



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

**AGENDA
Tuesday, December 16, 2008**

**Mayor
Gayle McLaughlin**

**Vice Mayor
John E. Marquez**

**Councilmembers
Thomas K. Butt
Nathaniel Bates
Ludmyrna Lopez
Jim Rogers
Harpreet S. Sandhu
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. **LIABILITY CLAIMS - PENDING LITIGATION (Government Code Section 54956.9):**

Claimant: Jimmy Russey
Worker's Compensation 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):**

Parchester Village vs. City of Richmond

- A-3. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Initiation of litigation pursuant to Subdivision (c) of Section 54956.9):**

Two Cases

- A-4. **CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6):**

City Designated Representative(s): Bill Lindsay, Leslie Knight, Lisa Stephenson, Bruce Soublet, and Jack Hughes
Employee Organization or unrepresented employee(s): Richmond Police Officer's Association

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A-5. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957.6):

City Manager

City Clerk

B. REDEVELOPMENT AGENCY

B-1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8):

Property: APN 513-340-046, west side of San Pablo Avenue 100' south of Bissell Avenue (aka the "Adachi" parcel)

Negotiating Parties: Richmond Community Redevelopment Agency and Community Housing Development Corporation of North Richmond
Negotiation: price and terms

Property: APN 513-321-002, South 47th Street and Florida Avenue

Agency Negotiator: Steve Duran, Richmond Community Redevelopment Agency
Negotiating Parties: Richmond Community Redevelopment Agency and the Carey 1985 Trust

Negotiation: Price and Terms of Payment

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RICHMOND COMMUNITY REDEVELOPMENT AGENCY

6:30 p.m.

A. ROLL CALL

B. STATEMENT OF CONFLICT OF INTEREST

C. OPEN FORUM FOR PUBLIC COMMENT

D. CONSENT CALENDAR

- D-1.** ADOPT a resolution selecting RH Properties I, LLC ("RH Properties") as the Master Developer for the I-80 Shopping Center and authorizing the Executive Director to negotiate and execute an Exclusive Right to Negotiate (ERN) Agreement - Richmond Community Redevelopment Agency (Steve Duran/Alan Wolken 307-8140).
- D-2.** ADOPT a resolution approving a contract for the purchase of real property identified as Assessor's Parcel Number (APN) 512-321-002, lots 11, 12 and 13 of the "Map of Mount Tract". The parcel is located north of Florida Avenue and south of the BART tracks, and is associated with the Miraflores Housing Development. The purchase price is in the amount of \$137,500 and closing costs are approximately \$12,500 - Richmond Community Redevelopment Agency (Steve Duran/Patrick Lynch 307-8140).
- D-3.** ADOPT a resolution and APPROVE a contract for the purchase of real property identified as Assessor's Parcel Number (APN) 513-340-046-4, totaling 1.73 acres or 75,359 square feet. The parcel is located on San Pablo Avenue, south of Bissell Avenue, in the City of Richmond. Purchase price is in the amount of \$1,200,111.55 - Richmond Community Redevelopment Agency (Steve Duran/Patrick Lynch 307-8140).
- D-4.** ADOPT a resolution terminating the 12th and Macdonald Disposition and Development Agreement (DDA) with 12th and Macdonald, LLC and authorize the Community and Economic Director to negotiate and execute an Exclusive Right to Negotiate Agreement (ERN) with The Olson Company - Richmond Community Redevelopment Agency (Steve Duran/Alan Wolken 307-8140).

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D-5. APPROVE the minutes of the Special Meeting held on November 18, 2008 - City Clerk's Office (Diane Holmes 620-6513).

E. ADJOURNMENT

**JOINT MEETING OF THE SURPLUS PROPERTY
AUTHORITY/JOINT POWERS FINANCING AUTHORITY/CITY
COUNCIL**

6:45

A. ROLL CALL

B. STATEMENT OF CONFLICT OF INTEREST

C. RESOLUTIONS

C-1. ADOPT the following three resolutions: (1) A resolution of the Surplus Property Authority approving the form of and authorizing the execution of a site lease; (2) A resolution of the Joint Powers Financing Authority authorizing the issuance of its not to exceed \$27,000,000 Point Potrero Lease Revenue Bonds and \$18,000,000 Point Potrero Taxable Lease Revenue Bonds (collectively, "The Bonds"), and the execution and delivery of a trust agreement, a bond purchase agreement, a site lease, a facilities lease, an official statement and a continuing disclosure agreement; and (3) A resolution of the City Council approving the forms of a facilities lease, a trust agreement, an official statement, a bond purchase agreement, and a continuing disclosure agreement - Finance (Jim Goins 620-6740).

