

**RICHMOND, CALIFORNIA, December 20, 2016**

The Richmond City Council Evening Open Session was called to order at 5:05 p.m.

**ROLL CALL**

**Present:** Councilmembers Jovanka Beckles, Gayle McLaughlin, Jael Myrick, Vinay Pimplé, Vice Mayor Eduardo Martinez, and Mayor Tom Butt. **Absent:** Councilmember Nathaniel Bates absent entire meeting.

**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**

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957.6):**

Title: City Attorney

**LIABILITY CLAIMS - (Government Code Section 54956.9):**

Oscar Jones vs. City of Richmond

**CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6):**

Agency designated representatives: Bill Lindsay, Lisa Stephenson, Bruce Soublet, and Maria Blue.

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

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

Property: Point Potrero Marine Terminal formerly known as Shipyard #3  
Agency negotiator: Jim Matzorkis  
Parties: Pantec Group and Anne Koenig  
Under negotiation: price and terms of payment

There were no public speakers.

The Open Session adjourned to Closed Session at 5:08 p.m. Closed Session adjourned at 6:28 p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:35 p.m., by Mayor Tom Butt, who led the Pledge of Allegiance to the Flag.

## **ROLL CALL**

**Present:** Councilmembers Beckles, Myrick, McLaughlin, Pimplé, Vice Mayor Martinez and Mayor Butt. **Absent:** Councilmember Bates absent the entire meeting.

## **STATEMENT OF CONFLICT OF INTEREST**

City Attorney, Bruce Goodmiller, stated his employment is Item I-26 on the agenda.

## **AGENDA REVIEW**

Items I-14 and I-23 were removed from the Consent Calendar.

## **PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS**

**D-1.** Mayor Butt announced City of Richmond Boards and Commissions vacancies as of December 20, 2016, and asked that interested residents send applications to the City Clerk.

**D-2.** Fire Inspector Robin Poindexter, announced and presented awards to the first place winners of the 2016 Junior Fire Prevention Program.

## **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 that city offices will be closed from December 26, 2016 to January 3, 2017.

## **OPEN FORUM FOR PUBLIC COMMENT**

Andrew Wilke, Jason Storm, Sean Kennedy, Nelly, Brendon Casey, Joel T., Jennifer Autry, Victor Vazquez, Kelly Jewett, Kevin Mathieu, Brandon Bailey, Morgen, Heath Baron, Pat Malo, and Travis James spoke in opposition of the recent red tagging and closure of the Burnt Ramen building.

Naomi Williams stated that the Senior Winter Ball was a success.

Jackie Thompson stated that order needs to be established in the Council Chambers due to all the noise and outbursts from the audience and also stated that the City Council aren't following their rules.

Mark Wassburg stated that codes and laws in the city have to be followed regarding the Burnt Ramen building.

Rick Perez stated the community and police should be united as one.

Patricia Perez gave comments regarding the death of her grandson, Pedie Perez.

Amy Anderson thanked Councilmember Beckles for helping her restore her life and go back to school.

Councilmember McLaughlin requested an update on the closure of Burnt Ramen. City Manager, Bill Lindsay replied that the building was closed due to several code violations and will continue to work with the owner to address the violations.

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

**H-1.** A motion by Councilmember Pimplé, seconded by Councilmember Beckles, adopted **Resolution No. 16-7**, authorizing the execution of an Environmental Remediation Reimbursement Agreement with Terminal One Development, LLC for the remediation of the Terminal One site.

**CITY COUNCIL CONSENT CALENDAR**

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

**\*I-1.** Adopted **Resolution No.107-16**, Declaring the Canvass of Returns and Result of the General Municipal Election held on November 8, 2016.

**\*I-2.** Approved a grant-funded contract with AAA Fence Company, Inc. for repair and replacement of chain link fence surrounding the tennis courts at Nicholl Park in an amount not to exceed \$31,765.00. The contract term will be from December 21, 2016, to June 30, 2017.

