

RICHMOND, CALIFORNIA, April 23, 2019

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 Nathaniel Bates, Demnlus Johnson III, Eduardo Martinez, Vice Mayor Ben Choi, and Mayor Thomas K. Butt. **Absent:** Councilmember Jael Myrick arrived after adjournment to Closed Session. Councilmember Melvin Willis was absent for the entire meeting.

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

Property: Point Molate
Agency negotiators: Carlos Martinez and Lina Velasco
Negotiating parties: SunCal
Under negotiations: price and terms of payment

Jim Hanson gave comments.

**PUBLIC EMPLOYEE APPOINTMENT (Government
Code Section 54957.6):**

Position: Community Police Review Commission
Investigative Officer

The Open Session adjourned to Closed Session at 5:33 p.m.
p.m. Closed Session adjourned at 6:20 p.m.

The Regular Meeting of the Richmond City Council was called to order at 7:15 p.m., by Mayor Butt.

ROLL CALL

Present: Councilmembers Bates, Johnson, Martinez, Myrick, Vice Mayor Choi, and Mayor Butt. **Absent:** Councilmember Willis was absent for the entire meeting.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Item H-3 was removed from the Consent Calendar for discussion at the end of the agenda.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

D-1. Mayor Butt and Councilmember Myrick presented a proclamation declaring April 2019 as Alcohol Awareness Month in the City of Richmond. Bea Roberson and Jackie Thompson gave comments.

D-2. Vice Mayor Choi and Mayor Butt presented a proclamation declaring April 2019 as Sexual Assault Awareness Month in the City of Richmond. Andrés Soto gave comments.

D-3. Councilmember Johnson and Mayor Butt presented a proclamation declaring May 9 through 19, 2019, as Affordable Housing Week "Affordable Homes For All" in the City of Richmond. Andrés Soto and Antwon Cloird gave comments.

D-4. Councilmember Martinez and Mayor Butt presented a proclamation recognizing the American Red Cross for their efforts to protect residents from home fires and advance fire prevention strategies in Richmond. Jackie Thompson gave comments.

D-5. Mayor Butt announced recent resignations from City of Richmond boards, commissions, and committees; and announced vacancies as of April 15, 2019, and asked that interested individuals send applications to the City Clerk's Office. Discussion ensued. The Council requested appointments to be made to the Community Police Review Commission (CPRC) and Rent Board. Cordell Hindler gave comments.

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

City Attorney Bruce Goodmiller reported that the Council selected a candidate to fill the position of CPRC Investigative Officer on a temporary basis during the permanent recruitment process.

REPORT FROM THE CITY MANAGER

City Manager Carlos Martinez reported that the departmental budgetary staff interviews had concluded and budget balancing tasks were underway. Mr. Martinez provided the Council

with a tentative budget adoption schedule of meetings, including a proposed Special City Council Budget Session from 9 a.m. to 1 p.m. on May 16, 2019. Mr. Martinez advised the Council that items regarding refunding of bonds for the Port and Civic Center were scheduled for the May 7, 2019, City Council meeting. Mr. Martinez also advised the Council that an item regarding financing for wastewater bonds was scheduled for the May 21, 2019, City Council meeting.

OPEN FORUM FOR PUBLIC COMMENT

Cordell Hindler gave comments in support of revenue opportunities for Richmond discussed at the April 16, 2019, City Council meeting. Mr. Hindler requested that an item be placed on an agenda in May 2019, for a presentation from Berkeley Community Health Commissioner Andy Katz regarding a recent health report, regarding the potential closure of Alta Bates hospital in Berkeley.

Antwon Cloird, Kabir Kapur, Joseph Puleo, and Rick Perez expressed concerns regarding the lack of appointments made to the CPRC. Mr. Kapur also gave comments regarding trains transporting coal through Richmond. Mr. Puleo inquired if the Council would consider reducing the membership of the CPRC to get a quorum.

