



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

**AGENDA
Tuesday, July 16, 2013**

Mayor
Gayle McLaughlin

Vice Mayor
Courtland "Corky" Boozé

Councilmembers

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

Housing Authority Tenant Commissioners

Helen Hall
Jackie Thompson

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).

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):**

Paula Reyes vs. City of Richmond

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

One Case

- A-3. CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6):**

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

Employee organization: International Federation of Professional 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

A-4. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8):

Property: Port of Richmond General Warehouse
Agency negotiators: Jim Matzorkis and Bill Lindsay
Negotiating parties: Golden State Power Group and MSH Group

Property: Port of Richmond Rigger's Loft
Agency negotiators: Bill Lindsay and Jim Matzorkis
Negotiating Parties: R&B Cellars and Golden Gate Brewing Company

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 - (NOT PRIOR TO 7:00 P.M.)**
 - G-1.** APPROVE an amendment to the standing purchase order with Bay Area Barricade for procuring traffic signs and lines materials, in an amount not to exceed \$50,000 for a total of \$100,000 during Fiscal Year 2013-14, and including an option to extend this purchase order at \$100,000 per year for an additional two years (This item was reviewed and recommended for approval by the Finance Committee at its meeting of July 12, 2013) - Public Works Department (Yader A. Bermudez 231-3008).
 - G-2.** APPROVE a contract amendment with DP Security, LLC (DP Security), adding an amount not to exceed \$165,000 to provide security services at 440 Civic Center Plaza and 450 Civic Center Plaza, and maintaining the existing contract term extending to December 31, 2013 - City Manager's Office (Bill Lindsay 620-6512).
 - G-3.** ADOPT a resolution amending the Port of Richmond Tariff FMC No. 3, reflecting a 1.7% increase in tariff rates effective July 1, 2013, and authorizing future annual tariff adjustments based on the change in the Consumer Price Index (CPI), as approved by the Executive Committee of the California Association of Port Authorities (CAPA) - Port Department (Jim Matzorkis 215-4600).
 - G-4.** INTRODUCE an ordinance (first reading) to establish wages, salaries, and compensation for the classifications represented by the International Association of Firefighters (IAFF Local 188) in the City's classified service, and repealing Ordinance No. 43-06 N.S - Human Resources Management Department (Lisa Stephenson 620-6600).

- G-5.** ADOPT a resolution approving a Memorandum of Understanding (MOU) between IAFF Local 188 and the City of Richmond. The MOU will be effective July 1, 2009, through June 30, 2016, and provides for a 3% annual salary increase each September 1 for the years 2013, 2014, and 2015. The salary increase is offset by IAFF Local 188 members contributing an additional 1% per year toward CalPERS pension cost (3% over the life of the contract, for a total contribution of 12% at the end of the term) - Human Resources Management Department (Lisa Stephenson 620-6600).
- G-6.** APPROVE the mutual termination of both East Bay Municipal Utility District's (EBMUD) obligations under an existing agreement regarding the Contra Costa Clean Water Program (CCCWP) storm water inspections and Joint Exercise of Powers Agreement (JEPA) between EBMUD and the City of Richmond for storm water inspection enforcement services - Engineering Services Department (Chad Davisson/Lynne Scarpa 620-8091).
- G-7.** APPROVE the response by the City of Richmond to the report entitled "Getting to Clean Water in Contra Costa County," prepared by the Grand Jury of Contra Costa County, to be included with responses compiled from other cities and municipalities within Contra Costa County - Engineering Services Department (Chad Davisson/Lynne Scarpa 620-8091).
- G-8.** ADOPT a resolution of local support, as required by the Metropolitan Transportation Commission, for a grant application in the amount of \$3,443,000 for Local Streets and Roads Preservation (LSRP) funding under the One Bay Area Grant (OBAG), and if awarded, ACCEPT and APPROPRIATE the funds - Engineering Services Department (Andy Yeung/Tawfic Halaby 620-5482).
- G-9.** ADOPT a resolution authorizing the acceptance and appropriation of a \$75,000 Fiscal Year 2013-14 Alcoholic Beverage Control GAP Grant from the State of California and the appropriation for \$24,500 in-kind personnel costs as Richmond's required local contribution toward the grant - Police Department (Chief Chris Magnus 620-1802).
- G-10.** ADOPT a resolution approving amendments to contracts with Eagle Environmental Construction (EEC) for: (1) abatement, demolition, and historic structures relocation, increasing the amount by \$100,000 to a total of \$4,465,000; and (2) soil remediation activities, increasing the amount by \$1,200,000 to a total amount of \$2,499,987; and (3) with PES Environmental, Inc. acting as the City of Richmond's owner's representative providing project oversight and monitoring, increasing the contract amount by \$700,000 to a total amount of \$1,400,000. The requested amendments will also extend contract terms to December 2015 (This item was reviewed and recommended for approval by the Finance Committee at its July 12, 2013, meeting) - Housing and Community Development (Patrick Lynch 307-8140).

