



Agenda

AMENDED RICHMOND CITY COUNCIL AGENDA

(* Item O.9.h added - inadvertently omitted)

(This Meeting is virtual)

Tuesday, April 5, 2022, 5:00 p.m.

Community Services Building

440 Civic Center Plaza

Richmond, CA 94804

Members:

Thomas K. Butt, Mayor

Demnlus Johnson III, Councilmember at Large

Nathaniel Bates, Councilmember at Large

Claudia Jimenez, Councilmember District 6

Eduardo Martinez, Vice Mayor at Large

Melvin Willis, Councilmember District 1

Gayle McLaughlin, Councilmember District 5

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

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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:

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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/j/99312205643>

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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:

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**The mayor will announce the agenda item number and open public comment when appropriate.

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)

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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

5:00 P.M.

B. ROLL CALL

C. CLOSED SESSION

C.1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957)

- Title: City Clerk
- Title: City Manager

C.2. PUBLIC EMPLOYEE APPOINTMENT (Government Code Section 54957.6)

- Title: City Manager

C.3. 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: One

C.4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (paragraph (1) of Subdivision [d] of Government Code Section 54956.9)

- 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
- City of Richmond v. Thomas K. Butt

**C.5. 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.6. CONFERENCE WITH LABOR NEGOTIATORS (Government Code
Section 54957.6)**

- Agency Representatives: Jaclyn Gross, Anil Comelo

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

D. PUBLIC COMMENT BEFORE CLOSED SESSION

E. ADJOURN TO CLOSED SESSION

F. REGULAR MEETING OF THE RICHMOND CITY COUNCIL

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 - 1st Tuesday (public comment allowed under Open Forum)

N. OPEN FORUM FOR PUBLIC COMMENT

O. CITY COUNCIL CONSENT CALENDAR

O.1. City Attorney's Office

O.1.a. Consider and Introduce, if desired, an Ordinance to Revise and Amend Richmond Municipal Code Chapter 12.30

15

CONSIDER and INTRODUCE, if desired, an ordinance for a first reading amending RMC Chapter 12.30 ("Video Service Provider, Utility and Special District Encroachments") by incorporating Chapter 12.29 ("Street Opening and Pavement Restoration Regulations"); adding provisions that address private landowner encroachments into the public Right-of-Way (ROW); easements; and street vacations; retitling Chapter 12.30 "Encroachments and Easements," and rescinding Chapter 12.29 in its entirety - City Attorney's Office/Public Works Department (Dave Aleshire 510-620-6509/Joe Leach 510-620-3008).

O.1.b. Approval of City Manager Agreement

182

APPROVE an employment agreement with Shasa Curl as Richmond City Manager, providing for a three-year term commencing April 6, 2022, at an initial base salary of \$295,000 annually (approximately \$443,596 total compensation) – City Attorney's Office (Dave Aleshire 510-620-6509).

- O.2. City Council**
- O.2.a. Support for California Racial Justice Act for All (AB 256)** 201

ADOPT a resolution in support for California Racial Justice Act for All (AB 256) – Councilmembers Gayle McLaughlin (510-620-6636), Melvin Willis (510-412-2050) and Claudia Jiménez (510-620-6565).
- O.2.b. Support Unite Summit affiliated with California Teachers Association for a fair contract at Summit Public Schools** 205

ADOPT a resolution in support of Unite Summit educators, who represent teachers at Summit Tamalpais in Richmond and Summit K2 in El Cerrito (both schools have a majority Richmond students) in their struggle to negotiate a fair first contract that includes basic job protections and support for English learner students – Councilmembers Gayle McLaughlin (510-620-6636), Claudia Jimenez (510-620-6565) and Vice Mayor Eduardo Martinez (510-620-6593).
- O.3. Community Development**
- O.3.a. Encampment Resolution Grant** 209

ACCEPT and APPROPRIATE a \$4.8 million Encampment Resolution Grant to provide services and support people living in the Castro Encampment onto paths to safe and stable housing and result in sustainable restoration of this public space, a segment of the San Francisco Bay Trail – Community Development Department (Lina Velasco 510-620-6706).
- O.4. Economic Development**
- O.4.a. Contract Approval to Develop a Richmond Green-Blue New Deal Plan** 212

APPROVE a contract with Appraccel LLC to provide professional services to develop a Richmond Green-Blue New Deal Plan, in an amount not to exceed \$300,000, with the contract term ending October 31, 2023 – City Manager’s Office (Shasa Curl/Samantha Carr 510-620-5407).
- O.5. Finance Department**
- O.5.a. Approve Contract with NHA for Municipal Advisor Services** 342

APPROVE a sole-source contract for Municipal Advisor services with NHA Advisors, in an amount not to exceed \$90,000, for a term ending June 30, 2024 - Finance Department (Anil Comelo/Delmy Culler 510-620-6600).

