

RICHMOND, CALIFORNIA, June 27, 2017

The Richmond City Council Evening Open Session was called to order at 5:32 p.m.

ROLL CALL

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

HOUSING AUTHORITY

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

Hamilton vs. Richmond Housing Authority

CITY COUNCIL

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

Flowers vs. City of Richmond

There were no public speakers.

The Open Session adjourned to Closed Session at 5:32 p.m. Closed Session adjourned at 6:20 p.m.

The Regular Meeting of the Successor Agency to the Richmond Redevelopment Agency and the Richmond City Council was called to order at 6:48 p.m., by Mayor Butt, who led the Pledge of Allegiance to the Flag.

ROLL CALL

Present: Councilmembers Choi, Martinez, Willis, Myrick, Vice Mayor Beckles, and Mayor Butt. **Absent:** Councilmember McLaughlin joined the meeting at approximately 8:37 p.m.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Items J-5 and J-7 were continued to the July 11, 2017, meeting by the sponsors.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

D-1. Vice Mayor Beckles and Mayor Butt presented a proclamation to members of the Head Family honoring Ms. Mary Lee "Peace" Head for her contributions in the Richmond Shipyards during World War II and service to the community for many years. Kathy Robinson, Amanda Elliott, and Ellen Gailing gave comments.

D-2. Councilmember Choi and Vice Mayor Beckles presented proclamations recognizing Kathryn Sibley, Dayna Holz, and Fletcher Oakes as advocates for the arts in Richmond and for their many contributions to various art programs, initiatives and events in the City of Richmond.

D-3. Mayor Butt presented a certificate to Half Price Books for its generous and ongoing donation of books and educational materials to the Richmond community.

D-4. Mayor Butt announced recent resignations from City of Richmond Boards, Commissions and Committees; announced vacancies on City of Richmond Boards, and Commissions and committees as of June 27, 2017, and asked that interested individuals send applications to the City Clerk.

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 announced the Third of July fireworks celebration commencing at 6:00 p.m. at the Craneway Pavillion.

OPEN FORUM FOR PUBLIC COMMENT

Ratha Lai announced the Richmond Our Power Festival on August 12, 2017, at Nichol Park from 12:00 p.m. to 3:00 p.m.

Antwon Cloird expressed concerns regarding barriers making certain members of the community unemployable. Mr. Cloird commended a Richmond native for starting a packaging business that employed re-entry workers.

Kathy Robinson shared concerns of well-being expressed by clients of the methadone rehabilitation program on Cutting Boulevard. Ms. Robinson requested support for the homeless community.

Jackie Thompson reported overgrown shrubbery on Cutting Boulevard along the train tracks and trash and debris on vacant lots on Chelsey Street. Ms. Thompson reported insufficient street lighting on Stege Avenue from Cutting

Boulevard to South 37th Street. Ms. Thompson announced a job fair on July 13, 2017, at the Eastmont Mall in Oakland.

Rick Perez, Gerald Smith, Patricia Perez, and K. Harley gave comments regarding the Pedie Perez case. Mr. Perez gave comments regarding attendance to a cease fire event.

Jeanine Strickland gave comments regarding improvements to the John F. Kennedy Park. Ms. Strickland expressed her gratitude for grant funds from the Mayor's Office.

K. Harley gave comments regarding an event held on June 24, 2017, in honor of Pedie Perez. Ms. Harley also requested the Council's feedback and support for her proposed 'Value Human Life Bill'.

SUCCESSOR AGENCY TO THE RICHMOND COMMUNITY REDEVELOPMENT AGENCY BUDGET SESSION

H-1. The matter to adopt a resolution approving the Administrative Budget for the Successor Agency to the Richmond Community Redevelopment Agency for the period July 1, 2017, through June 30, 2018, pursuant to California Health and Safety Code 34177(j), was presented by Senior Accountant Stacy Plummer. On motion of Councilmember Myrick, seconded by Councilmember Myrick, adopted **Resolution No. 17-2** by the following vote: **Ayes:** Councilmembers Choi, Martinez, Myrick, Willis, Vice Mayor Beckles, and Mayor Butt. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember McLaughlin.

