

**RICHMOND, CALIFORNIA, June 17, 2014**

The Richmond City Council Evening Open Session was called to order at 5:33 p.m. by Mayor McLaughlin who led the Pledge of Allegiance to the Flag.

**ROLL CALL**

**Present:** Councilmembers Boozé, Butt, Rogers, Vice Mayor Beckles and Mayor McLaughlin.  
**Absent:** Councilmembers Bates and Myrick.

**PUBLIC COMMENT**

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:

**CITY COUNCIL**

**A-1. LIABILITY CLAIMS - (Government Code Section 54956.9):**

Gregory Franklin vs. City of Richmond  
Anthony Berhel vs. City of Richmond  
Milton Johnson vs. City of Richmond

There were no public speakers.

The Evening Open Session adjourned to Closed Session at 5:34 p.m. The Closed Session adjourned at 5:56 p.m.

The Regular Meeting of the Richmond City Council was called to order at 8:12 p.m. by Mayor McLaughlin, who led the Pledge to the Flag.

**ROLL CALL**

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

## **STATEMENT OF CONFLICT OF INTEREST**

None.

## **AGENDA REVIEW**

Item G-18 was withdrawn from the agenda. A motion by Councilmember Bates, seconded by Councilmember Butt to move Items J-1 and H-3 to be heard after approval of the Consent Calendar, passed by the following vote: **Ayes:** Councilmembers Bates, Butt, Boozé, Myrick, Rogers, and Vice Mayor Beckles. **Noes:** Mayor McLaughlin. **Absent:** None. **Abstentions:** None. Item H-4 was continued to the July 1, 2014, City Council meeting.

## **PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS**

Mayor McLaughlin and Angela Cox presented the Friends of the Richmond Public Library and Richmond Public Library Teen Services S.A.T. Scholarships.

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

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

## **OPEN FORUM FOR PUBLIC COMMENT**

Alicia Jackson gave comments regarding her special needs son not being acknowledged as a graduate of Richmond High School.

Tom Waller stated that the overall effect of Richmond passing a minimum wage ordinance will be negative for the city.

Texanita Bluitt stated that the lot on Barrett Avenue between 25<sup>th</sup> Street and 27<sup>th</sup> Street has overgrown weeds and is a fire hazard and should be cleaned up.

Shanon Sanders stated that 21<sup>st</sup> Street and Roosevelt Avenue need street lights.

Mike Mahoney stated that 4Richmond is offering math classes for those wanting to take the Plumbers & Steamfitters test. The classes will be given at 3109 Macdonald Avenue from 9 a.m. to 11a.m. and 5:30 p.m. to 7:30 p.m. To enroll or to obtain additional information, call (510) 260-0290.

Raymond Lambert asked that Richmond residents and employees who served in the military be honored and recognized and their names displayed somewhere in the Civic Center Plaza area.

Gerrold Hatchett invited everyone to the Juneteenth Parade and Festival that will take place on June 28, 2014, beginning at 10:00 a.m. with a parade and ending at Nichol Park.

Mike Parker gave comments that Doctor's Medical Center has received a loan and will remain open until December 2014 but will only be at 20% capacity.

Naomi Williams asked why the audience members in the Council Chambers can't see the votes on the screens. Ms. Williams also stated that Baxter Creek is overgrown and is a safety concern because children at the park cannot be seen.

Jackie Thompson gave comments about violation of First Amendment Rights for persons that have been removed from the Council Chambers.

### **CITY COUNCIL CONSENT CALENDAR**

On motion of Councilmember Rogers, seconded by Vice Mayor Beckles all items marked with an (\*) were approved by the unanimous vote of the City Council.

\*- Approved a grant-funded contract amendment with Mack5 for project management services associated with the Elm Playlot Project, increasing the contract amount by \$12,000 to a total

contract amount of \$146,250, and extending the term through December 30, 2014.

\*- Approved a contract with Performance Abatement Services, Inc. to provide hazardous material abatement services for development of the Family Justice Center Project at 256 24th Street in an amount not to exceed \$24,240 and for a term from June to December 2014, with funding from the proceeds of a previously approved \$2,000,000 bond.

\*- Approved an amendment to the grant-funded contract with Turner Group Construction for construction and construction related services pertaining to the renovation of Elm Play Lot and community building, increasing the amount by \$32,000 for a total amount not to exceed \$1,422,436 (term of the contract is May 21, 2013, to December 31, 2014).

\*- Adopted three separate resolutions acknowledging and accepting completion of the following grant-funded projects by the Port of Richmond: (1) **Resolution No. 49-14** regarding Shipyard No. 3 Bay Trail Improvements; (2) **Resolution No. 50-14** regarding High-Mast Security Lighting; and (3) **Resolution No. 51-14** regarding Security and First Responders Municipal Fiber Optic Network.

\*- Approved a second amendment to the grant-funded construction agreement with MP Nexlevel of California, Inc. in the amount of \$87,100 to provide an additional patch panel with connections and associated field work supporting completion of the First Responders Municipal Fiber Optic Network Project. The contract amount will increase to \$4,030,358.54, which is less than the total grant funding received for the project.

\*- Adopted **Resolution No. 52-14**, authorizing the application for grant funds from the California Department of Housing and Community Development's (HCD) CalHome Program to provide rehabilitation loans to low income households in an amount not to exceed \$1,000,000, and authorizing the execution of related documents to accept the grant and expend grant

funds as approved by HCD.

\*- Received a monthly report on the Richmond Municipal Sewer District for May 2014.

\*- Approved the Richmond Public Library's participation in Pacific Library Partnership and authorized payment of annual membership fees in an amount not to exceed \$17,000 per year for a three-year period covering fiscal years 2013-14, 2014-15, and 2015-16 with the option of two one-year extensions.

\*- Approved a one-year contract extension to participate in the State of California rental vehicle program for the purpose of securing undercover police vehicles with Enterprise Holdings Incorporated in an amount not to exceed \$173,000 from July 1, 2014, to June 30, 2015 (This item was reviewed and recommended for approval by the Finance Committee at its June 6, 2014, meeting).

\*- Approved an amended contract with CPS HR Consulting to develop and administer employment examinations for Firefighters, increasing the contract amount by \$85,200 for a total amount not to exceed \$164,700, and for a term ending on December 31, 2016 (This item was reviewed and recommended for approval by the Finance Committee at its June 6, 2014, meeting).

\*- Approved a contract amendment with Paramount Elevator for service and repairs of all City owned elevators, increasing the contract amount by \$36,000 for a total of \$131,000, with a term extending through June 30, 2015 (This item was reviewed and recommended for approval by the Finance Committee at its June 6, 2014, meeting).

\*- Approved an amendment to the existing construction agreement with Turner Group Construction in the amount of \$199,600, for a total amended amount not to exceed \$623,815, using federal Neighborhood Stabilization Program III (NSP3) funds, to complete renovations at a 70-year old four-plex located at 411-423 South 23rd Street for building code compliance (This item was reviewed and recommended

for approval by the Finance Committee at its June 6, 2014, meeting).

\*- Approved a an amendment to the existing construction agreement with Turner Group Construction in the amount of \$51,318.51, for a total amount not to exceed \$138,113.51, using Neighborhood Stabilization Program revenue funds, to complete renovations at the property located at 127 South 27th Street for building code compliance (This item was reviewed and recommended for approval by the Finance Committee at its June 6, 2014, meeting).

\*- Approved a three-year (Fiscal Years 2014/15 - Fiscal Year 2016/17) contract with George Hills Company, Inc. to provide third-party administration of general liability claims received by the City, in an amount not to exceed \$426,720 (This item was reviewed and recommended for approval by the Finance Committee at its June 6, 2014, meeting).

\*- Approved a three-year contract with Du-All Safety, LLC to provide safety program compliance services, in an amount not to exceed \$442,675, beginning in Fiscal Year 2014-2015 through Fiscal Year 2016-2017 (This item was reviewed and recommended for approval by the Finance Committee at its June 6, 2014, meeting).

\*- Approved a contract with W.R. Forde Associates for the rehabilitation of the sports field at the Shields-Reid Park located at 1410 Kelsey Street in an amount not to exceed \$1,677,366 (This item was reviewed and recommended for approval by the Finance Committee at its June 6, 2014, meeting).

\*- Approved a contract with MuniServices to assist the City in capturing its full share of sales tax revenue allocated by the State Board of Equalization, in an amount not to exceed \$600,000, with contract services compensated on a contingency basis based on the amount of new revenue to the City of Richmond generated by these contract services (This item was reviewed and recommended for approval by the Finance Committee at its June 6, 2014, meeting).

WITHDREW from the agenda a contract amendment with Lincoln Aquatics to supply pool chemicals to the Richmond Swim Center and Richmond Municipal Natatorium, on an as-needed basis, increasing the contract amount by \$95,000 for a total contract amount of \$455,000, with a term extending through June 30, 2015.

\*- Approved the minutes of the April 22, 2014, City Council Special Meeting, and the May 6, 2014, City Council Regular Meeting.

\*- Approved the following appointment and re-appointment: Arts & Culture Commission: Brenda Williams, incumbent, term expiring January 31, 2018; Housing Advisory Commission: Jaycine Scott, new appointment, term expiring November 1, 2015.

\*- Adopted **Ordinance No. 11-14 N.S.**, to establish a local minimum wage ordinance in the City of Richmond.

\*- Adopted **Resolution No. 53-14**, Calling and Giving Notice of the holding of a Municipal Election to be held on Tuesday, November 4, 2014, for the election of certain officers as required by the provisions of the Charter of the City of Richmond; requesting the Board of Supervisors of Contra Costa County to consolidate the Municipal Election with the Statewide General Election; adopt regulations for candidates pertaining to the candidates' statements submitted to the voters, cost of the candidates' statements and other fees, word limit for candidate's statement; and action to be taken for a tie vote.

\*- Adopted **Resolution No. 54-14**, a Resolution Calling and Providing for a Special Municipal Election to be held on November 4, 2014, for the purpose of submitting to the voters a measure to adopt a one-half cent Transactions and Use (Sales) Tax, and approving an ordinance authorizing the general tax to be submitted to the voters.

## **ITEMS CONTINUED FROM PREVIOUS MEETINGS**

### **Continued Public Hearings**

The matter to adopt a resolution establishing annual assessments for the Hilltop Landscape Maintenance District for the 2014-2015 Fiscal Year, including a proposed 2.45% increase in the assessments based on the annual change in the Consumer Price Index was presented by City Manager, Bill Lindsay. A motion by Councilmember Myrick, seconded by Vice Mayor Beckles, closed the public hearing by the following vote: **Ayes:** Councilmembers Butt, Boozé, Myrick, Rogers, Vice Mayor Beckles and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates. A motion by Councilmember Myrick, seconded by Councilmember Rogers, adopted **Resolution No. 55-14**, by the unanimous vote of the City Council.

### **Continued Ordinances**

The matter to introduce an ordinance adopting changes to the Industrial Safety Ordinance to increase safety at the Chevron Refinery by increasing the number of inspectors, requiring risks be reduced to ALARP (As Low As Reasonably Practicable) and requiring other safety measures was presented. Stephanie Hervey gave comments. A motion by Vice Mayor Beckles, seconded by Mayor McLaughlin, introduced said ordinance and changed the phrase “As Low as Reasonably Practicable” to “to the greatest extent feasible”. Councilmember Rogers made a friendly amendment to also direct staff to find ways to further improve the defining of the concept of the terminology, passed by the following vote: **Ayes:** Councilmembers Bates, Butt, Myrick, Rogers, Vice Mayor Beckles, and Mayor McLaughlin. **Noes:** Councilmember Boozé. **Abstentions:** None. **Absent:** None.

### **Continued Council as a Whole**

CONTINUED to the July 1, 2014, City Council meeting, the matter to discuss and consider directing staff to prepare draft amendments to the Industrial

Safety Ordinance to require that any increases in emissions due to increases in potentially more problematic feedstocks in Richmond refineries would need to be mitigated 100% by decreases elsewhere in the refinery operations so that there is no net increase in any dangerous emissions - Councilmember Rogers (867-5725). **This item was continued from the April 22, 2014, May 6, 13, and 20, 2014, and June 3, 2014, meetings.**

The matter to discuss and direct staff to provide a report on which entity of the project design team is responsible to ensure ADA compliance associated with the Richmond Civic Center Project was presented by Councilmember Myrick. **This item was continued from the June 3, 2014, meeting.** A motion was made by Councilmember Myrick, seconded by Vice Mayor Beckles to approve the item. Councilmember Rogers made a friendly amendment to have staff work on this immediately rather than return to the council if there are issues found and if so, act on them immediately. Councilmember Bates made a friendly amendment that any ADA compliance issue is looked at even if it was not part of the Civic Center Project, and also include the seats at the Richmond Auditorium, passed, with amendments, by the unanimous vote of the City Council.

