



Community Services Building
440 Civic Center Plaza
Richmond, CA 94804

AGENDA
Tuesday, November 19, 2019

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

Vice Mayor
Ben Choi

Councilmembers
Nathaniel Bates
Demnlus Johnson III
Eduardo Martinez
Jael Myrick
Melvin Willis

Housing Authority Tenant Commissioners
Jaycine Scott
Vacancy

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 that is sponsored by City staff 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 do so during 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**

5:30 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):

Kevin Simmons v. City of Richmond

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
(initiation of litigation pursuant to paragraph (4) of Subdivision (d) of
Government Code Section 54956.9):

One case

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 declaring November 20, 2019, as Transgender Day of Remembrance in the City of Richmond - Office of the Mayor (Mayor Tom Butt 620-6503).
- 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. APPROVE the Memorandum of Understanding for the EastBay Works Partnership and Regional Planning Unit consisting of County of Alameda, County of Contra Costa, City of Oakland and City of Richmond; in support of the City of Richmond, Local Workforce Development Area, as required by the federal Workforce Innovation and Opportunity Act (WIOA) - Employment and Training Department (Sal Vaca 307-8023).
 - I-2. APPROVE a sole-source agreement with the Contra Costa County District Attorney's Office for the dedicated services of a deputy district attorney who would be specifically assigned as Richmond's Community Based Prosecutor, at a cost not to exceed \$200,000, from July 1, 2019, through June 30, 2020 - Police Department (Interim Chief Bisa French 621-1802).
 - I-3. ADOPT a resolution to approve the Enforcement Response Plan (ERP) which provides a framework for the City to follow when responding to industrial user violation - Water Resource Recovery Department (Yader Bermudez 774-6300).

- I-4.** ADOPT a resolution approving a three percent annual cost of living increase, in addition to the two percent minimum cost of living increase, for the recipients of the General Pension Fund, for a total annual cost of living increase of five percent for these recipients - Finance Department (Belinda Brown 620-6740).
- I-5.** REVIEW the Allowance for Doubtful Accounts Policy and ADOPT a resolution approving the policy - Finance Department (Belinda Brown/Antonio Banuelos 620-6741).
- I-6.** ADOPT a resolution approving the City of Richmond 2019-2020 Investment Policy that sets standards and procedures regarding investment of City funds - Finance Department (Belinda Brown 620-6740).
- I-7.** ADOPT a resolution authorizing the write-off of delinquent and/or uncollectible accounts receivable in the amount of \$99,893.73 - Finance Department (Belinda Brown/Antonio Banuelos 620-6741).
- I-8.** ACCEPT AND APPROPRIATE a \$1,000 grant award from the Coalition for Clean Air to fund prizes for bike ride participants - City Manager's Office (Steven Falk/Lori Reese-Brown 620-6869).
- I-9.** APPROVE the Grant Agreement between the City of Richmond and Plug In America and APPROPRIATE \$2,500 in funds to support the local National Drive Electric Week Event costs as authorized by the terms and conditions of the grant agreement - City Manager's Office (Steven Falk/Denee Evans 621-1718).
- I-10.** ACCEPT and APPROPRIATE the \$250 sponsorship award from the Electric Auto Association to provide lunches for the privately owned electric vehicle participants during the 2019 National Drive Electric Week Event - City Manager's Office (Steven Falk/Denee Evans 621-1718).
- I-11.** ADOPT a resolution agreeing to the transfer of the U.S. Department of Commerce Economic Development (EDA) Revolving Loan Fund Grant ("EDA-RLF") #07-39-02437.01 from the City of Richmond to Community Housing Development Corporation (CHDC) in the current approximate amount of \$726,892.35 - City Manager's Office (Steven Falk/Janet Johnson 620-6512).
- I-12.** APPROVE a contract with Remediation Risk Management, Inc. (RRM) to perform semi-annual groundwater monitoring and reporting for five groundwater monitoring wells on site, for installation of four soil gas wells and four sub-slab sample points per Water Board approval letter dated March 8, 2019, for preparation of a work plan completion report, and for semi-annual soil gas sampling, in an amount of \$54,270 per Fiscal Year for Fiscal Years 2019 to 2022, for a total contract amount not to exceed \$162,810, with a term through June 30, 2022 - City Manager's Office (Steven Falk/Craig Murray 620-6512).

- I-13.** RECEIVE the monthly report on Point Molate activities for the month of August 2019 - City Manager's Office (Steven Falk/Craig Murray 620-6512).
- I-14.** RECEIVE the monthly report on Point Molate activities for the month of September 2019 - City Manager's Office (Steven Falk/Craig Murray 620-6512).
- I-15.** APPROVE a third contract amendment with Pursuit North/Lehr for police vehicle outfitting, extending the term to December 31, 2020, and increasing the payment limit by \$291,000 to a total of \$854,000; and APPROPRIATE \$291,000 from the Equipment Services Capital Improvement fund balance for this purpose - Department of Infrastructure Maintenance and Operations (Tim Higaes 231-3008).
- I-16.** APPROVE the annual support and user license agreement with Faster Asset Solutions by CCG Systems, Inc., for fleet management software used in maintaining data records for city-owned equipment in an amount not to exceed \$13,555 - Department of Infrastructure Maintenance and Operations (Tim Higaes 620-6508).
- I-17.** ADOPT an ordinance (second reading) updating and amending Chapter 8.16 of the Richmond Municipal Code that pertains to Fire Prevention, including incorporating the 2019 California Fire Code and 2018 International Fire Code - Fire Department (Chief Adrian Sheppard 307-8041).
- I-18.** ADOPT a resolution approving the First Amendment to Construction Agreement between The City of Richmond and James E. Roberts-Obayashi Corporation for additional expenditures in an amount not to exceed \$258,088 for a total not to exceed amount of \$2,358,748 for the Miraflores Greenbelt-Baxter Creek Phase 1 Project - Planning and Building Services Department (Lina Velasco 620-6706).
- I-19.** ADOPT a resolution authorizing an application for State Department of Housing and Community Development SB 2 Planning Grants Program (PGP) funds to complete the Form-Based Code adoption for Richmond's Priority Development Areas (PDAs) and designating the City Manager or their designee to execute the necessary agreements and Standard Agreement to compete the project, if grant funds are awarded - Planning and Building Services Department (Lina Velasco 620-6706).
- I-20.** ADOPT a resolution for employees in Service Employees International Union (SEIU Local 1021) and International Federation of Professional and Technical Engineers (IFPTE Local 21) (including Executive Management), to get two additional paid holidays, specifically December 24, 2019, (Christmas Eve) and December 31, 2019, (New Year's Eve) - Human Resource Management Department (Lisa Stephenson 620-6600).

J. PUBLIC HEARINGS

- J-1.** HOLD a public hearing to receive public input regarding the composition of potential City Council districts - City Attorney's Office/City Clerk's Office (Bruce Reed Goodmiller 620-6509/Pamela Christian 620-6513).

K. ORDINANCES

- K-1.** INTRODUCE (first reading) an Ordinance amending Richmond Municipal Code (RMC) Article VI, Building Regulations by revising Chapters 6.02 and 6.04 (adopting the 2019 California Building Standards Code), and repealing Chapters 6.16, 6.20, 6.28 (which are superseded by the 2019 codes and incorporated into RMC Chapter 6.04) and 6.46 (which has been superseded by the California Green Building Standards Code incorporated into Chapter 6.04) - Planning and Building Services (Lina Velasco 620-6706).

L. COUNCIL AS A WHOLE

- L-1.** RECEIVE a report summarizing the status of major land use development projects in Richmond - Councilmember Nathaniel Bates (620-6743), Councilmember Eduardo Martinez (620-6593), and Director of Planning and Building Services (Lina Velasco 620-6706). **This item was continued from the October 22, 2019, and November 5, 2019, meetings.**
- L-2.** RECEIVE a presentation from the Department of Infrastructure Maintenance and Operations (DIMO) regarding blight in Richmond, including challenges, operational realities and steps DIMO is taking to reduce blight throughout the City - Department of Infrastructure Maintenance and Operations (Tim Higaes 620-6508). **This item was continued from the November 5, 2019, meeting.**
- L-3.** REVIEW the estimated cost to hire a consultant to conduct a study of a "Tenants Opportunity to Purchase" ordinance and RECONSIDER approval of a Tenants Opportunity to Purchase Ordinance requiring owners of rental facilities in Richmond to offer tenants the first opportunity to purchase the rental facility before it may be demolished, discontinued or sold on the market to a third-party purchaser - Office of the City Council (Councilmember Nathaniel Bates 620-6743).
- L-4.** DIRECT STAFF to cease all drafting efforts regarding a "Tenants Opportunity to Purchase" Ordinance - City Council Office (Councilmembers Jael Myrick 620-6636 and Melvin Willis 412-2050).

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.