

RICHMOND, CALIFORNIA, July 16, 2019

The Richmond City Council Evening Open Session was called to order at 5:31 p.m. by Mayor Thomas K. Butt.

ROLL CALL

Present: Councilmembers Nathaniel Bates, Eduardo Martinez, Jael Myrick, Vice Mayor Ben Choi, and Mayor Thomas K. Butt. **Absent:** Councilmembers Demnlus Johnson III and Melvin Willis arrived after Open Session 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

CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6):

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

Agency Representatives: Lisa Stephenson, Belinda Warner, Bruce Soublet, 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 the property negotiation discussion due to a conflict of interest).

The Open Session adjourned to Closed Session at 5:33 p.m.
Closed Session adjourned at 6:37 p.m.

The Regular Meeting of the Richmond City Council was called to order at 7:11 p.m., by Mayor Butt.

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

Item H-2 was continued to the July 23, 2019, City Council meeting. Items G-3, G-5, and G-6 were removed from the Consent Calendar for discussion 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 provided a status update on the issuance and successful sale of the bonds for the Civic Center Project. Mr. Martinez stated the issuance and sale of the bonds for the Point Portrero (Port) Project was next.

OPEN FORUM FOR PUBLIC COMMENT

Naomi Williams announced the Commission on Aging's Zydeco Dance on August 24, 2019, from 6:00 p.m. to 10:00 p.m., at the Richmond Memorial Auditorium. Tickets were on sale for \$15 each at the Richmond Recreation Complex.

Eleanor Thompson acknowledged participants that attended her neighborhood's Fourth of July festival. Ms. Thompson expressed concerns regarding how President Donald Trump's administration was handling the deportation of undocumented immigrants.

Rick Perez gave comments regarding "pride and purpose". Mr. Perez announced the one-year anniversary of the death of community activist, Kishana Harley. Mr. Perez expressed disappointment that the New York police officer involved in the Eric Gardener case was not charged. Mr. Perez gave comments regarding the Richard Pedie Perez case.

Patricia Perez gave comments regarding the Richmond Police Department's May 13, 2019, community briefing video and other concerns related to the Richard Pedie Perez case.

Hulan Barnett acknowledged the Code Enforcement Division for resolving the fire safety concerns at the property located at the end of Hull Drive and Canterbury Drive in the Hilltop area. Mr. Barnett provided positive feedback regarding the City of Richmond's Rental Inspection Program.

Ben Therriault distributed to the Council the First Amendment to the Employment Agreement between the City of Richmond and City Manager Carlos Martinez. Mr. Therriault requested, as a vote of no confidence, the termination of the city manager and stated the reasons for the request. Mr. Therriault disagreed with how a personnel action against Human Resources Director Lisa Stephenson was handled.

Millie Cleveland, Dee Karnes, Luis Padilla, Gregory Everetts, and Jill Perry expressed concerns regarding the current state of the City of Richmond's labor relations with the city manager and the lack of trust and morale among the employees.

Mike Kenney announced the 5th Annual Indigenous People's Walk for Sobriety held on July 20, 2019, starting at 10:00 a.m. from the Grocery Outlet on Macdonald Avenue and San Pablo Avenue.

David Drisdale distributed to the Council information regarding Richmond livability. Mr. Drisdale provided several recommendations to improve Richmond. Mr. Drisdale stated that there was a company named Juul seeking to move from San Francisco.

Garland Ellis gave comments regarding the most recent Richmond General Plan amendment. Mr. Ellis stated that the Richmond Neighborhood Coordinating Council was not notified thirty days prior to the amendment public hearing. Mr. Ellis stated that the amendment made major changes to the General Plan.

Pam Saucer-Bilbo announced the 10th Annual North Richmond Music Festival on Saturday, July 20, 2019, from 11:00 a.m. to 4:00 p.m., at the Shields-Reid Park, 1410 Kelsey Street., with free lunch served from noon to 3:00 p.m. Ms. Saucer-Bilbo personally invited the city manager to attend.

