

RICHMOND, CALIFORNIA, September 10, 2019

The Richmond City Council Evening Open Session was called to order at 6:00 p.m. by Mayor Thomas K. Butt.

ROLL CALL

Present: Councilmembers Nathaniel Bates, Demnlus Johnson III, Eduardo Martinez, Jael Myrick, Vice Mayor Ben Choi, and Mayor Thomas K. Butt. **Absent:** Councilmember Melvin Willis was absent for the entire 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):

Edward Soto vs. City of Richmond
Victor Harris vs. City of Richmond

There were no public speakers.

The Open Session adjourned to Closed Session at 6:00 p.m.
Closed Session adjourned at 6:29 p.m.

The Regular Meeting of the Successor Agency to the City of Richmond Community Redevelopment Agency and 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, Martinez, Myrick, Vice Mayor Choi, and Mayor Butt. **Absent:** Councilmember Willis arrived at approximately 6:52 p.m. during the Open Forum.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

The city clerk announced a correction to Item I-1 that read, "Approve the purchase of two Cushman Hauler Pro 72V Electric utility vehicles from Bay Area Golf & Industrial Vehicles in an aggregate amount **not** to exceed \$24,000". Items I-8 and I-12 were removed from the Consent Calendar for discussion at the end of the agenda. Item I-15 was withdrawn from the agenda.

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

Assistant City Attorney Rachel Sommovilla stated there were no final actions taken.

REPORT FROM THE CITY MANAGER

Interim City Manager Steven Falk expressed his gratitude to the City Council and community for the opportunity to serve the City of Richmond. Mr. Falk reported that he was gratified by the numerous well wishes he received at the Summer Block Party held in the Civic Center Plaza on August 15, 2019. Mr. Falk explained his general practice and preference during City Council meetings. Mr. Falk shared his positive impressions of Richmond and staff. Mr. Falk announced that he had been in conversation with Richmond Police Chief Allwyn Brown. Mr. Falk thanked Chief Brown for his 35 years of distinguished service to the City of Richmond where he accepted a noble and difficult assignment, which he performed with grace. Mr. Falk stated that he was proud of Chief Brown's work for the City of Richmond. Mr. Falk also announced that Chief Brown informed him that he would no longer serve as the Police Chief for the City of Richmond. Therefore, Mr. Falk had appointed Assistant Police Chief Bisa French to Interim Police Chief. Mr. Falk stated that he started a process harvesting ideas from the City of Richmond management and unions for how to reconfigure the organizational structure.

OPEN FORUM FOR PUBLIC COMMENT

Cordell Hindler announced the Salesian College Preparatory High School Pasta Dinner on November 2, 2019, from 6:00 p.m. to 8:00 p.m. Mr. Hindler requested a future City Council agenda item to receive a presentation from Andy Katz regarding the Alta Bates Hospital. Mr. Hindler recommended that the City of Richmond request an update from Pacific Gas and Electric on power shutdowns. Mr. Hindler requested an item on the next City Council agenda to discuss policy committees.

Rick Perez and Patricia Perez gave comments regarding the Richmond Police Department and the Pedie Perez case.

Ben Therriault gave comments regarding the Richmond Police Officers Association's recent vote of no confidence against the former Richmond Police Chief Allwyn Brown. Mr. Therriault also gave comments regarding the Richmond Police Department Executive Leadership Review report made by MBD Innovations in September 2018. Mr. Therriault acknowledged the new Interim Police Chief Bisa French. Mr. Therriault expressed concerns regarding accountability and the financial audit findings discussed at the July 16, 2019, City Council meeting.

Antwon Cloird announced that over 3,000 people attended the Soulful Softball Sunday event on August 25, 2019, at Nichol Park. Mr. Cloird expressed his gratitude to the building trades and the Community Services Department for their services. Mr. Cloird gave comments regarding the recent changes in Richmond and moving forward.

Hulan Barnett expressed concerns regarding code enforcement and traffic safety issues in Richmond.

Tarnell Abbott requested support to save the public shoreline at Point Molate from development. Ms. Abbott requested a study session regarding the economic viability of building housing at Point Molate and financial analysis.

David Drisdale thanked the City of Richmond for the cleanup around Kennedy High School. Mr. Drisdale expressed concerns regarding other areas in Richmond in need of cleanup, the homeless encampments along the Cypress Path, cars parked on residential lawns, and the trash along the highway. Mr. Drisdale requested more businesses in Richmond and additional staff for code enforcement, parks maintenance, and recreation.

Deborah Bayer gave comments in support of Item I-9, regarding “National Drive Electric Week”. Ms. Bayer expressed concerns regarding the high cost of electric vehicles. Ms. Bayer recommended a decreased or no drive week with increased public transportation. Ms. Bayer also recommended more urban development in Richmond that decreases the need for driving vehicles.

Wayne Greene gave comments in support of Item I-8, regarding electronic cigarettes.

Eleanor Thompson gave comments in support of the new Interim City Manager Steven Falk. Ms. Thompson expressed concerns regarding Mr. Falk’s general practice and preference at City Council meetings. Ms. Thompson also acknowledged Interim Police Chief Bisa French for her new role. Ms. Thompson requested information on the City of Richmond’s plans to address homelessness and housing issues.

