



**Community Services Building
440 Civic Center Plaza
Richmond, CA 94804**

**AGENDA
Tuesday, February 16, 2010**

Mayor
Gayle McLaughlin

Vice Mayor
Jeff Ritterman

Councilmembers
Nathaniel Bates
Thomas K. Butt
Ludmyrna Lopez
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**

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.

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EVENING OPEN SESSION

5:00 p.m.

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

CLOSED SESSION

Shimada Room of the Community Services Building

A. CITY COUNCIL

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

Burke vs. City of Richmond

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

Citizens of East Shore Park vs. City of Richmond

Communities for a Better Environment vs. City of Richmond, et al.

Chevron vs. City of Richmond (two cases)

- A-3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8):**

Property: Point Molate (site of former Naval Shipyard Depot)

Agency Negotiators: Bill Lindsay and Janet Schneider

Negotiating Party: Upstream Point Molate LLC

Under Negotiation: Price and Terms of Payment

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**JOINT MEETING OF THE RICHMOND REDEVELOPMENT
AGENCY/RICHMOND CITY COUNCIL**

6:30 p.m.

PLEDGE TO THE FLAG

A. ROLL CALL

B. STATEMENT OF CONFLICT OF INTEREST

C. OPEN FORUM FOR PUBLIC COMMENT

D. AGENDA REVIEW

E. PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

E-1. PRESENT Proclamations in honor of Black History Month 2010 to Ms. Eula Averhart, Mr. Courtland "Corky" Booze, Ms. Lillie Mae Jones, and Reverend Phil Lawson, acknowledging their past and on-going commitment to positive social change in Richmond - Mayor's Office (Mayor McLaughlin 620-6503).

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

G. REDEVELOPMENT AGENCY BOARD CONSENT CALENDAR

G-1. ADOPT the following two resolutions: (1) a resolution of the City Council approving the execution and delivery by the Richmond Community Redevelopment Agency of a fixed-receiver swap agreement, and approving the taking of all necessary actions in connection therewith; and (2) a resolution of the Board of the Richmond Community Redevelopment Agency authorizing the execution and delivery of a fixed-receiver swap agreement in connection with its Richmond Community Redevelopment Agency Subordinate Tax Allocation Bonds (Merged Project Areas) Series 2007A, and authorizing the taking of all necessary actions in connection therewith - Finance Department (James Goins 620-6740).

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- G-2.** ADOPT a resolution approving and adopting a mid-year adjustment to the Five-Year 2009/10 - 2013/14 Capital Project and Program Budget, moving \$509,000 from "Terminal One" to the "Downtown Pedestrian/Bicycle Enhancement Program." This adjustment does not increase the Agency's Five Year Capital Project and Program Budget - Richmond Community Redevelopment Agency (Steve Duran/Nickie Mastay 307-8140).
- G-3.** ADOPT resolutions approving and authorizing the executive director and city manager to execute the following documents for the construction of the Richmond Bay Area Rapid Transit (BART) Parking Structure at the Richmond Transit Village: (1) a construction contract with C. Overaa and Company in an amount not to exceed \$20,739,000; (2) a construction management contract with Mack5 in an amount not to exceed \$2,927,375; (3) a design contract with Kimley-Horn and Associates in an amount not to exceed \$1,075,000; and (4) a construction agreement between Richmond Community Redevelopment Agency (RCRA) and BART. (This item was not reviewed by the Finance Committee due to the cancellation of its most recent scheduled meeting.) - Richmond Community Redevelopment Agency (Steve Duran/Alan Wolken 307-8140).
- G-4.** ADOPT resolutions: (1) authorizing the transmittal of the proposed Amended and Restated Redevelopment Plan for the Richmond Merged Redevelopment Project Area, Report to Council, and the Final Environmental Impact Report prepared for the plan amendment; and (2) authorizing a joint public hearing to consider the proposed redevelopment plan amendments - Richmond Community Redevelopment Agency (Steve Duran/Alan Wolken 307-8140).

H. CITY COUNCIL CONSENT CALENDAR

- H-1.** APPROVE a contract with DP Security, LLC (DP Security) to provide security services at 440 Civic Center Plaza and 450 Civic Center Plaza for a period from March 1, 2010, to February 28, 2011, in an amount not to exceed \$445,799.06. (This item was not reviewed by the Finance Committee due to the cancellation of its most recent meeting.) - Community and Economic Development (Steve Duran 307-8140).
- H-2.** APPROVE a sole-source contract with Solar Richmond to provide solar technology and solar installation training for RichmondBUILD students for a term from March 1, 2010, to March 31, 2011, in an amount not to exceed \$135,000. This contract is fully funded by a state grant. (This item was not reviewed by the Finance Committee due to the cancellation of its most recent meeting) - Employment and Training Department (Sal Vaca 307-8006/Fred Lucero 307-8059).

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- H-3.** APPROVE a contract with Gary Douppnik Manufacturing, Inc. to pay for authorized change orders for a project to install a modular classroom structure at the Fire Training Center in June 2009 in an amount not to exceed \$15,086 - Fire Department (Chief Michael Banks 307-8041).
- H-4.** APPROVE a sole-source contract with Rising Sun Energy Center to provide energy efficiency workforce development training for RichmondBUILD students for a term from March 1, 2010, to March 31, 2011, in an amount not to exceed \$135,000. This contract is fully funded by a state grant. (This item was not reviewed by the Finance Committee due to the cancellation of its most recent scheduled meeting) - Employment and Training Department (Sal Vaca 307-8006/Fred Lucero 307-8059).
- H-5.** APPROVE a three-year contract with Dunbar Armored, Inc. to provide armored car services in an amount not to exceed \$31,800 for a three-year term beginning February 17, 2010, and ending February 16, 2013 - Finance Department (James Goins/Antonio Banuelos 620-6740).
- H-6.** ADOPT ordinances (second readings) amending: (1) Richmond Municipal Code 12.20.050 to include establishing a Stormwater Permitting Program (separate from wastewater); and (2) Richmond Municipal Code 2.34.04 to incorporate the current Master Fee Schedule Stormwater Charges into the Stormwater Permitting Program fee schedule - City Manager's Office (Bill Lindsay 620-6512).
- H-7.** ADOPT an ordinance (second reading) amending Sections 15.04.820.030 through 15.04.820.035 of the Richmond Municipal Code to provide for technical amendments to the City's Wireless Telecommunications Ordinance, and the related definitions section of the Zoning Ordinance - City Attorney's Office (Randy Riddle 620-6509).
- H-8.** ADOPT a resolution approving the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the temporary by-pass road near the intersection of Meade Street and Regatta Boulevard in the City of Richmond - Planning and Building Services Department (Richard Mitchell 620-6705).
- H-9.** ADOPT an ordinance (second reading) amending Chapter 2.50 of the Richmond Municipal Code entitled the Business Opportunity Ordinance - Employment and Training Department (Sal Vaca 307-8006).

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- H-10.** ADOPT a resolution authorizing the city manager to enter into a construction contract with Alten Construction in the amount of \$4,275,468 and authorizing the city manager to enter into a loan agreement to provide bridge financing to Rosie the Riveter Trust, or an affiliated wholly-owned for-profit entity, in an amount not to exceed \$2,000,000, for the renovation and rehabilitation of the Maritime Day Care Center - City Manager's Office (Bill Lindsay/Tim Jones 621-1310).
- H-11.** ADOPT the Green Cities California Sustainability Resolution to join Green Cities California, committing Richmond to work cooperatively with other California local governments to accelerate local, regional, national and international efforts to achieve sustainability - City Manager's Office (Bill Lindsay 620-6512).
- H-12.** APPROVE ground lease agreement between the City of Richmond and the West County Wastewater District for sludge dewatering. The initial term is from January 1, 2010, through December 31, 2012, with possible extensions through December 31, 2017. The initial lease cost is \$153,000 in years 2010 through 2012, with minimum rent increases of 3% annually from 2013 through 2017, if extended beyond 2012 - Engineering Department (Chad Davisson 620-5486).

I. RESOLUTIONS

- I-1.** ADOPT a resolution of support for the Wildcat Creek Trail Over-Crossing of the Richmond Parkway and authorization to execute a cooperative funding agreement - Mayor McLaughlin (620-6503) and Councilmember Butt (620-6581).

J. COUNCIL AS A WHOLE

- J-1.** ADOPT a resolution naming the Marina Bay Parkway Underpass Project the "Officer Bradley A. Moody Memorial Underpass" - Councilmember Rogers (867-5725).

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J-2. ADOPT a resolution directing and authorizing the city manager to establish a Downtown Revitalization Project Fund of \$8 million for specific projects that were to be funded by the Redevelopment Agency before recent reductions in Agency funding, and DIRECT the Redevelopment Agency to administer this fund, which will start with any remaining Civic Center Project funds at project close-out and then from one-time revenues, such as land sale proceeds, including but not limited to Point Molate and Terminal One, or other one-time or non-operating sources of funds as soon as they become available - Councilmember Viramontes (620-6581).

J-3. REVIEW Mid-Year Budget Financial Forecast and ADOPT a resolution approving the proposed FY2009-10 budget adjustments - Finance Department (James Goins/Andrea Miller 620-6727).

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

L. ADJOURNMENT

This agenda may be previewed on KCRT – Channel 28, Richmond Television, City website www.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 450 Civic Center Plaza.