

**RICHMOND, CALIFORNIA, July 10, 2018**

The Richmond City Council Evening Open Session was called to order at 5:31 p.m. by Mayor Thomas K. Butt.

**ROLL CALL**

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

**PUBLIC COMMENT**

The assistant 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 REAL PROPERTY  
NEGOTIATOR (Government Code Section 54956.8):**

Property: 12th and Macdonald Vacant Lots and Downtown Parking Garage  
Agency negotiators: Bill Lindsay and Shasa Curl  
Negotiating party: SAA-EVI Richmond Partners, LLC  
Under negotiation: Price and terms of payment

Property: Metro Walk Phase II at Richmond Multi-Modal Transit Station  
Agency negotiators: Bill Lindsay and Shasa Curl  
Negotiating party: SAA-EVI and oWow  
Under negotiation: Price and terms of payment

Jonas Strauss gave comments.

The Open Session adjourned to Closed Session at 5:34 p.m.  
Closed Session adjourned at 6:21 p.m.

The Meeting of the Successor Agency to the Richmond Community Redevelopment Agency and Richmond City Council was called to order at 6:30 p.m., by Mayor Butt who led the Pledge of Allegiance to the flag.

### **ROLL CALL**

**Present:** Councilmembers Beckles, Choi, Martinez, Myrick, Recinos, and Mayor Butt. **Absent:** Vice Mayor Willis arrived after the roll was called.

### **STATEMENT OF CONFLICT OF INTEREST**

None.

### **AGENDA REVIEW**

All Consent Calendar items, except item H-13, were removed for discussion at the end of the agenda. Item K-2 was continued to the July 24, 2018, meeting.

### **REPORT FROM THE CITY ATTORNEY OF FINAL DECISIONS MADE DURING CLOSED SESSION**

City Attorney Bruce Goodmiller stated there were no final actions taken.

### **REPORT FROM THE CITY MANAGER**

City Manager Bill Lindsay dispensed with a report in the essence of time.

### **OPEN FORUM FOR PUBLIC COMMENT**

*(On motion of Vice Mayor Willis, seconded by Councilmember Martinez, suspended the rules and allowed public speakers to give comments under Open Form on items removed from the Consent Calendar by the unanimous vote of the City Council. Mayor Butt ruled that public speakers would only be allowed to speak once on Consent Calendar items).*

Cordell Hindler thanked Mayor Butt for acknowledging his efforts recruiting new Youth Council members.

Naomi Williams thanked the Community Services Department for a wonderful fireworks celebration on July 3, 2018.

Jonah Strauss gave comments against the proposed developer, oWow, for the Metro Walk Phase II project.

Arto Rinteela requested clarification from staff on the temporary moratorium placed on new schools construction passed by the City Council on January 30, 2018.

Tisa Thompson, Eleanor Thompson, Martin Thomas, Edward Williams, Cynthia McKelvy, Pam Bilbo, and Jazmyne Terry requested grant funding from the City of Richmond for the Social Progress Inc. and Men and Women of Valor organizations. Mr. Williams requested a vehicle for the Men and Women of Valor organization to provide transportation services for its clients.

Dwight Adam complimented the Richmond Art Center, City of Richmond staff, and Andy's Donut Stop on 23<sup>rd</sup> Street. Mr. Adams expressed his concerns regarding the lack of services in Richmond.

Mark Wassberg gave comments regarding the United States Immigration and Customs Enforcement agency, constitutional law, and illegal immigration.

Andrés Soto, LaMar Harrison, Karen Franklin, Rick Perez, and Patricia Perez gave comments regarding the East Bay Express news article entitled, "The Firing of Captain Mark Gagan", published on June 27, 2018. Mr. Soto and Mr. Harrison called upon the Council to request that the Contra Costa County (CCC) Grand Jury investigate the allegations. Mr. Soto requested that the new CCC District Attorney Diana Becton reinvestigate the Pedie Perez case and crime against Councilmember Eduardo Martinez.

Bruce Beyaert presented City Manager Bill Lindsay with retirement farewell gifts on behalf of the Trails for Richmond Action Committee.

Gerald Smith gave comments regarding the Richmond Police Department and the Citizens Police Review Commission concerning the Pedie Perez case.

Amy Lee Anderson shared her career goals and requested funding for North Richmond.

