

RICHMOND, CALIFORNIA, November 24, 2015

The Richmond City Council Evening Open Session was called to order at 5:31 p.m. by Mayor Tom Butt.

ROLL CALL

Present: Councilmembers Beckles, Martinez, McLaughlin, Pimplé, and Mayor Butt. **Absent:** Councilmember Bates and Vice Mayor Myrick.

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): Mikell vs. City of Richmond
Reilly vs. City of Richmond

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9): Affordable Housing Land Consultants, LLC vs. City of Richmond;
Texas vs. United States

The Open Session adjourned to Closed Session at 5:31 p.m. Closed Session adjourned at 6:25 p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:31 p.m. by Mayor Tom Butt.

ROLL CALL

Present: Councilmembers Beckles, Martinez, McLaughlin, Pimplé, Vice Mayor Myrick, (*arrived at 7:10 p.m.*), and Mayor Butt. **Absent:** Councilmember Bates was absent the entire meeting.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Mayor Butt stated that Item I-1 will be continued to a future meeting and that there will be no public input on Item J-1; however members of the public can sign up to speak on the matter under Open Forum. A motion by Councilmember Martinez, seconded by Councilmember McLaughlin, to discuss Item K-3 to be discussed after approval of the Consent Calendar, passed by the following vote: **Ayes:**

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

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

E-1. Mayor Butt and Councilmember Beckles presented a proclamation to Dwayne Chapman declaring December 1, 2015, as World AIDS Day in the City of Richmond. Cordell Hindler gave comments.

E-2. Mayor Butt presented a proclamation declaring Saturday, November 28, 2015, as Small Business Saturday in the City of Richmond.

E-3. Mayor Butt announced the City of Richmond Board, Commission and Committee vacancies as of November 24, 2015, and ask that interested residents send applications to the City Clerk. Cordell Hindler gave comments.

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

City Attorney Bruce Goodmiller stated that in the matter of existing litigation Texas vs. United States, the City Council authorized, by a 5-0 vote, with Councilmember Bates and Vice Mayor Myrick, absent, to join in the Friend of the Court Brief to the United States Supreme Court to side with the United States regarding an immigration executive order by President Obama.

REPORT FROM THE CITY MANAGER

City Manager, Bill Lindsay stated that the paving work at Hilltop Drive has been completed and the striping will be done next week, weather permitting. Also, the additional work under the One Bay Area Grant, which provided funding for the paving, includes Barrett Avenue and Macdonald, along with 22nd and 23rd Streets, which will be done in the Spring. Mr. Lindsay also stated that the Berkley Global Campus Working Group is hosting a briefing and an open house, on Monday, November 30, 2015, from 6:00 p.m. to 8 p.m. in the Bermuda Room of the Richmond Auditorium to update the community on the process to date and to get feedback on recommendations to be presented to UC Berkeley as part of their development.

OPEN FORUM FOR PUBLIC COMMENT

Cordell Hindler stated that the Richmond Promise Program is good for the students of Richmond.

Gwendolyn Westbrook, CEO of the United Council of Human Services, which ran the Marina Bay Bingo Hall that was shut down recently, stated that there was direct negative impact to the individuals who

work and play at the facility.

Ulysses Cooperwood, Hall Manager of Marina Gardens Bingo, stated they have contributed and done good work in the community and have donated \$20,000 to the Police Activities League and also have made donations to Richmond High School.

Leonard Taylor stated that persons should shop early on-line for Black Friday and Cyber Monday.

Naomi Williams invited everyone to the Senior Winter Ball on December 12, 2015. Ms. Williams also stated that she was upset after getting a very delayed response when she called the Richmond Police Department's emergency number.

Felicia Holt, Lanett Bush, Victoria Tyler, Valerie Estrada, Yolanda Piggee, and Eleanor Thompson, gave comments against the sudden closure of the Marina Bay Family Bingo establishment in Marina Bay.

Donna Powers congratulated Councilmember Pimplé for being so informed on the city budget.

Kathy Robinson stated that it was very disrespectful that a dinner event at the Veteran's Hall began late.

Aram Hodess, of Contra Costa Building and Construction Trades Council, strongly urged the City Council to place the matter of the proposed Marina Bay South and Hall Drive project on the June 2016 Primary Ballot.

Jon Doellstedt, Sam Deleon, and Jeff Johnson, gave comments regarding the proposed conditional use permit for Richmond Wholesale Meats.

Dennis Dalton stated he supports moving the Riviera project item to the December 1, 2015, City Council meeting.

Louise Lang, Leisa Johnson, Fritz Kunze, Robert Selna, Daniel Muller, spoke in support of the Richmond Riviera project

Richard Lompa stated that the City of Richmond is progressively going down.

