

RICHMOND, CALIFORNIA,

May 3, 2022, 4:00 p.m.
Community Services Building
440 Civic Center Plaza
Richmond, CA 94804

A. OPEN SESSION TO HEAR PUBLIC COMMENT BEFORE CLOSED SESSION

Open Session was called to order at 4 p.m. by Mayor Thomas K. Butt via teleconference.

B. ROLL CALL

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

C. CLOSED SESSION

C.1 PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957)

- Title: City Attorney

C.2 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
- City of Richmond v. Thomas K. Butt

C.3 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 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).

C.4 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (initiation of litigation pursuant to paragraph (4) of Subdivision (d) of Government Code Section 54956.9)

- One case

C.5 CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)

- Agency Representatives: Jaclyn Gross and Anil Comelo

Employee organizations:

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

C.6 CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8)

- Property: 1324 Canal Boulevard (General Warehouse, Port of Richmond) Agency negotiator: Alan Wolken Negotiating parties: Richmond Grown Under negotiation: Price and terms of payment

D. PUBLIC COMMENT BEFORE CLOSED SESSION (Public comment on Closed Session items only)

None.

E. ADJOURN TO CLOSED SESSION

Open Session adjourned to Closed Session at 4:03 p.m. Closed Session adjourned at 6:42 p.m.

F. REGULAR MEETING OF THE RICHMOND CITY COUNCIL

The Regular meeting of the Richmond City Council was called to order at 6:44 p.m. by Mayor Thomas K. Butt via teleconference.

G. ROLL CALL

Present: Councilmembers Nathaniel Bates, Claudia Jimenez, Demnlus Johnson III, Melvin Willis, Vice Mayor Eduardo Martinez, and Mayor Thomas K. Butt. **Absent:** Councilmember Melvin Willis was absent the entire meeting.

H. PUBLIC COMMENT INSTRUCTIONAL VIDEO

The Public Comment Instructional Video was shown.

I. STATEMENT OF CONFLICT OF INTEREST

None.

J. AGENDA REVIEW

Items O.4.a., O.5.a. and O.9.c. were continued to the May 17, 2022, City Council meeting.

K. REPORT FROM THE CITY ATTORNEY OF FINAL DECISIONS MADE DURING CLOSED SESSION

Interim City Attorney Dave Aleshire stated there was no reportable action.

L. REPORT FROM THE CITY MANAGER (public comment allowed under Open Forum)

City Manager Shasa Curl reported that the Richmond Fire Department and the American Red Cross, in collaboration with the Sound the Alarm Program, would provide and install free smoke alarms to residents on Saturday, May 7, 2022. Residents could request free smoke alarms by calling 510-307-8038.

Ms. Curl also reported that the Martin Luther King Turf Field re-opening event would be soon.

M. ABATEMENT REPORT FROM THE PUBLIC WORKS DIRECTOR - 1st Tuesday (public comment allowed under Open Forum)

Public Works Director Joe Leach reported the following activities: Neighborhood Dumpster Day; Illegal Dumping; Private Property Abatement; Encampment Abatement; and Graffiti Removal.

N. OPEN FORUM FOR PUBLIC COMMENT

The following individuals gave comments via teleconference:

Deborah Bayer and Sally Tobin gave comments regarding the Point Molate Draft Map.

Naomi Williams stated that there would be a Juneteenth fundraiser event on May 4, 2022, at the Moose Lodge 4660 Appian Way, El Sobrante.

Councilmember Jimenez gave comments in opposition of the possible reversal of Roe vs. Wade.

Councilmember Bates congratulated Savannah Van Dyke on her Centennial birthday on May 5th.

Leisa Johnson spoke against district map 201, which was adopted by City Council.

Jessi Taran stated residents of Rydin Road would be moved to an unknown location June 2022.

O. CITY COUNCIL CONSENT CALENDAR

Motion by Councilmember Demnlus Johnson III

Seconded by Councilmember Gayle McLaughlin

Ayes (6): Councilmember Nathaniel Bates, Councilmember Claudia Jimenez, Councilmember Demnlus Johnson III, Councilmember Gayle McLaughlin, Vice Mayor Eduardo Martinez, and Mayor Thomas K. Butt

Absent (1): Councilmember Melvin Willis

Passed (6 to 0)

O.1 City Attorney's Office

O.1.a Point Molate Legal Services Agreement with Downey Brand and Amendment Related to Claims and Litigation

APPROVE a third amendment with Downey Brand, for \$60,000, for up to \$1,010,000, for the Point Molate litigation and claim, and a up to \$60,000 legal services agreement (LSA) for Guidiville work – City Attorney’s Office (Dave Aleshire 510-620-6509).

