



Community Services Building
440 Civic Center Plaza
Richmond, CA 94804

AGENDA
Tuesday, July 18, 2017

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Mayor
Thomas K. Butt

Vice Mayor
Jovanka Beckles

Councilmembers

Ben Choi
Eduardo Martinez
Gayle McLaughlin
Jael Myrick
Melvin Willis

Housing Authority Tenant Commissioners

Jaycine Scott
Tanise Smith

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 up to TWO (2) MINUTES to address the City Council on NON-PUBLIC HEARING items listed on the agenda. Speakers are allowed up to THREE (3) minutes on PUBLIC HEARING items.

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 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

- A. **CITY COUNCIL**
 - A-1. CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6):

Property: General Warehouse-Port of Richmond
Agency negotiators: Bill Lindsay and Jim Matzorkis
Negotiating parties: (i) Orton Development; and (ii) Richmond Grown LLC
Under negotiation: Price and terms of payment

Property: (former) Cafeteria Building-Port of Richmond
Agency negotiators: Bill Lindsay and Jim Matzorkis
Negotiating parties: (i) Power Plant LLC; and (ii) Golden Gate Meats/Up and Under Pub & Grill
Under negotiation: Price and terms of payment

Property: 1 Barrett Avenue, Richmond
Agency negotiators: Bill Lindsay
Negotiating parties: Orton Development
Under negotiation: Price and terms of payment

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. PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

E-1. PROCLAMATION recognizing Councilmember Gayle McLaughlin for 12 years of service to the City of Richmond - Vice Mayor Beckles (620-6568) and Councilmember Martinez (620-6593).

F. REPORT FROM THE CITY ATTORNEY OF FINAL DECISIONS MADE DURING CLOSED SESSION

G. REPORT FROM THE CITY MANAGER

H. OPEN FORUM FOR PUBLIC COMMENT

I. CITY COUNCIL CONSENT CALENDAR

I-1. 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).

I-2. RECEIVE the City's Investment and Cash Balance Report for the month of May 2017 - Finance Department (Belinda Warner 620-6740).

I-3. ADOPT a resolution accepting a \$150,000 grant received from the California Employment Development Department and appropriating these grant revenues and associated expenditures into the Fiscal Year 2017-18 Employment and Training Department budget - Employment and Training Department (Sal Vaca 307-8006).

I-4. ADOPT a resolution renewing and continuing the local emergency on Rifle Range Road due to landslide damage, which was first adopted by the City Council on March 7, 2017 - Engineering and Capital Improvement Projects Department (Yader Bermudez 620-5478).

- I-5.** ADOPT a resolution renewing and continuing the local emergency on Via Verdi due to landslide damage, which was first adopted by the City Council on February 28, 2017 - Engineering and Capital Improvement Projects Department (Yader Bermudez 620-5478).
- I-6.** APPROVE an amendment to the contract with Groundwork Richmond to function as the Urban Forestry Project Administrator in an amount not to exceed \$88,000 with the contract term extended until August 30, 2018 - Department of Infrastructure Maintenance and Operations (Tim Higare 231-3008).
- I-7.** APPROVE a lease agreement with North Richmond Properties, Inc. for space to store containers and landscaping equipment related to Hilltop Landscape Maintenance District work, in an amount not to exceed \$15,000.00 and for a month-to-month term - Department of Infrastructure Maintenance and Operations (Tim Higare 231-3008).
- I-8.** APPROVE standing purchase orders with (1) Omega Pacific, (2) Azco Supply, and (3) JAM Services to provide street light and traffic signal poles, and related products, on an as needed basis to replace damaged street and traffic light poles throughout the City in an amount not to exceed \$150,000 per vendor over a three year period, with an option to extend an additional two years at \$100,000 per vendor - Department of Infrastructure Maintenance and Operations (Tim Higare 620-6508).
- I-9.** APPROVE a five-year contract with Larry Walker Associates to assist with the City's National Pollutant Discharge Elimination System (NPDES) compliance schedule in an amount not to exceed \$200,000 - Water Resource Recovery Department (Ryan Smith 620-5486/Mary Phelps 621-1269).
- I-10.** APPROVE a contract with Infrastructure Engineering Corporation (IEC) to provide sewer flow monitoring data collection and reporting services, and to install a bladder in the Boat Ramp Road overflow structure, for a period of 12-months in an amount not to exceed \$46,500. - Water Resource Recovery Department (Ryan Smith 620-5486/Mary Phelps 621-1269).
- I-11.** ADOPT a resolution approving the amended Sewer System Management Plan (SSMP) in compliance with the State Water Resource Control Board regulations - Water Resource Recovery Department (Ryan Smith 620-5486 / Mary Phelps 621-1269).
- I-12.** APPROVE an amendment to the Interagency Agreement between the City of Richmond and Contra Costa County to facilitate the City's continued use of jointly administered North Richmond Mitigation Fee (NRMF) funding for services and programs authorized in the approved expenditure plans, and to co-staff the NRMF Committee, extending the term from June 30, 2017 to December 31, 2017, with no change to the current payment limit of \$1,080,055 - City Manager's Office (Bill Lindsay/LaShonda White 620-6512).

