

## **RICHMOND, CALIFORNIA, July 27, 2021**

The Richmond City Council/Richmond Housing Authority Evening Open Session was called to order at 2:00 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/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 July 27, 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):

Richmond Shoreline Alliance, SPRAWLDEF, Citizens for East Shore Parks, Sunflower Alliance, and GreenAction for Health and Environmental Justice  
v. City of Richmond

Luis Padilla, et al. v. City of Richmond

LIABILITY CLAIMS - (Government Code Section 54956.9):

Wade Taylor

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

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

Property: Terminal One

Agency negotiators: Laura Snideman, Shasa Curl  
and Lina Velasco

Negotiating parties: Terminal One Development  
LLC

Under negotiation: Price and terms of payment

**RICHMOND HOUSING AUTHORITY**

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

Property: Marina Way South, Virginia, Maine, So. 13th,  
So. 15th, and So. 16th , Richmond, CA (Nystrom)

Agency negotiator: Shasa Curl and Nannette Beacham

Negotiating parties: McCormack Baron Salazar (MBS) and  
Richmond Neighborhood Housing Services (RNHS)

Under negotiation: Price and terms of payment

**PUBLIC COMMENT BEFORE CLOSED SESSION**

Yen Do gave comments regarding labor negotiations via  
teleconference.

The Open Session adjourned to Closed Session at 2:03 p.m.  
Closed Session adjourned at 5:46 p.m.

The Regular Meeting of the Richmond City Council was  
called to order at 6:37 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.

**STATEMENT OF CONFLICT OF INTEREST**

City Attorney, Teresa Stricker stated conflict of interest on  
Item I-23. Ms. Stricker was a partner at Renne Public Law Group  
until October 2020.

## **AGENDA REVIEW**

Items I-16, I-17, I-18, and I-19 were removed from the Consent Calendar for discussion at the end of the agenda. Items I-20 and L-6 were continued to the September 14, 2021, City Council meeting. A motion by Councilmember McLaughlin, seconded by Councilmember Willis, moved Item 1-19 for discussion after Item J-1, by the following vote: **Ayes:** Councilmembers Jimenez, Martinez, McLaughlin, Willis, and Vice Mayor Johnson III. **Noes:** Mayor Butt. **Absent:** Councilmember Bates. **Abstain:** None. Items L-1 and I-19 were moved for discussion immediately following approval of the Consent Calendar.

## **PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS**

**Items D-1 through D-3 were moved to the Consent Calendar portion of the agenda.**

**D-1.** Proclamation declaring September 2021 as Betty Reid Soskin Month in the City of Richmond.

**D-2.** Proclamation recognizing former Richmond resident and blues legend Mr. Jimmy McCracklin's Centennial Birthday (posthumously) and declare August 13, 2021, as Richmond Ambassador Blues Legend Jimmy McCracklin Day.

**D-3.** Announce recent resignation from City of Richmond boards, commissions, and committees; and announce vacancies as of July 21, 2021, and ask that interested individuals send applications to the City Clerk.

## **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 urged everyone to get the COVID-19 vaccine.

## **CRIME REPORT FROM POLICE CHIEF**

Chief Bisa French provided a report, which highlighted the following: 1 homicide in the city since the last report; twelve homicides to date this year; 5 shootings over the past 3 weeks; investigated twelve robberies and 9 domestic assaults; a home invasion robbery in the Northern district; human trafficking investigation on 23<sup>rd</sup> Street; and DUI Checkpoint. Chief French also reported that missing person, Antoine Whitley's body was recovered from the San Pablo Bay.

## **OPEN FORUM FOR PUBLIC COMMENT**

The following individuals gave comments via teleconference:

Jeanne Kortz gave comments regarding Mayor Butt's conduct toward staff at the last City Council meeting.

Deborah DeJeana Burkes and Melinda McCrary invited everyone to Jimmy McCracklin's 100<sup>th</sup> Birthday celebration on Friday, August 13, 2021, at CoBiz and on August 14, 2021, at Civic Center Plaza.

