

**RICHMOND, CALIFORNIA, November 21, 2017**

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

**ROLL CALL**

**Present:** Councilmembers Ben Choi, Eduardo Martinez, Ada Recinos, Melvin Willis, and Mayor Thomas K. Butt. **Absent:** Vice Mayor Jovanka Beckles arrived after the roll was called. Jael Myrick was absent for the entire 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**

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.9):**

One case

*(Mayor Butt recused himself from the anticipated litigation case due to a conflict of interest).*

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

Property: Transit Village Phase 2  
Agency negotiators: Bill Lindsay, Shasa Curl, Alan Wolken  
Negotiating party: City Ventures, Wang Brothers Investments, LLC, and RAD Urban  
Under negotiation: Price and Terms

Kevin Wang gave comments.

The Open Session adjourned to Closed Session at 5:03 p.m. Closed Session adjourned at 6:33 p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:38 p.m., by Mayor Thomas K. Butt.

**ROLL CALL**

**Present:** Councilmembers Choi, Martinez, Willis, Recinos, Vice Mayor Beckles, and Mayor Butt. **Absent:** Councilmember Myrick arrived after the roll was called.

**STATEMENT OF CONFLICT OF INTEREST**

None.

## **AGENDA REVIEW**

Item H-28 was withdrawn from the agenda by Mayor Butt.

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

D-1. Mayor Butt and Councilmember Recinos presented a proclamation to three Richmond small business representatives declaring Saturday, November 25, 2017, as Small Business Saturday in the City of Richmond.

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

City Attorney Bruce Goodmiller stated that there were no final decisions made.

## **REPORT FROM THE CITY MANAGER**

City Manager Bill Lindsay reported on The Trust for Public Land's development of a Climate-Smart model for Richmond and his participation in a presentation to a group of Thought Leaders in the metropolitan Boston area concerning climate change. Mr. Lindsay announced that the California Natural Resources Agency that administered cap and trade funds provided a combined \$7.2 million dollars in grant funds for projects in Richmond.

## **OPEN FORUM FOR PUBLIC COMMENT**

Naomi Williams gave comments regarding the Council's conduct at the November 7, 2017, meeting. Ms. Williams announced that the Commission on Aging's Senior Winter Ball event was on Saturday, December 16, 2017, at the Richmond Memorial Auditorium. Tickets were on sale at the Richmond Recreation Complex.

Bea Roberson gave comments regarding the new job classifications on the Consent Calendar for the Rent Program. Ms. Roberson expressed concerns regarding the Rent Program's fees and expenditures.

Kathy Robinson recommended the following five solutions to the homeless problems in Richmond: education; services for re-entry, drug treatment, counseling, group therapy, and life skills; safe places for parking and camping; a building to provide services; and refurbishment of vacant buildings in Richmond.

Theresa Russell gave comments regarding alleged crimes by former Office of Neighborhood Safety (ONS) Operation Peacemaker Fellowship members. Ms. Russell expressed concerns regarding the ONS guidelines for success and recommended improvement.

Krystal Williams gave comments regarding crime in Richmond. Ms. Williams proposed investing in communities and children through the support of non-profit community youth foundations.

Gerald Smith, Rick Perez, and Patricia Perez gave comments regarding the Pedie Perez case. Mr. Perez commended Mayor Butt for his recent presentation at the Richmond Galileo Club. Ms. Perez gave comments regarding the Police Bill of Rights.

Diego Garcia gave comments regarding areas of importance that affect Richmond residents, specifically recreation. Mr. Garcia expressed concerns that rezoning in Richmond may impact recreational areas.

Judy Herrmann gave comments regarding the constitution and freedom of speech. Ms. Herrman urged the Council to remove speakers from the Council Chamber that display racism and hate speech.

Mike Parker gave comments regarding the recent reports of sexual predation by famous people and the inequality of power and wealth in our society.

Eleanor Thompson thanked Richmond Police Officers and the Toys for Tots organization for donations. Ms. Thompson recommended that the rule for removing items from the Consent Calendar be abolished. Ms. Thompson expressed concerns regarding the new job classifications on the Consent Calendar for the Rent Program and its expenditures. Ms. Thompson inquired about the Saffron Strand organization's contributions to homelessness in Richmond.

Ruscal Cayangyang requested the Council to agendaize an item to review the rules, procedures, and the Conduct at Meetings information printed on page two of the City Council agenda. Mr. Cayangyang urged the Council to vote "no" on Consent Calendar Items H-18 and H-19. Mr. Cayangyang requested that the removal of Consent Calendar items by councilmembers be allowed for discussion.

