



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

**AGENDA  
Tuesday, December 18, 2012**

**Mayor  
Gayle McLaughlin**

**Vice Mayor  
Jim Rogers**

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

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**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**

**COMMUNICATION ACCESS INFORMATION:**

**This meeting is being held in a wheelchair accessible location.**

**To request disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact Bruce Soublet, ADA Coordinator, at (510) 620-6509 at least three business days before the meeting date.**

# 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).

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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. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
(Subdivision [a] of Government Code Section 54956.9):  
  
Diane Holden vs. City of Richmond
  - A-2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
(Significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.9):  
  
One case
  - A-3. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
(Initiation of litigation pursuant to Subdivision (c) of Government Code Section 54956.9):  
  
One case
  - A-4. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8):  
  
Property: a portion of 440 Civic Center Plaza  
Agency Negotiator: Bill Lindsay  
Negotiating Party: Rosie the Riveter Trust  
Under negotiation: Price and terms of payment

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## **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. PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS**
  - G-1.** PROCLAMATION acknowledging Ms. Menbre Aklilu, Owner of Salute Ristorante at Marina Bay, for hosting their Second Annual Thanksgiving Dinner for the homeless - Mayor McLaughlin (620-6503) and Vice Mayor Rogers (867-5725).
- H. REPORT FROM THE CITY ATTORNEY OF FINAL DECISIONS MADE AND NON-CONFIDENTIAL DISCUSSIONS HELD DURING CLOSED SESSION**
- I. CITY COUNCIL CONSENT CALENDAR**
  - I-1.** APPROVE an agreement with Cotchett, Pitre & McCarthy, LLP to provide legal services for prosecution of the LIBOR litigation, with fees for service on a contingency basis based on net recovery, and with the term expiring the date of final judgment of this litigation - City Attorney's Office (Bruce Reed Goodmiller 620-6509).
  - I-2.** APPROVE a sole-source purchase of holiday light decorations for Macdonald and Nevin Avenues in coordination with the Main Street District holiday celebrations and events in an amount not to exceed \$23,000 - Public Works Department (Yader A. Bermudez 231-3008).

- I-3.** REJECT all bids received for the project to install an emergency generator at the Main Library, and AUTHORIZE staff to solicit new bids for this project - Public Works Department (Yader A. Bermudez 231-3008).
- I-4.** APPROVE a contract in an amount not to exceed \$60,000 for the National Institute for Art and Disabilities (NIAD) to support ongoing arts programs and collaborations with the City as allocated in the Fiscal Year 2012-13 General Fund Budget - Library and Cultural Services Department (Katy Curl 620-6554).
- I-5.** ADOPT an ordinance (second reading) amending Richmond Municipal Code Sections 9.20.150 and 9.20.155 to increase the solid waste collection rates to reflect the change in the Consumer Price Index - Finance Department (James Goins/Antonio Banuelos 620-6741).
- I-6.** APPROVE a contract with the East Bay Center for the Performing Arts to support ongoing performing arts programs and collaborations with the City in an amount not to exceed \$60,000 as allocated in the Fiscal Year 2012-13 General Fund Budget - Library and Cultural Services Department (Katy Curl 620-6554).
- I-7.** APPROVE a contract with Mr. Kevin W. Harper, CPA to conduct an internal audit of the Richmond Library and Cultural Services Department in an amount not to exceed \$25,375 - Finance Department (James Goins 620-6740).
- I-8.** ADOPT a resolution approving the City of Richmond's OMB A-87 cost allocation plan and full-cost allocation plan - Finance Department (James Goins 620-6740).
- I-9.** ADOPT a Resolution Declaring the Canvass of Returns and Result of the General Municipal Election held on November 6, 2012 - City Clerk's Office (Diane Holmes 620-6514).
- I-10.** APPROVE Amendment No. 5 to the legal services agreement with Kronick Moskovitz for legal representation related to the City's intervention in the Chevron property tax appeal litigation (three separate cases), increasing the amount by \$200,000 for a total contract amount of \$500,000 - City Attorney's Office (Bruce Reed Goodmiller 620-6509).
- I-11.** APPROVE an amendment to the existing contract with SCV and Associates, increasing the amount by \$20,000 to a total amount not to exceed \$109,000, and modifying the scope of work to provide armed-guard services at Shields Reid Community Center - Recreation Department (Keith Jabari 620-6791).

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- I-12.** AUTHORIZE the City Manager's Office to enroll in the National Research Center's National Citizen Survey Program in order to conduct a 2013 survey of City of Richmond residents at a cost not to exceed \$30,000 - City Manager's Office (Bill Lindsay 620-6512).
- I-13.** APPROVE an agreement with Portland State University, AUTHORIZE the Library and Cultural Services Director to ACCEPT funds in the amount of \$6,000, and APPROVE an amendment to the Fiscal Year 2012-13 operating budget to increase library fund revenue and expenditures in the amount of \$6,000 - Library and Cultural Services Department (Katy Curl 620-6554).
- I-14.** APPROVE the submission of a grant application to CalEMA for 2013 funding (\$207,121 grant and \$69,040 in-kind match) and approve a contract with STAND!, contingent upon the award of grant funds, for the period January 1, 2013 through December 31, 2013 - Police Department (Chief Chris Magnus 621-1802).
- I-15.** ADOPT an ordinance (second reading) amending Richmond Municipal Code Section 2.50 (Business Opportunity Ordinance), extending the expiration date to December 31, 2016, and making other technical amendments - Employment and Training Department (Sal Vaca 307-8006).
- I-16.** APPROVE the minutes of the December 4, 2012, meeting - City Clerk's Office (Diane Holmes 620-6513).
- I-17.** APPROVE a three-year contract, with the option of two one-year renewal options, with O.C. Jones & Sons, Inc. for the rental of street paving equipment, as needed, to supplement City crews on larger maintenance paving projects, such as Cutting Boulevard, in an amount not to exceed \$100,000 per fiscal year (This item was not reviewed by the Finance Committee due to cancellation of its December 7, 2012, meeting) - Public Works Department (Yader A. Bermudez 231-3008).
- I-18.** ADOPT a resolution authorizing service contracts with three material testing laboratories (Applied Materials & Engineering, Inc. [Oakland], Construction Testing Services, [Oakland], and Ninyo & Moore [Oakland] for as-needed services in an amount not to exceed \$100,000 per contract over a three-year period (This item was not reviewed by the Finance Committee due to cancellation of its December 7, 2012, meeting) - Public Works Department (Yader A. Bermudez 231-3008).

- I-19.** APPROVE a contract extension for federal and state advocacy services with Holland & Knight LLP in an amount not to exceed \$180,000 and for a term extending to December 31, 2013 (This item was not reviewed by the Finance Committee due to cancellation of its December 7, 2012, meeting) - City Manager's Office (Bill Lindsay 620-6512).
- I-20.** ADOPT a resolution authorizing the City of Richmond to join with other public agencies as a participant of the Investment Trust of California, carrying on business as CalTRUST (This item was not reviewed by the Finance Committee due to cancellation of its December 7, 2012, meeting) - Finance Department (James Goins 620-6740).
- I-21.** APPROVE the following appointments and re-appointments: Planning Commission: Marilyn Langlois, new appointment, term expiring December 11, 2014; Roberto Reyes, incumbent, term expiring June 30, 2104; Historic Preservation Commission: Paul Scolari, new appointment, term expiring December 18, 2014; Recreation and Parks Commission: Pardip Saini, new appointment, term expiring December 18, 2015.
- I-22.** ACCEPT a report from City staff on the status of the Richmond Municipal Identification/Stored Value Card Program - City Manager's Office (Bill Lindsay 620-6512).
- I-23.** RECEIVE a status report on the implementation of projects upgrading street lights using Light Emitting Diode (LED) technology, and evaluating the feasibility of solar LED technology along Richmond Parkway - City Manager's Office (Bill Lindsay 620-6512).

**J. PUBLIC HEARINGS**

- J-1.** CONDUCT a public hearing under the Tax and Equity Fiscal Responsibility Act ("TEFRA") to hear comments relating to the proposed issuance of multifamily housing revenue obligations by the California Statewide Communities Development Authority ("CSCDA") in an amount not to exceed \$27,000,000 in connection with St. John's Partners, LP and ADOPT a resolution to approve the proposed financing by the CSCDA - Finance Department (James Goins/Susan Segovia 307-8022).

**K. RESOLUTIONS**

- K-1.** ADOPT a resolution expressing the City's intent to support the West Contra Costa Unified School District's application to the State Board of Education for a waiver of the Statutory Bonding Capacity - Vice Mayor Rogers (867-5725).
- K-2.** APPROVE a resolution urging the California Environmental Protection Agency (Cal EPA) Department of Toxic Substances Control (DTSC) to ensure that the Zeneca property is cleaned up to unrestricted standards - Mayor McLaughlin (620-6503).
- K-3.** ADOPT a resolution authorizing the City Manager to appoint Robyn Kain to the position of Interim Risk Manager, effective January 2, 2013, and pending completion of the recruitment for a permanent appointment to the position of Risk Manager - Human Resources Management Department (Leslie Knight 620-6600).

**L. ORDINANCES**

- L-1.** INTRODUCE an ordinance amending Richmond Municipal Code Chapter 6.43 (Industrial Safety) to improve industrial safety and update and clarify other sections of Chapter 6.43 - Planning and Building Services Department (Richard Mitchell 620-6706).

**M. COUNCIL AS A WHOLE**

- M-1.** RECEIVE a staff presentation regarding the update of the Housing Element of the City of Richmond General Plan and provide comment (The City Council may not adopt the Housing Element until after the statutory comment period has concluded on January 1, 2013) - Planning and Building Services Department (Richard Mitchell 620-6706).
- M-2.** RECEIVE a presentation from the Contra Costa Transportation Authority on major interchange modifications at I-80 and San Pablo Dam Road, McBryde Avenue, and El Portal Drive - Engineering Services Department (Alan Wolken 307-8137).
- M-3.** RECEIVE a status update on the Richmond Health Equity Partnership, and DIRECT staff to develop a Health in All Policies Strategy and Ordinance - City Manager's Office (Bill Lindsay 620-6512).

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

**O. 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.*