

## **RICHMOND, CALIFORNIA, June 5, 2018**

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 Ben Choi, Eduardo Martinez, Ada Recinos, Vice Mayor Melvin Willis, and Mayor Thomas K. Butt. **Absent:** Councilmember Jael Myrick arrived after the roll was called. Councilmember Jovanka Beckles was absent for the entire 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**

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

Title: City Manager

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

Richmond Development Company vs. City of Richmond

*(Mayor Butt recused himself from the existing litigation discussion due to a conflict of interest).*

There were no public speakers.

The Open Session adjourned to Closed Session at 5:33 p.m. Closed Session adjourned at 6:23 p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:30 p.m., by Mayor Butt.

### **ROLL CALL**

**Present:** Councilmembers Choi, Martinez, Myrick, Recinos, Vice Mayor Willis, and Mayor Butt. **Absent:** Councilmember Beckles was absent for the entire meeting.

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

None.

### **AGENDA REVIEW**

Item G-12 was removed from the Consent Calendar for discussion at the end of the agenda. Items J-1 and K-1 were moved respectively for discussion immediately following approval of the Consent Calendar.

## **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 stated there were no items to report.

## **OPEN FORUM FOR PUBLIC COMMENT**

Kathy Robinson encouraged everyone to vote for new leadership. Ms. Robinson and Pam Bilbo expressed concerns regarding homelessness and urged the Council to take action. Ms. Bilbo requested the Council to provide a designated homeless encampment in Richmond.

Mark Wassberg gave comments regarding Consent Calendar Item G-12, illegal immigration, and Immigration and Customs Enforcement practices.

Rick and Patricia Perez gave comments regarding the Pedie Perez case and police brutality. Ms. Perez gave comments regarding the Citizens Police Review Commission investigation of the Pedie Perez case.

Eduardo Martinez thanked the preceding public speakers for their respectfulness. Mr. Martinez discouraged disruptive behavior at meetings.

## **CITY COUNCIL CONSENT CALENDAR**

On motion of Vice Mayor Willis, seconded by Councilmember Recinos, the items marked with an (\*) were approved by the following vote: **Ayes:** Councilmembers Choi, Martinez, Recinos, Vice Mayor Willis, and Mayor Butt. **Noes:** None. **Absent:** Councilmembers Beckles and Myrick. **Abstained:** None.

\*G-1. Approved a sole-source contract amendment with Definitive Networks, Inc. to provide remote electronic patient care report monitoring, quality improvement, on-site training and other support services in support of the Fire Department's emergency medical services program, increasing the contract by \$174,600, for a total amount not to exceed \$336,600, and extending the term of the contract through June 30, 2021.

\*G-2. Approved a contract amendment with Industrial Safety Supply Corporation, increasing the payment limit by \$49,950, to a total contract amount not to exceed \$99,900, and extending the term of the contract to June 30, 2021.

\*G-3. Adopted **Resolution No. 36-18** adopting all of Volume 1 and the Introduction Section, Chapter 12, and Appendices of Volume 2 of the Contra Costa County Operational Area Hazard Mitigation Plan Update.

\*G-4. Approved a sixth amendment to the existing agreement with Cox, Wootton, Lerner, Griffin, Hansen, LLP for continued legal services regarding maritime law matters, increasing the contract amount by \$50,000 for a total contract amount not to exceed \$260,000, and extending the term to July 30, 2021.

\*G-5. Received the City's Investment and Cash Balance Report for the month of April 2018.

\*G-6. Received a report on the City's Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2016-17.

\*G-7. Adopted **Resolution No. 37-18** approving the Agreement and Election to Prefund Other Post-Employment Benefits through CalPERS; approving the Delegation of Authority to Request Disbursements; and authorizing the Finance Director or her designee to take any additional action necessary to participate in the California Employer's Retiree Benefit Trust (CERBT) Fund to prefund other post-employment benefits for the Richmond Police Officers Association (RPOA).

\*G-8. Approved a second contract amendment with Reed Madden Designs to complete fabrication and installation of a public art sculpture project at Point Sheridan including additional concrete work around the project, as required by the Americans for Disabilities Act, increasing the contract amount by \$63,095 for a total not to exceed amount of \$238,095, and extending the term through December 31, 2018.

\*G-9. Received a report on the Richmond Municipal Sewer District for the month of April 2018.

\*G-10. 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, 2018 through June 30, 2019.

\*G-11. Authorized the city manager to enter into a \$50,000 contract to assist with community outreach to achieve the grant deliverables of an Air Monitoring Study Grant from the U.S. Environmental Protection Agency with a grant term through June 30, 2019; and appropriate the funding.

G-12. The matter to adopt an ordinance (second reading) establishing a Sanctuary City Contracting and Investment Policy for the City of Richmond, was reintroduced by Councilmember Ada Recinos. Discussion ensued. Don Fogg gave comments. Further discussion ensued. The Council requested the Police Department to provide future updates on existing vendor services that would be impacted by the adoption of said ordinance. On motion of Councilmember Myrick, seconded by Councilmember Martinez, adopted **Ordinance No. 12-18 N.S.** by the following vote: **Ayes:** Councilmembers Choi, Martinez, Myrick, Recinos, and Vice Mayor Willis. **Noes:** Mayor Butt. **Absent:** Councilmember Beckles. **Abstained:** None.

\*G-13. Approved the minutes of the May 1, 2018, regular Richmond City Council meetings.

\*G-14. Approved a contract with Burkett's Pool Plastering, Inc. for the Richmond Plunge pool plaster replacement at #1 East Richmond Avenue in an amount not to exceed \$350,000.

\*G-15. Adopted **Resolution No. 38-18** authorizing the execution of a construction contract with W. R. Forde Associates, Inc., for construction of the 37th Street Bicycle and Pedestrian Improvements project in an amount not to exceed \$804,541.10 including a 10% contingency (\$73,140.10).

\*G-16. Adopted **Resolution No. 39-18** approving the project list for Senate Bill 1 Road Maintenance and Rehabilitation Account funding for Fiscal Year 2018-2019.

\*G-17. Approved the Final Map for Subdivision [9415], "NOMA" and authorized the execution of a Subdivision Improvement Agreement with the subdivider, William Lyon Homes, Inc., and complete recording thereof.

\*G-18. Approved actions to update the Housing Advisory Commission; Appointed John Thorp Jr., re-appointment, seat #2, term expiration date November 1, 2019, and Preston Lam, new appointment, seat #4, term expiration date November 1, 2019.

\*G-19. Approved actions to update the Economic Development Commission; Appointed Alpa Argawal, new appointment, seat #3, filling an unexpired with a term expiration date March 30, 2020, and Tina Brown new appointment, seat #6, filling an unexpired term with a term expiration date of March 30, 2019.

\*G-20. Adopted **Resolution No. 40-18** amending the City of Richmond Classification Plan to add the new classification of Director of Infrastructure Maintenance and Operations.

\*G-21. Introduced an ordinance (first reading) establishing the wages, salary, and compensation for the new classification of Director of Infrastructure Maintenance and Operations (Executive Salary range 5.1 \$10,728 - \$17,078).

\*G-22. Adopted **Ordinance No. 13-18 N.S.** (second reading) amending the wages, salary, and compensation for the re-titled classification of Communications Center Manager (Salary Range No. 070D \$9,535 - \$11,532/month).

\*G-23. Approved a three-year contract with Pacific Site Management, Inc. in an amount not to exceed \$253,260 for vegetation management services at Pt. Molate. The contract term will be from July 1, 2018, to June 30, 2021.

\*G-24. Approved the purchase of a Spider 2SGS mower in an amount not to exceed \$41,000.

\*G-25. Approved the purchase of a 2019 Ford F350 with a mechanics truck body and crane from National Auto Fleet Group for use by the Facilities Maintenance Division, in an amount not to exceed \$105,000.

\*G-26. Approved the purchase of two 2019 Ford F250 trucks from Towne Ford, in an aggregate amount not to exceed \$60,000.

\*G-27. Approved the purchase of one 2019 Ford Interceptor from Hilltop Ford in an amount not to exceed \$30,000.

\*G-28. Approved the purchase of two Fleet Pro Tool Sets with tool boxes included from Snap-On in an amount not to exceed \$32,000.

