



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

**AGENDA
Tuesday, October 7, 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**

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.

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. **LIABILITY CLAIMS - PENDING LITIGATION** (Government Code Section 54956.9):

Penny Turner vs. City of Richmond

- A-2. **CONFERENCE WITH LABOR NEGOTIATORS** (Government Code Section 54957.6):

City Designated Representative(s): Bill Lindsay and Leslie Knight
Employee Organization or unrepresented employee(s): Exempt Employees

- A-3. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION** (Government Code Section 54957.6):

City Manager

City Clerk

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

City Attorney

- A-5. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**
(Subdivision [a] of Government Code Section 54956.9):

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

Toll Brothers, Inc. vs. City of Richmond and Richmond Community
Redevelopment Agency

- A-6. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** (Government Code

Tuesday, October 7, 2008

Section 54956.8):

Property: 1320 Canal Boulevard, Richmond, CA 94804
Negotiating Parties: Jim Matzorkis, City of Richmond
Negotiations: Price and Terms

Richmond Community Redevelopment Agency

6:30 p.m.

Pledge to the Flag

- A. ROLL CALL**
- B. STATEMENT OF CONFLICT OF INTEREST**
- C. OPEN FORUM FOR PUBLIC COMMENT**
- D. CONSENT CALENDAR**

D-1. ADOPT a resolution approving a contract with Thomas D. Eychner Co., Inc. in an amount not to exceed \$156,000 for the demolition of the Agency-owned building at 1101 Macdonald Avenue. (The Finance Committee reviewed this item at its September 19, 2008, meeting and recommends approval by the Agency Board) - Richmond Community Redevelopment Agency (Steve Duran/Alan Wolken 307-8140).

D-2. ADOPT a resolution adjusting the Fiscal Year 2008 - 2009 Budget for the Agency to provide tax increment funding instead of Economic Development Initiative (EDI) funds for the development of the Brookside Community Health Center (BCHC) and authorizing the Executive Director to negotiate and enter into agreements to expend those funds - Richmond Community Redevelopment Agency (Steve Duran/Patrick Lynch 307-8140).

D-3. APPROVE minutes of the regular meetings held on July 29, September 2, and September 16, 2008 - City Clerk's Office (Diane Holmes 620-613).

- E. ADJOURNMENT**

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

6:35 p.m.

A. ROLL CALL

B. STATEMENT OF CONFLICT OF INTEREST

C. PUBLIC HEARING

C-1. HOLD a public hearing and ADOPT the following resolutions: (1) **Resolution of the Council of the City of Richmond** making and approving certain 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 (2) **Resolution of the Members of the Richmond Community Redevelopment Agency (“Agency”)** (a) making and approving certain findings and approvals under Section 33433 of the California Health and Safety Code, approving 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, and authorizing the Executive Director to execute the same; and (b) authorizing the Executive Director to enter into loan contracts for the expenditure of up to \$4,017,000 for the Development. The Finance 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 (Steve Duran/Patrick Lynch 307-8140).

D. ADJOURNMENT

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. Presentation recognizing October 5 - 11, 2008, as Fire Prevention Week, with the theme of "Prevent Home Fires" - Fire Department (Chief Michael Banks 307-8061).

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 Shah-Kawasaki Architects to design and provide technical support during the construction of the new Richmond Fire Station No. 66 at 4100 Clinton Avenue and an adjacent children's "tot lot" in an amount not to exceed \$527,000 - Public Works Department (Yader A. Bermudez 231-3009).

F-2. ADOPT a resolution authorizing service contracts with five (5) selected vendors (Treadwell & Rollo, Inc., Fugro West, Inc., Nichols Consulting, AGS, Inc., and Kleinfelder) for as-needed geotechnical engineering services to expedite the design of capital improvement projects for an amount not to exceed \$350,000 per vendor over a three-year period. (The Finance Committee reviewed this item at their meeting of September 19, 2008 and recommends City Council approval.) - Public Works Department (Yader Bermudez 231-3009).

