

RICHMOND, CALIFORNIA, January 24, 2017

The Richmond City Council Evening Open Session was called to order at 5:30 p.m.

ROLL CALL

Present: Councilmembers Ben Choi, Eduardo Martinez, Melvin Willis, Vice Mayor Jovanka Beckles, and Mayor Thomas K. Butt. **Absent:** Councilmembers Jael Myrick and Gayle McLaughlin arrived after the roll was called.

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):

Paul vs. City of Richmond

Hauschild vs. City of Richmond

There were no public speakers.

The Open Session adjourned to Closed Session at 5:30 p.m. Closed Session adjourned at 6:18 p.m.

The Regular Meeting of the Successor Agency to the Richmond Community Redevelopment Agency and Richmond City Council was called to order at 6:32 p.m., by Mayor Butt, who led the Pledge of Allegiance to the Flag.

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

Mayor Butt stated he would recuse himself from Item J-1 due to a business relationship with a property owner involved with the item.

AGENDA REVIEW

None.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

E-1. Councilmembers Choi, Myrick, Willis, and Mayor Butt presented a proclamation celebrating February 2017 as Black History Month in the City of Richmond to Duane Chapman, Reverend Alvin Bernstine, Dr. LaRue Moore, Deputy Fire Marshall Robin Poindexter, Denlus Johnson III, Tana Monteiro, Cassandra Simmons, and Jamie Myrick. Councilmember Myrick recognized and honored Contra Costa County Judge Diana Becton Smith. Antwon Cloird gave comments.

E-2. Mayor Butt announced the City of Richmond Boards and Commissions vacancies as of January 24, 2017, and asked that interested residents send applications to the City Clerk.

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 on the following items: The Office of Neighborhood Safety was named semifinalist in Harvard's 2017 Innovations in American Government Awards Competition. The Water Emergency Transit Authority was holding a special meeting on February 16, 2017, after 4:00 p.m. at the Craneway Pavilion to potentially award a contract to construct the Richmond Ferry Terminal.

OPEN FORUM FOR PUBLIC COMMENT

Mark Wassberg gave comments regarding a letter he received in response to a claim he filed against the City of Richmond.

Naomi Williams and Bea Roberson expressed concerns regarding the appointment selection process for City of Richmond boards and commissions. Ms. Williams announced that the National Association for the Advancement of Colored People meet at St. Peter Church on 52nd Street every third Saturday and was seeking new members. Ms. Williams expressed her gratitude for the City of Richmond's recognition of Black History Month.

Antwon Cloird expressed concerns regarding the lack of employment opportunities for Richmond residents.

Don Gosney explained the job duties of a steamfitter, announced the need for more Richmond members to join the United Association of Plumbers and Steamfitters Local 342, and the benefits of joining such union. Mr. Gosney announced that registrations for apprenticeship testing were being accepted on February 6 through February 10, 2017. More information was available by calling (925) 686-0730 or Mr. Gosney at (510) 233-2060.

Vinay Pimplé gave comments regarding Item J-2 that was on the January 17, 2017, City Council agenda regarding a bargaining agent for Executive Management employees.

Doria Robinson wished her mother, Kathy Robinson, a happy birthday and gave comments regarding composting in the City of Richmond.

Akeele Carter announced that the local jobs initiative offered priority job placement for Richmond and San Pablo residents at the Chevron Refinery Modernization Project. More information was available at the Trades Day II event on January 25, 2017, 10:00 a.m. to Noon and 1:00 p.m. to 3:00 p.m. in the Bermuda Room, 403 Civic Center Plaza, Richmond.

Kathy Robinson expressed concerns regarding the City of Richmond's homeless population and suggested that the National Guard Armory building on Cutting Boulevard be used for shelter.

Marilyn Langlois commended the Office of Neighborhood Safety for its success and nationwide recognition. Ms. Langlois expressed her respect for Vice Mayor Beckles' decision to sit during the Pledge of Allegiance. Ms. Langlois stated the following quote by Martin Luther King Jr., "A nation that continues year after year to spend more money on military than on programs of social uplift is approaching spiritual death."

K. Harley, Rhonda Perez, Rick Perez, and Patricia Perez expressed their opposition to appointing former Councilmember Vinay Pimplé to the Citizens Police Review Commission (CPRC). Mr. Perez stated that more African-Americans need to be appointed to the CPRC. Mr. Perez gave comments regarding the independent investigation of the Pedie Perez case and policing in the Bay Area.

Kathleen Sullivan expressed gratitude for "democracy". Ms. Sullivan congratulated new councilmembers and observed the "peaceful transition". Ms. Sullivan applauded social media for information concerning boards and commissions appointments.

Kathleen Wimer thanked participants of the 'Richmond Contingent to the Women's March Bay Area' in Oakland on January 21, 2017.

Jovanka Beckles announced that she participated in recent street marches for non-tolerance of injustice. Ms. Beckles read a statement expressing her reasons for not standing during the Pledge of Allegiance to the Flag and listed many social issues that she pledged to improve.

**SUCCESSOR AGENCY TO THE RICHMOND
COMMUNITY REDEVELOPMENT AGENCY
CONSENT CALENDAR**

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

*I-1. Adopted **Resolution No. 17-1** approving the Successor Agency to the Richmond Community Redevelopment Agency's Recognized Obligation Payment Schedule for the period July 2017 through June 2018 (ROPS 17-18) pursuant to California Health and Safety Code 34177.

STUDY AND ACTION SESSION/STUDY SESSION

(At approximately 7:30 p.m., Mayor Butt recused himself from the meeting and appointed Vice Mayor Beckles to chair the meeting).

J-1. The matter to discuss and direct staff to initiate the General Plan Amendment process per Richmond Municipal Code 15.04.813.030 B to amend the GP 2030 by changing the land use designation for General Plan Change Area 12 (Northshore) to 1) Open Space/Parks and Recreation, 2) Agriculture, and 3) Public, Cultural and Institutional; and further direct staff to prepare an urgency ordinance for the City Council's consideration and adoption at its February 7, 2017, meeting, effective immediately upon adoption, temporarily prohibiting land uses in Change Area that conflict with the contemplated General Plan Amendment for this area while the city is considering a General Plan Amendment for Change Area 12 was presented by Councilmember McLaughlin. Councilmember McLaughlin provided a historic overview of the Northshore area. Councilmember McLaughlin highlighted that the current land use designation for the area was solely open space and the intent of the proposed amendment was to protect natural resources by limiting the area to low intensity development. Councilmember McLaughlin listed potential uses under the proposed multi-land use designation. Discussion ensued. Planning and Building Services Director Richard Mitchell advised councilmembers that there were two development applications in process that would be impacted by the proposed amendment and the urgency ordinance would suspend the applications. City Attorney Bruce Goodmiller agreed to provide an analysis of legal risks, in some form of communication, to councilmembers before consideration of the urgency ordinance. The following speakers gave comments: David Fennel, Darrell Inouye, Vinay Pimplé, Shirley Dean, Ivo Keller, Bob Herbst, Diane Hanna, Joshua Genser, Elizabeth Cobb, Dan Murray, Karen Whitestone, Marilyn Langlois, John Stanley Heim, Juan Reardon, Cameron Johnson, Tarnel Abbott, Joseph Puleo, Tony Sustak, John Troughton, Katrinka Ruk, Jerry Overaa, Zak Wear, Robert Cheasty, and Mike Parker. Further discussion ensued. A motion made by Councilmember McLaughlin to proceed with the staff recommendation, was seconded by Councilmember Choi. Councilmember Myrick requested a specific Closed Session within the

context of the Brown Act to discuss legal risks. City Attorney Bruce Goodmiller agreed that a Closed Session could be scheduled if permissible by the Brown Act. The motion passed by the unanimous vote of the City Council.

