

RICHMOND, CALIFORNIA, October 22, 2019

The Richmond City Council Evening Open Session was called to order at 5:02 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

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Significant exposure to litigation pursuant to paragraph (2) or (3) of Subdivision (d) [as applicable] of Government Code Section 54956.9):

One case

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957):

Title: City Manager

PUBLIC EMPLOYEE APPOINTMENT (Government Code Section 54957.6):

Community Police Review Commission Investigative Officer

Cordell Hindler gave comments regarding the recruitment of the City Manager.

The Open Session adjourned to Closed Session at 5:03 p.m. Closed Session adjourned at 5:57 p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:30 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

Item L-2 was moved up for discussion before Item L-1.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

D-1. Mayor Butt announced recent resignations from City of Richmond boards, commissions, and committees; and announced vacancies as of October 16, 2019, and ask 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 Carlos Privat 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 stated speakers needed more time to speak under open forum.

Rick Perez and Patricia Perez gave comments regarding the newspaper article about the City of Richmond's Police Commission's determination regarding excessive force used in the death of Pedie Perez. □

Ms. Dandie stated that her daughter, Khalieghya Dandie-Evans, participated in the 2020 Rose Bowl Parade. Ms. Dandie also announced that there was a community meeting regarding the need for an emergency room in Richmond on November 9, 2019, at 11 a.m. at the Craneway Pavilion.

Antwon Cloird gave comments regarding the importance of an emergency room in Richmond.

G.D. Perrett, Shawn Frazer, Felicia Tigner, Alice Powell, Norma Labat, Leisa Johnson, Andrew Dieken, Ilona Clark, Brian Fisher, Carrie Frazer, Lissandra Lozano, Alex Lozano, Tally Craig, Peter Pan, George Wu, Mark Wassberg, Mike Vasilas, and Michael Walz, gave comments in opposition of the "Tenants Opportunity to Purchase" ordinance (TOPA).

Elaine Dockens, Stephen Linsley, Tarnel Abbott, Sherry Padgett, and Elsa Stevens gave comments regarding the Zeneca cleanup.

Cesar Zepeda invited everyone to a community town hall meeting for an "Emergency Room for Richmond" on Saturday, November 9, 2019, at 11 a.m. at the Craneway Pavilion.

Zak Wear announced that a meeting regarding how to be involved in the political process, was at Aky's Café in Point Richmond at 201 Tewksbury Avenue from 6 p.m. to 8 p.m.

Councilmember Jael Myrick gave comments in response to the public speakers who spoke regarding the "Tenants Opportunity to Purchase" ordinance (TOPA). □

CITY COUNCIL CONSENT CALENDAR

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

***H-1.** Approved domestic travel requests from Youth Services Coordinator Guadalupe Morales and Associate Administrative Analyst Stephanie Ny, of the Community Services Department, to attend the 2019 Cities of Service Annual Convening on November 14 and 15, 2019, in Dallas, Texas.

***H-2.** Approved an Interagency Agreement between the City of Richmond and Contra Costa County and appropriated up to \$18,050 in funding to establish a mobile tool lending library in North Richmond, as authorized in the North Richmond Mitigation Fee (NRMF) Expenditure Plan.

***H-3.** Approved a contract amendment with Ninyo and Moore to increase the contract allocation to the existing on-call contract for as-needed construction materials testing services, in an amount not to exceed \$150,000, for a total 2016-2021 allocation not to exceed \$250,000, per contract, over a five-year period.

***H-4.** Approved the purchase of a Vermeer BC1500 Chipper with Winch from RDO Vermeer Equipment Company in an amount not to exceed \$73,500.

RESOLUTIONS

I-1. The matter to discuss and adopt a Resolution Declaring the City's Intention, Pursuant to Elections Code Section 10010, to initiate procedures for establishing and implementing By-District Elections for City Councilmembers; and authorize the city manager to execute an agreement to retain the services of National Demographics Corporation to assist with the transition to By-District Elections was presented by Assistant City Attorney James Atencio, and Attorney Michael Colantuano. On September 11, 2019, the City received a demand letter from Attorney Scott J. Rafferty which threatened legal action against the City under the California Voting Rights Act (CVRA) if the City did not transition from at-large to district-based elections of City Councilmembers. Discussion ensued. The following individuals gave comments: Cordell Hindler, Antwon Cloird, Don Gosney, Cesar Zepeda, Kara Braxton, David Drisdale, Scott Rafferty, Joseph Puleo, Kathleen Wimer, Zak Wear, Ben Therriault, Charles Smith, Leisa Johnson, and Mike Parker. Following discussion, a motion by Councilmember Myrick, seconded by Vice Mayor Choi, approved the item and adopted **Resolution No. 99-19**, by the following vote: **Ayes:** Councilmembers Bates, Johnson III, Myrick, Vice Mayor Choi, and Mayor Butt. **Noes:** Councilmember Martinez. **Absent:** None. **Abstain:** Councilmember Willis.

BUDGET SESSION

J-1. The matter to receive a presentation of the City of Richmond departmental reorganization and adopt a resolution to allocate \$125,000 from the General Fund to pay for a management-level Classification and Compensation Study (\$50,000) and an opt-out program for managers who are displaced (\$75,000) was presented by Interim City Manager Steven Falk. A Powerpoint highlighted the following: the City's current configuration and how it did not meet modern standards for span

of control; best demonstrated practices of how most California cities of comparable size to Richmond have the city manager supervising seven to nine direct reports; the process of the reorganization; and the new proposed organization chart, notes and features. The new organization chart reduced the city manager's span of control from 21 to nine employees and converted two positions into deputy city manager roles, which created succession candidates for the City's top administrative position. The new organization chart resulted in no layoffs and no pay cuts. Discussion ensued. The following individuals gave comments: Cordell Hindler, Gregory Everetts, Kevin Tisdell, Dee Karnes, Luis Padilla, Rosanne Ryken, Stacey Walker, and Ben Terriault. Following discussion, a motion was made by Councilmember Myrick, seconded by Vice Mayor Choi, to not adopt a resolution and moved forward with the reorganization and approve the allocation of \$75,000 for the opt-out provision. The motion also directed staff to research the cost of a classification and compensation study for the entire City. Councilmember Bates offered a friendly amendment to receive a progress report on this matter in six months, which was accepted by Councilmember Myrick. The motion passed by the following vote: **Ayes:** Councilmembers Bates, Johnson III, Myrick, Vice Mayor Choi, and Mayor Butt. **Noes:** Councilmember Martinez. **Absent:** None. **Abstain:** Councilmember Willis.

J-2. The City Council received a report to approve year-end adjustments for the Fiscal Year ending June 30, 2019, from Finance Director Belinda Brown, Accounting Manager Antonio Banuelos, and Budget Administrator Markisha Guillory. A Powerpoint was presented, which highlighted the following: an overview -The General Fund ended Fiscal Year 2018-19 with a projected surplus of approximately \$4.5 million; factors to consider for financial stability; General Fund adjustments; Impact Fee adjustments; negative cash balances; General Fund Revenue unaudited; General Fund expenditures; General Fund summary; and General Fund adjustments. The following individuals gave comments: Cordell Hindler, Sean Stalbaum, and Ben Therriault. On motion of Councilmember Myrick, seconded by Councilmember Willis approved the year-end adjustments for the Fiscal Year ending June 30, 2019, by the unanimous vote of the Council.

J-3. The matter to receive a report on the status of the operating and capital improvement budget for the first quarter of the Fiscal Year 2019-20 was presented by Finance Director Belinda Brown. A Powerpoint presentation highlighted: General Fund ended Fiscal Year 2018-19 with a projected surplus of approximately \$4.5 million; factors to consider for financial stability; general fund adjustments; non-general fund adjustments; impact fee adjustments; negative cash balances; general fund revenue; and general fund expenditures. The following individuals gave comments; Cordell Hindler, Dee Karnes, and Sean Stalbaum. A motion by Councilmember Myrick, seconded by Councilmember Johnson III, received the report by the unanimous vote of the City Council.

(Mayor Butt stated Item L-1 would be moved up for discussion before Item K-1. A motion by Councilmember Myrick, seconded by Councilmember Johnson III, overruled Mayor Butt, by the following vote: Ayes: Councilmembers Bates, Johnson III, Martinez, Myrick, Willis, and Vice Mayor Choi. Noes: Mayor Butt. Absent: None. Abstain: None).

