

RICHMOND, CALIFORNIA, November 3, 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 Beckles, Martinez, McLaughlin, Pimplé, and Mayor Butt. **Absent:** Councilmembers Bates and Myrick arrived after adjourning to Closed Session.

PUBLIC COMMENT

None.

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:

LIABILITY CLAIMS -(Government Code Section 54956.9):

Martin vs. City of Richmond

Zeiden vs. City of Richmond

Chalk vs. City of Richmond

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

The Open Session adjourned to Closed Session at 5:04 p.m. Closed Session adjourned at 6:26 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 Bates, Beckles, Pimplé, McLaughlin, Martinez, Vice Mayor Myrick, and Mayor Butt. **Absent:** None.

STATEMENT OF CONFLICT OF INTEREST

Mayor Butt stated conflict of interest for Item L-2 due to his architectural firm being contracted by the business.

AGENDA REVIEW

Item I-6 was removed from the Consent Calendar. Item L-1 was moved to be heard right after approval of the Consent Calendar. The Public Art

Advisory Committee appointments for Item I-8 were removed and not approved. Mayor Butt stated that the Mayor's Office has a new intern. Her name is Irene Perdomo and is currently enlisted in the Marine Corps.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

E-1. Mayor Butt and Councilmember Bates presented a proclamation honoring Veterans Day in Richmond and acknowledging the engaging work of Veterans Resource Program, a non-profit organization in Richmond.

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

City Manager, Bill Lindsay stated that there have been many ADA improvements done at the Senior Center and the work should be completed by November 30, 2015. Substantial resurfacing is also being done on Hilltop Drive from I-80 to Robert Miller Drive, and there is also work being done from Nevin Avenue to the Bart Station. Renovations were also made at Martin Luther King Park and the Richmond Swim Center.

OPEN FORUM FOR PUBLIC COMMENT

Leonard Taylor stated that the Hilltop Community Church Carnival was well attended.

Charles Jackson stated that he has been having issues with having a tenant obtain a Section 8 voucher.

Sharon Brooks stated she spoke to Housing Director, Tim Jones regarding Section 8 housing issues she has been experiencing in attempting to rent a home.

Raymond Landry thanked the city of Richmond, and Councilmembers Bates, Vice Mayor Myrick, and Mayor Butt for making a presentation at his church.

Mitchell Jameson stated his house was fraudulently foreclosed on.

Raymond Landry, Jr. asked for donations for his football team.

Mark Wassberg stated that Chief Magnus didn't do anything positive for the City of Richmond.

Texanita Bluitt stated there needs to be a plan developed to get a health care center in Richmond.

Pam Bilbo and Kevin Macdonald thanked Mayor Butt and his staff, City Manager Lindsay, Councilmember Bates, the Planning Department, and Captain Mark Gagan, from the Men and Women of Valor for their help and kindness.

Tom Panas spoke in support of including charter school students in the Richmond Promise Program.

Bea Roberson invited everyone to the Annual Richmond Police and Fire Department Holiday Toy Program breakfast at the Courtyard by Marriot in Hilltop, on Friday, November 6th from 6:30 a.m. to 9 a.m. Donations will be taken at the event and can also be made on-line at www.toyprogram.org or mailed to 3060 El Cerrito Plaza, Suite 360, El Cerrito, CA 94530.

Rick Perez and Jenine Ball gave comments requesting that the Police Commission review the death of his son.

Mike Peritz thanked the council for helping save Richmond schools and showed a t-shirt made by the Kennedy High School students.

CITY COUNCIL CONSENT CALENDAR

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

*- I-1. Approved an emergency contract with NEMA Construction to complete Americans with Disabilities Act (ADA)-related concrete floor improvements at the Richmond Swim Center in an amount not to exceed \$11,900.

*- I-2. Approved an agreement with Manson Construction Company to complete maintenance dredging at Port of Richmond Terminal 2 for an amount not to exceed \$1,263,000.

*- I-3. Approved an amendment to the contract with The Glen Price Group to develop proposal content, drafts, and attachments necessary to submit final copies of grant applications to various agencies and organizations by the agreed upon target dates. The amended contract term will be March 1, 2014, through December 31, 2016. The contract amount will be increased by \$50,000 for a total contract amount not to exceed \$105,000.

*- I-4. Approved the minutes of the regular City Council meetings held Tuesday, October 6 and October 20, 2015 - City Clerk's Office (Pamela Christian 620-6513).

