

## **RICHMOND, CALIFORNIA, December 18, 2018**

The Richmond City Council Evening Open Session was called to order at 5:32 p.m. by Mayor Thomas K. 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 roll was called.

### **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 LABOR NEGOTIATORS (Government Code Section 54957.6):**

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

#### **CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8):**

Property: Parcel FM Marina Bay  
Agency negotiators: Carlos Martinez, Richard Mitchell, and Alan Wolken  
Parties: Orton Development Inc.  
Under negotiations: Price and terms of payment

There were no public speakers.

The Open Session adjourned to Closed Session at 5:33 p.m.  
Closed Session adjourned at 6:16 p.m.

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

### **ROLL CALL**

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

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

Mayor Butt stated that he was recusing himself from item J-1 due to an indirect business relationship with a property owner.

### **AGENDA REVIEW**

Item H-13 was withdrawn from the agenda at staff's request.  
Item L-7 was moved immediately above item L-1.

Mayor Butt ruled to continue items H-22, I-1, and K-1 to a future City Council agenda. Discussion ensued. A motion made by Vice Mayor Willis, seconded by Councilmember Beckles, overruled Mayor Butt and said items remained on the agenda by the following vote: **Ayes:** Councilmembers Beckles, Choi, Martinez, Myrick, Recinos, and Vice Mayor Willis. **Noes:** Mayor Butt. **Absent:** None. **Abstained:** None.

Items H-22 and I-1 were removed from the Consent Calendar for discussion at the end of the agenda.

### **PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS**

Mayor Butt announced recent resignations from City of Richmond boards, commissions, and committees; and announced vacancies on City of Richmond boards, commissions, and committees as of December 18, 2018, and asked that interested individuals send applications to the city clerk. Cordell Hindler gave comments.

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

Assistant City Attorney Carlos Privat stated there were no final actions taken.

### **REPORT FROM THE CITY MANAGER**

City Manager Carlos Martinez announced that Planning and Building Services Director Richard Mitchell was retiring from the City of Richmond after 19 years of service. Mr. Martinez also announced that Planning Manager Lina Velasco accepted an offer to fill the position following Mr. Mitchell's departure on December 31, 2018.

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

Cordell Hindler encouraged younger community members to apply for service on Richmond boards, commissions, and committees.

Kabir Kapur expressed concerns regarding the Point Molate planning process. Mr. Kapur gave comments regarding climate change, race, and environmental justice related to the youth in the community.

Nadia Thomas, Jennifer Rodriguez, and Cynthia Bares expressed concerns regarding excessive litter in Richmond. Ms. Rodriguez reported that litter clogged the sewers on rainy days. The speakers recommended the installation of more public waste containers and enforcement of littering regulations.

Rita Benitez, Sergio Avalos, and Nicholas Simundo thanked the Council for its time and consideration of the issues addressed by the community during Open Forum.

Tyler Nokjan and Jeremy Saeturn expressed concerns regarding poverty and homelessness in Richmond and San Pablo.

Ms. Dandie shared her experience assembling bicycles for the Richmond Fire and Police Toy Program and encouraged participation by others. Ms. Dandie announced a Christmas Party on December 23, 2018, at Left Side Printing at 979 23<sup>rd</sup> Street in Richmond, where free kids haircuts and food was provided. Ms. Dandie thanked Councilmember Martinez for providing toy donations from the Hilltop Fairmede Neighborhood Council. Ms. Dandie requested more toy donations.

Lindsey Saechao gave comments regarding Richmond street safety and repair.

Carla Bracamontes expressed concerns regarding increases in the cost of rental housing and household incomes.

Yicet Lira gave comments in support of her fellow Richmond High School classmates that gave comments during Open Forum at the December 4, 2018, City Council meeting. Ms. Lira requested respect for her fellow classmates.

