

RICHMOND, CALIFORNIA, November 19, 2019

The Richmond City Council Evening Open Session was called to order at 5:30 p.m. by Mayor Thomas K. Butt.

ROLL CALL

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

LIABILITY CLAIMS - (Government Code Section 54956.9):

Kevin Simmons v. City of Richmond

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (initiation of litigation pursuant to paragraph (4) of Subdivision (d) of Government Code Section 54956.9):

One Case

There were no public speakers.

The Open Session adjourned to Closed Session at 5:32 p.m. Closed Session adjourned at 6:38 p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:40 p.m., by Mayor Butt.

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Items L3 and L-4 were discussed together.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

E-1. A proclamation declaring November 20, 2019, as Transgender Day of Remembrance in the City of Richmond was presented. The following individuals gave comments: Ashley Scarborough-Gonzalez, Mark Wassberg, Doria Robinson, Kabir Kabur, and Jamin Pursell.

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

Senior Assistant City Attorney Rachel Sommovilla stated there were no final actions taken.

REPORT FROM THE CITY MANAGER

Acting City Manager Carlos Privat stated there was no report.

OPEN FORUM FOR PUBLIC COMMENT

Vinay Pimple gave comments regarding the Richmond Paratransit program and its partnership with Lyft.

Andrea Hughes, from Dare U2 Care non-profit organization, gave comments regarding reunification housing vouchers.

Rick Perez, Patricia Perez, Sina Sarna gave comments regarding the death of Pedie Perez and the investigative process.

Sean Staulbaum asked the city council to lead the city's labor negotiations in the right direction by making city workers a higher priority.

Mark Wassburg stated the councilmembers who are members of the Richmond Progressive Alliance rarely follow established rules.

Tarnel Abbott and Sherry Padgett gave comments regarding toxicity at the Zeneca site.

Jerilee Doss gave comments regarding the Richmond Rent Program.

Leisa Johnson stated the Veolia Wastewater plant has violated air district permit levels.

Ben Therriault expressed solidarity and support regarding labor negotiations with Local SEIU and Local 21. Mr. Therriault also encouraged the city support development in order to increase revenue to the city.

Mike Parker gave comments regarding Proposition 13 and stated that corporations should pay their fair share of property taxes.

Yen Do and Jill Perry gave comments regarding labor negotiations and asked for their support of the union members.

Kabir Kapur thanked the city council for supporting the equity element of the cannabis initiative.

CITY COUNCIL CONSENT CALENDAR

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

***I-1.** Approved the Memorandum of Understanding for the EastBay Works Partnership and Regional Planning Unit consisting of County of Alameda, County of Contra Costa, City of Oakland

and City of Richmond; in support of the City of Richmond, Local Workforce Development Area, as required by the federal Workforce Innovation and Opportunity Act (WIOA).

***I-2.** Approved a sole-source agreement with the Contra Costa County District Attorney's Office for the dedicated services of a deputy district attorney who would be specifically assigned as Richmond's Community Based Prosecutor, at a cost not to exceed \$200,000, from July 1, 2019, through June 30, 2020 - Police Department (Interim Chief Bisa French 621-1802).

***I-3.** Adopted **Resolution No. 102-19**, to approve the Enforcement Response Plan (ERP) which provides a framework for the City to follow when responding to industrial user violation

I-4. Adopted **Resolution No. 103-19**, approving a three percent annual cost of living increase, in addition to the two percent minimum cost of living increase, for the recipients of the General Pension Fund, for a total annual cost of living increase of five percent for these recipients.

I-5. Reviewed the Allowance for Doubtful Accounts Policy and adopted **Resolution No. 104-19**, approving the policy.

***I-6.** Adopted **Resolution No. 105-19**, approving the City of Richmond 2019-2020 Investment Policy that sets standards and procedures regarding investment of City funds.

***I-7.** Adopted **Resolution No. 106-19**, authorizing the write-off of delinquent and/or uncollectible accounts receivable in the amount of \$99,893.73.

***I-8.** Accepted and appropriated a \$1,000 grant award from the Coalition for Clean Air to fund prizes for bike ride participants.

***I-9.** Approved the Grant Agreement between the City of Richmond and Plug In America and appropriated \$2,500 in funds to support the local National Drive Electric Week Event costs as authorized by the terms and conditions of the grant agreement.

***I-10.** Accepted and appropriated the \$250 sponsorship award from the Electric Auto Association to provide lunches for the privately owned electric vehicle participants during the 2019 National Drive Electric Week Event.

