

**RICHMOND, CALIFORNIA, March 7, 2017**

The Richmond City Council Evening Open Session was called to order at 5:00 p.m.

**ROLL CALL**

**Present:** Councilmembers Ben Choi, Gayle McLaughlin, Melvin Willis, Eduardo Martinez, and Mayor Thomas K. Butt. **Absent:** Councilmember Jael Myrick and Vice Mayor Jovanka Beckles arrived after adjourning to 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**

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957.6):**

Title: City Clerk

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Initiation of litigation pursuant to Subdivision (c) of Government Code Section 54956.9):**

One Case

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8):**

Property: Barrett Avenue

Agency Negotiators: Bill Lindsay, Richard Mitchell, and Tim Higaes

Negotiating Party: Orton Development

Under Negotiation: Price and term of payment

Cordell Hindler gave comments regarding the performance evaluation for the city clerk.

The Open Session adjourned to Closed Session at 5:02 p.m. Closed Session adjourned at 6:36 p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:40 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**

None.

## **AGENDA REVIEW**

Item H-10 was removed from the Consent Calendar, Item H-12 was withdrawn from the agenda. Item I-3 was moved to be heard before Item I-1. A motion by Councilmember McLaughlin, seconded by Councilmember Myrick, added an emergency item regarding the adoption of an emergency resolution proclaiming the existence of a local emergency due to landslide damage on Rifle Range Road in Richmond.

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

City Attorney Bruce Goodmiller stated that the City Council unanimously directed and authorized the city attorney to file a lawsuit in the Northern District Federal Court regarding the matter of the City of Richmond vs. President Trump and others. This will be on a pro bono basis by the Cotchett, Pitre, and McCarthy Law Firm. Joe Cochett and Nancy Fineman will be the assigned attorneys. This matter challenges the president's executive order, threatening to withhold federal funds from so-called sanctuary cities. This action will be filed within the next several days.

## **REPORT FROM THE CITY MANAGER**

City Manager Bill Lindsay stated that the deadline to submit the Richmond Promise applications was Friday, March 10, 2017. Mr. Lindsay also stated that members of the City Manager's Office were working to implement the Richmond Rent Program and that the community outreach was continuing to educate applicants to submit information on-line. There will be computer lab support sessions on Thursday, March 23, 2017, and Thursday, March 30, 2017, from 6 p.m. to 8 p.m. in the IT Training Room at 450 Civic Center Plaza.

## **OPEN FORUM FOR PUBLIC COMMENT**

Naomi Williams announced that the Commission on Aging will sponsor a free Senior Citizen Workshop on April 18, 2017, in the Bermuda Room of the Richmond Memorial Auditorium. Ms. Williams also stated that she attended the police officers swearing-in ceremony this morning, and was pleased to see three new female officers.

*A motion by Councilmember McLaughlin, seconded by Councilmember Martinez, to allow persons to address rent control issues during Open Forum, passed by the following vote: **Ayes:** Councilmembers Choi, Martinez, McLaughlin, Willis, and Vice Mayor Beckles. **Noes:** Mayor Butt. **Absent:** None. **Abstain:** Councilmember Myrick.*

Bea Roberson announced that NIAD will hold a fundraiser on April 1, 2017, from 4 p.m. to 6 p.m. at 1451 66<sup>th</sup> Street in Emeryville at the Cliff Bar.

Kathy Robinson gave comments regarding assisting the homeless in our community.

Mark Wassberg gave comments regarding the Day Without Woman movement.

Rick Perez stated that he does not condone purposeful violence against police officers and that not all officers are bad.

Karen Susag gave comments regarding rent issues she has experienced in her apartment.

Tim Laidman stated that Mayor Butt does not understand the problems the community experiences regarding rent problems and Rent Board members should be appointed immediately.

K. Harley read a card that Pat Perez gave her thanking her for her friendship and support in regards to the death of her son Pedie Perez.

