

RICHMOND, CALIFORNIA, March 19, 2019

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 Demnlus Johnson III, Eduardo Martinez, Vice Mayor Ben Choi, and Mayor Thomas K. Butt.

Absent: Councilmember Nathaniel Bates arrived after the roll was called. Councilmembers Melvin Willis and Jael Myrick arrived during Public Comment.

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 REAL PROPERTY
NEGOTIATOR (Government Code Section 54956.8):**

Property: Point Molate

Agency negotiators: Carlos Martinez and Lina Velasco

Negotiating parties: Orton Development, Inc., Point Molate Partners, Samuelson Schafer, and SunCal

Under negotiations: price and terms of payment

The following speakers gave comments: Jim Hanson, Paul Carman, Shirley Dean, Tarnel Abbott, Charles Smith, and Deborah Bayer.

**CONFERENCE WITH LEGAL COUNSEL -
EXISTING LITIGATION (paragraph (1) of Subdivision [d] of
Government Code Section 54956.9):**

Hill vs. City of Richmond

RICHMOND HOUSING AUTHORITY

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

Property: Hacienda Housing Complex, 1300 Roosevelt Avenue

Agency negotiators: Carlos Martinez and Shasa Curl

Negotiating parties: Mercy Housing California and Community Housing Development Corporation of North Richmond

Under negotiation: price and terms of payment

CITY COUNCIL

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

Title: Citizens Police Review Commission Investigative Officer

The Open Session adjourned to Closed Session at 5:18 p.m.
Closed Session adjourned at 7:02 p.m.

The Regular Meeting of the Richmond City Council was called to order at 7:10 p.m., by Mayor Butt.

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Item G-7 was withdrawn from the agenda by Mayor Butt. Items G-8 and G-12 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 reported that the Council directed staff, on a preliminary basis, to begin negotiations for an Exclusive Right to Negotiate Agreement with one of the four respondents to the Point Molate Request for Proposals, SunCal. The vote was 5 to 2, with Councilmembers Martinez and Willis voting no.

REPORT FROM THE CITY MANAGER

City Manager Carlos Martinez announced that the City of Richmond received an award from the American Public Works Association, Northern California Chapter. The award was for the emergency and disaster construction repairs for the Rifle Range Road Retaining Wall project. Mr. Martinez stated that the project was also nominated for a national level project award anticipated in September 2019.

OPEN FORUM FOR PUBLIC COMMENT

The following speakers gave comments regarding Point Molate: Deborah Bayer, Bea Roberson, Tarnel Abbott, and Sally Tubin. Ms. Bayer requested a public study session or presentation to discuss development costs and environmental protection measures. Ms. Roberson expressed concerns regarding development delays and recommended that the Council conceded with the opposition and return the land back to the Native Americans. Ms. Abbott announced that the Point Molate Alliance published a proposed development plan on the internet at: www.ptmolatealliance.org. Ms. Abbott expressed concerns regarding potential development costs to the City of Richmond. Ms. Tubin expressed concerns regarding Point Molate stewardship and requested a transparent public analysis of the financial aspects.

The following speakers gave comments in opposition of item G-7, proposing the appointment of Catherine Montalbo to the Citizens Police Review Commission (CPRC): Ritchie Cook, Elsa Stevens, Rick Perez, Patricia Perez, Andrés Soto, Mike Parker, Ada Recinos, Josh Brennecke, Noemi Tungui, Jovanka Beckles, LaDamien Flowers, Clifton Bonnet, Kabir Kapur, and Sue Wilson. Mr. Cook urged the Council to consider appointing an undocumented immigrant to the CPRC. Ms. Wilson distributed a document to the Council outlining an explanation for the vast opposition.

Mark Wassberg gave comments regarding the newly elected State of California Governor, Gavin Newsom, and the current state of affairs.

Jamie Myrick gave comments in support of the Richmond Promise Scholarship Program.

Andrés Soto expressed concerns regarding exceeding flaring at the Richmond Chevron Refinery.

Terry Lee Walker gave comments regarding the current homeless crisis in Richmond and the lack of laws and assistance to resolve the issue.

Iлона Clark distributed to the Council information from the Richmond Rent Program Fiscal Year 2019-20 Budget and Rental Housing Fee Study. Ms. Clark expressed concerns regarding proposed increases for the government-subsidized rental unit fee and executive management salaries.

Nathan Clark expressed concerns regarding homeless encampments along the Ohlone Greenway bicycle path. Mr. Clark published photos on the internet at: www.tinyurl.com/path46

Catherine Montalbo gave comments in response to the opposition of item G-7, proposing to appoint her to the CPRC.

Leisa Johnson gave comments in support of item G-7, proposing the appointment of Catherine Montalbo to the CPRC.

CITY COUNCIL CONSENT CALENDAR

(Item G-8 was placed back on the Consent Calendar for approval because the requestor left the meeting).

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

***G-1.** Received a report on the Richmond Municipal Sewer District for the month of January 2019.

***G-2.** Approved a legal services agreement with the Telecom Law Firm for representation of the City of Richmond concerning telecommunications matters, including assistance with wireless and wired siting applications, in the amount of \$300,000 (with funds for payment generated from fees from the wireless and wired siting applications), with a term ending December 31, 2020.

***G-3.** Approved the purchase of the pre-fabricated concrete "Ozark I" restroom buildings from CXT Inc. Precast Products to be placed at Southside Park in an amount not to exceed \$95,687.53.

***G-4.** Accepted and appropriated grant funds in the amount of \$2,500 from Contra Costa County Community Awareness and Emergency Response (CAER) Group, Inc. to support community emergency preparedness.

