).

REVIEWS/APPROVALS DO NOT WRITE IN THIS SPACE

This item has been reviewed and approved by the **FINANCE DIRECTOR, CITY ATTORNEY, and CITY MANAGER**.

AGENDA ITEM NO:

L-1.

7.E.1

7.E.2

City of Richmond

CITY COUNCIL

AGENDA REPORT

DATE: November 19, 2013

TO: Mayor McLaughlin and Members of the City Council

FROM: Vice Mayor Corky Boozé (620-6593)

SUBJECT: RICHMOND POLICE SHOOTING RANGE

STATEMENT OF THE ISSUE:

The Richmond Police Officers Association requested that Vice Mayor Boozé introduce an item to the City Council to consider utilizing the Quonset Hut on Western Drive at Point Molate as a shooting range for the Richmond Police Department.

RECOMMENDED ACTION:

DISCUSS and consider directing staff to research utilizing the Quonset Hut on Western Drive at Point Molate as an indoor shooting range for the Richmond Police Department (Vice Mayor Boozé 620-6593)

FINANCIAL IMPACT OF RECOMMENDATION:

If the City Council approves this item, staff will provide the financial impact.

DISCUSSION:

It has been suggested that the City of Richmond research the feasibility of utilizing the Quonset Hut on Western Drive as an indoor shooting range for the Richmond Police Department. The Richmond Police Department spends a significant amount of funding for the annual qualification of its officers. Utilizing the Quonset hut may reduce the cost of the annual qualifications and provide a local indoor shooting range for the Richmond Police Department.

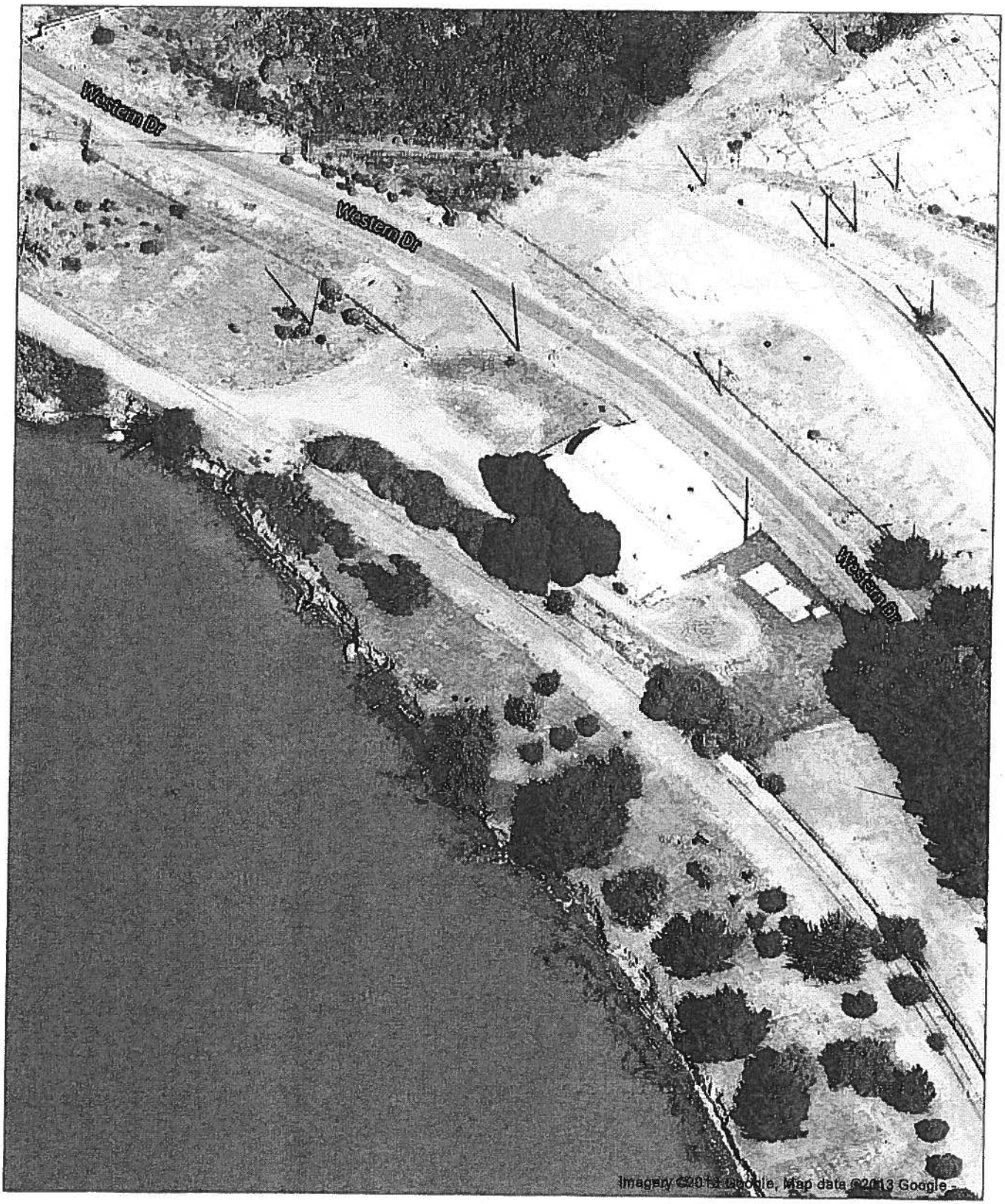
DOCUMENTS ATTACHED:

Attachment 1 – Aerial Screenshot of the Quonset Hut on Western Drive – Google Maps

7.E.4

Google

To see all the details that are visible on the screen, use the "Print" link next to the map.



7.E.5

7.E.6

Pt Molate Report

PMCAC #30 Nov. 18, 2013

Security: No unusual security events to report. I visited site on Friday, Nov.15 and did not check in with Security at Bldg. 123 but met the Caretaker at Bldg. 87 to observe who is occupying this location and what located inside building. DP Security guard while making rounds did check on us as doors were open and we were in building. A large Navy transformer with PCB material was one of the items observed and it has been reported to the City Electric Shop Superintendent. Beach Park continues to be active and new is one of the welcoming areas on the Pt San Pablo Peninsula. DP Security daytime guard asked for a direct phone number to Supervising RPD Officer. This seems to be a reasonable request rather than having the guards call 911, their own Office or Police non-emergency contact number. This request was relayed to our Southern District Commander covering Pt Molate Capt. Mark Gagan.

Parks: Behind Bldg. 123 there are some large trees that have been cut and stored for some time. This may have been debris from winter clearance activities from a prior City Arborist. Chris Chamberlain and Parks crews have visited location and will be determining best way to remove or relocate.
have provided focused dedication to open the Beach Park by this Fall. Discussion on how to use Goats within Pt Molate for vegetation clearance will be one of the topics for PMCAC Mtg. #30. Beach Park SubCommittee will continue to work with All One Ocean from last month's presentation to see how best to engage this information, energy and interest to better Richmond.

Public Works/Caretaker: I continued scheduling some time to visit with the Pt Molate Caretaker. There was some initial review of Bldg. 1 and 6 and some of the roadside shoreline areas. There are some power poles that are in varying conditions and will need some attention soon. I will continue to meet with Caretaker and take space measurements and make notes and add to the locations inventoried. From a prior review, there were some City materials such as the cut trees already discussed and such items as spent light tubes, dilapidated boxes of cleansers and liquid materials that I briefly discussed with the Public Works Director that are now under order to be removed. As a reminder, a goal of this process is that each Department or organizational representative would need to be responsible for their inventory and maintenance of their storage areas.

Committee Member Training and Education: This month's Agenda packet includes a revisiting of the copy of the establishing Resolution from 2011. A Committee Member requested a copy to be included to help PMAC refresh its goals. Additionally, I recently attended a Statewide meeting of the California Association of Local Agency Formation Commission Officials. We were honored with none other than David Rosenberg, Esq. himself to provide a presentation of his skillful work of conducting public meetings and some interesting information that should help all and I wish to share with PMCAC.

Fiscal Agent: This month there are some bills from the State of California enclosed. These invoices are rather amorphic. I have asked for corrections and additional information on those invoices received by the State. There is a concern that many State agencies may be ramping up their invoicing on the locals. At the least, City of Richmond should expect some correct and clear invoices.

ENGINEERING SERVICES DEPARTMENT

November 15, 2013

State Water Resources Control Board
Site Cleanup Program
P.O. Box 1888
Sacramento, CA 94244-2120

Attn: Water Board

Subject: Point Molate Naval Fuel Deport, Richmond, CA Invoice Number: WD-0087357, Index Number: 195040

Dear Water Board:

The City of Richmond has received the subject bill for billing period 7/1/13 to 6/30/13 for "NPDES CAT 1" and "SWAMP". Invoice does not show the names of various staff and hours that have invoiced for these NPDES CAT 1 and SWAMP charges for Packaged Groundwater Treatment during this period. Like many of our other partners working on Pt Molate, the City of Richmond would request additional information for invoicing charged against funds held in Escrow.

Please correct this invoice and forward the following information:

1. Name on invoice Bruce Goodmiller should be changed. I am the point of contact and my name should be placed on the invoice;
2. City requests that a description of the work performed including date, time of work each date, any supporting documentation such as receipts, logs, conversations and reference to any particular component of the work and work performed to clean up the former Naval Fuel Depot be included with an Invoice.

I can be reached at (510) 307-8188 or via email at craig_murray@ci.richmond.ca.us.

Thanks for your understanding and cooperation.

Craig K. Murray
Development Project Manager II

Enclosure
CC: Bruce Goodmiller, City Attorney

450 Civic Center Plaza, 2nd floor Richmond, CA 94804-1630

Telephone: (510) 307-8140 Fax: (510) 307-8116 www.ci.richmond.ca.us

8.A.1

B.A.2

INVOICE

Annual Permit Fees Required by Sections 13260 & 13269 of the California Water Code

FACILITY ID (WDID): 2 071057005
FACILITY NAME: PACKAGED GROUNDWATER TREATMENT WESTERN
RICHMOND, CA 94801

INVOICE NO: WD-0087357
BILLING PERIOD: 07/01/13 - 06/30/14
INVOICE DATE: 10/30/2013
NOV 12 '13 RCVD
INDEX NO: 195040

Total Amount Due by Friday, November 29, 2013 **$ 11,877.00**

CITY OF RICHMOND
ATTN.: MR. BRUCE GOODMILLER
440 CIVIC CENTER
RICHMOND, CA 94804

Invoice details are shown on the back

2013 NOV 12 A 11:00
RECEIVED
CITY ATTORNEY'S OFFICE
CITY OF RICHMOND

STATE WATER RESOURCES CONTROL BOARD
Annual Permit Fee

Facility ID: **2 071057005** RM #: **383555** Billing Period: **07/01/13 - 06/30/14**

Invoice No: **WD-0087357** Amount Due: **$ 11,877.00** Due By: **Friday, November 29, 2013**

PLEASE REMIT YOUR PAYMENT ON OR BEFORE THE DUE DATE SHOWN ABOVE. LATE PAYMENT COULD RESULT IN PENALTIES UNDER PROVISIONS OF THE WATER CODE SECTION 13261. THESE ACTIONS COULD INCLUDE DAILY PENALTIES IN ADDITION TO YOUR FEE OR OTHER ACTIONS DEEMED APPROPRIATE BY THE REGIONAL BOARD.

Make your check payable to State Water Resources Control Board

If you have any questions about this invoice, please call the Water Board at 510-622-2317.

Retain this portion for your records

Please detach and return this portion with your payment

☐ CHECK HERE FOR ADDRESS CORRECTION ON THE BACK

INVOICE NO: WD-0087357

INDEX NO: 195040
(Please print the above number on check or money order)

RM #: 383555

CITY OF RICHMOND
ATTN.: MR. BRUCE GOODMILLER
440 CIVIC CENTER
RICHMOND, CA 94804
(510) 620-6512

AMOUNT DUE: **$11,877.00**
BILLING PERIOD: **07/01/13 - 06/30/14**
DUE BY: **11/29/13**
FACILITY ID (WDID): 2 071057005
FACILITY NAME: PACKAGED GROUNDWATER TREATMENT WESTERN
RICHMOND, CA 94801

SWRCB
PO BOX 1888
SACRAMENTO, CA 95812-1888

8.A.3

STATE WATER RESOURCES CONTROL BOARD

INVOICE DETAILS

FACILITY ID (WDID): 2 071057005
ORDER NO: R2-2012-0012

INVOICE NO: WD-0087357
BILLING PERIOD: 07/01/13 - 06/30/14
REGION: 2

DESCRIPTION	AMOUNT
62 NPDES CAT I	9,816.00
30 SWAMP Fee Basis: Ambient Surcharge	2,061.00
TOTAL AMOUNT DUE	$ 11,877.00

If you have any questions about this invoice, please call the Water Board at 510-622-2317.

For payment status of your invoice, please go to the "Stormwater and Wastewater permit Fee Invoice Information" link at

http://water101.waterboards.ca.gov/dwqdas/feeunit/search/DischargerInvoiceInfo.asp

Please allow 15 business days after mailing for your payment to be posted to the database.

BILLING ADDRESS CORRECTIONS

Please print the new billing address information in the space provided below

☐ Please check box if the facility has changed ownership.

FACILITY ID (WDID): 2 071057005 PACKAGED GROUNDWATER TREATMENT

BILLING NAME:

CONTACT PERSON:

STREET:

CITY:

STATE: **ZIP:** —

PHONE: ( ) —

EMAIL ADDRESS:

8.A.4

NEW!

PAY YOUR INVOICE ONLINE!

