



Community Services Building
440 Civic Center Plaza
Richmond, CA 94804

AGENDA
Tuesday, June 21, 2016

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

Vice Mayor
Eduardo Martinez

Councilmembers
Nathaniel Bates
Jovanka Beckles
Gayle McLaughlin
Jael Myrick
Vinay Pimplé

Housing Authority Tenant Commissioners
Two vacancies

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. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Subdivision [a] of Government Code Section 54956.9):

Upstream Point Molate vs. City of Richmond
 - A-2. LIABILITY CLAIMS (Government Code Section 54956.9):

Rudy Bridgeman vs. City of Richmond
Salvador Bonilla vs. City of Richmond
Christa Cappiali vs. City of Richmond
 - A-3. PUBLIC EMPLOYEE APPOINTMENT (Government Code Section 54957.6):

Citizen's Police Review Commission Investigative Officer
 - A-4. CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6):

Agency designated representatives: Bill Lindsay and Lisa Stephenson, Jack Hughes, Todd Simonson, Belinda Warner, and Bruce Soublet.
Employee organizations: Service Employees International Union (SEIU, Local 1021); International Federation of Professional and Technical Employees (Local 21); Richmond Police Officers Association (RPOA); Richmond Police Management Association (RPMA); Richmond International Association of Firefighters (IAFF, Local 188); and Richmond Fire Management Association (RFMA).

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. **REPORT FROM THE CITY ATTORNEY OF FINAL DECISIONS MADE DURING CLOSED SESSION**
- F. **REPORT FROM THE CITY MANAGER**
- G. **OPEN FORUM FOR PUBLIC COMMENT**
- H. **CITY COUNCIL CONSENT CALENDAR**
 - H-1. APPROVE a contract with Renne Sloan Holtzman Sakai Public Law Group to perform compensation and classification studies for library, business and finance, and clerical positions in an amount not to exceed \$52,000 for a term beginning January 1, 2016, and ending on June 30, 2017 - Human Resource Management Services Department (Lisa Stephenson/Donna Newton 620-6600). **This item was continued from the June 7, 2016, meeting.**
 - H-2. ADOPT an ordinance (second reading) setting the tax rate for the Tax Override Pension Fund for Fiscal Year 2016-17 at 0.14% - Finance Department (Belinda Warner/Antonio Banuelos 620-6741).
 - H-3. ADOPT an ordinance (second reading) adding Chapter 15.03, Interim Zoning Regulations, to Article XV, Zoning and Subdivisions of the Richmond Municipal Code - Planning and Building Services Department (Richard Mitchell 620-6706).
 - H-4. ADOPT an ordinance (second reading) amending Chapter 15.06 - Use and Display of Signs, repealing existing Chapters 4.04, 4.08, and 4.12 that relate to signs and other clean up changes to Section 15.04.860 of the Richmond Municipal Code - Planning and Building Department (Richard Mitchell 620-6706).
 - H-5. APPROVE a two-year contract, with two options to extend the contract for one year, with Valley Oil Company to deliver bulk fuel to the City's four fuel sites, in an amount not to exceed \$1,500,000 per fiscal year - Infrastructure Maintenance and Operations Department (Tim Higare 231-3008).

