

**RICHMOND, CALIFORNIA, October 21,  
2014**

The Richmond City Council Evening Open Session was called to order at 5:40 p.m.

**ROLL CALL**

**Present:** Councilmembers Bates, Butt, Myrick, Vice Mayor Beckles and Mayor McLaughlin. **Absent:** Councilmembers Boozé and Rogers. Councilmember arrived at 5:41 p.m. and Councilmember Rogers arrived at 5:57 p.m. after the City Council adjourned to Closed Session.

**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**

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8):**

Property: Port of Richmond (Rigger's Loft)  
Agency negotiators: Bill Lindsay and Jim Matzorkis  
Negotiating Party: (i) Rigger's Loft Wine Company, Inc.; and (ii) Bay Area Derby Girls  
Under negotiation: Price and terms of payment

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9):**

Siller vs. City of Richmond

Naomi Williams expressed concern regarding the procedures for allowing a wine company to reside at Riggers Loft.

The Open Session adjourned to Closed Session at 5:43 p.m. Closed Session adjourned at 6:43 p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:51 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**

None.

## **AGENDA REVIEW**

Removed Item F-2, the matter to approve a Fifth Amendment to the Construction Agreement for Alten Construction (Alten) to finalize additional electrical work and tenant improvements on the Riggers Loft/Operations and Security Center Project, increasing the amount by \$200,000 to a total contract amount not to exceed \$4,950,000, and increasing the Port Department budget by this amount, from the Consent Calendar for discussion at the end of the agenda. Councilmember Rogers requested to have an emergency item added to the agenda regarding a possible loan to Doctor's Hospital in the amount of \$4,000,000. The city attorney determined that the item may be discussed during the consideration of Item I-1, the matter to receive an update from staff regarding prior City Council direction to develop a multi-year plan to allocate \$15 million from the Chevron Refinery Modernization Project Environmental and Community Investment Agreement to support Doctors Medical Center as a full-service hospital, and to develop a plan for obtaining additional funding from other possible sources for this purpose.

## **REPORT FROM THE CITY ATTORNEY**

City Attorney Bruce Reed Goodmiller reported that Closed Session Item, Existing Litigation Siller vs. City of Richmond, the City Council considered the matter, which was an offer of a Final Settlement in a federal court action in the district of California, where Mr. Siller sued the City of Richmond for improper detainment and injury; the City Council authorized a settlement of \$190,000.

## **OPEN FORUM FOR PUBLIC COMMENT**

Leonard Taylor gave comments regarding the closure of the El Portel Drive Exit from Interstate 80.

Naomi Williams commented on the Ambassador Andrew Young's visit to Richmond.

Antwon Cloird expressed his concern regarding the possibility of opening a cannabis facility in North Richmond.

Deanna Gates Wallis gave comments in support of Vice Mayor Beckles and Mayor McLaughlin.

Mark Wassburg expressed his disappointment with the leadership in the City of Richmond.

Amy Lee Anderson stated that the City Council needs to come together to move the City of Richmond forward.

Rebecca Li, Renata Murray, Marilyn Langlois, and Nadine Anderson thanked Vice Mayor Beckles and the Councilmembers for supporting the targeted individual community that speak out against crime.

Texanita Bluitt expressed concern regarding the lack of Adults with Disabilities Act renovations completed at Civic Center and other City facilities. She also stated that vacant homes throughout the City of Richmond and specifically in the south side need to be addressed for safety.

Lisa Hirschhorn requested the City Council agendaize an item regarding medical marijuana mixed use.

Jackie Thompson expressed disappointment with some Councilmembers for disrespecting Mark Wassburg as he spoke under Open Forum. She also expressed disappointment with the current rules for pulling items from the Consent Calendar. Ms. Thompson also stated that candidates placed campaign signs at 37<sup>th</sup> and Cutting Boulevard without permission from the property owner.

André Soto invited everyone to Contra Costa College Knox Theater, Sunday, October 26, 2014, at 3:00 p.m. for a free concert. He also thanked everyone for supporting United States Senator Bernie Sanders on October 16, 2014, at the Richmond Memorial Auditorium regarding the 2014 election and money in politics. Mr. Soto also thanked the University of California Berkeley School of Journalism for its Richmond Confidential Project and the continued coverage of the 2014 November election.

Pam Bilbo stated on October 7, 2014, at 23<sup>rd</sup> Street and Ohio Avenue Mike Parker defaced campaign signs. She stated that The Men and Women of valor are not a political group.

Mike Parker denied defacing any campaign signs. He also gave comments regarding money in politics.

### **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 following vote: **Ayes:** Councilmembers Bates, Butt, Myrick, Vice Mayor Beckles, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Rogers.

\*-Approved a contract to lease property located at 500 23rd Street for use by RichmondBUILD for EPA and Project FLOW job training activities. The lease period is July 1, 2014, through June 30, 2015. The leasing fee is \$5,000 per month. The total lease renewal amount will not exceed \$60,000.

The matter to approve a Fifth Amendment to the Construction Agreement for Alten Construction (Alten) to finalize additional electrical work and tenant

improvements on the Riggers Loft/Operations and Security Center Project, increasing the amount by \$200,000 to a total contract amount not to exceed \$4,950,000, and increasing the Port Department budget by this amount was presented by Port Director Jim Matzorkis. On motion of Councilmember Rogers, seconded by Councilmember Butt approved a Fifth Amendment to the Construction Agreement for Alten Construction (Alten) to finalize additional electrical work and tenant improvements on the Riggers Loft/Operations and Security Center Project by the following vote: **Ayes:** Councilmembers Bates, Butt, Myrick, Rogers, Vice Mayor Beckles, and Mayor McLaughlin. **Noes:** Councilmember Boozé. **Abstentions:** None. **Absent:** None.

\*-Approved a contract with General Roofing Company for roof replacement at the May Valley Community Center in an amount not to exceed \$35,000.

\*-Approved the purchase of an upgraded integrated library system (ILS) for the Richmond Public Library from Innovative Interfaces, Inc., including maintenance and support, web hosting, specialized modules to enhance services, a subscription to Link + resource sharing, and staff training, in an amount not to exceed \$160,000 per year for a five-year period effective July 1, 2014.

\*-Approved the purchase of three Chevrolet Tahoe vehicles from Folsom Chevrolet to replace several aged vehicles in the Fire Prevention Services Division with funds from the Chevron Inspection contract in the amount of \$96,246.

\*-Received a report on the Richmond Municipal Sewer District for the month of September 2014.

\*-Approved the purchase of one asphalt emulsion sprayer trailer model 220-pt for the paving program from PB Loader Corporation in an amount not to exceed \$20,000.

\*-Approved a one-time payment for \$37,657 to Auto Warehousing Company to replace sections of rusting fence around the perimeter of the Point Potrero Marine Terminal (PPMT).

\*-Approved a professional services agreement with BKF Engineers (BKF) for engineering and program management services to support the closeout of capital improvement projects for a term of one year, in an amount not to exceed \$50,000.

\*-Introduced an ordinance for first reading establishing the wages, salary, and compensation for the new classification of Community Services Director (Executive Salary Range 5.1 \$10,728 - \$16,743/month) and said ordinance was laid over four weeks for second reading.

\*-Introduced an ordinance for first reading establishing the wages, salary, and compensation for the new classification of Resident Services Administrative Officer (Executive Salary Range 2.1 \$8,087 - \$12,620/month) and said ordinance was laid over four weeks for second reading.

\*-Approved a two-year contract, with possible two one-year extension options, with SC FUELS to deliver bulk fuel to the City's four fuel sites in an amount not to exceed \$1,430,000 per fiscal year.

