

RICHMOND, CALIFORNIA, June 4, 2019

The Richmond City Council Evening Open Session was called to order at 5:03 p.m. by Mayor Thomas K. Butt.

ROLL CALL

Present: Councilmembers Nathaniel Bates, Demnlus Johnson III, Eduardo Martinez, Jael Myrick, Melvin Willis, Vice Mayor Ben Choi, and Mayor Tom Butt. **Absent:** None.

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):

Onome Ojo vs. City of Richmond

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957):

Title: City Manager

The Open Session adjourned to Closed Session at 5:06 p.m. Closed Session adjourned at 6:20 p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:31 p.m., by Mayor Butt who led the Pledge of Allegiance to the Flag.

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Item H-3 was continued to the June 18, 2019, meeting. Item H-5, H-8, and H-16 were removed from the Consent Calendar for discussion at the end of the agenda. A motion by Councilmember Martinez, seconded by Councilmember Willis, moved Items M-1, M-2, and M-3 after Open Forum, passed by the following vote: **Ayes:** Councilmembers Bates, Johnson III, Martinez, Willis, Vice Mayor Choi. **Noes:** Councilmember Myrick and Mayor Butt. **Absent:** None. **Abstain:** None. A motion by Councilmember Myrick, seconded by Councilmember Johnson III, heard Item H-16 before Council as a Whole, passed by the unanimous vote of the City Council. Items H-9, H-10, H-11, and J-1, were withdrawn from the agenda.

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

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

REPORT FROM THE CITY MANAGER

City Manager Carlos Martinez stated that there was a \$2 million budget deficit; however the budget item on the agenda tonight regarding potential organizational restructuring was not an action item.

OPEN FORUM FOR PUBLIC COMMENT

Naomi Williams announced that the Juneteenth celebration would be held on Saturday, June 15, 2019; the parade would begin at 10 a.m. from Booker T. Anderson Park on Carlson Boulevard and S. 47th Avenue to Nichol Park on Macdonald Avenue and 30th Street. The celebration at the park would be from 11:30 a.m. to 6:00 p.m.

Mike Ali announced that the United Urban Warriors Society, California Chapter held its 5th Annual Indigenous Peoples Walk for Sobriety on Saturday, July 20, 2019.

Jim Becker stated that the Richmond Community Foundation and the City of Richmond created a social impact bond with the goal of reclaiming blighted, abandoned properties throughout the city to provide opportunities for home ownership. Mr. Becker thanked Charice Duckworth, Successor Agency, and Tim Higare, Department of Infrastructure and Maintenance Director, for their assistance with the program.

Bea Roberson stated there needed to be more equity in the salaries paid to city employees.

Jan Mignone, President of the Richmond Neighborhood Coordinating Council, stated that the group met with city staff on a regular basis to improve the city and emphasized that community and city partnerships are very important.

Eleanor Thompson and Elsa Stevens stated there should be no layoff of employees during the budget process.

Audrey Jenkins stated that two tenants and two landlords would be appropriate to serve on the Rent Board.

Marco Oropeza stated that he was disappointed in some of the financial audit findings.

Jan Gilbrecht stated that the city should receive its fair share of money from Contra Costa County.

Tarnell Abbot stated that the city needed to renegotiate the Point Molate deal with developer Jim Levine.

Jan Gilbrecht thanked Director of Department of Infrastructure and Maintenance Operations Tim Higare, and Community Services Director Rochelle Polk for their responsiveness to the needs of the community.

Pam Bilbo gave comments regarding audit findings in reference to the police chief's Cal-Card approvals by the finance director.

Marilyn Langlois gave comments in support of city staff during contract labor negotiations.

Ruscal Cayanyang stated that the City Council should increase oversight on the city's contracts under \$10,000 and any personnel actions or promotions.

Jackie Thompson stated that the number of company cars driven by city employees should be evaluated. Ms. Thompson also stated that there have been several fires along the train tracks on Carlson Boulevard and Ohio Avenue.

Rick Perez stated that property that belonged to him and his son, Pedie Perez, was never returned from the police department.

Patricia Perez stated that the city did not release all of the records regarding the death of her grandson, Pedie Perez.

Mike Parker stated city workers should receive a cost of living increase.

Cesar Zepeda thanked the city for having flown both the Juneteenth and Pride flags during the month of June. Mr. Zepeda also invited everyone to the Hope Project II event on Saturday, June 22, 2019, from 10:00 a.m. to 2:00 p.m., to cleanup and beautify the GRIP Center.

CITY COUNCIL CONSENT CALENDAR

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

***H-1.** Approved a recommendation from the City Council Ad Hoc Committee to award \$54,000 in FY 2019-20 Environmental Community Investment Agreement (ECIA) Grant funds (Category 3 - City Council Approved Award) to nine Richmond-serving non-profit organizations.

