

## **RICHMOND, CALIFORNIA, July 18, 2017**

The Richmond City Council Evening Open Session was called to order at 5:04 p.m.

### **ROLL CALL**

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

Mayor Butt announced that he had a conflict of interest with the cafeteria item and would recuse himself during discussion.

### **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 LABOR NEGOTIATORS (Government Code Section 54957.6):**

Property: General Warehouse-Port of Richmond  
Agency negotiators: Bill Lindsay and Jim Matzorkis  
Negotiating parties: (i) Orton Development; and (ii) Richmond Grown LLC. Under negotiation: Price and terms of payment

Property: (former) Cafeteria Building-Port of Richmond  
Agency negotiators: Bill Lindsay and Jim Matzorkis  
Negotiating parties: (i) Power Plant LLC; and (ii) Golden Gate Meats/Up and Under Pub & Grill  
Under negotiation: Price and terms of payment

Property: 1 Barrett Avenue, Richmond  
Agency negotiators: Bill Lindsay  
Negotiating parties: Orton Development  
Under negotiation: Price and terms of payment

The following individuals gave comments: Ken Scott-Hleber, David Schoenthal, Chris Cook, Jeff Vines, Bobbi Sue Scott-Hleber, Jimi Z., Nathan Trivers, Tony Brakohiapa, Robert Dubai, Jordan DeStaebler, Jeff Lee, Aikki Villa, Terry Swartz, Phil Allen, Roxanne Mangosing, and Peter Tsu regarding the Cafeteria Building.

The Open Session adjourned to Closed Session at 5:32 p.m. Closed Session adjourned at 6:30 p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:44 p.m., by Mayor Butt, who led the Pledge of Allegiance to the Flag.

## **ROLL CALL**

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

## **STATEMENT OF CONFLICT OF INTEREST**

None.

## **AGENDA REVIEW**

Mayor Butt announced that the last name listed in Item **I-17** should be Hunt not Willis.

Item I-18 was removed from the Consent Calendar by Mark Wassberg, but was placed back on the Consent Calendar prior to the vote and after Mr. Wassberg was removed from the City Council meeting for disrupting the meeting.

Mayor Butt announced that Item I-20 would be continued to a future meeting. On motion of Councilmember Martinez, seconded by Councilmember McLaughlin overruled the mayor's decision to continue Item I-20 and leave the item on the agenda by the following vote: **Ayes:** Councilmembers Choi, Martinez, McLaughlin, Willis, and Vice Mayor Beckles. **Noes:** Mayor Butt. **Abstentions:** None. **Absent:** None.

## **PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS**

**E-1.** Vice Mayor Beckles and Councilmember Martinez presented a proclamation recognizing Councilmember Gayle McLaughlin for 12 years of service to the City of Richmond. The following individuals gave comments: Mark Wassberg, Annabelle Leal, Melvin Willis, Virginia Ramirez, Ana Gonzalez, Edith Pastrano, Kristen Pursley, Jerome Smith, Paul Carma, Matt Holmes, Kitty Zahradka, Jim Zahradka, Diana Wear, Margaret Jordan, Kay Wallis, Lucy Reardon, Rick Perez, Roberta Spieckerman, Soheila Bana, Torm Nompraseurt, Yenny Garcia, Brigid Kennedy Acuna, Andres Soto, Zeb Handoush, David Flores, Janet Johnson, Dorothy Gilbert, Juan Reardon, Tarnel Abbott, Maria Rivera, and Patricia Perez.

## **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, on behalf of the City staff, offered appreciation to councilmember McLaughlin for her service to the City of Richmond.

## **OPEN FORUM FOR PUBLIC COMMENT**

Gershon Luria thanked Mayor Butt and Councilmember McLaughlin. Mr. Luria gave comments regarding property inspection letters he received from the City of Richmond.

Mark Wassberg gave comments regarding immigration.

Peter Margolis gave positive comments to the City Council and Recreation Department for summer programs. He also gave comments regarding the ECIA selection process.

Pam Saucer-Bilbo announced events held by the Men and Women of Valour. She also thanked Councilmember McLaughlin for her service to the City of Richmond.

