

## **RICHMOND, CALIFORNIA, January 18, 2005**

The Regular Meeting of the Richmond City Council was called to order at 7:00 p.m., by Vice Mayor Richard Griffin. Councilmember McLaughlin led the Pledge of Allegiance to the Flag.

### **ROLL CALL**

**Present:** Councilmembers Butt, Bates, Penn, Marquez, McLaughlin, Rogers, Viramontes, and Vice Mayor Griffin. **Absent:** Mayor Anderson.

### **COUNCILMEMBERS' CODE OF CONDUCT**

The City Clerk read the Councilmembers' Code of Conduct.

### **APPROVAL OF MINUTES**

On motion of Councilmember Viramontes, seconded by Councilmember Penn, approved the minutes of the Regular Meeting held on January 4, 2005, by the following vote: **Ayes:** Councilmembers Butt, Bates, McLaughlin, Penn, Rogers, Viramontes, and Vice Mayor Griffin. **Noes:** None. **Abstentions:** Councilmember Marquez. **Absent:** Mayor Anderson.

### **STATEMENT OF CONFLICT OF INTEREST**

None.

### **AGENDA REVIEW**

Item O-1 under Council as Whole was withdrawn from the agenda to January 25, 2005.

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

A salary survey was performed. Discussion will be continued to the January 25, 2005, Executive Session.

### **Public Security**

Direction regarding Pt. Molate was given by the Council. A motion was made by Councilmember Penn, seconded by Councilmember Butt, to have full-time security on the premises. Mayor Anderson, Councilmembers Bates, and Marquez were absent and Councilmember McLaughlin abstained.

### **Existing Litigation**

Howard vs. City of Richmond: A motion was made by Councilmember Penn, seconded by Councilmember Marquez, to settle the case for \$22,000 by a vote of 7-0 with Councilmember Bates and Mayor Anderson absent.

On motion of Councilmember Penn, seconded by Councilmember Butt, added Tyner vs. City of Richmond to

the agenda by the unanimous vote of the Council. A motion was made by Councilmember Butt, seconded by Councilmember Viramontes, to continue arbitration. The vote was 6-1 with Councilmember Penn voting no. Mayor Anderson and Councilmember Bates were absent.

### **Other Discussions**

Personnel matter in the City Attorney's Office.

Personnel matter in the City Manager's Office.

Interviews for a new legal assistant in the City Attorney's Office.

Continue ongoing temporary help in the City Attorney's Office.

Orientation materials were distributed.

Brown Act compliance was discussed for announcing the votes taken in Executive Session on a regular basis.

From the January 4, 2005, Executive Session: There was a 6-3 vote, with Mayor Anderson and Councilmembers Butt and Rogers voting no to authorize the issuance of a letter of termination to Joan Kubota, Police Commission Investigative Officer.

### **PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS**

None.

### **REPORTS OF STANDING COMMITTEES AND MAYOR**

Councilmember Bates, Chairperson of the Public Safety, Public Services Standing Committee, reported that there is no meeting scheduled until the new committee member appointments are made.

Councilmember Viramontes, Chairperson of the Finance, Administrative Services, and Economic Development Standing Committee, reported that the next meeting will be held on Thursday, January 20, 2005, at 3:00 p.m., in the Council Chamber. The State Audit Report will not be discussed as it was previously announced.

Councilmember Penn, Chairperson of the Rules and Procedures Standing Committee, reported that the next meeting will be held on January 24, 2005, at 3:00 p.m., in the Council Chamber.

### **CONSENT CALENDAR**

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

\*-Approved a request for a proposal to acquire an engineering firm for the Hilltop Landscape Maintenance Assessment District Annual Engineer's Report. Total amount of cost will not exceed \$15,000.

\*-Approved an amendment to an agreement with Peter A. Kolf to extend support services to the Finance Department to prepare reports, policies, and procedures. Contract period is January 23, 2005, through May 1, 2005. Total amount of contract will not exceed \$35,254.

\*-Approved an agreement with Downtown Ford Sales for the purchase of 20 new police interceptor vehicles for the Police and Fire Departments. Total cost of the purchase is \$468,808.35.

\*-Approved an agreement with Honda of El Cerrito for the purchase of seven Honda Civic Hybrid sedans. Total amount of purchase is \$143,992.38.

\*-Approved a grant from the Fireman's Fund Insurance Company (FFIC) to upgrade auto extrication equipment in the Richmond Fire Department. Total amount of grant is \$40,970.

\*-Adopted **Resolution 9-05** approving the transfer of the Economic Development Administration Grant for a Bioscience Incubator (EDA Grant Award No. 07-01-05187) to the City of Oakland and the Children's Hospital of Oakland.

\*-Adopted **Ordinance 3-05 N.S.** amending Chapter 8.16 (Fire Prevention Code) of the Richmond Municipal Code setting forth additional regulations for the installation and responsible use of fire alarm systems and for assessment of service fees for excessive false fire alarm responses.

\*-Denied claims against the City of Richmond by:  
(1) Valerie Barrigan, (2) Martin Gottlieb, (3) Shannon McClough, (4) Anita Booze

#### **OPEN FORUM FOR PUBLIC COMMENT**

Mike Ali gave comments about the importance of continuing the school bus service in Parchester Village. There is a rally scheduled for January 21, 2005, at the Parchester Community Center.

Charlotte McIntire stated that there are grants available for funding bus service for the kids in Parchester Village and they should be pursued.

Alejandro Soto-Vigil stated that one of the kids he works with as a case manager for juvenile offenders was arrested for attempted robbery and was released by the District Attorney due to lack of evidence and false charges. He reiterated the need for someone competent to investigate such matters of police injustice and the unjust firing of Joan Kubota.

Andres Soto stated that he was pleased to learn that Tony Zanolli recently retired from the Police Department. Expressed displeasure on the firing of Joan Kubota.

Che Soto-Vigil emphasized the fact that the firing of Joan Kubota was unjust and stressed the need to have someone in place to respond to citizen complaints against the Police Department.

Tarnell Abbott asked the City Council to find a way to re-hire Joan Kubota.

Lynda McPhee expressed sadness over the firing of Joan Kubota. She spoke about Local 790 members who work in the Police Department and will bring more detailed information back to the City Council at a later date.

### **PUBLIC HEARINGS**

None.

### **AGREEMENTS**

A proposed plan to purchase, license, install, and maintain the computer software and hardware needed to implement a new Budget Preparation and Reporting Module in the Finance Department was presented as follows: Appropriate \$250,525 to the Information Technology Internal Service Fund for all expenditures; Authorize the Mayor to execute Licensing and Software Maintenance Agreements with TM1 in the amount of \$186,735; Authorize the Mayor to sign a Service Contract with Applied Analytix for implementation and training support in the amount of \$40,150; Authorize staff to research and recommend a vendor for the acquisition of computer hardware to support the Budget Preparation and Reporting Module for a cost of \$23,641. Phil Batchelor, City Manager, stated that this past year the budget was prepared using Excel spreadsheets, which were very labor intensive and prone to error and needs to be replaced. The current SAP System does not contain a budget module. To get one now would cost the City \$500,000. The proposed system will integrate with the SAP System. The money will be obtained from the Sun Trust Lease Funds. Councilmember Butt expressed his disappointment and frustration in the SAP System and requested that there be an update from the City Attorney regarding legal recourse against SAP and Soulborne on next week's Executive Session agenda. On motion of Councilmember Viramontes, seconded by Councilmember Penn, approved the agreement and reauthorized the Sun Trust Lease Funds by the following vote: **Ayes:** Councilmembers Bates, Butt, Marquez, McLaughlin, Penn, Rogers, Viramontes, and Vice Mayor Griffin. **Noes:** None. **Abstentions:** None. **Absent:** Mayor Anderson.

### **RESOLUTIONS**

None.

### **ORDINANCES**

On motion of Councilmember Penn, seconded by Councilmember Viramontes an ordinance amending Chapter 12.22 of Article XII of the Richmond Municipal Code relating to Stormwater Management and Discharge Control within the City of Richmond and authorizing staff to establish the cost recovery fees associated with the change received first reading and was laid over one week for second reading, by the unanimous vote of the Council.

## **COUNCIL AS WHOLE**

Withdrawn from the agenda a staff report regarding closing out the Richmond Parkway Project.

In the matter to consider approving proposed schedule, budget, scope of work, spending plan, and Request for Proposal (RFP) for the General Plan Update. Barry Cromartie, Planning Director, summarized the plan. He stated that there are four components that require the Council's input: Consider the General Plan Work, acknowledge that the Planning Staff and Planning Commission feel that the General Plan must be updated, and approve the General Plan work schedule, work scope and spending request of \$404,583 in FY 2004-05, \$773,393 in FY 2005-06, and \$591,924 in FY 2006-07 for a total of \$1,769,900. Following discussion on motion of Councilmember Penn, seconded by Councilmember Viramontes approved the proposed schedule, budget, scope of work, spending plan, and RFP, by the following vote: **Ayes:** Councilmembers Bates, Butt, Marquez, Penn, Rogers, Viramontes, and Vice-Mayor Griffin. **Noes:** Councilmember McLaughlin. **Abstentions:** None. **Absent:** Mayor Anderson.

