

## **RICHMOND, CALIFORNIA, May 15, 2018**

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

### **ROLL CALL**

**Present:** Councilmembers Ben Choi, Eduardo Martinez, Ada Recinos, Vice Mayor Melvin Willis, and Mayor Thomas K. Butt. **Absent:** Councilmembers Jovanka Beckles and Jael Myrick arrived after the City Council 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 item to be discussed in Closed Session:

### **CITY COUNCIL**

#### **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9):**

United States vs. California (amicus brief)

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

Title: City Manager

There were no public speakers.

The Open Session adjourned to Closed Session at 5:31 p.m. Closed Session adjourned at 6:05 p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:38 p.m., by Mayor Butt.

### **ROLL CALL**

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

### **STATEMENT OF CONFLICT OF INTEREST**

None.

### **AGENDA REVIEW**

Mayor Butt continued Items K-1 and L-2. *(A motion by Councilmember Beckles, seconded by Councilmember Martinez, to discuss Item K-1 after Open Forum and before the budget session item, passed with Mayor Butt voting no).* Item G-12 was continued to the June 5, 2018, City Council meeting. Items G-1 and G-2 were continued to the May 22, 2018, City Council meeting. All remaining consent calendar items were removed for discussion except Item G-17.

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

City Attorney, Bruce Goodmiller, stated that the City Council authorized the city to join in an amicus brief regarding state sanctuary laws in the matter of the United States vs. California.

**REPORT FROM THE CITY MANAGER**

City Manager Bill Lindsay stated that the city was awarded a planning grant from the California Department of Transportation for Fiscal Year 2018/19, under its road maintenance and rehabilitation account for sustainable communities.

**OPEN FORUM FOR PUBLIC COMMENT**

Patricia Smith, James Daniels, Vincent Justin, Susan Singh, Stephen Heninger, Herman Hudson, Lois Caldwell, Elsa Stevens, Will Shattuck, Mary Virginia Watson, Keith Brown, Audrey Jenkins, Ashley Payne, Sandy Barnard, Jamie Gardner, and Marie Walcheck gave comments regarding the rent increase at the Heritage Senior Apartments.

Mark Wassberg gave comments regarding illegal immigration.

Derrick Morris gave comments regarding gentrification.

Kathy Robinson stated that the unemployment rate in Richmond was higher than recently stated. Ms. Robinson also gave comments regarding homelessness.

Grover DeMarinis gave comments regarding traffic issues on South 55<sup>th</sup> Street

Francisco Ayala stated that bicyclists in the city were in danger and more bike lanes are needed.

Xitlali Avalos stated that there was an increase in teenagers doing drugs, especially marijuana.

Margaret Judkins gave comments regarding emissions and noise from the train connector on the Richmond Parkway directly across from residents.

Annabel Peterson spoke against the proposed marijuana grow and sales facility on the Richmond Parkway.

Eduardo Garcia and Alexis Garcia gave comments regarding the excessive speeding and accidents that have occurred on South 55<sup>th</sup> Avenue and requested heightened traffic control in the area.

Rick Perez, Patricia Perez, and Richard Perez thanked the members of the Citizens Review Police Commission for their decision regarding the use of excessive force in the death of Pedie Perez, and requested that the report be made public.

Gerald Smith thanked Councilmembers Beckles, Martinez, and former Councilmember Gayle McLaughlin who asked for an independent investigation regarding the death of Pedie Perez.

Zak Wear gave comments regarding the importance of automation.

Cesar Zepeda invited everyone to the 4<sup>th</sup> Annual Richmond Pride, on Saturday, June 3, 2018, from 10 a.m. to 3 p.m., at Marina Bay Park.

Fayza Ayyad stated that funding needed to remain in the United States to assist residents here instead of the government spending the money in other countries.

David Schoenthal stated that the city's community rental fees were too high.

### **CITY COUNCIL CONSENT CALENDAR**

*All previously removed consent calendar items were placed back on the consent calendar for approval.*

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

**G-1.** CONTINUED to the May 22, 2018, City Council meeting, the matter to adopt a resolution approving the Engineer's Report for Fiscal Year 2018-2019 for the Hilltop Landscape Maintenance District ("HLMD"), declaring the Council's intention to increase the annual assessment in the HLMD, and announcing a public hearing on the proposed increased assessment on June 5, 2018, at 6:30 PM in the City Council Chambers at 440 Civic Center Plaza in the City of Richmond.

**G-2.** CONTINUED to the May 22, 2018, City Council meeting, the matter to adopt a resolution approving the Engineer's Report for Fiscal Year 2018-2019 for the Marina Bay Landscaping and Lighting Maintenance District, declaring the Council's intention to increase the annual assessment in the Marina Bay Landscaping and Lighting Maintenance District, and announcing a public hearing about the proposed increased assessment on June 5, 2018, at 6:30 PM in City Council Chambers at 440 Civic Center Plaza in the City of Richmond.

