

**RICHMOND, CALIFORNIA, December 16,
2014**

The Richmond City Council Evening Open Session was called to order at 5:38 p.m.

ROLL CALL

Present: Councilmembers Bates, Butt, Boozé, Rogers Myrick, Vice Mayor Beckles and Mayor McLaughlin. **Absent:** Bates, Myrick, and Rogers. Councilmember Bates arrived at 5:41 p.m.

PUBLIC COMMENT

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:

CITY COUNCIL

LIABILITY CLAIMS - (Government Code Section 54956.9):

Thoming vs. City of Richmond

Wycinskiv 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

There were no public speakers.

The Open Session adjourned to Closed Session at 5:39 p.m. Closed Session adjourned at 6:06 p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:36 p.m. by Mayor McLaughlin.

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

Councilmember Bates stated a conflict of interest with Public Hearing Item H-2 because he lives near the area.

AGENDA REVIEW

Withdrew Item H-1, the matter to conduct a public hearing to hear public comment relating to the proposed issuance of tax exempt revenue bonds by the Richmond Housing Authority, from the agenda. Councilmember Butt requested to *continued* Item J-1, the matter to introduce an ordinance (first reading) adopting the zoning text amendments to Section 15.06 of the Sign Ordinance and Chapter 4.04 of the Sign Code, to January 20, 2014. A motion was made by Councilmember Myrick, seconded by Councilmember Boozé to leave Item J-1 on the agenda. Following discussion Councilmember Boozé withdrew his second and the motion was seconded by Vice Mayor Beckles. The motion failed by the following vote: **Ayes:** Councilmember Myrick and Vice Mayor Beckles. **Noes:** Councilmember Bates, Boozé, Butt, Rogers, and Mayor McLaughlin. **Abstentions:** None. **Absent:** None. *Removed* Items F-12, the matter to approve a lease agreement between the Port of Richmond and the Riggers Loft Wine Company for use of a portion of the Riggers Loft as a winery, and F-22, the matter to adopt a resolution in support of Doctors Medical Center's (DMC's) proposed "5 by 8 Shared Commitment Plan" to keep DMC open, from the Consent Calendar to be addressed at the end of the agenda.

REPORT FROM THE CITY ATTORNEY

City Attorney Bruce Reed Goodmiller reported that there were no reportable actions.

OPEN FORUM FOR PUBLIC COMMENT

Kathleen Sullivan congratulated Mayor Elect Tom Butt and the new Councilmembers for their appointments to the Richmond City Council, and she also thanked the outgoing Councilmembers for their service to the City of Richmond. Ms. Sullivan also spoke in support of Police Chief Chris Magnus for taking part in a peaceful demonstration in the City of Richmond to say that black lives matter.

Mark Wassberg expressed disappointment that Police Chief Chris Magnus wore his police uniform while taking part in a demonstration in the City of Richmond.

The following individuals also spoke in support of Police Chief Chris Magnus for his part in the peaceful demonstration in the City of Richmond to say that black lives matter: Naomi Williams, Antwon Cloird, Gregory Osorio, Bill Pinkham, Pete Bingham, Andres Soto, Mike Parker, Joe Puleo, Miguel Guavelle, Jerrold Hatchet, and Eduardo Martinez.

Amy Anderson gave comments regarding her interest in meeting with City Officials and Vice Mayor Beckles to encourage support to bring back the

Richmond communities.

Andrés Soto invited everyone to the Contra Cost College Knox Theater of the Performing Arts for a free concert with performances by West County Winds, Sunday, December 21, 2014, 3:00 p.m. to 4:30 p.m.

Jackie Thompson expressed concern for the deplorable conditions in some of the neighborhoods within the City of Richmond. She also stated that a left-hand turn signal was needed at Carlson and Cutting Boulevard.

Jerrold Hatchet announced that the Richmond Main Street and East Bay Center for the Performing Arts would present a Downtown Holiday Festival, Wednesday, December 17, 2014, from 4:00 p.m. to 8:00 p.m., 339 11th Street. He also expressed support for Police Chief Chris Magnus.

