

City of Richmond – POINT MOLATE COMMUNITY ADVISORY COMMITTEE

Multi-Purpose Room
440 CIVIC CENTER PLAZA

MINUTES

MONDAY, March 18, 2013, 6:30 PM

1. CALL TO ORDER

Chair Garrett called the meeting to order at 6:32 p.m.

2. ROLL CALL

Present: Committee Members Beyaert, Garrett, Gilbert, Hite, Kortz, Martinez (6:41), Puleo, Smith, C., Smith, N., Stello (6:58), Sundance, Whitty.

Absent: None

Staff Present: Gayle McLaughlin, Mayor; Bill Lindsay, City Manager; Craig K. Murray, Staff Liaison, Development Project Manager II

3. WELCOME AND MEETING PROCEDURES

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

4. AGENDA REVIEW AND ADOPTION

Garrett reviewed Agenda items and briefed PMCAC on the Agenda order and speakers. N.Smith made motion to adopt the Agenda, Puleo seconded. Passed unanimously.

5. ANNOUNCEMENTS THROUGH THE CHAIR

Chair provided information on the renewal of terms for Committee Members and to have applications in to City Clerk by middle of April. Vice Chair reported on trip to Pacific Grove and shoreline access to the beach area.

6. OPEN FORUM

Cordell Hindler spoke in regards to an Arts Night at the Performing Arts Center.

7. PRESENTATIONS, DISCUSSION & ACTION ITEMS

- a. Open Discussion – Cleanup goals and future land uses for Pt. Molate with Bill Lindsay, City Manager.

Garrett introduced and thanked City Manager Bill Lindsay for attending PMCAC meeting. Lindsay spoke in regards to cleanup goals and the future of Pt. Molate. Lindsay noted a recent and very good meeting with Chair, Vice Chair, Mayor and a City Attorney Office representative. Lindsay stated that the issue in broad Policy terms is related to clean up goals and felt that the environmental condition of dirt should not impair City Council in the reuse of that particular property. Lindsay noted that City Council should be unfettered in development objectives and the general plan rather than restrictions that state you can't do certain land uses or limit areas such as industrial. Lindsay stated that there is not a Development Plan now and it is simpler to determine during a development plan review and with something in mind to develop. Lindsay reflected on the South Shoreline Area and that the City Council as a Statement of Policy and it has adopted a Resolution stating that the condition of the dirt will not affect their land use decision and that the responsible party does cleanup the property so the City Council can make an informed decision and an unfettered land use decision. Lindsay noted that Pt. Molate is in active litigation and the development plans are undetermined. Lindsay stated that the City has been receiving a lot more inquiries regarding properties throughout the City and feels that the Economy is improving and if it were not for the unique situation with Pt. Molate then it would be more active as well.

Hite inquired why City couldn't clean to the lower level and if later a developer came in then they could clean to that development's higher standard. City Manager agreed that it is practical but it the regulatory standards

would need to be reviewed as it relates to various standards and what a developer could develop would be something the City Council could take a look at. Garrett noted that in the General Plan there is the intent that a developer would come in and clean to a higher standard. Lindsay noted that first stage development would not want to be left if it is economically unfeasible for a developer to come in and finish the site remediation. Puleo stated the Terraphase reported to clean up to unrestricted level and questioned if City is working towards this goal. Lindsay stated that this would depend on what land use goals are met and desired by City Council. Puleo further inquired if it would be unrealistic to ask the US Navy for additional funds. Lindsay noted that the Navy Escrow funds were negotiated during different circumstances and asking the Navy to be a responsible property owner is certainly something the City could request. Martinez expressed concern of fund spent on costs other than clean up and wants to do as much cleanup as possible as quickly as possible. Lindsay stated that no one has stated it is moving too slowly but can check on progress and agrees that everyone benefits as soon as it will happen. Beyaert expressed concern of fees spent in quarterly monitoring reports and fund reports on County, Water Board and consultants. Beyaert further noted that unrestricted use of IR Site 3 is a challenge. Lindsay noted that he can review and is interested as well to determine if Site 3 is languishing and should be moved along. Garrett noted that when group met with City Manager in January was a request from Terraphase and NER to provide numbers of what it would cost to clean to a reliable, unrestrictive use. Garrett stated that a formal request should be made to receive these cost proposals from NER and Terraphase. Garrett noted that \$2.76M has been paid to Terraphase to date, \$229,000 has been paid to Water Board, and then PG&E, monthly administrative bills and other payments have been made that costs are adding up and it is about a year late to comply with Water Board on the Site 3 FS RAP. This has added another \$400,000 coming out of the Escrow Fund. Garrett further noted that the Escrow Fund is down to about \$20M and most recent report filed with Insurance Carrier by Terraphase noted that the most recent est. is it will be \$25M so there is now a difference of about \$5M between what is projected and what remains in the Escrow Account. Garrett inquired about the policy aspect of development marketing and what it will take to get an amendment to the General Plan. Garrett asked what are plans to market property and are there plans to put forth a RFP. Lindsay noted that City has several good properties and now getting unsolicited offers and Pt Molate may as well but concern is issue with remediation, and as of the moment no unsolicited proposals have been received for Pt. Molate. Further information from Terraphase on Site 3 makes sense. Lindsay noted that he was advised that General Plan Amendment processing during litigation was not a good idea. Whitty noted that Site 3 and 4 are only real cleanup areas if all else is unrestricted. Whitty asked what will do with EIR on a lower level of cleanup. Lindsay provided development scenarios and indicated that can do addendum or supplemental depending on how much is different. Beyaert noted public space uses between Building 6 and Shoreline. Mayor noted Reuse Plan was clearly in agreement with and believes it is within the General Plan. Mayor questioned why the unrestricted determination for this area. Lindsay noted that City Council as Land Use Authority should not be told what it can't do based as dictated by the cleanup plan. Lindsay noted that Zoning and General Plan could change and until there is a development plan then don't know what expectation is. Lindsay noted that don't think want to do clean-up on the cheap and it is something less than what is wanted. C.Smith inquired about developer Jim Levine, if there was meetings at Water Board and is there a plan to develop housing. Lindsay noted that he did not know. Garrett thanked City Manager for attending and welcomed him to attend anytime in the future.

