



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

**AGENDA
Tuesday, July 21, 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.

Tuesday, July 21, 2009

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. LIABILITY CLAIMS - PENDING LITIGATION (Government Code Section 54956.9):**

MetLife Insurance 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

- A-3. CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6):**

City Designated Representative(s): Bill Lindsay, Leslie Knight, Jack Hughes, Lisa Stephenson, Michael Banks, and Bruce Soublet Employee Organization or unrepresented employee(s): Firefighters Local 188, Richmond Fire Management Association

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

City Attorney

Tuesday, July 21, 2009

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

6:30 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. **REPORT FROM THE CITY ATTORNEY OF FINAL DECISIONS MADE AND
NON-CONFIDENTIAL DISCUSSIONS HELD DURING CLOSED SESSION**
- G. **REDEVELOPMENT AGENCY BOARD CONSENT CALENDAR**
 - G-1. ADOPT a joint resolution of the Richmond Community Redevelopment Agency and the Richmond City Council approving a \$5,580,539 loan with Mechanics Bank to enable the Agency to repay an advance from the City's General Fund for deposit with the Agency's bond trustee - Richmond Community Redevelopment Agency (Steve Duran/Nickie Mastay 307-8140)
 - G-2. RECEIVE a report containing a matrix of foreclosure prevention and mitigation activities and their status and provide direction to staff as the City Council may deem appropriate - Richmond Community Redevelopment Agency (Steve Duran/Patrick Lynch 307-8140).
 - G-3. ADOPT a resolution of the Richmond Community Redevelopment Agency authorizing the executive director to execute a contract with Vallier Design Associates, Inc. in an amount not to exceed \$596,723 for the design and engineering of pedestrian safety improvements along Nevin Avenue between 19th Street and 27th Street (This item was reviewed and recommended for approval by the Finance Committee at its July 10, 2009, meeting) - Richmond Community Redevelopment Agency (Steve Duran/Alan Wolken 307-8140).

Tuesday, July 21, 2009

- G-4.** APPROVE the minutes of the Regular Meeting and Special Joint Meeting held on June 16, 2009 - City Clerk's Office (Diane Holmes 620-6513).

H. CITY COUNCIL CONSENT CALENDAR

- H-1.** APPROVE a one-year contract with Maze & Associates Accountancy Group for all audit work and other requisite financial reports for the fiscal year ending June 30, 2009. The total amount of the contract will not to exceed \$456,470 (This item was reviewed and recommended for approval by the Finance Committee on July 10, 2009) - Finance Department (James Goins 620-6740).
- H-2.** APPROVE procurement contracts for equipment and vehicle rentals from Hertz Equipment Rental Corporation to support Public Works equipment and vehicle needs in an amount not to exceed \$360,000 for a period of three to five years (This item was reviewed and recommended for approval by the Finance Committee at its July 10, 2009, meeting) - Public Works (Yader A. Bermudez 231-3009).
- H-3.** APPROVE a contract with Design, Community and Environment, Inc. (DC&E) to provide design services for the Wendell Neighborhood Park Improvement Project in an amount not to exceed \$149,282.00 and for a term from July 22, 2009, to June 30, 2010 (This contract was reviewed and recommended for approval by the Finance Committee on July 10, 2009) - Public Works Department (Yader A. Bermudez 231-3009).
- H-4.** APPROVE contract with Morgan Fence & Iron, Inc. for demolition and installation of chain link fence system at the Parks Yard at 3201 Leona Avenue in an amount not to exceed \$95,700.00. The contract term will be from July 22, 2009, to June 30, 2010 - Public Works Department (Yader A. Bermudez 231-3009).
- H-5.** APPROVE the purchase of two aerial trucks from Altec Industries, Inc. in an amount not to exceed \$335,000 for replacement of existing aged and worn vehicles presently used in the Electrical and Parks and Landscape Divisions. (This item was reviewed by the Finance Standing Committee on July 10, 2009, and recommended for approval by City Council.) - Public Works Department (Yader A. Bermudez 231-3009).

Tuesday, July 21, 2009

- H-6.** APPROVE a three-year contract with OC Jones & Sons, Inc. for rental of street paving equipment in an amount not to exceed \$175,000 per year. (The Finance Committee reviewed this item at its July 10, 2009, meeting and recommended approval by the City Council) - Public Works Department (Yader A. Bermudez 231-3009).
- H-7.** APPROVE a three-year contract with Delta Grinding, Inc., dba Diablo Grinding, Inc., for rental of street paving grinding equipment in an amount not to exceed \$175,000 per year. (The Finance Committee reviewed this item at its July 10, 2009, meeting and recommended approval by the City Council) - Public Works Department (Yader A. Bermudez 231-3009).
- H-8.** INTRODUCE an ordinance (first reading) establishing the wages, salary, and compensation for the new classification of Construction Inspector I (Salary Range No. 49: \$4,939 - \$5,951/month) and compensation for the new classification of Construction Inspector II (Salary Range No. 52C: \$5,492 - \$6,652/month) - Human Resources Management (Leslie Knight 620-6600).
- H-9.** ADOPT a resolution amending the City of Richmond's Position Classification Plan to add the new classification of Construction Inspector I/II and delete the classifications of Assistant Public Works Inspector and Senior Public Works Inspector - Human Resources Management (Leslie Knight 620-6600).
- H-10.** APPROVE the purchase of 10 dirt bikes from Powersports to replace existing aged and worn vehicles in Richmond's Police Department fleet, in an amount not to exceed \$60,000.00 - Public Works (Yader A. Bermudez 231-3009).
- H-11.** APPROVE - a contract with Mark Holmes, dba Holmes Construction, for the electrical, utility, and data services hook-up to the new modular building at the Fire Training Center in an amount not to exceed \$32,000 - Fire Department (Chief Michael Banks 307-8041).
- H-12.** ADOPT an ordinance (second 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).
- H-13.** INTRODUCE an ordinance (first reading) establishing the wages, salary, and compensation for the new classification of Technology Application Specialist (Salary Range No. 054C: \$5,933 – \$7,212/month) – Human Resources Management (Leslie Knight 620-6600).

Tuesday, July 21, 2009

- H-14.** ADOPT a resolution amending the City of Richmond's Position Classification Plan to add the new classification of Technology Application Specialist - Human Resources Management (Leslie Knight 620-6600).
- H-15.** APPROVE a contract amendment with Matrix Consulting for an additional \$50,945 for a total of \$63,145 and renew the contract and extend the term to December 31, 2009 - Finance Department (James Goins 620-6740).
- H-16.** APPROVE Contract Amendment No. 1 with First Serve Production, Inc. to resurface the basketball courts at Martin Luther King Jr. Park (MLK) and repair vandalism to the recently resurfaced basketball courts at Nevin Park in an amount not to exceed \$13,970 with a total contract amount not to exceed \$32,340.00 for the term of July 22, 2009, to December 31, 2009 - Public Works Department (Yader A. Bermudez 231-3009).
- H-17.** ADOPT an ordinance (second reading) establishing wages, salary, and compensation for the new classification of Finance Manager I/II (Salary Range 55D: \$5,993 - \$7,245/month and 60D: \$6,747 - \$8,160/month) - Human Resources Management (Leslie Knight 620-6600).
- H-18.** ADOPT a resolution of project compliance to submit a Regional Measure 2 Allocation Request to the Metropolitan Transportation Commission for Environmental Studies and Preliminary Engineering of the Ohlone/Richmond Greenway Gap Closure Project - Engineering Department (Rich Davidson 307-8105).
- H-19.** APPROVE a contract with Liebert Cassidy Whitmore MP in an amount not to exceed \$95,000 for contract negotiations, legal consultation and employee training for the period of July 1, 2009, through June 30, 2011 - Human Resources Management (Leslie Knight 620-6600).
- H-20.** AUTHORIZE payment to Bentley Systems, Inc, for the purchase of two licenses for SewerGEMS® in an amount not to exceed \$25,000 - Engineering Department (Rich Davidson 307-8105).
- H-21.** AUTHORIZE payment not to exceed \$12,000 for membership fees for participation in the California Association of Sanitation Agencies for 2009 - Engineering Department (Rich Davidson 307-8105).

Tuesday, July 21, 2009

- H-22.** APPROVE the purchase of 10 police Crown Victoria's from Wondries Fleet Group to replace existing aged and worn vehicles in the City's fleet, in an amount not to exceed \$245,000 (This item was reviewed and recommended for approval by the Finance Committee at its July 10, 2009, meeting) - Public Works (Yader A. Bermudez 231-3009).
- H-23.** APPROVE a two-year contract with the law firm of Renne, Sloan, Holtzman & Sakai, LLP, for services as city attorney for the period of January 10, 2010, through January 10, 2012, in an amount not to exceed \$985,925 - City Manager's Office (Bill Lindsay 620-6512).
- H-24.** APPROVE a contract with Belfor Property Restoration in an amount not to exceed \$75,000.00 for initial remediation efforts at the Martin Luther King Community Center - Human Resources Management (Leslie Knight 620-6600).
- H-25.** APPROVE a contract with C&W Environmental Consulting, Inc. in an amount not to exceed \$15,000 for ongoing environmental testing in conjunction with the remediation repairs at the Martin Luther King Community Center - Human Resources Management (Leslie Knight 620-6600).
- H-26.** APPROVE the city manager's response to the Grand Jury Report 0909 recommendations regarding City Travel and Expenditure Policies and submittal of a letter to the Contra Costa County Grand Jury - City Manager's Office (Bill Lindsay 620-6512).
- H-27.** APPOINT Mayor McLaughlin to replace Councilmember Rogers as one of the City's members of the North Richmond Mitigation Fee Joint Committee and appoint Councilmember Butt as alternate - Mayor's Office (Mayor McLaughlin 620-6503).
- H-28.** APPROVE a contract with Psomas in an amount not to exceed \$210,525 to provide Geographical Information System (GIS) services to the City in connection with the National Pollutant Discharge Elimination System (NPDES) permit and Sewer System Management Plan (SSMP) (This item was reviewed and recommended for approval by the Finance Committee at its July 10, 2009, meeting) - Engineering Department (Rich Davidson 307-8105).

Tuesday, July 21, 2009

- H-29.** APPROVE a contract with Larry Walker Associates to assist with the City's National Pollutant Discharge Elimination System (NPDES) compliance schedule in an amount not to exceed \$150,000 (This item was reviewed and recommended for approval by the Finance Committee at its July 10, 2009, meeting) - Engineering Department (Rich Davidson 307-8105).
- H-30.** APPROVE a contract with Questa Engineering Corporation for the preparation of both the project study report and the construction documents related to the Castro Street to the Richmond/San Rafael Bridge Bay Trail Project in an amount not to exceed \$1,578,862 (This item was reviewed and recommended for approval by the Finance Committee at its July 10, 2009, meeting) - Engineering Department (Rich Davidson 307-8105).
- H-31.** ADOPT the following resolutions: (1) a resolution authorizing the finance director to execute a Financial Assistance Application with the State Water Resources Control Board (SWRCB); (2) a resolution that dedicates a portion of the sanitary sewer rate fees and proceeds of the sanitary sewer revenue bonds as sources of revenue for wastewater improvement projects listed in the application; and (3) a resolution that confirms the City's intention to reimburse the SWRCB for project expenditures that are part of the funding agreement (This item was reviewed and recommended for approval by the Finance Committee at its July 10, 2009, meeting) - Engineering Department (Rich Davidson 307-8105).
- H-32.** APPROVE a contract in the amount of \$215,000 for helicopter services between the Contra Costa County Sheriff's Office and the Richmond Police Department for the past (2008-09) fiscal year (This item was reviewed and recommended for approval by the Finance Committee at their July 10, 2009, meeting) - Police Department (Chief Magnus 621-1802).
- H-33.** APPROVE the following re-appointments and appointments: **Historic Preservation Advisory Committee:** Christopher Bowen, Incumbent, term expiring July 31, 2011; Kimberly Butt, Incumbent, term expiring July 31, 2011; Rosemary M. Corbin, Incumbent, term expiring July 31, 2011; Sandi Genser-Maack, Incumbent, term expiring July 31, 2011; Samaneh Nili, Incumbent, term expiring July 31, 2011; **Community Development Commission:** Jamar Anthony Dossman, term expiring March 21, 2012 (representing Hilltop area); Guillermo Martinez, term expiring March 21, 2012 (one of three representatives for the Iron Triangle); Jackie Thompson, term expiring March 21, 2012 (Public Housing representative); **Richmond-Shimada Friendship Commission:** Antonio Marcus Russell, term expiring December 31, 2012 - Mayor's Office (Mayor McLaughlin 620-6503).