You can now pay your invoice online by electronic fund transfer (EFT).
Go to the Fee Branch homepage for more information:
http://www.waterboards.ca.gov/resources/fees/

For questions about this invoice, contact the appropriate
Regional Water Quality Control Board below:

Region	Phone Number
1	(707) 576-2656
2	(510) 622-2317
3	(805) 542-4769
4	(213) 620-2424
5F	(559) 445-5116
5R	(530) 224-4859
5S	(916) 464-4612
6A	(530) 542-5464
6B	(760) 241-7306
7	(760) 776-8941
8	(951) 782-4902
9	(858) 467-2735

8.A.5

8.A.6

ENGINEERING SERVICES DEPARTMENT

November 15, 2013

State Water Resources Control Board
Site Cleanup Program
P.O. Box 944212
Sacramento, CA 94244-2120

Attn: Ms. Ursula Sanchez

Subject: Point Molate Naval Fuel Deport, Richmond, CA Invoice Number: 81306, Account Number: 2020337

Dear Ms.Sanchez:

The City of Richmond has received the subject bill for billing period 1/1/13 to 3/31/13 for "New Charges". Invoice shows the names of various staff and hours that have invoiced for these New Charges during this period. Like many of our other partners working on Pt Molate, the City of Richmond would request additional information for invoicing charged against funds held in Escrow.

Please correct this invoice and forward the following information:

1. Name on invoice Janet Schneider should be changed. Janet was the Administrative Chief for City of Richmond handling Pt Molate and has left. I am the point of contact and my name should be placed on the invoice;
2. City requests that a description of the work performed including date, time of work each date, any supporting documentation such as receipts, logs, conversations and reference to any particular component of the work and work performed to clean up the former Naval Fuel Depot be included with an Invoice.

I can be reached at (510) 307-8188 or via email at craig_murray@ci.richmond.ca.us.

Thanks for your understanding and cooperation.

Craig K. Murray
Development Project Manager II

Enclosure
CC: Bruce Goodmiller, City Attorney

450 Civic Center Plaza, 2nd floor Richmond, CA 94804-1630

Telephone: (510) 307-8140 Fax: (510) 307-8116 www.ci.richmond.ca.us

8.A.7

8.A3

STATE WATER RESOURCES CONTROL BOARD
SITE CLEANUP PROGRAM
INVOICE FOR OVERSIGHT COSTS
FOR THE PERIOD ENDING: 03/31/13

RECEIVED
CITY MANAGER'S OFFICE
CITY OF RICHMOND
13 NOV -4 PM 4:24

RECEIVED
NOV 15 2013
CITY OF RICHMOND
ENGINEERING SERVICES DEPT

Date: 10/30/2013

Account Number: 2020337

Regional Board: San Francisco Bay Region

Invoice Number: 81306

Responsible Party #: 160

CITY OF RICHMOND
ATTEN: Janet Schneider
PO BOX 4046
RICHMOND CA 94804

Site Location:
Point Molate Naval Fuel Depot
Point Molate Naval Fuel Depot
Richmond CA

Payment(s) received as of 10/30/13:	$240,320.18
Balance Forward:	$0.00
***** New Charges - Billing Period 01/01/13-03/31/13:***	$1,952.67
TOTAL AMOUNT DUE:	$1,952.67

** See itemized list of new charges on reverse or subsequent page (s)

The Porter-Cologne Water Quality Control Act (Section 13365) allows the Regional Water Quality Control Board to recover reasonable expenses from the responsible party for overseeing cleanup of illegal discharges, contaminated properties, and other unregulated releases adversely affecting the State's waters. When your site was put in the cost recovery program, you received a letter explaining that the State Water Resources Control Board would bill you for the Regional Board's costs of cleanup oversight.

If you desire a more detailed explanation for labor hours expended by any Regional Board staff member, you should contact Cheryl Prowell (510) 622-2408. If there are disputed charges for activities which you cannot resolve with the program manager, you should discuss them with the Executive Officer of the Regional Board.

For information regarding payments call: Ursula Sanchez at (916) 319-9124 or usanchez@waterboards.ca.gov

PAYMENT IS DUE IN 30 DAYS

PLEASE RETURN CHECK IN ENVELOPE PROVIDED

TO ENSURE PROPER CREDITING OF YOUR ACCOUNT: INCLUDE YOUR RESPONSIBLE PARTY NUMBER, ACCOUNT NUMBER AND INVOICE NUMBER ON YOUR CHECK. IF PAYING MULTIPLE INVOICES, ALL ACCOUNT NUMBERS MUST BE LISTED ON YOUR CHECK. MAKE CHECKS PAYABLE TO: SWRCB

RP #: 160 **Account Number:** 2020337 **Invoice Number:** 81306 **Amount Due:** $1,952.67

SEND PAYMENTS TO: **State Water Resources Control Board**
SCP Program
P.O. Box 944212
Sacramento, CA 94244-2120

8.A.9

REGIONAL BOARD NUMBER: 2

PROGRAM COST ACCOUNT: 2020337

INVOICE NUMBER: 81306

DATE	NAME	CLASS	ACT	HOURS
01/03/13	Leyva, George	EG	RR	1
01/09/13	Elias, David	SEG	IC	1
01/16/13	Elias, David	SEG	IC	1
01/24/13	Elias, David	SEG	IC	1
02/25/13	Leyva, George	EG	RR	2
02/27/13	Leyva, George	EG	ADM	2
03/11/13	Sukardi, Marsha	WRCE	WC	0
03/12/13	Sukardi, Marsha	WRCE	WC	0
03/13/13	Sukardi, Marsha	WRCE	WC	0
03/14/13	Leyva, George	EG	RR	1
03/21/13	Leyva, George	EG	RR	4

TOTAL HOURS:	13
TOTAL LABOR CHARGES	$918.34
TRAVEL EXPENSES:	$0.00
EQUIPMENT:	$0.00
CONTRACT CHARGES:	$0.00
OVERHEAD:	$667.83
STATE BOARD PROGRAM ADMIN CHARGE:	$89.22
REGIONAL BOARD PROGRAM ADMIN CHARGE:	$277.28
TOTAL NEW CHARGES:	$1,952.67

Please be advised that the billing period for this invoice may not reflect all hourly charges due to time con

ACTIVITY CODES AND DESCRIPTIONS (ACT)

RR - Report review (e.g., Work plan, site assessment, remediation and monitoring reports)
SI - Site inspections
TC - Technical consultation (e.g., meetings/telephone conversations with RP or representative)
EO - Preparation of enforcement order
WC - Written correspondence to the RP or representative
IC - Internal RB communication regarding specific sites, memos, meetings, phone calls, etc.
ADM - Administrative billing inquiries/disputes
EST - Preparation of estimation letter
ADJ - Adjustment to previous Invoices
CP - Contract Payment
SC - Staff Counsel - Legal consultation

Pt. Molate FY2013-14 Budget

Department	Account	Item	Vendor	Budget	Actual	Balance
City Attorney's Office	01151014-400206	Legal Services	Morrison Foerster	$ 70,000	$ -	$ 70,000
Public Works	01231031-400218	Security	DP Security	$ 253,331	$ 50,554	$ 202,777
Public Works	01233631-400537	Landscape	D&H Landscaping	$ 99,000	$ 15,000	$ 84,000
				$ 422,331	$ 65,554	$ 356,777

As of September 30, 2013

B.1

B.B.2

Pt. Molate Remediation Budget Report
As of September 5, 2013

Project / Program Name: Pt. Molate Remediation Oversight				
Project Description: Pt. Molate				
		Point Molate		
		Site Remediation		
		Capital Budget		
Sources of Funds:		**Navy Funds**	**Interest**	**Total**
Navy Funds		**$ 28,500,000.00**		
		Expenditures	**Revenues**	**Balance**
Transactions	**Date**	**As of 9/5/2013**	**As of 9/5/2013**	**As of 9/5/2013**
City of Richmond	4/16/2010	$ 630,000.00		$ 27,870,000.00
Alliant Insurance Services, Inc - Insurance Payment	4/20/2010	$ 4,130,000.00		$ 23,740,000.00
First American Fund Control (FAFC) Setup Fee	4/20/2010	$ 1,000.00		$ 23,739,000.00
Upstream Point Molate - Remediation Work	4/30/2010	$ 170,000.00		$ 23,569,000.00
Savings Interest - April 2010	5/10/2010		$ 1,989.85	$ 23,570,989.85
Savings Interest - April 2010	5/12/2010		$ 3,218.95	$ 23,574,208.80
Savings Interest - May 2010	6/11/2010		$ 2,712.51	$ 23,576,921.31
Savings Interest - May 2010	6/11/2010		$ 4,521.30	$ 23,581,442.61
Arcadis US Inc.	7/15/2010	$ 165,343.93		$ 23,416,098.68
Contra Costa County	7/15/2010	$ 1,264.00		$ 23,414,834.68
Savings Interest - June 2010	7/26/2010		$ 493.14	$ 23,415,327.82
Savings Interest - June 2010	7/26/2010		$ 493.14	$ 23,415,820.96
FAFC Bank Charge	7/26/2010	$ 20.00		$ 23,415,800.96
FAFC Bank Charge	7/26/2010	$ 20.00		$ 23,415,780.96
Savings Interest - June 2010	7/26/2010		$ 2,852.41	$ 23,418,633.37
Savings Interest - June 2010	7/26/2010		$ 5,330.73	$ 23,423,964.10
Savings Interest - July 2010	8/11/2010		$ 732.37	$ 23,424,696.47
Savings Interest - July 2010	8/11/2010		$ 732.37	$ 23,425,428.84
Savings Interest - July 2010	8/11/2010		$ 2,409.34	$ 23,427,838.18
Savings Interest - July 2010	8/11/2010		$ 4,830.04	$ 23,432,668.22
FAFC Fee Slip - May - Julu 2010	8/16/2010	$ 900.00		$ 23,431,768.22
City of Richmond - MoFo Reimbursement	8/20/2010	$ 4,016.25		$ 23,427,751.97
Transfer August Maintenance Fee	9/13/2010		$ -	$ 23,427,751.97
FAFC Fee Slip - August 2010	9/13/2010	$ 300.00		$ 23,427,451.97
Savings Interest - August 2010	9/15/2010		$ 773.33	$ 23,428,225.30
Savings Interest - August 2010	9/15/2010		$ 773.33	$ 23,428,998.63
Savings Interest - August 2010	9/15/2010		$ 2,564.97	$ 23,431,563.60
Savings Interest - August 2010	9/15/2010		$ 5,136.59	$ 23,436,700.19
FAFC Fee Slip - September 2010	10/7/2010	$ 300.00		$ 23,436,400.19
City of Richmond - MoFo Reimbursement	10/18/2010	$ 15,503.75		$ 23,420,896.44
Arcadis US Inc.	10/18/2010	$ 121,923.17		$ 23,298,973.27
Contra Costa County	10/18/2010	$ 632.00		$ 23,298,341.27
Savings Interest - September 2010	10/20/2010		$ 725.31	$ 23,299,066.58
Savings Interest - September 2010	10/20/2010		$ 725.31	$ 23,299,791.89
Savings Interest - September 2010	10/20/2010		$ 2,405.12	$ 23,302,197.01
Savings Interest - September 2010	10/20/2010		$ 4,817.12	$ 23,307,014.13
First American Fund Control	11/1/2010	$ 2,704.15		$ 23,304,309.98
FAFC Fee Slip - October 2010	11/8/2010	$ 300.00		$ 23,304,009.98
State Water Resources Control Board	11/10/2010	$ 796.00		$ 23,303,213.98
City of Richmond - MoFo Reimbursement	11/10/2010	$ 9,766.50		$ 23,293,447.48
Savings Interest - October 2010	11/17/2010		$ 696.94	$ 23,294,144.42
Savings Interest - October 2010	11/17/2010		$ 2,322.38	$ 23,296,466.80
Savings Interest - October 2010	11/17/2010		$ 4,647.05	$ 23,301,113.85
Contra Costa County - Refund	11/19/2010	$ -	$ 158.00	$ 23,301,271.85

