

RICHMOND, CALIFORNIA, October 18, 2016

The Richmond City Council Evening Open Session was called to order at 5:00 p.m.

ROLL CALL

Present: Councilmembers Gayle McLaughlin, Vinay Pimplé, Vice Mayor Eduardo Martinez, and Mayor Thomas K. Butt. **Absent:** Councilmembers Nathaniel Bates, Jovanka Beckles, and Jael Myrick arrived after Open Session adjourned 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

LIABILITY CLAIMS - (Government Code Section 54956.9):

Edward Valdivia vs. City of Richmond

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

Upstream vs. City of Richmond

CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6):

Agency designated representatives: Bill Lindsay, Lisa Stephenson, Bruce Souplet, Todd Simonson, Maria Blue, and Jack Hughes.

Employee organizations: Richmond Police Officers Association (RPOA) and Service Employees International Union (SEIU, Local 1021).

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

Property: General Warehouse, Port of Richmond
Agency negotiators: Jim Matzorkis, Bill Lindsay
Negotiating parties: PowerPlant Inc, Richmond Grown LLC, and Transmeridian Warehouses
Subject of negotiations: Price and terms of payment

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957.6):

Title: City Attorney

There were no public speakers.

The Open Session adjourned to Closed Session at 5:01 p.m. Closed Session adjourned at 7:10 p.m.

The Regular Meeting of the Richmond City Council was called to order at 7:13 p.m., by Mayor Butt, who led the Pledge of Allegiance to the Flag.

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

Councilmember Pimplé recused himself from Item H-2 because he was a Richmond Museum Association Boardmember.

AGENDA REVIEW

Item H-2 was removed from the consent calendar by a member of the public for discussion at the end of the agenda. Item H-5 was continued to the November 1, 2016, City Council meeting per the request of staff. Items H-7 and H-8 were removed from the consent calendar at the request of Councilmember Bates.

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: San Francisco Business Times published a supplemental issue dated October 14, 2016, featuring Richmond. Information Technology Director Sue Hartman received the State of Our Schools award from the West Contra Costa Unified School District for improvement of internet connectivity in schools. The city received the Voice of the People Award from the National Research Center for transformation in local environment and two Beacon Awards for sustainability practices at the League of California Cities Annual Conference held on October 6, 2016.

OPEN FORUM FOR PUBLIC COMMENT

Mark Wassberg gave comments regarding gender-neutral bathrooms and the Richmond Progressive Alliance.

Naomi Williams invited councilmembers to the Commission on Aging Zydeco Dance Saturday, October 22, 2016, 6:00 p.m. to 10:00 p.m. at the Richmond Memorial Auditorium. Admission tickets cost \$15.00 and food was available for purchase at the event. Ms. Williams announced that Lee Williams and the Spiritual QC's gospel band were performing on November 19, 2016, at the Richmond Memorial Auditorium. Advance admission tickets including food cost \$30.00 or \$35.00 at the door.

Rick, Julie, and Patricia Perez gave comments regarding the Pedie Perez case. Mr. Perez informed councilmembers of the International Association of Chiefs of Police Annual Conference recently held in San Diego, California. Mr. Perez also gave comments regarding police profiling and crime in the city's neighborhoods. Mr. Perez announced that Washington D.C. recently accepted an award for community policing. Julie Perez gave comments regarding an article titled "Community Policing Makes a Difference". Patricia Perez informed councilmembers that the San Joaquin District Attorney apologized to Dionne Smith-Downs, the mother of a young man fatally shot by Stockton police in 2010.

Melvin Willis commended Urban Tilth for its new North Richmond Farm and youth programs.

K. Harley described events leading up to a tenant eviction notice that she recently received and her experience attempting to resolve the issue.

Richmond Police Officers Association (RPOA) President Ben Therriault expressed the RPOA's support of encouraging the City Council to make certain that the police training budget was funded. Mr. Therriault addressed negative comments made by other speakers regarding policing.

Councilmember Bates requested staff to consult with speaker K. Harley to discuss her issues further in detail.

Jackie Thompson expressed concerns regarding speaker K. Harley's eviction issue. Ms. Thompson and Richard E. Stollings inquired about the type of Americans with Disabilities Act () accommodations made in the Council Chamber for Councilmember Pimplé. Ms. Thompson requested the procedures to make a complaint for improper conduct by a City Council candidate. Ms. Thompson reported that campaign signs at 37th Street and Cutting Boulevard were illegally removed.

Eleanor Thompson expressed her dissatisfaction with the distribution of funds from the Environmental Community Investment Agreement Community Grant Program.

Amy Lee Anderson commended Councilmember Beckles and Vice Mayor Martinez for assisting with the adoption of City Council Resolution No. 51-15 on May 19, 2015, supporting the Space Preservation Act, and the Space Preservation Treaty.

CITY COUNCIL CONSENT CALENDAR

Mayor Butt placed Item H-2 back on the Consent Calendar because the member of the public that requested to discuss the item departed for the remainder of the meeting.

