

RICHMOND, CALIFORNIA, January 17, 2006

The Morning Open Session was called to order at 8:42 a.m. by Mayor Irma L. Anderson.

ROLL CALL

Present: Councilmembers Butt, Bates, Griffin, McLaughlin, Viramontes, and Mayor Anderson. **Absent:** Councilmembers Thurmond, Marquez, and Rogers (Vice Mayor Rogers arrived later as indicated in these minutes).

PUBLIC COMMENT

The City Clerk announced that the purpose of the Morning Open Session was to hear comments from the public on the following items to be discussed in Closed Session:

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8) Property: 100 and 106 Macdonald Avenue, Negotiating Parties: Mohamed Jaji Alnajar and Nageeb Saleh Alnajar, and Steve Duran, Richmond Community Redevelopment Agency, Under Negotiation: Price and Terms; CONFERENCE WITH LEGAL COUNSEL: EXISTING LITIGATION Subdivision (a) of Government Code Section 54956.9, Two Cases: Burgeois vs. City of Richmond and McKiernan vs. City of Richmond; and CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8) Property: Point Molate, Negotiating Parties: City Manager Bill Lindsay, Jim Levine of Upstream Point Molate, and John Knox, Orrick, Herrington and Sutcliffe, Under Negotiation: Price and Terms. Jim Levine, Upstream Point Molate, gave comments regarding the Land Disposition Agreement (LDA). He stated that the proposed amendment would allow time to attract additional capital and there is an agreement to fund the project. Mr. Levine informed the Council that Upstream would like to pursue every aspect of the land development. Councilmember Bates stated that clean up of the site is a key component, and he asked Mr. Levine to give a status report on the clean up. Mr. Levine stated that the developable portions are where the slopes are less than 20%. Those areas are affected to the extent where the Navy will not release the land without some clean up agreement. He said there are about six more areas to be cleaned. There has been progress on agreeing on an early transfer schedule that will result in the clean up plan being finalized and the deeds being transferred in a year from now. (Vice Mayors Rogers arrived at 8:49 a.m.)

There being for further comments, the Morning Open Session adjourned to Closed Session at 8:52 a.m. The Closed Session adjourned at 10:36 a.m. and the Open Session adjourned at 10:36 a.m.

Clerk of the City of Richmond

(SEAL)

Approved:

Mayor

MorningOpenSession17Jan2006.minutes

RICHMOND, CALIFORNIA, January 17, 2006

The Regular Meeting of the Richmond City Council was called to order at 7:04 p.m., by Mayor Irma L. Anderson, who led the Pledge of Allegiance to the Flag.

ROLL CALL

Present: Councilmembers Butt, Marquez, Griffin, Rogers, McLaughlin, and Mayor Anderson. **Absent:** Councilmembers Thurmond, Bates, and Viramontes (Councilmembers Thurmond, Bates, and Viramontes arrived later as indicated in these minutes).

AFFIRMATION OF THE CITY OF RICHMOND CODE OF ETHICS

APPROVAL OF MINUTES

None.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Item J-1, a public hearing to hear testimony and/or protests regarding the Refunding of Limited Obligation Bonds Series 2000, Improvement District 1999-01 (Country Club Vista) was moved forward on the agenda to be heard following the City Attorney's Report.

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

John Eastman, City Attorney, made the following report:

Richmond Community Redevelopment Agency

RRA1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 100 and 106 Macdonald Avenue: Confidential negotiation direction given to staff.

City Council

CC1. CONFERENCE WITH LEGAL COUNSEL: EXISTING LITIGATION

Bourgeois vs. City of Richmond: Council voted to settle for \$100,000. The vote was as follows: **Ayes:** Councilmembers Bates, Griffin, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Noes:** Councilmember Butt. **Did not Participate:** Councilmembers Thurmond and Marquez.

McKiernan vs. City of Richmond: Council voted to settle for \$40,000. **Ayes:** Councilmembers Bates, Griffin, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Noes:** Councilmember Butt. **Did not Participate:** Councilmembers Thurmond and Marquez.

CC2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: Point Molate: City Council extended Upstream Point Molate's payment date to March 15, 2006, in exchange for a waiver of Upstream Point Molate's 60-day cure period. For the record, Councilmember McLaughlin stated that she opposed the extension.

