

Community Services Building 440 Civic Center Plaza Richmond, CA 94804

# AGENDA Tuesday, March 16, 2010

**Mayor**Gayle McLaughlin

**Vice Mayor**Jeff Ritterman

### **Councilmembers**

Nathaniel Bates
Thomas K. Butt
Ludmyrna Lopez
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 <u>City Council's consideration of Agenda Review</u>. 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.** LIABILITY CLAIMS - PENDING LITIGATION (Government Code Section 54956.9):

Panos Ly and Xiao Feng Zhou vs. City of Richmond

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

Baykeeper vs. City of Richmond

Communities for a Better Environment vs. City of Richmond, et al.

Citizens of East Shore Park vs. City of Richmond

**A-3.** CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.9):

One case

**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

# SPECIAL MEETING OF THE RICHMOND HOUSING AUTHORITY

6:25 p.m.

- A. PLEDGE TO THE FLAG
- B. ROLL CALL
- C. <u>STATEMENT OF CONFLICT OF INTEREST</u>
- D. OPEN FORUM FOR PUBLIC COMMENT
- E. <u>AGENDA REVIEW</u>
- F. HOUSING AUTHORITY CONSENT CALENDAR
  - **F-1.** ADOPT a resolution authorizing the Housing Authority's executive director to execute a contract with SGI Construction Management to provide construction management services for projects at public housing developments valued at approximately \$1.2 million at a cost not to exceed \$208,000.00. This contract will be supported with American Recovery Reinvestment Act (ARRA) Stimulus Funding and must be obligated before March 17, 2010 (this item was not ready for review at the March 5, 2010, Finance Committee meeting, but was reviewed and recommended for approval by the Housing Advisory Commission at its March 8, 2010, meeting) Housing Authority (Tim Jones 621-1310).
  - F-2. ADOPT a resolution authorizing the Housing Authority executive director to execute a contract with Mino's Painting, the successful bidder, to provide exterior painting services at the Triangle Court Public Housing Development at a cost not to exceed \$208,650. This contract will be supported with American Recovery Reinvestment Act (ARRA) Stimulus Funding and must be obligated before March 17, 2010 (this item was not ready for review at the March 5, 2010, Finance Committee meeting, but was reviewed and recommended for approval by the Housing Advisory Commission at its March 8, 2010, meeting) Housing Authority (Tim Jones 621-1310).

### G. <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.** Receive a report from organizers of "OPERATION RICHMOND", Bishop J.W. Macklin and Superintendent Archie Levias, and present a proclamation recognizing their commitment to peace and unity in Richmond Mayor McLaughlin (620-6503) and 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 Richmond City Council resolution approving an amendment to the Predevelopment Loan Agreement by and between the City of Richmond, Community Housing Corporation of North Richmond (CHDC) and Eden Housing adding \$325,000 to the existing loan for a total loan amount of \$1,265,000 for predevelopment activities related to the Miraflores Housing Development Richmond Community Redevelopment Agency (Steve Duran/Patrick Lynch 307-8140).

#### H. CITY COUNCIL CONSENT CALENDAR

H-1. APPROVE a fourth amended, one-year, sole-source contract with eCivis Incorporated for the annual subscription to a City-wide grant locator database to aid City departments and non-profit organizations in applying for grants, extending the subscription to March 31, 2011, at a cost of \$29,950 - City Manager's Office (Bill Lindsay 620-6512).

- H-2. ADOPT a resolution authorizing the Association of Bay Area Governments (ABAG) to accept funding from the California Energy Commission for a regional residential energy retrofit program Retrofit Bay Area and to recognize Contra Costa County as the local implementer of the program within Contra Costa County City Manager's Office (Bill Lindsay 620-6512).
- **H-3.** APPROVE a two-year contract with Bartel & Associates, LLC in an amount not to exceed \$50,000 for actuarial valuation services associated with the administration of retirement funds Finance Department (James Goins/Latha Ravinder 620-6740).
- **H-4.** APPROVE a contract with Brian Thomas Liston to supervise completion of tenant improvements at the RichmondBUILD facility located at 500 23rd Street, and to provide pre-apprenticeship construction skills training on an as-needed basis, for a grant funded amount not to exceed \$30,000. The contract term will be March 17, 2010, through March 31, 2011 Employment and Training (Sal Vaca/Nicholas Alexander 307-8009).
- H-5. APPROVE an amendment to the contract with Andre' Vernon, dba Final Cut Construction, to provide pre-apprenticeship construction skills training for RichmondBUILD participants. The contract term will be January 1, 2010, through December 31, 2011. The contract amendment increases the total payment amount by \$20,000 to an amount not to exceed \$110,000 and is funded from the American Recovery Reinvestment Act (ARRA) Clean Energy Grant (this item was reviewed and recommended for approval by the Finance Committee at its March 5, 2010, meeting) Employment and Training (Sal Vaca/Fred Lucero 307-8006).
- H-6. APPROVE a contract with the Peralta Community College District to support the goals and objectives of the ATLAS Advanced Transportation Initiative, an Employment Development Department (EDD) and California Energy Commission funded green transportation job training initiative. The contract term will be March 5, 2010, through March 31, 2011, at a grant funded contract amount not to exceed \$425,000 (this item was reviewed and recommended for approval by the Finance Committee at its March 5, 2010, meeting) Employment and Training (Sal Vaca 307-8006).

