

**RICHMOND, CALIFORNIA, July 19, 2022**

Community Services Building  
440 Civic Center Plaza  
Richmond, CA 94804

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

**C. CLOSED SESSION**

**C.1 LIABILITY CLAIMS (Government Code Section 54956.9)**

- GEICO

**C.2 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (paragraph (1) of Subdivision [d] of Government Code Section 54956.9)**

- City of Long Beach v. Monsanto Company et al.

**C.3 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (initiation of litigation pursuant to paragraph (4) of Subdivision (d) of Government Code Section 54956.9)**

- Two potential cases:
  1. Monsanto
  2. Richmond Grown

**C.4 CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)**

- Agency Representatives: Jaclyn Gross, Sharrone Taylor, Teresa Fairbanks

Employee organizations:

1. SEIU Local 1021 Full-Time Unit and Part-Time Unit
2. IFPTE Local 21 Mid-Level Management Unit 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

**C.5 PUBLIC EMPLOYEE APPOINTMENT (Government Code Section 54957.6)**

- Title: City Attorney

**D. PUBLIC COMMENT BEFORE CLOSED SESSION**

Mayor Butt announced his recusal from Item C.3 regarding Richmond Grown because the project involved a client of his architectural firm.

The following individuals gave comments via teleconference regarding Item C.4: Don Nelson, Mark Hall, Michael Pagaling, Peggy Chou, Ruben Munguia, Elizabeth Bashan, Donald Patchin, Ethan Katz, Kevin Lemus, Raymond Wendell, Ben Therriault, Daniel Reina, and Alyssa Alvarado. Javier Nazario Santiago expressed concerns regarding damages by city trees to his property located at 610 Bissell Avenue and provided his phone number (916) 595-8820.

**E. ADJOURN TO CLOSED SESSION**

The Open Session adjourned to Closed Session at 5:29 p.m. with a five-minute recess. Closed Session adjourned at 7:13 p.m.

**F. SPECIAL MEETING OF THE RICHMOND HOUSING AUTHORITY**

The Special Meeting of the Richmond Housing Authority was called to order at 7:18 p.m. by Chair Thomas K. Butt via teleconference.

**G. ROLL CALL**

**Present:** Commissioners Nathaniel Bates, Claudia Jimenez, Gayle McLaughlin, Demnlus Johnson III, Melvin Willis, and Chair Thomas K. Butt. **Absent:** Vice Chair Eduardo Martinez arrived after the roll was called. Housing Authority Tenant Commissioner Jaycine Scott was absent for the entire meeting.

**H. PUBLIC COMMENT INSTRUCTIONAL VIDEO**

The public comment instructional video was shown.

**I. STATEMENT OF CONFLICT OF INTEREST**

None.

**J. REPORT FROM THE EXECUTIVE DIRECTOR**

Richmond Housing Authority Executive Director Nannette Beacham announced that there were only two days remaining to apply for project-based housing vouchers with the Contra Costa County Housing Authority. Applications were being accepted for Richmond's Hacienda Senior Apartments scheduled to be leased in the fall of 2022.

**K. AGENDA REVIEW**

None.

**L. HOUSING AUTHORITY CONSENT CALENDAR**

**Motion by** Vice Chair Martinez

**Seconded by** Commissioner Bates

To approve the Housing Authority Consent Calendar.

Ayes (7): Commissioners Bates, Jimenez, Johnson III, McLaughlin, Willis, Vice Chair Martinez, and Chair Butt

Absent (1): Housing Authority Tenant Commissioner Scott

Passed (7 to 1)

**L.1 Continued Use of Teleconferencing**

ADOPT a resolution requiring the continued use of teleconferencing for the meetings of the Board of Commissioners of the Richmond Housing Authority pursuant to the provisions of AB 361 – City Clerk’s Office (Pamela Christian 510-620-6513).

**Adopted Resolution No. 2164**

**L.2 Housing Authority Minutes**

APPROVE the minutes of the regular June 7, 2022, Richmond Housing Authority meeting and the special June 21, 2022, Richmond Housing Authority/City Council joint meeting - City Clerk's Office (Pamela Christian 510-620-6513).

**M. ADJOURNMENT**

There being no further business, the meeting adjourned at 7:25 p.m.

**N. REGULAR MEETING OF THE RICHMOND CITY COUNCIL**

The Regular Meeting of the Richmond City Council was called to order at 7:26 p.m. by Mayor Thomas K. Butt via teleconference.