CITY COUNCIL CONSENT CALENDAR

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

***G-1.** Adopted **Resolution No. 65-19** approving the application to the Prop 68 Statewide Park Development and Community Revitalization Program for grant funds to expand and improve Unity Park on the Richmond Greenway.

***G-2.** Approved a contract with Downey Brand law firm in the amount of \$255,000 for the time period of July 1, 2019, through December 31, 2021, for the legal review of the requirements as predetermined in the existing Baykeeper Settlement Agreement; and to represent the City of Richmond in any future settlement agreement discussions.

G-3. The matter to approve a contract with Gordon & Rees law firm in an amount not to exceed \$75,000 for the time period of May 16, 2019, through June 30, 2024, for the evaluation and legal review of the City of Richmond's wastewater operations was removed from the Consent Calendar for discussion. Discussion ensued. The Council requested a copy of all previous \$10,000 contracts executed by the City of Richmond with said law firm. *(At approximately 9:30 p.m., a motion made by Councilmember Myrick, seconded by Councilmember Willis, called the question and ended the discussion on this matter by the following vote: Ayes: Councilmembers Johnson, Myrick, Willis, Vice Mayor Choi, and Mayor Butt. Noes: Councilmembers Bates and Martinez. Absent: None. Abstained: None).* On motion of Councilmember Myrick, seconded by Councilmember Willis, approved said contract by the following vote: **Ayes:** Councilmembers Johnson, Myrick, Willis, Vice Mayor Choi, and Mayor Butt. **Noes:** Councilmembers Bates and Martinez. **Absent:** None. **Abstained:** None.

***G-4.** Adopted **Resolution No. 66-19** accepting \$22,510,000 of bond funds received from the Bank of New York Mellon Trust Company N.A.; and appropriated \$22,510,000 of the bond revenues and associated expenditures into the Fiscal Year 2019-20 Wastewater Enterprise Budget.

G-5. The matter to adopt a resolution amending the City of Richmond's Position Classification Plan to add the new classification of Deputy Fire Marshal was removed from the Consent Calendar for discussion. Discussion ensued. Luis Padilla gave comments. On motion of Councilmember Willis, seconded by Councilmember Myrick, adopted **Resolution No. 67-19** with direction to staff to make every effort to work with the California Public Employees' Retirement System to provide retroactive retirement benefits to the former assigned Deputy Fire Marshal.

G-6. The matter to introduce an ordinance (first reading) to establish the wages, salary, and compensation for the new classification of Deputy Fire Marshal (Salary Range No. 255 \$13,275 - \$14,636/month), and repealing Ordinance 15-93 N.S. Section 19.19.7 was removed from the Consent Calendar for discussion. The requestor that removed the item from the Consent Calendar stated that a discussion was no longer needed. On motion of Councilmember Willis, seconded by Councilmember Johnson, said ordinance received the first reading and was laid over for one week for the second reading by the unanimous vote of the City Council.

***G-7.** Approved a two-year sole-source contract with Motorrad LLC to provide ongoing maintenance and repair services for the police department's motorcycle fleet, at a cost not to exceed \$45,000 (\$20,000 the for the first year and \$25,000 for the second year) from July 1, 2019, to June 30, 2021.

***G-8.** Approved contract amendment no. 4 with Wood Environment & Infrastructure Solutions, Inc. to assist the City of Richmond with the completion of remedial design documentation and data needed to be submitted to the San Francisco Bay Regional Water Quality Control Board to modify the existing clean-up order on the Terminal One site, increasing the contract by \$47,000, for a total contract amount not to exceed \$552,550 through December 31, 2020.

***G-9.** Adopted **Resolution No. 68-19** adopting the amended small wireless facility policy increasing the radius from 250 feet to 500 feet for alternative sites analysis and other administrative changes.

***G-10.** Approved appointments to the Commission on Aging: appointed Valerie Robinson, re-appointment, seat #1, term expiration date May 19, 2023, Rose Brooks, re-appointment, seat #6, term expiration date May 19, 2023.