Bea Roberson announced that it was the last week to donate unwrapped toys for children aged 0 to 12 years old at any Richmond fire station for the Fire and Police Toy Program. Ms. Roberson stated that the toy giveaway was held on Saturday, December 22, 2018, at the Richmond E.M. Downer YMCA at 263 South 20<sup>th</sup> Street. Checks were also accepted by mail to P.O. Box 5468, Richmond, CA 94805 and via PayPal online at [richmondfireandpolicetoyprogram.com](http://richmondfireandpolicetoyprogram.com).

Victoria Diaz reported faded lane lines on Rumrill Boulevard.

Don Gosney announced that February 4-8, 2019, the Plumbers and Steamfitters (Local Union 342) was accepting applications for an apprenticeship program.

Gerald Smith, Jack Bryson, and Patricia Perez thanked Councilmember Jovanka Beckles for honoring Kishana Harley.

Tony Sustak gave comments regarding potential development at Point Molate. Mr. Sustak encouraged the community to pursue the aforementioned Local Union 342 apprenticeship program.

Luis Ramirez invited the community to the Richmond High School Christmas Musical at 6:00 p.m. on Thursday, December 20, 2018.

Donovan Cervantes gave comments regarding unsanitary and inoperable drinking water fountains at Richmond High School.

Mac Levin wished the Council a Merry Christmas.

Cristal Molina recommended that the City of Richmond create a career-pathways and internship program for college graduates returning to Richmond.

## CITY COUNCIL CONSENT CALENDAR

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

\*H-1. Adopted **Resolution No. 94-18** accepting the recommendation of the Environmental Protection Agency (EPA) Brownfields Revolving Loan and Grant Approval Board to award the Richmond Community Foundation a \$175,000 grant; and authorized the City Manager and/or his designee to execute a standard contract with the Richmond Community Foundation to complete remediation of five properties in the Richmond Housing Renovation Program, not to exceed \$175,000 for remediation costs associated with the Richmond Housing Renovation Program.

\*H-2. Approved the second amendment to increase the payment limit by \$35,000 and adjust the service plan with Sports Time Officials to provide officiating services for adult and youth sports programs provided by the Community Services Department in an amount not to exceed \$60,000, with a term ending December 31, 2019.

\*H-3. Approved the purchase of one Toro 25hp Z-Master mower from Aloha Saw & Mower, Inc., for use by the Parks Division in the Marina District, in an amount not to exceed \$11,500.

\*H-4. Adopted **Resolution No. 95-18** approving a three percent annual cost of living increase, in addition to the two percent minimum cost of living increase, for the recipients of the General Pension Fund, for a total annual cost of living increase of five percent for these recipients.

\*H-5. Approved a contract in an amount not to exceed \$100,000 with Contra Costa County Homeless and Housing Services to establish an additional, full-time Coordinated Outreach and Engagement (CORE) homeless response team focused on Richmond and San Pablo, from January 1, 2018, through June 30, 2019.

\*H-6. Approved a contract with Alex Kushner General Inc. for Americans with Disabilities Act (ADA) improvements at the Shields Reid Community Center at 1410 Kelsey Street, Richmond, in an amount not to exceed \$900,000.

\*H-7. Approved an agreement with the Trust for Public Land for the Trust for Public Land to design and build Phase 1 of the Richmond Wellness Trail with a \$3,114,025 California Natural Resources Agency Urban Greening Grant; reimburse the City up to \$52,000 for 50 percent of staff time spent on the project; and turn the completed project over to the City as a gift-in-place; and allocated \$52,000 in staff time by transferring funds from the Traffic Safety Improvement Project to the Richmond Wellness Trail Project.

\*H-8. Adopted **Resolution No. 96-18** accepting Chapter 10, Consultant Selection, of the California Department of Transportation (Caltrans) Local Assistance Procedures Manual.

\*H-9. Adopted **Ordinance No. 29-18 N.S.** (second reading) amending Article 15.04.614 - Wireless Communications Facilities intended for clarification and consistency with federal regulations for small wireless facilities.

\*H-10. Adopted **Ordinance No. 30-18 N.S.** (second 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.

\*H-11. Adopted **Resolution No. 97-18** to change Article 16.4 and Article 12 of the Memo of Understanding (MOU) with the Richmond Police Officer's Association defining compensation for Holiday Pay and Supplemental Pay within the current MOU.

\*H-12. Adopted **Resolution No. 98-18** to change Section 26.1.B defining compensation for Holiday Pay within the current Memo of Understanding (MOU) with Local 188 - International Association of Firefighters (IAFF).

H-13. **Withdrawn from the agenda**, the matter to introduce an ordinance (first reading) amending Richmond Municipal Code Sections 9.20.150 and 9.20.155 to update the solid waste collection rates to reflect an annual Consumer Price Index rate adjustment of 3.25 percent for residential customers, and 4.36 percent for commercial customers that will go into effect on January 1, 2019.

\*H-14. Authorized the City Manager's Office to enroll in the National Research Center's National Citizen Survey Program in order to conduct a 2019 survey of City of Richmond residents at a cost not to exceed \$35,000.

\*H-15. Approved the proposed Fiscal Year 2019-20 Environmental and Community Investment Agreement (ECIA) competitive grant program guidelines and application.

\*H-16. Approved a two-year lease agreement with the Native American Health Center to lease City-owned property at 2566 Macdonald Avenue, extending the expiration term to June 30, 2020, with two additional one-year extension options, to provide health-related prevention and early intervention services for the local Native American community.

\*H-17. Adopted **Resolution No. 99-18** Declaring the Canvass of Returns and Results of the General Municipal Election held on November 6, 2018.

\*H-18. Approved the minutes of the November 27, 2018, regular Richmond City Council meeting.

\*H-19. Approved appointment to the Citizens Police Review Commission; appointed Oscar Garcia, reappointment, seat #8, term expiration November 1, 2021.

\*H-20. Approved appointments to the ECIA Grant Review Ad Hoc Committee: appointed Lily Rahnema, new appointment, seat #3, term expiration date March 31, 2020.

\*H-21. Approved appointments to the Economic Development Commission: appointed Gloria Jean Sewell-Murphy, new appointment, seat #4, term expiration date March 30, 2021, and Diana Wear, new appointment, seat #9, filling an unexpired term with an expiration date of March 30, 2019, and Patrick Sterns, new appointment, seat #12, filling an unexpired term with an expiration date of March 30, 2019, and Ana Delgado, new appointment, seat #13, filling an unexpired term with an expiration date of March 30, 2019.

H-22. The matter to direct staff to draft a letter in support of the Contra Costa College Coalition and forward said letter to the president of the College and the governing board of the Contra Costa College District was presented by Councilmember Recinos. Discussion ensued. The following speakers gave comments: Rebecca Hernandez, Erica Villegos Padilla, Cheryl Sudduth, and Kabir Kapur. A motion was made by Vice Mayor Willis, seconded by Councilmember Recinos, to approve said direction to staff. 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. **Abstentions:** None.

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

I-1. The matter to adopt a resolution honoring Kishana Harley and calling on the State Legislature to introduce legislation to value human life and to condemn racial injustice and police brutality was introduced by Councilmember Beckles. Discussion ensued. The Council requested staff to reference Assembly Bill (AB) 931 (concerning use of force by peace officers) in the proposed resolution. The following speakers gave comments: Ben Therriault, Tony Sustak, Tarnel Abbott, and Rick Perez. A motion was made by Councilmember Beckles, seconded by Councilmember Martinez, to adopt said resolution with a revision to include reference to AB 931; and direct staff to send the resolution to Assemblymember Buffy Wicks and Senator Nancy Skinner. Further Discussion ensued. A friendly amendment made by Councilmember Myrick to eliminate line #9 regarding “self-incrimination” and to re-write line #2 regarding “CalPERS Disability Insurance” to state “that an officer under investigation would not be eligible for that type of insurance” was accepted. Further discussion ensued. The motion adopted **Resolution No. 100-18** with said revisions by the following vote: **Ayes:** Councilmembers Beckles, Martinez, Myrick, Recinos, and Vice Mayor Willis. **Noes:** Councilmember Choi and Mayor Butt. **Absent:** None. **Abstentions:** None.

