



Community Services Building  
440 Civic Center Plaza  
Richmond, CA 94804

**REVISED**

**AGENDA**

**Tuesday, December 15, 2015**

*Link to City Council Agendas/Packets*

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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**

Two vacancies

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

**Housing Authority**

**Joint Powers Financing Authority**

**Local Reuse Authority**

**Parking Authority**

**Surplus Property 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, 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 items remaining on the consent calendar 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).

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

5:00 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):**

William Cantrell vs. City of Richmond

Larry Warren vs. City of Richmond

## **SPECIAL RICHMOND CITY COUNCIL STUDY SESSION**

5:30 p.m.

- A. PLEDGE TO THE FLAG**
- B. ROLL CALL**
- C. STATEMENT OF CONFLICT OF INTEREST**
- D. STUDY SESSION**
  - D-1.** RECEIVE a presentation from staff providing an update on the City's finances, and RECEIVE a presentation on the five-year revenue forecast and model for the City prepared by National Resource Network financial consultants - City Manager's Office (Bill Lindsay 620-6512) and Finance Department (Belinda Warner 620-6740).
- E. ADJOURNMENT**

**JOINT MEETING OF THE JOINT POWERS FINANCING  
AUTHORITY/PARKING AUTHORITY/RICHMOND CITY  
COUNCIL**

6:15 p.m.

**A. ROLL CALL**

**B. STATEMENT OF CONFLICT OF INTEREST**

**C. CONSENT CALENDAR**

**C-1.** APPROVE the minutes of the special Joint Powers Financing Authority/City Council meeting held Tuesday, November 17, 2015 - City Clerk's Office (Pamela Christian 620-6513).

**D. RESOLUTIONS**

**D-1.** ADOPT the following resolutions: (1) a resolution of the Richmond Joint Powers Financing Authority authorizing the use of a portion of the proceeds of the Series 2016 bonds for the payment of a termination payment; approving forms of two termination agreements; and approving the taking of all necessary or desirable actions in connection therewith; (2) a resolution of the City Council authorizing a form of novation, ISDA Master Agreement, schedule and forms of two confirmations and two termination agreements; authorizing forms of regulatory compliance documentation; authorizing the lease of certain City property; and approving the taking of all necessary or desirable actions in connection therewith; and (3) a resolution of the Governing Board of the Parking Authority of the City of Richmond authorizing transfer of title of a parking garage to the City of Richmond and approving the taking of all necessary or desirable actions in connection therewith - City Manager's Office (Bill Lindsay 620-6512) and Finance Department (Belinda Warner 620-6740).

**E. ADJOURNMENT**

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

6:30 p.m.

**A. ROLL CALL**

**B. STATEMENT OF CONFLICT OF INTEREST**

**C. AGENDA REVIEW**

**D. PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS**

**D-1.** RECEIVE a presentation from Mr. Jesse Brooks, Speak Out, regarding AIDS Awareness - Councilmember Jovanka Beckles (620-6568).

**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 three-year contract with OutsourceIt, Inc. and Sterling Co's, Inc., with an option to extend for two years, to provide administration and inspection services related to the City's Residential Rental Inspection Program in an amount not to exceed \$1,000,000.00 per vendor funded from program participant fees - Planning and Building Services Department (Richard Mitchell 620-6706).

**H-2.** ADOPT a resolution to accept and appropriate \$81,526 in funding from the Edward Byrne Memorial Justice Assistance Grant (JAG) Program awarded to the Richmond Police Department for the purchase of police safety equipment - Police Department (Chief Chris Magnus 621-1802).

**H-3.** ACCEPT AND APPROPRIATE the final allocation of grant funds from the California Library and Literacy Services (CLLS) in the amount of \$109,107 to provide literacy services for the City of Richmond residents in fiscal year 2015-16 - Library and Cultural Services Department (Katy Curl 620-6554, Sherry Drobner 307-8082).

**H-4.** APPROVE an amendment to the contract with the Downey Brand law firm for legal services related to wastewater system compliance with the Baykeeper Settlement Agreement, increasing the amount by \$30,000 for a total contract amount not to exceed \$105,000, and extending the term for two years through December 31, 2017 - Utilities Department (Ryan Smith 620-5486).

