

RICHMOND, CALIFORNIA, July 11, 2006

The Regular Meeting of the Richmond City Council was called to order at 7:40 p.m., by Mayor Irma L. Anderson.

ROLL CALL

Present: Councilmembers Butt, Thurmond, Bates, Griffin, Rogers, McLaughlin, Viramontes, and Mayor Anderson.
Absent: Councilmember Marquez.

STATEMENT OF CONFLICT OF INTEREST

Councilmember Butt recused himself from participating on Item I-1 on the agenda.

AGENDA REVIEW

Removed Items G-1 and G-3 from the Consent Calendar.
Withdrew Item J-1 from the agenda.

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. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

East Bay Regional Park District vs. Upstream Point Molate, LLC – Confidential direction was given to legal counsel.

CC-2. CONFERENCE WITH LABOR NEGOTIATORS

Employee Organization or Unrepresented Employee: IAFF Local 188, SEIU Local 790, Local 21, Local 188, SEIU Local 21, RFMA, RPOA, and Unrepresented Employees – Confidential briefing was provided to the City Council.

CC-3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Clerk – A confidential performance evaluation was conducted of the City Clerk.

CC-4. LIABILITY CLAIMS

- (1) Dorothy Nash – The City Council approved a liability claim in the amount of \$160,254.01 by the following vote: **Ayes:** Mayor Anderson, Vice Mayor Viramontes, Councilmembers Bates, Griffin, McLaughlin, Rogers, and Thurmond. **Noes:** Councilmember Butt. **Abstentions:** None. **Absent:** Councilmember Marquez.
- (2) Frank Davis – The City Council approved a worker's compensation claim in the amount of \$83,396.25 by the following vote: **Ayes:** Councilmembers Butt, Griffin, McLaughlin,

Viramontes, Mayor Anderson, Rogers and Thurmond. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Bates and Marquez.

RRA-1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

- (1) 4000 Bissell Avenue – A confidential briefing was provided to the Redevelopment Agency.
- (2) 4300 Macdonald Avenue – A confidential briefing was provided to the Redevelopment Agency.

Attorney Eastman noted that Councilmember Marquez was absent for all items.

OPEN FORUM FOR PUBLIC COMMENT

Corky Booze commended Christopher Magnus, Police Chief on his interview by KGO Radio. Mr. Booze invited the public to watch “What’s Going On” a cable television program hosted by Reverend Andre Shumake. The program airs on Wednesday at 7:00 p.m., on cable channel 26. He conveyed to the Mayor and City Council the concerns of several citizens regarding a proposed crematorium in North Richmond. He asked the City Council to consider granting citizens’ several more minutes to complete their address to the City Council rather than recess the meeting when citizen’s become distraught.

Eleanor Thompson asked the public to contact her if they have summer jobs available for youth.

Odessa Green addressed the Council regarding the blighted conditions in the vicinity of 6th Street and Lincoln Street and the lack of visiting the area by several Councilmembers.

A motion was made by Councilmember Rogers, seconded by Councilmember McLaughlin to extend Open Forum for those members of the public wishing to speak on Item J-1, passed by the unanimous vote of the Council.

Juan Reardon spoke regarding Item J-1 amending Chapter 2.52 of the Municipal code setting forth City Council authority to enter into and competitively negotiate contracts in connection with a Master Development Project in furtherance of development of City-owned properties. He said that it is an uncomfortable adjustment, and in essence that the Council will be asked to move from a Design-Build System to a system where a Master Development Project category will be created, a "carte blanche" category that will not require the mandated competitive bidding process. He said that if the City Council passes the modification with its loose language the City Council will be creating a loop hole because it would allow avoidance of fair competitive bidding of procurement, construction, or renovation projects.

CONSENT CALENDAR

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

A proposed approval and ratification of the proposed grade crossing Memorandum of Understanding (MOU) between the Cities of Richmond and San Pablo was presented. John Eastman, City Attorney, gave an overview of the matter. He said that as settlement of the litigation filed by the City of San Pablo against the City of Richmond over the Parkway Commerce project, the City Council in closed session approved an MOU with San Pablo to establish a fund which might be ultimately used to finance the construction of grade crossings. He added that the MOU does not commit the City to building any specific grade crossing, but it is a funding agreement which provides the funding should the City Council at a future date decide to complete a grade crossing. The following individuals spoke on the matter: Cochise Potts, Ethel Dotson, Whitney Dotson, Jay Fenton, Corky Booze, Simms Thompson, Gwendolyn McNeely, Maxine Henagan, and Mohania McNeely. Discussion ensued. Following discussion, Councilmember Rogers stated that he withdraws any threats of litigation. Mayor Anderson continued the matter until staff has been able to get all parties together for discussions.

*-Approved the contract for legal services in the amount of \$50,000 with Shute, Mihaly to defend the City in Barra Limited Partnership versus City of Richmond.

A proposed contract for legal services in the amount of \$25,000 with Walter & Pistole to pursue litigation against Mare Island Sales was presented. Corky Booze gave comments on the matter. Councilmember Butt asked for more information regarding who the delinquent party is and how much they owe. Jim Matzorkis, Port of Richmond Director, stated that Mare Island Sales has two Navy Tugboats that are berthed at Port Marine Terminal and are approximately over two years in arrears. He said they have been making efforts to pursue the payments. Following discussion, a motion was made by Councilmember

Griffin, seconded by Councilmember Bates, approved the contract by the unanimous vote of the Council.

*-Approved an amendment to a contract with Patrick Seals to provide support services in the City Clerk's Office. The total amount of the contract amendment will not exceed \$13,600. The time period for the amendment is July 1, 2600, through October 31, 2006.

*-Approved a purchase of 10 Bendix-King portable high-band radios and related accessories from 49er Communications. The total purchase price is \$14,410.16.

*-Approved an amendment to the one year contract with DP Security for security services to include City Facilities and Recreation Division-initiated request for City events and activities.

*-Adopted **Resolution No. 60-06** authorizing placement of liens for garbage collection fees on County Property Tax Records.

*-Adopted **Resolution No. 61-06** revising and amending the Position Classification Plan to add the new classification for Recreation Supervisor.

*-Adopted **Resolution No. 62-06** revising and amending the Position Classification Plan to add the new classification for Public Works Street Maintenance Superintendent.

*-Adopted **Resolution No. 63-06** revising and amending the Position Classification Plan to add the new classification for Public Works Administrative Manager.

*-Adopted **Resolution No. 64-06** revising and amending the Position Classification Plan to add the new classification for Management Analyst.

*-Adopted **Resolution No. 65-06** revising and amending the Position Classification Plan to add the new classification for Library and Community Services Administrative Manager.

*-Adopted **Resolution No. 66-06** revising and amending the Position Classification plan to add the new classification of Code Enforcement Manager.

*-Adopted **Resolution No. 67-06** revising and amending the Position Classification Plan to add the new classification for Public Works Facilities Maintenance Superintendent.

*-Introduced an ordinance establishing wages, salary, and compensation for the new classification of Library and Community Services Administrative Manager.

*-Introduced an ordinance establishing wages, salary, and compensation for the new classification of Public Works Administrative Manager.

*-Introduced an ordinance establishing wages, salary, and compensation for the new classification of Recreation Supervisor.

*-Introduced an ordinance establishing wages, salary, and compensation for the new classification of Management Analyst.

*-Introduced an ordinance establishing wages, salary, and compensation for the new classification of Code Enforcement Manager.

*-Introduced and ordinance establishing wages, salary, and compensation for the new classification of Public Works Facilities Maintenance Superintendent.

*-Introduced an ordinance establishing wages, salary, and compensation for the new classification of Property Maintenance and Housing Inspector.

*-Adopted the following ordinances: **Ordinance No. 28-06, NS** amending Chapter 15.12 updating the West Contra Costa Sub-Regional Transportation Mitigation Program (STMP) and providing for the immediate interim authorization for STMP Fees; and **Ordinance No. 29-06, NS** an urgency ordinance updating the West Contra Costa Sub-Regional Transportation Mitigation Program (STMP) and providing for the immediate interim authorization for STMP fees.

*-Approved appointments and reappointments to Boards and Commissions as follows: **Revolving Loan Board:** Agnes Ledebor; **Planning Commission:** Jeff Lee term expiring June 30, 2008; **Arts & Culture Commission:** Gwendolyn Mmaju, term expiring January 30, 2010; **Design Review board:** Diane Bloom, Incumbent, term expiring June 30, 2008.

*-Approved minutes of the Morning Open Sessions held on May 16, 2006; June 6, 2006; and June 27, 2006, and the Evening Open Session held on May 23, 2006.

PUBLIC HEARINGS

City Clerk announced this was the time set pursuant to a published notice to conduct a public hearing to consider adopting an order of Vacation and abandonment for public purposes of a ± 6,600 square Foot (SF) portion of South 13th Street, located South of Wright Avenue. Richard Mitchell, Planning and Building Director, gave an overview of the matter. He stated that this is a follow up to the Resolution of Intention adopted by the Council to vacate the said property on April 6, 2006. Mayor Anderson declared the public hearing open. Juan Reardon gave comments on the matter. Councilmember McLaughlin asked for clarification regarding the abutting property owners' approval of the vacation. Mr. Mitchell held up to the Council and audience letters from Ms. Minnie Bolton and Ms. Betty Salvattoni representatives of the two adjacent properties and a routine street vacation with all adjacent surrounding owners notified. He said this is the normal process in an Order of Vacation. Councilmember Viramontes asked Mr. Mitchell to explain to the public why the City is not allowed to sell the property. Mr. Mitchell explained that streets are rights of way and not City property. Therefore, when a City no longer has a need for a right-of-way, and ownership of the property reverts to the adjacent property owners. He also said that no letters of protest have been filed. Following discussion, a motion was made by Vice Mayor Viramontes, seconded by Councilmember Thurmond to close the public hearing by the unanimous vote of the Council. A motion

was made by Vice Mayor Viramontes, seconded by Councilmember Griffin proposed Order of Vacation received first reading and was laid over two weeks for second reading by the following vote: **Ayes:** Councilmembers Butt, Thurmond, Bates, Griffin, Rogers, Viramontes, and Mayor Anderson. **Noes:** None. **Abstentions:** Councilmember McLaughlin. **Absent:** Councilmember Marquez.

RESOLUTIONS

A proposed resolution to commit working with Contra Costa County, the West Contra Costa Unified School District (WCCUSD), and the Richmond Children's Foundation to fund the local match required for restoration of the Maritime Child Care Facility pursuant to the California Cultural and Institute Endowment Grant. There were no questions from the audience. A motion was made by Councilmember Bates, seconded by Vice Mayor Viramontes, adopted **Resolution No. 68-06** by the following vote: **Ayes:** Councilmembers Thurmond, Bates, Griffin, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Noes:** None. **Abstentions:** Councilmember Butt. **Absent:** Councilmember Marquez.

ORDINANCES

Withdrew introduction of an ordinance amending Chapter 2.52 of the Municipal Code setting forth City Council authority to enter into and competitively negotiate contracts in connection with a Master Development Project in furtherance of development of City-owned properties.

COUNCIL AS A WHOLE

In the matter of a report on City of Richmond expenditures for Cinco de Mayo. Janet Schneider, Administrative Chief, presented the oral report. She said that there were three areas in which City funds were expended for Cinco de Mayo. A \$15,000 contribution by the City of Richmond, given to Opportunity West non-profit organization that served as the funding mechanism. The parade was \$6,700, and the Festival was \$14,300 for a total of approximately \$21,000. She said that a more line item detailed budget expenditure is available. Police: Overtime activities began on Wednesday, May 1, 2006 through Sunday, May 5, 2006, totaled approximately \$45,000. Equipment and supplies totaled approximately \$1,100 for an approximate grand total of \$46,300 for Police. Public Works worked May 5, 6, and 7, and spent approximately \$4,600 in personnel costs, and \$1,000 in approximate miscellaneous expenses. One week prior to the event the City Parks Department began cleaning up the Civic Center Plaza, doing landscaping and gardening totaling approximately \$6,500 for a grand total of ± \$58,000 over and above the initial \$15,000 contribution by the City. Councilmember Bates said that had he known the costs would be so much, he would not have voted in favor of the matter. He also said that the staff is not utilizing the community support systems available for these types of activities. Corky Booze gave comments on the matter.

In the matter of a Status Report on start-up of Automatic Aid with Contra Costa County for Fire Services. Michael Banks, Fire Chief, presented the report. He said that as of 7:30 a.m., Automatic Aid was re-implemented with Contra Costa Fire

Services. He said that what it means is essentially, Richmond Fire Department is now running calls into San Pablo, Unincorporated areas of North Richmond, East Richmond Heights and El Sobrante. Councilmember Bates stated that this is not a permanent solution to a problem, and five Council votes mandated that the City of Richmond work with Contra Costa County Fire Services to develop a permanent solution to the problem. Corky Booze gave comments on the matter.

COMMUNICATIONS

None.

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

Councilmember Butt submitted a written report of his attendance at a Symposium: "Transportation of the Bay Area Waterfront: Water-Linked Transit Oriented Development Symposium." On motion of Councilmember Bates, seconded by Vice Mayor Viramontes, the Council accepted the report without comment.

City Clerk

Diane Holmes, City Clerk reported that the Filing Period for those interested in running for the Office of City Council will open Monday, July 17, 2006, and the last day to file will be Friday, August 11, 2006. If an incumbent does not file to run for re-election by August 11, 2006, at 5:00 p.m., the filing period will be extended five calendar days and the filing period deadline will be Wednesday, August 16, 2006, at 5:00 p.m. Nomination papers are available in the Office of the City Clerk beginning Monday, July 17th at 8:30 a.m.

Councilmember McLaughlin

Reported the Rules and Procedures Standing Committee will meet on Wednesday, July 20, 2006, at 4:00 p.m., in the Council Chamber.

Reported she completed her Ethics Training, AB 1244 in Concord and she will submit her Certificate of Completion to the Office of the City Clerk.

Reported that a Richmond Southeast Shoreline Community Advisory Group (CAG) meeting will be held at the Bermuda Room on Thursday, July 13th at 6:30 p.m.

Mayor Anderson

Reported that Richmond's R.E.A.C.T. (Richmond Emergency Action Community Team) Program was highly praised for having the most number of citizens trained. She commended Kathryn Gerk, Director, for her leadership.

ADJOURNMENT

There being no further business, adjourned the meeting at 9:23 p.m., to meet again in one week on July 18, 2006, at 7:00 p.m.

City Clerk

(SEAL)

Approved:

Mayor