

RICHMOND, CALIFORNIA, February 20, 2018

The Richmond City Council Evening Open Session was called to order at 5:02 p.m. by Mayor Tom 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 Open Session adjourned 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

A-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9):

Upstream vs. City of Richmond

A-2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.9):

One Case

The following speakers gave comments regarding the Upstream litigation case: Jeanne Kortz, Norman LaForce, Mike Parker, Pam Stello, Robert Cheasty, Paul Carman, Tony Brake, Joseph Puleo, Jim Hanson, Yvonne McHugh, Shirley Dean, Connie Portero, Marilyn Langlois, and Carol Teltschick.

The Open Session adjourned to Closed Session at 5:28 p.m. Closed Session adjourned at 6:34 p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:37 p.m., by Mayor Butt.

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Item I-2 was moved directly following the Consent Calendar. Items G-11 and G-18 were removed from the Consent Calendar for discussion at the end of the agenda.

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 reported that a new health care food service business named Food Service Partners was coming to Richmond. Mr. Lindsay stated that Food Service Partners was investing \$50 million into a Richmond building it leased on Cutting Boulevard, agreed to hire Richmond residents, and earned various business incentives.

OPEN FORUM FOR PUBLIC COMMENT

Richard Stollings requested an update on Richmond police officers use of body worn cameras and policy. Mr. Stollings inquired about the use of the body worn cameras videos in court cases. Mr. Stollings requested to review the log of video retrievals including the number of videos requested, received by the requestor, and not released to the requestor.

Naomi Williams reminded citizens that the Richmond Commission on Aging recently revised its policy on membership residency to allow non-Richmond residents to apply. Ms. Williams announced a free health workshop at the Contra Costa Senior Forum and Call to Action event on April 17, 2018, from 9:30 a.m. to 12:00 p.m., at the Richmond Memorial Auditorium.

Dan Torres announced that the Sprinkler Fitters and Apprentices Local No. 483 were accepting applications the second Wednesday of each month from 12:00 p.m. to 4:30 p.m. at the union hall located at 2525 Barrington Court in Hayward. Mr. Torres advised that additional information was available on the internet at the following website: www.sprinklerfitters483.org

George Brown and Tom Panas gave comments regarding the success of elementary school sports leagues as a result of the Richmond Community Services Department's collaboration with the West Contra Costa Unified School District. Mr. Brown invited everyone to attend youth sports games on Saturdays from 10:00 a.m. to 2:00 p.m. at the Sylvester Greenwood Academy high school located at 831 Chanslor Avenue.

Rick Perez and Patricia Perez gave comments regarding the Pedie Perez case. Rick Perez expressed his gratitude to Councilmember Myrick and City Manager Bill Lindsay for their attendance to a recent Citizens Police Review Commission (CPRC) meeting. Mr. Perez urged other councilmembers to attend a future CPRC meeting. Mr. Perez expressed concerns regarding the delay of the investigation results for the Pedie Perez case. Mr. Perez gave comments regarding the recent vehicular hit and run of a Richmond police officer. Mr. Perez and Patricia Perez gave comments regarding former Richmond police personnel.

Tom Panas announced that he was appointed by the West Contra Costa Unified School District (WCCUSD) Board President to be the WCCUSD liaison to the City of Richmond. Mr. Panas advised the Council to direct questions concerning schools to him,

Superintendent Matthew Duffy, or any other WCCUSD board member.

Andrés Soto gave comments regarding the Communities for a Better Environment's (CBE's) continued efforts to get the Bay Area Air Quality Management District to adopt a rule to put a cap on refinery emissions. Mr. Soto announced that a community workshop on enhancing community monitoring for refineries was held on Wednesday, February 21, 2018, from 6:00 p.m. to 8:00 p.m. in the Richmond Civic Center Bermuda Room.

Antwon Cloird shared his recent experience volunteering for the Santa Rosa fire cleanup and community unity. Mr. Cloird gave comments regarding the success and popularity of the Soulful Softball Sunday program. Mr. Cloird expressed concerns regarding school shootings.