(At approximately 8:50 p.m., Mayor Butt rejoined the meeting as chair and Vice Mayor Beckles departed for the rest of the meeting).

J-2. The matter to consider Council options for the certified Richmond Hills initiative measure, including: (1) Adopting the ordinance; (2) Placing the measure on the November 2018 ballot; or (3) Directing staff to prepare a report pursuant to Elections Code section 9212 regarding the impacts of the measure was presented by City Clerk Pamela Christian and City Attorney Bruce Goodmiller. Ms. Christian provided a summary report. Mr. Goodmiller highlighted that adoption of the ordinance would result in a General Plan amendment. Mr. Goodmiller advised that the option for a 9212 report would require City Council's review at its February 7, 2017, meeting. Discussion ensued. The following speakers gave comments: Andrea Weber, Mimi Sasaki, Cary Groner, Tamara Knopp, Robin Bedell-Waite, Dick Schneider, Sue Boudreau, Jim Hogan, Paul Hughes, Lisa Vorderbrueggen, Karen Whitestone, Janet Kutulas, Rina Baker, Joanne Spalding, Tony Sustak, and Cesar Zepeda. A motion was made by Councilmember Myrick, seconded by Councilmember McLaughlin to adopt the ordinance without alteration. A substitute motion made by Mayor Butt directing staff to prepare a 9212 report died for lack of a second. The main motion passed by the following vote: **Ayes:** Councilmembers Choi, Martinez, McLaughlin, Myrick, Willis, and Mayor Butt. **Noes:** None. **Abstentions:** None. **Absent:** Vice Mayor Beckles.

J-3. The matter to receive an update regarding ongoing issues related to the handling of organic materials at the West Contra Costa Sanitary Landfill (WCCSL) was introduced by Mayor Butt. The Mayor's Office Chief of Staff Alex Knox presented a Powerpoint that highlighted the following: contractual, regulatory and policy framework; compliance issues related to organic materials; best practices for composting facility; preventing offsite odors; goals; and other presenters for the item. Republic Services Post Collection Area Manager Don Litchfield announced that the WCCSL was issued an order by Contra Costa County Environmental Health Division restricting its composting facility from receiving materials, effective January 25, 2017. Mr. Litchfield stated that WCCSL intended to meet with county health officials, appeal the order, and request a stay to allow time to resolve issues. Mr. Litchfield presented a Powerpoint on the organic processing operations at the WCCSL's composting facility that highlighted the following: team members; aerial view; being a good neighbor; odor control systems; AB 1826 business and jurisdiction requirements; best management practices; and the future of the WCCSL's composting facility. The following representatives from regulatory agencies gave presentations on issues at the WCCSL's composting facility and how to improve its processes: Dr. Marilyn Underwood and Joe Doser of the Local Enforcement Agency housed within the Contra Costa

County Environmental Health Division; Wayne Kino of the Bay Area Air Quality Management District; Stan Hakes of the West Contra Costa Integrated Waste Management Authority (RecycleMore); and City of Richmond Planning and Building Services Director Richard Mitchell. The following speakers gave comments: Woody Tausend, Sylvia Fox, Jessie West, and William Nadal. Discussion ensued. The Council requested a collective summary update report from the presenters in 30 days.

J-4. The matter to receive a report on the Greenhouse Gas (GHG) and community programs developed and implemented with Fiscal Year (FY) 2015-16 Environmental & Community Investment Agreement (ECIA) funds and approve the FY 2015-2016 ECIA annual report was presented by City Manager Bill Lindsay and Senior Management Analyst LaShonda White. This item was continued from the December 20, 2016, meeting. Ms. White's Powerpoint highlighted the following: ECIA overview and programs funding allocations; Mitigation Monitoring and Reporting Program; annual reporting requirements; FY 2015-16 budget allocation and expenditures; transportation and transit programs; Climate Action Plan; urban forestry; roof-top solar, energy retrofit programs, and zoning ordinance update; energy efficiency and renewable programs; Richmond Promise scholarship program; competitive grant program; job training programs; summer youth program; YouthWORKS; Literacy for Every Adult Program; public safety programs; Richmond Police Explorers; Family Justice Center; closed circuit television cameras; free internet; and Marin Clean Energy solar farm. The Council requested the investment policy for the Richmond Promise scholarship program. A motion by Councilmember Myrick, seconded by Councilmember McLaughlin, approved the annual report by the unanimous vote of the City Council.

