

**RICHMOND, CALIFORNIA, January 17, 2023**

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 meeting was called to order at 4:01 p.m. by Mayor Eduardo Martinez via teleconference.

**B. ROLL CALL**

**Present:** Councilmembers Claudia Jimenez, Gayle McLaughlin, Doria Robinson, Melvin Willis, and Mayor Eduardo Martinez. **Absent:** Councilmembers Soheila Bana and Cesar Zepeda arrived after the roll was called.

**C. CLOSED SESSION**

**C.1 CONFERENCE WITH LEGAL COUNSEL- WORKERS' COMPENSATION CLAIM (Pursuant to Government Code Section 54956.95)**

- Claimant: Employee - Police Department  
Claims: 21000016COR  
Agency Claimed Against: City of Richmond
- Claimant: Employee - Police Department  
Claims: 20000073COR, 20000110COR  
Agency Claimed Against: City of Richmond

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

- Winehaven v. City of Richmond
- Guidiville Rancheria of California, et al. v. 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 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 three 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).

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

- Agency Representatives: Sharrone Taylor and Jack Hughes

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 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

**D. PUBLIC COMMENT BEFORE CLOSED SESSION (limited to items under the Closed Session Agenda only)**

Brian Lewis from Brickyard Cove Alliance for Responsible Development gave comments regarding Item C-3 and stated there are important unresolved issues and concerns by the residents regarding the project.

Kevin Tisdale and Fidencio Morales, members of SEIU Local 21, urged the city council to consider the union's contract proposal.

**E. ADJOURN TO CLOSED SESSION**

The meeting adjourned at 4:13 p.m.

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

The meeting was called to order at 6:51 p.m. by Chair Eduardo Martinez via teleconference.

**G. ROLL CALL**

**Present:** Commissioners Soheila Bana, Claudia Jimenez, Gayle McLaughlin, Doria Robinson, Melvin Willis, Cesar Zepeda, Chair Eduardo Martinez, 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 OPEN FORUM**

None.

**L. HOUSING AUTHORITY CONSENT CALENDAR**

**Motion by** Commissioner Claudia Jimenez  
**Seconded by** Commissioner Gayle McLaughlin

Ayes (8): Commissioners Soheila Bana, Claudia Jimenez, Doria Robinson, Melvin Willis, Cesar Zepeda, Gayle McLaughlin, Chair Eduardo Martinez, and Tenant Commissioner Jaycine Scott

Passed (8 to 0)

**L.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. 2176.**

**L.2 Housing Authority Minutes**

APPROVE the minutes of the December 6, 2022, Special Joint Meeting of the Richmond Housing Authority/Richmond City Council - City Clerk's Office (Pamela Christian 510-620-6513).

**M. ADJOURNMENT**

The meeting adjourned at 6:59 p.m.

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

The meeting was called to order by Mayor Eduardo Martinez at 6:59 p.m. via teleconference.

**O. ROLL CALL**

**Present:** Councilmembers Soheila Bana, Claudia Jimenez, Gayle McLaughlin, Doria Robinson, Melvin Willis, Cesar Zepeda, and Mayor Eduardo Martinez. **Absent:** None.

**P. STATEMENT OF CONFLICT OF INTEREST**

None.

**Q. ELECTION OF THE NEW VICE MAYOR FOR 2023**

Councilmember Gayle McLaughlin was elected as Vice Mayor for 2023.

**Motion by** Councilmember Claudia Jimenez  
**Seconded by** Councilmember Melvin Willis

Ayes (7): Councilmembers Soheila Bana, Claudia Jimenez, Doria Robinson, Melvin Willis, Cesar Zepeda, Gayle McLaughlin, and Mayor Eduardo Martinez

Passed (7 to 0)

**R. AGENDA REVIEW**

Item W.1.a. was removed from the Consent Calendar for discussion at the end of the agenda. Item W.4.a. was continued to the February 7, 2023, City Council meeting.

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

City Attorney Dave Aleshire reported the following:

**Item C.1- CONFERENCE WITH LEGAL COUNSEL- WORKERS' COMPENSATION CLAIM (Pursuant to Government Code Section 54956.95)**

Claimant: Employee - Police Department

Claims: 21000016COR

Agency Claimed Against: City of Richmond

Claimant: Employee - Police Department

Claims: 20000073COR, 20000110COR

Agency Claimed Against: City of Richmond

Settlement authority was given and was passed unanimously by the City Council.