Peter Bingham and Chris Holmes gave comments regarding the Terminal One Project and the general plan amendments.

Bill Cosden and Tom Cushing encouraged the City of Richmond to support a no-kill policy within the Contra Costa County Animal Control. The term no-kill protects the killing of millions of healthy and treatable animals in animal shelters every year. It also describes a new approach to animal sheltering and a commitment to saving lives within animal welfare organizations and communities.

Remy Gold-Smith and Joseph Camacho thanked the City of Richmond for allowing Congressman-elect Mark DeSaulnier to utilize approximately 845 square feet of office space at 440 Civic Center Plaza as his West County 11th Congressional District offices.

Dennis Dalton stated that some of the Chevron funds should be used to train inner-city youth in skill trades. He also express disappointment for the negative campaign literature by the Richmond Police Officer's Association during the November 2014 Election.

Councilmember Boozé made a correction to Mike Parker's statement during Open Form that he was supported by the Richmond Police Officer's Association. Councilmember Booze stated that he was not supported by the Richmond Police Officer's Association during his campaign.

CITY COUNCIL CONSENT CALENDAR

On motion of Councilmember Butt seconded by Beckles all items under the City Council Consent Calendar marked with an (*) were approved by the unanimous vote of the City Council.

*-Approved an agreement with California Oils Corporation to reimburse them an amount not to exceed

\$103,023 for permitting work that they are undertaking to obtain approval from the United States Army Corps of Engineers to dredge the berthing area of Terminal 2.

*-Approved a contract with Dunbar Armored Inc. to provide armored courier services in an amount not to exceed \$60,000 for a three-year term through June 30, 2017, and with a City option to extend the contract for a period of two years.

*-Approved the purchase of three Motorola APX7500 dual band mobile radios and accessories from Red Cloud, Inc. in the amount of \$17,506.37.

*-Approved a grant-funded, sole-source contract with The California Maritime Academy on behalf of the Trustees of the California State University (Cal Maritime) for the purchase of marine response training services in an amount not to exceed \$144,350.

*-Approved a CDBG-funded contract with Training Development Associates to prepare the City's Fiscal Year 2015-2020 Consolidated Plan and the Fiscal Year 2015-2020 Analysis of Impediments to Fair Housing Choice, as required by HUD, in an amount not to exceed \$70,000.

*-Adopted **Resolution No. 103-14** authorizing the Mayor to execute Cooperative Agreement No. 07W.04 with the Contra Costa Transportation Authority providing for the operation, maintenance, and reimbursement of costs among all partner agencies related to the I-80 Integrated Corridor Mobility (ICM) components.

*-Approved the subscription to an eBook and audiobook access platform and the licensing of eBooks and audiobooks for the Richmond Public Library from Overdrive Inc. in an amount not to exceed \$70,000 per year for three years with the option of two one-year renewals for \$70,000 per year.

*-Approved a service contract with Emerson Network Power, Liebert Services, Inc. to provide preventive maintenance and emergency support for the City's uninterruptible power systems supporting information technology in the amount of \$16,722, with a term from December 1, 2014, through November 30, 2016.

*-Approved an agreement with Jackson & Son Plumbing to replace the potable and fire water backflow prevention devices, and related appurtenances, at Port of Richmond Terminal 3 for a total amount not to exceed \$35,000.

*-Approved an emergency agreement with Cal Inc. to clean up spilled oil containing polychlorinated biphenyl (PCBs) within the graving basins located within the Point Potrero Marine Terminal and remove contaminated debris as required by the Toxic Control

Substance Act in an amount not to exceed \$500,000.

*-Approved the grant-funded contracts and expenditures associated with the third year of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) Grant Award for the Mentoring Enhancement Demonstration Project with Be A Mentor, Inc. (\$124,325), Bay Area Community Resources (\$75,225), East Bay Asian Youth Center/OASES (\$75,009.47), and Richmond Police Activities League (\$71,912.50) for a total amount of \$396,472.

In the matter to approve a lease agreement between the Port of Richmond and the Riggers Loft Wine Company for use of a portion of the Riggers Loft as a winery, for a term of 20 years, with two options to extend the lease for five years, providing for annual rent payment to the Port in the initial amount of \$100,800, on motion of Councilmember , seconded by Councilmember approved a lease agreement between the Port of Richmond and the Riggers Loft Wine Company for use of a portion of the Riggers Loft as a winery by the following vote: by the following vote: **Ayes:** Councilmembers Butt, Myrick, Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Bates, Boozé, and Vice Mayor Beckles.

*-Approved a contract with Oscar I. Solano Jr., dba Zumba Rico Fitness to provide Zumba and Aqua Zumba classes for the Recreation Department's Adult Activities programs for one year (January 1, 2015, to December 31, 2015), with a one year renewal option through December 31, 2016. The amount of the contract is for \$25,000 per year, for a total not to exceed amount of \$50,000.

*-Approved, and authorized the City Manager to execute loan agreements between the City and the RHA Housing Corporation, which will include regulatory agreements, promissory notes, and deeds of trusts required to effectuate the City's tax increment and HOME loan for the Rental Assistance Demonstration (RAD) Program rehabilitation projects at Friendship Manor and Triangle Court, in an amount not to exceed \$3,000,000.

*-Approved Amendment No. 3 to the existing construction agreement with Turner Group Construction for additional work necessary to meet building code requirements associated with the extensive renovation of a 71-year old four-plex located at 411-423 South 23rd Street, acquired using Neighborhood Stabilization Program 3 (NSP3) funds. The additional expenditures will not exceed \$41,372, for a total amended contract amount of \$665,187.

*-Introduced an ordinance for first reading amending the wages, salary, and compensation for the

classification of Crime Analysis Assistant (Salary Range No. 42A: \$4,588 - \$5,413); said ordinance was laid over until January 20, 2014, for second reading.

*-Adopted **Resolution No. 104-14** authorizing the execution of an agreement between the Cities of Richmond and Hercules to apportion Measure J Program 22b funds for ferry service in West County.

*-Adopted **Resolution No. 105-14** Declaring the Canvass of Returns and Result of the General Municipal Election held on November 4, 2014.

*-Approved a grant-funded contract with Mack 5 for pre-construction services for Unity Park in an amount not to exceed \$118,885 and for a term extending to December 31, 2016; and a grant-funded contract with the Richmond Friends of Recreation (RFOR) (acting as contracting entity for Friends of Richmond Greenway) for internal project administration, community outreach, community design and participation in the final design development process for Unity Park in an amount not to exceed \$538,977 and for a term extending to December 31, 2016.

*-Authorized the City Manager's Office to enroll in the National Research Center's National Citizen Survey Program in order to conduct a 2015 survey of City of Richmond residents at a cost not to exceed \$30,000.

*-Approved a listing agreement with CES Premiere Real Estate Services, Inc. (CES) for the resale of Neighborhood Stabilization Program (NSP) properties. CES will receive compensation for services from the sales commission (3%) on each transaction.

In the matter to adopt a resolution in support of Doctors Medical Center's (DMC's) proposed "5 by 8 Shared Commitment Plan" to keep DMC open, restore emergency department services, and provide health care services to residents of Richmond and Contra Costa County on motion of Councilmember Rogers, seconded by Councilmember Myrick adopted **Resolution No. 106-14** by the following vote: **Ayes:** Councilmembers Butt, Myrick, Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Bates, Boozé, and Vice Mayor Beckles.

*-Approved a lease agreement with the United States House of Representatives to allow Congressman-elect Mark DeSaulnier to utilize approximately 845 square feet of office space at 440 Civic Center Plaza as his West County 11th Congressional District offices. The lease agreement is for \$845 per month (\$10,140 annually) and is for a two-year term ending January 2, 2017.

