

RICHMOND, CALIFORNIA, March 4, 2008

The Regular Meeting of the City Council was called to order at 7:01 p.m. by Mayor Gayle McLaughlin.

ROLL CALL

Present: Councilmembers Bates, Butt, Lopez, Rogers, Sandhu, Thurmond, Viramontes, Vice Mayor Marquez, and Mayor McLaughlin. **Absent:** Councilmember Rogers (Councilmember Rogers arrived at 7:09 p.m.).

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Removed Items F-2 and F-4 from the Consent Calendar.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

None.

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

None.

CONSENT CALENDAR

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

*-Adopted **Ordinance No. 5-08 N.S.** amending Chapter 8.16 of the Richmond Municipal Code which establishes the Fire Prevention Code and adopts the 2007 California Fire Code.

Continued to March 18, 2008, a proposal to approve the purchase of pre-fabricated and set in-place concrete restrooms from CXT Incorporated Precast Products for installation at Booker T. Anderson and John F. Kennedy Parks for a cost of \$224,877. Sharon West, Parks and Recreation, gave an overview of the item. Following discussion, a motion was made by Councilmember Lopez to postpone this item to give staff two weeks to research if this item falls under the green building ordinance. Discussion continued and a substitute motion was made by Councilmember Viramontes to approve this item as presented. Discussion ensued and Mayor McLaughlin used her executive authority to continue this item for two weeks to allow staff to research if this item needs to be reviewed by the Design Review Board. She also asked staff to come back with an estimate of the cost. Corky Booze and Jackie Thompson spoke on this item.

*-Approved an emergency procurement contracts for equipment and vehicle rentals from Hertz Equipment Rental Corporation in an aggregate amount not to exceed \$320,000 from the adopted Fiscal Year 2007-2008 Public Works Department budget.

A proposed resolution setting forth the City Council's decision on February 19, 2008: (1) Denying the appeal without prejudice and affirming the Planning Commission's approval of a Conditional Use Permit for a Density Bonus, Design Review Permit, and Variance/Exceptions for a mixed-use development at 3601-3627 Cutting Boulevard; and, (2) Direction to staff to prepare an amendment to the text of the Density Bonus Ordinance to allow for rounding an odd number of units up to the next even number was presented. Planning Director, Richard Mitchell, gave an overview of the item. Naomi Williams and Corky Booze spoke on this item. On motion of Councilmember Bates, seconded by Vice Mayor Marquez, adopted **Resolution No. 23-08** by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Vice Mayor Marquez, and Mayor McLaughlin. **Noes:** Councilmember Viramontes. **Abstentions:** Councilmember Lopez. **Absent:** None.

*-Adopted **Resolution No. 24-08** amending Resolution No. 21-99 and Resolution No. 162-02, which established the Richmond Youth Baseball Advisory Board, to extend the terms of the board commissioners from two terms to a maximum of three terms.

*-Approved the minutes of the Regular Meeting of the Richmond City Council held on February 19, 2008.

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 Planning Commission's decision to approve the Tentative Parcel Map in Exhibit A, Mitigated Negative Declaration with Mitigation Monitoring Plan and Supplemental Information in Exhibit B, for 125 to 127 Western Drive (APN: 558-020-007); or (2) Uphold Planning Commission's decision as described in Option 1 with revised conditions of approval; or (3) Uphold the Appeal request, thereby reversing the Planning Commission approval of the Tentative Parcel Map in Exhibit A, Mitigated Negative Declaration with Mitigation Monitoring Plan and Supplemental Information in Exhibit B, and deny the creation of three residential lots for 125 to 127 Western Drive (APN: 558-020-007). Planning Director, Richard Mitchell, and City Manager, Bill Lindsay, gave an overview of the item. Allan Moore spoke as the representative for the appellants in favor of the appeal. Whit Manley spoke as the major opponent against the appeal. Other speakers were: Robert Lane, George Coles, Nancy Foss, Virginia Rigney, Johnathan Livingston, John Woolley, Bill Bodle, Paige Poulos, Jean Knox, Stephen Schaefer, Kate Lord, Charles Duncan, Pat Herron, Christina Zirker, Carla Bowman, Leman Wings, Eric Moe, Margo Peters, and Martha Bielawski. On motion of Councilmember Bates, seconded by Vice Mayor Marquez,