- H-5.** APPROVE a third amendment to the contract with Larry Walker Associates to assist in compliance activities associated with the National Pollutant Discharge Elimination System (NPDES) permit, increasing the amount by \$50,000 for a total amount not to exceed \$125,000, and extending the contract to June 30, 2017 - Utilities Department (Ryan Smith 620-5486).
- H-6.** APPROVE the second amendment to the agreement with The Permanente Medical Group, Inc. for legally required annual physical examinations, tests and immunizations of the Fire Department's Hazmat personnel, which extends the original contract period through December 31, 2018, modifies the service plan, and increases the payment limit by \$120,000 to a total of \$205,000 - Fire Department (Chief Adrian Sheppard 307-8041).
- H-7.** INTRODUCE an ordinance (first reading) establishing the wages, salary, and compensation for the new classification of Lead Police Records Specialist (Salary Range No. 046: \$4,940 - \$5,873/month) - Human Resources Management Department (Lisa Stephenson 620-6600).
- H-8.** ADOPT a resolution amending the City of Richmond's Position Classification Plan to add the new classification of Lead Police Records Specialist - Human Resources Management Department (Lisa Stephenson 620-6600).
- H-9.** APPROVE the purchase and installation of two pay stations from Global Parking Solutions for use in enforcing parking regulations and managing the downtown paid parking lot and garage in an amount not to exceed \$20,000; and APPROPRIATE \$30,000 in revenues from additional parking receipts to be generated from in-house parking management activities to fund this equipment purchase - Police Department (Chief Magnus 621-1802).
- H-10.** ADOPT a resolution amending the City of Richmond's Conflict of Interest Code - City Attorney's Office (Bruce Reed Goodmiller 620-6509).
- H-11.** REVIEW and APPROVE the City's Investment and Cash Balance Report for the month of October 2015 - Finance Department (Belinda Warner/Tracey Angelo 620-6750).
- H-12.** APPROVE the purchase of two replacement vector trucks (cost of \$381,892 plus tax, and \$274,808 plus tax, respectively) and one CCTV (camera) truck (cost of \$225,167.20) for an aggregate amount not to exceed \$945,000, through the National Joint Powers Alliance (NJPA) contract, and APPROPRIATE the amount of \$945,000 from the wastewater enterprise to fund these purchases - Utilities Department (Ryan Smith 620-5486).

- H-13.** ADOPT a resolution authorizing the execution of a Construction Agreement for the Mathieu Court Alley Greening Project with Ghilotti Bros., Inc. in the amount of \$538,591, including a 15% contingency, per the plans and specifications for the project - Engineering Services Department (Chadrick Smalley 412-2067/Michael Williams 307-8147).
- H-14.** ADOPT a resolution authorizing on-call service contracts for three years, with a two year option to extend, for building plan check and inspection services with A-N West, Inc., CSG Consultants, Inc., TRB+Associates, Bureau Veritas, Interwest Consulting Group, Shums Coda Associates, and 4Leaf, Inc. for an amount not to exceed \$750,000 per vendor, funded through applicant fees - Planning and Building Services Department (Richard Mitchell 620-6706).
- H-15.** APPROVE a first amendment to the lease with Foss Maritime for tug and barge operations at Basin 1 of Point Potrero Marine Terminal, providing for a five-year term, with one allowed five-year extension, and generating lease revenue to the Port of \$600,000 for the initial five-year lease term - Port Department (Jim Matzorkis/Lucy Zhou 215-4600).
- H-16.** ADOPT an ordinance (second reading) amending certain provisions of Richmond Municipal Code Chapter 9.15, Health in All Policies, relating to definitions and frequency of reporting - City Manager's Office (Bill Lindsay/Shasa Curl 620-6512).
- H-17.** ADOPT an ordinance (second reading) to establish wages, salaries, and compensation for the classifications represented by the Service Employees' International Union (SEIU Local 1021) Part-Time in the City's classified service, and repealing Ordinance No. 56-06 N.S. - Human Resources Management Services Department (Lisa Stephenson 620-6600).
- H-18.** (1) AUTHORIZE the City Manager to executive a Letter Agreement with Chevron pertaining to administration of the Richmond Promise; (2) APPROVE a Second Amendment to the Environmental and Community Investment Agreement to allow Charter and Private Schools to participate; and (3) AUTHORIZE the City Manager to modify the Richmond Promise eligibility requirements (except those pertaining to school eligibility and award amount) based on data that can be provided by West Contra Costa Unified School District (WCCUSD) - City Manager's Office (Bill Lindsay 620-6512).
- H-19.** APPROVE the minutes of the regular City Council meeting held Tuesday, November 24, and December 1, 2015 - City Clerk's Office (Pamela Christian 620-6513).

