

**RICHMOND, CALIFORNIA,**

October 4, 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 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, Demnlus Johnson III, Gayle McLaughlin, Vice Mayor Eduardo Martinez, and Mayor Thomas K. Butt. **Absent:** Councilmembers Nathaniel Bates and Melvin Willis arrived after 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 REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8)**

- 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

- 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

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

- Morais v. City of Richmond
- Richmond Shoreline Alliance v. City of Richmond

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

- **Two cases:**

In light of the California Court of Appeal's decision in *Fowler v. City of Lafayette*, the City Attorney's Office is attaching two letters to this agenda. 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**

Andrew Domenici, Sergeant Melgoza, Joe England, Michael Caine, A. Alvarado, Donald Patchin, Michael, Jason Mallari, Donovan Decious, Florencio Rivera, Riley Santiago, Elizabeth Bashan, Daniel Reina, Tom Tran, Don Nelson, Officer Tagorda, Brandon Hodges, Ben Therriault, Chase Fuller, Khoa Nguyen, and Sergeant Llamas urged the city council to ratify the Richmond Police Officer's Association contract that was approved by the membership by a unanimous vote.

Yvette Williams, John Varga, Johnny Hill, and Shane Johnson gave comments in favor of the immediate implementation of the city's Class and Compensation Study.

Sally Tobin spoke in favor of well-designed affordable housing located near transit and infrastructure in Richmond.

**E. ADJOURN TO CLOSED SESSION**

The meeting adjourned at 5:38 p.m. Closed Session adjourned at 7:32 p.m.

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

The meeting was called to order at 7:35 p.m. by Mayor Thomas K. Butt via teleconference.

**G. ROLL CALL**

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

**H. PUBLIC COMMENT INSTRUCTIONAL VIDEO**

The Public Comment Instructional video was shown.

**I. STATEMENT OF CONFLICT OF INTEREST**

None.

**J. AGENDA REVIEW**

Item O.7.a. - Military Equipment Use Policy was moved from the Consent Calendar to the first item under New Business.

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

City Attorney Dave Aleshire reported the following:

**C.1. Conference with Labor Negotiators**

C.1.1. - SEIU Local 1021 - A motion was made and approved to implement the Classification and Compensation Study. Mayor Butt opposed.

C.1.3 - Richmond Police Officers Association - Direction was given to staff to finalize the M.O.U. and bring it back to the city council for approval. The vote was 6-1 with Vice Mayor Martinez voting no.

C.1.4. - Richmond Police Management Association RPMA, C.1.5,- IAFF Local 188, C.1.6. - Richmond Fire Management Association RFMA - were continued for further negotiations

C.2. - Conference with Real Property Negotiator - Not discussed.

C.3. - Conference with Legal Counsel - Existing Litigation - *Morais v. City of Richmond* - City Attorney was given direction to develop a settlement agreement; *Richmond Shoreline Alliance v. City of Richmond* - not discussed.

C.4. Conference with Legal Counsel - Anticipated Litigation - Direction was given to proceed with negotiations and bring the action back to the city council for approval.

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

No report.

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

No report.

**N. OPEN FORUM FOR PUBLIC COMMENT**

Craig Murray spoke in support of the implementation of the results of the city's Classification and Compensation Study.

Steven Robinson gave comments regarding several vehicles that were broken into in his neighborhood and encouraged the hiring of more police officers to patrol his neighborhood.

Yenny Garcia invited the community to participate in the Men Who Cook Event on Saturday, October 16, 2022, at the Richmond Auditorium.

Alix Mazuet gave comments about rising housing costs.

Councilmember Nathaniel Bates congratulated Betty Reid-Soskin on her 102nd birthday. He also stated that there was a 6-1 vote in Closed Session regarding the ratification of the Richmond Police Officers Association's contract with Vice Mayor Eduardo Martinez voting no.

