

Community Services Building 440 Civic Center Plaza Richmond, CA 94804

AGENDA Tuesday, December 15, 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. <u>PUBLIC COMMENT</u>
- C. ADJOURN TO CLOSED SESSION

CLOSED SESSION

Shimada Room in the Community Services Building 440 Civic Center Plaza

A. <u>CITY COUNCIL</u>

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

Butrago vs. AT&T Corporation

Citizens for Eastshore Parks vs. City of Richmond

West County Wastewater District vs. City of Richmond

A-2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Initiation of litigation pursuant to Subdivision [c] of Government Code Section 54956.9):

Seven cases

A-3. CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6):

City Designated Representatives: Bill Lindsay, Leslie Knight, Bruce Soublet,

Lisa Stephenson, and Jack Hughes

Employee Organization or Unrepresented Employees: Locals 21 and 1021

A-4. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8):

Property: Point Molate (site of former Naval Shipyard Depot)

Agency Negotiators: Bill Lindsay and Janet Schneider Negotiating Party: Upstream Point Molate LLC Under Negotiation: Price and Terms of Payment

RICHMOND COMMUNITY 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.** Presentation by the Public Works Department and Fire Department on the delivery of the donated surplus fire engine to the Managua, Nicaragua Fire Department Fire Department (Chief Michael Banks 307-8041).
- 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 Executive Director to extend the Agreement to Negotiate Exclusively with The Olson Company for the 12th and Macdonald Mixed Use Project for a period of 90 days, with an option to extend the term administratively for an additional 90 days Richmond Community Redevelopment Agency (Steve Duran/Alan Wolken 307-8140).

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

- **H-1.** APPROVE a contract with Andre' Vernon, DBA Final Cut Construction, to provide instructional services for RichmondBUILD participants for the term from January 1, 2010, through December 31, 2011, in an amount not to exceed \$90,000 Employment & Training (Sal Vaca 307-8006/Fred Lucero 307-8059).
- H-2. ADOPT an ordinance (second reading) establishing the wages, salary, and compensation for the new classification of Community Services Administrative Manager (title change only) (Salary Range No. 060D: \$6,747 \$8,160/month) Human Resources Management (Leslie Knight 620-6600).
- H-3. ADOPT resolutions adjusting appropriations for the 2009-2010 Recreation Department budget to add \$500 in mini grant funding from the California State Parks Foundation for youth activities outdoor program and a \$1,000 donation from Kaiser Permanente for expenses incurred at the Senior Health Fair Recreation Department (Keith Jabari 620-6791).
- H-4. APPROVE a contract with David L. Gates & Associates to provide redesign and construction contract documentation for the Burg Neighborhood Park improvement Project, in an amount not to exceed \$59,930. The contract term will be from December 16, 2009, to June 30, 2010 Public Works Department (Yader A. Bermudez, 231-3009).
- H-5. APPROVE a contract with the West Contra Costa Unified School District (WCCUSD) to receive payment in the amount of \$2,628,000 over a three-year period in return for providing School Resource Officer services to the WCCUSD's Richmond high schools and middle school from July 1, 2009, to June 30, 2012 Police Department (Chief Chris Magnus 621-1802).
- **H-6.** ADOPT an ordinance (second reading) to extend the sunset date of the Business Opportunity Ordinance (Richmond Municipal Chapter Code 2.50) from January 29, 2010, to March 31, 2010 Employment & Training (Sal Vaca 307-8006).
- H-7. ADOPT a resolution authorizing the Port Director to request an extension to the Environment Enhancement and Mitigation (EEM) Program Grant period beyond the current ending date of June 30, 2010, execute all required documents, and to take any and all actions necessary to implement the resolution. The grant is in the amount of \$350,000 for the construction of a 2.4 mile segment of the planned San Francisco Bay Trail in Point Potrero Marine Terminal Port (Jim Matzorkis 215-4600).

- H-8. APPROVE a third amendment to the existing construction management services contract with Harris & Associates, Inc. to provide additional construction management services and to continue improving and updating Engineering Services' inspection policies and procedures, increase payment limit by \$250,000, to a new total limit of \$2,160,000, and extend the term of the contract to December 31, 2010, from the original March 21, 2006, inception date (this item was reviewed and recommended for approval by the Finance Committee at its December 4, 2009, meeting) Engineering Services (Rich Davidson 307-8105/Edric Kwan 621-1825).
- H-9. APPROVE Contract Amendment No. 1 with Grade Tech, Inc. in an amount not to exceed \$106,928.64 that will cover the additional costs associated with the fencing and lighting on Phase II of the Central Richmond Greenway Bicycle/Pedestrian Trail bringing the total contract amount to \$1,091,149.24 (this item was reviewed and recommended for approval by the Finance Committee at its December 4, 2009, meeting.) Engineering Services (Rich Davidson 307-8105/Edric Kwan 621-1825).
- **H-10.** ADOPT a resolution authorizing the acceptance of a \$573,395 Edward Byrne Memorial Justice Assistance Grant (JAG) from the American Recovery and Reinvestment Act of 2009 and the appropriation of this amount for law enforcement programs Police Department (Chief Chris Magnus 620-1802).
- **H-11.** APPROVE the 2010/2011 Preliminary North Richmond Waste & Recovery Mitigation Fee Joint Expenditure Plan (2010/2011 Preliminary Expenditure Plan) created to lessen the impact of illegal dumping and blight on the North Richmond community City Manager's Office (Bill Lindsay 620-6512).
- **H-12.** APPROVE the use of city facilities during regular business hours to open Questionnaire Assistance Centers, from March 19, 2010, through April 19, 2010, to aid residents with completing their 2010 Census form Vice Mayor Lopez (620-6581).
- **H-13.** APPROVE the appointment of Mayor McLaughlin as City Council Liaison to the Community Development Commission Mayor's Office (Mayor McLaughlin 620-6503).
- **H-14.** ADOPT a resolution approving a consulting contract with Wiss, Janney, Elstner Associates, Inc. for the preparation of portions of a Historic Structures Report for Shipyard No. 3 in an amount not to exceed \$35,000 Planning and Building Services Department (Richard Mitchell 620-6706).
- **H-15.** ADOPT a resolution authorizing the acceptance of a \$139,494 JAG Grant from

- the Recovery and Reinvestment Act of 2009 and the appropriation of this amount for law enforcement programs Police Department (Chief Chris Magnus 621-1802).
- **H-16.** APPROVE a contract with the Contra Costa Criminalistics Laboratory (Crime Lab) in an amount not to exceed \$300,000, for a term extending from July 1, 2009, to June 30, 2010, to process evidence submitted by the Richmond Police Department Police Department (Chief Chris Magnus 621-1802).
- **H-17.** ACCEPT the report on the status of the pending layoffs and early retirements Human Resources Management (Leslie Knight 620-6600).
- H-18. APPROVE the following appointments and re-appointments: Community Development Commission: Ezzie Ruth Martin (representing the Coronado neighborhood), term expiring March 21, 2012; Housing Advisory Commission: Alicia Carrillo, term expiring December 15, 2011; Human Relations and Human Rights Commission: Jenabi Pareja, term expiring March 30, 2011 (completing the unexpired term of Garland Harper); Police Commission: Bea Roberson, Incumbent, term expiring November 1, 2012; Glenn Stephenson, Incumbent, term expiring November 1, 2012 Mayor's Office (Mayor McLaughlin 620-6503).
- H-19. APPROVE a fourth amendment to the legal services agreement with Gordon Hart of Paul, Hastings, Janofsky, and Walker (Paul Hastings) to facilitate the Navy's early transfer of Point Molate by assisting in the preparation of required documents, increasing the contract amount by \$100,000, for a total contract amount of \$570,000 while maintaining the June 30, 2010, term expiration date (this item was reviewed by the Finance Committee at its December 4, 2009, meeting) City Manager (Bill Lindsay 620-6512).
- **H-20.** APPROVE a contract with Pankow Special Projects, L.P. (PSP) to provide comprehensive warranty management and on-call construction services at the Civic Center Plaza complex through June 30, 2010, in an amount not to exceed \$149,899 Richmond Community Redevelopment Agency (Steve Duran 307-8140).

I. REDEVELOPMENT AGENCY PUBLIC HEARINGS

I-1. ADOPT a resolution approving the Five-Year Implementation Plan for the Richmond Merged Redevelopment Project Area – Richmond Community Redevelopment Agency (Steve Duran/Alan Wolken 307-8140).

ADOPT a joint resolution of the Richmond City Council and the Richmond

I-2. Community Redevelopment Agency Board, finding that the Agency intends to pay less than the full Supplemental Educational Augmentation Fund (SERAF) contribution required by the State of California due to a lack of available unencumbered funds, as required by legislation (ABX4 26) - Richmond Community Redevelopment Agency (Steve Duran/Nickie Mastay 307-8140).

J. <u>CITY COUNCIL PUBLIC HEARINGS</u>

J-1. ADOPT a resolution certifying the Final Environmental Impact Report (EIR), adopting a Statement of Overriding Considerations, a Mitigation Monitoring and Reporting Program, and approving the proposed General Plan Amendment, and INTRODUCE an ordinance (first reading) approving the Rezoning for the Miraflores Housing Development project, subject to conditions of approval - Planning and Building Services Department (Richard Mitchell 620-6706).

K. <u>RESOLUTIONS</u>

K-1. ADOPT a resolution to support the Energy Security Through Transparency Act (ESTT) and to promote environmental justice in the Niger Delta - Mayor's Office (Mayor McLaughlin 620-6503, Councilmember Butt 236-7435, and Councilmember Ritterman 620-6581).

L. <u>ORDINANCES</u>

- **L-1.** ADOPT an urgency ordinance establishing a 45-day moratorium on the acceptance, processing and approval of applications and permits for tobacco-oriented retail establishments ("smokeshops") Councilmembers Butt, Ritterman, and Rogers (620-6581).
- **L-2.** INTRODUCE an ordinance amending Richmond Municipal Code Chapter 15.04 (Zoning) to prohibit the operation of medical marijuana/cannabis clubs, dispensaries and cooperatives in all zoning districts within the City of Richmond Councilmember Rogers (867-5725).
- L-3. INTRODUCE an ordinance (first reading) adding Richmond Municipal Code Chapter 15.04.942 governing deemed approved alcoholic beverage sales and amending Richmond Municipal Code Section 15.04.910.080(H) to require storefront windows in and inspections of businesses that sell alcoholic beverages Vice Mayor Lopez and Councilmember Rogers (620-6581).

M. <u>COUNCIL AS A WHOLE</u>

- M-1. DISCUSS Phase 1 and 1A expenditures for the Civic Center Revitalization Project funded by the Redevelopment Agency, consider returning the balance of the construction reserve (estimated at \$1.9 million) to the Redevelopment Agency upon completion of the project, and consider reimbursement of the additional unforeseen costs incurred by the Redevelopment Agency in the amount of \$5 million during Phase 1 of the project Councilmember Viramontes (620-6581).
- M-2. RECEIVE a status report on the revised Draft General Plan, including modifications made in response to Planning Commission and community comments, and REVIEW AND PROVIDE DIRECTION TO STAFF regarding the process and timetable that will lead to adoption of the General Plan in early 2010 Planning and Building Services Department (Richard Mitchell 620-6706).
- M-3. CONSIDER directing staff to engage experts in the design of destination resorts with casinos and which include the adaptive reuse of historic resources to assist in the review of Design Concept Documents for Point Molate and to provide professional evaluations and critiques and answer questions for the benefit of the Design Review Board, Planning Commission, and City Council Councilmember Butt (236-7435).
- **M-4.** RECEIVE a report from the city manager regarding the Paratransit Program Councilmember Bates (510-620-6581).
- M-5. Consider the following: (1) Vote to suspend rules to reconsider vote to support the movable bulkhead in the scope of work project to renovate the Richmond Natatorium (the Plunge) (requires two-thirds majority); (2) Vote to reconsider support of the movable bulkhead in the scope of work to renovate the Richmond Natatorium (the Plunge); and (3) Discuss including the movable bulkhead in the scope of work to renovate the Richmond Natatorium (the Plunge) and provide direction to staff Councilmember Rogers (867-5725).
- M-6. APPROVE an allocation in an amount not to exceed \$350,000 from the approximate \$1.9 million balance of construction funds in the Civic Center Revitalization Project for the inclusion of a movable bulkhead in the renovation of the Richmond Natatorium (the Plunge) City Manager's Office (Bill Lindsay 620-6512).

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

O. ADJOURNMENT

This agenda may be previewed on KCRT – Channel 28, Richmond Television,
City website www.ci.richmond.ca.us. 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.