

**RICHMOND, CALIFORNIA, December 15, 2015**

The Richmond City Council Evening Open Session was called to order at 5:01 p.m. by Mayor Tom Butt.

**ROLL CALL**

**Present:** Councilmembers Eduardo Martinez, Gayle McLaughlin, Vinay Pimplé, and Mayor Tom Butt. Councilmember Jovanka Beckles and Vice Mayor Myrick arrived after Open Session adjourned to Closed Session.  
**Absent:** Councilmember Bates.

**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.

**A-1. LIABILITY CLAIMS - (Government Code Section 54956.9):**

William Cantrell vs. City of Richmond  
Larry Warren vs. City of Richmond

The Open Session adjourned to Closed Session at 5:02 p.m. Closed Session adjourned at 5:16 p.m.

The Special Richmond City Council Study Session was called to order at 5:32 p.m. by Mayor Butt who led the Pledge of Allegiance to the Flag.

**ROLL CALL**

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

**STATEMENT OF CONFLICT OF INTEREST**

None.

**STUDY SESSION**

D-1. The matter to receive a presentation from staff providing an update on the City's finances, and receive a presentation on the five-year revenue forecast and model for the City prepared by National Resource Network financial consultants, was presented by City Manager Bill Lindsay, Finance Director Belinda Warner, and National Resource Network Consultant Russ Branson. Mr. Lindsay and Ms. Warner's PowerPoint presentation included a management update, financial update for fiscal year 2014-15 (unaudited financial results) and fiscal year 2015-16 year-to-date, debt profile and debt management, and closing remarks. Mr. Lindsay's closing remarks included areas of focus, challenges, and highlighted key financial issues. National Resource Network Financial Consultant

Russ Branson's presentation provided an overview of economic context, baseline forecast including projection with no changes from current practices without corrective action, and alternative budget outcomes including steps the City Council could take to eliminate short term deficits and build a strong, stable General Fund budget. Discussion ensued. Councilmember Bates suggested that staff consider working with a Blue Ribbon Committee to analyze the functions and responsibilities of job classifications to assist the city manager in determining if a position needed to be reclassified or if it was serving its purpose. Mayor Butt concluded the discussion by announcing that there would be major discussions concerning fiscal issues at least once per month in the form of study and action sessions to make policy decisions with regard to the budget.

### **ADJOURNMENT**

The Special Richmond City Council Study Session adjourned at 7:02 p.m.

The Regular Meeting of the Richmond City Council was called to order at 7:13 p.m. by Mayor Butt.

### **ROLL CALL**

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

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

City Manager Bill Lindsay stated that he had a conflict of interest with Item L-1 and recused himself because the item involved the city manager's compensation.

### **AGENDA REVIEW**

At the request of Mayor Butt, **combined Items K1 and K2** for discussion. At the request of Councilmember Martinez, **removed Item H-6 from the consent calendar** to the end of the agenda.

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

D-1. Councilmember Beckles gave an introduction and Councilmembers received a monologue presentation performed by Jesse Brooks and Monica Shepard regarding Acquired Immune Deficiency Syndrome Awareness, titled "The Voice of the Virus". Corky Boozé gave comments.

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

City Attorney Bruce Goodmiller stated that there were no reportable actions.

### **REPORT FROM THE CITY MANAGER**

City Manager Bill Lindsay stated that in the interest of time, there were no reportable items.

## **OPEN FORUM FOR PUBLIC COMMENT**

Naomi Williams gave comments regarding the Commission on Aging Senior Winter Ball held on Saturday, December 12, 2015.

Eric Avery announced the Richmond Half Steppers 6<sup>th</sup> Annual Youth Winter Ball honoring Coach Johnny Holmes on December 19, 2015, between 6:00 p.m. and 10:00 p.m. at the Veterans Hall, 968 23<sup>rd</sup> Street. Tickets were available for \$10.00 by calling (510) 815-6004.

Fayza Ayyad reported an alleged threat at her place of worship two weeks ago and gave comments regarding the history of Islam Muslims.

Larry Lewis and Bea Roberson announced the Richmond Police Academy League (RPAL) Annual Shop with a Cop event on Saturday, December 19, 2015, starting at 7:00 a.m. Mr. Lewis thanked supporters for their contributions. Ms. Roberson announced that toy donations could be dropped off at any Richmond or El Cerrito fire station.

Jackie Thompson gave comments regarding the difference between freedom of speech and free speech. Ms. Thompson also gave comments regarding the closure of the library during the scheduled city hall holiday closure and her concerns regarding the city's R-Transit cab service.

Rosanne Ryken gave comments regarding gratitude and staffing issues in the Library and Cultural Services Department.

Jerrold Hatchett announced that Santa Claus would be appearing on December 16, 2015, on 11th Street and Macdonald Avenue from 11:00 a.m. to 4:00 p.m., December 17, 2015, at Building Blocks for Kids, 312 9<sup>th</sup> Street from 5:00 p.m. to 8:00 p.m., December 18, 2015, at Nystrom Elementary School at noon, December 19, 2015, at the Richmond/El Cerrito Police and Holiday Toy Program at the Richmond Youth Men's Christian Association, December 20, 2015, at RPAL, December 21, 2015, in Parchester Village, and December 22, 2015, in North Richmond.

Therese Barquet expressed her gratitude for book donations made by public safety staff and gave a special thanks to Bea Roberson. Ms. Barquet also announced the Two Chicks with a Dream First Annual Winter Bling event at the Richmond Memorial Auditorium, December 19, 2015, at 8:00 p.m. celebrating all Richmond High School classes of the 1970's, 1980's, and 1990's. Ticket information was available by calling (510) 375-3123.

Rick Perez Jenine Ball gave comments regarding the Pedie Perez case and criminal justice. Ms. Ball also expressed concerns regarding Item H-26, a proclamation that honored Police Chief Chris Magnus.

Texanita Bluitt gave comments regarding Contra Costa County California Alliance for Retired Americans

single payer system. Ms. Bluitt also announced that the Black Women Organized for Political Action served the homeless on Thanksgiving Day.

Leisa Johnson gave comments regarding the city's budget and finances.

Cesar Zepeda gave comments regarding his experience being Principal for the Day at Richmond High School and the lack of instruments and music programs at Richmond schools and his fundraising plans.

Amanda Elliott announced the 15<sup>th</sup> Annual Holiday Festival, December 16, 2015, from 4:00 p.m. to 8:00 p.m. at the East Bay Center and thanked all supporters.

Mike Parker wished the City Council and community members Happy Holidays.

Corky Boozé stated that comments made on his behalf by speaker Mark Wassberg at the City Council meeting held on December 1, 2015, were false.

### **CITY COUNCIL CONSENT CALENDAR**

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

\*H-1. Approved a three-year contract with OutsourceIt, Inc. and Sterling Co's, Inc., with an option to extend for two years, to provide administration and inspection services related to the City's Residential Rental Inspection Program in an amount not to exceed \$1,000,000.00 per vendor funded from program participant fees.

\*H-2. Adopted **Resolution No. 119-15** to accept and appropriate \$81,526 in funding from the Edward Byrne Memorial Justice Assistance Grant (JAG) Program awarded to the Richmond Police Department for the purchase of police safety equipment.

\*H-3. Accepted and appropriated the final allocation of grant funds from the California Library and Literacy Services (CLLS) in the amount of \$109,107 to provide literacy services for the City of Richmond residents in fiscal year 2015-16.

\*H-4. Approved an amendment to the contract with the Downey Brand law firm for legal services related to wastewater system compliance with the Baykeeper Settlement Agreement, increasing the amount by \$30,000 for a total contract amount not to exceed \$105,000, and extending the term for two years through December 31, 2017.

\*H-5. Approved a third amendment to the contract with Larry Walker Associates to assist in compliance activities associated with the National Pollutant Discharge Elimination System (NPDES) permit, increasing the

amount by \$50,000 for a total amount not to exceed \$125,000, and extending the contract to June 30, 2017.