Kathleen Sullivan and Larry Austin announced that the Greater Richmond Interfaith Program (GRIP) opened a homeless shelter warming center on April 15, 2019. Ms. Sullivan and Mr. Austin acknowledged the Contra Costa County Homeless Services, Richmond Coordinated Outreach Referral Engagement team, American Red Cross, Richmond Code Enforcement, Richmond Police Department, Richmond Community Foundation, and the Mayor's Fund for the support and financial assistance provided. Mr. Austin provided an overview of the services provided by GRIP.

David Helvarg expressed concerns regarding item H-2. Mr. Helvarg gave comments regarding an article that he authored in the San Francisco Chronicle Open Forum on April 16, 2019, concerning Point Molate.

Patricia Perez gave comments in opposition of Senate Bill 230 (law enforcement use of force). Ms. Perez also gave comments regarding Assembly Bill 392 (law enforcement deadly force) and police accountability. Ms. Perez requested appointments to the CPRC.

David Drisdale reported that State Park near Kennedy High School needed to be cleaned up and maintained. Mr. Drisdale expressed concerns regarding the trash and debris on the freeway entrances and exits in Richmond.

Daniel Barth gave comments in support of item H-4 and emergency building standards for a shelter crisis. Mr. Barth agreed to email the Council additional information concerning this matter. Mr. Barth proposed an amendment to the "Tiny Houses on Wheels Pilot Project" ordinance to include tiny home village demonstrations for transitional villages.

Aliz Mazuet gave comments in opposition to the proposed housing at Point Molate and trains transporting coal through Richmond. Ms. Mazuet demanded that the public land be returned back to its rightful owner. Ms. Mazuet proposed that public land be used for a new Richmond Sports Center.

Jackie Thompson requested the reopening of a police cold case concerning the death of her grandson in Parchester Village in October 2003. Ms. Thompson recommended that grandparents be included as immediate family members with regard to fee waivers for police records requests.

Andrés Soto invited everyone to the Sojourner Truth Presbyterian Church at 2621 Shane Drive on Sunday, April 28, 2019, at 3:00 p.m. for a 'Duke Ellington's Sacred Concert'. Mr. Soto also invited everyone to the WayPointe Christian Fellowship Center at 770 Sonoma Street, on Sunday, May 5, 2019, at 3:00 p.m. for the West County Winds 'Reflection of Spring Concert'.

Andrea Hughes expressed concerns regarding the lack of discussions and slow movement on homelessness, job training, and youth programs. Ms. Hughes gave comments regarding GRIP's new warming center.

CITY COUNCIL CONSENT CALENDAR

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

***H-1.** Approved an amendment to the contract with Alliance Graphics, Inc. to provide graphic art services and promotional products for the RichmondBUILD Academy. The contract term was extended through June 30, 2020. The contract amount was increased by \$9,000 for a total contract amount not to exceed \$58,500.

***H-2.** Approved a legal services agreement with Shartsis Friese LLP (Kathleen Keeler Bryski and Jodi Fedor) to represent the City in negotiations with the selected Point Molate master developer for the sale and development of Point Molate, with a payment limit of \$300,000 paid with funds deposited by the master developer.

H-3. The matter to request the Planning Commission to review proposed amendments to the Zoning Ordinance to remove the storage and handling of coal and petroleum coke and self-storage facilities from uses allowable with a conditional use permit was introduced by Mayor Butt. Discussion ensued. The following speakers gave comments: James Lyons, Elizabeth Dorten, Cynthia Carmichael, Jeff Kilbreth, Andrea Weber, Ben Montclair, Terilyn Chen, Aaron Isherwood, Maureen Brennan, Steven Hagerly, Janet Johnson, Ann Harvey, Lisa Park, and Jaime Perez. A motion was made by Mayor Butt, seconded by Councilmember Martinez, to accept the staff recommendation including the last paragraph in the letter from Contra Costa County Supervisor John Gioia, dated April 23, 2019, as follows: *“(1) direct that the City continue to move forward with its previous direction to develop an ordinance to phase out existing operations, and (2) clarify that even after the zoning change, there needs to be further review of the City’s permit records before making a final determination that the existing coal/coke facility is a “legal non-conforming use”.* The

motion passed by the following vote: **Ayes:** Councilmembers Martinez, Myrick, Johnson, Vice Mayor Choi, and Mayor Butt. **Noes:** None. **Absent:** Councilmember Willis. **Abstained:** Councilmember Bates.

