



Agenda

PLEASE NOTE: HYBRID MEETING FORMAT

AGENDA(S):

REGULAR MEETING OF THE RICHMOND CITY COUNCIL

Tuesday, March 21, 2023, 4:30 p.m.

Community Services Building

440 Civic Center Plaza

Richmond, CA 94804

Members:

Eduardo Martinez, Mayor at Large

Melvin Willis, Councilmember District 1

Cesar Zepeda, Councilmember District 2

Doria Robinson, Councilmember District 3

Soheila Bana, Councilmember District 4

Gayle McLaughlin, Vice Mayor, District 5

Claudia Jimenez, Councilmember District 6

NOTICE: SEATING IN THE CHAMBERS WILL BE LIMITED TO THE FIRST 39 PEOPLE AND MASKS ARE STRONGLY ENCOURAGED.

Link to City Council Agendas/Packets

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

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<http://www.ci.richmond.ca.us/list.aspx>

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>

HOW TO SUBMIT PUBLIC COMMENTS:

In Person: Anyone who desires to address the City Council on items appearing on the agenda, *including Open Forum*, 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. **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.**

Via Zoom: Anyone who desires to address the City Council on items appearing on the agenda, *including Open Forum*, must raise their hand once public comment is open. **The public speakers attending in person will be called first, followed by Zoom participants. Only those public speakers that have their hand raised once the speakers are called will be recognized.**

Open Session and City Council: **Please click the link below to join the webinar:**
<https://zoom.us/j/99312205643?pwd=MDdqNnRmS2k4ZkRTOWhUldQOUF1Zz09>

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/aehrwCglSx>

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.

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. 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].

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>

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.

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.

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.

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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.

Unless otherwise noted in an agenda description, all actions taken by the Council include a determination that CEQA does not apply (i.e., the action is not a project and therefore exempt from CEQA).

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

4:30 p.m.

B. ROLL CALL

C. CLOSED SESSION

**C.1 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
(initiation of litigation pursuant to paragraph (4) of Subdivision (d) of
Government Code Section 54956.9)**

- One Case

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

- Michael Beamer v. City of Richmond, et. al., Superior Court of Contra Costa County, Case no. C20-02096
- Winehaven v. City of Richmond
- Guidiville Rancheria of California, et al. v. United States of America, et al.
- North Coast Rivers Alliance et al./Point Molate Alliance et al. v. City of Richmond
- City of Richmond v. Pacific Gas & Electric

**C.3 CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code
Section 54956.8)**

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

- Agency Representatives: Sharrone Taylor and Jack Hughes

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

- D. PUBLIC COMMENT BEFORE CLOSED SESSION (limited to items on the Closed Session Agenda only)
 - E. ADJOURN TO CLOSED SESSION
-

F. REGULAR MEETING OF THE RICHMOND CITY COUNCIL

6:30 p.m.

G. PLEDGE OF ALLEGIANCE**H. ROLL CALL****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. REPORTS OF OFFICERS: REFERRALS TO STAFF, AND GENERAL REPORTS (INCLUDING AB 1234 REPORTS) (limited to two minutes per Councilmember) (public comment allowed under Open Forum)****N. REPORT FROM THE REIMAGINING TASK FORCE - 3rd Tuesday (public comment allowed under Open Forum)****O. OPEN FORUM FOR PUBLIC COMMENT****P. CITY COUNCIL CONSENT CALENDAR****P.1 City Attorney's Office****P.1.a Approval of Settlement Agreement in Angotti & Reilly (A&R) v. City (dispute regarding BTA Center contract) and Rescind Termination for Cause of A&R.** 15

APPROVE a Settlement Agreement with Angotti & Reilly (A&R); and RESCIND the August 19, 2022 termination of the A&R contract for the Booker T. Anderson construction – City Attorney's Office (Dave Aleshire 510-620-6509).

P.2 City Clerk's Office**P.2.a City Council Meeting Minutes** 22

APPROVE the minutes of the Richmond City Council February 21, 2023, meeting, and the special and regular meetings on February 28, 2023, - City Clerk's Office (Pamela Christian 510-620-6513).

P.3 City Council**P.3.a Resolution in support of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).** 45

ADOPT resolution in support of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) - Councilmembers Soheila Bana (510-620-6743), Melvin Willis (510-412-2050) and Vice Mayor Gayle McLaughlin (510-620-6363).

