



Community Services Building
440 Civic Center Plaza
Richmond, CA 94804

AGENDA
Tuesday, December 16, 2014

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Mayor
Gayle McLaughlin

Vice Mayor
Jovanka Beckles

Councilmembers

Nathaniel Bates
Thomas K. Butt
Courtland “Corky” Boozé
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 first complete a speaker's card and discuss the item with a City staff person who has knowledge of the subject material, prior to filing the card with the City Clerk and **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.

CONDUCT AT MEETINGS: **Richmond City Council meetings are limited public forums during which the City strives to provide an open, safe atmosphere and promote robust public debate. Members of the public, however, must comply with state law, as well as the City's laws and procedures and may not actually disrupt the orderly conduct of these meetings. The public, for example, may not shout or use amplifying devices, must submit comment cards and speak during their allotted time, may not create a physical disturbance, may not speak on matters unrelated to issues within the jurisdiction of the City Council or the agenda item at hand, and may not cause immediate threats to public safety.**

CITY HARASSMENT POLICY: The City invites public comment and critique about its operations, including comment about the performance of its public officials and employees, at the public meetings of the City Council and boards and commissions. However, discriminatory or harassing comments about or in the presence of City employees, even comments by third parties, may create a hostile work environment, if severe or pervasive. The City prohibits harassment against an applicant, employee, or contractor on the basis of race, religious creed, color, national origin, ancestry, physical disability, medical condition, mental disability, marital status, sex (including pregnancy, childbirth, and related medical conditions), sexual orientation, gender identity, age or veteran status, or any other characteristic protected by federal, state or local law. In order to acknowledge the public's right to comment on City operations at public meetings, which could include comments that violate the City's harassment policy if such comments do not cause an actual disruption under the Council Rules and Procedures, while taking reasonable steps to protect City employees from discrimination and harassment, City Boards and Commissions shall adhere to the following procedures. If any person makes a harassing remark at a public meeting that violates the above City policy prohibiting harassment, the presiding officer of the meeting may, at the conclusion of the speaker's remarks and allotted time: (a) remind the public that the City's Policy Regarding Harassment of its Employees is contained in the written posted agenda; and (b) state that comments in violation of City policy are not condoned by the City and will play no role in City decisions. If any person makes a harassing remark at a public meeting that violates the above City policy, any City employee in the room who is offended by remarks violating the City's policy is excused from attendance at the meeting. No City employee is compelled to remain in attendance where it appears likely that speakers will make further harassing comments. If an employee leaves a City meeting for this reason, the presiding officer may send a designee to notify any offended employee who has left the meeting when those comments are likely concluded so that the employee may return to the meeting. The presiding officer may remind an employee or any council or board or commission member that he or she may leave the meeting if a remark violating the City's harassment policy is made. These procedures supplement the Council Rules and Procedures relating to disruption of orderly conduct at Council meetings.

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).

**OPEN SESSION TO HEAR PUBLIC COMMENT
ON CLOSED SESSION ITEMS**

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. **LIABILITY CLAIMS** -(Government Code Section 54956.9):
 - Thoming vs. City of Richmond
 - Wycinskiv 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

**SPECIAL MEETING OF
THE RICHMOND HOUSING AUTHORITY**

6:25 p.m.

A. PLEDGE TO THE FLAG

B. ROLL CALL

C. STATEMENT OF CONFLICT OF INTEREST

D. OPEN FORUM FOR PUBLIC COMMENT

E. AGENDA REVIEW

F. HOUSING AUTHORITY CONSENT CALENDAR

F-1. ADOPT a resolution authorizing a service contract with Asset Works in an amount not to exceed \$40,000 to conduct a Housing Authority fixed asset inventory - Housing Authority (Tim Jones 621-1310).

F-2. (1) ADOPT a resolution authorizing the Richmond Housing Authority (RHA) to issue and deliver multifamily housing revenue bonds in an aggregate principal amount not to exceed \$18,000,000 for the purpose of financing the acquisition, construction, rehabilitation, and development of Friendship Manor and Triangle Court and to execute and take any action necessary to issue the bonds, and (2) ADOPT a resolution authorizing the RHA to enter into and the Executive Director of the RHA to execute documents and complete all actions to support the Rental Assistance Demonstration (RAD) conversion and all financing and real estate activity, including a ground lease, sale of transfer of improvements, loans of sale proceeds, and RHA acting as co-guarantor for the Friendship Manor and Triangle Court Rehabilitation Project - Housing Authority (Tim Jones 621-1310).

G. ADJOURNMENT

REGULAR MEETING OF THE RICHMOND CITY COUNCIL

6:30 p.m.