*- I-5. Adopted **Ordinance No. 24-15**, rezoning the Baywalk Mixed-Use Development site from M-1, Industrial/Office Flex to PA, Planned Area

District.

*- I-6. The matter to authorize Assistant Chief Allwyn Brown to travel to Edinburg, Scotland on November 10 through 14, 2015, to attend a conference with Police Scotland to learn about their innovative approaches in reducing police use of force, with travel/lodging expenses paid entirely by the Police Executive Research Forum (PERF) was presented. Mark Wassberg gave comments. A motion by Councilmember McLaughlin, seconded by Councilmember Pimplé, approved the item by the unanimous vote of the City Council.

*- I-7. Adopted **Resolution No.105-15**, authorizing the city manager to execute a Letter of Agreement between the City of Richmond and Veolia Water North America for the operation and maintenance of the recently-constructed wet weather storage facility at the wastewater treatment plant for a period not to exceed six (6) months, or until such time the City and Veolia can negotiate a contract amendment, whichever is sooner, in an amount not to exceed \$23,446 per month.

*- I-8. Approved the following appointments and re-appointments: Commission on Aging: Rev. Frances K. Moulton, new appointment, Seat #12, Term Expiring May 19, 2017; Design Review Board: Ray Welter, re-appointment, seat #6, Term Expiring March 17, 2017, Meredith Benz, new appointment, seat #7, term expiring March 17, 2017, Tom Leader, new appointment, seat #5, term expiring March 17, 2017; Economic Development Commission: Burgundie Spears, new appointment, seat #10, term expiring March 30, 2018; Library Commission: David Duer, new appointment, seat #3, term expiring July 1, 2018, Chloe Mosqueda, re-appointment, seat #1, term expiring July 1, 2018, Suzanne Gordon, new appointment, seat #4, term expiring July 1, 2018, Cordell Hindler, new appointment, seat #5, term expiring July 1, 2018; Police Commission: Felix Hunziker, re-appointment, seat #5, Term Expiring November 1, 2018, Bea Roberson, re-appointment, seat #7, term expiring November 1, 2018, Oscar Garcia, new appointment, seat #8, term expiring November 1, 2018; Recreation and Parks Commission: Pardip Saini, re-appointment, seat #6, term expiring October 26, 2018.

*- I-9. Authorized Mayor Tom Butt to attend COP21, the United Nations Conference on Climate Change in Paris, France. *City Clerk, Pamela Christian, stated that Richard Poe submitted an e-mail regarding this item, which was distributed to the Councilmembers.*

*- I-10. Adopted **Resolution No. 106-15**, authorizing placement of liens and special assessments for unpaid garbage collection service fees on County property tax records.

*- I-11. Adopted **Resolution No. 107-15**, changing the name of the "Richmond Workforce Investment Board" to the "Richmond Workforce Development Board" as required by the Workforce Innovation and Opportunity Act of 2014, and adopting the Richmond Workforce Development Board Bylaws to reflect changes in the federal law.

PUBLIC HEARINGS

J-1. CONTINUED TO December 15, 2015 – (1) UPHOLD the Design Review Board's approval of the Hilltop Apartment Project by denying the appeal, and reaffirming the Board's findings and statements identified in the July 22, 2015, staff report and grant the Design Review Permit; or (2) MODIFY the Design Review Board's approval and provide direction to prepare findings and statements for approving the project subject to any proposed modifications and approve the Design Review Permit; or (3) REVERSE the Design Review Board's approval by upholding the appeal and provide direction to prepare findings and statements for project denial.

ORDINANCES

K-1. The matter to adopt an ordinance (second reading) amending the contract between the California Public Employees' Retirement System and the Richmond City Council to allow classic local safety members in Richmond Fire Management Association (RFMA), International Association of Fire Fighters, Local 188 (Local 188) and Richmond Police Management Association (RPMA) to contribute an additional 1%, for a total of 3%, towards their retirement costs was presented by City Manager, Bill Lindsay. A motion by Councilmember Bates, seconded by Councilmember Pimplé, adopted **Ordinance No. 25-15 N.S.**, by the unanimous vote of the City Council.

COUNCIL AS A WHOLE

L-1. The matter to receive a presentation from John F. Kennedy High School students and teachers regarding the Information Technology Academy and how the city and community members can support their overall success was presented by Vice Mayor Myrick. This item was continued from the October 27, 2015, meeting. Students from Kennedy High School gave a presentation regarding the work that their doing and how they are preparing themselves for careers in information technology.