***G-5.** Approved a Fourth Amendment to the contract with DNV GL to provide energy efficiency incentives to Richmond businesses, increasing the amount of the contract by \$500,000, for a total contract amount not to exceed \$1,000,000, and for a term ending December 31, 2019, with funding from the Environmental and Community Investment Agreement.

***G-6.** Received the monthly report on Point Molate activities for the month of January 2019.

G-7. Withdrawn from the agenda, the matter to approve appointments to the Citizens Police Review Commission: Appoint Catherine Montalbo, new appointment, seat #5, term expiration date November 1, 2022; and Christopher Whitmore, new appointment, seat #6, term expiration date November 1, 2022; and Armond Lee, new appointment, seat #7, term expiration date November 1, 2022.

***G-8.** Approved appointments to the Arts and Culture Commission: Appointed Rosalie Barnes, re-appointment, seat #1, term expiration date January 31, 2023; Michael Cohen, new appointment, seat #2, term expiration date January 31, 2023; Steven Robinson, re-appointment, seat #3, term expiration date January 31, 2023; Joshua Horne, new appointment, seat #4, term expiration date January 31, 2023; and Meighann Helene, new appointment, seat #9, filling an unexpired term with an expiration date of October 31, 2021.

***G-9.** Approved the recommendation of the City Council to provide a compensation adjustment to the City Clerk. Effective March 2, 2019, the City Clerk's monthly salary will be increased from \$10,083/month to \$11,092/month (a 10% increase).

***G-10.** Approved the minutes of the January 29, February 19, and March 5, 2019, regular meetings, the February 8, retreat, and February 12, 2019, special meeting.

***G-11.** Approved a contract with Team Ghilotti, Inc. for the construction of a short-term bicycle and pedestrian connections with the Richmond-San Rafael Bridge, in an amount not to exceed \$620,000.

G-12. A motion was made by Councilmember Willis, seconded by Councilmember Martinez, to provide consent and direction, by vote of the City Council, to the License Administrator of the city, to compromise, in full, the claim associated with the annual business license fee relating to the five 2019 Neighborhood Public Art grantees whose grant funds have not yet been released - Andres Alfonso Leon, Christina Chan, Tania Pulido, Tracey Mitchell, and Antu Atinao Soza - under the provisions of Business License ordinance (Ch. 7.104.340). The motion passed by the unanimous vote of the City Council.

COUNCIL AS A WHOLE

H-1. The matter to receive a presentation from City of Richmond staff on the status of the proposed North Richmond annexation process and accept staff's recommendation to not proceed with the annexation of unincorporated North Richmond into the City of Richmond was presented by City Manager's Office Chief of Staff LaShonda White. Mrs. White's Powerpoint presentation highlighted the following: background information; acknowledgements; potential benefits; the Council's prior direction and staff work; fiscal analysis report overview; resident impact and input; financial impact to residents, businesses, homeowners, and landlords; outreach and feedback; mailer and survey statistics; potential concerns; and an overview of the Local Agency Formation Commissions (LAFCO) application process. Discussion ensued. The following speakers gave comments in opposition: Annie King-Meredith, Dr. Henry Clark, Kapris James, Dulce Galia, and Camilo Navarro. Andrés Soto gave comments in support. Further discussion ensued. A motion was made by Councilmember Myrick, seconded by Councilmember Martinez, to accept the staff recommendation to not proceed with the annexation. Further discussion ensued. A substitute motion was made by Mayor Butt to proceed with the LAFCO application process, only if Contra Costa County agrees to pay all or a substantial amount of the approximate \$2 million in associated costs. The substitute motion died for the lack of a second. Further discussion ensued. The main motion to not proceed with the said annexation passed by the following vote: **Ayes:** Councilmembers Bates, Johnson, Martinez, Myrick, Willis, and Vice Mayor Choi. **Noes:** Mayor Butt. **Absent:** None. **Abstained:** None.

H-2. The matter to consider banning gas-powered leaf blowers in Richmond and provide direction to staff was introduced by Councilmember Martinez. Discussion ensued. The Council requested the Department of Infrastructure Maintenance and Operations staff to eliminate their use of two-stroke commercial gas-powered leaf blowers immediately. The following speakers gave comments: Don Gosney, Tarnel Abbott, and Dorothy Gilbert. A motion was made by Councilmember Willis, seconded by Councilmember Martinez, requesting staff to study the feasibility of banning gas-powered leaf blowers city-wide and options to address residents with gas-powered leaf blowers without penalizing them. The motion passed by the following vote: **Ayes:** Councilmembers Johnson, Martinez, Myrick, Willis, Vice Mayor Choi, and Mayor Butt. **Noes:** Councilmember Bates. **Absent:** None. **Abstained:** None.

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

Councilmember Martinez reported that he attended the Stakeholder Communication and Engagement Meeting, regarding the Sustainable Groundwater Management Act, on March 21, 2019. Councilmember Martinez announced that the Brown and Caldwell Company was hired to focus on climate change, sea level rise, saltwater intrusion, and other potential environmental issues.

Councilmembers Johnson, Martinez, and Mayor Butt reported their attendance to the “Better Together” Yosemite Leadership and Policy Conference, sponsored by the Local Government Commission and California Association of Councils of Governments, on March 14-17, 2019.

Councilmembers Bates and Johnson reported on their attendance to the Congressional City Conference, sponsored by the National League of Cities in Washington D.C., on March 10-13, 2019. Councilmember Bates noted that their primary focus was on infrastructure issues.

Mayor Butt reminded Councilmembers that they may file written reports for lengthy general and AB 1234 reports.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:40 p.m., in memory of Billie Lee-Seaberry, Victor McElhaney, Denny Larson, David Paul Luther, Syliva Gray-White, and Jeff Adachi, to meet again on Tuesday, March 26, 2019, at 6:30 p.m.

Clerk of the City of Richmond

(SEAL)

Approved:

Mayor