



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

**AGENDA
Tuesday, October 16, 2012**

**Mayor
Gayle McLaughlin**

**Vice Mayor
Jim Rogers**

**Councilmembers
Nathaniel Bates
Jovanka Beckles
Courtland "Corky" Boozé
Jeff Ritterman
Thomas K. Butt**

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

**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.

Any law enforcement officer on duty or whose service is commanded by the presiding officer shall be Sergeant-at-Arms of the Council meetings. He/she, or they, shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the Council meetings (City Council Rules of Procedure and Order Section III F, RMC Section 2.12.030).

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):
 - Booker vs. City of Richmond
 - Jenkins vs. City of Richmond
 - Municipal Pooling Authority vs. City of Richmond
 - Jeffrey Herson vs. City of Richmond
 - In Re Municipal Derivatives Litigation
 - A-2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
(Initiation of litigation pursuant to Subdivision (c) of Government Code Section 54956.9):
 - One case

REGULAR MEETING OF THE RICHMOND CITY COUNCIL

6:30 p.m.

- A. PLEDGE TO THE FLAG**
- B. ROLL CALL**
- C. READING OF THE CODE OF ETHICS**
- D. STATEMENT OF CONFLICT OF INTEREST**
- E. AGENDA REVIEW**
- F. OPEN FORUM FOR PUBLIC COMMENT**
- G. PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS**
 - G-1.** PROCLAMATION declaring October 20, 2012, as Arbor Day in the City of Richmond - Mayor McLaughlin (620-6503).
- H. REPORT FROM THE CITY ATTORNEY OF FINAL DECISIONS MADE AND NON-CONFIDENTIAL DISCUSSIONS HELD DURING CLOSED SESSION**
- I. CITY COUNCIL CONSENT CALENDAR**
 - I-1.** APPROVE a contract with the Contra Costa County District Attorney's Office for the services of a Deputy District Attorney who would be specifically dedicated to handle the prosecution of Richmond gun cases. This 27-month contract would be for the period of April 5, 2012, through June 30, 2014, in an amount not to exceed \$338,577.14 (This item was reviewed and recommended for approval by the Finance Committee at its October 5, 2012, meeting) - Police Department (Chief Chris Magnus 621-1802).
 - I-2.** APPROVE a three-year contract, with one-two year options to extend, with PlanetBids, Inc. to provide an on-line vendor registration/bid management system (BidsOnline) in an amount not to exceed \$22,325 per year - Finance Department (James Goins 620-6740).

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- I-3.** APPROVE the purchase of the Linko® Data Systems database management program in an amount not to exceed \$98,252 for use in the Source Control Program of the Wastewater enterprise in order to comply with the regulatory permit requirements - Engineering Services Department (Alan Wolken/Mary Phelps 621-1269).
- I-4.** APPROVE a contract with Straight Talk on Prison (STOP) for academic coordination. The contract term will be from October 16, 2012, to June 30, 2013, in an amount not to exceed \$47,200 - Employment and Training Department (Sal Vaca/Jay Leonhardy 307-8019).
- I-5.** APPROVE a grant-funded contract with the Oakland Private Industry Council to procure goods and services on behalf of RichmondWORKS and in support of East Bay Works One Stop Career Center System. Contract term will be October 16, 2012, through June 30, 2013, in an amount not to exceed \$46,074 - Employment and Training Department (Sal Vaca/Rosemary Viramontes 307-8008).
- I-6.** APPROVE a construction contract with TPA Construction Inc., for the Dornan Drive Tunnel Repair Project in the amount of \$745,753, with a city-administered contingency and reserve not to exceed \$74,575. (This item was reviewed and recommended for approval by the Finance Committee at its October 5, 2012, meeting); and APPROVE Contract Amendment No. 2 with the Crosby Group for design services during construction, increasing the contract amount by \$31,000 to a total of \$41,000 - Engineering Services Department (Alan Wolken/Andy Yeung 307-8108).
- I-7.** APPROVE an amendment to the contract with CPS HR Consulting to increase the amount by \$2,720, and in an amount not to exceed \$42,220 to develop and administer an examination for Firefighter Trainee - Human Resources Management Department (Leslie Knight 620-6600).
- I-8.** APPROVE a contract with Alliance Resource Consulting, LLC to conduct a state-wide recruitment for a Risk Manager in an amount not to exceed \$23,000 for a term of October 17, 2012, to February 28, 2013 - Human Resources Management Department (Leslie Knight 620-6600).
- I-9.** APPROVE an emergency contract with Conflo Services Inc., in the amount of \$10,200 for the abatement of asbestos in the air handling and boiler rooms of the Auditorium - Public Works Department (Yader A. Bermudez 231-3008).

