

RICHMOND, CALIFORNIA, February 19, 2008

The Regular Meeting of the City Council was called to order at 3:47 p.m. by Mayor Gayle McLaughlin.

ROLL CALL

Present: Councilmembers Bates, Butt, Lopez, Sandhu, and Mayor McLaughlin. **Absent:** Councilmembers Thurmond, Viramontes, Rogers, and Vice Mayor Marquez (Councilmember Viramontes arrived at 3:49 p.m.).

PUBLIC COMMENT

The city clerk announced that the purpose of the Open Session was for the City Council to hear public comments on the following items to be discussed in Closed Session:

CITY COUNCIL

CONFERENCE WITH LABOR NEGOTIATORS
(Government Code Section 54957.6):

City Designated Representative(s): Bill Lindsay, Leslie Knight, Lisa Stephenson, Bruce Soublet, and Chris Magnus
Counsel: Jack Hughes, Liebert Cassidy Whitmore
Employee Organization or unrepresented employee:
Richmond Police Officers' Association (RPOA), and
Richmond Police Management Association (RPMA)

LIABILITY CLAIMS - PENDING LITIGATION
(Government Code Section 54956.9)

Claimant: Matilde Garcia
Agency Claimed Against: City of Richmond

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

Property: 2709 - 2711 Macdonald Avenue Negotiating
Parties: Steve Duran/James Goins, City of Richmond and
Gene Smith
Negotiations: Terms and Price

There were no public speakers.

The Open Session adjourned to Closed Session at 3:49 p.m. The Closed Session adjourned at 6:41 p.m. The Regular Meeting of the City Council was reconvened at 7:15 p.m. by Mayor Gayle McLaughlin.

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

Councilmember Viramontes stated she had a conflict of interest on Item L-6.

AGENDA REVIEW

Removed Items F-2, F-3, F-4, F-8, F-9, F-10, F-11, and F-14 from the Consent Calendar.

Continued Item G-1 to March 4, 2008.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Mayor McLaughlin invited Javonka Beckles to the podium to give a brief overview of the Gary family, and she thanked Mayor McLaughlin for honoring the Gary family. Mayor McLaughlin read a proclamation honoring February 2008 as Black History Month and recognizing and honoring the memory of the Gary family of Richmond and all who participated in some very significant victories against injustice, violence and racism in March 1952. Javonka Beckles accepted the proclamation on behalf of Constance Gary. Councilmember Bates complimented Jovanka Beckles on her presentation and thanked her for her comments in reference to his telecast on KCRT in recognition of local African Americans who have contributed to the Richmond Community. Councilmember Viramontes also gave comments. Simms Thompson, Jr. spoke on this item.

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

Interim City Attorney, Scott Dickey, reported the following:

***CONFERENCE WITH LABOR NEGOTIATORS**

(Government Code Section 54957.6): City Designated Representative(s): Bill Lindsay, Leslie Knight, Lisa Stephenson, Bruce Soublet, and Chris Magnus. Counsel: Jack Hughes, Liebert Cassidy Whitmore Employee Organization or unrepresented employee: Richmond Police Officers' Association (RPOA), and Richmond Police Management Association (RPMA)

LIABILITY CLAIMS - PENDING LITIGATION

(Government Code Section 54956.9)

Claimant: Matilde Garcia
Agency Claimed Against: City of Richmond

The City Council voted to accept the recommendation of staff and settle the claim in the amount of \$75,000.

***CONFERENCE WITH REAL PROPERTY NEGOTIATOR** (Government Code Section 54956.8):
Property: 2709 - 2711 Macdonald Avenue Negotiating Parties: Steve Duran/James Goins, City of Richmond and Gene Smith
Negotiations: Terms and Price

*No reportable Action.

CONSENT CALENDAR

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

*-Approved a contract with Moreland and Associates for an amount not to exceed \$200,000 to conduct a performance audit of wastewater services provided by contract with Veolia.

Continued to March 4, 2008, a proposal to approve a contract with SymPro Inc., for the amount of \$127,720 to provide software, consultation and implementation of various Treasury Management solutions.

