



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

**AGENDA
Tuesday, July 28, 2009**

Mayor
Gayle McLaughlin

Vice Mayor
Ludmyrna Lopez

Councilmembers
Nathaniel Bates
Thomas K. Butt
Jeff Ritterman
Jim Rogers
Maria T. Viramontes

Pursuant to the Ralph M. Brown Act, Government Code Section 54943, Councilmember Jim Rogers will be participating in this meeting through teleconferencing from the following location: The Bird Rock Hotel in Harbor, Washington.

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.

EVENING OPEN SESSION

Tuesday, July 28, 2009

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. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Subdivision [a] of Government Code Section 54956.9):
 - Citizens for East Shore Parks and Sustainability vs. City of Richmond
 - Communities for a Better Environment (CBE) vs. City of Richmond

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SPECIAL MEETING RICHMOND HOUSING AUTHORITY

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. **HOUSING AUTHORITY CONSENT CALENDAR**
 - F-1. ADOPT a resolution authorizing the executive director to execute a \$150,000 contract for a one-year term and three optional one-year extensions with the Brookside Community Health Center in support of the Richmond's Effort to Abate Lead program (Project REAL) - Housing Authority (Tim Jones 621-1310).
- G. **ADJOURNMENT**

CITY COUNCIL

6:30 p.m.

A. ROLL CALL

B. STATEMENT OF CONFLICT OF INTEREST

C. OPEN FORUM FOR PUBLIC COMMENT

D. AGENDA REVIEW

E. PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

E-1. Presentation of certificates honoring Angel's Restaurant and Marita's Sweet Potato Pie Company as Richmond Small Businesses of the Month for July 2009 - Mayor's Office (Mayor McLaughlin 620-6503).

E-2. Presentation of Certificates of Appreciation in recognition of the Independence Day festivities held on July 3, 2009, in the City of Richmond - Mayor McLaughlin and Councilmember Bates (620-6581).

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

G. REDEVELOPMENT AGENCY CONSENT CALENDAR

G-1. THIS ITEM WAS REMOVED FROM THE AGENDA

H. CITY COUNCIL CONSENT CALENDAR

H-1. ADOPT a resolution accepting a Library Services and Technology Act (LSTA) Grant and amending the Richmond Public Library budget for FY2009/2010 in the amount of \$65,700 for the Richmond Public Library Information for Financial Empowerment (LIFE) Project - Library & Cultural Services (Monique A. le Conge 620-6555).

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- H-2.** AUTHORIZE the Library & Cultural Services Director to accept the Library Services and Technology Act (LSTA) Grant in the amount of \$11,200 for FY2009/2010; \$8,400 for FY2010/2011; and \$5,600 for FY2011/2012 and approve a contract with Tutor.com to offer out-of-school-time online homework help in an amount not to exceed \$50,000 for a term ending June 30, 2013 - Library & Cultural Services (Monique A. le Conge 620-6555).
- H-3.** APPROVE a contract with Dr. Sandra H. Smith, Ph.D. to provide psychological examination services in an amount not to exceed \$20,000, with two one-year options to renew if mutually agreed by both parties based on the same contract terms - Police Department (Chief Chris Magnus 621-1802).
- H-4.** APPROVE a K-9 maintenance training contract between the City of Richmond and Master K-9, Inc. for the period of July 1, 2009, to June 30, 2010, for a total contract price of \$10,800 - Police Department (Chief Chris Magnus 621-1802).
- H-5.** APPROVE contracts with (1) Paul Brilovich, dba Quality Polygraph Services, and (2) Shannon Layer Polygraph Services to provide polygraph services in an amount not to exceed \$20,000 each (totaling \$40,000) through June 30, 2010, with one-year options to renew based on the same terms if approved by both parties - Police Department (Chief Chris Magnus 620-1802).
- H-6.** APPROVE a contract with Enterprise Rent-a-Car Service, under the State of California's Master Contract, for provision of undercover police vehicles for a one-year term not to exceed \$50,000, with a mutual option to extend the contract for one year under these same terms - Police Department (Chief Chris Magnus 621-1802).
- H-7.** APPROVE a second amendment to the contract with Solar Richmond to coordinate the solar installation training component for the Richmond BUILD Program. The contract term will extend through June 30, 2010, and the contract amount will be increased by \$75,000 for a total amount not to exceed \$200,000 - Employment and Training (Sal Vaca 307-8006).
- H-8.** ADOPT a resolution to adjust appropriations for the 2009/2010 Employment & Training Department Budget to add \$1,550,000 for specific employment and training activities to recognize additional grant funding from the Department of Labor (DOL) and the State Employment Development Department (EDD) - Employment and Training (Sal Vaca 307-8006).

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- H-9.** APPROVE Contract Amendment No. 1 with Vomela Specialty Company for the manufacture and installation of a vinyl bus wrap graphic for the library bookmobile for a total contract amount not to exceed \$12,000 through June 30, 2010 - Library & Cultural Services (Monique A. le Conge 620-6555).
- H-10.** ADOPT an ordinance (second reading) amending Richmond Municipal Code Chapter 3.25 to create a more inclusive and effective Youth Commission - Mayor's Office (Mayor McLaughlin 620-6503).
- H-11.** APPROVE a contract in an amount not to exceed \$75,000 with Merriwether & Williams Insurance Services to provide technical support for contract compliance monitoring and to develop a framework for a bonding assistance program for Richmond businesses for a term of July 30, 2009, through June 30, 2010 - Employment and Training (Sal Vaca 307-8006).
- H-12.** ADOPT a resolution authorizing the execution of a Swap Agreement related to the City's outstanding Wastewater Bonds and other actions necessary in connection therewith - Finance Department (James Goins 620-6740).
- H-13.** ACKNOWLEDGE receipt of the report regarding the Council-directed audit of purchasing card (CalCard) use as prepared by Kevin W. Harper, CPA - Finance Department (James Goins 620-6740).
- H-14.** APPROVE a contract with E.F. Brett & Company, Inc. for tenant improvements to module #110D within the Hilltop Mall for a police substation in an amount not to exceed \$367,065 (This item was reviewed and recommended for approval by the Finance Committee at its July 10, 2009, meeting) - Public Works Department (Yader Bermudez 231-3009).
- H-15.** ADOPT an ordinance (second 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) - Planning and Building Services Department (Richard Mitchell 620-6706).
- H-16.** APPROVE the 2008/2009 Third Amended North Richmond Waste and Recovery Mitigation Fee Expenditure Plan reflecting the language changes recommended by the North Richmond Waste and Recovery Mitigation Fee Joint Expenditure Planning Committee - City Manager's Office (Bill Lindsay 620-6512).

- H-17.** RECEIVE an update on the progress of the City of Richmond in applying for and receiving American Recovery and Reinvestment Act (ARRA) project funding-City Manager (Bill Lindsay 620-6512)
- H-18.** ADOPT an ordinance (second 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-19.** ADOPT an ordinance (second 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).
- H-20.** DIRECT the City Manager to cast its property owner ballot on behalf of the City of Richmond, as property owner in the proposed Marina Bay Landscaping and Lighting Maintenance District ("District"), in favor of the proposed assessment district levy - City Manager's Office (Bill Lindsay 620-6512).

I. PUBLIC HEARINGS

- I-1.** A public hearing to receive public testimony, close the public testimony portion of the public hearing, direct the city clerk to canvass the ballots for the formation of the Marina Bay Landscape and Lighting District; APPROVE a resolution declaring the results of the election; and the voters approve formation of the District, APPROVE a resolution levying assessments for Fiscal Year 2009/2010 - Public Works Department (Yader A. Bermudez 231-3009).
- I-2.** CONSIDER CONTINUING AFFIRMING with modifications the Planning Commission 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. STUDY SESSION

- J-1.** RECEIVE an update on the Richmond Main Street Initiative from Director Amanda Elliott - Councilmember Ritterman (620-6581).

K. STUDY AND DIRECTION TO STAFF SESSION

- K-1.** RECEIVE a presentation from Marin County Supervisor Charles McGlashan on Community Choice Aggregation, the Marin Energy Authority (MEA) and Marin Clean Energy (MCE), and PROVIDE DIRECTION to staff about a potential affiliation - Councilmember Butt (236-7435).
- K-2.** (1) APPROVE accepting C. Overaa/Waterworks design/build proposal for a internal combustion engine co-generation system and integrating it into the digester enhancement projects currently underway at the wastewater treatment plant; (2) PROVIDE DIRECTION to staff regarding financing options to implement cogeneration to use the plant's waste heat to produce electricity and reduce greenhouse gas emissions as part of the current plant performance upgrades; and (3) ADOPT a resolution declaring the City's intent to use proceeds of indebtedness to reimburse itself for certain expenditures in connection with the development of a biosolids dewatering facility at the waste water treatment plant - Engineering (Rich Davidson 620-8105) and City Manager's Office (Bill Lindsay 620-6512).
- K-3.** DISCUSS and PROVIDE direction to the city manager regarding Innovation Entertainment's request for fireworks displays and for future requests from other companies or groups - City Manager's Office (Bill Lindsay 620-6512).

L. RESOLUTIONS

- L-1.** ADOPT a resolution opposing the expansion of Pardee Reservoir proposed in the East Bay Municipal Utility District Water Supply Management Program 2040 - Mayor McLaughlin (620-6503), Councilmembers Butt and Rogers (620-6581).
- L-2.** ADOPT a resolution in support of spending any money received through the American Recovery and Reinvestment Act on American manufactured products and services to maximize the success of our nation's recovery program - Councilmember Bates (620-6581).

M. COUNCIL AS A WHOLE

- M-1.** ADOPT a resolution in support of an immediate settlement of the Chevron Renewal Project and the reinstatement of 1,100 jobs - Councilmembers Viramontes and Bates (620-6581).

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M-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).

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

O. 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.