



Community Services Building  
440 Civic Center Plaza  
Richmond, CA 94804

**AGENDA**  
**Tuesday, July 19, 2016**

*Link to City Council Agendas/Packets*  
<http://sireweb.ci.richmond.ca.us/sirepub/meet.aspx>  
*Register to receive notification of new agendas, etc.*  
<http://www.ci.richmond.ca.us/list.aspx>

**Mayor**  
Thomas K. Butt

**Vice Mayor**  
Eduardo Martinez

**Councilmembers**

Nathaniel Bates  
Jovanka Beckles  
Gayle McLaughlin  
Jael Myrick  
Vinay Pimplé

**Housing Authority Tenant Commissioners**

Jaycine Scott  
One Vacancy

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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 Soulet, 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).

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

Property: Fire Training Center, 3506 Cutting Boulevard  
Agency negotiators: Bill Lindsay, Shasa Curl, and Adrian Sheppard  
Negotiating parties: Integral Group  
Under negotiation: Price and terms of payment

Property: General Warehouse, Port of Richmond  
Agency Negotiators: Bill Lindsay and Jim Matzorkis  
Negotiating parties: Sugar Flower LLC and Power Plant  
Under negotiation: Price and terms of payment

- A-3. PUBLIC EMPLOYEE APPOINTMENT (Government Code Section 54957.6):

Title: Citizen's Police Review Commission Investigative Officer

#### B. **SUCCESSOR AGENCY**

- B-1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code  
Section 54956.8):

Property: Miraflores Housing Development  
Agency negotiators: Bill Lindsay and Tim Jones  
Negotiating parties: Miraflores Community Devco, LLC  
Under negotiation: Price and terms of payment

**REGULAR MEETING OF THE SUCCESSOR AGENCY TO THE  
RICHMOND COMMUNITY REDEVELOPMENT AGENCY  
AND 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. SUCCESSOR AGENCY TO THE RICHMOND COMMUNITY REDEVELOPMENT AGENCY CONSENT CALENDAR**
  - H-1.** ADOPT a resolution authorizing the execution of a Disposition and Development Agreement by and among the Successor Agency to the Richmond Community Redevelopment Agency and Miraflores Community Devco LLC for a mixed market-rate and affordable for sale housing development at the Miraflores site - Successor Agency to the Richmond Community Redevelopment Agency (Tim Jones 621-1310).
- I. CITY COUNCIL CONSENT CALENDAR**
  - I-1.** APPROVE a legal services agreement with Colantuono Highsmith for limited, as-needed specialized legal advice regarding taxation and revenue issues, in an amount not to exceed \$15,000, with a term expiration of June 30, 2017 - City Attorney's Office (Bruce Reed Goodmiller 620-6509).
  - I-2.** RECEIVE a report on the Richmond Municipal Sewer District for the month of May 2016 – Water Resource Recovery Department (Ryan Smith 620-5486).
  - I-3.** INTRODUCE an ordinance (first reading) amending Richmond Municipal Code (RMC) Chapter 12.56, Flood Damage Protection, to meet the minimum requirements of the National Flood Insurance Program - Water Resource Recovery Department (Ryan Smith 620-5486).

- I-4.** REVIEW and APPROVE the City's Investment and Cash Balance Report for the month of May 2016 - Finance Department (Belinda Warner/Tracey Angelo 620-6750).
- I-5.** APPROVE a contract amendment with Lincoln Equipment, dba Lincoln Aquatics, to provide service and deliver pool chemicals to the Richmond Swim Center and the Richmond Plunge in an amount not to exceed \$15,000 for a total contract amount of \$25,000, with a term extending through December 31, 2016 - Department of Infrastructure Maintenance and Operations (Tim Higares 231-3008).
- I-6.** APPROVE the sole-source agreement with Priority Dispatch to provide maintenance, support and critical updates to the ProQA and AQUA software applications and card sets used by the Communications Center for 911 medical emergency call-taking, dispatching, and quality assurance, in an amount not to exceed \$22,500 over the three-year contract term from July 1, 2016 through June 30, 2019 - Fire Department (Chief Adrian Sheppard 307-8041).
- I-7.** APPROVE the sole-source purchase of Globe personal protective equipment for fire personnel through L.N. Curtis & Sons, the exclusive distributor of Globe Manufacturing protective clothing, in an amount not to exceed \$36,000 over a three-year period - Fire Department (Chief Adrian Sheppard 307-8041).
- I-8.** APPROVE the sole-source purchase of PGI's Premier Wildland Forestry personal protective clothing for fire personnel through L.N. Curtis & Sons in an amount not to exceed \$18,000 over the three-year period - Fire Department (Chief Adrian Sheppard 307-8041).
- I-9.** ADOPT a resolution approving a three-year amendment/extension to the agreement between the City of Richmond and the Contra Costa County Health Services Division in support of the Fire Department's Emergency Medical Services (EMS) program, and authorizing the City of Richmond to accept and appropriate \$669,066 in Measure H funding from the Contra Costa County Health Services Division over a three-year period from June 30, 2016, to June 30, 2019, in support of this EMS program - Fire Department (Chief Adrian Sheppard 307-8041).
- I-10.** ADOPT a resolution setting a public hearing on September 13, 2016, regarding the City's intent to grant to SFPP, L.P. a franchise to use or lay and use, oil pipes and appurtenances for the purpose of transmitting and distributing oil and oil products within the City's rights-of-way for a period of 20 years - Engineering and Capital Improvement Projects Department (Yader Bermudez 774-6300).