**\*I-3.** Approved the purchase of one (1) 2017 Ford Transit Vanwagon from Towne Ford in an amount not to exceed \$34,000.

**\*I-4.** Introduced an ordinance amending Richmond Municipal Code Sections 9.20.150 and 9.20.155 to update the solid waste collection rates to reflect: 1) an annual Consumer Price Index rate adjustment of three percent (3.00%) that will go into effect on January 1, 2017; and 2) approval of \$.12 per month surcharge on residential accounts resulting from the high 2016 bulky item participation rate that exceeded the 2016 bulky item program budget.

**\*I-5.** Approved the recommendation by the Recreation and Parks Commission to approve naming and associated signage of the Plunge garden "Hurlbut Tennis and Garden Park"

**\*I-6.** Approved a contract with Tactical K9, LLC for maintenance training for the Police Department's canine unit from January 1, 2017 to December 31, 2018, in the amount of \$30,500 per year, for a total amount not to

exceed \$61,000; and an option to renew for two (2) years by means of mutual agreement of both parties.

**\*I-7.** Approved the purchase of one (1) 185 cfm Air Compressor from Multiquip, in an amount not to exceed \$20,000.

**\*I-8.** Approved the facilities sublease between the City of Richmond and the Maritime Safety and Security Center (MSSC) for office space located at 756 West Gertrude Avenue in Richmond for fire training and professional development exercises at a cost not to exceed \$30,000 over a five-year period commencing September 1, 2016, and ending August 1, 2021.

**\*I-9.** Approved a construction agreement with Sebastopol Construction Services, Inc. to complete pavement repairs at the Point Potrero Marine Terminal for a total cost not to exceed \$414,507.

**\*I-10.** Approved the purchase of a Schwarze Model A9000 Monsoon Street Sweeper from Atlantic Machinery, Inc., in an amount not to exceed \$285,000.

**\*I-11.** Received a report on the Richmond Municipal Sewer District for the month of October 2016.

**\*I-12.** Approved the Labor Management Workers' Compensation Alternative Dispute Resolution (ADR) Agreement between the City of Richmond (City) and the Richmond Police Officers Association (RPOA), and the Cost Savings Agreement associated with the ADR.

**\*I-13.** Approved the Labor Management Workers' Compensation Alternative Dispute Resolution (ADR) Agreement between the City of Richmond (City) and the International Association of Fire Fighters Local 188 (Local 188), and the Cost Savings Agreement associated with the ADR.

**I-14. CONTINUED** to the January 17, 2017, City Council meeting, the matter to adopt a resolution recognizing International Federation of Professional and Technical Engineers' (IFPTE) Local 21 as the sole and exclusive bargaining agent for Executive Management employees pursuant to the Employer-Employee Relations Resolution (EERR) #134-96.

**\*I-15.** Adopted **Ordinance No. 19-16 N.S.**, amending Richmond Municipal Code Section 2.50 (Business Opportunity Ordinance) to extend the expiration date to December 31, 2020.

**\*I-16.** Adopted **Ordinance No. 20-16 N.S.**, adding Chapter 7.110 to the Richmond Municipal Code entitled "Fair Chance Access to Affordable Housing" requiring providers of affordable housing to ensure equal opportunity for housing applicants with past criminal convictions. (*Councilmember Pimplé voted no*).

**\*I-17.** Adopted **Ordinance No. 21-16 N.S.**, repealing the Knox-Cutting Specific Plan, adopting the

Richmond Bay Specific Plan, and approving a Zoning Map Amendment, subject to conditions.

**\*I-18.** Adopted **Resolution No.108-16**, approving the application to the State of California Department of Parks and Recreation Youth Soccer and Recreation Development Program for funding to renovate the basketball court at Unity Park.

**\*I-19.** Adopted **Resolution No.109-16**, approving the application to the State of California Department of Parks and Recreation Youth Soccer and Recreation Development Program for funding to renovate the basketball court at John F. Kennedy Park.

**\*I-20.** Approved the minutes of the regular City Council meetings held Tuesday, November 15 and 22, 2016.

**\*I-21.** Approved actions to update the Human Rights Human Relations Commission; appointed: Victoria Sawicki, seat #6, term expiring March 30, 2017.

**\*I-22.** The matter to approve actions to update the Citizens Police Review Commission; appointed Yenny Garcia, seat #4, term expiration November 1, 2019.

**I-23.** A motion by Mayor Butt, seconded by Vice Mayor Martinez, adopted **Resolution No.110-16**, approving the execution of two repayment agreements with the U.S. Department of Housing and Urban Development (HUD) for unsupported and/or ineligible project costs relating to the Community Development Block Grant, HOME, and Neighborhood Stabilization Program 1 programs by the following vote: **Ayes:** Councilmembers Beckles, McLaughlin, Myrick, Pimplé, and Vice Mayor Martinez. **Noes:** Mayor Butt. **Absent:** Councilmember Bates. **Abstain:** None.

**\*I-24.** Adopted **Resolution No.111-16**, approving the installation of a four-way stop at the intersection of 8th Street and Bissell Avenue near Leadership Public School within the Santa Fe Neighborhood area.

**\*I-25.** Adopted **Resolution No.112-16**, approving the 2015-2016 Consolidated Annual Performance and Evaluation Report (CAPER) for submission to the U.S. Department of Housing and Urban Development (HUD).

**\*I-26.** Approved a Second Amendment to the Employment Agreement between the City of Richmond and Bruce Reed Goodmiller to extend the term of the agreement to December 31, 2019, and to revise the annual performance evaluation section of the agreement.

**\*I-27.** Approved a lease agreement with the United States House of Representatives to allow Congressman Mark DeSaulnier to continue to utilize approximately 845 square feet of office space on the second floor of 440 Civic Center Plaza as his West County 11th Congressional District offices. The lease agreement is for \$845 per month

(\$10,140 per year) and for a two-year term ending January 2019.

**\*I-28.** Accepted and appropriated \$30,500 in grant funds from KaBOOM to fund the Mathieu Court Alley Play Street Project in Fiscal Year 2016-2017; and approved the City Manager to enter into an Agreement with the Richmond Art Center for \$22,000 to assist in implementation of the Project.

### **ORDINANCES CONTINUED ITEMS**

**CONTINUED** to the January 17, 2017, meeting, the matter to introduce an ordinance adding Chapter 14.56 to the Richmond Municipal Code (RMC) to establish a Neighborhood Permit Parking Program (NPP) that is intended to provide parking restrictions in residential communities located near major employers, colleges, medical institutions and those impacted by commuter spillover parking. This item was continued from the December 6, 2016, meeting.

### **COUNCIL AS A WHOLE CONTINUED ITEMS**

**K-1.** The matter to appoint a general employee representative to the Personnel Board from the following panel of three nominees elected at the Personnel Board Election held October 26, 2016, to November 9, 2016: (1) Robert Davila, (2) Charles Smith, and (3) Pamela Bilbo-Saucer was presented. This item was continued from the November 15 and December 6, 2016, meeting. A motion was made by Mayor Butt, seconded by Councilmember Myrick, to approve the item. Vice Mayor Martinez expressed concern about not knowing anything about the persons being recommended and suggested that this matter be continued. Mayor Butt continued the matter to the January 17, 2016, City Council meeting.

**K-2. CONTINUED** to the January 17, 2017, meeting, to review the fiscal year 2016-17 first quarter operating and capital improvement budget and approved the proposed fiscal year 2016-17 budget adjustments. This item was continued from the November 15, 2016, meeting.

**K-3.** The matter to receive a presentation on the design of the grant-funded Carlson Boulevard Crosstown Connection pedestrian and bicycle improvements project and to direct staff to advertise this construction contract. This item was continued from the November 15, 2016, meeting. Tawfic Halaby, Lina Velasco, and Patrick Phelan, gave an overview of the matter. The following individuals gave comments: Naomi Willams, Madalyn Law, Myrtle Braxton, Bea Roberson, Jackie Thompson, Don Hunt, Najari Smith, Cynthia Armour, Kieron Slaughter, Ben Therriault, Sequoia Erasmus, Marilyn Langlois, Nancy Baer, and Bill Pinkham. Discussion ensued. A motion was made by Councilmember Beckles, seconded by Councilmember McLaughlin, to approve the item. Councilmember Myrick made a substitute motion to approve the alternative option to maintain two lanes on Carlson Boulevard, and also include a bike lane. The motion died for lack of a second. The original motion

passed by the following vote: **Ayes:** Councilmembers Beckles, McLaughlin, Vice Mayor Martinez, and Mayor Butt. **Noes:** Councilmember Pimplé. **Absent:** Councilmember Bates. **Abstain:** Councilmember Myrick.

**RICHMOND FAIR RENT, JUST CAUSE FOR EVICTION, HOMEOWNER PROTECTION ORDINANCE IMPLEMENTATION ITEMS**

The matter to adopt a resolution approving the fiscal year 2016-17 Rent Board interim budget, and authorize the City Manager to enter into a reimbursement agreement with the Rent Board for any funds advanced by the City and authorize the City Manager to enter into sole source contracts. **(Resolution No. 113-16).**

The matter to adopt a resolution approving the 2016 Annual General Adjustment in accordance with Section 11.100.070(b)(3) of the Richmond Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance. **(Resolution No. 114-16).**

The matter to adopt an ordinance adding Chapter 11.102 of the Richmond Municipal Code entitled Relocation Requirements for Tenants of Residential Rental Units; **(Ordinance No. 22-16 N.S.)**, and adopt a resolution establishing the amount of Permanent and Temporary Relocation Payments **(Resolution No. 115-16).**

City Manager, Bill Lindsay, and Administrative Chief, Kinshasa Curl, gave an overview of the matter. The following individuals gave comments: Melvin Willis, Mike Parker, Millie Cleveland, and Ben Choi. Discussion ensued. A motion by Councilmember McLaughlin, seconded by Vice Mayor Martinez, to approve staff's recommended interim budget for the Rent Board with the following modifications: reduce the total management contract services to \$350,000 with the remaining budget staying the same; that a letter be sent out informing landlords and tenants about the new law; hold one or two classes with landlords and tenants to explain the rent program; convene a meeting with legal providers to explore how to better support tenants; approve the annual general adjustment; adopting the relocation ordinance, and adopted **Resolution No.'s 113-16, 114-16, 115-16, and Ordinance No. 22-16 N.S.**, by the following vote: **Ayes:** Councilmembers Beckles, McLaughlin, Myrick, and Vice Mayor Martinez. **Noes:** Mayor Butt. **Absent:** Councilmember Bates. **Abstain:** Councilmember Pimplé.

**PUBLIC HEARINGS**

**M-1.** The matter to adopt a resolution approving the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the City of Richmond Wastewater Treatment Plant and Collection System Improvements Project, as identified in the 2010 Sewer Collection System Master Plan, 2010 WWTP Master Plan, and 2016 WWTP Facility Plan was presented by Wastewater Director, Ryan Smith. Mayor Butt declared the public hearing open. There were no public speakers. Mayor Butt closed the public hearing. A motion by

Councilmember Myrick, seconded by Councilmember McLaughlin, adopted **Resolution No. 116-16**, by the following vote: **Ayes:** Councilmembers Beckles, McLaughlin, Myrick, Pimplé, and Vice Mayor Martinez. **Noes:** Mayor Butt. **Absent:** Councilmember Bates. **Abstain:** None.

### **STUDY SESSION**

**N-1.** The matter to receive a presentation on the proposed revised process for implementing the Fiscal Year 2017-18 Environmental and Community Investment Agreement (ECIA) competitive grant program and provide direction on key program components was presented by Senior Management Analyst, City Manager's Office, LaShonda White. Cordell Hindler gave comments. The program plan will return to the City Council in January 2017 with an application and guideline information for approval.

