

**RICHMOND, CALIFORNIA,**

January 24, 2023, 4:30 p.m.  
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 4:30 p.m. by Mayor Eduardo Martinez via teleconference.

**B. ROLL CALL**

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

**C. CLOSED SESSION**

*A motion was made by Councilmember Zepeda, seconded by Councilmember Willis, added a Closed Session item to discuss possible threat of litigation regarding the Housing Element, passed by the unanimous vote of the City Council.*

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

- Arriaga v. City of Richmond
- City of Richmond v. Pacific Gas & Electric

**C.2 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.3 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: 1324 Canal Boulevard (General Warehouse, Port of Richmond)  
Agency negotiator: Dave Aleshire and Lizeht Zepeda  
Negotiating parties: Richmond Grown  
Under negotiation: Price and terms of payment

**D. PUBLIC COMMENT BEFORE CLOSED SESSION**

None.

**E. ADJOURN TO CLOSED SESSION**

The meeting adjourned at 4:35 p.m. Closed Session adjourned at 6:44 p.m.

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

The meeting was called to order at 6:45 p.m. by Mayor Eduardo Martinez via teleconference.

**G. ROLL CALL**

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

**H. PUBLIC COMMENT INSTRUCTIONAL VIDEO**

The Public Comment Instructional Video was shown.

**I. STATEMENT OF CONFLICT OF INTEREST**

**J. AGENDA REVIEW**

Item O.2.c. - *(2023 Appointments to Committees and Liaison Positions)* was moved to be heard after Public Comment. Item R.2 *(Presentation of the Richmond Greenway Gap Closure Study)* was heard after Item O.2.c *(2023 Appointments to Committees and Liaison Positions)*.

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

City Attorney Dave Aleshire reported the following:

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

- Arriaga v. City of Richmond
- City of Richmond v. Pacific Gas & Electric

City Council directed staff to proceed with settlement agreements.

**C.2 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

A status report was given, and the item was continued to a future meeting.

**C.3 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  
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Negotiating parties: Richmond Grown  
Under negotiation: Price and terms of payment

Not discussed.

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

City Manager Shasa Curl reported that the Youthworks Job Readiness Workshops would meet Thursdays from 4 p.m. to 6 p.m. at 330 25th Street. More information could be obtained by calling 510-412-2040. Ms. Curl also informed that the Sewer Lateral Grant Program was open for Fiscal Year 22-23. More information could be obtained by calling 510-620-6554.

**M. CRIME REPORT FROM POLICE CHIEF - 4th Tuesday (public comment allowed under Open Forum)**

**M.1 Richmond Police Department's Crime Statistics Trend and Reporting Changes.**

RECEIVE a presentation from the Police Department regarding a five-year historic crime trend and the change from Uniform Crime Reporting (UCR) to National Incident Based Reporting System (NIBRS) – Police Department (Chief Bisa French 510-621-1802).

Police Chief Bisa French presented a PowerPoint which highlighted the following: 5-Year Progression Report; Violent Crime Summary; Property Crime Summary; Homicides; Aggravated Assaults; Robberies; Burglaries; 1,354 Thefts; 1,077 Vehicle Thefts; Violent Crime Summary; Property Crime Summary; and explanation of how National Incident Based Reporting System (NIBRS) is superior to Uniform Crime Reporting (UCR) SRS. Discussion ensued. An update report would be given at a future meeting with comparisons between the two reporting types.

**N. OPEN FORUM FOR PUBLIC COMMENT**

Naomi Williams welcomed the newly elected councilmembers and asked if crime reports would be given by district or neighborhood.

Mark Wassberg stated that Vice Mayor McLaughlin should not be vice mayor because she already served two terms as mayor.

Don Gosney stated crime statistics are not always accurate because some crimes were not reported.

Sara Cantor stated that perceptions of crime were very different from actual crimes.

Deborah Small gave comments regarding police department vacancies. Ms. Small also suggested that the agenda packet have a table of contents in order to have the ability to go directly to the item of interest.

Steve Bischoff asked what part of the crime statistics were actually followed up on verses those being reported.

Jamin Pursell stated the new reporting system would not track actual number of crimes as compared to a singular incident with many crime types.

**O. CITY COUNCIL CONSENT CALENDAR**

**Motion by** Councilmember Claudia Jimenez

**Seconded by** Councilmember Cesar Zepeda

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

Absent (1): Councilmember Melvin Willis

Passed (6 to 0)

**O.1 Finance Department**

O.1.a Contract for Cost Allocation Plan

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).  
**This item was continued from the January 17, 2023, meeting.**

**O.2 Mayor's Office**

O.2.a National Human Trafficking Awareness Month

PROCLAMATION declaring January 2023 as Human Trafficking Awareness Month – Office of the Mayor (Mayor Eduardo Martinez 510-620-6503)

O.2.b Black History Month – February 2023

PROCLAMATION declaring February 2023 as Black History Month in the City of Richmond – Mayor's Office (Mayor Eduardo Martinez 510-620-6503).

O.2.c 2023 Appointments to Committees and Liaison Positions

APPROVE appointments for the Mayor and Councilmembers to Regional Committees, Ad-Hoc Committees and Liaison Positions for the year of 2023 - Mayor's Office (Mayor Eduardo Martinez 510-620-6503).

Mayor Martinez made corrections to the appointment to Committees and Liaison positions.

The information is as follows:

Boards, Commissions and Committee Liaisons:

**Arts and Culture Commission:**

Bana

**Citizens Police Review Commission:** Jimenez

Commission on Aging: McLaughlin

**Design Review Board:** Martinez

**Economic Development Commission:** Zepeda

**Historic Preservation Commission:** Bana

**Housing Advisory Commission:** Zepeda

**Human Rights and Human Relations Commission:**

Willis

**Library Commission:** McLaughlin

**Personnel Board:** Willis

**Planning Commission:** Jimenez

**Public Art Advisory Committee:** Robinson

**Recreation and Parks Commission:** Jimenez

**Richmond-Shimada Friendship Commission:** Zepeda

**Richmond-Zhoushan Friendship Commission:** Martinez

**Richmond-Regla Friendship Committee:** McLaughlin

**Richmond Youth Council:** Martinez

**Urban Forest Advisory Committee:** Robinson

**Workforce Development Board:** Martinez

City of Richmond Ad Hoc Committees

**NURVE Policy Ad Hoc Committee Members:** Robinson

Alternate: Jimenez

**ECIA Environmental and Community Investment Ad Hoc Committee**

**Members:** Bana, Zepeda, Willis

Alternate: Robinson

Regional Committees

**West Contra Costa Integrated Waste Management Authority**

**(RecycleMore) Members:** Robinson,

McLaughlin, Zepeda

Alternate: Willis

West County Agency

**(JPA between the City of Richmond and the West County Wastewater District)**

**Members:** Zepeda, Martinez Alternate: Bana

**Association of Bay Area Governments (ABAG) Representative**

**Members:** Jimenez

Alternate: Martinez

**East Bay Regional Parks Members:** McLaughlin, Martinez Alternate: Jimenez

**Gilman Street Sport Complex Members:** Bana  
Alternate: Willis

**League of CA Cities East Bay Division Members:** Zepeda  
Alternate: Bana

**League of CA Cities Voting Representative Members:** Martinez  
Alternate: Zepeda

**MCE Clean Energy Representative Members:** Martinez  
Alternate: McLaughlin

**North Richmond Mitigation Fee Joint Committee Members:**  
Robinson, Willis, Martinez  
Alternate: Jimenez

**West Contra Costa Transportation Advisory Committee (WCCTAC) Members:** Bana, Zepeda, Martinez  
Alternate: Jimenez

**West Contra Costa Unified School District Liaison (WCCUSD) Members:** Martinez  
Alternate: Jimenez

Councilmember Zepeda stated he would agendaize an item for consideration of the possible reestablishment of the Finance Committee and consideration of the establishment of a charter amendment committee.

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

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)

#### O.2.d Electric Vehicle Fleet

RECEIVE a written report from MOTIV PS on the benefits of transitioning to an electric fleet – Mayor’s Office (Mayor Eduardo Martinez 510-620-6503). **This item was continued from the November 22, 2022, December 6, 2022, and December 20, 2022, meetings.**

### O.3 Public Works

#### O.3.a I-80 Central Avenue Interchange Improvements Phase II project

ADOPT a resolution approving the Central Avenue at Interstate 80 Local Road Improvement Project Initial Study and Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Plan (MMRP), and authorizing the city manager to execute a first amendment to the Contra Costa County agreement for real property right of way services, in the amount of \$1,000,000, for a new total amount of \$1,050,000 – Public Works Department (Daniel Chavarria 510-620-5478).

Adopted **Resolution No. 6-23.**

**P. BUDGET SESSION**

**P.1 Mid-Year Budget Presentation**

RECEIVE budget presentations from the city manager and the Police and Fire departments – Finance Department (Shasa Curl 510-620-6512/Bisa French 510-621-1802/Angel Montoya 510-307-8041/Mubeen Qader 510-412-2077).

City Manager Shasa Curl gave an overview. Chief Bisa French and Chief Montoya presented the Police and Fire Department Mid-Year Budgets. Discussion ensued. Councilmembers requested data regarding building inspections and how many have been inspected and require inspection. CalPers and OPEB costs would be discussed at a City Council meeting in February.

Leisa Johnson, Deborah Smalls, and Jamin Pursell gave comments via teleconference.

**Q. PUBLIC HEARINGS**

**Q.1 6th Cycle Housing Element Adoption Hearing**

ADOPT a resolution adopting the Addendum to the Richmond General Plan 2030 Environmental Impact Report (SCH#2008022018), adopting a General Plan Amendment to repeal the Richmond General Plan 2015-2023 Housing Element, and adopting the Housing Element Update for the 2023-2031 (6th cycle) planning period (PLN22-130) – Community Development Department (Lina Velasco 510-620-6841/Hector Rojas 510-621-1220).

Director of Community Development Lina Velasco presented the item. Jen Murillo, LWC, Margarita Lin, Just Cities, presented a PowerPoint which highlighted the following: Housing Element Introduction; Community Engagement; Housing Element Components; Process 2022-2023; Affirmatively Furthering Fair Housing; Community Engagement Formats; Regional Housing Needs Allocation; Sites Inventory Table; Goals; Related General Plan Amendments - Environmental Justice Element, Housing Element, and Safety Element. Discussion ensued.

Mayor Martinez opened the public hearing. Sally Tobin, Tarnel Abbott, Leisa Johnson, and Jamin Pursell gave comments via teleconference. Mayor Martinez closed the public hearing.

Adopted **Resolution No. 7-23**, adopting the Addendum to the Richmond General Plan 2030 Environmental Impact Report (SCH#2008022018), adopting a General Plan Amendment to repeal the Richmond General Plan 2015-2023 Housing Element, and adopting the Housing Element Update for the 2023-2031 (6th cycle) planning period (PLN22-130) with the following amendment to the EIR Addendum on Page 3 of the resolution at the third whereas, and at the end of the third whereas paragraph: *"however the city council would not move forward at this time with the environmental justice element, public safety element, and noise element, which will be reviewed at a later date, along with associated impacts of these elements"*.

**Motion by** Vice Mayor Gayle McLaughlin  
**Seconded by** Councilmember Soheila Bana

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)

## **R. STUDY AND ACTION SESSION**

### **R.1 Report by the West Contra Costa Fire Safe Council**

RECEIVE a presentation from West Contra Costa Fire Safe Council (WCCFSC) regarding its mission, objectives, and achievements – Fire Department (Chief Angel Montoya 510-307-8041). This item was continued from the December 20, 2022, meeting.

**CONTINUED** to the February 28, 2023, City Council meeting.

### **R.2 Presentation of the Richmond Greenway Gap Closure Study**

RECEIVE a presentation; and ADOPT a resolution adopting the Richmond Greenway Gap Closure Study – Public Works Department (Daniel Chavarria/Patrick Phelan 510-307-8111).

Patrick Phelan gave an overview of the item. Karina Schneider, Fehr & Peers presented a PowerPoint, which highlighted the following: Community Engagement; Transportation Improvements. Park Improvements; Implementation Steps; Potential Funding Sources. Discussion ensued. Councilmembers requested that District 3 projects were added on the project improvements list.

Naomi Williams, Sara Cantor, and Dani gave comments via teleconference.

A motion was made to take the list of additional traffic improvement measures recommended as part of the Bridge Study and include them in the existing list of Street Safety Improvements list that is currently in place and prioritized for near term funding.

**Motion by** Councilmember Doria Robinson

**Seconded by** Councilmember Claudia Jimenez

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)

### **R.3 Community Crisis Response Program Update**

RECEIVE an update regarding the development of a Community Crisis Response Program – Community Services Department (LaShonda White/Patrick Seals 510-620-6512).

**CONTINUED** to the February 28, 2023, City Council meeting.

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

Mayor Martinez reported that he would speak at the Fairmede Hilltop Neighborhood Council meeting on Thursday, January 26, 2023.

Councilmember Zepeda stated he spoke with the residents of the Seaview hillside landslide.

**T. ADJOURNMENT**

There being no further business, the meeting adjourned at 11:48 p.m., to meet again on February 7, 2023, at 6:30 p.m.