**O. ROLL CALL**

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

**P. STATEMENT OF CONFLICT OF INTEREST**

Mayor Butt announced his recusal from Item V.4.a regarding Richmond Grown LLC due to a conflict of interest.

**Q. AGENDA REVIEW**

Items V.1.a, V.5.b, and V.9.a were removed from the Consent Calendar for discussion at the end of the agenda.

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

Interim City Attorney reported the following actions: Regarding Item C.3 Monsanto litigation, there was a motion by Vice Mayor Martinez, seconded by Councilmember McLaughlin, that passed by a vote of 6-1 to opt out of the litigation, and for the city attorney to make a recommendation on legal counsel. Regarding Item C.4, the direction was given to the negotiators to proceed with the public safety negotiations and terms of negotiation.

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

City Manager Shasa Curl reported on two neighborhood cleanup efforts in the North and East neighborhood and the Richmond Greenway in collaboration with Urban Tilth and Republic Services. Ms. Curl advised that the construction at the Booker T. Anderson Community Center had been delayed due to vandalism and staff was seeking onsite security. Ms. Curl assured the council and community that staff was actively working to address blight and illegal dumping as quickly as possible. Ms. Curl encouraged community members to contact the City Manager's Office at (510) 620-6512 if they had not received a response to their concerns. Ms. Curl announced that staff was scheduled to meet with the Hilltop neighborhood and would be rolling out a schedule for the Hilltop

maintenance district, followed by Marina Bay, and the parks. Ms. Curl also reported that the lights were repaired in the Dornan Drive tunnel.

**T. REPORT FROM THE REIMAGINING TASK FORCE - 3rd Tuesday (public comment allowed under Open Forum)**

Task Force Member Randy Joseph provided an oral status report regarding the following: unhoused interventions; YouthWORKS; Office of Neighborhood Safety; and the Community Crisis Response Program. Mr. Joseph announced that new task members were needed to fill vacancies.

**U. OPEN FORUM FOR PUBLIC COMMENT**

The following individuals gave comments via teleconference:

Iлона Clark suggested that public meeting teleconference participants should be allowed to see the number of other participants.

Madalyn Law expressed disappointment that the Mira Flores housing project had not been placed on the City Council agenda. Ms. Law expressed concerns regarding the lack of new housing developments on the south side of Richmond.

Don Gosney announced that the Plumbers and Steamfitters Local 342 was accepting online apprenticeship applications starting on August 1, 2022, by visiting [www.ua342.org](http://www.ua342.org) or calling Mr. Gosney at (510) 685-2403.

Daniel Barth, Randy Scott, and O'Neal Fernandez gave comments in support of Safe Organized Spaces (SOS) Richmond. Mr. Barth offered the third quarter report for SOS services provided to Richmond encampments by calling (510) 990-2686. Mr. Barth provided an overview of SOS services, goals, and partnerships. Mr. Scott and Mr. Fernandez shared how being employed by SOS improved their lives.

Carole Johnson, Emily Ross, and Helen Haggerson expressed concerns regarding the labor contract negotiations with the Richmond Police Officers Association and the "me too" clause. Ms. Johnson suggested funds should be spread more equitably between essential programs and services that increased public safety.

Naomi Williams inquired about the portable toilets located in front of some Richmond residences. Ms. Williams also requested an update on when the new business was opening in the Pullman neighborhood at the old Tradeway building located at 350 Carlson Boulevard.

Linda Whitmore suggested that items removed from the Consent Calendar should be announced with a descriptive title for virtual meeting participants that may not have an agenda.

**V. CITY COUNCIL CONSENT CALENDAR**

**Motion by** Vice Mayor Martinez

**Seconded by** Councilmember Johnson III

To approve all items on the Consent Calendar except Items V.1.a, V.5.b, and V.9.a.

Ayes (7): Councilmember Bates, Councilmember Jimenez, Councilmember Johnson III, Councilmember McLaughlin, Councilmember Willis, Vice Mayor Martinez, and Mayor Butt

Passed (7 to 0)

## V.1 City Attorney's Office

### V.1.a Amendment of the Downey Brand Agreement

APPROVE a first amendment with Downey Brand in the amount of \$120,000, for a not to exceed total amount of \$160,000, for the Point Molate/Guidiville litigation – City Attorney’s Office (Dave Aleshire 510-620-6509).

Mayor Butt introduced the matter.

**Motion by** Councilmember Willis

**Seconded by** Councilmember Johnson III

To approve said amendment.

