

RICHMOND, CALIFORNIA, June 28, 2022

Community Services Building
440 Civic Center Plaza
Richmond, CA 94804

A. OPEN SESSION TO HEAR PUBLIC COMMENT BEFORE CLOSED SESSION

The Richmond City Council Evening Open Session was called to order at 4:30 p.m. by Mayor Thomas K. Butt via teleconference.

B. ROLL CALL

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

C. CLOSED SESSION

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

- Winehaven Legacy LLC v. City of Richmond, et al.
- The Guidiville Rancheria of California et al. v. USA et al.
- City of Long Beach v. Monsanto Co.

C.2 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (initiation of litigation pursuant to paragraph (4) of Subdivision (d) of Government Code Section 54956.9)

- Riggers Loft Wine Company

C.3 CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)

- Agency Representatives: Jaclyn Gross, Teresa Fairbanks, 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.4 CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8)

- Property: 1324 Canal Boulevard (General Warehouse, Port of Richmond)
Agency negotiator: Lizeht Zepeda
Negotiating parties: Richmond GrownUnder negotiation: Price and terms of payment

D. PUBLIC COMMENT BEFORE CLOSED SESSION

Mayor Butt announced his recusal from Item C.4 due to a conflict of interest.

The following individuals gave comments regarding Item C.3 via teleconference: Khoa Nguyen, Benjamin Therriault, Jason Mallari, Mark Hall, Peggy Chou, Andrea President, Michael Pagaling, Daniel Reina, Tom Tran, Mariah Farr, Jose Salala, Alexander Caine, and Alyssa Alvarado.

E. ADJOURN TO CLOSED SESSION

The Open Session adjourned to Closed Session at 4:51 p.m. Closed Session adjourned at 6:59 p.m.

F. AMENDED REGULAR MEETING OF THE RICHMOND CITY COUNCIL AGENDA

The Regular Meeting of the Richmond City Council was called to order at 7:01 p.m. by Mayor Thomas K. Butt via teleconference.

G. ROLL CALL

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

H. PUBLIC COMMENT INSTRUCTIONAL VIDEO

The public comment instructional video was shown.

I. STATEMENT OF CONFLICT OF INTEREST

None.

J. AGENDA REVIEW

Item O.5.e was removed from the Consent Calendar for discussion immediately following approval of the Consent Calendar.

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

Interim City Attorney Dave Aleshire reported there was a state court action that issued a temporary restraining order (TRO) with regard to Item C.1, the Winehaven and Guidiville litigations, preventing the City of Richmond from going forward with the sale to Upstream/Guidiville; and the TRO called for a hearing on the matter on August 4, 2022. Mr. Aleshire also reported that the federal court ordered the City of Richmond to prepare a grant deed and deposit it in an escrow to be released out of the escrow based upon a court order or the mutual agreement of the parties. Mr. Aleshire reported that with regard to Item C.2, there was a motion by Councilmember Willis, seconded by Mayor Butt, directing staff to attempt a workout with the tenant making their current and past due unpaid rent payments, and return to the council with a proposal passed by a vote of 6-0 with Councilmember Jimenez abstaining. Mr. Aleshire reported that with regard to Item C.4, the negotiating team was working at the direction of a subcommittee to develop a proposal and would report back to the council at the next council meeting.

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

City Manager Shasa Curl announced the Third of July Fireworks Celebration at Marina Bay Park. Ms. Curl also announced that affordable housing waitlists were opened until June 30, 2022, for the Hacienda and Terrace senior apartments. Applications were

available by visiting www.contracostahousing.org or calling (510) 620-6512 for assistance.

