

**RICHMOND, CALIFORNIA,
February 19, 2013**

The Richmond City Council Evening Open Session was called to order at 5:35 p.m. by Mayor Gayle McLaughlin.

ROLL CALL

Present: Councilmembers Butt, Myrick, Rogers, Vice Mayor Boozé and Mayor McLaughlin.
Absent: Councilmember Bates arrived at 5:36 p.m. and Councilmember Beckles arrived at 5:40 p.m.

PUBLIC COMMENT

The following individuals gave comments regarding the Native American Health Center Closed Session item: Esther Lucero, Michael Dyer, and Courtney Cummings.

CITY COUNCIL

The city clerk announced that the purpose of the Evening Open Session was for the City Council to hear public comments on the following items to be discussed in Closed Session:

A-1. LIABILITY CLAIMS - PENDING LITIGATION (Government Code Section 54956.9):
Aaron Nunley vs. City of Richmond
Pamellar Kimbal vs. City of Richmond

A-2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8):

Property: 2566 Macdonald Avenue
Negotiating Party: Native American Health Center
Agency Negotiator: Bill Lindsay
Under negotiation: Price and Terms of Payment

Property: 440 Civic Center Plaza, Third Floor
Negotiating Party: National Park Service
Agency Negotiator: Bill Lindsay
Under Negotiation: Price and Terms of Payment

The Evening Open Session adjourned to Closed Session at 5:43 p.m. The Closed Session adjourned at 6:53 p.m. The Regular Meeting of the Richmond City Council was called to order at 6:59 p.m. by Mayor Gayle McLaughlin who led the Pledge of Allegiance to the Flag.

REGULAR MEETING OF THE SUCCESSOR AGENCY TO THE RICHMOND COMMUNITY REDEVELOPMENT AGENCY AND RICHMOND CITY COUNCIL

ROLL CALL

Present: Councilmembers Bates, Beckles, Butt, Myrick, Rogers, Vice Mayor Boozé, and Mayor McLaughlin. **Absent:** None.

READING OF THE CODE OF ETHICS

Human Rights Human Relations Commissioner Courtney Cummings read the Code of Ethics.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Items J-2, J-4, J-9, and J-12 were removed from the Consent Calendar. A correction was made to Item J-10 increasing the contract amount by \$1,000 for a total of \$26,425.51. The proclamation recognizing Fred Jackson was continued to the February 26, 2013, City Council meeting.

OPEN FORUM FOR PUBLIC COMMENT

Kathleen Sullivan announced that the Leadership Mobilization Coalition will be having a congratulatory event for newly appointed Councilmember Jael Myrick, and will also recognize Contra Costa College President, Dr. Denise Noland, and newly appointed Contra Costa County Judge Judy

Johnson, on March 7, 2013, from 5:30 p.m. to 7:30 p.m. at Salute's Restaurant.

Leonard Taylor asked the community to participate in the upcoming Chinese New Year events.

Alexis Pickens, Miss Richmond, thanked the City Council for presenting her with a proclamation honoring her achievements and academic success. Ms. Pickens also thanked her family, friends, supporters, and sponsors and asked for their continued support.

Sims Thompson stated that there are many street lights out throughout the city and several street signs are missing.

Don Gosney gave comments regarding the temporary closure of 38th Street near the Solano Playlot, and asked that the neighbors in the area be involved in the decision made regarding the closure.

Andres Soto stated that various groups have been meeting about next steps regarding the August 6, 2012, Chevron Richmond Refinery fire. There will be a community forum on Wednesday, February 27, 2013, at the St. Mark's Catholic Church gym.

Jackie Thompson stated that she viewed a documentary about President Obama and she learned that he studied law and was a community activist. Ms. Thompson also stated that Contra Costa County offers free legal advice services to residents.

Bea Roberson, Chair, Richmond Police Commission, stated that the Police Commission has been without a Confidential Investigative and Appeals Officer since April 19, 2012, and there has also been a vacant seat on the commission since November 1, 2011. Ms. Roberson stated that it is unacceptable for citizens to have to wait so long to have their complaints investigated.

