



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

**AGENDA
Tuesday, July 30, 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. 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

A-2. 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 Terminal One

Agency negotiators: Bill Lindsay, Jim Matzorkis, and Richard Mitchell

Negotiating parties: KB-Bakewell Richmond Venture, Sares/Regis, and Suzhou Weibang Property Management, LLC

A-3. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.9):

One Case

**SPECIAL MEETING OF THE SUCCESSOR AGENCY TO THE
RICHMOND COMMUNITY REDEVELOPMENT AGENCY AND
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. **PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS**
 - E-1. PROCLAMATION welcoming Grocery Outlet Bargain Market to Richmond - Vice Mayor Boozé (620-6593) and Mayor McLaughlin (620-6503). **This item was continued from the July 23, 2013, meeting.**
 - E-2. PROCLAMATION in recognition of National Night Out that will be held Tuesday, August 6, 2013, in the City of Richmond - Vice Mayor Boozé (620-6514) and Mayor McLaughlin (620-6503).
- F. **REPORT FROM THE CITY ATTORNEY OF FINAL DECISIONS MADE AND NON-CONFIDENTIAL DISCUSSIONS HELD DURING CLOSED SESSION**
- G. **OPEN FORUM FOR PUBLIC COMMENT**
- H. **SUCCESSOR AGENCY TO THE RICHMOND COMMUNITY REDEVELOPMENT AGENCY CONSENT CALENDAR**
 - H-1. ADOPT a resolution approving a contract amendment with Nichols Consulting Engineers, Chtd. to perform soil-gas sampling and analysis as part of the approved State Department of Toxic Substances Control (DTSC) Work Plan at certain locations in Marina Bay, increasing the contract amount by \$54,810 for a total amount not to exceed \$197,236 - Successor Agency to the Richmond Community Redevelopment Agency (Patrick Lynch/Craig Murray 307-8140).

- H-2.** ADOPT a resolution approving amendments to contracts with Eagle Environmental Construction (EEC) for: (1) abatement, demolition, and historic structures relocation, increasing the contract amount by \$100,000 for a total of \$4,465,000; and (2) soil remediation activities, increasing the contract amount by \$1,200,000 for 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 for 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).
- H-3.** ADOPT a resolution approving an amendment to a contract with Holland and Knight, LLP to continue to provide environmental legal services for the Miraflores Housing Development, increasing the contract amount by \$75,000, for a total amount of \$200,000, and extending the term through 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).
- H-4.** APPROVE a joint resolution of the City Council and the Successor Agency authorizing the application for grant funds from the California Department of Housing and Community Development's (HCD) Infill Infrastructure Grant Program in an amount not to exceed \$4,000,000 to be used for certain fees and costs related to the development of the Miraflores Affordable Senior Housing Development Project - Housing and Community Development (Patrick Lynch 307-8140).

I. CITY COUNCIL CONSENT CALENDAR

- I-1.** ADOPT a resolution accepting a new subdivision improvement agreement (SIA) transferring obligations to complete subdivision improvements in the Pinole Point Business Park (Subdivision 8414) from Richmond Pinole Point Properties, Inc. to Richmond Pinole Point Industrial, LLC - Engineering Services Department (Alan Wolken/Steven Tam 307-8137).
- I-2.** APPROVE the recommendations of the Community and Information Panel to award \$50,000 in funds provided by Veolia Environmental Services in North Richmond as a hazardous waste facility license fee to 11 non-governmental organizations providing services to residents in the Iron Triangle and North Richmond communities selected via a competitive grant process - City Manager's Office (Bill Lindsay/LaShonda White 620-6512).
- I-3.** ADOPT a resolution to accept and appropriate \$45,000 in grant funds from the Association of Bay Area Governments (ABAG) to complete funding for construction of the Bay Trail from Ferry Point Tunnel to Cutting Boulevard - Engineering Services Department (Joel Camacho/Alan Wolken 307-8091).

