



Community Services Building
440 Civic Center Plaza
Richmond, CA 94804

AGENDA
Tuesday, July 21, 2015

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Mayor
Thomas K. Butt

Vice Mayor
Jael Myrick

Councilmembers
Nathaniel Bates
Jovanka Beckles
Eduardo Martinez
Gayle McLaughlin
Vinay Pimplé

Housing Authority Tenant Commissioners
Dolores Johnson
Barbara Sutton

The Richmond City Council also serves as Board Members and Commission Members for the following:

Housing Authority
Joint Powers Financing Authority
Surplus Property Authority
Local Reuse Authority

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location. To request disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact Bruce Soublet, ADA Coordinator, at (510) 620-6509 at least three business days before the meeting date.

MEETING PROCEDURES

The City of Richmond encourages community participation at its City Council meetings and has established procedures that are intended to accommodate public input in a timely and time-sensitive way. As a courtesy to all members of the public who wish to participate in City Council meetings, please observe the following procedures:

PUBLIC COMMENT ON AGENDA ITEMS: Anyone who desires to address the City Council on items appearing on the agenda 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 and discussion has commenced, no person shall be permitted to speak on the item other than those persons who have submitted their names to the City Clerk. Your name will be called when the item is announced for discussion. **Each speaker will be allowed TWO (2) MINUTES to address the City Council on NON-PUBLIC HEARING items listed on the agenda.**

OPEN FORUM FOR PUBLIC COMMENT: Individuals who would like to address the City Council on matters not listed on the agenda or on **Presentations, Proclamations and Commendations, Report from the City Attorney, or Reports of Officers** may do so under Open Forum. All speakers must complete and file a pink speaker's card with the City Clerk **prior** to the commencement of Open Forum. **The amount of time allotted to individual speakers shall be determined based on the number of persons requesting to speak during this item. The time allocation for each speaker will be as follows: 15 or fewer speakers, a maximum of 2 minutes; 16 to 24 speakers, a maximum of 1 and one-half minutes; and 25 or more speakers, a maximum of 1 minute.**

SPEAKERS ARE REQUESTED TO OCCUPY THE RESERVED SEATS IN THE FRONT ROW BEHIND THE SPEAKER'S PODIUM AS THEIR NAME IS ANNOUNCED BY THE CITY CLERK.

CONSENT CALENDAR: Consent Calendar items are considered routine and will be enacted, approved or adopted by one motion unless a request for removal for discussion or explanation is received from the audience or the City Council. A member of the audience requesting to remove an item from the Consent Calendar must first complete a speaker's card and discuss the item with a City staff person who has knowledge of the subject material, prior to filing the card with the City Clerk and **prior to the City Council's consideration of Agenda Review.** An item removed from the Consent Calendar may be placed anywhere on the agenda following the City Council's agenda review.

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.**

CITY HARASSMENT POLICY: The City invites public comment and critique about its operations, including comment about the performance of its public officials and employees, at the public meetings of the City Council and boards and commissions. However, discriminatory or harassing comments about or in the presence of City employees, even comments by third parties, may create a hostile work environment, if severe or pervasive. The City prohibits harassment against an applicant, employee, or contractor on the basis of race, religious creed, color, national origin, ancestry, physical disability, medical condition, mental disability, marital status, sex (including pregnancy, childbirth, and related medical conditions), sexual orientation, gender identity, age or veteran status, or any other characteristic protected by federal, state or local law. In order to acknowledge the public's right to comment on City operations at public meetings, which could include comments that violate the City's harassment policy if such comments do not cause an actual disruption under the Council Rules and Procedures, while taking reasonable steps to protect City employees from discrimination and harassment, City Boards and Commissions shall adhere to the following procedures. If any person makes a harassing remark at a public meeting that violates the above City policy prohibiting harassment, the presiding officer of the meeting may, at the conclusion of the speaker's remarks and allotted time: (a) remind the public that the City's Policy Regarding Harassment of its Employees is contained in the written posted agenda; and (b) state that comments in violation of City policy are not condoned by the City and will play no role in City decisions. If any person makes a harassing remark at a public meeting that violates the above City policy, any City employee in the room who is offended by remarks violating the City's policy is excused from attendance at the meeting. No City employee is compelled to remain in attendance where it appears likely that speakers will make further harassing comments. If an employee leaves a City meeting for this reason, the presiding officer may send a designee to notify any offended employee who has left the meeting when those comments are likely concluded so that the employee may return to the meeting. The presiding officer may remind an employee or any council or board or commission member that he or she may leave the meeting if a remark violating the City's harassment policy is made. These procedures supplement the Council Rules and Procedures relating to disruption of orderly conduct at Council meetings.

Any law enforcement officer on duty or whose service is commanded by the presiding officer shall be Sergeant-at-Arms of the Council meetings. He/she, or they, shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the Council meetings (City Council Rules of Procedure and Order Section III F, RMC Section 2.12.030).

**OPEN SESSION TO HEAR PUBLIC COMMENT
ON CLOSED SESSION ITEMS**

5:30 p.m.

- A. **ROLL CALL**
- B. **PUBLIC COMMENT**
- C. **ADJOURN TO CLOSED SESSION**

CLOSED SESSION

Shimada Room of the Community Services Building

A. **CITY COUNCIL**

A-1. LIABILITY CLAIMS -(Government Code Section 54956.9):

Silva vs. City of Richmond

Griffin vs. City of Richmond

Sousa vs. City of Richmond

**A-2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
(Significant exposure to litigation pursuant to Subdivision (b) of Government
Code Section 54956.9):**

One case

REGULAR MEETING OF THE RICHMOND CITY COUNCIL

6:30 p.m.

- A. **PLEDGE TO THE FLAG**
- B. **ROLL CALL**
- C. **STATEMENT OF CONFLICT OF INTEREST**
- D. **AGENDA REVIEW**
- E. **REPORT FROM THE CITY ATTORNEY OF FINAL DECISIONS MADE DURING CLOSED SESSION**
- F. **REPORT FROM THE CITY MANAGER**
- G. **OPEN FORUM FOR PUBLIC COMMENT**
- H. **CITY COUNCIL CONSENT CALENDAR**
 - H-1. APPROVE a legal services agreement with Colantuono Highsmith & Whatley, P.C. for as-needed specialized legal advice regarding taxation and revenue issues, in an amount to not exceed \$15,000, a term expiration June 30, 2016 - City Attorney's Office (Bruce Reed Goodmiller 620-6509).
 - H-2. APPROVE a ninth contract amendment with Holland and Knight increasing payment limit by \$350,000 and amending the scope of work to include mitigation monitoring and verification services relating to the Chevron Modernization Project (to be paid by Chevron, the project applicant) - City Attorney's Office (Bruce Reed Goodmiller 620-6509).
 - H-3. APPROVE a contract with Network Fleet to continue use of GPS tracking and vehicle maintenance management system for police patrol vehicles in an amount not to exceed \$22,155 for a term from July 1, 2015, to June 30, 2016 - Police Department (Chief Chris Magnus 621-1802).
 - H-4. ADOPT a resolution authorizing the City of Richmond to enter into an agreement with the Contra Costa County Sheriff's Office, appointed by the California Office of Emergency Services as the fiduciary agent, to accept grant funds awarded under the State Homeland Security Grant Program for purchase of marine response equipment, in an amount not to exceed \$25,000 - Fire Department (Chief Adrian Sheppard 307-8041).

- H-5.** APPROVE a three-year service agreement with Linko® Technology, Inc. for installation and technical support of a web-hosted pretreatment management software system for the Source Control Program of the Wastewater Department in the amount of \$50,000 - City Manager's Office (Bill Lindsay 620-6512).
- H-6.** REVIEW and APPROVE the City's Investment Report and Cash Balance Report for the month of April 2015 - Finance Department (Belinda Warner/Tracey Angelo 620-6750)
- H-7.** ADOPT a resolution approving an amendment to the Marina Landscape and Lighting Maintenance District budget to utilize \$70,000.00 in surplus District reserve funds to complete several capital improvement projects at the Marina, as requested by the Marina Landscape and Lighting Maintenance District Advisory Committee - Public Works Department (Yader A. Bermudez 774-6300).
- H-8.** REVIEW and APPROVE the Fiscal Year 2015-16 Debt Policy, Swap Policy, Cash Reserve Policy and Investment Policy - Finance Department (Belinda Warner/Susan Segovia 307-8022).
- H-9.** APPROVE a three-year contract with Paramount Elevator Corporation for the service and repairs of all City-owned elevators in an amount not to exceed \$225,000 - Public Works Department (Yader A. Bermudez 774-6300).
- H-10.** APPROVE a contract with NEMA Construction to remove and install 110 new traffic rated boxes and to rewire the Greenway lighting system between San Pablo Avenue and 2nd Street for a cost of \$235,300, plus a City-controlled contingency of \$14,700, for a total not to exceed amount of \$250,000 - Public Works Department (Yader A. Bermudez 774-6300).
- H-11.** APPROVE a construction contract with Granite Rock Company, the lowest responsive bidder, to perform the 2015 Pavement Rehabilitation Project in an amount not to exceed \$3,812,940.50, with an additional construction contingency not to exceed 10%, or \$381,294.05 - Public Works Department (Yader Bermudez 774-6300/Tawfic Halaby 621-1612).
- H-12.** APPROVE a contract with GRID Alternatives (GRID) in the amount of \$429,000 to provide solar installations to 130 low-income households, with a contingency amount of \$121,000, for a total contract amount not to exceed \$550,000; and AUTHORIZE the use of Chevron Environmental and Community Investment Agreement (ECIA) funds for the cost of the contract, and associated staff costs for project management, outreach and administration - City Manager's Office (Bill Lindsay 620-6512).

- H-13.** APPROVE a contract with the Bay Area Resource Center to expand the RichmondBUILD program to provide training courses and support for new and small Richmond-based contractors. The contract amount is not to exceed \$50,000, and the contract term is from August 1, 2015, through June 30, 2016 - Employment and Training Department (Sal Vaca 307-8023)
- H-14.** APPROVE a contract with Dyett & Bhatia Urban & Regional Planners to complete the comprehensive Zoning Update and associated environmental document to bring the City's zoning map, development standards, and land use regulations into conformance with the General Plan 2030. The amount of the contract is not to exceed \$550,000, with funding provided by the Chevron Environmental & Community Investment Agreement, and the term is through June 30, 2017 - Planning and Building Services Department (Richard Mitchell 307-8159).
- H-15.** ADOPT a resolution approving an additional 10% contingency in the amount of \$924,110 to the Remediation and Abatement Agreement with Pacific States Environmental Contractors, Inc. to provide additional remediation and abatement services at the Pt. Molate former United States Naval Fuel Depot IR Site 3, for a total payment amount not to exceed \$11,551,369. Funds for remediation come from the 2008 Early Transfer and Cooperative Agreement (ETCA) with the United States Navy - City Manager's Office (Bill Lindsay 620-6512).
- H-16.** APPROVE a contract with Antea Group, not to exceed \$25,000, to configure their iEHS software for mitigation monitoring and reporting program and conditional use permit conditions compliance tracking and verification for the Chevron Modernization Project, to be paid by fees collected from Chevron - Planning and Building Services Department (Richard Mitchell 307-8159).
- H-17.** APPROVE an interagency agreement with the County of Contra Costa, for the term from June 30, 2015, to June 30, 2017, in order to pay the City for assistance in staffing the North Richmond Mitigation Fee Committee, and for jointly administering the implementation of City/County approved Expenditure Plans totaling \$1,080,054.86 - City Manager's Office (Bill Lindsay/LaShonda White 620-6512).
- H-18.** APPROVE the City of Richmond's response to Contra Costa County 2014-2015 Grand Jury's letter regarding the establishment of a community court system, and submittal of the response to the foreperson of the 2014-2015 Contra Costa County Civil Grand Jury - City Manager's Office (Bill Lindsay 620-6512).
- H-19.** APPROVE a letter to State Senators to reject a permanent Internet Tax Freedom Act (ITFA) Extension in H.R. 235 and S. 431 and support Alternative Amendments to correct an overreach affecting voter-approved local telecommunication taxes - Finance Department (Belinda Warner/Antonio Banuelos 620-6741).

- H-20.** APPROVE the minutes of the June 23, June 30, and July 7, 2015, meetings - City Clerk's Office (Pamela Christian 620-6513).
- H-21.** ADOPT a resolution approving service contracts with CSG Consultants, Inc. and Interwest Consulting Group for as-needed services for an amount not to exceed \$750,000 per firm, over a three-year period, with an option to extend each contract for one year - Fire Department (Chief Adrian Sheppard 307-8041).
- H-22.** APPROVE a three-month contract with Holland & Knight LLP for federal and state advocacy services, for a cost of \$36,000 and for a term through October 22, 2015, to maintain continuity in these services until a new, long-term contract is in place following successful completion of a competitive procurement process - City Manager's Office (Bill Lindsay 620-6512).
- H-23.** ADOPT a resolution affirming the City Council's June 16, 2015, decision to deny the appeal of Chung Yeung Yiu, and affirm the Planning Commission's approval of the 289-unit Nevin Homes Residential Project located on Nevin Avenue, between 21st and 23rd Streets - Planning and Building Services Department (Richard Mitchell 307-8159).
- H-24.** ADOPT a resolution authorizing the City Manager to negotiate and execute loan documents between the City and the RHA Housing Corporation, which will include a loan agreement, deed of trust and promissory note, to effectuate a loan utilizing the City's Successor Housing Fund, unspent Section 108 Iron Triangle loan proceeds and in-lieu funds for the RAD rehabilitation projects, in an amount not to exceed \$1,900,000 - Housing and Community Development Department (James Goins 620-6935).
- H-25.** APPROVE recommendations to staff to examine the effectiveness of youth programming in Richmond and collaborate with the City, County, youth oriented non-profits and the West Contra Costa Unified School District to create an inventory of current programming and to explore ways to maximize programming, identify gaps and leverage funding - Councilmember Gayle McLaughlin (620-5431).
- H-26.** ADOPT a resolution of the City Council approving the City of Richmond Policy and Procedures Manual for Grants and Community Development Block Grant (CDBG) Guidelines and the HOME Investment Partnership Program (HOME) Guidelines - Housing and Community Development Department (James Goins 620-6935).

- H-27.** APPROVE the following appointments and re-appointments: Commission on Aging, Lionel Glenn Johnson, new appointment, term expiring May 19, 2017; Economic Development Commission, Michele Wells, new appointment, term expiring March 30, 2018; Point Molate Community Advisory Committee, Dorothy Gilbert, re-appointment, term expiring May 30, 2017, Paul Carman, re-appointment, term expiring May 30, 2017, Jeanne Kortz, re-appointment, term expiring May 30, 2017; Richmond-Shimada Friendship Commission, Kieko Nelson, new appointment, term expiring July 21, 2018 - Mayor Tom Butt (620-6503).
- H-28.** ACCEPT grant award from the East Bay Community Foundation for the Office of Neighborhood Safety (ONS) in the amount of \$20,000 to provide general and emergency support services for ONS Fellowship participants - Office of Neighborhood Safety Department (Devone Boggan 620-5422).
- H-29.** APPROVE the Amended and Restated Lease Agreement with the City of Richmond and the YWCA of Contra Costa County for the use of space for a day care program at the west wing of the Richmond Recreation Complex at 3230 Macdonald Avenue - Recreation Department (Devone Boggan 620-5422).
- H-30.** ADOPT an ordinance (second reading) establishing certain fees for the proposed Master Fee Schedule and, after the second reading of the ordinance, ADOPT a resolution setting the dollar amount for the new fees and adjusting the dollar amount for current fees - Finance Department (Belinda Warner/Antonio Banuelos 620-6741).

I. ITEMS CONTINUED FROM PREVIOUS MEETINGS

Continued Ordinances

- I-2.** ADOPT an urgency ordinance establishing a 45-day moratorium on rent increases until the City Council has implemented a policy to stabilize rents in the City of Richmond - Councilmember Jovanka Beckles (620-6568). **This item was continued from the July 7, 2015, meeting.**

Continued Council As A Whole

- I-3.** REVIEW the effectiveness of eliminating the Public Safety/Services and the Finance, Administrative Services and Economic Development Committees - Councilmember Eduardo Martinez (620-6593). **This item was continued from the July 7, 2015, meeting.**

- I-4.** PROVIDE direction to staff regarding the selection of a firm to provide federal and state advocacy services to assist with obtaining funding for projects and programs. Specific options include: (1) entering into a new multi-year contract with Holland & Knight; (2) entering into a six-twelve month extension of services with Holland & Knight while staff solicits new service proposals; (3) entering into a contract with one of the two other firms that submitted a proposal to provide legislative advocacy services (Federal Advocates, Inc. or FTI Consulting); or (4) entering into a contract for federal advocacy services only with one of the three firms that submitted a proposal, and solicit separate proposals for advocacy services at the State level - City Manager's Office (Bill Lindsay 620-6512). **This item was continued from the July 7, 2015, meeting.**

J. PUBLIC HEARINGS

- J-1.** ADOPT a resolution authorizing the City of Richmond to levy special assessments against certain properties having unpaid invoices related to administrative citations, nuisance abatement costs, and foreclosure ordinance fines pursuant to Richmond Municipal Code Chapters 9.22, 6.38, 9.50 and 2.63 - Police Department (Chief Chris Magnus 621-1802).
- J-2.** RECEIVE a public hearing to hear comments regarding the proposed wastewater rate increase; and INTRODUCE an ordinance (first reading) setting wastewater user rates for fiscal years 2015-16 through 2019-20. The recommended annual rate increases are 6.8% for each of these five fiscal years - City Manager's Office (Bill Lindsay 620-6512).
- J-3.** HOLD a public hearing and ADOPT a resolution approving a 2.53% increase to the annual assessments for the Hilltop Landscape Maintenance District for the 2015-2016 Fiscal Year, based on the annual change in the Consumer Price Index - Public Works Department (Yader A. Bermudez 774-6300).
- J-4.** HOLD a public hearing and ADOPT a resolution approving a 3% increase to the annual assessments for the Marina Bay Landscaping and Lighting Maintenance District for the 2015-2016 Fiscal Year, based on the annual change in the Consumer Price Index - Public Works Department (Yader A. Bermudez 774-6300).
- J-5.** ADOPT a resolution approving funding recommendations of unspent Community Development Block Grant (CDBG) funds from Fiscal Year 2011-2013, in the amount of \$851,401, with funding to be used for local nonprofit organizations and City programs supporting the priorities identified in the adopted Five-Year Consolidated Plan and Annual Action Plan, which include affordable housing, homeless prevention, community development, improvements to public infrastructure and accessibility - Housing and Community Development Department (James Goins 620-6935).

J-6. CONTINUED TO JULY 28, 2015, ADOPT a resolution allowing the sanitary and storm sewer fees to be collected on the annual 2015-2016 property tax rolls - City Manager's Office (Bill Lindsay 620-6512).

K. ORDINANCES

K-1. INTRODUCE an ordinance (first reading) amending Richmond Municipal Code Article VI, Building Regulations by adding a new Chapter 6.47, Permit Process for Small Residential Rooftop Solar Systems, implementing provisions of AB 2188 by creating an expedited, streamlined permitting process for small residential rooftop solar systems - Planning and Building Services Department (Richard Mitchell 307-8159).

K-2. CONSIDER introducing an ordinance amending the Richmond Municipal Code to establish a Rent Mediation Board (Option C) (first reading) or CONSIDER introducing an ordinance amending the Richmond Municipal Code to establish Rent Control plus Just Cause for Eviction (Option D) (first reading) - City Manager's Office (Bill Lindsay 620-6512).

K-3. INTRODUCE an ordinance (first reading) amending the Richmond Municipal Code to establish a rent review process and designating the Housing Advisory Commission to act as the rent review board - Mayor Tom Butt 620-6503.

K-4. INTRODUCE an ordinance (first reading) of the City Council of the City of Richmond repealing Article III, Chapter 3.40 of the Richmond Municipal Code pertaining to the Community Development Commission - Mayor Tom Butt (620-6503).

L. COUNCIL AS A WHOLE

L-1. DIRECT staff to further research a Fair Housing Ordinance to include previously incarcerated residents - Councilmember Jovanka Beckles (620-6568) and Vice Mayor Jael Myrick (620-6636).

L-2. DIRECT the city manager to research the effectiveness of rent control and provide a report to the City Council - Councilmember Vinay Pimplé (412-2050).

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

N. ADJOURNMENT

This agenda may be previewed on KCRT – Channel 28, Richmond Television, City website www.ci.richmond.ca.us. Any documents produced by the City and distributed to a majority of the City Council regarding any item on this agenda will be made available at the Main Counter at City Hall located at 450 Civic Center Plaza.