

RICHMOND, CALIFORNIA,

January 11, 2022, 5:00 p.m.
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, Eduardo Martinez, Melvin Willis, Gayle McLaughlin, Vice Mayor Demnlus Johnson III, and Mayor Thomas K. Butt. **Absent:** Councilmember Nathaniel Bates.

C. CLOSED SESSION

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

Paragraph (1) of Subdivision [d] of Government Code Section 54956.9

- a. Richmond Shoreline Alliance, SPRAWLDEF, Citizens for East Shore Parks, Sunflower Alliance, and GreenAction for Health and Environmental Justice v. City of Richmond

C.2 PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957)

- a. Title: City Attorney

C.3 PUBLIC EMPLOYEE APPOINTMENT (Government Code Section 54957.6)

- a. Title: City Attorney

D. PUBLIC COMMENT BEFORE CLOSED SESSION

Tarnell Abbott gave comments regarding Item C1.a. and encouraged the city to settle the lawsuit.

Mayor Butt gave comments regarding Assistant City Attorney Heather McLaughlin preventing him from participating in a recent Closed Session discussion and requested a public apology from Ms. McLaughlin.

E. ADJOURN TO CLOSED SESSION

The Open Session adjourned to Closed Session at 5:04 p.m. Closed Session adjourned at 6:05 p.m.

F. REGULAR MEETING OF THE RICHMOND CITY COUNCIL

G. ROLL CALL

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

H. PUBLIC COMMENT INSTRUCTIONAL VIDEO

The Public Comment Instructional Video was shown.

I. STATEMENT OF CONFLICT OF INTEREST

None.

J. AGENDA REVIEW

Items Q-6, O.4.F, and P-1 were continued to the January 18, 2022, City Council meeting. Item Q-2 was continued to the February 22, 2022, City Council meeting.

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

City Attorney Dave Aleshire stated there were no reportable actions taken.

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

Interim City Manager Shasa Curl reported on the increase in Covid-19 cases throughout the area. Ms. Curl also stated there would be a Covid-19 employee booster policy, which would be implemented in the near future; Community workshop #3 for the potential Vacant Property Parcel Tax would be on January 12, 2022, at 6 p.m. via Zoom; and the Martin Luther King Day of Service was scheduled for Monday, January 17, 2022, from 10 a.m. to 2 p.m. at 16th Street and Ohio Avenue.

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

Public Works Director Joe Leach presented a PowerPoint, which highlighted the following: 7th Street Clean-up; Nevin Avenue Resurfacing; Illegal Dumping; Encampment Abatement of six encampments; City Lot Abatement; and Graffiti Removal.

N. OPEN FORUM FOR PUBLIC COMMENT

Attorney Heather McLaughlin apologized to Mayor Butt for having unintentionally locked him out from attending a recent closed session, which was due to technical error. Mayor Butt accepted her apology.

Mark Wassberg gave comments regarding Vice Mayor Johnson III's support for Congresswoman Maxine Waters.

Naomi Williams stated the city should keep the current Interim City Manager in the permanent position. Ms. Williams also thanked Public Works Director Joe Leach for his work and asked the city to hire additional abatement crew.

Jeff Ritterman spoke in support of Item O-2 regarding the events of the January 6, 2021, attack on the U.S. Capitol.

Katrinka Ruk stated concerns for the city moving forward with the Business License Tax and that discussions have not occurred with the business community and how they would be impacted.

Jessi Taran suggested that all the various task forces should work together to come up with ideas such as the use of vacant land for homeless sites, job training grants, and job training programs in alternative energy.

Councilmember McLaughlin gave comments regarding Item O-2 Condemning the acts of January 6, 2021.

Mayor Butt gave comments regarding the city spending taxpayer money on frivolous lawsuits including the investigation launched against him that cost the city \$50,000, in which he was ultimately exonerated.

