

RICHMOND, CALIFORNIA, June 21, 2016

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

ROLL CALL

Present: Councilmembers Gayle McLaughlin, Jael Myrick, Vinay Pimplé, Vice Mayor Eduardo Martinez, and Mayor Tom Butt. **Absent:** Councilmember Jovanka Beckles arrived at 5:03 p.m. Councilmember Bates arrived at 5:15 p.m.

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 - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9): Upstream Point Molate vs. City of Richmond

A-2. LIABILITY CLAIMS (Government Code Section 54956.9): Rudy Bridgeman vs. City of Richmond
Salvador Bonilla vs. City of Richmond
Christa Cappiali vs. City of Richmond

A-3. PUBLIC EMPLOYEE APPOINTMENT (Government Code Section 54957.6): Citizen's Police Review Commission Investigative Officer

A-4. 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).

The following individuals gave comments regarding Item A-1: Chris Darling, Margot Cunningham, Dave Drummond, Malcolm Gilmour, Marilyn Langlois, Pam Stello, Dorothy Gilbert, Nina Smith, Carol Teltschick, Joan Garrett, Karen Whitestone, Jim Hanson, Paul Carmon, Charles Smith, Ellen Barth, Shirley Dean, and Tony Sustak.

The Open Session adjourned to Closed Session at 5:29 p.m. Closed Session adjourned at 7:03 p.m.

The Meeting of the Richmond City Council was called to order at 7:07 p.m., by Mayor Butt, who led the Pledge of Allegiance to the Flag.

REGULAR MEETING OF THE RICHMOND CITY COUNCIL

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

Item L-2 was moved to be heard after Item I-1.

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

City Attorney, Bruce Goodmiller, stated there was nothing to report.

REPORT FROM THE CITY MANAGER

No report.

OPEN FORUM FOR PUBLIC COMMENT

Mark Wassburg stated that anyone purchasing a gun should get a background check.

Dr. Connie Potrero, Chair of the Recreation and Parks Commission, announced that there will be an International Festive-All on July 9, 2016.

Gerald Hatchett, Bea Roberson, and Naomi Williams thanked everyone for participating and attending the Juneteenth Festival this past weekend.

Tony Sustak thanked the city for hosting the Saffron Strands event once again.

Officer Ben Therriault, President of the Richmond Police Officer's Association, thanked the city for supporting both the Juneteenth and Pow-Wow Festivals. Officer Therriault also expressed concern that there has not been a public safety representative appointed to the Personnel Board.

Rick Perez stated that the Police Officer's Bill of Rights is not intended to hide the names of police officers in the commission of a crime or immoral acts.

Patricia Perez is requesting a thorough and independent investigation of the death of her grandson, Pedie Perez.

Michelle Milam urged the City Council to think about unity when discussing the budget.

Texanita Bluitt stated that the Beta Phi Sigma Sorority will be honoring women of valor on Saturday, June 25, 2016, at His Lordship's Restaurant.

Rosanne Rykin gave comments regarding a report made by the Richmond Workforce Investment Board's Strategic Plan 2013-2017 on-line survey results summary.

Deacon Loch Sekona gave comments regarding the Richmond Promise Program and there are some students that will not benefit from the program if they attend a high school outside of Richmond.

Millie Cleveland, SEIU Local 1021 representative, stated that Councilmembers are welcome to speak to Local SEIU 1021 members, if desired.

Veronica Keeton asked why the transfer tax is so high in Richmond.

CITY COUNCIL CONSENT CALENDAR

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

*- **H-1.** Approved the matter to approve a contract with Renne Sloan Holtzman Sakai Public Law Group to perform compensation and classification studies for library, business and finance, and clerical positions in an amount not to exceed \$52,000 for a term beginning January 1, 2016, and ending on June 30, 2017. This item was continued from the June 7, 2016, meeting.

*- **H-2.** Adopted **Ordinance No. 9-16 N.S.**, setting the tax rate for the Tax Override Pension Fund for Fiscal Year 2016-17 at 0.14%.

*- **H-3.** Adopted **Ordinance No. 10-16 N.S.** adding Chapter 15.03, Interim Zoning Regulations, to Article XV, Zoning and Subdivisions of the Richmond Municipal Code.

*- **H-4.** Adopted **Ordinance No. 11-16 N.S.**, amending Chapter 15.06 - Use and Display of Signs, repealing existing Chapters 4.04, 4.08, and 4.12 that relate to signs and other clean up changes to Section 15.04.860 of the Richmond Municipal Code.

*- **H-5.** Approved a two-year contract, with two options to extend the contract for one year, with Valley Oil Company to deliver bulk fuel to the City's four fuel sites, in an amount not to exceed \$1,500,000 per fiscal year.