O.1.b Approve second amendment to a legal services agreement with Meyers Nave LLP and request appropriation from the General Fund

APPROVE a second amendment in the amount of \$215,000 to a legal services agreement with the law firm of Meyers Nave, LLP, for a total amount not to exceed \$300,000; APPROPRIATE \$215,000 from the general fund to pay for the second contract amendment; RATIFY the first amendment executed by the Vice Mayor; and AUTHORIZE the Vice Mayor to execute the second amendment and any other necessary documents – City Attorney’s Office (Heather McLaughlin 510-620-6509).

Interim City Attorney Dave Aleshire gave an overview. Discussion ensued.

(11:00 p.m. - A motion made by Councilmember McLaughlin, seconded by Councilmember Johnson III, extended to meeting until the end of Item 0.1.b., by the following vote: **Ayes:** Councilmembers Bates, Jimenez, Johnson III, Martinez, McLaughlin **Noes:** Mayor Butt. **Absent:** Councilmember Willis. **Abstain:** None).

The following individuals gave comments via teleconference: Leisa Johnson, Don Gosney, Deborah, and Jessi Taran.

Motion by Councilmember Demnlus Johnson III
Seconded by Councilmember Claudia Jimenez

Ayes (4): Councilmember Claudia Jimenez, Councilmember Demnlus Johnson III, Councilmember Gayle McLaughlin, and Vice Mayor Eduardo Martinez

Noes (2): Councilmember Nathaniel Bates, and Mayor Thomas K. Butt

Absent (1): Councilmember Melvin Willis

Passed (4 to 2)

O.2 City Manager's Office

O.2.a Downtown Richmond Property and Business Improvement District (DRPBID) Renewal

ADOPT a resolution authorizing the city manager to execute all documents on behalf of the City of Richmond in support of the renewal of the Downtown Richmond Property and Business Improvement District (DRPBID) – City Manager’s Office (Shasa Curl/Thomas Omolo 510-620-5560).

Adopted **Resolution No. 57-22.**

O.3 Finance Department

O.3.a Investment and cash balance report for the month of March 2022

RECEIVE the City's Investment and Cash Balance Report for the month of March 2022 – Finance Department (Delmy Cuellar 510-620-6790).

O.3.b Fiscal Year 2021-2022 Third Quarter Budget report and Overtime Report

RECEIVE the Fiscal Year 2021-2022 third quarter budget report and the overtime report for the period of July 1, 2021, through March 31, 2022 – Finance Department (Delmy Cuellar/Mubeen Qader 510-412-2077).

O.3.c Write-Off of Uncollectable Richmond Housing Authority Debt

APPROVE the write-off of uncollectible Richmond Housing Authority receivables in the amount of \$10,442,853 – Finance Department (Anil Comelo/Delmy Cuellar 510-620-6740).

O.3.d Contract for Collection Services

APPROVE a three-year contract with Rash, Curtis & Associates to provide collection services in the Finance Department, with costs for services paid on a contingency fee of revenue collected, with an option to renew the contract for two years based on the same terms if approved by both parties – Finance Department (Delmy Cuellar 510-620-6740/Antonio Banuelos 510-620-6741).

O.4 Human Resources

O.4.a Approve Legal Services Agreements with Three Firms to Perform Confidential Personnel Investigations

APPROVE a first amendment to the legal services agreement with Kramer Workplace Investigations and a second amendment to the legal services agreement with Ellis Investigations and an initial legal services agreement with Boucher Labor and Employment Law. Terms of these agreements are until June 30, 2024, for an amount not to exceed \$50,000 per agreement, to conduct confidential personnel investigations for the Human Resources Department – Human Resources Department (Anil Comelo/Sharrone Taylor 510-620-6600).

Continued to the May 17, 2022, City Council meeting.

O.5 Information Technology

O.5.a Pole License Agreement for Small Cell Sites on City Infrastructure

ADOPT a resolution approving a Pole License Agreement with New Cingular Wireless PCS, LLC, that establishes the procedures, terms, and conditions under which New Cingular Wireless is permitted to deploy “small cell” facilities on City-owned streetlights, traffic signals, and other vertical infrastructure, for a term of ten years – Information Technology Department (Sue Hartman 510-620-6874).

Continued to the May 17, 2022, City Council meeting.

O.6 Library and Community Services

O.6.a Accept and Appropriate California State Library State-Funded English as a Second Language Service Project Grant Award.

ADOPT a resolution to accept and appropriate into the Fiscal Year 2021-2022 budget a California State Library grant, in the amount of \$21,700, to support English as a Second Language educational services offered at the library's literacy services program, LEAP - Library and Community Services Department (Melinda Cervantes 510-620-5452/Abigail Sims-Evelyn 510-307-8082).

