

RICHMOND, CALIFORNIA, December 3, 2019

The Richmond City Council Evening Open Session was called to order at 5:05 p.m. by Mayor Thomas K. Butt.

ROLL CALL

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

PUBLIC COMMENT

The assistant 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 Subdivision (b) of Government Code Section 54956.9):

Two cases

CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6):

Agency Representatives: Lisa Stephenson, Belinda Warner, Bruce Soublet, Maria Blue, and Jack Hughes
Employee organization: Service Employees International Union (SEIU Local 1021)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957):

Community Police Review Commission Investigative Officer

Ben Therriault gave comments regarding the Public Employee Performance Evaluation item.

The Open Session adjourned to Closed Session at 5:08 p.m. Closed Session adjourned at 6:30 p.m.

The Regular and Special Meeting of the Richmond City Council was called to order at 6:33 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

Items H-9, H-10, H-12, H-18, H-19 were removed from the Consent Calendar for discussion at the end of the agenda.

Items H-20 and H-21 were continued to the December 17, 2019, City Council meeting.

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

Senior 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

Antwon Cloird apologized for his actions at the November 26, 2019, City Council meeting. Mr. Cloird recommended that all councilmembers step down from the dais to present future proclamations. Mr. Cloird gave comments regarding increased crime in Richmond.

Cordell Hindler gave comments regarding Consent Calendar Item H-9. Mr. Hindler requested recognition for being the first person that recommended the addition of a City of Richmond Deputy City Manager classification. Mr. Hindler requested the mayor to place an item on the next agenda to re-establish standing committees.

Sheila Dickinson expressed concerns regarding safety inside and outside of the Richmond Main Library. Ms. Dickinson requested the hiring of a full-time security guard.

Joseph Puleo announced that the California Air Resources Board (CARB) was holding a public hearing on December 5, 2019, at 4:00 p.m., at 1651 Adeline Street in Oakland, regarding tanker pollution. Mr. Puleo stated that 35 percent of air pollution in the bay area was caused by mobile non-automotive sources and the CARB was proposing to give the industry ten years to clean the air. Mr. Puleo urged the community to attend the public hearing to protest the proposal. Mr. Puleo stated that the Council would have to decide if it worked for the residents or the building trades union and that many of the attendees at the Council meeting were not residents of Richmond.

David Helvarg urged the Council to address the lack of security at the Richmond Main Library. Mr. Helvarg read the definition of environmental racism.

Ben Therriault gave comments regarding City of Richmond employee pay differentials discussed at the November 26, 2019, City Council meeting.

Mark Wassberg gave comments in support of working families. Mr. Wassberg expressed concerns regarding the potential loss of jobs in an effort to clean the air. Mr. Wassberg stated that he witnessed rail cars transporting coal in Richmond that were not emitting coal dust.

Sina Sarna and Gladys Castillo expressed concerns regarding the shooting of Eric Reason in Vallejo on November 10, 2019. Ms. Sarna demanded justice for Mr. Reason's family and the firing and prosecution of the Richmond police officer involved. Ms. Castillo requested a new Richmond Community Police Review Commission investigative officer that was not a former police officer.

Naomi Williams announced the 22nd Annual Winter Ball sponsored by the Richmond Commission on Aging, on December 21, 2019, at 6:00 p.m. to 10:00 p.m. in the Richmond Memorial Auditorium. Tickets were available by calling (510) 620-6793 for \$30 each or \$240 for a table of eight people. Ms. Williams recommended more security guards for the Richmond Main Library. Ms. Williams expressed concerns regarding the health of residents that lived near the coal storage and handling facility in Richmond.

Jan Mignone announced that December 10, 2019, was Human Rights Day. Ms. Mignone reported that she was working with the 23rd Street Coalition on issues concerning human trafficking.

Rick Perez expressed concerns regarding accommodations for the overflow of people in the Council Chamber. Mr. Perez gave comments regarding the Richmond Police Department and the shooting of Eric Reason in Vallejo on November 10, 2019.

Tarnell Abbott shared that she was a third-generation union activist and her father was a longshoreman. Ms. Abbott stated that she believed in firm-transition and jobs that were non-dependent on fossil fuels. Ms. Abbott expressed concerns regarding pollution and promoted clean air. Ms. Abbott urged the Council to protect health.