**\*G-3.** Approved a lease agreement with the Richmond Art Center for the use of City-owned property at 2540 and 2544 Barrett Avenue, as a community art center consisting of art galleries, art studios, administrative offices, and associated uses and spaces for a term ending February 28, 2067, at a lease rate of \$2,084 per month beginning July 1, 2017.

**\*G-4.** Received a report on the Richmond Municipal Sewer District for the month of March 2018.

**\*G-5.** Proclamation of May 10 to 20, 2018 as Affordable Housing Week in the City of Richmond.

**\*G-6.** Approved the expenditure plan associated with the 2018-2020 California Violence Intervention and Prevention (CalVIP) Grant, a two-year violence reduction program, to include the right to negotiate and enter into contracts for two years with RYSE Center (\$125,000), Richmond Police Activities League (RPAL) (\$125,000), National Council on Crime and Delinquency (NCCD) (\$30,000), Literacy for Every Adult Program (LEAP)

(\$2,000); appropriated funds for these stated purposes; and authorized execution of all budgetary amendments approved by the Board of State and Community Corrections.

**\*G-7.** Approved a contract with First Student, Inc. to provide bus transportation services to the City of Richmond Community Services Department for the 2018 summer camp excursion program, in an amount not to exceed \$12,000, and for a six-month term beginning July 1, 2018, and ending December 31, 2018.

**\*G-8.** Approved a contract amendments with three vendors currently used by the Police Department to conduct background investigations (Moreland Investigations, James Anthony Carrol, and Noonan and Hart Investigative Services), increasing the contract amounts by \$14,500 per vendor for a total contract amount not to exceed \$24,500 per vendor, and extending the term of each contract for two years until June 30, 2020.

**\*G-9.** Introduced an ordinance establishing the wages, salary, and compensation for the retitled classification Communications Center Manager (Salary Range No. 070D \$9,535-\$11,532/month).

**\*G-10.** Adopted **Resolution No. 30-18**, to amend the City of Richmond's Position Classification Plan to retitle the existing classification of Communications Manager to Communications Center Manager.

**\*G-11.** Approved an amendment to the contract with NCE for additional design construction services for the Rifle Range Road landslide reconstruction, in an amount not to exceed \$50,000, for a total contract amount not to exceed \$150,000.

**G-12.** CONTINUED to the June 6, 2018, City Council meeting, the matter to authorize the Port to enter into a one-year lease, with four options to extend for one year, with Pio Trucking Company for their use of property at Terminal 4, with annual revenue to the Port of Richmond in the amount of \$72,718. This item was continued from the May 1, 2018, meeting.

**\*G-13.** Approved the minutes of the April 17 and April 24, 2018, regular Richmond City Council meetings.

**\*G-14.** Adopted **Resolution No. 31-18**, (1) Calling and Giving Notice of the holding of a Municipal Election to be held on Tuesday, November 6, 2018, for the election of certain officers as required by the provisions of the Charter of the City of Richmond; (2) requesting the Board of Supervisors of Contra Costa County to consolidate the Municipal Election with the Statewide General Election; and (3) adopting regulations for candidates pertaining to the candidates' statements submitted to the voters, cost of the candidates' statements and other fees, word limit for candidates' statements; and actions to be taken for a tie vote.

**\*G-15.** Received the monthly report on Point Molate activities for the month of April 2018.

**\*G-16.** Accepted and appropriated \$25,000 in funds from the Environmental and Community Investment Agreement (ECIA) competitive grant program to support the Kiva Richmond

Entrepreneur Start-Up Fund to provide matching small business loans to Richmond start-up businesses.

**G-17.** In the matter to approve an agreement with Lyft, Inc. to provide Measure J-subsidized transportation services to paratransit-eligible seniors and disabled individuals, to augment R-Transit service for non-ambulatory (wheelchair) paratransit clients, in an amount not to exceed \$400,000 annually, and for a term extending to June 30, 2020, with five additional, optional one-year extensions, on motion of Councilmember Myrick, seconded by Councilmember Beckles approved said agreement by the unanimous vote of the City Council.

**\*G-18.** Approved a contract with Advance Peace (fiscal agent Safe Passages, services provided by DeVone Boggan) to provide technical assistance and oversight of the Office of Neighborhood Safety (ONS) core operating, programming, evaluation, communications, resource development, and quality control functions in the amount of \$112,500, and for a term from July 1, 2018, through December 31, 2019, with two options to renew the contract for a period of 18 months.

**\*G-19.** Adopted **Ordinance No. 10-18 N.S.**, amending Chapter 11.102 of the Richmond Municipal Code entitled Relocation Requirements for Tenants of Residential Rental Units.