- I-4.** AUTHORIZE the city manager to execute a Cooperative Funding Agreement with the East Bay Regional Park District, providing \$18,250 in City funds to pay for design revisions to the Atlas Road bridge structure - City Manager's Office (620-6512).
- I-5.** APPROVE the purchase of the pre-fabricated restroom building from CXT Inc. Precast Products to be placed at Booker T. Anderson Park (BTA) in an amount not to exceed \$120,673.41, and APPROVE a contract with McNabb Construction Inc. for the demolition and site preparation for this new restroom building at BTA in an amount not to exceed \$20,697.60, which includes a 10% city-controlled cost contingency. The contract term will be from August 1, 2013, to June 30, 2014 - Public Works Department (Yader A. Bermudez 231-3008).
- I-6.** ADOPT an ordinance (second 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. On June 25, 2013, the parties reached a Tentative Agreement, which extends the current MOU until June 30, 2016, and provides salary increases in 2013, 2014, and 2015 - Human Resources Management Department (Lisa Stephenson 620-6600).
- I-7.** ADOPT a resolution authorizing the City of Richmond to enter into a two-year agreement with the Association of Bay Area Governments (ABAG) allowing the San Francisco Estuary Partnership (SFEP) to implement a Green Street Retrofit Project along San Pablo Avenue - Engineering Services Department (Chad Davisson/Lynne Scarpa 307-8091).
- I-8.** ADOPT a resolution authorizing the extension of the letter of credit provided by Union Bank, N.A., relating to the Variable Rate Wastewater Revenue Refunding Bonds, Series 2008A; and approving the taking of all necessary actions in connection therewith - Finance Department (James Goins 620-6740).
- I-9.** APPROVE an agreement with the Trust for Public Land (TPL) for construction of the Park Activation Project on the Richmond Greenway from 8th Street to Harbour Way, with the project scope to include a children's play area and community gardens - Public Works Department (Yader A. Bermudez 231-3008).
- I-10.** APPROVE the purchase of Globe Manufacturing personal protective equipment for the 12 new firefighter trainees from L.N. Curtis & Sons in the amount of \$29,233.80 - Fire Department (Michael Banks 307-8041).
- I-11.** ADOPT a resolution accepting \$300,000 in funds from the Bay Area Air Quality Management District Transportation Fund for Clean Air; APPROPRIATE these funds into the Fiscal Year 2013-2014 Budget; and APPROVE an amendment to the contract with TransMetro Inc. to continue transportation shuttle service operations through June 30, 2015, in an amount not to exceed \$300,000 - City Manager's Office (Bill Lindsay 620-6512).

- I-12.** ADOPT a resolution authorizing staff to submit a request to the Metropolitan Transportation Commission, Regional Measure 2 Program, to provide funding for the construction of the "Overcoming Physical Barriers to Safe Transit Access Project" (Richmond/Ohlone Greenway Gap Closure Project) - Engineering Services Department (Alan Wolken/Joel Camacho 307-8091).
- I-13.** APPROVE a contract with Architects MA to provide architectural and engineering services for the Family Justice Center Project in an amount not to exceed \$144,500, and for a term from August 2013 to December 2014 (This item was reviewed and recommended for approval by the Finance Committee at its July 12, 2013, meeting) - Police Department (Chief Chris Magnus 621-1802).
- I-14.** APPROVE a second amendment to a three-year (2010-2013) contract with Du-All Safety, LLC, exercising a contract option to extend safety program compliance services for one-year covering Fiscal Year 2013-2014, in an amount not to exceed \$117,308 (This item was reviewed and recommended for approval by the Finance Committee at its July 12, 2013, meeting) - Human Resources Management Department (Kim Greer 620-6605).
- I-15.** ADOPT a resolution approving a grant-funded contract with Vallier Design Associates Inc. to provide professional landscape and architectural design, engineering, project, and construction management services for the Miraflores Sustainable Community Greenbelt Project as part of the Miraflores Housing Development. The contract amount is \$450,000 and the term is through June 30, 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).
- I-16.** APPROVE a grant-funded construction contract with Chrisp Company for construction of the Barrett Avenue Bike Lanes - Garrard Boulevard to San Pablo Avenue in the amount of \$352,845, with an additional City-controlled construction contingency not to exceed 10% of the contract cost, for a total budget of \$388,130 (This item was reviewed and recommended for approval by the Finance Committee at its July 12, 2013, meeting) - Engineering Services Department (Andy Yeung/Tawfic Halaby 621-1612).
- I-17.** APPROVE a construction contract with W.R. Forde Associates in the amount of \$384,540, with a City-administered contingency and reserve not to exceed \$76,908, for the Bay Trail Gap Closure Ferry Point/Shipyard 3 Project (This item was reviewed and recommended for approval by the Finance Committee at its July 12, 2013, meeting) - Engineering Services Department (Alan Wolken/Joel Camacho 307-8091).
- I-18.** APPROVE the minutes of the June 18, 2013, Regular City Council Meeting, and the June 25, 2013, Special City Council Meeting - City Clerk's Office (Diane Holmes 620-6513).

