



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

**AGENDA
Tuesday, January 19, 2010**

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**

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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 the Community Services Building

A. CITY COUNCIL

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

Chevron vs. City of Richmond

Citizens for Eastshore Parks vs. City of Richmond

Communities for a Better Environment vs. City of Richmond

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

One case

- A-3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR** (Government Code Section 54956.8):

Property: Ford Point Oil House

Agency Negotiators: Steve Duran and Alan Wolken

Negotiating Party: FPOC, LLC

Under Negotiation: Price and Terms

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Property: Point Molate (site of former Naval Shipyard Depot)
Agency Negotiators: Bill Lindsay and Janet Schneider
Negotiating Party: Upstream Point Molate LLC
Under Negotiation: Price and Terms of Payment

RICHMOND CITY COUNCIL

6:30 p.m.

PLEDGE TO THE FLAG

A. ROLL CALL

B. STATEMENT OF CONFLICT OF INTEREST

C. OPEN FORUM FOR PUBLIC COMMENT

D. AGENDA REVIEW

E. STATE OF THE CITY ADDRESS

E-1. Presentation of 2010 State of the City Address - Mayor McLaughlin (620-6503).

F. PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

F-1. Presentation of 2010 Martin Luther King, Jr. Richmond Community Leadership and Service Awards - Mayor's Office (Mayor McLaughlin 620-6503).

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

H. ELECTION OF VICE MAYOR

H-1. Elect vice mayor for 2010 - Mayor's Office (Mayor McLaughlin 620-6503).

I. CITY COUNCIL CONSENT CALENDAR

- I-1.** APPROVE a third amendment to the existing construction management services contract with Harris & Associates, Inc. to provide additional construction management services and to continue improving and updating Engineering Services' inspection policies and procedures, increase payment limit by \$250,000 to a new total limit of \$2,160,000, and extend the term of the contract to December 31, 2010, from the original March 21, 2006, inception date (this item was reviewed and recommended for approval by the Finance Committee at its December 4, 2009, meeting) - Engineering Services (Edric Kwan 621-1825).

- I-2.** INTRODUCE an ordinance (first reading) establishing the wages, salary, and compensation for the new classification of Industrial Waste Inspector I (Salary Range No. 047D: \$5,302 - \$6,367/month), compensation for the new classification of Industrial Waste Inspector II (Salary Range No. 054B: \$5,758 - \$6,965/month) and compensation for the new classification of Industrial Waste Inspector III (Salary Range No. 059B: \$6,241 - \$7,662/month). This item is a re-titling of two existing classifications (Industrial Waste Inspector I/II) and the creation of a lead position - Human Resources Management (Leslie Knight 620-6600).

- I-3.** ADOPT the revised and re-titled classification of Industrial Waste Inspector to Industrial Waste Inspector I/II/III in the Engineering Department. This item is a re-titling of two existing classifications (Industrial Waste Inspector I/II) and the creation of a lead position (Industrial Waste Inspector III) - Human Resources Management (Leslie Knight 620-6600).

- I-4.** APPROVE a contract with The Williams Group to provide computer and entrepreneurship training services for the Office of Neighborhood Safety California Gang Reduction and Intervention Program Grant in an amount not to exceed \$65,110. The contract term is from January 1, 2010, through March 31, 2011 - Office of Neighborhood Safety (DeVone Boggan 620-5421).

- I-5.** ADOPT an ordinance (second reading) repealing Richmond Municipal Code Chapter 11.98, which bans the possession of large capacity magazines for guns, consistent with prior Council direction to staff to explore alternative legislative approaches to addressing public safety threats posed by large capacity magazines in guns - City Attorney's Office (Randy Riddle 620-6509).

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- I-6.** ADOPT a resolution providing authorization to publish a notice of public hearing concerning proposed increases in Wastewater User Rates and other related fees, and authorizing certain other actions in connection therewith (this item was reviewed and recommended for approval by the Finance Committee at its January 8, 2010, meeting) - Finance Department (James Goins 620-6740).
- I-7.** ADOPT a resolution approving a 3% annual cost-of-living increase, in addition to the 2% minimum cost-of-living increase, for the recipients of the General Pension Fund, for a total annual cost-of-living increase of 5% for these recipients - Finance Department (James Goins 620-6740).
- I-8.** APPROVE a ground lease agreement between the City of Richmond and the West County Wastewater District for sludge dewatering. The initial term is from January 1, 2010, through December 31, 2012, with possible extensions through December 31, 2017. The initial lease cost is \$153,000 in years 2010 through 2012, with minimum rent increases of 3% annually from 2013 through 2017, if extended beyond 2012 – Engineering/Wastewater (Chad Davisson 620-5486).
- I-9.** ADOPT a resolution clarifying City of Richmond policy that spouses and dependents of police and fire safety employees killed in the line of duty can receive city-paid dental and vision insurance benefits, in addition to medical health insurance benefits - Human Resources Management (Leslie Knight 620-6600).
- I-10.** ADOPT a resolution accepting \$100,000 in Transportation Development Act Article 3 funding from the Metropolitan Transportation Commission for the purpose of preparing a comprehensive Bicycle Master Plan, and APPROVE a contract with Fehr & Peers Transportation Consultants to prepare said Bicycle Master Plan in an amount not to exceed \$75,290 - Planning and Building Services Department (Richard Mitchell 620-6706).
- I-11.** APPROVE City Council 2010 Standing Committee, Regional, and Liaison position appointments - Mayor's Office (Mayor McLaughlin 620-6503).
- I-12.** APPROVE a contract with the East Bay Center for the Performing Arts (EBCPA) to support ongoing arts programs and collaborations with the city, in the amount of \$60,000 as allocated in the FY 2009-10 General Fund budget - Library & Cultural Services (Monique A. le Conge 620-6555).

