

RICHMOND, CALIFORNIA, May 17, 2016

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

ROLL CALL

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

A-1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Initiation of litigation pursuant to Subdivision (c) of Government Code Section 54956.9):

One Case

A-2. CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6):

Agency designated representatives: Bill Lindsay and Lisa Stephenson, Jack Hughes, Todd Simonson, Belinda Warner and Bruce Soublet. Employee organizations: Service Employees International Union (SEIU, Local 1021); International Federation of Professional and Technical Employees (Local 21); Richmond Police Officers Association (RPOA); Richmond Police Management Association (RPMA); Richmond International Association of Firefighters (IAFF, Local 188); and Richmond Fire Management Association (RFMA).

There were no public speakers.

The Open Session adjourned to Closed Session at 5:01 p.m. Closed Session adjourned at 6:27 p.m.

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

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Continued Item N-1 to the June 7, 2016, meeting.
Continued Item N-2 to the June 7, 2016, meeting.
Removed Item I-4 from the consent calendar to the end of the agenda. **Placed Item I-4 back on the consent calendar** immediately following Open Forum.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

E-1. Councilmember Bates and Mayor Butt presented a proclamation recognizing the 23rd Street Merchants Association and the Cinco de Mayo Parade Committee for the successful 2016 Cinco de Mayo parade and festival. Former Richmond Councilmember John Marquez and Mark Wassberg gave comments.

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 the city received the final documentation for its R-Transit (Paratransit) program that would allow Medi-Cal reimbursements and full cost recovery for the service. The City Council expressed concern regarding whether taxi scrips were included. Mr. Lindsay offered to research the matter and advise the City Council.

OPEN FORUM FOR PUBLIC COMMENT

Naomi Williams expressed her appreciation for a well-attended Senior Night out event on May 14, 2016. Ms. Williams announced the Senior Winter Ball on December 10, 2016, at the Richmond Memorial Auditorium.

Rosalie Barnes expressed concerns regarding the city's draft fiscal year 2016-17 budget that would eliminate funds for Richmond's Neighborhood Public Art (NPA) Mini-Grant Program.

Amy Lee Anderson reported on the progress that has been made since the City Council adopted a resolution supporting the Space Preservation Act.

Mark Wassberg gave comments regarding the proposed transgender bathroom law.

Antwon Cloird expressed concerns regarding employment opportunities for Richmond citizens and new drug testing methods.

Jackie Thompson expressed concerns regarding the Open Forum policy and procedures. Ms. Thomspon gave comments regarding the expression, "fair exchange is no robbery".

Ben Steinberg and Molly Raynor gave comments regarding how the Richmond RYSE Youth Center had benefited from the NPA Mini-Grant Program. Mr. Steinberg also offered a solution to the city's budget deficit with regard to salaries and overtime pay.

Mike Peritz distributed a questionnaire to councilmembers regarding the sale/lease of the Adams Middle School site. Mr. Peritz gave comments regarding the need for subsidized housing for teachers.

Christian Qualls, Tenzin Korma Tashi, and RoyJanaé Crowder announced the Red Cross Blood Drive at Kennedy High School on May 31, 2016, from 9:00 a.m. to 3:00 p.m.

Marilyn Langlois urged the City Council to increase the number of groundskeepers to maintain Richmond parks. Ms. Langlois expressed concerns regarding the elimination of funds for art programs in the city's draft fiscal year 2016-17 budget.

Ben Therriault gave comments regarding the success of the 23rd Street Cinco de Mayo Parade and Festival. Mr. Therriault announced that May 15, 2016, was National Peace Officers Memorial Day and the Richmond Police Officers Association (RPOA) held a celebration in honor of ten fallen officers. Mr. Therriault expressed his appreciation to the community for helping to raise \$50,000 for Richmond Police Officer Gus Vegas' family. Mr. Therriault announced the RPOA's opposition to Measures N and O.

Joe Pulio expressed opposition to Item N-1 on the agenda. Mr. Pulio gave comments regarding the Point Molate site.

Al Nero gave comments regarding conditions at the Hacienda housing complex and commended the city for its efforts to clean up the property.

Rick and Patricia Perez gave comments regarding item N-1 on the agenda. Rick Perez gave comments regarding the investigation of the Richard "Pedie" Perez case and expressed concerns regarding Richmond police officers shift breaks.

