

RICHMOND, CALIFORNIA, June 3, 2008

The Regular Meeting of the Richmond City Council was called to order at 5:23 p.m., by Vice Mayor John Marquez.

ROLL CALL

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

PUBLIC COMMENT

The city clerk announced that the purpose of the Open Session was for the City Council to hear public comments on the following items to be discussed in Closed Session:

CITY COUNCIL

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9):

Littlehale vs. City of Richmond

Coalition of Concerned Citizens of Point Richmond (CCCPR) vs. City of Richmond

Richmond Residents for Responsible Antennae Placement and Planning (RAPP) vs. City of Richmond

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

Two Cases

There were no public speakers.

The Open Session adjourned to Closed Session at 5:24 p.m. The Closed Session adjourned at 6:58 p.m. The Regular Meeting of the City Council was reconvened at 7:01 p.m. by Vice Mayor John Marquez.

ROLL CALL

Present: Councilmembers Bates, Butt, Rogers, Sandhu, Viramontes, and Vice Mayor Marquez. **Absent:** Councilmembers Lopez, Thurmond, and Mayor McLaughlin (Councilmember Lopez arrived during Presentations at 7:12 p.m.).

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Item F-6 was continued to the Council meeting of June 17, 2008.

**PRESENTATIONS, PROCLAMATIONS, AND
COMMENDATIONS**

Fire Inspector Robin Poindexter and Fire Chief Michael Banks presented award trophies to the first and second place winners of the 2008 Junior Fire Chief Program. The award winners were: **Chavez Elementary: First Place:** Abraham Espinoza, Sofia Anguiano; **Second Place:** Janet Muro, Sarahi Hernandez; **Coronado Elementary: First Place:** Sitzy Sanchez; Heidi Parra; **Second Place:** Mariana Pembroke, Andrea Hernandez; **El Sobrante: First Place:** Julissa Espana; **Second Place:** Sukhneet Kaur Ford; **First Place:** Elizabeth Alvarez; **Second Place:** Javier Perez; **Grant Elementary: First Place:** Milagro Hernandez; **Second Place:** Jasmine Guadalupe Guevara; **Highland Elementary: First Place:** Mireya Ramirez; **Second Place:** Jennifer Campos-Vega; **King Elementary: First Place:** De'Janai Chatman; **Second Place:** Jasmine Holden; **Lincoln Elementary: First Place:** Malika Darrett; **Second Place:** Carol Comandao; **Mira Vista Elementary: First Place:** Chynna Edwards; **Second Place:** Pooja Shori; **Murphy Elementary: First Place:** Aaliyah Wilson; **Second Place:** Elizabeth Vallerga; **Nystrom Elementary: First Place:** Flavio Rivera; **Second Place:** Brenda Quintanilla; **Olinda Elementary: First Place:** Heather Gold Ori Maoz; **Second Place:** Kenny Barlow; Alborz Marzaie; **St. Cornelius: First Place:** Alejandra Ormeno; **Second Place:** Zoe Angeles; **St. David: First Place:** Aleena Reyes; **Second Place:** Angela Sandique; **Sheldon Elementary: First Place:** Stephanie Esqueda-Barrios, Kevin Aria; **Second Place:** Juana Becerra, Nicole Thrower; **Steger Elementary: First Place:** Shannin Galbis; **Second Place:** Kayla Wroten; **Valley View Elementary: Second Place:** Alexandra McCarthy Jeannette Tan; **Second Place:** Zindzi Hanson, Aria Assadi-Rad; **Washington Elementary: First Place:** Athena Karnsouvong **Second Place:** Polataia Bradford; **Wilson Elementary: First Place:** Esther Rodriguez, Vanessa Gozman-Rivera **Second Place:** Monique Ahmed, Nia Washington.

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

City Attorney, Scott Dickey, reported no reportable action on the following:

**CONFERENCE WITH LEGAL COUNSEL -
EXISTING LITIGATION** (Subdivision [a] of Government Code Section 54956.9):

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Two Cases

CONSENT CALENDAR

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

*Approved a contract with Arktos, Inc., dba the Bowan Company, for the purchase and installation of new fencing and electronically controlled gates at four fire stations and the Fire Training Center for the amount of \$147,700.

*Adopted **Resolution No. 52-08** approving the First Amendment to the Disposition and Development Agreement (DDA) between the City of Richmond and Point Richmond Gateway LLC to extend the performance period for development of the Plunge Parcel for a period of one year until June 7, 2009, with two additional one-year extensions subject to approval by the City Manager

*Approved a contract with Mark Albertson, AIA in the amount of \$65,315 to provide professional design and engineering services for ADA compliant facilities to be constructed at Fire Station No. 68

*Approved standing purchase orders for the procurement of asphalt from Hanson Aggregates, Syar Industries and Dutra Materials, in an amount not to exceed \$2,000,000 per fiscal year, per vendor for five years, with all purchases to be within Council approved budgetary limits

*Adopted **Resolution No. 53-08** ordering the preparation of an Engineer's Report for Fiscal Year 2008-2009 Regarding Improvements and Costs for the Hilltop Landscape Maintenance Assessment District

Continued to June 17, 2008, a contract with Premium Roofing & Waterproofing, Inc. in an amount not to exceed \$45,000, to provide waterproofing repairs at the Main Library.

OPEN FORUM FOR PUBLIC COMMENT

Naomi Williams stated that, as the Chair of the West County Alcohol Policy Working Group, she participated in a police ride along while police officers were performing checks of alcohol sales to minors. She also stated that Supervisor John Gioia will present the West County Alcohol Policy Working Group with an award honoring its volunteerism on Thursday, June 19, 2008, in Martinez. Ms. Williams also requested that the City deny any new alcohol beverage licenses.

Corky Booze thanked Bobby Brown for writing him a letter thanking him for speaking up for the community. He also asked that the matter of regulating street vendors and ensuring that they have the proper permits be placed on the Public Safety Committee's agenda. Also, some catering trucks throughout the City are not following the one-hour time limit required for each location.

Jackie Thompson thanked the community, City Council and staff for their participation and assistance with the Tent City Peace Movement.

Jovanka Beckles asked that just as Cinco de Mayo was celebrated in peace and harmony by all who attended that everyone, including the Latino community participate in the Juneteenth Festival.

Simms Thompson asked the Council to take a night tour of the City to see all of the street lights that are out, creating unsafe conditions. The areas include Cutting Boulevard to Canal Boulevard, and along 23rd Street.

COUNCIL AS A WHOLE

In the matter to review and discuss the proposed FY 2008-09 Operating Budget and provide direction to staff regarding modifications to be incorporated into a final budget for adoption June 17, 2008. Councilmember Butt asked about the request for an additional \$150,000 for 2008-2009 for additional General Plan meetings. City Manager Bill Lindsay replied that this money is already in the budget. Councilmember Bates requested that funds be allocated in the budget for various non-profit organizations and an emergency fund for other organizations that request funding throughout the year. Councilmember Lopez stated that rather than just give the non-profits money, the City should assist non-profits in networking with other organizations, and provide training in grant writing and financial skills.