*-Approved a legal services agreement with Shartsis Friese LLP to represent the City, and City-

related entities', interests in a dispute with Menlo Capital, the buyer of the Westridge Apartments. The contract term shall expire on June 30, 2015, and shall have a not to exceed payment limit of \$40,000.

*-Approved a request to quitclaim City interest in two unused right of way easements located at or near the intersection of San Pablo Avenue and the Richmond Parkway for installation of an interconnection from PG&E's existing pipeline, L105B, to Chevron USA's existing pipeline, #1-18, to serve the Chevron Refinery so that PG&E may take the existing gas transmission pipeline out of service for proposed survey and testing work; and Landscape and Quitclaim Agreement.

*-Introduced an ordinance for first reading amending Richmond Municipal Code Sections 9.20.150 and 9.20.155 to increase the solid waste collection rates to reflect a: (1) 3.2 percent change in the Consumer Price Index (CPI); and (2) a 0.8 percent rate decrease in residential rates from a 2014 surplus, for a net adjustment of 2.4 percent increase in residential collections rates and 3.2 percent increase in commercial collection rates.

*-Approved the following actions with respect to Property Assessed Clean Energy Program for the financing of renewable energy distributed generation sources, seismic improvements, and energy and water efficiency improvements: (a) Adopted **Resolution No. 107-14** renewing the City's application to participate in CaliforniaFIRST Property Assessed Clean Energy program, provided through the California Statewide Communities Development Authority joint powers authority, subject to the execution of an agreement for the CaliforniaFIRST program to indemnify the City; (b) Adopted **Resolution No. 108-14** authorizing the City of Richmond to become a member of the Western Riverside Council of Governments Joint Powers Authority ("WRCOG") and participate in the California HERO program, subject to the execution of an agreement for the California HERO program to indemnify the City; and (c) Adopted **Resolution No. 109-14** consenting to the inclusion of certain properties within the City of Richmond in the Figtree Property Assessed Clean Energy and Job Creation Program ("Figtree PACE"), provided through the California Enterprise Development Authority joint powers authority, subject to the execution of an agreement for the California HERO program to indemnify the City.

*-Approved the following re-appointment: Point Molate Citizens Advisory Committee: Pam Stello, incumbent, term ending May 30, 2016.

*-Adopted **Ordinance No.** repealing Chapter 3.25 of the Municipal Code establishing a Youth Commission.

*-Introduced an ordinance for first reading adding Chapter 2.66 of the Richmond Municipal Code establishing the City of Richmond social impact bond law.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

- Continued Ordinances

The matter to introduce an ordinance for first reading amending Richmond Municipal Code Chapter 6.40, Residential Rental Dwelling Unit Inspection and Maintenance, expanding the Residential Rental Inspection Program (RRIP) to all residential rental properties, and clarifying other sections of the ordinance was presented by Planning and Building Services Director Richard Mitchell. Theresa Karr gave comments.

On motion of Councilmember Bates, seconded by Councilmember Myrick said ordinance received first reading and was laid over until January 20, 2015, for second reading by the following vote: **Ayes:** Councilmembers Bates, Butt, Myrick, Rogers, Vice Mayor Beckles, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Boozé.

PUBLIC HEARINGS

Withdrew from the agenda the matter to conduct a public hearing to hear public comment relating to the proposed issuance of tax exempt revenue bonds by the Richmond Housing Authority ("RHA") in an amount not to exceed \$18,000,000 and adopt a resolution to approve the proposed financing by the RHA. The proceeds of the Bonds will be used to: (1) finance the rehabilitation of 156 units of affordable housing at Friendship Manor and Triangle Court; and (2) pay certain expenses incurred in connection with the issuance of the Bonds.

City Clerk Diane Holmes announced that it was time pursuant to public notice to hold a public hearing to: adopt a resolution certifying the Final Environmental Impact Report, adopting a Statement of Overriding Considerations; and the Mitigation Monitoring and Reporting Program with the recommended revisions to Mitigation Measures TRANS-4b, 6a, and 6d; and adopt a resolution approving a General Plan Text Amendment, Vesting Tentative Map and Design Review Permit for a 60 unit development at Seaclyff Drive, with the recommended removal of Condition 15-n; and introduce an ordinance for first reading amending the Zoning Map to change the land use designation to Planned Area District (PA) of the subject site at Seaclyff Drive. Planning and Building Services Director Richard Mitchell and Associate Planner Kieron Slaughter gave an overview of the item. Rob Wainwright of Shea Holmes gave comments as the applicant. Allan Moore gave comments as the legal representative for the opponents. Mayor McLaughlin opened the public hearing and the following individuals gave comments:

Pete Bingham, Donald Brown, Joseph Puleo, Dennis Shusfermdel, Chris Holmes, Jenny Balisle, Mary Louise Clarke, Kathryn Dienst, Kathleen Wimer, Margaret Jordan, Jane Lundin, Jim Zahradka, Kathleen Zahradka, Dan Seifers, Grace Bodle, Christine Gonzales, Marco Gonzales, Rocky Saunders, Susan Hubbard, Mike Parker, Jackie Gage, Liesa Johnson, Chris Curtis, and Victoria Goins. Donald Hofer gave a two minute rebuttal representing the Applicant Shea Holmes, and Allan Moore gave a two minute rebuttal representing the opponents. On motion of Vice Mayor Beckles, seconded by Councilmember Myrick closed the public hearing with Councilmember Bates **Absent**. A motion was made by Councilmember Butt, seconded by Councilmember Boozé to approve the item adopting a resolution certifying the Final Environmental Impact Report, adopting a Statement of Overriding Considerations; and the Mitigation Monitoring and Reporting Program with the recommended revisions to Mitigation Measures TRANS-4b, 6a, and 6d; and adopting a resolution approving a General Plan Text Amendment, Vesting Tentative Map and Design Review Permit for a 60 unit development at Seacliff Drive, with the recommended removal of Condition 15-n; and introduce an ordinance for first reading amending the Zoning Map to change the land use designation to Planned Area District (PA) of the subject site at Seacliff Drive, and including the additional conditions in Exhibit A-15 that consist with A-15, and requesting a list of the actual addresses of the units that will be compensated: Seacliff Drive 500, 502, 504, 506, 508, 510, and 512. A substitute motion was made by Vice Mayor Beckles, seconded by Mayor McLaughlin to send the item back to the Planning Commission to review project alternatives that comply and respect the general plan. A friendly amendment to the original motion was offered by Councilmember Myrick to add the following language to the general plan “buildings located adjacent to the shoreline setback where sensitive resources shall begin at 25 feet in height and increase in height up to 55 feet subject to Design Review Board and Planning Commission approval.” Councilmember Butt accepted the amendment. A friendly amendment to the original motion was offered by Councilmember Rogers to limit the precedent to only cases where part of the building complied with the 35 foot limit. Councilmember Rogers requested that the friendly amendments made by him and Councilmember Myrick be placed in the form of a separate resolution stating the intent of the City Council as oppose to the amendments being actual changes to the general plan to avoid placing the original by motion in legal jeopardy. Councilmember Butt accepted the change to place the amendments in the form of a resolution. The substitute motion by Vice Mayor Beckles, seconded by Mayor McLaughlin to send the item back to the Planning Commission to review project alternatives that comply and respect the general plan failed by the following vote: **Ayes:** Vice Mayor Beckles and Mayor McLaughlin. **Noes:** Councilmembers Boozé, Butt, Myrick, and Rogers. **Abstentions:** None. **Absent:**

