

RICHMOND, CALIFORNIA,

October 4, 2022, 5:00 p.m.
Community Services Building
440 Civic Center Plaza
Richmond, CA 94804

A. OPEN SESSION TO HEAR PUBLIC COMMENT BEFORE CLOSED SESSION

The Open Session was called to order at 5:00 p.m. by Mayor Thomas K. Butt via teleconference.

B. ROLL CALL

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

C. CLOSED SESSION

C.1 CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)

Agency Representatives: Jaclyn Gross and Sharrone Taylor

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

- Property: 12th and Macdonald

Agency negotiators: Dave Aleshire, Lina Velasco, and Jesus Morales

Negotiating parties: SAA-EVI Richmond Partners, LLC

Under negotiation: Price and terms of payment

- Property: South 45th Street to the west, Wall Avenue to the south, Interstate 80 to the east, and the BART tracks to the north

Agency negotiators: Anita Luck, Lina Velasco, and Jesus Morales

Negotiating parties: Miraflores Community Devco, LLC

Under negotiation: Price and terms of payment

**C.3 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(paragraph (1) of Subdivision [d] of Government Code Section 54956.9)**

- Morais v. City of Richmond
- Richmond Shoreline Alliance v. City of Richmond

**C.4 CONFERENCE WITH LEGALCOUNSEL - ANTICIPATED LITIGATION
(Significant exposure to litigation pursuant to paragraph (2) or (3) of
Subdivision (d) [as applicable] of Government Code Section 54956.9)**

- **Two cases:**

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

D. PUBLIC COMMENT BEFORE CLOSED SESSION

Andrew Domenici, Sergeant Melgoza, Joe England, Michael Caine, A. Alvarado, Donald Patchin, Michael, Jason Mallari, Donovan Decious, Florencio Rivera, Riley Santiago, Elizabeth Bashan, Daniel Reina, Tom Tran, Don Nelson, Officer Tagorda, Brandon Hodges, Ben Therriault, Chase Fuller, Khoa Nguyen, and Sergeant Llamas urged the city council to ratify the Richmond Police Officer's Association contract that was approved by the membership by a unanimous vote.

Yvette Williams, John Varga, Johnny Hill, and Shane Johnson gave comments in favor of the immediate implementation of the city's Class and Compensation Study.

Sally Tobin spoke in favor of well-designed affordable housing located near transit and infrastructure in Richmond.

E. ADJOURN TO CLOSED SESSION

The meeting adjourned at 5:38 p.m. Closed Session adjourned at 7:32 p.m.

F. REGULAR MEETING OF THE RICHMOND CITY COUNCIL

The meeting was called to order at 7:35 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 roll call.

H. PUBLIC COMMENT INSTRUCTIONAL VIDEO

The Public Comment Instructional video was shown.

I. STATEMENT OF CONFLICT OF INTEREST

None.

J. AGENDA REVIEW

Item O.7.a. - Military Equipment Use Policy was moved from the Consent Calendar to the first item under New Business.

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

City Attorney Dave Aleshire reported the following:

C.1. Conference with Labor Negotiators

C.1.1. - SEIU Local 1021 - A motion was made and approved to implement the Classification and Compensation Study. Mayor Butt opposed.

C.1.3 - Richmond Police Officers Association - Direction was given to staff to finalize the M.O.U. and bring it back to the city council for approval. The vote was 6-1 with Vice Mayor Martinez voting no.

C.1.4. - Richmond Police Management Association RPMA, C.1.5,- IAFF Local 188, C.1.6. - Richmond Fire Management Association RFMA - were continued for further negotiations

C.2. - Conference with Real Property Negotiator - Not discussed.

C.3. - Conference with Legal Counsel - Existing Litigation - *Morais v. City of Richmond* - City Attorney was given direction to develop a settlement agreement; *Richmond Shoreline Alliance v. City of Richmond* - not discussed.

C.4. Conference with Legal Counsel - Anticipated Litigation - Direction was given to proceed with negotiations and bring the action back to the city council for approval.

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

No report.

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

No report.

N. OPEN FORUM FOR PUBLIC COMMENT

Craig Murray spoke in support of the implementation of the results of the city's Classification and Compensation Study.

Steven Robinson gave comments regarding several vehicles that were broken into in his neighborhood and encouraged the hiring of more police officers to patrol his neighborhood.

Yenny Garcia invited the community to participate in the Men Who Cook Event on Saturday, October 16, 2022, at the Richmond Auditorium.

Alix Mazuet gave comments about rising housing costs.

Councilmember Nathaniel Bates congratulated Betty Reid-Soskin on her 102nd birthday. He also stated that there was a 6-1 vote in Closed Session regarding the ratification of the Richmond Police Officers Association's contract with Vice Mayor Eduardo Martinez voting no.

