

RICHMOND, CALIFORNIA, February 2, 2016

The Richmond City Council Evening Open Session was called to order at 5:35 p.m.

ROLL CALL

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

A-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9):

Randy Stephens vs. City of Richmond

A-2. LIABILITY CLAIMS-(Government Code Section 54956.9):

Gormley vs. City of Richmond
Musto vs. City of Richmond

A-3. PUBLIC EMPLOYEE APPOINTMENT (Government Code Section 54957.6):

Title: Police Commission Investigative Officer

The Open Session adjourned to Closed Session at 5:36 p.m. Closed Session adjourned at 6:55 p.m.

The Regular Meeting of the Richmond City Council was called to order at 7:01 p.m. by Mayor Butt who led the Pledge of Allegiance to the Flag.

ROLL CALL

Present: Councilmembers Bates, Beckles,

McLaughlin, Myrick, Pimplé, Vice Mayor Martinez, and Mayor Butt. **Absent:** None.

The Regular Meeting of the Richmond City Council was called to order at 7:01 p.m. by Mayor Tom Butt.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

City Attorney, Bruce Goodmiller, stated that the law firm of Rains Lucia Stern, who represents the Richmond Police Officer's Association, (RPOA) submitted a letter to the City Manager and City Council to consider continuing the three items regarding police commission matters so the RPOA membership has an opportunity to discuss the issues. Mayor Butt stated he wants Items J-1, K-2, and K-3, continued to a future meeting. A motion made by Councilmember Beckles, seconded by Vice Mayor Martinez, to overturn Mayor Butt's decision, passed by the following vote: **Ayes:** Councilmembers Beckles, McLaughlin, Martinez, and Vice Mayor Myrick. **Noes:** Councilmembers Bates, Butt, and Pimplé. **Absent:** None. **Abstain:** None. Item H-1 was removed from the Consent Calendar.

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

City Attorney Bruce Goodmiller stated the City Council approved a settlement in the amount of \$140,000, in the matter of Randy Stevens vs. City of Richmond, regarding a solo motorcycle accident that occurred on October 30, 2013. The vote was 6-1, with Mayor Butt opposing.

REPORT FROM THE CITY MANAGER

City Manager Bill Lindsay reported on the following items: The Berkley Global Campus working group is making recommendations in the areas of procurement, local hire, workforce development, education, and housing and there will be a special workshop section on community agreements on Wednesday, February 10, 2016, at 10:00 a.m.

OPEN FORUM FOR PUBLIC COMMENT

Kathy Robinson stated that PG&E is overcharging customers who want to terminate MCE energy company. Ms. Robinson also stated that many students in the West County Unified School District don't know how to read.

L.B. Karp stated that there is no new construction and there are no dangerous or unsafe conditions regarding the home at 3614 Center Avenue.

Rick Perez, Frank Runninghorse, Patricia Perez, Mike Parker, Rhonda Perez, and Tarnell Abbott thanked the City Council for discussing the Police Commission issues tonight.

Aaliyah Washington and Edna Campbell asked for donations to help remodel Ms. Lillie Mae Jones' home. More information can be obtained at www.christmasinrichmond.org.

Ben Therriault, president of the Richmond Police Officers Association (RPOA), stated that they are a labor organization representing the rank and file police officers and stated that they do not defend "racist murderers".

Steve Jacobson gave comments regarding the investigation of the San Francisco Police Department by the former Palo Alto Chief of Police.

Edward Rippy stated there is much evidence that was not investigated in the Pedie Perez case.

Eduardo Martinez stated that he stands for honesty and transparency and wants others do the same regarding the discussion of the Pedie Perez matter.

CITY COUNCIL CONSENT CALENDAR

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

H-1. CONTINUED to the February 16, 2016, City Council meeting, to adopt a resolution to ACCEPT and APPROPRIATE \$625,000 in grant funding from the U.S. Department of Justice Office of Community Oriented

Policing Services awarded to the Richmond Police Department for the hiring of additional police officers and allow a \$2,111,227 in-kind match over a three year period that will be budgeted accordingly.

*H-2. Approved on-call contracts for concrete repair services with Bay Hawk, Inc. and Malachi Paving and Grading, Inc. in an amount not to exceed \$250,000 per year for each contract over a three year period, with an option to extend the contracts for an additional two years.

*H-3. Approved a grant-funded amendment to the contract with Communities in Collaboration, LLC to conduct a formative evaluation and prepare a report for the Digital Health Literacy Project for the Richmond Public Library, increasing the contract by \$5,000 for a total of \$15,000 while maintaining the term expiration of December 31, 2016.

*H-4. Approved a grant-funded 18-month contract with Calculus Roundtable for technical assistance and support to LEAP students and staff in an amount not to exceed \$20,000 and with a term from January 1, 2016, through June 30, 2017.

*H-5. Appropriated the amount of \$690,928 from the Wastewater enterprise capital improvement budget to fund the design of the 13th Street Sanitary Sewer Capacity Improvements Project.

*H-6. Appropriated the amount of \$252,960 from the Wastewater enterprise capital improvement budget to the Sewer-Line Repairs Capital Project to fund the Mathieu Court Sewer Replacement Project.

*H-7. Approved an emergency purchase order for Valley Power Systems North, Inc., to diagnose, replace parts and complete repairs to fire apparatus No. 513 in an amount not to exceed \$30,500.

*H-8. Approved an amendment to the grant-funded contract with the Oakland Private Industry Council to provide additional services as the contracting and vendor pay agent for Individual Training Accounts and On-the-Job Training activities for the Workforce Innovation and Opportunity Act (WIOA) Program. The contract term will be September 15, 2015, through September 30, 2016. The

contract amount will be increased by \$61,350 for an amount not to exceed \$132,078.

*H-9. Reviewed and approved the City's Investment and Cash Balance Report for the month of December 2015.

*H-10. Approved an amendment to the contract with TDA to prepare the City's FY 2015-2020 Consolidated Plan and the FY 2015-2020 Analysis of Impediments to Fair Housing Choice in coordination with the Contra Costa County Consortium, and as required by the federal Department of Housing and Urban Development (HUD), increasing the amount by \$26,682.04 to a total amount of 96,682.04.

*H-11. Approved an amendment to the Amended and Restated Lease Agreement between the City of Richmond and the YWCA of Contra Costa County for their use of space for a day care program at the west wing of the Richmond Recreation Complex located at 3230 Macdonald Avenue at a lease rate of \$2,700 per month.

*H-12. Approved the minutes of the regular City Council meeting held Tuesday, January 12 and 19, 2016.

PUBLIC HEARINGS

I-1. **CONTINUED TO February 16, 2016** - (1) CONSIDER the appeal of the Design Review Permit (PLN14-211) filed by the Richmond Residents for Responsible Development for the construction of the Hilltop Apartments mixed-use development project located at the northwest corner of Hilltop Mall Road and Garrity Way (APN: 558-312-002); and (2) REAFFIRM, MODIFY or REVERSE the Design Review Board's decision to approve the Design Review Permit.

ORDINANCES

J-1. The matter to introduce an ordinance (first reading) amending the Richmond Police Commission enabling ordinance Richmond Municipal Code 3.54 was presented. The following individuals gave comments: Benjamin Therriault, Tarnel Abbott, Bea Roberson, Mike Parker, Oscar Garcia. A motion by Vice Mayor Martinez, seconded by Councilmember Myrick, to include the following items: *1) 3.54.080, sub section b, #3: Extend the*

number of days for which a complaint against a police officer shall be accepted from 45 days to 120 days from the date of the alleged misconduct; 2). 3.54.080, sub section b: Automatically initiate a Police Commission investigation on all officer involved shootings which result in a fatality; 3) 3.54.080, sub section b, # 3: Amend the ordinance to state the Police Commission will make the final determination if a late complaint will be accepted due to mistake or excusable neglect; 4) change the name of the Police Commission to the Citizens Police Review Commission; 5) 3.54.080, sub section b & subsection c: replace "excessive or unnecessary force" with "unreasonable force" wherever it appears in the ordinance. Commissioner Roberson made the motion; 6) Each complaint should be forwarded to the Chief of Police, CIAO and each member of the Police Commission.

Councilmember Martinez withdrew his motion because item 2 was removed from the motion. A motion by Councilmember McLaughlin, seconded by Councilmember Myrick, to approve all of the items recommended except item 2, passed by the following vote: **Ayes:** Councilmembers Beckles, McLaughlin, Myrick, Vice Mayor Martinez, and Mayor Butt. **Noes:** Councilmember Pimplé. **Absent:** None. **Abstain:** Councilmember Bates.

COUNCIL AS A WHOLE

K-1. The matter to hear an update on the effort to get US Department of Housing and Urban Development (HUD), Fannie Mae, Freddie Mac and major banks to prioritize non-profits, not speculators, in their sale of pools of delinquent loans (as approved by Resolution No. 16-15, February 17, 2015) and direct staff to write letters to the agencies and entities involved with these sales, requesting a list of delinquent loans in the City of Richmond was presented by Councilmember McLaughlin. Melvin Willis gave comments. A motion by Councilmember McLaughlin, seconded by Councilmember Beckles, heard the update and directed staff to write letters to the agencies, passed by the unanimous vote of the City Council.

K-2. The matter to direct staff to initiate, as soon as the position of Police Commission Investigative Officer has been filled, a Police Commission investigation into the killing of Richard Perez on September 14, 2014, to determine whether excessive or unnecessary force was used in this case, and to report Police Commission findings publicly to the Richmond City Council to the extent legally

possible was presented by Vice Mayor Martinez. The following individuals gave comments: Rick Perez, Tarnel Abbott, Wes Nicholson, Bea Roberson, Joseph Puleo, Stan Woods, Mike Parker, Gary Hall, Gene Ruyle, Gerald Smith, Millie Cleveland, Patricia Perez, and Richard Stollings. Discussion ensued. A motion by Vice Mayor Martinez, seconded by Councilmember McLaughlin, approved the item, by the following vote: **Ayes:** Councilmembers Beckles, McLaughlin, Myrick, Vice Mayor Martinez. **Noes:** Councilmember Pimplé and Mayor Butt. **Absent:** None. **Abstain:** Councilmember Bates.

K-3. The matter to direct staff to include language on any upcoming changes to the Police Commission Ordinance to require the Police Commission to conduct an investigation of any instance of a person being killed or seriously injured by police action, to determine whether excessive or unnecessary force and/or racially abusive behavior had occurred, and report Police Commission findings publicly to the Richmond City Council to the extent legally possible was presented by Councilmember Beckles. A motion was made by Councilmember Beckles, seconded by Vice Mayor Martinez to approve the item. Councilmember McLaughlin made an amendment to the motion to include the definition of ‘serious bodily injury’ as follows: *a) which involves substantial risk of death; b) extreme physical pain; c) protracted and obvious disfigurement; d) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.* The amendment was accepted. City Manager, Bill Lindsay, suggested that the city attorney and Interim Police Chief Brown can discuss how the implementation of the definition can be best applied. The following individuals gave comments: Rick Perez, Ben Therriault, Bea Roberson, Joe Puleo, Mike Parker, Stan Woods, and Rhonda Perez. Discussion ensued. *(11:01 p.m. - A motion by Councilmember McLaughlin, seconded by Councilmember Beckles, to extend the meeting to finish this item, passed with Councilmembers Bates and Pimplé voting no).* The motion passed by the following vote: **Ayes:** Councilmembers Beckles, McLaughlin, Myrick, Vice Mayor Martinez. **Noes:** Councilmembers Bates, Pimplé and Mayor Butt. **Absent:** None. **Abstain:** None.

**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 11:18 p.m., in memory of Murial Anderson, Pastor Tony Bradford, Napoleon Britt and in honor of Vice Mayor Martinez's father-in-law, Richard Watts, to meet again on Tuesday, February 16, 2016, at 6:30 p.m.

Clerk of the City of Richmond

(SEAL)

Approved:

Mayor