

RICHMOND, CALIFORNIA, September 2, 2008

The Regular Meeting of the Richmond City Council was called to order at 5:17 p.m., by Mayor Gayle McLaughlin.

ROLL CALL

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

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: Scyvitria Parker
Agency claimed Against: City of Richmond

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

Parchester Village vs. City of Richmond

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

Two Cases

There were no public speakers.

The Open Session adjourned to Closed Session at 5:18 p.m. The Closed Session adjourned at 6:58 p.m. The Regular Meeting of the City Council was reconvened at 7:13 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-2, F-4, F-9, and F-10 from the Consent Calendar.

Continued Item L-5 to a future Council Meeting.

Moved Item L-4, followed by L-1, L-2, and L-6 after the Consent Calendar.

**PRESENTATIONS, PROCLAMATIONS, AND
COMMENDATIONS**

City Council Clerk, Trina Jackson, gave a presentation in honor of the late Reverend Charles H. Belcher, former Richmond City Councilmember. The presentation included photos and a television clip of Reverend Belcher's last address to the City Council. Comments were given by Councilmembers Bates, Viramontes, Sandhu, Thurmond, Rogers, Butt, Vice Mayor Marquez, and Mayor McLaughlin. Jerome Smith spoke on this item.

City Council Clerk, Trina Jackson, gave a presentation in honor of the late Richard L. Griffin, former Richmond City Councilmember. The presentation included photos and a television clip of Mr. Griffin's last address to the City Council. Comments were given by Councilmembers Bates, Lopez, Viramontes, Sandhu, Rogers, Thurmond, Butt, Vice Mayor Marquez, and Mayor McLaughlin.

**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: Scyvitria Parker; Agency claimed Against: City of Richmond (*No reportable actions*)

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9): Parchester Village vs. City of Richmond (*No reportable actions*)

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Initiation of litigation pursuant to Subdivision (c) of Government Code Section 54956.9): Two Cases (*No reportable actions*)

CONSENT CALENDAR

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

*-Adopted **Resolution No. 95-08** proclaiming September 15 - 28, 2008, as a period for Pollution Prevention Awareness.

Two proposed resolutions accepting (1) a grant of an exclusive public access easement along the shoreline of the Seacliff Marina property for the purpose of constructing, operating, and maintaining a pedestrian and biking trail, and (2)

a grant of a non-exclusive public easement along the shoreline of the Bottoms' property for the purpose of vehicular access were presented. Deputy City Attorney Shannon Moore gave an overview of the item. Following discussion, on motion of Councilmember Bates, seconded by Vice Mayor Marquez adopted **Resolution No. 96-08**, a grant of an exclusive public access easement along the shoreline of the Seacliff Marina property for the purpose of constructing, operating, and maintaining a pedestrian and biking trail, and **Resolution No. 97-08** a grant of a non-exclusive public easement along the shoreline of the Bottoms' property for the purpose of vehicular access by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Vice Mayor Marquez, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Lopez and Viramontes.

*-Adopted **Resolution No. 98-08** to deny the appeal and affirm the Design Review Board's approval of a Design Review Permit, subject to conditions, for the project located at 4917 Thunderhead Court. **Councilmember Butt was recorded as voting Noe.**

A proposed ordinance amending the Zoning Ordinance to clarify the boundaries and applicable regulations of the Transition/Buffer Zone as set forth in the Knox Freeway/Cutting Boulevard Specific Plan was presented. All public speakers rescinded their request to speak on this item. On motion of Councilmember Bates, seconded by Councilmember Marquez adopted **Ordinance No. 18-08 N.S.** by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Vice Mayor Marquez, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Lopez and Viramontes.

*-Approved a four month contract with Neher & Associates to conduct a recruitment for Deputy Budget & Financial Services Agency Director in an amount not to exceed \$19,500.

*-Approved a contract with Courtyard by Marriott from September 3, 2008, to December 31, 2008, to provide meeting space and catering services for the Firefighter Trainee interviews at an amount not to exceed \$14,500.

*-Adopted **Resolution No. 99-08** authorizing the City Manager to execute a successor Memorandum of Understanding between the City and the Richmond Police Officers Association in accordance with the terms of the Tentative Agreement reached between the parties' representatives. **Mayor McLaughlin was recorded as voting Noe.**

*-Adopted **Ordinance No. 19-08 N.S.** establishing wages, salary, and compensation for the new classification of Housing Asset Manager (Salary Range 067D: \$7,509 - \$9,099/month).