*- **H-6.** Approved a two-year contract with All Star Glass, Inc., in an amount not to exceed \$10,000 per fiscal year for FY 2016-17 and FY 2017-18.

*- **H-7.** Approved a third amendment of a contract with Icon Enterprise, Inc. dba Civic Plus, for web hosting, software maintenance, and support services for the City of Richmond's website for an additional period of three years increasing the contract by an amount of \$71,500 for a total contract amount of \$166,500, and extending the term to June 30, 2019.

*- **H-8.** Adopted **Resolution No. 41-16**, authorizing placement of liens and special assessments for unpaid garbage collection service fees on County property tax records.

*- **H-9.** Adopted **Resolution No. 42-16**, to accept and appropriate \$75,000 in funding from the California Department of Alcoholic Beverage Control (ABC) awarded to the Richmond Police Department for implementation of an effective, comprehensive and strategic approach to address crime and public nuisance problems associated with problematic liquor establishments.

*- **H-10.** Adopted the following resolutions: (1) **Resolution No. 43-16**, as official intent of the City to reimburse the State Treasury (the "Reimbursement Resolution") for costs incurred for approved sanitary sewer projects within the Clean Water State Revolving Fund loan; (2) **Resolution No. 44-16**, authorizing the City Manager or his designee (the "Authorizing Resolution") to sign and file, for and on behalf of the City, a Financial Assistance Application for a financing agreement from the State Water Resources Control Board for the planning, design, and construction of the Sanitary Sewer Wet Weather Capacity Project; and (3) **Resolution No. 45-16**, dedicating and pledging wastewater enterprise capital improvement funds (the "Pledged Revenues and Funds Resolution") to payment of any and all Clean Water State Revolving Fund financing for the Sanitary Sewer Wet Weather Capacity Project.

*- **H-11.** Adopted the following resolutions: (1) **Resolution No. 46-16**, as official intent of the City to reimburse the State Treasury (the "Reimbursement Resolution") for costs incurred for approved critical wastewater treatment plant improvement projects within the Clean Water State Revolving Fund loan; (2) **Resolution No. 47-16**, authorizing the City Manager or his designee (the "Authorizing Resolution") to sign and file, for and on behalf of the City, a Financial Assistance Application for a financing agreement from the State Water Resources Control Board for the planning, design, and construction of the Wastewater Treatment Plant Critical Improvements Project; and (3) **Resolution No. 48-16**, dedicating and pledging wastewater enterprise capital improvement funds (the "Pledged Revenues and Funds Resolution") to payment of any and all Clean Water State Revolving Fund financing for the Wastewater Treatment Plant Critical Improvements Project.

*- **H-12.** Adopted **Resolution No. 49-16**, authorizing a two-year extension to the current five-year standing contracts for as-needed architectural, landscape architectural and structural engineering services with ten architects, eight landscape architects and three structural engineering firms for a total term of seven-years. The standing contract amounts will remain at \$350,000 per firm over the seven year period.

*- **H-13.** Approved a contract amendment with Federal Advocates for preparation of the federal Transportation Investment Generating Economic Recovery (TIGER) grant application to provide funding for

infrastructure improvements along Harbour Way and Marina Way, increasing the contract amount by \$15,000 to a total amount of \$159,000.

*- **H-14.** Approved actions to update the Citizens Police Review Commission: APPOINT Yenny Garcia to fill the unexpired term of Scott Gillespie who resigned, seat #4, term expiration November 1, 2016.

*- **H-15.** Approved the minutes of the regular City Council meetings held Tuesday, May 24, May 31, and June 7, 2016.

*- **H-16.** Approved actions to update the Point Molate Advisory Committee: announced the automatic resignation of Jeff Lee, seat #14, term expiration date May 30, 2017; declared Seat #14 vacant, and directed the City Clerk to post the vacancy.

*- **H-17.** Adopted **Resolution No. 50-16**, calling and providing for a special municipal election to be held on November 8, 2016, for the purpose of submitting to the voters a measure to increase the City of Richmond's real estate documentary transfer tax from .7% to 1% and 1.5%, based upon the amount of the property's sale price. *Councilmember Pimplé abstained.*

*- **H-18.** Adopted **Resolution No. 51-16**, amending the Point Molate Community Advisory Committee (PMCAC) Resolution 8-11 to remove the reference to special meetings when addressing automatic resignations, such that automatic resignations refer only to the absence of more than 3 regular (and not special) meetings in a 12 month period.

*- **H-19.** Approved the following staff recommended actions with respect to the Property Assessed Clean Energy (PACE) Program for the financing of renewable energy distributed generation sources, seismic improvements, and energy and water efficiency improvements: (a) adopted **Resolution No. 52-16**, authorizing the City of Richmond participate in the California Statewide Communities Development Authority "CSCDA" Open PACE Programs, subject to the execution of an agreement of the CSCDA program to indemnify the City; (b) authorized the city manager to execute the CHFA Joint Exercise of Powers Agreement; and adopted **Resolution No's. 53-16** and **54-16**, to participate in Y-grene PACE programs subject to the execution of an agreement of the Y-grene program to indemnify the City; and (c) authorized the city manager to execute the signatory form to become a participating authority in the Association of Bay Area Government PACE residential consumer protection program ("Regional Collaborative Services Agreement").

*- **H-20.** Approved actions to update the Commission on Aging: announced the vacancy of seat #1 previously held by Lionel Johnson, term expiration May 19, 2017; and directed the City Clerk to post the vacancy.

*- **H-21.** Approved actions to update the Housing Advisory Commission: appointed Carol Hegstrom as a new

appointment to fill seat #5, term expiration November 1, 2017.

*- **H-22. Adopted Resolution No. 55-16,** approving a Memorandum of Understanding (MOU) between International Federation of Professional and Technical Employees (IFPTE) Local 21 and the City of Richmond. This agreement will extend the existing MOU through June 30, 2019 and provides for employee cost sharing of Other Post-Employment Benefits (OPEB), i.e. Retiree Medical, and employee cost sharing for active employee medical benefits. Effective January 1, 2017, employees in IFPTE Local 21 will begin contributing \$50 per month for OPEB, and will begin contributing \$100 per month toward active employee medical benefits. Effective January 1, 2018, employees in IFPTE Local 21 will contribute an additional \$50 per month toward OPEB, for a total monthly deduction of \$100, and will contribute an additional \$25 toward active employee medical benefits for a total monthly contribution of \$125 per month.

BUDGET STUDY AND ACTION SESSION

I-1. The matter to review, discuss, and adopt the proposed Fiscal Year 2016-17 Annual Operating Budget and the Fiscal Years 2016-21 Five-Year Capital Improvement Budget; or provide additional direction to staff was presented by City Manager, Bill Lindsay and Finance Director, Belinda Warner. Local 188 and Local 21 agreed to start funding their OPEB contributions and effective January 1, 2017, will also start funding a portion of their medical benefits. The following individuals gave comments: Marilyn Langlois, Dr. Connie Portero, Bea Roberson, Naomi Williams, Millie Cleveland, Deacon Loch Sekona, Veronica Keeton, Nora Vigil, Maria Martinez, Dinorah Barton-Antonio, Stacey Agnitsch, Mark Wassberg, James Walker, Cecilia Lucas, and Jeff Shoji. Discussion ensued. A motion by Councilmember Myrick, to approve the budget and eliminate the Equipment Supervisor position, and use the funds from that vacant position to eliminate one of the proposed lay-offs; reduce the city council budget by \$11,500 by reducing each Councilmember's travel budget by \$500; and elimination of City Council dinners, failed by lack of a second. A motion by Vice Mayor Martinez, seconded by Councilmember Beckles, to approve the budget and to reinstitute the Finance and Public Safety Committees; and direct staff to begin Closed Session negotiations to discuss a graduated salary reduction. Councilmember Bates made a friendly amendment to direct the City Manager to conduct an independent audit prior to the approval of next year's budget. City Manager, Bill Lindsay, stated that the budget will be unbalanced if the audit amendment is approved and was removed as part of the motion. Councilmember Pimplé stated that the labor negotiations portion of the motion should be removed from the motion. Councilmember McLaughlin made a friendly amendment that staff explore the costs associated with the reestablishment of the committees. Vice Mayor Martinez did not accept the amendment. Mr. Lindsay stated that the equipment supervisor position analysis can be provided to the City Council prior to the adoption of the budget resolution on June 28, 2016. The motion failed by the following vote: **Ayes:** Councilmember Beckles and Vice

Mayor Martinez. **Noes:** Councilmember Pimplé and Mayor Butt. **Absent:** None. **Abstain:** Councilmembers Bates, Myrick, and McLaughlin. A motion by Councilmember Pimplé, seconded by Councilmember Myrick, to approve the budget and that the graduated compensation, and re-establishment of the committees be agendaized on a future meeting and to reduce the City Council budget by \$500 each, failed by the following motion: **Ayes:** Councilmembers Myrick, Pimplé, and Mayor Butt. **Noes:** Councilmembers Bates, Beckles, and McLaughlin. **Absent:** None. **Abstain:** Vice Mayor Martinez.

