

RICHMOND, CALIFORNIA, April 21, 2015

The Richmond City Council Evening Open Session was called to order at 5:33 p.m.

ROLL CALL

Present: Councilmembers Jovanka Beckles, Eduardo Martinez, Vinay Pimplé, Vice Mayor Jael Myrick, and Mayor Tom Butt. **Absent:** Councilmember Nathaniel Bates was absent the entire meeting and Councilmember McLaughlin arrived 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 LEGAL COUNSEL - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9):

Warren vs. Marcus

The Open Session adjourned to Closed Session at 5:34 p.m. Closed Session adjourned at 6:15 p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:33 p.m. by Mayor Butt who led the Pledge of Allegiance to the Flag.

ROLL CALL

Present: Councilmembers Beckles, Martinez, McLaughlin, Pimplé, Vice Mayor Myrick, and Mayor Butt. **Absent:** Councilmember Bates was absent the entire meeting.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Continued Item H-3 (“to review options for an augmented street paving program using Measure U funds, and provide direction to staff”) to the May 5, 2015, City Council meeting. A motion by Mayor Butt, seconded by Councilmember McLaughlin **continued Item H-2** (“adopt a resolution by the City Council of the City of Richmond opposing the transportation of hazardous fossil fuel materials including coal and petroleum coke (“petcoke”) along California waterways, through densely populated areas and through the City of Richmond; calling on the Bay Area Air Quality Management District board to regulate the storage,

handling, and transportation of coal and petcoke; and directing staff to research similar pollution mitigation measures”) to the May 5, 2015, City Council meeting, by the following vote: **Ayes:** Councilmembers Martinez, Pimplé, Vice Mayor Myrick, and Mayor Butt. **Noes:** Councilmember Martinez. **Abstentions:** Councilmember Beckles. **Absent:** Councilmember Bates. **Removed** Item G-11 (“adopt a resolution authorizing the city manager to negotiate and execute an amendment to the existing loan documents between the City of Richmond and the RHA Housing Corporation, which include regulatory agreements, promissory notes, and deeds of trusts, as required to effectuate the use of the City’s in-lieu fee funds and HOME loan funds in an aggregate amount not to exceed \$5,800,000, for the Rental Assistance Demonstration (RAD) Program rehabilitation projects at Friendship Manor and Triangle Court”) from the Consent Calendar. **Withdrew from the agenda** **Item J-1** (“establish a 45-day moratorium on rent increases in the City of Richmond to allow time for the discussion and development of tenant protection policies that can be implemented to prevent displacement.”)

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

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

OPEN FORUM FOR PUBLIC COMMENT

Leonard Taylor gave comments regarding the passing of a family friend. He also thanked Vice Mayor Myrick for withdrawing Item J-1 from the agenda regarding the establishment of a 45-day moratorium on rent increases.

Naomi Williams stated that bicyclist within the City of Richmond need to be educated on the rules and regulations for safe bike riding.

Sylvia Gray-White encouraged the City Council to set policy to stop the government from spraying toxics chemicals within the City of Richmond.

Elizabeth Adams commended the City Council, specifically Councilmember Beckles, for accepting the general public and for making changes.

Rosanne Allen gave comments regarding the closure of Doctors Hospital.

Eleanor Thompson invited citizens to My Brother’s Keeper Action Summit, May 4, 2015, 9:00 a.m. to 4:00 p.m. at the Richmond Memorial Auditorium; and also the July 4, 2015, celebration in North Richmond. She requested support from Mayor Butt and all City Councilmembers.

Wesley Ellis gave comments regarding individuals building illegal units.

Mark Wassberg gave comments that were ruled by the City Attorney to be out of order.

Richard Stollings requested information regarding the steps citizens must take in order to remove items from the Consent Calendar. He also requested a list of the full names, telephone numbers, and addresses of staff that place items on the agenda.

Jorge Lopez thanked the City Council and City of Richmond for its support with the opening of the new Method Public Schools campus on Marina Way South.

Edith Pastrano, Melvin Willis, Hector Monico, Gloria Solarzano, Helen Sterling, Marcos Banales, Marilyn Langlois, Ina Mason, Katherine Manning, Leah Simon-Weisberg, Mike Parker, and Mary Virginia Watson gave comments in support of rent control.

Juanita Dixon and Ivy Winston, on behalf of the Bright Future Development Center staff and family, invited everyone to the grand opening of the center's transition into the new campus at 1060 Manor Road in El Sobrante; Saturday, April 25, 2015, from 1:00 p.m. to 3:00 p.m.