Annabel Peterson gave comments concerning the City of Richmond's development plans for the Northshore (Change Area 12) and the potential for liquefaction.

Margaret Judkins gave comments concerning the Richmond Parkway overpass, Richmond Rail-Connector, and proposed cannabis cultivation and Power Plant Park facilities near San Pablo residents. Ms. Judkins requested a sound study for the area.

### **CITY COUNCIL CONSENT CALENDAR**

On motion of Councilmember Myrick, seconded by Vice Mayor Willis, approved item H-13 by the unanimous vote of the City Council.

All previously removed Consent Calendar items were placed back on the Consent Calendar for approval except items H-2 and H-16. On motion of Vice Mayor Willis, seconded by Councilmember Myrick, the items marked with an (\*) were approved by the unanimous vote of the City Council:

\*H-1. Accepted and appropriated the \$170,000 Transformative Climate Communities Planning grant for preparation of a Resiliency Roadmap focused on the Santa Fe, Coronado, and Iron Triangle Neighborhoods; and authorized the city manager to execute agreements between the City of Richmond and The Trust for Public Land, the Richmond Community Foundation, and consultants necessary to implement the grant scope of work

H-2. **Continued to July 17, 2018**, the matter approve an agreement with LBG Hilltop, LLC to provide police services at the

Shops at Hilltop from May 31, 2018 through May 31, 2019, with an option to extend the service agreement for an additional year, providing for reimbursement of Police Department overtime costs to provide this service.

\*H-3. Approved a three-year contract with ShotSpotter, Inc. for the maintenance of the Police Department's ShotSpotter Flex gunshot detection system, in an amount not to exceed \$602,011.00, with a term from July 1, 2018 through June 30, 2021.

\*H-4. Approved a month-to-month lease for fiscal year 2018-19 with North Richmond Properties, Inc. for Department of Infrastructure Maintenance and Operation use of storage space at 2801 Giant Road for containers and landscaping equipment to efficiently serve the Hilltop Maintenance District, in an amount not to exceed \$15,000.00.

\*H-5. Approved a two-year contract with All Star Glass, Inc. for auto glass repairs and replacement for the city's fleet vehicles and equipment, in an amount not to exceed \$12,500 in each of fiscal years 2018/19 and 2019/20.

\*H-6. Approved Amendment No. 2 to the contract with Groundwork Richmond to function as the Urban Forestry Project Administrator, increasing the amount by \$100,000, and extending the contract term until August 30, 2019.

\*H-7. Approved an amendment to the contract with Freeman's Tow Service for on-call tow services, increasing the amount of the contract by \$5,000, for a total amount of \$14,000.

\*H-8. Receive the City's Investment and Cash Balance Report for the month of May 2018.

\*H-9. Adopted **Ordinance No. 17-18 N.S.** (second reading) setting the tax rate for the Tax Override Pension Fund for Fiscal Year 2018-19 at 0.14%.

\*H-10. Review the annual year-end developer fee report as required pursuant to Section 66006 of the Government Code. *(The resolution agendized with this item was not required nor adopted).*

\*H-11. Approved a Second Amendment to the Lease Agreement with Foss Maritime, extending the term for lease of Basin No.1 and Finger Pier No. 2 for a period of five years, providing annual revenue to the Port in the amount of approximately \$352,169.

\*H-12. Approved a contract with McNabb Construction, Inc. for construction of a trash enclosure at Melville Square in the Richmond Marina Bay area, utilizing Marina funds in an amount not to exceed \$325,000.

H-13. Adopted **Resolution No. 56-18** authorizing the city manager to execute an agreement with the California Department of Transportation (Caltrans) accepting grant funds to develop a "Richmond Ferry to Bridge" complete streets plan and project.

\*H-14. Approved a contract with Keyser Marston Associates, Inc. ("KMA") and appropriated funds to provide specialized financial services associated with the transfer of Successor Agency properties to the City of Richmond, in an amount not to exceed \$50,000 for a two year term beginning May 1, 2018 and extending to June 30, 2020, with two successive, one year renewal options extending the term to June 30, 2022.

\*H-15. Adopted **Ordinance No. 18-18 N.S.** (second reading) amending Richmond Municipal Code Chapter 9.24 entitled "Animals" adopting by reference all County Ordinances that relate to Animal Services.

