



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

**AGENDA
Tuesday, November 18, 2008**

**Mayor
Gayle McLaughlin**

**Vice Mayor
John E. Marquez**

**Councilmembers
Thomas K. Butt
Nathaniel Bates
Ludmyrna Lopez
Jim Rogers
Harpreet S. Sandhu
Tony K. Thurmond
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.

EVENING OPEN SESSION

5:00 p.m.

- A. **ROLL CALL**
- B. **PUBLIC COMMENT**
- C. **ADJOURN TO CLOSED SESSION**

CLOSED SESSION

Shimada Room of City Hall

A. **CITY COUNCIL**

- A-1. **LIABILITY CLAIMS - PENDING LITIGATION (Government Code Section 54956.9):**

Penny Turner vs. City of Richmond

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

Nishioka vs. City of Richmond

- A-3. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Initiation of litigation pursuant to Subdivision (c) of Government Code Section 54956.9):**

Two Cases

B. **REDEVELOPMENT AGENCY**

- B-1. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8):**

Property: APN: 513-321-002 South 47th Street and Florida Avenue
 Agency Negotiator: Steve Duran, Richmond Community Redevelopment Agency
 Negotiating Parties: Richmond Community Redevelopment Agency and the Carey 1985 Trust
 Negotiation: Price and Terms of Payment

STUDY SESSION

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6:00 p.m.

- A. **RECEIVE AN OVERVIEW OF THE HONDA PORT OF ENTRY PROJECT INCLUDING OPERATIONS, LOGISTICS, ENVIRONMENTAL ISSUES, FINANCING OF CAPITAL IMPROVEMENTS, LOCAL EMPLOYMENT IMPACTS, AND FINANCIAL IMPACTS - PORT (JIM MATZORKIS 215-4600).**

**SPECIAL MEETING
RICHMOND COMMUNITY REDEVELOPMENT AGENCY**

6:45 p.m.

- A. **ROLL CALL**
- B. **STATEMENT OF CONFLICT OF INTEREST**
- C. **OPEN FORUM FOR PUBLIC COMMENT**
- D. **CONSENT CALENDAR**

D-1. ADOPT a resolution authorizing the transfer of Agency funds to the Planning Department in an amount not to exceed \$99,000 for costs associated with the preparation of the environmental review documents for Marina Bay Parkway Grade Separation Project - Richmond Community Redevelopment Agency (Steve Duran/Alan Wolken 307-8140).

D-2. ADOPT a resolution authorizing the execution of a Highway-Railroad Crossing Safety Account (HRCSA) Project Baseline Agreement and a Funding Agreement with the California Department of Transportation for funding of the Marina Bay Parkway Grade Separation - Richmond Community Redevelopment Agency (Steve Duran/Alan Wolken 307-8140).

D-3. APPROVE the minutes of the Regular Meeting held on October 28, 2008 - City Clerk's Office (Diane Holmes 620-6513).

- E. **ADJOURNMENT**

CITY COUNCIL

7:00 p.m.

- A. **ROLL CALL**
- B. **STATEMENT OF CONFLICT OF INTEREST**
- C. **AGENDA REVIEW**
- D. **PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS**
- E. **REPORT FROM THE CITY ATTORNEY OF FINAL DECISIONS MADE AND NON-CONFIDENTIAL DISCUSSIONS HELD DURING CLOSED SESSION**
- F. **CONSENT CALENDAR**
 - F-1. ADOPT a resolution authorizing staff to apply for \$100,000 in State of California Transportation Development Act (TDA) Article 3 Funds through Contra Costa County for the purpose of developing a citywide Master Bicycle Plan - Planning and Building Services Department (Richard Mitchell 620-6706).
 - F-2. APPROVE the installation of three speed-control undulations on Hartnett Avenue and two on Chanslor Avenue near Fifth Street, using existing approved contract funds - Engineering Services (Rich Davidsion 307-8105).
 - F-3. APPROVE contract amendment #1 with Willdan Financial Services (formerly MuniFinancial), increasing the payment limit by \$6,500 to a new total limit of \$12,772 and extending the term of the contract to December 31, 2009, for assessment engineering services associated with preparation of the 2009-10 Engineer's Report for the Hilltop Landscape Maintenance Assessment District - Public Works (Yader A. Bermudez 231-3009).
 - F-4. APPROVE a second amendment to the contract with Vallier Design Associates, Inc. for work on the Nicholl Park Master Plan, amending the scope of services, increasing the payment limit by \$10,000 to a new total limit of \$59,000, and extending the term of the contract to June 30, 2009 - Public Works (Yader A. Bermudez 231-3009).
 - F-5. ADOPT an ordinance (second reading) amending Subsection 9.22.090 (3)(B) of the Richmond Municipal Code that specifies public nuisances relating to maintenance of property - Councilmember Rogers/City Attorney's Office (867-5725/620-6509).
 - F-6. ADOPT an ordinance (second reading) amending Richmond Municipal Code Chapter 6.38 to provide enhanced enforcement power over unmaintained vacant property - Mayor McLaughlin/Councilmember Butt/City Attorney's Office (620-

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6503/236-7435/720-6509).

- F-7.** APPROVE a contract with Gary Doupnik Manufacturing for delivery and installation of an ADA-compliant modular classroom and restroom trailer at the Fire Training Center in an amount not to exceed \$90,000 - Fire Department (Chief Michael Banks 307-8041).
- F-8.** APPROVE a contract in the amount of \$175,000 with the law firm of Shute, Mihaly and Weinberger LLP for representation of the City of Richmond in the action entitled Communities for a Better Environment vs. City of Richmond - City Attorney's Office (Randy Riddle 620-6509).
- F-9.** ADOPT a resolution to approve the request for an extension of unspent encumbered funds for the Dornan Drive Tunnel Repair and Rehabilitation project (Federal-Aid Project No. IBRL02-5137(029)) and the Filbert and Kelsey Streets Improvement project (Federal-Aid Project No. STPLER-5137(026)) and AUTHORIZE the City Engineer to sign the Cooperative Work Agreement Extension Request on behalf of the City Council - Engineering Services (Rich Davidsion, 621-1825).
- F-10.** ADOPT a resolution approving a 3% annual cost-of-living increase, in addition to the 2% minimum cost-of-living increase, for the recipients of the General Pension Fund, for a total annual cost-of-living increase of 5% for these recipients - Finance Department (James Goins 620-6740).
- F-11.** APPROVE the following appointments: Youth Baseball Advisory Commission: Pamela Henderson, term expires 11/16/11 (completing the unexpired term of Antoinette Lawrence); Housing Advisory Commission: Arnie Kasendorf, term expires 11/1/10 - Mayor's Office (Mayor McLaughlin 620-6503).
- F-12.** APPROVE the minutes of the meetings held on October 21 and 28, 2008 - City Clerk's Office (Diane Holmes 620-6513).

G. PUBLIC HEARINGS

- G-1.** Conduct a public hearing on an appeal by Fred Arm from the Design Review Board's approval of the certification of an Environmental Impact Report (EIR)

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and Design Review Permit for the Honda Port of Entry Project at Point Potrero and AFFIRM, MODIFY, or DENY the certification of the EIR with Statement of Overriding Consideration and accompanying Mitigation Monitoring Reporting Program and AFFIRM, MODIFY, or DENY the Design Review Permit, subject to conditions - Planning and Building Services Department (Richard Mitchell 620-6706).

CITY COUNCIL RECESS

**SPECIAL JOINT MEETING OF THE SURPLUS PROPERTY
AUTHORITY/CITY COUNCIL**

A. ROLL CALL

B. STATEMENT OF CONFLICT OF INTEREST

C. RESOLUTIONS

C-1. ADOPT a resolution approving the following documents relating to the Port of Richmond's Honda Port of Entry Project: (1) second amended and Restated Lease Agreement, (2) Marine Terminal Operating Agreement, and (3) Minimum Annual Guaranty Agreement - Port (Jim Matzorkis 215-4600).

D. ADJOURNMENT

CITY COUNCIL RECONVENE

H. OPEN FORUM FOR PUBLIC COMMENT

I. AGREEMENTS

J. RESOLUTIONS

K. ORDINANCES

K-1. INTRODUCE an ordinance amending and restating Ordinance No. 1-99 N.S., creating a special fund and authorizing the City to pledge and assign net

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revenues from Port operations into the special fund as security for Port related debt obligations - Finance Department/Port (James Goins/Jim Matzorkis 620-6740/215-4600).

L. COUNCIL AS A WHOLE

L-1. Direct staff to: (1) schedule a City Council study session with Jim Sandoval, California Climate Change Working group member; and (2) research the feasibility of a Sustainable Economic Zone and Incentives for the City of Richmond (This item was heard at the November 7, 2008, Finance Committee Meeting) - Councilmember Viramontes (620-6581).

M. COMMUNICATIONS

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

O. ADJOURNMENT

This agenda may be previewed on KCRT – Channel 28, Richmond Television, City website 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 1401 Marina Way South.