



Community Services Building
440 Civic Center Plaza
Richmond, CA 94804

AGENDA
Tuesday, June 2, 2020

**PLEASE NOTE CHANGES IN THE
PUBLIC COMMENT PROCEDURES
HIGHLIGHTED IN GREEN
(MORE TO COME)**

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 Butt

Vice Mayor
Nathaniel Bates

Councilmembers
Ben Choi
Demnlus Johnson III
Eduardo Martinez
Jael Myrick
Melvin Willis

ALL CITY COUNCIL MEMBERS WILL PARTICIPATE VIA TELECONFERENCE

Housing Authority Tenant Commissioners
Jaycine Scott
Vacant

CORONAVIRUS DISEASE (COVID-19) ADVISORY

Due to the coronavirus (COVID-19) pandemic, Contra Costa County and Governor Gavin

Newsom have issued multiple orders requiring sheltering in place, social distancing, and reduction of person-to-person contact. Accordingly, Governor Gavin Newsom has issued executive orders that allow cities to hold public meetings via teleconferencing. Both <https://www.coronavirus.cchealth.org/> and <http://www.ci.richmond.ca.us/3914/Richmond-Coronavirus-Info> provide updated coronavirus information.

DUE TO THE SHELTER IN PLACE ORDERS, 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. Consistent with Executive Order N-29-20, this meeting will utilize teleconferencing only. The following provides information on how the public can participate in this meeting.

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 comments may be submitted in multiple ways:

1. Via email to cityclerkdept@ci.richmond.ca.us by 3:00 p.m. or during the meeting as set forth below. Emails **MUST** contain in the subject line **public comments – not on the agenda or public comments – agenda item #**. **Due to the high volume of comments received, comments that do not contain the correct identifying information in the subject line may not become part of the record.**
2. Via mail received by 3:00 p.m. sent to 450 Civic Center Plaza, 3rd Floor, Office of the Clerk, Richmond, CA 94804.
3. Via eComment. To leave a comment, click eComment on the City's Meeting & Agenda Center webpage at <https://richmond.granicusideas.com/meetings>, select the item you wish to comment on and submit your written comment. The comment period will begin after the agenda is published and will close at 3:00 p.m. the day of the meeting.
4. Via Telephone. If you would like to give your public comment via telephone, please email your telephone number with area code to cityclerkdept@ci.richmond.ca.us **during the meeting and prior to the clerk announcing the item you wish to speak on.** You will be called during the public comment period and you will be given the opportunity to verbally submit public comment (not to exceed the allotted time – one, two or three minutes – for such comments as provided below).

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.

For future meetings, the City is working on additional ways for the public to submit comments.

Comments received by 3:00 p.m. during the day of the meeting will be handled as follows:

Comments received via eComment will be exported into a report, distributed to the City Council and staff and published on the City's Meeting & Agenda Center under Documents Received After Published Agenda.

All email and mail comments received **by 3:00 p.m. the day of the meeting** will be provided to the City Council via e-mail or report.

Comments received via email or telephone during the meeting (after the meeting is called to order) will be handled as follows:

Comments received via email during the meeting and prior to the clerk announcing the item for Council consideration, will be read into the record and will be limited to a maximum of one to two minutes, depending on the number of commenters, as more fully described in the City Council meeting procedures below. For public hearing items, the time will be limited to a maximum of three minutes. The Clerk will stop reading comments into the record after the allotted time for such comments.

Comments received by telephone during the public comment period shall not exceed the allotted time – one, two or three minutes – for such comments as provided above.

Record of all public comments:

All public comments will be considered a public record, put into the official meeting record. All public comments will be 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 Consent Calendar Items from the Consent Calendar

Councilmembers and members of the public who wish to remove an item from the consent calendar must comply with the following procedures in order to remove an item from the consent calendar:

1. Telephone or email a City staff member who has knowledge of the subject matter by 2:00 p.m. on the day of meeting.
2. Inform the City Clerk's Office by email at cityclerkdept@ci.richmond.ca.us or by phone at 510-620-6513, ext. 9, by 3:00 p.m. that they discussed the matter with staff with knowledge of the subject matter and that such Councilmember or member of the public, nonetheless, desires the item to be removed from the consent calendar for discussion.