Adopted **Resolution No. 58-22.**

O.7 Mayor's Office

O.7.a CalFresh Awareness Month – May 2022

PROCLAMATION declaring May 2022 as CalFresh Awareness Month in the City of Richmond – Mayor's Office (Mayor Tom Butt 510-620-6503).

O.7.b Preservation Month – May 2022

PROCLAMATION declaring May 2022 as Preservation Month in the City of Richmond – Mayor's Office (Mayor Tom Butt 510-620-6503).

O.7.c Military Appreciation Month – May 2022

PROCLAMATION declaring May 2022 as Military Appreciation Month in the City of Richmond – Mayor's Office (Mayor Tom Butt 510-620-6503).

O.7.d Stroke Awareness Month

PROCLAMATION declaring May 2022 as Stroke Awareness Month in the City of Richmond – Mayor's Office (Mayor Tom Butt 510-620-6503).

O.7.e Affordable Housing Month – May 2022

PROCLAMATION declaring May 2022 as Affordable Housing Month in the City of Richmond – Mayor's Office (Mayor Tom Butt 510-620-6503).

O.7.f Bike Month – May 2022

PROCLAMATION declaring May 2022 as Bike Month in the City of Richmond – Mayor's Office (Mayor Tom Butt 510-620-6503).

O.8 Police Department

O.8.a Proposed Standing Purchase Order with LN Curtis and Sons

APPROVE a standing purchase order with LN Curtis and Sons to purchase police tools, equipment, uniforms, and safety supplies, in a total amount not to exceed \$70,000, for a term of three years beginning May 1, 2022, through April 30, 2025, with the option of an additional one (1) year extension – Police Department (Louie Tirona 510-621-1802).

O.8.b Allied Universal Security (AUS) Services Contract Amendment

APPROVE a contract amendment with Allied Universal for additional security guard services at 325 Civic Center Plaza to increase the contract amount by \$55,000, for a new total payment limit not to exceed \$1,064,350, with a term expiring on December 31, 2022 – Police Department (Louie Tirona 510-621-1802).

O.9 Public Works

O.9.a Engineer's Report for Fiscal Year 2022-23 for the Hilltop Landscape Maintenance District

ADOPT a resolution approving the Engineer's Report for Fiscal Year 2022-2023 for the Hilltop Landscape Maintenance District ("HLMD"), declaring the City Council's intention to increase the annual assessment in the HLMD, and announcing a public hearing about the proposed increased assessment on June 21, 2022, at 6:30 PM – Public Works Department (Joe Leach 510-620-5478/Greg Hardesty 510-620-6920).

Adopted **Resolution No. 59-22.**

O.9.b Engineer's Report for Fiscal Year 2022-2023 for the Marina Bay Landscape and Lighting Maintenance District

ADOPT a resolution approving the Engineer's Report for FY2022-2023 for the Marina Bay Landscaping and Lighting Maintenance District, declaring the City Council's intention to increase the annual assessment in the Marina Bay Landscaping and Lighting Maintenance District, and setting a public hearing about the proposed increased assessment on June 21, 2022, at 6:30 PM – Public Works Department (Joe Leach 510-620-5478/ Greg Hardesty 510-620-6920).

Adopted **Resolution No. 60-22.**

O.9.c Transportation Development Act (TDA) Grant Contracts with Bike East Bay and SOS! Richmond

APPROVE a Transportation Development Act (TDA) grant-funded contract with Bike East Bay to provide two years of bicycle safety education, in an amount not to exceed \$25,000. Contract will have a term starting May 3, 2022, and ending May 3, 2024 – Public Works Department (Joe Leach/Patrick Phelan 510-307-8111).

Continued to the May 17, 2022, City Council meeting.

O.9.d Approve a Contract for Repairs to a Loader

APPROVE a contract with Pape Machinery, Inc., for repairs to a John Deere loader (VIN ending 17154), in an amount not to exceed \$25,000 – Public Works Department (Joe Leach 510-620-5478).

O.9.e Action Necessary Related to the Vacation and Dedication of a Public Storm Drain Easement Related to the Pinole Point Phase 3 Development

ADOPT a resolution to abandon an old, unusable 10' and 15' storm drain easement (SDE) owned by the City of Richmond on the property of 6065 Giant Road in the City of Richmond, California in the County of Contra Costa; AUTHORIZE to quitclaim said easement; and ACCEPT the grant of new storm drain easement to be recorded within the same property – Public Works Department (Joe Leach 620-5478).

Adopted **Resolution No. 61-22.**

O.9.f Approval of Contract for Repairs to a Sweeper

Approve a contract with Owen Equipment for repairs to an Elgin sweeper (VIN ending H3506), in an amount not to exceed \$15,000 – Public Works Department (Joe Leach 510-620-5478).

