



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

**AGENDA
Tuesday, October 5, 2021
5:30 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 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 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 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 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).

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

5:30 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):

Levin Richmond Terminal Corp v. City of Richmond (Two cases)

Wolverine Fuels Sales LLC v. City of Richmond (One case)

Phillips 66 Co. v. City of Richmond (Two cases)

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 HOUSING
AUTHORITY**

6:25 p.m.

- A. **ROLL CALL**
- B. **PUBLIC COMMENT INSTRUCTIONAL VIDEO**
- C. **STATEMENT OF CONFLICT OF INTEREST**
- D. **REPORT FROM THE EXECUTIVE DIRECTOR**
- E. **OPEN FORUM FOR PUBLIC COMMENT**
- F. **AGENDA REVIEW**
- G. **HOUSING AUTHORITY CONSENT CALENDAR**
 - G-1. ADOPT a resolution authorizing a contract amendment for as-needed temporary staffing services with Renoir Staffing in an amount of \$180,000 for a total amount not to exceed \$330,000 - Richmond Housing Authority (Nannette Beacham/Sharrone Taylor 510-621-1309).
- H. **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 THE CHIEF OF POLICE**
- G. **ABATEMENT REPORT FROM THE PUBLIC WORKS DIRECTOR**
- H. **OPEN FORUM FOR PUBLIC COMMENT**
- I. **CITY COUNCIL CONSENT CALENDAR**
 - I-1. APPROVE contract amendment No. 1 with Larry Walker Associates in the amount of \$320,000, for a total amount not to exceed \$520,000 to assist with the Environmental Compliance Program Inspections, Sampling and the City's National Pollutant Discharge Elimination System (NPDES) and Stormwater Municipal Regional Permit (MRP) - Public Works Department (Joe Leach 510-620-5478/Mary Phelps 510-621-1269).
 - I-2. ADOPT a resolution authorizing the issuance of a task authorization to Veolia Water to manage (on behalf of the City of Richmond) subcontracts with W.R. Forde and Associates, VW Housen and Questa Engineers to replace and or rehabilitate specific sanitary sewer pipelines in an amount not to exceed \$474,274.50 [W.R. Forde and Associates. cost of \$317,000 plus 16.5 percent mark-up of \$52,305, plus 15 percent contingency of \$47,550 plus 9 percent mark-up of \$4,279.50; VW Housen project cost of \$25,000, plus 16.5 percent mark-up of \$4,125, plus 15 percent contingency of \$3,750, plus 9 percent mark-up of \$337.50; Questa Engineers Project Cost of \$15,000, plus 16.5 percent mark-up of \$2,475, plus 15 percent contingency of \$2,250, plus 9 percent mark-up of \$202.50] - Public Works Department (Joe Leach 510-620-5478/Mary Phelps 510-621-1269).

- I-3.** ADOPT a resolution to appropriate budget from the 2019A Wastewater Bonds proceeds for the unanticipated work; and APPROVE contract amendment No. 1 for Bay Hawk Inc., in the amount of \$224,750 for the sewer pipeline repairs as listed in the 2018/2019 Risk Assessment Analysis (RAA) Clean-up Proposal Project list for a total contract amount not to exceed \$598,750 - Public Works Department (Joe Leach 510-621-5478/Yader Bermudez 510-774-6300).
- I-4.** APPROVE a contract with Pisor Fence Division, Inc., for replacing existing damaged fence at the Wastewater Treatment Plant (601 Canal Blvd.) with a new 1,120 linear foot (LF) of 8' height fence filled with Green Vinyl Strips, in an amount not to exceed \$128,070 (project cost of \$121,393 plus 5.5 percent contingency of \$6,677) - Public Works Department (Joe Leach 510-620-5478/Yader Bermudez 510-774-6300].
- I-5.** ADOPT a resolution authorizing the issuance of a task authorization to Veolia Water to manage (on behalf of the City of Richmond) subcontracts with: D'Arcy and Harty Construction, Inc., VW Housen and Questa Engineers to replace and or rehabilitate specific sanitary sewer pipelines in an amount not to exceed \$956,440 [D'Arcy and Harty Project cost of \$680,000 plus 16.5 percent mark-up of \$112,200, plus 15 percent contingency of \$102,000 plus 9 percent mark-up of \$9,100; VW Housen project cost of \$25,000, plus 16.5 percent mark-up of \$4,125, plus 15 percent contingency of \$3,750, plus 9 percent mark-up of \$337.50; Questa Engineers Project Cost of \$15,000, plus 16.5 percent mark-up of \$2,475, plus 15 percent contingency of \$2,250, plus 9 percent mark-up of \$202.50] - Public Works Department (Joe Leach 510-620-5478/Mary Phelps 510-621-1269).
- I-6.** 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 A. - Public Works Department (Joe Leach 510-620-5478/Patrick Phelan 510-307-8111).
- I-7.** APPROVE contracts with: (1) Avery and Associates;(2) The Byers Group; (3) Cooperative Personnel Services; (4) Koff and Associates, and (5) Management Partners each for \$75,000 for executive recruitment services over a three-year period from September 28, 2021, to September 27, 2024 - Human Resources Department (Marc Fox 510-620-6600).
- I-8.** AMEND the salary schedule to acknowledge Richmond Fire Management Association's executing the option to move a differential pay into base salary - Human Resources Department (Marc Fox-510-620-6600).
- I-9.** APPROVE the Fiscal Year 2021-22 multi-year comparative position listing and AMEND the salary schedule to implement the city manager's reorganization of specific City departments - Human Resources Department (Marc Fox 510-620-6600).