O. CITY COUNCIL CONSENT CALENDAR

Motion by Vice Mayor Demnlus Johnson III

Seconded by Councilmember Eduardo Martinez

Ayes (7): Mayor Tom Butt, Vice Mayor Demnlus Johnson III, Councilmembers Nathaniel Bates, Claudia Jimenez, Eduardo Martinez, Melvin Willis, and McLaughlin

O.1 City Clerk's Office

- a. City Council Minutes

APPROVE the minutes of the November 23 and December 7 and 14, 2021, regular City Council meetings - City Clerk's Office (Pamela Christian 510-620-6513).

O.2 City Council

- a. Condemning the horrific events of January 6, 2021, and defending democracy and the sacred right of voting.

ADOPT a resolution condemning the horrific events of the January 6, 2021, attack on the United States Capitol and defending democracy and the sacred right of voting – Councilmember Gayle McLaughlin (510-620-6581).

Adopted **Resolution No. 1-22.**

O.3 City Manager's Office

- a. Contract with Social & Public Art Resource Center (SPARC)

APPROVE a sole-source contract with Social & Public Art Resource Center (SPARC) for the design, fabrication, installation, and replacement of a series of five murals on the Richmond Senior Center, 2525 Macdonald Avenue, in an amount not to exceed \$18,600, with a term from January 11, 2022, through June 30, 2023 - City Manager's Office, Economic Development (Shasa Curl/Winifred Day 510-620-6952).

O.4 Finance Department

- a. Annual review and adoption of debt policy for fiscal year 2021-2022

REVIEW the Debt Policy for Fiscal Year 2021-2022; and ADOPT the resolution approving said policy – Finance Department (Belinda Brown 510-620-6740).

Adopted **Resolution No. 2-22.**

- b. Compliance with developer fees
RECEIVE the annual year-end developer fee report as required pursuant to Section 66006 of the Government Code – Finance Department (Belinda Brown/Vrenesia Ward 510-621-1211).
- c. Resolution approving investment policy
ADOPT a resolution approving the City of Richmond Investment Policy Fiscal Year 2021-2022 – Finance Department (Belinda Brown 510-620-6740).
Adopted **Resolution No. 3-22.**
- d. Investment and Cash Balance report for the month of November 2021
RECEIVE the City’s Investment and Cash Balance Report for the month of November 2021 – Finance Department (Belinda Brown 510-620-6740).
- e. Resolution approving Other Post-Employment Benefits (OPEB) funding policy
ADOPT a resolution approving the Fiscal Year 2021-2022 Other Post-Employment Benefits (OPEB) Funding Policy – Finance Department (Belinda Brown 510-620-6740).
Adopted **Resolution No. 4-22.**
- f. Annual review and adoption of swap policy for fiscal year 2021-2022
REVIEW the Swap Policy for Fiscal Year 2021-2022; and ADOPT the resolution approving said policy – Finance Department (Belinda Brown 510-620-6740).

Continued to the January 18, 2022, City Council meeting,

O.5 Human Resources

- a. Adopt resolution amending the salary schedule
ADOPT a resolution amending the City’s Salary Schedule to reflect the new and deleted classifications; AMEND position control to add one (1) Deputy Director of Community Services – Neighborhood Safety, two (2) Field Coordinators, one (1) Accounting Assistant, one (1) Administrative Aide, and five (5) Neighborhood Change Agents to increase the total amount to eleven (11) Neighborhood Change Agents; and APPROVE allocation of funds for the wages and salaries for these classifications and associated compensation – Human Resources (Anil Comelo/Sharrone Taylor 510-620-6600).
Adopted **Resolution No. 5-22.**

O.6 Police Department

- a. Justice Assistance Grant-funded Purchase Approval
APPROVE a purchase from TYR TACTICAL for Ballistic Plate Carriers and Level III+ Ballistic Plates (a.k.a. bullet proof vests) for the Police Department’s SWAT Team using funds provided by the Police department’s Justice Assistance Grant program, in an amount not to exceed \$44,159.24 – Police Department (Louie Tirona 510-621-1802).

