

## **RICHMOND, CALIFORNIA, December 4, 2007**

The Regular Meeting of the City Council was called to order at 2:15 p.m. for a Study Session by Mayor Gayle McLaughlin.

### **ROLL CALL**

**Present:** Councilmembers Butt, Lopez, Marquez, Rogers (arrived at 2:38 p.m.), Sandhu, Viramontes, Vice Mayor Bates, and Mayor McLaughlin. **Absent:** Councilmember Thurmond.

### **STUDY SESSION**

The purpose of the Study Session was as follows:

Review the land use alternatives and change areas that have been developed through the community process for the update of the general plan and give staff additional direction; Receive a status report on the general plan update and provide direction to staff and the planning consultant. Richard Mitchell, Planning Director gave an overview of the item, and stated that the purpose of the study session was for the General Plan Team to provide an overview of the analysis that will be conducted for the General Plan Environmental Impact Report (EIR) and present findings from a preliminary fiscal analysis of the three alternatives, review the draft Land Use Alternatives and supporting materials, and provide direction for further refinements and modifications. At a joint study session, the City Council and Planning Commission members directed staff to revise the materials reviewed and present a preliminary analysis of the proposed alternatives and findings. Based on input received from the General Plan Advisory Committee (GPAC); Technical Advisory Committee (TAC), City commission and committees; and the community, MIG made more revisions to the land use alternatives. The new versions of the land use alternatives include a wider range of land use options for many of the change areas and offer a broader range of possible impacts for the purposes of the EIR analysis. Elizabeth FitzZaland, MIG, presented the change areas and stated that the presentation was to review the range of alternatives for the purpose of the Environmental Impact Report. Councilmember Viramontes did not agree with the possible conversion from a residential district to a commercial district on South 23<sup>rd</sup> Street from Ohio Avenue to Cutting Boulevard. Richard Mitchell, Planning Director, replied that these are suggested changes that may or may not be implemented. No decisions will be made at this time. Councilmember Viramontes also requested that a piece of property shown in the 'Point San Pablo' area map be investigated to determine if the Richmond Pension Fund still owns it. Councilmember Butt stated that the City Council approved a special reuse plan for the Point Molate area and requested that staff determine whether the reuse plan would supersede the general plan. Councilmember Butt presented some slides from Auckland, New Zealand, which has many topographical and industrial similarities to the City of Richmond. Vice Mayor Bates requested that the three land use alternatives return to the General Plan Committee for their recommendations. Councilmember Viramontes suggested a fourth option be added to the Ford Peninsula change area to keep the business mix category all the way to Point Richmond and only allow residential at the very top of the area in order to preserve the buffer zone with light industrial business mix. Mayor McLaughlin stated that the Richmond Inner Harbour Campus Bay area is highly toxic and requested that a

fourth option be added to keep this area open space, undeveloped until a full comprehensive characterization is performed, a cleanup work plan, an implementation and completion of a work plan is completely done. Also, that for each of the options it be noted that nothing can be developed without having met the fourth option requirements mentioned above. Ms. FitzZaland replied that every toxic location throughout the City would have to meet state, federal, and local cleanup standards before being developed. Councilmember Viramontes suggested that public transportation options be noted for the Campus Bay site. Councilmember Rogers suggested that building height limits should be higher in certain areas. The following speakers gave comments: Kevin Hampton, Jim Bates, Brett Foley, Tom Kambe, and Maria Lozada.

The Study Session adjourned at 5:00 p.m.

The Evening Open Session was called to order at 5:00 p.m. by Mayor Gayle McLaughlin.

### **ROLL CALL**

**Present:** Councilmembers Butt, Lopez, Rogers, Viramontes, and Mayor McLaughlin. **Absent:** Vice Mayor Bates, Councilmembers Marquez, Sandhu, and Thurmond. (Councilmember Sandhu arrived during Closed Session discussion)

### **PUBLIC COMMENT**

The acting city clerk announced that this was the time for the City Council to hear public comment on the following items to be discussed in Closed Session:

#### **LIABILITY CLAIMS – PENDING LITIGATION (Government Code Section 54956.9)**

Bounh Chansy vs. City of Richmond

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

Tanzel vs. City of Richmond

#### **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9:**

Two Cases

#### **CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8)**

Property: Point Potrero Marine Terminal, 1311 Canal Blvd., Richmond, CA  
City Negotiator: Jim Matzorkis  
Negotiating parties: Auto Warehousing Company (Dennis Matteo)  
Under Negotiation: Price and terms of payment

#### **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Initiation of litigation pursuant to Subdivision (c) of Section 54956.9**

One Case

There were no public speakers.