***I-11.** Adopted **Resolution No. 107-19**, agreeing to the transfer of the U.S. Department of Commerce Economic Development (EDA) Revolving Loan Fund Grant ("EDA-RLF") #07-39-02437.01 from the City of Richmond to Community Housing Development Corporation (CHDC) in the current approximate amount of \$726,892.35

***I-12.** Approved a contract with Remediation Risk Management, Inc. (RRM) to perform semi-annual groundwater monitoring and reporting for five groundwater monitoring wells on site, for installation of four soil gas wells and four sub-slab sample points per Water Board approval letter dated March 8, 2019, for preparation of a work plan completion report, and for semi-annual soil gas sampling, in an amount of \$54,270 per Fiscal Year for Fiscal Years 2019 to 2022, for a total contract amount not to exceed \$162,810, with a term through June 30, 2022.

***I-13.** Received the monthly report on Point Molate activities for the month of August 2019.

***I-14.** Received the monthly report on Point Molate activities for the month of September 2019.

***I-15.** Approved a third contract amendment with Pursuit North/Lehr for police vehicle outfitting, extending the term to December 31, 2020, and increasing the payment limit by \$291,000 to a total of \$854,000; and appropriated \$291,000 from the Equipment Services Capital Improvement fund balance for this purpose.

***I-16.** Approved the annual support and user license agreement with Faster Asset Solutions by CCG Systems, Inc., for fleet management software used in maintaining data records for city-owned equipment in an amount not to exceed \$13,555.

***I-17.** Adopted **Ordinance No. 17-19**, updating and amending Chapter 8.16 of the Richmond Municipal Code that pertains to Fire Prevention, including incorporating the 2019 California Fire Code and 2018 International Fire Code.

***I-18.** Adopted **Resolution No. 108-19**, approving the First Amendment to Construction Agreement between The City of Richmond and James E. Roberts-Obayashi Corporation for additional expenditures in an amount not to exceed \$258,088 for a total not to exceed amount of \$2,358,748 for the Miraflores Greenbelt-Baxter Creek Phase 1 Project.

***I-19.** Adopted **Resolution No. 109-19**, authorizing an application for State Department of Housing and Community Development SB 2 Planning Grants Program (PGP) funds to complete the Form-Based Code adoption for Richmond's Priority Development Areas (PDAs) and designating the City Manager or their designee to execute the necessary agreements and Standard Agreement to compete the project, if grant funds are awarded.

***I-20.** Adopted **Resolution No. 110-19**, for employees in Service Employees International Union (SEIU Local 1021) and International Federation of Professional and Technical Engineers (IFPTE Local 21) (including Executive Management), to get two additional paid holidays, specifically December 24, 2019, (Christmas Eve) and December 31, 2019, (New Year's Eve).

PUBLIC HEARINGS

J-1. The matter to hold a public hearing to receive public input regarding the composition of potential City Council districts was presented by City Clerk, Pamela Christian, Assistant City Attorney, James Atencio, and Shalice Tilton, senior consultant with National Demographics Corporation, who gave an overview of the matter. The City received a demand letter from attorney Scott J. Rafferty (Rafferty) against the City under the California Voting Rights Act (CVRA) if the City does not transition from at-large to district-based elections of City Councilmembers. Code 10010 to include a "safe-harbor" provision that gives jurisdictions the opportunity to change their election system once they receive a demand letter and caps legal fees recoverable by a plaintiff at \$30,000 if a jurisdiction adopts a resolution of intention to transition to district-based elections that outlines specific steps and estimates a time frame, within forty-five (45) days of receiving the

demand letter; and holds at least four (4) public hearings and adopts an ordinance within ninety (90) days of adopting the resolution of intention. On October 22, 2019 the City adopted a Resolution of Intention to transition from at-large to district-based elections of City Councilmembers. Discussion ensued. The mayor declared the public hearing open. The following individuals gave comments: Andres Soto, Don Gosney, Susan Wehrle, Kevin Mathieu, Leisa Johnson, Joseph Puleo, Scott Rafferty, David Drisdale, Charles Smith, Jan Mignone, Kabir Kapur, and Mike Parker. The public hearing was closed. Following discussion, a motion was made by Councilmember Willis, seconded by Councilmember Johnson III, and scheduled two community workshops before January 20, 2019, with the assistance of monolingual translators. The December 3, and 17, 2019, City Council meeting were used as community workshops. Councilmember Johnson III made a friendly amendment to conduct three workshops in the north, south, and central areas of the city, which was accepted by Councilmember Willis. The city council requested monolingual equipment for translation. The motion passed by the following vote: **Ayes:** Councilmembers Bates, Johnson III, Myrick, Martinez, and Vice Mayor Choi. **Noes:** Mayor Butt. **Absent:** Councilmember Willis. **Abstain:** None.

