



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

**AGENDA
Tuesday, July 17, 2012**

Mayor
Gayle McLaughlin

Vice Mayor
Jim Rogers

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



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).

Tuesday, July 17, 2012

EVENING OPEN SESSION

5:30 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):

Booker vs. City of Richmond

Jenkins vs. City of Richmond

REGULAR MEETING OF THE 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. 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 an amendment to the existing contract with ENVIRON for preparation of a Revised Environmental Impact Report for the Revised Chevron Hydrogen Renewal Project, increasing the payment limit by \$1,750,000 and extending the term of the contract to December 31, 2013, with funding for the contract provided by Chevron, as project applicant (This item was reviewed and recommended for approval by the Finance Committee at its July 6, 2012, meeting) - Planning and Building Services Department (Richard Mitchell 620-6706).
 - H-2.** APPROVE a grant-funded contract with Davillier-Sloan, Inc. for professional labor compliance services in an amount not to exceed \$18,000, relating to the Proposition 84 funded Elm Play Lot Renovation Project. The contract term will be from July 18, 2012, to June 30, 2013 - Public Works Department (Yader A. Bermudez 231-3008).

Tuesday, July 17, 2012

- H-3.** APPROVE the purchase of 14 emergency evacuation chairs from EVAC+CHAIR North America LLC, for placement in City buildings with multiple floors to evacuate disabled and/or injured persons, in an amount not to exceed \$24,226.78 - Human Resources Management Department (Leslie Knight 620-6600).
- H-4.** APPROVE a contract with the Downey Brand law firm for ongoing legal review of the requirements of the Baykeeper Settlement Agreement, for the amount of \$75,000 and for a term from July 1, 2012 through June 30, 2013 - Engineering Services Department (Edric Kwan/Chad Davisson 620-5486).
- H-5.** APPROVE a contract with Larry Walker Associates in amount not to exceed \$75,000 to assist with wastewater permit compliance, development of local limits, local enforcement actions, preparation of required utilities analysis for wet weather blending, and other activities related to the City's compliance with the National Pollutant Discharge Elimination System (NPDES) permit - Engineering Services Department (Edric Kwan/Chad Davisson 620-5486).
- H-6.** APPROVE the first amendment to the Programmatic Agreement, among the National Park Service (NPS), San Francisco Maritime Historical Park, the California State Historic Preservation Officer, and the Advisory Council on Historic Preservation regarding the General Management Plan/Environmental Impact Statement for San Francisco Maritime National Historical Park, to address the potential effects of the dismantling and disposal of the lumber schooner WAPAMA on the Richmond Shipyard No. 3 Historic District - Planning and Building Services Department (Richard Mitchell 620-6706).
- H-7.** APPROVE an agreement with the East Bay Municipal Utility District (EBMUD) to jointly develop an implementation plan for the transition of wastewater treatment services to EBMUD in an amount not to exceed \$250,000 (This item was reviewed and recommended for approval by the Finance Committee at its July 6, 2012, meeting) - Engineering Services Department (Edric Kwan/Chad Davisson 620-5486).
- H-8.** ADOPT an ordinance (second reading) requiring the City of Richmond to manage pests using Integrated Pest Management principles and techniques at City-maintained properties and facilities - Public Works Department (Yader A. Bermudez 231-3008).

Tuesday, July 17, 2012

- H-9.** APPROVE an amendment to the grant-funded agreement with BKF Engineers, Inc. (BKF), increasing the amount by \$213,055 to a total not to exceed \$310,000, and modifying the scope of work to provide additional design, construction administration and engineering services for the City of Richmond Municipal Fiber Optic Network - Port of Richmond (Jim Matzorkis 215-4600).
- H-10.** ADOPT a resolution authorizing the acceptance and appropriation of a \$75,000 Fiscal Year 2013 Alcoholic Beverage Control GAP Grant from the State of California, and the appropriation for \$24,500 in personnel costs as the City's matching contribution towards the grant - Police Department (Chief Chris Magnus 621-1802).
- H-11.** APPROVE a contract amendment with United Site Services for the pump out of the 500 gallon storage waste tank on the combo trailer located at Fire Station 67 during the remodel of stations 67 and 66, in an amount not to exceed \$24,000 - Fire Department (Chief Michael Banks 307-8041).
- H-12.** ADOPT a resolution to accept and appropriate \$1,358,900 received from a Department of Homeland Security/FEMA Grant to establish a Marine Response Program and approve two sole-source purchase requests, one for Moose Boats to build a fire boat, and the other for Jet Docking Systems to build the dock (This item was reviewed and recommended for approval by the Finance Committee at its July 6, 2012, meeting) - Fire Department (Chief Michael Banks 307-8041).
- H-13.** APPROVE the minutes of the June 19 and 26, 2012, City Council Meetings - City Clerk's Office (Diane Holmes 620-6513).
- H-14.** APPROVE the following appointments: Commission on Aging: Christine Caldwell, term expiring July 17, 2014; Human Rights and Human Relations Commission: Courtney Cummings, term expiring July 17, 2015 - Mayor McLaughlin (620-6503).
- H-15.** ADOPT an ordinance (second reading) amending Richmond Municipal Code Chapter 2.43 entitled "Matching Public Funding of Richmond Election Campaigns" to limit to \$40,000 the total amount of contributions a candidate may accept if that candidate receives public matching funds from the City of Richmond - City Attorney's Office (Bruce Reed Goodmiller 620-6509).