D. ADJOURNMENT

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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 of a certificate to Richmond natives Sammie Lee Hill and Dean Andre for co-writing the theme song for the motion picture film "Space Camp 2" - Mayor McLaughlin and Councilmember Sandhu (620-6581).

D-2. Proclaim that the City of Richmond is committed to partnering with the US Census Bureau to help ensure a full and accurate count in 2010 - Mayor McLaughlin (620-6503).

D-3. Presentation of a certificate recognizing and honoring Mr. John Williams, long-time Richmond resident, for his long career of service to the community of Richmond, especially his dedicated work with our youth - Mayor McLaughlin (620-6503).

D-4. Presentation of a certificate in recognition of the 30th anniversary of El Nuevo Mundo Childcare Center - Mayor McLaughlin and Vice Mayor Marquez (510-620-6581).

D-5. Presentation of a certificate to Sal Vaca, Director of Employment & Training, for receiving the 2008 Director's Community Leadership Award for the Richmond BUILD program - Mayor McLaughlin, Vice Mayor Marquez, and Councilmember Lopez (510-620-6581).

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 resolution authorizing service contracts with five (5) selected vendors: Kister, Savio and REI, Richmond; BKF Engineers, Richmond; Towill, Inc., Concord; RBF Consulting, Walnut Creek; Woodrogers, Oakland to

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provide as-needed land surveying services to support the design of capital improvement projects in an amount not to exceed \$200,000 per vendor over a three-year period (A quorum was not present at the December 5, 2008, Finance Committee meeting; the recommended action is being referred to the City Council) - Public Works (Yader Bermudez 231-3008).

- F-2.** APPROVE a contract between Kappe+Du Architects and Public Works Department to provide professional design services for remodeling restrooms at the Senior Center to bring them in compliance with the Americans with Disabilities Act in an amount not to exceed \$18,400 – Public Works (Yader A. Bermudez 231-3009).
- F-3.** APPROVE a contract with Air-Sea Containers, Inc. for the purchase and delivery of a Live Fire Search and Rescue Building at the Fire Training Center in an amount not to exceed \$35,120.81 - Fire Department (Chief Michael Banks 307-8041).
- F-4.** APPROVE a contract in the amount of \$60,000 for the East Bay Center for the Performing Arts to support ongoing arts programs and collaborations with the City, as allocated in the FY 2008-09 General Fund Budget – Library & Cultural Services (Monique A. le Conge/Michele Seville 510-620-6952).
- F-5.** APPROVE a contract in the amount of \$60,000 for the National Institute of Art & Disabilities (NIAD) to support ongoing arts programs and collaborations with the City, as allocated in the FY 2008-09 General Fund Budget – Library & Cultural Services (Monique A. le Conge/Michele Seville 510-620-6952).
- F-6.** APPROVE a contract in the amount of \$60,000 with the Richmond Art Center to support ongoing arts programs and collaborations with the City, as allocated in the FY 2008-09 General Fund Budget – Library & Cultural Services (Monique A. le Conge/Michele Seville 510-620-6952).
- F-7.** APPROVE a contract amendment with Psomas, increasing the amount by \$155,625 to \$244,725, to provide geographical information system (GIS) services to update the wastewater collection system's GIS mapping layer (A quorum was not present at the December 5, 2008 Finance Committee and no recommendation on this contact amendment was made to the City Council.) - Engineering Department (Rich Davidson 307-8105).
- F-8.** APPROVE a contract amendment with Courtyard by Marriott in the amount of \$3,000, for a total not-to-exceed contract amount of \$17,500 from \$14,500 to provide additional meeting space and catering services for the Firefighter Trainee interviews - Human Resources (Leslie Knight 620-6600).

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- F-9.** ACCEPT the \$300,000 Target Corporation "Safe City" Grant awarded to the City of Richmond - Police Department (Police Chief Magnus 620-6656).
- F-10.** ADOPT an ordinance (second reading) amending Richmond Municipal Code Sections 9.20.150 and 9.20.155 to increase the solid waste collection rates to reflect a 3.61% change in the Consumer Price Index (CPI) – City Attorney's Office (Randy Riddle 620-6509).
- F-11.** ADOPT an ordinance (second reading) regulating the use of common City seals and other official City insignia - City Attorney's Office (Randy Riddle 620-6509).
- F-12.** APPROVE Amendment No. 2 for the Legal Services Agreement with Gordon Hart of Paul, Hastings, Janofsky, and Walker (Paul Hastings) to facilitate the Navy's early transfer of Point Molate by assisting in the preparation of required documents, increasing the contract amount by \$100,000 for a total contract amount of \$375,000 while maintaining the term expiration of December 31, 2009, (A quorum was not present at the December 5, 2008, Finance Committee meeting and no recommendation was made to the City Council) - City Manager's Office (Bill Lindsay 620-6512).
- F-13.** ADOPT a resolution approving the City's Authorized Broker/Dealer List to allow designated broker/dealers to offer investment instruments to the City of Richmond in accordance with Government Code 53601 (A quorum was not present at the December 5, 2008, Finance Committee and no recommendation was made to the City Council) – Finance Department (James Goins 620-6740).
- F-14.** ADOPT a resolution amending Richmond's Conflict of Interest Code - City Attorney's Office (Randy Riddle 620-6509).
- F-15.** ADOPT an ordinance (second reading) amending Richmond Municipal Code Section 2.62.040 setting a two-tier fine system for administrative citations - Police Department (Chief Magnus 620-6656).
- F-16.** ADOPT the Resolution Declaring the Canvass of Returns and Result of the General Municipal Election held on November 4, 2008 - City Clerk's Office (Diane Holmes 620-6513).
- F-17.** APPROVE the minutes of the Regular Meeting held on November 18 and the Special Meeting held on November 25, 2008 - City Clerk's Office (Diane Holmes 620-6513).

G. PUBLIC HEARINGS

- G-1.** Public hearing to consider the following actions related to the project site located at 3151 Garrity Way: (1) ADOPTION of a Resolution approving the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; (2) ADOPTION of a Resolution approving the General Plan Amendment amending the text and maps of the Richmond General Plan; (3) APPROVAL of an Ordinance establishing the MFR-4 Very High Density Multifamily Residential Zoning District; and (4) ADOPTION of a Resolution approving the Design Review Permit DR110442, subject to conditions of approval and Project Plans - Planning & Building Services Department (Richard Mitchell 620-6706).
- G-2.** **Continued to January 6, 2009**, the public hearing on an appeal by Mary Selva, representing the Richmond Annex Neighborhood Council and Point Isabel Dog Owners, and determination whether to AFFIRM, MODIFY, or REVERSE the Planning Commission's decision to adopt the Mitigated Negative Declaration and approve the Design Review Permit for the Kohl's Department Store project; and in the event of approval or approval with modification of the decisions: (1) ADOPT a resolution approving the General Plan Amendment to change the land use designation for the project site from 920, Industrial/Office Flex to 930, Regional Commercial; (2) INTRODUCE an ordinance approving the Rezone to change the zoning classification for the project site from M-1, Industrial/Office Flex to C-3, Regional Commercial; and (3) INTRODUCE an ordinance to amend Section 15.04.850.020 of the Zoning Ordinance to reduce the City's parking stall length requirement from 18.5 to 18 feet - Planning and Building Services Department (Richard Mitchell 620-6706).

H. OPEN FORUM FOR PUBLIC COMMENT

I. AGREEMENTS

J. RESOLUTIONS

K. ORDINANCES

- K-1.** INTRODUCE an ordinance (first reading) amending Richmond Municipal Code Subsection 9.42.070(A) to create a process for graffiti abatement from public and private property, and a means of assessing fees on property owners when the City removes graffiti from private property - Police Department (Chief Magnus 620-6656).

L. COUNCIL AS A WHOLE

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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 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.