



City Hall
1401 Marina Way South
Richmond, CA 94804

AGENDA
Tuesday, July 19, 2005

Mayor
Irma L. Anderson

Vice Mayor
Jim Rogers

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

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

Richmond Community 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

SWEARING-IN CEREMONY

FOR

TONY K. THURMOND

COUNCIL CHAMBER

8:15 a.m.

OPEN SESSION

FOR

PUBLIC COMMENT

8:30 a.m.

A. ROLL CALL

B. PUBLIC COMMENT

The City Council will hear comments from the audience for the items to be discussed in Closed Session.

C. ADJOURN TO CLOSED SESSION

CLOSED SESSIONS

Shimada Room of City Hall

CITY COUNCIL

**CONFERENCE WITH LEGAL COUNSEL: POTENTIAL LITIGATION
(Government Code Section 54956.9)**

One Case: Richmond Swim Center

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

**Two Cases: Team Construction
Turner vs. City of Richmond**

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

**Property: Terminal No. 1
Negotiating Parties: Stevedoring Services of America (SSA),
Port of Richmond, and the City of Richmond
Under Negotiation: Lease of Port Facility**

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

Title: City Attorney – Status Report on Recruitment

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

**Title: City Manager
City Attorney**

**STUDY SESSION
Council Chamber
9:30 a.m.**

The purpose of the study session is for the Councilmembers/Board Members of the City Council and Richmond Community Redevelopment Agency to hear presentations and discuss the following:

1. Proposed mixed use for the 12th Street and Macdonald Avenue Project.

Time: 2 hours and 30 minutes

EVENING OPEN SESSIONS

SPECIAL JOINT MEETING RICHMOND COMMUNITY REDEVELOPMENT AGENCY/CITY COUNCIL

Council Chamber

6:30 p.m.

PLEDGE TO THE FLAG

A. ROLL CALL

B. STATEMENT OF CONFLICT OF INTEREST

C. RESOLUTION

C-1. **ADOPT** – the following resolutions for the East Macdonald Streetscape Improvement Project:

- a. **Resolution of the City of Richmond** awarding a contract to Bay Cities in the amount of \$2,774,980.17 to construct the East Macdonald Avenue Streetscape Improvements.
- b. **Resolution of the Redevelopment Agency** approving the expenditure of \$2,774,980.17 to construct the East Macdonald Avenue Streetscape Improvements and direct the Executive Director to amend a contract with BKF to provide construction administrative services in an amount not to exceed \$196,015.

Staff Recommendations: Adopt the resolutions –
Community & Economic Development (Kinshasa Towns/
Rich Davidson 307-8140)

D. AGENCY/COUNCIL AS A WHOLE

D-1. Consider selecting a development team for the 12th and Macdonald Mixed-Use Project and authorize staff to negotiate and execute an Exclusive Right to Negotiate (ERN) Agreement. **Staff Recommendation: Direct the City Manager and the Executive Director to negotiate and execute an ERN Agreement -** Community & Economic Development (Kinshasa Towns/ Alan Wolken 307-8140).

E. ADJOURN

**RICHMOND COMMUNITY REDEVELOPMENT
AGENCY
6:55 p.m.**

A. ROLL CALL

B. STATEMENT OF CONFLICT OF INTEREST

C. RESOLUTION

C-1. ADOPT – authorizing the boundary expansion of the Facade Improvement Program to include Macdonald Avenue from Garrard Boulevard to San Pablo Avenue and 23rd Street from Costa Avenue to Bissell Avenue. **Staff Recommendation: Adopt the resolution** – Community & Economic Development (Alan Wolken/J Tsou 307-8140).

D. OPEN FORUM FOR PUBLIC COMMENT

E. ADJOURN

**CITY COUNCIL
Council Chamber
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.”

NOTE: 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.

C. APPROVAL OF MINUTES

C-1. Evening Open Sessions held on May 17, 2005, and the Morning Open Session held on July 12, 2005.

D. STATEMENT OF CONFLICT OF INTEREST

REQUEST TO THE AUDIENCE TO FILE SPEAKER'S CARDS TO REMOVE ITEMS FROM THE CONSENT CALENDAR

E. 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 S.A.T. Scholarship to Ariel Moshe, graduate of Pinole Valley High School, by the Friends of the Richmond Public Library and the Richmond Public Library – Mayor Anderson (620-6503).

H-2. Presentation from the Centennial Advisory Committee announcing the August 6 and 7 Centennial Activities – Mayor Anderson (620-6503).

H-3. Proclamation recognizing Eco Village Farm Center for their efforts to teach communities to protect natural resources and ecosystems for present and future generations – Councilmember McLaughlin (237-1256).

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. APPROVE** – amending an agreement with Cleary Brothers Landscape, Inc., for the Southside Community Park Contract to construct a scenic overlook on Santa Fe Avenue in Point Richmond. Total amount of the contract amendment is \$27,088. **Staff Recommendation: Approve the amendment** – Engineering Division (Rich Davidson/Andy Yeung 307-8091).
- I-2. APPROVE** – a lease agreement with T-Mobile to lease City property for a cell phone cabinet at Humboldt Play Lot. **Staff Recommendation: Approve the lease agreement** – KCRT (Cecily McMahan/Sharon West 620-6759).
- I-3. APPROVE** – an agreement with Comcate for eFeedbackManager (EFM) Software. Total amount of the contract is \$15,500, and the term of the contract is one year. **Staff Recommendation: Approve the contract** – Sue Hartman/Rochelle Monk 620-6874/620-6511).
- I-4. APPROVE** – amending the Ferry Point Tunnel Contract with Ghilotti Brothers to repave a portion of Washington Avenue and Dornan Drive. Total amount of the amendment will not exceed \$90,147. **Staff Recommendation: Approve the contract amendment** – Engineering Division (Rich Davidson 307-8091).
- I-5. APPROVE** – amending contracts for legal services in the City Attorney’s Office as follows:
- a. Trisha A. Aljoe to provide legal services in the City Attorney’s Office and to amend the termination date of the contract. The contract amount will increase in the amount of \$50,000, and the contract termination date will extend to December 31, 2005.
- b. Mary J. Renfro to provide legal services in the City Attorney’s Office and to amend the termination date of the contract. The contract amount will increase in the amount of \$50,000, and the contract termination date will extend to December 31, 2005.
- Staff Recommendation: Approve the contract amendment** - City Attorney (Everett Jenkins 620-6509).
- I-6. APPROVE** – directing staff to release a Notice of Funding Availability for the Community Development Block Grant (CDBG) Funds for the 2006-2007 program year and to continue working on the established priorities for Home Investment Partnership (HOME) Funds for the 2006-2007 program year. **Staff Recommendation: Direct staff to release the Notice of Funding Availability and to continue working on the established priorities for the HOME funds** - Community & Economic Development (Lisa Hamburger 307-8140).

- I-7. APPROVE** – an agreement with Sacramento Advocates to provide state legislative and governmental services. Total amount of the contract is \$60,000, and the contract period is August 1, 2005, through July 31, 2005. **Staff Recommendation: Approve the agreement** – City Manager (Bill Lindsay 620-6512).
- I-8. APPROVE** – the following actions regarding an agreement between the Port of Richmond and Stevedoring Services of America (SSA):
- a. Rescind the termination of the Lease Agreement with SSA.
 - b. Authorize the Port Director to amend the agreement and collect land lease revenue in lieu of wharf revenue for automobile marine operations.
 - c. Authorize the Port Director to amend the agreement to allow SSA to make property improvements not to exceed \$300,000.
 - d. Authorize the City Attorney to approve the final language for the terms that will be amended.
- Staff Recommendation: Approve the requested actions** – Port (Jim Matzorkis 215-4600).
- I-9. APPROVE** – a contract to replace the core router and firewall and procure service agreements on new and existing routers and firewall for a term of three years. Total cost is \$62,174.88 and will be shared by six consortium agencies. **Staff Recommendation: Approve the contract** – Police Department (Stan Fleury 620-6724).
- I-10. RESOLUTION** – amending and restating previous resolutions associated with the North Richmond Street Improvement Project. **Staff Recommendation: Adopt the resolutions** – Community & Economic Development (Lisa Hamburger 307-8140).
- I-11. RESOLUTION** – amending Resolution No. 94-05, adjusting appropriations of the 2005/2006 WIA and Grant Programs to \$225,000. **Staff Recommendation: Adopt the resolution** – Employment and Training (Sal Vaca 307-8006).
- I-12. RESOLUTION** – amending and restating Resolution No. 42-05 authorizing the execution of a contract with COMCAST for the cost of under grounding utilities associated with the North Richmond Street Improvement Project in an amount not to exceed \$29,415. **Staff Recommendation: Adopt the resolution** – Community & Economic Development (Steve Duran 307-8140).

- I-13. **RESOLUTION** – amending and restating Resolution No. 41-05 authorizing the execution of a contract with P.G.& E. for the cost of under grounding utilities associated with the North Richmond Street Improvement Project in an amount not to exceed \$370,944. **Staff Recommendation: Adopt the resolution** – Community & Economic Development (Steve Duran 307-8140).
- I-14. **RESOLUTION** - approving establishing a new classification specification of **Human Resources Personnel Officer** – Human Resources (Leslie Knight 620-6602). **Staff Recommendation: Adopt the resolution** – Human Resources (Leslie Knight 620-6602).
- I-15. **RESOLUTION** – amending the maximum fees for motor vehicle towing, approving the 2005 Tow Service Contract, and approving a contract with Pick-N-Pull for processing abandoned vehicles. **Staff Recommendation: Adopt the resolution** – Police Department (Interim Chief Terry Hudson 620-6655).
- I-16. **DENY** – claims against the City of Richmond by: (1) Andres Soto c/o H.F. Layton, Attorney; (2) Kenneth C. Wilcots; (3) Pedro Alvarado Martinez, et al.; (4) Georgia Simmons; and (5) Dimitri Rotow, Kathleen Rotow. **Staff Recommendations: Reject the claims** – Risk Management (Shari Deutsch 620-6605).

J. PUBLIC HEARINGS

- J-1. **CONTINUE TO SEPTEMBER 20, 2005**, appeals by **Margaret Judkins, Jay Fenton, Cochise Potts, and Ethel Dotson** from 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, April 19, 2005, May 17, 2005, and June 21, 2005, City Council Meetings at the request of the four appellants**). **Staff Recommendation: Continue the hearing to September 20, 2005**, - Planning Department (Lamont Thompson 620-6947).
- J-2. Resolution to levy special assessments on certain properties for property abatement receivables for **Lot Clean Up Notifications and Inspections and Building Board Ups** – Police Department (Interim Chief Terry Hudson 620-6655).

K. AGREEMENTS

L. RESOLUTIONS

M. ORDINANCES

M-1. INTRODUCE (FIRST READING) – establishing wages, salary, and compensation for the classification of **Human Resources Personnel Officer** – (Salary Range is \$6,137 to \$11,396 per month) and amending Executive Employees Ordinance No. 2-05 N.S. **Staff Recommendation: Give first reading to the ordinance** - Human Resources (Leslie Knight 620-6602).

N. COUNCIL AS A WHOLE

N-1. Consider approving recommendations for the following appointments to Boards and Commissions: **(1) Historic Preservation Committee**: Judith Morgan, Rosemary Corbin, Sandi Genser-Maack, Charles Duncan, and Kim Butt; **(2) Human Relations Commission**: Jennifer Rougeau and Kathleen Sullivan, terms expiring March 30, 2008; **(3) Library Commission**: Luis Perez, Incumbent, term expiring July 1, 2008; **(4) Planning Commission**: Zachary Harris, Stephen Williams, and Vicki, Incumbents, terms expiring June 30, 2007; and **(5) Youth Baseball Commission**: Melvin Cruz, Carl Hancock, and Evangeline Munson, Incumbents, terms expiring June 15, 2008 – Mayor Anderson (620-6503).

N-2. Consider designating a Voting Delegate and an Alternate Delegate to the League of California Cities' Annual Business Meeting and Conference that will be held October 6-8, 2005, at the San Francisco Moscone Convention Center – City Clerk (Diane Holmes 620-6513).

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 12:00 NOON ON TUESDAY, ONE WEEK PRIOR, TO THE MEETING THE ITEM IS TO BE 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

CC19July2005.Agenda