

**RICHMOND, CALIFORNIA, December 17,
2013**

The Richmond City Council Evening Open Session was called to order at 6:04 p.m.

ROLL CALL

Present: Councilmembers Beckles, Butt, Vice Mayor Boozé, and Mayor McLaughlin. **Absent:** Councilmembers Bates, Myrick, and Rogers.

PUBLIC COMMENT

The city clerk announced that the purpose of the Evening Open Session was for the City Council to hear public comments on the following items to be discussed in Closed Session:

CITY COUNCIL

LIABILITY CLAIMS - (Government Code Section 54956.9):

Claimant: John Wade
Agency claimed against: City of Richmond

Claimant: Kendall Baggett
Agency claimed against: City of Richmond

The Open Session adjourned to Closed Session at 6:06 p.m. Closed Session adjourned at 6:35 p.m.

The Regular Meeting of the Successor Agency to the Richmond Community Redevelopment Agency and Richmond City Council was called to order at 7:01 p.m. by Mayor McLaughlin, who led the Pledge of Allegiance to the Flag.

**REGULAR MEETING OF THE SUCCESSOR
AGENCY TO THE RICHMOND COMMUNITY
REDEVELOPMENT AGENCY AND THE
RICHMOND CITY COUNCIL**

ROLL CALL

Present: Councilmembers Beckles, Butt, Myrick, Rogers, Vice Mayor Boozé, and Mayor McLaughlin. **Absent:** Councilmember Bates absent entire meeting.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Items F-1, G-1, G-3, G-7, G-13, G-14, G-16, G-21, G-22, G-25, G-26, and G-29 were removed from the Consent Calendar. Item I-2 was continued to the January 14, 2014, City Council meeting.

Councilmember Rogers, seconded by Councilmember Myrick, requested that an urgency item regarding the Chemical Safety Board's recent report calling for changes in how regulatory bodies in the state of California regulate refineries, be added to tonight's agenda, failed by the following vote: **Ayes:** Councilmembers Butt, Myrick, and Rogers. **Noes:** Councilmembers Beckles, Vice Mayor Boozé, and Mayor McLaughlin. **Abstain:** None. **Absent:** Councilmember Bates.

REPORT FROM THE CITY ATTORNEY OF FINAL DECISIONS MADE AND NON-CONFIDENTIAL DISCUSSIONS HELD DURING CLOSED SESSION

None.

OPEN FORUM FOR PUBLIC COMMENT

Rev. Kenneth Davis suggested that 23rd Street be renamed Nelson Mandela Way.

Andres Soto thanked the Chemical Safety Board for all the investigative work they've completed regarding the August 2012 Chevron fire.

Naomi Williams thanked the City Councilmembers who attended the Southside Improvement Group Luncheon. Ms. Williams also asked that the marijuana dispensary ordinance be revised to state that dispensaries not be located near places of worship or churches. Also, that bike riders should register their bikes and obtain a bike rider license.

Mark Wassberg gave comments regarding the vehicle checkpoints.

Sims Thompson stated that there is poor lighting throughout the city, especially along Barrett Avenue.

Raymond Dryer gave comments regarding the lack of contract negotiations for SEIU Local 1021.

Joseph Puleo gave comments regarding the exorbitant laundry expenses incurred by Vice Mayor Boozé during his trip to China.

Rosanne Ryken thanked the members who serve on the Personnel Board and stated that at the last meeting the attorneys in attendance were not able to answer all of the board's questions.

Antwon Cloird stated that there needs to be signage informing people how to get to Salute's Restaurant while the Moody Underpass Construction is taking place.

Menbre Akilu, owner of Salute's Restaurant stated that she is losing business because people don't know how to get to the restaurant due to the detour created during the Moody Underpass Construction.

Eleanor Thompson thanked those who will be supporting the toy drive this year. Ms. Thompson also asked that tax money that the city receives from the marijuana collectives be given to support youth programs.

Jackie Thompson stated that the city should regulate debit fees that consumers are charged in

businesses for transactions under \$10. Ms. Thompson also stated that bike riders should be charged a fee.

Mike Parker stated that the city cannot rely on Chevron to look out for the best interest of the citizens of Richmond.

