

RICHMOND, CALIFORNIA, June 17, 2008

The Regular Meeting of the Richmond City Council was called to order at 5:03 p.m., by Mayor McLaughlin.

ROLL CALL

Present: Councilmembers Butt, Bates, Lopez, Sandhu, Viramontes, Mayor McLaughlin and Vice Mayor Marquez.

Absent: Councilmember Thurmond and Rogers.

PUBLIC COMMENT

The 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: Michael and Joanna Lyons

Agency Claimed Against: City of Richmond

Claimant: Penny Turner

Agency Claimed Against: City of Richmond

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9):

Auto Warehousing Corporation vs. City of Richmond

Richmond Residents for Responsible Antenna Placement vs. City of Richmond

CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6):

City Designated Representative(s): Bill Lindsay, Leslie Knight, Lisa Stephenson, Bruce Soublet, and Chris Magnus

Counsel: Jack Hughes, Liebert Cassidy Whitmore

Employee Organization or unrepresented employee(s):

Richmond Police Officers' Association (RPOA), and

Richmond Police Management Association (RPMA)

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8):

Property: 1320 Canal Boulevard, Richmond, CA 94804

Negotiating Parties: Jim Matzorkis, City of Richmond

Negotiations: Terms and Price

REDEVELOPMENT AGENCY

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8):

Real Property Negotiations (Government Code Section

54956.8) Property: South 47th Street, totaling 7,500 sq. ft.,

APN: 513-321-002

Negotiating Parties: Steve Duran/Patrick Lynch, City of Richmond
Negotiations: Terms and Price

Real Property Negotiations (Government Code Section 54956.8) Property: 258-270 3rd Street, totaling 10,293 sq. ft., APNP: 538-200-001-5; 538-200-028; 538-200-029
Negotiating Parties: Steve Duran/Patrick Lynch, City of Richmond
Negotiations: Terms and Price

Special Meeting

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

(Government Code Section 54956.9):

One Case

Robin Carpenter and Andrew Olmsted, representatives from Richmond Residents for Responsible Antenna Placement, gave comments regarding current on-going litigation regarding the placement of wireless telephone antennas that have caused damaging health effects to surrounding neighbors. They requested that the City Council vote to have this matter sent back to the Planning Commission for a revocation hearing.

The Open Session adjourned to Closed Session at 5:11 p.m. The Closed Session adjourned at 6:59 p.m. The Regular Meeting of the City Council was reconvened at 7:02 p.m. by Mayor McLaughlin.

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Items F-1, F-4, F-23 and F-25 were removed from the Consent Calendar.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Mayor Gayle McLaughlin presented Exceptional Techs Student Awards for All-Stars Reading is Fun Book Club to Juan Conrique, Ariana Rhodes, Nalia Wise, Armonie Carr, Miguel Monares, Lanitra Earl, Alondra Cabrera, Jesus Lopez, and Erick Suastegui.

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

City Attorney, Scott Dickey, reported the following actions taken during closed session:

LIABILITY CLAIMS - PENDING LITIGATION

(Government Code Section 54956.9):

Claimant: Michael and Joanna Lyons

(Settlement for \$121,000)

Agency Claimed Against: City of Richmond

Claimant: Penny Turner

Agency Claimed Against: City of Richmond

(No reportable action)

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9):

Auto Warehousing Corporation vs. City of Richmond

(Settlement for \$100,000)

Richmond Residents for Responsible Antenna Placement vs. City of Richmond, et al.

(No reportable action)

CONFERENCE WITH LABOR NEGOTIATORS

(Government Code Section 54957.6):

City Designated Representative(s): Bill Lindsay, Leslie Knight, Lisa Stephenson, Bruce Soublet, and Chris Magnus

Counsel: Jack Hughes, Liebert Cassidy Whitmore

Employee Organization or unrepresented employee(s):

Richmond Police Officers' Association (RPOA), and

Richmond Police Management Association (RPMA):

(No reportable action)

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

(Government Code Section 54956.8):

Property: 1320 Canal Boulevard, Richmond, CA 94804

Negotiating Parties: Jim Matzorkis, City of Richmond

Negotiations: Terms and Price

(No reportable action)

REDEVELOPMENT AGENCY

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

(Government Code Section 54956.8):

Real Property Negotiations (Government Code Section 54956.8)

Property: South 47th Street, totaling 7,500 sq. ft., APN: 513-321-002

Negotiating Parties: Steve Duran/Patrick Lynch, City of Richmond

Richmond

Negotiations: Terms and Price

(No reportable action)

Real Property Negotiations (Government Code Section 54956.8) Property: 258-270 3rd Street, totaling 10,293 sq. ft., APNP: 538-200-001-5; 538-200-028; 538-200-029

Negotiating Parties: Steve Duran/Patrick Lynch, City of Richmond

Negotiations: Terms and Price

(No reportable action)

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.

On the matter to approve a contract with Pyro Spectaculars North, Inc. from McClellan Park, CA, in the amount of \$27,500 for the 2008 Fireworks Celebration to be held July 3, 2008, at Marina Bay Park. Keith Jabari stated that the Coast Guard and Fish and Wildlife informed the City that there are Brown Pelican nests at Brooks Island that would be disturbed by the fireworks show. The recommendation is to launch the shells from Point Isabel; however the persons viewing the show would be at Marina Bay. Councilmember Butt stated that the fireworks show could take place at Point Isabel or Point Molate. The possibility of a laser light show instead of fireworks will be explored by Recreation and Parks staff for future celebrations. Juan Reardon gave comments. A motion was made by Councilmember Bates, seconded by Councilmember Viramontes, approved the contract by the following vote: **Ayes:** Councilmembers Bates, Butt, Lopez, Rogers, Sandhu, Thurmond, and Viramontes. **Noes:** None. **Abstentions:** Mayor McLaughlin. **Absent:** Vice Mayor Marquez.

*Approved a contract with Ki Research Institute, Albany, CA, for conflict resolution training for the Richmond Public Library's Literacy for Every Adult Program (LEAP), continuing the current pilot program, for FY 2008/2009 in an amount not to exceed \$32,000

*Approved the purchase of 65 Panasonic Toughbook® computers for the Police Department from CDCE, Inc., at a cost not to exceed \$583,946.25 (\$383,890.00 for hardware, \$45,500.00 for de-installation/installation services for Police, \$54,600.00 for a five-year hardware accidental replacement coverage and \$62,400.00 for a one-year maintenance agreement.

*In the matter to approve a two-year contract with Neighborhood House of North Richmond (NHNR), acting as the fiscal agent for Straight Talk on Prison (STOP), in the amount of \$91,250 for family-based case management services, as per the California Gang Reduction & Intervention Program (CalGRIP) grant. Jay Leonhardy, Employment and Training stated that the cost will cover a full time case manager and associated administrative costs. The source of funds is a CalGRIP grant of \$400,000. The

case managers working under this grant will accompany the client to their home and provide those assessments for the entire family. An individualized service plan for that family will be developed. Corky Booze and Jovanka Beckles gave comments. A motion was made by Councilmember Marquez, seconded by Councilmember Viramontes to approve the contract. Councilmember Thurmond made an amendment that the City Council receives a quarterly report, which was accepted, and the contract was approved by the unanimous vote of the Council.

*Adopted **Resolution No. 56-08** approving the revised boundaries of the proposed Targeted Employment Area and directing the submittal of a revised application to the California State Housing and Community Development for an updated Targeted Employment Area designation.

*Approved a contract with Merriwether & Williams Insurance Services to provide contracting and Bonding assistance for Richmond businesses for the term of June 17, 2008, through June 30, 2009, for an amount not to exceed \$50,000.

*Approved a contract with Mr. Larry Winston to provide classroom instruction for the RichmondBUILD training program. The term of the contract will be from April 1, 2008, through March 20, 2009, for an amount not to exceed \$40,000.

*Introduced first reading of an ordinance establishing wages, salary, and compensation for the new classification of Low Income Public Housing Asset Specialist (Salary Range 36D: \$4,034 - \$4,761/month)

*Adopted **Resolution No. 57-08** amending the City of Richmond's Position Classification Plan to add the new classification of Low Income Public Housing Asset Specialist

*Approved a contract with The Graceland College Center for Professional Development and Lifelong Learning, Inc. dba Skillpath Seminars in the amount of \$60,800, for employee training for the period of July 1, 2008, through June 30, 2009.

*Approved a contract with Liebert Cassidy Whitmore LLP in the amount of \$50,000 for contract negotiations, employee training, and legal consultation for the period of July 1, 2008, through June 30, 2009.

*Adopted **Resolution No. 58-08** approving the Engineer's Report for FY 2008/2009 for the Hilltop Landscape Maintenance District ("HLMD"), and announcing a public hearing, for July 1, 2008, for the proposed increase in assessments for FY 2008/2009.

*Approved a contract amendment No.1 with DP Security, LLC in an amount not to exceed \$42,563.36, to provide continued monitoring and securing of the

restroom facilities at Nevin, Nicholl, M.L. King, J.F. Kennedy, La Moine, Parchester, Shields-Reid, and Booker T. Anderson Parks.

*Approved a contract with Urban Ecology in an amount not to exceed \$30,000 for design services for the renovation of the Solano Playlot.

*Acknowledged receipt of the City of Richmond's Comprehensive Annual Financial Report for the year ended June 30, 2007.

*Introduced first reading of an Ordinance amending the existing Comprehensive Planning Fee, reducing the fee from 0.6810% of project valuation to 0.1769% of project valuation.

*Adopted **Resolution No. 59-08** to closeout the El Sobrante Developing Area and to discontinue collecting the public facilities fees specific to this area.

*Adopted **Resolution No. 60-08** closeout the Brickyard Cove Developing Area and to discontinue collecting the public facilities fees specific to this area.

*Adopted **Resolution No. 61-08** declaring the City's official intent to use proceeds of indebtedness to reimburse itself for certain expenditures in connection with improvements made to the Point Potrero Marine Terminal.

*Adopted **Resolution No. 62-08** approving the 2008-09 Appropriation Limit pursuant to Article XIII B, as amended by the Constitution of the State of California.

*Approved a contract with Barg Coffin Lewis & Trapp LLP, for Fiscal Year 2008/2009, for an amount of \$25,000 for the continued defense of the California Environmental Quality Act (CEQA) litigation entitled "Coalition of Concerned Citizens of Point Richmond vs. City of Richmond".

*Approved a contract with Barg Coffin Lewis & Trapp LLP, for Fiscal Year 2008/2009, for an amount of \$25,000 for the continued defense of the California Environmental Quality Act (CEQA) litigation entitled "James Littlehale vs. City of Richmond".

*Approved a third amendment to the contract with the Glen Price Group (GPG) to provide grant seeking and proposal writing services to City departments, increasing the not to exceed cost by \$200,000 for a total cost of \$481,000, and extending the term by 12 months through June 2009. City Manager, Bill Lindsay, stated that for the last two years, the GPG wrote eight proposals for the City and from March 1, 2006 to April 1, 2007 received 3 grants totaling \$1,112,167. From April 1, 2007 to June 1, 2008 GPG wrote ten proposals, has heard from seven

fundere and received five grants totaling \$1,685,000. The City has currently received a total of \$2,797,167 since the start of the program against professional fees paid in the amount of \$280,000. Councilmember Bates stated grant opportunity information is given to the City via the City's lobbyists and that a part-time contractor could be hired to do this job for less money. A motion was made by Councilmember Viramontes, seconded by Councilmember Thurmond, approved the contract amendment by the following vote: **Ayes:** Councilmembers Butt, Lopez, Rogers, Sandhu, Thurmond, and Viramontes. **Noes:** Councilmember Bates **Abstentions:** Mayor McLaughlin. **Absent:** Vice Mayor Marquez.

*Approved the 2008 revised City of Richmond Records Retention Schedule.

*In the matter to adopt the following five resolutions to hold a Municipal and Special Municipal Election on November 4, 2008: (1) Calling and Giving Notice of a Municipal Election, (2) Calling and Providing for a Special Municipal Election (Business License Act), (3) Requesting the County Board of Supervisors to Consolidate the Municipal Election with the Statewide Election, (4) Adopting Regulations for Candidates and Action To Be Taken In Case of a Tie Vote, and (5) Providing for the Filing of Rebuttal Arguments. The estimated cost to hold the Municipal and Special Municipal Election is a minimum of \$80,000 for a consolidated election and up to \$160,000 for a stand alone election. The cost per voter is approximately \$4. Funds are available in the City Clerk's Fiscal Year 2008/2009 budget. Corky Booze and Juan Reardon gave comments. Councilmember Lopez asked for a legal opinion from the City Attorney regarding the legality of persons using public airtime to speak on or behalf of a candidate or a ballot measure. Scott Dickey, Interim City Attorney replied that generally, it is a violation of the Fair Political Practices Act, for a public entity to use public funds to support or object to a candidate or ballot measure. Mr. Dickey will provide a written opinion. A motion was made by Councilmember Bates, seconded by Viramontes, adopted **Resolution Nos. 63-08, 64-08, 65-08, 66-08, and 67-08**, respectively, by the unanimous vote of the Council.

*Approved the minutes of the Special Meeting of the West Contra Costa Unified School District and the Richmond City Council held on May 1, 2008; the Regular Meetings of the Richmond City Council held on May 20, 2008, and June 3, 2008; and the Special Meeting of the Richmond City Council held on May 27, 2008

OPEN FORUM FOR PUBLIC COMMENT

Dr. Jeff Ritterman gave comments regarding the website 350.org. The number 350 reflects the parts per million of CO2 emissions that can be in the atmosphere. Currently the amount is 385.

Corky Booze thanked City staff Tony Norris and Sharon West for responding via letter regarding an issue regarding a bathroom clean-up job. He also thanked Park Department staff Cruz Castaneda, James Berry, Paul Hayman, and John Calloway for their professionalism for a tree removal job at his home. Mr. Booze also gave comments regarding the lack of enforcement of ensuring that business licenses and health permits are being obtained by mobile vendors in the City.

Simms Thompson stated that the Council should take a tour of the City to observe problems with debris and blight. Mr. Thompson also stated that there are auto body shops that do not adhere to air quality guidelines. Mr. Thompson has been trying to determine whether or not a coffee bean company located on S. 33rd is permitted to roast coffee.

Jackie Thompson stated that there are illegal activities occurring along the shorelines and suggested that the police department or DP Security visit these locations more frequently.

Juan Reardon read from the May 12, 2008 editorial section of the West County Times titled the 'Stop the Secret Oil Deal', which pertains to a confidentially agreement made between the City and Chevron discussing the non-disclosure of important refinery operations information to the public.

Flora Campbell gave comments regarding a neighbor's illegally constructed deck.

Norma Simmons invited the Council to the Santa Fe Channel on Thursday, June 19th at 7:15 a.m. for observation during low tide of what is occurring to the bulkhead next to the channel.

Alicia Cerretani gave comments regarding the Homeowner's and Bank Protection Act.

Alexandra Philips urged the Council to do something to stop foreclosures in the City of Richmond.

Rev. George Brown gave comments regarding the Peace Caravan held on Saturday, May 31st and thanked the Koshner Foundation, the Office of Neighborhood Safety, the Richmond Rescue Mission, DP Security, Supervisor Gioia's Office, Congressman Miller's Office, Donald Hampton, Hilltop Ford, National Brotherhood Alliance, City of Richmond, Richmond Police Department, Richmond Fire Department, Sims Metal, Opportunity Christian Center, City Manager's Office and Mayor McLaughlin for speaking at the event.

Jovanka Beckles read an article from the Spring 2008 edition of CRISIS magazine regarding the African American and Latino communities in Clovis, New Mexico collaborating and succeeding to stop the construction of an ethanol plant.

COUNCIL AS A WHOLE

In the matter to receive a report on a possible relocation of the County Health Center, currently located at 38th Street and Bissell Avenue, to the Doctors Hospital campus on Vale Road in the City of San Pablo; and provide direction to staff as necessary. City Manager, Bill Lindsay, and County Supervisor, John Gioia, gave an overview of the matter. In September 2007, staff was directed to hold a community workshop in order to evaluate site locations for a new community health center and to receive community input. The overall consensus was that the preferred location for the County Health Center was on 23rd Street and Bissell Avenue. Subsequently, the City, Redevelopment Agency, and County staff met with the master developer and broker and were advised that the proposed acquisition of the site on 23rd Street and Bissell Avenue could not occur in a timely manner to correspond with the requested development timeline for the proposed Lowe's. County staff analysis concluded that the Doctor's Medical Center campus in San Pablo was the preferred site alternative for the County's new health center in West County. Relocating the health center at the Doctor's Hospital site would increase the viability of Doctor's Hospital and maintain its operations and services such as x-ray and laboratory testing would be shared. Naomi Williams, Corky Booze, and Jackie Thompson gave comments. Councilmember Viramontes asked why the health center is planned to relocate on a known fault line. Supervisor Gioia replied that the new facility will be seismically safe and the Doctor's Hospital is planned to be seismically retrofit between now and the year 2020. A motion was made by Councilmember Viramontes, seconded by Councilmember Thurmond, that staff research and pursue funding for shuttle service from Richmond to Doctor's Medical Center from regional transportation funding for 2009-2010, by the unanimous vote of the Council.

RESOLUTIONS

In the matter to adopt a resolution approving the Fiscal Year 2008/2009 Annual Operating Budget. Mayor McLaughlin stated that she previously removed the Park Steward positions from the budget because she didn't want layoffs to occur in the Paratransit Department. This matter will be discussed again at a council meeting in July. The City Manager and staff will prepare cost breakdown and organizational structure information. Jim Goins, Finance Director gave an overview of the proposed budget. Corky Booze, Myrtle Braxton- Ellington, and Debbie Landshoff gave comments. Mayor McLaughlin asked how the budget cuts will affect Parks and Landscaping's operations. Yader Bermudez, Recreation and Park's Park Director, replied that with the savings made from recently purchased equipment, other contracted services, such as rental of portable restrooms for the parks, should not be affected. A motion was made by Councilmember Viramontes to approve the 2008-2009 Annual Operating Budget, including all budget checklist items and adding revised non-profit emergency grant criteria. Councilmember Lopez clarified that the emergency non-profit grant funding is only to be included in the 2008-2009 budget and a new request would have to be made for any subsequent years. Councilmember Bates suggested that a couple of

workshops be conducted with the Planning Commission regarding the General Plan and does not support adding more money for additional meetings to the contract with Moore, Iacofano, and Goltsman, (MIG), the general plan consulting firm. Mayor McLaughlin stated that discussions regarding the Public Health Element, Climate Change Element, and Change Areas still need to be discussed with the Planning Commission in order for them to make recommendations to the City Council. Councilmember Butt stated that the money to pay for this contract amendment would come from the Planning Department's comprehensive planning fees, not from the general fund and the Planning Committee is required by law to review and make recommendation on the general plan. A motion was made by Councilmember Viramontes, seconded by Councilmember Rogers to approve the 2008-2009 Annual Operating Budget, including all budget checklist items and adding the revised non-profit emergency grant criteria and excluding Item #7 regarding the removal of the \$150,000 allocation for additional scope of work from the General Plan, passed by the following vote: **Ayes:** Councilmembers Butt, Lopez, Rogers, Sandhu, Thurmond, Viramontes, Vice Mayor Marquez, and Mayor McLaughlin. **Noes:** Councilmember Butt. **Abstentions:** None. **Absent:** None. Discussion ensued.

Councilmember Butt read from California Government Code Section 65354, which reads: "*The Planning Commission shall make a written recommendation on the adoption or on an amendment of the General Plan*". Richard Mitchell, Planning Director, stated that the additional funding for the General Plan is for requested meetings that were unanticipated and out of the scope of what was previously approved. Mr. Mitchell reiterated that the General Plan will cost approximately \$3million to complete, but \$750,000 worth of grants have been obtained with the help of MIG. A motion was made by Councilmember Rogers, seconded by Councilmember Butt, to approve the \$150,000 with the understanding that no additional amendments be requested. \$120,000 would be used for additional community meetings and the remaining \$30,000 is for meetings with the Planning Commission. Some of the community meetings have already occurred. Councilmember Viramontes, seconded by Councilmember Bates, made a substitute motion, that only four additional meetings be funded in the amount of \$28,000. (*Mayor McLaughlin changed her "yes" vote to a "no" on the adoption of the budget*). Councilmember Bates made an amendment to limit to two additional meetings and two workshops. Councilmember Viramontes accepted the amendment. Councilmember Rogers made a friendly amendment to approve \$75,000 and do the best that can be done to finalize the General Plan process. Councilmember Viramontes did not accept the amendment. City Manager, Bill Lindsay, stated that this matter be reviewed and discussed at the Finance Committee meeting of June 20th, where this matter has been agendaized. At this point, the \$150,000 has been approved in the budget; however, the funds have not been approved to fund the proposed \$150,000 contract amendment with MIG. A substitute motion was made by Councilmember Rogers to approve \$75,000 for MIG to complete the general plan process. The motion died for lack of a second. A motion was made by Councilmember Marquez, seconded by Councilmember Rogers, to rescind the prior vote on the adoption of the budget, passed by the

following vote: **Ayes:** Councilmembers Bates, Lopez, Rogers, Sandhu, Viramontes, and Vice Mayor Marquez. **Noes:** Councilmembers Butt, Thurmond, and Mayor McLaughlin. **Abstentions:** None. **Absent:** None. A motion was made by Councilmember Viramontes, seconded by Councilmember Rogers, to approve the 2008-2009 Annual Operating Budget, including the checklist items and the updated language on the emergency non-profit grant approval criteria, excluding Item 7 regarding the \$150,000 for the General Plan for a separate vote, passed and adopted **Resolution No. 68-08**, by the following vote: **Ayes:** Councilmembers Bates, Lopez, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** Councilmembers Butt and Mayor McLaughlin. **Abstentions:** None. **Absent:** None. A motion was made by Councilmember Rogers, seconded by Councilmember Marquez, to approve \$50,000. Councilmembers Rogers and Marquez withdrew their motion. A motion was made by Councilmember Viramontes, seconded by Councilmember Lopez, called for the question. A motion was made by Councilmember Rogers, seconded by Councilmember Marquez, to approve \$50,000. Councilmember Viramontes made an amendment that there be only four additional meetings funded. Mr. Mitchell stated that he would like to return with more information to determine if four meetings will be sufficient to complete the process. Councilmember Rogers did not accept the amendment. A substitute motion was made by Councilmember Viramontes, seconded by Councilmember Bates, to approve \$30,000. Councilmember Viramontes withdrew her motion. A motion was made by Mayor McLaughlin, seconded by Councilmember Butt, to approve a \$150,000 contract amendment for MIG, which failed by the following vote: **Ayes:** Mayor McLaughlin, Councilmembers Butt and Thurmond. **Noes:** Councilmembers Bates and Rogers. **Abstentions:** Councilmembers Lopez, Marquez, Sandhu, and Viramontes. **Absent:** None. The motion to approve \$50,000 to MIG for the completion of the General Plan Update was passed by the following vote: **Ayes:** Councilmembers Butt, Lopez, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** Councilmembers Bates and Mayor McLaughlin. **Abstentions:** None. **Absent:** None.

In the matter to adopt a resolution in support of the Brief of Amici Curiae from the National League of Cities which was filed in support of the County of San Diego. Scott Dickey, Interim City Attorney, stated that the Ninth Circuit is currently reviewing the constitutionality of a Wireless Telecommunications Ordinance drafted by the County of San Diego. The League of California Cities has filed amicus curiae brief in support of the City of San Diego's position. The resolution endorses all arguments set forth in the brief and supports the League and supports the League of California Cities' efforts to preserve local control over zoning and planning with respect to wireless telephone facilities. Andrew Olmstead and Robin Carpenter gave comments on the matter. The resolution will be supplemented with a letter brief explaining the City of Richmond's position and concerns. A motion was made by Councilmember Bates, seconded by Councilmember Viramontes, approved **Resolution No. 69-08**, by the following vote: **Ayes:** Councilmembers Bates, Butt, Lopez, Rogers, Sandhu,

Thurmond, Mayor McLaughlin, and Vice Mayor Marquez.
Noes: None. **Abstentions:** None. **Absent:** Councilmember Viramontes.

In the matter to adopt a resolution in support of renewing the West Contra Costa unified School District's (WCCUSD) Parcel Tax. Councilmember Thurmond gave an overview of the matter. The WCCUSD's parcel tax will soon expire and must be renewed. The WCCUSD will not only incur a financial loss as a result of the proposed decrease in State funding, but it will also suffer the loss of funding from the parcel tax. Dr. Bruce Harter, School Superintendent, made a presentation and stated that revenue from this parcel tax is imperative to avoid significant budget cuts, enhance core subjects, support libraries, retain qualified teachers, counselors, and custodial staff; computer training and athletic programs; and maintain reduce class sizes for students. Audrey Miles, Naomi Williams, Linda Salinas, Tom Waller, Corky Booze, Gail Mendes, Myrtle Braxton-Ellington, Genoveva Calloway, Janet Ceja-Orozco, Supervisor John Gioia, and Rev. George Brown gave comments. A motion was made by Councilmember Thurmond, seconded by Councilmember Sandhu, adopted **Resolution No. 70-08**, by the unanimous vote of the Council.

ORDINANCES

In the matter to introduce an ordinance for first reading amending subsections 2.62.060, 2.62.105, and 262.130 of Section 2.62 of the Richmond Municipal Code relating to appeals of administrative citations. Chief Magnus stated that the proposed amendment would give appellants an additional opportunity to appeal the merits of Code Enforcement administrative citations by allowing an appeal of the Hearing Officer's determination to the Public Safety Committee. This process requires the recipients to request an appeal within 14 days from the date of the administrative citation. The appeal is conducted by a hearing officer and any further appeal must be heard by the court. A motion was made by Councilmember Bates, seconded by Councilmember Rogers, approved first reading of said ordinance, by the unanimous vote of the Council.

In the matter to introduce first reading of an ordinance establishing a temporary moratorium on the acceptance, processing and approval of applications to locate massage establishments within the City of Richmond until regulations and criteria can be developed for this use. Richard Mitchell stated that during 2007 and 2008, the Planning and Building Services Department received five applications regarding the location of massage establishments in the City of Richmond. Three of these applications were for locations on San Pablo Avenue in the Richmond Annex neighborhood council area. The current provisions of the Zoning Ordinance do not adequately address the issues that can arise from the proliferation and concentration of massage establishments. A motion was made by Councilmember Lopez, seconded by Councilmember Thurmond, accepted first reading of said ordinance, approved a 60-day moratorium and directed staff to return to the City Council with recommended changes to the ordinance within 60-days. Discussion ensued. Councilmember Sandhu asked if there have been any

complaints made to the police regarding these establishments. Police Chief Chris Magnus replied that there have been numerous complaints made by neighbors in the area of these establishments. Individuals that are known to be engaged in prostitution have been seen frequenting some of the massage establishments. There is currently one open investigation and several others will be opened. The motion passed by the following vote: **Ayes:** Councilmembers Bates, Butt, Lopez, Rogers, Sandhu, Thurmond, Mayor McLaughlin, and Vice Mayor Marquez. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Viramontes.

On the matter to discuss and direct staff relative to previously approved buffer zone on Marina Way South. Councilmember Marquez stated that some businesses are concerned that the buffer zone is not yet in place. Richard Mitchell, Planning Director, stated that the City Council passes a resolution on June 2007 to modify language in the existing buffer zone to eliminate some ambiguities regarding what uses are permitted and not permitted. The buffer zone exists between Harbour Way, Marina Way, Hall Avenue, and Wright Avenue. The buffer zone language can be included in the Knox Cutting Specific Plan and in the General Plan update. Councilmember Butt suggested that this matter be included within the General Plan and an Environmental Impact Report performed. John Cackle, Corky Booze, Jim Bates, and Jim Cannon gave comments. A motion was made by Councilmember Marquez, seconded by Councilmember Sandhu, directed staff to return to the City Council with clarified language by the first meeting in July, passed by the following vote: **Ayes:** Councilmembers Bates, Lopez, Rogers, Sandhu, Thurmond, Viramontes and Vice Mayor Marquez. **Noes:** Councilmember Butt and Mayor McLaughlin. **Abstentions:** None. **Absent:** None.

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

Councilmember Bates stated he received a letter from Bert Currie and Jimmie Ramponi, retired City of Richmond employees, who expressed their appreciation to the City Council for acknowledging the recent passing of their wives.

Mayor McLaughlin announced that the Juneteenth parade will be on Saturday, June 21st at 10 a.m. and begins on 11th and Macdonald Avenue and ends at Nicholl Park. There will also be a free Richmond youth event on Saturday, June 28th from 11 a.m. to 3:00 p.m. at LaVonya DeJean Middle School called "Richmond Youth Showing Out". Mayor McLaughlin also stated that she took her AB1234 course and provided her certificate to the City Clerk.

Councilmember Marquez asked that the meeting be adjourned in memory of Mother Novalean Harris who turned 92 years old today.

Councilmember Sandhu reported that he attended the SEIU meeting.

ADJOURNMENT

There being no further business, adjourned the meeting at 12:05 a.m., in honor of Mother Novalean Harris's birthday to meet again on June 24, 2008, at 7:00 p.m.

City Clerk

(SEAL)

Approved:

Mayor