H-16. **Continued to July 17, 2018**, the matter to adopt a resolution allowing the City of Richmond to place a levy on the annual 2018-2019 property tax rolls of property owners subject to assessment under the Downtown Richmond Property and Business Improvement District (DRPBID).

\*H-17. Approved a contract with Perr & Knight to provide actuarial consulting services for the Alternative Dispute Resolution between the City and Public Safety unions International Association of Fire Fighters Local 188 and Richmond Police Officers Association. Contract will be for a not-to-exceed amount of \$90,000 for 3 years, with an optional two year extension.

\*H-18. Accepted and appropriated the grant award from Kaiser Permanente's Northern California Community Benefit Program in the amount of \$30,000 to provide support for the Office of Neighborhood Safety Operation Peacemaker Fellowship Program.

\*H-19. Accepted and appropriated the grant award from the East Bay Community Foundation for the Office of Neighborhood Safety (ONS) in the amount of \$25,000 to provide general and emergency support services for ONS Fellowship participants.

\*H-20. Received a report on the Richmond Municipal Sewer District for the month of May 2018.

\*H-21. Approved a grant-funded amendment to the contract with Patricia Howard to teach and facilitate additional cohorts of the Accelerated Careers through Essential Skills (ACES) Academy, and provide follow-up services in support of the RichmondWORKS grant program. The contract amount will be increased by \$52,000 for a total contract amount not to exceed \$60,000, and the contract term will be extended through December 31, 2019.

\*H-22. Approved a Master License Agreement with ExteNet Systems (California), LLC that establishes the procedures, terms and conditions under which the ExteNet is permitted to deploy "small cell" facilities on City-owned streetlights, traffic signals and other vertical infrastructure for a term of ten years.

\*H-23. Approved an amendment to the memorandum of understanding with Points of Light, increasing grant funding to the Richmond Community Services Department for the ServiceWorks Program in the amount of \$13,500 for one additional program fellow; and appropriated the grant funds.

\*H-24. Approved actions to update the Recreation and Parks Commission; appointed Eleanor Thompson, new appointment, seat #5, term expiration date October 26, 2018.

H-25. Adopted **Ordinance No. 19-18 N.S.** (second reading) amending Chapter 9.22 Public Nuisances of the Richmond Municipal Code to define excessive and glaring lighting as a nuisance.

\*H-26. Approved actions to update the Youth Council; appointed Mian Shah, new appointment, seat #1, term expiration date October 1, 2018, Antwan Adams, new appointment, seat #2, term expiration date October 1, 2018, Ashley Moore, new appointment, seat #3, term expiration date October 1, 2018, Latrinity Gulley, new appointment, seat #4, term expiration date October 1, 2018, Fatima Lopez, new appointment, seat #5, term expiration date October 1, 2018, Eduardo Castellon, new appointment, seat #6, term expiration date October 1, 2018, and Satine Waltz, re-appointment, seat #11, term expiration date October 1, 2018.

\*H-27. Approved the minutes of the June 19, 2018, regular Richmond City Council meeting.

\*H-28. Adopted **Resolution No. 57-18** Declaring the Canvass of Returns and Result of the Primary Election held on June 5, 2018.

## **PUBLIC HEARINGS**

I-1. **Continued to July 10, 2018**, the matter to hold a public hearing regarding approval of a Disposition and Development Agreement with SAA-EVI Richmond Partners, LLC for the development of the Successor Agency and city-owned property located along Macdonald Avenue between 11th Street and 13th Street.

I-2. The matter to hold a public hearing and adopt a resolution authorizing placement of liens and special assessments for unpaid garbage collection service fees on County property tax records, was introduced by Revenue Manager Antonio Banuelos. Mayor Butt declared the public hearing opened. There were no public speakers. Mayor Butt declared the public hearing closed. On motion of Vice Mayor Willis, seconded by Councilmember Recinos, adopted **Resolution No. 58-18** by the unanimous vote of the City Council.

I-3. The matter to hold a public hearing and adopt a resolution authorizing the City of Richmond to levy special assessments against certain properties having unpaid invoices related to administrative citations, nuisance abatement costs, and foreclosure ordinance fines pursuant to Richmond Municipal Code chapters 9.22, 11.76, 6.38 and 2.63, was introduced by Director of Infrastructure Maintenance and Operations Tim Higare. Mayor Butt declared the public hearing opened. Amos Broussard, Amy Lee Anderson, and Dana Lambie gave comments. Mayor Butt declared the public hearing closed. On motion of Councilmember Beckles, seconded by Councilmember Recinos, adopted **Resolution No. 59-18** by the unanimous vote of the City Council.