Jackie Thompson thanked Councilmember Willis for meeting with members of Friendship Manor. She also stated that the hedges on 37<sup>th</sup> Street and Cutting Boulevard need to be addressed.

Kathy Robinson gave comments regarding the homeless population and suggestions on how to help them.

Rick Perez and K. Harley gave comments regarding citizen interaction with police officers.

Patricia Perez gave comments regarding the death of Pedi Perez.

Victor Garcia and Anselmo Ramirez gave comments regarding a 5K event to raise funds for backpacks for students and encouraged Council support.

Myrtle Braxton gave comments regarding the overgrown weeds on the medians and parks on the Southside of Richmond. She also invited Councilmembers to the next neighborhood council meeting.

David Drisdale stated that the overgrown weeds at Laurel Park need to be addressed.

Andres Soto gave comments regarding refinery admissions and invited everyone to an Our Power Festival, on August 12, 2017, at Nichol Park.

Marilyn Alford gave comments regarding Consent Calendar Items I-19 and I-20.

Eleanor Thompson stated that she needed funded for her program in North Richmond.

James Vorhis and Jacqueline Smart gave comments in support of the T-Mobile appeal.

## CITY COUNCIL CONSENT CALENDAR

On motion of Vice Mayor Beckles, seconded by Councilmember Willis, 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.

**\*I-1.** Adopted **Resolution No. 86-17** authorizing placement of liens and special assessments for unpaid garbage collection service fees on County property tax records.

**\*I-2.** Received the City's Investment and Cash Balance Report for the month of May 2017.

**\*I-3.** Adopted **Resolution No. 87-17** accepting a \$150,000 grant received from the California Employment Development Department and appropriating these grant revenues and associated expenditures into the Fiscal Year 2017-18 Employment and Training Department budget.

**\*I-4.** Adopted **Resolution No. 88-17** 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.

**\*I-5.** Adopted **Resolution No. 89-17** 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.

**\*I-6.** Approved an amendment to the contract with Groundwork Richmond to function as the Urban Forestry Project Administrator in an amount not to exceed \$88,000 with the contract term extended until August 30, 2018.

**\*I-7.** Approved a lease agreement with North Richmond Properties, Inc. for space to store containers and landscaping equipment related to Hilltop Landscape Maintenance District work, in an amount not to exceed \$15,000.00 and for a month-to-month term.

**\*I-8.** Approved standing purchase orders with (1) Omega Pacific, (2) Azco Supply, and (3) JAM Services to provide street light and traffic signal poles, and related products, on an as needed basis to replace damaged street and traffic light poles throughout the City in an amount not to exceed \$150,000 per vendor over a three year period, with an option to extend an additional two years at \$100,000 per vendor.

**\*I-9.** Approved a five-year contract with Larry Walker Associates to assist with the City's National Pollutant Discharge Elimination System (NPDES) compliance schedule in an amount not to exceed \$200,000.

**\*I-10.** Approved a contract with Infrastructure Engineering Corporation (IEC) to provide sewer flow monitoring data collection and reporting services, and to install a bladder in the Boat Ramp Road overflow structure,

for a period of 12-months in an amount not to exceed \$46,500.

**\*I-11.** Adopted **Resolution No. 90-17** approving the amended Sewer System Management Plan (SSMP) in compliance with the State Water Resource Control Board regulations.

**\*I-12.** Approved an amendment to the Interagency Agreement between the City of Richmond and Contra Costa County to facilitate the City's continued use of jointly administered North Richmond Mitigation Fee (NRMF) funding for services and programs authorized in the approved expenditure plans, and to co-staff the NRMF Committee, extending the term from June 30, 2017, to December 31, 2017, with no change to the current payment limit of \$1,080,055.

**\*I-13.** Approved the Amended 2015/16 North Richmond Waste and Recovery Mitigation Fee Expenditure Plan identifying the activities authorized to be funded with Mitigation Fee revenue and respective funding allocations for the period of July 1, 2015, through June 30, 2016, as recommended by the North Richmond Waste and Recovery Mitigation Fee Joint Expenditure Planning Committee; and approve the 2017/18 North Richmond Waste and Recovery Mitigation Fee Expenditure Plan, identifying the activities authorized to be funded with Mitigation Fee revenue and respective funding allocations for the period of July 1, 2017, through June 30, 2018, as recommended by the North Richmond Waste and Recovery Mitigation Fee Joint Expenditure Planning Committee.

