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# Agenda

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**PLEASE NOTE: HYBRID MEETING FORMAT**

**AMENDED AGENDA(s):**

**- REGULAR MEETING OF THE RICHMOND CITY COUNCIL**

Tuesday, May 21, 2024, 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, Councilmember District 5**

**Claudia Jimenez, Vice Mayor, District 6**

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2. Livestream online at <http://www.ci.richmond.ca.us/3178/KCRT-Live>

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**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.**

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Open Session and City Council: **Please click the link below to join the webinar:**

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**Passcode: ccmeeting**

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\*\*The mayor will announce the agenda item number and open public comment when appropriate.

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**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].

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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.

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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).**

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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 - EXISTING LITIGATION (paragraph (1) of Subdivision [d] of Government Code Section 54956.9)**

- David Batiste v. City of Richmond, et al.
- 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
- Hanlees Hilltop Buick et al. v. City of Richmond

**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)**

- One case

**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)**

- 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

**C.5 CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8)**

- Property: 425 24th Street, Richmond, CA 94804 (Homekey Program at Motel 6 location)  
Agency Negotiators: Nannette Beacham, Lina Velasco, Jesus Morales  
Negotiating Parties: Novin Development, Trinity Center Walnut Creek  
Under negotiation: Price and terms of payment

**D. PUBLIC COMMENT BEFORE CLOSED SESSION (limited to items on the Closed Session agenda only)**

**E. ADJOURN TO CLOSED SESSION**

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**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 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 Fourth Amendment to a Contract with Burke, Williams & Sorensen, LLP to Assist with RHA Asset Repositioning and City-wide Affordable Housing Projects**

13

APPROVE a fourth amendment to the legal services agreement with Burke, Williams & Sorensen, LLP, increasing the contract payment limit by \$150,000, for a new total contract amount not to exceed \$505,000, for assistance with Richmond Housing Authority asset repositioning and, as requested, city-wide affordable housing projects, and extending the term to June 30, 2025 – City Attorney's Office (Shannon Moore 510-620-6509).

**O.1.b Legal Services Agreement with Angelo, Kilday, & Kilduff LLP**

51

APPROVE a new legal services agreement with Angelo, Kilday, & Kilduff LLP, for an amount not to exceed \$200,000, for a term beginning May 1, 2024, to June 30, 2027 – City Attorney's Office (Kimberly Chin 510-620-6709/Shannon Moore 510-620-6505).

O.1.c	<b>Second Amendment to Legal Services Agreement with Bennett, Gelini, and Gelini</b>	76
	APPROVE a second amendment to the legal services agreement with Bennett, Gelini, and Gelini to increase the compensation by \$150,000, with a total amount not to exceed \$259,990, and term ending June 30, 2025 – City Attorney’s Office (Shannon Moore 510-620-6509/Kimberly Chin 510-620-6509).	
O.2	<b>City Clerk’s Office</b>	
O.2.a	<b>City Council Meeting Minutes</b>	107
	APPROVE the minutes of the March 26, 2024, and May 7, 2024, Regular City Council meetings and the April 30, 2024, Special City Council meeting - City Clerk's Office (Pamela Christian 510-620-6513).	
O.3	<b>City Council</b>	
O.3.a	<b>Resolution to Support SEIU CIR Members for a Fair Contract with LifeLong Medical</b>	132
	ADOPT a resolution that urges LifeLong Medical to offer a competitive salary, safe overnight accommodations, and transparent disciplinary procedures to better recruit and retain resident physicians within the City of Richmond – Vice Mayor Claudia Jimenez (510-620-6565) and Councilmember Melvin Willis (510-412-2050).	
O.4	<b>Community Development</b>	
O.4.a	<b>On-Call Environmental and Planning Consulting Services</b>	136
	ADOPT a resolution authorizing on-call Environmental and/or Planning Consulting Services contracts with twenty (20) firms for as-needed services, in an amount not to exceed \$1,000,000 per firm, from July 1, 2024, to June 30, 2027, with two additional one-year extension options not to exceed an additional \$300,000 per extension - Community Development Department - Lina Velasco/ Hector Rojas 510-621-1220).	
O.5	<b>Finance Department</b>	
O.5.a	<b>Tax Rate for Tax Override Pension Fund</b>	149
	ADOPT an ordinance (second reading) setting the tax rate for the Tax Override Pension Fund for Fiscal Year 2024-2025 at 0.14 percent – Finance Department (Andrea Miller/Mubeen Qader/Antonio Banuelos 620-6741).	

