

## **RICHMOND, CALIFORNIA, March 16, 2021**

The Richmond City Council Evening Open Session was called to order at 4:30 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](mailto:cityclerkdept@ci.richmond.ca.us). Comments received by 1:00 p.m. on March 16, 2021, 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 Nathaniel Bates, Eduardo Martinez, Gayle McLaughlin, Vice Mayor Demnlus Johnson III, and Mayor Thomas K. Butt. **Absent:** Councilmember Claudia Jimenez, and Melvin Willis arrived after the roll was called.

### **PUBLIC COMMENT**

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): ‘

SPRAWDEF et al. vs. City of Richmond  
Point Molate Alliance et al. vs. City of Richmond  
North Coast Rivers Alliance et al. vs. City of Richmond  
Michael Wang vs. the City of Richmond

CONFERENCE WITH LABOR NEGOTIATORS  
(Government Code Section 54957.6):

Agency Representatives: Jack Hughes  
Employee organizations:  
1. SEIU Local 1021 Full-Time Unit  
2. SEIU Local 1021 Part-Time Unit  
3. IFPTE Local 21 Mid-Level Management Unit  
4. IFPTE Local 21 Executive Management Unit  
5. Richmond Police Officers Association RPOA  
6. Richmond Police Management Association RPMA  
7. IAFF Local 188  
8. Richmond Fire Management Association RFMA

There were no public comments via teleconference.

The Open Session adjourned to Closed Session at 4:33 p.m.  
Closed Session adjourned at 7:10 p.m.

The Regular Meeting of the Richmond City Council was called to order at 7:18 p.m. by Mayor Butt via teleconference.

**ROLL CALL**

**Present:** Councilmembers Bates, Jimenez, Martinez, McLaughlin, Willis, Vice Mayor Johnson III, and Mayor Butt.  
**Absent:** None.

**STATEMENT OF CONFLICT OF INTEREST**

City Clerk, Pamela Christian, and City Attorney, Teresa Stricker, stated conflict of interest on Item I-1 and recused themselves from discussion on the item.

**AGENDA REVIEW**

Item G-5 was removed from the Consent Calendar for discussion at the end of the agenda. Item 1-4 was continued to the March 23, 2021, City Council meeting. A motion by Councilmember Bates, seconded by Councilmember Martinez, placed an emergency item on the agenda regarding a Disc Golf Program at Hilltop Lake Park, to be heard directly after approval of the Consent Calendar, passed by the following vote: **Ayes:** Councilmembers Bates, Jimenez, Martinez, McLaughlin, Willis, and Vice Mayor Johnson III. **Noes:** Mayor Butt. **Absent:** None. **Abstain:** None.

The city clerk announced the public comment procedures published on the agenda.

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

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

**REPORT FROM THE CITY MANAGER**

City Manager Laura Snideman, introduced Congressman DeSaulnier, who provided an update on several matters pertinent to Richmond, which highlighted the following: COVID-19 Rescue bill; Richmond would receive approximately \$21M; Fossil Fuel

footprint transition to renewable energy; and the Infrastructure bill. City Manager Snideman stated the City of Richmond would receive approximately \$20.8M as part of the COVID-19 Rescue Bill. The first half was anticipated to be received approximately July 2021. Ms. Snideman reported that the Nevin Plaza building had no hot water over a weekend and Facilities Supervisor, Jose drove to Patterson to pick up the part so the residents weren't without water over the weekend. Ms. Snideman also reported that Richmond fire personnel Captain Kennedy and firefighters Shawn McComb and Chris Silvas assisted in the delivery of a breached baby.

### **OPEN FORUM FOR PUBLIC COMMENT**

The following individuals gave comments via teleconference:

Deborah Bayer and Tarnel Abbott gave comments against development at the Astra Zeneca site due to hazardous materials at the site.

Andres Soto reported that the Bay Area Air Quality District approved a stronger emissions standard for catalytic cracker units at bay area refineries.