**\*G-20.** Adopted **Ordinance No. 11-18 N.S.**, amending Richmond Municipal Code Chapter 9.17 Food Ware Ordinance to update the disposable food ware regulations and prohibit the use, distribution or sale of plastic straws and plastic stirrers by retail establishments, food providers, transient lodging establishments, and the city government.

## **BUDGET SESSION**

**H-1.** The City Council received presentations from department representatives, and provided an overview of their proposed operating budget for Fiscal Year 2018-19. Finance Director, Belinda Warner presented a Powerpoint. At its meeting on May 1, 2018, the City Council received a draft budget that reflected a projected gap of \$9.2 million that needed to be closed. Staff continued to work with the various departments and developed means to both increase revenues and reduce expenditures. The following departments presented their budgets: Office of the Mayor, City Council, Citizen's Police Review Commission, City Manager's Office, City Clerk's Office, City Attorney's Office, Finance, Human Resources, Information Technology, Employment and Training, Community Services, Library and Cultural Services, Office of Neighborhood Safety, Fire, and Planning and Building Regulations. The remainder of the budget presentations will be heard at the June 5, 2018, City Council meeting.

## **PUBLIC HEARINGS**

**I-1.** CONTINUED to the June 5, 2018, City Council meeting, the matter to hold a public hearing on the appeal of the Planning Commission's conditional approval of the Anaviv CUP Amendment (PLN17-572); and adopt a resolution affirming the Planning Commission's conditional approval.

## RESOLUTIONS

**J-1.** The matter to adopt a resolution establishing the Fiscal Year 2018-19 Residential Rental Housing Fee in the amount of \$207 per Controlled Rental Unit, \$100 per Partially Covered Rental Unit, and \$50 per Governmentally Subsidized Rental Unit was presented by Rent Program Executive Director Nicholas Traylor, Executive Director Paige Roosa, and Rent Program Staff Attorney Charles Oshinuga. Discussion ensued. A motion by Vice Mayor Willis, seconded by Councilmember Martinez, adopted **Resolution No. 32-18**, by the following vote: **Ayes:** Councilmembers Beckles, Choi, Martinez, Myrick, Recinos, and Vice Mayor Willis. **Noes:** Mayor Butt. **Absent:** None. **Abstain:** None.

## ORDINANCES

**K-1.** The matter to adopt a resolution and introduce an ordinance establishing a Sanctuary City Contracting and Investment Policy for the City of Richmond was presented by Councilmembers Beckles and Recinos. Councilmember Beckles stated Section 2, Item 5 of the proposed ordinance was changed as follows: "Person or Entity" means any *private* natural person, corporation, institution, subsidiary, affiliate, or division under operating control of such person; the parent entities that have operating control over such person, and the subsidiaries, affiliates and divisions under operating control of such parent entity. *Government entities, officers and employees are expressly excluded from this definition.* The following individuals gave comments: Mark Wassberg, Don Fogg, Elsa Monroe, Zak Wear, Brian Hofer, Don Gosney, Mike Katz-Lacabe, Sameena Usman, and Tracy Rosenberg. Discussion ensued. A motion by Vice Mayor Willis, seconded by Councilmember Martinez, adopted **Resolution No. 33-18**, and approved first reading of the ordinance, by the following vote: **Ayes:** Councilmembers Beckles, Choi, Martinez, Myrick, Recinos, and Vice Mayor Willis. **Noes:** Mayor Butt. **Absent:** None. **Abstain:** None.

## COUNCIL AS A WHOLE

**L-1.** The matter to review a summary of available housing in-lieu fees; and appropriate \$30,000 in housing in-lieu fees to fund the Council-approved legal services agreement with Goldfarb & Lipman, LLP to prepare amendments to the City's Inclusionary Housing Ordinance was presented by City Manager Bill Lindsay and Planning Director Richard Mitchell. The Councilmember requested a future study session to discuss how the housing in-lieu fees were allocated and spent. A motion by Mayor Butt, seconded by Councilmember Choi, approved the item by the following vote: **Ayes:** Councilmembers Choi, Myrick, Recinos, Vice Mayor Willis, and Mayor Butt. **Noes:** Councilmember Martinez. **Absent:** Councilmember Beckles. **Abstain:** None.

**L-2.** CONTINUED to the June 5, 2018, City Council meeting, the matter to cast a vote of no confidence in the Fire Chief serving as the Fire Marshal and direct the City Manager and the Human Resources Director to address the outdated job specification for Fire Marshal, staffing level in the Fire Prevention Division and the Permit to Operate inspections.

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

None.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 11:01 p.m., in memory of Tom Malarky, and in honor of National Police Week, and National Police Officers Memorial Day, to meet again on Tuesday, May 22, 2018, at 6:30 p.m.

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Clerk of the City of Richmond

(SEAL)

Approved:

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Mayor