



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

**AGENDA
Tuesday, June 19, 2012**

Mayor
Gayle McLaughlin

Vice Mayor
Jim Rogers

Councilmembers
Nathaniel Bates
Jovanka Beckles
Courtland "Corky" Boozé
Thomas Butt
Jeff Ritterman



The Richmond City Council also serves as Board Members and Commission Members for the following:

**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.

Any law enforcement officer on duty or whose service is commanded by the presiding officer shall be Sergeant-at-Arms of the Council meetings. He/she, or they, shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the Council meetings (City Council Rules of Procedure and Order Section III F, RMC Section 2.12.030).

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):**
 - Russell Murrey vs. City of Richmond
 - Douglas Murrey vs. City of Richmond
 - Rizalito Evangelista vs. City of Richmond
 - Evelyn Craig vs. City of Richmond
 - A-2. **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-3. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Initiation of litigation pursuant to Subdivision (c) of Government Code Section 54956.9):**
 - One case

**MEETING OF THE CITY OF RICHMOND AS SUCCESSOR
AGENCY TO THE RICHMOND COMMUNITY
REDEVELOPMENT AGENCY/RICHMOND CITY COUNCIL**

6:30 p.m.

- A. **PLEDGE TO THE FLAG**
- B. **ROLL CALL**
- C. **READING OF THE CODE OF ETHICS**
- D. **STATEMENT OF CONFLICT OF INTEREST**
- E. **AGENDA REVIEW**
- F. **OPEN FORUM FOR PUBLIC COMMENT**
- G. **PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS**
 - G-1. PRESENTATION of certificates to TECHS All-Stars Reading is Fun Book Club - Mayor McLaughlin (620-6503).
- H. **REPORT FROM THE CITY ATTORNEY OF FINAL DECISIONS MADE AND NON-CONFIDENTIAL DISCUSSIONS HELD DURING CLOSED SESSION**
- I. **CITY OF RICHMOND AS SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY CONSENT CALENDAR**
 - I-1. ADOPT a resolution directing staff to: (1) reject the sole bid received April 24, 2012, for the Officer Bradley A. Moody Memorial Underpass Project; (2) attempt to resolve the dispute with the State Department of Finance concerning their disapproval of Recognized Obligation Payment Schedule items; and (3) re-advertise the Project for bidding after the Project is recognized as an enforceable obligation or other funds are secured to complete the funding plan for Project construction - Successor Agency to the Richmond Community Redevelopment Agency (Chadrick Smalley 307-8140).

J. CITY COUNCIL CONSENT CALENDAR

- J-1.** ADOPT a resolution calling and giving notice of the holding of a Municipal Election to be held on Tuesday, November 6, 2012, for the election of certain officers as required by the provisions of the Charter of the City of Richmond; requesting the Board of Supervisors of Contra Costa County to consolidate the Municipal Election with the Statewide General Election; adopt regulations for candidates pertaining to the candidates' statements submitted to the voters, cost of the candidates' statements and other fees, word limit for candidates' statement; and action to be taken for a tie vote - City Clerk's Office (Diane Holmes 620-6514).
- J-2.** APPROVE a contract with JFC Construction, Inc. for the Pedestrian Bridge Project at Booker T. Anderson Park in an amount not to exceed \$160,338.75, which includes a 10% City-controlled cost contingency. The contract term will be June 20, 2012, to December 31, 2012 (This contract was reviewed and recommended for approval by the Finance Committee at its June 1, 2012, meeting) - Public Works Department (Yader A. Bermudez 231-3008).
- J-3.** APPROVE a construction contract with W. Bradley Electric Inc. for the Street Light Circuit Replacement Project (May Valley Neighborhood) in the amount of \$388,875 with a City-administered contingency and reserve not to exceed \$58,000 (This contract was reviewed and recommended for approval by the Finance Committee at its June 1, 2012, meeting) - Engineering Services Department (Edric Kwan 621-1825/Joel Camacho 621-5482).
- J-4.** APPROVE a construction contract with W. Bradley Electric Inc. for the Street Light Circuit Replacement Project (Park View Neighborhood) in the amount of \$596,335 with a City-administered contingency and reserve not to exceed \$89,000 (This contract was reviewed and recommended for approval by the Finance Committee at its June 1, 2012, meeting) - Engineering Services Department (Edric Kwan 621-1825/Joel Camacho 621-5482).
- J-5.** APPROVE implementing a Use and Rental Policy to govern the use and rental of the Council Chamber (This item was reviewed and recommended for approval by the Finance Committee at its February 24, 2012, meeting) - City Clerk's Office (Diane Holmes 620-6514).

