



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

**AGENDA
Tuesday, May 21, 2013**

**Mayor
Gayle McLaughlin**

**Vice Mayor
Courtland "Corky" Boozé**

**Councilmembers
Nathaniel Bates
Jovanka Beckles
Thomas K. Butt
Jael Myrick
Jim Rogers**

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 Souplet, 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).

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):**

Michael Sullivan vs. City of Richmond
 - A-2. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9):**

Monica Rivera 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
 - A-4. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Initiation of litigation pursuant to Subdivision (c) of Government Code Section 54956.9):**

One Case

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A-5. CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6):

Agency designated representatives: Bill Lindsay, Jack Hughes, Bruce Soublet, and Lisa Stephenson

Employee organization: International Federation of Professional and Technical Employees (IFPTE), Local 21

Agency designated representatives: Bill Lindsay, Jack Hughes, Michael Banks, Lisa Stephenson and Bruce Soublet

Employee organization: International Association of Fire Fighters (IAFF), Local 188

REGULAR MEETING OF THE RICHMOND CITY COUNCIL

6:30 p.m.

- A. PLEDGE TO THE FLAG**
- B. ROLL CALL**
- C. STATEMENT OF CONFLICT OF INTEREST**
- D. AGENDA REVIEW**
- E. OPEN FORUM FOR PUBLIC COMMENT**
- 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 NEMA Construction to replace the lighting system and scoreboard at the North Richmond Ballfield on Fred Jackson Way, in an amount not to exceed \$175,000 (This item was reviewed and recommended for approval by the Finance Committee at its May 3, 2013, meeting) - Public Works Department (Yader A. Bermudez 231-3008).
 - G-2.** APPROVE Amendment No. 6 to the Kronick Moskowitz legal services agreement for legal representation related to the City of Richmond's intervention in the Chevron property tax appeal litigation, increasing the amount by \$300,000 to a total amount of \$800,000 - City Attorney's Office (Bruce Reed Goodmiller 620-6509).
 - G-3.** APPROVE an increase in the previously-approved purchase order amount for the purchase of an aerial boom truck from ALTEC INDUSTRIES in Dixon, California. The requested increase is from \$105,000 to \$122,204 (a \$17,204 increase) and is due TO: (1) a change in the truck model type to be purchased; and (2) the omission of sales taxes from the previously-approved purchase order issued to Altec Industries - Public Works Department (Yader A. Bermudez 231-3008).

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- G-4.** APPROVE a contract with Turner Group Construction (Richmond, CA) in an amount not to exceed \$1,245,936 (term of contract is from May 21, 2013, to June 30, 2014) for rehabilitation of the Elm Playlot and community building; and APPROVE a contract amendment with Mack5 for project management services associated with the Elm Playlot Project, increasing the contract amount by \$36,000 to a total amount of \$134,250, and extending the term through June 30, 2014. (This contract was reviewed and recommended for approval by the Finance Committee at its May 3, 2013, meeting) - Public Works Department (Yader A. Bermudez 231-3008).
- G-5.** APPROVE the purchase of a three-quarter-ton pickup truck with an extended cab from Hilltop Ford (Richmond, California) in an amount not to exceed \$25,000 - Public Works Department (Yader A. Bermudez 231-3008).
- G-6.** APPROVE the purchase of Globe and PGI personal protective equipment (PPE) for twelve new firefighter trainees from L.N. Curtis & Sons in the amount of \$38,507.52 - Fire Department (Chief Michael Banks 307-8041).
- G-7.** APPROVE a two-year contract with Nichols Consulting Engineers to provide technical and budgetary oversight for environmental remediation activities at Point Molate in an amount not to exceed \$200,000 (paid from the remediation account funded by the United States Navy) and for a contract term commencing December 8, 2012, and ending December 7, 2014 - City Manager's Office (Bill Lindsay 620-6512).
- G-8.** APPROVE a three-year contract with Remediation Risk Management, Inc. (RRM) for the assessment, monitoring, and reporting of soil and groundwater conditions in and adjacent to the City of Richmond's corporation yard, as required by the Regional Water Quality Control Board, in an amount not to exceed \$75,000 and with a term extending through June 30, 2015 - Public Works Department (Yader Bermudez/Dee Karnes 231-3008).
- G-9.** APPROVE a Cooperative Management Agreement with the National Park Service for a five-year period, with a possible extension for an additional five years by mutual agreement, to facilitate continued coordination and collaboration on the promotion and management of the Rosie the Riveter/World War II Home Front National Historical Park (Park) and other Park resources - City Manager's Office (Bill Lindsay 620-6512).

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- G-10.** INTRODUCE an ordinance (first reading) establishing the wages, salary, and compensation for the new classification of Community Services Technician II (Salary Range No. 36D: \$4,363 - \$5,150) - Human Resources Management Department (Leslie Knight 620-6600).
- G-11.** ADOPT a resolution amending the City of Richmond's Position Classification Plan to add the new flexibly-staffed classification of Community Services Technician II, as recommended by the Personnel Board - Human Resources Management Department (Leslie Knight 620-6600).
- G-12.** INTRODUCE an ordinance (first reading) establishing the wages, salary, and compensation for the new classification of CCTV and Wireless Systems Specialist (Salary Range No. 063: \$6,734 - \$8,185) - Human Resources Management Department (Leslie Knight 620-6600).
- G-13.** APPROVE the purchase of three three-quarter-ton pickup trucks from Downtown Ford (Sacramento, CA) for use in the Public Works Department in an amount not to exceed \$65,000 - Public Works Department (Yader A. Bermudez 231-3008).
- G-14.** APPROVE a grant-funded contract with First Serve Productions, Inc. for the restoration of tennis and sport court surfaces at Belding-Garcia Park, Lucas Park, Hilltop Green Park, Burg Park, and Tiller Park in an amount not to exceed \$77,000, which includes a 10% city-controlled cost contingency, and APPROPRIATE funds from the Clara-Belle Hamilton Trust for this project. The contract term will be from May 22, 2013, to December 31, 2013 - Public Works Department (Yader A. Bermudez 231-3008).
- G-15.** APPROVE a contract with Stommel Inc., dba LEHR Auto Electric & Emergency Equipment/Pursuit North, to purchase four license plate readers in an amount not to exceed \$89,421. The contract term is from May 21, 2013, through July 30, 2013 - Police Department (Chief Chris Magnus 621-1802).
- G-16.** ADOPT an ordinance (second reading) establishing the wages, salary, and compensation for the new classification of Duplicating/Mail Specialist I (Salary Range No. 12: \$3,403 - \$4,137/month) and, the new classification of Duplicating/ Mail Specialist II (Salary Range No. 18: \$3,743 - \$4,551/month) - Human Resources Management Department (Leslie Knight 620-6600).

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- G-17.** ADOPT an ordinance (second reading) establishing the wages, salary, and compensation for the new classification of Buyer II (Salary Range No. 52D: \$5,824 - \$7,050/month) - Human Resources Management Department (Leslie Knight 620-6600).
- G-18.** APPROVE the purchase of one 12-passenger van and one 15-passenger van for use by the Richmond Police Department's Youth Services Division from Hilltop Ford (Richmond, CA) for a combined amount not to exceed \$55,000 - Public Works Department (Yader A. Bermudez 231-3008).
- G-19.** ADOPT a resolution supporting the establishment of a Targeted Employment Area for the Richmond Enterprise Zone as required by the California State Housing and Community Development Department - City Manager's Office (Bill Lindsay/Janet Johnson 620-6512).
- G-20.** APPROVE a contract with Municipal Resource Group, LLC to provide consulting services to assist the City with various Engineering Department projects, and with dissolution of the redevelopment agency, in an amount not to exceed \$37,440 for a term of May 21, 2013, through December 31, 2013 -- City Manager's Office (Bill Lindsay, 620-6512).
- G-21.** ADOPT a resolution accepting grant funds from the Metropolitan Transportation Commission in the amount of \$413,000 for the Dornan Drive Tunnel Project; and approve contract amendments with TPA Construction Inc., increasing the contract by \$255,000 to a total of \$1,075,328; the Crosby Group, increasing the contract amount by \$19,000 to a total of \$60,000; and with Simpson Gumpertz & Heger, increasing the contract amount by \$2,000 to a total of \$12,000 for completion of the project - Engineering Services Department (Chad Davisson/Andy Yeung 307-9091).
- G-22.** ADOPT a resolution authorizing an agreement between the Marine Exchange of the San Francisco Bay Region and the City of Richmond to accept grant funds from the Federal Emergency Management Agency (FEMA) 2008 Port Security Grant Program in the amount of \$50,000 to be appropriated towards the construction design and cost analysis of a Public Safety Boathouse - Fire Department (Chief Michael Banks 307-8041).
- G-23.** RECEIVE the monthly report on the Richmond Municipal Sewer District for March and April 2013 - Engineering/Wastewater (Chad Davisson, 307-8091).