- O.5.b. Contract Amendment to Implement Measure U Gross Receipts Tax** 378
- APPROVE the first amendment to the contract with Management Partners, Inc. to increase the contract amount by \$30,000, for a total not to exceed amount of \$139,135, for an extended contract term through December 31, 2022 – Finance Department (Delmy Cuellar 510-620-6740/Antonio Banuelos 620-6741).
- O.5.c. Investment and cash balance report for the month of February 2022** 411
- RECEIVE the City’s Investment and Cash Balance Report for the month of February 2022 – Finance Department (Delmy Cuellar 510-620-6790).
- O.6. Fire Department**
- O.6.a. Approval of Contract with the Permanente Medical Group Inc (Kaiser)** 427
- APPROVE the sole-source contract with The Permanente Medical Group (Kaiser) to perform physical examinations, tests, and immunizations to Richmond Firefighters who are certified as hazardous materials specialists, as well as other sworn department personnel, for a total amount not to exceed \$170,000, for a term of April 1, 2022, through December 31, 2024 - Fire Department (Chief Angel Montoya 510-307-8041).
- O.6.b. Resolution and Interagency Agreement to Support Hazardous Materials Program** 462
- ADOPT a resolution to accept and appropriate \$360,335 in funding from the Contra Costa County Health Services Hazardous Materials Division; and APPROVE a one-year interagency agreement from July 1, 2021, to June 30, 2022, in support of the Fire Department’s Hazardous Materials Response Program – Fire Department (Chief Angel Montoya 510-307-8041). **This item was continued from the March 15, 2022, meeting.**

O.7. Human Resources

- O.7.a. Approve a Pool of Temporary Agencies to Temporarily Fill City-Wide Critical Vacancies and to Staff Special Projects** 481

APPROVE a pool of temporary staffing agencies to be utilized by the Finance Department and the Community Services Department – Employment and Training Division, for a total amount not to exceed \$200,000, with a \$100,000 limit per contract, for a three-year period from April 5, 2022, to June 30, 2025 - Human Resources Department (Anil Comelo/Sharrone Taylor 510-620-6600).

O.8. Library and Community Services

- O.8.a. Resolution to Accept and Appropriate the PG&E Corporation Foundation Better Together Communities Grant Funds for Emergency Cooling Structures** 611

ADOPT a resolution to ACCEPT and APPROPRIATE grant funds in the amount of \$100,000, from the PG&E Corporation Foundation, to construct and operate emergency cooling structures during extreme heat events – Library and Community Services Department (LaShonda White/Jene Levine-Snipes 510-307-8132).

- O.8.b. Resolution to Accept and Appropriate the PG&E Resilience Hubs Grant Funds for the Nevin and Shields-Reid Power Hubs Project** 617

ADOPT a resolution to ACCEPT and APPROPRIATE grant funds in the amount of \$100,000, from PG&E to create power hubs at Nevin and Shields-Reid Community Centers – Library and Community Services Department – (LaShonda White/Jene Levine-Snipes 510-307-8132).

- O.8.c. Accept and Appropriate Bay Area Library and Information System Grant for Library Staff Development, Public Programming, and Strategic Planning** 623

ADOPT a resolution to ACCEPT and APPROPRIATE into the Fiscal Year 2021-2022 budget a Bay Area Library and Information System grant for staff development, public programming, and strategic planning – Library and Community Services Department (LaShonda White/Melinda Cervantes 510-620-5452).

