

## **RICHMOND, CALIFORNIA, November 16, 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, on September 15, 2021, Governor Gavin Newsom issued Assembly Bill 361 that allowed cities to continue to hold public meetings via teleconferencing.*

*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 Assembly Bill 361, 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/KCRRTV>.*

*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 November 16, 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, Claudia Jimenez, Eduardo Martinez, Gayle McLaughlin, Melvin Willis, Vice Mayor Demnlus Johnson III, and Mayor Thomas K. Butt.  
**Absent:** None.

### **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

The Guidiville Rancheria of California, et al. v. The United States of America, et. al.

North Coast 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) of Subdivision (d) and Subdivision(e)(3) of Government Code Section 54956.9):

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

CONFERENCE WITH LABOR NEGOTIATORS  
(Government Code Section 54957.6):

Agency Representative: Jack Hughes

Employee organizations:

1. SEIU Local 1021 Full-Time and Part-Time Units
2. IFPTE Local 21 Mid-Level Management and Executive Management Units
3. Richmond Police Officer's Association (RPOA)
4. Richmond Police Management Association (RPMA)
5. IAFF Local 188
6. Richmond Fire Management Association (RFMA)

Unrepresented employee: Acting and Interim City Manager

Agency Representative: Acting Deputy City Manager Internal Services

PUBLIC EMPLOYEE APPOINTMENT (Government Code Section 54957.6):

Interim City Attorney

**PUBLIC COMMENT BEFORE CLOSED SESSION**

The following individuals gave comments via teleconference regarding the Point Molate litigation items: Jeanne Kortz, Andres Soto, and Paul Carman.

The Open Session adjourned to Closed Session at 5:08 p.m.  
Closed Session adjourned at 7:51 p.m.

The Regular Meeting of the Richmond City Council was called to order at 7:53 p.m. by Mayor Butt via teleconference.

**ROLL CALL**

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

**PUBLIC COMMENT INSTRUCTIONAL VIDEO**

The Public Comment Instructional Video was shown.

**STATEMENT OF CONFLICT OF INTEREST**

None.

## **AGENDA REVIEW**

Item I-5 was continued to the December 7, 2021, City Council meeting. There was a correction to the recommended action for Item I-10 read into the record as, “*RECEIVE a written report regarding information on Senate Bill 1383 - Short-Lived Climate Pollutants, timeline for achieving compliance with the bill, and recommended city actions*”. Items M-3 and I-15 were withdrawn from the agenda. Item M-5 was moved from Council as a Whole to the Consent Calendar. City Attorney Teresa Striker advised that staff would do their best to bring Item M-5 back to the council at one of the first two City Council meetings in January 2022, which was beyond the 45 days turnaround time stated in the recommendation. Item M-4 was continued to the November 23, 2021, City Council meeting.

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

City Attorney Teresa Stricker reported that the council approved a motion by a 4-1 vote, with Mayor Butt and Councilmember Bates voting no, and Vice Mayor Johnson III abstaining, directing the city attorney to submit a letter to the Ninth Circuit Court of Appeals on Monday, November 22, 2021, informing the court and all parties that the City of Richmond would not file a brief in the *SPRAWLDEF et al v. City of Richmond* case and further directing the city attorney to alert all parties of the council’s decision no later than November 17, 2021.

## **REPORT FROM THE CITY MANAGER**

City Manager Laura Snideman announced the following events: two Cannabis Equity Manual community meetings on November 17, 2021; monthly Reimagining Public Safety Community Taskforce Community Conversation presentation on November 17, 2021; Thanksgiving Virtual Celebration for Seniors on November 18, 2021; hula class at the Richmond Senior Center on November 19, 2021; and the Arts and Culture Commission was introducing Richmond’s new 2021-2023 Poet Laureate David Flores on November 19, 2021, at the CoBiz Open Mic.

## **REPORT FROM IMPLEMENTATION SUB-COMMITTEE FOR REIMAGINING PUBLIC SAFETY COMMUNITY (RPSC) TASK FORCE**

Implementation Sub-Committee for RPSC Task Force Member Helene Burks presented a Powerpoint that highlighted: “Community Conversations” events; unhoused interventions; Community Crisis Response Team; Office of Neighborhood Safety; and YouthWORKS.

## **OPEN FORUM FOR PUBLIC COMMENT**

The following individuals gave comments via teleconference:

Janet S. Johnson gave comments against an email from Mayor Butt dated November 5, 2021, titled, “Coal Settlement Not What It Seems”.

Deborah Bayer expressed concerns regarding Item I-6, approving a legal agreement with Downey Brand LLP. Ms. Bayer questioned how the City of Richmond would be repaid for the legal services in light of recent council actions concerning Point Molate.

Karla Perez suggested that it would be beneficial to have an accounting of attendees for the RPSC Task Force meetings. Ms. Perez requested the Public Works Department to reinstitute the Monterey Pines Apartments parking area that was impacted by a fallen tree.

