

RICHMOND, CALIFORNIA, May 2, 2006

The Morning Session of the Richmond City Council was called to order at 9:11 a.m., by Mayor Irma L. Anderson.

ROLL CALL

Present: Councilmembers Butt, Marquez, Rogers, McLaughlin, and Mayor Anderson. **Absent:** Councilmembers Thurmond, Bates, Griffin, and Viramontes.

PUBLIC COMMENT

The Acting 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: Miraflores Project – (Bounded by the Interstate 80 Freeway on the East, South 45th Street and South 47th Street on the West, Wall Avenue on the South and BART Rails on the North), Negotiating Parties: Steve Duran, Richmond Community Redevelopment Agency; Linda Mandolini, Eden Housing; Don Gilmore, Community Housing Development Corporation, Under Negotiation: Price and Terms of Payment. CONFERENCE WITH LEGAL COUNSEL: EXISTING LITIGATION (Subdivision (a) of Government Code Section 54956.9), Two Cases: Kubota vs. City of Richmond and Quintero 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: Westshore Marina. There were no speakers on the items.

There being no further comments, the Morning Open Session adjourned to Closed Session at 9:12 a.m. The Closed Session adjourned at 10:50 a.m. and the Open Session adjourned at 10:50 a.m.

City Clerk

(SEAL)

Approved by:

Mayor

RICHMOND, CALIFORNIA, May 2, 2006

The Regular Meeting of the Richmond City Council was called to order at 7:50 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

A motion was made by Vice Mayor Viramontes, seconded by Councilmember Marquez, to add to the agenda a resolution supporting the Contra Costa College District Bond Measure A by the following vote: **Ayes:** Councilmembers Thurmond, Bates, Marquez, Griffin, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Butt.

Councilmember Bates made a motion to move the Shimada Friendship Commission presentation immediately following Agenda Review. It was seconded by Councilmember Marquez and passed unanimously by the Council.

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:

- RRA-1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Property: Miraflores Project – (Bounded by the Interstate 80 Freeway on the East, South 45th Street and South 47th Street on the West, Wall Avenue on the South and BART Rails on the North): A confidential briefing was provided to the Redevelopment Agency.
- CC-1. CONFERENCE WITH LEGAL COUNSEL: EXISTING LITIGATION
- Two Cases: Kubota vs. City of Richmond: Confidential briefing provided to the City Council.
- Quintero vs. City of Richmond: Confidential briefing provided to the City Council.

CC-2. CONFERENCE WITH LEGAL COUNSEL:
ANTICIPATED LITIGATION

One Case: Westshore Marina: Confidential
briefing provided to the Council.

Attorney Eastman also reported that Councilmembers Thurmond, Griffin, and Vice Mayor Viramontes were absent during the Closed Session.

OPEN FORUM FOR PUBLIC COMMENT

Antwain Cloird gave comments regarding the lack of effort in hiring local residents for construction projects underway in Richmond.

Corky Booze gave comments regarding the African Americans being underserved at the Brookside Community Health Center.

**PRESENTATIONS, PROCLAMATIONS, AND
COMMENDATIONS**

Mayor Anderson welcomed the Delegation from Shimada, Japan on behalf of the City Council. She said that the City of Richmond and the City of Shimada have a 45-year Sister City relationship. Mayor Anderson introduced Don Delcollo, Shimada Friendship Committee Chairperson introduced each Delegate and the position they hold in the Shimada Japan government, which included the Superintendent of Shimada Public Education; a State Assemblymember; and the Director of Human Resources. Chairperson Delcollo also introduced the Host Families. Following the introductions, each Delegate shook hands and took pictures with the Councilmembers.

Acting City Clerk read a proclamation recognizing the month of May as “Older Americans Month” in the City of Richmond. Mayor Anderson and Councilmember Griffin presented the proclamation to the members of the Commission on Aging. Arnie Kassendorf introduced the members of the Commission and thanked the Council for the proclamation. Corky Booze gave comments on the matter.

RESOLUTIONS

A proposed resolution supporting the Contra Costa Community College District Facilities Bond Measure A was presented. The following individuals spoke on the matter: McKinley Williams, Contra Costa College Interim President and David MacDiarmid. Following discussion, on motion of Councilmember Griffin, seconded by Vice Mayor Viramontes, adopted **Resolution No. 37-06** by the following vote: **Ayes:** Councilmembers Thurmond, Marquez, Griffin, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Butt.