J-5. The matter to receive a presentation and provide policy direction on a proposed ordinance establishing a Public Art Fee for private development was presented by Director of Library and Cultural Services Katy Curl and Arts and Culture Manager Michele Seville. Ms. Seville provided a summary report explaining that the proposed ordinance would require a percentage from developers or an in-lieu fee for art to enhance beautification and economic development in the City of Richmond. The proposed ordinance was drafted and approved by the Arts and Culture Commission. Ms. Seville's Powerpoint highlighted the following: proposed ordinance guidelines; reasons for public art in private development; and the benefits of public art. Ms. Curl requested policy direction on applicability, administration, and exceptions.

(At approximately 10:47 p.m., Councilmember Myrick departed for the remainder of the meeting).

The following speakers gave comments: Lisa Vorderbruegger, Kathryn Sibley, Jenny Balisle, Linda Kalin, and Rob Wainwright.

(At approximately 11:00 p.m., a motion by Councilmember McLaughlin, seconded by Councilmember Willis, extended the meeting to complete the discussion for Item J-5 by the following vote: Ayes: Councilmembers Choi, Martinez, McLaughlin, Willis, and Mayor Butt. Noes: None. Abstentions: None. Absent: Councilmember Myrick and Vice Mayor Beckles).

The final speaker Dayna Holz gave comments. Discussion ensued. The Council requested staff to consider using triggers for when housing production reached a certain level to determine applicability for housing developments. A motion was made by Councilmember McLaughlin directing staff to prepare optional ordinances with and without the housing production trigger, was seconded by Councilmember Choi. City Manager Bill Lindsay recommended that staff prepare options for insertion into a single ordinance. Councilmember McLaughlin accepted Mr. Lindsay's recommendation. The motion passed by the following vote: **Ayes:** Councilmembers Choi, Martinez, McLaughlin, Willis, and Mayor Butt. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Myrick and Vice Mayor Beckles.

J-6. **Continued to February 28, 2016, meeting,** the matter to receive a presentation on the activities of the Richmond Municipal Sewer District pursuant to the 2006 Baykeeper settlement agreement.

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

Mayor Butt read a statement announcing that seventeen year old Richmond resident Keneisha Lofton reported missing on January 18, 2017, had been safely reunited with her family.

Councilmember Martinez reported on his attendance to the California Association of Sanitation Agencies Conference regarding wastewater management, January 18-20, 2017, in Palm Springs, California.

Mayor Butt announced that 'Bay Area Resilient by Design' was soliciting communities to win prizes for designs to deal with sea level rise in the Bay Area and Richmond may be considered.

Mayor Butt announced that he was presenting Richmond's Climate Action Plan and Climate Adaptation Plan at the California Climate Change Symposium in Sacramento, California on January 25, 2017.

Councilmember Martinez announced that he was appointed to participate in the Water Education for Latino Leaders UnTapped Leadership Program with the goal to develop a sea level rise water project for Richmond.

Mayor Butt encouraged all councilmembers to seek opportunities to get involved with regional agencies.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:17 p.m., in memory of a 'Rosie the Riveter' and longtime Richmond resident Betty Hardison, to meet again on Tuesday, February 7, 2017, at 6:30 p.m.

Pamela Christian

Clerk of the City of Richmond

(SEAL)

Approved:

Tom Butt

Mayor