

RICHMOND, CALIFORNIA, November 9, 2021

The Richmond City Council Special 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, on September 15, 2021, Governor Gavin Newsom issued Assembly Bill 361 that allowed cities to continue to hold public meetings via teleconferencing.

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 Assembly Bill 361, 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 November 9, 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, Gayle McLaughlin, Melvin Willis, Vice Mayor Demnlus Johnson III, and Mayor Thomas K. Butt. **Absent:** Councilmembers Nathaniel Bates and Eduardo Martinez arrived after the roll was called.

CITY COUNCIL

CONFERENCE WITH LEGAL COUNSEL -
ANTICIPATED LITIGATION (initiation of litigation pursuant to paragraph (4) of Subdivision (d) of Government Code Section 54956.9):

Number of potential cases: two

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

SPRAWLDEF et al. v. City of Richmond

East Bay Regional Park District v. City of Richmond, Villa Mira Vista Homeowners Association, City of El Cerrito, et al.

The Guidiville Rancheria of California, et al. v. The United States of America, et. al. North Coast Rivers Alliance et al./Point Molate Alliance 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):

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 EMPLOYEE PERFORMANCE EVALUATION
(Government Code Section 54957):

Title: City Manager

PUBLIC EMPLOYEE RELEASE (Government Code 54957)

PUBLIC EMPLOYEE APPOINTMENT (Government Code Section 54957.6):

Title: Acting and Interim City Manager

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

Property: 1324 Canal Boulevard (General Warehouse, Port of Richmond)

Agency negotiator: Laura Snideman and Alan Wolken

Negotiating parties: Richmond Grown

Under negotiation: Price and terms of payment

CONFERENCE WITH LABOR NEGOTIATORS
(Government Code Section 54957.6):

Agency Representative: Jack Hughes

Employee organizations:

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

Unrepresented employee: Acting City Manager

Agency Representative: Acting Deputy City Manager

Administrative Services

PUBLIC EMPLOYEE APPOINTMENT (Government Code Section 54957.6):

Title: Interim City Attorney and City Attorney

PUBLIC COMMENT BEFORE CLOSED SESSION

The following individuals gave comments via teleconference regarding the Point Molate litigations: Jeanne Kortz, Andres Soto, Doria Mueller-Beilschmidt, Tarnel Abbott, Sally Tobin, and Judith Piper.

Mayor Butt announced his recusal from the real property negotiation item because a partner to Richmond Grown was a client of his architectural firm. Mayor Butt also announced his recusal from one of the anticipated litigation cases, under the advisement of the city attorney, because it was a potential initiation of litigation against the mayor.

The Open Session adjourned to Closed Session at 5:16 p.m. Closed Session adjourned at 10:24 p.m.

The Special Meeting of the Richmond City Council was called to order at 10:26 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.

PUBLIC COMMENT INSTRUCTIONAL VIDEO

The Public Comment Instructional Video was shown.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

A motion was made by Councilmember McLaughlin, to table Item F-1. Mayor Butt ruled the motion out of order because the item had not yet been introduced.

A motion made by Councilmember McLaughlin, seconded by Councilmember Willis, to overrule Mayor Butt and direct the city attorney to answer questions regarding the procedures for tabling items passed by the following vote: **Ayes:** Councilmembers Jimenez, Martinez, McLaughlin, Willis, and Vice Mayor Johnson III. **Noes:** Councilmember Bates and Mayor Butt. **Abstentions:** None. **Absent:** None.

A motion made by Councilmember McLaughlin, seconded by Councilmember Jimenez, to overrule Mayor Butt's decision to postpone taking action on Item F-1 until it was introduced and to take action on Item F-1 under Agenda Review passed by the following vote: **Ayes:** Councilmembers Jimenez, Martinez, McLaughlin, and Willis. **Noes:** Councilmember Bates and Mayor Butt. **Abstentions:** Vice Mayor Johnson III. **Absent:** None.

A motion made by Councilmember McLaughlin, seconded by Councilmember Jimenez, to table Item F-1 passed by the following vote: **Ayes:** Councilmembers Jimenez, Martinez, McLaughlin, and Willis. **Noes:** Councilmember Bates and Mayor Butt. **Abstentions:** Vice Mayor Johnson III. **Absent:** None.

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

City Attorney Teresa Stricker provided a brief overview of provisions for reporting on Closed Session actions.