Ana Gonzalez, Edith Pastrano, Elizabeth Castro, Gabriel Halland, Juan Lozano, Angela Flores, Philip Mitchell, Lauren Maddox, Rebecca Auerbach, Marilyn Langlois, Noe Gudino, Marcos Banales, Joan Peters, Elsa Stevens, Ana Mata, Joe Puleo, Mike Parker, Tarnel Abbott, Bea Roberson, Claudia Jimenez, Carol Hegstrom, Luis Ugalde, Jeff Shoji, Cecilia Lucas, Scott Anderson, Jan Mignone, Mark Wassberg, Phillip Mitchell, Lauren Maddock, Rebecca Auerbach, Teresa James, Don Gosney, and Naomi Williams, gave comments regarding the need for qualified people on the rent board. A motion by Councilmember McLaughlin, seconded by Councilmember Martinez, to allow rent control discussion during Open Forum, passed by the unanimous vote of the City Council.

Melvin Willis requested a study session regarding homelessness.

Mayor Butt apologized to the five individuals who he recommended to the Rent Board that were not appointed tonight. For rent control assistance, persons can contact the Rent Control Office at 510-620-6576.

### **CITY COUNCIL CONSENT CALENDAR**

On motion of Councilmember McLaughlin, seconded by Councilmember Martinez, all items marked with an (\*) were approved by the unanimous vote of the City Council:

**\*H-1.** Approved an amendment to the contract with Bay Area Resource Center to provide instruction and capacity-building courses for new and small Richmond-based construction contractors as part of the RichmondBUILD program. The contract term will be from August 1, 2015, through June 30, 2018. The contract amount will be increased by \$42,000 for a total contract amount not to exceed \$157,000.00.

**\*H-2.** Approved the purchase of twenty (20) self-contained breathing apparatus (SCBA) 45-minute cylinders from Allstar Fire Equipment, Inc. in the amount of \$19,491.

**\*H-3.** Approved a contract amendment with AMEC Foster Wheeler Environment and Infrastructure, Inc., increasing the contract by \$195,000, for an amount not to exceed \$205,000 through December 31, 2018, to assist in preparing documentation and data for the San Francisco Bay Regional Water Quality Control Board (RWQCB) to modify the existing Clean-up Order on the Terminal One site to align it with the residential project approved by the City Council, and to assist the City in complying with the remaining requirements of the order. Funding for the project is from clean-up funds derived from the settlement agreement with the previous industrial tenants that occupied the property.

**\*H-4.** Approved a contract with R3 Consulting Group to assist in the five-year compliance review of the conditional use permit for the Bulk Materials Processing Center and associated facilities, for an amount not to exceed \$45,000 and for a term ending June 30, 2018, with funding provided by permit holder West County Landfill, Inc.

**\*H-5.** Adopted **Resolution No. 16-17**, authorizing the city manager to submit an application for the 2016 funding round of the Department of Housing and Community Development Housing-Related Parks Program and enter into a funding agreement with the State of California, if the application is approved.

**\*H-6.** Adopted **Resolution No. 17-17**, authorizing the city manager to execute all required contracts and agreements with the State of California to receive a State Coastal Conservancy Grant of \$500,000 to implement a multi-benefit urban greening project in the City's Iron Triangle neighborhood; and appropriated the \$500,000 funding into the Engineering and Capital Improvement budget.

**\*H-7.** Adopted **Resolution No. 18-17**, authorizing placement of liens and special assessments for unpaid garbage collection service fees on County property tax records.

**\*H-8.** Received the City's Investment and Cash Balance Report for the month of January 2017.

**\*H-9.** Accepted and appropriated grant-funds in the amount of \$204,137 under the California Governor's Office of Emergency Services (CALOES) Violence Against Women Act; and APPROVE the continuation of a contract between the Richmond Police Department and STAND! For Families Free of Violence for on-site advocates to assist victims of domestic violence, sexual assault and human trafficking, for the period of January 1, 2017, to December 31, 2017, in an amount not to exceed \$95,134.

