

**RICHMOND, CALIFORNIA, December 17, 2019**

The Richmond City Council Evening Open Session was called to order at 5:00 p.m. by Mayor Thomas K. Butt.

**ROLL CALL**

**Present:** Councilmembers Nathaniel Bates, Demnlus Johnson III, Eduardo Martinez, Melvin Willis, and Mayor Thomas K. Butt. **Absent:** Vice Mayor Ben Choi arrived after the roll was called. Councilmember Jael Myrick arrived after the 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 REAL PROPERTY  
NEGOTIATOR (Government Code Section 54956.8):**

Property: Point Molate  
Agency negotiators: Steven Falk  
Negotiating parties: Winehaven Legacy LLC (SunCal)  
Under negotiations: price and terms of payment

The following speakers gave comments regarding the Point Molate negotiation item: Jim Hanson, Deborah Bayer, and Tarnel Abbott.

Property: Nevin Plaza - 2400 Nevin Avenue  
Agency negotiators: Shasa Curl and Nannette Beacham  
Negotiating parties: EAH Housing/Eden Housing  
Under negotiations: price and terms of payment

**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 APPOINTMENT (Government  
Code Section 54957.6):**

Title: City Manager

Cordell Hindler and Ben Therriault gave comments regarding the Public Employee Appointment item.

**CONFERENCE WITH LABOR NEGOTIATORS  
(Government Code Section 54957.6):**

Agency Representatives: Lisa Stephenson, Jack Hughes,  
Bruce Soublet, Maria Blue, and Belinda Brown  
Employee organization: International Federation of  
Technical and Professional Engineers (IFTPE Local 21)

The Open Session adjourned to Closed Session at 5:10 p.m.  
Closed Session adjourned at 6:21 p.m.

The Regular Meeting of the Successor Agency to the Richmond Community Redevelopment Agency and Richmond City Council was called to order at 7:18 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**

None.

### **AGENDA REVIEW**

Items I-20, I-21, and I-25 were removed from the Consent Calendar for discussion at the end of the agenda. Item I-28 was removed from the Consent Calendar for discussion immediately following approval of the remaining Consent Calendar items.

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

**D-1.** Councilmembers Bates, Johnson, and Myrick presented a proclamation recognizing Jermaine Terry II for receiving the US Bank Inspirational Athlete Award and his outstanding athletic and academic abilities.

**D-2.** Vice Mayor Choi and Mayor Butt presented a proclamation commemorating the 51st anniversary of the East Bay Center for the Performing Arts.

**D-3.** Mayor Butt announced recent resignations from City of Richmond boards, commissions, and committees; and announced vacancies as of December 11, 2019, and asked that interested individuals send applications to the city clerk.

### **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**

Antwon Cloird announced the Vericool Christmas event at 10:00 a.m. on Sunday, December 22, 2019, at the Independent Community Church, 605 South 16th Street in Richmond. Mr. Cloird requested volunteers from the Council to bag toys and groceries for 150 families at 1:00 p.m. on Friday, December 20, 2019. Mr. Cloird stated that Vericool, Inc. donated money to the Richmond community and hired residents.

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

Mark Wassberg gave comments in opposition of the proposed ordinance regarding the storage and handling of coal and petroleum coke that was on the December 3, 2019, City Council agenda.

Joseph Puleo expressed concerns regarding reports from Richmond residents receiving telephone calls requesting their views on housing at Point Molate. Mr. Puleo advised residents not to participate in the poll.

Matthew Duffey provided an update on the West Contra Costa Unified School District (WCCUSD) bond measure placed on the March 2020 ballot by the WCCUSD Board of Trustees. Mr. Duffey stated that the bond measure prioritized Richmond schools. Mr. Duffey thanked the Council for the electric car chargers installed throughout Richmond.

Janet Johnson expressed concerns regarding coal and petroleum coke storage and handling at the Richmond Levin Terminal. Ms. Johnson urged the Council to adopt the ban on coal proposed at the December 3, 2019, City Council meeting. Ms. Johnson requested that the community was included in negotiations with the Richmond Levin Terminal regarding this matter.

Maria Grijalva gave comments regarding the importance of civic participation during public meetings. Ms. Grijalva expressed concerns regarding the hostile environment that other speakers created with profanity and obscenities during the Open Forum. Ms. Grijalva requested that the inappropriate behavior was ceased and desisted.

Stephen Linsley and Tarnel Abbott expressed concerns regarding the Zeneca site cleanup plan.

Dorothy Gilbert expressed concerns regarding City Council closed session discussions regarding Point Molate.

Elsa Stevens gave comments regarding global warming. Ms. Stevens expressed concerns regarding the Zeneca site cleanup plan. Ms. Stevens stated that the Point Molate financial impact analysis conducted by Hatch was a valid report.

**SUCCESSOR AGENCY TO THE RICHMOND  
COMMUNITY REDEVELOPMENT AGENCY CONSENT  
CALENDAR**

On motion of Councilmember Johnson, seconded by Councilmember Martinez, the item marked with an (\*) was approved by the unanimous vote of the City Council:

**\*H-1.** Adopted **Resolution No. 19-4** approving the Successor Agency to the Richmond Community Redevelopment Agency's Recognized Obligation Payment Schedule and administrative budget for the period of July 1, 2020, through June 30, 2021, ("ROPS 20-21") pursuant to California Health and Safety Code Sections 34177(o) and 34171(a),(b), and 34177(j).

## CITY COUNCIL CONSENT CALENDAR

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

**\*I-1.** Authorized the city manager to execute a ten (10) year lease agreement between the City of Richmond and the Watershed Nursery at 601 A Canal Boulevard.

**\*I-2.** Adopted **Resolution No. 114-19** authorizing submission of reimbursement requests for the Wastewater Treatment Plant Critical Improvement Projects from the Clean Water State Revolving Fund (CWSRF) Loan in the amount of \$50,000,000.

**\*I-3.** Adopted **Resolution No. 115-19** incorporating the emergency support functions as annexes into the City of Richmond's Emergency Operations Plan.

**\*I-4.** Approved a contract with Public Resources Advisory Group to provide financial advisory services in an amount not to exceed \$150,000 over a three-year term, with the option to renew the contract for an additional two years, for a total contract amount not to exceed \$250,000 based on the same terms, if approved by both parties.

**\*I-5.** Directed 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 authorized the city manager to hire a consultant for an amount not to exceed \$25,000 to analyze potential revenues and expenditures for Kids First. This item was continued from the December 3, 2019, meeting.

**\*I-6.** Approved contracts with Allied Universal to provide security guard services at 325 Civic Center Plaza, 403 Civic Center Plaza, 440 Civic Center Plaza, 450 Civic Center Plaza, 330 25th Street, 2525 Macdonald Avenue, 2705 Macdonald Avenue, 326 27th Street, and 1322 Canal Boulevard from January 1, 2020, to December 31, 2022, with a two-year option to extend upon agreement by both parties, in an amount not to exceed \$1,742,947; and appropriated Fiscal Year (FY) 2020-21 funds in the amount of \$561,716, FY 2021-22 funds in the amount of \$579,118, and FY 2022-23 funds in the amount of \$602,113 to cover the cost of the contracts.

**\*I-7.** Approved an interagency agreement with the Contra Costa County Health Services Department to provide mental health outreach services from July 1, 2019, through June 30, 2020; and accepted and appropriated \$146,795 in Assembly Bill 109 Realignment funds.

**\*I-8.** Approved a purchase from First Spear of California for tactical safety equipment for the Police Department's High Risk Entry Team in an amount not to exceed \$24,568.05.

**\*I-9.** Approved the purchase of five (5) 2020 Ford F250 trucks from The Ford Store San Leandro in an aggregate amount not to exceed \$130,000.

**\*I-10.** Adopted **Resolution No. 116-19** to update the 2020 solid waste collection rates; and authorized and approved the city manager to execute an amendment to the Solid Waste Collection Franchise Agreement to increase the Franchise Fee as directed by City Council to 17.5 percent.

**\*I-11.** Appropriated unexpended Fiscal Year 2018-2019 Environmental and Community Investment Agreement (ECIA) Community Grant funds totaling \$300,000 to Fiscal Year 2019-2020; and authorized the appropriation of any unexpended ECIA Community Grant funds in future fiscal years related to grant extensions to allow for the rolling over of unexpended funds to the subsequent fiscal year.

**\*I-12.** Approved the Fiscal Year 2020-21 Environmental and Community Investment Agreement competitive grant program guidelines and application.

**\*I-13.** Authorized the city manager to enter a funding agreement with the Bay Area Air Quality Management District in the amount of \$55,000; and authorized the city manager to enter a purchase contract with Envision Solar International not to exceed \$80,000 to purchase a mobile solar charging arc; and appropriated \$210,000 from the Chevron Environmental and Community Investment Agreement fund to cover the remaining upfront installation and operational costs that are required to support fifteen (15) new electric vehicle charging stations throughout the grant cycle.

**\*I-14.** Received a written update on research to-date and recommended next steps on the development of an Equal Access Ordinance.

**\*I-15.** Adopted **Resolution of Intention No. 917** to set the public hearing to allow property owners request for street vacation for the unbuilt portion of Meeker Avenue from the west line of South 19th Street to the east line of South 17th Street, and set the public hearing on the matter before the Council on January 14, 2020.

