

**RICHMOND, CALIFORNIA, June 19, 2018**

The Richmond City Council Evening Open Session was called to order at 5:04 p.m. by Mayor Thomas K. Butt.

**ROLL CALL**

**Present:** Councilmembers Jovanka Beckles, Ben Choi, Eduardo Martinez, Jael Myrick, Ada Recinos, Vice Mayor Melvin Willis, and Mayor Thomas K. Butt. **Absent:** None.

**PUBLIC COMMENT**

The assistant 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. PUBLIC EMPLOYEE APPOINTMENT  
(Government Code Section 54957.6):**

Title: City Manager

**A-2. CONFERENCE WITH LEGAL COUNSEL -  
EXISTING LITIGATION (Subdivision [a] of Government  
Code Section 54956.9):**

Denham vs. City of Richmond  
Honrick vs. City of Richmond  
Manning vs. City of Richmond

**A-3. CONFERENCE WITH LABOR  
NEGOTIATORS (Government Code Section 54957.6):**

Agency designated representatives: Bill Lindsay, Lisa Stephenson, Jack Hughes, and Maria Blue  
Employee organizations: Service Employees International Union (SEIU, Local 1021)

**A-4. CONFERENCE WITH REAL PROPERTY  
NEGOTIATOR (Government Code Section 54956.8):**

Property: Point Potrero Marine Terminal  
Agency negotiators: Bill Lindsay and Jim Matzorkis  
Negotiating party: Auto Warehousing Company and Subaru of America  
Under negotiation: Price and terms of payment

There were no public speakers.

The Open Session adjourned to Closed Session at 5:05 p.m.  
Closed Session adjourned at 6:21 p.m.

The Meeting of the Successor Agency to the Richmond Community Redevelopment Agency and Richmond City Council was called to order at 6:30 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**

Item N-1 was moved immediately following Item L-1. Items L-2 and L-3 were moved to the City Council Consent Calendar. Item M-1 was moved immediately following Consent Calendar Item I-1. Item N-2 was moved immediately following Item N-1. Consent Calendar Items H-1 through H-21 and I-1 were removed 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 dispensed with a report in the essence of time.

### **OPEN FORUM FOR PUBLIC COMMENT**

Naomi Williams gave comments regarding Richmond's Juneteenth parade held Saturday, June 16, 2018, and thanked all of the volunteers, participants, and grand marshals for their support.

*(Mayor Butt made an exception to the rules allowing public speakers to give comments during Open Forum on items removed from the Consent Calendar).*

Andre and Ana Pio gave comments in support of Item H-8 and requested the Council to approve the extension of their lease of Port of Richmond Terminal 4.

Hulan Barnett reported there was a fire hazard at the Fairmede-Hilltop Park. Mr. Barnett expressed concerns regarding blight, code enforcement issues, and the lack of services in Richmond.

Bea Roberson gave comments in opposition of the proposed city expenses for Items H-2, H-4, and H-10.

Mark Wassberg gave comments regarding constitutional law, oaths, and illegal immigration.

Kathy Robinson stated that it was an election year and there was a need for members in council seats with expertise and respect. Ms.

Robinson expressed concerns regarding unnecessary city expenditures and the lack of funds for the homeless, schools, low-income, and seniors.

Jannata Muhammad expressed her gratitude for the annual funding of the North Richmond Music Festival. Ms. Muhammad requested to meet with councilmembers and the city attorney to discuss issues.

Rick Perez gave comments regarding former Richmond Police personnel. Mr. Perez expressed his support of Item I-1, related to Senate Bill 1421.

Patricia Perez gave comments in support of Assembly Bill 931, regarding police use of force.

Eleanor Thompson congratulated Councilmember Beckles for her success in the running for the California State Assembly. Ms. Thompson requested Environmental Community Investment Agreement grant funds for the Men and Women of Valor and Social Progress Inc. organizations.

Cesar Zepeda gave comments regarding the 4<sup>th</sup> Annual Richmond Pride celebration held on June 3, 2018. Mr. Zepeda announced the 23<sup>rd</sup> Street Pup Crawl commencing at Portumex Restaurant on June 28, 2018, at 6:30 p.m.

Annabel Peterson stated that the residents of the Leroy Heights neighborhood in San Pablo were not notified of the Northshore (Change Area 12) General Plan Amendment. Ms. Peterson expressed concerns regarding noise, air pollution, and traffic. Ms. Peterson requested consideration in the planning process.

Margaret Judkins expressed concerns regarding proposed marijuana facilities in Richmond surrounding the City of San Pablo. Ms. Judkins stated that the City of San Pablo residents were not notified of the Richmond Rail Connector project at John Avenue.

Petrona Cortez, Alex Rodrigues, Sabrina Smith, and Kapris James expressed concerns with crime near the vacant lot located at Fred Jackson Way and Vernon Avenue in Richmond. They all requested future plans for the lot.

K. Harley expressed her gratitude for assistance provided to her by the Richmond Rent Program. Ms. Harley congratulated Councilmember Beckles for her success in the running for the California State Assembly. Ms. Harley gave comments regarding the Citizens Police Review Commission's results of the Pedie Perez investigation. Ms. Harley urged the Council to adopt a resolution in support of the proposed Value Human Life bill.

Lisa Hire requested Councilmember Beckles to stop blocking her on Twitter (blogging site). Ms. Hire expressed her support for improvements to code enforcement, blight reduction, traffic enforcement, and crime reduction.

Rose Burns requested support to provide food for the homeless in Richmond.

**SUCCESSOR AGENCY TO THE RICHMOND  
COMMUNITY REDEVELOPMENT AGENCY CONSENT  
CALENDAR**

On motion of Councilmember Myrick, seconded by Councilmember Beckles, the item marked with an (\*) was approved by the unanimous vote of the City Council:

\*G-1. Approved a contract amendment with Fraser & Associates for financial services associated with the Successor Agency's continuing bond disclosure requirements, increasing the contract amount by \$40,000 for a total amount of \$48,000, and extending the contract term three fiscal years to June 30, 2021, with two, successive, one-year renewal options extending the term to June 30, 2023.

**CITY COUNCIL CONSENT CALENDAR**

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

\*H-1. Adopted **Resolution No. 41-18**, authorizing service contracts with seven landscape architectural firms (Questa - Richmond); (WRT - San Francisco); (Vallier Design - Richmond); (PlaceWorks - Berkeley); (Harris Design - Berkeley); (RHAA - Mill Valley); and (Firma Design Group - Santa Rosa), for as-needed landscape architectural services in an amount not to exceed \$600,000 per firm over a three-year period plus a two-year extension.

H-2. **Continued to the July 10, 2018**, the matter to approve a contract with McNabb Construction, Inc. for construction of a trash enclosure at Melville Square in the Richmond Marina Bay area, utilizing Marina funds in an amount not to exceed \$325,000. Bea Roberson gave comments.

\*H-3. Approved a contract, with Municipal Resources Group, LLC, for the consultation services of Alan Wolken in support of the City and Successor Agency's real property transactions, with a payment limit of \$270,000 and a three-year term extending to June 30, 2021, with two additional, successive one-year renewal options not to exceed a combined total of \$180,000 and extending the contract term to June 30, 2023.

\*H-4. Approved a contract with Susan Mayer to provide finance staff training, consultation, and analysis in preparation for the audit of fiscal year 2017-2018 financial activities, with a limit not to exceed \$40,000 and a term beginning June 25, 2018 and extending to December 31, 2018.

\*H-5. Introduced an ordinance (first reading) setting the tax rate for the Tax Override Pension Fund for Fiscal Year 2018-19 at 0.14%.

\*H-6. Adopted **Resolution No. 42-18**, to amend the Port of Richmond Federal Maritime Commission (FMC) Tariff No. 3 reflecting a 2.8% increase in tariff rates as approved by the Executive Committee of the California Association of Port Authorities (CAPA).

\*H-7. Adopted **Resolution No. 43-18**, accepting as complete the Oil Spill Cleanup project at the Point Potrero Marine Terminal contracted to Performance Abatement Services.

\*H-8. Authorized the Port to enter into a one-year lease, with four options to extend for one year, with Pio Trucking Company for its 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.

\*H-9. Approved a one-year extension to the current contract with Bosco Valley Oil, dba Valley Oil Company, to deliver bulk fuel, extending the term by one year to June 30, 2019, and increasing the amount of the contract by \$800,000 for a total amount of \$3,800,000.

\*H-10. Approved a two-year contract with Rahul Maharaj to maintain the required quality assurance of medical calls in the Communications Center, and to provide mandatory training, in an amount not to exceed 36,000.00, for a term from July 1, 2018, to June 30, 2020.

\*H-11. Approved the purchase of 37 sets of Velocity Systems ballistic plate inserts from Victory Tactical Gear in an amount not to exceed \$14,000.

\*H-12. Adopted **Ordinance No. 14-18 N.S.**, 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).

\*H-13. Designated Mayor Tom Butt as voting delegate and Eduardo Martinez as an alternate to represent the City of Richmond at the Annual Business Meeting of the League of California Cities' 2018 Annual Conference, to be held at the Convention Center in Long Beach, Wednesday, September 12 through Friday, September 14, 2018.

\*H-14. Approved the minutes of the May 15, May 22, and June 5, 2018, regular Richmond City Council meetings and the May 29, 2018, special Richmond City Council meeting.

\*H-15. Approved a contract amendment with SCI Consulting Group to increase its contract by \$50,500, for a total amount not to exceed \$60,400, to continue assisting the City in preparing amendments to the City's cannabis ordinance and associated fee study, for a term ending December 31, 2019.

\*H-16. Approved actions to update the Shimada Friendship Commission; appointed Valeria Snider, new appointment, seat #9, term expiration date December 31, 2021.

\*H-17. Approved actions to update the Commission on Aging; appointed Beverly Wallace, re-appointment, seat #2, term expiration date May 19, 2022, Patricia Jackson, new appointment, seat #5, term expiration date May 19, 2022, Celina Hall, new appointment, seat #7, term expiration date May 19, 2022, Naomi Williams, re-appointment, seat #9, term expiration date May 19, 2022, and Christine Caldwell, re-appointment, seat #10, term expiration date May 19, 2022.

\*H-18. Adopted **Ordinance No. 15-18 N.S.**, amending Chapter 9.52 Community Noise Ordinance adjusting the Maximum Noise Level for Single-Family Residential and Multifamily Residential Zoning Districts.

\*H-19. Received the monthly report on Point Molate activities for the month of May 2018.

\*H-20. Approved a recommendation from the Environment & Community Investment Agreement Grant Review Committee for Fiscal Year 2018-2019 awarding grants to 24 organizations in an amount not to exceed \$500,000; and adopted **Resolution No. 43-18a**, authorizing the city manager to negotiate and execute Grant Service Agreements with approved grantees.

\*H-21. Introduced an ordinance (first reading) amending Richmond Municipal Code Chapter 9.24 entitled "Animals" adopting by reference all County Ordinances that relate to Animal Services.

**CITY OF RICHMOND CONSENT CALENDAR**  
**RESOLUTIONS RELATING TO POLICY DECISIONS ON**  
**ISSUES THAT PERTAIN TO OTHER JURISDICTIONS**

I-1. On motion of Councilmember Myrick, seconded by Councilmember Martinez, adopted **Resolution No. 44-18**, in support of SB 1421 to uphold the right of the public to access records of misconduct on the part of public employees by the following vote: **Ayes:** Councilmembers Choi, Martinez, Myrick, Recinos, and Mayor Butt. **Noes:** None. **Absent:** Councilmember Beckles and Vice Mayor Willis. **Abstained:** None.

**BUDGET SESSION**

J-1. The matter to receive an update on the proposed operating budget for the fiscal year 2018-19 and the Capital Improvement Plan for fiscal years 2018-23 and direct staff to finalize documents for June 26, 2018; and receive an update on the five-year financial forecast projections, was introduced by City Manager Bill Lindsay. Finance Director Belinda Warner presented a Powerpoint presentation highlighting additional budget adjustments made and the five-year financial forecast. Discussion ensued. A motion was made by Vice Mayor Willis, seconded by Councilmember Recinos, directing to staff to finalize the budget documents with a \$10,000 allocation for the Richmond Youth Council to be used for administrative support, stipends, and meals. Further discussion ensued. The motion passed by the following vote: **Ayes:** Councilmembers Choi, Martinez, Myrick, Recinos, and Vice Mayor Willis. **Noes:** Mayor Butt. **Absent:** Councilmember Beckles. **Abstained:** None.

**PUBLIC HEARINGS**

*The assistant city clerk announced that it was time, pursuant to public notice, to hold public hearings on items K-1 through K-4.*

K-1. The matter to hold a public hearing to adopt a resolution approving the Engineer's Report and ordering the levy and collection of assessments in the Hilltop Landscape Maintenance District for the fiscal year 2018-2019, providing for a 3% increase in annual assessments, was presented by Director of

Infrastructure Maintenance and Operations Tim Higaes. Mayor Butt declared the public hearing open. Cesar Zepeda and Jamylle Carter gave comments in opposition. Mayor Butt declared the public hearing closed. Discussion ensued. On motion of Councilmember Myrick, seconded by Councilmember Recinos, adopted **Resolution 45-18**, by the following vote: **Ayes:** Councilmembers Choi, Martinez, Myrick, Recinos, and Mayor Butt. **Noes:** None. **Absent:** Councilmember Beckles and Vice Mayor Willis. **Abstained:** None. The Council requested staff to follow up with the Hilltop neighborhood to discuss concerns regarding landscape maintenance services and funds.

*(At 11:30 p.m., on motion of Councilmember Myrick, seconded by Councilmember Choi, suspended the rules and extended the meeting to complete the remaining items on the agenda by the following supermajority vote: Ayes: Councilmembers Choi, Martinez, Myrick, Recinos, and Mayor Butt. Noes: None. Absent: Councilmember Beckles and Vice Mayor Willis. Abstained: None).*

K-2. The matter to hold a public hearing to adopt a resolution approving the Engineer's Report and ordering the levy and collection of assessments in the Marina Bay Landscaping and Lighting Maintenance District for the fiscal year 2018-2019, providing for a 3% increase in annual assessments, was presented by Director of Infrastructure Maintenance and Operations Tim Higaes. Mayor Butt declared the public hearing open. There were no public speakers. Mayor Butt declared the public hearing closed. On motion of Councilmember Myrick, seconded by Councilmember Martinez, adopted **Resolution 46-18**, by the following vote: **Ayes:** Councilmembers Choi, Martinez, Myrick, Recinos, and Mayor Butt. **Noes:** None. **Absent:** Councilmember Beckles and Vice Mayor Willis. **Abstained:** None.

K-3. The matter to hold a public hearing to adopt a resolution approving a Major Amendment to the Planned Area Plan, Vesting Tentative Map, and Design Review Permit for the Miraflores residential project being developed by Miraflores Community Devco, LLC, was presented by Planning Project Manager Lina Velasco. 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, adopted **Resolution 47-18**, by the following vote: **Ayes:** Councilmembers Choi, Martinez, Myrick, Recinos, and Mayor Butt. **Noes:** None. **Absent:** Councilmember Beckles and Vice Mayor Willis. **Abstained:** None.

K-4. The matter to hold a public hearing to introduce an ordinance (first reading) establishing certain fees for the Proposed Master Fee Schedule was introduced by Mayor Butt. Mayor Butt declared the public hearing open. There were no public speakers. Mayor Butt declared the public hearing closed. On motion of Councilmember Myrick, seconded by Councilmember Recinos, 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, and Mayor Butt. **Noes:** None. **Absent:** Councilmember Beckles and Vice Mayor Willis. **Abstained:** None.

## **RESOLUTIONS**

L-1. The matter to adopt a resolution declaring homelessness a public health crisis in Richmond was introduced by Councilmember Myrick and Vice Mayor Willis. Discussion ensued. The Council recommended amending the proposed resolution by replacing the word “crisis” with “emergency”, and renewing the declaration (resolution) every 30 days, to be consistent with government statute. The following speakers gave comments: Theresa Russell, Tavia Terry, Mark Wassberg, Jan Gilbrecht, and Carole Johnson. Further discussion ensued. A motion was made by Vice Mayor Willis, seconded by Councilmember Beckles, to adopt said resolution as written with no changes. A friendly amendment made by Councilmember Myrick to change the word “crisis” to “emergency” in the proposed resolution and direct staff to further research this matter was accepted. The motion passed adopting **Resolution 48-18**, with amendment by the unanimous vote of the City Council.

*(Items L-2 and L-3 were added to the City Council Consent Calendar during agenda review and were approved accordingly).*

L-2. Adopted **Resolution 49-18**, in opposition to the exorbitant rent increases at Heritage Park at Hilltop apartments, which is home to many low-income seniors with fixed incomes by the following vote: **Ayes:** Councilmembers Beckles, Choi, Martinez, Myrick, Recinos, Vice Mayor Willis, and Mayor Butt. **Noes:** None. **Absent:** None. **Abstained:** None.

L-3. Adopted **Resolution 50-18**, in support of the public sector unions in Richmond to ensure their health and success; and supporting the freedom of Richmond employees to participate in strong unions following the U. S. Supreme Court decision in Janus vs. AFSCME Council 31 by the following vote: **Ayes:** Councilmembers Beckles, Choi, Martinez, Myrick, Recinos, Vice Mayor Willis, and Mayor Butt. **Noes:** None. **Absent:** None. **Abstained:** None.

## **ORDINANCES**

M-1. The matter to introduce an ordinance (new first reading) amending Chapter 9.22 Public Nuisances of the Richmond Municipal Code (RMC) to require enclosure of coal and petroleum coke storage and transfer facilities and defining excessive and glaring lighting as a nuisance, was introduced by Mayor Butt. Mayor Butt stated that the new first reading of said ordinance included an amendment adding text for a variance procedure. The following speakers gave comments: Sally Tobin, Sarah Bell, Garv Levin, Lisa Hire, Erica Maharg, Bill Pinkham, June Hight, Jordan DeStaebler, and David McCoard. Discussion ensued. The Council requested that an air quality monitoring study be conducted within two months. *(Mayor Butt requested that the Council vote separately on the two nuisances described in said ordinance).* On motion of Councilmember Myrick, seconded by Vice Mayor Willis, said ordinance amending RMC Sections 9.22.040 and 9.22.090 regarding transfer of coal and petroleum coke received first reading, and was laid over for two weeks for the second reading by the unanimous vote of the City Council. On another motion of Councilmember Myrick, seconded by Councilmember Choi, said ordinance amending RMC Section 9.22.090 regarding excessive and glaring lights received first

reading and was laid over for two weeks for the second reading by the unanimous vote of the City Council.

### **COUNCIL AS A WHOLE**

N-1. In the matter to authorize the continuance of the monthly Richmond Homeless Taskforce meetings through 2018-2019 fiscal year; receive the findings and recommendations of the Richmond Homeless Taskforce from the findings of the Homeless and Unsheltered Field Study; and appropriate a minimum of \$300,000 in housing in-lieu fees for transitory homeless housing, was introduced by Vice Mayor Willis. Crime Prevention Manager Michelle Milam presented a Powerpoint presentation highlighting the taskforce's mission, activities, challenges and opportunities, key findings, and recommendations. Discussion ensued. The following speakers gave comments: Mark Wassberg, Cesar Zepeda, Theresa Russell, Ben Therriault, Contesa Tate, Kathleen Sullivan, Jeff Romm, Antwon Cloird, and Jan Gilbrecht. Further discussion ensued. A motion was made by Vice Mayor Willis, seconded by Councilmember Recinos, to approve the item. A friendly amendment was made by Councilmember Myrick directing staff to allocate \$20,000 of unspent funds from fiscal year 2017-18 operating budget, to the Greater Richmond Interfaith Program (GRIP), to provide homeless services. The friendly amendment was modified to authorize the execution of a contract agreement with GRIP in the amount of \$25,000 and for GRIP to provide a list of homeless services. The modified friendly amendment was accepted and the motion passed by the following vote: **Ayes:** Councilmembers Beckles, Choi, Martinez, Myrick, Recinos, and Vice Mayor Willis. **Noes:** Mayor Butt. **Absent:** None. **Abstained:** None. The Council requested staff to work with GRIP's Executive Director Kathleen Sullivan to setup a future study session to discuss GRIP's services.

N-2. The matter to direct staff to make modifications to the timeline and scope of the Point Molate Land Use Visioning process to allow for comprehensive outreach and meaningful community participation was introduced by Councilmember Recinos. Councilmember Recinos provided an overview of the recommendations included in the staff report packet. Discussion ensued. The following speakers gave comments: Shirley Dean, Deborah Bayer, Seren Penduton-Knoll, Jim Hanson, Connie Portero, Tony Sustak, Pam Stello, Evan Bissell, Elaine Dockens, and Elsa Stevens. Further discussion ensued. The Council requested increased public outreach efforts. Mayor Butt appointed Councilmembers Choi, Martinez, and himself to serve on a Point Molate ad-hoc committee. A motion was made by Councilmember Martinez, seconded by Vice Mayor Willis, to approve the item as recommended. A friendly amendment by Councilmember Recinos to proceed with the first community planning meeting on Saturday, June 23, 2018, and schedule the remaining three future community meetings 30 days in advance of public outreach, with a total of four Point Molate tours, was accepted. The motion passed by the unanimous of vote of the City Council.

*(At 11:00 p.m., a motion by Councilmember Myrick, seconded by Vice Mayor Willis, extended the meeting to 11:30 p.m. 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)**

The Mayor stated that he filed and submitted a written report to councilmembers on his attendance to the United States Conference of Mayors held June 8-11, 2018, in Boston, Massachusetts.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 11:40 p.m., to meet again on Tuesday, June 26, 2018, at 6:30 p.m.

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Clerk of the City of Richmond

(SEAL)

Approved:

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Mayor