- I-10.** APPROVE two legal services agreements, first amendments to five legal services agreements, and two second amendments to existing legal services agreements with: (1) Liebert, Cassidy Whitmore; (2) Sloan Sakai Yeung & Wong LLP; (3) Maloney Employment Law; (4) Orbach, Huff, Suarez & Henderson; (5) McNamara, Ney, Beatty, Slattery, Borges & Ambacher; (6) Newdorf Legal; and (7) Allen Glaessner Hazelwood & Werth to represent the City of Richmond in pending and future employment, dangerous condition, police/tort defense and other municipal law litigation in state and federal court - City Attorney's Office (Teresa L. Stricker 510-620-6509).
- I-11.** ADOPT a resolution authorizing the city manager to execute a professional services agreement for Municipal Advisor services for land-secured financing districts if and when needed with any of the following firms (listed alphabetically): KNN Public Finance, LLC; NHA Advisors, LLC; Public Resources Advisory Group, Inc. ("PRAG"). Professional services agreements for as-needed services shall be for individual amounts not to exceed \$100,000 over a three-year period, with an option to extend the contract for two years. Total authority is limited to \$300,000 maximum, with no single contract exceeding \$100,000. This list and these limits may be revised, amended, or cancelled by action of the City Council, including by Resolution for the issuance of bonds - Finance Department (Anil Comelo 510-620-6600).
- I-12.** APPROVE and AUTHORIZE the Police Department to spend up to \$50,000 per vendor over the next three (3) years. The four vendors were chosen based upon their ability to source and provide, at reasonable cost, the ammunition sizes utilized by the department. The four vendors are: Dooley, LC Action, San Diego Police Supply, and Ammo.com - Police Department (Chief Bisa French 510-621-1802).
- I-13.** 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, 2021, through June 30, 2022 - Police Department (Chief Bisa French 510-621-1802).
- I-14.** APPROVE a three-year contract with the Richmond Rod & Gun Club in an amount not to exceed \$35,000 for ongoing training and practice - Police Department (Chief Bisa French 510-621-1802).
- I-15.** AUTHORIZE the city manager or designee to execute a grant agreement with the State Department of Parks and Recreation for a \$25,000 Certified Local Government (CLG) grant and APPROPRIATE the \$25,000 CLG grant in Fiscal Year 21/22 budget - Community Development Department (Lina Velasco 510-620-6706).

- I-16.** APPROVE a sole-source contract with PES Environmental, Inc. (PES) in an amount not to exceed \$70,000 for environmental consultation services related for the Miraflores Property, through June 30, 2023, to be paid for by funding from the Successor Agency to the Richmond Community Redevelopment Agency - Community Development Department (Lina Velasco 510-620-6706).
- I-17.** APPROVE a request to waive the rental fees in the amount of \$873.50 for the 2021 Soulful Softball Sunday games and activities scheduled for October 17, 2021, at Nicholl Park - Vice Mayor Johnson (510-620-6568).
- I-18.** PROCLAMATION declaring October 16, 2021, as Arbor Day in the City of Richmond - Office of the Mayor (Mayor Tom Butt 510-620-6503).
- I-19.** PROCLAMATION declaring October 6, 2021, as California Clean Air Day in the City of Richmond - Office of the Mayor (Mayor Tom Butt 510-620-6503).

J. COUNCIL AS A WHOLE

- J-1.** DIRECT staff to complete negotiations with: (a) City National Bank ("CNB") with respect to a Loan Agreement to refinance the 2005 Bonds and Swaps and (b) Royal Bank of Canada ("RBC") with respect to amending the Swaps and, if concluded satisfactorily, to bring an authorizing resolution and associated documents to the City Council for adoption as soon as feasible, optimally in fewer than 75 days - Finance Department (Anil Comelo 510-620-6600).

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

L. 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>