## RESOLUTIONS

J-1. The matter to adopt a resolution opposing zero tolerance immigration policies was introduced by Councilmember Ada Recinos. Mark Wassberg gave comments. On motion of Vice Mayor Willis, seconded by Councilmember Myrick, adopted **Resolution No. 60-18** by the unanimous vote of the City Council.

## ORDINANCES

K-1. The matter to introduce an ordinance (first reading) amending Richmond Municipal Code Chapter 7.106 by banning the sale of menthol and other flavored tobacco products, establishing a minimum pack size for little cigars and cigars and imposing location requirements on new tobacco retailers; and repeal Richmond Municipal Code Chapter 9.45, was introduced by City Attorney Bruce Goodmiller. Assistant City Attorney Shannon Moore presented a Powerpoint presentation highlighting background information, key provisions, menthol and flavored tobacco products, and regulations for new and existing tobacco retailers. Discussion ensued. The following speakers gave comments Irene Nikkah, Izzy Ahmed, Anthony Palik, Mohammad Alammari, Mary Jaccodine, Ali Obad, Abdulfateh Dubwan, Ydhy Alammari, Abdul Taleb, Jabrier Isa, Mohamed Nasser, Atha Abbas, Mohamadeda Babuan, Naj Alhyzaib, Adel Mohssen, Dan Peddycord, Beth Miller, Rahban Algazzali, Phillip Gardener, and Jaime Rojas. Further discussion ensued. Councilmember Recinos requested staff to connect with tobacco retailers to select a new product to replace their anticipated loss of revenue. On motion of Vice Mayor Willis, seconded by Councilmember Recinos, said ordinance received first reading and was laid over for two weeks for the second reading by the unanimous vote of the City Council.

K-2. **Continued to July 24, 2018**, the matter to introduce an ordinance (first reading) entitled "Multi-Use Path Safety" that establishes trail etiquette for bicyclists and pedestrians along multi-use trails and paths throughout Richmond.

K-3. The matter to introduce an ordinance (first reading) amending Ordinance No. 16-17 N.S., modifying Section 3 (Delinquency) and Section 4 (City entitled to payment) and deferring to the Rent Board to establish by Regulation its own rules and procedures governing the collection of the Residential Rental Housing Fee, including fees for late payments, was introduced by Rent Program Director Nicolas Traylor. The Rent Program Staff Attorney Charles Oshinuga presented a Powerpoint presentation highlighting background information, process for establishing and collecting the rental housing fee, and proposed ordinance amendments. Discussion ensued. On motion of Councilmember Beckles, seconded by Councilmember Recinos, said ordinance received first reading and was laid over for two weeks for the second reading by the following vote: **Ayes:** Councilmembers Beckles, Choi, Martinez, Myrick, Recinos, and Vice Mayor Willis. **Noes:** Mayor Butt. **Absent:** None. **Abstained:** None.

K-4. The matter to introduce an ordinance (first reading) amending Richmond Municipal Code Chapter 12.18 adding the Dental Amalgam: Mercury Source Control Program was presented by Water Resource Recovery Manager Joanne Le. Ms. Le presented a Powerpoint presentation that highlighted background information on dental amalgam and details concerning the Mercury

Source Control Program. Discussion ensued. On motion of Councilmember Recinos, seconded by Councilmember Martinez, said ordinance received first reading and was laid over two weeks for the second reading by the following vote: **Ayes:** Councilmembers Choi, Martinez, Myrick, Recinos, Vice Mayor Willis, and Mayor Butt. **Noes:** None. **Absent:** Councilmember Beckles. **Abstained:** None.