Everth Fuentes gave comments regarding the lack of outreach regarding the proposed RV Park at Civic Center.

Leisa Johnson gave comments regarding Measure U and the possibility that the measure may need to be reviewed and revised.

Doria Bueller thanked Councilmember McLaughlin and KCRT for the ability to view Zoom Panelists and Attendees on the Zoom screen. Ms. Bueller also stated that the planned project at the Zeneca site should be reversed.

Ben Therriault gave comments regarding issues with current Contra Costa County Sheriff Livingston and announced that he will run as County Sheriff in 2022.

Rob Smith expressed concern over a move to usage of renewable fuels and what will take the place of funds provided by Chevron to the city.

### **CITY COUNCIL CONSENT CALENDAR**

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

**\*G-1.** Approved (1) a first amendment to an existing legal service agreement with Atchison, Barisone & Condotti for \$255,000, for a total contract amount of \$265,000, for interim assistant city attorney services and (2) an additional appropriation of \$125,000 from the general fund to pay a portion of this first amendment for interim assistant city attorney legal services.

**\*G-2.** Adopted **Resolution No. 26-21**, for the appointment of three standby officers for each member of the City Council in the event of an enemy attack, state of emergency or local emergency.

**\*G-3.** Approved the minutes of the February 16, 2021, Regular Meeting of the City Council.

**\*G-4.** Approved an appointment to the Commission on Aging: appointed Rina Baker, new appointment, seat #1, filling an unexpired term with an expiration date May 19, 2023.

**G-5.** Continued the matter to approve appointments for the Mayor and Councilmembers to Regional Committees, Ad-Hoc Committees and Liaison Positions for the year of 2021.

**\*G-6.** Received the Veolia Monthly Operating Report for the month of January 2021.

**\*G-7.** Adopted Resolution No. 27-21, to adopt the Final Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; authorized the city manager or their designee to execute the necessary agreements with the State Coastal Conservancy to accept the \$1,000,000 Priority Conservation Area grant for the construction of a 1.25-mile segment of the San Francisco Bay Trail connecting Point Molate Beach Park to the Winehaven Historic District; and appropriated the PCA grant, once awarded and funding agreement is executed.

**\*G-8.** Approved a contract with Pestmaster Services, Inc. to mitigate rodent infestation and cleaning of bird droppings to increase the appearance and safety at City-owned facilities in an amount not exceed \$100,000 over a three year period.

**\*G-9.** Approved a three year contract in the amount of \$32,250 with an additional two year extension option of \$22,500 with SCI Consulting Group in an amount not to exceed \$54,750 to prepare the Hilltop Assessment Districts Annual Engineer's Report necessary to levy assessments for the 2021-2024 fiscal years. The contract term for three years will be from March 21, 2021 to March 22, 2024.

**\*G-10.** Approved a three-year contract in the amount of \$23,250 with an additional two-year extension option of \$15,500 with Willdan Financial Services and Associates in an amount not to exceed \$38,750 to prepare the Marina Assessment Districts Annual Engineer's Report necessary to levy assessments for the 2021-2024 fiscal years. The contract term for three years will be from March 21, 2021, to March 22, 2024.

**\*G-11.** Approved payment of three invoices that are past due to Sunbelt Rentals in an amount not to exceed \$11,487.45 for rental of loader landscaper 4WD tractor.

**\*G-12.** Adopted **Resolution No. 28-21**, approving Veolia Water to manage and award contracts for the rehabilitation project of the Grit and Aeration Basin at the Richmond Wastewater Treatment Plant to Shimmick Construction Company, Inc. (construction) in the amount of \$42,106,488 (contractor cost of \$33,773,000 plus a 16.5% Veolia mark-up \$5,572,545), plus a 7.5% contingency of \$2,760,943 (\$2,532,975 plus a 9% Veolia mark-up of \$227,968).

**\*G-13.** Adopted **Resolution No. 29-21**, accepting the SRF loan in the amount of \$50,000,000 from the State Water Board, and appropriated \$50,000,000 of the SRF loan revenues and associated expenditures by amending the FY 2020-21 Water Resource Recovery Division Budget.