Mayor Butt stated that hate speech without physical disturbance was constitutionally protected. Discussion ensued regarding the City Harassment Policy on page three of the agenda.

**CITY COUNCIL CONSENT CALENDAR**  
**CONTINUED FROM THE NOVEMBER 7, 2017,**  
**MEETING**

On motion of Councilmember Willis, seconded by Councilmember Recinos, the items marked with an (\*) on the Consent Calendar continued from November 7, 2017, and the Consent Calendar for November 21, 2017, were all approved by the unanimous vote of the City Council:

\*H-1. Received the City's Investment and Cash Balance Report for the month of September 2017.

\*H-2. Adopted **Resolution No. 129-17** authorizing placement of liens and special assessments for unpaid garbage collection service fees on County property tax records.

\*H-3. Approved a three-year contract with PFM Solutions LLC to provide subscription services to its Whitebirch Financial Model Platform in an amount not to exceed \$35,000.

\*H-4. Approved the purchase of three 2018 Ford Utility Police Interceptors from San Leandro Ford Store for use by the Police Department, in an aggregate amount not to exceed \$90,000.

\*H-5. Approved the purchase of one 2017 Ford Super Duty F450 Supercab Mechanics Truck for use by the Water Resource Recovery Department from National Auto Fleet Group in an amount not to exceed \$115,000.

\*H-6. Approved the purchase of seven 2018 Ford Utility Police Interceptors, to be used as replacement patrol vehicles, from Hilltop Ford, in an aggregate amount not to exceed \$215,000.

\*H-7. Approved an agreement with Contra Costa County providing for Richmond Police to monitor AB109 probationers and parolees from July 1, 2017, through June 30, 2018; and accepted and appropriated \$135,720 in AB109 Realignment funds to be received by the City of Richmond from Contra Costa County in exchange for these services.

\*H-8. Adopted **Resolution No. 130-17** amending the City of Richmond's Position Classification Plan to add the new classification of Staff Attorney - Rent Program. This staff attorney only provides legal counsel to the Rent Board.

\*H-9. Introduced an ordinance to establish the wages, salary, and compensation for the new classification of Staff Attorney - Rent Program. This staff attorney only provides legal counsel to the Rent Board. (Salary Range No. 3.1 \$9,024 -\$14,364/month).

\*H-10. Introduced an ordinance (first reading) to establish the wages, salary, and compensation for the new classification of Planning Manager (Salary Range No. 4.1 \$9,945 - \$15,830/ month).

\*H-11. Adopted **Resolution No. 131-17** amending the City of Richmond's Position Classification Plan to add the new classification of Planning Manager.

\*H-12. Adopted **Ordinance No. 19-17** (second reading) to establish the wages, salary, and compensation for the new classification of Executive Director, Rent Program (Salary Range No. 3.1 \$9,024 - 14,364/month).

\*H-13. Adopted **Ordinance No. 20-17** (second reading) establishing the wages, salary, and compensation for the new classification of Deputy Director, Rent Program (Salary Range No. 2.1 \$8,087 - \$12,873/month).

\*H-14. Adopted **Ordinance No. 21-17** (second reading) establishing the wages, salary, and compensation for the new classification of Hearing Examiner, Rent Program (Salary Range No. 3.1 \$9,024 - \$14,364/month).

\*H-15. Adopted **Ordinance No. 22-17** (second reading) adding Chapter 2.44 to the Richmond Municipal Code approving use of electronic and paperless filing of Fair Political Practices Commission Campaign Disclosure Statements filed by elected officials, candidates, and committees.

\*H-16. Approved the minutes of the October 3 and 17, 2017, regular meetings of the Richmond City Council.

\*H-17. Approved a grant-funded contract with The Watershed Project for project management services for the Greening the Last Mile project at the Richmond Greenway in an amount not to exceed \$139,467.

\*H-18. Adopted **Ordinance No. 23-17** (second reading) regarding the City's intent to grant to CHEVRON U.S.A. a 10 year franchise agreement 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 10 years.

\*H-19. Adopted **Ordinance No. 24-17** (second reading) regarding the City's intent to grant to PHILLIPS 66 CO. a 10 year franchise agreement 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 10 years.

\*H-20. Approved a contract with Best Contracting Services, Inc. for re-roofing the Richmond Family Justice Center at 256 24th Street, Richmond, in an amount not to exceed \$210,000.

\*H-21. Adopted **Resolution No. 132-17** renewing and continuing the local emergency on Rifle Range Road due to landslide damage, which was first declared by the City Council on March 7, 2017.

\*H-22. Adopted **Resolution No. 133-17** renewing and continuing the local emergency on Via Verdi due to landslide damage, which was first adopted by the City Council on February 28, 2017.

\*H-23. Adopted **Resolution No. 134-17** approving parking regulations along Isabel Street and Central Avenue, to provide no parking between 11:00 PM and 5:00 AM, and unlimited parking between 5:00 AM and 11:00 PM.

\*H-24. Adopted **Resolution of Intention No. 914** of Intention for the proposed vacation of the Baxter Creek public access easement owned by City of Richmond at 11965 San Pablo Avenue in the City of El Cerrito, setting the matter for a public hearing on January 16, 2018.

\*H-25. Approved a contract with Security Signal Devices, Inc. for intrusion and fire alarm system services for all City buildings, in an amount not to exceed \$400,000.00 and for a term for extending to November 15, 2020, with two City options to extend the contract for one year each.

\*H-26. Adopted **Resolution No. 135-17** approving a grant-funded construction agreement with the James E. Roberts-Obayashi Corporation for the Miraflores Greenbelt- Baxter Creek Phase 1 Project to daylight Baxter Creek and restore the floodplain in an amount not to exceed \$2,100,660.

\*H-27. Proclamation declaring November as Homelessness Awareness Month in the City of Richmond.

H-28. **Withdrawn from the agenda**, the matter to direct the city manager, pursuant to previous direction by the City Council, to conduct three public workshops between now and the end of February 2018, to envision future land uses for the city-owned property at Point Molate.

#### **CITY COUNCIL CONSENT CALENDAR FOR NOVEMBER 21, 2017**

\*I-1. Approved a five-year Memorandum of Understanding (MOU) between the City and Richmond Art Center (RAC) for an amount up to \$350,000 in fiscal year 2017-2018 and decreasing by \$25,000 each subsequent year through fiscal year 2021-2022 to enable RAC to continue to provide the services that it has developed with the City's support over the past five years.

\*I-2. Accepted and appropriated \$7,000 in grant funds from University of California Berkeley/Richmond Community Foundation (UCB/RCF) Partnership Fund for Library and Cultural Services Department, Arts and Culture Division; and APPROVE an agreement with Richmond Main Street Initiative for the "Community Conversations" project in the Iron Triangle for the period of July 1, 2017, through June 30, 2018.

\*I-3. Approved the purchase and five year maintenance and support for a new battery backup system for the Communications Center from Tri-Power Systems in an amount not to exceed \$100,000.

\*I-4. Approved the purchase of thirteen (13) Getac V110 mobile data computers and accessories from DuraTech USA, Inc. in an amount not to exceed \$65,000; in accordance with Richmond Municipal Code 2.52.330, the City will utilize the County of San Bernardino's bid process.

\*I-5. Approved actions to update the Historic Preservation Commission; appointed Caitlin Harvey, new appointment, seat #4, Term expiration date July 31, 2021.

\*I-6. Approved an amendment to the contract with Tyler Technologies for Software as a Service (SaaS) for the MUNIS Enterprise Resource Planning (ERP) System, extending the contract term by three years to December 31, 2020, and increasing the contract amount by \$1,466,199, with a total contract amount not to exceed \$7,179,279.25.

\*I-7. Received a report on the Richmond Municipal Sewer District for the month of September 2017.

\*I-8. Approved a three-year contract with Infrastructure Engineering Corporation (IEC) to replace the existing SMART COVER® alarm monitoring system in the City's collection system with an ADS ECHO® alarm monitoring system, and provide maintenance and calibration of the system in an amount not to exceed \$91,500.

\*I-9. Approved the purchase of one Toro 25hp Z-Master mower from Aloha Saw in an amount not to exceed \$11,500.

\*I-10. Approved the purchase of one 2018 Ford Transit Vanwagon from Towne Ford in an amount not to exceed \$33,000.

\*I-11. Approved the purchase of one 2018 Hyster H50XT Lift Truck (forklift) from Pape Material Handling in an amount not to exceed \$29,000.

\*I-12. Approved the purchase of three 2018 Ford F250 trucks from Towne Ford in an aggregate amount not to exceed \$80,000.

\*I-13. Adopted **Resolution No. 136-17** amending the City of Richmond's Conflict of Interest Code to ensure that all City positions required to file Statements of Economic Interest are properly identified.

