

RICHMOND, CALIFORNIA, July 5, 2016

The Richmond City Council Evening Open Session was called to order at 6:00 p.m.

ROLL CALL

Present: Councilmembers Nathaniel Bates, Gayle McLaughlin, Jael Myrick, Vinay Pimplé, and Mayor Tom Butt. **Absent:** Councilmember Jovanka Beckles arrived at 6:08 p.m.

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 LABOR NEGOTIATORS (Government Code Section 54957.6): Conference with Labor Negotiators:

Agency designated representatives: Bill Lindsay, Lisa Stephenson, Maria Blue, Jack Hughes, Todd Simonson, Belinda Warner, and Bruce Soublet. Employee organizations: Service Employees International Union (SEIU, Local 1021); International Federation of Professional and Technical Employees (Local 21); Richmond Police Officers Association (RPOA); Richmond Police Management Association (RPMA); Richmond International Association of Firefighters (IAFF, Local 188); and Richmond Fire Management Association (RFMA).

The Open Session adjourned to Closed Session at 6:01 p.m. Closed Session adjourned at 6:34 p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:38 p.m., by Mayor Butt, who led the Pledge of Allegiance to the Flag.

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Item H-5 was removed for discussion by Councilmember Bates. Item J-2 was moved to be heard after approval of the Consent Calendar. Item H-12 was continued. Councilmembers Bates and Pimplé stated they abstained from voting on Item H-20.

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

City Attorney, Bruce Goodmiller, stated that there were no final actions taken.

REPORT FROM THE CITY MANAGER

City Manager Bill Lindsay read a letter from Police Chief, Allwyn Brown regarding the recent police officer investigation.

OPEN FORUM FOR PUBLIC COMMENT

Richard Morrison stated that he has received excessive charges from code enforcement for his property.

Amy Anderson stated that crimes from the government against people need to be looked into deeper than they currently are.

Jack Weir, President and Interim Executive Director of the Contra Costa Taxpayers Association, urged the City Council to have the police sex scandal referred to the district attorney or the attorney general for investigation. Mr. Weir also stated that the city's employee compensation is too high.

Mark Wassberg recommended that the police department should build a confessional to speak about their sins.

Kathryn Dienst stated that participating in the arts in Richmond are the most important way that bring the community together.

Rick Perez gave comments regarding the Richmond Police Department sex scandal and hopes it's investigated independently as well as the matter of the death of his son, Pedie Perez's.

Eugene Ruyle gave comments regarding the police sex scandal investigations and for justice in the death of Pedie Perez.

Ben Steinberg stated that there needs to be an independent investigation by the attorney general's Office regarding the police department sex scandal.

Andres Soto gave an update about the court case regarding the air district rescinding the permit on the Kinder Morgan crude by rail operation at the BNSF yard.

Patricia Perez stated that she feels that now the case of her deceased son will be diverted due to the recent investigation of the police officers involved in the sex scandal.

Disraeli Hives gave comments regarding the elimination of homelessness.

Gerald Smith spoke about police accountability and stated he went to Sacramento to support and lobby for Senate Bill 1286, which was defeated.

Ben Therriault, President of the Richmond Police Officers Association, stated that the Richmond police officers are committed to ensuring the trust of the citizenry, while at the same time upholding the due process rights and confidentiality of any involved members.

Nat Bates thanked everyone who participated in the 3rd of July Fireworks event. Councilmember Bates also stated he received complaints regarding attendees being charged \$15 to park on city streets.

CITY COUNCIL CONSENT CALENDAR

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

***-H-1.** Approved a one-year contract amendment with Enterprise Holdings Incorporated to participate in the State of California rental vehicle program for the purpose of securing unmarked police vehicles, in an amount not to exceed \$140,000 from July 1, 2016, to June 30, 2017.

***-H-2.** Approved a one-year contract amendment with Motorola Solutions Inc. to maintain police radios, in an amount not to exceed \$68,000, from July 1, 2016, through June 30, 2017.

***-H-3.** Approved a one-year contract amendment with Kronos Inc. for maintenance of the Telestaff system, in an amount not to exceed \$14,000, from July 1, 2016, through June 30, 2017.

***-H-4.** Approved a one-year contract amendment with Fleetwash, Inc. for mobile car washing services for the police department fleet, in an amount not to exceed \$15,000, from August 1, 2016, through June 30, 2017.

H-5. CONTINUED to the July 19, 2016, City Council meeting, to approve a sole-source agreement with the Contra Costa County District Attorney's Office for the dedicated services of a deputy district attorney who would be specifically assigned as Richmond's Community Based Prosecutor, at a cost not to exceed \$200,000, from July 1, 2016, through June 30, 2017.

***-H-6.** Approved a legal services agreement with Renne Sloan Holtzman Sakai, LLP for limited, as-needed legal advice regarding specialized municipal law and election law matters, in an amount not to exceed \$15,000, with a term expiration of June 30, 2017.

***-H-7.** Approved a month-to-month lease with North Richmond Properties, Inc. for storage of containers and landscaping equipment related to the Hilltop Landscape Maintenance District, in an amount not to exceed \$15,250.

***-H-8.** Approved a three-year contract with Public Safety Corp. to provide false alarm management and fee collection services from July 1, 2016, through June 30, 2019, with costs for services paid from false alarm fines, with an option to renew the contract for two years based on the same terms if approved by both parties.

***-H-9.** Approved the use of City funds for the tuition cost of four (4) police academy training slots at the Contra Costa County Office of the Sheriff Law Enforcement Training Center, in an amount not to exceed \$21,000, with costs to be reimbursed by the California Commission on Peace Officer Standards and Training (POST).

***-H-10.** Approved a police services agreement with Contra Costa County, which will provide funding to the City of Richmond for Richmond Police Department monitoring of AB109 probationers and parolees from July 1, 2016, through June 30, 2017; and accepted and appropriated \$130,500 in AB109 realignment funds for this purpose.

***-H-11.** Approved the purchase of hand-held portable radios and related accessories from Motorola Solutions, Inc. in an amount not to exceed \$86,145; in accordance with Richmond Municipal Code §2.52.328, the City will utilize the Houston-Galveston Area Council of Governments Cooperative Purchasing Program (HGACBuy) procurement agreement.

***-H-12. CONTINUED** to the July 19, 2016, City Council meeting, to approve a contract with American Guard Services to provide unarmed security services related to rentals at various recreation facilities for a three year period, with two one- year renewal options. The term of the contract is July 1, 2016, ending on June 30, 2019, in an amount not to exceed \$45,000.

***-H-13.** Approved an amendment to the professional services agreement with BKF Engineers for engineering and program management services at the Port of Richmond for a term of one year, increasing the contract amount by \$70,000 to a total amount not to exceed \$195,000.

***- H-14.** Approved the annual support and user license agreement with Faster Asset Solutions by CCG Systems, Inc. for fleet management software used in maintaining data records of city-owned equipment in an amount not to exceed \$12,500 for Fiscal Year 2016/2017 and in an amount not to exceed \$13,500 per year for Fiscal Years 2017/2018 and 2018/2019.

***-H-15.** Adopted **Resolution No. 60-16(a)** regarding the Fiscal Year 2016-17 Other Pension and Employee Benefits (OPEB) Funding Policy and Resolution.

***- H-16.** Reviewed and adopted **Resolution No. 60-16**, approving the Debt Policy, Swap Policy, and Cash Reserve Policy for Fiscal Year 2016-17.

***-H-17.** Adopted **Ordinance No. 12-16**, to amend Chapter 7.102 - Medical Marijuana Collectives - of the Richmond Municipal Code (R.M.C.).

***-H-18.** Adopted **Resolution No. 61-16**, approving a Memorandum of Understanding (MOU) between IAFF Local 188 and the City of Richmond, extending the existing MOU through June 30, 2022. The MOU provides employee cost sharing of OPEB (Other Post-Employment Benefits, i.e. Retiree Medical), and employee cost sharing for active employee medical benefits effective January 1, 2017, with contributions increasing in graduated amounts through July 1, 2019.

***-H-19.** Adopted **Resolution of Intention No. 910**, to set the public hearing to allow property owners request for street vacation for the Meeker Avenue Public Easement within "Bay Walk Mixed-Use Project" where the public easement lies along Meeker Avenue from the west of south 17th Street to the west end of Meeker Avenue, and set the public hearing on the matter for July 26, 2016.

***-H-20.** Adopted **Resolution No. 62-16**, of support for the Countywide imposition of one-half of one percent sales tax to fund transportation improvements in Contra Costa County and conditionally amend the Growth Management Program in the Measure J Transportation Expenditure Plan to match that found in the 2016 Proposed Transportation Expenditure Plan. (*Councilmembers Bates and Pimplé abstained*).

***-H-21.** Designated Mayor Tom Butt as voting delegate to represent the City of Richmond at the Annual Business Meeting of the League of California Cities' 2016 Annual Conference, to be held at the Long Beach, California Convention Center, Wednesday, October 5 through Friday, October 7, 2016.