Pt. Molate Remediation Budget Report
As of September 5, 2013

Transactions	Date	Expenditures As of 9/5/2013	Revenues As of 9/5/2013	Balance As of 9/5/2013
State Water Resources Control Board	12/3/2010	$ 3,553.88		$ 23,297,717.97
Savings Interest - November 2010	12/15/2010		$ 5,110.49	$ 23,302,828.46
Savings Interest - November 2010	12/15/2010		$ 760.49	$ 23,303,588.95
Arcadis US Inc.	1/5/2011	$ 105,245.30		$ 23,198,343.65
RORE, Inc.	1/5/2011	$ 31,581.00		$ 23,166,762.65
Terraphase Engineering, Inc.	1/5/2011	$ 37,142.09		$ 23,129,620.56
Winehaven Partners, LLC	1/5/2011	$ 5,418.11		$ 23,124,202.45
Contra Costa Environmental Health	1/5/2011	$ 474.00		$ 23,123,728.45
City of Richmond - MoFo Reimbursement	1/5/2011	$ 446.25		$ 23,123,282.20
FAFC Fee Slip - November 2010	1/5/2011	$ 300.00		$ 23,122,982.20
Savings Interest - December 2010	1/26/2011		$ 654.76	$ 23,123,636.96
Savings Interest - December 2010	1/26/2011		$ 4,621.71	$ 23,128,258.67
Savings Interest - December 2010	1/26/2011		$ 4,951.46	$ 23,133,210.13
FAFC Fee Slip - December 2010	2/8/2011	$ 300.00		$ 23,132,910.13
FAFC Fee Slip - January 2011	2/8/2011	$ 300.00		$ 23,132,610.13
Terraphase Engineering, Inc.	2/16/2011	$ 63,617.92		$ 23,068,992.21
Winehaven Partners, LLC	2/16/2011	$ 2,753.49		$ 23,066,238.72
Contra Costa Environmental Health	2/16/2011	$ 474.00		$ 23,065,764.72
Savings Interest - January 2011	2/28/2011		$ 567.29	$ 23,066,332.01
Savings Interest - January 2011	2/28/2011		$ 2,056.91	$ 23,068,388.92
Savings Interest - January 2011	2/28/2011		$ 4,918.91	$ 23,073,307.83
Savings Interest - February 2011	3/1/2011		$ 1,795.24	$ 23,075,103.07
Bank Charges - February 2011	3/2/2011	$ 35.00		$ 23,075,068.07
Savings Interest Adjustment - February 2011	3/3/2011		$ 411.38	$ 23,075,479.45
Savings Interest - February 2011	3/3/2011		$ 504.17	$ 23,075,983.62
Savings Interest - June 2010	3/7/2011		$ (493.14)	$ 23,075,490.48
Bank Charge	3/7/2011		$ 20.00	$ 23,075,510.48
Savings Interest - July 2010	3/7/2011		$ (732.37)	$ 23,074,778.11
Savings Interest - August 2010	3/7/2011		$ (773.33)	$ 23,074,004.78
Savings Interest - September 2010	3/7/2011		$ (725.31)	$ 23,073,279.47
Savings Interest	3/7/2011		$ 2,704.15	$ 23,075,983.62
Savings Interest - February 2011	3/28/2011		$ -	$ 23,075,983.62
Savings Interest - February 2011	3/28/2011		$ 4,435.35	$ 23,080,418.97
Bank Charges - February 2010	3/28/2011	$ 35.00		$ 23,080,383.97
Savings Interest - March 2011	4/11/2011		$ 1,150.69	$ 23,081,534.66
Savings Interest - March 2011	4/11/2011		$ 1,150.69	$ 23,082,685.35
Terraphase Engineering, Inc. c/o Bookkeeping	4/18/2011	$ 168,063.37		$ 22,914,621.98
Winehaven Partners, LLC	4/18/2011	$ 2,680.76		$ 22,911,941.22
State Water Resources Control Board	4/18/2011	$ 7,765.81		$ 22,904,175.41
FAFC Fee Slip - Feb. to April 2011	4/18/2011	$ 900.00		$ 22,903,275.41
Bank Charges - March 2011	4/25/2011	$ (35.00)		$ 22,903,310.41
Savings Interest - March 2011	4/25/2011		$ 4,904.82	$ 22,908,215.23
Savings Interest - March 2011	4/25/2011		$ 430.34	$ 22,908,645.57
Savings Interest - March 2011	4/25/2011		$ 82.19	$ 22,908,727.76
FAFC Fee Slip - May 2011	5/6/2011	$ 300.00		$ 22,908,427.76
Savings Interest - April 2011	5/18/2011		$ 4,575.58	$ 22,913,003.34
Savings Interest - April 2011	5/18/2011		$ 1,024.62	$ 22,914,027.96
Savings Interest - April 2011	5/18/2011		$ 1,025.75	$ 22,915,053.71
Savings Interest - April 2011	5/18/2011		$ 415.61	$ 22,915,469.32
Savings Interest - March 2011	5/25/2011		$ 2,058.59	$ 22,917,527.91
Savings Interest - April 2011	5/25/2011		$ 2,180.76	$ 22,919,708.67
Terraphase Engineering, Inc	6/6/2011	$ 78,656.54		$ 22,841,052.13
Winehaven Partners, LLC	6/6/2011	$ 362.75		$ 22,840,689.38
FAFC Fee Slip - June 2011	6/6/2011	$ 300.00		$ 22,840,389.38
Savings Interest - May 2011	6/22/2011		$ 1,710.88	$ 22,842,100.26
Savings Interest - May 2011	6/22/2011		$ 5,027.83	$ 22,847,128.09

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Transactions	Date	Expenditures As of 9/5/2013	Revenues As of 9/5/2013	Balance As of 9/5/2013
Savings Interest - May 2011	6/22/2011		$ 427.76	$ 22,847,555.85
Savings Interest - May 2011	6/22/2011		$ 523.78	$ 22,848,079.63
Savings Interest - May 2011	6/22/2011		$ 1,049.53	$ 22,849,129.16
Savings Interest - May 2011	6/22/2011		$ 1,049.53	$ 22,850,178.69
Difference between staff calculations and FAFC balance	6/30/2011		$ 8.63	$ 22,850,187.32
Terraphase Engineering, Inc. c/o Bookkeeping	7/7/2011	$ 66,639.77		$ 22,783,547.55
Winehaven Partners, LLC	7/7/2011	$ 4,352.37		$ 22,779,195.18
Savings Interest - June 2011	7/18/2011		$ 7,000.65	$ 22,786,195.83
Savings Interest - June 2011	7/18/2011		$ 419.20	$ 22,786,615.03
Savings Interest - June 2011	7/20/2011		$ 2,034.00	$ 22,788,649.03
Terraphase Engineering, Inc. c/o Bookkeeping	7/29/2011	$ 37,573.67		$ 22,751,075.36
Winehaven Partners, LLC	7/29/2011	$ 574.96		$ 22,750,500.40
State Water Resources Control Board	7/29/2011	$ 8,397.38		$ 22,742,103.02
FAFC Fee Slip - July 2011	7/29/2011	$ 300.00		$ 22,741,803.02
Terraphase Engineering, Inc. c/o Bookkeeping	8/23/2011	$ 99,184.28		$ 22,642,618.74
Winehaven Partners, LLC	8/23/2011	$ 221.78		$ 22,642,396.96
Contra Costa Environmental Health	8/23/2011	$ 474.00		$ 22,641,922.96
FAFC Fee Slip - August 2011	8/23/2011	$ 300.00		$ 22,641,622.96
Savings Interest - July 2011	8/24/2011		$ 7,096.07	$ 22,648,719.03
Savings Interest - July 2011	8/24/2011		$ 2,097.56	$ 22,650,816.59
Savings Interest	9/1/2011		$ 8,047.46	$ 22,658,864.05
City of Richmond - MoFo Reimbursement	9/8/2011	$ 3,098.75		$ 22,655,765.30
City of Richmond - Nichols Reimbursement	9/8/2011	$ 9,655.72		$ 22,646,109.58
FAFC Fee Slip - September 2011	9/8/2011	$ 300.00		$ 22,645,809.58
Terraphase Engineering, Inc. c/o Bookkeeping	9/14/2011	$ 109,635.96		$ 22,536,173.62
Winehaven Partners, LLC	9/14/2011	$ 89.96		$ 22,536,083.66
Savings Interest - August 2011	9/19/2011		$ 2,090.17	$ 22,538,173.83
Savings Interest - September 2011	10/12/2011		$ 6,224.06	$ 22,544,397.89
Terraphase Engineering, Inc. c/o Bookkeeping	10/21/2011	$ 51,791.39		$ 22,492,606.50
Winehaven Partners, LLC	10/21/2011	$ 136.55		$ 22,492,469.95
City of Richmond - MoFo Reimbursement	10/21/2011	$ 7,505.00		$ 22,484,964.95
Morrison & Foerster LLP	10/21/2011	$ 3,520.00		$ 22,481,444.95
Nichols Consulting Engineers, CHTD	10/21/2011	$ 6,234.50		$ 22,475,210.45
State Water Resources Control Board	10/21/2011	$ 30,340.20		$ 22,444,870.25
PG&E	10/21/2011	$ 6,626.33		$ 22,438,243.92
Savings Interest - September 2011	10/26/2011		$ 1,997.61	$ 22,440,241.53
Bank Saving Charge	11/1/2011	$ 20.00		$ 22,440,221.53
Savings Interest - October 2011	11/1/2011		$ 1,265.06	$ 22,441,486.59
Terraphase Engineering, Inc. c/o Bookkeeping	11/14/2011	$ 71,065.26		$ 22,370,421.33
Winehaven Partners, LLC	11/14/2011	$ 127.23		$ 22,370,294.10
Contra Costa Environmental Health	11/14/2011	$ 474.00		$ 22,369,820.10
Morrison & Foerster LLP	11/14/2011	$ 1,933.75		$ 22,367,886.35
Savings Interest - October 2011	11/21/2011		$ 2,030.42	$ 22,369,916.77
Terraphase Engineering, Inc. c/o Bookkeeping	12/8/2011	$ 158,309.56		$ 22,211,607.21
Winehaven Partners, LLC	12/8/2011	$ 127.36		$ 22,211,479.85
Morrison & Foerster LLP	12/8/2011	$ 5,305.00		$ 22,206,174.85
Nichols Consulting Engineers, CHTD	12/8/2011	$ 4,845.00		$ 22,201,329.85
State Water Resources Control Board	12/8/2011	$ 36,003.36		$ 22,165,326.49
PG&E	12/8/2011	$ 3,016.85		$ 22,162,309.64
FAFC Fee Slip - November & December 2011	12/8/2011	$ 600.00		$ 22,161,709.64
Savings Interest - November 2011	12/12/2011		$ 1,955.50	$ 22,163,665.14
Terraphase Engineering, Inc.	1/25/2012	$ 110,282.57		$ 22,053,382.57
Winehaven Partners, LLC	1/25/2012	$ 127.42		$ 22,053,255.15
Morrison & Foerster LLP	1/25/2012	$ 297.50		$ 22,052,957.65
State Water Resources Control Board	1/25/2012	$ 11,195.00		$ 22,041,762.65
Contra Costa Health Services	1/25/2012	$ 395.00		$ 22,041,367.65

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Transactions	Date	Expenditures As of 9/5/2013	Revenues As of 9/5/2013	Balance As of 9/5/2013
Savings Interest - Decemberr 2011	1/30/2012		$ 2,005.79	$ 22,043,373.44
Savings Interest - January 2012	2/22/2012		$ 1,997.55	$ 22,045,370.99
FAFC Fee Slip - January & February 2012	2/29/2012	$ 600.00		$ 22,044,770.99
FAFC Fee Slip - March 2012	3/8/2012	$ 300.00		$ 22,044,470.99
FAFC Fee Slip - October 2011	3/8/2012	$ 300.00		$ 22,044,170.99
Savings Interest - February 2012	3/14/2012		$ 1,860.86	$ 22,046,031.85
Terraphase Engineering, Inc.	3/15/2012	$ 61,726.26		$ 21,984,305.59
Terraphase Engineering, Inc.	3/15/2012	$ 145,489.51		$ 21,838,816.08
Morrison & Foerster LLP	3/15/2012	$ 5,801.25		$ 21,833,014.83
State Water Resources Control Board	3/15/2012	$ 48,269.05		$ 21,784,745.78
PG&E	3/15/2012	$ 3,026.91		$ 21,781,718.87
FAFC Fee Slip - April 2012	4/16/2012	$ 300.00		$ 21,781,418.87
Terraphase Engineering, Inc.	4/23/2012	$ 121,263.22		$ 21,660,155.65
Winehaven Partners, LLC	4/23/2012	$ 137.42		$ 21,660,018.23
Winehaven Partners, LLC	4/23/2012		$ 127.42	$ 21,660,145.65
Morrison & Foerster LLP	4/23/2012	$ 1,611.25		$ 21,658,534.40
Savings Interest - March 2012	4/30/2012		$ 1,979.63	$ 21,660,514.03
FAFC Fee Slip - May 2012	5/18/2012	$ 300.00		$ 21,660,214.03
Terraphase Engineering, Inc.	5/18/2012	$ 154,907.80		$ 21,505,306.23
Morrison & Foerster LLP	5/18/2012	$ 297.50		$ 21,505,008.73
Savings Interest - April 2012	5/21/2012		$ 1,900.11	$ 21,506,908.84
FAFC Fee Slip - May 2012	6/7/2012	$ 290.00		$ 21,506,618.84
Savings Interest - May 2012	6/18/2012		$ 1,950.31	$ 21,508,569.15
Terraphase Engineering, Inc.	7/9/2012	$ 129,899.78		$ 21,378,669.37
Morrison & Foerster LLP	7/9/2012	$ 1,041.25		$ 21,377,628.12
City of Richmond - MoFo Reimbursement	7/9/2012	$ 10,614.35		$ 21,367,013.77
AT&T	7/9/2012	$ 34.16		$ 21,366,979.61
State Water Resources Control Board	7/9/2012	$ 40,507.27		$ 21,326,472.34
City of Richmond - Single audit Reimbursement	7/9/2012	$ 10,234.00		$ 21,316,238.34
Nichols Consulting Engineers, CHTD	7/9/2012	$ 22,670.75		$ 21,293,567.59
Savings Interest - June 2012	7/16/2012		$ 1,879.15	$ 21,295,446.74
Terraphase Engineering, Inc.	7/20/2012	$ 133,279.02		$ 21,162,167.72
Savings Interest - July 2012	8/22/2012		$ 1,929.33	$ 21,164,097.05
Terraphase Engineering, Inc.	8/29/2012	$ 70,585.19		$ 21,093,511.86
Contra Costa Health Services	8/29/2012	$ 632.00		$ 21,092,879.86
Savings Interest - August 2012	9/12/2012		$ 1,923.15	$ 21,094,803.01
Terraphase Engineering, Inc.	9/19/2012	$ 68,665.72		$ 21,026,137.29
FAFC Fee Slip - May 2012	10/1/2012	$ 900.00		$ 21,025,237.29
FAFC Fee Slip - May 2012	10/9/2012	$ 300.00		$ 21,024,937.29
Savings Interest - September 2012	10/15/2012		$ 1,853.35	$ 21,026,790.64
Terraphase Engineering, Inc.	10/30/2012	$ 103,672.81		$ 20,923,117.83
Contra Costa Health Services	10/30/2012	$ 316.00		$ 20,922,801.83
State Water Resources Control Board	10/30/2012	$ 31,116.76		$ 20,891,685.07
Savings Interest - October 2012	11/16/2012		$ 1,911.44	$ 20,893,596.51
State Water Resources Control Board	12/6/2012	$ 11,195.00		$ 20,882,401.51
Nichols Consulting Engineers, CHTD	12/6/2012	$ 12,945.00		$ 20,869,456.51
Terraphase Engineering, Inc.	12/6/2012	$ 174,878.31		$ 20,694,578.20
FAFC Fee Slip - November 2012	12/11/2012	$ 300.00		$ 20,694,278.20
FAFC Fee Slip - December 2012	12/11/2012	$ 300.00		$ 20,693,978.20
Savings Interest - Novemeber 2012	12/19/2012		$ 1,838.75	$ 20,695,816.95
Nichols Consulting Engineers, CHTD	12/21/2012	$ 2,016.64		$ 20,693,800.31
Terraphase Engineering, Inc.	12/21/2012	$ 269,077.05		$ 20,424,723.26
FAFC Fee Slip - January 2013	1/7/2013	$ 300.00		$ 20,424,423.26
Savings Interest - December 2012	1/23/2013		$ 1,885.68	$ 20,426,308.94
Nichols Consulting Engineers, CHTD	1/29/2013	$ 1,905.00		$ 20,424,403.94
FAFC Fee Slip - February 2013	2/8/2013	$ 300.00		$ 20,424,103.94
Terraphase Engineering, Inc.	2/12/2013	$ 281,577.64		$ 20,142,526.30
Contra Costa Health Services	2/12/2013	$ 316.00		$ 20,142,210.30
Savings Interest - January 2013	2/13/2013		$ 3,340.54	$ 20,145,550.84
FAFC Fee Slip - March 2013	3/4/2013	$ 300.00		$ 20,145,250.84
Savings Interest - February 2013	3/18/2013		$ 3,040.52	$ 20,148,291.36
Terraphase Engineering, Inc.	4/2/2013	$ 202,972.88		$ 19,945,318.48
State Water Resources Control Board	4/2/2013	$ 23,492.08		$ 19,921,826.40