***H-4.** Introduced an ordinance (first reading) amending Chapter 9.40.015 of the Richmond Municipal Code entitled "Tiny Houses on Wheels Pilot Project" to extend the termination date of the project through July 25, 2021.

***H-5.** Adopted **Ordinance No. 6-19 N.S.** (second reading) amending Chapter 15.12 of the Richmond Municipal Code updating the Subregional Transportation Mitigation Program (STMP) impact fee.

(On motion of Councilmember Martinez, seconded by Councilmember Myrick, item H-3 was moved for discussion immediately following the approval of the Consent Calendar by the following vote: Ayes: Councilmembers Bates, Johnson, Martinez, Myrick, and Vice Mayor Choi. Noes: Mayor Butt. Absent: Councilmember Willis. Abstained: None).

STUDY AND ACTION SESSION

I-1. The matter to adopt a resolution approving the form of the Exclusive Right to Negotiate (ERN) agreement with Winehaven Legacy LLC (a wholly owned subsidiary of JNI LLC [SunCal]) and authorizing the city manager to complete negotiations with Winehaven Legacy LLC and execute the ERN for the Point Molate site was presented by Chief of Staff LaShonda White and Assistant City Attorney Rachel Sommovilla. Their Powerpoint presentation highlighted the following: Point Molate site and background; the ERN and Disposition and Development of the Property Agreement (DDA); mixed-use project components described in the ERN; summary of key ERN terms; and recommended action and next steps. City Manager Carlos Martinez stated that the City Council reviewed the ERN and made three distinct comments to amend the ERN as follows: ERN page 4, Section 4.d., the last paragraph shall read, "... *City intends to create a community advisory committee (compromised of seven [7] members with the Mayor and Councilmembers each selecting one member) to advise the City Council solely on the implementation of such community benefits...*". ERN page 5, Section 4.i. shall read, "**Prevailing Wage.** *Developer and any successor developers or transferees shall comply with the provisions of California Labor Code Section 1720 et seq. regarding the payment of prevailing wages in the development of the Mixed-Use Development. The PLA (defined below) may include terms satisfying Developer's requirement to comply with prevailing wage requirements for the Mixed-Use Development*". ERN page 5, Section 4.k. shall read, "**Project Labor Agreement.** *The DDA will contain language requiring the Developer to enter into a Project Labor Agreement ("PLA") with building trades binding on Developer and any successor developers or transferees. Such PLA shall be fully negotiated and ready for execution prior to the time the DDA is brought to the City Council for approval so that the City can assess the need for additional or different labor, local hire and workforce training and development provisions in the DDA. The City shall be provided a list of building trade crafts to be employed on the Mixed-Use Development and for which the State of California Department of Apprenticeship Standards has approved an apprenticeship program. Developer will provide to*

the City written acknowledgment by Developer's lead contractor of the requirements of RMC written acknowledgment, and said contractor will require all sub-contractors to comply with all Richmond Business Opportunity ordinance (RMC Chapter 2.50) and Local Employment Program ordinance (RMC Chapter 2.56) requirements. The PLA will apply to both public and private improvements. Developer shall engage the City in the development of the PLA, so that the City can assess the extent to which the PLA will further the City's labor, local hire and workforce training and development objectives". ERN page 6, Section 4.1., delete the text, "...unless agreed to by the City Council" and therefore, Section 4.1. shall read, "Long-Term Funding and Management and Operation of the Property. The DDA will contain language that the Developer will: not use an Enhanced Infrastructure Financing District to fund infrastructure...". Discussion ensued. The following speakers gave comments: Joseph Puleo, Shirley Dean, Valarie Jameson, Evan Bissell, Don Gosney, Pablo Gonzalez, Tom Hansen, D'Markis Mixon, Tom Lawson, Huajun Feng, Sally Tobin, Tarnell Abbott, Jeff Kilbreth, Dan Torres, Jim Hanson, and Ben Therriault. Further discussion ensued. The Council requested staff to replace the general term, "building trades" with "Contra Costa Building & Construction Trades Council", in the PLA. A motion was made by Councilmember Myrick, seconded by Councilmember Choi, to accept the staff recommendation including the amendments to the ERN read into the record by the city manager. Further discussion ensued. The motion passed by the following vote: **Ayes:** Councilmembers Bates, Johnson, Myrick, Vice Mayor Choi, and Mayor Butt. **Noes:** Councilmember Martinez. **Absent:** Councilmember Willis. **Abstained:** None.

