

City Hall 1401 Marina Way South Richmond, CA 94804

AGENDA Tuesday, October 21, 2008

MayorGayle McLaughlin

Vice MayorJohn E. Marquez

Councilmembers

Thomas K. Butt
Nathaniel Bates
Ludmyrna Lopez
Jim Rogers
Harpreet S. Sandhu
Tony K. Thurmond
Maria T. Viramontes

The Richmond City Council also serves as Board Members and Commission Members for the following:

Community Redevelopment Agency
Housing Authority
Joint Powers Financing Authority
Surplus Property Authority
Local Reuse Authority

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:

<u>PUBLIC COMMENT ON AGENDA ITEMS</u>: 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 <u>prior</u> 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. <u>Each speaker will be allowed TWO (2) MINUTES to address the City Council on NON-PUBLIC HEARING items listed on the agenda.</u>

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 <u>prior</u> 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.

<u>CONSENT CALENDAR</u>: 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 <u>prior</u> to the City Council's consideration of Item C, Agenda Review. An item removed from the Consent Calendar may be placed anywhere on the agenda following the City Council's agenda review.

The City Council's adopted Rules of Procedure recognize that debate on policy is healthy; debate on personalities is not. The Chairperson has the right and obligation to cut off discussion that is too personal, too loud, or too crude.

- A. ROLL CALL
- B. PUBLIC COMMENT
- C. <u>ADJOURN TO CLOSED SESSION</u>

Closed Session

Shimada Room of City Hall

- A. <u>CITY COUNCIL</u>
 - **A-1.** CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9):

Parchester Village 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 Section 54956.9):

One Case

City Council

7:00 p.m.

PLEDGE TO THE FLAG

- A. ROLL CALL
- B. <u>STATEMENT OF CONFLICT OF INTEREST</u>
- C. AGENDA REVIEW
- D. PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS
- E. REPORT FROM THE CITY ATTORNEY OF FINAL DECISIONS MADE AND NON-CONFIDENTIAL DISCUSSIONS HELD DURING CLOSED SESSION
- F. CONSENT CALENDAR
 - F-1. APPROVE a contract with California Skateparks for the design and construction of a grant-funded skatepark facility in Nicholl Park in an amount not to exceed \$309,055.95. (The Finance Committee reviewed this item on September 19, 2008, and recommended approval by the City Council.) Public Works (Yader A. Bermudez 231-3009).
 - **F-2.** APPROVE a contract with Astro Construction for replacement of the fence at the Burg Park Tennis Court, in an amount not to exceed \$45,100.00 Public Works (Yader A. Bermudez 231-3009).
 - **F-3.** APPROVE the Adopt-a-Park/Trail Program and DIRECT Public Works Department, Parks and Landscaping Division to implement the program Public Works (Yader A. Bermudez 231-3009).
 - **F-4.** APPROVE a contract with Mark Albertson, AIA Architect, to provide professional services to assess roof leak problems at the City's Main Library, and to identity solutions, prepare construction documents, and provide construction support to facilitate a proper repair of water leaks, in an amount not to exceed \$31,500.00 Public Works (Yader A. Bermudez 231-3009).

- F-5. ADOPT a resolution authorizing the City Manager to execute a modification to the Memorandum of Understanding between the City and IFPTE Local 21 and SEIU Local 1021 in accordance with the terms of the Tentative Agreement reached between the parties' representatives, and extending the same benefit enhancements to Exempt and Confidential Management Human Resources Department (Leslie Knight 620-6600).
- **F-6.** ADOPT a resolution formally adopting the voter approved Contra Costa County Measure L-Urban Limit Line (ULL), as the City of Richmond's ULL, for the purposes of compliance with Measure J, and DIRECT Staff to file a Notice of Determination within the time required by law Planning Department (Richard Mitchell 620-6706).
- **F-7.** APPROVE the renewal of the K-9 Maintenance Training contract between the City of Richmond and Master K-9 Inc. for the period July 1, 2008 to June 30, 2009, for a total contract price of \$10,749 Police Department (Chief Magnus Police 620-6656).
- **F-8.** ACKNOWLEDGE receipt of the City of Richmond Single Audit Report for the fiscal year ended June 30, 2007 (The Finance Committee reviewed this item on October 17, 2008, but a quorum was not present) Finance Department (James Goins 620-6740).
- F-9. APPROVE establishing a pool of performance audit firms to include Macias Consulting Group, Kevin W. Harper, CPA & Associates, Matrix Consulting Group, and MGT of America, Inc. for the internal audit program and APPROVE a contract with each member of the pool for an amount not to exceed \$150,000 (The Finance Committee reviewed this item on October 17, 2008, but a quorum was not present.) Finance Department (James Goins 620-6740).
- **F-10.** APPROVE a contract with BKF Engineers for design and construction management services associated with the Safe Route to School Improvement Project at a cost of \$47,757 Engineering Department (Rich Davidson 307-8105).

F-11. APPROVE (1) a contract with Mike Brown Electric Company for the

installation of an emergency generator at a cost of \$227,959, and (2) ACKNOWLEDGE that a staff generator purchased during the August Council recess was a proper exercise of the Emergency Procurement Authority granted under Richmond Municipal Code Section 2.52.334 in order to have installation completed by the start of this year's rainy season (The Finance Committee chair referred this item to Council, because there was no quorum at the October 17, 2008 meeting) - City Manager (Bill Lindsay 620-6512).

- **F-12.** APPROVE the following appointments: Workforce Investment Board: Ginny Kuhel, Rhonda Harris, Barbara Vineyard Mayor McLaughlin (620-6503).
- **F-13.** APPROVE the minutes of the Special Meeting held on September 23, 2008, and the regular meeting held on October 7, 2008 City Clerk's Office (Diane Holmes 620-6513).

G. PUBLIC HEARINGS

G-1. HOLD a public hearing on an appeal by Anthony Allen of the Planning Commission's September 4, 2008, approval of a Conditional Use Permit, subject to conditions, for the purpose of processing catalog and internet sales of gift baskets including wines, gift basket assembly, and a small retail alcoholic beverage store located at 1099 Essex Avenue - Planning and Building Services Department (Richard Mitchell 620-6706).

H. OPEN FORUM FOR PUBLIC COMMENT

- I. AGREEMENTS
- J. RESOLUTIONS
- K. <u>ORDINANCES</u>
 - **K-1.** ADOPT an urgency ordinance adding Chapter 2.63 to the Richmond Municipal Code authorizing the City to issue civil fines and penalties up to \$1,000 per day for failure to maintain foreclosed properties Police Department (Chief Chris Magnus 620-6656).
 - **K-2.** INTRODUCE an ordinance amending subsection 9.22.090 (3)(B) of the Richmond Municipal Code that specifies public nuisances relating to maintenance of property Councilmember Rogers (867-5725).
 - **K-3.** INTRODUCE AN ORDINANCE (first reading) amending Richmond Municipal Code Chapter 6.38 to provide enhanced enforcement power over unmaintained

L. <u>COUNCIL AS A WHOLE</u>

- L-1. DISCUSS and SUPPORT a motion to denounce the offensive and inaccurate language of the recent mailer sent out by the Richmond Police Officers Association (RPOA), and support the right of Richmond Community United for Peace to pursue their demands Mayor McLaughlin (620-6503).
- **L-2.** DIRECT staff to clarify that recent election campaign materials do not represent the views of the City of Richmond and provide direction to ensure the City of Richmond seals and other identified materials are not used in future campaign mailers Councilmember Rogers (867-7525).
- L-3. CONSIDER directing staff to implement the following internal control procedural changes: (1) AUTHORIZE the City's current auditors, Maze and Associates, to expand their current scope of work to increase Cal Card (credit) transaction sampling; (2) APPROVE the hiring of a forensic auditor to specifically audit the purchases of the Mayor's Office and other offices deemed necessary; (3) DIRECT the Finance Department purchasing staff to randomly check and more thoroughly verify department Cal Card purchases, and report to the Finance Director for appropriate action on an-ongoing basis; (4) REQUEST that the Finance Committee review monthly budget variance reports starting November 7, 2008 Finance Department (James Goins 620-6740).
- L-4. HEAR and DISCUSS a proposal to improve safety in Richmond schools and DIRECT staff to collaborate with the West Contra Costa Unified School District and Contra Costa College for the development and implementation of the Safer Schools Program Councilmember Bates (620-6581).
- L-5. DIRECT staff to identify future construction projects where the City of Richmond will serve as its own general contractor and sub-contract primarily with Richmond-based-construction companies as a strategy to increase the number of local companies working on City-funded projects Councilmembers Thurmond, Bates, Rogers, and Vice Mayor Marquez (620-6581).
- **L-6.** ESTABLISH an employee volunteer program that would allow City of Richmond employees up to five hours per month of paid leave to volunteer in Richmond schools Councilmembers Thurmond, Sandhu, and Lopez (620-6581).
- L-7. APPROVE (1) the Emergency Grant Program guidelines and application and (2) PROVIDE direction to staff regarding the implementation of a grant review process. The Finance Committee heard the item but took no action since there

was not a quorum for the October 17, 2008, meeting - City Manager's Office (Bill Lindsay 620-6512).

- M. <u>COMMUNICATIONS</u>
- N. REPORTS OF OFFICERS: STANDING COMMITTEE REPORTS, REFERRALS TO STAFF, AND GENERAL REPORTS (INCLUDING AB 1234 REPORTS)
- O. ADJOURNMENT

This agenda may be previewed on KCRT – Channel 28, Richmond Television,
City website <u>ci.richmond.ca.us</u>. 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 1401 Marina Way South.