Jeanne Kortz provided a history of the Point Molate site. Ms. Kortz recommended the need for a new full environmental impact report for the SunCal Point Molate project. Ms. Kortz advised that Point Molate was a high fire severity zone.

Mark Wassberg gave comments regarding a potential Richmond mayoral candidate and Chevron sponsorship. Mr. Wassberg also gave comments regarding the Richmond Progressive Alliance.

Andres Soto urged that derogatory commentary during Open Forum should not be tolerated by the mayor and certain decorum should be enforced. Mr. Soto expressed his appreciation for the outcome of the Point Molate litigation. Mr. Soto gave comments in support of the report from the Implementation Subcommittee for the RPSC Task Force.

Leisa Johnson expressed concerns that City Council meetings were starting too late following closed sessions. Ms. Johnson recommended that when the council was in Closed Session, staff should advise the public of the potential time the council was expected to address the public. Ms. Johnson also expressed concerns that some councilmembers were turning off their video cameras during City Council meetings. Ms. Johnson gave comments regarding Item M-4 concerning subsequent salary increases for the interim city manager.

Tarnel Abbott gave comments regarding Item I-12 regarding prohibiting new natural gas infrastructure and stated that the Service Employees International Union supported the proposed ordinance. Ms. Abbott commended the councilmembers that supported recent Point Molate litigation actions and urged the council to settle the matter.

Sally Tobin stated the reasons why she believed that the citation of the Fowler v. City of Lafayette case stated on the Closed Session agenda was not relevant to the Point Molate anticipated litigation case.

Mike Parker congratulated the City of Richmond for settling the 'No Coal in Richmond' matter and acknowledged members of the Sierra Club and Sunflower Alliance for their work. Mr. Parker explained lessons learned and urged the council to stand up against large corporations.

Helen Burks announced that Richmond and Kennedy High Schools were in the process of being redesigned. Ms. Burks invited everyone to the redesigning community meetings for Richmond High School on November 16, 2021, and Kennedy High School on November 18, 2021.

Floy Andrews requested Mayor Butt to sanction a public speaker that made derogatory comments during the Open Forum. Ms. Andrews thanked Councilmember Martinez and staff for moving Item 1-12 forward. Ms. Andrews gave comments in support of the 'No Coal in Richmond' settlement.

Deborah Small gave comments in support of the report from the Implementation Sub-Committee for the RPSC Task Force. Ms. Small commended community groups for their sacrifices and time to work on the RPSC Task Force initiatives.

Randy Joseph gave comments against criticism toward the Community Police Review Commission (CPRC) posted on the Tom Butt E-Forum and requested an apology.

Ruscal Cayangyang gave comments in support of Item I-12.

Madelyn Law acknowledged Naomi Williams and the Pullman Neighborhood Council for their work in the renaming of South Street to Ethel Dotson South that was approved by the City Council on November 5, 2021. Ms. Law expressed concern that no councilmembers attended the historic event.

Cheryl Davila expressed concerns regarding public speakers making disparaging comments toward councilmembers during the Open Forum. Ms. Davila gave comments in support of Item I-12.

Ze (last name not stated) gave comments in support of Item I-12.

Marisol Cantu thanked the council for its advocacy for environmental justice issues. Ms. Cantu gave comments in support of the 'No Coal in Richmond' settlement, Item I-12, and the continuance of the Point Molate litigation. Ms. Cantu announced that the Richmond Listening Project was serving community members regarding the climate crisis in Richmond.

Yenny Garcia advised the council that constituents expected the council to act in the best interest of Richmond. Ms. Garcia advised that the effects of the dysfunction at Richmond City Hall were impacting its departments, boards, and commissions. Ms. Garcia informed the council that the CPRC was not given the tools needed to be effective.

Mayor Butt advised that he did not condone the use of profanity and vulgarity at City Council meetings and the matter was beyond his control because of First Amendment rights.

Gayle McLaughlin advised she was unable to attend the Ethel Dotson street renaming event due to a scheduling conflict and planned to attend the future official celebration. Ms. McLaughlin expressed concerns regarding offensive comments made toward her during the Open Forum.

Demnlus Johnson III responded to public comments made during the Open Forum regarding councilmembers turning their video cameras off during City Council meetings.

## CITY COUNCIL CONSENT CALENDAR

*(Item M-5 was moved to the Consent Calendar during Agenda Review).*

On motion of Councilmember Willis, seconded by Vice Mayor Johnson III, the items marked with an (\*) were approved by the unanimous vote of the City Council.

**\*I-1.** Approved a contract with Nurturing Independence Through Artistic Development Art Center to support ongoing arts programs and collaborations in Richmond, in an amount of \$55,000 annually, for a three-year term, in an amount not to exceed \$165,000, beginning July 1, 2021, to June 30, 2024.

