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# *Agenda*

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## MEETING

### **RICHMOND CITY COUNCIL MEETING** **(This meeting is virtual)**

Tuesday, January 11, 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**

### **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](mailto:cityclerkdept@ci.richmond.ca.us) should you have difficulty submitting an eComment during a meeting.

**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 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>. \*\*

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

**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.*

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**

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

Paragraph (1) of Subdivision [d] of Government Code Section 54956.9

- a. Richmond Shoreline Alliance, SPRAWLDEF, Citizens for East Shore Parks, Sunflower Alliance, and GreenActionfor Health and Environmental Justice v. City of Richmond

**C.2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957)**

- a. Title: City Attorney

**C.3. PUBLIC EMPLOYEE APPOINTMENT (Government Code Section 54957.6)**

- a. Title: City Attorney

**D. PUBLIC COMMENT BEFORE CLOSED SESSION**

**E. ADJOURN TO CLOSED SESSION**

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**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 (public comment allowed under Open Forum)**

**N. OPEN FORUM FOR PUBLIC COMMENT**

**O. CITY COUNCIL CONSENT CALENDAR**

O.1. City Clerk's Office

- a. City Council Minutes 10

APPROVE the minutes of the November 23 and December 7 and 14, 2021, regular City Council meetings - City Clerk's Office (Pamela Christian 510-620-6513).

O.2. City Council

- a. Condemning the horrific events of January 6, 2021, and defending democracy and the sacred right of voting. 30

ADOPT a resolution condemning the horrific events of the January 6, 2021, attack on the United States Capitol and defending democracy and the sacred right of voting – Councilmember Gayle McLaughlin (510-620-6581).

O.3. City Manager's Office

- a. Contract with Social & Public Art Resource Center (SPARC) 34

APPROVE a sole-source contract with Social & Public Art Resource Center (SPARC) for the design, fabrication, installation, and replacement of a series of five murals on the Richmond Senior Center, 2525 Macdonald Avenue, in an amount not to exceed \$18,600, with a term from January 11, 2022, through June 30, 2023 - City Manager's Office, Economic Development (Shasa Curl/Winifred Day 510-620-6952).

O.4. Finance Department

- a. Annual review and adoption of debt policy for fiscal year 2021-2022 59

REVIEW the Debt Policy for Fiscal Year 2021-2022; and ADOPT the resolution approving said policy – Finance Department (Belinda Brown 510-620-6740).

- b. Compliance with developer fees 100

**RECEIVE** the annual year-end developer fee report as required pursuant to Section 66006 of the Government Code – Finance Department (Belinda Brown/Vrenesia Ward 510-621-1211).

- c. Resolution approving investment policy 106

ADOPT a resolution approving the City of Richmond Investment Policy Fiscal Year 2021-2022 – Finance Department (Belinda Brown 510-620-6740).

d.	Investment and Cash Balance report for the month of November 2021	125
	RECEIVE the City's Investment and Cash Balance Report for the month of November 2021 – Finance Department (Belinda Brown 510-620-6740).	
e.	Resolution approving Other Post-Employment Benefits (OPEB) funding policy	137
	ADOPT a resolution approving the Fiscal Year 2021-2022 Other Post-Employment Benefits (OPEB) Funding Policy – Finance Department (Belinda Brown 510-620-6740).	
f.	Annual review and adoption of swap policy for fiscal year 2021-2022	148
	REVIEW the Swap Policy for Fiscal Year 2021-2022; and ADOPT the resolution approving said policy – Finance Department (Belinda Brown 510-620-6740).	
O.5.	Human Resources	
a.	Adopt resolution amending the salary schedule	161
	ADOPT a resolution amending the City's Salary Schedule to reflect the new and deleted classifications; AMEND position control to add one (1) Deputy Director of Community Services – Neighborhood Safety, two (2) Field Coordinators, one (1) Accounting Assistant, one (1) Administrative Aide, and five (5) Neighborhood Change Agents to increase the total amount to eleven (11) Neighborhood Change Agents; and APPROVE allocation of funds for the wages and salaries for these classifications and associated compensation – Human Resources (Anil Comelo/Sharrone Taylor 510-620-6600).	
O.6.	Police Department	
a.	Justice Assistance Grant-funded Purchase Approval	167
	APPROVE a purchase from TYR TACTICAL for Ballistic Plate Carriers and Level III+ Ballistic Plates (a.k.a. bullet proof vests) for the Police Department's SWAT Team using funds provided by the Police department's Justice Assistance Grant program, in an amount not to exceed \$44,159.24 – Police Department (Louie Tirona 510-621-1802).	
O.7.	Public Works	

- a. Veolia’s October 2021 Monthly Operating Report 178

RECEIVE the Veolia Monthly Operating Report for the month of October 2021 – Public Works Department (Joe Leach 510-620-5478/Mary Phelps 510-621-1269).

**P. PUBLIC HEARINGS**

- P.1. Appeal of Planning Commission’s approval of a conditional use permit and design review (PLN20-043) 192

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 -S, Shoreline Overlay district at 357 Western Avenue – Community Development Department (Lina Velasco 510-620-6706). **This item was continued from the December 7, 2021, meeting. The public hearing is closed on this item; for council discussion and resolution only.**

**Q. NEW BUSINESS**

- Q.1. Police Staffing Presentation 227

**RECEIVE** an updated staffing presentation from the Police Department to include changes to the services provided to the community based on resource allocation due to financial and efficiency considerations – Police Department (Acting Chief Louie Tirona 510-621-1802). **This item was continued from the December 7, 2021, meeting.**

- Q.2. Update from Chevron Refinery 248

RECEIVE an update from the Richmond Chevron Refinery on the February 9, 2021, oil spill at the Chevron Long Wharf - Councilmember Claudia Jimenez (510-620-6565). **This item was continued from the December 21, 2021, meeting.**

- Q.3. Amendment to legal services agreement with Ellis Investigations, L.C. 253

APPROVE a first amendment to an existing legal services agreement with Ellis Investigations, L.C., to conduct personnel investigations for the City in the amount of \$90,000, for a total contract amount of \$100,000, for a term of December 21, 2021, through June 30, 2023 - Human Resources Department (Anil Comelo 510-620-6602). **This item was continued from the December 21, 2021, meeting.**



- Q.4. Legal services agreements in amount of \$350,000 per firm 276
- ADOPT a resolution of the City Council authorizing the City to enter into legal services agreements with law firms to provide municipal law advice and to represent the City and related entities in litigation on an as-needed basis, for an amount not to exceed \$350,000 per firm, for three years, beginning on January 1, 2022 through June 30, 2025, with an option to extend the agreements for two years – City Attorney’s Office (Heather McLaughlin 620-6509). **This item was continued from the December, 21, 2021 meeting.**
- Q.5. Approval of a legal services agreement and amendments to six existing legal services agreements for municipal law litigation 313
- APPROVE a legal services agreement with Edrington, Schirmer & Murphy LLP in the amount of \$100,000, a first amendment to add \$75,000 with Manning & Kass, Ellrod, Ramirez & Trester, LLP, a first amendment to add \$75,000 with Colantuono Highsmith & Whatley, P.C., a second amendment to add \$125,000 with Orbach Huff & Henderson LLP, a second amendment to add \$125,000 with McNamara, Ney, Beatty, Slattery, Borges & Ambacher, LLP, a second amendment to add \$50,000 with Best, Best & Krieger, LLP and a third amendment to add \$210,000 with Allen, Glaessner, Hazelwood & Werth, LLP to represent the City of Richmond in pending municipal law litigation in state and federal court – City Attorney’s Office (Heather McLaughlin 510-620-6509). **This item was continued from the December 21, 2021, meeting.**
- Q.6. Amendment to legal services contract with Downey Brand law firm 357
- APPROVE contract amendment no. 1 with Downey Brand law firm in the amount of \$255,000, for an additional two (2) years, ending December 31, 2024, for the legal review of the requirements as predetermined in the existing Baykeeper Settlement Agreement and to represent the City in any future settlement agreement discussions. The total contact will not exceed \$510,000 without prior council approval - Public Works (Joe Leach 620-5478). **This item was continued from the December 21, 2021, meeting.**
- Q.7. 2021 Community Survey Results 509
- RECEIVE a presentation and report on the City of Richmond's 2021 Community Survey results; and PROVIDE direction to staff as appropriate – City Manager’s Office (LaShonda White 510-620-6512). **This item was continued from the December 21, 2021, meeting.**

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

**S. ADJOURNMENT**