

RICHMOND, CALIFORNIA, July 17, 2007

The regular meeting of the City Council was called to order at 6:23 p.m. by Mayor Gayle McLaughlin.

ROLL CALL

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

STUDY SESSION

The purpose of the study session was as follows:

Received the Richmond Convention and Visitors Bureau Annual Report to the City Council.

Received a presentation from EBMUD Director Lesa McIntosh on current water shortage and conservation efforts and provide direction to staff as appropriate. Lesa stated that low-flow showerheads, faucet aerators, and other water-saving devices are available to most EBMUD customers. Visit the EBMUD website at EBMUD.com for more information.

The Study Session adjourned at 7:02 p.m.

The regular meeting of the Richmond City Council was called to order at 7:09 p.m. by Mayor McLaughlin, who led the Pledge of Allegiance to the Flag.

Present: Councilmembers Butt, Rogers, Lopez, Marquez, Sandhu, Thurmond, Viramontes, Vice Mayor Bates, and Mayor McLaughlin. **Absent:** None.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Removed Items G-2, G-3, G-6, G-8, G-9, G-12, G-14, G15, G-16, and G-20.

Moved K-1 to be heard after Presentations, Proclamations and Commendations.

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

Interim City Attorney Randy Riddle reported the following:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Subdivision (a) of Government Code Section 54956.9: **Booker Reed vs. City of Richmond.**

CONFERENCE WITH LABOR NEGOTIATIONS with respect to unrepresented employees Local 1021, Local 21, Local 188, RFMA, RPOA, RPMA and Exempt and Confidential Management employees.

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

No reportable action taken.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Awarded Certificates of Completion to the graduates of the first class of the Richmond BUILD Pre-Apprenticeship Construction Skills Training Program. Sal Vaca gave an overview of the program. Mayor McLaughlin and Vice Mayor Bates presented the certificates to the following graduates: Mignon Ali-Kinney, Yom Bounthanvy, Dareron Brown, Imunique Brown, Roxanna Castillo, Robert Datta, Iris Dias, LaTreshi Gratton, Tamika Hill, Joseph Hillard, III, Karey Hollinquest, Patrice Holmes, Rasaki Jimoh, James Lee, Ruben Luna, Michael McNair, Huzam Nasher, Arnold Oden, Dameon Potts, Davon Webb, Claude Young. Mayor McLaughlin also presented a certificate to Richmond Build. Richmond Build presented t-shirts to all the City Council Members.

Councilmember Marquez and Mayor McLaughlin presented a Certificate of Recognition to Dale Peterson in recognition of his 14 years of service to IBEW Local 302. Councilmembers Sandhu, Lopez, and Viramontes were co-sponsors of the proclamation. Mr. Peterson gave comments.

OPEN FORUM FOR PUBLIC COMMENT

Juanita Taylor submitted to the Council a letter supporting a reclassification of an employee in the Fire Department.

Myrtle Jones stated that the City needs more activities for the young people.

Herk Schusteff stated the first green states environmental impact report has been rereleased with technical changes.

Dr. Jeff Ritterman stated that the Council should look into resurrecting a new Measure T.

Tony Sustak stated that the Council should think about installing operable windows in the City Hall.

Owen L. Martin, Jr. stated he is trying to change the City Charter on how to fill vacancies on City Council.

Johnny Holmes requested the City Council donate \$2,000 to help the Richmond Half Steppers go to the Nationals.

Kathy Robinson stated people from Richmond should be hired for the Office of Neighborhood Safety.

Derik Calhoun requested the Council look into the non-profit organizations using the Public School facilities for events.

Robert O. Brown announced the It Takes a Village Program, to be held on Thursday, July 19, 2007, from 2:00 p.m. to 5:00 p.m.

Phillip Mehas stated that over 55 non-profit organizations have signed up for the It Takes a Village Program.

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.

*- Adopted Resolution No.72-07 authorizing placement of liens on County Property Tax Records for unpaid garbage collection service fees pursuant to Chapter 9.20 of the Richmond Municipal Code.