- I-19.** APPROVE an Assignment and Assumption Agreement with Upstream Point Molate, LLC for assignment of the Master Consulting Services Agreement with Terraphase Engineering, Inc. for the provision of environmental services at Point Molate - City Manager's Office (Bill Lindsay 620-6512).
- I-20.** APPROVE the installation of four-way stop signs at nine intersections in the North and East and Belding/Woods Neighborhoods (This item was reviewed and recommended for approval by the Public Safety Committee at its July 18, 2013, meeting) - Engineering Services Department (Alan Wolken/Steven Tam 307-8091).
- I-21.** ADOPT a resolution approving a Memorandum of Understanding (MOU) between IFPTE Local 21 and the City of Richmond. The MOU will be effective from July 1, 2013, through June 30, 2016, and provides for a 2% annual salary increase each July 1 for the years 2013, 2014, and 2015 - Human Resources Management Department (Lisa Stephenson 620-6600).
- I-22.** INTRODUCE an ordinance (first reading) to establish wages, salaries, and compensation for the classifications represented by the International Federation of Professional and Technical Employees (IFPTE Local 21) in the City's classified service, and repealing Ordinance No. 38-06 N.S. - Human Resources Management Department (Lisa Stephenson 620-6600).
- I-23.** APPROVE the following new appointment to the Work Investment Board: Chudy E. Nnebe, appointment term as of July 30, 2013 - Mayor McLaughlin (620-6503).
- I-24.** DIRECT staff to write a letter to Attorney General Eric Holder expressing the Richmond City Council's outrage over the verdict of the George Zimmerman case surrounding the killing of Trayvon Martin and urging him to prosecute the civil rights violations in this case - Mayor McLaughlin (620-6503).
- I-25.** APPROVE travel by the city manager and port executive director to Zhoushan, China to attend the Ocean Forum being hosted by the City of Zhoushan on August 11-13, 2013, with all travel and meeting expenses paid for by the City of Zhoushan - Port Department/City Manager's Office (Jim Matzorkis 215-4600/Bill Lindsay 620-6512).
- I-26.** ADOPT an ordinance (second 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).

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.

- I-27.** APPROVE an amendment to the standing purchase order with Bay Area Barricade for procuring traffic signs and lines materials, increasing the not-to-exceed amount by \$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 July 12, 2013, meeting) - Public Works Department (Yader A. Bermudez 231-3008). **This item was continued from the July 16, 2013, meeting.**
- I-28.** 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). **This item was continued from the July 16, 2013, meeting.**
- I-29.** 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). **This item was continued from the July 16, 2013, meeting.**

J. STUDY AND DIRECTION TO STAFF SESSION - (NOT PRIOR TO 7:00 P.M.)

- J-1.** DISCUSS and direct staff to investigate how to better coordinate services between departments within the City of Richmond and with Contra Costa Health Department for dealing with mold related issues in residential dwellings - Councilmember Myrick (620-6636). **This item was continued from the July 23, 2013, meeting.**
- J-2.** DISCUSS findings and ADOPT a resolution expressing concerns about hazardous conditions at the Chevron Richmond refinery and DIRECT staff, including the Building Official and Fire Marshal, to immediately begin work to verify evidence to determine whether dangerous or unsafe conditions exist, and, if verified, to proceed expeditiously in accordance with all City and State laws - Mayor McLaughlin (620-6503) and Councilmembers Myrick and Beckles (620-6581). **This item was continued from the July 23, 2013, meeting.**

K. PUBLIC HEARINGS - (NOT PRIOR TO 8:00 P.M.)

- K-1.** RECEIVE testimony regarding the proposed 2013 Annual Consolidated Action Plan, which outlines priorities and uses of Community Development Block Grant (CDBG), CDBG Program Income, Home Investment Partnership Program (HOME), HOME Program Income and NSP 1 and 3 funds; and ADOPT a resolution approving the 2013-2014 Annual Consolidated Action Plan - Housing and Community Development Agency (Patrick Lynch 307-8140).
- K-2.** ADOPT a resolution approving the report on sewer service charges for Fiscal Year 2013-2014 allowing the sanitary and stormwater fees to be collected on the Annual 2013-2014 Tax Rolls - Engineering Services Department (Chad Davisson 307-8091).
- K-3.** APPROVE the transfer of Richmond Compassionate Care's permit from a C-3 zone to a C-2 zone to operate as a medical marijuana collective at 425 South 2nd Street in substantial compliance with their application submitted on or about May 2, 2011 and again on April 16, 2013 - Police Department (Chief Chris Magnus 621-1802). **The public hearing was closed on June 18, 2013.**
- K-4.** **CONTINUE to September 17, 2013**, a hearing 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 - Councilmembers Butt (236-7435) and Rogers (867-5725).

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

- L-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).

M. COUNCIL AS A WHOLE - (NOT PRIOR TO 8:45 P.M.)

- M-1.** RECEIVE a presentation and report from the National Research Center on the City of Richmond's 2013 Community Survey results, and PROVIDE direction to staff as appropriate - City Manager's Office (Bill Lindsay/LaShonda White 620-6512). **This item was continued from the July 23, 2013, meeting.**
- M-2.** DESIGNATE a voting delegate and alternate(s) to represent the City of Richmond at the Annual Business Meeting of the League of California Cities 2013 Annual Conference to be held September 18-20, 2013, at the Sacramento Convention Center, Sacramento, California - City Clerk's Office (Diane Holmes 620-6513).

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.*