***H-2.** Adopted **Resolution No. 41-19**, to accept and appropriate \$146,246 in funding from the 2017 and 2018 Edward Byrne Memorial Justice Assistance Grant (JAG) Program awarded to the Richmond Police Department for the purchase of police safety equipment.

H-3. Continued to the June 18, 2019, City Council meeting the matter to approve a contract amendment with Vigilant Solutions LLC in an amount not to exceed \$30,000, with a term from July 1, 2019 to June 30, 2022.

***H-4.** Approved a contract with Tyler Technologies Inc. and its subsidiary, Socrata Inc., to develop and maintain an expanded cloud-based dashboard software service that publicly reports City of Richmond performance data for an amount not to exceed \$657,728 over five years, with a project contingency for optional services of \$42,272 for a total contract amount of \$700,000, utilizing funds from the Information Technology ERP budget (01262417 400502).

H-5. The matter to approve the first amendment to the legal services agreement with Downey Brand LLP (Christian Marsh and Don Sobelman) to represent the City as CEQA counsel

for the Point Molate project, with a payment limit of \$240,000 to be paid with funds deposited by the master developer was presented Acting City Attorney Carlos Privat. Tarnel Abbott gave comments. A motion by Vice Mayor Choi, seconded by Mayor Butt, to approve the item, failed by the following vote: **Ayes:** Councilmembers Bates, Vice Mayor Choi, and Mayor Butt. **Noes:** None. **Absent:** None. **Abstain:** Councilmembers Johnson III, Martinez, Myrick, and Willis.

***H-6.** Received a report on the Richmond Municipal Sewer District for the months of March and April 2019.

***H-7.** Adopted **Resolution No. 42-19**, upholding the appeal by Eric Whann and denying the Conditional Use Permit and Design Review Permit (PLN18-053) for a mini-storage facility with artist work studios at 205 Cutting Boulevard. *Vote from the May 7, 2019, City Council meeting:* **Ayes:** Councilmembers Johnson III, Martinez, Willis, and Vice Mayor Choi. **Noes:** None. **Absent:** Councilmember Myrick and Mayor Butt. **Abstain:** Councilmember Bates.

H-8. The matter to adopt an ordinance establishing certain fees for the proposed Master Fee Schedule was pulled from the Consent Calendar for discussion by Richmond resident Tarnel Abbott. Ms. Abbott gave comments. A motion by Councilmember Martinez, seconded by Councilmember Willis, adopted **Ordinance No. 8-19 N.S.**, by the unanimous vote of the City Council.

H-9. Withdrew from the agenda an ordinance (first reading) to establish wages, salary, and compensation for the new Police Records and Property Manager classification (Salary Range No. 070D \$9,535 - \$11,532/month).

H-10. Withdrew from the agenda a resolution amending the City of Richmond's Position Classification Plan to add the new classification specification for Police Records and Property Manager.

H-11. Withdrew from the agenda a resolution amending the City of Richmond's Position Classification Plan to add the new classification of Deputy Fire Marshall.

***H-12.** Accepted and appropriated a \$1,024,000 grant from the Metropolitan Transportation Commission (MTC); and approved a contract with Gotcha LLC in an amount not to exceed \$868,000 for the development of a publicly available bike share system in Richmond.

***H-13.** Received the monthly report on Point Molate activities for the month of March 2019.

***H-14.** Received the monthly report on Point Molate activities for the month of April 2019.

***H-15.** Received the City's Investment and Cash Balance Report for the month of April 2019.

H-16. The matter to approve the following appointments and re-appointments: 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, was presented by Mayor Butt. Discussion ensued. The following individuals gave comments: Mike Parker, Sue Wilson, Tarnel Abbott, Deborah Bayer, Margaret Jordan, Rick Perez, Ritchie Cook, Marilyn Langlois, Millie Cleveland, Audrey Jenkins, and Sean Stalbaum. Discussion ensued. Mayor Butt stated a commitment to appoint a renter to an upcoming vacancy on the Rent Board. A motion was made by Councilmember Myrick, seconded by Councilmember Johnson III, to approve all of the appointments. A substitute motion by Councilmember Martinez, seconded by Councilmember Willis to appoint members of the Community Police Review Commission and the reappointments to the Rent Board, failed by the following vote: **Ayes:** Councilmembers Johnson III, Martinez, Myrick, Willis, and Vice Mayor Choi. **Noes:** Mayor Butt. **Absent:** None. **Abstain:** Councilmember Bates. A motion by Councilmember Bates, seconded by Councilmember Willis, to approve appointments to members of the Community Police Review Commission, failed by the following vote: **Ayes:** Councilmembers Bates, Johnson III, Martinez, Myrick, Willis, and Vice Mayor Choi. **Noes:** Mayor Butt. **Absent:** None. **Abstain:** None. The original motion failed by the following vote: **Ayes:** Councilmembers Johnson III, Myrick, and Mayor Butt. **Noes:** Councilmembers Martinez, Willis, Vice Mayor Choi. **Absent:** None. **Abstain:** Councilmember Bates. A motion by Councilmember Myrick, seconded by Councilmember Willis, to approve the appointments to the Community Police Review Commission and all of the reappointments to the other commissions, failed by the following vote: **Ayes:** Councilmembers Bates, Johnson III, Martinez, Myrick, Willis, and Vice Mayor Choi. **Noes:** Mayor Butt. **Absent:** None. **Abstain:** None.

