



**Community Services Building
440 Civic Center Plaza
Richmond, CA 94804**

**AGENDA
Tuesday, April 6, 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:

PUBLIC COMMENT ON AGENDA ITEMS: 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 **prior** 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. **Each speaker will be allowed TWO (2) MINUTES to address the City Council on NON-PUBLIC HEARING items listed on the agenda.**

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.

CONSENT CALENDAR: 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 **prior to the City Council's consideration of 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. CITY COUNCIL

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

Citizens of East Shore Park vs. City of Richmond

Booker vs. City of Richmond

Jenkins 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):

Two cases

- A-3. 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

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

6:30 p.m.

PLEDGE TO THE FLAG

A. ROLL CALL

B. STATEMENT OF CONFLICT OF INTEREST

C. OPEN FORUM FOR PUBLIC COMMENT

D. AGENDA REVIEW

E. PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

E-1. Proclamation acknowledging 2010 National Library Week - Mayor 's Office (Mayor Mclaughlin 620-6503).

E-2. Presentation from the Census Bureau emphasizing the importance of completing the 2010 Census form - Mayor's Office (Mayor McLaughlin 620-6503 and Vice Mayor Ritterman 620-6581).

F. REPORT FROM THE CITY ATTORNEY OF FINAL DECISIONS MADE AND NON-CONFIDENTIAL DISCUSSIONS HELD DURING CLOSED SESSION

G. STUDY AND DIRECTION TO STAFF SESSION

G-1. CONTINUED FROM MARCH 23, 2010, (a) HEAR a presentation from a consortium of West County service providers concerning strategies to reduce violent crime in the Richmond community; (b) INTRODUCE an ordinance (first reading) that makes it unlawful, with certain exceptions, for any minor subject to compulsory education to be in or upon any public street, highway, road, alley, park, playground, or other public ground, public place, place of amusement, eating establishment, or vacant lot 30 minutes after school commences until 30 minutes before school concludes on days when said minor's school is in session - Police Department (Chief Chris Magnus 621-1802).

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- G-2.** PROVIDE direction to staff regarding additional policies and actions to reduce the incidence of violent crime in Richmond: (a) DIRECT staff to prepare plan to require that future shoreline developments include onsite shoreline recreational and educational opportunities to provide alternatives to gangs and crime for inner city students; and (b) DIRECT staff to prepare a fee to ensure that problem liquor stores pay for added police patrols needed to clean up criminal activities near the liquor stores, and appoint ad hoc Committee to meet with stakeholders - Vice Mayor Ritterman, Councilmembers Butt and Rogers, and Chief Magnus.

H. CITY COUNCIL CONSENT CALENDAR

- H-1.** APPROVE a contract amendment with Scharff, Brady & Vinding (SB&V) for legal advice related to state and federal approvals for Indian gaming regarding Point Molate, increasing the amount of the contract by \$95,000 for a total of \$102,500, and extending the term expiration to March 31, 2011 - City Attorney's Office (Randy Riddle 620-6509).
- H-2.** APPROVE the purchase of two Go-4, Interceptor III Scooters from Municipal Maintenance Equipment, as replacement for existing worn equipment and for use in enforcing parking regulations, in an amount not to exceed \$64,000 - Public Works (Yader A. Bermudez 231-3009).
- H-3.** ACCEPT the work completed by Bay Hawk, Inc. for the Miscellaneous Sidewalk Repairs for Fiscal Year 2007/08 - 2008/09 at a final construction cost of \$651,966.28 - Engineering Services (Edric Kwan 621-1865).
- H-4.** ADOPT a resolution authorizing an extension of the current Memorandum of Understanding between the city and IFPTE Local 21 in accordance with the terms of the Tentative Agreement reached between the parties' representatives - Human Resources Management (Leslie Knight 620-6600).
- H-5.** APPROVE a contract with The Regents of the University of California, dba University of California, Berkeley Lawrence Hall of Science, to teach and evaluate "Environmental Literacy" for RichmondBUILD Green Jobs Academy. The contract amount will not exceed \$24,000.00 and is grant funded. The contract term will be April 19, 2010, through December 31, 2011 - Employment and Training (Sal Vaca/Fred Lucero 307-8006).

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- H-6.** ADOPT a resolution adjusting appropriations of the 2009-2010 Employment and Training Department Budget, increasing both grant revenues and program expenditures in the amount of \$40,000 to augment the YouthWORKS Gang Related Intensive Case Managed Services Program - Employment and Training (Sal Vaca 307-8006).
- H-7.** ADOPT an ordinance (second reading) to add Section 6.46 to the Richmond Municipal Code imposing 'Green Building requirements' on certain commercial and residential construction projects (first reading was on March 16, 2010) - Planning and Building Services Department (Richard Mitchell 620-6706).
- H-8.** ADOPT an ordinance (second 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 (first reading was on March 16, 2010) - City Attorney's Office (Randy Riddle 620-6509).
- H-9.** ADOPT an ordinance (second 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 (first reading was on March 16, 2010) - City Attorney's Office (Randy Riddle 620-6509).
- H-10.** APPROVE the purchase of the Utility Manager Software ("Software") and installation service at a cost of \$40,000 for initial set up and a \$1,700 annual maintenance fee that will allow staff to electronically manage all of the city's utility accounts; and ADOPT a resolution to use \$40,000 of proceeds from the Qualified Energy Conservation Bond for this purchase before the Bond is issued in June of 2010 - City Manager's Office (Bill Lindsay 620-6512).
- H-11.** APPROVE the following appointments and re-appointment: Arts and Culture Commission: Anyka Barber, term expiring 1/31/2014; Brenda Williams, term expiring 1/31/2014; Human Relations and Human Rights Commission: Betty Burrus-Wright, Incumbent, term expiring 3/30/2013; Contra Costa Transportation Authority Citizens Advisory Committee: Tony Sustak, Richmond representative, term expiring 4/6/2014; Recreation and Parks Commission: Harmohinder Singh, term expiring 10/26/2012; Richmond-Zhoushan Friendship Commission: Matthew Jean, term expiring 7/22/2012; Youth Commission: Jael Agbabiaka, term expiring 4/6/2012; Elisha Evelyn, term expiring 4/6/2012; Daniel Hooper, term expiring 4/6/2012; Daisy Santizo, term expiring 4/6/2012; Christian Tirado, term expiring 4/6/2012 - Mayor's Office (Mayor McLaughlin 620-6503).