\*I-2. Adopted **Resolution No. 101-18** contesting the new Federal Communications Commission's regulations for small cell facilities to become effective on January 14, 2019.

**PUBLIC HEARINGS**

*(Mayor Butt recused himself from item J-1 and appointed Vice Mayor Willis to chair the meeting for the item).*

J-1. The matter to 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) was introduced by Planning Manager Lina Velasco. Michael Dyett of Dyett and Bahtia Urban and Regional Planners consulting firm presented a Powerpoint that highlighted the following: City Council direction to staff in January 2017; timeline of planning process; current General Plan zoning designations; proposed Land Use Vision for Change Area 12; new and amended land use classifications; Land Use Map 3.14 amendments; amended policies and action; new actions; zoning amendments; Planning Commission additions; and environmental review. Vice Chair Willis declared the public hearing opened. Tony Sustak gave comments. Discussion ensued. On motion of Councilmember Myrick, seconded by Councilmember Recinos, adopted **Resolution No. 102-18** and said ordinance received the first reading and was laid over for two weeks for the second reading by the following vote: **Ayes:** Councilmembers Beckles, Choi, Martinez, Myrick, Recinos, and Vice Chair Willis. **Noes:** None. **Absent:** Mayor Butt. **Abstained:** None.

### **ORDINANCES**

K-1. The matter to introduce an ordinance (first reading) amending Chapter 3.54 of the Richmond Municipal Code entitled "Citizens Police Review Commission" (CPRC) in order to ensure compliance with Senate Bill 1421 (police personnel records) and Assembly Bill 748 (body cam footage) was introduced by Assistant City Attorneys Shannon Moore and Bruce Soublet. Mrs. Moore's presented a Powerpoint that highlighted the following: The Council's direction at its October 16, 2018, meeting; Senate Bill 1421; and the current CPRC ordinance and proposed amendments. Discussion ensued. Gerald Smith gave comments. Further discussion ensued. On motion of Councilmember Myrick, seconded by Councilmember Beckles, said ordinance received the first reading and was laid over for two weeks for the second reading; and directed staff to continue working with the CPRC on further revisions to maximize transparency and change the name of the CPRC for the Council's consideration by the end of February 2019 by the following vote: **Ayes:** Councilmembers Beckles, Martinez, Myrick, Recinos, and Vice Mayor Willis. **Noes:** Mayor Butt. **Absent:** Councilmember Choi. **Abstained:** None.

### **COUNCIL AS A WHOLE**

L-1. The matter to receive a presentation from the Richmond Police Department (RPD) regarding Senate Bill (SB) 1421 (police personnel records) and Assembly Bill (AB) 748 (body camera footage) and provide an update regarding compliance with the new legislation was introduced by Police Chief Allwyn Brown. Assistant City Attorney Shannon Moore presented a Powerpoint that highlighted the following: SB 1421 (effective January 1, 2019); police personnel records before and after SB 1421; AB 748 (effective July 1, 2019); RPD progress toward compliance; and impacts of new legislation. Ben Therriault and Kabir Kapur gave comments. Discussion ensued. The Council requested staff to include the Richmond Police Officers Association in working groups as an integral part of developing policies for this matter.

L-2. The matter to receive the staff report regarding the Richmond Police Department (RPD) Executive Leadership Review prepared by MBD Innovations was presented by City Manager Carlos Martinez. Discussion ensued. The Council recommended a retreat for the RPD executive management and rank and file personnel. The Council recommended staff to meet with the Richmond Police Officers Association and RPD rank and file personnel regarding this matter. The Council requested the city manager to provide a written plan to resolve findings in MBD Innovations's report. Joseph Puleo and Ben Therriault gave comments.

