



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

**SPECIAL AGENDA  
Tuesday, August 24, 2021  
5:00 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**

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**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 Orders N-29-20 and N-08-21** 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](mailto: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 – 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.**

2. 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, 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.**

*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](mailto: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](mailto: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 Orders N-29-20 and N-08-21**, 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:

**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

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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).

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**SPECIAL OPEN SESSION TO HEAR PUBLIC COMMENT  
BEFORE CLOSED SESSION**

5:00 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):

SPRAWLDEF et al. v. City of Richmond  
North Cost Rivers Alliance et al./Point Molate Alliance et al. v. City of Richmond

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
(Significant exposure to litigation pursuant to paragraph (2) or (3) of Subdivision  
(d) [as applicable] of Government Code Section 54956.9): Three cases.

In light of the California Court of Appeals' decision in Fowler v. City of Lafayette,  
the City Attorney's Office is attaching to this agenda two letters regarding the  
amended judgment and various agreements related to Point Molate. These letters  
provide the existing facts and circumstances for going into closed session on these  
items pursuant to California Government Code Section 54956.9(d)(2) and (e)(3).

**B. PUBLIC COMMENT BEFORE CLOSED SESSION**

**C. ADJOURN TO CLOSED SESSION**

## SPECIAL 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. REPORT FROM POLICE CHIEF
- H. CITY COUNCIL CONSENT CALENDAR

**H-1.** APPROVE a \$290,000 amendment to the legal services agreement with the law firm of Burke Williams & Sorensen, LLP for services rendered from April 1, 2021, through June 30, 2023 for the Hacienda Project and other RHA projects - City Attorney's Office (Teresa L. Stricker 510-620-6509). **This item was continued from the cancelled July 20, 2021, and July 27, 2021, meeting.**

**H-2.** APPROVE a \$40,000 amendment to the legal services agreement with the law firm of Burke, Williams & Sorensen, LLP for services rendered from July 1, 2021, through June 30, 2023, for general municipal and personnel matters - City Attorney's Office (Teresa L. Stricker 510-620-6509). **This item was continued from the cancelled July 20, 2021, and July 27, 2021, meeting.**

**H-3.** APPROVE a \$50,000 legal services agreement with the law firm of Best, Best & Krieger for services rendered from April 1, 2021, through June 30, 2023, for general municipal matters - City Attorney's Office (Teresa L. Stricker 510-620-6509). **This item was continued from the cancelled July 20, 2021, meeting.**

**H-4.** APPROVE a legal services agreement in the amount of \$80,000 with Oppenheimer Investigations Group LLP to conduct personnel investigations and a first amendment in an amount of \$40,000 to an existing legal services agreement with the law firm of Bertrand, Fox, Elliot, Osman & Wenzel for a total contract amount of \$50,000 to provide ongoing labor and employment legal advice to the Human Resources Department - Human Resources Department (Marc Fox 510-620-6602). **This item was continued from the cancelled July 20, 2021, meeting and the regular July 27, 2021, meeting.**



**I. COUNCIL AS A WHOLE**

- I-1.** CONSIDER forming an Inter-Agency Liaison Committee between the City of Richmond and AC Transit to discuss transit related matters on a quarterly schedule and direct staff to send a letter of interest to AC Transit - Councilmembers Claudia Jimenez (510-620-6565) and Melvin Willis (510-412-2050). **This item was continued from the cancelled July 20, 2021, meeting.**
  
- I-2.** RECEIVE a report from the Richmond-Shimada Friendship Commission - Councilmember Nathaniel Bates (510-620-6743). **This item was continued from the July 27, 2021, meeting.**
  
- I-3.** RECEIVE an annual report from the Richmond Youth Council - Vice Mayor Demnlus Johnson, III (510-620-6568). **This item was continued from the July 27, 2021, meeting.**

**J. ADJOURNMENT**

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*This agenda may be previewed on KCRT – Channel 28, Richmond Television, City website [www.ci.richmond.ca.us](http://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>*