

RICHMOND, CALIFORNIA, December 19, 2017

The Richmond City Council Evening Open Session was called to order at 5:01p.m.

ROLL CALL

Present: Councilmembers Ben Choi, Ada Recinos, Vice Mayor Jovanka Beckles, and Mayor Thomas K. Butt.
Absent: Councilmembers Eduardo Martinez, Jael Myrick, and Melvin Willis arrived after the City Council adjourned 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

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

Upstream vs City of Richmond

**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: Port of Richmond Cafeteria Building
Agency negotiators: Bill Lindsay and Jim Matzorkis
Negotiating party: JZP Enterprise LLC
Under negotiation: Price and terms of payment

There were no public speakers.

The Open Session adjourned to Closed Session at 5:02 p.m. Closed Session adjourned at 6:28 p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:36 p.m., by Mayor Butt who led the Pledge of Allegiance to the Flag.

ROLL CALL

Present: Councilmembers Choi, Martinez, Myrick, Recinos, Willis, Vice Mayor Beckles, and Mayor Butt.
Absent: None.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Items G-7 and G-16 were removed from the Consent Calendar for discussion at the end of the agenda.

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 stated that the next City Council meeting was scheduled for January 16, 2018. He also announced that there was a Joint school board and city council meeting scheduled for Wednesday, January 10, 2018.

OPEN FORUM FOR PUBLIC COMMENT

Naomi Williams thanked everyone who participated and supported this year's Senior Winter Ball.

Wesley Ellis and Alejandro Hernandez, representing Project Tree, gave comments regarding their truancy prevention program, which had partnered with a group called One More Chance. Currently, tutorial services were being provided at King Elementary School.

Luis Chacon, Daniel Cervantes, Diana Diaz-Ortega, and Daniela Diaz gave comments regarding bad conditions

for ICE detainees, especially for women, at the West County Detention Center.

Kathy Robinson gave comments regarding the problems of homelessness.

Alejandro Puentes asked the City Council to consider the reinstatement of the Finance, Administrative Services, and Economic Development Committee.

Raquel Antolin, Ryan Bealer, and Ledamien Flowers, representing Students of Education Reform, spoke in support of the Positive Climate School Climate Policy Resolution.

Don Gosney invited people to participate in becoming apprentices of the Plumbers & Steamfitters Local 342. Sign-ups would be from February 5, 2018, through February 9, 2018. More information could be obtained by calling (925)686-0730.

Steve Zeltzer gave comments regarding the privatization of public resources such as parks and schools.

Rick Perez gave comments regarding the recent incident involving an off-duty Richmond police officer involved in a San Francisco hotel shooting. Mr. Perez and Patricia Perez also gave comments regarding the death of Pedie Perez and also stated that the Police Officers Bill of Rights allows police officers to kill someone without facing any charges.

Mike Parker expressed his appreciation to the members and staff of the Rent Control Board and stated that the mayor and city council members should support them.

CITY COUNCIL CONSENT CALENDAR

On motion of Councilmember Beckles, seconded by Councilmember Myrick, the items marked with an (*) were approved by the unanimous vote of the City Council.

***G-1.** Approved a temporary Land Use Agreement between the City of Richmond and the Richmond Certified Farmers' Market Association for the free use of the northern section of the city-owned parking lot located on

Barrett Avenue between 24th Street and 25th Street weekly on Fridays, effective January 1, 2018, and ending December 31, 2020, with three-two year options to extend the Agreement.

***G-2.** Adopted **Resolution No.143-17**, approving the installation of a 4-way stop control at the intersection of Marina Way South and Hall Avenue.

***G-3.** Authorized the city manager to enter into a cost sharing agreement with the City of El Cerrito and the East Bay Regional Park District to perform geologic and geotechnical soils studies of a landslide that occurred around March 14, 2016, at the north end of Rifle Range Road, to determine the stability of the earth and soil in, and adjacent to, the existing landslide, and to identify the steps to be taken to stabilize and repair the area. The total cost of the study is \$57,000, and the City of Richmond share of the cost under the proposed agreement is \$23,500.

***G-4.** Approved a fourth contract amendment with Infrastructure Engineering Corporation to continue providing sewer flow monitoring data collection and reporting services at various locations throughout the City, for a three-month period ending March 31, 2018, and in an amount not to exceed \$23,100.

***G-5.** Received a report on the Richmond Municipal Sewer District for the month of October 2017.

***G-6.** Approved an amendment to the contract with Nichols Consultant Engineers (NCE) to provide annual surveys, reports, investigation, inspections and work plans for the Operating Unit (OU)1 and OU2 areas at Point Potrero Marine Terminal (PPMT), consistent with the Operations and Maintenance (O&M) Plan established for the site by the Department of Toxic Substances Control (DTSC). The proposed amendment increases the term by two years to December 31, 2019, with no additional cost added to the contract.

The matter to approve a lease agreement with JZP Enterprises LLC for the Cafeteria Building at 1301 Canal Boulevard at the Point Potrero Marine Terminal, providing for structural improvements to the building and lease payments to the Port of Richmond amounting to

\$1,884,000 for the initial twenty-year lease term, with two possible ten-year extensions was presented by Port Director, Jim Matzorkis. Following discussion, a motion by Vice Mayor Beckles, seconded by Councilmember Recinos, approved the agreement by the unanimous vote of the City Council.

***G-8.** Approved actions to update the Design Review Board; appointed Karlyn Neel, new appointment, seat #6, term expiration date March 17, 2019.

***G-9.** Approved a contract with Callander Associates for design services to update the 23rd streetscape improvement plan, for a total amount not to exceed \$75,000 and for a term ending December 31, 2019, with funding from the Environmental and Community Investment Agreement with Chevron.

***G-10.** Adopted **Ordinance No. 25-17 N.S.**, initiating a zoning ordinance amendment process to update Article 15.04.610.270 of the Richmond Municipal Code, adding regulations for adult-use commercial cannabis, and temporarily restricting the approval of adult-use cannabis businesses until such regulations are developed, except that existing permitted cannabis businesses shall be permitted to engage in equivalent adult-use cannabis commercial activities with their current City permit and requisite state license until the City's regulations regarding adult use cannabis businesses take effect.

***G-11.** Adopted **Resolution No. 144-17**, in support of statewide efforts to ban clear-cutting in California to protect forests and surrounding ecosystems.

***G-12.** Adopted **Resolution No. 145-17**, authorizing the City of Richmond to be listed as a co-applicant, along with Mercy Housing California and Community Housing Development Corporation of North Richmond, on an application to the State of California Strategic Growth Council and the Department of Housing and Community Development under the Affordable Housing and Sustainable Communities Program, for funding up to \$20,000,000, of which approximately \$16,000,000 is to be used for fees and costs related to the rehabilitation of the Hacienda Apartments and approximately \$4,000,000 of which is to be used for fees

and costs related to improvements to publicly-owned transportation infrastructure surrounding the development area.

***G-13.** Adopted **Ordinance No. 26-17 N.S.**, to establish the wages, salary, and compensation for the new classification of Staff Attorney - Rent Program. This staff attorney only provides legal counsel to the Rent Board. (Salary Range No. 3.1 \$9,024 -\$14,364/month).

***G-14.** Adopted **Ordinance No. 27-17, N.S.**, to establish the wages, salary, and compensation for the new classification of Planning Manager (Salary Range No. 4.1 \$9,945 - \$15,830/ month).

***G-15.** Approved the minutes of the December 5, 2017, regular meeting of the Richmond City Council.

G-16. The matter to approve an amendment to the loan agreement with former Police Chief Chris Magnus, extending the date for repayment of remaining principal on the loan until June 30, 2018, was presented by City Manager Bill Lindsay. The obligation was to pay back the full amount of the principal and any interest owing on or before June 30, 2018. A motion by Vice Mayor Beckles, seconded by Councilmember Recinos, approved the item by the unanimous vote of the City Council.

