

RICHMOND, CALIFORNIA, May 21, 2019

The Richmond City Council Evening Open Session was called to order at 5:01 p.m. by Mayor Thomas K. Butt.

ROLL CALL

Present: Councilmembers Demnlus Johnson III, Melvin Willis, Vice Mayor Ben Choi, and Mayor Tom Butt. **Absent:** Councilmember Nathaniel Bates was absent the entire meeting. Councilmembers Eduardo Martinez and Jael Myrick arrived after the council adjourned to 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

LIABILITY CLAIMS - (Government Code Section 54956.9):

Larry Lewis vs. City of Richmond
Shawn Pickett vs. City of Richmond

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

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)

Cordell Hindler gave comments.

The Open Session adjourned to Closed Session at 5:04 p.m.
Closed Session adjourned at 6:32 p.m.

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

ROLL CALL

Present: Councilmembers Johnson III, Martinez, Myrick, Willis, Vice Mayor Choi, and Mayor Butt. **Absent:** Councilmember Bates was absent the entire meeting.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Item G-9 was removed from the Consent Calendar for discussion after Item I-1. Item G-22 was continued to the May 28, 2019, meeting, and Item M-2 was continued to the June 4, 2019, meeting. Item M-3 was withdrawn from the agenda. Item K-2 was moved to be heard after Item H-2. A motion by Councilmember Willis, seconded by Councilmember Martinez to hear item G-9 after Item I-1 passed by the following vote: **Ayes:** Councilmembers Johnson III, Martinez, Willis, and Vice Mayor Choi. **Noes:** Mayor Butt. **Absent:** Councilmember Bates. **Abstain:** Councilmember Myrick.

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 that the Taste of Richmond event was successful and more than 750 tickets were sold. Mr. Martinez also reported that he and City staff met with Standard and Poor's rating agency representatives and awaited the City's rating results. Mr. Martinez thanked everyone involved in the process.

OPEN FORUM FOR PUBLIC COMMENT

Naomi Williams announced that the Commission on Aging Zydeco dance was held on August 24, 2019, at the Richmond Auditorium. Tickets could be purchased at the Richmond Recreation Complex at 3220 Macdonald Avenue.

Andrea Hughes stated other surrounding cities have moved forward with tiny homes much faster than the proposed timeframe for implementation in Richmond.

Andres Soto gave comments regarding a town hall meeting at the East Bay Center for the Performing Arts regarding the future of Point Molate. Mr. Soto also stated that several employees of the Bay Area Air Quality Management District were terminated for having accused the district for destroyed refinery emission reports.

Bea Roberson stated that there was a timing problem with the traffic lights at Carlson Boulevard and Bayview Avenue.

Rick Perez gave comments regarding AB 392 regarding necessary force versus justified force.

Gerald Smith and Patricia Perez gave comments regarding a recent video released by the Richmond Police Department regarding the death of Pedie Perez.

Tarnel Abbott gave comments regarding the Point Molate project.

Steve Ongerth, Janet Johnson, and Sara Theiss stated that the shipment of coal to the Richmond-Levin Terminal needed to be phased out and terminated.

Franki Luna, Allston Parker, Manuel Nava, Bryan Gonzales, and Joseph Harris, gave comments regarding the problem of litter and trash throughout Richmond.

Daniela Mejorado stated that Richmond Neighborhood Housing Services assisted and located homes for rent and sale for low-income residents.

Martin Ayala stated that landlords could receive a tax incentive if they rented to individuals with a criminal record.

David Helvarg, Tony Sustak, and Paul Carmon gave comments regarding the recent Point Molate Community Forum.

Susan Wehrle stated that the City should extend the hours of its community swimming pools.

Michael Gliksohn stated he was not pleased with the way items were placed on the agenda that tried to prevent public input.

Sue Wilson and Joseph Puleo gave comments regarding the board and commission appointments that were placed together as one item on the agenda.

Pam Stello stated she was not appointed to the Point Molate Advisory Committee due to an article in the newspaper with her photo.

Deborah Bayer stated the homeless should be provided with trash receptacles.

Mike Parker stated Mayor Butt has blocked the process of appointments to various boards and commissions.

Cesar Zepeda invited everyone to attend the 5th Annual Richmond Rainbow Pride event on Sunday, June 2, 2019, at Marina Bay Park from 10 a.m. to 3 p.m.