Public Speaker Hindler stated he was concerned about the waste at Pt Molate and all the toxics need to be removed and at the beach. Public Speaker Don Gosney spoke on Site 3 and 4 and noted that Site 3 is the real problem and noted that the US Navy spent nearly \$17M to a minimal standard between Building 6 and the Shoreline and now the Water Board wants more and the problem is getting to it. It needs to be cleaned up once you get down there, clean it up, this is what RAB told the Navy, and no developer will pay for these costs. Gosney further noted that the insurance policy would cover items is not known but problem is that funds are being frittered away with consultant reports and the Water Board and strongly doubts that the Navy will provide more funds. C.Smith inquired how City will get more funds. Gosney indicated over time the Administrative Costs such as PG&E, Consultants will take funds and have Navy funds for 3 years and need to find creative ways and think be more creative to spend funds and it is like CalTrans.

- b. Proposed Bay Trail segments: Pt. Molate, routing, easements, scope.

Beyaert reviewed pictures as provided by Nichols Consulting Engineers and provided background on the SF Bay Trail. Bay Trail is planned 500 mile hiking, biking trail within the Nine County Bay Area Region with 340 miles completed and Richmond has built the most miles in the Bay Area. Beyaert reviewed gaps that link to Pt Molate at Castro and Tewksbury and it is important because it will create a destination for the trail. Beyaert noted 2009 State Lands Commission determination in regards to Chevron Long Wharf Lease Extension that has allowed for easements to the SF Bay Trail. Pictures were reviewed for this Castro Point railway alignment. Beyaert noted that it will take approximately four years for East Bay Regional Park District to complete design and construction of this section of the trail.

8. STAFF REPORTS

- a. Phase I Implementation Plan for Pt. Molate Beach

Garrett presented slides that Park Superintendent Chris Chamberlain prepared for the Pt Molate Beach Park renovation plan. Various improvements to access, barbeques and picnic tables were discussed. Improvements will cost approximately \$74,000. Restroom will be a porta-potty and it will not come from the Cosco Busan settlement funds.

- b. Review of fund balances for Pt. Molate General Fund budget and Navy Escrow Account

Garrett noted finance document with funds spent of \$2.7M with Terraphase and noted that City needs caution on the expenditure of these funds. Garrett also noted the ACE insurance report and pending information from Finance Dept. Public Speaker Don Gosney said it concerns him as a citizen that 37% of the funds are spent and believes all interest goes to the US Navy. It is \$186,000. (3/4 of 1% interest) and over three years should be getting more for those funds. Gosney asked Committee to ask Council. Hite noted \$4M of funds spent was for Insurance.

- c. Committee Log for PMCAC inquiries to staff, contractors

Garrett noted that there are no changes and only item is secondary advisories and requests and a copy of the letter to Mr. Lindsay is enclosed and it requests final analysis of cleaning to unrestricted status. Garrett asked Bill Carson of Terraphase how much it will cost. Carson noted that Draft FS Site 3 Alt.6 is \$30M unless there is some restriction it is digging it all up. Garrett inquired how to break impasse with Water Board and believed costing of full unrestricted use of IR Site 3 and 4 and in discussion with Carson now don't have. Carson stated looking at Site 3 and Site 4. Garrett asked if Carson can present in April Committee meeting.

9. CONSENT CALENDAR

Whitty requested that February minutes be held over to the April Committee meeting. Item moved to next regularly scheduled meeting.

10. FUTURE AGENDA ITEMS

Garrett noted that on the Regional Water Quality Control Board attendance request that it may be better that Cleanup and Restoration Committee talk to George Leyva and this may save several hours of billings. Garrett noted that Terraphase costing and schematic information could be placed on the next Agenda. Beyaert requested thermal desorption information and Carson indicated that he could provide comparison

Information.

11. CITY COUNCIL LIAISON REPORTS

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

Mayor provided a copy of a city attorney email to the committee members and noted that it will be delivered tomorrow to city council. Mayor read statement on lawsuit against city as breach of land disposition agreement. Mayor read that it did not violate terms of the land disposition agreement and noted the premise of this case. Mayor believes since items are starting to move that items may be a little more intense. N.smith inquired on the discovery phase.

