

RICHMOND, CALIFORNIA, June 5, 2007

The regular meeting of the City Council was called to order at 5:11 p.m. by Mayor Gayle McLaughlin.

ROLL CALL

Present: Councilmembers Butt, Thurmond, Sandhu, Viramontes, Vice Mayor Bates, and Mayor McLaughlin.

Absent: Councilmembers Marquez, Rogers, and Lopez (Councilmembers Marquez, Rogers, and Lopez arrived later).

STUDY SESSION

The purpose of the study session was as follows:

Review and discuss the Port of Richmond's Strategic Business Plan and provide direction to staff as appropriate. Jim Matzorkis gave a brief overview and introduced Bill Robins, of TransDevelopment Group (TDG), who give a PowerPoint presentation of the Port's Strategic Business Plan. The presentation included the following recommendations and next steps: (1) strategic infrastructure (2) land-side integration (3) long-term automotive strategy (4) international container strategy (5) economic development and environmental stewardship role (6) strategic port alliances, and (7) targeted land use study. Jim Matzorkis presented a financial prospective of the Port's business plan. He asked the City Council to accept the general findings and recommendations of the Strategic Business Plan and to provide direction to pursue new business opportunities as described in the plan. Following discussion, a motion was made by Councilmember Viramontes, seconded by Councilmember Thurmond, to (1) accept the report, give port director approval to go forward on the short-term basis (five to ten year window) to seek market opportunities or clients that are viable as directed by the niche idea, that relate to the site and neighborhood, (2) for short term and long term issues on the Port, direct staff to aggregate parcels that are more useful to the port, or the opportunity have acquisition of new land for expansion of the Port, (3) ask the port director to make a recommendation directly to the City Council as it relates to the City General Plan and zoning of Port priority use properties, (4) authorize the port director to stay a part of the regional discussion on international cargo goods and keep the City Council updated about what is going on with BCDC as it relates to international container ports, (5) have the port director come back and discuss staff levels needed to go forward with new clients and proceed in order to be a Steward, and (6) have the port director come back and give basic information on green-based technology for our Port for the current and potential clients. Vice Mayor Bates offered an amendment to the motion to include the study of the potentials of terminal four, Point Molate. The amendment was accepted. Councilmember Lopez offered a friendly amendment to give direction to staff to elaborate on what their role will be, as a Port, on environmental stewardship. The amendment was accepted. The motion passed by the unanimous vote of the Council.

(1) Reviewed the final 2007 Community Survey Report, (2) Received a presentation from the National

Research Center of the City's 2007 Community Survey Results and (3) Provide direction to staff as appropriate. LaShonda Wilson, City Manager's Office, gave an overview of the item and introduced Shannon Hayden, Senior Research Associate with NRC, who gave a PowerPoint presentation of the survey and results. Some items covered in her presentation included: (1) primary purposes of the survey, (2) uses of survey results, (3) characteristics of residents, (4) study methods (5) mobility, (6) safety, (7) community participation (8) top problems affecting Richmond, (9) ratings of growth, (10) public trust, (11) service provided to Richmond residents, (12) City of Richmond employees, and (13) top five issues for the City to address. Janet Schneider, Administrative Chief, City Manager's Office, gave final comments on the item. Councilmember Butt stated how pleased he was that the City Council gave approval for the survey and he was pleased with the staff for their efforts. Corky Booze stated his dissatisfaction that the results for African American were combined with the non-white race. Mayor McLaughlin thanked the City Manager's Office and The National Research for conducting the survey.

The Study Session adjourned at 7:35 p.m.

The regular meeting of the Richmond City Council was called to order at 7: 35p.m. by Mayor McLaughlin, who led the Pledge of Allegiance to the Flag.

The regular meeting was called to order to hear items F-1 and F-2.