Police Officer Larry Lewis, invited everyone to attend the Richmond Police Activities League (RPAL) Annual Luncheon on Thursday, February 28, 2013,

from 11:30 to 1:00 p.m. at the Richmond PAL gymnasium.

Michael Peretz urged that more study be conducted to determine if a proposed \$5.2 million appropriation should be spent by the West Contra Costa Unified School District to fund a major rehabilitation of the Richmond Swim Center at Kennedy High School.

Eleanor Thompson stated that an elderly neighbor on 127 Willard Avenue in North Richmond needs assistance in cutting a very large tree in her back yard that may fall and damage homes in the area or even kill someone.

Margaret Jordan, President of the Point Richmond Neighborhood Council, stated that persons should not make divisive comments about Point Richmond versus other parts of the city.

Michael Parker stated that Point Richmond is a very welcoming community and all the amenities available in Point Richmond are open to everyone.

Vice Mayor Boozé stated that he was insulted about Councilmember Butt commenting at a previous meeting that he didn't know where the Southside of Richmond is located. Vice Mayor Boozé also commented that Margaret Jordan was quoted in the newspaper as saying that some people are concerned about the safety of going to the Civic Center and other areas of Richmond.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Councilmembers Beckles and Myrick, and Mayor McLaughlin, recognized Bobby Lee Bowens for his contribution to Black History in Richmond. Mr. Bowens' wife and sister received the recognition and thanked everyone for honoring Bobby.

**REPORT FROM THE CITY ATTORNEY
OF FINAL DECISIONS MADE AND NON-
CONFIDENTIAL DISCUSSIONS HELD DURING
CLOSED SESSION**

City Attorney, Bruce Goodmiller, stated that there were no reportable actions taken during closed session.

**SUCCESSOR AGENCY TO THE RICHMOND
COMMUNITY REDEVELOPMENT AGENCY
CONSENT CALENDAR**

A motion by Councilmember Bates, seconded by Councilmember Butt, all items marked with an asterisk (*-) were approved by the unanimous vote of the City Council.

*- Adopted **Resolution No. 9-13**, approving the Successor Agency to the Richmond Community Redevelopment Agency's Recognized Obligation Payment Schedule for the period July 2013 to December 2013 (ROPS 13-14a) pursuant to AB 1X26 and AB 1484.

*- Adopted **Resolution No. 10-13**, approving a contract with Susan G. Mayer for management consulting services related to finance issues applicable to the Successor Agency to the Richmond Community Redevelopment Agency in an amount not to exceed \$104,000 and for a term extending to June 30, 2013.

*- Adopted **Resolution No. 11-13**, approving a contract with Robert Half International, Inc. for accounting and finance support for the Successor Agency to the Richmond Community Redevelopment Agency, for an amount not to exceed \$36,000 and for a term ending June 30, 2013.

CITY COUNCIL CONSENT CALENDAR

On motion of Councilmember Myrick, seconded by Councilmember Beckles, all items marked with an asterisk (*-) were approved by the unanimous vote of the City Council.

*- Approved standing orders with Hanson Aggregates and Dutra Materials to provide asphalt for paving and pothole repairs in an amount not to exceed \$2,000,000 per fiscal year, per vendor for five years.

A motion by Councilmember Rogers, seconded by Councilmember Myrick, approved a second contract amendment with V.W. Housen & Associates in the amount of \$100,000, for a total amount of \$199,750, for the evaluation and technical review of the City's wastewater operations and capital improvement projects (as contracted by Veolia Water North America), and for technical review of the wastewater alternatives analysis currently being prepared by the East Bay Municipal Utility District Feasibility Study. The term of the contract is through June 30, 2014, by the following vote: **Ayes:** Councilmembers Beckles, Myrick, Rogers, Vice Mayor Boozé, and Mayor McLaughlin. **Noes:** None. **Abstain:** None. **Absent:** Councilmembers Bates and Butt.

*- Approved an amendment to the original contract between the City of Richmond and Tatoe Installation, LLC, for services related to the maintenance of the 800 MHz and very high frequency (VHF) radios located in the City's fire stations, changing the expiration date to September 30, 2013, and increasing the payment limit to \$45,100.

*- A motion by Councilmember Rogers, seconded by Councilmember Myrick, approved the matter to approve an emergency justification and contract with Midstate Barrier, Inc. to replace 200 feet of damaged metal beam guard railings (traffic safety barrier) along westbound Richmond Parkway at the Giant Road on-ramp in an amount not to exceed \$12,500. Councilmember Boozé requested to speak on this item. A motion by Councilmember Rogers, seconded by Councilmember Myrick, to reconsider the item and continued it to the February 26, 2013, City Council meeting, passed by the following vote: **Ayes:** Councilmembers Beckles, Myrick, Rogers, Vice Mayor Boozé, and Mayor McLaughlin. **Noes:** None. **Abstain:** None. **Absent:** Councilmembers Bates and Butt.

*- Approved an amendment to the contract with Nichols Consulting Engineers, Chtd., for additional engineering consulting work for the final phase of the Via Verdi Restoration Project. The contract value will increase by \$136,500 for a total of \$2,035,500 and the term will be extended to June 30, 2014.

*- Adopted **Resolution No. 12-13**, approving the Enforcement Response Plan for the Source Control Program as required in the Federal Code of Regulations (FCR) Part 403.8, for identifying and documenting violations of wastewater discharge permits, the Sewer Use Ordinance, or any other pretreatment program standards or requirements.

*- Approved the renewal of a lease agreement between the City of Richmond (as lessor) and the Parents Resource and More (PRAM), a California nonprofit corporation (as lessee), for the use of space at the Washington Field House building to provide programs and classes for 0-5 year old children and their parents. The lease is for a three-year term from January 1, 2013, through December 31, 2016, and has a rate of \$250 per month.

*- Approved a contract with Wendy Driver-Guinn, dba Shortstop Management, LLC, for a total amount not to exceed \$27,000, to continue providing tennis instruction for the Recreation Department's Youth and Adult Tennis Program participants. The term of this contract will be for the period beginning April 1, 2013, and ending June 30, 2014.

*- CONTINUED to the March 5, 2013, City Council meeting, an ordinance (first reading) amending the wages, salary, and compensation for the classification of Risk Manager (Salary Range No. 071A; \$9,240 - \$11,232/month) (increase of 3.3%).

*- Approved the renewal of the contract with the Community Housing Development Corporation (CHDC) from March 20, 2012, through March 31, 2014, in the amount of \$26,425.51 to provide for the continuation of services and specific activities as described in the 2012/2013 Preliminary North

Richmond Waste and Recovery Mitigation Expenditure Plan.

*- Adopted **Resolution No. 13-13**, setting aside City Council Resolutions No. 93-08 and 94-08 and any permits, authorizations, and approvals for the Chevron Energy and Hydrogen Renewal Project and otherwise complying with the Writ of Mandate issued by the Superior Court in and for the State of California for the County of Contra Costa in CBE, et al., vs. City of Richmond, et al., Case No. N08-1429.

*- CONTINUED to the February 26, 2013, City Council meeting, the Marin Clean Energy (MCE) community outreach and implementation plan.

*- Approved the minutes of the January 29, 2013, and February 4, 2013, special meetings and the February 5, 2013, regular meeting.

*- Approved the City Council 2013 Standing Committee, Regional Committee, Ad Hoc Committee, and Liaison position appointments.

*- Approved the following appointments and reappointments: Arts and Culture Commission: Silvia Ledezma, new appointment, term expiring January 31, 2017; Historic Preservation Commission: Joan Pavilinec, new appointment, term ending July 31, 2017; Housing Advisory Commission: Helen Hall, incumbent, term expiring November 11, 2014; Human Rights and Human Relations Commission: Jasmine Jones, new appointment, term expiring March 30, 2016; Workforce Investment Board: Brian Garber, new appointment, no term expiration.

*- Received the monthly report on the Richmond Municipal Sewer District for January 2013.

*- Approved the grant-funded purchase of office chairs from The Chair Place, as part of improvements being made to the line-up room at the Police Department headquarters, in an amount not to exceed \$8,500.

*- Adopted **Resolution No. 14-13**, accepting \$496,000 in Priority Development Area Planning grant funds and authorizing the city manager to execute a funding agreement with the Metropolitan Transportation Commission for the South Shoreline Specific Plan and associated Program Environmental Impact Report.

*- Approved a contract with Opticos Design, Inc., in an amount not to exceed \$600,000, to be partially funded by a Priority Development Area (PDA) Planning Grant in the amount of \$496,000 received from the Metropolitan Transportation Commission, to prepare the South Shoreline Specific Plan and associated Program Environmental Impact Report.

PUBLIC HEARINGS

Deputy City Clerk, Pamela Christian, announced that this was the time set pursuant to public notice to consider an appeal by William Randolph III, of the Planning Commission's denial of a project to subdivide the site, 5801 Knobcone Court, into four residential lots with one remainder parcel and render a decision. Planning Director, Richard Mitchell, gave an overview of the matter. At its regularly scheduled hearing on November 1, 2012, the Planning Commission denied the applicant's proposal to subdivide a 2.85 acre lot into four parcels with a remainder parcel after hearing testimony from neighbors who spoke in opposition to the proposal. The 2.85 acre lot is occupied by large a single family home that was approved in 2005. The applicant proposes to eventually construct three additional custom homes on the proposed lots as part of the subdivision, Tentative Parcel Map 8812. This minor subdivision is subject to the regulations of the Chapter 15.08 of the Subdivisions of the Municipal Code of the City of Richmond. Mayor McLaughlin declared the public hearing open. Appellant, William Randolph presented his appeal. The main opponent, Robin Bedell-Waite gave comments. The following individuals gave comments: Mark Alford, Jorge Dominguez, Tom Waite, Steven Chickering, Eleanor Loynd, and Erez Maoz. The residents are concerned about the West County Wastewater District choosing not to install a sewer pipe

in the new area, maintenance of a new detention basin, street repairs, and any possible soil movement. A motion by Councilmember Bates, seconded by Vice Mayor Boozé, closed the public hearing by the unanimous vote of the City Council. Discussion ensued. A motion by Councilmember Bates, seconded by Councilmember Beckles, upheld the Planning Commission's decision and denied the appeal without prejudice, by the unanimous vote of the City Council.

RESOLUTIONS

The matter to adopt a resolution in support of selecting a site in Richmond for the California Health Benefits Exchange regional call center was presented by Councilmember Myrick. The location under consideration for the call center is 1450 Marina Way South. The other possible site under consideration by the County Board of Supervisors is a location in Concord. Jackie Thompson and Eduardo Martinez gave comments. A motion by Councilmember Myrick, seconded by Councilmember Beckles, adopted **Resolution No. 15-13**, by the unanimous vote of the City Council.

ORDINANCES

The matter to introduce an ordinance (first reading) amending Chapter 6.38 of the Richmond Municipal Code requiring the registration of vacant buildings in the City was presented by Attorney, Trisha Aljoe and Code Enforcement Manager, Tim Higaes, gave an overview of the matter. Currently the City has two ordinances dealing with vacant buildings. Chapter 6.38 regulates and requires the maintenance of all vacant buildings. The other ordinance, Chapter 2.63, deals only with vacant residential buildings that were obtained through a foreclosure action. Chapter 2.63 imposes daily fines of \$1,000 a day, up to \$30,000, if the legal owner fails to maintain the property. The proposed amendment would encompass all vacant buildings, both commercial and residential, regardless of how legal title was acquired. The proposed amendment would require that all vacant buildings be registered and that a registration fee be paid, regardless of the condition of the property. There will be an

administrative policy that will address cases of hardship that apply only to the registration portion of the ordinance extending the registration period for up to 90 days. Melvin Willis and Eduardo Martinez gave comments. A motion by Councilmember Beckles, seconded by Councilmember Butt, approved first reading of said ordinance, by the following vote: **Ayes:** Councilmembers Bates, Beckles, Myrick, Rogers, and Mayor McLaughlin. **Noes:** Vice Mayor Boozé. **Absent:** Councilmember Butt. **Abstain:** None.

COUNCIL AS A WHOLE

The matter to review the Fiscal Year 2012-13 Mid-Year Budget Financial Forecast and ADOPT a resolution approving the proposed budget adjustments was presented by Finance Director, James Goins. The City of Richmond's General Fund ended FY 2011-12 with an \$11.8 million cash reserve balance, representing 8.2% of expenditures and transfers out. This cash reserve balance remains above the City's policy of 7% of expenditures, and reflects an increase over the prior year after a continuing downward trend from 2008 through 2011. The City remains in a healthy financial condition, and continues to enjoy excellent credit ratings. This is due in large part to a diverse revenue base and a dedicated pension override which can be used to offset Public Employees' Retirement System (PERs) obligations. During the past several years, there was stress on Richmond's traditional sources of General Fund revenue due to declines in property and sales tax, as was the case with many cities in California, but this has since stabilized, and projections show moderate growth in future years. After a 14% decrease in total General Fund revenues in FY2009-10, General Fund revenues increased 10.3% to \$134.6 million in FY2010-11 and another increase of 11.2% in FY2011-12 taking General Fund revenues to \$149.7 million. For FY2012-13, this growth was not projected to continue, as evidenced by the originally projected 8.7% decrease of \$13.1 million over total General Fund revenues from last year. Mid-Year projections see the decrease of only \$9.2 million or 6.2% from prior year. Councilmember Rogers suggested that more funding should be allocated to the pavement budget. Councilmember Bates requested an

update report at the April 16, 2013, City Council meeting, regarding a program and plan to reduce the excessive amount of overtime expended currently by the Fire Department. Vice Mayor Boozé also requested a report regarding a plan to bring the police department to full staffing levels. A motion by Councilmember Rogers, seconded by Councilmember Myrick, adopted **Resolution No. 16-13**, by the unanimous vote of the City Council.

The matter to reaffirm the vote to appoint Jael Myrick to the Richmond City Council to request a unanimous vote to welcome Councilman Myrick for the purpose of unity was presented by Councilmember Bates. A motion by Councilmember Bates, seconded by Vice Mayor Boozé, to reaffirm the vote to appoint Jael Myrick. A substitute motion made by Councilmember Beckles, seconded by Mayor McLaughlin, to welcome Councilmember Myrick to the City Council, passed by the following vote: **Ayes:** Councilmembers Beckles, Myrick, Rogers, and Mayor McLaughlin. **Noes:** Vice Mayor Boozé. **Absent:** Councilmembers Bates and Butt. **Abstain:** None. Councilmember Bates withdrew his motion.

(11:02 p.m. – A motion was made by Councilmember Bates, seconded by Vice Mayor Boozé to adjourn the meeting.

*A substitute motion by Mayor McLaughlin, seconded by Councilmember Beckles to extend for 10 minutes to complete the current item and Item J-4, passed by the following vote: **Ayes:** Councilmembers Beckles, Butt, Myrick, Rogers, and Mayor McLaughlin. **Noes:** Councilmember Bates and Vice Mayor Boozé. **Absent:** None. **Abstain:** None.*

*A motion by Councilmember Beckles, seconded by Mayor McLaughlin, to end debate, failed by the following vote: **Ayes:** Councilmembers Bates, Beckles, Butt, and Mayor McLaughlin. **Noes:** Councilmembers Rogers and Vice Mayor Boozé. **Absent:** None. **Abstain:** Councilmember Myrick.*

**REPORTS OF OFFICERS: STANDING
COMMITTEE REPORTS, REFERRALS
TO STAFF, AND GENERAL REPORTS
(INCLUDING AB 1234 REPORTS)**

None.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:50 p.m. in memory of Lawonda Marcel Wadley, and Don Delcollo, former member of the Shimada Sister City Commission, to meet again on Tuesday, February 26, 2013, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor