

**RICHMOND, CALIFORNIA, March 17, 2015**

The Richmond City Council Evening Open Session was called to order at 6:30 p.m. by Mayor Tom Butt.

**ROLL CALL**

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

**PUBLIC COMMENT**

None.

**CITY COUNCIL**

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:

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9):** Hernandez vs. City of Richmond et al.

**ROLL CALL**

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

**STATEMENT OF CONFLICT OF INTEREST**

None.

**AGENDA REVIEW**

Mayor Butt continued Item I-1 to the April 7, 2015, City Council meeting. Items G-3, G-8, and G-15 were removed from the Consent Calendar.

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

Assistant City Attorney, Carlos Privat, stated that there were no reportable actions.

**OPEN FORUM FOR PUBLIC COMMENT**

Antwon Cloird thanked Mayor Butt for inviting small businesses into the community.

Raymond Landry expressed concerns regarding not being able to contact staff about agenda items after the agenda packet is prepared and staff is not always available before the city council meetings.

Leonard Taylor stated that Hilltop Mall needs to remain open.

Adel Somaha stated that the police officer who killed Pedie Perez needs to be brought to justice.

Rhonda Perez, Roberta Schryver, and Gerald Sanders stated that there hasn't been transparency regarding the investigation of the Pedie Perez case.

Mark Torres stated he would like to partner and receive support from the city for the little league teams. Those that would like to help can call Richmond PAL at (510) 621-1221 or Mr. Torres at (510) 427-4254.

Dennis Dalton stated that there has been conflict between the bikers and pedestrians at the Marina Bay trail.

Eugene Ruyle, representative for Veterans for Peace stated that over 1,000 people have been killed by police in the last two years.

Cesar Zepeda announced that on Thursday, March 26, 2015, from 6-8 p.m. there will be a public hearing for the community to provide comments on needs for Contra Costa County area and the community.

Gerald Hatchett stated that this year's Easter Egg Hunt will be on Saturday, April 4, 2015, from 10 a.m. to 11 a.m. at the Nevin Center and from 12 p.m. to 1 p.m. at Booker T. Anderson Center, and then to Parchester and North Richmond.

Jackie Thompson stated that last week a public speaker was allowed to give crude remarks and was not asked to stop. Ms. Thompson also stated that the City Council should review its current policy regarding requiring the public to have a staff member sign their speaker cards if they want an item pulled off the consent calendar.

Courtney Cummings invited the community to receive free HIV testing in honor of National Native HIV Awareness Day on Friday, March 20, 2015.

Mark Wassberg gave comments regarding corrupt police officers.

Rocio Piña, Salvador Lopez, Edith Pastrano, Hector Monico, Melvin Willis, and Edwin Garcia, ACCE members, gave comments regarding the need for rent control in the City of Richmond.

### **CITY COUNCIL CONSENT CALENDAR**

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

\*-Adopted **Ordinance 11-15 N.S.**, establishing the wages, salary, and compensation for the new classification of Deputy Fire Chief (Executive Management Salary Range 5.1 \$10,728-\$16,743/month).

\*- Approved an agreement with Califa Group, a California public benefit corporation, to provide high speed Internet networking to the Richmond Public Library through fiscal year 2018 with the option to renew for two additional years in an amount not to exceed 22,500 per year, and authorize the library

director to apply for the California Public Library Broadband Project Grant and accept and appropriate funds if awarded.

The matter to approve an amendment to the existing contract with Malachi Paving & Grading, Inc. for the Miscellaneous Concrete Repairs Fiscal Year 2012/13 - 2013/14 Project, increasing the cost by \$130,000 for a total contract amount of \$750,892 was presented. A motion by Councilmember Bates, seconded by Mayor Butt, to approve the item, passed by the following vote: **Ayes:** Councilmembers Bates, Beckles, McLaughlin, Pimplé, Vice Mayor Myrick, and Mayor Butt. **Noes:** Councilmember Martinez. **Abstentions:** None. **Absent:** None.

\*- Approved a three-year contract with CRW Systems, Inc. for licensing, ongoing maintenance, and hosting for the City of Richmond's mobile application in a total amount not to exceed \$64,900, including a one-time licensing cost (\$10,000), and annual hosting fees (\$18,000 for years one and two; \$18,900 in year three).

\*- Approved a contract with Ellen E. Kersten to implement the objectives of the Digital Health Literacy Project for a period of 19 months in an amount not to exceed \$120,000 beginning April 1, 2015, and ending December 31, 2016.

\*- Approved a \$75,900 grant from The California Endowment (TCE) in support of the implementation of Richmond's HiAP strategy; authorize the city manager to enter into all required contracts and agreements to facilitate the grant outcome; and appropriate funds into the City Manager's Office budget.

\*- Approved an amendment to the contract with Oakland Private Industry Council to provide additional services as the contracting and vendor pay agent for Individual Training Accounts and On-the-Job Training activities for the Workforce Investment Act Program. The contract term is September 16, 2014, through September 30, 2015. The contract amount will increase

by \$155,955.24 for a total contract amount not to exceed \$224,241.24.

The matter regarding adoption of a proposed ordinance for zoning text amendments to Section 15.06 of the Sign Ordinance and Chapter 4.04 of the Sign Code was presented by Planning Director, Richard Mitchell. Cesar Zepeda and Marilyn Langlois gave comments. Following discussion, a motion by Mayor Butt, seconded by Councilmember McLaughlin, adopted **Ordinance 12-15 N.S.**, by the following vote: **Ayes:** Councilmembers Bates, Martinez, McLaughlin, Pimplé, and Mayor Butt. **Noes:** Councilmember Beckles and Vice Mayor Myrick. **Abstentions:** None. **Absent:** None.

\*- Approved the purchase of one SMART electric vehicle from Beshoff Motorcars Mercedes Benz for use in enforcing parking regulations, in an amount not to exceed \$25,720.

\*- Adopted **Resolution No. 26-15**, renewing standing orders/outline agreements for technology related goods and services from ESRI in an amount not to exceed \$25,000 per year for fiscal years 2014-2015 through 2016-2017.

\*- Approved a contract with the East Bay Center for the Performing Arts to support ongoing performing arts programs and collaborations with the City in an amount not to exceed \$60,000, as included in the adopted fiscal year 2014-15, for the term from January 1, 2015, to June 30, 2015.

\*- Approved a contract in an amount not to exceed \$60,000 for the NIAD Art Center to support ongoing arts programs and collaborations with the City as allocated in the Fiscal Year 2014-15 operating budget for the period from January 1, 2015, to June 30, 2015.

\*- Approved a contract with NEMA Construction to install 50 street light poles, to replace old, corroded street light poles in the Fairmede Hilltop Neighborhood, in an amount not to exceed \$63,000.

\*- Adopted **Ordinance No. 13-15 N.S.**, amending the wages, salary, and compensation for the classification of Fire Chief (Salary Range No.5.2: \$11,800 - \$18,417/month).

CONTINUED to the March 24, 2015, City Council meeting approval of the following appointments and re-appointments: Arts and Culture Commission: Rosalle Fay Barnes, new appointment, term expiring January 31, 2019; Design Review Board: Michael Woldemar, re-appointment, term expiring March 17, 2017; Jonathan Livingston, new appointment, term expiring March 17, 2017; Eileen Whitty, re-appointment, term expiring March 17, 2017; Brant Fetter, re-appointment, term expiring March 17, 2017; Housing Advisory Commission: Barbara Sutton, new appointment, term expiring November 1, 2016; Dolores Johnson, re-appointment, term expiring November 1, 2016; John M Thorp Jr., new appointment, term expiring November 1, 2016; Police Commission: David A Brown, new appointment, term expiring November 1, 2017; Therese Barquet, re-appointment, term expiring November 1, 2017; Public Art Advisory Committee: Fletcher Oakes, re-appointment, term expiring January 31, 2017; Dayna Holz, re-appointment, term expiring January 31, 2017; Recreation and Parks Commission: Christa 'Sequoia' Erasmus, new appointment term expiring October 26, 2017; Otheree Christian, new appointment, term expiring October 26, 2017.

\*- Adopted **Resolution No. 27-15**, authorizing service contracts with two firms (Lisa's Word Processing [transcription] and Language People [translation]) for as-needed transcription and translation services, in not to exceed \$100,000 per firm over a five-year period.

### **PUBLIC HEARINGS**

The matter to consider an appeal by Richmore Village/Metro Square Residents of the Planning Commission's approval of a modification to an existing Conditional Use Permit to change the existing Type 41 Alcoholic Beverage Control (ABC) license (On-Sale

Beer and Wine for Bona Fide Public Eating Place) to a Type 47 license (On-Sale General for Bona Fide Public Eating Place) and expand the hours of operation at El Campesino restaurant located at 232 23rd Street and render a decision. Planning Director, Richard Mitchell gave an overview of the matter. Mayor Butt declared the public hearing opened. Appellant Jane Fischberg, Rubicon, and Applicant, Ignacio Bermudez, El Campesino Market, stated that they are in agreement with the compromise as stated in the staff report. The following individuals gave comments: Antwon Cloird, Raymond Landry, and Ellen Gailing. A motion by Vice Mayor Myrick, seconded by Councilmember Martinez, closed the public hearing, by the unanimous vote of the City Council. A motion by Councilmember Bates, seconded by Councilmember Beckles, denied the appeal with inclusion of conditions listed in the report as follows: Drop the request for a Type 47 liquor license and stated intent to concentrate on building the restaurant business using the existing Type 41 liquor license and to also end his lease agreement with the auto repair business. Assuming the restaurant operates without incident for a period of not less than 6-months from its official opening date, the residents expressed their willingness to support a future application to change the Type 41 liquor license into a Type 47 license. Residents also made a commitment to support the request to immediately expand the hours of operation from 9:00 a.m. to 10:00 p.m. Monday through Sunday, passed by the unanimous vote of the City Council.

## **RESOLUTIONS**

CONTINUED to the April 7, 2015, City Council meeting, the matter to adopt a resolution by the City Council of the City of Richmond opposing the transportation of hazardous fossil fuel materials including coal and petroleum coke ("petcoke") along California waterways, through densely populated areas and through the City of Richmond; calling on the Bay Area Air Quality Management District board to regulate the storage, handling, and transportation of coal and petcoke; and directing staff to research similar pollution mitigation measures.

## **ORDINANCES**

The matter to adopt an ordinance (first reading) for an amendment to Chapter 7.102 of the Richmond Municipal Code reducing the number of medical marijuana collective permits from 6 to 3, establishing 2 medical marijuana products manufacturing permits, and providing clarifying language for certain sections of the ordinance was presented by Councilmember Beckles and McLaughlin. The following individuals gave comments: Antwon Cloird, Raymond Landry, Lisa Hirschhorn, Annalisa Hopper, Charlie Walker, Sarah Shrader, Don Gosney, Shawn Voss, Jackie Thompson, and Tiburcio. Councilmember McLaughlin stated that CBD variation can be made with lower TSH for staff to research and smaller manufacturing on site and a grow site off-site. A motion by Councilmember Pimple, seconded by Councilmember Bates to allow six dispensaries and two manufacturing facilities. Councilmember Bates requested more information regarding the number of employees that the dispensaries employ and what the cost is to run the dispensaries. Councilmember Beckles made a substitute motion to reduce the number of dispensaries from six to three and establish three medical marijuana manufacturing locations. Councilmember McLaughlin made a friendly amendment that staff research the option of food preparation on site and potentially off-site also. The substitute motion and friendly amendment passed, by the following vote: **Ayes:** Councilmembers Beckles, Martinez, McLaughlin, and Vice Mayor Myrick. **Noes:** Councilmembers Bates and Pimplé. **Abstain:** Mayor Butt. **Absent:** None.

