

**RICHMOND, CALIFORNIA, March 21, 2006**

The Regular Meeting of the Richmond City Council was called to order at 7:15 p.m., by Mayor Irma L. Anderson.

**ROLL CALL**

**Present:** Councilmembers Butt, Thurmond, Bates, Marquez, Griffin, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Absent:** None.

**STATEMENT OF CONFLICT OF INTEREST**

None.

**AGENDA REVIEW**

Items G-2, G-4, and G-7, were removed from the Consent Calendar. (Please noted: Persons removing items from the Consent Calendar decided not to speak on the items).

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

John Eastman, City Attorney, made the following report:

**CC-1. LIABILITY CLAIMS**

1. Trujillo: The City Council unanimously (Vice Mayor Viramontes was absent) approved the worker's compensation claim for Walter Trujillo for \$100,000.
2. Chunying Wu: The City Council approved the flood damage claim in the amount of \$22,800 by the following vote: **Ayes:** Councilmembers Bates, Griffin, Marquez, McLaughlin, Rogers, Thurmond, and Mayor Anderson. **Noes:** Councilmember Butt. **Abstentions:** None. **Absent:** Vice Mayor Viramontes.

**CC-2. CONFERENCE WITH LABOR NEGOTIATORS**

Employee Organization or Unrepresented Employees: IAFF Local 188: Confidential briefing provided to the City Council.

**CC-3. CONFERENCE WITH LABOR NEGOTIATORS**

Employee Organization or Unrepresented Employees: IAFF Local 188; Richmond Fire Management Association; Richmond Police Officers Association; Richmond Police Management Association; SEIU Local 790; IFPTE Local 21; and Unrepresented Management Employees: Confidential briefing provided to the City Council.

#### **CC-4. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Two Cases: Bottoms Family Trust Property: City Council gave confidential direction to staff.

Chevron Quarry Property: City Council gave confidential direction to staff.

#### **Richmond Community Redevelopment Agency**

#### **RRA-1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

Property: 1149 Macdonald Avenue: City Council gave direction to staff to discuss certain aspects of the item in open session.

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

Corky Booze thanked the National Association for the Advancement of Colored People (NAACP) for presenting him with an award for Activism, Dedication, and Commitment. He also thanked Reverend Charles Newsome, Reverend Andre Shumake, and the NAACP for giving him the award. He said that he wants to make Richmond a better place.

Antwain Cloird stated that his local union has a mobile unit that will come to the City of Richmond and train workers for the union jobs.

Mike Ali gave comments regarding the Arts and Culture Commission's display of cutout hands of Richmond young people regarding "Peace."

D'Emmanuel Grosse advocated for a position of Senior Liaison Advisor to the City Manager's Office. He said that (1) service and increase the availability of the senior citizens, (2) ensure the seniors and the professionals working with them will act in accordance to get the program started; (3) reopen the closed senior centers.

Arnie Kasendorf, Chairperson of the Commission On Aging, urged the City Council to find a way to encourage services for seniors.

Jim Jenkins gave comments regarding the Rules and Procedures Standing Committee's consideration of adopting a Code of Ethics for Citizens. He spoke in opposition of the matter.

Juan Reardon expressed support for immigrant rights and those hunger strikers and community organizations that started a 7-day hunger strike in the front of the Federal Building located in San Francisco, California, calling for fair and just immigration reform and denounce Senator Arlen Specter's bill that designates undocumented immigrants as aggravated felons. He said that Senator Specter's bill allows for the indefinite detention of non-citizens and criminalizes day labor centers, churches, health clinics, organizations and all others who serve them. He said that it is his hope that those in the City of Richmond stand against the abuses of the rights of immigrants and is a city that welcomes all

of those that have something to contribute, regardless of their immigration status.

Chance Troughton representing the City of Hercules, as a Community Service Commissioner. He announced that on March 30, 2006, a West County Progress Report and Power Breakfast. He invited everyone to attend.