## **O. CITY COUNCIL CONSENT CALENDAR**

A motion was made by Councilmember Demnlus Johnson III, seconded by Councilmember Melvin Willis to approve the 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)

### **O.1 City Clerk's Office**

#### **O.1.a City Council Meeting Minutes**

APPROVE the minutes of the September 13 and 20, 2022, Richmond City Council meetings - City Clerk's Office (Pamela Christian 510-620-6513).

### **O.2 City Manager's Office**

#### **O.2.a Dock Maintenance at Point Potrero Marine Terminal**

APPROVE an agreement with QA Constructors, Inc., in an amount not to exceed \$64,000, to complete general pavement repairs at the Point Potrero Marine Terminal – Port Department (Shasa Curl/Lizeht Zepeda 510-620-6653).

### **O.3 Finance Department**

#### **O.3.a Investment and Cash Balance Report, and Monthly Overtime Reports for the Month of August 2022**

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

### **O.4 Human Resources**

#### **O.4.a Resolution Amending City's Salary Schedule And Position Control**

ADOPT a resolution amending the salary schedule to revise the salary ranges for Communications Dispatcher I/II, Engineer I/II, Associate Civil Engineer, and Senior Civil Engineer; AMEND authorized staffing (i.e., position control) to add two (2) Parking Enforcement Representatives to the Police Department; and APPROPRIATE funds for associated wages, salaries, and compensation for two (2) Parking Enforcement Representatives positions – Human Resources Department (Nickie Mastay/Sharrone Taylor 510-620-6602).

**Adopted Resolution No. 130-22**

### **O.5 Library and Community Services**

#### **O.5.a California State Library Building Forward: Library Infrastructure Program Grant Award of \$9,712,979**

ADOPT a resolution to ACCEPT and APPROPRIATE the California State Library Building Forward: Library Infrastructure Program grant award of \$9,712,979 to significantly renovate the Richmond Main Library; APPROPRIATE matching funds in the amount of \$3,656,490 in American Rescue Plan Act funds, \$700,000 from Library Impact Fees,

and \$500,000 from the Capital Improvement Program budget; and AUTHORIZE the city manager or designee to execute the Grant Agreement and other documents necessary to achieve the purpose of this grant award – Library and Community Services Department (LaShonda White/Diana Lopez/Christopher Larsen 510-620-5524).

**Adopted Resolution No. 131-22**

- O.5.b California State Library Grant Awards for Adult Learner Educational Programming and Family Literacy Programming

ADOPT a resolution to ACCEPT and APPROPRIATE California State Library grants, in the amounts of \$97,554 and \$34,194, for a total award of \$131,748, to support educational programming offered at the library’s literacy services program, Literacy for Every Adult Program – Library and Community Services Department (Diana Lopez 510-620-5452/Abigail Sims-Evelyn 510-307-8084).

**Adopted Resolution No. 132-22**

- O.5.c California State Library Grant Award to Support Literacy For Every Adult Program’s English as a Second Language Program

ADOPT a resolution to ACCEPT and APPROPRIATE a California State Library grant, in the amount of \$54,300, to support English as a Second Language educational programming offered at the library’s literacy services program, Literacy for Every Adult Program (LEAP) – Library and Community Services Department (Diana Lopez 510-620-5452/Abigail Sims-Evelyn 510-307-8084).

**Adopted Resolution No. 133-22**

- O.5.d Update of Language Currently in Resolution 141-00

ADOPT a resolution to amend Resolution 141-00 to replace “Workforce Investment Board” with “Workforce Development Board”, and “Employment and Training Director” with “City Manager or their designee”, to allow the Employment and Training division to remain eligible to receive workforce development funds from the State of California – Library and Community Services Department (LaShonda White/Tamara Walker 510-307-8006).

**Adopted Resolution No. 134-22**

**O.6 Mayor's Office**

- O.6.a California Clean Air Day – October 5, 2022

PROCLAMATION declaring October 5, 2022, as California Clean Air Day in the City of Richmond – Mayor’s Office (Mayor Tom Butt 510-620-6503).

- O.6.b Arbor Day – October 15, 2022

PROCLAMATION declaring October 15, 2022, as Arbor Day in the City of Richmond – Mayor’s Office (Mayor Tom Butt 510-620-6503).

