

RICHMOND, CALIFORNIA, January 17, 2017

The Richmond City Council Evening Open Session was called to order at 5:32 p.m.

ROLL CALL

Present: Councilmembers Jovanka Beckles, Ben Choi, Gayle McLaughlin, Jael Myrick, Melvin Willis, and Mayor Thomas K. Butt. **Absent:** Vice Mayor Eduardo Martinez was absent for 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

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

California Apartment Owners vs. City of Richmond

**PUBLIC EMPLOYEE APPOINTMENT (Government
Code Section 54957.6):**

Title: Citizens Police Review Commission
Investigative Officer

There were no public speakers.

The Open Session adjourned to Closed Session at 5:33 p.m. Closed Session adjourned at 6:13 p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:31 p.m., by Mayor Butt, who led the Pledge of Allegiance to the Flag.

ROLL CALL

Present: Councilmembers Beckles, Choi, McLaughlin, Willis, and Mayor Butt. **Absent:** Councilmember Myrick arrived after the roll was called. Vice Mayor Martinez was absent for the entire meeting.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Item I-7 was continued to the February 7, 2017, meeting at the request of Mayor Butt. Items I-3, I-4, I-12, I-16, and I-17 were removed from the Consent Calendar for discussion at the request of Councilmember Beckles. Item I-9 was removed from the Consent Calendar for discussion at the request of Councilmember Myrick.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

E-1. The matter of the election of Vice Mayor for 2017 was presented by Mayor Butt. Mayor Butt declared the nominations opened for the election of a new Vice Mayor. Discussion ensued. A motion made by Councilmember McLaughlin, seconded by Councilmember Choi, nominated and appointed Councilmember Beckles as Vice Mayor by the unanimous vote of the City Council.

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 of Richmond was hosting community education classes on the new Richmond Fair Rent, Just Cause for Eviction and Homeowner Protection Ordinance. The first class was held on January 18, 2017, at 6:00 p.m. in the Council Chambers.

OPEN FORUM FOR PUBLIC COMMENT

Antwon Cloird congratulated the new councilmembers. Mr. Cloird expressed concerns with removing barriers to employment including restoring suspended drivers licenses.

Mark Wassberg gave comments regarding President-elect Donald Trump and sanctuary city policies.

K. Harley announced that she placed a petition on www.change.org in support of the Value Human Life Bill

to provide protection for citizens against the Law Enforcement Officers' Bill of Rights.

Andrés Soto congratulated the new councilmembers. Mr. Soto announced the release of Richmond resident Steve Early's new book, *Refinery Town: Big Oil, Big Money, and the Remaking of an American City*. Mr. Soto announced that KPFA Radio was hosting a benefit fundraiser for the new book on Thursday, February 2, 2017, at 7:30 p.m. at the First Congregational Church of Oakland at 2501 Harrison Street.

Naomi Williams congratulated the new councilmembers. Ms. Williams requested Vice Mayor Beckles to stand during the Pledge to the Flag at City Council meetings. Ms. Williams requested a proclamation celebrating February 2017 as Black History Month be placed on the January 24, 2017, City Council meeting agenda.

Jackie Thompson gave comments regarding City Council decorum. Ms. Thompson expressed concerns regarding Cruz Auto Repair parking issues on 24th Street; insufficient street lighting on 16th Street and Portrero Avenue; abandoned furniture on 5th Street and Bissell Avenue; and the usage of gender-specific restrooms at City Hall.

Patricia and Rick Perez gave comments regarding the resignation of the Citizens Police Review Commission Investigative Officer.

Rick Perez gave comments regarding policing in the 1960's and the current policing issues at the Standing Rock Indian Reservation; Law Enforcement Appreciation Day; and the Sierra LaMar criminal case.

Don Gosney gave comments regarding the lack of qualified local workers for local construction projects. Mr. Gosney announced that the United Association of Plumbers and Steamfitters Local 342 were hosting sign-ups for its apprenticeship program.

Ray Landry congratulated new councilmembers. Mr. Landry stated a quote by the Black Repertory Group Executive Director Dr. Mona Vaughn-Scott, "The more things change, the more they remain the same". Mr. Landry offered ideas to commence construction of a new Martin Luther King Community Center on Harbour Way.

CITY COUNCIL CONSENT CALENDAR

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

*I-1. Adopted **Resolution No. 1-17** setting a public hearing for February 21, 2017, regarding the City's intent to grant to SFPP, L.P. a 10-year 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.

*I-2. Approved a three-year agreement with OpportunitySpace, Inc. for use of data management software to assist in code enforcement and other property-related activities. The cost of the contract would be shared equally with the Richmond Community Foundation, for a net cost to the City of \$18,000 over a three-year period.

I-3. The matter to approve the payment of tuition costs for three (3) police officer trainees at the basic police academy at the Office of the Sheriff, Contra Costa County Law Enforcement Training Center, in an amount not to exceed \$14,000 was presented by Police Chief Allwyn Brown. Discussion ensued. The Council discussed staff consider using another agency for training in the future due to concerns from the community regarding the Office of the Sherriff. On motion of Councilmember Myrick, seconded by Vice Mayor Beckles, approved staff's recommendation by the following vote: **Ayes:** Councilmembers Choi, McLaughlin, Myrick, Vice Mayor Beckles, and Mayor Butt. **Noes:** Councilmember Willis. **Abstentions:** None. **Absent:** Councilmember Martinez.

I-4. The matter to approve a contract with Allied Universal to provide security services at 325 Civic Center Plaza, 403 Civic Center Plaza, 440 Civic Center Plaza, 450 Civic Center Plaza, 330 25th Street, 2525 Macdonald Avenue and 326 27th Street for a period from March 1, 2017, to December 31, 2019, for a total not to exceed contract amount of \$ 733,688 and appropriated Fiscal Year (FY) 2017-18 funds in the amount of \$244,556; FY 2018-19 funds in the amount of \$244,556 and FY 2019-20 funds in the amount of \$122,278 to cover the cost of the contract was presented by Police Captain Mark Gagan. Discussion ensued. Vinay Pimplé gave comments. Further discussion ensued. On motion of Councilmember McLaughlin, seconded by Councilmember Willis, approved said contract by the unanimous vote of the City Council.

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

*I-6. Adopted **Resolution No. 2-17** authorizing the Business License Division to offer an Amnesty Program for a period of five months, allowing businesses with unpaid business licenses and transient occupancy taxes, including hotels, motels, and short term rentals, to pay fees and taxes owed without incurring late fees and penalties.

I-7. **Continued to the February 7, 2017, meeting,** the matter to adopt an ordinance (second reading) amending Richmond Municipal Code Sections 9.20.150 and 9.20.155 to update the solid waste collection rates to reflect: (1) an annual Consumer Price Index rate adjustment of three percent (3.00%) that will go into effect on January 1, 2017; and (2) approval of \$.12 per month surcharge on residential accounts resulting from the high 2016 bulky item participation rate that exceeded the 2016 bulky item program budget.

*I-8. Approved an amendment to a legal services agreement with Downey Brand, LLP for assistance with environmental and implementation issues associated with the 'Zeneca' site and the Richmond Bay Specific Plan, in the amount of \$100,000 for a total contract amount of \$150,000 with a term ending December 31, 2018.

I-9. The matter to approve the Fiscal Year 2017-18 Environmental and Community Investment Agreement (ECIA) competitive grant program guidelines and application was presented by Senior Management Analyst LaShonda White. Discussion ensued. A motion was made by Councilmember Myrick to approve said guidelines and application, excluding the application's review criterion for financial viability to leverage additional funds, for organizations under \$50,000. There was no second to the motion. Further discussion ensued. A motion was made by Vice Mayor Beckles to accept staff's recommendation as presented. A friendly amendment by Councilmember Myrick to eliminate the leveraging funds criterion for organizations below \$50,000 was accepted. The motion was seconded by Councilmember Myrick. Further discussion ensued. The motion passed by the unanimous vote of the City Council.

*I-10. Approved actions to update the Commission on Aging; appointed Beverly Wallace, seat #2, term expiration date May 19, 2018.

*I-11. Approved actions to update the Economic Development Commission; appointed Brandon Evans, seat #2, term expiration date March 30, 2018.

