

RICHMOND, CALIFORNIA, January 6, 2009

The Regular Meeting of the Richmond City Council was called to order at 5:09 p.m. by Mayor Gayle McLaughlin.

ROLL CALL

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

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): Parchester Village vs. City of Richmond; Fred H. Arm vs. City of Richmond; Communities for a Better Environment vs. City of Richmond

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

There were no public speakers.

The Open Session adjourned to Closed Session at 5:10 p.m. The Closed Session adjourned at 6:20 p.m. The Regular Meeting of the City Council was reconvened at 7:59 p.m. by Mayor Gayle McLaughlin.

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

Butt recused himself on Items F-3, L-1, L-2, and L-3.

AGENDA REVIEW

Continue the public hearing on the Kohl's Project to February 17, 2009, by the unanimous vote of the Council.

Item L-4 moved to be heard directly after the Consent Calendar.

Mayor McLaughlin announced that she would be voting Noe on Items F-4 and F-7.

Mayor McLaughlin ruled she would continue Item L-3 to January 20, 2009. A motion was made by Councilmember Bates, seconded by Councilmember Lopez to overrule the ruling to continue and to hear Item L-3 as scheduled. The motion passed by the following vote: **Ayes:** Councilmembers Bates, Lopez, Sandhu, Viramontes, and Vice Mayor Marquez. **Noes:** Mayor McLaughlin. **Abstentions:** Councilmember Butt and Rogers. **Absent:** None.

Item F-4 was amended for Council to address the Industry Track Agreement (ITA) only.

Removed Item F-1 from the Consent Calendar.

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

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9): Parchester Village vs. City of Richmond. *The City Council voted to appeal the trial court's decision against the City of Richmond.*

Fred H. Arm vs. City of Richmond; Communities for a Better Environment vs. City of Richmond – *No reportable action.*

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

CONSENT CALENDAR

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

A proposed contract with Fox Design Group in an amount not to exceed \$110,410 for professional engineering and design services for the directional signage in the Hilltop area was presented. Public Works Department Representative Sharon West gave an overview of the item. A motion was

made by Councilmember Lopez, seconded by Councilmember Viramontes to include signage that is neat, uniform and that is not cluttered be part of the design that is adopted with this Fox Design Group. Councilmember Bates offered a friendly amendment to come back in 30 days and review the entire signage and why it takes so long to get things done in the City of Richmond. The motion passed by the unanimous vote of the Council.

*-Approved a 24-month sole-source contract for \$185,284 with Mack 5 for pre-construction and construction management services for the renovation of 2705 Macdonald Avenue for occupancy by the Employment & Training Department.

*Authorized the City Attorney to select and retain one of the three firms identified as qualified for performing additional legal technical assistance in connection with Communities for a Better Environment vs. City of Richmond. **Councilmember Butt recused himself on this item.**

*-Approved the **Industry Track Agreement (ITA) only.** The Reimbursement Agreement (RA) with Burlington Northern Santa Fe Railway (BNSF) addressing rail service related issues supporting the Port/Honda Project, including maintenance and operation, asset ownership, insurance, and development budget, and obligating the City of Richmond to pay \$2,400,000 to BNSF for improvements at their main operating facility on Garrard Avenue was not addressed. **Mayor McLaughlin was recorded as voting Noe on this item.**

*-Adopted **Resolution No. 1-09** authorizing the City Manager to execute a successor Memorandum of Understanding between the City and the Richmond Police Management Association in accordance with the terms of the Tentative Agreement reached between the parties' representatives.

*-Approved a one-year contract renewal, with two one-year options, with PlanetBids, Inc. to provide an on-line vendor registration/bids management system in an amount not to exceed \$24,400 per year.

*-Approved a contract with the law firm of Briscoe Ivester & Bazel LLP in an amount not to exceed \$350,000 to defend the lawsuit filed by Fred H. Arm challenging the City's approval of the Honda Port of Entry project. **Mayor McLaughlin was recorded as voting Noe on this item.**

*-Approved the following appointment:
Richmond-Shimada Friendship Commission:
Ernest Holland, Jr., term expires January 6, 2012.

*Adopted **Resolution No. 2-09** to approve a consulting contract with Page & Turnbull, Inc. for the preparation of a mini-historic structures report/preservation plan for the Atchison Village Mutual Homes Corporation.

*Adopted **Ordinance No. 1-09 N.S.** establishing the MFR-4 Very High Density Multifamily Residential Zoning District.

*-Approved the minutes for the regular meetings held on December 2 and 16, 2008.

PUBLIC HEARINGS

Continued to a meeting in February 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

Corky Booze thanked everyone who voted for him and thanked Jackie Thompson for her support during his campaign. He requested that the Mayor McLaughlin adjourn the meeting in memory of Laura Casey and Bobby Walked.

Jackie Thompson thanked Leslie Knight for her support and attendance at a senior citizen event. She requested the City address the trees that have grown above the power lines near Florida Street; 15th, 16th, and 18th Streets. She also expressed her concern that garbage is still spilling from the binds of the vendors on the corner of Cutting Boulevard and Stege Avenue.

Deborah Bayer expressed her disappointment in items being placed on the agenda and then continued.

Jovanka Beckles challenged all elected officials to be positive examples because everyone is watching.

Reverend Brown expressed his pleasure regarding the positive direction the Park and Recreation Department is going under the direction of Keith Jabari. He commended the Parks and Recreation staff for the nice programs put together. He thanked City Manager Bill Lindsay for choosing Keith Jabari as the director.

RESOLUTIONS

None.

ORDINANCES

None.