Mayor introduced paul carman and he has a pending application. Mayor encourages all on the current committee to submit their re-appointment applications. Mayor also noted that steve rosing will also be reapplying. General discussion was held on the rolling 12 months and absence periods. Mayor clarified that date of reappointment the clock starts and every year start over with allowance of up to three misses. N.smith advised that she will not be reapplying.

12. CHAIR AND SUB-COMMITTEE REPORT

- a. Clean-Up and Restoration: Synopsis of Terraphase Monthly Status report of February 2013, Synopsis of QMRs for 1) USTs, 2) IR Site 1, 3) PGWTP.

Garrett noted that it is 8:30 and reviewed pending items. Whitty moved to extend meeting one-half an hour, Hite seconded, passed unanimously. Carson noted monthly report has regular items such as monitoring tanks, running the treatment system, Task 3a feasibility of industrial waste area and within that assessment for different costs to be presented next meeting. Carson further reviewed tasks and derived injection waste processing and disposal actions. Carson noted that Water Board should review following the current review by Nichols that will, with Water Board authorization, will allow the City that it will no longer need to further monitor tanks. Site wide groundwater monitoring and wide scale abandonment of over 100 wells by Contra Costa County standards recently occurred and was a lot of the costs the last months that passed through to Terraphase. Garrett noted that QMRs will be held over.

- b. Community Outreach:

Garrett recounted that Committee was looking at a final arts display for the final PMCAC meeting in May, 2013, to get a special last session event away from the multi-purpose room in the basement of the 440 Civic Center Plaza building and goal was to determine at this meeting if this would move forward. Garrett noted that would like to connect to Pt Molate Beach opening but that may not happen until July, 2013.

There was also some discussion to take the display to several other locations. Garrett and C.Smith and others summarized their review of various venues such as Richmond Art Center, Bermuda Room and East Bay Center for Performing Arts. C.Smith indicated can probably get the Bermuda Room just give them a date. Garrett summarized her review of the Richmond Museum of History, Richmond Art Center and East Bay Center for Performing Arts. Garrett noted that Richmond Art Center would love to have this exhibit but is not available until October, 2013. Garrett discussed scheduling and thought 6-8pm Wednesday to Friday night but not Monday night but this also needs to be determined. Beyaert indicated that Building 1 at Pt. Molate would be a draw. C.Smith thought there are two different audiences one for arts and one that would actually go to Pt Molate and suggested to do a special barbeque and indicated should be doing both events. C.Smith thought

get Bermuda Room and if can't get then hold it over. Hite indicated that he spoke with a representative at the Bridge Arts Space and also indicated that there needs to be an Art Curator to organize show. Hite indicated that he can organize the event if necessary. Garrett indicated that she could not manage this event. Beyaert indicated that City Art Coordinator Michelle Seville could help. C.Smith questioned about Brown Act with emails, discussions. Garrett noted that Outreach Committee communication is fine if under seven Committee members.

c. Grant Development:

Stello noted that she has not heard from Wells Fargo on the Pt Molate Beach grant request and safe to say that this grant request was not received. Stello noted on the Urban Greening Grant, it funded the Greenway, and that Chris Chamberlain is on Committee that will decide which grant requests go forward. There are approximately five Richmond City based grants in play for these grant fund. Stello noted PMCAC will be applying for a grant that Garrett found a Raymond C. Anderson Environmental Grant for \$5,000 to \$25,000 and Baykeeper Eel Grass bed grant. Stello will meet with the National Fish and Wildlife Foundation person in charge of the Wells Fargo Grant and see what else is out there. Garrett noted she found a West Marine grant has a \$500 to \$5,000 for marine conservation and improvement of fish habitat.

d. Legal: Court Document Request

Garrett noted the four pages in the Agenda Packet list documents that Garrett sent a tracker interest request for public documents via a Public Records Act request to Murray and noted that City has resources to find and make available copies of these documents.

e. Chair:

Garrett asked if any conflicts next month. N.Smith inquired Hite involvement with outreach that Monday night and Garrett asked if want to reschedule PMCAC. Hite suggested that need to be at SARA between 7:00 – 7:30 pm and need only one person to go. Garrett suggested start at 6:00pm.

Puleo moved to change next regular scheduled PMCAC meeting of April 15 with start time up one-half hour earlier to 6:00pm, seconded by C.Smith. Committee voted in favor with Beyaert abstaining.

13. ADJOURNMENT

C.Smith moved to adjourn the meeting at 9:10 pm, seconded by Sundance. Passed unanimously.

14. Assemblage of PMCAC Standing Sub-Committees

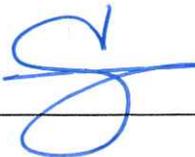
Adjourned to Sub-Committee Meetings.

15. SCHEDULED MEETINGS

Committee Meeting – .

Monday, April 15, 6:30 p.m., Multi-Purpose Room, 440 Civic Center Plaza

Minutes respectfully submitted by:



Craig K. Murray, PMCAC Staff Liaison

