

RICHMOND, CALIFORNIA, September 13, 2016

The Richmond City Council Evening Open Session was called to order at 5:10 p.m.

ROLL CALL

Present: Councilmembers Jovanka Beckles, Gayle McLaughlin, Jael Myrick, Vinay Pimplé, Vice Mayor Eduardo Martinez (*via teleconference from 12332 – 11th Avenue N.E., Seattle, Washington*), and Mayor Tom Butt.
Absent: Councilmember Nathaniel Bates arrived after Open Session adjourned to Closed Session.

The city clerk announced the teleconferencing logistics and provisions governed by California Government Code 54953(b).

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

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

Upstream vs. City of Richmond

LIABILITY CLAIMS - (Government Code Section 54956.9):

Macrenato vs. City of Richmond
Rasheed vs. City of Richmond

CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6):

Agency designated representatives: Bill Lindsay, Lisa Stephenson, Bruce Soublet, and Todd Simonson.
Employee organizations: Richmond Police Officers Association (RPOA).

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8):

Property: 12th and Macdonald
Agency negotiators: Bill Lindsay, Shasa Curl
Negotiating party: Highridge Costa Development Company, LLC
Under Negotiation: Price and terms of payment

There were no public speakers.

The Open Session adjourned to Closed Session at 5:13 p.m. Closed Session adjourned at 6:45 p.m.

The Special Meeting of the Successor Agency to the Richmond Community Redevelopment Agency and the Richmond City Council was called to order at 6:48 p.m., by Mayor Tom Butt, who led the Pledge of Allegiance to the Flag.

Mayor Butt announced the teleconferencing logistics and provisions governed by California Government Code 54953(b).

ROLL CALL

Present: Councilmembers Beckles, Myrick, McLaughlin, Pimplé, Vice Mayor Martinez (*via teleconference from 12332 – 11th Avenue N.E., Seattle, Washington*), and Mayor Butt. **Absent:** Councilmember Bates arrived after the roll was called.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Item I-23 was removed from the consent calendar for discussion at the request of Councilmember McLaughlin.

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 reported on the following items: National Night Out event held on August 2, 2016. Create Peace Project mural painted by community members at city hall was mounted at the corner of Macdonald Avenue and Harbour Way. The draft Urban Greening Master Plan released on August 9, 2016. The city reclaimed the world record for the highest number of people dressed like Rosie the Riveter at the 2016 Rosie the Riveter Rally held on August 13, 2016. Americans with Disabilities Act (ADA) compliance projects were in progress at the memorial auditorium and main library including the installation of a new elevator in the auditorium lobby. A new organics recycling program was implemented at the Shields-Reid and May Valley community centers. Progress was made on discussions relative to cleanup and remediation at the Zeneca site located at 1931 South 49th Street. UC Berkeley's Global Campus plans suspension. The comment period closes on October 18, 2016, for the draft Environmental Impact Report for the Richmond Bay Specific Plan that was released on September 2, 2016.

OPEN FORUM FOR PUBLIC COMMENT

Richmond Steelers Youth Football & Cheer Representatives Dr. Desmond Carson, Coach Eric Martin,

and Nicole Harris expressed concerns regarding the safety of children and others on the fields at Kennedy High School due to gun violence in the area. Couch Martin stated that a permit granted by the school district to use the fields at DeAnza High School was rescinded. Mr. Carson requested a new venue for the team, more police presence, and permission to use Nicholl Park.

Melvin Willis announced that actor and healthcare activist Danny Glover visited the East Bay Center of Performing Arts and attended the healthcare forum on August 31, 2016. Mr. Willis expressed that everyone deserves to have access to quality, affordable healthcare and a community hospital.

Alicia Jackson gave comments regarding a stop sign and traffic citation she received at the intersection of S. 52nd and Victor Avenue. Ms. Jackson expressed concerns that City of El Cerrito police officers were issuing citations in Richmond.

Dennis Dalton, Najari Smith, Cynthia Armor, Dave Campbell, Ann Killenbren, and Marilyn Langlois gave comments in support of the Carlson Boulevard Crosstown Connection project.

Naomi Williams, J.C. Farr, Madalyn Law, Mary Stewart, Jan Mignone, Jerry Yoshida, and Garland Ellis gave comments in opposition to the Carlson Boulevard Crosstown Connection project.

Jeff Wright and Mark Wassberg expressed their opposition to the rent control ordinance on the November 2016 General Election ballot.

Bea Roberson suggested that a portion of the funds allocated to the Carlson Boulevard Crosstown Connection project be designated for weed abatement and cleaning of the medians on Carlson Boulevard.

Madalyn Law announced the Park Plaza Neighborhood Council International Family Day event on September 24, 2016, 10:00 a.m. to 4:00 p.m., at John F. Kennedy Park located at 41st Street and Cutting Boulevard.

Courtney Cummings requested support for the local native community members and allies that traveled to the Standing Rock North Dakota Reservation to protect the Missouri River from the Dakota Access Pipeline (DAPL). Ms. Cummings expressed her opposition to the DAPL project and appreciation to the United States President Barack Obama for temporarily halting construction.

Tarnel Abbott requested Mayor Butt to retract his comments made on his e-forum on August 26, 2016, regarding the Richmond Progressive Alliance (RPA). Ms. Abbott gave comments in support of bicycle safety with regard to the Carlson Boulevard Crosstown Connection project.

Eugene Ruyle, Jenine Ball, Richard and Patricia Perez, and Gerald Smith announced the two year anniversary

of the Pedie Perez case and expressed their appreciation to the city for hiring a new investigator for the Citizens Police Review Commission. Mr. Perez gave comments regarding a recent case concerning Richmond resident known as Celeste Guap and the Richmond Police Department.

Simms Thompson Jr. requested a status of federal funding to the city. Mr. Thompson expressed concerns regarding a potential sinkhole located at the southeast end of Spring Street and requested that the city inspect the site.

Mike Parker expressed his objection to Mayor Butt's comments made on the Mayor's e-forum on August 26, 2016, regarding the Richmond Progress Alliance (RPA).

SUCCESSOR AGENCY TO THE RICHMOND COMMUNITY REDEVELOPMENT AGENCY CONSENT CALENDAR

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

*H-1. Adopted **Resolution No. 16-6** approving the Successor Agency to the Richmond Community Redevelopment Agency's Amended Recognized Obligation Payment Schedule for the period January 2017 to June 2017 (Amended ROPS 16-17b) pursuant to California Health and Safety Code 34177.

CITY COUNCIL CONSENT CALENDAR

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

*I-1. Authorized construction change order payments to NEMA Construction for Americans with Disabilities Act (ADA) improvements at the Richmond Auditorium in an amount not to exceed \$110,000 for a total contract amount of \$1,100,000.

*I-2. Adopted **Resolution No. 80-16** authorizing service contracts with three material testing laboratories (Applied Materials & Engineering, Inc. [Oakland], Ninyo & Moore [Oakland] Smith-Emery [San Francisco]) for as-needed services in an amount not to exceed \$100,000 per contract over a three-year period ending September 30, 2019, with a two-year optional extension.

*I-3. Adopted **Resolution No. 81-16** authorizing amendments to existing contracts for as-needed electrical contractor services to perform high voltage and capital improvement project-related electrical services with Net Electric, Inc. (Richmond), NEMA Construction (Albany), and St. Francis Electric, Inc. (San Leandro) for an amount not to exceed \$200,000 per firm through the duration of the initial three-year term (July 1, 2015, through June 30, 2018) and the two-year optional extensions.

*I-4. Approved contracts with (1) California Generator Service and (2) CD & Power to provide yearly load testing, and emergency or urgent repairs to City owned emergency generators, in an amount not to exceed \$60,000 per

vendor over the three-year period ending October 1, 2019, with an option to extend the contracts for two years.

*I-5. Approved a grant-funded contract with Joan Murcia to provide Spanish translation, recordings, and Digital Health Literacy training for the Literacy for Every Adult Program (LEAP) not to exceed the amount of \$15,000 for the contract period of September 1, 2016, through March 31, 2017.

*I-6. Approved a three-year contract with Iron Mountain Information Management, LLC to provide off-site file and document storage services in an amount not to exceed \$200,000 over a period ending December 21, 2018, with an option to extend the contract for two years.

*I-7. Received a report on the Richmond Municipal Sewer District for the month of June 2016.

*I-8. Approved second contract amendment with Hadronex, Inc. to provide equipment warranties and continue ongoing continuous hydrogen sulfide monitoring services within areas around the wastewater treatment facility, increasing the contract amount by \$15,252 for a total amount of \$85,252, and extending the term to June 30, 2017.

*I-9. Received a report on the Richmond Municipal Sewer District for the month of July 2016.

*I-10. Appropriated the amount of \$190,082 from the Wastewater enterprise fund balance to fund urgent sewer line repairs at 35th Street and Bissell Avenue, Leona Avenue, and Carlson Boulevard.

*I-11. Approved the minutes of the regular City Council meetings held Tuesday, July 5, July 19, and July 26, 2016.

*I-12. Adopted **Resolution No. 82-16** authorizing the city manager or his designee to submit grant applications for any and all CalRecycle grants for which the City of Richmond is eligible.

*I-13. Approved the purchase of ammunition for annual Police Department training needs from Miwall Corporation, in an amount not to exceed \$25,000, and from LC Action Police Supply, in an amount not to exceed \$25,000.

*I-14. Approved a one-year contract amendment with Digital Ally, Inc. for police body camera maintenance and video storage, increasing the contract amount by \$41,905 to a total amount not to exceed \$126,905, and for a term from September 1, 2016, through August 31, 2017.

*I-15. Approved two-year, grant-funded contracts with Contra Costa Interfaith Supporting Community Organization CCISCO (\$145,000 per year), RYSE Center (\$40,000 per year), Men and Women of Purpose (\$20,000 per year), Rubicon Programs (\$25,000 per year); Jeff Snipes (\$32,500 per year), and to execute all budgetary costs approved by California Board of State & Community Corrections (BSCC) to support this grant.

*I-16. Adopted **Resolution No. 83-16** to accept and appropriate \$600,000 in funding from the California Board of State & Community Corrections (BSCC) Strengthening Law Enforcement and Community Relations Grant Program to fund efforts to reduce violence and juvenile delinquency and allow a \$511,598 in-kind match over a two year period that will be budgeted accordingly.

*I-17. Approved an amendment to the grant-funded Bay Area Resource Center contract to provide curriculum design and project management courses for new and small Richmond-based contractors as part of the RichmondBUILD program. The contract term will be August 1, 2015, through June 30, 2017. The contract amount will be increased by \$35,000 for a total contract amount not to exceed \$115,000.

*I-18. Adopted **Resolution No. 84-16** to formalize the establishment of the Environmental and Community Investment Agreement (ECIA) Transportation Oversight Committee.

*I-19. Appointed Councilmember Jovanka Beckles as the liaison to the Environmental and Community Investment Agreement (ECIA) Transportation Oversight Committee.

*I-20. Approved actions to update the Arts and Culture Commission: appointed Clifton Cox, new appointment, seat #11, term expiration January 31, 2020; announced the resignations of Amahra Hicks, seat #3, term expiration January 31, 2019, and Denise Chadhoke, seat #4, term expiration January 31, 2019; and directed the City Clerk to post the vacancies.

*I-21. Approved actions to update the Youth Council: appointed Sydney Duckor, new appointment, seat #10, term expiration October 1, 2017; Satine Walz, new appointment, seat #11, term expiration October 1, 2017; announced the resignation of Joseph Jackson, seat #9 term expiration October 1, 2016; and directed the City Clerk to post the vacancy.

*I-22. Approved actions to update the Economic Development Commission: appointed Jeff Shoji, new appointment, seat #14, term expiration March 30, 2019, Malia Everette, new appointment, seat #15, term expiration March 30, 2019; announced the resignations of Michele Wells, seat #2, term expiration March 30 2018, Sandra Naylor, seat #7, term expiration March 30, 2017; and directed the City Clerk to post the vacancies.

I-23. The matter to approve actions to update the Point Molate Community Advisory Committee (PMCAC): appoint Aaron Winer, new appointment, seat #2, term expiration May 30, 2017; Connie Portero, new appointment, seat #7, term expiration May 30, 2017 was removed from the consent calendar for discussion at the request of Councilmember McLaughlin. Councilmember McLaughlin expressed concerns regarding the Mayor's decision not to reappoint former PMCAC member Pam Stello and the residency of the proposed new appointee, Aaron Winer. Discussion ensued. A motion was made by Councilmember Bates to approve the recommendation with the exception of Mr. Winer's appointment. Further discussion ensued. Office of the Mayor's Director of Policy and Strategy Alex Knox confirmed that Mr. Winer did not meet the residency requirement. Mayor Butt withdrew the nomination of Aaron Winer. Mike Parker gave comments. Discussion continued. A substitute motion made by Councilmember McLaughlin, seconded by Vice Mayor Martinez, to continue the item for two weeks, failed by the following vote: **Ayes:** Councilmembers Beckles, McLaughlin, and Vice Mayor Martinez. **Noes:** Councilmembers Bates, Myrick, Pimplé, and Mayor Butt. **Abstentions:** None. **Absent:** None. The main motion to approve the appointment of Connie Portero, seconded by Councilmember Pimplé, passed by the unanimous vote of the City Council.