CITY COUNCIL CONSENT CALENDAR

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

*- Approved an amendment to the Chevron Environmental and Community Investment Agreement (ECIA), accelerating the availability of funds pursuant to the agreement for completion of Richmond's Climate Action Plan and zoning ordinance update, and making changes to the residential roof-top solar and energy retrofit programs to provide consistency with the City's Richmond Recovery Rebates (R3) program, without changing the amounts allocated to specific projects described in the ECIA.

*- Adopted **Resolution No. 37-15** authorizing submittal of a grant application to Cal Fire for funding under the Urban Forestry Grant Program, "Green Trees for the Golden State", as provided through the California Greenhouse Gas Reduction Fund and/or USDA Forest Service Federal Funds.

*- Adopted **Resolution No. 38-15** authorizing execution of a contract with A-N West, Inc., to modify and update the plans and specifications for the Richmond-Ohlone Greenway Gap Closure Project and to provide engineering services during construction, in an amount not to exceed \$124,613.

*- Approved a contract with MobilePD, Inc. for the development and maintenance/support of a software application (app) to promote information exchange between the police and community, in an amount not to exceed \$42,300 for three years, with the option of two one-year extensions in an amount not to exceed \$11,600 each year.

*- Approved the grant-funded purchase of foul weather equipment consisting of 35 jackets, 45 trousers, and 45 pairs of boots from West Marine Products, Inc. in the amount of \$11,736.59, in support of the department's Marine Emergency Response Program and with funding by the Fiscal Year 2012 Port Security Grant.

*- Approved the minutes of the March 17, 2015, and March 24, 2015, City Council Meetings.

*- Adopted **Resolution No. 39-15** authorizing execution of the First Amendment to the Construction Agreement for the Plunge Bay Trail Gap Closure Project with W.R. Forde Associates, increasing the payment limit by \$48,220 to a total contract amount not to exceed \$417,358, to address unforeseen ground water issues discovered during construction, to be funded by the existing budget for surface drainage needs.

*- Approved international travel for the Community Services Director and four Community Services staff to participate in the XIII International Conference on Law, Policing, and Justice Conference hosted by the World Academy of Science, Engineering and Technology (WASET) in London, England, including related travel to Paris, France, with all travel and meeting expenses paid for by The California Wellness Foundation and the Richmond Community Foundation/ California Endowment Peacemaker Fellowship Fund.

*- Approved a two-year lease agreement with the Rosie the Riveter Trust for the use of approximately 600 square feet of City-owned property at 440 Civic Center Plaza as office space for a two-year period from January 1, 2015, to December 31, 2016, and at a lease rate of \$600 per month.

*- Adopted **Ordinance No. 14-15 N.S.** amending certain sections of Chapter 7.102 of the Richmond Municipal Code (second reading) reducing the number of medical marijuana collective permits from six to three, establishing three medical marijuana products manufacturing permits, and providing clarifying language for certain sections of the ordinance.

The matter to adopt a resolution authorizing the city manager to negotiate and execute an amendment to the existing loan documents between the City of Richmond and the RHA Housing Corporation, which include regulatory agreements, promissory notes, and deeds of trusts, as required to effectuate the use of the

City's in-lieu fee funds and HOME loan funds in an aggregate amount not to exceed \$5,800,000, for the Rental Assistance Demonstration (RAD) Program rehabilitation projects at Friendship Manor and Triangle Court was presented by Housing Authority Director Tim Jones. The following individuals gave comments: Don Gilmore, Marina Brown, Eleanor Thompson, and Marilyn Langlois. On motion of Councilmember McLaughlin, seconded by Vice Mayor Myrick adopted **Resolution No. 40-15** by the following vote: **Ayes:** **Noes:** **Abstentions:** **Absent:** Councilmember Bates.

*- Approved a two-year contract with Pursuit North to outfit police department vehicles for the 2014-2015 and 2015-2016 Fiscal Years in an amount not to exceed \$125,000 per year.

*- Approved the purchase of services from Diamond Truck Body to refurbish a chipper body for the use by the Public Works Department, Parks Division in an amount not to exceed \$13,000.

- Continued Resolutions

On motion of Mayor Butt, seconded by Councilmember McLaughlin **continued to May 5, 2015**, the matter to adopt a resolution by the City Council of the City of Richmond opposing the transportation of hazardous fossil fuel materials including coal and petroleum coke ("petcoke") along California waterways, through densely populated areas and through the City of Richmond; calling on the Bay Area Air Quality Management District board to regulate the storage, handling, and transportation of coal and petcoke; and directing staff to research similar pollution mitigation measures by the following vote: **Ayes:** Councilmembers Martinez, Pimplé, Vice Mayor Myrick, and Mayor Butt. **Noes:** Councilmember McLaughlin. **Abstentions:** Councilmember Beckles. **Absent:** Councilmember Bates.

- Continued Council as a Whole

CONTINUED to the May 5, 2015, City Council meeting, the matter to review options for an augmented street paving program using Measure U funds, and provide direction to staff.

PUBLIC HEARINGS

The city clerk announced that it was time pursuant to public notice to hold a public hearing to consider appeals by the applicant, Alexis Gevorgian, and the Richmond Annex Neighborhood Council of the Planning Commission's adoption of a Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program, and approval of a Conditional Use Permit for a Density Bonus with three concessions: reduced parking, reduced open space, and an increase in height for a 155-unit affordable housing development at

5620 Central Avenue, and deny, modify, or approve the proposed project. An overview of the item was presented by Planning Director Richard Mitchell, Associate Planner Jonelyn Whales, and a representative from Fehr & Peers Consulting. Mayor Butt declared the public hearing open. Appellant/applicant Alexis Gevorgian gave comments. Appellant Mary Selva gave comments. The following individuals gave comments: Don Gosney, Suzan Pressler, Eric Pressler, Rebecca Goodberg, Dave Harris, Jerry Yoshida, Garland Ellis, Franklin Leong, Eric Rodriguez, Art Nguyen, Marilyn Langlois, Brian Grant, Tiyo Karenga, Kiran Shenoy, Deepak Sharma, Gayatri Bhatnagar, Lauren Pressler, Liz Watts, David Reyla, Gabriel Reyla, Hawdy Goudey, and Jonathan Luconi. A motion by Councilmember McLaughlin, seconded by Councilmember Martinez, closed the public hearing by the unanimous vote of the City Council. A motion was made by Councilmember Beckles to reject both appeals and uphold the Planning Commission's recommendations. Councilmember McLaughlin seconded the motion with the following friendly amendments to revise the resolution language, the setback on Central Avenue at least 15 feet, added a further condition about inclusion of a commercial element on the first floor. The conditions were accepted by Councilmember Beckles. A substitute motion was made by Mayor Butt, seconded by Councilmember Pimplé to reject both appeals and uphold the Planning Commission's recommendations and add that the creek corridor be naturalized and restored and forego setbacks on Central and San Mateo, and also include the friendly amendments by Councilmember McLaughlin to revise the resolution language, and add a further condition about inclusion of a commercial element on the first floor. A second substitute motion was made by Councilmember Martinez, seconded by Councilmember Beckles to refer the item back to the Planning Commission failed by the following vote: **Ayes:** Councilmembers Beckles and Martinez. **Noes:** Councilmember Pimplé and Mayor Butt. **Abstentions:** Councilmember McLaughlin and Vice Mayor Myrick. **Absent:** Councilmember Bates. The first substitute motion by Mayor Butt, seconded by Councilmember Pimplé failed by the following vote: **Ayes:** Councilmember Pimplé, Vice Mayor Myrick, and Mayor Butt. **Noes:** Councilmember Martinez, Beckles, and McLaughlin. **Abstentions:** None. **Absent:** Councilmember Bates. The Council considered the original motion by Councilmember Beckles, seconded by Councilmember McLaughlin to reject both appeals and uphold the Planning Commission's recommendations with friendly amendments by Councilmember McLaughlin to revise the resolution language to include full Planning Commission's conditions, the setback on Central Avenue at least 15 feet, and added a further condition about inclusion of a commercial element on first floor; Councilmember McLaughlin withdrew requirements for the commercial element. The original motion failed by the following vote: **Ayes:** Councilmember Beckles, McLaughlin, and

Vice Mayor Myrick. **Noes:** Councilmembers Martinez, Pimplé, and Mayor Butt. **Abstentions:** None. **Absent:** Councilmember Bates. Mayor Butt announced that the Planning Commission's approval would stand.

COUNCIL AS A WHOLE

WITHDREW from the agenda the matter to establish a 45-day moratorium on rent increases in the City of Richmond to allow time for the discussion and development of tenant protection policies that can be implemented to prevent displacement.

The matter to approve revisions to 2015 appointments to Regional Committees, Ad Hoc Committees and Liaison Positions was presented by Mayor Butt. Vice Mayor Myrick asked that the Police Commission appointment be postponed for one month. Councilmember Martinez requested a friendly amendment to be added as liaison to the Design Review Board and Library Commission. The friendly amendment was not accepted. A motion by Mayor Butt, seconded by Vice Mayor Myrick to approve revisions to 2015 appointments to Regional Committees, Ad Hoc Committees and Liaison Positions and postpone the appointment of the Police Commission liaison for one month was approved by the following vote: **Ayes:** Councilmembers Beckles, Pimplé, Vice Mayor Myrick, and Mayor Butt. **Noes:** None. **Abstentions:** Councilmember Martinez. **Absent:** Councilmember Bates.

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 10:09 p.m. in memory of Anthony Nguyen to meet again on Tuesday, May 5, 2015, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor