

**RICHMOND, CALIFORNIA, November 13, 2018**

The Richmond City Council Evening Open Session was called to order at 5:00 p.m. by Mayor Thomas K. Butt.

**ROLL CALL**

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

**CONFERENCE WITH LEGAL COUNSEL -  
ANTICIPATED LITIGATION (Initiation of litigation  
pursuant to Subdivision (c) of Government Code Section  
54956.9):**

One case

*(Mayor Butt recused himself from the anticipated litigation case due to a conflict of interest. City Attorney Bruce Goodmiller agreed to start the Closed Session labor negotiation item first where a quorum was present).*

**LIABILITY CLAIMS - (Government Code Section  
54956.9):**

Victor Vaca vs. City of Richmond

Delvin Watts vs. City of Richmond

California State Automobile Association (CSAA) as  
Subrogee for Hann Shin Mao vs. City of Richmond

**CONFERENCE WITH LABOR NEGOTIATORS  
(Government Code Section 54957.6):**

Agency designated representatives: Carlos Martinez, Lisa Stephenson, Jack Hughes, Maria Blue, and Belinda Warner  
Employee organization: Service Employees International Union (SEIU Local 1021)

**JOINT SUCCESSOR AGENCY TO THE RICHMOND  
COMMUNITY REDEVELOPMENT AGENCY AND  
RICHMOND CITY COUNCIL**

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

Eagle Environmental Construction vs. Richmond  
Community Redevelopment Agency, et al.

There were no public speakers.

The Open Session adjourned to Closed Session at 5:02 p.m.  
Closed Session adjourned at 6:25 p.m.

The Regular Meeting of the Richmond City Council was  
called to order at 7:16 p.m., by Mayor Butt.

**ROLL CALL**

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

**STATEMENT OF CONFLICT OF INTEREST**

None.

**AGENDA REVIEW**

Items I-3 and K-1 were continued to the December 4, 2018,  
City Council meeting. Items G-19 through G-23 and H-1 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 Carlos Martinez stated there were no items to  
report.

**OPEN FORUM FOR PUBLIC COMMENT**

Ms. Dandie congratulated Mayor Butt for winning the 2018  
Richmond mayoral election. Ms. Dandie expressed concerns  
regarding affordable housing, low incomes, and homelessness in  
Richmond.

Bea Roberson requested donations for the Richmond Police  
and Fire Holiday Toy Program. Donations were accepted online  
and at Richmond Fire Stations for children ages 0 to 12 years old.

Mark Wassberg gave comments regarding item H-1.

Lidice Orellana requested more police presence at Richmond schools and public transportation areas.

Alondra Ramirez distributed a survey to councilmembers regarding community topics.

Junior Samayoa announced (on behalf of Courtney Cummings) the free 9th Annual Richmond Native American Pow-Wow Contest event at the Richmond Police Activities League gymnasium on Saturday, November 17, 2018, 9:00 a.m. to 6:00 p.m.

Rick and Patricia Perez congratulated Mayor Butt for winning the Richmond 2018 mayoral election. Mr. Perez gave comments regarding the diverse communities in Richmond and police body camera laws. Ms. Perez gave comments regarding the Pedie Perez case.

Don Gosney, Annie King-Meredith, and Henry Clark gave comments in opposition of item K-1.

### **CITY COUNCIL CONSENT CALENDAR**

*(Items G-19 through G-23 were placed back on the Consent Calendar for approval).*

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

\*G-1. Approved a two-year contract with Tri-Tech for maintenance and professional services for the Crime View Suite of software, in an amount not to exceed \$75,000, from July 1, 2018, through June 30, 2020.

\*G-2. 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 \$1,250,000, and extending the term of the contract to September 30, 2019; and appropriated the funding for the increase in the expenditure and revenue accounts by \$250,000 under the Chevron Inspection Program.

\*G-3. Approved year-end adjustments for the fiscal year ending June 30, 2018, transferring cash from General Fund reserves to funds with negative cash balances.

\*G-4. Received the City's Investment and Cash Balance Report for the month of September 2018.

\*G-5. Adopted a **Resolution No. 83-18** authorizing placement of liens and special assessments for unpaid garbage collection service fees on County property tax records.

\*G-6. Received the annual year-end developer fee report as required pursuant to Section 66006 of the Government Code.

