

RICHMOND, CALIFORNIA, February 7, 2017

The Special Meeting of the Richmond City Council was called to order at 4:57 p.m.

ROLL CALL

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

Mayor Butt recused himself from the Special Meeting and appointed Councilmember Martinez to chair the meeting in the absence of Vice Mayor Beckles.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.9):

(one case)

There were no public speakers.

The Special Meeting adjourned at 5:32 p.m.

The Richmond City Council Evening Open Session was called to order at 5:33 p.m.

ROLL CALL

Present: Councilmembers Choi, Martinez, McLaughlin, Myrick, Willis, Vice Mayor Beckles, and Mayor 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

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957.6):

Title: City Clerk

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

Property: Parcel FM, Marina Bay
Agency negotiators: Bill Lindsay, Richard Mitchell
Negotiating party: Orton Development
Under negotiation: Price and terms of payment

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

Upstream vs. City of Richmond

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

The Open Session adjourned to Closed Session at 5:35 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

Mayor Butt stated he would recuse himself from Items J-1 and K-1 due to a business relationship with a property owner involved with the items.

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 that the construction loan for the Miraflores affordable senior housing development was scheduled to close on Thursday, February 9, 2017, and construction would commence shortly thereafter.

OPEN FORUM FOR PUBLIC COMMENT

Don Gosney provided information regarding careers as plumbers and steamfitters. Mr. Gosney announced that apprenticeship program registrations ended Friday, February 10, 2017. More information was available by calling (925) 686-0730 or Mr. Gosney at (510) 233-2060.

Eleanor Thompson congratulated re-elected and newly elected councilmembers. Ms. Thompson commended Councilmember McLaughlin for her mentorship.

Kathleen Robinson appealed to the City Council for assistance with the homeless population in Richmond and was seeking volunteers to provide bathroom facilities and shelter.

Rick Perez gave comments regarding current events in the news, the City of Richmond's Citizens Police Review Commission, and the Celeste Guap case. Mr. Perez and Patricia Perez gave comments regarding the Pedie Perez case and encouraged everyone to read the new book titled, "Refinery Town: Big Oil, Big Money, and the Remaking of an American City".

Antwon Cloird gave comments regarding participation on boards and commissions. Mr. Cloird expressed concerns regarding the lack of job opportunities, open space land use, and the impact on crime rates. Mr. Cloird stressed the importance of business relationships with developers to create economic opportunities and partnerships.

Mike Parker gave comments regarding California communities in opposition of President Donald Trump's policies concerning immigration. Mr. Parker announced that the Sheriff of Contra Costa County David Livingston had met with Attorney General Jeff Sessions in support of the new immigration policies. Mr. Parker urged councilmembers that Richmond should advise Mr. Livingston that "he does not represent Richmond".

CITY COUNCIL CONSENT CALENDAR

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

*H-1. Approved a contract with Community Violence Solutions for the continuation of services by on-site advocates at the Family Justice Center to assist victims of domestic violence and sexual violence, and human trafficking, in an amount not to exceed \$86,066 and for the period January 1, 2017, to December 31, 2017.

*H-2. Approved a two-year, grant-funded, sole-source contract with the Richmond Community Foundation, in connection with the California Board of State and Community Corrections (BSCC) Strengthening Law Enforcement and Community Relations grant program, in the amount of \$85,000 per year, to provide fiscal agent services for funding to non-profit service providers supporting the Ceasefire program.

*H-3. Adopted **Resolution No. 7-17** authorizing the acceptance and appropriation of funds from the United States Department of Homeland Security/Federal Emergency Management Agency (DHS/FEMA) Fiscal Year 2016 Port Security Grant Program in the amount of \$200,969, divided between a FEMA award of 75% (\$150,727) and a City of Richmond cost share of 25% (\$50,242), to support continuing implementation of the Marine Emergency Response Program.

*H-4. Adopted **Resolution No. 8-17** ordering the preparation of the Engineer's Report for Fiscal Year 2017-2018 regarding improvements and costs for the Hilltop Landscape Maintenance District.