Robert O. Brown gave comments regarding the efforts being made by the Police Chief, the City Officials, and the elected officials to make the City of Richmond a better place to live.

Nicholas Chin asked for the City of Richmond's support to displaced voters of New Orleans, Louisiana. He said that there are currently approximately 300,000 displaced New Orleans voters. He said that on April 22, 2006, New Orleans will hold its mayoral election and many New Orleans residents will not be able to vote. He asked the City Council to support the idea of satellite voting for the displaced residents.

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

None.

### **CONSENT CALENDAR**

Acting City Clerk announced an update on those items removed from the Consent Calendar. Item G-7 was removed from the Consent Calendar. A motion was made by Councilmember Marquez, seconded by Vice Mayor Viramontes, all items marked with an asterisk (\*) were approved by the unanimous vote of the Council.

\*-Approved a one year contract with Fire Information Support Services, Incorporated, to provide software training with two one-year renewal options at a cost of \$15,000 annually.

\*-Approved purchase of four Panasonic Notebooks (Toughbook) and related accessories at a cost not to exceed \$19,546.56.

\*-Approved a one year contract with Bio-Key International, Incorporated, for records management software with two one-year renewal options at a cost of \$14,266.27.

\*-Approved professional services contracts to five (5) consulting firms to provide On-Call Construction Management and Inspection Services for Fiscal Years 2006/2007 and 2007/2008, and authorize the City Engineer to approve and issue Work Authorizations to direct each firm to work on specific projects based on the firm's specialties and qualifications. The contracts shall not exceed \$750,000.

\*-Adopted **Resolution No. 20-06** authorizing placement of liens on County Property Tax Records for unpaid garbage service bills.

\*-Adopted **Ordinance No. 10-06, NS** amending Section 15.04.980.060 of the Richmond Municipal code to provide for

greater certainty in appeals from the Planning Commission and Design Review Board.

\*-Adopted **Ordinance No. 11-06, NS** amending Police Officer Ordinance No. 46-85 and increasing the salary of **Police Officer Trainee** from \$2,493 per month to \$4,000 per month effective January 5, 2006, was presented.

\*-Adopted **Resolution No. 21-06** amending the City of Richmond's classification Plan to add the classification of **Law Office Supervisor**.

\*-Introduced an ordinance establishing wages, salaries, and compensation for the Classification of **Law office Supervisor (Salary Range #135E \$4,759-\$5,725/mo)** and amending Management Employees Ordinance No. 40-01, NS.

\*-Adopted **Resolution No. 22-06** amending the City of Richmond's Classification Plan to add the classification of **City Prosecutor**.

\*-Introduced an ordinance establishing wages, salaries, and compensation for the new Classification of **City Prosecutor (Salary Range #02.1 \$4,990-\$9,267/mo)**.

\*-Adopted **Resolution No. 23-06** amending the City of Richmond's classification Plan to add the classification of **Engineering Operations Administrator**.

\*-Introduced an ordinance establishing wages, salaries, and compensation for the new classification of **Engineering Operations Administrator (Salary Range #043D \$4,057-\$4,852)**.

\*-Adopted **Resolution No. 24-06** amending the City of Richmond's Classification Plan to add the classification of **Legal Secretary**.

\*-Introduced an ordinance establishing wages, salaries, and compensation for the classification of **Legal Secretary (Salary Range #40C, \$3,862-\$4,695/mo)** and amending General Employees Ordinance No. 33-01, NS.

\*-Approved appointments to the various Boards and Commissions: (1) Housing Advisory Board: Texanita Bluit; (2) Personnel Board: Kisha Grove; and (3) Arts & Culture Commission: Eldridge Tolefree, Sr.

\*-Approved the February 28, 2006, Morning and Evening Session Minutes.

## **PUBLIC HEARING**

Acting City Clerk announced this was the time set pursuant to a published notice to hear public comment on the introduction of a proposed ordinance of the City Council of the City of Richmond amending Section 15.04.810.050 of the Richmond Municipal Code to bring existing City regulations regarding Density Bonuses into conformance with recently adopted amendments to the statewide density bonus law. Richard Mitchell, Planning and Building Director, gave an overview of the matter. Mayor Anderson declared the public hearing open.

Gary Bell spoke in support of the matter. On motion of Vice Mayor Viramontes seconded by Councilmember Marquez closed the public hearing by the unanimous vote of the Council. Following discussion, on motion of Vice Mayor Viramontes, seconded by Councilmember Thurmond, said ordinance received first reading and was laid over two week for second reading by the unanimous vote of the Council.

## **RESOLUTIONS**

A proposed resolution in support of Solar Richmond Initiative was presented. Councilmember McLaughlin gave an overview of the matter. She asked her colleagues on the Council to join her in commending the efforts, goals, and aspirations of the many Richmond residents who have come together to form Solar Richmond, a not for profit local program to encourage more solar energy and residential, business, and public properties in Richmond for the purpose of creating a cleaner environment and to develop job opportunities. She said that the goal is to reach 5 megawatts of solar energy by the year 2010, as well as to create 100 new jobs for Richmond residents. She said that the resolution is an opportunity for the City of Richmond to build on its 2001 energy conservation strategy by committing to utilize solar technology to the greatest extent possible all Civic Center buildings. The Acting City Clerk read the proposed resolution. The following individuals spoke on the matter: J. P. Ross, Jim Jenkins, Michele McGeoy, Paul Kilkenny, Robert O. Brown, and Juan Reardon. Following discussion, on motion of Councilmember McLaughlin, seconded by Councilmember Rogers, adopted **Resolution No. 25-06** by the unanimous vote of the Council.

A proposed resolution to recognize the Richmond Improvement Association's efforts and support its goals was presented. Acting City Clerk read the proclamation. Reverend Andre Shumake made a presentation. He thanked the City Council for the proposed resolution. He gave recognition and honor to the late Reverend C.W. Newsome, Sr., and thanked the City Council on behalf of Reverend Newsome. The following individuals spoke on the matter: Reverend C.W. Newsome, Jr., Mike Ali, and Corky Booze. Councilmember Bates gave comments. He stated that the resolution should be adopted and referred to the City Manager to work with the Richmond Improvement Association to develop and implement a plan. Following discussion, on motion of Councilmember Marquez, seconded by Councilmember Rogers, adopted **Resolution No. 26-06** by the unanimous vote of the Council.

## **ORDINANCES**

Introduction of a proposed ordinance amending various sections of the Richmond Municipal Code pertaining to Code Enforcement was presented. John Eastman, City Attorney, gave an overview of the matter. He said that the amendments are intended to provide for as many civil and criminal remedies as possible and are intended to vest the prosecuting attorney with the discretion to charge violations as either infractions or misdemeanors and are intended to set penalties that are consistent with state law. Regarding receivership, he said that it is important to note that none of the ordinances before the Council at this meeting address receiverships, because the City's authority to petition for receiver is already provided in state law. He

discussed the safeguards and checks in the system regarding receiverships. The following individuals spoke on the matter: Naomi Williams, Corky Booze, Gary Bell, and Ethel Dotson. Following discussion, on motion of Councilmember Butt, seconded by Councilmember Rogers, said ordinance received first reading and was laid over two weeks for second reading by the unanimous vote of the Council.

Introduction of a proposed ordinance amending Section 9.24.080 of the Richmond Municipal Code for better regulation of vicious dogs and other dangerous animals was presented. Councilmember Marquez gave an overview of the matter. The following individuals gave comments on the matter: Naomi Williams and Mike Ali. Following discussion, on motion of Councilmember Marquez, seconded by Councilmember Rogers, said ordinance received first reading and was laid over two weeks for second reading by the following vote: **Ayes:** Councilmembers Butt, Bates, Marquez, Griffin, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Thurmond.