Ms. Stricker reported that by a vote of 5-1, with Councilmember Bates voting no and Mayor Butt recused, the council directed the city attorney to publicly report the following actions taken in the Closed Session: by a vote of 5-1, with Councilmember Bates voting no and Mayor Butt recused, the council directed the city attorney to bring forward for the council's consideration at a future open session a resolution to (1) censure the mayor for improperly disclosing confidential attorney-client privileged information and (2) direct the city attorney to refer the matter to both the grand jury and district attorney.

Mayor Butt reported that at the November 2, 2021, Closed Session the council took the action of approving a proposed separation agreement with City Manager Laura Snideman with one proposed modification that the City Council adopted a resolution condemning statements made by the mayor on the Tom Butt E-Forum regarding the performance of the city manager with a vote of five in favor, Councilmember Martinez abstaining, and Mayor Butt dissenting.

Mayor Butt reported that at the November 9, 2021, Closed Session in the matter of the appeal of the Point Molate Brown Act litigation, there was a motion directing the city attorney to engage an attorney selected by Councilmember McLaughlin to provide a second opinion regarding the subject of filing a brief conceding the petitioners points with a vote of four in favor and Councilmembers Bates, Vice Mayor Johnson III, and Mayor Butt dissenting.

Mayor But reported in the matter of the city manager, the council approved a severance agreement with a vote of six in favor and Mayor Butt dissenting.

COUNCIL AS A WHOLE

F-1. TABLED during Agenda Review - the matter to receive an oral report from the city attorney regarding the status of SPRAWLDEF et al v. City of Richmond, a case currently pending before the Ninth Circuit Court of Appeals.

The council requested the city attorney to provide the council a summary regarding the status of the lawsuit and litigation threats the City of Richmond received related to the SPRAWLDEF et al v. City of Richmond case.

F-2. The matter to adopt a resolution condemning the statements made in the e-forum about the city manager's job performance was introduced by Senior Assistant City Attorney Heather McLaughlin. Discussion ensued. Tarnel Abbott gave comments via teleconference. *(At 11:00 p.m. - a motion by*

Councilmember Willis, seconded by Vice Mayor Johnson III, to extend the meeting to complete Item F-2 passed by the following vote: Ayes: Councilmembers Jimenez, Martinez, McLaughlin, Willis, and Vice Mayor Johnson III. Noes: Councilmember Bates and Mayor Butt. Abstentions: None. Absent: None). On motion of Councilmember McLaughlin, seconded by Councilmember Willis, adopted **Resolution No. 132-21** by the following vote: **Ayes:** Councilmembers Jimenez, Martinez, McLaughlin, Willis, and Vice Mayor Johnson III. **Noes:** Councilmember Bates and Mayor Butt. **Abstentions:** None. **Absent:** None.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:13 p.m., in memory of Carole Woodrow, to meet again on Tuesday, November 16, 2021, at 6:30 p.m.

Clerk of the City of Richmond

(SEAL)

Approved:

Mayor

From: [Cordell Hindler](#)
To: [City Clerk Dept User](#)
Subject: public comments- open session prior to closed session
Date: Saturday, November 6, 2021 8:26:46 PM

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good evening Mayor Butt. council members and city staff, I have some comments for the Record

1. I am hoping that the council will carefully think about who will be selected to serve as the city attorney
2. also I am asking that the council would listen to what the unions have to offer.

Sincerely
Cordell

From: [Jeannette Kortz](#)
To: [Gayle McLaughlin](#); [Melvin Willis](#); [claudia jimenez](#); [richcityservant](#)
Cc: [City Clerk Dept User](#)
Subject: F-1. RECEIVE an oral report from the city attorney regarding the status of SPRAWLDEF et al v. City of Richmond, a case currently pending before the Ninth Circuit Court of Appeals - Councilmember Nathaniel Bates
Date: Monday, November 8, 2021 2:11:00 PM

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This email originated from outside of the City's email system. Do not open links or attachments from untrusted sources.

Dear Council Members McLaughlin, Willis, Jimenez, and Martinez,

I am writing to ask you to please remove this item from the agenda. Tom Butt, in his e-forum, breached client/attorney privileged information. He also violated the Brown Act in doing so.

Theresa Stricker should no longer be the attorney handling the Point Molate Lawsuit as she is resigning. Tom Butt should no longer be allowed in closed session as he cannot and will not honor attorney/client privileged information. He should be asked to recuse himself, and if he won't do that, he should be banned from all further closed sessions.

Please continue to stand strong for the truth, and please remove this agenda item.

Thank you so much!
Sincerely,

Jeanne Kortz
Richmond Resident