A proposal to approve the renewal of the Automatic Aid Agreement between the City of Richmond, the Contra Costa County Fire Protection District, the City of Pinole, and the Rodeo-Hercules Fire District was presented. On motion of Vice Mayor Bates, seconded by Councilmember Marquez approved the renewal of the Automatic Aid Agreement by the following vote: **Ayes:** Councilmembers Sandhu, Rogers, Lopez, Marquez, Thurmond, Butt, Vice Mayor Bates, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Viramontes.

A proposal to approve a contract with Proforce Marketing for the purchase of 100 TASERS brand conducted energy devices at a cost of \$86,435.75 was presented. Juan Reardon and Tony Sustak spoke against this item. Following discussion, on motion of Vice Mayor Bates, seconded by Councilmember Marquez, approved a contract by the following vote: **Ayes:** Councilmembers Sandhu, Rogers, Lopez, Marquez, Thurmond, Butt, and Vice Mayor Bates. **Noes:** Mayor McLaughlin. **Abstentions:** None. **Absent:** Councilmember Viramontes.

*- Adopted Resolution No.73-07 authorizing the acceptance and appropriation of a \$100,000 FY 2008 Alcohol and Beverage Control grant from the State of California and the appropriation for \$38,832 in personnel costs as the City's matching contribution towards the grant.

*- Approved a contract with The Professional Tree Care Company for the removal of 18 pine trees at Shields-Reid Park in an amount not to exceed \$16,540. On motion of Councilmember Lopez,

A proposal to adopt a resolution amending the City of Richmond Classification Plan to add the classification of Public Safety Technology Supervisor was presented. On motion of Councilmember Lopez, seconded by Councilmember Marquez, adopted Resolution No. 74-07 by the following vote: **Ayes:** Councilmembers Sandhu, Rogers, Lopez, Marquez, Thurmond, Butt, Vice Mayor Bates, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Viramontes.

*- Introduced an ordinance establishing wages, salary, and compensation for the new classification of Public Safety Technology Supervisor (Salary Range: 68F, \$7493-7867-8262-8675-9110/month).

A proposal to adopt a resolution amending the City of Richmond Position Classification Plan to add the classification of Neighborhood Safety Director was presented. Tony Sustak spoke in support of this item. Following discussion, on motion of Councilmember Marquez, seconded by Councilmember Sandhu, adopted Resolution No. 75-07 by the following vote: **Ayes:** Councilmembers Sandhu, Rogers, Lopez, Marquez, Thurmond, Butt, Vice Mayor Bates, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Viramontes.

A proposed ordinance establishing wages, salary, and compensation for the new classification of Neighborhood Safety Director (Salary Range: \$5,950 - \$11,050/month) was introduced for first reading. On motion of Councilmember Lopez, seconded by Councilmember Sandhu, said ordinance received first reading and was laid over two weeks for the second reading by the following vote: **Ayes:** Councilmembers Sandhu, Rogers, Lopez,

Marquez, Thurmond, Butt, Vice Mayor Bates, and Mayor McLaughlin.
Noes: None. **Abstentions:** None. **Absent:** Councilmember Viramontes.

*- Adopted Resolution No. 76-07 amending the City of Richmond Position Classification Plan to add the classification of Executive Secretary I/II.

*- Introduced an ordinance establishing wages, salary, and compensation for the new classification of Executive Secretary I/II (Salary Ranges 38C [\$4,087 - \$5,091/month] and 38D [\$4617 - \$5613/month], respectively).

A proposal to adopt a resolution amending the City of Richmond Classification Plan to add the classification of Environmental Manager was presented. On motion of Councilmember Marquez, seconded by Councilmember Lopez, adopted Resolution No. 77-07 by the following vote: **Ayes:** Councilmembers Sandhu, Rogers, Lopez, Marquez, Thurmond, Butt, Vice Mayor Bates, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Viramontes.

*- Introduced an ordinance establishing wages, salary, and compensation for the new classification of Environmental Manager (Salary Range: \$5,862 - \$7,135/month).

