



Agenda

MEETING

RICHMOND CITY COUNCIL (Meetings are virtual)

Tuesday, February 1, 2022, 5:00 p.m.

Community Services Building

440 Civic Center Plaza

Richmond, CA 94804

Members:

Thomas K. Butt, Mayor

Demnlus Johnson III, Vice Mayor at Large

Nathaniel Bates, Councilmember at Large

Claudia Jimenez, Councilmember District 6

Eduardo Martinez, Councilmember at Large

Melvin Willis, Councilmember District 1

Gayle McLaughlin, Councilmember District 5

Link to City Council Agendas/Packets

<http://www.ci.richmond.ca.us/4157/City-ofRichmond-Council-Meetings>

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<http://www.ci.richmond.ca.us/list.aspx>

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, eComment, 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.

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.

Via eComments: eComments are available once an agenda is published. Locate the meeting in "upcoming meetings" and click the comment bubble icon. Click on the item you wish to comment on. eComments can be submitted when the agenda is published and until the conclusion of public comments for the agenda item. eComments can be viewed by the City Council and members of the public as they are submitted. Email your comment to cityclerkdept@ci.richmond.ca.us should you have difficulty submitting an eComment during a meeting.

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 with correctly labeled subject lines will be posted on-line and emailed to the City Council before the meeting is called to order. 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.**

Via Zoom by video conference: for Open Session and City Council: **Please click the link below to join the webinar:**

<https://zoom.us/j/99312205643?pwd=MDdqNnRmS2k4ZkRTOWhIUldQOUF1Zz09>

Passcode: ccmeeting

By iPhone one-tap: US: +16699006833,,99312205643# or +13462487799,,99312205643#

By 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>

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. When called upon, press the unmute button. After the allotted time, you will then be re-muted. **

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.

Open Forum for Public Comment:

Address the City Council on matters not listed on the agenda, items remaining on the consent calendar, reports from the city manager, public works director, sub-committee for reimagining task force, and police chief 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.

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.](http://www.ci.richmond.ca.us/Archive.aspx?AMID=31)

Procedures for Removing 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.

Items removed from the Consent Calendar shall be placed at the end of the agenda for

consideration.

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 Assembly Bill 361, the language in this Advisory portion of the agenda supersedes any language contemplating in-person public comment.

A. OPEN SESSION TO HEAR PUBLIC COMMENT BEFORE CLOSED SESSION

February 1, 2022 - 5:00 p.m.

B. ROLL CALL

C. CLOSED SESSION

**C.1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(paragraph (1) of Subdivision [d] of Government Code Section 54956.9)**

- Hernandez v. Hodges
- SPRAWLDEF et al. v. City of Richmond
- The Guidiville Rancheria of California, et al. v. The United States of America, et. al.
- North Coast Rivers Alliance et al./Point Molate Alliance et al. v. City of Richmond

**C.2. 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 Appeal's decision in Fowler v. City of Lafayette, the City Attorney's Office is attaching to this agenda four communications 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).

**C.3. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
(initiation of litigation pursuant to paragraph (4) of Subdivision (d) of
Government Code Section 54956.9)**

- One case - Veolia Mediation

**C.4. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government
Code Section 54957)**

- Title: City Manager

D. PUBLIC COMMENT BEFORE CLOSED SESSION

E. ADJOURN TO CLOSED SESSION

F. REGULAR MEETING OF THE RICHMOND CITY COUNCIL

February 1, 2022 - 6:30 p.m.

G. ROLL CALL

H. PUBLIC COMMENT INSTRUCTIONAL VIDEO

I. STATEMENT OF CONFLICT OF INTEREST

J. AGENDA REVIEW

K. REPORT FROM THE CITY ATTORNEY OF FINAL DECISIONS MADE DURING CLOSED SESSION

L. REPORT FROM THE CITY MANAGER (public comment allowed under Open Forum)

M. ABATEMENT REPORT FROM THE PUBLIC WORKS DIRECTOR (public comment allowed under Open Forum)

N. OPEN FORUM FOR PUBLIC COMMENT

O. CITY COUNCIL CONSENT CALENDAR

O.1. City Clerk's Office

O.1.a. Minutes of the Regular December 21, 2022, City Council Meeting

11

APPROVE the minutes of the December 21, 2022, Regular City Council Meeting - City Clerk's Office (Pamela Christian 510-620-6513).

O.2. Community Development

O.2.a. Amendments to Richmond Municipal Code (RMC) Article 15.04.615 (PLN21-427)

20

ADOPT an ordinance (second reading) amending Richmond Municipal Code Sections 15.04.615.050.C and 15.04.615.010.B to extend the amortization period for existing nonconforming land uses related to coal and petroleum coke storage and handling and require the discontinuation of all such uses by December 31, 2026; and; DETERMINE that the ordinance is exempt from the California Environmental Quality Act ("CEQA") because it is not a Project under CEQA (CEQA Guidelines section 15378) and because it is exempt from CEQA pursuant to CEQA Guidelines sections 15301 (existing facilities exemption), 15307 (action to protect natural resources), 15308 (action to protect the environment), and/or 15061(b)(3) ("Common Sense" exemption where there is no reasonable possibility of a significant effect on the environment) – Community Development Department (Lina Velasco 510-620-6841).

