

**RICHMOND, CALIFORNIA, February 21, 2017**

The Richmond City Council Evening Open Session was called to order at 6:00 p.m.

**ROLL CALL**

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

**CITY COUNCIL**

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

San Francisco vs. Trump

County of Santa Clara vs. Trump

There were no public speakers.

The Open Session adjourned to Closed Session at 6:00 p.m. Closed Session adjourned at 6:35 p.m.

The Regular Meeting of the Successor Agency to the Richmond Community Redevelopment Agency and Richmond City Council was called to order at 6:41p.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**

None.

**AGENDA REVIEW**

Item H-13 was withdrawn from the agenda. Item H-16 was removed from the Consent Calendar. Item I-1 was withdrawn and Items K-1 and L-1 were continued to the March 7, 2017, City Council meeting.

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

City Attorney Bruce Goodmiller stated that the City Council authorized and directed the City Attorney to join in

the amicus briefs concerning the matters of San Francisco vs. Trump and the County of Santa Clara vs. Trump in support of the two lawsuits, which are challenges to President Trump's executive order issued on January 25, 2017, concerning sanctuary cities.

### **REPORT FROM THE CITY MANAGER**

City Manager Bill Lindsay reported that the Water Emergency Transit Authority, (WETA), has been working with cities in the region to establish new ferry routes where the proposed route reduces traffic congestion in the transit corridors and was cost effective, and financially viable. One of WETA's new service routes, in 2018, will include a route from Richmond to San Francisco in the morning and afternoon hours. Mr. Lindsay also stated that the Environmental and Community Investment Agreement (ECIA) Program funded by the Chevron Modernization Project, has once again released its grant program solicitations.

### **OPEN FORUM FOR PUBLIC COMMENT**

Karen Susag stated she would like to be appointed to the Rent Board.

Wes Nicholson, Kyle Peerless, Gerald Smith, Frank Runninghorse, Michael Kerr, Stan Woods, Eugene Ruyle, GG Winter, Theresa Russell, Robin Townsend, Rick Perez, Theresa Barquet, Jeannine Ball, Eleanor Thompson, K. Harley, Craig Emery, and Patricia Perez gave comments regarding the Pedie Perez case and the need to hire an independent police investigator to review the case involving his death.

Mark Wassburg gave comments regarding illegal immigrants who commit crimes.

David Sharples, Edith Pastrano, Marilyn Langlois, Millie Cleveland, Juan Reardon, and Mike Parker, urged the city council to appoint individuals to the Rent Board.

Christal Gibson gave comments regarding the bad condition of Nicholl Park and the need to upgrade it and keep it clean.

Andres Soto gave comments regarding a meeting that Contra Costa County Sherriff Livingston attended with Attorney General Jeff Sessions.

Mayor Butt clarified that he has never impeded the hiring of an independent police investigator.

*A motion was made by Councilmember Willis, seconded by Vice Mayor Beckles, to allow Councilmember Myrick to give comments regarding the hiring of a Citizen's Police Review Commission Investigative Officer.*

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

On motion of Councilmember McLaughlin, seconded by Vice Mayor Beckles, the item(s) marked with an (\*) were approved by the unanimous vote of the City Council:

**\*G-1.** Adopted City Council **Resolution No.11-7a**, and Successor Agency **Resolution No. 17-1**, authorizing the execution of a Novation Agreement with the U.S. Environmental Protection Agency Region 9 (EPA) for continued operation of the Brownfield Revolving Loan Fund and transferring the obligations of the Closeout Agreement with the EPA for that fund from the Successor Agency to the Richmond Community Redevelopment Agency to the City of Richmond.

**CITY COUNCIL CONSENT CALENDAR**

On motion of Councilmember McLaughlin, seconded by Councilmember Choi, the item(s) marked with an (\*) were approved by the unanimous vote of the City Council:

**\*-H-1.** Authorized the city manager or designee to take all actions necessary, including administrative management and project verification, to implement an enhanced energy efficiency multi-family residential homes incentive program in partnership with Marin Clean Energy (MCE) utilizing \$125,000 of Environmental and Community Investment Agreement funding; and approve a contract with energy efficiency program administrator DNV GL to administer enhanced energy incentives to Richmond businesses in an amount not to exceed \$125,000 for a term ending December 31, 2018.

**\*H-2.** Approved a contract with Marken Mechanical Services Inc. to perform as-needed major mechanical building maintenance services at various City facilities including the Civic Center Plaza, Main Library and the two Swim Centers in an amount not to exceed \$150,000 over a three-year period, with an option to extend an additional two years at \$50,000 per year.

**\*H-3.** Approved contract amendment #4 with BioMax Environmental Services, LLC, in the amount of \$50,000 for on-call services regarding monitoring the level of hydrogen sulfide gas at and around the wastewater treatment plant, Point Richmond, Washington Elementary School, and other neighboring communities for a total amount not to exceed \$230,000.

**\*H-4.** Received a report on the Richmond Municipal Sewer District for the month of December 2016.

**\*H-5.** Approved a three-year contract, with a two-year renewal option, with Sonoma Technologies, Inc. to remove the existing Jerome® hydrogen sulfide meters and install and maintain three new, hydrogen sulfide monitors that will be permanently located at the

Wastewater Treatment plant and at Washington Elementary School in an amount not to exceed \$610,080.

**\*H-6.** Approved and appropriated grant-funding of \$24,000 to cover program start-up costs, program management fees, including supplies, for the full-time placement and service of two VISTA members.

**\*H-7.** Adopted **Resolution No. 11-17**, to accept and appropriate \$81,644.00 in grant funding from the California Department of Justice, Community Policing Development Program awarded to the Richmond Police Department for their assistance in the development of police stop-data collection guidelines.

