

RICHMOND, CALIFORNIA, October 6, 2015

The Richmond City Council Evening Open Session was called to order at 5:03 p.m. by Mayor Tom Butt.

ROLL CALL

Present: Councilmembers Martinez, McLaughlin, Pimplé, and Mayor Butt. **Absent:** Councilmembers Bates and Beckles arrived after adjourning to closed session. Councilmember Myrick arrived at 5:05 p.m.

PUBLIC COMMENT

Leisa Johnson gave comments regarding the City Manager performance evaluation.

CITY COUNCIL

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

PUBLIC EMPLOYEE APPOINTMENT (Government Code Section 54957.6): Title: Confidential Investigative and Appeals Officer

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

The Open Session adjourned to Closed Session at 5:06 p.m. Closed Session adjourned at 6:13 p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:30 p.m. by Mayor Butt who led the Pledge of Allegiance to the Flag.

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

None.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

E-1. Mayor Butt presented a proclamation to Patricia Jones recognizing Citizens for East Shore Parks' 30 years of public service.

E-2. The City Council received a presentation by East Bay Municipal Utility District Director Lesa McIntosh concerning the water shortage and EBMUD water supply.

E-3. Mayor Butt and Councilmember Beckles presented a proclamation declaring October 18, 2015, to October 24, 2015, as Freedom from Workplace Bullies Week in Richmond, California to Wayne Templeton and Nan Lee from Healthy Workplace Advocates.

E-4. Mayor Butt and Councilmember McLaughlin presented a proclamation to Susan Kim from the Family Justice Center declaring October 2015 as Domestic Violence Awareness Month.

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

None.

OPEN FORUM FOR PUBLIC COMMENT

Leonard Taylor gave comments regarding Fleet Week activities in San Francisco.

Noe Gudino stated that the streets on Macdonald Avenue between 15th Street and 22nd Street need to be repaired.

Texanita Bluitt stated that emergency health care services are needed in our area

Bruce Beyear gave an update about the Bay Trail progress in Richmond. There are more than 32 miles of Bay Trail built in Richmond and there are 10 miles left to complete.

Fayza Ayyad stated that Muslim people are not terrorists and need to be considered as human beings.

Rita Maran gave comments in favor of the City Council supporting the United Nation's Convention on the elimination of all forms of discrimination against women, which is on the agenda tonight.

CITY COUNCIL CONSENT CALENDAR

On motion of Councilmember Beckles, seconded by Councilmember Pimplé, all items marked with an (*) were approved by the unanimous vote of the City Council.

*- I-1. Adopted **Resolution No. 96-15**, authorizing participation by both the Atchison Village Mutual Homes Corporation and Villa Mira Vista Homeowners Association in the City's private sewer lateral grant program, and award private sewer lateral grants to these developments in a manner that is consistent with the current grant program guidelines.

*- I-2. Authorized the Library and Cultural Services Director to accept a grant from the California Department of Education (CDE) in the amount of \$46,525; and APPROVE an amendment to the Fiscal Year 2015-16 Library Fund revenue and expenditures.

*- I-3. Adopted **Resolution No. 97-15**, authorizing the city manager to execute a Consortium Agreement between the City of Richmond and the County of Contra Costa to allow the City of Richmond to join the Contra Costa County HOME Investment Partnership Program Consortium as a co-participant, which will allow the City of Richmond to continue to receive HOME funds for eligible affordable housing activities under the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended by the Housing and Community Development Act of 1992.

*- I-4. Adopted **Resolution No. 98-15**, of the City Council authorizing the city manager to execute a Cooperation Agreement between the City of Richmond and the County of Contra Costa to become a co-participant of the Contra Costa CDBG Urban County, which will allow the City of Richmond to continue to receive CDBG Program funds for eligible affordable housing and public service activities under Title I of the Housing and Community Development Act of 1974, as amended.

*- I-5. Adopted **Resolution No. 99-15**, of the City Council authorizing the city manager to execute documents to release Neighborhood House of North Richmond from a \$285,000 Community Development Block Grant loan obligation to the city, allowing for the sale of this Property, finding that (a) the national objective in 24 CFR 570.208, and (b) the public benefit standards at 24 CFR 570.209(b) were both met through service to homeless or low and moderate income individuals.