- I-10.** ADOPT a resolution authorizing the city manager to: (1) submit an application to accept up to \$3,000,000 in energy-efficiency loans from the California Energy Commission, committing to the repayment of the loans in full through energy cost savings, and to undertake all actions necessary to complete energy-efficiency projects, including streetlight upgrades; and (2) appropriate energy rebates resulting from streetlight retrofits to the city's budget to fund additional streetlight upgrades - City Manager's Office (Bill Lindsay 620-6512).
- I-11.** APPROVE a fourth amendment to the legal services agreement with Holland & Knight, LLP to provide continued legal representation for the Revised Environmental Impact Report (EIR) for the Revised Chevron Renewal Project in the amount of \$750,000, for a total expenditure of \$1,750,000 under this contract, and extending the term to December 31, 2013, with funding from Chevron for payment of all costs for this project - City Attorney's Office (Bruce Reed Goodmiller 620-6509).
- I-12.** APPROVE a contract with Gardener's Guild, Inc., a Richmond-based business, in the amount of \$321,635 for the Carlson Boulevard Landscape Improvements Project (This contract was reviewed and recommended for approval by the Finance Committee at its October 5, 2012, meeting) - Engineering Services Department (Alan Wolken/Jim Bissell 307-8091).
- I-13.** APPROVE the Port Executive Director's request for travel to China with a cost of approximately \$9,000 to continue the business development plan and 2012 marketing plan with the Port of Zhoushan and Auto Warehousing Company (AWC), to continue to explore the potential for China auto manufacturing companies entering the U.S. market through the Port of Richmond's recently renovated facility, and to meet with China automobile industry representatives - Port Department (Jim Matzorkis 215-4600).
- I-14.** APPROVE the purchase of a paving patch truck for use by the Public Works Department Streets Division from Municipal Maintenance Equipment, Inc. (Sacramento, CA) in an amount not to exceed \$175,000 (This item was reviewed and recommended for approval by the Finance Committee at its October 5, 2012, meeting) - Public Works Department (Yader A. Bermudez 231-3008).

- I-15.** APPROVE the following re-appointments: Human Rights and Human Relations Commission: Demetria Saunders, incumbent, term expiring May 19, 2015 (this is a correction of a typographical error on the September 18 Richmond City Council Consent Calendar Item I-5 erroneously indicating a re-appointment to the Housing Advisory Commission); Richmond-Zhoushan Friendship Commission: Katrinka Ruk, incumbent, term expiring July 22, 2014; Economic Development Commission: Larry Flemming, Incumbent, term expiring April 21, 2015 - Mayor McLaughlin (620-6502).
- I-16.** APPROVE the minutes of the September 25, 2012, meeting - City Clerk's Office (Diane Holmes 620-6513).

J. COUNCIL AS A WHOLE

- J-1.** RECEIVE a presentation from the US Environmental Protection Agency (EPA) on the status of the United Heckathorn Superfund Site - City Manager's Office (Bill Lindsay 620-6512).
- J-2.** DIRECT staff to research and provide a report to the City Council on the feasibility of solar lights along the Richmond Parkway - Councilmember Beckles (620-6568).
- J-3.** RECEIVE a report from staff on the Richmond Recreation Tennis Program, including a timeline to reinstate programming through the Richmond Youth Tennis Center - Councilmember Beckles (620-6568).
- J-4.** RECEIVE a report from staff on the Marin Clean Energy Community Choice Aggregation Program regarding the source of energy and the "Opt Out" process for Richmond consumers - Councilmember Boozé (620-6953).
- J-5.** DISCUSS and PROVIDE direction to staff regarding policy action relative to assault upon elected officials and city staff - Councilmember Bates (620-6743).
- J-6.** ADOPT a resolution in support of the Richmond City Council encouraging Chevron Corporation to engage with the city and the community to come up with a Community Benefits Agreement (CBA) package to mitigate the city and community losses from the August 6, 2012, fire at Chevron - Councilmember Ritterman (620-6636).

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

L. 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.