

**RICHMOND, CALIFORNIA, September 19, 2006**

The Regular Meeting of the Richmond City Council was called to order at 7:05 p.m., by Mayor Irma L. Anderson.

**ROLL CALL**

**Present:** Councilmembers Bates, Butt, Marquez, McLaughlin, Rogers, Thurmond, Viramontes and Mayor Anderson. **Absent:** Councilmember Griffin.

**STATEMENT OF CONFLICT OF INTEREST**

None.

**AGENDA REVIEW**

The Study Session was postponed to a later date. Removed Item G-7 from the Consent Calendar. Withdrew Item G-8 from the agenda.

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

John Eastman, City Attorney, made the following report: *(Vice Mayor Viramontes and Councilmember Griffin were not present)*

**CC-1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

**Poindexter vs. City of Richmond** – Confidential briefing was given to the City Council

**East Bay Regional Park District vs. Upstream Point Molate, LLC** – Settlement agreement was reached in which the City and Upstream agreed not to appeal a court order to pay \$209,880 in attorney's fees in exchange for a payment of \$176,306.25 by Upstream Point Molate to the East Bay Regional Park District.

**CC-2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

One Case – Confidential discussion regarding the initiation of litigation was conducted.

**CC-3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

**Property:** 1400-1401 Marina Way South, 1689 Regatta Blvd., 3023-3035 Research Drive, 1200 Harbour Way South, 860 Harbour Way South – Confidential briefing was provided to the City Council.

#### **CC-4. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

**Property:** Surplus Properties: APN 550-120-007-4, 550-120-008-2, 550-120-010-8, 550-120-011-6 located on South 2<sup>nd</sup> Street and 534-222-024-0 located on 1<sup>st</sup> Street – Confidential briefing was provided to the City Council.

#### **CC-4. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

A confidential performance evaluation was conducted of the City Attorney.

#### **OPEN FORUM FOR PUBLIC COMMENT**

Herk Shusteff gave comments regarding construction at Greenridge where a massive clearing of natural sensitive areas took place without notice.

Rick Staska, Coordinator of La Colina Homeowners Committee, gave comments regarding a potential grievance against the City Council, the City of Richmond, and its administrators, alleging misconduct regarding toxic runoff from Forest Green in El Sobrante.

Denise Bluford gave comments regarding the disappearance of the frog pond that has been removed where there is now a road in the hills of El Sobrante.

Corky Booze gave comments regarding the death last Saturday of Ramona Samuels and asked that the meeting be closed in her memory; commended Officer Danny Harris for his exemplary work at the Laurel Park Jazz Festival. Mr. Booze commended the police officers involved in the crosswalk sting. He asked that the Mayor call Betty Cash back to see how the City can assist with the problems occurring at Doctor's Hospital and he asked the City Manager to respond to Bobby Collins in Lancaster regarding the mailboxes being broken into.

Melia gave comments regarding the Greenridge development of the hills in El Sobrante and the loss of the natural ecosystem located in the area.

Naomi Jackson announced that there will be a round table discussion on September 21<sup>st</sup> from 11 am-1 pm at 1313 Cutting Boulevard to discuss addiction prevention and harm reduction.

A.J. Jelani, Acting President Belding Woods Neighborhood Council, gave comments regarding issues concerning 1741 Burbeck Street between 17<sup>th</sup> & 18<sup>th</sup> Streets. Mr. Jelani requested that this matter be placed on the next Public Safety Committee and City Council Meeting agendas.

Ethel Dotson thanked Mayor Anderson for being her mentor. Asked that the matter of the reduction of the Utility Users Tax from Chevron be placed on the City Council's agenda. She stated that there has been an increased amount of graffiti on South Street and suggested that surveillance cameras be installed. Ms. Dotson asked that political campaign signs located at 580 at the Regatta Boulevard exit on Juliga Woods and Erlandson Street be removed.

Eleanor Thompson asked Councilmember Rogers to donate \$6,000 so a student can continue to work at PAL for nine more months. She thanked Councilmember Thurmond and Kevin Hampton for assisting youth this summer in obtaining jobs.

### **PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS**

City Clerk read a proclamation proclaiming September 2006 as National Alcohol and Drug Addiction Recovery Month. Mayor Anderson presented the proclamation to Naomi Jackson, Director of the Richmond Methadone Clinic. Ms. Jackson thanked the City for the proclamation.

### **CONSENT CALENDAR**

On motion of Councilmember Marquez, seconded by Councilmember Viramontes, all items marked with an asterisk (\*-) were approved by the following vote: **Ayes:** Councilmembers Bates, Butt, Marquez, McLaughlin, Rogers, Thurmond, Viramontes and Mayor Anderson. **Noes:** *Councilmember McLaughlin voted no on approving the Final Map for Anchorage at marina Bay.* **Abstentions:** None. **Absent:** Councilmember Griffin.

\*-Approved an amendment to a contract between the City of Richmond and the City Manager executed on December 7, 2004, as follows: (1) Section 5 (Deferred Compensation) to change to the current deferred compensation provider, (2) Section 8 (Annual Performance Evaluation and Pay Adjustment) to provide the City Manager a salary increase, bonus, or Cost of Living Adjustment (COLA) or any combination thereof based on successful performance, and (3) Section 8 (Annual Performance Evaluation and Pay Adjustment) to change the notification of intent to retain clause to a notification to terminate clause prior to the commencement of the third (3<sup>rd</sup>) year.

\*-Approved **Ordinance No. 56-06 N.S.** establishing wages, salary, and compensation for part-time classifications represented by **SEIU Local 790 (Budgeted Financial Impact for Fiscal Year 2006-07 is \$118,164).**

\*-Approved **Ordinance No. 57-06 N.S.** establishing wages, salary, and compensation for the classification of **Communications Shift Supervisor (Salary Range: \$5,173 - \$6,251/month).**

\*-Approved the proposed Joint Exercise of Powers Agreement between the City of Richmond and Contra Costa County for constructing road surface improvements and striping on three sections of San Pablo Dam Road that are within the City's jurisdiction in an amount not to exceed \$30,000.

\*Adopted **Resolution No. 101-06** approving Final Map 8934, known as the Anchorage at Marina Bay, for 208 townhomes located in the Marina Bay area of Richmond behind the Bayfront Development on Regatta Boulevard (*Councilmember McLaughlin was noted as voting noe*).

\*-Approved an amendment to the contract with Clorox Company for incumbent employee training pursuant to a federal Department of Labor grant, to increase the contract amount by \$200,000, for a total contract amount not to exceed \$720,000, to serve an additional 75 participants and extend the term to June 30, 2007.

A proposed resolution urging the Governor of the State of California to support full funding of the Public Library Foundation (PLF) was presented. George Brown gave comments. On motion by Councilmember Marquez, seconded by Councilmember Viramontes to supporting funding of the PLF adopted **Resolution No. 102-06** by the following vote: **Ayes:** Councilmembers Bates, Butt, Marquez, McLaughlin, Rogers, Thurmond, Viramontes and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Griffin.

\*- Approved the minutes of the Evening Open Session held on September 12, 2006.

### **ORDINANCES**

A proposed ordinance imposing a moratorium on new crematoriums was presented. Corky Booze gave comments. John Eastman, City Attorney, stated that the ordinance would be in effect for 45 days and will be placed on the Council's agenda for October 17<sup>th</sup> for a further extension. If the Council would like the moratorium to last the maximum amount of time allowed under State law, which is three years, the ordinance would return to the agenda for extension once again after October 17<sup>th</sup>. On motion of Councilmember Marquez, seconded by Councilmember Bates adopted **Ordinance No. 58-06 N.S.** by the following vote: **Ayes:** Councilmembers Bates, Butt, Griffin, Marquez, McLaughlin, Rogers, Thurmond, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Griffin.

### **COUNCIL AS A WHOLE**

In the matter to approve the final draft of the Council Rules of Procedure and Order and direct staff to prepare a resolution for the October 3, 2006, City Council Meeting to adopt said rules. Councilmember McLaughlin gave an overview of the draft set of rules. Discussion ensued. Mayor Anderson recommended that item be held over to give Councilmembers time to submit their recommendations and comments.

In the matter to direct staff to obtain an approved site characterization study from the Regional Water Quality Control Board relative to hazmat conditions at Terminal 4, comply with the clean-up order, and pursue cost recovery measures. Councilmember Butt stated that the site characterization study was already given to the water board. Jim Matzorkis, Port Director, stated that this issue commenced in July of 2001 when oil sheen was observed in the Bay adjacent to Terminal 4. It was determined that an East Bay Municipal Utility District (EBMUD) water leak was releasing ground oil products into the Bay along the shoreline. The leak was repaired almost immediately. The former tenants were informed that they were likely the responsible parties for the oil material that was released in the ground during the years they operated there. Those former tenants are now working directly with the Water Quality Control

Board on the site characterization and the clean up process. Since August of 2003, the process has been at a standstill due to not having received updates after that time from the Water Quality Control Board. Terri Stuart, Water Quality Control Board, informed the Port last week that they have assigned a new person to handle this case. Simms Thompson gave comments on the matter.