(At approximately 10:19 p.m., Mayor Butt declared a five-minute recess. At approximately 10:25 p.m., the Council was called back to order with Councilmembers Martinez, Myrick, and Willis absent. Councilmembers Martinez and Myrick rejoined the meeting during the presentation for Item I-2).

I-2. The matter to receive a presentation from the Richmond Convention and Visitors Bureau (RCVB) providing its annual report of activities was introduced by Economic Development Administrator Janet Johnson. RCVB Executive Director Matt Lewis and Office Manager Desiree Heveroh presented a Powerpoint that highlighted the following: Visit Richmond CA video; RCVB leadership, board of directors, and advisory council; Richmond Tourism Marketing District Plan overview and summary; expenses from assessment; tourism marketing districts; expenses from assessment; Richmond events and activities supported by the RCVB; partnering organizations; and marketing, advertising, and social media analytics. Cordell Hindler gave comments.

I-3. The matter to receive a presentation regarding the Community Services Department's (CSD) Achieve Summer Camp Program was introduced by Chief of Staff LaShonda White on behalf of the Community Services Director, Rochelle Polk. Community Services Youth Programs Supervisor Troy Porter presented a Powerpoint that highlighted the following: program overview, sites map, partnerships, and quality; camp schedule; community building; student tracking system; literacy gains; student and parent survey results; and camp attendance.

(At approximately 11:00 p.m., a motion made by Councilmember Myrick, seconded by Councilmember Johnson, extended the meeting for thirty minutes by the unanimous vote of the City Council).

I-4. Continued to May 28, 2019, the matter to receive an informational presentation from the Office of Neighborhood Safety (ONS) regarding the Department's mission, program, work, role in eliminating gun violence in the City of Richmond, to achieve the Council's stated goal of No homicides for a year.

I-5. The matter to consider reinstating the Finance, Economic Development and Administrative Services Standing Committee and the Public Services/Safety Committee was introduced by Councilmembers Bates and Martinez. Discussion ensued. The Council requested staff to propose recommendations for the most cost-effective method to reinstate said committees and a review of the cost savings by not reinstating the committees for the past four years. Further discussion ensued. A motion was made by Councilmember Bates, seconded by Councilmember Martinez, to reinstate said committees. The following speakers gave comments: Cordell Hindler, Bea Roberson, and Jackie Thompson gave comments. A substitute motion was made by Councilmember Myrick, seconded by Councilmember Johnson, directing staff to return to the Council within one month with a recommendation on this matter. The substitute motion failed by the following vote: **Ayes:** Councilmembers Johnson and Myrick. **Noes:** Councilmembers Bates, Martinez, Vice Mayor Choi, and Mayor Butt. **Absent:** Councilmember Willis. **Abstained:** None. The main motion failed by the following vote: **Ayes:** Councilmembers Bates and Martinez. **Noes:** Vice Mayor Choi and Mayor Butt. **Absent:** Councilmember Willis. **Abstained:** Councilmembers Johnson and Myrick.

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

None.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:35 p.m., in memory of Richmond resident Edna Darden, to meet again on Tuesday, May 7, 2019, at 6:30 p.m.

Clerk of the City of Richmond

(SEAL)

Approved:

Mayor