

RICHMOND, CALIFORNIA, July 17, 2018

The Richmond City Council Evening Open Session was called to order at 5:01 p.m. by Mayor Thomas K. 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 LABOR NEGOTIATORS (Government Code Section 54957.6):

Agency designated representatives: Bill Lindsay and Lisa Stephenson
Employee organization: International Federation of Professional and Technical Employees (IFPTE) Local 21 Executive Management Unit

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

Property: Metro Walk Phase II at Richmond Multi-Modal Transit Station
Agency negotiators: Bill Lindsay and Shasa Curl
Negotiating party: SAA-EVI and The Michaels Organization
Under negotiation: Price and terms of payment

Property: (ex) Fire Training Center, 3506 Cutting Blvd
Agency negotiators: Bill Lindsay and Shasa Curl
Negotiating party: Integral Development, LLC
Under negotiation: Price and terms of payment

Property: Parcel FM Marina Bay
Agency negotiators: Bill Lindsay and Richard Mitchell
Negotiating Party: Orton Development Company
Under negotiation: Price and terms of payment

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957.6): City Manager

PUBLIC EMPLOYEE APPOINTMENT (Government Code Section 54957.6): City Manager

Susan Pricco and Dennis Clay gave comments regarding the conference with labor negotiators item.

The Open Session adjourned to Closed Session at 5:06 p.m.
Closed Session adjourned at 6:51 p.m.

The Regular Meeting of the Successor Agency to the Richmond Community Redevelopment Agency and Richmond City Council was called to order at 6:57 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

All Consent Calendar items were removed for discussion at the end of the agenda.

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

City Attorney Bruce Goodmiller stated there were no final actions taken.

REPORT FROM THE CITY MANAGER

City Manager Bill Lindsay announced the North Richmond Annexation community meetings scheduled at 6:00 p.m. on July 19 and August 16, 2018, at the Shields-Reid Community Center.

OPEN FORUM FOR PUBLIC COMMENT

(Mayor Butt ruled that public speakers would be allowed to give comments under Open Form on items removed from the Consent Calendar).

Don Gosney suggested that the City of Richmond needed a singular source, media point of contact.

Mark Wassberg gave comments regarding illegal immigration.

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

Hulan Barnett expressed concerns regarding quality of life issues in Richmond. Mr. Barnett was specifically concerned with reckless drivers making “donut” tire marks with their vehicles on Richmond streets.

Karen Franklin gave comments concerning the City Council’s meeting protocol when items are continued from a previous meeting.

Elaine Dockens expressed concerns that upcoming boards and commissions vacancies were not being announced prior to term expiration. Ms. Dockens suggested that term ending dates be staggered to ensure a quorum. Ms. Dockens also requested that the Boards, Commission, and Committees handbook drafted by staff be vetted by a focus group.

CITY COUNCIL CONSENT CALENDAR

(All previously removed Consent Calendar items were placed back on the Consent Calendar, except items G-9, G-14, G-19, and G-20).

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

*G-1. Adopted **Resolution No. 61-18** adding Ricoh to the approved list of standing orders/outline agreements for technology-related goods and services in an amount not to exceed \$250,000 per year for fiscal years 2018-2019 through 2021-2022.

*G-2. Approved a five-year contract with Packet Fusion for maintenance of the City's ShoreTel Telephone system in an amount not to exceed \$201,096 over the term of the contract ending June 30, 2023.

*G-3. Approved the purchase of one (1) 2018 Hyster H50XT Lift Truck (forklift) from Pape Material Handling in an amount not to exceed \$29,000.

*G-4. Approved the purchase of seven (7) 2019 Ford Utility Police Interceptors from Hilltop Ford, in an aggregate amount not to exceed \$224,000.

*G-5. Approved the purchase of twenty (20) 2019 Ford Utility Police Interceptors from Hilltop Ford, in an aggregate amount not to exceed \$672,000.

*G-6. Approved the grant-funded purchase of two pre-fabricated concrete "Ozark I" restroom buildings from CXT Inc. Precast Products, to be placed at John F. Kennedy (JFK) Park in an amount not to exceed \$114,020.57, and at Lucas Park in an amount not to exceed \$114,801.43.

*G-7. Approved the purchase of mobile lifts from Steril Koni for use by the Equipment Services Division in an amount not to exceed \$44,500.

*G-8. Adopted **Resolution No. 18-3** authorizing the execution of a construction agreement with R.V. Stich Construction, Inc. for construction of the Wall Avenue Storm Drain Improvements. The total cost shall be the base bid amount of \$859,710 per the plans and specifications for the project, plus \$85,971 for a construction contingency of 10% to render a grand total not-to-exceed amount of \$945,681.

G-9. The matter to adopt a resolution to install two (2) four-way stop controls at the intersections of Barrett Avenue and Key Boulevard and Macdonald Avenue and Key Boulevard, and to install two (2) two-way stop controls at the intersection of Roosevelt Avenue and Key Boulevard and Nevin Avenue and 36th Street, was introduced by Engineering and Capital Improvement Projects Engineer Dane Rodgers. Don Gosney gave comments. Discussion ensued. The Council requested staff to research the reason why some stop controls required the Council's approval and others did not. On motion of Councilmember Beckles, seconded by Vice Mayor Willis, adopted **Resolution No. 62-18** by the unanimous vote of the City Council.

*G-10. Adopted **Resolution No. 63-18** to approve the installation of signage, striping, and traffic signal modification to convert

the two-way alley to a one-way alley from Grant Avenue to Burbeck Avenue (between 22nd Street and 23rd Street).

*G-11. Adopted **Resolution No. 64-18** to install signage, striping, and traffic signal modification to convert 5th Street from a two-way street to a one-way street between Lucas Avenue to Pennsylvania Avenue heading southbound, adjacent to Peres Elementary School, to improve school safety.

*G-12. Approved a contract amendment with Nichols Consulting Engineers for compliance and monitoring services at the Via Verdi landslide, increasing the contract amount by 141,200 for a total contract amount not to exceed \$741,400.

*G-13. Adopted **Resolution No. 65-18** to accept and appropriate \$50,000 in funding from the California Department of Alcoholic Beverage Control (ABC) awarded to the Richmond Police Department for implementation of an effective, comprehensive and strategic approach to address crime and public nuisance problems associated with problematic liquor establishments.

G-14. The matter to approve an agreement with LBG Hilltop, LLC to provide police services at the Shops at Hilltop from May 31, 2018 through May 31, 2019, with an option to extend the service agreement for an additional year, providing for reimbursement of Police Department overtime costs to provide this service, was introduced by Police Chief Allwyn Brown. Discussion ensued. On motion of Councilmember Recinos, seconded by Councilmember Choi, approved said agreement by the unanimous vote of the City Council.

*G-15. Approved a third amendment to loan documents with the East Bay Center for the Performing Arts (EBC) to amend the bridge loan and promissory note by 1) extending the repayment maturity date to no later than by June 30, 2019, and 2) providing a grant of \$150,000 to be used as leverage by EBC for raising capital and program funds; and authorized the city manager to negotiate and execute the final form of the third amendment to loan documents and any other necessary agreements to be prepared by the City Attorney's Office.

*G-16. Adopted **Resolution No. 66-18** related to forming a Community Facilities District for financing improvements associated with the Terminal One project: (1) authorizing the California Statewide Communities Development Authority ("CSCDA") to form a Community Facilities District within the City of Richmond to finance certain improvements, services, and development impact fees; (2) incorporating a Joint Community Facilities Agreement setting forth the terms and conditions of the Community Facilities District financing; (3) approving an acquisition agreement between the City and the Developer; and (4) authorizing City staff to cooperate with CSCDA and its consultants in connection with the Community Facilities District formation and financing.

*G-17. Approved the minutes of the June 26, 2018, regular Richmond City Council meeting.

*G-18. Adopted **Resolution No. 67-18** allowing the City of Richmond to place a levy on the annual 2018-2019 property tax rolls of property owners subject to assessment under the Downtown Richmond Property and Business Improvement District (DRPBID).

G-19. In the matter to adopt an ordinance (second reading) amending Richmond Municipal Code Chapter 7.106 by banning the sale of menthol and other flavored tobacco products, establishing a minimum pack size for little cigars and cigars and imposing location requirements on new tobacco retailers and repeal Richmond Municipal Code Chapter 9.45, the following speakers gave comments: Valerie Yerger, Mary Jaccodine, Karina Guadalupe, Alishba Sandar, Phillip Banks, and Phillip Gardiner. On motion of Councilmember Beckles, seconded by Councilmember Recinos, adopted **Ordinance No. 20-18 N.S.** by the following vote: **Ayes:** Councilmembers Beckles, Choi, Martinez, Recinos, Vice Mayor Willis, and Mayor Butt. **Noes:** None. **Abstained:** Councilmember Myrick. **Absent:** None.

G-20. In the matter to adopt an ordinance (second reading) amending Ordinance 16-17 N.S., modifying Section 3 (Delinquency) and Section 4 (City entitled to payment) and deferring to the Rent Board to establish by Regulation its own rules and procedures governing the collection of the Residential Rental Housing Fee, including fees for late payments, Bea Roberson gave comments. Discussion ensued. On motion of Vice Mayor Willis, seconded by Councilmember Recinos, adopted **Ordinance No. 21-18 N.S.** by the following vote: **Ayes:** Councilmembers Beckles, Choi, Martinez, Myrick, Recinos, and Vice Mayor Willis. **Noes:** Mayor Butt. **Abstained:** None. **Absent:** None.

*G-21. Introduced an ordinance (first reading) amending Chapter 2.28, Nondiscrimination Clauses in City Contracts, of the Richmond Municipal Code to include "gender identity" in non-discrimination clauses for city contracts.

*G-22. Approved actions to update the Youth Council; and appointed Alishba Sardar, new appointment, seat #7, term expiration date October 1, 2018.

*G-23. Introduced an ordinance (first reading) updating the fees and code provisions in Richmond Municipal Code Chapter 12.20, which establishes sewer service charges for the City of Richmond.

*G-24. Adopted **Ordinance No. 22-18 N.S.** (second reading) amending Richmond Municipal Code Chapter 12.18 adding the Dental Amalgam: Mercury Source Control Program.

PUBLIC HEARINGS

H-1. **Continued to July 24, 2018**, the matter to hold a public hearing regarding approval of a Disposition and Development Agreement with SAA-EVI Richmond Partners, LLC for the development of the Successor Agency and city-owned property located along Macdonald Avenue between 11th Street and 13th Street.

ORDINANCES

I-1. The matter to introduce an ordinance (first reading) adding Chapter 14.47 of the Richmond Municipal Code entitled "Parking Ticket Payment Plan" that provides a parking ticket payment plan for those who meet the indigency determination, was introduced by Councilmember Myrick. Assistant City Attorney Shannon Moore provided an oral report for the provisions of the proposed ordinance. On motion of Councilmember Recinos, seconded by Vice Mayor Willis, said ordinance received first reading by the unanimous vote of the City Council.

COUNCIL AS A WHOLE

J-1. In the matter to approve the tentative Point Molate schedule; approve a contract, not to exceed \$150,000 with Kosmont Companies to provide financial and real estate advisory services related to Point Molate; and authorize the city manager to issue a Request for Qualifications (RFQ) from master developers for the Point Molate site, Jim Hanson and Tony Sustak gave comments. Discussion ensued. A motion was made by Mayor Butt, seconded by Councilmember Choi, to adopt staff's recommendation with the following two conditions: (1) incorporate the subject matter that Councilmember Martinez presented on this item at the City Council meeting on July 10, 2018; and (2) delete the provision in the proposed RFQ that would prohibit responders from contacting or lobbying councilmembers and staff regarding the RFQ. Further discussion ensued. The Council requested the number of community members registered for the next community visioning meeting. A substitute motion was made by Councilmember Martinez, seconded by Councilmember Beckles, to (1) approve the proposed RFQ; (2) decline approval of the proposed contract; and (3) revise the tentative schedule as follows: replace the text under "Key Steps" outlined in the staff report on page 3 concerning the Council's approval of item N-2 that read, "*do not result in budget increase or schedule modification*" with the text "*certain modifications to the timetable and the scope of the Point Molate land use visioning process to allow for comprehensive outreach and meaningful community participation*", report back to the Council and the public through the Point Molate Visioning website to evaluate which times and days of the week worked best for increased public participation, include the public's opportunity for Point Molate land use visioning input as part of workshop #2, schedule the citizen visioning mapping activity on August 25, 2018, instead of July 25, 2018, and include zoning for adoption with the Land Use Visioning presentation to City Council scheduled in October 2018. Further discussion ensued. Councilmember Martinez revised his substitute motion to combine actions 1 and 2 into a single substitute motion and action 3 as a separate substitute motion. A friendly amendment was made by Councilmember Recinos to postpone approval of the contract until the first week of September 2018. The friendly amendment was accepted. Further discussion ensued. Councilmember Martinez revised his substitute motion to approve the RFQ and postpone approval of the contract. Further discussion ensued. Councilmember Recinos revised her friendly amendment to approve a preliminary contract only for "Task 7" outlined in Kosmont Companies' project scope to provide technical assistance at community visioning meetings (phase one). The friendly amendment was accepted directing staff to execute a contract for phase one and a separate contract at a later date for phase two. **The substitute motion with the friendly amendment to approve the RFQ; and approve a contract for only "Task 7" (phase one) passed by the unanimous vote of the City Council.** The main motion to approve the tentative schedule as recommended by staff passed by the following vote: **Ayes:** Councilmembers Choi, Myrick, Recinos, and Mayor Butt. **Noes:** Councilmembers Beckles and Martinez. **Absent:** None. **Abstained:** Vice Mayor Willis.

J-2. The matter to adopt a resolution in support of statewide efforts to implement the Buy Clean California Act; and direct city staff to deliver a report during the September 25, 2018, City Council meeting regarding potential implementation in the City of Richmond, including the adoption of a Global Warming Potential limit and the requirement of an Environmental Product Declaration, was introduced by Councilmember Recinos. Molly Culton and Bea Roberson gave comments. On motion of Vice Mayor Willis, seconded by Councilmember Beckles, adopted **Resolution No. 68-18** by the unanimous vote of the City Council.

J-3. The matter to revise the Skelly process in the following ways: (1) no department head shall be allowed to serve as the hearing officer for a Skelly meeting involving someone in their own

department; (2) before an outside attorney can be procured on the city's behalf for one of these meetings, the city will first determine if the employee facing disciplinary action will be represented by an attorney of their own and if they are not, the city will not procure outside counsel for any purpose at that meeting, was introduced by Councilmembers Myrick and Recinos. Discussion ensued. The following speakers gave comments: Don Gosney, Karen Franklin, and Ben Therriault. A motion was made by Councilmember Myrick, seconded by Vice Mayor Willis, directing staff to begin the meet and confer process with the appropriate bargaining units with the intention of revising the Skelly process as recommended unless the employee who is the subject of the Skelly meeting requested their department head to serve as hearing officer. A substitute motion made by Mayor Butt, to accept the first part of the main motion but not the second part regarding legal representation, died for lack of a second. The main motion passed by the following vote: **Ayes:** Councilmembers Beckles, Choi, Martinez, Myrick, Recinos, and Vice Mayor Willis. **Noes:** Mayor Butt. **Absent:** None. **Abstained:** None.

(At approximately 9:01 p.m., the Council adjourned to Closed Session to discuss the public employee appointment for city manager. Closed Session adjourned at 10:34 p.m. The City Council reconvened at 10:36 p.m. with all councilmembers present).

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

Councilmembers Recinos and Martinez reported on their attendance to a conference with other local elected officials discussing examples of policies concerning labor, rent control, and building relationships with affordable housing developers. Councilmember Martinez reported that he participated in plenary sessions at the conference regarding police relations and sea level rise.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:38 p.m., to meet again on Tuesday, July 24, 2018, at 6:30 p.m.

Clerk of the City of Richmond

(SEAL)

Approved:

Mayor