

MINUTES OF THE ARSENAL WORKING GROUP

-- Draft --

Monday, January 14, 2013

- I. CALL TO ORDER: Mayor Elizabeth Patterson opened the meeting at 3:09 PM and stated the meeting purpose.
- II. Mayor Patterson introduced the facilitator Jodie Monahan from the Center for Collaborative Policy.
- III. Ms. Monaghan had sub-Committee Members and staff introduce themselves:
 - a. Council Members: Mayor Elizabeth Patterson and Alan Schwartzman
 - b. Committee Members: Jack Bell, Leeann Cawley, Cherie McCammon, Ron Myska, Randy Potter, Ed Ruszel, Bill Warren
 - c. Staff: City Manager Brad Kilger, City Attorney Heather McLaughlin, Community Development Director Charlie Knox, Economic Development Manager Mario Giuliani, Law Clerk Greg Henry
- IV. Bill Warren had corrections to the minutes of the October 29, 2012 meeting, which Staff agreed to make.
- V. Ms. Monaghan introduced herself and described her purpose as a third party neutral. She summarized her previous experience working in the City of Benicia and then went over the agenda for the meeting. She noted the rules from the previous meeting and for this meeting introduced the following guidelines:
 - a. Listen with an open mind.
 - b. Use common courtesy.
 - c. Ask questions with curiosity.
 - d. How to move forward instead of review of the past. "Give up all hope for a better yesterday."
- VI. City Attorney McLaughlin gave a brief update on the current status. She stated that Department of Toxic Substance Control (DTSC) was expected to issue an order in three months, giving the end of March as a target date. Further, she would be presenting this information to the City Council in a closed session and would update the Working Group after the meeting. She also stated that though the City was looking into insurance, it currently did not look as promising as it once had. The discussion also covered what was expected in the order. Mr. Myska asked, "How detailed will the order be?" and wished to know if it would include locations and a timeline. City Attorney McLaughlin replied that at this time none of the details were known. Mr. Myska then asked, "What is the Army's role?" The Group then discussed the City's ability or lack thereof to make the Army pay for cleanup.
- VII. Mr. Ruszel asked who was invited to the meeting. He quoted one of the rules from the previous meeting which stated that the Working Group speak to the press with one voice. He wondered if said rule limited what he was allowed to say in public and if this rule limited the transparency of the meetings. City Attorney McLaughlin replied that the public was allowed to attend the meetings and that the rule was not intended to limit what Working Group

members were allowed to discuss outside of the meeting. Mr. Ruszel then asked that a list of Working Group members be created and that it include each member's place in the community. Mr. Myska emphasized that everyone be allowed to speak as freely as they wished. Ms. Monaghan added that though each member was free to speak for themselves, it was important that no one speak for the whole of the group before the group had reached consensus.

- VIII. Randy Potter arrived and introduced himself.
- IX. Ms. Monaghan moved the discussion into the Frequently Ask Questions (FAQ) document which was distributed. She asked what the purpose was and who it was for. Mr. Ruszel wished to know if it was part of the agreement with DTSC or if it was merely a "feel good thing." Ms. McLaughlin replied that while DTSC knew of the group, it would not affect their findings or orders. She felt that the group had been created to help the city develop a plan. Mr. Kilger added that the staff goal was to generate a usable document to help new or existing property owners looking to develop. Ms. Cawley added that being a member of the Working Group was a service. Mr. Myska commented that he had three hats or reasons for being part of the group. The first was to represent non-attending members of BIPA. The second was as a member of Economic Development Board to inform all business owners. The final was as a property owner and he attended the meetings out of self-preservation.
- X. Ms. Monaghan asked is applying liability and identifying who is responsible part of this working group? The Working Group then discussed both if such a question was part of the Working Group and the issues of fault. Though the question liability was not resolved, it was decided that the Working Group would limit its scope to the FAQ.
- XI. Cherie McCammon arrived and introduced herself.
- XII. Having limited the focus to the FAQ, Ms. Monaghan asked who will read the FAQ and what will it cover? The following were responses:
 - a. Educate current & future tenants and landowners
 - b. Support economic development
 - c. Clarification of issues
 - d. Enable a liaison between other groups
 - e. Point owners and potential owners to the right organizations and City staff to learn about their properties
 - f. Inform staff of the needs of the property owners
- XIII. Ms. Monaghan closed this discussion by noting that those items which are outside this list (XII. a-f) might be looked at in future working groups. This prompted the Group to discuss whether other groups would be needed.
- XIV. At this point, the question was asked about the timeliness of the Working Group. It was felt by some that until more information was available from DTSC the FAQ could not be completed. City Manager Kilger noted that regardless of DTSC's decision, there needed to be a working plan available for properties not given an order to clean. Council Member Schwartzman

added that regardless of DTSC's announcement, the FAQ questions would remain.