\*G-7. Approved a contract with the Oakland Private Industry Council to be the Contracting & Vendor Pay Agent for Individual Training Accounts and On-the-Job Training activities for the Workforce Innovation and Opportunity Act (WIOA) program participants. The contract term will be November 13, 2018, through December 31, 2019. The contract will be for an amount not to exceed \$135,891.

\*G-8. Approved a contract with Global Diving & Salvage Inc. for the demolition of the abandoned tugboat Black Hawk for an amount not to exceed \$198,750.

\*G-9. Approved a five-year contract with Schindler Elevator Corporation for elevator service and repairs at the Richmond Memorial Auditorium and Convention Center in an amount not to exceed \$50,000.

\*G-10. Approved a contract with Stronger Building Services for re-roofing the Community Services Child Care Center at 3230 Macdonald Avenue, Richmond, in an amount not to exceed \$140,000.

\*G-11. Adopted **Resolution No. 84-18** to accept each of The Richmond Transit Village Phase II Nevin Avenue Streetscape Improvement Projects, BART to 19th Street and 19th to 27th Street as being complete.

\*G-12. Adopted **Resolution No. 85-18** to install two (2) All-Way Stops at the intersections at South 55th Street/Mariposa Street and South 55th Street/Highland Avenue intersections respectively and one (1) Four-Way Stop at 38th Street and Garvin Avenue intersection.

\*G-13. Approved payment for Emergency Justification contract in excess of the City Charter City Manager authorization limit to contract with TELFER to Slurry Seal Harbour Way South from Hall Avenue to Richmond Ferry Terminal in an amount not to exceed \$90,000.

\*G-14. Authorized the city manager to enter into the Agreement between the City of Richmond and LBG Hilltop, LLC a Delaware limited liability company (LBG) in an amount not to exceed \$1,250 per calendar month from July 24, 2017, the "Acquisition Date" to June 30, 2019. The contract term begins on November 13, 2018, and will terminate upon the City of Richmond's disconnection of its facilities from LBG's meter.

\*G-15. Approved the third contract amendment with Nichols Consulting Engineers for environmental documentation, additional permitting services, and development of construction documents for the Via Verdi landslide repair project. The contract amount including the first two contract amendments is currently \$741,400, and Contract Amendment No. 3 will increase the contract amount by \$669,700 for a total contract amount not to exceed \$1,411,100.

\*G-16. Adopted **Resolution No. 86-18** authorizing the city manager to execute an amendment to the Cooperative Implementation Agreement (CIA) with the State of California Department of Transportation (Caltrans) allowing the City of Richmond to utilize the remainder of the original \$2.5 million for the construction of two additional full-trash capture devices to prevent litter from discharging to local watersheds and the San Francisco Bay.

\*G-17. Received a report on the Richmond Municipal Sewer District for the month of September 2018.

\*G-18. Approved the minutes of the September 25, 2018, October 2, October 16, and October 23, 2018, regular Richmond City Council meetings.

\*G-19. Proclamation declaring November 11-18, 2018, as United Against Hate Week in the City of Richmond.

\*G-20. Approved actions to update the Commission on Aging: appointed Timothy Walker, new appointment, seat #10, term expiration May 19, 2020; and Paul Dees, new appointment, seat #12, term expiration date May 19, 2020.

\*G-21. Approved actions to update the Historic Preservation Commission: appointed Paul Scolari, re-appointment, seat #1, term expiration date July 31, 2022.

\*G-22. Approved actions to update the Richmond-Zhoushan Sister City Commission; appointed Wei Li, new appointment, seat #9, term expiration date December 31, 2020.

\*G-23. Approved actions to update the Youth Council: appointed Alishba Sardar, re-appointment, seat #7, term expiration date October 1, 2019; Alondra Alvarez, new appointment, seat #1, term expiration date October 1, 2019; Fatima Lopez, re-appointment, seat #5, term expiration date October 1, 2019; Eduardo Castellon, re-appointment, seat #6, term expiration date October 1, 2019; and Satine Waltz, re-appointment, seat #11, term expiration date October 1, 2019.