- O.6.c Hispanic Heritage Month - September 15 – October 15, 2022

PROCLAMATION declaring September 15 – October 15, 2022, as Hispanic Heritage Month in the City of Richmond – Mayor’s Office (Mayor Tom Butt 510-620-6503).

**O.7 Police Department**

O.7.a Proposed Contract to Continue Services with the Children’s Interview Center (CIC)

APPROVE a five-year, sole-source contract for Children’s Interview Center (CIC) services to support forensic interviews of children victimized by sexual or physical abuse, and/or who have been severely neglected for the period July 1, 2021, to June 30, 2026, with the Children Interview Center (CIC), in a total amount not to exceed \$75,000 - Police Department (Chief Bisa French 510-621-1802).

O.7.b Ordinance to Approve a Military Equipment Use Policy.

**(This item was heard as the first item under Q. New Business)**

INTRODUCE an ordinance (first reading) pursuant to state law (Assembly Bill 481) to approve Richmond Police Department Policy 707 - Military Equipment Use Policy - Police Department (Chief Bisa French 510-621-1802).

Police Chief Bisa French gave an overview of the matter. Lt. John Lopez and Master Officer Alex Caine presented a PowerPoint which highlighted the following: What is Assembly Bill 481; How AB 481 defines Military Equipment; Purpose of the Equipment; Richmond Police Department's Equipment Inventory; and How does AB 481 affect the City of Richmond; Arrests & Possession of Firearms; Weapons Seized; and Richmond Police Department's Equipment Inventory. Discussion ensued. The following individuals gave comments via teleconference: Julie Freestone, Mark Wassberg, Wendy Alfsen, Roberta Spieckerman, Don Gosney, David Cassity, Deborah Smalls, Yenny Garcia, Sara Cantor, Marisol Cantu, Emily Ross, Raymond Wendell, and Benjamin Therriault. Further discussion ensued.

A motion by Councilmember Claudia Jimenez, seconded by Councilmember Gayle McLaughlin, directed staff to return to the city council with the ordinance and include the following changes: (1) Assault Rifles: use the language in Section (a) to be "where there is objectively reasonable anticipation of an armed encounter" instead of (a) “ where the officer reasonably anticipates an armed encounter" and (2) Weapon Categories authorizing unlimited use: Be more specific about the authorized uses of the robots, breaching shotguns, flashbangs, "less lethal" making the authorized uses match the purpose and adding into the "uses" section that all use of less lethal must be for distraction purposes only.

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)

Substitute Motion to approve the item as presented.

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

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

Failed (2 to 0)

## **O.8 Public Works**

### **O.8.a ECIA Urban Greening Budget Amendment**

ADOPT a resolution to APPROPRIATE the Environmental and Community Investment Agreement (ECIA) Urban Greening budget in the amount of \$100,000 using the fund balance - Public Works Department (Greg Hardesty 510-620-6920).

Adopted **Resolution No. 135-22**

### **O.8.b Authorize Sole-Source purchase of two Trane heater units for Developing Personal Resources Center (DPRC).**

APPROVE the purchase of two Trane heater units from Specialty A/C Products, Inc. to replace two malfunctioning units, in an amount not to exceed \$33,520 – Public Works Department (Jose Urquilla 510-620-5478).

### **O.8.c City Council Chairs Reupholstery**

APPROVE a contract with O&R Auto Upholstery to reupholster 47 City Council chairs, in an amount not to exceed \$14,766.25, with a term beginning October 5, 2022, and ending June 30, 2023 – Public Works Department (Jose Urquilla 510-620-5478).

### **O.8.d Accept and Appropriate Grant funds for the Point Molate Bay Trail**

ADOPT a resolution to ACCEPT and APPROPRIATE \$150,000 in San Francisco Bay Trail funds, from the Association of Bay Area Governments (ABAG), for construction of the Point Molate Bay Trail Project – Public Works Department (Yader Bermudez 510-774-6300).