The City Council acknowledged St. David's School and Sheldon Elementary School as program winners in the 2007 Junior Fire Prevention Program. Fire Chief Banks gave a brief overview of the program and turned the presentation over to Fire Marshall, Don Perez. Fire Marshall Perez reported that the Richmond Fire Department, in conjunction with the West Contra Costa School District, has completed the 2007 Junior Fire Prevention Program for all 5th grade students in the City of Richmond. He introduced Fire Inspector, Robin Poindexter and Battalion Chief Tony Kurby, who both assisted in the success of the program. Fire Marshall Perez gave an overview of the program. He stated that the program began in 1952 and this was the 55th year of the program, which focuses on fire prevention and safety basics. Twenty-two elementary schools and 1,200 students participated in the program. All participants received a certificate. St. David School received the 1st place Fire Marshall Trophy for 2007, Ms. Zimpsky accepted the trophy. Trophy winners for fire safety scrap books were: Stephanie Granera, Raymond Felix, and Patricia Torres. A number of St. David students were present for support. Sheldon School received the second place trophy. Representatives from Sheldon were Ms. Bapps and Katy Wolfman. Trophy winners for fire safety scrap books were: Jagesh Kumar, Elena Battas, and Kristal Cole. Fire Inspector, Robin Poindexter introduced other trophy winners from Chavez - Naylea Hernandez, Coronado; Marisol Bernal, El Sobrante; Kimani Cockerham, Ford; Alyza Garcia and Josephine Huynh, Highland; Cali Nguyen, King; Kamera Sims and Arianna Gurule, Lincoln; Sendaly Salazar, Mira Vista; Samantha Samson, Murphy; Candice Wright and Roosevelt

S. Go, Nystrom; Dorian Powell and Erika Barrios, Olinda; Jessica Quezada and Olivia Cowen, Peres; Karina Cervantes, St. Cornelius; Allison Huang, Stege; Mariah Seals, Wilson; Nancy Garcia, Maria Lara, and Andrea Ortega, Valley View; Ching Fang, Christina So, Yasmine Castaneda, and Jashraj Dhillon. Fire Marshall Perez thanked the Council for their continued support. Students were congratulated by the City Council.

Mayor McLaughlin gave a brief overview of the TECHS After-School Program and introduced Felicia Taylor, Director of the program, who provided the history of the program. Ms. Taylor stated that since 1986, Richmond Crime Prevention Program has sponsored a Junior Neighborhood Watch Program in an effort to impact Richmond youth. For 21 years the TECHS After School Program has been implemented on site at the Martin Luther King, Jr. Elementary School in Richmond. The goal of the program is to create a better understanding and cooperation between young people and adults as well as pride in self, home, community and school. The program encourages good citizenship, personal safety, responsible behavior and respect for other's property. TECHS promotes literacy by implementing the All-Stars Reading is Fun Book Club. Mayor McLaughlin presented certificates for Exceptional Achievement to Students to the following children for reading the most books: Adarius Cannon, 17 books; Tunisha Johnson, 16 books; Francisco Ortiz, 41 books; Jasmine Holden, 35 books; Jyeshria Cannon 34 books; Angel Navarro, 15 books; and Natalie Frost, 12 books. Mayor McLaughlin thanked the director and all affiliated with the book club. Myrtle Braxton-Ellington stated that the children were required to make an oral book report to Felicia Taylor on each book read. Students were congratulated by the City Council and given City of Richmond water bottles as an additional token of appreciation.

The meeting adjourned at 7:59 p.m. and reconvened at 10:08 p.m.

ROLL CALL

Present: Councilmembers Sandhu, Rogers, Lopez, Viramontes, Marquez, Butt, Thurmond, Vice Mayor Bates, and Mayor McLaughlin. **Absent:** None.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Removed items: G-6, G-7, G-8, and G-9 from the Consent Calendar.

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

(Vice Mayor Bates was not present during the closed session).

Interim City Attorney, Randy Riddle, reported that the City Council convened to Closed Session to confer with legal counsel regarding:

LIABILITY CLAIMS

Antoinette Jones vs. City of Richmond: claim was approved for \$52,500 with Councilmember Butt voting “no.”

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

Peters/Parr/Walker vs. City of Richmond: Council voted to approve the settlement in the amount of \$225,000.

OPEN FORUM FOR PUBLIC COMMENT

Dollene C. Jones introduced her new business (The Bay Area Casino Shuttle Service) and offered to work with the City of Richmond to increase the quality of their seniors and youth project.

Corky Booze thanked Lynette Gibson-McElhaney, Executive Director of Richmond Neighborhood, for the 2007 leadership award given to him on Saturday, June 2, 2007. Mr. Booze also stated his disappointment that 3.2 million dollars was set aside for the potential hiring of police officers.

Victoria Leftridge, Contra Costa Interface Supporting Communities Organization (CISCO) – requested the new budget include more funds for youth recreation programs and for youth to be involved with the structuring of these programs.

Colina Garcia, CISCO, requested more activities for youth in Richmond be included in the new budget.

Bennie Lois Clark-Singleton requested increased funding in the new budget to clean city streets.

Hector Javregui requested more lighting in the streets of Richmond.

Sandra Gutierrez stated residents are afraid living in the Iron Triangle and requested more officers.

Father Ramiro Flores, St. Marks Church, invited the City Council and community to an open forum on June 14, 2007.

Kathy Robinson stated her disappointment with the Council for voting against operable windows in the new building. She requested the public help encourage our young children and tell them how smart and intelligent they are.

Lieutenant Arnold Threats stated his concerns with the length of time it is taking for a complete investigation of his allegations. He requested the City Council use their resources to bring the investigation to a close and move the Richmond Police Department forward.

Frank C. Reyes stated his concern with the trash in his community between 4th and 2nd Streets and Macdonald and the other side of Bissell. He also stated his concerns about the potholes from 5th Street to the Parkway.

**PRESENTATIONS, PROCLAMATIONS, AND
COMMENDATIONS**

Mayor McLaughlin read a proclamation honoring Juneteenth in Richmond. She presented the proclamation to Jerald Hatchett, who gave comments and thanked the following sponsors: National Brotherhood Alliance, City of Richmond, City of San Pablo, Congressman George Miller, Chevron, Sims Metal, Mechanic Bank, and DP Security, for their continued support. Elmina Green also thanked sponsors KDYA, Opportunity West, and Supervisor John Gioia. She invited everyone to the Juneteenth Festival, Saturday, June 16, 2007, beginning at 11:00 a.m. Corky Booze spoke on this item.

CONSENT CALENDAR

On motion of Councilmember Vice Mayor Bates, seconded by Councilmember Marquez, all items marked with an asterisk (*-) were approved by the unanimous vote of the Council.

*-Approved the purchase of four (4) CheckEze Self-Check machines for the Richmond Public Library from ID Recall Systems in the amount of \$68,496, plus maintenance beginning in 2008 of \$6,000-\$10,000 per year for five (5) years.

*-Adopted Resolution No. 55-07 approving the Engineer's Report relating to the Fiscal Year 2007-08 annual assessment for the Hilltop Landscape Maintenance District ("HLMD"), and setting the public hearing concerning the proposed increase in assessments for June 19, 2007.

*-Adopted Ordinance No. 16-07 N.S. amending Chapter 6.06 Historic Structure Code of the Richmond Municipal Code increasing the HPAC membership from seven to nine members.

*- Adopted Ordinance No. 17-07 N.S. amending Richmond Municipal Code Chapter 3.20 to allow Planning Commission members to remain in office until successors are appointed and to establish a quorum of the Planning Commission as a majority of the currently serving members, but no fewer than three (3) (second reading). Councilmember Butt and Mayor McLaughlin were recorded as voting no).

*-A proposed ordinance establishing the wages, salary, and compensation for the new classification of Recreation Director was introduced for first reading. Said ordinance received first reading and was laid over one week for second reading.

In the matter to adopt a resolution to amend the City of Richmond's position classification plan to add the classification of Recreation Director. Corky Booze spoke on

this item. On motion of Councilmember Marquez, seconded by Councilmember Lopez, adopted Resolution No. 56-07 by the unanimous vote of the Council.

In the matter to adopt an ordinance amending the wages, salary, and compensation for the classification of Code Enforcement Manager. Corky Booze spoke on this item. On motion of Councilmember Viramontes, seconded by Councilmember Marquez, adopted Ordinance No. 18-07 by the unanimous vote of the Council.

In the matter to approve the recommendation to appoint Gloria Vasquez-Alvarez to fill an open seat on Human Relations/Human Rights Commission, term expiring March 30, 2008. Vice Mayor Bates suggest that the Mayor give serious consideration for Ms. Charlotte McIntire to service on this commission in the future. On motion of Councilmember Viramontes, seconded by Councilmember Marquez, approved Gloria Vasquez-Alvarez to fill an open seat on Human Relations/Human Rights Commission by the unanimous vote of the Council.

In the matter to approve the minutes of the Evening and Open Sessions held on May 29, 2007. On motion of Councilmember Viramontes, seconded by Councilmember Lopez, approved the minutes with the following corrections to Item I-1, change police chief to fire chief, and Item K-2, add the word retreat in the sentence were Councilmember Viramontes acknowledges Councilmembers Rogers and Lopez.

PUBLIC HEARINGS

The city clerk announced that this was the time set, pursuant to published notice, to conduct a public hearing to introduce an ordinance (the "Ordinance") that contains a description of the previously approved eminent domain program of the Richmond Community Redevelopment Agency pursuant to the Redevelopment Plans (the "Plans") for Project Area Nos. 1-A (Eastshore Park), 1-B (Pilot), 1-C (Potrero), 3-A (Garvin), 6-A (Harbor Gate), 8-A (Hensley), 10-A (Downtown), 10-B (Nevin), 11-A (Harbour), and 12-A (North Richmond) (the "Project Areas"), and adopt the attached Notice of Exemption for the Ordinance. Steve Duran, Community Economic Development, gave an overview of the item. Mayor McLaughlin declared the public hearing open. There were no public speakers. On motion of Councilmember Viramontes, seconded by Councilmember Marquez, closed the public hearing by unanimous vote of the Council. A motion was made by Councilmember Viramontes, seconded by Councilmember Sandhu, to appropriate the State requirements to apply for an ordinance for eminent domain by the Redevelopment Agency. The motion passed by the following vote: **Ayes:** Councilmembers Lopez, Marquez, Rogers, Sandhu, Viramontes, and Vice Mayor Bates. **Noes:** Mayor McLaughlin. **Abstentions:** None. **Absent:** Councilmembers Butt and Thurmond.

The city clerk announced that this was the time set, pursuant to published notice, to conduct a public hearing on the appeal of the Planning Commission's actions to deny an application for a tentative tract map for the Canyon Oaks II

residential development at the intersection of San Pablo Dam and Castro Ranch Road. Consider certification of a Final Environmental Impact Report for the project; adoption of a Project Mitigation and Monitoring Report (MMRP); approval of a General Plan Amendment and Rezoning; and approval of a Tentative Subdivision Map for the Project. Richard Mitchell, Planning and Building Regulations Department, gave an overview of the item. Barry Johnson, Summit Development, spoke as the owner of this project. John Zentner, President of Zentner and Zentner, spoke in support of the project. Vicki Winston, spoke against this project. Mayor McLaughlin declared the public hearing open. Public speakers were: Ruby Molinari, Eleanor Loynd, Mike Gurtler, Darnell Kelley, Marc LaPlante, Brenda Laplante, Calvin Fong, Gwen Lawson, Eric Frehe, Holvis Delpadillo, Yvette Radford, David Tucker, and Charlotte McIntire. On motion of Councilmember Thurmond, seconded by Councilmember Marquez, closed the public hearing by the unanimous vote of the Council. Following discussion, a motion was made by Vice Mayor Bates, seconded by Councilmember Viramontes, that the appeal be granted, City certify the final environment impact report for project, adopt the project mitigation monitoring report, approve the general plan amendment and rezoning, and tentative subdivision map contingent upon the following conditions: (1) cul-de-sac is closed, (2) owner required to provide the fence and the maintenance borne by the homeowner's association. Discussion ensued and a modification was made to the motion by Vice Mayor Bates, to include 36 units with the cul-de-sac placed at the property line of Canyon Creek Drive. The city manager stated the item needed to go back to the planning commission for a conditional use permit. He suggested that the planning director and staff work with the planning commission on appropriate conditions on the traffic circulation and the fence and other issues. Following more discussion, a substitute motion was made by Councilmember Marquez, to certify a Final Environmental Impact Report for the project; adoption of a Project Mitigation and Monitoring Report, approve a General Plan Amendment and Rezoning, approve a Tentative Subdivision Map for the Project, and direct staff to return with a resolution and an ordinance reflecting the Council's action. The substitute motion failed for lack of a second. On motion of Councilmember Viramontes, seconded by Councilmember Sandhu, continued the meeting until 12:30 a.m., by the unanimous vote of the Council. Discussion ensued. An amendment to the original motion was made by Councilmember Lopez, to amend the tentative map to create a fire trail so there is no through traffic. The amendment was not accepted by Vice Mayor Bates. A second substitute motion was made by Councilmember Marquez, seconded by Councilmember Viramontes, to encompass everything in the original substitute motion except that the cul-de-sac stays and turns into a fire trail. The motion failed by the following vote: **Ayes:** Councilmembers Lopez, Marquez, Sandhu, and Viramontes. **Noes:** Councilmembers Butt, Thurmond, Vice Mayor Bates, and Mayor McLaughlin. **Abstention:** Councilmember Rogers. **Absent:** None. Further discussion ensued, and Councilmember Viramontes withdrew her second to the original motion. Mayor McLaughlin held the item over until June 19, 2007.

RESOLUTIONS

A proposed resolution approving and authorizing the city manager to execute the Project Labor Agreement (PLA) and the accompanying Memorandum of Understanding (MOU) for the Civic Center Project, which are by and between: the City of Richmond; Richmond Civic Center Partners, LLC; Charles Pankow Builders, Ltd.; Contra Costa Building & Construction Trade Council; Employer's Advocates, Inc; together with "Contractors" and "Unions" (as defined in the PLA) that may sign an "Agreement to be Bound" in the future was presented by Steve Duran, Community Economic Development. On motion of Vice Mayor Bates, seconded by Councilmember Sandhu, adopted Resolution No. 57-07 by the unanimous vote of the Council.

A proposed resolution authorizing the city manager to execute an agreement with Richmond Civic Center Partners, LLC. for Phase 1B of the Civic Center Revitalization Project in an amount not to exceed \$80 million and approving a budget not to exceed \$94 million, including Furniture Fixtures and Equipment, Project Management and an Owner-controlled contingency for unforeseeable Owner-initiated changes or unforeseeable field conditions was presented by Steve Duran, Community Economic Development. On motion of Councilmember Viramontes, seconded by Councilmember Thurmond, adopted Resolution No. 58-07 by the following vote: **Ayes:** Councilmembers Lopez, Marquez, Rogers, Sandhu, Thurmond, Viramontes Vice Mayor Bates. **Noes:** Councilmembers Butt and Mayor McLaughlin. **Abstention:** None. **Absent:** None.

ORDINANCES

None.

COUNCIL AS A WHOLE

In the matter to authorize the execution of a contract with Mack5 for Civic Center Phase 1B Project Management Services in an amount not to exceed \$1,715,864. The Finance Standing Committee reviewed this item on May 14, 2007, and recommended approval. Steve Duran, Community Economic Development, gave an overview of the item. On motion of Councilmember Thurmond, seconded by Councilmember Viramontes, extended the meeting 15 minutes by the following vote: **Ayes:** Councilmembers Lopez, Rogers, Sandhu, Thurmond, Viramontes and Mayor McLaughlin. **Noes:** Councilmembers Butt, Marquez, and Vice Mayor Bates. **Abstention:** None. **Absent:** None. Mark Kelly, Mack5, spoke on the item. On motion of Councilmember Viramontes, seconded by Councilmember Lopez, authorized the contract by the following vote: **Ayes:** Councilmembers Marquez, Rogers, Sandhu, Thurmond, and Viramontes. **Noes:** Vice Mayor Bates and Mayor McLaughlin. **Abstention:** Councilmember Lopez. **Absent:** Councilmember Butt.

COMMUNICATIONS

None.

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

Councilmember Viramontes announced that from her trip to New Orleans, she brought each Councilmember a sticker entitled House of Dance and Feather and feather work of Ronald Lewis, a Katrina survivor, who trains young people in Indian and Afro dance. Each Councilmember received a write-up on Mr. Lewis' survival story.

Councilmember Marquez announced that the Public Safety meeting for June 7th was rescheduled for June 21, 2007, at 9:00 a.m.

ADJOURNMENT

There being no further business, the meeting adjourned at 12:45 a.m. to meet again on Tuesday, June 12, 2007, at 7:00 p.m.

City Clerk

(SEAL)

Approved:

Mayor