Staff will be informed by the City Clerk's Office as soon as reasonably practicable after

notice of the request to remove the item from the consent calendar. Staff may attend the meeting remotely.

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 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 the Executive Order N-29-20, the language in this Advisory portion of the agenda supersedes any language below in the meeting procedures contemplating in-person public comment.

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 up to TWO (2) MINUTES to address the City Council on NON-PUBLIC HEARING items listed on the agenda. Speakers are allowed up to THREE (3) minutes on PUBLIC HEARING items.

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 that is sponsored by City staff 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. Councilmembers who request to remove an item from the consent calendar must do so during 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 BEFORE CLOSED SESSION

5:00 p.m.

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

CLOSED SESSION

Shimada Room of the Community Services Building

CITY COUNCIL

CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6):

Agency Representatives: Jack Hughes

Employee organizations:

1. SEIU Local 1021 Full Time Unit
2. SEIU Local 1021 Part Time Unit
3. IFPTE Local 21 Mid-Level Management Unit
4. IFPTE Local 21 Executive Management Unit
5. Richmond Police Officers Association RPOA
6. Richmond Police Management Association RPMA
7. IAFF Local 188
8. Richmond Fire Management Association RFMA

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957):

Title: Interim City Attorney

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

Property: Port of Richmond (Terminal 3)

Agency negotiators: Jim Matzorkis

Negotiating party: Richmond Terminal 3 Partners (Bobby Winston, Orton Development and Tom Lockard)

Under negotiations: Price and terms of payment

Property: Port of Richmond (Terminal 4)

Agency negotiators: Jim Matzorkis

Negotiating party: Nematode Holdings, LLC/dba Bay Crossings (Bobby Winston-Owner)

Under negotiations: Price and terms of payment

REGULAR MEETING OF THE RICHMOND CITY COUNCIL

6:30 p.m.

- A. **ROLL CALL**
- B. **STATEMENT OF CONFLICT OF INTEREST**
- C. **AGENDA REVIEW**
- D. **REPORT FROM THE CITY ATTORNEY OF FINAL DECISIONS MADE DURING CLOSED SESSION**
- E. **REPORT FROM THE CITY MANAGER**
- F. **OPEN FORUM FOR PUBLIC COMMENT**
- G. **CITY COUNCIL CONSENT CALENDAR**
 - G-1. ADOPT a resolution to ACCEPT and APPROPRIATE into the Fiscal Year 2019-20 budget \$952,000 received from the California Employment Development Department, \$250,000 received from the California Employment Training Panel, and \$50,000 received from Y&H Soda Foundation - Library and Community Services Department (Sal Vaca/Jill Perry 307-8023).
 - G-2. APPROVE a resolution to ACCEPT and APPROPRIATE grant funds in the amount of \$4,165,000 from the State of California Department of Parks and Recreation Prop 68 funds to Revitalize Boorman Park - Library and Community Services Department (Sal Vaca/Ranjana Maharaj 307-8006).
 - G-3. APPROVE a resolution to ACCEPT and APPROPRIATE grant funds in the amount of \$250,000 from the National Football League Foundation for the Martin Luther King Turf Field Replacement Project - Library and Community Services Department (Sal Vaca/Ranjana Maharaj 307-8006).
 - G-4. ADOPT a resolution approving contracts with Patriot Environmental Services, NRC Environmental Services Inc. and American Integrated Services, Inc., to provide as-needed decontamination services at various City facilities, in an amount not to exceed \$300,000 each for a three-year contract plus a two-year extension option - Public Works Department (Yader A. Bermudez 774-6300).
 - G-5. ADOPT a resolution to install one four-way stop controls at the intersections of Virginia Avenue and South 24th Street and two, two-way stop controls at the intersections on 3rd Street at Chanslor Avenue and on 9th Street at Lincoln Avenue - Engineering and Capital Improvements Department (Yader Bermudez 510-774-6300/ Dane Rodgers 510-307-8112).

