



**City Hall  
1401 Marina Way South  
Richmond, CA 94804**

**AGENDA  
Tuesday, May 19, 2009**

**Mayor  
Gayle 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:

**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 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.*

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Tuesday, May 19, 2009

**EVENING OPEN SESSION**

5:00 p.m.

- A. **ROLL CALL**
- B. **PUBLIC COMMENT**
- C. **ADJOURN TO CLOSED SESSION**

**CLOSED SESSION**

Shimada Room of City Hall

A. **CITY COUNCIL**

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

Andre Mogannam vs. City of Richmond - Claims Settlement Authorization

Citizens for Eastshore Park vs. City of Richmond

City of Richmond vs. Church of Deliverance

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

One case

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Tuesday, May 19, 2009

**SPECIAL MEETING OF THE  
RICHMOND HOUSING AUTHORITY**

6:30 p.m.

**A. PLEDGE TO THE FLAG**

**B. ROLL CALL**

**C. STATEMENT OF CONFLICT OF INTEREST**

**D. AGENDA REVIEW**

**E. OPEN FORUM FOR PUBLIC COMMENT**

**F. RESOLUTIONS**

**F-1.** CONDUCT a public hearing and ADOPT a resolution approving submission of the U.S. Department of Housing and Urban Development required 2009 One-Year and Five-Year Agency Plan (this item was reviewed by the Housing Advisory Commission at its May 11, 2009 meeting) - Housing Authority (Tim Jones 621-1310).

**G. CONSENT CALENDAR**

**G-1.** AUTHORIZE the executive director to initiate negotiations for implementation of the Nystrom Village Revitalization Project with the development team of Related of California, Mercy Housing, and the Community Housing Development Corporation (CHDC) of North Richmond (this item was reviewed by the Housing Advisory Commission at its May 11, 2009, meeting) - Housing Authority (Tim Jones 621-1310).

**G-2.** APPROVE the minutes for the Special Meeting held on April 21, 2009 - City Clerk's Office (Diane Holmes 620-6513).

**H. ADJOURNMENT**

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Tuesday, May 19, 2009

**SPECIAL MEETING OF THE RICHMOND COMMUNITY  
REDEVELOPMENT AGENCY**

6:45 p.m.

- A. **ROLL CALL**
- B. **STATEMENT OF CONFLICT OF INTEREST**
- C. **AGENDA REVIEW**
- D. **OPEN FORUM FOR PUBLIC COMMENT**
- E. **CONSENT CALENDAR**

E-1. ADOPT a resolution authorizing staff to execute the first amendment to the agreement between the Richmond Community Redevelopment Agency and East Bay Center for the Performing Arts - Richmond Community Redevelopment Agency (Steve Duran/Alan Wolken 307-8140).

E-2. APPROVE the minutes of the Special Joint Meeting held on April 21, 2009 - City Clerk's Office (Diane Holmes 620-6513).

- F. **ADJOURNMENT**

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

6:55 p.m.

- A. **ROLL CALL**
- B. **STATEMENT OF CONFLICT OF INTEREST**
- C. **AGENDA REVIEW**
- D. **OPEN FORUM FOR PUBLIC COMMENT**

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**E. CONSENT CALENDAR**

**E-1.** ADOPT a resolution declaring the City's intent to undertake the financing of a multifamily-housing development and to induce the development of the Lillie Mae Jones Plaza Development through the issuance of multifamily-housing mortgage-revenue bonds in an amount not to exceed \$7,000,000 - Richmond Community Redevelopment Agency (Steve Duran/Patrick Lynch 307-8140).

**E-2.** ADOPT a joint resolution to approve a Memorandum of Understanding (MOU) between the Richmond Community Redevelopment Agency and the Police Department of the City of Richmond to enhance the Code Enforcement Program in Redevelopment Project Areas in an amount not to exceed \$100,000 for FY 2008-09 (this item was reviewed and recommended for approval by the Finance Committee at its April 17, 2009, meeting) - Richmond Community Redevelopment Agency (Steve Duran/Chief Chris Magnus 307-8140/620-6656).

**F. ADJOURNMENT**

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**CITY COUNCIL**

7:00 p.m.

**A. ROLL CALL**

**B. STATEMENT OF CONFLICT OF INTEREST**

**C. AGENDA REVIEW**

**D. PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS**

**D-1.** Proclamation declaring the week of May 17 through May 23, 2009, as National Public Works Week - Mayor's Office (Mayor McLaughlin 620-6503).

**D-2.** Proclamation recognizing May 2009 as National Historic Preservation Month - Mayor's Office (Mayor McLaughlin 620-6503).

