



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

**AGENDA
Tuesday, July 7, 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

5:00 p.m.

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

CLOSED SESSION

Shimada Room of Community Services Building

- A. CITY COUNCIL**
 - A-1. LIABILITY CLAIMS - PENDING LITIGATION (Government Code Section 54956.9):**

Tony Zanutelli vs. City of Richmond
 - A-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9):**

Communities for a Better Environment (CBE) vs. City of Richmond

Chevron USA vs. City of Richmond (2 cases)

Herson vs. City of Richmond
 - A-3. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.9):**

Three cases
 - A-4. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957.6):**

City Attorney

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A-5. PUBLIC EMPLOYEE APPOINTMENT (Government Code Section 54954.5):

City Attorney

**JOINT MEETING OF HOUSING AUTHORITY/RICHMOND
COMMUNITY REDEVELOPMENT AGENCY/CITY COUNCIL**

6:50 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. CONSENT CALENDAR**

F-1. ADOPT a resolution authorizing the Executive Director to execute a purchase agreement with Em Johnson Interest for the acquisition of real property at 2952 Chavez Lane, Richmond, CA for a price not to exceed \$364,457.37 (this item is scheduled for review by the Housing Advisory Commission at their Special Meeting on July 6, 2009) - Housing Authority (Tim Jones 621-1310).

G. 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

E. CONSENT CALENDAR

E-1. ADOPT the following: (1) a City Council resolution approving the submission of an application to the U.S. Department of Housing and Urban Development (HUD) for the Contra Costa County Consortium Neighborhood Stabilization Program 2 (NSP2) and authorizing the implementation of NSP2; and (2) a Richmond Community Redevelopment Agency Resolution approving the submission of an application to the U.S. Department of Housing and Urban Development (HUD) for the Contra Costa County Consortium Neighborhood Stabilization Program 2 (NSP2) and authorizing the implementation of NSP2 - Richmond Community Redevelopment Agency (Steve Duran/Patrick Lynch 307-8140).

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. REPORT FROM THE CITY ATTORNEY OF FINAL DECISIONS MADE AND NON-CONFIDENTIAL DISCUSSIONS HELD DURING CLOSED SESSION**
- E. CONSENT CALENDAR**
 - E-1.** INTRODUCE an ordinance (first reading) establishing the wages, salary, and compensation for the new classification of Business License Field Investigator (Salary Range No. 34: \$3,923 - \$4,559/month) - Human Resources Management (Leslie Knight 620-6600).
 - E-2.** ADOPT a resolution amending the City of Richmond Classification Plan to add the new classification of Business License Field Investigator - Human Resources Management (Leslie Knight 620-6600).
 - E-3.** APPROVE a temporary lease with East Bay Center for the Performing Arts for the City owned building located at 2705 Macdonald Avenue. The lease period is for one year commencing on July 1, 2009, and terminating on June 30, 2010, with two six-month option periods at the discretion of the Landlord - Richmond Community Redevelopment Agency (Steve Duran/Alan Wolken 307-8140).
 - E-4.** AUTHORIZE the City Manager to enter into the First Amendment to Lease with Kaiser Foundation Health Plan, Inc. for the City-owned parking garage located at the southwest corner of Nevin Avenue and 12th Street. The amendment is for a one-year period, with two six-month options to extend at the City's discretion, and will generate \$252,580 in revenue to the City for the one year period - Richmond Community Redevelopment Agency (Steve Duran/Alan Wolken 307-8140).
 - E-5.** ADOPT a resolution authorizing placement of liens and special assessments for unpaid garbage collection service fees on County property tax records - Finance Department (James Goins 620-6740).