O.7 Public Works

- a. Veolia's October 2021 Monthly Operating Report

RECEIVE the Veolia Monthly Operating Report for the month of October 2021 – Public Works Department (Joe Leach 510-620-5478/Mary Phelps 510-621-1269).

P. PUBLIC HEARINGS

P.1 Appeal of Planning Commission's approval of a conditional use permit and design review (PLN20-043)

ADOPT a Resolution Denying the Appeal and Affirming the Planning Commission's conditional approval of a Conditional Use Permit and Design Review, to construct a single-family residence on a vacant parcel located within the -S, Shoreline Overlay district at 357 Western Avenue – Community Development Department (Lina Velasco 510-620-6706). This item was continued from the December 7, 2021, meeting. The public hearing is closed on this item; for council discussion and resolution only.

Continued to the January 18, 2022, City Council meeting.

Q. NEW BUSINESS

Q.1 Police Staffing Presentation

RECEIVE an updated staffing presentation from the Police Department to include changes to the services provided to the community based on resource allocation due to the financial and efficiency considerations - Police Department (Acting Chief Louie Tirona 510-621-1802). This item was continued from the December 7, 2021, meeting.

Acting Chief Louie Tirona presented a PowerPoint which highlighted the following: Historical Staffing Comparison; Current Staffing Situation; Sworn Positions Budgeted vs. Actual; 2021 Sworn Separations; Retirement Analysis; 2022 Priorities; 2021 Sworn Personnel Allocation; 2022 Sworn Personnel Allocation; Retention, Recruiting and Hiring; National Climate; Regional Challenges; Testing Process; and Recruiting Efforts. Discussion ensued. The following individuals gave comments via teleconference: Mark Wassberg, Steve Bischoff, Naomi Williams, Shawn Dunning, Don Gosney, Jan Mignone, Leisa Johnson, Katrinka Ruk, Deborah Bayer, Madalyn Law, and Jamin Pursell. City Council requested analysis of police M.O.U's, and further information and discussion on the police department dog bite policy.

Q.2 Update from Chevron Refinery

RECEIVE an update from the Richmond Chevron Refinery on the February 9, 2021, oil spill at the Chevron Long Wharf - Councilmember Claudia Jimenez (510-620-6565). This item was continued from the December 21, 2021, meeting.

Continued to the February 22, 2022, City Council meeting.

Q.3 Amendment to legal services agreement with Ellis Investigations, L.C.

Motion by Vice Mayor Demnlus Johnson III
Seconded by Councilmember Gayle McLaughlin

APPROVE a first amendment to an existing legal services agreement with Ellis Investigations, L.C., to conduct personnel investigations for the City in the amount of \$90,000, for a total contract amount of \$100,000, for a term of

December 21, 2021, through June 30, 2023. Interim Deputy City Manager, Anil Comelo gave an overview of the matter.

Ayes (5): Vice Mayor Demnlus Johnson III, Councilmembers Claudia Jimenez, Eduardo Martinez, Melvin Willis, and Councilmember Gayle McLaughlin

Noes (1): Mayor Tom Butt

Abstentions (1): Councilmember Nathaniel Bates

Q.4 Legal services agreements in amount of \$350,000 per firm

ADOPT a resolution of the City Council authorizing the City to enter into legal services agreements with law firms to provide municipal law advice and to represent the City and related entities in litigation on an as-needed basis, for an amount not to exceed \$350,000 per firm, for three years, beginning on January 1, 2022 through June 30, 2025, with an option to extend the agreements for two years – City Attorney’s Office (Heather McLaughlin 620-6509). This item was continued from the December, 21, 2021 meeting.

Attorney Heather McLaughlin gave an overview of the matter. City Council requested additional information on costs associated with the use of outside legal firms over the past ten years and the possibility of placing a cap on the total amount spend over the term of the contracts. The matter was continued to the February 1, 2022, City Council meeting.