The Open Session adjourned to Closed Session at 5:02 p.m. The Closed Session adjourned at 6:26 p.m.

The City Council reconvened for a second Study Session at 6:26 p.m.

### **STUDY SESSION**

Presentation by the delegation to Shimada, Japan and Zhoushan, China, the City of Richmond's sister cities of the October 2007 Tour. Vice Mayor Bates gave an overview of the trip. The following individuals gave comments: Jim Matzorkis, Jim Bates, Karen Fenton, and former mayor Rosemary Corbin. former mayor Corbin submitted a draft ordinance that would form a Zhoshan, China Commission whose members would be appointed by the Mayor. Dean Vigil presented a painting from the Richmond-Shimada Friendship Association and the Shimada flag to Mayor McLaughlin. Vice Mayor Bates presented Mayor McLaughlin with a stamp with her name in Chinese from Mayor Zing of Zhoushan, China, a plate from Ocean University, a book with pictures of Zhoushan, a wall calendar of Mt. Fuji, and the official signed agreement between the City of Richmond and the City of Zhoushan. Councilmember Viramontes stated that she and Vice Mayor Bates would co-author the draft ordinance for the establishment of the Zhoushan, China commission and bring to the city council at the next meeting. Vice Mayor Bates suggested that the City Council direct the City Manager to appoint an executive manager and staff members to manage programs and relationships with Zhoshan, China, Shimada, Japan, and Regla, Cuba.

The study session adjourned at 7:18 p.m.

The Regular Meeting of the City Council reconvened at 7:20 p.m.

### **ROLL CALL**

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

### **STATEMENT OF CONFLICT OF INTEREST**

None.

### **AGENDA REVIEW**

Item H-2 was continued to a later date. Items G-1 and G-8 were removed from the Consent Calendar and Item L-1 was moved up to be heard after Open Forum.

### **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 – PENDING LITIGATION (Government Code Section 54956.9)**

Bounh Chansy vs. City of Richmond: **The City Council approved a settlement in the amount of \$40,000.**

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

Tanzel vs. City of Richmond: **No reportable action taken.**

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9:**

Two Cases: **No reportable action taken.**

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8)**

Property: Point Potrero Marine Terminal, 1311 Canal Blvd.,  
Richmond, CA  
City Negotiator: Jim Matzorkis  
Negotiating parties: Auto Warehousing Company (Dennis Matteo)  
Under Negotiation: Price and terms of payment: **No reportable action taken.**

**OPEN FORUM FOR PUBLIC COMMENT**

Kathy Robinson thanked the City Council for uniting with other cities in the Bay Area in becoming a green city.

Linda Chavez stated that hills should be kept undeveloped and remain as open space.

Mary DeBenidictus spoke in opposition to the demolition of trees in the El Sobrante Valley area and asked that the Hillside Ordinance be adhered to.

Herk Schusteff stated that the Canyon Oaks II Project should strictly adhere to the Hillside Ordinance.

Ben Deniston stated he and others are on a campaign to get the federal government to intervene regarding the current housing crisis.

Kelly Costello stated that her group is petitioning cities to urge congress to pass an act stopping home foreclosures with a rent payment program.

Oyang Tang gave comments regarding support from cities and states urging legislators to pass legislation to aid in the current home mortgage crisis.

Gary Jones gave comments regarding vandalism of his cars in his neighborhood and asked for the status of painting a handicap zone in front of his home.

Jeff Ritterman stated that he is part of a grassroots effort to revive Measure T.

Kevin Hampton thanked the Council for being adamant that the developer of West Ohio hire Richmond residents.

Misha Rashin, Sierra Club, stated that those areas currently designated for open space should remain as open space as the general plan process moves forward.

