



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

**AGENDA
Tuesday, June 15, 2010**

**Mayor
Gayle McLaughlin**

**Vice Mayor
Jeff Ritterman**

**Councilmembers
Nathaniel Bates
Thomas K. Butt
Ludmyrna Lopez
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 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

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):

Terra Smith vs. City of Richmond

Carnahan vs. City of Richmond

Carnahan vs. City of Richmond

Booker vs. City of Richmond

Jenkins vs. City of Richmond

San Francisco Baykeeper vs. City of Richmond

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

A-2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code
Section 54956.8):

Property: Point San Pablo Yacht Harbor

Agency Negotiators: Bill Lindsay and Steve Duran

Negotiating Party: Fast Lane, Inc.

Under Negotiation: Price and Terms

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SPECIAL MEETING RICHMOND HOUSING AUTHORITY

6:25 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 approving the Richmond Housing Authority's Fiscal Year 2010-2011 Operating Budget (This budget was reviewed by the Housing Advisory Commission at their March 8, 2010, meeting.) - Richmond Housing Authority (Tim Jones 621-1310).

- G. **ADJOURNMENT**

**JOINT MEETING OF THE RICHMOND COMMUNITY
REDEVELOPMENT AGENCY/RICHMOND 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. Proclamation honoring and commemorating Juneteenth, "Emancipation Day," in the City of Richmond, a day to recognize the liberation of African Americans from slavery after it was abolished in the United States in 1863 - Mayor's Office (Mayor McLaughlin (620-6503).

E-2. Presentation of certificates to participants of the The Richmond Crime Prevention TECHS After School Program who read the most books this year in the TECHS ALL-STARS Reading is Fun Book Club - Mayor's Office (Mayor McLaughlin 620-6503).

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 resolution authorizing the executive director to execute a fourth sole-source contract amendment with the Richmond Main Street Initiative (RMSI) to provide program management services, increasing the amount by \$150,000 for the extended term of July 1, 2010, to June 30, 2011. This term extension for \$150,000 brings the five-year total to \$509,000 (This item was reviewed by the Finance Committee at its June 4, 2010, meeting and is recommended for Council approval.) - Richmond Community Redevelopment Agency (Steve Duran/Thomas Mills 307-8140).

G-2. ADOPT a resolution authorizing the filing of an application to the Metropolitan Transportation Commission ("MTC") for grant funding under the Transportation for Livable Communities ("TLC") Regional Program for pedestrian improvements on Nevin Avenue from the Richmond BART Station east to 27th Street - Richmond Community Redevelopment Agency (Steve Duran/Alan Wolken 307-8140).

H. CITY COUNCIL CONSENT CALENDAR

H-1. APPROVE a contract with Maze & Associates to conduct external audits for the City of Richmond for the three separate fiscal years ending June 30, 2010; June 30, 2011; and June 30, 2012 for a total amount not to exceed \$1,058,775. (This item was reviewed and recommended for approval by the Finance Committee on June 4, 2010.) - Finance Department (James Goins 620-6740).

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- H-2.** APPROVE a contract with Maggie W. Stern in the amount of \$50,000.00 for the period from July 1, 2010, to December 31, 2010, to provide legal services to the Police Department in connection with the preparation of a civil gang injunction, as well as assistance with Code Enforcement activities and general legal matters - Police Department and City Attorney's Office (Chief Chris Magnus 621-1802/Randy Riddle 620-6506).
- H-3.** APPROVE a one-year extension for the current subscription for Bloomberg Professional Service in the amount of \$22,800 for management of the city's investment and debt-related activities for a term from July 1, 2010, to June 30, 2011- Finance Department (James Goins 620-6740/Susan Segovia 307-8022).
- H-4.** ADOPT a resolution approving the 2010-11 Appropriations Limit for the City of Richmond pursuant to Article XIII B, as amended by the Constitution of the State of California - Finance Department (James Goins 620-6740).
- H-5.** APPROVE a renewal of a lease agreement between the City of Richmond (as lessor) and the YWCA of Contra Costa County (as lessee) for the use of space at the west wing of the Richmond Recreation Complex for the operation of a child care program. The lease is for a five-year term from April 1, 2010, through March 31, 2015, and has a rate of \$2,700 per month - Recreation Department (Keith Jabari 620-6791).
- H-6.** APPROVE a contract with Solar Richmond to provide consulting services to the city for the Municipal Solarization Project at a total cost not to exceed \$45,000 for the period of June 15, 2010, through September 30, 2012 - City Manager's Office (Bill Lindsay 620-6512).
- H-7.** APPROVE renewals of two leases with the YMCA of The East Bay for the city-owned buildings located at 1350 Kelsey Street and 445 8th Street in Richmond. The lease period is for five years commencing on June 25, 2010, and terminating on June 30, 2015, with total lease revenue of \$1,545.00 per month - Richmond Community Redevelopment Agency (Steve Duran/Alan Wolken 307-8140).
- H-8.** APPROVE a one-year contract with Hargis & Associates to develop and administer promotional examinations for police captain, lieutenant and sergeant in an amount not to exceed \$46,250 for a term from July 1, 2010, to June 30, 2011 - Human Resources Management (Leslie Knight 620-6600).

