

RICHMOND, CALIFORNIA, November 17, 2015

The Richmond City Council Evening Open Session was called to order at 5:30 p.m. by Mayor Tom Butt.

ROLL CALL

Present: Councilmembers Beckles, McLaughlin, Pimplé, Vice Mayor Myrick, and Mayor Butt. **Absent:** Councilmembers Bates and Martinez arrived after adjourning to Closed Session.

PUBLIC COMMENT

None.

CITY COUNCIL

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

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9): Sipple vs. City of Richmond

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.9): One Case

The Open Session adjourned to Closed Session at 5:31 p.m. Closed Session adjourned at 6:00 p.m.

The Regular Meeting of the Richmond City Council was called to order at 7:15 p.m. by Mayor Butt who led the Pledge of Allegiance to the Flag.

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Item I-15 was removed from the agenda. A motion by Councilmember Martinez, seconded by Councilmember Beckles, to hear Item L-2 after Item L-1, passed by the following vote: **Ayes:** Councilmembers Bates, Beckles, Martinez, McLaughlin, Pimplé, and Vice Mayor Butt. **Noes:** Mayor Butt. **Absent:** None. **Abstain:** None.

**REPORT FROM THE CITY ATTORNEY OF
FINAL DECISIONS MADE DURING CLOSED
SESSION**

City Attorney, Bruce Goodmiller, stated that the City Council formally accepted an offer of settlement litigation credit for future collection of utility user tax. This was a nationwide class action under Federal Law for collection of certain internet access cell taxes between 2005 and 2010.

REPORT FROM THE CITY MANAGER

City Manager, Bill Lindsay, announced that there will be a community briefing on Monday, November 30, 2015, in the Richmond Auditorium regarding the working group for the Berkeley Global Campus. Mr. Lindsay also announced that the City of Tucson, Arizona, voted unanimously to hire Chief Chris Magnus as their Police Chief.

OPEN FORUM FOR PUBLIC COMMENT

Naomi Williams announced that the Senior Winter Ball will be on December 12, 2015. Tickets are \$20. Ms. Williams stated she hopes Chief Magnus does as good job in Tucson, as he did in Richmond.

Mike Parker stated that he is sorry that Chief Magnus is leaving Richmond. Mr. Parker also stated that the City Council vote for parity for community college students, as well as for four year college students in reference to the Richmond Promise Program.

Donna Powers stated that the City Council needs to re-establish the Finance Committee and deal with the city finances just as well as they should handle their own personal finances.

Mark Wassberg stated that Chief Magnus did not do anything good for the City of Richmond. Mr. Wassberg also stated our borders should be secured.

Mayra Padilla, STEM Director at Contra Costa College, Dante Romero, and Kelly Ramos, stated the Richmond Promise Program should include parity for community college students.

Al Nero urged the Council to adopt option C for the Richmond Promise Program matter.

Bea Roberson stated that the presentation for Lonnie Washington should have been presented tonight and not placed on the Consent Calendar. Ms. Roberson also stated that persons should not have been allowed to speak under Open Forum regarding the Richmond Promise Program item because it is on the agenda.

Rick Perez stated he would like his tax dollars utilized to take care of important matter such as having the police commission be able to review important

matters and also stated that the fire training center should not be closed.

Patricia Perez stated that the Police Commission is a citizen's review board that is supposed to be used by citizens when there have been excessive force claims made by police and requested that the case of the death of Pedie Perez be brought to the Police Commission.

Jorge Lopez spoke in support of both the Richmond Promise Program and the proposed Marina Way South and Hall Avenue home project.

Therese Barquet announced that the Winter Bling will be held on December 19, 2015, at the Richmond Auditorium and will celebrate all the classes from schools in Richmond from the 70's, 80's and 90's. Tickets are \$25 and can be purchased at www.brownpapertickets.com. Ms. Barquet also stated that as a member of the Police Commission, they should be allowed to present their point of view regarding the potential changes to the police commission and their role as commissioners.

Carlos Ayala and Marianela Marshall-Diaz urged the City Council to include private school students in the Richmond Promise Program.

