



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

**AGENDA
Tuesday, November 23, 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, At Large

Councilmembers
Nathaniel Bates, At Large
Claudia Jimenez, District 6
Eduardo Martinez, At Large
Gayle McLaughlin, District 5
Melvin Willis, District 1

ALL CITY COUNCIL MEMBERS WILL PARTICIPATE VIA TELECONFERENCE

Housing Authority Tenant Commissioners
Jaycine Scott
Vacant

CORONAVIRUS DISEASE (COVID-19) ADVISORY

PURSUANT to the Governor of the State of California's Assembly Bill 361 and in the interest of the public health and safety, 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.

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=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/u/aehrwCgISx>

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.

*AB 361 Procedures in the Event of Technical Difficulties: In the event the meeting broadcast is disrupted, or if a **technical issue on the agency's end** disrupts public participation, the legislative body board cannot take any further action on the agenda until the technical issue is resolved.*

Record of all public comments: Properly labeled public comments will be considered a public record, put into the official meeting record, 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: Members of the public who request to remove an item from the consent calendar must first discuss the item with a staff member by phone or a back-and-forth email discussion, and state the name of the staff member when requesting removal of the item from the consent calendar.

Any member of the City Council who would like to remove an item from the consent calendar must notify the appropriate staff person and the City Clerk's Office prior to the meeting. Although members of the City Council are encouraged to ask questions and share concerns with staff ahead of the meeting, they are not required to do so.

The Clerk's Office must be informed of any requests to remove items from the Consent Calendar.

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.

Tuesday, November 23, 2021

Effect of Advisory on In-person public participation: During the pendency of Assembly Bill 361, the language in this Advisory portion of the agenda supersedes any language contemplating in-person public comment.

IN PERSON 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**

5:00 p.m.

A. ROLL CALL

CLOSED SESSION

CITY COUNCIL

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

Number of potential cases: two

CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section
54957.6):

Unrepresented employee: Interim City Manager
Agency Representative: Acting Deputy City Manager Internal Services

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

Property: Terminal One
Agency negotiators: Shasa Curl and Lina Velasco
Negotiating parties: Terminal One Development, LLC
Under negotiation: Price and terms of payment

PUBLIC EMPLOYEE APPOINTMENT (Government Code Section 54957.6):

Interim City Attorney and City Attorney

Interim City Manager

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. **REPORT FROM THE EXECUTIVE DIRECTOR**
- E. **AGENDA REVIEW**
- F. **HOUSING AUTHORITY CONSENT CALENDAR**
 - F-1. ADOPT a resolution requiring the continued use of teleconferencing for the meetings of the Board of Commissioners of the Richmond Housing Authority pursuant to the provisions of AB 361 - City Clerk's Office (Pamela Christian 510-620-1233).
 - F-2. APPROVE the minutes of the special October 26, 2021, Richmond Housing Authority meeting - City Clerk's Office (Pamela Christian 510-620-1233).
- 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 (PUBLIC COMMENT ALLOWED UNDER OPEN FORUM)**
- F. **RECENT CRIME REPORT BY THE DEPUTY POLICE CHIEF (PUBLIC COMMENT ALLOWED UNDER OPEN FORUM)**
- G. **OPEN FORUM FOR PUBLIC COMMENT**
- H. **CITY COUNCIL CONSENT CALENDAR**
 - H-1. ACCEPT and APPROPRIATE into the Fiscal Year 2021-22 budget \$7,500 received from Share the Spirit East Bay, a project of the Bay Area News Group - East Bay Times - Library and Community Services Department (LaShonda White 510-620-6828/Abigail Sims-Evelyn 510-307-8082).
 - H-2. ADOPT a resolution proclaiming a local emergency due to the imminent failure of the North Richmond Pump Station and the urgent need to repair the pump engine and pertinent equipment in order to prevent flooding of North Richmond community; APPROVE an amendment to the Joint Exercise of Powers Agreement (JEPA) between Contra Costa County and the City of Richmond and its allocation of costs for the repair of the North Richmond Pump Station; APPROVE a contract with Petersen Power to provide emergency repair for an amount not to exceed \$1,800,000, to be repaid to the County with American Rescue Plan Act (ARPA) funding - Public Works Department (Joe Leach 510-620-5478/Yader Bermudez 510-774-6330).
 - H-3. ADOPT a resolution approving amendment one to agreement respecting the management, maintenance and control of the common properties and improvements in the Brickyard Cove Subdivision No. 3520 to facilitate the City's acceptance and ownership of the sewers and lift stations located within said Subdivision - Public Works Department (Joe Leach 510-620-5478/Mary Phelps 510-621-1269).

