

RICHMOND, CALIFORNIA, December 2, 2008

The Regular Meeting of the Richmond City Council was called to order at 5:15 p.m. by Mayor Gayle McLaughlin.

ROLL CALL

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

PUBLIC COMMENT

The acting 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

LIABILITY CLAIMS - PENDING LITIGATION (Government Code Section 54956.9): David Williamson vs. City of Richmond; Jimmy Russey vs. City of Richmond

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9): Booker et al vs. City of Richmond; Communities for a Better Environment (CBE) vs. City of Richmond.

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

There were no public speakers.

The Open Session adjourned to Closed Session at 5:16 p.m. The Closed Session adjourned at 6:40 p.m. The Regular Meeting of the City Council was reconvened at 7:05 p.m. by Mayor Gayle McLaughlin.

ROLL CALL

Present: Councilmembers Butt, Bates, Lopez, Sandhu, Thurmond, Viramontes, Vice Mayor Marquez, and Mayor McLaughlin. **Absent:** Councilmember Rogers (Councilmember Rogers arrived at 7:16 p.m.).

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Removed Items F-3 and F-5 from the Consent Calendar.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Mayor Mclaughlin, Vice Mayor Marquez, and Councilmember Bates along with Police Chief Chris Magnus joined in presenting and acknowledging various law

enforcement agencies that assisted in the police action "Operation Trident". Mayor McLaughlin read the proclamation into the public record followed by Vice Mayor Marquez, who thanked the law enforcement agencies for a job well done. Councilmember Bates stated that the criminal element has no boundaries and this joint effort is indicative of the good work. Police Chief Chris Magnus recognized and acknowledged those that participated at the federal, state, county, and city level. Corky Booze spoke on this item. Councilmember Sandhu and Rogers congratulated the agencies for a successful operation.

Continued to January 20, 2008, a presentation from Chief Executive Officer, Joseph Stewart, about the activities at Doctor's Medical Center.

Mayor McLaughlin read a proclamation for Councilmember Thurmond into the record. Ursula DeLoa, Deputy City Clerk, read into the public record a Certificate of Municipal Service. Councilmember Thurmond thanked Mayor McLaughlin and the residents of Richmond for treating him and his family as a native son. He also thanked the City Council, City staff, and his wife for their support. Corky Booze spoke on this item. Councilmembers Sandhu, Butt, Viramontes, Lopez, Bates, and Vice Mayor Marquez expressed their appreciation of having served with Councilmember Thurmond on the City Council and encouraged him to do well as a new board member of the West Contra Costa School Board.

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

City Attorney, Randy Riddle, reported the following:

CITY COUNCIL

LIABILITY CLAIMS - PENDING LITIGATION (Government Code Section 54956.9): David Williamson vs. City of Richmond (*The City Council approved a settlement in the amount of \$40,000*); Jimmy Russey vs. City of Richmond (*The City Council approved a settlement in the amount of \$70,000*).

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9): Booker et al vs. City of Richmond; Communities for a Better Environment (CBE) vs. City of Richmond. (*No reportable action*).

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.9): One Case. (*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 amendment with Delta Grinding, Inc., dba Diablo Grinding, for rental and operation of street grinding equipment, increasing the contract amount from \$175,000 to \$400,000.

*-**Approved** a contract with Holmes Construction for demolition and construction services at Nicholl Park for removal of vandalized and outdated structures, and in the Laurel Park neighborhood area for various parking, safety and aesthetic improvements, in an amount not to exceed \$49,825.00.

A proposal to approve the Second Amended 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 was presented. Analyst LaShonda Wilson gave background and staff report on the item. Simms Thompson spoke on this item. On motion of Councilmember Bates, seconded by Vice Mayor Marquez approved the item by the unanimous vote of the Council.

*-**Approved** the installation of six speed-control undulations on Hartnett Avenue and two on Chanslor Avenue near Fifth Street, using the existing City Council approved contract with Malachi Construction with no increase in contract funds.

A proposal to approve a contract with the law firm of Shute, Mihaly and Weinberger LLP for representation of the City of Richmond in the action entitled Communities for a Better Environment vs. City of Richmond was presented. Following discussion, a motion was made by Councilmember Butt, seconded by Councilmember Rogers to seek services from a different attorney with expertise in CEQA and land use permits. Discussion continued and a substitution motion was made by Councilmember Viramontes, seconded by Vice Mayor Marquez to approve a contract with the law firm of Shute, Mihaly and Weinberger LLP for representation of the City of Richmond in the action entitled Communities for a Better Environment vs. City of Richmond and a discussion at another meeting to identify additional firms to perform additional legal technical assistance in connection with Communities for a Better Environment vs. City of Richmond to assist in resolution of the matter, including exploring possible settlement. The substitute motion passed by the following vote: **Ayes:** Councilmembers Bates, Lopez, Sandhu, and Vice Mayor Marquez. **Noes:** Councilmembers Butt, Rogers, Thurmond, and Mayor McLaughlin. **Abstentions:** None. **Absent:** None.

*-**Approved** the following appointments: Youth Baseball Advisory Commission: Benny Gill, term expires December 2, 2011; Community Development Commission: Jayma Brown, term expires December 2, 2011; Historic Preservation Committee: Donald Bastin, term expires December 2, 2010.

OPEN FORUM FOR PUBLIC COMMENT

Naomi Williams thanked the new Code Enforcement Manager Tim Higaes for his immediate action to correct a nuisance in her neighborhood. She also expressed her concern for the lack of re-appointments to Police Commission.