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

Winehaven v. City of Richmond; Guidiville Rancheria of California, et al. v. United States of America, et al.; North Coast Rivers Alliance et al./Point Molate Alliance et al. v. City of Richmond

Status report given. No action taken.

**Item C.3- 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 three 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).

Status report given. No action taken.

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

Agency Representatives: Sharrone Taylor and Jack Hughes

Employee organizations: SEIU Local 1021 Full Time Unit and Part Time Unit; IFPTE Local 21 Mid-Level Management Unit and Executive Management Units; Richmond Police Officers Association RPOA; Richmond Police Management Association RPMA; IAFF Local 188; Richmond Fire Management Association RFMA

Not discussed. Continued to the January 24, 2023, City Council meeting.

**Item 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

Not discussed. Continued to the January 24, 2023, City Council meeting.

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

City Manager Shasa Curl requested input for the Richmond Green Blue New Green deal survey, <https://bit.ly/Richmond-GBND-survey>. For any questions, contact the consultant Appraccel, LLC at, [thegreatpivot@gmail.com](mailto:thegreatpivot@gmail.com). Additional information was also available regarding the Richmond Green-Blue New Deal and Just Transition, visit Green-Blue New Deal and Just Transition at the city's website.

Ms. Curl also stated that The North Richmond Mobile Tool Library would have a grand opening on Saturday, January 21, 2023, from 11:00 a.m. to 2:00 p.m. at the North Richmond Missionary Baptist Church parking lot, 1401 Fred Jackson Way. There would be a bike repair workshop led by Rich City Rides, community resource tables, lunch, and goodie bags. For more information contact [mobiletoollib@ci.richmond.ca.us](mailto:mobiletoollib@ci.richmond.ca.us) or 510-620-6512.

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

Chair of the Reimagining Task Force Deborah Smalls presented a report, which highlighted the following: city funded youth programs; recommendation for increased funds for unhoused interventions; recommended funding for the Office of Neighborhood Safety; and hosted forums on existing and future proposals.

Deputy City Manager Lashonda White stated Urban Strategies would present an update regarding the community crisis response and the implementation of a mental health crisis program center to the City Council at its January 24, 2023, or February 7, 2023, City Council meeting.

**V. OPEN FORUM FOR PUBLIC COMMENT**

Mark Wassberg gave comments regarding an incident at Alvarado Park.

Tarnell Abbott read a poem titled "We Speak of Hope."

**W. CITY COUNCIL CONSENT CALENDAR**

**Motion by** Councilmember Claudia Jimenez  
**Seconded by** Vice Mayor Gayle McLaughlin

To APPROVE all Consent Calendar items with the exception of Item W.1.a (Continued Use of Teleconferencing) and W.4.a (Contract for Cost Allocation Plan)

Ayes (6): Councilmember Claudia Jimenez, Councilmember Doria Robinson, Councilmember Melvin Willis, Councilmember Cesar Zepeda, Vice Mayor Gayle McLaughlin, and Mayor Eduardo Martinez

Abstentions (1): Councilmember Soheila Bana

Passed (6 to 0)

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

### **W.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).

City Clerk Pamela Christian and I.T. Director Sue Hartman gave an overview. AB 361 gives jurisdictions the option to meet virtually. The city council would return to in-person meetings March 2023, but could also return to in-person meetings again if necessary.

Deborah Smalls gave comments via teleconference.

Adopted **Resolution No. 3-23**.

**Motion by** Vice Mayor Gayle McLaughlin  
**Seconded by** Councilmember Melvin Willis

Ayes (7): Councilmember Soheila Bana, Councilmember Claudia Jimenez, Councilmember Doria Robinson, Councilmember Melvin Willis, Councilmember Cesar Zepeda, Vice Mayor Gayle McLaughlin, and Mayor Eduardo Martinez

Passed (7 to 0)

### **W.1.b City Council Meeting Minutes**

APPROVE the minutes of the December 6, 2022, Special Joint Meeting of the Richmond Housing Authority/Richmond City Council and Regular Meeting of the Richmond City Council - City Clerk's Office (Pamela Christian 510-620-6513).

