

RICHMOND, CALIFORNIA, April 2, 2019

The Richmond City Council Evening Open Session was called to order at 5:03 p.m. by Vice Mayor Ben Choi.

ROLL CALL

Present: Councilmembers Nathaniel Bates, Demnlus Johnson III, Eduardo Martinez, Jael Myrick, Melvin Willis, and Vice Mayor Ben Choi. **Absent:** Mayor Thomas K. Butt 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: SunCal
Under negotiations: price and terms of payment

Deborah Bayer gave comments.

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

Agency Representatives: Lisa Stephenson, Bruce Soublet, Belinda Warner, Maria Blue, and Jack Hughes
Employee organization: Service Employees International Union (SEIU Local 1021)

Agency Representatives: Lisa Stephenson, Bruce Soublet, Belinda Warner, Maria Blue, and Todd Simonson
Employee organization: International Federation of Technical and Professional Engineers (IFTPE Local 21)

Agency Representatives: Carlos Martinez, Lisa Stephenson, Fire Chief Adrian Sheppard, Rick Bolanos, and Lisa Charabonneau (from LCW)
Employee organization: International Association of Fire Fighters (IAFF Local 188)

Mike Parker gave comments.

The Open Session adjourned to Closed Session at 5:08 p.m.
Closed Session adjourned at 6:36 p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:41 p.m., by Mayor Butt who led the Pledge of Allegiance to the Flag.

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

Items H-5 through H-13 were removed from the Consent Calendar for discussion at the end of the agenda. Items J-2 and J-3 were combined.

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

City Attorney Bruce Goodmiller reported there were no final actions taken.

REPORT FROM THE CITY MANAGER

City Manager Carlos Martinez reported that he received a request from Laconia Development for a 60-day extension of its due diligence and entitlement period for the project at 1500 Dornan Drive in Richmond. Mr. Martinez stated that he granted the extension to May 28, 2019.

OPEN FORUM FOR PUBLIC COMMENT

Naomi Williams announced, on behalf of Jerrold Hatchett and the Neighborhood Block Association, that the West County Juneteenth Parade and Family Day was on June 15, 2019, starting at 10:00 a.m. from the Richmond Booker T. Anderson Park. Ms. Williams urged vendors to register before April 15, 2019, to receive a 10% discount. Ms. Williams also announced that the West Shore Easter Egg Hunt was on April 20, 2019, at Booker T. Anderson Park.

Kabir Kapur gave comments regarding Dr. Martin Luther King, racism, and violence in society. Mr. Kapur urged everyone to become 'better people' by creating a more peaceful society and supporting people, workers, and human rights.

The following speakers gave comments in support of a fair cost-of-living adjustment (COLA) wage increase for City of Richmond union employees: Rosanne Ryken, Sheila Dickinson, Deborah Bonet, Gregory Everetts, Tarnel Abbott, Amanda LeGaux, Kevin Tisdell, Dee Karnes, Jill Perry, Ofelia Alvarez, Craig Murray, Mubeen Qader, Antwon Cloird, Cassia Stepak, Kevin Frazier, and Jovanka Beckles.

(At approximately 7:10 p.m., the Council recessed for a 5-minute break and was called to order with Councilmember Martinez absent. Councilmember Martinez rejoined the meeting during the next speaker's comments).

The following speakers gave comments in support of Item I-1: Nick Despota, Trish Clifford, and Chris Knight.

Ritchie Cook gave comments regarding a murder near 2nd Street and Chanslor Avenue in Richmond. Mr. Cook requested improvements to Richmond schools and police services.

Ada Recinos urged the Council to appoint Christopher Whitmore and Armond Lee to the Citizens Police Review Commission (CPRC). Ms. Recinos gave comments in solidarity with the City of Richmond union employees in support of a fair COLA wage increase.

Rick Perez gave comments regarding Mayor Butt's e-forum post on April 1, 2019, regarding the San Rafael Bridge. Mr. Perez expressed concerns regarding Mayor Butt's de-escalation skills, authority, and respect.

The following speakers gave comments regarding the CPRC: Patricia Perez, Elsa Stevens, Yenny Garcia, and Mike Parker. Ms. Garcia requested the appointment of an investigative officer to the CPRC.

The following speakers gave comments in support of a fair COLA wage increase for City of Richmond union employees: Elsa Stevens, Mark Wassberg, Debra Grubelle, Stacey Walker, and Mike Parker.

Amanda Elliott gave comments in support of item H-1. Ms. Elliott provided an overview of the Richmond Main Street Initiative's revitalization progress in the historic downtown Richmond area.

Oscar Garcia gave comments in support of more unity and urged everyone to celebrate Richmond's diversity.

CITY COUNCIL CONSENT CALENDAR

(Items H-5 through H-12 were placed back on the Consent Calendar for approval because the requester left the meeting).

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

***H-1.** Adopted **Resolution No. 12-19** allowing the City of Richmond to levy the property tax rolls of property owners subject to assessment under the Downtown Richmond Property and Business Improvement District (DRPBID) on the annual 2019-2020 property tax rolls.

H-2. Received the City's Investment and Cash Balance Report for the month of February 2019.

***H-3.** Approved an 18-month agreement with Hyland Software, Inc., to provide maintenance for the SIRE Agenda Management and City Council Meeting Voting Systems, in an amount not to exceed \$34,700 for Fiscal Years (FY) 2018 through 2020; and approved an 18-month agreement with Granicus, Inc., to provide maintenance for the City Council Meeting Streaming Video, in an amount not to exceed \$24,918.91, with the option of three, one-year extensions for \$53,000, for a total amount not to exceed \$77,918.91 for FY 2018 through 2023. The total amount for both agreements, including options, will not exceed \$112,618.91.

***H-4.** Received the monthly report on Point Molate activities for the month of February 2019.

***H-5.** Approved appointments to the Human Rights and Human Relations Commission: Appointed Andrew Quint, new appointment, seat #1, term expiration date March 30, 2022, Reza Yazdi, new appointment, seat #4, term expiration date March 30, 2022, and Chris Broglio, re-appointment, seat #7, term expiration date March 30, 2022.

***H-6.** Approved appointments to the Urban Forest Advisory Committee: Appointed Toody Maher, re-appointment, seat #6, term expiration date November 17, 2021, and Stewart Winchester, re-appointment, seat #8, term expiration date November 17, 2021.

***H-7.** Approved appointments to the Public Art Advisory Committee: Appointed Linda Kalin, re-appointment, seat #4, term expiration date November 3, 2019, and Jessica Parker, re-appointment, seat #5, term expiration date November 3, 2019.

***H-8.** Approved an appointment to the Historic Preservation Commission: Appointed M. Fatema Crane, new appointment, seat #6, term expiration date July 31, 2022.

***H-9.** Approved an appointment to the Richmond Youth Council: Appointed Kashaf Iqbal, new appointment, seat #2, term expiration date October 1, 2019.

***H-10.** Approved appointments to the Design Review Board: Appointed Michael Hannah, re-appointment, seat #1, term expiration date March 17, 2021, Kimberly Butt, re-appointment, seat #3, term expiration date March 17, 2021, Jonathan Livingston, re-appointment, seat #4, term expiration date March 17, 2021, and Karlyn Neel, re-appointment, seat #6, term expiration date March 17, 2021.

***H-11.** Approved an appointment to the Environmental Community Investment Agreement Grant Review Panel: Appointed Jim Becker, new appointment, seat #5, filing an unexpired term with an expiration date of March 31, 2020.

***H-12.** Approved an appointment to the Contra Costa County Advisory Council on Aging: Appointed Frances Smith, new appointment, City of Richmond Representative, term expiration date September 30, 2020.

H-13. The matter to approve an appointment to the Citizens Police Review Commission (CPRC); appoint Catherine Montalbo, new appointment, seat #5, term expiration date November 1, 2022, was introduced by Mayor Butt. Discussion ensued. The following speakers gave comments in opposition: Jovanka Beckles, Ada Recinos, Elsa Stevens, Rick Perez, Mike Parker, Noemi Tungui, Kabir Kapur, Cassia Stepak, Randy Joseph, and Robin Onaka. Catherine Montalbo and Leisa Johnson gave comments in support. A motion was made by Councilmember Bates to approve said appointment with the understanding and commitment from Mayor Butt that the next City Council meeting agenda would include the other two CPRC nominees, Christopher Whitmore and Armond Lee, presented at the March 19, 2019, City Council meeting. An amended motion made by Councilmember Bates to appoint all three CPRC nominees, Catherine Montalbo, Christopher Whitmore, and Armond Lee, was called out of order because two of the nominees were not on the current agenda. The main motion was seconded by Mayor Butt. Further discussion ensued. The main motion failed by the following vote: **Ayes:** Councilmember Bates and Mayor Butt. **Noes:** Councilmembers Johnson, Martinez, Myrick, Willis, and Vice Chair Choi. **Abstained:** None. **Absent:** None.

***H-14.** Approved the purchase of two 2019 Ford F250 trucks, from Towne Ford, for use by the Department of Infrastructure Maintenance and Operations Parks Division, in an aggregate amount not to exceed \$68,000.

***H-15.** Approved a contract amendment with Pursuit North/Lehr for police vehicle outfitting, increasing the payment limit by \$108,000 to a total of \$563,000.

***H-16.** Approved an amendment to the current contract with Oliver's Tow for on-call tow services, increasing the amount of the contract by \$3,000, for a total amount of \$12,000.

***H-17.** Approved a contract with Landscape Structures, Inc. for purchase and installation of play equipment, exercise equipment, safety surfacing and site furnishings at Martin Luther King, Jr. Park and Southside Park in an amount not to exceed \$333,180.56.

***H-18.** Accepted and appropriated grant-funds in the amount of \$15,000 from the California Fire Foundation; and approve a sole-source contract with Diablo Fire Safe Council to develop a Community Wildfire Protection Plan in an amount not to exceed \$15,000.

***H-19.** Approved the purchase of apparatus communications system from LN Curtis & Sons in an amount not to exceed \$15,875.38.

***H-20.** Approved a lease amendment with the United States House of Representatives to allow Congressman Mark DeSaulnier to continue to utilize approximately 845 square feet of office space, four cubicles and a conference room on the second floor of 440 Civic Center Plaza as his West County 11th Congressional District offices. The lease agreement was for \$862 per month (\$10,344 per year) and for a two-year term from January 3, 2019, through January 2, 2021.

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

*I-1. Adopted **Resolution No. 13-19** urging the United States Congress to enact the Energy Innovation and Carbon Dividend Act of 2019 (U.S. Congress House Resolution 763).

PUBLIC HEARINGS

J-1. Continued to May 7, 2019, the matter to deny the appeal and adopt a resolution denying PLN18-123, a Conditional Use Permit and Design Review Permit to install a T-Mobile small cell site on a pole within the public right of way adjacent to 2100 Grant Avenue. Based on the administrative record at the time of publishing this agenda report, staff cannot make all the required findings for approval.

(The presentations for items J-2 and J-3 were combined for discussion and public comment).