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

**F. CONSENT CALENDAR**

- F-1.** APPROVE a contract with Jackson and Son Plumbing to provide the water supply to three drinking water fountains that are part of the Native American Statue at 135 Washington Street (Point Richmond Plaza), including construction plans and specifications, in an amount not to exceed \$11,400, including \$1,900 (20%) for unforeseen work - Public Works (Yader A. Bermudez 231-3009).
- F-2.** APPROVE a contract with Bovo-Tighe, LLC, to provide organizational development consulting and operational leadership excellence planning in an amount not to exceed \$97,000 over a three-year term ending June 30, 2011 - Library & Cultural Services (Monique A. le Conge 620-6554).
- F-3.** APPROVE a recommendation that the City Council cancel the uniform services contract with Ameripride Uniform Services due to non-compliance and APPROVE a one-year contract with two one-year options to the low bidder Aramark Uniform Services to provide uniform services in an amount not to exceed \$102,000 per year (this item was reviewed and recommended for approval by the Finance Committee at its May 1, 2009, meeting) - Public Works Department (Yader A. Bermudez 231-3009).
- F-4.** APPROVE a vehicle lease agreement with Saadeh Corporation, dba Auto World, to provide the Richmond Police Department with undercover vehicles for use in its narcotics operations for the period July 1, 2009, to June 30, 2010, at a cost not to exceed \$150,000 (this item was reviewed and recommended for approval by the Finance Committee at its May 1, 2009, meeting) - Police Department (Chief Chris Magnus 620-6656).
- F-5.** APPROVE a contract amendment #1 with Gordon & Rees, LLP, for legal representation in the lawsuit West County Wastewater District vs. City of Richmond, increasing the amount by \$50,000 for a total of \$58,000 and extending the term to December 31, 2010 - City Attorney's Office (Randy Riddle 620-6509).
- F-6.** APPROVE a contract and funding with Pyro Spectaculars North, Inc. for the citizen's 2009 Fireworks Celebration to be held July 3, 2009, at Marina Bay Park, in the amount of \$29,000 - Recreation Department (Keith Jabari 620-6791).
- F-7.** APPROVE a contract in the amount of \$75,000 with the Richmond Art Center (RAC) to administer the 2009 Neighborhood Public Art Program - Library & Cultural Services (Monique A. le Conge 620-6555).

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- F-8.** APPROVE a contract with Bickmore & Associates Inc., dba Bickmore Risk Services and Consulting, to provide a series of training sessions to the Richmond Police Department on diversity, workplace cultural issues, prevention of workplace harassment, and other employment-related issues at a cost not to exceed \$15,000 - Police Department (Chief Chris Magnus 620-6656).
- F-9.** APPROVE a background investigations agreement with Elite Backgrounds Inc. for the period June 1, 2009, to May 31, 2010, at a cost not to exceed \$40,000 - Police Department (Chief Chris Magnus 620-6656).
- F-10.** APPROVE a three-year contract with CRW for continued maintenance and support of the CRW TRAKiT software totaling \$72,000 over the life of the agreement. The contract amount is payable annually in the amount of \$23,000 in the first year and increasing \$1,000 annually in each of the succeeding two years - Information Technology (Sue Hartman 620-6874).
- F-11.** APPROVE the City of Richmond's participation in a joint exercise of powers agreement (JPA) to develop a sustainable regional biosolids to energy facility within the Bay Area, by AMENDING the March 30, 2006, agreement, entitled "Joint Exercise of Powers Agreement " to "pursue CEQA documentation and facility planning services for a proposed bay area solids recycling facility" ("Agreement") to add additional parties including the City of Richmond, expand the scope of activities, and modify the funding arrangements - City Manager's Office (Bill Lindsay 620-6512).
- F-12.** ADOPT a resolution authorizing the finance director to execute documents necessary to provide a subordinate pledge of General Fund revenue as a guaranty to the East Bay Center for the Performing Arts (the "Center") to secure funding for the completion of the Winters Building Project - Finance Department (Jim Goins 620-6740).
- F-13.** APPROVE the following appointments: Design Review Board: Donald Woodrow (incumbent), term expiring June 1, 2011; Historic Preservation Advisory Committee: Amanda Elliott, term expiring May 19, 2011; Human Relations and Human Rights Commission: Betty Burrus-Wright, term expiring March 30, 2010 (completing an unexpired term); Vivien Feyer, term expiring March 30, 2011 (completing an unexpired term); Wendy Gonzalez, term expiring March 30, 2011; Gonzalo Rucobo, term expiring May 19, 2012; Demetria Saunders, term expiring May 19, 2012 - Mayor's Office (Mayor McLaughlin 620-6503).