Vice Mayor Boozé clarified that the dollar amount that he spent on laundry during his recent trip to China noted in the West County Times was not in dollars but in Chinese currency. The correct amount is \$98 not \$596.

**SUCCESSOR AGENCY TO THE RICHMOND
COMMUNITY REDEVELOPMENT AGENCY
CONSENT CALENDAR**

CONTINUED to the January 14, 2014, City Council meeting, the matter to direct staff to design and implement a program to mitigate negative economic impacts due to the construction of the Officer Bradley A. Moody Memorial Underpass Project, and authorize the expenditure of funds available in the Project Owner's Reserve for mitigation of negative economic impacts.

CITY COUNCIL CONSENT CALENDAR

A motion by Councilmember Butt, seconded by Councilmember Myrick, all items marked with an asterisk (*-) were approved by the unanimous vote of the City Council.

CONTINUED to the January 14, 2014, City Council meeting, the matter to adopt a resolution amending the City of Richmond's Conflict of Interest Code.

*-Approved a contract with DP Security, LLC to provide security services at 440 Civic Center Plaza and 450 Civic Center Plaza for the period of January 1, 2014, to December 31, 2016, for a total contract amount not to exceed \$1,330,088.28 for the three-year term, and appropriate funds in the Fiscal Year 2013/14 and Fiscal Year 2014-15 budgets to cover the cost of the contract.

CONTINUED to the January 14, 2014, City Council meeting, the matter to adopt a resolution accepting and appropriating \$100,774 into the City's Fiscal Year 2013-15 budget from the Metropolitan Transportation Commission (MTC) New Freedom Grant Program, which supports the Title VI nondiscrimination laws and regulations for disabled persons and seniors, and committing in-kind City services with a total value of \$100,774 as a local funding match.

*-Approved the purchase of one replacement Aluma Flatbed Trailer from TurfStar for use by the Public Works Department Parks Division in an amount not to exceed \$14,000.

*-Approved a one-year lease between the Port of Richmond and the Hendrick Automotive Group for the temporary storage of vehicles at the parking lot located at the southeast corner of Harbour Way South and Hall Avenue, with three options to extend the lease for one year, each, with consent of both parties, providing annual revenue to the Port of \$40,950.

*-Approved a contract with Infrastructure Engineering Corporation to provide sewer flow monitoring data collection and reporting services in and around the Harbour and Wright overflow structure for a period of 12-months in an amount not to exceed \$65,780.

CONTINUED to the January 14, 2014, City Council meeting, the matter to a grant-funded amendment to the construction contract with Turner Group Construction for construction and construction related services relating to the renovation of Elm Play Lot and community building, expanding the scope of work to include additional park and building components, increasing the amount by \$89,500 for a total contract amount of \$1,335,436, and maintaining the contract term ending June 30, 2014.

*-Adopted **Resolution No. 114-13**, to accept and appropriate \$50,000 from the Association of Bay Area Governments, San Francisco Bay Trail Project

funds, for the Marina Bay Park Restroom Project.

*-Approved a Third Amendment to the Construction Agreement with Alten Construction (Alten) to complete the fire suppression system upgrades for the Riggers Loft/Operations and Security Center (OSC) Project at Point Potrero Marine Terminal in the amount of \$400,000.

*-Approved a contract with Nichols Engineering Consultants (Nichols) to provide annual surveys, reports, investigations, inspections and work plans for the OU1 and OU2 areas at Point Potrero Marine Terminal (PPMT) according to the DTSC Operations and Maintenance Plan in an amount not-to-exceed \$65,695 and for a term ending December 31, 2015.

*-Approved **Resolution No. 115-13**, authorizing the City of Richmond to accept and appropriate \$396,358 in grant funding from the Contra Costa County Health Services Hazardous Materials Division, and approved an agreement with the Contra Costa County Health Services Hazardous Materials Division in support of the Fire Department's Hazardous Material Response Program for the term from July 1, 2013, to June 30, 2015.

*-Adopted **Resolution No. 116-13**, authorizing the City of Richmond to accept and appropriate \$329,748 in grant funding from the Contra Costa County Health Services Hazardous Materials Division, and approved an agreement with the Contra Costa County Health Services Hazardous Materials Division in support of the Fire Department's Hazardous Materials Response Program for a term from July 1, 2013, to June 30, 2015.

CONTINUED to the January 14, 2014, City Council meeting, the purchase of an aerial/bucket truck in an amount not to exceed \$87,478.02, to be used by the Police Department's CCTV technician for continuous maintenance, repair, and installation of all wireless camera devices.

CONTINUED to the January 14, 2014, City Council meeting, the matter to accept and appropriate the 2013/2014 grant from the California Office of Traffic Safety (OTS) in the amount of \$37,400 to fund sobriety checkpoints aimed at reducing the number of victims killed and injured in alcohol-involved crashes.

*-Rejected all eight bids for construction of the Marina Restroom Facility, and authorize staff to review and revise contract specifications and call for new bids.

CONTINUED to the January 14, 2014, City Council meeting, the matter to receive a report regarding the results of the sale of the City's Fiscal Year 2013/14 Tax and Revenue Anticipation Notes in accordance with City Council policy.

*-Approved a contract with Anovo Systems, LLC to provide software and technical support for a web-based labor compliance monitoring software and technical support system to track compliance with the City's Local Employment Program and the Business Opportunity ordinances in an amount not to exceed \$74,000 for the contract term from February 1, 2014, through January 31, 2016, with an option for a two-year extension.

*-Approved the minutes of the November 19, 2013, regular meeting, and the November 26, 2013, special meeting.

*-Adopted **Ordinance No. 25-13**, adjusting and setting the fees as proposed in the Fire Department fee schedule with an effective date of January 1, 2014.

*-Adopted **Ordinance No. 26-13**, amending Chapter 2.62 of the Municipal Code of the City of Richmond giving authority to the Fire Department to issue administrative citations for fire code violations.

CONTINUED to the January 14, 2014, City Council meeting, the matter to adopt an ordinance to amend Richmond Municipal Code 9.56 to include electronic cigarettes in the smoking regulations.

CONTINUED to the January 14, 2014, City Council meeting, the matter to approve a second amendment to the contract with Holland & Knight LLP for the continuation of federal and state advocacy services, increasing the amount by \$180,000 and extending the term to December 31, 2014.

*-Adopted **Resolution No. 117-13**, approving and authorizing the executive director to execute a Second Amendment to the Soil Remediation Agreement with Eagle Environmental Construction (EEC) for soil remediation activities at the Miraflores Housing Development site, increasing the contract amount by \$340,000 for a total contract amount not to exceed \$1,540,000 (This item was reviewed and recommended for approval by the Finance Committee at its December 6, 2013, meeting).

*-Approved a reimbursement to California Oils Corporation (Cal-Oils) for allowable wharf and docking system repairs to their leased facility at Terminal 2 in the amount of \$200,765 (This item was reviewed and recommended for approval by the Finance Committee at its December 6, 2013, meeting).

CONTINUED to the January 14, 2014, City Council meeting, the matter to approve a contract with Nichols Consulting Engineers to provide technical and budgetary oversight concerning environmental remediation activities at Point Molate in an amount not to exceed \$187,500 (paid from the remediation account funded by the United States Navy) for a contract term commencing July 1, 2013, and ending December 31, 2014 (This item was reviewed and recommended for approval by the Finance Committee at its December 6, 2013, meeting).

CONTINUED to the January 14, 2014, City Council meeting, the matter to approve a Memorandum of Understanding (MOU) between the City of Richmond and the Richmond Police Activities League (RPAL) to subsidize RPAL staff and programs as approved in the City's 2013/15 budget, ensuring that academic, athletic, and life-skills services offered by RPAL will continue for the period July 1, 2013, through

June 30, 2015, in an amount not to exceed \$600,000, \$300,000 annually for two years (This item was reviewed and recommended for approval by the Finance Committee at its December 6, 2013, meeting).

*-Received a monthly report on the Richmond Municipal Sewer District for November 2013.

*-Adopted **Resolution No. 118-13**, revising the City's Authorized Broker/Dealer list to allow broker/dealers to offer the City investment instruments in accordance with Government Code Section 53601.