closed the public hearing by the unanimous vote of the Council. Following discussion, a motion was made by Councilmember Rogers to continue this item for two weeks and not reopen the public hearing. The motion failed for lack of a second. Discussion continued and a motion was made by Councilmember Bates, seconded by Councilmember Rogers, to refer this item back to the city manager and return in two weeks with recommendations. Discussion ensued and a substitute motion was made by Councilmember Viramontes, seconded by Councilmember Sandhu, that the City Council move forward with the possibility that the applicant can do a three-lot subdivision on the property, but continue to work with the staff over the next two weeks on the applicants decision to live with a range that is reflective of the 16 through 20 foot range for the first story and, if not, the applicants come back with an alternative plan without prejudice. A motion was made by Councilmember Viramontes, seconded by Councilmember Thurmond to reopen the public hearing. Mayor McLaughlin disallowed the motion. Councilmember Thurmond offered a friendly amendment that the decision has to be binding. The amendment was accepted. City Attorney, Scott Dickey, determined that the public hearing could be reopened to allow only the applicants and appellants to speak. A motion was made by Councilmember Rogers, seconded by Councilmember Thurmond, to reopen the public hearing and allow only the applicant and appellant two minutes to address the Council. The motion was approved with Mayor McLaughlin voting no. Mrs. Wooley, the appellant, and Allan Moore, representative for the appellants, spoke in support of the appeal. On motion of Councilmember Bates, seconded by Councilmember Rogers closed the public hearing by the unanimous vote of the Council. Mayor McLaughlin continued this item to March 18, 2008; public comments will not be allowed when the City Council discusses a decision to the appeal. Councilmember Viramontes withdrew her substitute motion and Councilmember Bates withdrew his original motion.

The city clerk announced this was the time set, pursuant to published notice, to conduct a public hearing to introduce the zoning text changes to define mini-storage warehouses and to add them to the lists of uses requiring a Conditional Use Permit in Industrial Districts. Planning Director, Richard Mitchell gave an overview of the item. Mayor McLaughlin declared the public hearing open. Jerome Smith spoke on this item. On motion of Councilmember Viramontes, seconded Vice Mayor Marquez closed the public hearing by the unanimous vote of the Council. On motion of Councilmember Viramontes, seconded by Vice Mayor Marquez approved the zoning text changes by the unanimous vote.

OPEN FORUM FOR PUBLIC COMMENT

Mayor McLaughlin announced that the public does have a right to criticize Councilmembers and to voice their opinions as to appearance and or actions of Councilmembers. She stated that racial slurs, name calling, and insults are prohibited.

Mary Oshima invited everyone to participate in Grant

Elementary School's Read Across America month, beginning Friday, March 7, 2008.

Paul Rodgers requested that the heavy use of the Booker T. Anderson Park by soccer players every weekend should be limited and he requested that any reservations made are fair so that residents in the community can also enjoy the park.

Lucy Lawliss and Rosemary Corbin informed the City Council and the audience of the upcoming Annual Historic Preservation Awards.

Kathy Robinson thanked everyone who participated and helped in making the Black History Film Festival a success.

Simms Thompson Jr. stated that the City Council allows too much time for developer's issues and should spend an equal amount of time addressing citizens' concerns for improving the City of Richmond.

James Jenkins thanked the City of Richmond for paving North and East. He also congratulated the City Council for addressing the West Contra Costa Unified School District regarding closure of schools in Richmond.

Jackie Thompson stated that the City Council should be considerate of the time when young children are present to speak at the meeting. She also stated that the seniors at Friendship Manor have had license plates stolen from their vehicles.

Laura Johnson requested financial support for Girls Inc.

Jim McMillan spoke in support of Girls Inc.

Devin Edgerly spoke in support of Girls Inc.

Bryonna Bobino spoke in support of Girls Inc.

Gayla Edgerly requested financial support for Girls Inc.

Sandra Adams requested financial support to open Girls Inc.

Ayana Edgerly requested financial support for Girls Inc.

Cora ward requested financial support for Girls Inc.

Corky Booze spoke in support of Girls Inc.

Jerome Smith gave comments about the Chevron Refinery.

Chris Hammond thanked the City Council for donating surplus fire equipment from the City of Richmond to the Huatulco Fire Department in Huatulco, Oaxaca, Mexico. Rick Vargas read a thank you letter

from Fire Chief Miguel Angel Olmedo Cardenas in Spanish and translated the letter in English.

Tom Cloman spoke in support of Girls Inc.

Barbara Becnel stated Open Forum needs to be moved to an earlier time on the agenda. She also spoke in support of Girls Inc. and reminded everyone of the Re-entry Summit on Saturday, March 15, 2008, from 11:00 a.m. to 2:00 p.m. at Neighborhood House.

Jovanka Beckles spoke in support of Girls Inc.

James Haynes spoke in support of Girls Inc.

AGREEMENTS

None.

RESOLUTIONS

None.

