

RICHMOND, CALIFORNIA, July 19, 2016

The Richmond City Council Evening Open Session was called to order at 5:02 p.m.

ROLL CALL

Present: Councilmembers Nathaniel Bates, Jovanka Beckles, Gayle McLaughlin, Jael Myrick, Vinay Pimplé, Vice Mayor Martinez, and Mayor Tom Butt.
Absent: None.

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:

A. CITY COUNCIL

A-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9):

Upstream Point Molate vs. City of Richmond

A-2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8):

Property: Fire Training Center, 3506 Cutting Boulevard
Agency negotiators: Bill Lindsay, Shasa Curl, and Adrian Sheppard
Negotiating parties: Integral Group

Property: General Warehouse, Port of Richmond
Agency Negotiators: Bill Lindsay and Jim Matzorkis
Negotiating parties: Sugar Flower LLC and Power Plant
Under negotiation: Price and terms of payment

A-3. PUBLIC EMPLOYEE APPOINTMENT (Government Code Section 54957.6):

Title: Citizen's Police Review Commission
Investigative Officer

B. SUCCESSOR AGENCY

B-1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8):

Property: Miraflores Housing Development
Agency negotiators: Bill Lindsay and Tim Jones
Negotiating parties: Miraflores Community Devco, LLC
Under negotiation: Price and terms of payment

The Open Session adjourned to Closed Session at 5:43 p.m. Closed Session adjourned at 7:10 p.m.

The Regular Meeting of the Successor Agency to the Richmond Community Redevelopment Agency and Richmond City Council was called to order at 7:13 p.m., by Mayor Butt, who led the Pledge of Allegiance to the Flag.

ROLL CALL

Present: Councilmembers Bates, Beckles, McLaughlin, Pimplé, Vice Mayor Martinez, and Mayor Butt. **Absent:** Councilmember Myrick arrived at 7:15 p.m.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Item I-27 was removed from the Consent Calendar for discussion by Councilmember Bates. Item I-15 was continued to the July 26, 2016, City Council meeting.

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, stated there was no report.

OPEN FORUM FOR PUBLIC COMMENT

Mark Wassburg stated there is a lot of black on black violence.

Deacon Loch Sekona gave comments regarding the layoff of five Paratransit Department employees.

Jency James, representing Contra Costa County Climate Leaders, gave comments regarding East Bay energy programs and workshops.

Starsheanay, Jeanie Ball, Patricia Perez, Nick Palata, Gerald Smith, Julia Perez, Tarnel Abbott, Eleanor Thompson, and Rick Perez, stated the letter from the Contra Costa County District Attorney, regarding the death of Pedie Perez, is inaccurate.

Porsha Brown gave comments regarding police using excessive force against citizens.

Monifa stated that police officers must be held accountable for the deaths of African Americans.

Millie Cleveland stated that the city has not presented a proposal to reclassify the permanent Paratransit Department employees.

Veronica Keeton gave comments regarding recent increase in food and vegetable vendors in her neighborhood and is concerned about it for safety and health reasons.

Rosanne Ryken and James Walker stated that the layoff of five Paratransit Department employees was not presented as part of the recent approval of the budget.

Lisa King, Maria Contreras, Sam Valdez, Gregory Everett, stated that there was a meeting informing the Paratransit Department of financial difficulties, but there was no mention of layoffs, and urged the city to maintain the Paratransit services. Mr. Everett also stated that there should be no layoffs until there is collective bargaining.

Amy Lee Anderson stated that the government has technology that can remotely experiment on your brain.

Naomi Williams informed that several senior citizens have complained that they haven't been able to get to the senior centers for lunch due to lack of paratransit services.

Councilmember Jovanka Beckles stated that she will not recite the Pledge of Allegiance until the government protects the lives of black americans against racist police officers. *(A motion by Councilmember Myrick, seconded by Vice Mayor Martinez, to allow Councilmember Beckles to speak an additional 30 seconds, passed with Councilmember Pimplé and Mayor Butt voting no).*

Councilmember Pimplé stated that the rhetoric regarding the recent deaths at the hands of the police have been inflammatory and people who are mentally unstable get carried away, which has resulted in the killings of police officers in Dallas and Baton Rouge.

