



Agenda

PLEASE NOTE: HYBRID MEETING FORMAT

AGENDA(s)

-REGULAR MEETING OF THE RICHMOND CITY COUNCIL

Tuesday, December 5, 2023, 3:30 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

Vice Mayor Gayle McLaughlin will be joining the meeting via Zoom from the following location:

**City Council Office
440 Civic Center Plaza
Richmond, CA 84804**

NOTICE: MASKS ARE STRONGLY ENCOURAGED!!

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

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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=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/aehrwCglSx>

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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.**

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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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

3:30 p.m.

B. ROLL CALL

C. CLOSED SESSION

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

- Hanlees Hilltop Buick et al. v. City of Richmond
- Riggers Loft Wine Company v. City of Richmond et al.
- Hernandez v. Hodges
- 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
- Eric Reason v. City of Richmond, et al.

C.2 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)

- Two cases

C.3 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.4 CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)

- City Designated Representative: Dave Aleshire, City Attorney
Unrepresented employee: City Manager
- 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)

L.1 NEW EMPLOYEE REPORT - 1st Tuesday

M. REPORTS OF OFFICERS: REFERRALS TO STAFF, AND GENERAL REPORTS (INCLUDING AB 1234 REPORTS)(limited to two minutes per Councilmember)(public comments allowed under Open Forum)

N. OPEN FORUM FOR PUBLIC COMMENT

(public comment on items that remain on the Consent Calendar or items not on the agenda - limited to 2 minutes unless otherwise specified - Back and forth dialogue with the Council is prohibited)

O. CITY COUNCIL CONSENT CALENDAR

(All items placed under the Consent Calendar are considered to be routine and noncontroversial. These items will be enacted upon together with a motion and second, without discussion, of any member of the City Council, and each item shall be deemed to have received the action recommended.)

O.1 City Attorney's Office

O.1.a Approval of settlement agreement in Jose Sotelo v. City of Richmond, et al 13

APPROVE the proposed settlement agreement *in Jose Sotelo v. City of Richmond, et al.* for a total settlement amount of \$105,000 – City Attorney's Office (Dave Aleshire 510-620-6509).

O.2 City Clerk's Office

O.2.a City Council Meeting Minutes 21

APPROVE the minutes of the October 17 and 24, 2023, regular City Council meetings and the November 14, 2023, special meeting - City Clerk's Office (Pamela Christian 510-620-6513).

O.3 City Council

O.3.a World AIDS Day 40

PROCLAMATION recognizing World AIDS Day, to honor the 700,000 Americans and 40 million lives lost worldwide to AIDS-related illnesses over the years – Councilmember Cesar Zepeda (510-620-6593) and Mayor Eduardo Martinez (510-620-6503).

O.4	City Manager's Office	
O.4.a	Fiscal Year 2023-24 Category 3 ECIA Grant Award Recommendations (\$44,000)	43
	<p>APPROVE a recommendation from the City Council ECIA Grant Review Ad Hoc Committee to award \$44,000 in Fiscal Year 2023-24 Environmental Community Investment Agreement (ECIA) Grant funds (Category 3 - City Council-Approved Award) to seven (7) Richmond-serving non-profit organizations; ADOPT a resolution; and AUTHORIZE the city manager to negotiate and execute Grant Service Agreements with approved grantees – City Manager’s Office (LaShonda White 510-620-6828/Patrick Seals 510-307-8016).</p>	
O.5	Community Development	
O.5.a	Contract Amendment No. 2 with PES Environmental, Inc. dba NV5	54
	<p>APPROVE a contract amendment no. 2 with PES Environmental, Inc. (PES), dba NV5, in an amount of \$166,300, for a new total contract amount not to exceed \$236,300, for environmental consultation services related to the Miraflores Property, for a term ending December 31, 2025, to be paid for by funding from the Successor Agency to the Richmond Community Redevelopment Agency – Community Development Department (Lina Velasco 510-620-6706).</p>	
O.5.b	Sole-Source Agreement with The Regents of the University of California for Project Evaluation for the City of Richmond’s Transformative Climate Communities (TCC) Implementation Grant	125
	<p>APPROVE a sole-source service agreement with The Regents of the University of California, a California public corporation, for a total amount not to exceed \$1,070,000, to document and evaluate program processes as well as outputs, outcomes, and impacts of the City’s Transformative Climate Communities (TCC) Round 4 <i>Richmond Rising</i> Project focused on serving the Iron Triangle, Santa Fe, and Coronado neighborhoods, with a term beginning October 1, 2023, through June 30, 2029 – Community Development Department (Lina Velasco/Beatriz Guerrero 510-620-5450).</p>	
O.5.c	Contract with American Global Security for Site Security at the Castro Encampment.	152
	<p>APPROVE a contract with American Global Security, in an amount not to exceed \$353,524, to provide security guard services at the Castro Encampment for up to two guards, 24 hours a day, seven days a week, for a term beginning December 6, 2023, and ending on June 30, 2024 – Community Development Department (Lina Velasco/Jesus M. Morales 510-620-6706).</p>	