Ben Therriault gave comments regarding the legalization of marijuana and cost recovery in Richmond. Mr. Therriault urged the Council to ensure sufficient resources in the City Attorney's Office to manage the ongoing issue with unlicensed cannabis dispensaries in Richmond. Mr. Therriault recommended the Council provide an award or proclamation to the citizen that provided the video that led to the capture of the suspects involved in the vehicular hit and run of Richmond Police Officer Onome Ojo. Mr. Therriault stated that the Richmond Police Department had a police officer body worn camera policy and the cameras were used daily.

CITY COUNCIL CONSENT CALENDAR

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

*G-1. Received a report on the Richmond Municipal Sewer District for the month of December 2017.

*G-2. Approved a contract with R3 Consulting Inc. to conduct a study that will establish the nexus between the cost to abate litter and businesses that sell products resulting in observable litter in the City, with the scope of the study enabling the City of Richmond to consider establishing a revenue mechanism to fund trash and litter collection services, in amount not to exceed \$47,500.00.

*G-3. Approved the purchase of a 2017 Vermeer BC1500 15" Chipper from RDO Vermeer for use by the Parks Division, in an amount not to exceed \$64,000.

*G-4. Approved actions to update the Historic Preservation Commission; and appointed Jonathan Haerber, new appointment, seat #5, term expiration date July 31, 2021.

*G-5. Approved actions to update the Human Rights and Human Relations Commission; and appointed Chris Broglio, new appointment, seat #7, filling an unexpired term with an expiration date of March 30, 2019.

*G-6. Approved actions to update the Workforce Development Board; and appointed Ruben Lizardo, seat #28, term start date March 1, 2018, term expiration date March 1, 2022.

*G-7. Approved actions to update the Arts and Culture Commission; and appointed Florene Wiley, new appointment, seat #5, term expiration date January 31, 2022, Jenny Balisle, reappointment, seat #6, term expiration date January 31, 2022, Nava Mizrahhi, new appointment, seat #8, term expiration date January 31, 2022, Fletcher Oakes, new appointment, seat #9, term expiration date October 31, 2021, Antonio Tamayo, new appointment, seat #10, term expiration date January 31, 2022, and Melissa Kirk, new appointment, seat #11, filling an unexpired term with a term expiration date of January 31, 2020.

*G-8. Approved actions to update the Public Art Advisory Committee; and appointed Jenny Balisle, new appointment, seat #1, term expiration date February 20, 2020, Gretchen Borg-Hillstead, new appointment, seat #2, term expiration date February 20, 2020, Phillip Mehas, new appointment, seat #3, term expiration date February 20, 2020, and Tom Herriman, new appointment, seat #6, term expiration date February 20, 2020.

*G-9. Approved a Community Development Block Grant (CDBG) funded contract with Automatic Door Systems, Inc. for removing and replacing three sets of doors in the Booker T. Anderson Community Center, in an amount not to exceed \$51,000 and for a term ending July 21, 2018.

*G-10. Approved a Community Development Block Grant (CDBG) funded contract with H.Y. Floor and Gameline Painting, Inc. for refinishing the Booker T. Anderson Community Center gymnasium floor, in an amount not to exceed \$36,000 and for a term ending December 31, 2018.

G-11. The matter to approve contract amendment No. 2 with NEMA Construction for on-call high voltage and traffic signal major electrical repairs and modifications at various locations, exercising the option to extend the contract for an additional two years through Fiscal Year 2019-20, and increasing the contract amount by \$500,000 to a total amount not to exceed \$900,000 over the five-year term of the contract was presented by Engineering and Capital Improvement Projects Director Yader Bermudez. Discussion ensued. A motion was made by Vice Mayor Willis, seconded by Councilmember Martinez, to approve said contract amendment. Mr. Bermudez pointed out a typographical error and stated that the contract amendment amount should be changed from \$500,000 to \$400,000. The correction was accepted and the motion passed by the unanimous vote of the City Council.

*G-12. Adopted **Resolution No. 5-18** terminating the local emergency at Rifle Range Road which was declared in March 2017 due to landslide damage.

*G-13. Adopted **Resolution No. 6-18** terminating the local emergency on Via Verdi that was declared in February 2017 due to landslide damage.