OPEN FORUM FOR PUBLIC COMMENT

Naomi Williams, Pullman Neighborhood Council President, gave comments regarding the need to install a stop sign at South 37th Street and Center Avenue. She said that for years the neighborhood requested that a stop sign be installed. She requested that a traffic signal be installed at the location.

Corky Booze gave comments regarding the Black American Political Action Committee.

Mike Ali announced that the United Bay Area Native American Council would soon be incorporated.

A.J. Jelani, representing the Belding Woods Neighborhood Council and the Peace on the Streets organization, addressed the Council regarding an ordinance that allows the massive towing of non-operative vehicles in the Belding Woods area only. He said that some of the towing is possibly illegal and does not allow 10 days to move vehicles. He asked any attorney listening to contact him.

Kevin Hampton gave comments regarding a proposal for a program to train and employ at-risk Richmond residents in the construction industry. He announced that he is a new member of BAPAC.

Sal Garcia, representing Agency Construction, gave comments regarding individuals who attend the City Council meetings and badger the Mayor and Council. He said that it is another form of black-on-black crime.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Mayor Anderson acknowledged Jerrold Hatchett receiving the Humanitarian Award for Contra Costa County.

Bill Lindsay, City Manager, introduced Janet Schneider, Administrative Chief in the City Manager's Office. Ms. Schneider is the former executive director of the Central Contra Costa Solid Waste Authority for the past 10 years. Ms. Schneider thanked the City Council for the opportunity to serve.

Bill Lindsay, City Manager, introduced Christopher Magnus, newly-hired Police Chief. Chief Magnus thanked the City Council for the opportunity to serve the community of Richmond.

CONSENT CALENDAR

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

*-Awarded a contract to MuniFinancial for a Development Impact Fee Study, Cost Allocation Plan and User Fee Study. The total amount of the contract will not exceed \$85,010.

A proposed ordinance amending Chapter 7.104 of the Richmond Municipal Code to impose an annual license requirement on retail sellers of tobacco was presented. John Eastman, City Attorney, gave an overview of the matter. The following individuals gave comments on the matter: Naomi Williams, Corky Booze, and Mike Ali. Following discussion, on motion of Councilmember Marquez, seconded by Councilmember McLaughlin, adopted **Ordinance No. 5-06 N.S.**, by the unanimous vote of the Council.

*-Adopted **Ordinance No. 6-06 N.S.** amending Ordinance No. 40-01 N.S. establishing wages, salaries, and compensation for the classification of **Labor Relations Manager (Salary Range is \$6,497 to \$7,872 per month)**.

*-Adopted **Ordinance No. 7-06 N.S.** amending Ordinance No. 33-01 N.S. establishing wages, salaries, and compensation for the classification of **Modernization Programs Specialist (Salary Range is \$3,848 to \$4,602 per month)**.

*-Adopted **Resolution No. 3-06** authorizing the City of Richmond to apply for a grant from the 2002 Resources Bond act (Proposition 40).

PUBLIC HEARINGS

City Clerk announced this was the time set pursuant to published notice to hear testimony and/or protests regarding the Refunding of Limited Obligation Bonds Series 2000, Improvement District 1999-01 (Country Club Vista). John Knox, Orrick, Herrington, Sutcliffe, Bond Counsel gave comments on the matter (Councilmember Viramontes arrived at 7:09 p.m., and Councilmember Bates arrived at 7:10 p.m.). He said that this is the time to hear property owner concerns and testimony and to receive ballots for the proposed refinancing of the Country Club Vista Assessment District bonds. Ballot materials were mailed to the property owners, with 126 ballots being returned. He stated that ballots may be submitted and or withdrawn prior to the closing of the public hearing. There were no questions from the audience (Councilmember Thurmond arrived at 7:29 p.m.). A motion by Councilmember Marquez, seconded by Councilmember Viramontes, closed the public hearing by the unanimous vote of the Council. The City Clerk, staff from City of Richmond Finance Department, staff from MuniFinancial, and John Knox, adjourned to the Shimada Room of City Hall South to count the ballots. Following the ballot count, the City Clerk reported the following: **Yes votes cast: 97, Noe votes cast: 28, Total votes cast 125, with 78% affirmative votes.** A motion by Councilmember Viramontes, seconded by Councilmember Marquez to accept the ballot count passed, by the unanimous vote of the Council.

