City Hall
1401 Marina Way South
Richmond, CA 94804

AGENDA
07/31/2007

Mayor
Gayle McLaughlin

Vice Mayor
Nathaniel Bates

Council Members
Thomas K. Butt
Ludmyrna Lopez
John E. Marquez
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:

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 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.

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Morning Open Session
8:30 a.m.

A. **ROLL CALL**

B. **PUBLIC COMMENT**

C. **ADJOURN TO CLOSED SESSION**

Closed Session
Shimada Room of City Hall

A. **CITY COUNCIL**

**A-1. LIABILITY CLAIMS**

- Claimant: Donald Smith  
  Agency Claimed Against: City of Richmond

- Claimant: Karen Slentz  
  Agency Claimed Against: City of Richmond

- Claimant: James Burke  
  Agency Claimed Against: City of Richmond

- Claimant: Jay Betts  
  Agency Claimed Against: City of Richmond

- Claimant: Penny Turner  
  Agency Claimed Against: City of Richmond

**A-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**  
(Subdivision [a] of Government Code Section 54956.9)

- Marina Westshore Partners LC 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. PUBLIC EMPLOYEE PERFORMANCE EVALUATION** (Government Code
City Manager

A-5. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8)

Property: 419 E. Richmond and one adjacent parcel on E. Richmond (APNs 556-121-017 and 556-121-024)
Negotiating Parties: Steve Duran, City of Richmond, and Kevin Hampton, United Heritage Industries
Under Negotiation: Price Fair Market Value per appraisal and Terms

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Study Session
11:30 a.m. - 3:30 p.m.

The purpose of the study session is as follows

A. **DIRECT STAFF TO INITIATE A PLANNING PROCESS AND TO ANALYZE THE FEASIBILITY OF CONTRA COSTA COUNTY RELOCATING ITS HEALTH CLINIC AT 37TH STREET AND BISSELL AVENUE TO A CITY-OWNED SITE AT 27TH STREET AND MACDONALD AVENUE AND RELOCATING ITS YOUTH CENTER AT 41TH STREET AND BISSELL AVENUE TO NICHOLL PARK - COMMUNITY AND ECONOMIC DEVELOPMENT (STEVE DURAN 307-8140). 30 MINUTES**

LUNCH BREAK
12:00 p.m. – 1:00 p.m.

B. **RECEIVE UPDATE ON STATUS OF THE RICHMOND POLICE DEPARTMENT COORDINATED NEIGHBORHOOD WATCH PROGRAM (COUNCILMEMBER LOPEZ-778-8462) 30 MINUTES**

C. **RECEIVE AN UPDATE OF THE WATER TRANSIT AUTHORITY**
(WTA) RICHMOND WATERFRONT FERRY TRANSIT ORIENTED DEVELOPMENT (TOD) PLAN. OPTION 1: DIRECT STAFF TO INCORPORATE THE WTA RICHMOND WATERFRONT FERRY TOD PLAN INTO THE CITY OF RICHMOND GENERAL PLAN UPDATE. OPTION 2: DISCUSS REPORT AND PROVIDE DIRECTION TO STAFF AND THE WTA – PLANNING DEPARTMENT (RICHARD MITCHELL/LORI REESE BROWN 620-6706) - 1 HOUR

D. AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE A THREE YEAR CONTRACT WITH ADT SECURITY SERVICES, INC. TO INSTALL A CLOSED CIRCUIT TELEVISION SURVEILLANCE SYSTEM CONSISTING OF 113 CAMERAS THROUGHOUT POLICE BEATS 1-7 AND AT THE PORT FOR A TOTAL COST OF $4,000,000, WHICH IS COMPRISED OF A NOT TO EXCEED COST OF $3,833,279 FOR ADT SERVICES AND A $166,721 CONTINGENCY TO BE USED SOLELY AT THE CITY’S DISCRETION. THE CITY FUNDED PORTION IS $1,538,244 – CCTV COMMITTEE (BILL LINDSAY 620-6512) 1 HOUR

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Special Meeting Richmond Housing Authority
3:30 p.m.

A. PLEDGE TO THE FLAG

B. ROLL CALL

C. STATEMENT OF CONFLICT OF INTEREST

D. CONSENT CALENDAR

D-1. ADOPT A RESOLUTION - authorizing the Housing Authority Executive Director to submit the 2007 Public Housing Assessment System (PHAS) Certification to the U.S. Department of Housing and Urban Development. - Housing Authority (Tim Jones 621-1310).

