

RICHMOND, CALIFORNIA, June 6, 2006

The Regular Meeting of the Richmond City Council was called to order at 7:04 p.m., by Mayor Irma L. Anderson.

ROLL CALL

Present: Councilmembers Butt, Thurmond, Bates, Griffin, Rogers, McLaughlin, Vice Mayor Viramontes, and Mayor Anderson. **Absent:** Councilmember Marquez (who arrived later as indicated in these minutes).

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Removed Items G-1, G-6, G-8, G-9, G12, and G-13 from the Consent Calendar.

Withdrew Items G-11 and K-3 from the Agenda.

Item K-1 will be reviewed and discussed by the City Council immediately following the Consent Calendar.

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

CITY COUNCIL

CC-1. Liability Claims

Claimant: (1) **Melvin Cary:** Approved the worker's compensation claim for \$18,000 by the following vote: **Ayes:** Councilmembers Butt, Thurmond, Bates, Griffin, Rogers, McLaughlin, Vice Mayor Viramontes, and Mayor Anderson. **Noes:** None. **Absent:** Councilmember Marquez.

(2) **Richard Kalayjian:** Approved the worker's compensation claim for \$35,000 by the following vote: **Ayes:** Councilmembers Butt, Thurmond, Bates, Griffin, Rogers, McLaughlin, Vice Mayor Viramontes, and Mayor Anderson. **Noes:** None. **Absent:** Councilmember Marquez.

CC-2. Conference With Labor Negotiators

Employee Organization or Unrepresented Employee: Local 188; Local 790; Local 21; Richmond Police Officers Association (RPOA); Richmond Police Management Association (RPMA); Richmond Fire Management Association (RFMA): A confidential briefing was provided to the City Council.

CC-3. Public Employee Performance Evaluation

Title: City Clerk: Confidential performance evaluation conducted.

City Manager: Confidential performance evaluation conducted.

RICHMOND COMMUNITY REDEVELOPMENT AGENCY

RRA-1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 1221 Macdonald Avenue – a confidential briefing was provided to the City Council.

Councilmember Marquez was not present.

OPEN FORUM

Corky Booze stated his dissatisfaction that Lillie Mae Jones and the Iron Triangle community were never invited to the opening of the Richmond Green Way. Also stated that the City of Richmond has two Fire Department ladder trucks that are not in service.

Joanne Tillman talked about an incident that happened with her child on May 9, 2006, at the YMCA. Her child was on the play yard and two other children took a rope and tied it around his neck. There were four teachers on the yard did not intervene. Ms. Tillman has contacted Community Care Licensing to do a full investigation. She has requested that all ropes at other sites be removed until they can develop a new policy in regards for the safety of the children.

A.J. Jelani, Acting President of the Belding Woods Neighborhood Council, thanked the City Council for all the work they do. He addressed some concerns of the seniors in the Belding Woods area regarding wastewater fee increases. That will affect their fixed income.

Paul Mehas, local representative of the American Civil Liberties Union, came before the City Council as a board member of the Northern California Civil Liberties Union office in San Francisco. He directed everyone's attention to an article the American Civil Liberties Union printed in the San Francisco Chronicle, New York Times, Washington Post, and a number of other newspapers, which talked about phone records that were illegally sent to a National Security Agency. He also mentioned that the National Security Agency is working on retrieving your internet information as well. This action must be stopped. He is encouraging everyone to go the ACLU.org website and file a complaint with the Federal Communications Commission.

Jim Hoskin, ACLU, invited everyone to attend the showing of a film entitled Exonerated. The City of Richmond is partnering with the ACLU in the presentation of a Tuesday film series. The film will be shown on

Tuesday, June 13, 2006, in the Community Meeting Room of the Public Library.

Reverend George Brown thanked everyone who attended and helped support the March for Jesus – the Theme was Unity. The participation was good. He also announced that vigils have started every Friday night.

Robert O. Brown complained about the loitering in front of the Liquor stores in the Park Plaza. He also talked about the positive Tech Program at King Elementary School. He encouraged everyone to get involved to make the City of Richmond a better place.

Ethel Dobson encouraged everyone to congratulate Diane Homes for receiving her BA Degree in Management from Saint Mary's College.

Mayor Anderson asked City Manager, Bill Lindsay, to give an official preliminary report regarding the deaths of three children. Mr. Lindsay offered his condolences to the families of the victims. Mr. Lindsay reported that he met with Building Official, Fred Clement, Battalion Chief, Jim Fajardo and Fire Marshall Don Perez. He reported that the Fire Department was the first unit to arrive within 90 seconds. The initial call to dispatch was three minutes, and total response time, from call to arrival was four minutes, 30 seconds. He also reported that if all four responding units arrived simultaneously, the outcome would have been the same. Mr. Lindsay reported that the Fire Department did all they could have done. It was neither response nor equipment that hindered them in their response. Battalion Chief, Jim Fajardo was available to answer questions, and he reported that the actual cause is still under investigation and it will be a week or more before all facts are known. He reported that from the time the call was taken it was roughly three minutes. The nearest Fire Engine, 68, arrived within 90 seconds. He also stated that in reality, because of the narrow entry, the building construction, and the roadways, the outcome would have been the same given the volume of the fire. Mr. Fajardo reported that the Fire Department did the best that they could have done.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Mayor Anderson presented certificates to the following students in recognition of the "Exceptional TECHS Students" awards from King Elementary: Keyannie Northford, 5th grade, read 27 books; Mathew Drummond, 5th grade, read 14 books; Eddie Garcia, 4th grade, 14 books; Paulo Ceron, 4th grade, read 11 books; Charles Hicks, 4th grade, 11 books; Ashley McIntyre, 4th grade, 11 books; Iyeshria Cannon, 3rd grade, 26 books; and Jazmine Holden, 3rd grade, 22 books. Mayor Anderson also thanked the parents. Felicia Taylor, Director of the program, thanked the Council for their support and gave background information about the program.

Mayor Anderson presented Jasmine Beard a plaque in recognition of Ms. Beard being the recipient of the Bill Gates Scholarship.

Fire Marshall Don Perez gave an overview of the Junior Fire Prevention Program. Inspector Richard Kalayjian, Program Coordinator for the Junior Fire Prevention Program gave an overview of the criteria for the awards program. He presented awards to the first and second place schools and their 5th grade trophy winners of the 2006 Junior Fire Prevention Program. Sheldon School won first place. Mirah Harris, Kaylen Maldon, Alexa Grace Selan were trophy winners of the 2006 Junior Fire Prevention Program Scrapbook. Valley View School won second place. Mayor Anderson thanked the Fire Department for providing the educational program to our schools.

City Clerk, Diane Holmes, read a proclamation recognizing National Neighbor Works Week June 3 through June 10, 2006. Mayor Anderson and Vice Mayor Viramontes gave an overview and presented the proclamation to Michael Vukelich, Lynette, Gibson-Malkahaney, and Don Gilmore

The city clerk read a proclamation recognizing Hunger Awareness Day, June 6, 2006. Mayor Anderson presented the proclamation to Candy Gail. Candy Gail gave an overview and presented each Councilmember with the newly-released Hunger in America Report for Contra Costa and Solano Counties. She also thanked the City Council for their partnership in recognizing Hunger Awareness Day.

The city clerk read a proclamation recognizing the Annual Juneteenth Festival on the 17th of June 2006 and declaring the week of the 12th through 19th of June 2006 "Juneteenth Week" in the City of Richmond. Mayor Anderson gave an overview of the proclamation and thanked the following committees for their sponsorship: The National Brotherhood Alliance, Richmond PAL, City of Richmond, Richmond's Children Foundation and their Committee. Corky Booze spoke on this item.

CONSENT CALENDAR

On motion of Vice Mayor Viramontes, seconded by Councilmember Thurmond, all items marked with an asterisk (*) were approved by the following vote of the Council. **Ayes:** Councilmembers Butt, Thurmond, Bates, Griffin, Rogers, McLaughlin, Vice Mayor Viramontes, and Mayor Anderson. **Noes:** None. **Absent:** Councilmember Marquez.

A proposal to approve a contract with BOOM-BOOM Production in the amount of \$20,139.00 for the July 3, 2006, FIREWORKS CELEBRATION at Marina Bay Park was presented. Juan Reardon spoke on this item. Diane Harrison-Allums, Library and Community Services, gave an overview. Following discussion, on motion of Councilmember Bates, seconded by Councilmember Thurmond, approved the contract with the condition that staff solicit contributions from various private enterprises, by the following vote: **Ayes:** Councilmembers Rogers, Viramontes, Bates, Griffin, Butt, Thurmond and Mayor

Anderson. **Noes:** Councilmember McLaughlin.
Abstentions: None. **Absent:** Councilmember Marquez.