- G-6.** APPROVE a Master Funding Agreement Supplement with the Metropolitan Transportation Commission and APPROPRIATE \$325,000 for implementation of bicycle and pedestrian safety improvements along Harbour Way South - Public Works Department (Yader A. Bermudez 774-6300).
- G-7.** ADOPT a resolution authorizing the public works director and the city attorney to execute the Stipulated Order between the San Francisco Bay Regional Water Quality Control Board and the City of Richmond on behalf of West County Agency, and to allocate funds in the Fiscal Year 2020-2021 budget in the amount of \$84,000 to pay the Mandatory Minimum Penalty. The \$84,000 will be reimbursed by Veolia, City's Contractor - Public Works Department (Yader A. Bermudez 774-6300).
- G-8.** ADOPT a resolution amending Veolia's contract authorizing them to manage subcontractor WR Forde for the change order needed to complete the repairs on Wastewater Treatment Plant discharge pipe repair project. The total project cost will not exceed \$265,777.72 [Prior Project Cost of \$189,312.50 plus change order cost of \$76,465.22 [Project cost of \$70,151.58 plus Veolia's 9.0% mark-up of \$6,313.64] - Public Works Department (Yader A. Bermudez 774-6300).
- G-9.** APPROVE contract amendment number two (2) in the amount of \$250,000 with Gordon & Rees, LLP for a total contract amount not to exceed \$525,000 for the evaluation, audit and legal review of the City's Wastewater Operations (as contracted by Veolia Water North America); and APPROPRIATE the budget in the amount of \$250,000 - Public Works Department (Yader A. Bermudez 774-6300).
- G-10.** APPROVE on-call concrete repair contracts with four construction companies: Bay Hawk, Inc., Malachi Paving & Grading, Inc., Precision Concrete Cutting, and Yerba Buena Engineering & Construction, Inc., in an amount not to exceed \$500,000 per company per year over a three-year period, each with an optional maximum two year extension - Public Works Department (Yader A. Bermudez 774-6300/Tawfic Halaby 621-1612).
- G-11.** ADOPT an ordinance (second reading) setting wastewater user rates for fiscal years 2020-21 through 2024-25 with annual rate increases of 5%, 6%, 7%, 7% and 7% for fiscal years 2020-21 through 2024-25 respectively - Public Works Department (Yader Bermudez 774-6300/Mary Phelps 621-1269).
- G-12.** APPROVE and APPROPRIATE the funding/purchase of three 2021 Ford Hybrid Police Interceptors from The Ford Store San Leandro in an aggregate amount not to exceed \$116,000 - Fire Department (Chief Adrian Sheppard 307-8041).
- G-13.** APPROVE the sole-source contract amendment with Bauer Compressors, Inc. to perform annual preventative maintenance and as-needed repairs to the Fire Department's mobile breathing compressor, increasing the contract by \$13,000, for a total amount not to exceed \$20,000, and extending the term of the contract through March 31, 2022 - Fire Department (Chief Adrian Sheppard 307-8041).

- G-14.** RECEIVE the City's Investment and Cash Balance Report for the month of April 2020 – Finance Department (Belinda Brown/Delmy Cuellar 620-6740).
- G-15.** INTRODUCE an ordinance (first reading) setting the tax rate for the Tax Override Pension Fund for Fiscal Year 2020-2021 at 0.14% - Finance Department (Belinda Brown/Antonio Banuelos 620-6741).
- G-16.** APPROVE the minutes of the May 12, 2020, Special City Council meeting - City Clerk's Office (Pamela Christian 620-6513).
- G-17.** ADOPT an ordinance (second reading) to establish the wages, salaries, and compensation for the new classification specification of Industrial Building Inspector (salary range 060G \$8,154 -\$9,864/month) - Human Resources Management Department (Allison Picard/Kate Soiseth 620-6602).
- G-18.** ADOPT a resolution authorizing employment of retired annuitant, Allison Picard, as the Interim Human Resources Director to fill a vacant position pending the recruitment of a permanent Human Resources Director - City Manager's Office/Internal Services (LaShonda White 620-6512).
- G-19.** ADOPT a resolution amending the City of Richmond's Position Classification Plan to add the classification specification for Assistant Police Chief, and change the title for the Human Resources Management Director to Human Resources Director and INTRODUCE an ordinance (first reading) to establish the wages, salary, and compensation for the Assistant Police Chief (Salary Range 5.5: \$12,338 - \$19,640) and to revise the wages, salary, and compensation for the Police Chief (Salary Range 5.7: \$13,572 - \$20,833) and the Human Resources Director (Salary Range 5.1: \$10,728 - \$17,078) - Human Resource Management Department (Allison Picard 620-6600).
- G-20.** APPROVE appointments to update the Public Art Advisory Committee: APPOINT Siobhan Hayes, new appointment, seat #1, term expiration date February 20, 2022, Gretchen Borg-Hillstead, re-appointment, seat #2, term expiration date February 20, 2022, Phillip Mehas, re-appointment, seat #3, filing an unexpired term with an expiration date of February 20, 2022 - Office of the Mayor (Mayor Tom Butt 620-6503).

H. BUDGET SESSION

- H-1.** APPROVE staff recommendations on additional cost savings, RECEIVE budget balancing options, and PROVIDE direction to staff on which options to implement and/or on modifications to the options to bring back to the City Council during a special City Council meeting on June 9, 2020. - City Manager's Office/Finance Department (Laura Snideman 510-620-6512/Belinda Brown 620-6740/Markisha Guillory 620-5434).

I. PUBLIC HEARINGS

- I-1.** ADOPT a resolution approving the Engineer's Report and ordering the levy and collection of assessments in the Hilltop Landscape Maintenance District for the Fiscal Year 2020-21, providing for a three percent increase in annual assessments - Public Works Department (Yader A. Bermudez 774-6300).
- I-2.** ADOPT a resolution approving the Engineer's Report and ordering the levy and collection of assessments in the Marina Bay Landscaping and Lighting Maintenance District for the Fiscal Year 2020-2021, providing for a three percent increase in annual assessments - Public Works Department (Yader A. Bermudez 774-6300).

J. COUNCIL AS A WHOLE

- J-1.** RECEIVE information on the financial impact of compensating employees that are unable to work due to COVID-19; APPROVE staff's recommendation to implement Option A, which allows for full compensation of all city staff with the use of accruals for time they are not working due to COVID-19; and AUTHORIZE the City Manager to clarify the selected policy option administratively, as needed - City Manager's Office (LaShonda White 620-6512).
- J-2.** APPROVE contract Amendment No. 1 with Mark43 in an amount of \$1,500,000. The proposed contract amendment would extend the term of the contract for five-years and increase the amended contract amount by \$1,500,000 for a total ten-year contract amount not to exceed \$3,000,000 - Police Department (Interim Chief Bisa French 621-1802). **This item was continued from the May 26, 2020, meeting.**
- J-3.** AUTHORIZE the city attorney to draft an amendment to Measures E and K, to be placed on the November 2020 ballot, that will cap the maximum general fund allocation for Measures E and K with an amount equal to the net increase in revenue resulting from Measure H for each fiscal year preceding the fiscal year for the budget being adopted and to provide for an emergency waiver of Section 6 of Measure E - Office of the Mayor (Mayor Tom Butt 620-6503). **This item was continued from the May 26, 2020, meeting.**
- J-4.** AUTHORIZE the city attorney to draft an ordinance to be placed on the November 2020 ballot that will repeal the Richmond Fair Rent, Just Cause for Eviction and Homeowner Protection ordinance and replace it with the Richmond Affordable Housing Ordinance - Office of the Mayor (Mayor Tom Butt 620-6503). **This item was continued from the May 26, 2020, meeting.**

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

L. 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.