

RICHMOND, CALIFORNIA, September 11, 2007

The Regular Meeting of the City Council was called to order at 5:55 p.m. by Mayor Gayle McLaughlin for a study session for the following purpose:

To discuss and direct staff to prepare ordinances for council action that modifies Richmond laws to reduce street shootings: (1) reporting of stolen guns and (2) banning possession of ammunition for assault style weapons. Councilmember Rogers gave an overview of the item. Speakers were Mike Ali and Sam Hoover. Mr. Hoover who stated this ordinance would make gun owners more accountable for their fire arms. Following discussion, on motion of Councilmember Rogers, seconded by Councilmember Viramontes, directed staff to begin reviewing the draft of the ordinances by the following vote: **Ayes:** Councilmembers Rogers, Butt, Marquez, Thurmond, Viramontes, Sandhu, Vice Mayor Bates, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez.

The Study Session adjourned at 6:00 p.m.

The Regular Meeting of the Richmond City Council reconvened at 7:12 p.m. by Mayor Gayle McLaughlin.

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Removed items G-2, G-8, G-9, G-12, and G-13 from the Consent Calendar.

Item K-4 was 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:

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9) - Richmond Residents for Responsible Antenna Placement and Planning ("RAP"), et al v. City of Richmond; Booker vs. City of Richmond; Riley vs. City of Richmond; Barra vs. City of Richmond; Nishioka vs. City of Richmond; Terminal #4.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Initiation of litigation pursuant to subdivision (c) of Section 54956.9 - Two Cases

PUBLIC EMPLOYEE APPOINTMENT (Government Code Section 54957.6) - City Attorney

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

No reportable action was taken on any of the above items.

**PRESENTATIONS, PROCLAMATIONS, AND
COMMENDATIONS**

Mayor McLaughlin read a proclamation honoring September 11 as Families for Peaceful Tomorrows. She presented the proclamation to Chuck and Jeff Green. Chuck Green and Councilmember Thurmond gave comments.

Mayor McLaughlin read a proclamation declaring September 2007 as Preparedness Month in the City of Richmond. She presented the proclamation to Kathy Gerk, Fire Department.

OPEN FORUM FOR PUBLIC COMMENT

Naomi Williams invited everyone to the second annual Family Day and Health Day at Nicoll Park, from 11:00 a.m. to 5:00 p.m. on Saturday, September 15, 2007. The event is sponsored by the National Brotherhood Alliance.

Tanya Boyce spoke about the blight and signage located at the gas stations located on the stretch of Harbor Way and I-80.

Dr. Raymond Smith introduced the services available through the East Bay Youth Consortium.

Herk Schusteff spoke about the Canyon Oaks II Project.

Kathy Robinson stated her concern about the lack of police protection in the City of Richmond.

Robin Carpenter (RAP for Richmond) spoke regarding placement of antennas in Richmond.

Mary DeBenedictis spoke regarding the grading and tree removals in the Canyon Oaks II Project.

Corky Booze requested the Library be open on Saturdays and Sundays. He also stated that Councilmember Viramontes does not care about the African American Community and she should give equal treatment to all citizens in Richmond.

Jerome Smith spoke regarding the Canyon Oaks II Project.

Tony Sustak spoke regarding the Canyon Oaks II Hillside Ordinance.

Jim Jenkins thanked everyone for attending the North and East Neighborhood Council picnic. He thanked City Engineer, Rich Davidson; City Manager, Bill Lindsay; and Councilmember Lopez for ensuring the replacement of the historical monument marker at 30th Street and Clinton Avenue. He also thanked Project Manager Rochell Monk for her continued help and support.

Jackie Thompson invited everyone to the Tent City Peace Movement's First Annual Birthday on September 25 through October 1, 2007. She announced there will be a carwash on Saturday, September 22, 2007.

Councilmember Viramontes stated Corky Booze was race bating by stating that she does not care about the African American Community. Councilmember Viramontes restated that she left the July 31, 2007, Council Meeting because she was ill (Councilmember Marquez left the meeting).

CONSENT CALENDAR

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

*-Authorized the Assistant City Manager/Human Resources Management Director to execute a contract with Hargis & Associates to develop and administer promotional testing processes for the Police Department.

Mayor McLaughlin excused herself for this item, passed the gavel to Vice Mayor Bates, and left the Chambers. A proposed ordinance to increase the mayor's salary by 25% from \$37,200 to \$46,500 was presented. Leslie Knight, Human Resource Director, gave an overview of the item. Speakers were Jim Jenkins and Tony Sustak. Following discussion, on motion of Councilmember Viramontes, seconded by Councilmember Rogers, adopted Ordinance No. 32-07 N.S. by the following vote: **Ayes:** Councilmembers Butt, Lopez, Marquez, Rogers, Sandhu, Thurmond, and Viramontes. **Noes:** Vice Mayor Bates. **Abstentions:** None. **Absent:** Mayor McLaughlin.

*-A proposed ordinance revising the wages, salary, and compensation for the classification of Executive Assistant to the City Manager to a Salary Range of: \$5,256 - \$6,392/month was introduced for first reading. Said ordinance received first reading and was laid over two weeks for second reading.

*-Accepted the work of G & G Builders, Inc. for the renovation of play equipment at the Virginia Playlot and Humphrey Playlot. Both projects were satisfactorily completed on February 7, 2007, for a total cost of \$180,144.

*-Accepted the work of McNabb Construction, Inc. for the renovation of the playlot at Shields-Reid Park that was successfully completed on August 2, 2007, for a total cost of \$161,070.

*-Accepted the work of Community Playgrounds, Inc. for the renovation of play equipment at Atchison Playground. The project was successfully completed on April 11, 2007, for a total cost of \$97,280.

*-Accepted the work of Ross Recreation Equipment, Inc. for the renovation of play equipment at Stewart Playlot and Kern Playlot. Both were successfully completed on March 7, 2007, for a total cost of \$170,465.99.

A proposal to approve awarding of a contract to Ross Recreation Equipment Co., Inc. for the renovation of play equipment at the Elm Street Playlot in the amount of \$97,882.17 with an added contingency of \$9,788.21 for a total cost of \$107,670.38 was presented. Tanya Boyce submitted a speaker's card for this item, she was not in the chambers when called to speak. On motion of Councilmember Marquez, seconded by Councilmember Rogers, approved the contract by the following vote: **Ayes:** Councilmembers Butt, Lopez, Marquez, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Bates. **Noes:**

None. **Abstentions:** None. **Absent:** Mayor McLaughlin.

A proposal to approve awarding of a contract to ekpass, Inc. for heavy equipment operator training was presented (Mayor McLaughlin returned to the meeting). Total amount of the contract will not exceed \$93,010. Tony Norris, Parks and Recreation, gave an overview of the item. Corky Booze submitted a speaker's card for this item but chose not to speak. On motion of Councilmember Viramontes, seconded by Councilmember Marquez, approved the contract by the unanimous vote of the Council.

*-Adopted Resolution No. 95-07 approving a quitclaim deed as requested by the University of California to remove a 10' wide sewer easement near the Stege Marsh area, and accepting a Grant of Easement from the University of California for a new 10' wide sanitary sewer easement.

*-Adopted Resolution No. 96-07 declaring the week of September 17-23, 2007, as "Pollution Prevention Week."

A proposal to approve a contract amendment with Ki Research Institute for educational services, focusing on conflict resolution, health, literacy, and wellness at the Booker T. Anderson and Shields-Reid Community Centers in an amount not to exceed \$20,000 was presented (Vice Mayor Bates left the meeting). Monique le Conge, Library Director, gave an overview of the item. Corky Booze chose not to speak. On motion of Councilmember Marquez, seconded by Councilmember Viramontes, approved a contract by the following vote: **Ayes:** Councilmembers Butt, Lopez, Marquez, Rogers, Sandhu, Thurmond, Viramontes, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Vice Mayor Bates.

A proposal to adopt a resolution authorizing: (1) the annual appropriation of the \$25,000 paid annually by Veolia Environmental Services as a Hazardous Waste Facility License Fee ("License Fee") to be placed in a dedicated revenue account for the sole use of funding projects and/or programs within the Iron Triangle and North Richmond areas; (2) the carry-over and usage by the City Manager's Office of \$7,500 of unspent License Fees from FY 2006-2007 to FY 2007-2008; and (3) the carry-over and usage by the City Manager's Office of future unspent License Fee funds from one fiscal year to the next was presented (Vice Mayor Bates returned to the meeting). City Manager, Bill Lindsay, gave an overview of the item. Jerome Smith spoke on this item. On motion of Councilmember Viramontes, seconded by Councilmember Thurmond, adopted Resolution No. 97-07 by the unanimous vote of the Council.

*-Adopted Resolution No. 98-07 authorizing: (1) the appropriation and expenditure of unencumbered Mitigation Fee funds by the City Manager's Office in the amount of \$152,615 from the FY 2006-07 for the purpose of funding specific Mitigation Fee strategies in FY 2007-08, and (2) annual encumbrance of any unexpended Mitigation Fee funds for use in future fiscal years by the City Manager's Office for the purpose of administering specific strategies in accordance with future Expenditure Plans and Interagency Agreements.

*-Approved renewal of a contract with Keenology Corporation, dba CIP Planner Corp., for Capital Improvement Program (CIP) ACE planning Software in an amount not to exceed \$40,000.

*-Approved a contract amendment with the Government Finance Officers Association (GFOA) to assist the City with its Enterprise Resource Planning system implementation in an amount not to exceed \$193,500, for a total contract amount of \$373,140.

*-A proposed ordinance setting the tax rate for the Tax Override Pension Fund for Fiscal Year 2007- 2008 received first reading and was laid over for two week for the second reading.

*-Appointed Soheila Bana to the Contra Costa Mosquito and Vector Control District Board of Trustees.

*-Reappointed Beverly Wallace, Doris Jones, Willie Gholar, and Dr. Shirley Gilbert to the Commission on Aging, terms expiring May 19, 2009. Appointed Teresa Baker to the Housing Advisory Board, term expiring September 11, 2007; appointed Jason Jong to the Arts and Culture Commission, term expiring January 31, 2011, and Wilhelmina Abraham to the Library Commission, term expiring July 1, 2010.

*-Approved the minutes of the Evening and Open Session held on July 31, 2007, with the following corrections: Under **Open Forum** (Corky Booze stated that Councilmember Viramontes showed a lack of respect for the citizens of Richmond when she left the July 17, 2007, meeting during the discussion of the Office of Violence Prevention. Councilmember Viramontes explained she left the meeting because she was ill.) **Item G-10** (Add Councilmember Sandhu's yes vote on the motion).

PUBLIC HEARINGS

The acting 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 South 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, Planning Director, gave an overview of the item. This item held over until September 18, 2007, to allow the applicant to be present. Mayor McLaughlin allowed Tanya Boyce to speak.

The city clerk announced this was the time set pursuant to published notice to conduct a public hearing to adopt a resolution of Vacation ordering the vacation of a portion of 1st Street. Richard Mitchell, Planning Director, gave an overview of the item. Mayor McLaughlin declared the public hearing open. There were no public speakers. On motion of Councilmember Viramontes, seconded by Councilmember Sandhu, closed the public hearing by the unanimous vote of the Council. On motion of Councilmember Viramontes, seconded by Councilmember Sandhu, adopted Resolution of Vacation No. 897 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 adopt a Resolution approving the designation of a Civic Center Historic District. Richard Mitchell, Planning Director, introduced Lina Velasco, Planning Department, gave an overview of the item. Mayor McLaughlin declared the public hearing open. There were no public speakers. On motion of Vice Mayor Bates, seconded by Councilmember Thurmond,

closed the public hearing by the unanimous vote of the Council. Following discussion, on motion of Councilmember Marquez, seconded by Councilmember Thurmond, adopted Resolution No. 99-07 by the following vote: **Ayes:** Councilmembers Butt, Lopez, Marquez, Rogers, Sandhu, Thurmond, Vice Mayor Bates, and Mayor McLaughlin. **Noes:** None. **Abstentions:** Councilmember Viramontes. **Absent:** None.

RESOLUTIONS

A proposed resolution in support of making it a public policy objective to maximize economic benefit from underutilized real estate assets in the Port of Richmond was presented (Vice Mayor Bates left the meeting). Councilmember Butt and Jim Matzorkis gave an overview of the item. Following discussion, a motion was made by Councilmember Butt, seconded by Councilmember Rogers, to adopt the resolution. Discussion ensued and a friendly amendment to the motion was offered by Councilmember Thurmond to include as investors are identified, this information will come back to the Council for review. Any requests for money would have to come back to the Council for approval. The amendment was accepted and Resolution No. 100-07 was adopted by the following vote: **Ayes:** Councilmembers Butt, Lopez, Marquez, Rogers, Sandhu, Thurmond, Viramontes, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Vice Mayor Bates.

ORDINANCES

None.

COUNCIL AS A WHOLE

In the matter to approve Toll Brothers' request to extend the time for the City and Toll Brothers to acquire all necessary property rights to allow for redesign of portions of the Point Richmond Shores Project in accordance with Condition 3 of the Design Review Permit approved by the Council on July 19, 2007, to November 21, 2007. Richard Mitchell gave an overview of the item. On motion of Councilmember Marquez, seconded by Councilmember Rogers, approved extending the time for the City and Toll Brothers to acquire all necessary property rights by the following vote: **Ayes:** Councilmembers Butt, Lopez, Marquez, Rogers, Sandhu, Thurmond, Viramontes, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Vice Mayor Bates.

Continued to September 18, 2007, the matter of accepting the Historic Preservation Advisory Committee Annual Report.

In the matter to discuss and direct staff to draft an ordinance 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. Councilmember Lopez gave an overview of the item. Lopez stated that there will be a minor amendment to the ordinance stating that the City Council will be required to adopt the budget by June 30. On motion of Councilmember Lopez, seconded by Councilmember Sandhu, directed staff to draft an ordinance by the following vote: **Ayes:** Councilmembers Butt, Lopez, Marquez, Rogers, Sandhu, Thurmond, Viramontes, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Vice Mayor Bates.

This item was heard after Open Forum. In the matter to discuss and direct staff to work with the West Contra Costa Unified School District to ensure that the City of Richmond and affected neighborhoods are included in discussions relative to alternate school sites for continuation students. Vice Mayor Bates gave an overview of this item. Speakers were: Corky Booze, Jerry Richardson, Carolyn Trunnell, Carolyn Orelli, Karen Okusu, and Mike Ali. Following discussion, a motion was made by Vice Mayor Bates, seconded by Councilmember Viramontes, to direct the city manager and city attorney to compose a letter to the School Board, for the Mayor's signature, requesting a written commitment to the City Council indicating their willingness to comply with the City's Land Use Ordinances. A friendly amendment was offered by Councilmember Rogers to ask the School Board to adopt a policy that states the community will be given advanced notice when making changes to school sites. The amendment was not accepted. The original motion was approved by the following vote: **Ayes:** Councilmembers Butt, Lopez, Rogers, Sandhu, Thurmond, Viramontes, Vice Mayor Bates, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Marquez.

In the matter to discuss and direct staff to develop a comprehensive city policy to creatively and aggressively lead by example in the fight to end global warming. Councilmember Rogers gave an overview of the item. Following discussion a motion was made by Councilmember Rogers, seconded by Councilmember Marquez, to direct staff to develop a comprehensive city policy to creatively and aggressively lead by example in the fight to end global warming. A friendly amendment was offered by Councilmember Lopez to continue this item to the September 25, 2007, Council Meeting and discuss it along with a similar item scheduled for September 25, 2007. Councilmember Rogers suggested Councilmember Lopez rephrase her amendment to include the Goldman School to assist in the process. Further discussion ensued and Mayor McLaughlin continued the item to the September 25, 2007, meeting as a study session.

In the matter to authorize the city clerk to title Study Sessions as Study and Action Sessions, when applicable. Councilmember Rogers gave an overview of the item (Vice Mayor Bates left the meeting). Following discussion, on motion of Councilmember Rogers, seconded by Councilmember Butt, authorized the city clerk to title Study Sessions as follows: (1) information items will be titled Study Sessions and (2) direction to staff will be titled Study and Direction to Staff Sessions, by the following vote: **Ayes:** Councilmembers Butt, Lopez, Marquez, Rogers, Sandhu, Thurmond, Viramontes, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Vice Mayor Bates.

ANNOUNCEMENTS

Councilmember Marquez announced that he attended the League of California Cities Conference in Sacramento on Wednesday, September 5 through Saturday, September 8, 2007. The League approved the following four resolutions to be forwarded to State legislature: (1) renewal of League of Grassroots Network Programs, (2) healthy aging, (3) applying a 300 foot distance for all new residential care facilities, and (4) consolidation of the Office of Emergency Service and the Office of Homeland Security. The Council will receive copies in their next packets.

Councilmember Sandhu announced he attended the League of California Cities Conference in Sacramento also. He also announced

that on Wednesday, September 12, 2007, the Richmond Little League will be holding a meeting at 6 p.m. at the Coronado Community Center regarding the starting of a little league.

Councilmember Lopez announced she also attended the League of California Cities Conference in Sacramento and attended the AB1234 ethics training for elected officials.

Councilmember Viramontes announced she is going out of state beginning September 16 through 19, 2007, to sit on a panel to discuss project labor agreements that the City of Richmond has had. She also reported she attended a Contra Costa Transportation Authority Meeting that was evaluated a bill dealing with restricting eminent domain requirements. The Contra Costa Transportation Authority suggested a companion bill has been folded into this bill which would restrict the ability for Redevelopment Agencies to use eminent domain and Redevelopment dollars for housing. She suggests our lobbyist begin looking into this bill.

Mayor McLaughlin announced that the Tent City Peace Movement's First Annual Birthday will be held on September 25 through October 1, 2007. Tents will be pitched at Martin Luther King, Kennedy, Shields Reid, and Nevin Parks. She also thanked the North and East Neighborhood Council for a great picnic.

ADJOURNMENT

There being no further business the meeting adjourned at 11:35 p.m. to meet again on Tuesday, September 18, 2007, at 7:00 p.m.

City Clerk

(SEAL)

Approved:

Mayor