**\*H-8.** Approved actions to update the Commission on Aging; appointed Linda Onita Atkins, new appointment, seat #5, filling an unexpired term with an expiration date of May 19, 2017.

**\*H-9.** Approved actions to update the Library Commission; appointed Isabel Emerson, new appointment, seat #1, filling an unexpired term with an expiration date of July 1, 2018.

**\*H-10.** Approved appointment to the ECIA Transportation Oversight Committee; appointed Marena Brown, new appointment, seat #1, filling an unexpired term with an expiration date of July 25, 2019.

**\*H-11.** Approved actions to update the Urban Forest Advisory Committee; appointed Liz Bittner, new appointment, seat #2, filling an unexpired term with an expiration date of November 17, 2018.

**\*H-12.** Approved actions to update the Arts and Culture Commission; Appointed Silvia Ledezma, re-appointment, seat #7, term expiration January 31, 2021.

**H-13. WITHDREW** the matter to appoint the following individuals to the Rent Board: Nancy Combs, new appointment, seat #1 term expiring February 21, 2019, and Virginia Finlay, new appointment, seat #2, term expiring February 21, 2019.

**\*H-14.** Approved actions to update the Planning Commission; appointed Yu-Hsiang (Michael) Huang, new appointment, seat #5, filling an unexpired term with an expiration date of June 30, 2018.

**\*H-15.** Approved a first amendment to the legal services agreement with the Telecom Law Firm for representation of the City concerning telecommunications matters, including assistance with wireless and wired siting applications, in the amount of \$275,000 for a total contract amount of \$285,000 (with funds for payment generated from application fees for wireless facilities), with a term ending December 31, 2018.

**H-16.** The matter to authorize execution of a Legal Services Agreement with Burke Williams & Sorensen and Thomas Brown to assist staff on issues related to the

General Plan Amendment for Northshore (Change Area 12) in an amount not to exceed \$50,000 with a term ending December 31, 2017, was presented by City Attorney, Bruce Goodmiller. Don Gosney gave comments. A motion by Councilmember McLaughlin, seconded by Councilmember Choi approved the agreement by the following vote: **Ayes:** Councilmembers Choi, Martinez, McLaughlin, Myrick, Willis, and Vice Mayor Beckles. **Noes:** None. **Absent:** Mayor Butt. **Abstain:** None.

**\*H-17.** Reviewed and approved the City's Investment and Cash Balance Report for the months of September, October, November, and December 2016.

**\*H-18.** Approved the minutes of the regular City Council meetings held Tuesday, January 24 and February 7, 2017.

### **PUBLIC HEARINGS**

**I-1. WITHDREW** the matter to adopt a resolution of intention to grant to SFPP, L.P. (Kinder Morgan) 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.

### **RESOLUTIONS**

**J-1.** The matter to adopt a resolution in support of a Congressional investigation regarding the impeachment of President Donald J. Trump was presented by Councilmember McLaughlin. The following individuals gave comments: Mark Wassberg, Margaret Hasselman, Ellen Faden, and Gloria Beck. Discussion ensued. The Council added the following language to the resolution: *Whereas, there are considerable, questionable ethnic concerns in terms of the election and President Trump's selected staff.* On motion of Councilmember McLaughlin, seconded by Councilmember Willis **Resolution No. 12-17**, was adopted by the unanimous vote of the City Council.

### **ORDINANCES**

**CONTINUED** to the March 7, 2017, City Council meeting, the matter to introduce an ordinance adding Chapter 11.46 of Article XI of the City of Richmond Municipal Code establishing regulations concerning the use of unmanned aircraft systems (drones) in Richmond.

### **COUNCIL AS A WHOLE**

**L-1. CONTINUED** to the March 7, 2017, City Council meeting, the matter to approve a contract with MIG, Inc., in an amount not to exceed \$98,980.00, to assist with the community outreach and input process discussing land uses at Point Molate.

**L-2.** The matter to direct the city manager to draft a letter to the California Board of State and Community Corrections to oppose the \$70 million grant proposal from the Contra Costa Sheriff's Office to expand the West

County Detention Facility in Richmond was presented by Councilmember Willis. The following individuals gave comments: Marilyn Langlois, Duane Chapman, and Gina Swirsding. Discussion ensued. A motion by Councilmember Willis, seconded by Councilmember Martinez approved the item by the unanimous vote of the City Council.

**L-3.** The matter to direct the city manager to initiate a procurement process for a proposal to re-establish electrical service at the City-owned property at Point Molate was presented by Mayor Butt. A motion by Vice Mayor Beckles, seconded by Councilmember Martinez approved the item by the unanimous vote of the City Council.

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

Councilmember Martinez reported that last week he attended the Maritime Leadership Symposium, which focused on ports and transportation.

Mayor Butt stated that he represents the city of Richmond at Association of Bay Area Governments, (ABAG) and Bay Conservation and Development Commission, (BCDC) and was also the elected chair for Contra Costa Transportation Authority (CCTA). Mayor Butt reported that he was able to get a \$50 million allocation put on the list for potential RM3 projects for the congestion issues at the interchange at the east end of the Richmond/San Rafael Bridge.

Councilmember Choi reported that he and Mayor Butt were at the solar industrial park ribbon cutting.

Councilmember McLaughlin stated that the preliminary injunction filed by the California Apartment Association was denied in court.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 8:40 p.m., to meet again on Tuesday, February 28, 2017, at 6:30 p.m.

Pamela Christian  
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Clerk of the City of Richmond

(SEAL)

Approved:

Tom Butt  
\_\_\_\_\_  
Mayor