

RICHMOND, CALIFORNIA, April 3, 2018

The Richmond City Council Evening Open Session was called to order at 6:00 p.m. by Mayor Tom Butt.

ROLL CALL

Present: Councilmembers Eduardo Martinez, Ada Recinos, Vice Mayor Melvin Willis, and Mayor Thomas K. Butt. **Absent:** Councilmember Jovanka Beckles was absent the entire meeting and Councilmembers Ben Choi and 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 item to be discussed in Closed Session:

CITY COUNCIL

LIABILITY CLAIMS – (Government Code Section 54956.9):

Michael Deorian vs. City of Richmond

There were no public speakers.

The Open Session adjourned to Closed Session at 6:01p.m. Closed Session adjourned at 6:15 p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:30 p.m., by Mayor Butt.

ROLL CALL

Present: Councilmembers Choi, Martinez, Myrick, Recinos, Vice Mayor Willis, and Mayor Butt. **Absent:** Councilmember Beckles.

STATEMENT OF CONFLICT OF INTEREST

City Attorney Bruce Goodmiller reported a conflict of interest with Item H-10, and that he was not included in the discussion leading to the decision to approve an extension to his contract.

AGENDA REVIEW

Item H-3 was 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 the closed session item was not discussed and the matter was continued to the April 17, 2018, City Council meeting.

REPORT FROM THE CITY MANAGER

City Manager Bill Lindsay stated that this year would be a busy paving season due to additional funding received from the Senate Transportation Bill (SB-1).

OPEN FORUM FOR PUBLIC COMMENT

Bea Roberson spoke regarding Mayor Butt's April fool's e-forum regarding the Point Molate settlement agreement.

Jim Hanson, Chair of the Point Molate Community Advisory Committee, stated that the committee had done great work regarding matters related to Point Molate.

Eleanor Thompson gave comments regarding racism and the belief that there were separate laws depending on ethnicity.

Kathy Robinson stated that the City Councilmembers have failed as leaders.

Mark Wassberg stated that Federal law supersedes local laws and the city was wrong in attempting to deny information to the Immigration and Customs Enforcement Department.

Patricia Perez stated that to date there were 277 people shot and killed by police officers in 2018.

Rick Perez gave comments regarding the Stephon Clarke shooting and requested an investigation into his son's shooting.

Carole Johnson gave comments regarding the shooting at the YouTube headquarters in San Bruno, Tuesday, April 3, 2018.

CITY COUNCIL CONSENT CALENDAR

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

***H-1.** Approved a contract amendment with Downey Brand law firm in the amount of \$100,000 for the legal review of the requirements as predetermined in the existing Baykeeper Settlement Agreement and to represent the City in future settlement agreement discussions, for a total contract amount not to exceed \$305,000.

***H-2.** Received a report on the Richmond Municipal Sewer District for the month of February 2018.

H-3. The matter to appropriate \$30,000 in housing in-lieu fees to fund the Council-approved legal services agreement with Goldfarb & Lipman, LLP to prepare amendments to the City's Inclusionary Housing Ordinance was presented by City Manager Bill Lindsay. Vice Mayor Willis requested a study session regarding in-lieu fees and how the funds were spent. A motion by Vice Mayor Willis, seconded by Councilmember Myrick, to hold the item over until a study session was with the City Council. Mayor Butt made a substitute motion to approve the item and immediately start the process of how inclusionary fees could be spent and what the fees were spent on in the past, died for lack of a second. The original motion passed by the following vote: **Ayes:**

Councilmembers Choi, Martinez, Myrick, Recinos, and Vice Mayor Willis. **Noes:** Mayor Butt. **Absent:** Councilmember Beckles. **Abstain:** None.

***H-4.** Authorized the city manager to execute the Termination of Covenant Restricting Use and Condition Subsequent relating to the Waterline Subdivision submerged parcel (former Bottoms Property).

***H-5.** Approved a contract amendment with AMEC Foster Wheeler Environment and Infrastructure, Inc. to complete additional environmental work to modify the existing Clean-up Order on the Terminal One site, as required by the San Francisco Bay Regional Water Quality Control Board, increasing the contract by \$145,600 for an amount not to exceed \$505,550 through December 31, 2019, to be paid by clean-up funds as outlined in the settlement agreement with the previous industrial tenants that occupied the property.

***H-6.** Approved a two-year contract, with the option of extending two additional years, with Willdan Financial Services to prepare the Full Cost and OMB Circular A-87 Compliant Cost Allocation Plans in an amount not to exceed \$30,355.

***H-7.** Approved an amendment to the contract with Maze and Associates to provide annual audit services to the City and its related entities for 2017-2018 and Fiscal Year 2018-19, for amounts not to exceed \$380,819 and \$391,644 respectively, for the two-year engagement, and with services to include staff training with a value of \$20,000 for each year.

***H-8.** Approved an amendment to the three-year contract, with the option of two one-year renewal options, for as-needed sidewalk grinding services with Precision Concrete Cutting, increasing the contract amount by \$300,000 to a total not to exceed \$600,000 for the contract term ending June 30, 2020.

***H-9.** Approved an amendment to the three-year contract, with the option of two one-year renewal options, with O.C. Jones & Sons, Inc. for the rental of street paving equipment as needed to supplement City crews on larger paving projects, increasing the amount by \$450,000 to a total amount not to exceed \$750,000 during the contract term ending September 30, 2020.

***H-10.** Approved a Third Amendment to the Employment Agreement between the City of Richmond and Bruce Reed Goodmiller to extend the term of the agreement to December 31, 2020 and provide for salary increases of 2.5% in the 2018 and 2019 calendar years.

***H-11.** Approved the minutes of the March 20, 2018, regular Richmond City Council meeting.

COUNCIL AS A WHOLE

I-1. The matter to introduce an ordinance to amend Ordinance 29-90 and adopt certain policies regarding the request for information, assistance or cooperation by the Immigration and Naturalization Service of the United States Immigration and Customs Enforcement was presented by Councilmember Ada Recinos. Mark Wassberg and Eleanor Thompson gave comments. A motion by Vice Mayor Willis, seconded by Councilmember

Martinez, introduced said ordinance, by the following vote: **Ayes:** Councilmembers Choi, Martinez, Myrick, Recinos, Vice Mayor Willis, and Mayor Butt. **Noes:** None. **Absent:** Councilmember Beckles. **Abstain:** None.

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

Mayor Butt reported on his attendance to the *Redefining Mobility Summit*.

Vice Mayor Willis reported on the recent Career Day event at Nystrom Elementary School.

ADJOURNMENT

There being no further business, the meeting adjourned at 7:14 p.m., in memory of Ms. Carnell Rogers, to meet again on Tuesday, April 17, 2018, at 6:30 p.m.

Clerk of the City of Richmond

(SEAL)

Approved:

Mayor