*H-5. Adopted **Resolution No. 9-17** ordering the preparation of the Engineer's Report for Fiscal Year 2017-2018 regarding improvements and costs for the Marina Bay Landscape and Lighting Maintenance District.

*H-6. Approved a contract with Robertson Industries, Inc. for playground rubberized safety surfacing repairs at La Moine Park, Nevin Park, Southside Park, Burg Park, and Barbara & Jay Vincent Park in an amount not to exceed \$32,824.00. The contract term would be from February 8, 2017, to June 30, 2017.

*H-7. Approved a sole-source, Environmental and Community Investment Agreement funded contract with the Richmond Community Foundation to provide and manage a series of capacity building trainings for Richmond-serving non-profits in an amount not to exceed \$25,000 for a term commencing February 8, 2017, and ending June 30, 2018.

*H-8. Adopted **Ordinance No. 2-17 N.S.** (second reading) adding Chapter 14.56 to the Richmond Municipal Code to establish a Neighborhood Permit Parking Program that is intended to provide parking restrictions in residential communities located near major employers, colleges, medical institutions and those impacted by commuter spillover parking.

*H-9. Adopted **Ordinance No. 3-17 N.S.** (second reading) amending Richmond Municipal Code Sections 9.20.150 and 9.20.155 to update the solid waste collection rates to reflect: (1) an annual Consumer Price Index rate adjustment of three percent (3.00%) that would go into effect on January 1, 2017; and (2) approval of \$.12 per month surcharge on residential accounts resulting from the high 2016 bulky item participation rate that exceeded the 2016 bulky item program budget. This item was continued from the January 17, 2017, meeting.

*H-10. Approved the minutes of the regular City Council meetings held Tuesday, December 6, December 20, 2016, and January 17, 2017.

RESOLUTIONS

I-1. The matter to adopt a resolution in opposition to the closure of the United States Post Office (USPS) at 1025 Nevin Avenue, and direct the city manager to draft a letter on behalf of the City of Richmond was presented by Councilmember Martinez. Councilmember Martinez stated that there was a notice for sale posted at the historic downtown USPS building. The following speakers gave comments: Naomi Williams, Bea Roberson, David Welsh, Amanda Elliott, Margot Smith, Ying Lee, and Tarnel Abbott. Mayor Butt shared a letter to the USPS from the National Trust for Historic Preservation (NTHP), a letter to the USPS from the Mayor's Office, and an email response to the Mayor's Office from the USPS. Discussion ensued. The Council requested staff to look into what strategy was used by the City of Berkeley to successfully prevent closure of its post office. Councilmember Martinez shared a letter to the City Council from the USPS.

Councilmember Martinez provided a list of impacts that would result from the proposed closure. A motion was made by Councilmember Martinez, seconded by Councilmember Myrick, to adopt **Resolution No. 10-17**. A friendly amendment by Councilmember Willis directing staff to explore how the City of Berkeley prevented closure of its post office and explore issues raised in the letter from the NTHP was accepted. The motion passed by the unanimous vote of the City Council.

ORDINANCES

(At approximately 7:24 p.m., Mayor Butt recused himself from the meeting and appointed Vice Mayor Beckles to chair the meeting for Items J-1 and K-1).

J-1. The matter to adopt an urgency ordinance, effective immediately, temporarily prohibiting land uses in General Plan Change Area 12 (Northshore) that may conflict with a contemplated General Plan Amendment (GPA) for this area was presented by Councilmember McLaughlin. The ordinance was drafted in response to the Council's direction at its January 24, 2017, meeting and would impose a 45-day moratorium from February 7, 2017, to March 24, 2017. The following speakers gave comments: Vinay Pimplé, Don Gosney, James Lee, David Schoenthal, Dan Murray, and Shirley Dean.

(A motion by Councilmember McLaughlin, seconded by Councilmember Choi, allowed speakers that submitted speaker cards late to give comments by the following vote: Ayes: Councilmembers Choi, Martinez, McLaughlin, Myrick, Willis, and Vice Mayor Beckles. Noes: None. Abstentions: None. Absent: Mayor Butt).

