

**RICHMOND, CALIFORNIA, September 12, 2006**

The Regular Meeting of the Richmond City Council was called to order at 7:16 p.m., by Mayor Irma L. Anderson.

**ROLL CALL**

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

**STATEMENT OF CONFLICT OF INTEREST**

Councilmember Butt recused himself from participating on Item H-1 on the agenda.

**AGENDA REVIEW**

Removed Items G-11 and G-12 from the Consent Calendar. Withdrew Item K-4 from 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: *(Vice Mayor Viramontes and Councilmember Marquez were not present)*

**CC-1. LIABILITY CLAIMS**

**James Fajardo** – approved Worker’s Compensation claim in the amount of \$275,000 by the following vote: **Ayes:** Councilmembers Bates, Griffin, McLaughlin, Rogers, Thurmond, and Mayor Anderson. **Noes:** Councilmember Butt. **Abstentions:** None. **Absent:** Councilmembers Marquez and Viramontes.

**Stephen Navarra** – approved Worker’s Compensation claim in the amount of \$35,000 by the following vote: **Ayes:** Councilmembers Bates, Griffin, McLaughlin, Rogers, Thurmond, and Mayor Anderson. **Noes:** Councilmember Butt. **Abstentions:** None. **Absent:** Councilmembers Marquez and Viramontes.

**Henry Cooper** – approved Worker’s Compensation claim in the amount of \$95,000 by the following vote: **Ayes:** Councilmembers Bates, Griffin, McLaughlin, Rogers, Thurmond, and Mayor Anderson. **Noes:** Councilmember Butt. **Abstentions:** None. **Absent:** Councilmembers Marquez and Viramontes.

**CC-2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

**Billon Enterprises vs. Richmond Community Redevelopment Agency** – Confidential settlement direction was given to legal counsel.

**Barra L.P. vs. City of Richmond** – Confidential direction was given to legal counsel.

**Hurwich vs. Richmond Community Redevelopment Agency** - Confidential briefing was provided to the City Council.

**Baykeeper vs. City of Richmond** – Confidential briefing was provided to the City Council.

### **CC-3. CONFERENCE WITH LABOR NEGOTIATORS**

Employee Organization or Unrepresented Employee: SEIU local 790 – Confidential briefing was provided to the City Council.

### **CC-4. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

Property: 1401 Marina Way South – Confidential briefing was provided to the City Council.

### **CC-5. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

A confidential performance evaluation was conducted of the City Attorney and City Manager.

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

Antwone Cloird gave comments regarding violence in the City and the need to do something different now to curb the violence.

Naomi Williams thanked Rich Davidson, City Engineer, for completing the 23<sup>rd</sup> Street & Bissell Avenue signal light. Read a letter into the record from the Richmond Neighborhood Coordinating Council regarding the recent problems regarding the recent appointment of Cochise Potts to the Richmond Police Commission. The Coordinating Council is in full support of Mr. Pott's appointment.

Mike Ali commented that on Thursday, September 14<sup>th</sup>, there will be a demonstration in front of the Federal Building on 450 Golden Gate at 9:00 a.m. to appeal to the Ninth Circuit Court of Appeals not to develop an artificial ski resort at the top of a San Francisco peak considered to be a sacred Native American site.

Robert O. Brown commended all of the Councilmembers for their attendance at various community functions and events; Thanked City Manager Lindsay and Police Chief Magnus for their excellent work. Announced that there will be a "Hot Dog Day at the Park" at Nicholl Park on Saturday, September 16<sup>th</sup>.

Corky Booze commented on the recent shootings at an elementary school and elsewhere. Recommended that checkpoints be performed to check for driver's license and insurance in order to search for firearms, drugs, etc. Thanked Officer Danny Harris for his hard work in the community. Requested that the kid's jumper be provided for the Laurel Park festivities this weekend.

James Jenkins gave comments on his support of Cochise Potts and not rescind or ask him to resign from his position of Police Commissioner.

Wendell Greer, Regional Superintendent of Secondary Schools in the West Contra Costa County Unified School District, stated that he will attend council meeting month to give an update of public schools in Richmond. Mr. Greer provided the City Council with his business card.

Eleanor Thompson stated that the Police Department knows where the hotspots are and does not understand why more police are not deployed to these trouble areas. Reiterated her support for the Mayor's proposed initiative for the ballot regarding violence prevention.

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

City Clerk read a proclamation proclaiming September 2006 as National Preparedness Month in the City of Richmond. Mayor Anderson presented the proclamation to Kathy Gerk, Office of Emergency Services. Mrs. Gerk thanked all the volunteers in the REACT program and members of the advisory board, Jeff Jones and Sandi Genser-Maack. Mrs. Gerk announced that the next REACT meeting will begin on September 20<sup>th</sup> at the West County Unified School District Adult Education Center at Alvarado School.

Mayor Anderson presented a proclamation recognizing September as "National Save a Life" month to Kathy Gerk, Office of Emergency Services. Corky Booze gave comments.

City Clerk read a proclamation designating the City of Richmond as a Colon Cancer-Free Zone. Mayor Anderson presented the proclamation to Councilmember Marquez, who stated that he is a cancer survivor and encouraged the community to have routine testing. Dr. Cynthia LeBlanc and Art Hatchett, volunteers for the American Cancer Society, thanked the Council for the proclamation as well.

City Clerk performed the oath of office for City Prosecutor Thomas Min. City Attorney, John Eastman thanked the Council for approving this very much needed position against anti-violence.

Councilmember Griffin indicated that effective January 9, 2007; he will no longer be on the City Council, as he will not be running for a Council seat this election. Councilmember Griffin thanked everyone for their support over the past 24 years.

### **CONSENT CALENDAR**

A motion was made by Councilmember Griffin, seconded by Councilmember Marquez, all items marked with an asterisk (\*-) were approved by the following vote:

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

\*-Rejected all bids received for the Cutting Boulevard Interconnect and Detector Loop Project.

\*-Authorized payment of Fiscal Year 2006-07 operation and maintenance cost(s) to Veolia in and amount not to exceed \$ 5,450,000 in accordance with the amended Agreement between the City of Richmond and Veolia Water North America.

\*- Authorized payment of administration cost for Contra Costa Clean Water Program per Resolution 105-03 in an amount not to exceed \$275,000.

\*-Approved an amendment to the Joint Defense Agreement among the City of Richmond, the West County Wastewater District, and Veolia to increase the City's share of payment under the agreement by \$250,000 to \$350,000.

\*-Authorized payment of Richmond's share of the Fiscal Year 2006-07 West County Agency's expenditures in an amount not to exceed \$130,000.

\*-Authorized purchase of 11 Early Literacy Station computers for the Library and Recreation Community Centers through Califa in an amount not to exceed \$25,000 for Fiscal Year 2006-07, and authorize the Director of Library and Community Services to sign any related documents.

\*-Accepted the Bill and Melinda Gates Foundation Public Access Computer Hardware Upgrade Grant (PAC HUG) from the California State Library Foundation in the amount of \$21,000, and authorize the Director of Library and Community Services to sign any documents related to the acceptance of these funds.

\*-Approved purchase of specialized educational and art and crafts supplies from S&S Worldwide in the amount of \$14,732.10 for 11 community centers.

\*-Approved amendment with Maze & Associates Accountancy Group to provide external auditing services for the fiscal year ending June 30, 2006, and other related services specified in the scope of services, in an amount not to exceed \$600,000, for a total contract amount of \$ 949,252.

\*-Approved the purchase of materials from Nixon-Egli Equipment Company at a cost of \$16,719.92 for repair of the City's asphalt grinder.

A proposed resolution rescinding City Council Resolution 176-00 and directing the Richmond Community Redevelopment Agency, as the Administrator of HUD funds for the City, to (1) select a new developer through a focused solicitation of bids by issuing a request for proposals for the development of those properties on South 7<sup>th</sup> Street and South 8<sup>th</sup> Street, known as APN Numbers 550-251-018-2 and 550-252-030-6, and (2) give preference to proposals that include low-income restricted units was presented. Steve Duran, Director Community & Economic Development Director asked that this matter be put over one week. The item was laid over until October 3, 2006.

A proposed resolution authorizing an amendment to the Vali Cooper & Associates construction management contract for the North Richmond Street Improvement Project (1) to increase the scope of work to be completed by Vali Cooper & Associates, adding \$120,400 to contract (including a \$30,000 contingency) and thus increasing the not to exceed contract amount from \$300,000 to \$420,400; and (2) to extend the term to March 31, 2007 was presented. There was no discussion. On motion of Councilmember Griffin, seconded by Councilmember Marquez, adopted **Resolution No. 95-06** by the following vote: **Ayes:** Councilmembers Bates, Butt, Griffin, Marquez, McLaughlin, Rogers, Thurmond, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Vice Mayor Viramontes.

\*-Adopted **Resolution No. 96-06** authorizing execution of second amendment to the Agreement to Negotiate Exclusively (ANE) with Richmond Civic Center Partners to extend the term of the Agreement from September 28, 2006 to November 14, 2006.

\*-Adopted **Resolution No. 97-06** authorizing the City Manager to execute a Memorandum of Understanding between the City and SEIU Local 790 (Part-time Employees Bargaining unit) in accordance with the terms of the Tentative Agreement reached between the parties' representatives. Budget financial impact for Fiscal Year 2006-07 is \$118,164.

\*-Introduced an ordinance establishing wages, salary, and compensation for part-time classifications represented by SEIU Local 790. Budget Financial impact for Fiscal Year 2006-07 is \$118,164.

\*-Introduced an ordinance establishing wages, salary, and compensation for the classification of **Communications Shift Supervisor (Salary Range: \$5,173 - \$6,251/month)**.

\*-Adopted **Resolution No. 98-06** approving an application for grant funds in the amount of \$445,000 pursuant to the Per Capita Program of the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002.

\*-Approved minutes of the Evening Open Session held on July 11, 2006.

## **PUBLIC HEARINGS**

City Clerk announced this was the time set pursuant to a published notice to conduct a public hearing to consider the appeal concerning the design review, conditional use permit and affordable housing findings as amended by the Planning Commission for DR/CU 11002841, at 300-338 and 400-412 Macdonald Avenue. The Mayor declared the public hearing open. Richard Mitchell, Director of Planning & Building stated that this project is for development of 66 Senior Housing Units for very low income persons. The project is being developed by the Labor of Love organization. Staff supports the project because it will contribute to the development of the western end of Macdonald Avenue. The appellant, Rev. Ullis Redic, stated that the proposed site for the senior housing is inadequate due to the high crime and violence in the area. The applicant, Rev. Raymond Landry stated that the proposed developers have extensive experience in building this type of housing in other high crime areas with success. The project

would encourage a positive change in the area. Kim McKay, Related Companies, stated that their company has managed 5,000 units in the area. There would be screening of residents and is strictly for seniors 55 and over. The following individuals spoke on the matter: Rev. Shumake, William Hall, Raul Ramirez, Louise Berry, Arlyn Lyle, Trananneate Harris, Myrtle Jones, Tommy Bradford, Rev. Yahn Hunter, Mildred Carlton, Corky Booze, and Assistant Chief Medina. Following discussion, a motion was made by Councilmember Bates, seconded by Councilmember Rogers closed the public hearing by the unanimous vote of the Council. A motion was made by Councilmember Bates, seconded by Councilmember Rogers to deny the appeal by the following vote: **Ayes:** Councilmembers Bates, Butt, Griffin, Rogers, Thurmond, and Mayor Anderson. **Noes:** Councilmember McLaughlin. **Abstentions:** Councilmember Marquez. **Absent:** Vice Mayor Viramontes.

City Clerk announced this was the time set pursuant to a published notice to conduct a public hearing to adopt a resolution approving the General Plan Amendment, GPA 1102866, amending the land use designation for 11.2 acres at 3185 Garrity Way from 930/Regional Office Shopping to 922/ General Commercial. The Mayor declared the public hearing opened. Richard Mitchell, Director of Planning and Building, stated that the reason for amendment to make “The Tides” development a conforming use in order for the owners to be able to refinance the property. Shannyn Henkel, Fairfield Residential, representing the applicant, stated that they concur with the staff report findings and conditions of approval. On motion of Councilmember Marquez, seconded by Councilmember Griffin closed the public hearing by the unanimous vote of the Council. A motion was made by Councilmember Bates, seconded by Councilmember Rogers and approved **Resolution No. 99-06** by the following vote: **Ayes:** Councilmembers Bates, Butt, Griffin, Marquez, McLaughlin, Rogers, Thurmond, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Vice Mayor Viramontes.

*(There was a ten-minute break).*

City Clerk announced that this was the time set pursuant to a published notice to conduct a public hearing to consider Variance (V/DR 1102836) and Design Review Permit applications that were appealed by the owners of 335 and 343 Summit Place and reaffirm, modify or reverse the Planning Commission’s conditional approval of the proposed applications. Richard Mitchell, Planning and Building Director, stated that the two proposed houses would similar in structure and design to homes built in Point Richmond in the last 30-40 years. The variances have been approved by the Planning Commission and recommended for approval to the City Council. The Mayor declared the public hearing open. Andrew Kislig, Attorney for the appellant, Wendy Morton, distributed a PowerPoint presentation to the City Council regarding the proposed project. They oppose the project because it would not conform to the character and integrity of the historic neighborhood. Jay Betts, Architect, for the applicant, passed around photos showing that there are many other homes in the historic area similar in size and architecture. Wendy Morton, appellant stated that her home value would depreciate \$30,000 if this project moves forward. William Barrera, applicant, stated that he has met all the requests set forth by the neighborhood council and feels that this project is in conformance with the stipulations of the historic district.

Furthermore, Mr. Barrera stated that he offered to sell the property to Ms. Morton, but she indicated it was too expensive. The following individuals spoke on the matter: Margory Klutz, Paul Hayashi, Sigrid Laing, Susan Snyder, Jeff Lee, Dennis Rydgren, Carolyn Rydgren, Diane Anderson, James Bottoms, Jerry Feagley, Mildred Dornan, and Patricia Pearson. On motion of Councilmember Bates, seconded by Councilmember Rogers to close the public hearing by the unanimous vote of the Council. Discussion ensued. A motion was made by Councilmember Bates, seconded by Councilmember Griffin to deny the appeal by the following vote: **Ayes:** Councilmembers Bates, Griffin, Marquez, Rogers, Thurmond, and Mayor Anderson. **Noes:** Councilmembers Butt and McLaughlin. **Abstentions:** None. **Absent:** Vice Mayor Viramontes.

## **RESOLUTIONS**

A proposed resolution in support of the Tobacco Tax Act of 2006 was presented by Councilmember Marquez. Dr. Cynthia LeBlanc and Art Hatchett gave comments. The money from the tax would be used to fund prevention programs against smoking. A motion was made by Councilmember Marquez, seconded by Councilmember McLaughlin adopted **Resolution No. 100-06** by the following vote: **Ayes:** Councilmembers Bates, Butt, Griffin, Marquez, McLaughlin, Rogers, Thurmond, Viramontes, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Vice Mayor Viramontes.

## **ORDINANCES**

None.

## **COUNCIL AS A WHOLE**

In the matter to receive report concerning the construction phasing strategy for the Civic Center Revitalization Project, and provide direction to staff. Steve Duran, Community and Economic Development Director stated that last year, the City Council/Redevelopment Agency selected Alliance Property Group. An Agreement to Negotiate Exclusively (ANE) was entered into regarding the phasing for the Civic Center site. (*On motion of Councilmember Bates, seconded by Councilmember Marquez extended the meeting 10 additional minutes by the unanimous vote of the Council*). The process concluded with the City Council adoption of a Master Plan in 2003. The project goals are to consolidate long-term City space needs in Civic Center, renovate buildings where feasible, construct parking structure, private sector housing/mixed use development, and to revitalize and develop quality public open space. Harley Searcy, Alliance Property Group and Michael Walden, Nadel Architects Inc. gave comments. A motion was made by Councilmember Marquez, seconded by Councilmember McLaughlin, approved Option **1** and Option **C** by the following vote: **Ayes:** Councilmembers Bates, Butt, Griffin, Marquez, McLaughlin, Rogers, Thurmond, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Vice Mayor Viramontes.

In the matter of approval of the estimated \$1.52 million 2006/2007 North Richmond Waste & Recovery Mitigation Fee Joint Expenditure Plan created to lessen the impact of the West Contra Costa Sanitary Landfill Bulk Materials Processing

Center's operation on the North Richmond community. There was no discussion. A motion was made by Councilmember Bates, seconded by Councilmember Marquez approved the mitigation fee by the following vote: **Ayes:** Councilmembers Bates, Butt, Griffin, Marquez, McLaughlin, Rogers, Thurmond, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Vice Mayor Viramontes.

In the matter to Discuss development of a community e-mail list to improve distribution of information, and provide direction to staff. Councilmember Rogers indicated he will discuss this matter with the City Manager and bring the item back at a letter date.

**COMMUNICATIONS**

None.

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

None.

**ADJOURNMENT**

There being no further business, adjourned the meeting at 12:20 a.m., in memory of Nello Bianco, and in prayer for the health of Ramona Samuels, to meet again in one week on September 19, 2006, at 7:00 p.m.

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City Clerk

(SEAL)

Approved:

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Mayor