Councilmember Bates rescinded his request to remove Items H-7 and Items H-8 from the Consent

Calendar. Item H-7 was placed back on the Consent Calendar.

Councilmembers Beckles and McLaughlin requested that Item H-8 remain off the Consent Calendar for discussion at the end of the agenda.

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

*H-1. Received a report on the Richmond Municipal Sewer District for the month of August 2016.

*H-2. Approved the First Amendment to the reimbursement agreement with the Richmond Museum to complete infrastructure improvements at Basin Number 5 to accommodate the SS Red Oak Victory, increasing the amount by \$182,000 to a total not to exceed value of \$532,000. ***Councilmember Pimplé abstained.***

*H-3. Approved a Second Amendment to the Remediation and Abatement agreement with Performance Abatement Services to finalize the cleanup of spilled oil containing polychlorinated biphenyl (PCB) at the Point Potrero Marine Terminal, as required by the Toxic Substances Control Act, increasing the amount by \$47,000 to a total not to exceed \$857,640.

*H-4. Adopted a resolution authorizing the execution of a construction contract with Ghilotti Construction Company, Inc., for construction of the Richmond-Ohlone Greenway Gap Closure Project in an amount not to exceed \$1,771,910.25, including a 10% contingency (\$161,082.75).

H-5. **Continued to the November 1, 2016, City Council meeting**, the matter to adopt a resolution setting a public hearing for December 6, 2016, regarding the City's intent to grant to SFPP, L.P. a franchise to use or lay and use oil pipes and appurtenances for the purpose of transmitting and distributing oil and oil products within the City's rights-of-way for a period of twenty-years.

*H-6. Reviewed and approved the City's Investment and Cash Balance Report for the month of August 2016.

*H-7. Approved a one-year, sole-source contract with Network Fleet for maintenance of the GPS (global positioning) hardware that monitors Police Department vehicle location, vehicle diagnostics, vehicle speeds, vehicle emissions, and provides other reporting capabilities, in an amount not to exceed \$20,160, for a term from July 1, 2016, to June 30, 2017.

H-8. The matter to approve a five-year contract with Taser International for the sole-source purchase of one hundred sixty (160) body-worn cameras, one hundred sixty (160) next-generation conducted energy devices, and maintenance of a digital evidence management system, in an amount not to exceed \$1,145,000; for a term from November 1, 2016, to October 31, 2021 was removed from the consent calendar at the request of Councilmember McLaughlin for discussion. Councilmember McLaughlin expressed concerns that the contract added an additional \$190,000 per year to the General Fund in year two through year five of the contract term without a funding source. Mr. Lindsay replied by stating the purchase was a high priority that was an important aspect of police service and there was anticipated revenue that would need to be allocated. Richmond

Police Captain Arnold Threets explained that the expenditure replaced unreliable equipment and would potentially reduce officer's evidence management time and overtime pay. Discussion ensued. A motion was made by Councilmember Bates, seconded by Councilmember Pimplé, to approve the contract. A substitute motion was made by Councilmember McLaughlin to hold the item over until the Police Department identified a funding source or budget cut to offset the expenditure, seconded by Vice Mayor Martinez. A friendly amendment to the substitute motion made by Councilmember Myrick to hold the item over until October 25, 2016, was accepted. A second amendment was made by Councilmember McLaughlin requesting staff to return to the City Council at a future meeting with suggestions that allowed councilmembers to make a comparison with the least impact on the budget. Another substitute motion was made by Councilmember McLaughlin to approve the contract with the stipulation that the City Council does not approve a future budget that reduces \$190,000 from another department. Councilmember McLaughlin withdrew the main motion and made a replacement motion to approve the contract with the stipulation that the City Council will not add an additional \$190,000 to the budget as a result of the contract expenditure, seconded by Councilmember Beckles. A friendly amendment by Councilmember Myrick to approve the contract with the understanding that when the fiscal year 2017-18 budget was submitted to the City Council, staff would provide documentation on how the additional expenditure for the contract was incorporated into the Police Department budget, was accepted and passed by the following vote: **Ayes:** Councilmembers Bates, Beckles, McLaughlin, Myrick, Pimplé, and Mayor Butt. **Noes:** Vice Mayor Martinez. **Abstentions:** None. **Absent:** None.

*H-9. Accepted and appropriated a donation from Omega Boys Club in the amount of \$454.14 for the Office of Neighborhood Safety's (ONS) Operation Peacemaker Fellowship Program.

*H-10. Approved actions to update the Arts and Culture Commission; and appointed Rashon Lane, new appointment, seat #3, term expiration January 31, 2019.

*H-11. Approved actions to update the Planning Commission; and appointed Claudia Garcia, new appointment, seat #6, term expiration June 30, 2018.

*H-12. Approved a contract with Pursuit North to outfit police department vehicles for the 2016/2017 and 2017/2018 fiscal years in an amount not to exceed \$230,000.

RESOLUTIONS

I-1. The matter to adopt a resolution exempting Richmond residents from paying tow charges if their registered vehicle is stolen and recovered in the City of Richmond, and towed at the request of the Richmond Police Department was presented by the Mayor's Office Director of Community Engagement Christopher Whitmore and Chief of Staff David Gray. Discussion ensued. Freeman's Towing Representative Jimmy Tokuyoshi gave comments in opposition of said resolution. Mr. Tokuyoshi stated that stolen vehicle storage fees were waived for 48 hours with a police release form showing proof of residency. Mr. Tokuyoshi stated that the tow service companies would be unable to recover the loss of revenue if the resolution passed. Mr. Gray clarified that the 48 hours stolen vehicle storage fee waiver process had not been followed by the Police Department. Police Captain Arnold Threets indicated that

the Police Department's Regulatory Unit was working with the Mayor's Office to develop a stolen vehicle tow release process. On motion of Vice Mayor Martinez, seconded by Councilmember Myrick, adopted **Resolution No. 98-16** by the unanimous vote of the City Council.

I-2. The matter to adopt a resolution of the City Council formally endorsing Proposition 55, the State of California's extension of revenue for schools and healthcare on the November 8, 2016, General Election ballot was introduced by Councilmember Myrick and presented by West Contra Costa Unified School District (WCCUSD) Superintendent Matthew Duffy. Mr. Duffy clarified that Proposition 55 extended taxes that were originally levied through Proposition 30 and without any increase in taxes. Mr. Duffy stated that Proposition 55 is source for funding most California schools and represented approximately \$110 million of the WCCUSD annual budget. Discussion ensued. Councilmember Bates requested Mr. Duffy to reply back to the City Council regarding the Richmond Steeler's use of the DeAnza football field. Speaker Jackie Thompson gave comments and expressed concerns regarding Proposition 55. Councilmember Bates requested the legal law that allows the support of election measures and prohibits candidate campaigning in the Council Chamber. Vice Mayor Martinez suggested that Mr. Duffy provide the City Council at a future date with the ratio of the school district's contribution to state funds compared to the funds received back from Proposition 30. Councilmember Myrick explained that the presenter for the Proposition 55 healthcare programs was not present at the meeting. On motion of Councilmember Myrick, seconded by Vice Mayor Martinez, adopted **Resolution No. 99-16** by the unanimous vote of the City Council.

I-3. The matter to adopt a resolution urging the United States Congress to Enact a National Revenue Neutral Carbon Tax was presented by Councilmember McLaughlin. Councilmember McLaughlin requested staff to send copies of the resolution (if adopted) to Congressman Mark DeSaulnier and Senators Barbara Boxer and Dianne Feinstein. The following speakers gave comments in support: Trish Clifford, Nick Despota, and Elyse Klein. On motion of Councilmember McLaughlin, seconded by Vice Mayor Martinez, adopted **Resolution No. 100-16** by the unanimous vote of the City Council.

COUNCIL AS A WHOLE

J-1. The matter to discuss the Richmond Bicycle/Pedestrian Advisory Committee (BPAC) recommendations for rules to address varied uses of the San Francisco Bay Trail by bicyclists, pedestrians, and other types of users, and direct staff to prepare a Multi-Use Trail Ordinance implementing these recommendations was presented by the Engineering/Capital Improvement Projects Infrastructure Administrator and BPAC Staff Liaison Patrick Phelan. Mr. Phelan's Powerpoint presentation highlighted the following: Richmond Marina Bay Trail map, feedback from the Richmond Marina Bay Neighborhood Council, outreach efforts co-sponsored with the Bike East Bay coalition, and trail etiquette signage. Discussion ensued. Bea Roberson and Marilyn Langlois gave comments. On motion of Councilmember Myrick, seconded by Councilmember Pimplé, directed staff to prepare proposed ordinance by the unanimous vote of the City Council.

J-2. The matter to direct staff to bring back language within the next 60 days amending Richmond Municipal Code

(RMC) Chapter 7.102 to include language encouraging those involved in cannabis cultivation to include Richmond residents in their ownership group was introduced by Councilmember Myrick. Discussion ensued. The Mayor and Councilmember Pimplé expressed concerns that such a policy would potentially delay processes and create unintended loopholes. City Attorney Bruce Goodmiller advised the City Council that the proposed amendment would likely be included with the city's zoning update within 30 days. A motion by Councilmember Myrick, seconded by Councilmember Bates with a friendly amendment to include cannabis manufacturing in the proposed RMC chapter amendment, passed by the following vote: **Ayes:** Councilmembers Bates, Beckles, McLaughlin, Myrick, Pimplé, Vice Mayor Martinez, and Mayor Butt. **Noes:** None. **Abstentions:** Councilmember Pimplé. **Absent:** None.

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

Vice Mayor Martinez and Mayor Butt reported on their attendance to the League of California Cities Annual Conference in Long Beach, California, whereby the city received two Beacon awards. The Mayor was the city's voting delegate at the event.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:30 p.m., to meet again on Tuesday, October 25, 2016, at 6:30 p.m.

Pamela Christian

Clerk of the City of Richmond

(SEAL)

Approved:

Tom Butt

Mayor