- I-11.** APPROVE the amended 2014/2015 North Richmond Waste and Recovery Mitigation Fee Expenditure Plan, identifying the activities authorized to be funded from the mitigation fee collected at the waste processing facility in North Richmond for the period of July 1, 2014, through June 30, 2015; and APPROVE the 2016/2017 North Richmond Waste and Recovery Mitigation Fee Expenditure Plan, identifying the activities authorized to be funded from the mitigation fee collected at the waste processing facility in North Richmond for the period of July 1, 2016 through June 30, 2017, as recommended by the North Richmond Waste and Recovery Mitigation Fee Joint Expenditure Planning Committee - City Manager's Office (Bill Lindsay/Lori Reese-Brown 620-6512).
- I-12.** APPROVE Contract Amendment No. 2 with Hadronex, Inc. to provide equipment warranties and ongoing continuous hydrogen sulfide monitoring services within areas around the wastewater treatment facility in an amount not to exceed \$15,252.00, for a total contract amount of \$85,252.00, and for a one-year period ending on June 30, 2017 - Water Resource Recovery Department (Ryan Smith 620-5486).
- I-13.** APPROVE actions to update the Point Molate Community Advisory Committee: ANNOUNCE the vacancy of Seat #2 previously held by Shana Bagley, term expiration May 30, 2017; and DIRECT the City Clerk to post the vacancy - Office of the Mayor (Mayor Tom Butt 620-6503).
- I-14.** APPROVE actions to update the Personnel Board: APPOINT Steve Early, seat #4, term expiration June 21, 2021 - Office of the Mayor (Mayor Tom Butt 620-6503).
- I-15.** AUTHORIZE the city manager to execute an Indefeasible Right of Use Agreement (IRU) with Internet Archive, allowing Internet Archive exclusive use of four (4) strands of City of Richmond owned fiber optic cable in return for providing free broadband wireless Internet access in select locations within the City for a period of 99 years - Information Technology Department (Sue Hartman 620-6874).
- I-16.** APPROVE actions to update the Economic Development Commission: APPOINT Louis Wright, seat #6, term expiration March 30, 2019 - Office of the Mayor (Mayor Tom Butt 620-6503).
- I-17.** ADOPT a resolution adjusting the current fees of the Infrastructure Maintenance and Operations Department's Code Enforcement Division and Planning and Building Services Department's Planning Services Division - Finance Department (Belinda Warner/Antonio Banuelos 620-6741).
- I-18.** APPROVE actions to update the Human Rights Human Relations Commission: APPOINT Jan Mignone, seat #9, term expiration March 30, 2018 - Office of the Mayor (Mayor Tom Butt 620-6503).

- I-19.** ADOPT an ordinance (second reading) approving a Zoning Amendment to rezone the project site from Coastline Commercial (C-C) to Planned Area (PA) District for the Terminal One Project - Planning and Building Services Department (Richard Mitchell/Lina Velasco 620-6706).
- I-20.** APPROVE actions to update the Workforce Development Board: APPOINT Jane Fischberg, seat #20, term expiration March 1, 2020 - Office of the Mayor (Mayor Tom Butt 620-6503).
- I-21.** APPROVE actions to update the Recreation and Parks Commission: APPOINT Payal Patel to fill the unexpired term of Steven Parker who resigned, seat #3, term expiration April 28, 2018 - Office of the Mayor (Mayor Tom Butt 620-6503).
- I-22.** APPROVE a recommendation to neither retain the City's appointments and voting membership nor request a non-voting ex-officio seat on the Contra Costa Library Commission - Office of the Mayor (Mayor Tom Butt 620-6503).
- I-23.** ADOPT a resolution approving the City of Richmond Investment Policy - Finance Department (Belinda Warner/Tracey Angelo 620-6750).
- I-24.** ADOPT a resolution Declaring the Canvass of Returns and Result of the Primary Election held on June 7, 2016 - City Clerk's Office (Pamela Christian 620-6513).
- I-25.** APPROVE the minutes of the regular City Council meeting held Tuesday, June 21, 2016 - City Clerk's Office (Pamela Christian 620-6513).
- I-26.** ADOPT a resolution approving a Memorandum of Understanding (MOU) between the Richmond Fire Management Association (RFMA) and the City of Richmond, extending the existing MOU through June 30, 2022. The MOU provides employee cost sharing of OPEB (Other Post-Employment Benefits, i.e. Retiree Medical), and employee cost sharing for active employee medical benefits effective January 1, 2017, with contributions increasing in graduated amounts through July 1, 2019 - Human Resources Management Department (Lisa Stephenson 620-6609).
- I-27.** APPROVE a sole-source agreement with the Contra Costa County District Attorney's Office for the dedicated services of a deputy district attorney who would be specifically assigned as Richmond's Community Based Prosecutor, at a cost not to exceed \$200,000, from July 1, 2016, through June 30, 2017 - Police Department (Chief Allwyn Brown 621-1802). **This item was continued from the July 5, 2016, meeting.**



- I-28.** APPROVE a fourth amendment to the existing agreement with Cox, Wootton, Lerner, Griffin, & Hansen, LLP for continued legal services regarding maritime law matters, and the matter of Port of Richmond vs. J.E.B.S. & Associates, Inc., legal services to terminate the lease with Oscar Neimeth Tow Company, and legal services regarding maritime law matters with Semi-Truck and Trailer Repair Corp., increasing the contract amount by \$70,000 for a total contract amount not to exceed \$160,000 - Port Department (Jim Matzorkis 215-4600).

**J. PUBLIC HEARINGS**

- J-1.** ADOPT a resolution approving a report of sewer service charges for FY 2017/16, and allowing for the sanitary and stormwater fees to be collected on the annual 2016-2017 tax rolls - Water Resource Recovery Department (Ryan Smith 620-6594).
- J-2.** ADOPT a resolution authorizing the City of Richmond to levy special assessments against certain properties having unpaid invoices related to administrative citations, nuisance abatement costs and foreclosure ordinance fines pursuant to Richmond Municipal Code Chapters 9.22 and 2.63 - Department of Infrastructure Maintenance and Operations (Tim Higare 620-6508).
- J-3.** ADOPT a resolution with findings of fact issuing a permit for Indigo Therapeutics to operate as a marijuana manufacturing collective inside JOINN Innovation Park, located at 2600 Hilltop Drive - Police Department (Chief Allwyn Brown 621-1802).

**K. RESOLUTIONS**

- K-1.** ADOPT a resolution in support of Senate Bill 1107, "An act to amend Sections 85300 and 85320 of, and to add Sections 89519.5 and 91004.5 to, the Government Code, relating to the Political Reform Act of 1974" which extends the opportunity for citizen-funded election programs to all local governments in the State of California, including general law cities - Vice Mayor Eduardo Martinez (620-6593). **This item was continued from the July 5, 2016, meeting.**
- K-2.** RECEIVE the Certificate of Sufficiency of Initiative Petition dated July 12, 2016, indicating that the initiative petition entitled "Richmond Fair Rent, Just Cause for Eviction and Homeowner Protection Ordinance" has a sufficient number of valid signatures to be submitted to the voters at the November 8, 2016, General Election; and ADOPT a resolution submitting the Initiative to the voters at the November 8, 2016, General Election - City Clerk's Office (Pamela Christian 620-6513).

**L. COUNCIL AS A WHOLE**

**L-1.** (1) APPROVE a recommendation from the Environment & Community Investment Agreement (ECIA) Grant Review Committee for Fiscal Year (FY) 2016-2017 grant awards to fourteen (14) organizations in an amount not to exceed \$600,000; (2) ADOPT a resolution of the approved list of FY 2016-2017 ECIA grant awardees; and (3) AUTHORIZE the City Manager to negotiate and execute Grant Service Agreements with approved grantees - City Manager's Office (Bill Lindsay 620-6512). **This item was continued from the July 5, 2016, meeting.**

**L-2.** ADOPT a resolution to submit to the voters a measure to assess a Litter Tax on certain businesses in an amount based on the annual gross receipts of such business; OR DIRECT staff to retain a consultant to conduct a cost of service study pursuant to Proposition 26 in connection with preparation of a Litter Fee ordinance - City Manager's Office (Bill Lindsay 620-6512) and City Attorney's Office (Bruce Reed Goodmiller 620-6509). **This item was continued from the July 5, 2016, meeting.**

**L-3.** DIRECT staff to work with the Richmond Arts and Culture Commission (RACC) and the Public Arts Advisory Committee (PAAC) to bring forward an ordinance for One Percent for Publicly Accessible Art on Private Projects (1% Ordinance) to be brought back to the City Council in October 2016 - Councilmember Gayle McLaughlin (620-5431).

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

**N. ADJOURNMENT**

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*This agenda may be previewed on KCRT – Channel 28, Richmond Television, City website [www.ci.richmond.ca.us](http://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.*