

**RICHMOND, CALIFORNIA, April 15, 2008**

The Regular Meeting of the City Council was called to order at 5:34 p.m. by Mayor Gayle McLaughlin.

**ROLL CALL**

**Present:** Councilmembers Bates, Thurmond, Viramontes, Vice Mayor Marquez, and Mayor McLaughlin. **Absent:** Councilmembers Butt, Lopez, Rogers, and Sandhu (Councilmembers Butt, Lopez, and Sandhu arrived after adjourning to Closed Session).

**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):  
Claimant: Lisa Pheil  
Agency Claimed Against: City of Richmond

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** (Initiation of litigation pursuant to Subdivision (c) of Section 54956.9): One Case

**CONFERENCE WITH LABOR**

**NEGOTIATORS** (Government Code Section 54957.6):  
City Designated Representative(s): Bill Lindsay, Leslie Knight, Lisa Stephenson, Bruce Soublet  
Employee Organization or unrepresented employee(s):  
Local 21 and local 1021  
Retiree Medical Negotiations

There were no public speakers.

The Open Session adjourned to Closed Session at 5:35 p.m. The Closed Session adjourned at 6:14 p.m. The Regular Meeting of the City Council was reconvened at 8:01 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.

**STATEMENT OF CONFLICT OF INTEREST**

None.

**AGENDA REVIEW**

Removed Items F-1, F-2, F-7, F-9, and F-13 from the Consent Calendar.

**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:

**LIABILITY CLAIMS - PENDING**

**LITIGATION** (Government Code Section 54956.9):  
Claimant: Lisa Pheil  
Agency Claimed Against: City of Richmond (*City Council approved a settlement in the amount of \$15,000*)

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** (Initiation of litigation pursuant to Subdivision (c) of Section 54956.9): One Case (*City Council authorized the City Attorney to pursue*)

**CONFERENCE WITH LABOR**

**NEGOTIATORS** (Government Code Section 54957.6):  
City Designated Representative(s): Bill Lindsay, Leslie Knight, Lisa Stephenson, Bruce Soublet  
Employee Organization or unrepresented employee(s): Local 21 and local 1021  
Retiree Medical Negotiations (*No reportable action*)

**PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS**

Mayor McLaughlin and Councilmember Bates welcomed four council members visiting from Shimada, Japan, Richmond's Sister City, and one council member from a neighboring province to Richmond. The guests were here to meet with Richmond officials and to obtain information that may be helpful with their municipalities. Each guest gave comments. Mayor McLaughlin and Councilmember Bates presented each guest with gifts on behalf of the City of Richmond.

**CONSENT CALENDAR**

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

A proposed contract with Dennis Carrington, AICP, professional planner, in an amount not to exceed \$90,000, to conduct technical review of the General Plan was presented. Planning Director, Richard Mitchell, gave an overview of the item. On motion of Vice Mayor Marquez, seconded by Councilmember Viramontes approved a contract by the following vote: **Ayes:** Councilmembers Butt, Lopez, Rogers, Sandhu, Thurmond, Viramontes, and Mayor McLaughlin. **Noes:** None. **Abstentions:** Councilmember Bates. **Absent:** Vice Mayor Marquez. *On motion of Councilmember Bates, seconded by Councilmember Rogers, extended the meeting by 15 minutes with Councilmember Butt*

*voting noe.*

A proposal to approve the Pre-Development Services Agreement with Auto Warehousing Company (AWC) for design and engineering of automobile facility improvements at Point Potrero Marine Terminal related to the American Honda Motors contract in an amount not to exceed \$860,000 was presented. Port Director, Jim Matzorkis, gave an overview of the item. Following discussion, on motion of Councilmember Bates, seconded by Councilmember Sandhu, approved the Pre-Development Services Agreement by the following vote: **Ayes:** Councilmembers Bates, Butt, Lopez, Rogers, Sandhu, Thurmond, and Viramontes. **Noes:** Mayor McLaughlin. **Abstentions:** Vice Mayor Marquez. **Absent:** None.

\*-Approved a contract for \$75,000 with the Richmond Art Center to manage the Neighborhood Public Art Mini-Grant Program.

\*-Approved the purchase of computer tables and service desks for the Bayview and West Side branch libraries from Ross-McDonald Co., of Livermore, CA, in an amount not to exceed \$63,000.

\*-Approved the purchase of Millenia G-Xtreme turnout gear and Premier Wildland gear from L.N. Curtis & Sons in the amount of \$20,712.53.