O. CITY COUNCIL CONSENT CALENDAR

A motion was made by Councilmember Demnlus Johnson III, seconded by Councilmember Melvin Willis to approve the Consent Calendar. Ayes (7): Councilmember Nathaniel Bates, Councilmember Claudia Jimenez, Councilmember Demnlus Johnson III, Councilmember Gayle McLaughlin, Councilmember Melvin Willis, Vice Mayor Eduardo Martinez, and Mayor Thomas K. Butt

Passed (7 to 0)

O.1 City Clerk's Office

O.1.a City Council Meeting Minutes

APPROVE the minutes of the September 13 and 20, 2022, Richmond City Council meetings - City Clerk's Office (Pamela Christian 510-620-6513).

O.2 City Manager's Office

O.2.a Dock Maintenance at Point Potrero Marine Terminal

APPROVE an agreement with QA Constructors, Inc., in an amount not to exceed \$64,000, to complete general pavement repairs at the Point Potrero Marine Terminal – Port Department (Shasa Curl/Lizeht Zepeda 510-620-6653).

O.3 Finance Department

O.3.a Investment and Cash Balance Report, and Monthly Overtime Reports for the Month of August 2022

RECEIVE the City’s Investment and Cash Balance Report and monthly Overtime Reports for the month of August 2022 – Finance Department (Delmy Cuellar 510-620-6740).

O.4 Human Resources

O.4.a Resolution Amending City's Salary Schedule And Position Control

ADOPT a resolution amending the salary schedule to revise the salary ranges for Communications Dispatcher I/II, Engineer I/II, Associate Civil Engineer, and Senior Civil Engineer; AMEND authorized staffing (i.e., position control) to add two (2) Parking Enforcement Representatives to the Police Department; and APPROPRIATE funds for associated wages, salaries, and compensation for two (2) Parking Enforcement Representatives positions – Human Resources Department (Nickie Mastay/Sharrone Taylor 510-620-6602).

Adopted Resolution No. 130-22

O.5 Library and Community Services

O.5.a California State Library Building Forward: Library Infrastructure Program Grant Award of \$9,712,979

ADOPT a resolution to ACCEPT and APPROPRIATE the California State Library Building Forward: Library Infrastructure Program grant award of \$9,712,979 to significantly renovate the Richmond Main Library; APPROPRIATE matching funds in the amount of \$3,656,490 in American Rescue Plan Act funds, \$700,000 from Library Impact Fees,

and \$500,000 from the Capital Improvement Program budget; and AUTHORIZE the city manager or designee to execute the Grant Agreement and other documents necessary to achieve the purpose of this grant award – Library and Community Services Department (LaShonda White/Diana Lopez/Christopher Larsen 510-620-5524).

Adopted Resolution No. 131-22

- O.5.b California State Library Grant Awards for Adult Learner Educational Programming and Family Literacy Programming

ADOPT a resolution to ACCEPT and APPROPRIATE California State Library grants, in the amounts of \$97,554 and \$34,194, for a total award of \$131,748, to support educational programming offered at the library’s literacy services program, Literacy for Every Adult Program – Library and Community Services Department (Diana Lopez 510-620-5452/Abigail Sims-Evelyn 510-307-8084).

Adopted Resolution No. 132-22

- O.5.c California State Library Grant Award to Support Literacy For Every Adult Program’s English as a Second Language Program

ADOPT a resolution to ACCEPT and APPROPRIATE a California State Library grant, in the amount of \$54,300, to support English as a Second Language educational programming offered at the library’s literacy services program, Literacy for Every Adult Program (LEAP) – Library and Community Services Department (Diana Lopez 510-620-5452/Abigail Sims-Evelyn 510-307-8084).

Adopted Resolution No. 133-22

- O.5.d Update of Language Currently in Resolution 141-00

ADOPT a resolution to amend Resolution 141-00 to replace “Workforce Investment Board” with “Workforce Development Board”, and “Employment and Training Director” with “City Manager or their designee”, to allow the Employment and Training division to remain eligible to receive workforce development funds from the State of California – Library and Community Services Department (LaShonda White/Tamara Walker 510-307-8006).

Adopted Resolution No. 134-22

O.6 Mayor's Office

- O.6.a California Clean Air Day – October 5, 2022

PROCLAMATION declaring October 5, 2022, as California Clean Air Day in the City of Richmond – Mayor’s Office (Mayor Tom Butt 510-620-6503).

- O.6.b Arbor Day – October 15, 2022

PROCLAMATION declaring October 15, 2022, as Arbor Day in the City of Richmond – Mayor’s Office (Mayor Tom Butt 510-620-6503).