*G-14. Adopted **Resolution of Intent No. 915** of intention to vacate an obsolete sanitary sewer easement, storm drain easement, and water line easement owned by the City of Richmond at 912 Harbour Way South, in conjunction with the private development of a 182,000 square foot warehouse building, and set the matter for a public hearing on March 20, 2018.

*G-15. Adopted **Resolution No. 7-18** designating and authorizing the city manager, finance director, and emergency services manager as officials who may apply on behalf of the City of Richmond for federal and state post disaster financial assistance under the California Disaster Assistance Act.

*G-16. Received the monthly report on Point Molate activities for the month of December 2017.

*G-17. Approved a contract amendment with Remediation Risk Management, Inc. (RRM, Inc.) to assess, monitor, and report on soil and groundwater conditions at the City of Richmond's Corporation Yard, as required by the Regional Water Quality Control Board, increasing the contract amount by \$15,863.04 for a total contract amount not to exceed \$90,863.04, and with a term to remain through June 30, 2019.

G-18. The matter to approve a First Amendment to Amended and Restated License Agreement with Nematode Holdings, LLC to use additional City-owned property at 2100 Stenmark (Western) Drive at Point Molate from February 1, 2018 to November 30, 2019, for the storage of miscellaneous equipment and material, was presented by Project Manager Craig Murray. Discussion ensued. The Council requested staff to create a Point Molate webpage for the general public that included areas of space available at Point Molate for licensing with a location map and the licensing application process for such areas. The following speakers gave comments: Jim Hanson, Pam Stello, and Connie Portero. Further discussion ensued. The Council requested a listing of financial investments made by others in reconditioning buildings 1, 123, 17, 18, 21, 118 and 87 at Point Molate to determine what types of improvements had been made on behalf of the City of Richmond. The Council requested the bid summary report for the installation of the security gate at building 123. The Council requested staff to carefully review proposals to use space at Point Molate for concerts. A motion was made by Councilmember Myrick to approve the proposed amendment to said license agreement. A substitute motion made by Councilmember Martinez to hold the item over until the Council instituted a process for the general public, died for lack of a second. A friendly amendment made by Mayor Butt to the initial motion directing staff to create a Point Molate webpage for the general public within two weeks that shows available space and the licensing procedure, was accepted. The initial motion was seconded by Mayor Butt and passed with the friendly amendment by the following vote: **Ayes:** Councilmember Beckles, Choi, Myrick, Recinos, and Mayor Butt. **Noes:** Councilmember Martinez. **Absent:** None. **Abstained:** Vice Mayor Willis.

*G-19. Approved a contract with Socrata, Inc. to develop and maintain a cloud-based dashboard software service that publically reports Richmond Climate Action Plan data for an amount not to exceed \$49,000; and authorized staff to purchase Tableau data visualization software licensing for up to three years, for a total cost of \$4,200 per year, not to exceed \$12,600 over the three-year period, and a total program expenditure of \$61,600, utilizing funding from the Environmental and Community Investment Agreement Climate Action Plan budget.

*G-20. Directed the city attorney to prepare a cleanup or housekeeping amendment to Richmond Municipal Code Chapter 9.57, "Prohibition of Smoking in and Around Multi-Unit

Residences" for Council consideration, eliminating an erroneous reference to the 2007 version of California Apartment Association Form 34.0.