A proposed ordinance to increase the Mayor's salary from \$37,200 to \$54,000 effective September 1, 2007, and to \$72,000 effective July 1, 2008, was introduced for the first reading. Mayor McLaughlin left the chambers for this item. The following individuals spoke on this item: Corky Booze, Juanita Taylor, and Tony Sustak. Following discussion, a motion was made by Councilmember Thurmond, seconded by Councilmember Lopez, to approve the first reading of the ordinance. An amendment to the motion was offered by Vice Mayor Bates, to state that salary is acceptable if Mayor is full-time. The motion was not accepted. The motion passed and said ordinance received first reading and was laid over two weeks for the second reading by the following vote: **Ayes:** Councilmembers Sandhu, Rogers, Lopez, Marquez, and Thurmond. **Noes:** Councilmember Butt. **Abstentions:** Vice Mayor Bates. **Absent:** Councilmember Viramontes and Mayor McLaughlin.

A proposed ordinance to increase the salaries of Councilmembers from \$13,464 to \$16,830 in FY 2007/2008, was introduced for the first reading. The following individuals spoke on this item: Corky Booze, Juanita Taylor, and Tony Sustak. Following discussion, on motion of Councilmember Marquez, seconded by Mayor McLaughlin, said ordinance received first reading and was laid over two weeks for the second reading by the following vote: **Ayes:** Councilmembers Sandhu, Rogers, Marquez, Thurmond, Vice Mayor Bates, and Mayor McLaughlin. **Noes:** Councilmember Butt. **Abstentions:** Councilmember Lopez. **Absent:** Councilmember Viramontes.

A proposed ordinance (1) implementing a more comprehensive salary plan for classifications in the Exempt and Confidential Management Group over a three (3) year period, and (2) Authorize staff to discuss with the appropriate bargaining units those identified classifications which are 10% or more out of market and which are difficult to recruit (added as a result of the June 14, 2007 Finance Committee Meeting) was introduced for the first reading. Following discussion, on motion of Councilmember Rogers, seconded by Councilmember Marquez, said ordinance received first reading and was laid over two weeks for the second reading by the following vote: **Ayes:** Councilmembers Sandhu, Rogers, Lopez, Marquez, Thurmond, Butt, and Mayor McLaughlin. **Noes:** Vice Mayor Bates. **Abstentions:** None. **Absent:** Councilmember Viramontes.

*-Approved the renewal of a contract with Managed Health Network to provide an Employee Assistance Program (EAP) from July 1, 2007, to June 30, 2009, in an amount not to exceed \$81,115.

*-Approved an extension of the contract with the law firm of Renne, Sloan, Holtzman & Sakai for an additional 90 days in an amount not to exceed \$97,500 to serve as Interim City Attorney.

*-Approved a contract with Hargis & Associates for the purpose of conducting and administering the promotional examination process for Fire Engineer. The term of the contract is from July 12, 2007, through March 31, 2008.

On motion of Councilmember Marquez, seconded by Councilmember Lopez, extended the meeting 5 minutes by the following vote: **Ayes:** Councilmembers Sandhu, Rogers, Lopez, Marquez, Thurmond, Butt, and Mayor McLaughlin. **Noes:** Vice Mayor Bates. **Abstentions:** None. **Absent:** Councilmember Viramontes.

A proposal to approve a contract with Gregory B. Bragg & Associates, Inc., to serve as the City's Third Party Administrator ("TPA") of workers' compensation claims for Fiscal Years 2007/08 (\$565,167), 2008/09 (\$625,000), and 2009/10 (\$655,000) was presented. Following discussion, a motion was made by Councilmember Marquez to grant the contract to JT2 as the lowest bidder. Discussion continued. The motion failed for lack of a second. A substitute motion was made by Vice Mayor Bates, seconded by Councilmember Thurmond, to approve the contract. The substitute motion passed by the following vote: **Ayes:** Councilmembers Sandhu, Rogers, Thurmond, Butt, Vice Mayor Bates, and Mayor McLaughlin. **Noes:** None. **Abstentions:** Councilmember Lopez and Marquez. **Absent:** Councilmember Viramontes.

*- Adopted Ordinance No. 22-07 N.S. amending Sections 9.22.100 and 9.22.120 of the Municipal Code related to code enforcement and the abatement of public nuisances.