Mark Wassberg gave comments regarding illegal immigration.

Yenny Garcia invited everyone to a virtual ceremony for the Women's Health and Leadership Program on Friday, July 30, 2021, from 12 p.m. to 2 p.m.

Leisa Johnson gave comments regarding ways to deal with fireworks and sideshows in the city.

Randy Joseph invited everyone to the Stop the Violence Caravan and Put the Guns Down Rally beginning at Civic Center Plaza on Saturday, August 7, 2021, at 11:30 p.m.

Jan Mignone stated speakers should be given a time limit to raise their hand to speak and should not be able to request to speak at any time during the discussion and public comment portion of an agenda item.

Oscar Garcia gave comments regarding the dangers of sideshows and that the city should not condone a designated area to conduct sideshows.

Pam Stello stated that Mayor Butt should be punished for disclosing confidential Closed Session discussions, cancelling City Council meetings, and obstructing city business.

Councilmember Jimenez apologized to City Attorney Teresa Stricker for not speaking out against inappropriate comments directed at her by Mayor Butt at the last council meeting.

Vice Mayor Johnson III encouraged everyone to attend the birthday celebrations held in honor of Jimmy McCracklin.

### **CITY COUNCIL CONSENT CALENDAR**

On motion of Councilmember Willis, seconded by Vice Mayor Johnson III, the items marked with an (\*) were approved by the following vote: **Ayes:** Councilmembers Jimenez, Martinez, McLaughlin, Willis, Vice Mayor Johnson III, and Mayor Butt. **Noes:** None. **Absent:** Councilmember Bates. **Abstain:** None.

**\*I-1.** Approved a contract with Net Electric, Inc. in an amount not to exceed \$74,867; and authorized the city manager to execute the Bay Area Air Quality Management District Funding Agreement Amendment No. 2 to complete Project 19EV021 related tasks; and appropriated grant funds in the Fiscal Year 2021-22 Transportation budget.

**\*I-2.** Approved the minutes of the June 29, 2021, special meeting of the City Council.

**\*I-3.** Approved appointments to the Commission on Aging: appointed Regina Whitney, new appointment, seat #8, term

expiration date May 19, 2025; and Cate Burkhart, re-appointment, seat #11, term expiration date May 19, 2025.

**\*I-4.** Approved a three-year contract with Verizon Connect (formerly Networkfleet) for monthly GPS tracking and management in an amount not exceed \$150,000.

**\*I-5.** Approved the purchase of a HD Tilt Back Tire Changer from Snap-On in an amount not to exceed \$13,500.

**\*I-6.** Approved a contract for transmission repairs to a Fire Department apparatus (Unit #514; VIN 4S7AT2F997C057106) with AG Transmission Repair, Inc., in an amount not to exceed \$15,000.

**\*I-7.** Adopted **Resolution No. 96-21**, appropriating funds from the 2019A Wastewater Bond proceeds and approved Veolia Water to manage and award contracts for the BAAQMD permitting for the Grit Removal, Aeration Process Upgrade Project to Yorke Engineering, LLC ("Yorke") and to be managed by Veolia Water in an amount not to exceed \$19,139 [project cost of \$16,428 plus a 16.5 percent mark-up of \$2,711].

**\*I-8.** Adopted **Resolution No. 97-21**, approving a contract for Veolia Water to manage a subcontract with Myers & Sons Construction in an amount not to exceed \$6,429,791 [Project cost of \$4,839,888, plus 16.5 percent Veolia mark-up \$798,582, plus 15 percent project contingency \$725,983, plus a (9 percent Veolia mark-up of \$65,338)].

**\*I-9.** Adopted **Resolution No. 98-21**, to accept the Cutting-Carlson-Hoffman Sanitary Sewer Wet Weather Capacity Improvement Project in the Richmond Municipal Sewer District and Amended the Fiscal Year 2021-22 budget in the amount of \$329,550.

**\*I-10.** Approved a contract with the Local Government Commission in the amount of \$57,000, for two AmeriCorps CivicSpark fellows to support citywide greenhouse gas (GHG) reduction and climate action efforts from September 2021 to August 2022.

