



**Community Services Building
440 Civic Center Plaza
Richmond, CA 94804**

**AGENDA
Tuesday, October 6, 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.

Tuesday, October 6, 2009

EVENING OPEN SESSION

5:00 p.m.

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

CLOSED SESSION

Shimada Room of the Community Services Building

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

Donald Stewart vs. City of Richmond
 - A-2. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION** (Subdivision [a] of Government Code Section 54956.9):

United Trustees Association vs. City of Richmond

Citizens of Eastshore Park vs. City of Richmond
 - A-3. **CONFERENCE WITH LABOR NEGOTIATORS** (Government Code Section 54957.6):

City Designated Representatives: Bill Lindsay, Leslie Knight, Bruce Soublet, and Lisa Stephenson
Employee Organization or Unrepresented Employees: Locals 21 and SEIU 1021
 - A-4. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** (Government Code Section 54956.8):

Property: Point Molate (site of former Naval Shipyard Depot)
Agency Negotiator: Bill Lindsay and Janet Schneider
Negotiating Parties: Upstream Point Molate LLC
Under Negotiation: Price and Terms of Payment

JOINT MEETING OF THE RICHMOND REDEVELOPMENT

AGENCY/RICHMOND CITY COUNCIL

6:30 p.m.

PLEDGE TO THE FLAG

A. ROLL CALL

B. STATEMENT OF CONFLICT OF INTEREST

C. OPEN FORUM FOR PUBLIC COMMENT

D. AGENDA REVIEW

E. PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

E-1. Presentation of a certificate honoring Casper's Hot Dogs as a Richmond Small Business of the Month for September 2009 - Mayor McLaughlin (620-6503).

F. REPORT FROM THE CITY ATTORNEY OF FINAL DECISIONS MADE AND NON-CONFIDENTIAL DISCUSSIONS HELD DURING CLOSED SESSION

G. REDEVELOPMENT AGENCY BOARD CONSENT CALENDAR

G-1. ADOPT a joint resolution of the Richmond Community Redevelopment Agency and the Richmond City Council authorizing the transmittal of the Draft Amended and Restated Redevelopment Plan for the Richmond Merged Redevelopment Project Area, Redevelopment Plan Amendment Preliminary Report, and the Draft Environmental Impact Report prepared for the plan amendment - Richmond Community Redevelopment Agency (Steve Duran 307-8140).

H. CITY COUNCIL CONSENT CALENDAR

H-1. ADOPT a resolution authorizing service contracts with three materials-testing laboratories for as-needed construction materials testing services for City construction projects in an amount not to exceed \$350,000 per contract over a three year period (this item was reviewed and recommended for approval by the Finance Committee at its September 8, 2009, meeting) - Public Works Department (Yader A. Bermudez 231-3009).

- H-2.** ADOPT a resolution relating to the City of Richmond's participation in the California Statewide Community Development Authorities' Proposition 1A Securitization Program, approving the form of and authorizing the execution and delivery of a Purchase and Sale Agreement and related documents with respect to the sale of the seller's Proposition 1A Receivable from the State; and directing and authorizing certain other actions in connection therewith - Finance Department (James Goins 620-6740).
- H-3.** APPROVE the Fire Department's purchase of Premier wildland pants and jackets from L.N. Curtis & Sons in the amount of \$18,257 to replace existing damaged and unsafe equipment - Fire Department (Chief Michael Banks - 307-8041).
- H-4.** APPROVE a six-month contract with Brent Ives, BHI Management Consulting, for consulting services in the development of a strategic action plan for the Recreation Department in an amount not to exceed \$13,500 - Recreation Department (Keith Jabari 620-6791).
- H-5.** APPROVE Contract Amendment No. 3 with the Community Housing Development Corporation of North Richmond to amend the scope of work for services related to implementing the North Richmond Waste and Recovery Mitigation Fee Expenditure Plan, and decrease the payment limit by \$58,800 to a new total limit of \$299,554 - City Manager's Office (Bill Lindsay 620-6512).
- H-6.** APPROVE a contract with the Neighborhood House of North Richmond for the remainder of the 2009 calendar year in an amount not to exceed \$26,850 to provide services related to implementing the North Richmond Waste and Recovery Mitigation Fee Expenditure Plan - City Manager's Office (Bill Lindsay 620-6512).
- H-7.** APPROVE a lease for 12,000 square feet of property located at 500 23rd Street for use as an expanded training site for the RichmondBUILD Program at a grant-funded cost of \$3,000 per month with a term from October 7, 2009, through June 30, 2011 - Employment and Training Department (Sal Vaca 307-3006).
- H-8.** ADOPT an ordinance (second reading) amending Subsections 2.62.060, 2.62.105, and 262.130 of Section 2.62 of the Richmond Municipal Code relating to appeals of administrative citations - Police Department (Chief Chris Magnus and Trisha Aljoe 621-1802/City Attorney's Office 621-6509).

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- H-9.** ADOPT an ordinance (second reading) repealing parts of Chapter 11.04 of the Richmond Municipal Code (RMC) and adopting provisions prohibiting possession of open containers of alcoholic beverages on streets and sidewalks - Police Department (Chief Chris Magnus 621-1802).
- H-10.** ADOPT an ordinance (second reading) amending Section 9.40 of the Richmond Municipal Code (RMC) to prohibit urinating and defecating in public - Police Department (Chief Chris Magnus 621-1802).
- H-11.** APPROVE a contract with Malachi Construction for the construction of the Miscellaneous Concrete Repairs 2009/10 -2010/11 Project in the amount of \$388,250 - Engineering Services (Rich Davidson 307-8105).
- H-12.** APPROVE a contract with Matrix Consulting to complete a cost allocation study and an analysis of the City's internal service funds. The contract amount will be \$24,320 with a completion date of December 31, 2009 - Finance Department (James Goins, 620-6740).
- H-13.** APPROVE the following reappointment: **Recreation and Parks Commission:** EJ Shalaby, Incumbent term expiring October 26, 2012 - Mayor's Office (Mayor McLaughlin 620-6503).
- H-14.** APPROVE a contract with TEEPER Inc., dba MarinMoto, to provide service to the BMW police motorcycle fleet from July 1, 2009, through June 30, 2010, in an amount not to exceed \$20,000 - Police Department (Chief Chris Magnus 621-1802).
- H-15.** ADOPT a resolution granting another designated period for the Two Years Additional Service Credit related to the proposed CalPERS early retirement program - Human Resources (Leslie Knight 620-6600).
- H-16.** DIRECT staff to send a letter to Governor Schwarzenegger in support of Senate Bill 406 Land Use: Environmental Quality that provides a funding source for local governments and the region to perform the land use and transportation planning mandated by Senate Bill 375 - City Manager's Office (Bill Lindsay 620-6512).

I. PUBLIC HEARINGS

I-1. *CONTINUED TO NOVEMBER 3, 2009*, a public hearing on an appeal by Matt Anacker of the Planning Commission's adoption of a Mitigated Negative Declaration and approval of Parcel Map MS 756-08 to subdivide an existing residential lot of 16,808 Square Feet (SF) located at 367 Western Drive in the Point Richmond neighborhood area into two lots of 10,808 and 6,002 Square Feet (SF), and consider either (1) affirming, (2) modifying, or (3) reversing the decision by the Planning Commission - Planning and Building Services Department (Richard Mitchell 307-8159).

J. RESOLUTIONS

J-1. ADOPT a resolution establishing the maximum taxicab fares within the City of Richmond - Police Department (Chief Chris Magnus 621-1802).

K. ORDINANCES

K-1. ADOPT an urgency ordinance establishing a 45-day moratorium on the acceptance, processing and approval of applications and permits for tobacco-oriented retail establishments ("smokeshops") - Councilmembers Butt, Ritterman, and Rogers (620-6581).

K-2. INTRODUCE an ordinance (first reading) amending Richmond Municipal Code Chapter 7.105 concerning restrictions on evictions for residential property in foreclosure, to ensure consistency with state and federal law - City Attorney's Office (Randy Riddle 620-6509).

L. COUNCIL AS A WHOLE

L-1. DESIGNATE a voting delegate and an alternate to represent the City of Richmond at the National League of Cities' Annual Business Meeting that will be held on November 14, 2009 - City Clerk's Office (Diane Holmes 620-6513).

L-2. DISCUSS and DIRECT staff regarding getting more input (by way of a formal vote) from both the Design Review Board and the Planning Commission regarding the Point Molate Resort and Casino Project after the public comment period has closed and all environmental review and design plan comments have been incorporated into the proposed final documents - Mayor McLaughlin (620-6503) and Councilmembers Butt and Ritterman (620-6581).

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- L-3.** DISCUSSION and RESPONSE from the City Council regarding Super Shuttle Service not serving residents residing in the 94804 zip code area, and AT&T not serving residents in some areas of the City of Richmond - Councilmember Bates (620-6581).

M. ADJOURNMENT

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