



Community Services Building  
440 Civic Center Plaza  
Richmond, CA 94804

**AGENDA**  
**Tuesday, February 16, 2021**  
**4:15 p.m.**

*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**  
Nathaniel Bates

**Councilmembers**  
Claudia Jimenez  
Demnlus Johnson III  
Eduardo Martinez  
Gayle McLauhlin  
Melvin Willis

**ALL CITY COUNCIL MEMBERS WILL PARTICIPATE VIA TELECONFERENCE**

**Housing Authority Tenant Commissioners**  
Jaycine Scott  
Vacant

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**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 comment may be submitted by mail, 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.**

1. 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.
2. 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 will be posted on-line and emailed to the City Council before the meeting is called to order. The Clerk will prepare summaries of all such email and the summaries will be read into the record. **No individual email will be read into the record, only the summaries.** Due to the high volume of emails received, emails that do not contain the correct identifying information in the subject line may be overlooked and may not become part of the record. **Email received after 1:00 p.m. will not be summarized nor read into the record. Email received after 1:00 p.m. will, however, be posted on-line following the meeting as part of the supplemental materials attached to the meeting minutes.**

3. Via Zoom by video conference or by phone using the following link/call-in numbers – for Open Session and City Council:

**Please click the link below to join the webinar:**

<https://zoom.us/j/99312205643?pwd=MDdqNnRmS2k4ZkRTOWhlUldQOUF1Zz09>

**Passcode: ccmeeting**

**Or iPhone one-tap:**

**US: +16699006833,,99312205643# or +13462487799,,99312205643#**

**Or 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/j/aehrwCglSx>

a. 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. Speakers will be called upon in the order they select the “Raise Your Hand” feature. When called upon, you will be unmuted. After the allotted time, you will then be re-muted. \*\*

b. 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 unmuted. 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>. \*\*

\*\*The clerk will announce the item number and ask individuals who would like to address the Council to raise their hand. After the clerk reads the item into the record, the request to speak period on the item will be closed.

***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.***

#### **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. Any staff member shown as an author of the agenda report for the particular item has knowledge of the subject matter and may be called.
2. Inform the City Clerk’s Office by email at [cityclerkdept@ci.richmond.ca.us](mailto: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](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 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:** **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.**

**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.

**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

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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 BEFORE  
CLOSED SESSION**

4:15 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**

LIABILITY CLAIMS -(Government Code Section 54956.9):

Kathleen Jones v. City of Richmond

Terrance Jackson v. City of Richmond

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
(paragraph (1) of Subdivision [d] of Government Code Section 54956.9):

Levin Richmond Terminal Corp. v. City of Richmond (Two cases)

Wolverine Fuels Sales LLC v. City of Richmond (One case)

Phillips 66 Co. v. City of Richmond (Two cases)

SPRAWDEF et al. v. City of Richmond

Point Molate Alliance et al. v. City of Richmond

North Coast Rivers Alliance et al. v. City of Richmond

# REGULAR MEETING OF THE RICHMOND CITY COUNCIL

6:30 p.m.

A. **ROLL CALL**

B. **STATEMENT OF CONFLICT OF INTEREST**

C. **AGENDA REVIEW**

D. **ELECTION OF THE VICE MAYOR FOR 2021**

D-1. ELECTION of Vice Mayor for 2021 - Mayor Tom Butt (620-6503).

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 legal services agreement for \$300,000 with the law firm of Downey Brand LLP for services rendered from January 27, 2021, through June 30, 2024, to address an ongoing contract dispute with the City's waste water operator, and a first amendment to add \$400,000 to an existing legal services agreement with Shute, Mihaly & Weinberger LLP for services rendered February 16, 2021, through June 30, 2025, to represent and defend the City of Richmond in pending municipal law litigation in state and federal court - City Attorney's Office (Teresa L. Stricker 620-6509).

H-2. INTRODUCE an ordinance (first reading) amending RMC chapter 14.46 Neighborhood Parking Regulations, section 14.46.005 Definitions, section 14.46.010 (a) Neighborhood parking zones, section 14.46.010 (b) Electric Vehicle Charging, section 14.46.010 (c) Car Share, section 14.46.020 Installation and maintenance of parking revenue equipment, section 14.46.030 Curbs, street lines, markings and parklets, section 14.46.050 Unlawful parking in on -street parking spaces, section 14.46.070 Unlawful parking in off-street parking spaces, section 14.46.030, 14.46.100 Rates charged for use of parking spaces, 14.46.130 Notice of parking violation and vehicle removal, section 14.46.140 Disposition and use of revenue, 14.56 Neighborhood Permit Parking, section 14.56.020 (a) Legislative Findings, section (b) Specific Findings, section 14.56.030 (k) Definitions, section 14.56.060 (b) Designation process of a neighborhood permit parking area, section 14.56.080 (b)(3) Issuance of vehicle parking permits, section 14.56.090 Visitor permits, section 14.56.150 Revocation of permits, section 14.56.170 (b) Deletion of streets from neighborhood permit parking areas, section 14.44 Stopping, Standing, or Parking Restricted or Prohibited on

Certain Streets, section 14.40.150 Parking in city -owned or operated lots, section 14.40.210 Parking areas for electric or low emission vehicles, section 14.08 Traffic Administration, and section 2.62 Administrative Citations - Library and Community Services Department (Jim Nantell/Denée Evans 621-1718). **This item was continued from the December 22, 2020, meeting.**

- H-3.** ADOPT a resolution adopting the Ferry to Bridge to Greenway Complete Streets Plan - Library and Community Services Department (Jim Nantell/Lori Reese 307-8006).
- H-4.** ADOPT a resolution authorizing the execution of a construction contract with Ghilotti Bros., Inc., for construction of the Macdonald Avenue and 33rd Street Intersection Project in an amount not to exceed \$790,654.70, including a 10% contingency (\$71,877.70) - Public Works Department (Tawfic Halaby 621-1612/Dane Rodgers 307-8112).
- H-5.** ADOPT a resolution authorizing a request to the Metropolitan Transportation Commission for the allocation of Fiscal Year 2021-22 Transportation Development Act Article 3 pedestrian/bicycle project funding and to ACCEPT and APPROPRIATE the funds should the grant be awarded - Public Works Department (Tawfic Halaby 621-1612).
- H-6.** ADOPT a resolution appropriating funds from the 2019A Wastewater Bond proceeds and APPROVE Veolia Water to manage and award contracts for the First Street Wet Weather Improvement project to D'Arcy and Harty Construction and Questa Engineering (testing and inspection) for an amount not to exceed \$2,719,422 [project cost of \$2,290,764 plus a 20% contingency cost of \$428,658] - Public Works Department (Tawfic Halaby 621-1612/Mary Phelps 621-1269).
- H-7.** APPROVE Amendment No. 1 to the contract with The Backflow Team, LLC in an amount not to exceed \$25,000. The original contract in the amount not to exceed \$9,999 was executed on December 17, 2019. Contract Amendment No. 1 brings the total contract amount to \$34,999 - Public Works Department (Tawfic Halaby 621-1612).
- H-8.** ADOPT a resolution in support of reaching the goal of 100% zero emission new vehicle sales in California by 2030 - Councilmember McLaughlin (620-6636)
- H-9.** APPROVE the appointment of Marisol Cantu to the Reimagining Public Safety Task Force to fill a vacancy created by Tania Pulido - Office of the Mayor (Mayor Tom Butt 620-6503).
- H-10.** ADOPT a resolution in support of recommending that the Bay Area Air Quality Management District (BAAQMD) adopt the strongest health and safety protections in its amendments to BAAQMD Regulation 6, Rule 5 on Particulate Emissions from Petroleum Refinery Fluidized Catalytic Cracking Units - Councilmember Martinez (620-6593).

**H-11.** APPROVE the minutes of the Special meetings of December 21 and 29, 2020, and Regular meetings of January 19 and 26, 2021 - City Clerk's Office (Pamela Christian 620-6513).

**I. BUDGET SESSION**

**I-1.** REVIEW the Fiscal Year (FY) 2020-21 operating and capital improvement budgets at mid-year, and ADOPT a resolution approving the proposed FY 2020-21 budget adjustments - City Manager's Office/Finance Department (Laura Snideman/LaShonda White/Belinda Brown 620-6741).

**J. COUNCIL AS A WHOLE**

**J-1.** DISCUSS and DIRECT staff to explore options for additional eviction protections for Richmond residential renters during the local state of emergency due to COVID-19 so as to preserve the public health and safety threatened by COVID-19 and to keep residents of Richmond housed - Councilmember McLaughlin (620-6636) and Councilmember Willis (412-2050).

**J-2.** DIRECT staff to request representatives from the Chevron Richmond Refinery, the United States Coast Guard, San Francisco Baykeeper, California Office of Environmental Health Hazard Assessment, and the Office of Spill Recovery and Response attend the Richmond City Council meeting on February 23, 2021, to present reports on the causes, responses and probable impacts of the spill incident on February 9, 2021, and coordinate with these agencies to be prepared to present monthly updated reports on the spill incident to inform the council of causal reports and remediation activities required of Chevron by the agencies - Councilmember Jimenez (620-6565).

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

**L. 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.*