



Community Services Building
440 Civic Center Plaza
Richmond, CA 94804

AGENDA
Tuesday, February 2, 2016

Link to City Council Agendas/Packets

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Mayor
Thomas K. Butt

Vice Mayor
Eduardo Martinez

Councilmembers

Nathaniel Bates
Jovanka Beckles
Gayle McLaughlin
Jael Myrick
Vinay Pimplé

Housing Authority Tenant Commissioners

Two vacancies

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 Soulet, 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).

**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. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Subdivision [a] of Government Code Section 54956.9):

Randy Stephens vs. City of Richmond
 - A-2. LIABILITY CLAIMS -(Government Code Section 54956.9):

Gormley vs. City of Richmond

Musto vs. City of Richmond
 - A-3. PUBLIC EMPLOYEE APPOINTMENT (Government Code Section 54957.6):

Title: Police Commission Investigative Officer

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. ADOPT a resolution to ACCEPT and APPROPRIATE \$625,000 in grant funding from the U.S. Department of Justice Office of Community Oriented Policing Services awarded to the Richmond Police Department for the hiring of additional police officers and allow a \$2,111,227 in-kind match over a three year period that will be budgeted accordingly - Police Department (Interim Chief Allwyn Brown 621-1802).
 - H-2. APPROVE on-call contracts for concrete repair services with Bay Hawk, Inc. and Malachi Paving and Grading, Inc. in an amount not to exceed \$250,000 per year for each contract over a three year period, with an option to extend the contracts for an additional two years - Public Works Department (Yader A. Bermudez 774-6300/Andy Yeung 307-8108).
 - H-3. APPROVE a grant-funded amendment to the contract with Communities in Collaboration, LLC to conduct a formative evaluation and prepare a report for the Digital Health Literacy Project for the Richmond Public Library, increasing the contract by \$5,000 for a total of \$15,000 while maintaining the term expiration of December 31, 2016 - Library and Cultural Services Department (Katy Curl 620-9554/Sherry Drobner 307-8082).
 - H-4. APPROVE a grant-funded 18-month contract with Calculus Roundtable for technical assistance and support to LEAP students and staff in an amount not to exceed \$20,000 and with a term from January 1, 2016, through June 30, 2017 - Library and Cultural Services Department (Katy Curl 620-6554/Sherry Drobner 307-8082).

- H-5.** APPROPRIATE the amount of \$690,928 from the Wastewater enterprise capital improvement budget to fund the design of the 13th Street Sanitary Sewer Capacity Improvements Project - Utilities Department (Ryan Smith 620-5486).
- H-6.** APPROPRIATE the amount of \$252,960 from the Wastewater enterprise capital improvement budget to the Sewer-Line Repairs Capital Project to fund the Mathieu Court Sewer Replacement Project - Utilities Department (Ryan Smith 620-5486).
- H-7.** APPROVE an emergency purchase order for Valley Power Systems North, Inc., to diagnose, replace parts and complete repairs to fire apparatus No. 513 in an amount not to exceed \$30,500 - Public Works Department (Yader A. Bermudez 774-6300).
- H-8.** APPROVE an amendment to the grant-funded contract with the Oakland Private Industry Council to provide additional services as the contracting and vendor pay agent for Individual Training Accounts and On-the-Job Training activities for the Workforce Innovation and Opportunity Act (WIOA) Program. The contract term will be September 15, 2015, through September 30, 2016. The contract amount will be increased by \$61,350 for an amount not to exceed \$132,078 - Employment and Training Department (Sal Vaca/Rosemary Viramontes 307-8023).
- H-9.** REVIEW and APPROVE the City's Investment and Cash Balance Report for the month of December 2015 - Finance Department (Belinda Warner/Tracey Angelo 620-6750).
- H-10.** APPROVE an amendment to the contract with TDA to prepare the City's FY 2015-2020 Consolidated Plan and the FY 2015-2020 Analysis of Impediments to Fair Housing Choice in coordination with the Contra Costa County Consortium, and as required by the federal Department of Housing and Urban Development (HUD), increasing the amount by \$26,682.04 to a total amount of 96,682.04 - Housing and Community Development (Tim Jones 621-1310).
- H-11.** APPROVE an amendment to the Amended and Restated Lease Agreement between the City of Richmond and the YWCA of Contra Costa County for their use of space for a day care program at the west wing of the Richmond Recreation Complex located at 3230 Macdonald Avenue at a lease rate of \$2,700 per month - Recreation Department (Devone Boggan-620-9650).
- H-12.** APPROVE the minutes of the regular City Council meeting held Tuesday, January 12 and 19, 2016 - City Clerk's Office (Pamela Christian 620-6513).

I. PUBLIC HEARINGS

I-1. CONTINUED TO February 16, 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. ORDINANCES

J-1. INTRODUCE an ordinance (first reading) amending the Richmond Police Commission enabling ordinance Richmond Municipal Code 3.54 - Mayor Tom Butt (620-6503) and Councilmember Jael Myrick (620-6636).

K. COUNCIL AS A WHOLE

K-1. HEAR an update on the effort to get US Department of Housing and Urban Development (HUD), Fannie Mae, Freddie Mac and major banks to prioritize non-profits, not speculators, in their sale of pools of delinquent loans (as approved by Resolution No. 16-15, February 17, 2015) and DIRECT staff to write letters to the agencies and entities involved with these sales, requesting a list of delinquent loans in the City of Richmond - Councilmember Gayle McLaughlin (620-5431).

K-2. DIRECT staff to initiate, as soon as the position of Police Commission Investigative Officer has been filled, a Police Commission investigation into the killing of Richard Perez on September 14, 2014, to determine whether excessive or unnecessary force was used in this case, and to report Police Commission findings publicly to the Richmond City Council to the extent legally possible - Vice-Mayor Eduardo Martinez (620-6593), Councilmember Jovanka Beckles (620-6568), and Councilmember Gayle McLaughlin (620-5431).

K-3. DIRECT staff to include language on any upcoming changes to the Police Commission Ordinance to require the Police Commission to conduct an investigation of any instance of a person being killed or seriously injured by police action, to determine whether excessive or unnecessary force and/or racially abusive behavior had occurred, and report Police Commission findings publicly to the Richmond City Council to the extent legally possible - Vice Mayor Eduardo Martinez (620-6593), Councilmember Jovanka Beckles (620-6568), and Councilmember Gayle McLaughlin (620-5431).

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

M. 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.*