**\*I-2.** Approved a contract with East Bay Center for Performing Arts to support ongoing arts programs and collaborations in Richmond, in an amount of \$55,000 annually, for a three-year term, in an amount not to exceed \$165,000, beginning July 1, 2021, to June 30, 2024.

**\*I-3.** Adopted **Resolution No. 133-21** to accept and appropriate into the Fiscal Year 2021-22 budget a Pacific Library Partnership grant in the amount of \$10,000 and approve an agreement with the Pacific Library Partnership to purchase Playaway-branded early learning and audiobook devices for Children's Services by June 30, 2022.

**\*I-4.** Approved the sole-source purchase of a subscription for catalog records for all library materials from Online Computer Learning Center, Inc., in an amount not to exceed \$27,000 per year for a three-year period, with two one-year options, covering Fiscal Years 2021-22, 2022-23, and 2023-24.

**I-5. CONTINUED to the December 7, 2021, City Council meeting** – the matter to adopt a resolution approving a three percent annual cost of living increase, in addition to the two percent minimum cost of living increase, for the recipients of the General Pension Fund, for a total annual cost of living increase of five percent for these recipients.

**\*I-6.** Approved a second amendment to add an additional \$200,000 to the legal services agreement with the law firm of Downey Brand LLP for services rendered through June 30, 2025, to represent the City of Richmond in litigation relating to Point Molate. The services provided under the legal services agreement were paid for by the developer pursuant to the City of Richmond's indemnity agreements with the developer.

**\*I-7.** Proclamation declaring November 20, 2021, as Transgender Day of Remembrance in the City of Richmond.

**\*I-8.** Proclamation declaring November 27, 2021, as Small Business Saturday in the City of Richmond.

**\*I-9.** Proclamation declaring November 14-20, 2021, as United Against Hate Week in the City of Richmond.

**\*I-10.** Received a written report regarding information on Senate Bill 1383 – Short-Lived Climate Pollutants, timeline for achieving compliance with the bill, and recommended city actions. *(Corrections to the recommended action for this item were made during Agenda Review).*

**\*I-11.** Received a written report on the potential Vacant Property Tax ballot measure.

**\*I-12.** Adopted **Ordinance No. 15-21 N.S.** (second reading) adding Chapter 9.64 to the Richmond Municipal Code, which prohibited natural gas infrastructure in newly constructed buildings. The ordinance would take effect on January 1, 2022.

**\*I-13.** Accepted and appropriated approximately \$1,050,000 in funds for the Terminal 4 Wharf Removal Project from several permittees required to pay funds related to their approved permits from the Bay Conservation and Development Commission to mitigate impacts to the Bay.

**\*I-14.** Approved a contract with Jet Mulch, Inc. to install blown-in engineered wood fiber safety surfacing that was compliant with applicable ASTM standards and Consumer Product Safety Commission at fourteen park playgrounds in an amount not to exceed \$23,277.45. The contract term was from November 3, 2021, to June 30, 2022.

**I-15. WITHDRAWN from the agenda** - the matter to introduce an ordinance (first reading) amending sections 11.103.040(c) and 11.103.060(k) of the Tenant Anti-Harassment Ordinance to prohibit a landlord in bad faith from violating a law that prohibited discrimination based on a "medical condition" as defined by Government Code section 12926(i).

## **PUBLIC HEARINGS**

**J-1.** The city clerk announced that it was time, pursuant to public notice, to hold a public hearing to introduce an ordinance (first reading) establishing certain fees for the proposed Master Fee Schedule (MFS). The item was introduced by Accounting Manager Antonio Banuelos and included a Powerpoint that highlighted updated fees, new fees, and next steps. Discussion ensued. The council requested staff to verify the validity of all ordinance numbers referenced in the MFS. Mayor Butt declared the public hearing opened. Tarnel Abbott gave comments via teleconference. Mayor Butt closed the public hearing. A motion was made by Councilmember Jimenez, seconded by Councilmember McLaughlin, to reduce rental fees by half for short-term use up to six months of all City of Richmond facilities including sports fields, library rooms, and community centers by Richmond-based nonprofit and volunteer organizations for activities that served the local community and retain the \$12.50 per hour rental fee for the Madeline F. Whittlesey Community Room. A substitute motion made by Councilmember Martinez to increase the rental fee for the Madeline F. Whittlesey Community Room to \$15.00 per hour died for the lack of a second. Further discussion ensued. A friendly amendment made by Councilmember McLaughlin to the main motion to integrate the proposed 50% rental fees reduction into a waiver program with a financial analysis was accepted. The motion main motion with the friendly amendment failed by the following vote: **Ayes:** Councilmembers Jimenez and McLaughlin. **Noes:** Councilmembers Bates,

Martinez, Vice Mayor Johnson III, and Mayor Butt. **Abstentions:** Councilmember Willis. **Absent:** None. A motion made by Councilmember Willis, seconded by Councilmember Martinez, directing staff to take the comments from this item and do a financial analysis on Councilmembers Jimenez and McLaughlin's ideas for how city facilities were used and come back with an analysis based on their recommendations, staff's recommendations, and an option three if applicable passed by the unanimous vote of the City Council.

