

RICHMOND, CALIFORNIA, May 7, 2019

The Richmond City Council Evening Open Session was called to order at 5:30 p.m. by Mayor Tom Butt.

ROLL CALL

Present: Councilmembers Nathaniel Bates, Demnlus Johnson III, Eduardo Martinez, Jael Myrick, Vice Mayor Ben Choi, and Mayor Butt.

Absent: Councilmember Melvin Willis 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

LIABILITY CLAIMS - (Government Code Section 54956.9):

Jason Collins vs. City of Richmond
Cleveland Brown vs. City of Richmond

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Significant exposure to litigation pursuant to paragraph (2) or (3) of Subdivision (d) [as applicable] of Government Code Section 54956.9):

One Case

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)

The following individuals gave comments: Millie Cleveland, Dean Vigil, Rosanne Ryken, Stacey Walker, David Vigay, Mike Parker, and Martha Granelle.

The Open Session adjourned to Closed Session at 5:44 p.m.
Closed Session adjourned at 7:20 p.m.

The Regular Meeting of the Richmond City Council was called to order at 7:42 p.m., by Mayor Butt.

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

Councilmember Myrick stated a conflict of interest on Item I-1 due to his home being within 1,000 feet of the proposed project.

Mayor Butt stated a conflict of interest on Item I-1 because his architectural firm did work for the owner of the subject property.

AGENDA REVIEW

City Clerk, Pamela Christian, announced that the applicant and appellant agreed to continue Item I-2 to the July 16, 2019, City Council meeting. Item G-3 was removed from the Consent Calendar, by a member of the audience, for discussion at the end of the agenda. Councilmember Willis requested that Item J-2 be discussed directly after the approval of the Consent Calendar. Councilmember Myrick requested that Item J-2 be continued, which was not accepted by Councilmember Martinez, who placed the item on the agenda.

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

None.

OPEN FORUM FOR PUBLIC COMMENT

Naomi Williams announced that the annual Commission on Aging Zydeco dance was on August 24, 2019, from 6 p.m. to 10 p.m. Ms. Williams also announced that the Senior Health Workshop was on Wednesday, May 8, 2019, from 9 a.m. to 1 p.m. at the Richmond Auditorium.

Antwon Cloird, Cornell Jones, and Edward Livingston, stated that cell towers were needed in order to get better cell phone service for the community.

Madalyn Law, Evelyn McDonald, and Danielle Rodgers spoke in support of the limited permit parking for areas in the Park Plaza neighborhood.

Andrea Mullarkey and Mike Parker advocated for a fair contract for SEIU Local 1021 members.

Sue Wilson, Elsa Stevens, Rick Perez, Patricia Perez, and Cassia Stepak, gave comments in support of fully staffing the Community Police Review Commission.

Mark Wassburg gave comments regarding a documentary about the violence in Richmond that was shown at the Richmond Public Library on Saturday, May 11, 2019.

Don Gosney gave comments regarding difficulties he had researching information regarding the Richmond Cinco de Mayo Festival.

Joseph Puleo gave comments regarding the importance of preserving the eel grass beds at Point Molate.

Courtney Cummings thanked City Manager Carlos Martinez for the donation of water bottles and the City of Richmond Bags to the Richmond Village Earth Day event.

Debbie Bayer spoke in support of preserving Point Molate as open space.

Kabir Kapur gave comments regarding a power plant park for the potential cannabis farms.

Michael Kerr stated that records regarding the Pedie Perez case from the Community Police Review Commission needed to be available to the public.

Tarnel Abbott announced that the Point Molate Alliance had a forum at the East Bay Center for Performing Arts regarding the future of Point Molate on Sunday, May 19, 2018, from 11 a.m. to 3 p.m.

Darlene Drapkin gave comments regarding Americans with Disabilities Act (ADA) violations recently given to merchants on 23rd Street.

CITY COUNCIL CONSENT CALENDAR

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

***G-1.** Approved a dolphin structure removal agreement with DRS Marine, Inc. to remove a navigation hazard located at the entrance to the Marina Bay Yacht Harbor in an amount not to exceed \$28,485 and appropriated the requested amount from fund balance as this item was not originally budgeted.

***G-2.** Approved a recommendation from the Environment and Community Investment Agreement (ECIA) Grant Review Committee for Fiscal Year 2019-2020 grant awards to 24 organizations in an amount not to exceed \$486,300, and adopted **Resolution No. 25-19**, and authorized the city manager to negotiate and execute Grant Service Agreements with approved grantees.

G-3. Continued to the June 4, 2019, meeting the matter to receive the monthly report on Point Molate activities for the month of March 2019.

***G-4.** Authorized the city manager to designate new areas within the Neighborhood Permit Parking program (NPP); and approved the removal of the no parking zone and install timed parking on Barrett Avenue.

***G-5.** Received the City's Investment and Cash Balance Report for the month of March 2019.

***G-6.** Approved a contract with Governmentjobs.com dba NeoGov (NeoGov) for the existing Insight Enterprise Software License fees at a cost of \$10,294.10 per year and to add a subscription to governmentjobs.com at a annual cost of \$2,340 for a total amount not to exceed \$12,634.10 for a term beginning January 27, 2019, and ending January 26, 2020.

***G-7.** Adopted **Resolution No. 26-19**, authorizing on-call planning consulting service contracts with 10 planning consulting firms (Dyett & Bhatia; Opticos; Environmental Science Associates (ESA); MIG; Lisa Wise Consulting, Inc.; WRT, LLC; Placeworks; Rami & Associates; Callander Associates; and Alta Planning + Design) for as-needed services in an amount not to exceed \$600,000 per firm over a three-year period, with an option to extend the contracts for two years.

***G-8.** Approved a two-year contract with EPIC Recruiting, LLC for online law enforcement recruiting campaign services to include brand development, video production, photography, recruiting website design and administration, job fair booth, print design, and online recruiting, in an amount not to exceed \$125,000 (\$50,000 to be allocated for use Fiscal Year (FY) 2018/19 and \$75,000 allocated for use FY2019/20); for a term from May 1, 2019, to June 30, 2021.

***G-9.** Approved a two-year contract with Advance Crime Scene Restoration to manage crime scene cleanups in an amount not to exceed \$25,000, from March 1, 2019, through June 30, 2021.

***G-10.** Approved an appointment to the Richmond Youth Council: appointed Mario Ramirez, new appointment, seat #4, term expiration date October 1, 2019.

***G-11.** Approved an appointment to the ECIA Transportation Oversight Committee; appoint Kiran Agarwal, new appointment, seat #4, filling and unexpired term with and expiration date of July 25, 2019.

***G-12.** Approved appointments to the Design Review Board: appointed Macy Leung, re-appointment, seat #2, term expiration date March 17, 2021, Jessica Fine, new appointment, seat #5, term expiration date March 17, 2021.

***G-13.** Approved appointments to the Richmond-Zhoushan Sister City Commission; appointed James Lee, re-appointment, seat #7, term expiration date December 31, 2021, Leonard Ray Berry, re-appointment, seat #8, term expiration date December 31, 2021.

***G-14.** Approved an appointment to the Workforce Development Board; appointed Della Randolph, new appointment, seat #29, governmental, economic development, and community representative, term expiration date March 1, 2023.

***G-15.** Approved updates to the appointments for the Mayor and Councilmembers to Regional Committees, Ad-Hoc Committees and Liaison Positions for the year of 2019.

***G-16.** Proclamation declaring May 2019 as Bike Month in the City of Richmond.

***G-17.** Adopted a **Resolution No. 27-19**, approving the transfer of \$60,000 from the Landscape Maintenance District reserve fund into the operating budget and authorized the city manager to negotiate and execute all required documents and contracts to perform deferred maintenance and capital improvement projects at the Hilltop Lake, in amounts not to exceed \$60,000.

***G-18.** Approved a contract with East Bay Center for the Performing Arts to support ongoing arts programs and collaborations with the City in an amount not to exceed \$55,000. Contract dates are February 27, 2019, to February 27, 2020.

***G-19.** Approved a contract with NIAD Art Center (NIAD) to support ongoing arts programs and collaborations with the City in an amount not to exceed \$55,000. Contract dates are February 27, 2019, to February 27, 2020.

***G-20.** Approved the second of two one-year extensions to the contract with Bosco Oil Company dba Valley Oil Company to deliver

bulk fuel, extending the term to June 30, 2020, and increasing the payment limit by \$900,000 for a total of \$4,700,000.

***G-21.** Adopted **Resolution No. 28-19**, approving the Engineer's Report for Fiscal Year 2019-2020 for the Hilltop Landscape Maintenance District ("HLMD"), declaring the Council's intention to increase the annual assessment in the HLMD, and announcing a public hearing about the proposed increased assessment on June 4, 2019, at 6:30 p.m. in the City Council Chambers at 440 Civic Center Plaza in the City of Richmond.

***G-22.** Adopted **Resolution No. 29-19**, approving the Engineer's Report for Fiscal Year 2019-2020 for the Marina Bay Landscaping and Lighting Maintenance District, declaring the Council's intention to increase the annual assessment in the Marina Bay Landscaping and Lighting Maintenance District, and announcing a public hearing about the proposed increased assessment on June 4, 2019, at 6:30 p.m. in City Council Chambers at 440 Civic Center Plaza in the City of Richmond.