David Drisdale gave comments regarding overgrown grass on medians and garbage throughout the City.

Anita Pereira urged the City to protect the natural beauty of Point Molate.

CITY COUNCIL CONSENT CALENDAR

On motion of Councilmember Willis, seconded by Vice Mayor Choi, the items marked with an (*) were approved by the follow vote of the City Council: **Ayes:** Councilmembers Johnson III, Martinez, Myrick, Willis, Vice Mayor Choi and Mayor Butt. **Noes:** None. **Absent:** Councilmember Bates. **Abstain:** None.

* **G-1.** Authorized the city manager to utilize Chevron Environmental and Community Investment Agreement (ECIA) funds to: (1) execute a contract with GRID Alternatives (GRID) in a contract amount of \$1,400,872 to provide solar installations and associated roof and electrical upgrades to 180 low-income

households; and (2) reimburse the City for associated staff costs for project management, outreach and administrative costs.

* **G-2.** Authorized the Water Resource Recovery Department Director Ryan Smith to travel to Denmark on June 10 through 15, 2019, to attend a fact-finding trip to learn about Danish innovations in wastewater treatment and resource recovery innovation, with expenses paid by the Danish program's organizers.

* **G-3.** Approved a Schedule and Quote with Active Network, LLC to provide an annual refresher and certification training for the program registration and scheduling software system used by the Community Services Department. This action increases the contract amount by \$6,000 for a total contract amount not to exceed \$53,700 with a contract term ending date of March 26, 2020.

* **G-4.** Approved a three-year contract with Pyro Spectaculars North, Inc., to provide a fireworks show for the City of Richmond on July 3rd at the Marina Bay Park, in the amount of \$123,600 for the term of three years effective July 1, 2019, to July 31, 2021.

* **G-5.** Approved the purchase of two 2019 Ford Fusion Energi from Towne Ford, in an aggregate amount not to exceed \$62,000.

***G-6.** Accepted and appropriated a California Library Association (CLA) grant in the amount of \$2,000 for the Library and Cultural Services Department, Library Division, and approved an agreement with CLA to provide programming for the Lunch at the Library program for the summer of 2019.

***G-7.** Adopted **Resolution No. 30-19**, authorizing service contracts with CEQA and NEPA consulting firms (12 firms referenced in resolution) for as-needed services, in an amount not to exceed \$1,000,000 per firm over a three-year period, with an option to extend the contracts for two years.

***G-8.** Adopted **Resolution No. 31-19**, accepting the recommendation of the EPA Brownfields Revolving Loan and Grant Approval Board to award the Community Housing Development Corporation of North Richmond (CHDC) a \$269,792 grant, and authorized the city manager and/or his designee to execute a standard contract with CHDC to complete remediation of four vacant sites in North Richmond.

G-9. The matter to approve the following appointments and re-appointments was presented by Mayor Butt: Richmond Rent Board: Alana Grice Conner, new appointment, seat #1, term expiration date March 21, 2021, Virginia Finlay, re-appointment, seat #2, term expiration date March 21, 2021, Emma Gerould, re-appointment, seat #3, term expiration date March 21, 2021, David Gray, re-appointment, seat #4, term expiration date March 21, 2021, Lauren Maddock, re-appointment, seat #5, term expiration date March 21, 2021; and Community Police Review Commission: Porschea Brown, new appointment, seat #2, filling an unexpired term with and expiration date of November 1, 2020, Christopher Whitmore, new appointment, seat #5, term expiration date November 1, 2021, Randy Joseph, new appointment, seat #6, term expiration date November 1, 2021, Steven Lacy, new appointment,