***-H-22.** Approved the minutes of the special City Council meeting held Tuesday, June 14, 2016.

PUBLIC HEARINGS

I-1. CONTINUED to September 13, 2016 - CONSIDER an appeal by Jay R. Fenton of the Planning Commission's approval of a Parcel Map (PLN15-282) to create three parcels located at 3701 Collins Avenue; and REAFFIRM, MODIFY, OR REVERSE the Planning Commission's decision.

I-2. The matter to adopt a resolution certifying the Environmental Impact Report and adopting a Mitigation Monitoring and Reporting Program, and approving a Vesting Tentative Map for the Terminal One Project, and to introduce an Ordinance approving a Zoning Amendment to rezone the project site from Coastline Commercial (C-C) to Planned Area (PA) District for the Terminal One project was presented by Richard Mitchell, Director of Planning and Building, Planner, Lina Velasco, and Kathy Herring from ESA. Mayor Butt declared the public hearing open. Paul Menses, developer, Master Developer, Mr. Wu gave comments, and Brian Mulry, Attorney gave comments. The following individuals gave comments: Bea Roberson,

Leisa Johnson, Victoria Cowan, Mike Farrell, Michelle Julene, Jim Zahradka, Ben Choi, Johanna Sistik, Kathryn Dienst, Kathleen Dolan, Brian Lewis, Sue Hodges, Susan Hubbard, Larry Lewis, Malcolm Bury, Simon Wimer, Lucy Phenix, Cornel Barnett, Kay Frame, Shirley Dean, Scott Littlehale, Kim Desenberg, Linda Newton and Mike Parker. Mayor Butt declared the public hearing closed. Discussion ensued. (11:00 p.m. – A motion by Councilmember Myrick, seconded by Councilmember Pimplé, extended the meeting 30 minutes). A motion by Councilmember Bates, seconded by Councilmember Myrick to approve the staff recommendations: 1) modified to read that *a good faith effort will be made to work with East Bay Regional Park District to incorporate the roundabout*, with the deletion of conditions 2, 3, 4, 5, and 6, recommended by the Planning Commission; include recommendation 7) *The applicant shall prepare a plan for increasing the number of electric vehicle chargers in podium as time goes on*. Councilmember Myrick made an amendment that there be a community benefits agreement of no less than \$500,000. The motion also included that a 3 foot landscape buffer be provided along the Bay Trail; requirement to work in good faith with East Bay Regional Park District to support and/or contribute funding and/or services towards park improvements at Miller-Knox Regional Shoreline; a provision that requires an evaluation of the condition of the wharf to confirm its suitability for the proposed recreational use and improvements and a funding arrangement for the next 30-50 years; an indemnity and hold harmless clause for impacts related to sea-level rise and funding for adaptation measures; and the developer should not enter into a contract with a contractor who currently has a labor dispute. The motion passed by the following vote: **Ayes:** Councilmembers Bates, Beckles, McLaughlin, Myrick, Pimplé, and Mayor Butt. **Noes:** Vice Mayor Martinez. **Absent:** None. **Abstain:** None.

RESOLUTIONS

J-1. CONTINUED to the July 19, 2016, the matter to adopt a resolution in support of Senate Bill 1107, "An act to amend Sections 85300 and 85320 of, and to add Sections 89519.5 and 91004.5 to, the Government Code, relating to the Political Reform Act of 1974" which extends the opportunity for citizen-funded election programs to all local governments in the State of California, including general law cities.

J-2. The matter to adopt a resolution in support of Bay Area Air Quality Management District Consideration of Rule 12-16 was presented by Councilmember McLaughlin. The following individuals gave comments: Janet Johnson, Nick Despota, and Andres Soto. A motion by Councilmember McLaughlin, seconded by Councilmember Beckles, adopted **Resolution No. 64-16**, by the unanimous vote of the City Council.

COUNCIL AS A WHOLE

K-1. CONTINUED to July 19, 2016, the matter to approve a recommendation from the Environment & Community Investment Agreement (ECIA) Grant Review Committee for Fiscal Year (FY) 2016-2017 grant awards to

fourteen (14) organizations in an amount not to exceed \$600,000; (2) ADOPT a resolution of the approved list of FY 2016-2017 ECIA grant awardees; and (3) AUTHORIZE the City Manager to negotiate and execute Grant Service Agreements with approved grantees.

K-2. CONTINUED to July 19, 2016, the matter to ADOPT a resolution to submit to the voters a measure to assess a litter tax on certain businesses in an amount based on the annual gross receipts of such business.

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

None.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:30 p.m., to meet again on Tuesday, July 19, 2016, at 6:30 p.m.

Clerk of the City of Richmond

(SEAL)

Approved:

Mayor