\*I-14. Approved a contract amendment with Nichols Consulting Engineers for engineering and environmental permitting services arising out of the Via Verdi Drive landslide, increasing the contract amount by \$300,200, with a total contract amount not to exceed \$600,200.

\*I-15. Approved a contract with Richmond Main Street Initiative, Inc. to provide administrative support for the build-out of the Richmond Business Hub branded as "Co-Biz" at the Richmond BART Station garage in an amount not to exceed \$50,000 from December 1, 2017 through November 30, 2018, with funding from the Environmental and Community Investment Agreement.

\*I-16. Received the monthly report on Point Molate activities for the month of October 2017.

\*I-17. Approved a three year contract, with two year renewal options, with Turbo Data Systems, Inc. (TDS) in an amount not to exceed \$14,250, to provide a permit management system and related citation processing services to support the Transportation Division parking management operations.

\*I-18. Approved actions to update the Urban Forest Advisory Committee; appointed Guillermo Jimenez Orozco, new appointment, seat #3, filling an unexpired term with an expiration date of November 11, 2018.

\*I-19. Approved actions to update the Planning Commission; appointed David Tucker, new appointment, seat #3, term expiration date June 30, 2019.

\*I-20. Approved actions to update the Housing Advisory Commission and the Housing Authority Board of Commissioners; appointed Carol Hegstrom, re-appointment, seat #5, term expiration date November 1, 2019, and Jaycine Scott, re-appointment, seat #6, term expiration date November 1, 2019; and appointed Jaycine Scott to the Housing Authority Board of Commissioners to continue serving as a Tenant Commissioner.

\*I-21. Approved the minutes of the October 24, 2017, regular meeting of the Richmond City Council.

## **ORDINANCES**

J-1. The matter to introduce an ordinance (first reading) initiating a zoning ordinance amendment process to update Article 15.04.610.270 of the Richmond Municipal Code to add standards and regulations for adult-use commercial cannabis, and to temporarily restrict the approval of adult-use cannabis businesses until such regulations are adopted, was introduced by City Attorney Bruce Goodmiller and presented by Planning Project Manager Lina Velasco. Discussion ensued. The Council requested a specific emphasis on equitability for those that have been formally incarcerated due to cannabis or other communities excluded. The council recommended a funnel of taxes from cannabis businesses to be used for schools and youth education. The Council requested staff to research 'Big Tobacco' companies wanting to get into the cannabis industry and how to limit outside entrepreneurs. The Council requested an interim period to assist local underground cannabis entrepreneurs to transition under new regulations. Bill Koziol and Natalia Thurston gave comments. Discussion ensued. A motion was made by Councilmember Willis to maintain the status-quo of existing practices and reach out to stakeholders regarding a timeline and crafting an ordinance to preferably be adopted by the end of year 2017. Discussion ensued. The motion maker amended the motion to not introduce said ordinance and work with stakeholders to draft an ordinance for adoption by the Planning Commission and City Council. The amended motion was seconded by Vice Mayor Beckles with a friendly amendment to add language to the draft ordinance to allow temporary permits for the City of Richmond's three existing cannabis dispensaries. A substitute motion was made by Vice Mayor Beckles,

seconded by Councilmember Willis, to not introduce said ordinance and continue to develop policies best for the City of Richmond, develop language that protects the city and its three existing cannabis dispensary businesses, and allow temporary permits for those existing dispensaries. Discussion ensued. City Manager Bill Lindsay stated that the motions were not consistent with one another. Further discussion ensued. Another substitute motion was made by Vice Mayor Beckles, seconded by Councilmember Willis, to introduce said ordinance as drafted with an amendment from the city attorney to grandfather in the City of Richmond's three existing cannabis dispensary businesses for adult-use. A substitute motion made by Councilmember Myrick, seconded by Vice Mayor Beckles, to introduce said ordinance as drafted with the following amendment to Section 2: *“Notwithstanding the foregoing, currently permitted dispensaries shall be permitted to sell adult-use cannabis under their existing permits consistent with state law and with the required state license(s) for a temporary period from January 1, 2018, until the City’s regulations regarding adult-use cannabis businesses go into effect at which time they must comply with the new regulations”*, and lay said ordinance over for two weeks, passed by the unanimous vote of the City Council.