Patricia Perez gave comments regarding the Richard "Pedie" Perez case.

Andrew Quint stated that violence, discrimination, and the right to housing were some of the topics discussed by the Human Rights and Human Relations Commission (HRHRC). Mr. Quint invited the community to the HRHRC meetings. Mr. Quint announced that the HRHRC met on the fourth Monday of every month except in December and the next meeting was January 27, 2020.

Leisa Johnson gave comments in opposition to Consent Calendar Items H-20 and H-21.

Mike Parker announced the campaign in support of the Schools and Community First November 2020 statewide ballot initiative. Mr. Parker urged everyone to sign the petition.

Sherry Padgett gave comments regarding the Zeneca site cleanup plan. Ms. Padgett advised that the California Department of Public Health wrote a letter to the California Environmental Protection Agency requesting mitigation measures.

CITY COUNCIL CONSENT CALENDAR

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

***H-1.** Approved a contract with the Oakland Private Industry Council to be the Contracting and Vendor Pay Agent for Individual Training Accounts and On-the-Job Training activities for the Workforce Innovation and Opportunity Act (WIOA) program participants. The contract term was November 26, 2019, through June 30, 2021. The contract was for a total amount not to exceed \$141,645.

***H-2.** Approved a contract with the National Association of Training and Environmental Consulting (NATEC) International, Inc. for a series of hazardous materials training classes as part of the RichmondBUILD pre-apprenticeship training program. The contract term was November 26, 2019, through June 30, 2021, for a total contract amount not to exceed \$46,000.

***H-3.** Adopted **Resolution No. 111-19** to accept and appropriate into the Fiscal Year 2019-20 budget \$250,000 in state grant funds received from the State of California Workforce Development Board, \$20,250 in state grant funds from the California Workforce Development Board passed through the Oakland Private Industry Council, and \$200,000 in federal grant funds from the Environmental Protection Agency.

***H-4.** Received the City's Investment and Cash Balance Report for the month of October 2019.

***H-5.** Received the annual year-end developer fee report as required pursuant to Section 66006 of the Government Code.

***H-6.** Authorized the city manager to execute a second amendment to the lease agreement between the City of Richmond and County of Contra Costa, to allow the County to continue to provide child care services at 5050 Hartnett Avenue through June 30, 2024. The lease rental rate is \$1.00 plus \$2,460 per year for water and sewer services.

***H-7.** Approved a professional services agreement with CSW/ST2, Stuber, Stroeh Engineering Group, Inc. (Robert Stevens, Engineer) for engineering and program management services to support pavement and utility rehabilitation at Point Potrero Marine Terminal, and other engineering services at the Port of Richmond, for a term of one year (July 1, 2019, through July 1, 2020) in an amount not to exceed \$95,000.

***H-8.** Adopted **Resolution No. 112-19** amending Fiscal Year 2019-20 Stormwater Capital Improvement Budget in the amount of \$27,290 and approved the emergency justification for Veolia Water to pay Traffic Management Inc. for additional traffic control measures at the Valley View Sink Hole location.

H-9. **Continued to December 17, 2019**, the matter to adopt a resolution amending the City of Richmond's Position Classification Plan to add four (4) new classifications: Deputy City Manager, Community Development Director, Library and Community Services Director, and Public Works Director.

H-10. Continued to December 17, 2019, the matter to introduce an ordinance (first reading) to establish wages, salary, and compensation for Deputy City Manager (Salary Range No. 5.5. \$12,338 - \$19,640); Community Development Director (Salary Range No. 5.2. \$11,801 - \$18,785), Library and Community Services Director (Salary Range No. 5.1 \$10,728 - \$17,078) and Public Works Director (Salary Range No. 5.1 \$10,728 - \$17,078) classifications.

***H-11.** Approved the minutes of the October 15 and 22, 2019, and the November 5, 2019, Regular City Council Meetings, and the November 12 and 23, 2019, Special City Council Meetings.

H-12. Continued to December 17, 2019, the matter to direct the city manager and staff to explore potential revenue enhancement and cost recovery measures, including researching and preparing potential ballot measures for City Council consideration, and authorize the city manager to hire a consultant for an amount not to exceed \$25,000 to analyze potential revenues and expenditures for Kids First.

***H-13.** Approved an appointment to the Commission on Aging: appointed Frances Smith, new appointment, seat #13, filling an unexpired term with an expiration date May 19, 2023.

***H-14.** Approved appointments to the Citizens Police Review Commission; appointed Yenny Garcia, re-appointment, seat #4, term expiration date November 1, 2022, and Diego Garcia, re-appointment, seat #9, term expiration date November 1, 2022.

***H-15.** Approved an appointment to update the Housing Advisory Commission: appointed Preston Lam., re-appointment, seat #4, term expiration date November 1, 2021, and Carol Hegstrom, re-appointment, seat #5, term expiration date November 1, 2021.

***H-16.** Approved an appointment to the Recreation and Parks Commission: appointed Joey Smith, re-appointment, seat #4, term expiration date October 26, 2021, Allison Blakely, new appointment, seat #7, term expiration date October 26, 2021, Maryn Hurlbut, re-appointment, seat #8, term expiration date October 26, 2021.

***H-17.** Adopted **Resolution No. 113-19** barring the City of Richmond from purchasing or leasing non-electric vehicles, including hybrids, from automobile manufacturers that refuse to support the State of California's vehicle emissions regulations.

H-18. Continued to December 17, 2019, the matter to approve a Contract Amendment (No. 1) with Analytical Environmental Services (AES) to increase its contract by \$500,000, for a total contract amount not to exceed \$1,500,000 through June 30, 2022, to continue providing on-call Professional Environmental Consulting Services.

H-19. Continued to December 17, 2019, the matter to adopt an ordinance (second reading) amending Richmond Municipal Code (RMC) Article VI, Building Regulations by revising Chapters 6.02 and 6.04 (adopting the 2019 California Building Standards Code), and repealing Chapters 6.16, 6.20, 6.28 (which are superseded by the 2019 codes and incorporated into Richmond Municipal Code [RMC] Chapter 6.04) and 6.46 (which has been superseded by the California Green Building Standards Code incorporated into Chapter 6.04).

H-20. Continued to December 17, 2019, the matter to introduce an ordinance (first reading) amending Article XI of the Municipal Code (Public Safety and Welfare) by adding Chapter 11.104 (Fair Tenant Screening) requiring landlords to accept a verified and secure third party tenant screening report on behalf of a tenant(s) when applying for rental housing within a 30-day period.

H-21. Continued to December 17, 2019, the matter to introduce an ordinance (first reading) amending Article XI of the Municipal Code by adding Chapter 11.102, Source of Income Ordinance to prohibit discrimination of housing based on an applicant's source of income, including using rental subsidies like the Housing Choice Voucher Program (commonly known as Section 8).

PUBLIC HEARINGS

I-1. The Assistant City Clerk announced that it was time, pursuant to public notice, to hold a public hearing to receive public input on draft maps of voting district boundaries and election sequencing as part of the City's transition from an "at-large" election system of electing City Council Members to a "by-district" election system. National Demographics Corporation (NDC) consultants, Shalice Tilton and Doug Johnson, presented a Powerpoint that highlighted the following: districting process; districting rules and goals; Latino, African-American, and Asian-American citizen voting age populations; maps summary; non-contiguous maps 105, 106, 111; partial maps 108, 109, 110 and 112; Hilltop following Interstate 80 maps 101 and 114; split south of Interstate 580 maps 103 and 115; neighborhood split map 113; highly compact map 104; railroad focus map 107; jigsaw map 102; and key discussion topics. Discussion ensued. The Council recommended NDC to remove non-compliant draft maps and focus on maps that met the requirements. Mayor Butt declared the public hearing open. The following speakers gave comments: Nick Despota, Torm Nompraseurt, Jim Hanson, Jim Hanson, Kabir Kapur, Andrés Soto, and Mike Parker. Mayor Butt closed the public hearing. Further discussion ensued. Mr. Johnson announced two additional community workshops scheduled on December 5 and 10, 2019. For the record, Mr. Johnson provided Richmond demographics based on 2010 Census data: 39 percent Latino, 17 percent non-Hispanic White, 27 percent non-Hispanic Black, and 14 percent Asian-American. Mr. Johnson also provided the Richmond citizens of voting age demographics from approximately the year 2015: 24 percent Latino, 26 percent White, 29 percent non-Hispanic Black, and 18 percent Asian-American. The Council requested NDC to categorize the draft maps into the following tiers: Tier 1, publicly supported and met requirements; Tier 2, less publicly supported and questionable; and Tier 3, irreconcilable with fatal flaws. The Council also requested NDC to continue refining the tiers based on community feedback

received at upcoming community workshops and public hearing, and make recommendations for the Council to consider. The Council requested the inclusion of income scales and class with future district voting presentations.

(At 8:09 p.m., Mayor Butt called for a five-minute recess. The Council reconvened at 8:15 p.m. with all councilmembers present).

I-2. The Assistant City Clerk announced that it was time, pursuant to public notice, to hold a public hearing to introduce an ordinance (first reading): (1) adding Article 15.04.615 to the Richmond Municipal Code ("RMC") to prohibit new land uses and phase out existing land uses related to the storage and handling of coal and petroleum coke, and (2) making conforming amendments to the Richmond Municipal Code ("RMC") to ensure that it is internally consistent. This item was continued from the November 5, 2019, meeting. Director of Planning and Building Services Director Lina Velasco presented a Powerpoint that highlighted the following: background information; health effects of coal and petroleum coke; legal framework; summary of proposed ordinance; General Plan consistency; and Planning Commission recommendation. Mayor Butt declared the public hearing open. The following speakers gave comments: Antwon Cloird; Tony Lester, Bob Jennings, Chris Snyder, Mike Miller, Tyson Bagley, Chris Locke, Malcolm Whyte, Susan Wehrle, Scott Bourne, Jim Holland, Jason Lindsey, Quanah Brightman, Claudia Jiminez, Dale Weatherspoon, Minda Berbeco, Aaron Isherwood, Michael di Lorenzo, Julia Walsh, Chuck Leonard, Amanda Millstein, Mike Croll, Jeff Ritterman, John Balmes, Wendal Bruenner, Ann Harvey, Margery Van Derslice, Cynthia Carmichael, Denny Khamphanthong, Lipo Chanthanasak, Jessica Karadi, Ken Burns, Louis Navarro Jr., Ada Recinos, Steven DeCarprio, Jud Peake, Artie Clinton, Steve Morse, Timothy Jefferies, Gary Gragg, Sue Wilson, Patrick Boileas, Barbara Jordan, Brian Lester, Lisa Park, Dakota Jenkins, Shoshana Wechsler, Miguel Moya, and Olga Bolotina. *(At 11:00 p.m., a motion made by Councilmember Myrick, seconded by Councilmember Willis, extended the meeting for thirty minutes by the following vote: Ayes: Councilmembers Bates, Martinez, Myrick, Willis, Vice Mayor Choi, and Mayor Butt. Noes: None. Absent: Councilmember Johnson. Abstained: None).* The public hearing continued with the following speakers: Charles Davidson, Maya Jaffe, E.K. Khalsa, Clair Brown, Ben Eichenberg, Steve Linsley, Victoria Sawicki, Ben Therriault, Forest Borie, and Jeff Kilbreth. *(At 11:30 p.m., a motion made by Councilmember Myrick, seconded by Councilmember Willis, suspended the rules and extended the meeting to complete Item I-2 by the unanimous vote of the City Council).* The public hearing continued with the following speakers: Noe Barrios, Arnie Morgan, Brenda Medina, Greg Murphy, Mike Parker, Jason Gillia, Janet Johnson, Andrés Soto, Albert Kueffner, and Kabir Kapur. Mayor Butt closed the public hearing and called for the item to be continued to January 14, 2020, for Council deliberation only. A motion made by Councilmember Myrick, seconded by Councilmember Martinez, to overrule the mayor's decision and complete the item, failed by the following vote: **Ayes:** Councilmembers Martinez, Myrick, and Willis. **Noes:** Councilmembers Bates, Johnson, Vice Mayor Choi, and Mayor Butt. **Absent:** None. **Abstained:** None. Item I-2 was continued to January 14, 2020, for Council deliberation only.

ORDINANCES

J-1. Continued to December 17, 2019, the matter to introduce an ordinance (first reading) amending sections of Richmond Municipal Code Chapter 9.48 Integrated Pest Management.

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

None.

ADJOURNMENT

There being no further business, the meeting adjourned at 12:02 a.m., to meet again on Tuesday, December 17, 2019, at 6:30 p.m.

Clerk of the City of Richmond

(SEAL)

Approved:

Mayor