



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

**AGENDA
Tuesday, January 6, 2009**

**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**

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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):
 - Parchester Village vs. City of Richmond
 - Fred H. Arm vs. City of Richmond
 - Communities for a Better Environment vs. City of Richmond
 - A-2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code
Section 54957.6):
 - City Manager
 - City Clerk

SPECIAL MEETING RICHMOND HOUSING AUTHORITY

6:00 p.m.

- A. **PLEDGE TO THE FLAG**
- B. **ROLL CALL**

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C. STATEMENT OF CONFLICT OF INTEREST

D. OPEN FORUM FOR PUBLIC COMMENT

E. CONSENT CALENDAR

E-1. ADOPT a resolution authorizing the Executive Director to execute a contract with Mason Security Services, Inc. to provide security services for the Nevin Plaza and Hacienda Public Housing Senior Developments, for a one-year term with three optional one-year extensions, at a cost of \$214,272 annually (a quorum was not present at the December 5, 2008 Finance Committee and no recommendation was made to the City Council) - Housing Authority (Tim Jones 621-1310).

F. ADJOURNMENT

RICHMOND COMMUNITY REDEVELOPMENT AGENCY

6:45 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 approving a contract with Scientific Art Studio in an amount not to exceed \$58,565 with a term of January 1, 2009 through December 31, 2009 for the fabrication and installation of historical landmark structures and interpretive panels as part of the West Macdonald Avenue Street Improvement Project - Richmond Community Redevelopment Agency (Steve Duran/Alan Wolken 307-8140).

D-2. ADOPT a resolution authorizing the Executive Director to execute a month-to-month lease in the form of a Valet Parking Agreement with Ford Point, LLC to allow valet parking services at the Agency's property located west of the Ford Assembly Building. - Richmond Community Redevelopment Agency (Steve Duran/Alan Wolken 307-8140).

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- D-3.** ADOPT a resolution approving a contract with Astro Construction in an amount not to exceed \$68,837 for the installation of San Francisco Bay Trail improvements including curb ramps, bike lanes and signage along Harbour Way South and Hall Avenue. The term of the contract is from execution to March 31, 2009 - Richmond Community Redevelopment Agency (Steve Duran/Alan Wolken 307-8140).
- D-4.** 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 Agreement (ERN) - Richmond Community Redevelopment Agency (Steve Duran/Alan Wolken 307-8140).
- D-5.** APPROVE the minutes for the regular meeting held on December 16, 2008 - City Clerk's Office (Diane Holmes 620-6513).

E. ADJOURNMENT

CITY COUNCIL

7:00 p.m.

- A. ROLL CALL**
- B. STATEMENT OF CONFLICT OF INTEREST**
- C. AGENDA REVIEW**
- D. PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS**
- 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 Fox Design Group in an amount not to exceed \$110,410 for professional engineering and design services for the directional signage in the Hilltop area (the Finance Committee meeting on December 19, 2008 was cancelled and no recommendation was made to the City Council) - Public Works (Yader Bermudez 231-3009).

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- F-2.** APPROVE a 24-month sole-source contract for \$185,284 with Mack 5 for pre-construction and construction management services for the renovation of 2705 Macdonald Avenue for occupancy by the Employment & Training Department. (the Finance Committee meeting on December 19, 2008 was cancelled and no recommendation was made to the City Council) - Redevelopment Agency/Employment & Training (Steve Duran/Sal Vaca 307-8140/307-8006).
- F-3.** AUTHORIZE the City Attorney to select and retain one of the three firms identified as qualified for performing additional legal technical assistance in connection with Communities for a Better Environment vs. City of Richmond - Councilmembers Viramontes and Butt (620-6581).
- F-4.** APPROVE the Industry Track Agreement (ITA) and Reimbursement Agreement (RA) with Burlington Northern Santa Fe Railway (BNSF) addressing rail service related issues supporting the Port/Honda Project, including maintenance and operation, asset ownership, insurance, and development budget, and obligating the City of Richmond to pay \$2,400,000 to BNSF for improvements at their main operating facility on Garrard Avenue - Port (Jim Matzorkis 215-4600).
- F-5.** ADOPT a resolution authorizing the City Manager to execute a successor Memorandum of Understanding between the City and the Richmond Police Management Association in accordance with the terms of the Tentative Agreement reached between the parties' representatives - Human Resources (Leslie Knight 620-6600).
- F-6.** APPROVE a one-year contract renewal, with two one-year options, with PlanetBids, Inc. to provide an on-line vendor registration/bids management system in an amount not to exceed \$24,400 per year - Finance Department (James Goins 620-6740).
- F-7.** APPROVE a contract with the law firm of Briscoe Ivester & Bazel LLP in an amount not to exceed \$350,000 to defend the lawsuit filed by Fred H. Arm challenging the City's approval of the Honda Port of Entry project - City Attorney's Office (Randy Riddle 620-6509).
- F-8.** APPROVE the following appointment: Richmond-Shimada Friendship Commission: Ernest Holland, Jr., term expires 1/6/2012 - Mayor McLaughlin (620-6503).

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- F-9.** ADOPT a resolution to approve a consulting contract with Page & Turnbull, Inc. for the preparation of a mini-historic structures report/preservation plan for the Atchison Village Mutual Homes Corporation - Planning and Building Services Department (Richard Mitchell 620-6706).
- F-10.** ADOPT an Ordinance (second reading) establishing the MFR-4 Very High Density Multifamily Residential Zoning District – Planning and Building Services Department (Richard Mitchell 620-6706).
- F-11.** APPROVE the minutes for the regular meetings held on December 2 and 16, 2008 - City Clerk's Office (Diane Holmes 620-6513).

G. PUBLIC HEARINGS

- G-1.** 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

L. COUNCIL AS A WHOLE

- L-1.** DISCUSS and provide policy direction to staff regarding proposals by the West Contra Costa Unified School District (WCCUSD) to close several Richmond schools, including direction regarding possible funding to the WCCUSD to preserve neighborhood schools; and AUTHORIZE the Mayor to write State and Federal officials and IBM Management to seek forgiveness of outstanding District loans - City Manager's Office (Bill Lindsay 620-6512).
- L-2.** DIRECT staff to prepare a letter for the Mayor's signature acknowledging the work by the State of California Lands Commission, and supporting their effort to develop a comprehensive funding plan for construction of a critical Bay Trail segment as part of its consideration of a new 30-year lease by Chevron of "sovereign lands in San Francisco Bay" for operation of Chevron's long wharf - Councilmember Rogers (867-5725).
- L-3.** APPOINT Councilmembers Bates, Lopez, and Ritterman (effective January 13, 2009) to the Richmond Community Fund Advisory Committee, with Councilmember Rogers as the alternate, pursuant to the Richmond Community Benefits Agreement between the City of Richmond and Chevron - Councilmember Bates (620-6581).
- L-4.** DISCUSS and DIRECT staff to determine the feasibility of renaming the gymnasium at the Martin Luther King Community Center to the Eural McKelvey and JD Banks Memorial Gymnasium - Councilmember Bates (620-6581).
- L-5.** CONSIDER and DIRECT staff regarding researching the feasibility of constructing a privately-financed sports complex in the City of Richmond - Councilmember Bates (620-6581).

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.