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# *Agenda*

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**MEETINGS - (These Meetings are virtual)**  
**RICHMOND HOUSING AUTHORITY**  
**RICHMOND CITY COUNCIL**

Tuesday, April 19, 2022, 4:00 p.m.

Community Services Building

440 Civic Center Plaza

Richmond, CA 94804

**Members:**

**Thomas K. Butt, Mayor**

**Demnlus Johnson III, Councilmember at Large**

**Nathaniel Bates, Councilmember at Large**

**Claudia Jimenez, Councilmember District 6**

**Eduardo Martinez, Vice Mayor at Large**

**Melvin Willis, Councilmember District 1**

**Gayle McLaughlin, Councilmember District 5**

**Jaycine Scott, Housing Authority Tenant Commissioner**

**Link to City Council Agendas/Packets**

**<http://www.ci.richmond.ca.us/4157/City-ofRichmond-Council-Meetings>**

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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, eComment, 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.

**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.

**Via eComments:** eComments are available once an agenda is published. Locate the meeting in "upcoming meetings" and click the comment bubble icon. Click on the item you wish to comment on. eComments can be submitted when the agenda is published and until the conclusion of public comments for the agenda item. eComments can be viewed by the City Council and members of the public as they are submitted. Email your comment to [cityclerkdept@ci.richmond.ca.us](mailto:cityclerkdept@ci.richmond.ca.us) should you have difficulty submitting an eComment during a meeting.

**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 with correctly labeled subject lines will be posted on-line and emailed to the City Council before the meeting is called to order. 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.**

**Via Zoom by video conference:** for Open Session and City Council: **Please click the link below to join the webinar:**

<https://zoom.us/j/99312205643?pwd=MDdqNnRmS2k4ZkRTOWhIUldQOUF1Zz09>

Passcode: ccmeeting

**By iPhone one-tap:** US: +16699006833,,99312205643# or +13462487799,,99312205643#

**By 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>

**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. **When called upon, press the unmute button. After the allotted time, you will then be re-muted. \*\***

**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.

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***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.***

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>.

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

**A. OPEN SESSION TO HEAR PUBLIC COMMENT BEFORE CLOSED SESSION**

4:00 p.m.

**B. ROLL CALL**

**C. CLOSED SESSION**

**C.1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957)**

- Title: City Manager

**C.2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (paragraph (1) of Subdivision [d] of Government Code Section 54956.9)**

- City of Richmond v. Thomas K. Butt
- 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
- Randy Oliver v. City of Richmond, et al.

**C.3. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Significant exposure to litigation pursuant to paragraph (2) or (3) of Subdivision (d) [as applicable] of Government Code Section 54956.9)**

- Three cases:

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).

**C.4. CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)**

- Agency Representatives: Jaclyn Gross and Anil Comelo

Employee organizations:

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

**C.5. LIABILITY CLAIMS (Government Code Section 54956.9)**

- Winehaven Legacy LLC v. City of Richmond

**C.6. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (initiation of litigation pursuant to paragraph (4) of Subdivision (d) of Government Code Section 54956.9)**

- One case - Veolia Mediation

**D. PUBLIC COMMENT BEFORE CLOSED SESSION**

**E. ADJOURN TO CLOSED SESSION**

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**F. SPECIAL MEETING OF THE RICHMOND HOUSING AUTHORITY**

6:25 p.m.

**G. ROLL CALL**

**H. PUBLIC COMMENT INSTRUCTIONAL VIDEO**

**I. STATEMENT OF CONFLICT OF INTEREST**

**J. AGENDA REVIEW**

**K. HOUSING AUTHORITY CONSENT CALENDAR**

**K.1. Housing Authority Meeting Minutes**

13

APPROVE the minutes of the special February 15 and March 15, 2022, Richmond Housing Authority meetings – City Clerk’s Office (Pamela Christian 510-620-6513).

**K.2. Continued use of teleconference technology for meetings of the Board of Commissioners of the Richmond Housing Authority**

16

ADOPT a resolution requiring the continued use of teleconferencing for the meetings of the Board of Commissioners of the Richmond Housing Authority pursuant to the provisions of AB 361 – City Clerk’s Office (Pamela Christian 510-620-6513).

