



Community Services Building
440 Civic Center Plaza
Richmond, CA 94804

AGENDA
Tuesday, March 1, 2016

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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 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).

**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):

City of Richmond vs. County of Contra Costa
 - A-2. LIABILITY CLAIMS -(Government Code Section 54956.9):

Gormley vs. City of Richmond
 - A-3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code
Section 54957.6):

Title: City Clerk

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 authorizing the execution of an agreement with The Trust for Public Land (TPL) for the design and construction of a vegetated swale, tree planting, and installation of a native plant garden as part of the Harbour to 8th Street Richmond Greenway project, with all costs covered by TPL through a Proposition 84 Urban Greening grant - Engineering Services Department (Chadrick Smalley 412-2067).
 - H-2. REVIEW and APPROVE the City's Investment and Cash Balance Report for the month of January 2016 - Finance Department (Belinda Warner/Tracey Angelo 620-6750).
 - H-3. APPROVE a contract amendment with Veolia Operating Services West to include operations and maintenance of the Bradley Moody Underpass stormwater pump station (MUPS) and the wet weather storage facility (WWSF), increasing payments to Veolia by \$6,601 per month (\$79,212 annually) for maintenance of the MUPS, and by \$23,446 per month (\$281,352 annually) for maintenance of the WWSF - Utilities Department (Ryan Smith 620-5486).
 - H-4. APPROVE a contract with First Alarm Security Patrol, Inc. dba First Security Services, to provide security services to the former Naval Fuel Depot Point Molate for a period from March 1, 2016, to June 30, 2019, in an amount not to exceed \$676,551.20. Staff is also requesting approval for two option years for Fiscal Year 2019-2020 and Fiscal Year 2020-2021 at a cost of \$187,965.36 per year - City Manager's Office (Bill Lindsay/Allwyn Brown 620-6512).

- H-5.** ADOPT a resolution authorizing the execution of a construction contract with Ghilotti Bros., Inc., for construction of the Safe Routes to School Cycle 1 Improvements Project (Ford, Grant, King, and Lincoln elementary schools) in an amount not to exceed \$587,875.75, including a 10% contingency (\$53,443.25) - Engineering Services Department (Chadrick Smalley 412-2067/Tawfic Halaby 621-1612).
- H-6.** AUTHORIZE the submittal of an application for recycling programs and related authorizations for the Fiscal Year 2015-16 State Department of Resources, Recycling, and Recovery (CalRecycle); and APPROPRIATE the grant award to the City of Richmond's Environmental Initiatives Division - City Manager's Office (Shasa Curl/Adam Lenz 620-5537).
- H-7.** APPROVE a sole-source contract with Linear Systems for an upgrade of the Digital Information Management System, in an amount not to exceed \$60,000, and for a term from February 1, 2016, through June 30, 2016 - Police Department (Interim Chief Allwyn Brown 621-1802).
- H-8.** ADOPT a resolution authorizing placement of liens and special assessments for unpaid garbage collection service fees on County property tax records - Finance Department (Belinda Warner/Antonio Banuelos 620-6741).
- H-9.** APPROPRIATE the amount of \$200,000 from the storm drainage impact fee fund to the Stormwater Improvements Capital Project to pay the City's required share of the North Richmond Stormwater Pump Station Diversion Project managed by Contra Costa County - Utilities Department (Ryan Smith 620-5486).
- H-10.** APPROVE a contract with First Data Merchant Services Corporation for credit card merchant services and equipment utilized at various department locations, including Finance, Police, and R-Transit - Finance Department (Belinda Warner/Antonio Banuelos 620-6741).
- H-11.** ADOPT a resolution authorizing an amnesty program for a period of 10 months, allowing businesses that have failed to pay their business license tax and transient occupancy tax (TOT), including short-term rentals, the opportunity to bring their accounts current without payment of penalties and interest - Finance Department (Belinda Warner/Antonio Banuelos 620-6741).
- H-12.** ADOPT a resolution to accept and appropriate \$782,907 in funding from the Contra Costa County Health Services Hazardous Materials Division in support of the Richmond Fire Department Hazardous Materials Response Program, and approve a two-year interagency agreement with a term extending from July 1, 2015, to June 30, 2017 - Fire Department (Chief Adrian Sheppard 307-8041).