Andrés Soto requested a public hearing on the economic analysis study for the proposed Point Molate development. Mr. Soto stated that the Bay Area Air Quality Management District was providing a disservice to the City of Richmond by not nominating Richmond for an emissions reduction plan. Mr. Soto gave comments regarding the Richmond Police Department.

Leisa Johnson gave comments in opposition of Item H-1, regarding the amended Recognized Obligation Payment Schedule for Terminal One. Ms. Johnson stated that the item should have been discussed and not placed on the Consent Calendar.

SUCCESSOR AGENCY TO THE RICHMOND COMMUNITY REDEVELOPMENT AGENCY CONSENT CALENDAR

On motion of Councilmember Bates, seconded by Councilmember Myrick, the item marked with an (*) was approved by the following vote: **Ayes:** Councilmembers Bates, Johnson, Myrick, Vice Mayor Choi, and Mayor Butt. **Noes:** None. **Absent:** None. **Abstained:** Councilmembers Martinez and Willis.

***H-1.** Adopted **Resolution No. 19-2** approving the Successor Agency to the Richmond Community Redevelopment Agency's amendment to the Recognized Obligation Payment Schedule to address increased costs for remediation and demolition work at 1500 Dornan Drive (Terminal One).

CITY COUNCIL CONSENT CALENDAR

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

***I-1.** Approved the purchase of two Cushman Hauler Pro 72V Electric utility vehicles from Bay Area Golf & Industrial Vehicles in an aggregate amount not to exceed \$24,000.

***I-2.** Approved the purchase of up to eight (8) 2020 Ford Hybrid Utility Police Interceptors with administrative specifications and up to twenty (20) 2020 Ford Hybrid Utility Police Interceptors with patrol specifications from The Ford Store San Leandro in an aggregate amount not to exceed \$1,135,000.

***I-3.** Approved the amended Bylaws for the North Richmond Waste and Recovery Mitigation Fee Joint Expenditure Planning Committee.

***I-4.** Approved an amendment to the contract with The Glen Price Group to develop proposal content, drafts, and attachments necessary to submit final copies of grant applications to various agencies and organizations by the agreed upon target dates. The amended contract term was March 1, 2014, through December 31, 2021. The contract amount was increased by \$75,000 for a total contract amount not to exceed \$255,000.

***I-5.** Approved an amendment to the Bay Area Resource Center contract to present construction project management training in support of the RichmondWORKS Veteran's Employment-Related Assistance grant program. The contract term was extended through June 30, 2021. The contract amount was increased by \$20,000 for a total contract amount not to exceed \$269,000.

***I-6.** Adopted **Ordinance No. 13-19 N.S.** (second reading) rezoning the Cascade Residential Development site from CR, Commercial Regional to PA, Planned Area District.

***I-7.** Approved Contract Amendment No. 4 with TRB + Associates to increase its contract by \$500,000, for a total contract amount not to exceed \$3,000,000 through December 31, 2020, to continue assisting with plan review and inspection services associated with construction activities at the Chevron Richmond Refinery (on-call services paid by applicant fees).

I-8. The matter to adopt an ordinance (second 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 U.S. Food and Drug Administration was introduced by Mayor Butt. The following speakers gave comments: Laura Detar, Evan Currie, Aileen Delgado, Andrea Melendez, Andrea Rosillo, Davé Charrette, Mia Braxton, Tre Barnett, Briana Rodriguez, Blythe Young, Randy Vang, Mayra Lopez, Deborah Ashley, Tiffani Mason, Chris Farnitano, Jaime Rojas Jr., Ashraf Alghazali, Abdullah Althaur on behalf of Benjamin (last name not provided), Abdulfateh Dabulan, Cheryl Sudduth, and Kabir Kapur. Discussion ensued. Mayor Butt clarified that the proposed ordinance was not a ban and that it was a suspension until the products were approved by the Food and Drug Administration. Further discussion ensued. On motion of Councilmember Willis, seconded by Councilmember Martinez, adopted **Ordinance No. 14-19 N.S.** by the unanimous vote of the City Council.

***I-9.** Approved a proclamation declaring September 14-22, 2019, as National Drive Electric Week in the City of Richmond.

***I-10.** Approved a proclamation declaring September 2019 as Childhood Cancer Awareness Month in the City of Richmond.

***I-11.** Approved an appointment to the Economic Development Commission: appointed Ana Delgado, re-appointment, seat #13, term expiration date March 30, 2022.

I-12. The matter to approve an appointment to the Planning Commission: appoint Willie Lee Hicks Jr., new appointment, seat #6, filing an unexpired term with an expiration date June 30, 2020, was introduced by Mayor Butt. The following speakers gave comments: Sue Wilson, Andrés Soto, Chris Broglio, Janet Johnson, Susan Wehrle, Torm Nompraseurt, Megan Zapanta, and Denny Khamphanthong. Discussion ensued. On motion of Councilmember Bates, seconded by Councilmember Johnson, approved said appointment by the following vote: **Ayes:** Councilmembers Bates, Johnson, Myrick, and Mayor Butt. **Noes:** Councilmembers Martinez, Willis, and Vice Mayor Choi. **Absent:** None. **Abstained:** None.

***I-13.** Approved an appointment to the Commission on Aging: appointed Myrtle Braxton, re-appointment, seat #4, term expiration date May 19, 2023.

***I-14.** Adopted **Resolution No. 79-19** authorizing the city manager to execute reoccurring contracts for Fiscal Year 2019-20 with Contra Costa County, Stege Sanitary District, West County Wastewater District, and the State of California Water Resources Control Board at an aggregate annual amount of \$879,161. The execution of the contracts were in amounts not to exceed the limits as set forth for the following: Contra Costa County North Richmond Storm Drain Pump Station - \$75,000; Contra Costa County Clean Water Program - \$356,356; California Water Resources Control Board - WWTP National Pollutant Discharge Elimination System (NPDES) - \$125,000; California Water Resources Control Board - City of Richmond Stormwater NPDES permit - \$37,000; California Water Resources Control Board - Sanitary Sewer Overflow Waste Discharge Requirement (SSO - WDR) Permit - \$37,500; West County Agency - \$217,719; Stege Sanitary District Sewer Use Fees Joint Powers Agreement (JPA) - \$30,586.

I-15. **Withdrew from the agenda** the matter to accept and appropriate developers' fair share contributions from William Lyon Homes, Inc. in the amount of \$200,000 for off-site improvements to comply with Project Approval Conditions at two specific intersections in the Marina Bay area, and from Sims Metal Management in the amount of \$65,000 to construct a bike lane on Hoffman Boulevard between Cutting Boulevard and Harbour Way as part of its commitment to the South Richmond Transportation Connectivity Improvements project.

***I-16.** Approved a contract with Stronger Building Services for re-roofing the Senior Center, located at 2525 Macdonald Avenue, in an amount not to exceed \$168,100, and an open-ending term commencing on September 10, 2019.

***I-17.** Authorized the city manager to enter into a Funding Agreement with the San Francisco Foundation; accepted and appropriated a \$16,000 grant, and approved Contract Amendment No. 1 with David Paul Rosen & Associates to increase its contract by \$6,000, for a total contract amount not to exceed \$16,000 through December 31, 2020, to provide the City with technical assistance and writing services to prepare Richmond's Challenge Grant application.

***I-18.** Authorized the city manager to enter into a Funding Agreement with Metropolitan Transportation Commission; accepted and appropriated the \$30,000 to the Fiscal Year 2019-20 budget to complete the Nystrom Village Conceptual Master Plan.

***I-19.** Approved the grant property transfer agreement with Contra Costa County Office of the Sheriff to accept two Thermo radiation detectors.

***I-20.** Approved a standard contract with Steven Falk to serve as Interim City Manager of the City of Richmond for a term commencing August 14, 2019, and ending January 14, 2020, in the amount of not more than \$26,250 per month.

***I-21.** Introduced an ordinance (first reading) to establish wages, salaries, and compensation for the new Communications Dispatcher II (Per- Diem) classification (Salary Range No. 410C \$31.37 - \$37.22/hour).

***I-22.** Adopted **Resolution No. 80-19** amending the City of Richmond's Position Classification Plan to add the new Communications Dispatcher II (Per - Diem) classification.

***I-23.** Approved a contract with CPS HR Consulting to conduct a recruitment for a city manager in an amount not to exceed \$10,000 for reimbursable expenses for a term of September 1, 2019, to December 31, 2020.

***I-24.** Approved the minutes of the August 13, 2019, Special City Council meeting.

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

Councilmember Martinez reported on his attendance with Councilmembers Bates and Johnson to the International Islands Tourism Conference in Zhoushan, China on August 28-30, 2019. Councilmember Martinez stated that a presentation regarding this conference would be presented at a future City Council meeting.

Councilmember Johnson reported on his attendance to the Young Elected Officials Networking National Convening in Miami, Florida on August 1-4, 2019. Councilmember Johnson also reported on his attendance to the Teamsters National Black Caucus 44th Annual Educational Conference in Louisville, Kentucky on August 15, 2019.

Mayor Butt reported on his attendance to a meeting of the U.S. Conference of Mayors Committee regarding parks, recreation, art, and other matters. The conference included a tour to Black Rock City in Nevada and information on urban design.

Assistant City Attorney Rachel Sommovilla provided a brief update on the SPRAWLDEF vs. City of Richmond litigation. Mrs. Sommovilla stated that SPRAWLDEF was challenging the City of Richmond's judgment settlement for Point Molate under the Brown Act. The matter was referred to the district court for settlement discussions.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:41 p.m., in memory of Jesse and Citlalli Contreras, Darryl Williams, Darren "Mike" Lanere, and Oscar J. Bluit, to meet again on Tuesday, September 17, 2019, at 6:30 p.m.

Clerk of the City of Richmond

(SEAL)

Approved:

Mayor