Ken Nelson read a statement from the Richmond Branch of the NAACP.

Millie Cleveland stated that the union is not receiving information regarding and potential hate crime. She also stated her concern with the City's hiring practices.

Regina Whitney stated that she supported the NAACP's position.

Pastor Don Jones spoke of a canine graveyard that has racist comments on headstones.

Simms Thompson Jr. encouraged the Council to go and look at the City.

Jackie Thompson stated that some people are giving up on the NAACP. She also thanked Corky Booze, Mayor McLaughlin, Jerald Hatchett, and Rochelle for their support. She also asked Councilmember Thurmond to review liquor stores near schools.

Myrtle Braxton-Ellington invited everyone to the Senior Winter Ball to be held on Friday December 12, 2008, from 7:00 p.m. to 11:00 p.m. at the Richmond Convention Center. Tickets are \$15.

Wendy Gonzalez invited the City Council to a rally on December 10, 2008, at 5:00 at Nicoll Park to address the issue of closing some schools in Richmond.

Corky Booze thanked those that voted for him. He suggested that the NAACP sit down with the Police Department to come to a resolution with their issues.

City Attorney Randy Riddle stated that the allegations are part of a law suit and will be handled through the judicial system. Also regarding the K-9 Grave Site has been independently investigated and that investigation has been concluded. There are no derogatory comments visible at the site and the City is required to preserve the site until all litigation is resolved.

PUBLIC HEARINGS

The acting city clerk announced this was the time set, pursuant to published notice, to conduct a public hearing to hear testimony regarding the Master Fee Schedule and adopt a resolution approving the Master Fee Schedule in accordance with Chapters 2.34.040 and 13.45.020 of the Richmond Municipal Code. Finance Director Jim Goins gave an overview of the item. Mayor McLaughlin declared the public hearing opened. There were no public speakers. On motion of Councilmember Viramontes, seconded by Vice Mayor Marquez closed the public hearing by the unanimous vote of the Council.

On motion of Councilmember Viramontes, seconded by Councilmember Sandhu adopted **Resolution No. 132-08** by the unanimous vote of the Council.

The acting city clerk announced this was the time set, pursuant to published notice, to conduct a public hearing 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 change in the Consumer Price Index. City Attorney Everett Jenkins gave an overview of the item. Mayor McLaughlin declared the public hearing open. Simms Thompson spoke on this item. He stated that the City should consider the seniors when raising fees. On motion of Councilmember Viramontes, seconded by Vice Mayor Marquez closed the public hearing by the unanimous vote of the Council. Following discussion, a motion was Councilmember Viramontes, seconded by Councilmember Sandhu to increase the solid waste collection rates to reflect a change in the Consumer Price Index and direct staff to include information on the City of Richmond website regarding the free garbage days that are conducted for the citizens of Richmond by the Richmond Sanitary District and the City of Richmond. The motion passed and said ordinance received first reading and was laid over two weeks for second reading by the unanimous vote of the Council.

RESOLUTIONS

None.

ORDINANCES

A proposed ordinance regulating the use of common City Seals and other official City insignia was presented. City Attorney Randy Riddle gave an overview of the item. On motion of Councilmember Rogers, seconded by Councilmember Viramontes said ordinance received first reading and was held over two weeks for second reading by the unanimous vote of the Council.

COUNCIL AS A WHOLE

In the matter to hear a report from the Richmond Police Department regarding an incident at the Richmond BART Station with students from Richmond High School. Police Chief Chris Magnus gave a background and staff report of the incidents that occurred on Friday, October 31, 2008. He stated it was a situation that involved a march from Richmond High to 23rd Street to the Richmond BART Station to take BART into San Francisco for an event. Police Chief Magnus stated that the event was not sanctioned by the school district or the school. Speakers were: Carlos Pantoja, Maria Isabel Hernandez, Rodrigo Gomez, Valerie Jameson, Daniel Gracias, Veronica Hernandez, Nadia Sanchez, and Linda Salinas. Discussion continued. Mayor McLaughlin stated that what the protestors have done has already made a difference and that mobilization is a wonderful way to bring about change. Councilmember Viramontes communicated concern for the safety of the students when they are organizing. Councilmember Bates stated that the role of the Mayor's Office employee was interruptive and should not take place. Mayor McLaughlin stated that there was no interference from and employee in her office.

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

Councilmember Sandhu requested the Mayor close the meeting in memory of all the people killed in Mumbai.

Councilmember Rogers announced that there was a State Lands Meeting in Sacramento on Wednesday, December 3, 2008.

Councilmember Thurmond announced that there will be a meeting on Wednesday, December 10, 2008, at 6:30 p.m. at the School Board to discuss school closures.

Councilmember Bates requested the Mayor close the meeting in memory of Florence Randal, a long-time Richmond resident and daughter of Charlie Reed.

Vice Mayor Marquez requested staff place on the December 16, 2008, agenda a presentation to present a certificate to the El Nuevo Mundo Childcare Center.

Mayor McLaughlin announced that she would be going to Sacramento on December 2, 2008, to speak to the State Lands Commission. She also announced that on Wednesday, December 3, 2008, the Environmental Task Force would be holding a potluck and community event at Atchison Village from 6:00 p.m. to 9:00 p.m.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:00 a.m. in memory of people killed in Mumbai, and Mrs. Florence Randal to meet again on Tuesday, December 16, 2008, at 7:00 p.m.

City Clerk

(SEAL)

Approved:

Mayor