



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

**AGENDA
Tuesday, July 20, 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.

Tuesday, July 20, 2010

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):

Liletha Dalbert vs. City of Richmond (worker's comp claim)

Gesmundo vs. City of Richmond

A-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9):

Booker vs. City of Richmond

Jenkins vs. City of Richmond

People of the State of California and the City of Richmond vs. Parle, et al.

People of the State of California and the City of Richmond vs. Soto, et al.

People of the State of California and the City of Richmond vs. Tiongco, et al.

People of the State of California and the City of Richmond vs. Vasquez, et al.

People of the State of California and the City of Richmond vs. Kennedy, et al.

People of the State of California and the City of Richmond vs. Dayem, et al.

Tuesday, July 20, 2010

People of the State of California and the City of Richmond vs. Estes, et al.

People of the State of California and the City of Richmond vs. Clay, et al.

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

6:25 p.m.

PLEDGE TO THE FLAG

A. ROLL CALL

B. STATEMENT OF CONFLICT OF INTEREST

C. OPEN FORUM FOR PUBLIC COMMENT

D. CONSENT CALENDAR

D-1. ADOPT a resolution authorizing the Housing Authority executive director to submit the 2009 Public Housing Assessment System (PHAS) Certification to the U.S. Department of Housing and Urban Development. (This item was reviewed and recommended for approval by the Housing Advisory Commission at its July 12, 2010, meeting) - Richmond Housing Authority (Tim Jones 621-1310/Manuel Rosario 621-1308).

D-2. ADOPT a resolution authorizing the Richmond Housing Authority executive director to submit the 2010 Section 8 Management Assessment Program (SEMAP) Certification to the U.S. Department of Housing and Urban Development. (This item was reviewed and recommended for approval by the Housing Advisory Commission at its July 12, 2010, meeting) - Richmond Housing Authority (Tim Jones 621-1310/Manuel Rosario 621-1308).

E. ADJOURNMENT

Tuesday, July 20, 2010

JOINT MEETING OF THE RICHMOND 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.** RECEIVE an oral report regarding the 2010 Summer Visit from the Zhoushan Delegates - 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 BOARD CONSENT CALENDAR**
 - G-1.** ADOPT a resolution authorizing the executive director to enter into a second amendment to the Agreement to Negotiate Exclusively with the Olson Company for the 12th and Macdonald Mixed Use Project - Richmond Community Redevelopment Agency (Steve Duran/Alan Wolken 307-8140).
- H. CITY COUNCIL CONSENT CALENDAR**
 - H-1.** RATIFY a Temporary Permission to Enter for Emergency Construction and Vehicle Bypass Agreement between the City and the John M. and Rosalie K. Stahl Trust and the Stahl Rolling Hills Trust, to construct the Via Verdi emergency bypass road through a privately owned parcel bounded by Via Verdi, El Portal Drive, and the northbound I-80 on-ramp - Engineering Services (Edric Kwan 621-1825/Tawfic Halaby 621-1612).
 - H-2.** APPROVE an amendment to the contract with Hargis & Associates to extend the term through June 30, 2011, and increase the amount by \$10,000 for a total contract amount not to exceed \$42,500 to develop and administer a promotional examination for the Fire Department - Human Resources Management (Leslie Knight 620-6600).

Tuesday, July 20, 2010

- H-3.** ADOPT a resolution granting another designated period (July 21, 2010 to October 20, 2010) for the two years additional service credit for early retirement for certain specified classifications - Human Resources Management (Leslie Knight 620-6600).
- H-4.** ACCEPT the work completed by Grade Tech, Inc. for construction of Phase II of the Central Richmond Greenway Bicycle/Pedestrian Trail Project at a final construction cost of \$1,108,299.69 - Engineering Services (Edric Kwan 621-1825).
- H-5.** APPROVE the purchase of safety and operation equipment from Lincoln Aquatics for the Richmond Plunge in an amount not to exceed \$50,500 - Recreation Department (Keith Jabari 620-6791).
- H-6.** APPROVE an amendment to the contract with Pankow Special Projects, L.P. in an amount not to exceed \$60,000, bringing the total contract amount to \$209,899 to provide on-call construction services at the Civic Center Plaza complex through December 31, 2010, and authorize the city manager or his designee to execute and implement the contract - Community & Economic Development (Steve Duran 307-8140).
- H-7.** ADOPT a resolution to declare the city owned property at 341-347 South 17th Street as surplus and authorize the city manager to follow the disposition procedures as provided for by California Government Code Sections 54220 - 54232 to dispose of the property - Community & Economic Development (Steve Duran 307-8140).
- H-8.** APPROVE a lease acquisition of automatic external defibrillator (AED) devices for installation at city facilities to enhance the ability of city employees to save the life of a person who suffers a cardiac arrest on city premises, at a cost of \$114,588 for a four-year lease term; and approve purchase of ancillary equipment and compliance services in the amount of \$26,249. (This item was reviewed and recommended for approval by the Finance Committee at its April 2, 2010, meeting) - 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 Engineering Infrastructure Administrator - Human Resources Management (Leslie Knight 620-6600).

