

RICHMOND, CALIFORNIA,

September 13, 2022, 4:00 p.m.
Community Services Building
440 Civic Center Plaza
Richmond, CA 94804

A. OPEN SESSION TO HEAR PUBLIC COMMENT BEFORE CLOSED SESSION

The Open Session was called to order at 4:00 p.m. by Mayor Thomas K. Butt via teleconference.

B. ROLL CALL

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

C. CLOSED SESSION

C.1 LIABILITY CLAIMS (Government Code Section 54956.9)

- Terry Ellis
- Evette Frevele
- GEICO/Cortez

C.2 CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)

Agency Representatives: Jaclyn Gross and Sharrone Taylor

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

- Winehaven v. City of Richmond
- 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
- SPRAWLDEF et al. v. City of Richmond

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

- One Case:

In light of the California Court of Appeal's decision in Fowler v. City of Lafayette, the City Attorney's Office is attaching to this agenda 1 memo regarding the Measure U and a meeting where litigation was threatened. This memo provides 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).

C.5 CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8)

- Property: South 45th Street to the west, Wall Avenue to the south, Interstate 80 to the east, and the BART tracks to the north
Agency Negotiators: Anita Luck, Lina Velasco, and Jesus Morales
Negotiating parties: Miraflores Community Devco, LLC
Under negotiation: Price and terms of payment
- Property: 12th and Macdonald
Agency Negotiators: Dave Aleshire, Lina Velasco, and Jesus Morales
Negotiating parties: SAA-EVI Richmond Partners, LLC
Under negotiation: Price and terms of payment

D. PUBLIC COMMENT BEFORE CLOSED SESSION

None.

E. ADJOURN TO CLOSED SESSION

Open Session adjourned at 4:03 p.m. Closed Session adjourned at 6:35 p.m.

F. REGULAR MEETING OF THE RICHMOND HOUSING AUTHORITY

The Regular Meeting of the Richmond Housing Authority was called to order at 6:41 p.m. by Chair Thomas K. Butt via teleconference.

G. ROLL CALL

Present: Commissioners Nathaniel Bates, Claudia Jimenez, Demnlus Johnson III, Gayle McLaughlin, Melvin Willis, Vice Chair Eduardo Martinez, Chair Thomas K. Butt, and Tenant Commissioner Jaycine Scott. **Absent:** None.

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

Executive Director Nanette Beacham presented a PowerPoint which highlighted the following: Housing Authority of Contra Costa Project-Based Voucher; PHARS Agreement update; and RHA Financial Update.

K. AGENDA REVIEW

None.

L. HOUSING AUTHORITY OPEN FORUM

None.

M. HOUSING AUTHORITY CONSENT CALENDAR

Ayes (8): Commissioners Nathaniel Bates, Claudia Jimenez, Demnlus Johnson III, Gayle McLaughlin, Melvin Willis, Vice Chair Eduardo Martinez, Chair Thomas K. Butt, and Tenant Commissioner Scott

Passed (8 to 0)

M.1 Richmond Village Memorandum of Understanding (MOU)

ADOPT a resolution approving a Memorandum of Understanding (MOU) by and among the Richmond Housing Authority (RHA), MBA Urban Development Co., a Missouri corporation, Community Housing Development Corporation of North Richmond (CHDC), and MBS Easter Hill Acquisition Partner, LLC, pertaining to the operation of the Easter Hill development phases I and II, and cooperation regarding potential Rental Assistance Demonstration (RAD) Conversions for the developments with a term ending December 31, 2023; and AUTHORIZE the Executive Director to execute the MOU – Richmond Housing Authority (Nannette J. Beacham 510-621-1300).

Adopted **Resolution No. 2167**

M.2 Housing Authority Minutes

APPROVE the minutes of the July 19, 26, and August 19, 2022, Richmond Housing Authority special meetings - City Clerk's Office (Pamela Christian 510-620-6513).

M.3 Nystrom Village Exclusive Right to Negotiate Agreement (ERNA)

ADOPT a resolution authorizing the Executive Director of the Richmond Housing Authority (RHA) to execute an Exclusive Right to Negotiate Agreement (ERNA) with McCormack Baron Salazar and Richmond Neighborhood Housing Services; and AUTHORIZE the Executive Director of the RHA to negotiate a Master Development Agreement (MDA), Ground Leases, Disposition and Development Agreements, and any other related documents and agreements necessary for the redevelopment and operation of Nystrom Village – Richmond Housing Authority (Nannette Beacham 510-621-1300).

Adopted **Resolution No. 2168**

N. ADJOURNMENT

The meeting adjourned at 7:05 p.m.

O. REGULAR MEETING OF THE RICHMOND CITY COUNCIL

The Regular meeting of the Richmond City Council was called to order at 7:05 p.m. by Thomas K. Butt via teleconference.

P. 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.

Q. STATEMENT OF CONFLICT OF INTEREST

None.

R. AGENDA REVIEW

None.

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

City Attorney Dave Aleshire reported the following:

C.1. Liability Claims - the Council voted to finalize agreements

Terry Ellis - 6 to 0 with Councilmember Willis absent

Evette Frevele - Unanimous vote

GEICO/Cortez - 6 to 1 with Mayor Butt voting Noe

C.2. Conference with Labor Negotiators - Council gave direction for further negotiations

C.3. Conference with Legal Counsel - Existing Litigation - No reportable action

C.4. Conference with Legal Counsel - Anticipated Litigation - (initiation of litigation) -

One case - Council received Measure U status report and gave direction to continue further discussion

C.5. Conference with Real Property Negotiator - Items continued to September 20, 2022, agenda

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

City Manager Shasa Curl reported the following: the city received a \$9.7 million dollar grant in library infrastructure grant funds for the Richmond Main Library; announced a Homelessness Community Forum on Wednesday September 14, 2022, at 6:00 p.m. to address the homelessness strategic plan. Those interested may contact 510-620-6706; and that COVID-19 and Monkeypox vaccines were available at the Richmond Auditorium.

U. ABATEMENT REPORT FROM THE PUBLIC WORKS DIRECTOR - 1st Tuesday (public comment allowed under Open Forum)

Director of Public Works Joe Leach presented a PowerPoint which highlighted the following: Neighborhood Dumpster Days; Illegal Dumping; Encampment Abatement; Fennel Abatement; Weed Abatement; and Graffiti Removal.

V. OPEN FORUM FOR PUBLIC COMMENT

Ben Cardona gave comments regarding the rental moratorium that did not allow for owners ability to move back into their properties.

Payton Silket urged the city to allow services to be provided to residents of Rydin Road and to extend the deadline that would remove them.

Deborah Bayer asked what encampment abatement entails, such as relocation of the unhoused.

Councilmember Bates recognized and thanked Commission on Aging Chair Myrtle Braxton for her service and wished her a happy birthday.

Naomi Williams stated that Myrtle Braxton requested that in lieu of gifts, donations were made to Greater Richmond Interfaith Program (GRIP).

W. CITY COUNCIL CONSENT CALENDAR

Ayes (7): Councilmember Nathaniel Bates, Councilmember Claudia Jimenez, Councilmember Demnlus Johnson III, Councilmember Gayle McLaughlin, Councilmember Melvin Willis, Vice Mayor Eduardo Martinez, and Mayor Thomas K. Butt

Passed (7 to 0)

W.1 City Attorney's Office

W.1.a Approval of a Third Amendment to McNamara, Ambacher, Wheeler, Hirsig & Gray, LLP Legal Services Agreement for Police Tort Litigation and other Matters

APPROVE the third amendment to the legal service agreement with McNamara law firm; and APPROPRIATE \$125,000 for the amendment – City Attorney’s Office (Heather McLaughlin 510-620-6509).

W.1.b Fourth Amendment of the Downey Brand Agreement for North Coast Rivers Alliance, et al. v. City of Richmond.

APPROVE the fourth amendment to the legal service agreement with Downey Brand for the NCRA litigation; and APPROPRIATE \$40,000 for the amendment – City Attorney’s Office (Heather McLaughlin 510-620-6509).

