

RICHMOND, CALIFORNIA, July 25, 2006

The Regular Meeting of the Richmond City Council was called to order at 8:08 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-4, G-6, G-7, G-14, G-25, G-27, G-30, G-31, G-33, G-36, and G-35. A motion by Vice Mayor Viramontes, seconded by Councilmember to move Open Forum to the end of the meeting passed by the unanimous vote of the Council. A motion by Councilmember Bates, seconded by Councilmember Butt to hear items G-2, K-1, and K-6 immediately before Open Forum passed by the following vote: **Ayes:** Councilmembers Butt, Bates, Marquez, Griffin, Rogers, McLaughlin, and Viramontes. **Noes:** Councilmember Thurmond and Mayor Anderson.

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:

James Aulds – approved Worker’s Compensation claim in the amount of \$45,845 by the following: **Ayes:** Councilmembers Butt, Griffin, McLaughlin, and Thurmond, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Bates, Marquez, Rogers, and Viramontes.

CC-2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION - Louise Renne (Renne, Sloan, Holtzman & Sakai, LLP) – Confidential Direction was given to staff.

CC-3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION - Baykeeper vs. City of Richmond – Confidential direction was given to staff. (Councilmember Bates was not present).

CC-4. PUBLIC EMPLOYEE PERFORMANCE EVALUATION – City Attorney – Evaluation was conducted.

RRA -1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR – Property: Surplus Properties: APN 556-121-025-2; APN 556-122-001-2; APN 534-242-022-0; APN 534-102-013-8; APN 534-102-014-6; and State #40454, #40455, and #40459. Negotiating Party: Steve Duran, Redevelopment Agency; Margarita Ramos, Ramos Realty; Ron Batiste, Eagle Environment Construction; Sheila Conn, Terra Nova Engineering, Inc.; Walter Ross, Richmond Improvement Association – Confidential direction was given to Redevelopment Agency staff.

OPEN FORUM FOR PUBLIC COMMENT

Charles Evans gave comments on violence in the City of Richmond. Mr. Evans stated that an individual's poverty lifestyle does not equal violence.

Corky Booze commended Willie Haywood and the Public Works staff for their work in the City of Richmond. Mr. Booze also commended the Richmond Half Steppers on their recent victories in a track competition in Oregon.

Ethel Dotson addressed the Council regarding the war in Iraq and the bad precedent set by President Bush with the war in Israel and Lebanon.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Mayor Anderson stated that the proclamation declaring Tuesday, August 1, 2006, as "National Night Out" would be presented to the Crime Prevention Group at the Civic Center on August 1st.

CONSENT CALENDAR

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

* - Approved the purchase of specialized arts and crafts and projects for 11 community centers in the amount of \$10,316.52.

A proposed authorization to issue Wastewater Revenue and Refunding Bonds and approve related document as to form was presented. On motion of Councilmember Bates, seconded by Councilmember Griffin, authorized the issuance of Wastewater Revenue and Refunding Bonds and related document as to form by the unanimous vote of the Council.

* - Approved a contract amendment with Pamela Cagler to provide financial support services in the Finance Department at a cost not to exceed \$15,000.

A proposed purchase of specialized sports and fitness equipment for nine community centers and three exercise fitness components in the amount \$29,463 was presented. Corky Booze asked if the Nevin Center would be included as one of the centers to receive exercise equipment and furniture. Monique Le Conge, Director of Library and Community Services, stated that the nine centers are all of the major community centers and the senior centers. She further stated that the fitness equipment will replace old equipment at the community centers. On motion of Councilmember Bates, seconded by Councilmember Griffin, approved the purchase of specialized sports and fitness equipment, by the unanimous vote of the Council.

A proposed purchase of furniture (chairs and tables) for nine community centers in the amount of \$53,786.32 was presented. On motion of Councilmember Bates, seconded by Councilmember Griffin, approved the purchase, by the unanimous vote of the Council.

A proposed Cooperative Agreement with the Contra Costa Transportation Authority (CCTA), to prepare a project study report for the upgrade of the Richmond Parkway consistent with Caltrans' standards was presented. On motion of Councilmember Bates, seconded by Councilmember Griffin, approved the agreement by the unanimous vote of the Council.

* - Approved a Cooperative Agreement with the Contra Costa Transportation Authority and the cities of Richmond and El Cerrito, designates CCTA as the implementing agency for the first two phases of the I-80/Central Avenue Interchange Project.

* - Approved a contract in an amount not to exceed \$20,000 with Contra Costa County EHSD to provide technology support for connecting the RichmondWORKS One Stop Centers to a single Wide Area Network for all of the One Stop Career Centers located within the County.

* - Adopted **Resolution No. 87-06** authorizing the City of Richmond to levy liens and assessments against properties determined to have accumulation and storage of abandoned, wrecked, dismantled, and inoperable vehicles, constituting a public nuisance.

* - Adopted **Resolution No. 88-06** authorizing the City Manager to enter into a Cooperative Agreement with East Bay Regional Park District (EBRPD) for the construction of the Atlas Road Bridge over the railroad track in the Point Pinole area.

* - Adopted **Resolution No. 89-06** accepting a grant award from the United States Tennis Association in the amount of \$2,500, and Northern California Grant Makers – Summer Youth Project in the amount of \$500; and approve Budget Supplements authorizing expenditure of these funds.

* - Adopted **Resolution No. 90-09** accepting a grant award from the Northern California Grant Makers – Summer Youth Project in the amount of \$4,700, and approved a Budget Supplement authorizing expenditure of these funds.

A proposed resolution authorizing application by the Mayor of the City of Richmond for a *Preserve America* Community Designation was presented. Ethel Dotson requested that the Pullman District be placed in the Richmond Travelers Brochure. On motion of Councilmember Griffin, seconded by Councilmember Marquez, adopted **Resolution No. 91-06**, by the unanimous vote of the Council.

* - Adopted **Resolution No. 92-06** approving the Master Fee Schedule in accordance with Chapters 2.34.040 and 13.25.020 of the Richmond Municipal Code.

* - Adopted **Ordinance No. 37-06 N.S.** establishing wages, salary, and compensation for classifications represented in the **Exempt and Confidential Management Group**.

* - Adopted **Ordinance No. 38-06 N.S.** establishing wages, salary, and compensation for classifications represented by **IFPTE Local 21**. FY 2006-07 impact is \$425,747.

* - Adopted **Ordinance No. 39-06 N.S.** establishing wages, salary, and compensation for **Richmond Fire Management Association (RFMA)**. FY 2006-07 impact is \$63,252.

* - Adopted **Ordinance No. 40-06 N.S.** establishing wages, salary, and compensation for **Richmond Police Management Association (RPMA)**. FY 2006-07 impact is \$132,458.

* - Adopted **Ordinance No. 41-06 N.S.** establishing wages, salary, and compensation for **Richmond police Officers Association (RPOA)**. FY 2006-07 impact is \$1,157,517.

* - Adopted **Ordinance No. 42-06 N.S.** establishing wages, salary, and compensation for classifications represented by **SEIU Local 790**. FY 2006-07 impact is \$1,170,351.

* - Adopted **Ordinance No. 43-06 N.S.** establishing wages, salary, and compensation for classifications represented by **IAFF Local 188**. FY 2006-07 impact is \$1,328,111.

* - Adopted **Ordinance No. 44-06 N.S.** establishing wages, salary, and compensation for the new classification of **City Clerk Technician (Salary Range: \$3,110 - \$3,779/month)**.

* - Adopted **Ordinance No. 45-06 N.S.** 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 - \$6,035/month)** was presented. On motion of Councilmember Bates, seconded by Councilmember Marquez, adopted **Ordinance No. 46-06 N.S.**, by the unanimous vote of the Council.

* - Adopted **Ordinance No. 47-06 N.S.** establishing wages, salary, and compensation for the new classification of **Executive Assistant to the City Manager (Salary Range: \$4,288 – \$5,216/month)**.

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 presented. On motion of Councilmember Griffin, seconded by Councilmember Thurmond, adopted **Ordinance No. 48-06 N.S.**, by the following vote: **Ayes:** Councilmember Butt, Thurmond Marquez, Griffin, Rogers, McLaughlin, and Mayor Anderson. **Noes:** Councilmember Bates. **Abstentions:** Councilmember Viramontes.

* - Adopted **Ordinance No. 49-06 N.S.** establishing wages, salary, and compensation for the new classification of **Community Affairs Coordinator (Salary Range: \$4,936 - \$6026/month)**.

* - Adopted **Ordinance No. 50-06 N.S.** amending Richmond Municipal Code Chapter 12.16 “Sewer and Water Connections – General.”

