

RICHMOND, CALIFORNIA,

February 1, 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

February 1, 2022 - 5:00 p.m.

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

B. ROLL CALL

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

- Hernandez v. Hodges
- 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

C.2 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.3 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (initiation of litigation pursuant to paragraph (4) of Subdivision (d) of Government Code Section 54956.9)

- One case - Veolia Mediation

C.4 PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957)

- Title: City Manager

D. PUBLIC COMMENT BEFORE CLOSED SESSION

There were no public comments via teleconference.

E. ADJOURN TO CLOSED SESSION

The Open Session adjourned to Closed Session at 5:02 p.m. Closed Session adjourned at 6:42 p.m.

F. REGULAR MEETING OF THE RICHMOND CITY COUNCIL

February 1, 2022 - 6:30 p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:46 p.m. by Mayor Thomas K. Butt via teleconference.

G. ROLL CALL

Present: Councilmembers Claudia Jimenez, Eduardo Martinez, Gayle McLaughlin, Melvin Willis, Vice Mayor Demnlus Johnson III, 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

Mayor Thomas K. Butt proposed to move Item R.3 for discussion immediately following the Consent Calendar.

City Clerk Pamela Christian announced the following corrections to the ordinance for Item O.2.a regarding coal: (1) on page two of the draft ordinance (page 28 of 789 of the agenda packet), a recital states that the first reading occurred “on January 11, 2022”, this should read “January 18, 2022”; (2) on page four of the draft ordinance (page 30 of 789 in the agenda packet), the Supporting Statement of Fact for finding D stated, “The proposed amendments to not” and should state, “The proposed amendments do not”; and (3) on page five of the draft ordinance (page 31 of 789 of the agenda packet), the date for the first reading should be changed from “January 11, 2022” to “January 18, 2022”.

Motion by Councilmember Gayle McLaughlin

Seconded by Councilmember Eduardo Martinez

To overrule the mayor and hear the Open Forum, Item Q.1, and Item R.3 respectively following Item P.1 failed.

Ayes (3): Councilmembers Claudia Jimenez, Eduardo Martinez, and Gayle McLaughlin

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

Abstentions (1): Councilmember Melvin Willis

Items R.3 and Q.1 were moved respectively for discussion immediately following the Consent Calendar.

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

Interim City Attorney Dave Aleshire reported there was no action taken on the Hernandez v. Hodges litigation. Mr. Aleshire reported in regard to the three existing litigations related to Point Molate, there was a motion that indicated the City of Richmond received a communication from the East Bay Park District and the city attorney was directed to respond to that matter. Mr. Aleshire reported with regard to a clarifying letter related to the anticipated litigation cases, the city attorney was directed to return a letter to the Court of Appeals on the matter by a vote of 4 to 3, Councilmember Nathaniel Bates, Vice Mayor Demnlus Johnson III, and Mayor Thomas K. Butt voted no. Mr. Aleshire reported that the Veolia mediation matter was discussed with no action taken and the city manager's performance evaluation was deferred. Mr. Aleshire stated that the letter regarding Point Molate was clarifying that the council previously decided not to participate in the litigation matter, and the council was reaffirming that with regards to the brief that was filed, the City of Richmond was not taking any position with regards to that litigation.

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

Interim City Manager Shasa Curl invited the community to the virtual Pan-African Flag Raising Ceremony in honor of Black History Month on February 2, 2022, at 10:00 a.m. at the Richmond City Hall via Zoom. Ms. Curl announced the following three City of Richmond grant opportunities: Richmond Fund for Children and Youth grant application deadline was February 7, 2022; Environmental Community and Investment Agreement competitive grant application deadline was February 13, 2022; and Love Your Block grant application deadline was February 25, 2022. Ms. Curl encouraged the community to call (510) 620-6563 with questions regarding the grants or visit the City of Richmond's website. Ms. Curl acknowledged all of the City of Richmond's grant administrators for their work.

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

Public Works Director Joe Leach presented a Powerpoint that highlighted the following abatement activities: Unity Park/Martin Luther King Day of Service and Booker T. Anderson Park debris management; illegal dumping removal, encampment abatement, and total tonnage collected; graffiti removal; and partnerships. The council recommended video surveillance in targeted illegal dumping areas. The council reported an abandoned vehicle and debris located near the Veterans Memorial Hall building on 23rd Street. The council recommended repairing the recurring damaged fence, located at Cutting Boulevard and Interstate-80 near Laurel Park, with iron fencing.