- O.8.d. Accept and Appropriate California State Library NASA@MyLibrary CopyCat Grant Award** 628
- ADOPT a resolution to ACCEPT and APPROPRIATE into the Fiscal Year 2021-2022 budget a California State Library grant, in the amount of \$3,550, for the purchase of NASA@MyLibrary program kit materials – Library and Community Services Department (LaShonda White/Melinda Cervantes 510-620-5452)
- O.8.e. Amend Contract with the Glen Price Group to Develop Grant Proposal Applications.** 635
- APPROVE a contract amendment in the amount of \$8,085, for a total contract amount not to exceed \$338,085, with the Glen Price Group to develop and submit a proposal and attachments for the Building Forward Library Infrastructure Program grant application in support of the Richmond Public Library, for an extended term through June 30, 2023 – Library and Community Services Department (LaShonda White/Tamara Walker/Melinda Cervantes 510-620-5452).
- O.8.f. Amendment to the Fiscal Year 2021-2022 Employment & Training Division Budget for the Receipt of Additional Grant Funds** 726
- ADOPT a resolution to ACCEPT and APPROPRIATE into the Fiscal Year 2020-2021 budget \$250,000 in federal Workforce Innovation and Opportunity Act (WIOA) pass-through grant funds received from the California Employment Development Department – Library and Community Services Department (LaShonda White/Tamara Walker 510-307-8006)
- O.8.g. Approval of Amended Metropolitan Transportation Commission Funding Agreement Amendment and Grant Funded Service Contract Increase.** 756
- RATIFY an amendment to increase the funds in Supplement No. 4 of the Master Funding Agreement between the Metropolitan Transportation Commission and the City of Richmond increasing the contract by \$21,520, for a total of \$369,371.12 while maintaining the same term expiration; and APPROVE a contract amendment with NEMA Construction increasing the contract by \$21,520, for a total of \$107,725, and extending the term expiration to June 30, 2022 – Library and Community Services Department (LaShonda White/Denee Evans 510-621-1718).

- O.8.h. Richmond Electric Shuttle Service Contract Amendment** 817
- APPROVE a contract amendment with Nomad Transit, LLC (dba Via Transportation, Inc.) in the amount of \$338,231, for a not to exceed total of \$1,338,231, as a cash match to support the grant funded Clean Mobility Options Project Voucher Pilot Program – Library and Community Services Department (LaShonda White/ Denée Evans 510-621-1718).
- O.9. Mayor's Office**
- O.9.a. California State Assembly Bill 1814 (Support)** 861
- ADOPT a resolution urging the California State Legislature to enact California State Assembly Bill 1814 – Office of the Mayor (Mayor Tom Butt 510-620-6503).
- O.9.b. Vacant Seats on Richmond Boards, Commissions, and Committees** 865
- ANNOUNCE recent resignation from City of Richmond boards, commissions, and committees; and ANNOUNCE vacancies as of March 30, 2022, and ask that interested individuals send applications to the City Clerk - Office of the Mayor (Mayor Tom Butt 510-620-6503).
- O.9.c. Appointment to the Oakland Airport Community Noise Forum** 869
- APPROVE appointment to the Oakland Airport Community Noise Forum; APPOINT David Drisdale, new appointment, seat #2 non-elected resident representative, term expiration date December 21, 2022 - Office of the Mayor (Mayor Tom Butt 510-620-6503).
- O.9.d. Appointment(s) to the Economic Development Commission** 872
- APPROVE appointment(s) to the Economic Development Commission; APPOINT Diana Wear, re-appointment, seat #9, term expiration date March 30, 2025; Orrian Willis, re-appointment, seat #14, term expiration date March 30, 2025 – Office of the Mayor (Mayor Tom Butt 510-620-6503).

- O.9.e. Appointment(s) to the Workforce Development Board** 876

APPROVE appointment to the Workforce Development Board; APPOINT Fernando Campos, new appointment, seat #2, labor representative, term expiration date September 22, 2026; Wesley Alexander, new appointment, seat #8, government, economic development, and community representative, term expiration date March 1, 2026 - Office of the Mayor (Mayor Tom Butt 510-620-6503).
- O.9.f. Appointment(s) to Update the Shimada Friendship Commission** 880

APPROVE appointment(s) to update the Shimada Friendship Commission; APPOINT Valerie Snider, re-appointment, seat #9, term expiration date December 31, 2025 - Office of the Mayor (Mayor Tom Butt 510-620-6503).
- O.9.g. Appointment(s) to the Human Rights and Human Relations Commission** 883

APPROVE appointment(s) to the Human Rights and Human Relations Commission; APPOINT Sahar Delijani, new appointment, seat #5, term expiration date March 30, 2025 - Office of the Mayor (Mayor Tom Butt 510-620-6503).
- O.9.h. Richmond Intermodal Transit Center Neighborhood Transformation Project** 886

ADOPT a resolution confirming that the funding request for this project has the support of the Richmond City Council – Office of the Mayor (Mayor Tom Butt 510-620-6503). **This item was continued form the March 22, 2022, meeting.**
- O.10. Police Department**

 - O.10.a. Contract Amendment for \$15,000 with Get Polygraphed, Inc. for pre-employment polygraph examiner services.** 1005

APPROVE a contract amendment for \$15,000 with Get Polygraphed, Inc., for a total contract amount of \$30,000, to continue providing pre-employment polygraph services, for a term of November 1, 2020 to November 1, 2023. Police Department - Louie Tirona (510-621-1802).

- O.10.b. Contract for \$20,000 with Napa-Solano SANE/SART for Continued Sexual Assault Exam Services.** 1034

APPROVE a contract with Napa-Solano SANE/SART in the amount of \$20,000, to continue providing sexual assault exam services, for a term of March 11, 2022 to June 30, 2023 – Police Department (Louie Tirona 510-621-1802).

O.11. Public Works

- O.11.a. Ferry Point Lift Sewer Pump Station Replacement Project at Dornan Drive and Brickyard Cove Road.** 1063

ADOPT a resolution approving Veolia Water to manage and award contracts for the Ferry Point Lift Sewer Pump Replacement Project at Dornan Dr. and Brickyard Cove Rd., to Thompson Builders Inc. for pump replacement, Applied Materials Engineering (special inspection) and Questa Engineering (Geotech testing), for an amount not to exceed \$2,732,742 [project cost of \$2,376,297 plus a 15 percent contingency cost of \$356,445] – Public Works Department (Joe Leach 510-620-5478/ Mary Phelps 510-621-1269).

- O.11.b. Richmond Country Club Final Map, PUE and SIA** 1110

ADOPT a resolution approving the Final Map for Subdivision [9528], “Richmond Country Club,” dedication of Public Utility Easement; and AUTHORIZE the execution of a Subdivision Improvement Agreement with the subdivider, Meritage Homes of California, and complete recording thereof – Public Works Department (Joe Leach 510-620-5478)

P. NEW BUSINESS

- P.1. Public Bank of the East Bay (PBEB)** 1135

RECEIVE a presentation from Friends of Public Bank East Bay (PBEB); and ADOPT a resolution to: (1) Approve the PBEB Viability Study, (2) Approve Richmond as a founding member of PBEB; and (3) Approve Councilmember Gayle McLaughlin as Richmond’s representative to PBEB – Councilmembers Gayle McLaughlin (510-620-6563), Claudia Jimenez (510-620-6565), and Vice Mayor Eduardo Martinez (510-620-6593).

- P.2. Adopt a Resolution and Introduce an Ordinance Adjusting the Boundaries of Council Districts Based on the 2020 Decennial Census and Amending Richmond Municipal Code (RMC) Section 2.16.050** 1193

ADOPT a resolution of the City Council of the City of Richmond adjusting the boundaries of the six City Council Districts and adopting a new official Council District Map No. 201, for the City of Richmond based on the results of the 2020 decennial census and amending RMC section 2.16.050;and INTRODUCE an ordinance of the City Council of the City of Richmond adjusting the boundaries of the six City Council Districts and adopting a new official Council District Map No. 201, for the City of Richmond based on the results of the 2020 decennial census and amending RMC section 2.16.050 – City Clerk’s Office (Pamela Christian 510-620-6513).

- P.3. Presentation of a Potential Revised Project for the Terminal One Site.** 1208

RECEIVE a presentation regarding a potential revised project for the Terminal One site from Terminal One Development LLC – City Manager’s Office/ Community Development Department (Shasa Curl/Lina Velasco 510-620-6512). **This item was continued from the March 22, 2022, meeting.**

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

- R. ADJOURNMENT**