## **RESOLUTIONS**

**K-1.** The matter to adopt a resolution to approve the collective bargaining agreement between the City of Richmond and the Exempt Management Employees represented by IFPTE Local 21 and direct the city manager or designee to update the publicly available salary schedule with the adopted wage increases during the term of the collective bargaining agreement was introduced by Interim Human Resources Director Marc Fox. John Varga gave comments via teleconference. Discussion ensued. On motion of Councilmember Willis, seconded by Vice Mayor Johnson III, adopted **Resolution No. 134-21** by the following vote: **Ayes:** Councilmembers Jimenez, Martinez, McLaughlin, Willis, and Vice Mayor Johnson III. **Noes:** Councilmember Bates and Mayor Butt. **Abstentions:** None. **Absent:** None.

**K-2.** The matter to adopt a resolution to approve changes to salaries and benefits of unrepresented management employees, consistent with the changes to salaries and benefits of represented management employees and direct the city manager or designee to update the publicly available salary schedule was introduced by Interim Human Resources Director Marc Fox. Ben Therriault gave comments via teleconference. On motion of Councilmember Willis, seconded by Councilmember Martinez, adopted **Resolution No. 135-21** by the following vote: **Ayes:** Councilmembers Jimenez, Martinez, McLaughlin, Willis, and Vice Mayor Johnson III. **Noes:** Councilmember Bates and Mayor Butt. **Abstentions:** None. **Absent:** None.

## **ORDINANCES**

**L-1.** The matter to introduce an ordinance (first reading) amending Richmond Municipal Code Chapter 11.05 entitled "Fireworks" to add host liability such that a property owner, tenant, or person who organized or controlled access to the possession, manufacture, sale, offer for sale, use or discharge of fireworks at a residence, other private property or on a vessel was strictly liable and discuss the challenges to enforcing the ordinance if it was ultimately adopted given the staffing shortages in the Code Enforcement Division of the Community Development Department, Fire Department, Police Department, and Public Works was introduced by Senior Assistant City Attorney Shannon Moore and Community Development Director Lina Velasco. Discussion ensued. The following individuals gave comments via teleconference: Mark Wassberg, Don Gosney, Leisa Johnson, Jamin Pursell, Mike Parker, Deborah Small, and Marisol Cantu. *(At 11:01 p.m. - a motion by Councilmember Bates, seconded by Vice Mayor Johnson III, to extend the meeting to complete the discussion for Item L-1 passed by the following vote: Ayes: Councilmembers Bates, Jimenez, McLaughlin, Vice Mayor Johnson III, and Mayor Butt. Noes: Councilmembers Martinez and Willis. Abstentions: None. Absent: None).* A motion was

made by Councilmember Bates, seconded by Mayor Butt, to receive the first reading of said ordinance as recommended. A substitute motion was made by Councilmember McLaughlin, seconded by Councilmember Jimenez, directing staff to: (1) monitor for the next year the frequency of the illegal fireworks to see if it was a temporary situation due to the pandemic and also over the course of the year, see how other cities with similar ordinances actually made a difference or not; (2) in the meantime, review the policies that the City of Los Angeles had in effect such as going after social media platforms that promoted the illegal sales online; (3) consider a buy-back program for fireworks that the City of Los Angeles was doing; (4) educate the community through social media and other avenues that make it clear that fireworks were illegal and there were substantial state fines associated with them; and (5) set up incentives and rewards for callers to report illegal sales of the illegal products. A friendly amendment made by Councilmember Willis to direct staff to host residential community forums to identify issues and work with them on potential solutions was accepted. Further discussion ensued. The substitute motion with the friendly amendment passed by the following vote: **Ayes:** Councilmembers Jimenez, Martinez, McLaughlin, and Willis. **Noes:** Councilmember Bates and Mayor Butt. **Abstentions:** Vice Mayor Johnson III. **Absent:** None.

#### **COUNCIL AS A WHOLE**

**M-1. CONTINUED to the November 23, 2021, City Council meeting** - the matter to approve the Fiscal Year 2021-22 multi-year comparative position listing and amend the salary schedule to implement the city manager's reorganization of specific city departments.

**M-2. CONTINUED to the November 23, 2021, City Council meeting** - the matter to direct staff to draw up a Measure U regulation to provide for the crediting of the rent board fees paid by small landlords with four rental units or less and submit this to the City Council for approval as soon as possible.

**M-3. WITHDRAWN from the agenda** - the matter to accept and appropriate a \$750,000 Priority Development Area grant from the Metropolitan Transportation Commission; and approve contract amendment no. 1 with Environmental Science Associates in the amount of \$850,000, not to exceed a total amount of \$1,450,000, through December 31, 2023, to assist the City of Richmond in preparing the Hilltop Specific Plan.

**M-4. CONTINUED to the November 23, 2021, City Council meeting** - the matter to approve an employment agreement with Shasa Curl as interim city manager, providing for a three-month term commencing December 2, 2021, to February 3, 2022, at an initial base salary of \$21,250 per month (approximately \$364,602 total compensation if calculated on an annual basis), with subsequent salary increases subject to a satisfactory performance evaluation, and other specified employment terms.

**M-5. MOVED to the Consent Calendar during Agenda Review** - the matter to direct staff to research and provide recommendations for how to prevent the emission of chimney smoke that posed a health and safety risk to Richmond residents and report back to the council within 45 days. On motion of Councilmember Willis, seconded by Vice Mayor Johnson III, approved said direction to staff by the unanimous vote of the City Council.

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

None.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 11:21 p.m., to meet again on Tuesday, November 23, 2021, at 6:30 p.m.

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Clerk of the City of Richmond

(SEAL)

Approved:

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Mayor

**From:** [Cordell Hindler](#)  
**To:** [City Clerk Dept User](#)  
**Subject:** Public comments- Open Forum  
**Date:** Thursday, November 11, 2021 11:40:18 AM

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good evening Mayor Butt, council Members and staff, I have a couple of Comments for the Record

1. I would request that the council extend an Invitation to have DR Hurst to come and provide an update in regarding the changes in the district.
2. I am inviting the council to a special event: Home for the Holidays at Contra Costa Civic Theater on December 3rd- 5th

tickets are 40.00 dollars and youth 20.00 dollars, Proof Of vaccination is required

Sincerely  
Cordell

**From:** [Jim Becker](#)  
**To:** [City Clerk Dept User](#)  
**Subject:** Public Comments Open Forum  
**Date:** Monday, November 15, 2021 2:39:00 PM  
**Attachments:** [image003.png](#)

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Good afternoon City Clerk.

Please provide the following to the City Council for Public Comments – Open Forum, for the Council meeting of November 16, 2021. Thank you.

***Dear Mayor Butt and City Council members,***

***My name is Jim Becker and I am the President and CEO of the Richmond Community Foundation. I am pleased to let you know this evening that our foundation, in partnership with the City's Transportation Department, has received a grant of \$1 million from CalStart to bring 14 electric vehicles and charging stations for public use to our City. Using an adaptable system developed by our partner Miocar, residents will be able to use the vehicles for transportation to medical appointments, the grocery store, and other needs.***

***I would like to thank City Transportation staff member Denée Evans, who was a key partner in securing this new resource for the City of Richmond, as well as the members of the Santa Fe and Coronado Neighborhood Councils who conducted the community outreach that led to the successful grant.***

***Thank you and we will provide updates as the project moves forward.***



**James Becker**  
*President and CEO*  
*Pronouns: he/him/his*  
3260 Blume Drive, Suite 110, Richmond, CA 94806  
510-234-1200 x 101  
*Mobilizing the Power of Connection*

**From:** [Ilona Clark](#)  
**To:** [Ben Choi](#); [City Clerk Dept User](#); [Demnlus Johnson III](#); [Eduardo Martinez](#); [Jael Myrick](#); [Melvin Willis](#); [Nat Bates](#); [Tom Butt - external](#); [Trina Jackson-Lincoln](#)  
**Subject:** City Council meeting 11/17  
**Date:** Sunday, November 14, 2021 9:47:32 PM

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There are a few items on the next meeting agenda that caught my eye.  
item I-11 is a reintroduction of the vacancy tax. This is a controversial issue and should not be on the consent calendar. Please move it so that it can be discussed properly

Item I- 15 is redundant. The Richmond Rent Program has already codified a tenant anti-harassment section. Even if it hadn't, This is also a potentially controversial issue, depending on how it's written and how it's to be enforced. Please remove it from the consent calendar and provide the text of this proposal so that a public discussion will be possible.

I would also like access to the text for item M-2, a proposal to credit rent fees against measure U business tax fees. As always, the devil is in the details.

Thanks so much  
Ilona Clark

Forgive others, not because they deserve forgiveness, but because you deserve peace.  
- Jonathan Lockwood Huie

**From:** [Janis E. Eggleston](#)  
**To:** [City Clerk Dept User](#)  
**Cc:** [Gayle McLaughlin](#)  
**Subject:** Public Comment: Consent Agenda Item I-15--Tenant Anti-Harassment Provision  
**Date:** Monday, November 15, 2021 5:46:25 PM

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Dear City Clerk, Mayor Butt and City Council Members:

I am writing to encourage the City Council to approve and adopt Item# I-15 on the Consent Agenda on the calendar for November 16th and to add the protected class of “medical condition,” to the Tenant Anti-Harassment Ordinance, which was apparently inadvertently omitted from identified protected classes listed in the Tenant Anti-Harassment Ordinance previously approved by the City Council in July.

The expanded definition for “medical condition” was included in the Pru Poppink Act of 2000, which amended the term “medical condition” to include “cancer or a record or history of cancer” rather than a cancer related medical condition “for which a person has been rehabilitated or cured, based on competent medical evidence.” Gov. Code §12926 (i)(1). This change was, in part, due to our (women panel members’) efforts on behalf of the San Francisco Bar Association’s VLSP Cancer Legal Services Panel. After these efforts to expand the definition for “medical condition” to be included within the identified protected class under FEHA (Fair Employment and Housing Act), there is no reason for the term “medical condition” to be omitted from the identified “protected classes” in the previously approved Tenant Ant-Harassment Ordinance.

The protected class for people with a cancer related “medical condition” is included within the list of protected classes under the FEHA administrative regulations for housing discrimination, at Cal. Code Regs., tit. 2, § 12005 (y), and is also included as the protected class for persons protected from discrimination, harassment and retaliation, under the FEHA, Cal. Govt. Code 12926 (i)(1); as well as the Unruh Civil Rights Act, Civil Code §51(b) and(e)(3); and the Disabled Persons Act, Civ. Code §§ 54–55.3.

Please adopt this amendment to the previously approved and adopted Tenant-Anti-Harassment Ordinance so that we can protect the City’s most vulnerable residents, who have cancer or have had cancer or have a history of cancer.

Thank you in advance,

Janis Eggleston  
Richmond tenant resident

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Janis E. Eggleston  
LAW OFFICE OF JANIS E. EGGLESTON  
1101 Marina Village Parkway, Suite 201  
Alameda, CA 94501-6472  
Telephone: 510-735-9986  
Facsimile: (877) 863-3714  
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Website: [www.jegglestonlaw.com](http://www.jegglestonlaw.com)

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**From:** [Sheldon Hanson](#)  
**To:** [City Clerk Dept User](#)  
**Subject:** public comments agenda item #J-1  
**Date:** Friday, November 12, 2021 10:29:13 PM

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Dear Richmond Mayor and Council Members,

Our community is being impacted on a daily basis by environmental hazards like fossil fuels. We need to treat this like the emergency it is and put in place protections for all Richmond residents. The ordinance brought forward by Councilmember Martinez is a good step for actions our community can take to resolve these pressing issues.

Fossil fuels don't just exacerbate climate change, but also poison people. Study after study has shown that extracting, transporting, refining, and burning fossil fuels harms environmental and human health – and new evidence shows that toxic air pollution from fossil fuels also makes people more vulnerable to poor outcomes from COVID.

We must phase out fossil fuels from our daily lives – and we can start with gas hookups that cause asthma and other illnesses like cancer. It's clear we must start moving to clean energy systems – and soon. Our community should be running on clean, renewable energy no later than 2030.

But it's not just fossil fuels that are harming our community. Many neighborhoods in Richmond suffer from disproportionately high levels of particulate matter in the air, which can lead to serious developmental and health issues. The city must do more and protect our residents.

Addressing these issues won't just improve our health, it will also improve our local economy. The Biden administration is investing money in green infrastructure buildout, and we need to make sure we have shovel ready jobs prepared. What's more, cleaning up environmental pollution and converting our energy systems are massive job opportunities that could bring family-wage jobs to thousands of people in Richmond.

I'm writing to you today to ask you to please pass the ban on natural gas hookups to new buildings. We can reduce pollution that is cooking the planet and poisoning our communities while improving the quality of life for every Richmond resident.

Please please pass this ordinance and commit to taking local action to phase out natural gas hookups to new buildings, speed up the clean energy transition, reduce local pollution, and empower our local community and economy.

Thank you,  
Sheldon Hanson, V2M4C7

**From:** [Cordell Hindler](#)  
**To:** [City Clerk Dept User](#)  
**Subject:** Public Comments K-1 Resolutions  
**Date:** Thursday, November 11, 2021 11:43:41 AM

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good evening Mayor Butt, Council members and City Staff, I have reviewed the Proposed agreement and I like the way it is prepared by staff, so I am asking that the council approves the agreement as written

Sincerely  
Cordell

**From:** [Cordell Hindler](#)  
**To:** [City Clerk Dept User](#)  
**Subject:** Public Comments- K-2 Resolutions  
**Date:** Thursday, November 11, 2021 11:47:59 AM

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good evening Mayor Butt, council Members and staff, I am asking that the council to adopt the resolution as prepared by staff

Sincerely  
Cordell

**From:** [Cordell Hindler](#)  
**To:** [City Clerk Dept User](#)  
**Subject:** Public Comments M-1 Council as a whole  
**Date:** Thursday, November 11, 2021 11:56:40 AM

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good evening Mayor Butt, council members and staff, I had mention to the city manager on her first day about the idea of having an Assistant city manager on board and she did like the idea

so I am asking that the council to approve the fiscal year 2021-22 position listing

and amend the salary schedule

Sincerely  
Cordell

**From:** [J.P.](#)  
**To:** [City Clerk Dept User](#)  
**Subject:** Public comments agenda item #M-3  
**Date:** Tuesday, November 16, 2021 6:23:23 PM

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## City Council Statement

My name is Jamin Pursell and I wish to speak on item M-3 and the scope of the ESA report to urge the city to develop a Specific Plan for the area of Hilltop and to include the broader scope of the Priority Development Area rather than the Project Plan Area. While it is fortunate in theory that Prologis is looking to revitalize the area with mixed-use development, which includes residential, there is a concern that the increase in medium and heavy duty trucks will bring with them risks. Logistical hubs, as proposed by Prologis, contribute to a rise in the level of CO2 emissions in areas where they are located as well as increased traffic. This comes not just from the increased cooling and heating that these facilities require but also from the increase in truck freight.

The Hilltop Area needs to have a specific plan so that residents have a method to engage in the process of the development of the area. I hope that the city is not willing to compromise the health and wellbeing of the communities that currently exist around Hilltop for an increase in revenue. I would ask that the city direct the ESA to pursue a greater scope of inquiry using the Priority Development Area to develop a Specific Plan that supports the current residents in the surrounding area and future residents of the area. The Hilltop area needs a specific plan so that the local residents have a hand in their future and are not left to the mercy of the developers.

Jamin Pursell

**From:** [Cordell Hindler](#)  
**To:** [City Clerk Dept User](#)  
**Subject:** Public Comments- M-4 Council as a whole  
**Date:** Thursday, November 11, 2021 12:01:45 PM

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good evening Mayor Butt, council members and staff, I do believe that Shasa Curl would do a wonderful Job as Interim City Manager

sincerely  
Cordell

**From:** [Gail Eierweiss](#)  
**To:** [City Clerk Dept User](#)  
**Subject:** Public Comment Item M-5  
**Date:** Tuesday, November 16, 2021 11:54:00 AM

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Thank you, City Council members, for taking on the challenge of studying the issue of wood smoke in Richmond. Save the Air Days, although helpful, are not doing enough to control the amount of wood smoke that is adding particulate matter to the already polluted air in Richmond. We spend more and more time outdoors, and we keep our windows open when indoors as a healthy way to continue to socialize but to limit the amount of virus we are exposed to. And yet, when there are wood fires burning in people's homes, putting smells and particles in the air, we are not helping the environment or our health. I am grateful that the City Council will consider studying this issue so that we can consider eliminating wood burning in our town. We have enough particulate matter to deal with. We don't need more!

Thank you,

Gail Eierweiss  
Richmond resident

**From:** [Johnny Werbe](#)  
**To:** [City Clerk Dept User](#)  
**Subject:** Public comment Item M-5  
**Date:** Monday, November 15, 2021 3:28:18 PM

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I am a home owner and resident in Richmond, California and fully support the proposal before the City Council to direct staff to research and provide recommendations for how to prevent the emission of chimney smoke that poses a health and safety risk for Richmond residents. I believe this is an important issue and in particular is relevant during the deterioration of our collective environment that is exacerbated while the climate is becoming overheated and ever polluted. Please take action concerning this item now.

Thank you, Johnny Werbe  
601 Golden Gate Avenue, Richmond, California

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*Johnny*

**From:** [Roger Helbig](#)  
**To:** [City Clerk Dept User](#)  
**Subject:** Public Comment Item M-5  
**Date:** Tuesday, November 16, 2021 10:20:12 AM

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I am really glad that wood smoke from fireplaces and wood stoves is being brought up tonight. Here is link to video taken at 4:30PM yesterday - it was not particularly cold, but shortly after, we no longer could enter or exit via our front door or be in the backyard. That really is unacceptable.'

<https://youtu.be/W5iybZ1epGM>

I understand that the City of Davis has an ordinance and I found this one that the City of Richmond should closely examine and consider adopting or using major parts of because we have these kinds of problems in our City and no one is doing anything about them.

#### **23.01.030 Nuisances.**

##### **here is the part about wood burning smoke**

14) The emission into the open air of visible **smoke** from any residential indoor non-wood pellet-burning appliance or any non-EPA-Phase II certified wood burning appliance or fireplace used for home-heating purposes in such manner or in such amounts as to endanger or tend to endanger the health, comfort, safety or welfare of any reasonable person or to cause unreasonable injury or damage to property or which could cause annoyance or discomfort in the area of the emission. (Ord. 2219, 2005; Ord. 2424, § 2, 2013)

Thank you.

Roger W & Elizabeth Porta Helbig  
40+ year Richmond Residents

**From:** [Shannon Felsot](#)  
**To:** [City Clerk Dept User](#)  
**Subject:** Public Comment M-5  
**Date:** Monday, November 15, 2021 2:48:08 PM

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I support this study 100%. I'm very concerned about the impact that chimney smoke has on the individual health of people in the community as the environmental hazards of chimney smoke from a climate change perspective. With Chevron in our midst, we certainly don't need any additional particulates added to our air.

All the best,  
Shannon

**Shannon J Felsot**

---

**M** [415. 423. 4055](tel:415.423.4055)

**E** [sfelsot@studyops.com](mailto:sfelsot@studyops.com)

**From:** [Steve Early](#)  
**To:** [City Clerk Dept User](#)  
**Subject:** Public comment Item M-5.  
**Date:** Monday, November 15, 2021 3:09:28 PM

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On Tuesday, Nov. 16, I hope the City Council can respond favorably to this agenda item, which addresses concerns about neighborhood nuisances created by wood burning fire-places.

Air Quality Board rules (“Spare The Air Days,” etc) and financial incentives for wood burners to convert to gas fireplaces are not sufficient to reduce this unfortunate source of bad air in Richmond. It has been difficult to get the city’s Department of Public Works and the county Health Department to jointly enforce our existing public nuisance code as it applies to smoke which is “transported by wind” to “neighboring or adjacent properties so as to pose a risk of harm to the public” or which is “detrimental to the use and enjoyment of nearby properties or reduces nearby property values.”

Other cities in California and around the nation have been forced to strengthen their smoke nuisance ordinances. Davis, CA, for example, has adopted a clear ban on any similarly harmful “emission into the open air of visible smoke from any residential indoor non-wood pellet-burning appliance or fireplace used for home heating purposes.”

I realize the Council is not at the stage yet of considering an ordinance amendment. But positive action on Item M-5, directing city staff to examine this problem and come up with some stronger language would be much appreciated by those in the community adversely affected by chimney smoke, that is very often not even the result of a neighbor’s home heating efforts, as opposed to just enjoying the sight of an open fire, while making our already problematic local air quality worse.

Best wishes and thanks for our consideration of this issue.

Steve Early  
747 Lobos Avenue  
Richmond, CA 94801  
617-930-7327  
Author of Refinery Town: Big Oil, Big Money, and the Remaking of an American City (Beacon Press, 2017);  
For book ordering or speaking event information, visit: <http://steveearly.org/>



**From:** [Steven Kittle](#)  
**To:** [City Clerk Dept User](#)  
**Subject:** Public comment M-5  
**Date:** Monday, November 15, 2021 5:47:09 PM

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I support the M-5 research of the hazardous effects of wood, manufactured logs and/or household trash burning. I feel the by product of such actions have a negative consequence to both human health and the environment.  
Thank you

Be Excellent To Each Other

**From:** [Suzanne Gordon](#)  
**To:** [City Clerk Dept User](#)  
**Subject:** Public Comment Item M-5  
**Date:** Monday, November 15, 2021 2:19:11 PM  
**Attachments:** [SGsig4.png](#)

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We thank the City Council for considering this important issue. We are very concerned about the burning of wood and other products in neighbors chimneys. As many studies document, even burning clean wood in wood stoves, which burn cleanest, present significant health hazards to both those burning and neighbors. Some Richmond residents are not burning clean wood or burn in fireplaces which emit a dangerous amount of particulates, not to mention noxious fumes and odors which make it difficult for neighbors to open their windows. Some people burn on no burn days or even hot sunny days. When asked to please cease burning, they refuse. This problem was a serious one before the Covid-19 pandemic, but has become even more so as it is advised that people leave windows open or socialize outdoors. Neighborhood chimney smoke often makes this impossible.

We very much support studying this issue and again thank the City Council for considering this.

Suzanne Gordon

 *Suzanne Gordon*

Author, *Wounds of War*

Co-Editor, *The Culture and Politics of Health Care Work Series* (Cornell University Press)

Senior Policy Fellow, Veterans Healthcare Policy Institute

747 Lobos Ave, Richmond, CA 94801

Facebook | Twitter | [SuzanneGordon.com](https://www.suzannegordon.com) | Medium

(617) 460-6606

**From:** [Bill Schwimmer](#)  
**To:** [City Clerk Dept User](#)  
**Subject:** Public comment Item M-5  
**Date:** Tuesday, November 16, 2021 8:44:55 AM

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To whom it may concern,

I support the study of the impact of wood burning fireplaces in Richmond. I am very concerned about the health and environmental hazards of chimney smoke from fireplaces, which I believe impacts Richmond residents' well-being and contributes to greenhouse gasses and climate change.

Thank you.

William Schwimmer  
367 Western Dr, Richmond, CA 94801