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Transactions	Date	Expenditures As of 9/5/2013	Revenues As of 9/5/2013	Balance As of 9/5/2013
FAFC Fee Slip - April 2013	4/4/2013	$ 300.00		$ 19,921,526.40
Savings Interest - March 2013	4/16/2013		$ 3,346.60	$ 19,924,873.00
Terraphase Engineering, Inc.	4/30/2013	$ 82,590.63		$ 19,842,282.37
Terraphase Engineering, Inc.	5/1/2013	$ 75,316.43		$ 19,766,965.94
FAFC Fee Slip - May 2013	5/1/2013	$ 300.00		$ 19,766,665.94
Savings Interest - April 2013	5/13/2013		$ 3,206.73	$ 19,769,872.67
Savings Interest - May 2013	6/14/2013		$ 3,287.38	$ 19,773,160.05
Terraphase Engineering, Inc.	6/14/2013	$ 43,556.01		$ 19,729,604.04
Contra Costa Health Services	6/14/2013	$ 348.00		$ 19,729,256.04
Savings Interest - June 2013	7/10/2013		$ 3,180.04	$ 19,732,436.08
FAFC Fee Slip - June & July 2013	8/2/2013	$ 600.00		$ 19,731,836.08
Terraphase Engineering, Inc.	8/8/2013	$ 44,555.23		$ 19,687,280.85
Contra Costa Health Services	8/8/2013	$ 348.00		$ 19,686,932.85
State Water Resources Control Board	8/8/2013	$ 10,078.39		$ 19,676,854.46
Terraphase Engineering, Inc.	8/8/2013	$ 60,528.86		$ 19,616,325.60
Nichols Consulting Engineers, CHTD	8/8/2013	$ 1,046.00		$ 19,615,279.60
Savings Interest - July 2013			$ 1,824.74	$ 19,617,104.34
Current as of 10/18/2013		**$ 9,087,069.83**	**$ 204,174.17**	
Remaining Balance				**$ 19,617,104.34**

Craig Murray

From: Chris Chamberlain
Sent: Wednesday, October 16, 2013 7:54 AM
To: Craig Murray
Subject: RE: Goats!

The separation of the herder and the herd was where we ran into issues last time, they want the trailer in the same area as the herd. We had them parking across the street next to the kwanza hut and the goats were across the way in the drum lot. Based on Ryan's comments the situation is the same but now event more constrained since the park site is now open to the public. Area 7 appears to be the only option. Any issues with me forwarding on your email to Councilmember Butt?

Chris Chamberlain
Parks and Landscape Superintendent
City of Richmond, Ca
510-231-3073

-----Original Message-----
From: Craig Murray
Sent: Tuesday, October 15, 2013 3:03 PM
To: Chris Chamberlain
Cc: ryan.janoch@terraphase.com; william.carson@terraphase.com
Subject: FW: Goats!

Chris:

Area 1 , Area 4 and northern portion of Area 2 could be priority goat vegetation clearing areas under nneds of the Very High Severity Zone and protection of former base property.
See comments from Ryan regarding the Goat Herder occupancy of Pt Molate and areas for his trailer. Not sure if he can be separated from the location that the goats get to devour.

Craig K. Murray, SR/WA
Development Project Manager II
Successor Agency, Engineering Department
450 Civic Center Plaza, 2nd Floor
Richmond, CA 94804-1630
510-307-8091
510-307-8188 direct
510-307-8116 fax

-----Original Message-----
From: Ryan Janoch [mailto:ryan.janoch@terraphase.com]
Sent: Tuesday, October 15, 2013 1:34 PM
To: Craig Murray
Cc: William Carson
Subject: RE: Goats!

B.D.1

Hi Craig,

Per the Covenant to Restrict Use of Property (CRUP; recorded March 29, 2010), which replaces the 2003 CRUP (recorded March 30, 2003) for Point Molate, the disposal areas #1, 2, 3, 5, 6, 10, 11, 12, and 13 have restrictions on residences. A figure showing the Disposal Areas is attached.

- Disposal Areas 3, 5, 10, and 13 (FOSET Property)
- Disposal Areas 1, 2, 6, 11, and 12 (2003 CRUP Property)
- Disposal Areas 4, 7, 8, and 9 not subject to the CRUP – however, Disposal Areas 8 and 9 are submerged lands

The following is from the 2010 CRUP (page 9):
"Prohibited Uses. The FOSET Property and the 2003 CRUP Property shall not be used for any of the following purposes:
(a) A residence, including any mobile home or factory built housing constructed or installed for use as residential human habitation"

In addition, Disposal Area 10 (IR Site 1 Landfill) has the restriction to not "engage in any activity which disturbs, breaches, or otherwise affects the integrity of the soil cover"

In summary, the only areas a goat herder could place his trailer (residence) without a variance from the Water Board would be Disposal Area 4 (Shoreline Park) or Area 7. The goats could go on other parts of Point Molate so long as remedial activities are not impacted (we can coordinate depending on the location). However, the trailer would have to remain at the above mentioned areas (Area 4 or 7). The goats should be prohibited from Disposal Area #10 (landfill) so as not to disturb the landfill cover.

Please let me know if you have any questions.
Thanks, Ryan

Ryan Janoch, PE (C78735)
Terraphase Engineering Inc.
510-645-1850 ext. *35 (office)
978-821-4302 (cell)

-----Original Message-----
From: Craig Murray [mailto:Craig_Murray@ci.richmond.ca.us]
Sent: Tuesday, October 15, 2013 12:49 PM
To: William Carson; Ryan Janoch
Subject: FW: Goats!

Bill
Ryan

I was up behind building 123 and there is a heavy undergrowth incl. poison oak that could use goats.
We had a problem in the past with the caretaker living on site. I believe there was some leeway if it was a trailer with wheels.

8.D.2

Most important concern was to stay away from any active or monitored IR Site. We did not want goats eating wires, etc. important for the environmental remediation.

Can you express any concerns, cautions.
I imagine that goats could be effective in certain areas IF they can be contained and IF goatherder can follow proper regulations.

I also have a contact on Marin County side working with Co. Parks & Open Space if it turns out to be undesirable for Pt Molate.

Thanks.

Craig K. Murray, SR/WA
Development Project Manager II
Successor Agency, Engineering Department
450 Civic Center Plaza, 2nd Floor
Richmond, CA 94804-1630
510-307-8091
510-307-8188 direct
510-307-8116 fax

-----Original Message-----
From: Chris Chamberlain
Sent: Thursday, October 10, 2013 7:49 AM
To: Craig Murray
Subject: FW: Goats!

I am certain you recall the goats r us experience in Point Molate. Councilman Butt would like us to have them back. My response will be we tried and I ran into all kinds of red tape that made it to complicated and time consuming to deal with. Would you have a better response?

Chris Chamberlain
Parks and Landscape Superintendent
City of Richmond, Ca
510-231-3073

-----Original Message-----
From: Butt, Tom [mailto:tom.butt@intres.com]
Sent: Wednesday, October 09, 2013 6:30 PM
To: Chris Chamberlain
Subject: Fwd: Goats!

Chris,

Free goats for Point Molate! Call them.

Sent from my iPad

Begin forwarded message:

B.D.3

From: "Powers, Tom" <tompowers@alhambravalley.com<mailto:tompowers@alhambravalley.com>>
Date: October 9, 2013 at 5:17:47 PM PDT
To: "Butt, Tom" <tom.butt@intres.com<mailto:tom.butt@intres.com>>
Subject: FW: Goats!

Tom: This is the contact for Goats R Us to do the Pt Molate grazing. tom Powers

From: quizet@aol.com<mailto:quizet@aol.com> [mailto:quizet@aol.com]
Sent: Wednesday, October 9, 2013 4:51 PM
To: tompowers@alhambravalley.com<mailto:tompowers@alhambravalley.com>
Subject: Goats!

Hi Tom! This is from my personal email: quizet@aol.com<mailto:quizet@aol.com>.
My cell is 510-504-0007
Office is 510-526-3337
Mailing address: P O Box 37, Orinda, CA 94563

THANKS! Terri

8.D.4

Parliamentary Procedure Self-Test

Circle the correct response to each statement:

1. You are a city councilmember at a meeting of your city council and you can't hear the discussion due to noise made by the ancient heating system. You should raise your hand and when recognized state "point of order – I can't hear what's being discussed."

   TRUE **FALSE**

2. A vote on hotly contested Agenda Item #5 has been taken and it passed by a vote of 3-2. You were one of the 2 votes against the item. You just can't get the item out of your mind. Later in the meeting, you ask for reconsideration of Agenda Item #5 because you have thought of something which you believe will convince one of the majority votes to change his/her mind. The Mayor rules you out of order and refuses to allow a vote on reconsideration. The Mayor's ruling is:

   CORRECT **INCORRECT**

3. It's 11 p.m. When the city council reaches Agenda Item 25, the Mayor asks for a show of hands of how many members of the public wish to speak on the item and 32 people raise their hands. The Mayor announces that he will limit each speaker to 2 minutes each. Can the Mayor properly do so?

   YES **NO**

4. Joe makes a motion to hold a city council retreat in May, and Mary seconds the motion. Sally then moves an amendment to have the retreat in June, and Fred seconds the motion. Esteban then moves a substitute motion to have no retreat this year, and Fred seconds the motion. The Mayor announces that discussion will first begin on the motion to amend. Is this the correct ruling?

   YES **NO**

5. On a hotly contested agenda item, attended by many members of the public, the audience becomes very engaged in the discussion and members of the audience applaud in support or hiss in opposition following the remarks of the first speaker who addresses the city council. The Mayor states that no vocal expressions of support or opposition will be tolerated at the meeting and asks the public not to applaud or hiss after speakers conclude their remarks. May the Mayor do so?

   YES **NO**

6. A member of the city council continually interrupts other members of the council while they are speaking on agenda items. The Mayor refuses to stop the interrupting council member from interrupting. You, as a member of the city council, have the right to make a motion to challenge the ruling of the Mayor and to have that motion voted on by the council.

TRUE FALSE

7. After a very long discussion and debate on a motion you made, and duly seconded, to approve the street repair schedule, you want to get on with the vote on the item and so you say, "I call the question." The Mayor then says, "OK, let's proceed with the vote on the pending motion to approve the proposed street repair schedule." Did the Mayor handle your "call for the question" properly?

YES NO

8. If the maker of a pending motion accepts a proposed change and incorporates the change into his/her motion (and the person who seconded the motion also accepts the change) this is called a "friendly amendment."

TRUE FALSE

9. Sam moves and receives a second on a motion to create a 7-member Police Oversight Commission. Mariko moves and receives a second on a motion to make the Police Oversight Commission 15 members. Helen moves and receives a second on a motion to create on Ombudsman in lieu of Police Oversight Commission. The Mayor schedules discussion and a vote on the third motion (Helen's motion) which passes. The Mayor then should schedule discussion and a vote on the second motion (Mariko's motion).

TRUE FALSE

10. In the middle of the meeting, Xenophobia, a member of the city council, is recognized by the Mayor and moves to adjourn the meeting. Her motion is seconded by Frank. The Mayor calls for discussion prior to the vote. Xenophobia raises a point of order and says that the motion should be voted on immediately. Who is correct?

THE MAYOR XENOPHOBIA

David Rosenberg, Superior Court Judge of Yolo County

Speaker: General Session – Rosenberg's Rules of Order for Commissioners; Thursday, 2:45 pm

Judge Rosenberg is the author of the Rosenberg's Rules of Order, which have been adopted by hundreds of cities, counties, special districts, school boards, committees, boards and commissions, corporations, neighborhood associations and others across the USA.

Judge Rosenberg previously served as a City Mayor, a City Councilman, a member of a County Board of Supervisors, and as Chairman of the Board of Supervisors. He served as Chair of numerous local and regional boards and commissions. He served as Chairman of the California Lottery Commission, as Chairman of the California Victim Compensation and Government Claims Board and as Chairman of the California Law Revision Commission. He also worked on the Senior Staffs of two California Governors.

Judge Rosenberg has been a Superior Court Judge for close to 10 years and served three terms as Presiding Judge of the Superior Court. He served as Chair of all 58 California Presiding Judges. He currently serves as a member of the California Judicial Council, and is on the Executive Committee of the Council. He is Chairman of the Governmental Relations Committee of the California Judges Association. He was recently chosen as Humanitarian of the Year by the California Judges Association. He is very active in his community through the Davis Odd Fellows Lodge, and serves as President of the Davis Odd Fellows Hall Board Association. He also serves as Chairman of the Board of two large retirement communities – one in Napa and one in Saratoga.

