

RICHMOND, CALIFORNIA, November 21, 2006

The Evening Open Session of the Richmond City Council was called to order at 6:02 p.m. by Mayor Irma L. Anderson.

ROLL CALL

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

PUBLIC COMMENT

The City Clerk announced that the purpose of the Evening Open Session was to hear comments from the audience on the following item to be discussed in Closed Session: **LIABILITY CLAIMS:** Christian Velasquez, Agency Claimed Against: City of Richmond; Russell Boyer, Agency Claimed Against: City of Richmond. There were no comments from the audience.

The Open Session adjourned to Closed Session at 6:03 p.m. The Closed Session adjourned at 6:20 p.m.

The Regular Meeting of the Richmond City Council reconvened at 7:08 p.m. by Vice Mayor Viramontes.

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Presentations, Proclamations, and Commendations will be presented before Open Forum. Removed Items G-6 and G-7 from the Consent Calendar.

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

CC A-1. John Eastman, City Attorney, made the following report:

Christian Velasquez vs. City of Richmond: Settlement Agreement was approved in the amount of \$17,500 by the following vote: **Ayes:** Councilmembers Butt, Griffin, Marquez, McLaughlin, and Vice Mayor Viramontes. **Noes:** Councilmember Bates. **Abstentions:** Councilmember Thurmond and Mayor Anderson. **Absent:** Councilmember Rogers.

Russell Boyer vs. City of Richmond: Settlement Agreement was approved in the amount of \$20,000 by the following vote: **Ayes:** Councilmembers Bates, Griffin, Marquez, McLaughlin, Thurmond, Viramontes and Mayor Anderson. **Noes:** Councilmember Butt. **Abstentions:** None. **Absent:** Councilmember Rogers.

**PRESENTATIONS, PROCLAMATIONS, AND
COMMENDATIONS**

Mayor Anderson and Officer Harris presented Certificates of Appreciation to the Richmond Police Explorers and individual certificates to the competitors and their coaches for their participation in the 2006 Seventh Annual Central Coast Law Enforcement Explorer Competition. Corky Booze gave comments.

OPEN FORUM FOR PUBLIC COMMENT

Jean Womack urged the Council to change the policy for licensing tutors in the City of Richmond. She was denied a business license.

Angela Simmons, Housing Counselor, Richmond Neighborhood Housing stated that her clients have encountered problems getting her clients into the Richmond Village Development even though all the necessary client requirements have been met.

Audra Williams gave comments regarding the problems she has encountered being able to move into the Richmond Village homes.

Wendy Terry gave comments regarding change in pricing at the last minute to purchase homes in the Richmond Village.

Cherry Chung, Lao Center, expressed support of those persons attempting to purchase homes at Richmond Village.

Shamir Glasper stated that she has purchased a market-rate home in Richmond Village and encouraged the Council to help resolve the problems purchasers have encountered.

Rosa Savedra inquired as to the delay in being able to move into the home she purchased in Richmond Village.

Lynette Mckelhaney, Executive Director of Richmond Neighborhood Housing, stated there is a need for a collaborative effort in order to solve the problems that have arisen regarding Richmond Village Homes, for the benefit of those that have decided to invest in Richmond.

Mildred Watkins asked the Council's assistance in trying to solve an issue regarding delay for a permit operation of a child care center. Ms. Watkins has tried unsuccessfully to contact someone in the Building and Planning Departments.

LaRhonda Martin, owner of the Lighthouse Montessori Day Care located at 2856 Garvin Avenue, stated that she has lost money due to a delay in opening her day care center. Ms. Martin has encountered delays from the Building and Planning Departments in getting this matter resolved.

Lynetta Haines gave comments on drug issues surrounding 818 - 7th Street.

Tarnell Abbott congratulated Mayor-Elect, Gayle

McLaughlin. She reported a possible violation of election rules or laws regarding a letter from Arnie Kasendorf, Chairperson of the Commission on Aging.

Corky Booze stated that the Richmond Steelers Pee-Wee Team has advanced to the championships in Sacramento during the first week of December. The cheerleaders won first place in the pee-wees and midgets. He thanked all of the voters who voted for him. Mr. Booze also thanked the city manager for having the lights turned on at Nevin Park, and asked that Port-o-Potties be placed in Nevin Park.