seat #7, term expiration date November 1, 2021; and Planning Commission: Nancy Baer, re-appointment, seat #1, term expiration date June 30, 2020, Jen Loy, re-appointment, seat #2, term expiration date June 30, 2020, David Tucker, re-appointment, seat #3, term expiration date June 30, 2021, Andrew Butt, re-appointment, seat #4, term expiration date June 30, 2020, Michael Huang, re-appointment, seat #5, term expiration date June 30, 2020, Claudia Garcia, re-appointment, seat #6, term expiration date June 30, 2020, and Brandon Evans, new appointment, seat #7, term expiration date June 30, 2020. The following individuals gave comments: Andres Soto, Commiella Duncan, Quanah Brightman, James Daniels, Ana Ore, Elsa Stevens, Susan Singh, Tarnel Abbott, Mary Marsella, Mike Parker, Graciela Lechon, Courtney Cummings, Margaret Brown, Tony Sustak, Tim Laidman, Virginia Ramirez, Sue Wilson, Jane Courant, Kathleen Wimer, Elsa Monroe, Audrey Jenkins, Ilona Clark, BK Williams, Rosalinda Palacios, Michael Gliksohn, Deborah Bayer, Joseph Puleo, Charles Smith, Randy Joseph, Melissa Peebles, Francisco Torres, Pam Stello, Paul Carmon, William Casey, Kabir Kapur, Lori Wickliff, and Dorothy Gilbert. The following individuals gave comments: Andres Soto, Commieollo Duncan, Quanah Brightman, James Daniels, Ana Ore, Elsa Stevens, Susan Singh, Tarnel Abbott, Mary Marsella, Mike Parker, Graciela Lechon, Courtney Cummings, Margaret Brown, Tony Sustak, Tim Laidman, Virginia Ramirez, Sue Wilson, Jane Courant, Kathleen Wimer, Elsa Monroe, Audrey Jenkins, Ilona Clark, BK Williams, Rosalinda Palacios, Michael Gliksohn, Deborah Bayer, Joseph Puleo, Charles Smith, Randy Joseph, Melissa Peebles, Francisco Torres, William Casey, Raquel Antolin, Kabir Kapur, Dorothy Gilbert, and Laura Mangels. Discussion ensued. A motion was made by Councilmember Myrick, seconded by Councilmember Johnson III to approve all appointments. *(11:00 p.m. - A motion by Councilmember Willis, seconded by Councilmember Myrick, extended the meeting 30 minutes, by the following vote: Ayes: Councilmembers Johnson III, Martinez, Myrick, Willis, Vice Mayor Choi, and Mayor Butt. Noes: None. Absent: Councilmember Bates. Abstain: None).* A substitute motion was made by Councilmember Willis, seconded by Councilmember Martinez to approve only the appointments to the Citizen's Police Review Commission. Mayor Butt withdrew the item. A motion made by Councilmember Willis, seconded by Councilmember Martinez, to overrule the mayor's withdrawal of the item passed by the following vote: **Ayes:** Councilmembers Martinez, Myrick, Willis, and Vice Mayor Choi. **Noes:** Mayor Butt. **Absent:** Councilmember Bates. **Abstain:** Councilmember Johnson III; however, Mayor Butt ruled the motion and vote out of order. A second substitute motion was made by Councilmember Myrick, to approve all of the appointments except for Alana Grice Conner died for lack of a second. A motion by Councilmember Martinez to adjourn the meeting died for lack of a second. The item was withdrawn from the agenda.

***G-10.** Approved an appointment to the Commission on Aging: appointed Dr. Shirley Gilbert, re-appointment, seat #13, term expiration date May 19, 2023.

***G-11.** Approved appointments to the Economic Development Commission: appointed Ayoka Medlock-Nurse, new appointment, seat #1, filing an unexpired term with an expiration date of March 30, 2021, Tina Brown, re-appointment, seat #6, term expiration date March 30, 2022, Audrey Shields, new appointment, seat #8, term expiration date March 30, 2022, Diana Wear, re-appointment, seat #9, term expiration date March 30, 2022, James

Lee, re-appointment, seat #11, term expiration date March 30, 2022, Patrick Sterns, re-appointment, seat #12, term expiration date March 30, 2022, Hossian Albgal, re-appointment, seat #14, term expiration date March 30, 2022, and Christina Kenney re-appointment, seat #15, term expiration date March 30, 2022.

***G-12.** Adopted **Ordinance No. 7-19 N.S.** amending Chapter 9.40.015 of the Richmond Municipal Code entitled "Tiny Houses on Wheels Pilot Project" to extend the termination date of the project through July 25, 2021.

***G-13.** Adopted **Resolution No. 32-19**, accepted and appropriated \$130,000 in San Francisco Bay Trail funds from the Association of Bay Area Governments (ABAG) for the North Shore (Goodrick Avenue) Bay Trail Gap Closure Project.

