

Community Services Building 440 Civic Center Plaza Richmond, CA 94804

# AGENDA Tuesday, September 15, 2009

**Mayor**Gayle 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 prior 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.

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## **EVENING OPEN SESSION**

5:00 p.m.

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

## **CLOSED SESSION**

Shimada Room of the Community Services Building

### A. <u>CITY COUNCIL</u>

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

Herson vs. City of Richmond

United Trustees Association vs. City of Richmond

Citizens for East Shore Parks vs. City of Richmond

Martin vs. City of Richmond

## JOINT MEETING OF THE JOINT POWERS FINANCING AUTHORITY/RICHMOND CITY COUNCIL

6:20 p.m.

### **PLEDGE TO THE FLAG**

- A. ROLL CALL
- B. <u>STATEMENT OF CONFLICT OF INTEREST</u>
- C. <u>CONSENT CALENDAR</u>
  - C-1. ADOPT the following resolutions: (1) a resolution of the City Council authorizing the execution and delivery of an interest rate swap agreement in connection with the Richmond Joint Powers Financing Authority Lease Revenue Bonds, and authorizing the taking of all necessary actions in connection therewith; and (2) a resolution of the Richmond Joint Powers Financing Authority authorizing the execution and delivery of an interest rate swap agreement in connection with its Lease Revenue Bonds, and authorizing the taking of all necessary actions therewith Finance Department (Jim Goins, 620-6740).
- D. <u>ADJOURNMENT</u>

## JOINT MEETING OF THE RICHMOND REDEVELOPMENT AGENCY/RICHMOND CITY COUNCIL

6:30 p.m.

- A. ROLL CALL
- B. STATEMENT OF CONFLICT OF INTEREST
- C. OPEN FORUM FOR PUBLIC COMMENT
- D. <u>AGENDA REVIEW</u>
- E. PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS
  - **E-1.** Declare September 21-27, 2009, as Fall Prevention Awareness Week in the City of Richmond Mayor McLaughlin (620-6503).
  - **E-2.** Hear a report on the 2009 Juneteenth Festivities Councilmember Bates (620-6581).
- F. REPORT FROM THE CITY ATTORNEY OF FINAL DECISIONS MADE AND NON-CONFIDENTIAL DISCUSSIONS HELD DURING CLOSED SESSION
- G. REDEVELOPMENT AGENCY BOARD CONSENT CALENDAR
  - G-1. ADOPT a resolution authorizing the execution of a contract with Questa Engineering Corporation in an amount not to exceed \$97,845 for landscape design services associated with the Bay Trail in Marina Bay for a term of July 1, 2009, through December 31, 2009 Richmond Community Redevelopment Agency (Steve Duran 307-8140).
  - G-2. ADOPT a resolution authorizing the executive director to execute a contract with DP Security, LLC in an amount not to exceed \$85,672 for security services throughout the Harbour 11-A Project Area covered by the Marina Bay Master Agreement for a term of September 1, 2009, through December 31, 2009 Richmond Community Redevelopment Agency (Steve Duran 307-8140).

G-3. ADOPT a resolution authorizing the executive director to enter into a third amendment to the Disposition and Development Agreement (DDA) between the Agency and Community Housing Development Corporation of North Richmond (CHDC) for the purpose of: (1) approving the assignment of the DDA from CHDC to the developer; (2) transferring 249 2nd Street to the developer upon receipt of commitments for at least 95% of the development financing sources; and (3) authorizing the executive director to execute any and all necessary documents to carry out these actions - Richmond Community Redevelopment Agency (Steve Duran 307-8140).

### H. <u>CITY COUNCIL CONSENT CALENDAR</u>

- H-1. APPROVE Contract Amendment No. 3 in the amount of \$50,000, not to exceed a total contract amount of \$125,000, to Downey Brand law firm for the legal review of the requirements in the Baykeeper Settlement Agreement, including legal reviews required by the Regional Water Quality Control Board and/or the California Water Quality Control Board as they pertain to any Clean-up and Abatement Orders (CAOs) issued by either regulatory agency (this item was reviewed and recommended for approval by the Finance Committee at its September 8, 2009, meeting) Engineering Services (Rich Davidson 307-8105).
- H-2. APPROVE Contract Amendment No. 2 with Gordon and Rees, Attorneys, in an amount not to exceed \$325,000 for continued legal services associated with the City's Wastewater Operations, bringing the total amount of the contract to \$825,000 (this item was reviewed and recommended for approval by the Finance Committee at its September 8, 2009, meeting) Engineering Services (Rich Davidson 307-8105).
- H-3. ADOPT a resolution accepting grant funds from the California Department of Fish and Game, Office of Spill Prevention and Response and APPROVE the purchase of oil spill response equipment from Global Diving & Salvage, Inc. Fire Department (Chief Michael Banks 307-8041).
- H-4. APPROVE a contract with the Local Government Commission (LGC), a non-profit organization, in the amount of \$263,849 to develop the City's Community Driven Pedestrian Plan funded by a California Department of Transportation Environmental Justice Transportation Planning Grant (this item was reviewed and recommended for approval by the Finance Committee at its September 8, 2009, meeting) Engineering Services (Rich Davidson 307-8105).

