



City Hall
1401 Marina Way South
Richmond, CA 94804

AGENDA
Tuesday, May 17, 2005
(FINAL)

Mayor
Irma L. Anderson

Vice Mayor
Jim Rogers

Councilmembers
Nathaniel Bates
Thomas K. Butt
Richard Griffin
John E. Marquez
Gayle McLaughlin
Mindell L. Penn
Maria T. Viramontes

The Richmond City Council also serves as Board Members and Commission Members for the following:

Redevelopment Agency
Housing Authority*
Joint Powers Financing Authority
Surplus Property Authority
Local Reuse Authority

*** Federal Regulations mandates that the Housing Authority must have two Tenant Commissioners. Tenant Commissioners are:**

Antheia Y. Farr
Helen Hall

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 THREE (3) MINUTES to address the City Council on 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 of 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 D, 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.

MORNING OPEN SESSION

8:30 a.m.

A. ROLL CALL

B. PUBLIC COMMENT

C. ADJOURN TO CLOSED SESSION

CLOSED SESSIONS

Shimada Room of City Hall

REDEVELOPMENT AGENCY

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS
(Government Code Section 54956.9)**

Property: Terminal No. 1

Negotiating Parties: Toll Brothers and the City of Richmond

Under Negotiation: Price and Terms

CITY COUNCIL

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Government Code Section 54957.6)**

**Titles: City Manager
City Clerk**

**PUBLIC EMPLOYMENT
(Government Code Section 54957.6)**

Title: Internal Auditor

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Government Code Section 54956.9)**

- Six Cases:** **Hanson vs. City of Richmond**
 Citizens for the Eastshore State Park vs. City of Richmond
 East Bay Regional Park District vs. City of Richmond
 Cookson-Smith vs. City of Richmond
 Mitchell vs. City of Richmond
 Martin vs. City of Richmond

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OPEN SESSIONS

**AGENDA
SPECIAL MEETING
RICHMOND HOUSING AUTHORITY
May 17, 2005
6:25 p.m.**

PLEDGE TO THE FLAG

A. ROLL CALL

B. APPROVAL OF MINUTES

B-1. Special Meeting held on October 19, 2004.

C. STATEMENT OF CONFLICT INTEREST

D. PUBLIC HEARING

D-1. Adopt a resolution authorizing Manuel Rosario, Acting Executive Director, to submit the Annual Plan for Fiscal Year 2004 to the U.S. Department of Housing and Urban Development (HUD).

F. ADJOURNMENT

**SPECIAL JOINT MEETING
RICHMOND REDEVELOPMENT AGENCY/
RICHMOND CITY COUNCIL
6:30 p.m.**

A. ROLL CALL

B. APPROVAL OF MINUTES

B-1. Special Joint Meeting held on May 3, 2005.

C. STATEMENT OF CONFLICT OF INTEREST

D. RESOLUTIONS

D-1. ADOPT – the following resolutions authorizing the transfer of Fee Title for land and street improvements for Marina Way South:

- a. authorizing the Redevelopment Agency** to transfer the Fee Title for land and street improvements for Marina Way South from Hall Avenue to the cul-de-sac, as shown on Parcel Map MS 758-89 and Parcel Map MS 753-98, to the City of Richmond – **Staff Recommendation: Adopt resolution transferring the Fee Title** – Public Services/Engineering Division (Rich Davidson 307-8091).

- b. authorizing the City of Richmond** to accept title to portions of Marina Way south from Hall Avenue to the cul-de-sac, as shown on Parcel Map MS 758-89 and Parcel Map MS 753-98, from the Richmond Redevelopment Agency – **Staff Recommendation: Adopt resolution accepting title** – Public Services/Engineering Division (Rich Davidson 307-8091).

D-2. ADOPT – the following resolutions regarding the acceptance of HUD Section 108 Funds and Economic Development Funds (EDI):

- a. a resolution of the City of Richmond** accepting HUD Section 108 Loan Guarantee Funds in an amount not to exceed \$3,500,000 and HUD Economic Development Initiative Grant Funds in an amount not to exceed \$1,000,000 (collectively, the “Funds”) – **Staff Recommendation: Adopt resolution** - (Lisa Hamburger 307-8140).

- b. **a resolution of the City of Richmond** authorizing the Redevelopment Agency, on behalf of the City, to negotiate and execute all documents and any other instruments necessary or required by HUD for the receipt of the funds and necessary to administer the funds – **Staff Recommendation: Adopt resolution** - (Lisa Hamburger 307-8140).
- c. **a resolution of the Redevelopment Agency** authorizing the Executive Director to negotiate and execute various agreements, such as a contract, loan agreement, regulatory agreement, promissory note, pledge agreement, and all other documents required by HUD for receipt of Section 108 Loan Guarantee Funds in an amount not to exceed \$3,500,000 and HUD Economic Development Initiative Grant Funds in an amount not to exceed \$1,000,000 (collectively, the “Funds”) – **Staff Recommendation: Adopt resolution** – (Lisa Hamburger 307-8140).

D-3. ADOPT – the following resolutions authorizing expenditures related to the Infill Housing Program:

- a. **authorizing the Redevelopment Agency** to administer In-Lieu Fees generated through the City’s Inclusionary Housing Ordinance for development of affordable Housing – **Staff Recommendation: Adopt the resolution** – Community and Economic Development (Jim Branch 307-8140).
- b. **appointing the Redevelopment Agency** as administrator of In-Lieu Fees collected under the Inclusionary Housing Ordinance and authorizing expenditure in an amount not to exceed \$447,000 of In-Lieu Housing Fees to Community Housing Development Corporation of North Richmond for developer and home buyer subsidies for Infill Housing Initiative Homes – **Staff Recommendation: Adopt Resolution** - Community and Economic Development (Jim Branch 307-8140).

E. ADJOURNMENT

AGENDA
RICHMOND REDEVELOPMENT AGENCY
May 17, 2005
6:55 p.m.

A. ROLL CALL

B. APPROVAL OF MINUTES

B-1. Regular Meeting held on March 22, 2005.

C. STATEMENT OF CONFLICT OF INTEREST

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

E. CONSENT CALENDAR

E-1. RESOLUTION – authorizing a Joint Public Hearing of the Richmond Redevelopment Agency and the Richmond City Council to consider the proposed amended and restated redevelopment plan for the Redevelopment Project Area No. 10-B (Nevin Center) (the “Amended Plan”) and submission of the proposed amended plan, and the accompanying report to the City Council and final Environmental Impact Report to the Richmond Planning Commission and the Richmond City Council – **Staff Recommendation: Adopt resolution** – (Craig K. Murray/Alan Wolken 621-1262) (**Res. No. 05 --**).

F. RESOLUTION

F-1. ADOPT – authorizing real property purchases of APNs 538-200-04, 538-200-003, 538-210-001, and 538-210-026 and a Predevelopment Loan with Labor of Love Community Development Corporation for a total amount that will not exceed \$1,325,000 for development of Macdonald Place, an affordable Senior Housing Rental Project – **Staff Recommendation: Adopt resolution** – (Natalia Lawrence 307-8140) (**Res. No. 05 --**).

G. ADJOURNMENT

**AGENDA
RICHMOND CITY COUNCIL
May 17, 2005
7:00 p.m.**

A. ROLL CALL

B. COUNCILMEMBER'S CODE OF CONDUCT

“I solemnly pledge to conduct all City matters fairly, responsibly and impartially; to carry out the business of the City in an orderly and efficient manner; to treat my colleagues, citizens, and City staff with dignity and respect; through debate, discussion, and dialogue instill public confidence and integrity in the process of City government; and to serve the citizens of Richmond to the best of my ability.”

C. APPROVAL OF MINUTES

C-1. Morning Open Session held on May 3, 2005.

D. STATEMENT OF CONFLICT OF INTEREST

E. AGENDA REVIEW

Members of the audience requesting that an item or items be removed from the CONSENT CALENDAR must complete and file a pink speaker's card with the City Clerk prior to Agenda Review.

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

G. OPEN FORUM FOR PUBLIC COMMENT

H. PRESENTATION, PROCLAMATIONS, AND COMMENDATIONS

H-1. Presentation of the 2004 Snow Ball Queen and the runners up, receipt of scholarships, and acknowledgment of the Snow Ball Committee members, judges, and sponsors – Mayor Anderson (620-6503).

H-2. Proclamation declaring June 4-12, 2005, as Affordable Housing Week – Mayor Anderson (620-6503).

H-3. Presentation by members of the Centennial Advisory Committee acknowledging the City of Richmond's 100th Anniversary and upcoming celebratory events – Mayor Anderson (620-6503).

H-4. Accept contributions for the Summer Youth Program – Mayor Anderson (620-6503).

I. 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 Council.

I-1. AUTHORIZE – an agreement with Maze and Associates to perform the City’s Annual Audit for the year ending June 30, 2005. This agreement includes options for Maze and Associates to provide audit services for the next two fiscal years. Total amount of the contract is \$224,795 – **Staff Recommendation: Authorize the agreement** – Finance Department (Pat Samsell 620-6740).

I-2. APPROVE – awarding a repair contract with Karber’s Auto Body to repair car number 260. Total cost of the repairs is \$10,515.88. Repair costs will be funded from the Services Auto Parts account string – **Staff Recommendation: Approve awarding the contract to Karber’s Auto Body** – Public Services (Roscoe Ward 231-3020).

I-3. RESOLUTIONS – regarding policies for the administration of the Risk Management Program (recommended by the Finance Committee):

- a. authorizing the Risk Manager to contract annually for actuarial studies to determine funding requirements for retained risks as recommended in the Financial Recovery Action Plan – **Staff Recommendation: Adopt the resolution** – Risk Management (Shari Deutsch 620-6605).
- b. authorizing the Risk Manager to contract for claims audits of retained losses every two years as recommended in the Financial Recovery Action Plan – **Staff Recommendation: Adopt the resolution** – Risk Management (Shari Deutsch 620-6605).
- c. implementing a loss-experience based cost allocation plan to determine the allocation of retained risk fund charges to City departments as recommended in the Financial Recovery Plan – **Staff Recommendation: Adopt the resolution** – Risk Management (Shari Deutsch 620-6605).

- d. establishing a policy that the City fund its retained risk fund (for reserves and claim payments) at an 80% confidence level as of Fiscal Year 2005/06 and thereafter as recommended in the Financial Recovery Plan – **Staff Recommendation: Adopt the resolution** – Risk Management (Shari Deutsch 620-6605).

- I-4. **RESOLUTION** – supporting USTA Tennis Center and authorizing budget appropriations upon award of a grant from the United States Tennis Association and receipt of donations – **Staff Recommendation: Adopt resolution and authorize appropriation of grant funds** – Recreation and Parks (Diane Harrison-Allums 620-6798).

- I-5. **RESOLUTION** – supporting a joint local/state effort to accelerate redevelopment of California’s closed military bases – **Staff Recommendation: Adopt the resolution** – Community and Economic Development (Craig Murray 621-1262).

- I-6. **RESOLUTIONS** – authorizing liens and assessments on properties for the following:
 - a. Authorize liens and assessments on properties with outstanding balances for police response to false alarms. Total amount of receivables is \$136,850 – **Staff Recommendation: Adopt resolution for liens and assessments** – Police Department (Interim Chief Hudson 620-6655).

 - b. Authorizing liens and assessments on properties with outstanding balances for vehicle abatement. Total amount of receivables is \$32,869.50 – **Staff Recommendation: Adopt resolution for liens and assessments** – Police Department (Interim Chief Hudson 620-6655).

- I-7. **RESOLUTION** – acknowledging the completion of the improvements within Subdivision 8497, Metro Walk of the Richmond Transit Village located adjacent to the Richmond BART Station – **Staff Recommendation: Adopt resolution acknowledging completion of the improvements** – Public Services/Engineering Division (Rich Davidson 307-8091).

- I-8. **RESOLUTION** – authorizing a Joint Public Hearing of the Richmond Redevelopment Agency and the Richmond City Council to consider the proposed amended and restated redevelopment plan for the Redevelopment Project Area No. 10-B (Nevin Center) (the “Amended

Plan”) and submission of the proposed amended plan, and the accompanying report to the City Council and final Environmental Impact Report to the Richmond Planning Commission and the Richmond City Council – **Staff Recommendation: Adopt resolution** – (Craig K. Murray/Alan Wolken 621-1262).

- I-8. RESOLUTION** – establishing budget appropriations for funds received through ticket sales and donations from the Annual High School Snow Ball – **Staff Recommendation: Adopt resolution authorizing appropriation** – Finance Department (Diane Harrison-Allums 620-6798).

J. PUBLIC HEARINGS

- J-1.** Resolution to levy special assessment for lot clean ups, board ups, and inspection fees performed on certain properties in the City of Richmond. Total amount of special assessments is \$363,974.38 – **Staff Recommendation: Continue public hearing to June 7, 2005** – Police Department (Acting Chief Terry Hudson 620-6655).

- J-2. CONTINUE TO JUNE 21, 2005, appeals by Margaret Judkins, Jay Fenton, Cochise Potts, and Ethel Dotson** to the Planning Commission’s approval of the Parkway Commerce Center Project EID/TM 02-07: Parkway Commerce Center TIC at John Street and Collins Avenue (**This public hearing was continued from the March 29, 2005, and April 19, 2005 City Council meetings at the request of the four appellants and with the concurrence of the applicant**) – Planning Department (Judith Battle 620-6706).

K. AGREEMENTS

L. RESOLUTIONS

M. ORDINANCES

- M-1. INTRODUCTION** – of a Library Impact Fee to create a revenue source for the Richmond Public Library for infrastructure costs, library materials, and capital needs – **First Reading – Staff Recommendation: Introduce the ordinance** – Library (Monique le Conge 620-6555).

- M-2. INTRODUCTION** – of an ordinance deleting Chapter 6.40 of the Richmond Municipal Code, in its entirety, and adding a new Chapter 6.40 regarding Residential Rental Dwelling Unit Inspection and Maintenance – **First Reading** - City Attorney (Trish Aljoe 620-6509).

N. **COUNCIL AS A WHOLE**

- N-1. Consider the Mayor's recommendation for reappointments and appointments to the following Boards and Commissions: (1) **Commission on Aging: Beverly Wallace, Incumbent, term expiring May 19, 2007;** (2) **Housing Advisory Commission: Emily White, Incumbent, term expiring November 1, 2006;** (3) **Economic Development Commission: William Acevedo, term expiring March 30, 2007,** and (4) **Police Commission: Emile De Vera, term expiring November 1, 2005.**
- N-2. Review and discussion of the events that occurred at the 2005 Cinco de Mayo celebration – Mayor Anderson (620-6503).
- N-3. Consider providing policy direction concerning a possible ballot measure to increase local revenues and to provide enhanced, stable funding for library services for the City of Richmond – City Manager (Bill Lindsay 620-6512).
- N-4. Consider directing the City Manager to commence a Request for Qualifications/Request for Proposals (RFQ/RFP) process for management and promotion of Richmond Convention Center – Public Services (Rich McCoy 620-6828).
- N-5. Consider amending Chapter 6.06 of the Richmond Municipal Code pertaining to the Historic Structures Code to: (1) Downsize the Historic Preservation Advisory Committee, (2) Provide more flexibility for appointee qualifications, and (3) Incorporate minor operations revisions that satisfy State of California requirements for Richmond to become a Certified Local Government – Councilmember Butt (236-7435).
- N-6. Discussion on the Civic Center Revitalization Project: (1) status of the Request for Qualifications/Request for Proposals (RFQ/RFP), (2) the selection process, and (3) direction to staff – **Staff Recommendation: Receive report and give direction to staff** – Community and Economic Development (Steve Duran 307-8140).
- N-7. Consider directing Redevelopment Agency staff to forward all proposals for the development of the Civic Center Master Plan to the full City Council for review – Councilmember Marquez (236-2604).
- N-8. Status Report on implementation of the Fence Ordinance Amendment – Planning Department (Judith Battle 620-6706).
- N-9. Consider waiving vendor business license fees for the Juneteenth celebration – Councilmember Butt (236-7435).

N-10. Consider authorizing the City of Richmond to enter into Mills Act Agreements – Councilmember Butt (236-7435).

N-11. Discussion regarding revenues from Measure Q, ½% sales tax – Vice Mayor Rogers (620-6512).

O. COMMUNICATIONS

P. REPORTS OF OFFICERS: STANDING COMMITTEE REPORTS, REFERRALS TO STAFF, AND GENERAL REPORTS

COUNCIL AND STAFF ONLY unless waived by six votes of the Council.

P-1. Reports of Chairpersons of:

- a. Finance Standing Committee.
- b. Public Safety Standing Committee.
- c. Rules and Procedures Standing Committee
- d. Report from the Mayor.

P-2. General Reports from Councilmembers and staff.

P-3. Referrals to staff from the City Council.

Q. ADJOURNMENT

ITEMS FOR THE AGENDA MUST BE SUBMITTED TO THE CITY CLERK'S OFFICE BY 12 NOON ON TUESDAY, ONE WEEK PRIOR, TO THE MEETING THE ITEM IS TO APPEAR ON THE AGENDA

This agenda may be previewed on KCRT – Channel 28, Richmond Television, and is also posted at the Civic Center Library and in the lobby of City Hall South