



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

**AGENDA
Tuesday, October 20, 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**

Tuesday, October 20, 2009

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 20, 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):

Robert and Rosalia McMasters vs. City of Richmond

Betty Carter vs. City of Richmond

A-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9):

Hillary Diamond vs. City of Richmond

Booker vs. City of Richmond

Jenkins vs. City of Richmond

Citizens for Eastshore Parks vs. City of Richmond

A-3. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.9):

One Case

A-4. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Initiation of litigation pursuant to Subdivision (c) of Government Code Section 54956.9):

Tuesday, October 20, 2009

Two Cases

A-5. 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 Party: Upstream Point Molate
LLC Under Negotiation: Price and Terms of Payment

Tuesday, October 20, 2009

**SPECIAL JOINT MEETING OF THE RICHMOND JOINT
POWERS FINANCING AUTHORITY/RICHMOND CITY
COUNCIL**

6:20 p.m.

PLEDGE TO THE FLAG

A. ROLL CALL

B. STATEMENT OF CONFLICT OF INTEREST

C. CONSENT CALENDAR

C-1. ADOPT the following resolutions: (1) a resolution of the City Council approving the issuance by the Richmond Joint Powers Financing Authority Lease Revenue Bonds (Civic Center Project), Series 2009; in an amount not to exceed \$105,000,000 of its aggregate principal amount authorizing the forms of and directing the execution and delivery of a site lease amendment, a facility lease amendment, a bond purchase agreement, a continuing disclosure agreement, and an official statement; authorizing a lease financing with the Richmond Joint Powers Financing Authority; and approving the taking of all necessary actions in connection therewith; and (2) a resolution of the Richmond Joint Powers Financing Authority authorizing the issuance, sale and delivery of its Lease Revenue Bonds (Civic Center Project), Series 2009; in an amount not to exceed \$105,000,000, approving the forms of and authorizing execution and delivery of a first supplemental indenture, a site lease amendment, a bond purchase agreement, and an official statement, and authorizing the taking of all necessary actions relating to the issuance of the bonds. (This item was reviewed by the Finance Committee at its October 2, 2009 meeting, and is recommended for Council approval.) - Finance Department (James Goins 620-6740).

D. ADJOURNMENT

Tuesday, October 20, 2009

JOINT MEETING OF THE RICHMOND REDEVELOPMENT AGENCY/CITY COUNCIL

6:30 p.m.

- A. ROLL CALL**
- B. OPEN FORUM FOR PUBLIC COMMENT**
- C. STATEMENT OF CONFLICT OF INTEREST**
- D. AGENDA REVIEW**
- E. PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS**
 - E-1.** Proclamation recognizing the launching of 510ARTS and the East Bay Cultural Corridor - Mayor McLaughlin (620-6503).
 - E-2.** Proclamation recognizing October as Arts and Humanities Month - Mayor McLaughlin (620-6503).
 - E-3.** APPROVE a proclamation commemorating the third Wednesday in October as the Official Arbor Day in the City of Richmond, and recognizing October 21st as the city's official Arbor Day for 2009 - Public Works Department (Yader A. Bermudez 231-3009).
 - E-4.** Proclamation recognizing Fire Prevention in the month of October - Mayor McLaughlin (620-6503).
- F. REDEVELOPMENT AGENCY BOARD CONSENT CALENDAR**
 - F-1.** ADOPT resolutions authorizing the executive director and city manager to execute a contract with BKF Engineers in an amount not to exceed \$2,699,690, and a Master Cooperative Agreement with the Contra Costa Transportation Authority to access \$2,700,000 in Measure J funding, for the design and engineering of the Marina Bay Parkway Grade Separation Project. (This item was reviewed and recommended for approval by the Finance Committee at its October 2, 2009, meeting.) - Richmond Community Redevelopment Agency (Steve Duran/Alan Wolken 307-8140).

Tuesday, October 20, 2009

- F-2.** ADOPT a resolution authorizing the executive director to negotiate and enter into all documents necessary to increase the Richmond Community Redevelopment Agency (RCRA) loan to Carquinez Associates, LP for the rehabilitation of the Carquinez Apartments by \$301,000, bringing the total loan amount to \$1,301,000, to complete necessary structural strengthening - Richmond Community Redevelopment Agency (Steve Duran/Patrick Lynch 307-8140).
- F-3.** AUTHORIZE the Community and Economic Development Director to reject all construction bids submitted for the Nevin Westside Pedestrian and Bicycle Linkages Project due to a technical inconsistency between city and federal regulations in the original bid specifications, and to call for new project construction bids - Richmond Community Redevelopment Agency (Steve Duran/Alan Wolken 307-8140).

G. CITY COUNCIL CONSENT CALENDAR

- G-1.** APPROVE a three-year (2009-2012) contract with George Hills Company, Inc. to provide third-party administration of general liability claims received by the city, in an amount not to exceed \$110,000 in the first year of the agreement, with annual adjustments as specified in the contract. (this item was reviewed and recommended for approval by the Finance Committee at its October 2, 2009, meeting.) - Human Resources Management (Leslie Knight 620-6600).
- G-2.** ADOPT a resolution amending and restating Resolution No. 30-09, authorizing and approving the borrowing of funds for Fiscal Year 2009-10; the issuance and sale of a 2009-2010 Tax and Revenue Anticipation Notes therefore; and participation in the California Communities Cash Flow Financing Program - Finance Department (James Goins 620-6740).
- G-3.** APPROVE a contract with Urban Tilth to oversee and implement the North Richmond Lots of Crops Garden Project through September 30, 2010, for an amount not to exceed \$56,000 funded by the North Richmond Waste & Recovery Mitigation Fee - City Manager's Office (Bill Lindsay 620-6512).
- G-4.** APPROVE a contract to lease a 6,000 square foot facility located at 636 Spring Street, Richmond, California from Clarence Van Hook at a cost of \$2,700 per month commencing on October 21, 2009 and terminating on September 30, 2011 for a total rent of \$62,100. The facility will be used as the primary training site for the Employment and Training Department's YouthBuild program - Employment and Training Department (Sal Vaca 307-8006).

Tuesday, October 20, 2009

- G-5.** APPROVE a one-year contract with Hargis and Associates to develop and administer promotional examinations for Fire Captain and Fire Engineer in an amount not to exceed \$32,500 - Human Resources Management (Leslie Knight 620-6600).
- G-6.** REJECT all bids received for the 2009 Pavement Rehabilitation Project, based on the bidders' non-compliance with the employment goals and regulations contained in the Richmond Business Opportunity Ordinance, and AUTHORIZE a call for new bids - Engineering Services Department (Rich Davidson 307-8105).
- G-7.** ACCEPT the work completed by Bay Cities Paving and Grading, Inc. for the 2008 Pavement Rehabilitation project at a final construction cost of \$3,940,999.96 - Engineering Services Department (Rich Davidson 307-8105).
- G-8.** APPROVE a contract with Phoenix Electric Co. for the lighting enhancement project at Nicholl Park, Kern Play Lot, and Atchison Park in an amount not to exceed \$47,500. The contract term will be October 21, 2009, to June 30, 2010 - Public Works Department (Yader A. Bermudez 231-3009).
- G-9.** APPROVE a contract with California Restoration On-Call Inc., dba Avalon Construction Co. for roof repairs at the Main Library in an amount not to exceed \$80,000 - Public Works Department (Yader A. Bermudez 231-3009).
- G-10.** APPROVE a contract with Western Roofing Services, Inc. for re-roofing Fire Stations 62 and 64 in an amount not to exceed \$417,900 (this item was reviewed and recommended for approval by the Finance Committee at its September 8, 2009, meeting) - Public Works (Yader A. Bermudez 231-3009).
- G-11.** ADOPT a resolution to award a consulting contract to Wiss, Jenney, Elstner Associates, Inc. for the preparation of a Historic Structures Report and Schematic Design for Rehabilitation of the Riggers Loft for an amount not to exceed \$100,000 - Planning and Building Services Department (Richard Mitchell 620-6706).
- G-12.** ADOPT an ordinance (second reading) establishing the wages, salary, and compensation for the new classification (title change only) of Engineer I (Salary Range No. 49E: \$4,844 - \$5,877/month) and compensation for the new classification of Engineer II (Salary Range No. 53: \$5,591 - \$6,793/month) - Human Resources Management (Leslie Knight 620-6600).

Tuesday, October 20, 2009

- G-13.** ADOPT AN ORDINANCE (second reading) amending Richmond Municipal Code Chapter 7.105, concerning restrictions on evictions for property in foreclosure, to ensure consistency with state and federal law (City Attorney's Office- Randy Riddle 620-6509).
- G-14.** APPROVE travel expenses for city officials and staff members participating in the Mayor's delegation to Richmond's sister city of Regla, Cuba - Mayor's Office (Mayor McLaughlin 620-6503).
- G-15.** APPROVE a contract with the law firm of Meyers Nave Riback Silver and Wilson, in an amount of \$400,000, to continue representing the City in the lawsuits entitled Booker vs. City of Richmond, et al. and Jenkins vs. City of Richmond, et al. - City Attorney's Office (Randy Riddle 620-6509).
- G-16.** ADOPT a resolution accepting \$25,000 in grant funds from the California Department of Fish and Game, Office of Spill Prevention and Response, and APPROVE the purchase of oil spill response equipment from Global Diving & Salvage, Inc. at a cost of \$25,234.69 - Port Department (Jim Matzorkis 215-4600).
- G-17.** DIRECT staff to prepare a Request For Proposal (RFP) to select a non-profit to enter into an Exclusive Right to Negotiate Agreement with the City of Richmond in regards to developing and implementing the Greenprint Green Shared Transportation System (this item was reviewed and recommended for approval by the Finance Committee at its October 2, 2009, meeting) - Finance Department (James Goins 620-6740).

H. PUBLIC HEARINGS

- H-1.** HOLD a joint City Council/Redevelopment Agency Board public hearing to receive testimony regarding an amendment to the Consolidated Annual Action Plan for Fiscal Years 2007-2008 and 2009-2010 (the Plan), (b) ADOPT a City Council resolution approving the amendment to the Plan and authorizing the Richmond Community Redevelopment Agency (Agency) to administer the Plan, and (c) ADOPT an Agency Board resolution to authorize the Agency to administer the Plan as amended and to authorize the executive director to negotiate and execute all contracts as necessary to effectuate the amendments to the Plan as provided in this agenda report - Richmond Community Redevelopment Agency - (Steve Duran/Patrick Lynch 307-8140).

Tuesday, October 20, 2009

- H-2.** INTRODUCE an ordinance (first reading) setting the fee for Tobacco Retail Licenses and adding the proposed Tobacco Retail License fee to Section 2.34.040 of the Richmond Municipal Code (Master Fee Schedule) - Vice Mayor Lopez (620-6581).

I. RESOLUTIONS

- I-1.** ADOPT a resolution recommended by the Human Relations and Human Rights Commission in support of teachers and students in West Contra Costa Unified School District - Mayor's Office (Mayor McLaughlin 620-6503).

J. ORDINANCES

- J-1.** INTRODUCE an ordinance (first reading) adding Chapter 7.107 to the Richmond Municipal Code which will prohibit the sale of tobacco in pharmacies - Councilmember Ritterman (620-6581).
- J-2.** (1) INTRODUCE an ordinance (first reading) requiring that Richmond food providers, City facilities and departments, and vendors doing business with the City use biodegradable or compostable food ware; and (2) ADOPT a resolution committing to the development of residential and commercial food waste collection and processing programs in the City of Richmond and direct the City of Richmond's West Contra Costa Integrated Waste Management Board (JPA) representatives to take the action necessary for the JPA to implement food waste collection and processing programs - City Manager's Office (Bill Lindsay 620-6612).

K. COUNCIL AS A WHOLE

- K-1.** RENDER A DECISION on the appeal of the Planning Commission's conditional approval of a Design Review Permit and Variance (V/DR 1103662) to construct a single-family residence on a substandard lot located on the corner of Vine and Terrace Avenues. The City Council closed the public hearing on this appeal on July 22, 2008 - Planning and Building Services Department (Richard Mitchell 620-6706).
- K-2.** REVIEW community center rental policies and schedule of community center use with no fee programming - Councilmember Butt (236-7435).

Tuesday, October 20, 2009

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

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.