



Community Services Building
440 Civic Center Plaza
Richmond, CA 94804

AGENDA
Tuesday, December 19, 2017

Link to City Council Agendas/Packets
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Mayor
Thomas K. Butt

Vice Mayor
Jovanka Beckles

Councilmembers

Ben Choi
Eduardo Martinez
Jael Myrick
Ada Recinos
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. Councilmembers who request to remove an item from the consent calendar must first discuss the item with a staff member who has knowledge of the subject material **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. One or more designated staff members will be present in Council Chambers one hour prior to each Council meeting for this purpose.

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

CITY COUNCIL

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

Upstream vs City of Richmond

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
(Initiation of litigation pursuant to Subdivision (c) of Government Code Section 54956.9):

One case

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

Property: Port of Richmond Cafeteria Building
Agency negotiators: Bill Lindsay and Jim Matzorkis
Negotiating party: JZP Enterprise LLC
Under negotiation: Price and terms of payment

SPECIAL MEETING OF THE RICHMOND HOUSING AUTHORITY

6:25 p.m.

A. PLEDGE TO THE FLAG

B. ROLL CALL

C. STATEMENT OF CONFLICT OF INTEREST

D. AGENDA REVIEW

E. HOUSING AUTHORITY CONSENT CALENDAR

E-1. ADOPT a resolution authorizing the Richmond Housing Authority to revise the Public Housing Rent Schedule effective December 1, 2017 - City Manager's Office (Bill Lindsay 620-6512). **This item was continued from the November 28, 2017, special meeting.**

E-2. RECEIVE a status report on activities of the Richmond Housing Authority for the month of November; and APPROVE tasks associated with a Public Housing Authority Recovery and Sustainability (PHARS) agreement with the US Department of Housing and Urban Development Region IX setting forth operating goals and objectives for the first six months of 2018 - City Manager's Office (Bill Lindsay 620-6512).

E-3. ADOPT a resolution allocating 150 Project-Based Section 8 Vouchers to the Hacienda development in connection with the rehabilitation of the property - City Manager's Office (Bill Lindsay 620-6512).

E-4. ADOPT a resolution (a) approving the Richmond Housing Authority Annual Plan for Fiscal Year 2017-18; and (b) authorizing its submission to the U. S. Department of Housing and Urban Development (HUD). - City Manager's Office (Bill Lindsay 620-6512).

E-5. ADOPT a resolution authorizing the Housing Authority of the County of Contra Costa (HACCC) to administer four project-based voucher units in the Richmond Housing Authority's jurisdiction, and authorizing execution of the memorandum of understanding so ordering, as requested by HACCC - City Manager's Office (Bill Lindsay 620-6512).

E-6. APPROVE the minutes of the regular December 5, 2017, Richmond Housing Authority meeting - City Clerk's Office (Pamela Christian 620-6513).

F. 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. **REPORT FROM THE CITY ATTORNEY OF FINAL DECISIONS MADE DURING CLOSED SESSION**
- E. **REPORT FROM THE CITY MANAGER**
- F. **OPEN FORUM FOR PUBLIC COMMENT**
- G. **CITY COUNCIL CONSENT CALENDAR**
 - G-1. APPROVE a temporary Land Use Agreement between the City of Richmond and the Richmond Certified Farmers' Market Association for the free use of the northern section of the city-owned parking lot located on Barrett Avenue between 24th Street and 25th Street weekly on Fridays, effective January 1, 2018, and ending December 31, 2020, with three-two year options to extend the Agreement - City Manager's Office (Bill Lindsay/LaShonda White 620-6512).
 - G-2. ADOPT a resolution approving the installation of a 4-way stop control at the intersection of Marina Way South and Hall Avenue - Engineering and Capital Improvement Projects Department (Yader Bermudez 620-5478/Steven Tam 307-8112).
 - G-3. AUTHORIZE the city manager to enter into a cost sharing agreement with the City of El Cerrito and the East Bay Regional Park District to perform geologic and geotechnical soils studies of a landslide that occurred around March 14, 2016, at the north end of Rifle Range Road, to determine the stability of the earth and soil in, and adjacent to, the existing landslide, and to identify the steps to be taken to stabilize and repair the area. The total cost of the study is \$57,000, and the City of Richmond share of the cost under the proposed agreement is \$23,500 - Engineering and Capital Improvement Projects Department (Yader Bermudez 620-5478).

