

RICHMOND, CALIFORNIA,

September 20, 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 meeting was called to order 5:00 p.m. by Mayor Thomas K. Butt via teleconference.

B. ROLL CALL

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

C. CLOSED SESSION

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

- Medina v. City of Richmond
- Arriaga v. City of Richmond
- Richmond Shoreline Alliance v. City of Richmond
- East Bay Regional Park District v. City of Richmond
- SPRAWLDEF et al. 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

C.3 CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8)

- Property: 12th and Macdonald
Agency Negotiators: Dave Aleshire, Lina Velasco, Jesus Morales
Negotiating parties: SAA-EVI Richmond Partners, LLC
Under negotiation: Price and terms of payment
- 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 negotiator: Anita Luck, Lina Velasco, Jesus Morales
Negotiating parties: Miraflores Community Devco, LLC
Under negotiation: Price and terms of payment

C.4 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Significant exposure to litigation pursuant to paragraph (2) or (3) of Subdivision (d) [as applicable] of Government Code Section 54956.9)

- Three cases:
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 four communications 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).

D. PUBLIC COMMENT BEFORE CLOSED SESSION (public comment limited to items on the Closed Session agenda only)

Tarnel Abbott and Sally Tobin expressed support of a public park at Point Molate.

Alexander Cain, Jae Mallari, and Donovan Decious, Tom Tran, Michael Pagaling, and Benjamin Therriault urged support of approval of a tentative ratified contract with Richmond police officers.

E. ADJOURN TO CLOSED SESSION

The Open Session adjourned at 5:14 p.m. Closed Session adjourned at 6:35 p.m.

F. SPECIAL MEETING OF THE RICHMOND HOUSING AUTHORITY

The meeting was called to order at 6:38 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. AGENDA REVIEW

None.

K. HOUSING AUTHORITY CONSENT CALENDAR

Motion by Commissioner Martinez, seconded by Commissioner McLaughlin.

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

Passed (8 to 0)

K.1 Continued use of teleconference technology

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. 2169**

L. ADJOURNMENT

The meeting adjourned at 6:45 p.m.

M. REGULAR MEETING OF THE RICHMOND CITY COUNCIL

The meeting was called to order at 6:45 p.m. by Mayor Thomas K. Butt via teleconference.

N. 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.

O. STATEMENT OF CONFLICT OF INTEREST

None.

P. AGENDA REVIEW

Vice Mayor Martinez withdrew Item V.1. - Special Cases at Rydin Road.

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

Interim City Attorney Dave Aleshire reported the following:

Item C.1 - A status report was received, and direction was given to the negotiators.

Item C.2. - A status report was given on the matters of Medina v. City of Richmond and Arriaga v. City of Richmond. Direction was given on upcoming mediation.

Items C.3. and C.4. were not discussed.

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

City Manager Shasa Curl reported the following: A video game and virtual reality programming event would be held at the Richmond Main Public Library on Friday, September 23, 2022, from 2:30 to 4:30 p.m.; Public Bank of the East Bay informational community meeting on Thursday, September 22, 2022, at 5:30 p.m. Individuals may call 510- 620-6512 for additional information.

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

Interim Library and Community Services Director LaShonda White stated there was no report.

T. OPEN FORUM FOR PUBLIC COMMENT

Mark Wassberg spoke against the establishment of a public bank in Richmond.

Jessi Taran stated that a letter was received from Mayor Butt with information on safe RV parking locations for Rydin Road residents.

Ben C gave comments regarding Item U.2.a. regarding the reevaluation of the Eviction Moratorium.

Jesse Toberman gave comments regarding relocation assistance for residents of Rydin Road.

Councilmember Bates acknowledged Councilmember Johnson III for organizing the successful Black Family Day event on Saturday. Councilmember Bates also thanked those who organized and participated in the recent tribute to Dr. Henry Clark and acknowledged Public Works Director Joe Leach on his efforts in keeping the city clean during his tenure.

U. CITY COUNCIL CONSENT CALENDAR

A motion by Councilmember McLaughlin, seconded by Councilmember Martinez.

