



Community Services Building
440 Civic Center Plaza
Richmond, CA 94804

AGENDA
Tuesday, July 21, 2020

**PLEASE NOTE NEW CHANGES IN THE
PUBLIC COMMENT PROCEDURES
HIGHLIGHTED IN GREEN**

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
Nathaniel Bates

Councilmembers
Ben Choi
Demnlus Johnson III
Eduardo Martinez
Jael Myrick
Melvin Willis

ALL CITY COUNCIL MEMBERS WILL PARTICIPATE VIA TELECONFERENCE

Housing Authority Tenant Commissioners
Jaycine Scott
Vacant

CORONAVIRUS DISEASE (COVID-19) ADVISORY

Due to the coronavirus (COVID-19) pandemic, Contra Costa County and Governor Gavin

Newsom have issued multiple orders requiring sheltering in place, social distancing, and reduction of person-to-person contact. Accordingly, Governor Gavin Newsom has issued executive orders that allow cities to hold public meetings via teleconferencing. Both <https://www.coronavirus.cchealth.org/> and <http://www.ci.richmond.ca.us/3914/Richmond-Coronavirus-Info> provide updated coronavirus information.

DUE TO THE SHELTER IN PLACE ORDERS, attendance at the City of Richmond City Council meeting will be limited to Council members, essential City of Richmond staff, and members of the news media. Public comment will be confined to items appearing on the agenda and will be limited to the methods provided below. Consistent with Executive Order N-29-20, this meeting will utilize teleconferencing only. The following provides information on how the public can participate in this meeting.

How to watch the meeting from home:

1. KCRT – Comcast Channel 28 or AT&T Uverse Channel 99
2. Livestream online at <http://www.ci.richmond.ca.us/3178/KCRT-Live>

Public comments may be submitted in only one of the following ways:

1. Via mail received by 3:00 p.m. sent to 450 Civic Center Plaza, 3rd Floor, Office of the Clerk, Richmond, CA 94804.
2. Via email to cityclerkdept@ci.richmond.ca.us by 3:00 p.m.

Emails **MUST contain in the subject line 1) open forum for public comments – not on the agenda or 2) public comments – agenda item # [include the agenda item number]. All such email will be posted on-line and emailed to the City Council before the meeting is called to order. The Clerk will prepare summaries of all such email and the summaries will be read into the record. No email will be read into the record. Due to the high volume of emails received, emails that do not contain the correct identifying information in the subject line may be overlooked and may not become part of the record.**

3. Via email to cityclerkdept@ci.richmond.ca.us received after 6:25 p.m. (except for closed session items that can be submitted starting at 4:00 p.m.) and prior to the Clerk announcing the agenda item:

Emails **MUST contain in the subject line 1) open forum for public comments – not on the agenda or 2) public comments – agenda item # [include the agenda item number]. All such email will be posted on-line following the meeting. Due to the high volume of emails received, emails that do not contain the correct identifying information in the subject line may be overlooked and may not become part of the record.**

4. Via eComment. To leave a comment, click eComment on the City's Meeting & Agenda Center webpage at <https://richmond.granicusideas.com/meetings>, select

the item you wish to comment on and submit your written comment. The comment period will begin after the agenda is published and will close at 3:00 p.m. the day of the meeting. Comments received via eComment will be exported into a report, distributed to the City Council and staff and published on the City's Meeting & Agenda Center under Documents Received After Published Agenda.

5. Via Telephone. Email your telephone number with area code to cityclerkdept@ci.richmond.ca.us **after 6:25 p.m. (except for closed session items that can be submitted starting at 4:00 p.m.) and prior to the Clerk announcing the item you wish to speak on. Email MUST contain in the subject line 1) open forum for public comments – not on the agenda or 2) public comments – agenda item # [include the agenda item number].** You will be called during the public comment period and you will be given the opportunity to verbally submit public comment (not to exceed the allotted time – one, two or three minutes – for such comments as provided below). **Due to the high volume of emails received, emails that do not contain the correct identifying information in the subject line may be overlooked and may not become part of the record.**

The City cannot guarantee that its network and/or the site will be uninterrupted. To ensure that the City Council receives your comments, you are strongly encouraged to submit your comments in writing in advance of the meeting.

Record of all public comments:

All public comments will be considered a public record, put into the official meeting record. All public comments will be available after the meeting as supplemental materials and will be posted as an attachment to the meeting minutes when the minutes are posted: <http://www.ci.richmond.ca.us/Archive.aspx?AMID=31>.