### **BUDGET SESSION**

H-1. The matter to receive presentations from department representatives, providing an overview of their proposed operating budget for Fiscal Year 2018-19; receive an update on the proposed operating budget for Fiscal Year 2018-19 and the Capital Improvement Plan for Fiscal Years 2018-23; and direct staff to finalize documents for June 26, 2018, was introduced by Finance Director Belinda Warner. Discussion ensued. The following departmental budgets were presented: Police, Infrastructure Maintenance and Operations, Engineering and Capital Improvement Projects, Housing and Community Development, Successor Agency to the Richmond Community Redevelopment Agency, Housing Authority, Rent Program, Water Resource Recovery, Port, and the City Manager's Office Environmental and Community Investment Agreement. Further discussion ensued. The Council suggested that the Police Department explore providing security services at Point Molate and contract policing services to the county sheriff for unincorporated North Richmond. The Council expressed concerns regarding potential revenue from Richmond cannabis businesses that was not included in the proposed budget. The Council requested the Fire Department to provide the percentage of commercial and multi-family residential properties that had not received fire inspections within the last year and a fire inspections progress update by the end of the year 2018. The following speakers gave comments: David Schoenthal, Lorne Evje, and Ben Therriault.

### **PUBLIC HEARINGS**

I-1. **WITHDRAWN BY APPELLANT**, the matter to hold a public hearing on the appeal of the Planning Commission's conditional approval of the Anaviv Conditional Use Permit Amendment (PLN17-572), and **ADOPT** a resolution affirming the Planning Commission's conditional approval. This item was continued from the May 15, 2018, meeting.

I-2. **CONTINUED TO JUNE 19, 2018**, the matter to adopt a resolution approving a Major Amendment to the Miraflores Planned Area Plan to increase the total number of residential units from 150 to 190 and increase building heights above 35 feet, approving Vesting Tentative Map for condominiums, and a Design Review Permit.

## **ORDINANCES**

J-1. The matter to introduce an ordinance (first reading) amending Chapter 9.52 Community Noise Ordinance adjusting the Maximum Noise Level for Single-Family Residential and Multifamily Residential Zoning Districts, was introduced by Mayor Butt. Discussion ensued. The following speakers gave comments: John Tait, Janice Haugan, and David Schoenthal. On motion of Vice Mayor Willis, seconded by Councilmember Choi, said ordinance received first reading and was laid over for two weeks for the second reading by the following vote: **Ayes:** Councilmembers Choi, Martinez, Myrick, Recinos, Vice Mayor Willis, and Mayor Butt. **Noes:** None. **Absent:** Councilmember Beckles. **Abstained:** None.

## **COUNCIL AS A WHOLE**

K-1. The matter to direct the city manager and the city attorney to initiate revocation proceedings by the Richmond Planning Commission and schedule a Planning Commission hearing to consider revoking or modifying the conditional use permit (CUP 85-40), originally issued to Sims-LMC Metals (currently Sims Metal Management) located at 600 South 4th Street in Richmond, no later than July 30, 2018, was presented by Mayor Butt. Discussion ensued. The following speakers gave comments: Janice Haugan, Dwight Adams, Pam Bilbo, Janis Hashe, Larry Lewis, Matt Zeiter, Mike Holmes, Scott Miller, Jill Rodby, Celeste Navarro, and Abigail Hernandez. Further discussion ensued. On motion of Councilmember Recinos, seconded by Councilmember Myrick, directed staff to set a Planning Commission hearing to review CUP 85-40 by the following vote: **Ayes:** Councilmembers Choi, Martinez, Myrick, Recinos, Vice Mayor Willis, and Mayor Butt. **Noes:** None. **Absent:** Councilmember Beckles. **Abstained:** None.

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

Councilmember Martinez and Mayor Butt reported on their attendance to an Association of Bay Area Governments meeting where Resilient by Design San Francisco showcased the “Keeping Sea Level Rise at Bay” exhibition.

## **ADJOURNMENT**

There being no further business, the meeting adjourned at 9:25 p.m., to meet again on Tuesday, June 19, 2018, at 6:30 p.m.

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Clerk of the City of Richmond

(SEAL)

Approved:

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Mayor