

RICHMOND, CALIFORNIA, December 11, 2007

The Special Meeting of the City Council was called to order at 7:03 p.m. by Vice Mayor Bates.

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

Interim City Attorney, Scott Dickey, reported he had a conflict of interest with Item G-15.

AGENDA REVIEW

Continued Item G-4 to January 8, 2008. Continued Item G-1 to December 18, 2007. Items G-5, G-6, G-7, G-14, and G-15 were removed from the Consent Calendar.

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

Deputy City Attorney, Scott Dickey, reported the status on all items marked with an asterisk:

PUBLIC EMPLOYEE APPOINTMENT

(Government Code Section 54957.6): City Attorney

The Interim Deputy City Attorney, Scott Dickey, reported he was not in the room on this item and City Manager, Bill Lindsay, reported there was no reportable action on this item.

***-CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** Initiation of litigation pursuant to Subdivision (c) of Section 54956.9: One Case

***-REDEVELOPMENT AGENCY - Real Property** Negotiations (Government Code Section 54956.8)
Property: 1221 Macdonald Avenue
Negotiating Parties: Steve Duran, Richmond Community Redevelopment Agency, Gregory R. Hurwich and Barbara J. Hurwich - Under Negotiation: Price and Terms

*No reportable action on these items.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Mayor McLaughlin joined the meeting.

A proclamation congratulating Bertha Romo on her designation as the first annual Richmond High School Student Principal of the Year was read by Councilmember Marquez and presented to Bertha Romo by Councilmember Marquez and Mayor McLaughlin. Bertha Romo, recipient, and Sammy Deguil, Richmond High School, thanked the City Council for the recognition and proclamation.

A Certificate of Recognition was read by Councilmember Marquez and presented to Eddie Hart, Olympic Gold Medalist. Mr. Hart expressed his appreciation for the recognition by the City Council.

OPEN FORUM

Mike Ali stated it is time for the citizens to learn the values of peace.

Herk Schusteff spoke regarding the Canyon Oaks II Project.

Jerome Smith urged the Council to be non-conformists between themselves and achieve independence on what they hold true as individuals.

On motion of Vice Mayor Bates, seconded by Councilmember Rogers, allowed Dan Murray to speak under Open Forum after this item was called, by the unanimous vote of the Council. Dan Murray, a property owner in Richmond, stated a firm wants to move to Richmond, but received a letter from the Planning Commission that may discourage the owner from doing business in the City of Richmond.

CONSENT CALENDAR

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

Continued to December 18, 2007, the matter to Direct Staff and Applicant to acquire all property and other rights necessary for Toll Brothers to comply with Condition 3 of the Point Richmond Shores Design Review Permit as soon as possible, and if such rights are not acquired by March 5, 2008 to return to the Council at the next regularly scheduled Council meeting for status update.

*-Approved a sole source purchase of 800 MHz Public Safety radio equipment from Dailey-Wells, the original equipment manufacturer, in an amount not to exceed \$473,359.27.

*-Approved a revision to the FY 2007-2008 Investment Policy to change an incorrect reference to a State of California Government Code section, revising the code section reference from 53601(1) to 53601 (L).

Continued to January 8, 2008, the matter to approve the Master Fee Schedule in accordance with Chapters 2.34.040 and 13.25.020 of the Richmond Municipal Code.

A proposed resolution to accept an easement for sanitary sewer, storm drain, and bike path purposes over portions of the property owned by Target Corporation, located south of Macdonald Avenue between 41st Street and the I-80 freeway was presented. Rich Davidson, City Engineer, gave an overview of the item. On motion of Vice Mayor Bates, seconded by Councilmember Viramontes, adopted **Resolution No. 129-07**, by the unanimous vote of the Council.

A proposal to approve a contract with Psomas Dodson in an amount not to exceed \$300,000 to assist the City in implementing tasks related to the Stormwater Scope Study was presented. Rich Davidson, City Engineer, gave an overview of the item. A motion was made by Councilmember Viramontes, seconded by Councilmember Marquez, to approve the contract. Following discussion, Councilmember Viramontes amended her motion to “moved to assume the contract of Psomas Dodson with the clarification of the language on the contract with Veolia and be certain that it meets the deadline so we allow for a sole source in order to meet the legal judgment that we’ve been given by the courts”. A representative from Veolia spoke on the item. A substitute motion was made by Vice Mayor Bates, seconded by Councilmember Marquez, to have staff and Veolia discuss and come back to the Council on December 18, 2007, with recommendations. Mayor McLaughlin **continued this item to December 18, 2007**, and requested that staff submit an explanation to the Council for this item to be sole sourced.

