

**RICHMOND, CALIFORNIA, July 29, 2014  
and July 30, 2014**

The Richmond City Council Evening Open Session was called to order at 4:46 p.m.

**ROLL CALL**

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

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957.6):** Title: City Attorney

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

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Initiation of litigation pursuant to Subdivision (c) of Government Code Section 54956.9):** One Case

There were no public speakers.

The Open Session adjourned to Closed Session at 4:47 p.m. Closed Session adjourned at 5:29 p.m.

The Special Meeting of the Richmond City Council was called to order at 5:47 p.m. by Mayor McLaughlin who led the Pledge of Allegiance to the Flag.

**SPECIAL MEETING OF THE RICHMOND CITY  
COUNCIL RICHMOND MEMORIAL  
AUDITORIUM**

**ROLL CALL**

**Present:** Councilmembers Bates, Butt, Boozé, Myrick, and Mayor McLaughlin. **Absent:** Vice Mayor Beckles arrived at 6:15 p.m. and Councilmember Rogers arrived at 6:20 p.m.

**STATEMENT OF CONFLICT OF INTEREST**

None.

**AGENDA REVIEW**

Item F-8 was withdrawn from the agenda and Item F-9 was removed from the Consent Calendar. A motion by Councilmember Bates, seconded by Councilmember Boozé, to hear Item G-5 before the Continued Items G-2, G-3, and G-4, failed by the following vote: **Ayes:** Councilmembers Bates and Boozé. **Noes:** Councilmembers Butt, Myrick, and Mayor McLaughlin. **Abstain:** None. **Absent:** Vice Mayor Beckles and Rogers. A motion by Mayor McLaughlin, seconded by Councilmember Butt, added an urgency agenda item regarding the Master Fee Schedule, by the unanimous vote of the City Council, and adopted **Ordinance No. 15-14**, establishing certain fees for the proposed Master Fee Schedule (A resolution setting the dollar amount for the new fees and adjusting the dollar amount for current fees will be presented concurrent with the second reading of the ordinance).

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

None.

## **CITY COUNCIL CONSENT CALENDAR**

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

\*-Authorized the Library and Cultural Services Director to accept a grant from the East Bay Community Foundation (EBCF) in the amount of \$10,000; and APPROVE an amendment to the Fiscal Year 2014-15 Library Fund revenue and expenditures.

\*-Authorized the Library and Cultural Services Director to accept a grant from the California Department of Education (CDE) in the amount of \$62,924; and APPROVE an amendment to the Fiscal Year 2014-15 Library Fund revenue and expenditures.

\*-Accepted a grant award from the East Bay Community Foundation for the Office of Neighborhood Safety (ONS) in the amount of \$20,000 to provide general and emergency support services for ONS Fellowship participants.

\*-Approved a contract amendment with NEMA Construction to replace the lighting system and scoreboard at the North Richmond Ballfield on Fred Jackson Way, increasing the contract amount by \$11,195 for a total amount of \$186,195.

\*- Approved the sole-source purchase of fire and police apparatus repair services from Hi-Tech EVS, in an amount not to exceed \$75,000 per fiscal year for a term extending from Fiscal Year 2014-15 through 2016-17.

\*-Approved a contract with Turner Group Construction, Inc. to provide general contracting services for the Family Justice Center Project at 256 24th Street in an amount not to exceed \$1,541,525 for a term from July 2014 to June 2015, with funding from the proceeds of a \$2,000,000 bond previously approved by the City Council. (This item was not reviewed by the Finance Standing Committee due to meeting schedules

and time sensitivity).

\*-Approved a three-year contract with The Omega Group for continued maintenance and technical support of the police department's CrimeView software, in an amount not to exceed \$45,000, for a term of July 1, 2014, through June 30, 2017 (\$15,000 a year for three years)

WITHDREW an ordinance (first reading) amending Chapter 12.17 of the Richmond Municipal Code to update requirements pertaining to the inspection and rehabilitation or replacement of private sanitary sewer laterals.

