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# Agenda

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**PLEASE NOTE: HYBRID MEETING FORMAT**

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

Tuesday, September 24, 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

Sheila 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>

#### 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.**

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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.

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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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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.

**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 LIABILITY CLAIMS (Government Code Section 54956.9)**

- Claimant: Khala Finley  
Agency claimed against: City of Richmond
- Claimant: Mark Hall  
Agency claimed against: City of Richmond

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

- Richmond Shoreline Alliance v. City of Richmond
- Winehaven v. City of Richmond
- Thomas Butt v. Eduardo Martinez
- Thomas Butt v. Gayle McLaughlin

**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)**

- One case

**C.4 PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957)**

- Title: Confidential Investigative & Appeals Officer

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

- Property: Point Molate (site of former Naval Shipyard Depot)  
Agency Negotiator: Dave Aleshire  
Negotiating Parties: East Bay Regional Park District & Tribe & Upstream Pt. Molate LLC  
Under negotiation: Price and terms of payment

**C.6 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**

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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. 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) - PLEASE KEEP YOUR COMMENTS RESPECTFUL!!

**N. 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.)

**N.1 City Attorney's Office**

**N.1.a Fifth Amendment to the Legal Services Agreement with Newdorf Legal 13**

APPROVE a fifth amendment to the legal services agreement with Newdorf Legal for \$150,000 for a total amount not to exceed \$400,000 and term ending June 30, 2025 – City Attorney's Office (Shannon Moore 510-620-6509).

**N.1.b Legal Services Agreement with the City, Bradley Miller and Keller Rohrback LLP to evaluate claims on interest rate swap transactions 52**

APPROVE a contingency fee representation agreement with Keller Rohrback L.L.P. and R. Bradley Miller, Esq. for legal services in a matter involving financial and other advice provided to the City by various parties regarding swaps and derivatives and AUTHORIZE the city attorney to make any necessary technical modifications to agreement before final execution - City Attorney's Office (David Aleshire 510-620-6509).

<b>N.2</b>	<b>City Clerk's Office</b>	
<b>N.2.a</b>	<b>Carahsoft/DocuSign Agreement</b>	<b>63</b>
	APPROVE a fourth contract amendment with Carahsoft/DocuSign piggybacking on CMAS contract #3-20-70-2247G between the State of California and Carahsoft/DocuSign for the term of September 30, 2024, to September 29, 2025, in an amount not to exceed \$15,170.70 - City Clerk's Office (Pamela Christian 510-620-6513).	
<b>N.3</b>	<b>City Council</b>	
<b>N.3.a</b>	<b>Proclamation recognizing August as American Muslim Appreciation and Awareness as designated by the State of California</b>	<b>133</b>
	PROCLAMATION recognizing the month of August as American Muslim Appreciation and Awareness Month as designated by the State of California, and commending Muslim communities in California for the positive impacts they have made towards the advancement of our city and country - Councilmember Soheila Bana (510-620-6743) and Mayor Eduardo Martinez (510-620-6503).	
<b>N.3.b</b>	<b>Proclamation to declare the month of September as National Suicide Awareness and Prevention Month</b>	<b>137</b>
	PROCLAMATION declaring the month of September as National Suicide Awareness and Prevention Month in the City of Richmond - Councilmember Soheila Bana (510-620-6743).	
<b>N.4</b>	<b>Community Development</b>	
<b>N.4.a</b>	<b>Repeal of Richmond Municipal Code Chapter 9.64 - Prohibition of Natural Gas Infrastructure in Newly Constructed Buildings</b>	<b>142</b>
	INTRODUCE an ordinance (first reading) repealing Chapter 9.64 to the Richmond Municipal Code (RMC), which bans natural gas infrastructure in new construction - Community Development Department (Lina Velasco/Avery Stark 510-620-6714).	
<b>N.4.b</b>	<b>Final Third-Party Review Report of the Chevron Richmond Refinery February 9, 2021, Oil Spill Incident Investigation</b>	<b>150</b>
	RECEIVE the written Final Third-Party Review Report of the Chevron Richmond Refinery February 9, 2021, Oil Spill Incident Investigation – Community Development Department (Lina Velasco 510-620-6841).	

