

RICHMOND, CALIFORNIA, June 6, 2017

The Richmond City Council Evening Open Session was called to order at 5:03 p.m.

ROLL CALL

Present: Councilmembers Ben Choi, Eduardo Martinez, Gayle McLaughlin, Melvin Willis, Vice Mayor Jovanka Beckles, and Mayor Thomas K. Butt. **Absent:** Councilmember Jael Myrick 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 - ANTICIPATED LITIGATION (Significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.9):

One Case

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

Property: General Warehouse - Port of Richmond
Agency negotiators: Bill Lindsay and Jim Matzorkis

Negotiating party: (i) Orton Development; and (ii) Richmond Grown LLC

Under negotiation: Price and terms of payments

Property: (former) Cafeteria Building - Port of Richmond

Agency negotiators: Bill Lindsay, Jim Matzorkis
Negotiating parties: (i) Power Plant LLC; and (ii) Golden Gate Meat Company/Up & Under Pub and Grill

Under negotiation: Price and terms of payment

Nathan Trivers and Rick Benson gave comments regarding the Cafeteria Building.

(Mayor Butt recused himself from the negotiation regarding the Cafeteria Building due to a conflict of interest).

The Open Session adjourned to Closed Session at 5:16 p.m. Closed Session adjourned at 6:51 p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:54 p.m., by Mayor Butt, who led the Pledge of Allegiance to the Flag.

ROLL CALL

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

(Mayor Butt announced that members of the public may address the Council on consent calendar items during Open Forum).

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

None.

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 conclusion of the Richmond Police Department Community Safety Academy and graduation ceremony held June 5, 2017.

OPEN FORUM FOR PUBLIC COMMENT

Conrad Baldwin distributed documents and a resolution to the Council requesting the immediate release of false imprisonment victims. Mr. Baldwin requested the Council to place the resolution on its next meeting agenda and send it to Governor Jerry Brown.

Mark Lindquist inquired about the General Warehouse negotiation closed session item. Mayor Butt advised Mr. Lindquist to consult with City Attorney Bruce Goodmiller directly regarding this matter.

Mark Wassberg gave comments regarding illegal immigration and the presidential executive order to build a wall along the United States-Mexico border (referenced in item H-18).

Naomi Williams made the following announcements: The Commission on Aging was hosting a bus trip to the Red Hawk Casino, departing from 24th Street and Barrett Avenue on June 7, 2017, at 8:30 a.m. The Juneteenth Festival was held on June 17, 2017, at Nichol Park. The Commission on Aging was in need of new commissioners to fill vacancies.

K. Harley, Rick, Patricia, and Julie Perez gave comments regarding the Pedie Perez case and investigation. Mr. Perez gave comments regarding a sting operation conducted by Union Pacific Railroad and Richmond police

officers at the Carlson and Cutting Boulevards intersection. Mr. Perez reported an alleged incident concerning Richmond police officers displaying inappropriate conduct. Ms. Harley gave comments regarding the Oscar Grant Committee meeting held on June 5, 2017. Ms. Harley encouraged the Council to support her proposed 'Value Human Life Bill.' Patricia Perez expressed concerns that police officers were protected and was not subjected to the same scrutiny as civilians following officer involved shootings. Patricia Perez gave comments regarding the Law Enforcement Officers' Bill of Rights. Julie Perez gave comments regarding community policing.

Andrés Soto expressed his support to the Perez Family. Mr. Soto announced that the Bay Area Air Quality Management District (BAAQMD) Board of Directors voted 16 to 3 endorsing a rule placing a cap on greenhouse gas emissions by oil refineries. Mr. Soto announced that the BAAQMD board was casting the final vote on the rule on June 21, 2017, and the California Air Resources Board was considering a suite of rules to apply statewide. Mr. Soto expressed his gratitude for the Council's leadership on the issue.

Ruscal Cayangyang announced his stand against hateful, racial, and personal attacks made by others. Mr. Cayangyang gave comments in support of the City of Richmond being a 'safe haven' community. Mr. Cayangyang expressed his gratitude to Councilmembers McLaughlin, Willis, and Vice Mayor Beckles for resolutions placed on the agenda.

CITY COUNCIL CONSENT CALENDAR

On motion of Councilmember McLaughlin, seconded by Councilmember Martinez, the item(s) marked with an (*) were approved by the following vote: **Ayes:** Councilmembers Choi, Martinez, McLaughlin, Willis, Vice Mayor Beckles, and Mayor Butt. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Myrick.

*H-1. Approved the Green Infrastructure Framework as an outline of the Green Infrastructure Plan which addresses pollutants of concerns from urban storm-water runoff, in order to maintain compliance with the Municipal Regional Permit.

*H-2. Received a report on the Richmond Municipal Sewer District for the month of April 2017.