*(On motion of Councilmember Martinez, seconded by Vice Mayor Willis, moved item I-1 immediately following item L-2, by the following vote: Ayes: Councilmembers Beckles, Choi, Martinez, Myrick, Recinos, and Vice Mayor Willis. Noes: Mayor Butt. Absent: None. Abstentions: None).*

L-3. The matter to receive a presentation from city staff on the status of the proposed North Richmond annexation process was presented by City Manager's Office Administrative Chief LaShonda White. Ms. White presented a Powerpoint that highlighted the following: acknowledgements; potential benefits and concerns; service plan and fiscal impact analysis and results; resident impact and input; financial impact to residents, businesses, homeowners, and landlords; five options to move forward; community engagement and outreach; resident concerns and benefits; mailer and survey results; impact on departments; North Richmond potential development; application process; and next steps. Discussion ensued.

*(At approximately 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 Beckles, Choi, Martinez, Myrick, Recinos, and Vice Mayor Willis. Noes: Mayor Butt. Absent: None. Abstentions: None).*

The following speakers gave comments on item L-3: Don Gosney, Dr. Henry Clark, and Kabir Kapur. Further discussion ensued. Staff agreed to return to the Council in January 2019 for formal action on this matter.

L-4. The matter to receive a presentation on the City of Richmond's debt and debt structure was introduced by Finance Director Belinda Warner. Financial Consultant Jocelyn Mortensen of Public Resources Advisory Group presented a Powerpoint that highlighted outstanding debt and credit ratings.

*(At approximately 11:30 p.m., a motion by Vice Mayor Willis, seconded by Councilmember Myrick, suspended the rules and extended the meeting to complete the current item L-4 and have a five minute break, then complete the remaining agenda items L-5, L-6, and H-22, passed by the following vote: Ayes: Councilmembers Choi, Martinez, Myrick, Recinos, and Vice Mayor Willis. Noes: Mayor Butt. Absent: Councilmember Beckles. Abstentions: None).*

Ms. Mortensen concluded the Powerpoint presentation for item L-4 by highlighting interest rate swaps.

*(At approximately, 11:42 p.m., the Council recessed for five minutes and reconvened at 11:47 p.m. with Councilmember Beckles absent).*

L-5. **Continued to January 15, 2019**, the matter to receive a presentation from the City Manager's Office on City-wide transportation planning to support West Contra Costa County objectives and regional transportation planning goals for effective implementation; and provide direction to staff on project prioritization.

L-6. The matter to direct staff to study the feasibility of developing a pilot recreational vehicle park for the homeless within the City of Richmond was introduced by Vice Mayor Willis. The following speakers gave comments: Daniel Barth, Kabir Kapur, and Jan Gilbrecht. Discussion ensued.

*(At approximately 11:59 p.m., the Council recessed to regain order and reconvened at 12:02 a.m. with Councilmember Beckles absent).*

Further discussion ensued on item L-6. On motion of Vice Mayor Willis, seconded by Councilmember Recinos, approved said direction to staff by the following vote: **Ayes:** Councilmembers Choi, Martinez, Myrick, Recinos, and Vice Mayor Willis. **Noes:** Mayor Butt. **Absent:** Councilmember Beckles. **Abstentions:** None).

L-7. The matter to direct staff to review a draft ordinance for legality and language and craft an ordinance for a first reading that was as strong or stronger in its ability to protect our community from coal and petroleum coke was introduced by Councilmember Martinez. Discussion ensued. The following speakers gave comments: Minda Barbeco, Igor Tregub, Janis Hashe, Tony Sustak, Janet Johnson, Kabir Kapur, Tarnel Abbott, Jan Gilbrecht, Eric Bergman, Claire Broome, Deborah Bayer, and Richard Katz. Further discussion ensued. On motion of Councilmember Martinez, seconded by Councilmember Beckles, approved said direction to staff by the unanimous vote of the City Council.

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

None.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 12:37 p.m., in memory of longtime Richmond resident Daniel Stallworth, to meet again on Tuesday, January 15, 2019, at 6:30 p.m.

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Clerk of the City of Richmond

(SEAL)

Approved:

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Mayor