

City Manager's Weekly Report

This is the weekly report for the week ending January 30th, 2009 (Monday edition).

1. **Meeting Notes**

The next regular City Council meeting is tomorrow, February 3rd, beginning with a Closed Session at 5:00 PM, and followed by Housing Authority and Redevelopment meetings beginning at 6:30 PM and the regular City Council agenda at 7:00 PM.

Please note that the posted agenda lists an item L-2, which is the mid-year budget review. Because the financial report for this item was not completed in time to be distributed with the City Council packet, despite best efforts by the Finance Department, we are requesting that the City Council continue this to its meeting of February 17th. We will distribute the mid-year financial report to the Council as soon as it is available.

2. **Successful Nevin Park Grand Reopening**

Nevin Park was redesigned and remodeled based on community input and the active participation of the Historic Iron Triangle Neighborhood Council, and now it is officially **reopened**. The reopened park is a modern, beautifully landscaped park with picnic and game tables, benches, lighting, water play elements, shade areas and a state-of-the-art play lot which includes many interactive and educational elements. The reopening of Nevin Park this past Saturday represents the completion of another redevelopment project focusing on the revitalization of Richmond's historic downtown area. Thank you for your attendance at this great event, and thanks to the many people who made this reopening possible.

3. **State Lands Commission Meeting Regarding Chevron Long Wharf Lease**

As you may know, this past Thursday, I attended the State Lands Commission hearing at which the Commission considered the lease of submerged State property to Chevron for operation of their Long Wharf facility. The Commission received testimony from Bruce Beyaert, representing the Trails for Richmond Action Committee (TRAC), Robert Raburn, Executive Director of East Bay Bicycle Coalition, Bill Pinkham and Tony Sustak, Richmond resident bicyclists, Sandra Threlfall of the Public Trust Alliance, and myself, asserting that a lease condition should include a \$5 million financial contribution by Chevron for construction of the segment of Bay Trail that is, in essence, displaced by the proposed lease. After some fairly brief discussion, the State Lands Commission voted unanimously to certify the final EIR and to award Chevron a 30-year lease of State submerged lands for continued operation of its Long Wharf without this requested financial contribution by Chevron.

The outcome was quite disappointing, in part due to the fact that, back in December, the Commission seemed warm to the idea of a Chevron financial

contribution, provided that other interested parties (such as the City of Richmond and the East Bay Regional Parks District) would agree to funding a substantial share of the project. As you know, at its most recent meeting, the City Council made such a funding commitment that we hoped would convince the State Lands Commissioners to seek a fair share from Chevron. After the Commission's vote, I was left with the feeling that we had brought back the broomstick of the Wicked Witch of the West only to be sent away callously by the Wizard of Oz. We will continue to seek ways to seek a brain, a heart, courage, and a way back to Kansas – not to mention this critical segment of Bay Trail.

4. **Kohl's Withdraws Application**

In an e-mail to Planning Director Richard Mitchell, the developer of the Kohl's project has indicated that they are withdrawing their application. In the e-mail, they simply stated:

"We regret to inform you that we have decided to withdraw our application for City Council approval of the Kohl's department store at our site next to Costco. The decision was Kohl's alone and based primarily on the general state of the economy. Their revised sale projections do not justify the construction of a store at that site... Thanks for all your hard work on this project."

5. **Business License Mailers Begin the Implementation of Measure T**

The Business License Division mailed out letters last week to all Richmond-based businesses advising them of the changes that will impact them because of the passage of Measure T.

There are two major changes to the business license as a result of this measure passed by the voters in November 2008. First, all business licenses will now have a common expiration date of December 31st, instead of one year from the date the license was originally issued. This means that, beginning January 1, 2009, a new license must be obtained and the license fee paid by March 15th of each year. Every business with a current license will receive a credit for the months already paid for in 2009. For example, if a business's license expires on June 30th, 2009, that business will receive six months credit and will owe six months for the new license which will have an expiration date of December 31st, 2009.

Second, under Measure T, any business engaged in manufacturing is subject to a new, alternate fee requirement and will need to submit data to the City of Richmond indicating the value of raw materials used in production during 2008. The license fee for manufacturing businesses will now be the larger of one quarter of one percent (0.25%) of the fair market value of the raw materials used in the manufacturing process in the previous year, or the amount as calculated based on the number of employees, as in years past.

As part of the Measure T implementation, businesses will receive the letter and a "Frequently Asked Questions" attachment. The Business License Section of the

City's web has posted a copy of the letter, the Frequently Asked Questions sheet, and full text of the Business License Act.

6. **Code Enforcement Administrative Hearings on Foreclosed Properties**

On January 29th, the first administrative hearing was held regarding Countrywide Home Loans Inc.'s failure to maintain a vacant foreclosed residence in the 600 block of 8th Street. Countrywide received both a notice of the violations present at the property and the subsequent notice of the hearing after they failed to abate the violations.

Countrywide failed to appear at the hearing and, based on the evidence presented, the Hearing Officer found they were in violation of the ordinance and imposed a \$30,000 fine. The fine was determined at the \$1,000 per day rate for each of the 30 days following the deadline without compliance. By failing to appear at the hearing, Countrywide waived all appeal rights of the Hearing Officer's determination and the imposition of the fine.

The City's Code Enforcement unit is obtaining an Abatement Warrant to clean up the property and those costs will also be billed to Countrywide and collected as a special assessment lien if they fail to pay. If Countrywide continues to neglect the property, the daily \$1,000 fines will continue and subsequent hearings will be scheduled each time the new fines reach the \$30,000 level.

7. **Lawsuit Filed Regarding Point Molate Agreements**

A complaint was filed this week in Superior Court by Citizens for Eastshore Parks ("CESP") alleging that the City of Richmond has violated CEQA by approving the Early Transfer Cooperative Agreement ("ETCA") with the Navy and an Environmental Remediation Agreement with Upstream. As you will recall, the ETCA facilitates the transfer of the property from the Navy to the City of Richmond and the Remediation Agreement obligates Upstream to fulfill the City's environmental remediation obligations pursuant to the Water Board Cleanup Order whether or nor it receives project approval. The complaint also claims that the City violated its Settlement Agreement from CESP's previous lawsuit filed because it did not certify an EIR prior to further approvals of the project. It should be noted that approval of these two agreements is necessary for the early transfer regardless of what project is ultimately approved. The BIA will soon be issuing the EIR/EIS for potential uses of the property.

8. **Richmond Summer Youth Employment (SYEP)**

The Richmond SYEP is fully underway with applications to be released on Monday, February 2nd. The deadline for completed applications is the earlier of March 13th, or when the first 500 completed applications are received. The goal for 2009 is 500 youth trained and placed in meaningful career path work experiences. Ten youth serving agencies have agreed to recruit, train and place over 150 youth, and YouthWORKS will be responsible for training and placing the remaining 350 youth. Competitive opportunities for work experience in the energy efficiency industry

and small, storefront retail are planned with Rising Sun Energy and the Richmond Mainstreet Collaborative. Fundraising efforts will begin on Monday, February 2nd with a goal of raising a total of \$200,000 in community support, in addition to the \$300,000 City of Richmond contribution.

9. **Viewing of West Contra Costa Unified School District Board Meetings**

The West Contra Costa Unified School District Board of Education will hold the February 4th Board meeting in the Pinole Valley High School Cafeteria, 2900 Pinole Valley Road, in Pinole, which will allow broadcast by cable television and radio. Broadcast service is provided by the City of Pinole on PCTV Channel 26 and HCTV Channel 25, and the Hercules city cable channel 28. Radio Station KECG 88.1 and 97.7 FM will also carry the broadcast.

As you may know, the School District is unable to do a live cable broadcast of their Board meetings from Lovonya DeJean Middle School because the broadcast dish atop the Richmond Civic Center is down due to construction activity on the site. Richmond staff is continuing to work on issues associated with providing live coverage of School Board meetings, and, until this can be resumed, the City is playing them on KCRT as we receive them. The City is also archiving them on our website.

10. **Activities from the Department of Planning and Building**

The following are significant activities of the Planning and Building Services Department:

- **Training for Certified Green Building Professionals** – Last Thursday and Friday, Planning & Building Department staff members attended a two day training session offered by *Build it Green*. Over two-thirds of our staff members have completed certification training. All Planning and Building Staff members will complete the course by the end of the first quarter. Richmond will be among the first cities in the area to have all of its department staff members complete this training.
- **Green Building Ordinance** – The proposed Green Building Ordinance was presented to the Planning Commission as a study session item at last Thursday's meeting.
- **Bio-Fuels Ordinance** – A proposed bio fuels ordinance will be presented as a study session item at next Thursday's Planning Commission meeting.
- **Proposed Gift and Clothing Shop at 10585 San Pablo Avenue** – Last week a business license was issued to an applicant who intends to open a Clothing and Gift shop at 10585 San Pablo Avenue, near the Mosher Avenue intersection. Initially the applicant expressed an interest in selling tobacco products. After meeting with both Planning and Police Department representatives, the operator opted not to follow through on the tobacco sales application. The

Council and staff received numerous calls from concerned citizens who were not aware of the applicant's decision to drop tobacco from the application. The Council will discuss options for limiting the proliferation of smoke shops at tomorrow's meeting.

- General Plan Elements are under review – The Planning Staff has now received all fifteen General Plan elements in finished format (photographs, maps, sidebars etc...). Staff will complete its review during the next ten days. A written status report and timetable has been included in the Council's information packet.

11. **Office of Neighborhood Services (ONS) Highlights**

The following are recent highlights of Office of Neighborhood Safety activities:

- Mentoring Conference: ONS Neighborhood Change Agents participated in the U.S. Department of Education Regional Mentoring Conferences held in San Diego, California and New Orleans, Louisiana where they were recognized for their street outreach efforts and the provision of attention intensive case mentoring to high risk youth and young adults in Richmond. ONS Neighborhood Change Agents and staff facilitated workshops where more than 90 national organizations were in attendance to learn and receive tools and techniques for working effectively with high risk/disconnected youth and young adult populations.
- New Grant: The Office of Neighborhood Safety learned this week that they will be receiving a grant from the East Bay Community Foundation (EBCF) for the provision of ONS facilitated Life Skills work with youth and young adults. We will provide more information concerning this grant as soon as it becomes available.