- G-4.** APPROVE a fourth contract amendment with Infrastructure Engineering Corporation to continue providing sewer flow monitoring data collection and reporting services at various locations throughout the City, for a three-month period ending March 31, 2018, and in an amount not to exceed \$23,100 - Water Resource Recovery Department (Ryan Smith 620-5486/Mary Phelps 621-1269).
- G-5.** RECEIVE a report on the Richmond Municipal Sewer District for the month of October 2017 - Water Resource Recovery Department (Ryan Smith 620-5486).
- G-6.** APPROVE an amendment to the contract with Nichols Consultant Engineers (NCE) to provide annual surveys, reports, investigation, inspections and work plans for the Operating Unit (OU)1 and OU2 areas at Point Potrero Marine Terminal (PPMT), consistent with the Operations and Maintenance (O&M) Plan established for the site by the Department of Toxic Substances Control (DTSC). The proposed amendment increases the term by two years to December 31, 2019, with no additional cost added to the contract - Port Department (Jim Matzorkis 215-4600).
- G-7.** APPROVE a lease agreement with JZP Enterprises LLC for the Cafeteria Building at 1301 Canal Boulevard at the Point Potrero Marine Terminal, providing for structural improvements to the building and lease payments to the Port of Richmond amounting to \$1,884,000 for the initial twenty-year lease term, with two possible ten-year extensions - Port Department (Jim Matzorkis 215-4600).
- G-8.** APPROVE actions to update the Design Review Board; APPOINT Karlyn Neel, new appointment, seat #6, term expiration date March 17, 2019 - Office of the Mayor (Mayor Tom Butt 620-6503).
- G-9.** APPROVE a contract with Callander Associates for design services to update the 23rd streetscape improvement plan, for a total amount not to exceed \$75,000 and for a term ending December 31, 2019, with funding from the Environmental and Community Investment Agreement with Chevron - Planning and Building Services Department (Richard Mitchell 620-6706).
- G-10.** ADOPT an ordinance (second reading) initiating a zoning ordinance amendment process to update Article 15.04.610.270 of the Richmond Municipal Code, adding regulations for adult-use commercial cannabis, and temporarily restricting the approval of adult-use cannabis businesses until such regulations are developed, except that existing permitted cannabis businesses shall be permitted to engage in equivalent adult-use cannabis commercial activities with their current City permit and requisite state license until the City's regulations regarding adult use cannabis businesses take effect - Planning and Building Services Department (Richard Mitchell 620-6706).

- G-11.** ADOPT a resolution in support of statewide efforts to ban clear-cutting in California to protect forests and surrounding ecosystems - Councilmember Eduardo Martinez (620-6593).
- G-12.** ADOPT a resolution authorizing the City of Richmond to be listed as a co-applicant, along with Mercy Housing California and Community Housing Development Corporation of North Richmond, on an application to the State of California Strategic Growth Council and the Department of Housing and Community Development under the Affordable Housing and Sustainable Communities Program, for funding up to \$20,000,000, of which approximately \$16,000,000 is to be used for fees and costs related to the rehabilitation of the Hacienda Apartments and approximately \$4,000,000 of which is to be used for fees and costs related to improvements to publicly-owned transportation infrastructure surrounding the development area - Housing and Community Development Department (Bill Lindsay 620-6512).
- G-13.** ADOPT an ordinance (second reading) to establish the wages, salary, and compensation for the new classification of Staff Attorney - Rent Program. This staff attorney only provides legal counsel to the Rent Board. (Salary Range No. 3.1 \$9,024 - \$14,364/month) - Human Resources Management Department (Lisa Stephenson/Donna Newton 620-6600).
- G-14.** ADOPT an ordinance (second reading) to establish the wages, salary, and compensation for the new classification of Planning Manager (Salary Range No. 4.1 \$9,945 - \$15,830/ month) - Human Resources Management Department (Lisa Stephenson/Donna Newton 620-6600).
- G-15.** APPROVE the minutes of the December 5, 2017, regular meeting of the Richmond City Council - City Clerk's Office (Pamela Christian 620-6513).
- G-16.** APPROVE an amendment to the loan agreement with former Police Chief Chris Magnus, extending the date for repayment of remaining principal on the loan until June 30, 2018 - City Manager's Office (Bill Lindsay 620-6512).

H. ORDINANCES

- H-1.** ADOPT an urgency ordinance establishing a temporary moratorium on the approval of applications to construct, modify or establish schools within certain zoning districts in the City of Richmond - Planning and Building Services Department (Richard Mitchell 620-6706).
- H-2.** INTRODUCE an ordinance (first reading) of the City of Richmond amending Sections 3.50.030 and 3.50.040 of the Richmond Municipal Code to change the residency requirements and to extend the terms of office to four years for the Commission on Aging - Councilmember Eduardo Martinez (620-6593).

I. COUNCIL AS A WHOLE

- I-1.** AUTHORIZE the City Manager to evaluate the proposed project budget and proforma for the 271-unit Nevin Avenue Affordable Apartment community (Twenty-One and Twenty-Three Nevin) and negotiate a deferral of up to \$1.2 million of the project's impact fee obligation for a period not to exceed forty years - City Manager's Office (Bill Lindsay 620-6512).
- I-2.** DISCUSS and CONSIDER removing the requirement to speak with the sponsor or staff member prior to removing an item from the Consent Calendar - Councilmember Melvin Willis (412-2050).
- I-3.** DIRECT staff to evaluate and present to the City Council recommendations for providing adequate administrative staff support for the various city commissions as part of the mid-year budget review process - Councilmember Jael Myrick (620-6636).
- I-4.** ESTABLISH a section on the Consent Calendar specifically for resolutions relating to policy decisions of County, State and Federal government - Councilmember Jael Myrick (620-6636), Councilmember Melvin Willis (412-2050), and Councilmember Eduardo Martinez (620-6593).

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

K. 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.