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- H-12.** APPROVE an amendment to the contract with the law firm of Meyers, Nave, Riback, Silver and Wilson to continue to represent the city in the lawsuits entitled Booker vs. City of Richmond, et al. and Jenkins vs. City of Richmond, et al. in the amount of \$400,000, bringing the total contract amount to \$850,000 (this item was reviewed and recommended for approval by the Finance Committee at its April 2, 2010, meeting) - City Attorney's Office (Randy Riddle 620-6509).
- H-13.** APPROVE a construction contract with Ghilotti Brothers, Inc. in the amount of \$4,374,887, with a city-administered contingency and reserve not to exceed \$440,000 (this item was reviewed and recommended for approval by the Finance Committee at its April 2, 2010, meeting) - Engineering Services (Edric Kwan 621-1825/Andy Yeung 307-8108).
- H-14.** APPROVE the minutes for February 2, 2010 - City Clerk's Office (Diane Holmes 620-6513).
- H-15.** APPROVE the fiscal agent agreement among the City of Richmond, Upstream Point Molate LLC, and First American Fund Control (as the fiscal agent) that calls for the establishment of an escrow account for the \$28.5 million in Navy funds that the city will receive for environmental cleanup activities to achieve regulatory compliance at the Point Molate site. The fiscal agent agreement also outlines the rules by which, upon city approval, the fiscal agent will disburse funds to Upstream Point Molate LLC for its remediation activities on the city's behalf - City Manager's Office (Bill Lindsay 620-6512).
- H-16.** APPROVE the development of a lease agreement with the West Contra Costa Business Development Center (BDC) to establish a Culinary Business Center at the Richmond Memorial Center kitchen and authorize the city manager to execute this lease agreement - Councilmembers Lopez and Viramontes (620-6581).

I. PUBLIC HEARING RICHMOND REDEVELOPMENT AGENCY

- I-1.** Public hearing concerning the proposed Amended and Restated Redevelopment Plan for the Richmond Merged Project Area, and the Environmental Impact Report (EIR) prepared for the plan amendment, and consider scheduling introduction of the ordinance for the Amended and Restated Redevelopment Plan and certification of the EIR for the April 20, 2010, Joint City Council and Redevelopment Agency Meeting - Redevelopment Agency (Steve Duran/Alan Wolken 307-8140).

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J. PUBLIC HEARING RICHMOND CITY COUNCIL

J-1. CONTINUE TO APRIL 20, 2010, to hear public comment regarding the proposed wastewater rate increase to allow for additional information dissemination to the public - Engineering/Wastewater (Chad Davisson 620-5486).

K. RESOLUTIONS

K-1. ADOPT a resolution in support of restoring democracy in California through the California Democracy Act and authorizing the mayor to urge Attorney General Jerry Brown to revise the official Title and Summary for that Act - Vice Mayor Ritterman and Mayor McLaughlin - (620-6581).

K-2. ADOPT a resolution expressing support of West Contra Costa Unified School District Measure D on the June 8, 2010 primary election ballot to raise additional funds to continue to repair and rebuild schools throughout the community - Councilmember Rogers (620-6581).

L. ORDINANCES

L-1. INTRODUCE an ordinance (first reading) repealing Richmond Municipal Code Section 11.86.105, which limits the number of bingo games per week conducted by any organization at any one facility (the Public Safety Committee requested that an ordinance amending bingo regulations be presented to the full Council at the first meeting in April) - Councilmembers Bates, Viramontes, and Vice-Mayor Ritterman (620-6581).

L-2. INTRODUCE an ordinance (first reading) amending Chapter 2.56 of the Municipal Code to revise the City of Richmond Local Employment Ordinance (52.06 N.S.) - Employment and Training (Sal Vaca/Thomas Mills 307-8006).

M. COUNCIL AS A WHOLE

M-1. CONSIDER only extending the Point Molate LDA with Upstream Point Molate LLC only for a third period ending May 20, 2010. Consideration will include only monthly payments of \$90,000 to the City of Richmond to cover ongoing expenses beginning with the first extension on January 15, 2010. This agenda item is limited to only the specific extension time and the monthly payment - Councilmember Butt (236-7435).

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M-2. APPROVE the appointments of Mayor McLaughlin, Councilmembers Butt, and Lopez as an ad hoc committee to participate in the selection of remediation and development counsel for Point Molate, and appoint no more than three Council members to serve on this ad hoc committee - Mayor Gayle McLaughlin (620-6503).

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.