



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

**AGENDA  
Tuesday, September 13, 2011**

**Mayor  
Gayle McLaughlin**

**Vice Mayor  
Thomas K. Butt**

**Councilmembers  
Nathaniel Bates  
Jovanka Beckles  
Courtland "Corky" Boozé  
Jeff Ritterman  
Jim Rogers**



**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.*

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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. **LIABILITY CLAIMS - PENDING LITIGATION** (Government Code Section 54956.9):  
  
Harris vs. City of Richmond
  - A-2. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**  
(Subdivision [a] of Government Code Section 54956.9):  
  
Chevron USA vs. Contra Costa County  
  
City of Brentwood vs. Campbell
  - A-3. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**  
(Significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.9):  
  
One case
  - A-4. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**  
(Initiation of litigation pursuant to Subdivision (c) of Government Code Section 54956.9):  
  
One case

## **RICHMOND CITY COUNCIL**

6:30 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. PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS**
  - F-1.** Proclamation Calling for Mourning in the City of Richmond for the Lives Lost to Violence over the Summer of 2011- Mayor McLaughlin (620-6503) and Councilmembers Ritterman and Beckles (620-6581).
  - F-2.** Presentation of a proclamation in recognition of Blair Underwood and the contributions to Richmond PAL, the Eagles Football League, and Richmond Main Street through partnering with the Red Carpet Experience Concert at the Craneway Pavilion on September 24, 2011 - Mayor McLaughlin (620-6503) and Councilmember Bates (620-6861).
- G. REPORT FROM THE CITY ATTORNEY OF FINAL DECISIONS MADE AND NON-CONFIDENTIAL DISCUSSIONS HELD DURING CLOSED SESSION**
- H. CITY COUNCIL CONSENT CALENDAR**
  - H-1.** APPROVE a contract with D.M.G. Janitorial Services of Richmond for restroom cleaning services at Jay and Barbara Vincent Park, Shimada Park, Lucretia Edwards Park, Nevin Park, Nicholl Park, Martin Luther King Jr. Park (MLK), and the North Richmond Ballfield in an amount not to exceed \$13,328. The contract term will be November 1, 2011, to June 30, 2012 - Public Works Department (Yader A. Bermudez 231-3008).

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- H-2.** ADOPT an ordinance (second reading) setting the tax rate for the Pension Tax Override for Fiscal Year 2011-2012 at 0.14% and re-establishing procedures in the Municipal Code to levy Pension Tax Override on the Contra Costa County Property Tax Roll – Finance Department (James Goins/Antonio Banuelos 620-6740).
- H-3.** APPROVE the minutes of the May 24, 2011, June 21 and 28, 2011, and July 19, 2011, meetings - City Clerk's Office (Diane Holmes 620-6513).
- H-4.** ADOPT an ordinance (second reading) amending Chapter 9.50 of the Richmond Municipal Code to provide a specific definition of what constitutes a "Managed Landscape or Garden Area," and to allow the city manager or his designee the authority to promulgate rules and regulations specifying the type of landscape management required for particular plant species - Vice Mayor Butt (620-6581).
- H-5.** ADOPT an ordinance (second reading) amending Chapter 9.24 of the Richmond Municipal Code to eliminate the requirement to obtain a permit from the health department before keeping bees or maintaining an apiary within the City of Richmond - Vice Mayor Butt (620-6581).
- H-6.** APPROVE a second contract amendment with Burke, Williams & Sorensen, LLP for representation in connection with defense of Jandali vs. City of Richmond, increasing the contract amount by \$10,000, for a total of \$35,000 - City Attorney's Office (Randy Riddle 620-6509).
- H-7.** APPROVE the sole-source purchase of a New World Systems ProQA software site license and interface (for a two-year period), for the purpose of improving the manner in which emergency medical calls for service are dispatched, in an amount not to exceed \$21,820 - Police Department (Chief Chris Magnus 621-1802).
- H-8.** APPROVE an amendment to the contract with Alliance Graphics, Inc. to provide additional graphic arts and products services for RichmondBUILD Green Careers Academy through May 31, 2012, and increasing the contract amount by \$10,000 for a total amount not to exceed \$29,500 - Employment and Training Department (Sal Vaca/Fred Lucero 307-8059).