Arnie Kasendorf stated that the Richmond Commission on Aging will have its 9th Annual Senior Winter Ball at the Richmond Convention Center on December 16, 2006 at a cost of \$10 per person. The tickets are on sale now at the Recreation Department located at 33rd and Macdonald.

Tayna Boyce stated that what has happened to the homebuyers at Richmond Village is unjust and must be resolved quickly.

CONSENT CALENDAR

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

*- Adopted **Ordinance No. 62-06** establishing wages, salary, and compensation for the new classification of Lead Payroll Coordinator (salary range: \$5,027 - 6,085/month).

*- Adopted **Ordinance No. 63-06** establishing wages, salary, and compensation for the new classification of Redevelopment Contract Administrator II (salary range: \$5,823 - \$7,043/month).

*- Adopted **Resolution No. 127-06** authorizing the City to accept a \$21,378 University of California, Berkeley School of Public Health Grant for a sobriety checkpoint program, and to appropriate this amount for overtime cost for sworn and general personnel.

*- Adopted **Resolution No. 128-06** accepting certain streets and public improvements completed by the developer, Whitecastle Development, Inc. of Subdivision 8667, which is known as "Country Club Villas," as specified in the Improvement Agreement dated June 29, 2004.

*- Adopted **Resolution No. 129-06** accepting certain streets and public improvements completed by the developer, Whitecastle Development, Inc. of Subdivision 8668, which is known as "Bay Laurel," as specified in the Improvement Agreement dated June 29, 2004.

A proposed resolution renewing standing orders/outline agreements for technology related goods and service from various vendors in an amount not to exceed \$150,000 per year per vendor for fiscal years 2006-2007 and 2007-2008 was

presented. Councilmember Marquez asked why this item was not discussed at the Finance Department, being that it is over \$100,000. Sue Hartman, Information Technology, stated that this was for payment of Information Technology related items. The annual certification process allows City departments to use these vendors up to their approved budgets. Leslie Knight, Acting City Manager, informed the City Council that the process is used to expedite purchasing and each vendor will not receive \$150,000. Following discussion, the item was referred to the Finance Standing Committee and will be placed on the City Council agenda for December 12, 2006.

A proposed a contract for library building needs assessment with Chong Partners in an amount not to exceed \$107,000 for the Richmond Public Library, and authorize the Director of Library and Community Services to sign any necessary documents related to this contract was presented. Monique Le Conge stated this contract was approved in April 2006. Vice Mayor Viramontes asked for the names of the firms that replied to the RFP, criteria that was used to choose the firms, names of the persons who selected the firm. Following discussion, motion of Vice Mayor Viramontes, seconded by Councilmember Marquez, approved the contract by the unanimous vote of the council and requested that the names of the firms that responded be provided, criteria that was used to choose the firms, and the names of the persons who selected the firm to be submitted to the Council in writing.

*- Approved meeting schedule of the City Council for December 5 and 12, 2006, and, January 2, 9, (by statute for swearing-in ceremony) and 16, 2007.

*- Approved minutes of the meeting held on November 14, 2006.

RESOLUTIONS

None.

ORDINANCES

None.

COUNCIL AS A WHOLE

In the matter to nominate and approve a voting delegate and an alternate to cast the City of Richmond's votes during the business meeting of the National League of Cities' Annual Meeting. On motion of Councilmember Griffin, seconded by Councilmember Rogers appointed Mayor Anderson as voting delegate and Councilmember Marquez as the alternate by the unanimous vote of the Council.

In the matter to approve, in substantially the form presented, the Municipal Services Agreement (MSA) between the Scotts Valley Band of Pomo Indians and the City of Richmond with such changes that the City Manager determines is in the best interests of the City. Janet Schneider, Administrative Chief, stated that staff reviewed the key positions of the Municipal Services Agreement. As a result of the Study Session held last week, Council directed staff to make changes to the draft agreement, which has been incorporated in the current MSA.

The following individuals gave comments: Charles T. Smith, Andres Soto, Rev. Charles Day, Lee Jones, Tarnell Abbott, Bob Ellison, Anthony Fuller, Jeff Ritterman, Barbara Becnel, Dr. Henry Clark, Fred Jackson, Ethel Dotson, Kathleen Sullivan, Cochise Potts, and Ann Rufinio. Discussion ensued. A motion was made by Councilmember Rogers, seconded by Councilmember Griffin to approve the contract. Further discussion ensued during which a substitute motion was made by Councilmember Butt, seconded by Councilmember Marquez, that a \$1 million payment be made upon execution of this agreement and be taken off the first payment due should the project go forward. Chairman Arnold, Scotts Valley Band of Pomo Indians, stated that he agrees with the policies stipulated in the MSA as currently written. Councilmember Thurmond asked how possible violent impacts will be addressed. Chairman Arnold replied that the group will pay for extra police officers and police patrols; will work together with the City of Richmond, Sheriff's Department, and the California Highway Patrol. Councilmember Marquez withdrew his second for the substitute motion. The original motion by Councilmember Rogers, seconded by Councilmember Griffin to approve the MSA passed by the following vote: **Ayes:** Councilmembers Bates, Griffin, Marquez, Rogers, Vice Mayor Viramontes, and Mayor Anderson. **Noes:** Councilmembers Butt, McLaughlin, and Thurmond. **Abstentions:** None. **Absent:** None.

In the matter to discuss and provide direction to staff regarding litter in railroad right-of ways. Councilmember Rogers stated that when the City came onto railroad property to clean up graffiti that the railroad was not removing, the railroad billed the City for coming onto their land. He stated that the City should enforce its ordinance for abatement of graffiti and litter with the railroads as it would with anyone else. John Eastman, City Attorney, replied that the city prosecutor, city engineer, director of public works, and Public Works Division employees met with the railroad officials. The railroad stated they would like to cooperate and apologized for having sent the bill. Mr. Eastman stated that it would be premature, at this point, to begin filing court actions against the railroad companies because they are willing to cooperate. Corky Booze gave comments. On motion of Councilmember Bates, seconded by Vice Mayor Viramontes, directed staff to provide a written report in a couple of weeks of what is currently being done and resolve what is planned to deal with these issues in the future. A motion was made by Councilmember Butt directing the City Attorney to give code enforcement in railroad right-of-ways the highest priority and enforce code violations aggressively. Councilmember Rogers seconded the motion with a friendly amendment that staff return by January 15, 2007, to the City Council, with an agreement with the railroad companies on how they are going to clean up the graffiti and litter on their property. The motion passed by the following vote: **Ayes:** Councilmembers Butt, Griffin, McLaughlin, Rogers, and Thurmond. **Noes:** Councilmember Bates and Mayor Anderson. **Abstentions:** Councilmembers Marquez and Viramontes. **Absent:** None.

In the matter to discuss the Finance Committee's recommendations to consider possible changes in Richmond police compensation to make police recruiting more competitive. Leslie Knight, Human Resources Director, stated that the City just completed negotiations for two-year agreements with the Richmond Police Officer's Association, (RPOA), who received a

5% increase on July 1, 2006 and will receive a 4% increase on January 1, 2007 and on July 7, 2007 RPOA members will receive an additional 5% increase. There have been several cash incentives, including signing bonuses which range from \$1,000 to \$6,000 and relocation assistance if living more than 200 miles away, reimbursement for moving expenses, including temporary housing, not to exceed \$5,000. The Police Officer Trainee salary has been increased from \$2,500 to \$4,000. Councilmember Rogers gave an overview of the matter and stated that a salary survey indicates that the City of Richmond's Police Department is 12 out of 13 of comparable cities in terms of salaries. No action was taken.

COMMUNICATIONS

None.

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

Councilmember Marquez

Announced that the next Public Safety Standing Committee meeting will be on Thursday, December 14, 2006. Councilmember Marquez will be attending the National League of Cities Conference in Reno from December 5th to the 9th.

Councilmember Rogers

Thanked those involved in hosting the Haunted House.

Councilmember Bates

Asked for an update on the Toll Brothers/Brickyard Cove Development.

Leslie Knight, Human Resources Director

Announced that future Council meetings are December 5, 2006, December 12, 2006, January 1, 2007 and January 9, 2007. Councilmember Rogers suggested that there be a meeting on November 30, 2006, thereafter on December 12, 2006, January 1, 2007 and January 9, 2007

ADJOURNMENT

There being no further business, the meeting adjourned at 10:12 p.m., to meet again on Tuesday, December 12, 2006, at 7:00 p.m.

City Clerk

(SEAL)

Approved:

Mayor