Q.5 Approval of a legal services agreement and amendments to six existing legal services agreements for municipal law litigation

APPROVE a legal services agreement with Edrington, Schirmer & Murphy LLP in the amount of \$100,000, a first amendment to add \$75,000 with Manning & Kass, Ellrod, Ramirez & Trester, LLP, a first amendment to add \$75,000 with Colantuono Highsmith & Whatley, P.C., a second amendment to add \$125,000 with Orbach Huff & Henderson LLP, a second amendment to add \$125,000 with McNamara, Ney, Beatty, Slattery, Borges & Ambacher, LLP, a second amendment to add \$50,000 with Best, Best & Krieger, LLP and a third amendment to add \$210,000 with Allen, Glaessner, Hazelwood & Werth, LLP to represent the City of Richmond in pending municipal law litigation in state and federal court – City Attorney’s Office (Heather McLaughlin 510-620-6509). This item was continued from the December 21, 2021, meeting.

City Council requested information on what cases would be handled by each firm. The matter was continued to the February 1, 2022, City Council meeting.

Q.6 Amendment to legal services contract with Downey Brand law firm

APPROVE contract amendment no. 1 with Downey Brand law firm in the amount of \$255,000, for an additional two (2) years, ending December 31, 2024, for the legal review of the requirements as predetermined in the existing Baykeeper Settlement Agreement and to represent the City in any future settlement agreement discussions. The total contact will not exceed \$510,000 without prior council approval - Public Works (Joe Leach 620-5478). This item was continued from the December 21, 2021, meeting.

Continued to the January 18, 2022, City Council meeting,

Q.7 2021 Community Survey Results

RECEIVE a presentation and report on the City of Richmond's 2021 Community Survey results; and PROVIDE direction to staff as appropriate – City Manager’s

Office (LaShonda White 510-620-6512). This item was continued from the December 21, 2021, meeting.

LaShonda White presented a PowerPoint, which highlighted the following: Uses of Survey Results; Outreach; Survey Respondent Demographics; Positive Trends; Richmond as a Place to Live, Work, and Play; Safety; Economy; Government; Participation; Top Issues to Address in the Next 2 Years; NCS Report on Tableau; Comparison Information; and Geographic Area. Discussion ensued. The following individuals gave comments via teleconference: Shawn Dunning, Leisa Johnson, and Naomi Williams. The community survey is open to anyone who would like to provide input and information regarding Richmond regardless of if they live in the city or not.

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

City Clerk Pamela Christian invited the public to the 3rd City Council Redistricting Public Hearing during the January 18, 2022, City Council meeting, at 7 p.m.

Mayor Butt stated he would not attend the January 18, 2022, City Council meeting because he would be at the U.S. Conference of Mayor's in Washington D.C.

Councilmember Martinez announced the Martin King Jr. Day of Service would be held on Monday, January 17, 2022, at 10 a.m., on the Richmond Greenway.

S. ADJOURNMENT

There being no further business, the meeting adjourned at 10:23 p.m., in memory of Vice Mayor Johnson III's great aunt Ora Givens, actor Sidney Poitier, and Paul Dees to meet again on January 18, 2022, at 6:30 p.m.

Clerk of the City of Richmond

(SEAL)

Approved:

Mayor

Clerk of the City of Richmond

Mayor

Sabrina Lundy

From: Cordell Hindler <cordellhindler@ymail.com>
Sent: Thursday, January 6, 2022 5:01 PM
To: City Clerk Dept User
Subject: Public Comments- Open Forum

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good Evening Mayor Butt, council members and city staff, I have a couple of comments for the record

1. the council should consider inviting the Northern California Promise Coalition to schedule a presentation
2. second I am in full support for O.5 on the consent calendar

Sincerely
Cordell

From: [Rodrick Satre](#)
To: [Charmain Tyler](#); [City Clerk Dept User](#)
Subject: Comment on vacant parcel tax re PotentialVPT@ci.richmond.ca.us which is a non-working email address
Date: Tuesday, January 11, 2022 7:32:57 PM