Mike Parker gave comments in support of rent control and stability in neighborhoods.

Nathaniel Bates gave comments in support of item N-1 on the agenda.

Jovanka Beckles gave comments regarding item N-1 on the agenda and encouraged everyone to look up on Google the author of the "Blue Lives Matter" congressional bill, Mr. Ken Buck.

Millie Cleveland expressed concern regarding Item I-4 on the agenda. Ms. Cleveland reminded Councilmembers that bargaining units require a 45-day advance notice for subcontracts within the scope of an existing bargaining unit and the subcontract must not cause any displacements of permanent employees.

At the request of Councilmember McLaughlin, Mayor Butt placed Item I-4 back on the consent calendar.

CITY COUNCIL CONSENT CALENDAR

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

*I-1. Reviewed and approved the City's Investment and Cash Balance Report for the month of March 2016.

*I-2. Approved an Indefeasible Right of Use Agreement (IRU) with Conterra Ultra Broadband, LLC to allow Conterra exclusive use of one vacant City of Richmond owned conduit in return for 12 strands of single mode fiber optic cable for the City of Richmond's exclusive use for a period of 30 years. There is no cost to the City of Richmond for this agreement.

*I-3. Approved a three-year contract United Site Services, Inc. to provide and service portable toilets in an amount not to exceed \$60,000 and for a term from July 1, 2016, to June 30, 2019.

*I-4. Approved an amendment to the contract with Groundwork Richmond for community outreach, training, project management, tree-planting, and maintenance in an amount not to exceed \$187,000, with a total contract amount of \$374,000, while maintaining the term expiration of December 31, 2017.

*I-5. Received a report on the Richmond Municipal Sewer District for the month of March 2016.

*I-6. Approved the purchase of Safariland Second Chance Summit Series Threat Level IIIA ballistic vests from LC Action Police Supply LTD in an amount not to exceed \$77,450.

*I-7. Approved a three-year contract with Enviroclean Maintenance, LLC in an amount not to exceed \$145,800, for restroom cleaning services at Jay & Barbara Vincent Park, Shimada Park, Lucretia Edwards Park, Marina Bay Park, Nevin Park, Nicholl Park, Martin Luther King Jr. Park, Booker T. Anderson Park, and the North Richmond Ballfield. The contract term will be from July 1, 2016, to June 30, 2019.

*I-8. Approved License Agreements to conduct work with the San Francisco Bay Creosote Piling Removal and Pacific Herring Restoration Project near Terminal 4.

*I-9. Introduced an ordinance (first reading) establishing certain fees for the proposed Master Fee Schedule.

*I-10. Accepted and appropriated the 2016 California Governor's Office of Emergency Services (CalOES) grant funds in the amount of \$188,975; and approved the continuation of a contract with STAND! For Families Free of Violence, funded by the CalOES grant for on-site advocates to assist victims of domestic violence for the period January 1, 2016, to December 31, 2016, in an amount not to exceed \$95,134.

*I-11. Approved a contract for the continuation of services for on-site advocates to assist victims of domestic violence and sexual assault for the period January 1, 2016, to December 31, 2016, with Community Violence Solutions (CVS), in an amount not to exceed \$83,614.

I-12. Authorized the city manager to execute a Broker of Record Designation and Business Associate Agreement with insurance broker Keenan & Associates.

*I-13. Approved a contract with Oscar I. Solano, Jr. DBA Zumbarico Fitness to provide Zumba classes at various Recreation facilities for a two-year period, with two one-year renewal options. The term of the contract is July 1, 2016, ending on June 30, 2018, in an amount not to exceed \$100,000.

*I-14. Approved the minutes of the regular City Council meeting held Tuesday, April 26, 2016.

*I-15. Approved actions to update the Arts and Culture Commission: accepted the resignation of: Kit Pappenheimer, term expiration date, October 31, 2017; declared seat #9 vacant; and directed the City Clerk to post the vacancy.

*I-16. Approved actions to update the Citizens Police Review Commission: accepted the resignation of Scott Gillespie, term expiration date November 1, 2016; declared seat #4 vacant; and directed the City Clerk to post the vacancy.

*I-17. Approved actions to update the Human Rights Human Relations Commission: appointed Alonso Saravia, new appointment, seat #5, term expiring March 30, 2019.

*I-18. Approved actions to update the Urban Forest Advisory Committee: accepted the resignation of Janice Mignone, seat #2, term expiration date November 17, 2018; declared seat #2 vacant; and directed the City Clerk to post the vacancy.

*I-19. Approved actions to update the Point Molate Citizens Advisory Committee: accepted the resignation of Jeanne Kortz, seat #7, term expiration date May 30, 2017; declared seat #7 vacant; and directed the City Clerk to post the vacancy.

PUBLIC HEARINGS

J-1. **Withdrawn by the appellant**, the matter to consider an appeal filed by DDR Hilltop Plaza of the Design Review Board's decision to approve Design Review Permit (PLN15-644), Mechanics Bank Site Improvements and Renovations.

BUDGET STATUS UPDATE

K-1. The matter to receive a status update on the draft Fiscal Year 2016-17 Annual Operating Budget and the draft Fiscal Years 2016-21 Five-Year Capital Improvement Budget, was introduced by City Manager Bill Lindsay and presented by Finance Director Belinda Warner. Ms. Warner presented a PowerPoint presentation that gave an overview of the following: budget calendar; General Fund budget summary which included a reduction of the net surplus (deficit) from approximately \$10 million to \$5.3 million; and, the order in which departmental budgets would be presented. Discussion ensued. City Manager Bill Lindsay offered to provide councilmembers with a history of general liability and workers compensation payments. The City Council requested staff to further reduce the general liability and workers compensation payments. The City Council requested staff to consider solar installations to reduce electrical costs. The City Council expressed concern regarding the use of "one-time funds" to close the budget gap. The City Council requested a report of vacant positions within each department. Mr. Lindsay clarified that the positions were short term vacancies, intended to be filled, and were not predictable. Director of Planning and Building Services Director Richard Mitchell presented a departmental budget PowerPoint presentation. Discussion ensued. The City Council recommended that Mr. Mitchell consider the following three items to generate additional revenue: increasing the penalty for unpermitted projects, charging additional fees for expedited plan review, and charging the entire plan review and permit fees upfront. Employment and Training (E&T) Director Sal Vaca presented a departmental budget presentation. Discussion ensued. Mr. Vaca noted that E&T's annual budget is approximately \$6.4 million and only \$520,071 is provided by the general fund to cover internal service costs for the department. The City Council advised staff that with the reduction in the overall budget deficit amount, departments would only need to propose a 3% reduction to their budgets instead of 6%. Library and Cultural Services Director Katy Kurl presented a departmental budget PowerPoint presentation. Ms. Kurl informed the City Council that Library programming is funded by Friends of Libraries. Ms. Kurl indicated that the most significant budget impact was the elimination of the Neighborhood Public Art (NPA) program from the General Fund. Discussion ensued. Mr. Lindsay recommended that the City Council consider establishing a development fee for art projects. The City Council requested the number of participants for the book mobile. The City Council requested that future departmental budget presentations be more specific and include: expenses, revenues, recommended reductions, service impacts, and the reason for the recommended reduction. Mr. Lindsay offered to provide the City Council

with a line itemized summary of proposed budget reductions. The City Council requested that the Housing Authority budget presentation be postponed to a later date because it was non-general funded. Director of Infrastructure and Maintenance Operations (DIMO) Tim Higaes presented a departmental budget PowerPoint presentation. Discussion ensued. The City Council recommended that Mr. Higaes pursue the enhanced cost recovery efforts listed in his presentation. The City Council recommended that the City Manager's office oversee departmental budget presentations to ensure consistence, comprehensiveness, and the expectations of the City Council are met. The City Council also recommended the use of templates to assist staff with preparing departmental budget presentations. The City Council agreed to continue the remaining (non-general funded) departmental budget presentations to the next meeting. The City Council recommended that the Planning and Building staff include potential values for the project developments listed in their budget presentation. The following speakers gave comments: Al Nero, Jackie Thompson, and Ben Therriault. The City Council requested the city's current self-insurance fund balance.

RESOLUTIONS

L-1. In the matter to adopt a resolution directing the Planning Commission to review and provide recommendations to the City Council on a Junior Accessory Dwelling Unit ordinance to be added to Article XV "Zoning and Subdivisions" of the Richmond Municipal Code, was presented by Mayor Butt. Discussion ensued. Mayor Butt pointed out that the proposed ordinance would allow a homeowner to convert an existing room into a rental unit with a separate kitchen and entrance; and access to a bathroom. The City Council recommended that this item be referred to realtors and homeowners for input. On motion of Councilmember Bates, seconded by Vice Mayor Martinez, adopted **City Council Resolution No. 35-16** by the unanimous vote of the City Council.

ORDINANCES

M-1. The matter to introduce an ordinance (first reading) amending Chapter 7.102 of the Richmond Municipal Code allowing, and setting minimum standards for, medical marijuana cultivation, expanding the definition of manufactured marijuana products, and making related changes for clarity and consistency, was presented by Assistant City Attorney Trisha Aljoe. The City Council agreed to discuss Items M-1 and M-2 together because the ordinances served the same general purpose. Item M-1 included the staff version of the ordinance and Item M-2 included the City Council version of the ordinance. No action was taken on item M-1.

M-2. The matter to introduce an ordinance (first reading) to amend Chapter 7.102 of the Richmond Municipal Code (R.M.C.) allowing and setting minimum standards for medical marijuana cultivation and marijuana businesses, was presented by Mayor Butt. Mayor Butt described the substantive differences between the ordinances in Items M-1 and M-2. Discussion ensued. The

City Council requested provisions in the ordinance that would allow dispensaries to deliver medicinal marijuana to residents. The City Council shared a resident's concern prohibiting marijuana businesses from hiring employees with criminal charges or convictions within the last ten years. Assistant City Attorney Aljoe clarified that the hiring regulations were mandated by state law. The City Council requested that the following text be included in the ordinance: "Fifty percent of all commercial non-dispensary cultivation permits shall be issued to cultivators with at least one owner or management member who is a Richmond resident". The City Council recommended that the ordinance be amended at a future date to separate regulations for cultivating, manufacturing, and dispensaries similar to the City of Oakland's ordinance. The City Council requested staff to remove the language that prohibits chemical extractions and defer to state law. The City Council requested to review the state law code section that prohibits the cannabis industry from hiring employees with a criminal history. The following speakers gave comments: Joe Puleo, Constance Finley, John Russo, and Marilyn Langlois. Discussion ensued concerning Ms. Finley's cannabis business. The City Council suggested that the existing marijuana manufacturing permitting period be extended and publicized. A motion was made by Councilmember McLaughlin, seconded by Councilmember Pimplé, to receive the first reading of said ordinance for Item M-2 and lay over for two weeks for second reading, with amendment to section 7.102.030(D) to add an additional exception to read, "Delivery by member of permanent dispensary to resident that is member of dispensary". A friendly amendment by Councilmember Myrick to include a regulation in the ordinance requiring employment of Richmond residents, was amended by the motion maker to direct staff to research employment requirements. The amendment to the friendly amendment was accepted and the motion passed by the unanimous vote of the City Council. The City Council recommended that staff reevaluate zoning with regard to marijuana businesses. The City Council indicated that marijuana businesses should be encouraged to joint venture with Richmond residents. The City Council requested a report for the number of Richmond residents on paving jobs in progress in the city.

COUNCIL AS A WHOLE

N-1. **Continued to the June 7, 2016, City Council meeting**, the matter supporting the H.R. 4760 Congressional Bill titled "Blue Lives Matter" and direct staff to send a letter of support to Congressman Ken Buck.

N-2. **Continued to the June 7, 2016, City Council meeting**, the matter directing the city manager to provide quarterly study sessions to provide updates to the City Council and the public on the projects funded by the Environmental and Community Investment Agreement.

N-3. **Continued to the June 7, 2016, City Council meeting**, the matter directing staff to develop a new process for naming and renaming streets or community centers and bring back recommendations to the City Council within 60 days; the report should include a recommendation for renaming a street for Nelson Mandela, as approved by the City Council in 2014.

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

None.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:59 p.m., in memory of Richmond Trees Founding Member Teri Katz, former City of Richmond Recreation Employee Julia Earl, and Richmond resident Mauriana Seymore, to meet again on Tuesday, May 24, 2016, at 6:30 p.m.

Pamela Christian

Clerk of the City of Richmond

(SEAL)

Approved:

Tom Butt

Mayor