ORDINANCES

K-1. The matter to introduce an Ordinance amending Richmond Municipal Code (RMC) Article VI, Building Regulations by revising Chapters 6.02 and 6.04 (adopting the 2019 California Building Standards Code), and repealing Chapters 6.16, 6.20, 6.28 (which are superseded by the 2019 codes and incorporated into RMC Chapter 6.04) and 6.46 (which has been superseded by the California Green Building Standards Code incorporated into Chapter 6.04) was presented by Planning Director, Lina Velasco and Chris Castanchoa. Following discussion, a motion by Councilmember Bates, seconded by Councilmember Myrick, introduced first reading of said ordinance and was laid over two weeks, by the following vote: **Ayes:** Councilmembers Bates, Johnson III, Myrick, Martinez, and Vice Mayor Choi. **Noes:** Mayor Butt. **Absent:** Councilmember Willis. **Abstain:** None.

COUNCIL AS A WHOLE

L-1. The matter to receive a report summarizing the status of major land use development projects in Richmond was presented by Planning Director, Lina Velasco. This item was continued from the October 22, 2019, and November 5, 2019, meetings. The city council asked for the status of vacant lots and empty buildings throughout the city and also requested that a tour was taken to see various vacant lots and blighted areas throughout the city. Ben Therriault gave comments.

L-2. The matter to receive a presentation from the Department of Infrastructure Maintenance and Operations (DIMO) regarding blight in Richmond, including challenges, operational realities and steps DIMO is taking to reduce blight throughout the City by DIMO Director, Tim Higaes, who presented a Powerpoint which highlighted the following: Community effects of blight; increase in blight; top contributors of blight, top blight related calls; Abatement staffing levels; Abatement statistics; illegal dumping locations and tonnage; homeless encampments; red tag

and boarded properties; interior hoarding; fences build around properties; graffiti removed; alleys; weed abatement; sign removal; hazmat; demolitions; Parks and Landscaping Division; tree maintenance; resources needed; and solutions. Discussion ensued. City council suggested that Neighborhood Councils should consider adopting certain dumping hotspots in their area. A study session for a future meeting was requested regarding homelessness and recreational vehicles parked on city streets. The following individuals gave comments: Cordell Hindler, Gregory Everetts, Kevin Tisdell, Doria Robinson, and David Drisdale.

L-3. The matter to review the estimated cost to hire a consultant to conduct a study of a "Tenants Opportunity to Purchase" ordinance and reconsider approval of a Tenants Opportunity to Purchase Ordinance requiring owners of rental facilities in Richmond to offer tenants the first opportunity to purchase the rental facility before it may be demolished, discontinued or sold on the market to a third-party was presented by Councilmember Bates who stated that Item L-4 was discussed prior to discussing the matter to hire a consultant.

L-4. The matter to direct staff to cease all drafting efforts regarding a "Tenants Opportunity to Purchase" Ordinance was presented by Councilmember Myrick. The following individuals gave comments: Tally Craig, Leisa Johnson, Ilona Clark, Mike Parker, Ben Therriault, Vinay Pimple, Rock, Mike Vasillas, Daniel Winkler, Kristina Retsey, and Cordell Hindler. *(11:00 a.m. – A motion by Councilmember Myrick, seconded by Councilmember Johnson III, extended the meeting by 10 minutes, by the unanimous vote of the City Council).* A motion by Councilmember Myrick, seconded by Councilmember Johnson III, to cease all drafting efforts, passed by the following vote: **Ayes:** Councilmembers Bates, Johnson III, Martinez, Myrick, Vice Mayor Choi, and Mayor Butt. **Noes:** None. **Absent:** Councilmember Willis. **Abstain:** None.

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

Councilmember Martinez reported that he attended two forums on Calpers and OPEB.

Councilmember Myrick reported that he attended the National Promise Conference at UC Berkeley, hosted by The Richmond Promise.

Councilmember Bates attended a CalPERS pension obligation bond conference in San Mateo, CA.

Mayor Butt attended the PromiseNet meeting at UC Berkeley. Mayor Butt also chaired the Local Agency Formation Commission (LAFCO) meeting and attended the Cal LAFCO conference in Sacramento.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:09 p.m., in memory of Mitt Dornan, President of Point Richmond History Association, and Ms. Crummie, to meet again on Tuesday, November 26, 2019, at 6:30 p.m.

Clerk of the City of Richmond

(SEAL)

Approved:

Mayor