**\*I-11.** Adopted **Resolution No. 99-21**, approving the final recommendation from the Richmond Fund for Children and Youth (RFCY) Oversight Board to award 20 RFCY grants to youth-serving public and nonprofit organizations in a total amount not to exceed \$1,620,000 from July 1, 2021, through June 30, 2022; authorized the city manager or her designee to negotiate and execute Grant Service Agreements with approved grantees; and appropriated an additional \$120,000 to align the Fiscal Year (FY) 2021-22 RDCY budget with the approved FY 2021-22 one percent General Fund allocation.

**\*I-12.** Approved a recommendation from the Environment & Community Investment Agreement (ECIA) Grant Review Committee to award a Fiscal Year 2021-2022 grant to Mindful Life Project in an amount not to exceed \$12,500 and authorized the city manager to negotiate and execute Grant Service Agreements with the approved grantee.

**\*I-13.** Adopted **Resolution No. 100-21**, to accept and appropriate the Sexual Assault Law Enforcement Specialized Units

Program grant from the Cal OES funds in the amount of \$204,500 and approved the continuation of a contract with Community Violence Solutions, funded by the Cal OES grant for on-site advocates to assist victims of sexual assault in the amount not to exceed \$94,611.

**\*I-14.** Adopted **Resolution No. 101-21**, to accept and appropriate \$68,840 in funding from the Edward Byrne Memorial Justice Assistance Grant (JAG) Program awarded to the Richmond Police Department for the purchase of police safety equipment.

**\*I-15.** Adopted **Resolution No. 102-21**, to accept and appropriate \$66,080 in funding from the Edward Byrne Memorial Justice Assistance Grant (JAG) Program awarded to the Richmond Police Department for the purchase of police safety equipment.

**I-16.** Continued to the special August 24, 2021, City Council meeting, the matter to approve a \$90,000 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, meeting.

**I-17.** Continued to the special August 24, 2021, City Council meeting, the matter to approve an 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, meeting.

**I-18.** Continued to the special August 24, 2021, City Council meeting, the matter to approve the 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.

**I-19.** The matter to approve a sole-source contract with Rebuilding Together East Bay-North, in an amount not to exceed \$983,975, for a term ending on June 30, 2022, for SOS! Richmond to provide outreach and support services to unsheltered people who reside in encampments and safe parking sites in the City of Richmond was presented Councilmember McLaughlin. Mayor Butt expressed concern that this item did not appear to follow proper procurement procedures and was that the contract was not prepared in collaboration with staff. Discussion ensued. This item was continued from the cancelled July 20, 2021, meeting. The following individuals gave comments via teleconference: Mark Wassberg, Leisa Johnson, Deborah, and Tarnel Abbott. A motion was made by Councilmember McLaughlin, seconded by Councilmember Willis, to approve the contract, passed by the following vote: **Ayes:** Councilmembers Jimenez, Martinez, McLaughlin, Willis, Vice Mayor Johnson III, and Mayor Butt. **Noes:** None. **Absent:** Councilmember Bates. **Abstain:** None.

**I-20.** Continued to the September 14, 2021, City Council meeting, the matter to approve 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.

**\*I-21.** Adopted **Ordinance No. 12-21 N.S.** setting the tax rate for the Tax Override Pension Fund for Fiscal Year 2021-2022 at 0.14 percent.

**\*I-22.** Approved for the Community Services Department-Recreation Division and Parks and Landscaping Division to superimpose six Pickle Ball Courts onto the Booker T. Anderson Tennis Courts to make it a multi-sport use sport facility.

**\*I-23.** Approved a contract with Renne Public Law Group to provide professional services to develop a city-wide Community Benefits Policy with the term ending October 31, 2021; and appropriated funds in the amount of \$100,000 for the contract expenditure from the Fiscal Year 2021-2022 Budget.

