

RICHMOND, CALIFORNIA, June 25, 2019

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

ROLL CALL

Present: Councilmembers Demnlus Johnson III, Eduardo Martinez, Jael Myrick, Melvin Willis, Vice Mayor Ben Choi, and Mayor Tom Butt. **Absent:** Councilmember Nathaniel Bates arrived after adjourning 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 -
EXISTING LITIGATION (paragraph (1) of Subdivision [d] of
Government Code Section 54956.9):**

Solvay, USA Inc. vs. City of Richmond

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

Property: Port of Richmond (Rigger's Loft)
Agency negotiators: Carlos Martinez and Jim Matzorkis
Negotiating Party: (i) Rigger's Loft Wine Company, Inc.
Under negotiation: Price and terms of payment

The Open Session adjourned to Closed Session at 5:30 p.m.
Closed Session adjourned at 6:25 p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:55 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 I-3 was heard before Item I-1. Councilmember Martinez requested Item H-1 be removed from the Consent Calendar, however he did not speak with staff. A motion by Councilmember Willis, seconded by Councilmember Bates, removed Item H-1 from the Consent Calendar, by the following vote: **Ayes:** Councilmembers Bates, Johnson III, Martinez, Myrick, and Willis. **Noes:** Vice Mayor Choi and Mayor Butt. **Absent:** None. **Abstain:** None.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

D-1. Scholarship awards were presented to the Snow Ball King and Queen winners and runners-up of the 66th Annual Snow Ball held on December 8, 2018. Edwin Hurlbut, Maryn Hurlbut, and Cordell Hindler gave comments.

D-2. Mayor Butt announced recent resignations from City of Richmond boards, commissions, and committees; and announced vacancies as of June 25, 2019, and asked 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

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

REPORT FROM THE CITY MANAGER

City Manager Carlos Martinez stated there was no report.

OPEN FORUM FOR PUBLIC COMMENT

Cordell Hindler gave comments regarding the possible closure of Alta Bates Hospital.

Naomi Williams announced that the Commission on Aging Zydeco Dance was on August 24, 2019, from 6 p.m. to 10 p.m. at the Richmond Memorial Auditorium. Tickets could be purchased for \$15 at the Richmond Recreation Center at 3230 Macdonald Avenue.

Hulan Barnett gave comments regarding overgrown grass and blight throughout Richmond.

Mark Wassberg gave comments regarding a restaurant on 23rd Street that had the American flag flown higher than the Mexican flag.

Eleanor Thompson thanked the city for the grant awarded to Social Progress, Inc. Ms. Thompson also stated contractors within the city should hire Richmond residents.

Luis Chacon gave comments regarding immigration camps and police brutality.

Virginia Ramirez and Sue Wilson stated Richmond was a sanctuary city and should protect its undocumented residents.

Chris Broglio spoke against mass surveillance in Richmond.

Sean Stalbaum read comments by recently terminated City of Richmond employee, Yvette Woods.

Rick Perez and Patricia Perez stated that even with the passage of SB 1421, documents regarding the Pedie Perez case were not released.

Pam Saucer stated that the Finance Director forgave a \$9,000 debt owed by a police department employee.

Michael Freeman gave comments regarding surveillance technology used by local government.

Mike Parker stated that the City Council needed to have more oversight on city contracts under \$10,000.

Andrea Mullarkey gave comments regarding the schools and communities first ballot initiative that if approved by the voters could raise \$11 billion for California schools and municipalities.

Jerry Miller gave comments regarding bad living conditions at the apartment complex on the corner of San Pablo Avenue and Garvin Avenue owned by Castle Management.

David Drisdale stated that there was overgrown grass and garbage throughout the city.

CITY COUNCIL CONSENT CALENDAR

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

H-1. The matter to adopt resolutions approving: (1) Fiscal Year 2019-20 Annual Operating Budget and (2) Fiscal Years 2019-24 Five-Year Capital Improvement Plan was presented by City Manager Carlos Martinez and Finance Director Belinda Warner. Discussion ensued. The following individuals gave comments: Jill Perry, Sean Stalbaum, Bea Roberson, and Luis Padilla. A motion was made by Councilmember Martinez to approve the Fiscal Year 2019-20 Annual Operating Budget and Fiscal Years 2019-24 Five-Year Capital Improvement Plan and conduct meetings with staff, union representatives, and three members of the City Council to further discuss the budget. The motion was seconded by Councilmember Willis who offered a friendly amendment to not include the police sergeant promotion to lieutenant and keep the Fire Inspector position in the budget. City Manager Carlos Martinez stated that the Fire Inspector position would cost more than the promotion from sergeant to lieutenant; therefore, the budget would be unbalanced. Councilmember Willis withdrew his friendly amendment. The motion passed and **Resolution No. 56-19**, and **Resolution No. 57-19**, respectively, were adopted by the following vote: Councilmembers Johnson III, Martinez, Myrick, Willis, Vice Mayor Choi, and Mayor Butt. **Ayes:** **Noes:** Councilmember Bates. **Absent:** None. **Abstain:** None.

***H-2.** Adopted **Resolution No. 58-19**, approving the Fiscal Year 2019-20 Appropriations Limit for the City of Richmond pursuant to Article XIII B, as amended, of the Constitution of the State of California.

***H-3.** Adopted revised grants policy that outlines guidelines regarding grant application, execution, and documentation.

***H-4.** Approved the first amendment to the legal services agreement with Downey Brand LLP to represent the City as California Environmental Quality Act (CEQA) counsel for the

Point Molate project, with a payment limit of \$250,000 to be paid with funds deposited by the master developer.

***H-5.** Approved an agreement with Modern Building Services to provide a portable building at Point Potrero Marine Terminal.

***H-6.** Approved a contract for the continuation of Children Interview Center (CIC) services to support forensic interviews of children victimized by sexual or physical abuse, and/or who have been severely neglected for the period July 1, 2019, to June 30, 2021, with the CIC, in an amount not to exceed \$60,000.

***H-7.** Adopted **Resolution No. 59-19**, to execute a Construction Agreement with ERA Construction, Inc. for the Crossing Safety Improvements - Phase II project in the base bid amount of \$326,944 plus a construction contingency of 15%, for a total not to exceed amount of \$375,985.

***H-8.** Approved the first of two one-year extensions to the contract with Hunt & Sons, Inc. for bulk oil and lubricants delivery, extending the term to June 30, 2020, and increasing the payment limit by \$45,000 for a total of \$165,000.

***H-9.** Approved the first of two one-year extensions to the contract with Verizon Networkfleet for monthly GPS tracking and management, extending the term to June 30, 2020, and increasing the payment limit by \$50,000 for a total of \$150,000.

***H-10.** Approved the Environmental Community Investment Agreement (ECIA) budget for Fiscal Year 2019/20 totaling \$3,645,000 for the implementation of transportation and transit programs as recommended by the ECIA Committee on March 22, 2019.

***H-11.** Approved contracts totaling \$250,000 with three community-based organizations as recommended by the Transportation Committee for the Environmental Community Investment Agreement (ECIA) to include: \$80,000 Men & Women of Valor; \$50,000 RPAL; and \$120,000 Richmond Friends of Recreation to assist with the implementation strategies related to outreach services, marketing and transportation planning as described in the Richmond Integrated and Equitable Multimodal Transportation Plan, aka First Mile/Last Mile Transportation Plan, and the City of Richmond/Chevron ECIA Agreement for Transportation and Transit programs.

***H-12.** Adopted **Resolution No. 60-19**, authorizing submittal of the Measure J 2016 and 2017 "Growth Management Program Compliance Checklist" to the Contra Costa Transportation Authority (CCTA) to allow the City of Richmond to receive its allocation of fiscal years 2017-18 and 2018-19 Local Street Maintenance and Improvement Funds.

***H-13.** Adopted **Ordinance No. 09-19 N.S.**, adding Chapter 12.19 to the Richmond Municipal Code regulating septic tanks and other onsite wastewater treatment systems.

***H-14.** Adopted **Ordinance No. 10-19**, amending Chapter 3.54 of the Richmond Municipal Code to provide greater transparency and allow for a quorum relative to the number of commissioners appointed.

STUDY AND ACTION SESSION

I-1. The matter to receive an informational presentation from the Office of Neighborhood Safety (ONS) regarding the Department's mission, program, work, role in eliminating gun violence in the City of Richmond, to achieve the Council's stated goal of No homicides for a year was presented by Office of Neighborhood Safety Program Manager Sam Vaughn. This item was continued from the April 23 and May 28, 2019, meetings. Mr. Vaughn presented a Powerpoint that highlighted the following: The twenty years prior to the Office's creation there were 749 homicide victims in the City of Richmond, which is approximately 37+ lives lost unnecessarily in the City of Richmond per year. On February 8th the Mayor, the Council and department heads met for a strategic planning retreat. During that retreat one of the priorities was established to have one year with ZERO homicides. 4,638 street outreach contacts were facilitated by neighborhood change agents; 5,887 hours of street outreach coverage; 158 individuals who are at high risk of being involved in gun violence provided services; 57 individuals provided attention intensive mentoring; 308 service referrals were facilitated by Neighborhood Change Agents; 209 community conflicts were mediated by staff and 57 gun violence interventions were performed by staff. Discussion ensued. Mark Wassberg and Rick Perez gave comments.

I-2. The matter to receive a presentation from the Richmond Police Department regarding homicides in Richmond, historic realities, and current trends, to inform the Council on the complexities associated to this difficult social issue, and ways the Police Department intends to address root-cause issues aimed at prevention was given by Chief Allwyn Brown. This item was continued from the May 28, 2019, meeting. Chief Brown presented a PowerPoint that highlighted the following: Richmond's criminal homicide rate peaked during the 1990's with an annual high of 62 killings in 1991. The annual average for that decade was 38 homicides. The yearly homicide count fluctuated between a high of 25, and a low of 16 cases over the prior 5 years. There were 7 criminal homicides year to date in 2019. Keeping current on criminal intelligence related to the activities of validated gang members helped to prevent/reduce gun violence. The goal was to disrupt what could become escalating patterns of back and forth public shootings. The police department's Special Investigations Section (SIS), in partnership with others to include Project Ceasefire, Contra Costa DA hosted FBI Safe Streets Task Force, BATF, Homeland Security Investigations (HIS), allied local police agencies local and others were instrumental in the accomplishment of this goal. Discussion ensued. Mark Wassberg and Rick Perez gave comments.

I-3. The matter to receive a report from First 5 Contra Costa outlining the assessment of 25 Richmond parks located in high need areas identified by the Statewide Park Development and Community Revitalization Grant Fund Program was presented by Community Services Department Director Rochelle Polk. Leidi Maldonado, Chair of the West County Regional Group, sponsored by First 5 Contra Costa presented a PowerPoint that highlighted the following: A collaborative, multi-sectoral team of residents, early childhood advocates, and public health, government, and community organizations assessed 25 city parks in Richmond to determine their suitability for play and outdoor physical activity by young children and families.

The City of Richmond collaborated with the following lead partner agencies: West County Regional Group – a parent advocacy group comprised of residents of Richmond and West Contra Costa County; First 5 Contra Costa Children and Families Commission; Healthy and Active Before 5. The park assessment report will be a resource to City of Richmond staff and Richmond community-based organizations who apply Statewide Park Development and Community Revitalization Grant Fund Program monies.

I-4. The matter to receive a report on the City's Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2017-18 was presented by Finance Director, Belinda Warner, and Amy Mayer, Maze & Associates, who presented a Powerpoint that highlighted the following: some of the findings of the audit were unusual transactions, significant accounting estimates, no material adjustments, other than to record capital asset activity and RHA's prior year and current year closing entries and no uncorrected misstatements to the report. The financial statements presented fairly, in all material respects, the respective financial position of the governmental activities. The auditors did not express an opinion on the financial statements of the Richmond Housing Authority Enterprise Fund due to the lack of sufficient appropriate audit evidence. Ben Therriault gave comments. City Council requested copies of the information and data used to prepare the final CAFR in reference to audit findings.

COUNCIL AS A WHOLE

J-1. The matter to approve a contract amendment with Vigilant Solutions LLC in an amount not to exceed \$30,000, with a term from July 1, 2019, to June 30, 2022, and request that, consistent with the City's Sanctuary City Contracting and Investment Policy, the City Council make a specific determination that the City can contract with Vigilant Solutions LLC since no reasonable alternative exists. This item was continued from the June 18, 2019, meeting. Police Chief Allwyn Brown, Police Captain Louie Tirona, and Police Information Technology Supervisor Eric Tam, gave an overview of the item. Discussion ensued. The following individuals gave comments: Don Arana, Elsa Stevens, Chris Broglio, Sue Wilson, Matt Katz, Jessica Bazan, Michael Freeman, Bea Roberson, Valeska Castaneda, Andrea Mullarky, Ada Recinos, Ben Therriault, Brian Hofer, Kabir Kapur, Rick Perez, Sameena Usman, Rick Perez, Valerie Jameson, Ganna Malik, Aneeqa Abid, and Ganna Malik. *(At 11:00 p.m. - A motion by Councilmember Willis, seconded by Councilmember Myrick to extend the meeting for 30 minutes was approved by the unanimous vote of the City Council).* Following discussion, a motion was made by Councilmember Willis, seconded by Councilmember Myrick, to deny the contract, put out a request for proposals (RFP), research what vendors the cities of Oakland, San Francisco, and other surrounding cities were using and potentially using Northern California Regional Intelligence Center (NCRIC) as a vendor. Councilmember Willis offered a friendly amendment to direct the City Manager to send an official invitation to other cities in the I-80 corridor to determine if they would consider joining in on the RFP. The friendly amendment was accepted and the motion passed by the following vote: **Ayes:** Councilmembers Johnson III, Martinez, Myrick, Willis, and Vice Mayor Choi. **Noes:** Councilmember Bates and Mayor Butt. **Absent:** None. **Abstain:** None.

(At 11:30 p.m. - A motion by Councilmember Myrick, seconded by Councilmember Willis, suspended the rules and extended the meeting 30 minutes to finish the budget, Item H-1, by the following vote: Ayes: Councilmembers Johnson III, Martinez, Myrick, Willis, Vice Mayor Choi, and Mayor Butt. Noes: Councilmember Bates. Absent: None. Abstain: None.

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

None.

ADJOURNMENT

There being no further business, the meeting adjourned at 12:18 p.m., in memory of Josephine Lico, to meet again on Tuesday, July 2, 2019, at 6:30 p.m.

Clerk of the City of Richmond

(SEAL)

Approved:

Mayor