- I-13.** APPROVE the Amended 2015/16 North Richmond Waste and Recovery Mitigation Fee Expenditure Plan identifying the activities authorized to be funded with Mitigation Fee revenue and respective funding allocations for the period of July 1, 2015, through June 30, 2016, as recommended by the North Richmond Waste and Recovery Mitigation Fee Joint Expenditure Planning Committee; and APPROVE the 2017/18 North Richmond Waste and Recovery Mitigation Fee Expenditure Plan, identifying the activities authorized to be funded with Mitigation Fee revenue and respective funding allocations for the period of July 1, 2017, through June 30, 2018, as recommended by the North Richmond Waste and Recovery Mitigation Fee Joint Expenditure Planning Committee - City Manager's Office (Bill Lindsay/Lori Reese-Brown 620-6512).
- I-14.** ADOPT a resolution authorizing the California Fire Fighter Joint Apprenticeship Committee (CFFJAC) to provide the City of Richmond with a list of displaced firefighters (due to layoff) from other agencies, and allowing these firefighters to be added to the City's existing employment list, thereby providing them the opportunity to compete for vacant firefighter positions in Richmond - Human Resources Management Services Department and Fire Department (Lisa Stephenson 620-6609/Adrian Sheppard 620-8041).
- I-15.** APPROVE actions to update the Design Review Board APPOINT Kimberly Butt, new appointment, seat #3, expiration date March 17, 2019, Meredith Benz, new appointment, seat #7, expiration date March 17, 2019 - Office of the Mayor (Mayor Tom Butt 620-6503).
- I-16.** APPROVE actions to update the Workforce Development Board; APPOINT Sarah Wally, new appointment, seat #26, term expiration March 1, 2020 - Office of the Mayor (Mayor Tom Butt 620-6503).
- I-17.** APPROVE actions to update the Human Rights and Human Relations Commission; APPOINT Ylan Wills, new appointment, seat #4, filling an unexpired term with a term expiration date March 30, 2019 - Office of the Mayor (Mayor Tom Butt 620-6503).
- I-18.** ADOPT a resolution supporting the Lesbian, Gay, Bisexual, Transgender, Intersex, Queer, and Questioning (LGBTIQ) community and establishing a policy to prevent city-funded travel to states with laws discriminating on the basis of sexual orientation, gender identity or gender expression - Office of the Mayor (Mayor Tom Butt 620-6503).
- I-19.** ADOPT a resolution amending Section 2. (Membership) of Resolution 74-08 Establishing the Richmond-Zhoushan Friendship Commission to include that a majority of the commissioners reside and/or work in Richmond - Councilmember Eduardo Martinez (620-6593).