- H-13.** PROCLAMATION acknowledging March 7 - 13, 2016 as Multiple Sclerosis (MS) Awareness Week to heighten public knowledge of the disease, support individuals suffering from MS, and support the search for a cure - Mayor Tom Butt (620-6503).
- H-14.** ADOPT a resolution authorizing the City to act as petitioner in court to initiate probate leading to the eventual sale of certain properties where: (1) the City is a creditor in probate consistent with a reduced cost legal services agreement with probate counsel; and (2) there is an indemnity agreement with Richmond Housing Restoration, LLC, the entity created by the Richmond Community Foundation for this purpose - City Managers' Office/City Attorney's Office (Bill Lindsay 620-6513/Bruce Reed Goodmiller 620-6509).
- H-15.** APPROVE actions to update the Historic Preservation Commission: ACCEPT the resignation of Donald Bastin who was serving in seat #2 for a term ending July 31, 2016; DECLARE Seat #2 vacant; and DIRECT the City Clerk to post the seat's vacancy - Mayor Tom Butt (620-6503).
- H-16.** APPOINT Annie King-Meredith to the North Richmond Resident, Incorporated Area Seat on the North Richmond Mitigation Fund Committee; APPOINT Marena Brown to serve as the Alternate for the North Richmond Resident, Incorporated Area Seat on the North Richmond Mitigation Fund Committee - Mayor Tom Butt (620-6503).
- H-17.** APPROVE actions to update the Richmond Workforce Development Board: APPOINT Richard Johnson, New Appointment, Seat #6, Term Expiring March 1, 2020; Bob Lilley, New Appointment, Seat #7, Term Expiring March 1, 2020; Kelly Schelin, New Appointment, Seat #8, Term Expiring March 1, 2020 - Mayor Tom Butt (620-6503).
- H-18.** APPROVE the minutes of the regular City Council meeting held Tuesday, February 2, 2016 - City Clerk's Office (Pamela Christian 620-6513).

I. PUBLIC HEARINGS

- I-1. APPEAL WITHDRAWN BY APPELLANT** - the matter to CONSIDER an appeal of the Design Review Board's decision to approve Design Review Permit (PLN15-374) for the construction of the MCE Richmond Solar PV Project proposed on the Chevron Richmond Refinery property (APNs: 561-100-038, 561-100-034, and 561-100-037); and AFFIRM the Design Review Board's Design Review Permit approval - Planning and Building Services Department (Richard Mitchell 620-6706).

J. RESOLUTIONS

- J-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). **This item was continued from the February 2 and 16, 2016, meetings.**
- J-2.** ADOPT a resolution supporting seed saving within the City of Richmond and Assembly Bill 1810, The Seed Exchange Democracy Act - Mayor Tom Butt (620-6503) and Councilmember Gayle McLaughlin (620-5431).
- J-3.** ADOPT a resolution calling for an end to the United States' economic, commercial and financial blockade against Cuba - Councilmember Gayle McLaughlin (620-5431 and Mayor Tom Butt (620-6503).
- J-4.** ADOPT a resolution supporting the "Safety for All Act of 2016" - Vice Mayor Eduardo Martinez (620-6593).

K. ORDINANCES

- K-1.** INTRODUCE an ordinance (first reading) revising the Richmond Police Commission enabling ordinance, Richmond Municipal Code 3.54 - Mayor Tom Butt (620-6503).

L. COUNCIL AS A WHOLE

- L-1.** DISCUSS new revenue opportunities for the City of Richmond that require ballot measures to be enacted, and DIRECT staff to initiate the process for preparing revenue generating ballot measures for the 2016 general election - Mayor Tom Butt (620-6503).

M. REPORTS OF OFFICERS: 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.