*- Approved the purchase of diesel exhaust recovery systems and related accessories for seven Richmond fire stations at a cost not to exceed \$205,000.

*-Approved the purchase and standardization request of seven (7) MS/Com Mobile, M7100 radios and related accessories at a cost not to exceed \$24,745.73.

*-Approved an addendum to the Master Lease Agreement with SunTrust Leasing Corporation to finance certain purchases to upgrade hardware and software necessary for the City's progression to a digitized organization. The termination date for the Agreement will extend to June 30, 2011, and the cost of the new lease is \$2,660,000.

*-Approved the Fiscal Year 2005-2006 Interest Rate Swap Policy.

A proposal to authorize staff to call for construction bids for Phase 1 of the renovation of the Richmond (Plunge) Natatorium was presented. Rich Davidson gave an overview on the item. Corky Booze spoke on this item. On motion of Vice Mayor Viramontes, seconded by Councilmember Thurmond approved the item by the following vote: **Ayes:** Councilmembers Rogers, McLaughlin, Bates, Butt, Thurmond, Vice Mayor Viramontes, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Marquez and Griffin.

*-Authorized the Assistant City Manager/Human Resources Management Director to execute a contract with Hargis & Associates to develop and administer promotional testing for the Fire Department.

A proposal to authorize staff to initiate the Request for Proposal (RFP) process for the rehabilitation of five playgrounds/playlots was presented: (1) Atchison Park, (2) Humphrey Playlot, (3) Virginia Playlot, (4) Stewart Playground, and (5) Kern Playlot. The rehabilitation project will be funded by the 2002 Bond Act Per Capita Program. Corky Booze and Rock Brown spoke on this item. Sharon West, Assistant to the Park Superintendent, gave an overview of this matter. Following discussion on motion of Councilmember Bates, seconded by Vice Mayor Viramontes, approved the item by the following vote: **Ayes:** Councilmembers Rogers, McLaughlin, Bates, Butt, Thurmond, Vice Mayor Viramontes, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Marquez and Griffin.

The following resolutions to conduct a municipal election in the City of Richmond on November 7, 2006, were presented: (a) Calling and Giving Notice of the Holding of a Municipal Election; (b) Requesting the Board of Supervisors of Contra Costa County to Consolidate a General Municipal Election with the Statewide General Election; and (c) Regulations for Candidates, Word Limit,

and Action to be Taken in Case of a Tie Vote. On motion of Vice Mayor Viramontes, seconded by Councilmember Thurmond, adopted **Resolution Nos. 43-06, 44-06, and 45-06** by the following vote: **Ayes:** Councilmembers Rogers, McLaughlin, Bates, Butt, Thurmond, Vice Mayor Viramontes, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Marquez and Griffin.

*-Adopted **Resolution No. 46-06** to accept a grant award of \$5,000.00 from the United States Tennis Association (USTA) for the Library and Community Services Department for Fiscal Year 2005-2006.

Withdrew from the agenda a resolution certifying the Final Environmental Impact Report, approving the Mitigation Monitoring and Reporting Program (MMRP) and Conditionally Approving the Tentative Map and Final Development Plan for the Westshore Marina Residential Condominium Development Project.

A proposed ordinance extending optional coverage for Registered Domestic Partners to City Councilmembers was presented. Leslie Knight gave an overview of the item. Following discussion, a motion was made by Councilmember Bates, seconded by Councilmember Rogers to refer the matter to the Rules and Procedures Committee to deal with the compensation, and report back at a later date. Discussion ensued and the city attorney stated that if the language is changed, the ordinance would have to come back for a second reading. Councilmember Bates rephrased his motion to approve the exact language in paragraphs six and seven only. Myrtle Braxton-Ellington and Debbie Landsoff spoke on this item. The motion passed by the following vote: **Ayes:** Councilmembers Bates, Griffin, Rogers, Butt, McLaughlin, Thurmond, Vice Mayor Viramontes, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Marquez.

