



**City Hall
1401 Marina Way South
Richmond, CA 94804**

**AGENDA
Tuesday, December 20, 2005**

Mayor
Irma L. Anderson

Vice Mayor
Jim Rogers

Councilmembers
Nathaniel Bates
Thomas K. Butt
Richard Griffin
John E. Marquez
Gayle McLaughlin
Tony K. Thurmond
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**

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 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 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

- CSRDA-1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
(Significant exposure to litigation pursuant to Subdivision [b] of Government Code Section 54956.9)

Two Cases

CITY COUNCIL

- CSC-1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
(Subdivision [a] of Government Code Section 54956.9)

Flippin vs. City of Richmond
Bourgeois vs. City of Richmond
State of California, East Bay Regional Park District, and
Citizens for Eastshore State Park vs. City of Richmond et al.

**CSC-2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR
(Government Code Section 54956.8)**

- a. **Property: Civic Center**
**Negotiating Party: Bill Lindsay (City Manager),
Steve Duran (Redevelopment Agency),
and John Knox (Orrick, Herrington &
Sutcliffe)**
Under Negotiation: Terms

- b. **Property: 1401 Marina Way South**
**Negotiating Party: City of Richmond (Steve Duran) and
Westshore Partners**
Under Negotiation: Terms of lease

**CSC-3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Government Code Section 54957.6)**

Title: City Manager

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**MORNING OPEN SESSION
STUDY SESSION
COUNCIL CHAMBER
10:00 a.m. to 12 Noon**

The purpose of the Study Session is for the following:

- 1. Introduction of the Fiscal Year 2005/06 Budget Process – James Goins, Finance Director.

Total Time: 2 hours

**RICHMOND COMMUNITY REDEVELOPMENT
AGENCY
COUNCIL CHAMBER
6:45 p.m.**

PLEDGE TO THE FLAG

- A. **ROLL CALL**
- B. **STATEMENT OF CONFLICT OF INTEREST**
- C. **MINUTES**
- D. **PUBLIC HEARING**

D-1. Consider adopting a resolution of necessity for the acquisition of property located at 222-26 – 44th Street/4400 Macdonald Avenue, authorizing the Agency to deposit with the State Treasury Condemnation Fund the probable compensation for, and obtain an order for prejudgment possession of, the subject property (owners of record: Dasaik and Hwaja Kim).

- E. **OPEN FORUM FOR PUBLIC COMMENT**
- F. **ADJOURN**

**CITY COUNCIL
COUNCIL CHAMBER
7:00 p.m.**

- A. **ROLL CALL**
- B. **AFFIRMATION OF THE CITY OF RICHMOND CODE OF ETHICS**

Affirm the following statements:

We shall be professional, courteous, and respectful.

We shall serve with honesty and with integrity.

We shall be good stewards of the public’s resources by providing

quality services in the most responsive and cost-effective manner.

We shall recognize and honor the diversity of our community and our workplace.

We shall be adaptable, accountable, and capable of embracing change.

We shall be fair, objective, and responsive in our interactions with the public, residents, employees, board members, commissioners, and Councilmembers.

We shall maintain positive relationships cultivating an environment of collegiality and trust.

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. Minutes of the Morning Open Session held on October 18, 2005, and the Morning Open Session and the Evening Open Session held on December 6, 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 in gratitude and appreciation to Everett Jenkins for his service as Interim City Attorney from April 2004 through November 2005 – Vice Mayor Rogers (867-5725).

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** – an agreement with CWH Research, Inc., for administration of the Firefighter Examination Process. The contract period is December 21, 2005, through March 31, 2006. Total amount of the contract is \$25,548.65 – Human Resources (Juan Phelps 620-6607).
- I-2. APPROVE** – a second amendment to a contract with Trisha A. Aljoe to provide dedicated legal services in the Richmond Police Department. The contract period will be extended to June 30, 2006 – City Attorney (John Eastman 620-6509).
- I-3. RESOLUTION** – authorizing acceptance and appropriation of the funds awarded to the City of Richmond through the U.S. Department of Justice’s Gang Resistance and Education and Training Grant. (G.R.E.A.T.) Total amount of the grant is \$97,338 – Police Department (Interim Chief Terry Hudson 620-6640).
- I-4. RESOLUTION** - approving the Hazard Mitigation Plan as an annex to the Association of Bay Area Government’s (ABAG) Multi-Jurisdictional Local Hazard Mitigation Plan for the San Francisco Bay Area – Planning Department (Richard Mitchell 620-6706).
- I-5. RESOLUTION** – approving the revised Continuity of Government, City Council Standby Officers – Police Department (Kathy Gerk 620-6866).
- I-6. RESOLUTION OF INTENTION NO. 893** – vacating the portion of Embarcadero Avenue that intersects the Bio Rad property at 3110 Regatta Boulevard – Planning Department (Richard Mitchell 620-6706).
- I-7. RESOLUTION OF INTENTION NO. 894** – vacating the portion of Harbor Boulevard which borders to the south the Bio Rad Laboratories property at 3110 Regatta Boulevard – Planning Department (Richard Mitchell 620-6706).

- I-8. **ORDINANCE (SECOND READING)** – adopting a Negative Declaration and approval of a General Plan Amendment from 922A/Neighborhood Retail to 918/Medium Density and rezoning from C-1, Neighborhood Commercial to MFR-1, Multi-Family Residential District for an existing converted office building to residential condominiums and a proposed Planned Residential Group consisting of seven townhomes at 5110 and 5124 Huntington Avenue, respectively – Planning Department (Richard Mitchell 620-6706).

- I-9. **ORDINANCE (SECOND READING)** – amending Ordinance No. 21-05 N.S. establishing wages, salaries, and compensation for the classification of Police Chief (Salary Range is \$83,784 to \$155,004 annually) – City Manager’s Office (Bill Lindsay 620-6512).

- I-10. **ADOPT** - the 2005 Emergency Operations Plan (EOP) – Police Department (Kathy Gerk 620-6866).

- I-11. **APPROVE** – recommendation for the following appointments to Boards and Commissions: (1) **Commission on Aging**: Shirley Gilbert, term expiring May 19, 2007; (2) **Police Commission**: Cora Ward, Incumbent, term expiring November 1, 2008; (3) **Historic Preservation Advisory Committee**: David Blackburn, term expiring July 19, 2007; and (4) **North Richmond Solid Waste Transfer Station Mitigation Fee Joint Expenditure Committee**: Councilmembers Bates, Griffin, and Viramontes and Lee Jones, community representative for unincorporated North Richmond – Mayor Anderson (620-6503).

J. PUBLIC HEARINGS

- J-1. Introduce an ordinance for first reading to amend Sections 9.20.150 and 9.20.155 of the Richmond Municipal Code, establishing rates for the collection of residential and commercial solid wastes within the City of Richmond – City Attorney (John Eastman 620-6509).

K. AGREEMENTS

- K-1. **APPROVE** – a lease agreement with Cingular Wireless to install a cell phone facility at the Richmond Convention Center. This agreement will generate approximately \$30,000 annually in revenue to the City of Richmond – Cable Television (Cecily McMahan 620-6759).

- K-2. **APPROVE** – a contract with Ralph Andersen and Associates to administer the Fire Chief Recruitment Process. The term of the contract is December 21, 2005, through March 31, 2006. The total amount of the contract will not exceed \$26,000 – Human Resources (Leslie Knight 620-6849).

K-3. APPROVE – a contract with Jeff Sloane, Renne, Sloan Holtzman, and Sakai to provide legal services for labor and employment law and labor negotiations. Contract period is December 21, 2005, through June 30, 2006. Total amount of the contract shall not exceed \$100,000 – Human Resources (Leslie Knight 620-6849).

L. RESOLUTIONS

M. ORDINANCES

M-1. INTRODUCE (FIRST READING) – amending Ordinance No. 6-04 N.S., Chapter 13.57 (Richmond Tourism Business Improvement District) of the Richmond Municipal Code adding the Richmond Convention and Visitors Bureau and providing a mechanism for full implementation of the ordinance and the handling of funds collected pursuant to the ordinance – City Attorney (John Eastman 620-6509).

M-2. INTRODUCE (FIRST READING) – repealing Section 6.02.200 of the Richmond Municipal Code pertaining to the Industrial Certified Inspection Program – City Attorney (John Eastman 620-6509).

N. COUNCIL AS A WHOLE

N-1. Status Report on the West County “Subregional Transportation Mitigation Fee Program (STMP) – Developer Fee – City Manager (Bill Lindsay 620-6512).

N-2. Consider a proposal to revise the process by which Councilmembers submit items for the Council Agenda to increase meeting efficiency – Mayor Anderson (620-6503).

N-3. Consider a proposal to return to a weekly City Council meeting schedule – Councilmembers Viramontes and Marquez (620-6512).

N-4. Consider approving a policy directing the Planning Director to require the process of plan checking to be completed in two weeks – Public Safety Committee (620-6581).

N-5. Discussion and recommendation to approve a Community Cultural Development proposal submitted by Don Adams as part of a strategy to reduce and prevent violence in Richmond – Councilmember McLaughlin (237-1256).

N-6. Discussion of an Internal Audit Program for the City of Richmond – City Manager (Bill Lindsay 620-6512).

N-7. Staff Report on the Tobacco Retailer License Ordinance requiring retailers to obtain a license, annually, to sell tobacco (**Continued from the December 6, 2005, meeting**) – Public Safety Committee 620-6581).

O. **COMMUNICATIONS**

O-1. Referrals to staff from the City Council.

- a. Development of an incentive program for police officers to purchase housing in the City of Richmond – Councilmember Thurmond (620-6512).
- b. Augmentation of resources for code enforcement and blight abatement activities – Councilmember Thurmond (620-6512).

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.

Q. **ADJOURNMENT**

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