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# Agenda

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**MEETING(S) - (Meetings are virtual)**

**RICHMOND CITY COUNCIL**

Tuesday, May 3, 2022, 4:00 p.m.

Community Services Building

440 Civic Center Plaza

Richmond, CA 94804

**Members:**

**Thomas K. Butt, Mayor**

**Demnlus Johnson III, Councilmember at Large**

**Nathaniel Bates, Councilmember at Large**

**Claudia Jimenez, Councilmember District 6**

**Eduardo Martinez, Vice Mayor at Large**

**Melvin Willis, Councilmember District 1**

**Gayle McLaughlin, Councilmember District 5**

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**CORONAVIRUS DISEASE (COVID-19) ADVISORY**

PURSUANT to the Governor of the State of California's Assembly Bill 361 and in the interest of the public health and safety, attendance at the City of Richmond City Council meeting will be limited to Council

members, essential City of Richmond staff, and members of the news media. Public comment will be confined to items appearing on the agenda and will be limited to the methods provided below.

**How to watch the meeting from home:**

1. KCRT – Comcast Channel 28 or AT&T Uverse Channel 99
2. Livestream online at <http://www.ci.richmond.ca.us/3178/KCRT-Live>

**Public comment** may be submitted by mail, eComment, email and/or Zoom video conference in the manner that follows, provided that no member of the public may submit more than one verbal comment per agenda item.

**Via mail:** received by 1:00 p.m. the day of the meeting, sent to 450 Civic Center Plaza, 3rd Floor, Office of the Clerk, Richmond, CA 94804.

**Via eComments:** eComments are available once an agenda is published. Locate the meeting in "upcoming meetings" and click the comment bubble icon. Click on the item you wish to comment on. eComments can be submitted when the agenda is published and until the conclusion of public comments for the agenda item. eComments can be viewed by the City Council and members of the public as they are submitted. Email your comment to [cityclerkdept@ci.richmond.ca.us](mailto:cityclerkdept@ci.richmond.ca.us) should you have difficulty submitting an eComment during a meeting.

**Via email:** to [cityclerkdept@ci.richmond.ca.us](mailto:cityclerkdept@ci.richmond.ca.us) by 1:00 p.m. the day of the meeting.

Emails ***MUST*** contain in the subject line 1) public comments – Open Session prior to Closed Session; 2) public comments – Open Forum; or 3) public comments agenda item # [include the agenda item number]. **All such email with correctly labeled subject lines will be posted on-line and emailed to the City Council before the meeting is called to order. Email received after 1:00 p.m. will be posted on-line following the meeting as part of the supplemental materials attached to the meeting minutes.**

**Via Zoom by video conference:** for Open Session and City Council: **Please click the link below to join the webinar:**

<https://zoom.us/j/99312205643?pwd=MDdqNnRmS2k4ZkRTOWhIUldQOUF1Zz09>

Passcode: ccmeeting

**By iPhone one-tap:** US: +16699006833,,99312205643# or +13462487799,,99312205643#

**By Telephone:** Dial (for higher quality, dial a number based on your current location): US: +1 669 900 6833 or +1 346 248 7799 or +1 253 215 8782 or +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592  
Webinar ID: 993 1220 5643

International numbers available: <https://zoom.us/u/aehrwCglSx>

**To comment by video conference:** click on the Participants button at the bottom of your screen and select the "Raise Your Hand" button to request to speak when Public Comment is being asked for. **When called upon, press the unmute button. After the allotted time, you will then be re-muted. \*\***

**To comment by phone:** you will be prompted to "Raise Your Hand" by pressing "\*9" to request to speak when Public Comment is asked for. **When called upon, you will be asked to unmuted by pressing \*6.** After the allotted time, you will then be re-muted. Instructions of how to raise your hand by phone are available

at:

[https://support.zoom.us/hc/en-us/articles/201362663 -Joining-a-meeting-by-phone.](https://support.zoom.us/hc/en-us/articles/201362663-Joining-a-meeting-by-phone) \*\*

\*\*The mayor will announce the agenda item number and open public comment when appropriate.

*The City cannot guarantee that its network and/or the site will be uninterrupted. To ensure that the City Council receives your comments, you are strongly encouraged to submit your comments in writing in advance of the meeting.*

***AB 361 Procedures in the Event of Technical Difficulties: In the event the meeting broadcast is disrupted, or if a technical issue on the agency's end disrupts public participation, the legislative body board cannot take any further action on the agenda until the technical issue is resolved.***

Properly labeled public comments will be considered a public record, put into the official meeting record, available after the meeting as supplemental materials, and will be posted as an attachment to the meeting minutes when the minutes are posted: <http://www.ci.richmond.ca.us/Archive.aspx?AMID=31>.

**Procedures for Removing Items from the Consent Calendar:**

Members of the public who request to remove an item from the consent calendar must first discuss the item with a staff member by phone or a back-and-forth email discussion, and state the name of the staff member when requesting removal of the item from the consent calendar **(by 2 p.m. the day of the meeting)**.

Any member of the City Council who would like to remove an item from the consent calendar must notify the appropriate staff person and the City Clerk's Office prior to the meeting. Although members of the City Council are encouraged to ask questions and share concerns with staff ahead of the meeting, they are not required to do so.

The Clerk's Office must be informed of any requests to remove items from the Consent Calendar. Items removed from the Consent Calendar shall be placed at the end of the agenda for consideration.

**Accessibility for Individuals with Disabilities:**

Upon request, the City will provide for written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services and sign language interpreters, to enable individuals with disabilities to participate in and provide comments at/related to public meetings. Please submit a request, including your name, phone number and/or email address, and a description of the modification, accommodation, auxiliary aid, service or alternative format requested at least two days before the meeting. Requests should be emailed to [cityclerkdept@ci.richmond.ca.us](mailto:cityclerkdept@ci.richmond.ca.us) or submitted by phone at 510-620-6513, ext. 9, or 510-620-6509. Requests made by mail to City Clerk's Office, City Council meeting, 450 Civic Center Plaza, Richmond, CA 94804 must be received at least two days before the meeting. Requests will be granted whenever possible and resolved in favor of accessibility.

**Effect of Advisory on In-person public participation:**

During the pendency of Assembly Bill 361, the language in this Advisory portion of the agenda supersedes any language contemplating in-person public comment.

**A. OPEN SESSION TO HEAR PUBLIC COMMENT BEFORE CLOSED SESSION**

4:00 p.m.

**B. ROLL CALL****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)**

**E. ADJOURN TO CLOSED SESSION**

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**F. REGULAR MEETING OF THE RICHMOND CITY COUNCIL**

6:30 p.m.

**G. ROLL CALL**

**H. PUBLIC COMMENT INSTRUCTIONAL VIDEO**

**I. STATEMENT OF CONFLICT OF INTEREST**

**J. AGENDA REVIEW**

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

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

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

**N. OPEN FORUM FOR PUBLIC COMMENT**

**O. CITY COUNCIL CONSENT CALENDAR**

**O.1. City Attorney's Office**

- O.1.a. Point Molate Legal Services Agreement with Downey Brand and Amendment Related to Claims and Litigation** 12

APPROVE a third amendment with Downey Brand, for \$60,000, for a not to exceed total amount of \$1,010,000, for the Point Molate litigation and claim, and a \$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** 54

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).

**O.2. City Manager's Office**

- O.2.a. Downtown Richmond Property and Business Improvement District (DRPBID) Renewal** 85

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).

- O.3. Finance Department**
- O.3.a. Investment and cash balance report for the month of March 2022** 140
- 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** 156
- 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** 215
- 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** 242
- 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** 320
- 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).

- O.5. Information Technology**
- O.5.a. Pole License Agreement for Small Cell Sites on City Infrastructure** 391
- 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).
- 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.** 571
- 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).
- O.7. Mayor's Office**
- O.7.a. CalFresh Awareness Month – May 2022** 607
- 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** 610
- 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** 613
- 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** 616
- 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** 619
- 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** 622
- 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** 625
- 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** 716
- 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** 778
- 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).
- O.9.b. Engineer’s Report for Fiscal Year 2022-2023 for the Marina Bay Landscape and Lighting Maintenance District** 850
- 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).

- O.9.c. **Transportation Development Act (TDA) Grant Contracts with Bike East Bay and SOS! Richmond** 947  

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).
- O.9.d. **Approve a Contract for Repairs to a Loader** 992  

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** 1025  

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).
- O.9.f. **Approval of Contract for Repairs to a Sweeper** 1051  

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** 1084  

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).

**P. NEW BUSINESS**

- P.1. **Update on the Transportation Division** 1107  

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.**

**Q. PUBLIC HEARINGS**

- Q.1. **Approval of New Fees for the Revised Master Fee Schedule** 1109  

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

- R. **BUDGET SESSION**
- R.1. **Budget Presentation** 1162  
 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).
- R.2. **Acknowledge receipt of Fiscal Year 2022-2023 Proposed First Draft Budget** 1208  
 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).
- R.3. **Update on Cost Recovery and Revenue Enhancement** 1274  
 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.**
- S. **REPORTS OF OFFICERS: REFERRALS TO STAFF, AND GENERAL REPORTS (INCLUDING AB 1234 REPORTS)**
- T. **ADJOURNMENT**