

RICHMOND, CALIFORNIA, October 2, 2007

The Regular Meeting of the Richmond City Council was called to order at 7:10 p.m., by Mayor Gayle McLaughlin.

ROLL CALL

Present: Councilmembers Butt, Marquez, Rogers, Sandhu, Thurmond, Vice Mayor Bates, and Mayor McLaughlin. **Absent:** Councilmembers Lopez and Viramontes.

STUDY SESSION

The purpose of the study session was as follows:

Andrea Glerum, Contra Costa Transportation Authority Project Manager, gave a presentation on the status of the Interstate 80/Central Avenue interchange improvement project.

The Study Session adjourned at 7:16 p.m.

The Regular Meeting of the Richmond City Council reconvened at 8:41 p.m. by Mayor Gayle McLaughlin.

ROLL CALL

Present: Councilmembers Butt, Lopez, Marquez, Rogers, Sandhu, Thurmond, Vice Mayor Bates, and Mayor McLaughlin. **Absent:** Councilmember Viramontes.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Removed Items G-6, G-12, G-13, and G-16 from the Consent Calendar.

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

Interim City Attorney, Randy Riddle, reported the following:

LIABILITY CLAIMS - Cory Calder vs. City of Richmond – City Council approved \$17,500.

*** CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** Significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.9: - One Case

***CONFERENCE WITH LABOR NEGOTIATORS** (Government Code Section 54957.6): Agency Designated Representative(s): Leslie Knight, City of Richmond, Unrepresented Employee: City Manager

***PUBLIC EMPLOYEE PERFORMANCE EVALUATION** (Government Code Section 54957.6) - City Manager

***PUBLIC EMPLOYEE APPOINTMENT** (Government

Code Section 54957.6) - City Attorney

*** No reportable action taken on the above items.**

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Initiation of litigation pursuant to subdivision (c) of Section 54956.9 - One Case – the City Council conditionally approved the initiation of litigation - the particulars of that matter, including the defendant, will be made public if and when that action is filed and the lawsuit has been served.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Fire Inspector Robin Pointdexter read a proclamation, by the Fire Prevention Bureau, declaring October 7-13, 2007, as Fire Prevention Week. The national theme for Fire Prevention Week is “Practice Your Escape Plan.”

Mayor McLaughlin read a proclamation recognizing October as Hispanic Heritage Month. Councilmembers Lopez and Marquez made the presentations to the following Latino leaders: Father Filiberto, St. Cornelius; Father Ramiro Flores, St. Marks Church; Mariam Wong, Latina Center; Marco Gonzales, Familias Unidas; Eugene Rodriguez, Los Cenzontles Mexican Art Center; Silvana Mosca Carreon, Nuevo Mundo Pre-School; Rigoberto Mendoza, Rigo Auto Sales; Maria Moura, Portumex; and Maria Jose Ruiz, recent Contra Costa College graduate and Mills College student.

OPEN FORUM FOR PUBLIC COMMENT

Mary DeBenedictis spoke about Canyon Oaks II Project.

David Haynes spoke about his wrongfully termination with the City of Richmond.

Herk Schusteff spoke about the Canyon Oaks II Project.

Corky Booze thanked all who participated in the Tent City Peace Movement.

Lucy Lawliss spoke about the success of Rosie the Riveter and the Homefront Festival. She thanked everyone for there help and support.

Simms Thompson Jr. spoke about missing street signs and lights. He stated the street lights located in the underpass on Macdonald Avenue in Richmond.

Jerome Smith spoke about the Hillside Ordinance.

Kathy Robinson requested that Tent City Peace Movement pictures be displayed at the Main Library. She also expressed concern with vendors selling food and other items on the streets of Richmond.

Andres Soto spoke about the advantages of the Health Care Center being moved to the Civic Center.

Wendy Gonzalez invited every to the Children's March, “protect the love of our children, plant love not fear,” to be held on October 12, 2007, at 11:00 a. m. at Saint Paul, Saint Cornelius, and Saint Mark Churches.

Jovanka Beckles asked the Council to respect its constituent's desires to have their voices heard by starting the City Council Meetings on time. She also stated she was a participant in the Tent City Peace Movement and the Homefront Festival. Both events were successful.

Tanya Boyce (submitted a speaker's card to speak but was not in the Chambers when called).

CONSENT CALENDAR

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

*-Adopted Resolution No. 103-07 approving the boundaries of the proposed Targeted Employment Area and directing the submittal of an application to the California State Housing and Community Development Department for an updated Targeted Employment Area designation.

*- Approved a contract with Liebert Cassidy Whitmore for \$24,999 for employee training and legal consultation, for the period from July 1, 2007, to June 30, 2008.

*- Approved the city manager to execute a contract with Rockhurst University in the amount of \$24,999 for employee training, for the period from July 1, 2007, to June 30, 2008.

