



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

**AGENDA
Tuesday, November 3, 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.

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

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 Section 54956.9):**

One case

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A-5. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8):

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

SPECIAL MEETING RICHMOND HOUSING AUTHORITY

6:20 p.m.

A. PLEDGE TO THE FLAG

B. ROLL CALL

C. STATEMENT OF CONFLICT OF INTEREST

D. OPEN FORUM FOR PUBLIC COMMENT

E. AGENDA REVIEW

F. HOUSING AUTHORITY CONSENT CALENDAR

F-1. ADOPT a resolution authorizing the Housing Authority Executive Director to submit the 2009 Section 8 Management Assessment Program (SEMAP) Certification to the U.S. Department of Housing and Urban Development (HUD) (this item was reviewed by the Housing Advisory Commission at their October 19, 2009, meeting and recommended to the Housing Authority Board for approval) - Richmond Housing Authority (Tim Jones 621-1310).

F-2. APPROVE the minutes of the Special Meeting held on May 19, 2009, and Special Joint Meetings held on June 16, July 7, and 28, 2009 - City Clerk's Office (Diane Holmes 620-6513).

G. ADJOURNMENT

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RICHMOND CITY COUNCIL

6:30 p.m.

- A. ROLL CALL**
- B. STATEMENT OF CONFLICT OF INTEREST**
- C. OPEN FORUM FOR PUBLIC COMMENT**
- D. AGENDA REVIEW**
- E. REPORT FROM THE CITY ATTORNEY OF FINAL DECISIONS MADE AND NON-CONFIDENTIAL DISCUSSIONS HELD DURING CLOSED SESSION**
- F. CITY COUNCIL CONSENT CALENDAR**
 - F-1.** APPROVE a contract with the Oakland Private Industry Council (OPIC) to procure goods and services on behalf of RichmondWORKS and in support of East Bay Works One Stop Career Center System for a term beginning November 2, 2009, through June 30, 2010. The contract amount will not exceed \$56,581 - Employment & Training (Sal Vaca 307-8006).
 - F-2.** APPROVE the Land Use Agreement between the City of Richmond and the Richmond Certified Farmers Market Association for the lease of the northern section of the parking lot located on Barrett Avenue between 24th Street and 25th Street weekly on Fridays for the purpose of operating a weekly farmers market - City Manager's Office (Bill Lindsay 620-6512).
 - F-3.** APPROVE the purchase of eight BH Fitness T11 treadmills for seven fire stations and the training center from the Gym Doctors in the amount of \$25,375, as part of the Fire Department's grant-funded health and wellness program - Fire Department (Chief Michael Banks 307-8041).
 - F-4.** APPROVE a grant award to the Office of Neighborhood Safety in the amount of \$400,000 in California Gang Reduction and Intervention Program (CalGRIP) funding from the California Emergency Management Agency (CalEMA) to confront the issue of gang violence in the City of Richmond - Office of Neighborhood Safety (DeVone Boggan 621-1219).

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- F-5.** INTRODUCE an ordinance (first reading) establishing the wages, salary, and compensation for the new classification of Communications Call Taker (Salary Range No.14A: \$3,559 - \$4,327/month). This position will support the Dispatcher classification and will allow the Dispatchers to focus on handling radio transmissions - Human Resources Management (Leslie Knight 620-6600).
- F-6.** ADOPT a resolution amending the City of Richmond's Position Classification Plan to add the new classification of Communications Call Taker. This position will support the Dispatcher classification and will allow the Dispatchers to focus on handling radio transmissions - Human Resources Management (Leslie Knight 620-6600).
- F-7.** APPROVE the minutes for the regular meeting held on September 8, 2009 - City Clerk's Office (Diane Holmes 620-6513).
- F-8.** RECEIVE a report on meetings with elected officials and federal agencies in Washington, DC to discuss American Recovery & Reinvestment Act (ARRA) funding and other potential federal grant opportunities, and RECEIVE an update on ARRA funding in the City of Richmond - City Manager's Office (Bill Lindsay 620-6512).
- F-9.** APPROVE the following reappointment: Recreation and Parks Commission: Pamela Saucer-Bilbo, Incumbent, term expiring October 26, 2012 - Mayor's Office (Mayor McLaughlin 620-6503).
- F-10.** APPROVE an emergency contract with A-1 Remediation Services to abate lead, asbestos, and mold at the Martin Luther King (MLK) Community Center in an amount not to exceed \$175,000 - Public Works Department (Yader A. Bermudez 231-3009).
- F-11.** ADOPT a resolution authorizing and directing the mayor to execute and the city clerk to record an Encroachment Agreement with Augusto Jr. and Arraceli Ferriols to encroach upon a portion of Parcel M in Subdivision 4833 - City Attorney's Office (Randy Riddle 620-6509).
- F-12.** ADOPT a resolution of the Richmond City Council authorizing the city manager to apply for energy efficiency loans from the California Energy Commission to implement energy efficiency measures and to ACCEPT a loan up to \$3,000,000 - City Manager's Office (Bill Lindsay 620-6512).

G. PUBLIC HEARINGS

- G-1.** Public hearing to MODIFY the Planning Commission's approval of a Parcel Map (MS 756-08) to subdivide an existing residential lot located at 367 Western Drive in the Point Richmond neighborhood, into two lots (10,808 and 6,002 square ft) to include additional conditions as agreed upon by the appellant, Matt Anacker, and the applicant, Steve Kowalski. Department of Planning and Building Services (Richard Mitchell 620-6706).
- G-2.** APPROVE a resolution authorizing the City of Richmond to levy special assessments against certain properties having unpaid invoices related to administrative citations, nuisance abatement costs, and foreclosure ordinance fines pursuant to Richmond Municipal Code Chapters 9.22 and 2.63 - Police Department (Chief Chris Magnus 621-1802).

H. RESOLUTIONS

- H-1.** ADOPT a resolution declaring Richmond a Human Rights City, at the recommendation of the Human Relations and Human Rights Commission - Mayor's Office (Mayor McLaughlin 620-6503) and Councilmember Ritterman (620-6581).

I. ORDINANCES

- I-1.** INTRODUCE an ordinance (first reading) to add Chapter 12.29 (Street Opening and Pavement Restoration Regulations) to the Richmond Municipal Code, establishing a moratorium against excavating in newly resurfaced streets (Note: three alternative ordinances are provided for Council consideration) - Engineering Services (Rich Davidson 307-8105/Edric Kwan 621-1825).
- I-2.** ADOPT an ordinance (second reading) adding Chapter 7.107 to the Richmond Municipal Code, which will prohibit the sale of tobacco in drug stores that contain pharmacies, or alternatively INTRODUCE an amended version of that ordinance (first reading) that contains revised provisions aimed at clarifying the scope and application of the ordinance - Councilmember Ritterman (620-6581)

J. COUNCIL AS A WHOLE

- J-1.** DISCUSS and approve formulating a Paramedic and Public Safety Measure for the Primary Election Ballot in June 2010 - Councilmember Viramontes and Vice Mayor Lopez (620-6581).

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- J-2.** DIRECT staff to develop a plan to impose a fee on liquor stores to fund new or increase programs to respond to the crime/nuisance problems associated with liquor stores - Councilmember Rogers (867-5725).
- J-3.** RECEIVE a report from the Richmond Police Department on the investigation of the sexual assault that took place on the campus of Richmond High School on October 23, 2009 - Vice Mayor Lopez (620-6581).
- J-4.** DIRECT the city manager to prepare and execute a letter on behalf of the City Council requesting funding of Cybertran's smart light rail development proposal under the Transportation Investment Generating Economic Recovery (TIGER) Program of ARRA - Councilmember Ritterman (620-6581).

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

L. 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.