

RICHMOND, CALIFORNIA, October 17, 2017

The Richmond City Council Evening Open Session was called to order at 5:30 p.m.

ROLL CALL

Present: Councilmembers Ben Choi, Eduardo Martinez, Ada Recinos, Melvin Willis, and Mayor Thomas K. Butt. **Absent:** Councilmember Jael Myrick and Vice Mayor Jovanka Beckles arrived at approximately 5:35 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

A-1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.9):

One case

A-2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8):

Property: Richmond Main Post Office
Negotiators: Bill Lindsay
Negotiating party: US Postal Service
Under negotiation: Price and terms of payment

Cordell Hindler gave comments regarding item A-2.

(Mayor Butt recused himself from Item A-1 due to a conflict of interest).

The Open Session adjourned to Closed Session at 5:32 p.m. Closed Session adjourned at 6:42 p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:46 p.m., by Mayor Butt.

ROLL CALL

Present: Councilmembers Choi, Martinez, Myrick, Recinos, Willis, Vice Mayor Beckles, and Mayor Butt.
Absent: None.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Items G-20 through G-26 were removed from the Consent Calendar for discussion at the end of the agenda.

Item I-2 was moved for discussion immediately following the approval of the Consent Calendar.

Item I-1 was moved for discussion immediately following Item I-2.

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 elected to dispense with a report in the essence of time.

OPEN FORUM FOR PUBLIC COMMENT

Cordell Hindler requested that an item concerning the Point Molate Advisory Committee be placed on an agenda in November 2017. Mr. Hindler requested more City of Richmond employment opportunities for residents.

Naomi Williams announced that the Commission on Aging's Senior Winter Ball event was on Saturday, December 16, 2017, at the Richmond Memorial Auditorium. Doors opened at 5:30 p.m. and dinner would be served from 6:30 p.m. to 7:30 p.m.

Bea Roberson announced the 34th Annual Crime Prevention Banquet on the evening of Saturday, October 21, 2017, at the Richmond Recreation Complex. Ms. Roberson listed the names of individuals that would be awarded for their outstanding work in crime prevention. The cost for dinner was free.

Kathy Robinson requested the Council and city administration to visit the homeless programs in Richmond to better understand the challenges and crisis.

Theresa Russell expressed concerns regarding the deaths of five young men in Richmond allegedly shot by two former members of the Office of Neighborhood Safety fellowship program in separate incidents. Ms. Russell gave comments regarding the program's success measurements and operations.

Mike Parker clarified that he was a member of the Richmond Progressive Alliance (RPA) but not a member of the RPA Steering Committee. Mr. Parker provided examples of alleged personal attacks and criticism against the RPA.

Eleanor Thompson inquired about votes made at prior meetings by City Council RPA members.

Richard Stollings expressed his gratitude for the improvement of customer service at city hall and suggested that additional improvement was needed to resolve problems reported by residents to staff.

Ruscal Cayangyang invited the public and the Council to a “People Power” rally on Sunday, October 22, 2017, at 12:00 p.m. at the University California, Berkeley Sproul Plaza. Mr. Cayangyang thanked the Council for adopting Resolution No. 101-17 in support of Assembly Bill No. 1008, related to employment discrimination. Mr. Cayangyang requested the Council to agendize a resolution recognizing October as “National Bully Prevention Month” at its next meeting. Mr. Cayangyang urged the Council to vote “no” on “H1H2”, related to benefits for air polluting companies.

Rick and Patricia Perez provided positive feedback regarding the Richmond Citizens Police Review Commission Retreat held on Saturday, October 14, 2017. Mr. Perez gave comments regarding police scandals and constitutional policing. Mr. Perez expressed his disappointment that the United States Department of Justice was not notified of the Pedie Perez case.

Benjamin Therriault gave comments regarding the September 20, 2017, police shooting on Interstate-80 in Emeryville. Mr. Therriault expressed a problem that he had with the lack of commendation from the Council for Richmond Police Officers.

CITY COUNCIL CONSENT CALENDAR

On motion of Councilmember Myrick, seconded by Councilmember Choi, the item(s) marked with an (*) were approved by the unanimous vote of the City Council:

*G-1. Presented a proclamation declaring Saturday October 21, 2017, as Arbor Day in the City of Richmond.

*G-2. Approved actions to update the Recreation and Parks Commission; appointed Soheila Bana, new appointment, seat #9, filling an unexpired term, with a term expiration date of October 26, 2019.

*G-3. Approved actions to update the Commission on Aging; appointed Shirley Gilbert, new appointment, seat #3, term expiration April 28, 2019.

*G-4. Approved actions to update the Workforce Development Board; appointed Nicole Jalbert, reappointment, seat #3, term expiration September 22, 2021.

*G-5. Received a report on the Richmond Municipal Sewer District for the month of July 2017.

*G-6. Received a report on the Richmond Municipal Sewer District for the month of August 2017.

*G-7. Approved a sole-source service agreement with Tyler Technologies to maintain and support the computer-aided dispatch (CAD) and records management systems (RMS) in an amount not to exceed \$308,164, with a term from July 1, 2017, to June 30, 2018.

*G-8. Approved a sole-source contract for parts and repair services with Hi-Tech Emergency Vehicle Services in an amount not to exceed \$225,000 for a term extending from Fiscal Year (FY) 2017-2018 through FY 2019-2020.

*G-9. Approved the purchase of one continuous power rodder truck, Model S660-36-ATO, from Owen Equipment for use by the Wastewater Division, in an amount not to exceed \$330,000.

*G-10. Approved a contract with Applied Landscape Materials, Inc. to install blown-in engineered wood fiber safety surfacing at nineteen park playgrounds in an amount not to exceed \$28,458, and for a term from October 18, 2017, to June 30, 2018.

*G-11. Approved a contract with West Coast Arborists, Inc. to remove twenty-four dead or dying trees at various locations throughout the City in an amount not to exceed \$34,944 and for a term from October 18, 2017, to June 30, 2018.

*G-12. Approved a two-year contract with Verizon Networkfleet for monthly global positioning system (GPS) tracking and management in an amount not exceed \$100,000, with an option for two one-year extensions, in an amount not to exceed \$50,000 per year.

*G-13. Approved a contract with Restoration Management Company to remediate damages suffered from a roof leak in the Auditorium caused during the installation of a cell tower. The amount of the contract is not to exceed \$20,406.23, and will be reimbursed by the party that caused the damage to the Auditorium.

*G-14. Introduced an ordinance (first reading) adding Chapter 2.44 to the Richmond Municipal Code approving use of electronic and paperless filing of Fair Political Practices Commission Campaign Disclosure Statements filed by elected officials, candidates, and committees.

*G-15. Approved the applicant-funded contract amendment with Interwest Consulting Group, Inc. for plan review and technical support services in the Fire Prevention Services Division, increasing the payment limit by \$250,000, to a total contract amount not to exceed \$1,000,000, and extending the term of the contract to June 30, 2019; and appropriated the funding for the increase in the expenditure and revenue accounts by \$250,000 under the Chevron Inspection Program.

*G-16. Approved a contract with Aptim Environmental & Infrastructure, Inc. to provide technical assistance in developing emergency support functions as part of the City of Richmond's Emergency Operations Plan in an amount not to exceed \$53,000.

*G-17. Received the monthly report on Point Molate activities for the month of September 2017.

*G-18. Approved a two-year contract extension with George Hills Company, Inc. for third party general liability claims administration services for a total amount not to exceed \$292,320, for a five-year contract total of \$719,040, in accordance with prior approved contract terms.

*G-19. Approved a two-year contract extension with Du-All Safety, LLC for safety compliance and loss prevention services for a total amount not to exceed \$317,693, for a five-year contract total of \$760,368, in accordance with prior approved contract terms.

G-20. **Continued to October 24, 2017**, the matter to introduce an ordinance (first reading) establishing the wages, salary, and compensation for the new classification of Hearing Examiner, Rent Program (Salary Range No. 3.1 \$9,024 - \$14,364/month).

G-21. **Continued to October 24, 2017**, the matter to introduce an ordinance (first reading) establishing the wages, salary, and compensation for the new classification of Executive Director, Rent Program (Salary Range No. 3.1: \$9,024-\$14,364/month).

G-22. **Continued to October 24, 2017**, the matter to introduce an ordinance (first reading) establishing the wages, salary, and compensation for the new classification of Deputy Director, Rent Program (Salary Range No. 2.1 \$8,087 - \$12,873/month).

