



Community Services Building  
440 Civic Center Plaza  
Richmond, CA 94804

**AGENDA**  
**Tuesday, September 21, 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**

**Housing Authority Tenant Commissioners**  
Jaycine Scott  
Vacant

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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 – 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.](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](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

Tuesday, September 21, 2021

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:

**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).

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**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):

Sonia Christian v. City of Richmond, et al.

SPRAWLDEF et al. v. City of Richmond

North Coast 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) of Subdivision (d)  
and Subdivision (e) (3) 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 HOUSING  
AUTHORITY**

6:25 p.m.

**A. ROLL CALL**

**B. PUBLIC COMMENT INSTRUCTIONAL VIDEO**

**C. STATEMENT OF CONFLICT OF INTEREST**

**D. AGENDA REVIEW**

**E. HOUSING AUTHORITY CONSENT CALENDAR**

**E-1.** APPROVE the minutes of the July 27, 2021, Special Richmond Housing Authority meeting - City Clerk's Office (Pamela Christian 620-6513).

**F. HOUSING AUTHORITY AS A WHOLE**

**F-1.** ADOPT a resolution designating McCormack Baron Salazar and Richmond Neighborhood Housing Services as the preferred development team for the redevelopment and operation of Nystrom Village; AUTHORIZE the executive director of the Richmond Housing Authority (RHA) to negotiate an Exclusive Right to Negotiate Agreement (ERNA) for the redevelopment and operation of Nystrom Village with a term not to exceed ninety (90) days with an option for two mutually approved extensions of not more than thirty (30) days each - Richmond Housing Authority (Shasa Curl/Nannette Beacham 510-621-1300).

**G. ADJOURNMENT**



# 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. **RECENT CRIME REPORT FROM POLICE CHIEF**
- G. **ABATEMENT REPORT FROM THE PUBLIC WORKS DIRECTOR**
- H. **OPEN FORUM FOR PUBLIC COMMENT**
- I. **CITY COUNCIL CONSENT CALENDAR**
  - I-1. APPROVE a sole source contract with Stryker to provide maintenance, software updates, diagnostics, and certain repairs for emergency medical equipment used by the Fire Department, for a total amount not to exceed \$46,267.20 through August 31, 2024 - Fire Department (Interim Chief Michael E. Smith 510-307-8041).
  - I-2. APPROVE the sole source purchase of annual software maintenance from Zoll Data Systems, Inc. for the Fire Department's Records Management System for a period of three years, October 1, 2021, through September 30, 2024, in an amount not to exceed \$31,776 - Fire Department (Interim Chief Michael E. Smith 510-307-8041).
  - I-3. ADOPT a resolution authorizing the issuance of a task authorization to Veolia Water to manage (on behalf of the City) a subcontract with Bay Hawk, Inc. for Emergency On-Call Repairs to the sanitary and/or storm sewer collection systems in amount not to exceed \$825,000 [total annual repairs not to exceed \$750,000 with 10 percent mark-up of \$75,000]. This is a two-year contract with two (2) one-year options to renew - Public Works Department (Joe Leach 510-620-5478).

- I-4.** APPROVE the Omnia Partners contract with Herc Rentals Inc. and Sunbelt Rentals, Inc. and Cresco Equipment Rentals piggyback contract with the City and County of San Francisco for equipment and vehicle rentals to supplement Public Works' equipment and vehicle needs in an amount not to exceed \$270,000 per year for three (3) years with an option to extend for two (2) additional years at \$180,000 per year - Public Works Department (Joe Leach 510-620-5478).
- I-5.** APPROVE an amendment to the contract with Future Ford to include vehicle repairs on Fire Department truck #466 in an amount not to exceed \$19,000 - Public Works Department (Joe Leach 510-620-5478).
- I-6.** APPROVE the purchase of 823 Ohio Avenue for expansion of the Harbour 8 Park in an amount not to exceed \$195,000 - Public Works Department (Joe Leach 510-620-5478/Greg Hardesty 510-620-6920).
- I-7.** APPROVE a contract with Arborist Now, in an amount not to exceed \$13,800, for removal of eleven dead pine trees behind 5574 Amend Road. The contract term will be from September 15, 2021, to December 31, 2021 - Public Works Department (Joe Leach 510-620-5478/Greg Hardesty 510-620-6920).
- I-8.** ADOPT a resolution authorizing the city manager to execute an emergency contract with Bay Hawk, Inc., to demolish the City-owned building located at 824 Macdonald Avenue, in an amount not to exceed \$100,000 - Public Works Department (Joe Leach 510-620-5478/Tawfic Halaby 510-621-1612).
- I-9.** ACCEPT and APPROPRIATE a \$1,000 grant award from the Coalition for Clean Air, to fund the annual community bike ride event and related activities - Community Services - Transportation Division (LaShonda White/Denee Evans 510-621-1718).
- I-10.** ACCEPT and APPROPRIATE the \$27,535 grant award from CalRecycle's Beverage Container Recycling City/County Payment into the City of Richmond's Environmental and Health Initiatives Division- City Manager's Office (Shasa Curl/Samantha Carr 510-620-6512).
- I-11.** ADOPT a resolution to ACCEPT and APPROPRIATE into the Employment and Training Division Fiscal Year 2021-2022 budget \$1,043,164 in Federal, foundation, and local grant funds received from the U.S. Department of Labor, the Y & H Soda Foundation, and the Richmond Fund for Children and Youth - Library and Community Services Department (LaShonda White/Jim Nantell 510-307-8062).
- I-12.** APPROVE a contract amendment with Tactical K9 LLC, to provide K-9 maintenance training in an amount not to exceed an additional \$57,000 over a two-year term, \$28,500 per year, from January 2022 through December 2023. The original contract began May 1, 2020, and will now terminate December 31, 2023 - Police Department (Chief Bisa French 510-620-6640).

