



Community Services Building
440 Civic Center Plaza
Richmond, CA 94804

AGENDA
Tuesday, March 16, 2021
4:30 p.m.

CHANGES TO THE PROCEDURES IN RED

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
Demnlus Johnson III

Councilmembers
Nathaniel Bates
Claudia Jimenez
Eduardo Martinez
Gayle McLaughlin
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 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 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=MDdqNnRmS2k4ZkRTOWhUlUldQOUF1Zz09>

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/99312205643>

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, press the unmute button. 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 asked to unmuted by pressing *6.** 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 mayor will announce the agenda item number and open public comment when appropriate. Individuals who would like to address the Council should raise their hand. The mayor will close public comment when public comment is concluded.**

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.

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 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.

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**

4:30 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 LEGAL COUNSEL - EXISTING LITIGATION
(paragraph (1) of Subdivision [d] of Government Code Section 54956.9):

SPRAWDEF et al. vs. City of Richmond

Point Molate Alliance et al. vs. City of Richmond

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

Michael Wang vs. the City of Richmond

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

REGULAR MEETING OF THE RICHMOND CITY COUNCIL

6:30 p.m.

A. ROLL CALL

A-1. Public Comment Instructional Video

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

E-1. Congressional update by Congressman Mark DeSaulnier

F. OPEN FORUM FOR PUBLIC COMMENT

G. CITY COUNCIL CONSENT CALENDAR

G-1. APPROVE (1) a first amendment to an existing legal service agreement with Atchison, Barisone & Condotti for \$255,000, for a total contract amount of \$265,000, for interim assistant city attorney services and (2) an additional appropriation of \$125,000 from the general fund to pay a portion of this first amendment for interim assistant city attorney legal services - City Attorney's Office (Teresa Stricker 620-6509).

G-2. ADOPT a resolution for the appointment of three standby officers for each member of the City Council in the event of an enemy attack, state of emergency or local emergency - Fire Department (Interim Fire Chief Michael E. Smith 307-8041).

G-3. APPROVE the minutes of the February 16, 2021, Regular Meeting of the City Council - City Clerk's Office (Pamela Christian 620-6513).

G-4. APPROVE an appointment to the Commission on Aging: APPOINT Rina Baker, new appointment, seat #1, filling an unexpired term with an expiration date May 19, 2023 - Office of the Mayor (Mayor Tom Butt 620-6503).

G-5. APPROVE appointments for the Mayor and Councilmembers to Regional Committees, Ad-Hoc Committees and Liaison Positions for the year of 2021 - Office of the Mayor (Mayor Tom Butt 620-6503).

- G-6.** RECEIVE the Veolia Monthly Operating Report for the month of January 2021 - Public Works Department (Tawfic Halaby 621-1612).
- G-7.** ADOPT a resolution to: ADOPT the Final Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; AUTHORIZE the city manager or their designee to execute the necessary agreements with the State Coastal Conservancy to accept the \$1,000,000 Priority Conservation Area grant for the construction of a 1.25-mile segment of the San Francisco Bay Trail connecting Point Molate Beach Park to the Winehaven Historic District; and APPROPRIATE the PCA grant, once awarded and funding agreement is executed - Public Works Department (Tawfic Halaby 621-1612).
- G-8.** APPROVE a contract with Pestmaster Services, Inc. to mitigate rodent infestation and cleaning of bird droppings to increase the appearance and safety at City-owned facilities in an amount not exceed \$100,000 over a three year period - Public Works Department (Tawfic Halaby 621-1612).
- G-9.** APPROVE a three year contract in the amount of \$32,250 with an additional two year extension option of \$22,500 with SCI Consulting Group in an amount not to exceed \$54,750 to prepare the Hilltop Assessment Districts Annual Engineer's Report necessary to levy assessments for the 2021-2024 fiscal years. The contract term for three years will be from March 21, 2021 to March 22, 2024 - Public Works Department (Tawfic Halaby 621-1612).
- G-10.** APPROVE a three-year contract in the amount of \$23,250 with an additional two-year extension option of \$15,500 with Willdan Financial Services and Associates in an amount not to exceed \$38,750 to prepare the Marina Assessment Districts Annual Engineer's Report necessary to levy assessments for the 2021-2024 fiscal years. The contract term for three years will be from March 21, 2021, to March 22, 2024 - Public Works Department (Tawfic Halaby 621-1612).
- G-11.** APPROVE payment of three invoices that are past due to Sunbelt Rentals in an amount not to exceed \$11,487.45 for rental of loader landscaper 4WD tractor - Public Works Department (Tawfic Halaby 621-1612).
- G-12.** ADOPT a resolution approving Veolia Water to manage and award contracts for the rehabilitation project of the Grit and Aeration Basin at the Richmond Wastewater Treatment Plant to Shimmick Construction Company, Inc. (construction) in the amount of \$42,106,488 (contractor cost of \$33,773,000 plus a 16.5% Veolia mark-up \$5,572,545), plus a 7.5% contingency of \$2,760,943 (\$2,532,975 plus a 9% Veolia mark-up of \$227,968) - Public Works Department (Tawfic Halaby 621-1612 / Mary Phelps 621-1269).