J-2. The matter to uphold the appeal and adopt a resolution approving PLN18-128, a Conditional Use Permit and Design Review Permit to install a T-Mobile small cell site on a pole within the public right of way adjacent to 2732 Downer Avenue was introduced with item J-3 by Planning and Building Services Director Lina Velasco. Planner Emily Carroll and Tripp May of Telecom Law Firm presented a Powerpoint presentation that highlighted the following for items J-2 and J-3: background information; Planning Commission denial and further study; and additional analysis performed. Discussion ensued. Mayor Butt declared the public hearing open. The appellants, Marco Montoya and Elliott Froissart of ExteNet Systems, presented a Powerpoint presentation that highlighted the following for items J-2 and J-3: overview and timeline; proposed small cell site locations and projects descriptions; Design Review Board and Planning Commission hearings; and community vision. Further discussion ensued. The principal opponent and Richmond resident, David Smith, provided an oral statement. The following speakers gave comments in opposition: Rosanne Ryken, Diana Feliz, Katherine Bell, Natalia Lawrence, Ashley Adams, Wendy Lee, Tarnel Abbott, and Fenyang Smith. The following speakers gave comments in support: Edward Lexington, Cornell Jones, and Obasi Akpa Obasi. Further discussion ensued. Opponent and Richmond resident, Amy Lee Anderson, provided an oral rebuttal. Mayor Butt declared the public hearing closed. Further discussion ensued. On motion of Councilmember Willis, seconded by Councilmember Martinez, upheld the Planning Commission's decision and denied said application (PLN18-128) by the following vote: **Ayes:** Councilmembers Martinez, Willis, Vice Mayor Choi, and Mayor Butt. **Noes:** Councilmember Johnson. **Abstained:** Councilmembers Bates and Myrick. **Absent:** None. **A request by Councilmember Johnson to retract his vote and change it from "no" to "yes" was approved by the unanimous vote of the City Council.** The motion made by Councilmember Willis, seconded by Councilmember Martinez, upheld the Planning Commission's decision and denied said application (PLN18-128) by the following **revised vote:** **Ayes:** Councilmembers Johnson, Martinez, Willis, Vice Mayor Choi, and Mayor Butt. **Noes:** None. **Abstained:** Councilmembers Bates and Myrick. **Absent:** None.

J-3. The matter to uphold the appeal and adopt a resolution approving PLN18-130, a Conditional Use Permit and Design Review Permit to install a T-Mobile small cell site on a pole within the public right of way adjacent to 2901 Garvin Avenue was presented, discussed, and received public comment with item J-2. On motion of Councilmember Willis, seconded by Councilmember Martinez, upheld the Planning Commission's decision and denied said application (PLN18-128) by the following vote: **Ayes:** Councilmembers Johnson, Martinez, Myrick, Willis, Vice Mayor Choi, and Mayor Butt. **Noes:** None. **Abstained:** Councilmember Bates. **Absent:** None.

J-4. 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 include the imposition of recycling and green waste contamination, special service, and overage surcharges was presented by Environmental Services Manager Adam Lenz. Mr. Lenz's Powerpoint presentation highlighted background information and the proposed contamination and special service surcharges. Mayor Butt declared the public hearing open. Joseph Polus gave comments in opposition. Mayor Butt declared the public hearing closed. Discussion ensued. On motion of Councilmember Willis, seconded by Councilmember Myrick, said ordinance received the first reading and was laid over for two weeks for the second reading by the unanimous vote of the City Council.

ORDINANCES

K-1. The matter to introduce an ordinance (first reading) amending Richmond Municipal Code Chapter 3.54 changing the name of the Citizens Police Review Commission to the Community Police Review Commission was introduced by Councilmember Myrick. The following speakers gave comments: Yenny Garcia, Mike Parker, and Kabir Kapur. On motion of Councilmember Willis, seconded by Councilmember Johnson, said ordinance received the first reading and was laid over for two weeks for the second reading by the unanimous vote of the City Council.

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

Councilmember Johnson gave comments in objection to the use of racial and disrespectful tropes by fellow colleagues.

Mayor Butt reported that he attended the League of California Cities Environmental Quality Policy Committee Meeting on March 28, 2019, in Southern California.

Councilmember Martinez reported that he attended several conferences including the Water Education for Latino Leaders Annual Conference in Long Beach on March 28-29, 2019; and the California Progressive Alliance Founding Convention in San Luis Obispo on March 29-31, 2019. Mr. Martinez recommended a policy to create and enforce a positive community behavior format for all elected leaders. Councilmember Martinez gave comments regarding racism and recommended that the Council received diversity training.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:34 p.m., to meet again on Tuesday, April 16, 2019, at 6:30 p.m.

Clerk of the City of Richmond

(SEAL)

Approved:

Mayor