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

Noes (2): Councilmember Bates and Mayor Butt

Passed (5 to 2)

## V.2 City Clerk's Office

### V.2.a Continued Use of Teleconferencing

ADOPT a resolution requiring the continued use of teleconferencing for the meetings of all City legislative bodies pursuant to the provisions of Assembly Bill 361 – City Clerk’s Office (Pamela Christian 510-620-6513).

**Adopted Resolution No. 103-22**

### V.2.b City Council Minutes

APPROVE the minutes of the regular June 7, 21, and 28, 2022, City Council meetings and the special June 21, 2022, Richmond Housing Authority/City Council joint meeting - City Clerk's Office (Pamela Christian 510-620-6513).

## V.3 City Council

### V.3.a Approval of the Agreement with Aleshire and Wynder for City Attorney Services

APPROVE a sole source legal services agreement with Aleshire and Wynder for City Attorney services, with an agreement term beginning July 1, 2022, with a quarterly cost of approximately \$400,000, and a total of \$1,600,000 per year; and APPOINT Dave Aleshire as City Attorney – Councilmembers Demnlus Johnson III (510-620-6861) and Gayle McLaughlin (510-620-6565), and Mayor Tom Butt (510-620-6503).

### V.3.b Explore the feasibility of implementing additional farmers markets, food hubs, and/or Foodieland events on a reoccurring basis

DIRECT staff to come back to the City Council in October of 2022 with a presentation that includes a menu of opportunities for the Council to examine for recurring open market food events in Richmond - Councilmember Gayle McLaughlin (510-620-6636).

#### **V.4 City Manager's Office**

##### **V.4.a Approve a Lease Amendment with Richmond Grown LLC**

APPROVE a lease agreement amendment with Richmond Grown, LLC. extending the term, modifying allowable uses, adding a sponsor program and modify sublease consent – City Manager's Office (Lizeht Zepeda/James Atencio 620-6504/620-6653).

**Mayor Butt abstained from this item due to a conflict of interest.**

#### **V.5 Economic Development**

##### **V.5.a Consultant Services for Solid Waste Franchise Agreement Analysis and Recommendations**

APPROVE a contract with R3 Consulting Group, Inc to provide analysis and recommendations regarding the City's Solid Waste Franchise Agreement, in the amount not to exceed \$136,735, with the contract term beginning July 20, 2022, and ending December 31, 2023 – City Manager's Office, Economic Development (Shasa Curl/Samantha Carr 510-620-5407).

##### **V.5.b Professional Services to Develop and Provide Economic Analyses on Real Property Negotiations**

APPROVE a second contract amendment with Land Econ Group in the amount of \$50,000, for a total contract amount not to exceed \$100,000, for professional services to develop and provide economic analyses on real property negotiations, for a term extending through June 30, 2024 – City Manager's Office, Economic Development (Shasa Curl/Shané Johnson 510-620-6512).

Mayor Butt introduced the matter. Discussion ensued.

**Motion by** Vice Mayor Martinez  
**Seconded by** Councilmember Willis

To approve said contract amendment.

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

Noes (2): Councilmember Bates, and Mayor Butt

Passed (5 to 2)

#### **V.6 Finance Department**

##### **V.6.a Investment and Cash Balance Report, and Monthly Overtime Reports for the Month of May 2022**

RECEIVE the City's Investment and Cash Balance Report and monthly Overtime Reports for the month of May 2022 – Finance Department (Delmy Cuellar 510-620-6740).

##### **V.6.b Funding Strategy for Pension and OPEB Liability through a 115 Trust**

APPROVE an agreement with PARS and the execution of all necessary agreements and plan documents associated with establishment of the new IRS approved PARS 115 Combination (OPEB & Pension) Trust – Finance Department (Anil Comelo 510-620-6600/Delmy Cuellar 510-620-6790).

- V.6.c Ordinance Allowing for the Credit of Rent Board Fees Paid by Landlords with Four or Fewer Rental Units Against the Gross Receipts Tax Obligation

ADOPT an ordinance (second reading) allowing landlords with four or fewer residential units to credit their paid Rent Board fees against their gross receipts tax obligation – Finance Department (Delmy Cuellar 510-620-6740/ Antonio Banuelos 510-620-6741).