**\*I-16.** Adopted **Resolution No. 117-19** amending the City of Richmond's Conflict of Interest Code to ensure that all City of Richmond positions required to file Statements of Economic Interest are properly identified.

**\*I-17.** Approved a legal services agreement with Sacks Ricketts & Case, LLP in an amount not to exceed \$30,000, for ongoing advice regarding labor negotiations with a term expiration of June 30, 2020.

**\*I-18.** Adopted **Resolution No. 118-19** to ratify the November 8, 2019, side letter implementing the schedule change for Patrol Lieutenants to a "3-12" work schedule. This only applied to Lieutenants working in Patrol.

**\*I-19.** Adopted **Resolution No. 119-19** to ratify the August 8, 2018, side letter implementing the schedule change for Police Officers and Sergeants to an "11/80" work schedule. This only applied to Officers and Sergeants working in Patrol.

**I-20.** 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, was removed from the Consent Calendar for discussion. This item was continued from the December 3, 2019, meeting. Discussion ensued. Luis Padilla and Cordell Hindler gave comments. Further discussion ensued. A motion was made by Councilmember Johnson, seconded by Mayor Butt, to adopt said resolution. Further discussion ensued. The motion adopted **Resolution No. 120-19** by the following vote: **Ayes:** Councilmembers Bates, Johnson, Vice Mayor Choi, and Mayor Butt. **Noes:** Councilmember Martinez. **Abstained:** Councilmember Willis. **Absent:** Councilmember Myrick.

*(At approximately 11:16 p.m., a motion made by Councilmember Bates, seconded by Vice Mayor Choi, suspended the rules and extended the meeting for fourteen minutes by the unanimous vote of the City Council).*

**I-21.** 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 was introduced by Interim City Manager Steven Falk. This item was continued from the December 3, 2019, meeting. Cordell Hindler gave comments. On motion of Councilmember Bates, seconded by Councilmember Johnson, said ordinance received the first reading and was laid over to January 14, 2020, for the second reading by the following vote: **Ayes:** Councilmembers Bates, Johnson, Vice Mayor Choi, and Mayor Butt. **Noes:** None. **Abstained:** Councilmember Willis. **Absent:** Councilmembers Martinez and Myrick.

**I-22. Withdrawn from the agenda,** 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. This item was continued from the December 3, 2019, meeting.

**I-23. Withdrawn from the agenda,** 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). This item was continued from the December 3, 2019, meeting.

**I-24. Withdrawn from the agenda,** 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). This item was continued from the December 3, 2019, meeting.

**I-25.** The matter to approve a Contract Amendment (No. 1) with Analytical Environmental Services (AES) to increase their contract limit by \$750,000, for a total amount not to exceed \$1,750,000 to continue providing on-call professional environmental consulting services was removed from the Consent Calendar for discussion. Planning and Building Services Director Lina Velasco clarified that the contract services were for the Point Molate development paid by the developer, SunCal. The following speakers gave comments: Joseph Puleo, Sally Tobin, Tony Sustak, Paul Carman, Jim Hanson, Kabir Kapur, and Pam Stello. *(At approximately 11:30 p.m., a motion made by Mayor Butt, seconded by Councilmember Johnson, extended the meeting for five minutes by the following vote: Ayes: Councilmembers Bates, Johnson, Willis, Vice Mayor Choi, and Mayor Butt. Noes: None. Absent: Councilmembers Martinez and Myrick. Abstained: None).* Discussion ensued. A motion made by Councilmember Johnson, seconded by Vice Mayor Choi, approved a contract amendment with AES by the following vote: **Ayes:** Councilmembers Bates, Johnson, Vice Mayor Choi, and Mayor Butt. **Noes:** Councilmember Willis. **Abstained:** None. **Absent:** Councilmembers Martinez and Myrick.

**\*I-26.** Approved a contract with John Toki to complete fabrication and installation of a ceramic sculpture with a water feature at the West Contra Costa County Family Justice Center, 256 24th Street, in an amount not to exceed \$12,750 for a total project amount of \$23,000, for a term ending on December 31, 2020; and appropriated \$12,750 in the Fiscal Year 2019-20 budget from the remaining project balance from previous fiscal years.

**\*I-27.** Approved the minutes of the November 26, 2019, Regular City Council meeting.

**I-28.** The matter to approve an employment agreement with Laura Snideman as Richmond City Manager, providing for a three-year term commencing January 27, 2020, at an initial base salary of \$255,000 annually (approximately \$342,868 total compensation), with subsequent salary increases subject to a satisfactory performance evaluation, and other specified employment terms was removed from the Consent Calendar for discussion. Ben Therriault gave comments. Discussion ensued. On motion of Councilmember Willis, seconded by Councilmember Martinez, approved an employment agreement with Laura Snideman by the following vote: **Ayes:** Councilmembers Johnson, Martinez, Myrick, Willis, Vice Mayor Choi, and Mayor Butt. **Noes:** Councilmember Bates. **Abstained:** None. **Absent:** None.

## **PUBLIC HEARING**

**J-1.** The City Clerk announced that it was time, pursuant to public notice, to hold the fourth public hearing to receive public input on draft maps of voting district boundaries and election sequencing as part of the City of Richmond's transition from an "at-large" election system of electing City Councilmembers to a "by-district" election system; select a map to establish district boundaries; and introduce an ordinance (first reading) establishing district elections and determining election sequence. Assistant City Attorney James Atencio introduced the item. Consultant

Attorney Michael Colantuono advised that a peer review of National Demographics Corporation's (NDC's) work would be conducted by a third party named David Ely. Douglas Johnson of NDC presented a Powerpoint that highlighted the following: districting process, rules, and goals; protected class concentrations; economic maps and summary by plan; citizen voting age population data and disaggregation; and draft maps and summary. Discussion ensued. The Council requested additional voting districts outreach focusing on the Latinx community prior to the second reading of the proposed ordinance in January 2020. Mayor Butt declared the public hearing open. The following speakers gave comments: Mark Wassberg, Don Gosney, Maria Grijalva, Norma LaBat, Joseph Puleo, Nel Benningshof, Nick Despota, Kathy Scharff, Leisa Johnson, Scott Rafferty, Jim Hanson, Michele Rappaport, and Kabir Kapur. Mayor Butt declared the public hearing closed. Further discussion ensued. NDC recommended draft maps 101, 103b, 114, alternative map 114b, and 115b for the Council's consideration. The Council requested that the establishment of a voting districts independent commission be included in the proposed ordinance or some other form. Further discussion ensued. On motion of Councilmember Willis, seconded by Councilmember Myrick, continued the matter to January 14, 2020; directed staff to conduct outreach to the Latinx community and Asian-Pacific Island network to hold an additional voting districts community workshop; and publish any additional maps seven days prior to January 14, 2020, by the unanimous vote of the City Council. On motion of Councilmember Myrick, seconded by Councilmember Johnson, directed staff to focus discussion on draft maps 115b, 101, 103b, and 114 as it was to be adjusted, by the unanimous vote of the City Council. Interim City Manager Steven Falk announced that a voting districts community workshop was tentatively scheduled on January 6, 2020.

### **ORDINANCE**

**K-1.** The matter to introduce an ordinance (first reading) amending sections of Richmond Municipal Code Chapter 9.48 Integrated Pest Management was introduced by Mayor Butt. This item was continued from the December 3, 2019, meeting. Discussion ensued. Jim Hanson gave comments. On motion of Councilmember Bates, seconded by Councilmember Willis, said ordinance received the first reading and was laid over to January 14, 2020, for the second reading by the unanimous vote of the City Council.

### **COUNCIL AS A WHOLE**

**L-1.** Received a presentation from the East Bay Center for the Performing Arts on activities related to its 51st Anniversary serving Richmond youth. Discussion ensued. Cordell Hindler gave comments.

**L-2.** The matter to authorize the city manager to execute the First Amendment to the Exclusive Right to Negotiate Agreement (ERN) with Winehaven Legacy, LLC for the Point Molate mixed-use development was introduced by Alan Wolken of MRG Planning and Development Services and consultant attorney, Jodi Fedor of Shartsis Friese, LLP. The following speakers gave comments: Sally Tobin, Paul Carman, Jim Hanson, Sonya Karabel, Alex (no last name was given), and Isidero Saravia-Ramos. Discussion ensued. The Council requested an explanation for Winehaven Legacy, LLC's foreign entity registration in

Delaware. A motion was made by Councilmember Martinez, seconded by Councilmember Willis, to approve said First Amendment with direction to staff to have a financial feasibility study completed thirty days prior to a development agreement. Further discussion ensued. A friendly amendment made by Councilmember Myrick for completion of a financial feasibility study two weeks prior to a development agreement was accepted. The motion approved the First Amendment to the ERN with direction to complete a feasibility study two weeks prior to a development agreement by the unanimous vote of the City Council.

*(At approximately 10:58 p.m., a motion made by Councilmember Bates, seconded by Councilmember Johnson, extended the meeting for fifteen minutes by the unanimous vote of the City Council).*

**L-3.** Received a report from Councilmember Eduardo Martinez and discussed the proposed payment structure for the Gilman Fields Joint Powers Agreement. The Council requested staff to make a recommendation for the Council's consideration at a future meeting.

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

None.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 11:33 p.m., in memory of Dr. Choi Choi, brother of Vice Mayor Choi, to meet again on Tuesday, January 14, 2020, at 6:30 p.m.

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Clerk of the City of Richmond

(SEAL)

Approved:

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Mayor