D-2. ADOPT A RESOLUTION - authorizing the Housing Authority Executive Director to submit the 2007 Section 8 Management Assessment Program (SEMAP)
D-3. **ADOPT A RESOLUTION** - authorizing the Executive Director of the Housing Authority to enter into a purchase agreement with R.F. Associates to sell 1329-1335 Garvin Street for $165,000. The Finance Standing Committee reviewed this item on July 24, 2007, and recommended approval. - Housing Authority (Tim Jones 621-1310).

E. **ADJOURNMENT**

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**Special Meeting of Richmond Community Redevelopment Agency**

**3:35 p.m.**

**A. ROLL CALL**

**B. STATEMENT OF CONFLICT OF INTEREST**

**C. PUBLIC HEARINGS**

**C-1.** Public Hearing to adopt a resolution authorizing the execution of an agreement between the Richmond Community Redevelopment Agency and the East Bay Center for the Performing Arts setting the terms of the transfer of the Winters Building (339-11th Street). The Finance Standing Committee reviewed this item on July 24, 2007, and recommended approval. - Richmond Community Redevelopment Agency (Steve Duran 307-8140).

**D. CONSENT CALENDAR**

**D-1.** **APPROVE** - an amendment extending the term of the contract with Richard S. Kochan for federal grant consulting and facilitation services through June 30, 2008 in an amount not to exceed $63,000, including travel and reimbursable expenses. - Richmond Community Redevelopment Agency (Steve Duran 307-8140).

**E. ADJOURNMENT**

**Joint Meeting of Housing Authority/Richmond Community Redevelopment Agency/City Council**

**3:45 p.m.**
A. **ROLL CALL**

B. **STATEMENT OF CONFLICT OF INTEREST**

C. **AGENCY/AUTHORITY/COUNCIL AS A WHOLE**

C-1. Review and recommend to the Housing Authority Board of Commissioners and Agency Board policy direction regarding two policy alternatives for use of the Fire Training site. The policy alternatives are: (1) authorize the Housing Authority to continue negotiations with the Redevelopment Agency, McCormack Baron Salazar, and EM Johnson Interests to execute agreements for the acquisition and development of the Fire Training site; or (2) authorize staff to retain the Fire Training site for its current use and to identify alternative resources for the necessary capital improvements to support this effort. - Housing Authority (Tim Jones 621-1300).

D. **OPEN FORUM FOR PUBLIC COMMENT**

E. **ADJOURNMENT**

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**CITY COUNCIL**

7:00 p.m.

A. **ROLL CALL**

B. **STATEMENT OF CONFLICT OF INTEREST**

C. **AGENDA REVIEW**

D. **REPORT FROM THE CITY ATTORNEY OF FINAL DECISIONS MADE AND NON-CONFIDENTIAL DISCUSSIONS HELD DURING CLOSED SESSION**

E. **OPEN FORUM FOR PUBLIC COMMENT**

F. **PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS**

F-1. Proclamation Recognizing Tuesday, August 7th, as National Night Out 2007 -
F-2. Proclamation Honoring Susan Wittenberg for her dedication to West Contra Costa Public Schools - Mayor McLaughlin (620-6503).

G. CONSENT CALENDAR

G-1. **APPROVE** - a contract with Dutra Dredging Company to dredge the Terminal 3 berth for an amount not to exceed $597,000. The final cost figure will be based on the selected dredge material disposal option as specified in the permits to be issued by the oversight regulatory agencies during the Council recess in August, 2007. - Port (Jim Matzorkis 215-4600).

G-2. **AUTHORIZE** - payment of the City of Richmond's share of the West County Agency's FY 2007-08 Budget in an amount not to exceed $135,000. - Engineering (Rich Davidson 307-8105).

G-3. **AUTHORIZE** - payment to NRC Environmental Services in an amount not to exceed $22,961.94 for the emergency services to clean the April 2007 oil spill in Baxter Creek. - Engineering (Rich Davidson 307-8105).


G-5. **APPROVE** - a contract with W.R. Forde, Associates of Richmond for the improvements of Boat Ramp Street in the amount not to exceed $78,950 with a contingency and reserve not to exceed $14,000. - Engineering (Rich Davidson 307-8105).