- A. **ROLL CALL**
- B. **STATEMENT OF CONFLICT OF INTEREST**
- C. **AGENDA REVIEW**
- D. **REPORT FROM THE CITY ATTORNEY OF FINAL DECISIONS MADE DURING CLOSED SESSION**
- E. **OPEN FORUM FOR PUBLIC COMMENT**
- F. **CITY COUNCIL CONSENT CALENDAR**
 - F-1. APPROVE an agreement with California Oils Corporation to reimburse them an amount not to exceed \$103,023 for permitting work that they are undertaking to obtain approval from the United States Army Corps of Engineers to dredge the berthing area of Terminal 2 - Port Department (Jim Matzorkis 215-4608).
 - F-2. APPROVE a contract with Dunbar Armored Inc. to provide armored courier services in an amount not to exceed \$60,000 for a three-year term through June 30, 2017, and with a City option to extend the contract for a period of two years - Finance Department (James Goins/Antonio Banuelos 620-6741).
 - F-3. APPROVE the purchase of three Motorola APX7500 dual band mobile radios and accessories from Red Cloud, Inc. in the amount of \$17,506.37 - Fire Department (Michael Banks 307-8041).
 - F-4. APPROVE a grant-funded, sole-source contract with The California Maritime Academy on behalf of the Trustees of the California State University (Cal Maritime) for the purchase of marine response training services in an amount not to exceed \$144,350 - Fire Department (Chief Michael Banks 307-8041).
 - F-5. APPROVE a CDBG-funded contract with Training Development Associates to prepare the City's Fiscal Year 2015-2020 Consolidated Plan and the Fiscal Year 2015-2020 Analysis of Impediments to Fair Housing Choice, as required by HUD, in an amount not to exceed \$70,000 - Housing and Community Development (James Goins 620-6740).
 - F-6. ADOPT a resolution authorizing the Mayor to execute Cooperative Agreement No. 07W.04 with the Contra Costa Transportation Authority providing for the operation, maintenance, and reimbursement of costs among all partner agencies related to the I-80 Integrated Corridor Mobility (ICM) components - Engineering Services Department (Yader Bermudez 774-6300/Steven Tam 307-8112).

- F-7.** APPROVE the subscription to an eBook and audiobook access platform and the licensing of eBooks and audiobooks for the Richmond Public Library from Overdrive Inc. in an amount not to exceed \$70,000 per year for three years with the option of two one-year renewals for \$70,000 per year - Library and Cultural Services Department (Katy Curl 620-6554).
- F-8.** APPROVE a service contract with Emerson Network Power, Liebert Services, Inc. to provide preventive maintenance and emergency support for the City's uninterruptible power systems supporting information technology in the amount of \$16,722.00, with a term from December 1, 2014, through November 30, 2016 - Information Technology Department (Sue Hartman 620-6874).
- F-9.** APPROVE an agreement with Jackson & Son Plumbing to replace the potable and fire water backflow prevention devices, and related appurtenances, at Port of Richmond Terminal 3 for a total amount not to exceed \$35,000 - Port Department (Jim Matzorkis/Lucy Zhou 215-4608).
- F-10.** APPROVE an emergency agreement with Cal Inc. to clean up spilled oil containing polychlorinated biphenyl (PCBs) within the graving basins located within the Point Potrero Marine Terminal and remove contaminated debris as required by the Toxic Control Substance Act in an amount not to exceed \$500,000 - Port Department (Jim Matzorkis 215-4608).
- F-11.** APPROVE the grant-funded contracts and expenditures associated with the third year of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) Grant Award for the Mentoring Enhancement Demonstration Project with Be A Mentor, Inc. (\$124,325), Bay Area Community Resources (\$75,225), East Bay Asian Youth Center/OASES (\$75,009.47), and Richmond Police Activities League (\$71,912.50) for a total amount of \$396,472 - Community Development (Devone Boggan 620-5422).
- F-12.** APPROVE a lease agreement between the Port of Richmond and the Riggers Loft Wine Company for use of a portion of the Riggers Loft as a winery, for a term of 20 years, with two options to extend the lease for five years, providing for annual rent payment to the Port in the initial amount of \$100,800 - Port of Richmond (Jim Matzorkis/Lucy Zhou 215-4608).
- F-13.** APPROVE a contract with Oscar I. Solano Jr., dba Zumba Rico Fitness to provide Zumba and Aqua Zumba classes for the Recreation Department's Adult Activities programs for one year (January 1, 2015, to December 31, 2015), with a one year renewal option through December 31, 2016. The amount of the contract is for \$25,000 per year, for a total not to exceed amount of \$50,000 - Community Services Department (Devone Boggan 620-5421).

- F-14.** APPROVE, and AUTHORIZE the City Manager to execute loan agreements between the City and the RHA Housing Corporation, which will include regulatory agreements, promissory notes, and deeds of trusts required to effectuate the City's tax increment and HOME loan for the Rental Assistance Demonstration (RAD) Program rehabilitation projects at Friendship Manor and Triangle Court, in an amount not to exceed \$3,000,000 - Housing and Community Development (James Goins 620-6940).
- F-15.** APPROVE Amendment No. 3 to the existing construction agreement with Turner Group Construction for additional work necessary to meet building code requirements associated with the extensive renovation of a 71-year old four-plex located at 411-423 South 23rd Street, acquired using Neighborhood Stabilization Program 3 (NSP3) funds. The additional expenditures will not exceed \$41,372, for a total amended contract amount of \$665,187 - Housing and Community Development (James Goins 620-6940).
- F-16.** INTRODUCE an ordinance (first reading) amending the wages, salary, and compensation for the classification of Crime Analysis Assistant (Salary Range No. 42A: \$4,588 - \$5,413) - Human Resources Management Department (Lisa Stephenson/Donna Newton 620-6600).
- F-17.** ADOPT a resolution authorizing the execution of an agreement between the Cities of Richmond and Hercules to apportion Measure J Program 22b funds for ferry service in West County - Engineering Services Department (Chadrick Smalley 412-2067).
- F-18.** ADOPT a resolution Declaring the Canvass of Returns and Result of the General Municipal Election held on November 4, 2014 - City Clerk's Office (Diane Holmes 620-6514).
- F-19.** APPROVE: (1) a grant-funded contract with Mack 5 for pre-construction services for Unity Park in an amount not to exceed \$118,885 and for a term extending to December 31, 2016; and (2) a grant-funded contract with the Richmond Friends of Recreation (RFOR) (acting as contracting entity for Friends of Richmond Greenway) for internal project administration, community outreach, community design and participation in the final design development process for Unity Park in an amount not to exceed \$538,977 and for a term extending to December 31, 2016 (This item was not reviewed by the Finance Standing Committee due to cancellation of its December 5, 2014, meeting) - Public Works Department (Yader A. Bermudez 231-3008).
- F-20.** AUTHORIZE the City Manager's Office to enroll in the National Research Center's National Citizen Survey Program in order to conduct a 2015 survey of City of Richmond residents at a cost not to exceed \$30,000 - City Manager's Office (Bill Lindsay/LaShonda White 620-6512).

- F-21.** APPROVE a listing agreement with CES Premiere Real Estate Services, Inc. (CES) for the resale of Neighborhood Stabilization Program (NSP) properties. CES will receive compensation for services from the sales commission (3%) on each transaction - Housing and Community Development (James Goins 620-6940).
- F-22.** ADOPT a resolution in support of Doctors Medical Center's (DMC's) proposed "5 by 8 Shared Commitment Plan" to keep DMC open, restore emergency department services, and provide health care services to residents of Richmond and Contra Costa County - City Manager's Office (Bill Lindsay 620-6512).
- F-23.** APPROVE a lease agreement with the United States House of Representatives to allow Congressman-elect Mark DeSaulnier to utilize approximately 845 square feet of office space at 440 Civic Center Plaza as his West County 11th Congressional District offices. The lease agreement is for \$845 per month (\$10,140 annually) and is for a two-year term ending January 2, 2017 - City Manager's Office (Bill Lindsay 620-6512).
- F-24.** APPROVE a legal services agreement with Shartsis Friese LLP to represent the City, and City-related entities', interests in a dispute with Menlo Capital, the buyer of the Westridge Apartments. The contract term shall expire on June 30, 2015, and shall have a not to exceed payment limit of \$40,000 - City Attorney's Office (Bruce Reed Goodmiller 620-6509).
- F-25.** APPROVE: (1) a request to quitclaim City interest in two unused right of way easements located at or near the intersection of San Pablo Avenue and the Richmond Parkway for installation of an interconnection from PG&E's existing pipeline, L105B, to Chevron USA's existing pipeline, #1-18, to serve the Chevron Refinery so that PG&E may take the existing gas transmission pipeline out of service for proposed survey and testing work; and (2) Landscape and Quitclaim Agreement - Public Works Department (Yader Bermudez 231-3008).
- F-26.** INTRODUCE an ordinance (first reading) amending Richmond Municipal Code Sections 9.20.150 and 9.20.155 to increase the solid waste collection rates to reflect a: (1) 3.2 percent change in the Consumer Price Index (CPI); and (2) a 0.8 percent rate decrease in residential rates from a 2014 surplus, for a net adjustment of 2.4 percent increase in residential collections rates and 3.2 percent increase in commercial collection rates - City Manager's Office (Bill Lindsay 620-6512).

F-27. APPROVE the following actions with respect to Property Assessed Clean Energy Program for the financing of renewable energy distributed generation sources, seismic improvements, and energy and water efficiency improvements: (a) ADOPT a resolution renewing the City's application to participate in CaliforniaFIRST Property Accessed Clean Energy program, provided through the California Statewide Communities Development Authority joint powers authority, subject to the execution of an agreement for the CaliforniaFIRST program to indemnify the City; (b) ADOPT a resolution authorizing the City of Richmond to become a member of the Western Riverside Council of Governments Joint Powers Authority ("WRCOG") and participate in the California HERO program, subject to the execution of an agreement for the California HERO program to indemnify the City; and (c) ADOPT a resolution consenting to the inclusion of certain properties within the City of Richmond in the Figtree Property Assessed Clean Energy and Job Creation Program ("Figtree PACE"), provided through the California Enterprise Development Authority joint powers authority, subject to the execution of an agreement for the California HERO program to indemnify the City - City Manager's Office (Bill Lindsay 620-6512).

F-28. APPROVE the following re-appointment: Point Molate Citizens Advisory Committee: Pam Stello, incumbent, term ending May 30, 2016 - Mayor McLaughlin (620-6503).

F-29. ADOPT an ordinance (second reading) repealing Chapter 3.25 of the Municipal Code establishing a Youth Commission - Mayor McLaughlin (620-6503)

F-30. INTRODUCE an ordinance (first reading) adding Chapter 2.66 of the Richmond Municipal Code establishing the City of Richmond social impact bond law - Finance Department (James Goins/Susan Segovia 307-8022).

G. ITEMS CONTINUED FROM PREVIOUS MEETINGS

Continued Ordinances - NOT EARLIER THAN 7:00 P.M.

G-2. INTRODUCE an ordinance (first reading) amending Richmond Municipal Code Chapter 6.40, Residential Rental Dwelling Unit Inspection and Maintenance, expanding the Residential Rental Inspection Program (RRIP) to all residential rental properties, and clarifying other sections of the ordinance - Planning and Building Services Department (Richard Mitchell 620-6706). **This item was continued from the September 16, 2014, October 7, 2014, and October 21, 2014 meetings.**

H. PUBLIC HEARINGS - NOT EARLIER THAN 7:15 P.M.

H-1. CONDUCT a public hearing to hear public comment relating to the proposed issuance of tax exempt revenue bonds by the Richmond Housing Authority ("RHA") in an amount not to exceed \$18,000,000 and ADOPT a resolution to approve the proposed financing by the RHA. The proceeds of the Bonds will be used to: (1) finance the rehabilitation of 156 units of affordable housing at Friendship Manor and Triangle Court; and (2) pay certain expenses incurred in connection with the issuance of the Bonds - Finance Department (James Goins 620-6740).

H-2. CONDUCT a public hearing to: (1) ADOPT a Resolution CERTIFYING the Final Environmental Impact Report, ADOPTING a Statement of Overriding Considerations; and the Mitigation Monitoring and Reporting Program with the recommended revisions to Mitigation Measures TRANS-4b, 6a, and 6d; and (2) ADOPT a Resolution Approving a General Plan Text Amendment, Vesting Tentative Map and Design Review Permit for a 60 unit development at Seacliff Drive, with the recommended removal of Condition 15-n; and (3) INTRODUCE an ordinance (first reading) amending the Zoning Map to change the land use designation to Planned Area District (PA) of the subject site at Seacliff Drive - Planning and Building Services Department (Richard Mitchell 620-6706). **This item was continued from the December 2, 2014, meeting.**

I. RESOLUTIONS - NOT EARLIER THAN 8:30 P.M.

I-1. APPROVE a resolution to continue the City of Richmond Annual International Women's Day celebration and MOVE funding from the Mayor's Office budget to the City Council budget - Mayor McLaughlin (620-6503) and Vice Mayor Beckles (620-6861).

I-2. ADOPT a resolution in support of the United States Justice Department's continued civil rights investigations into the policing practices of the Ferguson Police Department in Missouri and the shooting of Michael Brown by Officer Darren Wilson - Vice Mayor Beckles (620-6568).

J. ORDINANCES - NOT EARLIER THAN 8:45 P.M.

J-1. INTRODUCE an ordinance (first reading) adopting the zoning text amendments to Section 15.06 of the Sign Ordinance and Chapter 4.04 of the Sign Code - Planning and Building Services Department (Richard Mitchell 620-6706).

K. COUNCIL AS A WHOLE - NOT EARLIER THAN 9:00 P.M.

K-1. CONSIDER adopting a policy of placing into trust half of any one time revenues and half of any year-end surplus in excess of the City's minimum reserve policy (7%) in paying down the City's unfunded liability for retired employee health costs (OPEB obligations) - Councilmember Jim Rogers (620-6581).

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.