M. CRIME REPORT FROM POLICE CHIEF - 4th Tuesday (public comment allowed under Open Forum)

Police Investigations Captain Al Walle reported the following police activities from May 24 to June 28, 2022: violent crimes increased by 8% with two homicides, 27 aggravated assaults, 16 robberies, and seven sexual assaults; property crimes increased by 53% with 58 burglaries, 137 thefts, 81 vehicle thefts, and four arsons; and calls for service increased by 27% with 1,130 total calls, 101 shots fired calls (5% increase), and Patrol Beat 7 in the northern district continuing to generate the highest number of calls for service.

N. OPEN FORUM FOR PUBLIC COMMENT

The following individuals gave comments via teleconference:

Soheila Bana expressed concerns regarding economic development and unhappy businesses in Richmond. Ms. Bana urged the council to collaborate with business leaders in Richmond for mutually beneficial solutions.

Ezekiel Wallace expressed concerns regarding the closure and selling of the Laborers' International Union Hall Local 324 located at 101 South 12th Street. Mr. Wallace shared the many contributions and employment opportunities provided by the union hall.

Don Gosney announced that the Plumbers & Steamfitters Local Union 342 was hosting signups for its apprentice program starting August 1, 2022. Mr. Gosney encouraged applicants to apply or call him at (510) 685-2403 for more information.

Max Fefer reported several vehicle sideshows at the intersection of Key Boulevard and Barrett Avenue posing a public safety hazard. Mr. Fefer requested the installation of a temporary round-about and Capital Improvement Program funds to install a permanent round-about recommended by staff in the year 2018.

Mark Wassberg expressed concerns that residents of the Rydin Road and Castro Street encampments did not attend and were not provided transportation to the Hilltop Community Church Job Fair held on Saturday, June 25, 2022. Mr. Wassberg gave comments regarding Richmond business taxes. Mr. Wassberg shared his experience working in a refinery.

Eleanor Thompson apologized for soliciting the council to fund her program. Ms. Thompson expressed concerns regarding the lack of funding granted to North Richmond programs. Ms. Thompson urged the council to consider granting \$50,000 to two programs in North Richmond.

Katrinka Ruk, Steve Bischoff, Leisa Johnson, Bhavin Khatri, and Shawn Dunning gave comments regarding the City of Richmond's gross receipts business tax (Measure U) and its impact on Richmond businesses. Ms. Johnson recommended the council reconsider having a blue-ribbon committee to review how to fairly set the business tax rates.

O. CITY COUNCIL CONSENT CALENDAR

Motion by Councilmember Johnson III

Seconded by Councilmember McLaughlin

To approve all items on the Consent Calendar except Item O.5.e.

Ayes (7): Councilmember Bates, Councilmember Jimenez, Councilmember Johnson III, Councilmember McLaughlin, Councilmember Willis, Vice Mayor Martinez, and Mayor Butt

Passed (7 to 0)

O.1 City Attorney's Office

O.1.a Approval of Fourth Amendment to Liebert Cassidy Whitmore Legal Services Agreement

APPROVE the Fourth Amendment to the legal services agreement with Liebert Cassidy Whitmore for the continuation of labor negotiations and other legal services, in the amount of \$50,000, for a new total contract amount not to exceed \$1,085,000, and extending the term six months through December 31, 2022 – City Attorney’s Office (Jaclyn Gross 510-620-6709)

O.1.b Approval of two Legal Services Agreement amendments with the law firms of (1) Holland & Knight and (2) Maloney Employment Law for a total amount of \$200,000

APPROVE amendments to two legal service agreements with the law firms of (1) Holland & Knight and (2) Maloney Employment Law, for a total amount of \$200,000, for a term from June 28, 2022, to June 30, 2023– City Attorney’s Office (Dave Aleshire 510-620-6509).

O.1.c Ordinance to Revise and Amend Richmond Municipal Code Chapter 12.30

ADOPT an ordinance (second reading) amending Richmond Municipal Code Chapter 12.30 (“Video Service Provider, Utility and Special District Encroachments”) by incorporating Chapter 12.29 (“Street Opening and Pavement Restoration Regulations”); adding provisions that address private landowner encroachments into the public Right-of-Way (ROW); easements; and street vacations; retitling Chapter 12.30 “Encroachments and Easements,” and rescinding Chapter 12.29 in its entirety - City Attorney’s Office/Public Works Department (Dave Aleshire 510-620-6509/Joe Leach 510-620-3008).