Adopted **Resolution No. 136-22**

## **P. PUBLIC HEARINGS**

### **P.1 General Plan Amendment, Rezoning, Density Bonus for Waivers, and Design Review for a 135-unit mixed-use affordable and supportive housing development**

City Clerk Pamela Christian announced that pursuant to public notice that it was time to hold a public hearing to ADOPT a resolution approving an Addendum to the General Plan Final Environmental Impact Report (EIR), approving a General Plan Amendment to modify the land use classification from Public, Cultural, and Institutional to Medium Intensity Mixed Use (Commercial Emphasis), Design Review, and Density Bonus for the purposed of obtaining waivers; and INTRODUCE an ordinance (first reading) approving a Zoning Map Amendment to rezone the from PCI, Public, Cultural, and Institutional to CM-3, Commercial

Mixed-Use a 2.84 acre site at 100 38th Street for a mixed-use 135-unit affordable and supportive housing development – Community Development Department (Lina Velasco 510-620-6706).

Senior Planner Hector Lopez presented a PowerPoint which highlighted the following: Project Site location and Overview; Project Approvals Requested; General Plan Amendment; Density Bonus Waivers; Design Review Board and Planning Commission Recommendations; and Environmental Review. Matt Schreiber, Eden Housing and Contra Costa County Supervisor John Gioia presented a PowerPoint that highlighted the following: Partnership with Community Housing Development Center (CHDC); 100 38th Street Project; Development Overview; 135 New Affordable Housing Units; Unit Mix; Enhanced Area Services; Mayor Butt declared the public hearing open. Don Gilmore and Julie Freestone gave comments via teleconference. Mayor Butt closed the public hearing. Discussion ensued.

A motion was made by Councilmember Gayle McLaughlin, seconded by Councilmember Melvin Willis to approve the item.

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)

Adopted **Resolution No. 137-22** and introduced first reading of the ordinance.

## **Q. NEW BUSINESS**

### **Q.1 Appointment of a Retired Annuitant to Perform Extra Help/Special Project Law Enforcement Services in the Police Department.**

APPROVE the appointment of Louie Tirona as a retired annuitant for a limited term, extra help/special project role not to exceed one (1) year or 960 hours, whichever comes first – Human Resources Department (Nickie Mastay/Sharrone Taylor 510-620-6602).

A motion was made by Councilmember Nathaniel Bates, seconded by Councilmember Demnlus Johnson III to approve the item.

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)

### **Q.2 Develop a Strategy to Prevent Richmond from Becoming a Location for Homeless Encampments as Encampments in Neighboring Cities are being Evacuated**

DIRECT City staff to immediately prepare an emergency action plan to avoid the City of Richmond from becoming a destination for homeless encampments and dumping grounds – Councilmember Nathaniel Bates (510-620-6743)

Councilmember Bates gave an overview of the matter. Discussion ensued. Mark Wassberg and Deborah Smalls gave comments via teleconference.

Councilmember Bates requested information regarding the amount of funds expended to date to relocate residents from Rydin Road and Castro encampments and what the cities of Pinole and Hercules had done to prevent unhoused individuals in its cities.

A motion was made by Councilmember Nathaniel Bates, seconded by Councilmember Demnlus Johnson III, to approve the item and prepare an emergency action plan.

Ayes (3): Councilmember Nathaniel Bates, Councilmember Demnlus Johnson III, and Mayor Thomas K. Butt

Noes (4): Councilmember Claudia Jimenez, Councilmember Gayle McLaughlin, Councilmember Melvin Willis, and Vice Mayor Eduardo Martinez

Failed (3 to 4)

A substitute motion was made by Councilmember Gayle McLaughlin, seconded by Councilmember Claudia Jimenez to direct staff to: (1) include in the Homeless Strategic Plan that we will create regional collaborations; (2) follow the law in terms of offering shelter to those without any, rather than sweeping an area; and (3) update the city website with metrics and all the current accomplishments and plans underway to address the needs of our unhoused community members.

Ayes (4): Councilmember Claudia Jimenez, Councilmember Gayle McLaughlin, Councilmember Melvin Willis, and Vice Mayor Eduardo Martinez.

