

RICHMOND, CALIFORNIA, July 18, 2006

The Regular Meeting of the Richmond City Council was called to order at 7:25 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

Removed the following items from the Consent Calendar: G-2, G-3, G-6, G-21, G-30, G-39, and G-40. Item K-3 was withdrawn from the agenda and will be placed on the Council's agenda for July 25, 2006. Hear Item J-1 before the Consent Calendar.

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

John Eastman, City Attorney, gave the following report:

CC-1 – Withdrew Conference with Legal Counsel – Anticipated Litigation.

CC-2 – Conference With Labor Negotiators – A confidential briefing was given.

CC 3 – Liability Claims: **(1)** Workers Compensation claim of Gregory Gibson – City Council approved a settlement in the amount of \$85,000 by the following vote: **Ayes:** Councilmembers Bates, Butt, Thurmond, McLaughlin, Viramontes and Mayor Anderson. **Noes:** Councilmember Griffin. **Abstentions:** None. **Absent:** Councilmembers Rogers and Marquez. **(2)** Workers Compensation claim of Lois Silva – Council approved a settlement in the amount of \$12,000 by the following vote: **Ayes:** Councilmembers Bates, Griffin, Thurmond, McLaughlin, Viramontes and Mayor Anderson. **Noes:** Councilmember Butt. **Abstentions:** None. **Absent:** Councilmembers Rogers and Marquez. **(3)** Workers Compensation claim of James Filippi – City Council approved a settlement in the amount of \$28,000 by the following vote: **Ayes:** Councilmembers Bates, Butt, Griffin, Thurmond, Marquez, McLaughlin, Viramontes and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Marquez.

OPEN FORUM FOR PUBLIC COMMENT

Mike Ali, Board Member of United Bay Area Native American Council, Inc. invited everyone to the Vallejo Intertribal Council to be held in Vallejo on Mare Island Saturday July 22nd and July 23rd from 11 a.m. – 10 p.m.

Paul Rodgers, Jr. addressed the Council regarding the traffic congestion and parking issues in the area around Booker T. Anderson Park. He said that on many occasions residents who live in the area have to park many blocks away from their homes.

Corky Booze stated that everyone should tune into the Rev. Shumake Show tomorrow at 7:00 p.m. on Channel 26. He also, asked that everyone who is against the crematorium to stand. Asked that donations be given to Johnny Holmes for the Half-Steppers Team.

Maxine Henagan, resident of Parchester, gave comments regarding the ratification of the grade crossing Memorandum of Understanding (MOU) between the Cities of Richmond and San Pablo.

Odessia Green addressed the Council regarding areas that have become dumping grounds and asked that her neighborhood be cleaned up.

Juanita Taylor, President of Local 790, Richmond Chapter, gave comments regarding bringing back staff that has been laid off. She also, commended Coach George Brown and Coach Finlay for their success with the Boys Varsity Basketball, who won the State Championship in San Diego.

Eleanor Thompson thanked the Council for their support of her organization, Social Progress, Inc. and for their attendance at workshops held at her organization. She also, congratulated the City Manager and Police Chief for all of their good work.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

A proclamation was presented to Sharon Lynette Scott, recently retired employee from the Redevelopment Agency, in recognition of her 31 years of exemplary service to the City of Richmond. Ms. Scott expressed her appreciation to the City of Richmond and Redevelopment Agency for the opportunity to serve the community.

CONSENT CALENDAR

On motion of, Councilmember Bates, seconded by, Councilmember Rogers, all items marked with an asterisk (*-) were approved by the unanimous vote of the Council.

* - Approved a contract amendment agreement between Trisha A. Aljoe and the City of Richmond to provide dedicated legal services in the Richmond Police Department through December 31, 2006. this amendment increases the contract amount by \$50,000 for a total amount not to exceed \$60,000.

A proposed contract with Bay Cities Paving and Grading, Inc. in the amount of \$7,243,583.13 for the 2006 Pavement Rehabilitation Project with a contingency and reserve not to exceed \$50,000 was presented. Corky Booze, Gary Bell, and Rhonda Harris gave comments on awarding the proposed contract to Bay Cities. A motion was made by Councilmember Marquez, seconded Councilmember Bates to reject the bids and rebid the project. The Council was informed that it will take two and one half months to rebid the project which would delay implementing the work until the spring of 2007. Councilmember Butt stated that rebidding the project would not change the results. Councilmember Bates stated his concern regarding Bay Cities being active in the community. Ben Rodriguez, owner of Bay Cities, stated that he would agree to volunteer in the community. Further discussion ensued during which a substitute motion was made by Councilmember Butt, seconded by Councilmember Viramontes, to approve awarding the contract to Bay Cities. The substitute motion passed by the following vote: **Ayes:** Councilmembers Butt, Thurmond, Marquez, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Noes:** Councilmember Griffin. **Abstentions:** Councilmember Bates. **Absent:** None.

A proposed rejection of all bids received for the Cutting Boulevard Interconnect and Detector Loop Project was presented. Rich Davidson, City Engineer, stated that the bids for the project were higher than estimated. He requested that the item be continued to September. The item was continued to September 2006 by the unanimous vote of the Council.

* - Approved awarding a contract to Republic Electric for the installation of in-pavement crosswalk warning lights in the amount of \$197,300 with a contingency and reserve not to exceed \$20,000.

* - Approved a contract amendment to the existing contract with Harris & Associates, Inc. to extend the pavement design services to include the 2007 Pavement Rehabilitation Project, which will increase the contract value by \$370,000 for a total amount of \$720,000.

A proposed contract with The Mentoring Center to provide consulting assistance in establishing the Office of Violence Prevention in the City Manager's Department was presented. Corky Booze and Eleanor Thompson gave comments on the proposed contract. Following brief discussion, on motion of Councilmember Griffin, seconded by Councilmember Viramontes, approved a contract with The Mentoring Center, by the unanimous vote of the Council.

* - Approved a lease agreement between the City of Richmond and the County of Contra Costa for the premises commonly known as, Crescent Park Childcare Center, located at 5050 Hartnett Avenue.

* - Approved a contract with Keenology Corporation, dba CIP Planner Corporation, for CIP planning software and customization of the CIP budget, at a cost not to exceed \$18,108.

* - Adopted **Resolution No. 71-06** approving the Final Map and Improvement Plans of Subdivision 8520, entering into an improvement agreement with the developers, and directing the recording thereof.

* - Adopted **Resolution No. 72-06** supporting and directing the submittal of an application to the California State Housing and Community Department to be designated as a new Enterprise Zone commencing in January 2007.

* - Adopted **Resolution No. 73-06** authorizing the City Manager to execute an extension of the Memorandum of Understanding (MOU) between the City of Richmond and IFPTE Local 21 in accordance with the terms of the Tentative Agreement reached between the parties' representatives.

* - Adopted **Resolution No. 74-06** authorizing the City Manager to execute an extension of the Memorandum of Understanding (MOU) between the City and the Richmond Police Management Association in accordance with the terms of the Tentative Agreement reached between the parties' representatives.

* - Adopted **Resolution No. 75-06** authorizing the City manager to execute an extension of the Memorandum of Understanding (MOU) between the City of Richmond and the Richmond Police Officers Association in accordance with the terms of the Tentative Agreement reached between the parties' representatives.

* - Adopted **Resolution No. 76-06** authorizing the City Manager to execute an extension of the Memorandum of Understanding (MOU) between the City of Richmond and SEIU Local 790 in accordance with the terms of the Tentative Agreement reached between the parties' representatives.

* - Adopted **Resolution No. 77-06** authorizing the City Manager to execute a successor of the Memorandum of Understanding (MOU) between the City of Richmond and the IAFF Local 188 in accordance with the terms of the Tentative Agreement reached between the parties' representatives.

* - Adopted **Resolution No. 78-06** authorizing the City Manager to execute an extension of the Memorandum of Understanding (MOU) between the City of Richmond and the Richmond Fire Management Association in Accordance with the terms of the Tentative Agreement reached between the parties' representatives.

* - Adopted **Resolution No. 79-09** amending the City of Richmond Position Classification Plan to add the classification of **Community Affairs Coordinator**.

* - Adopted **Resolution No. 80-06** amending the city of Richmond Position Classification Plan to add the classification of **Investment Analyst**.

* - Adopted **Resolution No. 81-06** amending the City of Richmond Position Classification Plan to add the classification of **Staff Assistant to the City Council**.

* - Adopted **Resolution No. 82-06** amending the City of Richmond Position Classification Plan to add the classification of **Executive Assistant to the City Manager**.

A proposed resolution to amend the City of Richmond Position Classification Plan to add the classification of **Senior Assistant to the Mayor** was presented. Corky Booze gave comments on the item. Following discussion, on motion of Councilmember Viramontes, seconded by Councilmember Griffin, adopted **Resolution No. 83-06** adding the classification of **Senior Assistant to the Mayor**, by the unanimous vote of the Council.

* - Adopted **Resolution No. 84-06** amending the City of Richmond Position Classification Plan to add the classification of **City Clerk Technician**.