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.

*-Approved an emergency justification for payment to Channel Lumber for a purchase made in the amount of \$10,679.88 for landslide repair on Castro Ranch Road.

*-Adopted **Resolution No. 38-06** conditionally approving DR 1100433 Master Sign Program and Design Modifications to Pad C Buildings, landscaping a parking field at the Macdonald 80 Shopping Center at 4500 Macdonald Avenue.

*-Adopted **Resolution No. 39-06** adding the position of **Public Works Operations Administrator** to the City's Classification Plan including a reclassification of the incumbent, on January 26, 2006. This item will implement that recommendation.

*-Introduced an ordinance establishing wages, salary, and compensation for the new classification of **Public Works Operations Administrator**.

*-Approved attendance by the Finance Director and Assistant Finance Director at the annual Conference of the Finance Officers Association in Montreal, Quebec, Canada from May 4 through May 10, 2006.

*-Adopted **Resolution of Intention No. 895** to vacate and abandon for public purposes a ± 6,600 Square Foot (sf) portion of South 13th Street, located south of Wright Avenue between parcels APN 560-371-002 and APN 560-372-001.

A proposed approval of a one year contract with DP Security for private security service at Point Molate at a cost not to exceed \$225,000 was presented. Corky Booze gave comments on the matter. Following discussion, a motion was made by Vice Mayor Viramontes to approve the contract, add a one year extension, and include language regarding a 30-day cancellation notice and direct staff to present a staff report to Council regarding Bajan Security at the June 6th meeting, passed by the unanimous vote of the Council.

*-Approved minutes of the Regular Meeting held on April 4, 2006.

PUBLIC HEARINGS

Acting City Clerk announced this was the time set pursuant to hear an appeal of the Planning Commission's 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. A public hearing was held on March 7, 2006, and the public hearing was closed. Richard Mitchell, Planning and Building Director, gave an overview of the matter. He stated that several meetings were held with the appellants, the City Manager, and resulted in sufficient reasons for the parties to withdraw their appeals of the Planning Commission's decision. Sims and the Council of Industries have agreed to a disclosure statement that states that all future residents will receive a very detailed explanation of the industrial nature of work that will be going on near the residences and will explain in clear terms about the potential impact of living near industrial activity. The statement will be incorporated

as a condition of approval and as a substitute mitigation measure within the environmental impact – Measure 10(1). Staff has also agreed to prepare a draft resolution for Council consideration to review existing ordinances and rules in order to strengthen the City’s commitment to maintaining an industrial buffer zone bordered by Marina Way, Harbour Way, Hall Avenue and Interstate 580. A signed joint statement between the Brotherhood of Electrical Workers, Plumbers, Steamfitters, and Sheetmetal Workers, and a signed joint statement between the Brotherhood and Toll Brothers that lists several enforceable mitigations that staff is recommending for inclusion as additional conditions of approval to the project. Following discussion, on motion of Vice Mayor Viramontes, seconded by Councilmember Marquez, to approve the staff recommendations and direct staff to draft a resolution for adoption passed by the following vote: **Ayes:** Councilmembers Thurmond, Bates, Marquez, Griffin, Rogers, Viramontes, and Mayor Anderson. **Noes:** Councilmembers Butt and McLaughlin. **Abstentions:** None. **Absent:** None.

ORDINANCES

None.

COUNCIL AS A WHOLE

In the matter to approve the “Agreement to Negotiate” between the Scotts Valley Band of Pomo Indians and the City of Richmond. Ethel Dotson gave comments on the matter. Following discussion, on motion of Councilmember Bates, seconded by Councilmember Griffin, approved the agreement to negotiate by the following vote: **Ayes:** Councilmembers Butt, Thurmond, Bates, Marquez, Griffin, Rogers, Viramontes, and Mayor Anderson. **Noes:** Councilmember McLaughlin.

