

RICHMOND, CALIFORNIA, January 8, 2008

The Regular Meeting of the City Council was called to order at 5:37 p.m. by Mayor McLaughlin.

ROLL CALL

Present: Councilmembers Butt, Lopez, Marquez, Sandhu, Viramontes, Vice Mayor Bates, and Mayor McLaughlin. **Absent:** Councilmembers Thurmond and Rogers (Councilmember Rogers arrived after the Council adjourned to Closed Session).

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

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8)
Property: Port of Richmond, General Warehouse Facility,
City Negotiator: Jim Matzorkis,
Negotiating parties: Draper and Esquin, Under negotiation:
Price and terms of payment

There were no public speakers.

The Open Session adjourned to Closed Session at 5:38 p.m. The Closed Session adjourned at 6:50 p.m. The Regular Meeting of the City Council reconvened at 7:02 p.m. by Mayor McLaughlin.

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Removed Items G-1, G-5, G-6, G-8, G-9, and G-15 from the Consent Calendar.

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

Interim City Attorney, Scott Dickey, stated there was no reportable action on the following items:

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Significant exposure to litigation pursuant to Subdivision (b) of Government Code

Section 54956.9: Two Cases. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** (Government Code Section 54956.8) Property: Port of Richmond, General Warehouse Facility, City Negotiator: Jim Matzorkis, Negotiating parties: Draper and Esquin, Under negotiation: Price and terms of payment

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Mayor McLaughlin read proclamations in honor of Mother Fannie Evans 104th birthday and Mother Fannie Flanagan's 100th birthday on December 25, 2007, and declared the week of January 7, 2008, as the "Week of Mother Fannie Evans' and Mother Fannie Flanagan". Mayor McLaughlin and Vice mayor Bates presented the proclamations and gifts to Mother Evans and Mother Flanagan. Both Mother Evans and Mother Flanagan thanked the City Council for the recognition and they gave brief comments on their life in the City of Richmond.

Lucy Lawless, National Park Services, made a presentation from The National Park Service to the Richmond Public Library of 108 DVDs of a World War II Home Front Oral History Collection. This collection was accomplished in partnership with the University of California, Bancroft Library - Regional Oral History Office, through the Rosie the Riveter/World War II Home Front National Historical Park. Monique le Conge, Library Director, thanked the National Park Services for the historical collection.

ELECTION OF VICE MAYOR

Mayor McLaughlin announced the new Vice Mayor's term will not go into effect until January 23, 2008, and she opened the nomination process. Councilmember Viramontes nominated Councilmember Marquez, seconded by Councilmember Lopez. Councilmember Butt nominated Councilmember Thurmond, seconded by Mayor McLaughlin. Corky Booze spoke on this item. The nomination to elect Councilmember Thurmond failed by the following vote: **Ayes:** Councilmember Butt and Mayor McLaughlin. **Noes:** None. **Abstentions:** Councilmembers Lopez, Marquez, Rogers, Sandhu, Viramontes, and Vice Mayor Bates. **Absent:** Councilmember Thurmond. The nomination to elect Councilmember Marquez passed by the following vote: **Ayes:** Councilmembers Butt, Lopez, Rogers, Sandhu, Viramontes, and Vice Mayor Bates. **Noes:** None. **Abstentions:** Councilmember Marquez and Mayor McLaughlin. **Absent:** Councilmember Thurmond.

OPEN FORUM FOR PUBLIC COMMENT

Myrtle Jones requested help in getting her home refinanced. Councilmember Lopez announced that the State Department of Consumer Affairs would host a workshop on Saturday, January 12, 2008, at Oakland City Hall from 10:00 a.m. to 1:00 p.m. Attorneys will be there to review loan documents with residents.

Jean Womack requested the City place a three-way stop at Tewksbury and Washington Avenues in Richmond.

Naomi Williams thanked the City Council for denying the Alcohol Beverage License transfer for 544 Harbour Way. She requested the City issue a moratorium on liquor stores in Richmond, and she also requested that smoke shops in Richmond be regulated.

Antwon Cloird spoke about the violence in Richmond and stated it is a time for change.

Corky Booze stated his concern about the violence in Richmond.

Mike Ali invited everyone to be a part of an historic event, the LONGEST WALK 2008: To commemorate the 30th anniversary of The Longest Walk 1978, another great walk will take place with a mission to **Clean Up Mother Earth** on its route. The Longest Walk will begin on February 11, 2008, in San Francisco and end 4,400 miles and five months later in Washington D.C. on July 11, 2008. Visit www.longestwalk.org for more information.

Simms Thompson Jr. stated his concern about the flooding at 13th Street and Virginia Avenue and throughout the City of Richmond.

Kathy Robinson requested anyone with a building, church, or property within the City of Richmond, that would like to help her provide the following services: job training and placement, recreational programs, and after school programs, to please contact her via fax at (510) 236-9272.

Jerome Smith read a poem from Joan Halifax. He stated we are a circle together and until we see that, we will not be able to solve our problems, stop the violence, or bring ourselves to the best that we can be.

Herk Schusteff stated he is looking forward in the future to sharing ideas about voluntary conservation, i.e., driving sensibly and buying things not shipped from around the world.

Doctor Jeff Ritterman spoke about the Federal Energy Bill and its potential for jobs.

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.

A proposal to approve a contract with Ameripride Uniform Services for a three-year term in an amount not to exceed \$96,000 per year, with two additional one-year options if approved by both parties, for uniform rental and laundry services was presented. Ofelia Alvarez, Purchasing Department, gave an overview of the item. Councilmember Lopez requested bid result information for this item and for

all future contracts submitted to the Council for approval. Sharon West, Parks and Landscaping, stated the information requested for this contract will be given to the Council in their next packets. On motion of Councilmember Viramontes, seconded by Councilmember Marquez, approved a contract with Ameripride Uniform Services, by the unanimous vote of the Council.

*-Adopted **Resolution No. 1-08** authorizing the City Manager to execute a Quitclaim Deed to the Richmond Community Redevelopment Agency for the Winters Building at 339 -11th Street in order to clear the title so that the Agency can complete the transaction to convey the building to the Easy Bay Center for the Performing Arts when the Center has met its contractual obligations for conveyance.

*-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 \$479,670.01.

*-Approved the purchase of 60 Motorola XTS 2500 Hi-Band Portable Radios and related accessories from Motorola, Inc. in an amount not to exceed \$148,799.06.

A proposal to approve the purchase of seven ISG-K1000 Elite Thermal Imaging Cameras from Lee & Associates Rescue Equipment, Inc., in an amount not to exceed \$65,231.25 was presented. City Manager, Bill Lindsay, gave an overview of the item. On motion of Vice Mayor Bates, seconded by Councilmember Marquez, approved the purchase by the unanimous vote of the Council.

A proposed resolution setting forth the City Council's decision on December 11, 2007, denying the appeal and affirming the Planning Commission's approval of a Conditional Use Permit (CUP) 1102306; demonstrating that the Canyon Oaks II residential project conforms to the City of Richmond's Hillside Ordinance was presented. Speakers were: Mike Ali, Herk Schusteff, Eric Zweig, and Jerome Smith. Following discussion, on motion of Councilmember Marquez, seconded by Councilmember Viramontes, adopted **Resolution No. 2-08** by the following vote: **Ayes:** Councilmembers Marquez, Rogers, Sandhu, Viramontes, and Vice Mayor Bates. **Noes:** Councilmember Butt and Mayor McLaughlin. **Abstentions:** Councilmember Lopez. **Absent:** Councilmember Thurmond.

*-Adopted **Resolution No. 3-08** setting forth the City Council's decision on December 11, 2007, denying the appeal and affirming the Planning Commission's denial of a Type 20 Alcohol Beverage License transfer from 564 Harbour Way to 544 Harbour Way (CU 1103339, APN: 534-340-023). **Councilmember Lopez abstained on this item.**

A proposal to approve amending Condition 4 of the Point Richmond Shores Design Review Permit Conditions of Approval to replace the date "September 1, 2007," with "March 5, 2008," and to change the phrase "next meeting in

September” to “next regularly scheduled meeting” was presented. Planning Director, Richard Mitchell, gave an overview of the item. On motion of Councilmember Lopez, seconded by Councilmember Marquez, approved amending Condition 4 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. City Engineer, Rich Davidson, gave an overview of the item. On motion of Councilmember Viramontes, seconded by Councilmember Marquez, approved a contract with Psomas Dodson by the unanimous vote of the Council.

