

City Hall 1401 Marina Way South Richmond, CA 94804

# AGENDA Tuesday, September 16, 2008

**Mayor**Gayle McLaughlin

**Vice Mayor**John E. Marquez

#### **Councilmembers**

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

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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.

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# **Evening Open Session**

5:00 p.m.

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

## **Closed Session**

Shimada Room of City Hall

- A. <u>CITY COUNCIL</u>
  - **A-1.** LIABILITY CLAIMS PENDING LITIGATION (Government Code Section 54956.9):

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):

Vaughn vs. City of Antioch

Communities for a Better Environment et al. vs. City of Richmond

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

City Designated Representative(s): Bill Lindsay, Leslie Knight, Lisa Stephenson, Bruce Soublet, and Chris Magnus Counsel: Jack Hughes, Liebert Cassidy Whitmore Employee Organization or unrepresented employee(s): Richmond Police Officers' Association (RPOA), and Richmond Police Management Association (RPMA)

**A-4.** PUBLIC EMPLOYEE APPOINTMENT (Government Code Section 54957.6):

City Attorney

# **Richmond Community Redevelopment Agency**

- A. ROLL CALL
- B. <u>STATEMENT OF CONFLICT OF INTEREST</u>
- C. OPEN FORUM FOR PUBLIC COMMENT

#### D. <u>CONSENT CALENDAR</u>

- D-1. ADOPT a resolution adjusting the Fiscal Year 2008 2009 Operating Budget and Five-Year (2008 2013) Capital Improvement Program Budget for the Richmond Community Redevelopment Agency to recognize that the Agency must post cash with the fiscal agent for Bond Insurance Reserves and adjust certain capital budget line items to provide the funding. The Finance Standing Committee Chair forwarded this item to the Agency Board as there was not a quorum for the September 5, 2008, meeting Richmond Community Redevelopment Agency (Steve Duran/Nickie Mastay 307-8140).
- D-2. ADOPT a resolution authorizing the application for loan and/or grant funds from the California Pollution Control Financing Authority (CPCFA) Cal ReUSE Remediation Program in an amount not to exceed \$5,000,000 to increase potential funding for the Miraflores development, and authorizing the execution of related documents to accept such loan and/or grant funding and expend funds as approved by CPCFA Richmond Community Redevelopment Agency (Steve Duran/Patrick Lynch 307-8140).

#### E. AGENCY AS A WHOLE

- **E-1.** REVIEW AND APPROVE the Urban Design and Architectural Guidelines developed through a community process for Macdonald Avenue between 8th Street and Harbour Way and authorize staff to move forward with a master developer selection process in accordance with City and Agency policies Community & Economic Development (Steve Duran/Alan Wolken 307-8140).
- **E-2.** ADOPT a resolution authorizing the Executive Director to negotiate and execute an Exclusive Right to Negotiate Agreement (ERN) with Kingston LLC for the development of market rate and affordable housing on a portion of the Miraflores Housing Development site Richmond Community Redevelopment Agency (Steve Duran/Patrick Lynch 307-8140).

#### F. <u>ADJOURNMENT</u>

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# Special Joint Meeting of the Richmond Community Redevelopment Agency/City Council

6:45 p.m.

- A. ROLL CALL
- B. STATEMENT OF CONFLICT OF INTEREST
- C. PUBLIC HEARING
  - C-1. CONTINUE the public hearing on the resolutions regarding findings and approvals under Section 33433 of the California Health and Safety Code for the development of 26 affordable rental units proposed as the Lillie Mae Jones Plaza Housing Development; and the approval of an amendment to the Disposition and Development Agreement between the Agency and CHDC for the development of 26 affordable rental units proposed as the Lillie Mae Jones Plaza Housing Development Richmond Community Redevelopment Agency (Steve Duran 307-8140).

#### D. <u>CONSENT CALENDAR</u>

P-1. ADOPT the following resolutions related to the Nevin Park Improvement Project: (1) City resolution approving a contract amendment with Bay Cities Paving and Grading, Inc., in an amount not to exceed \$470,165 for a total contract amount not to exceed \$3,293,034 for a term of August 18, 2008, to June 30, 2009, for public improvements to Nevin Park; and (2) Agency resolution approving the expenditure of funds for the contract amendment for additional public improvements to Nevin Park (The Finance Standing Committee Chair forwarded this item to the City Council/Agency Board as there was not a quorum for the September 5, 2008, meeting.) - Richmond Community Redevelopment Agency and Public Works (Steve Duran 307-8140 and Rich Davidson 307-8105).

**D-2.** ADOPT a joint resolution to approve a Memorandum of Understanding by and among the Richmond Community Redevelopment Agency, the City of

Richmond, and the Public Works Department to implement Public Improvements in Redevelopment Project Areas by making capital improvements as needed to circulation, streets, parking, gateways, public transportation facilities, sewer and water systems, utilities and parks - Richmond Community Redevelopment Agency (Steve Duran/Alan Wolken 307-8140).

**D-3.** ADOPT a joint resolution to approve a Memorandum of Understanding by and among the Richmond Community Redevelopment Agency, the City of Richmond and the Library and Cultural Services Department to implement a Mural Clean-up Program in Redevelopment Project Areas - Richmond Community Redevelopment Agency (Steve Duran/Alan Wolken 307-8140).

#### E. ADJOURNMENT

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## **CITY COUNCIL**

7:00 p.m.

- A. ROLL CALL
- B. <u>STATEMENT OF CONFLICT OF INTEREST</u>
- C. <u>AGENDA REVIEW</u>
- D. PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS
- E. REPORT FROM THE CITY ATTORNEY OF FINAL DECISIONS MADE AND NON-CONFIDENTIAL DISCUSSIONS HELD DURING CLOSED SESSION
- F. <u>CONSENT CALEND</u>AR
  - **F-1.** ADOPT a resolution authorizing the Director of Planning and Building Services to initiate a request to the Postmaster of the United States Postal Service to change the addresses of the Richmond Memorial Auditorium, Hall of Justice, and City Hall buildings to 403, 440 and 450 Civic Center Plaza, respectively Planning and Building Services Department (Richard Mitchell 620-6706).
  - **F-2.** APPROVE a twelve-month contract with Kevin Harper, CPA for auditing services in conjunction with the city's internal audit program it an amount not to exceed \$150,000 (The Finance Committee Chair forwarded this item to the City

- Council, as there was not a quorum for the September 5, 2008 meeting.) Finance Department (James Goins 620-6740).
- F-3. APPROVE a contract with the firm of Mark Albertson, AIA to provide professional services needed to: (1) determine existing construction defect conditions at the Richmond Swim Center; and (2) prepare construction remediation design plans and specifications for the Richmond Swim Center in an amount not to exceed \$215,225.00 Public Works (Yader A. Bermudez 231-3009).
- **F-4.** APPROVE the sale of a surplus fire truck to the City of El Cerrito Fire Department for \$45,000.00, in compliance with adopted City of Richmond policy that allows transfers of surplus property to public agencies and non-profit organizations Public Works (Yader A. Bermudez 231-3009).
- F-5. APPROVE Contract Amendment No.1 with Bay Hawk, Inc. for concrete repair services, increasing the contract value by \$200,000 for a total of \$559,950 while maintaining the term expiration of June 30, 2009 (The Finance Committee Chair forwarded this item to the City Council, as there was not a quorum for the September 5, 2008, meeting.) Engineering Department (Rich Davidson 307-8105).
- **F-6.** APPROVE a contract with Bay Cities Paving & Grading, Inc. for the construction of 2008 Pavement Rehabilitation Project in the amount of \$4,039,862 (The Finance Standing Committee Chair forwarded this item to the City Council as there was not a quorum for the September 5, 2008, meeting) Engineering Department (Rich Davidson 307-8105).
- **F-7.** ADOPT an ordinance (second reading) regulating public right-of-way encroachments and establishing encroachment permit requirements for video service providers, utilities and special districts Engineering Department (Rich Davidson 307-8105).
- **F-8.** APPROVE a contract with Koff & Associates, Inc. to provide recruitment services for the Public Safety Technology Supervisor position from September 17, 2008, to January 31, 2009, in an amount not to exceed \$22,000 Human Resources (Leslie Knight 620-6600).
- **F-9.** ADOPT an ordinance (second reading) establishing wages, salary, and compensation for the new classification of Neighborhood Change Agent Human Resources (Leslie Knight 620-6600).

- **F-10.** ADOPT an ordinance (second reading) amending the City's contract with CalPERS to permit active members of the City's Police and Firemen's Pension Plan to transfer to CalPERS Human Resources (Leslie Knight 620-6600).
- F-11. APPROVE amendment one to the legal services agreement with Gordon Hart of Paul, Hastings, Janofsky, and Walker to facilitate the Navy's early transfer of Point Molate by assisting in the preparation of required documents, increasing the contract amount by \$200,000 for a total contract amount not to exceed \$275,000 while maintaining the term expiration of December 31, 2009 (The Finance Standing Committee Chair forwarded this item to the City Council as there was not a quorum for the September 5, 2008, meeting.) City Manager's Office (Bill Lindsay 620-6512).
- **F-12.** APPROVE the following appointments: Historic Preservation Committee: Richard Borjes, term expires 7/31/10; Richmond/Zhoushan Friendship Commission: Carl Adams, term expires 9/16/10 Mayor McLaughlin (620-6503).

#### G. <u>PUBLIC HEARINGS</u>

#### H. OPEN FORUM FOR PUBLIC COMMENT

## I. <u>AGREEMENTS</u>

#### J. <u>RESOLUTIONS</u>

- ADOPT a resolution authorizing the issuance of Variable Rate Wastewater Revenue Refunding Bonds, Series 2008A, and approve the forms of a third supplemental indenture, a bond purchase agreement, a remarketing agreement, a reimbursement agreement and an official statement, and authorize staff to undertake certain other actions in connection with the refunding. The total amount of the bonds will not exceed 35 million dollars Finance Department (James Goins 620-6740).
- **J-2.** ADOPT a resolution to endorse Measure T, the Business License Act, also known as "A Fair Share for Richmond", on the November 4, 2008, ballot Mayor McLaughlin, Councilmember Butt, and Councilmember Thurmond (620-6503/620-6581).

#### K. <u>ORDINANCES</u>

#### L. COUNCIL AS A WHOLE

**L-1.** ADOPT (1) a resolution approving the City of Richmond becoming a signatory

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to the Urban Environmental Accords; (2) RECEIVE an update on City's newly established structure to implement environmental initiatives and a status report on those initiatives; (3) ADOPT a resolution committing to the greenhouse gas (GHG) emissions targets established by AB 32, California Global Warming Solutions Act of 2006; (4) CONSIDER utilizing the taskforce proposed by the Chair of the Economic Development Commission to help implement the Urban Accords - City Manager's Office (Bill Lindsay 620-6512).

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

## N. 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.