**\*G-14.** Approved a first amendment to a grant funded contract between the City of Richmond and Greater Richmond Interfaith Program to enhance and increase food rescue and food waste prevention initiatives increasing the contract by \$81,250 for a total amount not to exceed \$291,250 with funding sourced from CalRecycle grant and extending the contract term to June 30, 2021.

**\*G-15.** Adopted **Resolution No. 30-21**, adopt the Final Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Terminal 4 Wharf Removal Project; authorized the city manager or their designee to execute the necessary agreements with the State Coastal Conservancy to accept the total \$4,150,000 in grant funds; and appropriated the grant funds, once awarded and funding agreement is executed.

**\*G-16.** Approved a contract with Ralph Andersen & Associates for \$80,000 for executive recruitment services for a three year period from March 16, 2021 to March 15, 2024.

**\*G-17.** Proclamation declaring March 2021 as Red Cross Month in the City of Richmond.

### **EMERGENCY ITEM**

Councilmembers Bates and Martinez gave an overview of the matter. City Manager Snideman stated that the Hilltop neighborhood council approved the program and use of the. All work had been stopped and the matter would be considered at a Recreation and Parks Committee meeting on April 7, 2021 to be reviewed and determine a recommendation to the City Council. The following individuals gave comments via teleconference: Jack Hamm, Janet Hanwick, Jonathan Braidman, Leisa Johnson, Marlen, Scott Riley, Rose, Rob Smith, Geoff, Marisa Marquez, Alpha, and Floy Andrews. The matter will return to the City Council at a future date after review by the Recreation and Parks Commission discussed it to determine if the disc park use would be allowed. A process for any future park use approvals would also be developed.

### **PUBLIC HEARINGS**

**H-1.** The matter to hold a public hearing to: (1) adopt a resolution repealing and replacing City Council Resolution 125-03 with revised City Guidelines and Procedures for the Implementation of the California Environmental Quality Act (CEQA) and adopting the CCTA VMT Methodology for application within Richmond to comply with California Senate Bill 743; and (2) introduce an ordinance (first reading) amending Article 15.04.612 Transportation Demand Management of the Richmond Municipal Code to align with the VMT methodology, to reflect current best practices, new State law requirements, and emerging TDM options as encompassed in the new CCTA VMT methodology was presented by Planning Director, Lina Velasco. Charlie Knox, Placeworks. Mayor Butt declared the public hearing open. Lori Lober gave comments via teleconference. Mayor Butt closed the public hearing. A motion by Councilmember Willis, seconded by Vice Mayor Johnson III, adopted Resolution No. 31-21, and introduced first reading of the ordinance, by the unanimous vote of the City Council.

### **COUNCIL AS A WHOLE**

**I-1.** The matter to approve a salary adjustment to the City Clerk effective March 2, 2021, from \$11,092/month to

\$12,201.20/month (a 10% increase) was presented by Human Resources Director, Anil Comelo. A motion by Councilmember Willis, seconded by Vice Mayor Johnson III, approved the item by the unanimous vote of the City Council.

*(Items I-2, I-3, and I-4 were discussed together)*

A motion made by Councilmember Jimenez, seconded by Councilmember Martinez, to suspend the Council Rules of Procedure and Order, and to hear Items I-2, I-3, and I-4 together, passed by the unanimous vote of the City Council.

**I-2.** Reconsider, after a two-thirds vote to suspend the Council Rules of Procedure and Order, the direction the City Council gave on February 23, 2021, and direct the city manager to: (1) authorize use of the \$260,000 funding from the County before its June 30, 2021, expiration date and \$300,000 from the City Affordable Housing fund to contract with Housing Consortium of East Bay (HCBE); and (2) authorize the creation of an emergency ad hoc committee consisting of three City Council members. The ad hoc committee, with the support of City staff, and County Supervisor John Gioia and County staff would develop a long-term, sustainable, and well-funded plan for assisting unhoused residents of Richmond with County and City funds beyond the \$560,000 obtained from the County and the Affordable Housing in lieu fund.