*-Adopted Ordinance No. 36-07 N.S. establishing the wages, salary, and compensation for the new classification of Administrative Services Analyst (Salary Range: \$5,541 - \$6,696).

*-Adopted Ordinance No. 37-07 N.S. revising the wages, salary, and compensation for the classification of Senior Civil Engineer (Salary Range 064C \$7510-\$9129/month).

The city manager excused himself from the Chambers for this item. A proposal to approve a contract with the city manager which will: (1) provide a three-year term with an option to renew in the fourth year, (2) provide a 5% increase per year with an effective date of February 14, 2008, and (3) update the deferred compensation contribution to the extent authorized by Internal Revenue Code Section 457 was presented. Leslie knight gave an overview of the item. Speakers were: Corky Booze, Jerome Smith, and (Tanya Boyce submitted a speaker's card for this item but chose not to speak). Following discussion, a motion was made by Councilmember Rogers, seconded by Councilmember Thurmond, to approve the contract. The motion passed by the unanimous vote of the Council.

*-Adopted Ordinance No. 38-07 N.S. revising the wages, salary, and compensation for the classification of Associate Civil Engineer, Salary Range 061E \$6487-\$7886/month.

*-Adopted Ordinance No. 39-07 N.S. revising the wages, salary, and compensation for the classification of Assistant Engineer (Salary Range 53: \$5684-6908/month).

*-Approved a contract in the amount of \$60,000 with the Richmond Art Center to support ongoing arts programs and collaborations with the City, as allocated in the FY 2007-2008 Budget.

*-Approved a contract in the amount of \$60,000 with the East Bay Center for the Performing Arts to support ongoing arts programs and collaborations with the City, as allocated in the FY 2007-2008 Budget.

*-Approved a contract in the amount of \$60,000 with the National Institute of Art & Disabilities (NIAD) to support ongoing arts programs and collaborations with the City, as allocated in the FY 2007-2008 Budget.

(The city manager returned to the meeting). A proposal to adopt an ordinance adding Chapter 11.98 to the Richmond Municipal Code Entitled Banning of the Possession of Large-Capacity Magazines was presented. Councilmember Rogers gave an overview of the item. Speakers were: Corky Booze, Andres Soto, Diane Barde, and Tanya Boyce. Following discussion, on motion of Councilmember Rogers, seconded by Councilmember Thurmond, adopted Ordinance No. 40-07 N.S. by the following vote: **Ayes:** Councilmembers Butt, Lopez, Rogers, Sandhu, Thurmond, and Mayor McLaughlin. **Noes:** Vice Mayor Bates. **Abstentions:** Councilmember Marquez. **Absent:** Councilmember Viramontes.

A proposal to adopt an ordinance adding Chapter 11.97 to the Municipal Code of the City of Richmond to require the reporting of lost or stolen firearms was presented. Councilmember Rogers gave an overview of the item. Speakers were: Corky Booze, Andres Soto, and Diane Barde. Following discussion, on motion of Councilmember Sandhu, seconded by Councilmember Rogers, adopted Ordinance No. 41-07 N.S. by the following vote: **Ayes:** Councilmembers Butt, Lopez, Rogers, Sandhu, Thurmond, and Mayor McLaughlin. **Noes:** Vice Mayor Bates. **Abstentions:** Councilmember Marquez. **Absent:** Councilmember Viramontes.

*-Adopted Ordinance No. 42.07 N.S. to enact the first Tuesday in May as the deadline for submitting the proposed annual budget to the City Council every fiscal year and require that the City Council adopt the budget by June 30.

*-Adopted Resolution No. 104-07 authorizing the execution of a grant agreement with the California Cultural and Historical Endowment to allow for the receipt of \$2,081,800 in funding for the renovation of the Richmond Natatorium.

A proposal to endorse the Green Chamber of Commerce event, "Greening Richmond: A community works to fight global warming," to take place on October 21, 2007, 1:00 p.m. to 5:00 p.m. at DeJean Middle School was presented. Mayor McLaughlin gave an overview of the item. Following discussion, on motion of Councilmember Rogers, second by Mayor McLaughlin endorsed the Green Chamber of Commerce Event by the unanimous vote of the Council.

*-Approved the purchase of a completed 27' Flexible production vehicle in the amount of \$121,250 plus tax, title and licenses from Media Concepts.

*-Approved the minutes of the Evening Open Session held on September 11, 2007, the Morning and Evening Open Sessions held on September 18, 2007, and the minutes of the Special Meeting held on September 25, 2007.

PUBLIC HEARINGS

The city clerk announced this was the time set, pursuant to published notice, to conduct a public hearing to deny the applicant's request for approval of General Plan amendment, rezoning, and variance, for the property located at 327 So. 4th Street. Provide direction to the General Plan Update staff to study the applicant's request for a General Plan amendment and rezoning to MFR-2 as part of the General Plan Update for a greater surrounding area and, direct staff to return with a draft Resolution reflecting the City Council's action. Richard Mitchell gave an overview of the item. Mayor McLaughlin declared the hearing open. Tanya Boyce spoke on this item. On motion of Vice Mayor Bates, seconded by Councilmember Lopez, closed the hearing by the unanimous vote of the Council. On motion of Vice Mayor Bates, seconded by Councilmember Marquez, reopened the hearing to allow Vendela Bochars to speak on this item, by the unanimous vote of the Council. On motion of Vice Mayor Bates, seconded by Councilmember Thurmond closed the hearing by the unanimous vote of the Council. Following discussion, a motion was made by Councilmember Lopez, seconded by Councilmember Sandhu, to accept staff's recommendation as presented and direct staff to work with applicant to explore the approach Tanya Boyce recommended. The motion passed by the unanimous vote of the Council.

The city clerk announced this was the time set, pursuant to published notice, to conduct a public hearing and adopt a resolution: (a) finding that the public necessity, health, safety, or welfare requires the removal of poles, overhead wires and associated overhead structures, and underground installation services along West Macdonald Avenue between 6th Street and Garrard Boulevard; (b) establishing Underground Utility District No. 2007-1 on West Macdonald Avenue between 6th Street and Garrard Boulevard; (c) approving the use of the Rule 20-A funding by PG&E to pay for the costs associated with the underground of the electric distribution within the district. Rich Davidson, City Engineer, gave an overview of the item. Mayor McLaughlin declared the hearing open. Speakers were: Corky Booze and Simms Thompson, Jr. On motion of Councilmember Lopez, seconded by Councilmember Marquez, closed the hearing by the unanimous vote of the Council. Following discussion, on motion of Councilmember Marquez, seconded by Councilmember Thurmond, adopted Resolution No. 105-07 by the unanimous vote of the Council.

AGREEMENTS

None.

RESOLUTIONS

None.

ORDINANCES

None.

COUNCIL AS A WHOLE

In the matter to discuss City policy and direct staff relative to requiring that Union Pacific Railroad clean up graffiti on railroad property next to the I-580 entrance to Richmond. Councilmember Rogers gave an overview of the item. Yader Bermudez, Public Works Director, gave a report on the efforts of the clean up. Speakers were:

Corky Booze and Simms Thompson, Jr. Following discussion, a motion was made by Councilmember Marquez, seconded by Councilmember Rogers, to direct staff to require Union Pacific to clean up the graffiti on their property. A friendly amendment to the motion was offered by Councilmember Butt to include that the City will not pay to assist in cleaning the graffiti from the property and direct the city attorney to pursue with administrative penalty and court orders. The amendment was accepted. Discussion continued and a second friendly amendment was offered by Councilmember Rogers to ask staff to determine if fences are owned by property owners. The amendment was accepted. Discussion ensued and a third friendly amendment was offered by Councilmember Rogers that effective immediately, inform the railroad to clean up the graffiti on their property. The amendment was accepted. A fourth friendly amendment was offered by Councilmember Thurmond to direct staff to study what other cities are doing to clean up graffiti. The amendment was accepted. The motion, including all amendments, passed by the following vote: **Ayes:** Councilmembers Butt, Lopez, Marquez, Rogers, Sandhu, Thurmond, and Mayor McLaughlin. **Noes:** None. **Abstentions:** Vice Mayor Bates. **Absent:** Councilmember Viramontes.

In the matter to provide update and direction to staff regarding on-going and future efforts to reduce violence. Councilmember Thurmond gave an overview of this item. Bill Lindsay, City Manager, reported that the new Neighbor Safety Director will start work on October 23, 2007. Corky Booze spoke on this item. (Jerome Smith submitted a speaker's card for this item but was not in the chambers when called).

In the matter to discuss and decide on consistent time(s) to hold Closed Session meetings of the City Council. Councilmember Butt gave an overview of the item. Following discussion, a motion was made by Councilmember Thurmond, seconded by Councilmember Lopez, to begin Closed Session at 5:00 p.m. The motion passed by the following vote: **Ayes:** Councilmembers Butt, Lopez, Marquez, Rogers, Sandhu, Thurmond, and Vice Mayor Bates. **Noes:** None. **Abstentions:** Mayor McLaughlin. **Absent:** Councilmember Viramontes.

ANNOUNCEMENTS

Councilmember Sandhu announced that the next Public Safety Meeting will be held on Thursday, October 4, 2007, at 9:00 a.m. in the Council Chambers.

Mayor McLaughlin thanked everyone who participated in the Tent City Peace Movement and the Homefront Festival.

ADJOURNMENT

There being no further business the meeting adjourned at 11:57 p.m. to meet again on Tuesday, October 16, 2007, at 7:00 p.m.

City Clerk

(SEAL)

Approved:

Mayor