In the matter to review the status report on the Rental Inspection program and provide direction to staff. Richard Mitchell, Director of Planning and Building, stated that they are still at the sampling and experimental stage. The services of a vendor were secured to provide inspection services. Vice Mayor Viramontes expressed concern that this process has taken so long and requested that either an oral or a written progress report be submitted to the City Council at least every six weeks. Fred Clement, City Building Official, informed that additional staff will need to be hired in order to accomplish the timeline and goals set. More than 1,000 notices will need to be sent out in order to meet the 1/3 inspection goal.

In the matter to Review and discuss convening a “Blue Ribbon Task Force” of stakeholders, consisting of environmental, business and community interest, to make recommendations concerning the shoreline area between the Chevron Refinery and the West County landfill project and provide direction to staff. Pending completion of this report, city staff would not take any action concerning this area and would not proceed with the feasibility study. Councilmember Rogers indicated that it is important to let all of the interested parties talk about what kind of activities can take place and to come up with a cooperative plan, and he suggested that the feasibility study be placed on hold. Vice-Mayor Viramontes asked if this is “technically” reconsideration from a previous vote made. City Attorney, John Eastman, replied that a vote to reconsider would have had to have been made at the same meeting or at the very next regular meeting. Mayor Anderson ruled that this matter would be reconsideration and a vote of reconsideration can only be made if a supermajority of the City Council votes to suspend the rules. City Manager, Bill Lindsay, stated that the previous motion made by Council was to authorize staff to develop a scope of work and funding mechanism for a feasibility study for a port somewhere along the north shore. Councilmember Bates stated that a blue ribbon committee can be formed *after* all of the information is obtained after the feasibility study is completed.

*(Councilmember Butt left the meeting at 8:47 p.m.)* Rich Walklin and Ethel Dotson gave comments. A motion was made by Councilmember Rogers, seconded by Councilmember McLaughlin, to convene a Blue Ribbon Task Force failed by the following vote: **Ayes:** Councilmembers McLaughlin, Rogers, and Thurmond. **Noes:** Vice Mayor Viramontes. **Abstentions:** Councilmembers Bates, Marquez and Mayor Anderson. **Absent:** Councilmembers Butt and Griffin.

In the matter to discuss Police Activities League funding. City Manager, Bill Lindsay, indicated that Richmond Pal received a \$500,000 grant from The Valley Foundation as part of its fundraising efforts for expansion to their existing youth center at 2200 Macdonald Avenue. As a condition for the grant, the foundation is seeking assurance that the project will be completed. PAL has requested that the City provide the Valley Foundation with a letter of financial commitment to the PAL

project, thereby giving PAL access to the grant funds. A motion by Councilmember Rogers, seconded by Vice Mayor Viramontes to approve the sending of the financial commitment letter to The Valley Foundation was approved by the following vote: **Ayes:** Councilmembers Bates, Griffin, Marquez, McLaughlin, Rogers, Thurmond, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Butt and Griffin.

### **COMMUNICATIONS**

None.

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

#### **Councilmember Marquez**

Attended the League of California Cities Conference in San Diego and moderated a workshop. The Mayor Pro Tem of Pinole was elected as the President of the League of California Cities. The next Public Safety Committee Meeting will be held on Thursday, September 21, 2006, at 10:30 a.m.

#### **Councilmember Rogers**

Announced that the next Finance Standing Committee will be held on Thursday, September 21, 2006, at 9:00 a.m. Thanked everyone who was involved at the event at Nevin Park a few weeks ago.

#### **Councilmember McLaughlin**

Announced that the next Rules & Procedures Committee meeting will be held on Thursday, October 19, 2006 at 4:00 p.m. Reminded all of the Councilmembers to submit their comments regarding the Rules of Order to her by October 10<sup>th</sup>.

#### **Vice Mayor Viramontes**

Attended the League of California Cities Conference in San Diego as an alternate voting member and attended workshops on affordable housing and an education seminar. She also attended a class at Wharton on finance and accounting.

#### **Councilmember Thurmond**

Commended everyone involved with the Day in the Park event at Nicholl Park.

#### **Mayor Anderson**

Attended League of California Cities Conference in San Diego. Congratulated Mayor Pro Tem of Pinole for being elected the President of the League of California Cities. Participated as a panel member to discuss what the City of Richmond did in the procurement process for the wastewater program for Veolia Waters. She thanked Jerrold Hatchett for spearheading the Day in the Park event at Nicholl Park. Informed that donations for medical expenses and funeral costs incurred for Ramona Samuels can be sent to the Ramona Braxton Samuels Memorial Fund c/o

Mechanics Bank 3170 Hilltop Mall Road, Richmond 94806,  
(510) 262-7980.

**ADJOURNMENT**

There being no further business, the meeting adjourned in bowed silence, at 9:22 a.m., in memory of Ramona Braxton Samuels, to meet again in one week on Tuesday, September 26, 2006, at 6:00 p.m.

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City Clerk

(SEAL)

Approved:

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Mayor