I-12. In the matter to approve actions to update the Citizens Police Review Commission; appoint Vinay Pimplé, seat #3, term expiration November 1, 2019, Diego Garcia, seat #9, term expiration November 1, 2019, the Council discussed concerns with the appointment of Vinay Pimplé. Discussion ensued. Diego Garcia and Vinay Pimplé gave comments. A motion by Councilmember McLaughlin, seconded by Vice Mayor Beckles, appointed Diego Garcia by the unanimous vote of the City Council. Further discussion ensued. Another motion by Councilmember Myrick, to appoint Vinay Pimplé, was seconded by Councilmember Choi. Further discussion ensued. The motion to appoint Vinay Pimplé failed by the following vote: **Ayes:** Councilmembers Choi, Myrick, and Mayor Butt. **Noes:** Vice Mayor Beckles. **Abstentions:** Councilmembers McLaughlin and Willis. **Absent:** Councilmember Martinez.

*I-13. Approved actions to update the Youth Council; appointed Brianna Alleyne, seat #2, term expiration date October 1, 2017; Fabienne Aubertin, seat #3, term expiration October 1, 2017.

*I-14. Approved actions to update the Revolving Loan Fund Board; appointed: Fathia Macauley, new appointment, Seat #7.

*I-15. Approved actions to update the Contra Costa Mosquito and Vector Control Board of Trustees; appointed Soheila Bana to the City of Richmond Seat on the Contra Costa Mosquito and Vector Control Board of Trustees, term expiring September 11, 2020.

I-16. The matter to adopt a resolution approving a Memorandum of Understanding (MOU) between the Richmond Police Officers' Association (RPOA) and the City of Richmond; the MOU will be effective from July 1, 2016 through June 30, 2021, was presented by Human Resources Management Services Director Lisa Stephenson. Discussion ensued. The following speakers gave comments: Ben Therriault, Juan Reardon, and Joe Pulio. A motion by Vice Mayor Beckles, to adopt said resolution was seconded by Councilmember Myrick. Further discussion ensued. The motion passed and adopted **Resolution No. 3-17** by the following vote: **Ayes:** Councilmembers Choi, McLaughlin, Myrick, Vice Mayor Beckles, and Mayor Butt. **Noes:** None. **Abstentions:** Councilmember Willis. **Absent:** Councilmember Martinez.

I-17. The matter to adopt a resolution approving a Memorandum of Understanding (MOU) between the Richmond Police Management Association (RPMA) and the City of Richmond; the MOU will be effective from January 1, 2017, through December 31, 2021, was presented by Human Resources Management Services Director Lisa Stephenson. Joey Schlemmer gave comments. A motion by Vice Mayor Beckles, seconded by Councilmember McLaughlin, adopted **Resolution No. 4-17** by the following vote: **Ayes:** Councilmembers Choi, McLaughlin, Myrick, Vice Mayor Beckles, and Mayor Butt. **Noes:** None. **Abstentions:** Councilmember Willis. **Absent:** Councilmember Martinez.

*I-18. Approved a contract amendment with Dyett & Bhatia Urban & Regional Planners, for an amount not to exceed \$80,000, through June 30, 2018, to assist with implementation and trainings related to Zoning Update.

*I-19. Received the Certificate of Sufficiency of Initiative Petition dated January 3, 2017, indicating that the initiative petition entitled "Richmond Hills Initiative" has a sufficient number of valid signatures to be submitted to the voters at the 2018 general election. This was the only Council action at this time.

ITEMS CONTINUED FROM PREVIOUS MEETINGS **- COUNCIL AS A WHOLE**

J-1. The matter to appoint a general employee representative to the Personnel Board from the following panel of three nominees elected at the Personnel Board Election held October 26, 2016, to November 9, 2016: (1) Robert Davila, (2) Charles Smith, and (3) Pamela Saucer-Bilbo was presented by City Clerk Pamela Christian. Discussion ensued. Jackie Thompson gave comments. A motion by Councilmember Myrick, seconded by Councilmember Choi, appointed Robert Davila by the

following vote: **Ayes:** Councilmembers Choi, McLaughlin, Myrick, and Mayor Butt. **Noes:** None. **Abstentions:** Vice Mayor Beckles and Councilmember Willis. **Absent:** Councilmember Martinez.

J-2. The matter to adopt a resolution recognizing International Federation of Professional and Technical Engineers' (IFPTE) Local 21 as the sole and exclusive bargaining agent for Executive Management employees pursuant to the Employer-Employee Relations Resolution (EERR) #134-96 was presented by Human Resources Management Services Director Lisa Stephenson and IFPTE Local 21 International Organizer Paul Thurston. Discussion ensued. The following speakers gave comments: Ben Therriault, Don Gosney, and Vinay Pimplé. Further discussion ensued. A motion by Councilmember Willis, seconded by Councilmember Choi, adopted **Resolution No. 5-17** by the unanimous vote of the City Council.

ITEMS CONTINUED FROM PREVIOUS MEETINGS **- ORDINANCES**

K-1. The matter to introduce an ordinance (first reading) adding Chapter 14.56 to the Richmond Municipal Code (RMC) to establish a Neighborhood Permit Parking (NPP) Program that was intended to provide parking restrictions in residential communities located near major employers, colleges, medical institutions and those impacted by commuter spillover parking, was presented by Deneé Evans of the City Manager's Office Transportation Division. Ms. Evans highlighted that additional community outreach was conducted per City Council's direction and reserved-disabled neighborhood parking would be included. Ms. Evans clarified that the NPP program would be implemented 'block by block' and neighborhoods could opt-in by following a petition process. However, the following five (5) districts were approved as permit zones based on immediate need by the City Council at its September 27, 2016, study session: Downtown, Point Richmond, Civic Center, Contra Costa College, and the 23rd Street Corridor. The following speakers gave comments: Jackie Thompson, Don Gosney, Dave Schoenthal, and Hilary Brown. Discussion ensued. The Council discussed a subsidized parking payment program for the Bay Area Rapid Transit parking garage. The Council also suggested that staff evaluate the need for timed parking zones in areas that impact employees throughout the City of Richmond. The Council also expressed concern that neighborhood permit parking would reduce available patron parking spaces and negatively impact businesses. On motion of Councilmember Myrick, seconded by Councilmember McLaughlin, said ordinance received first reading and was laid over two weeks by the unanimous vote of the City Council.

RESOLUTIONS

L-1. The matter to adopt a resolution in support of increased funding from the State of California for adult education was presented by Councilmember McLaughlin. Kristen Pursley gave comments. A motion by Councilmember McLaughlin, seconded by Councilmember Myrick, adopted **Resolution No. 6-17** by the unanimous vote of the City Council.

COUNCIL AS A WHOLE

M-1. The matter to approve the proposal for renaming the bicycle and pedestrian trail on the Richmond Greenway as the Lillie Mae Jones Trail was presented by the Mayor's Office Director of Community Engagement Christopher Whitmore. Mr. Whitmore highlighted that the proposal received support from the City of Richmond's Parks and Recreation Commission and the Friends of the Richmond Greenway Board. A motion by Vice Mayor Beckles, seconded by Councilmember Myrick, approved said renaming proposal by the unanimous vote of the City Council.

M-2. The matter to direct the city manager to amend the planning process active for the Marina Bay Waterfront property known as Parcel FM to: (1) establish a new parcel appropriate for the development of a full-service restaurant on the southern end of the property; and (2) revise the development plans for the site in accordance with existing planning regulations for the purpose of soliciting separate development proposals for a full-service restaurant on the new parcel was presented by the Mayor's Office Chief of Staff Alex Knox. Mr. Knox pointed out that the item was not intended to preclude proposals for the development of the entire site. Jonathan Livingston gave comments. The Council requested developers to utilize Richmond residents with labor representation and living wages. A motion by Councilmember Willis, seconded by Councilmember Choi, approved staff's recommendation by the unanimous vote of the City Council.

M-3. The matter to direct staff to include three members of each bargaining unit in discussions, to start immediately, to create a fair and inclusive budget process in order to maintain employee morale and gain the best possible outcome for our community was presented by Councilmember McLaughlin. Discussion ensued. Millie Cleveland and Ben Therriault gave comments. A motion by Vice Mayor Beckles, seconded by Councilmember McLaughlin, directed staff to include up to three members of each bargaining unit as determined by the bargaining units, in budget discussions passed by the unanimous vote of the City Council.

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

None.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:48 p.m., in memory of former city employee and local electrical contractor Todd Lewis and former city parking meter maid Ordean Thomas-Evans, to meet again on Tuesday, January 24, 2017, at 6:30 p.m.

Pamela Christian

Clerk of the City of Richmond

(SEAL)

Approved:

Tom Butt

Mayor