Tuesday, June 19, 2012

- J-6.** APPROVE the first amendment to the legal services agreement with Morrison & Foerster, LLP to provide continued legal representation relating to Point Molate, federal court litigation in an amount not to exceed \$250,000, and extending the term expiration to December 31, 2013 - City Attorney's Office (Bruce Reed Goodmiller 620-6509).
- J-7.** APPROVE Amendment No. 4 to the Kronick Moskovitz legal services agreement for legal representation related to the City's intervention in the Chevron property tax appeal litigation, increasing the amount by \$150,000, and extending the term expiration to December 31, 2013 - City Attorney's Office (Bruce Reed Goodmiller 620-6509).
- J-8.** AUTHORIZE payment of an additional \$103,591 (for a total budget of \$195,862) for Richmond's share of the West County Agency's Fiscal Year 2011-2012 budget (This item was approved and adopted by the West County Agency at its February 2012 board meeting) - Engineering Services Department (Edric Kwan/Chad Davisson 620-5486).
- J-9.** APPROVE Contract Amendment No. 1 for the Sidewalk Gap Closure Improvements and Surface Drainage Improvements Project with W.R. Forde Associates (Richmond business) to increase the contract value by \$81,624 for a total of \$258,904 - Engineering Services Department (Edric Kwan/Joel Camacho 621-1825).
- J-10.** APPROVE an agreement with the Contra Costa District Attorney's Office to continue providing one of two Assistant District Attorneys assigned to, and housed within, the Richmond Police Department for the Police-Prosecutor Liason Program, to assist in the preparation and review of criminal cases, as well as for other services, at a cost not to exceed \$450,000 (\$200,000 per year, for a three-year term from April 1, 2011, to June 30, 2013) - Police Department (Chief Chris Magnus 621-1802).
- J-11.** APPROVE the minutes of the April 17 and 24, 2012, and May 15, 2012, meetings - City Clerk's Office (Diane Holmes 620-6513).
- J-12.** ADOPT an ordinance (second reading) approving the Marin Energy Authority Joint Powers Agreement and AUTHORIZING the Implementation of a Community Choice Aggregation Program - City Manager's Office (Bill Lindsay 620-6512).

Tuesday, June 19, 2012

- J-13.** APPROVE a contract with Rogers, Joseph, O'Donnell, P.C. for legal services related to the Regional Water Quality Control Board order pertaining to Port Terminal 4, in an amount not to exceed \$150,000 (This item was reviewed and recommended for approval by the Finance Committee at its June 1, 2012, meeting) - Port Department (Jim Matzorkis 215-4600).
- J-14.** APPROVE a contract with AT&T for 100mbps internet service for a period of five years, for a total amount not to exceed \$170,000 (This item was reviewed and recommended for approval by the Finance Committee at its June 1, 2012, meeting) - Information Technology Department n(Sue Hartman 620-6874).
- J-15.** APPROVE a legal services agreement with Trisha A. Aljoe to provide continued legal services with respect to the Police Department in connection with code enforcement activities, drug house abatement matters, and general legal matters, in the amount of \$175,000 and with a term from July 1, 2012, through June 30, 2013 (This item was reviewed and recommended for approval by the Finance Committee at its June 1, 2012, meeting) - City Attorney's Office (Bruce Reed Goodmiller 620-6509).
- J-16.** APPROVE a contract with McNabb Construction, Inc. for the Hilltop Directional Signs Project in an amount not to exceed \$565,264 which includes a three percent cost contingency. The contract term will be June 2, 2012, to December 31, 2012, and ADOPT a resolution authorizing the execution and delivery of an Equipment-Lease-Purchase Agreement and an Escrow Agreement with respect to the acquisition, purchase, financing or refinancing of the project (This contract was reviewed and recommended for approval by the Finance Committee at its June 1, 2012, meeting. The related capital lease was reviewed and recommended for approval by the Finance Committee at its May 4, 2012, meeting) - Public Works Department (Yader A. Bermudez 231-3008).
- J-17.** APPOINT Councilmember Tom Butt to be the Richmond representative to the Marin Energy Authority Board and authorize Councilmember Butt to advocate for raising the issue of subsidizing Power Charge Indifference Adjustment (PCIA) charges to render no economic harm to Richmond's low-income/CARE customers at his first meeting of the Board, proposing that this subsidy come from the additional revenue brought into Marin Clean Energy by Richmond - Mayor McLaughlin (620-6503).
- J-18.** APPROVE a contract for \$27,870 to EarthTeam Environmental Network for a Neighborhood Public Art Program Grant, as allocated in the Fiscal Year 2011-12 Budget - Library and Cultural Services (Katy Curl 620-6554).