**\*I-14.** Adopted **Resolution No. 91-17** authorizing the California Fire Fighter Joint Apprenticeship Committee (CFFJAC) to provide the City of Richmond with a list of displaced firefighters (due to layoff) from other agencies, and allowing these firefighters to be added to the City's existing employment list, thereby providing them the opportunity to compete for vacant firefighter positions in Richmond.

**\*I-15.** Approved actions to update the Design Review Board appointed Kimberly Butt, new appointment, seat #3, expiration date March 17, 2019, Meredith Benz, new appointment, seat #7, expiration date March 17, 2019.

**\*I-16.** Approved actions to update the Workforce Development Board; appoint Sarah Wally, new appointment, seat #26, term expiration March 1, 2020.

**\*I-17.** Approved actions to update the Human Rights and Human Relations Commission; appoint Ylan Hunt, new appointment, seat #4, filling an unexpired term with a term expiration date March 30, 2019.

**\*I-18.** Adopted **Resolution No. 92-17** supporting the Lesbian, Gay, Bisexual, Transgender, Intersex, Queer, and Questioning (LGBTIQ) community and establishing a policy to prevent city-funded travel to states with laws discriminating on the basis of sexual orientation, gender identity or gender expression.

**\*I-19.** Adopted **Resolution No. 93-17** amending Section 2 (Membership) of Resolution 74-08 Establishing the Richmond-Zhoushan Friendship Commission to include that a majority of the commissioners reside and/or work in Richmond.

**I-20.** The matter to authorize travel for Councilmember Martinez, Port Director Jim Matzorkis, Port Operating and Marketing Manager Lucy Zhou, and City Council Liaison Trina Jackson to Zhoushan, China to attend the third annual International Island Tourism Conference and to update the Mutual Agreement between Richmond and Zhoushan was removed from the Consent Calendar by Mayor Butt for discussion. Port Director Jim Matzorkis and Marketing Manager Lucy Zhou removed their names for consideration to travel. Following discussion, on motion of Councilmember Willis, seconded by Councilmember McLaughlin approved travel for Councilmember Martinez and City Council Liaison Trina Jackson to Zhoushan, China to attend the third annual International Island Tourism Conference and to update the Mutual Agreement between Richmond and Zhoushan by the following vote: **Ayes:** Councilmembers Choi, Martinez, McLaughlin, and Willis. **Noes:** Mayor Butt. **Abstentions:** None. **Absent:** Vice Mayor Beckles.

**\*I-21.** Adopted **Ordinance No. 11-7 N.S.** amending the wages, salary, and compensation for the new classifications of Environmental Compliance Inspector (Salary Range No. 52G \$6,287 - \$7,610/month) and Senior Environmental Compliance Inspector (Salary Range No. 128 \$7,090 - \$8,577). This item was the re-titling of two existing classifications.

**\*I-22.** Adopted **Ordinance No. 12-17 N.S.** establishing the wages, salary, and compensation for the new classification of Environmental Services Manager (Salary Range No. 071B \$10,322 - \$12,547/month). This item was a re-titling of an existing classification.

**\*I-23.** Adopted **Ordinance No. 13-17 N.S.** establishing wages, salary, and compensation for the new classification of Director of Water Resource Recovery (Salary Range 3.1: \$9,024 - \$14,364).

**\*I-24.** Adopted **Ordinance No. 14-17 N.S.** adding chapter 12.62 of Article XII to the Richmond Municipal Code, establishing a One-Percent for Public Art on Private Projects Program, requiring commercial developments of \$500,000 or more, and residential developments of ten (10) units or more, to provide on-site public art, or a payment into an in-lieu fund to be used for public art projects.

**\*I-25.** Adopted **Ordinance No. 15-17 N.S.** amending the City's Minimum Wage Ordinance (RMC Chapter 7.108) to eliminate certain exemptions and to accelerate the transition period, providing for a minimum wage of \$13.41 on January 1, 2018, and \$15.00 per hour on January 2, 2019.

