

# City of Richmond – POINT MOLATE COMMUNITY ADVISORY COMMITTEE

Multi-Purpose Room  
440 CIVIC CENTER PLAZA

## MINUTES

MONDAY, August 19, 2013, 6:30 PM

**1. CALL TO ORDER**

Chair Whitty called the meeting to order at 6:43 p.m.

**2. ROLL CALL**

Present: Committee Members Carman, Garrett, Gilbert, Hite (6:50 left), Martinez (8:45 left), Smith, C., Stephenson, Sundance, Whitty.

Absent: Kortz, Puleo, Stello

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. Garrett made motion to adopt the Agenda, Martinez seconded. Passed unanimously.

**5. ANNOUNCEMENTS THROUGH THE CHAIR**

Chair reviewed Cal Trans Notice and lane closures that will affect traffic with west bound three lanes of traffic now open and east bound remains under construction. Garrett noted there was a backup in middle of the 6 am commute by Cal Trans when the lanes were switched over.

**6. OPEN FORUM**

No Speakers.

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

a. NCE Contract Renewal Scope of Services, Roles and Responsibilities, Terms

Whitty introduced item and noted that there is attachment with the Service Plan. Whitty noted that former Chair Garrett wrote a letter to City Council regarding to extend the contract for only a month and for only \$28,000. Garrett stated that this includes 8C and will frame discussion of the item. Garrett reviewed history of contract and noted that Upstream vacated the Remediation Agreement and their obligation for remediation work and reporting from ARCADIS originally and now with Terraphase and now this will move from Upstream to the City. Garrett reviewed the selection process from 2010 that selected NCE and indicated concern of the Scope of Services currently is identical to Scope of Services from 2010. Garrett noted mission of PMCAC is to provide feedback to Murray to update the Scope of Services for NCE. Garrett indicated that roles of both NCE and Terraphase could also be considered to be shifted because all of this is now on the City to fulfill the Early Transfer obligations. Garrett noted that PMCAC wants to review NCE roles and responsibilities and their performance.

Whitty asked PMCAC to review the Scope of Work for NCE in the Board packet. Garrett suggested to use Water Board Order and Early Transfer Agreement and any other imposed site remediation responsibilities especially since there is no longer a Remediation Agreement. PMCAC members discussed particular tasks within the Scope of Services. Garrett wanted financial oversight within the remaining remediation funds and remediation effectiveness. Smith asked to bring a summary of tonight's PMCAC Scope of work review for NCE be brought back to the next PMCAC meeting.

Whitty discussed a 12 month contract with \$100,000. Garrett noted no problem going to one or two year but spend rate has been about \$50,000. Whitty called Mike Leacox of NCE to speak to PMCAC and asked Leacox what kind of contract does NCE envision and why. Leacox summarized prior contract and those were only items as requested by the City and not all items were requested by the City. Leacox noted that want the flexibility in contract and Whitty agreed that is what PMCAC is recommendations too. Carman cautioned about reactive requests rather than City looking for technical in advance support. Leacox noted that can go to a schedule and activities needed for each month and each quarter. Leacox noted that Terraphase in past provided debrief and City was pretty happy in technical oversight with ways things have been going but IR Site 3 review has consumed a year and a half. Leacox noted that NCE helped steer IR Site 4 that saved time and funds. Leacox noted also reviews related to RCRA Haz versus Cal Haz waste as best options. Leacox noted that some things should be considered quarterly or bi-monthly versus monthly reports without significant changes during that last month. Leacox noted 20-40 hours/month seems low now but be considered high later on. Whitty was concerned overlap of Scope of NCE and Terraphase and Leacox said there is not from regulatory or technical perspective and NCE will keep this in the forefront to not overlap responsibilities. Martinez inquired if NCE asked City to do things that had not been asked of them. Leacox said yes and reflected on when Upstream said they would not be involved and would review spending. NCE noted that prior review related to drillers invoice and if it was bid out and Terraphase said yes and provided three bids. Garrett noted that PMCAC is looking for upfront processes such as putting work to bid. Whitty inquired if NCE and Terraphase would meet more. Garrett noted that Engineering Estimate is needed upfront and an entire Engineering Estimate. Garrett noted that NCE charges \$900./hour. Leacox noted that \$190 to \$200./hour is bill rate. Carson noted that 40 hours month at 12 months at \$190./hour is \$91,000. Year. Whitty recommended that it be a July 1, 2013 to June 20, 2014 contract at \$100,000. Carman stated that he wanted a sales pitch.

