

**RICHMOND, CALIFORNIA, December 16,  
2008**

The Regular Meeting of the Richmond City Council was called to order at 5:12 p.m. by Mayor Gayle McLaughlin.

**ROLL CALL**

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

**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):** Jimmy Russey vs. City of Richmond; Penny Turner vs. 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 (Significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.9):** Two Cases

**CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6):** City Designated Representative(s): Bill Lindsay, Leslie Knight, Lisa Stephenson, Bruce Soublet, and Jack Hughes  
Employee Organization or unrepresented employee(s):  
Richmond Police Officer's Association

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957.6):** City Manager; City Clerk

**REDEVELOPMENT AGENCY**

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8):** Property: APN 513-340-046, west side of San Pablo Avenue 100' south of Bissell Avenue (aka the "Adachi" parcel)  
Negotiating Parties: Richmond Community Redevelopment Agency and Community Housing Development Corporation of North Richmond  
Negotiation: price and terms

Property: APN 513-321-002, South 47th Street and Florida Avenue  
Agency Negotiator: Steve Duran, Richmond Community Redevelopment Agency  
Negotiating Parties: Richmond Community Redevelopment Agency and the Carey 1985 Trust  
Negotiation: Price and Terms of Payment

There were no public speakers.

The Open Session adjourned to Closed Session at 5:13 p.m. The Closed Session adjourned at 6:49 p.m. The Regular Meeting of the City Council was reconvened at 7:19 p.m. by Mayor Gayle McLaughlin.

### **ROLL CALL**

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

### **STATEMENT OF CONFLICT OF INTEREST**

None.

### **AGENDA REVIEW**

Removed Items F-9, F-10, and F-16 from the Consent Calendar.

### **PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS**

Mayor McLaughlin and Councilmember Sandhu presenting a certificate to Richmond natives Sammie Lee Hill and Dean Andre for co-writing the theme song for the motion picture film "Space Camp 2". Sammie Lee Hill introduced Director Charles Johnson and Executive Director and Founder Robert Turner of 21st Century Mentor Foundation. Dean Andre was not present for the presentation. Mr. Hill thanked the Mayor and City Council for the certification of appreciation; he also announced that on January 21, 2009, there will be a high school presentation/press conference at Richmond High School to introduce "Space Camp 2"; film scheduled to start in mid-January or early February 2009 and released approximately December 2009. Councilmember Bates thanked Mr. Hill for representing the City of Richmond.

Mayor McLaughlin read a proclamation to that the City of Richmond is committed to partnering with the US Census Bureau to help ensure a full and accurate count in 2010. Lia Bolden received the proclamation on behalf of the US Census Bureau and thanked Mayor McLaughlin, the City Council, and the City of

Richmond for their commitment to partnering with the US Census Bureau to help ensure a full and accurate count in 2010. She stated that the US Census Bureau is now hiring, please call 1(866) 861-2010 or visit 1814 Franklin Street, Suite 200, Oakland, California for more information.

Mayor McLaughlin read and presented a certificate recognizing and honoring Mr. John Williams, long-time Richmond resident, for his long career of service to the community of Richmond, especially his dedicated work with our youth. Jackie Thompson and Corky Booze spoke on this item. Mr. Williams thanked Mayor McLaughlin, the City Council, Jackie Thompson, and Corky Booze for honoring him. He also thanked the Richmond Police Department for always watching out for him as he delivered newspapers.

Mayor McLaughlin joined by Vice Mayor Marquez read and presented a certificate to Silvana Carrun in recognition of the 30th anniversary of El Nuevo Mundo Childcare Center. Vice Mayor Marquez gave remarks. Ms. Carrun thanked Mayor McLaughlin, Vice Mayor Marquez, and the City Council on behalf of El Nuevo Mundo Childcare Center for the certificate.

Mayor McLaughlin joined by Vice Mayor Marquez and Councilmember Lopez read and presented a certificate to Sal Vaca, Director of Employment & Training, for receiving the 2008 Director's Community Leadership Award for the Richmond BUILD Program. Vice Mayor Marquez and Councilmember Lopez gave remarks and thanked Sal Vaca for his leadership in making an idea a reality. Sal Vaca accepted the certificate on behalf of Employment & Training and he introduced the team responsible for the success of the program. Mr. Vaca also thanked the Richmond City Council for the certificate and their continued support of the Richmond BUILD Program. Councilmember Sandhu gave comments.

**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): Jimmy Russey vs. City of Richmond –  
No reportable action.**

Penny Turner vs. City of Richmond (*The City Council approved a settlement in the amount of \$695,000*)

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

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.9):** Two Cases – **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 Jack Hughes  
Employee Organization or unrepresented employee(s): Richmond Police Officer's Association – **No reportable action.**

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957.6):** City Manager; City Clerk – **No reportable action.**

#### **REDEVELOPMENT AGENCY**

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8):** Property: APN 513-340-046, west side of San Pablo Avenue 100' south of Bissell Avenue (aka the "Adachi" parcel)  
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Negotiation: price and terms – **No reportable action.**

Property: APN 513-321-002, South 47th Street and Florida Avenue  
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Negotiation: Price and Terms of Payment – **No reportable action.**

#### **CONSENT CALENDAR**

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

\*- Adopted **Resolution No. 134-08** a resolution authorizing service contracts with five (5) selected vendors: Kister, Savio and REI, Richmond; BKF Engineers, Richmond; Towill, Inc., Concord; RBF Consulting, Walnut Creek; Woodrogers, Oakland to provide as-needed land

surveying services to support the design of capital improvement projects in an amount not to exceed \$200,000 per vendor over a three-year period.