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- H-9.** APPROVE a contract with the Oakland Private Industry Council (OPIC) to procure goods and services on behalf of RichmondWORKS and in support of East Bay Works One Stop Career Center System for a contract term of September 13, 2011, through June 30, 2012, in an amount not to exceed \$34,046 - Employment and Training Department (Sal Vaca/Rosemary Viramontes 307-8008)
- H-10.** INTRODUCE an ordinance (first reading) establishing the wages, salary, and compensation for the new classification of Code Enforcement Superintendent (Salary Range No. 064D, \$7,277 - \$8,829/month). This position will provide management assistance to the Code Enforcement Manager - Human Resources Management Department (Leslie Knight 620-6600).
- H-11.** ADOPT a resolution amending the City of Richmond's Position Classification Plan to add the new classification of Code Enforcement Superintendent. This position will provide management assistance to the Code Enforcement Manager - Human Resources Management Department (Leslie Knight 620-6600).
- H-12.** APPROVE the following appointments and reappointments: Arts and Culture Commission: Sunny Woan, term expiring January 31, 2015; Design Review Board: Donald Woodrow, Incumbent, term expiring June 1, 2013; Robin Welter, term expiring September 13, 2013; Economic Development Commission: Amanda Elliott, term expiring March 30, 2014; Katrinka Ruk, Incumbent, term expiring March 30, 2014; Historic Preservation Commission: Kimberly Butt, Incumbent, term expiring July 31, 2013; Sandi Genser-Maack, Incumbent, term expiring July 31, 2013; Patricia Pearson, Incumbent, term expiring July 31, 2013; Recreation and Parks Commission: Apostle Frederick Hamilton, term expiring October 26, 2014; Richmond-Zhoushan Friendship Commission: Lucy Zhou, Incumbent, term expiring July 22, 2013; Workforce Investment Board: Len Turner of Turner Group Construction; Rigoberto Mendoza-Chavez of Rigo's Auto Sales; Youth Baseball Advisory Commission: Imaayu Hancock, Incumbent, term expiring July 22, 2014 - Mayor's Office (Mayor McLaughlin 620-6503).
- H-13.** APPROVE a contract amendment to the existing contract with the Richmond Art Center, terminating December 31, 2011, by extending the termination date to June 30, 2012, and paying the Council-authorized amount of \$60,000 to support ongoing arts programs and collaborations with the City, as allocated in the Fiscal Year 2011-2012 General Fund budget - Library and Cultural Services (Katy Curl 620-6554).

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- H-14.** ADOPT a resolution directing and authorizing staff to adjust the city's Fiscal Year 2011-2012 budget to recognize the establishment of a "Downtown Revitalization Project Fund" as per City Council Resolution 28-10, using remaining Civic Center Project funds, and to adjust the Fiscal Year 2011-2012 budget to provide funding for the following specific projects and activities from said funds: (1) the DP Security contract for Civic Center Security in the amount of \$450,000 for Fiscal Year 2011-2012; (2) the Main Street Initiative Contract in the amount of \$200,000 for Fiscal Year 2011-2012; and (3) the grant match of \$150,000 for a National Endowment for the Arts (NEA) grant for the East Bay Center for the Performing Arts' historic Winters Building - Community Economic Development Agency (Steve Duran/Nickie Mastay 307-8140).
- H-15.** AUTHORIZE grant-funded international travel to the World Health Organization's 5th Milestones Meeting from September 2, 2011, through September 12, 2011, in Cape Town, South Africa by the Director of the Office of Neighborhood (ONS), as a speaking participant and by three additional ONS staff members as attendees at this meeting - Office of Neighborhood Safety (Devone Boggan 620-5422).
- H-16.** APPROVE the purchase of a replacement tractor from Fernbridge Tractor and Equipment for use by the Parks and Landscaping Division of Public Works in an amount not to exceed \$42,000 - Public Works Department (Yader A. Bermudez 231-3008).
- H-17.** APPROVE the sole-source purchase of a New World Systems Pawn Shop two-year site license not to exceed \$18,780 to facilitate the ongoing online retrieval of pawn slips from area pawn shops - Police Department (Chief Chris Magnus 621-1802).
- H-18.** APPROVE the sole-source purchase of New World Systems Online Property Software to streamline police-related data entry and access, in an amount not to exceed \$17,407 - Police Department (Chief Chris Magnus 621-1802)
- H-19.** APPROVE a contract with Bay Area Community Resources to provide an AmeriCorps member to support the Environmental Initiatives Division of the City Manager's Office with the implementation of greenhouse gas (GHG) reduction and climate action efforts for an amount not to exceed \$17,100 with a term ending September 30, 2012 - City Manager's Office (Bill Lindsay 620-6512).

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- H-20.** APPROVE contract amendment No. 1 with Gordon & Rees Attorneys for the evaluation and legal review of the City's wastewater operations, increasing the current contract amount by \$85,000, bringing the total amount not to exceed \$95,000 - Engineering Services Department (Edric Kwan/Chad Davisson 620-5486).
- H-21.** ADOPT a resolution supporting collaboration with the West Contra Costa Integrated Waste Management Authority (WCCIWMA)/RecycleMore) and its member agencies on a regional approach to develop a single-use bag ordinance and to conduct environmental review for such an ordinance - City Manager's Office (Bill Lindsay 620-6512).
- H-22.** APPROVE a grant-funded contract with Richmond Courtyard by Marriot to provide use of its conference facilities to conduct mandated police training for the period August 22, 2011, to October 7, 2011, in an amount not to exceed \$22,000 - Police Department (Chief Chris Magnus 621-1802).
- H-23.** APPROVE a grant-funded contract with Stir Fry Seminars and Consulting to provide cultural awareness-diversity training for police personnel during the period August 22, 2011, to October 7, 2011, in an amount not to exceed \$30,000 - Police Department (Chief Chris Magnus 621-1802).
- H-24.** APPROVE an amendment to the contract with Harris Corporation for maintenance of the city's existing 800MHz radio system, extending the term for an additional year, from October 1, 2011, to September 30, 2012, and increasing the amount by \$599,679 for a total contract amount not to exceed \$1,288,078.99 - Police Department (Chief Chris Magnus 621-1802).
- H-25.** ADOPT a resolution accepting grant funds in the amount of \$103,581 awarded to the Richmond Police Department from the State of California Supplemental Law Enforcement Services Fund (SLESF) to augment training, overtime, and equipment purchases during Fiscal Year 2011-2012 - Police Department (Chief Chris Magnus 621-1802).

**I. ORDINANCES**

- I-1.** INTRODUCE an ordinance (first reading) amending Richmond Municipal Code Section 7.102.060 (concerning the operations of Medical Marijuana Collectives) to require Collectives operating within the city to obtain their marijuana from those who grow outdoors without artificial lights, or who grow indoors using only solar-powered artificial lighting - Vice Mayor Butt (620-6851).

- I-2. INTRODUCE an ordinance (first reading) approving an Alternative Voluntary Redevelopment Program (AVRP), pursuant to Part 1.9 of Division 24 of the California Health and Safety Code, which allows the Agency to continue to operate if the court upholds recent state legislation (Assembly Bill 1X 27), which is currently being litigated, and direct the Community and Economic Development Director to transmit the ordinance to the appropriate state and local agencies - Community Redevelopment Agency (Steve Duran/Alan Wolken 307-8140).
- I-3. INTRODUCE an ordinance (first reading) of the City of Richmond adding Chapter 11.05 to Article XI of the Richmond Municipal Code prohibiting possession or discharge of fireworks - Vice Mayor Tom Butt (620-6581).

**J. COUNCIL AS A WHOLE**

- J-1. RECEIVE a report from staff regarding existing bases for terminating Veolia's contract with the City and either: 1) TERMINATE the City's contract with Veolia; or 2) DIRECT staff to present a report at the December 6, 2011, Council meeting regarding Veolia's performance, an update on Veolia's compliance with legal requirements, and DETERMINE at that time whether to terminate the Veolia contract - Engineering Services Department (Edric Kwan/Chad Davisson 620-5486).
- J-2. RECEIVE a presentation concerning new National Pollutant Discharge Elimination System (NPDES) permit requirements, cost impacts to the City of Richmond, and options for funding the obligations under these permit requirements, and direct staff to support the countywide initiative proposed by the Contra Costa Clean Water Program - Engineering Services Department (Edric Kwan/Lynne Scarpa 307-8135).
- J-3. CONSIDER approving a request by William Harrison and Larry Flick, Founders and Directors of Greenleaf Natural Wellness Collective, for an appeal to continue in the review process for a medical marijuana permit - Councilmember Bates (620-6581).

**K. REPORTS OF OFFICERS: STANDING COMMITTEE REPORTS, REFERRALS TO STAFF, AND GENERAL REPORTS (INCLUDING AB 1234 REPORTS)**

**L. ADJOURNMENT**

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*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.*