

## **RICHMOND, CALIFORNIA, June 18, 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 Nathaniel Bates, Demnlus Johnson III, Melvin Willis, Vice Mayor Ben Choi, and Mayor Tom Butt. **Absent:** Councilmembers Eduardo Martinez and Jael Myrick arrived after adjourning 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**

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

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

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

Property: General Warehouse, Port of Richmond  
Agency Negotiators: Carlos Martinez, Jim Matzorkis  
Negotiating party: Richmond Grown  
Under negotiation: Price and terms of payment  
*(Mayor Butt recused himself from discussion on this item due to a conflict of interest with his architectural firm)*

Property: Port of Richmond (Rigger's Loft)  
Agency negotiators: Carlos Martinez and Jim Matzorkis  
Negotiating Party: (i) Rigger's Loft Wine Company, Inc.  
Under negotiation: Price and terms of payment

The Open Session adjourned to Closed Session at 5:05 p.m.  
Closed Session adjourned at 7:17 p.m.

The Regular Meeting of the Richmond City Council was called to order at 7:24 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**

None.

## **AGENDA REVIEW**

Items G-15 and G-19 were removed from the Consent Calendar for discussion and placed at the end of the agenda.

## **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 reported that on Thursday, June 13, 2019, the city marketed and issued \$88.6 million of wastewater bonds; \$22.5 million of the bonds were used to finance wastewater enterprise capital improvement programs.

## **OPEN FORUM FOR PUBLIC COMMENT**

Jerry Miller, Rosie Miller, and Barbara Miller, gave comments regarding the deplorable living conditions of their apartment complex.

Antwon Cloird and Rodney Alamo Brown gave comments regarding issues related to the Mindful Life Project.

Don Gosney congratulated Johnathan Christian, son of City Clerk Pam Christian, for being accepted into the Plumbers & Steamfitters Local 342 Apprentership Program. Mr. Gosney also stated that the new 341 area code overlay began on Saturday, June 22, 2019.

David Drisdale gave comments regarding the need for landscaping throughout the City of Richmond.

Javier Nazario reported that city trees were causing damage to his sidewalk and home.

LaDamien Flowers and Nicole Montalvo, Safe Return Project members, gave comments regarding the Fair Chance Housing Ordinance.

Rick Perez stated the mayor should vote to appoint members to the Community Police Review Commission so that they would be able to conduct meetings.

Patricia Perez stated that David Brown resigned as chairperson of the Community Police Review Commission.

Susan Wehrle and Glenna Mote stated that the city pools should continue to be funded and stay open. Ms. Wehrle also stated that the storage and shipment of coal in Richmond was a safety issue.

Ben Therriault thanked the City Council for facilitating budget meetings with the various city unions.

Yenny Garcia expressed frustration that positions for the Community Police Review Commission were not filled.

Kabir Kapur asked why some of the appointments to boards and commissions were placed on the agenda as one item and others were done separately.

Maryn Hurlbut, Chair Recreation & Parks Commission, stated that the city needed to pick up the trash in the parks more often.

Garry Hurlbut, President of Richmond Tennis Association, stated that in April, with the collaboration of the Community Services Department, 250 kids learned how to play tennis at Martin Luther King Park.

### **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:

**\*G-1.** Adopted **Resolution No. 44-19**, to amend the Port of Richmond FMC Tariff No. 3 reflecting a 3.1% increase in tariff rates as approved by the Executive Committee of the California Association of Port Authority (CAPA).

**\*G-2.** Approved a contract with Delta Grinding, Inc. for as-needed rental of street paving grinding equipment with operator in an amount not to exceed \$600,000 for a three-year period with an option to extend for two additional years

**\*G-3.** Adopted **Resolution No. 45-19**, updating the Master Fee Schedule setting the dollar amount for the new fees and adjusting the dollar amount for current.

**\*G-4.** Approved the purchase of two 4500P Ventrac tractors from Belcorp in an amount not to exceed \$78,000.

**\*G-5.** Approved a contract with Reed Madden Designs to complete fabrication and installation of the Point Sheridan public artwork for a not-to-exceed amount of \$116,275, for a total project amount of \$354,370, for a term that ends on December 31, 2025, to include five years of maintenance at no additional cost.

**\*G-6.** Adopted **Resolution No. 46-19**, accepting the Rules of Procedures for implementing portions of the Fair Chance Access to Affordable Housing Ordinance (RMC Chapter 7.110).

**\*G-7.** Approved a contract amendment No. 3 with R3 Consulting Group to continue assisting the City in the monitoring related to the five-year compliance review of the conditional use permit for the Bulk Materials Processing Center and associated facilities, to increase the contract amount by \$37,967, not to exceed \$140,851, for a term ending December 31, 2020.