### **BUDGET SESSION**

**J-1.** The matter to receive a presentation on options to achieve long-term fiscal sustainability was presented by City Manager, Laura Snideman, Interim Library and Community Services Director, LaShonda Wilson, and Steve Toler of Management Partners, who presented a Powerpoint, which highlighted the following: Richmond's General Fund – Revenues and Expenditures; Five Year Fund Balance Forecast; Ten Year Fund Balance Forecast; Budget Strategies to Resolve Fiscal Gap by FY 2026 and by 2031; Impacts and Overview of the American Rescue Plan Act; Budget Strategies; Fiscal Sustainability Planning; Budget Strategy Opportunities; Revenue Enhancements; Maintaining Service Levels; Expenditure Controls/Cost Shifts; Service Level reductions; Factors for Evaluating Budget Strategies; and Budget Strategy Evaluation Tool. Discussion ensued. The following individuals gave comments via teleconference: Tarnel Abbott, Mark Wassberg, Leisa Johnson, Jan Mignone, Jane Courant, Jim Hanson, Angela Cox, Elsa Stevens, Ahmad Anderson, and Patricia Gallo. The City Council requested an audit of Chevron's energy usage; a job and performance evaluation and audit of city staff; hiring a subject matter expert to hire an independent auditor to do two or three department audits per year; and to develop a strategy to prioritize services at the libraries.

### **PUBLIC HEARINGS**

**K-1.** The matter to hold a public hearing and adopt a resolution approving a report of sewer service charges for Fiscal Year 2021-22 allowing for the sanitary and stormwater fees to be collected on the annual 2021-22 tax rolls was presented by Project Manager, Water Resource Recovery Division, Mary Phelps. Mayor Butt opened the public hearing. There were no public speakers. Mayor Butt closed the public hearing. A motion was made by Councilmember Willis, seconded by Vice Mayor Johnson III, adopted **Resolution No. 103-21**, by the following vote: **Ayes:** Councilmembers Jimenez, Martinez, McLaughlin, Willis, Vice Mayor Johnson III, and Mayor Butt. **Noes:** None. **Absent:** Councilmember Bates. **Abstain:** None.

### **STUDY AND ACTION SESSION**

**L-1.** The matter to direct staff (city attorney) to review University of California Berkeley's research, the City Charter and other relevant legal authority to determine if the City Council has the authority to extend voting rights to undocumented Richmond residents to participate in local elections and, upon completion, direct staff to present their findings to Council and, if authority exists, agenda an item for Council to consider such voting rights extension was presented by Councilmembers Jimenez, Martinez, and Vice Mayor Johnson III. This item was continued from the July 6, 2021, and cancelled July 20, 2021, meeting. Mayor Butt stated several guest speakers would not be allowed to make presentations. A motion was made by Councilmember Jimenez, seconded by Councilmember Willis, to allow five minutes for speakers to make a presentation, passed by the following vote: **Ayes:** Councilmembers Jimenez, Martinez, McLaughlin, Willis, and Vice Mayor Johnson III. **Noes:** Mayor Butt. **Absent:** Councilmember Bates. **Abstain:** None. Stephen Menendian, from the Othing and Bettering Institute, gave a presentation, which highlighted the following: How to Promote Civic Engagement; Extending Voting Privileges; and Approach of Implementation. The following individuals gave comments via teleconference: Ali Saidi, Yenny Garcia, Ahmad Anderson, Mark Wassberg, Elsa Stevens, Oscar Garcia, Deborah Bayer, Don Gosney, Garland Ellis, Tania Pulido, Alexa, Anne Janks, Vlara, Annie P, Edith Pastrano, Sadie Egan, Tomasa Espinoza, Keri Contreras, Lety, Randy Joseph, Floy Andrews, Deborah, Emily Ross, David Sharples, Denny Khamphanthong, Leisa Johnson, Yeri, Chandra Davies, Evelyn Perez, Marisol Cantu, Ozmar Huerta, Patricia Aguiar, Andres Soto, Diana Diaz- Noriega, Ceci, Alexa, Maria Franco, Tarnel Abbott, and Jocelyn Khansouvang. Further discussion ensued. A motion was made by Councilmember Willis, seconded by Councilmember Martinez, to approve the item. Mayor Butt made a friendly amendment and requested the cost and process of implementation. The friendly amendment was accepted, and the motion passed by the following vote: **Ayes:** Councilmembers Jimenez, Martinez, McLaughlin, Willis, Vice Mayor Johnson III, and Mayor Butt. **Noes:** None. **Absent:** Councilmember Bates. **Abstain:** None.