Parliamentary Procedure Self-Test Answers:

1. False. Point of Order is a Parliamentary Procedure. Point of Personal Priviledge is proper statement.
2. Correct. Only a member of the Majority has right to change his/her mind.
3. Yes. Mayor has right to control meeting & time given to speakers.
4. No. Typical procedure is that Mayor would deal with the last motion first. Rosenberg's personal rule is to entertain no more than 3 motions.
5. Yes. Mayor can control the decorum of the meeting.
6. True. This is something that is available to a Board but is rarely used.
7. Yes. Yes is a better answer. When there's a call for the question (really Motion) Mayor can ask for second important Motion to stop debate.
8. True. One of the best tools, real time saver.
9. False. This is a substitute motion (last motion)when that happens and passed, then all other motions are moot.
10. Xenophobia. Motion to adjourn is not debatable and must be voted on immediately.

8.E.4

Rosenberg's Rules of Order

REVISED 2011

Simple Rules of Parliamentary Procedure for the 21st Century

By Judge Dave Rosenberg

8.E.5

LEAGUE OF CALIFORNIA CITIES

MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and automony of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes Western City magazine.

About the Author

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.

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Table of Contents

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Introduction

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:

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First, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

Second, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

Third, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the chair takes a vote. Simply asking for the "ayes" and then asking for the "nays" normally does this. If members of the body do not vote, then they "abstain." Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: "The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body."

Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member's desired approach with the words "I move ... "

A typical motion might be: "I move that we give a 10-day notice in the future for all our meetings."

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, "A motion at this time would be in order."
2. **Suggesting a motion to the members of the body**, "A motion would be in order that we give a 10-day notice in the future for all our meetings."
3. **Making the motion.** As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body's consideration. A basic motion might be: "I move that we create a five-member committee to plan and put on our annual fundraiser."

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The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: "I move that we amend the motion to have a 10-member committee." A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year."

"Motions to amend" and "substitute motions" are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a "motion to amend" or a "substitute motion" is left to the chair. So if a member makes what that member calls a "motion to amend," but the chair determines that it is really a "substitute motion," then the chair's designation governs.

A "friendly amendment" is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, "I want to suggest a friendly amendment to the motion." The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic "motion to have a five-member committee to plan and put on our annual fundraiser." During the discussion of this motion, a member might make a second motion to "amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser." And perhaps, during that discussion, a member makes yet a third motion as a "substitute motion that we not have an annual fundraiser this year." The proper procedure would be as follows:

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed,* it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion *failed,* the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed,* the chair would then move to consider the main motion (the first motion) as *amended.* If the motion to amend *failed,* the chair would then move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended,* would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

Motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

Motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

Motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.

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Motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on "hold." The motion can contain a specific time in which the item can come back to the body. "I move we table this item until our regular meeting in October." Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

Motion to limit debate. The most common form of this motion is to say, "I move the previous question" or "I move the question" or "I call the question" or sometimes someone simply shouts out "question." As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a "request" rather than as a formal motion. The chair can simply inquire of the body, "any further discussion?" If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the "question" as a formal motion, and proceed to it.

When a member of the body makes such a motion ("I move the previous question"), the member is really saying: "I've had enough debate. Let's get on with the vote." When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

NOTE: A motion to limit debate could include a time limit. For example: "I move we limit debate on this agenda item to 15 minutes." Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item.* This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

Motion to limit debate. Whether a member says, "I move the previous question," or "I move the question," or "I call the question," or "I move to limit debate," it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

Counting Votes

The matter of counting votes starts simple, but can become complicated.

Usually, it's pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the "no" votes and double that count to determine how many "yes" votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote "no" then the "yes" vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote "abstain" or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in

8.E.11

California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of "those present" then you treat abstentions one way. However, if the rules of the body say that you count the votes of those "present and voting," then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are "present and voting."

Accordingly, under the "present and voting" system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are "present"), but you treat the abstention votes on the motion as if they did not exist (they are not "voting"). On the other hand, if the rules of the body specifically say that you count votes of those "present" then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like "no" votes.

How does this work in practice?
Here are a few examples.

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are "present and voting." If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three "yes," one "no" and one "abstain" also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body **DOES** have a specific rule requiring a two-thirds vote of members "present." Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a "no" vote. Accordingly, if the votes were three "yes," one "no" and one "abstain," then the motion fails. The abstention in this case is treated like a "no" vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an "abstention" vote? Any time a member votes "abstain" or says, "I abstain," that is an abstention. However, if a member votes "present" that is also treated as an abstention (the member is essentially saying, "Count me for purposes of a quorum, but my vote on the issue is abstain.") In fact, any manifestation of intention to vote either "yes" or "no" on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote "absent" or "count me as absent?" Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually "absent." That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

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Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is "no." There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be, "point of privilege." The chair would then ask the interrupter to "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.

Order. The proper interruption would be, "point of order." Again, the chair would ask the interrupter to "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, "return to the agenda." If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair's determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.

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8.E.14

RESOLUTION NO. 8-11

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 COMMUMITY 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.

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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

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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 certify that the foregoing resolution was passed and adopted by the members of the Richmond City Council at a joint meeting held on Tuesday, January 18, 2011, by the following vote:

AYES:	Councilmembers Bates, Beckles, Booze, Butt, Rogers, Vice Mayor Ritterman, and Mayor McLaughlin
NOES:	None
ABSTENTIONS:	None
ABSENT:	None.

DIANE HOLMES
Clerk of the City of Richmond

[SEAL]

Approved:

GAYLE MCLAUGHLIN
Mayor

Approved as to form:

RANDY RIDDLE
City Attorney

State of California }
County of Contra Costa : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Resolution No. 8-11**, finally passed and adopted by the City Council of the City of Richmond at a joint meeting held on January 18, 2011.

8.F.3

City of Richmond – POINT MOLATE COMMUNITY ADVISORY COMMITTEE

Multi-Purpose Room
440 CIVIC CENTER PLAZA

PROPOSED MINUTES
MONDAY, September 16, 2013, 6:30 PM

1. **CALL TO ORDER**
Chair Whitty called the meeting to order at 6:44 p.m.

2. **ROLL CALL**
Present: Committee Members Carman, Gilbert, Hite, Kortz, Martinez, Puleo, Sundance, Whitty.
Absent: Garrett, Rosing, Smith, Stello, Stephenson
Staff Present: Craig K. Murray, Staff Liaison, Development Project Manager II

3. **WELCOME AND MEETING PROCEDURES**
Whitty welcomed audience. Whitty then explained meeting procedures, and discussed the Speaker Card process.

4. **AGENDA REVIEW AND ADOPTION**
Whitty reviewed Agenda items and briefed PMCAC on the Agenda order and speakers. Carman moved to go to presentations and then after presentations then decide what items to take on Agenda due to the large number of presentations. Whitty clarified that items 1-7 will be taken first and PMCAC will not need to vote on the action at this time but can reevaluate those remaining items on the Agenda after presentations.

5. **ANNOUNCEMENTS THROUGH THE CHAIR**
Chair reviewed Cal Trans Notice and indicated that the detour on the bicycle route is no longer needed. Whitty announced that Committee Member Martinez has been reappointed by City Council.

6. **OPEN FORUM**
No Speakers.

7. **PRESENTATIONS, DISCUSSION & ACTION ITEMS**

a. Gun Range Improvements Presentation

Whitty introduced the Chevron Richmond Gun Range, partners and Mark Piersante. Peirsante introduced himself as an independent environmental consultant working for Chevron for 15 years and provided a narrative of what is developing at the gun range and drawings that were part of the Design Review package submitted to the City in May. Piersante introduced Mark Ayers who Manages Emergency Services for the Refinery, Joe Lorentz who is one of the Public Affairs contacts, and Kevin McMahon who works for HALO, a company that Chevron contracts with to operate the gun range and has guest with him of RPD Sgt.Noonan. Piersante noted that this is a joint effort with the California Maritime Academy to spend some money to improve the gun range. It has been many years since to spend any money to spruce up the gun range that has been there for nearly 60 years. Piersante noted that Cal-FEMA provided a grant to Cal Maritime to improve the gun range. Piersante open it up for questions. Martinez inquired about change in use and if Native Plants will be used. Piersante said no change in use and plan is to remove invasive plants with a standard plan of using Native Plants as planned by Vallier Designs of Pt Richmond. Hite inquired about relationship between refinery and shooting range. Piersante indicated that going back 6o years, it has been Richmond PD and employees that do also use that facility primarily on Saturdays. Whitty inquired if Pt Molate is developed and would that be a problem for the Gun Range. Piersante indicated that he believed there would be no material impact and has looked at gun ranges in Bay Area and some in very exclusive areas and noted that law enforcement in the area should be a benefit to local neighbors. Mark Ayers discussed Cal Maritime involvement and their approaching Gun Range for Hazardous Materials training and Chevron provided the

matching funds. Ayers indicated that Gun Range would be improved to make it safer and cleaner. Ayers said FEMA will come out an audit to make sure government monies are spent wisely. Puleo inquired if range operates on weekend. Piersante indicated yes on weekends for employees and weekdays for agencies. Puleo was concerned about 50 caliber and automatic weapons being fired. Ayers noted that looking at it with RPD that it should be smaller caliber and SWAT teams in limited basis will be there with automatic weapons but it is a small arms range. Whitty expressed thanks to Gun Range team for their presentation.

b. Presentation of California Native Grassland Areas of Point San Pablo Peninsula

Whitty introduced Jim Hanson of the California Native Grasslands Association. Hanson noted that he is a Richmond resident and on the Board of this statewide organization with a mission to restore diversity in the California native grasslands through education, advocacy, research and stewardship. Hanson connected this flash drive to the provided laptop and presented what his organization does and this area is also noted as one of the areas to protect from the East Bay Chapter of the California Native Plant Society. Hanson summarized the variety of uses on the Peninsula but the Native Grassland area near Pt Molate still remains in an area in a coastal bluff area. Hanson noted that there was a survey stake placed recently in this knoll of the southern end of Pt Molate Beach and it is representative of what was here for a long time of approximately 1,000 years and used to show what a native grassland was over the years and noted it is an area with natural wealth. Survey stake, Hanson was relieved to find out, was determined to be for a planned bike route of EBRPD. Hanson noted that this Molate Fescue is drought tolerant, tough erosion-control grass compared to other native grasses and, of course, it is found in and originates in Pt Molate in this coastal prairie. Hanson also noted that this grass is now recognized in the turf trade as Molate Fescue. Hanson further noted that this little knoll is part of a larger Watershed story in the area as found in the US Navy study and in the CEQA process it was pushed to do a larger, detailed accurate grass study in the last development process. Hanson noted that this grass area supports the Eelgrass beds important to the fishing industry, where small fry and herring eggs develop, but it is also important to note that much of the Eelgrass beds in the Bay Area has disappeared. Hanson pointed out some of the old soul antiquity findings such as a large red flowering Toyon shrub that has grown over the years more like a tree.

Hanson noted that Grasslands are important because they are in an area that supports Pollinators with 1,200 species of native bees in California. Bees contribute and are important for preservation of the native grasslands, carbon storage with research in Berkeley and Marin County, they are important for rain water storage and deep roots to take rain water in for ground water recharge. Hanson stated that features in area appear ethereal but are important for water supply, erosion control and biodiversity. Hanson noted that people come to California for this and this is our State's third largest industry and it is important to the economy of the State. Hanson showed picture of yellow flowered shrub, broom, that is a concern because it takes over native areas and it acts as a fuel ladder in connection with blue gum eucalyptus trees in the area. It is called a fuel ladder because it takes the flames up to the crown of the tree and high volatile weeds like broom is an issue. Goal would be a clean sweep of the broom. Hanson noted back in history this area was called in the 1700's as Portrero San Pablo and reason it was called Portrero was the early economic uses of the area as a pasture due to the grasslands. Hanson noted that protection of this area is part of the General Plan.

Sundance questioned if Society has funded for broom removal. Hanson noted that it is done regularly as part of land management and EBRPD uses goats and CCC groups to do that usually under different agencies as part of their budgets. General discussion to coordinate broom pulling areas at Pt Molate. Whitty noted that there is a Community Outreach Committee and may want to coordinate an annual spring clean up.

c. Pt. Molate Security Presentation

Whitty introduced Mr. Michael Davenport, Jr. and noted that there are several months of security reports in the Committee Packet. Mr. Davenport introduced himself and his family owned Richmond based company that has been in business since 1996. Davenport noted that a roving patrol is provided for Pt Molate and covered the areas secured and process of daily entries and monthly reports are provided to RPD Captain Mark Gagan and Craig Murray. Davenport indicated primary concern is trespassers. Davenport explained process of approved Entry Permits and

level of assistance. Hite inquired about Homeland Security and Davenport indicated that they use the Winery. Kortz shared story of DP Staff not knowing what to do when she reported a noxious odor. Davenport indicated that the guard is not there any more and she would have reported it to supervisor to report to Chevron. Davenport introduced his brother Marshall and Operations Manager for the Chevron security contract. DP Security has been Chevron's Security contractor since October, 2012. Carman indicated that two times he visited there was not DP Security that met him but a very accommodating City Staff Member, Caretaker Willie Agnew. Davenport explained Craig would email the approved right of entry and there is a sign in the building that visitors can call DP Security if they are on their rounds. Murray further explained that the Caretaker can and does assist visitors especially when Security is on their rounds. Davenport noted that the guards have radio and cell phone and the sign has the Office phone for radio and the cell number. Carman inquired why security can't be there at the particular time. Davenport noted that Security will wait until a particular time but it does take about 45 minutes to make rounds. Davenport indicated that as long visitors have ID and approved right of entry then security can help with entry. Hite inquired to reduced crime including drugs and prostitution. Davenport shared stories of security coming upon people in past. Murray indicated that it is really helpful for everyone to follow procedures and not to just wander on to the base. Davenport noted good to visit in pairs especially if someone gets hurt. Murray asked Davenport to explain the Deggy system and Davenport indicated how DP Security can track rounds and keeping everyone safe. Carman wanted confirmation of Homeland Security if they can contact visitors directly or go through Security. Murray confirmed that the Security force and point of contact at Point Molate is DP Security. Davenport explained that 70% of their employees are Richmond based and DP can attend any future PMCAC meeting.

d. NCE Contract Scope of Services, Roles and Responsibilities

Whitty summarized that this is a continuation of the item where the PMCAC drafted line by line responsibilities for NCE that Committee would like to see included and advised the City. Whitty noted that a September 17 letter is drafted and left at tables for each Committee member to review. Whitty summarized that there are ten provisions to be included with a new NCE contract that Committee would like to see included but it has been under calendar yet and it stated that it will probably be a six-month temporary contract. Whitty noted that after a six-month contract is approved that the PMCAC requests that a new twelve month contract be drafted for around $125,000. around these ten items. PMCAC felt that not all items were not getting attention. Murray summarized that additional input from other Committee Members were captured. Whitty agreed and noted that items are there but re-ordered. Whitty called for discussion.

