

RICHMOND, CALIFORNIA, November 25, 2008

The Regular Meeting of the Richmond City Council was called to order at 6:03 p.m. by Mayor Gayle McLaughlin.

ROLL CALL

Present: Councilmembers Bates, Butt, Sandhu, Thurmond, Viramontes, Vice Mayor Marquez, and Mayor McLaughlin. **Absent:** Councilmembers Lopez, and Rogers (Councilmember Lopez arrived at 6:13 p.m.).

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

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9): Nishioka vs. City of Richmond

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

There were no public speakers.

The Open Session adjourned to Closed Session at 6:04 p.m. The Closed Session adjourned at 6:55 p.m. The Regular Meeting of the City Council was reconvened at 7:07 p.m. by Mayor Gayle McLaughlin who led the Pledge of Allegiance to the Flag.

ROLL CALL

Present: Councilmembers Butt, Bates, 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 and F-3 from the Consent Calendar.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Mayor McLaughlin read a proclamation honoring and remembering local community activist and homeless advocate Susan Prather. Jerome Smith accepted the proclamation on behalf of Ms. Prather's family. Councilmember Viramontes and Sandhu shared memories of Susan Prather. A special video presentation of the life of Susan Prather was presented. Juan Reardon spoke on this item. Councilmembers Butt,

Rogers, Vice Mayor Marquez, and Mayor McLaughlin also gave comments.

Mayor McLaughlin read a proclamation declaring the month of November as the Month of Remembrance to Recall the 2007 Aerial Pesticide Sprayings for the Light Brown Apple Moth. The proclamation will be mailed to the coalition working on this cause.

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

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9): Nishioka vs. City of Richmond – *The City Council voted to approve a \$ 375,000 settlement.*

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

*-Accepted the Historic Preservation Advisory Committee's Annual Report.

A proposal to approve the purchase of 200 LED street light fixtures from Omega Pacific of Richmond, California in an amount not to exceed \$99,288.75 was presented. City Engineer Rich Davidson gave an overview of the item. Simms Thompson and Jackie Thompson spoke on this item. On motion of Councilmember Viramontes, seconded by Vice Mayor Marquez approved the contract by the unanimous vote of the Council.

A proposal to award a construction contract for Phase II of the Central Richmond Greenway Bicycle/Pedestrian Trail to Grade Tech, Inc. for a cost of \$859,220.60 (which includes Alternate 1[aggregate base]) with a City-administered contingency and reserve not to exceed \$125,000 to be paid partially from the Metropolitan Transportation Commission (MTC) Grant Funds was presented. City Engineer Rich Davidson gave an overview of the item. Naomi Williams spoke on this item. A motion was made by Councilmember Viramontes, seconded by Vice Mayor Marquez to award the contract with an amendment to include an eight foot fence. The motion passed by the unanimous vote of the Council.

*-Authorized the City Manager's Office to enroll in the National Research Center's (NRC) National Citizen Survey Program in order to conduct a 2009 survey of City of Richmond residents at a cost not to exceed \$30,000.

*-Approved the proposed City Council Non-profit Organization Emergency Grant Program criteria, application, and approval process.

*-Adopted **Resolution No. 131-08** a resolution authorizing the acceptance and appropriation of funds in the amount of \$228,907 allocated to the City of Richmond from the Department of Homeland Security, 2007 Assistance to Firefighters Grant program, to establish a Fire Department health and wellness program.

*-Adopted **Ordinance No. 27-08 N.S.** amending and restating Ordinance No. 1-99 N.S., creating a special fund and authorizing the City to pledge and assign net revenues from Port operations into the special fund as security for Port-related debt obligations.

PUBLIC HEARINGS

None.

OPEN FORUM FOR PUBLIC COMMENT

Mary Spearman stated that Mayor McLaughlin showed disrespect to Attorney General Jerry Brown by not meeting with him during his visit to Richmond.

Simms Thompson stated that some City ordinances do not pertain to the citizens that have migrated into the city. He stated that businesses within the City of Richmond should have adequate lighting in the parking lots.

Jackie Thompson asked if there were manuals available that include information she and other community activists could use to guide and to direct citizens of Richmond that are requesting help from agencies.

Jovanka Beckles thanked the mayor and others who brought fourth the proclamation for Susann Prather. She stated that the citizens should do their part to make a difference in the community.

RESOLUTIONS

None.

ORDINANCES

A proposed ordinance amending Richmond Municipal Code subsection 2.62.040 setting a two-tier fine system for administrative citations was introduced for first reading. City Attorney Chris Aljoe gave an overview of the item. On motion of Councilmember Butt, seconded by Councilmember Viramontes said ordinance received first reading and was laid over two weeks for second reading by the unanimous vote of the Council.

COUNCIL AS A WHOLE

None.

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

Councilmember Sandhu stated that the Human Rights and Human Relations Commission heard a report from the Police Chief Chris Magnus regarding the success of the raids. He also wished everyone a Happy Thanksgiving.

Councilmember Rogers thanked the Police Chief and his all Police Officers involved in the recent sweep for their hard work. In his AB 1234 Report he reported that he was hosted in Vancouver, Canada, by three different groups: Smart Growth, Sustainability Department, and the City Planning Department.

Councilmember Lopez wished everyone a happy Thanksgiving and thanked city staff and their commitment to make the City of Richmond a more livable city. She also thanked the Police Department for their commitment.

Councilmember Viramontes requested that an item be placed on the December 2, 2008, agenda regarding the legal costs issues. She also asked that we could do something for Councilmember Thurmond at December 2, 2008, meeting. Councilmember Viramontes wished everyone a Happy Thanksgiving.

Councilmember Butt wished everyone a Happy Thanksgiving.

Councilmember Thurmond stated that December 2, 2008, would be his last City Council meeting and December 10, 2008, he would be sworn in with the West Contra Costa Unified School District. Councilmember Thurmond thanked the City of Richmond for embracing him and his family. He asked that the City of Richmond take up the issue of school closures. He announced that the school board will host a meeting on December 10, 2008, to discuss the issue and invited everyone to come to the meeting and make it know that you want schools in Richmond to be protected.

Councilmember Bates reported that the Hacienda Resident Council invited the City Council and staff to a Thanksgiving Dinner at Hacienda Apartments, 1300 Roosevelt Avenue, on November 26, 2008, at 12:00 p.m. He also requested that an item be placed on the December 2, 2008, City Council Agenda, honoring and acknowledging those involved in the success of Operation TRIDENT.

Vice Mayor Marquez requested to co-sponsor the item with Councilmember Bates. He stated that the public safety departments should be appreciated at all times. He also wished everyone a Happy Thanksgiving.

Mayor McLaughlin thanked the Police Department for their efforts. She stated that crime is down significantly this year. Mayor McLaughlin thanked the voters of Richmond for approving Measure T. She also wished everyone a Happy Thanksgiving.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:35 p.m. to meet again on Tuesday, December 2, 2008, at 7:00 p.m.

City Clerk

(SEAL)

Approved:

Mayor