- H-6.** APPROVE a two-year contract with All Star Glass, Inc., in an amount not to exceed \$10,000 per fiscal year for FY 2016-17 and FY 2017-18 - Infrastructure and Maintenance Operations Department (Tim Higare 231-3008).
- H-7.** APPROVE a third amendment of a contract with Icon Enterprise, Inc. dba Civic Plus, for web hosting, software maintenance, and support services for the City of Richmond's website for an additional period of three years increasing the contract by an amount of \$71,500 for a total contract amount of \$166,500, and extending the term to June 30, 2019 - Information Technology Department (Sue Hartman 620-6874).
- H-8.** 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).
- H-9.** ADOPT a resolution to accept and appropriate \$75,000 in funding from the California Department of Alcoholic Beverage Control (ABC) awarded to the Richmond Police Department for implementation of an effective, comprehensive and strategic approach to address crime and public nuisance problems associated with problematic liquor establishments - Police Department (Chief Allwyn Brown 621-1802).
- H-10.** ADOPT the following resolutions: (1) as official intent of the City to reimburse the State Treasury (the "Reimbursement Resolution") for costs incurred for approved sanitary sewer projects within the Clean Water State Revolving Fund loan; (2) authorizing the City Manager or his designee (the "Authorizing Resolution") to sign and file, for and on behalf of the City, a Financial Assistance Application for a financing agreement from the State Water Resources Control Board for the planning, design, and construction of the Sanitary Sewer Wet Weather Capacity Project; and (3) dedicating and pledging wastewater enterprise capital improvement funds (the "Pledged Revenues and Funds Resolution") to payment of any and all Clean Water State Revolving Fund financing for the Sanitary Sewer Wet Weather Capacity Project - Water Resource Recovery Department (Ryan Smith 620-5486).
- H-11.** ADOPT the following resolutions: (1) as official intent of the City to reimburse the State Treasury (the "Reimbursement Resolution") for costs incurred for approved critical wastewater treatment plant improvement projects within the Clean Water State Revolving Fund loan; (2) authorizing the City Manager or his designee (the "Authorizing Resolution") to sign and file, for and on behalf of the City, a Financial Assistance Application for a financing agreement from the State Water Resources Control Board for the planning, design, and construction of the Wastewater Treatment Plant Critical Improvements Project; and (3) dedicating and pledging wastewater enterprise capital improvement funds (the "Pledged Revenues and Funds Resolution") to payment of any and all Clean Water State Revolving Fund financing for the Wastewater Treatment Plant Critical Improvements Project - Water Resource Recovery Department (Ryan Smith 620-5486).

- H-12.** ADOPT a resolution authorizing a two-year extension to the current five-year standing contracts for as-needed architectural, landscape architectural and structural engineering services with ten architects, eight landscape architects and three structural engineering firms for a total term of seven-years. The standing contract amounts will remain at \$350,000 per firm over the seven year period - Engineering and Capital Improvement Project Department - (Yader A. Bermudez 774-6300).
- H-13.** APPROVE a contract amendment with Federal Advocates for preparation of the federal Transportation Investment Generating Economic Recovery (TIGER) grant application to provide funding for infrastructure improvements along Harbour Way and Marina Way, increasing the contract amount by \$15,000 to a total amount of \$159,000 - City Manager's Office (Bill Lindsay/Lori Reese-Brown 620-6869).
- H-14.** APPROVE actions to update the Citizens Police Review Commission: APPOINT Yenny Garcia to fill the unexpired term of Scott Gillespie who resigned, seat #4, term expiration November 1, 2016 - Office of the Mayor (Mayor Tom Butt 620-6503).
- H-15.** APPROVE the minutes of the regular City Council meetings held Tuesday, May 24, May 31, and June 7, 2016 - City Clerk's Office (Pamela Christian 620-6513).
- H-16.** APPROVE actions to update the Point Molate Advisory Committee: ANNOUNCE the automatic resignation of Jeff Lee, seat #14, term expiration date May 30, 2017; DECLARE Seat #14 vacant, and DIRECT the City Clerk to post the vacancy - Office of the Mayor (Mayor Tom Butt 620-6503).
- H-17.** ADOPT a resolution calling and providing for a special municipal election to be held on November 8, 2016, for the purpose of submitting to the voters a measure to increase the City of Richmond's real estate documentary transfer tax from .7% to 1% and 1.5%, based upon the amount of the property's sale price - City Attorney's Office (Bruce Reed Goodmiller 620-6509).
- H-18.** ADOPT a resolution amending the Point Molate Community Advisory Committee (PMCAC) Resolution 8-11 to remove the reference to special meetings when addressing automatic resignations, such that automatic resignations refer only to the absence of more than 3 regular (and not special) meetings in a 12 month period - Councilmember Gayle McLaughlin (620-5431) and Mayor Tom Butt (620-6503).