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

Abstain (1): Councilmember Demnlus Johnson III.

Passed (4 to 3)

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

Mayor Butt stated he and Councilmember Johnson III were traveling to Shimada, Japan tomorrow to attend the 2022 Obi Matsuri Festival.

**S. ADJOURNMENT**

There being no further business, the meeting adjourned at 10:55 p.m. in memory of Ms. Delphi, to meet again on October 18, 2022.

---

Clerk of the City of Richmond

---

Mayor

**From:** [Lina Velasco](#)  
**To:** [City Clerk Dept User](#)  
**Cc:** [John Varga](#); [Angela Walton](#); [Mary Phelps](#)  
**Subject:** Item C.1.  
**Date:** Tuesday, October 4, 2022 12:40:37 PM

---

Dear Mayor Butt and Councilmembers:

On behalf of IFPTE Local21 Executive Management Unit, we thank you for your continued support of City workers and as such, we are asking the City Council to direct staff to no longer delay finalization and implementation of the equity portion of the Class and Comp Study. Our employees deserve equal pay to the market and these adjustments are needed to stop our dedicated and hardworking employees from leaving and will also help in attracting new employees to fill vacant positions.

Respectfully,

Lina Velasco

IFPTE Local21 Executive Management Union President

**From:** [Cordell Hindler](#)  
**To:** [City Clerk Dept User](#)  
**Subject:** public comments- Open Forum  
**Date:** Thursday, September 29, 2022 3:28:11 PM

---

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

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

Good Evening Mayor Butt, Council Members and Staff,

I have some items to be Placed on a Future Agenda.

1. for the October 25th meeting, The Council should Invite DR Hurst to Provide a Presentation in Regarding reinstating Officers in Schools
2. Also to Have Segal Consulting to present on the Class and Comp Study.

Sincerely  
Cordell

**From:** [Pamela Christian](#)  
**To:** [City Clerk Dept User](#)  
**Subject:** PUBLIC COMMENT - OPEN FORUM  
**Date:** Tuesday, October 4, 2022 1:01:12 PM

---

**From:** STEVEN ROBINSON <robnevets62@yahoo.com>  
**Sent:** Tuesday, October 4, 2022 12:51 PM  
**To:** Pamela Christian <pamela\_christian@ci.richmond.ca.us>  
**Subject:** Crime

You don't often get email from [robnevets62@yahoo.com](mailto:robnevets62@yahoo.com). [Learn why this is important](#)

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

To The City Council Members:

Attached is the email that was sent to the Property Management Office of my Development. I am writing you to see what can be done to increase Police patrol in my development and hopefully come to some resolutions to reduce further crimes in my neighborhood?

To Whom It May Concern,

On Saturday , September 10, 2022 at approximately 0200 to 0600 hours 7 residents Vehicles were broken into and the gas was siphoned out of all of the Vehicles. Those affected were the residents of 2466, 2468, 2472, 2474, and 2480 Hinkley Ave Richmond Ca, 94804. Some of the vehicles gas doors and locks were broken in the process. The police were called and Officer Murcko came out. She did not take a report and encouraged everyone to notify the Apartment Management office.

It is also the Police Department's understanding that the camera in the parking lot is not working. If this is true, what is the process of obtaining the footage of the area between those times?

Again, If the camera is working this could help identify the perpetrators and bring them to Justice. I have made a police report and will send you a copy of it as soon as It is available. Also please advise what it will take to have the camera operating to assist in identifying those who come into the development and traumatize and violate the residents.

I look forward to working with you to resolve this matter and putting up some barriers to prevent further damage to our community.