Tuesday, July 21, 2009

- H-34.** ADOPT an ordinance (second reading) adding Chapter 9.62 to the Richmond Municipal Code instituting a commuter benefit program within the City of Richmond for employers who have 10 or more employees working within the City - Councilmembers Ritterman and Butt and Vice Mayor Lopez (620-6581).
- H-35.** ADOPT an ordinance (second 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).
- H-36.** ADOPT an ordinance (second reading) establishing regulations for land use related to biodiesel facilities in the City of Richmond - Planning and Building Services Department (Richard Mitchell 620-6706).
- H-37.** ADOPT a resolution making certain findings and approving and establishing an Economic Recovery Zone in order to make the City and its affiliated agencies eligible to issue Recovery Zone Economic Development Bonds (RZEDB) and Recovery Zone Facility Bonds (RCFB) - Richmond Community Redevelopment Agency (Steve Duran/Thomas Mills 307-8140).
- H-38.** ADOPT a resolution in support of continuing cardiovascular surgery for Kaiser patients in the East Bay - Mayor's Office (Mayor McLaughlin 620-6503).
- H-39.** APPROVE the minutes for the Regular Meeting held on June 2, 2009, and the Special Meeting held on June 9, 2009 - City Clerk's Office (Diane Holmes 620-6513).

I. PUBLIC HEARINGS

- I-1.** Adopt a resolution approving the levy and collection of assessments in the Hilltop Landscape Maintenance Assessment District for the fiscal year 2009-2010 - Public Works Department (Yader A. Bermudez 231-3009).
- I-2.** Accept the report of the City Engineer and adopt a resolution allowing the sanitary and storm sewer fees to be collected on the annual 2009-2010 tax rolls - Engineering Department (Rich Davidson 307-8105).

Tuesday, July 21, 2009

- I-3.** AFFIRM with modifications the Planning Commission’s conditional approval of a Design Review Permit and Variance (V/DR 1103662) to construct a single-family residence on a substandard lot located on the corner of Vine and Terrace Avenues (public hearing opened and closed on July 22, 2008) - Planning and Building Services Department (Richard Mitchell 620-6706).

J. ORDINANCES

- J-1.** INTRODUCE an Ordinance (first reading) amending Richmond Municipal Code Section 15.04.020 (Definitions), repealing Sections 15.04.820.030 through 15.04.820.035 (Wireless Communications Facilities), and adding Section 15.04.890 (Wireless Communications Facilities); and ADOPT a Resolution adopting the Draft Negative Declaration prepared for the proposed RMC amendments - Planning and Building Services Department (Richard Mitchell 620-6705).

- J-2.** INTRODUCE an ordinance (first reading) amending Richmond Municipal Code Chapter 3.25 to create a more inclusive and effective City-wide Youth Commission - Mayor's Office (Mayor McLaughlin 620-6503)

K. COUNCIL AS A WHOLE

- K-1.** DISCUSS and direct staff on applying for an Environmental Justice Grant through the United States Environmental Protection Agency - Vice Mayor Lopez (620-6581).

- K-2.** 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).

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

M. 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.