- G-11.** APPROVE the purchase of a Graco Promelt Thermolaser System from Statewide Traffic Safety and Signs to install thermoplastic stripes and markings, in an amount not to exceed \$17,058.37 - Public Works Department (Yader A. Bermudez 231-3008).
- G-12.** APPROVE the minutes of the Regular June 4, 2013, the Special June 11, 2013, and the Regular July 2, 2013, City Council Meetings - City Clerk's Office (Diane Holmes 620-6513).
- G-13.** APPROVE the following re-appointments to the Historic Preservation Commission: Rosemary Corbin, incumbent, term expiring July 31, 2017; Sandy Genser-Maack, incumbent, term expiring July 31, 2017 - Mayor McLaughlin (620-6503).
- G-14.** RECEIVE a monthly report on the Richmond Municipal Sewer District for June 2013 - Engineering Services Department (Chad Davisson 307-8091).
- G-15.** APPROVE a contract with Central Striping Service, Inc. for materials and installation of new thermoplastic striping and marking on Cutting Boulevard between South 37th Street and Interstate I-80, in an amount not to exceed \$35,000 - Public Works Department (Yader A. Bermudez 231-3008).
- G-16.** APPROVE a grant-funded contract with Community Alliance for Learning in an amount not to exceed \$25,000 to expand its literacy initiative, WriterCoach Connection, at Richmond High School. The term of the contract is January 1, 2013 to June 30, 2014 - City Manager's Office (Bill Lindsay/Rochelle Monk 620-6512).
- G-17.** DIRECT the city manager to send a letter on behalf of the Richmond City Council in support of Senate Bill 150 (Lara) Tuition Equity Act - Mayor McLaughlin (620-6503).

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-18.** A. ADOPT a single-use bag ordinance (second reading) that will: (1) prohibit the distribution of single-use plastic bags at point of sale by retail establishments and (2) require retail establishments to charge all customers a fee of 5-10 cents for each paper bag distributed at point of sale to the customer; and B. ADOPT amendments to the food ware ordinance (second reading) that will: (1) prohibit the retail sale of polystyrene foam products; (2) revise allowable food ware; (3) provide for the issuance of an administrative citation immediately following a violation of this chapter; and (4) include other technical revisions - City Manager's Office (Bill Lindsay 620-6512). **This item was continued from the July 2, 2013, meeting.**

- G-19.** DIRECT the city attorney to draft revisions to our graffiti abatement ordinance to increase the penalties for repeated non-compliance on property within 200 feet of I-580 and I-80 - Councilmember Rogers (867-5725). **This item was continued from the July 2, 2013, meeting.**

H. PUBLIC HEARINGS - (NOT PRIOR TO 7:15 P.M.)

- H-1.** A hearing related to the proposed issuance of tax-exempt obligations by the California Statewide Communities Development Authority (CSCDA) in an amount not to exceed \$8,500,000 in connection with a tax-exempt loan by CSCDA to the Making Waves Foundation, Inc., and ADOPT a resolution to approve the proposed financing by the CSCDA - Finance Department (James Goins 620-6740).
- H-2.** A hearing relating to the proposed issuance of tax exempt revenue bonds by the California Municipal Finance Authority (CMFA) in an amount not to exceed \$40,000,000 in connection with the acquisition and rehabilitation of a 401-unit affordable apartment complex known as Westridge Apartments and ADOPT a resolution to approve the proposed financing by the CMFA - Finance Department (James Goins 620-6740).
- H-3.** ADOPT 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).

I. RESOLUTIONS - (NOT PRIOR TO 7:30 P.M.)

- I-1.** ADOPT a resolution authorizing that the city manager take the following actions to finance and construct the street light system enhancement project: (1) Enter into an equipment lease agreement with Banc of America Merrill Lynch in an amount not to exceed \$5,000,000 to finance LED street light upgrades and wire theft repair; (2) Appropriate up to \$1,000,000 of the equipment lease proceeds to repair wire theft damage along the Richmond Parkway into the 2013-14 Fiscal Year budget; (3) Execute a purchase agreement contract to procure LED street lights and associated equipment from local lighting distributor Omega Pacific, the lowest responsive bidder, in an amount not to exceed \$2,500,000 to be financed by a combination of Banc of America Merrill Lynch equipment lease proceeds and low interest loan from the California Energy Commission; (4) Execute a construction contract with local contractor Net Electric, the lowest responsive bidder, to install the street lights in an amount not to exceed \$600,000; (5) Execute any and all necessary agreements with PG&E to upgrade existing PG&E street lights to LED technology and transfer ownership of the facilities to the City of Richmond in an amount not to exceed \$2,000,000; and (6) Enter into service agreements with PG&E to splice and connect new street lights onto empty wood poles in an amount not to exceed \$750,000 - City Manager's Office (Bill Lindsay 620-6512).

- I-2.** ADOPT a resolution in support of Senate Concurrent Resolution 44 (SCR 44), designating the Willow Avenue Overcrossing over State Highway Route 4 in Contra Costa County as the Joe Eddy McDonald Memorial Overcrossing, in honor of the former Mayor of Hercules and former Richmond resident - Councilmember Bates (620-6743) and Mayor McLaughlin (620-6503).
- I-3.** ADOPT Resolution of Intention No. 908 and set a public hearing for July 30, 2013, to rename Western Drive north of I-580 to "Stenmark Drive" in recognition of Captain J. O. Stenmark's colorful contribution to the early history of Richmond - Councilmember Butt (236-7435).
- I-4.** ADOPT a resolution in support of gathering expert data to assess the cost to the City of Richmond as a whole as a result of the Chevron Richmond Refinery fire of August 6, 2012, and bring forward the analysis for public discussion before any settlement or agreement is worked out with Chevron - Mayor McLaughlin (620-6503).

J. ORDINANCES - (NOT PRIOR 8:30 P.M.)

- J-1.** INTRODUCE an ordinance (first reading) adding Chapter 2.65 to the Richmond Municipal Code entitled "Ban the Box" requiring any contractor or their subcontractors, lessee, and recipient of financial aid to refrain from any inquiries regarding employment applicants' prior criminal convictions - Councilmember Beckles (620-6568). **This item was continued from the July 2, 2013, meeting.**

K. COUNCIL AS A WHOLE - (NOT PRIOR TO 9:00 P.M.)

- K-1.** RECEIVE a presentation and provide direction to staff regarding the coordination of a retreat for the Richmond City Council - Councilmember Bates (620-6743). **This item was continued from the May 28, June 4, June 18, and July 2, 2013, meetings.**

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

M. 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.