*H-3. Adopted **Resolution No. 57-17** to accept and appropriate \$83,155 in funding from the Edward Byrne Memorial Justice Assistance Grant (JAG) Program awarded to the Richmond Police Department for the purchase of police safety equipment.

*H-4. Adopted **Resolution No. 58-17** authorizing submittal of the Measure J 2014 and 2015 "Growth Management Program Compliance Checklist" to the Contra Costa County Transportation Authority (CCTA) to allow the City of Richmond to receive its allocation of Fiscal

Year 2015-16 and 2016-17 Local Street Maintenance and Improvement Funds.

*H-5. Designated Mayor Tom Butt as voting delegate to represent the City of Richmond at the Annual Business Meeting of the League of California Cities' 2017 Annual Conference, to be held at the Convention Center in Sacramento, Wednesday, September 13 through Friday, September 15, 2017.

*H-6. Approved the minutes of the May 16, 2017, regular meeting of the Richmond City Council.

*H-7. Adopted **Resolution No. 59-17** renewing and continuing the local emergency on Rifle Range Road due to landslide damage, which was first adopted by the City Council on March 7, 2017.

*H-8. Adopted **Resolution No. 60-17** renewing and continuing the local emergency on Via Verdi due to landslide damage, which was first adopted by the City Council on February 28, 2017.

*H-9. Approved an on-call contract for concrete sidewalk repair services with Precision Concrete Cutting in an amount not to exceed \$100,000 per year for three years from fiscal year 2017/18 to 2019/20.

*H-10. Received the Investment and Cash Balance Report for the month of April 2017.

*H-11. Introduced an ordinance (first reading) setting the tax rate for the Tax Override Pension Fund for Fiscal Year 2017-18 at 0.14%.

*H-12. Adopted **Resolution No. 61-17** authorizing a twelve-month Business License Tax Amnesty Program from July 2017 through June 2018 allowing businesses with unpaid business license taxes and transient occupancy taxes, including hotels, motels, and short term rentals such as Airbnb rentals, the opportunity to comply with Richmond Municipal Code (RMC) Section VII, Chapters 7.04 and 7.88, without the necessity of paying penalties and interest.

*H-13. Approved actions to update the Economic Development Commission; Appointed Demnlus Johnson, new appointment, seat #1, filling an unexpired term with an expiration date of March 30, 2018.

*H-14. Approved actions to update the Design Review Board; Appointed Michael Hannah, new appointment, seat #1, expiration date March 17, 2019, Bhavin Khatri, new appointment, seat #2, expiration date March 17, 2019, Jonathan Livingston, re-appointment, seat #4, expiration date March 17, 2019.

*H-15. Approved actions to update the Commission on Aging; Appointed Rose Brooks, re-appointment, seat #6, expiration date of May 19, 2019.

*H-16. Approved actions to update the Youth Council; Appointed Nayeli Hernandez, new appointment, seat #4, expiration date October 1, 2017.

*H-17. Adopted **Resolution No. 62-17** in support of Assembly Bill 1360, Assembly Bill 1478, and Senate Bill 808 in the California State Legislature to assure charter school accountability and transparency, and to address local control of charter schools in California.

*H-18. Adopted **Resolution No. 63-17** denouncing the presidential executive order to build a wall along the U.S. - Mexico border and recommending that the City of Richmond not do business with or contract with any companies involved in the construction of a border wall.

BUDGET SESSION

I-1. The matter to receive presentations from department representatives, providing an overview of their proposed operating budgets for Fiscal Year (FY) 2017-18, and the Capital Improvement Plan for FY 2017-18 - FY 2021-22; initiate a policy review of the operating and capital budgets, and provide direction to staff was introduced by Finance Director Belinda Warner. Ms. Warner presented a Powerpoint presentation that highlighted the following: The Housing and Community Development Department's mission; FY 2017-18 goals; housing staff; non-General Fund budget; and city-wide capital improvement projects. Discussion ensued. Senior Management Analyst LaShonda White presented a Powerpoint presentation for the proposed FY 2017-18 Environmental Community Investment Agreement (ECIA) budget that highlighted the following: background; 10-year projection; proposed FY 2017-18 budget; greenhouse gas reduction programs; community based programs; and tracking and reporting. Discussion ensued. Revenue Manager Antonio Banuelos presented the FY 2017-18 General Fund revenue. Discussion ensued. Budget Analyst Markisha Guillory presented the FY 2017-18 General Fund expenditures and budget adjustments. Discussion ensued. The Council requested staff to research the use of deep green 100% renewable energy. Steve Paskowitz gave comments.

