

## **RICHMOND, CALIFORNIA, February 4, 2020**

The Richmond City Council Evening Open Session was called to order at 5:00 p.m. by Mayor Thomas K. Butt.

### **ROLL CALL**

**Present:** Councilmembers Ben Choi, Eduardo Martinez, Vice Mayor Nat Bates, and Mayor Thomas K. Butt. **Absent:** Councilmembers Demnlus Johnson III and Jael Myrick arrived at 5:02 p.m.

### **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):

Lance Bell vs. City of Richmond

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8):

Property: Pt Molate

Agency negotiators: Laura Snideman

Negotiating parties: Winehaven Legacy LLC (SunCal)

Under negotiations: price and terms of payment

Property: Nevin Plaza – 2400 Nevin Avenue

Agency negotiators: Shasa Curl and Nannette Beacham

Negotiating parties: EAH Housing and Eden Housing

Under negotiations: Price and Terms of Payment

Property: Richmond Village - 700 S 26th St

Agency negotiators: Shasa Curl and Nannette Beacham

Negotiating parties: McCormack Baron Salazar

Under negotiations: Price and Terms of Payment

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Significant exposure to litigation pursuant to paragraph (2) or (3) of Subdivision (d) [as applicable] of Government Code Section 54956.9): One case

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957):

Title: City Attorney

Cordell Hindler gave comments regarding the performance evaluation item.

The Open Session adjourned to Closed Session at 5:03 p.m. Closed Session adjourned at 6:46 p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:54 p.m. by Mayor Butt who led the Pledge of Allegiance to the flag.

## **ROLL CALL**

**Present:** Councilmembers Choi, Johnson III, Martinez, Myrick, Willis, Vice Mayor Bates, and Mayor Butt. **Absent:** None.

## **STATEMENT OF CONFLICT OF INTEREST**

None.

## **AGENDA REVIEW**

None.

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

Assistant City Attorney, Rachel Sommovilla reported that the City Council approved an extension to the exclusive right to negotiate and extended the agreement with Winehaven Legacy, LLC, by a 6-0 vote, to May 31, 2020.

## **REPORT FROM THE CITY MANAGER**

City Manager, Laura Snideman, stated that she has met with many staff members and was very impressed, as well as with the many services the City offered to its residents.

## **OPEN FORUM FOR PUBLIC COMMENT**

Cordell Hindler stated that the standing committees should be reestablished. Mr. Hindler also stated that some members of the audience were very disrespectful towards the Rent Program director while he was giving his presentation during a previous City Council meeting.

Robin Lape, Susan Singh, Elda Fontenot, Audrey Jenkins, and Elsa Stevens gave comments regarding housing issues at the Heritage Park at Hilltop residential complex and requested support of a five-year rent freeze, source of income and anti-discrimination act, and tenant screening ordinance.

Ben Therriault stated that the City should reignite previous programs that recognized good efforts made by employees.

Mark Wassberg gave comments regarding President Trump's impeachment hearing.

Shayla Bonner, Safe Return Project, asked the City Council to support the source of income and fair tenant screening ordinances.

Stephen Linsley gave comments regarding the complete cleanup of the Zeneca site.

Ada Recinos asked for support for the housing anti-discrimination ordinance. Ms. Recinos also thanked the City Council for its support and adoption of the coal ordinance.

Rick Perez, Patricia Perez, and Gerald Smith requested a copy of the results of the Police Review Commission's investigation of the Pedie Perez case for the family.

Y'Anad Burrell stated that the Richmond Art Center was displaying The Art of the African Diaspora.

Mike Parker thanked the City Council for passing the No Coal ordinance and urged residents to support Measure 13 and Measure R.

Kathleen Wimer gave comments regarding the reduction of the fire fly population due to light pollution.

Deborah Bayer requested financial and traffic safety reports regarding the Point Molate project.

Jane Courant and Kabir Kapur thanked the City Council for passing the coal ordinance.

### **CITY COUNCIL CONSENT CALENDAR**

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

**\*G-1.** Received the City's Investment and Cash Balance Report for the month of December 2019.

**\*G-2.** Approved appointments to the Design Review Board: appointed Brian Carter, new appointment, seat #7, term expiration date March 17, 2022.

**\*G-3.** Approved appointments to the Urban Forest Advisory Committee: Appointed Laurie Isenberg, appointment, seat #3, term expiration date November 17, 2023.

**\*G-4.** Approved appointments to update the Public Art Advisory Committee: appointed Deborah Dyer, new appointment, seat #4, term expiration date November 3, 2022, Emily Leighton, new appointment, seat #5, term expiration date November 3, 2022, Tom Herriman, re-appointment, seat #6, filing an unexpired term with an expiration date of February 20, 2020.

**\*G-5.** Approved actions to update the Youth Council: appointed Kashaf Iqbal, re-appointment, seat #2, term expiration date October 1, 2020.

**\*G-6.** Approved appointments to the Richmond-Zhoushan Sister City Commission; appointed Eric Peterson, re-appointment, seat #2, term expiration date December 31, 2022, Stanley Li, re-appointment, seat #3, term expiration date December 31, 2022.

**\*G-7.** Approved an appointment to update the Housing Advisory Commission: appoint Y'Anad Burrell, new appointment, seat #1, term expiration date November 1, 2022, Jaycine Scott, re-appointment, seat #6, term expiration date November 1, 2022.

**\*G-8.** Adopted **Resolution No. 5-20**, to accept and appropriate a \$2,000,000 contribution from Chevron for the Cogeneration Project at the City's Wastewater Treatment Plant as part of Chevron's Modernization Project and mitigation measures in the approved Environmental Impact Report and conditions of approval in the Conditional Use Permit to reduce local greenhouse gas emissions This item was continued from the January 21, 2020, meeting.