- H-5. APPROVE an additional payment in the amount of \$60,819.20 to the Burlington Northern Santa Fe (BNSF) Railway Company, bringing the total payments to \$204,885.87, for the installation of signal equipment known as "Constant Warning Time" on Ohio Avenue (this item was reviewed and recommended for approval by the Finance Committee at its September 8, 2009, meeting) Engineering Services (Rich Davidson 307-8105).
- H-6. APPROVE a construction contract with Gallagher & Burk, Inc. in the amount of \$3,522,166, with a contingency and reserve not to exceed \$445,834, for the construction of Carlson Boulevard Improvement Project (this item was reviewed and recommended for approval by the Finance Committee at its September 8, 2009, meeting) Engineering Services (Rich Davidson 307-8105).
- **H-7.** AUTHORIZE removal of deed restrictions on court property located at 100 37th Street in the City of Richmond pursuant to the request by the State Public Works Board City Attorney's Office (Randy Riddle 620-6509).
- H-8. APPROVE Contract Amendment No. 1 with West Bay Builders, Inc. in an amount not to exceed \$2,900,000 for the construction of phase II of the renovation of the Richmond Natatorium, bringing the total amount to \$6,891,000. With this amendment in place, the entire project will be completed by December 31, 2009, (this item was reviewed and recommended for approval by the Finance Committee at its September 8, 2009, meeting) Engineering Services (Rich Davidson 307-8105).
- **H-9.** ADOPT a resolution authorizing the Finance Department to offer an amnesty program for the business license tax in an effort to enhance recovery of delinquent business license tax payments Finance Department (James Goins 620-6740).
- H-10. APPROVE Contract Amendment No. 4 with Todd Jersey Architecture in an amount not to exceed \$200,000 to provide the necessary architectural and construction administration services to close out the renovation of the Richmond Natatorium by December 31, 2009, bringing the total contract amount to \$651,000 (this item was reviewed and recommended for approval by the Finance Committee at its September 8, 2009, meeting) Engineering Services (Rich Davidson 307-8105).

- H-11. APPROVE on-call land surveying consultant service contracts with RBF Consulting and with Kister, Savio & Rei, Inc., each in an amount not to exceed \$200,000 over a three-year period (this item was reviewed and recommended for approval by the Finance Committee at its September 8, 2009, meeting) Engineering Services (Rich Davidson 307-8105).
- H-12. ADOPT a resolution authorizing submittal of a grant application for the Bay Air Quality Management District's (BAAQMD) Transportation Fund for Clean Air (TFCA) Regional Fund in the amount of \$709,800 to operate a Richmond Downtown and Marina Bay Shuttle (RDAMBAS) to and from the Richmond BART Station City Manager's Office (Bill Lindsay 620-6512).
- **H-13.** APPROVE the following appointments: Commission on Aging: David Rohrer, term expiring May 19, 2011; Community Development Commission: Jerome Smith, filling the seat for a Homeless Advocate, term expiring March 21, 2012 Mayor's Office (Mayor McLaughlin 620-6503).
- **H-14.** ADOPT a resolution recognizing September 21-27, 2009, as a period for Pollution Prevention Awareness Engineering Services (Rich Davidson 307-8105).
- H-15. APPROVE a Contract Amendment with ShotSpotter®, Inc. to expand ShotSpotter® coverage over an additional 2.75 square mile area of Richmond, increasing the contract amount by \$600,000, for a total amount of \$1,328,250, and extending the term of the contract to June 30, 2010 (this item was reviewed and recommended for approval by the Finance Committee at its September 8, 2009, meeting) Police Department (Chief Chris Magnus 621-1802).

#### I. RESOLUTIONS

- I-1. ADOPT a resolution in support of Senate Bill 279 (Hancock): Finance Energy Efficiency, Water Conservation, and Renewable Energy Investments through Community Facility Districts Mayor McLaughlin (620-6503) and Councilmembers Ritterman and Rogers (620-6581).
- **I-2.** ADOPT a resolution in support of a Richmond Community Land Trust Mayor McLaughlin (620-6503) and Councilmember Ritterman (620-6581).

#### J. <u>ORDINANCES</u>

- J-1. INTRODUCE an ordinance (first reading) amending Section 9.40 of the Richmond Municipal Code (RMC) to prohibit urinating and defecating in public. This ordinance came before the Public Safety Committee and City Council in late 2007 and the recommendations of those entities have been followed Police Department (Chief Chris Magnus 621-1802).
- J-2. INTRODUCE an ordinance (first reading) repealing parts of Chapter 11.04 of the Richmond Municipal Code (RMC) and adopting provisions prohibiting possession of open containers of alcoholic beverages on streets and sidewalks Police Department (Chief Chris Magnus 621-1802).
- J-3. INTRODUCE an ordinance (first reading) repealing the moratorium on the construction, structural alteration or relocation of permanent signs and enacting new provision of the Richmond Municipal Code setting forth sign standards, and ADOPT a corresponding negative declaration regarding the proposed ordinance Planning and Building Services Department (Richard Mitchell 620-6706).
- **J-4.** INTRODUCE an ordinance (first reading) to add Chapter 12.29 (Street Opening and Pavement Restoration Regulations) to the Richmond Municipal Code, establishing a moratorium against excavating into newly, resurfaced streets Engineering Services (Rich Davidson 307-8105).
- K. REPORTS OF OFFICERS: STANDING COMMITTEE REPORTS, REFERRALS
  TO STAFF, AND GENERAL REPORTS (INCLUDING AB 1234 REPORTS)
- L. <u>ADJOURNMENT</u>

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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.