*- I-6. Approved the grant-funded purchase of 180 laptop computers from ReliaTech, at a cost of \$139 for each computer for a total cost not to exceed \$25,020 over two years. The computers are for the Digital Health Literacy Project (DHLP) and are funded by an

Institute for Museum and Library Services (IMLS) grant.

*- I-7. Approved an amendment to the contract with Straight Talk on Prison, Inc. to coordinate the YouthWORKS Academic Program. The contract term will be September 9, 2014, through September 30, 2016. The contract amount will be amended by \$60,000 for an amount not to exceed \$119,830.

*- I-8. Approved the purchase of one John Deere 2032R Compact Utility Tractor from Deere & Company for the Police Department Code Enforcement Abatement Unit in an amount not to exceed \$30,000.

*- I-9. Approved a three-year contract with Shot Spotter, Inc. for maintenance of the Shot Spotter Flex gunshot detection system, in an amount not to exceed \$554,850, commencing July 1, 2015, through June 30, 2018.

*- I-10. Adopted **Resolution No. 100-15**, authorizing (1) the execution of Service Contract No. 75LX276 with the California Department of Transportation for the provision of a grant of \$260,550 from the Section 130 Railway-Highways Crossing Program for the Cutting/Carlson Boulevard Grade Crossing Improvements Phase II Project, and (2) amendment of the 2015/16-2019/20 CIP Budget to accept and add \$260,550 in Section 130 Railway Highways Crossing Program funds to be appropriated to the Cutting/Carlson Boulevard Grade Crossing Improvements Phase II Project.

*- I-11. Approved a contract amendment with NEMA Construction for the final construction change order for the installation and connection of an existing emergency generator and upgrading of the existing power source at the Corporation Yard, Equipment Services facilities, in an amount not to exceed \$107,657.00 for a total contract amount of \$357,657.00.

*- I-12. Proclamation commemorating October 24, 2015, as the City of Richmond's Official Arbor Day this year.

*- I-13. Proclamation supporting United Nation's Convention on the Elimination of All Forms of Discrimination Against Women.

*- I-14. Approved the minutes of the regular City Council meetings held Tuesday, September 15, 2015, September 22, 2015, and Monday, September 21, 2015, Special City Council.

PUBLIC HEARINGS

J-1. The matter to hear public comment relating to (1) adopting a resolution adopting a Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program, and approving a

Vesting Tentative Subdivision Map and Design Review Permit to construct a 193-unit mixed-use development at 830 Marina Way South, subject to conditions; and (2) introduction of an ordinance rezoning the Baywalk Mixed-Use Development site from Industrial/Office Flex (M-1) to Planned Area District (PA) was presented by Planning Director, Richard Mitchell, developers, Bryan Coggins and Matt Hamilton, environmental consultant, Richard Grasseti, and air quality consultant, Geoff Hornek. Mayor Butt declared the public hearing open. The following individuals gave comments: Bruce Beyaert, Christine Firstenberg, and Sherry Padgett gave comments. City Council was provided updated language to the Baywalk Conditions of Approval Exhibit 1-E No. 38 that reads: *The applicant shall enter into a written agreement with the City of Richmond to install the streetscape improvements. These improvements will extend the length of the developer's property line along Wright Avenue and Marina Way South. In case the streetscape improvements extend beyond the existing property line, dedication of right-of-way is required. Following installation of the streetscape improvements, the developer shall be required to pay a fair share amount of the recommended improvements not required below and identified in the South Richmond Transportation Connectivity Plan towards improving and upgrading specific intersections in the Marina Bay area as identified in the FMND. a. The street improvements shall be installed in the public right of way on Marina Way South between the I-580 overpass and the railway grade crossing bordering the south side of the project site. The street improvements shall include repaving, bike lane stripping, sidewalk improvements and landscaping as described in the South Richmond Transportation Connectivity Plan. b. The street improvements shall be installed in the public right of way on Wright Avenue between Harbour Way South and South 17th Street and include repaving with striped bike lanes, sidewalk improvements and landscaping. c. The street improvements shall include street trees along the north side of Wright Avenue along the length of the project frontage. d. The street improvements shall include improvements to the public right of way at the intersection of Marina Way South and Wright Avenue in accordance with the Complete Streets Design Principles in the City of Richmond Pedestrian Plan. e. The street improvements shall be subject to review and approval by the Richmond Public Works Department and Design Review Board. Any improvements on Caltrans property shall be subject to review and approval of Caltrans.* Councilmember McLaughlin stated she will abstain due to the project being against the Health in All Policies and Precautionary Principles due to the projected toxic levels of pollution that will potentially impact residents of the homes. A motion by Councilmember Pimplé, seconded by Councilmember Myrick, closed the public hearing, by the unanimous vote of the City Council. A motion By Councilmember Pimplé, seconded by Councilmember Bates, to approve the item, with a friendly amendment made by Mayor

