



Community Services Building
440 Civic Center Plaza
Richmond, CA 94804

AGENDA
Tuesday, October 20, 2020
5:30 p.m.

PLEASE SEE
PUBLIC COMMENT PROCEDURES
HIGHLIGHTED IN RED

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 comment may be submitted by mail, email and/or Zoom video conference in the manner that follows; provided that no member of the public may submit more than one verbal comment per agenda item.

1. Via mail received by 1:00 p.m. the day of the meeting, 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 1:00 p.m. the day of the meeting.

Emails **MUST** contain in the subject line 1) public comments – Open Session prior to Closed Session; 2) public comments – Open Forum; or 3) 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 individual email will be read into the record, only the summaries.** 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. **Email received after 1:00 p.m. will not be summarized nor read into the record. Email received after 1:00 p.m. will, however, be posted on-line following the meeting as part of the supplemental materials attached to the meeting minutes.**

3. Via Zoom by video conference or by phone using the following link/call-in numbers – for Open Session and City Council:

Please click the link below to join the webinar:

<https://zoom.us/j/99312205643?pwd=MDdqNnRmS2k4ZkRTOWhlUldQOUF1Zz09>

Passcode: ccmeeting

Or iPhone one-tap:

US: +16699006833,,99312205643# or +13462487799,,99312205643#

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 669 900 6833 or +1 346 248 7799 or +1 253 215 8782 or +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592

Webinar ID: 993 1220 5643

International numbers available: <https://zoom.us/j/99312205643>

a. To comment by video conference, click on the Participants button at the bottom of your screen and select the **“Raise Your Hand”** button to request to speak when Public Comment is being asked for. Speakers will be called upon in the order they select the “Raise Your Hand” feature. When called upon, you will be unmuted. After the allotted time, you will then be re-muted. **

b. To comment by phone, you will be prompted to “Raise Your Hand” by pressing **“*9”** to request to speak when Public Comment is asked for. When called upon, you will be unmuted. After the allotted time, you will then be re-muted. Instructions of how to raise your hand by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663> -Joining-a-meeting-by-phone. **

**The clerk will announce the item number and ask individuals who would like to address the Council to raise their hand. After the clerk reads the item into the record, the request to speak period on the item will be closed.

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 public comments:

Public comments will be considered a public record, put into the official meeting record. 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.

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

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

One case

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

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

Property: Terminal 3

Agency negotiators: Laura Snideman and Jim Matzorkis

Negotiating parties: Terminal 3 Partners

Under negotiations: price and terms of payment

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 contract between Unity Courier Service, Inc. and the Richmond Public Library for the period of July 1, 2020, to June 30, 2025, to provide courier services for Link+, the Library's interlibrary loan service - Library and Community Services, Library Division (Sal Vaca 307-8006/Jane Pratt 620-5452).
 - G-2. APPROVE a sole-source agreement with Hyland Software, Inc., to provide maintenance for the SIRE Agenda Management and City Council Meeting Voting Systems, in an amount not to exceed \$30,000 for Fiscal Year (FY) 2020-21 - City Clerk's Office (Pamela Christian 620-6513).
 - G-3. APPROVE proposed contracts with two existing vendors currently used by the Police Department to conduct polygraph examinations (Shannon Layer Polygraphs and Mercedes Orozco dba Get Polygraphed!) for a total combined contract amount not to exceed \$30,000 (\$15,000 per vendor) with the term of each contract for three-years November 1, 2020, to November 1, 2023 - Police Department (Chief Bisa French 621-1802).
 - G-4. APPROVE an interagency agreement with the Contra Costa County Health Services Department to provide mental health outreach services from July 1, 2020, through June 30, 2021; and ACCEPT and APPROPRIATE \$153,175 in AB109 Realignment funds - Police Department (Chief Bisa French 621-1802).

- G-5.** ADOPT a resolution to ACCEPT and APPROPRIATE \$15,000 in funding from the United States Department of Homeland Security; and APPROVE a contract with Cellbrite for a cellular phone analyzing tool in the amount of \$15,000 and for the software annual licensing fee of \$4,700 for the duration of the contract (November 1, 2020, to November 1, 2024) in an amount not to exceed \$23,500 - Police Department (Chief Bisa French 621-1802).
- G-6.** APPROVE a purchase from LC ACTION POLICE SUPPLY for tactical safety helmets, upper body protection, and batons for the Police Department's patrol and investigative units in an amount not to exceed \$38,832.91 - Police Department (Police Chief Bisa French 621-1802).
- G-7.** APPROVE a sole-source agreement with the Contra Costa County District Attorney's Office for the continued and dedicated services of a deputy district attorney who would be specifically assigned as Richmond's Community Based Prosecutor, in an amount not to exceed \$100,000 from July 1, 2020, through June 30, 2021 - Police Department (Chief Bisa French 621-1802).
- G-8.** APPROVE the purchase of one "GrayKey" device and a three-year (November 1, 2020, to November 1, 2023) corresponding software license, in an amount not to exceed \$50,475, which will allow Richmond Police Department investigators to access cellular telephones for Human Trafficking and criminal evidence retrieval in a lawful, timely, and fiscal manner - Police Department (Chief Bisa French 621-1802).
- G-9.** ACCEPT and APPROPRIATE CARES Act and FEMA Public Assistance grants related to City of Richmond's COVID-19 Emergency Response; APPROVE the draft CARES Act expenditure plan allocating \$1,356,676 million in funding to support City-related costs, including \$150,000 in support to Richmond residents impacted by COVID-19 through the Richmond Rapid Response Fund (R3F); AUTHORIZE the City Manager or her designee to enter into a contract with EdFund West for the management of the R3F allocation; and AUTHORIZE the City Manager to make adjustments to the CARES Act expenditure plan, as needed, per approved state guidelines. - City Manager's Office, Finance and Emergency Services (LaShonda White 620-6828; Belinda Brown/Markisha Guillory 620-5434; Genevieve Pastor-Cohen 620-5429).
- G-10.** APPROVE an amendment to the standard contract with Steven Falk to serve as Acting City Manager of the City of Richmond maintaining the scope of work and term from October 7, 2020 to November 7, 2020, while increasing the contract payment limit to \$35,000 - City Manager's Office (LaShonda White 620-6512).
- G-11.** ADOPT a resolution approving the Side Letter between the Richmond Police Officers' Association (RPOA) and the City of Richmond - Human Resources Department (Anil Comelo 620-6609).

- G-12.** APPROVE a contract amendment No. 1, increasing the contract amount by \$40,000, for a total contract amount of \$50,000, with Silver & Wright, LLP, to prepare amendments to the Richmond Municipal Code to implement a comprehensive administrative enforcement and citation program, update the City's Rental Inspection ordinance to improve enforcement mechanism for compliance, update legal notices and documents, and conduct training for City staff for new procedures - Community Development Department (Lina Velasco, (510) 620-6706).
- G-13.** APPROVE a grant-funded contract with Stantec Consulting Services to assist the Community Development Department with closeout reports associated with the City's Fiscal Year 2016 United States Environmental Protection Agency (EPA) Brownfields Assessment Grant and assistance in preparing the City's Fiscal Year 2021 EPA Brownfields Assessment Grant application for a total contract amount not to exceed \$71,986, with a term ending June 30, 2021- Community Development Department (Lina Velasco 620-6706).
- G-14.** INTRODUCE an ordinance (first reading) adding Chapter 1.14 of the RMC regarding Cost Recovery, and amending Chapters 1.04, 2.62, 2.63, 6.40, 9.04, 9.22, 9.40, 9.42, 9.50, and 11.76, to create and implement a comprehensive fine and cost recovery program for all nuisance abatement actions - Community Development Department (Lina Velasco 620-6706).
- G-15.** APPROVE a three-year contract with Elevator Industries, Inc. for the service and repairs of all City-owned elevators in an amount not to exceed \$225,000 with an option to extend two years at \$75,000 per year - Public Works Department (Yader A. Bermudez 774-6300).
- G-16.** ADOPT a resolution to ACCEPT and APPROPRIATE \$1,903,395 in federal funds from the California Department of Transportation for the City's Bridge Preventive Maintenance Program - Public Works Department (Yader A Bermudez 774-6300/Tawfic Halaby 621-1612).
- G-17.** ADOPT a resolution awarding a sole-source professional services contract to Nichols Consulting Engineers, Chtd, in an amount not to exceed \$744,728, for the design of the 13th Street Complete Streets Project - Public Works Department (Yader A. Bermudez 774-6300/Tawfic Halaby 621-1612).
- G-18.** ADOPT a resolution to AUTHORIZE a contract with Willdan Financial Service Services for the mailing of the Public Outreach Information regarding the Sewer Rate Increase in the amount of \$13,070 for a total contract amount not to exceed \$41,450.00 - Public Works Department (Yader A. Bermudez 774-6300/Mary Phelps 621-1269).

- G-19.** APPROVE contract amendment number three in the amount of \$250,000 with Gordon & Rees, LLP for a total contract amount not to exceed \$775,000 for the evaluation, audit and legal review of the City's Wastewater Operations (as contracted by Veolia Water North America) - Public Works Department (Yader Bermudez 774-6300)
- G-20.** APPROVE the purchase of two 2021 Ford Super Duty F350 XL trucks from National Auto Fleet Group in an aggregate amount not to exceed \$100,000 – Department of Public Works (Yader A. Bermudez 774-6300).
- G-21.** ADOPT a resolution: (1) authorizing the application for grant-funds from the California Department of Housing and Community Development's (HCD) CalHome Program in an amount not to exceed \$5,000,000 to provide rehabilitation loans to low income households for Accessory Dwelling Unit (ADU) conversions, and (2) authorizing the city manager or their designee to execute related documents to accept the grant and expend grant-funds as approved by Housing and Community Development - Community Development Department (Lina Velasco 620-6706).
- G-22.** ADOPT resolution authorizing staff to submit grant applications for any and all CalRecycle grants for which the City of Richmond is eligible - Public Works Department (Yader A. Bermudez 774-6300).

H. PUBLIC HEARINGS

- H-1.** INTRODUCE an ordinance (first reading) amending section 15.04.104.020, Definitions, section 15.04.201.020, Land Use Regulations, section 15.04.201.030.A, Accessory Building Height, section 15.04.201.050.B, Accessory Building Height, section 15.04.202.020, Land Use Regulations, section 15.04.607.040, Calculation of Parking Requirements, and section 15.04.610.030, Accessory Short-Term Rentals (“Home-Shares”) and repealing section 15.04.610.020, Accessory Dwelling Units, and adopting section 15.04.610.020, Accessory Dwelling Units and Junior Accessory Dwelling Units of the Richmond Municipal Code Regarding Accessory Dwelling Units and Junior Accessory Dwelling Units - Community Development Department (Lina Velasco/ Emily Carroll 620-6706). **This item was continued from the September 8, September 15, and October 6 2020, meetings.**
- H-2.** HOLD a public hearing to: (1) INTRODUCE an ordinance amending the Richmond Municipal Code in relation to the City's inclusionary housing program; and (2) ADOPT a resolution amending inclusionary housing in-lieu fees for residential developments and adopting non-residential linkage fees for non-residential developments - Community Development Department (Lina Velasco (510) 620-6706).

I. COUNCIL AS A WHOLE

I-1. ADOPT a City Council District Residency Policy - Office of the Mayor (Mayor Tom Butt 620-6503).

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.