Corky Booze asked the community to write the Councilmembers to require Chevron give their fair share to the City.

Jerome Smith spoke against the proposed Canyon Oaks II development and to uphold the Hillside Ordinance.

Sims Thompson asked if the City of Richmond has an infrastructure plan. Mr. Thompson asked that more improvements be made throughout the City.

Bruce Brubaker, TRAC member, stated that there is a Bay Trail designated area encompassing the 64 live/work unit project on Marina Way South that was not considered in the project.

Karla Coop, Rosie the Riveter World War II National Historic Park, provided the Council with a national park newsletter.

This item was heard directly after Open Forum. In the matter to direct staff to come back with recommendations on waste reduction and pursuing more compostable materials in restaurants as implemented in Oakland, Berkeley, San Francisco, and other cities. Mayor McLaughlin gave an overview of the matter. The Mayor stated the purpose is to have restaurants use biodegradable materials and take-out food containers in Richmond restaurants and develop options for implementing a Styrofoam ban on food service containers in Richmond while giving restaurants plenty of lead time to use up their existing stock. The following individuals gave comments: Barbara Straus, Doria Robinson, Jeff Ritterman, Kay Wallis, Corky Booze, Jerome Smith, Jovanka Beckles, Nicole Valentino, Marilyn Langlois, Cynthia Zuniga, Joaquin Narvaez, Millie Frederick, Silvia Hopkins, William Acevedo, Steve Devine, Jane Mills, Martha Berthleson, Cythia Burke, and Ruth Gilmore. Councilmember Rogers recommended that staff report back at a later time for banning plastic bags from retail stores or offering customers the option of paper or plastic and to have information posted on large recycle bins and garbage cans on what is recycled and what isn't. Councilmember Viramontes suggested that the local chamber of commerce be included in this matter in order to include small and large businesses. Also, attempt to prohibit the use of styrofoam use in grocery store items, such as meat packaging containers and large products, such as televisions and furniture, and seek transitional funding through the Waste Management Board on a grant basis to help stabilize small businesses that would be required to implement this law. A motion was made by Mayor McLaughlin, seconded by Councilmember Rogers that staff provide a report in 60 days with recommendations for ways to reduce waste and increase the use of compostables including removal of styrofoam from restaurants and any other sources possible. There should also be input solicited from the business community and the Goldman School. Councilmember Rogers requested that the recommendations be separated by those that are short-term and those that are long-term. The motion passed by the unanimous vote of the Council.

### **CONSENT CALENDAR**

On motion of Councilmember Viramontes, seconded by Councilmember Rogers, all items marked with an asterisk (\*-) were approved by the unanimous vote of the Council.

A proposal to adopt a resolution increasing the Employment and Training Department, YouthWORKS Division, budget by \$208,000 for the 2007-2008 fiscal year using funds advanced by the City, secured by future development fee revenues was presented. Sal Vaca, Employment and Training Director, gave an overview of the item. Mr. Vaca stated the funding would be used to serve an additional 85 youth on a year-round academic program, they will receive tutoring, counseling, guidance, mentoring, career coaching, and part-time job placement. Speakers were: Corky Booze and Jackie Thompson. Following discussion, a motion was made by Councilmember Viramontes, seconded by Councilmember Lopez to support the staff report. The motion passed and **Resolution No. 126-07** was adopted by the unanimous vote of the Council.

\*- Awarded a contract to State Tree Experts, in an amount not to exceed \$18,450, to remove trees at Fire Stations Nos. 62, 64, and 68; Tiller Park; and 709 Tewksbury Avenue.

\*-Approved the Preliminary 2008/2009 North Richmond Waste & Recovery Mitigation Fee Expenditure Plan created to mitigate blight and illegal dumping in the incorporated and unincorporated North Richmond areas. (This plan was reviewed by members of the North Richmond Waste Recovery Fee Joint Expenditure Committee.)

\*-Awarded a construction contract for Speed Control Undulations 2007-2008 to Malachi Construction for a price of \$80,448 with a contingency and reserve not to exceed \$8,000.

\*-Accepted the work performed by Prism Engineering, Inc. for completion of the Cutting Boulevard Interconnect and Detector Loop Project from Harbour Way South to South 49th Street at a final construction cost of \$435,146.65.

\*-Adopted **Ordinance No. 46-07** revising the wages, salary, and compensation for the classification of Environmental Manager (Salary Range 061E \$6487-7886/month).

\*-Approved a contract with Attic Consulting for an amount not to exceed \$50,000 to provide technical writing services associated with preparing the operating budget, the capital improvement plan, the long-term financial plan, and other public financial documents on an as needed basis.

A proposal to approve a contract with Trisha A. Aljoe in the amount of \$75,000, becoming effective December 1, 2007, through June 30, 2008, to provide legal services with respect to the Police Department in connection with Code Enforcement activities, general legal matters, and drug house abatement matters was presented. City Attorney, Randy Riddle, gave an overview of the item. Jackie Thompson spoke on this item. Councilmember Butt requested information on how many drug houses have been abated and how much money has been collected in various penalties and costs. The city manager stated he would research and provide that information to the Council. The information requested will include information covering the time Ms. Aljoe was involved with Code Enforcement and when she was not involved. Councilmember Butt also requested the city attorney and city manager reinvent the code enforcement program in a way it is more effective. Councilmember Thurmond requested this item be held over until more information is received from the city manager. A motion was made by Councilmember Viramontes, seconded by

Councilmember Marquez, to approve the contract. The motion passed by the following vote: **Ayes:** Councilmember Lopez, Marquez, Rogers, Sandhu, Viramontes, and Vice Mayor Bates. **Noes:** Councilmember Butt and Mayor McLaughlin. **Abstentions:** Councilmember Thurmond.

\*- Approved the updated 2008-2009 Mutual Agreement between Zhoushan, China and the City of Richmond.

\*-Approved the appointment of Dorothy Holmes to the Housing Advisory Board. Term will expire December 4, 2009.

### **PUBLIC HEARINGS**

The acting city clerk announced this was the time set, pursuant to published notice, to conduct a public hearing to consider the designation of the Santa Fe Trainmaster's Office, located at 4 West Richmond Avenue, as a Historic Resource; and adopt a resolution approving the designation of the Santa Fe Trainmaster's Office as a Historic Resource. Mayor McLaughlin declared the public hearing open. Martin McNair and Corky Booze gave comments. A motion made by Councilmember Viramontes, seconded by Councilmember Lopez to close the public hearing, passed by the unanimous vote of the Council. A motion made by Councilmember Viramontes, seconded by Vice Mayor Bates to approve the designation, passed by the unanimous vote of the Council.

The acting city clerk announced that this was the time set to introduce an ordinance amending Richmond Municipal Code Sections 9.20.150 and 9.20.155 to increase the solid waste collection rates to reflect a 3.29% change in the Consumer Price Index (CPI). Randy Riddle, Interim City Attorney stated that the franchise agreement between the City of Richmond and Richmond Sanitary service provide for an annual adjustment to the solid waste collection rates based on the change in the CPI. Mayor McLaughlin declared the public hearing open. Corky booze and Sims Thompson gave comments. A motion was made by Councilmember Lopez, seconded by Councilmember Viramontes, to close the public hearing, passed by the unanimous vote of the Council. Corky Booze and Sims Thompson gave comments. A motion by Councilmember Marquez, seconded by Councilmember Thurmond to approve first reading of the ordinance, passed by the unanimous vote of the council.

### **COUNCIL AS WHOLE**

In the matter to discuss ending the City of Richmond's use of plastic water bottles, due to unnecessary energy/greenhouse gas in manufacture, and filling up landfills after use, and ask staff to bring back an appropriate enacting ordinance. Councilmember Rogers gave an overview of the matter. The following individuals gave comments: Corky Booze, Joshua Matarella, and Dionie Maine. Following discussion, a motion by Councilmember Rogers, seconded by Councilmember Thurmond to approve the recommendation and give direction to staff passed by the following vote: **Ayes:** Councilmembers Butt, Lopez, Rogers, Sandhu, Thurmond, Viramontes, and Mayor McLaughlin. **Noes:** Vice Mayor Bates. **Abstain:** Councilmember Marquez. **Absent:** None.