Procedures for Removing Consent Calendar Items from the Consent Calendar

Councilmembers and members of the public who wish to remove an item from the consent calendar must comply with the following procedures in order to remove an item from the consent calendar:

1. Telephone or email a City staff member who has knowledge of the subject matter by 2:00 p.m. on the day of meeting. Any staff member shown as an author of the agenda report for the particular item has knowledge of the subject matter and may be called.
2. Inform the City Clerk's Office by email at cityclerkdept@ci.richmond.ca.us or by phone at 510-620-6513, ext. 9, by 3:00 p.m. that they discussed the matter with staff with knowledge of the subject matter and that such Councilmember or member of the public, nonetheless, desires the item to be removed from the consent calendar for discussion.

Staff will be informed by the City Clerk's Office as soon as reasonably practicable after notice of the request to remove the item from the consent calendar. Staff may attend the meeting remotely.

Accessibility for Individuals with Disabilities

Upon request, the City will provide for written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services and sign language interpreters, to enable individuals with disabilities to participate in and provide comments at/related to public meetings. Please submit a request, including your name, phone number and/or email address, and a description of the modification, accommodation, auxiliary aid, service or alternative format requested at least two days before the meeting. Requests should be emailed to cityclerkdept@ci.richmond.ca.us or submitted by phone at 510-620-6513, ext. 9, or 510-620-6509. Requests made by mail to City Clerk's Office, City Council meeting, 450 Civic Center Plaza, Richmond, CA 94804 must be received at least two days before the meeting. Requests will be granted whenever possible and resolved in favor of accessibility.

Effect of Advisory on In-person public participation

During the pendency of the Executive Order N-29-20, the language in this Advisory portion of the agenda supersedes any language below in the meeting procedures contemplating in-person public comment.

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

4:00 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 REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8):

Property: Pt Molate
Agency negotiators: Laura Snideman
Negotiating parties: Winehaven Legacy LLC (SunCal)
Under negotiations: price and terms of payment

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(paragraph (1) of Subdivision [d] of Government Code Section 54956.9):

San Francisco Baykeeper and West County Toxics Coalition 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

PUBLIC EMPLOYEE APPOINTMENT (Government Code Section 54957.6):

Title: City Attorney

CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6):

Agency Representatives: Jack Hughes
Employee organizations:

1. SEIU Local 1021 Full Time Unit
2. SEIU Local 1021 Part Time Unit
3. IFPTE Local 21 Mid-Level Management Unit
4. IFPTE Local 21 Executive Management Unit
5. Richmond Police Officers Association RPOA
6. Richmond Police Management Association RPMA
7. IAFF Local 188
8. Richmond Fire Management Association RFMA

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 recommendation from the City Council Ad Hoc Committee to award \$30,000 in FY 2020-21 Environmental Community Investment Agreement (ECIA) Grant funds (Category 3 - City Council Approved Award) to three (3) Richmond-serving non-profit organizations and AUTHORIZE the City Manager to negotiate and execute Grant Service Agreements with approved grantees - City Manager's Office (LaShonda White 620-6512).
 - G-2. APPROVE funding for a month to month lease with North Richmond Properties, Inc. for both trailers and to continue leasing space to store containers and landscaping equipment, in an amount not to exceed \$29,700 - Public Works Department (Yader A. Bermudez 774-6300).
 - G-3. APPROVE a two-year contract with All Star Glass, Inc., in an amount not to exceed \$15,000 per fiscal year, plus two one-year extension options - Public Works Department (Yader A. Bermudez 774-6300).
 - G-4. APPROVE the cost to outfit the two newly purchased fire apparatus-pumpers from Hi-Tech in an amount not to exceed \$17,252.68 and APPROPRIATE the budget from the Equipment Services fund balance - Public Works Department (Yader A. Bermudez 774-6300).
 - G-5. APPROVE a contract with Wadsworth Glass Inc. to supply window supplies and services for City buildings on an as-needed basis in an amount not to exceed \$100,000 over a three-year period, with an option to extend two years - Public Works Department (Yader A. Bermudez 774-6300).

- G-6.** APPROVE an appointment to the Workforce Development Board; APPOINT John Short, re-appointment, seat #21, business representative, term expiration date March 1, 2024 - Office of the Mayor (Mayor Tom Butt).
- G-7.** APPROVE appointments to the Planning Commission: APPOINT Nancy Baer re-appointment, seat #1, term expiration date June 30, 2022; Jen Loy re-appointment, seat #2, term expiration date June 30, 2022; Michael Huang re-appointment, seat #5, term expiration date June 30, 2022 - Office of the Mayor (Mayor Tom Butt).
- G-8.** APPROVE an appointment to the Youth Council: APPOINT Jocelyn Khansouvong, appointment, seat #3, term expiration date October 1, 2020 - Office of the Mayor (Mayor Tom Butt).
- G-9.** APPROVE an appointment to the Commission on Aging: APPOINT Timothy Walker, re-appointment, seat #10, term expiration date May 19, 2024 - Office of the Mayor (Mayor Tom Butt).
- G-10.** APPROVE an appointment to the Citizens Police Review Commission; APPOINT Joseph Schlemmer, new appointment, seat #5, filing an unexpired term with an expiration date November 1, 2021 - Office of the Mayor (Mayor Tom Butt).
- G-11.** ADOPT an ordinance (second reading) establishing certain fees for the proposed Master Fee Schedule and after the second reading of the ordinance, ADOPT a resolution setting the dollar amount for the new fees and adjusting the dollar amount for current fees - Finance Department (Belinda Brown/Antonio Banuelos 620-6741).
- G-12.** APPROVE the City Manager's response to Grand Jury Report No. 2004 entitled, "Police Department Staffing," and submittal to the 2019-2020 Contra Costa County Civil Grand Jury - City Manager's Office (Laura Snideman 620-6512).
- G-13.** APPROVE the City Manager's response to Grand Jury Report No. 2007 entitled "Wildfire Preparedness in Contra Costa County", and submittal of the response to the 2019-2020 Contra Costa County Civil Grand Jury - City Manager's Office (Laura Snideman 620-6512).
- G-14.** APPROVE a First Amendment to the contract with the Local Government Commission for one (1) AmeriCorps CivicSpark fellow to support citywide greenhouse gas (GHG) reduction and climate action efforts increasing the amount of the contract by \$32,000, for a total contract amount not to exceed \$58,000 funded by the ECIA CAP budget - City Manager's Office (Shasa Curl/Samantha Carr 620-6512).

- G-15.** APPROVE amendment No. 5 to the Joint Powers Agreement between the City of Richmond and the West County Wastewater District as members of the West County Agency, which authorizes a contract with Carollo Engineers, Inc. for the design and construction of the Sodium Bisulfite facilities located at the Richmond Wastewater Treatment Plant in an amount not to exceed \$4,900,000 (which includes a 10% cost contingency), for which the City's obligations would be 65% or \$3,185,000 and West County Wastewater District's obligations would be 35% or \$1,715,000, and ADOPT a resolution to ratify the budget for the West County Agency for Fiscal Year 2020-21 and to approve the City of Richmond's contributions as specified herein - Public Works Department (Yader A Bermudez 774-6300/Mary Phelps 621-1269).
- G-16.** APPROVE the minutes of the June 16, and 23, 2020, and July 7, 2020, Regular City Council Meetings and June 30, 2020 and July 2, 2020, Special City Council Meetings - City Clerk's Office (Pamela Christian 620-6513).
- G-17.** DESIGNATE Mayor Tom Butt as voting delegate and Vice Mayor Nathaniel Bates as an alternate to represent the City of Richmond at the Annual Business Meeting of the League of California Cities' 2020 Annual Conference, to be held at the Convention Center in Long Beach, Wednesday, October 7 through Friday, October 9, 2020 - City Clerk's Office (Pamela Christian 620-6513).

H. RESOLUTIONS

- H-1.** ADOPT a resolution ratifying the Director of Emergency Service's Fourth Supplemental Order by extending timelines for certain eviction issues related to COVID-19 until the City Council takes action to extend the Order to a date certain, or, in the alternative, decline to ratify and extend the Order, thereby terminating the Order and allowing County Order (Ordinance No. 2020-20) to apply in its entirety to the City of Richmond - Community Development Department (Lina Velasco 620-6706).

I. COUNCIL AS A WHOLE

- I-1.** REVIEW and PROVIDE direction on the draft resolution for the November 3, 2020, ballot which would amend the City's business tax rate structure to authorize the City to tax businesses based on a range from 0.075% to 1.395% of gross receipts instead of charging based on the number of employees. The new methodology would charge the highest rates on businesses with the most gross revenue, with exemptions for small businesses with gross receipts under \$250,000, and is estimated to generate \$4.9 million in additional revenue until ended by voters. Based on City Council's feedback, staff will return with the final proposed ballot measure on the July 28, 2020, City Council meeting - Finance Department (LaShonda White/Belinda Brown/Antonio Banuelos 620-6741).

I-2. AMEND the Fiscal Year 20/21 budget to reduce the Office of Neighborhood Safety budget by two Neighborhood Change Agents in the amount of \$227,694 and vote to apply the funding to the overall budget reduction - Councilmember Eduardo Martinez (620-6593) and Vice Mayor Nat Bates (620-6743).

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.