



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

**AGENDA
Tuesday, June 2, 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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EVENING OPEN SESSION

6:00 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):

Citizens for Eastshore Park vs. City of Richmond

Tuesday, June 2, 2009

CITY COUNCIL

7:00 p.m.

PLEDGE TO THE FLAG

A. ROLL CALL

B. STATEMENT OF CONFLICT OF INTEREST

C. AGENDA REVIEW

D. PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

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 Wadsworth Glass, Inc. for the installation of a one foot high-tempered-glass hand railing system for the Richmond Public Library's Main Branch mezzanine in an amount not to exceed \$24,990 - Library & Cultural Services (Monique A. le Conge 620-6554).
- F-2.** APPROVE Contract Amendment No. 2 with Jane Lofgren, dba Central Cleaning, for restroom cleaning services at the Jay & Barbara Vincent Park, Shimada Park, and Lucretia Edwards Park, extending the term of the contract for an additional year at a cost not to exceed \$9,720. The total amended contract amount will not exceed \$29,160.00 for the term from July 1, 2007, to June 30, 2010 - Public Works Department (Yader A. Bermudez, 231-3009).
- F-3.** APPROVE Contract Amendment No. 2 with DP Security, LLC to provide continued monitoring and securing of the restroom facilities at Nevin, Nicholl, M.L. King, J.F. Kennedy, La Moine, Shields-Reid, and Booker T. Anderson Parks. The current contract will expire on June 30, 2009. Contract Amendment No. 2 is in an amount not to exceed \$75,960 with a total contract amount not to exceed \$274,483.36 for the term of July 1, 2009 to June 30, 2010 - Public Works Department (Yader A. Bermudez 231-3009).
- F-4.** APPROVE the purchase of one prisoner transport kit for a Police Department prisoner van from Lehr Auto Electric in an amount not to exceed \$11,056 - Public Works Department (Yader A. Bermudez 231-3009).

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- F-5.** ADOPT the following regarding the Marina Bay Landscaping and Lighting Maintenance District: (1) a resolution initiating proceedings for formation of the Marina Bay Landscaping and Lighting Maintenance District (MBLLMD) and for the levy and collection of assessments for fiscal year 2009-2010, and (2) a resolution accepting the Engineer's Report for the MBLLMD, declaring intention to form the MBLLMD, and setting July 21, 2009, as the date for a hearing on the proposed assessments – Public Works Department (Yader A. Bermudez 231-3009).
- F-6.** APPROVE a contract with Pond Solutions to provide and install a solar-powered circulation system to reduce algal growth and maintain water quality at Hilltop Lake, in an amount not to exceed \$42,303 – Public Works Department (Yader A. Bermudez 231-3009).
- F-7.** ADOPT a resolution approving the Engineer's Report for FY 2009-2010 for the Hilltop Landscape Maintenance District ("HLMD"), declaring the Council's intention to increase the annual assessment in the HLMD, and announcing a Public Hearing concerning the proposed increased assessment on July 21, 2009, at 7:00 p.m. in City Council Chambers at 440 Civic Center Plaza in the City of Richmond – Public Works Department (Yader A. Bermudez 231-3009).
- F-8.** APPROVE the purchase and installation of seven PTS-ENS3 Dual Action Smith Cage weight training systems from the Centurion Sales Company, Inc. for the continued implementation of a health and wellness program, with 80% of the purchase cost funded by an Assistance to Firefighters program grant. Total amount of the purchase and installation will not exceed \$32,696- Fire Department (Chief Michael Banks - 307-8041).
- F-9.** APPROVE the purchase of Mun-ease Debt Management Software for management of the City's debt portfolio at a cost not to exceed \$16,000 - Finance Department (Jim Goins 620-6740).
- F-10.** APPROVE a one year subscription for Bloomberg Professional Service in the amount of \$22,800 for management of the City's investment and debt-related activities - Finance Department (James Goins 620-6740).
- F-11.** APPROVE a contract with Rising Sun Energy Center in an amount not to exceed \$39,728 and for a term from May 1, 2009, to December 30, 2009, to provide energy-efficiency workforce development training for RichmondBUILD students as part of the "Green Track" element of the curriculum - Employment & Training Department (Sal Vaca 307-8006).

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- F-12.** APPROVE the purchase of one 15-inch Vermeer Brush Chipper under the National Joint Powers Alliance (NJPA) Contract No. 100907-FCC in an amount not to exceed \$44,000 – Public Works Department (Yader A. Bermudez 231-3009).
- F-13.** APPROVE a contract amendment with Mid County Officials Network to continue providing sports officials for the Recreation Department's youth and adult sports programs. Total amount of the amendment is \$15,000 for a total contract amount of \$25,000. This amendment also extends the term through December 31, 2009 - Recreation Department (Keith Jabari 620-6791).
- F-14.** APPROVE the purchase of one 32-ton Murray equipment trailer in an amount not to exceed \$72,000 under a State of California bid Contract No. 26601108343270 completed on November 19, 2008 – Public Works Department (Yader A. Bermudez 231-3009).
- F-15.** ADOPT a resolution authorizing submittal of Measure C 2006 and 2007 "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 2007-08 and 2008-09 Local Street Maintenance and Improvement Funds - Planning and Building Services Department (Richard Mitchell 620-6706).
- F-16.** ADOPT an ordinance (second 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).
- F-17.** ADOPT an ordinance (second reading) repealing Chapter 9.18 and adding Chapter 9.56 that prohibits smoking in certain designated public places - Councilmembers Butt, Ritterman, and Rogers (620-6581).
- F-18.** ADOPT an ordinance (second 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).
- F-19.** APPROVE a professional service contract with PSOMAS for construction management of Phase II of the Central Richmond Greenway Bicycle and Pedestrian Trail in an amount not to exceed \$93,498 - Engineering Department (Rich Davidson 307-8105).

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- F-20.** APPROVE the purchase of three slide-in fire pump units from Burton's Fire for three fire trucks in an amount not to exceed \$72,000 - Public Works Department (Yader A. Bermudez 231-3009).
- F-21.** ADOPT a resolution pursuant to California Streets and Highways Code Division 9 Part 3 Chapter 3 vacating a portion of Castro Street that has been superseded by relocation, resulting from construction of the Richmond Parkway, and is no longer needed for public purposes, reserving from the vacation easements for existing utilities - Engineering Department (Rich Davidson 620-8105).
- F-22.** INTRODUCE an ordinance (first reading) setting the tax rate for the Pension Tax Override Fund for Fiscal Year 2009-2010 at 0.14% – Finance Department (James Goins 620-6740).
- F-23.** APPROVE the minutes of the Special Meeting held on April 28, 2009, and the Regular Meeting held on May 5, 2009 - City Clerk's Office (620-6513).
- F-24.** DIRECT staff concerning the transfer of \$2,000,000 in funds from Chevron to the City of Richmond for the Greenprint Project, pursuant to Section 2.F.(3) of the Richmond Community Benefits Agreement between Chevron and the City of Richmond - Councilmember Rogers (867-5725).

OPEN FORUM FOR PUBLIC COMMENT

G. RESOLUTIONS

- G-1.** ADOPT a resolution amending the City Council Rules of Procedure and Order to: (1) change the starting and ending times of meetings; (2) alter the order of business; (3) consolidate City Council and Redevelopment Agency Board meetings; and (4) make related changes to facilitate completing Council and Board business in a timely fashion - City Attorney's Office (Randy Riddle 620-6509).

H. ORDINANCES

- H-1.** INTRODUCE an ordinance (first reading) repealing Richmond Municipal Code Chapters 13.08 through 13.36 and adopting a new Chapter 13.08 regarding appeals and remedies for tax and fee disputes - City Attorney's Office (Randy Riddle 620-6509).

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H-2. INTRODUCE an ordinance (first reading) enacting local eviction control on foreclosed property by prohibiting eviction of residential tenants from rental units during the period the unit is subject to sale under the power of sale of a deed of trust or foreclosure, except as authorized by ordinance - Councilmember Ritterman (620-6581).

I. COUNCIL AS A WHOLE

I-1. RECEIVE a report on FY 2009-10 operating budget checklist items identified by the City Council at its meeting of May 19, 2009, and provide direction to staff - Finance Department (James Goins 620-6740).

I-2. APPROVE a consulting services agreement with North^Star in an amount not to exceed \$87,000 to facilitate a community process to identify the City of Richmond's unique brand and develop creative tools such as a new logo, strapline, graphic standards, and messages for use by the community - City Manager (Bill Lindsay 620-6512).

I-3. DISCUSS and DIRECT staff concerning approaches to increase the utilization of under-utilized land in the Richmond BART area (this item was continued from the May 5, 2009, City Council meeting) - Councilmember Rogers (867-5725).

I-4. THIS ITEM WAS REMOVED FROM THE AGENDA

I-5. DIRECT staff to draft a resolution in support of Senate Bill 60 (Cedillo) that would require the Department of Motor Vehicles to issue driver licenses and identification cards that are in compliance with the Federal Real ID Act of 2005 - Vice Mayor Lopez and Councilmember Viramontes (620-6581).

I-6. CONSIDER sending letters of support for AB1358 (Hill) - Ban on Polystyrene Take-Out Food and Beverage Containers, AB68 (Brownley) and AB87 (Davis) - Single-Use Bag Reduction Act - Councilmember Butt (620-6581).

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

K. ADJOURNMENT

This agenda may be previewed on KCRT – Channel 28, Richmond Television, City website 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.