P.4 Community Development**P.4.a Terraces at Nevin Fee Deferral Amendment 50**

APPROVE an Amendment to the Terraces at Nevin fee deferral agreement correcting the referenced amount of total impact fees due to ensure proper documentation and accurate records for said agreements recorded against the subject properties – Community Development Department (Lina Velasco/Chris Castanchoa 510-620-6764).

P.4.b Contract Amendment No. 7 with WSP USA Environmental & Infrastructure, Inc. 97

APPROVE a contract amendment no. 7 with WSP USA Environmental & Infrastructure, Inc. (formerly Wood Environment & Infrastructure Solutions, Inc.) to increase the contract amount by \$163,800, for a total amount not to exceed \$1,018,550, through August 31, 2024, to continue to complete ongoing environmental support, including groundwater monitoring, the replacement of a damaged groundwater monitoring well, and the completion of a tidal study at the Terminal One site in compliance with the clean-up order issued by the Regional Water Quality Control Board – Community Development Department (Lina Velasco 510-620-6841).

P.4.c Legal Services Agreement with Civica Law Group, APC for Code Enforcement Legal Services and to Continue the City's Health and Safety Receivership Program 258

APPROVE a legal services agreement with Civica Law Group, APC, in an amount not to exceed \$485,600.44, for a term beginning March 7, 2023 to June 30, 2024, since the attorneys the City currently retained for code enforcement and receivership services moved from Silver & Wright, LLP, and formed a new law firm, Civica Law Group, APC - Community Development Department (Lina Velasco 510-620-6706).

P.5 Economic Development**P.5.a Sole-Source Contract with Remediation Risk Management, Inc. 282**

APPROVE a sole-source contract with Remediation Risk Management, Inc. for the continued environmental management work of the City's corporation yard as required by the State of California Regional Water Quality Control Board, in an amount not to exceed \$182,446, with a term from July 1, 2022, through June 30, 2025 – Economic Development Department (Nannette Beacham/Craig Murray 510-307-8177).

P.5.b	Shields Reid Park Renovation Public Art Project	332
	<p>APPROVE contracts with the following five artists to design, fabricate, and install large scale artworks for the Shields Reid Park Renovation Project, in a total amount not to exceed \$580,000, for a term beginning March 22, 2023, and ending June 30, 2026: James Moore in the amount of \$70,000; Edwin Marmanillo in the amount of \$90,000; Alexandra Bowman in the amount of \$110,000; Javier Rocabado in the amount of 110,000; and Lewis Watts in the amount of \$200,000 – Economic Development Department (Nannette Beacham 510-621-1306/Winifred Day 510-620-6952).</p>	
P.6	Finance Department	
P.6.a	Sole-Source Contract with GovInvest, Inc. for Financial Software and Consulting Services	610
	<p>APPROVE a three-year sole-source contract with GovInvest, Inc., in a total contract amount not-to-exceed \$336,400, with a term from March 22, 2022, through June 30, 2026, for software and consulting services related to their Pension, OPEB, Labor Costing, and Financial Forecasting modules – Finance Department (Nickie Mastay/Mubeen Qader 510-412-2077).</p>	
P.6.b	Contract to Provide a Ten-Year Revenue Forecast.	691
	<p>APPROVE a contract with Beacon Economics to provide a ten-year revenue forecast for Property Tax, Sales Tax, Utility User Tax, Documentary Transfer Tax, and Business Tax, in an amount not to exceed \$60,000, with a term beginning March 22, 2023, and ending June 30, 2026, with a two-year option to renew at \$20,000 per year – Finance Department (Nickie Mastay/Antonio Banuelos 510-620-6741).</p>	
P.6.c	Investment and Cash Balance Report, and Monthly Overtime Reports for the Month of January 2023	802
	<p>RECEIVE the City’s Investment and Cash Balance Report and monthly Overtime Reports for the month of January 2023 – Finance Department (Nickie Mastay/Mubeen Qader 510-412-2077).</p>	
P.7	Information Technology	
P.7.a	Contract with Contra Costa Electric	817
	<p>APPROVE a sole-source contract with Contra Costa Electric in an amount not to exceed \$26,500, for emergency repair and maintenance of the City Hall backup generator transfer switch, with a term from March 22, 2023 through June 30, 2023 – Information Technology Department (Sue Hartman 510-620-6874/Daniel Chavarria 510-620-5478).</p>	

- P.7.b Resolution for Technology Related Services with Esri** 858
- ADOPT a resolution renewing standing orders, establishing outline agreements for technology related services from Esri, and authorizing the City Manager to negotiate and execute licensing, maintenance, procurement agreements and purchase orders on forms acceptable to the City Attorney in an amount not to exceed \$250,000 per year for fiscal years 2023-2024 through 2026-2027 - Information Technology Department (Sue Hartman 510-620-6874).
- P.7.c Second Amendment to the Agreement with Superior, LLC for the Continued Licensed Use of the TRAKiT** 884
- APPROVE a Second Amendment to the Agreement with Superior, LLC for the continued licensed use of the TRAKiT permitting, business licensing, code enforcement, and Citizen Response Management (CRM), extending the term from April 1, 2023, through March 31, 2024, and increasing the contract payment limit by \$51,462.92, for a new total contract compensation amount not to exceed \$410,046.35 – Information Technology Department (Sue Hartman 510-620-6874).
- P.8 Library and Community Services**
- P.8.a Three-year Contract with Universal Safety & CPR Solutions to Provide Hazardous Materials Training and HAZWOPER 40 Certifications** 1032
- APPROVE a three-year contract with Universal Safety & CPR Solutions, in an amount not to exceed \$31,000, with a term from July 1, 2022 through June 30, 2023, to provide hazardous materials training and HAZWOPER 40 certifications at the RichmondBUILD facility – Community Services Department, Employment & Training (LaShonda White/Tamara Walker/Fred Lucero 510-621-1562).
- P.8.b Contract with Rubicon Programs Funded by the California for All Youth Grant** 1106
- APPROVE a sole-source contract with Rubicon Programs to train Richmond job seekers in blight removal and neighborhood revitalization through the Beautify Richmond Project, for a contract term from March 1, 2023, through June 30, 2024, and for a total not-to-exceed amount of \$95,323 funded under the California for All Youth Grant from California Volunteers – Community Services Department (LaShonda White/Tamara Walker 510-307-8006).

- P.8.c Contract with Witt O'Brien's, LLC for Consulting Services Related to American Rescue Plan Act (ARPA) Funds** 1149
- APPROVE a contract with Witt O'Brien's, LLC to provide consulting services for oversight and compliance related to American Rescue Plan Act (ARPA) funds, in the amount not to exceed \$300,000, for a term commencing March 22, 2023, through June 30, 2027, and APPROPRIATE the use of \$300,000 in City ARPA funds for this contract – Community Services Department/Finance Department (LaShonda White/Nickie Mastay 510-620-6512).
- P.9 Mayor's Office**
- P.9.a March 10, 2023 - Tibetan Uprising Day in the City of Richmond** 1197
- PROCLAMATION recognizing March 10, 2023, as Tibetan Uprising Day in the City of Richmond - Mayor Eduardo Martinez (510-620-6503) and Councilmember Claudia Jimenez (510-620-6565).
- P.9.b March 21, 2023 - Nowruz, or Persian New Year, in the City of Richmond** 1201
- PROCLAMATION recognizing March 21, 2023, as Nowruz, or Persian New Year, in the City of Richmond - Mayor Eduardo Martinez (510-620-6503) and Councilmember Soheila Bana (510-620-6743).
- P.10 Police Department**
- P.10.a Sole-Source contract with Veritone, Inc. for Software and Conversion Services as they relate to the State of California's Department of Justice requirements regarding Racial and Identity Profiling Act (RIPA) data.** 1208
- APPROVE a sole-source contract with Veritone, Inc. for software and conversion services related to the Racial and Identity Profiling Act reporting requirements, for a total not to exceed \$45,000, for the term beginning March 21, 2023, through March 21, 2026 – Police Department (Chief Bisa French 510-621-1802).
- P.10.b Second amendment to the Contract with Get Polygraphed, Inc.** 1241
- APPROVE a second amendment to the contract with Get Polygraphed, Inc. increasing the compensation in an amount not to exceed \$30,000, for a total compensation amount not to exceed \$60,000, and extending the term to November 1, 2024, for preemployment polygraph examination services – Police Department (Chief Bisa French 510-621-1802).

P.11 Public Works

- P.11.a Purchase of a Litter Vacuum Sweeper** 1274
- APPROVE the purchase of a new Madvac LS175 Litter Vacuum Sweeper from Owen Equipment in an amount not to exceed \$183,000 including a contingency of \$16,437.91 – Public Works Department (Daniel Chavarria 510-620-5478).
- P.11.b Purchase of Three Replacement Mowers** 1319
- APPROVE the purchase of two ZMaster 7500 mowers and one GM5900 mower in an aggregate amount not to exceed \$217,000 including a contingency of \$19,497.13 – Public Works Department (Daniel Chavarria 510-620-5478/ Dee Karnes 510-231-3044).
- P.11.c COWI Contract Amendment No. 1** 1374
- APPROVE a contract amendment No. 1 with COWI North America, Inc., in the amount of \$108,910, for a new total contract amount not to exceed \$388,050, for a term extending through December 31, 2024, to provide engineering services during the bid and construction phase and Final Plans and Specifications of the Terminal Four Wharf Removal Project, to be funded by the State Coastal Conservancy grant – Public Works Department (Daniel Chavarria 510-620-5478).
- P.11.d Contract with Security Signal Devices, Inc.** 1425
- APPROVE a contract with Security Signal Devices, Inc. for intrusion and fire alarm maintenance and monitoring services for City buildings, in an amount not to exceed \$450,000, over a three-year period beginning March 21, 2023, and ending March 21, 2026, with an option to extend an additional two years, in a total amount not-to-exceed \$300,000 for the additional two-year period – Public Works Department (Daniel Chavarria 510-620-5478/Carl Capistrano 510-620-6896).

- P.11.e Contract for the FY 2022-23 Grade 5 Risk Assessment Analysis (RAA) Sewer Line Replacement of The Sanitary Sewer Collection System per the Baykeeper Settlement Agreement** 1507

ADOPT a resolution authorizing the issuance of a task authorization to Veolia Water to manage (on behalf of the City) subcontracts with: D'Arcy and Harty Construction, Inc., VW Housen and Questa Engineers to replace and or rehabilitate specific sanitary sewer pipelines, in an amount not to exceed \$2,075,622 [D'Arcy and Harty Project cost of \$1,319,500 plus 16.5 percent mark-up of \$217,718, plus 30 percent contingency of \$395,980 plus 16.5 percent mark-up of \$65,315; VW Housen project cost of \$36,000 plus 16.5 percent mark-up of \$5,940, plus 30 percent contingency of \$10,800, plus 16.5 percent mark-up of \$1,782; Questa Engineers Project Cost of \$15,000, plus 16.5 percent mark-up of \$2,475, plus 30 percent contingency of \$4,500, plus 16.5 percent mark-up of \$743] - Public Works Department (Daniel Chavarria 510-620-5478/Mary Phelps 510-621-1269).

- P.11.f City Council approved an Encroachment Agreement application at 130 E. Scenic Ave. At City Council's direction, City entered into an Encroachment Agreement with owners; it now presents the executed Agreement to City Council, pursuant to RMC 12.30.200.** 1562

ADOPT a resolution to approve the Encroachment Agreement between the City and the title of record property holders of 130 E. Scenic Avenue for a private landowner fence encroachment into the unimproved public right-of-way at said address; and reaffirm its decision that the findings pursuant to RMC 12.30.190(a)(1)(A-G) have been met. The executed Encroachment Agreement will be recorded on the property's title and thereby bind successors in perpetuity. – Public Works Department (Daniel Chavarria/Robert Armijo 620-5477)

Q. BUDGET SESSION

- Q.1 City of Richmond Annual Comprehensive Financial Report for the Fiscal Year Ended June 30, 2022** 1612

RECEIVE a report on the City's Annual Comprehensive Financial Report (ACFR) for Fiscal Year 2021-2022 – Finance Department (Nickie Mastay/Mubeen Qader/Jerry Chak 510-620-6569).

R. NEW BUSINESS

- R.1 Addition of Staff to the Mayor's Office to expand City Council capacity for the budget process** 1915

APPROVE the hiring of the one staff person within the Mayor's Office to support the City Council – Mayor's Office (Mayor Eduardo Martinez 510-620-6503), Councilmember Doria Robinson (510-620-6568), Councilmember Claudia Jimenez (510-620-6565).

R.2 Creation of a Municipal Wastewater Oversight Ad Hoc Committee

1934

CREATE a Wastewater and Storm Drain Ad Hoc Committee in the City of Richmond consisting of three City Council members – Mayor’s Office (Mayor Eduardo Martinez 510-620-6503).

S. ADJOURNMENT