O.3.	Economic Development	
O.3.a.	City-Wide Community Benefits Policy (Ordinance)	74
	ADOPT an ordinance (second reading) for a city-wide community benefits policy – City Manager’s Office (Shasa Curl 510-620-6512).	
O.4.	Finance Department	
O.4.a.	Investment and Cash Balance Report for the Month of December 2021	83
	RECEIVE the City’s Investment and Cash Balance Report for the month of December 2021 – Finance Department (Belinda Brown 510-620-6740).	
O.5.	Human Resources	
O.5.a.	Resolution amending the salary schedule for Police Chief, City Clerk, and Director of Information Technology Classifications	95
	ADOPT a resolution amending the City’s salary schedule to revise the salary ranges for City Clerk, Director of Information Technology, and Police Chief – Human Resources Department (Anil Comelo/Sharrone Taylor 510-620-6600).	
O.6.	Mayor's Office	
O.6.a.	Black History Month – February 2022	102
	PROCLAMATION declaring February 2022 as Black History Month in the City of Richmond – Mayor’s Office (Mayor Tom Butt 510-620-6503).	
O.7.	Police Department	
O.7.a.	Proposed 2-year sole-source contract with T2 Systems (referred to as “T2”) to provide citation services, collection services support, and data transfer to California Department of Motor Vehicles.	107
	APPROVE a 2-year sole source contract with T2 Systems for an amount not to exceed \$50,000, for the period January 1, 2021, to December 31, 2022 – Police Department (Louie Tirona 510-621-1802).	

O.8. Public Works

O.8.a. Resolution to Accept and Appropriate Hellman Foundation Grant Funds to Purchase Maintenance Equipment to Support the City of Richmond Parks Maintenance 223

APPROVE a resolution to ACCEPT and APPROPRIATE grant funds in the amount of \$264,000 from Hellman Foundation to purchase maintenance equipment to support City of Richmond Parks and Landscape Maintenance Division – Public Works Department (Joe Leach 510-620-5478).

P. PUBLIC HEARINGS

P.1. Redistricting Public Hearing 230

HOLD THE FOURTH PUBLIC HEARING AT 7:00 P.M. to receive public input on draft maps of voting district boundaries as part of the City’s redistricting process; SELECT a map to establish district boundaries; and determine election sequence – City Clerk’s Office (Pamela Christian 510-620-6513).

P.2. Appeal of Planning Commission’s approval of a conditional use permit and design review (PLN20-043) 279

ADOPT a Resolution Denying the Appeal and Affirming the Planning Commission’s conditional approval of a Conditional Use Permit and Design Review, to construct a single-family residence on a vacant parcel located within the RL1 zoning district and -S, Shoreline overlay district at 357 Western Drive – Community Development Department (Lina Velasco 510-620-6706). **This item was continued from the December 7, 2021, January 11, 2022, and January 18, 2022 meetings. The public hearing is closed on this item; for council discussion and resolution only.**

Q. NEW BUSINESS

Q.1. Potential Formation of a Community Facilities District for Point Molate 329

RECEIVE information and quantitative analysis regarding the potential formation of a Community Facilities District for the Point Molate development project; and after deliberation, CONSIDER providing any policy direction, as needed, regarding formation of a Community Facilities District for the Point Molate development project – Finance Department (Belinda Brown 510-620-6740). **This item was continued from the January 25, 2022, meeting.**

Q.2. Approval of the Juneteenth Freedom Mural Project and Resolution of Intent to Rename 381

APPROVE the Juneteenth Freedom Mural Project at the South 37th Street Underpass; ADOPT a Resolution of Intention to rename the South 37th Street Underpass to Juneteenth Freedom Underpass; and SCHEDULE a Public Hearing for February 15, 2022 – Library and Community Services Department (LaShonda White/Ranjana Maharaj/Stephanie Ny 510-620-6523).

R. BUDGET SESSION

R.1. Final Adjustments to Fiscal Year 2020-2021 Budget 425

RECEIVE an update on the Fiscal Year 2020-2021 budget – City Manager’s Office/Finance Department (Shasa Curl/Anil Comelo/Belinda Brown/Antonio Banuelos 510-620-6740).

R.2. City of Richmond Annual Comprehensive Financial Report for the Fiscal Year Ended June 30, 2021 429

RECEIVE a report on the City’s Annual Comprehensive Financial Report (ACFR) for Fiscal Year 2020-2021 – Finance Department (Belinda Brown/Delmy Cuellar 510-620-6740).

R.3. Gross Receipts Business Tax Measure U Fiscal Impact Estimates 771

RECEIVE an update on Measure U Fiscal Estimates – Finance Department (Anil Comelo 510-620-6600/Belinda Brown 510-620-6740/Antonio Banuelos 510-620-6741).

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

T. ADJOURNMENT