



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

**AGENDA
Tuesday, March 17, 2009**

**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**

Tuesday, March 17, 2009

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.

Tuesday, March 17, 2009

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

Rodney Smith vs. City of Richmond

Martin vs. City of Richmond

Booker vs. City of Richmond

Arm vs. City of Richmond

Chevron USA vs. City of Richmond

- A-2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code
Section 54956.8):

Property: Point San Pablo Yacht Harbor Agency

Negotiators: Bill Lindsay/Steve Duran

Negotiating Parties: City of Richmond and Point San Pablo Yacht Harbor

Under Negotiation: Price

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RICHMOND COMMUNITY REDEVELOPMENT AGENCY

6:55 p.m.

A. PLEDGE TO THE FLAG

B. ROLL CALL

C. STATEMENT OF CONFLICT OF INTEREST

D. OPEN FORUM FOR PUBLIC COMMENT

E. CONSENT CALENDAR

E-1. AUTHORIZE the executive director to execute an amendment to the Exclusive Right to Negotiate (ERN) Agreement with Community Housing Development Center (CHDC) and Eden Housing for a portion of the Miraflores Property (APNs: 513-321-001, 513-321-003, 513-231-018, 513-321-023, 513-321-024, 513-321-025, 513-321-037, 513-321-038, 513-330-001, 513-330-002, 513-330-003, 513-330-006, 513-330-007, 513-330-013, 513-330-014, 513-330-005, 513-321-002) located in Central Richmond and extending the term of the ERN from March 24, 2009, until March 24, 2010, and also authorizing the executive director to further extend the term of the ERN Agreement up to an additional six months, if necessary, for the purpose of completing environmental reviews and other due diligence requirements - Richmond Community Redevelopment Agency (Steve Duran/Patrick Lynch 307-8140).

E-2. ADOPT a resolution supporting the allocation of funds through Proposition 1C Transit Oriented Development Housing Program to assist with construction of Phase II of the Richmond Transit Village - Richmond Community Redevelopment Agency (Steve Duran/Alan Wolken 307-8140).

E-3. APPROVE the minutes for the Regular Meeting held on March 3, 2009 - City Clerk's Office (Diane Holmes 620-6513).

F. ADJOURNMENT

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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.** DIRECT staff to place excess workers' compensation insurance coverage with the California State Association of Counties – Excess Insurance Program (CSAC-EIA) for coverage effective April 18, 2009, and execute the Joint Powers Authority Agreement and the Excess Workers' Compensation Memorandum of Understanding as required (this item was reviewed at the March 6, 2009, Finance Committee Meeting and recommended for approval) – Human Resources (Leslie Knight 620-6600).
 - F-2.** APPROVE a contract with Nichols Consulting Engineers, Chtd. in an amount not to exceed \$17,800 to provide pavement analysis and design services to rehabilitate the existing roadway on Hilltop Drive between Robert Miller Drive and Moyers Road - Public Works (Yader A. Bermudez 231-3009).
 - F-3.** APPROVE an agreement with the Richmond Foodshed Collaborative, a division of the non-profit Urban Tilth, for creation of a local "foodshed" on public lands throughout Richmond, and acceptance of an \$85,000 Stewardship Council Grant to fund these services - Public Works (Yader A. Bermudez 231-3009).
 - F-4.** APPROVE the Cooperative Agreement between the City of Richmond and Contra Costa Transportation Authority providing for the receipt of Measure J Program 15, 20, and 28 Funding for various bus and paratransit programs and operations - Recreation Department (Keith Jabari 620-6791).

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- F-5.** AUTHORIZE the Recreation Department to proceed with a laser light show at the Civic Center Plaza on July 3rd, instead of the 3rd of July Fireworks show at the Marina, to preserve the endangered species of Brown Pelicans on Brooks Island and to reduce the cost of the event - Recreation Department (Keith Jabari 620-6791).
- F-6.** ADOPT a resolution amending the City of Richmond's position classification plan to add the classification of Sustainability Coordinator - Human Resources (Leslie Knight 620-6600).
- F-7.** INTRODUCE an ordinance (first reading) establishing the wages, salary, and compensation for the new classification of Sustainability Coordinator (Salary Range 043D: \$4,689 - \$5,608/month) - Human Resources (Leslie Knight 620-6600).
- F-8.** ADOPT a resolution amending the City of Richmond's position classification plan to add the amended classification of Risk Manager - Human Resources (Leslie Knight 620-6600).
- F-9.** INTRODUCE an ordinance (first reading) establishing the wages, salary, and compensation for the revised classification of Risk Manager (Salary Range 070D: \$8,642 - \$10,452/month) - Human Resources (Leslie Knight 620-6600).
- F-10.** APPROVE a contract with Ghilotti Bros., Inc. in an amount not to exceed \$21,352 to replace the existing uneven concrete slab in one of the Equipment Services Shop Bays - Public Works (Yader A. Bermudez 231-3009).
- F-11.** INTRODUCE an ordinance (first reading) establishing the wages, salary, and compensation for the classification of Principal Personnel Analyst (Salary Range 069D: \$7,889 - \$9,548/month) - Human Resources (Leslie Knight 620-6600).
- F-12.** APPROVE a second amendment to the existing construction management services contract with Harris & Associates, Inc. to provide additional construction management services and to improve and update Engineering Service's inspection policies and procedures in an amount not to exceed \$400,000 (this item was reviewed at the March 6, 2009, Finance Committee Meeting and recommended for approval) - Engineering Department (Edric Kwan 621-1825).

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- F-13.** APPROVE a professional service contract with the Crosby Group to design the Dornan Drive Tunnel Repair and Rehabilitation Project in an amount not to exceed \$158,000 (this item was reviewed at the March 6, 2009, Finance Committee Meeting and recommended for approval) - Engineering Department (Edric Kwan 621-1825).
- F-14.** APPROVE a contract with Automobile Resources, Inc. to provide and install two ARI-HETRA Hose Reel Exhaust Systems to comply with current air quality environmental regulations for servicing City vehicles at the Equipment Services Corporation Yard Shop in an amount not to exceed \$65,000 - Public Works (Yader A. Bermudez 231-3009).
- F-15.** APPROVE a contract with MSI Fuel Management, Inc. to provide and install a total of three FuelMaster Management Systems at the Corporation Yard, Parks and Recreation, and the Water Treatment Plant fuel sites, and two additional systems for the new fuel sites located at the Hilltop and May Valley fire stations, in a combined amount not to exceed \$77,500 - Public Works (Yader A. Bermudez 231-3009).
- F-16.** APPROVE the purchase of one heavy-duty ARI-HETRA mobile vehicle lifting system with accessories, and APPROVE a contract with Snap-On Industrial for providing and installing two John Bean automotive vehicle-lifting systems to service City vehicles at the Equipment Services Corporation Yard Shop, for a combined amount not to exceed \$66,150 - Public Works (Yader A. Bermudez 231-3009).
- F-17.** ADOPT a resolution approving the Final Map of Subdivision 9105 (a 12-unit condominium conversion in the El Sobrante area of Richmond) and DIRECT the recording thereof - Engineering Department (Edric Kwan 621-1825).
- F-18.** ADOPT a resolution designating David Baumann, P.L.S., of RBF Consulting, and Patrick M. Rei, L.S., of Kister, Savio & Rei, Inc., as Interim City Land Surveyors, for the purpose of checking subdivision maps - Engineering Department (Edric Kwan 621-1825).
- F-19.** ADOPT an ordinance (second reading) establishing the wages, salary, and compensation for the revised classification of Management Analyst I/II (Salary Range: 043D \$4,689 - \$5,608/month; 055D \$5,763 - \$6,964/month) and the new classification of Senior Management Analyst (Salary Range: 060D \$6,488 - \$7,846/month) - Human Resources (Leslie Knight 620-6600).

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- F-20.** ADOPT a resolution authorizing placement of liens and special assessments for unpaid garbage collection service fees on County Property Tax Records in the total amount of \$335,832 - Finance Department (James Goins 620-6935).
- F-21.** APPROVE a contract with Nichols Consulting Engineers for geotech soils studies analysis related to construction of the new Fire Station No. 66 on Clinton Avenue in an amount not to exceed \$16,900 - Public Works (Yader A. Bermudez 231-3009).
- F-22.** APPROVE the third eCivis, Incorporated contract amendment for a City-wide grant locator database to aid City departments and non-governmental organizations in applying for grants, extending the contract term to March 31, 2010, and increasing the contract amount by \$29,950 for a total cost not to exceed \$126,975 - City Manager's Office (Bill Lindsay 620-6512).
- F-23.** APPROVE the following appointments: Police Commission: Scott Gillespie, term expiring November 1, 2010; Dolores Hembree, term expiring November 1, 2011; James Jenkins, term expiring November 1, 2009; Bea Roberson, term expiring November 1, 2009; Cora Ward, term expiring November 1, 2011; Design Review Board: Diane Bloom, term expiring June 30, 2010; Andrew Butt, term expiring March 17, 2011; Eileen Whitty, term expiring March 17, 2011; Michael Woldemar, term expiring March 17, 2011; and Don Woodrow, term expiring June 1, 2009 - Mayor's Office (Mayor McLaughlin 620-6503).
- F-24.** APPROVE the following appointments: West County Integrated Waste Management - Alternate member, Councilmember Butt; East Bay Regional Parks District Liaison Committee - Alternate member, Councilmember Ritterman - Mayor's Office (Mayor McLaughlin 620-6503).
- F-25.** APPROVE the minutes for the Special Meeting held on February 24, 2009, and the Regular Meeting held on March 3, 2009 - City Clerk's Office (Diane Holmes 620-6513).

G. OPEN FORUM FOR PUBLIC COMMENT

H. PUBLIC HEARINGS

I. AGREEMENTS

J. RESOLUTIONS

- J-1.** ADOPT a resolution opposing Contra Costa County's proposed cuts for Primary Care and Health Services to undocumented adults - Councilmember Viramontes and Vice Mayor Lopez (620-6581).

K. ORDINANCES

- K-1.** INTRODUCE an ordinance (first reading) amending Richmond Municipal Code Section 15.04.910.080 to require findings of public convenience or necessity before approving a conditional use permit for retail sales of alcoholic beverages in areas where there is an undue concentration of establishments selling alcoholic beverages - Planning Department (Richard Mitchell 620-6706).
- K-2.** INTRODUCE an ordinance (first reading) adding Chapter 6.46 to the City of Richmond Municipal Code establishing green building standards for the construction and/or renovation of commercial and residential buildings - Planning Department (Richard Mitchell 620-6706).

L. COUNCIL AS A WHOLE

- L-1.** CONSIDER an amendment to Section 6.02.150 of the Richmond Municipal Code to include language to prevent the issuance of demolition permits for buildings that have stored or used toxic substances without a CEQA review - Councilmembers Butt, Rogers, and Mayor McLaughlin (236-7435).
- L-2.** DISCUSS and CONSIDER two considerations relative to the expansion of Burlington Northern Santa Fe (BNSF) quiet zones: (1) CONSIDER expansion of quiet zones to include the remainder of the BNSF trackage in south Richmond to include 3rd Street, 2nd Street, West Cutting Boulevard, Wright/Harbour Way South, Marina Way, and a private crossing to a storage facility; and (2) CONSIDER a study to determine the locations and costs of grade crossing improvements to all Richmond grade crossings in quiet zones - Councilmember Butt (236-7435).
- L-3.** DISCUSS and PROVIDE DIRECTION to staff regarding possible Green Commute Program strategies - City Manager's Office (Bill Lindsay 620-6512).
- L-4.** RECEIVE a report from staff on the status of the Macdonald Avenue Street Improvements - Councilmember Bates (620-6581).

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L-5. DIRECT staff to file an application for EPA Smart Growth Technical Assistance for planning Greenprint development in Richmond - Councilmember Rogers (620-6581).

L-6. DISCUSS and DIRECT STAFF to take action to oppose High Occupancy Toll Lanes on Interstate 80 - Councilmember Viramontes (620-6581).

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

N. 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.