A proposal to approve a contract between the City and outside counsel Shute Mihaly & Weinberger LLP, for the continued representation of the City of Richmond, City Council, and City Clerk in the matter entitled Barra vs. City of Richmond was presented. This contract amount is \$250,000, and the term is from November 10, 2007, through June 30, 2008. Interim City Attorney, Scott Dickey, gave an overview of the item. Jerome Smith spoke on the item. Following discussion, a motion was made by Councilmember Viramontes, seconded by Councilmember Marquez, to approve the contract. The motion passed by the following vote: **Ayes:** Councilmembers Butt, Marquez, Rogers, Sandhu, Thurmond, Viramontes, and Mayor McLaughlin. **Noes:** None. **Abstentions:** Vice Mayor Bates. **Absent:** Councilmember Lopez.

***-Adopted Ordinance No. 47-07 N.S.** amending Richmond Municipal Code Sections 9.20.150 and 9.20.155 to increase the solid waste collection rates to reflect a 3.29% change in the Consumer Price Index.

***-Adopted Resolution No. 130-07** increasing the City's current Living Wage effective January 1, 2008, from \$13.47 per hour to \$14.55 per hour for employees with medical benefits and from \$14.97 per hour to \$16.05 per hour for employees without medical benefits.

*-Introduced an ordinance revising the wages, salary, and compensation for the classification of Capital Projects Manager, (Salary Range 070D \$8,310-\$10,050/month).

*-Introduced an ordinance establishing wages, salary, and compensations for the classification of Communication Shift Supervisor (Salary Range: \$5,580 - \$6,743/month).

*-Approved an amendment to the Mayor's budget to: (1) Reclassify the position of Senior Assistant to the Mayor to Assistant to the Mayor as a part-time permanent position (65%), and (2) Add the position of Office Assistant I-Exempt, effective January 2, 2008, with no changes to total budgeted 2007-08 expenditures for the Office of the Mayor.

*-Approved: (1) the Amended Interagency Agreement, (2) Adopted City Council **Resolution No. 131-07** accepting funds from the 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 \$481,379.27, and (3) Authorized 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 a contract amendment with the Community Housing Development Corporation of North Richmond to increase the payment limit by \$72,131 to an amount not to exceed \$218,276 for the 2008 calendar year was presented. LaShonda Wilson, City Manager's Office, gave an overview of the item. On motion of Councilmember Marquez, seconded by Councilmember Viramontes, approved the contract amendment by the unanimous vote of the Council.

Interim City Attorney, Scott Dickey, left the Chambers on this item because of a conflict of interest. A proposal to approve a contract with the law firm of Renne Sloan Holtzman & Sakai LLP for a period of two years to serve as City Attorney at a cost of \$38,500 per month for a total cost of \$924,000 was presented. City Manager, Bill Lindsay, gave an overview of the item. Following discussion, a motion was made by Vice Mayor Bates, seconded by Councilmember Viramontes, to approve the contract. The motion was approved by the following vote: **Ayes:** Councilmembers Marquez, Rogers, Sandhu, Thurmond, Viramontes, Vice Mayor Bates, and Mayor McLaughlin. **Noes:** Councilmembers Butt. **Abstentions:** None. **Absent:** Councilmember Lopez.

*-Approved a legal services agreement with Paul Hastings LLP for \$75,000, to help facilitate the early transfer of Point Molate by helping prepare and execute the necessary legal documents.

*-Approved a contract amendment with Al da Silva for environmental remediation consultation at a cost not to exceed \$34,000, to facilitate the Navy's early transfer of Point Molate to the City of Richmond.

*-Approved a contract amendment with Tetra Tech EMI for an additional \$32,000, for a total contract amount not to exceed \$42,000, for the preparation of several documents required for the City's compliance with the Baykeeper lawsuit settlement.