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We have spent 3 years and \$5000 in fees to apply for a lot merger and lot line adjustment to facilitate combining two undersized lots to a buildable one. City staff has lied in writing and in public meetings to stall our PLN19-009 application by citing false facts, producing false documents and denying our application. If our experience is any indication for how property owners are treated, then penalizing vacant property owners even more by raising taxes is deplorable. Each year we pay over \$18K in property taxes and fees. to boost that by another \$12K for two vacant undersized parcels which has been stymied by the city for development is going to drive away homeowners

From: [Jeannette Kortz](#)
To: [Gayle McLaughlin](#); [Melvin Willis](#); [claudia jimenez](#); [richcityservant](#); [Demnlus Johnson](#); [Nat Bates](#)
Cc: [City Clerk Dept User](#)
Subject: PUBLIC COMMENT - AGENDA ITEM O.2 a
Date: Monday, January 10, 2022 1:57:07 PM

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a.
Condemning the horrific events of January 6, 2021, and defending democracy and the sacred right of voting.



- ADOPT a resolution condemning the horrific events of the January 6, 2021, attack on the United States Capitol and defending democracy and the sacred right of voting – Councilmember Gayle McLaughlin (510-620-6581).

Dear City Council,

I am writing in support of Council Member Gayle McLaughlin's resolution. Now, more than ever, we must defend our right to vote. We are on the edge of losing our democracy.

Thank you for your time.

Jeanne Kortz
Richmond Resident

From: [Cordell Hindler](#)
To: [City Clerk Dept User](#)
Subject: Public Comments- Open Forum
Date: Thursday, January 6, 2022 5:01:00 PM

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Sincerely
Cordell

From: [Leisa Johnson](#)
To: [City Clerk Dept User](#)
Cc: [Tom Butt - external](#); [Nat Bates](#); [Demnlus Johnson](#); [Eduardo Martinez](#); [Gayle McLaughlin](#); [Claudia Jimenez](#); [Demnlus Johnson](#); jimenez.claudia78@gmail.com; [Eduardo Martinez](#); gayledirect@gmail.com; [Melvin Willis](#)
Subject: Written Public Comments -- Agenda Item Q1 (Police Staffing), Jan 11, 2022 City Council Meeting
Date: Tuesday, January 11, 2022 8:38:34 PM

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Dear City Clerk,

Can you please include my comments below in the supplementary minutes for the Jan 11th, 2022 City Council meeting?

Thank you,
Leisa

Good Evening Mayor and Councilmembers -

Thank you Acting Chief Tirona for your thoughtful & sincere presentation tonight, and for helping shed light on what is happening to RPD.

Through 2021, RPD lost 26 sworn officers.

As of December 2, 2021, Richmond had lost 13 sworn officers or 10% since July 2021, the beginning of this fiscal year.

As of today, ~ 1 month later, they've lost an additional 6, bringing the number to 19 sworn officers for this fiscal year's first 6 months.

That translates to 19 officers out of the 130 actual officers as of July 1st — a 15% decrease.

- This has the potential to go as high as 31% (40/130) if all 21 eligible officers retire by end of FY2021/22 — that's less than 6 months from now.
- This has the potential to go as high as 40% (52/130) if all 33 eligible officers retire by end of 2023.

IF we lose 40% of our sworn officers by Dec 2023, there is no physical way RPD can adequately meet our city's need, which covers 52.5 sq miles.

Please remember that it takes 6 to 18 months to bring an officer fully on board depending upon their experience level.

You are our elected leaders. How you treat RPD has a significant impact on their morale and desire to stay and serve us while putting their own life on the line. It matters.

In order to fill the City's 9 beats, our chief has had to move several sworn personnel from investigations to patrol. Even with those moves, RPD still can not always fill all 9 beats for the entire shift, including with mandatory overtime.