*-Adopted Ordinance No. 23-07 N.S. amending Chapter 7.68 of the Richmond Municipal Code to authorize the Chief of Police to regulate the operation of taxicabs within the City of Richmond and to establish the maximum number of taxicabs permitted to operate within the City.

*-Reappointed Councilmember Thurmond as member and appoint Councilmember Lopez as alternate to WCCUSD Citizens School Bond Oversight Committee.

*-Appointed Joyce Harris to Human Relations/Human Rights Commission, term expiring March 30, 2008, (completing an unexpired term).

*-Approved minutes of the Special City Council Meeting held on June 26, 2007.

PUBLIC HEARINGS

The city clerk announced that this was the time set, pursuant to published notice, to conduct a public hearing on a proposal to vacate a portion of 12th Street and adopt a Resolution of Vacation. Richard Mitchell, Planning Director, gave an overview of the item. Mayor McLaughlin declared the public hearing opened. Corky Booze spoke on this item. On motion of Councilmember Viramontes, seconded by Councilmember Lopez, closed the public hearing by the unanimous vote of the Council. On motion of Councilmember Viramontes, seconded by Councilmember Lopez, adopted Resolution No. ____ by the unanimous vote of the Council.

RESOLUTIONS

None.

ORDINANCES

A proposed ordinance adding Chapter 6.45 to the City of Richmond Municipal Code establishing Green Building requirements for City building projects was introduced for the first reading. Jim Bates and William Acevedo spoke on this item. Following discussion, a motion was made by Councilmember Lopez, seconded by Councilmember Sandhu to approve the first reading of the ordinance. Councilmember Viramontes offered an amendment to the motion to give the Economic Development Commission the option of moving green building standards into the private sector and submit a report to the City Council. The amendment was accepted. The motion passed and said ordinance received first reading and was laid over two weeks for the second reading by the unanimous vote of the Council.

COUNCIL AS A WHOLE

This item was heard before the consent calendar. In the matter to receive a presentation by The Mentoring Center (Office of Violence Prevention Development Team) of the final report concerning the establishment of the Office of Neighborhood Safety in the City Manager's Department and adopt staff recommendations to the City Council. Bill Lindsay gave an overview and introduced David Mohammed who gave a PowerPoint presentation. The following individuals were in support of this item: Corky Booze, Anthony Houston, Garland Hopper, Rosalind Randle, Tony Sustak, Jessica Montiel, Marilyn Langlois, Juan Reardon Jr., Dora Robinson, Juan P. Reardon, Kathy Robinson, Emma Moore, Jackie Thompson, Charles Newsome, Daniel Cabrera, Yolanda Stokes, Dameion Kink, Michael Johnson, Larry Crosby, Dr. Jeff Ritterman, Jim Jenkins, Kathleen Erwin, Andres Chang, Wendy Gonzales, Yolanda Stokes, Albert Lee, Wilma Miller, Benny Johnson, Felicia Haywood, Robert O. Brown, Patrice Boykin, Reverend Andre Shumake, Brigid Simms, Tarnel Abbott, Rob Ham, Whitney Dotson, Amalia Gonzalez del Valle, Nancy Burke, Jerome Smith, Devin O'Keefe, Michele McGeoy, Michael Beer, Jovanka Beckles, Nicole Valentino, Charlene Harris, Antwon Cloird, Rita Barouch, Hazel Wheeler, Jessica Peragrinz, Phillip Mehas, Paul Kilkenny, Patsy Green, John Wayn, Reverend Ken Davis, Wanda Parker, Diego Garcia, and Fernandez. Following discussion, on motion of Vice Mayor Bates, seconded by Councilmembers Rogers and Thurmond, approved the staff recommendations by the unanimous vote of the Council.

In the matter to discuss and direct staff to work with lobbyist to draft a proposal to fund the rehabilitation of drydocks at the Port of Richmond for the purpose of cleaning hulls of the Suisun Mothball Fleet. Councilmember Rogers and Butt gave an overview of the item. Councilmember Butt stated that the proposal includes dismantling ships. Vice Mayor Bates requested staff provide preliminary analysis of costs. Corky Booze and Reverend Andre Shumake spoke on this item. On motion of Councilmember Marquez, seconded by Councilmember Rogers, extended the meeting 30 minutes by the unanimous vote of the Council. A motion was made by Councilmember Viramontes, seconded by Councilmember Sandhu to give staff direction to explore rehabilitation of drydocks. An amendment to the motion was made by Councilmember Butt to go on records that the City Council was in support and authorized Mayor McLaughlin to draft a letter to Maritime Administration. The amendment was accepted. The motion was approved by the unanimous vote of the Council.

In the matter to review and approve Civic Center Public Art elements, as recommended by the Public Art Advisory Committee (PAAC) and Richmond Arts and Cultural Commission (RACC), in accordance with the Public Art Program Policies and Procedures. Bea Roberson and Marcia

Vallier spoke on this item. A motion was made by Vice Mayor Bates, seconded by Councilmember Viramontes, to approve Civic Center Public Art elements. An amendment to the motion was offered by Vice Mayor Bates to identify places to display sister cities art. The amendment was accepted. The motion was approved by the unanimous vote of the Council.

On motion of Councilmember Thurmond, seconded by Councilmember Marquez extended the meeting 15 minutes by the unanimous vote of the council.

In the matter to adopt a Resolution increasing the budget for tenant improvements at the temporary Hall of Justice at 1689 Regatta Boulevard and authorizing the City Manager to expend an additional \$3,604,193 for tenant improvements for a total budget of \$6.5 million. Janet Schneider, Manager's Assistant, gave an overview of the items. Following discussion, on motion of Councilmember Thurmond, seconded by Councilmember Viramontes, adopted Resolution No. 78, approved a contract with Rubecon General Contracting, Inc. to construct tenant improvements to the DiCon building to make it suitable for a temporary Police Department facility for an amount not to exceed \$3,079,109 to complete both Phase 1, tenant improvements to the DiCon Building within 26 calendar days following the contractor's receipt of a Notice to Proceed, and Phase 2 tenant improvements to the DiCon Building within 62 calendar days following the contractor's receipt of Notice to Proceed, and approved Amendment No. 3 to the Swinerton Management and Consulting's Construction Management and Inspection Services Contract to increase the contract amount by \$525,084 to manage the tenant improvement construction to the Dicon Building for a temporary Police Department facility by the following vote of the Council: **Ayes:** Councilmembers Sandhu, Rogers, Marquez, Thurmond, Viramontes, and Mayor McLaughlin. **Noes:** Councilmember Butt and Vice Mayor Bates. **Abstentions:** Councilmember Lopez. **Absent:** None.

On motion of Councilmember Thurmond, seconded by Councilmember Rogers, expended the meeting 20 minutes by the unanimous vote of the Council.

In the matter to discuss and direction to staff to publicize reward provisions for theft or vandalism of City property. Corky Booze spoke on this item. Following discussion, on motion of Vice Mayor Bates seconded by Councilmember Marquez, approved recommendations by the unanimous vote of the Council.

ANNOUNCEMENTS

Councilmember Lopez announced that she attended a National Association of Latino Elected Officials Conference in Orlando, Florida. There was a presidential forum with both democrats and republican candidates speaking and addressing the audience. There were very helpful workshops and tools that would be useful in our City.

Sandhu announced that he will distribute to each Council Member a brochure on mental health he brought back from the National Association of Latino Elected Officials Conference in attended in Orlando, Florida.

Councilmember Rogers announced he attended a Livable Cities Conference in Portland, Oregon.

Councilmember Marquez announced he attend a workshop on housing availability at the Association of Latino Elected Officials Conference in attended in Orlando, Florida.

Mayor McLaughlin announced she attended a conference of the Mayor's Institute for Design in Providence, Rhode Island.

ADJOURNMENT

There being no further business, the meeting adjourned, in memory of Deputy Fire Marshall Ron Riley, at 1:58 a.m.. Mayor McLaughlin also thanked everyone involved with the Tent City efforts held on July 6 through 8, 2007. The next City Council Meeting is scheduled for Tuesday, July 31, 2007, at 7:00 p.m.

City Clerk

(SEAL)

Approved:

Mayor