**Adopted Ordinance No. 10-22 N.S.**

## **V.7 Library and Community Services**

- V.7.a Resolution to Accept and Appropriate Grant Funds Received from Janet Johnson with Sistas On The Links Golf Club for Instructional Summer Youth Golf Program at the Martin Luther King, Jr. Softball Field

ADOPT a resolution to ACCEPT and APPROPRIATE grant funds, in the amount of \$3,500 from Sistas On The Links Golf Club, to fund a summer youth golf program at Martin Luther King, Jr. Park – Library and Community Services (LaShonda White/Ranjana Maharaj/Tetteh Kisseh 510-620-6919).

**Adopted Resolution No. 104-22**

- V.7.b Approve a Fee Waiver Policy and Partnership Policy

APPROVE the City of Richmond’s fee waiver and partnership policies; and AUTHORIZE City staff to make administrative changes to both policies and corresponding applications, as necessary, to improve the successful implementation of both policies - Library and Community Services (LaShonda White/Ranjana Maharaj 510-620-6828).

## **V.8 Mayor’s Office**

- V.8.a Appointment(s) to the Economic Development Commission

APPROVE appointment(s) to the Economic Development Commission: APPOINT Nicole Reams, new appointment, seat #8, term expiration date March 30, 2025 – Mayor’s Office (Mayor Tom Butt 510-620-6503).

- V.8.b Appointment(s) to the Reimagining Public Safety Task Force

APPROVE appointment(s) to the Reimagining Public Safety Task Force: APPOINT Steve Bischoff, new appointment, term expiration date June 30, 2024 – Mayor’s Office (Mayor Tom Butt 510-620-6503).

## **V.9 Police Department**

- V.9.a Approval of Agreement with Contra Costa County for Animal Services

APPROVE a two-year contract with Contra Costa County for animal services, with automatic renewal for successive three-year periods until either party terminates the contract, with an amount not to exceed \$877,736 during Fiscal Year 2022-2023, and \$1,003,284 during Fiscal Year 2023-2024, with a term beginning July 1, 2022, and ending June 30, 2024 - Police Department (Acting Chief Louie Tirona 510-621-1802).

Mayor Butt introduced the matter. Discussion ensued. The following individuals gave comments via teleconference: Steve Burdo, Elsa Stevens, and Laureen Lober. Further discussion ensued.

**Motion by Councilmember Bates**

To recommend the mayor appointed a three-person committee to begin to pursue a possible joint powers authority with the other cities in west county. Mayor Butt agreed to appoint an ad-hoc committee.

**Motion by Vice Mayor Martinez**

**Seconded by Councilmember McLaughlin**

To approve said contract.

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

Noes (2): Councilmember Bates, and Mayor Butt

Passed (5 to 2)

V.9.b Contract with Bay Area Marine Services (BAMS)

APPROVE a three-year contract with Bay Area Marine Services, in a total amount not to exceed \$50,000, for repairs and maintenance to Richmond Police Department's marine vessels, with a term beginning August 1, 2022, and ending July 31, 2025 – Police Department (Acting Chief Louie Tirona 510-621-1802).

V.9.c Third contract amendment with Allied Universal Security to add services at Booker T. Anderson Community Center.

APPROVE a third contract amendment with Allied Universal for additional security guard services at Booker T. Anderson Community Center to increase the contract amount by \$119,348.40, for a new total payment limit not to exceed \$1,183,698.40, with a term expiring on December 31, 2022 – Police Department (Acting Chief Louie Tirona 510-621-1802).

**V.10 Public Works**

V.10.a Pogo Park Contract Amendment for Harbour 8 Park Expansion

APPROVE a first contract amendment in the amount of \$5,370,000 with Pogo Park for the construction phase of the Harbour 8 Park expansion project, for a total contract amount not to exceed \$6,959,500, and a term extending through June 30, 2024 – Public Works Department (Joe Leach 510-620-5478/Greg Hardesty 510-620-6920).

V.10.b Final Approval of the Local Roadway Safety Plan

ADOPT a resolution approving the Local Roadway Safety Plan – Public Works Department (Joe Leach/Patrick Phelan 510-307-8111).

**Adopted Resolution No. 105-22**

V.10.c Resolution Accepting and Appropriating the Urban Flood Protection Grant Award

ADOPT a Resolution Accepting and Appropriating the Urban Flood Protection Grant Award of \$1,598,844 for the Flood Risk Reduction in the Rheem Creek Watershed Project – Public Works Department (Joe Leach/Patrick Phelan 510-307-8111).