PUBLIC HEARINGS

H-1. The city clerk announced that it was time, pursuant to public notice, to hold a public hearing to adopt a resolution certifying the Environmental Impact Report (EIR), adopting a Mitigation Monitoring and Reporting Program, and approving a General Plan Amendment, Vesting Tentative Map, and Design Review Permit for the Quarry Residential Project, and introduce an ordinance (first reading) amending the Zoning Map to rezone the Quarry Residential Project site from Parks and Recreation (PR) to Open Space (OS) and Planned Area (PA) District. Planning and Building Services Director Richard Mitchell gave an overview and the item was presented by the project team including Planning Manager Lina Velasco, Environmental Sciences Associates Director Crescentia Brown, and Fehr and Peers Principal Rob Rees. The project team's PowerPoint presentation highlighted the following: project applications, site location, and description; existing and proposed General Plan land use; existing and proposed zoning; site plan; vesting tentative map; 12-plex and 20-plex building designs; Design Review Board and Planning Commission recommendations; purpose of Certified Environmental Quality Act and the EIR; Quarry project EIR milestones timeline and environmental impacts; Seacliff Drive safety improvements; Seacliff Drive public suggested improvements evaluated, not recommended, and added to the project; public comments regarding construction-related traffic and Bay Trail improvements; and staff's recommendation. Discussion ensued. The Council requested a future study session to discuss the project traffic control plan. Mayor Butt declared the public hearing open. Dan Torres gave comments in support. Mayor Butt declared the public hearing closed. A motion made by Councilmember Myrick approving the staff recommendation and requiring preparation of a traffic control plan prior to construction, was seconded by Vice Mayor Willis. The motion passed adopting **Resolution No. 8-18** and said ordinance received first reading by the unanimous vote of the City Council.

COUNCIL AS A WHOLE

I-1. The matter to consider options to bring better oversight to the Sims Metal Management facility in Richmond and review the efficacy of the city's emergency response to the January 30, 2018, incident, was introduced by Councilmember Myrick. Fire Chief Adrian Sheppard provided an oral report and Deputy Fire Chief Emon Usher provided an overview of the tactics and tools used to extinguish the fire. Discussion ensued. The Council recommended staff to take the five actions outlined in the staff report. Mr. Lindsay conveyed results of air quality samples and analysis conducted by the Bay Area Air Quality Management District following the fire. The Council requested a history of Sims Metal Management fire inspections. The Council requested staff to consider a community warning system independent of the county. The following speakers gave comments: Jill Rodby, Andrés Soto, Elsa Stevens, Elsa Monroe, and Laura Garcia. A motion was made by Councilmember Myrick directing staff to take the following five actions: (1) expand the City of Richmond's Industrial Safety Ordinance to include Sims Metal Management and other Richmond industrial facilities that handle, process, or

store toxic and hazardous materials; (2) initiate a review of Sims Metal Management conditional use permit and consider using the City of Richmond's policing and permitting authorities to halt further or restrict operations of Sims Metal Management if appropriate precautions are not taken; (3) direct the City Manager to send a letter to Sims Metal Management demanding they take precautions similar (but appropriate for Richmond) to those outlined in Redwood City's letter following a similar fire in 2013; (4) receive a report on the cause of the fire, if known, and what specific steps have been taken by Sims Metal Management to prevent future fires; and (5) direct staff to maintain communications with Bay Area Air Quality Management District and other regulatory agencies to ensure the ongoing investigations are as robust as possible. A friendly amendment made by Councilmember Martinez to initiate a review of conditional use permits for all Richmond companies that engage in manufacturing and distribution of epoxy was not accepted. Another friendly amendment made by Councilmember Martinez directing staff to conduct an inventory of conditional use permits was accepted. The motion was seconded by Councilmember Martinez and passed by the unanimous vote of the City Council. The Council requested staff to conduct a future study session to discuss the community warning system.

I-2. The matter to review a proposal for placing a separate, complementary measure to the Kids First Initiative on the June 5, 2018, ballot; and direct the city attorney and city manager to prepare such a measure in its final form for review and approval by the City Council at its February 27, 2018, meeting, was presented by City Manager Bill Lindsay. Mr. Lindsay highlighted three amendments to the initiative concerning the phase-in date, allocation of funding, and an implementation contingency upon passage of a general tax measure. The following speakers gave comments: John Gioia, Jamileh Ebrahimi, Mike Parker, Millie Cleveland, and Gabriel Haaland. Discussion ensued. A motion made by Councilmember Myrick, seconded by Councilmember Beckles, directed staff to prepare said ballot measure by the unanimous vote of the City Council.

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

Mayor Butt announced that the State of the City Address would be presented at the next City Council meeting on February 27, 2018.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:33 p.m., in memory of former Housing Advisory Commissioner Helen Hall and the Parkland, Florida school shooting victims, to meet again on Tuesday, February 27, 2018, at 6:30 p.m.

Clerk of the City of Richmond

(SEAL)

Approved:

Mayor