ORDINANCES

H-1. The matter to adopt an urgency ordinance establishing a temporary moratorium on the approval of applications to construct, modify or establish schools within certain zoning districts in the City of Richmond was presented by City Attorney Bruce Goodmiller. Senior Planner Lina Velasco and Planning Director Richard Mitchell, gave an overview of the matter. The following individuals gave comments: Myisha Dozier, Betty Andrade, Fabiola Reyes, Tana Monteiro, Lidia Garcia, Ritchie Cook, Joseph Puleo, and Mike Parker. Discussion ensued. (*The City Council went into recess from 7:40 p.m. to 7:46 p.m.*) A motion by Vice Mayor Beckles, seconded by Councilmember Recinos, adopted urgency **Ordinance No. 28-17 N.S.**, by the unanimous vote of the City Council.

H-2. The matter to introduce an ordinance (first reading) of the City of Richmond amending Sections 3.50.030 and 3.50.040 of the Richmond Municipal Code to change the residency requirements and to extend the terms of office to four years for the Commission on Aging was presented by Councilmember Martinez. Naomi Williams gave comments. Councilmember Martinez stated the following change to be as follows: *The membership must be maintained at all times at a ratio of 70% Richmond residents and 30% non-residents is now changed to state that non-Richmond residents may occupy up to 1/3 of the commissions membership.* A motion by Councilmember Martinez, seconded by Councilmember Choi, introduced said ordinance with changes, by the unanimous vote of the City Council.

COUNCIL AS A WHOLE

I-1. The matter to authorize the city manager to evaluate the proposed project budget and pro-forma for the 271-unit Nevin Avenue Affordable Apartment community (Twenty-One and Twenty-Three Nevin) and negotiate a deferral of up to \$1.2 million of the project's impact fee obligation for a period not to exceed 40 years was presented by City Manager Bill Lindsay. A motion by Councilmember Myrick, seconded by Councilmember Choi, approved the item by the unanimous vote of the City Council.

I-2. The matter to discuss and consider removing the requirement to speak with the sponsor or staff member prior to removing an item from the Consent Calendar was presented by Councilmember Willis. Discussion ensued. The following individuals gave comments: Don Gosney, Richard Stollings, and Joseph Puleo. The rules will remain as is except that speakers will no longer need to obtain a signature from staff in order to remove items from the Consent Calendar. The matter will be evaluated at a future date to determine if the process was working. A motion by Councilmember Willis, seconded by Councilmember Martinez, approved the item by the following vote: **Ayes:** Councilmembers Choi, Martinez, Recinos, Willis, and Vice Mayor Beckles. **Noes:** Mayor Butt. **Absent:** None. **Abstain:** Councilmember Myrick.

I-3. The matter to direct staff to evaluate and present to the City Council recommendations for providing adequate administrative staff support for the various city commissions as part of the mid-year budget review process was presented by Councilmember Myrick. Discussion ensued. Oscar Garcia and Bea Roberson gave comments. A motion by Councilmember Myrick, seconded by Councilmember Willis, approved the item by the unanimous vote of the City Council.

I-4. The matter to establish a section on the Consent Calendar specifically for resolutions relating to policy decisions of County, State and Federal government was presented by Councilmember Martinez and Councilmember Myrick. Don Gosney gave comments. The wording was revised as follows: *Specifically for resolutions relating to policy decisions on issues that are outside the city's jurisdiction.* A motion by Councilmember Myrick, seconded by Councilmember Willis, approved the item by the following vote. **Ayes:** Councilmembers Choi, Martinez, Myrick, Recinos, Willis, and Vice Mayor Beckles. **Noes:** Mayor Butt. **Absent:** None. **Abstain:** None.

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

Mayor Butt stated that he recently attended the North American Mayors Climate Summit in Chicago. The purpose of the summit was to sign a commitment to continue to meet the goals of the Paris Climate Accords.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:59 p.m., in memory of the individual who committed suicide at Hilltop Mall, and San Francisco Mayor Ed Lee, to meet again on Tuesday, January 16, 2018, at 6:30 p.m.

Pamela Christian

Clerk of the City of Richmond

(SEAL)

Approved:

Tom Butt

Mayor