\*- Approved a contract between Kappe+Du Architects and Public Works Department to provide professional design services for remodeling restrooms at the Senior Center to bring them in compliance with the Americans with Disabilities Act in an amount not to exceed \$18,400.

\*-Approved a contract with Air-Sea Containers, Inc. for the purchase and delivery of a Live Fire Search and Rescue Building at the Fire Training Center in an amount not to exceed \$35,120.81.

\*-Approved a contract in the amount of \$60,000 for the East Bay Center for the Performing Arts to support ongoing arts programs and collaborations with the City, as allocated in the FY 2008-09 General Fund Budget.

\*-Approved a contract in the amount of \$60,000 for the National Institute of Art & Disabilities (NIAD) to support ongoing arts programs and collaborations with the City, as allocated in the FY 2008-09 General Fund Budget.

\*-Approved a contract in the amount of \$60,000 with the Richmond Art Center to support ongoing arts programs and collaborations with the City, as allocated in the FY 2008-09 General Fund Budget.

\*-Approved a contract amendment with Psomas, increasing the amount by \$155,625 to \$244,725, to provide geographical information system (GIS) services to update the wastewater collection system's GIS mapping layer.

\*-Approved a contract amendment with Courtyard by Marriott in the amount of \$3,000, for a total not-to-exceed contract amount of \$17,500 from \$14,500 to provide additional meeting space and catering services for the Firefighter Trainee interviews.

A proposal to accept the \$300,000 Target Corporation "Safe City" Grant awarded to the City of Richmond was presented. Police Chief Magnus gave an overview of the item. Corky Booze and Jackie Thompson spoke on this item. Following discussion, on motion of Vice Mayor Marquez, seconded by Councilmember Lopez accepted the grant by the unanimous vote of the Council.

A proposed ordinance amending Richmond Municipal Code Sections 9.20.150 and 9.20.155

to increase the solid waste collection rates to reflect a 3.61% change in the Consumer Price Index (CPI) was presented. Senior Assistant Attorney Everett Jenkins gave an overview of the item. Corky Booze spoke on this item. Following discussion, on motion of Vice Mayor Marquez, seconded by Councilmember Sandhu adopted **Ordinance No. 28-08 N.S.** by the unanimous vote of the Council.

\*- Adopted **Ordinance No. 29-08 N.S.** regulating the use of common City seals and other official City insignia.

\*-Approved Amendment No. 2 for the Legal Services Agreement with Gordon Hart of Paul, Hastings, Janofsky, and Walker (Paul Hastings) to facilitate the Navy's early transfer of Point Molate by assisting in the preparation of required documents, increasing the contract amount by \$100,000 for a total contract amount of \$375,000 while maintaining the term expiration of December 31, 2009. **Mayor McLaughlin was recorded as voting Noe on this item.**

\*-Adopted **Resolution No. 135-08** approving the City's Authorized Broker/Dealer List to allow designated broker/dealers to offer investment instruments to the City of Richmond in accordance with Government Code 53601.

\*-Adopted **Resolution No. 136-08** amending Richmond's Conflict of Interest Code.

\*-Adopted **Ordinance No. 30-08 N.S.** amending Richmond Municipal Code Section 2.62.040 setting a two-tier fine system for administrative citations.

A proposed resolution Declaring the Canvass of Returns and Result of the General Municipal Election held on November 4, 2008, was presented. Councilmember Bates requested staff invite the Contra Costa County Clerk to a City Council Meeting to give an explanation of the delay in receiving the results. On motion of Councilmember Bates, seconded by Councilmember Lopez adopted **Resolution No. 137-08** by the unanimous vote of the Council.

\*-Approved the minutes of the Regular Meeting held on November 18 and the Special Meeting held on November 25, 2008.

## **PUBLIC HEARINGS**

The city clerk announced this was the time set, pursuant to published notice, to conduct a public hearing to consider the following actions related to the project site located at 3151 Garrity Way: (1) adoption of a Resolution approving the

Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; (2) adoption of a Resolution approving the General Plan Amendment amending the text and maps of the Richmond General Plan; (3) approval of an Ordinance establishing the MFR-4 Very High Density Multifamily Residential Zoning District; and (4) adoption of a Resolution approving the Design Review Permit DR110442, subject to conditions of approval and Project Plans. Planning and Building Director Richard Mitchell gave an overview of the item. Mayor McLaughlin declared the public hearing open. On motion of Councilmember Bates, seconded by Vice Mayor Marquez closed the public hearing by the unanimous vote of the Council. Following discussion, on motion of Councilmember Sandhu, seconded by Vice Mayor Marquez, adopted **Resolution No. 138-08** approving the Mitigated Negative Declaration and **Mitigation** Monitoring and Reporting Program; **Resolution No. 139-08** approving the General Plan Amendment amending the text and maps of the Richmond General Plan; **Said Ordinance** establishing the MFR-4 Very High Density Multifamily Residential Zoning District received first reading and was laid over two weeks for second reading; and **Resolution No. 140-08** approving the Design Review Permit DR110442, subject to conditions of approval and Project Plans by the unanimous vote of the Council.

