

RICHMOND, CALIFORNIA, May 1, 2018

The Richmond City Council Evening Open Session was called to order at 5:30 p.m. by Mayor Tom Butt.

ROLL CALL

Present: Councilmembers Ben Choi, Eduardo Martinez, Ada Recinos, Vice Mayor Melvin Willis, and Mayor Thomas K. Butt. **Absent:** Councilmembers Jovanka Beckles and Jael Myrick arrived after the roll was called.

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 - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9):

City of Richmond vs. Chevron

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8):

Property: Port of Richmond Riggers Loft
Agency negotiators: Bill Lindsay and Jim Matzorkis
Negotiating party: Riggers Loft Wine Company
Under negotiation: Price and terms of payment

PUBLIC EMPLOYEE APPOINTMENT (Government Code Section 54957.6):

Title: City Manager

There were no public speakers.

The Open Session adjourned to Closed Session at 5:30 p.m. Closed Session adjourned at 6:22 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 Beckles, Choi, Martinez, Myrick, Recinos, Vice Mayor Willis, and Mayor Butt. **Absent:** None.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Continued Item I-16 to May 15, 2018. All consent calendar items were removed by a member of the public for discussion.

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

City Attorney Bruce Goodmiller stated that the city council approved a settlement agreement in the matter of the City of Richmond vs. Chevron pertaining to litigation from the August 20, 2012, Chevron refinery fire. The agreement was approved by the following vote: **Ayes:** Councilmembers Choi, Martinez, Recinos, Vice Mayor Willis, and Mayor Butt. **Noes:** None. **Absent:** Councilmember Myrick. **Abstain:** Councilmember Beckles.

REPORT FROM THE CITY MANAGER

City Manager Bill Lindsay reported that the Great Tomato Plant Sale was on last Saturday, April 28, 2018, at the Richmond Auditorium. Mr. Lindsay also stated that the Richmond Police Department had a prescription drug disposal event. Also, Richmond's unemployment rate is down to 3.5%, which was a historic low for the city.

OPEN FORUM FOR PUBLIC COMMENT

Mark Wassberg stated that the city should cooperate with the federal government when asked for information regarding illegal immigrants in the city.

Naomi Williams thanked City Manager Bill Lindsay, and Lieutenant Joey Schlemmer for the replacement of the handicap spaces near the Richmond Auditorium. Ms. Williams also stated that the vehicles in certain neighborhoods currently not ticketed should be ticketed on street sweeping days.

Viviana Turincio stated that Richmond High School did not receive sufficient funding from the West Contra Costa Unified School District for needed repairs, equipment, and infrastructure upgrades.

Stephanie Espinal stated that she was hit by a vehicle when she walked in the area near Richmond High School and that it was unsafe due to the lack of stop signs and speed bumps.

Kimberly Chavez gave comments regarding landlords in the city that increased rents but did not fix their properties.

Jesus Guevara stated that it was dangerous for pedestrians crossing 23rd Street near Richmond High School.

Murad Ali stated there needed to be more enforcement of graffiti tagging in the city.

Amro Alhalemi gave comments regarding help needed for the homeless population in Richmond.

Ivan Munoz, Jose Medina, and Bruce Saefong, stated that there was a large amount of litter in Richmond around the streets, parks, neighborhoods, and schools.

Derrick Morris stated that Richmond should improve its cultural outreach.

Norma Reyes stated broken street lights were a safety issue throughout the city, especially the ones located on the corner of 23rd Street and California Avenue.

Harvey Flores and Berenice Cruz stated that the traffic lights at 13th Street and Lincoln Avenue, at 5th Street and Pennsylvania Avenue, and 18th Street and Barrett Avenue, have been out for some time and had caused a dangerous situation for kids and parents who attended the schools in the area.

Cici Cruz and Lucia Leiva gave comments regarding the large amount of illegal dumping in the city.

Kathy Robinson complimented the youth who addressed the Council regarding the problems in Richmond and urged them to register to vote.

Marion Laurant and Elda Fontenot gave comments regarding the increase in rents at the Heritage Park Senior Housing Complex and asked for assistance from the City to help control the increases.

Jackie Thompson stated that the senior and disabled residents in the area of Friendship Manor were dissatisfied with the way vehicles were tagged and ticketed and that the streets were not swept on the days posted.

Candy Guzman asked for funding for programs for the youth in the city.

Eleanor Thompson announced a Wealth Building for The Entire Family seminar, on Saturday, June 23, 2018, from 10 a.m. to 3:00 p.m., at the Richmond Auditorium.

Rick Perez gave comments regarding the Golden State Killer who committed his crimes while he was a police officer. Mr. Perez also stated that police officers should be trained in de-escalation techniques.

Patricia Perez stated that the Citizens Police Advisory Commission discussed the findings from the independent investigator in the case of the death of Pedie Perez.

Martin McNair and Joseph Puleo spoke against the Sims Metal appeal regarding the proposed Anaviv Restaurant.

Patricia Dominguez stated that the homes and schools in close proximity to the Richmond Chevron refinery were in danger.

Tom Butt gave comments regarding the actions of Sims Metal Company after the owner of the proposed Anaviv Restaurant was granted a conditional use permit.

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

On motion of Vice Mayor 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 Masayuki Nagase to design, fabricate and install public art at the site adjacent to the Officer Bradley A. Moody Memorial Underpass, in an amount not to exceed \$369,000, and with a term beginning April 1, 2018, and ending December 31, 2019 - Library and Cultural Services (Katy Curl 620-6554/Michele Seville 620-6952).\$100,000, bringing the new contract limit to \$285,000, and extending the term to June 30, 2019.

***H-2.** Approved a contract with Regina Almaguer to perform project management services for the public art project at the Officer Bradley A. Moody Memorial Underpass, in an amount not to exceed \$41,738, and with a term from January 2, 2018, to December 31, 2019.

CITY COUNCIL CONSENT CALENDAR

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

***I-1.** Approved a contract with NIAD Art Center to support ongoing arts programs and collaborations with the City, in an amount not to exceed \$55,000 and with a term from February 27, 2018, to February 27, 2019.

***I-2.** Approved a contract with East Bay Center for the Performing Arts (EBCPA) to support ongoing arts programs and collaborations with the City in an amount not to exceed \$55,000, and for a term from February 27, 2018, to February 27, 2019.

***I-3.** Received the monthly report on Point Molate activities for the month of March 2018.

***I-4.** Accepted a \$100,000 subrecipient grant from the University of California, Berkeley awarded by the Robert Wood Johnson Foundation, appropriate these grant funds, and authorize the city manager to execute a grant subagreement with the Regents of the University of California with a term ending August 31, 2019.

***I-5.** Approved a grant-funded construction agreement with SmartWAVE Technologies, LLC to install public broadband network serving Nevin Plaza, Triangle Court, and Friendship Manor, as well as several other community sites within the Iron Triangle neighborhood, in an amount not to exceed \$303,111.

***I-6.** Adopted **Resolution No. 25-18**, authorizing service contracts with six architectural firms (Gutierrez/Associates, Oakland; Fog Studio, El Cerrito; Mark Albertson, Petaluma; Oakley & Oakley, Antioch; Ware Associates; Richmond; and LCA Architect, Walnut Creek) for as-needed architectural services in an amount not to exceed \$600,000 per firm over a three-year period plus options for two-year extensions.

***I-7.** Adopted **Resolution No. 26-18**, authorizing the city manager, or their designee, to execute agreements with the California Department of Transportation.

***I-8.** Adopted **Resolution No. 27-18**, approving an equipment lease-purchase agreement with Holman Capital Corporation; and approved the purchase of one tiller truck from Smeal Fire Apparatus Co. in an amount not to exceed \$1,240,000; and two Type I pumpers from Hi-Tech EVS in an amount not to exceed \$1,460,000 for a total purchase price not to exceed \$2,700,000.

I-9. The matter to approve the revised Cash Reserve Policy and adopt a resolution approving the revised policy, increasing the minimum balance from 7% to 15% of annual expenditures was presented by Finance Director, Belinda Warner. The following individuals gave comments: Sean Stalbaum, Millie Cleveland, Ben Therriault, and Steven Paskowitz. Discussion ensued. A motion by Councilmember Myrick, seconded by Councilmember Beckles, held this matter over for discussion by June 30, 2018, after the budget was approved, passed by the following vote: **Ayes:** Councilmembers Beckles, Choi, Martinez, Myrick, Recinos, and Vice Mayor Willis. **Noes:** Mayor Butt. **Absent:** None. **Abstain:** None.

***I-10.** Acknowledged receipt of the first drafts of the Fiscal Year 2018-19 Annual Operating Budget and the Years 2018-23 Five-Year Capital Improvement Budget, and establish the review process and schedule for their review and adoption.

***I-11.** Received the City's Investment and Cash Balance Report for the month of March 2018.

***I-12.** Proclamation declaring May 2018 as Bike Month in the City of Richmond.

***I-13.** Approved a legal services agreement with Shartsis Friese, LLP for as-needed specialized legal services and advice regarding the disposition (sale/lease) of the General Warehouse, in an amount not to exceed \$100,000, with a term expiration of June 30, 2020, and with funding of up to \$75,000 to be provided by the prospective buyer/tenant.

***I-14.** Adopted **Ordinance No. 9-18 N.S.**, amending Richmond Municipal Code (RMC) Chapter 12.18, Discharges to the Wastewater Treatment System, relating to the Fats, Oil and Grease (FOG) Program, to enhance grease removal device requirements and to add enforcement provisions.

***I-15.** Approved Contract Amendment No. 1 with R3 Consulting Group to continue assisting the City in the five-year compliance review of the conditional use permit for the Bulk Materials Processing Center and associated facilities, in an amount not to exceed \$76,000, for a term ending June 30, 2020.

I-16. Continued the matter to the May 15, 2018, City Council meeting, to authorize the Port to enter into a one-year lease, with four options to extend for one year, with Pio Trucking Company for their use of property at Terminal 4, with annual revenue to the Port of Richmond in the amount of \$72,718.

***I-17.** Approved an amendment to the contract with Boudreau Associates, LLC to support dredging of berths 7 and 8 of the Point Potrero Marine Terminal and the Marina Bay Yacht Harbor entrance channel, increasing the amount by \$40,000 for a total contract amount of \$135,000.

***I-18.** Approved actions to update the Economic Development Commission: appointed Demnlus Johnson III, reappointment, seat #1, term expiration date March 30, 2021, Brandon Evans, reappointment, seat #2, term expiration date of March 30, 2021, and Burgundie Spears, reappointment, seat #10, term expiration date March 30, 2021.

***I-19.** Approved appointments to the Environmental and Community Investment Agreement (ECIA) Grant Review Ad Hoc Committee: appointed Lisa Stephenson-Johnson, reappointment, seat #1, term expiration date March 31, 2020, Carol Hegstrom, reappointment, seat #2, term, expiration date March 31, 2020, Lidia Perdomo, reappointment, seat #4, term expiration date March 31, 2020, and Monica Lazo, reappointment, seat #5, term expiration date March 31, 2020.

***I-20.** Approved actions to update the Human Rights Human Relations Commission; appointed Jan Mignone, reappointment, seat #9, term expiration date March 30, 2021.

***I-21.** Approved actions to update the Recreation and Parks Commission; appointed Payal Patel, reappointment, seat #3, term expiration date April 28, 2021.

PUBLIC HEARINGS

J-1. Continued the matter to the May 15, 2018, City Council meeting, to hold a public hearing on the appeal of the Planning Commission's conditional approval of the Anaviv CUP Amendment (PLN17-572); and adopt a resolution affirming the Planning Commission's conditional approval.

ORDINANCES

K-1. The matter to introduce an ordinance (first reading) amending Chapter 11.102 of the Richmond

Municipal Code entitled Relocation Requirements for Tenants of Residential Rental Units; and adopt a resolution concerning relocation payment requirements for tenants of residential rental units was presented by Michael Rousch, legal counsel to the Richmond Rent Board, Executive Director, Nicholas Traylor, and Deputy Executive Director, Paige Roosa. The following individuals gave comments: Bea Roberson, Susan Singh, James Daniels, Steven Paskowitz, and Marilyn Langlois. Discussion ensued. A motion made by Councilmember Myrick, seconded by Vice Mayor Willis, approved first reading, and adopted **Resolution No. 28-18**, by the following vote: **Ayes:** Councilmembers Beckles, Choi, Martinez, Myrick, Recinos, and Vice Mayor Willis. **Noes:** Mayor Butt. **Absent:** None. **Abstain:** None.

K-2. The matter to introduce an ordinance amending Richmond Municipal Code Chapter 9.17 Food Ware Ordinance to update the disposable food ware regulations and prohibit the use, distribution or sale of plastic straws and plastic stirrers by retail establishments, food providers, transient lodging establishments, and the city government was presented by Christopher Whitmore, Director of Policy and Strategy, Mayor's Office. Discussion ensued. The following individuals gave comments: James Lee, Don Gosney, and Joseph Puleo. A motion made by Councilmember Myrick, seconded by Councilmember Recinos, approved first reading of the ordinance and deleted paragraph B under section 9.17.040, passed by the unanimous vote of the City Council.

COUNCIL AS A WHOLE

L-1. The matter to review the proposed Sanctuary City Contracting resolution and the Investment Ordinance and provide direction to staff to prepare the resolution for adoption and agendaize the ordinance for a first reading at the next City Council meeting was presented by Councilmember Beckles and Recinos. Discussion ensued. The following individuals gave comments: Mark Wassberg, Don Fogg, Linda Olvera, Stacy Suh, Tracy Rosenberg, Mike Katz Lacabe, Brian Hofer, and Sameena Usman. A motion by Vice Mayor Willis, seconded by Councilmember Martinez, approved the item by the unanimous vote of the City Council.

(The individual who removed the consent calendar items left the meeting, and all items with the exception of Item I-9 and I-16 were placed back on the Consent Calendar for approval).

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

None.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:35 p.m., in memory of Martha L. Johnson, to meet again on Tuesday, May 15, 2018, at 6:30 p.m.

Clerk of the City of Richmond

(SEAL)

Approved:

Mayor