

City Hall 1401 Marina Way South Richmond, CA 94804

AGENDA Tuesday, June 16, 2009

MayorGayle McLaughlin

Vice Mayor Ludmyrna Lopez

Councilmembers

Nathaniel Bates
Thomas K. Butt
Jeff Ritterman
Jim Rogers
Maria T. Viramontes

The Richmond City Council also serves as Board Members and Commission Members for the following:

Community Redevelopment Agency
Housing Authority
Joint Powers Financing Authority
Surplus Property Authority
Local Reuse Authority

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:

<u>PUBLIC COMMENT ON AGENDA ITEMS</u>: 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 <u>prior</u> to the City Council's consideration of the item. Once the City Clerk has announced the item and discussion has commenced, 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. <u>Each speaker will be allowed TWO (2) MINUTES to address the City Council on NON-PUBLIC HEARING items listed on the agenda.</u>

OPEN FORUM FOR PUBLIC COMMENT: Individuals who would like to address the City Council on matters not listed on the agenda or on Presentations, Proclamations and Commendations, Report from the City Attorney, or Reports of Officers may do so under Open Forum. All speakers must complete and file a pink speaker's card with the City Clerk <u>prior</u> to the commencement of Open Forum. The amount of time allotted to individual speakers shall be determined based on the number of persons requesting to speak during this item. The time allocation for each speaker will be as follows: 15 or fewer speakers, a maximum of 2 minutes; 16 to 24 speakers, a maximum of 1 and one-half minutes; and 25 or more speakers, a maximum of 1 minute.

SPEAKERS ARE REQUESTED TO OCCUPY THE RESERVED SEATS IN THE FRONT ROW BEHIND THE SPEAKER'S PODIUM AS THEIR NAME IS ANNOUNCED BY THE CITY CLERK.

<u>CONSENT CALENDAR</u>: 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 must complete and file a speaker's card with the City Clerk <u>prior</u> to the City Council's consideration of Item C, Agenda Review. An item removed from the Consent Calendar may be placed anywhere on the agenda following the City Council's agenda review.

The City Council's adopted Rules of Procedure recognize that debate on policy is healthy; debate on personalities is not. The Chairperson has the right and obligation to cut off discussion that is too personal, too loud, or too crude.

EVENING OPEN SESSION

5:00 p.m.

- A. ROLL CALL
- B. PUBLIC COMMENT
- C. ADJOURN TO CLOSED SESSION

CLOSED SESSION

Shimada Room of City Hall

A. <u>CITY COUNCIL</u>

A-1. LIABILITY CLAIMS - PENDING LITIGATION (Government Code Section 54956.9):

Daly vs. City of Richmond

Debra Noonen vs. City of Richmond

A-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9):

Booker vs. City of Richmond

Citizens for East Shore Parks and Sustainability vs. City of Richmond

Communities for a Better Environment (CBE) vs. City of Richmond

RICHMOND COMMUNITY REDEVELOPMENT AGENCY

6:15 p.m.

- A. PLEDGE TO THE FLAG
- B. ROLL CALL
- C. <u>STATEMENT OF CONFLICT OF INTEREST</u>

D. <u>AGENDA REVIEW</u>

E. OPEN FORUM FOR PUBLIC COMMENT

F. PUBLIC HEARINGS

F-1. ADOPT a resolution approving an amendment to a contract with Holland and Knight, LLP, to provide specialized environmental legal services for the Miraflores Housing Development, increasing the contract amount by \$250,000 to a total of \$300,000 and extending the term through June 30, 2010 (this item was reviewed and recommended for approval by the Finance Committee at its June 12, 2009, meeting) - Richmond Community Redevelopment Agency (Steve Duran/Patrick Lynch 307-8140).

G. CONSENT CALENDAR

- G-1. ADOPT a resolution authorizing the Agency to enter into a contract with Gonzales Architects in an amount not to exceed \$360,000 for a term of one year commencing July 1, 2009, to provide architectural, design, and engineering services associated with the preparation of Planned Area Rezoning and Tentative Map application documents for the Miraflores Housing Development (this item was reviewed and recommended for approval by the Finance Committee at its June 12, 2009, meeting) Richmond Community Redevelopment Agency (Steve Duran/Patrick Lynch 307-8140).
- G-2. ADOPT a resolution approving a contract with Watkin & Bortolussi for installation of landscape irrigation controllers system throughout the landscaped public areas in Marina Bay in an amount not to exceed \$338,186 for a term of June 1, 2009, through December 31, 2009, (this item was reviewed and recommended for approval by the Finance Committee at its June 12, 2009, meeting) Richmond Community Redevelopment Agency (Steve Duran/Alan Wolken 307-8140).
- G-3. ADOPT a resolution authorizing the execution of a contract with Ghirardelli Associates, Inc. (GAI) to provide construction management and inspection services for capital improvement projects in Marina Bay in an amount not to exceed \$242,695 for a term of June 1, 2009, through April 30, 2010 (this item was reviewed and recommended for approval by the Finance Committee at its June 12, 2009, meeting) Richmond Community Redevelopment Agency (Steve Duran/Alan Wolken 307-8140).

- G-4. ADOPT a resolution approving a second amendment with the Richmond Main Street Initiative (RMSI) for program management services, increasing the contract amount by \$150,000, from \$209,000 to \$359,000, and extending the term to June 30, 2010 (this item was reviewed and recommended for approval by the Finance Committee at its June 12, 2009, meeting) Richmond Community Redevelopment Agency (Steve Duran/Thomas Mills 307-8140).
- G-5. ADOPT a resolution approving and adopting the fiscal year 2009-2010 budget for the Richmond Community Redevelopment Agency in the amount of \$126,912,008 (including Operating Costs of \$27,542,008 and Project and Program Costs of \$99,370,000) and the five year 2009-2014 Capital Project and Program Budget totaling \$131,491,000 Richmond Community Redevelopment Agency (Steve Duran/Nickie Mastay).
- **G-6.** APPROVE the minutes of the Regular Meeting held on May 19, 2009 City Clerk's Office (Diane Holmes 620-6513).

H. <u>ADJOURNMENT</u>

JOINT MEETING OF HOUSING AUTHORITY/RICHMOND COMMUNITY REDEVELOPMENT AGENCY/CITY COUNCIL

6:50 p.m.

- A. ROLL CALL
- B. STATEMENT OF CONFLICT OF INTEREST
- C. AGENDA REVIEW
- D. <u>OPEN FORUM FOR PUBLIC COMMENT</u>
- E. CONSENT CALENDAR
 - **E-1.** ADOPT a resolution approving the Housing Authority's fiscal year 2009/2010 budget Richmond Housing Authority (this item was reviewed by the Housing Advisory Commission at its June 1, 2009, Study Session) Housing Authority (Tim Jones 621-1310).

F. ADJOURNMENT

SPECIAL JOINT MEETING OF THE RICHMOND COMMUNITY REDEVELOPMENT AGENCY/CITY COUNCIL

6:55 p.m.

- A. ROLL CALL
- B. STATEMENT OF CONFLICT OF INTEREST
- C. AGENDA REVIEW
- D. <u>OPEN FORUM FOR PUBLIC COMMENT</u>
- E. PUBLIC HEARING
 - E-1. Public Hearing for the proposed issuance of multifamily housing mortgage revenue bonds for the Lillie Mae Jones Plaza Development in an amount not to exceed \$7,000,000; and consider adopting a resolution authorizing the issuance in an amount not to exceed \$7,000,000 multifamily housing mortgage revenue bonds for the Lillie Mae Jones Plaza Development. The Finance Committee reviewed this item at its June 12, 2009 meeting and recommends approval by the City Council -- Richmond Community Redevelopment Agency (Steve Duran/Patrick Lynch 307-8140).

F. CONSENT CALENDAR

- **F-1.** ADOPT a resolution authorizing the creation of a Single-Purpose Entity for the Neighborhood Stabilization Program (NSP) Richmond Community Redevelopment Agency (Steve Duran/Patrick Lynch 307-8140).
- **F-2.** APPROVE the minutes of the Special Joint Meetings held on May 5, 19, and 26, 2009 City Clerk's Office (Diane Holmes 620-6513).

G. ADJOURNMENT

CITY COUNCIL

7:00 p.m.

- A. ROLL CALL
- B. <u>STATEMENT OF CONFLICT OF INTEREST</u>
- C. AGENDA REVIEW
- D. PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS
 - **D-1.** Presentation of awards to Training and Education for Community Home and School (TECHS) After School Program recipients to acknowledge their dedication and exceptional hard work Mayor's Office (Mayor McLaughlin 620-6503).
 - **D-2.** Proclamation recognizing the accomplishments and the ongoing struggles of the gay, lesbian, bisexual, transgender (LGBT) community and declaring the month of June as Pride Month in the City of Richmond Mayor's Office (Mayor McLaughlin 620-6503).
- E. REPORT FROM THE CITY ATTORNEY OF FINAL DECISIONS MADE AND NON-CONFIDENTIAL DISCUSSIONS HELD DURING CLOSED SESSION
- F. <u>CONSENT CALENDAR</u>
 - **F-1.** APPROVE Contract Amendment No. 1 with Forster & Kroeger for fire hazard vegetation control for the Point Molate facilities and beach area, extending the term by one year to cover July 1, 2009, to June 30, 2010, in an amount not to exceed \$251,000.04. The total contract amount will be \$482,500.04 for the two-year period. (This contract was reviewed and recommended for approval by the Finance Standing Committee on June 12, 2009) Public Works (Yader Bermudez 231-3009).
 - **F-2.** APPROVE the donation of one surplus fire engine (1986 Pierce Dash Pumper) to the Los Medanos College Firefighter Academy in Pittsburg, California and a second surplus fire engine (1991 Pierce Dash Pumper) to the Municipality of Santa Maria Huatulco, Oaxaco, Mexico Fire Department (Chief Michael Banks 307-8041).

- F-3. ADOPT a resolution Authorizing participation and membership in the California Joint Powers Risk Management Authority (CJPRMA) for placement of general liability insurance coverage for a period of three years commencing July 1, 2009, in a premium amount not to exceed \$1,000,000 for fiscal year 2009/2010, and as adjusted on an annual basis thereafter (this item was reviewed and recommended for approval by the Finance Committee at its June 12, 2009, meeting) Human Resources Management (Leslie Knight 620-6600).
- F-4. APPROVE a contract amendment with Trisha A. Aljoe to provide continued legal services working with the Police Department in connection with code enforcement activities, drug house abatement matters, and general legal matters in the amount of \$150,000. The term of the contract shall be July 1, 2009, through June 30, 2010 (this item was reviewed and recommended for approval by the Finance Committee at its June 12, 2009, meeting) City Attorney's Office (Randy Riddle 620-6509).
- **F-5.** INTRODUCE an ordinance (first reading) establishing the wages, salary, and compensation for the classification of Payroll Supervisor (Salary Range No. 057: \$6,218 \$7,560/month) Human Resources Management (Leslie Knight 620-6600).
- **F-6.** ADOPT a resolution amending the City of Richmond Position Classification Plan to delete the classification of Lead Payroll Coordinator and add the classification of Payroll Supervisor Human Resources Management (Leslie Knight 620-6600).
- **F-7.** INTRODUCE an ordinance (first reading) establishing the wages, salary, and compensation for the new classification of Cable Television Manager (Salary Range 066: \$6,660-\$8,095/month) Human Resources Management (Leslie Knight 620-6600).
- **F-8.** ADOPT a resolution amending the City of Richmond Position Classification Plan to add the new classification of Cable Television Manager Human Resources Management (Leslie Knight 620-6600).
- **F-9.** APPROVE Amendment No. 2 to the Miscellaneous Concrete Repairs contract with Bay Hawk, Inc. to increase the contract value by \$95,000 for a total of \$654,950 while extending the expiration date to June 30, 2010 Engineering Department (Rich Davidson 307-8105).

- **F-10.** APPROVE a contract with the Oakland Private Industry Council to process Individual Training Accounts (ITAs) for program participants funded by the Workforce Investment Act in an amount not to exceed \$330,000 for a term of June 16, 2009, through June 30, 2010, (this agenda item was not reviewed by the Finance Committee due to a state deadline to encumber the funding prior to July 1, 2009) Employment & Training (Sal Vaca 307-8006).
- **F-11.** APPROVE a contract with Andre Vernon to provide instructional services for the Richmond BUILD program in an amount not to exceed \$40,000 for the term of May 5, 2009, through June 30, 2010 Employment & Training (Sal Vaca 307-8006).
- **F-12.** APPROVE a contract with Cleve Harris to provide welding technology training for students participating in the Richmond BUILD Program in an amount not to exceed \$25,000 for a term of June 16, 2009, through June 30, 2010 Employment & Training (Sal Vaca 307-8006).
- **F-13.** APPROVE a contract with AN West for completion of final engineering design and bid documents for five retaining walls as part of the Point Richmond Retaining Wall Repair project in an amount not to exceed \$88,278 Engineering (Rich Davidson 307-8105).
- **F-14.** APPROVE a contract with Rowley International Inc. to allow the continuation of quality assurance activities during the construction of the swimming pool for the renovation of the Richmond Natatorium (the Plunge) in an amount not to exceed \$25,189.42 Engineering (Rich Davidson/Frank Lideros 307-8173).
- **F-15.** APPROVE the purchase of tables, chairs, and storage units for nine community centers and the Richmond Auditorium from Mity-Lite, Inc. under a State of California, Multiple Award Schedule (CEMAS) Bid Contract No. 4-06-01-0061B in an amount not to exceed \$95,000 Recreation Department (Keith Jabari 620-6791).
- **F-16.** APPROVE a professional services contract with Marcy Wong & Donn Logan Architects to continue architectural services on the Martin Luther King (MLK) Community Center and Park Project in an amount not to exceed \$97,541.72 Engineering (Rich Davidson/Frank Lideros 307-8173).

- **F-17.** ADOPT a resolution approving the 2009/2010 Appropriations Limit pursuant to Article XIIIB, as amended by the Constitution of the State of California Finance Department (James Goins 620-6740).
- **F-18.** ADOPT the following resolutions: (1) approving the fiscal year 2009-10 Operating Budget and the (2) fiscal year 2009-14 Five-Year Capital Improvement Budget Finance Department (James Goins 620-6740).
- **F-19.** ADOPT an ordinance (second reading) amending the Trespassing Ordinance to empower businesses to prohibit unwanted persons from returning to their establishments for a period of up to one year when specific criteria have been met Police Department (Chief Chris Magnus 620-6656).
- **F-20.** ADOPT an ordinance (second reading) repealing Richmond Municipal Code Chapters 13.08 through 13.36 and adopting a new Chapter 13.08 regarding appeals and remedies for tax and fee disputes City Attorney's Office (Randy Riddle 620-6509).
- **F-21.** APPROVE appointment of Councilmember Rogers as representative and Vice Mayor Lopez as alternate to ABAG General Assembly for 2009 Mayor's Office (Mayor McLaughlin 620-6503).
- **F-22.** ADOPT a resolution authorizing the City Manager to submit an application for the expenditure of the formula-allocated Federal Energy Efficiency and Conservation Block Grant funds in the amount of \$955,100 for the approximate period from August 1, 2009, through July 31, 2012 City Manager (Bill Lindsay 620-6512).
- **F-23.** APPROVE a fourth amendment to the Glen Price Group contract to provide grant seeking and proposal writing services to City departments increasing the not-to-exceed cost by \$95,000 for a total cost of \$576,000, and extending the term by 12 months through June 2010 City Manager (Bill Lindsay 620-6512).
- **F-24.** APPROVE a contract with the Tioga Group, Inc. (Tioga) in an amount not to exceed \$35,000 to prepare a study for review by San Francisco Bay Conservation and Development Commission (BCDC) in consideration of issuing a permit to the Port of Richmond for the Honda Port of Entry project at the Point Potrero Marine Terminal Port (Jim Matzorkis 215-4600).

- **F-25.** ADOPT an ordinance (second reading) enacting local eviction control on foreclosed property by prohibiting eviction of residential tenants from rental units during the period the unit is subject to sale under the power of sale of a deed of trust or foreclosure, except as authorized by ordinance Councilmember Ritterman (620-6581).
- **F-26.** CONSIDER recommending a 10-month contract with Nichols Consulting Engineering to produce a complete and accurate storm drain geographic network to support infrastructure planning, pollutant load assessments, and hazard mitigation in an amount not to exceed \$693,680 City Manager's Office (Bill Lindsay 620-6512).
- **F-27.** APPROVE the purchase of four trucks for the Parks and Landscape Division that will replace existing aged and worn vehicles presently in Richmond's fleet, in an amount not to exceed \$148,000.00. (this item was reviewed by the Finance Standing Committee on June 12, 2009, and recommended for approval by City Council Public Works (Yader A. Bermudez 231-3009).

G. OPEN FORUM FOR PUBLIC COMMENT

H. RESOLUTIONS

- **H-1.** ADOPT a resolution to support and maintain Adult Education and English as a Second Language Programs in the West Contra Costa Unified School District Mayor's Office (Mayor McLaughlin 620-6503).
- H-2. ADOPT a resolution placing driver's license checkpoints as a low priority for the Richmond Police Department Councilmembers Ritterman, Viramontes, and Vice Mayor Lopez (620-6581).
- H-3. ADOPT a resolution in support of efforts to exclude Interstate 80 in Contra Costa County for express lane consideration if Assembly Bill 74 (TORRICO) is not modified to include West Contra Costa Transportation Advisory Committee (WCCTAC) proposed amendments and to direct staff to forward this resolution to WCCTAC for their use in lobbying Senate legislators to exclude I-80 from the Network as appropriate Councilmembers Butt, Viramontes, and Ritterman (236-7435).

- **H-4.** ADOPT a resolution in support of Youth of Promise A Mentoring Program in West Contra Costa County and encourage volunteerism through mentorships to assist at-risk youth in the City of Richmond Vice Mayor Lopez (620-6581).
- H-5. ADOPT a resolution amending the City Council Rules of Procedure and Order to: (1) change the starting and ending times of meetings; (2) alter the order of business; (3) consolidate City Council, Redevelopment Agency Board and other meetings; (4) limit the ability of members of the public to remove items from the Consent Calendar; and (5) make related changes to facilitate completing Council and Board business in a timely fashion City Attorney's Office (Randy Riddle 620-6509).

I. <u>ORDINANCES</u>

- I-1. INTRODUCE an ordinance (first reading) adding Richmond Municipal Code Chapter 3.21 (Design Review Board) and revising Richmond Municipal Code Section 15.04.930 regarding design review criteria, processing and procedures Planning and Building Services Department (Richard Mitchell 620-6706).
- **I-2.** INTRODUCE an ordinance (first reading) establishing regulations for land use related to biodiesel facilities in the City of Richmond Planning and Building Services Department (Richard Mitchell 620-6706).

J. COUNCIL AS A WHOLE

- **J-1.** RECEIVE a report and DIRECT staff regarding the status of oil and gas pipeline franchises in the City of Richmond, including but not limited to the collection of fees and potential adoption of new legislation governing the franchise process City Attorney's Office (Randy Riddle 620-6509).
- **J-2.** ACCEPT a report containing a matrix of foreclosure prevention and mitigation activities and their status Richmond Redevelopment Agency (Steve Duran /Patrick Lynch 307-8140).
- J-3. 1. RECONSIDER approval of a consulting service agreement with North^Star; and if reconsideration granted, 2. APPROVE a consulting service agreement with North^Star in an amount not to exceed \$87,000 to facilitate a community process to identify the City of Richmond's unique brand and develop creative tools such as a new logo, strapline, graphic standards, and messages for use by the community City Manager Bill Lindsay (620-6512).

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

L. <u>ADJOURNMENT</u>

This agenda may be previewed on KCRT – Channel 28, Richmond Television,
City website <u>ci.richmond.ca.us</u>. 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 the
Main Counter at City Hall located at 450 Civic Center Plaza.