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)

U.1 City Clerk's Office

U.1.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. 122-22**

U.2 City Council

U.2.a Amend the Local Urgency Eviction Moratorium to Indicate that the Ordinance Will Not Apply to Owner Move-ins and Instead Owner Move-ins Will be Regulated by the Original Rent Program Ordinance.

DIRECT City staff to draft an amendment to the Urgency Eviction Moratorium ordinance (by the end of October) to add a provision within the ordinance that allows for Owner Move-ins during the remainder of this moratorium - Councilmembers Gayle McLaughlin (510-620-6636) and Claudia Jimenéz (510-620-6565).

U.3 Finance Department

U.3.a Annual Review and Adoption of Financial Policies for Fiscal Year 2022-23 (Cash Reserve, Debt, Investment, OPEB Funding, SWAP and Grant Management)

REVIEW and ADOPT the Financial Policies (Cash Reserve, Debt, Investment, OPEB Funding, SWAP and Grant Management) and resolutions for Fiscal Year 2022-2023 – Finance Department (Delmy Cuellar 510-620-6740).

Adopted the following resolutions:

Resolution No. 123-22 - Cash Reserve

Resolution No. 124-22 - Debt

Resolution No. 125-22 - Investment

Resolution No. 126-22 - OPEB

Resolution No. 127-22 - SWAP

Resolution No. 128-22 - Grant Management

U.4 Human Resources

U.4.a Resolution Granting the City Manager Authority to Amend the City's Position Control List to Add Deputy Director of Public Works – City Engineer.

ADOPT a resolution granting the city manager permission to amend the current position control list to reallocate the Deputy Director of Public Works - Operations and Maintenance as Deputy Director of Public Works - City Engineer – City Manager's Office/Human Resources Department (Shasa Curl/Sharrone Taylor 510-620-6602).

Adopted **Resolution No. 129-22**

U.5 Library and Community Services

U.5.a Contract with Rebuilding Together East Bay-North for Resilience Hubs

APPROVE a sole-source contract with Rebuilding Together East Bay-North, in an amount not to exceed \$90,000, to procure and mobilize equipment for the power hubs project, with a term from October 1, 2022, through June 30, 2023 – Library and Community Services Department (LaShonda White/Stephanie Ny 510-620-6563).

U.6 Mayor's Office

U.6.a Drive Electric Week – September 23 – October 2, 2022

PROCLAMATION declaring September 23 – October 2, 2022, as Drive Electric Week in the City of Richmond – Mayor’s Office (Mayor Tom Butt 510-620-6503).

U.7 Police Department

U.7.a Pre-Employment Background Investigations Companies for Police Department Applicants

APPROVE contracts with three vendors: James Anthony Carroll Investigations; Moreland Investigations; and T Jung Investigations, for the purpose of providing background investigations for sworn and non-sworn Police Department applicants, for a total combined amount of \$180,000, not to exceed \$60,000 per vendor, over the entire three-year contract term of October 1, 2022, through September 30, 2025 – Police Department (Chief Bisa French 510-621-1802).

U.7.b Out of State Travel Approval for the Police Chief to attend the International Association of Chiefs of Police Conference in Texas

APPROVE the out of state travel request to Texas, as an exception to Resolution 91-17, to allow for the Police Chief to attend the 2022 International Association of Chiefs of Police Conference which includes several presentations that align with the travel exception list – Police Department (Chief Bisa French 510-621-1802).

U.8 Public Works

U.8.a Proposed Contract with Advance Crime Scene Restoration

APPROVE a three-year contract with Advance Crime Scene Restoration to manage biohazardous cleanups, in an amount not-to-exceed \$117,000, with a term beginning September 1, 2022, and ending September 1, 2025, with a \$75,500 two-year option to renew – Public Works Department (Joe Leach 510-620-5478).

U.8.b Playground Resurfacing Contract

APPROVE a contract in the amount of \$269,519 with SpectraTurf for playground resurfacing, with a contract term from September 21, 2022, to June 30, 2023; and APPROPRIATE budget using fund balance – Public Works Department (Joe Leach 620-5478/Greg Hardesty 620-6920).

V. NEW BUSINESS

V.1 Special Cases at Rydin Road

DIRECT City staff to coordinate efforts with County services to get the identified residents connected with the necessary service providers by October 31, 2022 – Vice Mayor Eduardo Martinez (510-620-6593)

WITHDRAWN FROM THE AGENDA

V.2 Distribution of the Initial \$50,000 Funds To Rydin Road Residents by a Service Provider.

APPROVE a sixth contract amendment and APPROPRIATE \$50,000 to Housing Consortium of the East Bay (HCEB) to support residents’ sunsetting from Rydin Road, which was previously appropriated to Community Development; and

APPROVE an option for the criteria HCEB shall use to distribute \$50,000, in a total not to exceed \$250,000 in flex funds; and CONSIDER the extension of the HCEB contract and sunset date to October 21, 2022 – City Manager’s Office (Shasa Curl 510-620-6512).

Community Development Director Lina Velasco presented a PowerPoint, which highlighted the following: Background; Transitional Plans; Potential Distribution of Funds Options -\$50,000 for 29 participants; Transitional Plans Update - \$200,000; and Development and Approval of 23 Dwelling households transition plans. Discussion ensued.

Mark Wassberg, A.M. Jenkins, Jessi Taran, Deborah Bayer, Sandy Hill, and Jesse Toberman gave comments via teleconference. Further discussion ensued.

A motion was made by Councilmember Gayle McLaughlin, seconded by Councilmember Melvin Willis to approve a sixth contract amendment and appropriate \$50,000 to HCEB; extend the sunset deadline for transition to no later than October 21, 2022, to those with legitimate reasons; continue the contract with porta potties on Rydin Road if needed and appropriate the funds from Re-imagining Task Force funds; staff to approve transition plans within 48 hours; the contract for HCEB may be extended beyond September 30, 2022, for three months for fund dispensing only; prioritize Rydin residents for distribution of Housing First funds; and the City Council should receive an updated report from staff every two days.

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

Noes (2): Councilmember Nathaniel Bates, and Mayor Thomas K. Butt

Passed (5 to 2)

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

Councilmember Johnson III thanked those that attended Black Family Day at Nicholl Park on Saturday.

X. ADJOURNMENT

There being no further business, the meeting adjourned at 9:04 p.m., in memory of Helen Strickland, Daniel Tanita, and Tracie Ray, to meet again on October 4, 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 15, 2022 4:05:05 PM

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Good Evening Mayor Butt, Council members and Staff,

I have some comments to go into the Record

1. For a Future Agenda, the Council should Invite DR Hurst to Provide a Presentation on reinstating Officers in our Schools
2. Also to Revisit the Standing Committees

Sincerely
Cordell

From: [Marena Brown](#)
To: [City Clerk Dept User](#)
Subject: Public Comments - Open Forum
Date: Tuesday, September 20, 2022 6:34:40 PM
Attachments: [Conflict of Interest Doria Robinson 9 20 2022.pdf](#)

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Hello City Clerk,

As a concern citizen and the president of the Shields-Reid Neighborhood Council, I am submitting a letter to serve as a statement during public comments or open forum to address a potential conflict of interest with Doria Robinson regarding the TCC Program Grant and her being a City of Richmond Councilwoman candidate.

If you have any questions, you can contact me at 510 932-3471 or email: mbrown@wccysb.org

Respectfully,

Marena Brown, SRNC President



Shields-Reid Neighborhood Council

September 20, 2022

Dave Aleshire
City Attorney
City of Richmond
450 Civic Center Plaza
Richmond, CA 94804

Re: Conflict of Interest Posed by Doria Robinson on TCC Program Grant

Dear City Attorney Aleshire,

We are a group of Richmond community leaders that are extremely concerned by the conflict of interest posed by now city council candidate Ms. Doria Robinson potentially receiving a \$10.6 million dollar contract from the City of Richmond via her nonprofit, Urban Tilth, as part of the Transformative Climate Communities (TCC) program grant. It is alarming that Ms. Robinson has decided to run for office *after* agreeing to this significant contract with the City, and we are now requesting that this serious conflict of interest be immediately removed.