City Manager, Bill Lindsay, stated that the matter regarding the potential layoff of Paratransit Department employees will be placed on the July 26, 2016, City Council meeting for further discussion.

SUCCESSOR AGENCY TO THE RICHMOND COMMUNITY REDEVELOPMENT AGENCY CONSENT CALENDAR

On motion of Councilmember Bates, seconded by Councilmember McLaughlin, adopted **Resolution No. 16-5**, authorizing the execution of a Disposition and Development Agreement by and among the Successor Agency to the Richmond Community Redevelopment Agency and Miraflores Community Devco LLC for a mixed market-rate and affordable for sale housing development at the Miraflores site.

CITY COUNCIL CONSENT CALENDAR

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

***-I-1.** Approved a legal services agreement with Colantuono Highsmith for limited, as-needed specialized legal advice regarding taxation and revenue issues, in an amount not to exceed \$15,000, with a term expiration of June 30, 2017.

***-I-2.** Received a report on the Richmond Municipal Sewer District for the month of May 2016.

***-I-3.** Introduced an ordinance (first reading) amending Richmond Municipal Code (RMC) Chapter 12.56, Flood Damage Protection, to meet the minimum requirements of the National Flood Insurance.

***-I-4.** Reviewed and approved the City's Investment and Cash Balance Report for the month of May 2016.

***I-5.** Approved a contract amendment with Lincoln Equipment, dba Lincoln Aquatics, to provide service and deliver pool chemicals to the Richmond Swim Center and the Richmond Plunge in an amount not to exceed \$15,000 for a total contract amount of \$25,000, with a term extending through December 31, 2016.

***-I-6.** Approved the sole-source agreement with Priority Dispatch to provide maintenance, support and critical updates to the ProQA and AQUA software applications and card sets used by the Communications Center for 911 medical emergency call-taking, dispatching, and quality assurance, in an amount not to exceed \$22,500 over the three-year contract term from July 1, 2016 through June 30, 2019.

***-I-7.** Approved the sole-source purchase of Globe personal protective equipment for fire personnel through L.N. Curtis & Sons, the exclusive distributor of Globe Manufacturing protective clothing, in an amount not to exceed \$36,000 over a three-year period.

***-I-8.** Approved the sole-source purchase of PGI's Premier Wildland Forestry personal protective clothing for fire personnel through L.N. Curtis & Sons in an amount not to exceed \$18,000 over the three-year period.

***-I-9.** Adopted **Resolution No. 65-16**, approving a three-year amendment/extension to the agreement between the City of Richmond and the Contra Costa County Health Services Division in support of the Fire Department's Emergency Medical Services (EMS) program, and authorizing the City of Richmond to accept and appropriate \$669,066 in Measure H funding from the Contra Costa County Health Services Division over a three-year period from June 30, 2016, to June 30, 2019, in support of this EMS program.

***-I-10.** Adopted **Resolution of Intent No. 911**, setting a public hearing on September 13, 2016, regarding the City's intent to grant to SFPP, L.P. a franchise 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 20 years.

***-I-11.** Approved the amended 2014/2015 North Richmond Waste and Recovery Mitigation Fee Expenditure Plan, identifying the activities authorized to be funded from the mitigation fee collected at the waste processing facility in North Richmond for the period of July 1, 2014, through June 30, 2015; and APPROVE the 2016/2017 North

Richmond Waste and Recovery Mitigation Fee Expenditure Plan, identifying the activities authorized to be funded from the mitigation fee collected at the waste processing facility in North Richmond for the period of July 1, 2016 through June 30, 2017, as recommended by the North Richmond Waste and Recovery Mitigation Fee Joint Expenditure Planning Committee.