***G-11.** Approved an appointment to the Shimada Friendship Commission: appointed Maryann Jacobson new appointment, seat #10, term expiration date December 31, 2022.

***G-12.** Approved an appointment to the Richmond Youth Council: appointed Ashlee Davis, new appointment, seat #8, term expiration date October 1, 2019.

***G-13.** Approved an appointment to the Urban Forest Advisory Committee: appointed Carol Umanzor, new appointment, seat #1, term expiration date November 17, 2021.

***G-14.** Approved an appointment to the Richmond-Zhoushan Sister City Commission; appointed Jenn Shyang Liu, appointment, seat #11, term expiration date December 31, 2021.

***G-15.** Approved a Memorandum of Understanding (MOU) between the Community Services Department and Richmond Swims to continue providing aquatic programs at Richmond's aquatic sites while paying a reduced monthly rental rate of \$1,200 for the use of the facilities. The term of the MOU was January 1, 2019, to December 31, 2019.

***G-16.** Approved a month to month lease with North Richmond Properties, Inc. to continue leasing space to store containers and landscaping equipment, in an amount not to exceed \$24,900.

***G-17.** Approved a contract with Sonia Hassey to provide bilingual career and personal development coaching services in support of the RichmondWORKS English Language Learner (ELL) Co-enrollment Pilot grant. The contract term was July 16, 2019, through December 31, 2020, for a total contract amount not to exceed \$40,000.

***G-18.** Approved the written agreement between the City of Richmond, by and through its Chief Elected Official, and the Richmond Workforce Development Board to clarify the separation of roles and responsibilities of the Local Board acting as the Workforce Innovation and Opportunity Act (WIOA) America's Jobs Center of California (AJCC) One-Stop Operator for the Richmond Local Workforce Area through June 30, 2021.

***G-19.** Approved a contract with Weigh of Life to provide workforce development services in support of the State of California Employment Development Department English Language Learner Co-Enrollment Pilot grant. The contract term was July 16, 2019, through December 31, 2020, for a total contract amount not to exceed \$50,000.

***G-20.** Adopted **Resolution No. 69-19** to install two (2) four-way stop controls at the intersections of 2nd Street and Chanslor Avenue and 2nd Street and Bissell Avenue, two (2) two-way stop controls at the intersections of Washington Avenue and Nicholl Avenue and Maine Avenue and 15th Street, as well as one (1) one-way stop control at the intersection of Shane Drive and Hull Avenue.

***G-21.** Adopted **Resolution No. 70-19** of local support as required by the Metropolitan Transportation Commission to program \$2,820,000 in One Bay Area grant funds for the Central Avenue at Interstate 80 (I-80) Local Road Improvement Project; and if awarded, accept and appropriate the funds.

***G-22.** Approved the response to Grand Jury Report No. 1907 entitled, "Stormwater Trash Reduction", and submittal of the response to the foreperson of the 2018-2019 Contra Costa County Civil Grand Jury.

***G-23.** Approved the 2019/2020 North Richmond Waste and Recovery Mitigation Fee Expenditure Plan that identifies the activities funded through the Mitigation Fee revenue and respective funding allocations for the period of July 1, 2019, through June 30, 2020, as recommended by the North Richmond Waste and Recovery Mitigation Fee Joint Expenditure Planning Committee.

***G-24.** Approved a proclamation declaring July 6th as Dalai Lama Day in honor of the 14th Dalai Lama's 84th birthday.

***G-25.** Approved the minutes of the June 4, 18, and July 2, 2019, regular Richmond City Council meetings.

***G-26.** Adopted **Ordinance No. 11-19 N.S.** (second reading) setting the tax rate for the Tax Override Pension Fund for Fiscal Year 2019-20 at 0.14%.