A proposal to approve the purchase of a 32 foot, custom manufactured Fire and Safety Educational Trailer from Harcourt Custom Installations as the sole-source provider in an amount not to exceed \$77,925.38 was presented. Fire Chief, Michael Banks, gave a report on this item. Fire Marshall Don Perez gave an explanation of the purpose of the custom manufactured Fire and Safety Educational Trailer. On motion of Councilmember Viramontes, seconded by Councilmember Lopez, approved the purchase of a 32 foot, custom manufactured Fire and Safety Educational Trailer by the unanimous vote of the Council.

A proposal to approve the purchase of 3,500 disaster preparedness kits from the ProPac Company in an amount not to exceed \$27,214.76, to be funded by the State of California, Office of the Governor, California Volunteers Program for Supplemental Citizens Preparedness Program was presented. Catherine Yardbird gave a report on this item. On motion of Councilmember Viramontes, seconded by Councilmember Lopez, approved the purchase of 3,500 disaster preparedness kits from the ProPac Company by the unanimous vote of the Council.

*-Introduced an ordinance amending Chapter 8.16 of the Richmond Municipal Code which establishes the Fire Prevention Code and adopts the 2007 California Fire Code.

*-Approved a reauthorization of \$10,000 in matching funds for the San Francisco Foundation grant (approved by Council, June 19, 2007) to support the Arts and Culture Division's Neighborhood Public Art Mini-Grant program.

*-Adopted **Resolution No. 20-08** setting forth the City Council's decision on January 8, 2008, denying the appeal and affirming the Design Review Board's approval of a Design Review Permit DR 1103829, demonstrating that the 10879 San Pablo Avenue mixed-use project is in compliance with the City of Richmond's Zoning Ordinance. Mayor McLaughlin was recorded as voting no, and Councilmember Rogers was recorded as abstaining on this item.

A proposal to approve a contract amendment with ADT Security to increase the scope of work for the Port Security Camera Project, and add \$190,894.87 in grant funds to the contract amount for a total amount not to exceed \$2,583,699.87 was presented. Tom Wilson, Port Representative, gave an overview of the item. Corky Booze spoke on this item. Councilmember Sandhu requested staff provide the City Council an analysis of the costs to run the program. A motion was made by Councilmember Viramontes, seconded by Councilmember Rogers, to extend the meeting to 12:30 a.m. The motion passed by the following vote: **Ayes:** Councilmembers Lopez, Rogers, Sandhu, Viramontes, Vice Mayor Marquez, and Mayor McLaughlin. **Noes:** Councilmembers Bates and Butt. **Abstentions:** None. **Absent:** Councilmember Thurmond. On motion of Councilmember Viramontes, seconded by Councilmember Rogers, approved the contract amendment with ADT Security by the unanimous vote of the Council.

A proposal to adopt a resolution authorizing service contracts with 15 selected vendors for as-needed architectural and engineering Services in an amount not to exceed \$350,000 per vendor over a three-year period was presented. Councilmember Viramontes stated this item was approved at the Finance Committee Meeting on Tuesday, February 19, 2008. Speakers were: Chris Tallerico and Jerome Smith. On motion of Councilmember Bates, seconded by Councilmember Lopez, adopted **Resolution No. 21-08** by the unanimous vote of the Council.

A proposed ordinance establishing the wages, salary, and compensation for the new classification of Park Steward (Salary Range 879: \$12.21 - \$15.07/hr.) was presented. On motion of Councilmember Bates, seconded by Councilmember Viramontes adopted **Ordinance No. 3-08 N.S.** by the unanimous vote of the Council.

A proposed ordinance establishing the wages, salary, and compensation for the revised classification of Custodial Maintenance Supervisor (Salary Range 052F: \$5,129 - \$6,209/month) was presented. On motion of Councilmember Bates, seconded by Councilmember Viramontes adopted **Ordinance No. 4-08 N.S.** by the unanimous vote of the Council.

*-Approved the reimbursement of funeral service expenses for Deputy Fire Marshall Ron Wiley to IAFF Local 188 in the amount of \$18,570.73.

*-Authorized staff to provide support for the East Bay Green Corridor Partnership, and directed the City Manager to assign appropriate staff to work on activities related to the Partnership.

*-Approved the following reappointments and appointments to the following: Commission on Aging: Mary Peace Head and Eli Williams, Incumbents, terms expiring May 19, 2010; Arts and Culture Commission: Wende Heath, Appointed Incumbent, term expiring January 31, 2012; Housing Advisory Commission: Helen Hall,

Incumbent, term expiring November 1, 2010; Youth Baseball Advisory Board: Tracy Reed, Appointed Incumbent, term expiring June 15, 2012, and Terence Fisher, term expiring June 15, 2012. A motion was made by Councilmember Viramontes, seconded by Vice Mayor Marquez to hold the appointment of Charles Duncan to the Planning Commission until the merger of the Design Review Board and the Planning Commission is completed. A substitute motion was made by Councilmember Rogers, seconded by Councilmember Butt to approve the mayor's recommendation. The substitute motion failed by the following vote: **Ayes:** Councilmembers Butt, Rogers, and Mayor McLaughlin. **Noes:** Councilmembers Bates, Lopez, Sandhu, Viramontes, and Vice Mayor Marquez. **Abstentions: Absent:** Councilmember Thurmond. The City Manager, Bill Lindsay, will forward a status report, in each Councilmember's agenda package, regarding the merge and also information stating the mayor's authority to appointment members to a board or commission. Mayor McLaughlin continued the appointment of Charles Duncan to the Planning Commission.

*-Approved the minutes of the Special meeting of the Richmond City Council held on January 29, 2008, and the regular meeting of the City Council held on February 5, 2008.

PUBLIC HEARINGS

Continued to March 4, 2008, a public hearing to consider the following options: (1) Uphold Planning Commission's decision to approve the Tentative Parcel Map in Exhibit A, Mitigated Negative Declaration with Mitigation Monitoring Plan and Supplemental Information in Exhibit B, for 125 to 127 Western Drive (APN: 558-020-007); or (2) Uphold Planning Commission's decision as described in Option 1 with revised conditions of approval; or (3) Uphold the Appeal request, thereby reversing the Planning Commission approval of the Tentative Parcel Map in Exhibit A, Mitigated Negative Declaration with Mitigation Monitoring Plan and Supplemental Information in Exhibit B, and deny the creation of three residential lots for 125 to 127 Western Drive (APN: 558-020-007).

The city clerk announced this was the time set, pursuant to published notice, to conduct a public hearing to consider an appeal of the Planning Commission's approval of the Design Review Permit, Conditional Use Permit for Density Bonus, and Variance/Exception for the Easter Hill Senior Housing Project located at 3601 Cutting Boulevard. Planning Director, Richard Mitchell, gave an overview of the item. Mayor McLaughlin declared the Public Hearing open. Naomi Williams made a late request to speak as the major opponent on this item. A motion was made by Vice Mayor Marquez, seconded by Councilmember Viramontes, to allow Naomi Williams to speak as the major opponent. The motion was approved by the unanimous vote of the Council. Durelle Ali, appellant, spoke in support of the appeal. Naomi Williams, major opponent, spoke against the appeal. On motion of Councilmember Bates, seconded by Councilmember Viramontes, closed the Public Hearing by the unanimous vote of the Council. Following discussion, a

motion was made by Councilmember Viramontes, seconded by Mayor McLaughlin, to deny the applicant's appeal. Discussion continued, and a substitute motion was made by Councilmember Butt, seconded by Vice Mayor Marquez, to deny the appeal without prejudice and direct staff to draft an amendment to the zoning ordinance that would allow adding one unit to the density bonus rounding up odd-number units to the next even number with a conditional use permit. Councilmember Lopez stated she will abstain from making changes to the zoning ordinance for this one project without research. Staff will come back to the Council in 30 days with an amendment to the zoning ordinance. The substitute motion passed by the following vote: **Ayes:** Councilmembers Butt, Rogers, Sandhu, Vice Mayor Marquez, and Mayor McLaughlin. **Noes:** Councilmember Viramontes. **Abstentions:** Councilmember Lopez. **Absent:** Councilmember Bates and Thurmond.

OPEN FORUM FOR PUBLIC COMMENT

Mayor McLaughlin announced that the public does have a right to criticize Councilmembers and to voice their opinions as to appearance and or actions of Councilmembers. She stated that racial slurs, name calling, and insults are prohibited. Mayor McLaughlin also stated that she asked the Human Rights and Human Relations Commission to address this issue. The Human Rights and Human Relations Commission will meet on February 25, 2008, at 6:30 p.m. in the Council Chambers and everyone is invited.

Mike Ali stated that the Office of Neighborhood Safety has failed to identify the generational issue of why our youth and young adults kill one another.

Barbara Becnel spoke on behalf of Black Women Organized for Political Action (BWOPA). Members included: Naomi Williams, Demetria Saunders, Jovanka Beckles, Katherine Webster, Kathleen Sullivan, and Fred Jackson. BWOPA expressed their concern of the level of uncivil discourse that has occurred during Open Forum for Public Comment. BWOPA stated that the broader community is saying enough is enough.

Antwon Cloird stated that you have to have passion for the City of Richmond to save lives.

Corky Booze stated he will continue to stand up for his community. He stated he will make sure the community knows what Vice Mayor Marquez is all about.

Kathy Robinson invited everyone to attend the Black History Program held at the Richmond Main Library on Friday Nights.

Corey Reilly spoke about the lack of provisions for bicycles on the Macdonald Project.

Jerome Smith spoke about the Chevron Expansion Project.

Simms Thompson, Jr. stated that the City Council does not encourage the public's input as stated on the City

Council's Agenda. He stated he has not seen any improvements for lights throughout the City of Richmond.

AGREEMENTS

None.

RESOLUTIONS

None.

ORDINANCES

None.

COUNCIL AS A WHOLE

In the matter to review the mid-year budget forecast and proposed Fiscal Year 2007-2008 mid-year budget adjustments. Finance Director, Jim Goins, presented the mid-year budget forecast and proposed Fiscal Year 2007 – 2008 mid-year budget adjustments. He reported that the City of Richmond has 10 million dollars in reserve. Following discussion, on motion of Councilmember Viramontes, seconded by Councilmember Lopez, adopted **Resolution No. 22-08** accepting the mid-year budget forecast and proposed Fiscal year 2007-2008 mid-year budget adjustments by the unanimous vote of the Council.

In the matter to review and discuss the temporary Hall of Justice building's tenant improvement costs and the list of Rubecon General Contractor's hired subcontractors. City Manager, Bill Lindsay, gave a report on the item. Councilmember Bates expressed his disappointment with the increased cost and the lack of participation of minority subcontractors for this project. Corky Booze spoke on this item.

In the matter to direct staff to investigate and identify alternative re-entry focused employment service delivery opportunities on behalf of the City's growing re-entry population, without authorizing an extension of the existing contract with the Richmond Improvement Association (RIA) at this time. Office of Neighborhood Safety Director, DeVone Boggan, gave an overview of the item. Speakers were: Antwon Cloird, Corky Booze, Simms Thompson, Jr., April Capil, Jerome Smith, Mike Ali, Reverend Landry, Chris Tallerico, Reverend Andre Shumake, Donald Seals, Fred Jackson, Javonka Beckles, and Tamara Walker. Following discussion, Councilmember Butt stated that he would like to see RIA and the City of Richmond continue negotiations on contract terms and put the contract out to bid at the end of the year. Discussion continued and Councilmember Viramontes made a motion to approve \$40,000, close out the contract, and move to an RFP going forward. Vice Mayor Marquez stated he would second the motion if the amount was amended to \$90,000. The amendment was not accepted. The motion failed for lack of a second. A substitute motion was made by Vice Mayor Marquez to extend the contract to the end of the fiscal year with an additional \$90,000. The motion failed for lack of a second. A substitute motion was made by Councilmember

Rogers, seconded by Councilmember Bates to approve a two-month extension of the current contract with the understanding that the City of Richmond is not determining to continue or not continue to fund RIA at the end of the contract; it is a chance to work out details. Discussion ensued, and a second substitute motion was made by Councilmember Lopez, seconded by Councilmember Sandhu to close out the current contract with RIA and give direction to staff to come back to the City Council with a report on recommendations for an RFP process for multiple re-entry programs. The second substitute motion passed by the following vote: **Ayes:** Councilmembers Butt, Lopez, Sandhu, Vice Mayor Marquez, and Mayor McLaughlin. **Noes:** Councilmembers Bates and Rogers. **Abstentions:** Councilmember Viramontes. **Absent:** Councilmember Thurmond.

In the matter to discuss and determine the City Council's position in response to the West Contra Costa Unified School District's (WCCUSD) proposed potential cuts to Richmond schools from the bond program and communicate the City Council's position via a letter written and signed by the Mayor. Councilmember Butt rescued himself from the chambers because of a conflict of interest. Councilmember Lopez gave an overview of the item. She urged the Council to oppose any cuts to all Richmond Schools. Mayor McLaughlin stated she sent an e-mail to the School Board expressing the City Council's position on this issue. Speakers were: Mike Ali and Corky Booze. Mayor McLaughlin suggested staff bring this item back to the City Council next week as a resolution. Councilmember Viramontes stated the City Council should reject options two and five. Councilmember Rogers offered a friendly amendment to the motion to request a joint meeting with the school board. There was no motion on the floor. Discussion continued and a motion was made by Vice Mayor Marquez, seconded by Councilmember Lopez, to have staff return on Tuesday, February 29, 2008, with a resolution indicating the City of Richmond's displeasure with the following proposed options: two (defer Leadership Public School (LPS) Charter School and Gompers along with Kennedy High School and Richmond College Prep); three (defer Pinole Valley High School and LPS/Gompers); and five (defer Nystrom, RCP and LPS). The motion passed by the following vote: **Ayes:** Councilmembers Bates, Lopez, Rogers, Sandhu, Viramontes, Vice Mayor Marquez, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Abstentions:** **Absent:** Councilmembers Butt and Thurmond.

In the matter to discuss and direct staff to hire an educational consultant, under \$10,000, and report back to the City Council in 60-90 days on the legal options for the City of Richmond to file for Charter School status for 10 elementary schools in Richmond from the WCCUSD. Councilmember Viramontes gave an overview of the item. Speakers were: Corky Booze and Margaret Brown. Following discussion, a motion was made by Councilmember Viramontes, seconded by Councilmember Bates, to hire an educational consultant. Discussion continued and an amendment was offered by Councilmember Lopez to look at an option for the City of

Richmond to create an independent school district that includes elementary schools. The amendment was accepted. Discussion ensued and the motion passed by the unanimous vote of the Council. Councilmember Rogers stated that he will abstain on this motion because he feels the City of Richmond does not have the expertise to run schools at this time. The motion passed by the following vote: **Ayes:** Councilmembers Bates, Lopez, Sandhu, Viramontes, and Vice Mayor Marquez. **Noes:** Mayor McLaughlin. **Abstentions:** Councilmember Rogers. **Absent:** Councilmembers Thurmond and Butt.

In the matter to discuss and authorize the removal of several hazardous eucalyptus trees on a City of Richmond public utility easement behind property located on Groom Drive. Councilmember Bates gave an overview of this item and made a motion to refer this item to the city manager for appropriate action. Councilmember Viramontes excused herself from the dais because of a conflict of interest. Corky Booze spoke on this item. Following discussion, Vice Mayor Marquez seconded the motion. City Manager, Bill Lindsay, restated the motion for clarification as follows: "the City Council authorizes the removal of the hazardous eucalyptus trees in the area of property located on Groom Drive using the most effective legal method". Councilmember Bates and Vice Mayor Marquez confirmed the motion was correct. The motion passed by the following vote: **Ayes:** Councilmembers Bates, Butt, Lopez, Rogers, Sandhu, Vice Mayor Marquez, and Mayor McLaughlin. **Noes:** **Abstentions:** None. **Absent:** Councilmembers Thurmond and Viramontes. A motion was made by Councilmember Rogers, seconded by Councilmember Viramontes to extend the meeting by 15 minutes. A substitute motion was made by Councilmember Butt, seconded by Councilmember Lopez to continue the remaining items to the March 4, 2008, meeting and adjourn the meeting. Mayor McLaughlin asked that the substitute motion discount Item F-14. City Manager, Bill Lindsay, stated some of the items are time sensitive. Mayor McLaughlin asked for objections to moving the original motion. Hearing none, the original motion was passed by the unanimous vote of the Council.

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

Councilmember Rogers reported that he attended the Smart Leadership Conference in Washington, D.C.

ADJOURNMENT

There being no further business, the meeting adjourned at 12:41 a.m., in memory of Pamela Jackson, the daughter of the late Meadie Jackson and former Planning Commissioner member; Gloria Spearman; Hilda Black; Don Ryder; Reba Bennett, and Lupe Trejo, and also in celebration of Yun Lopez's, the niece of Councilmember Lopez, first birthday. The Council will meet again on Tuesday, February 26, 2008, at 7:00 p.m.

City Clerk

(SEAL)

Approved:

Mayor