



Community Services Building
440 Civic Center Plaza
Richmond, CA 94804

AGENDA
Tuesday, November 3, 2015

Link to City Council Agendas/Packets
<http://sireweb.ci.richmond.ca.us/sirepub/meet.aspx>
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Mayor
Thomas K. Butt

Vice Mayor
Jael Myrick

Councilmembers
Nathaniel Bates
Jovanka Beckles
Eduardo Martinez
Gayle McLaughlin
Vinay Pimplé

Housing Authority Tenant Commissioners
Barbara Sutton

The Richmond City Council also serves as Board Members and Commission Members for the following:

Housing Authority
Joint Powers Financing Authority
Surplus Property Authority
Local Reuse Authority

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location. To request disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact Bruce Soublet, ADA Coordinator, at (510) 620-6509 at least three business days before the meeting date.

MEETING PROCEDURES

The City of Richmond encourages community participation at its City Council meetings and has established procedures that are intended to accommodate public input in a timely and time-sensitive way. As a courtesy to all members of the public who wish to participate in City Council meetings, please observe the following procedures:

PUBLIC COMMENT ON AGENDA ITEMS: Anyone who desires to address the City Council on items appearing on the agenda must complete and file a pink speaker's card with the City Clerk **prior** to the City Council's consideration of the item. Once the City Clerk has announced the item, no person shall be permitted to speak on the item other than those persons who have submitted their names to the City Clerk. Your name will be called when the item is announced for discussion.

Each speaker will be allowed TWO (2) MINUTES to address the City Council on NON-PUBLIC HEARING items listed on the agenda.

OPEN FORUM FOR PUBLIC COMMENT: Individuals who would like to address the City Council on matters not listed on the agenda or on items remaining on the consent calendar may do so under Open Forum. All speakers must complete and file a pink speaker's card with the City Clerk **prior** to the commencement of Open Forum. The amount of time allotted to individual speakers shall be determined based on the number of persons requesting to speak during this item. **The time allocation for each speaker will be as follows:** 15 or fewer speakers, a maximum of 2 minutes; 16 to 24 speakers, a maximum of 1 and one-half minutes; and 25 or more speakers, a maximum of 1 minute.

SPEAKERS ARE REQUESTED TO OCCUPY THE RESERVED SEATS IN THE FRONT ROW BEHIND THE SPEAKER'S PODIUM AS THEIR NAME IS ANNOUNCED BY THE CITY CLERK.

CONSENT CALENDAR: Consent Calendar items are considered routine and will be enacted, approved or adopted by one motion unless a request for removal for discussion or explanation is received from the audience or the City Council. A member of the audience requesting to remove an item from the Consent Calendar must first complete a speaker's card and discuss the item with a City staff person who has knowledge of the subject material, prior to filing the card with the City Clerk and **prior** to the City Council's consideration of Agenda Review. An item removed from the Consent Calendar may be placed anywhere on the agenda following the City Council's agenda review.

CONDUCT AT MEETINGS: Richmond City Council meetings are limited public forums during which the City strives to provide an open, safe atmosphere and promote robust public debate. Members of the public, however, must comply with state law, as well as the City's laws and procedures and may not actually disrupt the orderly conduct of these meetings. The public, for example, may not shout or use amplifying devices, must submit comment cards and speak during their allotted time, may not create a physical disturbance, may not speak on matters unrelated to issues within the jurisdiction of the City Council or the agenda item at hand, and may not cause immediate threats to public safety.

CITY HARASSMENT POLICY: The City invites public comment and critique about its operations, including comment about the performance of its public officials and employees, at the public meetings of the City Council and boards and commissions. However, discriminatory or harassing comments about or in the presence of City employees, even comments by third parties, may create a hostile work environment, if severe or pervasive. The City prohibits harassment against an applicant, employee, or contractor on the basis of race, religious creed, color, national origin, ancestry, physical disability, medical condition, mental disability, marital status, sex (including pregnancy, childbirth, and related medical conditions), sexual orientation, gender identity, age or veteran status, or any other characteristic protected by federal, state or local law. In order to acknowledge the public's right to comment on City operations at public meetings, which could include comments that violate the City's harassment policy if such comments do not cause an actual disruption under the Council Rules and Procedures, while taking reasonable steps to protect City employees from discrimination and harassment, City Boards and Commissions shall adhere to the following procedures. If any person makes a harassing remark at a public meeting that violates the above City policy prohibiting harassment, the presiding officer of the meeting may, at the conclusion of the speaker's remarks and allotted time: (a) remind the public that the City's Policy Regarding Harassment of its Employees is contained in the written posted agenda; and (b) state that comments in violation of City policy are not condoned by the City and will play no role in City decisions. If any person makes a harassing remark at a public meeting that violates the above City policy, any City employee in the room who is offended by remarks violating the City's policy is excused from attendance at the meeting. No City employee is compelled to remain in attendance where it appears likely that speakers will make further harassing comments. If an employee leaves a City meeting for this reason, the presiding officer may send a designee to notify any offended employee who has left the meeting when those comments are likely concluded so that the employee may return to the meeting. The presiding officer may remind an employee or any council or board or commission member that he or she may leave the meeting if a remark violating the City's harassment policy is made. These procedures supplement the Council Rules and Procedures relating to disruption of orderly conduct at Council meetings.