*(10:55 p.m. – A motion was made by Councilmember McLaughlin, seconded by Councilmember Jimenez, to extend the meeting and suspend the rules, to discuss Items I-19, K-1, and L-5, passed by the following vote: **Ayes:** Councilmembers Jimenez, Martinez, McLaughlin, Willis, and Vice Mayor Johnson III. **Noes:** Mayor Butt. **Absent:** Councilmember Bates. **Abstain:** None.*

**L-2.** Continued to the August 24, 2021, City Council meeting, 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. This item was continued from the cancelled July 20, 2021, meeting.

**L-3.** Continued to the August 24, 2021, City Council meeting, the matter to receive a report from the Richmond-Shimada Friendship Commission.

**L-4.** Continued to the August 24, 2021, City Council meeting, the matter to receive an annual report from the Richmond Youth Council.

**L-5.** The matter to adopt a resolution amending the City of Richmond City Council Rules of Procedure and Order (initially adopted by Resolution No. 27-06 and amended in subsequent years) to modify the last sentence of Section II A. (1) of this policy to eliminate the authority of the mayor to unilaterally cancel any future regular or special meeting of the City Council, so as to concur with the City of Richmond's democratic process of governance was presented by Councilmembers McLaughlin and Jimenez. *The proposed modification to the last sentence of Section II A was as follows: Any future regular or special meeting may be canceled by a vote of a majority of the members of the City Council during a regular or special meeting.* Discussion ensued. A motion was made by Councilmember McLaughlin, seconded by Councilmember Martinez to end debate. The following individuals gave comments via teleconference: Elsa Stevens, Tarnel Abbott, Jeanne Kortz, Evan Sirchuk, Sally Tobin, Mark Wassberg, Don Gosney, Deborah, Marisol Cantu, Jacqueline Thalberg, Randy Joseph, and Floridalma Bac. Further discussion ensued. Assistant City Attorney Heather McLaughlin stated that there was a portion of the city's harassment policy that protects city employees from harassment and discrimination. A motion was made by Councilmember McLaughlin, seconded by Councilmember Willis, adopted **Resolution No. 104-21**, by the following vote: **Ayes:** Councilmembers Jimenez, Martinez, McLaughlin, Willis, and Vice Mayor Johnson III. **Noes:** Mayor Butt. **Absent:** Councilmember Bates. **Abstain:** None.

**L-6.** Continued to the September 14, 2021, City Council meeting, to receive a presentation focused on the Richmond Bike Share Program and a discussion regarding transportation priority project implementation strategies.

**L-7.** Continued to the September 14, City Council meeting, the matter to discuss and provide direction to staff to implement a street sweeping pilot program that engages stakeholders, characteristic of the diversity of communities within the City and conforms to the City's National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit.

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

None.

**ADJOURNMENT**

*A motion was made by Councilmember Willis, seconded by Councilmember McLaughlin, to schedule a special meeting on Tuesday, August 24, 2021, to complete all unfinished items from tonight's agenda, passed by the following vote: **Ayes:** Councilmembers Jimenez, Martinez, McLaughlin, Willis, and Vice Mayor Johnson III. **Noes:** Mayor Butt. **Absent:** Councilmember Bates. **Abstain:** None.*

There being no further business, the meeting adjourned at 12:33 a.m., in memory of Ella Mae Suel, Lottie Russell, and Antoine Whittley, to meet again on Tuesday, August 24, 2021, at 6:30 p.m.

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Clerk of the City of Richmond

(SEAL)

Approved:

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Mayor