



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

**AGENDA
Tuesday, January 5, 2010**

**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**

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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 the Community Services Building

- A. **CITY COUNCIL**
 - A-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Subdivision [a] of Government Code Section 54956.9):
 - Citizens for Eastshore Parks vs. City of Richmond
 - Martin vs. City of Richmond
 - West County Wastewater District vs. City of Richmond
 - A-2. 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

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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. 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 an amendment to the contract with the Oakland Private Industry Council to process Individual Training Accounts for program participants, increasing the contract amount by \$385,000 for a new not to exceed amount of \$715,000, with the expiration date remaining June 30, 2010 (this item was reviewed and recommended for approval by the Finance Committee at its December 4, 2009, meeting) – Employment and Training Department (Sal Vaca 307-8006).
- F-2.** APPROVE the purchase of a replacement SUV from Wondries Fleet Group, through a cooperative purchase program, for use in the Police Department's homicide division, in an amount not to exceed \$30,000 - Public Works (Yader A. Bermudez 231-3009).
- F-3.** APPROVE a one-year contract with Matrix Consulting to complete a user fee study of the City's Planning and Building Services Department in an amount not to exceed \$24,500 - Finance Department (James Goins 620-6740).
- F-4.** APPROVE the purchase of a one-year license to access Learner Web from Portland State University to develop and deliver building trades curriculum for Richmond BUILD Pre-apprenticeship Construction Skills and Green Career Job Training Academy students in an amount not to exceed \$15,000 - Library & Cultural Services (Monique le Conge 620-6555).

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- F-5.** ADOPT two resolutions to enable the City of Richmond to participate in the California FIRST Financing District: (1) Authorize the City of Richmond to participate in the California FIRST Program to provide AB 811 financing services to property owners; and (2) Request that Contra Costa County provide county-level leadership and commitment to create a municipal financing district with California FIRST and take any steps necessary to fulfill the county participation requirements so that Contra Costa cities can participate - City Manager's Office (Bill Lindsay 620-6512).
- F-6.** ADOPT an ordinance (second reading) adding Richmond Municipal Code Chapter 15.04.942 governing deemed approved alcoholic beverage sales and amending Richmond Municipal Code Section 15.04.910.080(H) to require windows on the storefront and inspections of businesses that sell alcoholic beverages - Vice Mayor Lopez and Councilmember Rogers (620-6581).
- F-7.** APPROVE Contract Amendment No. 1 with Fox Design Group to provide bidding and construction support for tenant improvements to module #110D at Hilltop Mall for a police substation increasing the payment limit by \$17,820 for a total contract amount of \$39,620, and extending the contract term to March 31, 2010 - Public Works (Yader A. Bermudez 231-3009).
- F-8.** APPROVE a one-year contract with Alex Brennan, MCP for \$38,250 to develop a City of Richmond Green Business Development Plan and Asset Mapping Project, funded by a Federal Economic Development Administration (EDA) Planning Grant - Employment and Training Department (Sal Vaca 307-8006).
- F-9.** APPROVE the following appointment: Economic Development Commission: Louis William Wright, term expiring March 30, 2013 - Mayor's Office (Mayor McLaughlin 620-6503).
- F-10.** APPROVE the minutes for the regular meeting held on October 6, 2009, and the special meeting held on October 13, 2009 - City Clerk's Office (Diane Holmes 620-6513).
- F-11.** ADOPT a Municipal Green Building Ordinance (second reading) adding Chapter 6.46 to the Richmond Municipal Code entitled "Commercial and Residential Green Building Standards" - Planning and Building Services Department (Richard Mitchell 620-6706).

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- F-12.** ADOPT an ordinance (second reading) approving the rezoning for the Miraflores Housing Development Project site to Planned Area District, subject to conditions of approval - Planning and Building Services Department (Richard Mitchell 620-6706).
- F-13.** APPROVE a one-year contract with the Industrial Emergency Council for fire training and educational services in an amount not to exceed \$68,639 - Fire Department (Chief Michael Banks 307-8041).
- F-14.** ADOPT a resolution approving the Stormwater Utility Area Agreement between the Contra Costa County Flood Control and Water Conservation District (District) and the City of Richmond regarding an inspection program required under federal pollution control regulations, and APPROVE the Joint Exercise of Powers Agreement between the East Bay Municipal Utility District (EBMUD) and the City of Richmond to enable EBMUD to undertake stormwater inspection and enforcement activities in the City of Richmond - City Manager's Office (Bill Lindsay 620-6512).

G. ORDINANCES

- G-1.** ADOPT an urgency ordinance under Government Code Section 65858 extending the moratorium on the acceptance, processing and approval of applications to establish medical marijuana dispensaries and cooperatives in the City until the effective date of an ordinance governing the land use but no later than November 30, 2010 - Planning and Building Services Department (Richard Mitchell 620-6706).
- G-2.** INTRODUCE an ordinance (first reading) revising Richmond Municipal Code Article VI (Building Regulations) to adopt the California Building Standards Code and to amend provisions relating to residential rental inspections and appeals - Planning and Building Department (Richard Mitchell 620-6504).
- G-3.** CONTINUED FROM DECEMBER 15, 2009, 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).

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- G-4.** INTRODUCE ordinances (first reading) amending: (1) Richmond Municipal Code 12.20.050 to include stormwater program and permits; and (2) Richmond Municipal Code 2.34.04 to add the following charges to the Master Fee Schedule: stormwater permit fees, violation site visit inspection charges, sampling or testing, and violation laboratory charges - City Manager's Office (Bill Lindsay 620-6512).
- G-5.** INTRODUCE an ordinance (first reading) adding a fee for inspections of premises selling alcohol and/or tobacco products to Section 2.34.040 of the Richmond Municipal Code (Master Fee Schedule) - City Attorney's Office (Randy Riddle 620-6509).

H. COUNCIL AS A WHOLE

- H-1.** APPROVE the third amendment to the Land Disposition Agreement between City of Richmond and Upstream Pt. Molate, LLC changing the closing date for the purchase, sale, and lease of the property from January 15, 2010, to March 15, 2010 - City Manager's Office (Bill Lindsay 620-6512).
- H-2.** CONTINUED FROM DECEMBER 15, 2009, CONSIDER directing staff to engage experts in the design of destination resorts with casinos and which included the adaptive reuse of historic resources to assist in the review of Design Concept Documents for Point Molate and to provide professional evaluations and critiques and answer questions for the benefit of the Design Review Board, Planning Commission, and City Council - Councilmember Butt (620-6581).

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

J. 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.