- I-20.** AUTHORIZE travel for Councilmember Martinez, Port Director Jim Matzorkis, Port Operating and Marketing Manager Lucy Zhou, and City Council Liaison Trina Jackson to Zhoushan, China to attend the third annual International Island Tourism Conference and to update the Mutual Agreement between Richmond and Zhoushan - Councilmember Eduardo Martinez (620-6593).
- I-21.** ADOPT an ordinance (second reading) amending the wages, salary, and compensation for the new classifications of Environmental Compliance Inspector (Salary Range No. 52G \$6,287 - \$7,610/month) and Senior Environmental Compliance Inspector (Salary Range No. 128 \$7,090 - \$8,577). This item is the re-titling of two existing classifications - Human Resources Management Services Department (Lisa Stephenson/Donna Newton 620-6600).
- I-22.** ADOPT an ordinance (second reading) establishing the wages, salary, and compensation for the new classification of Environmental Services Manager (Salary Range No. 071B \$10,322 - \$12,547/month). This item is a re-titling of an existing classification - Human Resources Management Services Department (Lisa Stephenson/Donna Newton 620-6600).
- I-23.** ADOPT an ordinance (second reading) establishing wages, salary, and compensation for the new classification of Director of Water Resource Recovery (Salary Range 3.1: \$9,024 - \$14,364) - Human Resources Management Services Department (Lisa Stephenson/Donna Newton 620-6600).
- I-24.** ADOPT an ordinance (second reading) adding chapter 12.62 of Article XII to the Richmond Municipal Code, establishing a One-Percent for Public Art on Private Projects Program, requiring commercial developments of \$500,000 or more, and residential developments of ten (10) units or more, to provide on-site public art, or a payment into an in-lieu fund to be used for public art projects - Library and Cultural Services Department (Katy Curl 620-6554).
- I-25.** ADOPT an ordinance (second reading) amending the City's Minimum Wage Ordinance (RMC Chapter 7.108) to eliminate certain exemptions and to accelerate the transition period, providing for a minimum wage of \$13.41 on January 1, 2018, and \$15.00 per hour on January 2, 2019 - City Manager's Office (Bill Lindsay 620-6512).

J. PUBLIC HEARINGS

- J-1.** **APPEAL WITHDRAWN BY APPELLANT** - the matter to CONSIDER an appeal by Jay R. Fenton of the Planning Commission's approval of a Parcel Map (PLN15-282) to create three parcels located at 3501 Collins Avenue; and REAFFIRM, MODIFY, OR REVERSE the Planning Commission's decision - Planning and Building Services Department (Richard Mitchell 620-6706). This item was continued from the June 7, 2016, July 5, 2016, September 13, 2016, and November 15, 2016, meetings.

J-2. ADOPT a resolution approving a report of sewer service charges for FY 2017/18 and allowing for the sanitary sewer charges and stormwater fees to be collected on the annual 2017-2018 tax rolls - Water Resource Recovery Department (Ryan Smith 620-5486/Mary Phelps 621-1269).

J-3. ADOPT a resolution upholding the appeal by T-Mobile of the Planning Commission approval of a Conditional Use Permit modification (CU96-11) and modifying certain conditions - Planning and Building Services Department (Richard Mitchell 620-6706). This item was continued from the June 20 and July 11, 2017, meeting.

K. ORDINANCES

K-1. INTRODUCE an ordinance (first reading) establishing (1) the Residential Housing Fees in the Master Fee Schedule; (2) a late penalty of 10% of the Residential Rental Housing Fee ('Fee') for Residential Rental Housing Fees paid 1-30 days late, 25% of the Fee for those paid 31-60 days late, and 50% of the Fee for those paid over 60 days late; and (3) provisions to allow liens to be placed on properties owned by Landlords who fail to pay the Residential Rental Housing Fee; and ADOPT a resolution establishing the Fiscal Year 2016-17 and Fiscal Year 2017-18 Residential Rental Housing Fees in the amounts of \$47 per unit and \$98 per unit, respectively in the Master Fee Schedule (Bill Lindsay 620-6512).

K-2. INTRODUCE an ordinance (first reading) amending the Miscellaneous Provisions ordinance RMC 9.40 of the Health Code providing for a pilot project to evaluate the use of tiny houses on wheels for transitional residential occupancy by homeless persons - Office of the Mayor (Mayor Tom Butt 620-6503).

L. COUNCIL AS A WHOLE

L-1. CONSIDER approving an amendment to the existing on-call electrical services contract with NEMA Construction to provide a design-built high power electrical service connection at Point Molate, increasing the 2017-2018 funding by an amount not to exceed \$450,000 for a total 2017-2018 allocation of \$650,000 - Engineering and Capital Improvement Programs Department (Yader A. Bermudez 774-6300).

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.