

RICHMOND, CALIFORNIA, July 23, 2019

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

ROLL CALL

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

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957):

City Manager

The following speakers gave comments: Millie Cleveland, Ben Therriault, Sean Stalbaum, Tom Phelps, Jill Perry, Dee Karnes, Manuel Sarracino, Kevin Tisdell, and Deacon Loch Sekona.

The Open Session adjourned to Closed Session at 5:46 p.m. At approximately 7:14 p.m., Closed Session was continued until after the adjournment of the Regular Meeting of the Richmond City Council.

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, Martinez, Myrick, Willis, Vice Mayor Choi, and Mayor Butt. **Absent:** None.

STATEMENT OF CONFLICT OF INTEREST

Mayor Butt stated a conflict of interest for Item H-11 and said he would abstain if the item remained on the Consent Calendar or recuse himself if the item was removed for discussion.

AGENDA REVIEW

Mayor Butt announced that the Closed Session was continued until after the adjournment of the regular City Council meeting. Item H-17 was removed from the Consent Calendar for discussion at the end of the agenda.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

D-1. Councilmember Bates and Mayor Butt presented a proclamation recognizing the centennial birthday of Ms. Eddie Mae Crummie; a Richmond resident and Rosie the Riveter. Antwon Cloird gave comments.

D-2. Councilmember Johnson and Mayor Butt presented a proclamation recognizing the Economic Development Commission for coordinating the 3rd Annual Taste of Richmond and acknowledging Golden Gate Meat Company as the 2019 Tasters' Choice Vendor.

D-3. Councilmember Martinez and Mayor Butt presented a proclamation recognizing the Festival Salvadoreño being held on July 28, 2019, at the Craneway Pavilion. An invocation was given by Bishop Michael Touche. The following gave comments: The President of El Salvador (via video), Walter Aleman, and Margarita Rodriguez.

D-4. Mayor Butt announced vacancies on City of Richmond boards, commissions, and committees as of July 17, 2019, and asked that interested individuals send applications to the City Clerk. Cordell Hindler gave comments.

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 he attended the North Richmond Music Festival on July 20, 2019.

OPEN FORUM FOR PUBLIC COMMENT

Cordell Hindler expressed concerns regarding the use of obscene language by members of the public at City Council meetings. Mr. Hindler requested that items regarding the Berkeley Alta Bates Hospital and Pacific Gas and Electric wildfires be placed on the City Council agenda in September 2019.

Tom Phelps gave comments regarding Item H-19.

Courtney Cummings expressed concerns regarding the treatment she endured by Levine-Terminal Richmond workers at the No Coal in Richmond rally and Planning Commission hearing on July 18, 2019. Ms. Cummings gave comments regarding her Native American heritage and rights.

Antwon Cloird announced that the Soulful Softball Sunday event was at noon on August 25, 2019, at Nichol Park. Mr. Cloird stated there was building trades, expungements, backpack giveaways, and resources at the event. Mr. Cloird stated that the Painters Union was painting all of Nichol Park the week of July 29, 2019. Mr. Cloird expressed concerns regarding decisions made by the City of Richmond that had negative impacts and the lack of investment in the community.

Mike Ali gave comments regarding the 5th Annual Indigenous People's Walk for Sobriety held on July 20, 2019. Mr. Ali acknowledged the participants and supporters of the event.

Rick Perez expressed concerns regarding the video equipment that was confiscated in the Pedie Perez case and never returned back to the store owner. Mr. Perez stated that Pedie Perez's personal belongings were not returned to him after the case was concluded. Mr. Perez gave comments regarding rules and intimidation.

Patricia Perez gave comments regarding the Pedie Perez case, Senate Bill 1421 (police records transparency), and Assembly Bill 392 (police use of deadly force).

Pam Saucer acknowledged the attendees of the North Richmond Music Festival held on July 20, 2019. Ms. Saucer expressed concerns regarding the status of the City of Richmond's administration.

Hulan Barnett expressed concerns regarding the quality of life issues and bureaucracy in Richmond.

Deborah Bayer expressed concerns regarding the Point Molate Environmental Impact Report, eelgrass, and environmental changes.