Adopted Ordinance No. 09-22 N.S.

O.2 City Clerk's Office

O.2.a City Council Minutes

APPROVE the minutes of the June 14, 2022, Richmond City Council Special Closed Session - City Clerk's Office (Pamela Christian 510-620-6513).

O.3 Community Development

O.3.a Surplus Land Act Resolution for OBAG funding

ADOPT a resolution to affirm compliance with the Surplus Land Act (as amended by Assembly Bill 2135) to satisfy requirements of the Metropolitan Transportation Commission (MTC) for its One Bay Area Grant (OBAG) program – Community Development Department (Lina Velasco 510-620-6841).

Adopted Resolution No. 95-22

O.4 Human Resources

- O.4.a Proposed 6-Month Extension Contract with Acclamation Insurance Management Services, Inc. to Continue Serving as the City's Third-Party Administrator of Workers' Compensation Claims.

APPROVE a third contract amendment with Acclamation Insurance Management Services, Inc. to continue serving as the City's third-party administrator of workers' compensation claims, for a total payment limit not to exceed \$314,386, and extending the term six months through December 31, 2022 – Human Resources Department (Laura Marquez 510-620-6974).

- O.4.b Contract Amendment with George Hills Company, Inc. to Continue to Provide Third-Party Administration (TPA) of General Liability Claims Received by the City

APPROVE a six-month contract amendment with George Hills Company, increasing the amount of the contract by \$88,560, for a total amount not to exceed \$598,560 to continue to provide third-party administration of general liability claims received by the City, with an extended term ending December 31, 2022 - Human Resources Department (Laura Marquez 510-620-6974).

O.5 Mayor's Office

- O.5.a Appointment(s) to the Economic Development Commission

APPROVE appointment(s) to the Economic Development Commission: APPOINT Daniel Heiss, new appointment, seat #2, filling an unexpired term with an expiration date of March 30, 2024; Andrea Portillo-Knowles, re-appointment, seat #15, term expiration date of March 30, 2025 – Mayor's Office (Mayor Tom Butt 510-620-6503).

- O.5.b Appointment(s) to the Human Rights and Human Relations Commission

APPROVE appointment(s) to the Human Rights and Human Relations Commission; APPOINT Reza Yazdi, re-appointment, seat #4, term expiration date March 30, 2025; Rabia Watson, new appointment, seat #5, filling an unexpired term with an expiration date of March 30, 2025 – Mayor's Office (Mayor Tom Butt 510-620-6503).

- O.5.c Appointment(s) to the Commission on Aging

APPROVE appointment(s) to the Commission on Aging: APPOINT Michelle Hayes, re-appointment, seat #13, term expiration date May 19, 2026 – Mayor's Office (Mayor Tom Butt 510-620-6503).

- O.5.d Appointment(s) to the Recreation and Parks Commission

APPROVE appointment(s) to the Recreation and Parks Commission: APPOINT Eleanor Thompson, re-appointment, seat #5, term expiration date October 26, 2024 – Mayor's Office (Mayor Tom Butt 510-620-6503).

- O.5.e Vacant Seats on Richmond Boards, Commissions and Committees

ANNOUNCE recent resignation from City of Richmond boards, commissions, and committees; and ANNOUNCE vacancies as of June 21, 2022, and ask that interested individuals send applications to the City Clerk – Mayor's Office (Tom Butt 510-620-6503).

Mayor Butt announced said resignations, vacancies, and encouraged community members to apply. Discussion ensued. The council expressed concerns regarding the numerous vacancies and lack of appointments for the Arts and Culture Commission. The following individuals gave comments via teleconference: Mark Wassberg, Michele Seville, and Phillip Mehas.