PUBLIC HEARING

K-1. The city clerk announced that it was time pursuant to public notice to hold a public hearing to introduce an ordinance (first reading) repealing Section 15.04.610.270 (Medical Marijuana Uses Ordinance) and adopting revised Section 15.04.610.270 (Marijuana/Cannabis Commercial Uses) and new Section 15.04.610.275 (Marijuana/Cannabis: Personal Use). Planning Director Lina Velasco, John Bliss and Kyle Tanker of SCI Consulting presented a Powerpoint, which highlighted the following: Ordinance Amendments: State Regulation Consistency; Ordinance Amendments: Adult-Use Activities; Ordinance Amendments: Cannabis Business Permit (CBP); Ordinance Amendments: Sensitive Use Buffers; Ordinance Amendments: Retail Facilities; Ordinance Amendments: Competitive Selection Process; Ordinance Amendments: Distribution, Transportation, and Delivery; Ordinance Amendments: Personal Cultivation; Planning Commission Recommendations; Planning Commission Recommendation: Sensitive Use Zoning Analysis; Regulatory Fee Study; and Next Steps. *(At 11:00 p.m. - A motion by Councilmember Myrick, seconded by Councilmember Willis, extended the meeting 30 minutes, by the following vote: Ayes: Councilmembers Johnson III, Martinez, Myrick, Willis, Vice Mayor Choi. Noes: Mayor Butt. Absent: Councilmember Bates. Abstain: None.)* Discussion ensued. The City Council requested a breakdown of the current regulatory fees and the comparison to other cities, the amount of money raised from current dispensaries and cultivators. The City Council also requested that indoor grow facilities use 100% renewable energy. *(At 11:30 p.m. - A motion by Councilmember Willis, seconded by Councilmember Myrick, suspended the rules and extended the meeting 30 minutes, by the unanimous vote of the City Council).* Mayor Butt declared the public hearing open. The following individuals gave comments: Bryan Delaney, Antwon Cloird, Larry Westland, Nara Dahlbacka, Ayoka Nurse, and Kabir Kapur. Mayor Butt closed the public hearing. Following discussion, a motion by Councilmember Myrick, seconded by Councilmember Willis, approved first reading of the ordinance, allowed outdoor grow, allowed deliver service for existing brick and mortar locations and eliminated the requirement for an additional delivery permit. The matter regarding the two non-brick and mortar delivery services would return to a future meeting as part of the upcoming draft of an equity ordinance. The motion passed by the following vote: **Ayes:** Councilmembers Johnson III, Martinez, Myrick, Willis, Vice Mayor Choi, and Mayor Butt. **Noes:** Councilmember Bates. **Absent:** None. **Abstain:** None.

STUDY AND ACTION SESSION

Agenda Item L-2 was heard before Item L-1.

L-1. The City Council received a presentation from Willdan Financial Services on the Sanitary Sewer Rate Study of the Richmond wastewater system, including sanitary sewer and wastewater treatment plant capital improvement planning and projects. Project Manager Mary Phelps of the Water Resource Recovery Department and Willdan Financial Services representative Chris Fisher presented a Powerpoint, which highlighted the following: issues driving the rate study; rate study objectives; rate setting considerations; existing rate structure; existing rates – Fiscal Year 2019/20; customer growth projections;

financial projection and existing rates; major capital expenditures needs; five-year capital improvement program; Proposed rates – Fiscal Year 2021; customer impact analysis; neighboring utility comparison; projected future rate adjustments; and projected operating results – summary. *(At 12:00 a.m. – A motion by Councilmember Martinez, seconded by Councilmember Willis, extended the meeting until the completion of Item L-1, passed by the unanimous vote of the City Council).*

L-2. The matter to receive a presentation and adopt a resolution supporting the Countywide imposition of a one-half of one percent sales tax to fund transportation improvements in Contra Costa County and a proposed Transportation Expenditure Plan (TEP) conditionally amending the Growth Management Program (GMP), which includes principles of agreement for establishing the Urban Limit Line (ULL) in the Measure J TEP to match that found in the 2020 TEP was presented by Project Manager Lori Reese-Brown of the City Manager’s Office, and the Director of Programming Hisham Noeimi of Contra Costa Transportation Authority(CCTA). The presentation included a PowerPoint, which highlighted the following: Prudent financial stewardship; completion of ferry service in Richmond; leverage local funding; Senate Bill 1; transportation needs; roadmap to developing a transportation expenditure plan; improving transit and transportation countywide; key policy considerations; West County investments; benefits to Richmond, countywide, and regionally. The following individuals gave comments: Melissa Martinez, Mark Fuchs, Ryan Lau, and Dave Severy. A motion by Councilmember Myrick, seconded by Councilmember Willis, adopted **Resolution No. 100-19**, by the unanimous vote of the City Council.

L-3. CONTINUED to the November 5, 2019, City Council meeting, the matter to receive a report summarizing the status of major land use development projects in Richmond.

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

None.

ADJOURNMENT

There being no further business, the meeting adjourned at 12:07 a.m. in memory of Elijah Cummings, and former Richmond Mayor David Pierce, to meet again on Tuesday, November 5, 2019, at 6:30 p.m.

Clerk of the City of Richmond

(SEAL)

Approved:

Mayor