A proposed ordinance amending Richmond Municipal Code Chapter 12.17, “Private Sanitary Sewer Lateral Connections” was presented. Corky Booze gave comments on the item. On motion of Councilmember Griffin, seconded by Councilmember Viramontes, adopted **Ordinance No. 51-06 N.S.**, by the following vote: **Ayes:** Councilmembers Thurmond, Bates, Marquez, Griffin, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Butt.

* - Adopted **Ordinance No. 52-06 N.S.** updating the Local Employment Ordinance – Richmond Municipal Code Chapter 2.56.

* - Adopted **Ordinance No. 53-06 N.S.** updating the Business Opportunity Ordinance – Richmond Municipal Code Chapter 2.50.

A proposed ordinance amending Chapter 2.52 of the Municipal Code setting forth City Council authority to enter into and competitively negotiate contracts in connection with the Civic Center Master Development Project in furtherance of development of City-owned

properties. On motion of Councilmember Griffin, seconded by Councilmember Viramontes, adopted **Ordinance No. 54-06 N.S.**, by the following vote: **Ayes:** Councilmembers Thurmond, Bates, Marquez, Griffin, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Butt.

* - Adopted **Ordinance No. 55-06 N.S.** setting the tax rate for the Tax Override Pension Fund for Fiscal Year 2006-07 at 0.14 pursuant to Section 13.16.010 of the Richmond Municipal Code.

A proposed approval to receive the City of Richmond Memorandum on Internal Control Structure for the fiscal year ended June 30, 2006, was presented. On motion of Councilmember Griffin, seconded by Councilmember Viramontes, approved receipt of the Memorandum on Internal Control Structure, by the following vote: **Ayes:** Councilmembers Thurmond, Bates, Marquez, Griffin, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Butt.

A recommendation to appoint Robert Peters-Slaughter, term expiring to the Youth Commission was presented. On motion of Councilmember Griffin, seconded by Councilmember Viramontes, the recommendation was approved by the following vote: **Ayes:** Councilmembers Thurmond, Bates, Marquez, Griffin, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Butt.

* - Approved the minutes of the Evening Open Session held on June 27, 2006, and the Morning Open Session held on July 18, 2006.

PUBLIC HEARINGS

City Clerk announced that this was the time set, pursuant to published notice, to conduct a public hearing to adopt a resolution accepting the report of the City Engineer (Director of Public Works) for the collection of Storm and Sewer Fees for Fiscal Year 2006-07. Rich Davidson, Director of Public Works, gave an overview of the fees for Fiscal Year 2006-07. Mayor Anderson declared the public hearing open. There were no comments from the audience. On motion of Councilmember Griffin, seconded by Councilmember Marquez, the public hearing was closed, by the unanimous vote of the Council. On motion of Councilmember Griffin, seconded by Councilmember Marquez, adopted **Resolution No. 93-06** accepting the report of the City Engineer for collection of Storm and Sewer Fees for Fiscal year 2006-07, by the following vote: **Ayes:** Councilmembers Thurmond, Bates, Marquez, Griffin, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Butt.

RESOLUTIONS

None.

ORDINANCES

None.

COUNCIL AS A WHOLE

In the matter to support the recommendation to send SAFE STREETS NOW! More Police and Anti-Violence Act to the November General Election Ballot for consideration by the voters. Mayor Anderson gave an overview and framed the item. The proposed ballot measure would amend the Municipal Code to require that an additional eight percent (8%) of the City's unrestricted General Fund be set aside for a Police Officers/Anti-Violence Fund. The funds would increase public safety and reduce violent crime by requiring that two-thirds of the monies would be used to increase the police force to a minimum of 215 officers, expand geographic-based community policing and increase the number officers available for patrol, thereby increasing safety and fighting violence. Jim Goins, Director of Finance, gave a financial analysis of the proposed ballot measure. The total impact over five years to hire 21 officers and 36 officers is \$13,870,153 and \$23,777,405, respectively. The following individuals gave comments on the item: Myrtle Braxton, Naomi Williams, Mike Ali, Peter Cleveland, Eleanor Thompson, Pastor David Bernstine, Corky Booze, Juan Reardon, Brian Arnold, Cynthia Haden, JoAnn Tillmon, Karen Jones, Charlene Harris, Lillian Powell, Ericka Jordan, Kimberly Ellis, Ethel Dotson, Toni Lynch, Pastor Carleton Leonard, Reverend George Brown, Stephanie Turner, Lee Jones, Fred Jackson, Gary Bell, and James Jenkins. Discussion ensued. A motion by Councilmember Griffin, seconded by Councilmember Butt to support the recommendation to place SAFE STREETS NOW! on the November ballot failed, by the following vote: **Ayes:** Councilmembers Griffin and Butt and Mayor Anderson. **Noes:** Councilmembers Thurmond, Bates, Marquez, Rogers, McLaughlin, and Viramontes. **Abstentions:** None. **Absent:** None.