**L. ADJOURNMENT**

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M. REGULAR MEETING OF THE RICHMOND CITY COUNCIL

6:30 p.m.

N. ROLL CALL

O. STATEMENT OF CONFLICT OF INTEREST

P. AGENDA REVIEW

Q. REPORT FROM THE CITY ATTORNEY OF FINAL DECISIONS MADE DURING CLOSED SESSION

R. REPORT FROM THE CITY MANAGER (public comment allowed under Open Forum)

S. REPORT FROM THE IMPLEMENTATION SUB-COMMITTEE FOR REIMAGINING TASK FORCE - 3rd Tuesday (public comment allowed under Open Forum)

T. OPEN FORUM FOR PUBLIC COMMENT

U. CITY COUNCIL CONSENT CALENDAR

U.1. City Attorney's Office

U.1.a. **Second Reading and Adoption of an Ordinance to Revise and Amend Richmond Municipal Code Chapter 12.30**

20

ADOPT an Ordinance (second reading) amending RMC Chapter 12.30 ("Video Service Provider, Utility and Special District Encroachments") by incorporating Chapter 12.29 ("Street Opening and Pavement Restoration Regulations"); adding provisions that address private landowner encroachments into the public Right-of-Way (ROW); easements; and street vacations; retitling Chapter 12.30 "Encroachments and Easements," and rescinding Chapter 12.29 in its entirety - City Attorney's Office/Public Works Department (Dave Aleshire 510-620-6509/Joe Leach 510-620-3008).

U.2. City Clerk's Office

U.2.a. **City Council Meeting Minutes**

188

APPROVE the minutes of the regular February 15, 22, special February 24, regular March 1 and 15, special March 18, and regular March 22, 2022, Richmond City Council meetings – City Clerk's Office (Pamela Christian 510-620-6513).

U.2.b. **Continued use of teleconferencing for the meetings of all City legislative bodies**

234

ADOPT a resolution requiring the continued use of teleconferencing for the meetings of all City legislative bodies pursuant to the provisions of Assembly Bill 361 – City Clerk's Office (Pamela Christian 510-620-6513).

<b>U.2.c.</b>	<b>Ordinance Adjusting the Boundaries of Council Districts</b>	238
	ADOPT an ordinance (second reading) of the City Council of the City of Richmond adjusting the boundaries of the six City Council Districts and adopting a new official Council District Map No. 201, for the City of Richmond based on the results of the 2020 decennial census and amending RMC section 2.16.050 – City Clerk’s Office (Pamela Christian 510-620-6513).	
<b>U.3.</b>	<b>City Manager’s Office</b>	
<b>U.3.a.</b>	<b>Acquisition of the Richmond Housing Authority (RHA) Administration Building</b>	253
	ADOPT a resolution approving the acquisition of the Richmond Housing Authority (RHA) administration building (360 S. 27th Street); and AUTHORIZE the city manager or their designee to execute final form of agreements and any supporting U.S. Department of Housing and Urban Development (HUD) documents to facilitate the transfer and sale of the RHA administration building to the City of Richmond for \$1.00 – City Manager’s Office (Shasa Curl 510-620-6512).	
<b>U.4.</b>	<b>Community Development</b>	
<b>U.4.a.</b>	<b>Regional Early Action Planning (REAP) Grant Acceptance and Appropriation</b>	278
	ADOPT a resolution accepting and appropriating the City’s Regional Early Impact Planning (REAP) grant suballocation funds to be used for preparation of the 6 <sup>th</sup> Cycle Housing Element Update for Fiscal Year 2021-2022 – Community Development Department (Lina Velasco/Andrea Villarroel 510-620-6620/Chris Castanchoa 510-620-6764).	
<b>U.4.b.</b>	<b>Accept and Appropriate funds for Homelessness Strategic Plan</b>	281
	ADOPT a resolution accepting and appropriating the \$50,000 in funds received from All Home, via the Tides Center, to support development of the City’s Homelessness Strategic Plan – Community Development Department (Lina Velasco/Chris Castanchoa 510-620-6764).	
<b>U.5.</b>	<b>Economic Development</b>	
<b>U.5.a.</b>	<b>Amendment to Increase Size and Budget for Osprey Bird Sculpture</b>	284
	ACCEPT and APPROPRIATE into the Fiscal Year 2021-2022 Public Art Percent for Art Fund budget \$20,000 received from Ridgeline Property Group; and APPROVE a \$20,000 amendment to the contract with Scientific Art Studio, for a total amount not to exceed \$85,000, for the design, fabrication, and installation of the Osprey Bird sculpture – Economic Development (Winifred Day 510-620-6952).	