Mayor Anderson recommended the following appointments and reappointments to Boards and Commissions - Economic Development Commission: Don Lau, Incumbent, term expiring March 30, 2009. On motion of Councilmember Bates, seconded by Vice Mayor Viramontes, approved the appointments by the following vote: **Ayes:** Councilmembers Rogers, Bates, Butt, McLaughlin, Thurmond, Vice Mayor Viramontes, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Marquez and Griffin

*-Approved minutes of the Morning and Evening Open Sessions held on May 16, 2006.

PUBLIC HEARINGS

The city clerk announced that this was the time set, pursuant to published notice, to conduct a public hearing to consider introduction of an ordinance for a proposed 8% increase in wastewater fees for Richmond Municipal Sewer District No. 1. Mayor Anderson declared the public hearing open. James Goins, Finance Director, gave an overview. He

reported that the increase over the next five years was necessary for the following reasons: (1) to maintain compliance with existing board documents; (2) to cover increased operational costs of the sewer system; and (3) to provide revenue stream to fund critical capital needs. If the increase is approved, new rates will go into effect on August 1, 2006; staff will bring bond documents to the City Council in July. Following discussion, the following individuals spoke on this matter: Essie Williams, Naomi Williams, Corky Booze, James Jenkins, Vaughn Martin, Myrtle Braxton Ellington, Anthony Perez, Charles Smith, Lori Perez, Ms. Colvin, Ethel Dotson, Lawanna Jenkins, Robert Brown, Miral Hodge, Mary Roberts, Joshua Genser, James Easter, Elizabeth Drossier, Jessel Veria, and James Harris. City Engineer, Rich Davidson, spoke on this item. Following discussion, on motion of Councilmember Butt, seconded by Councilmember Marquez, closed the public hearing by the unanimous vote of the Council. Discussion continued and a motion was made by Councilmember Butt, seconded by Councilmember Thurmond to adopt the staff's recommendation. A substitute motion was made by Councilmember McLaughlin to have the decision held over until staff comes back with an analysis of the costs for other proposals and new proposals to deal with the waste water increases. The substitute motion failed for lack of a second. The original motion passed by the following vote: **Ayes:** Councilmembers Bates, Butt, Griffin, Marquez, Rogers, Thurmond, Vice Mayor Viramontes, and Mayor Anderson. **Noes:** Councilmember McLaughlin. **Abstentions:** None. **Absent:** None.

RESOLUTIONS

None.

ORDINANCES

None.

COUNCIL AS A WHOLE

In the matter to authorize the city manager to enter into a contract with The Mentoring Center to establish the Office of Violence Prevention. Total amount of the contract shall not exceed \$250,000. The term of the contract is July 1, 2006, through June 30, 2007. City Manager, Bill Lindsay, gave an overview of this matter. The City of Richmond received 10 proposals. Of the 10 proposals, five were from non profit groups, three were from companies, and two were from individuals. Seven of the 10 received had prior experience working with the City of Richmond. Nine of the 10 included expensive partnering with five of the proposals involving partnerships with individual companies who provide service within the City of Richmond. Overall, 40 consultants applied as key members seeking to assist the City of Richmond. After an initial review of the proposals, an interview panel consisting of: The City Manager, Police Chief, and Assistant City Manager/Human Resources Director, conducted interviews and were impressed with the diversity of the proposals received from all the groups. The interview panel focused on the ability of each group to provide the

following: examples of work on comparable projects, high quality professional services, ability to work successfully with a public entity, and their communication and presentation skills. Upon completion of the interviewing process, The Mentoring Center's proposal best met the needs of the City. The Executive Director of The Mentoring Center is David Muhammad. He is partnering with two additional consultants, Devone Boggan and Gregory Hodge, who have experience with The Safe Passages Program in Oakland. Corky Booze and Eleanor Thompson spoke on this matter. Following further discussion, on motion of Councilmember Bates, seconded by Vice Mayor Viramontes, authorized the contract by the following vote: **Ayes:** Councilmembers Butt, Thurmond, Bates, Griffin, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Noes:** None. **Absent:** Councilmember Marquez.