CONTINUED to the January 14, 2014, City Council meeting, the matter to approve the City Manager's response to Grand Jury Report No. 1302 entitled, "Outsourcing Municipal Services", and submittal of the response to the foreperson of the 2012/2013 Contra Costa County Civil Grand Jury.

*-Approved the City Manager's response to Grand Jury Report No. 1308 entitled, "Encouraging Citizens to Apply for Grand Jury Service", and submittal of the response to the foreperson of the 2012/2013 Contra Costa County Civil Grand Jury.

*-Approved the City of Richmond's response to Contra Costa County 2013/2014 Grand Jury's requests to questions regarding technology plans and expenses, and submittal of the response to the foreperson of the 2013/2014 Contra Costa County Civil Grand Jury.

*-Approved the City of Richmond's response to Contra Costa County 2013/2014 Grand Jury's letter regarding the City's training and policies for identifying and reporting abuse of minors, and submittal of the response to the foreperson of the 2013/2014 Contra Costa County Civil Grand Jury.

*-Adopted **Resolution No. 119-13**, to establish the definition of "Sensitive Position", as required by Section 2.65.030(H) of Ordinance No. 14-13 N.S., which bans the requirement to provide information of prior criminal convictions on all employment applications ("ban the box").

RESOLUTIONS

The matter to adopt a resolution approving certain guidelines for the Richmond CARES Program and restating our desire for staff to work towards a Joint Powers Authority for the purposes of implementing the Housing Recovery Program was presented by Mayor McLaughlin. The Richmond CARES program will work with qualifying homeowners who choose to opt-in to the program, and who have first mortgages held in PLS trusts, with remaining balances that are below the conforming loan limit defined by the Federal Housing Authority. The Program will prioritize assistance to those neighborhoods that have hard hit by the housing crisis. The use of eminent domain to acquire underwater mortgages will only be used when a public purpose is to be served. The use of eminent domain will be restricted to exceptional circumstances when large numbers of households are underwater and there are no other adequate measures to address the problem. City Clerk, Diane Holmes, read the following letter into the record from Councilmember Bates: *To: Mayor Gayle McLaughlin, Vice Mayor Corky Booze, my fellow council members and Richmond citizenry. This is to inform each of you that I will not be in attendance for the council meeting tonight. I have been invited by our President Barack and First Lady Michelle Obama to attend a Holiday Reception at the White House. However, I wish to thank Mayor McLaughlin for permitting the city clerk to read my letter clarifying my position regarding the continuation of the city's involvement with the CARES eminent domain program. It is most unfortunate various Wall Street lending institutions have placed such hardship upon thousands and thousands of homeowners throughout the nation. However, continuing to pursue the CARES program in Richmond, in my opinion is ill advised for the following reasons. Most of the current foreclosure loans are no longer owned by the previous so called Wall Street investors but by various labor unions, credit unions, retirement pension funds and individuals. Therefore, the victims of CARES eminent domain program now become our next door neighbors, friends and acquaintances. The City of Richmond as well as the West Contra Costa Unified School District's inability to*

sell our bonds at a maximum profit should be a serious concern to all of us. Also, according to lending institutions and the real estate industry, value of homes throughout the nation as well as in Richmond are on a continuing sharp increase. In conclusion, should the majority of the council persist in pushing this CARES eminent domain agenda, I will have no other choice than to place on the city council agenda in late January or early February an agenda item calling for the council to place the entire eminent domain on either the 2014 Primary election in June or the General election in November where the voters will be provided an opportunity to express their opinion. Four members of this city council should not, and I repeat, should not have such unlimited power and authority that financially affects a large number of citizens in our city without their voices being heard. Needless to say, were I present for tonight's meeting, my vote would be a resounding NO to the continuation of the CARES program. Respectfully, Nat Bates.