\*-Approved a Community Development Block Grant-Funded contract with NEMA Construction to perform Americans with Disabilities Act improvements at the Main Library in an amount not to exceed \$341,000.

\*-Approved a three-year contract with Brenntag Pacific, Inc. to supply pool chemicals to the Richmond Swim Center and Richmond Municipal Natatorium in an amount not to exceed \$250,000 for the initial three-year term, with the option to extend this contract for an additional two years.

\*-Adopted **Resolution No. 89-14** authorizing the execution of a grant-funded and Cosco Busan settlement-funded contract with W.R. Forde Associates for construction of the Plunge Bay Trail Gap Closure Project in an amount not to exceed \$369,138; and **Resolution No. 90-14** authorizing the amendment of the 2013-2015 Biennial Budget to increase expenditures for budget line item Plunge Bay Trail Gap Closure Project by \$174,785 to \$424,685.

\*-Approved the City Council minutes of the regular meeting held on June 17, 2014, and the special meeting held on June 18, 2014.

\*-Approved the following appointments and re-appointment: Planning Commission: Jeffrey Kilbreth, assuming an unexpired term ending June 30, 2016; Richmond Youth Council: Maria Celeste-Luna, new appointment, term ending October 1, 2015; Ashley Tejada, new appointment, term ending October 1, 2015; Dante Romero, new appointment, term ending October 1, 2015; Ashley Vera, new appointment, term ending October 1, 2015; Drew Berry, new appointment, term ending October 1, 2015; Justin Rodriguez, new appointment, term ending October 1, 2015; Yann Picouveau, new appointment, term ending October 1, 2015; Joan Binalinbing, new appointment, term ending October 1, 2015; Police Commission: Alejandro Navarro, incumbent, term ending November 1, 2017.

## **ITEMS CONTINUED FROM PREVIOUS MEETINGS**

### **- Continued Resolutions**

The matter to adopt a resolution of the City Council of the City of Richmond to regulate development of parcels with creeks was presented by Councilmember Butt. Following discussion, on motion of Councilmember Butt, seconded by Vice Mayor Beckles adopted **Resolution No. 91-14** by the following vote: **Ayes:** Councilmembers Butt, Myrick, Rogers, Vice Mayor Beckles, and Mayor McLaughlin. **Noes:** Councilmembers Bates and Boozé. **Abstentions:** None. **Absent:** None.

*(Item I-1 regarding Doctors Hospital was heard immediately after the above item).*

The matter to adopt a resolution to implement provisions of the General Plan 2030 relative to community trails was presented by Councilmember Butt. On motion of Councilmember Butt, seconded by Councilmember Rogers adopted **Resolution No. 92-14** by the unanimous vote of the City Council.

#### **- Continued Ordinances**

The matter to introduce an ordinance (first reading) amending Section 6.40.020 of the 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 making corrections to the current definition of "Rental Residential Dwelling Unit" was presented by Planning and Building Services Director Richard Mitchell. Jackie Thompson and Theresa Karr gave comments. *This item was continued to November 18, 2014.*

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

The matter to consider amendments to City Council Rules and Procedures and the Posted Agenda Form in order to handle disruptions during City Council Meetings and to codify rules regarding campaigning at Council meetings; and adopt the amendments to the City Council Rules and Procedures and Posted Agenda Form was presented by City Attorney Bruce Reed Goodmiller. Jackie Thompson and Bea Roberson gave comments. *(At 11 p.m. a motion by Councilmember Myrick, seconded by Councilmember Butt to extend the meeting for 30 minutes passed with Councilmembers Bates and Boozé voting Noe.)* A motion was made by Vice Mayor Beckles, seconded by Mayor McLaughlin to approve staff's amendments to City Council Rules and Procedures and the Posted Agenda Form. The motion passed by the following vote: **Ayes:** Councilmembers Butt, Myrick, Rogers, Vice Mayor Beckles, and Mayor McLaughlin. **Noes:** Councilmember Boozé. **Abstentions:** Councilmember Bates. **Absent:** None.

#### **PUBLIC HEARINGS**

City Clerk Diane Holmes announced that it was time to hold a public hearing pursuant to public notice to introduce an ordinance for first reading amending Chapter 12.18 of the Richmond Municipal Code titled, "Discharges to the Wastewater Treatment System", to ensure consistency with the requirements as specified in Chapter 40 of the Federal Code of Regulations, Part 403, "Protection of the Environment." Mayor McLaughlin opened the public hearing. There were no public speakers. On motion of Councilmember Butt, seconded by Councilmember Myrick closed the public hearing by the unanimous vote of the City Council. On motion of Councilmember Boozé, seconded by Councilmember Myrick said ordinance received first reading and was laid over four weeks for second reading by the unanimous vote of the City Council.

### **COUNCIL AS A WHOLE**

*(This item was heard immediately following Item G-2 regarding regulating development of parcels with creeks).* The matter to receive an update from staff regarding prior City Council direction to develop a multi-year plan to allocate \$15 million from the Chevron Refinery Modernization Project Environmental and Community Investment Agreement to support Doctors Medical Center as a full-service hospital, and to develop a plan for obtaining additional funding from other possible sources for this purpose was presented by City Manager Bill Lindsay. The following individuals gave comments: Mark Wassburg, Bob Redlo, Dr. Otis Rounds, Vinnel Kerr, Pamela Price, Pilar Schiavo, Marie Walcek, Jackie Thompson, Andrés Soto, Marilyn Langlois, Pam Bilbo, Texanita Bluit, Vinay Pimplé, Josefina Romero, Eduardo Martinez, Mike Parker, Kathy White, Greg Karras, Terrance Cheung, and Donna Powers. A motion was made by Councilmember Bates, seconded by Councilmember Boozé to allow Heather Klup, who failed to file a pink speaker's card with the City Clerk prior to the City Council's consideration of the item, an opportunity to address the City Council. A substitute motion was made by Vice Mayor Beckles, seconded by Councilmember Rogers to allow everyone that failed to file a pink speaker's card with the City Clerk prior to the City Council's consideration of the item an opportunity to speak. It was determined that there were only two individuals in the audience that failed to file a pink speaker's card with the Clerk prior to the City Council's consideration of the item. The original motion was amended to allow Heather Kulp and Melvin Willis an opportunity to address the City Council. The motion was approved by the unanimous vote of the City Council. Heather Kulp and Melvin Willis gave comments. Following discussion, a motion was made by Councilmember Myrick, seconded by Councilmember Rogers to direct staff to continue moving forward with its current plan, begin discussions with stakeholders, and also begin discussions with financial advisors regarding possibly adding DMC to the Trans Revenue Bonds in order to immediately provide \$4 million to DMC to survive throughout the month of

December 2014. Mayor McLaughlin offered a friendly amendment to include exploring all possibilities. The amendment was accepted. A substitute motion by Councilmember Boozé to direct the City of Richmond to immediately loan \$4 million to Doctors Hospital and direct the city manager to meet with Casino San Pablo to request that it frontload the \$4 million failed for lack of a second. Councilmember Myrick clarified his original motion as follows: to direct staff to continue moving forward with its current plan, begin discussions with stakeholders, explore all possibilities to support DMC as a full-service, acute-care hospital with an emergency room, and also begin conversations with financial advisors regarding possibly adding DMC to the Trans Revenue Bonds in order to immediately provide \$4 million to DMC to survive throughout the month of December 2014. The original motion passed by the unanimous vote of the City Council.

**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 11:31 p.m. in memory of Jessie Workman, Marvin Anthony, and Juanita Burns to meet again on Tuesday, November 18, 2014, at 6:30 p.m.

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City Clerk

(SEAL)

Approved:

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Mayor