N. OPEN FORUM FOR PUBLIC COMMENT

The following individuals gave comments via teleconference:

Robert Travis gave comments regarding contract negotiations between the United Steel Workers (USW) labor union and the Richmond Chevron Refinery. Mr. Travis reported that the refinery was refusing a safe and orderly shutdown despite a potential work stoppage and may assign unskilled labor. Mr. Travis urged the council to support the USW in protecting the community.

Don Gosney gave comments regarding the redistricting process and draft maps. Mr. Gosney thanked the City Clerk's Office for the improvements to the draft maps per his suggestions.

Mark Wassberg gave comments regarding a post on Tom Butt’s E-Forum regarding the vice mayor signing a city contract for legal services on the mayor’s signature line.

Elsa Stevens gave comments in support of the Richmond Progressive Alliance and its affiliate organizations. Ms. Stevens expressed that the USW deserved a safe workplace at the Richmond Chevron Refinery and that she planned to show solidarity.

Linda Whitmore requested pothole repairs on Florida Street from South 2nd Street to Harbour Way. Ms. Whitmore reported that there was a homeless encampment with several tents in a fenced-off area on Cutting Boulevard and Harbour Way.

Vice Mayor Demnlus Johnson III invited the community to the virtual Pan-African Flag Raising Ceremony on February 2, 2022, at 10:00 a.m. at the Richmond City Hall via Zoom. Vice Mayor Demnlus Johnson III stated that whenever the council voted to take action and the mayor refused to execute his duties, it was his responsibility as the vice mayor to carry the duties out if the mayor chose not to perform such duties.

O. CITY COUNCIL CONSENT CALENDAR

Motion by Councilmember Eduardo Martinez

Seconded by Vice Mayor Demnlus Johnson III

To approve all items on the Consent Calendar passed.

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

O.1 City Clerk's Office

O.1.a Minutes of the Regular December 21, 2022, City Council Meeting

APPROVE the minutes of the December 21, 2022, Regular City Council Meeting - City Clerk's Office (Pamela Christian 510-620-6513).

O.2 Community Development

O.2.a Amendments to Richmond Municipal Code (RMC) Article 15.04.615 (PLN21-427)

ADOPT an ordinance (second reading) amending Richmond Municipal Code Sections 15.04.615.050.C and 15.04.615.010.B to extend the amortization period for existing nonconforming land uses related to coal and petroleum coke storage and handling and require the discontinuation of all such uses by December 31, 2026; and; DETERMINE that the ordinance is exempt from the California Environmental Quality Act (“CEQA”) because it is not a Project under CEQA (CEQA Guidelines section 15378) and because it is exempt from CEQA pursuant to CEQA Guidelines sections 15301 (existing facilities exemption), 15307 (action to protect natural resources), 15308 (action to protect the environment), and/or 15061(b)(3) (“Common Sense” exemption where there is no reasonable possibility of a significant effect on the environment) – Community Development Department (Lina Velasco 510-620-6841).

Adopted Ordinance No. 02-22 N.S.

O.3 Economic Development

O.3.a City-Wide Community Benefits Policy (Ordinance)

ADOPT an ordinance (second reading) for a city-wide community benefits policy – City Manager’s Office (Shasa Curl 510-620-6512).

Adopted Ordinance No. 03-22 N.S.

O.4 Finance Department

O.4.a Investment and Cash Balance Report for the Month of December 2021

RECEIVE the City’s Investment and Cash Balance Report for the month of December 2021 – Finance Department (Belinda Brown 510-620-6740).

O.5 Human Resources

O.5.a Resolution amending the salary schedule for Police Chief, City Clerk, and Director of Information Technology Classifications

ADOPT a resolution amending the City’s salary schedule to revise the salary ranges for City Clerk, Director of Information Technology, and Police Chief – Human Resources Department (Anil Comelo/Sharrone Taylor 510-620-6600).

Adopted Resolution No. 13-22

O.6 Mayor's Office

O.6.a Black History Month – February 2022

PROCLAMATION declaring February 2022 as Black History Month in the City of Richmond – Mayor’s Office (Mayor Tom Butt 510-620-6503).