The following speakers proceeded to give comments: Diane Hanna, Joshua Genser, Bob Herbst, Ivo Keller, Ebrahim Nana, Elizabeth Cobb, Antwon Cloird, Tony Sustak, Tarnel Abbott, Whitney Dotson, Robert Cheasty, Chuck Carpenter, and John Troughton. Discussion ensued. A motion was made by Councilmember McLaughlin, seconded by Councilmember Martinez, to adopt the urgency ordinance as proposed. Further discussion ensued. A friendly amendment by Councilmember Myrick to adopt the urgency ordinance to allow time to go through the GPA process, which would allow further discussion on land uses in the area, was accepted. The motion passed and urgency **Ordinance No. 4-17 N.S.** was adopted by the following vote: **Ayes:** Councilmembers Choi, Martinez, McLaughlin, Myrick, Willis, and Vice Mayor Beckles. **Noes:** None. **Abstentions:** None. **Absent:** Mayor Butt.

COUNCIL AS A WHOLE

K-1. The matter to direct staff to bring to the Planning Commission an amendment of the Zoning Ordinance to conditionally allow medical marijuana cultivation in the AG, Agricultural District was presented by Councilmember McLaughlin. Discussion ensued. Nabila Sher gave comments. A motion made by Councilmember McLaughlin, seconded by Councilmember

Martinez, to allow medical marijuana in green houses and approve the staff recommendation passed by the following vote: **Ayes:** Councilmembers Choi, Martinez, McLaughlin, Myrick, Willis, and Vice Mayor Beckles. **Noes:** None. **Abstentions:** None. **Absent:** Mayor Butt.

(At approximately 8:29 p.m., Mayor Butt rejoined the meeting as chair).

K-2. The matter to receive a presentation and approve the proposed Fiscal Year 2016/17 - 2020/21 Five-Year Strategic Business Plan was presented by Senior Management Analyst LaShonda White. Ms. White's Powerpoint highlighted the following key objectives: maintain and enhance physical environment; promote safe and secure communities; promote economic vitality; promote healthy and sustainable communities; promote effective government; alignment with the Health in All Policies ordinance; and implementation and monitoring. Discussion ensued. The Council recommended using metrics for data tracking to benchmark action items and making the results available to councilmembers and the public. Staff agreed to provide a better visual representation of the plan's accomplishments. The Council requested more information on how health would be considered in all categories of the plan. Tarnel Abbott gave comments. A motion was made by Councilmember McLaughlin, seconded by Councilmember Myrick, to approve said plan with the comments made from the dais and the public. City Manager Bill Lindsay requested written comments from speaker Tarnel Abbott with recommendations to measure library system success and improve services. The motion passed by the unanimous vote of the City Council.

K-3. The matter to approve appointments for the Mayor and Councilmembers to Regional Committees, Ad-Hoc Committees and Liaison Positions for the year of 2017 was presented by Mayor Butt. Discussion ensued. Councilmember Martinez volunteered to be the liaison to the Commission on Aging. Councilmember Choi volunteered to be the liaison for the Human Rights and Human Relations Commission. The Council requested staff to provide councilmembers with the policy regarding the role of a liaison. Councilmember Beckles agreed to attend the RecycleMore regional committee meeting on Thursday, February 9, 2017, as an alternate for Councilmember Willis. A motion by Vice Mayor Beckles, seconded by Councilmember Choi, approved said appointments and two liaison positions added during discussion by the unanimous vote of the City Council.

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

Councilmember Willis announced that on February 7, 2017, the Contra Costa County Board of Supervisors approved the proposal to expand the West County Detention Facility in Richmond. Mayor Butt reported his attendance to the New Partners for Smart

Growth Conference, February 2 - 4, 2017, in St. Louis,
Missouri.

ADJOURNMENT

There being no further business, the meeting
adjourned at 9:08 p.m., in memory of two Richmond
homicide victims (names unknown), Russell Graham, and
Reverend John Henry Green of St. John's Missionary
Baptist Church, to meet again on Tuesday, February 21,
2017, at 6:30 p.m.

Pamela Christian

Clerk of the City of Richmond

(SEAL)

Approved:

Tom Butt

Mayor