The matter to approve an agreement with Pacific States Environmental Contractors, Inc. (Pacific States) to provide remediation and abatement services (bid Alternative 6) for the Point Molate former United States Naval Fuel Depot IR Site 3 in an amount not to exceed \$9,241,094.50, with a 10 percent city-controlled contingency in the amount of \$924,109.45, for a total approved amount of \$10,165,203.95 and for a term from August 2014 to August 2015, utilizing funds received through the 2008 Early Transfer and Cooperative Agreement (ETCA) with the United States Navy (Due to meeting schedules, this item was not reviewed by the Finance Standing Committee). Engineering Project Manager, Craig Murray, gave an overview of the matter. Jackie Thompson, Paul, and Don Gosney gave comments. Discussion ensued. A motion by Vice Mayor Beckles, seconded by Mayor McLaughlin, that this matter is held over until the full presentation in September. A substitute motion by Councilmember Butt, seconded by Councilmember Boozé, to adopt the staff recommendations, passed by the following vote: **Ayes:** Councilmembers Bates, Butt, Boozé, and Rogers. **Noes:** Councilmember Myrick, Vice Mayor Beckles and Mayor McLaughlin. **Absent:** None. **Abstain:** None.

\*-Approved the City Manager's response to Grand Jury Report No. 1404 entitled, "Planning for Technology," and authorize submittal of the response to the foreperson of the 2013-2014 Contra Costa County

Civil Grand Jury.

\*-Approved the City Manager's response to Grand Jury Report No. 1403 entitled, "Training City Personnel in Reporting Child Abuse," and submittal of the response to the foreperson of the 2013-2014 Contra Costa County Civil Grand Jury

\*-Approved a contract with ShotSpotter Inc. for continued maintenance and technical support of the ShotSpotter System at a cost not to exceed \$184,950 from July 1, 2014, to June 30, 2015. (This item was reviewed and recommended for approval by the Finance Committee at its July 11, 2014, meeting)

\*-Approved a grant-funded contract with the Contra Costa County Employment and Human Services Department on behalf of the Workforce Development Board to provide a multi-craft core curriculum and industry-recognized certificate for Future Build Program participants on behalf of the RichmondBUILD Academy. The contract term will be September 2, 2014, through June 30, 2016, in an amount not to exceed \$100,000 (This item was reviewed and recommended for approval by the Finance Standing Committee at its July 11, 2014, meeting).

\*-Approved a grant-funded contract with the Cypress Mandela Training Center, Inc. to provide a multi-craft core curriculum and an industry-recognized certificate for 42 program participants at the Cypress Mandela Training Center. The contract term will be September 2, 2014, through June 30, 2016, in an amount not to exceed \$200,000 (This item was reviewed and recommended for approval by the Finance Standing Committee at its July 11, 2014, meeting).

\*-Approved a contract with Reed-Madden Design for the design, fabrication, and installation of the sculpture, "Changing Tide," the accepted public art sculpture to be installed at Point Sheridan in an amount not to exceed \$175,000 funded by the Public Art Capital Fund (This item was reviewed and recommended for approval by the Finance Standing Committee at its July 11, 2014, meeting).

\*-Approved a contract with Baker Tilly Virchow Krause, LLP to perform a management and performance audit for the Richmond Housing Authority in an amount not to exceed \$100,000 (This item was not reviewed by the Finance Committee due to meeting schedules and time sensitivity).

\*-Adopted the post-collection service agreement; and (2) Approved collection franchise agreement amendment with Richmond Sanitary Service/Republic to provide enhanced recycling and bulky item services.

\*-Approved the minutes of the May 20, 2014 and June 3, 2014, Regular City Council Meetings.

\*-Approved the following re-appointment:  
Planning Commission: Eduardo Martinez, incumbent, term expiring June 30, 2016.

\*-Designated Councilmember Butt as the voting delegate to represent the City of Richmond at the Annual Business Meeting of the League of California Cities 2014 Annual Conference to be held September 3-5, 2014, at the Los Angeles Convention Center, Los Angeles, California.

\*-Adopted **Resolution No. 63-14**, approving the placement of Craig S. Meltzner & Associates, CSG Advisors, and Laurin Associates on the list of qualified financial consultants to provide underwriting, subsidy and financial layering analysis for Housing and Urban Development (HUD)-funded projects in an amount not to exceed \$50,000 per firm over a three-year period.

\*- (*Emergency Item*) Adopted **Ordinance 15-14**, establishing certain fees for the proposed Master Fee Schedule (A resolution setting the dollar amount for the new fees and adjusting the dollar amount for current fees will be presented concurrent with the second reading of the ordinance).

## **ITEMS CONTINUED FROM PREVIOUS MEETINGS**

### **Continued Consent Calendar Items**

The 2014/2015 North Richmond Waste and Recovery Mitigation Fee Expenditure Plan that specifies the activities and the revenue to support those activities from July 1, 2014, through June 30, 2015, as recommended by the North Richmond Waste and Recovery Mitigation Fee Joint Expenditure Planning Committee was presented. This item was continued from the June 24 and July 1 and 15, 2014, meetings for Council deliberation and determination only. A motion by Councilmember Bates, seconded by Councilmember Boozé, to overturn Mayor McLaughlin's ruling to not allow speakers and that the chairperson of the North Richmond Mitigation Fee Committee, Dr. Henry Clark, be allowed to give a 3-minute presentation regarding this matter, failed by the following vote: **Ayes:** Councilmembers Bates, Boozé, and Myrick. **Noes:** Councilmember Butt and Mayor McLaughlin. **Abstain:** None. **Absent:** Councilmember Rogers and Vice Mayor Beckles. A motion by Councilmember Butt, seconded by Mayor McLaughlin, to approve the expenditure plan and direct the City Manager to assist the Men and Women of Valor in finding other funding sources, failed, by the following vote: **Ayes:** Councilmembers Butt and Myrick, and Mayor McLaughlin. **Noes:** Councilmembers Bates and Boozé. **Abstain:** None. **Absent:** Councilmember Rogers and Vice Mayor Beckles.

The matter to adopt a resolution allowing the City of Richmond to levy an assessment on properties subject to assessment under the Downtown Richmond Property and Business Improvement District (DRPBID) and place this levy on the annual 2014-2015 property tax rolls was presented. Councilmember Boozé requested a report regarding how the funds have been used to date and how many employees have been hired in downtown due to improvements made. Amanda Elliot, Downtown Improvement District Director, stated that over \$34 million has been privately invested in downtown, some of the things that have been done are

the new BART garage, the business spaces under the BART garage are currently under negotiations for lease, Jack-in the-Box has purchased the old Payless Shoesource building. A motion by Councilmember Butt, seconded by Councilmember Myrick, adopted **Resolution No. 64-14**, by the following vote: **Ayes:** Councilmembers Bates, Beckles, Boozé, Butt, Myrick, Vice Mayor Beckles, and Mayor McLaughlin. **Noes:** None. **Abstain:** None. **Absent:** None.

### **Continued Public Hearings**

The matter to adopt a resolution authorizing the City of Richmond to levy special assessments against certain properties having unpaid invoices related to administrative citations, nuisance abatement costs, and foreclosure ordinance fines pursuant to Richmond Municipal Code Chapters 9.22, 6.38, 9.50 and 2.63 was presented by Tim Higare, Code Enforcement Manager. **This item was continued from the July 1 and 15, 2014, meetings.** Mayor McLaughlin opened the public hearing. There were no public speakers. A motion by Councilmember Butt, seconded by Councilmember Myrick, closed the public hearing by the unanimous vote of the City Council. A motion by Councilmember Butt, seconded by Vice Mayor Beckles, adopted **Resolution No. 65-14**, by the unanimous vote of the City Council.

*(The City Council recessed at 6:25 p.m. and reconvened at 6:47 p.m.)*

### **CONTINUED PUBLIC HEARING**

The matter to conduct a continued public hearing to receive comments on the certification of the Final Environmental Impact Report, Conditional Use Permit, Design Review Permit and other related approvals or agreements for the Chevron Refinery Modernization Project, and any appeal of the Planning Commission action, on the Project; consider certification of the Final Environmental Impact Report as well as applications for approvals and agreements needed to carry out the Chevron Refinery Modernization Project, and any appeal of the Planning

Commission action. Staff recommends that the City Council: (1) ADOPT a resolution deciding the appeal of Planning Commission Resolution 14-11, certifying the Final Environmental Impact Report, adopting Findings, adopting a Mitigation Monitoring and Reporting Program, and directing the city manager to enter into a Memorandum of Understanding with the Bay Area Air Quality Management District; (2) adopt a resolution deciding the appeal of the Planning Commission Resolution 14-12, approving the Conditional Use Permit and Design Review Permit for Project Alternative 11, including Conditions of Approval and directing the city manager to enter into an Environmental and Community Investment Agreement with Chevron was presented. The resolutions and related attachments reflect approval of Alternative 11. This item was continued from the July 22, 2014, meeting. The public hearing remains open only for the remaining speakers who signed up to speak at the July 22, 2014, meeting. The City Clerk has the speaker cards. Mayor McLaughlin stated that she is not accepting the amendment information provided by staff an hour before the meeting. Mayor McLaughlin also stated the following procedures for the item will be as follows: finish hearing from public speakers (2 minutes each); hear 2 minute rebuttals from appellant and from presenter in support of Planning Commission decision; close the Public Hearing; questions from the council to staff, consultants, presenters and/or public speakers; deliberations – during this period I will be entertaining motions on: a) Certifying the EIR (for Alternative 11), b) CUP, c) Community Environmental and Investment Agreement. Per motion, each councilmember will get up to 5 minutes to speak. The following individuals gave comments: Kouy Seng Saechao, Boonthong Karnsouvong, Kae Lin Saechao, Charles Davidson, Rick Alacarez, Tracy Feldstein, Amalia Darling, Farm Saechao, Seuy Karnsouvong, Donald Bruce, Frances Adams, Rebecca Auerbach, Denny Larson, Katharine Fong, Jess Dervin-Ackerman, Torm Nomprasavert, Kristin Connelly, Tom Griffith, Maria Sahaguin, Thongsoun Phuthama, Meychiem Saechao, Michael Beer, Roberta Speckerman, Biruk Tammru, Denny Larson, Kathy Robinson, David McFarlane, Richard Lompa, Jerome Smith, Stephanie Hervey, Roger Lin,

Sylvia Gray-White, Joshua Genser, Roshanak Sirjani, Michael Leedie, Ali Brooks, Don Lau, Chiffon Pruitt, Saul Munoz, David Young, Herk Schusteff, Tom Waller, Susan Harman, Lydia Rubalcaba, Lucymarie Ruth, Richard Freeman, Luz Alvarez Martinez, Heather Lewis, Niran Somasundaram, Francisco Martinez, Victoria Sawkki, Debi Mazor, Tarnel Abbott, Tim Laidman, Donald Johnson, Teri Katz, Kevin Mahoney, Sharon Sanders, Texanita Bluit, Paul Larudee, Nancy Rieser, Pascha McAlister, Rosa Lara, Richard Page, and Kiana Ward. Rebuttal arguments were presented. Discussion ensued. A motion was made by Councilmember Bates, seconded by Councilmember Boozé, to adopt staff recommendations. A substitute motion was made by Mayor McLaughlin, seconded by Vice Mayor Beckles to uphold the Planning Commission's decision. A second substitute motion by Vice Mayor Beckles, seconded by Mayor McLaughlin to uphold the Planning Commission's decision and include \$27 million to help keep Doctor's Medical Center open, failed by the following vote: **Ayes:** Councilmember Rogers, Vice Mayor Beckles, and Mayor McLaughlin. **Noes:** Councilmembers Bates, Boozé, Myrick, and Butt. **Abstain:** None. **Absent:** None. The first substitute motion failed by the following vote: **Ayes:** Mayor McLaughlin and Vice Mayor Beckles. **Noes:** Councilmembers Bates, Butt, Boozé, Myrick, Rogers. **Abstain:** None. **Absent:** None. Mayor McLaughlin, seconded by Vice Mayor Beckles, made an amendment to the original motion that the council support ShorePower for all ships that are docked at the longwharf, failed by the following vote: **Ayes:** Mayor McLaughlin and Vice Mayor Beckles. **Noes:** Councilmembers Bates, Boozé, Butt, Rogers, and Myrick. **Abstain:** None. **Absent:** None. A motion was made by Councilmember Bates, seconded by Councilmember Boozé, to call for the question and vote on the original motion. A motion by Councilmember Boozé, seconded by Councilmember Bates to end debate, passed by the following vote: **Ayes:** Councilmembers Bates, Butt, Boozé, Myrick, and Rogers. **Noes:** Vice Mayor Beckles and Mayor McLaughlin. **Abstain:** None. **Absent:** None. A motion by Councilmember Butt, seconded by Councilmember Bates to adopt City Council Resolution

2 (Attachment 2 to July 22 Agenda Report), which would take the following recommended actions: a) Decide Appeal of Planning Commission Resolution 14-12; i). Grant in part and deny in part: Denial of Chevron's appeal with respect to approval of CUP for Alternative 11; Remove conditions of approval added by Planning Commission except those related to Alternative 11; approve conditions of approval recommended by staff, as modified in attachment 1 of the staff report; a) Conditionally approve Conditional Use Permit; b) conditionally approve Design Review Permit, c) approve and direct City Manager to enter into an Environmental and Community Investment Agreement with Chevron. A motion made by Councilmember Rogers, seconded by Councilmember Myrick, to reconsider the vote to end debate for the purpose of allowing the City Manager to explain the details of the Community Benefits Agreement, Attachment 2, Exhibit B, passed by the following vote: **Ayes:** Councilmembers Bates, Butt, Boozé, Myrick, and Rogers. **Noes:** Mayor McLaughlin. **Abstain:** None. **Absent:** Vice Mayor Beckles. City Manager, Bill Lindsay, stated that the value of the agreement is \$90 million, which includes community programs and greenhouse gas reductions. The motion made by Councilmember Butt, passed by the following vote: **Ayes:** Councilmembers Bates, Butt, Boozé, Myrick, and Rogers. **Noes:** None. **Abstain:** Vice Mayor Beckles and Mayor McLaughlin. **Absent:** None.

*The meeting was recessed until Wednesday, July 30, 2014, at 6:30 p.m. in the City Council Chambers.*

### **Continued Resolutions**

**July 30, 2014**

The Richmond City Council meeting was reconvened at 6:33 p.m.

### **ROLL CALL**

**Present:** Councilmembers Bates, Butt, Myrick, Rogers, Vice Mayor Beckles and Mayor McLaughlin.  
**Absent:** Councilmember Boozé arrived at 6:35 p.m.

The matter to adopt a resolution limiting the amount of time that Councilmembers have to ask questions was presented by Councilmember Rogers. **This item was continued from the July 1 and 15, 2014, meetings.** The following individuals gave comments: Rev. Kenneth Davis, Mark Wassberg, Bea Roberson, and Mike Parker. Discussion ensued. A motion by Councilmember Butt, seconded by Mayor McLaughlin, to allow an initial 5 minutes for questions and answers; 5 minutes for comments or questions after the speakers; and two floating 5-minute sessions, passed and **Resolution No. 68-14**, was adopted by the following vote: **Ayes:** Councilmembers Butt, Myrick, Rogers, and Vice Mayor Beckles and Mayor McLaughlin. **Noes:** Councilmembers Bates and Boozé. **Abstain:** None. **Absent:** None.

### **PUBLIC HEARINGS**

The matter to adopt a resolution approving a report of sewer service charges for Fiscal Year 2014-15, and authorizing sanitary sewer and stormwater fees to be collected on the annual 2014-2015 tax rolls was presented by Wastewater Manager, Chad Davisson. Mayor McLaughlin declared the public hearing open. There were no public speakers. A motion by Councilmember Myrick, seconded by Vice Mayor Beckles, closed the public hearing by the unanimous vote of the City Council. A motion by Councilmember Boozé, seconded by Councilmember Myrick, adopted **Resolution No. 69-14**, by the unanimous vote of the City Council.

*(A motion by Councilmember Boozé, seconded by Councilmember Bates, to move Item J-1 to be heard before Item I-1, passed by the following vote: **Ayes:** Councilmembers Bates, Boozé, Butt, Myrick, Rogers, and Mayor McLaughlin. **Noes:** Vice Mayor Beckles. **Abstain:** None. **Absent:** None).*

### **RESOLUTIONS**

The matter to adopt a resolution urging Contra Costa County to integrate Doctor's Medical Center into

the Contra Costa Health Services to provide health care to the residents of Richmond and the greater West Contra Costa County was presented by Vice Mayor Beckles. The following individuals gave comments: Bea Roberson, Mike Parker, Sharon Sanders, and Patrick Doyle. A motion by Vice Mayor Beckles, seconded by Councilmember Myrick, adopted **Resolution No. 70-14**, by the following vote: **Ayes:** Councilmembers Myrick, Rogers, and Vice Mayor Beckles and Mayor McLaughlin. **Noes:** Councilmembers Bates and Boozé. **Abstain:** None. **Absent:** Councilmember Butt.

### **COUNCIL AS A WHOLE**

The matter to receive a report from the finance director and the city manager regarding the City of Richmond's budget and financial status was presented by Finance Director, Jim Goins and City Manager, Bill Lindsay. The current FY 2014-15 draft budget projects General Fund revenues of \$133.3 million and expenditures of \$140.9 million. The resulting FY 2014-15 budget deficit is currently projected at approximately \$7.6 million. The ending cash reserve (as of June 30, 2015) will be \$10.3 million, which is \$1.2 million above the minimum amount required per City Council's reserve policy of \$9.1 million. Discussion ensued. A motion made by Councilmember Butt, seconded by Vice Mayor Beckles to end debate, failed by the following vote: **Ayes:** Councilmembers Butt, Vice Mayor Beckles and Mayor McLaughlin. **Noes:** Councilmembers Bates, Boozé, Myrick, and Rogers. **Abstain:** None. **Absent:** None. Further discussion ensued and the City Council received the report.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 10:11 p.m. in memory of Latanya Morris's father, Willie Johnson, Felicia Haynes, and Jennie Rowland, to meet again on September 16, 2014, at 6:30 p.m.

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City Clerk

(SEAL)

Approved:

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Mayor