



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

**AGENDA
Tuesday, December 6, 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.

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 - ANTICIPATED LITIGATION
(Significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.9):

One case
 - A-2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
(Initiation of litigation pursuant to Subdivision (c) of Government Code Section 54956.9):

One case
- B. **REDEVELOPMENT AGENCY**
 - B-1. 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. REPORT FROM THE CITY ATTORNEY OF FINAL DECISIONS MADE AND NON-CONFIDENTIAL DISCUSSIONS HELD DURING CLOSED SESSION**
- G. CITY COUNCIL CONSENT CALENDAR**
 - G-1.** APPROVE a contract with Legend Construction & Painting, Inc. to construct improvements at Fire Station 67, located at 1131 Cutting Boulevard, adding gender-specific restroom facilities, in an amount not to exceed \$65,00 - Public Works Department (Yader A. Bermudez 231-3008).
 - G-2.** APPROVE a contract with Plant Hazardous Services Inc. to perform asbestos abatement prior to construction of improvements at Fire Station 67, located at 1131 Cutting Boulevard, to add gender-specific restroom facilities, in an amount not to exceed \$13,950 - Public Works Department (Yader A. Bermudez 231-3008).
 - G-3.** AUTHORIZE the Library and Cultural Services Director to ACCEPT the Library Services and Technology Act (LSTA) Funds in the amount of \$11,655, and APPROVE an amendment to the Fiscal Year 2011-12 Operating Budget to increase library fund revenue and expenditures in the amount of \$11,655 for the purpose of providing a Summer Reading Camp Program at the Main Library in 2012 - Library and Cultural Services Department (Katy Curl 620-6554).
 - G-4.** APPROVE the Preliminary 2012/2013 North Richmond Waste and Recovery Mitigation Fee Expenditure Plan providing for the initial six months of service operations based on the previously-approved funding strategies until a final 2012-2013 Expenditure Plan has been approved - City Manager's Office (Bill Lindsay 620-6512).

Tuesday, December 6, 2011

- G-5.** APPROVE a legal services agreement with Colantuono & Levin, P.C. for representation in connection with public finance issues, in an amount not to exceed \$10,000, and with a term ending June 30, 2012 - City Attorney's Office (Randy Riddle 620-6509).
- G-6.** APPROVE a legal services agreement with Burke Williams & Sorensen, LLP, in an amount not to exceed \$9,000, and with a term ending June 30, 2012, to provide legal research and advice on the City of Richmond's Medical Marijuana Collective Permitting Program - City Attorney's Office (Randy Riddle 620-6509).
- G-7.** APPROVE a grant-funded contract with EHS International, Inc. for a series of hazardous materials trainings at RichmondBUILD Green Careers Academy in an amount not to exceed \$95,000, and a contract term from January 1, 2012, through December 31, 2013 - Employment and Training Department (Sal Vaca/Nicholas Alexander 307-8009).
- G-8.** APPROVE a grant-funded amendment to the contract with Net Electric, Inc. to continue vocational electrical training at the RichmondBUILD Green Careers Academy. The contract amount will be increased by \$25,000, for a total amount not to exceed \$85,000, and a contract term from May 24, 2010, through December 31, 2012 - Employment and Training Department (Sal Vaca/Nicholas Alexander 307-8009).
- G-9.** APPROVE a grant-funded contract with Straight Talk on Prison (STOP) for coordination of the academic program provided to youth enrolled in the year-round YouthWORKS Case-Managed Program in an amount not to exceed \$45,000, and a contract term from December 6, 2011, through June 30, 2012 - Employment and Training Department (Sal Vaca/Jay Leonhardy 307-8019).
- G-10.** APPROVE a grant-funded amendment to the contract with the Oakland Private Industry Council to process Individual Training Accounts for the Workforce Investment Act and RichmondBUILD Program participants. The contract term will be July 5, 2011, through September 30, 2012. The contract amount will be increased by \$275,000 in an amount not to exceed \$374,000 (***This item was reviewed and recommended for approval by the Finance Committee at its November 4, 2011, meeting***) - Employment and Training Department (Sal Vaca/Rosemary Viramontes 307-8006).
- G-11.** APPROVE the minutes of the September 13, 2011, and October 18, 2011, City Council Meetings - City Clerk's Office (Diane Holmes 620-6513).

Tuesday, December 6, 2011

- G-12.** ADOPT a resolution accepting the wastewater collection system master plan - Engineering Services Department (Edric Kwan/Chad Davisson 620-5486). *The master plan was presented to the City Council at the November 22, 2011, meeting.*
- G-13.** APPROVE an amendment to the contract with the law firm of Renne, Sloan, Holtzman & Sakai, LLP, for continued services as City Attorney for the period of January 10, 2012, through March 10, 2012, in an amount not to exceed \$100,000 - City Manager's Office (Bill Lindsay (620-6512)).
- G-14.** RECEIVE a report from Municipal Resource Group, LLC (MRG) consultants regarding findings and recommendations resulting from their service as interim director for the Library and Cultural Services Department and from related consulting services for the Richmond Public Library (*A recommendation regarding this report was not made by the Finance Committee due to lack of a quorum at its meeting of December 2, 2011*) - Library and Cultural Services Department (Katy Curl 620-6554).
- G-15.** APPROVE a contract amendment with BioMax Environmental Services, LLC for continued on-call services to monitor and investigate levels of hydrogen sulfide gas at and around the wastewater treatment plant, Point Richmond, Washington Elementary School, and other neighboring areas, in the amount of \$75,700, for a total contract amount not to exceed \$200,700 - Engineering Services Department (Edric Kwan/Chad Davisson 621-5486).
- G-16.** APPROVE a three-year contract with Lincoln Equipment, Inc. to supply and deliver pool chemicals to the Richmond Swim Center and the Richmond Municipal Natatorium on an as-needed basis, in an amount not to exceed \$120,000 per fiscal year through Fiscal Year 2013-2014 (*This item was not reviewed by the Finance Committee due to lack of a quorum at its December 2, 2011, meeting*) - Public Works Department (Yader A. Bermudez 231-3008).
- G-17.** ADOPT a resolution that approves 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 (*This item was not reviewed by the Finance Committee due to lack of a quorum at its December 2, 2011, meeting*) - Finance Department (James Goins 620-6740).

- G-18.** APPROVE a contract with Holland and Knight for federal and state lobby services, with an initial term from January 1, 2012, through June 30, 2012, with an option to extend the term through June 30, 2013, at a cost of \$15,000 per month (\$180,000 annually), with funding from the City of Richmond and the Richmond Community Redevelopment Agency (***This item was not reviewed by the Finance Committee due to lack of a quorum at its December 2, 2011, meeting***) - City Manager's Office (Bill Lindsay 620-6512).
- G-19.** ADOPT a resolution authorizing as-needed electrical contractor services with four electrical contractors: Cirimele Electric Works, Inc. (Richmond); Kray Cabling, Inc. (Richmond); Republic ITS. (Novato); Harris Electric, (Dublin) to perform high voltage and major electrical contract services throughout the city in an amount not to exceed \$75,000 per firm for a three-year period (***This item was not reviewed by the Finance Committee due to lack of a quorum at its December 2, 2011, meeting***) - Public Works Department (Yader A. Bermudez 231-3008).
- G-20.** APPROVE the purchase of 650 desktop computers from Dell, Inc. for a "technology refresh" of computer equipment in an amount not to exceed \$582,929 (***This item was not reviewed by the Finance Committee due to lack of a quorum at its December 6, 2011, meeting***) - Information Technology Department (Sue Hartman 620-6874).
- G-21.** ADOPT a resolution accepting the City of Richmond's updated Fiscal Year 2011-12 authorized broker/dealer list to allow broker/dealers to offer the City of Richmond investment instruments in accordance with Government Code 53601 (***This item was not reviewed by the Finance Committee due to lack of a quorum at its December 2, 2011, meeting***) - Finance Department (James Goins 620-6740).
- G-22.** ADOPT an ordinance (second reading) amending the Multi-unit Smoking Ordinance (Chapter 9.57 of Richmond Municipal Code) to clarify definitions, legal and evidentiary provisions, and strengthen legal and administrative remedies - City Attorney's Office (Randy Riddle 620-6509).

H. PUBLIC HEARINGS

H-1. Conduct a public hearing and consider six applications to establish medical marijuana collectives in the City of Richmond. The applicants are: Richmond Compassionate Care Collective dba Greenheart; Green Remedy Collective; Granddaddy purp Collective dba GDP Collective; 7-Stars Holistic Healing Center; Holistic Healing Collective; and Greenleaf Natural Wellness. The City Council may approve up to four permits to operate medical marijuana collectives - City Attorney's Office (Randy Riddle 620-6509).

I. STUDY AND DIRECTION TO STAFF SESSION

I-1. STUDY and direct staff as to revising meeting procedures to avoid the public being inconvenienced or unable to be present at Council meetings by: (1) keeping first and third Tuesday meetings shorter by directing the city manager to schedule all presentations and proclamations for the fourth Tuesday meeting; and (2) directing the city manager to schedule a time certain for several items at each Redevelopment Agency and City Council Meeting - Councilmember Rogers (620-6581).

J. RESOLUTIONS

J-1. ADOPT a resolution directing the Chief of Police to carefully evaluate all requests for Mutual Aid that involve responding to civil unrest and empowering the Chief to decline to respond to Mutual Aid requests under certain circumstances - Mayor McLaughlin (620-6503) and Councilmember Ritterman (620-6581). *This item was continued from the November 22, 2011, meeting.*

K. ORDINANCES

K-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 3.17% change in the Consumer Price Index (CPI) in accordance with the Franchise Agreement between the City of Richmond and Richmond Sanitary Service - Finance Department (James Goins/Antonio Banuelos 620-6741).

L. COUNCIL AS A WHOLE

- L-1.** (1) RECEIVE a report on the health effects of sugary beverages on childhood obesity in Richmond by Contra Costa Public Health Director Wendel Bruner, M.D., Ph D.; and (2) ADOPT a resolution directing staff to prepare for the City Council's review and consideration two draft ballot measures intended for the general election of November 6, 2012, to help diminish the human and economic costs of obesity and dental disease among Richmond residents - Mayor McLaughlin (620-6503), Vice Mayor Butt and Councilmember Ritterman (620-6861).
- L-2.** (a) AUTHORIZE staff to enter into negotiations with Veolia over the terms of a separation agreement; (b) APPROVE a contract with Carollo Engineering in an amount not to exceed \$80,000 to evaluate options related to the wastewater treatment system infrastructure; (c) AGENDIZE a session at the February 7, 2012, City Council Meeting to discuss Carollo Engineering's recommended options for the wastewater treatment system infrastructure; and (d) CONSIDER taking final action on the Veolia contract on or after the February 7, 2012, City Council Meeting - Engineering Services Department (Edric Kwan/Chad Davisson 620-5486).
- L-3.** DIRECT staff to take appropriate action concerning Caltrans' proposed detour due to I-580 replacement project, including scheduling a closed session at the next City Council meeting to discuss whether to commence litigation under CEQA due to Caltrans illegally sneaking Scofield Drive replacement/detour item past the City of Richmond - Councilmember Rogers and Vice Mayor Butt (620-6861).
- L-4.** RECEIVE recommendations from the Human Rights Human Relations Commission to post the City of Richmond Code of Ethics at various points around the City Council Chambers, have this Code of Ethics recited at City Council meetings by a youth or elder, and determine if there is interest among City Councilmembers for attending sensitivity trainings, and take action regarding implementation of these recommendations - Councilmember Beckles (620-6568).
- L-5.** RECEIVE a report from the City Attorney's Office regarding the policy and authority of the chair relative to maintaining order in the Council Chamber during public meetings - Councilmembers Bates and Boozé (620-6581).

Tuesday, December 6, 2011

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

N. **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.