

RICHMOND, CALIFORNIA, November 5, 2019

The Richmond City Council Evening Open Session was called to order at 3:02 p.m. by Mayor Thomas K. Butt.

ROLL CALL

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

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

PUBLIC EMPLOYEE APPOINTMENT (Government Code Section 54957.6):

Title: City Manager

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (paragraph (1) of Subdivision [d] of Government Code Section 54956.9):

SPRAWLDEF vs. City of Richmond

Upstream vs. City of Richmond

Cordell Hindler stated Interim City Manager Steve Falk should be considered as the permanent City Manager.

Norman La Force, Roberta Wynn, Tarnel Abbot, Jim Hanson, and Andres Soto stated that the City Council should reject the proposed amendment to the Point Molate settlement agreement.

The Open Session adjourned to Closed Session at 3:12 p.m. Closed Session adjourned at 5:28 p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:32 p.m., by Mayor Butt, who led the Pledge of Allegiance to the Flag.

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

Items H-4, H-5, and H-15 were withdrawn from the agenda. Items H-9 and H-14 were removed from the Consent Calendar for discussion at the end of the agenda.

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

Senior Assistant City Attorney Rachel Sommovilla stated there were no final actions taken.

REPORT FROM THE CITY MANAGER

Interim City Manager Steven Falk stated there was no report.

OPEN FORUM FOR PUBLIC COMMENT

Cordell Hindler gave comments regarding councilmembers who traveled on city-paid business trips.

Jerrilee Doss, Vahe Minassian, Stan Niedz, Bob Goshay, Norma LaBat, Ellen Adler, Ilona Clark, G. Perrett, Ron Karren, Emily Lozano, Alex Lozano, Lissandra Lozano, Colin Glassey, Brian Fisher, Jerry Feagley, Shirley Patterson, Christina Redse, Eric, L. Zephyr, Sim Gurwitz, Mark Wassberg, George Wugave, Mike Parker, and Georgia Richardson gave comments in opposition of the Tenants Opportunity to Purchase (TOPA) ordinance.

Leisa Johnson stated the Veolia Wastewater Treatment Plant had exceeded the permitted H2F air quality levels over several days.

Don Gosney gave comments regarding the effects of district elections, on matching funds, and campaign contributions.

Garry Hurlbut gave comments regarding the importance of constant maintenance of the City parks. Mr. Hurlbut also stated the City of Richmond should have a Veteran's Day event.

Naomi Williams announced that the 22nd Annual Senior Winter Ball would be held on December 21, 2019, at the Richmond Auditorium.

Patricia Perez gave comments regarding unfair police actions and the death of Pedie Perez.

Tarnel Abbot gave comments regarding toxic chemicals in reference to the Zeneca site.

Jan Mignone, President of North and East Neighborhood Council, announced that the Wendell Park Soccer Ribbon-Cutting Ceremony was on Saturday, November 9, 2019, from 10:00 a.m. to 12:00 p.m.

Deborah Bayer gave comments regarding the financial analysis report for Point Molate.

CITY COUNCIL CONSENT CALENDAR

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

***H-1.** Introduced an ordinance updating and amending Chapter 8.16 of the Richmond Municipal Code that pertains to Fire Prevention, including incorporating the 2019 California Fire Code and 2018 International Fire Code.

***H-2.** Approved a contract amendment with E-Lock Technologies to increase the payment limit by \$97,192.58 and extend the terms of the contract to December 31, 2024, in order to install additional electronic bike lockers and provide maintenance

***H-3.** Approved an amendment to the contract with Liebert Cassidy Whitmore in an amount not to exceed \$75,000, bringing the total contract amount to \$85,000, to provide advice on human resources issues and represent the City during negotiations with the City's represented employee units through December 31, 2020.

H-4. WITHDREW an ordinance (first reading) to establish wages, salaries, and compensation for the new Police Records and Property Manager classification (Salary Range No. 070D \$9,535. This item was continued from the October 15, 2019, meeting.

H-5. WITHDREW a resolution amending the City of Richmond's Position Classification Plan to add the new Police Records and Property Manager classification. **This item was continued from the October 15, 2019, meeting.**

***H-6.** Approved the purchase of the subscription to an eBook and audiobook access platform and the licensing of eBooks and audiobooks for the Richmond Public Library from Overdrive, Inc. in an amount not to exceed \$70,000 per year for three years with the option of two one-year renewals for \$70,000 per year View Sinkhole Repairs project subcontracts by the unanimous vote of the City Council.

***H-7.** Received the City's Investment and Cash Balance Report for the month of September 2019.

***H-8.** Adopted **Resolution No. 101-19**, authorizing placement of liens and special assessments for unpaid garbage collection service fees on County property tax records.

H-9. The matter to adopt an ordinance (second reading) repealing Section 15.04.610.270 (Medical Marijuana Uses Ordinance) and adopting revised Section 15.04.610.270 (Marijuana/Cannabis Commercial Uses) and new Section 15.04.610.275 (Marijuana/Cannabis: Personal Use) was discussed. On motion of Councilmember Johnson III, seconded by Councilmember Willis, adopted **Ordinance No. 16-19 N.S.** by the unanimous vote of the City Council.

***H-10.** Approved appointment(s) to the Richmond Youth Council: appointed Laiba Noor, new appointment, seat #9, term expiration date October 1, 2020.

***H-11.** Approved appointment(s) to update the Library Commission: appointed Mimi Vitetta re-appointment, seat #2, term expiration date July 1, 2022.

***H-12.** Approved appointment to the Recreation and Parks Commission: appointed Brendan Havenar-Daughton, new appointment, seat #2, term expiration date of October 26, 2021.

***H-13.** Approved appointment(s) to the ECIA Transportation Oversight Committee; Appointed Carolyn Douglas, re-appointment, seat #5, term expiration date of July 25, 2022.

H-14. In the matter to approve a proclamation declaring November 17-23, 2019, as United Against Hate Week in the City of Richmond, on motion of Councilmember Willis, seconded by Councilmember Myrick, approved the proclamation by the unanimous vote of the City Council.

H-15. WITHDREW the matter for the city manager and staff to explore potential revenue enhancement measures, including researching and preparing potential ballot measures for City Council consideration.

H-16. Approved appointment(s) to the Richmond Fund for Children and Youth Oversight Board: **Mayor Tom Butt Appointments:** Geselle Alvarado, new appointment, seat #1 and Katherine Lee, new appointment, seat #2 and Kapris S James, new appointment, seat #3; **Vice Mayor Ben Choi Appointments:** Destiny E. Caster, new appointment, seat #4 and Miriam Stephanie Sequeira, new appointment, seat #5; **Councilmember Nathaniel Bates Appointments:** Chastity Ochoa, new appointment, seat #6 and Madiha Qader, new appointment, seat #7; **Councilmember Demnlus Johnson Appointments:** Zeonta Johnson, new appointment, seat #8 and Kristin Kilian Lobos, new appointment, seat #9; **Councilmember Eduardo Martinez Appointments:** Khaliaghya Dandie-Evans, new appointment, seat #10 and Carol Hegstrom, new appointment, seat #11; **Councilmember Jael Myrick Appointments:** Christian M. Mendizabal, new appointment, seat #12 and Teyona R. Galloway, new appointment, seat #13; **Councilmember Melvin Willis Appointments:** Angel Godinez, new appointment, seat #14 and Guadalupe Enllana, new appointment, seat #15.

PUBLIC HEARINGS

I-1. The city clerk announced that it was time pursuant to public comment to hold a public hearing to review the districting process for City Council elections and receive public input regarding the composition of potential City Council districts. Assistant City Attorney James Atencio, and Senior Consultant Shalice Tilton with National Demographics Corporation gave an overview of the matter. On September 11, 2019, the City received a demand letter from attorney Scott J. Rafferty (Rafferty) which threatens legal action against the City under the California Voting Rights Act (CVRA) if the City does not transition from at-large to district-based elections of City Councilmembers. On October 22, 2019, the City adopted a Resolution No. 99-19 declaring its intent to transition from at-large to district-based elections of City Councilmembers. Discussion ensued. The mayor declared the public hearing open. The following individuals gave comments: Andres Soto, Don Gosney, Susan Wehrle, Kevin Mathieu, Leisa Johnson, Joseph Puleo, Scott Rafferty, David Drisdale, Charles Smith, Jan Mignone, Kabir Kapur, and Mike Parker. Mayor Butt closed the public hearing. Following discussion, a motion was made by Councilmember Willis, seconded by Councilmember Johnson III, to schedule two community workshops before January 20, 2019, with the assistance of monolingual translators, and the December 3, and 17, 2019, City Council meetings would be used as community workshops. Councilmember Johnson III offered a friendly amendment to conduct three workshops in the

north, south, and central areas of the City, which was accepted by Councilmember Willis. The City Council requested monolingual equipment for translation. The motion passed by the following vote: **Ayes:** Councilmembers Bates, Johnson III, Myrick, Martinez, Willis, and Vice Mayor Choi. **Noes:** Mayor Butt. **Absent:** None. **Abstain:** None.

(At 10:51 p.m. - A motion by Councilmember Willis, seconded by Councilmember Bates to extend the meeting to complete Consent Calendar Items H-9 and H-14 only, passed by the unanimous vote of the City Council).

I-2. The city clerk announced that it was time, pursuant to public notice, to hold a public hearing to approve the Amended Judgment in connection with the litigation entitled The Guidiville Rancheria of Cal. et al. vs. The United States of America, et al., No. CV 12-1326 YGR (N.D. Cal.). Planning Director Lina Velasco, and attorney Alexis Amenzcua, law firm of Morrison Foerster gave an overview of the matter. Point Molate was a former U.S. Naval Fuel Depot, which was conveyed to the City of Richmond in 2003 and 2008. Between 2005 and 2011 Upstream Development and Guideville Tribe sought to develop a casino on Point Molate. The City rejected the development in 2011 and in 2012 plaintiffs filed a lawsuit and sought more than \$750 million in damages. SPRAWLDEF alleged that the settlement provided entitlements to develop Point Molate and that the City violated the Brown Act by failing to vote on the settlement in open session. Language was proposed to be added to the Amended Judgement clarifying and reconfirming that any development at Point Molate, including granting of entitlements, would require further public hearings and community input. Mayor Butt declared the public hearing open. The following individuals gave comments: Carolyn Graves, Kelly Hammargren, Tally Craig, Shirley Dean, Elsa Stevens, Jordan Destaebler, Alix Mazuet, Robert Cheasty, Tarnel Abbott, Dennis Hicks, Sally Tobin, Jeanne Kortz, Courtney Cummings, David Helvarg, Deb Bayer, Sandra Gracia, Marilyn Langlois, Tom Hansen, Joseph Puleo, Charles Smith, Tony Sustak, Pam Stello, Thomas Lawson, Jeff Kilbreth, Mike Parker, Charles Smith, and Kabir Kapur. Mayor Butt closed the public hearing. Discussion ensued. **Mayor Butt ordered staff to clear the Chambers. (At 8:22 p.m. the mayor called a five minute recess - City Council meeting was in recess). During the recess, a motion was made by Councilmember Martinez, seconded by Councilmember Johnson III, to adjourn the meeting. Because the motion was made during a recess, it could not be officially considered for a vote. (At 8:27 p.m. the mayor resumed the meeting - City Council meeting resumed).** A motion was made by Councilmember Myrick, seconded by Councilmember Willis to overrule Mayor Butt and not clear the Chambers. Five votes were needed for the motion to pass. The motion failed by the following vote: **Ayes:** Councilmembers Bates, Myrick, Willis, and Vice Mayor Choi. **Noes:** Mayor Butt. **Absent:** None. **Abstain:** Councilmembers Johnson III and Martinez. Mayor Butt stated that the meeting would continue without clearing the Chambers. Following discussion, a motion by Councilmember Bates, seconded by Vice Mayor Choi, approved the amended judgment by the following vote: **Ayes:** Councilmembers Bates, Johnson III, Vice Mayor Choi, and Mayor Butt. **Noes:** Councilmembers Martinez, Myrick and Willis. **Absent:** None. **Abstain:** None.

I-3. CONTINUED TO DECEMBER 3, 2019, the matter to INTRODUCE an ordinance 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 make conforming amendments to the RMC to ensure that it is internally consistent with said prohibition.

COUNCIL AS A WHOLE

J-1. CONTINUED to the November 19, 2019, City Council meeting, the matter to receive a report summarizing the status of major land use development projects in Richmond

J-2. CONTINUED to the November 19, 2019, City Council meeting, the matter to receive a presentation from the Department of Infrastructure Maintenance and Operations (DIMO) regarding blight in Richmond, including challenges, operational realities and steps DIMO is taking to reduce blight throughout the City.

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

None.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:56 p.m., to meet again on Tuesday, November 19, 2019, at 6:30 p.m.

Clerk of the City of Richmond

(SEAL)

Approved:

Mayor