**\*G-8.** Approved a two year contract with AmeriNat, for a term beginning on July 1, 2019, through July 31, 2021, for loan servicing services for the City's loan portfolio, including the Home Improvement Loan Program, in an amount not to exceed \$30,000.

**\*G-9.** Adopted **Resolution No. 47-19**, approving the application for Statewide Park Development and Community Revitalization Program Grant funds for use to revitalize Boorman Park.

**\*G-10.** Adopted **Resolution No. 48-19**, of the Council of the City of Richmond, establishing local rules for the conduct of employer-employee relations and superseding resolution No. 134-96.

**\*G-11.** Approved a three-year contract (Fiscal Years 2019/2020-2021/2022) with an optional two-year extension with George Hills Company, Inc. to provide third-party administration of general liability claims received by the City, in an amount not to exceed \$510,000.

**\*G-12.** Approved an appointment to the Recreation and Parks Commission: appointed Remi Payne, new appointment, seat #1, term expiration date October 26, 2021.

**\*G-13.** Approved appointments to the Human Rights and Human Relations Commission; appointed Mohamed Atia new appointment, seat #5, term expiration date March 30, 2022, and Angelica Delgado new appointment, seat #8, term expiration date March 30, 2022.

**\*G-14.** Adopted **Resolution No. 49-19**, recognizing the importance of the 2020 U.S. Census and supporting efforts to ensure a complete, fair, and accurate count of all.

**G-15.** 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, Commieolla Duncan, new 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, filing an unexpired term with an 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. Mayor Butt stated that Claudia Garcia moved out of Richmond and would not be considered for reappointment to the Planning Commission. The following individuals gave comments: Rick Perez, Margaret Browne, Yenny Garcia, Tony Sustak, and Ben Therriault. A motion was made by Councilmember Myrick, seconded by Councilmember Johnson III, to approve all of the appointments and reappointments. A substitute motion by Councilmember Martinez, seconded by Councilmember Bates, to vote on the

appointments and reappointments separately, failed by the following vote: **Ayes:** Councilmembers Bates, Martinez, and Willis. **Noes:** Mayor Butt. None. **Absent:** None. **Abstain:** Choi, Johnson III, and Myrick. The original motion passed by the following vote: **Ayes:** Councilmembers Choi, Johnson III, Martinez, Myrick, Willis, and Mayor Butt. **Noes:** None. **Absent:** None. **Abstain:** Bates.

**\*G-16.** Adopted **Resolution No. 50-19**, renewing standing orders/outline agreements for technology related goods and services from various vendors in an amount not to exceed \$250,000 per year per vendor for fiscal year 2019-2020 through 2023-2024.

**\*G-17.** Approved a fifth amendment of a contract with Icon Enterprise, Inc. dba Civic Plus, for web hosting, software maintenance, and support services for the City of Richmond's website for an additional period of three years, increasing the contract by an amount of \$75,000, for a total contract amount of \$241,500.

**\*G-18.** Approved the minutes of the May 7 and 28, 2019, regular Richmond City Council meetings.

**G-19.** 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 was presented by Police Chief Allwyn Brown. This item was continued from the June 4, 2019, meeting. Discussion ensued. The following individuals gave comments: Brian Hofer, Chris Broglio, Andrea Mullarkey, Don Arana-Fogg, Ben Therriault, and Kabir Kapur. A motion was made by Councilmember Bates, seconded by Mayor Butt, to approve the contract. No vote was taken, and the matter was continued to the June 25, 2019, City Council meeting. The City Council requested additional information regarding assurance that Vigilant Solutions did not share information obtained with Immigrations and Customs Enforcement (I.C.E.) and what other providers were available that also provided this service. The City Council also directed the city attorney to determine if said contract was in compliance with the Ordinance No. 12-18 N.S., regarding the city's contracting and investment policy.

**\*G-20.** Approved a Memorandum of Understanding (MOU) between the City of Richmond and the Richmond Police Activities League (RPAL) to subsidize RPAL staff and programs, ensuring that academic, athletic, and life-skills services offered by RPAL will continue for the period July 1, 2019, to June 30, 2021, in an amount not to exceed \$600,000 (\$300,000 annually for two years).

**\*G-21.** Adopted **Resolution No. 51-19**, authorizing the City Manager and Police Chief to execute reoccurring contracts for fiscal years 2019-2020 and 2020-2021 with Contra Costa County and the State of California at an aggregate annual amount of \$1,596,000. The execution of these contracts shall not exceed the limits as set forth: Services contracted with Contra Costa County include the following: California Law Enforcement Telecommunications System (CLETS) - \$10,000; California Identification Division (CAL ID) - \$135,000; Automated Regional Information Exchange System (ARIES) - \$45,000; All County Criminal Justice Information System (ACCCJIN) - \$20,000; Martinez Detention Facility intake fees - \$46,000; Alcohol/toxic

drug and crime scene evidence analysis - \$350,000; Sexual Assault Response Team (SART) examinations - \$40,000; annual jail inspection and audit - \$18,000; Coroner & Gunshot Residue (GSR) examination and analysis - \$10,000; out of state inmate extradition - \$4,000, Law Enforcement Training Center - \$19,000; Animal Services - \$700,000; East Bay Regional Communication System Authority (EBRCS) - \$178,000; The State of California contracted service includes all Live Scan fingerprinting- \$16,000; University of California Regents - \$5,000.