### **COUNCIL AS A WHOLE**

In the matter of a status report on retention of a Violence Prevention Coordinator. Bill Lindsay, City Manager, gave an overview of the matter. He said that the Council previously acknowledged that the goal in reducing violent crime in the City of Richmond has to be a sustained effort that involves multiple city departments and agencies outside of the City's own organization. At the December 6, 2005, meeting, the City Council reviewed a list of short term and long term strategies all aimed at reducing the amount of violent crime in the City of Richmond. Among the strategies identified for the Council was (1) hire a Violence Prevention Coordinator in the City Manager's to develop and oversee anti-violence programs. In January 2006, the City Council authorized staff to begin the process to retain a Violence Program Coordinator, with the thought to initially recruit and retain an individual or a group of individuals on a contract basis, based on a solicitation of qualifications to allow the benefits of the position to fully evaluated prior to making a decision to develop a permanent staff position. The following individuals spoke on the matter: Corky Booze and Mike Ali. Following discussion, a motion was made by Vice Mayor Viramontes, seconded by Councilmember Thurmond, to support the staff recommendation to establish the Violence Prevention Coordinator by the unanimous vote of the Council.

In the matter of a discussion and staff direction regarding seeking legal cost reimbursement for Swinerton versus City of Richmond defense costs. Councilmember Rogers gave an overview of the matter. Corky Booze gave comments on the matter. Discussion ensued. Councilmember Butt stated that the City could be faced with a judgment on the matter and believes that the matter should not be opposed. Councilmember Bates said that he is in opposition. He said that normally, the case is allowed to be adjudicated. If the City loses the case, he said, that is the time when the City should move to sue Swinerton. Additionally, he said that an attorney would have to be retained and he is unwilling to do so. A motion made by Councilmember Bates, seconded by Councilmember Griffin, to table the matter failed by the following vote: **Ayes:** Councilmembers Bates, Marquez, Griffin, and Mayor Anderson. **Noes:** Councilmembers

Butt, Thurmond, Rogers, McLaughlin, and Viramontes. **Abstentions:** None. **Absent:** None. A motion by Councilmember Rogers, seconded by Councilmember Butt to direct the City Attorney to send a demand letter to Swinerton, and if Swinerton does not pay in response to the demand letter the City Attorney shall file a lawsuit within a reasonable time period passed by the following vote: **Ayes:** Councilmembers Butt, Thurmond, Rogers, McLaughlin, and Vice Mayor Viramontes. **Noes:** Councilmembers Marquez, Griffin, and Mayor Anderson. **Abstentions:** Councilmember Bates. **Absent:** None.

In the matter to discuss revisions to the City Council Expenditure Policy. Councilmember McLaughlin gave an overview of the matter. She said that the matter was discussed at the Rules and Procedures Standing Committee. Councilmember Butt also gave an overview of the matter. Councilmember Griffin requested the Mayor to refer the matter to the Finance Standing Committee for its review prior to the City Council voting on the matter. Mayor Anderson continued the matter for two weeks until April 4, 2006.

In the matter of a discussion regarding directing staff to explore the development of a Technical Assistance program for helping to increase the capacity of securing contracts by Richmond contractors and businesses on City of Richmond funded projects. Councilmember Thurmond gave an overview of the matter. He said that the intent of the matter is to create an opportunity for more of the local businesses to be competitive by strengthening the existing businesses and recognize the benefit to the City's economy in terms of jobs and dollars spent in the City. The following individuals spoke on the matter: Corky Booze, Gary Bell, Rhonda Harris, and Dorothy Fox. Following discussion, a motion was made by Councilmember Thurmond, seconded by Councilmember McLaughlin to direct staff to use any and all local resources to support local businesses, passed by the unanimous vote of the Council.