- O.6.c Hispanic Heritage Month - September 15 – October 15, 2022

PROCLAMATION declaring September 15 – October 15, 2022, as Hispanic Heritage Month in the City of Richmond – Mayor’s Office (Mayor Tom Butt 510-620-6503).

O.7 Police Department

O.7.a Proposed Contract to Continue Services with the Children’s Interview Center (CIC)

APPROVE a five-year, sole-source contract for Children’s Interview Center (CIC) services to support forensic interviews of children victimized by sexual or physical abuse, and/or who have been severely neglected for the period July 1, 2021, to June 30, 2026, with the Children Interview Center (CIC), in a total amount not to exceed \$75,000 - Police Department (Chief Bisa French 510-621-1802).

O.7.b Ordinance to Approve a Military Equipment Use Policy.

(This item was heard as the first item under Q. New Business)

INTRODUCE an ordinance (first reading) pursuant to state law (Assembly Bill 481) to approve Richmond Police Department Policy 707 - Military Equipment Use Policy - Police Department (Chief Bisa French 510-621-1802).

Police Chief Bisa French gave an overview of the matter. Lt. John Lopez and Master Officer Alex Caine presented a PowerPoint which highlighted the following: What is Assembly Bill 481; How AB 481 defines Military Equipment; Purpose of the Equipment; Richmond Police Department's Equipment Inventory; and How does AB 481 affect the City of Richmond; Arrests & Possession of Firearms; Weapons Seized; and Richmond Police Department's Equipment Inventory. Discussion ensued. The following individuals gave comments via teleconference: Julie Freestone, Mark Wassberg, Wendy Alfsen, Roberta Spieckerman, Don Gosney, David Cassity, Deborah Smalls, Yenny Garcia, Sara Cantor, Marisol Cantu, Emily Ross, Raymond Wendell, and Benjamin Therriault. Further discussion ensued.

A motion by Councilmember Claudia Jimenez, seconded by Councilmember Gayle McLaughlin, directed staff to return to the city council with the ordinance and include the following changes: (1) Assault Rifles: use the language in Section (a) to be "where there is objectively reasonable anticipation of an armed encounter" instead of (a) “ where the officer reasonably anticipates an armed encounter" and (2) Weapon Categories authorizing unlimited use: Be more specific about the authorized uses of the robots, breaching shotguns, flashbangs, "less lethal" making the authorized uses match the purpose and adding into the "uses" section that all use of less lethal must be for distraction purposes only.

Ayes (5): Councilmember Claudia Jimenez, Councilmember Demnlus Johnson III, Councilmember Gayle McLaughlin, Councilmember Melvin Willis, and Vice Mayor Eduardo Martinez

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

Passed (5 to 2)

Substitute Motion to approve the item as presented.

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

Abstentions (5): Councilmember Claudia Jimenez, Councilmember Demnlus Johnson III, Councilmember Gayle McLaughlin, Councilmember Melvin Willis, and Vice Mayor Eduardo Martinez

Failed (2 to 0)

O.8 Public Works

O.8.a ECIA Urban Greening Budget Amendment

ADOPT a resolution to APPROPRIATE the Environmental and Community Investment Agreement (ECIA) Urban Greening budget in the amount of \$100,000 using the fund balance - Public Works Department (Greg Hardesty 510-620-6920).

Adopted **Resolution No. 135-22**

O.8.b Authorize Sole-Source purchase of two Trane heater units for Developing Personal Resources Center (DPRC).

APPROVE the purchase of two Trane heater units from Specialty A/C Products, Inc. to replace two malfunctioning units, in an amount not to exceed \$33,520 – Public Works Department (Jose Urquilla 510-620-5478).

O.8.c City Council Chairs Reupholstery

APPROVE a contract with O&R Auto Upholstery to reupholster 47 City Council chairs, in an amount not to exceed \$14,766.25, with a term beginning October 5, 2022, and ending June 30, 2023 – Public Works Department (Jose Urquilla 510-620-5478).

O.8.d Accept and Appropriate Grant funds for the Point Molate Bay Trail

ADOPT a resolution to ACCEPT and APPROPRIATE \$150,000 in San Francisco Bay Trail funds, from the Association of Bay Area Governments (ABAG), for construction of the Point Molate Bay Trail Project – Public Works Department (Yader Bermudez 510-774-6300).

Adopted **Resolution No. 136-22**

P. PUBLIC HEARINGS

P.1 General Plan Amendment, Rezoning, Density Bonus for Waivers, and Design Review for a 135-unit mixed-use affordable and supportive housing development

City Clerk Pamela Christian announced that pursuant to public notice that it was time to hold a public hearing to ADOPT a resolution approving an Addendum to the General Plan Final Environmental Impact Report (EIR), approving a General Plan Amendment to modify the land use classification from Public, Cultural, and Institutional to Medium Intensity Mixed Use (Commercial Emphasis), Design Review, and Density Bonus for the purposed of obtaining waivers; and INTRODUCE an ordinance (first reading) approving a Zoning Map Amendment to rezone the from PCI, Public, Cultural, and Institutional to CM-3, Commercial

Mixed-Use a 2.84 acre site at 100 38th Street for a mixed-use 135-unit affordable and supportive housing development – Community Development Department (Lina Velasco 510-620-6706).

Senior Planner Hector Lopez presented a PowerPoint which highlighted the following: Project Site location and Overview; Project Approvals Requested; General Plan Amendment; Density Bonus Waivers; Design Review Board and Planning Commission Recommendations; and Environmental Review. Matt Schreiber, Eden Housing and Contra Costa County Supervisor John Gioia presented a PowerPoint that highlighted the following: Partnership with Community Housing Development Center (CHDC); 100 38th Street Project; Development Overview; 135 New Affordable Housing Units; Unit Mix; Enhanced Area Services; Mayor Butt declared the public hearing open. Don Gilmore and Julie Freestone gave comments via teleconference. Mayor Butt closed the public hearing. Discussion ensued.

A motion was made by Councilmember Gayle McLaughlin, seconded by Councilmember Melvin Willis to approve the item.

Ayes (7): Councilmember Nathaniel Bates, Councilmember Claudia Jimenez, Councilmember Demnlus Johnson III, Councilmember Gayle McLaughlin, Councilmember Melvin Willis, Vice Mayor Eduardo Martinez, and Mayor Thomas K. Butt

Passed (7 to 0)

Adopted **Resolution No. 137-22** and introduced first reading of the ordinance.

Q. NEW BUSINESS

Q.1 Appointment of a Retired Annuitant to Perform Extra Help/Special Project Law Enforcement Services in the Police Department.

APPROVE the appointment of Louie Tirona as a retired annuitant for a limited term, extra help/special project role not to exceed one (1) year or 960 hours, whichever comes first – Human Resources Department (Nickie Mastay/Sharrone Taylor 510-620-6602).

A motion was made by Councilmember Nathaniel Bates, seconded by Councilmember Demnlus Johnson III to approve the item.

Ayes (7): Councilmember Nathaniel Bates, Councilmember Claudia Jimenez, Councilmember Demnlus Johnson III, Councilmember Gayle McLaughlin, Councilmember Melvin Willis, Vice Mayor Eduardo Martinez, and Mayor Thomas K. Butt

Passed (7 to 0)

Q.2 Develop a Strategy to Prevent Richmond from Becoming a Location for Homeless Encampments as Encampments in Neighboring Cities are being Evacuated

DIRECT City staff to immediately prepare an emergency action plan to avoid the City of Richmond from becoming a destination for homeless encampments and dumping grounds – Councilmember Nathaniel Bates (510-620-6743)

Councilmember Bates gave an overview of the matter. Discussion ensued. Mark Wassberg and Deborah Smalls gave comments via teleconference.

Councilmember Bates requested information regarding the amount of funds expended to date to relocate residents from Rydin Road and Castro encampments and what the cities of Pinole and Hercules had done to prevent unhoused individuals in its cities.

A motion was made by Councilmember Nathaniel Bates, seconded by Councilmember Demnlus Johnson III, to approve the item and prepare an emergency action plan.

Ayes (3): Councilmember Nathaniel Bates, Councilmember Demnlus Johnson III, and Mayor Thomas K. Butt

Noes (4): Councilmember Claudia Jimenez, Councilmember Gayle McLaughlin, Councilmember Melvin Willis, and Vice Mayor Eduardo Martinez

Failed (3 to 4)

A substitute motion was made by Councilmember Gayle McLaughlin, seconded by Councilmember Claudia Jimenez to direct staff to: (1) include in the Homeless Strategic Plan that we will create regional collaborations; (2) follow the law in terms of offering shelter to those without any, rather than sweeping an area; and (3) update the city website with metrics and all the current accomplishments and plans underway to address the needs of our unhoused community members.

Ayes (4): Councilmember Claudia Jimenez, Councilmember Gayle McLaughlin, Councilmember Melvin Willis, and Vice Mayor Eduardo Martinez.

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

Abstain (1): Councilmember Demnlus Johnson III.

Passed (4 to 3)

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

Mayor Butt stated he and Councilmember Johnson III were traveling to Shimada, Japan tomorrow to attend the 2022 Obi Matsuri Festival.

S. ADJOURNMENT

There being no further business, the meeting adjourned at 10:55 p.m. in memory of Ms. Delphi, to meet again on October 18, 2022.

Clerk of the City of Richmond

Mayor