**Continued to January 6, 2009**, the public hearing on an appeal by Mary Selva, representing the Richmond Annex Neighborhood Council and Point Isabel Dog Owners, and determination whether to affirm, modify, or reverse the Planning Commission's decision to adopt the Mitigated Negative Declaration and approve the Design Review Permit for the Kohl's Department Store project; and in the event of approval or approval with modification of the decisions: (1) adopt a resolution approving the General Plan Amendment to change the land use designation for the project site from 920, Industrial/Office Flex to 930, Regional Commercial; (2) introduce an ordinance approving the Rezone to change the zoning classification for the project site from M-1, Industrial/Office Flex to C-3, Regional Commercial; and (3) introduce an ordinance to amend Section 15.04.850.020 of the Zoning Ordinance to reduce the City's parking stall length requirement from 18.5 to 18 feet.

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

Naomi Williams stated that One Block at a Time was held in Pullman and it was successful. She thanked the City Manager Bill Lindsay and Administrative Chief Janet Schneider for their help and participation. She also suggested that all right-ups regarding the City of Richmond include the State

of California for clarification. She also stated her disappointment with the way the West Contra Costa School Board installed one new board member in English and the other in Spanish.

Paul Rogers expressed his disappointment that ever Sunday the Booker T. Anderson Park is filled with soccer matches. He requested that the Council look into reducing the amount of permits issued for soccer matches at the parks within the City of Richmond so that residents can enjoy the parks in their community.

Corky Booze requested the Mayor look into moving Open Forum to the beginning of the meeting.

Simms Thompson stated that Richmond needs places for the residents to go to enjoy themselves. He stated residents must leave Richmond to spend their money.

Jackie Thompson stated her concerns about sanitation issues and also the sidewalk that needs to be replaced at Cutting Boulevard and Stege Avenue.

Jazzman Brown gave a report on the accomplishments of the Arts Center.

## **RESOLUTIONS**

None.

## **ORDINANCES**

A proposed ordinance amending Richmond Municipal Code Subsection 9.42.070(A) to create a process for graffiti abatement from public and private property, and a means of assessing fees on property owners when the City removes graffiti from private property was presented. City Attorney Trish Aljoe and Police Chief Magnus gave an overview of the item. Corky Booze and Jan Womack spoke on this item. Following discussion, on motion of Vice Mayor Marquez, seconded by Councilmember Butt said ordinance received first reading and was held 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 Bates announced that Charlie Lee was having his 61<sup>st</sup> Christmas Party for children ages 0 to 12 at the Richmond PAL Building, 2200 Macdonald Avenue - contributions can be made by calling 236-8520. He also requested the mayor adjourn the meeting in memory of Addie Campbell, the mother-in-law of

Councilmember Viramontes. He offered his condolences to Robert Campbell and the Viramontes family.

Vice Mayor Marquez offered his condolences to the Campbell Family and stated that the funeral services for Mrs. Campbell would be at 10:00 a.m. on December 17, 2008, at Saint Josephs in El Cerrito.

Councilmember Sandhu offered his condolences to the Campbell Family.

Councilmember Lopez offered her condolences to the Viramontes Family and Bob Campbell. She also announced that she was appointed to the League of California Cities Revenue and Taxation Policy Committee for 2009. She also announced that Toys for Tots, sponsored by the Richmond Firefighters, would be having a toy give away on December 20, 2008, at the YMCA at Coronado, pick up times are 8:00am - 12:00pm and 1:00pm-3:00pm at the YMCA, 263 South 20th Street. She also wished everyone a happy holiday season and happy new year.

Mayor McLaughlin announced that the Environment Justice and Environmental Health Task Force had their yearly holiday community event at Atchison Village and she thanked everyone involved. She also thanked everyone involved with organizing and participating in the senior and snow ball at the Richmond Auditorium. She also announced that she attended the Second Annual STAND Tookie William Summit against the Death Penalty at Merit College. Mayor McLaughlin wished everyone a wonderful holiday season and a happy new year.

#### **ADJOURNMENT**

There being no further business, the meeting adjourned at 10:00 p.m. in memory Walter Fanny and Addie Campbell, mother of former Councilmember Bob Campbell and mother-in-law of Councilmember Viramontes, to meet again on Tuesday, January 6, 2009, at 7:00 p.m.

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City Clerk

(SEAL)

Approved:

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Mayor