



**City Hall
1401 Marina Way South
Richmond, CA 94804**

**AGENDA
Tuesday, May 5, 2009**

**Mayor
Gayle McLaughlin**

**Vice Mayor
Ludmyrna Lopez**

**Councilmembers
Nathaniel Bates
Thomas K. Butt
Jeff Ritterman
Jim Rogers
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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EVENING OPEN SESSION

5:00 p.m.

- A. **ROLL CALL**
- B. **PUBLIC COMMENT**
- C. **ADJOURN TO CLOSED SESSION**

CLOSED SESSION

Shimada Room of City Hall

A. **CITY COUNCIL**

- A-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Subdivision [a] of Government Code Section 54956.9):

Andre Mogannam vs. City of Richmond: Claims Settlement Authorization

Martin vs. City of Richmond

Citizens of the East Shore State Parks vs. City of Richmond

Communities for a Better Environment vs. City of Richmond

- A-2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
(Initiation of litigation pursuant to Subdivision (c) of Section 54956.9):

One case

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**SPECIAL JOINT MEETING OF THE RICHMOND COMMUNITY
REDEVELOPMENT AGENCY/CITY COUNCIL**

6:30 p.m.

PLEDGE TO THE FLAG

A. ROLL CALL

B. STATEMENT OF CONFLICT OF INTEREST

C. PUBLIC HEARING

C-1. Public hearing to: (a) receive testimony regarding the proposed 2009-2010 Annual Consolidated Action Plan and Substantial Amendment to the 2008-09 Consolidated Action Plan and (b) adopt a City Council resolution approving the Annual Consolidated Action Plan and authorizing the submittal of the 2009 Annual Consolidated Plan to HUD Richmond Community Redevelopment Agency (Steve Duran/Patrick Lynch 307-8140).

D. ADJOURNMENT

Tuesday, May 5, 2009

**JOINT MEETING OF THE JOINT POWERS FINANCE
AUTHORITY/CITY COUNCIL**

6:45 P.M.

A. ROLL CALL

B. STATEMENT OF CONFLICT OF INTEREST

C. CONSENT CALENDAR

C-1. ADOPT the following three resolutions: (1) an amended and restated resolution of the Joint Powers Financing Authority authorizing the issuance and delivery of its not-to-exceed \$30,000,000 Point Potrero Lease Revenue Bonds and \$21,000,000 Point Potrero Taxable Lease Revenue Bonds (collectively, the "bonds"), and the execution and delivery of a trust agreement, a bond purchase contract, a site lease, a facilities lease, an official statement, and certain other actions in connection with the issuance, sale and delivery of such bonds; (2) an amended and restated resolution of the City Council approving the forms of a facilities lease, a bond purchase contract, a continuing disclosure agreement, an official statement, and certain other actions; and (3) a resolution of the City Council approving the issuance of tax exempt securities for the financing of a port-related project and related actions - Finance Department (James Goins 620-6740).

D. ADJOURNMENT

Tuesday, May 5, 2009

CITY COUNCIL

7:00 p.m.

A. ROLL CALL

B. STATEMENT OF CONFLICT OF INTEREST

C. AGENDA REVIEW

D. PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

D-1. Proclamation designating Public Service Recognition Week, May 4th - May 10th - Mayor's Office (Mayor McLaughlin 620-6503).

D-2. Presentation of the Manager and the Employee of the Year Awards - City Manager (Bill Lindsay 620-6512).

E. CONSENT CALENDAR

E-1. APPROVE the purchase and installation of nine Motorola high-band base radios and accessories from Khavarian Enterprises, Inc., dba Vision Communications Co., in the amount of \$17,152.12 - Fire Department (Chief Michael Banks 307-8041).

E-2. ADOPT a resolution authorizing the execution and delivery of a swap agreement relating to the City's wastewater bonds and authorizing certain other actions in connection therewith - Finance Department (Jim Goins 620-6740).

E-3. APPROVE a resolution memorializing the July 2007 authorization of service contracts for as-needed CEQA consulting services in an amount not to exceed \$400,000 per vendor, per project over a three-year period, August 2007 through July 2010 - Planning and Building Services Department (Richard Mitchell 620-6706).