O.7 Police Department

O.7.a Proposed 2-year sole-source contract with T2 Systems (referred to as “T2”) to provide citation services, collection services support, and data transfer to California Department of Motor Vehicles.

APPROVE a 2-year sole source contract with T2 Systems for an amount not to exceed \$50,000, for the period January 1, 2021, to December 31, 2022 – Police Department (Louie Tirona 510-621-1802).

O.8 Public Works

O.8.a Resolution to Accept and Appropriate Hellman Foundation Grant Funds to Purchase Maintenance Equipment to Support the City of Richmond Parks Maintenance

APPROVE a resolution to ACCEPT and APPROPRIATE grant funds in the amount of \$264,000 from Hellman Foundation to purchase maintenance equipment to support City of Richmond Parks and Landscape Maintenance Division – Public Works Department (Joe Leach 510-620-5478).

Adopted Resolution No. 14-22

P. PUBLIC HEARINGS

P.1 Redistricting Public Hearing

HOLD THE FOURTH PUBLIC HEARING AT 7:00 P.M. to receive public input on draft maps of voting district boundaries as part of the City’s redistricting process; SELECT a map to establish district boundaries; and determine election sequence – City Clerk’s Office (Pamela Christian 510-620-6513).

City Clerk Pamela Christian announced that it was time, pursuant to public notice, to hold a public hearing. Senior Consultant Shalice Tilton of National Demographics Corporation presented a Powerpoint that highlighted the following: redistricting process, rules, and goals; demographic summary of existing districts; draft maps summary and review; Interactive Map Viewer tool; redistricting webpage; and proposed sequencing. Discussion ensued. Mayor Butt declared the public hearing opened. The following individuals gave comments via teleconference: Don Gosney, Elsa Stevens, Jan Mignone, Mark Wassberg, Leisa Johnson, Eunice (last name not stated), Philip Rosenthal, Madalyn Law, Susan Wehrle, Oscar Garcia, Yenny Garcia, Linda Whitmore, Ahmad Anderson, Arto Rinteela, Debi McIntyre, Annie P., David Sharples, Jim Hanson, Norma (last name not stated), Brendan Boland, Randy Joseph, Lori Hart, Cesar Zepeda, Emily Ross, Luis Chacon, Bhavin Khatri, Samuel Lewis, James Daniels, Naomi Williams, Garland Ellis, Eli Moore, Paul Carman, Rita Barouch, Shawn Dunning, Michele Rappaport, Edith Pastrano, Deborah Bayer, Marisol Cantu, Lory Poulson, Sara Cantor, Susan Singh, and David Gutfield. Mayor Butt closed the public hearing. Further discussion ensued. The council recommended staff hold another redistricting community workshop before the next public hearing on this matter.

Motion by Councilmember Nathaniel Bates

Seconded by Councilmember Melvin Willis

To close the public hearing, allow the council to review the public comments received and obtain information from staff, and determine the voting district boundaries at a future City Council meeting. A friendly amendment made by Councilmember Claudia Jimenez to allow map submitters an opportunity to submit revised maps was not accepted.

Motion by Councilmember Gayle McLaughlin

Seconded by Councilmember Eduardo Martinez

Substitute motion to allow map submitters an opportunity to submit revised maps, hold off on voting, and vote on the matter at a subsequent City Council meeting passed.

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

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

P.2 Appeal of Planning Commission’s approval of a conditional use permit and design review (PLN20-043)

ADOPT a Resolution Denying the Appeal and Affirming the Planning Commission’s conditional approval of a Conditional Use Permit and Design Review, to construct a single-family residence on a vacant parcel located within the RL1 zoning district and -S, Shoreline overlay district at 357 Western Drive – Community Development Department (Lina Velasco 510-620-6706). This item

was continued from the December 7, 2021, January 11, 2022, and January 18, 2022 meetings. The public hearing is closed on this item; for council discussion and resolution only.

Continued to the February 15, 2022, City Council meeting.

Q. NEW BUSINESS

Q.1 Potential Formation of a Community Facilities District for Point Molate

RECEIVE information and quantitative analysis regarding the potential formation of a Community Facilities District for the Point Molate development project; and after deliberation, CONSIDER providing any policy direction, as needed, regarding formation of a Community Facilities District for the Point Molate development project – Finance Department (Belinda Brown 510-620-6740). This item was continued from the January 25, 2022, meeting.