***G-27.** Received the City's Investment and Cash Balance Report for the month of May 2019.

PUBLIC HEARINGS

H-1. The City Clerk announced that it was time, pursuant to public notice, to hold a public hearing to adopt a resolution authorizing the City of Richmond to levy special assessments against certain properties having unpaid invoices related to administrative citations, nuisance abatement costs, and foreclosure ordinance fines pursuant to Richmond Municipal Code chapters 9.22, 11.76, 6.38, and 2.63. Department of Infrastructure and Maintenance Operations Director Tim Higaes provided a brief report. Mr. Higaes stated that four property owners had agreed to resolve their issues and were removed from the levy list after the publication of the agenda packet. The amended total liens amount recommended for the Council's approval was reduced to \$324,324.61. Mayor Butt declared the public hearing open. Rick Perez gave comments. Mayor Butt closed the public hearing. On motion of Councilmember Willis, seconded by Vice Mayor Choi, adopted **Resolution No. 71-19** by the unanimous vote of the City Council.

H-2. Continued to the July 23, 2019, 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 District. This item was continued from the June 18 and July 2, 2019, meetings.

H-3. Continued to the July 23, 2019, meeting the matter to adopt a resolution approving a report of sewer service charges for the Fiscal Year 2019-20 allowing for the sanitary and stormwater fees to be collected on the annual 2019-20 tax rolls.

H-4. Withdrawn by the appellant, the matter to deny the appeal and adopt a resolution denying Planning Project No. 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

I-1. The matter to receive a report on the City's additional reports issued for the fiscal year that ended June 30, 2018. The reports are as follow: (1) City of Richmond Memorandum on Internal Control; (2) City of Richmond Required Communications; (3) Independent Accountant's Report on Applying Agreed Upon Procedures for Compliance with the Proposition 111 2017-2018 Appropriations Limit Increment; (4) Joint Powers Financial Authority Report; and (5) Single Audit Report was presented by Maze & Associates Certified Public Accountant and Partner, Amy Meyer. Ms. Meyer presented a Powerpoint presentation that highlighted the audit results, material weaknesses, significant deficiencies, and other matters concerning said audit reports. Discussion ensued. The Council requested a long-term plan for addressing financial issues. The Council also requested a progress report later in the year of 2019 addressing the status of each issue in the audit reports. Ben Therriault gave comments. Further discussion ensued. On motion of Councilmember Willis, seconded by Councilmember Myrick, said report was received by the unanimous vote of the City Council.

I-2. The matter to receive a status update on the development of the Richmond Department of Children and Youth (Department); and approve the recommended appointment process for the Department's Oversight Board was presented by Administrative Chief LaShonda White, serving as the Director of the Department. Mrs. White's Powerpoint presentation highlighted the following; the Department's staff and support; overview of the Richmond Fund for Children and Youth; community outreach and meetings; Oversight Board application, roles, eligibility, requirements, commitment, outreach, guidelines, and proposed selection process; and next steps. Discussion ensued. The Council requested staff to present additional information regarding a fiscal budget crisis scenario at a future meeting after the Council's August recess. Cordell Hindler and Jamileh Ebrahimi gave comments. On motion of Councilmember Myrick, seconded by Councilmember Willis, approved the recommended appointment process by the unanimous vote of the City Council.

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

Councilmember Willis announced that the Alliance of Californians for Community Empowerment (ACCE) was hosting a "Know Your Rights" training for the undocumented community at 10:00 a.m. on Saturday, July 20, 2019, at 322 Harbour Way, Suite 5, Richmond.

Councilmember Martinez reported that he attended the Department of Toxic Substances Control's community outreach event on July 8, 2019, at the East Bay Center for Performing Arts. Councilmember Martinez also reported that he attended a regional homeless conference on July 11, 2019, in Oakland.

Mayor Butt reported that the United States Conference of Mayors (USCM) was sponsoring a Mayors National Youth Summit in Los Angeles for each mayor to nominate two attendees from their city. Mayor Butt stated that his office selected two members from the Richmond Youth Council with all expenses paid by the USCM.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:02 p.m., in memory of former City of Richmond employees Michelle Robinson, Frank Lacy, Sr., and former Assistant City Manager Henry Dishroom, to meet again on Tuesday, July 23, 2019, at 6:30 p.m.

Clerk of the City of Richmond

(SEAL)

Approved:

Mayor