

RICHMOND, CALIFORNIA, September 29, 2020

The Richmond City Council Evening Open Session was called to order at 5:30 p.m. by Mayor Thomas K. Butt via teleconference.

Due to the coronavirus (COVID-19) pandemic, Contra Costa County and Governor Gavin Newsom issued multiple orders requiring sheltering in place, social distancing, and reduction of person-to-person contact. Accordingly, Governor Gavin Newsom issued executive orders that allowed cities to hold public meetings via teleconferencing (Executive Order N-29-20).

DUE TO THE SHELTER IN PLACE ORDERS, attendance at the City of Richmond City Council meeting was limited to Councilmembers, essential City of Richmond staff, and members of the news media. Public comment was confined to items appearing on the agenda and was limited to the methods provided below. Consistent with Executive Order N-29-20, this meeting utilized teleconferencing only. The following provides information on how the public participated in the meeting.

The public was able to view the meeting from home on KCRT Comcast Channel 28 or AT&T Uverse Channel 99 and livestream online at <http://www.ci.richmond.ca.us/3178/KCRT-Live>.

*Written public comments were received via email to cityclerkdept@ci.richmond.ca.us. Comments received by 1:00 p.m. on September 29, 2020, were summarized at the meeting, put into the record, and considered before Council action. Comments received via email after 1:00 p.m. and up until the public comment period on the relevant agenda item closed, were put into the record. Public comments were also received via teleconference during the meeting. **Attached herewith all written public comments received.***

ROLL CALL

Present: Councilmembers Ben Choi, Demnlus Johnson III, Eduardo Martinez, Jael Myrick, Vice Mayor Nathaniel Bates, and Mayor Thomas K. Butt. **Absent:** Councilmember Melvin Willis was absent for the entire Open and Closed Sessions.

PUBLIC COMMENT BEFORE CLOSED SESSION

The city clerk announced the public comment procedures and that the purpose of the Open Session was for the City Council to hear public comments on the following items to be discussed in Closed Session:

CITY COUNCIL

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

Dejon Brown v. City of Richmond, et al. (USDC Case No. 20-cv-3712-CRB); Dareron Brown v. City of Richmond, et al. (USDC Case No. 20-cv-4035-CRB); Johnathan Spragan v. City of Richmond, et al. (USDC Case No. 20-cv-3807-CRB); Alonzo Shelton v. City of Richmond, et al. (USDC Case No. 20-cv-4400-CRB)

CONFERENCE WITH REAL PROPERTY
NEGOTIATOR (Government Code Section 54956.8):

Property: Terminal One
Agency negotiators: Laura Snideman
Negotiating Parties: Terminal One Development, LLC
Under negotiations: price and terms of payment

Jonathan Livingston gave comments via teleconference regarding the Terminal One item.

The Open Session adjourned to Closed Session at 5:34 p.m.
Closed Session adjourned at 6:49 p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:51 p.m. by Mayor Butt via teleconference.

ROLL CALL

Present: Councilmembers Choi, Johnson, Myrick, Vice Mayor Bates, and Mayor Butt. **Absent:** Councilmember Martinez arrived after roll call. Councilmember Willis was absent for the entire meeting.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

The city clerk announced the public comment procedure published in the agenda.

REPORT FROM THE CITY ATTORNEY ON FINAL DECISIONS MADE DURING CLOSED SESSION

Interim City Attorney Rachel Sommovilla stated there were no final actions to report.

REPORT FROM THE CITY MANAGER

City Manager Laura Snideman announced that the Richmond Promise scholarship program, City of Richmond, and Contra Costa College were accepted to participate in a learning group sponsored by the National League of Cities focusing on addressing the basic needs of post-secondary students. Ms. Snideman provided an update on the State of California's eviction moratorium, the City of Richmond's eviction moratorium that was effective through September 30, 2020, and rent repayment grace period.

OPEN FORUM FOR PUBLIC COMMENT

There were no public comments received via teleconference.

STUDY AND ACTION SESSION

G-1. The matter to accept the City's 2019 Health in all Policies (HiAP) Report; and receive a presentation on the City of Richmond's 2019 HiAP report on the status of health and health equity in the City of Richmond was introduced by Deputy City Manager Economic Development Shasa Curl. University of

California Berkeley Professor Jason Corburn and City of Richmond Project Manager Gabino Arredondo presented a Powerpoint that highlighted the following: the City of Richmond's HiAP ordinance and report goals; life expectancy and disparities; asthma and chronic stressors; governance; economic development, education, and inequalities; full service and safe communities; residential and built environment; environmental health and justice; and health care accessibility. Discussion ensued. On motion of Councilmember Choi, seconded by Councilmember Myrick, accepted the 2019 HiAP report by the following vote: **Ayes:** Councilmembers Choi, Johnson, Martinez, Myrick, Vice Mayor Bates, and Mayor Butt. **Noes:** None. **Absent:** Councilmember Willis. **Abstained:** None. Mayor Butt announced that the West Contra Costa County mayors had a meeting regarding medical care in West Contra County and was receiving presentations from Lifelong Medical Care and Kaiser.

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

None.

ADJOURNMENT

There being no further business, the meeting adjourned at 7:38 p.m., to meet again on Tuesday, October 6, 2020, at 6:30 p.m.

Clerk of the City of Richmond

(SEAL)

Approved:

Mayor

Sabrina Lundy

From: Brian Lewis <brianthesailor@gmail.com>
Sent: Monday, September 28, 2020 10:25 AM
To: Irene Perdomo; Nat Bates; Tom Butt - external; Ben Choi; City Clerk Dept; Demnlus Johnson; Eduardo Martinez; Jael Myrick; Jael Myrick; Laura Snideman; Melvin Willis
Cc: Gene Scott, PhD; Jeffrey Vines; Mike Lederer; Susan Hubbard
Subject: public comments – Open Session prior to Closed Session Sept 29, 2020

Council Meeting: BCARD Response to Laconia Request for Terminal 1 (T1) Price Reduction

Dear Members of the City Council and Ms Laura Snideman, City Manager

I represent BCARD, Brickyard Cove Alliance for Responsible Development, a neighborhood association formed in 2015 to ensure a responsible development of Terminal One, a unique and irreplaceable property.

We sued the City and Laconia in 2016 over lapses, in our view, of the EIR; the suit was settled via mediation with, among other things, BCARD being awarded funds to serve as an independent monitoring body for the toxics remediation of T1. That has been our principle focus to date and is the reason we want to be sure the Council and new City Manager are aware of Laconia's record regarding site cleanup. It is also the reason we would object, in the strongest possible terms, to any claims made by Laconia that remediation costs are the basis for a price reduction of the T1's sales agreement.

Since November 2016, BCARD has submitted fourteen sets of technical comments compiled by our team of consultants drawing on expertise in soil gas, groundwater monitoring and geotechnical remediation.

The City Council has delegated complete cleanup responsibility to Laconia using portions of the \$3.2 million fund received from the 2005 Settlement Agreement between the City of Richmond and Responsible Parties. Consistently, Laconia and their consultants have underperformed in terms of their ability to move the remediation process forward with the appropriate scientific rigor. The agency responsible for oversight, the Regional Water Quality Control Board (RWQCB), has regularly found data gaps and inadequate submittals and implementation of work plans. This has necessitated rework on Laconia's part resulting in additional expense and project delays.

For instance, here are two recent examples from the RWQCB project manager and principle scientific reviewer as noted in his 3 March 2020 comments to Ms Velasco regarding Laconia's consultants (and, the City's) work:

"However, the RD [Remedial Design] report does not adequately address the Water Board's conditions for the 2018 RAP, [Remedial Action Plan] has other deficiencies as detailed below, and therefore is unacceptable." (Page 1)

"The Self-Monitoring Program will not adequately monitor groundwater quality and slurry wall effectiveness. Revise the RD report to provide additional piezometer-well pairs along the slurry wall alignment; long-term, quarterly self-monitoring; and an acceptable Contingency Plan if the remedy is ineffective." (Page 3)
https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/3699547886/RB2%20Revised%20Letter%20with%20Cover%20for%20Terminal%201%20Requirement%20for%20RD%20Revision%203-3-2020.pdf

And, from the RWQCB's letter of 24 August 2020 to Ms Velasco, the project manager stated:

"Quarterly, long-term groundwater monitoring was abandoned during the third quarter of 2019. The data gap, now spanning at least four quarters, limits our understanding of petroleum discharges to the San Francisco

Bay and our ability to evaluate future slurry wall performance...Please address these comments and submit a reviewed workplan." (Page 1-2)

https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/2506330192/RB2%20Comments%20on%208-4-20%20Revised%20Work%20Plan%20for%20Groundwater%20Monitoring%208-24-20.pdf

In summary, the Regional Board's comments suggest frustration with Laconia, (and the City as the delegating party) regarding the quality of submissions resulting in delays in moving the project forward. Accordingly, BCARD maintains cost overruns and additional expense are largely due to the management of the project by Laconia on behalf of the City. Once the property has sold, the City still has not legally relinquished its liability for the site's cleanup and ongoing monitoring. Regardless of what Laconia does, once the Settlement funds for cleanup and monitoring are exhausted, the City will still be the responsible party; BCARD maintains there should be no revision of the purchase terms for Terminal One because Laconia has caused needless additional expenditures.

Respectfully,

Brian Lewis

Chair, BCARD Steering Committee

From: [Cordell Hindler](#)
To: [City Clerk Dept](#)
Subject: OPEN FORUM FOR PUBLIC COMMENT
Date: Thursday, September 24, 2020 8:31:14 PM

hello Sabrina, i have a couple of Comments to go into the Record

1. as far as my projects goes, it is coming just wonderful and i have one of the members of the youth council that is helping me with on it,
2. also i was very impressed with the youth council when they made their presentation at the July 28th council meeting

sincerely
Cordell

From: [Cordell Hindler](#)
To: [City Clerk Dept](#)
Subject: . G-1. ACCEPT the City's 2019 Health in all Policies (HiAP) Report; and RECEIVE a presentation
Date: Thursday, September 24, 2020 8:52:51 PM

hello Sabrina, i have something to say about G-1, i think that the City Manager's office has done an sensational job, here are a couple of Recommendations, 1. Accept the City's 2019 Health in all Policies Report as Presented. 2. invest in the Department of Children and Youth by adding another staff member into the Budget

sincerely
Cordell