



**Community Services Building
440 Civic Center Plaza
Richmond, CA 94804**

**AGENDA
Tuesday, December 7, 2021
5:00 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
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

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.

***AB 361 Procedures in the Event of Technical Difficulties:** In the event the meeting broadcast is disrupted, or if a **technical issue on the agency's end** disrupts public participation, the legislative body board cannot take any further action on the agenda until the technical issue is resolved.*

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.

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 LEGAL COUNSEL - ANTICIPATED LITIGATION
(initiation of litigation pursuant to paragraph (4) of Subdivision (d) of Government Code Section 54956.9) pursuant to California Government Code Sections 54956.9(d)(4):

In re National Prescription Opiate Litigation, United States District Court for the Northern District of Ohio, MDL No. 2804, Case No. 17-MD-2804 (class action).

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

Unrepresented employee: Interim City Attorney

Agency Representative: Acting City Manager and Interim Sr. Asst. City Attorney

PUBLIC EMPLOYEE APPOINTMENT (Government Code Section 54957.6):

Interim City Attorney

LIABILITY CLAIMS -(Government Code Section 54956.9):

Cheryl Odom v. City of Richmond

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. **PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS**
 - E-1. ANNOUNCE recent resignation from City of Richmond boards, commissions, and committees; and ANNOUNCE vacancies as of November 17, 2021, and ask that interested individuals send applications to the City Clerk - Office of the Mayor (Mayor Tom Butt 510-620-6503).
- F. **REPORT FROM THE CITY ATTORNEY OF FINAL DECISIONS MADE DURING CLOSED SESSION**
- G. **REPORT FROM THE CITY MANAGER (PUBLIC COMMENT WILL BE ALLOWED UNDER OPEN FORUM)**
- H. **ABATEMENT REPORT FROM THE PUBLIC WORKS DIRECTOR (PUBLIC COMMENT WILL BE ALLOWED UNDER OPEN FORUM)**
- I. **OPEN FORUM FOR PUBLIC COMMENT**
- J. **CITY COUNCIL CONSENT CALENDAR**
 - J-1. ADOPT a resolution authorizing the city manager or designee to submit an application for Per Capita program grant funds for Boorman Park; and ACCEPT and APPROPRIATE grant funds, if awarded - Public Works Department (Joe Leach 510-620-5478).
 - J-2. APPROVE a sixth contract amendment with Stommel, Inc. dba Pursuit North/Lehr for police vehicle outfitting, extending the contract term from July 1, 2016, to December 31, 2022, and increasing the payment limit by \$270,000, for a total of \$1,387,000 - Public Works Department (Joe Leach 510-620-5748).
 - J-3. APPROVE the minutes of the regular October 19 and special November 30, 2021, meetings of the City Council - City Clerk's Office (Pamela Christian 510-620-6513).

- J-4.** APPROVE an appointment to the Richmond-Zhoushan Sister City Commission; APPOINT Bobby Winston, new appointment, seat #6, term expiration date December 31, 2023 - Office of the Mayor (Mayor Tom Butt 510-620-6503).
- J-5.** APPROVE a second amendment to the Legal Services Agreement with the Telecom Law Firm for representation of the City concerning wireless communications matters, including assistance with review of wireless and wired siting applications, to increase the contract amount by \$300,000, for a total not to exceed \$600,000 (with funds for payment generated from fees from the wireless applications and/or from revenue collected from the leasing of City-owned property by wireless carriers), with a term ending June 30, 2024 - Community Development Department (Lina Velasco 510-620-6706).
- J-6.** RECEIVE a written report on Measure U implementation - Finance Department (Anil Comelo 510-620-6600/Belinda Brown 510-620-6740/Antonio Banuelos 510-620-6741).
- J-7.** AUTHORIZE a contract with Charles River Associates in an amount not to exceed amount \$40,000, to perform a peer review of the City's Municipal Advisor's recommendations regarding the Pension Obligation Bonds (POB), for a one-year term beginning December 8, 2021, and ending December 8, 2022 - Finance Department (Anil Comelo 510-620-6600).
- J-8.** 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).
- J-9.** APPROVE the sole-source contract with BLD Consulting to provide data management planning, configuration, customization and reporting services for Fire Department's Records Management System for a total amount not to exceed \$40,000, for a term through November 30, 2024 - Fire Department (Chief Angel Montoya 510-307-8041).
- J-10.** APPROVE a contract with Bode Cellmark Forensics, Inc., in an amount not to exceed \$199,000, from September 7, 2021, to February 28, 2022 - Police Department (Acting Chief Louie Tirona 510-621-1802).
- J-11.** APPROVE a sole-source contract with Contra Costa County for Coordinated Outreach Referral and Engagement (CORE) services to continue service to the City of Richmond for Fiscal Year 2021/2022, at a cost not to exceed \$144,333, from July 1, 2021, to June 30, 2022 - Police Department (Acting Chief Louie Tirona 510-621-1802).

- J-12.** APPROVE a five-year contract with Peregrine Technology, an analytic platform that integrates data to provide for greater case solvability, in an amount not to exceed \$1,097,500 (\$219,500 annually), from November 1, 2021, to October 31, 2026 - Police Department (Acting Chief Louie Tirona 510-621-1802).
- J-13.** APPROVE an agreement with SF Global, LLC to support the implementation of Richmond's Municipal Identification Card Program through December 2024, with three, two-year extension options; and DIRECT staff to incorporate the intake and marketing components of the program into a City of Richmond department - City Manager's Office (LaShonda White 510-620-6512).
- J-14.** ADOPT a resolution to update the 2022 solid waste collection rates - City Manager's Office (Shasa Curl/Samantha Carr 510-620-5407).
- J-15.** ADOPT a resolution approving the establishment of a Cannabis Equity Program including a Cannabis Equity Assessment, and a Cannabis Equity Manual - City Manager's Office (Shasa Curl/Thomas Omolo 510-620-6512).
- J-16.** APPROVE City Attorney Teresa Stricker's request to make December 22, 2021, her last day of employment with the City of Richmond - City Attorney's Office (Heather Mc Laughlin 510-620-6509).
- J-17.** ADOPT a resolution commending outgoing City Attorney Teresa Stricker for her service and professionalism; and renouncing and condemning statements about the city attorney made by Mayor Tom Butt - Councilmembers Claudia Jimenez (510-620-6565), Eduardo Martinez (510-620-6593), and Melvin Willis (510-412-2050).
- J-18.** APPROVE a \$40,000 amendment to the legal services agreement with the law firm of Burke Williams, & Sorensen, LLP for general municipal and personnel matters for a total amount not to exceed \$140,000 – City Attorney's Office (Heather Mc Laughlin 510-620-6509).
- J-19.** APPROVE (1) a \$50,000 amendment to the legal services agreement with the law firm of Burke Williams, & Sorensen, LLP for general municipal and personnel matters for a total amount not to exceed \$100,000 and (2) an additional appropriation of \$50,000 from the general fund to pay for a portion of the second contract amendment - City Attorney's Office (Heather Mc Laughlin 510-620-6509).
- J-20.** APPROVE (1) a \$75,000 amendment to the legal services agreement with the law firm of Meyers Nave, LLP for general municipal law advice and litigation for a total amount not to exceed \$85,000 and (2) an additional appropriation of \$75,000 from the general fund to pay for the first contract amendment – City Attorney's Office (Heather Mc Laughlin 510-620-6509).

K. PUBLIC HEARINGS

K-1. ADOPT a resolution denying the appeal and affirming the Planning Commission's conditional approval of a Conditional Use Permit and Design Review, to construct a single-family residence on a vacant parcel located within the -S, Shoreline Overlay district at 357 Western Avenue - Community Development Department (Lina Velasco 510-620-6706).

L. ORDINANCES

L-1. INTRODUCE an ordinance (first reading) amending Chapter 9.20 of the Richmond Municipal Code entitled "Solid Wastes" in order to be compliant with State Law Senate Bill (SB) 1383 Short-Lived Climate Pollutants - City Manager's Office (Shasa Curl/Samantha Carr 510-620-5407).

M. COUNCIL AS A WHOLE

M-1. RECEIVE a report from the chair of and investigator from the Community Police Review Commission - Councilmember Claudia Jimenez (510-620-6565). **This item was continued from the November 23, 2021, meeting.**

M-2. RECEIVE a presentation on a draft summary proposal for a new city-wide Community Benefits Policy - City Manager's Office (Shasa Curl 510-620-6606). **This item was continued from the November 23, 2021, meeting.**

M-3. RECEIVE an updated staffing presentation from the Police Department to include changes and/or modifications to the services provided to the community based on resource allocations due to financial and efficiency considerations - Police Department (Acting Chief Louie Tirona 510-621-1802).

M-4. DIRECT staff to return with a contract amendment with Housing Consortium of the East Bay (HCEB) to allow additional time for unhoused vehicle dwellers at Rydin Road and at Castro Street to be relocated and provide on-site services (with month-to-month reports to the City Council on progress via the Reimagining Task Force's overall monthly updates); and APPROVE and APPROPRIATE \$50,000 for flex funds for repair, preparation for transfer or removal, registration, storage and towing for RVs and vehicles and for temporary storage of personal belongings, to assist in relocation efforts - 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>*