



**Community Services Building
440 Civic Center Plaza
Richmond, CA 94804**

**AGENDA
Tuesday, May 18, 2021
4:30 p.m.**

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
Demnlus Johnson III

Councilmembers
Nathaniel Bates
Claudia Jimenez
Eduardo Martinez
Gayle McLaughlin
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. **No individual 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. Email received after 1:00 p.m. will 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=MDdqNnRmS2k4ZkRTOWhUldQOUF1Zz09>
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, press the unmute button. 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 asked to unmuted by pressing *6. 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 mayor will announce the agenda item number and open public comment when appropriate. Individuals who would like to address the Council should raise their hand. The mayor will close public comment when public comment is concluded.**

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.

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

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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**

4:30 p.m.

A. ROLL CALL

CLOSED SESSION

CITY COUNCIL

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

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

B. PUBLIC COMMENT BEFORE CLOSED SESSION

C. ADJOURN TO CLOSED SESSION

REGULAR MEETING OF THE RICHMOND CITY COUNCIL

6:30 p.m.

- A. **ROLL CALL**
- B. **PUBLIC COMMENT INSTRUCTIONAL VIDEO**
- C. **STATEMENT OF CONFLICT OF INTEREST**
- D. **AGENDA REVIEW**
- E. **REPORT FROM THE CITY ATTORNEY OF FINAL DECISIONS MADE DURING CLOSED SESSION**
- F. **REPORT FROM THE CITY MANAGER**
- G. **OPEN FORUM FOR PUBLIC COMMENT**
- H. **CITY COUNCIL CONSENT CALENDAR**
 - H-1. APPROVE Amendment No. 9 to the contract with Tyler Technologies for Software as a Service (SaaS) for the MUNIS Enterprise Resource Planning (ERP) System, extending the contract term by three years to June 30, 2024, and increasing the contract amount by \$1,569,729.00 with a total contract amount not to exceed \$8,993,374.75 - Information Technology Department (Sue Hartman 620-6874).
 - H-2. APPROVE Amendment No. 3 to the contract with Mallory Safety and Supply, LLC for testing and repairs of Scott face masks and self-contained breathing apparatus (SBCA) equipment, increasing the payment limit by \$49,950, to a total contract amount not to exceed \$149,850, and extending the term of the contract to June 30, 2024 - Fire Department (Interim Chief Michael E. Smith 307-8041).
 - H-3. APPROVE the sole-source contract with Definitive Networks, Inc. to provide remote electronic patient care report monitoring, quality improvement, on-site training and other technical support services in support of the Fire Department's emergency medical services program, for a total amount not to exceed \$194,400 through June 30, 2024 - Fire Department (Interim Chief Michael E. Smith 307-8041).

- H-4.** ADOPT a resolution of the City Council of the City of Richmond, waiving the privilege under Business & Professions Code Section 6149 to allow for a limited waiver of the attorney-client privilege, while retaining all other aspects of the attorney-client privilege and all other exemptions set forth under the California Public Records Act to allow for public disclosure of agreements the City enters into for the provision of all legal services - City Attorney's Office (Teresa L. Stricker 620-6509).
- H-5.** APPROVE (1) a first amendment to add an additional \$350,000 to the legal services agreement with the law firm of Downey Brand LLP for services rendered from April 1, 2021, through June 30, 2025, to represent the City in litigation relating to the development at Point Molate litigation and (2) a fifth amendment to add an additional \$100,000 to the legal services agreement with the law firm of Downey Brand LLP for services rendered from April 1, 2021, through June 30, 2025, to provide legal services in connection with the ongoing obligations under the agreements for development at the site - City Attorney's Office (Teresa L. Stricker 620-6509).
- H-6.** APPROVE a one-year contract in the amount of \$82,200 with an additional two-year extension option of \$173,400 with Forster & Kroeger in an amount not to exceed \$255,600 for vegetation management services at Point Molate. The contract term for one year will be from July 1, 2021, to June 30, 2022 - Public Works Department (Joe Leach 620-5478/Greg Hardesty 620-6920).
- H-7.** APPROVE the following for the Via Verdi landslide, ADOPT a Mitigated Negative Declaration, ADOPT a resolution authorizing the award of a construction contract to Bay Cities Paving & Grading, Inc. (7,406,521.86 including contingencies), APPROVE a design contract amendment with Nichols Consulting Engineers (\$976,900), and APPROVE a construction management contract amendment with mack5 (\$639, 634) - Public Works Department (Joe Leach 620-5478/Tawfic Halaby 621-1612).
- H-8.** RECEIVE the Veolia Monthly Operating Report for the month of March 2021 – Public Works Department (Joe Leach 620-5478).
- H-9.** ADOPT a resolution approving the emergency justification for the purchase of the gear box and mechanical equipment required to repair the Number 2B Aerator at the Wastewater Treatment Plant in an amount not to exceed \$70,500 - Public Works Department (Joe Leach 620-5478).
- H-10.** ADOPT a resolution accepting the 2020 Annual Progress Report for the City's Housing Element (2015-2023) - Community Development Department (Lina Velasco 620-6706).

- H-11.** ADOPT a resolution authorizing contracts with three firms (Anita L. Tucci-Smith; Cybertary.com; and Sherri D. Lewis) for on-call transcription services in an amount not to exceed \$50,000 per firm, over three years, with an option to extend the contracts for two years - Community Development Department (Lina Velasco 620-6706).
- H-12.** ADOPT a resolution authorizing an application for State Department of Housing and Community Development (HCD) Affordable Housing and Sustainable Communities Program (AHSC) funds for the Metrowalk Phase 2 Housing Project and designating the city manager or designee to execute the necessary agreements with HCD and Bay Area Rapid Transit to complete the project components, if grant funds are awarded - Community Development Department (Lina Velasco 620-6706).
- H-13.** ADOPT a resolution authorizing submittal of the City of Richmond's Measure J 2018 & 2019 "Growth Management Program Compliance Checklist" to Contra Costa Transportation Authority (CCTA) to receive allocation of Fiscal Year 2019-20 & 2020-21 Local Street Maintenance and Improvement Funds - Community Development Department (Lina Velasco 620-6706).
- H-14.** APPROVE Amendment No. 3 to the contract with Waxie Sanitary Supply to increase the number of smart trash and recycling receptacles and provide necessary services for current stations, increasing the amount of the contract by \$303,275 for a total contract amount of \$900,000 and extend the contract term to June 30, 2022 - City Manager's Office (Shasa Curl/Samantha Carr 620-6512).
- H-15.** ADOPT an ordinance (second reading) repealing Chapter 12.62 "One-Percent for Public Art on Private Projects Program" and Resolution 70-97 "Establishing Public Works Improvements Arts Program" and adding Chapter 6.50 entitled "Public Art Program" to the Richmond Municipal Code and ADOPT an ordinance (second reading) amending Chapter 3.59 of the Richmond Municipal Code entitled "Arts and Culture Commission" - City Manager's Office (Shasa Curl/Winifred Day 620-6512).
- H-16.** APPROVE Amendment No. 3 to the Chevron Environmental and Community Investment Agreement (ECIA) to provide administrative updates and allow the City to use \$400,000 in funds from the competitive grant category to help offset City general fund obligations to specific community-based organizations - City Manager's Office (Laura Snideman/LaShonda White 620-6512).
- H-17.** RECEIVE the City's Investment and Cash Balance Report for the month of March 2021 - Finance Department (Belinda Brown/Delmy Cuellar 620-6740).
- H-18.** APPROVE amendments to the contracts with Municipal Resources Group, LLC and with Regional Government Services each in the amount of \$20,000 for a total amount not to exceed of \$30,000 - Human Resources Department (Anil Comelo 620-6609).

- H-19.** APPROVE a contract with Regional Government Services to provide expertise on an as-needed basis in a variety of functional areas such as Human Resources and Accounting in an amount not to exceed \$250,000 - Human Resources Department (Anil Comelo 620-6609).
- H-20.** APPROVE the Fiscal Year 2021-2022 Recreation, Community Services Department Mini-Grant (CSD Mini-Grant) program guidelines, application, and award letter agreement and AUTHORIZE the city manager or designee to administer grant award agreements and disburse \$50,000 in grant-funds upon selection of recipients - Library and Community Services Department (Jim Nantell/Johann Frazier 620-6950).
- H-21.** APPROVE an amendment to the contract with the Oakland Private Industry Council to provide additional services as the Contracting & Vendor Pay Agent for Individual Training Accounts and On-the-Job Training activities for the Workforce Innovation and Opportunity Act (WIOA) program participants. The contract term will be extended through June 30, 2022. The contract amount will be increased by \$130,489 for a total contract amount not to exceed \$477,848 - Library and Community Services Department (Jim Nantell/Jill Perry 307-8012).
- H-22.** ACCEPT and APPROPRIATE a \$855,380 grant award from the California Energy Commission (CEC) and in-kind match contributions to administer the grant in accordance with the funding agreement and APPROVE grant-funded contracts with the subcontractors identified within the grant to implement the programs - Library and Community Services Department (Jim Nantell/Denée Evans 307-8006).
- H-23.** APPROVE the minutes of the April 6 and 20, 2021, Regular Meetings - City Clerk's Office (Pamela Christian 620-6513).
- H-24.** PROCLAMATION declaring May 16 – 23, 2021, as Public Works Week in the City of Richmond - Office of the Mayor (Mayor Tom Butt 620-6503).
- H-25.** EXTEND the term of the Reimagining Public Safety Task Force to September 30, 2021 - Councilmembers Melvin Willis (412-2050) and Claudia Jimenez (620-6565).

I. COUNCIL AS A WHOLE

- I-1.** RECEIVE a report regarding the status and steps needed to establish new district boundaries within the City of Richmond and DIRECT staff to engage with National Demographics Corporation to commence with the redistricting process to provide map options for City Council consideration - City Clerk's Office (Pamela Christian 620-6513).
- I-2.** RECEIVE a presentation and PROVIDE feedback on how Richmond should spend its \$27.7 million American Rescue Plan Act allocation - City Manager's Office/Finance Department (Laura Snideman/LaShonda White 620-6512).

I-3. DIRECT staff from the Planning Division to work with the Homeless Task Force on various proposals (which will eventually be reviewed by the Ad Hoc Committee) to assist our unhoused community - Councilmember Gayle McLaughlin (620-6636).

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: <http://sireweb.ci.richmond.ca.us/sirepub/meet.aspx>