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- F-14.** INTRODUCE an ordinance (first reading) amending the Trespassing Ordinance to empower businesses to prohibit unwanted persons from returning to their establishments for a period of up to one year when specific criteria have been met - Police Department (Chief Chris Magnus 620-6656).
- F-15.** ADOPT a resolution to submit to Richmond voters at the November 2, 2010, General Municipal Election an ordinance amending the City's Utility Users' Tax so that all users, including large industrial users, shall pay utility users taxes based on actual usage, and to ensure that the tax covers all gas which is used or consumed to produce energy or for any other purpose - Councilmember Ritterman (620-6581).
- F-16.** APPROVE the minutes of the Regular Meeting held on April 21, 2009 - City Clerk's Office (Diane Holmes 620-6513).

**G. OPEN FORUM FOR PUBLIC COMMENT**

**H. PUBLIC HEARINGS**

- H-1.** Public hearing on an appeal filed by Margaret Peterson of the Design Review Board's conditional approval of a Design Review Permit (PLN 09-038) to raise the existing residence located at 302 Santa Fe Avenue by 34 inches for the purpose of converting the basement/crawl space into living space - Planning and Building Services Department (Richard Mitchell 620-6706).

**I. ORDINANCES**

- I-1.** INTRODUCE an ordinance (first reading) adding Chapter 9.58 to the Richmond Municipal Code regarding the prohibition of cigarette and tobacco product sampling within the City of Richmond - Councilmembers Butt, Ritterman, and Rogers (620-6581).
- I-2.** INTRODUCE an ordinance (first reading) repealing Chapter 9.18 and adding Chapter 9.56 that prohibits secondhand smoking in certain designated public places - Councilmembers Butt, Ritterman, and Rogers (620-6581).
- I-3.** INTRODUCE an ordinance (first reading) repealing Chapter 7.104 and adding Chapter 7.106 entitled "Tobacco Retailer License," which requires tobacco retailers to secure a tobacco retailer license from the Police Department before selling cigarettes and tobacco products within the City of Richmond - Councilmembers Butt, Ritterman, and Rogers (620-6581).

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- I-4.** INTRODUCE an ordinance (first reading) enacting local eviction control on properties in foreclosure or subject to a forced sale or sale under the power of sale of a deed of trust by prohibiting eviction of residential tenants except as authorized by ordinance - Councilmember Ritterman (620-6581).

**J. COUNCIL AS A WHOLE**

- J-1.** DISCUSS and DIRECT staff to begin preparations to enter into the California Statewide Communities Development Authority (CSCDA) Energy Efficiency Funding Program, which will allow property owners to pay for solar projects and energy-efficiency upgrades through their property taxes - Councilmembers Butt, Rogers, and Mayor McLaughlin (620-6503/620-6582).
- J-2.** DISCUSS and DIRECT staff to draft amendments to the City Council Rules of Procedure and Order to: (1) limit the amount of time each councilmember may speak as to each agenda item; (2) change the starting time of City Council meetings to 6:30 p.m., with Open Forum to occur between 6:30 and 7:00; and (3) change the ending time of City Council meetings to 11:00 p.m., unless, by a two-thirds vote, the Council extends the ending time beyond 11:00 p.m. - Councilmember Bates (620-6581).
- J-3.** DIRECT staff to apply for U.S. Department of Energy Grant to provide 20 free electric vehicles for three years for city fleet with limited in-kind match from the City of Richmond - Councilmembers Rogers, and Ritterman (620-6581).
- J-4.** RESTATE Resolution 47-08 in support of UC Berkeley Expansion at Richmond Field Station and DIRECT staff to actively pursue this as an outcome, including enlisting assistance from Congress and the California legislature - Councilmembers Butt and Bates (620-6581).
- J-5.** DISCUSS and DIRECT staff to draft a resolution in support of the Oakland Airport Connector - Councilmember Viramontes (620-6581).
- J-6.** ACCEPT the Save America's Historic Treasures grant award in the amount of \$150,000 for the preservation of Shipyard 3 Historic District and approve a funding match ranging from \$75,000 to \$150,000 to come from the Honda Port of Entry project financing - Councilmember Butt (236-7435).
- J-7.** HEAR a status report and DIRECT staff regarding the General Plan Update - Councilmember Bates (620-6581).

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

**L. ADJOURNMENT**

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*This agenda may be previewed on KCRT – Channel 28, Richmond Television, City website [ci.richmond.ca.us](http://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.*