

**RICHMOND, CALIFORNIA, June 16, 2015**

The Richmond City Council Evening Open Session was called to order at 5:05 p.m. by Mayor Tom Butt.

**ROLL CALL**

**Present:** Councilmembers Nathaniel Bates, Jovanka Beckles, Eduardo Martinez, Gayle McLaughlin, Vinay Pimplé, Vice Mayor Jael Myrick, and Mayor Tom Butt. **Absent:** Councilmember Bates, Beckles, and Vice Mayor Myrick.

**PUBLIC COMMENT**

None.

**SUCCESSOR AGENCY TO THE RICHMOND COMMUNITY REDEVELOPMENT AGENCY**

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.

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

Property: Miraflores Property  
Agency negotiators: Bill Lindsay and Chadrick Smalley  
Negotiating party: Eden Housing, Inc. and Community Housing Development Corporation of North Richmond  
Under negotiations: Price and terms of payment

**CITY COUNCIL**

**LIABILITY CLAIMS -(Government Code Section 54956.9):**

Curran vs. City of Richmond  
Wycinsky vs. City of Richmond  
Opdyke vs. City of Richmond  
Peterson vs. City of Richmond

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

Jaret Thomas vs. City of Richmond

The Open Session adjourned to Closed Session at 5:06 p.m. Closed Session adjourned at 6:12 p.m.

The Regular Meeting of the Successor Agency to the Richmond Community Redevelopment Agency and the Richmond City Council was called to order at

6:15 p.m. by Mayor Tom Butt.

**ROLL CALL**

**Present:** Councilmembers Bates, Martinez, Pimplé, Vice Mayor Myrick, and Mayor Butt. **Absent:** Councilmember McLaughlin arrived at 6:16 p.m. and Councilmember Beckles arrived at 6:18 p.m.

**STATEMENT OF CONFLICT OF INTEREST**

None.

**AGENDA REVIEW**

Councilmember Butt stated that Items **K-1**, the matter to adopt a resolution to continue the understanding between the Mayor and the Members of the City Council regarding appointments and re-appointments to commissions/boards/ committees etc. of the City of Richmond, and **L-3**, the matter to authorize the City Council to establish a Richmond Promise ad hoc committee and appoint members were **continued** to the July 7, 2015, City Council meeting. A motion made by Councilmember Bates, seconded by Councilmember Beckles to leave Item L-3 on the agenda passed by the following vote: **Ayes:** Councilmembers Bates, Beckles, Martinez, McLaughlin, Pimplé, and Vice Mayor Myrick. **Noes:** Mayor Butt. **Abstain:** None. **Absent:** None. A motion made by Councilmember Bates, seconded by Councilmember Beckles to place the item to be heard immediately following Open Forum passed by the following vote: **Ayes:** Councilmembers Bates, Beckles, Martinez, McLaughlin, Pimplé, and Vice Mayor Myrick. **Noes:** Mayor Butt. **Abstain:** None. **Absent:** None.

**PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS**

Mayor Butt presented a proclamation Honoring James Goins for his years of service to the City of Richmond and declaring Monday, August 3, 2015, as James Goins Day in the City of Richmond. Mr. Goins gave comments. Naomi Williams and Antwon Cloird also gave comments.

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

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

**REPORT FROM THE CITY MANAGER**

No report.

## **OPEN FORUM FOR PUBLIC COMMENT**

Leonard Taylor gave comments regarding the July 3<sup>rd</sup> Fireworks.

Naomi Williams asked that KCRT flash the score of the Warriors game. Ms. Williams also stated that the Juneteenth Parade and Festival will take place Saturday, June 20, 2015, beginning at 10 a.m. with parade followed by the festival at Nichol Park.

Veronica Keeton stated that the State should perform an audit on the city's finances.

Mike Ali stated that the Native Committees of Families and the United Urban Ware Society will host a series of events this summer to educate the community about alcohol and alcohol abuse. Mr. Ali also stated that the First Native Walk for Sobriety will take place on July 18, 2015.

Mark Wassberg gave comments regarding current events.

Richard Stollings gave comments regarding the Open Forum.

Emily Goodwin gave comments regarding the benefits of Property Assessed Clean Energy (PACE).  
01:03:44

Texanita Bluitt asked that the City Council adjourn the meeting in memory of the six people who died after falling from a balcony in Berkeley. She requested more information regarding the sewer rate increase. Ms. Bluitt also stated that there were too many areas within the City of Richmond with dry weeds and grass, specifically Ohio Avenue between Harbor Way and 8<sup>th</sup> Street.

Mike Parker stated that rents in the City are rising rapidly and he invited everyone in support of rent stabilization to attend a town hall meeting at Nevin Center, Wednesday, June 17, 2015, at 6:00 p.m.

Bea Roberson stated that rents were going up because people continue to talk about establishing rent control. She also announced that Juneteenth was Saturday, June 20, 2015. Ms. Roberson also asked Councilmember Beckles to turn on her microphone before making motions.

## **SUCCESSOR AGENCY TO THE RICHMOND COMMUNITY REDEVELOPMENT AGENCY CONSENT CALENDAR**

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

\*-Adopted resolutions approving and authorizing the execution of the following documents

for the construction of the Nevin Avenue Improvements BART to 19th Street Project: **Resolution No. 15-8** a construction agreement with O.C. Jones & Sons, Inc., in an amount not to exceed \$5,648,431 and the establishment of an Owner's Reserve in the amount of \$871,265 for contingencies and add-alternate construction items; **Resolution No. 15-9** a construction management contract with Mack5 in an amount not to exceed \$641,196; **Resolution No. 15-10** a design services during construction contract with Questa Engineering Corp. in an amount not to exceed \$388,582; and **Resolution No. 15-11** authorizations to expend funds for utilities, permits and other miscellaneous project costs in an amount not to exceed \$50,000.

\*-Adopted **Resolution No. 15-12** authorizing the execution of a Disposition, Development and Loan Agreement for the Miraflores Senior Apartments (Senior Affordable Housing Project) by and among the Successor Agency to the Richmond Community Redevelopment Agency, Community Housing Development Corporation of North Richmond and Eden Housing, Inc.

\*-Adopted **Resolution No. 15-13** approving a contract with PES Environmental, Inc. (PES) for enhanced Area T (deed restricted properties in Marina Bay) product removal work in the amount of \$115,000, for product monitoring and analysis work at Area T in the amount of \$46,700, and annual inspection, analysis and reporting for the period ending June 30, 2016, in the amount of \$25,000, for a total contract amount not to exceed \$186,700.

### **CITY COUNCIL CONSENT CALENDAR**

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

\*-Adopted **Resolution No. 59-15** to amend the Port of Richmond Tariff FMC No. 3, reflecting a 1.5% increase in tariff rates as approved by the Executive Committee of the California Association of Port Authorities (CAPA).

\*-Approved a second amendment to the existing agreement with Cox, Wootton, Lerner, Griffin & Hansen, LLP for continued legal services regarding maritime law matters, and the matter of Port of Richmond vs. J.E.B.S. & Associates, Inc., increasing the contract amount by \$30,000 for a total contract amount not to exceed \$60,000.

\*-Approved an amendment to the professional services agreement with BKF Engineers for engineering and project management services at the Port of Richmond, extending the term to June 30, 2016, and

increasing the amount by \$75,000 to a total not to exceed amount of \$125,000.

\*-Approved a budget amendment with several project contractors, including Turner Group Construction, Inc. for general contracting services, ELockers for provision of bicycle lockers, Electric Vehicle Charging Station services, and AME for special construction inspection services, all related to the renovation of a City-owned former County Health Clinic building located at 256 24th Street to be the Family Justice Center. The budget amendment is not to exceed \$35,000 combined for all contracts.

\*-Adopted **Resolution No. 60-15** allowing the City of Richmond to levy the property tax rolls of property owners subject to assessment under the Downtown Richmond Property and Business Improvement District (DRPBID) on the annual 2015-2016 property tax rolls.

\*-Adopted **Resolution No. 61-15** approving standing contracts for as-needed transportation engineering services with four firms (Alta Planning & Design, Fehr & Peers, Pang Ho & Associates, W-Trans) in an amount not to exceed \$450,000 per firm over a three-year period, with an option to extend the contracts for two years.

\*-Approved an amendment to the contract with Pacific States Environmental Contractors, Inc. (Pacific States), adding a five percent budget contingency to provide additional remediation and abatement services for the Point Molate former United States Naval Fuel Depot IR Site 3, increasing the amount by \$462,055 for a total contract amount not to exceed \$10,627,259. Funding is from the 2008 Early Transfer and Cooperative Agreement (ETCA) with the United States Navy.

\*-Approved an amendment to the contract with Nichols Consulting Engineers (NCE) to provide annual surveys, reports, investigation, inspections and work plans for the Operation Unit (OU) 1 and OU2 areas at Point Potrero Marine Terminal (PPMT), according to the Department of Toxic Substances Control (DTSC) Operations and Maintenance Plan, increasing the amount by \$291,000 to an amount not to exceed \$356,695, and extending the term to December 31, 2017.

\*-Approved the minutes of the April 7, 21 and 28, 2015, and May 5 and 19, 2015, meetings.

\*-Approved an amendment to the contract with the Glen Price Group to prepare grant applications for the 2015 COPS Hiring Program and the DOJ Body-Worn Camera Pilot Program, increasing the contract amount by \$20,000 to a total amount not to exceed \$35,000, and extending the term to December 31, 2015.

\*-Adopted **Ordinance No. 16-15a N.S.** setting the tax rate for the Tax Override Pension Fund for Fiscal Year 2015-16 at 0.14%.

\*-Adopted **Resolution No. 62-15** authorizing service contracts with six (6) planning consulting firms (Douglas Herring & Associates; Environmental Science Associates [ESA]; LIGHT Planning, Permitting & Green Building Services; LSA Associates, Inc.; Lisa Wise Consulting, Inc.; and Pacific Municipal Consultants [PMC]) for as-needed services in an amount not to exceed \$250,000 per firm over a three-year period, with an option to extend the contracts for one year.

\*-Adopted **Resolution No. 63-15** authorizing submittal of Measure J 2012 & 2013 "Growth Management Program Compliance Checklist" to the Contra Costa County Transportation Authority (CCTA) to allow the City of Richmond to receive its allocation of FY 2013-14 & 2014-15 Local Street Maintenance and Improvement Funds.

\*-Approved the following appointments and re-appointments: Human Rights and Human Relations Commission: Texanita Bluitt, re-appointment, term expiring March 30, 2017; Point Molate Citizens Advisory Committee: Joan Garrett, re-appointment, term expiring May 30, 2017; Richmond Youth Council: Dayjah Burton, new appointment, term expiring October 1, 2016, Sonila Shakeel, new appointment, term expiring October 1, 2016, Cynthia Pardinias, new appointment, term expiring October 1, 2016, Workforce Investment Board: Xavier C. Abrams, new appointment.

\*-Approved the Richmond Neighborhood Coordinating Council's substituted role in the Citizen Participation Plan for implementation of the City's Community Development Block Grant programs (CDBG) for prior years 2011-2013 due to the Community Development Commission's lack of a quorum.

## **PUBLIC HEARINGS**

The city clerk announced that it was time, pursuant to public notice, to hold a public hearing to consider the appeal by Chung Yeung Yiu, and affirm the Planning Commission's approval of a 289-unit transit oriented affordable housing development, proposed for two parcels located near the Richmond Intermodal station was presented by Planning Director, Richard Mitchell. Mayor Butt declared the public hearing open. The appellant, Chung Yeung Yiu and applicant, Alexis Gevorgian were given up to eight minutes to give comments. The appellant and applicant were also given the opportunity to give a two minute rebuttal. There were no public speakers. A motion by Vice Mayor Myrick, seconded by Councilmember McLaughlin closed the public hearing by the unanimous

vote of the City Council. A motion by Councilmember Bates, seconded by Vice Mayor Myrick denied the appeal of Mr. Yiu, and affirmed the Planning Commission's approval of a 289-unit transit oriented affordable housing development, proposed for two parcels located near the Richmond Intermodal Station by the unanimous vote of the City Council.

**CONTINUED TO JULY 21, 2015**, the matter to adopt a resolution on the proposed increase, 2.53% based on Consumer Price Index inflation, in annual assessments for the Hilltop Landscape Maintenance District for the 2015-2016 Fiscal Year.

**CONTINUED TO JULY 21, 2015**, the matter to adopt a resolution on the proposed increase, 3% based on Consumer Price Index inflation, in annual assessments for the Marina Bay Landscaping and Lighting Maintenance District for the 2015-2016 Fiscal Year.

### **RESOLUTIONS**

**CONTINUED TO JULY 21, 2015**, the matter to adopt a resolution to continue the understanding between the Mayor and the Members of the City Council regarding appointments and re-appointments to commissions/boards/ committees etc. of the City of Richmond.

### **COUNCIL AS A WHOLE**

The matter to review Fiscal Year 2015-16 Operating Budget was presented by City Manager Bill Lindsay and Finance Director Belinda Warner. The budget will be placed on the June 23, 2015, City Council Agenda for a more detailed review and Council input. A special meeting will be held June 30, 2015, to provide written responses to questions and adoption of the budget. Mike Parker gave comments.

The matter to discuss the proposed grant application by the Contra Costa County Office of the Sheriff to build a West County Reentry and Mental Health Treatment Facility on the site of the West County Detention Facility, and establish criteria for the City Council to evaluate the final version of the grant application in September was presented by Mayor Tom Butt. Mayor Butt suggested that the City obtain expert advice regarding the data received regarding the project. He also suggested that the City withhold its support of the jail expansion. He stated that the City Council had a list of questions to clarify who the project would benefit in West County, and would like the City Council to verify that the questions are appropriate. *(At 11:00 p.m. on motion of Councilmember Martinez, seconded by Vice Mayor Myrick extended the meeting for 15 minutes with Councilmembers Bates and Beckles voting Noe).* Following discussion, a motion was made by Councilmember Bates, seconded by Mayor Butt to present the questions and then determine if the City will support the project. A substitute motion

was made by Councilmember Martinez, seconded by Councilmember Beckles to use the questions to propose a better use of the grant; for the reentry programs build the beds outside the walls, and that services are provided by non-profits. A second substitute motion was made by Councilmember McLaughlin, seconded by Vice Mayor Myrick to send a letter to the Contra Costa County Sherriff's Office that the City opposed the project if the grant can only be used on a capitol project that includes expansion of the jail. Vice Mayor Myrick withdrew his second and Councilmember Martinez seconded the motion. The second substitute motion failed by the following vote: **Ayes:** Councilmembers Beckles, Martinez, and McLaughlin. **Noes:** Councilmember Pimplé and Mayor Butt. **Abstentions:** Councilmember Bates and Vice Mayor Myrick. **Absent:** None. The first substitute motion failed by the following vote: **Ayes:** Councilmembers Beckles, Martinez, and McLaughlin. **Noes:** Councilmember Pimplé and Mayor Butt. **Abstentions:** Councilmember Bates and Vice Mayor Myrick. **Absent:** None. The original motion passed by the following vote: **Ayes:** Councilmembers Bates, Martinez, Pimplé, and Mayor Butt. **Noes:** Councilmembers Beckles, McLaughlin, and Vice Mayor Myrick. **Abstentions:** None. **Absent:** None.

