



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

**AGENDA
Tuesday, December 7, 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):

Communities for a Better Environment 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
 - A-4. CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6):

City-designated representatives(s): Bill Lindsay, Leslie Knight, Jack Hughes, Lisa Stephenson, and Bruce Soublet. Employee organization or unrepresented employee(s): Richmond Fire Management Association and Local 188

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**SPECIAL JOINT MEETING OF THE JOINT POWERS FINANCE
AUTHORITY/RICHMOND CITY COUNCIL**

6:25 p.m.

- A. **PLEDGE TO THE FLAG**
- B. **ROLL CALL**
- C. **STATEMENT OF CONFLICT OF INTEREST**
- D. **AGENDA REVIEW**
- E. **CONSENT CALENDAR**

E-1. ADOPT the following resolutions relating to the issuance of Recovery Zone Economic Development Bonds to finance fire station improvements : (1) a resolution of the City Council authorizing a lease financing with the Richmond Joint Powers Financing Authority and the taking of all other actions necessary to the consummation of this transaction; and (2) a resolution of the Richmond Joint Powers Financing Authority authorizing a lease financing with the City of Richmond and the taking of all other actions necessary to the consummation of this transaction - Finance Department (James Goins 620-6740).

- F. **ADJOURNMENT**

**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. PRESENT certificates of recognition to Verde Elementary School students who participated in the "Artistically Write and Speak Aloud" Project in collaboration with Verde School and Richmond's Human Rights and Human Relations Commission - Mayor's Office (Mayor McLaughlin 620-6503).

E-2. APPROVE a proclamation commemorating the second Saturday in December as the Official Arbor Day in Richmond, California, and establishing December 11th as the City of Richmond's Official Arbor Day for 2010 - Mayor's Office (Mayor McLaughlin 620-6503).

E-3. PRESENT certificates of recognition to members of the Point Molate Restoration Advisory Board for their dedication to the revitalization of Point Molate - Mayor McLaughlin and Councilmember Lopez (620-6503/6581).

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 approving a list of professional service providers for certain categories of services for use by the Redevelopment Agency through December 31, 2013 - Richmond Community Redevelopment Agency (Steve Duran 307-8140).

G-2. APPROVE the minutes of the November 16, 2010, meeting - City Clerk's Office (Diane Holmes 620-6513).

H. CITY COUNCIL CONSENT CALENDAR

H-1. 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-2. APPROVE a sole source contract between the City of Richmond and Zoll Data Systems, Inc. for technical support and maintenance of Fire Department communications software in the amount of \$10,592 - Fire Department (Chief Michael Banks 307-8041).

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- H-3.** APPROVE a contract amendment with SCV and Associates in the amount of \$15,400 for a total not to exceed contract amount of \$25,000 to provide armed security guard services at the Nevin Community Center through June 30, 2011 - Recreation Department (Keith Jabari 620-6791).
- H-4.** APPROVE emergency purchase of the Jerome® 631 Hydrogen Sulfide Analyzer from Arizona Instrument, Inc. in an amount not to exceed \$18,000 (This action requires an exception be made to Resolution 55-10, which directs staff to refrain from doing business with Arizona companies until SB1070 is repealed). The Jerome®631 device is manufactured and distributed solely by Arizona Instrument, Inc., an Arizona corporation - Engineering Services (Edric Kwan/Chad Davisson 620-5486).
- H-5.** APPROVE a contract with MASTER K-9, INC. to provide K-9 maintenance training at a cost not to exceed \$27,175 (\$13,587per year, for a two-year term) from July 1, 2010, to June 30, 2012 - Police Department (Chief Chris Magnus 621-1802).
- H-6.** APPROVE a contract with Arthulia, Inc. for the construction of gender specific restrooms and fuel pump facilities improvements at Fire Station No. 68, located at 2904 Hilltop Drive, in an amount not to exceed \$840,000. (This item was not reviewed by the Finance Committee due to time urgency and the upcoming gap in the City Council meeting schedule.) - Public Works Department (Yader A. Bermudez 231-3009).
- H-7.** APPROVE a contract amendment with Psomas to continue providing geographical information system (GIS) technical support regarding mapping the Wastewater Collection System and also to continue providing 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 \$97,106, for a total contract amount of \$362,106 - Engineering Services (Edric Kwan/Chad Davisson 620-5486).
- H-8.** APPROVE a 24-month contract with Grasseti Environmental Consulting to cover the developer funded cost of services related to completing the preparation of a Mitigated Negative Declaration for the four lot Knobcone Subdivision located in the El Sobrante Valley in the amount of \$21,205 - Planning and Building Services Department (Richard Mitchell 620-6706).

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- H-9.** APPROVE a contract with Turner Group Construction to install minor interior improvements to the city-owned building located at 330 - 25th Street. The total amount of the contract will not exceed \$96,000. Contract term will be December 7, 2010, through June 30, 2012 - Employment and Training Department (Sal Vaca Director/Gina Baker 307-8011).
- H-10.** ADOPT a resolution directing the city manager to support the San Francisco Estuary Partnership's grant application and proposal for a seven-city San Pablo Avenue stormwater spine of low impact development stormwater facilities - Engineering Services (Edric Kwan/Lynne Scarpa 307-8135).
- H-11.** ADOPT a resolution directing the city manager to execute an agreement with the Association of Bay Area Governments (ABAG) for Local Agency Participation in the grant-funded Bay Area-wide Trash Capture Demonstration Project for stormwater management - Engineering Services (Edric Kwan/Lynne Scarpa 307-8135).
- H-12.** APPROVE a contract with KAPPE+DU Architects to design gender specific restrooms at Fire Station No. 61, located at 140 West Richmond Avenue, in an amount not to exceed \$15,500.00 - Public Works Department (Yader A. Bermudez 231-3009).
- H-13.** APPROVE a contract with Architects/MA to design gender specific restroom improvements for Fire Station No. 67, located at 1131 Cutting Boulevard, in an amount not to exceed \$12,250.00 - Public Works Department (Yader A. Bermudez 231-3009).
- H-14.** 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).
- H-15.** APPROVE the final version of the citywide Parks Master Plan as presented at the City Council meeting on September 28, 2010, with modifications incorporated into this final version based on Council comments at that meeting - Public Works Department (Yader A. Bermudez 231-3009).
- H-16.** APPROVE a contract with Moscone Emblidge and Sater, LLP with a payment limit of \$50,000 for legal services regarding anticipated litigation in connection with enforcement of a bond securing a developer's obligation to contribute to the funding of an underpass in Marina Bay, with a term expiring December 31, 2011 - City Attorney's Office (Randy Riddle 620-6509).

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- H-17.** ACCEPT a grant award from the East Bay Community Foundation for the Office of Neighborhood Safety (ONS) in the amount of \$20,000 for general and emergency support services for ONS clients supported by street outreach work - Office of Neighborhood Safety (Devone Boggan 620-5418).
- H-18.** ADOPT a joint resolution of the Richmond City Council and the Richmond Redevelopment Agency Board authorizing the city manager and the executive director of the Richmond Community Redevelopment Agency to execute a sublease, sub-sublease, project development agreement, and first amendment to the parking lot lease related to the Oilhouse renovation for the Rosie the Riveter World War II/Homefront Historical Park Education Center (Visitor Center) located at 1414 Harbour Way South - Richmond Community Redevelopment Agency (Steve Duran/Alan Wolken 307-8140).
- H-19.** ADOPT a resolution to amend the FY 2010-11 Point Molate budget to increase revenues associated with: (1) reimbursement of city costs by the developer, and (2) remediation payments by the Navy to the city, and to increase appropriations for Point Molate related costs funded by these revenues - City Manager's Office (Bill Lindsay 620-6512).
- H-20.** APPROVE a contract with the city manager that will provide for: (1) 5-year term from February 14, 2011, to February 13, 2016; (2) grant the 5% increase established in the previous contract effective February 14, 2011; (3) grant subsequent salary increases tied to any Local 21/1021 Cost of Living Increases (COLA) and contingent upon an annual performance evaluation; and (4) update the deferred compensation contribution to the extent authorized by Internal Revenue Code Section 457 - Human Resources Management (Leslie T. Knight 620-6600).
- H-21.** ADOPT a resolution Declaring the Canvass of Returns and Result of the General Municipal Election held on November 2, 2010 - City Clerk's Office (Diane Holmes 620-6513).
- H-22.** APPROVE the minutes for the July 20 and 27, 2010, and November 16, 2010, meetings - City Clerk's Office (Diane Holmes 620-6513).
- H-23.** APPROVE the following appointments and re-appointments: Arts and Culture Commission: Gail Clifton, term expiring January 13, 2015; Economic Development Commission: Cheryl Vaughn, term expiring March 30, 2014; Housing Advisory Commission: Arne Kasendorf, Incumbent, term expiring November 1, 2012; Library Commission: Tyrone Weems, term expiring July 1, 2013 - Mayor's Office (Mayor McLaughlin 620-6503).

- H-24.** APPROVE a contract with BioMax Environmental Services, LLC, in an amount not to exceed \$125,000 for the continued on-call services to monitor the level of hydrogen sulfide gas at and around the wastewater treatment plant, Point Richmond, Washington Elementary School and other neighboring communities. (This item was reviewed and recommended for approval by the Finance Committee on December 3, 2010) - Engineering Services (Edric Kwan/Chad Davisson 620-5486).
- H-25.** ADOPT a resolution to appropriate \$1,031,475 in project funds, received as a result of issuing the Qualified Energy Conservation Bond, to the FY2010-11 budget - City Manager's Office (Bill Lindsay 620-6512).

I. JOINT RICHMOND REDEVELOPMENT AGENCY/RICHMOND CITY COUNCIL PUBLIC HEARING

- I-1.** ADOPT a joint resolution of the Richmond City Council and the Richmond Community Redevelopment Agency Board, finding that the Agency intends to pay less than the full Supplemental Educational Revenue Augmentation Fund (SERAF) contribution required by the State of California in 2011 due to a lack of available unencumbered funds, as required by state legislation (ABX4 26) - Richmond Community Redevelopment Agency (Steve Duran 307-8140).

J. CITY COUNCIL PUBLIC HEARINGS

- J-1.** REVIEW, COMMENT, AND PROVIDE DIRECTION to staff regarding whether or not to include any of the alternative land uses identified in Design Community & Environment's land use alternatives report as project alternatives in the Point Molate Environmental Impact Report (EIR) prior to the City Council's consideration of the Final EIR and provide direction to staff regarding the schedule for the City Council's consideration of the Final EIR for February 2011 - Planning and Building Services Department (Richard Mitchell/Lina Velasco/Lamont Thompson 620-6706).
- J-2.** HEAR AN APPEAL by Richard Lompa of the Planning Commission's direction to staff to issue citations for noncompliance with the Design Review Permit condition regarding the eagle ornament on the exterior of 2 West Richmond Avenue in the Point Richmond National Register Historic District - Planning and Building Services Department (Richard Mitchell 620-6706).

- J-3.** HEAR AN APPEAL by Atchison Village of Design Review Board approval to install a new window at 356 West Macdonald Avenue in Atchison Village - Planning and Building Services Department (Richard Mitchell/Lina Velasco 620-6706).

K. RESOLUTIONS

- K-1.** ADOPT a resolution setting forth the rating criteria by which complete applications to establish medical marijuana collectives are to be evaluated prior to review and consideration at a public hearing - City Attorney's Office (Randy Riddle 620-6509).
- K-2.** ADOPT a resolution authorizing the mayor to execute a Letter of Intent with Main Street Power and authorizing the city manager to negotiate and execute any agreements required to effectuate such letter for the installation of solar photovoltaic systems at several facilities to be agreed to by the City and Main Street Power - Mayor's Office (Mayor McLaughlin 620-6503).

L. ORDINANCES

- L-1.** INTRODUCE an ordinance (first reading) amending Richmond Municipal Code Sections 9.20.150 and 9.20.155 to increase the solid waste collection rates to reflect a 1.01% change in the Consumer Price Index (CPI) - Finance Department (James Goins/Antonio Banuelos 620-6741).

M. COUNCIL AS A WHOLE

- M-1.** APPROVE an Agency Agreement with Mark Howe, Bert Clausen and Kers Clausen, also known as the Richmond Americas' Cup Marketing Committee, to negotiate a non-binding letter of intent with the Americas' Cup Organizing Committee, the teams racing in the Americas' Cup and/or other organizations and individuals associated with the event, for the use of Terminal 3 in the Port of Richmond as an interim team facility - Councilmember Butt (236-7435).
- M-2.** RECEIVE a status report from the Police Department concerning the project to install security cameras along the 23rd Street corridor and provide direction to staff - Councilmember Lopez (620-6581).

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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. 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.