W.2 City Clerk's Office

W.2.a City Council Meeting Minutes

APPROVE the minutes of the regular July 5, 19, 26, and special July 19, August 1, and 19, 2022, Richmond City Council meetings - City Clerk's Office (Pamela Christian 510-620-6513).

W.3 City Council

W.3.a Acknowledgement of the Contributions of Mr. Yasuhiko Aoki to the Richmond-Shimada Friendship

RECEIVE a Letter of Condolences; and ACKNOWLEDGE the contributions of Mr. Yasuhiko Aoki to the Richmond-Shimada Friendship and commission - Councilmember Nathaniel Bates (510-620-6743).

W.4 Economic Development

W.4.a Thomas Swan Company – Ookwe Park Signage Contract

APPROVE a contract with Thomas Swan Sign Company to fabricate and install signage and markers at ‘Ookwe Park in an amount not to exceed \$15,000, for a term beginning October 1, 2022, and ending June 30, 2023- City Manager’s Office, Economic Development (Shasa Curl/Winifred Day 510-620-6592).

W.4.b Neighborhood Public Art (NPA) Mini Grant Awards Selection

APPROVE the Richmond Arts and Culture Commission (RACC) grant awards to nine selected artists for Fiscal Year (FY) 2022-2023, for a total combined amount not to exceed \$71,759, for a term beginning November 1, 2022, and ending June 30, 2023; and AUTHORIZE the city manager to negotiate and execute agreements with approved grantees - City Manager's Office, Economic Development (Shasa Curl/Winifred Day 510-620-6592).

W.5 Finance Department

W.5.a Investment and Cash Balance Report, and Monthly Overtime Reports for the Month of June 2022

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

W.5.b Investment and Cash Balance Report, and Monthly Overtime Reports for the Month of July 2022

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

W.6 Human Resources

W.6.a First amendment to the Cooperative Personnel Services HR Consulting (CPS) contract for Sworn Personnel Recruitments

APPROVE a first amendment to the Cooperative Personnel Services HR Consulting (CPS) contract to extend the term date through June 30, 2025, change the scope of services to include the Fire Promotional Vacancy and Police Officer recruitments, and increase the payment limit from \$50,000 by \$189,080, for a total contract amount not to exceed \$239,080; and APPROPRIATE funds from the General Fund – Human Resources Department (Sharrone Taylor 510-620-6602).

W.7 Library and Community Services

W.7.a City Council Ad Hoc Committee's Fiscal Year 2022-2023 Category 3 ECIA Grant Award Recommendations (\$100,000)

APPROVE a recommendation from the City Council Ad Hoc Committee to award \$100,000 in Fiscal Year 2022-2023 Environmental Community Investment Agreement (ECIA) Grant funds (Category 3 - City Council Approved Award) to six (6) Richmond-serving non-profit organizations; ADOPT a resolution; and AUTHORIZE the city manager to negotiate and execute Grant Service Agreements with approved grantees – City Manager's Office (LaShonda White/Patrick Seals/Shane Johnson 510-620-6512).

Adopted **Resolution No. 119-22**

W.8 Mayor's Office

W.8.a Commission on Aging Reappointments

REAPPOINT Beverly Wallace, Commission on Aging, Seat #2, Term Expires May 19, 2026; Kiran Agarwal, Commission on Aging, Seat #5, Term Expires May 19, 2026 - Mayor's Office (Mayor Tom Butt 510-620-6503).

W.8.b Design Review Board Reappointment

REAPPOINT Brian Carter, Design Review Board, Seat #7, Term Expires March 17, 2024 - Mayor's Office (Mayor Tom Butt 510-620-6503).

W.8.c ECIA Grant Review Ad Hoc Committee Reappointments

REAPPOINT Lily Rahnema, ECIA Grant Review Ad Hoc Committee, Seat #3, Term Expires March 31, 2024; James Becker, ECIA Grant Review Ad Hoc Committee, Seat #5, Term Expires March 31, 2024 - Mayor's Office (Mayor Tom Butt 510-620-6503).

W.8.d Economic Development Commission Reappointments

REAPPOINT James Lee, Economic Development Commission, Seat #11, Term Expires March 30, 2025; Brandon Evans, Economic Development Commission, Seat #12, Term Expires March 30, 2025 - Mayor's Office (Mayor Tom Butt 510-620-6503).