O.9.g Large Lot Final Map for the Point Molate Development Area

AUTHORIZE the Mayor to sign, and staff to record the large lot final map for the Point Molate Development – Public Works Department (Joe Leach 620-5478).

Adopted **Resolution No. 62-22**.

P. NEW BUSINESS

P.1 Update on the Transportation Division

RECEIVE a presentation from the Transportation Division to update the City Council and the community on the status of current and upcoming projects - City Council Office (Councilmember Demnlus Johnson III 510-620-6568). This item was continued from the April 26, 2022, meeting.

Councilmember Johnson III presented the item. Denee Evans Transportation Services Manager presented a PowerPoint, which highlighted the following: Parking Management Strategies; Electric Vehicle Readiness; Electric Vehicle Charging Infrastructure; Transportation Division Rtransit Update; Bikeshare; Drive Electric earth Day Event; Richmond MOVES On-Demand Shuttle Launch; Electric Carshare; miocar; Fleet Electrification. Naomi Williams, Bouakhay Phongboupha, and Ethan Fogg, and Jessi Taran gave comments via teleconference.

Q. PUBLIC HEARINGS

Q.1 Approval of New Fees for the Revised Master Fee Schedule

INTRODUCE an ordinance (first reading) establishing certain fees for the proposed Master Fee Schedule - Finance Department (Delmy Cuellar/Antonio Banuelos 510-620-6741).

Antonio Banuelos gave an overview of the proposed updated fees and new fees.

Motion by Councilmember Demnlus Johnson III

Seconded by Vice Mayor Eduardo Martinez

Ayes (6): Councilmember Nathaniel Bates, Councilmember Claudia Jimenez, Councilmember Demnlus Johnson III, Councilmember Gayle McLaughlin, Vice Mayor Eduardo Martinez, and Mayor Thomas K. Butt

Absent (1): Councilmember Melvin Willis

Passed (6 to 0)

R. BUDGET SESSION

R.1 Budget Presentation

RECEIVE budget presentation from the Richmond City Council, Mayor's Office, and the Public Works Department – Finance Department (Delmy Cuellar/Mubeen Qader 510-412-2077).

The City Council, Mayor's Office, and Public Works Department presented their budget reports. Discussion ensued. Jessi Taran gave comments via teleconference.

R.2 Acknowledge receipt of Fiscal Year 2022-2023 Proposed First Draft Budget

ACKNOWLEDGE receipt of the first draft of the Fiscal Year 2022-2023 Annual Operating Budget and Fiscal Year 2022-2027 Five-Year Capital Improvement Plan Budget and establish the review process and schedule for their review and adoption – City Manager’s Office/Finance Department (Shasa Curl/Delmy Cuellar 510-620-6740).

City Manager, Shasa Curl, Revenue Manager Antonio Banuelos, and Finance Director Delmy Cuellar presented a PowerPoint, which highlighted the following: FY 2022-23 Budget Development & Key Milestones; General Fund Revenue Assumptions to Date; General Fund Revenue Estimates; General Fund Expenditures; FY 2022-23 Potential Budget Savings; Expenditures not budgeted; Proposed FY2021-22 Year-End Priorities; and FY 2022-23 Budget Development. Discussion ensued. Councilmembers requested a report regarding the amount of money allocated to the Cost Pool account and what each department used and a comparison of what the percentage paid was versus what was used.

Motion by Councilmember Demnlus Johnson III
Seconded by Councilmember Gayle McLaughlin

Ayes (6): Councilmember Nathaniel Bates, Councilmember Claudia Jimenez, Councilmember Demnlus Johnson III, Councilmember Gayle McLaughlin, Vice Mayor Eduardo Martinez, and Mayor Thomas K. Butt

Absent (1): Councilmember Melvin Willis

Passed (6 to 0)

R.3 Update on Cost Recovery and Revenue Enhancement

RECEIVE an update on the Cost Recovery and Revenue Enhancement tracking document and Options for Long-term Fiscal Sustainability; and PROVIDE input to City staff – City Manager’s Office (Shasa Curl/LaShonda White 620-6512). This item was continued from the April 26, 2022, meeting.

City Manager Shasa Curl and Interim Library and Community Services Director LaShonda White presented a PowerPoint which highlighted the following: Management Partners; Budget Strategy Options Maintaining Service Levels; Revenue Enhancements; Voter Required Revenue Strategies; Council-Led Revenue Strategies; City Department Rankings; Potential Ballot Initiatives; Utility Users Tax; 1/2 Cent Sales Tax Measure; and Key November 2022 Election Dates. Discussion ensued. Leisa Johnson and Jessi Taran gave comments via teleconference.

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

T. ADJOURNMENT

There being no further business, the meeting adjourned at 11:18 p.m., in memory of Evelyn Owens and Jeray Kimbro, to meet again on May 17, 2022.