A proposed resolution amending the City of Richmond's position classification plan to add the classification of Neighborhood Change Agent was presented. Corky Booze spoke on this item. **On motion Councilmember Rogers, seconded by Councilmember Thurmond, extended the meeting for 10 minutes with Councilmember Butt voting Noe.** Speakers

continued with: Kevin Muccular, Tamara walker. On motion of Councilmember Sandhu, seconded by Councilmember Thurmond adopted **Resolution No. 100-08** by the following vote: **Ayes:** Councilmembers Butt, Rogers, Sandhu, Thurmond, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Bates, Lopez, Viramontes, and Vice Mayor Marquez.

A proposal to introduce an ordinance establishing wages, salary and compensation for the new classification of Neighborhood Change Agent (Salary Range 14A: \$3,442 - \$4,161/month) was presented. Corky Booze spoke on this item. On motion of Councilmember Sandhu, seconded by Councilmember Thurmond adopted **Resolution No. 100-08** by the following vote: **Ayes:** Councilmembers Butt, Rogers, Sandhu, Thurmond, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Bates, Lopez, Viramontes, and Vice Mayor Marquez.

*-Introduced an ordinance amending the City's contract with CalPERS to permit active members of the City's Police and Firemen's Pension Plan to transfer to CalPERS.

*-Approved a second amendment to the contract with Nichols Engineering to review a risk assessment and cost estimate prepared by the owners of 1 Barrett Avenue, increasing the contract amount by \$7,500, for a total amount not to exceed of \$15,000, and extending the term until June 30, 2009.

*-Approved the following appointments: Human Relations and Human Rights Commission: Sheryl Lane, term expires March 30, 2010, and Recreation and Parks Commission: Michael Leedie, term expires October 26, 2011.

*-Approved minutes of the Regular Meeting of the City Council held on July 22, 2008, and July 29, 2008.
Councilmember Viramontes was recorded as Abstaining.

PUBLIC HEARINGS

The city clerk announced that this was the time set, pursuant to published notice, to conduct a public hearing and, if appropriate, make the required findings pursuant to Federal Transit Administration (FTA) Section 5310 that there are no private nonprofit agencies available to provide demand-response and fixed-route transportation services for the elderly and disabled persons residing in the Richmond, Kensington, North Richmond, and El Sobrante areas for a minimum of 20 hours per week. These transportation services are to be provided to destinations within Richmond, East Richmond Heights, El Sobrante, Kensington, North Richmond, Rollingwood, and parts of Pinole and Albany. Recreation Director Keith Jabari gave an overview of the item. Mayor McLaughlin declared the public hearing open. There were no public speakers. On motion of Councilmember Bates, seconded by Councilmember Viramontes closed the public hearing by the unanimous vote of the Council. On motion of Councilmember Bates, seconded by Councilmember Viramontes approved the item by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Viramontes, and Mayor McLaughlin. **Noes:**

None. **Abstentions:** None. **Absent:** Councilmembers Lopez, Thurmond, and Vice Mayor Marquez.

OPEN FORUM FOR PUBLIC COMMENT

Simms Thompson stated that the storm drains need to be addressed throughout the City of Richmond. He also stated that there are unsafe and unhealthy eateries in the City or Richmond that are not following the standard health rules.

Corky Booze stated that there is a false statement that the driver's license checkpoints are targeting the Latino Community. He states he is now challenging Vice Mayor Marquez to a public forum regarding driver's license checkpoints.

Jerome Smith read a poem by Mary TallMountain entitled "The Last Wolf." He asked the community to support Measure T.

Jackie Thompson expressed her disappointment that some City of Richmond Officials were not in support of the driver's license checkpoints.

Chris Tallerico stated that the campaign signs of Jovanka Beckles, Jeff Ritterman, and Measure T were illegally posted throughout the City of Richmond. He also expressed his concern that the Richmond Police Department was being accused of discrimination because of the driver's license checkpoints.

Naomi Williams stated that the driver's license checkpoints are legal. She also invited everyone to come out and support Obama at the West County Democratic Headquarters on Saturday, September 6, 2008, from 1:00 p.m. to 4:00 p.m., 11780 San Pablo Avenue.

Jovanka Beckles stated that she is aware of where signs can be placed within the City of Richmond. She also praised the organizers of the Not Today event and stated that it was successful. She also stated that crime has been reduced because the community is more involved.

RESOLUTIONS

None.