W.8.e Historic Preservation Commission Reappointments

REAPPOINT Gretchen Stromberg, Historic Preservation Commission, Seat #1, Term Expires July 31, 2026; Fatema Crane, Historic Preservation Commission, Seat #6, Term Expires July 31, 2026 - Mayor's Office (Mayor Tom Butt 510-620-6503).

W.8.f Urban Forest Advisory Committee Reappointment

REAPPOINT Paula Urtecho, Urban Forest Advisory Committee, Seat #5, Term Expires November 17, 2024 - Mayor's Office (Mayor Tom Butt 510-620-6503).

W.8.g Human Rights and Relations Commission Appointment

APPOINT Sofia Victoria Lopez, Human Rights and Human Relations Commission, Seat #7, Term Expires March 30, 2025 - Mayor's Office (Mayor Tom Butt 510-620-6503).

W.8.h Library Commission Appointment

APPOINT Thomas Harrison Jr., Library Commission, Seat #5, Term Expires July 1, 2024 - Mayor's Office (Mayor Tom Butt 510-620-6503).

W.8.i Urban Forest Advisory Committee

APPOINT Shannon Hilsey Choy, Urban Forest Advisory Committee, Seat #1, Term Expires November 17, 2024; Anita Pereira, Urban Forest Advisory Committee, Seat #7, Term Expires November 17, 2024; Kyanna Williams, Urban Forest Advisory Committee, Seat #9, Term Expires November 17, 2024 - Mayor's Office (Mayor Tom Butt 510-620-6503).

W.8.j Overdose Awareness Day

PROCLAMATION declaring August 31, 2022, as Overdose Awareness Day in the City of Richmond – Mayor’s Office (Mayor Tom Butt 510-620-6503).

W.8.k Planning Commission Reappointment

REAPPOINT Jen Loy, Planning Commission, Seat #2, Term Expires June 30, 2024 - Mayor’s Office (Mayor Tom Butt 510-620-6503).

W.8.l Travel Authorization – 2022 Obi Matsuri Festival

APPROVE international travel request from Mayor Tom Butt, Councilmember Demnlus Johnson III, Chief of Staff Vernon Whitmore, and Council Liaison Trina Jackson-Lincoln to Shimada, Japan to attend the Obi Matsuri Festival and to discuss the continuance of the sister city exchange program – Mayor’s Office (Mayor Tom Butt 510-620-6503).

W.9 Police Department

W.9.a Purchase of up to \$250,000 with Duratech, Inc. for Police Mobile Data Computers (MDCs) and Related Hardware

APPROVE the purchase of police Mobile Data Computers (MDCs) and related hardware from Duratech, Inc., in an amount not to exceed \$250,000, over a five-year period beginning September 1, 2022, through August 31, 2027 – Police Department (Chief Bisa French 510-621-1802).

W.9.b Resolution to Accept and Appropriate the State of California Office of Traffic Safety (OTS) Grant Funds

ADOPT a resolution to accept and appropriate \$235,000 in grant funding awarded by the California Office of Traffic Safety (OTS) to fund efforts to reduce deaths and injuries from motor vehicle crashes – Police Department (Bisa French 510-621-1802).

Adopted **Resolution No. 120-22**

W.10 Public Works

W.10.a List of Projects for Fiscal Year 2022-23 Road Maintenance and Rehabilitation Funding Under Senate Bill 1

ADOPT a resolution approving the project list for Senate Bill 1 Road Maintenance and Rehabilitation Account funding for Fiscal Year 2022-2023 – Public Works Department (Joe Leach 510-620-5478).

Adopted **Resolution No. 121-22**

W.10.b Unity Park Trash Enclosure

APPROVE a contract with Radman Electric in the amount of \$300,000 for the Unity Park trash enclosure. The contract term will be from September 14, 2022, to June 30, 2023 – Public Works Department (Joe Leach 510-620-5478/Greg Hardesty 510-620-6920).

X. NEW BUSINESS

X.1 Maintenance and Security at Point Molate

DIRECT the city manager, or designee, to prepare, execute, and fund a plan to provide effective maintenance and security at Point Molate – Office of the Mayor (Mayor Tom Butt 510-620-6502).

