



Community Services Building
440 Civic Center Plaza
Richmond, CA 94804

AGENDA
Tuesday, November 16, 2021

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, At Large

Councilmembers
Nathaniel Bates, At Large
Claudia Jimenez, District 6
Eduardo Martinez, At Large
Gayle McLaughlin, District 5
Melvin Willis, District 1

ALL CITY COUNCIL MEMBERS WILL PARTICIPATE VIA TELECONFERENCE

Housing Authority Tenant Commissioners
Jaycine Scott
Vacant

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CORONAVIRUS DISEASE (COVID-19) ADVISORY

PURSUANT to the Governor of the State of California's Assembly Bill 361 and in the interest of the public health and safety, 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.

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. **No individual email will be read into the record. 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 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/u/aehrwCgISx>

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:

****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: Properly labeled public comments will be considered a public record, put into the official meeting record, 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: Members of the public who request to remove an item from the consent calendar must first discuss the item with a staff member by phone or a back-and-forth email discussion, and state the name of the staff member when requesting removal of the item from the consent calendar.

Any member of the City Council who would like to remove an item from the consent calendar must notify the appropriate staff person and the City Clerk's Office prior to the meeting. Although members of the City Council are encouraged to ask questions and share concerns with staff ahead of the meeting, they are not required to do so.

The Clerk's Office must be informed of any requests to remove items from the Consent Calendar.

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 Assembly Bill 361, the language in this Advisory portion of the agenda supersedes any language contemplating in-person public comment.

IN PERSON 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**

5:00 p.m.

A. ROLL CALL

CLOSED SESSION

CITY COUNCIL

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

SPRAWLDEF et al. v. City of Richmond

The Guidiville Rancheria of California, et al. v. The United States of America, et al.

North Coast Rivers Alliance et al./Point Molate Alliance et al. v. City of Richmond

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
(Significant exposure to litigation pursuant to paragraph (2) of Subdivision (d) and Subdivision(e)(3) of Government Code Section 54956.9):

In light of the California Court of Appeal's decision in Fowler v. City of Lafayette, the City Attorney's Office is attaching to this agenda four communications regarding the amended judgment and various agreements related to Point Molate. These letters provide the existing facts and circumstances for going into closed session on these items pursuant to California Government Code Section 54956.9(d)(2) and (e)(3).

CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6):

Agency Representative: Jack Hughes

Employee organizations:

1. SEIU Local 1021 Full Time and Part Time Units
2. IFPTE Local 21 Mid-Level Management and Executive Management Units
3. Richmond Police Officer's Association (RPOA)
4. Richmond Police Management Association (RPMA)
5. IAFF Local 188
6. Richmond Fire Management Association (RFMA)

Unrepresented employee: Acting and Interim City Manager

Agency Representative: Acting Deputy City Manager Internal Services

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PUBLIC EMPLOYEE APPOINTMENT (Government Code Section 54957.6):

Interim City Attorney

B. PUBLIC COMMENT BEFORE CLOSED SESSION

C. ADJOURN TO CLOSED SESSION

REGULAR MEETING OF THE RICHMOND CITY COUNCIL

6:30 p.m.