O.5.d	Accept and Appropriate Grant Funds from All Home	196
	ACCEPT and APPROPRIATE a \$15,000 grant from All Home, provided via the Tides Center, to support the City’s Round 3 Homekey Application to acquire a motel to convert into Permanent Supportive Housing – Community Development Department (Lina Velasco 510-620-6706).	
O.5.e	Contract with Housing Consortium of the East Bay (HCEB) for Case Management and Client Care Liaison Services for the Castro Encampment Resolution Project	201
	APPROVE a contract with Housing Consortium of the East Bay (HCEB) to provide Case Management and Client Care Liaison services for former Castro Encampment residents, including administration of up to \$25,000 of Flex Funds, for a total contract amount of \$279,890, for a term beginning December 5, 2023, through June 30, 2024, to be funded using the City’s Encampment Resolution Funds – Community Development Department (Lina Velasco/Jesus Morales 510-620-6706).	
O.6	Finance Department	
O.6.a	Ordinance changing the due date of the Business Tax for businesses (excluding rental businesses) from July 1st to April 1st and adding a section allowing for a thirty-day grace period before late fees are assessed.	349
	ADOPT an ordinance (second reading) changing the due date for the business tax (excluding those due from rental businesses) from July 1 to April 1, and add a section allowing for a thirty-day grace period before late fees are assessed – Finance Department (Nickie Mastay/Andrea Miller/Mubeen Qader/Antonio Banuelos 510-620-6741).	
O.7	Fire Department	
O.7.a	Resolution Designating Officials and Authorizing Submission and State Financial Disaster Assistance	355
	ADOPT a resolution designating officials and authorizing submission of an application to the State of California Governor’s Office of Emergency Services for state financial assistance under the California Disaster Assistance Act and the Robert T. Stafford Disaster Relief and Emergency Assistance Act – Fire Department (Deputy Fire Chief Aaron Osorio 510-307-8021/Andrea Miller 510-620-6790).	

O.8	Human Resources	
O.8.a	City Holiday Closure from December 26 through December 29, 2023	364
	ADOPT a resolution approving the Side Letters between the City of Richmond and Service Employees International Union (SEIU) Local 1021 (Full-Time and Part-Time Units) and International Federation of Professional and Technical Engineers (IFPTE) Local 21 (Mid-Management and Executive Management Units) regarding the holiday closure for December 2023 – City Manager’s Office/Human Resources Department (Shasa Curl/Sharrone Taylor/Nickie Mastay 510-620-6602).	
O.9	Library and Community Services	
O.9.a	Memorandum of Understanding with All Season’s Ice Company to Provide Ice/Snow at Nicholl Park	373
	APPROVE the Memorandum of Understanding between the City of Richmond and All Season’s Ice Company to provide 20 tons of ice/snow to Richmond residents at Nicholl Park during the Winter Break at no cost to the City of Richmond and for a term from November 23, 2023, to December 31, 2023 – Community Services Department (LaShonda White 510-620-6828/Ranjana Maharaj 510-620-6972).	
O.10	Mayor's Office	
O.10.a	Appointment to the Environmental and Community Investment Agreement (ECIA) Transportation Oversight Committee	383
	APPOINT Darlene Drapkin to a vacant seat on the ECIA Transportation Oversight Committee, Term Expires July 25, 2026 – Mayor’s Office (Mayor Eduardo Martinez 510-620-6503).	
O.10.b	Richmond Arts and Culture Commission Appointment	386
	APPOINT Virginia Jourdan to an unexpired term in the Richmond Arts and Culture Commission, Term Expires June 19, 2025 – Mayor’s Office (Mayor Eduardo Martinez 510-620-6503).	
O.10.c	Richmond-Shimada Friendship Commission Appointment	388
	APPOINT Mindy Pines to an unexpired term in the Richmond-Shimada Friendship Commission, Term Expires January 18, 2024 – Mayor’s Office (Mayor Eduardo Martinez 510-620-6503).	
O.10.d	Urban Forest Advisory Committee Appointment	390
	APPOINT Ethan Rayner to the Urban Forest Advisory Committee with a term that expires on November 17, 2026 – Mayor’s Office (Mayor Eduardo Martinez 510-620-6503).	