O.6 Police Department

- O.6.a Proposed Agreement for the Provision of Communication Services by the City of Richmond to the City of El Cerrito.

ADOPT a resolution authorizing the city manager to execute an agreement for the provision of communication services by the City of Richmond to the City of El Cerrito from July 1, 2022, to June 30, 2027, with revenue to the City of Richmond as follows: \$812,461 in Fiscal Year (FY) 2022-2023, \$828,710 in FY 2023-2024, \$845,285 in FY 2024-2025, \$862,190 in FY 2025-2026, and \$879,434 in FY 2026-2027 – Police Department (Acting Chief Louie Tirona 621-1802).

Adopted Resolution No. 96-22

O.7 Public Works

- O.7.a Request to Temporarily Display a Plaque at Shimada Friendship Park

APPROVE a request to temporarily display a plaque at Shimada Friendship Park until it can be permanently installed at its formal location at Miraflores Sustainable Greenbelt – Public Works Department (Joe Leach 620-5478/Greg Hardesty 620-6920).

P. ITEMS CONTINUED FROM PREVIOUS MEETINGS

P.1 The Contra Costa County is Increasing the Per Capita Cost for Animal Services in the County Cities

RECEIVE a presentation from the Contra Costa County Animal Control Department on the proposed new agreement and increase in fees for service – Councilmember Bates (510-620-6743). This item was continued from the May 24, 2022, meeting.

Contra Costa County (CCC) Supervisor John Gioia introduced the matter. CCC Director of Animal Services Beth Ward presented a PowerPoint that highlighted the following: animal services agency divisions; access to services and cost; top activities in Richmond; agreement history, updated services, and fee structure; responses to public comments; and Pinole shelter closure. Discussion ensued. Laureen Lober of the Animal Rights Coalition raised concerns regarding animal shelter services. The following individuals gave comments via teleconference: Jessi Taran, Lisa Kirk, Mark Wassberg, Hulan Barnett, and Charlette (last name not stated). The council recommended the City of Richmond signed a one-year contract with CCC Animal Services; the mayor appoint Councilmembers Bates and Willis to a committee to work with the cities of El Cerrito, San Pablo, Pinole, Hercules, and Richmond to create a joint powers authority to oversee animal services; and include a member from the Animal Rights Coalition on the committee.

P.2 Expand The Terms of Appropriated ARPA Flex Funds for Rydin Road Residents

AMEND direction provided by City Council on December 21, 2021, which appropriated \$50,000 for flex funds for vehicle repair and servicing, to expand the terms under which these funds can be spent, to be overseen by the Community Development Department - Vice Mayor Eduardo Martinez (510-620-6593). This item was continued from the June 7, 2022, and June 21, 2022, meetings.

Vice Mayor Martinez introduced the matter. Director of Community Development Lina Velasco provided an oral report. Discussion ensued. The following individuals gave comments via teleconference: Mark Wassberg, Don Gosney, Darin Lounds, Lea Murray, Jessi Taran, Brenda B., Amanda Jenkins, Eli Moore, Darnice Lintom, and Katherine (last name not stated).

Main Motion

Motion by Councilmember Jimenez

Seconded by Councilmember Willis

To approve the item as recommended.

Ayes (5): Councilmember Jimenez, Councilmember Johnson III, Councilmember McLaughlin, Councilmember Willis, and Vice Mayor Martinez

Noes (2): Councilmember Bates, and Mayor Butt

Passed (5 to 2)

Substitute Motion

Motion by Councilmember Bates

Seconded by Mayor Butt

To approve the item as recommended with the condition that the approximately thirty-five Rydin Road unhoused residents sign a condition that they would vacate Rydin Road within the period of time from August to September of 2022 and once they had vacated, the city would use traffic measures with no parking red zones and violators would be ticketed and towed.