H-6. The matter to approve the second amendment to the agreement with The Permanente Medical Group, Inc. for legally required annual physical examinations, tests and immunizations of the Fire Department's Hazmat personnel, which extends the original contract period through December 31, 2018, modifies the service plan, and increases the payment limit by \$120,000 to a total of \$205,000, was presented by Fire Chief Adrian Sheppard. Discussion ensued. Mayor Butt requested that the item be continued to the next City Council meeting to allow time for staff to provide more information regarding fiscal impact. Vice Mayor Myrick requested staff to include the city's reimbursement information in the report when the item returned to the City Council. A motion made by Councilmember Bates to approve the item was withdrawn. The following speakers gave comments: Marilyn Langlois and Bea Roberson. **Mayor Butt continued the item to January 12, 2015.**

\*H-7. Introduced an ordinance (first reading) establishing the wages, salary, and compensation for the new classification of Lead Police Records Specialist (Salary Range No. 046: \$4,940 - \$5,873/month).

\*H-8. Adopted **Resolution No. 120-15** amending the City of Richmond's Position Classification Plan to add the new classification of Lead Police Records Specialist.

\*H-9. Approved the purchase and installation of two pay stations from Global Parking Solutions for use in enforcing parking regulations and managing the downtown paid parking lot and garage in an amount not to exceed \$20,000; and appropriated \$30,000 in revenues from additional parking receipts to be generated from in-house parking management activities to fund this equipment purchase.

\*H-10. Adopted **Resolution No. 121-15** amending the City of Richmond's Conflict of Interest Code.

\*H-11. Reviewed and approved the City's Investment and Cash Balance Report for the month of October 2015.

\*H-12. Approved the purchase of two replacement vector trucks (cost of \$381,892 plus tax, and \$274,808 plus tax, respectively) and one CCTV (camera) truck (cost of \$225,167.20) for an aggregate amount not to exceed \$945,000, through the National Joint Powers Alliance (NJPA) contract, and appropriated the amount of \$945,000 from the wastewater enterprise to fund these purchases.

\*H-13. Adopted **Resolution No. 122-15** authorizing the execution of a Construction Agreement for the Mathieu Court Alley Greening Project with Ghilotti Bros., Inc. in the amount of \$538,591, including a 15% contingency, per the plans and specifications for the project.

\*H-14. Adopted **Resolution No. 123-15** authorizing on-call service contracts for three years, with a two year option to extend, for building plan check and inspection services with A-N West, Inc., CSG Consultants, Inc., TRB+Associates, Bureau Veritas, Interwest Consulting Group, Shums Coda Associates, and 4Leaf, Inc. for an amount not to exceed \$750,000 per vendor, funded through applicant fees.

\*H-15. Approved a first amendment to the lease with Foss Maritime for tug and barge operations at Basin 1 of Point Potrero Marine Terminal, providing for a five-year term, with one allowed five-year extension, and generating lease revenue to the Port of \$600,000 for the initial five-year lease term.

\*H-16. Adopted **Ordinance No. 27-15 N.S.** (second reading) amending certain provisions of Richmond Municipal Code Chapter 9.15, Health in All Policies, relating to definitions and frequency of reporting.

\*H-17. Adopted **Ordinance No. 28-15 N.S.** (second reading) to establish wages, salaries, and compensation for the classifications represented by the Service Employees' International Union (SEIU Local 1021) Part-Time in the City's classified service, and repealing Ordinance No. 56-06 N.S.

H-18. (1) Authorized the City Manager to executive a Letter Agreement with Chevron pertaining to administration of the Richmond Promise; (2) approved a Second Amendment to the Environmental and Community Investment Agreement to allow Charter and Private Schools to participate; and (3) authorized the City Manager to modify the Richmond Promise eligibility requirements (except those pertaining to school eligibility and award amount) based on data that can be provided by West Contra Costa Unified School District (WCCUSD).

**Councilmember Pimplé voted Noe.**

\*H-19. Approved the minutes of the regular City Council meeting held Tuesday, November 24, and December 1, 2015.

\*H-20. Approved actions to update the Urban Forest Advisory Committee: Appointed Sarah Calderon for a term expiring November 17, 2018; appointed April Kennedy for a term expiring November 17, 2018; designated the expiration date of the terms of all 11 seats as November 17, 2018; accepted the resignation of Kaci Smith; accepted the resignation of Liz Bittner; and declared two seats vacant and directed the city clerk to post the vacancies.

\*H-21. Approved actions to update the Police Commission: Accepted the resignation of Yenny Velazquez who was serving for a term ending November 1, 2016; and declared the seat vacant and directed the city clerk to post the vacancy.

\*H-22. Directed staff to prepare a report to the City Council by February 23, 2016, evaluating the impacts on costs and weed control, the efficacy of non-chemical

methods of weed control, and residents' attitudinal changes towards weed control, as prescribed by Resolution No. 19-15(a).

\*H-23. Authorized the City of Richmond to finalize and execute a memorandum of understanding with the What Works Cities initiative to draft open data policies, and to draft performance analytics plans that build upon city departments' current use of performance data.

\*H-24. Received an update regarding the December 8, 2015, Contra Costa County Board of Supervisors meeting, at which the County Conservation and Development Director was authorized to execute a Cooperation Agreement between the County of Contra Costa and the City of Richmond to become a co-participant of the Contra Costa CDBG Urban County and subsequent co-participant of the HOME Partnership Program Consortium; and APPROVE the final form of the Cooperation Agreement with Contra Costa County.

\*H-25. Approved a proclamation honoring Terrance Cheung for his service to the City of Richmond. This proclamation will be presented in January 2016.

\*H-26. Approved a proclamation honoring Richmond Police Chief Chris Magnus for his service to the City of Richmond. This proclamation will be presented in January 2016.

## **PUBLIC HEARINGS**

I-1. **Withdrew from agenda**, the matter to hold a public hearing to consider an appeal of the July 16th Planning Commission's approval of a time extension for Tentative Tract Map 8451 (Canyon Oaks Project). **The appeal was withdrawn by the appellant.**

I-2. **Continued to January 12, 2016**, the matter to - (1) consider the appeal of the Design Review Permit (PLN14-211) filed by the Richmond Residents for Responsible Development for the construction of the Hilltop Apartments mixed-use development project located at the northwest corner of Hilltop Mall Road and Garrity Way (APN: 558-312-002); and (2) reaffirm, modify or reverse the Design Review Board's decision to approve the Design Review Permit.

## **RESOLUTIONS**

J-1. The matter to adopt a resolution calling on the California Public Utilities Commission to reexamine the fairness of the Power Charge Indifference Adjustment exit fee and oppose volatile increases in the fees which are charged to Community Choice Aggregation electricity customers, was presented by Mayor Butt, Alex Digiorgio, and Alexandra McCroskey of MCE Clean Energy. Discussion ensued. A motion made by Councilmember Martinez, seconded by Councilmember Beckles, adopted **Resolution No. 124-15** by the unanimous vote of the City Council.

## **ORDINANCES**

*Mayor Butt announced that Items K-1 and K-2 were combined for discussion purposes and that the City Council would vote on each item separately.*

K-1. The matter to introduce an ordinance (first reading) amending Chapter 7.102 of the Richmond Municipal Code relating to medical marijuana collectives, cultivation, manufacturing and distribution of edible medical marijuana-infused products; and ban on mobile marijuana dispensaries and mobile deliveries, reserving the City's right, as required under three new state laws, to regulate all medical marijuana operations and businesses, rather than give the State the authority to permit and regulate a variety of marijuana businesses within the City, was presented by City Attorney Bruce Goodmiller and Assistant City Attorney Trish Aljoe. Discussion ensued. A motion by Councilmember Pimplé to accept staff's recommendation died for lack of a second and further discussion ensued. Councilmember McLaughlin pointed out a typographical error in the amended ordinance section 7.102.050 containing two "G" sub-sections and directed staff to change the last sub-section to "H". On motion of Councilmember McLaughlin, seconded by Councilmember Beckles, said ordinance received first reading and was laid over to January 12, 2016, for second reading by the unanimous vote of the City Council.

K-2. The matter to introduce an ordinance amending certain sections of Chapter 7.102 of the Richmond Municipal Code to allow permitted medical marijuana collectives to cultivate in permitted districts of the City. Permitted districts would be M-2, M-3 and C-2, which are zones with general industrial and commercial activity similar to indoor cultivation or a location fully documented and inspected in accordance with Chapter 7.102, was presented by Councilmembers Beckles and Martinez. Discussion ensued. The following speakers gave comments: Bea Roberson, "Woody" Kirk Wood, Lisa Hirschhorn, Jim Hicks, Mike Parker, and Garland Ellis. A motion made by Councilmember Beckles, seconded by Councilmember Martinez, directed staff to prepare an ordinance after consultation with stakeholders and Councilmembers to regulate cultivation commercially, limited to three dispensaries, for Planning Commission approval, and return to the City Council as soon as possible, with a friendly amendment by Mayor Butt to include a provision that would require indoor grows to use renewable electrical energy and review potential taxation schemes, passed by the unanimous vote of the City Council.

## **COUNCIL AS A WHOLE**

L-1. The matter to receive a report regarding the impacts of the initiative to amend the Richmond Municipal Code requiring the City Manager to publicize compensation paid to exempt city service officials and employees, obligating the City Council to set annual compensation for city exempt service officials and employees and prohibiting the City Council from compensating the city manager in excess of five times the

median household income for the city, as ordered by the City Council on September 22, 2015, pursuant to Election's Code 9212; and, either: adopt the initiative by ordinance, without alteration; or immediately order a special election pursuant to subdivision (a) of Section 1405 at which time the initiative shall be submitted to the voters at the June 7, 2016, Presidential Primary Election, was presented by City Clerk Pamela Christian, Human Resources Management Director Lisa Stephenson, and Personnel Officer Donna Newton. The city clerk stated that City Council received the Certificate of Sufficiency on November 24, 2015, indicating that the petition was sufficient to require a special election. Ms. Stephenson's Powerpoint presentation highlighted the potential impacts if the initiative passed and included: publicizing compensation; setting annual compensation of all city exempt service officials and employees by resolution; limiting city manager compensation by five times the median household income (for future city managers); number of departments managed by Richmond's city manager in comparison to city managers in other nearby cities; salary statistics; and comparison and compaction. Discussion ensued. A motion made by Vice Mayor Myrick, seconded by Councilmember Martinez, adopted **Resolution No. 125-15**, ordering a special election to be submitted to the voters at the June 7, 2016, Presidential Primary Election, by the unanimous vote of the City Council.

L-2. The matter to approve two engraved memorial plaques embedded in freestanding bases to be installed at the sitting park located at South 55th and Creely Streets in honor of Mr. Edward Hall and Mr. Gene Calhoun, Sr. for their contribution to the Parkview Neighborhood, was presented by Councilmember Bates and Liaison to the City Council Trina Jackson. On motion of Councilmember Beckles, seconded by Vice Mayor Myrick, approved the installation of said plaques by the following vote: **Ayes:** Councilmembers Bates, Beckles, McLaughlin, Martinez, Vice Mayor Myrick, and Mayor Butt. **Noes:** Councilmember Pimplé. **Abstentions:** None. **Absent:** None.

L-3. The matter to direct staff to publicize, in English and in Spanish, current resources available to provide renters with information about their rights and sources of support for resolving conflicts between landlords and tenants via KCRT, City of Richmond website, City Manager's Weekly Report, and other public information outlets, was presented by Councilmember McLaughlin. The following speakers gave comments: Cesar Zepeda, Marilyn Langlois, and Mike Parker. A motion made by Councilmember McLaughlin, seconded by Councilmember Martinez, approved the item with a friendly amendment by Mayor Butt to provide information that was useful to landlords and tenants, the friendly amendment was accepted, and the motion passed by the unanimous vote of the City Council.

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

Mayor Butt reported on his attendance to the United Nations Conference on Climate Control in Paris, France, November 30, to December 12, 2015.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 10:22 p.m., in memory of Diane Campbell, Police Officer Larry Johnson, and Eduardo Almonte, to meet again on Tuesday, January 12, 2015, at 6:30 p.m.

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

(SEAL)

Approved:

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