## PUBLIC HEARINGS

### **J-1. APPEAL WITHDRAWN BY**

**APPELLANT** - the matter to consider an appeal by Jay R. Fenton of the Planning Commission's approval of a Parcel Map (PLN15-282) to create three parcels located at 3501 Collins Avenue; and reaffirm, modify, or reverse the Planning Commission's decision.

**J-2.** The city clerk announced it was time, pursuant to public notice, to hold a public hearing to adopt a resolution approving a report of sewer service charges for Fiscal Year 2017/18 and allowing for the sanitary sewer charges and stormwater fees to be collected on the annual 2017-2018 tax rolls; Water Resource Recovery Department Director Ryan Smith gave an overview. Mayor Butt opened the public hearing. There were no public speakers. Mayor Butt closed the public hearing. On motion of Councilmember Willis, seconded by Councilmember Willis adopted **Resolution No. 94-17** by the unanimous vote of the City Council.

**J-3.** The matter to adopt a resolution upholding the appeal by T-Mobile of the Planning Commission approval of a Conditional Use Permit modification (CU96-11) and modifying certain conditions. This item was continued from the June 20 and July 11, 2017, meetings. The public hearing was closed at a previous meeting, and this item was for Council discussion and consideration only. Following discussion, on motion of Councilmember Willis, seconded by Councilmember McLaughlin adopted **Resolution No. 95-17** by the **Ayes:** Councilmembers Choi, McLaughlin, Willis, Vice Mayor Beckles, and Mayor Butt. **Noes:** None. **Abstentions:** Councilmember Martinez. **Absent:** Councilmember Myrick.

## ORDINANCES

**K-1.** The matter to introduce an ordinance establishing (1) the Residential Housing Fees in the Master Fee Schedule; (2) a late penalty of 10% of the Residential Rental Housing Fee ('Fee') for Residential Rental Housing Fees paid 1-30 days late, 25% of the Fee for those paid 31-60 days late, and 50% of the Fee for those paid over 60 days late; and (3) provisions to allow liens to be placed on properties owned by Landlords who fail to pay the Residential Rental Housing Fee; and **adopt a resolution** establishing the Fiscal Year 2016-17 and Fiscal Year 2017-18 Residential Rental Housing Fees in the amounts of \$47 per unit and \$98 per unit, respectively in the Master Fee Schedule was presented by City Manager Bill Lindsay. Grayling Harris and Edith Pastrano gave comments. Following discussion, on motion of Councilmember Willis, seconded by Councilmember McLaughlin said ordinance was introduced for first reading and **Resolution No. 96-17** was adopted by the following vote: **Ayes:** Councilmembers Choi, Martinez, McLaughlin, and Vice Mayor Beckles. **Noes:** Mayor Butt. **Abstentions:** None. **Absent:** Councilmember Myrick.

**K-2.** The matter to introduce an ordinance amending the Miscellaneous Provisions ordinance RMC

9.40 of the Health Code providing for a pilot project to evaluate the use of tiny houses on wheels for transitional residential occupancy by homeless persons was presented by Mayor Butt. Following discussion, on motion of Vice Mayor Beckles, seconded by Councilmember McLaughlin introduced said ordinance for first reading by the unanimous vote of the City Council.

**Vice Mayor Beckles left the meeting at 9:00 p.m.**

**COUNCIL AS A WHOLE**

**L-1.** The matter to consider approving an amendment to the existing on-call electrical services contract with NEMA Construction to provide a design-built high power electrical service connection at Point Molate, increasing the 2017-2018 funding by an amount not to exceed \$450,000 for a total 2017-2018 allocation of \$650,000 was presented by Engineering and Capital Improvement Programs Director Yader Bermudez. Following discussion, Mayor Butt continued the item to September 12, 2017, to allow staff to gather more details.

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

Councilmember Martinez attended a conference on water rights.

Councilmember McLaughlin thanked the Richmond community and City staff.

Councilmember Willis gave comments regarding support for Friendship Manor.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 9:37 p.m., to meet again on Tuesday, July 25, 2017, at 6:30 p.m.

Pamela Christian  
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Clerk of the City of Richmond

(SEAL)

Approved:

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