

RICHMOND, CALIFORNIA, July 1, 2008

The Regular Meeting of the Richmond City Council was called to order at 5:33 p.m., by Mayor Gayle McLaughlin.

ROLL CALL

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

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: Jason Myers and Fred Usher
Agency Claimed Against: City of Richmond

Claimant: Kenneth Eric Dobinson
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

REDEVELOPMENT AGENCY

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

Real Property Negotiations (Government Code Section 54956.8) Property: NWC Cutting Boulevard and South 13th Street; APN: 544-240-009-8, 544-240-14-8, and 544-240-015-5; Negotiating Parties: Steve Duran/Patrick Lynch, City of Richmond; Negotiations: Terms and Price

Real Property Negotiations (Government Code Section 54956.8) Property: West of San Pablo Avenue and South of Bissell Avenue, approximately 1.73 acres; APN: 513-034-046; Negotiating Parties: Steve Duran/Patrick Lynch, City of Richmond; Negotiations: Terms and Price

There were no public speakers.

The Open Session adjourned to Closed Session at 5:34 p.m. The Closed Session adjourned at 6:51 p.m. The Regular Meeting of the City Council was reconvened at 7:22 p.m. by Vice Mayor John Marquez.

ROLL CALL

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

Absent: Councilmembers Lopez and Thurmond
(Councilmembers Lopez and Thurmond arrived at 7:23 p.m.).

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Removed Items F-10 from the Consent Calendar.

Removed Items F-9, F-11, and F-17 from the Agenda.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

None.

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

City Attorney, Scott Dickey, reported the following:

CITY COUNCIL

LIABILITY CLAIMS - PENDING LITIGATION (Government Code Section 54956.9):

Claimant: Jason Myers and Fred Usher
Agency Claimed Against: City of Richmond – *The City Council voted to approve a settlement in the amount of \$22,500.*

Claimant: Kenneth Eric Dobinson
Agency Claimed Against: City of Richmond - *The City Council voted to approve a settlement in the amount of \$33,000.*

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

One Case – *No reportable action.*

REDEVELOPMENT AGENCY

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

Real Property Negotiations (Government Code Section 54956.8) Property: NWC Cutting Boulevard and South 13th Street; APN: 544-240-009-8, 544-240-14-8, and 544-240-015-5;

Negotiating Parties: Steve Duran/Patrick Lynch, City of Richmond; Negotiations: Terms and Price – *No reportable action.*

Real Property Negotiations (Government Code Section 54956.8) Property: West of San Pablo Avenue and South of Bissell Avenue, approximately 1.73 acres; APN: 513-034-046; Negotiating Parties: Steve Duran/Patrick Lynch, City of Richmond; Negotiations: Terms and Price – *No reportable action.*

CONSENT CALENDAR

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

*-Approved the contract amendment with Keyser Marston Associates, increasing the contract amount by \$10,000.00 for a total contract amount not to exceed \$19,500.00, to provide consulting services to assist the Port in recommending a developer for the rehabilitation and adaptive use of historic buildings in the Point Potrero Marine Terminal project.

*-Approved the contract amendment with Moore Iacofano Goltsman, Inc. (MIG) to increase the contract amount by \$50,000 (from \$1,855,508 to \$1,980,495), to support the cost of additional General Plan meetings and study sessions as directed by the City Council during its budget discussions.

*-Approved the sole source purchase of a two year standard maintenance agreement with MA/Com, the original equipment manufacturer for the City of Richmond 800 MHz Public Safety Radio System, in an amount not to exceed \$1,147,604.55.

*-Approved the lease of seven new 2008 R1200 RT-P BMW motorcycles from Teeper Inc., dba Marin BMW Motorcycles, at a total cost of \$221,347.00, or \$73,782.33 per year over three fiscal years.

*-Approved the payment to County Asphalt in the amount of \$67,315.67 for emergency purchase of asphalt concrete used to complete the paving work on Hilltop Mall Road.

*-Approved the contract to rent a meeting room in the Harbor Master's Building for 80 days, at \$170/day, for a total contract amount not to exceed \$13,600.

*-Adopted **Resolution No. 71-08** authorizing the execution and delivery of a master lease with SunTrust Leasing Corporation for equipment schedules, escrow agreements and related instruments, and determining other matters in connection therewith.