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- I-13.** APPROVE a contract with the National Institute of Art & Disabilities (NIAD) to support ongoing arts programs and collaborations with the city, in the amount of \$60,000 as allocated in the FY 2009-10 General Fund budget - Library & Cultural Services (Monique A. le Conge 620-6555).
- I-14.** APPROVE a contract with the Richmond Art Center to support ongoing arts programs and collaborations with the city, in the amount of \$60,000 as allocated in the FY 2009-10 General Fund Budget - Library & Cultural Services (Monique A. le Conge 620-6555).
- I-15.** APPROVE the following appointment: North Richmond Mitigation Fee Joint Committee: Johnny O. White, City of Richmond resident in North Richmond - Mayor's Office (Mayor McLaughlin 620-6503).
- I-16.** APPROVE a contract with CALINC, LLC for a series of Hazardous Materials trainings for 150 students from December 16, 2009, through January 16, 2012, for an amount not to exceed \$150,000, funded by the Environmental Protection Agency's Brownfields grant (this item was reviewed and recommended for approval by the Finance Committee at its January 8, 2010 meeting) - Employment and Training Department (Sal Vaca/Nicholas Alexander 307-8009).
- I-17.** APPROVE a contract with the West Contra Costa Unified School District's (WCCUSD) School to College & Career Program in support of the Career Technology Education Academy. The term of the contract will be November 18, 2009, through June 30, 2010, for an amount not to exceed \$300,000, and is funded by the January 2009 Chevron Community Benefits Agreement payment (this item was reviewed and recommended for approval by the Finance Committee at its December 4, 2009, meeting) - Employment and Training Department (Sal Vaca 307-8006).
- I-18.** APPROVE the minutes for the meetings held on October 20 and 27; and November 17, 2009 - City Clerk's Office (Diane Holmes 620-6513).

J. PUBLIC HEARINGS

J-1. ADOPT two resolutions to enable the City of Richmond to participate in the California FIRST Financing District: (1) authorize the City of Richmond to participate in the California FIRST Program to provide AB 811 financing services to property owners; and (2) request that Contra Costa County provide county-level leadership and commitment to create a municipal financing district with California FIRST and take any steps necessary to fulfill the county participation requirements so that Contra Costa cities can participate - City Manager's Office (Bill Lindsay 620-6512).

K. RESOLUTIONS

K-1. ADOPT a resolution in opposition of the proposed closure of the Station A Post Office on Broadway Avenue in Richmond, California - Mayor McLaughlin (620-6503) and Councilmember Rogers (867-5725).

L. ORDINANCES

L-1. INTRODUCE an ordinance (first reading) amending Chapter 9.17 of the Municipal Code regarding the use of food ware by Richmond food providers to reflect the following technical revisions: (a) require that cutlery be compostable; (b) eliminate reference to the term "biodegradable;" and (c) exempt products for which there is no suitable alternative; AND, as a policy option, consider whether to include as part of the ordinance an exemption for vendors that prove that compliance with the food ware ordinance creates an economic hardship - City Manager's Office (Bill Lindsay 620-6512).

L-2. ADOPT an urgency ordinance under Government Code Section 65858 establishing a new 45-day moratorium on the acceptance, processing and approval of applications to establish medical marijuana dispensaries and cooperatives in the City - Planning and Building Services Department (Richard Mitchell 620-6706).

L-3. ADOPT an urgency ordinance establishing a 45-day moratorium on the acceptance, processing, and approval of applications and permits for tobacco-oriented retail establishments ("smokeshops") - Councilmembers Butt, Ritterman, and Rogers (620-6581).

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- L-4.** INTRODUCE ordinances (first reading) amending: (1) Richmond Municipal Code 12.20.050 to include establishing a stormwater permitting program (separate from wastewater); and (2) Richmond Municipal Code 2.34.04 to incorporate the current Master Fee Schedule stormwater charges into the stormwater permitting program fee schedule - City Manager's Office (Bill Lindsay 620-6512).
- L-5.** INTRODUCE an ordinance (first reading) establishing fees for inspections of businesses that sell alcohol and/or tobacco - City Attorney's Office (Randy Riddle 620-6510).

M. COUNCIL AS A WHOLE

- M-1.** DIRECT staff, with the help of any needed experts, to draft proposed amendments to the 2008 Measure T ballot measure to address the recent court ruling regarding Measure T (Chevron v. City of Richmond) for the purpose of submitting a measure to the voters for approval - Mayor's Office (Mayor McLaughlin 620-6503) and Councilmember Viramontes (620-6581).
- M-2.** DIRECT staff to explore any possibilities for sending emergency relief support to the people of Haiti following the devastating earthquake there - Mayor's Office (Mayor McLaughlin 620-6503).

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 [www. ci.richmond.ca.us](http://www.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.