PUBLIC HEARINGS

J-1. The City Clerk announced that it was time, pursuant to public notice, to hold a public hearing to introduce an ordinance regarding the City's intent to grant to Santa Fe Pacific Pipelines Partners, L.P. (SFPP) a 10 year franchise agreement 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 for a period of ten years. Engineering and Capital Improvements Director Yader Bermudez gave an oral report. Discussion ensued. Mayor Butt declared the public hearing open. Andrés Soto gave comments in favor. Mayor Butt declared the public hearing closed. On motion of Councilmember Martinez, seconded by Councilmember McLaughlin, said ordinance received first reading and was

laid over for two weeks by the unanimous vote of the City Council.

J-2. The City Clerk announced that it was time, pursuant to public notice, to hold a public hearing to introduce an ordinance (first reading) establishing certain fees for the proposed Master Fee Schedule. Revenue Manager Antonio Banuelos provided an oral report. Discussion ensued. The Council requested staff to verify that a policy was in effect to waive tow charges for the first 48 hours, for Richmond resident victims of stolen vehicles, if the vehicle was towed by a Richmond Police Department towing contractor. The Council requested staff to research if other cities charged vehicle impoundment fees when the driver was arrested. The Council requested staff to research fines and penalties for illegal dumping. On motion of Councilmember Myrick, seconded by Councilmember Willis, said ordinance received first reading, excluding the impoundment fee for arrested drivers for consideration at a later date, and was laid over for two weeks by the unanimous vote of the City Council.

RESOLUTIONS

K-1. The matter to adopt a resolution in support of Assembly Bill 1578 (Jones-Sawyer), which would prohibit a state or local agency from assisting a federal agency to investigate, detain, detect, report or arrest a person for marijuana activity that is authorized by law in the State of California and transferring an individual to federal law enforcement authorities for purposes of marijuana enforcement, unless directed to do so by a court order was introduced by Councilmember Willis and Vice Mayor Beckles. Mark Wassberg, James Hinton, and Rusal Cayangyang gave comments. A motion by Councilmember Willis, seconded by Councilmember Martinez, adopted **Resolution No. 64-17** directing staff to send a copy of the resolution to the Senate, by the unanimous vote of the City Council.

COUNCIL AS A WHOLE

L-1. The matter to consider extending the minimum wage phase-in period and increasing the minimum wage to \$15/hour in Richmond and direct staff to present draft amendments to Ordinance No. 11-14 N.S. at the first City Council meeting in July was introduced by Councilmembers Willis and McLaughlin. Discussion ensued. A proposal by Mayor Butt to place the item on a future agenda as a study session after outreach to business owners was not accepted by the item's sponsors. Tina Sandoval, Heriberto Aranda, James Hinton, and Bea Roberson gave comments. On motion of Councilmember Willis, seconded by Councilmember Beckles, directed staff to return to City Council on July 18, 2017, with an extension on the minimum wage that increases the wage by the year 2019 with a phase-in period starting in the year 2018; remove all exemptions from the previous minimum wage ordinance except for Youth WORKS; and replace the text under the "*waiver through collective bargaining*" section of the ordinance from "*to the extent required by law*" to "*to the extent required by law or permitted that all*

or any positions of applicable requirements of the charter may be waived”, by the following vote: **Ayes:** Councilmembers Choi, Martinez, McLaughlin, Myrick, Willis, and Vice Mayor Beckles. **Noes:** Mayor Butt. **Abstentions:** None. **Absent:** None.

L-2. The matter to direct the city manager to enter into a license agreement with Waterside Workshops for use of Building 87 at Pt. Molate Beach Park to expand their vocational training program targeted at underserved Richmond youth, with final terms to be approved by the city manager, and with approval as to form by the city attorney was introduced by Councilmember McLaughlin. Discussion ensued. Don Gosney gave comments. On motion of Councilmember McLaughlin, seconded by Councilmember Choi, authorized said license agreement for use of Building 87 at Pt. Molate Beach Park or a suitable alternative, by the unanimous vote of the City Council.

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

Councilmember Martinez reported on attendance to the Inner City Capital Connections meeting on May 31, 2017, and its scholarship program for businesses along the capitol corridor.

Mayor Butt reported attendance to the Association of Bay Area Governments (ABAG) General Assembly meeting on June 5, 2017; where members voted on a budget and work program to move the ABAG-Metropolitan Transportation Commission merger into the next phase.

Councilmember McLaughlin reported on attendance to the Boards and Commissions Leadership Institute.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:33 p.m., in memory of Richmond resident Lil Williamson, Executive Assistant to the City Manager Sue Kadlec’s mother Pat Robertson, and youth coach Bishop Johnson, to meet again on Tuesday, June 20, 2017, at 6:30 p.m.

Pamela Christian

Clerk of the City of Richmond

(SEAL)

Approved:

Tom Butt

Mayor