

## **RICHMOND, CALIFORNIA, February 6, 2018**

The Richmond City Council Evening Open Session was called to order at 5:45 p.m. by Mayor Tom Butt.

*(Mayor Butt announced that he would recuse himself from the discussion on the Closed Session item due to a conflict of interest).*

### **ROLL CALL**

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

### **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):**

Tanner vs City of Richmond

There were no public speakers.

The Open Session adjourned to Closed Session at 5:47 p.m.  
Closed Session adjourned at 5:58 p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:30 p.m., by Mayor Butt.

### **ROLL CALL**

**Present:** Councilmembers Beckles, Choi, Martinez, Myrick, Recinos, Vice Mayor Willis, and Mayor Butt. **Absent:** None.

### **STATEMENT OF CONFLICT OF INTEREST**

Mayor Butt announced that he would recuse himself from the discussion on Item I-1 due to a conflict of interest.

### **AGENDA REVIEW**

City Attorney Bruce Goodmiller requested that an urgent Closed Session item be added to the agenda regarding a federal court order concerning Point Molate. On motion of Councilmember Recinos, seconded by Councilmember Willis, added said urgency item to the agenda by the unanimous vote of the City Council.

*(The Council adjourned to Closed Session at 6:32 p.m.  
The Closed Session adjourned at 7:12 p.m. The Council  
reconvened at 7:13 p.m. with all members present).*

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

City Attorney Bruce Goodmiller stated there were no final actions taken.

## **REPORT FROM THE CITY MANAGER**

City Manager Bill Lindsay dispensed with a report in the essence of time.

## **OPEN FORUM FOR PUBLIC COMMENT**

Bea Roberson expressed concerns regarding Richmond's emergency alert system and stated that it had never functioned properly. Ms. Roberson stated the Richmond Fire Department lacked the proper equipment for industrial fires, such as the fire that occurred at the Richmond Sims Metal Management facility on January 30, 2018. Ms. Roberson gave comments regarding the Richmond Rent Program's expenses and cost to taxpayers.

Andrés Soto gave comments regarding the Sims Metal Management fire. Mr. Soto stated the Richmond Fire Department should have foam for distinguishing industrial fires. Mr. Soto recommended the expansion of Richmond's Industrial Safety Ordinance, an external investigation of the Sims Metal Management fire, and the revocation of Sims Metal Management's conditional use permit.

Kathy Robinson expressed her gratitude to all involved with the recent clean-up efforts made at a homeless encampment in Richmond. Ms. Robinson expressed concern for the city's homeless population and stated that the issue was a crisis. Ms. Robinson encouraged everyone to register and vote this election year for candidates that care about everyone.

Carole Johnson gave comments regarding the memorial recently held in honor for Richmond resident Richard Boyd and his contributions to Richmond. Ms. Johnson requested the Council to consider adopting a resolution annually in honor of Richard Boyd on his birthday ("Richard Boyd Day").

Sylvia Hopkins expressed concerns regarding the Sims Metal Management fire and stated that the response was mishandled. Ms. Hopkins and Steve Greaves reported an extreme noise disturbance from the Richmond Chemtrade Logistics facility for several hours on February 2, 2018. Mr. Greaves inquired as to why there were no noise measurements made and a protocol in place. Mr. Greaves requested an investigation of the noise incident.

Rick Perez gave comments regarding the Sims Metal Management fire and the recent incident that involved the vehicular hit and run of a Richmond Police Officer. Mr. Perez alleged that the Richmond Police response time for an injured officer was faster than for a citizen. Rick Perez, Gerald Smith, Robins Townsend, and Patricia Perez gave comments regarding the Pedie Perez case and requested the results of the investigation.

Gerald Smith recommended improvements to the Richmond Citizen's Police Review Commission and suggested that it function independent of the City Attorney's Office.

Naomi Williams inquired about why councilmembers did not attend Richmond police officers swearing-in events. Ms. Williams encouraged everyone to register and vote this election year. Ms. Williams announced that free tax filing services would not be provided at the Richmond Senior Center on Macdonald Avenue. Ms. Williams announced that free tax filing services would be provided at the Richmond Annex Senior Center on Huntington Avenue and also by Rubicon Programs.

Jael Myrick gave comments regarding the Sims Metal Management fire. Mr. Myrick assured the public that the Council would have discussions at its upcoming meetings regarding this incident and the Chemtrade noise disturbance.

### **CITY COUNCIL CONSENT CALENDAR**

On motion of Councilmember Martinez, seconded by Councilmember Myrick, the items marked with an (\*) were approved by the unanimous vote of the City Council:

\*G-1. Approved a contract for the continuation of Children's Interview Center (CIC) services to support forensic interviews of children victimized by sexual or physical abuse, and/or who have been severely neglected - for the period July 1, 2017, through June 30, 2018, in an amount not to exceed \$17,977.83.

\*G-2. Approved a contract for the continuation of services for on-site advocates to assist victims of sexual assault and Human Trafficking for the period January 1, 2018, to December 31, 2018, with Community Violence Solutions (CVS), in an amount not to exceed \$46,356.

\*G-3. Approved a contract for the continuation of services for on-site advocates to assist victims of domestic violence for the period January 1, 2018, to December 31, 2018, with STAND! For Families Free of Violence, in an amount not to exceed \$47,567.00.

\*G-4. Approved Contract Amendment No. 2 with TRB + Associates to provide on-call building plan check and inspection services, increasing the contract by \$1,250,000, for a total contract amount not to exceed \$2,500,000. On-call services to be paid by applicant fees.