In the matter of a resolution approving submittal of the Business License Tax to the voters at the November 7, 2006, General Election. Bill Lindsay, City Manager, gave an overview of the proposed tax. The proposed ballot measure would amend Chapter 7.04 of the Municipal Code to enact the Business License Act which, if approved by the voters, would increase the tax structure from \$2,593,168 per year to \$8,501,157 per year. The following individuals gave comments: Robert Delmont; Jim Bates; Corky Booze; Mike Ali; Juan Reardon; Theresa Karr, representing the California Apartment Association of Contra Costa County; Ethel Dotson; Jim Cannon; John Zieshenne; Gary Bell; Marsha Tomassi; Kris Hunt; Dean O'Hair; and Mark Howe. Discussion ensued. On motion of Councilmember Butt, seconded by Councilmember Viramontes, adopted **Resolution No. 94-06** approving submittal of the Business License Tax to the

voters at the November 7, 2006, General Election, by the following vote: **Ayes:** Councilmembers Butt, Thurmond, Bates, Marquez, McLaughlin, and Viramontes. **Noes:** Councilmembers Griffin and Rogers and Mayor Anderson. **Abstentions:** None. **Absent:** None.

In the matter to discuss and direct action on the progress of the extension of the Bay Trail to the western side of Brickyard Landing as required by the Final Development Plan and discussion on the issuance of occupancy permits. The following individuals gave comments on the item: Bruce Bayaert, Eric Arens, Barbara Breay, David Michener, Robert Lee, Corky Booze, Grace Bodle, Lynn Maack, John Mengshol, Ward Bell, Dee Bell, Nancy Shauch, William Acevedo, Jerry Feagley, Paige Poulos, Ethel Dotson, John T. Knox, and Rosemary Corbin. Discussion ensued. A motion was made by Councilmember Butt, seconded by Councilmember Marquez, to authorize and strongly suggest that the City Manager meet with Toll Brothers' staff to resolve this matter but, in the meantime, all occupancy permits be withheld until there is compliance. A substitute motion was made by Councilmember Bates, seconded by Councilmember Griffin to direct the city manager to work with Toll Brothers and Bruce Bayaert to work out a solution and, if there is no resolution, bring the matter back in early September, and the city manager is to use whatever leverage necessary. The substitute motion passed, by the following vote: **Ayes:** Councilmembers Butt, Thurmond, Bates, Marquez, Griffin, Rogers, Viramontes, and Mayor Anderson. **Noes:** Councilmember McLaughlin. **Abstentions:** None. **Absent:** None.

A motion by Councilmember Bates, seconded by Councilmember Griffin to extend the meeting passed by the unanimous consent of the Council.

In the matter to adopt a resolution to study the feasibility and use of biodiesel and biodiesel blends in the City and at the Port of Richmond. Councilmember McLaughlin gave an overview of the item. She recommended the following: (1) the City of Richmond study the feasibility of mandating the use of biodiesel and biodiesel blends in all the diesel vehicles the city operates; (2) the City of Richmond direct the Port of Richmond to study the feasibility of requiring use of biodiesel and biodiesel blends by all port tenants and users, including but not limited to vessels, cargo-handling equipment, locomotives, buses and trucks that support the shipping industry; and (3) the City of Richmond encourage the citizens of Richmond who own and operate diesel vehicles to use biodiesel and biodiesel blends, and whenever possible to buy biodiesel locally from Richmond-based biodiesel manufacturers. Following discussion, a motion by Councilmember McLaughlin, seconded by Councilmember Butt to direct staff to study the feasibility and use of biodiesel and biodiesel blends failed by the following vote: **Ayes:** Councilmembers Butt, Thurmond, McLaughlin, and Viramontes. **Noes:** Councilmembers Rogers, Griffin, and Mayor Anderson.

Abstentions: Councilmembers Bates and Marquez.

Absent: None.

In the matter to direct staff to develop a proposal to make Richmond the lead fire agency in West Contra Costa County. Councilmember Marquez read the following: *'During the June 20, 2006, City Council meeting the City Council authorized immediate resumption of automatic aid between the Richmond Fire Department and the Contra Costa County Consolidated Fire District. By bay area fire department standards, the Contra Costa Consolidated Fire District is not capable of providing adequate protection for the residents of San Pablo, unincorporated North Richmond, and East Richmond Heights, which includes approximately 46,000 men, women, and children, without on-going automatic aid, even though the firefighters assigned to the consolidated district area are very professional and dedicated. According to the bay area fire protection standards, it is suggested that three fire engines and one truck company respond to all structural fires, as currently done by Richmond, El Cerrito, Berkeley, Oakland, San Francisco, and many more. The Consolidated Fire District only has two engines to respond on the West side of the County. The nearest backup would be Pinole, Rodeo, Hercules, which have automatic aid along with others located in the cities of Lafayette and Martinez, which are approximately ten miles away. Since Richmond has now agreed to provide automatic aid to the Consolidated Fire District in order to have adequate protection for Richmond residents, it should be noted that this agreement is for the greatest protection for taxpayers and residents of Richmond. The busiest fire company in the area, perhaps in the County, is Station 70 in San Pablo. Since that company is responding much of the time, the responsibility for protection falls on the Pinole, Rodeo, and Hercules Fire Departments, as well as Station 69 in El Sobrante, which means the Consolidated Fire District only has one local company to protect their district in West County. With the automatic aid agreement, the busiest fire company will switch to Station 62 located at 7th and Hensley, as in 2002. Station 68 located in Hilltop Drive will assume responsibility for Montalvin Manor, and the Rollingwood area. Station 66 located at 41st and Clinton Avenue will respond first to the East Richmond Heights area. The \$22 million invested in fire protection by Richmond residents includes seven engines and one truck participating in the Consolidated Fire District with a return of approximately \$300,000. Richmond taxpayers would not be getting their fair share. The only fair and adequate manner to provide automatic aid is for Richmond to take responsibility for the fire protection services provided currently by the two stations in West County Consolidated Fire District. The protection of lives and property should be the priority of our fire department. Furthermore, it is imperative that the County and San Pablo increase revenues in order to make Richmond financially whole. The current automatic aid agreement between Richmond and Consolidated Fire District has a one year sunset. This time period provides the opportunity for Richmond and*

the Consolidated Fire District to negotiate an agreement to establish Richmond as a lead fire agency in West Contra Costa County Consolidated Fire District.’ The following individuals gave comments: Corky Booze; Jim Parrot, Fire Chief for the City of Pinole; Maria Alegria, Mayor Pro Tem for the City of Pinole; Genoveva Gallow, Mayor of the City of San Pablo; and Richard Voisey, Vice President of IAFF Local 1230. Councilmember Marquez stated that a fire advisory committee should be formed to provide oversight for fire protection. He stated that the committee should have five members: three from District One and two from San Pablo. The fire chief was directed to meet with the other West County fire chiefs and managers to develop a work plan and a governance structure. Bill Lindsay, City Manager, stated that a plan would be developed and the managers from the other cities would be involved for oversight and policy structure. On motion of Councilmember Marquez, seconded by Councilmember Bates, directed staff to develop a proposal for Richmond to be the lead fire agency in West Contra Costa County, by the unanimous vote of the Council.

In the matter of appointing a Voting Delegate and an Alternate to represent the City of Richmond at the league of California Cities Annual Conference, September 6-9, 2006, in San Diego. On motion of Councilmember Griffin, seconded by Councilmember Bates appointed Mayor Anderson as Voting Delegate and Vice Mayor Viramontes as Alternate, by the unanimous vote of the Council. Maria Alegria, Mayor Pro Tem for the City of Pinole, invited everyone to attend the League of California Cities Annual Conference where she will be installed as President.

COMMUNICATIONS

None.

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

None.

There being no further business the meeting was adjourned at 1:53 a.m., in memory of Bea Hill, to meet again on Tuesday, September 12, 2006, at 7:00 p.m.

Clerk of the City of Richmond

(SEAL)

Approved:

Mayor

