



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

**AGENDA
Tuesday, July 27, 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):

Booker vs. City of Richmond

Jenkins vs. City of Richmond

- A-2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
(Significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.9):

One case

- A-3. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
(Initiation of litigation pursuant to Subdivision (c) of Government Code Section 54956.9):

Two cases

SPECIAL MEETING OF THE RICHMOND CITY COUNCIL

6:00 p.m.

- A. **PLEDGE TO THE FLAG**
- B. **ROLL CALL**
- C. **PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS**
 - C-1. Presentation of the Manager and the Employee of the Year Awards - City Manager's Office (Bill Lindsay 620-6512).
- D. **ADJOURNMENT**

SPECIAL MEETING OF THE RICHMOND HOUSING AUTHORITY

6:25 p.m.

- A. **ROLL CALL**
- B. **STATEMENT OF CONFLICT OF INTEREST**
- C. **OPEN FORUM FOR PUBLIC COMMENT**
- D. **AGENDA REVIEW**
- E. **HOUSING AUTHORITY CONSENT CALENDAR**
 - E-1. ADOPT a resolution authorizing the executive director to execute an Exclusive Negotiating Rights Agreement ("ENRA") and a Predevelopment Cost Sharing Agreement ("PCSA") with the development team of Related of California/Mercy Housing and the Community Housing Development Corporation to become the master developer partner for the Nystrom Village Revitalization Project (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/Latan Jones 235-2062).

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- E-2. ADOPT a resolution authorizing the executive director to execute a contract with Eagle Roofing, the successful bidder, to provide re-roofing services at the Triangle Court public housing development at a cost not to exceed \$246,100 (This item was reviewed and recommended for approval by the Finance Committee at its July 16, 2010, meeting) - Richmond Housing Authority (Tim Jones 621-1310).

F. **ADJOURNMENT**

**SPECIAL 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. Presentation of a Certificate of Appreciation to Michael Morgan and the Oakland East Bay Symphony for the July 3rd concert in honor of Independence Day - Mayor McLaughlin (620-6502), Vice Mayor Ritterman and Councilmember Bates (620-6581).

- E-2. Presentation of certificates honoring Everlasting Construction and Genser & Watkins, LLP as Richmond small businesses for the month of July 2010 - 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 approving and authorizing the executive director to execute a contract with artist Mildred Howard for the design, fabrication, and installation of public art for the Richmond Transit Village BART Parking Structure in an amount not to exceed \$200,000 (This item was reviewed and recommended for approval by the Finance Committee at its July 16, 2010, meeting) - Richmond Community Redevelopment Agency (Steve Duran/Alan Wolken 307-8140).

H. CITY COUNCIL CONSENT CALENDAR

- H-1.** ADOPT an ordinance (second reading) establishing the wages, salary, and compensation for the new classification of Engineering Infrastructure Administrator (Salary Range No. 066: \$6,926 - \$8,419/month) - Human Resources Management (Leslie Knight 620-6600).
- H-2.** APPROVE a three-year contract with ECMS, Inc. for the cleaning and repairing of firefighter personal protective equipment, in an amount not to exceed \$45,000 - Fire Department (Chief Michael Banks 307-8041).
- H-3.** ADOPT a resolution authorizing standing order library purchases of materials and services from various vendors in an amount not to exceed a limit set forth per library materials/service description and not to exceed an aggregate total of \$434,000 for each Fiscal Year 2010-2011, 2011-2012, and 2012-2013 (This item was not reviewed by the Finance Committee because of meeting schedule changes; the item is placed on the agenda to allow uninterrupted processing of payments) - Library and Cultural Services (Monique A. le Conge 620-6555).
- H-4.** APPROVE a contract with Post, Buckley, Schuh, and Jernigan (PBS&J), of Sacramento, to revise and finalize the administrative draft Environmental Impact Report (EIR) for Richmond's updated General Plan in an amount not to exceed \$150,000 and for a term extending to December 31, 2010 (This item was reviewed and recommended for approval by the Finance Committee at its July 16, 2010, meeting) - Planning and Building Services Department (Richard Mitchell 620-6705).
- H-5.** APPROVE a contract with Envisionware, Inc. for the purchase of software, installation, and staff training to remotely manage the library's public access computer workstations in an amount not to exceed \$21,000 as allocated in the Fiscal Year 2010/11 Budget - Library and Cultural Services (Monique A. le Conge 620-6555).