***H-17.** Received a status update on the development of the Richmond Department of Children and Youth (Department), and authorized the Department to release the proposed Oversight Board application.

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

***I-1.** Adopted **Resolution No. 43-19**, in support of AB 392 by Assembly member Weber to bring California Law in line with Best Policing Practices by limiting and redefining the circumstances under which a homicide by a peace officer is deemed justifiable to include self-defense or defense of another

and directed the city manager or designee to send a letter to our State Representatives.

ORDINANCES

J-1. Withdrew from the agenda 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.

BUDGET SESSION

K-1. The matter to receive the balanced Fiscal Year (FY) 2019-20 budget proposal; and provide direction on budget checklist items was presented by City Manager Carlos Martinez, who gave a PowerPoint presentation. The agenda report, including the balanced FY 2019-20 budget proposal it contained, was not an Action item. As noted in Attachment 4 (Memorandum to City Employee Organizations) and in the Conclusion herein, the item was presented only for purposes of City Council discussion and input at the June 4 meeting, and not for specific direction or a vote by the City Council. Discussion ensued. The following individuals gave comments: Bea Roberson, Sean Stalbaum, Ana Pio, Dee Karnes, Eric Peterson, and Ben Therriault. Discussion ensued. The City Council emphasized the importance of identifying revenue raising measures.

PUBLIC HEARINGS

L-1. Continued to the June 18, 2019, meeting the matter to adopt a resolution approving the Engineer's Report and ordering the levy and collection of assessments in the Hilltop Landscape Maintenance District for the fiscal year 2019-2020, providing for a 3% increase in annual assessments.

L-2. Continued to the June 18, 2019, meeting the matter to adopt a resolution approving the Engineer's Report and ordering the levy and collection of assessments in the Marina Bay Landscaping and Lighting Maintenance District for the fiscal year 2019-2020, providing for a 3% increase in annual assessments.

COUNCIL AS A WHOLE

M-1. 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 was presented by Councilmember Martinez. Discussion ensued. The following individuals gave comments: Rick Perez, Mike Parker, Millie Cleveland, and Tarnel Abbot. A motion by Councilmember Martinez, seconded by Councilmember Myrick, approved the item with the amendment that the Citizen's Police Review Commission be included in the process of revisions to the ordinance. The motion passed by the following vote: **Ayes:** Councilmembers Bates, Johnson III, Martinez, Myrick, Willis, and Vice Mayor Choi. **Noes:** Mayor Butt. **Absent:** None. **Abstain:** None.

M-2. The matter to consider reestablishing the West Contra Costa Unified School District/City Coordination Committee and provide direction to staff was presented by Mayor Butt and Councilmember Martinez. Bea Roberson and Mike Parker gave comments. Discussion ensued. A motion was made by Councilmember Bates, seconded by Councilmember Willis to appoint Councilmembers Martinez and Johnson to an ad-hoc committee. The mayor ruled the motion out of order. A motion by Councilmember Martinez, seconded by Councilmember Willis to create an ad-hoc committee, passed by the unanimous vote of the City Council.

M-3. The matter to direct the city manager to convene a weekly meeting until a balanced budget was adopted with city department heads, labor leaders, and up to three City Council members to eliminate the budget deficit without adverse impacts to city employees was presented by Councilmember Willis. The following individuals gave comments: Sean Stalbaum, Dee Karnes, and Ben Therriault. A motion by Councilmember Willis, seconded by Councilmember Johnson III, approved the item by the unanimous vote of the City Council. Councilmembers Martinez, Willis, and Mayor Butt were appointed to participate in the budget meetings.

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

Councilmember Johnson III congratulated all of the recent high school graduates from the West Contra Costa Unified School District.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:10 p.m., in memory of Karen Williams, former city employee in the Public Works Department, to meet again on Tuesday, June 18, 2019, at 6:30 p.m.

Clerk of the City of Richmond

(SEAL)

Approved:

Mayor