#### **COUNCIL AS A WHOLE**

K-1. The matter to approve a recommendation from the City Council Ad Hoc Committee to award \$50,000 in Environmental Community Investment Agreement (ECIA) Grant funds (Category 3 - City Council Approved Award) to seven Richmond-serving non-profit organizations was presented by Senior Management Analyst LaShonda White. Ms. White's Powerpoint highlighted the following: background, selection process, and the Council Ad Hoc Committee's recommendations. Discussion ensued. On motion of Councilmember Myrick, seconded by Councilmember Willis, approved said recommendation awarding grants to Richmond Main Street Initiative (RMSI) \$10,000; Healing Circles \$6,670; Saffron Strand \$6,670; Men and Women of Purpose \$6,670; New Life Movement \$6,670; Richmond Steelers Youth Football and Cheer \$6,670; and Rich City Rides \$6,670, by the unanimous vote of the City Council.

K-2. The matter to consider directing staff to prepare a moratorium for Council consideration restricting the approval of schools in certain zones pending completion of an anticipated zoning amendment making these and other unrelated changes to the zoning ordinance, was presented by Councilmember Martinez. The following speakers gave comments: Carlos Taboada, Kristyn Jones, Steve Zeltzer, Naomi Williams, Susan Wehrle, John Irminger, Mike Hutchinson, Don Gosney, Mike Parker, Eric Swabeck, Tony Sustak, and Margaret Browne. Discussion ensued. A motion was made by Councilmember Willis, seconded by Vice Mayor Beckles to approve said directive to staff. Further discussion ensued. The motion passed by the unanimous vote of the City Council.

K-3. The matter to direct staff to seek input from key stakeholders and the Planning Commission in preparing a proposal and budget for a public process for citizen input on the Land Use Designations for Point Molate for the General Plan and the Zoning Ordinance, ensuring the public has access to all City activity reports on Point Molate, and bring this proposal and budget back to the City Council for final approval, was presented by Councilmembers Choi and Willis. The following speakers gave comments: Paul Carman, Jim Hanson, Connie Portero, Pam Stello, Najari Smith, Norman LaForce, Shirley Dean, Stephanie Harvey, Tony Sustak, Don Gosney, and Joseph Puleo. Discussion ensued. On motion of Councilmember Willis, seconded by Vice Mayor Beckles, approved said directive to staff by the unanimous vote of the City Council.

K-4. The matter to direct the city manager to dissolve the joint position of Fire Chief/Fire Marshal and create two full-time permanent positions for Fire Marshal and Deputy Fire Marshal to be filled in house, was presented by Councilmembers Choi, Willis, and Vice Mayor Beckles. Discussion ensued. Terry Harris gave comments. Further discussion ensued.

*(At approximately 10:25 p.m., Mayor Butt adjourned the meeting. On motion of Councilmember Willis, seconded by Councilmember Recinos, overruled the Mayor's adjournment and continued the meeting with all members present by the unanimous vote of the City Council).*

The discussion on Item K-4 continued. The Council recommended a study session to learn more about the process of filling vacant positions, an assessment of the need to fill the position of Fire Marshal, and the differences between the Fire Chief and Fire Marshal responsibilities. A motion was made by Councilmember Willis, seconded by Vice Mayor Beckles, to direct the city manager to start the proper processes to fill the vacant Fire Marshal position and create the Deputy Fire Marshal position. Further discussion ensued. A substitute motion was made by Councilmember Myrick, seconded by Councilmember Recinos, to hold a study session on fire prevention. Another substitute motion made by Vice Mayor Beckles, seconded by Councilmember Martinez, directing the city manager as stated in Councilmember Willis' motion and to conduct a study session as stated in Councilmember Myrick's substitute motion, passed by the following vote: **Ayes:** Councilmembers Choi, Martinez, Recinos, Willis, Vice Mayor Beckles. **Noes:** Councilmember Myrick and Mayor Butt. **Absent:** None. **Abstentions:** None.

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

Councilmember Myrick reported on attendance to the annual PromiseNet Conference in Kalamazoo, Michigan regarding Promise communities and scholarship programs.

Mayor Butt read information from Rosenberg's Rules of Order regarding meeting debate, discussion, and the chair's authority.

Mayor Butt reported on attendance to Marin Clean Energy's monthly meeting whereby the City of Richmond was awarded recognition for its environmental leadership and commitment to deep green 100% renewable energy.

**ADJOURNMENT**

There being no further business, the meeting adjourned in memory of Councilmember Martinez's brother Stanley Martinez at 10:54 p.m., to meet again on Tuesday, November 28, 2017, at 6:30 p.m.

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Clerk of the City of Richmond

(SEAL)

Approved:

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Mayor