- A. **ROLL CALL**
- B. **PUBLIC COMMENT INSTRUCTIONAL VIDEO**
- 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 (PUBLIC COMMENTS ALLOWED UNDER OPEN FORUM)**
- G. **REPORT FROM IMPLEMENTATION SUB-COMMITTEE FOR REIMAGINING TASK FORCE (PUBLIC COMMENTS ALLOWED UNDER OPEN FORUM)**
- H. **OPEN FORUM FOR PUBLIC COMMENT**
- I. **CITY COUNCIL CONSENT CALENDAR**
 - I-1. APPROVE a contract with Nurturing Independence Through Artistic Development (NIAD) Art Center to support ongoing arts programs and collaborations in Richmond, in an amount of \$55,000 annually, for a three-year term, in an amount not to exceed \$165,000, beginning July 1, 2021, to June 30, 2024 - City Manager's Office (Shasa Curl/Winifred Day 510-620-6952).
 - I-2. APPROVE a contract with East Bay Center for Performing Arts to support ongoing arts programs and collaborations in Richmond, in an amount of \$55,000 annually, for a three-year term, in an amount not to exceed \$165,000, beginning July 1, 2021, to June 30, 2024 - City Manager's Office (Shasa Curl/Winifred Day 510-620-6952).
 - I-3. ADOPT a resolution to ACCEPT and APPROPRIATE into the Fiscal Year 2021/22 budget a Pacific Library Partnership grant in the amount of \$10,000 and APPROVE an agreement with the Pacific Library Partnership to purchase Playaway-branded early learning and audiobook devices for Children's Services by June 30, 2022 - Library and Community Services Department (LaShonda White 510-620-6828/Jane Pratt 510-620-5452/Christopher Larsen 510-620-5524).

- I-4.** APPROVE the sole-source purchase of a subscription for catalog records for all library materials from Online Computer Learning Center, Inc. (OCLC), in an amount not to exceed \$27,000 per year for a three-year period, with two one-year options, covering Fiscal Years 2021-22, 2022-23, and 2023-24 - Library and Community Services Department (LaShonda White 510-620-6828/Jane Pratt 510-620-5452/Wylendia Eastman 510-620-6963).
- I-5.** ADOPT a resolution approving a three percent annual cost of living increase, in addition to the two percent minimum cost of living increase, for the recipients of the General Pension Fund, for a total annual cost of living increase of five percent for these recipients - Finance Department (Belinda Brown 510-620-6740/Delmy Cuellar 510-620-6790).
- I-6.** APPROVE a second amendment to add an additional \$200,000 to the legal services agreement with the law firm of Downey Brand LLP for services rendered through June 30, 2025, to represent the City in litigation relating to Point Molate. The services provided under the legal services agreement are paid for by the developer pursuant to the City's indemnity agreements with the developer - City Attorney's Office (Teresa Stricker 510-620-6509).
- I-7.** PROCLAMATION declaring November 20, 2021, as Transgender Day of Remembrance in the City of Richmond - Office of the Mayor (Mayor Tom Butt 510-620-6503).
- I-8.** PROCLAMATION declaring November 27, 2021, as Small Business Saturday in the City of Richmond - Office of the Mayor (Mayor Tom Butt 510-620-6503).
- I-9.** PROCLAMATION declaring November 14-20, 2021, as United Against Hate Week in the City of Richmond - Office of the Mayor (Mayor Tom Butt 510-620-6503).
- I-10.** RECEIVE a written report regarding background information on Senate Bill 1383 - Surplus Food Recovery Program, timeline for achieving compliance with the bill, and next steps - City Manager's Office (Shasa Curl/Samantha Carr 510-620-6512).
- I-11.** RECEIVE a written report on the potential Vacant Property Tax ballot measure - City Manager's Office (Shasa Curl/Lina Velasco 510-620-6512).
- I-12.** ADOPT an ordinance (second reading) adding Chapter 9.64 to the Richmond Municipal Code (RMC), which prohibits natural gas infrastructure in newly constructed buildings. The ordinance would take effect on January 1, 2022 - Community Development Department (Lina Velasco 510-620-6706).

- I-13.** ACCEPT and APPROPRIATE approximately \$1,050,000 in funds for the Terminal 4 Wharf Removal Project from several permittees required to pay funds related to their approved permits from the Bay Conservation and Development Commission to mitigate impacts to the Bay - Community Development Department (Lina Velasco 510-620-6706).
- I-14.** APPROVE a contract with Jet Mulch, Inc. to install blown-in engineered wood fiber safety surfacing that is compliant with applicable ASTM standards and Consumer Product Safety Commission at fourteen park playgrounds in an amount not to exceed \$23,277.45. The contract term will be from November 3, 2021, to June 30, 2022 - Public Works Department (Joe Leach 510-620-5478/Greg Hardesty 510-620-6920).
- I-15.** INTRODUCE an ordinance (first reading) amending sections 11.103.040(c) and 11.103.060(k) of the Tenant Anti-Harassment Ordinance to prohibit a landlord in bad faith from violating a law that prohibits discrimination based on a "medical condition" as defined by Government Code section 12926(i) - Councilmember Gayle McLaughlin (510-620-6636).

J. PUBLIC HEARINGS

- J-1.** INTRODUCE an ordinance (first reading) establishing certain fees for the proposed Master Fee Schedule - Finance Department (Anil Comelo 510-620-6600/Belinda Brown 510-620-6740/Antonio Banuelos 510-620-6741).

K. RESOLUTIONS

- K-1.** ADOPT a resolution to approve the collective bargaining agreement between the City and the Exempt Management Employees represented by IFPTE Local 21 and direct the city manager or designee to update the publicly available salary schedule with the adopted wage increases during the term of the collective bargaining agreement - Human Resources Management Department (Marc Fox 510-620-6600).
- K-2.** ADOPT a resolution to approve changes to salaries and benefits of unrepresented management employees, consistent with the changes to salaries and benefits of represented management employees and direct the city manager or designee to update the publicly available salary schedule - Human Resources Management Department (Marc Fox 510-620-6600).

L. ORDINANCES

L-1. INTRODUCE an ordinance (first reading) amending Richmond Municipal Code Chapter 11.05 entitled "Fireworks" to add host liability such that a property owner, tenant, or person who organizes or controls access to the possession, manufacture, sale, offer for sale, use or discharge of fireworks at a residence, other private property or on a vessel is strictly liable and DISCUSS the challenges to enforcing the ordinance if it is ultimately adopted given the staffing shortages in the code enforcement division of the community development department, fire department, police department and public works - City Attorney's Office (Teresa L. Stricker 510-620-6509). **This item was continued from the November 2, 2021, meeting.**

M. COUNCIL AS A WHOLE

M-1. APPROVE the Fiscal Year 2021-22 multi-year comparative position listing and AMEND the salary schedule to implement the city manager's reorganization of specific City departments - Human Resources Management Department (Marc Fox 510-620-6600). **This item was continued from the October 5, 2021, and October 19, 2021, meetings.**

M-2. DIRECT staff to draw up a Measure U regulation to provide for the crediting of the rent board fees paid by small landlords with four rental units or less and submit this to the City Council for approval as soon as possible - Councilmember Eduardo Martinez (510-620-6593) and Councilmember Melvin Willis (510-412-2050). **This item was continued from the November 2, 2021, meeting.**

M-3. ACCEPT and APPROPRIATE a \$750,000 Priority Development Area (PDA) grant from the Metropolitan Transportation Commission (MTC); and APPROVE contract amendment no. 1 with Environmental Science Associates (ESA) in the amount of \$850,000, not to exceed a total amount of \$1,450,000, through December 31, 2023, to assist the City in preparing the Hilltop Specific Plan - Community Development Department (Lina Velasco 510-620-6706). **This item was continued from the November 2, 2021, meeting.**

M-4. APPROVE an employment agreement with Shasa Curl as Interim Richmond City Manager, providing for a three-month term commencing December 2, 2021, to February 3, 2022, at an initial base salary of \$21,250 per month (approximately \$364,602 total compensation if calculated on an annual basis), with subsequent salary increases subject to a satisfactory performance evaluation, and other specified employment terms - Human Resource Management Department (Marc Fox 510-620-6602).

M-5. DIRECT staff to research and provide recommendations for how to prevent the emission of chimney smoke that poses a health and safety risk to Richmond residents and report back to Council within 45 days - Councilmember Gayle McLaughlin (510-620-6636).

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

O. **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: <http://sireweb.ci.richmond.ca.us/sirepub/meet.aspx>