- N.5 Economic Development**
- N.5.a Resolution to Approve Final Payment to WR Forde Associates, Inc. for Services Rendered for Leak Repair in 2020** 376
- ADOPT a resolution to approve the final payment of \$16,290.08 to WR Forde Associates, Inc. for services rendered for the Leak Repair Project in the year 2020; and ACCEPT the completed project and formal close out the project; and AUTHORIZE the city manager, or their designee, to execute any necessary documentation to process the final payment and close out the agreement – Economic Development Department (Charles Gerard 510-829-2253/Lizeht Zepeda 510-620-6653/Kyle Lam 510-620-6802).
- N.6 Finance Department**
- N.6.a Investment and Cash Balance Report, Monthly Overtime Reports, and Documentary Transfer Tax Report for the Month of July 2024** 430
- RECEIVE the City’s Investment and Cash Balance Report, Monthly Overtime Reports, and Documentary Transfer Tax Report for the month of July 2024 – Finance Department (Andrea Miller 510-620-6740).
- N.7 Fire Department**
- N.7.a Service Contract with Bauer Compressors, Inc. to Provide Preventative Maintenance and Repairs to Air Products and Air Compressor Systems** 453
- APPROVE a sole-source contract with Bauer Compressors, Inc for preventative maintenance and repair of the Fire Department’s self-contained breathing apparatus systems in an amount not to exceed \$30,000, for a three-year term effective September 11, 2024, through September 10, 2027, with two one-year extension options not to exceed an additional \$20,000 for the total extended term – Fire Department (Chief Michael E. Smith 510-307-8041/Deputy Chief Aaron Osorio 510-307-8021/Battalion Chief Anthony Woodards 510-620-6989/Den Mark Marcelo 510-307-8038).
- N.8 Mayor's Office**
- N.8.a Appointment of Kiara Kempski Richmond Arts and Culture Commission** 478
- APPOINT Kiara Kempski to the Richmond Arts and Culture Commission with a term that expires on January 31, 2027 – Mayor’s Office (Mayor Eduardo Martinez 510-620-6503).
- N.8.b Appointment of Michael Gliksohn to the Economic Development Commission** 480
- APPOINT Michael Gliksohn to the Economic Development Commission with a term ending March 30, 2025 - Mayor’s Office (Mayor Eduardo Martinez 510-620-6503).

- N.8.c Appointment of Eric Moseley to the Commission on Aging** 483
- APPOINT Eric Moseley to the Commission on Aging with a term that expires on May 19, 2025 – Mayor’s Office (Mayor Eduardo Martinez 510-620-6503).
- N.8.d Appointment of Keri Sullivan to Community Crisis Response Program Advisory Board** 486
- APPOINT Keri Sullivan to the Community Crisis Response Program Advisory Board. The current term ending on December 31, 2025, serves as a placeholder. Terms will be established at a later date once a quorum has been appointed – Mayor’s Office (Mayor Eduardo Martinez 510-620-6503).
- N.8.e Appointment of Alice LoCicero to Community Crisis Response Program Advisory Board** 489
- APPOINT Alice LoCicero to the Community Crisis Response Program Advisory Board. The current term ending on December 31, 2025, serves as a placeholder. Terms will be established at a later date once a quorum has been appointed – Mayor’s Office (Mayor Eduardo Martinez 510-620-6503).
- N.8.f Appointment of Rosie Rendon to Community Crisis Response Program Advisory Board** 492
- APPOINT Rosie Rendon to the Community Crisis Response Program Advisory Board. The current term ending on December 31, 2025, serves as a placeholder. Terms will be established at a later date once a quorum has been appointed – Mayor’s Office (Mayor Eduardo Martinez 510-620-6503).
- N.8.g Appointment of Sahai Burrowes to Community Crisis Response Program Advisory Board** 495
- APPOINT Sahai Burrowes to the Community Crisis Response Program Advisory Board. The current term ending on December 31, 2025, serves as a placeholder. Terms will be established at a later date once a quorum has been appointed – Mayor’s Office (Mayor Eduardo Martinez 510-620-6503).
- N.8.h Appointment of Oscar Flores to the Community Police Review Commission** 498
- APPOINT Oscar Flores to the Community Police Review Commission with a term that expires on November 1, 2027 - Mayor’s Office (Mayor Eduardo Martinez 510-620-6503).

**N.9 Public Works****N.9.a Abatement Report from the Director of Public Works 501**

RECEIVE written abatement reports from the Director of Public Works for the months of June, July, and August - Public Works Department (Daniel Chavarria 510-620-5478).

**O. PUBLIC HEARINGS****O.1 Renaming the Section of Spring Street South of Cutting Boulevard to Pedie Perez Avenue to Memorialize the Life of Richard "Pedie" Perez III 562**

HOLD a public hearing to rename the section of Spring Street South of Cutting Boulevard to Pedie Perez Avenue to memorialize the life of Richmond "Pedie" Perez III - Councilmember Soheila Bana (510-620-6743).

**O.2 Appeal of Encroachment Permit (#EN23-00843) Denial for Up and Under Pub & Grill BBQ Smoker 570**

ADOPT a resolution denying the appeal and upholding the City Engineer's decision to deny encroachment permit application #EN23-00843 submitted by Nathan Trivers, owner of Up & Under Pub & Grill, to place a BBQ smoker on the public sidewalk/street in front of 2 West Richmond Avenue based on fire safety concerns, municipal code violations, community complaints, public right-of-way issues and failure to comply with other applicable state and local regulations – Public Works Department (Robert Armijo 510-620-5477/Daniel Chavarria 510-620-5478).

**P. STUDY AND ACTION SESSION****P.1 Direct Staff to Conduct an Assessment, Study and Community Outreach on the Usage of Chevron's \$550 Million Payment Over the Next 10 Years 621**

DIRECT staff to issue a request for proposals, IDENTIFY a funding source and ALLOCATE up to \$100,000 to hire consultants to facilitate community outreach efforts and conduct assessments, and to DIRECT the city manager and appropriate staff to design and implement comprehensive community outreach to gather input on enhancing public safety and quality-of-life services, support and assist with the assessment of the City's unmet infrastructure needs, and assess the City's unfunded obligations and develop a strategy to reduce these within 10 years and to create a reserve fund to relieve future generations of debt burdens - Councilmember Soheila Bana (510-620-6743).

**P.2 Chevron Settlement Fund Intentions 624**

ADOPT a resolution expressing City Council's overarching intention with respect to expenditure of the Chevron settlement funds, outlining types of expenditures that would be consistent with this intention, and prohibiting City employees from making alternative plans or commitments of the funds without first obtaining City Council consent - Vice Mayor Claudia Jimenez (510-620-6565), Councilmembers Gayle McLaughlin (510-620-6636) and Doria Robinson (510-620-6593).

**P.3 Receive Performance Improvement Plan for the Measure J funded R-Transit Program and Lower the Cost Pool Rate for R-Transit 630**

RECEIVE a presentation regarding the Richmond Paratransit Audit commissioned by the Contra Costa Transportation Authority; APPROVE the City of Richmond's responses to the Audit and the Performance Improvement Plan; and AUTHORIZE the reduction of the cost pool amount allocated to the Richmond Paratransit Program by \$351,000 in Fiscal Year 2024-25 which would increase the General Fund's obligation by \$351,000 – Community Services Department (LaShonda White 510-620-6828).

**P.4 Discussion Regarding Proposed Amendments to Ordinance on Political Affiliates and Democratic Representation for Boards, Commissions, Committees, and Task Forces 751**

DISCUSS proposed amendments to Richmond Municipal Code Chapter 3.14 limiting the percentage of members of boards and commissioners that belong to any one political advocacy group or organization and DIRECT the City Attorney's Office to prepare the amendments - Councilmember Soheila Bana (510-620-6743).

**Q. 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)**

**R. ADJOURNMENT**

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