Councilmember Bates. The original motion passed and **Resolution No. 110-14** was adopted certifying the Final Environmental Impact Report, adopted a Statement of Overriding Considerations; and the Mitigation Monitoring and Reporting Program with the recommended revisions to Mitigation Measures TRANS-4b, 6a, and 6d; approved a General Plan Text Amendment, Vesting Tentative Map and Design Review Permit for a 60 unit development at Seacliff Drive, with the recommended removal of Condition 15-n; and introduced an ordinance for first reading amending the Zoning Map to change the land use designation to Planned Area District (PA) of the subject site at Seacliff Drive, and included the additional conditions in Exhibit A-15 that consist with A-15, requested a list of the actual addresses of the units that will be compensated: Seacliff Drive 500, 502, 504, 506, 508, 510, and 512 , and included the friendly amendments by Councilmembers Myrick and Rogers to be prepared in the form of a separate resolution stating the intent of the City Council as oppose to the an actual change to the general plan by the following vote: **Ayes:** Councilmembers Boozé, Butt, Myrick, and Rogers. **Noes:** Vice Mayor Beckles and Mayor McLaughlin. **Abstentions:** None. **Absent:** Councilmember Bates.

RESOLUTIONS

The matter to approve a resolution to continue the City of Richmond Annual International Women's Day celebration and move funding from the Mayor's Office budget to the City Council budget was presented by Mayor McLaughlin. A motion was made by Councilmember Butt, seconded by Mayor McLaughlin to adopt a resolution to continue the City of Richmond Annual International Women's Day celebration and move funding from the Mayor's Office budget to the City Council budget. Marilyn Langlois and Yenny Velazquez gave comments. The motion was approved and **Resolution No. 111-14** was adopted by the following vote: **Ayes:** Councilmembers Bates, Butt, Myrick, Rogers, Vice Mayor Beckles, and Mayor McLaughlin. **Noe:** None. **Abstention:** None. **Absent:** Councilmember Boozé.

(At 11:00 p.m. on motion by Councilmember Myrick, seconded by Vice Mayor Beckles extended the meeting to finish I-2 or for 20 minutes with Councilmember Boozé absent).

The matter to adopt a resolution in support of the United States Justice Department's continued civil rights investigations into the policing practices of the Ferguson Police Department in Missouri and the shooting of Michael Brown by Officer Darren Wilson was presented by Vice Mayor Beckles. Marilyn Langlois and Mike Parker gave comments. On motion of Councilmember Butt, seconded by Councilmember Rogers adopted **Resolution No. 112-14** in support of the United States Justice Department's continued civil rights investigations

into the policing practices of the Ferguson Police Department in Missouri and the shooting of Michael Brown by Officer Darren Wilson by the following vote: **Ayes:** Councilmembers Bates, Butt, Myrick, Rogers, Vice Mayor Beckles, and Mayor McLaughlin. **Noe:** None. **Abstention:** None. **Absent:** Councilmember Boozé.

(At 11:17 p.m. on motion of Councilmember Rogers, seconded by Councilmember Myrick extended the meeting to 11:30 p.m. with Councilmember Boozé absent).

ORDINANCES

Continued to January 20, 2015, the matter to introduce an ordinance (first reading) adopting the zoning text amendments to Section 15.06 of the Sign Ordinance and Chapter 4.04 of the Sign Code.

COUNCIL AS A WHOLE

The matter to consider adopting a policy of placing into trust half of any one-time revenues and half of any year-end surplus in excess of the City's minimum reserve policy (7%) in paying down the City's unfunded liability for retired employee health costs (OPEB obligations) was presented by Councilmember Jim Rogers. Bea Roberson gave comments. On motion of Councilmember Rogers, seconded by Councilmember Myrick adopted a policy of placing into trust half of any one time revenues and half of any year-end surplus in excess of the City's minimum reserve policy (7%) in paying down the City's unfunded liability for retired employee health costs (OPEB obligations) by the following vote: **Ayes:** Councilmembers Bates, Butt, Myrick, Rogers, and Mayor McLaughlin. **Noe:** Councilmember Boozé. **Abstention:** Vice Mayor Beckles. **Absent:** None.

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 11:25 p.m. to meet again for a special meeting on Monday, January 5, 2015, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor