

## **RICHMOND, CALIFORNIA, September 24, 2019**

The Richmond City Council Evening Open Session was called to order at 5:32 p.m. by Mayor Thomas K. Butt.

### **ROLL CALL**

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

#### **A-1. PUBLIC EMPLOYEE APPOINTMENT (Government Code Section 54957.6):**

Title: City Manager

Cordell Hindler gave comments.

The Open Session adjourned to Closed Session at 5:33 p.m. Closed Session adjourned at 6:39 p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:41 p.m., by Mayor Butt who led the Pledge of Allegiance to the Flag.

### **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 E-5 was moved to be the first presentation item immediately following Agenda Review. Item I-8 was removed from the Consent Calendar for discussion at the end of the agenda.

### **PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS**

**E-1.** Councilmembers Martinez, Johnson, and Mayor Butt presented a proclamation recognizing the second week of October as Code Enforcement Appreciation Week. The recipient, Code Enforcement Superintendent Eva Mann, expressed her appreciation and introduced her team.

**E-2.** Mayor Butt presented a proclamation declaring October 2, 2019, as California Clean Air Day in the City of Richmond. The recipient, Transportation Management Analyst Misha Kaur and Jim Hanson expressed their appreciation. Andrés Soto gave comments. Ms. Kuar invited everyone to celebrate California Clean Air Day on a lunchtime bike ride on October 2, 2019, at noon from Richmond City Hall.

**E-3.** Mayor Butt presented a proclamation declaring October 16, 2019, as Food Day in the City of Richmond. The recipient invited everyone to the celebration event at the North Richmond Farm on October 19, 2019, from 11:00 a.m. to 2:00 p.m. Mark Wassberg gave comments.

**E-4.** Mayor Butt presented a proclamation declaring October 2019 as Domestic Violence Awareness Month in the City of Richmond. The recipient representatives from the Family Justice Center and Stand for Families Free of Violence expressed their appreciation. Rick Perez gave comments.

**E-5.** Councilmembers Johnson, Myrick, and Mayor Butt presented a proclamation celebrating the success of the 5th Annual Soulful Softball Sunday and recognizing the organizers for creating such an amazing event that provides a source of community, encourages healthy living, and connects Richmond residents. The recipients, Rodney Alamo Brown and Antwon Cloird, expressed their appreciation. Cordell Hindler gave comments.

**E-6.** Mayor Butt announced recent resignations from City of Richmond boards, commissions, and committees; and announced vacancies as of September 24, 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**

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

#### **REPORT FROM THE CITY MANAGER**

Interim City Manager Steven Falk stated there were no items to report.

#### **OPEN FORUM FOR PUBLIC COMMENT**

Cordell Hindler expressed concerns regarding the behavior displayed by the Council at City Council meetings. Mr. Hindler gave comments in support of Item I-1.

Cheryl Marel invited everyone to the Iron Triangle Neighborhood Picnic and Health Fair on October 5, 2019, at the Nevin Community Center.

Andrés Soto provided an update on actions recently taken by the Assembly Bill 617 (non-vehicular air pollution: criteria air pollutants and toxic air contaminants) Richmond Steering Committee for Richmond to remain “monitoring only” instead of applying for an emissions reduction plan.

LaMar Harrison announced the Youth-Led Action Research Training sponsored by the Safe Return Project organization on Wednesday, September 25, 2019, from 5:00 p.m. to 7:45 p.m., at 1011 Macdonald Avenue.

Naomi Williams invited everyone to the Commission on Aging's upcoming Senior Winter Ball. Tickets were on sale for \$30 per person or \$240 for a reserved table. Ms. Williams stated that the Council should have formally presented the proclamation announcing the recipient's retirement for Item I-1.

Garry Hurlbut, Maryn Hurlbut, Sharolyn Babb, and Mapuana Bal announced the upcoming annual Snowball Dance for all West Contra Costa Unified School District high school students. Mr. and Mrs. Hurlbut stated that they donated \$5,000 to the event and challenged the Council and other community leaders to make matching contributions. Ms. Babb requested support and donations for scholarship rewards.

Tarnel Abbot provided information from the 2001 Stockholm Convention on Persistent Organic Pollutants regarding the protection of human health and the effects of toxic pesticides.

Rick Perez gave comments regarding the Walnut Creek police shooting of Miles Hall and the Pedie Perez case.

Patricia Perez gave comments regarding a book written by Reverend Harry Lewis Williams regarding police shootings of unarmed citizens. Ms. Perez gave comments regarding the Pedie Perez case.

Gerald Smith gave comments regarding discussions with Contra Costa County District Attorney Diana Becton regarding the Pedie Perez case. Mr. Smith also gave comments regarding an article published in the Berkeley Voice on August 30, 2019, describing the circumstances that led to the arrest and release of a security guard involved in a shoplifting incident.

Courtney Cummings invited the community to a free Hair One-on-One event on Wednesday, September 25, 2019, from 5:00 p.m. to 7:00 p.m., at the Richmond Police Activities League in Richmond Village at 700 South 26<sup>th</sup> Street.

Pam Baldwin and Pam Saucer gave comments regarding Mr. Falk's proposed City of Richmond organizational restructuring. Ms. Baldwin expressed her appreciation for the support of the City of Richmond's staff. Ms. Baldwin requested Mayor Butt to not interfere with Mr. Falk's proposed organizational restructuring process and requested the Council to investigate the matter. Ms. Saucer expressed concerns regarding personnel matters.

Mark Wassberg gave comments against California Governor Gavin Newsom.

David Drisdale thanked the councilmembers that attended the festival at Plaza Park. Mr. Drisdale requested more parks and recreation staff. Mr. Drisdale requested councilmembers to attend school board meetings. Mr. Drisdale requested the City of Richmond to work with the California Department of Transportation to clean up the freeways. Mr. Drisdale inquired about the status of Richmond economic development discussions and stated that Pelagic Data Systems in San Leandro may be seeking to move.

Joe Puleo recommended that the City of Richmond recruited a new police chief from outside of Richmond.

Kathleen Wimer gave comments regarding impeachment proceedings against United States President Donald Trump.

David Ocasio gave comments on behalf of RichmondBUILD regarding rebuilding the City of Richmond and the richness of its history.

Buddy Akacić invited the community to co-mingle with the El Cerrito Senior Center. Mr. Akacić also gave comments regarding the lack of hospitals in the area.

Eleanor Thompson stated that Interim Police Chief Bisa French was a good candidate for permanent police chief. Ms. Thompson commended Mr. Falk for his attitude and warned him of people that may be interested in taking his job.

Amy Lee Anderson thanked the Council, specifically former Councilmember Jovanka Beckles and Councilmember Bates, for their support regarding government mind control.

Ben Therriault urged the Council to not act on a recent demand letter from an attorney named Scott Rafferty to transition from at-large to district elections.

Kathleen Sullivan announced the annual Greater Richmond Interfaith Program's Harmony Walk (5K to End Hunger & Homelessness) from Nicholl Park on October 26, 2019, at 9:00 a.m.

### **CITY COUNCIL CONSENT CALENDAR**

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

**I-1.** \*Proclamation honoring Ms. Joan Carpenter for 21 years of service to the cities and residents of Contra Costa County and acknowledging her retirement.

**I-2.** \*Adopted **Resolution No. 90-19** renewing standing orders/outline agreements for emergency technology-related goods and services from various vendors in an amount not to exceed \$500,000 per year per vendor for Fiscal Years 2019-2020 through 2023-2024.

**I-3.** \*Approved the purchase of emergency replacement network equipment from SSP DATA in an amount not to exceed \$246,709.65.

**I-4.** \*Accepted and appropriated grant award from the East Bay Community Foundation for the Office of Neighborhood Safety (ONS) in the amount of \$30,000 to provide general and emergency support services for ONS Fellowship participants.

**I-5.** \*Accepted and appropriated the grant award from The California Endowment for the Office of Neighborhood Safety (ONS) in the amount of \$25,000 for general and emergency support services for ONS participants supported by street outreach work.

**I-6.** \*Accepted and appropriated the grant award from Kaiser Permanente's Northern California Community Benefit Program in the amount of \$30,000 to provide support for the Office of Neighborhood Safety Operation Peacemaker Fellowship Program.

**I-7.** \*Approved a contract with Pinnacle Training Systems for health and wellness services for law enforcement personnel in an amount not to exceed \$162,000 (\$54,000 per year) from October 1, 2019, to September 30, 2022, with an option to extend an additional two years.

**I-8.** The matter to adopt an ordinance (second 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) was introduced by Human Resources Personnel Officer Donna Newton. Discussion ensued. Ben Therriault gave comments. Further discussion ensued. The matter was continued to the October 1, 2019, City Council meeting to allow time for the Council to receive further clarification from staff on how the position would be filled.

**I-9.** \*Approved the minutes of the September 10, 2019, Regular City Council meeting.

#### **STUDY AND ACTION SESSION**

**J-1.** The matter to receive a status update on the development of the Richmond Department of Children and Youth (Department) Oversight Board process; acknowledge receipt of 37 applications for review; and direct Department staff regarding direction on individual Board appointments was presented by Administrative Chief LaShonda White and Management Analyst David Padilla. Ms. White clarified that a total of 39 applications were received by the deadline for the Council's review. Their Powerpoint presentation highlighted the following: Oversight Board guidelines per Measures E and K; application and roles; outreach; applicant information; youth applicants; appointment process; and next steps. Discussion ensued. Cordell Hindler gave comments. On motion of Councilmember Willis, seconded by Councilmember Johnson, accepted the staff recommendation by the following vote: **Ayes:** Councilmembers Bates, Johnson, Martinez, Myrick, Willis, and Mayor Butt. **Noes:** None. **Abstentions:** None. **Absent:** Vice Mayor Choi.

**J-2.** The matter to receive a presentation and adopt a resolution affirming city support for the proposed development-supporting cleanup plan remedial alternative at the Zeneca Site was introduced by Councilmember Bates. Discussion ensued. The city clerk read the proposed resolution into the record. Further discussion ensued. President and Chief Executive Officer Bill Shopoff of Shopoff Realty Investments in partnership with Hilco Real Estate presented a Powerpoint that highlighted the following: Richmond Bay Specific Plan; Sub-Area 4 Illustrative Plan; Department of Toxic Substance Control (DTSC) Draft Feasibility Study/Remedial Action Plan (FSRAP); how DTSC evaluates alternatives; DTSC FSRAP conclusions; proposed development plan; community benefits agreement; fiscal and economic benefits; job creation; affordable housing; and projects developed by Shopoff Realty Investments in other areas. Mr. Shopoff offered the following suggested community benefit amendments to the proposed resolution: adjust the transfer fee from 35 to 40 basis

points on behalf of the Richmond Promise Program (\$4 million); add an additional \$8 million to be paid evenly in years 6 through 10 (\$1.6 million per annum) to be allocated at the direction of the city manager. Therefore, bringing the total community benefit to \$52 million plus fees and economic development. Further discussion ensued. Sherry Padgett on behalf of the Richmond Southeast Shoreline Community Advisory Group gave comments in opposition of the developer's proposed toxic cleanup plan (known as "Alternative 3A"). Further discussion ensued. The following speakers gave comments: Andrés Soto, Sheryl Padgett, Eric Blum, Beryl Golden, Tony Sustak, Paul Kilkenny, Tarnel Abbott, Devin O'Keefe, Karen Franklin, Elaine Dockens, Elsa Stevens, Margaret Childs, Gerald Smith, Marilyn Langlois, Shirley Dean, Carolyn Graves, Diana Wear, Grover DeMarinis, Roberta Spieckerman, Susan Singh, Rick Perez, Stephen Linsley, Sue Wilson, Tom Lawson, Dan Torres, Deborah Bayer, Marty Rutherford, David Reinertson, Jonathan Taylor, Dan Schwab, Joseph Puleo, Brian Carter, Kathleen Wimer, Liz Watts, Maggie Lazar, Mike Parker, Ben Therriault, Jovanka Beckles, Anita Pereira, Paul Carman, Winfred Day, Dorothy Gilbert, Tom Hansen, Kabir Kapur, Fernando Campos, and Nikki Beasley. A motion was made by Councilmember Bates, seconded by Councilmember Johnson to proceed with the adoption of the proposed resolution as read into the record by the city clerk. Further discussion ensued. A friendly amendment was made by Mayor Butt, seconded by Councilmember Johnson to define in the record the following breakdown of funds for the community benefit agreement as proposed by Shopoff Realty Investments: Richmond Promise Program \$30 million; fire station and community \$2 million; community center \$3 million; Trail Head and Bridge to Trail \$2 million; community grants \$2 million; and at-risk youth \$750,000. The total was \$39,750,000 leaving a shortfall of \$12,250,000 (in order to reach \$52 million) to be negotiated in community benefits. Mayor Butt stated the total amount did not include development fees. Mr. Shopoff added an additional transfer fee for the Richmond Promise Program from 35 to 40 basis points, adding another \$4 million, and approximately \$8 million in community benefit to reach a grand total of \$52 million in community benefit. The friendly amendment was accepted. Further discussion ensued. A substitute motion was made by Councilmember Willis, seconded by Councilmember Martinez to table the item to have a community discussion and dialogue on the matter. Further discussion ensued. *(At approximately 11:00 p.m., a motion by Councilmember Willis, seconded by Councilmember Myrick extended the meeting by 30 minutes by the unanimous vote of the City Council).* The substitute motion to table the item failed by the following vote: **Ayes:** Councilmembers Martinez, Willis, and Vice Mayor Choi. **Noes:** Councilmembers Bates, Johnson, and Mayor Butt. **Abstentions:** Councilmember Myrick. **Absent:** None. Mr. Falk read the following resolution amendments that the developer was amenable to: Page 2, top paragraph, the number "35" was amended to read "40"; and page 2, bottom paragraph, that read "WHEREAS, Richmond Bay LLC intends to memorialize the above recitals in a Community Benefits Agreement...", was amended to also include a community benefit agreement that will "include an additional \$8.25 million in funding for community benefits, delivered to the city between the sixth and tenth year of the life of the development, to be directed by the city manager". The amendments to the resolution were accepted by the main motion maker with the understanding that the City Council would have purview over how the community benefit funds were spent.

The main motion adopted **Resolution No. 91-19** with said amendments by the following vote: **Ayes:** Councilmembers Bates, Johnson, Myrick, Vice Mayor Choi, and Mayor Butt. **Noes:** Councilmembers Martinez and Willis. **Abstentions:** None. **Absent:** None.

*(At approximately 11:19 p.m., Councilmember Willis departed the meeting).*

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

Mayor Butt reported his attendance with Vice Mayor Choi to the MCE Clean Energy planning retreat on September 19, 2019, at the Richmond Memorial Auditorium. Mayor Butt also reported his attendance to the Local Government Commission planning retreat on September 20, 2019, in Sacramento. Mayor Butt announced that he and Chef Arnon Oren of Anaviv's Table & Catering were competing in the 10th Annual Contra Costa Mayor's Healthy Cook-Off at Todos Santos Plaza in Concord on September 26, 2019.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 11:29 p.m. in memory of Bert Abraham and Councilmember Bates' son-in-law, Marion B. Anderson, to meet again on Tuesday, October 1, 2019, at 6:30 p.m.

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Clerk of the City of Richmond

(SEAL)

Approved:

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Mayor