Tuesday, June 19, 2012

- J-19.** APPROVE the following appointments: Housing Advisory Commission: Dameion Demond King, term expiring June 19, 2014; John Hollender, term expiring June 19, 2014; Library Commission: Chloe Mosqueda, term expiring July 1, 2015; Workforce Investment Board: Joe Serrano - Mayor McLaughlin (620-6503).
- J-20.** ADOPT an ordinance (second reading) amending Richmond Municipal Code Section 2.42.075 to clarify the disclosure requirements for campaign mass mailings - City Attorney's Office (Bruce Reed Goodmiller 620-6509).
- J-21.** APPROVE a contract with Allied Defense Recycling LLC to remove and dispose two tugs abandoned at the Point Potrero Marine Terminal in an amount not to exceed \$320,000 - Port Department (Jim Matzorkis 215-4600).
- J-22.** APPROVE a first amendment to the existing agreement with Cox, Wootton, Griffin, Hansen & Poulos, LLP for legal services regarding maritime liens, remedies, environmental risk, and port operations for a total contract amount not to exceed \$45,000 - Port Department (Jim Matzorkis 215-4600).
- J-23.** ADOPT a resolution authorizing the city manager to: (1) execute a construction contract with Amland Corporation in the amount of \$478,718 with a City-administered contingency and reserve not to exceed \$68,000 for the Light Emitting Diode (LED) Street Light Replacement Project (Cutting Boulevard, Richmond Parkway, Castro Street, 23rd Street, and San Pablo Avenue); and (2) authorize the city manager to execute all contracts, change orders, and agreements necessary to expend the remaining California Energy Commission loan interest loan funds in accordance with the loan agreement (This item was reviewed and recommended for approval by the Finance Committee at its June 1, 2012, meeting) - City Manger's Office and Engineering Services Department (Bill Lindsay 620-6512/Edric Kwan 621-1825).

K. PUBLIC HEARINGS

- K-1.** CONSIDER awarding a medical marijuana collective permit to Granddaddy Purp Collective dba GDP Collective to operate a medical marijuana collective at 2924 Hilltop Mall Road in substantial compliance with the application submitted on or about May 2, 2011 (*The public hearing was closed on June 5, 2012*) - Councilmember Bates (620-6743).

L. RESOLUTIONS

- L-1.** ADOPT a resolution urging the Contra Costa County Board of Supervisors to use the term "Guardian" in lieu of "Owner" in Division 416 entitled "Animals" of the County Code in order to more accurately describe the relationship between a person and an animal - Councilmember Ritterman (620-6636).

M. ORDINANCES

- M-1.** INTRODUCE an ordinance (first reading) amending Richmond Municipal Code Chapter 9.24 entitled "Animals" such that the term "guardian" is used in lieu of "owner" to more accurately describe the relationship between a person and an animal - Councilmember Ritterman (620-6636).

N. COUNCIL AS A WHOLE

- N-1.** DIRECT staff to prepare an amendment for City Council consideration of Richmond Municipal Code Chapter 2.38 regarding acceptance and disclosure of certain contributions of more than \$250 to incorporate the requirements of California Government Code Section 84308 - Councilmember Butt (236-7435). *This item was continued from the May 1, 15, and 22, 2012, and June 5, 2012, meetings.*
- N-2.** DISCUSS and consider amendments to the Code of Conduct for the City Council - Councilmember Bates (620-6743). *This item was continued from the May 15, and 22, 2012, and June 5, 2012, meetings.*
- N-3.** CONSIDER instructing staff to apply to NRG for free electric vehicle charging stations - Vice Mayor Rogers (867-5725). *This item was continued from the May 22, 2012, and June 5, 2012, meetings.*
- N-4.** RECEIVE a report on the Fiscal Year 2012-13 Budget checklist items identified by the City Council at its June 12, 2012, meeting, and PROVIDE direction to staff - Finance Department (James Goins 620-6740).
- N-5.** DIRECT staff to revise Ordinance No. 3-09 to set limits on campaign contribution receipts to be eligible for matching funds - Mayor McLaughlin (620-6503).
- N-6.** DISCUSS and CONSIDER contributing \$7,000 toward the North Richmond Blues Festival - Councilmember Boozé (620-6593).

Tuesday, June 19, 2012

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

P. **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.