\*-Approved the purchase of five Bendix King high-band mobile radios and accessories from Khavarian Enterprises, Inc. for the new Fire Department Engines and Aerial Ladder Truck, in the amount of \$12,391.15.

A proposed contract with Psomas to complete the System Evaluation and Capacity Assurance Plan (SECAP) for the Sanitary Sewer Collection system, with the total amount of the contract not to exceed \$99,000 was presented. City Engineer, Rich Davidson, gave an overview of the item. Following discussion, on motion of Councilmember Viramontes, seconded by Councilmember Bates, approved a contract with Psomas by the unanimous vote of the Council.

**Item F-8 was withdrawn from the agenda.**

A proposed guideline for implementing a private sanitary sewer repair and replacement grant program and to direct staff to fund and administer the grant program through Fiscal Year 2015 – 2016 was presented. City Engineer, Rich Davidson, gave an overview of the item. Following discussion, on motion of Councilmember Bates, seconded by Councilmember Viramontes, approved the proposed guidelines by the unanimous vote of the Council.

\*-Approved a contract amendment with Downey Brand law firm in the amount of \$50,000 for a total not to exceed contract amount of \$75,000 for the legal review of documents related to the Baykeeper Settlement Agreement.

**Item F-11 was withdrawn from the agenda.**

\*-Approved the second Glen Price Group contract amendment to continue grant seeking and proposal writing services for City departments through June 2008, increasing the contract amount by \$50,000 for a total contract amount not to exceed \$281,000.

A proposed contract with Boyles and Associates to support the implementation of a comprehensive graffiti abatement program in Richmond for an amount not to exceed \$25,000 from May 1, 2008, to May 1, 2009, was presented. On motion of Councilmember Bates, seconded by Councilmember Viramontes, approved a contract with Boyles and Associates by the unanimous vote of the Council.

\*-Approved a lease agreement for 2,000 square feet of office space located at 207 37th Street in Richmond at a cost of \$3,000 per month for a one year term for the Office of Neighborhood Safety (ONS) staff and programs.

\*-Approved the following reappointments and appointments: Library Commission: Kokoye Sande, term expiring 7/1/11; Human Relations and Human Rights Commission: Kathleen Sullivan, incumbent, term expiring 3/30/11; Economic Development Commission: Don Lau, reappointed incumbent, term expiring 3/30/09; Timothy Manhart, term expiring 3/30/11.

\*-Approved the following appointment of "alternates" to the North Richmond Waste and Recovery Mitigation Fee Committee: Councilmember Lopez to serve as alternate for Councilmembers Bates, Sandhu, and Viramontes; North Richmond resident Johnny White to serve as alternate for North Richmond resident Lee Jones.

\*-Approved the minutes of the Special Meeting held on March 25, 2008, and the Regular Meeting held on April 1, 2008, with the following correction: Councilmember Lopez stated George Miller also attended the Foreclosure Workshop.

## **PUBLIC HEARINGS**

This item was continued from April 1, 2008. The acting city clerk announced this was the time set, pursuant to published notice, to conduct a public hearing to uphold the Planning Commission's decision to approve the Tentative Parcel Map in Exhibit A and Mitigated Negative Declaration with Mitigation Monitoring Plan and Supplemental Information in Exhibit B for 125 to 127 Western Drive (APN: 558-020-007) with revised modified conditions of approval in Attachment 3 (as revised April 15, 2008). Planning Director, Richard Mitchell, and City Manager, Bill Lindsay, gave an overview of the item. The public hearing was closed on March 4, 2008; therefore, public comments were not allowed. Following discussion, a motion was made by Councilmember Viramontes, seconded by Councilmember Rogers, to uphold the Planning Commission decision to approve the Tentative Parcel Map in Exhibit A and Mitigated Negative Declaration with Mitigation Monitoring Plan and Supplemental Information in Exhibit B for 125 to 127 Western Drive, and accept the revised

modified conditions of approval in Attachment 3 (as revised April 15, 2008). A friendly amendment was offered by Councilmember Butt to delete the last paragraph in condition D, delete conditions M, and L. Councilmember Viramontes accepted all amendments except the deletion of condition M. Councilmember Thurmond requested a friendly amendment to include the last paragraph in condition D. The amendment was accepted. The motion passed by the unanimous vote of the Council.

The acting city clerk announced this was the time set, pursuant to published notice, to conduct a hearing on an appeal by the El Sobrante Valley Planning and Zoning Advisory Committee of the Design Review Board's approval for a two-story addition for the property located at 4917 Thunderhead Court, and uphold the Design Review Board's approval by denying the appeal, reaffirming the Board's findings and statements identified in the February 13, 2008, staff report, and approving the Design Review Permit subject to conditions. Planning Director, Richard Mitchell, gave an overview of the item. Mayor McLaughlin declared the public hearing open. Eleanor Loynd, appellant, spoke in support of the appeal. Chris Anderson, major opponent, spoke against the appeal. Other speakers were: Jeff Martin and John Lisenko. 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 Bates, seconded by Councilmember Thurmond, to approve the appeal on the basis that the design does not comply with the surrounding neighborhood and the owner started work without the necessary permits. The motion also included that this item be referred back to the Planning Commission to establish a design that is more appropriate for the neighborhood. Councilmember Lopez offered a friendly amendment to deny the application without prejudice. The amendment was accepted. The motion passed by the unanimous vote of the Council.

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

Naomi Williams requested the City aggressively abate or secure foreclosed and abandoned properties.

Vernell Crittendon, Jr. spoke of his concern regarding the foreclosed and abandoned properties that have been vandalized, and covered with trash and debris. He requested the City aggressively abate or secure these properties.

Corky Booze stated Vice Mayor Marquez is against the police checkpoints for checking for drivers without license and insurance.

Jerome Smith spoke of his concern about the Chevron Expansion Project.

Jackie Thompson thanked the City Council for her appointment to the Housing Advisory Committee. She also stated that concerned friends of Richmond will be meeting on April 26, 2008, the location to be determined, and everyone is invited.

## AGREEMENTS

None.

## RESOLUTIONS

A proposed resolution urging the University of California Regents to increase wages of low-wage employees to assist in increasing the economic vitality of Richmond and other cities in the Greater Bay Area was presented. Councilmember Thurmond gave an overview of the item. Speakers were: Corky Booze, Maricruz Manzanarez, and Daniel Alvarado. Following discussion, on motion of Councilmember Thurmond, seconded by Councilmember Viramontes, adopted **Resolution No. 39-08** by the unanimous vote of the Council.

## ORDINANCES

A proposed Urgency Ordinance Extending the Temporary Moratorium on the Acceptance, Processing, and Approval of Applications and Permits to Construct, Modify or Place Wireless Telecommunication Facilities (Exhibit A) within the City of Richmond until July 31, 2008 was presented. On motion of Councilmember Marquez, seconded by Councilmember Lopez, adopted **Urgency Ordinance No. 10-08 N.S.** by the unanimous vote of the Council.

## COUNCIL AS A WHOLE

In the matter to approve the allocation of an additional \$45,000 for the Juneteenth Parade and Festival scheduled for June 21, 2008, for a total of \$65,000, and authorize the use of the City of Richmond's portable entertainment stage at no charge and the provision of in-kind staff services. Councilmember Bates introduced Jerrold Hatchett, Brotherhood Alliance, who gave an overview of the item. Speakers were: Naomi Williams, Barbara Becnel, Janie Holland, Corky Booze, and Rhonda Harris. On motion of Councilmember Bates, seconded by Councilmember Butt, approved the allocation by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Vice Mayor Marquez, and Mayor McLaughlin. **Noes:** Councilmember Viramontes. **Abstentions:** Councilmember Lopez. **Absent:** None.

In the matter to receive a report regarding franchise agreements, and direct staff to renew franchise agreements at currently applicable franchise rates. Assistant City Attorney, Mary Renfro, gave an overview of the item. A motion was made by Councilmember Butt, seconded by Councilmember Rogers, to direct the city manager and city attorney to continue to research and pursue a model ordinance and pursue renewing franchise agreements in a way that is consistent with best practices and maximizes revenue for the City of Richmond and bring recommendations back to the City Council as soon as possible. Councilmember Rogers offered a friendly amendment for the item to go back to the Finance Committee when the report is received. The amendment was accepted. Councilmember Butt also asked for a timeline of the project. Councilmember Viramontes offered a friendly amendment to receive a legal written opinion on the preempt

issue that would be confidential to the City Council before it is publicly discussed. The amendment was accepted. The motion passed by the unanimous vote of the Council.

In the matter to authorize a hiring freeze of all vacant positions until the 2008 Proposed Budget has been approved, unless special action is deemed necessary by the City Council. Councilmember Viramontes gave an overview of the item. A motion was made by Councilmember Viramontes, seconded by Councilmember Bates, to authorize a hiring freeze until the 2008/2009 budget is completed. City Manager, Bill Lindsay, requested that the City Council exempt the following positions: public health and public safety, i.e., police officers and fire fighters, non-general fund positions, and seasonal part-time positions, i.e., recreation, and the summer youth programs. Vice Mayor Marquez requested a list of all positions created and the salary breakdown from July 1, 2007, to April 15, 2008. Councilmember Lopez offered a friendly amendment to ask for a list of current vacancies and status. The friendly amendment was accepted. The city manager stated the seasonal workers start working in June and are part of the current year's budget. Councilmember Rogers offered a friendly amendment to come back at the next City Council meeting to make a decision on temporary employees. The amendment was accepted. Councilmember Rogers offered a friendly amendment to exempt the summer hire program. The amendment was accepted. Councilmember Viramontes restated the motion to freeze all vacant positions non-general fund positions, public safety (sworn fire and police), summer youth program, and seasonal employees. Also included in the motion was to direct staff to produce a vacancy list with status. Discussion continued and a substitute motion was made by Councilmember Butt, seconded by Mayor McLaughlin to direct the city manager to provide the City Council in advance with all information of plans to create new positions or hire people in positions that are not filled and City Councilmembers will be allowed to object. Councilmember Rogers offered a friendly amendment to direct the city manager to notify the City Council of his desire to hire an employee and allow City Councilmembers that object a chance to discuss their position. The amendment was accepted. The substitute motion failed by the following vote: **Ayes:** Councilmembers Butt, Rogers, and Mayor McLaughlin. **Noes:** Councilmembers Lopez, Sandhu, and Viramontes. **Abstentions:** Councilmembers Bates, Thurmond, and Vice Mayor Marquez. **Absent:** None. The original motion passed by the following vote: **Ayes:** Councilmembers Bates, Lopez, Rogers, Thurmond, Sandhu, Viramontes, and Vice Mayor Marquez. **Noes:** Councilmembers Butt and Mayor McLaughlin. **Abstentions:** None. **Absent:** None.

In the matter to approve a policy authorizing a response from City Council members if erroneous information has been voiced during Public Forum. Vice Mayor Marquez gave an overview of the item. Speakers were: Corky Booze, Jerome Smith, and Jackie Thompson. A motion was made by Councilmember Lopez, seconded by Councilmember Viramontes, to approve the policy with an amendment to allow Councilmembers the opportunity to give a one-minute response after the last speaker. The motion passed by the following vote: **Ayes:** Councilmembers Bates, Lopez, Rogers, Thurmond, Sandhu, Viramontes, Vice Mayor

Marquez, and Mayor McLaughlin. **Noes:** None.  
**Abstentions:** None. **Absent:** Councilmember Butt.

In the matter to direct staff to draft an ordinance amending Chapter 2.56 (Local Employment Ordinance) of the Richmond Municipal Code to require: (1) proof of 20% local hires at the point of contract award; (2) quarterly reports to ensure compliance; (3) that the subcontractor(s) also comply with said ordinance; and (4) any additional recommendation(s) from staff, if deemed necessary. Councilmembers Sandhu gave an overview of the item. Corky Booze spoke on this item. *On motion of Councilmember Rogers, seconded by Councilmember Bates, extended the meeting for 30 minutes with Councilmembers Butt and Lopez voting noe.* Other speakers were: Rhonda Harris and Jennifer Lin. Councilmember Lopez recommended contractors must meet the 20% local hire 30 days after the contract is awarded. Councilmember Thurmond recommended an increase in the percentage to more than 20%. Mayor McLaughlin referred this item to staff to come back to the City Council with recommendations.

In the matter to accept the recommendations of the City of Richmond Finance, Administrative Services and Economic Development Standing Committee for projects which have regional significance in the West Metro Sector to be forwarded to the East Bay Regional Park District for inclusion in the proposed Measure AA Bond Extension for the November 2008 ballot. On motion of Councilmember Bates, seconded by Vice Mayor Marquez, accepted the recommendations by the unanimous vote of the Council.

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

None.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 12:45 a.m. in memory of Alexandria Alex, a member of the East Bay Center for Performing Arts, and Gustavia Hunter, mother of City of Richmond Employee, Pearl Hunter, to meet again on Tuesday, April 22, 2008, at 7:00 p.m.

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City Clerk

(SEAL)

Approved:

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Mayor