***G-14.** Rejected the bid received for the 2019 Slurry Seal Project and directed staff to re-advertise the project.

***G-15.** Adopted **Resolution No. 33-19**, accepted and appropriated \$788,854 in funding from the Contra Costa County Health Services Hazardous Materials Division, and Approved a two-year interagency agreement from July 1, 2019, to June 30, 2021, in support of the department's Hazardous Materials Response Program.

***G-16.** Adopted **Resolution No. 34-19**, accepted and appropriated the ST18 Sexual Assault Law Enforcement Specialized Units Program grant from the Cal OES funds in the amount of \$204,500 and approved the continuation of a contract with Community Violence Solutions, funded by the Cal OES grant for on-site advocates to assist victims of sexual assault for the period January 1, 2019, through December 31, 2019, in an amount not to exceed \$94,611.

***G-17.** Adopted **Resolution No. 35-19**, accepted and appropriated \$3,440 in grant funding from the California Department of Justice, Bureau of Forensic Services awarded to the Richmond Police Department to audit sexual assault evidence kits in police evidence.

***G-18.** Approved an interagency agreement to provide the Contra Costa County Behavioral Health Services Division with police arrest data from July 15, 2018, to September 15, 2020; and accepted and appropriated \$22,500 in Proposition 47 grant funds.

***G-19.** Approved a contract with Contra Costa County Department of Technology to provide radio programming repairs and necessary software upgrades on all radio equipment used by the police department in an amount not to exceed \$12,000, from March 1, 2019, through June 30, 2019.

***G-20.** Approved a sole-source contract with STAND! For Families Free of Violence for the continuation of services for on-site advocates to assist victims of domestic violence for the period January 1, 2019, to December 31, 2019, in an amount not to exceed \$47,567.

***G-21.** Approved the minutes of the April 23, 2019, regular Richmond City Council meeting.

G-22. Continued to the May 28, 2019, meeting the matter to adopt a resolution in recognition of Peace Officers' Memorial Day and National Police Week from May 12th through May 18th, 2019.

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

***H-1.** Adopted **Resolution No. 36-19**, in support of Assembly Bills 1505, 1506, and 1507, which regulates charter schools and gives district school boards more authority to resist privatization of schools and direct staff to send letters of support to Assembly Member Wicks, Senator Skinner, and Governor Newsom.

***H-2.** Adopted **Resolution No. 37-19**, in support of California State Assembly Bill No. 857, the "Public Banking Act", authored by Assembly Members David Chiu and Miguel Santiago, to allow local government to apply for a state banking charter to establish a public bank.

BUDGET SESSION

I-1. The matter to receive an update on the draft operating budget for Fiscal Year 2019-20 and the Capital Improvement Plan budget for Fiscal Years 2019-24 was presented by City Manager Carlos Martinez and Finance Director Belinda Warner. The following departments made their budget presentations: Office of the Mayor, Office of the City Council, Community Police Review Commission, City Manager's Office, City Clerk's Office, City Attorney's Office, Finance Department, Human Resources, Information Technology, Employment and Training, Community Services, Library and Cultural Services, and Office of Neighborhood Safety. The following individuals gave comments: Jane Courant, Michael Smith, and Mike Parker.

PUBLIC HEARINGS

J-1. The City Clerk announced that it was time pursuant to public notice to hold a public hearing to introduce an ordinance establishing certain fees for the proposed Master Fee Schedule. The item was presented by Revenue Manager Antonio Banuelos. Mayor Butt declared the public hearing open. There were no public speakers. Mayor Butt closed the public hearing. On motion of Councilmember Willis, seconded by Councilmember Johnson III said ordinance received first reading and was laid over for two week for second reading by the following vote: **Ayes:** Councilmembers Johnson III, Martinez, Myrick, Willis, Vice Mayor Choi, and Mayor Butt. **Noes:** None. **Absent:** Councilmember Bates. **Abstain:** None.