- H-4.** RECEIVE the City's Investment and Cash Balance Report for the month of September 2021 - Finance Department (Belinda Brown 510-620-6740/Delmy Cuellar 510-620-6790).
- H-5.** ADOPT a resolution authorizing the Finance Department to offer the Amnesty Program for a period commencing on November 23, 2021, and ending on June 30, 2022, to businesses with unpaid business licenses - Finance Department (Belinda Brown 510-620-6740/Antonio Banuelos 510-620-6741).
- H-6.** APPROVE an amendment to the contract with Donnoe & Associates in the amount of \$18,000, for a total not to exceed \$44,000, to administer promotional examinations of Police Sergeant and Police Lieutenant - Human Resources Management Department (Marc Fox 510-620-6600).
- H-7.** APPROVE a contract amendment with Allied Universal for additional security guard services at 450 Civic Center Plaza in an amount of \$65,000, with a new payment limit not to exceed \$1,009,350, through December 31, 2022 - Police Department (Acting Chief Louie Tirona 510-621-1802).
- H-8.** ADOPT a resolution requiring the continued use of teleconferencing for the meetings of all City legislative bodies pursuant to the provisions of Assembly Bill 361 - City Clerk's Office (Pamela Christian 510-621-1233).
- H-9.** APPROVE a third amendment to the contract with Colantuono, Highsmith, & Whatley, PC for legal representation, increasing the contract payment limit by \$59,000, for a total contract amount of \$284,000, while maintaining the term expiration date of June 30, 2022 - City Manager's Office (Shasa Curl/Bruce A. Soublet 510-620-6512).
- H-10.** ADOPT an ordinance (second reading) amending Chapter 3.50 of the City of Richmond Municipal Code entitled "Commission on Aging" to add treasurer as an officer to the Commission on Aging - Councilmember Gayle McLaughlin (510-620-6636).
- H-11.** PROCLAMATION declaring December 1, 2021, as World AIDS Day in the City of Richmond - Office of the Mayor (Mayor Tom Butt 510-620-6503).
- H-12.** APPROVE appointments to the Youth Council: APPOINT Arika Ona, new appointment, seat #1, term expiration date October 1, 2022; Kevin Ruano Hernandez, new appointment, seat #2, term expiration date October 1, 2022; Anuoluwapo Olabode, new appointment, seat #3, term expiration date October 1, 2022; Diego Castro Curry, new appointment, seat #4, term expiration date October 1, 2022 - Office of the Mayor (Mayor Tom Butt 510-620-6503).
- H-13.** APPROVE an appointment to the Workforce Development Board; APPOINT Carole Dorham-Kelly, new appointment, seat #2, education and training representative, term expiration date September 22, 2025 - Office of the Mayor (Mayor Tom Butt 510-620-6503).

- H-14.** APPROVE appointments to the Housing Advisory Commission: APPOINT Carol Hegstrom, re- appointment, seat #5, term expiration date November 1, 2023 - Office of the Mayor (Mayor Tom Butt 510-620-6503).
- H-15.** APPROVE an appointment to the Economic Development Commission: APPOINT Arnon Oren, new appointment, seat #13, term expiration date March 30, 2022 - Office of the Mayor (Mayor Tom Butt 510-620-6503).
- H-16.** APPROVE an appointment to the Urban Forest Advisory Committee: APPOINT Sidonia Aguilera, new appointment, seat #2, term expiration date November 17, 2024 - Office of the Mayor (Mayor Tom Butt 510-620-6503).
- H-17.** APPROVE appointments to the Citizens Police Review Commission: APPOINT Donnell Jones, re-appointment, seat #5, term expiration date November 1, 2024; Oscar Garcia, re-appointment, seat #8, term expiration date November 1, 2024 - Office of the Mayor (Mayor Tom Butt 510-620-6503).
- H-18.** APPROVE an appointment to the Recreation and Parks Commission: APPOINT Aaron Rowden, new appointment, seat #6, term expiration date October 26, 2024 - Office of the Mayor (Mayor Tom Butt 510-620-6503).
- H-19.** ADOPT a resolution amending the City of Richmond City Council Rules of Procedure and Order (initially adopted by Resolution No. 27-06 and amended in subsequent years) to modify the Section II C. (1) of this policy to specify the individual who shall report out in public session any reportable action taken during closed session, and any other information from closed session authorized to be disclosed by a majority vote of the City Council - Councilmember Claudia Jimenez (510-620-6565) and Councilmember Gayle McLaughlin (510-620-6636)

I. STUDY/ACTION ITEMS

- I-1.** APPROVE an employment agreement with Shasa Curl as Interim Richmond city manager, providing for a three-month term commencing December 2, 2021, to March 1, 2022, at an initial base salary of \$21,250 per month (approximately \$364,602 total compensation if calculated on an annual basis), with subsequent salary increases subject to a satisfactory performance evaluation, and other specified employment terms - Human Resource Management Department (Marc Fox 510-620-6602). **This item was continued from the November 16, 2021, meeting.**
- I-2.** 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 Management Department (Marc Fox 510-620-6600). **This item was continued from the October 5, 19, and November 16, 2021, meetings.**

- I-3.** DIRECT staff to draw up a Measure U regulation to provide for the crediting of the rent board fees paid by small landlords with four rental units or less and submit this to the City Council for approval as soon as possible - Councilmember Eduardo Martinez (510-620-6593) and Councilmember Melvin Willis (510-412-2050). **This item was continued from the November 2 and 16, 2021, meetings.**
- I-4.** ADOPT a resolution authorizing staff to execute a Task Authorization to NHA Advisors, LLC for Municipal Advisor services and authorizing staff to execute professional services agreements with Willdan Financial Services (Special Tax Consultant) and Stradling Yocca Carlson & Rauth (Bond Counsel) for services related to land-secured financing district(s) for the Point Molate Development - Public Works Department (Joe Leach 510-620-5478).
- I-5.** RECEIVE a presentation on the Cannabis Equity Assessment and PROVIDE input on the draft citywide Cannabis Equity Manual - City Manager's Office (Shasa Curl/Thomas Omolo 510-620-6512).
- I-6.** CONSIDER whether to ADOPT a resolution of the City Council of the City of Richmond censuring Mayor Tom Butt for releasing confidential attorney-client privileged information and confidential information discussed during closed session, and directing the City Attorney to refer the matter to the Contra Costa County Grand Jury and the Contra Costa County District Attorney - City Attorney's Office (Teresa Stricker 510-620-6509).

J. STUDY SESSION ITEMS

- J-1.** RECEIVE a report from the chair of and investigator from the Community Police Review Commission - Councilmember Claudia Jimenez (510-620-6565)
- J-2.** RECEIVE a presentation on a draft summary proposal for a new city-wide Community Benefits Policy - City Manager's Office (Shasa Curl 510-620-6606).

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>