Thank You,

Steven Robinson

2468 Hinkley Ave  
Richmond CA, 94804  
(510) 230-9283.

[Sent from Yahoo Mail for iPhone](#)

**From:** [Genie Stowers](#)  
**To:** [City Clerk Dept User](#)  
**Subject:** public comments agenda item #O.7.b October 4th 2022  
**Date:** Sunday, October 2, 2022 4:35:34 PM

---

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

You don't often get email from [gstowers835@gmail.com](mailto:gstowers835@gmail.com). [Learn why this is important](#)

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

Greetings:

Please consider these views on the effort to implement AB 481:

**Comments/Requests/Recommendations on  
City of Richmond City Council item O.7.b, October 4<sup>th</sup>, 2022  
Implementing AB 481**

Dr. Genie Stowers  
[gstowers835@gmail.com](mailto:gstowers835@gmail.com)  
510-734-3624

1. **Fix typo** Equipment Type—first line, extra “le” in the Military Equipment Inventory
2. **Question.** Why does Search and Seizure uses for Unmanned Aerial Systems include unrest situations? **Request/Recommend removing that usage and making it a different category.**
3. At the community meeting, members of the Police Department said that **breaching shotgun and projectiles** are not used to distract a violent person. But look at Breaching Shotgun Uses #3: **“In order to distract a violent person, mentally deranged person or persons believed to be under the influence of alcohol/drugs and necessary to facilitate apprehension.”** That phrase is actually still there—so what was reported at the community meeting was inaccurate. **Request/Recommend removing use #3 to be accurate**
4. **Patrol Rifles and Ammunition** Military Equipment Inventory.  
“Officers may deploy the rifles in **any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed.** Examples of some general guidelines for deploying the Patrol Rifle may include, but are not limited to:
  - a) Situations where the officer reasonably anticipates an armed encounter
  - b) When an officer is faced with a situation that may require the delivery of accurate and effective fire at long range
  - c) Situations where an officer reasonably expects the need to meet or exceed a suspect’s firepower

- d) When an officer reasonably believes that there may be a need to deliver fire on a barricaded suspect or a suspect with a hostage
- e) When an officer reasonably believes that a suspect may be wearing body armor
- f) When authorized or requested by a supervisor
- g) When needed to euthanize an animal”

**Recommend/request rewrite this section to include actual circumstances, not just examples, and not give officers carte blanche to come up with any reason. This does not protect the public at all and could lead to greater distrust of the public towards the police.**

**5. Diversion Devices in Military Inventory. The phrase, "include but not limited to..." needs to be more specific. Request/Recommend writing to make more specific.**

6. **Chemical Agents**—from Inventory vs in the Agenda Report. One (the Agenda Report) is compliant with AB 48 but the Inventory itself is not compliant.

**From the Inventory:** “Uses: The deployment of chemical agents is a tactical option that may be selected with the goal of protecting life and property and/or restoration of order. It is considered a "use of force" option and should be applied consistent with the RPD use of force policy. Chemical agents may be deployed to incapacitate dangerous or hostile subjects, unruly persons, or to overcome resistance to lawful law enforcement actions.”

**From the Agenda Report:** “During high-risk tactical incidents, chemical agents can be used to dislodge a suspect from a stronghold location with the least possible danger to citizens, police, and the suspect. Chemical agents can also be used to prevent an armed suspect from accurately firing at citizens and/or officers. They can also be used in **limited instances during civil unrest when objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including the officer**, or to bring an objectively dangerous and unlawful situation safely and effectively under control”

**Request/Recommend changing the Inventory language to match what is in the Agenda Report.**

**7. Less Lethal Inventory.** Still does not appear to be in compliance with AB 48 in that there is no clause about only being used when there is risk to life or serious bodily injury.

**Recommend adding necessary clause to this section so that it is compliant with CA law and stating during civil unrest, can only be used to defend against a threat to life or serious bodily injury.**

Thank you,  
Genie Stowers

**From:** [Bruce Beyaert](#)  
**To:** [City Clerk Dept User](#); [Nat Bates](#); [Tom Butt - external](#); [Claudia Jimenez](#); [Demnlus Johnson](#); [Eduardo Martinez](#); [Gayle McLaughlin](#); [Melvin Willis](#)  
**Cc:** [Shasa Curl](#); [Yader Bermudez](#); [Bruce Brubaker](#)  
**Subject:** Public Comments Agenda Item #O.8.d: Accept Grant Funds for Point Molate Bay Trail  
**Date:** Saturday, October 1, 2022 9:34:52 PM  
**Attachments:** [sfbt\\_PtMolate-Richmond.pdf](#)