**I-3.** Discuss and provide direction to staff regarding the Safe Parking Program at the Civic Center parking lot on 25th Street and Barrett Avenue.

**I-4.** Revisit the Council's February 23, 2021, action on the Safe Parking Pilot Program as described in this report, rescind that action and take action as appropriate including, but not limited to, site selection from any of the sites from the February 2 or 23, 2021, Council meetings, use of funds, direction to staff to implement the Safe Parking Pilot Program, authorization for sole source contracts and execution of any contracts. Note that Council's action on other agenda items at this meeting may essentially have the same effect.

Councilmembers Jimenez and Martinez gave an overview of the matter. Supervisor John Gioia and Contra Costa County Housing & Homeless Services Director Lavonna Martin provided a report regarding the matter. The report highlighted the following: The Civic Center location would be too small to accommodate the RV's located on Rydin Road and Castro Street; the proposal would be to use the approximately \$500,000 in funding and provide more intense services to persons located on Rydin Road to address health, sanitation, and safety issues; the plan was to work with a housing navigator to manage the site and work with the residents to identify more long-term, stable housing; the County shelters in North Richmond and the Bay Area Rescue Mission would reopen early this Summer; the lease with the Courtyard by Marriot was extended through June 30, 2022, and would accommodate 30 to 50 people each month; Contra Costa County also leased the hotel on Cutting and Canal Boulevard for homeless individuals who tested positive for COVID-19; and it was recommended to set up a working group with the City and County to develop a long-term strategy for housing.

*(11:00 p.m. – A motion by Councilmember Jimenez, seconded by Councilmember Martinez, extended the meeting until 11:30 p.m., by the following vote: Ayes: Councilmembers Bates, Jimenez, Martinez, McLaughlin, Willis, and Vice Mayor Johnson III. Noes: Mayor Butt. Absent: None. Abstain: None).*

The following individuals gave comments via teleconference: Leisa Johnson, Ekongkar Singh, Alpa, Venise Wagner, Tarnel Abbott, Rob Smith, Cesar Zepeda, Alyssa Smith, and Lorna Murdock. A motion by Councilmember Jimenez, seconded by Councilmember Willis to approve the item, authorize the use of the \$260,000 funding from the County and \$300,000 from the City Affordable Housing fund to contract with Housing Consortium of East Bay; authorize the creation of an emergency ad hoc committee consisting of three City Council members. The ad hoc committee, with the support of City staff, and County Supervisor John Gioia and County staff would develop a long-term, sustainable, and well-funded plan for assisting unhoused residents of Richmond with County and City funds beyond the \$560,000 obtained from the County and the Affordable Housing in lieu fund. The ad hoc committee was directed to work directly with the Homeless Task Force and engage the community in the process in determining long term solutions. A friendly amendment was offered by Councilmember McLaughlin to include the option to explore a safe parking program in a non-residential area. The friendly amendment was accepted. This motion cured and corrected the dispute regarding the action taken by the City Council at the February 23, 2021, meeting. The motion passed by the following vote: **Ayes:** Councilmembers Bates, Jimenez, Martinez, McLaughlin, Willis, and Vice Mayor Johnson III. **Noes:** Mayor Butt. **Absent:** None. **Abstain:** None.

*(At approximately 11:30 p.m., a motion by Vice Mayor Johnson III, seconded by Councilmember Bates, to suspend the rules and extend the meeting to discuss item G-5 failed by the following vote: Ayes: Councilmembers Bates, McLaughlin, and Vice Mayor Johnson III. Noes: Councilmembers Jimenez, Martinez, and Mayor Butt. Abstained: Councilmember Willis. Absent: None.*

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

None.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 11:32 p.m., to meet again on Tuesday, March 23, 2021, at 6:30 p.m.

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Clerk of the City of Richmond

(SEAL)

Approved:

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Mayor