**H-10.** The matter to approve a contract with Advance Peace (fiscal agent Safe Passages) to provide consulting services to assist the City with Office of Neighborhood Safety (ONS) core operating, programming, evaluation, communications, resource development and quality control functions in an amount not to exceed

\$62,280 for a term from January 1, 2017, through June 30, 2017 was presented by City Manager, Bill Lindsay. The following individuals gave comments: Theresa Russell, James Prothro, and Yolanda Prothro. Discussion ensued. A motion by Councilmember Myrick, seconded by Councilmember McLaughlin, approved the contract by the unanimous vote of the City Council.

**\*H-11.** Received a written report from the County Environmental Health Division regarding updates related to regulatory actions taken at the West Contra Costa Sanitary Landfill Organic Materials Processing Facility ("compost facility") in Richmond.

**H-12.** Withdrew from the agenda the matter to appoint the following individuals to the Rent Board: Edith Alderette-Sellers, new appointment, seat #1, term expiring March 7, 2019, Scott Anderson, new appointment, seat #2, term expiring March 7, 2019, Lauren Maddock, new appointment, seat #3, term expiring March 7, 2019, Phillip Mitchell, new appointment, seat #4, term expiring March 7, 2019, Geraldine St. Cyr, new appointment, seat #5, term expiring March 7, 2019.

### **EMERGENCY ITEM**

The matter to declare a local emergency for landslide damage on Rifle Range Road near the El Cerrito border was presented by Engineering Director, Yader Bermudez. A motion by Councilmember McLaughlin, seconded by Vice Mayor Beckles, adopted **Resolution No. 15-17**, by the unanimous vote of the City Council.

### **RESOLUTIONS**

**I-1.** The matter to adopt a resolution in support of Senate Bill (SB) 300 which requires that a health warning label be placed on sugar-sweetened beverages (SSBs) sold in California that contain added sweeteners and 75 calories or more per 12 ounces was presented by Councilmember Martinez. Marilyn Langlois, Mike Parker, and Jeff Ritterman gave comments. A motion by Vice Mayor Beckles, seconded by Councilmember Willis, adopted **Resolution No. 19-17**, by the unanimous vote of the City Council.

**I-2.** The matter to adopt a resolution authorizing City of Richmond co-sponsorship and use of the Richmond Auditorium on April 6, 2017, for a "Know Your Rights" educational forum to inform and provide information to our undocumented immigrant community was presented by Councilmember McLaughlin. Councilmembers Choi, Myrick, and Willis agree to give up their portion of travel monies to help fund this forum. A motion by Councilmember McLaughlin, seconded by Councilmember Myrick, adopted **Resolution No. 20-17**, by the unanimous vote of the City Council.

**I-3.** The matter to adopt a resolution celebrating the Tibetan Community Center located in Richmond, honoring 2017 as the worldwide Tibetan Action Year, and urging the Chinese government to engage in dialogue to peacefully

resolve the conflict in Tibet was presented by Councilmember McLaughlin. Kelsan Jungney gave comments. A motion by Councilmember McLaughlin, seconded by Councilmember Martinez, adopted **Resolution No. 21-17**, by the unanimous vote of the City Council.

### **ORDINANCES**

**J-1.** The matter to introduce an ordinance (first reading) 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 was presented by Police Chief Allwyn Brown and Lieutenant Felix Tan. This item was continued from the February 21, 2017, meeting. The following individuals gave comments: Don Gosney, Phillip Mehas, Jim Hausken, Michael Freeman, Bharat Treman, and Mike Parker. Discussion ensued. The Council requested that staff research if the city may impose fees for commercial company's use of the city's airspace. A motion by Councilmember Willis, seconded by Councilmember Myrick, to continue this matter to a future meeting to allow city staff, the community, and individuals from the American Civil Liberties Union (ACLU) to offer input and discuss concerns regarding this ordinance passed by the following vote: **Ayes:** Councilmembers Choi, Martinez, McLaughlin, Myrick, Willis, and Vice Mayor Beckles. **Noes:** Mayor Butt. **Absent:** **Abstain:** None.

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

None.

### **ADJOURNMENT**

There being no further business, the meeting adjourned at 9:57 p.m., to meet again on Tuesday, March 21, 2017, at 6:30 p.m.

Pamela Christian  
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Clerk of the City of Richmond

(SEAL)

Approved:

Tom Butt  
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Mayor