CITY OF RICHMOND BUDGET SESSION

I-1. The matter to adopt resolutions approving: (1) Fiscal Year 2017-18 Annual Operating Budget and (2) Fiscal Years 2017-22 Five-Year Capital Improvement Plan, was presented by Finance Director Belinda Warner and Budget Administrator Markisha Guillory. Steven Paskowitz and Joey Smith gave comments. Discussion ensued. On motion of Councilmember Myrick, seconded by Vice Mayor Beckles, adopted **Resolution No. 73-17** approving said operating budget and **Resolution No. 74-17** approving said capital improvement plan by the following vote: **Ayes:** Councilmembers Choi, Martinez, Myrick, Willis, Vice Mayor Beckles, and Mayor Butt. **Noes:** None. **Absent:** Councilmember McLaughlin. **Abstentions:** None.

I-2. The matter to adopt a resolution approving the Fiscal Year 2017-18 and the adjusted Fiscal Years 2015-16 and 2016-17 Appropriations Limits for the City of Richmond, pursuant to Article XIII B, as amended, of the Constitution of the State of California, was presented by Finance Director Belinda Warner. On motion of Councilmember Willis, seconded by Councilmember Myrick, adopted **Resolution No. 75-17** by the following vote: **Ayes:** Councilmembers Choi, Martinez, Myrick, Willis, Vice Mayor Beckles, and Mayor Butt. **Noes:**

None. **Absent:** Councilmember McLaughlin.

Abstentions: None.

STUDY AND ACTION SESSION

J-1. Received the annual presentation from East Bay Municipal Utility District (EBMUD) Community Affairs Representative Sharla J. Sullivan regarding EBMUD rate increases and ongoing commitments to investment in infrastructure. Ms. Sullivan's Powerpoint presentation highlighted the following: EBMUD system and service area; water supply secured; investments and infrastructure; delivering safe, reliable water through reinvestment and innovation; budget, rates and revenues; biennial budget Fiscal Years 2018 and 2019; capital improvement program water system major cash flows; water bills calculated for 8 centum cubic feet (CCF) per month; wastewater bills calculated for 6 CCF per month discharge; impact of declining average water use on a single-family residence bill; budget and rates schedule; and customer assistance program.

(At approximately 8:37 p.m., Councilmember McLaughlin joined the meeting).

J-2. The matter to receive a presentation from staff and special counsel regarding sidewalk inspection and repair issues, and discuss and direct staff regarding options for new policies and procedures to improve on maintenance, repair and liability issues for public sidewalks was introduced by City Attorney Bruce Goodmiller and Mayor Butt. Special Council Mark Hazelwood and Kimberly Chin's Powerpoint presentation highlighted the following: sidewalk repair and replacement statistics; dangerous condition of public property (Government Code Section 835); ownership or control of the property (Government Code Section 835); definition of dangerous condition (Government Code Section 830[a]); trivial risks excluded (Government Code section code 830[a]); trivial defect; history of similar accidents; use with due care; causation; actual notice; duty to maintain; constructive notice; constructive notice and the reasonably adequate inspection test; defenses; Streets and Highway Code 5610-5618 (1941); sidewalk liability sharing ordinances; Gonzalez v. City of San Jose; City of Richmond sidewalk ordinance; Americans with Disabilities Act history; Barden v. City of Sacramento (9th Circuit, 2002); best practices for sidewalk inspection and maintenance policy; other city inspection and repair programs; and claim process. Discussion ensued. The Council requested staff to research if fees for sidewalk inspections would be exempt from Proposition 218 (requiring local governments to place before the voters certain existing assessments and taxes). The Council directed staff to return in a few months with options for the Council to consider. Jackie Thompson gave comments. The Council suggested prioritizing sidewalk repairs in phases and repair cost-sharing for owners with proof of hardship.

J-3. The matter to (1) approve a recommendation from the Environment and Community Investment Agreement (ECIA) Grant Review Committee for Fiscal

