



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

**AGENDA  
Tuesday, November 15, 2011**

**Mayor  
Gayle McLaughlin**

**Vice Mayor  
Thomas K. Butt**

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

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**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):**
    - Wilicia Davis vs. City of Richmond
    - Angelique Jones vs. City of Richmond
  - A-2. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9):**
    - City of Richmond vs. Upstream
    - Booker vs. City of Richmond
    - Jenkins vs. City of Richmond
  - A-3. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.9):**
    - One Case

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**A-4. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8):**

Property: Point Molate (site of former Naval Fuel Depot)  
Agency Negotiators: Bill Lindsay and Bruce Goodmiller  
Negotiating Party: Upstream Point Molate LLC  
Under Negotiation: Price and Terms of Payment

**JOINT MEETING OF THE RICHMOND REDEVELOPMENT  
AGENCY/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 honoring National Community Foundation Week, November 12th through November 18th, 2011- Mayor's Office (Mayor McLaughlin 620-6503).

**G. REPORT FROM THE CITY ATTORNEY OF FINAL DECISIONS MADE AND NON-CONFIDENTIAL DISCUSSIONS HELD DURING CLOSED SESSION**

**H. REDEVELOPMENT AGENCY BOARD CONSENT CALENDAR**

**H-1.** ADOPT a resolution authorizing the Richmond Community Redevelopment Agency to amend its contract with Holland and Knight, LLP for legal services concerning land use and environmental matters at the Miraflores site, to increase the contract amount by \$75,000, and to extend the term to December 31, 2012. Total contract shall not exceed \$125,000 - Richmond Community Redevelopment Agency (Patrick Lynch 307-8140). This item was continued from the November 1, 2011, meeting.

**I. CITY COUNCIL CONSENT CALENDAR**

- I-1.** (1) APPROVE an agreement with Richmond Community Foundation and AUTHORIZE the Library and Cultural Services Director to accept the grant in the amount of \$10,000; and (2) APPROVE an amendment to the Fiscal Year 2011-2012 Operating Budget increasing library fund revenue and expenditures in the amount of \$10,000 - Library and Cultural Services (Katy Curl 620-6554).
- I-2.** APPROVE the purchase of a replacement aerial boom truck from Altec Industries in Dixon, California in an amount not to exceed \$105,000 for the Facilities Maintenance, Electrical Division (This item was reviewed and recommended for approval by the Finance Committee at its November 4, 2011, meeting) - Public Works Department (Yader A. Bermudez 231-3008).
- I-3.** APPROVE the purchase of four replacement pickups from Michael Stead's Hilltop Ford in Richmond, California, for use by the Facilities Maintenance and the Parks and Landscape Divisions of Public Works, and the Recreation Department, in an amount not to exceed \$56,500 - Public Works Department (Yader A. Bermudez 231-3008).
- I-4.** APPROVE the purchase of two replacement hybrid sedans for use by the Richmond Fire Department from Michael Stead's Hilltop Ford in Richmond, California, in an amount not to exceed \$62,000 - Public Works Department (Yader A. Bermudez 231-3008).
- I-5.** APPROVE a contract with Icon Enterprise, Inc., dba Civic Plus, for web hosting and software maintenance and support services for the City of Richmond's website for a period of three years in an amount not to exceed \$95,000 - Information Technology Department (Sue Hartman 620-6874).
- I-6.** (1) APPROVE an agreement with the California State Library and AUTHORIZE the Library and Cultural Services Director to accept Library Services and Technology Act (LSTA) funds in the amount of \$28,000 for the Literacy for Every Adult Program (LEAP); and (2) APPROVE an amendment to the Fiscal Year 2011-2012 Operating Budget to increase library fund revenue and expenditures in the amount of \$28,000 for the purpose of providing literacy services to City of Richmond residents - Library and Cultural Services (Katy Curl 620-6554).

- I-7.** APPROVE the final relocation plan pursuant to state law for the residential unit at 720 Elm Avenue to facilitate the expansion and renovation of the Elm Play Lot - Public Works Department (Yader A. Bermudez, 231-3008).
- I-8.** ADOPT a resolution authorizing as-needed mechanical building maintenance service contracts with three mechanical building contractors (Bay City Mechanical, Inc. [Richmond], Valley Facilities Management Corp. [San Jose], and Legacy Mechanical & Energy Services Inc. [San Ramon]) to perform major mechanical building maintenance services at various City facilities, including Civic Center Plaza, Main Library and the two swim centers, in an amount not to exceed \$150,000 per firm over a three-year period (This item was reviewed and recommended for approval by the Finance Committee at its October 7, 2011, meeting) - Public Works Department (Yader A. Bermudez 231-3008).
- I-9.** APPROVE a grant-funded contract with Vallier Design Associates, Inc., to prepare a City-wide Urban Greening Master Plan in an amount not to exceed \$200,000 (This item was reviewed and recommended for approval by the Finance Committee at its November 4, 2011, meeting) - Planning and Building Services Department (Richard Mitchell 620-6706).
- I-10.** APPROVE an emergency contract with The Finishing Touch (TFT) to effect emergency repairs to the Riggers Loft at Point Potrero Marine Terminal in an effort to mitigate further water intrusion and damage in an amount not to exceed \$15,000.00 - Port Department (Jim Matzorkis 215-4600).
- I-11.** APPROVE an amendment to the contract with the East Bay Center for the Performing Arts (EBCPA) terminating December 31, 2011 for support of ongoing arts programs and collaborations with the City, by extending the termination date to June 30, 2012, and increasing the amount by \$60,000 for a total contract amount of \$120,000, as authorized by the Council in the Fiscal Year 2011-2012 Operating Budget - Library and Cultural Services (Katy Curl 620-6554).
- I-12.** APPROVE an amendment to the contract with the National Institute for Art and Disabilities (NIAD) terminating December 31, 2011 for support of ongoing arts programs and collaborations with the City, by extending the termination date to June 30, 2012, and increasing the amount by \$60,000 for a total contract amount of \$120,000, as authorized by the Council in the Fiscal Year 2011-2012 Operating Budget - Library and Cultural Services (Katy Curl 620-6554).

- I-13.** APPROVE an amendment to the grant-funded contract with Rising Sun Energy Center to provide energy efficiency workforce development training for RichmondBUILD grant participants. The contract amount will be increased by \$12,500 to a total amount not to exceed \$72,500. The contract term will be July 5, 2011, through June 30, 2012 - Employment and Training Department (Sal Vaca/Fred Lucero 307-8059).
- I-14.** ADOPT a resolution approving \$50,000 in matching funds for the S.D. Bechtel, Jr. Foundation Grant awarded to the YouthWORKS Academic Program to provide after-school tutoring services for the most at-risk and in-risk youth of the Richmond community - Employment and Training Department (Sal Vaca/Jay Leonhardy 307-8006).
- I-15.** APPROVE a grant-funded contract with BKF Engineers, a Richmond-based firm, for design and engineering services during the design coordination phase of the Port Security Fiber Network project in an amount not to exceed \$96,945.00 - Port Department (Jim Matzorkis 215-4600).
- I-16.** ACCEPT the work completed by Plant Construction Company L. P. under the Winehaven National Register Historic District, Point Molate Emergency Structural Stabilization Project in the Fiscal Years 2010/2011 and 2011/2012 for a final design-build cost of \$538,829 - Engineering Services Department (Edric Kwan/Joel Camacho 620-5482).
- I-17.** ADOPT a resolution to support collaborating with the West Contra Costa Integrated Waste Management Authority (WCCIWMA)/RecycleMore and its member agencies during the procurement process for solid waste post-collection services for the year 2014 and beyond, and to support a competitive procurement process - City Manager's Office (Bill Lindsay 620-6512).
- I-18.** APPROVE an amendment to the existing contract with ENVIRON for preparation of a Revised Environmental Impact Report (EIR) for the Chevron Revised Renewal Project, increasing the payment limit by \$1,000,000, in an amount not to exceed \$1.75 million. As project applicant, Chevron is responsible for funding this contract - Planning and Building Services Department (Richard Mitchell 620-6706). This item was continued from the November 1, 2011, meeting.

- I-19.** APPROVE a third amendment to the legal services agreement with Holland & Knight, LLP to provide continued legal representation for the Revised Environmental Impact Report (EIR) for the Revised Chevron Renewal Project, increasing the amount by \$500,000 to a total of \$1,000,000, and extending the term to June 30, 2013. As project applicant, Chevron is responsible for funding this contract - City Attorney's Office (Randy Riddle 620-6509). This item was continued from the November 1, 2011, meeting.
- I-20.** APPROVE a fifth amendment to the contract with the Law Firm of Meyers, Nave, Riback, Silver & 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., increasing the contract amount by \$900,000 to a total of \$2,800,000. The amendment also extends the term to December 31, 2012 - City Attorney's Office (Randy Riddle 620-6509). This item was continued from the November 1, 2011, meeting.
- I-21.** APPROVE the purchase of two replacement police pursuit cars from Bay City Chevrolet of Oakland, California, for use by the Police Department's patrol unit in an amount not to exceed \$59,500 - Public Works Department (Yader A. Bermudez 231-3008). This item was continued from the November 1, 2011, meeting.
- I-22.** APPROVE the purchase of a replacement police recruit vehicle from Bay City Chevrolet, of Oakland, California, for use by the Police Department's Recruiting Division, in an amount not to exceed \$26,500 - Public Works Department (Yader A. Bermudez 231-3008). This item was continued from the November 1, 2011, meeting.
- I-23.** APPROVE the purchase of two replacement police detective cars from Bay City Chevrolet of Oakland, California, for use by the Police Department's Detective Unit, in an amount not to exceed \$56,500 - Public Works Department (Yader A. Bermudez 231-3008). This item was continued from the November 1, 2011, meeting.
- I-24.** APPROVE the purchase of a replacement box van from Albany Ford in Albany, California, for use by the Facilities Maintenance Division of Public Works, in an amount not to exceed \$26,000 - Public Works Department (Yader A. Bermudez 231-3008). This item was continued from the November 1, 2011, meeting.

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- I-25.** APPROVE an emergency contract with Harris Electric for work completed to repair a 15KV transformer and switchgear to restore power to the Point Molate Wastewater Treatment Plant, in an amount not to exceed \$19,400 - Public Works Department (Yader A. Bermudez 231-3008). This item was continued from the November 1, 2011, meeting.
- I-26.** APPROVE a three-year contract with R&S Erection of Richmond, California, to provide service, repairs, and/or replacement of automatic overhead garage doors and gates on an as-needed basis, in an amount not to exceed \$25,000 per fiscal year through FY 2013-2014 - Public Works Department (Yader A. Bermudez 231-3008).
- I-27.** AUTHORIZE international travel in December 2011 by Councilmembers Bates and Boozé, and by City Manager Bill Lindsay and Port Director Jim Matzorkis, to Shimada, Japan as part of a delegation of public officials to commemorate the 50th anniversary of the Richmond-Shimada sister city relationship, and to sister city Zhoushan, China for scheduled meetings to discuss preliminary findings of a joint marketing study being undertaken by the ports of Richmond and Zhoushan - Councilmember Bates (620-6861).
- I-28.** APPROVE a standing purchase order with Telfer Oil Company to provide various emulsion oils for asphalt paving and pothole repairs in an amount not to exceed \$50,000 per year for a three-year term (This item was reviewed and recommended for approval by the Finance Committee at its October 7, 2011, meeting) - Public Works Department (Yader Bermudez 231-3008).
- I-29.** ADOPT a resolution authorizing service contracts for two building inspection services, three plan check services, 14 CEQA, 13 NEPA, and 11 urban design and architecture firms for as-needed services in an amount not to exceed \$300,000 per firm over a three-year period (This item was reviewed and recommended for approval by the Finance Committee at its November 4, 2011, meeting.) - Planning and Building Services Department (Richard Mitchell 620-6706).
- I-30.** ADOPT a resolution to accept and appropriate grant funds from the Association of Bay Area Governments for: (1) Bay Trail Gap Closure between Shipyard 3 and Brickyard Cove (construction phase) in the amount of \$150,000; and (2) Bay Trail from Ferry Point Tunnel to Cutting Boulevard (design phase) in the amount of \$20,000, and appoint the city manager or designee to administer the funds - Engineering Services Department (Edric Kwan/Joel Camacho 620-5482).

- I-31.** ADOPT a resolution of local support for a grant application to the State of California Strategic Growth Council in the amount of \$950,408 for the Ohlone Greenway Completion - Baxter Creek Restoration Project, and, if the grant is awarded, ACCEPT and APPROPRIATE the funds received - Engineering Services Department (Edric Kwan/Joel Camacho 620-5482).
- I-32.** ADOPT a resolution approving the application for grant funds for the Urban Greening Grant Program under the Safe Drinking Water, Water Quality And Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) for the Mathieu Court Alley Greening Project - Planning and Building Services Department (Richard Mitchell 620-6706).
- I-33.** APPROVE the following appointment and re-appointment: Design Review Board: Brenda Muñoz, term expiring April 21, 2013; Raymond Welter, Incumbent, term expiring April 21, 2013 - Mayor's Office (Mayor McLaughlin 620-6503).
- I-34.** APPROVE the proposed new tow service contract as to form and ADOPT a resolution raising the existing tow fees - Police Department (Chief Chris Magnus 621-1802). This item was continued from the November 1, 2011, meeting.

**J. RESOLUTIONS**

- J-1.** ADOPT a resolution asking Chevron to drop its property tax appeals - Mayor McLaughlin (620-6503), Councilmember Ritterman (620-6581), and Vice Mayor Butt (620-6581).
- J-2.** DIRECT staff to explore the adoption of a policy prohibiting the City from investing in corporations that have not paid income tax, and requiring the City to divest any City funds invested in those corporations - Councilmembers Beckles (620-6568), Ritterman (620-6636) and Mayor McLaughlin (620-6503).

**K. COUNCIL AS A WHOLE**

- K-1.** RECEIVE and DISCUSS a presentation from the San Francisco Bay Regional Water Quality Control Board and Terraphase Engineering regarding Proposed Tentative Order with Updated Site Cleanup Requirements for Point Molate and related remediation issues, and DIRECT staff to provide Council input to the Water Board consistent with Council discussion - City Manager's Office (Bill Lindsay 620-6512).

**K-2.** DISCUSS AND PROVIDE direction to staff regarding the medical marijuana collective permitting process in light of a recent California court decision. Direction may include (but need not be limited to) any of the following, or a combination: (1) repeal the existing ordinance and prohibit collectives; (2) amend the existing ordinance to eliminate permit fees and provide ministerial operating standards; (3) suspend the current permit application review process, and prohibit medical marijuana collectives, until there is further direction from the California courts; or (4) continue with the current permitting process - City Attorney's Office (Randy Riddle 620-6509).

**K-3.** CONSIDER and direct staff regarding memorial recognition of long-time employees Leveron Bryant, as Manager of The Year, and Demitrea Foster, as Employee of The Year, for their years of dedicated service to the City of Richmond - Councilmembers Boozé and Bates (620-6581).

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

**M. 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.*