* - Adopted **Ordinance No. 30-06 N.S.** amending the City of Richmond Position Classification Plan to add the classification of **Library and Community Services Administrative Manager (Salary Range: \$5,316 - \$6,788/month)**.

* - Adopted **Ordinance No.31-06 N.S.** establishing wages, salary, and compensation for the new classification of **Public Works Street Maintenance Superintendent (Salary Range: \$6,054 - \$7,345/month)**.

* - Adopted **Ordinance No. 32-06 N.S.** establishing wages, salary, and compensation for the new classification of **Public Works Facilities Maintenance Superintendent (Salary Range: \$6,054 - \$7,345/month)**.

* - Adopted **Ordinance No. 33-06 N.S.** establishing wages, salary, and compensation for the new classification of **Recreation Supervisor (Salary Range: \$4,615 - \$5,590/month)**.

* - Adopted **Ordinance No. 34-06 N.S.** establishing wages, salary, and compensation for the new classification of **Management Analyst (Salary Range: \$4,057 – 44,852/month)**.

* - Adopted **Ordinance No. 35-06 N.S.** establishing wages, salary, and compensation for the new classification of **Code Enforcement Manager (Salary Range: \$5,485 - \$6,631/month)**.

* - Adopted **Ordinance No. 36-06 N.S.** establishing wages, salary, and compensation for the new classification of **Public Works Administrative Manager (Salary Range: \$5,316 - \$6,788/month)**.

A proposed ordinance to establish wages, salary, and compensation for classifications represented by **SEIU Local 790** was introduced for first reading. Myrtle Braxton-Ellington and Naomi Williams gave comments on the item. Leslie Knight, Assistant City Manager/Human Resources Director, stated that

the proposed ordinance will increase the salaries for members of Local 790 as follows: effective July 2006, an increase of 3.75%; effective January 1, 2007, an increase of 3%; effective July 1, 2007, an increase of 4%; effective July 1, 2008, an increase of 4%; and effective July 1, 2009, an increase of 4%. On motion of Councilmember Viramontes, seconded by Councilmember McLaughlin, said ordinance received first reading and was laid over one week for second reading, by the unanimous vote of the Council.

* - Introduced an ordinance establishing wages, salary, and compensation for **Richmond Police Officers Association (RPOA)**.

* - Introduced an ordinance establishing wages, salary, and compensation for **Richmond Police Management Association (RPMA)**.

* - Introduced an ordinance establishing wages, salary, and compensation for **IFPTE Local 21**.

* - Introduced an ordinance establishing wages, salary, and compensation for **IAFF Local 188**.

* - Introduced an ordinance establishing wages, salary, and compensation for classifications represented in the **Exempt and Confidential Management Group**.

* - Introduced an ordinance establishing wages, salary, and compensation for **Richmond Fire Management Association (RFMA)**.

* - Introduced an ordinance establishing wages, salary, and compensation for the new classification of **Community Affairs Coordinator (Salary Range: \$4,936 – \$6,026/month)**.

* - Introduced an ordinance establishing wages, salary, and compensation for the new classification of **Investment Analyst (Salary Range: \$5,316 - \$6,788/month)**.

A proposed ordinance establishing wages, salary, and compensation for the new classification of **Staff Assistant to the City Council (Salary Range: \$4,986 - \$6,0356/month)** was introduced for first reading. There were comments from Corky Booze. The City Council was informed that this new classification would replace the current classification of Assistant Administrative Analyst. Vice Mayor Viramontes thanked Trina Jackson, the incumbent Assistant Administrative Analyst, for her hard work. On motion of Councilmember Griffin, seconded by Councilmember Viramontes, said ordinance received first reading and was laid over one week for second reading, by the unanimous vote of the Council.

A proposed ordinance establishing wages, salary, and compensation for the new classification of **Senior Assistant to the Mayor (Salary Range: \$5,613 - \$6,788/month)** was introduced for first reading. Corky Booze gave comments on the item. On motion of Vice Mayor Viramontes, seconded by Councilmember McLaughlin, said ordinance received first reading and was laid over one week for second reading, by the unanimous vote of the Council.

* - Introduced an ordinance establishing wages, salary, and compensation for the new classification of **Executive Assistant to the City Manager (Salary Range: \$5,613 - \$6,788/month)**.

* - Introduced an ordinance establishing wages, salary, and compensation for the new classification of **City Clerk Technician (Salary Range: \$3,110 – \$3,779/month)**.

* - Approved recommendation to appoint Macel Braxton to the Library Commission, term expiring July 1, 2007.