Carman asked if there was a vote in the prior month. Whitty stated that there were two motions but it has been put all into one letter. Carman noted that last month he was the Committee Member that abstained and Whitty asked if Carman would like to change the letter. Carman indicated that he would not like to change the letter. Carman asked Murray if this is appropriate to forward to the Mayor. Murray noted that the PMCAC Staff Liaison is the Mayor but letter may want to be addressed to Mayor and Council to capture the full body. Whitty noted that the correct letter version does show Mayor and City Council. Whitty called for motion. Martinez noted that Mayor is in Ecuador and if this goes to Council. Whitty noted that this is not on tomorrow's City Council meeting. Murray noted that this will be considered at a future date. Hite motioned to approve letter as drafted, seconded by Martinez. All voted in favor with Carman noted as an Abstension. Whitty inquired who will forward to Mayor. Murray indicated that once final is approved by Whitty and forwarded to him that he would forward to entire PMCAC and to Mayor.

Kortz inquired as to why Carman abstained. Carman noted that he is not informed enough with the Request for Proposals and noted that heard Murray's discussion at last meeting regarding problems that could come from this and therefore feels not informed enough to support it or not.

e. Rename Western Drive North of I-580 Stenmark Drive

Whitty noted that this item is informational and no action is needed and this is not related to clean-up and restoration but because there has been so much discussion then the Committee wanted to be informed. Murray noted that Committee Garrett provided alternative suggestions for naming, it came late, and copies are available at desk for review. Hite noted that Stenmark Landing is a great idea but personally is against getting involved in the renaming and does not feel it is the PMCAC responsibility. Whitty noted to PMCAC that it will be heard at City Council tomorrow night as Item H-1.

Carman noted that it is a strange moment to rename a street and believed that many other street names should be done in the future in one fell swoop. Carman noted that the Spanish era of State are well recognized but something that is 20th Century is not as well noted. Carman noted that all eras of history should be noted. Martinez noted that he felt idea is premature and perhaps when Western Drive is reconstructed then it should be considered for renaming.

Whitty reviewed balance of Agenda. Carman noted to keep charging through the Agenda. Whitty inquired when the Consent Calendar can be approved. Murray noted that when the Agenda is approved then the Consent Calendar is approved unless anyone wants to pull an item off the Consent Calendar and then there would be discussion. Whitty called if anyone wanted to pull off the minutes. Whitty moved to adopt Agenda, Martinez seconded. Item approved unanimously.

8. STAFF REPORTS

PROJECT MANAGER'S STAFF REPORT INCLUDING

a. Report on results from US Navy Escrow Fund Agent RFP
b. Review of fund balances for Pt Molate General Fund budget and Navy Escrow Account
c. Report on Nichols Consulting Engineers Contract Status Remediation Activities

Murray reported on five items in board packet for this item. Murray noted that there is a new fiscal agent Union Bank and reported on the balance summary forwarded today from First American to Union Bank. Murray reported on Beach Park progress and meeting with Caretaker on City areas under use in Pt Molate.Whitty noted that a flyer regarding PMCAC Outreach would be helpful. Murray summarized that fund balance prepared by LaShonda White and summarized the NCE costing sheet. Murray also noted that Committee Garrett forwarded out some additional items late and Committee may want to consider carrying this item over since she could not make the meeting. Carman agreed that NCE's Mike Leacox can attend next meeting with Garrett and Carson, attending tonight, can also reattend the next meeting.

General discussion on NCE, Terraphase process regarding IR Site 3 and City proceeding with the FS RAP process on IR Site 3. Carman and Carson discussed process for bidding and how to get to a complete clean-up. Whitty noted that discussion on this will continue to the next meeting.

9. CONSENT CALENDAR

a. APPROVE – PMCAC meeting minutes of July 15, 2013
b. APPROVE – PMCAC meeting minutes of August 19, 2013

Whitty moved item previously with Agenda, Martinez seconded. Item approved unanimously.

10. FUTURE AGENDA ITEMS

Whitty discussed future items such as All One Ocean, Rosenberg Rules and possible Homeland Security briefing. Sundance inquired about a Grand Opening of Pt Molate Beach. Murray indicated that it is

with Parks Supt. Chamberlain, but since there is a lot of prior help from this Committee, then a proposed date could come from PMCAC. Whitty asked if this could be a future Agenda item. Sundance noted that it could be open prior to next meeting. Hite noted that it would be in early October. Murray noted that he would email PMCAC information from Chamberlain on opening.

11. CITY COUNCIL LIAISON REPORTS

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

Whitty reported that Mayor could not attend.

b. PMCAC appointment status

Whitty indicated no report but a flyer would be great.

12. CHAIR AND SUB-COMMITTEE REPORT

a. Clean-Up and Restoration:
   1. Summarization of wet season groundwater monitoring report covering period 1/1/13 to 6/30/13
   2. Report out on 7/23/13 Meeting with NER, NCE, Terraphase, PMCAC & City Staff
   3. Report out on 2nd Qtr SMR for PGWTP
   4. Report out on August Monthly Status Report
   5. Report on 8/15/13 2nd Qtr 2013 UST Monitoring Report

Kortz noted that she did not prepare any report. Carman noted that Garrett wanted item 1 to be on the Agenda and Carson noted that he can report on it. Whitty noted that only Garrett and Kortz are on this Committee and it is important. Carman noted that PMCAC should hold over item 1 for Garrett next month and hear item 2. Carman inquired if anyone attended the July 23 meeting. Hite noted that he attended and had a concern about NER with a pre-established price and foresees a cost overrun just like the SF Bay Bridge project. Whitty asked if there was any further report out on this meeting. Carman asked about NER maintaining a bond for work cost overage and a waste management unit affecting property values. Carson summarized primary items of discussion. Carman noted his concern and any discount for a complete clean up of the site such as Scenario four with excavation without desorption. Carson explained budget and process based on data project has obtained and noted that there could be an option during the bid process and recommends that get Water Board approval first with option prior to bidding. Carman noted he has no objection to Waste Management Unit in theory. Carson agreed that ideal would be nothing out there but there is budget constraint and noted that the US Navy when it allocated money never considered complete removal. Carman motioned that City Staff should consider to complete clean up, consider thermal desorption at the new price, and bidding in clean up in a modulated form as Mr. Carson has described and make a decision on complete clean up after the bids are in. Carson agreed but Thermal thrown in will delay project at least a year. Kortz inquired why one year. Carson indicated CEQA will need to be re-opened and Green House Gas will need to be considered. Carman noted that he visited Pt Molate with three different people and that with Sea level rise IR Site 3 will be under 10 feet of water so what is the difference. Carson noted that the elevation of Site 3 is between 15 to about 20 feet and projection for next 100 years is 3.5 feet so it is unlikely the site will go underwater. Carson noted that the groundwater rise will make it wet in the clean layer above the waste and there should not be a concern. Whitty noted that there was a motion, there was discussion and called for a second. Kortz seconded. Item passed unanimously with Martinez abstained.

Hite inquired about a project permit. Carson noted that only permit is from City after the FS RAP is finished and the Water Board reviews and puts out for formal public comment. Hite inquired about costs. Carson noted that Water Board bills by the hour but does not see those invoices. Martinez inquired what is the Water Board process of approval. Carson noted that approval is sought first from the Water Board for the Waste

Management Unit and then the alternative for complete cleanup such as in Alternative 6. Carson noted that it is important that Water Board knows that it is about Budget and if we can afford it then we can proceed rather than Water Board stating if you thinking about full clean up then just do it without any necessary budget recourse. Carman requested Murray to inform City Manager of motion just made by PMCAC and movement forward on FS RAP. Murray noted that he could summarize and forward out to Chair, PMCAC as well as City Manager.

Whitty inquired about Item 3. Carson noted that this is this is just normal NPDES report. Carman indicated that this was seen already last month. Whitty asked about Item 4 August Monthly Report. Carson noted nothing special really other than Terraphase is waiting for direction on IR Site 3. Whitty noted a good report on the UST Monitoring and all normal and this report was very clear. General questions on the report regarding terminology. Carson noted that we need to get moving on IR Site 3 to get action for next summer.

b. Community Outreach:

Hite reported that there is a new brochure being prepared. A draft of the Committee Brochure was provided at each Committee Members desk. Brochure was prepared by Richmond Resident and Photographer Ellen Gailing. General discussion about proposed changes. Carman noted that there was a lot of people at table at the Solano Stroll. Kortz reported that it was staffed by Citizens for a Sustainable Pt Molate and that there was a lot of interest and a lot of people coming to the table. Kortz noted that Stello, Smith, and Garrett are on the Citizens for a Sustainable Pt Molate group and she could talk to them about input and future events. Whitty mentioned that Richmond Chamber is doing the upcoming tour of Richmond Shoreline and brochures could be made available for that event.

c. Grant Development: Grant App.Status

No report.

d. Pt Molate Beach: Baykeeper Cleanup Completion and current rehabilitation status

No report.

e. Chair: Identification of pending schedule conflicts

No report.

13. ADJOURNMENT

Hite moved to adjourn the meeting at 9:08 pm, seconded by Carman. Passed unanimously.

14. Assemblage of PMCAC Standing Sub-Committees

Adjourned to Sub-Committee Meetings.

15. SCHEDULED MEETINGS

Committee Meeting – .
Monday, October 21, 2013, 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, October 21, 2013, 6:30 PM

1. **CALL TO ORDER**
Chair Whitty called the meeting to order at 6:38 p.m.

2. **ROLL CALL**
Present: Committee Members Carman, Garrett, Gilbert, Hite, Kortz (6:42), Martinez, Puleo (6:40), Smith, Stello (6:42),Sundance, Whitty.
Absent: Rosing, Stephenson
Staff Present: Craig K. Murray, Staff Liaison, Development Project Manager II; Gayle McLaughlin, Liaison to the City Council.

3. **WELCOME AND MEETING PROCEDURES**
Whitty welcomed audience. Whitty then explained meeting procedures, and discussed the Speaker Card process.

4. **AGENDA REVIEW AND ADOPTION**
Whitty reviewed Agenda items and briefed PMCAC on the Agenda order and speakers. Garrett moved to adopt the Agenda with Item 7B given more time and less time to 7A , seconded by Carman. Item passed unanimously.

5. **ANNOUNCEMENTS THROUGH THE CHAIR**

Chair reviewed Cal Trans Notice on shifting lanes to accommodate rebuilding of the bridge deck. Chair noted that on October 15 City Council voted to rename Western Drive north of the Richmond San Rafael Bridge to Stenmark Drive. Garrett spoke on the renaming of Western Drive item and made a motion to request to City Council costing and source of funding information of renaming this portion of Western Drive, seconded by Smith. Motion passes unanimously. Martinez inquired if he could make a friendly amendment. Martinez made motion to reconsider prior motion, Garrett seconded. Motion passed unanimously. Martinez made friendly amendment to request information from City Council on how Cal Trans will provide for the name change on their signs, seconded by Smith. Amended Motion passed unanimously. Whitty announced that Committee Member Rosing has moved out of town and is expected to resign from the Pt Molate Community Advisory Committee. Murray clarified that Rosing auto-resigns as of missing tonight's PMCAC meeting.

6. **OPEN FORUM**
Jim Hanson spoke to the Committee regarding signage and to at least keep signage along the former Western Drive stating Pt Molate.

7. **PRESENTATIONS, DISCUSSION & ACTION ITEMS**

a. All One Ocean

Whitty introduced Pamela Comstock and Lauren Weiner of All One Ocean. Whitty noted that in packet it shows that Park and Rec. has approved a trial placement of the All One Ocean Trash Pick Up Sign Post in Marina Bay. Weiner introduced All One Ocean founder Hallie Inglehart and Pamela Comstock. Weiner described herself as a Surfer, Activist and a Mother of a two year old and holds a MBA with Green Certification and being the Director of All One Ocean is a dream job. A presentation was made by Comstock showing the stations, use of repurposed coffee bean bags for users and Weiner described the process of removing things such as cigarette butts and straws that don't belong on the beach and Comstock noted that Pt Reyes Station has three stations up already. Weiner showed pictures of the Great Pacific Garbage Patch, the

North Pacific Gyre, an ocean trash area and how the five different Gyres affect ocean animals and birds that frequent beach areas. Comstock walked around the trash bags for the Committee and displayed an example of the All One Ocean sign post that is placed in Beach areas. Weiner noted that there are a total of seven stations up already including two in Emeryville in the East Bay and in conversation with Pacifica and several other beach communities. Weiner noted that she will skip several slides to get to the Community Engagement piece. This involves incorporating local businesses as well as involving a Steward. The Steward visits the box about every seven to ten days and takes data points of how many times the bag has been used, make sure the signage hasn't been tagged and to take care of the station. Weiner noted that she is skipping the education portion of the presentation and noted a Beach Clean Up is coming up this Wednesday. Weiner concluded and opened up for questions. Carman asked if there were questions from the Committee. Hite asked what Weiner's favorite place to surf and Weiner noted Eldoran in Pacifica. Hite noted that Drake's Bay has best surf if you take a left and walk a mile and it only breaks on a west swell with a little tube that is not dangerous and easy to access. Weiner asked if she can longboard this location. Hite said short board would work. Weiner indicated that she could then tell her husband. Puleo commented that the boxes need to be secured or they will end up in the Pacific trash pile. Weiner noted that they are drilled into wood and showed the slide of the location in Limatour and other locations affixed to side of a building and set in cement. Boxes are located on the footway to the beach and not actually on the beach and away from the water. Signage is 60% educational even if people don't open the box. Information is on why this is an issue. Smith asked about the big stuff. Weiner noted that All One Ocean has found at other locations that people will drag larger items to the station and the beach agencies will pick it up. Inglehart noted that the stations will help visitors start changing the thinking about picking up trash. Martinez inquired if there would be extra trash can receptacles if the program is successful. Weiner indicated that no additional cans would be provided by All One Ocean and the materials in each bag is not voluminous. Weiner noted that the stations are located next to a garbage bin. Comstock noted that there has not been a complaint about an adjacent trash bin that is overflowing and has not been picked up. Garrett invited All One Ocean representatives to a Pt Molate Beach Clean Up and see amount of materials placed in just one trash can and it is a very different scenario. Weiner noted that Garrett's comment is a great question.

