

RICHMOND, CALIFORNIA, March 7, 2006

The Regular Meeting of the Richmond City Council was called to order at 7:28 p.m., by Mayor Irma L. Anderson.

ROLL CALL

Present: Councilmembers Butt, Thurmond, Bates, Marquez, Griffin, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Absent:** None.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Items G-1, G-2, G-4, and G-6 were removed from the Consent Calendar.

Mayor Anderson requested that item K-3 (Referral to Staff) be placed on the agenda.

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:

MORNING CLOSED SESSION

City Council

CC-1. CONFERENCE WITH LEGAL COUNSEL: LABOR NEGOTIATIONS (Government Code Section 54957.6) – Confidential briefing provided to City Council. **Vote: Ayes:** Councilmembers Butt, Thurmond, Bates, Marquez, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Griffin.

Employee organization or unrepresented employees: IAFF Local 188 (Firefighters); Richmond Fire Management Association (RFMA); Richmond Police Officers Association (RPOA); Richmond Police Management Association (RPMA); SEIU Local 790, IFPTE Local 21; and Unrepresented Management Employees

Richmond Community Redevelopment Agency

RCRA-1. REAL PROPERTY NEGOTIATIONS (Government Code Section 54956.8) – Confidential direction provided to Staff. **Vote: Ayes:** Councilmembers Thurmond, Bates, Marquez, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Griffin. **[Councilmember Butt abstained on one property due to a conflict of interest].**

Property: Surplus Properties: APN 556-121-025-2; APN 556-122-001-2; APN 550-020-033-3; APN 534-242-022-0; APN 534-102-013-8; APN 534-102-014-6; and State # 40454, # 40455, and #40459.

Negotiating Parties: Steve Duran, Executive Director, Richmond Community Redevelopment Agency and Margarita Ramos, Ramos Realty; Ron Batiste, Eagle Environment Construction; Josh Genser, Richmond Redevelopment, LLC; Sheila Conn, Terra Nova Engineering, Incorporated; Walter Ross, Richmond Improvement Association

Under Negotiation: Price and Terms

CC-2. REAL PROPERTY NEGOTIATIONS (Government Code Section 54956.8) – Confidential briefing provided to the City Council. **Vote:** **Ayes:** Councilmembers Butt, Thurmond, Bates, Marquez, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Griffin.

Property: Civic Center

Negotiating Parties: Bill Lindsay, City Manager, Steve Duran, Executive Director, Richmond Community Redevelopment Agency, John Knox, Orrick Herrington & Sutcliffe, and Harley Searcy, CEO, Alliance Property Group

Under Negotiation: Terms of Payment

CC-3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Significant exposure to litigation pursuant to Subdivision [b] of Government code Section 54956.9)

One Case – Confidential briefing provided to the City Council. **Vote:** **Ayes:** Councilmembers Butt, Thurmond, Bates, Marquez, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Griffin.

CC-4. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9).

Garcia vs. Sandoval, City of Richmond – Sidewalk liability case settled for \$32,500. **Vote:** **Ayes:** Councilmembers Bates, Marquez, McLaughlin, Rogers, Thurmond, Vice Mayor Viramontes, and Mayor Anderson. **Noes:** None. **Abstentions:** Councilmember Butt. **Absent:** Councilmember Griffin.

CC-5. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Initiation of Litigation Pursuant to Subdivision [c] of Government Code Section 54956.9)

Three Cases: 1. **Stevedoring Services of America with the City of Richmond** - City Council gave confidential direction to staff. **Vote:** **Ayes:**

Councilmembers Butt, Thurmond, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Bates, Marquez, and Griffin.

2. **Bauman Landscape Property** – No action taken.

3. **Chevron Quarry** – No action taken.

OPEN FORUM FOR PUBLIC COMMENT

Corky Booze gave comments regarding the statement read by the Acting City Clerk regarding the City Council's Rules of Procedure, authorizing the Chairperson/Mayor to cut off discussion that is too loud, too crude, or too personal.

Gary Jones requested the installation of a disabled parking space in front of his home.

Mike Ali gave comments regarding a Native American school Grades K-12, soon to be established in the City of Richmond.

Ethel Dotson gave comments regarding property taxes on her property. She stated that under the Mills Act she should be receiving a tax deduction because her property has been declared a historical property.

Joanna Kim-Selby, California Commission on Aging Commissioner gave comments regarding a reduction in services for seniors in the City of Richmond. She asked that programs for seniors be reinstated.

DeTrice Rodgers stated her concerns regarding a cul-de-sac on Potrero Avenue near Easter Hill. She said that she has been burglarized several times.

Cheryl Maier gave comments regarding services for the senior citizens in the City of Richmond.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Acting City Clerk read a proclamation declaring March as "Red Cross" Month. Mayor Anderson presented the proclamation to the Red Cross representative.

Acting City Clerk read a proclamation declaring March as "Disability Awareness" Month. There was no one present to receive the proclamation. Mayor Anderson assured Mr. Gary Jones, who earlier requested a disabled parking space that the City of Richmond puts its words into action, and he will be responded to immediately.

Acting City Clerk read a proclamation recognizing and thanking Chief Terry Hudson for his Service to the City of Richmond. Mayor Anderson presented the proclamation to Terry Hudson and his wife LaTonya, thanked the City Council, Police Department and City Staff, and the Community of Richmond for the opportunity to serve.

CONSENT CALENDAR

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

A proposed adoption of a resolution establishing rules, procedures, and protocols for City Council meetings was presented. Corky Booze gave comments on the matter. Councilmember McLaughlin, Rules and Procedures Standing Committee Chairperson gave comments on the matter. She said that the Committee would like the full Council to vote on the issues of: (1) meeting start time; specifically, for the 1st and 3rd Tuesday's general business meeting. The options are to begin at 6:30 p.m. for non-action items, and begin at 7:00 p.m., for action items. A motion was made by Councilmember Butt, seconded by Councilmember Rogers, to adopt Option 1. A substitute motion by Councilmember McLaughlin, seconded by Councilmember Thurmond, to adopt Option 2. Councilmember Bates commented that Chairpersons of Standing Committees should submit written reports. Following discussion, Mayor Anderson continued the matter to the next Council meeting, March 21, 2006.

A proposal to adopt an ordinance amending Section 15.04.980.060 of the Richmond Municipal Code to provide for greater certainty on Appeals from the Planning Commission and Design Review Board. Discussion ensued. Following discussion, on motion of Councilmember Bates, seconded by Vice Mayor Viramontes, added language regarding the City Council shall have to power to continue the matter for no more than 30 days, said ordinance received first reading and was laid over for two weeks by the following vote: **Ayes:** Councilmembers Thurmond, Bates, Marquez, Griffin, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Noes:** None. **Abstentions:** Councilmember Butt. **Absent:** None.

*-Adopted **Resolution No. 19-06** adjusting appropriations for the 2005/2006 Employment and Training Workforce Investment Act (WIA) and Grant Programs.

A proposed Government Finance Officers Association's (GFOA) proposal to conduct an enterprise resource planning needs assessment and provide software procurement advisory services for a cost not to exceed \$179,640. James Goins, Finance Director, gave an overview of the matter.

*-Approved a contract with Oliver Consulting to provide actuarial analysis of the City of Richmond's liability for post-employment health care benefits for an amount not to exceed \$15,000.

A proposal to adopt Order of Vacation No. 893 of a ± 15,000 sf portion of Embarcadero internal to the Bio-Rad Facility at 3110 Regatta Boulevard, Street Vacation 11020151. Following discussion, adopted **Order of Vacation No. 893** by the unanimous vote of the Council.

*-Adopted **Order of Vacation No. 894** of a ± 1,713 sf portion of Harbour Boulevard at the rear property line of the Bio-Rad Facility at 3110 Regatta Boulevard.

PUBLIC HEARINGS

Acting City Clerk announced this was time set, pursuant to published notice on an appeal of Conditional Use Permit 1102660 (Ford Assembly Plant; Wine.com) as approved by the Planning Commission on February 2, 2006. Richard Mitchell, Planning Director, presented an overview of the matter. Following discussion, the City Council denied the appeal.

City Clerk announced this was the time set, pursuant to published notice, to hear testimony regarding an appeal of the Planning Commission decision to certify the Final Environmental Impact Report and Conditionally Approve the Tentative Map and Final Development Plan for the Westshore Marina Residential Condominium Development Project proposed for a 5.94-acre site located at the southern terminus of Marina Way South. City Project Number EID/TM 1100835. Following discussion, the matter was continued to April 4, 2006.

ORDINANCES

A proposed ordinance to increase the salary of Police Officer Trainee from \$2,493 per month to \$4,000 per month effective January 5, 2006 was presented. Following discussion, 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 to approve amendments to the Point Molate Land Disposition Agreement. Following discussion, the Council approved amendments to the agreement by the

Continued to March 21, 2006, the matter of a discussion and staff direction regarding seeking legal cost reimbursement for Swinerton versus City of Richmond defense costs.

Continued to March 21, 2006, approval revisions to the City Council Expenditure Policy.

Continued to March 21, 2006, a discussion regarding directing staff to explore the development of a Technical Assistance Program for helping to increase the capacity of securing contracts by Richmond contractors and businesses on City of Richmond funded projects.

Continued to March 21, 2006, a discussion regarding adoption of a policy that prevents Council from requesting staff to investigate allegations of City Code violations unless the item is properly placed on the agenda pursuant to the Brown Act.

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

Reports of Chairpersons:

None.

General Reports from Councilmembers and staff:

None.

Referrals to staff:

None.

ADJOURNMENT

There being no further business, the meeting adjourned at 12:30 a.m., to meet again in three weeks on March 21, 2006, at 7:00 p.m.

Clerk of the City of Richmond

(SEAL)

Approved:

Mayor