ORDINANCES

A proposed ordinance amending Chapter 11.84 of the Richmond Municipal Code for a new special event application process, guidelines, and fees to help facilitate better event planning, department coordination, and recovery of City costs was presented. Administrative Chief, Janet Schneider, and Project Manager, Michelle Monk, gave an overview of the item. Speakers were: Margaret Morkowski and Marsha Tomassi. Following discussion, a motion was made by Councilmember Butt, seconded by Vice Mayor Marquez to table the item. Discussion continued. Councilmember Bates recommended that nonprofit groups are exempted from going through the process. Vice Mayor Marquez withdrew his second on the previous motion. A

motion was made by Councilmember Bates, seconded by Councilmember Sandhu, to proceed with the first reading of the ordinance with the exemption of non-profit organizations and small groups. City Manager, Bill Lindsay, suggested sending the item back to staff for amendments taking Council suggestions in to consideration. Councilmember Bates withdrew his motion and recommended the item be referred back to staff.

A proposal to introduce an ordinance regulating public right-of-way encroachments and establishing encroachment permit requirements for video service providers, utilities and special districts was presented. City Engineer, Rich Davidson, gave an overview of the item. On motion of Councilmember Bates, seconded by Councilmember Sandhu, said ordinance received first reading and was laid over two weeks for seconded reading by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Viramontes, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez and Vice Mayor Marquez.

A proposal to adopt a six-month extension to the urgency ordinance providing for a temporary moratorium on the acceptance, processing and approval of applications and permits to construct, modify or place wireless telecommunication facilities within the City of Richmond through and including March 12, 2009 was presented. Planning Director, Richard Mitchell, gave an overview of the item. Corky Booze spoke on this item. On Motion of Councilmember Bates, seconded by Mayor McLaughlin adopted **Ordinance No. 20-08 N.S.** by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Viramontes, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez and Vice Mayor Marquez.

Councilmember Viramontes suggested the remaining items be held over to September 16, 2008, Council Meeting because it was 11:55 p.m. Mayor McLaughlin stated there were seven items remaining and suggested the meeting continue. On motion of Councilmember Thurmond, seconded by Councilmember Bates extended the meeting to 12:30 a.m. with Councilmember Butt and Viramontes voting Noe.

COUNCIL AS A WHOLE

In the matter to adopt a resolution granting approval to the Richmond Community Benefits Agreement, dated July 31, 2008. City Manager, Bill Lindsay, gave an overview of the item. Speakers were: Antonio Medrano, Corky Booze, Jackie Thompson, Dr. Henry Clark, Jerome Smith, Michael Beer, Juan Reardon, Michael Parker, Greg Karras, Tony Sustak, Torm Nompraseurt, Jovanka Beckles. Councilmember Rogers stated there were typing errors on page six, Items "E" and "F (b)". The year should be changed to 2009. Following discussion, a motion was made by Councilmember Viramontes, seconded by Vice Mayor Marquez, to approve the item with corrections presented. The motion passed and **Resolution No. 101-08** was adopted by the following vote: **Ayes:** Councilmember Bates, Lopez,

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

In the matter to discuss and reconsider (1) the matter to appoint members to the Richmond Community Fund Advisory Committee (RCFAC) pursuant to the Richmond Community Benefits Agreement; and (2) Rescind the vote taken at the July 29, 2008, City Council meeting appointing Councilmembers Bates, Sandhu and Lopez to the RCFAC and Vice Mayor Marquez as an alternate; and (3) Schedule consideration of appointments to the RCFAC at the second City Council meeting in 2009. Councilmember Viramontes name was placed on the agenda as a sponsor of the item in error. **Withdrew Item three from the agenda.** Vice Mayor Marquez gave an overview of items one and two. Speakers were: Corky Booze, Jerome Smith, Jackie Thompson, Michael Parker, Juan Reardon, Torm Nompraseurt, Jovanka Beckles, Dr. Jeff Ritterman. Following discussion, a motion was made by Vice Mayor Marquez, seconded by Councilmember Thurmond, to set up the mechanisms to be brought to the Council whenever it is decided how the committee is to be appointed. A friendly amendment was offered by Councilmember Thurmond to direct staff to initiate the process that will be used to fund programs and projects. The amendment was accepted. City Attorney Scott Dickey requested the Council vote on each item separately. On motion of Vice Mayor Marquez, seconded by Councilmember Thurmond reconsidered the matter to appoint members to the Richmond Community Fund Advisory Committee (RCFAC) pursuant to the Richmond Community Benefits Agreement and included the friendly amendment offered by Councilmember Thurmond by the following vote: **Ayes:** Councilmembers Bates, Lopez, Rogers, Sandhu, Thurmond, Viramontes, Vice Mayor Marquez, and Mayor McLaughlin. **Noes:** None. **Abstention:** Councilmember Butt. **Absent:** None. On motion of Vice Mayor Marquez, seconded by Councilmember Sandhu rescind the vote taken at the July 29, 2008, City Council meeting appointing Councilmembers Bates, Sandhu and Lopez to the RCFAC and Vice Mayor Marquez as an alternate by the following vote: **Ayes:** Councilmembers Bates, Lopez, Rogers, Sandhu, Thurmond, Viramontes, Vice Mayor Marquez, and Mayor McLaughlin. **Noes:** None. **Abstention:** Councilmember Butt. **Absent:** None.