David Drisdale expressed concerns regarding blight in Richmond. Mr. Drisdale recommended increased staff in the Parks Division and Code Enforcement. Mr. Drisdale inquired about when an item regarding economic improvement would be placed on a future agenda.

CITY COUNCIL CONSENT CALENDAR

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

***H-1.** Approved **Resolution No. 73-19** and Cooperative Management Agreement with the National Park Service for a five-year period commencing in Fiscal Year 2019-20 (upon execution), unless extended for an additional five years by mutual agreement, to facilitate continued coordination and collaboration on the promotion and management of the Rosie the Riveter/World War II Home Front National Historical Park (Park) and other Park resources; and authorized the city manager to enter into Task Agreements with the National Park Service.

***H-2.** Approved a contract with Stronger Building Services for re-roofing the Corporation Yard, located at #6 13th Street, Richmond, in an amount not to exceed \$350,000.

***H-3.** Approved a contract with Andy's Roofing Company Inc. for re-roofing the Developing Personal Resources Center at 1900 Barrett Avenue, Richmond, in an amount not to exceed \$190,000.

***H-4.** Approved a contract with Andy's Roofing Company Inc. for re-roofing the Richmond Museum, located at 400 Nevin Avenue, in an amount not to exceed \$155,000.

***H-5.** Approved a contract with West Contra Costa Unified School District Adult Education to provide Workforce Development services in support of the State of California Employment Development Department (EDD) English Language Learner (ELL) grant. The contract term was July 23, 2019, through December 31, 2020, for a total contract amount not to exceed \$37,500.

***H-6.** Approved a three-year contract with Automatic Door Systems, Inc. to provide bi-annual inspections, as needed repairs and service to automatic doors and ADA (Americans with Disabilities Act) operators in City of Richmond owned buildings in an amount not to exceed \$100,000 for an initial three-year term, with the option to renew the contract for an additional two years.

***H-7.** Approved an amendment to the contract with Groundwork Richmond to function as the Urban Forestry Project Administrator in an amount not to exceed \$274,000 with the contract term extended until August 30, 2021. The contract amendment increased the total contract amount to \$588,000.

***H-8.** Approved and appropriated the program narrative and budget in the amount of \$1,000,000 for the 2019-2023 Youth Reinvestment Grant Award, a four-year grant to include the right to negotiate, enter into contracts for four years with the following community based organizations: Richmond Police Activities League (RPAL) (\$400,000), Youth Services Bureau (YSB) (\$250,000), Safe Return Project (\$250,000), and National Council on Crime and Delinquency (NCCD) (\$10,000) annually, and to execute all budgetary amendments approved by the Board of State and Community Corrections.

***H-9.** Adopted **Resolution No. 74-19** approving Veolia Water to manage and award contracts for the Macdonald & Virginia Wet Weather Improvement project to W.R. Forde, Inc. for construction, and to Questa Engineering for testing and inspection, for an amount not to exceed \$8,354,870.

***H-10.** Adopted **Resolution No. 75-19** authorizing service contracts for on-call sanitary sewer and stormwater plan check and inspection services for an amount not to exceed \$450,000 over a three-year period, with an option to extend for two years, July 1, 2019, through June 30, 2022, or potentially June 30, 2024, with APM/Avila Project Management, BKF Engineers, CSW/Stuber-Stroeh Engineering Group, Inc., and West Coast Code Consultants, Inc. for an amount not to exceed \$150,000 per year, funded through applicant permit fees.

***H-11.** Approved the Lease Agreement and Construction Agreement with Richmond Grown for the General Warehouse Building for an initial 20-year term, with yearly rent in the amount of \$240,000, with annual 4% increases, and a minimum annual revenue guarantee comprised of base rent and cannabis business license taxes in the amount of \$550,000, with annual \$50,000 increases up to \$700,000. **Mayor Butt abstained due to a conflict of interest.**

***H-12.** Approved a Second Amendment to the contract with Waxie Sanitary Supply to increase the number of smart trash and recycling receptacles and provide necessary upgrades for the current receptacles, increasing the amount of the contract by \$238,167, with an \$11,833 project contingency, for a total contract amount of \$596,725.

***H-13.** Approved a contract with the Local Government Commission in the amount of \$51,000, for two (2) AmeriCorps CivicSpark fellows to support citywide greenhouse gas (GHG) reduction and climate action efforts and Water Resource Recovery initiatives from September 2019 to August 2020.

***H-14.** Authorized the city manager or his designee to negotiate and execute a lease agreement and all required documents with Rich City Apparel to enable a Richmond themed retail store to open in the downtown Richmond Multi-Modal Transit Station (R-Transit building located at 1600 Nevin Avenue).

***H-15.** Approved a Memorandum of Understanding between the City of Richmond and Richmond Sanitary Service to continue to conduct an On-Call Curbside Bulky Item Clean-Up Pilot Program for Residents of Eligible Multi-Family Complexes with funding from a \$434,300 competitive grant from the State of California's Department of Resources Recycling and Recovery (CalRecycle).

***H-16.** Authorized travel for Councilmembers Johnson, Martinez, Bates, Port Director Jim Matzorkis, and Port Operations/Marketing Manager Lucy Zhou to travel to Zhoushan, China for the International Islands Tourism Conference with members of the Richmond-Zhoushan Friendship Commission.

H-17. The matter to approve a notice of opposition to be sent to our legislature regarding Senate Bill 266 (Leyva) Public Employees' Retirement System: Disallowed Compensation: Benefit Adjustments was removed from the Consent Calendar for discussion. City Manager Carlos Martinez provided a brief report. Discussion ensued. A motion was made by Councilmember Willis, seconded by Councilmember Johnson, to take no position on the matter. A substitute motion made by Mayor Butt failed for the lack of a second. Further discussion ensued. The main motion passed by the following vote: **Ayes:** Councilmembers Bates, Johnson, Martinez, Willis, and Vice Mayor Choi. **Noes:** Mayor Butt. **Absent:** None. **Abstained:** Councilmember Myrick.

***H-18.** Adopted **Resolution No. 76-19** in support of Assembly Constitutional Amendment No. 6 to restore voting rights to everyone in California who is on parole and support Assembly Bill 646 "Free the Vote Act".

***H-19.** Adopted **Ordinance No. 12-19 N.S.** (second 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 repealed Ordinance 15-93 N.S. Section 19.19.7.

***H-20.** Authorized the city manager or his designee to negotiate a term sheet for a lease agreement with Chevron and the Maritime Safety and Security Center for a Fire Training Center facility located on Chevron property for the Richmond Fire Department and return to City Council with an update before the end of 2019.

PUBLIC HEARINGS

I-1. The City Clerk announced that it was time, pursuant to public notice, to hold a public hearing to adopt a resolution approving a report of sewer service charges for the Fiscal Year 2019-2020, allowing for the sanitary and stormwater fees to be collected on the annual 2019-2020 tax rolls. Environmental Services Manager Joanne Le provided a brief report. 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 Martinez, adopted **Resolution No. 77-19** by the unanimous vote of the City Council.

I-2. The City Clerk announced that it was time, pursuant to public notice, to hold a public hearing 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. Planning and Building Services Director Lina Velasco, Project Developer Gene Broussard of AMG & Associates, and Architect Jordan Cowell of the Dahlin Group presented a Powerpoint that highlighted the following: project background, site plan, and architecture; tentative subdivision map; rezoning to planned area; the Richmond Design Review Board's recommendation; revised creek condition; and the California Environmental Quality Act. Discussion ensued. The Council requested comments from the traffic engineer regarding San Mateo Street. Mayor Butt declared the public hearing open. Franklin Leong and Garland Ellis gave comments in opposition. Mayor Butt closed the public hearing. Further discussion ensued. A motion was made by Councilmember Bates, seconded by Councilmember Myrick, to accept the staff recommendation. Further discussion ensued. The Council requested the projected tax revenue for the project. The motion adopted **Resolution No. 78-19** and said ordinance received the first reading and was laid over to September 10, 2019, for the second reading by the unanimous vote of the City Council.