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- G-24.** APPROVE the following appointment and re-appointments: Point Molate Advisory Committee: Eileen Whitty, incumbent, term expiring May 30, 2015; Jeanne Kortz, incumbent, term expiring May 30, 2015; Economic Development Commission: Ann Roulac, new appointment, term expiring March 30, 2016 - Mayor McLaughlin (620-6503).
- G-25.** ACKNOWLEDGE receipt of the proposed fiscal year 2013-14 and 2014-15 Biennial Operating Budget and proposed fiscal year 2013-14 through 2017-18 Capital Improvement Plan - Finance Department (James Goins 620-6740).
- G-26.** ADOPT a resolution authorizing the refunding of certain bonds and the issuance of not to exceed \$45,000,000 in refunding bonds, approving the forms and authorizing the execution and delivery of an indenture, a bond purchase contract, a continuing disclosure agreement, two escrow agreements, and a preliminary official statement, and authorizing certain actions taken in connection therewith. (This item was reviewed and recommended for approval by the Finance Committee at its May 3, 2013, meeting) - Finance Department (James Goins 620-6740). **(Note that this item requires a separate vote.)**
- G-27.** APPROVE the Port executive director's request for travel to China with a cost of approximately \$9,000 to continue the business development plan and 2012 marketing plan with the Port of Zhoushan and AWC to continue to explore the potential for China auto manufacturing companies entering the U.S. market through the Port of Richmond's recently renovated facility, and to meet with China Automobile industry - Port of Richmond (Jim Matzorkis 215-4600).
- G-28.** ADOPT a Resolution of Intention No. 907 to rename 15th Street between Nevin Plaza and Macdonald Avenue to "Village Lane" in response to a request by residents in the Metro Walk residential neighborhood - Planning and Building Services Department (Richard Mitchell 620-6706).

Should any of the following continued items be removed from the Consent Calendar, they will be heard immediately following the approval of the Consent Calendar. All other items removed from the Consent Calendar will be placed at the end of the agenda for consideration.

- G-29.** APPROVE a three-year agreement with the Native American Health Center for the lease of City-owned property at 2566 Macdonald Avenue from June 1, 2013, to May 31, 2016, with two additional one-year extension options, to provide health-related prevention and early intervention services for the local Native American community - City Manager's Office (Bill Lindsay 620-6512). **This item was continued from the May 7, 2013, meeting.**

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- G-30.** APPROVE a contract with BioMax Environmental Services, LLC for on-call services for monitoring the level of hydrogen sulfide gas at and around the wastewater treatment plant, Point Richmond, Washington Elementary School, and other neighboring communities, in the amount of \$80,000 and for a term extending to December 31, 2014 - Engineering Services Department (Chad Davisson 307-8091). **This item was continued from the May 7, 2013, meeting.**
- G-31.** ADOPT a resolution approving the Engineer's Report for Fiscal Year 2013-2014 for the Hilltop Landscape Maintenance District ("HLMD"), declaring the Council's intention to increase the annual assessment in the HLMD, and setting a public hearing concerning the proposed increased assessment for June 4, 2013, at 6:30 p.m., in the City Council Chambers at 440 Civic Center Plaza in the City of Richmond - Public Works Department (Yader A. Bermudez 231-3008). **This item was continued from the May 7, 2013, meeting.**
- G-32.** ADOPT a resolution approving the Engineer's Report for Fiscal Year 2013-2014 for the Marina Bay Landscaping and Lighting Maintenance District, declaring the Council's intention to increase the annual assessment in the Marina Bay Landscaping and Lighting Maintenance District, and setting a public hearing concerning the proposed increased assessment for June 4, 2013, at 6:30 p.m., in the City Council Chambers at 440 Civic Center Plaza in the City of Richmond - Public Works Department (Yader A. Bermudez 231-3008). **This item was continued from the May 7, 2013, meeting.**
- G-33.** REVIEW budget status report and proposed budget review schedule and provide direction to staff as appropriate - Finance Department (James Goins 620-6740). **This item was continued from the May 7, 2013, meeting.**
- G-34.** APPROVE a contract with Pyro Engineering, dba Bay Area Fireworks, to provide a fireworks show for the City of Richmond on July 3rd at the Marina Bay Park in the amount of \$26,000 for July 3, 2013; \$26,000 for July 3, 2014; and \$26,000 for July 3, 2015 - Recreation Department (Keith Jabari 620-6791). **This item was continued from the May 7, 2013, meeting.**
- G-35.** APPROVE the transfer and appropriation of \$10,000 from the insurance proceeds from the 2010 demolition of the Martin Luther King Jr. Community Center into the City Manager's Office budget to fund a contract with Wong Logan Architects to develop architectural concept documents for the new Martin Luther King Jr. Community Center - City Manager's Office and Engineering Services Department (Bill Lindsay 620-6512/Alan Wolken 307-8137). **This item was continued from the May 7, 2013, meeting.**

- G-36.** APPROVE the following appointments and reappointments: Point Molate Community Advisory Committee: Jim Hite, incumbent, term ending May 30, 2015; Joan Garrett, incumbent, term ending May 30, 2015; Steven Rosing, incumbent, term ending May 30, 2015; Mary Sundance, incumbent, term ending May 30, 2015; Commission on Aging: Ella Sewell, incumbent, term ending May 19, 2015; Rose Brooks, incumbent, term ending May 19, 2015; Housing Advisory Commission: Anntheia Farr, incumbent, term ending November 1, 2015; Sylvia Gray-White, new appointment, term ending November 1, 2015; Planning Commission: Eduardo Martinez, new appointment, term ending June 30, 2014 (completing an unexpired term) - Mayor McLaughlin (620-6503). **This item was continued from the May 7, 2013, meeting.**
- G-37.** APPROVE a legal services agreement with Cotchett, Pitre & McCarthy, LLP to prosecute a civil action on a contingent-fee basis as directed in closed session - City Attorney's Office (Bruce Reed Goodmiller 620-6509). **This item was continued from the May 7, 2013, meeting.**

H. RESOLUTIONS

- H-1.** ADOPT a resolution supporting the campaign to remove commercial properties from Proposition 13 - Councilmember Beckles (620-6568) and Mayor McLaughlin (620-6503).
- H-2.** ADOPT a resolution in support of the California Senate Life Act Bills and authorize the City Manager to send a letter urging support by the California Legislature and the governor - Councilmember Butt (236-7435), Mayor McLaughlin (620-6503), and Councilmember Beckles (620-6568).

I. ORDINANCES

- I-1.** ADOPT an urgency ordinance declaring a 45-day moratorium on the acceptance, processing and approval of applications for Second Hand Dealers, including but not limited to "Cash for Gold" businesses in any zoning district within the City - Planning and Building Services Department (Richard Mitchell 620-6706).

J. COUNCIL AS A WHOLE

- J-1.** CONSIDER a ban on alcohol billboards near schools in Richmond - Councilmembers Rogers (857-5725), Beckles (620-6568), and Myrick (620-6861). This item was continued from the May 7, 2013, meeting.

- J-2.** DISCUSS and consider supporting community efforts to establish The Pride & Purpose Promise Scholarship Fund and direct staff to allocate funds in the amount of \$280,000 from the 2012-13 fiscal year to fund the program for two years - Councilmembers Myrick (620-6861) and Rogers (857-5725). This item was continued from the May 7, 2013, meeting.
- J-3.** AUTHORIZE funding for the completion of the Riggers Loft project and the commencement of a Joint Venture Agreement with the Port of Zhoushan. Authorize the city attorney to review and finalize Joint Venture MOU between the Ports of Richmond and Zhoushan - Port Department (Jim Matzorkis 215-4600).
- J-4.** DISCUSS and provide direction to staff regarding complaints from PG&E rate payers experiencing difficulty with opting out of the Marin Clean Energy program - Vice Mayor Boozé (620-6593).
- J-5.** DISCUSS and provide direction to staff regarding items placed on the City Council Agenda - Vice Mayor Boozé (620-6593) and Councilmember Bates (620-6743).

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

L. 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.