- O.11 Police Department** 392
- O.11.a Executive Management Training Course Held in Boston, Massachusetts for Captain Matthew Stonebraker**
- ACCEPT and APPROVE the course registration amount not to exceed \$11,400, and the out-of-state travel form, for the Senior Management Institute for Police (SMIP) program at Boston University School of Law for Captain Stonebraker to attend from July 8, 2024, through July 26, 2024 – Police Department (Chief Bisa French 510-621-1802).
- O.12 Public Works** 415
- O.12.a Resolution Authorizing the City Manager to Execute Recurring Contracts and Agreements with Contra Costa County, Stege Sanitary District, West County Wastewater District, West County Agency and the California State Water Resources Control Board for Service**
- ADOPT a resolution authorizing the city manager to execute reoccurring contracts for Fiscal Year 2023-24 with Contra Costa County, Stege Sanitary District, West County Wastewater District, West County Agency, and the State of California Water Resources Control Board at an aggregate annual amount of \$1,437,085. The execution of these contracts shall not exceed the limits as set forth for the following: Contra Costa County North Richmond Storm Drain Pump Station - \$75,000; Contra Costa County Clean Water Program - \$385,000; California Water Resources Control Board - WWTP National Pollutant Discharge Elimination System (NPDES) - \$125,000; California Water Resources Control Board - City of Richmond Stormwater NPDES permit - \$40,500; California Water Resources Control Board - Sanitary Sewer Overflow Waste Discharge Requirement (SSO - WDR) Permit - \$40,500; West County Agency - \$727,585; Stege Sanitary District Sewer Use Fees Joint Powers Agreement (JPA) - \$43,500 – Public Works Department (Robert Armijo 510-621-5477/Mary Phelps 510-621-1269).
- O.12.b Smart Signals Project Funding Agreement with Contra Costa Transportation Authority (CCTA)** 507
- ADOPT a resolution authorizing a Funding Agreement between Contra Costa County Transportation Authority (CCTA) and City of Richmond for the allocation of Smart Signals Project funding to City of Richmond for 21 locations; and ACCEPT and APPROPRIATE the matching contribution of \$182,336 from the Gas Tax fund Balance – Public Works Department (Robert Armijo 510-620-5477/ Ken Cheng 510-621-1612).

P.	BUDGET SESSION	
P.1	Update and Funding Options Using American Rescue Plan Act (ARPA) and Environmental and Community Agreement (ECIA)	549
	RECEIVE an update regarding the American Rescue Plan Act (ARPA), and Environmental Community Investment Agreement (ECIA); DISCUSS recommendations to utilize ARPA and ECIA funds to offset identified shortfalls in Capital Projects and programs/projects aligned with the City Council Strategic Goals; and ADOPT a resolution appropriating ARPA and ECIA to fund proposed expenditures – Finance Department/City Manager’s Office (Andrea Miller 510-620-6790/Mubeen Qader 510-412-2077/LaShonda White 510-620-6828). This item was continued from the November 28, 2023, meeting.	
Q.	PUBLIC HEARINGS	
Q.1	Cannabis Ordinance Amendments	650
	HOLD a Public Hearing; and INTRODUCE (first reading) an ordinance making certain amendments to Richmond Municipal Code (RMC) Section 15.04.610.270 Marijuana/Cannabis Commercial Uses, that includes, but is not limited to, increasing the number of storefront retail permits and adding new non-storefront retail (delivery only) permits, with a certain amount of the new retailer licenses to be reserved for equity applicants – Community Development Department (Lina Velasco 510-620-6841). This item was continued from the November 7, 2023, and November 28, 2023, meetings.	
R.	NEW BUSINESS	
R.1	East Bay Municipal Utility District Presentation	729
	RECEIVE a presentation from East Bay Municipal Utility District (EBMUD) regarding the Galvanized Requiring Replacement (GRR) program - Public Works Department (Robert Armijo 510-620-5477/Daniel Chavarria 510-620-5478).	
R.2	Hilltop Horizon Specific Plan	746
	RECEIVE a presentation; and PROVIDE comments on the uses in the initial concept alternatives developed for the Hilltop Horizon Specific Plan (PLN23-344) – Community Development Department (Lina Velasco 510-620-6841/Hector Rojas 510-621-1220).	
S.	ADJOURNMENT	