**Adopted Resolution No. 106-22**

V.10.d Sole Source Contract with American Rivers in an amount not to exceed \$300,500 for the Flood Risk Reduction in the Rheem Creek Watershed Project

ADOPT a resolution to approve a sole-source professional services contract with American Rivers in an amount not to exceed \$300,500 for the grant-funded Flood Risk Reduction in the Rheem Creek Watershed Project – Public Works Department (Joe Leach/Patrick Phelan 510-307-8111).

**Adopted Resolution No. 107-22**

**W. PUBLIC HEARINGS**

**W.1 Ballot Approval to Renew the Downtown Richmond Property and Business Improvement District**

ADOPT a resolution renewing the Downtown Richmond Property and Business Improvement District (DRPBID), approving the assessment formula, and levying the assessments – City Manager’s Office (Shasa Curl/Thomas Omolo/Lizeht Zepeda 510-620-6512). This item was continued from the July 5, 2022, meeting.

City Clerk Pamela Christian announced that it was time, pursuant to public notice, to hold a public hearing. Senior Business Assistant Officer Lizeht Zepeda, Richmond Mainstreet Initiative Executive Director Andrea Portillo-Knowles, and Kelly Rankin of Civitas Advisors presented a PowerPoint that highlighted the following: DRPBID renewal process; Richmond Mainstreet Initiative 2017-2022 DRPBID impact; and future goals. Discussion ensued. Mayor Butt declared the public hearing opened. There were no public speakers via teleconference. Mayor Butt closed the public hearing.

**Motion by** Councilmember Johnson III  
**Seconded by** Councilmember Willis

To adopt said resolution.

Ayes (7): Councilmember Bates, Councilmember Jimenez, Councilmember Johnson III, Councilmember McLaughlin, Councilmember Willis, Vice Mayor Martinez, and Mayor Butt

Passed (7 to 0)

**Adopted Resolution No. 108-22**

**X. NEW BUSINESS**

**X.1 Information Item on Issuance of Taxable Pension Refunding Bonds, Series 2022 ("2022 Refunding Bonds")**

RECEIVE report, CONSIDER staff recommendations, and PROVIDE guidance on structuring the 2005 Pension Bond Refunding – Finance Department (Anil Comelo 510-620-6609/Delmy Cuellar 510-620-6790/Antonio Banuelos 510-620-6741).

City Manager Shasa Curl introduced the matter. Financial Advisor Mark Northcross and Mike Meyer of NHA Advisors presented a PowerPoint that highlighted the following: revisiting the city's current pension situation; update on pension tax override actuarial analysis; and preliminary restructuring options and recommendations. Discussion ensued.

**Motion by** Vice Mayor Martinez  
**Seconded by** Councilmember McLaughlin

To adopt the 2044 amortization schedule.

Ayes (7): Councilmember Bates, Councilmember Jimenez, Councilmember Johnson III, Councilmember McLaughlin, Councilmember Willis, Vice Mayor Martinez, and Mayor Butt

Passed (7 to 0)

**X.2 Rent Control Amendment for November 2022 Ballot**

DIRECT staff to prepare a resolution for the July 26, 2022, City Council agenda to submit to the City of Richmond electorate at the general Municipal Election to be held on November 8, 2022, an initiative to adjust the maximum allowable rent increase on rent-controlled units to 60 percent of CPI or three (3) percent (whichever is lower) - Councilmember Gayle McLaughlin (510-620-6636).

Councilmember McLaughlin introduced the matter and provided an oral report. The following individuals gave comments via teleconference: Elsa Stevens, Vahe Minassian, Ilona Clark, Don Gosney, Fallon Scoggins, Lissandra Lozano, Leah Simon-Weisberg, Chris Moore, Suilma (last name not stated), Edith Pastrano, Matt Noble, Christina (last name not stated), Tuan Ngo, Derek Barnes, Elizabeth Kohler, Raul Vasquez, Emily Ross, Jeannie Llewellyn, Loraine Pitre, and Patricia Aguiar. Discussion ensued.

**Motion by** Councilmember McLaughlin  
**Seconded by** Councilmember Willis

To direct staff to prepare said resolution.

Ayes (4): Councilmember Jimenez, Councilmember McLaughlin, Councilmember Willis, and Vice Mayor Martinez

Noes (2): Councilmember Bates, and Mayor Butt

Abstentions (1): Councilmember Johnson III

Passed (4 to 2)

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

None.

**Z. ADJOURNMENT**

There being no further business, the meeting adjourned at 10:35 p.m., in memory of Jimmie Rampoldi, Carol Redmon, and Glenda Perry, to meet again on July 26, 2022, at 6:30 p.m.

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Clerk of the City of Richmond

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Mayor