



Community Services Building
440 Civic Center Plaza
Richmond, CA 94804

AGENDA
Tuesday, June 16, 2015

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Mayor
Thomas K. Butt

Vice Mayor
Jael Myrick

Councilmembers
Nathaniel Bates
Jovanka Beckles
Eduardo Martinez
Gayle McLaughlin
Vinay Pimplé

Housing Authority Tenant Commissioners
Dolores Johnson
Barbara Sutton

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

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location. To request disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact Bruce Soublet, ADA Coordinator, at (510) 620-6509 at least three business days before the meeting date.

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 first complete a speaker's card and discuss the item with a City staff person who has knowledge of the subject material, prior to filing the card with the City Clerk and **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.

CONDUCT AT MEETINGS: **Richmond City Council meetings are limited public forums during which the City strives to provide an open, safe atmosphere and promote robust public debate. Members of the public, however, must comply with state law, as well as the City's laws and procedures and may not actually disrupt the orderly conduct of these meetings. The public, for example, may not shout or use amplifying devices, must submit comment cards and speak during their allotted time, may not create a physical disturbance, may not speak on matters unrelated to issues within the jurisdiction of the City Council or the agenda item at hand, and may not cause immediate threats to public safety.**

CITY HARASSMENT POLICY: The City invites public comment and critique about its operations, including comment about the performance of its public officials and employees, at the public meetings of the City Council and boards and commissions. However, discriminatory or harassing comments about or in the presence of City employees, even comments by third parties, may create a hostile work environment, if severe or pervasive. The City prohibits harassment against an applicant, employee, or contractor on the basis of race, religious creed, color, national origin, ancestry, physical disability, medical condition, mental disability, marital status, sex (including pregnancy, childbirth, and related medical conditions), sexual orientation, gender identity, age or veteran status, or any other characteristic protected by federal, state or local law. In order to acknowledge the public's right to comment on City operations at public meetings, which could include comments that violate the City's harassment policy if such comments do not cause an actual disruption under the Council Rules and Procedures, while taking reasonable steps to protect City employees from discrimination and harassment, City Boards and Commissions shall adhere to the following procedures. If any person makes a harassing remark at a public meeting that violates the above City policy prohibiting harassment, the presiding officer of the meeting may, at the conclusion of the speaker's remarks and allotted time: (a) remind the public that the City's Policy Regarding Harassment of its Employees is contained in the written posted agenda; and (b) state that comments in violation of City policy are not condoned by the City and will play no role in City decisions. If any person makes a harassing remark at a public meeting that violates the above City policy, any City employee in the room who is offended by remarks violating the City's policy is excused from attendance at the meeting. No City employee is compelled to remain in attendance where it appears likely that speakers will make further harassing comments. If an employee leaves a City meeting for this reason, the presiding officer may send a designee to notify any offended employee who has left the meeting when those comments are likely concluded so that the employee may return to the meeting. The presiding officer may remind an employee or any council or board or commission member that he or she may leave the meeting if a remark violating the City's harassment policy is made. These procedures supplement the Council Rules and Procedures relating to disruption of orderly conduct at Council meetings.

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).

**OPEN SESSION TO HEAR PUBLIC COMMENT ON
CLOSED SESSION ITEMS**

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. **SUCCESSOR AGENCY TO THE RICHMOND COMMUNITY
REDEVELOPMENT AGENCY**

- A-1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8):

- Property: Miraflores Property
 - Agency negotiators: Bill Lindsay and Chadrick Smalley
 - Negotiating party: Eden Housing, Inc. and Community Housing Development Corporation of North Richmond
 - Under negotiations: Price and terms of payment

- B. **CITY COUNCIL**

- B-1. LIABILITY CLAIMS -(Government Code Section 54956.9):

- Curran vs. City of Richmond
 - Wycinsky vs. City of Richmond
 - Opdyke vs. City of Richmond
 - Peterson vs. City of Richmond

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

- Jaret Thomas vs. City of Richmond

**SPECIAL MEETING OF
THE RICHMOND HOUSING AUTHORITY**

6:15 p.m.

A. PLEDGE TO THE FLAG

B. ROLL CALL

C. STATEMENT OF CONFLICT OF INTEREST

D. OPEN FORUM FOR PUBLIC COMMENT

E. AGENDA REVIEW

F. HOUSING AUTHORITY CONSENT CALENDAR

F-1. ADOPT a resolution authorizing the Executive Director to execute a contract with Cooper Hawkins to provide boiler maintenance services at the Housing Authority's mid-rise public housing developments for \$30,000 per year, for one year with two optional one-year extensions - Richmond Housing Authority (Tim Jones 621-1310).

F-2. ADOPT a resolution approving the Hacienda Relocation Plan as required by State Relocation Law (Title 25 California Code of Regulations Section 6000 et seq) - Richmond Housing Authority (Tim Jones 621-1310).

F-3. ADOPT a resolution approving a three-year contract renewal with Yardi Computer Systems, Inc. to provide the computer software required to administer the Low-Income Public Housing and Housing Choice Voucher Section 8 Programs in an amount not to exceed \$55,000 per year - Richmond Housing Authority (Tim Jones 621-1310).

F-4. APPROVE the minutes of the May 19, 2015, meeting - City Clerk's Office (Pamela Christian 620-6513).

G. PUBLIC HEARING

G-1. Conduct a Public Hearing and adopt a resolution authorizing submission of the U.S. Department of Housing and Urban Development 2015 One-Year and Five-Year Agency Plan - Richmond Housing Authority - (Tim Jones 621-1310).

H. ADJOURNMENT

**REGULAR MEETING OF THE SUCCESSOR AGENCY TO THE
RICHMOND COMMUNITY REDEVELOPMENT AGENCY AND
RICHMOND CITY COUNCIL**

6:30 p.m.

A. ROLL CALL

B. STATEMENT OF CONFLICT OF INTEREST

C. AGENDA REVIEW

D. PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

D-1. PROCLAMATION Honoring James Goins for his years of service to the City of Richmond and declaring Monday, August 3, 2015, as James Goins Day in the City of Richmond - Mayor Tom Butt (620-6503).

E. REPORT FROM THE CITY ATTORNEY OF FINAL DECISIONS MADE DURING CLOSED SESSION

F. REPORT FROM THE CITY MANAGER

G. OPEN FORUM FOR PUBLIC COMMENT

H. SUCCESSOR AGENCY TO THE RICHMOND COMMUNITY REDEVELOPMENT AGENCY CONSENT CALENDAR

H-1. ADOPT resolutions approving and authorizing the execution of the following documents for the construction of the Nevin Avenue Improvements BART to 19th Street Project: (1) a construction agreement with O.C. Jones & Sons, Inc., in an amount not to exceed \$5,648,431 and the establishment of an Owner's Reserve in the amount of \$871,265 for contingencies and add-alternate construction items; (2) a construction management contract with Mack5 in an amount not to exceed \$641,196; (3) a design services during construction contract with Questa Engineering Corp. in an amount not to exceed \$388,582; and (4) authorization to expend funds for utilities, permits and other miscellaneous project costs in an amount not to exceed \$50,000 - Successor Agency to the Richmond Community Redevelopment Agency (Chadrick Smalley 412-2067).

- H-2.** ADOPT a resolution authorizing the execution of a Disposition, Development and Loan Agreement for the Miraflores Senior Apartments (Senior Affordable Housing Project) by and among the Successor Agency to the Richmond Community Redevelopment Agency, Community Housing Development Corporation of North Richmond and Eden Housing, Inc. - Successor Agency to the Richmond Community Redevelopment Agency (Chadrick Smalley 412-2067).
- H-3.** ADOPT a resolution approving a contract with PES Environmental, Inc. (PES) for enhanced Area T (deed restricted properties in Marina Bay) product removal work in the amount of \$115,000, for product monitoring and analysis work at Area T in the amount of \$46,700, and annual inspection, analysis and reporting for the period ending June 30, 2016, in the amount of \$25,000, for a total contract amount not to exceed \$186,700 - Successor Agency to the Richmond Community Redevelopment Agency (Chadrick Smalley 412-2067).

I. CITY COUNCIL CONSENT CALENDAR

- I-1.** ADOPT a resolution to amend the Port of Richmond Tariff FMC No. 3, reflecting a 1.5% increase in tariff rates as approved by the Executive Committee of the California Association of Port Authorities (CAPA) - Port Department (Jim Matzorkis 215-4600).
- I-2.** APPROVE a second amendment to the existing agreement with Cox, Wootton, Lerner, Griffin & Hansen, LLP for continued legal services regarding maritime law matters, and the matter of Port of Richmond vs. J.E.B.S. & Associates, Inc., increasing the contract amount by \$30,000 for a total contract amount not to exceed \$60,000 - Port Department (Jim Matzorkis 215-4600).
- I-3.** APPROVE an amendment to the professional services agreement with BKF Engineers for engineering and project management services at the Port of Richmond, extending the term to June 30, 2016, and increasing the amount by \$75,000 to a total not to exceed amount of \$125,000 - Port Department (Jim Matzorkis 215-4600).
- I-4.** APPROVE a budget amendment with several project contractors, including Turner Group Construction, Inc. for general contracting services, ELockers for provision of bicycle lockers, Electric Vehicle Charging Station services, and AME for special construction inspection services, all related to the renovation of a City-owned former County Health Clinic building located at 256 24th Street to be the Family Justice Center. The budget amendment is not to exceed \$35,000 combined for all contracts - Police Department (Chief Chris Magnus 621-1802).
- I-5.** ADOPT a resolution allowing the City of Richmond to levy the property tax rolls of property owners subject to assessment under the Downtown Richmond Property and Business Improvement District (DRPBID) on the annual 2015-2016 property tax rolls - City Manager's Office (Bill Lindsay/Janet Johnson 620-6512).

- I-6.** ADOPT a resolution approving standing contracts for as-needed transportation engineering services with four firms (Alta Planning & Design, Fehr & Peers, Pang Ho & Associates, W-Trans) in an amount not to exceed \$450,000 per firm over a three-year period, with an option to extend the contracts for two years - Engineering Services Department (Yader Bermudez 621-1238/Tawfic Halaby 621-1612).
- I-7.** APPROVE an amendment to the contract with Pacific States Environmental Contractors, Inc. (Pacific States), adding a five percent budget contingency to provide additional remediation and abatement services for the Point Molate former United States Naval Fuel Depot IR Site 3, increasing the amount by \$462,055 for a total contract amount not to exceed \$10,627,259. Funding is from the 2008 Early Transfer and Cooperative Agreement (ETCA) with the United States Navy - Engineering Services Department (Chad Davission/Craig Murray 620-6586).
- I-8.** APPROVE an amendment to the contract with Nichols Consulting Engineers (NCE) to provide annual surveys, reports, investigation, inspections and work plans for the Operation Unit (OU) 1 and OU2 areas at Point Potrero Marine Terminal (PPMT), according to the Department of Toxic Substances Control (DTSC) Operations and Maintenance Plan, increasing the amount by \$291,000 to an amount not to exceed \$356,695, and extending the term to December 31, 2017 - Port Department (Jim Matzorkis 215-4600).
- I-9.** APPROVE the minutes of the April 7, 21 and 28, 2015, and May 5 and 19, 2015, meetings - City Clerk's Office (Pamela Christian 620-6513).
- I-10.** APPROVE an amendment to the contract with the Glen Price Group to prepare grant applications for the 2015 COPS Hiring Program and the DOJ Body-Worn Camera Pilot Program, increasing the contract amount by \$20,000 to a total amount not to exceed \$35,000, and extending the term to December 31, 2015 - Police Department (Chief Chris Magnus 621-1802).
- I-11.** ADOPT an ordinance (second reading) setting the tax rate for the Tax Override Pension Fund for Fiscal Year 2015-16 at 0.14% - Finance Department (Belinda Warner/Antonio Banuelos 620-6740).
- I-12.** ADOPT a resolution authorizing service contracts with six (6) planning consulting firms (Douglas Herring & Associates; Environmental Science Associates [ESA]; LIGHT Planning, Permitting & Green Building Services; LSA Associates, Inc.; Lisa Wise Consulting, Inc.; and Pacific Municipal Consultants [PMC]) for as-needed services in an amount not to exceed \$250,000 per firm over a three-year period, with an option to extend the contracts for one year - Planning and Building Services Department (Richard Mitchell 620-6706).