**\*G-22.** Approved an amendment to the contract with Liebert Cassidy Whitmore MP in an amount not to exceed \$50,000, bringing the total contract amount to \$60,000, to continue contract negotiations with SEIU Local 1021 through June 30, 2020.

**\*G-23.** Adopted **Resolution No. 52-19**, approving standing contracts for Veolia Water to manage (on behalf of the City) on-call construction services with five firms (Bay Hawk Inc., JMB Construction, Nor Cal Pipeline Services, Ranger Pipelines, and W.R. Forde Inc.) in an amount not to exceed \$2,000,000 per firm, per year, over a three-year period, with two optional one-year extensions.

**\*G-24.** Adopted **Resolution No. 53-19**, approving Veolia to manage and award the Cogeneration Project to the Design-Build team of Overaa/HydroScience to: (1) design and install a Cogeneration unit at the Richmond Wastewater Treatment Plant; and (2) demolish abandoned and unsafe structures, in an amount not to exceed \$5,689,084.

## **BUDGET SESSION**

**H-1.** The matter to receive an update on the proposed 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. Discussion ensued. Sean Stalbaum and Ben Therriault gave comments. The City Council requested an organizational chart for the Police Department. This matter was agendaized for adoption at the June 25, 2019, City Council meeting.

## **PUBLIC HEARINGS**

**I-1.** The City Clerk announced that it was time, pursuant to public notice, to hold a public hearing on 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, was presented by the Department of Infrastructure Maintenance and Operations Director Tim Higaes. This item was continued from the June 4, 2019, meeting. Mayor Butt declared the public hearing open. There were no public speakers. Mayor Butt closed the public hearing. On motion of Councilmember Myrick, seconded by Councilmember Martinez, adopted **Resolution No. 54-19**, and requested that staff submit monthly reports to the City Council of revenues and expenditures, and maintained 11 city staff for maintenance of the district.

**I-2.** The City Clerk announced that it was time, pursuant to public notice, to hold a public hearing on 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, was presented by the Department of Infrastructure Maintenance and Operations Director Tim Higaes. This item was continued from the June 4, 2019, meeting. Mayor Butt declared the public hearing open. There were no public speakers. Mayor Butt closed the public hearing. On motion of Councilmember Johnson III, seconded by Councilmember Willis adopted Resolution No. **55-19**, by the unanimous vote of the City Council.

**I-3.** Continued to the July 2, 2019, City Council meeting, the matter to adopt a resolution adopting an Addendum to a Mitigated Negative Declaration (MND) and approving a Tentative Subdivision Map and Design Review Permit to construct 46 residential units at 5620 Central Avenue, subject to conditions, and introduce an ordinance (first reading) Rezoning the Cascade Residential Development site from CR, Commercial Regional to PA, Planned Area.

### **ORDINANCES**

**J-1.** The matter to introduce an ordinance (first reading) adding Chapter 12.19 to the Richmond Municipal Code regulating septic tanks and other onsite wastewater treatment systems was presented by Water Resource Recovery Department Director Ryan Smith. Following discussion, on motion of Councilmember Myrick, seconded by Councilmember Johnson III, said ordinance received first reading and was laid over one week for second reading by the unanimous vote of the City Council.

**J-2.** The matter to introduce an ordinance (first reading) amending Chapter 3.54 of the Richmond Municipal Code to provide greater transparency and allow for a quorum relative to the number of commissioners appointed was presented by Councilmember Myrick. The following individuals gave comments: Yenny Garcia, Rick Perez, and Ben Therriault. Following discussion, on motion of Councilmember Myrick, seconded by Councilmember Martinez, said ordinance received first reading and was laid over one week for second reading by the unanimous vote of the City Council.

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

Councilmember Martinez reported that he attended a Route 50 Technology Summit in San Francisco regarding the pros and cons of new technology.

Councilmember Willis reported that he attended a human trafficking meeting with Contra Costa County District Attorney, Diana Becton.

Mayor Butt reported that he attended the League of California Cities Environmental Quality Policy Committee Meeting in Sacramento.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 10:38 p.m., in memory of Walter Fong, James Carpenter, and Dr. Erica Goode, to meet again on Tuesday, June 25, 2019, at 6:30 p.m.

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Clerk of the City of Richmond

(SEAL)

Approved:

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Mayor