

RICHMOND, CALIFORNIA, November 27, 2007

The Study and Action Session of the City Council was called to order at 2:30 p.m. by Mayor Gayle McLaughlin. The Study and Action Session to hear the following items was **cancelled** for lack of a quorum:

A presentation of the National Park General Management Plan (NPGMP) and direct Planning staff and the General Plan Consultant to explore either: (1) Incorporating elements of the NPGMP into the historic resources element of the general plan, **or** (2) Recommending establishment of a separate - Rosie the Riveter/World War II element based upon a review of feasibility and potential environmental impacts associated with establishment of such an element.

Authorize coordination of the City General Plan - Rosie the Riveter/World War II element with the preferred alternative in the National Park General Management Plan to satisfy park's establishing legislation requirement that the park and the City develop a plan to preserve the home front setting.

Receive a status report on the general plan update and provide direction to staff and the planning consultant and review the land use alternatives and 'change areas' that have been developed through the community process for the update of the general plan and give staff additional direction.

The Study and Action Session adjourned at 2:31 p.m.

The Special Meeting of the City Council was called to order at 5:07 p.m. by Mayor McLaughlin.

ROLL CALL

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

PUBLIC COMMENT

The city clerk announced that the purpose of the Open Session was for the City Council to hear public comment on the following items to be discussed in Closed Session: **LIABILITY CLAIMS** - Russell Murrey vs. City of Richmond; **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION** (Subdivision [a] of Government Code Section 54956.9) - Barra vs. City of Richmond; Booker vs. City of Richmond; Richmond Residents for Responsible Antenna Placement and Planning ("RAP"), et al vs. City of Richmond. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** Significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.9: Three Cases. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION** (Government Code Section 54957.6): City Clerk. **PUBLIC EMPLOYEE APPOINTMENT** (Government Code Section 54957.6): City Attorney.

There were no public speakers.

The Open Session adjourned to Closed Session at 5:08 p.m. The Closed Session adjourned at 6:49 p.m. The Special Meeting of the City Council reconvened at 7:07 p.m. by Mayor McLaughlin.

ROLL CALL

Present: Councilmembers Butt, Lopez, Marquez, Rogers, Sandhu, Thurmond, Viramontes, Vice Mayor Bates, and Mayor McLaughlin. **Absent:** None.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Items G-10 and G-14 were removed from the Consent Calendar. Mayor McLaughlin stated that Items L-6 and J-1 would be heard after Open Forum.

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

Interim City Attorney Randy Riddle reported the following:

LIABILITY CLAIMS - Russell Murrey vs. City of Richmond – The Council approved a settlement of \$20,000.

***CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION** (Subdivision [a] of Government Code Section 54956.9) - Barra vs. City of Richmond; Booker vs. City of Richmond; Richmond Residents for Responsible Antenna Placement and Planning ("RAP"), et al vs. City of Richmond.

***CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** Significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.9: Three Cases.

***PUBLIC EMPLOYEE PERFORMANCE EVALUATION** (Government Code Section 54957.6): City Clerk.

***PUBLIC EMPLOYEE APPOINTMENT** (Government Code Section 54957.6): City Attorney.

*No reportable action on these items.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

None.

OPEN FORUM

Corky Booze spoke about the violence within the City of Richmond.

Robert Wimmer requested the City address the flooding problem on 32nd Street between McBryde and Esmond.

Mike Ali requested the City address the flooding problem on 32nd Street.

Kathy Robinson stated the lighting, dumping, and vandalism in the Parks needs to be addressed.

Jackie Thompson stated the citizens are concerned that the leaders of Richmond are not visible in the community and she stated her concern about the violence in the community.

June Cannon spoke about her concern regarding the violence in the City of Richmond.

Simms Thompson, Jr. spoke about the image of the City of Richmond.

Mary DeBenedictis spoke about the Cannon Oaks II Project.

Herk Schusteff shared a story.

CONSENT CALENDAR

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

-*Awarded a one-year contract to DP Security for monitoring and securing restroom facilities at Nevin, Nichol, Martin Luther King, John F. Kennedy, La Moine, Shields-Reid, and Booker T. Anderson Parks in an amount not to exceed \$80,000.

-*Adopted **Resolution No. 119-07** authorizing the City Manager to approve and execute the closing escrow documents for the purchase of 2705 Macdonald Avenue (APN 515-241-011) in the amount of \$650,000.

*-Approved a contract for the renewal of a two-year maintenance agreement with Innovative Interfaces, Inc., of Emeryville, California, for the Richmond Public Library's online catalog and circulation database in the amount of \$39,408 for fiscal year 2007-08, and in the amount of \$41,250 for fiscal year 2008-2009.

*-Approved a contract amendment extending a storage agreement with Bekins-Pacific Storage Company to store Bayview and West Side Libraries' branch materials during remodeling. Extension will be on a week-by-week basis at a cost of \$500.00 per week, with a total cost not to exceed \$14,500.

*-Adopted **Resolution No. 120-07** to abandon a 6.5 foot wide portion of a 20-foot-wide storm and sanitary sewer easement (2461 OR 455, 11380 OR 83 and 92-70715) within Subdivision 8705 in Easter Hill - Engineering (Rich Davidson 307-8105).

*-Reviewed and accepted the City's Authorized Broker/Dealer list to allow broker/dealers to offer the City investment instruments in accordance with Government Code 53601.

*-Approved a contract with Matrix Consulting Group for an amount not to exceed \$12,200 to conduct a Cost Allocation Plan Study.

*-Adopted **Resolution No. 121-07** approving a 3% annual cost-of-living increase, in addition to the 2% minimum cost-of-living increase, for the recipients of the General Pension Fund, for a total annual cost-of-living increase of 5% for these recipients.

*-Adopted **Resolution No. 122-07** authorizing placement of liens for unpaid garbage collection service fees on Property Tax Records.

A proposed resolution authorizing the City of Richmond to accept and appropriate \$294,677 in funding, and approve a related two-year contract between the City of Richmond and Contra Costa County Health Services, for support of the Fire Department Hazardous Materials Training Program from July 1, 2007, to June 30, 2009, was presented. Fire Chief, Michael Banks, gave an overview of the item. Val Peters asked the Council to consider mushroom remediation. On motion of Councilmember Viramontes, seconded by Councilmember Thurmond, adopted **Resolution No. 123-07** with consideration for studying healthy inexpensive alternatives to current standard practices, i.e., mushroom remediation, for training, by the following vote: **Ayes:** Councilmembers Butt, Lopez, Rogers, Sandhu, Thurmond, Viramontes, Vice Mayor Bates, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Marquez.

*-Adopted **Resolution No. 124-07** authorizing the City of Richmond to accept and appropriate \$357,696 in funding, and approve a related two-year contract with Contra Costa County Health Services, for support of the Fire Department Hazardous Materials 2185 Inspection Program from July 1, 2007, to June 30, 2009.

*-Introduced an ordinance for first reading revising the wages, salary, and compensation for the classification of Environmental Manager (Salary Range 061E \$6487-7886/month).

*-Approved the following appointments and re-appointments: **Recreation and Parks Commission:** Adrienne Harris, Dr. Connie Potrero, and Emily Hradec; re-appointed Debbi Landshoff terms expiring October 26, 2010; and **Police Commission:** Naomi Williams, term expiring November 1, 2010.

Approved the minutes of the Special Meeting held on October 30, 2007, and the minutes of the Regular Meeting held on November 6, 2007, with the following corrections: **October 30, 2007, page 4 of 5, Announcements** - Councilmember Marquez announced that the President of the League of California Cities has appointed him as Vice Chair of the Public Safety Committee again this year. **November 6, 2007, Item L-1, Page 9, added the following:** The motion made by Councilmember Viramontes, seconded by Councilmember Marquez, to schedule a dedicated meeting to make a decision on the CEQA ranges was approved by the unanimous consent of the Council.

PUBLIC HEARINGS

The city clerk announced this was the time set, pursuant to published notice, to conduct a public hearing to consider the following options: (1) uphold the Design Review Board decision to approve the architectural designs for a proposed storage facility located at 300 West Ohio Street; or (2) uphold the appeal request, thereby reversing the Design Review Board approval of the application and deny the DRB application for a storage facility at 300 West Ohio Street. Richard Mitchell, Planning Director, gave an

overview of the item. Mayor McLaughlin declared the public hearing open. The appellant, Matt Guelti, and Martin Lysons, who represented the applicant, Ed Boersma, spoke on the item. Speakers were: Corky Booze, Robert Contreras, John Monks, Kevin Hampton, and Mike Ali. On motion of Councilmember Viramontes, seconded by Councilmember Rogers, closed the public hearing by the unanimous vote of the Council. Following discussion, on motion of Councilmember Thurmond, seconded by Councilmember Marquez, the public hearing was reopened by the unanimous vote of the Council. Martin Lysons, representing the applicant, stated he was aware of the sewer easement on the property. He also stated the applicant is happy to be open to a condition that gives the city annual monitoring of their wetlands program. The applicant's representative also stated they will work with Kevin Hampton on this project. Robert Contreras also spoke again on this item. On motion of Councilmember Viramontes, seconded by Councilmember Marquez, closed the public hearing by the unanimous vote of the Council. A motion was made by Councilmember Viramontes, seconded by Councilmember Marquez, to deny the appeal on the four legal grounds of the challenge: traffic, noise and impact, questions of landscaping, and the project construction of all phases. She also included that they did meet four legal criteria for standards of approval by being in the general plan. Also requested that all 18 items that were supported by the Design Review Board as conditions by the staff be included along with item 19, resolution approved by the staff of the easement area, and 20, the inclusion that the monitoring of the wetland mitigation would be complete and that a report be brought back to Council after development is complete. A friendly amendment was offered by Councilmember Butt that the applicant be required to provide funding for the Planning Department to select and retain an expert to review the wetlands implementation and that the wetlands be completed to the expert's satisfaction before an occupancy permit is issued. The Planning Director, Richard Mitchell, stated that the Planning Department's goal is to have in-house staff manage the wetlands issue. The friendly amendment was not accepted. Councilmember Butt stated he would not support the staff's report the way it was written. Mayor McLaughlin stated she would not support the motion because she did not have the confidence that it would not go through in terms of mitigation. The motion passed by the following vote: **Ayes:** Councilmembers Lopez, Marquez, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Bates. **Noes:** Councilmembers Butt and Mayor McLaughlin. **Abstentions:** None. **Absent:** None.

The city clerk announced this was the time set, pursuant to published notice, to conduct a public hearing to adopt an Urgency Ordinance Establishing a Temporary Moratorium on the Acceptance, Processing and Approval of Applications and Permits to Construct, Modify or Place Self Storage Facilities within the City of Richmond for a period of forty-five days. Under Government Code Section 65858, the adoption of this Ordinance will require a 4/5 vote of the City Council. Richard Mitchell, Planning Director, gave an overview of the item. Mayor McLaughlin declared the public hearing open. Corky Booze spoke on this item. On motion of Vice Mayor Bates, seconded by Councilmember Viramontes, closed the public hearing by the unanimous vote of the Council. A motion was made by Vice Mayor Bates, seconded by Councilmember Thurmond, to approve staff's recommendation. Following discussion, a substitute motion was made by Councilmember Viramontes to not approve a moratorium, direct staff to bring the issue back to the City Council when they can, with recommendations for where it is most appropriate for the City to locate this type of business, and what kind of conditions they think the City needs. Councilmember Lopez seconded the motion with a

comment that if this is going through the general plan process it won't be necessarily excluded as a use but it would be one of the permitted uses. The substitute motion failed by the following vote: **Ayes:** Councilmember Lopez, Marquez, Sandhu, and Viramontes. **Noes:** Councilmembers Butt, Rogers, Thurmond, Vice Mayor Bates, and Mayor McLaughlin. **Abstentions:** None. **Absent:** None. Councilmember Marquez suggested modifications to Section Seven, adding the following sentence at the end: "No self storage facility that has already been approved by the City Council shall be subject to this moratorium or the appeal process as described in this section". He also suggested adding the following sentence to Section Eight, at the beginning of the first sentence, "Notwithstanding the exception provided for in Section Seven, during the term" The City Attorney, Randy Riddle, determined that the language was not necessary because the moratorium represents applications received from November 27, 2007, forward. Richard Mitchell, Planning Director, verified the application for the storage facility, located at 300 West Ohio Street is conditionally complete based upon the applicants meeting the conditions imposed upon them by the Council. The original motion failed by the following vote: **Ayes:** Councilmembers Butt, Rogers, Thurmond, Vice Mayor Bates, and Mayor McLaughlin. **Noes:** Councilmembers Lopez and Viramontes. **Abstentions:** Councilmembers Marquez and Sandhu. **Absent:** None. Directed staff to, at a later date, submit an ordinance to the City Council.

RESOLUTIONS

Received an update on the status of the response on the November 7, 2007, San Francisco Bay oil spill and approve a resolution ratifying the declaration of a local emergency in connection with the spill. Fire Chief Michael Banks gave an overview. Kathy Gerk, Office of Emergency Services, gave the status report. She reported that weekly tests of the entire shorelines will continue until it is cleaned. Citizens that want to report oil sightings should call (415) 398-9617 and to file claims call (866) 442-9650. Mike Ali spoke on this item. A motion was made by Councilmember Viramontes, seconded by Councilmember Sandhu, to adopt the local state of emergency; the Office of Emergency Services return in six months with a final report of recommendations on what the City needs to do for volunteer training, supplies, the M.O.U.s needed with related agencies, and emergency funding. The motion passed and **Resolution No. 125-07** was adopted by the unanimous vote of the Council.

COUNCIL AS A WHOLE

In the matter to direct staff to investigate allegations of Union Pacific Railroad violating City of Richmond Blight Abatement Laws. Corky Booze spoke on this item. Bill Lindsay, City Manager, gave an update on items L-1 and L-2 together. He reported the following: He had a meeting with Yader Bermudez, Public Works Director, and Union Pacific Railroad representatives regarding Items L-1 and L-2. The City of Richmond and Union Pacific Railroad have agreed to do graffiti abatements on a scheduled basis every two weeks and Union Pacific will provide a flag person. Mr. Lindsay reported that the last abatement was on Tuesday, November 20, 2007, along the 580 Corridor. There is still a question of ownership regarding the fencing along Carlson. Mr. Lindsay also stated the abatement process has begun regarding the concrete removal. Councilmember Rogers suggested planting trees or other plants to hide the graffiti.

In the matter to discuss City policy and direct staff relative to requiring that Union Pacific Railroad clean up graffiti on railroad property next to the I-580 entrance to Richmond. Bill Lindsay, City Manager, gave an update on items L-1 and L-2 together. He reported the following: He had a meeting with Yader Bermudez, Public Works Director, and Union Pacific Railroad representatives regarding Items L-1 and L-2. The City of Richmond and Union Pacific Railroad have agreed to do graffiti abatements on a scheduled basis every two weeks and Union Pacific will provide a flag person. Mr. Lindsay reported that the last abatement was on Tuesday, November 20, 2007, along the 580 Corridor. There is still a question of ownership regarding the fencing along Carlson. Mr. Lindsay also stated the abatement process has begun regarding the concrete removal. Councilmember Rogers suggested planting trees or other plants to hide the graffiti.

In the matter to direct staff to research the feasibility of a "Solar Security" program to install residential and commercial solar panels that would allow property owners to have solar panels installed, with cost being added to the property taxes and repaid over twenty years. Councilmember Rogers gave an overview of the item. A motion was made by Councilmember Rogers, seconded by Councilmember Butt, to direct staff to research the feasibility of a "Solar Security". Mayor McLaughlin offered a friendly amendment that staff work with Earth Share to utilize their expertise. The friendly amendment was accepted. Councilmember Rogers also suggested including other types of home energy improvements. Councilmember Viramontes offered a friendly amendment to receive staff input and then forward this item to the Financing Committee. Councilmember Rogers accepted the friendly amendment. Councilmember Lopez offered a friendly amendment to have private funding sources the priority funding rather than a cost to the public. The friendly amendment accepted. The motion with the amendments passed by the following vote: **Ayes:** Councilmembers Butt, Lopez, Rogers, Sandhu, Thurmond, Viramontes, and Mayor McLaughlin. **Noes:** Vice Mayor Bates. **Abstentions:** Councilmember Marquez. **Absent:** None.

Items L-4 and L-5 were heard together. In the matter to consider directing the Planning Commission under Richmond Municipal Code 15.04.990.030 to revoke or modify a permit for a home constructed at 1241 South 55th Street. Councilmember Butt gave a PowerPoint presentation on Items L-4 and L-5. Councilmember Butt stated these items should be sent to the Planning Commission to decide if the permits should be revoked. Speakers were: Karen Franklin. On motion of Councilmember Thurmond, seconded by Councilmember Rogers, extended the meeting 15 minutes by the unanimous vote of the Council. Speakers continued with: Bea Roberson and Herb Permillion. A motion was made by Councilmember Butt, seconded by Councilmember Thurmond, to refer these items to the Planning Commission. Planning Director, Richard Mitchell, gave an update of the status of these items. Councilmember Butt modified his motion, seconded by Councilmember Sandhu, to refer these items to the Planning Commission if not resolved by the first meeting in January 2008. A substitute motion was made by Vice Mayor Bates, seconded by Councilmember Marquez, to refer the items to the city manager to report back to the City Council by the first meeting in January 2008. Mayor McLaughlin offered a friendly amendment to include that if the items are not resolved by the first meeting in January 2008, then they will go to the Planning Commission. The amendment was accepted. The motion passed by the following vote: **Ayes:** Councilmembers Lopez, Marquez, Rogers, Sandhu, Thurmond,

Viramontes, Vice Mayor Bates, and Mayor McLaughlin. **Noes:** Councilmember Butt. **Abstentions:** None. **Absent:** None.

Items L-4 and L-5 were heard together. In the matter to consider directing the Planning Commission, under Richmond Municipal Code 15.04.990.030, to hold a hearing to consider revoking or modifying a permit for alterations and additions to a home at 6101 Panama Avenue. Following the completion of Items L-4 and L-5, a motion was made by Vice Mayor Bates, seconded by Councilmember Thurmond, to extend the meeting five minutes. The motion passed by the unanimous vote of the Council.

In the matter to provide update and direction to staff regarding on-going and future efforts to reduce violence and receive a status report from the Office of Neighborhood. Mayor McLaughlin, on behalf of the City Council and City of Richmond, offered her deepest condolences to all the families that have lost loved ones in recent homicides in Richmond. Police Chief, Chris Magnus, gave a report of some of the concerns regarding the violence. He stated the police department is working on long-term as well as short-term solutions to crime. Chief Magnus stated that changes may include police officers working 12-hour shifts, police officers are being hired as quickly as possible, and other area departments are involved in putting together a West County Gang Task Force (WCGTF) to help stop the violence. Chief Magnus stated that the word needs to get out that reward money is available for turning in criminals. Devonne Boggan, Office of Neighborhood Safety Director, gave a report on the efforts of the Office of Neighborhood Safety. He reported the street outreach worker positions are posted and applications will be accepted until December 7, 2007. Application for the Neighborhood Safety Advisory Committee will be accepted until December 7, 2007. Speakers were: Corky Booze, Mike Ali, Jackie Thompson, and June Cannon. Councilmember Thurmond encouraged Mr. Boggan to schedule a meeting with non-profits to come up with short-term solutions. He also requested the Director of the Office of Neighborhood Safety discuss with Human Resources accelerating the process of hiring for open positions. Councilmember Lopez requested the City Manager and the Director of the Office of Neighborhood Safety reach out to employers in the City of Richmond to encourage them to hire parolees – there are tax credits available. Mayor McLaughlin requested the Director of the Office of Neighborhood Safety extend the deadline beyond December 7, for individuals to join the Office of Neighborhood Safety Advisory Committee.

In the matter to discuss and direct staff to prepare a contract for approval by the City Council with Boyles and Associates to aid in graffiti abatement. Corky Booze spoke on this item. On motion of Councilmember Viramontes, seconded by Councilmember Thurmond, directed staff to prepare a contract for approval by the City Council, by the unanimous vote of the Council.

ANNOUNCEMENTS

Councilmember Sandhu reported that he, Councilmember Marquez, and Vice Mayor Bates attended the League of Cities in New Orleans. He reported they will provide the City Council with copies of information they received.

ADJOURNMENT

There being no further business, the meeting adjourned at 12:20 a.m. in memory of Willie Gholar, who was a member of the Commission on Aging, to meet again on Tuesday, December 4, 2007, at 7:00 p.m.

City Clerk

(SEAL)

Approved:

Mayor