L-2. The matter to approve Richmond Compassionate Care Collective's ("RCCC") request for a sixty (60) day extension of time to commence operations, pursuant to Richmond Municipal Code ("RMC") section 7.102.030C, provided that RCCC resumes payment of quarterly regulatory permit fees was presented by Captain Mark Gagan. This item was

continued from the October 20, 2015, meeting. *Mayor Butt recused himself from the meeting due to a conflict of interest.* There are two potential locations that can be finalized for use in the next 30 days. The following individuals gave comments: Jerry Feagley, Brad Hirsch, Peter Sherman, Renee Glover, Amanda Masters, Phil Davis, Mickey Daniels, Michele Jones, Leticia Attaway, Alice Cole, Jerry Smith, Dani Bryson, Eric Felder, Bernice Waller, Lee Turner, Fiapule Bradford, Lisa Hirschorn, Judith Kemper, Shirley Green, Ray Landry, Jamar Dolan, Sharlee Battle, Kenneth Burt, and Cesar Zepeda. Discussion ensued. Councilmember Beckles stated she will not support this item because the community does want this type of business in their neighborhood. Vice Mayor Myrick stated he will abstain. Discussion ensued. A motion by Councilmember Beckles, seconded by Councilmember McLaughlin, to deny the extension, failed by the following vote: **Ayes:** Councilmembers Beckles, Martinez, and McLaughlin. **Noes:** Councilmember Pimplé. **Absent:** Mayor Butt. **Abstain:** Councilmember Bates and Vice Mayor Myrick. A motion by Councilmember Bates, seconded by Councilmember Pimplé, to grant a 30-day extension, failed by the following vote: **Ayes:** Councilmembers Bates and Pimplé. **Noes:** Councilmembers Martinez McLaughlin. **Absent:** Mayor Butt. **Abstain:** Councilmember Beckles and Vice Mayor Myrick.

L-3. The matter to direct staff to prepare a presentation that: (1) lays out the additional debt servicing costs to the city if S&P further downgrades the city's bond rating; (2) gives an overview of the measures the city needs to take to avoid further downgrade; and (3) provides a timeline for undertaking the measures so that the measures are taken in a timely manner to avoid the downgrade was presented by Councilmember Pimplé. This item was continued from the October 27, 2015, meeting. City Manager, Bill Lindsay stated that staff can return on the November 17th City Council meeting with a risk assessment report, and that a discussion on the broader information regarding measures to take regarding the financial status of the city be discussed at a city council meeting in January 2016. A motion by Councilmember Pimplé, seconded by Vice Mayor Myrick, approved the item by the unanimous vote of the City Council.

L-4. The matter to (1) Repeal Ordinance No. 21-15 N.S. -- amending Article XI of the Richmond Municipal Code to establish a rent control board and just cause requirement for evictions in its entirety by adopting the attached ordinance; or (2) adopt a resolution calling a special election (a) to be consolidated with the November 8, 2016, Regular Municipal Election or to be consolidated with the June 7, 2016, Presidential Primary Election; and (b) submitting Ordinance No. 21-15 N.S. to a vote of the electors at the November 8, 2016, Regular Municipal Election or at the June 7, 2016, Presidential Primary

Election was presented by City Clerk, Pamela Christian. Danielle Dowers and Bea Roberson gave comments. A motion made by Vice Mayor Myrick, seconded by Councilmember Beckles, repealed Ordinance 21-15 N.S, and adopted **Ordinance 26-15 N.S.**, by the unanimous vote of the City Council. Councilmember Bates requested that the City Attorney provide a report to the City Council at a meeting in approximately one month regarding whether there can be a requirement that ordinances that are ballot bound pass with supermajority approval by the City Council and if such a requirement would need a charter amendment, or can this requirement be established by action of the City Council.

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

Councilmember McLaughlin stated that she attended a Local Progress Conference in Los Angeles.

Councilmember Bates asked to end the meeting in memory of former City Of Richmond Building Official, Fred Clement, and of former City of Richmond Mayor, Lonnie Washington.

Mayor Butt also ended the meeting in memory of City of Richmond employee, Malinda Claiborne, and Larry Alford, brother of Housing and Community Development Department employee, Debra Vaca.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:32 p.m., to meet again on Tuesday, November 17, 2015, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor