

RICHMOND, CALIFORNIA, September 21, 2021

The Richmond City Council Evening Open Session was called to order at 5:00 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). ss

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 September 21, 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 Claudia Jimenez, Eduardo Martinez, Gayle McLaughlin, Melvin Willis, Vice Mayor Demnlus Johnson III, and Mayor Thomas K. Butt. **Absent:** Councilmember Nathaniel Bates arrived after adjourning to Closed Session.

CITY COUNCIL

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

Sonia Christian v. City of Richmond, et al.

SPRAWLDEF et al. v. City of Richmond
North Coast 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).

PUBLIC COMMENT BEFORE CLOSED SESSION

The following individuals gave comments via teleconference in support of a settlement agreement regarding Point Molate: Deborah Bayer, Jeanne Kortz, Andres Soto, Sally Tobin, and Doria last name unknow, and a phone caller, phone ending with 8800, name unknown.

The Open Session adjourned to Closed Session at 5:13 p.m. Closed Session adjourned at 6:41 p.m.

The Regular Meeting of the Richmond City Council was called to order at 7:24 p.m. by Mayor Butt via teleconference.

ROLL CALL

Present: Councilmembers Bates, Jimenez, Martinez, McLaughlin, Willis, Vice Mayor Johnson III, and Mayor Butt.
Absent: None.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Item K-2 was moved to be heard directly after Open Forum. Item K-4 was moved for discussion after Item K-2. Item I-13 was withdrawn from the agenda. City Clerk Pamela Christian announced that the public hearing regarding renaming of South Street to Ethel Dotson was inadvertently omitted from the agenda and would be heard at the September 28, 2021, City Council meeting.

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

Assistant City Attorney Heather McLaughlin stated there were no final actions to report.

REPORT FROM THE CITY MANAGER

City Manager Laura Snideman reported the following items: Reminder about the indoor mask mandate per the Contra Costa County health order; visitors to indoor businesses, including restaurants and gyms were required to show proof of vaccination; Governor Newsom's order regarding provisions of conducting virtual meetings would expire on September 30, 2021, however the State Legislature passed a bill that the governor signed, which was a slightly modified version that would allow continuance of virtual meetings; City of Richmond's native plant was the Perennial Purple Tree Collard and a community clean-up would be held at Unity Park on September 26, 2021, at 2 p.m.

RECENT CRIME REPORT FROM POLICE CHIEF

Lieutenant Al Walle reported the following items: Year-to-date there were 70 shootings; 60 shooting victims; 15 homicides; violent crime incidents from September 14, 2021, through September 21, 2021, were: four assaults with a firearm, six firearm recoveries, three domestic assaults, and 25 ShotSpotter activations. The most recent shooting occurred on September 16, 2021, at the 4800 block of Valley View Road where a stray bullet hit a 16-year-old at a nearby business. Several firearms were recovered during some routine traffic stops.

ABATEMENT REPORT FROM THE PUBLIC WORKS DIRECTOR

Public Works Director, Joe Leach reported about a collaborative clean-up effort at the Rydin Road Safe Parking site.

OPEN FORUM FOR PUBLIC COMMENT

The following individuals gave the following comments via teleconference:

Don Gosney stated that the Plumbers and Steamfitters Local 342 sign-ups for apprentice testing was being conducted until Friday, September 24, 2021, from 8 a.m. to 12 p.m. For further information, Mr. Gosney could be contacted at dongosney@comcast.net or at 510-685-2403.

Benjamin Therriault gave comments regarding a letter sent on behalf of the Richmond Police Officers Association regarding the removal of 34 officers and sergeants from a promotional process.

Carol Braxton stated her mother, Myrtle Braxton, celebrated her 94th birthday. Ms. Braxton also gave comments regarding the recent increase of power outages in the city.

Rodney Brown announced the Soulful Softball Sunday Tournament was scheduled for October 17, 2021, at 9 a.m. at Nichol Park.

Madalyn Law stated that the Mirafires project had remained undeveloped and vacant since 2006 and requested an update on its completion.

Tarnel Abbott spoke against the development of the Zeneca site.

Mark Wassberg gave comments regarding the dangers of a designated location for sideshows.

Leisa Johnson gave comments regarding abatement issues throughout the city.

Oscar Garcia gave comments regarding the large increase of power outages in the city.

Nat Bates congratulated Willie Reed, Charlie Freeman, and Myrtle Braxton for their 90 year or more birthdays. Councilmember Bates also wished Betty Reid Soskin and Clinton Hendicks a happy 100th birthday.

Naomi Williams announced a Blues in the Park 94th birthday celebration for Myrtle Braxton on Sunday, September 26, 2021, at 1 p.m.

CITY COUNCIL CONSENT CALENDAR

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

***I-1.** Approved a sole source contract with Stryker to provide maintenance, software updates, diagnostics, and certain repairs for emergency medical equipment used by the Fire Department, for a total amount not to exceed \$46,267.20 through August 31, 2024.

***I-2.** Approved the sole source purchase of annual software maintenance from Zoll Data Systems, Inc. for the Fire Department's Records Management System for a period of three years, October 1, 2021, through September 30, 2024, in an amount not to exceed \$31,776.

***I-3.** Adopted **Resolution No. 108-21**, authorizing the issuance of a task authorization to Veolia Water to manage (on behalf of the City) a subcontract with Bay Hawk, Inc. for Emergency On-Call Repairs to the sanitary and/or storm sewer collection systems in amount not to exceed \$825,000 [total annual repairs not to exceed \$750,000 with 10 percent mark-up of \$75,000]. This is a two-year contract with two (2) one-year options to renew.

***I-4.** Approved the Omnia Partners contract with Herc Rentals Inc. and Sunbelt Rentals, Inc. and Cresco Equipment Rentals piggyback contract with the City and County of San Francisco for equipment and vehicle rentals to supplement Public Works' equipment and vehicle needs in an amount not to exceed \$270,000 per year for three (3) years with an option to extend for two (2) additional years at \$180,000 per year.

***I-5.** Approved an amendment to the contract with Future Ford to include vehicle repairs on Fire Department truck #466 in an amount not to exceed \$19,000.

***I-6.** Approved the purchase of 823 Ohio Avenue for expansion of the Harbour 8 Park in an amount not to exceed \$195,000.

***I-7.** Approved a contract with Arborist Now, in an amount not to exceed \$13,800, for removal of eleven dead pine trees behind 5574 Amend Road. The contract term will be from September 15, 2021, to December 31, 2021.

***I-8.** Adopted **Resolution No. 109-21**, 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.

***I-9.** Accepted and appropriated a \$1,000 grant award from the Coalition for Clean Air, to fund the annual community bike ride event and related activities.

***I-10.** Accepted and appropriated the \$27,535 grant award from CalRecycle's Beverage Container Recycling City/County Payment into the City of Richmond's Environmental and Health Initiatives Division.

***I-11.** Adopted **Resolution No. 110-21** and accepted and appropriated into the Employment and Training Division Fiscal Year 2021-2022 budget \$1,043,164 in Federal, foundation, and local grant funds received from the United States Department of Labor, the Y & H Soda Foundation, and the Richmond Fund for Children and Youth.

***I-12.** Approved a contract amendment with Tactical K9 LLC, to provide K-9 maintenance training in an amount not to exceed an additional \$57,000 over a two-year term, \$28,500 per year, from January 2022 through December 2023. The original contract began May 1, 2020, and will now terminate December 31, 2023.

I-13. Withdrew from the agenda the matter to adopt a resolution authorizing the city manager, or designee, to enter into a Maintenance Agreement with Caltrans. The City of Richmond will be responsible for maintaining the signage and striping improvements that are installed at the intersection of Harbour Way South and Hoffman Boulevard as shown in Exhibit B.

***I-14.** Approved a contract with Owen Equipment for the purchase of one Vactor Model 2100i with Hydro-Excavation Package in the amount of \$529,683.81 and one Vactor Model 2100i without Hydro-Excavation Package in an amount of \$525,223.68 for a total purchase price not to exceed \$1,054,907.49 and one Vactor Model 2100i without Hydro-Excavation Package in an amount of \$525,223.68 for a total purchase price not to exceed \$1,054,907.49.

***I-15.** Directed staff to contact Pacific Gas & Electric and the California Public Utilities Commission to request that each of them makes a presentation to City Council in October or November 2021 to report their plans for repairing their infrastructure in Richmond to avoid frequent outages that have often lasted as long as 30+ hours.

***I-16.** Adopted **Ordinance No. 13-21 N.S.** repealing Chapter 11.44 (Kite Flying), Chapter 11.60 (Minors) and Chapter 11.64 (Smoking on Motor Coaches) of the Richmond Municipal Code.

***I-17.** Approved the minutes of the August 24, 2021, Special Meeting of the City Council.

ORDINANCES

J-1. The matter to introduce an ordinance adding Chapter 9.59 to the Richmond Municipal Code (RMC), which prohibits the addition of new natural gas infrastructure in the City of Richmond, in connection with any: 1) newly constructed buildings; or 2) substantially rehabilitated buildings upgraded with public funds. The only exceptions to this natural gas ban on new construction are for infeasibility or for the public interest. "Infeasibility" is narrowly defined as the situation where there was no physically feasible way to construct the building and remain in compliance

with the Energy Code. The "Public Interest" exception was limited to "minimally necessary and specifically tailored" exceptions that were found to serve the public interest was presented by Councilmember Martinez. The ordinance would take effect on January 1, 2022. The following individuals gave comments via teleconference: Mark Wassberg, Don Gosney, and Ruscal Cayangyang. This matter was continued to the October 19, 2021, City Council meeting.

COUNCIL AS A WHOLE

K-1. The matter to discuss and provide direction to staff to implement a street sweeping pilot program that engages stakeholders, was characteristic of the diversity of communities within the city and conformed to the City's National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit was presented by Public Works Director Joe Leach, who presented a PowerPoint that highlighted the following: Program History; Route Summary & Map; Initial Pilot Program Elements; Fiscal Impacts; and Neighborhood Council Feedback. Discussion ensued. Naomi Williams gave comments via teleconference.

*(10:58 p.m. – A motion by Councilmember McLaughlin, seconded by Councilmember Willis, to extend the meeting to conclude Item K-1, passed by the following vote: **Ayes:** Councilmembers Bates, Jimenez, Martinez, McLaughlin, Willis, and Vice Mayor Johnson III. **Noes:** Mayor Butt. **Absent:** None. **Abstain:** None).*

A motion made by Councilmember McLaughlin, seconded by Councilmember Willis to approve the item and direct staff to proceed with the 11 points outlined, including reinstating enforcement activities on collector arterial streets throughout the city and develop a graduated enforcement strategy for those areas, with \$0 for the first citation, \$50 for the second citation, and \$60 for the third citation for the busy streets, and ensure an on-time postal mailer was sent to all city residents informing them about the program with instructions on how to sign up for text reminders or a phone call, passed by the following vote: **Ayes:** Councilmembers Jimenez, Martinez, McLaughlin, Willis, and Vice Mayor Johnson III. **Noes:** Mayor Butt. **Absent:** None. **Abstain:** Councilmember Bates.

K-2. The matter to receive an update regarding the Richmond Police Department's current approach to unauthorized sidershows, which included education, outreach, and staff's recommendations for additional tools necessary to deter and prevent unauthorized sidershows and provide direction to staff was presented by Senior Assistant City Attorney Shannon Moore and Contra Costa County Community Prosecutor Paul Graves. The overview detailed current criminal enforcement practices and the need for additional resources and tools by the city to successfully curb sideshow activity. Discussion ensued. The following individuals gave comments via teleconference: Soheila Bana, Mark Wassberg, Dave Harris, Ben Therriault, Karen Peterson, Leisa Johnson, Steve Bischoff, Don Gosney, Garland Ellis, Oscar Garcia, and Naomi Williams. Further discussion ensued. Some suggested strategies and mechanisms to curtail sideshow activity included: assistance from GPS trackers, spike strips, CCTV cameras and monitoring by volunteers, license plate readers, Botz Dotz, roundabouts, speed bumps, and concrete planters placed in locations targeted for sideshow activity. A motion made by Councilmember Bates, seconded by Mayor Butt, that the matter

return to the City Council meeting as soon as possible with the financial analysis and a recommended program of what the suggested measures to curtail sideshows and fireworks would cost and what the possibilities were in trying to alleviate and curtail sideshow and firework activity. Councilmember Willis made a friendly amendment that the matter returns in 60 days.

Councilmember Bates did not accept the friendly amendment. A substitute motion made by Councilmember Willis, seconded by Councilmember McLaughlin, to direct staff to return with an update within 60 days with potential strategies and programs regarding sideshows and reckless driving, and return to a City Council meeting in a month with a status report on their progress. Councilmember McLaughlin made a friendly amendment to the substitute motion that staff return in a month with a temporary measure that could be implemented quickly such as concrete planters, if possible. Councilmember Willis accepted the friendly amendment. The substitute motion passed by the unanimous vote of the City Council.

K-3. Continued to the September 28, 2021, meeting, the matter to receive a presentation from staff to discuss and answer questions regarding potential or actual restrictions on sanitary sewer hookups in Point Richmond.

K-4. The matter to authorize the city manager and city staff to implement a plan to transition the current RV encampment, that straddles the Richmond Parkway south of North Castro Street, to a managed Safe Park on North Castro Street, as shown in the Agenda Report; and direct funding for management would come from funds appropriated for the contract with East Bay Housing Services and Rebuilding Together East Bay North (some revisions to the draft agreement with Rebuilding Together East Bay North will be required) was presented by Mayor Tom Butt. Discussion ensued. The following individuals gave comments via teleconference: Mark Wassberg, Leisa Johnson, Norma, and Naomi Williams. A motion made by Councilmember Jimenez, seconded by Councilmember McLaughlin, to direct the Reimagining Public Safety Committee to discuss an alternative plan and site options if it was not located in a residential area. Councilmember McLaughlin stated that the ad hoc committee should be given authority to move forward with a site as long as the site was not located in a residential area. Mayor Butt made a substitute motion to approve the item as detailed in the agenda report. The motion died for lack of a second. A friendly amendment made by Councilmember McLaughlin to direct the ad hoc committee to explore sites at its next meeting, determine a site with the option of potentially using North Castro as a staging site temporarily and then be moved to a more suitable site after consultation with the community, The following individuals gave comments via teleconference: Mark Wassberg, Leisa Johnson, Norma last name unknown, and Naomi Williams. Assistant City Attorney Heather McLaughlin stated that the selection of a site would need to return to the City Council for final approval. Councilmember McLaughlin made another friendly amendment that the matter could be discussed at a possible special meeting on October 12, 2021, or alternatively be discussed at the October 19, 2021, regular meeting, if more time was needed. Councilmember Jimenez accepted the amendment. The motion passed by the following vote: **Ayes:** Councilmembers Jimenez, Martinez, McLaughlin, Willis, and Vice Mayor Johnson III. **Noes:** Mayor Butt. **Absent:** Councilmember Bates. **Abstain:** None.

K-5. Continued to the September 28, 2021, meeting, the matter to direct staff to develop an ordinance amending the Richmond Municipal Code to regulate permanent encroachments by adjacent property owners, such as fencing and landscaping improvements.

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

None.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:07 p.m., in memory of Carolyn Smith, and in honor of Myrtle Braxton's 94th birthday, to meet again on Tuesday, September 28, 2021, at 6:30 p.m. for a special meeting.

Clerk of the City of Richmond

(SEAL)

Approved:

Mayor