Fayza Ayyad gave comments regarding the violent terrorist acts that have recently occurred all over the world.

Mike Parker spoke against the proposed Riviera Project.

Linda Kaiser, Juliette Gaffney, Jeanne Kortz, Jessica Hendricks, and Leslie Grady spoke against the Richmond Wholesale Meats business due to excessive noise and pollution in the area.

CITY COUNCIL CONSENT CALENDAR

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

*- I-1. CONTINUED actions to update the Police Commission: accept the resignation of Yenny Velazquez who was serving in seat #9 for a term ending November 1, 2016; declare Seat #9 vacant, and DIRECT the City Clerk to post the seat's vacancy.

*- I-2. Approved actions to update the Commission on Aging: appoint Commieolla Duncan, New Appointment, Seat # 13, Term Expiring May 19, 2017.

*- I-3. Approved actions to update the Housing Advisory Commission: appoint Jaycine Scott, Re-appointment, Seat #6, Term Expiring November 1, 2017; acknowledge the resignation of Dolores Johnson who was serving on seat #3 for a term ending November 1, 2016; declare vacant Seat #3 of the Richmond Housing Advisory Commission and direct the City Clerk to post the vacancy.

*- I-4. Approved actions to update the Youth Council: appoint Raul H. Garcia, New Appointment, Seat #6, Term Expiring October 1, 2016; Stephanie Estrada, New Appointment, Seat #7, Term Expiring October 1, 2016; Aniceto Leon Jr., New Appointment, Seat #8, Term Expiring October 1, 2016; Joseph Jackson, Re-appointment, Seat #9, Term Expiring October 1, 2016.

*- I-5. Received the attached Certificate of Sufficiency of Initiative Petition dated November 18, 2015, indicating that the initiative petition titled "A proposed amendment to the Richmond Municipal Code requiring the city manager to publicize compensation paid to exempt city service officials and employees, obligating the City Council to set annual compensation for city exempt service officials and employees and prohibiting the City Council from compensating the city manager in excess of five times the median household income for the City" has a sufficient number of valid signatures to be submitted to the voters at a special election. There is no other action at this time.

*- I-6. Adopted **Resolution No. 112-15**, authorizing the mayor to: (1) act as an alternate when both a primary and alternate member of an external or regional board, commission or committee - or as a primary member when there is no designated alternative - is unable to attend a meeting; and (2) if the mayor is unable to attend as an alternate or there is more than one temporary vacancy, authorize the mayor to appoint any City Council member as an alternate for a specific meeting.

*- I-7. Directed staff to initiate a Planning Commission hearing, pursuant to RMC Article XV Chapter 15.04.990, of the Conditional Use Permit issued to Richmond Wholesale Meats at 2920 Regatta Boulevard.

*- I-8. Received three resolutions approved by the West Contra Costa Integrated Waste Management Authority and authorize the City Manager to: (1) enter into an Indemnification Agreement with the West Contra Costa Integrated Waste Management Authority; and (2) execute any agreements necessary to facilitate the receipt of the funds subject to approval as to form by the City Attorney.

*- I-9. Adopted **Resolution No. 113-15**, incorporating a No Alphabet Soup (acronyms) practice at City Council meetings.

*- I-10 Received the Health in All Policies (HiAP) Annual Report and introduce an ordinance (first reading) amending certain provisions of Richmond Municipal Code Chapter 9.15, Health in All Policies, relating to definitions and frequency of reporting. **This item was continued from the November 17, 2015, meeting.**

COUNCIL AS A WHOLE

J-1. The matter to receive a report regarding the impacts of the initiative to amend the Richmond General Plan 2030 to allow a 59 unit single family detached project on a site south of the intersection of Marina Way South and Hall Drive (the "Initiative") ordered by the City Council on September 22, 2015, pursuant to Election's Code 9212; and either (a) adopt the Initiative by ordinance, without alteration; OR (b) immediately order a special election pursuant to subdivision (a) of Section 1405 at which time the Initiative shall be submitted to the voters, most likely at the June 7, 2016, Presidential Primary election was presented. This item was continued from the November 17, 2015, meeting. FOR COUNCIL DELIBERATION AND DETERMINATION ONLY. Letters and e-mails regarding this matter were received by Leisa Johnson, Richard Poe, Kane Mantyla, Robert Selna of Wendel, Rosen, Black & Dean, LLP, Allan Moore and Amara Morrison, of GagenMcCoy, and Gregory V. Moser, of Procopio. A motion was made by Councilmember McLaughlin, seconded by Councilmember Beckles, to send this matter to the ballot to be voted on the June 7, 2015, Primary Election, passed by the unanimous vote of the City Council.