City Clerk announced this was the time to continue discussion on an appeal by Rod Satre and Bonnie Satre Daley of the Planning Commission's conditional approval of a variance in the 10 foot side-yard setback parcel, a variance to the three and one-half maximum retaining wall height and Design Review approval to allow the construction of a ± 3,000 SF single-family residence with a ± 484 SF garage at 301 Pacific Avenue (**The public hearing was**

closed on January 10, 2006). Richard Mitchell, Planning and Building Director, gave an overview of the matter. Discussion ensued. A motion was made by Councilmember Bates, seconded by Councilmember Thurmond, to deny the appeal and follow the recommendation of the Planning Commission with the various conditions. A substitute motion by Councilmember Butt, seconded by Councilmember McLaughlin to grant the appeal, leaving the encroachment into the north setback and define the encroachment into the south setback, failed by the following vote: **Ayes:** Councilmember Butt, Rogers, McLaughlin, and Viramontes. **Noes:** Councilmembers Thurmond, Bates, Marquez, Griffin, and Mayor Anderson. **Abstentions:** None. **Absent:** None. The Council vote on the original motion by Councilmember Bates failed by the following vote: **Ayes:** Councilmember Thurmond, Bates, Griffin, and Anderson. **Noes:** Councilmembers Butt, Marquez, Rogers, McLaughlin, and Viramontes. **Abstentions:** None. **Absent:** None. Further discussion ensued. Following discussion, the matter was continued for 15 minutes to allow the two parties opportunity for a compromise. Richard Mitchell, Planning and Building Director reported that the two sides agreed to the following: (1) The upper deck would shrink back into the requirements of the Tiscornia Plan. (2) The lower deck would shrink and become a 6 foot by 9 with stairs down to a deck that would meet all of the specifics of the Tiscornia Plan. (3) A small design change on the south side of the house, which would add a flare to match the other side of the house. He said that the only variances that would be requested would be associated with the retaining wall height and the projection into the open space envelope on the north side. Following discussion, on motion of Councilmember Bates, seconded by Councilmember Butt, adopted the recommendation as presented by the Planning and Building Director and directed staff to bring back a resolution for Council approval, by the unanimous vote of the Council.

AGREEMENTS

None.

RESOLUTIONS

The following proposed resolutions for Reassessment District No. 1999-01 (Country Club Vista) were presented. These resolutions are companion to Item J-1 on the Joint Powers Financing Authority Special Meeting agenda.

- a. Resolution of the City Council approving and confirming the report on the Levy of Reassessments and the Refunding of its 1915 Act Limited Obligation Improvement Bonds. On motion of Councilmember Griffin, seconded by Councilmember Viramontes, adopted **Resolution No. 4-06**, by the unanimous vote of the Council.
- b. Resolution providing for the Issuance of the City's Limited Obligation Refunding Bonds, Reassessment District No. 1999-01. On motion of Councilmember Griffin, seconded by Councilmember Viramontes, adopted **Resolution No. 5-06**, by the unanimous vote of the Council.

The City Council recessed to the Special Meeting of the Joint Powers Financing Authority at 8:43 p.m.

The City Council meeting reconvened at 8:45 p.m.

ORDINANCES

A proposed ordinance amending Chapter 12.18 of the Richmond Municipal Code pertaining to discharges to the Wastewater Treatment System, to include Fats, Oils, and Grease (FOG) Program was presented. Mary Phelps, Senior Industrial Waste Inspector gave an overview of the matter. The following individuals spoke on the matter: Corky Booze and Mike Ali. Following discussion, on motion of Councilmember Bates, 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

In the matter of a discussion of possible amendments to the Land Disposition agreement (LDA) between the City of Richmond and Upstream Point Molate, LLC. Vice Mayor Rogers gave comments on the matter. Discussion ensued. Following discussion, a motion by Councilmember Viramontes, seconded by Councilmember Marquez, to table the matter passed, by the following vote: **Ayes:** Councilmembers Bates, Marquez, Griffin, Viramontes, and Mayor Anderson. **Noes:** Councilmembers Butt, Thurmond, Rogers, and McLaughlin. **Abstentions:** None. **Absent:** None.

Continued to January 31, 2006, the matter to consider introducing an ordinance amending Section 6.02.170(D) of the Richmond Municipal Code to limit the allowable time to complete a permitted building project to conform to the California Building Standards Code.

