

**RICHMOND, CALIFORNIA, October 16, 2007**

The Regular Meeting of the City Council was called to order at 7:15 p.m. by Mayor Gayle McLaughlin who led the Pledge of Allegiance to the Flag.

**ROLL CALL**

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

**STATEMENT OF CONFLICT OF INTEREST**

None.

**AGENDA REVIEW**

Removed items G-2 and G-8 from the Consent Calendar.

Item H-1 continued to November 6, 2007.

Item H-3 continued to October 30, 2007.

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

Interim City Attorney, Louise Renne, reported the following:

**LIABILITY CLAIMS:** Mark Hildebrand vs. City of Richmond – *settled in the amount of \$10,750*. Frank Davis vs. City of Richmond – *settled in the amount of \$15,000*. Kim Krumm vs. City of Richmond – *settled in the amount of \$45,000*. Keith Griffin vs. City of Richmond – *settled in the amount of \$48,320*.

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

**\*CONFERENCE WITH LABOR NEGOTIATORS** (Government Code Section 54957.6): - Agency Designated Representative(s): Leslie Knight, City of Richmond, Unrepresented Employee(s): Richmond Police Officers Association (RPOA)

**\*PUBLIC EMPLOYEE PERFORMANCE EVALUATION** (Government Code Section 54957.6) - City Clerk

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

**\* No reportable action on these items.**

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

Mayor McLaughlin read a proclamation Honoring African-American Heroes of Harper's Ferry, October 16th, 1859 and the following individuals: Ken Nelson and Rhonda Harris, NAACP; Javanka Beckles, Economic Development Commission; Betty Reid Soskin and Reverend Phil Lawson, Long Term Teachers; Barbara Becnel and Kathleen Sullivan, Black Women Organization for Empowering Women and Teaching Young Women. Marilyn Langlois spoke on this item.

Mayor McLaughlin read a proclamation on Domestic Violence Awareness Month. The proclamation will be mailed to Stand Against Domestic Violence.

## **OPEN FORUM FOR PUBLIC COMMENT**

Kathy Robinson spoke about the unacceptable behavior of students in the Richmond Public Schools. She encouraged the City Council to visit some classes to observe what is going on.

Gordon Times spoke on behalf of Maurice Carradine and asked the City Council to help clear his driving record so that he may maintain his employment.

Nick Despota thanked the City Council for waiving the solar system permit fees.

Linda Salinas displayed banners decorated with hands of children containing messages of what children fear. The banner will be displayed in the Chambers. She also thanked everyone that participated in the Children's March, "Protect the love of our children, plant love not fear," held on October 12, 2007, at 11:00 a. m. at Saint Paul, Saint Cornelius, and Saint Mark Churches.

Wendy Gonzalez spoke about the Children's March.

Arturo Cruz thanked everyone that helped with the Children's March.

Herk Schusteff spoke regarding the Canyon Oaks II Project.

Mary DeBenedictis spoke regarding the Canyon Oaks II Project.

Texanita Bluitt encouraged the City Council to establish the plans for the Office of Neighborhood Safety and put the plans in operation in a timely manner to help decrease the violence in Richmond.

Nicole Valentino thanked the Mayor McLaughlin for attending the Children's March.

Corky Booze stated he was disappointed that no one offered to help Maurice Carradine. Mayor McLaughlin stated someone had already talked with Mr. Carradine.

Simms Thompson Jr. stated there are missing street lights on Marina Way and the McDonald Street underpass.

Rhonda Harris stated she will apply for the Community Development Commission because of her concern with the development and distribution of funds throughout the City of Richmond.

## **CONSENT CALENDAR**

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

\*-Adopted Resolution No. 106-07 to adjust appropriations to the 2007-2008 Employment and Training budget for service reimbursement of up to \$129,600 for former foster care youth, ages 18-24, from the Contra Costa Office of Children & Family Services.

A proposal to approve a Memorandum of Understanding (MOU) Between Urban ReLeaf and the City of Richmond to establish a partnership to plant up to 600 trees per year within City-owned landscapes and rights of way was presented. Sharon West, Parks and Recreation, gave an overview of the item. Simms Thompson, Jr. spoke on this item. Following discussion, Councilmember Butt, requested the Parks and Recreation Department contact the Atchison Village Neighborhood Council to participate in the planting of the trees. On motion of Councilmember Marquez, seconded by Councilmember Thurmond, approved the MOU by the unanimous vote of the Council.

\*-Approved the purchase of three ZAP Xebra PK electric trucks at a cost of \$16,500 from budgeted FY 2007/2008 Equipment Replacement Funds.

\*-Approved a contract between Barg Coffin Lewis & Trapp, LLC, and the City of the Richmond in the amount of \$25,000 for the provision of legal services to defend the City in the lawsuit entitled "Coalition of Concerned Citizens of Point Richmond vs. City of Richmond".

\*-Adopted Resolution No. 107-07 approving the acceptance of a \$95,000 Project Safe Neighborhood Grant from the Governor's Office of Emergency Services and appropriating the grant funds for equipment costs and other operating expenses necessary for the City's drive to reduce gang-related violence in the City.

\*-Adopted Resolution No. 108-07 approving the acceptance of a \$199,652 Supplemental Law Enforcement Services Fund (SLESF) Grant from the State of California and the appropriation of the grant for Police sworn overtime costs under Fund 2330 and Cost Center 11191.

\*-Adopted Ordinance No. 43-07 N.S. setting the tax rate for the Tax Override Pension Fund for Fiscal Year 2007-2008 at 0.14%, which is unchanged from the prior year.

A proposal to award a contract with Bouchard McElroy Communications Group Inc. in an amount not to exceed \$25,000 to conduct necessary actions to explore the need for and placement of ballot measures before the voters was presented. James Goins, Finance Director, gave an overview of the item. Corky Booze spoke on this item. On motion of Councilmember Marquez, seconded by Councilmember Rogers, awarded the contract by the unanimous vote of the Council.

\*-Adopted Ordinance No. 44-07 N.S. adding Chapter 2.35 to the Richmond Municipal Code to establish a fee in the amount of 5% of a State video franchise holder's gross revenues, a fee in the amount of 1% of video service provider gross revenues to support public, educational and governmental (PEG) access programming, and a schedule of penalties for breach of customer service standards.

\*-Approved an amendment to the existing contract between the City of Richmond and the Government Finance Officers Association (GFOA) for CCTV project implementation advisory services, expanding the scope of work to include project management services and increasing the cost by \$80,000 to an amount not to exceed \$89,999.

\*-Approved the minutes of the Evening Open Session held on October 2, 2007, with a correction to the spelling of Latino on page two of six.

### **PUBLIC HEARINGS**

The city clerk announced this was the time set, pursuant to published notice, to conduct a public hearing to approve the Master Fee Schedule in accordance with Chapters 2.34.040 and 13.45.020 of the Richmond Municipal Code, with the exception of the Comprehensive Planning Fee and the Road Hauling Impact Fee which are being reviewed. On motion of Councilmember Marquez, seconded by Councilmember Thurmond, continued the hearing to November 6, 2007, and directed staff to invite the Chamber of Commerce, local industry, Neighborhood Councils, and others, by the unanimous vote of the Council. Mayor McLaughlin allowed speakers that had completed speaker cards to speak. Tom Simonson spoke on this item.

The city clerk announced this was the time set, pursuant to published notice, to conduct a public hearing to adopt Resolution of Vacation No. 898 Ordering the Vacation of a Portion of 42nd Street, 44th Street, Macdonald Avenue, and Bissell Avenue. Lisa Harmond, Planning Department, and Richard Mitchell, Director of Planning, gave an overview of the item. Mayor McLaughlin declared the public hearing open. There were no public speakers. On motion of Councilmember Marquez, seconded by Councilmember Rogers, closed the public hearing by the unanimous vote of the Council. On motion of Councilmember Marquez, seconded by Councilmember Sandhu, adopted Resolution of Vacation by the unanimous vote of the Council.

This item was addressed after Agenda Review. The city clerk announced this was the time set, pursuant to published notice, to conduct a public hearing on an appeal from the Planning Commission's approval of a Tentative Parcel Map, Mitigated Negative Declaration and Mitigation Monitoring Program for three standard-size lots on property located at 125 to 127 Western Drive (APN: 558-020-007). On motion of Councilmember Marquez, seconded by Councilmember Sandhu, continued to October 30, 2007, by the unanimous vote of the Council.

### **RESOLUTIONS**

A proposed resolution in support of Senate Bill 840 (Kuehl), the California Universal Health Care Act of 2007, was presented. Councilmember Thurmond gave an overview of the item. Speakers were: Marilyn Langlois, Nel Benningshof, Nick Despota, Juan Reardon, Betty Brown, and Corky Booze. Following discussion, on motion of Councilmember Thurmond, seconded by Councilmember Rogers, adopted Resolution No. 110-07 by the unanimous vote of the Council.

### **ORDINANCES**

None.

### **COUNCIL AS A WHOLE**

In the matter to provide direction to staff concerning placing an initiative on the February 2008 ballot to authorize a continuation of the utility user's tax as it applies to telecommunication companies. Councilmember Rogers gave an overview of the item. This item was open for discussion only. Corky Booze spoke on this item. On motion of Councilmember Marquez, seconded by Councilmember Rogers, directed staff come back to the City Council on October 30, 2007, with recommendations by the unanimous vote of the Council.

In the matter to consider approving an amendment to the existing contract between the City of Richmond and the Richmond Improvement Association, increasing the maximum payment amount from \$200,000 to \$300,000 and extending the term to January 31, 2008. City Manager, Bill Lindsay, gave an overview of the item. He indicated the Richmond Improvement Association is out of money and operating costs are \$25,000 monthly. Mr. Lindsay encouraged the City Council to approve a minimum of 30 days to 60 days to allow the Director of Neighborhood Safety to become familiar with the Association and to identify additional funding sources. Reverend Shumake gave details of the Richmond Improvement Association's success and plans for funding sources. Speakers were: Corky Booze, Simms Thompson, Jr., and Fred Jackson. Following discussion, a motion was made by Councilmember Marquez, seconded by Councilmember Rogers, to approve an amendment to the existing contract for 60 days. Discussion continued, and a friendly amendment to the motion was made by Councilmember Thurmond to direct staff to bring back to the City Council a fundraising plan. The amendment was accepted. The motion with the amendment was approved by the unanimous vote of the Council.

The matter to discuss and set the schedule for the City Council meetings for the months of November, December, and January 2008, was continued to October 30, 2007.

In the matter to discuss and consider direction to staff on proposed self-storage facilities. Councilmember Rogers and Planning Director, Richard Mitchell, gave an overview of the item. Corky Booze submitted a speaker's card, but chose not to speak on this item. Following discussion, on motion of Councilmember Butt, seconded by Councilmember Rogers, directed staff come back to the City Council on November 6, 2007, with language to ask for a moratorium on any more self storage facilities, by the unanimous vote of the Council.

In the matter to authorize staff to create and install signs, around willing schools, to notify the public of the existence of a gun-free school zone. Councilmember Marquez gave an overview of the item. Speakers were: Ken Nelson, Pastor D. K. Mitchell, Reverend Alvin Bernstine, Texanita Bluitt, Eric Morris, Cochise Potts, Simms Thompson, Corky Booze, Gary Bell, Rhonda Harris, and Phillip Mehas. Following discussion, a motion was made by Councilmember Marquez, seconded by Councilmember Thurmond to direct staff to create and install signs around willing schools and notify the public of the gun free zones. The motion passed by the unanimous vote of the Council.

In the matter to direct staff to prepare an ordinance, for subsequent City Council adoption, to clarify that all taxpayers are subject to penalties for tax evasion, not just property tax payers. Councilmember Rogers gave an overview of the item. Corky Booze spoke on this item. Following discussion, on motion of Councilmember Marquez, seconded by Councilmember Butt, directed staff to prepare an ordinance by the unanimous vote of the Council.

In the matter to direct staff to investigate allegations of Union Pacific Railroad violating City of Richmond Blight Abatement Laws. Items L-7 and L-8 were addressed together. Yader Bermudez gave an overview of the item. Corky Booze spoke on this item. Following discussion, Councilmember Rogers will place this item on the November 6, 2007, Council Meeting.

In the matter to discuss status report from staff relative to Union Pacific Railroad cleaning up graffiti on railroad property next to the I-580 entrance to Richmond. Items L-7 and L-8 were addressed together. Yader Bermudez gave an overview of the item. Corky Booze spoke on this item. Following discussion, Councilmember Rogers will place this item on the November 6, 2007, Council Meeting.

In the matter to provide update and direction to staff regarding on-going and future efforts to reduce violence. Bill Lindsay, City Manager, will provide a status report to all Councilmembers. Corky Booze spoke on this item.

### **ANNOUNCEMENTS**

Councilmember Rogers announced that he attended an Affordable Housing Conference in San Francisco the week of October 7, 2007.

Councilmember Marquez announced that Councilmember Lopez is absent because her father was hospitalized, Councilmember Viramontes had surgery, and Vice Mayor Bates is out of the Country.

Mayor McLaughlin announced she will be holding **MEET WITH THE MAYOR FRIDAYS!** This is an “open forum with the Mayor” for one hour from **5:30 pm to 6:30 pm every Friday**. Residents are invited to share ideas or ask questions. These meetings are being held at the Whittlesey Community room next to the main library at 325 Civic Center Plaza. She also announced that on October 21, 2007, there will be a Green Chamber of Commerce event where vendors will be networking and grassroots organizations will be addressing good, clean business direction, energy renewal and energy conservation, from 1 p.m. to 5 p.m. at Lovonya DeJean Middle School.

**ADJOURNMENT**

There being no further business the meeting adjourned at 11:22 p.m. to meet again on Tuesday, October 30, 2007, at 7:00 p.m.

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City Clerk

(SEAL)

Approved:

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Mayor