**N-2. CONTINUED** to the January 17, 2017, meeting, the matter to receive a report on the Greenhouse Gas (GHG) and community programs developed and implemented with fiscal year 2015-16 Environmental & Community Investment Agreement (ECIA) funds and to approve the fiscal year 2015-2016 ECIA annual report.

### **RESOLUTIONS**

**O-1.** The matter to adopt a resolution requesting the development of a horse boarding facility at the Point Pinole Regional Shoreline Park was presented by Mayor Butt. The following individuals gave comments: Jabier Castaneda, Victor Castaneda, Juan Maciel, and Sarah Dicken. Discussion ensued. A motion by Councilmember Myrick, seconded by Councilmember Beckles, adopted **Resolution No. 117-16**, by the following vote: **Ayes:** Councilmembers Beckles, McLaughlin, Myrick, Pimplé, Vice Mayor Martinez. **Noes:** Mayor Butt. **Absent:** Councilmember Bates. **Abstain:** None.

*(11:00 p.m. - A motion by Councilmember Myrick, seconded by Vice Mayor Martinez, to extend the meeting to 11:30 p.m., passed by unanimous vote).*

### **COUNCIL AS A WHOLE**

**P-1.** The matter to direct the City Manager to initiate actions on behalf of the Richmond City Council for possible withdrawal by the City of Richmond from the West Contra Costa Integrated Waste Management Authority ("RecycleMore") was presented by Administrative Chief, City Manager's Office, Kinshasa Curl and Adam Lenz. Stan Hakes gave comments. Discussion ensued. A motion by Councilmember Myrick, seconded by Councilmember Beckles, to approve the item and that this does not include final withdrawal and the City of Richmond wants to work with the Joint Powers Authority to figure out how to make the new agreement work; and any final decision to withdraw would come back to the City Council for a decision, passed by the following vote: **Ayes:** Councilmembers Beckles, McLaughlin,



Myrick, Pimplé, Vice Mayor Martinez. **Noes:** Mayor Butt.  
**Absent:** Councilmember Bates. **Abstain:** None.

*(11:30 p.m. - A motion by Councilmember Myrick, seconded by Councilmember Pimplé, to suspend the rules and extend the meeting 10 minutes to discuss Item I-14, failed by the following vote: **Ayes:** Councilmembers Myrick, Pimplé, and Mayor Butt. **Noes:** Councilmembers Beckles, McLaughlin, Vice Mayor Martinez. **Absent:** Councilmember Bates. **Abstain:** None.*

**P-2. CONTINUED** to the January 17, 2016, meeting, to direct staff to furnish hiring personnel with the different total costs of prospective classic PERS and PEPRAs employees during the hiring process.

**P-3. CONTINUED** to the January 17, 2016, meeting, to direct staff to compare the taxes imposed by Richmond and Bay Area Cities on the cultivation, manufacturing and sale of marijuana and marijuana infused products; 2) and research if a tax on gross receipts complies with the equal protection clause when a small set of business are licensed to engage in all three stages of business: cultivation, manufacturing, and sale.

**P-4. CONTINUED** to the January 17, 2016, meeting, to direct staff to explore the ways in which the Trump Administration may seek to punish cities like ours by withholding federal program funds or federal grants. Staff is also directed to explore ways that we can protect the city and its residents from such actions, while still maintaining our values.

**P-5. CONTINUED** to the January 17, 2016, meeting, to direct staff to report on the financial operations and potential of the auditorium, including potentially leasing the auditorium to a private management company.

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

None.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 11:32 p.m., to meet again on Tuesday, January 10, 2017, at 6:30 p.m.

Pamela Christian  
\_\_\_\_\_  
Clerk of the City of Richmond

(SEAL)

Approved:

Tom Butt  
\_\_\_\_\_  
Mayor