

Fort Bragg, California
July 25, 2005
Town Hall

The Agency Members of the Fort Bragg Redevelopment Agency met in regular session on the above date at the hour of 8:40 p.m., in Town Hall, southwest corner of North Main and Laurel Streets (363 North Main Street), Fort Bragg, with Chair Dave Turner presiding.

ROLL CALL as acknowledged by Chair Turner

Present: Agency members Dan Gjerde, Brian Baltierra, Doug Hammerstrom, Jere Melo, and Chair Dave Turner.

AGENDA REVIEW

CHAIR'S RECOGNITION AND ANNOUNCEMENTS

1. PUBLIC HEARING

2. CONDUCT OF BUSINESS

A. Receive Report and:

- **Consider Adoption of Resolution Authorizing Use of Polanco Redevelopment Act in the Fort Bragg Redevelopment Project Area and Establishing Procurement Procedures for Actions Taken Under the Polanco Redevelopment Act; and**
- **Provide Direction to Staff Regarding Use of Polanco Redevelopment Act Process for the Georgia-Pacific Mill Site Remediation Project**

Community Development Director Ruffing reviewed the Agenda Item Summary Report prepared for this item with the Agency Members. She noted the following during her presentation:

- ★ Georgia-Pacific (GP) is a very responsible "responsible party"; they have developed a good working relationship with the Regional Water Quality Control Board (RWQCB) and are doing everything they can to continue site assessment work so that they can begin to plan for remediation of the site.
- ★ GP's concern is that use of the Polanco Act will slow down the remediation process but that doesn't have to be the case.
- ★ Staff hopes that regardless of whether the Polanco process is use, the City's environmental consultant will become part of the team that works toward remediation in a timely fashion.
- ★ RWQCB will remain the lead oversight agency for the remediation process with or without Polanco.
- ★ The only formal approval action of the Redevelopment Agency, under Polanco, is the approval of the Remedial Action Plan (RAP) which includes risk assessment, a public participation plan, a schedule for clean up, and remedial actions for clean up of the site.
- ★ Staff's recommendation to approve use of Polanco is based on the reduced level of risk as the owner of the parkland property, streets and utility rights-of-way.
- ★ The cost to use Polanco is incrementally more but that needs to be weighed against the statutory immunities.

Discussion: The following issues were noted during discussion of this item:

- The City's consultant could be selected, if the process starts immediately, by late September or early October; it would then take the consultant a couple of months to review all of the information and be able to provide meaningful input.
- Table 1 amounts are best estimates based on input from Attorney Leigh Goldberg. Staff suggested that the Agency Members look at this table as providing relative levels of involvement and cost more than actual hard numbers. These costs are primarily for environmental consultants and legal fees; staff time is not figured it but is anticipated to be low.
- Ruffing, in response to a question by Councilmember Melo, stated that she believed the City's environmental consultant would be afforded consideration by GP and RWQCB with or without Polanco.

Redevelopment Agency Minutes

July 25, 2005

Page 2

- Polanco would require a public participation plan as part of the RAP and that plan would need to be based on, and responsive to, the level of public interest in the project.
- Mayor Pro Tempore Gjerde suggested that GP should pay for the cost for the City's environmental consultant to review the clean up of property other than that the City will acquire for parkland. Staff suggested this might be something the City can negotiate with GP but there is no legal authority to require that type of payment. Councilmember Melo noted that the City will acquire more than just the parkland as they will also acquire streets and utility easements.
- Gjerde noted that the last time this issue was discussed by the Agency one of the issues the Community Development Committee was to look at was other cities that have invoked Polanco. No relative comparison has been given. It was noted that there is no comparable project with a city this size using Polanco for a project this large.

Councilmember Baltierra left the meeting at 9:40 p.m., returning at 9:50 p.m.

Public comment on this item was received from: Alis Valencia, Loie Rosenkrantz, Margaret Paul, and Mike Helm who all cautioned against using Polanco. Written comments were received from David Russell, North Coast Action, who also cautioned against using Polanco.

Councilmember Baltierra left the meeting at 9:55 p.m.

Discussion: The following issues were noted during additional discussion of this item:

- Councilmember Hammerstrom felt that the immunities granted with Polanco aren't much different than those given by the property owner (GP) through insurance and indemnification. The benefits of immunity only come if something goes wrong in the process. He questioned whether the marginal difference in immunity was worth the cost. He felt that the Agency could provide due diligence and assurance that development wasn't happening on contaminated property without Polanco.
- Hammerstrom noted that in prior meetings GP stated that they would be willing to help with the public participation component with or without Polanco.
- City Attorney Gogna, in response to a question by Mayor Turner stated that the Redevelopment Agency has the authority to invoke the Polanco process but there is nothing that compels the Agency to complete the process. Polanco anticipates the Agency taking certain steps at certain points as outlined but if those steps aren't taken then GP and the RWQCB won't stop the process.
- Agency discussed their desire to hear from other cities who used Polanco about their experience even if they weren't exactly comparable.
- Gogna noted that insurance and Polanco cover different situations as insurance doesn't cover known releases but Polanco does and Polanco doesn't provide protection from third party action but insurance does.
- Councilmember Melo stated that, given the input from the public tonight and the information that GP and the RWQCB are working well together, he does not believe that Polanco is the only way to offer a public process to the community.
- Turner suggested making sure the Agency gets a solid indemnification agreement from GP before deciding whether or not to invoke Polanco.

Council concurred with directing staff to move forward with a request for proposals for an environmental consultant to review the entire mill site property and to report back in 30 days on discussions with Georgia-Pacific regarding an indemnification agreement and payment for a portion of the environmental consultant costs.

3. COMMENTS ON NON-AGENDA ITEMS

A. Staff Comments

Redevelopment Agency Minutes

July 25, 2005

Page 3

B. Public Comments

1. George Reinhardt informed the public that there will be a public meeting tomorrow night at 6:30 at Dirt Cheap, 17975 North Highway 1 (corner of Tregoning Lane and North Highway 1) regarding bioremediation processes to clean contaminated soil. He encouraged the City Council and members of the community to attend.
2. Loie Rosenkrantz stated that she appreciated the process the Agency and citizens just went through.

4. CONSENT CALENDAR

Moved by Melo, seconded by Hammerstrom, to accept the Consent Calendar, as received, with the actions noted, namely:

A. Matters from Committees

B. Approval of Minutes

(1) Minutes of July 11, 2005.

VOTE: Ayes: Agency Members Gjerde, Hammerstrom, Melo, and Chair Turner.

Absent: Agency Member Baltierra.

5. MATTERS FROM AGENCY MEMBERS

Agency Member Gjerde noted that the City Manager’s weekly report said that Georgia-Pacific (GP) was going to hire a consultant to initiate a specific plan for the mill site. He asked when the City/Agency would start talking about hiring a consultant to work on the specific plan as he felt this should be a coordinated process. He recommended that, instead of just looking at the City’s Land Use Code, a “form based code” be used that states what shall be done rather than what shall not be done. Community Development Director Ruffing reported that dialog has just begun at the staff level with GP about preparation of the specific plan and staff anticipates an item on the August 22 agenda regarding the process structure. She stated that she believed a form based code is a great idea for the mill site because it focuses on public spaces and leaves flexibility in terms of specific uses. She encouraged the Council/Agency to share any input they may have about the specific plan process in advance of the meeting. A memorandum of understanding between the City and GP that specifies exactly what the roles will be for different disciplines will also need to be developed.

6. CLOSED SESSION

Chair Turner adjourned the meeting at 10:50 p.m.

DAVE TURNER, Chair

ATTEST:

Cynthia M. VanWormer, CMC
Secretary

INDEXED: _____(____)

IMAGED: _____(____)