Paula Ridell spoke in support of including both charter schools and private school students in the Richmond Promise Program.

CITY COUNCIL CONSENT CALENDAR

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

*- I-1. Approved an amendment to the legal services agreement with Shartsis Friese LLP to represent the City, and City-related entities', interests in litigation with Menlo Capital, the buyer of the Westridge Apartments. The term of the amendment shall expire on December 31, 2016, and shall have a not to exceed \$100,000 payment limit.

*- I-2. Approved a contract with Industrial Safety Supply Corporation to provide testing, inspections, repairs and maintenance of approximately 335 Scott masks, air-paks, and self-contained breathing apparatus (SCBA) cylinders, in an amount not to exceed \$49,950 for a three-year term ending October 31, 2018 - Fire Department (Chief Adrian Sheppard 307-8041).

*- I-3. Approved a contract with BLD Consulting to provide data management planning, configuration, customization, and training related to the Fire Department's Fire Records Management System

(FireRMS) in an amount not to exceed \$42,000 for a three-year period ending October 31, 2018.

*- I-4. Approved a contract with DP Security, LLC (DP Security) to provide security services to former Naval Fuel Depot Point Molate for an interim period from July 1, 2015, through December 31, 2015, with an option to extend the contract on a month-to-month basis for an additional two month period, for a total amount not to exceed \$175,720.08.

*- I-5. Approved the matter to review and approve the City's Investment and Cash Balance Report for the month of September 2015.

*- I-6. Approved an extension to the lease of the property located at 500 23rd Street, Richmond, CA to be used for RichmondBUILD and Project FLOW job training activities. The extended lease period is July 1, 2015 through March 31, 2016. The leasing fee is \$5,000 per month for a total amount will not to exceed \$45,000.

*- I-7. Approved the first amendment to the Remediation and Abatement agreement with Performance Abatement Services to complete the cleanup of spilled oil containing polychlorinated biphenyl as required by the Toxic Control Substance Act, increasing the amount by \$210,000 to a total not to exceed \$810,640.

I-8. CONTINUED to the December 1, 2015, City Council meeting, the matter to adopt a resolution approving a 3% annual cost of living increase, in addition to the 2% minimum cost of living increase, for the recipients of the General Pension Fund, for a total annual cost of living increase of 5% for these recipients.

*- I-9. Adopted **Resolution No. 109-15**, approving a Letter of Agreement between the City of Richmond and Veolia Water North America for the operation and maintenance of the Moody Underpass Pump Station on a periodic month-to-month basis for a period of no more than four (4) months, subject to termination by either party upon thirty days prior to written notice in an amount not to exceed \$6,601 per month.

*- I-10. Approved the minutes of the regular City Council meeting held Tuesday, October 27, 2015.

*- I-11. Approved an amendment to the agreement between Cities of Service and the City of Richmond for provision of a Volunteer in Service to America (VISTA) position to support the Love Your Block initiative.

*- I-12. Approved in concept the relocation of the fire training facility from 3506 Cutting Boulevard to the Maritime Safety and Security Center operated by the California Maritime Academy, located at 756 West

Gertrude Avenue in Richmond, and subsequent sale of the vacated property on Cutting Boulevard.

*- I-13 Proclamation honoring the life and legacy of Lonnie C. Washington, Jr.

*- I-14. Adopted **Resolution No. 110-15**, of the City Council of the City of Richmond supporting the reactivation and reformation of the Urban Forest Advisory Committee.