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- E-6.** ADOPT an ordinance (second reading) establishing the wages, salary, and compensation for the classification of Payroll Supervisor (Salary Range No. 057: \$6,218 - \$7,560/month) - Human Resources Management (Leslie Knight 620-6600).
- E-7.** ADOPT a resolution amending the City of Richmond's Position Classification Plan to add the new classification of Finance Manager I/II - Human Resources Management (Leslie Knight 620-6600).
- E-8.** INTRODUCE an ordinance (first reading) establishing wages, salary, and compensation for the new classification of Finance Manager I/II (Salary Range 55D: \$5,763 - \$6,966/month and 60D: \$6,488 - \$7,846/month) - Human Resources Management (Leslie Knight 620-6600).
- E-9.** APPROVE a contract amendment with Sally Swanson Architects to complete the City-wide accessibility study and produce a transition plan for increasing accessibility where necessary, increasing the contract amount by \$50,000, for a total contract amount of \$207,500, and extending the term expiration to June 30, 2010 - City Attorney's Office (Randy Riddle 620-6509).
- E-10.** APPROVE the purchase of four additional vans for the Recreation Department from Serramonte Ford, in an amount not to exceed \$88,000 (this item was reviewed and recommended for approval by the Finance Committee at its June 12, 2009, meeting, conditioned on additional review by the City Manager regarding possible purchase of electric vehicles) - Public Works (Yader A. Bermudez 231-3009).
- E-11.** APPROVE a contract with Meyers Nave Riback Silver & Wilson effective April 1, 2009, to review and revise the Policy Manual for the City of Richmond Police Department in an amount not to exceed \$40,000 - Human Resources Management (Leslie Knight 620-6600).
- E-12.** APPROVE a contract with George Hills Company, for a term of six months in an amount not to exceed \$15,000, to provide liability claims adjusting services on an interim basis while the Request for Proposal process to select a permanent adjusting firm is completed - Human Resources Management (Leslie Knight 620-6600).
- E-13.** APPROVE a contract with BKF Engineers to design a perimeter lighting system for Shields Reid Park in an amount not to exceed \$33,700 - Public Works (Yader A. Bermudez 231-3009).

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- E-14.** APPROVE a contract with TCS Risk Management Services from January 1, 2009, through December 31, 2011, to collect and analyze Workers' Compensation cost data, provide reports to the City on program cost drivers, and make recommendations on corrective steps to reduce program costs and exposures in an amount not to exceed \$20,000 - Human Resources Management (Leslie Knight 620-6600).
- E-15.** ADOPT a resolution approving an insurance program placement for Port Operations of the City of Richmond effective July 1, 2009, in an amount not to exceed \$28,000 for FY 2009-2010, and as adjusted thereafter in accordance with the quoted renewal premium - Human Resources Management (Leslie Knight 620-6600).
- E-16.** APPROVE the purchase of one truck for the Parks and Landscape Division that will replace an existing aged and worn vehicle, in an amount not to exceed \$43,000 (this item was reviewed and recommended for approval by the Finance Committee at its June 12, 2009, meeting) - Public Works (Yader A. Bermudez 231-3009).
- E-17.** APPROVE a contract with Bragg & Associates to provide ergonomic work station evaluations on an as needed basis in an amount not to exceed \$10,000 - Human Resources Management (Leslie Knight 620-6600).
- E-18.** ADOPT the Fiscal Years 2008-2010 Cash Reserve Policy, Investment Policy, Debt Policy and Swap Policy (this item was reviewed and recommended for approval by the Finance Committee at its June 12, 2009, meeting) - Finance Department (James Goins 620-6740).
- E-19.** APPROVE the minutes of the Regular Meeting held on May 19, 2009 - City Clerk's Office (Diane Holmes 620-6513).
- E-20.** APPROVE a contract amendment with Moscone, Emblidge & Quadra, LLP, to provide legal advice to the City prosecutor relating to its prosecution of BNSF for blocking crossings, increasing the contract limit by \$18,000, bringing the total amount of the contract to \$27,000 - City Attorney's Office (Randy Riddle 620-6509).