- I-13.** ADOPT a resolution authorizing submittal of Measure J 2012 & 2013 "Growth Management Program Compliance Checklist" to the Contra Costa County Transportation Authority (CCTA) to allow the City of Richmond to receive its allocation of FY 2013-14 & 2014-15 Local Street Maintenance and Improvement Funds - Planning and Building Services Department (Richard Mitchell 620-6706).
- I-14.** APPROVE the following appointments and re-appointments: Human Rights and Human Relations Commission: Texanita Bluitt, re-appointment, term expiring March 30, 2017; Point Molate Citizens Advisory Committee: Joan Garrett, re-appointment, term expiring May 30, 2017; Richmond Youth Council: Dayjah Burton, new appointment, term expiring October 1, 2016, Sonila Shakeel, new appointment, term expiring October 1, 2016, Cynthia Pardinias, new appointment, term expiring October 1, 2016, Workforce Investment Board: Xavier C. Abrams, new appointment - Mayor Tom Butt (620-6503).
- I-15.** APPROVE the Richmond Neighborhood Coordinating Council's substituted role in the Citizen Participation Plan for implementation of the City's Community Development Block Grant programs (CDBG) for prior years 2011-2013 due to the Community Development Commission's lack of a quorum - Housing and Community Development (James Goins 620-6935).

J. PUBLIC HEARINGS

- J-1.** HOLD a public hearing to consider the appeal by Chung Yeung Yiu, and AFFIRM the Planning Commission's approval of a 289-unit transit oriented affordable housing development, proposed for two parcels located near the Richmond Intermodal station - Planning and Building Services Department (Richard Mitchell 620-6706).
- J-2.** **CONTINUED TO JULY 21, 2015**, the matter to ADOPT a resolution on the proposed increase, 2.53% based on Consumer Price Index inflation, in annual assessments for the Hilltop Landscape Maintenance District for the 2015-2016 Fiscal Year – Public Works Department (Yader A. Bermudez 774-6300).
- J-3.** **CONTINUED TO JULY 21, 2015**, the matter to ADOPT a resolution on the proposed increase, 3% based on Consumer Price Index inflation, in annual assessments for the Marina Bay Landscaping and Lighting Maintenance District for the 2015-2016 Fiscal Year - Public Works Department (Yader A. Bermudez 774-6300).

K. RESOLUTIONS

- K-1.** ADOPT a resolution to continue the understanding between the Mayor and the Members of the City Council regarding appointments and re-appointments to commissions/boards/committees etc. of the City of Richmond - Councilmember Gayle McLaughlin (620-5431).

L. COUNCIL AS A WHOLE

L-1. REVIEW FY2015-16 Operating Budget - Finance Department (Belinda Warner 621-1272).

L-2. DISCUSS the proposed grant application by the Contra Costa County Office of the Sheriff to build a West County Reentry and Mental Health Treatment Facility on the site of the West County Detention Facility, and ESTABLISH criteria for the City Council to evaluate the final version of the grant application in September - Mayor Tom Butt (620-6503).

L-3. AUTHORIZE the City Council to establish a Richmond Promise ad hoc committee and appoint members - Councilmembers Nat Bates and Vinay Pimplé (620-6861).

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

N. 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.