- H-19.** APPROVE the following staff recommended actions with respect to the Property Assessed Clean Energy (PACE) Program for the financing of renewable energy distributed generation sources, seismic improvements, and energy and water efficiency improvements: (a) ADOPT a resolution authorizing the City of Richmond participate in the California Statewide Communities Development Authority "CSCDA" Open PACE Programs, subject to the execution of an agreement of the CSCDA program to indemnify the City; (b) AUTHORIZE the city manager to execute the CHFA Joint Exercise of Powers Agreement; and ADOPT resolutions to participate in Y-grene PACE programs subject to the execution of an agreement of the Y-grene program to indemnify the City; and (c) AUTHORIZE the city manager to execute the signatory form to become a participating authority in the Association of Bay Area Government PACE residential consumer protection program ("Regional Collaborative Services Agreement") - City Manager's Office (Shasa Curl/Adam Lenz 620-6512).
- H-20.** APPROVE actions to update the Commission on Aging: ANNOUNCE the vacancy of seat #1 previously held by Lionel Johnson, term expiration May 19, 2017; and DIRECT the City Clerk to post the vacancy - Office of the Mayor (Mayor Tom Butt 620-6503).
- H-21.** APPROVE actions to update the Housing Advisory Commission: APPOINT Carol Hegstrom as a new appointment to fill seat #5, term expiration November 1, 2017 - Office of the Mayor (Mayor Tom Butt 620-6503).
- H-22.** ADOPT a resolution approving a Memorandum of Understanding (MOU) between International Federation of Professional and Technical Employees (IFPTE) Local 21 and the City of Richmond. This agreement will extend the existing MOU through June 30, 2019 and provides for employee cost sharing of Other Post-Employment Benefits (OPEB), i.e. Retiree Medical, and employee cost sharing for active employee medical benefits. Effective January 1, 2017, employees in IFPTE Local 21 will begin contributing \$50 per month for OPEB, and will begin contributing \$100 per month toward active employee medical benefits. Effective January 1, 2018, employees in IFPTE Local 21 will contribute an additional \$50 per month toward OPEB, for a total monthly deduction of \$100, and will contribute an additional \$25 toward active employee medical benefits for a total monthly contribution of \$125 per month - Human Resources Management Services Department (Lisa Stephenson 620-6609).

I. BUDGET STUDY AND ACTION SESSION

- I-1.** REVIEW, DISCUSS, and ADOPT the proposed Fiscal Year 2016-17 Annual Operating Budget and the Fiscal Years 2016-21 Five-Year Capital Improvement Budget; or provide additional direction to staff - City Manager's Office and Finance Department (Bill Lindsay 620-6512/Belinda Warner 620-6740).

J. RESOLUTIONS

J-1. ADOPT a resolution in support of the Cybertran International, Inc. Ultra-Light Rail Transit System (ULRT) and consider co-sponsoring a regional Town Hall Meeting to introduce the ULRT system as a Global Identity Project - Vice Mayor Eduardo Martinez (620-6593) and Councilmember Jovanka Beckles (620-6568). **This item was continued from the June 7, 2016, meeting.**

K. ORDINANCES

K-1. INTRODUCE an ordinance (first reading) to amend Chapter 7.102 - Medical Marijuana Collectives - of the Richmond Municipal Code (R.M.C.) - Office of the Mayor (Mayor Tom Butt 620-6503) and City Council (Councilmember Gayle McLaughlin 620-5431).

L. COUNCIL AS A WHOLE

L-1. APPROVE supporting the H.R. 4760 Congressional Bill titled "Blue Lives Matter" and direct staff to send a letter of support to Congressman Ken Buck - Councilmember Nat Bates (620-6743). This item was continued from the May 17, 2016, meeting. **This item was continued from the June 7, 2016, meeting.**

L-2. DISCUSS and PROVIDE DIRECTION to staff regarding the proposed measure to impose a litter tax - City Attorney's Office (Bruce Reed Goodmiller 620-6509).

L-3. DISCUSS and CONSIDER directing staff to draft a letter indicating that the City Council views businesses such as medical marijuana dispensaries, manufacturers and cultivators as legitimate businesses provided the owners remain in good standing with the requirements of the permit - Councilmember Jovanka Beckles (620-6568).

L-4. ADOPT an urgency ordinance establishing a 45-day moratorium on certain residential rent increases in the City of Richmond while voters consider whether or not to enact the Richmond Fair Rent, Just Cause for Eviction and Homeowner Protection ordinance that is anticipated to qualify for the November 2016 election - Councilmember Gayle McLaughlin (620-5431) and Councilmember Jael Myrick (620-6636).

M. REPORTS OF OFFICERS: 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.