In the matter to review and take action regarding a draft ordinance requiring that major project developments and superstores exceeding 100,000 square foot (SF) obtain a Conditional Use Permit, and refer a proposed ordinance to the Planning Commission for a public hearing. Councilmember Marquez stated that Vice Mayor Viramontes was not a sponsor of this item. A motion was made by Councilmember Marquez, seconded by Vice Mayor Viramontes to suspend the Rosenberg Rules in order to place this item on the agenda. The motion passed by the following vote: **Ayes:** Councilmembers Butt, Marquez, Thurmond, Griffin, Rogers, McLaughlin, and Vice Mayor Viramontes. **Noes:** Councilmember Bates. **Absent:** Mayor Anderson. A motion by Councilmember Marquez, seconded by Vice Mayor Viramontes to reconsider the last action taken by the Council where the votes were tied four to four, and take action approving the recommendation of this item and refer a draft and/or modified ordinance to the Planning Commission pursuant to Council direction for a public hearing. Speakers were: Elizabeth Civic, Katrinka Ruk, and Joshua Genser. Planning Director, Richard Mitchell, spoke on this item. Discussion continued and a friendly amendment was offered by Councilmember Rogers to state that the ordinance would be aimed towards someone building 100 square feet new. The amendment was accepted. The motion passed by the following vote: **Ayes:** Councilmembers Butt, Marquez, Thurmond, Rogers, McLaughlin, and Vice Mayor Viramontes. **Noes:** Councilmembers Bates, Griffin, and Mayor Anderson. **Absent:** None.

On motion of Vice Mayor Viramontes, seconded by Councilmember Marquez extended the meeting to 12:20 a.m. with Councilmember Butt voting Noe.

Withdrew from the agenda a resolution to create an action plan for preserving industrial uses in the area generally bounded by Interstate 580, Marina Way South, Harbor Way, and Hall Avenue.

In the matter to consider directing staff to draft a general Gross Receipts Tax for consideration for placement on the November 2006 ballot. Councilmember Bates gave an overview of this item. Speakers were: Katrinka Ruk,

Jim Cannon, Marcia Tomaci, Joshua Genser, Tom Waller, Theresa Park, and Corky Booze. Following discussion, a motion was made by Councilmember Bates, seconded by Vice Mayor Viramontes to refer the item to the four Councilmembers that placed it on the agenda to work with staff and report back to the Council in two weeks. *On motion of Councilmember McLaughlin, seconded by Councilmember Bates, extended the meeting to finish this item and Item K-5 with Councilmember Butt voting Noe.* The motion made by Councilmember Bates, seconded by Vice Mayor Viramontes passed by the following vote: **Ayes:** Councilmembers Bates, Griffin, Marquez, Thurmond, Rogers, McLaughlin, and Vice Mayor Viramontes. **Noes:** Mayor Anderson. **Absent:** Councilmember Butt.

In the matter to direct staff to prepare amendments to the existing “camping” ordinance requiring that officers of the City enforcing the “no camping” rules inform violators of where there is available shelter as an alternative. Councilmember Rogers gave an overview of the item. Speakers were: Juan Reardon, Oren Selsun, Susan Prather, Jean Siri, and Virginia Finley. Councilmember McLaughlin recommended amending the wording in the ordinance to state, “this ordinance cannot be enforced unless accessible shelter can be provided”. On motion of Councilmember Rogers, seconded by Councilmember McLaughlin, approved the amendment by the following vote: **Ayes:** Councilmembers Marquez, Thurmond, Rogers, McLaughlin, Vice Mayor Viramontes, and Mayor Anderson. **Noes:** None. **Absent:** Councilmember Bates, Griffin, and Butt.

COMMUNICATIONS

None.

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

In the matter to review and discuss for policy affirmation the City’s request to the Contra Costa Transportation Authority (CCTA) to fund a project study report to identify the upgrades necessary to include the Richmond Parkway in the State highway system. On motion of Councilmember Marquez, seconded by Councilmember Rogers approved the City’s request to CCTA by the following vote: **Ayes:** Councilmembers Marquez, Thurmond, Rogers, McLaughlin, Vice Mayor Viramontes, and Mayor Anderson. **Noes:** None. **Absent:** Councilmember Bates, Griffin, and Butt.

ADJOURNMENT

There being no further business, the meeting was adjourned at 1:13 a.m. in memory of Alice Harderman and the three victims of last weeks' fire to meet again in two weeks on Tuesday, June 20, 2006, at 7:00 p.m.

City Clerk

(SEAL)

Approved:

Mayor