I. PUBLIC HEARINGS

- I-1.** HOLD a public hearing and consider ADOPTING a resolution authorizing the formation of the Downtown Richmond Property and Business Improvement District - Economic Development Division (Janet Johnson 307-8140).
- I-2.** HOLD a public hearing and consider ADOPTING a resolution authorizing the City of Richmond to levy special assessments against certain properties having unpaid invoices related to administrative citations, nuisance abatement costs, and foreclosure ordinance fines pursuant to Richmond Municipal Code chapters 9.22, 6.38, 9.50 and 2.63 - Police Department (Chief Chris Magnus 621-1802).

J. RESOLUTIONS

- J-1.** ADOPT a resolution authorizing the issuance and sale of Tax and Revenue Anticipation Notes (This item was reviewed and recommended for approval by the Finance Committee at its July 6, 2012, meeting)- Finance Department (James Goins 620-6740).
- J-2.** ADOPT a resolution authorizing the execution and delivery of an interest rate swap confirmation in connection with the Richmond Joint Powers Financing Authority Point Potrero Lease Revenue Bonds Series 2009A and 2009B (This item was reviewed and recommended for approval by the Finance Committee at its July 6, 2012, meeting) - Finance Department (James Goins/Susan Segovia 307-8022).

K. ORDINANCES

- K-1.** INTRODUCE an ordinance (first reading) amending the Richmond Municipal Code by adding Chapter 2.39 thereto to regulate contributions by parties and participants to entitlement proceedings, and to require that the Mayor and City Council members disqualify themselves from participating in such proceedings where they have received more than \$250 from parties and participants to the proceeding in the previous twelve months - City Attorney's Office (Bruce Reed Goodmiller 620-6509).
- K-2.** INTRODUCE an ordinance (first reading) repealing Chapter 14.72 of the Richmond Municipal Code pertaining to the solicitation of vehicle occupants - City Attorney's Office (Bruce Reed Goodmiller 620-6509).

L. COUNCIL AS A WHOLE

- L-1.** CONSIDER providing a letter of support for the RotaCare Richmond Free Medical Clinic at Brighter Beginnings, 2727 Macdonald Avenue in Richmond - Councilmember Ritterman (620-6636).
- L-2.** RECEIVE a status report from Engineering on the paving of Barrett Avenue and Cutting Boulevard - Councilmember Boozé (620-6593). **This item was continued from the July 10, 2012, meeting.**
- L-3.** DIRECT the City Attorney to provide a legal opinion regarding the possible violation of the civic rights of public speakers during the City Council meetings - Councilmember Boozé (620-6593). **This item was continued from the July 10, 2012, meeting.**
- L-4.** CONSIDER joining Common Cause and the League of Women Voters in opposing the "Special Exemptions Act" which has qualified for the November 2012 ballot and would severely limit the voice of unions but place no similar restrictions on corporate/business interests, and is therefore not evenhanded political reform - Vice Mayor Rogers (620-6581). **This item was continued from the July 10, 2012, meeting.**
- L-5.** DISCUSS and APPROVE directing staff to send a letter to Dr. Bruce Harter, Superintendent of WCCUSD, expressing concern over recruitment and expenditures to hire short-term uncertified recruits, and expressing support for collaborative educational reform efforts and policies that advance the teaching profession rather than the interest of privatizing efforts that undermine the profession - Mayor McLaughlin (620-6503).

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.