Ayes (3): Councilmember Bates, Councilmember Johnson III, and Mayor Butt

Noes (4): Councilmember Jimenez, Councilmember McLaughlin, Councilmember Willis, and Vice Mayor Martinez

Failed (3 to 4)

P.3 FY 2022-2023 Richmond Department and Fund for Children and Youth Grant Awardee Recommendation

APPROVE a recommendation from the Richmond Fund for Children and Youth (RFCY) Oversight Board for Fiscal Year 2022-2023 to award 19 grants in an amount not to exceed \$1,434,317; ADOPT a resolution; and AUTHORIZE the city manager to negotiate and execute Grant Service Agreements with the approved grantees – Richmond Department of Children & Youth (LaShonda White/Patrick Seals 620-6512). This item was continued from the June 21, 2022, meeting.

Community Services Director LaShonda White introduced the matter. Ms. White and Senior Management Analyst Patrick Seals provided an oral report. Eleanor

Thompson gave comments via teleconference. Discussion ensued. The council recommended staff provide two-months advance notice to allow more time for grant applicants to learn the process and reach the requirements. The council requested more support for eligible city departments to apply for RFCY grant funds. The council expressed concerns regarding the reputation of the grant awardee Mindful Life Project.

Motion by Councilmember Willis

Seconded by Councilmember Johnson III

To approve the staff recommendation.

Ayes (6): Councilmember Bates, Councilmember Jimenez, Councilmember Johnson III, Councilmember McLaughlin, Councilmember Willis, and Vice Mayor Martinez

Noes (1): Mayor Butt

Passed (6 to 1)

Adopted Resolution No. 97-22

P.4 Contract With Ed Fund to Provide Youth Programs to Camp Achieve Youth In Partnership With Community Services-Recreation

APPROVE a contract with West Contra Costa Public Education Fund to provide free youth programs in partnership with Community Services-Recreation to 6th, 7th, and 8th graders through Camp Achieve’s 8-week summer camp program. The term of the contract is July 1, 2021, through June 30, 2025, in an amount not to exceed \$54,000 - Community Services Department -Recreation Division (LaShonda White/Ranjana Maharaj/Troy Porter 510-620-6822). This item was continued from the June 21, 2022, meeting.

Community Services Director LaShonda White introduced the matter. Deputy Director of Community Services Recreation Ranjana Maharaj provided an oral report. Discussion ensued. The council expressed concerns regarding the Ed Fund's operational responsibility for the Richmond Rapid Response Fund.

Motion by Councilmember Johnson III

Seconded by Councilmember Willis

To approve said contract.

Ayes (6): Councilmember Bates, Councilmember Jimenez, Councilmember Johnson III, Councilmember McLaughlin, Councilmember Willis, and Vice Mayor Martinez

Noes (1): Mayor Butt

Passed (6 to 1)

Q. STUDY AND ACTION SESSION

Q.1 East Bay Center for Performing Arts Update 2020-2022 Presentation

RECEIVE a presentation from East Bay Center for Performing Arts related to their program growth and meaningful contributions to residents and the City of Richmond – Economic Development, Arts & Culture (Shasa Curl/Winifred Day 620-6512).

Arts and Culture Manager Winifred Day introduced the matter. East Bay Center for the Performing Arts Executive Director Ruthie Dineen presented a PowerPoint that highlighted the following: services and performances; key adaptation activities and approach; transformational ideas and unmet needs; and upcoming events including a community party honoring the retirement of former Artistic Director Jordan Simmons on July 22, 2022. Discussion ensued. Mark Wassberg gave comments via teleconference.

(At 10:59 p.m. - a motion made by Councilmember Jimenez, seconded by Councilmember Johnson III, to extend the meeting until 11:30 p.m. passed by the following vote: Ayes: Councilmembers Bates, Jimenez, Johnson III, McLaughlin, Willis, and Vice Mayor Martinez. Noes: Mayor Butt. Abstentions: None. Absent: None).