As you know, California Government Code §1090 expressly prohibits a city from entering into a contract in which any council member has a financial interest, and invalidates any such contract already entered into. California Government Code §1090 provides: “Members of the legislature, state, county, district, judicial district, and city officers or employees shall not be financially interested in any contract made by them in their official capacity, or by anybody or board of which they are members”. The California Supreme Court has made it clear that this section expressly bars and invalidates any city contract in which a member of the city council has a financial interest.

If the City wins this grant, Ms. Robinson and Urban Tilth will receive \$7,173,182 (includes leverage funding) allocated over four projects:

- Project 5 - Basins of Relations: \$1,690,603.20
- Project 7 - ADA Accessible Garden: \$1,103,605.20
- Project 8 - Orchard for All: \$1,172,201.60
- Project 9 - Veggie RX: \$3,206,772

She **directly** stands to benefit from these funds if the City is awarded the TCC program grant.

Moreover, Ms. Robinson states in the grant application that she has managed numerous government grants and contracts over the past 16 years, including from the City of Richmond.

Thus, we are concerned that she may have other current contract(s) with the City of Richmond which would also pose a serious conflict of interest(s) if she were to be elected in District 3.

Additionally, we are concerned by the conflict of interest created by the TCC program grant application listing Ms. Robinson's nonprofit, Urban Tilth, as the fiscal sponsor for Rich City Rides (RCR), an organization managed by Mr. Najari Smith. RCR is the Project Lead for Project 3 - E-Bike Lending Library, and would receive \$3,401,243. It is well known that Ms. Robinson and Mr. Smith are in a committed relationship and have cohabited for several years. It is difficult to imagine a scenario in which Urban Tilth can perform its duties as fiscal sponsor without bias or risk of conflict of interest for the City of Richmond given that Ms. Robinson has sole control of Urban Tilth. Ms. Doria Robinson is Urban Tilth.

Importantly, when the granting agency conducted a site visit, they expressed legitimate concerns over the roles and responsibilities of Urban Tilth's overall project implementation as RCR's fiscal sponsor. Since RCR is listed as a project lead, the granting agencies specifically asked if RCR could provide their own financial and management capacity documentation as that is **required** for all project lead entities. Did Ms. Robinson and Mr. Smith disclose their personal relationship to the City of Richmond and State granting agencies?

Lastly, we are concerned that as part of her city council campaign, Ms. Robinson is using Urban Tilth's phone number as her own campaign phone number. As it currently stands, Ms. Robinson is using the same phone number for campaign filings as is currently listed on Urban Tilth's website and on Urban Tilth reports to the Internal Revenue Service (IRS). This suggests that Ms. Robinson is using her nonprofit to run her campaign for city council.

Considering the extreme levels of conflict of interest posed by Ms. Robinson running for city council and the potential impacts on the TCC program grant (and potentially others) when the State of California granting agencies learn about it (it's only a matter of time), we are asking that the City eliminate this conflict of interest by Friday, September 24, 2022, 5 pm.

Should these conflicts of interest not be satisfactorily addressed in a manner that eliminates all of Ms. Robinson's ties to the TCC program grant, including Urban Tilth as a lead and fiscal agent on multiple projects since she exerts sole control of Urban Tilth, we intend to pursue further action, including informing the California Strategic Growth Council and the California Department of Conservation. It is imperative that this issue be addressed immediately given that the TCC program grant is scheduled to be awarded in October 2022. Richmond deserves the TCC program grant, and this significant conflict of interest could put the whole grant at risk.

Sincerely,
 Marena Brown, President

Copy:
 City Clerk Pamela Christian

City Manager Shasa Curl
Director Lina Velasco, Community Development
Mayor Tom Butt
Vice Mayor Eduardo Martinez
Councilmember Nat Bates
Councilmember Melvin Willis
Councilmember Demnlus Johnson III
Councilmember Claudia Jimenez
Councilmember Gayle McLoughlin