- H-20.** APPROVE actions to update the Urban Forest Advisory Committee: APPOINT Sarah Calderon for a term expiring November 17, 2018; APPOINT April Kennedy for a term expiring November 17, 2018; DESIGNATE the expiration date of the terms of all 11 seats as November 17, 2018; ACCEPT the resignation of Kaci Smith; ACCEPT the resignation of Liz Bittner; DECLARE two seats vacant, and DIRECT the City Clerk to post the vacancies - Mayor Tom Butt (620-6503).
- H-21.** APPROVE actions to update the Police Commission: ACCEPT the resignation of Yenny Velazquez who was serving for a term ending November 1, 2016; DECLARE the seat vacant, and DIRECT the City Clerk to post the vacancy - Mayor Tom Butt (620-6503).
- H-22.** DIRECT staff to prepare a report to the City Council by February 23, 2016, evaluating the impacts on costs and weed control, the efficacy of non-chemical methods of weed control, and residents' attitudinal changes towards weed control, as prescribed by Resolution No. 19-15(a) - Mayor Tom Butt (620-6503), Councilmembers Gayle McLaughlin (620-5431), and Jovanka Beckles (620-6568).
- H-23.** AUTHORIZE the City of Richmond to finalize and execute a memorandum of understanding with the What Works Cities initiative to draft open data policies, and to draft performance analytics plans that build upon city departments' current use of performance data - Mayor Tom Butt (620-6527).
- H-24.** RECEIVE an update regarding the December 8, 2015, Contra Costa County Board of Supervisors meeting, at which the County Conservation and Development Director was authorized to execute a Cooperation Agreement between the County of Contra Costa and the City of Richmond to become a co-participant of the Contra Costa CDBG Urban County and subsequent co-participant of the HOME Partnership Program Consortium; and APPROVE the final form of the Cooperation Agreement with Contra Costa County - Housing and Community Development Department (Tim Jones 621-1310).
- H-25.** PROCLAMATION honoring Terrance Cheung for his service to the City of Richmond. This proclamation will be presented in January 2016 - Mayor Tom Butt (620-6503).
- H-26.** PROCLAMATION honoring Richmond Police Chief Chris Magnus for his service to the City of Richmond. This proclamation will be presented in January 2016 - Mayor Tom Butt (620-6503).

**I. PUBLIC HEARINGS**

- I-1. WITHDRAWN FROM THE AGENDA** - the matter to hold a public hearing to consider an appeal of the July 16th Planning Commission's approval of a time extension for Tentative Tract Map 8451 (Canyon Oaks Project). **The appeal has been withdrawn by the appellant** - Planning and Building Services Department (Richard Mitchell 620-6706).
- I-2. CONTINUED to January 12, 2016** - (1) CONSIDER the appeal of the Design Review Permit (PLN14-211) filed by the Richmond Residents for Responsible Development for the construction of the Hilltop Apartments mixed-use development project located at the northwest corner of Hilltop Mall Road and Garrity Way (APN: 558-312-002); and (2) REAFFIRM, MODIFY or REVERSE the Design Review Board's decision to approve the Design Review Permit - Planning and Building Services Department (Richard Mitchell 620-6706).

**J. RESOLUTIONS**

- J-1.** ADOPT a resolution calling on the California Public Utilities Commission to reexamine the fairness of the Power Charge Indifference Adjustment exit fee and oppose volatile increases in the fees which are charged to Community Choice Aggregation electricity customers - Mayor Tom Butt (620-6503).

**K. ORDINANCES**

- K-1.** INTRODUCE an ordinance (first reading) amending Chapter 7.102 of the Richmond Municipal Code relating to medical marijuana collectives, cultivation, manufacturing and distribution of edible medical marijuana-infused products; and ban on mobile marijuana dispensaries and mobile deliveries, reserving the City's right, as required under three new state laws, to regulate all medical marijuana operations and businesses, rather than give the State the authority to permit and regulate a variety of marijuana businesses within the City - Police Department (Chief Magnus 621-1802) and City Attorney's Office (Bruce Reed Goodmiller 620-6509).
- K-2.** INTRODUCE an ordinance amending certain sections of Chapter 7.102 of the Richmond Municipal Code to allow permitted medical marijuana collectives to cultivate in permitted districts of the City. Permitted districts would be M-2, M-3 and C-2, which are zones with general industrial and commercial activity similar to indoor cultivation or a location fully documented and inspected in accordance with Chapter 7.102 - Councilmembers Jovanka Beckles (620-6568) and Eduardo Martinez (620-6593).

**L. COUNCIL AS A WHOLE**

**L-1.** RECEIVE a report regarding the impacts of the Initiative to amend the Richmond Municipal Code Requiring the City Manager to Publicize Compensation Paid to Exempt City Service Officials and Employees, Obligating the City Council to Set Annual Compensation for City Exempt Service Officials and Employees and Prohibiting the City Council From Compensating the City Manager in Excess of Five Times the Median Household Income for the City, as ordered by the City Council on September 22, 2015, pursuant to Election's Code 9212; and, either: ADOPT the Initiative by ordinance, without alteration; OR Immediately order a special election pursuant to subdivision (a) of Section 1405 at which time the Initiative shall be submitted to the voters at the June 7, 2016, Presidential Primary election - City Clerk's Office (Pamela Christian 620-6513).

**L-2.** APPROVE two engraved memorial plaques embedded in freestanding bases to be installed at the sitting park located at South 55th and Creely Streets in honor of Mr. Edward Hall and Mr. Gene Calhoun, Sr. for their contribution to the Parkview Neighborhood - Councilmember Nat Bates (620-6743).

**L-3.** DIRECT staff to publicize, in English and in Spanish, current resources available to provide renters with information about their rights and sources of support for resolving conflicts between landlords and tenants via KCRT, City of Richmond website, City Manager's Weekly Report, and other public information outlets - Councilmember Gayle McLaughlin (620-5431).

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

**N. ADJOURNMENT**

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*This agenda may be previewed on KCRT – Channel 28, Richmond Television, City website [www.ci.richmond.ca.us](http://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.*