*I-24. Approved actions to update the Commission on Aging: appointed Valerie Robinson, new appointment, seat #1, term expiration May 19, 2017.

*I-25. Approved actions to update the Workforce Development Board: appointed John Short, new appointment, seat #21, term expiration March 1, 2020.

PUBLIC HEARINGS

J-1. **CONTINUED to November 15, 2016**, the matter to 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 3501 Collins Avenue; and REAFFIRM, MODIFY, OR REVERSE the Planning Commission's decision. This item was continued from the June 7, 2016, and July 5, 2016, meetings.

ORDINANCES

K-1. The matter to adopt an urgency ordinance of the City Council imposing a temporary (45 day) moratorium on certain evictions and certain residential rent increases in the City of Richmond was introduced by Councilmember McLaughlin. Discussion ensued. The following speakers gave comments in support of the proposed urgency ordinance: Melvin Willis, Deborah Bayer, Jasmine Malabed, Zack Wear, Tarnel Abbott, Linette Young, Jane Courant, Leticia Morales, Marcos Banales, Vincent Justin, Yessica Blanco, Rosa Olivares, Eric Hatstrup, Virginia Ramirez, Sharon Brown, Kathleen Zahradka, Luz Buitrago, Millie Cleveland, Edith Pastrano, Jim Zahradka, Maria Escalante, Susan Hybloom, Sung Ae Choi, Charles Oshinuga, Oraneet Shikmah Orevi, Ben Choi, Marilyn Langlois, and Mike Parker. Ilona Clark, Mark Wassberg, and Jill Broadhurst gave comments in opposition of the proposed urgency ordinance. Further discussion ensued. A motion was made by Councilmember McLaughlin, seconded by Councilmember Beckles, to adopt the proposed urgency ordinance and direct staff to notify the courts of the new regulations. Mayor Butt called the motion out of order. A motion made by Councilmember McLaughlin, seconded by Councilmember Beckles, to overturn the Mayor's ruling passed by the following vote: **Ayes:** Councilmembers Beckles, McLaughlin, Myrick, and Vice Mayor Martinez. **Noes:** Councilmembers Bates, Pimplé, and Mayor Butt. **Abstentions:** None. **Absent:** None. The main motion failed for lack of super majority by the following vote: **Ayes:** Councilmember Beckles, McLaughlin, Myrick, and Vice Mayor Martinez. **Noes:** Councilmembers Bates, Pimplé, and Mayor Butt. **Abstentions:** None. **Absent:** None.

(The City Council recessed at 9:19 p.m. and reconvened at 9:27 p.m. with all City Councilmembers present).

COUNCIL AS A WHOLE

L-1. The matter to discuss and consider reestablishing the Finance Committee and Public Safety Committee was introduced by Mayor Butt and presented by Mayor's Office Chief of Staff David Gray. Discussion ensued. Vice Mayor Martinez and Councilmember Bates stated interest in serving on the Public Safety Committee. Councilmembers Bates, Pimplé, and Vice Mayor Martinez stated interest in serving on the Finance Committee. Councilmember Myrick stated he would be willing to serve on either committee. Naomi Williams gave comments. Further discussion ensued. A motion made by Vice Mayor Martinez, seconded by Councilmember Bates, directing staff to draft a resolution to reestablish the Finance Committee and Public Safety Committee failed by the

following vote: **Ayes:** Councilmember Bates, McLaughlin, and Vice Mayor Martinez. **Noes:** Councilmember Beckles and Mayor Butt. **Abstentions:** Councilmembers Myrick and Pimplé. **Absent:** None.

L-2. The matter to direct staff to schedule three public meetings starting in October 2016, after a planning process with stakeholders, so that the public can provide input on key values for Pt. Molate's rehabilitation and redevelopment was presented by Councilmember McLaughlin. Marilyn Langlois and Robert Cheasty gave comments in support. Discussion ensued. Councilmember McLaughlin was open to staff holding the public meetings after October 2016 to allow sufficient time for planning processes to complete. Staff agreed to draft a tentative calendar for the public meetings. A motion by Councilmember McLaughlin, seconded by Councilmember Beckles, to direct staff to schedule recommended public meetings on dates determined by staff, passed by the unanimous vote of the City Council.

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

None.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:37 p.m., in memory of Frank Mitchell the father of Finance Director Belinda Warner and Edward Rothschild, Sr. the father of City Clerk Pamela Christian, to meet again on Tuesday, September 20, 2016, at 6:30 p.m.

Pamela Christian

Clerk of the City of Richmond

(SEAL)

Approved:

Tom Butt

Mayor