ORDINANCES

A proposed urgency ordinance extending the temporary moratorium on the acceptance, processing and approval of applications and permits to construct, modify or place wireless telecommunication facilities within the City of Richmond until April 25, 2008, was presented. Planning Director, Richard Mitchell, gave an overview of the item. Speakers were: Simms Thompson, Jerome Smith, Corky Booze, Robin Carpenter, and Andrew Olmsted. On motion of Councilmember Bates, seconded by Vice Mayor Marquez, adopted **Urgency Ordinance No. 6-08 N.S.** by the unanimous vote of the Council.

COUNCIL AS A WHOLE

In the matter to consider adopting a resolution in support of initiating dialogue with Bay Area cities to formally explore the re-establishment of the East Bay Public Safety Corridor Partnership and allocate \$50,000 or an amount designated by the City Council as seed funding. Councilmember Thurmond gave an overview of the item. Corky Booze and Jerome Smith spoke on this item. Following discussion a motion was made by Councilmember Thurmond seconded by Councilmember Bates to approve the item as presented. Discussion continued and a substitute motion was made by Councilmember Butt, second by Mayor McLaughlin, to adopt the resolution, and let the funding develop in the next fiscal year's budget as part of the Office of Neighborhood Service's budget. Councilmember Lopez stated she will support the original motion with a friendly amendment to the resolution in the last paragraph of the first page, change the word allocates to pledges. The amendment was accepted and Councilmember Butt withdrew his substitute motion. The original motion was approved and **Resolution No. 25-08** was adopted by the unanimous vote of the Council.

In the matter to approve a resolution which directs the City Manager to pursue foundation funding to renovate Solano and Elm Play Lots according to plans approved by Public Works' Parks and Landscaping staff with input from interested residents and community based organizations. Councilmember Thurmond gave an overview of the item. Speakers were: Toody Maher, James Jenkins, and Corky Booze. On motion of Councilmember Bates, seconded by Vice Mayor Marquez, adopted **Resolution No. 26-08** by the unanimous vote of the Council.

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

Councilmember Bates announced he presented the Galileo Club with a proclamation on behalf of Mayor McLaughlin and the City Council celebrating their 75th Anniversary.

Councilmember Sandhu announced that the Police Commission will meet on Wednesday, March 5, 2008, at 7:00 pm, at 330 25th Street, Conference Room 1. He also congratulated Richmond Community Wellness Collaborative, which received \$960,000 in funds for the Office of Neighborhood Safety, Neighborhood House, Employment & Training, and Opportunity West.

Councilmember Lopez announced that on Saturday, March 29, 2008, there will be a Foreclosure Town Hall Workshop from 8:30 a.m. to 2:00 p.m. at the Richmond Recreation Center on Macdonald Avenue and 32nd Street and all the cities in West County are participating. There will be technical assistance available and translation in English and Spanish. She also announced that West County Reads is a non-profit organization in West County that promotes reading to children and also donates books to children. They partnered with Simon Management and sponsored a reading day for children on Saturday, March 1, 2008, in which Councilmember Lopez participated and read a book on earth day. Councilmember Lopez stated she hopes staff contacts Girls Inc. and provide some guidance in terms of what funding is available. She also stated that she noticed that there are no community events listed on the green sheet and the events listed on the website are limited.

Councilmember Viramontes announced she and Councilmember Butt will attend a national conference meeting in New Orleans on Social Equity and funding for Richmond. She also stated that at the City Council Meeting on February 19, 2008, she asked that the appointment of Charles Duncan to the Planning Commission be held back until after the merger. She stated the legal questions she had have been addressed and she is willing to reconsider. City Attorney, Scott Dickey, announced that it was past the time frame for reconsideration. Councilmember Viramontes stated she will put it on the City Council Agenda.

Mayor McLaughlin announced that International Women's Day will be held on Saturday, March 8, 2008, from 8:00 a.m. to 4:00 p.m. at Lavonya DeJean Middle

School. Civil Rights Activist, Yuri Kochiyama, is the keynote speaker. Call 620-6502 to pre-register in English and 620-6527 to pre-register in Spanish; everyone is welcome. She also announced that little league baseball sign-ups are in process. To signup, call Richmond PAL at 621-1221, Coronado YMCA at 412-5647, or the Recreation Complex 620-6950. Ages five through 16 are welcome to enroll, and the cost is \$35 per player. Applications are available at all of the Richmond Fire Stations. Mayor McLaughlin thanked Officer Larry Lewis for all his work on the program.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:36 p.m., in memory of Tina Harrison, Para transit Coordinator, and will meet again on Tuesday, March 18, 2008, at 7:00 p.m.

City Clerk

(SEAL)

Approved:

Mayor