G-23. **Continued to October 24, 2017**, the matter to adopt a resolution amending the City of Richmond's Position Classification Plan to add the new classification of Hearing Examiner, Rent Program.

G-24. **Continued to October 24, 2017**, the matter to adopt a resolution amending the City of Richmond's Position Classification Plan to add the new classification of Executive Director, Rent Program.

G-25. **Continued to October 24, 2017**, the matter to adopt a resolution amending the City of Richmond's Position Classification Plan to add the new classification of Deputy Director, Rent Program - Human Resources Management Department.

G-26. **Continued to October 24, 2017**, the matter to adopt an ordinance (second reading) establishing the wages, salary, and compensation for the new classification of Office of Neighborhood Safety Program Manager (Salary Range No. 064G: \$7,832 - \$9,520/month).

*G-27. Adopted **Resolution No. 121-17** renewing and continuing the local emergency on Rifle Range Road due to landslide damage, which was first adopted by the City Council on March 7, 2017.

*G-28. Adopted **Resolution No. 122-17** renewing and continuing the local emergency on Via Verdi due to landslide damage, which was first adopted by the City Council on February 28, 2017.

*G-29. Adopted **Resolution No. 123-17** approving the project list for Senate Bill 1 (SB1) Road Maintenance and Rehabilitation Account funding for Fiscal Year 2017-18, and APPROPRIATE the additional SB1 funding amount of \$123,646.

*G-30. Approved a contract with Ghilotti Bros., Inc., for construction of the Greening the Last Mile project at the Richmond Greenway in an amount not to exceed \$410,225.

*G-31. Approved year-end adjustments for the fiscal year ending June 30, 2017, transferring cash from General Fund reserves to funds with negative cash balances.

*G-32. Approved the minutes of the September 26, 2017, regular meeting of the Richmond City Council.

*G-33. Approved the purchase of one 2017 John Deere 444K Wheel Loader from Pape Machinery in an amount not to exceed \$142,000.

PUBLIC HEARINGS

H-1. The city clerk announced that it was time, pursuant to public notice, to hold a public hearing to introduce an ordinance (first reading) regarding the City's intent to grant to CHEVRON U.S.A. a 10 year franchise agreement to use or lay and use oil pipes and appurtenances for the purpose of transmitting and distributing oil and oil products within the City's rights-of-way for a period of ten years. Senior Civil Engineer Tawfic Halaby provided an oral report and pointed out a typographical error on page two of said ordinance, where the maximum pipe line size should be changed from six to eighteen inches. Discussion ensued. Mayor Butt declared the public hearing open. There were no public speakers. Mayor Butt declared the public hearing closed. On motion of Councilmember Choi, seconded by Councilmember Recinos, said ordinance received first reading with amendment and was laid over for two weeks by the following vote: **Ayes:** Councilmembers Choi, Martinez, Myrick, Recinos, Willis, and Mayor Butt. **Noes:** None. **Absent:** Vice Mayor Beckles. **Abstentions:** None.

(At approximately 10:59 p.m., a motion by Councilmember Myrick, seconded by Councilmember Martinez, extended the meeting to discuss only Item H-2 by the following vote: Ayes: Councilmembers Choi, Martinez, Myrick, Recinos, and Willis. Noes: Mayor Butt. Absent: Vice Mayor Beckles. Abstentions: None).

H-2. The city clerk announced that it was time, pursuant to public notice, to hold a public hearing to introduce an ordinance (first reading) regarding the City's intent to grant to PHILLIPS 66 CO. a 10-year franchise agreement to use or lay and use oil pipes and appurtenances for the purpose of transmitting and distributing oil and oil products within the City's rights-of-way for a period of ten years. Senior Civil Engineer Tawfic Halaby provided an oral report. Discussion ensued. Mayor Butt declared the public hearing open. There were no public speakers. Mayor Butt declared the public hearing closed. On motion of Councilmember Martinez, seconded by Councilmember Recinos, said ordinance received first reading and was laid over for two weeks by the following vote: **Ayes:** Councilmembers Choi, Martinez, Myrick, Recinos, Willis, and Mayor Butt. **Noes:** None. **Absent:** Vice Mayor Beckles. **Abstentions:** None.