**\*G-9.** Approved the purchase of one (1) Vermeer Stump Grinder SC802 from RDO Equipment Company in an amount not to exceed \$62,000.

**\*G-10.** Adopted **Ordinance No. 05-20 N.S.** adding Article 15.04.615 to the Richmond Municipal Code ("RMC") to prohibit new land uses and phase out existing land uses related to the storage and handling of coal and petroleum coke, and making conforming amendments to the Richmond Municipal Code ("RMC") to ensure that it is internally consistent. This item was continued from the January 21, 2020, meeting. (*Vice Mayor Bates voted no*).

**\*G-11.** Approved **Resolution No. 6-20** authorizing the application for grant funds from the California Department of Housing and Community Development's (HCD) CalHome Program in an amount not-to-exceed \$5,000,000 to provide rehabilitation loans to low income households; and authorizing the City Manager or their designee to execute related documents to accept the grant and expend grant funds as approved by HCD.

**\*G-12.** Adopted **Resolution No. 7-20**, nominating Hilltop area to the Association of Bay Area Governments and Metropolitan Transportation Commission for designation as a Priority Development Area, an area in the Region identified to support employment and housing growth near transit.

**\*G-13.** Approved the minutes of the January 14 and 21, 2020, Regular City Council meetings.

#### **BUDGET SESSION**

**H-1.** The matter to review the Fiscal Year (FY) 2019-20 operating and capital improvement budgets at mid-year, and adopt a resolution approving the proposed Fiscal Year 2019-20 budget adjustments was presented by Finance Director Belinda Brown, Revenue Manager Antonio Banuelos, and Budget Administrator Markisha Guillory. The presentation included a Powerpoint, which highlighted the following: FY 2019-20 Mid-year review; FY 2018-19; General Fund mid-year balanced budget and budget adjustments; General Fund Summary; Negative Cash Balances. The General Fund mid-year budget was balanced with an estimated surplus of \$190; projected cash reserves were approximately \$19.4 million; General Fund Revenue/Expenditures; 1% Cost of Living Adjustment; Class and Compensation Study. Discussion ensued. The City Council requested an update on Contra Costa Transportation Authority (CCTA) funding of \$1.1 million for R-Transit CCTA funding. A list of requirements to receive the funding would be provided to the City Council. The City Council also requested information on which housing project was disallowed by the Department of Housing and Urban Development (HUD) in the amount of \$1.8 million. Cordell Hindler and Ben Therriault gave comments. A motion by Councilmember Willis, seconded by Councilmember Myrick, continued the item to the February 18, 2020, City Council meeting to allow more time for review of the budget, passed by the unanimous vote of the City Council.

#### **PUBLIC HEARINGS**

**I-1.** The city clerk announced that it was time, pursuant to public notice, to hold proposed issuance of charter school revenue

bonds by the California Public Finance Authority ("CalPFA"), in an amount not to exceed \$64,000,000, in connection with the issuance of charter school revenue bonds for Wonderful Foundations. The proceeds of the bonds will enable the Borrower to finance the acquisition of public charter school facilities located at 1402 and 1450 Marina Way South in the City of Richmond (the "Project"); and adopt a resolution to approve the proposed financing by the CalPFA. The item was presented by Eugene Clark-Herrera, Orrick Herrington Bond Counsel. Discussion ensued. The following individuals gave comments: Ritchie Cook, Mike Parker, and Don Gosney. A motion made by Councilmember Martinez, seconded by Councilmember Willis, rejected approval, by the following vote: **Ayes:** Councilmembers Choi, Johnson III, Martinez, Myrick, Willis. **Noes:** Mayor Butt. **Absent:** None. **Abstain:** Vice Mayor Bates.

## **RESOLUTIONS**

**J-1.** The matter to adopt a resolution accepting the Sewer Rate Study Report and direct staff to proceed with the initiation of a 45-Day Notice for a Public Hearing for April 7, 2020, to consider the adoption of a multi-year sewer service rate structure was presented by Public Works Director Yader Bermudez. Chris Fisher of Wildan Financial Services and Mary Phelps of the Public Works Department presented a Powerpoint which highlighted the following: Rate Study Objectives; Rate-Setting Considerations; Existing Rate Structure; Existing Fiscal Year (FY) 2019/20 Rates; Customer Growth Projections; Financial Projection at Existing rates; Graphic Illustration at existing rates; Major Capital Expenditure needs; 5-year Capital Improvement Program; Proposed FY 2021 rates; Customer Impact Analysis; Neighboring Utility Comparison; Projected Future Rate Adjustments; Projected Operating Results Summary; Graphic Illustration at Projected Rates; Projected Rate Path-Single Family; and next steps. Discussion ensued. City Council requested a map identifying the areas for the proposed increase. Leisa Johnson gave comments. A motion by Vice Mayor Bates, seconded by Councilmember Martinez, accepted the report and adopted **Resolution No. 8-20**, by the unanimous vote of the City Council.

## **COUNCIL AS A WHOLE**

**K-1.** The matter to direct the city manager to provide the City Council with a list of all employees receiving differential pay authorized by former city managers that were not approved by the City Council was presented by Vice Mayor Bates who gave an overview of the matter and requested that no more salary increases would not be granted until the City Council approved them. Discussion ensued. Staff was directed to determine under what process the current differentials were granted and to develop a process for future differential payments. A list of individuals who received differentials was also requested. The matter will return to a future City Council meeting. The following individuals gave comments: Cordell Hindler, Luis Padilla, Ben Therriault, and Leisa Johnson.

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

None.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 9:57 p.m., to meet again on Tuesday, February 18, 2020, at 6:30 p.m.

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Clerk of the City of Richmond

(SEAL)

Approved:

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Mayor