Councilmember Viramontes listed the checklist items requested by the Council. The Request For Proposal for grants for technical assistance to non-profits that currently has \$30,000 allocated. Councilmember Bates, Councilmember Lopez, and the Recreation Director will work together regarding the City's role and monetary contributions to non-profits; Title IV-E health funding; Councilmember Lopez will follow-up with staff regarding the volunteer REACT Program; Request for eight Park Stewards, (*which has been removed by Mayor McLaughlin*); Costs for removable speed control undulations versus permanent ones; take out the \$150,000 for the General Plan; Councilmember Sandhu will work with staff regarding adding funding to performing arts and LEAP; Internal service fund question regarding Arts revenue reflected in the budget; additional money for a football program for youth activities; Costs for all activities for Juneteenth, Cinco de Mayo, 4th of July, Homefront Festival; funding for a special United States Tennis Association Grant; emergency request for grants for non-profits; \$50,000 request for the homeless shelter, with the possibility of \$25,000 coming from the general fund or the Redevelopment Agency and \$25,000 from a federal waiver, which Councilmember Rogers will work on. Councilmember Sandhu will work with KCRT to get a cost for production of a community program on KCRT. Workforce training funding is in the budget in the amount of \$50,000. Jim Goins, Finance Director, stated that there was a request to eliminate three Paratransit Drivers and one Office Aide; however, after meeting with the Recreation Director and City Manager, it was requested that these positions be added back into the budget. One of the audit recommendations will be to operate with new, more efficient software, increasing fees and other mitigations to be determined. The adjusted budget is scheduled to be adopted at the City Council meeting of June 17, 2008. Corky Booze gave comments.

In the matter to review and provide direction to staff regarding the recent action of the U.S. Surface Transportation Board (STB) that may result in a substantial increase in long-train traffic through south Richmond. City Manager Bill Lindsay, stated that the STB action relates to an

agreement giving Burlington Northern Santa Fe (BNSF) trackage rights over Union Pacific's facilities, which limits the number of long intermodal trains otherwise moving through the middle of Richmond. Juan Acosta, BNSF, stated that several years ago, BNSF was able to negotiate trackage rights over the Union Pacific's Martinez Sub, which removed several long intermodal trains otherwise moving through the middle of Richmond. A new decision from the U.S. Surface Transportation Board (STB) threatens to undermine that agreement and may result in putting long trains back through Richmond. The STB ruling is effective June 1, 2008. BNSF filed a petition last week with the STB seeking clarification and requesting that STB asks the Board to allow this matter to proceed to arbitration and allow the opportunity to return to the STB for formal approval on BNSF trackage rights. Councilmember Rogers requested assistance from Mr. Acosta regarding the possible grade separation in the Marina Bay area. Councilmember Viramontes asked how this decision will affect the Richmond Pacific Railroad and their operations. Councilmember Butt asked for an update regarding a resolution that the City Council passed in 2004 directing the City Manager and the City Attorney to initiate an action before the STB on this matter. Corky Booze, Naomi Williams, and Jackie Thompson gave comments. A motion was made by Councilmember Viramontes, seconded by Councilmember Bates, directed staff to research what the Council may have passed previously regarding this issue; how this matter may affect the Richmond Pacific Railroad and consider supporting the concept of diverting long trains onto the Union Pacific line, 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 stated that he attended Councilmember Butt's picnic over the weekend. Asked that the meeting be adjourned in memory of Mrs. Lizzie Lincoln, longtime Richmond resident, and Councilmember Bates' neighbor during his youth.

Councilmember Sandhu announced that the next Police Commission meeting will be held on Wednesday, June 4, 2008, at 7:00 p.m.

Councilmember Lopez announced that the last Finance Committee Community Budget meeting was held last night at the Richmond Heights Neighborhood Council. The main concerns were street sweeping, street paving, and crime. Councilmember Lopez also thanked staff for participating in these meetings.

Councilmember Viramontes stated that per the City Charter, the budget is submitted to the City Council by the City Manager and Mayor and the Council may make recommendations for modifications and final adoption and if there are any complaints to be made, they should be directed to the Mayor directly.

Vice Mayor Marquez stated that the role of the City Council is to set policy and the City Manager administers the policy through his department heads. He said that individual Councilmembers do not directly enforce any laws.

ADJOURNMENT

There being no further business, adjourned the meeting at 8:43 p.m., in memory of Lizzie Lincoln, a longtime Richmond resident and grandmother of City employee, Theresa Tingle, and in memory of Teresa Meneghelli, active participant in the Salesian Boys' and Girls' Club to meet again in two weeks on June 17, 2008, at 7:00 p.m.

City Clerk

(SEAL)

Approved:

Mayor