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 Planning Commission decision to deny the Type 20 Alcohol Beverage License transfer from 564 Harbour Way to 544 Harbour Way (recommended by staff); or (2) Uphold the appeal request, thereby reversing the Planning Commission denial of the application and approve the Type 20 Alcohol Beverage License transfer from 564 Harbour Way to 544 Harbour Way. Planning Director, Richard Mitchell, gave an overview of the item. Mayor McLaughlin declared the public hearing open. Joshua Genser, Counsel for the appellant, spoke in support of the appeal. Mildred Carlton, major opponent, spoke against the appeal. Captain McBride stated crime was reduced

during the time liquor was not sold at the store. Other speakers were: Mazen Elmashni, the appellant; Otheree Christian; Gary Melancon; Anthony Allen; Everett Mitchell; Naomi Williams; Tracie Robenson; Ruby Molinari; Nagi Dobashi; Simms Thompson, Jr.; Aied Dobashi; Ritwan Dobashi; and Corky Booze. On motion of Councilmember Viramontes, seconded by Councilmember Thurmond, closed the public hearing by the unanimous vote of the Council. Following discussion, a motion was made by Councilmember Thurmond, seconded by Councilmember Rogers, to uphold the Planning Commission's decision to deny the Type 20 Alcohol Beverage License. The motion passed by the following vote: **Ayes:** Councilmembers Butt, Marquez, Rogers, Sandhu, Thurmond, Viramontes, Vice Mayor Bates, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez.

The city clerk announced this was the time set, pursuant to published notice, to conduct a public hearing to either (1) Uphold Planning Commission's decision to approve the Conditional Use Permit and Resolution 07-12 for the Canyon Oaks II Project; or (2) Uphold the Appeal request, thereby reversing the Planning Commission approval of the Conditional Use Permit and Resolution for the Canyon Oaks II Project. Planning Director, Richard Mitchell, gave an overview of the item. Mayor McLaughlin declared the public hearing open. Appellant, Herk Schusteff, spoke on this item. Applicants, John Zentur and Tom Simonson, spoke on this item. Other speakers were: Daniel Donahue, Eleanor Loynd, Mary DeBenedictis, Ruby Molinari, Janet Kutulas, Jerome Smith, Corky Booze, and Louise Lang. On motion of Vice Mayor Bates, seconded by Councilmember Viramontes, closed the public hearing by the unanimous vote of the Council. Following discussion, a motion was made by Vice Mayor Bates, seconded by Councilmember Marquez, to follow staff's recommendations, concur with the Planning Commission's findings, as outlined in the November 1, 2007, staff report, thereby denying the appeal and reaffirming the Planning Commission's approval of CU1102306, a Conditional Use Permit. The motion passed by the following vote: **Ayes:** Councilmember Marquez, Rogers, Sandhu, Viramontes, and Vice Mayor Bates. **Noes:** Councilmembers Butt, Thurmond, and Mayor McLaughlin. **Abstentions:** None. **Absent:** Councilmember Lopez.

The city clerk announced this was the time set, pursuant to published notice, to conduct a public hearing to adopt Resolution of Vacation No. 900 Ordering the Vacation of Joy Avenue between Factory Street and Essex Avenue, subject to conditions. Planning Director, Richard Mitchell, 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 Marquez, closed the public hearing by the unanimous vote of the Council. On motion of Vice Mayor Bates, seconded by Councilmember Viramontes adopted **Resolution of Vacation No. 900** by the unanimous vote of the Council.

The city clerk announced this was the time set, pursuant to published notice, to conduct a public hearing to adopt Resolution of Vacation No. 901 Ordering the Vacation of an alleyway off Hoffman Boulevard, behind the property at 618 South 8th Street. Planning Director, Richard Mitchell, gave an overview of the item. Mayor McLaughlin passed the gavel to Vice Mayor Bates and left the chambers. Vice Mayor Bates declared the public hearing open. Ruby Molinari completed a speaker's card, but was not in the

Chambers when called to speak. On motion of Councilmember Viramontes, seconded by Marquez, closed the public hearing by the following vote: **Ayes:** Councilmembers Butt, Marquez, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Bates. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez and Mayor McLaughlin. On motion of Councilmember Viramontes, seconded by Councilmember Marquez, adopted **Resolution of Vacation No. 901** by the following vote: **Ayes:** Councilmembers Butt, Marquez, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Bates. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez and Mayor McLaughlin.

RESOLUTIONS

None.

COUNCIL AS A WHOLE

In the matter to direct staff to amend the Richmond Youth Baseball Advisory Board Ordinance, extending the terms of commissioners from two terms to a maximum of three terms. A motion was made by Councilmember Viramontes, seconded by Councilmember Marquez, to direct staff to amend the Richmond Youth Baseball Advisory Board Ordinance to extend the terms to a maximum of three terms. Mayor McLaughlin returned to the Chambers. The motion passed by the unanimous vote of the Council.

In the matter to direct staff to research the feasibility of a workforce housing program for public safety employees and teachers working in and for the City of Richmond. Councilmember Thurmond gave an overview of the item. Councilmember Viramontes suggested this item be referred to the Public Safety Committee. A recommendation was made by Councilmember Thurmond to consolidate this item with a similar item that is scheduled to go before the Public Safety Committee on Thursday, December 20, 2007, to bring forward a workforce housing program that meets the interest of the City of Richmond. The recommendation made by Councilmember Thurmond was approved by the unanimous consent of the Council.

ANNOUNCEMENTS

Councilmember Sandhu announced that the main library is still open for business and the two libraries in the City being renovated will hopefully be opened by January 2008. He also reported that there are two openings on the Library Commission. Councilmember Sandhu reported that he attended the Snow Ball and Senior Winter Ball and they were both successful and positive events. He also stated that the fire fighters toy drive has had a great response and individuals can drop toys off at their nearest fire station.

Councilmember Rogers thanked Steve Duran for following up on the direction from the Council to investigate having a co-located senior housing and senior medical care facility.

Vice Mayor Bates reported that Mechanics Bank's business has increased since their relocation to the Trainmasters' Building. He also reported that he visited the East Bay Center for the Performing Arts on Saturday, December 8, 2007, which showcased the musical talents of the young people. He stated that the senior citizens had a wonder turnout and Councilmembers Sandhu, Marquez, Lopez, and Vice Mayor Bates were the judges of the dance contest where all Councilmembers surprisingly chose the same number one person as the winner. Vice Mayor Bates congratulated the City and all committee members associated with the senior program, especially Arnie Kasendorf.

Councilmember Marquez reported that the Parks and Recreation staff did a lot of work on the Snow Ball and the Senior Winter Ball, and he thanked everyone involved. He stated he wished that the media would show up to report on some of these positive events. Councilmember Marquez also reported that he represented the mayor at the Victory Outreach Program; it was well received and attended. He also reminded the public that the Latino Peace Officer's Association of the Richmond Police Department is having a clothing drive for the Christmas season. They are collecting clothing for adults and children and will be distributing them near the holidays.

Mayor McLaughlin reported that the City of Richmond hosted the Contra Costa Mayor's Conference on Thursday, December 6, 2007. Councilmembers in attendance were: Marquez, Sandhu, Butt, Lopez, Vice Mayor Bates and Mayor McLaughlin. Mayor McLaughlin stated the meeting was short but touching. Dwayne O. Parish, a member of the Arts and Cultural Commission, read a poem he composed and recited entitled "Richmond Rhymes With Enrichment". This poem will be posted on the City's website. Mayor McLaughlin also reminded the public that there will be a **MEET WITH THE MAYOR FRIDAYS!** session on Friday, December 14, 2007. This is an open forum with the Mayor for one hour from **5:30 p.m. to 6:30 pm every Friday**. Residents are invited to share ideas or ask questions. These meetings are being held at the Whittlesey Community room next to the main library at 325 Civic Center Plaza. Dwayne O. Parish may be there to recite his poem. Mayor McLaughlin also announced that there was a groundbreaking this morning for the senior housing development at MacDonald and Fourth Street.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:34 p.m. to meet again on Tuesday, December 18, 2007, at 7:00 p.m.

City Clerk

(SEAL)

Approved:

Mayor