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

*(Item H-1 was placed back on the Consent Calendar for approval).*

On motion of Vice Mayor Wills, seconded by Councilmember Martinez, the item marked with an (\*) was approved by the unanimous vote of the City Council:

\*H-1. Adopted **Resolution No. 87-18** in support of protecting the civil rights of the Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) community under Title IX and to recognize gender identity that may differ from sex assignment at birth.

## PUBLIC HEARINGS

I-1. The matter to hold a public hearing; and introduce an ordinance (first reading) amending Chapter 15.04, Zoning and Subdivisions Regulations of the Richmond Municipal Code needed for General Plan consistency, correction of technical and grammatical errors, elimination of conflicts, state and federal law consistency, and clarification, was presented by Planning and Building Services Director Richard Mitchell, Planning Manager Lina Velasco, and Michael Dyett of Dyett and Bhatia Urban and Regional Planners consulting firm. Mr. Dyett presented a Powerpoint presentation that highlighted the purpose of the amendments, key changes to the text and map, and environmental review. Discussion ensued. The Council requested a supplemental amendment at a later date to include additional downtown historic buildings excluded by Project PRISM (Preserve Richmond to Interpret & Support Memories); and future discussions regarding secondary dwelling units and limitations on large animals. Mayor Butt declared the public hearing open. There were no public speakers. Mayor Butt declared the public hearing closed. The public hearing was continued to the December 4, 2018, City Council meeting to allow time for further clarification on concerns raised by the Council.

I-2. The matter to hold a public hearing; and introduce an ordinance (first reading) amending Richmond Municipal Code Chapter 15.04 Series 200, Base District Regulations modifying the zones which schools are allowed, and adding design standards for schools to Section 15.04.610.360, Schools, was presented by Planning and Building Services Director Richard Mitchell, Planning Manager Lina Velasco, and Michael Dyett of Dyett and Bhatia Urban and Regional Planners consulting firm. Mr. Dyett presented a Powerpoint presentation that highlighted the issue with General Plan consistency and potential land use conflicts between schools and other mixed-use zones; relevant General Plan policies; school enrollment projections and land needs; and land use regulations, development standards, zoning amendments, environmental review, and recommendations. Discussion ensued. Mayor Butt declared the public hearing open. John Irminger, Arto Rinteela, and Carlos Taboada gave comments in support. Mayor Butt declared the public hearing closed. Further discussion ensued. The Council recommended staff to consider additional amendments similar to the State of California Field Act. On motion of Councilmember Martinez, seconded by Vice Mayor Willis, said ordinance received first reading with the exclusion of zones CM-1 and CM-2 and was laid over to the November 20, 2018, Council Meeting for the second reading, by the unanimous vote of the City Council.

I-3. **Continued to December 4, 2018**, the matter to hold a public hearing; and adopt a resolution adopting the Addendum to the General Plan Update Final Environmental Impact Report (SCH#2008022018) and General Plan Amendments; and introduce an ordinance adopting associated zoning text amendments and rezoning for Change Area 12 (Northshore).

I-4. **Continued to December 4, 2018**, the matter to hold a public hearing; and introduce an ordinance (first reading) amending Article 15.04.614 - Wireless Communications Facilities intended for clarification and consistency with federal regulations for small wireless facilities.

**ORDINANCES**

J-1. The matter to introduce an ordinance (first reading) amending the Richmond Municipal Code Chapter 2.52 adding the Exemption for Wastewater and Stormwater Facilities to exempt wastewater and stormwater projects from the Richmond Municipal Code and placing them under the State of California’s Senate Bill 785 regulations for design-build purposes was presented by Waste Water Resource Recovery Director Ryan Smith. Mr. Smith provided an oral report. Discussion ensued. The Council requested staff to consider repealing the City of Richmond’s ordinance regarding this matter. On motion of Vice Mayor Willis, seconded by Councilmember Myrick, said ordinance received first reading and was laid over to the November 20, 2018, City Council Meeting for the second reading, by the unanimous vote of the City Council.

**COUNCIL AS A WHOLE**

K-1. **Continued to December 4, 2018**, the matter to receive a presentation from city staff on the status of the proposed North Richmond annexation process.

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

None.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 8:39 p.m., in memory of community servant Duane Chapman and Mayor Brent Taylor of North Ogden, Utah, to meet again on Tuesday, November 20, 2018, at 6:30 p.m.

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Clerk of the City of Richmond

(SEAL)

Approved:

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Mayor