



Community Services Building  
440 Civic Center Plaza  
Richmond, CA 94804

**AGENDA**  
**Tuesday, October 18, 2016**

*Link to City Council Agendas/Packets*  
<http://sireweb.ci.richmond.ca.us/sirepub/meet.aspx>  
*Register to receive notification of new agendas, etc.*  
<http://www.ci.richmond.ca.us/list.aspx>

**Mayor**  
Thomas K. Butt

**Vice Mayor**  
Eduardo Martinez

**Councilmembers**

Nathaniel Bates  
Jovanka Beckles  
Gayle McLaughlin  
Jael Myrick  
Vinay Pimplé

**Housing Authority Tenant Commissioners**

Jaycine Scott  
Tanise Smith

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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**  
**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).

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**OPEN SESSION TO HEAR PUBLIC COMMENT BEFORE  
CLOSED SESSION**

5:00 p.m.

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

**CLOSED SESSION**

Shimada Room of the Community Services Building

**CITY COUNCIL**

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

Edward Valdivia vs. City of Richmond

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

Upstream vs. City of Richmond

**CONFERENCE WITH LABOR NEGOTIATORS (Government Code  
Section 54957.6):**

Agency designated representatives: Bill Lindsay, Lisa Stephenson, Bruce Soublet,  
Todd Simonson, Maria Blue, and Jack Hughes.

Employee organizations: Richmond Police Officers Association (RPOA) and  
Service Employees International Union (SEIU, Local 1021).

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government  
Code Section 54956.8):**

Property: General Warehouse, Port of Richmond

Agency negotiators: Jim Matzorkis, Bill Lindsay

Negotiating parties: PowerPlant Inc, Richmond Grown LLC, and Transmeridian  
Warehouses

Subject of negotiations: Price and terms of payment

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government  
Code Section 54957.6):**

Title: City Attorney

## 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. RECEIVE a report on the Richmond Municipal Sewer District for the month of August 2016 - Water Resource Recovery Department (Ryan Smith 620-5486).
  - H-2. APPROVE the First Amendment to the reimbursement agreement with the Richmond Museum to complete infrastructure improvements at Basin Number 5 to accommodate the SS Red Oak Victory, increasing the amount by \$182,000 to a total not to exceed value of \$532,000 - Port Department (Jim Matzorkis 215-4600).
  - H-3. APPROVE the Second Amendment to the Remediation and Abatement agreement with Performance Abatement Services to finalize the cleanup of spilled oil containing polychlorinated biphenyl (PCB) at the Point Potrero Marine Terminal, as required by the Toxic Substances Control Act, increasing the amount by \$47,000 to a total not to exceed \$857,640 - Port Department (Jim Matzorkis 215-4600).
  - H-4. ADOPT a resolution authorizing the execution of a construction contract with Ghilotti Construction Company, Inc., for construction of the Richmond-Ohlone Greenway Gap Closure Project in an amount not to exceed \$1,771,910.25, including a 10% contingency (\$161,082.75) - Engineering and Capital Improvement Projects Department (Yader Bermudez 620-5478/Tawfic Halaby 621-1612).

- H-5.** ADOPT a resolution setting a public hearing for December 6, 2016, regarding the City's intent to grant to SFPP, L.P. a franchise to use or lay and use oil pipes and appurtenances for the purpose of transmitting and distributing oil and oil products within the City's rights-of-way for a period of twenty-years - Engineering and Capital Improvement Projects Department (Yader Bermudez 620-5478).
- H-6.** REVIEW and APPROVE the City's Investment and Cash Balance Report for the month of August 2016 - Finance Department (Belinda Warner/Latha Ravinder 620-6739).
- H-7.** APPROVE a one-year, sole-source contract with Network Fleet for maintenance of the GPS (global positioning) hardware that monitors Police Department vehicle location, vehicle diagnostics, vehicle speeds, vehicle emissions, and provides other reporting capabilities, in an amount not to exceed \$20,160, for a term from July 1, 2016, to June 30, 2017 - Police Department (Chief Allwyn Brown 621-1802).
- H-8.** APPROVE a five-year contract with Taser International for the sole-source purchase of one hundred sixty (160) body-worn cameras, one hundred sixty (160) next-generation conducted energy devices, and maintenance of a digital evidence management system, in an amount not to exceed \$1,145,000; for a term from November 1, 2016, to October 31, 2021 - Police Department (Chief Allwyn Brown 621-1802).
- H-9.** ACCEPT and APPROPRIATE a donation from Omega Boys Club in the amount of \$454.14 for the Office of Neighborhood Safety's (ONS) Operation Peacemaker Fellowship Program - Office of Neighborhood Safety (Devone Boggan 620-5421).
- H-10.** APPROVE actions to update the Arts and Culture Commission; APPOINT Rashon Lane, new appointment, seat #3, term expiration January 31, 2019 - Office of the Mayor (Mayor Tom Butt 620-6503).
- H-11.** APPROVE actions to update the Planning Commission; APPOINT Claudia Garcia, new appointment, seat #6, term expiration June 30, 2018 - Office of the Mayor (Mayor Tom Butt 620-6503).
- H-12.** APPROVE a contract with Pursuit North to outfit police department vehicles for the 2016/2017 and 2017/2018 fiscal years in an amount not to exceed \$230,000 - Department of Infrastructure Maintenance and Operations (Tim Higare 231-3008).

**I. RESOLUTIONS**

- I-1.** ADOPT a resolution exempting Richmond residents from paying tow charges if their registered vehicle is stolen and recovered in the City of Richmond, and towed at the request of the Richmond Police Department - Mayor's Office (Mayor Tom Butt 620-6503).
- I-2.** ADOPT a resolution of the City Council formally endorsing Proposition 55, the State of California's extension of revenue for schools and healthcare on the November 8, 2016, General Election ballot - Councilmember Jael Myrick (620-6636).
- I-3.** ADOPT a resolution urging the United States Congress to Enact a National Revenue Neutral Carbon Tax - Councilmember Gayle McLaughlin (620-5431).

**J. COUNCIL AS A WHOLE**

- J-1.** DISCUSS the Richmond Bicycle/Pedestrian Advisory Committee (BPAC) recommendations for rules to address varied uses of the San Francisco Bay Trail by bicyclists, pedestrians, and other types of users, and DIRECT staff to prepare a Multi-Use Trail Ordinance implementing these recommendations - Engineering and Capital Improvement Projects Department (Yader Bermudez/Patrick Phelan 620-5478).
- J-2.** DIRECT staff to bring back language within the next 60 days amending Richmond Municipal Code Chapter 7.102 to include language encouraging those involved in cannabis cultivation to include Richmond residents in their ownership group - Councilmember Jael Myrick (620-6636).

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

**L. 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.*