Public Works Director Joe Leach introduced the item. Public Finance Manager and Consultant Mark Northcross of NHA Advisors and Senior Managing Director Eric Segal of Integra Realty Resources presented a Powerpoint that highlighted the following: addressing policy questions; Integra Study; comparisons; potential “surplus” tax revenues; key negotiating points with SunCal and legal documents for resolving; and council actions required to form a Community Facilities District. Discussion ensued. *(At 10:59 p.m. - a motion by Councilmember Claudia Jimenez, seconded by Councilmember Gayle McLaughlin, to extend the meeting to complete the discussion for Item Q.1., passed by the following vote: Ayes: Councilmembers Claudia Jimenez, Eduardo Martinez, Gayle McLaughlin, Melvin Willis, and Mayor Thomas K. Butt. Noes: Councilmember Nathaniel Bates and Vice Mayor Demnlus Johnson III. Abstentions: None. Absent: None).* Further discussion ensued. The council recommended the following: SunCal to share the impacts for the entire build-out time; the value-to-lien ratio was four to one instead of three to one; and provide the council with a 50- year cashflow impact analysis and any other additional analysis necessary for the council to make policy decisions on the matter. *(At 11:30 p.m. - a motion by Councilmember Gayle McLaughlin, seconded by Councilmember Eduardo Martinez, to suspend the rules and extend the meeting to complete the discussion for Item Q.1., failed by the following vote: Ayes: Councilmembers Claudia Jimenez, Eduardo Martinez, Gayle McLaughlin, and Melvin Willis. Noes: Councilmember Nathaniel Bates, Vice Mayor Demnlus Johnson III, and Mayor Thomas K. Butt. Abstentions: None. Absent: None).*

Continued to the February 24, 2022, Special City Council Meeting.

Q.2 Approval of the Juneteenth Freedom Mural Project and Resolution of Intent to Rename

APPROVE the Juneteenth Freedom Mural Project at the South 37th Street Underpass; ADOPT a Resolution of Intention to rename the South 37th Street Underpass to Juneteenth Freedom Underpass; and SCHEDULE a Public Hearing for February 15, 2022 – Library and Community Services Department (LaShonda White/Ranjana Maharaj/Stephanie Ny 510-620-6523).

Continued to the February 15, 2022, City Council meeting.

R. BUDGET SESSION

R.1 Final Adjustments to Fiscal Year 2020-2021 Budget

RECEIVE an update on the Fiscal Year 2020-2021 budget – City Manager’s Office/Finance Department (Shasa Curl/Anil Comelo/Belinda Brown/Antonio Banuelos 510-620-6740).

Continued to the February 15, 2022, City Council meeting.

R.2 City of Richmond Annual Comprehensive Financial Report for the Fiscal Year Ended June 30, 2021

RECEIVE a report on the City’s Annual Comprehensive Financial Report (ACFR) for Fiscal Year 2020-2021 – Finance Department (Belinda Brown/Delmy Cuellar 510-620-6740).

Continued to the February 15, 2022, City Council meeting.

R.3 Gross Receipts Business Tax Measure U Fiscal Impact Estimates

RECEIVE an update on Measure U Fiscal Estimates – Finance Department (Anil Comelo 510-620-6600/Belinda Brown 510-620-6740/Antonio Banuelos 510-620-6741).

Interim Deputy City Manager Anil Comelo introduced the item. Mr. Camelo, Director of Finance Belinda Brown, and Accounting Manager Antonio Banuelos presented a Powerpoint that highlighted the following: Business tax estimates; transition year; community outreach; revenue and rate comparisons; and administrative rulings and procedures. Discussion ensued. Staff urged the business community to provide the data requested by the City of Richmond needed to update revenue projections. The following individuals gave comments via teleconference: Mark Wassberg, Judy Barr, John Varga, Katrinka Ruk, Shiva Mishek, Don Lee, Leisa Johnson, and Randy Joseph.

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

None.

T. ADJOURNMENT

There being no further business, the meeting adjourned at 11:31 p.m., in memory of Eugene Clines and Linda Carr-Brown, to meet again on Tuesday, February 15, 2022, at 6:30 p.m.

Clerk of the City of Richmond

Mayor