Leacox noted that NCE has vested interest in City, is a local vendor, and provide technical and financial services and wants the City to succeed but was not asked to prepare a powerpoint presentation to PMCAC. Garrett stated that NCE has very little original work that was prepared and it was Terraphase work. Garrett noted that NCE went out of its way to piss on Desorption and it has taken a year to review. Smith agreed that City wants services that City needs and PMCAC is here to oversee contractors like NCE. Garrett and Carman asked why NER and its references were not consulted in a prior meeting. Leacox summarized efforts and technical discussion with NER and noted that NER lacked a third party engineering verification. Carson noted that there is always a third party review and NER should have those reports and Carson noted that he personally asked for this four times. Garrett summarized that NCE did not do work as independent and procedural items that would like to see. Garrett requested a City Performance Review of NCE. Martinez noted that things NCE did was what was requested by City and inquired what reports does City have related to work performed by NCE. Murray indicated that the requested monthly summary reports from NCE can be provided as go forward basis. Garrett requested that NCE work be put out to RFP. Murray summarized process included about 135 firms. Garrett noted a problem with those only registered in the Richmond Bids Online database. Garrett motioned in addition to Scope changes, a performance review be done with NCE and a RFP be done prior to contract extension to NCE. Smith seconded. Whitty asked for clarification of motion. Garrett noted that Performance Review, if bad, would let it go to RFP. Murray inquired who does Performance Review and noted this is pretty unique. Garrett inquired what do you do if you have a vendor that is not working out. Murray said terminate the vendor. PMCAC further discussed concerns. Garrett amended motion to put forward PMCAC recommended changes for NCE Scope. Smith seconded. Rosing said put forward to RFP if not satisfied and there is a downside to putting it out in regards to starting over with someone else rather than working out with who you have and also stated that he liked the Canadian firm as well. Martinez inquired about NCE suggested items to City to work on within the contract. Leacox stated this was occurring with Carlos Privat starting on Pt Molate. Garrett indicated that it is good to have a process for NCE to redeem themselves. Rosing noted that this process is in effect a Performance Review and NCE now knows that PMCAC will hold NCE accountable in behalf of the City Council and felt it was good to hash these items out. Whitty noted that there is a motion on floor and time extension. Garrett amended motion to recommend to City Council to extend NCE for a six month contract and an amount not to exceed \$50,000 and separate letter to City Council to recommend to put it out to RFP but this could also be withdrawn. Whitty seconded and noted that she can draft the letter. Smith inquired if Chair could second motion. Carman abstained. Balance of PMCAC in favor. Rosing motioned to move Western Drive to next month, reduce Staff Reports to 3 minutes each and extend for twenty minutes to 9:00pm maximum and hold over any other items. Stephenson seconded. Passed unanimously.

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

Jim Hanson noted that he can report at next month. Stephenson inquired what was going to be reported. Hanson summarized.

- c. Rename Western Drive North of I-580 to Stenmark Drive

Beyaert suggested that PMCAC take it home, review and comment. Garrett suggested to comment now. Carman suggested spending fifteen minutes to speak and then PMCAC can come back with comments. Garrett presented structure of report and highlights:

## 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 and noted four proposals received, reviewed and one firm is under negotiation with City. Murray noted that he would bring back to PMCAC further report as it progresses. Garrett inquired if all proposals can be provided to PMCAC. Murray noted City process that this is under negotiation and not available. Garrett inquired if Navy Escrow can be provided and sorted by vendor. Garrett inquired if Murray can provide a monthly report such as Security, ACE and Leasing activity/revenue.

## 9. CONSENT CALENDAR

- a. APPROVE – PMCAC meeting minutes of July 15, 2013

Murray noted that one change that Mayor did not attend and request to carry over to September this consent item.

## 10. FUTURE AGENDA ITEMS

Garrett noted items from this meeting to be finished in September.

## 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. Murray noted no litigation report from Goodmiller and Rachel Somavilla in City Attorney's Office.

- b. PMCAC appointment status

Murray noted that Nicole Valentino that no applications received. Whitty asked if Murray can check to see if a call for PMCAC Commissioners is posted on the City's website. Garrett asked if Murray can contact Contra Costa Times could be contacted and run an announcement.

**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 7/30/13 City Council Meeting Item I-19, Assignment and Assumption of Master Consulting Services agreement by Upstream to Terraphase
  4. Report on extension request to Water Board Order/IR Site 3

Whitty requested to extend meeting another 15 minutes to 9:20pm, second Gilbert. Martinez No. Rosing Abstain. Balance of PMCAC Approve. Garrett noted 12a3 done, 12a1 and Item 12a2 NCE spreadsheet take in September PMAC Meeting.

b. Community Outreach:

Smith noted that a Community Outreach performed with Art show and Solano Stroll will be in about 3 weeks and HomeFront Festival will have a table. Smith welcomed anyone on PMCAC to sit at table with CFSPM members. General discussion on uses at Pt Molate and security. Whitty discussed improvements approved by Design Review for the Shooting Range.

c. Grant Development: Grant App.Status

Garrett noted no reports.

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

Garrett reported and that the Baykeeper marine debris cleanup program finished week ago tomorrow with 80 Tons removed, ADA path could not progress because all of the creosote was lined up at the gate and they are now done and out of there and waiting for Parks to start construction work. Garrett noted that park improvement work now looks like it will not be able to be done until end of September and season will effectively be done. Garrett noted that a clean up will need to be done in September and Citizens for a Sustainable Pt Molate (CFSPM) has done all the clean ups there and invited The Watershed Project in 2012.

e. Chair: Identification of pending schedule conflicts

No report.

**13. ADJOURNMENT**

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

**14. Assemblage of PMCAC Standing Sub-Committees**

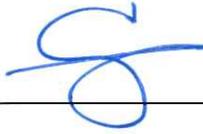
Adjourned to Sub-Committee Meetings.

**15. SCHEDULED MEETINGS**

Committee Meeting –

Monday, September 16, 2013, 6:30 p.m., Multi-Purpose Room, 440 Civic Center Plaza

Minutes respectfully submitted by:



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Craig K. Murray, PMCAC Staff Liaison

