



Agenda

MEETING(S) - (Meeting(s) are virtual)

REGULAR RICHMOND CITY COUNCIL AGENDA

Tuesday, October 4, 2022, 5:00 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

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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, 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 should you have difficulty submitting an eComment during a meeting.

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 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.](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.

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.

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 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 **(by 2 p.m. the day of the meeting)**.

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. Items removed from the Consent Calendar shall be placed at the end of the agenda for consideration.

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.

Disclaimer: The City Clerk's Office translates agendas to enhance public access. Translated agendas are provided as a courtesy and do not constitute legal notice of the meeting or items to be discussed. In case of discrepancy, the English agenda will prevail.

Pages

A. OPEN SESSION TO HEAR PUBLIC COMMENT BEFORE CLOSED SESSION

5:00 p.m.

B. ROLL CALL

C. CLOSED SESSION

C.1. CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)

Agency Representatives: Jaclyn Gross and Sharrone Taylor

Employee organizations:

1. SEIU Local 1021 Full Time Unit and Part Time Unit
2. IFPTE Local 21 Mid-Level Management Unit 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.2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8)

- Property: 12th and Macdonald
Agency negotiators: Dave Aleshire, Lina Velasco, and Jesus Morales
Negotiating parties: SAA-EVI Richmond Partners, LLC
Under negotiation: Price and terms of payment
- Property: South 45th Street to the west, Wall Avenue to the south, Interstate 80 to the east, and the BART tracks to the north
Agency negotiators: Anita Luck, Lina Velasco, and Jesus Morales
Negotiating parties: Miraflores Community Devco, LLC
Under negotiation: Price and terms of payment

C.3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (paragraph (1) of Subdivision [d] of Government Code Section 54956.9)

- Morais v. City of Richmond
- Richmond Shoreline Alliance v. City of Richmond

C.4. CONFERENCE WITH LEGALCOUNSEL - ANTICIPATED LITIGATION
(Significant exposure to litigation pursuant to paragraph (2) or (3) of Subdivision (d) [as applicable] of Government Code Section 54956.9)

- **Two cases:**

In light of the California Court of Appeal's decision in *Fowler v. City of Lafayette*, the City Attorney's Office is attaching two letters to this agenda. 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).

D. PUBLIC COMMENT BEFORE CLOSED SESSION

E. ADJOURN TO CLOSED SESSION

F. REGULAR MEETING OF THE RICHMOND CITY COUNCIL

6:30 p.m.

G. ROLL CALL

H. PUBLIC COMMENT INSTRUCTIONAL VIDEO

I. STATEMENT OF CONFLICT OF INTEREST

J. AGENDA REVIEW

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

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

M. ABATEMENT REPORT FROM THE PUBLIC WORKS DIRECTOR - 1st Tuesday (public comment allowed under Open Forum)

N. OPEN FORUM FOR PUBLIC COMMENT

O. CITY COUNCIL CONSENT CALENDAR

O.1. City Clerk's Office

O.1.a. City Council Meeting Minutes

12

APPROVE the minutes of the September 13 and 20, 2022, Richmond City Council meetings - City Clerk's Office (Pamela Christian 510-620-6513).

O.2. City Manager's Office

O.2.a. Dock Maintenance at Point Potrero Marine Terminal

28

APPROVE an agreement with QA Constructors, Inc., in an amount not to exceed \$64,000, to complete general pavement repairs at the Point Potrero Marine Terminal – Port Department (Shasa Curl/Lizeht Zepeda 510-620-6653).

O.3. Finance Department

O.3.a. Investment and Cash Balance Report, and Monthly Overtime Reports for the Month of August 2022

96

RECEIVE the City's Investment and Cash Balance Report and monthly Overtime Reports for the month of August 2022 – Finance Department (Delmy Cuellar 510-620-6740).

O.4. Human Resources**O.4.a. Resolution Amending City's Salary Schedule And Position Control 111**

ADOPT a resolution amending the salary schedule to revise the salary ranges for Communications Dispatcher I/II, Engineer I/II, Associate Civil Engineer, and Senior Civil Engineer; AMEND authorized staffing (i.e., position control) to add two (2) Parking Enforcement Representatives to the Police Department; and APPROPRIATE funds for associated wages, salaries, and compensation for two (2) Parking Enforcement Representatives positions – Human Resources Department (Nickie Mastay/Sharrone Taylor 510-620-6602).

O.5. Library and Community Services**O.5.a. California State Library Building Forward: Library Infrastructure Program Grant Award of \$9,712,979 120**

ADOPT a resolution to ACCEPT and APPROPRIATE the California State Library Building Forward: Library Infrastructure Program grant award of \$9,712,979 to significantly renovate the Richmond Main Library; APPROPRIATE matching funds in the amount of \$3,656,490 in American Rescue Plan Act funds, \$700,000 from Library Impact Fees, and \$500,000 from the Capital Improvement Program budget; and AUTHORIZE the city manager or designee to execute the Grant Agreement and other documents necessary to achieve the purpose of this grant award – Library and Community Services Department (LaShonda White/Diana Lopez/Christopher Larsen 510-620-5524).

O.5.b. California State Library Grant Awards for Adult Learner Educational Programming and Family Literacy Programming 143

ADOPT a resolution to ACCEPT and APPROPRIATE California State Library grants, in the amounts of \$97,554 and \$34,194, for a total award of \$131,748, to support educational programming offered at the library's literacy services program, Literacy for Every Adult Program – Library and Community Services Department (Diana Lopez 510-620-5452/Abigail Sims-Evelyn 510-307-8084).

O.5.c. California State Library Grant Award to Support Literacy For Every Adult Program's English as a Second Language Program 185

ADOPT a resolution to ACCEPT and APPROPRIATE a California State Library grant, in the amount of \$54,300, to support English as a Second Language educational programming offered at the library's literacy services program, Literacy for Every Adult Program (LEAP) – Library and Community Services Department (Diana Lopez 510-620-5452/Abigail Sims-Evelyn 510-307-8084).

- O.5.d. Update of Language Currently in Resolution 141-00** 227
- ADOPT a resolution to amend Resolution 141-00 to replace “Workforce Investment Board” with “Workforce Development Board”, and “Employment and Training Director” with “City Manager or their designee”, to allow the Employment and Training division to remain eligible to receive workforce development funds from the State of California – Library and Community Services Department (LaShonda White/Tamara Walker 510-307-8006).
- O.6. Mayor's Office**
- O.6.a. California Clean Air Day – October 5, 2022** 234
- PROCLAMATION declaring October 5, 2022, as California Clean Air Day in the City of Richmond – Mayor’s Office (Mayor Tom Butt 510-620-6503).
- O.6.b. Arbor Day – October 15, 2022** 237
- PROCLAMATION declaring October 15, 2022, as Arbor Day in the City of Richmond – Mayor’s Office (Mayor Tom Butt 510-620-6503).
- O.6.c. Hispanic Heritage Month - September 15 – October 15, 2022** 240
- PROCLAMATION declaring September 15 – October 15, 2022, as Hispanic Heritage Month in the City of Richmond – Mayor’s Office (Mayor Tom Butt 510-620-6503).
- O.7. Police Department**
- O.7.a. Proposed Contract to Continue Services with the Children’s Interview Center (CIC)** 243
- APPROVE a five-year, sole-source contract for Children’s Interview Center (CIC) services to support forensic interviews of children victimized by sexual or physical abuse, and/or who have been severely neglected for the period July 1, 2021, to June 30, 2026, with the Children Interview Center (CIC), in a total amount not to exceed \$75,000 - Police Department (Chief Bisa French 510-621-1802).
- O.7.b. Ordinance to Approve a Military Equipment Use Policy.** 270
- INTRODUCE an ordinance (first reading) pursuant to state law (Assembly Bill 481) to approve Richmond Police Department Policy 707 - Military Equipment Use Policy - Police Department (Chief Bisa French 510-621-1802).

- O.8. Public Works**
- O.8.a. ECIA Urban Greening Budget Amendment** 311
- ADOPT a resolution to APPROPRIATE the Environmental and Community Investment Agreement (ECIA) Urban Greening budget in the amount of \$100,000 using the fund balance - Public Works Department (Greg Hardesty 510-620-6920).
- O.8.b. Authorize Sole-Source purchase of two Trane heater units for Developing Personal Resources Center (DPRC).** 340
- APPROVE the purchase of two Trane heater units from Specialty A/C Products, Inc. to replace two malfunctioning units, in an amount not to exceed \$33,520 – Public Works Department (Jose Urquilla 510-620-5478).
- O.8.c. City Council Chairs Reupholstery** 348
- APPROVE a contract with O&R Auto Upholstery to reupholster 47 City Council chairs, in an amount not to exceed \$14,766.25, with a term beginning October 5, 2022, and ending June 30, 2023 – Public Works Department (Jose Urquilla 510-620-5478).
- O.8.d. Accept and Appropriate Grant funds for the Pt. Molate Bay Trail** 377
- ADOPT a resolution to ACCEPT and APPROPRIATE \$150,000 in San Francisco Bay Trail funds, from the Association of Bay Area Governments (ABAG), for construction of the Point Molate Bay Trail Project – Public Works Department (Yader Bermudez 510-774-6300).
- P. PUBLIC HEARINGS**
- P.1. General Plan Amendment, Rezoning, Density Bonus for Waivers, and Design Review for a 135-unit mixed-use affordable and supportive housing development** 397
- HOLD a Public Hearing to ADOPT a resolution approving an Addendum to the General Plan Final Environmental Impact Report (EIR), approving a General Plan Amendment to modify the land use classification from Public, Cultural, and Institutional to Medium Intensity Mixed Use (Commercial Emphasis), Design Review, and Density Bonus for the purposed of obtaining waivers; and INTRODUCE an ordinance (first reading) approving a Zoning Map Amendment to rezone the from PCI, Public, Cultural, and Institutional to CM-3, Commercial Mixed-Use a 2.84 acre site at 100 38th Street for a mixed-use 135-unit affordable and supportive housing development – Community Development Department (Lina Velasco 510-620-6706).

Q. NEW BUSINESS

- Q.1. Appointment of a Retired Annuitant to Perform Extra Help/Special Project Law Enforcement Services in the Police Department. 667**

APPROVE the appointment of Louie Tirona as a retired annuitant for a limited term, extra help/special project role not to exceed one (1) year or 960 hours, whichever comes first – Human Resources Department (Nickie Mastay/Sharrone Taylor 510-620-6602).

- Q.2. Develop a Strategy to Prevent Richmond from Becoming a Location for Homeless Encampments as Encampments in Neighboring Cities are being Evacuated 678**

DIRECT City staff to immediately prepare an emergency action plan to avoid the City of Richmond from becoming a destination for homeless encampments and dumping grounds – Councilmember Nathaniel Bates (510-620-6743).

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

S. ADJOURNMENT