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Clerk of the City of Richmond

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Mayor

**From:** [Cordell Hindler](#)  
**To:** [City Clerk Dept User](#)  
**Subject:** public comments- Open Forum  
**Date:** Thursday, January 19, 2023 4:06:45 PM

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Good Evening Mayor Martinez , Council Members and Staff,

I have some Comments for the Record

1. For the February 28th Agenda,

The Council Should Consider Inviting Danny Wan to Provide a Presentation on How the Port of Oakland is Recovering from the Pandemic

2. Also to have Segal Consulting present on the Class & Comp Study

Sincerely  
Cordell

**From:** [Cordell Hindler](#)  
**To:** [City Clerk Dept User](#)  
**Subject:** Public Comments - P.1 Budget Session  
**Date:** Thursday, January 19, 2023 4:18:12 PM

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

Good Evening Mayor Martinez, Council Members and staff,

I Appreciate the Hard work that Our Police and Fire Departments do for Richmond

Sincerely  
Cordell

**From:** [Matt Gelfand](#)  
**To:** [City Clerk Dept User](#); [Eduardo Martinez](#); [Soheila Bana](#); [Claudia Jimenez](#); [Gayle McLaughlin](#); [Doria Robinson](#); [Melvin Willis](#); [Cesar Zepeda](#)  
**Cc:** [Shasa Curl](#); [Lina Velasco](#); [Dave Aleshire](#); ["Dylan Casey"](#); [keith@yimbylaw.org](mailto:keith@yimbylaw.org); [allyson@caforhomes.org](mailto:allyson@caforhomes.org)  
**Subject:** Public Comments - Agenda Item Q.1  
**Date:** Monday, January 23, 2023 8:20:05 PM  
**Attachments:** [2023-1-23 - Joint Letter to City Council.pdf](#)

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To the City Council:

Please see the attached joint correspondence regarding Agenda Item Q.1 being considered at your upcoming meeting.

Sincerely,

Matthew Gelfand

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[Matthew Gelfand](#)  
Counsel, Californians for Homeownership  
525 S. Virgil Avenue  
Los Angeles, CA 90020  
[matt@caforhomes.org](mailto:matt@caforhomes.org)  
Tel: (213) 739-8206

Californians for Homeownership is a 501(c)(3) non-profit organization that works to address California's housing crisis through impact litigation and other legal tools.



January 23, 2023

City Council  
City of Richmond  
450 Civic Center Plaza  
Richmond, CA 94804

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RE: *January 24, 2023 City Council Meeting, Agenda Item Q.1*

To the City Council:

YIMBY Law, Californians for Homeownership, and CalHDF are 501(c)(3) organizations devoted to using impact litigation and other legal tools to address California's housing crisis. We are writing as part of our work monitoring compliance with state laws governing the adoption of general plan housing elements. This letter follows up on our December 16, 2022 letter to the City Manager regarding the City's failure to timely engage in the process of developing its sixth cycle housing element update.

You are scheduled to consider adoption of the City's housing element update at your January 24 meeting. But the City cannot legally adopt a housing element at this time. Under state law, the City may not adopt a housing element update until 90 days have passed from the submission of a draft to the Department of Housing and Community Development (HCD). Gov. Code § 65585(b)(1). Because the City submitted its draft to HCD on December 9, 2022 the earliest it can lawfully adopt a housing element is on March 9, 2023. Additionally, we cannot confirm that the City complied with Government Code Sections 65353, 65355, and 65090 concerning notice for this meeting and the Planning Commission's meeting regarding the housing element update.

If the City proceeds with adoption of its housing element now, the City will be subject to the risk of immediate litigation to invalidate that action. Californians for Homeownership has already initiated litigation against the City of Pinole for taking the same action the City is contemplating and will also immediately initiate litigation against the City if it moves forward. We urge you to direct staff to instead follow the process required by law.

Sincerely,

Keith Diggs  
*YIMBY Law*

Matthew Gelfand  
*Californians for  
Homeownership*

Dylan Casey  
*CalHDF*

cc: Shasa Curl, City Manager (by email to [shasa\\_curl@ci.richmond.ca.us](mailto:shasa_curl@ci.richmond.ca.us))  
Lina Velasco, Comm. Dev. Director (by email to [lina\\_velasco@ci.richmond.ca.us](mailto:lina_velasco@ci.richmond.ca.us))  
Dave Aleshire, Esq., City Attorney (by email to [dave\\_aleshire@ci.richmond.ca.us](mailto:dave_aleshire@ci.richmond.ca.us))