Any law enforcement officer on duty or whose service is commanded by the presiding officer shall be Sergeant-at-Arms of the Council meetings. He/she, or they, shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the Council meetings (City Council Rules of Procedure and Order Section III F, RMC Section 2.12.030).

**OPEN SESSION TO HEAR PUBLIC COMMENT
ON CLOSED SESSION ITEMS**

5:00 p.m.

- A. **ROLL CALL**
- B. **PUBLIC COMMENT**
- C. **ADJOURN TO CLOSED SESSION**

CLOSED SESSION

Shimada Room of the Community Services Building

A. **CITY COUNCIL**

A-1. LIABILITY CLAIMS -(Government Code Section 54956.9):

Martin vs. City of Richmond

Zeiden vs. City of Richmond

Chalk vs. City of Richmond

A-2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957.6):

City Manager

REGULAR MEETING OF THE RICHMOND CITY COUNCIL

6:30 p.m.

A. PLEDGE TO THE FLAG

B. ROLL CALL

C. STATEMENT OF CONFLICT OF INTEREST

D. AGENDA REVIEW

E. PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

E-1. PROCLAMATION honoring Veterans Day in Richmond and acknowledging the engaging work of Veterans Resource Program, a non-profit organization in Richmond (Mayor Tom Butt 620-6503; Councilmember Nat Bates 620-6743).

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

G. REPORT FROM THE CITY MANAGER

H. OPEN FORUM FOR PUBLIC COMMENT

I. CITY COUNCIL CONSENT CALENDAR

I-1. APPROVE an emergency contract with NEMA Construction to complete Americans with Disabilities Act (ADA)-related concrete floor improvements at the Richmond Swim Center in an amount not to exceed \$11,900 - Public Works Department (Yader A. Bermudez 774-6300).

I-2. APPROVE an agreement with Manson Construction Company to complete maintenance dredging at Port of Richmond Terminal 2 for an amount not to exceed \$1,263,000 - Port Department (Jim Matzorkis 215-4600).

I-3. APPROVE an amendment to the contract with The Glen Price Group to develop proposal content, drafts, and attachments necessary to submit final copies of grant applications to various agencies and organizations by the agreed upon target dates. The amended contract term will be March 1, 2014, through December 31, 2016. The contract amount will be increased by \$50,000 for a total contract amount not to exceed \$105,000 - Employment and Training Department (Sal Vaca 307-8023).

I-4. APPROVE the minutes of the regular City Council meetings held Tuesday, October 6 and October 20, 2015 - City Clerk's Office (Pamela Christian 620-6513).

- I-5.** ADOPT an ordinance (second reading) rezoning the Baywalk Mixed-Use Development site from M-1, Industrial/Office Flex to PA, Planned Area District - Planning and Building Services Department (Richard Mitchell 620-6706).
- I-6.** AUTHORIZE Assistant Chief Allwyn Brown to travel to Edinburg, Scotland on November 10 through 14, 2015, to attend a conference with Police Scotland to learn about their innovative approaches in reducing police use of force, with travel/lodging expenses paid entirely by the Police Executive Research Forum (PERF) - Police Department (Chief Chris Magnus 621-1802).
- I-7.** ADOPT a resolution authorizing the city manager to execute a Letter of Agreement between the City of Richmond and Veolia Water North America for the operation and maintenance of the recently-constructed wet weather storage facility at the wastewater treatment plant for a period not to exceed six (6) months, or until such time the City and Veolia can negotiate a contract amendment, whichever is sooner, in an amount not to exceed \$23,446 per month - Utilities Department (Ryan Smith 620-5486).
- I-8.** APPROVE the following appointments and re-appointments: Commission on Aging: Rev. Frances K. Moulton, new appointment, Seat #12, Term Expiring May 19, 2017; Design Review Board: Ray Welter, re-appointment, seat #6, Term Expiring March 17, 2017, Meredith Benz, new appointment, seat #7, term expiring March 17, 2017, Tom Leader, new appointment, seat #5, term expiring March 17, 2017; Economic Development Commission: Burgundie Spears, new appointment, seat #10, term expiring March 30, 2018; Library Commission: David Duer, new appointment, seat #3, term expiring July 1, 2018, Chloe Mosqueda, re-appointment, seat #1, term expiring July 1, 2018, Suzanne Gordon, new appointment, seat #4, term expiring July 1, 2018, Cordell Hindler, new appointment, seat #5, term expiring July 1, 2018; Police Commission: Felix Hunziker, re-appointment, seat #5, Term Expiring November 1, 2018, Bea Roberson, re-appointment, seat #7, term expiring November 1, 2018, Oscar Garcia, new appointment, seat #8, term expiring November 1, 2018; Public Art Advisory Committee: Linda Kalin, new appointment, seat #4, term expiring January 31, 2019, Jessica Parker, new appointment, seat #5, term expiring January 31, 2019; Recreation and Parks Commission: Pardip Saini, re-appointment, seat #6, term expiring October 26, 2018 - Mayor Tom Butt (620-6503).
- I-9.** AUTHORIZE Mayor Tom Butt to attend COP21, the United Nations Conference on Climate Change in Paris, France - Mayor Tom Butt (620-6503).
- I-10.** ADOPT a resolution authorizing placement of liens and special assessments for unpaid garbage collection service fees on County property tax records - Finance Department (Belinda Warner/Antonio Banuelos 620-6741).

- I-11. ADOPT a resolution changing the name of the "Richmond Workforce Investment Board" to the "Richmond Workforce Development Board" as required by the Workforce Innovation and Opportunity Act of 2014, and adopting the Richmond Workforce Development Board Bylaws to reflect changes in the federal law - Employment and Training Department (Sal Vaca 307-8023).

J. **PUBLIC HEARINGS**

- J-1. **CONTINUED TO December 15, 2015** – (1) UPHOLD the Design Review Board's approval of the Hilltop Apartment Project by denying the appeal, and reaffirming the Board's findings and statements identified in the July 22, 2015, staff report and grant the Design Review Permit; or (2) MODIFY the Design Review Board's approval and provide direction to prepare findings and statements for approving the project subject to any proposed modifications and approve the Design Review Permit; or (3) REVERSE the Design Review Board's approval by upholding the appeal and provide direction to prepare findings and statements for project denial - Planning and Building Services Department (Richard Mitchell 307-8159).

K. **ORDINANCES**

- K-1. ADOPT an ordinance (second reading) amending the contract between the California Public Employees' Retirement System and the Richmond City Council to allow classic local safety members in Richmond Fire Management Association (RFMA), International Association of Fire Fighters, Local 188 (Local 188) and Richmond Police Management Association (RPMA) to contribute an additional 1%, for a total of 3%, towards their retirement costs - Human Resources Management Department (Lisa Stephenson 620-6600).

L. **COUNCIL AS A WHOLE**

- L-1. RECEIVE a presentation from John F. Kennedy High School students and teachers regarding the Information Technology Academy and how the city and community members can support their overall success - Vice Mayor Jael Myrick (620-6636). **This item was continued from the October 27, 2015, meeting.**
- L-2. APPROVE Richmond Compassionate Care Collective's ("RCCC") request for a sixty (60) day extension of time to commence operations, pursuant to Richmond Municipal Code ("RMC") section 7.102.030C, provided that RCCC resumes payment of quarterly regulatory permit fees - Police Department (Chief Chris Magnus 621-1802). **This item was continued from the October 20, 2015, meeting.**

L-3. DIRECT staff to prepare a presentation that: (1) lays out the additional debt servicing costs to the city if S&P further downgrades the city's bond rating; (2) gives an overview of the measures the city needs to take to avoid further downgrade; and (3) provides a timeline for undertaking the measures so that the measures are taken in a timely manner to avoid the downgrade - Councilmember Vinay Pimplé (412-2050). **This item was continued from the October 27, 2015, meeting.**

L-4. (1) REPEAL Ordinance No. 21-15 N.S. -- amending Article XI of the Richmond Municipal Code to establish a rent control board and just cause requirement for evictions in its entirety by adopting the attached ordinance; OR (2) ADOPT a resolution calling a special election (a) to be consolidated with the November 8, 2016, Regular Municipal Election or to be consolidated with the June 7, 2016, Presidential Primary Election; and (b) submitting Ordinance No. 21-15 N.S. to a vote of the electors at the November 8, 2016, Regular Municipal Election or at the June 7, 2016, Presidential Primary Election - City Clerk's Office (Pamela Christian 620-6513).

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

N. ADJOURNMENT

This agenda may be previewed on KCRT – Channel 28, Richmond Television, City website www.ci.richmond.ca.us. Any documents produced by the City and distributed to a majority of the City Council regarding any item on this agenda will be made available at the Main Counter at City Hall located at 450 Civic Center Plaza.