The matter to consider and approve suspending matching funds for candidates at the November 4, 2014, election was presented. All departments have taken a mandatory 17% reduction in their budgets to assist in closing the City's deficit, and Council approval of suspending matching funds for the November 2014 election will assist in closing the current deficit was presented by Councilmember Bates. **This item was continued from the June 3, 2014, meeting.** Mike Parker gave comments. City Clerk, Diane Holmes stated that between 2008-2012, she has disbursed \$500,000 in matching funds. A motion by Councilmember Boozé, seconded by Councilmember Bates, to limit the matching fund amount to \$2,500, failed by the following vote: **Ayes:** Councilmembers Bates and Boozé. **Noes:** Councilmember Butt, Myrick, Rogers, Vice Mayor Beckles, and Mayor McLaughlin. **Abstentions:** None. **Absent:** None. A motion by

Councilmember Bates, seconded by Councilmember Boozé, to suspend matching funds, failed by the following vote: **Ayes:** Councilmembers Bates and Boozé. **Noes:** Councilmember Butt, Myrick, Rogers, Vice Mayor Beckles, and Mayor McLaughlin. **Abstentions:** None. **Absent:** None.

## **RESOLUTIONS**

The matter to adopt a resolution in support of interpreting and implementing State of California Policy as enacted in "The Solar Rights Act" was presented by Councilmember Butt, Councilmember Myrick, and Councilmember Rogers. A motion by Councilmember Butt, seconded by Councilmember Myrick, adopted **Resolution No. 56-14**, by the unanimous vote of the City Council.

The matter to adopt a resolution in support of increasing Electric Vehicle usage and direct staff to seek grant funding to implement the Electri-City pilot project which would provide added convenience, reduction of range limitations and reduction of cost in order to significantly increase Electric Vehicle usage in Richmond was presented by Councilmembers Rogers, Butt, and Myrick. *(11:00 p.m. - A motion by Councilmember Rogers, seconded by Councilmember Myrick, extended the meeting to 11:30 p.m., passed with Councilmember Boozé, voting no.)* Bea Roberson gave comments. A motion was made by Councilmember Rogers, seconded by Councilmember Myrick, to adopt the resolution. Councilmember Boozé made a friendly amendment that the City Manager return to the full City Council with his recommendations. Councilmember Rogers accepted the amendment and **Resolution No. 57-14** was adopted by the following vote: **Ayes:** Councilmembers Butt, Boozé, Myrick, Rogers, Vice Mayor Beckles, and Mayor McLaughlin. **Noes:** Councilmember Bates. **Abstentions:** None. **Absent:** None.

## **ORDINANCES**

The matter to adopt an ordinance of the Richmond City Council amending Chapter 3.20, Section 3.20.080 of the Richmond Municipal Code, Powers and Duties of the Planning Commission, to

establish new procedures for matters previously considered and decided by the City Council; and adopt a resolution regarding transition procedures for the Chevron Modernization Project was presented. The following individuals gave comments: Steve Bell, Jeff Hartwig, Paul Saffrood, Marilyn Langlois, Tom Baca, Tim Jeffries, Stephanie Hervey, Mark Plubell, Brandon Hancock, Darnell Lewis, Robert Bustos, Bob Lilley, and Mike Parker. Councilmember Rogers made a motion to adopt the ordinance and that this matter be decided before the August recess. The motion died for lack of a second. A motion by Councilmember Bates, seconded by Councilmember Butt, adopted **Ordinance No. 12-14 N.S.**, and adopted **Resolution No. 58-14**, by the following vote: **Ayes:** Councilmembers Bates, Butt, Boozé, Myrick, and Rogers. **Noes:** Vice Mayor Beckles and Mayor McLaughlin. **Abstentions:** None. **Absent:** None.

#### **COUNCIL AS A WHOLE**

The matter to direct the city manager to work with the city attorney and the police chief to draft a resolution to establish rules and procedures regarding disruptions during the City Council meetings was presented by Vice Mayor Beckles. *(11:30 p.m. - A motion by Mayor McLaughlin, seconded by Councilmember Butt, to suspend the rules and extend the meeting to hear the public speakers and call for the question and make a motion immediately after the speakers, failed by the following vote: Ayes: Councilmember Butt, Vice Mayor Beckles, and Mayor McLaughlin. Noes: Bates, Boozé, Myrick, and Rogers. Abstentions: None. Absent: None.*

*A substitute motion by Councilmember Myrick, seconded by Councilmember Rogers to suspend the rules and extend the meeting for 15 minutes, failed by the following vote: Ayes: Councilmember Myrick, Vice Mayor Beckles, and Mayor McLaughlin. Noes: Bates, Boozé, Butt, and Rogers. Abstentions: None. Absent: None.*

*A second substitute motion made by Councilmember Bates, seconded by Councilmember Boozé, to end the meeting, failed by the following vote:*

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

**ADJOURNMENT**

There being no further business, the meeting adjourned at 11:37 p.m., in memory of Louela Falls, to meet again on Tuesday, June 18, 2014, at 6:30 p.m.

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City Clerk

(SEAL)

Approved:

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Mayor