I-15. The matter to approve a contract with the City Manager that will provide for: (1) an extended four-year term from February 14, 2016, to February 13, 2020; (2) postpone a previously agreed to 6% salary increase but grant annual two percent (2%) deferred salary increases to his then current salary, effective July 1st of the applicable fiscal year, up to a maximum of three such two percent (2%) increases over the life of the Contract; and (3) authorize such salary increases upon the occurrence of one or more designated triggers for any given Fiscal Year from Fiscal Years 2015/2016 through 2019/2020 was presented by Mayor Butt. (*City Manager, Bill Lindsay, recused himself from this item*). The following individuals gave comments: Fritz Kunze, Joseph Puleo, Al Nero, Leisa Johnson, Jim Zahradka, Eddie Orton, Robert Lane, Martin McNair, and Ben Therriault. Discussion ensued. A motion was made by Councilmember McLaughlin, seconded by Councilmember Beckles, to approve the contract. A substitute motion by Councilmember Pimplé, seconded by Councilmember Bates, to change the contract to 2 years, eliminate performance goals and the pay raises associated with that, replace the severance package with a severance package or notice, to incorporate some element of making contributions to the retirement health care plan, failed by the following vote: **Ayes:** Councilmembers Bates, and Pimplé. **Noes:** Councilmembers Beckles, Martinez, McLaughlin, Vice Mayor Myrick, and Mayor Butt. **Absent:** None. **Abstain:** None. The substitute motion passed by the following vote: **Ayes:** Councilmembers Beckles, Martinez, McLaughlin, Vice Mayor Myrick, and Mayor Butt. **Noes:** Councilmembers Bates and Pimplé. **Absent:** None. **Abstain:** None.

*- I-16. Approved participation by the City of Richmond in a Technical Assistance Panel on the development of Pt. Molate to be conducted by the Urban Land Institute (ULI) and funded by the Trust for Public Land (TPL), as recommended by the Point Molate Citizens Advisory Committee (PMCAC).

RESOLUTIONS

J-1. The matter opposing the Trans Pacific Partnership (TPP) Agreement, the Trans-Atlantic Free Trade Agreement (TAFTA) and the Trade in Services Agreement (TiSA) in their current forms as a supplement to City of Richmond Resolution 17-15 was

presented by Councilmember McLaughlin. The following individuals gave comments: Ron Espinoza, Michael Nye, Joe Summers, Xiomara Castro, Linda Mason, and Jenny Divish. A motion by Councilmember Martinez, seconded by Councilmember McLaughlin, adopted **Resolution No. 111-15**, by the unanimous vote of the City Council.

J-2. CONTINUED to the November 24, 2015, City Council meeting, to direct staff, when placing an item on the agenda, to: 1) disclose a one year history of contract awards by the department, 2) disclose a three year history of contracts awarded to the vendor by the department, 3) include a list of change orders submitted by the vendor, and approved by the city, 4) summarize the competing initial bids, including the local sourcing status of those bids, when council approval is requested for a change order.

ORDINANCES

K-1. CONTINUED to the November 24, 2015, City Council meeting, the matter to receive the Health in All Policies (HiAP) Annual Report and INTRODUCE an ordinance (first reading) amending certain provisions of Richmond Municipal Code Chapter 9.15, Health in All Policies, relating to definitions and frequency of reporting.

COUNCIL AS A WHOLE

L-1. The matter to discuss and approve specific policy options pertaining to the Richmond Promise with respect to school eligibility and award amounts and PROVIDE direction to staff was presented by Kinshasa Curl, This item was continued from the October 27, 2015, meeting. FOR COUNCIL DELIBERATION AND DETERMINATION ONLY. A motion by Councilmember McLaughlin, seconded by Councilmember Martinez that the requirements of the scholarship include public schools and existing charter schools and have there be parity between two year and four year colleges. Councilmember McLaughlin amended her motion to only include parity for two-year and four-year colleges, for four years. A substitute motion by Vice Mayor Myrick, seconded by Councilmember McLaughlin, for \$2,000 parity for community college and four-year college and include and leaving the board of directors for the 501c3, with the ability to make necessary adjustments in order to ensure the numbers work out. Discussion ensued. Councilmember McLaughlin withdrew the second to the motion made by Vice Mayor Myrick due to the language about the board of directors. Vice Mayor Myrick withdrew his motion. Councilmember McLaughlin's motion passed by the following vote: **Ayes:** Councilmembers Beckles, Martinez, McLaughlin, Pimplé, and Vice Mayor Myrick. **Noes:** Councilmember Bates and Mayor Butt. **Absent:** None. **Abstain:** None. A motion by Councilmember

McLaughlin, seconded by Vice Mayor Myrick that the program applies to public schools and existing charter schools only. A substitute motion by Councilmember Bates, seconded by Councilmember Pimplé, to include all public, charter, and private schools, passed by the following vote: **Ayes:** Councilmembers Bates, Beckles, Martinez, and Pimplé. **Noes:** Councilmembers McLaughlin, Myrick, and Mayor Butt. **Absent:** None. **Abstain:** None. A motion by Councilmember Pimplé, seconded by Vice Mayor Myrick, to set the amount at \$1,000. Vice Mayor Myrick made a friendly amendment that there be the availability to raise the amount later if further funds come in. Vice Mayor Myrick, rescinded his second to the motion and stated he would make a substitute motion raising the amount to \$1,500. Councilmember Bates seconded Councilmember Pimplé's motion. A substitute motion by Vice Mayor Myrick, seconded by Councilmember McLaughlin, for a \$1,500 award amount, passed by the following vote: **Ayes:** Councilmembers Bates, Beckles, McLaughlin, and Vice Mayor Myrick. **Noes:** Councilmembers Martinez, Pimplé, and Mayor Butt. **Absent:** None. **Abstain:** None.

(11:00 – A motion by Councilmember Pimplé, seconded by Councilmember Beckles, to extend the meeting 30 minutes, passed by the unanimous vote of the City Council).

L-2. The matter to receive a report regarding the impacts of the initiative to amend the Richmond General Plan 2030 to allow a 59 unit single family detached project on a site south of the intersection of Marina Way South and Hall Drive (the "Initiative") ordered by the City Council on September 22, 2015, pursuant to Election's Code 9212; and either (a) ADOPT the Initiative by ordinance, without alteration; OR (b) immediately order a special election pursuant to subdivision (a) of Section 1405 at which time the Initiative shall be submitted to the voters, most likely at the June 7, 2016, Presidential Primary election was presented by City Clerk, Pamela Christian, Planning Director, Richard Mitchell, and Senior Planner, Lina Velasco. A motion by Councilmember Bates, seconded by Councilmember Beckles, to give project applicant Richard Poe 10 minutes to speak, passed by the following vote: **Ayes:** Councilmembers Bates, Beckles, Martinez, McLaughlin, Pimplé, and Vice Mayor Myrick. **Noes:** Mayor Butt. **Absent:** None. **Abstain:** None. The following individuals gave comments: Mike Parker, Richard Poe, Candy Ramirez, Paula Riddell, Leticia Nunez, Kevin Murphy, Padyn Ridell, Dennis Dalton, Robert Selna, Joseph Puleo, Cristina Ochoa, Rocio Gonzalez, Laura Moffet, Jordan DeStaebler, Ron Karren, Chris Apostolopoulos, Michael Bradley, Leisa Johnson, Jorge Lopez, Kane Mantyla, Aram Hodess. This item was not concluded and was continued to the November 24, 2015, City Council meeting.

(11:30 p.m. – A motion by Councilmember Bates, seconded by Vice Mayor Myrick, to extend the meeting to hear the public speakers only, passed by the following vote: Ayes: Councilmembers Bates, Beckles, Martinez, McLaughlin, Pimplé, and Vice Mayor Myrick. Noes: Mayor Butt. Absent: None. Abstain: None.

L-3. CONTINUED to the November 24, 2015, City Council meeting, to direct staff to review current "best practices" to improve compatibility in transitional areas of zoning districts such that land use permit standards in commercial and industrial areas reflect current best regulatory standards while providing industrial uses with adequate opportunity and reasonable time to adapt to upgraded operating standards.

REPORTS OF OFFICERS: REFERRALS TO STAFF, AND GENERAL REPORTS (INCLUDING

None.

ADJOURNMENT

There being no further business, the meeting adjourned at 12:25 a.m., in memory of the victims of the attacks in Paris, Beirut, Kenya, Nigeria, and Lebanon, to meet again on Tuesday, November 24, 2015, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor