

RICHMOND, CALIFORNIA, July 22, 2021

The Richmond City Council Evening Open Session was called to order at 4:30 p.m. by Mayor Thomas K. Butt via teleconference.

Due to the coronavirus (COVID-19) pandemic, Contra Costa County and Governor Gavin Newsom issued multiple orders requiring sheltering in place, social distancing, and reduction of person-to-person contact. Accordingly, Governor Gavin Newsom issued executive orders that allowed cities to hold public meetings via teleconferencing (Executive Order N-29-20).

DUE TO THE SHELTER IN PLACE ORDERS, attendance at the City of Richmond City Council meeting was limited to Councilmembers, essential City of Richmond staff, and members of the news media. Public comment was confined to items appearing on the agenda and was limited to the methods provided below. Consistent with Executive Order N-29-20, this meeting utilized teleconferencing only. The following provides information on how the public participated in the meeting.

The public was able to view the meeting from home on KCRT Comcast Channel 28 or AT&T Uverse Channel 99 and livestream online at <http://www.ci.richmond.ca.us/3178/KCRT-Live> and <http://www.youtube.com/user/KCRTTV>.

*The methods to submit public comment were via mail, email to cityclerkdept@ci.richmond.ca.us, teleconference, and telephone during the meeting. Written comments received by 1:00 p.m. on July 22, 2021, were put into the record and considered before Council action. Written comments received after 1:00 p.m. and up until the public comment period on the relevant agenda item closed, were also put into the record. **Attached herewith all written public comments received.***

ROLL CALL

Present: Councilmembers Nathaniel Bates, Claudia Jimenez, Eduardo Martinez, Gayle McLaughlin, Vice Mayor Demnlus Johnson III, Melvin Willis, and Mayor Thomas K. Butt.
Absent: None.

CITY COUNCIL

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

Michael Davis v. City of Richmond, et al.

Councilmember Willis recused himself from discussion of Michael Davis v. COR

SPRAWLDEF et al. v. City of Richmond
North Cost Rivers Alliance et al./Point Molate Alliance et al. v. City of Richmond

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Significant exposure to litigation pursuant to paragraph (2) of Subdivision (d) and Subdivision (e) (3) of Government Code Section 54956.9): Three cases.

In light of the California Court of Appeals' decision in Fowler v. City of Lafayette, the City Attorney's Office is attaching to this agenda two letters regarding the amended judgment and various agreements related to Point Molate. These letters provide the existing facts and circumstances for going into closed session on these items pursuant to California Government Code Section 54956.9(d)(2) and (e)(3).

CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6):

Agency Representatives: Anil Comelo

Employee organizations:

1. SEIU Local 1021 Full Time Unit
2. SEIU Local 1021 Part Time Unit
3. IFPTE Local 21 Mid-Level Management Unit
4. IFPTE Local 21 Executive Management Unit
5. Richmond Police Officers Association RPOA
6. Richmond Police Management Association RPMA
7. IAFF Local 188
8. Richmond Fire Management Association RFMA

PUBLIC COMMENT BEFORE CLOSED SESSION

The following individuals gave comments via teleconference:

Pam Stello, Sally Tobin, and Tarnel Abbott gave a historical overview and preferred uses of Point Molate and do not support a residential development on the site.

Jeanne Kortz urged the City Council to agree to a settlement agreement regarding Point Molate.

Lucy Gill stated that cultural resources assessments were insufficient for characterizing the archeological importance at Point Molate.

The Open Session adjourned to Closed Session at 4:42 p.m. Closed Session adjourned at 6:30 p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:33 p.m. by Mayor Butt via teleconference.

ROLL CALL

Present: Councilmembers Martinez, Jimenez, McLaughlin, Willis, Vice Mayor Johnson III, and Mayor Butt. **Absent:** Councilmember Bates arrived after the roll was called.

PUBLIC COMMENT INSTRUCTIONAL VIDEO

The Public Comment Instructional Video was shown.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Councilmember McLaughlin requested the addition of an agenda item regarding a scheduling matter be added after approval of the Consent Calendar. Mayor Butt stated it could be discussed under Item J- Reports of Officers. A motion made by Councilmember McLaughlin, seconded by Councilmember Jimenez, to overrule Mayor Butt's decision, passed by the following vote: **Ayes:** Councilmembers Jimenez, Martinez, McLaughlin, and Willis. **Noes:** Councilmember Bates, Vice Mayor Johnson III, and Mayor Butt. **Absent:** None. **Abstain:** None. Item H-15 was removed from the Consent Calendar for discussion at the end of the agenda.

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

City Attorney Teresa Stricker stated there was no report.

REPORT FROM THE CITY MANAGER

None.

OPEN FORUM FOR PUBLIC COMMENT

The following individuals gave the following comments via teleconference:

Tarnel Abbott urged the City Council to make sure the main library gets an HVAC system.

Luis Padilla, President of Richmond Firefighters Local 188, reported that the fire crew from fire engine 68 responded to a medical emergency on Shane Drive and the patient was a DoorDash driver who was concerned their customer would not receive their food order. Mr. Padilla thanked Captain Jeremy Booth, Engineer Sean McComb, and Firefighter Chris Riccardi for taking the customer their order and going above and beyond to provide excellent community service.

Marena Brown stated that the Reimagining Public Safety Task Force should be abolished.

Leisa Johnson spoke against the potential removal of street sweeping signs and elimination of street sweeping if neighborhoods opt out of the program. Ms. Johnson also stated Tamisha Walker should be removed from the Reimagining Public Safety Task Force.

Madalyn Law gave comments about the Miraflores project, which remains undeveloped. Ms. Law also stated that Tamisha Walker should be removed from the Reimagining Public Safety Task Force.

Randy Joseph invited everyone to the Richmond Stop the Violence Caravan event on Saturday, August 7, 2021, at 11:30 a.m. beginning at Richmond City Hall.

Emily Ross and Mike Parker spoke in favor of Tamisha Walker remaining on the Reimagining Public Safety Task Force Committee.

CITY COUNCIL CONSENT CALENDAR

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

***H-1.** Authorized the city manager to execute Supplement No. 4 to the Master Funding Agreement between the Metropolitan Transportation Commission and the City of Richmond for a total amount of \$347, 851.12 and term expiration of December 31, 2024; accepted and appropriated the grant funds; and approved a contract with NEMA Construction in an amount not to exceed \$86,205 and a three-year contract with Envoy Technologies, Inc. in an amount not to exceed \$229,146.12. This item was continued from the cancelled July 20, 2021, meeting.

***H-2.** Approved an amendment to the contract with The Glen Price Group to develop proposal content, drafts, and attachments necessary to submit final copies of grant applications to various agencies and organizations by the agreed-upon target dates. The contract term will be extended through June 30, 2022, and the contract amount will be increased by \$75,000 for a total contract amount not to exceed \$330,000.

***H-3.** Introduced an ordinance (first reading) setting the tax rate for the Tax Override Pension Fund for Fiscal Year 2021-2022 at 0.14% - Finance Department. This item was continued from the cancelled July 20, 2021, meeting.

***H-4.** Received a written update regarding the steps taken to ensure compliance with the Sanctuary City Contracting and Investment Policy Ordinance and request a waiver for Motorola since there are no other reasonable alternatives and Westlaw until the contract expires in July 2022. This item was continued from the cancelled July 20, 2021, meeting.

***H-5.** Adopted **Resolution No. 89-21**, allowing the City of Richmond to levy the property tax rolls of property owners subject to assessment under the Downtown Richmond Property and Business Improvement District (DRPBID) on the annual 2021-2022 property tax rolls. This item was continued from the cancelled July 20, 2021, meeting.

***H-6.** Approved a three-year contract in the amount of \$345,000 with an additional one-year extension option of \$100,000 with Groundwork Richmond to function as the Urban Forestry Project Administrator. The contract term for three years will be from July 1, 2021, to June 30, 2024. This item was continued from the cancelled July 20, 2021, meeting.

***H-7.** Approved the enrollment of the City of Richmond as a participant of the State of California Department of General Services and WEX Bank Service Agreement for fuel card processing for the duration of the term ending on June 30, 2025, in amount not to exceed \$140,000 per fiscal year. This item was continued from the cancelled July 20, 2021, meeting.

***H-8.** Adopted **Resolution No. 90-21**, appropriating funds from the Wastewater Fund Balance and approved a sole source purchase from WECO Industries for the purchase of a Cues® Mini Portable TV System MPLUS XL+ in the amount not to exceed \$44,663.42 [equipment costs of \$40,603.11 plus 10 percent mark-

up of \$4,060.31].1-1269). This item was continued from the cancelled July 20, 2021, meeting.

***H-9.** Adopted **Resolution No. 91-21**, appropriating funds from the Wastewater Fund and approved a sole-source purchase from Peninsular Technologies for the purchase of PipeTech® Software Upgrade in an amount not to exceed \$22,423. This item was continued from the cancelled July 20, 2021, meeting.

***H-10.** Approved extending the existing Wastewater Program On-Call Emergency Contract with Bay Hawk Inc. for an additional six months or until a new contract is in place and in accordance with the Veolia Master Service Agreement prices dated May 13, 2018. This item was continued from the cancelled July 20, 2021, meeting.

***H-11.** Approved a two-year contract for vehicle body repairs on an as needed basis with (1) Andy's Auto Body, (2) RC Racing & Restoration, Corp., and (3) Falcon Collision Repair, Inc., in an amount not to exceed \$50,000 per vendor for each fiscal year. This item was continued from the cancelled July 20, 2021, meeting.

***H-12.** Adopted **Resolution No. 92-21**, authorizing the execution of a sole-source construction contract with Ghilotti Bros., Inc., for construction of portions of Phase I of the Richmond Wellness Trail Project, in an amount not to exceed \$300,000. This item was continued from the cancelled July 20, 2021, meeting.

***H-13.** Reviewed the Grant Management Policy and adopted **Resolution No. 93-21**, approving the policy for Fiscal Year 2021-22. This item was continued from the cancelled July 20, 2021, meeting.

***H-14.** Adopted **Resolution No. 94-21**, authorizing the city manager to execute reoccurring contracts for Fiscal Year 2021-22 with Contra Costa County, Stege Sanitary District, West County Wastewater District, and the State of California Water Resources Control Board at an aggregate annual amount of \$977,297. The execution of these contracts shall not exceed the limits as set forth for the following: Contra Costa County North Richmond Storm Drain Pump Station - \$75,000; Contra Costa County Clean Water Program - \$365,000; California Water Resources Control Board - WWTP National Pollutant Discharge Elimination System (NPDES) - \$125,000; California Water Resources Control Board - City of Richmond Stormwater NPDES permit - \$37,500; California Water Resources Control Board - Sanitary Sewer Overflow Waste Discharge Requirement (SSO - WDR) Permit - \$37,500; West County Agency - \$304,712; Stege Sanitary District Sewer Use Fees Joint Powers Agreement (JPA) - \$32,585. This item was continued from the cancelled July 20, 2021, meeting.

H-15. The matter to adopt a resolution authorizing the city manager to execute an emergency contract with Bay Hawk, Inc., to demolish the City-owned building located at 824 Macdonald Avenue, in an amount not to exceed \$100,000 was presented. This item was continued from the cancelled July 20, 2021, meeting. The City Council expressed concern over the lack of a formal bid and that Bay Hawk did not perform the work. Senior Civil Engineer, Tawfic Halaby, replied that the repairs were already performed and made on an emergency basis due to the building being in sever

danger of collapse. A motion was made by Councilmember Willis, seconded by Vice Mayor Johnson III, to approve the item and requested that all future contracts made with Bay Hawk, Inc. receive more scrutiny, failed by the following vote: **Ayes:** Councilmember Willis and Vice Mayor Johnson III. **Noes:** Councilmembers Bates, Jimenez, Martinez, and Mayor Butt. **Absent:** None. **Abstain:** Councilmember McLaughlin.

***H-16.** Approved funding for a month-to-month lease with North Richmond Properties, Inc. for both trailers and to continue leasing space to store containers and landscaping equipment, in an amount not to exceed \$31,182. This item was continued from the cancelled July 20, 2021, meeting.

***H-17.** Approved the Fifth Amendment to Lease Agreement with New Cingular Wireless PCS, LLC, (d/b/a AT&T Mobility) to authorize the installation of a backup generator, modify the equipment on the roof and in the basement, add optional extension terms and increase the monthly base rent by \$1,748. This item was continued from the cancelled July 20, 2021, meeting.

***H-18.** Authorized the city manager or designee to enter into a Cooperative Funding Agreement with the East Bay Regional Park District to construct the Point Molate Bay Trail Project. This item was continued from the cancelled July 20, 2021, meeting.

***H-19.** Approved a three-year sole-source contract with Motorrad LLC to provide ongoing maintenance and repair services for the police department's motorcycle fleet, at a cost not to exceed \$75,000 (\$25,000 per year) from July 1, 2021, to June 30, 2024. This item was continued from the cancelled July 20, 2021, meeting.

***H-20.** Approved a three-year contract for bulk oil and lubricants delivery with Hunt & Sons, Inc., in an amount not to exceed \$90,000. This item was continued from the cancelled July 20, 2021, meeting.

***H-21.** Adopted **Resolution No. 95-21**, authorizing the city manager, or designee, to enter into an agreement with Caltrans in the amount of \$1,200,000 for the Preliminary Engineering Phase of the Harbour Way South & Wright Railroad Grade Crossing Project funded by Section 130 Highway Railroad Grade Crossing Safety Program and directs City staff to coordinate with California Public Utilities Commission, Caltrans and Metropolitan Transportation Commission to ensure that the design is Quiet Zone eligible. This item was continued from the July 6, 2021, and cancelled July 20, 2021, meetings.

***H-22.** Approved the minutes of the June 15 and 22, 2021, regular meetings, June 21, 2021, special meeting, and June 29, 2021, joint special meeting of the City Council. This item was continued from the cancelled July 20, 2021, meeting.

***H-23.** Designated Mayor Tom Butt as voting delegate and Eduardo Martinez as an alternate to represent the City of Richmond at the Annual Business Meeting of the League of California Cities' 2021 Annual Conference, to be held in Sacramento at the Safe Credit Union Convention Center, Wednesday, September 22 through Friday, September 24, 2021.

This item was continued from the cancelled July 20, 2021, meeting.

***H-24.** Adopted **Ordinance No. 11-21 N.S.**, adding Chapter 11.103 entitled "Tenant Anti-Harassment Ordinance" to the Richmond Municipal Code. This item was continued from the cancelled July 20, 2021, meeting.

COUNCIL AS A WHOLE

Scheduling Item: A motion by Councilmember McLaughlin, seconded by Councilmember Jimenez, to add to the July 27, 2021, City Council meeting agenda, an item to change the City Council rule that gives the mayor discretion to unilaterally cancel meetings; and preemptively suspend the rule that gives the mayor discretion to unilaterally cancel City Council meetings and to have that suspension remain in place through the earlier, either the end of September or when the City Council makes a decision on whether to change the rule at the July 27, 2021, City Council meeting. Discussion ensued. Councilmember Bates made a motion to end debate. Mayor Butt stated the July 27, 2021, City Council meeting was canceled, and that Councilmember McLaughlin's motion was out of order. A motion was made by Councilmember McLaughlin, seconded by Councilmember Jimenez, to overturn the mayor's ruling that Councilmember McLaughlin's motion was out of order. A substitute motion by Councilmember Bates, seconded by Mayor Butt to vote on the first part of the original motion, failed by the following vote: **Ayes:** Councilmember Bates. **Noes:** Councilmembers Jimenez, Martinez, McLaughlin, Willis, Vice Mayor Johnson III, and Mayor Butt. **Absent:** None. **Abstain:** None. Further discussion ensued. A motion was made by Councilmember Jimenez, seconded by Councilmember McLaughlin, to vote on the first portion of Councilmember McLaughlin's original motion to add an item to the July 27, 2021, City Council meeting to change the rule that allows the mayor to unilaterally cancel City Council meetings; and that if the mayor decided to cancel the meeting, it would be an example of bad government, passed by the following vote: **Ayes:** Councilmembers Bates, Jimenez, McLaughlin, Willis, and Vice Mayor Johnson III. **Noes:** Councilmember Martinez and Mayor Butt. **Absent:** None. **Abstain:** None. Mayor Butt withdrew his previous decision to cancel the July 27, 2021, City Council meeting.

I-1. The matter to direct staff to draft amendments to Richmond Municipal Code Chapter 11.05 (Fireworks Ordinance) that strengthens the City's ability to enforce the Fireworks Ordinance and return by the end of July with a first reading of an amended ordinance was presented by Mayor Butt. This item was continued from the June 15, 2021, July 6, 2021, and cancelled July 20, 2021, meetings. A motion made by Councilmember Bates, seconded by Mayor Butt, directed staff to return at the end of September 2021 with the amendments to the ordinance, passed by the following vote: **Ayes:** Councilmembers Bates, McLaughlin, Willis, and Vice Mayor Johnson III. **Noes:** Councilmember Martinez and Mayor Butt. **Absent:** None. **Abstain:** Councilmember Jimenez.

I-2. The matter to discuss and provide direction to staff to draft an ordinance to establish stronger penalties to deter and/or prevent unauthorized auto sideshows in Richmond was presented by Councilmember Bates. This item was continued from the cancelled July 20, 2021, meeting. Discussion ensued. The City

Council suggested that the Reimagining Public Safety Committee could give input on the ordinance. The possibility of a sideshow park that could be established as a spectator sport would be placed on a future agenda for consideration. The following individuals gave comments via teleconference: Madalyn Law, Jan Mignone, Randy Joseph, Leisa Johnson, Naomi Williams, Tarnel Abbott, Mike Parker, and Marena Brown. Further discussion ensued. A motion made by Councilmember Bates, seconded by Mayor Butt, directed staff to return at the end of September 2021, or sooner with the draft ordinance, passed by the following vote: **Ayes:** Councilmembers Bates, McLaughlin, Willis, and Vice Mayor Johnson III. **Noes:** Councilmember Martinez and Mayor Butt. **Absent:** None. **Abstain:** Councilmember Jimenez.

I-3. The matter to receive a report describing the history and challenges associated with the City's Alternative Dispute Resolution (ADR) program and directed staff to end the ADR program and return the city to the standard statutory system for workers' compensation claims was presented by Human Resources Department Risk Manager, Laura Marquez, who presented a Powerpoint which highlighted the following: ADR Program Development and Principles; ADR Program Outcomes. This item was continued from the cancelled July 20, 2021, meeting. The following individuals gave comments via teleconference: Luis Padilla, Jason Cloud, and Ben Therriault. A motion was made by Councilmember Martinez, seconded by Councilmember Jimenez, approved the item and directed staff to continue to negotiate with Firefighters Local 188 to redesign and improve the program and if Local 188 does not agree, it would go to the statutory program, passed by the unanimous vote of the City Council. The matter will return to the city council for final approval.

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

Councilmember Jimenez thanked those involved in helping pass the vote by the Bay Area Air Quality Management District to require the refineries in Contra Costa County to have better systems to reduce emissions

ADJOURNMENT

There being no further business, the meeting adjourned at 9:30 p.m., in memory of Phyliss Gould and Richard Shumake, to meet again on Tuesday, July 27, 2021, at 6:30 p.m.

Clerk of the City of Richmond

(SEAL)

Approved:

Mayor

From: [Lucy Gill](#)
To: [City Clerk Dept User](#)
Cc: [Tom Butt - external](#); [Gayle McLaughlin](#); [Melvin Willis](#); [Eduardo Martinez](#); [Demnlus Johnson](#); [Claudia Jimenez](#); [Nat Bates](#)
Subject: Public Comment -- Open Session Prior to Closed Session (Point Molate)
Date: Wednesday, July 21, 2021 9:09:37 PM
Attachments: [07.20.2021 Gill PublicComment.pdf](#)

Mayor, Vice Mayor, and Councilmembers,

My public comment for tomorrow's open session prior to closed session is attached as well as copied in the text of this email. Thank you for your work on behalf of the City of Richmond.

All the best,
Lucy

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My name is Lucy Gill, and I am a PhD Candidate in the Department of Anthropology at UC Berkeley, with experience working as an archaeologist on cultural resource management projects in the East Bay. I have been aware of the archaeological significance of Point Molate for some time and have followed development discussions closely.

In collaboration with several colleagues at Berkeley, including Professor Kent Lightfoot, I reviewed in detail the cultural resources assessment prepared in 2009 by Analytical Environmental Services. We found the archaeological research design, data collection, and analysis methodologies insufficient for characterizing the archaeological resources at Point Molate. Further research demonstrated that AES did indeed misjudge the status of known archaeological resources at Point Molate.

My colleagues and I have reviewed all previous archaeological and geotechnical reports within the APE, several of which describe undisturbed midden strata up to 1 meter thick, recorded as recently as 2016. However, because the SEIR relied only on an outdated report from 2009, this more recent work has not been considered in project planning. Recent reports noted that a stratum of midden deposits is visible in a vertical exposure along one portion of the beach bluff within the APE, which we confirmed during site visits. Preliminary geophysical survey data show that this stratum extends inland at least 10-20 m from the edge of the bluff, representing a considerable intact component of the shell mound documented as CA-CCo-283. Several geological borehole logs from geotechnical studies conducted at Point Molate similarly record in situ, shell-bearing, dark-earth deposits at other points within the mapped boundary of CA-CCo-283. *All of these documented occurrences of intact primary deposits of Shellmound CA-CCo-283 fall within the Project APE.*

These data—not considered in the AES report—demonstrate that there are significant, intact cultural resources and historic properties within the Project APE, which are eligible for the State and National Register of Historic Places under both State and Federal law, and which will be subject to unmitigable adverse effects under the current Subsequent Environmental Impact Report and proposed Development Agreement.

In light of the archaeologically-documented existence of designated Tribal Cultural Resources within the APE (including CA-CCo-283, as well as CA-CCo-282, 284, and 423-

), we urge you to consider these important cultural resources in any further decisions regarding Point Molate. I am happy to provide further information regarding the work described above. Thank you.

--

[Lucy Gill](#)

PhD Candidate

University of California Berkeley

Department of Anthropology

From: [Cordell Hindler](#)
To: [City Clerk Dept User](#)
Subject: Public Comments - Open Forum
Date: Wednesday, July 21, 2021 5:59:27 PM

good Evening Mayor Butt, Council Members and City Staff, I have a couple of Comments for the Record

1. for a future Agenda, is to have Stephen Baiter to make a presentation on how businesses would recover from the Pandemic
2. my project is getting off the ground, and I will keep the council informed at a later time

Sincerely
Cordell

From: [Bruce Beyaert](#)
To: [Nat Bates](#); [Tom Butt - external](#); [Claudia Jimenez](#); [Demnlus Johnson](#); [Eduardo Martinez](#); [Gayle McLaughlin](#); [Melvin Willis](#); [City Clerk Dept User](#)
Cc: [Laura Snideman](#); [Joe Leach](#); [Lina Velasco](#); [Bruce Brubaker](#)
Subject: Public Comment 7/22/21 Agenda Item H-18: Pt. Molate Bay Trail Funding Agreement
Date: Wednesday, July 21, 2021 4:28:57 PM
Attachments: [PM_BT_CoopAgreeCC072021.pdf](#)

Mayor Butt and City Councilors,

Let there be no doubt that TRAC, the Trails for Richmond Action Committee, enthusiastically supports Consent Calendar item H-18. authorizing a cooperative funding agreement between the City and EBRPD to construct 2.5 miles of San Francisco Bay Trail between the Richmond-San Rafael Bridge and the Winehaven Historic District. This scenic and historic Point Molate Bay Trail will be immensely popular, especially with its trailhead adjacent to the RSR Bridge Trail, which has seen over 150,000 bicycle and pedestrian trips since opening mid-November 2019.

Project funding and expenditures are included in the City's 5-year Capital Improvements Plan as described in the attached agenda report. The City has funding in place dedicated to this project from grants and from Chevron's settlement in 2009 of litigation for underpayment of utility user taxes. A cooperative funding agreement will reduce costs by enabling efficient bidding and construction of the entire 2.5-mile Point Molate Trail as one project, rather than bidding and building it as two separate projects. This cooperative funding agreement also will be beneficial, because EBRPD is willing to complete design and development of construction documents and manage competitive bidding, the construction contract and construction of the project with review and participation by City staff.

Please pass Agenda Item H18 by Consent.

Bruce

Bruce Beyaert, TRAC Chair

baytrailtrac@gmail.com

tel. 510-235-2835

<http://www.pointrichmond.com/baytrail/>

<http://www.ci.richmond.ca.us/109/TRAC>

Photos: <https://sfbaytrailinrichmond.shutterfly.com/pictures/5> .

From: [Janis E. Eggleston](#)
To: [City Clerk Dept User](#)
Cc: [Gayle McLaughlin](#); [Melvin Willis](#)
Subject: Public Comment Agenda Item # H-24: ADOPT an ordinance (second reading) adding Chapter 11.103 entitled "Tenant Anti-Harassment Ordinance" to the Richmond Municipal Code
Date: Thursday, July 22, 2021 11:09:22 AM
Importance: High

Dear City Clerk and Council Members/ Sponsors McLaughlin and Willis:

I submit this public comment to urge the City Council to adopt an Ordinance adding Chapter 11.103 entitled "Tenant Anti-Harassment Ordinance" to the Richmond Municipal Code, identified in Item # H-24 on the City Council Agenda on this date to include the attached proposed Ordinance and Attachment 2 that list some examples of a Landlord's bad faith conduct that would violate the Ordinance.

However, I propose an addition to the list of protected classes of persons who would be protected by the ordinance. (See, Proposed Ordinance Section 11.103.060(K) and Attachment 2, Examples of bad faith conduct, Item 8). I seek to add the words "medical condition" to the list of protected classes to be consistent with the protected classes identified in the Unruh Civil Rights Act, Civil Code §51(b) and (e), and the Fair Employment and Housing Act [FEHA] Govt. Code §12926(i)(1), which refers to, among other things, cancer related medical conditions. In the year 2000, I and a number of my colleagues who served on the San Francisco Bar Association's Cancer Legal Services Panel sought to change the definition of "medical condition" from the outdated and inaccurate phrase "for which a person has been rehabilitated or cured, based on competent medical evidence" to a broader, more inclusive (and medically accurate state) to include having "cancer or a record or history of cancer." Our proposed changes were included in the 2000 Amendments to the Poppink Act. (See, FEHA, Govt. Code § 12926, 2000 Amendments).

Frankly, I would hate to see our good efforts ignored by the City of Richmond and ask that you include the "medical condition" term within the protected classes of persons identified in Section 11.103.060 (K) and Item 8 on the list of examples. Any tenant who struggles through the rigors of cancer should not also be forced to deal with a Landlord who has engaged in bad faith conduct. To exempt this vulnerable group of tenant from any protections by the ordinance would disproportionately harm and burden that tenant during their most vulnerable transition in life.

Please make the recommended change to the proposed Tenant Anti-Harassment Ordinance to insure the City of Richmond does all it can to protect its most vulnerable citizens and tenants. Thank you so much for your attention to this matter.

Janis E. Eggleston
Tenant/Resident of District 5 in Richmond.

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From: [Leisa Johnson](#)
To: [City Clerk Dept User](#)
Subject: Written Public Comment for Agenda Item I-1, 7/22/2021: fireworks ordinance
Date: Thursday, July 22, 2021 5:23:30 PM

Dear City Clerk,

Can you please acknowledge receipt and include these public comments in the supplementary material to the minutes?

Many thanks.

Respectfully,
Leisa

Dear Mayor, Vice Mayor, City Councilmembers and City Staff:

I am respectfully requesting that all of you to please pass meaningful legislation reform to the City's Fireworks Ordinance that will not only protect the community's Public Health & Safety but also allow RPD to have a realistic chance to effectively address what the community is begging to be done.

1. The new Contra Costa County fireworks ordinance is meaningless.

- County ordinance link:
<https://www.contracosta.ca.gov/DocumentCenter/View/71103/Fireworks-Ordinance-No-2021-19-Press-Release-682021>
- This ordinance states that: *"A violation of the ordinance is subject to a fine of \$100, a fine of \$200 for a second violation of the ordinance within one year, and a fine of \$500 for each additional violation of the ordinance within one year."*
- The county's \$100 fine for a first offense is completely ineffective, and the events of this past July 4th underscore this fact.
- These folks are willing to pay minuscule fines when they spend thousands of dollars on fireworks.

2. To appropriately address the significant Public Health & Safety risk that fireworks pose to our community, I believe council & staff must consider legislative amendments that provide much stronger consequences for people who purchase &/or light fireworks, including:

- Steep fines (\$5K to \$10K for a first offense), which escalate with each repeat offense; **and**
- 100+ hours of community service.
 - The community service hours could go towards helping clean up all of the illegal dumping and vegetation overgrowth in Richmond, which are highly susceptible to firework-generated fires. If these folks want to commit illegal activities in

Richmond, then they should be required to serve our City in a positive manner.

3. Legislation also needs to be significantly strengthened to include serious consequences for those who participate in certain activities, and as Chief French mentioned, to include the ability to prosecute after the fact.

- Right now, RPD can only arrest someone if an officer observes that individual lighting the fuse. As you heard Chief French state, they use lookouts and also block police access so that they can't see who is lighting the fuse.
- This past July 4th, there was a block party with >200 participants that illegally set up their own roadblocks, preventing Public Safety access. Indeed, when a firework-related fire erupted, RPD had to come and first provide access before RFD could enter and fight the fire, costing critical time.
 - As you all know, response time is critical for fighting any fire and those individuals that actively participating in blocking & preventing Public Safety access should also be held accountable for their actions and the risk to Public health & safety they created.
- Thus, **please establish appropriate fines and community service for any individual who serves as a lookout and/or blocks RPD and RFD access with their vehicle, body, or any type of physical barrier.**

4. Do these actions not already violate the City's Noise Ordinance as well?

These folks all know their actions are illegal. The community is calling upon you to do your job and to please stop enabling this dangerous and illegal behavior and threat to our Public Safety & Health with zero accountability.

The RPA & its council members as well as its associated special interest groups have routinely asked for \$10K or higher fines for first offense violations for all landlords, including ma & pa's in Richmond.

Since you are always willing to fight to protect tenants' rights, I hope that you will stand in unison tonight and demonstrate that you will pass meaningful legislative amendments to the City's Fireworks Ordinance that will effectively protect **everyone's** Public Health & Safety rights in Richmond in regards to illegal fireworks.

Thank you,
Leisa Johnson.

From: [Leisa Johnson](#)
To: [City Clerk Dept User](#)
Cc: [Leisa Johnson](#)
Subject: Written Public Comment for Agenda Item I-2, 7/22/2021: Sideshows Ordinance
Date: Thursday, July 22, 2021 5:51:58 PM

Dear City Clerk,

Can you please acknowledge receipt and include these public comments in the supplementary material to the minutes?

Many thanks.

Respectfully,
Leisa

Dear Mayor, Vice Mayor, City Councilmembers, City Manager & City Attorney:

I am respectfully requesting that all of you please pass meaningful legislation to: 1) address the ever-increasing number of sideshows that are pervasive throughout Richmond, 2) protect the community's Public Safety, and 3) allow RPD to have a realistic chance to effectively address what the community is begging to be done.

1. San Jose is the first city to make it illegal to promote sideshows on social media.

- See report here: <https://www.kron4.com/news/bay-area/sideshow-social-media-promoters-to-face-criminal-charges-in-san-jose/>
- Fines in San Jose are up to \$1,000 and six months in jail.

2. Oakland is also attempting to deter sideshows by installing arrays of Botts dots in major intersections that have been problematic for sideshows as well as other deterrents (e.g., hardened centerlines).

- Please see these links/news reports if you haven't already:
 - <https://www.oaklandca.gov/topics/sideshow-prevention-efforts> (NOTE: This first article talks about a number of deterrent options that Oakland is considering)
 - <https://www.kron4.com/news/bay-area/oakland-installs-botts-dots-to-help-deter-illegal-sideshows/>
 - <https://abc7news.com/oakland-sideshow-bay-area-sideshows-police-botts-dots/10875762/>
- Oakland is also considering installing other types of barriers, including roundabouts, raised pavement markers & speed bumps in hotspot areas in both commercial and residential areas.

3. To appropriately address the significant Public Safety risk that sideshows pose to our community, I believe council & staff must **consider legislation that provides strong**

consequences for those participating in a sideshow — the promoters, drivers and those watching.

Some suggested consequences for your consideration include:

- **Promoters:**
 - Steep fines starting at \$5K or higher for a first offense, which escalate with each repeat offense; **and**
 - 100+ hours of community service in lieu of jail time.
- **Drivers:**
 - Cars permanently removed — i.e., a 30-day impound is insufficient; **and**
 - In Oakland, at least one councilmember agrees with me as per the ABC7 news report link above, "I'm even trying to push that if we catch you doing the sideshows I'm going to be able to keep your car. Not impound it, not cite you, but be able to discourage you," said Councilmember Gallo."
 - Drivers licenses permanently revoked; **and**
 - Fines starting at \$5K to \$10K for first-time offenses, which escalate with each repeat offense; **and**
 - 100+ hours of community service.
- **People caught participating/watching:**
 - Cars impounded for 30 days; **and**
 - Drivers licenses suspended for 30 days; **and**
 - \$1K fine for first-time offense, with graduated increases for each subsequent offenses; **and**
 - 100+ hours of community service.
- **Since stolen can often be used, steep fines & community service are a must.**

4. Please work closely with RPD since they are the ones who will be expected to address them.

5. If permanent physical barriers are to be implemented in hot spots, steep fines coupled with ARPA money (if this is a qualifying use), could be used to subsidize the cost.

6. The community service hours could go towards helping clean up all of the illegal dumping and vegetation overgrowth in Richmond. If these folks want to come and commit illegal activities in Richmond, then they should be required to serve our City in a positive manner.

These folks all know their actions are illegal. The community is calling upon you to do your job and to please stop enabling this dangerous and illegal behavior and threat to our Public Safety with zero accountability.

The RPA & its council members as well as its associated special interest groups have routinely asked for \$10K or higher fines for first offense violations for all landlords, including ma & pa's in Richmond.

Since you are always willing to fight to protect tenants' rights, I hope that you will stand in unison tonight and demonstrate that you will pass meaningful legislation to address sideshows and which will effectively protect **everyone's** Public Safety rights in Richmond.

Please send a very strong message that sideshows will no longer be tolerated in Richmond.

Thank you.

Respectfully,
Leisa Johnson