G-6. **AUTHORIZE** - payment not to exceed $20,000 to Contra Costa County Public Works for the operation and maintenance of the North Richmond Storm Drain Project Pump Station. - Engineering (Rich Davidson 307-8105).

G-7. **APPROVE** - a contract not to exceed $25,000 with Downey Brand law firm for the legal review of the requirements contained in the Baykeeper Settlement Agreement. - Engineering (Rich Davidson 307-8105).

G-8. **ACCEPT** - the work completed by Bay Hawk, Inc. under the "Miscellaneous Concrete Repairs" Project performed in the 2004/05, 2005/06, and 2006/07 fiscal years. - Engineering (Rich Davidson 307-8105).

G-9. **ADOPT** - two (2) resolutions supporting the City's applications for four (4) Priority
Development Areas to the Association of Bay Area Governments and the Metropolitan Transportation Commission as follows: 1) resolution supporting two individual City applications, one for Central Richmond and one for South Richmond, and 2) resolution supporting two joint applications with other jurisdictions, one encompassing San Pablo Avenue and one for North Richmond. Community and Economic Development (Steve Duran 307-8140).

G-10. **ADOPT AN ORDINANCE** - to increase the salaries of councilmembers from $13,464 to $16,830 in FY 2007/08 - Human Resources (Leslie Knight 620-6600).

G-11. **ADOPT AN ORDINANCE** - implementing a more comprehensive salary plan for classifications in the Exempt and Confidential Management Group over a three year period, and 2) discuss with the appropriate bargaining units those identified classifications which are 10% or more out of market and which are difficult to recruit (added as a result of the June 14, 2007, Finance Committee Meeting) - City Manager (Bill Lindsay 620-6512).

G-12. **ADOPT AN ORDINANCE** - to increase the Mayor's salary from $37,200 to $54,000 September 1, 2007, and to $72,000 July 1, 2008 - Human Resources (Leslie Knight 620-6600).


G-15. **ADOPT AN ORDINANCE** - establishing wages, salary, and compensation for the new classification of Executive Secretary I/II (Salary Ranges 38C ($4187 - $5091/month] and 38D ($4617 - 5613/month), respectively) - Human Resources (Leslie Knight 620-6600).

G-16. **ADOPT AN ORDINANCE** - establishing wages, salary, and compensation for the new classification of Neighborhood Safety Director (Salary Range: $5,950 - $11,050/month) - Human Resources (Leslie Knight 620-6600).

G-17. **AUTHORIZE** - the Human Resources Management Department to allocate $30,000 for the City-wide Service and Employee and Manager of the Year Awards - Human Resources (Leslie T. Knight 620-6600).

G-18. **ADOPT** - a resolution authorizing the City Manager to sign a Joint Exercise of Powers Agreement with the East Bay Regional Communications System Authority
that will allow communication interoperability between Alameda and Contra Costa County public safety personnel. - Fire Department (Chief Michael Banks 307-8161) and Police Department (Chief Chris Magnus 620-6655).

G-19. **APPROVE** - the purchase of 24 sets of the Millennia G-Xtreme turnout gear for the new firefighter recruits; four replacement Millennia G-Xtreme turnout pants for the current firefighters; eight replacement Millennia G-Xtreme turnout coats for current firefighters; 12 sets of PBI G-Xtreme turnout gear for the new firefighter recruits while in training, and 12 sets of Premier Wildland gear for the new firefighter recruits from L.N. Curtis & Sons as the sole-source provider in the amount of $107,000. (The Finance Committee reviewed this item on July 24, 2007, and recommended approval.) - Fire Department (Chief Michael Banks 307-8041).

G-20. **APPROVE** - the contract for the purchase and installation of emergency generators at six fire stations to A.C. Construction in the amount of $198,000. (The Finance Committee reviewed this item on July 24, 2007, and recommended approval.) - Fire Department (Battalion Chief Merlin Turner, 620-6989 and Fire Chief Michael Banks, 307-8161).