In the matter to discuss over cross collateralization (properties in Richmond sitting vacant and economically useless for many

years because they are pledged as collateral/security for large loans) and give direction to staff to develop a plan to proactively intervene to prevent properties in Richmond from suffering this fate. Councilmember Rogers gave a brief overview of the matter. John Troughton, Cushman & Wakefield, stated that over cross collateralization prevents redevelopment and growth by keeping properties from being reused, which stifles job creation. Takeovers and leveraged buyouts have led to real estate restructuring at many of Richmond's largest employers. Other companies held on to over cross collateralized real estate, impeding development and costing jobs. Corky Booze spoke on this item. Following discussion, a motion by Councilmember Rogers to forward this matter to staff for further research, failed for lack of a second. Discussion continued and a motion was made by Councilmember Viramontes, seconded by Councilmember Lopez, to get a legal opinion, from the city attorney to determine if it is possible for the City of Richmond to participate in developing a private equity real estate fund to look at high-risk properties in Richmond. Mayor McLaughlin determined no motion was needed and directed the city attorney to provide an answer in writing.

### **ANNOUNCEMENTS**

Vice Mayor Bates announced he attended the National League of Cities Conference in New Orleans and he expressed his appreciation for the people of New Orleans.

Councilmember Marquez announced he attended the National League of Cities Conference in New Orleans. He was also elected to the Board of Directors of the Hispanic Elected Local Officials. He also reported he attended the Leadership Conference in San Jose the week of November 26, 2007, sponsored by the League of California Cities, and he brought back information that may be helpful to the City of Richmond.

Councilmember Sandhu announced he attended the National League of Cities Conference in New Orleans where issues of infrastructure, health insurance, and safety of railroads were discussed. Councilmember Sandhu also donated a check in the amount of \$500 to the Richmond/El Cerrito Firefighters Toy Program and encouraged the Mayor, Councilmembers, businesses, and people in the City of Richmond to donate to this program.

Councilmember Lopez reminded everyone that California is in a water shortage and East Bay Municipal Utility District (EBMUD) is providing free faucets that conserve water and saves money.

Councilmember Viramontes announced that there was an issue she was forced to vote on at the Contra Costa County Transportation Authority, without any feedback from the City of Richmond and West County Cities. She sits on the West Contra Costa County Transportation Authority representing Richmond, and the Contra Costa County Transportation Authority, representing all the cities of West County. In the Wednesday, November 28, 2007, meeting, East County had two large transportation projects that were absorbing Measure J and C half cents sales tax money. One project was to widen Highway 4, and the seconded project was to build out East County BART to the end of Antioch. The East County BART project was \$138 million dollars short. If East County was unable to raise the money, they would lose \$241 million dollars that had been set aside at the Metropolitan Transportation Commission to fund e-BART. The

deadline for solving this problem is January 1, 2008. Councilmember Viramontes announced she insisted at the Finance Committee and at the Board Meeting on Wednesday, November 28, 2007, to go out for a third bond, re-adjust funding levels to allow a loan to East County of \$138 million so that e-BART could go forward, and require East County cities sacrifice something back to West and Central Counties. East County voted unanimous to give up projects for 10 years on the Capital STIP project. Councilmember Viramontes stated staff needs to look at, over the next 30 days, projects Richmond has on the STIP to determine which ones to move up first to take East County's place on the STIP or projects the City would like in the region. She stated San Pablo will be voting for the San Pablo Interchange at Dam Road as the number one project for West County Region. Councilmember Viramontes also announced she will donate \$250 to the Richmond/El Cerrito Firefighters Toy Program.

Mayor McLaughlin announced that she and the Mayors of Oakland, Berkeley, and Emeryville held a press conference to form a partnership that is known as the 'East Bay Green Corridor' launching a cooperative effort to lead the world in environmental innovation, emerging green business and industry, green jobs, and renewable energy.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 10:35 p.m. in memory of Jeannette Crosby, sister of Deputy City Clerk Pam Christian, and in celebration of Robert J. Campbell's, retired Assembly Member, 70<sup>th</sup> birthday, to meet again on Tuesday, December 11, 2007, at 7:00 p.m.

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City Clerk

(SEAL)

Approved:

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Mayor