COUNCIL AS A WHOLE

I-1. The matter to receive a presentation on police service delivery, leadership accountability logic, and how community policing philosophy was infused into all functions of the Richmond Police Department's approach to delivering professional, constitutional policing services, was presented by Chief Allwyn Brown, Assistant Chief Bisa French, Captains Anthony Williams, Louie Tirona, Arnold Threats, and Albert Walle. Chief Brown's Powerpoint highlighted the following: police in democratic society; chief's expectations; police organizational chart; major responsibilities; police management; policing strategy; data-driven crime accountability model; police service demand and workload; police staffing and span of control; and the City of Richmond's long commitment to policing moving forward. Discussion ensued. The Council requested staff to provide a more legible copy of the Powerpoint. The following speakers gave comments: Richard Stollings, Rick Perez, Kathy Robinson, and Benjamin Therriault.

I-2. The matter to receive a presentation from city staff regarding different options for proceeding with the North Richmond annexation process and provide direction to staff regarding submittal of an application to the Local Agency Formation Commission (LAFCO) to proceed with annexation and to develop and implement a comprehensive educational and outreach campaign, was presented by Senior Management Analyst LaShonda White, City Manager Bill Lindsay, and LAFCO Executive Officer Lou Ann Texeira. In response to a resident complaint, Mrs. White stated that the images in the Powerpoint for this item were not intended to be a reflection or representation of North Richmond. Mrs. White provided background information followed by a Powerpoint that highlighted the following: definition of annexation; interest in annexation; service plan, fiscal impact analysis, and results; five options for proceeding with the annexation process: (option 1) recommended by staff that the City of Richmond submit an annexation application with the LAFCO, (option 2) an annexation petition be submitted by LAFCO by registered voters, (option 3) a city and/or county advisory measure be placed

on the June 2018 ballot, (option 4) a city mail out of an informal ballot or survey, and/or (option 5) no action be taken and no application to LAFCO; community engagement campaign for all options; and a reiteration of the staff recommended council action (option 1). Contra Costa County District 1 Supervisor John Gioia gave comments and expressed support of the annexation with input from the residents of unincorporated North Richmond. Discussion ensued. The following speakers gave comments: Richmond residents Don Gosney, Mike Parker, and Diego Garcia; Richmond resident *against* annexation Kathy Robinson; Richmond residents *in support* of annexation Betty Soskin and Marilyn Langlois; unincorporated North Richmond residents *against* annexation Anthony Lee, Henry Clark, Annie King-Meredith, Bodine Brown, Katie Davis-Arnold, Ellen Carr, Eleanor Thompson, and Willy Navarro; unincorporated North Richmond residents *in support* of annexation Petra Alegria and Diego Garcia; and non-residents *in support* of annexation Mark Howe, Nikki Beasley, and Dana Mitchell. Discussion ensued. A motion was made by Vice Mayor Beckles directing staff not to start the LAFCO application process and return to the Council with a proposal for option 4 that outlines an annexation outreach mailing schedule to all unincorporated North Richmond residents, content of the mailer information, cost of the mailing in multi-lingual text, and request Contra Costa County to assist with payment of such mailing. Further discussion ensued. The motion was seconded by Councilmember Recinos, with a friendly amendment to proceed with option 4 using utilities records to expand the database of mailing addresses and to commence a community engagement campaign as soon as possible. A substitute motion made by Councilmember Myrick, to proceed with option 4 by mailing out an informal survey with a “Frequently Asked Questions” sheet, ballots, and prepaid return-postage simultaneously with the LAFCO application process, was seconded by Councilmember Choi. Further discussion ensued. The substitute motion passed by the following vote: **Ayes:** Councilmembers Choi, Myrick, Recinos, Willis, and Mayor Butt. **Noes:** Councilmember Martinez and Vice Mayor Beckles. **Absent:** None. **Abstentions:** None.

(At approximately 9:30 p.m., Vice Chair Beckles departed the meeting immediately following the vote on Item I-2).

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

None.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:03 p.m., in memory of the North Bay fire victims and honoring the veto of Senate Bill 649 that would have eliminated local control over wireless telecommunications facilities, to meet again on Tuesday, October 24, 2017, at 6:30 p.m.

Clerk of the City of Richmond

(SEAL)

Approved:

Mayor