Garrett further noted that time has been spent with CFSPM (Citizens for a Sustainable Pt Molate) in regards to Adopt-A-Beach and Stewarding and clean ups at the beach and it is a very different scenario at Pt Molate. Garrett stated that not every beach you encounter will be a good candidate for an All One Ocean Trash Pick Up and Education Station and further stated that Pt Molate Beach right now is not a good candidate for this but may two years from now. Garrett stated that point source trash at Pt Molate Beach is derelict marine debris that came from creosote-loaded pilings from Red Rocks Marina and not good for any human to touch and there are a lot of sunken boat and boat parts that are being shed to the Beach Park including fiberglass. Garrett noted that she was on beach yesterday with gloves on and picked up two times the amount in just one All One Ocean bag. Garrett noted that the PMCAC wants to encourage people to clean up after themselves as stated in the Waste Management Plan and at the moment need to consider the programmatic expression of the park. Is it to encourage eating, parking, water sports and what have you and this is a big factor. Garrett stated that City of Richmond has a very diverse demographics to come and spend a quiet afternoon there. There are no sports facilities there but picnic tables and barbeques and that is it and all of the trash cans have been located next to the barbeques because of the point source of people bringing food in and their containers. Garrett noted that doing a study this weekend she found that the trash cans closest to the barbeques and tables were the ones that were full and those at the far end of the park weren't full at all. Garrett furthermore noted that the biggest thing is that the PMCAC does want park visitors to manage trash that they are bringing in but don't want, at this point, to encourage people that have not been trained to go out on the beach and pick things up that includes risks of fiberglass and picking up sharded fiberglass is not fun. Garrett noted that there are a number of dead animals there and dead birds too and she found three dead birds yesterday with a two year old trying to fling a dead crow in the air and there are a number of dead seals. Garrett noted that PMCAC does not want people to try to drag items up on the beach and need special care as well as don't want people to try to drag pilings around and there is a very erosive bluff and PMCAC does not want people to drag things up there and to bring things up next to a box. Garrett summarized that this is the scenario for now and it is not a great idea to push the uninitiated that haven't been involved to go out on their own and pick up the typical clean-ups of straws

and bottles. Garrett noted that everyone she saw on the beach is doing that anyway. Garrett stated that she thinks it is really risky that unattended to encourage people to go onto the beach with serious hazards. Garrett noted that there is another big hazard and All One Ocean needs to face facts that Pt Molate Beach Park is an inner City with a bunch of drug paraphrenellia around and don't want to encourage people without gloves to pick that up. Garrett noted that she thinks All One Ocean's proposal is great and thinks that we should continue to follow the path that Parks Superintendent Chris Chamberlain is going down for good point source loading is fantastic. Weiner agreed that type of materials that Garrett described is not All One Ocean's target and All One Ocean is open to beaches that are appropriate. Garrett noted that she really likes the education component and told Weiner to go to the East Bay Regional Park District because there is another scenario that mimicks the programmatic scenario of Pt Molate Beach with much bigger volume and that is EBRPD's Miller Knox Park and there is a lot of people and trash coming in there and a great opportunity to safely educate people to pick up after themselves without any hazardous things. Garrett provided All One Ocean another tip to partner with other Non Profits who are stewarding these beaches and parks because the education is really important including other non profits are trying to put in signage of the importance of marine ecology and the life cycle with plastics. Garrett summarized that it is an opportunity for All One Ocean to get in and tell its three hundred and sixty degree story with an integrated educational sign. Garrett also mentioned that the All One Ocean stations need to be more rugged with laminated signage. Weiner noted that it is normally laminated but this is just a sample presented. Inglehart inquired what specific organizations that are stewarding Pt Molate. Garrett noted it is CFSPM and that she is surprised that David Helvarg didn't alert the All One Ocean of this fact and that CFSPM has been conducting clean ups at Pt Molate for a number of years in conjunction with The Watershed Project and in conjunction with Baykeeper. Garrett further noted that Baykeeper just pulled 18 tons of creosoted logs from Pt Molate Beach Park in May from September, 2013. Comstock noted that big events like Coastal Clean Up day bring out lots of people to clean up a lot as compared to All One Ocean being an everyday event. Garrett told All One Ocean that they should get together with CFSPM and all three directors of CFSPM are here in the PMCAC meeting now and All One Ocean can hook up with their Adopt-A-Beach Program and Garrett described it as very casual but trained and guided and wear gloves. Inglehart asked if this was through the Coastal Commission. Garrett said no and it is with the CFSPM. Whitty asked to describe CFSPN. Garrett noted that it is the organization that received the funding to open the Pt Molate Beach Park and that all three Directors are sitting at the PMCAC table. Stello indicated that she has been to the All One Ocean website and is a CFSPN Director and thinks All One Ocean is great and will send All One Ocean an email. Stello indicated that Smith is also a Director that CFSPM is working with. Hite agreed that All One Ocean is a great organization and could have used one of their bags last time he was on the beach.

Inglehart indicated that there are three stations about to go up on the island of Hawaii and the entrance to the Pt Molate Beach Park would be a great place for a sign on basics of green debris and stations as part of the way. Garrett noted that All One Ocean may want to put a bid in on a rubberized locker for all the volunteer organizations to put their supplies in and those that are trained could access this locker with pails, forks, knives to be used for clean up. Whitty thanked All One Ocean for a great presentation. Whitty noted that PMCAC will let CFSPM work with All One Ocean regarding working on Pt Molate Beach Park and that PMCAC would not be recommending any action.

b. Review IR Site 3 NER Correspondence, Final Numbers

Whitty announced that Terraphase has commenced preparing the FS RAP for IR Site 3. Carson confirmed. Whitty asked if Kirk Shellum is available. Garrett noted to Carson that the spreadsheet is difficult to read and has reduced it down to basic information of each alternative. A Go To Meeting connection was established and Kirk Shellum of NER/Minneapolis, MN introduced Daryl Nelson, NER CEO, in Edmonton, Canada and Technical Director John Tucker in San Antonio, TX. Garrett asked Mike Leacox of NCE to walk through the NCE spreadsheet to see the difference between the July and September costing, to allow NER to make any comments on it, so that PMCAC can

determine a dependable final number and make a recommendation on what road to travel in order to remediate IR Site 3.
Mike Leacox of NCE noted that there are only two spots where NER numbers have been used in the spreadsheet of difference and that is how the soil is treated. Garrett presented a summary spreadsheet and noted that there are differences on virtually every element. Garrett noted that the Ground Water Treatment Plant and an assumption of operation of three and one-half years makes a difference to NER's proposal in one of the scenarios. Garrett explained that the new spreadsheet with subtotal figures for P1,2,3,4 plus contingency and it lays out the figures from July 23 and September 12 and the spreadsheet only includes sub-totals and totals. Garrett explained that PMCAC can see items such as why P1 was $250,000 and is now $750,000 and to walk through those explainations. Leacox explained the comparison of the cost of Thermal Desorption versus the cost of Treating and Hauling from July 19 to Septermber 12. Leacox mentioned that he thought a focus on the September 12 information with reoccurring costs that are important to consider in relation to timelines to the two alternatives and other costs that come in or out depending on what alternative is viewed.

NER provided Go To Meeting access to system at PMCAC meeting place so all could see spreadsheet information being discussed. Leacox summarized reoccurring costs that affected differences in the spreadsheet including Phase I of the July 19 estimate that did not include some of the reoccurring costs as Operation of the Ground Water Treatment System, the Semi-Annual Ground Water Monitoring, and Regional Water Quality Control Board oversight and indicated that the reason the numbers go up in Phase I for excavation and for Thermal Desorption is because they were not included in the original spreadsheet. Garrett clarified that Scenario 2 is lined up against others. Discussion on Ground Water Packaged Treatment Plant (PGWTP) and Carson noted that this system will not last 20 years but more like 2 years.
Garrett indicated that need to look at clean close and Carson indicated that with a Waste Management Unit the management costs of it will go down over the years. Garrett inquired why costs were double for Thermal Desorption (TD) and Leacox indicated that it is for more than just one year, and there are extra CEQA costs and uncertainty of permitting the TD system including Air Board Permit and City Green House Gas rule. Leacox further described Scenario 4 with 3.5 years rather than 1 year. Shellum noted that it was first time he looked at spreadsheet and questioned why a year and a half to permit the system. Shellum indicated that the Air Permit in San Joaquin recently received would be no where near a year and a half. Carson inquired to how long was the experience of NER in getting an Air Permit in the Bay Area. Shellum indicated it wouldn't take a year and a half. Carson inquired to Shellum to his experience with CEQA and how long that would take. Shellum indicated that talking to regulators it would be an amendment and not a full document. Carson inquired to what regulator. Shellum indicated that he spoke with the Water Board. Carson asked who Shellum knows as the Lead Agency. Shellum said he spoke with the Water Board and they felt that it would not take that long. Carson stated that the lead agency is the City. Shellum stated that he was asking the question if a new CEQA document would be required. Carson said that is correct. Shellum summarized experience in San Joaquin County and their staff said a permit could be obtained in six to eight weeks. Garrett indicated that even with public notification process best case would be nine months and realistically looking at a year to a year and a quarter. Stello asked if Carson could not speak in confrontational manner.

Leacox summarized other figures relating to operating the packaged groundwater plant and noted numbers for P2 for excavation did not change. Leacox explained that he did not have this NER letter and difference is about $60,000. Garrett agreed that there are some differences and they show up later. Leacox indicated that the Phase 3 excavation and disposal really didn't change remarkedly with one correction on converting the bank cubic yards to loose cubic yards. Real change on thermal desorption is the thermal rate. Garrett inquired to the change on the 46 and the 42. Leacox responded that it is the 123,000 tons compared to the 3,000 tons and confirmed that this is two different scenarios and this is the broadest change. Leacox noted in Phase 4 it is the reoccurring costs tied to ground water monitoring that created change and noted that in the 19 versus 12 and believes it was a regulatory oversight that did not get in there. Garrett thought it was P1. Leacox said no but it is a lot of things that came in and out and the timeframes attached to it and gave example of P4 with five years versus 20 years of monitoring. Garrett inquired about scenarios of 20 years of monitoring versus a clean close scenario.

Carson summarized that Garrett wants to see the scenarios at 5 year intervals. Garrett agreed and that, for PMCAC, it is best to put information in format that is digestable. Leacox noted that in order to get to each scenario final number

then it needs the review at this level of detail. Garrett agreed and noted that it helps with general numbers in counseling the City. Carson noted that it is closer to 1 to 3 million in Scenario 2 if only 5 years and the packaged groundwater treatment plant will be gone, Water Board has bought into it already and all we have to do is to aerate for non-polar which are considered non-toxic compounds in that trenched out compound in response to Garrett inquiry of annual cost of $375,000 a year to run the PGWTP. Carson noted that the PGWTP is gone. Leacox noted that NCE has accounted for the PGWTP being turned off after remediation is complete. TD in scenario 4 is a 3 year process prior to being turned off. Garrett inquired if it could be broken into phasing in Scenario 2 to point PGWTP is turned off. Leacox understood this as phasing and then you compete on Mobilization Costs and each time mobilize it will be $300,000. For TD and $50,000. for soil excavation.

Garrett summarized that this body, the PMCAC, is trying to get to a point where it can provide a cogent set of guidance to the City Council. Carson noted that what Garrett proposed such as Phasing can be done. Carson said that no one will say that you can't excavate to clean closure. Garrett noted that City may need to make compromises and seek a 20 year clean up rather than 2 year clean up and seek additional funding. Carson noted that he spoke at last meeting and can provide flexibility and with City staff it can be bid as bid alternate such as there are three alternatives with the Waste Management Unit and to take it entirely out. Garrett indicated that it does hinder marketability of Pt. Molate and also noted that it is too bad that the review of what to do with IR Site 3 has created a cost of approximately $100,000 a month for about a year and a half and we could have been going into this if we just settled on it. Garrett recommended to now go out to a RFP for Scenario 2.

Leacox noted that this presentation is an Engineer's Estimate and it is not a bid and TD is also an Engineers Estimate using best understanding and unit costs. Garrett noted that PMCAC is asking for final costing and time spent is just unacceptable. Leacox described why to get a bid is once the bids and specifications are prepared once the methodology is determined how it will go and the bids and specifications are provided to a contractor to provide a bid and then you will have your bid amount. Leacox noted that it is standard in the industry to develop the project, prepare an Engineers estimate, put plans and specifications out to bid, and then you would have your bid.
Garrett noted that this should have been done over a year ago.