The following individuals gave comments: Andres Soto, Joseph Puleo, Bob Sharp, Paul Larudee, Zak Wear, Veronica Velasco, Yolanda, Cervantes, RC Overton, Jose Vega, Eduardo Martinez, Sue Wilson, Rosanne Ryken, JP, Ed Donaldson, Constance Delaney, Jackie Wright, Patty Castillo, Patricia Byers, Marilyn Langlois, Margaret Rossoff, Kathleen Wimer, Suzanne Sanders, Tarnell Abbott, Aram Hodess, Michael Parker, Amy Schur, Stephanie Hervey, Donnell Jones, Jeffrey Wright, Mark Wassberg, Najari Smith, Doria Robinson, and Don Gosney. Discussion ensued. Councilmember Rogers is concerned with the liability issues the city may face under this program. Mayor McLaughlin stated that Mortgage Resolution Partners (MRP) has agreed to provide a letter of indemnification to the city and has already covered any legal costs incurred thus far. A motion by Councilmember Butt, seconded by Councilmember Beckles, to end debate, failed by the following vote: **Ayes:** Councilmembers Butt, Beckles, and Mayor McLaughlin. **Noes:** Councilmembers Rogers and Vice Mayor Boozé. **Abstain:** Councilmember Myrick. **Absent:** Councilmember Bates. City Manager, Bill Lindsay, stated that MRP should provide a bond, letter of credit, or insurance, or some form of a financial guarantee. MRP has said they

cannot get insurance. Vice Mayor Boozé requested that an agenda item be prepared to place the eminent domain issue on the ballot. Councilmember Rogers asked for clarity regarding statements from the opponents of the plan who state that bundled mortgages cannot be renegotiated but the proponents state that of the 624 homes that received notices about one-third of those have had their mortgages successfully renegotiated. City Manager, Bill Lindsay, stated that this data should be available by the next time this item is discussed. Councilmember Rogers also requested an analysis of what percentage of similarly situated properties end up in foreclosure situations and lose their homes. A motion by Mayor McLaughlin, seconded by Councilmember Beckles, adopted **Resolution No. 120-13**, by the following vote: **Ayes:** Councilmembers Butt, Beckles, Myrick, and Mayor McLaughlin. **Noes:** Councilmembers Rogers and Vice Mayor Boozé. **Abstain:** None. **Absent:** Councilmember Bates.

(11:00 p.m. – A motion by Councilmember Myrick, seconded by Councilmember Butt, extended the meeting to 11:30 p.m., by the unanimous vote of the City Council).

COUNCIL AS A WHOLE

The matter to direct staff to prepare an ordinance amending Richmond Municipal Code Section 7.12, Bicycles and Bicycle Establishments, to encourage bicycle riding was presented by Councilmember Beckles and Councilmember Myrick. The following individuals gave comments: Marilyn Langlois, Jackie Thompson, Najari Smith, Tony Sustak, and Doria Robinson. Discussion ensued. Vice Mayor Boozé suggested that bicycles in the city should be licensed. Mayor McLaughlin ended debate. A motion by Councilmember Beckles, seconded by Councilmember Myrick, directed staff to prepare the ordinance, passed by the following vote: **Ayes:** Councilmembers Butt, Beckles, Myrick, Rogers, and Mayor McLaughlin. **Noes:** Vice Mayor Boozé. **Abstain:** None. **Absent:** Councilmember Bates.

*(11:30 - A motion by Councilmember Myrick, seconded by Councilmember Butt, to extend the meeting to complete time-sensitive items, failed by the following vote: **Ayes:** Councilmembers Myrick, Rogers, and Mayor McLaughlin. **Noes:** Councilmembers Bates, Butt, and Vice Mayor Boozé. **Abstain:** None. **Absent:** Councilmember Bates.*

*(A motion by Councilmember Rogers, seconded by Councilmember Rogers, to finish Item I-3 and discuss the time-sensitive items, failed by the following vote: **Ayes:** Councilmembers Myrick, Rogers, and Mayor McLaughlin. **Noes:** Councilmembers Bates, Butt, and Vice Mayor Boozé. **Abstain:** None. **Absent:** Councilmember Bates.*

CONTINUED to the January 14, 2014, City Council meeting, the matter to receive a report and video presentation from Vice Mayor Boozé on the accomplishments of the trip to China, which also complies with AB1234.

CONTINUED to the January 14, 2014, City Council meeting, the matter to receive a status report from the city manager on the return of 12 management vehicles, including a cost breakdown that details: (1) when the vehicles were purchased and the price of purchase; (2) mileage from purchase date to current date; and (3) the fuel used per car was presented.

**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 11:32 p.m. in memory of Nathaniel Foster, to meet again on Tuesday, January 14, 2014, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor