

RICHMOND, CALIFORNIA, May 1, 2007

The regular meeting of the City Council was called to order at 7:18 p.m. by Mayor Gayle McLaughlin.

ROLL CALL

Present: Councilmembers Sandhu, Rogers, Lopez, Butt, Viramontes, Thurmond, Vice Mayor Bates, and Mayor McLaughlin. **Absent:** Councilmember Marquez.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Removed Items G-1, G-4, G-5, G-6, G-8 and G-9 from the Consent Calendar.

Item G- 4 was heard with Item K-3.

Item F-2 continued to the May 15, 2007, City Council Meeting.

Open Forum followed Proclamation

Item K-1 and K-2 was heard prior to the Consent Calendar.

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

A-1. LIABILITY CLAIMS

Claimants:

1. James Filippi (Worker's Comp) Council approved \$55,000.
2. Alma Candelario (personal injury) Council approved \$12,000.
3. Jay Betts (property liability) no final action taken. Final approval rests with another party. Upon inquiry after final settlement the City will disclose what terms were approved by Council.
4. Gerald Mackowiak (property liability) Council approved \$11,000. Councilmember Butt voted against.
5. Dimitri & Kathleen Rotow (personal injury) Council approved \$65,000. Councilmember Butt voted against.

Item A-2 was withdrawn from the agenda.

OPEN FORUM FOR PUBLIC COMMENT

Ma'at ("My-ott") Youth Academy invited the Council to an event at the Martin Luther King Center on May 17th, 2007, from 4:00 p.m. to 6:00 p.m. This event will display what the youth are doing in the community.

Mike Ali announced the coming out of Cherokee Native Pride. Visit Cherokee Cyberspace at groups.msn.com.cheorkee.com. The focus of Native Pride is to have an open dialog of native people throughout Northern America.

Jovanka Beckles expressed her appreciation to the City of Richmond for acknowledging local residents and distinguish guests.

June Cannon expressed anger because her son was assaulted by an ice cream vendor and she was not able to get assistance from the police department.

Corky Booze stated that he is concerned about the unlicensed or un-permitted ice cream vendors.

Kathy Robinson thanked the Mayor for her wonderful contributions to the City of Richmond.

Robert Brown thanked the Mayor and Council for the wonderful job they are doing.

James Bottoms expressed his appreciation for the outstanding work of Councilmembers Butt, staff member Sal Vaca, Steve Duran, Bill Lindsay, and the respective teams for their outstanding work on helping Mount Hardware keep their corporate headquarters in Richmond and the relocation of their offices to Fort Point. He asked for help in saving the meeting space of the Point Richmond Neighborhood Council.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Vice Mayor Bates welcomed Martin Luther King III to the City of Richmond. He thanked BMW, BAPAC, and BWOPA for hosting the refreshments reception. He also thanked the many participants and Councilmembers for their support in honoring civil rights fighter, Martin Luther King III. Martin Luther King III stated it was a special honor to be in the City of Richmond again. He gave a brief overview of his organization, Realizing the Dream. The vision of the organization, primarily, is to teach and train persons in conflict resolution, targets youth leadership training, and community and economic development. The purpose is to raise the conscious of America so that we can address the issue of poverty that affects so many across the nation. He thanked the many people that have accompanied him in his tour of our City. He also thanked the City Council for allowing him to come before the Council. Mr. King stated a report will be generated for each community visited across America and submitted to the president, congress, governors, cities, and counties. The vision is to one day reduce poverty in America. All were invited to the Richmond Auditorium for a town hall meeting, to be held on Thursday,

May 3, 2007, from 7:00 p.m. to 8:00 p.m. Corky Booze gave comments.

Mayor McLaughlin read a proclamation recognizing May Day 1886 as the beginning of the eight-hour workday struggle and honoring local labor leaders for their contribution to Richmond's working families. She presented labor leaders Millie Cleveland, Dana Simon, and Clarence Thomas with awards. Each recipient gave comments.

Mayor McLaughlin read a proclamation recognizing May 6-12, 2007, as Public Service Week in the City of Richmond. Sharon West, Parks and Landscaping Division, Public Works Department, accepted the proclamation on behalf of the Public Works Department.

CONSENT CALENDAR

On motion of Councilmember Viramontes, seconded by Councilmember Lopez, all items marked with an asterisk (*-) were approved by the unanimous vote of the Council. The consent items were heard after the Council As a Whole items.

A proposed contract with Mr. Larry Winston in an amount not to exceed \$60,000 for a term of May 1, 2007, through March 30, 2008, to provide curriculum development, classroom instruction, and supervision for the Richmond BUILD pre-apprenticeship construction skills training program was presented. The following individuals spoke on this item: Corky Booze and Kevin L. Hampton. On motion of Councilmember Viramontes, seconded by Councilmember Rogers, approved the contract by the following vote: **Ayes:** Councilmembers Sandhu, Rogers, Lopez, Viramontes, Thurmond, Vice Mayor Bates, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Marquez and Butt.

*- Awarded a construction contract to Prism Engineering for the Cutting Boulevard Interconnect & Detector Loop - Harbour Way South to South 49th Street at the base bid of \$372,000 and include optional Item B in the amount of \$28,800 for a total price of \$400,800 with a project budget contingency not to exceed \$40,000.

*- Approved a one-year contract with eCivis Incorporated for grants tracking, reporting, and implementation of software and services at a cost of \$57,575.

*- Approved an amendment to the contract with Moore Iacofano Goltsman, Inc. (MIG), modifying the scope of work to allow additional community and board participation in workshops and meetings associated with the General Plan update and increasing the cost by \$297,115, for a total cost of \$2,235,508.

A proposal to authorize the city manager to execute an amendment to the contract with Cooperative Personnel Services raising the contract limit from \$10,000 to \$13,795.32 was presented. Leslie Knight, Human Resources Director, gave an overview. On motion of Councilmember Viramontes, seconded by Councilmember Rogers, authorized the amendment by the following vote: **Ayes:** Councilmembers Sandhu, Rogers, Lopez, Viramontes, Thurmond, Vice Mayor Bates, and Mayor

McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Marquez and Butt.

A proposal to authorize the city manager to execute a contract with Avery Associates for an amount not to exceed \$25,400 to conduct recruitment for the position of City Attorney was presented. On motion of Councilmember Viramontes, seconded by Councilmember Sandhu, authorized the city manager to execute a contract with Avery Associates by the following vote: **Ayes:** Councilmembers Sandhu, Rogers, Lopez, Viramontes, Thurmond, Vice Mayor Bates, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Marquez and Butt.

*- Approved (1) the amended Interagency Agreement, (2) a City Council resolution accepting funds from the 2006-07 North Richmond Waste and Recovery Mitigation Fee Fund, currently being held by Contra Costa County, to be used to finance certain strategies as identified in the amended Interagency Agreement for an amount not to exceed \$472,658, and (3) authorization to the city manager or his designee to administer those funds in a manner consistent with the terms of the attached Agreement.

A proposal to approve an amendment to the contract with the Glen Price Group to provide grant seeking and proposal writing services, increasing the cost in an amount not to exceed \$121,000 for a total cost of \$231,000 and extending the term by 16 months to continue the city-wide grant securing program through June 2008 was presented. The city manager gave an overview. The following individual spoke on this item: Corky Booze. On motion of Councilmember Viramontes, seconded by Councilmember Thurmond, approved the amendment by the following vote: **Ayes:** Councilmembers Sandhu, Rogers, Lopez, Viramontes, Thurmond, and Mayor McLaughlin. **Noes:** Vice Mayor Bates. **Abstentions:** None. **Absent:** Councilmembers Marquez and Butt.

A proposal to approve a contract with State Tree Experts, Inc. in the amount of \$5,500 for the removal of eight (8) dead and dying pine trees and the pruning of one (1) Monterey pine tree at John F. Kennedy (JFK) Park was presented. A motion was made by Councilmember Lopez, seconded by Vice Mayor Bates, to direct staff to come back with a replanting plan to include the cost for removal and replacement of trees. Sharon West, Parks and Landscaping, gave an overview of the item. She stated that last year Parks and Landscaping planted 25 redwood trees in JFK and now they want to take out the dead and dying trees. The motion passed by the following vote: **Ayes:** Councilmembers Sandhu, Rogers, Lopez, Viramontes, Thurmond, and Mayor McLaughlin. **Noes:** Vice Mayor Bates. **Abstentions:** None. **Absent:** Councilmembers Marquez and Butt.

*-Approved the minutes of the Morning and Evening Open Sessions held on April 3, 2007.

PUBLIC HEARINGS

None

RESOLUTIONS

A proposal to adopt a resolution directing City staff to develop recommendations on lowering solar permit fees and to identify best practices to promote solar installation in Richmond was presented. The city clerk read the resolution. The following individual spoke on this matter: Marilyn Langlois. A motion was made by Mayor McLaughlin, seconded by Councilmember Viramontes to have staff come back with a report which identifies best practices to promote solar installation in Richmond and alternatives for reducing fees and implement in the July 1, 2007/2008 budget. The motion passed by the unanimous vote of the Council.

ORDINANCES

None.

COUNCIL AS A WHOLE

In the matter to approve recognition of Mother Novelean Harris for her service to the City of Richmond by declaring May 1st as Mother Novelean Harris Day, and authorize a message, in her honor, to be engraved on the bench in front of North Richmond Baptist Church. Vice Mayor Bates and Mayor McLaughlin gave comments of appreciation for the contributions made by Mother Novelean Harris to the City of Richmond. Mother Novelean Harris gave comments and thanked the City of Richmond for recognizing her. The following individuals spoke: Dosier Harper and Corky Booze. On motion of Vice Mayor Bates, seconded by Councilmember Viramontes, approved declaring May 1st as Mother Novelean Harris Day, and authorized a message, in her honor, to be engraved on the bench in front of North Richmond Baptist Church, by the unanimous vote of the Council.

In the matter to accept a presentation from Empowerment Through Action (ETA) youth on tobacco advertisement and discussion on the implementation and enforcement of the Tobacco Retailer License adopted in 2006. Councilmember Lopez gave an overview of the item. The youth from Empowerment Through Action gave a powerpoint presentation. A motion was made by Vice Mayor Bates, seconded by Councilmember Viramontes, to direct officers to enforce the Tobacco Retail License adopted in 2006. A friendly amendment to the motion was made by Councilmember Thurmond to have ETA assist in the monitoring of the enforcement of the Tobacco Retailer License. An additional amendment to the motion was made by Councilmember Lopez to direct staff to come back to the Council with a report of actions to enforce the ordinance. Both amendments to the motion were accepted and the motion passed by the unanimous vote of the Council.

In the matter to receive the progress report on the General Plan Update, provide direction to staff, and approve an amendment to the contract with Moore Iacofano Goltsman, Inc. (MIG), modifying the scope of work to allow additional community board participation in workshops and meetings associated with the General Plan update, and increasing the cost by \$297,115. Richard Mitchell, Planning and Building Regulations Director, gave a PowerPoint presentation of the

item. During his presentation he stated that his department will continue to expand and reinforce outreach in both English and Spanish so that residents have a General Plan that they understand, can relate to, and use. He also stated the Planning Department will continue to hold workshops in both English and Spanish. Upcoming milestones include: (1) May 2, 2007, GPAC Review of Land Use Options; (2) May 3, 2007, Update to the Planning Commission; (3) June 6, 2007, TAC Review of Revised Land Use Options; (4) June 12, 2007, Working sessions with City Council and the Planning Commission; and (5) June 20, 2007, GPAC Review of final Land Use Options and Emerging Preferred Alternative. Following discussion, a motion was made by Councilmember Viramontes, seconded by Councilmember Lopez, to approve the amendment to the contract. Discussion ensued. Councilmember Lopez requested staff include enforcement of the Tobacco Retailer License into the health element of the General Plan. The motion passed by the unanimous vote of the Council.

In the matter to discuss and consider support of AB 1261 (Caballero) Infrastructure Financing. Vice Mayor Bates gave an overview of the item. On motion of Vice Mayor Bates, seconded by Councilmember Viramontes, approved support of AB 1261 by the unanimous vote of the Council.

In the matter to discuss and provide direction to staff to incorporate an annual budget for four part-time City Council Public Policy Interns within the City Council budget beginning July 1, 2007. Councilmember Lopez gave an overview of the item. Following discussion, a motion was made by Mayor McLaughlin to have staff come up with a recommended plan. A substitute motion was made by Councilmember Lopez, seconded by Councilmember Sandhu, to accept the report as submitted and to have the job description reviewed by the Finance Committee. Discussion ensued. Councilmember Rogers suggested the item be returned to the Finance Committee to work out the details and then brought back to Council for final approval. Mayor McLaughlin approved returning the item to the Finance Committee to be brought back to the full Council for final approval.

In the matter to adopt a "Resolution of the City Council of the City of Richmond, California, formally establishing the Policy of the City Council Concerning the Continuation of Boards and Commission Members' Terms." Interim City Attorney, Randy Riddle, gave an overview of the item. Following discussion, a motion was made by Vice Mayor Bates, seconded by Councilmember Rogers, to approve the item as is with the understanding that the City Attorney includes language that specifies as new Boardmembers or Commissioners are appointed, persons being replaced are identified. A substitute motion was made by Councilmember Butt, seconded by Mayor McLaughlin to authorize a person that is up for reappointment to stay on for an additional month if a person is not appointed. The substitute motion failed by the following vote: **Ayes:** Councilmember Butt and Mayor McLaughlin. **Noes:** Councilmembers Thurmond, Rogers and Vice Mayor Bates. **Abstentions:** Councilmembers Lopez, Sandhu, and Viramontes. **Absent:** Councilmember Marquez. The original motion passed by the following vote: **Ayes:** Councilmembers Lopez, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Bates. **Noes:** Councilmember Butt and Mayor

McLaughlin. **Abstentions:** None. **Absent:** Councilmember Marquez.

In the matter to consider conceptual neighborhood-based proposal to relocate Westside (Point Richmond) branch library to vacant leased space in the Point Richmond business district in lieu of renovating and reopening the branch library in the existing facility, and provide direction to staff as appropriate. The city manager gave an overview of this item. He stated that some advantages to relocating to a new site include: (1) the money that is currently budgeted for the branch makeover could be put into more service-oriented use; (2) may have access to a dedicated parking lot with a book drop. The disadvantages include: (1) moving from a site we own to a site we lease; (2) problematic for the library branch and the community room to have separate distinct spaces in the leased space. B. James Bottoms spoke against the process. He urged the City Council to table this item until it is formally brought before the Point Richmond Neighborhood Council. Other speakers were: Corky Booze, Sallie Dewitt, Margaret Morkowski, Robert Lane and Marsha Tomassi. Following discussion, a motion was made by Councilmember Lopez, seconded by Councilmember Sandhu, to have a formal presentation of this proposal made to the Point Richmond Neighborhood Council within the next 30 days and to direct staff to continue to work toward this conceptual project. Discussion ensued. A substitute motion was made by Vice Mayor Bates, seconded by Councilmember Thurmond, to refer this item to the city manager to come back in two weeks with an analysis of costs and a formal presentation of this proposal be made to the Point Richmond Neighborhood Council. A second substitute motion was made by Councilmember Butt, seconded by Mayor McLaughlin to direct the city manager to open the West Side Branch Library as soon as possible. The second substitute motion failed by the following vote: **Ayes:** Councilmember Butt and Mayor McLaughlin. **Noes:** Councilmembers Lopez, Sandhu, Viramontes, and Thurmond. **Abstention:** Councilmember Rogers and Vice Mayor Bates. **Absent:** Councilmember Marquez. On motion of Councilmember Thurmond, seconded by Councilmember Rogers, extended the meeting for 15 minutes by the unanimous vote of the Council. The first substitute motion passed by the following vote: **Ayes:** Councilmembers Lopez, Sandhu, Viramontes, Thurmond, Rogers, Vice Mayor Bates and Mayor McLaughlin. **Noes:** Councilmember Butt. **Abstentions:** None. **Absent:** Councilmember Marquez.

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, the meeting was adjourned at 12:16 a.m. in memory of Willie Key, Pam Cagler, and in celebration of the birth of Ernesto Julian De Loa, the new son of Ursula De Loa, Deputy City Clerk, to meet again on Tuesday, May 8, 2007.

Clerk of the City of Richmond

(SEAL)

Approved:

Mayor