- XV. Mr. Ruszel asked that information about Land Covenants be added to the FAQ.
- XVI. Ms. Monaghan began the FAQ draft review. The first suggestion was reorganization of the FAQ. Ms. Monaghan then opened it up for questions. Regarding the first question on the FAQ: What is the Arsenal? Mr. Bell asked how the Group would define the Arsenal in the FAQ as the Arsenal has so many definitions depending on perspective. There was some discussion about maps and areas with definitions and titles. The focus tightened on the question of where the Army was. Mr. Kilger stated that staff would create the map, which would include the area previously owned by the Army. Mr. Ruszel added that issues may extend outside the boundaries of the historical Arsenal. Ms. Monaghan asked which map would a new owner most care to see. Mr. Potter emphasized that the greatest focus should be on where the Army had been. After being asked, Mr. Ruszel commented that the DTSC map was best for identifying areas with potential issues. City staff, with the help of Mr. Ruszel and Ms. McCammon were tasked with creating a map with the following elements:
- a. Area owned by the Army
 - b. Expanded area effected by the Army
 - c. Areas DTSC was focused on or "interested" in
 - d. The boundaries of the Industrial Park
- XVII. The Working Group moved on to Cortese List question: What is the Cortese List? The Group felt the question had limited utility and asked that it not be included as a general questions but as part of a decision tree.
- XVIII. Next, was the Envirostor question: What is Envirostor? Mr. Bell noted that the Arsenal had moved from one list, Cortese, to another Envirostor. There was also discussion on: How does Envirostor differ from the Cortese List? There group consensus that the Cortese list is "worse" than the Envirostor list. Mayor Patterson added that the Cortese list currently being unfunded added to this interpretation.
- XIX. Ms. Monaghan asked if there were any additional questions on the Cleanup Section. Having none, she then asked who the first point of contact would be for users of the FAQ. It was decided that Economic Development should be the primary contact with staff of the Community Development Department also able to answer any questions.
- XX. Mr. Ruszel wondered about the format of the FAQ. He felt that the FAQ was too long to be presented as a brochure. It was suggested that a brochure could act as initial source of information. There would also be detailed but circumstance specific documentation. The audience was determined to be:
- a. Current Owners (people who currently have no knowledge)
 - b. Prospective tenant
 - c. Improvement (permit)
 - d. Purchase / Seller
 - e. Developers

- f. Commercial Brokers and Lenders
- g. (Media)
- h. (General Public)

The last two audience members (XX. g-h) were marked separately as potentially interested parties but ones for whom the FAQ would not be specifically written.

- XXI. Returned to questions about cleanup. This brought back Land Covenants as an option to prevent required cleanup. It was then emphasized that this topic should be added to the FAQ.
- XXII. Moved to the Potential and Current Property Owners section. Mr. Bell wondered if the FAQ should state that a property might never have to deal with DTSC. Council Member Schwartzman wondered if we could store studies and actions taken on properties at the City. This would occur on a on a voluntary basis.
- XXIII. The following were volunteers to help answer questions in the FAQ:
 - a. Mr. Ruszel
 - b. Mr. Warren
 - c. Mr. Sherry, a Working Group member not in attendance would also be asked to join the subgroup.
- XXIV. Mayor Patterson felt that a separate document should be created to explain what to do when things change. As circumstances could change for a variety of reasons including a discovery of undocumented contamination or DTSC changing its area of concern, she felt a “what to do when” document would have value. As such a document would be within the expertise of City of Benicia consultant Mark O’Brian, this document was passed to him, though he was not in attendance.
- XXV. Mr. Myska asked are we or are we not on FUD’s site?
- XXVI. List of Action Items:
 - a. The City Attorney’s Office would create a Working Group member list.
 - b. Staff, Mr. Ruszel and Ms. McCammon would work on the Map.
 - c. FAQ answers would be generated.
 - d. Mr. O’Brian would be asked to create a document on what happens when things change.
- XXVII. Review of what was accomplished. City Attorney McLaughlin agreed to have the answers for the FAQ by the end of February. Copies of the minutes are due to be distributed by the end of the week, January 18th. Mr. Myska asked for a report on the next DTSC meeting once it occurs. The next meeting was set for March 11th. The Working Group agreed that the FAQ must be ready and distributed by March 4th to allow members time for review. The meeting was closed at 5 PM.