G-21. **APPROVE** - the purchase of 48 pairs of Shelby Structure Gloves (various sizes); 72 pairs of Shelby Wildland Gloves; 20 Ultimate Shrouds for the Wildland helmets; 30 PGI Carbon Shield Hoods; 12 pairs of Ranger Bunker Boots; one pair of Ranger Insulated Combat L.B. Bunker Boots; 15 pairs of Pro Warrington Boots; 12 pairs of ESS Wildland Goggles; 12 ESS Wildland Goggle Adaptors and 80 Wildland Shelters for the new firefighter recruits for a total amount not to exceed $37,125 - Fire Department (Chief Michael Banks 307-8041).

G-22. **APPROVE** - an amendment to the contract with the Oakland Private Industry Council to process Individual Training Accounts for program participants. The contract amount will be increased by $214,000 for an amount not to exceed $325,192 and extend the term until to October 30, 2008. The Finance Standing Committee reviewed this item on July 24, 2007, and recommended approval. - Employment and Training (Sal Vacca 307-8006).

G-23. **ADOPT** - a resolution in support of Senate Constitutional Amendment No. 12 (Senator Torlakson) to exclude stormwater fees from the two-thirds vote required to increase property related fees. Engineering (Rich Davidson 307-8105).

G-24. **ADOPT** - a resolution authorizing the City Engineer to execute the Master Agreement, Program Supplemental Agreements, Fund Exchange Agreements and Fund Transfer Agreements associated with transportation projects eligible for Federal and/or State funding through California Department of Transportation. Engineering (Rich Davidson 307-8105).


G-29. **ADOPT** - a resolution renewing standing orders/outline agreements for technology related goods and services from various vendors in an amount not to exceed $150,000 per year per vendor for fiscal year 2007-2008. - Information Technology (Sue Hartman 620-6874).


G-31. **AUTHORIZE** - the City Manager to negotiate and execute a three year contract with ADT Security Services, Inc. to install a closed circuit television surveillance system consisting of 113 cameras throughout police beats 1-7 and at the Port for a total cost of $4,000,000, which is comprised of a not to exceed cost of $3,833,279 for ADT services and a $166,721 contingency to be used solely at the City’s discretion. The City funded portion is $1,538,244 - City Manager's Office (Bill Lindsay 620-6512).
G-32. **APPROVE** - the updated CEQA & Planning Consultant list to expand the number and variety of CEQA consultants available as resources to staff in order to improve the quality of service, depth of environmental analysis and review time. - Planning Department (Richard Mitchell, Lori Reese-Brown 620-6706).

G-33. **ADOPT** - a resolution certifying the Final EIR, adopting the Mitigation Monitoring and Reporting Program, approving a General Plan Amendment, and Tentative Tract Map No. 8451 for the Canyon Oaks II Project, and adopt the ordinance rezoning the project site. - Planning Department (Richard Mitchell/Jonelyn Whales 620-6785).

G-34. **ADOPT** - a contract amendment with MuniFinancial to conduct a Comprehensive Planning Fee Study in an amount not to exceed $13,500, for a total contract amount of $111,280. - Finance Department (James Goins 620-6946).

G-35. **This item was removed.**

G-36. **ADOPT** - a resolution to redeem Pinole Point Properties, Inc.’s Letters of Credit with the City for a cash settlement of $1,750,000. - Finance Department (James Goins 620-6946).

G-37. **APPOINT** - Steven Cabella and Lucy Lawliss to the Historic Preservation Committee and Re-appoint Sandi Genser-Maack, Judy Morgan, Kimberly Butt, Rosemary Corbin, Christopher Bowen and Charles Duncan to the Historic Preservation Committee. (Mayor McLaughlin 620-6503).

G-38. **ADOPT** - a resolution authorizing the annual acceptance of allocated funds from the Contra Costa County Emergency Medical Services Division for first responder training and other medical related equipment and supplies, under the Measure H Emergency Medical Services Program in the amount of $30,000. - Fire Department (Chief Michael Banks 307-8041).

G-39. **APPROVE** - minutes of the Evening Open Session held on July 17, 2007 - City Clerk’s Office (Diane Holmes 620-6513).

**H. PUBLIC HEARINGS**

**H-1.** PUBLIC HEARING to consider the designation of a Civic Center Historic District and adopt a resolution approving the designation of a Civic Center Historic District. - Planning Department (Richard Mitchell 620-6708).

**H-2.** PUBLIC HEARING to adopt a resolution accepting the report of the City Engineer (Director of Public Works) for the collection of Storm and Sanitary Sewer Fees and
to place Storm and Sanitary Sewer fees on the tax rolls for Fiscal Year 2007-08. - Engineering (Rich Davidson 307-8150).

H-3. Continue to September 11, 2007, a Public Hearing to (1) deny a request for approval of a General Plan Amendment, Rezoning, and Variance, for the property located at 327 South 4th Street. (2) provide direction to the General Plan Update staff to study the request for a General Plan Amendment and Rezoning to MFR-2 as part of the General Plan Update for a greater surrounding area, and, (3) direct staff to return with a draft Resolution reflecting the City Council’s action – Planning Department (Richard Mitchell, Lamont Thompson 620-6947).

I. RESOLUTIONS

J. ORDINANCES

K. COUNCIL AS A WHOLE

K-1. CONSIDER an extension of the public-comment period for the Forest Green Estates Draft Environmental Impact Report - (Councilmember Butt 236-7435).

K-2. DETERMINE whether to approve a Confidentiality Agreement with Chevron to facilitate an audit of payments of the Utility User Tax. - City Attorney (Louise Renne 620-6509).

K-3. AUTHORIZE the City Engineer, via an existing consulting contract with TetraTech, to conduct a feasibility study to determine opportunities to "green" the City's waste water treatment plant's (WWTP) system. This feasibility study could be completed within 45 days at a cost not to exceed $50,000. This includes but is not limited to comparing the available waste to energy technologies that can be implemented at the City's waste water treatment plant to reduce its impact on the environment and the City's operating costs. - Engineering (Rich Davidson 307-8105).

K-4. REVIEW Vendor Payment Policy and direct staff to provide written justification to the City Manager and City Council for all past due payments. - Vice Mayor Bates (620-6581).

K-5. DESIGNATE a voting delegate and two alternate delegates to vote at the Annual Business Meeting of the League of California Cities' Annual Conference. The Annual Conference will be held September 5-8, 2007, at the Hyatt Hotel in Sacramento, California - City Clerk's Office (Diane Holmes 620-6513).

K-6. HEAR a presentation on cell tower placement on 260 Water Street and direct staff regarding cell tower policy and placement, the potential implementation of a moratorium on cell towers subject to staff recommendations on Richmond's cell
tower policy, and the need for an inventory of existing cell tower locations in Richmond. - Mayor McLaughlin, Councilmember Butt, and Richard Mitchell (620-6503/620-6581/620-6706).

**K-7.** DIRECT staff to temporarily suspend permit and inspection fees for solar installations on residential units and report back to the City Council by June 1, 2008 with a recommendation for continuation of the suspension or partial restoration of the solar permit fees. - (Mayor McLaughlin 620-6503).

**K-8.** AUTHORIZE the City Clerk to title Study Sessions as Study and Action Sessions, when applicable. - Councilmember Rogers (620-6581).

**K-9.** DISCUSS and DIRECT staff to encourage aging in place facility care so Richmond seniors can have access to medical care in their homes and therefore avoid moving to nursing homes. - (Councilmember Rogers 867-5725).

**K-10.** DISCUSS and DIRECT staff to develop comprehensive city policy to creatively and aggressively lead by example in the fight to end global warming - (Councilmember Rogers 867-5725).

**K-11.** APPROVE a second contract amendment agreement with Environmental Science Associates (ESA) and authorize staff to spend up to $839,000 to complete the EIR process for the Chevron Hydrogen and Energy Renewal Project. - Planning Department (Richard Mitchell, Lamont Thompson 620-6947).

DIRECT the City Manager to prepare recommendations for City Council consideration at its next meeting regarding hiring additional expertise to assist in specific areas of review such as global warming, air quality, alternative cleaner technologies, and on and off-site mitigations of the Chevron Hydrogen Project EIR. - (Councilmember Rogers 867-5725).

**K-12.** APPROVE a contract amendment with Overaa Construction for the proposed construction services at the Bayview and West Side branch libraries of the Richmond Public Library in the amount of $187,428. (Library & Community Services - Monique le Conge, 620-6951).

**L. ADJOURNMENT**

This agenda may be previewed on KCRT – Channel 28, Richmond Television, City website ci.richmond.ca.us and is also posted at the Civic
Center Library and in the lobby of City Hall South