Mayor Butt gave an overview of the matter. Craig Murray provided a PowerPoint presentation which highlighted the following: Illegal Dumping; Fencing & Landscaping Maintenance; Road Maintenance; Security; and Next Steps.

Mark Wassberg, Deborah Bayer, Jim Hanson, Jessi Taran, Pam Stello, and Sally Tobin gave comments via teleconference.

A motion by Mayor Butt, seconded by Councilmember Bates to direct the city manager, or designee, to prepare, execute, and identify funding of a plan to provide effective maintenance and security at Point Molate, and bring it back to the city council for approval.

Ayes (4): Councilmember Nathaniel Bates, Councilmember Demnlus Johnson III, Councilmember Melvin Willis, and Mayor Thomas K. Butt

Noes (3): Councilmember Claudia Jimenez, Councilmember Gayle McLaughlin, and Vice Mayor Eduardo Martinez

Passed (4 to 3)

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

Vice Mayor Martinez reported that he attended the League of Cities conference. Vice Mayor Martinez also congratulated Councilmember Bates for his birthday.

Mayor Butt announced that he attended the League of California Cities Conference.

Councilmember Johnson III invited the community to Black Family Day at Nichol Park on Saturday September 17, 2022, at 10 a.m. and congratulated Councilmember Bates on his induction in the Canadian Baseball Hall of Fame.

Councilmember Bates stated that he attended the tribute to Dr. Henry Clark in North Richmond.

Z. ADJOURNMENT

There being no further business, the meeting adjourned at 8:30 p.m., in memory of Jenn Figley and Marvin Webb, to meet again on September 20, 2022, at 6:30 p.m.

Clerk of the City of Richmond

Mayor

From: [Cordell Hindler](#)
To: [City Clerk Dept User](#)
Subject: Public Comments- Open Forum
Date: Thursday, September 8, 2022 3:05:50 PM

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Good Evening Mayor Butt, Councilmembers and Staff,

I have some comments for the Record

1. for a Future Agenda, the Council should Revisit the idea of Reinstating the Standing Committees
2. Also to Invite the Superintendent to provide a Presentation in regarding having the officers in Schools

Sincerely
Cordell

From: [Jim Hanson](#)
To: [City Clerk Dept User](#)
Subject: Public Comments - Item X.1, Maintenance and Security at Point Molate
Date: Tuesday, September 13, 2022 2:59:21 PM

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Dear Mayor and Members of the Council:

The Mayor's letter to the Council says that an earlier agreement negotiated primarily by the Mayor with Upstream Point Molate, LLC (Jim Levine) and the Guidiville Rancheria of California resulted in "the City shall bear all expenses of maintaining and securing the Property, until the Development Areas are sold to a third party."

Under that same agreement by the Mayor, Upstream Point Molate, LLC (Jim Levine) and the Guidiville Rancheria of California are or will purchase approximately 300 city-owned shoreline acres at Pt. Molate for the sum total of \$400.

The Council letter goes on to describe in detail the fences and buildings that require repair or protection from the weather, the cost and need for security, as well as weed control across the property.

Some questions arise that perhaps can likely be only adequately answered by the Mayor are:

1. As someone with a deep regard for historical buildings, why did you negotiate a deal where the property was sold to a developer and tribe, but our residents

"shall bear all expenses of maintaining and securing the Property, until the Development Areas are sold to a third party?"

2. In the same vein, why did you as the key negotiator also sell Pt. Molate

for to a private developer and tribe for \$400 when even a few hundred thousand dollars would have at least repaired fence openings and provided temporary roof tarps for buildings?

3. There is no mention of the private leasing arrangement for commercial storage that was made several years ago, especially when city-paid security is benefits this private lessor, Nematode LLC.

It's unknown if the agreements that put the city at a disadvantage can be re-negotiated, but it is recommended that a financial report and audit be conducted on the income and income potential of the storage business at Pt. Molate, especially to determine if the city is getting the highest and best income use given the situation these unfortunate agreements represent for our city.

Thank you.

Jim Hanson

Richmond