In the matter of a discussion regarding adoption of a policy that prevents Council from requesting staff to investigate allegations of City Code Violations unless the item is placed on the agenda. Councilmember Rogers presented an overview of the matter. He said that the item came about in response to an agenda item where there was a broader issue concerning policy, statutes, and ordinances. In the course of the discussion, a majority of the Council requested staff to investigate an allegation of a City code violation. He said that he believes that it was a violation of the Brown Act. Mayor Anderson rules Councilmember Rogers out of order. Councilmember Rogers that a Council can deliberate on an issue, discuss amongst themselves, arrive at a consensus on a matter that is not noticed on the agenda. Councilmember Bates commented that each and every Closed Session the City Attorney is present. The City Attorney informs the Councilmembers what they can legally discuss. He said since the City Attorney has been on board the City Council has been pleased with his rulings. Councilmember Bates said that he is not going to take a position of supporting Councilmember Rogers' proposal. Following discussion, a motion was made by Councilmember Bates, seconded by Councilmember Marquez to table the matter, passed by the following vote: **Ayes:** Councilmembers Thurmond, Bates, Marquez, Griffin, Viramontes, and Mayor Anderson. **Noes:**

Councilmembers Butt and Rogers. **Abstentions:**  
Councilmember McLaughlin. **Absent:** None.

In the matter to provide staff direction regarding negotiating a contract to provide security for Point Molate. Christopher Magnus, Police Chief presented the report. He said that basically the issue is some unresolved business concerning security at Point Molate. He said currently, the security is needed to control various forms of crime happening at Point Molate, involving trespassing, theft, and vandalism. He said that currently the security services are provided on a month to month basis and there is not a written contract in place. He said that item is on the agenda to seek direction from the Council based on a referral from the Public Safety Standing Committee. He said the Public Safety Standing Committee's concern is if a competitive bid Request for Proposals let. He said that he has researched extensively and have not been able to find that a competitive bid process was done for security services. He said staff is requesting the Council's direction regarding resolution of the matter. Discussion ensued. Chief Magnus stated that he is not representing that the services being provided are dissatisfactory. He said that he is indicating that an exhaustive search has been conducted to find evidence of the competitive process. Following discussion, a motion was made by Vice Mayor Viramontes, seconded by Councilmember Marquez, to continue the sole source contract for an additional year with DP Security. Further discussion ensued. John Eastman, read from the Richmond Municipal Code regarding Sole Source Contracting. He said that a contract may be awarded without competition when the City determines in writing after conducting a good faith review of available sources that there is only one source for the required supply, service, or construction item. In the case of contracts less than \$10,000 this determination shall be made by the City Manager, and in the case of contracts in the amount of \$10,000 or more this determination shall be made by the City Council. Vice Mayor Viramontes withdrew her motion. The following individuals spoke on the matter: Michael Davenport, DP Security Sole Proprietor and Mike Ali. A motion was made by Vice Mayor Viramontes, seconded by Councilmember to recognize the bidding process submitted in October 2004 approved by the City Council in January 2005, seconded by Councilmember Thurmond. Councilmember Bates made a friendly amendment directing the Police Chief to submit a report regarding services provided by Bajan Security. Bill Lindsay, City Manager, restated the motion for clarification. He said that the City Council is acknowledging a bid process that was previously undertaken between October 2004 and February 2005, and the City Council is accepting this as the procurement process, and now directing staff to enter into a contract with DP Security for that work based on the scope of work outlined in the staff report, and the contract shall have a 30-day notice termination clause. He said that staff will place the approval of the contract on a City Council agenda as a consent item. Additionally, the status of Bajan Security will be clarified. The City Council voted on the motion. The motion passed by the following vote: **Ayes:** Councilmembers Thurmond, Bates, Marquez, Griffin, Rogers, Viramontes, and Mayor Anderson. **Noes:** None. **Abstentions:** Councilmember McLaughlin. **Absent:** Councilmember Butt.

In the matter to discuss Richmond's Black on Black Crime Summit recommendations. Councilmember Marquez

stated that the matter was placed on the agenda at his request. He introduced Reverend Andre Shumake who made the presentation. The following individuals spoke on the matter: Warren L. Ross, Reverend Andre Shumake, Sr., Mike Ali, Corky Booze, Jason Stenson, Rhonda Harris, Robert O. Brown, Joe Gross, Reverend Raymond Landry, and Reverend C. W. Newsome, Jr. Discussion ensued. Following discussion, a motion was made by Councilmember Marquez, seconded by Councilmember Rogers, to accept the recommendations from the Richmond Improvement Association and direct staff to find the \$200,000. He also asked the Richmond Improvement Association submit a detailed program and budget. Councilmember Butt gave comments. He said that he is troubled by the process, and this is the third unsolicited proposal for the City to contribute a substantial amount of money for a program or programs intended to address Richmond's problem of violence. Further discussion ensued. Councilmember Rogers stated that the Council could approve the item and direct the City Manager to come back to the Council and try to get the money from the part of the City's budget that will least interfere with the other important anti-crime work. A motion was made by Councilmember Thurmond, seconded by Councilmember Rogers to extend the meeting until 12:15 a.m. Councilmember Griffin objected to the meeting extension time. A substitute motion was made by Vice Mayor Viramontes, seconded by Councilmember to continue the Council's decision and allow the Council to move expeditiously with the City Manager to establish a funding goal for 2006/2007 failed by the following vote: **Ayes:** Councilmembers Butt, Thurmond, Viramontes, and Mayor Anderson. **Noes:** Councilmembers Bates, Griffin, Rogers, and McLaughlin. **Abstentions:** Councilmember Marquez. On the original motion by Councilmember Marquez, seconded by Councilmember Rogers to accept the recommendations from the Richmond Improvement Association and direct the City Manager to report back to the City Council with a recommendation regarding the source of funds for the \$200,000 and program budget passed by the following vote: **Ayes:** Councilmembers Bates, Marquez, Griffin, Rogers, and McLaughlin. **Noes:** None. **Abstentions:** Councilmembers Butt, Thurmond, Viramontes, and Mayor Anderson.

In the matter to adopt a resolution establishing rules, procedures and protocols for City Council meetings. Bill Lindsay, City Manager, gave an overview of the matter (Councilmember Butt left the meeting). He said that the City Council Rules and Procedures resolution represents the recommendations by the Rules and Procedures Standing Committee. A motion was made by Vice Mayor Viramontes, seconded by Councilmember Bates, to support the recommendations of the Rules and Procedures Standing Committee. Councilmember Bates made the following friendly amendment: ***Each speaker will be allowed TWO (2) Minutes to address the City Council on non-Public Hearing Items.*** A substitute motion was made by Councilmember McLaughlin to accept the recommendations as presented by the Rules and Procedures Standing Committee as submitted. It was seconded by Councilmember Thurmond. Mike Ali and Corky Booze gave comments on the matter. The motion failed by the following vote: **Ayes:** Councilmembers Thurmond, Griffin, and McLaughlin. **Noes:** Councilmembers Bates, Rogers, Viramontes, and Mayor Anderson. **Abstentions:** Councilmember Marquez. **Absent:** Councilmember Butt. On

the original motion by Vice Mayor Viramontes, seconded by Councilmember Bates, adopted **Resolution No. 27-06** by the following vote: **Ayes:** Councilmembers Thurmond, Bates, Marquez, Griffin, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Noes:** Councilmember McLaughlin. **Abstentions:** None. **Absent:** Councilmember Butt.

**COMMUNICATIONS**

None.

**REPORTS OF OFFICERS: STANDING COMMITTEE REPORTS, REFERRALS TO STAFF, AND GENERAL REPORTS**

**Reports of Standing Committee Chairpersons**

None.

**General Reports from Councilmembers and staff**

None.

**ADJOURNMENT**

There being no further business, adjourned the meeting at 1:16 a.m., in memory of Eddie Eaton; Mr. Alfred Eubanks, husband of Matlyne Eubanks and the father of Norma LaBat, and Raoul Contreras, retired San Pablo Firefighter to meet again in one week on March 28, 2006, at 7:00 p.m.

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City Clerk

(SEAL)

Approved:

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Mayor