Tuesday, July 20, 2010

- H-10.** INTRODUCE an ordinance (first reading) establishing the wages, salary, and compensation for the new classification of Engineering Infrastructure Administrator (Salary Range No. 066: \$6,926 - \$8,419/month) for the Wastewater Enterprise - Human Resources Management (Leslie Knight 620-6600).
- H-11.** 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/Antonio Banuelos 620-6741).
- H-12.** ADOPT a resolution increasing appropriation for private sewer lateral grant funding in the amount of \$100,000 for a total FY 2010-11 budget of \$200,000 - Engineering Services (Edric Kwan/Chad Davisson 620-5486).
- H-13.** APPROVE an extension to the current contract with Valley Oil Company to provide fuel to the City of Richmond, extending the term by six months to December 31, 2010, and increasing the amount of the contract by \$400,000 - Public Works Department (Yader Bermudez 231-3009).

I. PUBLIC HEARINGS

- I-1.** CONSIDER approving the proposed increase in annual assessments for the Hilltop Landscape Maintenance District for the 2010-2011 Fiscal Year, and consider adopting a resolution approving the levy and collection of the proposed annual assessments - Public Works Department (Yader A. Bermudez 231-3009).
- I-2.** CONSIDER approving the proposed annual assessments for the Marina Bay Landscaping and Lighting Maintenance District for the 2010-2011 Fiscal Year and consider adopting a resolution approving the levy and collection of the proposed annual assessments - Public Works Department (Yader A. Bermudez 231-3009).

J. RESOLUTIONS

- J-1.** ADOPT a resolution in opposition of Proposition 23 which would suspend AB32, the Clean Energy and Air Pollution Control Standards of the Global Warming Solutions Act of 2006 - Mayor McLaughlin (620-6503), Vice Mayor Ritterman and Councilmember Butt (620-6581).

Tuesday, July 20, 2010

- J-2.** ADOPT a resolution designating the Perennial Purple Tree Collard as the official green of the City of Richmond - Councilmember Butt (236-7435).

K. ORDINANCES

- K-1.** INTRODUCE an ordinance (first reading) amending Richmond Municipal Code Chapter 11.86 (Bingo Games) to eliminate the restriction on the number of days per week that an organization may conduct bingo games and to ensure that all charitable bingo gaming is conducted in a manner that preserves the public safety and welfare - City Attorney (Randy Riddle 620-6509).
- K-2.** INTRODUCE an ordinance (first reading) amending provisions of the Richmond Municipal Code to allow businesses serving food and beverages to obtain an encroachment permit and, in certain cases, a conditional use permit, to use public sidewalks for outdoor dining - Planning and Building Services Department (Richard Mitchell 620-6706).
- K-3.** INTRODUCE an ordinance (first reading) adding Chapter 7.102 (Medical Marijuana Collectives) to the Richmond Municipal Code - City Attorney's Office (Randy Riddle 620-6509).
- K-4.** INTRODUCE an ordinance (first reading) amending Richmond Municipal Code Chapter 6.06.074 to require evaluation for historical significance prior to demolition of a structure more than 50 years old and changing the name of the Historic Preservation Advisory Committee to the Historic Preservation Commission - Mayor McLaughlin (620-6503) and Councilmember Butt (620-6581).

L. COUNCIL AS A WHOLE

- L-1.** CONSIDER placing a non-binding advisory measure on the November 2010 ballot asking whether the City of Richmond should approve a project including a casino at Point Molate provided that the advisory measure is considered in a manner consistent with all the city's legal obligations - Mayor McLaughlin (620-6503), Vice Mayor Ritterman and Councilmember Butt (620-6581).
- L-2.** APPROVE and ADOPT a Ballot Advisory Measure to place before the voters on the November 2010 Ballot indicating if the City of Richmond should consider gaming at a Casino Resort with shoreline and open space protections at Point Molate - Councilmember Viramontes (620-6581).

Tuesday, July 20, 2010

- L-3.** DISCUSS and DIRECT staff to clarify their perspective on Brown Act compliance regarding the process leading to the 6th Amendment to the Point Molate Land Disposition Agreement (LDA), addressing discrepancies between the May 18, 2010, agenda Item K-1, the motion passed on May 18, 2010, and the wording of the signed 6th Amendment that was entered into as of May 18, 2010 - Mayor's Office (Mayor McLaughlin 620-6503).

- L-4.** CONSIDER authorizing medical marijuana dispensaries to apply for a conditional use permit subject to paying for full-time police patrols during hours of operation and other neighborhood protection measures - Councilmember Rogers (620-6581).

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.