***-I-12.** Approved Contract Amendment No. 2 with Hadronex, Inc. to provide equipment warranties and ongoing continuous hydrogen sulfide monitoring services within areas around the wastewater treatment facility in an amount not to exceed \$15,252.00, for a total contract amount of \$85,252.00, and for a one-year period ending on June 30, 2017.

***-I-13.** Approved actions to update the Point Molate Community Advisory Committee: announced the vacancy of Seat #2 previously held by Shana Bagley, term expiration May 30, 2017; and directed the City Clerk to post the vacancy.

***- I-14.** Approved actions to update the Personnel Board: appointed Steve Early, seat #4, term expiration June 21, 2021.

***-I-15. CONTINUED** to the July 26, 2016, City Council meeting, the matter to authorize the city manager to execute an Indefeasible Right of Use Agreement (IRU) with Internet Archive, allowing Internet Archive exclusive use of four (4) strands of City of Richmond owned fiber optic cable in return for providing free broadband wireless Internet access in select locations within the City for a period of 99 years.

***-I-16.** Approved actions to update the Economic Development Commission: appointed Louis Wright, seat #6, term expiration March 30, 2019.

***- I-17.** Adopted **Resolution No. 67-16**, adjusting the current fees of the Infrastructure Maintenance and Operations Department's Code Enforcement Division and Planning and Building Services Department's Planning Services Division.

***-I-18.** Approved actions to update the Human Rights Human Relations Commission: appointed Jan Mignone, seat #9, term expiration March 30, 2018.

***-I-19.** Adopted **Ordinance No. 13-16 N.S.**, approving a Zoning Amendment to rezone the project site from Coastline Commercial (C-C) to Planned Area (PA) District for the Terminal One Project.

***-I-20.** Approved actions to update the Workforce Development Board: appointed Jane Fischberg, seat #20, term expiration March 1, 2020.

***-I-21.** Approved actions to update the Recreation and Parks Commission: Appointed Payal Patel to fill the unexpired term of Steven Parker who resigned, seat #3, term expiration April 28, 2018.

***-I-22.** Approved a recommendation to neither retain the City's appointments and voting membership nor request a non-voting ex-officio seat on the Contra Costa Library Commission.

***-I-23.** Adopted **Resolution No. 68-16**, approving the City of Richmond Investment Policy.

***-I-24.** Adopted **Resolution No. 69-16**, Declaring the Canvass of Returns and Result of the Primary Election held on June 7, 2016.

***-I-25.** Approved the minutes of the regular City Council meeting held Tuesday, June 21, 2016.

***-I-26.** Adopted **Resolution No. 70-16**, approving a Memorandum of Understanding (MOU) between the Richmond Fire Management Association (RFMA) and the City of Richmond, extending the existing MOU through June 30, 2022. The MOU provides employee cost sharing of OPEB (Other Post-Employment Benefits, i.e. Retiree Medical), and employee cost sharing for active employee medical benefits effective January 1, 2017, with contributions increasing in graduated amounts through July 1, 2019.

***-I-27.** The matter to approve a sole-source agreement with the Contra Costa County District Attorney's Office for the dedicated services of a deputy district attorney who would be specifically assigned as Richmond's Community Based Prosecutor, at a cost not to exceed \$200,000, from July 1, 2016, through June 30, 2017 was presented. This item was continued from the July 5, 2016, meeting. Councilmember Bates asked what other cities pay to have a district attorney on-site. Deputy Chief, Bisa French, replied that the City of Pittsburg and the Contra Costa County Sherriff's Department have on-site district attorneys and pay the full cost of their services. A motion by Councilmember Bates, seconded by Councilmember Pimplé, approved the agreement by the unanimous vote of the City Council.

***-I-28.** Approved a fourth amendment to the existing agreement with Cox, Wootton, Lerner, Griffin, & Hansen, LLP for continued legal services regarding maritime law matters, and the matter of Port of Richmond vs. J.E.B.S. & Associates, Inc., legal services to terminate the lease with Oscar Neimeth Tow Company, and legal services regarding maritime law matters with Semi-Truck and Trailer Repair Corp., increasing the contract amount by \$70,000 for a total contract amount not to exceed \$160,000.

PUBLIC HEARINGS

J-1. The matter to adopt a resolution approving a report of sewer service charges for FY 2017/16, and allowing for the sanitary and stormwater fees to be collected on the annual 2016-2017 tax rolls was presented by Wastewater Manager, Ryan Smith. Mayor Butt declared the public hearing open. There were no public speakers. Mayor Butt closed the public hearing. A motion by Councilmember McLaughlin, seconded by

Councilmember Myrick, adopted **Resolution No. 71-16**, by the unanimous vote of the City Council.

J-2. The matter to adopt a resolution, authorizing the City of Richmond to levy special assessments against certain properties having unpaid invoices related to administrative citations, nuisance abatement costs and foreclosure ordinance fines pursuant to Richmond Municipal Code Chapters 9.22 and 2.63 was presented by Tim Higaes, Director of Infrastructure, Maintenance and Operations. Mayor Butt declared the public hearing open. There were no public speakers. Mayor Butt closed the public hearing. A motion by Councilmember Bates, seconded by Vice Mayor Martinez, adopted **Resolution No. 72-16**, by the unanimous vote of the City Council.

J-3. The matter to adopt resolution with findings of fact issuing a permit for Indigo Therapeutics to operate as a marijuana manufacturing collective inside JOINN Innovation Park, located at 2600 Hilltop Drive was presented by Lieutenant Eric Smith. Mayor Butt declared the public hearing open. The following individuals gave comments: Annabel Peterson, Joseph Hawayek, Juan Russo, Margaret Judkins, Olivia Lion, and Lucille Thornton. Mayor Butt closed the public hearing. Discussion ensued. Councilmember Myrick encouraged the manufacturers to hire locally as much as possible. A motion by Councilmember Beckles, seconded by Councilmember Myrick, adopted **Resolution No. 73-16**, by the unanimous vote of the City Council.

RESOLUTIONS

K-1. The matter to adopt a resolution in support of Senate Bill 1107, "An act to amend Sections 85300 and 85320 of, and to add Sections 89519.5 and 91004.5 to, the Government Code, relating to the Political Reform Act of 1974" which extends the opportunity for citizen-funded election programs to all local governments in the State of California, including general law cities was presented by Vice Mayor Martinez. This item was continued from the July 5, 2016, meeting. Helen Grieco gave comments. A motion by Vice Mayor Martinez, seconded by Councilmember McLaughlin, adopted **Resolution No. 74-16**, passed by the unanimous vote of the City Council.

K-2. The matter to receive the Certificate of Sufficiency of Initiative Petition dated July 12, 2016, indicating that the initiative petition entitled "Richmond Fair Rent, Just Cause for Eviction and Homeowner Protection Ordinance" has a sufficient number of valid signatures to be submitted to the voters at the November 8, 2016, General Election; and adopt a resolution submitting the Initiative to the voters at the November 8, 2016, General Election was presented by City Clerk, Pamela Christian. Zak Wear and Blanca Retano gave comments. A motion by Councilmember McLaughlin, seconded by Councilmember Beckles, adopted **Resolution No. 75-16**, by the following vote: **Ayes:** Councilmembers Beckles, McLaughlin, Myrick, Pimplé, and Vice Mayor Martinez. **Noes:** Councilmembers Bates and Mayor Butt. **Absent:** None. **Abstain:** None. A motion made by Councilmember Pimplé, seconded by Councilmember Bates, to direct staff

to provide a full financial analysis of the costs of the implementation of the ballot measure, passed by the following vote: **Ayes:** Councilmembers Bates, Myrick, Pimplé, and Mayor Butt. **Noes:** Councilmembers Beckles and Vice Mayor Martinez. **Absent:** None. **Abstain:** Councilmember McLaughlin.