RESOLUTIONS

K-1. The matter to adopt a resolution: (a) providing for the issuance of the City's Wastewater Revenue Bonds, Series 2019A and its Wastewater Revenue Refunding Bonds, Series 2019B; (b) authorizing the execution and delivery of a seventh supplemental indenture, a bond purchase agreement, and escrow agreement, a continuing disclosure agreement and an official statement; (c) approving a form of preliminary official statement in connection therewith; (d) authorizing a swap termination payment related to

the City's variable rate Wastewater Revenue Refunding Bonds, Series 2008A and directing the execution of a swap termination agreement and documents related thereto; and (e) authorizing certain other actions in connection therewith was presented by Finance Director, Belinda Warner. A motion by Councilmember Willis, seconded by Councilmember Myrick, adopted **Resolution No. 38-19**, by the following vote: **Ayes:** Councilmembers Johnson III, Martinez, Myrick, Willis, Vice Mayor Choi, and Mayor Butt. **Noes:** None. **Absent:** Councilmember Bates. **Abstain:** None.

K-2. The matter to adopt a resolution opposing BNSF Railway Company's plan to reactivate rail use through Miller/Knox Regional Shoreline Park was presented by East Bay Regional Park District representatives. The following individuals gave comments: Former Congressman George Miller, Supervisor John Gioia, Quanah Brightman, Peter Thelin, Buzz Baylis, Richard Katz, Clair Brown, Joe Fisher, Uche Uwahemu, Bruce Beyear, Judy Weatherly, Eric Aaholm, Blanca Hernandez, Steven McClary, Cesar Zepeda, Laticia Alzisa, Bonnie Akimoto, Rick Willis, Mike Parker, Lisa Park, Scott Nolland, Tim Doherty, and Kabir Kapur. Discussion ensued. A motion by Councilmember Willis, seconded by Vice Mayor Choi, adopted **Resolution No. 39-19**, by the following vote: **Ayes:** Councilmembers Johnson III, Martinez, Myrick, Willis, Vice Mayor Choi, and Mayor Butt. **Noes:** None. **Absent:** Councilmember Bates. **Abstain:** None.

K-3. The matter to adopt a resolution establishing the Fiscal Year 2019-20 Residential Rental Housing Fee in the amount of \$212 per Controlled Rental Unit and \$112 per Partially Covered Rental Unit, which includes Governmentally Subsidized Rental Units was presented by Rent Board Director Nicolas Traylor. The following individuals gave comments: Elsa Stevens, Susan Singh, Ilona Clark, Audrey Jenkins, Madelyn Christian, Rosalinda Palacios, Francisco Torres, and William Casey. Discussion ensued. *(11:30 p.m. - A motion by Councilmember Myrick, seconded by Councilmember Johnson, extended the meeting until Item K-3 was completed, passed by the following vote: **Ayes:** Councilmembers Johnson III, Martinez, Myrick, Willis, Vice Mayor Choi, and Mayor Butt. **Noes:** None. **Absent:** Councilmember Bates. **Abstain:** None).* A motion by Councilmember Willis, seconded by Councilmember Martinez, adopted **Resolution No. 40-19**, by the following vote: **Ayes:** Councilmembers Johnson III, Martinez, Myrick, Willis, and Vice Mayor Choi. **Noes:** Mayor Butt. **Absent:** Councilmember Bates. **Abstain:** None.

ORDINANCES

L-1. Continued to the June 4, 2019, City Council meeting, the matter to introduce an ordinance (first reading) to amend Richmond Municipal Code 2.34 entitled "Schedule of Fees and Service Charges" to charge fees to members of the public seeking electronic records under the Public Records Act to review, extract and redact audio and video files. The immediate parties to a police encounter involving a use of force that results in great bodily injury or death, an immediate family member or next of kin are exempt from said fee.

COUNCIL AS A WHOLE

M-1. Continued to the June 4, 2019, City Council 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. This item was continued from the May 7, 2019, meeting.

M-2. Continued to the June 4, 2019, City Council meeting, the matter reestablishing the West Contra Costa Unified School District/City Coordination Committee and provide direction to staff. This item was continued from the May 7, 2019, meeting.

M-3. Withdrew from the agenda the matter to amend Richmond Municipal Code Chapter 10.08 Trimming, Pruning, Care, Planting, Removal, and moving of trees, shrubs or plants to include a list of invasive and prohibited species in the City of Richmond and direct staff to conduct a cost analysis of removing Eucalyptus trees at the ferry terminal.

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

None.

ADJOURNMENT

There being no further business, the meeting adjourned at 12:10 p.m., in memory of Edward Summerall, to meet again on Tuesday, May 28, 2019, at 6:30 p.m.

Clerk of the City of Richmond

(SEAL)

Approved:

Mayor