STUDY AND ACTION SESSION

J-1. The matter to receive a presentation on a recommended litter prevention and abatement fee; and authorize the city manager to execute any and all agreements necessary and take all actions to develop the City Manager's Office: 2020 Environmental Quality Fund and I Heart Richmond campaign was introduced by Community and Economic Development Director Shasa Curl. Environmental Services Manager Adam Lenz, Management Analyst Samantha Carr, and Garth Schultz of R3 Consulting Group presented a Powerpoint that highlighted the following: scope of litter fee study; current litter conditions; case studies; litter program funding options; and rate impacts. Discussion ensued. Sean Stalbaum gave comments. A motion was

made by Councilmember Willis, seconded by Councilmember Myrick, to accept the staff recommendation. Further discussion ensued. The motion passed by the following vote: **Ayes:** Councilmembers Johnson, Martinez, Myrick, Willis, Vice Mayor Choi, and Mayor Butt. **Noes:** Councilmember Bates. **Absent:** None. **Abstained:** None.

J-2. The matter to receive a report and provide direction to staff regarding the decommissioning of four (4) two-stroke gas-powered leaf blowers by the Department of Infrastructure and Maintenance Operations (DIMO) and accept the staff recommendation to gather data and community input on banning gas-powered leaf blowers was presented by Department of Infrastructure and Maintenance Operations Director Tim Higaes and Environmental Services Manager Adam Lenz. Their Powerpoint presentation highlighted the following: background information; city operations; and community engagement. Discussion ensued. The Council requested a cost comparison and analysis for battery-powered leaf blowers. A motion was made by Councilmember Martinez, seconded by Councilmember Willis, to accept the report and direct staff to include noise and weed cutters in the study for finding alternative methods. A substitute motion was made by Councilmember Myrick, seconded by Councilmember Johnson, to receive the report and accept the staff recommendation as presented. The substitute motion was changed to a friendly amendment to include the noise study but not weed cutters. The friendly amendment was accepted. The motion passed by the following vote: **Ayes:** Councilmembers Johnson, Martinez, Myrick, Willis, Vice Mayor Choi, and Mayor Butt. **Noes:** Councilmember Bates. **Absent:** None. **Abstained:** None.

ORDINANCES

K-1. The matter to introduce an ordinance (first reading) amending Richmond Municipal Code Chapter 7.106 - Tobacco Retailer License - to prohibit the sale of electronic cigarettes which require, but have not been issued, a premarket review order from the United States Food and Drug Administration (FDA) was introduced by Mayor Butt. Mayor's Office Chief of Staff Alex Knox, Director of Policy Initiatives Dominique Roache-Green, Contra Costa County Director of Public Health Dan Peddycord, and Senior Health Education Specialist Mayra Lopez presented a Powerpoint presentation that highlighted the following: overview of existing regulations; FDA premarket review; new proposed regulations; tobacco retailer meetings; feedback from meeting retailers; impacts of E-Cigs; and next steps. Discussion ensued. The following gave comments: Ashraf Algahazal, Ali Wohlgemuth, Abdulfadah Dobwan, Magdad Aluagar, Amir Aluagar, Tony (last name not provided), Colin Davies, Ameer Alkrizy, and Janet Chun (written comments). Further discussion ensued. On motion of Councilmember Johnson, seconded by Councilmember Willis, said ordinance received the first reading and was laid over to September 10, 2019, for the second reading by the following vote: **Ayes:** Councilmembers Johnson, Martinez, Willis, Vice Mayor Choi, and Mayor Butt. **Noes:** Councilmember Bates. **Absent:** None. **Abstained:** Councilmember Myrick.

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

None.

ADJOURNMENT TO CLOSED SESSION

There being no further business, the meeting adjourned to continue the Closed Session at 10:38 p.m., in memory of Ernie Broglio, Darren Parker, and Rosemary Mae, to meet again on Tuesday, September 10, 2019, at 6:30 p.m.

RECONVENED

Closed Session adjourned at 11:27 p.m., the City Council reconvened at 11:28 p.m., all Councilmembers were present. Mayor Butt requested a report from City Attorney Bruce Goodmiller of final decisions made during closed session. Mr. Goodmiller reported that the City Council voted to terminate City Manager Carlos Martinez and appoint Michell Polk as acting city manager by the following vote: **Ayes:** Councilmembers Bates, Johnson, Martinez, and Willis. **Noes:** Councilmember Myrick, Vice Mayor Choi, and Mayor Butt. **Absent:** None. **Abstained:** None.

ADJOURNMENT

The meeting adjourned at 11:30 p.m.

Clerk of the City of Richmond

(SEAL)

Approved:

Mayor