- H-7. APPROVE an amendment to the existing on-call traffic engineering services contract with Fehr & Peers Transportation Consultants to provide additional project management and complete traffic engineering services for the Richmond/ Ohlone Greenway Gap Closure project and to provide traffic engineering services for other future projects on as-needed basis. The amendment increases the payment limit by \$200,000 to a new total limit of \$400,000, while maintaining the original three-year term of the contract (this item was reviewed and recommended for approval by the Finance Committee at its March 5, 2010, meeting) Engineering Services (Edric Kwan 621-1825/Steven Tam 307-8112).
- **H-8.** APPROVE a contract with Packet Fusion for annual maintenance of the City's ShoreTel Telephone system in an amount not to exceed \$59,500 Information Technology Department (Sue Hartman 620-6874).
- **H-9.** ACKNOWLEDGE receipt of the City of Richmond's Comprehensive Annual Financial Report for the fiscal year ended June 30, 2009 (this item was reviewed and recommended for approval by the Finance Committee at its March 5, 2010, meeting) Finance Department (James Goins/Tina McKenney 621-1220).
- **H-10.** ADOPT a resolution authorizing the acceptance of a \$100,000 Supplemental Law Enforcement Services Fund (SLESF) grant from the State of California, and the appropriation of this amount for Police Department training and equipment cost Police Department (Chief Chris Magnus 621-1802).
- H-11. APPROVE a contract with the Greater Richmond Interfaith Program (GRIP) to provide program readiness and life skills training services through the Community Based Employment Collaborative (CBEC) for the Office of Neighborhood Safety (ONS) California Gang Reduction and Intervention Program with a contract term expiration date of March 31, 2011, in an amount not to exceed \$138,240.00 (this item was reviewed and recommended for approval by the Finance Committee at its March 5, 2010, meeting) Office of Neighborhood Safety (DeVone L. Boggan 620-5421).
- **H-12.** APPROVE an emergency contract with Bass Electric to repair the existing high voltage electrical equipment at the Port of Richmond Terminal Three in an amount not to exceed \$70,000 Port (Jim Matzorkis 215-4600).
- H-13. APPROVE an award of a contract to Ashbury Homes, Inc. (dba AHI), for the construction of the Martin Luther King, Jr. Park, Area One Project in the amount of \$2,612,587.00 (Base Bid plus Alternates 1, 2 and 6). (This item was reviewed and recommended for approval by the Finance Committee at its March 5, 2010, meeting) Engineering Services (Edric Kwan 621-1825).

- H-14. APPROVE amendment five to the legal services agreement with Paul, Hastings, Janofsky, and Walker (Paul Hastings) to facilitate the Navy's early transfer of the last 41 acres of the Point Molate site by assisting in the preparation of required documents, increasing the contract amount by \$150,000 for a total contract amount of \$720,000 while maintaining the June 30, 2010, contract term expiration date. (The Finance Committee reviewed this item at its meeting of March 5, 2010, and voted unanimously to recommend that the City Council terminate the contract with Paul Hastings after April 20, 2010, [the current LDA expiration date] and if the LDA is extended beyond that date, directed staff to recommend another law firm for future City Council approval. The "Recommended Action" stated above is the original staff recommendation presented to the Finance Committee, which remains unchanged) City Manager's Office (Bill Lindsay 620-6512).
- **H-15.** APPROVE the following appointments: Arts and Culture Commission: Denise Chandhoke, term expiring January 31, 2014; Human Relations and Human Rights Commission: Eric Muhammad, term expiring March 30, 2013 Mayor's Office (Mayor McLaughlin 620-6503).
- **H-16.** APPROVE the minutes for September 15 and 22, 2009, and January 19 and 26, 2010 City Clerk's Office (Diane Holmes 620-6513).

#### I. ORDINANCES

- I-1. INTRODUCE an ordinance (first reading) to add Section 6.46 to the Richmond Municipal Code imposing "Green Building requirements" on certain commercial and residential construction projects Planning and Building Services Department (Richard Mitchell 620-6706).
- **I-2.** INTRODUCE an ordinance (first reading) to repeal Section 2.42.080 of the Richmond Municipal Code and add a new Section 2.42.080 to establish the penalties for violation of the Fair Elections Ordinance and the process for enforcing the Ordinance City Attorney's Office (Randy Riddle 620-6509).
- INTRODUCE an ordinance (first reading) revising Richmond Municipal Code Sections 6.02.130 and 6.02.140 to establish a Board of Appeals to review decisions of the Building Official and penalties for violations of Building Codes and the Uniform Code for the Abatement of Dangerous Buildings City Attorney's Office (Randy Riddle 620-6509).

- I-4. INTRODUCE an ordinance (first reading) adding Section 6.02.155 to the Richmond Municipal Code to require a permit for the demolition of structures Mayor McLaughlin (620-6503) and Councilmember Butt (620-6581).
- J. REPORTS OF OFFICERS: STANDING COMMITTEE REPORTS, REFERRALS TO STAFF, AND GENERAL REPORTS (INCLUDING AB 1234 REPORTS)
- K. ADJOURNMENT

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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.