## **COUNCIL AS A WHOLE**

The matter to approve an annual budget of \$50K for the Richmond Youth Council to effectively perform its advisory role to the City Council in advancing the needs and priorities of Richmond youth city-wide was presented by Mayor McLaughlin. Councilmember Bates stated that we are in a deficit and should wait until we have a balanced budget. The following individuals gave comments: Don Gosney, Jackie Thompson, Raymond Landry, Angela Cox, and Justin

Rodriguez, and Dante Romero. A motion by McLaughlin, seconded by Beckles, to allow the two youth from the public to speak after the speaker cards should have been submitted, passed by the following vote: **Ayes:** Councilmembers Beckles, Martinez, McLaughlin, and Vice Mayor Myrick. **Noes:** Councilmembers Bates and Mayor Butt. **Abstentions:** Councilmember Pimplé. **Absent:** None. A motion was made by Councilmember McLaughlin, seconded by Councilmember Beckles to provide the \$50,000 through the library budget and Measure U for FY 15/16. Councilmember Martinez made a friendly amendment to approve an annual budget of *up to \$50,000*. The motion passed by the following vote: **Ayes:** Councilmembers Beckles, Martinez, McLaughlin, and Vice Mayor Myrick. **Noes:** Councilmembers Bates, Pimplé, and Mayor Butt. **Absent:** None. **Abstain:** None.

Mayor Butt announced City of Richmond Board and Commission vacancies as of March 17, 2015, and ask that interested residents send applications to the City Clerk. Jackie Thompson and Raymond Landry gave comments.

The matter to discuss and consider installing a memorial bench at the Nevin Community Center in honor of Mr. Anthony C. Allen's contributions to the community was presented by Councilmember Beckles. The following individuals gave comments: Jackie McCoy, Don Gosney, Omawale Serengeti, Otheree Christian, Joe Fisher, Dr. Connie Portero, and Raymond Landry. A motion by Councilmember Beckles, seconded by Councilmember Martinez, to purchase a bench and a plaque for a cost not to exceed \$1,000, passed by the following vote: **Ayes:** Councilmembers Bates, Beckles, Martinez, McLaughlin, Vice Mayor Myrick, and Mayor Butt. **Noes:** Councilmember Pimplé. **Abstentions:** None. **Absent:** None.

The matter to direct the city manager to allocate funding to the Shields Reid Renovation Project to include restrooms in phase one was presented by Councilmember Beckles. The following individuals gave comments: Don Gosney, Connie Portero, Jackie

Thompson, and Bea Roberson. City Manager, Bill Lindsay, recommended that this should be included as part of the Recreation & Parks capital improvement budget (CIP). A motion by Councilmember Pimplé, seconded by Councilmember Bates, to hold the item over until more information is obtained regarding the cost and the possibility of opening the community center for the use of the restrooms. A friendly amendment was made by Councilmember McLaughlin to direct staff to come up with a plan in the CIP budget to have pre-fabricated bathrooms in all of the parks. A substitute motion made by Councilmember Beckles, seconded by Councilmember Martinez, to place restrooms in Shields Reid park. A second substitute motion by Mayor Butt, seconded by Councilmember Bates, to have a port-a potty there in the meantime, passed by the following vote: **Ayes:** Councilmembers Bates, McLaughlin, Pimplé, and Vice Mayor Myrick, and Mayor Butt. **Noes:** Councilmembers Beckles and Martinez. **Abstentions:** None. **Absent:** None.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 11:31 p.m., in memory of Pastor Gene Calhoun and Anthony Tuamo, to meet again on Tuesday, March 24, 2015, at 6:30 p.m.

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City Clerk

(SEAL)

Approved:

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Mayor