- H-9.** APPROVE a contract amendment with Trisha A. Aljoe in the amount of \$150,000 to provide continued legal services with respect to the Police Department in connection with Code Enforcement activities, drug house abatement matters, and general legal matters. The term of the contract shall be July 1, 2010, through June 30, 2012 - City Attorney's Office (Randy Riddle 620-6509).
- H-10.** APPROVE a grant of easement to T-Mobile West Corporation for use as a non-exclusive 15-foot-wide easement for access and utilities from the public street known as Heavenly Ridge Lane, for consideration to the City of Richmond in the amount of \$10,000 for an initial 10-year term, and additional payments thereafter if the grant of easement is extended - Engineering Services (Edric Kwan 621-1825).
- H-11.** ADOPT a resolution authorizing an extension of the current Memorandum of Understanding between the City and SEIU Local 1021 in accordance with the terms of the Tentative Agreement reached between the parties' representatives - Human Resources Management (Leslie Knight 620-6600).
- H-12.** APPROVE the purchase of 46 Remington 870 shotguns from LC Action Police Supply, in an amount not to exceed \$21,538.00 - Police Department (Chief Chris Magnus 621-1802).
- H-13.** APPROVE a professional services contract with the Pakpour Consulting Group, Inc. to provide on-call engineering plan check services in an amount not to exceed \$300,000 over a three-year period (This item was reviewed and recommended for approval by the Finance Committee on June 4, 2010.) - Engineering Services (Edric Kwan 621-1825).
- H-14.** APPROVE the purchase of 150 Glock service pistols and applicable accessories from LC Action Police Supply, in an amount not to exceed \$89,721 - Police Department (Chief Chris Magnus 621-1802).
- H-15.** APPROVE the 2010/2011 Amended North Richmond Waste & Recovery Mitigation Fee Joint Expenditure Plan created to lessen the impact of illegal dumping and blight on the North Richmond community and AUTHORIZE the staff to expend mitigation funds consistent with the Expenditure Plan - City Manager's Office (Bill Lindsay 620-6512).

- H-16.** ADOPT a resolution renewing and continuing the local emergency due to sinkhole damage on Via Verdi first proclaimed by the city manager on April 22, 2010, ratified by the City Council on April 27, 2010, and renewed and continued by the City Council on May 18, 2010 - Engineering Services (Edric Kwan 621-1825).
- H-17.** ADOPT an ordinance (second reading) amending Chapters 9.20 and 9.21 of the Richmond Municipal Code to revise the definition of solid wastes to exclude recyclables and to allow for biweekly collection of residential food waste mixed with green waste for composting - City Manager's Office (Bill Lindsay/Jennifer Ly 620-6512).
- H-18.** ADOPT an ordinance (second reading) amending Richmond Municipal Code Section 15.06.070 to clarify the scope of exemptions for official notices, traffic control signs, and danger signs - City Attorney's Office (Randy Riddle 620-6509).
- H-19.** ADOPT a resolution appropriating to the Fiscal Year 2009/2010 Budget \$90,000 in funds received from Upstream Point Molate LLC to pay for certain professional and legal services contracts previously approved by the City Council associated with the Land Disposition Agreement between the City of Richmond and Upstream Point Molate LLC - City Manager's Office (Bill Lindsay 620-6512).
- H-20.** APPROVE an amendment to the contract with Sally Swanson Architects in an amount not to exceed \$50,000 to complete the City-wide accessibility study and produce a transition plan for increasing accessibility where necessary, in compliance with the Americans with Disabilities Act - City Attorney's Office (Randy Riddle 620-6509).
- H-21.** ADOPT a resolution calling and giving notice of the holding of a Municipal Election to be held on Tuesday, November 2, 2010, for the election of certain officers as required by the provisions of the Charter of the City of Richmond; requesting the Board of Supervisors of Contra Costa County to consolidate the Municipal Election with the Statewide General Election; adopting regulations for candidates pertaining to the candidates' statements submitted to the voters, cost of the candidates' statements and other fees, word limit for candidate's statement; and action to be taken for a tie vote - City Clerk's Office (Diane Holmes 620-6513).