<b>O.6</b>	<b>Fire Department</b>	<b>153</b>
<b>O.6.a</b>	<b>Approve the Upgraded Service by Everbridge, Inc. (Nixle) to Provide the Platform for the City of Richmond’s Emergency Notification System</b>	<b>153</b>
	<p>APPROVE AND RATIFY the upgraded service by Everbridge, Inc. (Nixle) dated July 1, 2023, to provide the platform for the City of Richmond’s Emergency Notification System, for a total amount not to exceed \$76,112.82, for a three-year term ending June 14, 2026, with a two-year extension option not to exceed an additional \$50,741.88 for the extended term – Fire Department (Chief Michael E. Smith 510-307-8041/Chief Aaron Osorio 510-307-8021/Richard Diaz 510-307-8161).</p>	
<b>O.6.b</b>	<b>Air Monitoring Devices For Richmond Fire Department HAZMAT 64, Rescue 67, and Rescue 68</b>	<b>178</b>
	<p>APPROVE the purchase of air monitoring devices and products from Mallory Safety and Supply, LLC. in an amount not to exceed \$47,000 – Fire Department (Chief Michael E. Smith 510-307-8041/Deputy Chief Aaron Osorio 510-307-8021/Battalion Chief Victor Bontempo 510-620-6893/Battalion Chief Anthony Woodards 510-620-6989/Den Mark Marcelo 510-307-8038).</p>	
<b>O.7</b>	<b>Human Resources</b>	
<b>O.7.a</b>	<b>Annual Compensation Adjustment for the City Clerk</b>	<b>187</b>
	<p>APPROVE a five percent salary adjustment for the City Clerk effective March 2, 2024, in accordance with the IFPTE Local 21 Executive Management MOU Section 6.4.D – Human Resources Department (Sharrone Taylor/Nickie Mastay 510-620-6602).</p>	
<b>O.7.b</b>	<b>Adoption of Cesar Chavez Day and Juneteenth as Official City Holidays</b>	<b>189</b>
	<p>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), International Federation of Professional and Technical Engineers (IFPTE) Local 21 (Mid-Management and Executive Management Units), Richmond Police Officers Association (RPOA), Richmond Police Management Association (RPMA), International Association of Fire Fighters (IAFF) Local 188, Richmond Fire Management Associations (RFMA) – Human Resources Department (Sharrone Taylor/Nickie Mastay 510-620-6602).</p>	

O.7.c	<b>Amend Staffing (Position Control) and Appropriate Funds as Required</b>	210
	ADOPT a resolution amending position control to add a Senior Planner for the Community Development Department, and a grant-funded Administrative Analyst for the Community Services Department - Recreation; and APPROPRIATE associated salaries, wages, and benefits from the funding source as required – Human Resources Department (Nickie Mastay/ Sharrone Taylor 510-620-6602).	
O.8	<b>Police Department</b>	
O.8.a	<b>Crime Report from Police Chief</b>	215
	RECEIVE a written crime report from the Police Chief - Police Department (Chief Bisa French 510-621-1802).	
O.9	<b>Public Works</b>	
O.9.a	<b>Wadsworth Glass, Inc., Contract Amendment No. 2</b>	219
	APPROVE a second contract amendment with Wadsworth Glass, Inc., increasing the amount by \$50,000, for a new total contract amount not to exceed \$150,000, to supply windows, materials, and services for City buildings – Public Works Department (Daniel Chavarria 620-5478/Carl Capistrano 620-6896).	
O.9.b	<b>Contract with Azul Works, Inc. for Construction of the Shields-Reid Park Improvement Project</b>	262
	ADOPT a resolution authorizing the award of a construction contract to Azul Works, Inc. as the contractor for the Shields-Reid Park Improvement Project, in the amount of \$4,088,240.31, for a term from May 22, 2024, to June 30, 2026; and AUTHORIZE the Director of Public Works to approve change orders, if necessary, for up to a total contingency amount not to exceed \$410,000 – Public Works Department (Robert Armijo 510-620-5477/Josef Munoz 510-672-2407).	

- O.9.c Construction Contract Amendment and Appropriation of Funds for Santa Rita Road Stabilization Project, Including Funding for Construction Management and Engineering Consultants** 1226
- ADOPT a resolution to transfer and appropriate funds in the amount of \$200,000 from the Risk Management Fund (5001) to General Capital Fund (2001) for the Santa Rita Road Stabilization Project (CIP#23037); AUTHORIZE an amendment to the construction contract with Northwest Demolition, Inc., for Santa Rita Road Stabilization Project, to increase the not-to-exceed amount by \$25,419, for an amended total contract amount not to exceed \$884,019; and AUTHORIZE the Director of Public Works to approve construction change orders, if necessary, up to \$61,000, to potentially increase the total not-to-exceed contract amount to \$945,019 – Public Works Department (Robert Armijo 510-620-5477/ Ken Cheng 510-621-1612).
- O.9.d Construction Contract Amendment No. 2 for W.R. Forde Associates, Inc for the Cutting Boulevard and Harbour Way South Bikeways Project** 1275
- ADOPT a resolution to appropriate the General Capital Fund in the amount of \$280,000 for Cutting Boulevard and Harbour Way South Bikeways Project; AUTHORIZE the construction contract amendment with W.R. Forde Associates, Inc, for Cutting Boulevard and Harbour Way South Bikeways Project in the amount of \$104,099, for an amended total contract amount not to exceed \$1,976,806.99; and AUTHORIZE the Director of Public Works to approve construction change orders, if necessary, up to an amount of \$74,000, to potentially increase the contract for a total not-to-exceed amount of \$2,050,806.99 – Public Works Department (Robert Armijo 510-620-5477/Ken Cheng 510-621-1612).
- O.9.e Construction Contract with NEMA Construction for the Yellow Brick Road Supplemental Lighting Project** 1327
- ADOPT a resolution to transfer funds in the General Capital Fund from the Yellow Brick Road Project (29113) to the Yellow Brick Road – Clean, Green and Beautiful Project (23032) in the amount of \$30,000; and AUTHORIZE the City Manager or their designee to execute a construction contract in accordance with the approved plans and specifications with NEMA Construction for the Yellow Brick Road Supplemental Street Lighting Project in an amount not to exceed \$1,141,470, which includes \$1,017,200 for the Base Bid plus \$20,500 for Additive Bid Alternative Item A-1, and a contingency amount of \$104,000; and AUTHORIZE the Director of Public Works to approve change orders, if necessary, for up to the contingency amount of \$104,000 – Public Works Department (Daniel Chavarria 510-620-5478/Robert Armijo 510-620-5477/Wendy Wellbrock 510-307-8108).

**P. PUBLIC HEARINGS**

**P.1 Extension of Tobacco Retailers Moratorium**

1370

ADOPT an urgency ordinance, pursuant to Government Code Section 65858, extending the temporary moratorium on the issuance of any new permit, license, or entitlement for any new tobacco retailer in the City of Richmond for an additional 10 months and 15 days, until April 15, 2025. This ordinance is intended to preserve the status quo, and it will not cause a direct physical change in the environment, nor a reasonably foreseeable indirect physical change in the environment. The enactment of this ordinance, therefore, does not constitute the approval of a project under the California Environmental Quality Act (“CEQA”), and it is exempt from CEQA. (Pub. Res. Code § 21065, CEQA Guidelines §§ 15060(c),(2)(3); 15061(b)(3); 15064(d)(3); 15378(a).) - Community Development Department (Lina Velasco/Eva Mann/Hector Rojas 510-621-1220).

**P.2 THIS ITEM HAS BEEN CONTINUED TO THE MAY 28, 2024, CITY COUNCIL MEETING**

**Master Fee Schedule Update**

HOLD a public hearing; and INTRODUCE an Ordinance (first reading) adjusting the dollar amount for proposed Developer Impact Fees using the two- and four-year phase in approach and other new user fees for services – Finance Department (Andrea Miller/Mubeen Qader/Antonio Banuelos 510-620-6741).

**Q. NEW BUSINESS**

**Q.1 Richmond Refining Tax Act**

1381

RECEIVE a presentation on general tax proposal related to oil refining and DIRECT the City Attorney to review and prepare a Richmond Refining Tax Act ballot measure and related documents- Mayor's Office (Mayor Eduardo Martinez 510-620-6503) and Vice Mayor Claudia Jimenez (510-620-6565).

**R. ADJOURNMENT**

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