PUBLIC HEARINGS

City Clerk announced that this was the time set, pursuant to mailed notice, to conduct a public hearing to accept the Engineer's Report for Fiscal Year 2006-2007 and adopt a resolution to levy annual assessments for the Hilltop Landscape Maintenance Assessment District. Rich Davidson, City Engineer, gave an overview of the Engineer's Report and the assessments. Mayor Anderson declared the public hearing open. There were no comments from the audience. On motion of Councilmember Griffin, seconded by Councilmember McLaughlin, the public hearing was closed by the following vote: **Ayes:** Councilmember Butt, Marquez, Griffin, Rogers, McLaughlin, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Thurmond, Bates, and Viramontes. On motion of Councilmember Griffin, seconded by Councilmember Marquez, accepted the Engineer's Report for Fiscal Year 2006-2007 and adopted **Resolution No. 85-06** levying the annual assessments for the Hilltop Landscape Maintenance Assessment District, by the following vote: **Ayes:** Councilmember Butt, Marquez, Griffin, Rogers, McLaughlin, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Thurmond, Bates, and Viramontes.

RESOLUTIONS

None.

ORDINANCES

Introduced an ordinance for first reading to amend Chapter 15.04 of the Richmond Municipal Code (Zoning Ordinance) pertaining to cemetery, crematorium, columbariums and mortuaries. John Gioia, Contra Costa County Supervisor for District One, and Dr. Bill Walker, Contra Costa County Health Director, gave comments regarding the mercury that would be emitted from a crematorium. The Council was informed that mercury from dental fillings would be emitted into the area from the crematorium and mercury is one of the most dangerous chemicals. The following individuals gave comments on the proposed ordinance: Bill Farrar, representing an Emeryville crematorium; Michael Ali; Naomi Williams; Myrtle Braxton-Ellington; Sharon Fuller; Tarnel Abbott; Devin O'Keefe; Corky Booze; James Jenkins; Ron Palmer; Johnny White, President of the Shields/Reid Neighborhood Council; Lee Jones; Maricella Navarro; Dr. Henry Clark; Evelyn Cotton; Rhonda Harris; Rosalind D. Randle; Florence Reid-Randle; Juan Reardon; Bradley Angel Wafaa Aborashed; Scottie Smith; Willie Johnson; Ahmadia Thomas; Greg Karras, representing CBE; Dante Guaazzo; Shana Lazerow, CBE staff attorney; Simms Thompson,

Jr.; Allie Ruth Sanders; Odessia Green; Fred Jackson; Marilyn Langlois; Paul Kilkenny; Jessica Tovar, Communities for a Better Environment; Andres Soto; Darrell Walker; and Lorie Chinn. A motion was made by Vice Mayor Viramontes, seconded by Councilmember Thurmond, to give first reading to the ordinance. Mayor Anderson asked Vice Mayor Viramontes if she would include an amendment for a moratorium until the General Plan is completed. Vice Mayor Viramontes included in her motion to deny Item No. 4 in the Recommended Action, Deny the Ordinance in Exhibit A requiring a Conditional Use Permit for Funeral and Interment Services in the C-2, C-3, C-B, M-1, M-2, M-3, M-4 and P-C Zoning Districts of the Municipal Code. Staff was directed to place on a future agenda an item for a moratorium on crematorium until the General Plan is completed. The motion passed and said ordinance received first reading and was laid over one week for second reading, by the unanimous vote of the Council.

Introduced an ordinance for first reading to amend Richmond Municipal Code Chapter 12.16, "Sewer and Water Connections – General." Rich Davidson, City Engineer, stated that the ordinance is in place. The proposed ordinance changes the Superintendent of Streets to City Engineer. There were no comments from the audience. On motion of Councilmember Griffin, seconded by Councilmember Marquez, said ordinance received first reading and was laid over one week for second reading, by the unanimous vote of the Council.

Introduced an ordinance for first reading to amend Richmond Municipal Code Chapter 12.17, "Private Sanitary Sewer Lateral Connections." Rich Davidson, City Engineer, stated that is a new ordinance and will establish a requirement for inspection and rehabilitation of private sanitary sewer laterals. Corky Booze gave comments on the item. Following discussion, on motion of Councilmember Butt, seconded by Councilmember Griffin, said ordinance received first reading and was laid over for one week for second reading, by the following vote: **Ayes:** Councilmembers Butt, Bates, Marquez, Griffin, Rogers, McLaughlin, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Thurmond and Viramontes.

Introduced an ordinance for first reading to update the Local Employment Ordinance - Richmond Municipal Code Chapter 2.56. Sal Vaca, Director of Employment and Training, gave an overview of the ordinance. Mr. Vaca stated that four meetings were held with community stakeholders. The key issues discussed were: (1) Originally a goal of 30% would be set, but should be customized based on the industry, (2) Construction should be 20% and retail should be 30%. The group could not reach a consensus on the period of time employer participation would be required. Staff decided that the time period for employer participation will be: (1) Retail, one year for every \$100,000 of city subsidy, (2) Office/Administration, one year for every \$100,000 of subsidy, and (3) First Source Hiring Agreement, customize for industry. Bill Lindsay, City Manager, gave an overview of the process. The following individuals gave comments: Katrinka Ruk, Elizabeth Hinckle, Amaha Kassa, Pamela Aguilar, Maria Alegria, William Acevedo, Hermann Welm, and Aram Hodess. A motion was made by Councilmember Rogers, seconded by Councilmember McLaughlin to give first reading to the ordinance and include an amendment that the ordinance be reviewed in one year. The

motion passed and the ordinance was laid over one week for second reading, by the unanimous vote of the Council.

A motion by Councilmember Bates, seconded by Councilmember Marquez to extend the meeting to 12:15 a.m. passed by the following vote: **Ayes:** Councilmembers Thurmond, Bates, Marquez, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Noes:** Councilmembers Butt and Griffin. **Abstentions:** None. **Absent:** None.

Introduced an ordinance for first reading to update the Business Opportunity Ordinance – Richmond Municipal Code Chapter 2.50. There were no comments from the audience. On motion of Councilmember Bates, seconded by Councilmember Rogers, said ordinance received first reading and was laid over one week for second reading, by the following vote: **Ayes:** Councilmembers Thurmond, Bates, Marquez, Griffin, Rogers, McLaughlin, and Viramontes. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Butt and Mayor Anderson.

Introduced an ordinance to amend 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. Bill Lindsay, City Manager, gave an overview. The following individuals gave comments: Corky Booze, Juan Reardon, Rhonda Harris, and Aram Hodess. On motion of Councilmember Butt, seconded by Councilmember Marquez, to approve the amendment to apply to the Civic Center project only. Said ordinance received first reading and was laid over one week for second reading, by the unanimous vote of the Council.

Introduced an ordinance for first reading to set the tax rate for the tax override pension fund for fiscal year 2006-07. Jim Goins, Director of Finance, gave an overview. There were no comments from the audience. On motion of Councilmember Griffin, seconded by Councilmember Marquez, said ordinance received first reading and was laid over one week for second reading, by the unanimous vote of the Council.

COUNCIL AS A WHOLE

In the matter to authorize the City Manager to enter into an agreement with the West Contra Costa Unified School District to fund six School Resource Officers to be assigned at the three Richmond high schools for the term of July 1, 2006, through June 20, 2009. The officers' salary will be reimbursed to the City of Richmond at a cost of \$118,000 per officer for a total of \$708,000 per fiscal year. Chris Magnus, Chief of Police, stated that this a continuation of an existing program. The change is how the positions will be funded. The positions will be fully paid by the school district including benefits. Chief Magnus stated there will be no net loss to the number of officers on patrol and allows the Police Department to staff their fourth geographic district. The schools are considered the fourth district, and Cleveland Brown will be the Director of Public Safety. There were no comments from the audience. On motion of Vice Mayor Viramontes, seconded by Councilmember Rogers, authorized the City Manger to enter into an agreement with the West Contra Costa Unified School District to fund six School Resource Officers, by the unanimous vote of the Council.

A motion by Councilmember McLaughlin, seconded by Councilmember Thurmond to extend the meeting an additional 10 minutes passed by the following vote: **Ayes:** Councilmembers Butt, Thurmond, Marquez, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Noes:** Councilmembers Griffin and Bates. **Abstentions:** None. **Absent:** None.

In the matter of a Report on City of Richmond expenditures for Juneteenth. Bill Lindsay, City Manger, gave a brief overview of the city's expenses. The total amount of city expenditures was \$10,267.98. Corky Booze and Jerrold Hatchett gave comments regarding the success of the Juneteenth Celebration.

Withdrew from the agenda the matter of directing staff to develop a proposal to make Richmond the lead fire agency in West Contra Costa.

COMMUNICATIONS

None.

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

None.

There being no further business, the meeting adjourned at 12:23 a.m., in memory of Loren Hill, to meet again in one week on Tuesday, July 25, 2006.

City Clerk

(SEAL)

Approved:

Mayor

cc18July2006.Minutes