*-Adopted **Resolution No. 4-08** authorizing City staff to apply for transportation grant funds pursuant to the State of California Department of Transportation "Environmental Justice: Context-Sensitive Planning Grant" program and to enter into a contract with the State of California Department of Transportation upon approval of such a grant application.

*-Adopted **Resolution No. 5-08** supporting the concept and funding plan for the Interstate 80 ("I-80") Integrated Corridor Mobility Project.

*-Adopted **Ordinance No. 1-08 N.S.** revising the wages, salary, and compensation for the classification of Capital Projects Manager, (Salary Range 070D \$8,310-\$10,050/month).

*-Adopted **Ordinance No. 2-08 N.S.** establishing wages, salary, and compensations for the classification of Communication Shift Supervisor (Salary Range: \$5,580 - \$6,743/month).

*-Approved the 2008 City Council Standing Committees, Regional Committees, and Liaison positions.

A proposal to approve the following appointment to the Police Commission: Roberto Reyes, term expiring November 1, 2011 was presented. Jerome Smith spoke on this item. On motion of Councilmember Viramontes, seconded by Councilmember Marquez, approved the appointment of Roberto Reyes by the following vote: **Ayes:** Councilmembers Butt, Lopez, Marquez, Rogers, Sandhu, Viramontes, and Mayor McLaughlin. **Noes:** None. **Abstentions:** Vice Mayor Bates. **Absent:** Councilmember Thurmond.

*-Approved the minutes of the meetings held on November 27, December 4, and December 11, 2007.

PUBLIC HEARINGS

The city clerk announced this was the time set, pursuant to published notice, to conduct a public hearing on an appeal to construct a +/- 9,000 square foot mixed-use building above a basement-level eight-car garage consisting of five residential units with +/- 4,700 square feet of commercial space located at 10879 San Pablo Avenue. Planning Director, Richard Mitchell, gave an overview of

the item. Mayor McLaughlin declared the public hearing open. Mary Selva, appellant, spoke in support of the appeal and submitted recommendations. Athan Magganas, major opponent, spoke against the appeal. Other speakers were: Jerry Yosshida, Jeffrey Frazier, Jack Sprecher, Darwin Frazier, Garland Ellis, Toshi Okubo, Lynn Scheele, Shigeo Sekine, Sean Sekine (Mary Selva read a letter for Sean Sekine), Rollin Ceville, Dave Harris, Odell Maddox, and Mashariki Kuradisha. On motion of Councilmember Marquez, seconded by Councilmember Viramontes, closed the public hearing by the unanimous vote of the Council. Following discussion a motion was made by Councilmember Marquez, seconded by Vice Mayor Bates, to uphold the Design Review Board's approval by denying the appeal and reaffirming the Board's findings and statements identified in the August 22, 2007, staff report and grant the Design Review Permit. Discussion continued and Councilmember Viramontes offered the following amendments to the motion: (1) clarification that five bedrooms are structured as four bedrooms (four units have two bedrooms and one unit has one bedroom); (2) get legal information from the city attorney structured in for the handicapped issue be resolved and staff will determine how to get handicapped access for living space; (3) include Condition 3 on page 12 of 12 of the Staff Report, which states "Each building tenant shall be made aware in their lease or in the case the units are for sale in the deed that the floor plan of the residential units or offices shall not be altered thereby increasing the number of living units in the building"; and (4) the podium is not an open court. Councilmember Marquez requested that Councilmember Viramontes outline her amendments. Councilmember Viramontes restated her amendments as follows: (1) Change the report to say that four units have two bedrooms and one unit has one bedroom; (2) Include legal language that tenants must be notified, whether they lease or sale, that they cannot add living units; (3) Landscaping, at least place trees in the front of the building to match the buildings across the street. The amendments were accepted. Councilmember Butt offered the following conditions recommended by the Richmond Anex Neighborhood Council – document dated January 8, 2008: Condition 2, "There are (at least five) noted areas of the approved building design that do not comply with the 2007 Edition of the California Building Code, Chapter 11, Title 24 regarding handicap requirements, and the building shall comply with the requirements"; Condition 5, "If units are converted to live/work or condominiums, the applicant shall provide the required number of off-street parking spaces, per Live/Work Section 15.04.870.00"; Condition 6, "If offices are converted to apartments or condominium units or if more bedrooms are added, the applicant shall provide the required number of off-street parking spaces per parking Standards Section 15.04.850.00"; Condition 8, "Ensure the uses are exclusively used for residential or office as shown on the plans"; and require applicant come back with a full landscape plan for review by the Design Review Board. Councilmember Butt modified the last condition to allow staff to work on landscaping. The conditions offered by Councilmember Butt were accepted. The motion passed by the following vote: **Ayes:** Councilmembers Butt, Lopez, Marquez, Sandhu, Viramontes, and Vice Mayor Bates. **Noes:** Mayor McLaughlin. **Abstentions:** Councilmember

Rogers. **Absent:** Councilmember Thurmond.

AGREEMENTS

None.

RESOLUTIONS

None.

ORDINANCES

None.

COUNCIL AS A WHOLE

In the matter to direct staff to work with the Anchor Program to identify available dock space for a one-year trial period to expand this maritime jobs training program for Richmond residents. Mayor McLaughlin gave an overview of the item. John Hastings, Founder of the Anchor Program, spoke on behalf of the following individuals: Hakim J. Mohammond, Kariem Mohommend-El, Diana Riley, and Rhonda Harris. He encouraged everyone to visit the following website for more information on the program: <http://theanchorprogram.com>. Other speakers in support of this program were: Corky Booze, Andrea Carroll, Dorothy Glaude, Mickle Elliott, Edward Simons, and Cochise Potts. On motion of Councilmember Viramontes, seconded by Councilmember Marquez, authorized staff to work with the Anchor Program, by the unanimous vote of the Council.

In the matter to receive a report on and discuss and provide direction to staff regarding utility franchise agreements. Councilmember Butt and the City Manager, Bill Lindsay, gave an overview of the item. The city manager stated the City Clerk's Office and City Attorney's Office were currently working on this report, which would be completed in several weeks. A completed report would be forwarded to the City Council.

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

Councilmember Lopez announced that she was appointed to the League of California Cities Revenue, Taxation and Policy Committee, which will be meeting on Thursday, January 10, 2008.

Councilmember Butt announced that he was appointed to the League of California Cities Environmental Quality Policy Making Committee, which will be meeting on Thursday, January 10, 2008.

Vice Mayor Bates requested the meeting be adjourned in memory of Magdalena Nina Malincio, a longtime Richmond resident and outstanding person.

Councilmember Marquez announced that he attended a retreat as part of the League of California Cities Latino Caucus in San Diego. The president of the league stated

that cities should be aware of cuts they may face, by the governor, in trying to balance the 2008 budget. Cuts may include the Cops Program. Councilmember Marquez also announced that he was appointed Vice Chair of the Public Safety Committee for the League of California Cities. He congratulated the City of Richmond's Public Works staff for their hard work in preparing potholes on Sunday, January 6, 2008, during the storm. Councilmember Marquez reported that the Council received a letter from Mr. Gosney stating his concerns about the interchange on San Pablo Dam Road and the freeway. Councilmember Marquez requested that the City's representative for the Contra Costa Transportation Authority (CCTA) inform Mr. Gosney that we do have a representative who is dealing with those concerns and we also have representation on the West Contra Costa Transportation Advisory Commission (WCCTAC).

Mayor McLaughlin invited everyone to attend the January 22, 2008, City Council Meeting where she will present the Dr. Martin Luther King, Jr. Community and Service Awards for 2008. She will also deliver the 2008 State of the City Report. The City Council Meeting is scheduled to begin at 7:00 p.m.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:23 p.m. in memory of Magdalena Nina Malincio, a longtime Richmond resident; Parmjit S. Kalsi and Ravinder S. Kalsi; and all the victims of homicides in 2007, to meet again on Tuesday, January 22, 2008, at 7:00 p.m.

City Clerk

(SEAL)

Approved:

Mayor