\*G-5. Approved a legal services agreement with Goldfarb & Lipman, LLP, to prepare amendments to the City's inclusionary housing ordinance, for a total contract amount of \$30,000, with a term ending June 30, 2019.

\*G-6. Adopted **Ordinance No. 04-18 N.S.** (second reading) amending section 7.04.139 (b) of the Richmond Municipal Code to require payment of the cannabis business license tax on a quarterly basis based on actual gross receipts of the prior quarter.

\*G-7. Received the City's Investment and Cash Balance Report for the month of December 2017.

\*G-8. Approved the minutes of the regular January 23, 2018, Richmond City Council meeting.

\*G-9. Directed the city manager to send a letter requesting the amendment of Assembly Bill 626 to Assembly members Tony Thurmond, Eduardo Garcia and Joaquin Arumbula in support of expanding the scope of legalized homemade foods and setting restrictions for third party intermediaries involved in advertising and deliveries. This item was continued from the January 23, 2018, meeting.

### **BUDGET SESSION**

H-1. The matter to review the Fiscal Year (FY) 2017-18 operating and capital improvement budgets at mid-year, and adopt a resolution approving the proposed FY 2017-18 budget adjustments, was presented by Finance Director Belinda Warner, Budget Administrator Markisha Guillory, and Revenue Manager Antonio Banuelos. Ms. Warner's Powerpoint presentation highlighted the following: FY 2016-17 year-end budget update; revenues ending June 2017 (unaudited); expenditures ending June 2017 (unaudited); revenue and expenditure summary; General Fund three-year summary; year-end clean-up; negative cash balances; and Other Post-Employment Benefits funding policy. Discussion ensued. Ms. Warner proceeded with the remainder of the presentation that highlighted the following; FY 2017-18 proposed mid-year budget; revenues as of December 2017; expenditures as of December 2017; revenue and expenditure summary; proposed mid-year adjustments; general fund summary; credit rating upgrade; five-year financial forecast; conclusion; and what's next. Further discussion ensued. The Council requested budget allocations for the following: administrative support to Richmond boards, commissions, and committees; replacement of seating chairs in the Council Chamber for the Council and staff stations; and translation services. The Council requested a study session on February 27, 2018, to discuss fire prevention. A motion was made by Councilmember Beckles, seconded by Councilmember Willis, to adopt said resolution approving the proposed FY 2017-18 budget adjustments recommended by staff. A friendly amendment made by Councilmember Myrick directing staff to administratively allocate approximately \$20,000 for administrative support to Richmond boards, commissions, and committees for the remainder of FY 2017-18 was accepted. The motion passed adopting **Resolution No. 4-18** with the friendly amendment by the unanimous vote of the City Council.

### **PUBLIC HEARINGS**

*(Mayor Butt recused himself from Item I-1 and appointed Vice Mayor Willis to chair the meeting in his absence).*

I-1. The city clerk announced that it was time, pursuant to public notice, to hold a public hearing to adopt an Urgency Ordinance extending the temporary moratorium on the approval of land uses in General Plan Change Area 12 (Northshore) that may conflict with a contemplated General Plan Amendment for this area until February 6, 2019. Planning and Building Services Director Richard Mitchell and Planning Manager Lina Velasco provided an overview. Mr. Mitchell stated that an extension of time was needed to make changes to the General Plan based on the option selected by the Council at its January 30, 2018, study session on this matter. Mr. Mitchell summarized the 10-day report contained in the City Council meeting packet that listed measures taken to alleviate the conditions that led to the adoption of the urgency ordinance. Chair Willis declared the public hearing open.

The following speakers gave comments in opposition: Scott Jenny, Ahmad Nana, Ivo Keller, and Bob Herbst. Chair Willis declared the public hearing closed. Discussion ensued. A motion was made by Councilmember Martinez, seconded by Councilmember Recinos, to adopt said urgency ordinance. Further discussion ensued. The motion passed adopting urgency **Ordinance No. 5-18 N.S.** by the following vote: **Ayes:** Councilmembers Choi, Beckles, Martinez, Myrick, Recinos, and Vice Mayor Willis. **Noes:** None. **Abstentions:** None. **Absent:** Mayor Butt.

### **COUNCIL AS A WHOLE**

*(Mayor Butt rejoined the meeting as chair).*

J-1. The matter to approve Mayor and Councilmembers appointments to Regional Committees, Ad-Hoc Committees and Liaison Positions for the year of 2018, was presented by Mayor Butt and the Mayor's Office Director of Projects and Programs Irene Perdomo. Discussion ensued. Councilmember Recinos requested to replace Councilmember Choi as the liaison for the Human Rights and Human Relations Commission. Councilmember Martinez requested to swap his alternate position with Councilmember Recino's member position for the South Shoreline Citizen Advisory Group. A motion was made by Councilmember Willis, seconded by Councilmember Martinez, to approve said appointments with the two changes requested. Further discussion ensued. The motion passed by the unanimous vote of the City Council.

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

Councilmember Martinez reported on attendance to the *Students at the Center Challenge* event in Houston, Texas on February 1-2, 2018, to receive information for grant funding requirements.

Mayor Butt reported on attendance to the *New Partners for Smart Growth Conference* in San Francisco on February 1-3, 2018, that concluded with a field trip to Richmond.

### **ADJOURNMENT**

There being no further business, the meeting adjourned at 8:40 p.m., in memory of City of Richmond Gardener Paul Hyman, to meet again on Tuesday, February 20, 2018, at 6:30 p.m.

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Clerk of the City of Richmond

(SEAL)

Approved:

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Mayor