COUNCIL AS A WHOLE

L-1. The matter to (1) approve a recommendation from the Environment & Community Investment Agreement (ECIA) Grant Review Committee for Fiscal Year (FY) 2016-2017 grant awards to fourteen (14) organizations in an amount not to exceed \$600,000; (2) adopt a resolution of the approved list of FY 2016-2017 ECIA grant awardees; and (3) authorize the City Manager to negotiate and execute Grant Service Agreements with approved grantees was presented by Senior Management Analyst, LaShonda White. This item was continued from the July 5, 2016, meeting. The following individuals gave comments: Michele Grim, Eleanor Thompson, and Nicholas Alexander. Councilmember Myrick stated that in the future, the grant criteria should be written such that smaller, grass roots organizations can be awarded grants as well. Ms. White replied that prior to the start of cycle 2 of the grant awards, there will be a presentation made to the city council to discuss the grant requirements. A motion by Councilmember Bates, seconded by Councilmember Myrick to approve the item, and set aside \$50,000 to \$100,000 from the \$600,000 mitigation fund for cycle 2, which can be used at the discretion of the City Council and Mayor to review and determine which organizations that were denied funding should receive it, passed by the following vote: **Ayes:** Councilmembers Bates, Beckles, McLaughlin, Myrick, Vice Mayor Martinez, and Mayor Butt. **Noes:** None. **Absent:** None. **Abstain:** Councilmember Pimplé.

L-2. The matter to adopt a resolution to submit to the voters a measure to assess a Litter Tax on certain businesses in an amount based on the annual gross receipts of such business; or direct staff to retain a consultant to conduct a cost of service study pursuant to Proposition 26 in connection with preparation of a Litter Fee ordinance was presented by City Attorney, Bruce Goodmiller. This item was continued from the July 5, 2016, meeting. The cost of service study to support the litter fee study is approximately \$6,800. Councilmember Beckles asked if some of the funding can be used for outreach and education of residents against littering. City Manager, Bill Lindsay, replied that perhaps some of the funds received from the state recycling fund can be used for this purpose. A motion by Councilmember McLaughlin, seconded by Councilmember Myrick to direct staff to prepare a Litter Fee ordinance and conduct a cost of service study, passed by the following vote: **Ayes:** Councilmembers Beckles, McLaughlin, Myrick, Pimplé, Vice Mayor Martinez, and Mayor Butt. **Noes:** Councilmember Bates. **Absent:** None. **Abstain:** None.

L-3. The matter to direct staff to work with the Richmond Arts and Culture Commission (RACC) and the Public Arts Advisory Committee (PAAC) to bring forward an ordinance for One Percent for Publicly Accessible Art on Private Projects (1% Ordinance) to be brought back to the

City Council in October 2016 was presented by Councilmember McLaughlin. The following individuals gave comments: Cordell Hindler, Jenny Baliste, Tatiana Ortiz, Kate Sibley, Jessica Parker, John Wehrle, Dayna Holz and Brenda Williams. Discussion ensued. A motion was made by Councilmember McLaughlin, seconded by Councilmember Beckles, to approve the item. A substitute motion was made by Mayor Butt, seconded by Councilmember Bates, to schedule a study session for further discussion prior to directing staff to prepare an ordinance. A friendly amendment made by Councilmember Myrick to have presentations made to the City Council before the ordinance is drafted was accepted by Councilmember McLaughlin. The substitute motion was withdrawn. The initial motion passed by the unanimous vote of the City Council.

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

Councilmember McLaughlin stated that she attended the Local Progress Convening Conference on July 8th and 9th, in Pittsburg, Pennsylvania.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:59 p.m., in memory of Deacon Earl Palmer of AOH Church of God in Christ, the officers in Dallas, Texas, and Baton Rouge, Louisiana, and in memory of Ferlando Castel and Alton Sterling, to meet again on Tuesday, July 26, 2016, at 6:30 p.m.

Pamela Christian

Clerk of the City of Richmond

(SEAL)

Approved:

Tom Butt

Mayor