Q.2 Update from HR&A Advisors, Inc. regarding the American Rescue Plan Act Community Needs Assessment and Strategic Investment Plan Development.

RECEIVE an update from HR&A Advisors, Inc. and Contigo on the status of the American Rescue Plan Act (ARPA) Community Needs Assessment and Strategic Investment Plan to provide guidance on spending the City's remaining \$17.2 million ARPA allocation – Library and Community Services (LaShonda White 510-620-6512).

Community Services Director LaShonda White introduced the matter. Judith Taylor and Mara Basich-Pease of HR&A Advisors, Inc., and Susana Razo of Contigo presented a PowerPoint that highlighted the following: ARPA overview; community needs assessment; outreach and engagement; and next steps.

Discussion ensued. The council expressed interest in setting up a public bank focus group. Jessi Taran gave comments via teleconference. The council requested the following: a list of organizations engaged and how outreach goals were achieved; focus representation on small businesses located on Macdonald Avenue, 23rd Street, and San Pablo Avenue in Richmond; and provide needs assessment information sooner than the October 2022 target date. The council recommended staff consider the following: review the City of Richmond's community survey conducted in 2021; invest in city-wide broadband and seek grant funds; premium pay for essential workers; and housing for the unhoused.

(At 11:31 p.m. - a motion made by Councilmember Jimenez, seconded by Councilmember McLaughlin, to suspend the rules and complete the remaining items on the agenda, passed by the following vote: Ayes: Councilmembers Jimenez, Johnson III, McLaughlin, Willis, and Vice Mayor Martinez. Noes: Councilmember Bates and Mayor Butt. Abstentions: None. Absent: None).

Q.3 RECEIVE Presentation of San Pablo Avenue Multimodal Corridor Study Phase 2

RECEIVE a presentation of the San Pablo Avenue Multimodal Corridor Study Phase 2 and provide feedback – Public Works (Joe Leach/Patrick Phelan 307-8111).

Public Works Director Joe Leach and Infrastructure Administrator Patrick Phelan introduced the matter. Transportation Planning Manager Leah Greenblat of the West Contra Costa Transportation Authority Committee and Transportation Engineer Adam Dankberg of Kimley-Horn presented a PowerPoint that highlighted the following: purpose and process; corridor conditions and project need; potential solutions; bicycle and parking options; and key takeaways and next steps. Discussion ensued. The council recommended the following:

prioritize pedestrian safety improvements; address issues with double-parking on San Pablo Avenue between Barrett Avenue and Rheem Avenue; consider safer bicycle routes; center lanes may be useful for a light rail system; loss of parking would impact businesses; and bicycle lanes delay traffic on busy roadways. Don Gosney gave comments via teleconference.

(At 12:00 a.m. - Mayor Butt departed the meeting and appointed Vice Mayor Martinez to chair the remainder of the meeting).

Q.4 Richmond Community Foundation has Established an Equity for Black Women & Girls Initiative.

RECEIVE a report from the Richmond Community Foundation (RCF) on the Equity for Black Women and Girls Initiative - Councilmember Demnlus Johnson (510-620-6861).

Councilmember Johnson III introduced the matter. James Becker, Cynthia LeBlanc, Adey Teshager, Melanie Spears, and Greg Medley of the Richmond Community Foundation (RCF) presented a PowerPoint that highlighted the following: RCF mission, values, and operating principle; taskforce leadership; sister circles; and recommendations. Discussion ensued. The council recommended that RCF work with the city's grant writer to seek additional funding. The following individuals gave comments via teleconference: Shawn Dunning, Jamin Pursell, and Anna Ortiz.

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

None.

S. ADJOURNMENT

There being no further business, the meeting adjourned at 12:34 a.m., in memory of Rochelle Cartwright and George Harris, to meet again on July 5, 2022, at 6:30 p.m.

Clerk of the City of Richmond

Mayor