### **COUNCIL AS A WHOLE**

L-1. The matter to receive a presentation on the Draft Feasibility Study/Remedial Action Plan for the Zeneca/Former Stauffer Chemical site was introduced by Planning and Building Services Director Richard Mitchell. Mr. Mitchell presented a Powerpoint presentation highlighting background information and an illustrative plan. Department of Toxic Substances Control (DTSC) representatives, Lynn Nakashima and Janet Naito, presented a Powerpoint presentation highlighting site mitigation and restoration; cleanup and remediation; site location, history, and investigation areas; remedial technologies development and alternatives; DTSC's recommended remedial "Alternative 3a"; monitoring, institutional controls, and the California Environmental Quality Act; and public outreach and next steps. Discussion ensued. The Council requested DTSC to consider extending the public comment period for the said draft plan from 30 days to 60 days. The Council requested staff to return with a formal recommendation for action. The following speakers gave comments: Jean Rabovsky, Tony Sustak, Devin O'Keefe, Shirley Dean, Beryl Golden, Barbara Stauss, Carolyn Graves, Sylvia Hopkins, Tarnel Abbott, Joan Lichterman, Paul Carman, Maggie Lazar, Dan Schwab, Eric Blair, Elaine Dockens, and Stephen Linsley. Further discussion ensued. The Council requested the findings for the site made by Downey Brand, LLP, the law firm that was contracted to provide assistance with environmental and implementation issues associated with the site. The Council requested DTSC to strongly consider the most effective remedial "Alternative 6a". The Council also requested DTSC to consider the use of rail cars to transport hazardous soils. The Council directed staff to prepare a policy document reflecting the Council's comments made on this item to formally transmit to DTSC.

*(At approximately 10:45 p.m., Mayor Butt moved item L-4 immediately following item L-1).*

L-2. **Continued to the July 17, 2018**, the matter to adopt a resolution in support of statewide efforts to implement the Buy Clean California Act and; DIRECT city staff to deliver a report during the September 25, 2018, City Council meeting regarding potential implementation in the City of Richmond, including the adoption of a Global Warming Potential limit and the requirement of an Environmental Product Declaration.

L-3. **Continued to the July 17, 2018**, the matter to revise the Skelly process in the following ways: 1. No Department head shall be allowed to serve as the hearing officer for a Skelly meeting involving someone in their own Department; 2. Before an outside attorney can be procured on the city's behalf for one of these meetings the city will first determine if the employee facing disciplinary action will be represented by an attorney of their own. If they are not the city will not procure outside counsel for any purpose at that meeting.

L-4. The matter to approve the tentative Point Molate schedule; approve a contract, not to exceed \$150,000 through December 31, 2019, with Kosmont Companies to provide financial and real estate advisory services related to Point Molate; and authorize the City Manager to issue a Request for Qualifications (RFQ) from master developers for the Point Molate site, was presented by Planning Manager Lina Velasco. Ms. Velasco presented a Powerpoint presentation that highlighted the purpose, consultant selection process and engagement, master developer selection (two-step process), community outreach, tentative schedule, Council Committee action; and recommended actions. *(At approximately, 10:59 p.m., on motion of Councilmember Myrick, seconded by Vice Mayor Willis, extended the meeting to 11:30 p.m.)* Discussion ensued. The Council suggested that the traffic plan be the main study at the July 23, 2018, community visioning meeting. Councilmember Martinez made a motion to (1) postpone the approval of the contract with Kosmont Companies until the scope of work is determined; (2) revise the draft RFQ to include private for profit and public developers (land trusts), park district, and non-profit housing developers with the RFQ giving the impression that the scope of development may have multiple possibilities; and (3) approve the revised tentative schedule outlined in the handout he provided to the Council and staff. The Council requested that the following text in the draft RFQ on page 11, under section C, be deleted: “Any party submitting a SOQ shall not contact or lobby any City Council member, City official, employee (except those specified for contact) or agent regarding the RFQ. Any party attempting to influence or circumvent the RFQ, proposal submittal, and review process may have their proposal rejected for violating this provision of the RFQ”. The following speakers gave comments: Tony Sustak, Paul Carman, Jim Hanson, and Pam Stello. *(At approximately 11:30 p.m., a motion made by Councilmember Martinez, seconded by Councilmember Choi, to extend the meeting by 15 minutes was withdrawn. Another motion made by Mayor Butt, seconded by Councilmember Choi, to extend the meeting up to 30 minutes failed for the lack of a super-majority vote. The item was continued to the July 17, 2018, meeting).*

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

None.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 11:32 p.m., to meet again on Tuesday, July 17, 2018, at 6:30 p.m.

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Clerk of the City of Richmond

(SEAL)

Approved:

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Mayor