In the matter to receive a status report and direct Planning Staff to take next steps relative to authorization to issue a Request for Proposals for development of Design Standards per the unanimous vote of the City Council at the June 7, 2005, City Council meeting. There were no questions from the audience. A motion was made by Councilmember Butt, seconded by Vice Mayor Viramontes, to receive the status report passed by the unanimous vote of the Council (Councilmember Butt left the meeting).

In the matter to direct the Rules and Procedures Committee to interview Greg Stepanichich of Richards, Watson, and Gershon and Jayne Williams of Meyers Nave, Riback, Silver and Wilson, in order to select one to conduct a charter review. In discussion, Councilmembers Butt, Griffin, Marquez and Vice Mayor Viramontes, stated that they would not support the process. They stated that it is important that the full Council participate in the in the interview process. A motion was made by Councilmember Bates, seconded by Councilmember Griffin, that the entire Council interview the recommended consultants, passed by the following vote: **Ayes:** Councilmembers Thurmond, Bates, Marquez, Griffin, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Butt.

COMMUNICATIONS

Referrals to staff from the City Council

Councilmember Marquez

Proposal for the City of Richmond to host a regional working meeting with elected officials from Richmond, Oakland, San Francisco, and other West County cities regarding the issue of addressing gun violence from a regional perspective.

Vice Mayor Viramontes

Incorporate the changes in the Cities' Developer Fee structure regarding transportation fees.

Councilmember Rogers

The agenda should be clear when public hearings are closed and no public testimony will be allowed.

Review the Cities' Camping Ordinance operating procedures.

Councilmember Thurmond

Prepare an update for the City Council and the public regarding the Parks and Recreation's summer activities and programs, staffing structures, and training opportunities.

Councilmember Bates

Requested that the Committee System be used instead of referring everything to the City Manager.

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

Reports of Chairpersons of:

Public Safety Standing Committee: No standing committee report.

Councilmember Marquez attended a National League of Cities Conference in Washington, DC.

Attended the League of California Cities Quarterly meeting.

Announced the Cinco de Mayo celebration being held on Friday, May 5th. Additionally, the budget has been submitted to the City Manager. He invited the City Councilmembers to participate in the celebration should be present at 9:00 a.m.

Rules and Procedures Standing Committee:

Councilmember McLaughlin announced that the next meeting will be held on May 18, 2006, at 4:00 p.m.

Attended the Local Government Commission Conference held at Yosemite National Park March 17, 18, and 19, 2006.

Participated in the Immigrants Rights March at the Civic Center Plaza and the San Francisco march.

Finance Standing Committee: Councilmember Rogers announced that the next meeting will be held on May 17, 2006, at 9:30 a.m., in the Council Chamber.

A series of meetings have been held in the different neighborhoods in the City. He said that the residents are concerned with neighborhood cleanups, street lights, pot holes, and tree trimming.

Councilmember Thurmond

Attended the April meeting of the Richmond Neighborhood Coordinating Council along with Mayor Anderson and Councilmember McLaughlin.

Vice Mayor Viramontes

Contra Costa Transportation Commission approved the release of the local street funds for Richmond for 2002/2003 and 2003/2004.

Complimented the Police Department regarding the Immigrants Rights March.

Completed a class at the Wharton School of Business on Advanced Investments.

Councilmember Bates

Attended the California Association of Sanitation Agencies conference.

Reported that under GASB 45 it is mandated to develop a plan and reveal the plan to the constituency the cost of retirements. He recommended to the City Manager to conduct a study session regarding the matter.

Sandra Thompson, Acting City Clerk

Introduced Patrick Seals, a contract employee in the City Clerk's Office.

Mayor Anderson

Commended the organizers and of the Immigrants' Rights March and the citizens who participated.

Reported that the Kids First Golf Tournament was successful and will benefit the Apprenticeship program at Kennedy High School.

Contra Costa Mayors Conference will be hosted by the City of Richmond, and will be held on Thursday, May 4th, at 6:30 p.m., in the Council Chamber.

On May 3rd at 6:00 p.m. "Touchable Stories" potluck will be held at 2017 Macdonald Avenue. Everyone is welcome to participate.

ADJOURNMENT

There being no further business, adjourned the meeting at 10:32 p.m., to meet again on May 16, 2006, at 7:00 p.m.

City Clerk

(SEAL)

Approved:

Mayor