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- H-6.** APPROVE a contract with Bay Area Community Resources for an AmeriCorps member to work in the Environmental Initiatives section of the City Manager's Office to support city-wide greenhouse gas (GHG) and litter reduction and climate action efforts from August 2010 to August 2011 in the amount of \$16,000. The \$16,000 will be funded by a grant from the California Department of Conservation City/County Payment Program - City Manager's Office (Bill Lindsay 620-6512).
- H-7.** APPROVE a reimbursement to Cal-Oils, Lessee/Operator, at Terminal 2 for emergency repairs, performed by Manson Construction, to their docking facility fender system as a result of a marine vessel incident in the amount of \$35,742 - Port (Jim Matzorkis 215-4601).
- H-8.** APPROVE the reimbursement of emergency repairs to the Honda Port of Entry Terminal Operator (Auto Warehousing Company) for emergency repairs performed to the wharf at Berth 8 as a result of a marine collision in the amount of \$29,013.45 - Port (Jim Matzorkis 215-4601).
- H-9.** APPROVE the preparation of a design services contract with Liftech Consultants Inc. to complete the design, engineering, and bid document preparation of the Terminal 3 Office Building Expansion project in an amount not to exceed \$548,240 - Port (Jim Matzorkis 215-4601).
- H-10.** APPROVE the Office of Neighborhood Safety (ONS) Vendor Services List (VSL) generated from the Request for Qualifications (RFQ) for Vendor Activities and Workshops (Life Skills and Supportive Services) to provide Life Skills and Supportive Services on an on-call basis for fiscal years July 1, 2010, through June 30, 2013, in an amount not to exceed \$200,000 per vendor per fiscal year (This item was reviewed and approved by the Finance Committee at its July 16, 2010, meeting) - Office of Neighborhood Safety (Devone Boggan 620-5421).
- H-11.** APPROVE the third contract amendment with Neighborhood House of North Richmond to change the scope of work to align with the Expenditure Plan, increase the payment limit by \$196,912 to an amount not to exceed \$223,762, and extend the contract term to March 31, 2012, in order to fund specific activities described in the 2010/2011 Amended North Richmond Waste and Recovery Mitigation Fee Expenditure Plan (This item was reviewed and recommended for approval by the Finance Committee at its July 16, 2010, meeting) - City Manager's Office (Bill Lindsay 620-6512).

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- H-12.** ADOPT a resolution renewing standing orders/outline agreements for technology-related goods and services from various vendors in an amount not to exceed \$250,000 per year per vendor for fiscal years 2010-2011 through 2012-2013 (This item was reviewed and recommended for approval by the Finance Committee at its July 16, 2010, meeting) - Information Technology Department (Sue Hartman 620-6874).
- H-13.** APPROVE a contract with Psomas to provide Geographical Information System (GIS) technical support regarding mapping the collection system and provide inspection services for the city's Pretreatment Program, in order to comply with the City's current National Pollutant Discharge Elimination System (NPDES) permit in an amount not to exceed \$265,000 (This item was reviewed and recommended for approval by the Finance Committee at its July 16, 2010, meeting) - Engineering Department (Edric Kwan 621-1825/Chad Davisson 621-5486).
- H-14.** APPROVE the purchase of a replacement street sweeper from Municipal Maintenance Equipment, for use in maintaining city-owned streets, in an amount not to exceed \$222,000 (This item was reviewed and recommended for approval by the Finance Committee at its July 16, 2010, meeting) - Public Works (Yader A. Bermudez 231-3009).
- H-15.** APPROVE the use of U.S. Communities Contract with Home Depot for the purchase of city-wide maintenance and hardware supplies in an amount not to exceed \$135,000 per year for a period of three years (This item was reviewed and recommended for approval by the Finance Committee at its July 16, 2010, meeting.) - Finance Department (James Goins/Ofelia Alvarez 620-6699).
- H-16.** APPROVE a construction contract with W. Bradley Electric Inc. in the amount of \$726,025, with a contingency and reserve not to exceed \$108,000, for the Park Plaza Neighborhood Series Street Light Conversion Project - Engineering Department (Edric Kwan 621-1825/Joel Camacho 621-5482).
- H-17.** APPROVE an amendment to the contract with Liebert Cassidy Whitmore MP in the amount of \$110,000, bringing the total contract amount to \$205,000, to continue contract negotiations, legal consultation and employee training for the period July 1, 2009, through June 30, 2011. (This item was reviewed and recommended for approval by the Finance Committee at its meeting of July 16, 2010, meeting) - Human Resources Management (Leslie Knight 620-6602).

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- H-18.** AUTHORIZE payment for Richmond's share of the West County Agency's Fiscal Year 2010-2011 Budget in an amount not to exceed \$119,085 (This item was reviewed and recommended for approval by the Finance Committee at its July 16, 2010, meeting) - Engineering Department (Edric Kwan/Chad Davisson 621-5486).
- H-19.** APPROVE an amendment to the federal Economic Development Administration (EDA) grant-funded contract with Alex Brennan, MCP, increasing the contract amount by \$1,662.50, for a total amount of \$39,912.50, to create a presentation on the green business development plan for local business groups - City Manager's Office (Bill Lindsay 620-6512).
- H-20.** APPROVE an amendment to the contract with Wise, Jansey, Elstner Associates (WJE) to estimate the costs of recommended work to stabilize historic buildings as documented in their recently completed Point Molate Emergency Stabilization Assessment Report in the amount of \$3,000 for a total amount of \$13,000 - City Manager's Office (Bill Lindsay 620-6512).
- H-21.** APPROVE a grant award to the Office of Neighborhood Safety (ONS) in the amount of \$382,639 in California Gang Reduction and Intervention Program (CalGRIP III) funding from the California Emergency Management Agency (CalEMA) to confront the issue of gang violence in the City of Richmond (This item was reviewed and recommended for approval by the Finance Committee at its July 16, 2010, meeting) - Office of Neighborhood Safety (Devone Boggan 620-5421).
- H-22.** AUTHORIZE the city manager to select and enter into a contract with an executive search firm to conduct a recruitment to fill the Library & Community Services Director position in an amount not to exceed \$30,000 - Human Resources Management (Leslie Knight 620-6600).
- H-23.** APPROVE the minutes for the March 23, 2010, Council Meeting - City Clerk's Office (Diane Holmes 620-6513).
- H-24.** APPROVE a sole-source agreement to purchase a three-year standard public safety communications and record-keeping software maintenance agreement from September 1, 2010, to September 30, 2013, with New World Systems Corporation, in an amount not to exceed \$770,997 (This item was reviewed and recommended for approval by the Finance Committee at its July 16, 2010, meeting) - Police Department (Chief Chris Magnus 621-1802).

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- H-25.** APPROVE the purchase of public safety communications and records management hardware (servers), software, maintenance, and a professional services contract for a three-year period from September 1, 2010, through August 31, 2013, with New World Systems in an amount not to exceed \$32,385 - Police Department (Chief Chris Magnus 621-1802).
- H-26.** ADOPT two resolutions declaring the official intent of the City of Richmond to reimburse itself for certain capital expenditures from the proceeds of indebtedness. One resolution applies to Recovery Zone Economic Development Bonds and one resolution applies to Wastewater Revenue Bonds - Finance Department (James Goins 620-6740).
- H-27.** APPROVE the activities and expenditures associated with the CalGRIP III Grant Award in the amount of \$382,639, to include the right to negotiation and enter into contracts with the City of San Pablo (\$114,791), City of Richmond's Employment and Training Department (\$66,961), RYSE Inc. (\$114,791), Office of Neighborhood Safety Administrative Cost (\$9,569), and contract services for a Job Development and Placement Specialist (\$76,527) (This item was reviewed and recommended for approval by the Finance Committee at its July 16, 2010, meeting) - Office of Neighborhood Safety (Devone Boggan 620-5421).
- H-28.** ADOPT an ordinance (second 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's Office (Randy Riddle 620-6509).
- H-29.** ADOPT an ordinance (second 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).
- H-30.** ADOPT an ordinance (second reading) adding Chapter 7.102 (Medical Marijuana Collectives) to the Richmond Municipal Code - City Attorney's Office (Randy Riddle 620-6509).
- H-31.** APPROVE a second contract amendment with Colantuono & Levin, P.C. for representation in connection with options to increase revenues for city services, increasing the contract amount by \$15,000, for a total of \$25,000 and extending the term of the contract to June 30, 2010 - City Attorney's Office (Randy Riddle 620-6509).

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- H-32.** ADOPT a resolution authorizing the acceptance and appropriation of \$12,856 from the California State Department of Conservation's 2009/10 City/County Payment Program - City Manager's Office (Bill Lindsay 620-6512).
- H-33.** APPROVE the following re-appointment: Contra Costa Mosquito and Vector Control District: Soheila Bana, Incumbent, term expiring September 11, 2013 - Mayor's Office (Mayor McLaughlin 620-6503).
- H-34.** ADOPT an ordinance (second 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 changes the name of the Historic Preservation Advisory Committee to the Historic Preservation Commission - Mayor McLaughlin (620-6502) and Councilmember Butt (620-6581).
- H-35.** APPROVE a term sheet and DIRECT the city attorney to prepare, and the city manager to execute, a lease with Contra Costa County and a sublease with Solar Richmond consistent with the approved term sheet for 6000 square feet of space at 2730 Maine Avenue, Richmond for use by Solar Richmond as classroom and training space for a term of five years with an initial expenditure by the city of approximately \$75,000 for tenant improvements to be repaid by Solar Richmond over the term of the lease, and other terms and conditions set forth in the term sheet included in the agenda materials - Mayor McLaughlin (620-6502) and Councilmember Butt (620-6581).

I. PUBLIC HEARINGS

- I-1.** ADOPT a resolution allowing the sanitary and storm sewer fees to be collected on the annual 2010-2011 property tax rolls - Engineering Department (Edric Kwan/Chad Davisson 620-5486).

J. ORDINANCES

- J-1.** INTRODUCE an ordinance (first reading) adding Chapter 47 to Article XIII of the Richmond Municipal Code to create a comprehensive framework for the administration of pipeline franchises in the City of Richmond - City Attorney's Office (Randy Riddle 620-6509).

K. RESOLUTIONS

K-1. ADOPT a resolution in support of the California Jobs Budget - Vice Mayor Ritterman and Councilmember Lopez (620-6581).

L. COUNCIL AS A WHOLE

L-1. THIS ITEM WAS WITHDRAWN FROM THE AGENDA

L-2. DIRECT staff to draft an ordinance similar to the City of Oakland's that would license and tax large-scale marijuana farms in industrial areas to supply the city's future unlimited number of marijuana dispensaries, and review policies that could include smaller and medium-sized farmers - Councilmember Butt (620-6581).

L-3. CONSIDER directing staff to prepare a plan to preserve the North Richmond Shoreline Development in order to permit all stakeholders to work together to save the shoreline for recreational shoreline uses by developing a workable plan to achieve a voluntary relocation of the Richmond Rod and Gun Club - Councilmember Rogers (620-6581).

L-4. CONSIDER placing a measure on the November 2010 ballot that sets the business license fee (tax) for marijuana businesses at 10 percent of gross receipts, or such other rate as the Council may set - Councilmember Butt (620-6581).

L-5. CONSIDER submitting to Richmond voters at the November 2010 Election an advisory measure on whether the city should incorporate community low-intensity commerce and recreation land uses for the North Shoreline into the General Plan - Councilmember Butt (620-6581).

M. STUDY SESSION

M-1. ACCEPT a presentation and report by Discovering the Reality of Our Community (DROC), a Bay Area Community Resources Program at John F. Kennedy, DeAnza, and El Cerrito High Schools, that looks at underage drinking and drug use in Richmond - Mayor's Office (Mayor McLaughlin 620-6503).

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M-2. HEAR a presentation on the Citywide Parks Master Plan by Gates & Associates/Bellecci & Associates and PROVIDE direction to staff - Public Works Department (Yader A. Bermudez 231-3009).

N. STUDY AND DIRECTION TO STAFF SESSION

N-1. REVIEW AND APPROVE the Port of Richmond's Clean Air Action Plan (CAAP) in accordance with Mitigation Measure 6-2 of the Honda Port-of-Entry's (HPOE) Final Environmental Impact Report - Port (Jim Matzorkis 215-4601).

O. 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.