- H-22.** APPROVE an amendment to the contract with the law firm of Meyers, Nave, Riback, Silver and Wilson to continue to represent the city in the lawsuits entitled Booker vs. City of Richmond, et al. and Jenkins vs. City of Richmond, et al. in the amount of \$500,000 - City Attorney's Office (Randy Riddle 620-6509).
- H-23.** APPROVE a contract with Psomas for construction management services related to modifications to the Greenway, Phase II project in the amount of \$28,000.00. The Greenway modifications are necessary to address privacy and security issues raised by residents in the area. (This item was reviewed and recommended for approval by the Finance Committee on June 4, 2010.) - Engineering Services (Edric Kwan 621-1825).
- H-24.** APPROVE Contract Amendment No. 2 with GradeTech, Inc. related to modifications to the Greenway, Phase II project to increase the contract value by \$20,000 for a total of \$1,111,149.24. The Greenway modifications are necessary to address privacy and security issues raised by residents in the area. (This item was reviewed and recommended for approval by the Finance Committee on June 4, 2010.) - Engineering Services (Edric Kwan 621-1825).

I. PUBLIC HEARINGS

- I-1.** CONTINUE TO JULY 20, 2010, a public hearing on an appeal by Maria Arechiga of the Planning Commission's decision to deny a Conditional Use Permit to establish a mobile fast-food restaurant (taco truck) at 3700 Macdonald Avenue - Planning and Building Services Department (Richard Mitchell 307-8159).
- I-2.** RECEIVE public comment on the proposed wastewater increase and consider introducing an ordinance (first reading) setting wastewater user rates for Fiscal Years 2011-2012 through 2013-2014. The recommended annual rate increases are 5% for each of these three fiscal years (The public hearing was opened on June 1, 2010.) - Finance Department and Engineering Department (James Goins 620-6740/Chad Davisson 620-5486).

J. RESOLUTIONS

- J-1.** ADOPT a resolution to urge Contra Costa County to opt out of the Secure Communities Agreement to protect the human rights of immigrant families - Mayor's Office (Mayor McLaughlin 620-6503/Vice Mayor Ritterman 620-6581).

J-2. ADOPT a resolution supporting the United Nations Security Council condemnation of the recent Israeli attack on the Gaza-bound humanitarian aid flotilla, including two Richmond residents, and calling for the safe and humane treatment of all individuals delivering international aid - Mayor McLaughlin (620-6503)/Vice Mayor Ritterman (620-6581).

K. COUNCIL AS A WHOLE

K-1. APPROVE AND ADOPT the following resolutions for Fiscal Year 2010/11:

(a) a resolution approving and adopting the Fiscal Year 2010-2011 Budget for the Richmond Community Redevelopment Agency in the amount of \$90,096,671 (including Operating Costs of \$19,611,671 and Project and Program Costs of \$70,485,000) and the Five Year 2010-2015 Capital Project and Program Budget totaling \$75,651,000 - Richmond Community Redevelopment Agency (Steve Duran/Nickie Mastay 307-8140); and

(b) the following resolutions for the City of Richmond: (1) approving the Fiscal Year 2010-11 Operating Budget and (2) the Fiscal Year 2010-15 Five-Year Capital Improvement Budget - Finance Department (James Goins 620-6740).

K-2. PROVIDE direction to staff regarding adopting an ordinance that regulates the use of public walkways for outdoor dining at restaurants - Councilmember Butt (236-7435).

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 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.