

RICHMOND, CALIFORNIA, March 1, 2022

Community Services Building
440 Civic Center Plaza
Richmond, CA 94804

A. OPEN SESSION TO HEAR PUBLIC COMMENT BEFORE CLOSED SESSION

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

B. ROLL CALL

Present: Councilmembers Claudia Jimenez, Demnlus Johnson III, Gayle McLaughlin, Vice Mayor Eduardo Martinez, and Mayor Thomas K. Butt. **Absent:** Councilmember Nathaniel Bates arrived after the roll was called. Councilmember Melvin Willis was absent for the entire Closed Session.

C. CLOSED SESSION

C.1 PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957)

- Title: City Attorney
- Title: Community Police Review Commission Investigative Officer

C.2 PUBLIC EMPLOYEE APPOINTMENT (Government Code Section 54957.6)

- Title: City Manager

D. PUBLIC COMMENT BEFORE CLOSED SESSION

Naomi Williams gave comments via teleconference regarding Item C.2.

E. ADJOURN TO CLOSED SESSION

The Open Session adjourned to Closed Session at 5:03 p.m. Closed Session adjourned at 6:28 p.m.

F. REGULAR MEETING OF THE RICHMOND CITY COUNCIL

The Regular Meeting of the Richmond City Council was called to order at 6:35 p.m. by Mayor Thomas K. Butt via teleconference.

G. ROLL CALL

Present: Councilmembers Bates, Jimenez, Martinez, McLaughlin, Vice Mayor Johnson III, and Mayor Butt. **Absent:** Councilmember Willis was absent for the entire meeting.

H. PUBLIC COMMENT INSTRUCTIONAL VIDEO

The public comment instructional video was shown.

I. STATEMENT OF CONFLICT OF INTEREST

None.

J. AGENDA REVIEW

City Clerk Pamela Christian announced that item P.1 was inadvertently duplicated on the agenda and Item P.2 contained the correct attachments.

(Items O.7.c and O.3.c were removed from the Consent Calendar during the Open Forum for discussion at the end of the agenda).

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

Interim City Attorney Dave Aleshire reported there were no reportable actions taken.

L. REPORT FROM THE CITY MANAGER (public comment allowed under Open Forum)

Interim City Manager Shasa Curl reported that the City of Richmond received nearly \$10 million in funding from the Clean California Local Grant Program. Ms. Curl acknowledged the work led by Pogo Park for the Yellow Brick Road Clean Green and Beautiful Phase III Project. Ms. Curl advised that new I-Heart Richmond face masks were available to volunteers that helped at a city-wide clean-up event. Ms. Curl announced that the City of Richmond partnered with neighborhood organizations, city staff, and volunteers to clean up areas near Nevin Avenue and adjacent to Cesar Chavez Elementary School.

M. ABATEMENT REPORT FROM THE PUBLIC WORKS DIRECTOR - 1st Tuesday (public comment allowed under Open Forum)

Director of Public Works Joe Leach presented a PowerPoint that highlighted the following abatement activities update: I-Heart Richmond Clean-Up Collaboration Initiative; Nevin Avenue clean-up and neighborhood dumpster day; illegal dumping; private property and encampment abatements; graffiti removal; board-ups; and partnerships. The council suggested staff recognize Sims Metal and others that donated equipment at the clean-ups and host a luncheon for volunteers. The council requested a copy of the abatement PowerPoint presentation to share with residents.

N. OPEN FORUM FOR PUBLIC COMMENT

The following individuals gave comments via teleconference:

Iлона Clark expressed concerns regarding Item O.3.c regarding unpaid garbage collection service fees. Ms. Clark suggested the City of Richmond consider other alternatives to collect the fees. Ms. Clark urged the council that higher fees would result in illegal dumping.

Joey Schlemmer gave comments regarding the City of Richmond's legacy pension system. Mr. Schlemmer urged the city manager to have an actuary review that pension fund and remaining beneficiaries. Mr. Schlemmer suggested that the pension fund could be returned to the voters for modification to create a potential revenue stream for the city.

Tenzin Randal expressed solidarity with the Ukrainians invaded by Russia and acknowledged the City of Richmond for raising the Ukrainian flag. Mr. Randal gave comments in support of Item O.5.d regarding the Tibetan Uprising Day. Mr. Randal urged the council to continue supporting the oppressed people around the world and speak up for justice.

Councilmember Bates requested to remove Item O.7.c from the Consent Calendar for discussion at the end of the agenda. The request was granted.

Councilmember Jimenez requested to remove Item O.3.c from the Consent Calendar for discussion at the end of the agenda. Interim City Manager Shasa Curl provided a brief explanation for Item O.3.c. The request was granted.

O. CITY COUNCIL CONSENT CALENDAR

Motion by Councilmember Johnson III

Seconded by Vice Mayor Martinez

To approve all items on the Consent Calendar with the exception of Items O.3.c and O.7.c.

Ayes (6): Councilmember Bates, Councilmember Jimenez, Councilmember Johnson III, Councilmember McLaughlin, Vice Mayor Martinez, and Mayor Butt

Absent (1): Councilmember Willis

Passed (6 to 0)

O.1 City Clerk's Office

O.1.a Revisions to the Boards, Commissions and Committees Handbook

APPROVE amendments to the Boards, Commissions and Committees Handbook – City Clerk’s Office (Pamela Christian 510-620-6513).

O.1.b City Council Minutes

APPROVE the minutes of the January 11 and 18, 2022, regular City Council meetings - City Clerk's Office (Pamela Christian 510-620-6513).

O.2 Community Development

O.2.a Cannabis Equity Program Implementation and SCI Consulting Group Contract Amendment

ADOPT a resolution to accept grant funding from the California Governor's Office of Business and Economic Development; AUTHORIZE the city manager or their designee to execute the necessary agreements with the California Governor's Office of Business and Economic Development to accept \$1,319,360 in grants funds; APPROPRIATE the grant funds in the Fiscal Years 2021-2022 through 2023-2024 budgets; and APPROVE the fourth amendment to the contract with SCI Consulting Group to increase the contract amount by \$24,000, for a total not to exceed amount of \$124,400, to be paid from the GO-Biz grant and amend the contract term to December 1, 2017, through December 31, 2024 - City Manager's Office (Shasa Curl/Lina Velasco/Thomas Omolo 510-620-6512).

Adopted Resolution No. 22-22

O.3 Finance Department

O.3.a Investment and Cash Balance Report for the Month of January 2022

RECEIVE the City’s Investment and Cash Balance Report for the month of January 2022 - Finance Department (Belinda Brown 510-620-6740).

O.3.b Approval of New Fees for the Revised Master Fee Schedule

ADOPT an ordinance (second reading) establishing certain fees for the proposed Master Fee Schedule and after the second reading of the ordinance, ADOPT a resolution setting the dollar amount for the new fees and adjusting the dollar amount for current fees - Finance Department (Belinda Brown 510-620-6740/Antonio Banuelos 510-620- 6741).

Adopted Resolution No. 23-22

O.3.c Approval of Liens and Special Assessments for Unpaid Garbage Collection Service Fees for Republic Services

ADOPT a resolution authorizing placement of liens and special assessments for unpaid garbage collection service fees on County property tax records - Finance Department (Belinda Brown 510-620-6740/Antonio Banuelos 510-620-6741).

Accounting Manager Antonio Banuelos introduced the matter. Discussion ensued.

Motion by Councilmember Johnson III

Seconded by Vice Mayor Martinez

To adopt said resolution.

Ayes (6): Councilmember Bates, Councilmember Jimenez, Councilmember Johnson III, Councilmember McLaughlin, Vice Mayor Martinez, and Mayor Butt

Absent (1): Councilmember Willis

Passed (6 to 0)

Adopted Resolution No. 24-22

O.3.d Contract with Regional Government Services (RGS) to Provide Temporary Services to the City on an As-Needed Basis

APPROVAL of an increase in the contract with Regional Government Services (RGS) from the current \$250,000 by \$150,000, for a new total amount of \$400,000, for the provision of expertise in a variety of functional areas such as Human Resources, Financial Management, and Accounting – Human Resources Department (Anil Comelo 510-620-6609).

O.4 Library and Community Services

O.4.a Amend Contract with Oakland Private Industry Council for RichmondWORKS Program Vendor Pay Agent Services

APPROVE an amendment to the contract with the Oakland Private Industry Council to provide additional services as the Contracting & Vendor Pay Agent for Individual Training Accounts and On-the-Job Training activities for the Workforce Innovation and Opportunity Act (WIOA) program participants. The amended contract term shall run from December 3, 2019, through June 30, 2022. The contract amount will be increased by \$236,611.60, for a total contract amount not to exceed \$714,459.60 – Library and Community Services Department (Tamara Walker 510-307-8006).

O.5 Mayor's Office

O.5.a Rare Disease Day – February 28, 2022

PROCLAMATION declaring February 28, 2022, as Rare Disease Day in the City of Richmond – Mayor's Office (Mayor Tom Butt 510-620-6503).

O.5.b Women's History Month – March 2022

PROCLAMATION declaring March 2022 as Women's History Month in the City of Richmond – Mayor's Office (Mayor Tom Butt 510-620-6503).

O.5.c Prescription Drug Abuse Awareness Month

PROCLAMATION declaring March 2022 as Prescription Drug Abuse Awareness Month in the City of Richmond – Mayor’s Office (Mayor Tom Butt 510-620-6503).

O.5.d Tibetan Uprising Day – March 10, 2022

PROCLAMATION declaring March 10, 2022, as Tibetan Uprising Day in the City of Richmond – Mayor’s Office (Mayor Tom Butt 510-620-6503).

O.5.e California State Parent Teacher Association (PTA) Day – February 17, 2022

PROCLAMATION declaring February 17, 2022, as California State Parent Teacher Association (PTA) Day in the City of Richmond – Mayor’s Office (Mayor Tom Butt 510-620-6503).

O.5.f Red Cross Month – March 2022

PROCLAMATION declaring March 2022 as Red Cross Month in the City of Richmond – Mayor’s Office (Mayor Tom Butt 510-620-6503).

O.5.g Vacant Seats on Richmond Boards, Commissions and Committees

APPROVE recent resignations from City of Richmond boards, commissions, and committees; and ANNOUNCE vacancies as of January 19, 2022, and ask that interested individuals send applications to the City Clerk – Mayor’s Office (Mayor Tom Butt 510-620-6503). This item was continued from the February 22, 2022, meeting.

O.6 Police Department

O.6.a Proposed Five-Year Agreement with Contra Costa District Attorney’s Office for Electronic Case Filings.

APPROVE a five-year agreement with Contra Costa District Attorney’s office for electronic case filing services using Karpel’s Interface, in an amount not to exceed \$25,000, for the period May 1, 2022, through April 30, 2027 - Police Department (Acting Chief Louie Tirona 510-621-1802).

O.7 Public Works

O.7.a Contract to Outfit Fire Department Vehicles

APPROVE a contract with Stommel, Inc., to outfit three Fire Department vehicles, in an amount not to exceed \$65,000 – Department of Public Works (Joe Leach 620-5478).

O.7.b Contract for Repairs to Bucket Truck

APPROVE a contract with Altec Industries, Inc., for repairs to an electrician bucket truck (Unit #299; VIN 1FDAF56R99EA87947), in an amount not to exceed \$20,000 – Department of Public Works (Joe Leach 620-5478).

O.7.c Booker T. Anderson Community Center Fire Restoration Project

APPROVE a construction contract with Angotti & Reilly Inc. for the Booker T. Anderson Community Center Fire Restoration Project, located at 960 S. 47th St., Richmond, in an amount not to exceed \$2,583,900 including \$2,349,000 low bid plus \$234,900 contingency; and APPROPRIATE the funding from the Risk Management fund balance.

There will be a reimbursement from insurance for the majority of the cost – Department of Public Works (Joe Leach 510-620-5478). This item was continued from the February 15, 2022, meeting.

The matter was introduced by Interim City Manager Shasa Curl. Discussion ensued. The council requested staff to advise the contractor that in six months, the council would request a report as it relates to local participation in the project.

Motion by Councilmember Bates

Seconded by Councilmember McLaughlin

To approve said contract and appropriate the funding.

Ayes (6): Councilmember Bates, Councilmember Jimenez, Councilmember Johnson III, Councilmember McLaughlin, Vice Mayor Martinez, and Mayor Butt

Absent (1): Councilmember Willis

Passed (6 to 0)

P. BUDGET SESSION

P.1 Mid-Year Report on Fiscal Year (FY) 2021-22 Operating and Capital Improvement Budgets

Refer to the corrected Item P.2.

P.2 Mid-Year Report on Fiscal Year (FY) 2021-22 Operating and Capital Improvement Budgets

REVIEW the Fiscal Year 2021-2022 operating and capital improvement budgets at mid-year; and ADOPT a resolution approving the proposed Fiscal Year 2021-2022 budget adjustments. – City Manager’s Office/Finance Department (Shasa Curl/Anil Comelo/Belinda Brown 510-620-6740). **This item contained the correct attachments in the agenda packet.**

Interim City Manager Shasa Curl introduced the matter. Ms. Curl, Director of Finance Belinda Brown, Accounting Manager Antonio Banuelos, and Interim Deputy City Manager Anil Comelo presented a PowerPoint that highlighted the following: accomplishments; Fiscal Year (FY) 2021-2022 mid-year overview; General Fund revenue and expenditures; FY 2021-2022 adopted vs. mid-year budget; position count, mid-year position changes, and recruitment status; non-General Fund; Capital Improvement Plan budget; American Rescue Plan Act of 2021; Reimagining Public Safety; contingency reserves; opportunities for input and community budget meetings; and future priorities. Discussion ensued. The council requested more information on the increased expenses; clarification on the \$4.2 million related to the Richmond Housing Authority and \$1.3 million set-aside funds for Reimagining Public Safety; and the amount of unspent funds for vacant positions and recommendations for reallocation of those unspent funds. Naomi Williams and Leisa Johnson gave comments via teleconference.

Motion by Councilmember McLaughlin

Seconded by Councilmember Johnson III

To adopt said resolution approving the mid-year budget adjustments with the understanding that the \$4.2 million that was utilized from the reserves for the Richmond Housing Authority write-off should have been brought to the council before such a decision was made and should not happen in the future; the \$1.3

million for Reimagining Public Safety from the reserves be corrected to state that it came from the "excess" funds from the previous fiscal year 2020-2021; and clarification in the resolution or statement for the mid-year budget adjustments on what the funding source was for the \$2.3 million the council previously voted to utilize for employee lump sum payments. The motion was withdrawn to allow staff more time to update documents to meet the council's expectations.

Continued to the March 15, 2022, City Council meeting or a future meeting soon thereafter.

Q. PUBLIC HEARINGS

City Clerk Pamela Christian announced that it was time, pursuant to public notice, to hold the following public hearings.

Q.1 Rename Baseball Diamond #2 at Nicholl Park in Honor of National Hero Willie Mays

PUBLIC HEARING to receive public comment on a proposal to rename Baseball Diamond Field #2 at Nicholl Park to Willie Mays Baseball Field; and ADOPT a resolution - Councilmember Nathaniel Bates (510-620-6743).

The matter was introduced by Councilmember Bates. Richmond Parks and Recreation Commission Chair Joey Smith gave a brief overview. Discussion ensued. Mayor Butt declared the public hearing opened. There were no speakers via teleconference. Mayor Butt closed the public hearing.

Motion by Councilmember Bates
Seconded by Vice Mayor Martinez

To adopt said resolution.

Ayes (6): Councilmember Bates, Councilmember Jimenez, Councilmember Johnson III, Councilmember McLaughlin, Vice Mayor Martinez, and Mayor Butt

Absent (1): Councilmember Willis

Passed (6 to 0)

Adopted Resolution No. 21-22

Q.2 Public Hearing to Adopt a Resolution to Rename South 37th Street Underpass to Juneteenth Freedom Underpass

PUBLIC HEARING to ADOPT a resolution to rename the South 37th Street Underpass to Juneteenth Freedom Underpass, as recommended by the Recreation and Parks Commission at its December 1, 2021, regular meeting – Library and Community Services Department (Ranjana Maharaj 510-620-6972).

Community Services Associate Administrative Analyst Stephanie Ny presented a PowerPoint that highlighted the project background and design. Mayor Butt declared the public hearing opened. The following individuals gave comments via teleconference: George Brown, Linda Whitmore, Joey Schlemmer, Jonas Juhlin, Susan Wehrle, and Joey Smith. Mayor Butt closed the public hearing. Discussion ensued.

Motion by Councilmember Johnson III
Seconded by Councilmember Jimenez

To adopt said resolution.

Ayes (6): Councilmember Bates, Councilmember Jimenez, Councilmember Johnson III, Councilmember McLaughlin, Vice Mayor Martinez, and Mayor Butt

Absent (1): Councilmember Willis

Passed (6 to 0)

Adopted Resolution No. 25-22

Q.3 Appeal of the Planning Commission's Conditional Approval of a Conditional Use Permit and Design Review for a Dollar Tree Store at 12300 San Pablo Avenue (PLN21-129)

ADOPT a resolution Denying the Appeal and Affirming the Planning Commission's conditional approval of a Conditional Use Permit and Design Review to operate and establish a Dollar Tree retail store greater than 3,000 square feet in size (10,000 sf proposed) within the CM-4, Commercial Mixed-Use, Gateway/Node zoning district at 12300 San Pablo Avenue – Community Development Department (Lina Velasco 510-620-6706).

Director of Community Development Lina Velasco introduced the matter. Senior Planner Hector Lopez and Fehr and Peers Traffic Consultant Sam Tabibnia presented a PowerPoint that highlighted the following: project proposal, site, and zoning; site improvements; background and the Planning Commission's final decision; appeal and key issues raised; traffic study; and conclusion. Discussion ensued. Mayor Butt declared the public hearing opened. The appellant, Richmond Heights Neighborhood Council President Jim Hanson, gave a statement and presented a PowerPoint that highlighted the following: site location; neighborhood requests; noise protection; closing and delivery hours; lighting and signage; and traffic safety issues. The principal opponent and legal counsel to the applicants, Arielle Harris, gave a statement. The following individuals gave comments via teleconference: Susan Wehrle, Melissa Lee, Michele Rappaport, Dennis Hicks, Barbara Tanaka, Shelley Trask, Heather Bristow, Roger Mills, Neil Harkins, Mary Lou Herlihy, Lory Poulson, Nick Despota, Melissa (last name not stated), and Linda Moran. Mr. Hanson and Ms. Harris provided rebuttals. Mayor Butt closed the public hearing. Further discussion ensued.

Motion by Councilmember Jimenez

Seconded by Councilmember McLaughlin

To direct staff to implement conditions consistent with the intent and specific of what the Richmond Heights Neighborhood Council requested as follows: (1) address traffic safety issues by requiring a traffic safety study and implementation of safety mitigations prior to the store opening; (2) effectively control added traffic into surrounding neighborhood streets; (3) modify Condition #20 so that store closing is 8:00 p.m. throughout the year; (4) modify Condition #19 so that delivery trucks leave by 9:00 p.m.; (5) assure that neighbors have noise protection, including by adding a commercial sound absorbing wall at the loading dock that meets the zoning code noise limits; (6) modify the signage to a 24" tall sign facing San Pablo Avenue, a 30" tall lettered sign facing the parking lot, and an unilluminated Dollar Tree logo and green stripe at the top left corner facing Barrett Ave; and (7) review the brightness levels and conditions regarding lighting so that adjacent neighbors are not impacted by bright night lighting from the store's parking lot and sign. Also, review traffic merging and safety issues; receive input from the neighborhood council; and implement additional safety measures based upon the opinion of the Director of Community Development.

Ayes (5): Councilmember Bates, Councilmember Jimenez, Councilmember Johnson III, Councilmember McLaughlin, and Vice Mayor Martinez

Noes (1): Mayor Butt

Absent (1): Councilmember Willis

Passed (5 to 1)

Adopted Resolution No. 26-22 with revisions

Q.4 Adopt an Interim Ordinance Extending Urgency Ordinance No. 01-22

HOLD a public hearing; and ADOPT an Interim Ordinance establishing a 10-month and 15-day extension of Urgency Ordinance No. 01-22 imposing a temporary moratorium on issuance of building permits requiring new sewer connections to the Keller Beach Sanitary Sewer; and declaring an urgency thereof – Public Works Department (Joe Leach 510-620-5478).

Director of Public Works Joe Leach presented a PowerPoint that highlighted prior council action, tributary area, and next steps. City Attorney Dave Aleshire gave an overview of the proposed ordinance and the process for pending applications. Discussion ensued. Mayor Butt declared the public hearing opened. The following individuals gave comments via teleconference: Andrew Cann, Norm Hantzsche, Allison Lehman, Claire Arbour, and Sally Tobin. Mayor Butt closed the public hearing. The council requested staff to review the proposal to allow residential onsite temporary holding tanks for sewage collection and return to the council with an amendment if it was a satisfactory public safety option.

Motion by Councilmember Jimenez

Seconded by Councilmember Johnson III

To adopt said interim ordinance.

Ayes (6): Councilmember Bates, Councilmember Jimenez, Councilmember Johnson III, Councilmember McLaughlin, Vice Mayor Martinez, and Mayor Butt

Absent (1): Councilmember Willis

Passed (6 to 0)

Adopted Ordinance No. 05-22 N.S.

R. NEW BUSINESS

R.1 Calling a Special Election and Placing a Special Tax on Vacant Properties on the June 7, 2022, Ballot

The ACTION was to adjourn the meeting to March 8, 2022, to permit ordinance revisions to be presented to the City Council.

ADOPT a resolution calling a special election to be consolidated with the next statewide primary election to be held June 7, 2022, and submitting to the voters a measure to establish a Special Parcel Tax on Vacant Properties at rates between \$3,000 and \$8,000 tiered by parcel size, annually per vacant undeveloped parcel; between \$3,000 and \$8,000 tiered by parcel size, annually per vacant blighted developed parcel; \$3,000 annually per vacant blighted residential unit for condominiums, duplexes, or townhouse units under separate ownership; and \$3,000 annually per blighted parcel with ground floor commercial activity allowed but vacant, raising about \$1,500,000 annually to fund blight and dumping elimination, code compliance, and specified programs - City Manager's Office, Economic Development (Shasa Curl/Lina Velasco 510-620-6512).

Interim City Attorney Dave Aleshire introduced the matter. Discussion ensued. *(At 11:01 p.m. - a motion by Councilmember Johnson III, seconded by Vice Mayor Martinez, to extend the meeting to complete Items R.1, O.3.c, and .O.7.c passed by the following vote: Ayes: Councilmembers Bates, Jimenez, Johnson III, McLaughlin, and Vice Mayor Martinez. Noes: Mayor Butt. Abstained: None. Absent: Councilmember Willis).* Further discussion ensued.

Motion by Mayor Butt
Seconded by Councilmember Bates

To direct staff to make a presentation to the council on March 8, 2022, if there was a quorum; and for the council to determine, at that time, to place the measure on the June or November 2022 ballot or not at all.

Substitute Motion by Councilmember McLaughlin
Seconded by Councilmember Johnson III

Substitute motion directing staff to return to the council in the spring of 2022 with a potential ballot measure on the vacant parcel tax or related information and potentially some other options for revenue generation for the council's consideration.

Ayes (5): Councilmember Jimenez, Councilmember Johnson III, Councilmember McLaughlin, Vice Mayor Martinez, and Mayor Butt

Noes (1): Councilmember Bates

Absent (1): Councilmember Willis

Passed (5 to 1)

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

None.

T. ADJOURNMENT

There being no further business, the meeting adjourned at 11:22 p.m., in memory of former Park View Neighborhood Council President Jessie Hall, to meet again on March 15, 2022, at 6:30 p.m.

Clerk of the City of Richmond

Mayor