In the matter to consider adopting an ordinance to add Chapter 13.57 to the Richmond Municipal Code pertaining to Neighborhood Improvement Community Enhancement Districts (NICE). Jay Corey, Assistant City Manager, presented a report of the item that was based on the questions raised on the same topic at the City Council meeting on January 4, 2005. He stated that the desired outcome of the ordinance is to have property owners improve the quality of life in their business, mixed-use, residential or industrial neighborhoods. This ordinance allows property owners to assess themselves through the property tax billing system in order to pay for special benefits to their real property. The capital asset must have a useful life of five years or more. The following individuals spoke on the matter: Mike Ali, Paula Asmus, and Ethel Dotson. Discussion ensued. A Study Session will be scheduled for January 25, 2005, and the item will be placed on the Council's agenda on the same date.

## **CALL FOR BIDS AND PROPOSALS**

None.

## **COMMUNICATIONS**

None.

## **REPORTS OF OFFICERS**

### **Everett Jenkins, Interim City Attorney**

Reminded everyone of the phrase used by Martin Luther King not to judge persons by the color of their skins but by the content of their character.

**Diane Holmes, City Clerk**

Diane Holmes, City Clerk, reminded all newly-elected Councilmembers, and candidates for the recent election that they must file their Semi-Annual Campaign Statements in the City Clerk's Office by 5 p.m. on Monday 31, 2005.

**Councilmember Marquez**

Asked that the Police Department look into the loitering problem on the corner of 23<sup>rd</sup> Street and Maricopa Avenue. Spoke about a letter he received from the Contra Costa Building Trades Council raising concerns regarding a contractor for the Richmond Yacht Club Project. He requested that staff look into the allegations. He also thanked staff for placing a sign indicating where the City Council Chamber is located.

**Councilmember McLaughlin**

Thanked her colleagues and staff who have oriented her in the process of being a Councilmember. Asked the City Manager to bring a status report on the maximum amount payable for the Utility Users Tax. Requested that the matter concerning policies and procedures regarding at-will employees be placed on the City Council Agenda. Discussion ensued. This matter will be both placed on the Executive Session Agenda as well as the regular City Council Agenda for January 25, 2005.

**Councilmember Viramontes**

Stated that Councilmember Penn, Mayor Anderson, and she serve on the West Contra Costa County Technical Transportation Advisory Committee and when the situation with the Parchester School Bus arose, they put a request in for transportation dollars to continue the bus through the Fall. The grant did not make it for funding and an anonymous donor provided funding. Recommended that the City send a letter to the school district on behalf of the City Council to ask the school board to put busing in their budget for Parchester for 2005-06.

Stated that discussions are planned regarding changes and restoration of services in the Park & Recreation Department. There are some SEIU contract issues.

**Councilmember Butt**

Thanked Vice Mayor Griffin for running a smooth meeting.

Thanked the Council for standing up for Council rights.

**Councilmember Penn**

Stated that Eddrick Osborne, Mr. Brenner, Consultant for WCCTAC, and she went to the Leshner Foundation to answer questions regarding a grant that WCCTAC had submitted for \$66,000 for school bus service for Parchester Village. The full amount may not be received, but the Leshner Foundation

may be able to participate in a matching grant. Spoke to Karen Fenton, board member for WCCUSD, who informed her that she asked Gloria Johnston to include approximately \$17,000 in the school district's budget for AC Transit bus passes.

Stated that the Rules & Procedures Guidelines state that "Report of Officers" should be used to report on items related to Councilmember's interaction with other agencies and other meetings attended as representatives of the Council. Asked that this matter be agendaized for the Rules & Procedures Committee.

### **Councilmember Bates**

Stated that he had an opportunity to view the movie "Coach Carter" and thought it was excellent.

Asked the Recreation & Parks Commission to plan an acknowledgement to Ken Carter for his contribution to the City of Richmond.

### **Vice Mayor Griffin**

Stated he enjoys working with his colleagues because of their professionalism. He also stated that he was not attempting to disallow Councilmember McLaughlin from putting her matter on the agenda, but was rather trying to follow the rules and procedures of the Council.

Thanked City Manager, Phil Batchelor, for writing the memo regarding the hard work and dedication of the City of Richmond employees during recent difficult times. He also commended Mr. Batchelor for making it all possible.

### **ADJOURNMENT**

There being no further business, adjourned the meeting at 9:20 p.m., to meet again in one week on Tuesday, January 25, 2005, at 7:00 p.m.

---

City Clerk

(SEAL)

Approved

---

Mayor