When a sworn officer is absent due to vacation, it creates a need for OT to fill that absence. When this situation is experienced by multiple teams then there becomes a possibility that forced overtime is required; or if the absences are unanticipated, it could lead to staffing below the minimum. Now put Covid spikes on top of that. Increased OT also increased risk of injuries.

Imagine you have an emergency — will your beat officer position be staffed? **Seconds can mean the difference between life & death.**

Please remember that they are human, just like each of you on this council. An exhausted and stressed out officer risks their own safety as well as those they serve. This isn't right. Please remember that with the same passion that you used to decimate this force or their morale.

In moving investigative officers to patrol, we have:

- **lost the Regulatory Unit**, with services being transferred to Code Enforcement, who is also understaffed;
- **the Robbery & Property Units have both been reduced and will be combined to one smaller unit**; and
- **the Criminal Violence Reduction Team has basically been gutted** with only 1 sergeant left to focus on intelligence gathering.

Additionally, RPD had a 65% decrease (86/245) in applications from 2019 to 2020. Of note, 84% (72/86) of candidates successfully qualified in 2020. However, that % dropped significantly to only 53% (43/81) in 2021, which is more on par with the 48% (117/245) in 2019.

Please remember that RPD is competing for those qualified candidates with all of the other cities in the Bay Area and elsewhere.

We can't hire our way out of this mess that this majority council's decisions have created.

To the 5 RPA councilmembers who spearheaded dismantling community policing:

- If someone in your district or city doesn't get the response they need, are you personally liable given that you were all warned, repeatedly, what would happen based on your premature and reckless decision making?
- Will you personally go and speak to the victims, their family members and friends negatively impacted by your decisions?
- Councilmember Jimenez is echoing the same far-left criticisms that RPD is not solving

enough crimes. Please think about what your actions have resulted in. We now have fewer investigative officers just to meet our patrol minimums. It will now be even harder to help provide victims the justice they deserve.

- Please also look in the mirror when reviewing OT costs during mid-year and year-end budgeting as your decisions have also resulted in significant OT.

I am respectfully asking that this council please:

1. Create a more welcoming environment for potential police candidates and retention of current personnel.
2. Appropriately prepare for the mass exodus of sworn personnel in the next two years due to expected retirements.
3. No more budgetary cuts and to support hiring bonuses to effectively compete with other local agencies hiring officers would be a good thing and an increase in budget would be needed.
4. Support community policing.

Thank you.

Respectfully,
Leisa



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Meeting Date ▼	Agenda Item	Name	Email	Comment	Position	Statu
1/11/2022 5:00 PM	Veolia's October 2021 Monthly Operating Report	Jeanne Kortz	jeannekortz@gmail.com	<p>Veolia, a private corporation, cares only about profits. This company, brought to us by Tom Butt, is much more expensive than EBMUD would have been. I am now paying \$1,000 on my property taxes for this private, multi-national corporation that played a role in the Flint, Michigan water fiasco: https://www.theguardian.com/us-news/2019/dec/10/water-company-city-officials-knew-flint-lead-risk-emails-michigan-tap-water Here is a quote from the East Bay Times, dated 10/29/2010: "In 2001, EBMUD had extra capacity and submitted a proposal to treat Richmond's sewage. The City</p>	Against	Apprc

Council narrowly approved a contract with Veolia to run the city plant. Some say Veolia had more political muscle, especially since the wife of then City Manager Isiah Turner was the vice president." Corruption reigns! It's time to put out a bid for a different sewage company. Thank you for your time. Jeanne Kortz Richmond Resident

1/11/2022 5:00 PM	Update from Chevron Refinery	Jeanne Kortz	jeannekortz@gmail.com	An oil spill that happened in February 2021, and still no update from Chevron? No financial impact? What about the environmental impact? Chevron cares not about the environment, nor it's negative health impacts on residents. Profits are its only concerns.	For	Apprc
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