In the matter to approve Point Molate Remediation Agreement and a second amendment to the Land Disposition Agreement (LDA) between the City of Richmond and Upstream Point Molate LLC, to facilitate the early transfer of Point Molate from the Navy to the City of Richmond. Administrative Chief Janet Schneider gave an overview of the item and introduced outside Counsel Gordon Hart who gave a presentation. Speakers were: Naomi Williams and Jim Levine. Ted Smith completed a speaker's card and chose not to address the Council. Following discussion a motion was made by Councilmember Bates, seconded by Councilmember Thurmond to approve Point Molate Remediation Agreement and a second amendment to the Land Disposition Agreement. A substitute motion was made by Councilmember Butt, seconded by Councilmember Rogers to hold the item over for

two weeks. *On motion of Councilmember Rogers, seconded by Councilmember Bates extended the meeting to 1:00 a.m. with Councilmember Butt voting Noe. Councilmember Viramontes left the meeting at 12:38 a.m.* A second substitute motion was made by Councilmember Butt to approve the expanded remediation agreement and hold the LDA over for two weeks. Councilmember Butt amended his motion to bifurcate the two items and vote on approving the expanded remediation agreement and hold the LDA over for two weeks. Discussion ensued. The third substitute motion was made by Councilmember Bates, seconded by Vice Mayor Marquez to not hold the item over. The motion passed by the following vote: **Ayes:** Councilmembers Bates, Rogers, Sandhu, Thurmond, and Vice Mayor Marquez. **Noes:** Councilmember Butt and Mayor McLaughlin. **Abstention:** None. **Absent:** Councilmembers Lopez and Viramontes. The Council addressed the original motion. Councilmember Bates made an amendment to the original motion to include that in the event that there is a cost overrun for the maintenance and security, it will be the burden of the builder. The motion passed by the following vote: **Ayes:** Councilmembers Bates, Rogers, Sandhu, Thurmond, and Vice Mayor Marquez. **Noes:** Councilmember Butt and Mayor McLaughlin. **Abstention:** None. **Absent:** Councilmembers Lopez and Viramontes.

In the matter to discuss and provide direction to staff to gather information to present to the Council about the Oakland Fund for Children and Youth to determine if some aspects of this program could be considered in order to enhance capacity and accountability for youth services and activities in Richmond. Mayor McLaughlin and Councilmember Thurmond gave an overview of the item. Speakers were: Antonio Medrano, Abel Pineda, Elmilse Sanchez, Linda Salinas, Cristian Mejia, Leonnea Diane Wilcox, Tom Jacobs, and Tiara Magee Powell. On motion of Mayor McLaughlin, seconded by Councilmember Thurmond, directed staff to gather information to present to the Council about the Oakland Fund for Children and Youth as well as the San Francisco Department of Children, Youth and Family Program to determine if some aspects of this program could be considered in order to enhance capacity and accountability for youth services and activities in Richmond and bring information back to the Council at a future Study Session by the unanimous vote of the Council.

Continued to a future date the matter to discuss and direct staff on collection of utility taxes from the Chevron Corporation; and (2) authorize up to \$250,000 for fiscal and legal assistance associated with the collection of outstanding receivables, if necessary, for the collection of utility taxes owed to the City of Richmond by the Chevron Corporation

In the matter to approve the request for funding from the Latina Center in the amount of \$10,000 through the Non-Profit Emergency Fund Program. Councilmember Lopez gave an overview of the item. Speakers were: Corky Booze, Miriam Wong, and Jovanka Beckles. On motion of Vice Mayor Marquez, seconded by Councilmember Viramontes approved the request by the unanimous vote of the Council.

Continued to a future date the matter to discuss and direct staff regarding potential changes to Council rules and procedures relating to the ability of members of the public to remove items from the consent calendar. Speakers were: Corky Booze and Chris Tallerico.

**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 1:13 a.m. in memory of Former Councilmembers Reverend Belcher and Richard Griffin, also Homeless Advocate Susan Prather and Fairfield Councilmember Matt Garcia, to meet again on Tuesday, September 16, 2008, at 7:00 p.m.

City Clerk

(SEAL)

Approved:

Mayor