Year (FY) 2017-2018 grant awards to 20 organizations in an amount not to exceed \$513,000; (2) adopt a resolution of the approved list of FY 2017-2018 ECIA grant awardees; (3) approve increasing the amount of advanced payment allowable from 25% to up to 50%, and (4) authorize the city manager to negotiate and execute Grant Service Agreements with approved grantees, was presented by Senior Management Analyst LaShonda White. Ms. White's Powerpoint presentation highlighted the following: ECIA background; FY 2017-18 grant award categories; review and scoring process; evaluation criteria; additional considerations; ECIA committee recommendations (990N and 990 tax-exempt organizations); and contract process. Discussion ensued. The Council requested a detailed explanation for why more of the smaller grassroots, re-entry, and youth sports organizations were not awarded. The Council requested staff to return with evaluation criteria for discussion at a future meeting. The following speakers gave comments: Antwon Cloird, Amanda Elliott, Nicholas Alexander, and Annie King-Meredith. A motion was made by Councilmember Myrick requesting the ECIA committee to re-evaluate the recommended grant awardees, ignoring criteria related to financial and organization capacities, and ability to access and leverage other funds; utilize criteria more in terms of what was missing such as North Richmond and re-entry organizations; and return with a revised list of recommended grant awardees for the Council to consider by the end of July 2017, seconded by Councilmember Willis with a friendly amendment directing staff to also return with evaluation criteria for the Council to review. The friendly amendment was accepted. Councilmember Myrick amended the motion requesting the ECIA committee to review the last 10% of grant applications and discuss different methods for final selection, with less than \$75,000 being awarded to organizations that received funds last year. The amended motion passed by the following vote: **Ayes:** Councilmembers Choi, Martinez, McLaughlin, Myrick, Willis, and Vice Mayor Beckles. **Noes:** Mayor Butt. **Absent:** None. **Abstentions:** None.

J-4. The matter to receive a presentation regarding vector control efforts in Contra Costa County from the Contra Costa Mosquito and Vector Control District (CCMVCD) was presented by CCMVCD Boardmember Sohelia Bana and Community Affairs Representative Andrew Pierce. The Powerpoint presentation highlighted the following: CCMVCD Board of Trustees; special district; cooperation; compliance; services funded by property taxes; Fiscal Year 2016/2017 operating budget; mosquito control matters, West Nile Virus, and Zika Virus; mosquito life cycle; invasive mosquito species locations; and vector control matters in Richmond.

J-5. **Continued to the July 11, 2017**, the matter to receive an update from Employment and Training Director Sal Vaca regarding ongoing job training programs and initiatives being implemented; including Environmental and Community Investment Agreement (ECIA)-funded programs.

J-6. The matter to receive a presentation from Steve Sutta of Green Planet 21 regarding the environmental implications of lead sheathed cables in the city's infrastructure, recommend next steps towards removal, and provide direction to staff, was introduced by Councilmember Willis and Vice Mayor Jovanka Beckles. Mr. Sutta provided an oral presentation. Mr. Sutta requested the Council's approval of a sample letter to telecommunication companies regarding problems with lead exposure.

(At approximately 10:59 p.m., a motion was made by Councilmember Myrick to extend the meeting to 11:15 p.m., seconded by Councilmember McLaughlin with a friendly amendment to extend the meeting to 11:30 p.m. for an urgent announcement. The friendly amendment was accepted and the motion passed by the unanimous vote of the City Council).

Item J-6 continued. James Hinton and Ruscal Cayangyang gave comments. A motion was made by Vice Mayor Beckles to compose a letter to telecommunication companies from the Council regarding the existence, locations, and removal of lead sheathed cables in Richmond, seconded by Councilmember Willis. A friendly amendment was made by Councilmember Martinez to compose a stronger letter was not accepted because it was consistent with the initial motion. The motion passed by the unanimous vote of the City Council.

J-7. **Continued to the July 11, 2017**, the matter to receive a report from the California Emerging Technology Fund on the Neighborhood Transformation Partnership and consider joining the multi-agency partnership to improve the lives of residents in the neighborhoods surrounding Lovonya DeJean Middle School in Richmond.

J-8. The matter to receive a presentation from the Inner City Capital Connections (ICCC) on its program to sustain economic growth for small businesses was introduced by Councilmember Martinez. Kaiser Permanente Representatives Jennifer Sung and Ana Apodaca presented a Powerpoint that highlighted the following: ICCC overview; 2017 ICCC seminars and conferences; impact and proven results; profile of participants in 2016; participant testimonials; program criteria; ICCC Oakland areas of focus; and program timeline; and opening seminar. Ms. Sung announced that the deadline for small businesses to apply or be nominated for the program was June 30, 2017.

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

Councilmember McLaughlin made a statement relinquishing her seat, effective July 18, 2017, to pursue a campaign for Lieutenant Governor of California in the 2018 election.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:20 p.m., to meet again on Tuesday, July 25, 2017, at 6:30 p.m.

Pamela Christian

Clerk of the City of Richmond

(SEAL)

Approved:

Tom Butt

Mayor