The matter to authorize the City Council to establish a Richmond Promise ad hoc committee and appoint members was presented by Councilmembers Nat Bates and Vinay Pimplé. Councilmember Bates stated that he and Councilmember Pimple recommend that an ad-hoc committee be formed with a minimum of 12 members and a maximum number of members set at the discretion of the City Council, and that each Councilmember be allowed to appoint an uncontested member and the remaining members of the committee at large be appointed by the City Council as a whole. He stated that the at large group should include a member from the West Contra Costa Unified School District, Contra Costa Community College District, representative of the Charter Schools, and perhaps a private school representative. Councilmember Pimplé stated that the ad hoc committee should not last for more than one or two months, and not meet for more than four to six meetings at the most. City Attorney Bruce Goodmiller stated his concern was how the committee members would be selected or appointed. He stated that the process suggested was inconsistent with Charter Article III-A, Section 2c "the Mayor shall have the authority at any regularly scheduled meeting of the City Council to make appointments to or removals from all City boards, commissions and committees with the concurrence of at least three (3) other members of the City Council." He also referred to a memo written by Former City Attorney Randy Scott in 2008 which stated "the Charter is clear that commissions and committees are to be filled by mayoral appointment Council concurrence, Charter Article III-A, Section 2c (the Mayor shall have the authority at any regularly scheduled meeting of the City Council to make

appointments to or removals from all City boards, commissions and committees with the concurrence of at least three (3) other members of the City Council), without the support of the mayor by way of an appointment, the Council on its own cannot specify the membership of any committee.” City Attorney Goodmiller also stated that during his six years with the City of Richmond, it has been the practice that the mayor appoints with the City Council concurrence. The following individuals gave comments: Don Gosney, Brian Buttacavoli, Ivy Winston, Charles Stewart, Pamla Booker, Juanita Dickson, Idrissa Lattier, Scottie Smith, Rose JaQuint-Loera, Tom Panas, Alma Quintanilla, Amy Witt, Jessica, Gloria Scoggins, Thomasina Horsley, Michael Ray, Cristian Gutierrez, Rebecca Barajas, and Mike Parker. Following discussion, Councilmember Martinez suggested choosing one school as a pilot and Councilmember McLaughlin suggested starting with community college students only. A motion was made by Councilmember Bates to allow the City Councilmembers provide to the mayor, within 48 hours, individual appointees to the ad hoc committee and recommendations for at-large members from West Contra Costa Unified School District, Contra Costa Community College District, Charter Schools, and private schools, at the discretion of the mayor, to be placed on the June 23, 2015, City Council Agenda. Councilmember Beckles seconded the motion with a friendly amendment to exclude private schools. The friendly amendment was accepted. Mayor Butt suggested holding study sessions to allow staff to present information on best practices to implement the program. Councilmember Pimplé offered a friendly amendment to only allow a maximum of five meetings and then the committee will automatically disband by August 31, 2015. The friendly amendment was not accepted. A substitute motion was made by Councilmember Pimple, seconded by Councilmember McLaughlin to provide to the mayor individual appointees to the ad hoc committee within 48 hours and recommendations for at-large members from West Contra Costa Unified School District, Contra Costa Community College District, Charter Schools to be placed on the June 23, 2015, agenda, and to only allow a maximum of six meetings and the committee will automatically disband by August 31, 2015. The substitute motion passed by the following vote: **Ayes:** Councilmembers Beckles, Martinez, McLaughlin, Pimple, and Vice Mayor Myrick. **Noes:** Councilmember Bates and Mayor Butt. **Abstentions:** None. **Absent:** None. **Later during the meeting, Councilmember Bates changed his vote to Aye.**

**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 11:14 p.m., in memory of John Edward Carson, father of City employee Kymberlyn Carson-Thrower, Frederick Mitchell a longtime Santa Fe resident, Paul E. Kilkenny, uncle of Councilmember McLaughlin's husband, and the six students that were killed in the Berkeley balcony collapse, to meet again on Tuesday, June 23, 2015, at 6:30 p.m.

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City Clerk

(SEAL)

Approved:

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Mayor