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- E-21.** APPROVE the following re-appointments and appointment: Commission on Aging: Betty Allen, Incumbent, term expiring May 19, 2011; Myrtle Braxton-Ellington, Incumbent, term expiring May 19, 2011; Dr. Shirley Gilbert, Incumbent, term expiring May 19, 2011; D'Emanuel Grosse, Sr., Incumbent, term expiring May 19, 2011; Doris Jones, Incumbent, term expiring May 19, 2011; John Melone, Incumbent, term expiring May 19, 2011; Ella Sewell, Incumbent, term expiring May 19, 2011; Community Development Commission: Brandi Britt, filling vacancy for representative-at-large, term expiring July 7, 2012 - Mayor's Office (Mayor McLaughlin 620-6503).
- E-22.** ACCEPT a report containing a matrix of foreclosure prevention and mitigation activities and their status - Richmond Redevelopment Agency (Steve Duran/Patrick Lynch 307-8140).

F. OPEN FORUM FOR PUBLIC COMMENT

G. RESOLUTIONS

- G-1.** ADOPT a resolution of the City Council of the City of Richmond directing the City of Richmond Building Division to enforce the 2008 version of the California Code of Regulations Title 24, Part 6 Building Energy Efficiency Standards - Mayor's Office (Mayor McLaughlin 620-6503).

H. ORDINANCES

- H-1.** ADOPT an urgency ordinance repealing the City's existing sign ordinance (Chapter 15.06 of the Municipal Code), placing a temporary, 120-day moratorium on new permanent signs and allowing temporary signs, and DIRECT staff to develop new, permanent sign regulations - City Attorney's Office (Randy Riddle 620-6509).
- H-2.** INTRODUCE an ordinance (first reading) amending Richmond Municipal Code Chapter 15.04 of the Zoning Ordinance to address biodiesel related land uses in the City of Richmond - Planning and Building Services Department (Richard Mitchell 620-6706).
- H-3.** INTRODUCE an ordinance (first reading) adding Chapter 9.62 to the Richmond Municipal Code instituting a commuter benefit program within the City of Richmond for employers who have ten or more employees working within the City - Councilmember Ritterman and Vice Mayor Lopez (620-6581).

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- H-4.** INTRODUCE an ordinance (first reading) adding Chapter 9.57 to the Richmond Municipal Code regarding the prohibition of smoking in and around multi-unit residences within the City of Richmond - Councilmembers Butt, Ritterman, and Rogers (620-6581).

I. COUNCIL AS A WHOLE

- I-1.** (1) RECEIVE a report on the status of pipeline franchises; (2) DIRECT STAFF to finalize for introduction an ordinance to govern the process for awarding and managing pipeline franchises, and to begin negotiating renewal of franchise agreements based on the principles identified in the proposed ordinance; and (3) AUTHORIZE the City Attorney, after interviewing at least three qualified firms, to contract with a firm to assist in franchise renewal negotiations, provided that the contract amount shall not exceed \$25,000 - City Attorney's Office (Randy Riddle 620-6509).
- I-2.** 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, Redevelopment Agency Board and other meetings; (4) change how items are removed from the consent calendar; and (5) make related changes to facilitate completing Council and Board business in a timely fashion - Councilmember Bates (620-6581).
- I-3.** CONSIDER endorsement of the California Fair Elections Act Initiative - Councilmember Rogers (620-6581).
- I-4.** DIRECT the City Manager to provide a detailed written and verbal report regarding the manner in which the Richmond Police Department will handle the City Council's June 16, 2009 adoption of the resolution relating to Police Department traffic safety checkpoints - Councilmember Bates (620-6581).
- I-5.** DESIGNATE a voting and an alternate voting delegate to represent the City of Richmond at the Annual Business Meeting of the League of California Cities' Annual Conference September 16-18, 2009 - City Clerk's Office (Diane Holmes 620-6513).
- I-6.** DISCUSS and direct staff to create an ARRA delegation to meet with Congressional representatives, White House and Federal agency officials either or both in Washington, D.C and the Bay Area - Vice Mayor Lopez (620-6581).

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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.