---

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

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

Mayor Butt and City Councillors,

When you meet Tuesday night, please adopt by Consent, the Agenda Item O.8.d resolution accepting and appropriating a \$150,000 grant from the Association of Bay Area Governments to help fund construction of 1.25 miles of San Francisco Bay Trail along the shoreline between Point Molate Beach Park and the northern side of the City's Point Molate property at Stenmark Drive as shown on the attached map. Thank you very much.

Bruce

-----  
Bruce Beyaert, TRAC Chair

[tracbaytrail@earthlink.net](mailto:tracbaytrail@earthlink.net)

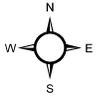
tel. 510-235-2835

<http://www.pointrichmond.com/baytrail/>

<http://www.ci.richmond.ca.us/109/TRAC>

Photos: <https://sfbaytrailinrichmond.shutterfly.com/pictures/5> .

# San Francisco Bay Trail Pt. Molate - City of Richmond Site Plan



## Legend

### SF Bay Trail

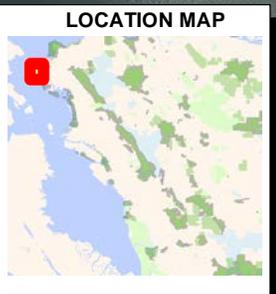
- EBRPD Trail Alignment
- Richmond Trail Alignment
- Proposed
- Schematic
- Under Construction - BATA



**Proposed SF Bay Trail (1.25mi - Richmond)**

**EBRPD Future Easement Area (Chevron)**

**Proposed SF Bay Trail (1.25 mi. - EBRPD Easement)**



*Richmond / San Rafael Bridge*

**Point Richmond**



Meeting Date	Agenda Item	Name	Email	Comment	Position	Statu
<div style="display: flex; align-items: center;"> <div style="margin-right: 10px;">☐</div> <b>City Council</b> </div>						
10/4/2022 5:00 PM	Ordinance to Approve a Military Equipment Use Policy.	Dr. Genie Stowers	gstowers835@gmail.com	<p>I am against this item until/unless these changes are made.</p> <p>Comments/Requests/Recommendations on City of Richmond City Council item O.7.b, October 4th, 2022 Implementing AB 481 1. Fix typo Equipment Type— first line, extra “le” in the Military Equipment Inventory 2. Question. Why does Search and Seizure uses for Unmanned Aerial Systems include unrest situations? Request/Recommend removing that usage and making it a different category. 3. At the community meeting, members of the Police Department said that breaching shotgun and</p>	Against	Appro

projectiles are not used to distract a violent person. But look at Breaching Shotgun Uses #3: "In order to distract a violent person, mentally deranged person or persons believed to be under the influence of alcohol/drugs and necessary to facilitate apprehension." That phrase is actually still there —so what was reported at the community meeting was inaccurate. Request/Recommend removing use #3 to be accurate

4. Patrol Rifles and Ammunition Military Equipment Inventory. "Officers may deploy the rifles in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for

deploying the Patrol Rifle may include, but are not limited to: a) Situations where the officer reasonably anticipates an armed encounter b) When an officer is faced with a situation that may require the delivery of accurate and effective fire at long range c) Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower d) When an officer reasonably believes that there may be a need to deliver fire on a barricaded suspect or a suspect with a hostage e) When an officer reasonably believes that a suspect may be wearing body armor f) When authorized or requested by a supervisor g) When needed to

ethanize an animal”  
Recommend/request rewrite this section to include actual circumstances, not just examples, and not give officers carte blanche to come up with any reason. This does not protect the public at all and could lead to greater distrust of the public towards the police. 5. Diversion Devices in Military Inventory. The phrase, "include but not limited to..." needs to be more specific. Request/Recommend writing to make more specific. 6. Chemical Agents— from Inventory vs in the Agenda Report. One (the Agenda Report) is compliant with AB 48 but the Inventory itself is not compliant. From the Inventory: “Uses: The deployment of chemical agents is

a tactical option that may be selected with the goal of protecting life and property and/or restoration of order. It is considered a "use of force" option and should be applied consistent with the RPD use of force policy. Chemical agents may be deployed to incapacitate dangerous or hostile subjects, unruly persons, or to overcome resistance to lawful law enforcement actions." From the Agenda Report: "During high-risk tactical incidents, chemical agents can be used to dislodge a suspect from a stronghold location with the least possible danger to citizens, police, and the suspect. Chemical agents can also be used to prevent an armed suspect from accurately firing at citizens and/or officers.

They can also be used in limited instances during civil unrest when objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including the officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control"

Request/Recommend changing the Inventory language to match what is in the Agenda Report. 7. Less Lethal Inventory. Still does not appear to be in compliance with AB 48 in that there is no clause about only being used when there is risk to life or serious bodily injury. Recommend adding necessary clause to this section so that it is compliant with CA law and stating during civil unrest,

can only be used to defend against a threat to life or serious bodily injury.

10/4/2022 5:00 PM	Ordinance to Approve a Military Equipment Use Policy.	Jennifer Tu, American Friends Service Committee	jtu@afsc.org	Dear Council Members, CA law AB 481 states that governing bodies shall only approve a military equipment use policy if it will safeguard the public's welfare, safety, civil rights, and civil liberties. While we recognize the significant work RPD has put in to be responsive to both community input and recommendations from AFSC, the proposed policy on the agenda unfortunately does not safeguard the public's welfare, safety, civil rights, and civil liberties -- and is also not fully compliant with either AB 481 or AB 48. We recommend the proposed policies not be approved until these points are	Against	Appro
-------------------	---	--	--------------	---	---------	-------

remedied. Jennifer  
Tu American  
Friends Service  
Committee \*\*\*\*  
AB 48 non-  
compliance \*\*\*\*  
AB 48 has strict  
regulations for  
weapons used for  
crowd control. The  
proposed policies  
for chemical  
weapons and "less  
lethals" do not  
comply with AB  
48's restrictions on  
crowd control use:  
Chemical agents  
are authorized for  
use to "overcome  
resistance to lawful  
law enforcement  
actions", which  
could lead to illegal  
deployment with a  
crowd's refusal to  
disperse. "Less  
lethals" are  
authorized when  
"suspect is  
engaged in riotous  
behavior or is  
throwing rocks,  
bottles or other  
dangerous  
projectiles at  
people and/or  
officers." If this  
occurs in a crowd  
control situation,  
this type of

deployment was explicitly made illegal by AB48.

Related:

"Coordination with other agencies" language could lead to illegal deployments in crowd control situations, especially since Contra Costa Sheriff authorizes the use of "less lethals" for crowd dispersal.

Remediation

suggestions: (a) Change the policy to instead state:

"Military equipment should not be used by any other law enforcement agency or member in this jurisdiction unless the military equipment is approved for use in accordance with this policy." -or- (b) Change the policy to make explicit that Richmond Police maintains authority when coordinating with outside agencies, and Richmond

Police must direct any use of outside agencies' military equipment to be in compliance with Richmond's policy. \*\*\*\* AB 481 non-compliance \*\*\*\* AB 481 requires each type of military equipment to include "authorized uses". The following three equipment types do not do so: Flashbangs, breaching shotguns, and "less lethals" have no limits on authorized use (since their use could include unspecified situations). With no limits on authorized use, City Council may not be able to determine if the policy would "safeguard the public's welfare, safety, civil rights, and civil liberties", as required by law. The following two equipment types do define authorized use, but

so broadly as to be meaningless:  
Robots are authorized for use in "critical incidents", and this term is not defined. Could any situation be considered a "critical incident"? Assault rifles may be used in "any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed". This is nearly unlimited use, and I encourage the City of Richmond to get more specific about when, beyond an articulable reason, such a lethal weapon may be deployed.