J-2. The matter to direct staff to review current "best practices" to improve compatibility in transitional areas of zoning districts such that land use permit standards in commercial and industrial areas reflect current best regulatory standards while providing industrial uses with adequate opportunity and reasonable time to adapt to upgraded operating standards was presented by Councilmember McLaughlin. The following

individuals gave comments: Cordell Hindler, Geoff Johnson, Bea Roberson, Jessica Hendricks, Juliette Gafni, Jeanne Kortz, Linda Kaiser, Leslie Grady, Carol Kalamaras, and Garland Ellis. **This item was continued from the November 17, 2015, meeting.** A motion made by Councilmember McLaughlin, seconded by Councilmember Beckles, to direct staff to review current best practices to improve compatibility between residential and industrial in transitional areas of zoning districts and to work with both the residents and business community, passed by the unanimous vote of the City Council.

STUDY SESSION/STUDY AND ACTION SESSION

K-1. The matter to receive a presentation on the Summer of Minecraft training provided to community youth during the month of July 2015, through a collaboration with Building Block for Kids (BBK), UC Berkeley, and Connected Camps was presented by I.T. Director, Sue Hartman. Morgan Aimes, Erika Jauregi, **This item was continued from the September 29, 2015, meeting.**

K-2. The matter to receive a presentation on the Community Wi-Fi Project, a collaborative effort among the City of Richmond, the West Contra Costa Unified School District (WCCUSD), Internet Archive, and Building Blocks for Kids (BBK), to provide free internet to the underserved communities of Richmond was presented by IT Director, Sue Hartman. **This item was continued from the September 29, 2015, meeting.** Cordell Hindler gave comments.

K-3. The matter to discuss recommendations for revisions to the Police Commission enabling ordinance and administrative procedures and introduce an ordinance (first reading) of the City Council of the City of Richmond amending Article III, Chapter 3.54 of the Richmond Municipal Code pertaining to the Police Commission, increasing the time allowed for complaints against police officers to be filed, and removing the outdated hearing process for those complaints was presented from Mayor Butt. David Gray presented a Powerpoint presentation. **This item was continued from the October 27, 2015, meeting.** The following individuals gave comments: Cordell Hindler, Patricia Perez, Gerald Sanders, Bea Roberson, Tarnel Abbot, and Mike Parker. A motion by Councilmember McLaughlin, seconded by Councilmember Beckles, that the ordinance be sent to the Police Commission for review and input and then return to the city council for approval, passed by the unanimous vote of the City Council. A motion by Mayor Butt, seconded by Councilmember Pimplé, that Sections 3.54.080 B, and 5C through B10, regarding conducting a public hearing be stricken, failed by the following vote: **Ayes:** Councilmember Pimplé, and Mayor Butt. **Noes:** Councilmember Beckles, Martinez, McLaughlin and Vice Mayor Myrick. **Absent:**

Councilmember Bates. **Abstain:** None.

RESOLUTIONS

L-1. The matter to adopt a resolution directing staff, when placing an item on the agenda to: (1) disclose a one year history of contract awards by the department; (2) disclose a three year history of contracts awarded to the vendor by the department; (3) include a list of change orders submitted by the vendor, and approved by the city; and (4) summarize the competing initial bids, including the local sourcing status of those bids, when council approval is requested for a change order was presented by Councilmembers Martinez and Pimplé. **This item was continued from the November 17, 2015, meeting.** City Manager, Bill Lindsay, stated that there are some issues with #3 on how far back to go with the change order information, and #4 stated that there is a contingency on construction projects and would only return to the City Council for approval if the project goes over that contingency amount. Mayor Butt suggested reviewing municipal code Chapter 2.52 (Contracting and Purchasing Procedures) and schedule a study session to understand the procurement process better and determine if any changes should be made. A motion was made by Councilmember Martinez, seconded by Councilmember Beckles, to adopt the resolution and direct staff to provide the information in Items #1, #2, and #3. A substitute motion made by Vice Mayor Myrick, seconded by Councilmember McLaughlin, to schedule a study session, in January 2016, regarding the contracting and purchasing procedures, passed by the following vote: **Ayes:** Councilmembers Beckles, Martinez, McLaughlin, Vice Mayor Myrick, and Mayor Butt. **Noes:** None. **Absent:** Councilmember Bates. **Abstain:** Councilmember Pimplé.

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

Vice Mayor Myrick reported that he traveled to Kalamazoo, Michigan for the PromiseNet Conference.

Councilmember Martinez stated he is working on a presentation regarding his two-week trip to China.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:05 p.m., in memory of former Alameda County Supervisor, Mary King, to meet again on Tuesday, December 1, 2015, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor