

City of Richmond – POINT MOLATE COMMUNITY ADVISORY COMMITTEE

Multi-Purpose Room
440 CIVIC CENTER PLAZA

MINUTES

MONDAY, September 19, 2011, 6:30 PM

1. CALL TO ORDER

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

2. ROLL CALL

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

Absent: Committee Members Hanna, Helvarg, Soto.

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

3. WELCOME AND MEETING PROCEDURES

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

4. AGENDA REVIEW AND ADOPTION

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

5. ANNOUNCEMENTS THROUGH THE CHAIR

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

6. OPEN FORUM

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

7. REPORTS

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

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

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

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

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

C. Presentation of Land Use Evaluation Report

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

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

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

8. PRESENTATIONS, DISCUSSIONS & ACTION ITEMS

A. Presentation of Building Emergency Structural Restabilization Work

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

B. PMCAC appointment review and recommendations.

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

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

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

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

9. CONSENT CALENDAR

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

10. FUTURE AGENDA ITEMS

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

11. CITY COUNCIL LIAISON REPORTS

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

12. CHAIR AND SUB-COMMITTEE REPORTS

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

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

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

13. Adjournment

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

14. SCHEDULED MEETINGS

Committee Meeting –

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

Minutes respectfully submitted by:



Craig K. Murray, PMCAC Staff Liaison