<b>U.6.</b>	<b>Human Resources</b>	
<b>U.6.a.</b>	<b>Amend Resolution for CalPERS Industrial Liability Retirement</b>	<b>316</b>
	AMEND Resolution No. 241-95 to delegate authority to the Human Resources Manager(s) and the Director of Human Resources/Personnel Director to (1) file Employer Originated Applications on behalf of the City for disability retirement of all employees and (2) approve or deny industrial disability retirement based on credible medical documentation. Such approval will <u>not</u> rescind the Risk Manager’s existing authority by taking either of the aforementioned actions – Human Resources Department (Laura Marquez/Erika Carty 510-620-6974).	
<b>U.7.</b>	<b>Mayor's Office</b>	
<b>U.7.a.</b>	<b>Education and Sharing Day, USA – April 12, 2022</b>	<b>320</b>
	PROCLAMATION declaring April 12, 2022, as Education and Sharing Day, USA in the City of Richmond – Office of the Mayor (Mayor Tom Butt 510-620-6503).	
<b>U.7.b.</b>	<b>Global Love Day – May 1, 2022</b>	<b>323</b>
	PROCLAMATION declaring May 1, 2022, as Global Love Day in the City of Richmond – Office of the Mayor (Mayor Tom Butt 510-620-6503).	
<b>U.7.c.</b>	<b>Appointment to the Shimada Commission</b>	<b>326</b>
	APPROVE appointment(s) to update the Shimada Friendship Commission; APPOINT Arianna Rodriguez, new appointment, seat #9, filing an unexpired term with an expiration date of December 31, 2025 - Office of the Mayor (Mayor Tom Butt 510-620-6503).	
<b>U.7.d.</b>	<b>Appointment to the Youth Council</b>	<b>329</b>
	APPROVE action(s) to update the Youth Council; APPOINT Makenzie Cutrer, new appointment, seat #7, term expiration date October 1, 2022 - Office of the Mayor (Mayor Tom Butt 510-620-6503).	
<b>U.7.e.</b>	<b>Appointment to the Zhoushan Commission</b>	<b>332</b>
	APPROVE appointment(s) to the Richmond-Zhoushan Sister City Commission; APPOINT Leonard Berry, re-appointment, seat #8, term expiration date December 31, 2024 – Office of the Mayor (Mayor Tom Butt 510-620-6503).	
<b>U.7.f.</b>	<b>Appointment to the HPC</b>	<b>335</b>
	APPROVE appointment(s) to the Historic Preservation Commission; APPOINT Linda Hemmila, appointment, seat #3, term expiration date July 31, 2026 – Office of the Mayor (Mayor Tom Butt 510-620-6503).	

U.7.g.	<b>Appointment to the HRHRC</b>	337
	APPROVE appointment(s) to the Human Rights and Human Relations Commission; APPOINT Ellen Seskin, new appointment, seat #8, term expiration date March 30, 2025 - Office of the Mayor (Mayor Tom Butt 510-620-6503).	
U.7.h.	<b>Council Appointment to Public Bank East Bay</b>	339
	APPROVE the appointment of Councilmember Gayle McLaughlin to the Public Bank East Bay – Office of the Mayor (Mayor Tom Butt 510-620-6503).	
U.8.	<b>Police Department</b>	
U.8.a.	<b>Proposed Resolution Authorizing the Acceptance and Appropriation of Grant Funding from the Office of Justice Programs (OJP) Edward Byrne Memorial Justice Assistance Grant (JAG) 2021 for the Purchase of Police Safety Equipment.</b>	340
	ADOPT a resolution to ACCEPT and APPROPRIATE \$77,500 in funding from the Edward Byrne Memorial Justice Assistance Grant (JAG) Program awarded to the Richmond Police Department for the purchase of police safety equipment – Police Department (Acting Chief Louie Tirona 510-621-1802).	
U.8.b.	<b>Ordinance to Approve a Military Equipment Funding Acquisition and Use Policy.</b>	368
	INTRODUCE an ordinance (first reading) pursuant to state law (Assembly Bill 481), to approve a Military Equipment Funding, Acquisition, and Use Policy - City Attorney's Office/Police Department (Dave Aleshire 510-620-6509/Louie Tirona 510-620-6655).	
U.9.	<b>Public Works</b>	
U.9.a.	<b>Hilltop Advertising Sign Removal</b>	387
	APPROVE a contract with YESCO for removal of the damaged Hilltop Outdoor Advertising Sign in the Hilltop District along the I-80 Freeway, for an amount not to exceed \$35,000, including the low bid plus \$6,251 contingency - Public Works Department (Joe Leach 510-620-5478).	
U.9.b.	<b>Conversion of two (2) Parks Construction Maintenance Works Positions to Groundskeeper/Gardener Positions in the Parks Division.</b>	424
	ADOPT a resolution to AMEND the Fiscal Year 2021-2022 Budget and the current Position Control List for Public Works Department, Parks Administration Division, to convert two (2) of the Parks Construction Maintenance Worker positions to two (2) Groundskeeper/Gardener positions – Public Works Department (Joe Leach /Greg Hardesty 510-620-5478).	

U.9.c.	<b>Street Sweeper Lease Agreement with Owen Equipment</b>	437
	APPROVE a contract with Owen Equipment for a two (2) year lease agreement with a one (1) year option to renew at a rate of \$10,200 per month, plus tax and environmental fees – Public Works Department (Joe Leach 510-620-5478/Dee Karnes 510-307-3044).	
U.9.d.	<b>Appropriate funding from Risk Management for NCE Contract 4200 Amendment 3</b>	468
	APPROVE the appropriation of funds from Risk Management to NCE’s on-call professional services contract, in an amount not-to-exceed \$400,000, from 50182316-400642-01D16 – Public Works Department (Joe Leach 620-5478).	
U.9.e.	<b>Contract with COWI North America regarding the Terminal Four Wharf Removal Project</b>	477
	APPROVE a sole-source contract with COWI North America, in an amount not to exceed \$279,140, to prepare the final construction and technical specifications for bid documents for the Terminal 4 Wharf Removal Project, to be funded by various grants awarded to the City for this project – Public Works Department (Joe Leach 510-620-5478).	
U.9.f.	<b>Approve Final Payment to Municipal Maintenance Equipment for Repairs</b>	579
	APPROVE final payment to Municipal Maintenance Equipment for repairs to a patch truck, in an amount not to exceed \$12,562.48 – Public Works Department (Joe Leach 510-620-5478).	
<b>V. BUDGET SESSION</b>		
V.1.	<b>Budget presentations</b>	616
	RECEIVE budget presentations from Internal Services Departments – Finance Department (Interim Director of Finance Delmy Cuellar 510-620-6740).	
<b>W. NEW BUSINESS</b>		
W.1.	<b>Receive an Update from PG&amp;E Regarding Power Outages</b>	638
	RECEIVE a presentation from PG&E regarding power outages in Richmond – Public Works/City Manager’s Office, Economic Development (Samantha Carr/Joe Leach, 510-620-6512). <b>This item was continued from the March 22, 2022, meeting.</b>	
W.2.	<b>Reinstate the Issuance of Citations in the Street Sweeping Program</b>	657
	DISCUSS and APPROVE reinstating the citation component of the Street Sweeping Program with a 90-day notification/warning period – Councilmember Melvin Willis (510-412-2050).	

**W.3. Fair access to housing**

659

DIRECT staff to draft an ordinance for first reading to amend the Richmond's Fair Chance Access to Affordable Housing Ordinance, RMC Chapter 7.110, to eliminate unfair barriers for rental housing applicants – Office of the Mayor (Mayor Tom Butt 510-620-6503).

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

**Y. ADJOURNMENT**