COUNCIL AS A WHOLE

In the matter to discuss and provide policy direction to staff regarding proposals by the West Contra Costa Unified School District (WCCUSD) to close several Richmond schools, including direction regarding possible funding to the WCCUSD to preserve neighborhood schools; and authorize the Mayor to write State and Federal officials and IBM Management to seek forgiveness of outstanding District loans. City Manager Bill Lindsay gave an overview of this item. Speakers were: Christina Slamon, Jeff Ritterman, Gigi Guizado de Nathan, Karen Franklin, Michael Beer, Michael Parker, Carolyn Sherry, Jeannette Gay, Tony Thurmond, Jovanka Beckles, Margaret Browne, Madeline Kronenberg, Cheryl Sudduth, Linda Ruiz-Lozito, Scottie Smith, Jackie Thompson, Corky Booze, Mike Ali, Michael Peritz, Lynette McElhaney, and Nicolas Zoffel. A motion was made by Councilmember Viramontes, seconded by Councilmember Sandhu to authorize the city manager's recommendation to talk with the WCCUSD to identify short-term funding for \$3,000,000 gap requested for two years; talk about 10 elementary schools located in the City of Richmond; and to start thinking about what the service agreement would look like. The city manager verified the motion to include a letter, legislation, funding, and service agreement. An amendment to the motion was included to direct the city manager to come back to the City Council with a source of funding. Councilmember Rogers requested that the city manager ask Chevron to accelerate the million dollars that is earmarked for the City of Richmond. Councilmember Rogers requested this item be placed on the January 20, 2009, City Council Agenda for a Study and Action Session before the regular meeting. The motion was approved by the following vote: **Ayes:** Councilmember Bates, Lopez, Rogers, Sandhu, Viramontes, Vice Mayor Marquez, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Butt.

In the matter to direct staff to prepare a letter for the Mayor's signature acknowledging the work by the State of California Lands Commission, and supporting their effort to develop a comprehensive funding plan for construction of a critical Bay Trail segment as part of its consideration of a new 30-year lease by Chevron of "sovereign lands in San Francisco Bay" for operation of Chevron's long wharf. On motion of Councilmember Viramontes, seconded by Vice Mayor Marquez approved the item by the following vote: **Ayes:** Councilmember Bates, Lopez, Rogers, Sandhu, Viramontes, Vice Mayor Marquez, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Butt.

In the matter to appoint Councilmembers Bates, Lopez, and Councilmember Elect Ritterman (effective January 13, 2009) to the Richmond Community Fund Advisory Committee, with Councilmember Rogers as the alternate, pursuant to the Richmond Community Benefits Agreement between the City of Richmond and Chevron. Speakers were: Michael Beer, Michael Parker, Corky Booze, and Jackie Thompson. A motion was made by Councilmember Rogers, seconded by Councilmember Lopez to draw by lottery of Councilmembers and Councilmember Elect Ritterman for a three-year term. A substitute motion was made by Councilmember Bates, seconded by Vice Mayor Marquez to approve the appointments with the amendment of changing the term effective date to January 13, 2009 through January 13, 2013. The substitute motion was approved by the following vote: **Ayes:** Councilmember Bates, Lopez, Sandhu, Viramontes, and Vice Mayor Marquez. **Noes:** Councilmember Rogers and Mayor McLaughlin. **Abstentions:** None. **Absent:** Councilmember Butt.

In the matter to discuss and direct staff to determine the feasibility of renaming the gymnasium at the Martin Luther King Community Center to the Eural McKelvey and JD Banks Memorial Gymnasium. Councilmember Bates gave an overview of the item and introduced Council Liaison Trina Jackson who read the history of JD Banks. Chair, Recreation and Park Commission Connie Portero and Recreation Director Keith Jabari spoke on this item. Speakers were: Tom Kinnard, Jim McMillan, Pamela Banks, Jackie Thompson, and Corky Booze. On motion of Councilmember Bates, seconded by Vice Mayor Marquez approved the item and directed staff to move forward with the implementation by the unanimous vote of the Council.

In the matter to consider and direct staff regarding researching the feasibility of constructing a privately-financed sports complex in the City of Richmond. Parks and Recreation Director Keith Jabari gave an overview of the item. Corky Booze and Jackie Thompson spoke on this item. On motion of Councilmember Bates, seconded by

Councilmember Sandhu to direct staff to research and come back in six months with recommendations by the unanimous vote of the Council.

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

Councilmember Bates announced that the funeral service for Al Silvas was scheduled for Friday, December 9, 2009, at 11:00 a.m. in San Bruno.

Vice Mayor Marquez requested that Mayor McLaughlin close the meeting in memory of Rodolfo "Chachi" Alvarez a City of Richmond resident.

Councilmember Viramontes thanked the Council for the beautiful flowers and also ending the previous City Council Meeting in honor of her mother-in-law.

Mayor McLaughlin stated she will attend a peace rally to speak regarding peace and hate crimes on Sunday, January 11, 2009, at 4 p.m. at Nicholl Park. She announced that the Gooden Family Scholarship Fund (GFSF), in cooperation with the West Contra Costa County Unified School District and a dedicated group of professional college advisors, will present "Get on the Road to College" for high school juniors and their parents on February 8, 2009, at De Jean Middle School in Richmond. Session One begins at 1:00 p.m. and Session Two begins at 3:00 p.m. Call (510) 526-1985 or 620-6503 to learn more.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:42 p.m. in memory of Laura Casey, Laveran Bryant's mother, Mary Ellen French Tyler, Rodolfo "Chachi" Alvarez, Al Silvas, and Bobby Walker, to meet again on Tuesday, January 13, 2009, at 5:00 p.m.

City Clerk

(SEAL)

Approved:

Mayor