In the matter of a review of a Comprehensive Code Enforcement Program. John Eastman, City Attorney, and Bill Lindsay, City Manager, presented an overview of the matter. The request before the City Council is to approve drafting various ordinances to implement the program. The following individuals spoke on the matter: Corky Booze, Mike Ali, and Ethel Dotson. Following discussion, on motion of Councilmember Viramontes, seconded by Councilmember Butt, directed staff to develop a program and draft ordinances for Council review, by the unanimous vote of the Council.

In the matter to consider a resolution to authorize the City of Richmond to participate with other cities and counties in formation of the Association of Refinery Cities and Counties. Councilmember Butt gave an overview of the matter. Following discussion, on motion of Councilmember McLaughlin, seconded by Councilmember Viramontes, adopted **Resolution No. 6-06**, by the unanimous vote of the Council.

Continued the matter to consider requesting the Redevelopment Agency to increase funding for paving streets in redevelopment areas from \$1 million to \$1.5 million.

COMMUNICATIONS

There were no referrals to staff from the City Council.

**REPORTS OF OFFICERS: STANDING COMMITTEE
REPORTS, REFERRALS TO STAFF, AND GENERAL
REPORTS**

Reports of Chairpersons of:

Finance Standing Committee: Councilmember Butt stated that a meeting will be convened later in the month.

Public Safety Standing Committee: Councilmember Marquez, Chairperson, announced that the committee will meet on Thursday, January 19, 2006.

Rules and Procedures Standing Committee: Councilmember McLaughlin, Chairperson, announced that the committee will meet on Wednesday, January 25, 2006, at 8:30 a.m., in the Council Chamber.

Report from the Mayor: Mayor Anderson announced the January 31st Council Meeting will include Council Reorganization, Election of the Vice Mayor, and State of the City Address.

Mayor Anderson thanked Theresa Wilkerson, Community Redevelopment Agency, for her yearly efforts to collect and provide gifts during the holidays for the Verde Elementary School children. She also thanked Steve Duran, Community Redevelopment Director, and the city staff for their donations.

Attended the Recreation and Parks Department's celebration of Dr. Martin Luther King, Jr.'s Birthday.

Commended Monique le Conge for increasing the Richmond Public Library hours to 45 hours per week.

General Reports from Councilmembers and staff.

Councilmember Marquez

Announced that he will be absent from the January 31, 2006, Council meeting.

Attended the Sikh Temple and discussed assisting with protective shields to taxi drivers. He stated that he will request the Council's approval to request WCCTAC to seek funding.

Councilmember McLaughlin

Thanked the citizens for attending a kick-off meeting of the Richmond Residents for Responsible General Plan at the Madeline F. Whittlesey Community Room.

Invited the community to a kick-off meeting for Solar Richmond, on Wednesday, January 25, 2006, 7:00 p.m. to 9:00 p.m., in the Madeline F. Whittlesey Community Room.

Councilmember Rogers

Reported that several meetings have been held with interested parties regarding the Marina Bay overpass.

Councilmember Viramontes

Reported she attended a conference in May 2005 in Philadelphia, Pennsylvania, sponsored by a group of the largest private philanthropy groups in the country. She said the purpose of the conference was to review land use and institute Smart Growth. She distributed several handouts from the conference.

Councilmember Bates

Requested the matter regarding the Council voting system be placed on the January 31, 2006, City Council meeting agenda. City Clerk offered an explanation regarding the cost for the system and the transmission problems when cell phones are on and use of the internet.

Councilmember Thurmond

Attended the Richmond Neighborhood Coordinating Council meeting. He said that the RNCC requests attendance at their meetings by Councilmembers for exchanging information. He said that they also requested a study session for reporting the recommendations from their Strategic Planning Session that was held recently.

Mayor Anderson

Announced a former Richmond employee, Rick Kerr, was killed and a memorial service will be held at the Vallejo Fairgrounds.

Announced Billy Ray Crenshaw, father of Mary Phelps, passed away. His services will be held at Wilson Kratzer Mortuary at 11:00 a.m., on January 21st.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:03 p.m. in memory of Rick Kerr and Billy Ray Crenshaw, to meet again in two weeks on January 31, 2006, at 7:00 p.m.

Clerk of the City of Richmond

(SEAL)

Approved:

Mayor