E-4. ADOPT an ordinance (second reading) amending Richmond Municipal Code Section 9.46 to strengthen restrictions on alcoholic beverage advertising - Councilmember Rogers (867-5725).

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- E-5.** ADOPT a resolution authorizing City departments to submit applications for American Recovery and Reinvestment Act of 2009 (ARRA) funding and appropriating any resulting grant proceeds into the departments' or capital improvement program budget, as appropriate - Finance Department (Jim Goins 620-6740).
- E-6.** APPROVE a second amendment to the Pre-Development Services Agreement between the City of Richmond and Auto Warehousing Company (AWC), providing for \$1,055,000 in additional reimbursement to AWC for documented pre-development expenses incurred pursuant to the initial Pre-Development Services Agreement between the Port of Richmond (POR) and AWC (this item was reviewed and recommended for approval by the Finance Committee at its April 17, 2009, meeting) - Port (Jim Matzorkis 215-4600).
- E-7.** APPROVE the Finance Committee's recommendation to direct staff, working with Glen Price, to apply for a Federal DOE stimulus grant to support Greenprint and request inclusion from Congressman Miller in the Transportation Bill, and apply for future Greenprint funding opportunities, as long as no City money is needed for a match - Councilmember Rogers (867-5725).

F. OPEN FORUM FOR PUBLIC COMMENT

G. COUNCIL AS A WHOLE

- G-1.** ACKNOWLEDGE receipt of proposed Fiscal Year 2009-2010 Annual Operating Budget and proposed Fiscal Year 2009-2014 Five-Year Capital Improvement Budget pursuant to Section 2.61.010 of Ordinance 42-07, and confirm schedule for final adoption (the Fiscal Year 2009/2010 Budget will be discussed at the May 19, 2009, City Council Meeting) - Finance Department (James Goins 620-6740).
- G-2.** RECEIVE an update on the status of the Chevron Hydrogen Renewal Project, including construction permits issued, planned phases of construction, implementation of mitigation measures, and compliance with conditions of use permit - Planning and Building Services Department (Richard Mitchell 620-6706).

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- G-3.** ADOPT a resolution to submit to Richmond voters an ordinance amending the City's Utility Users' Tax (UUT) so that all users, including large industrial users, shall pay utility users' taxes based on actual usage, and to ensure that the tax covers all gas which is used or consumed to produce energy or for any other purpose, at the November 2010 election, and direct staff to take all steps to include it in the official election resolution that will be prepared next June for the November election - Councilmember Ritterman (620-6581).
- G-4.** ADOPT a resolution to submit to Richmond voters an ordinance amending the City's Utility Users' Tax, so that all users, including large industrial users, shall pay utility users' taxes based on actual usage, at the November 2010 election, and direct staff to take all steps to include it in the official election resolution that will be prepared next June for the November election - Councilmember Rogers (620-6581).
- G-5.** APPROVE an allocation of \$10,000 to assist in funding the North Richmond Shoreline Open Space Festival on September 26, 2009, and direct staff to include such funding in the FY 2009-2010 Annual Operating Budget (this item was reviewed and recommended for approval by the Finance Committee at its April 17, 2009, meeting) - Mayor's Office (Mayor McLaughlin 620-6503).
- G-6.** DIRECT staff to work with the Contra Costa County Homeless Program to develop and implement a plan to effectively utilize \$599,735 in HUD homelessness prevention funds, allocated to the City of Richmond pursuant to the American Recovery and Reinvestment Act, for homelessness prevention and rapid re-housing, and authorize staff to enter into agreements necessary to facilitate this partnership - Mayor's Office (Mayor McLaughlin 620-6503).
- G-7.** DISCUSS and DIRECT staff concerning approaches to increase the utilization of under-utilized land in the Richmond BART area - Councilmember Rogers (867-5725).

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

I. ADJOURNMENT

This agenda may be previewed on KCRT – Channel 28, Richmond Television, City website 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.