- G-13.** ADOPT a resolution accepting the SRF loan in the amount of \$50,000,000 from the State Water Board, and APPROPRIATE \$50,000,000 of the SRF loan revenues and associated expenditures by AMENDING the FY 2020-21 Water Resource Recovery Division Budget - Public Works Department (Tawfic Halaby 621-1612 /Mary Phelps 621-1269).
- G-14.** APPROVE a first amendment to a grant funded contract between the City of Richmond and Greater Richmond Interfaith Program to enhance and increase food rescue and food waste prevention initiatives increasing the contract by \$81,250 for a total amount not to exceed \$291,250 with funding sourced from CalRecycle grant and extending the contract term to June 30, 2021 - City Manager's Office (Shasa Curl/Samantha Carr 620-6512).
- G-15.** ADOPT a resolution to: ADOPT the Final Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Terminal 4 Wharf Removal Project; AUTHORIZE the city manager or their designee to execute the necessary agreements with the State Coastal Conservancy to accept the total \$4,150,000 in grant funds; and APPROPRIATE the grant funds, once awarded and funding agreement is executed - City Manager's Office (Shasa Curl 620-6512).
- G-16.** APPROVE contract with Ralph Andersen & Associates for \$80,000 for executive recruitment services for a three year period from March 16, 2021 to March 15, 2024 - Human Resources Department (Anil Comelo-510-620-6609).
- G-17.** PROCLAMATION declaring March 2021 as Red Cross Month in the City of Richmond - Office of the Mayor (Mayor Tom Butt 620-6503).

H. PUBLIC HEARINGS

- H-1.** HOLD a public hearing to: (1) ADOPT a resolution repealing and replacing City Council Resolution 125-03 with revised City Guidelines and Procedures for the Implementation of the California Environmental Quality Act (CEQA) and adopting the CCTA VMT Methodology for application within Richmond to comply with California Senate Bill 743; and (2) INTRODUCE an ordinance (first reading) amending Article 15.04.612 Transportation Demand Management of the Richmond Municipal Code to align with the VMT methodology, to reflect current best practices, new State law requirements, and emerging TDM options as encompassed in the new CCTA VMT methodology - Community Development Department (Lina Velasco 620-6706).

I. COUNCIL AS A WHOLE

- I-1.** APPROVE a salary adjustment to the City Clerk effective March 2, 2021, from \$11,092/month to \$12,201.20/month (a 10% increase) - Human Resource Department (Anil Comelo 620-6609).

I-2. RECONSIDER, after a two-thirds vote to suspend the Council Rules of Procedure and Order, the direction the City Council gave on February 23, 2021, and DIRECT the city manager to: (1) AUTHORIZE use of the \$260,000 funding from the County before its June 30, 2021, expiration date and \$300,000 from the City Affordable Housing fund to contract with Housing Consortium of East Bay (HCBE); and (2) AUTHORIZE the creation of an emergency ad hoc committee consisting of three City Council members. The ad hoc committee, with the support of City staff, and County Supervisor John Gioia and County staff would develop a long-term, sustainable, and well-funded plan for assisting unhoused residents of Richmond with County and City funds beyond the \$560,000 obtained from the County and the Affordable Housing in lieu fund - Councilmembers Claudia Jimenez (620-6565 and Eduardo Martinez (620-6593).

I-3. DISCUSS and PROVIDE direction to staff regarding the Safe Parking Program at the Civic Center parking lot on 25th Street and Barrett Avenue - Councilmember Nathaniel Bates (620-6743).

I-4. REVISIT the Council's February 23, 2021, action on the Safe Parking Pilot Program as described in this report, RESCIND that action and take action as appropriate including, but not limited to, site selection from any of the sites from the February 2 or 23, 2021, Council meetings, use of funds, direction to staff to implement the Safe Parking Pilot Program, authorization for sole source contracts and execution of any contracts. Note that Council's action on other agenda items at this meeting may essentially have the same effect - City Attorney's Office/City Manager's Office (Teresa Stricker 620-6509 and Laura Snideman 620-6512).

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

K. 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.