Carman inquired if the City can go out to bid and last meeting discussion on the alternate bid process. Carson indicated that he does not recommend TD through the FS RAP and recommends an alternative bid through the excavation. Hite asked how long it will take to bid and stated it would be about six months. Garrett noted a year and a half for TD with the CEQA approval. Martinez inquired to how large a difference between an engineers estimate and a bid. Whitty noted that engineers estimate is usually a little high. Leacox noted in the Civil Engineering world in is typical to try to get to the Engineers Estimate with 5% and the uncertainty in this project is the amount of soil might be more than what is estimated. Garrett noted that the 15% contingency is pretty fat. Carson noted that it is pretty standard. Sundance inquired that the City Manager desired to clean to highest standard. Leacox confirmed that is Scenario 4 that is called Clean Closed in the landfill business. Leacox summarized the process to get to the bidding point. Carson noted that the bidding for a construction bid would allow contractors to get numbers will be at least a month.

Puleo asked if 4 Scenarios can be bid out is realistic. Garrett said no and noted that Terraphase's recommendation is Scenario 2 excavation and described the process that the Committee is going through and see if there are other possibilities such as Scenario 4 and 2 and Garrett does not personally discount TD whether Scenario 2 or 4 but there is a big financial difference between the two and based on that the recommendation is Scenario 2. Carson agrees to get an alternate cost and maybe it will fit into the budget but not to give up the scenario that does fit with the budget. Carson noted that once it is bid, the City may determine that it would like to come up with an extra 3-5 million or whatever is needed to clean closure alternative. Garrett noted that there is agreement with process on the x axis doing it with the alternative but would like TD bid. Carson noted that bidding TD delays the process. Excavation bid with hard numbers you can be in field in 2-3 weeks versus the year and half additional time for TD. Carman indicated that it may be worth it if you can save money such as $8 million and recommends putting TD in the bid. Carson noted that you will not save $8 million. Hite asked if the GHG permit can be waived. Discussion that it would come around in project cost. General discussion about GHG emissions. Shellum noted that the Green House Gas emissions would need to be permitted and what needs to be determined. Garrett noted that the CEQA document did not address GHG emissions.

Carman noted that City staff is moving forward anyway and need to get this in FS RAP. Garrett noted that it has been two years of slow walking the process. Carson noted if it takes longer then you will spending money. Garrett noted that it costs money slow walking the process. Carson clarified that it is taken time due to the Water Board's regulatory stance on the process and the debate over this particular issue. Garrett noted that it took over a year to get a meeting with NER. Carman opened discussion to NER. Shellum noted that NER has listened and first got involved about two years ago with a meeting of George Leyva and Bill Carson at the site. Shellum summarized process and details such as fuel and noted that the NER process does take more time but liability is severed on site by reusing the soil on site. Shellum indiated that the bids could come in 30-40 percent higher with excavation and compared a clean site via TD or a site with a Waste Management Unit.

Puleo said PMCAC should recommend to go forward now and City to put out an RFP whether TD or excavation. Carman noted that Murray stated that the City is already moving forward on the FS RAP. Carman believes entire PMCAC recommends that TD be included in FS RAP and bid process. Murray noted that from the last PMCAC that there was an Administrative Decision to go forward with FS RAP and seek a cost for clean closure. Martinez inquired if the figures on the WMU include the dumpsite for disposal. Leacox said that the tipping disposal fee is included forever at the dump site. Leacox agreed with NER's point that you still own it and it is cradle to grave. Shellum indicated that the risk may with an insurance policy may be really expensive. Puleo noted that the City has already spent a lot of money on insurance policies. Stello asked Murray if TD was included in the steps forward. Murray indicated that the discussion with the FS RAP will include the Clean Closure alternative bid and time issues and lapse with TD may be with George Leyva and consultants. Garrett noted that in December of 2012 George Leyva already stated that the FS RAP will be rejected if TD isn't addressed and rejected a pilot study requirement. Garrett inquired why can't go forward with TD and small footprint WMU and it would be wasting additional time with Water Board not to include TD. Murray clarified the responsibility of the Water Board. Carman stated importance to having a site without a Waste Management Unit and it may restrict value and use of the property and this is not seen in the numbers.

Puleo motioned that the City go forward with the bid process. Martinez seconded. Garrett provided further discussion and the restoration advisory subcommittee should further discuss the quantitative aspects and seek further funding for full clean closure and seek developers that will provide that additional funding and stress that both technologies have benefits and drawbacks and both are at equal footing and in Garrett's book they are even.
Whitty clarified that the City go forward with both Scenarios to bid. Motion passed unanimously. Smith wanted to make another motion and changed it to a recommendation that the Committee goes to the three that spoke the longest that would compose the letter to the City Council. Whitty noted to the City Council Liaison. Mayor indicated that it should also be directed to City Council. Whitty noted that the three of us would draft the letter. Carman indicated that time is of the essence because Staff is not waiting. Carman asked if NER is still there. Shellum confirmed that they were there and wanted to know if project and bid will be bonded. Shellum said yes. Mayor asked if PMCAC letter can be copied to Bill Lindsay. Whitty agreed.

8. STAFF REPORTS

PROJECT MANAGER'S STAFF REPORT INCLUDING

a. Report on new US Navy Escrow Fund Agent
b. Review of fund balances for Pt Molate General Fund budget and Navy Escrow Account
c. Report on Facility Survey with City of Richmond Caretaker
d. Inquiry of Use of Goats for Vegetation Management
e. Information from David Rosenberg, Esq. Presentation on Rosenberg Rules
f. PMCAC Establishment Resolution No. 8-11 Review

Whitty noted that there is a Staff Report in the packet under item 8 and congratulated the PMCAC for getting the Beach Park opened and there was a huge amount of press. Garrett requested that item 8d be carried over to November. Whitty agreed. Garrett suggested that item 8e and the Charter reading be carried over until

November and asked each PMCAC member to read. Whitty called for report on 8a,b,c. Murray noted that KCRT's Brian Bland put together a video on Pt Molate Beach Park and asked if it would be alright to play the video while the Staff Report item is being heard. Murray reported that the new Fiscal Agent Agreement was provided to the US Navy Attorney and the first Escrow payment request, #39 in sequence, was requested through Union Bank. Murray reported that both finance reports are there. Garrett requested if a summary can be provided in the Staff Report and asked for a report by vendor. Garrett summarized a $105,000. Invoice from Terraphase and inquired about how to see invoices since March. Garrett also inquired about monthly insurance report. Murray indicated that any Committee member can come in and review. Carman indicated not to place this in packet because it is too large. Garrett inquired if Staff can place items into Google documents and Murray reiterated that this is available any time for Committee members to review hard copies but can check with City Manager Staff to see if this request can be coordinated. Murray reported on update on review of space usage at Pt Molate.

9. CONSENT CALENDAR

a. APPROVE – PMCAC meeting minutes of September 16, 2013

Murray noted that item will need to be carried over to next month.

10. FUTURE AGENDA ITEMS

Whitty noted the two carry over items from Staff Report and to seek for a future presentation of the Pt Molate Beach Park Eelgrass. Garrett asked to reconsider PMCAC meetings on Monday nights. Carman noted that with Hite they have some volunteers for broom removal and this could be considered. Whitty said that it can be put on for next agenda.

11. CITY COUNCIL LIAISON REPORTS

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

Mayor reported no significant items of change in litigation from the City Attorney's Office and advised the Court's will continue the case management and there will be a conference coming up in December. Mayor also announced that the City is waiting for the Court's ruling on the City's motion on the judgement on the pleading that some of the issues get thrown out of the court. Mayor indicated that she is pleased that Pt Molate Beach Park is opened and expressed thanks to entire PMCAC for their work on this effort. Mayor noted that she is in contact with the City Parks Superintendent to select a date for a more official grand opening. Garrett inquired if arguments have been submitted. Mayor indicated that she can check and report.

b. PMCAC appointment status

No report.

12. CHAIR AND SUB-COMMITTEE REPORT

a. Clean-Up and Restoration:
   1. Summarization of wet season groundwater monitoring report covering period 1/1/13 to 6/30/13
   2. Report out on August Monthly Status Report
   3. Report out on September Monthly Status Report

Whitty referred to packet for Item 12.A.1. Garrett referenced to Carson to report but inquired on the high readings in a couple of wells. Carson reported a couple with high petroleum readings but have not heard from the Water Board and indicated that he can have Peter review and report back to him. Garrett inquired on the optimization comment in the report. Carson said that there is limited amount of contamination in the bioreactor and goal is to get rid of it before it collapses on itself and can do this by increasing the amount of sand filters. Carson noted that this should bring in the Operations and Maintenance time costs out there as well. Carson noted that Terraphase is already checking to make sure the Carbon is treating it adequately. Carson indicated that Terraphase found that it was loading the Carbon too rapidly and that would increase the costs but the amount of loading on the Carbon will be less costly than having Colin go out there two-three times a week to check and keep that Bioreactor from braking. Garrett requested a copy of the Water Board comments. Carson noted that he received Garrett's email last week requesting comments and Carson will Kelly will go through Garrett request for documents and apologized because in the industry this is the busy time just before going into winter weather. Carson noted that Water Board comments were regarding what Terraphase will be doing with the tanks and want a report on each one that is planned to be closed and what to do with tanks that still have some impact. Carson said there is no sense in providing active remediation of these tanks but will provide Water Board a report on each tank closure. Carson noted in August and September really haven't been doing anything other than running the systems waiting for a decision on where to go with IR Site 3.

Garrett asked Carson if he could provide a copy of the draft FS RAP that Terraphase is preparing. Carson indicated that now he is working on details on alternatives and by next meeting should be able to bring what the alternatives are to go through the FS RAP.

Garrett asked if anyone else had comments on the August and September reports.

b. Community Outreach:

Hite reported that attending PMCAC have a copy of the current draft brochure and asked for comments. Hite reported that the brochure and survey will be circulated to the community and noted that PMCAC will have the benefit of the University of California, Berkeley Graduate Students again to assist in outreach and marketing. Hite thought that targeted efforts this time may be focus and go to Iron Triangle. Stello noted Santa Fe. Hite indicated no slide show because of limitations with technology. Garrett inquired how all Neighborhood Councils will be reached. Hite indicated that he will do what he can and start coordinating it and indicated that Mary, Eduardo or Charles may help as well. Garrett inquired if a schedule of when the Outreach will be performed at each Neighborhood Council. Hite said yes. Whitty inquired if a presentation has been made to the Coordinating Council. Hite said yes that there has been a presentation there but can go back there again.

Hite expressed thanks to Ellen Gailing for doing the work and she can make information into a slide presentation. Garrett asked for Hite to report next month on the schedule of visits to Neighborhood Councils. Smith reported on Beach Park. Garrett suggested new flyer be placed on posts at the Beach Park. Garrett inquired if there is a PMCAC recruitment portion of the flyer. Hite noted it is a section on how to participate. Smith noted that a lot of people have asked if Kayaks can be brought to and up on the Pt Molate Beach Park and stated that the answer, according to Garrett, is yes. Garrett clarified that we, the PMCAC, are not in a position to say no. Garrett noted a concern that the Kayaks will create their own social caste down there unless we, the PMCAC, say no kayaking rules then people will arrive with kayaks and drag across the lawn. Murray stated that there is an Eelgrass area that has been studied at Pt Molate Beach Park for some time and it is a group that PMCAC may want to come speak and PMCAC can consider items such as this in the management of the Beach Park and make sure everyone is on the same page. Garrett acknowledged that these particular Eelgrass sensitive areas off of Pt. Molate Beach Park has been already reviewed by every kayaking club and a bunch of conservators. Whitty noted that Eelgrass Research presentation can be put on as a presentation for the future. Stello said it is Kathyrn Boyer of the Tiburon Research Center as the point of contact. Hite noted the Romberg Center. Stello said yes.

c. Grant Development:

Stello reported a conversation with Healthy Richmond and they have a grant coming up in November. Stello presented that effort would involve youth in a summertime afternoon coastal education day camp. Stello reported that PMCAC has three Interns from UC Berkeley to work on visioning on the ground with interviews and focus on parents and youth with a focus on the Santa Fe Neighborhood Council area but decision hasn't been made yet and could include North Richmond. Principals at MIG, Daniel Iacafono and Susan Goldsmith, will be leading the youth and Stello noted that both Daniel and Susan spoke to the PMCAC and MIG worked on POGO park, Solano playlot and the Richmond Central Greenway. Stello noted that besides visioning, the big question would be transportation of the youth to the daycamp.

Stello indicated that there is work on a second grant with Wells Fargo for a Coastal Prairie Demonstration plot and signage at Beach Park for Watershed and a coastal education curriculum.

d. Pt Molate Beach: Proposed beach park signage; Baykeeper marine debris cleanup progress

Whitty noted that the Beach Park was opened on Monday and this has been covered already. Garrett noted that photos are in the packet about what the Beach Park looked like on Monday. Garrett reported on new improvements to Beach Park. Puleo noted that there is no beach at high tide but there is pilings there. Garrett reported that every rule that not supposed to break was being observed and there was a bunch of Laoian kids out there with fishing poles. Garrett noted overflowing trash cans, new sign. Garrett reviewed type of trash such as a box an awning came in and Styrofoam cooler and noted that PMCAC will be watching the waste stream. Garrett did report that other than one Kleenex that there was no trash other than marine debris on the beach. Garrett noted that there was already graffiti on a park bench. Discussion on how to clean the benches and Smith noted if there is not enough trash cans then trash will go all over.

e. Chair: Identification of pending schedule conflicts

Whitty reviewed the dates of Nov.18 and Dec.16 during the holidays and inquired if there were conflicts. No conflicts reported.

13. ADJOURNMENT

Sundance moved to adjourn the meeting at 9:13 pm, seconded by Smith. Passed unanimously.

14. Assemblage of PMCAC Standing Sub-Committees

Adjourned to Sub-Committee Meetings.

15. SCHEDULED MEETINGS

Committee Meeting – .
Monday, December 16, 2013, 6:30 p.m., Multi-Purpose Room, 440 Civic Center Plaza

Minutes respectfully submitted by: _____

Craig K. Murray, PMCAC Staff Liaison