- I-13.** ADOPT a resolution authorizing the city manager, or designee, to enter into a Maintenance Agreement with Caltrans. The City of Richmond will be responsible for maintaining the signage and striping improvements that are installed at the intersection of Harbour Way South and Hoffman Boulevard as shown in Exhibit B - Public Works Department (Joe Leach 510-620-5478/Patrick Phelan 510-307-8111).
- I-14.** APPROVE a contract with Owen Equipment for the purchase of one (1) Vactor Model 2100i with Hydro-Excavation Package in the amount of \$529,683.81 and one (1) Vactor Model 2100i without Hydro-Excavation Package in an amount of \$525,223.68 for a total purchase price not to exceed \$1,054,907.49 - Public Works (Joe Leach 510-620-5478/Mary Phelps 510-621-1269).
- I-15.** DIRECT staff to contact Pacific Gas & Electric and the California Public Utilities Commission to request that each of them make a presentation to City Council in October or November 2021 to report their plans for repairing their infrastructure in Richmond to avoid frequent outages that have often lasted as long as 30+ hours - Councilmember Gayle McLaughlin (510- 620-6636)
- I-16.** ADOPT an ordinance (second reading) repealing Chapter 11.44 (Kite Flying), Chapter 11.60 (Minors) and Chapter 11.64 (Smoking on Motor Coaches) of the Richmond Municipal Code - Office of the Mayor (Mayor Tom Butt 510-620-6503).
- I-17.** APPROVE the minutes of the August 24, 2021, Special Meeting of the City Council - City Clerk's Office (Pamela Christian 510-620-6513).

**J. ORDINANCES**

- J-1.** INTRODUCE an ordinance (first reading) adding Chapter 9.59 to the Richmond Municipal Code (RMC), which prohibits the addition of new natural gas infrastructure in the City of Richmond, in connection with any: 1) newly constructed buildings; or 2) substantially rehabilitated buildings upgraded with public funds. The only exceptions to this natural gas ban on new construction are for infeasibility or for the public interest. "Infeasibility" is narrowly defined as the situation where there is no physically feasible way to construct the building and remain in compliance with the Energy Code. The "Public Interest" exception is limited to "minimally necessary and specifically tailored" exceptions that are found to serve the public interest. The ordinance would take effect on January 1, 2022 - Councilmember Eduardo Martinez (510-620-6593)

**K. COUNCIL AS A WHOLE**

**K-1.** DISCUSS and PROVIDE direction to staff to implement a street sweeping pilot program that engages stakeholders, is characteristic of the diversity of communities within the City and conforms to the City's National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit - Public Works Department (Joe Leach 510-620-5478) **This item was continued from the July 27, 2021, meeting.**

**K-2.** RECEIVE an update regarding the Richmond Police Department's current approach to unauthorized sideshows, which includes education, outreach and staff's recommendations for additional tools necessary to deter and prevent unauthorized sideshows and PROVIDE DIRECTION to staff - Police Department (Chief Bisa French/Captain Al Walle 510-621-1802).

**K-3.** RECEIVE a presentation from staff to discuss and answer questions regarding potential or actual restrictions on sanitary sewer hookups in Point Richmond - Office of the Mayor (Mayor Tom Butt 510-620-6503).

**K-4.** AUTHORIZE the city manager and city staff to implement a plan to transition the current RV encampment that straddles the Richmond Parkway south of North Castro Street to a managed Safe Park on North Castro Street, as shown in the Agenda Report; and DIRECT funding for management will come from funds appropriated for the contract with East Bay Housing Services and Rebuilding Together East Bay North (some revisions to the draft agreement with Rebuilding Together East Bay North will be required) - Office of the Mayor (Mayor Tom Butt 510-620-6503).

**K-5.** DIRECT staff to develop an ordinance amending the Richmond Municipal Code to regulate permanent encroachments by adjacent property owners, such as fencing and landscaping improvements - Office of the Mayor (Mayor Tom Butt 510-620-6503).

**L. REPORTS OF OFFICERS: REFERRALS TO STAFF, AND GENERAL REPORTS (INCLUDING AB 1234 REPORTS)**

**M. 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>*