

## **RICHMOND, CALIFORNIA, August 24, 2021**

The Richmond City Council Evening Open Session was called to order at 5:00 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> and <http://www.youtube.com/user/KCRTTV>.*

*The methods to submit public comment were via mail, email to [cityclerkdept@ci.richmond.ca.us](mailto:cityclerkdept@ci.richmond.ca.us), teleconference, and telephone during the meeting. Written comments received by 1:00 p.m. on August 24, 2021, were put into the record and considered before council action. Written comments received after 1:00 p.m. and up until the public comment period on the relevant agenda item closed, were also put into the record. **Attached herewith all written public comments received.***

### **ROLL CALL**

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

### **CITY COUNCIL**

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

SPRAWLDEF et al. v. City of Richmond  
North Cost Rivers Alliance et al./Point Molate Alliance et al. v. City of Richmond

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 Appeals' decision in Fowler v. City of Lafayette, the City Attorney's Office is attaching to this agenda two letters regarding the amended judgment and various agreements related to Point Molate. These letters provide

the existing facts and circumstances for going into closed session on these items pursuant to California Government Code Section 54956.9(d)(2) and (e)(3).

### **PUBLIC COMMENT BEFORE CLOSED SESSION**

The following individuals gave comments via teleconference in support of a settlement regarding the matter of SPRAWLDEF et al. v. City of Richmond: Elsa Stevens, Jim Hanson, Pam Stello, and Jeanne Kortz.

The Open Session adjourned to Closed Session at 5:09 p.m. Closed Session adjourned at 7:02 p.m.

The Regular Meeting of the Richmond City Council was called to order at 7:05 p.m. by Mayor Butt via teleconference.

### **ROLL CALL**

**Present:** Councilmembers Jimenez, Martinez, Willis, Vice Mayor Johnson III, and Mayor Butt. **Absent:** Councilmembers Bates and McLaughlin arrived after roll was called.

### **PUBLIC COMMENT INSTRUCTIONAL VIDEO**

The Public Comment Instructional Video was shown.

### **STATEMENT OF CONFLICT OF INTEREST**

Councilmember Jimenez stated that Mayor Butt should recuse himself from discussion on Item H-4. Mayor Butt stated he would not recuse himself.

### **AGENDA REVIEW**

Item I-3 was moved for discussion immediately following approval of the Consent Calendar. Items H-1, H-2, H-3, and H-4, were removed from the Consent Calendar for discussion at the end of the agenda.

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

City Attorney Teresa Stricker stated there were no final actions to report.

### **REPORT FROM THE CITY MANAGER**

City Manager Laura Snideman presented a promotional video from Contra Costa County Health Services regarding COVID-19 vaccinations.

### **REPORT FROM POLICE CHIEF**

Assistant Police Chief Tirona reported that since July 27, 2021, there were six shootings. One resulted in an arrest and the other five are under active investigation. There were eight robberies, two rapes, and six domestic assaults. There was a shooting on August 12, 2021, which resulted in a one-year old being injured. Year-to-date there were 57 shootings and 13 homicides.

## CITY COUNCIL CONSENT CALENDAR

All below Consent Calendar items were discussed together. Mayor Butt stated that the city charter authorizes the city manager and city attorney to approve contracts for goods and services for up to \$10,000 only and that the proper procurement process was not followed. City Attorney, Teresa Stricker, stated that the city attorney's office currently has a system in place to monitor the rate and amounts of expenses incurred for each contract, to prevent overspending.

After discussion on motion of Councilmember Willis, seconded by Vice Mayor Johnson III, Items H-1, H-2, H-3, and H-4, were approved by the following vote: **Ayes:** Councilmembers Jimenez, Martinez, McLaughlin, Willis, and Vice Mayor Johnson III. **Noes:** Mayor Butt. **Absent:** **Abstain:** Councilmember Bates.

**\*H-1.** Approved a \$290,000 amendment to the legal services agreement with the law firm of Burke Williams & Sorensen, LLP for services rendered from April 1, 2021, through June 30, 2023 for the Hacienda Project and other RHA projects - This item was continued from the cancelled July 20, 2021, and July 27, 2021, meeting.

**\*H-2.** Approved a \$40,000 amendment to the legal services agreement with the law firm of Burke, Williams & Sorensen, LLP for services rendered from July 1, 2021, through June 30, 2023, for general municipal and personnel matters. This item was continued from the cancelled July 20, 2021, and July 27, 2021, meeting.

**\*H-3.** Approved a \$50,000 legal services agreement with the law firm of Best, Best & Krieger for services rendered from April 1, 2021, through June 30, 2023, for general municipal matters. This item was continued from the cancelled July 20, 2021, meeting.

**\*H-4.** Approved a legal services agreement in the amount of \$80,000 with Oppenheimer Investigations Group LLP to conduct personnel investigations and a first amendment in an amount of \$40,000 to an existing legal services agreement with the law firm of Bertrand, Fox, Elliot, Osman & Wenzel for a total contract amount of \$50,000 to provide ongoing labor and employment legal advice to the Human Resources Department. This item was continued from the cancelled July 20, 2021, meeting and the regular July 27, 2021, meeting.

## COUNCIL AS A WHOLE

**I-1.** The matter to consider forming an Inter-Agency Liaison Committee between the City of Richmond and AC Transit to discuss transit related matters on a quarterly schedule and direct staff to send a letter of interest to AC Transit was presented by Councilmembers Jimenez and Willis. This item was continued from the cancelled July 20, 2021, meeting. The following individuals gave conference via teleconference: Hulan Barnett, Robert del Rosario, and Claudia Burgos. A motion made by Councilmember Jimenez, seconded by Councilmember Martinez, approved the formation of a liaison committee, by the following vote: **Ayes:** Councilmembers Jimenez, Martinez, McLaughlin, Willis, and Vice Mayor Johnson III. **Noes:** Mayor Butt. **Absent:** **Abstain:** Councilmember Bates.

**I-2.** The matter to receive a report from the Richmond-Shimada Friendship Commission was presented by Councilmember Bates and Shimada Commission Chair, Evan Sirchuk. This item was continued from the July 27, 2021, meeting. The presentation highlighted Student Exchange Program; and the 60<sup>th</sup> Joint Anniversary of the sister city relationship. The mayor's office would assist with the purchase of a camera requested by the commission and a proclamation honoring the 60<sup>th</sup> anniversary of the sister city relationship.

**I-3.** The matter to receive the annual report from the Richmond Youth Council was presented by Vice Mayor Johnson III, and Youth Council Chair, Ozmar Huerta, and Co-Chair Chandra Davies. This item was continued from the July 27, 2021, meeting. A Powerpoint was presented, which highlighted the following: Addressing Education Inaccessibility; Community Awareness of Social Justice Issues; Holistic Mental Health Awareness; Solutions to City-wide Racial Inequity; Initiate Proposals & Projects; Advise on Legislation; Provide an Annual Report; Future Fundraisers and Upcoming Events; Bridging financial gaps for Young Scholars; Public Holistic Health of Youth; Environmental Preservation & Justice; Racially Equitable Policies & Initiatives. The commission requested a \$63,000 budget from the City, for a total budget of \$105,000 for 2021-2022. Councilmembers requested what types of legislation were planned to be recommended by the commission and suggested the commission also participate in upcoming discussions regarding the Green Blue New Deal.

### **ADJOURNMENT**

There being no further business, the meeting adjourned at 9:16 a.m., in memory of Ella Seul, Michael Morgan, music director of the Oakland Symphony, Josh Genser, and Robert Lee Hartfield, Jr., to meet again on Tuesday, September 14, 2021, at 6:30 p.m.

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Clerk of the City of Richmond

(SEAL)

Approved:

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Mayor

**From:** [cubanela@sbcglobal.net](mailto:cubanela@sbcglobal.net)  
**To:** [City Clerk Dept User](#)  
**Cc:** [Gayle McLaughlin](#); [Eduardo Martinez](#); [Nat Bates](#); [Demnlus Johnson](#); [Melvin Willis](#); [Claudia Jimenez](#); [Tom Butt - external](#)  
**Subject:** public comments – Open Session prior to Closed Session  
**Date:** Tuesday, August 24, 2021 11:54:19 AM

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## B. PUBLIC COMMENT BEFORE CLOSED SESSION

Please do not allow public land to be permanently stolen from Richmond residents so a very few people could make a quick buck.

Richmond is in dire need of quality, low income, Social Housing within easy access to public transportation, schools, shopping and City Services. If our City Government had the best interests of the public, building trades would have larger and more numerous projects to keep them busy for decades instead of being tied down to short-term projects that poison our neighborhoods, deny us of public parkland, and bankrupt the City coffers.

The Casino deal was a BIG mistake. You don't save face by defacing Point Molate.

Sincerely,  
Elsa Stevens (707) 330-9434  
Richmond Voter

**From:** [Lucy Gill](#)  
**To:** [City Clerk Dept User](#)  
**Subject:** Public Comments -- Open Session Prior to Closed Session  
**Date:** Tuesday, August 24, 2021 1:15:18 PM  
**Attachments:** [08.24.2021\\_Gill\\_PublicComment.pdf](#)

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Attached is my public comment regarding Point Molate. Thank you.

Sincerely,  
Lucy

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[Lucy Gill](#)  
*PhD Candidate*  
*University of California Berkeley*  
*Department of Anthropology*



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August 24, 2021

Mayor Butt and City Council Members,

My name is Lucy Gill, and I am a PhD Candidate in the Department of Anthropology at UC Berkeley, with experience working as an archaeologist on cultural resource management projects in the East Bay.

In collaboration with colleagues at Berkeley, including Professor Kent Lightfoot, I reviewed the cultural resources assessment prepared in 2009 by Analytical Environmental Services. We found the archaeological research design, data collection, and analysis methods insufficient for characterizing the archaeological resources at Point Molate. In particular, no geophysical survey was done, which is the best method for characterizing subsurface deposits across large areas.

We have also reviewed all previous archaeological and geotechnical reports within the APE, several of which describe undisturbed midden strata over 1 meter thick, recorded as recently as 2016 (after the AES report was completed) and not reported by AES. Borehole logs from geotechnical studies conducted at Point Molate record intact, shell-bearing, dark-earth deposits within the mapped boundary of CA-CCo-283 that were not discussed by AES. Preliminary geophysical work has confirmed the existence of at least one intact stratum of Shellmound CA-CCo-283 in a vertical exposure along the beach bluff within the APE, extending inland at least 10-20 meters, also not reported by AES.

This investigation of CA-CCo-283 calls into question AES's characterizations of CA-CCo-284, which will be impacted by the planned widening of Stenmark Drive, and CA-CCo-423, located within the proposed Development Area. The persistence of intact deposits of Shellmound 284 has already been confirmed by other CRM work after 2009. All of these sites need to be properly characterized and delimited, and the AES report is inadequate for this purpose.

The Confederated Villages of Lisjan has requested a geophysical survey in advance of any ground-disturbing work, which is the archaeological standard for characterizing these types of sites. We urge you to listen to the Tribe and respect these important Tribal Cultural Resources (eligible for the State and National Register of Historic Places) by ensuring that they are adequately studied. I am happy to provide further information regarding the work described above.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lucy Gill'.

Lucy Gill  
PhD Candidate  
University of California, Berkeley

**From:** [Cordell Hindler](#)  
**To:** [City Clerk Dept User](#)  
**Subject:** Public Comments 1-3 Council as a whole  
**Date:** Thursday, August 19, 2021 12:32:56 PM

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good evening Mayor Butt, council Members and city staff, I must commend the Youth council for their excellent report on their activities

Sincerely  
Cordell