***G-23.** Approved the minutes of the April 16, 2019, regular Richmond City Council meeting.

BUDGET SESSION

H-1. The city council acknowledged receipt of the first drafts of the Fiscal Year (FY) 19-20 Annual Operating Budget and FY19-24 CIP Budget, and approved the process and schedule for their review and adoption. City Manager Carlos Martinez and Finance Director Belinda Warner gave an overview of the budget. Discussion ensued. A motion by Councilmember Willis, seconded by Councilmember Myrick, acknowledged receipt of the budget, by the unanimous vote of the city council.

PUBLIC HEARINGS

I-1. The City Clerk announced that it was time pursuant to public notice to hear a matter to consider an appeal filed by Eric Whann, of the Planning Commission's conditional approval of PLN18-053 and affirmed the Planning Commission's conditional approval of a Conditional Use Permit and Design Review Permit for a mini-storage facility with artist work studios at 205 Cutting Boulevard, with the addition of certain conditions was presented by Lina Velasco, Planning Manager, and Roberta Feliciano, Planner. This item was continued from the April 16, 2019, meeting. Vice Mayor Choi opened the public hearing. The major opponent gave comments. *(The city council took a 5 minute recess from 9:34 p.m. to 9:39 p.m.)*. The following individuals gave comments: Raymond Pestalozzi, Paul Butler, Louis Windhurst, Cecil Calban, Philip Rosenthal, George Huff, Buzz Baylis, Gil de la Roza, Robert Keller, Kit Pappenheimer, Laura Johnson, Ryan Turner, Ellen Pechman, Jeff Wright, Stuart Littell, Margaret Jordan, Joseph Puleo, Cassis Stepak, Deborah Muss, Jan Diamond, Jerry Feagley, Lynson Beaulieu, Jeff Lee, Graham Liggett, Dave Schoenthal, Darlene Drapkin, Najari Smith, Sheila Steele, Antwon Cloird, Avi Atid, Heidi Headapohl, *(11:00 p.m. – A motion by Councilmember Johnson, seconded by Councilmember Willis, extended the meeting 30 minutes, by the following vote: Ayes: Councilmembers Bates, Johnson III, Martinez, Willis, and Vice Mayor Choi. Noes: None. Absent: Councilmember Myrick and Mayor Butt. Abstain: None)*. Speakers continued with Vernon Whitmore, Sonia Rivas, Mike Parker, Joyce Mirabito, Steve Mirabito, Robert Humphreys, Linda Whitmore, *(11:23 p.m. – A motion by Councilmember Martinez, seconded by Councilmember Johnson III, extended the meeting 30 minutes, by the following vote: Ayes: Councilmembers Bates, Johnson III, Martinez,*

Willis, and Vice Mayor Choi. **Noes:** None. **Absent:** Councilmember Myrick and Mayor Butt. **Abstain:** None). Speakers continued with Judy Stone, and Cordell Hindler. The appellant and applicant gave rebuttals. Vice Mayor Choi declared the public hearing closed. Discussion ensued. A motion by Councilmember Willis, seconded by Councilmember Johnson III, to uphold the appeal, to deny the permit, and deny the Planning Commission's approval of the project. The findings for the denial were the size of the building was too large, the surrounding neighbors did not want the project to move forward, there were other storage facilities within a mile of each other, and there was not sufficient input solicited from the Santa Fe Neighborhood Council. Councilmember Martinez stated for the record that he received a presentation from the applicants and directed them to meet with the Santa Fe Neighborhood Council. The City Council was also concerned about the contamination and remediation issues of the site. Councilmember Martinez called for the question. The motion passed by the following vote: **Ayes:** Councilmembers Johnson III, Martinez, Willis, and Vice Mayor Choi. **Noes:** None. **Absent:** Councilmember Myrick and Mayor Butt. **Abstain:** Councilmember Bates.

I-2. Continued to the July 16, 2019, meeting, 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.

COUNCIL AS A WHOLE

J-1. Continued to the May 21, 2019, meeting, the matter to consider reestablishing the West Contra Costa Unified School District/City Coordination Committee and provide direction to staff.

J-2. Continued to the May 21, 2019, meeting, the matter to direct staff to amend Ordinance 5-16 (The Richmond Municipal Code entitled Citizens Police Review Commission) to establish a quorum relative to the number of commissioners appointed, and to bring the drafted ordinance to the City Council for a first reading.

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

None.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:58 p.m., to meet again on Tuesday, May 21, 2019, at 6:30 p.m.

Clerk of the City of Richmond

(SEAL)

Approved:

Mayor