RESOLUTIONS

J-1. The matter to adopt a resolution in support of the Cybertran International, Inc. Ultra-Light Rail Transit System (ULRT) and consider co-sponsoring a regional Town Hall Meeting to introduce the ULRT system as a Global Identity Project was presented by Councilmembers Beckles and Vice Mayor Martinez. This item was continued from the June 7, 2016, meeting. Dexter Vizinou, Todd Jersey, Head Architect and Planner for Cybertran International, and Jean Russell of, Manix, made a presentation. The following individuals gave comments: Naomi Williams, Bea Roberson, Peter Clark, Marilyn Langlois, Irma Garcia, Vickie Guerrero, Ulis Redic, and Ben Choi. Discussion ensued. Mayor Butt stated that funds for Cybertran are not allocated in the Transportation Expenditure Plan, which the voters will consider on the November 2016 ballot, and will not support the use of city funds to pay for the use of the auditorium for the town hall meeting for a for-profit organization. A motion by Councilmember Beckles, seconded by Vice Mayor Martinez, adopted **Resolution No. 56-16**, without the monetary contribution for the use of the auditorium, passed by the unanimous vote of the City Council.

ORDINANCES

K-1. The matter to introduce an ordinance (first reading) to amend Chapter 7.102 - Medical Marijuana Collectives of the Richmond Municipal Code (R.M.C.) was presented by Mayor Butt. Lisa Frolova gave comments. A motion by Councilmember Beckles, seconded by Councilmember McLaughlin, introduced said ordinance, and was laid over two weeks for adoption, by the unanimous vote of the City Council.

COUNCIL AS A WHOLE

L-1. The matter to approve supporting the H.R. 4760 Congressional Bill titled "Blue Lives Matter" and direct staff to send a letter of support to Congressman Ken Buck was presented by Councilmember Bates. This item was continued from the May 17, 2016, and June 7, 2016, meeting. Ben Therriault gave comments. Councilmember Beckles and Myrick do not agree with the term "Blue Lives Matter" because it delegitimizes the Black Lives Matter movement. A motion by Councilmember Pimple, seconded by Councilmember Myrick, to take out the words "Blue Lives Matter" and replace them with *we deeply mourn the loss of police officers killed in the line of duty*. A substitute motion made by Councilmember Bates,

seconded by Councilmember Pimplé, to revise the language of the resolution to read: *Therefore, it is recommended that the Richmond City Council hereby acknowledge that Richmond Police Officers in the City of Richmond deserve our full support in view of the fact that they do continue to work, serve and protect the City of Richmond at large,* passed by the following vote: **Ayes:** Councilmembers Myrick, Pimplé, and Mayor Butt. **Noes:** Councilmembers Bates, Beckles, and McLaughlin. **Absent:** None. **Abstain:** Vice Mayor Martinez and Councilmember Beckles.

L-2. The matter to discuss and provide direction to staff regarding the proposed measure to impose a litter tax was presented by City Attorney, Bruce Goodmiller. Veronica Keeton gave comments. A motion by Councilmember Beckles, seconded by Councilmember Myrick to approve the tax for the higher amount, 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 discuss and consider directing staff to draft a letter indicating that the City Council views businesses such as medical marijuana dispensaries, manufacturers and cultivators as legitimate businesses provided the owners remain in good standing with the requirements of the permit was presented by Councilmember Beckles. A motion by Councilmember Beckles, seconded by Vice Mayor Martinez, approved the item by the unanimous vote of the City Council.

L-4. The matter to adopt an urgency ordinance establishing a 45-day moratorium on certain residential rent increases in the City of Richmond while voters consider whether or not to enact the Richmond Fair Rent, Just Cause for Eviction and Homeowner Protection ordinance that is anticipated to qualify for the November 2016 election was presented by Councilmember McLaughlin. The following individuals gave comments: Marilyn Langlois, Uli Redic, Ben Choi, and Jeff Wright. Discussion ensued. A motion made by Councilmember McLaughlin, seconded by Councilmember Myrick, failed by the following vote: **Ayes:** Councilmembers Beckles, McLaughlin, Myrick, and Vice Mayor Martinez. **Noes:** Councilmembers Bates, Pimplé, and Mayor Butt. **Absent:** None. **Abstain:** None.

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

Councilmember Beckles stated that the city is seeking individuals to serve on the newly formed ECIA Transportation Committee.

ADJOURNMENT

The meeting adjourned at 11:41 p.m., to meet again on Tuesday, June 28, 2016.

Pamela Christian

Clerk of the City of Richmond

(SEAL)

Approved:

Tom Butt

Mayor