F-3. APPROVE a contract amendment with Shute, Mihaly & Weinberger, LLP increasing the contract amount from \$400,000 to \$700,000 to cover the cost of services related to reviewing and processing of the Chevron Hydrogen and Energy Renewal Project, with these additional costs reimbursed from the Chevron funded development account. (This item was reviewed and approved by the Finance Committee on September 19, 2008.) - Planning and Building Services Department (Richard Mitchell 620-6706).

F-4. APPROVE purchase of RouteMatch TS Scheduling Software and Automatic Vehicle Location/Mobile Data Computer ("AVL/MDC") devices from RouteMatch Software, Inc. in Atlanta, Georgia, for the Paratransit Division in an amount not to exceed \$204,683. (This item was referred to the Council by the Chair of the Finance Committee.) - Recreation Department (Keith Jabari 620-6791).

- F-5.** APPROVE an agreement with the BNSF Railway Company for the installation of Constant Warning Time equipment on Ohio Avenue in an amount not to exceed \$145,083, which will allow for the creation of a "quiet zone" in this area. (This item was moved directly to the City Council agenda due to the cancellation of the most recent Finance Committee meeting.) - Engineering (Rich Davidson 307-8105).
- F-6.** ADOPT a resolution approving the Final Map for Subdivision 9239 (located on Santa Fe Avenue in the Point Richmond area), and directing the recording of said map with the County Recorder - Engineering (Rich Davidson 307-8105).
- F-7.** ADOPT a resolution approving the Final Map of Subdivision 8771 (Sunset Court in the El Sobrante area), authorizing the execution of the Improvement Agreement with TC and PIN Developers, LLC and directing the recording of said map with the County Recorder - Engineering (Rich Davidson 307-8105).
- F-8.** ADOPT a resolution affirming authorization of the Finance Director to determine the initial interest rate mode of the Wastewater Revenue Refunding Bonds and to amend the existing interest rate swap or execute a fixed receiver interest rate swap, if it is in the City's best interest - Finance Department (James Goins 620-6740).
- F-9.** ADOPT a resolution authorizing the acceptance and appropriation of \$27,238 from the State of California Department of Conservation (DOC) 2008/09 City/County Payment Program to fund improved recycling programs throughout City buildings and parks - City Manager's Office (Bill Lindsay 620-6512).
- F-10.** ADOPT a resolution authorizing the acceptance and appropriation of \$8,142 in grant funding from the West Contra Costa Integrated Waste Management Authority - City Manager's Office (Bill Lindsay 620-6512)
- F-11.** APPROVE the minutes of the regular meetings held on September 2 and September 16, 2008 - City Clerk's Office (Diane Holmes 620-6513).

G. PUBLIC HEARINGS

- G-1.** HOLD a public hearing concerning the July 23, 2008, Design Review Board (DRB) approval of a permit for construction of a \pm 900 square foot two-story addition to an existing single-family residence located at 3045 Keith Drive in the May Valley neighborhood, and AFFIRM, DENY, or MODIFY the decision of the DRB - Planning and Building Services Department (Richard Mitchell 620-6706).

H. OPEN FORUM FOR PUBLIC COMMENT

I. AGREEMENTS

J. RESOLUTIONS

K. ORDINANCES

L. COUNCIL AS A WHOLE

L-1. DIRECT staff to prepare an ordinance or variance to permit the listing of specific stores/businesses on the Hilltop Mall pylon visible from Interstate-80 - Councilmember Rogers (867-5725).

L-2. REVIEW, DISCUSS and DIRECT staff on irregularities in the General Fund Budget expenditures - Councilmember Viramontes (620-6581).

L-3. DIRECT staff to review the process by which commercial code compliance and enforcement is implemented in the City of Richmond and CONSIDER amendments to RMC Chapter 6.38. - Mayor McLaughlin and Councilmember Butt (236-7435).

M. COMMUNICATIONS

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 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 1401 Marina Way South.