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

### **W.2.a Amendment to contract with Colantuono, Highsmith, & Whatley, PC for legal representation related to PG&E’s Franchise Agreements with the City**

APPROVE a fifth amendment to the contract with Colantuono, Highsmith, & Whatley, PC for legal representation, to increase contract payment limit by \$50,000, for a new total contract amount not to exceed \$334,000, while maintaining the term expiration date of June 30, 2023 – City Manager’s Office (Shasa Curl/Shannon Moore 510-620-6505).

## **W.3 Community Development**

### **W.3.a Amendment to Emergency Security Services Contract with Ascend Professional Services, LLC for the Castro Encampment**

APPROVE a first amendment to the contract with Ascend Professional Services, LLC., in the amount of \$175,000, for a total contract amount not to exceed \$375,000, to provide security guard services, for up to three guards, 24 hours a day, seven days a week, with an extended contract term through March 31, 2023 – Community Development Department (Lina Velasco/Jesus M. Morales 510-620-6706).

## **W.4 Finance Department**

### **W.4.a Contract for Cost Allocation Plan**

**CONTINUED** to the February 7, 2023, City Council meeting.

**APPROVE** a contract in the amount of \$17,290 with Matrix Consulting Group to develop a Cost Allocation Plan to direct staff from the Finance Department and Richmond Rent Program to prepare the Full Cost Allocation Plans that adheres to both Government Code Section 50076 and Richmond Municipal Code Section 11.100.060(1), for a term beginning January 18, 2023, through January 17, 2025 – Finance Department (Shasa Curl/Nicolas Traylor/Mubeen Qader 510-412-2077).

### **W.4.b Compliance with Developer Fees Reporting Requirements of Sections 66006 and 66001 of the Government Code**

**RECEIVE** the annual year-end developer fee report as required pursuant to Section 66006 of the Government Code – Finance Department (Mubeen Qader 510-412-2077/Vrenesia Ward 510-621-1211).

### **W.4.c Investment and Cash Balance Report, and Monthly Overtime Reports for the Month of November 2022**

**RECEIVE** the City's Investment and Cash Balance Report and monthly Overtime Reports for the month of November 2022 – Finance Department (Nickie Mastay/Mubeen Qader 510-412-2077).

## **W.5 Fire Department**

### **W.5.a Amendments to Richmond Municipal Code Article VIII Chapter 8.16**

**ADOPT** an ordinance (second reading) with an effective date of January 1, 2023, amending Richmond Municipal Code (RMC) Article VIII (Fire) Chapter 8.16 (Fire Prevention Code) by adopting the 2022 California Fire Code with noted local amendments – Fire Department (Eric Munson 510-307-8144).

Adopted **Ordinance No. 01-23 N.S.**

## **W.6 Human Resources**

### **W.6.a Resolutions amending staffing (position control) for the Office of the Mayor/Police Department and amending the salary schedule retroactive to October 4, 2022**

**ADOPT** resolutions amending staffing (position control) for the Office of the Mayor and Police Department and amending the salary schedule for the Communications Dispatcher II (Per Diem), Communications Dispatcher III, Communications Shift Supervisor, and Director of Public Works classifications; and **APPROPRIATE** associated salaries, wages, and benefits as required – Human Resources Department (Nickie Mastay/Sharrone Taylor 510-620-6602).

Adopted **Resolution No. 4-23** - Position control for the Office of the Mayor and Police Department.

Adopted **Resolution No. 5-23** - Amending salary schedule for Communications Dispatcher II, Communications Dispatcher III, Communications Shift Supervisor, and Director of Public Works Classifications.

**W.7 Public Works**

W.7.a Emergency Justification Repair Purchase Order for Heating, Ventilation, and Air Conditioning (HVAC) Duct System Replacement at the Developing Personal Resource Center (DPRC)

APPROVE an Emergency Justification purchase order in an amount not to exceed \$60,259, for Bay City Mechanical Service, LLC. to install a new Heating, Ventilation, and Air Conditioning (HVAC) duct system for the Developing Personal Resource Center (DPRC) located at 1900 Barrett Avenue – Public Works Department (Daniel Chavarria 510-620-5478/Yader A. Bermudez 510-774-6300)

**X. BUDGET SESSION**

**X.1 Budget Presentation**

RECEIVE a presentation from the city manager and the Public Works department - Public Works Department (Shasa Curl 510-620-6512/Mubeen Qadar 510-412-2077/Daniel Chavarria 510-620-5478).

Public Works Director Daniel Chavarria presented the Public Works Department budget. Discussion from the presentation highlighted tracking spending data by district with the Fiscal Year 2023-24 budget and filling vacant positions within the next six months, and Mr. Chavarria also reported that the Capital Improvement Plan Budget would be presented at the February 7, 2023, City Council Meeting. Emily Ross and Jamin Purcell gave comments via teleconference.

**Y. NEW BUSINESS**

**Y.1 City of Richmond Emergency Operations Center (EOC) Status**

RECEIVE a presentation from the City of Richmond Emergency Operations Center (EOC) regarding the status of the Emergency Operations Center as of January 11, 2023 – Fire Department (Angel Montoya 510-307-8041).

Fire Chief Montoya gave a presentation which highlighted the following: Seaview Incident; Current EOC Update; Seaview Hillside Stabilization Efforts; Fire Department Update; and Evacuee Communication. Discussion ensued.

Lea Murray gave comments via teleconference.

*(11:01 p.m. – on motion of Councilmember Willis, seconded by Councilmember Jimenez extended the meeting 10 minutes, by the unanimous vote of the City Council).*

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

None.

**AA. ADJOURNMENT**

There being no further business, the meeting adjourned at 11:05 p.m., in memory of Lela Madison and Dedon G. Jaga, to meet again on January 24, 2023, at 6:30 p.m.

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Clerk of the City of Richmond

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Mayor

**From:** [Brian Lewis](#)  
**To:** [City Clerk Dept User](#)  
**Cc:** [Susan Hubbard](#); [Jeffrey Vines](#); [Tim Knowles](#); [C. Michael Lederer](#); [Jeff Shukis](#); [Gene Scott, PhD](#)  
**Subject:** Public Comments - Open Session prior to Closed Session. Item C.3. Anticipated Litigation  
**Date:** Sunday, January 15, 2023 4:34:06 PM

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----- Forwarded message -----

**From:** **Brian Lewis** <[brianthesailor@gmail.com](mailto:brianthesailor@gmail.com)>  
**Date:** Sun, Jan 15, 2023 at 2:48 PM  
**Subject:** Outstanding Issues related to Terminal One and the Community  
**To:** Eduardo Martinez <[richcityservant@gmail.com](mailto:richcityservant@gmail.com)>, Eduardo Martinez <[eduardo\\_martinez@ci.richmond.ca.us](mailto:eduardo_martinez@ci.richmond.ca.us)>, <[soheila\\_bana@ci.richmond.ca.us](mailto:soheila_bana@ci.richmond.ca.us)>, Claudia Jimenez <[Claudia\\_Jimenez@ci.richmond.ca.us](mailto:Claudia_Jimenez@ci.richmond.ca.us)>, <[cesar\\_zepeda@ci.richmond.ca.us](mailto:cesar_zepeda@ci.richmond.ca.us)>, <[doria\\_robinson@ci.richmond.ca.us](mailto:doria_robinson@ci.richmond.ca.us)>, Gayle McLaughlin <[gayle\\_mclaughlin@ci.richmond.ca.us](mailto:gayle_mclaughlin@ci.richmond.ca.us)>, Melvin Willis <[melvin\\_willis@ci.richmond.ca.us](mailto:melvin_willis@ci.richmond.ca.us)>, <[melvinforrichmond@gmail.com](mailto:melvinforrichmond@gmail.com)>, Dave Aleshire <[daleshire@awattorneys.com](mailto:daleshire@awattorneys.com)>  
**Cc:** Jeffrey Vines <[jeffreyvines@comcast.net](mailto:jeffreyvines@comcast.net)>, Susan Hubbard <[smbh23@gmail.com](mailto:smbh23@gmail.com)>, C. Michael Lederer <[cmlederer@att.net](mailto:cmlederer@att.net)>, Gene Scott, PhD <[gene@scottca.com](mailto:gene@scottca.com)>, Tim Knowles <[tknowles@comcast.net](mailto:tknowles@comcast.net)>, Jeff Shukis <[jwshukis@yahoo.com](mailto:jwshukis@yahoo.com)>

Dear Mayor Martinez and City Council Members (and a warm welcome to the new members and our new Mayor),

During the last month, a lot of back and forth has occurred between the Community and the City Attorney. Attachment C-2 to the Amended Land Disposition Agreement was to incorporate concerns raised by the Community. At the end, we were cut out of the final copy and the final did not contain language we agreed to in earlier drafts. We are concerned that the final document appears to be something we agreed to, but in reality, we did not. The following requests have been sent twice to the City Attorney with no response to our concerns.

1. Subsection (iii) should be deleted in its entirety from the House Siting paragraph. Since the document has now been executed, that subsection (iii) should be crossed out and the cross-out initialed by all signing parties. That is the only way to return us to the position on which the developer insists, namely the status of the affected

structures as originally designed in this revised project, but without the completely false implication that this was something desired by the community.

2.

Another issue is your characterization of the process that “Nothing is final—process is evolutionary.” Please identify the language that makes this signed document “evolutionary.” You also cite, “The most important things you wanted here was the limit of \$250,000 on the contribution and I will push for this, but I know the Council will be interested in the overall cost and where the funding is coming from.” What do you mean you are going to “push for this...” We have the expectation that this was what you and Mr Chamberlin agreed as a path forward on this critical issue. Why is this now something you have to push for with the City Council? The developer or the City may have to pay more, but we are committed to the \$250,000 as the maximum contribution, upon HOAs approvals. What, if anything, is final and what is still in process? Please explain

3.

Proforma: The City Attorney has represented that the City has further requested that LEG work with the Developer to release a proforma which shall give the public a fair understanding of project economics – general projected price range estimates of residential units and costs of same shall be included. We were told we would have the proforma in early January.

In addition, another issue that was recently raised to the Planning Department and City Attorney involves prior mitigation measures agreed to by the City of Richmond related to the Port of Richmond. There has been and continues to be a problem with the vehicle traffic being blocked at Canal and West Cutting by trains. The EIR for the Port of Richmond had several conditions, none of which have been implemented. This information is contained in

**5. Transportation/Circulation 5–56 Honda Port of Entry Draft EIR Mitigation Measure 5–9.** The mitigation measures included a number of activities, scheduling trains, tracking trains, emergency access, etc. In addition, the supporting documentation for switching and loading trains is incorrect. The community is concerned about yet another project on City owned land that does not follow agreed to procedures and mitigation measures.

The community has major concerns about how the City is treating the residents. We don't know what to trust or believe. Going forward, please address these issues. **We would need a detailed reply before Jan 22nd to evaluate how the City intends to respond to these concerns before the deadline when we will decide on whether to pursue our previously filed Brown Act Violations.** We are available to brief any members before the closed session. We are happy to do it in person or via Zoom. There is a lot of history and moving parts.

Sincerely, Brian Lewis Brickyard Cove Alliance for Responsible Development (BCARD).

Mobile number [REDACTED]

**From:** [Cordell Hindler](#)  
**To:** [City Clerk Dept User](#)  
**Subject:** Public Comments- Open Forum  
**Date:** Thursday, January 12, 2023 4:40:46 PM

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Good Evening Mayor Martinez, Council Members and Staff,

I have some comments to go into the record

1. For the February 28th Agenda, the Council should Invite Danny Wan to provide a Presentation on how the Port of Oakland is recovering from the Pandemic
2. Also to have Segal Consulting to present on the Class & Comp Study

Sincerely  
Cordell

**From:** [Cordell Hindler](#)  
**To:** [City Clerk Dept User](#)  
**Subject:** Public Comments - Y.1 Budget Session  
**Date:** Thursday, January 12, 2023 4:50:35 PM

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Honorable Mayor Martinez, Council Members and staff,

I do Appreciate the Presentations that the city manager and the Public Works Director

sincerely  
Cordell