*-Approved first reading of an ordinance setting the tax rate for the Tax Override Pension Fund for Fiscal Year 2008-2009.

Removed from the Agenda an introduction of an ordinance (first reading) - establishing a new Road Construction Impact Fee for developers of residential and commercial projects using vehicles carrying extra large loads on City streets, with such fee to be established by resolution

of the City Council.

A proposed contract for transitional housing and school and street outreach services with Neighborhood House of North Richmond in the amount of \$194,000 for a term of two years, as a component of the California Gang Reduction & Intervention Program (CalGRIP) Grant was presented. This item was approved by the Finance Committee and Councilmember Viramontes gave a report of their findings. Speakers were: Eleanor Thompson and Barbara Bechnel. On motion of Vice Mayor Marquez, seconded by Councilmember Viramontes approved the contract by the unanimous vote of the Council.

Removed from the Agenda a contract with Psomas to act as the "City Consultant" pursuant to the Agreement between the City of Richmond and Veolia Water North America (Veolia), in amount not to exceed \$850,000.

*-Approved the installation of two speed control undulations on the 1500 block of Merced Street between South 56th Street and Tehama Avenue.

*-Adopted **Resolution No. 72-08** approving a budget adjustment for the Richmond Public Library, accepting California Public Library Fund (PLF) in the amount of \$39,488 from the California State Library, for fiscal year 2007-2008.

*-Adopted **Resolution No. 73-08** approving a budget adjustment for the Literacy for Every Adult Program (LEAP), accepting the allocation of California Library Literacy Services (CLLS) funds from the California State Library in the amount of \$75,493 for Fiscal Year 2007/2008.

*-Approved the contract with Trisha A. Aljoe to provide continued legal services with respect to the Police Department in connection with Code Enforcement activities, drug house abatement matters and general legal matters in the amount of \$150,000 for the term from July 1, 2008, through June 30, 2009.

*-Adopted **Resolution No. 74-08** creating the Richmond-Zhoushan Sister City Commission for the purpose of initiating and conducting exchanges of activities with appropriate organizations, groups, and citizens of Zhoushan, with the approval of the City of Richmond.

Removed from the agenda approving a lease with The Watershed Nursery ("WN") (lessee) for City-owned property located on Canal Boulevard adjacent to the wastewater treatment plant, for a base rent of \$300 per month, plus an additional rent representing tenant's share of the allocable operating expenses, for three years plus two successive one-year option periods, and authorizing the City Manager to execute the lease for the City of Richmond.

*-Approved the appointment of Ayesha Walker to the Arts and Culture Commission with a term expiring January 31, 2012.

*-Directed staff to review the City's Conflict of Interest Code.

*-Approved the minutes of the Regular Meeting held on June 17, 2008.

PUBLIC HEARINGS

The city clerk announced that this was the time set, pursuant to published notice, to conduct a public hearing to accept the Engineer's Report for the Hilltop Landscape Maintenance Assessment District Fiscal Year 2008-2009. City Manager, Bill Lindsay, 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 Vice Mayor Marquez, closed the public hearing by the unanimous vote of the Council. Parks Superintendent, Tony Norris, spoke on this item. Following discussion, on motion of Councilmember Butt, seconded by Councilmember Thurmond, accepted the Engineer's Report by the unanimous vote of the Council.

OPEN FORUM FOR PUBLIC COMMENT

Officer Larry Lewis gave a report on the Richmond Baseball Program. He stated the program had approximately 200 players at Nicholl Park, Monday through Saturday from March to June 2008. The program was focused to develop youth in the areas of dependability, accountability, socialization, and sportsmanship. The best players in a variety of areas were selected to play on the Richmond All Stars Team. Mr. Lewis asked the community to support the Richmond All Stars as they play Concord America on Wednesday, July 2, 2008, at 6:00 p.m. at Mount Diablo High School, 2150 Grant Street, Concord. The team's goal is to reach Williamsburg, Pennsylvania.

Sal Russo spoke regarding the City Council's April 15, 2008, decision to reject the plans regarding his house. He stated he wrote e-mails to each Councilmember and no one responded. He wanted to know why not one councilmember responded.

Carly Koop distributed the summer 2008 Partnering for the Home Front news letters. The news letters contains information regarding the National Park Service (NPS) Partnerships.

Corky Booze asked the city attorney and the city manager if the ordinance regarding the gun law was illegal. He also expressed his appreciation of the positive leadership and contributions of Gerald Hatchett throughout the City of Richmond.

Simms Thompson, Jr. expressed his disappointment with the trash accumulating around the abandoned homes throughout the City of Richmond. He also stated that the lights on 13th Street need to be replaced.

Eleanor Thompson thanked Mayor McLaughlin and Vice Mayor Marquez for attending Silence the Violence Night. She also urged all Councilmembers to get out and support the community.

Norman LaForce spoke regarding Point Molate.

Johnny Holmes requested monetary support to send the Richmond Half Steppers Track Team to the Nationals in Detroit, Michigan on July 26, 2008 through August 2, 2008. He also requested help from the community and stated that all donations can be sent to The Half Steppers, 590 Stege Avenue, Richmond, California 94804 or call (510 478-6783 for more information.

Pierre Thompson spoke regarding Point Molate and the importance of open space.

Stanley Teaderman spoke requested that the Planning Commission and the General Plan Advisory Committee (GPAC) work with the City to avoid conflicts.

Jackie Thompson expressed her concern regarding the many toxins and pollutants in the bay and she stated that signs should be posted informing people to fish at their own risk.

RESOLUTIONS

A proposed resolution endorsing the East Bay Regional Park District's proposed November 2008 ballot measure that would extend the Regional Open Space, Wildlife, Shoreline Parks Bond was presented. Councilmember Butt gave an overview of the item. Councilmember Butt requested that the resolution be amended to include clarification that the resolution is for acquisition and trail work anywhere on the peninsula but outside the Point Molate Project. Corky Booze and Norman La Force spoke on this item. A motion was made by Councilmember Butt, seconded by Councilmember Thurmond to adopt the resolution and add the clarification as a letter. Councilmember Viramontes stated she would support this item if it includes the concept of terminal four. Councilmember Butt amended his motion to add terminal four to the side letter which should state "by supporting this resolution, the City of Richmond does not endorse acquisition of terminal four or Point Molate by the East Bay Regional Park District". Councilmember Thurmond offered a friendly amendment to also include in the letter that the parks district should hold more community meetings to inform residents in the City of Richmond of how this bond measure will work. The amendment was accepted. The motion was approved and **Resolution No. 75-08** was adopted by the unanimous vote of the Council.

COUNCIL AS A WHOLE

In the matter to discuss and give policy direction to amend sections of the Knox Freeway/Cutting Boulevard Corridor Specific Plan relative to the Industrial Buffer Zone. Director of Planning and Building, Richard Mitchell, gave an overview of the item. Speakers were: Corky Booze, Joshua Genser, Jim Bates, Jim Connoal, Robert Jagunich, Jerry Philips, Fred Glueck, John Cockle, Paul, Minault, and Jack Ponting. Following discussion, A motion was made by Councilmember Butt, seconded by Councilmember Bates, to direct staff to come back to the City Council in two weeks with the simplest possible wording that amends either the

existing zoning ordinance and/or the Knox Freeway/Cutting Boulevard specific plan as they legally see fit to prohibit residential uses in the Buffer Zone including live work and prohibit day care centers or school for young children in that area. A friendly amendment was offered by Councilmember Rogers to have the first reading of the ordinance held on July 22, 2008, and the second reading held on July 29, 2008. The friendly amendment was accepted. The motion was approved by the unanimous vote of the Council.

In the matter to discuss and direct staff regarding appointments to the Planning Commission and the Design Review Board. Councilmember Butt gave an overview of the item. Councilmember Butt requested the City Council consider this as an emergency item. The city attorney stated this item cannot be considered as an emergency item under the Brown Act. A motion was made by Councilmember Butt to direct staff to draft an ordinance and come back to the City Council on July 15, 2008. Corky Booze spoke on this item. A substitute motion was made by Councilmember Viramontes, seconded by Councilmember Rogers to bring back to the City Council a Planning Commission and Design Review Board Ordinance that will authorize reduction of the quorum at a special meeting on July 8, 2008. The substitute motion passed by the following vote: **Ayes:**

Councilmembers Butt, Bates, Lopez, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** Mayor McLaughlin. **Abstentions:** None. **Absent:** None. A motion was made by Councilmember Viramontes to hold a special study session on July 8, 2008, for the Chevron Renewal Project. The city attorney stated that it was inappropriate to hold a study session before hearing the appeal. Councilmember Viramontes withdrew her motion. Following discussion, a motion was made by Councilmember Rogers, seconded by Councilmember Butt to open the public hearing on the Chevron Project on July 15, 2008, for discussion, and allow public comments on July 22, 2008. Councilmember Bates suggested opening the public hearing on July 15, 2008, with staff reports and public comments and to close the public hearing. Discussion continued and Councilmember Butt offered a friendly amendment to open the public hearing, allow staff reports, questions to staff and Council, and there will be no opportunity for the public to speak until July 22, 2008. A substitute motion was made by Councilmember Rogers, seconded by Councilmember Lopez to hold the public hearing and public comments on July 15, 2008, and close the public hearing and hold staff discussion and decision on July 16, 2008. A second substitute motion was made by Councilmember Bates, seconded by Councilmember Thurmond to hold the public hearing on July 15, 2008, and allow staff, experts, appellant, applicants, and public comments; close the public hearing and continue to July 16, 2008. Councilmember Rogers withdrew his motion. The substitute motion 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 Sandhu gave an AB1234 Report that he attended the NALEO Conference in Washington, DC. He also announced that Herb Pike of the Finance Department was leaving the City of Richmond and thanked him for his contributions to the City of Richmond. He also announced that the Police Commission will meet on July 2, 2008, at 7:00 p.m. at the Community Services Building, 330 25th Street and he reminded everyone of the fireworks scheduled for July 3, 2008.

Councilmember Rogers thanked the committee, staff, and volunteers for a successful Juneteenth Parade and Festival.

Councilmember Lopez congratulated everyone for a successful Juneteenth Parade and Festival.

Councilmember Viramontes thanked Assemblywomen Loni Hancock for getting out the extension for the two million dollar funding for the plunge in Point Richmond. She also thanked City Engineer, Rich Davidson and his staff for their hard work on the project. She also stated that the annual dues for the West Contra Costa County Technical Advisory Committee are due and she will place this item on the Finance Committee Agenda for July 18, 2008.

Councilmember Butt gave an AB1234 Report that on Thursday, June 26, 2008, he attended the League of California Cities Environmental Policy Committee Meeting.

Councilmember Thurmond congratulated the committee, staff, and volunteers for their work on the Juneteenth Parade and Festival. He also gave an AB1234 Report that he attended a statewide group meeting, consisting of members of the League of California Cities and the California School Board Association, and they are looking at ways of reducing foster care throughout the State of California.

Councilmember Bates requested an item be placed on the next City Council Agenda regarding support of the Richmond Half Steppers Track Team. He also requested that the Richmond City Council prepare a resolution or direction to the redistricting group stating that Richmond wants to be an independent assembly district and requested this item be placed on the July 22, 2008, City Council Agenda.

Vice Mayor Marquez gave an AB1234 Report that he attended the Public Safety Committee of the League of California Cities on Friday, June 27, 2008. He also attended AB1234 training in Oakland which all Councilmembers will have to attend. He also stated that he will place an item on the agenda regarding Ms. Norma Simmon's property.

Mayor McLaughlin congratulated the committee, staff, and volunteers for their work on the Juneteenth Parade and Festival. She also stated that on Saturday, June 21, 2008,

at 10:00 a.m. she attended the kickoff orientation of the Richmond Summer Youth Work Program held at Lavonya De Jean Middle School. She also stated that on Saturday, June 28, 2008, the Mayor's Office sponsored the first Richmond Youth Showin' Out held at Lavonya De Jean Middle School. The event was very successful and a great experience. The open-mic event featured spoken word and other live performances by students and local artists.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:25 p.m., to meet again on July 8, 2008, at 7:00 p.m.

City Clerk

(SEAL)

Approved:

Mayor

DRAFT