Butt to provide HABS documentation photos of the existing building before razing it. The sections for architectural photographs suitable for museum collections is located at:

<http://www.nps.gov/hdp/standards/PhotoGuidelines.pdf>

; and to provide an interpretive exhibit at the site visible from a public walkway that describes the WWII use of the site. Coordinate content, design and location with the National Park Service and Richmond Planning Department. Councilmember Myrick also added a friendly amendment that the air intakes are at rooftop level in order to lower the contaminant risk. The motion passed, the ordinance was introduced, and **Resolution No. 101-15**, was adopted, by the following vote: **Ayes:** Councilmembers Bates, Pimplé, Vice Mayor Myrick, and Mayor Butt. **Noes:** None. **Absent:** None. **Abstain:** Councilmembers Beckles, Martinez, and McLaughlin.

RESOLUTIONS

K-1. The matter to adopt a resolution providing for the issuance of one or more series of City of Richmond Pension Obligation Bonds, approving the form of and authorizing the execution and delivery of a first supplemental indenture and termination of interest rate swap agreements related thereto, and authorizing certain other actions in connection therewith. These actions will authorize the refunding of a portion of the outstanding 2005 Pension Funding Bonds, and fund a termination of the interest rate swaps relating to the 2005 Pension Funding Bonds, by issuing Taxable Pension Obligation Refunding Bonds, Series 2015A, was presented by Bond Counsel, John Knox. Councilmember Pimplé suggested that if there is a better financing option, that it be used and that any one-time payments to the city be used to pay off the bond sooner. A motion by Councilmember Beckles, seconded by Councilmember McLaughlin, adopted Resolution No. 102-15, by the following vote: **Ayes:** Councilmembers Bates, Beckles, Martinez, McLaughlin, Vice Mayor Myrick, and Mayor Butt. **Noes:** None. **Absent:** None. **Abstain:** Councilmember Pimplé.

COUNCIL AS A WHOLE

L-1. The matter to consider opposing the proposal by the Metropolitan Transportation Commission (MTC) to defund the Association of Bay Area Governments (ABAG) and AUTHORIZE the city manager to send a letter to MTC and ABAG stating the City Council's opposition was presented by Mayor Butt. Don Gosney gave comments. A motion by Mayor Butt, seconded by Councilmember Bates, passed by unanimous vote of the city council.

L-2. The matter to direct the city manager to circulate a Request for Proposal (RFP) to solicit interest from consultants to complete a fiscal analysis for the possible annexation of unincorporated North Richmond to the City of Richmond and report back to the City Council with a recommendation was presented by Mayor Butt. Don Gosney gave comments. A motion by Councilmember Bates, seconded by Councilmember Myrick, passed by the unanimous vote of the City Council.

REPORTS OF OFFICERS: REFERRALS TO STAFF, AND GENERAL REPORTS (INCLUDING AB 1234 REPORTS)

Councilmember McLaughlin reported that she was in Washington, D.C. on September 29-30, 2015, for a day of action. A small group met with officials from HUD and FHFA, which oversees Fannie Mae and Freddie Mac, urging them to sell pools of delinquent mortgages to non-profits with a track record of significant capital for purchasing of the delinquent mortgages.

Councilmember Pimplé reported that he attended the League of CA Cities Conference in San Jose. The most interesting topics were given by CalPers and representatives from the City of Salinas, who are currently trying to rebrand themselves and establish sound economic tactics.

Mayor Butt reported that he attended the League of CA Cities Conference in San Jose and was Richmond's voting delegate and voted on three non-controversial policy items and attended other interesting presentations regarding redevelopment and another dealing with arts & culture districts.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:19 p.m., to meet again on Tuesday, October 20, 2015, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor