

RICHMOND, CALIFORNIA, July 19, 2005

The Regular Meeting of the Richmond City Council was called to order at 7:06 p.m., by Mayor Irma L. Anderson.

ROLL CALL

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

Mayor Anderson presented newly appointed Councilmember Tony Thurmond. She asked Councilmember Thurmond to say a few words. Councilmember Thurmond expressed his pleasure being the newest City Councilmember. He dedicated his service on the Richmond City Council to his brother, Terrence Thurmond, who passed away in November 2004. He also thanked his family and the City Council for giving him the opportunity to serve. He also thanked his opponents, Gary Bell, Corky Booze, Andres Soto, and Deborah Preston-Stewart.

COUNCILMEMBER'S CODE OF CONDUCT

Acting City Clerk read the Councilmember's code of Conduct.

APPROVAL OF MINUTES

A motion was made by Councilmember Griffin, seconded by Vice Mayor Rogers, to approve the minutes of the Evening Session held on July 12, 2005, and the Morning Open Session held on May 17, 2005. The motion passed by the following vote: **Ayes:** Councilmembers Butt, Marquez, Griffin, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Noes:** None. **Abstain:** Councilmember Thurmond. **Absent:** Councilmember Bates (arrived later).

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Removed Item I-4; I-5 (a-b); I-7; I-14, and I-15 from the Consent Calendar. Items H1 and H4 withdrawn.

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

Sr. Assistant City Attorney, Everett Jenkins reported the following:

Conference With Legal Counsel: Potential Litigation

- Richmond Swim Center: Report presented and discussion held. The Council received a report on the matter and gave direction to outside counsel. There was no final action on the matter. **Conference with Legal Counsel: Existing Litigation**
- **Team Construction** – On motion of Councilmember Viramontes, seconded by Vice Mayor Rogers, voted 6 Ayes, 1

Noe (Butt), and 1 Abstain (McLaughlin), 1 Absent (Marquez), voted to settle the case in the amount of \$525,000 provided there is a report provided to the Council at the next Council meeting which discusses the history of the litigation and the corrective actions taken. Turner vs. City of Richmond – No report. No action taken. **Conference with Real Property Negotiators - Terminal No. 1** There was discussion on the matter and related matters are on the City Council meeting agenda and will be discussed later during the City Council meeting. **Public Employment** - City Attorney – The Council received a status report on the recruitment process. City Manager – No discussion. City Attorney – No discussion.

OPEN FORUM FOR PUBLIC COMMENT

Mike Ali addressed the regarding the West Contra Costa Unified School District's Bond Measure on the November 8, 2005 ballot. He spoke against the measure.

Charlotte McIntire gave comments regarding the \$400 million dollar School Bond Measure.

Theresa Armstrong congratulated Tony Thurmond on his appointment to the City Council. She also thanked everyone for supporting her during the "*Coming Anew, Reunification Program,*" Open House activity.

Corky Booze welcomed Tony Thurmond to the City Council. Additionally, he thanked Councilmembers Marquez and Butt for nominating him for appointment to the City Council.

Richard Lompa spoke in opposition to the proposed Point Richmond Business Assessment District.

Jay Betts gave comments opposing the proposed Neighborhood Improvement Community Enhancement (N.I.C.E.) District.

Jonathan Livingston addressed the Council regarding the future development of the Brickyard Cove area.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Withdrew a presentation of the S.A. T. Scholarship to Ariel Moshe, graduate of Pinole Valley High School, by the Friends of the Richmond Public Library and the Richmond Public Library. Due to illness of the recipient, the presentation will be on September 13, 2005.

Sandi Genser-Maack, Chamber of Commerce and representative of the Richmond Festival Committee, announced the August 6 and August 7, 2005, Centennial Activities, on behalf of the Centennial Advisory Committee.

Acting City Clerk read a proclamation recognizing Eco Village Farm Center for their efforts to teach communities to protect natural resources and ecosystems for present and future generations. Councilmember McLaughlin and Mayor Anderson presented the proclamation to Shyaam M. Shabaka, Founder and Director of EcoVillage.

Withdrew a presentation to accept contributions for the Summer Youth Program.

CONSENT CALENDAR

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

*-Approved amending an agreement with Cleary Brothers Landscape, Inc., for the Southside Community Park Contract to construct a scenic overlook on Santa Fe Avenue in Point Richmond. Total amount of the contract amendment is \$27,088.

*-Approved a lease agreement with T-Mobile to lease City property for a cell phone cabinet at Humboldt Play Lot.

*-Approved an agreement with Comcate for eFeedbackManager (EFM) Software. Total amount of the contract is \$15,500, and the term of the contract is one year.

A proposal to approve amending the Ferry Point Tunnel Contract with Ghilotti Brothers to repave a portion of Washington Avenue and Dornan Drive. Total amount of the amendment will not exceed \$90,147. Willie Haywood, Public Works Director, gave an overview of the item. Corky Booze spoke on this item. On motion of Councilmember Griffin, seconded by Councilmember Viramontes, amended the Ferry Point Tunnel Contract with Ghilotti Brothers, by the unanimous vote of the Council.

A proposal to approved amending contracts for legal services in the City Attorney's Office was presented as follows: a) Trisha A. Aljoe to provide legal services in the City Attorney's Office and to amend the termination date of the contract. The contract amount will increase in the amount of \$50,000, and the contract termination date will extend to December 31, 2005; and b) Mary J. Renfro to provide legal services in the City Attorney's Office and to amend the termination date of the contract. The contract amount will increase in the amount of \$50,000, and the contract termination date will extend to December 31, 2005. Sr. Assistant City Attorney, Everett Jenkins, gave an overview of the item. Corky Booze spoke on this item. On motion of Councilmember Griffin, seconded by Councilmember Viramontes, to approve staff's recommendation. A substitute motion was made by Councilmember McLaughlin to approve \$25,000 but failed for lack of a second. The original motion passed by the following vote of the Council: **Ayes:** Councilmembers Butt, Griffin, Marquez, McLaughlin, Thurmond, Viramontes, Vice Mayor Rogers, and Mayor Anderson **Noes:** None. **Abstention:** None. **Absent:** Councilmember Bates.

*-Approved directing staff to release a Notice of Funding Availability for the Community Development Block Grant (CDBG) Funds for the 2006-2007 program year and to continue working on the established priorities for Home

Investment Partnership (HOME) Funds for the 2006-2007 program year.

A proposal to approve an agreement with Sacramento Advocates to provide state legislative and governmental services was presented. Total amount of the contract is \$60,000, and the contract period is August 1, 2005, through July 31, 2005. A motion was made by Councilmember Butt to transfer the \$60,000 to the Fire Department and not hire a lobbyist at the state level at this time. The motion failed for lack of a second. A motion was made by Councilmember Griffin, seconded by Councilmember Marquez, to approve an agreement with Sacramento Advocates. The motion passed by the following vote of the Council: **Ayes:** Councilmembers, Griffin, Marquez, McLaughlin, Thurmond, Viramontes, Vice Mayor Rogers, and Mayor Anderson **Noes:** Councilmember Butt. **Abstention:** None. **Absent:** Councilmember Bates.

*-Approved the following actions regarding an agreement between the Port of Richmond and Stevedoring Services of America (SSA): a. Rescinded the termination of the Lease Agreement with SSA. b. Authorized the Port Director to amend the agreement and collect land lease revenue in lieu of wharf revenue for automobile marine operations. c. Authorized the Port Director to amend the agreement to allow SSA to make property improvements not to exceed \$300,000. d. Authorized the City Attorney to approve the final language for the terms that will be amended.

*-Approved a contract to replace the core router and firewall and procure service agreements on new and existing routers and firewall for a term of three years. Total cost is \$62,174.88 and will be shared by six consortium agencies.

*-Adopted **Resolution No. 100-05** amending and restating previous resolutions associated with the North Richmond Street Improvement Project.

*-Adopted **Resolution No. 101-05** amending Resolution No. 94-05, adjusting appropriations of the 2005/2006 WIA and Grant Programs to \$225,000.

*-Adopted **Resolution No. 102-05** amending and restating Resolution No. 42-05 authorizing the execution of a contract with COMCAST for the cost of under grounding utilities associated with the North Richmond Street Improvement Project in an amount not to exceed \$29,415.

*-Adopted **Resolution No. 103-05** amending and restating Resolution No. 41-05 authorizing the execution of a contract with P.G.& E. for the cost of under grounding utilities associated with the North Richmond Street Improvement Project in an amount not to exceed \$370,944.

A proposal to adopt a resolution approving establishing a new classification specification of **Human Resources Personnel Officer**. Human Resources Director, Leslie Knight, gave an overview. Jim Russey spoke on this item. A motion was made by Vice Mayor Rogers to refer this item to the Finance Committee. A substitute motion was made by Councilmember Butt, second by Councilmember McLaughlin, to approve staff's recommendation. A second substitute motion

was made by Councilmember Bates to hold this item over to August 2, 2005, to give the Council an opportunity to ask questions. Councilmember Thurmond requested staff provide information to show cost savings. Mayor Anderson held the item over to August 2, 2005.

A proposal to adopt a resolution amending the maximum fees for motor vehicle towing, approving the 2005 Tow Service Contract, and approving a contract with Pick- N- Pull for processing abandoned vehicles was presented. Captain Cleveland Brown, Richmond Police Department, gave an overview of the item. Corky Booze spoke on this item. On motion of Councilmember Griffin, seconded by Councilmember Viramontes, adopted **Resolution No. 104-05** by the following vote of the Council: **Ayes:** Councilmembers Bates, Butt, Marquez, Griffin, McLaughlin, Viramontes, Vice Mayor Rogers, and Mayor Anderson. **Noes:** None. **Abstain:** Councilmember Thurmond. **Absent:** None.

*- Denied claims against the City of Richmond by: (1) Andres Soto c/o H.F. Layton, Attorney; (2) Kenneth C. Wilcots; (3) Pedro Alvarado Martinez, et al.; (4) Georgia Simmons; and (5) Dimitri Rotow, Kathleen Rotow.

PUBLIC HEARINGS

CONTINUE TO SEPTEMBER 20, 2005, appeals by Margaret Judkins, Jay Fenton, Cochise Potts, and Ethel Dotson from the Planning Commission's approval of the Parkway Commerce Center Project EID/TM 02-07: Parkway Commerce Center TIC at John Street and Collins Avenue (**This public hearing was continued from the March 29, 2005, April 19, 2005, May 17, 2005, and June 21, 2005, City Council Meetings at the request of the four appellants**).

The acting city clerk announced this was the time set, pursuant to published notice, to conduct a public hearing to adopt a resolution to levy special assessments on certain properties for property abatement receivables for **Lot Clean Up Notifications and Inspections and Building Board Ups**. A Police Department Representative gave an overview of the item. Mayor Anderson declared the public hearing open. Speakers were: Charlotte McIntyre, Corky Booze, and Robert Ellison. On motion of Councilmember Bates, seconded by Vice Mayor Rogers, closed the public hearing by the unanimous vote of the Council. Interim Police Chief, Terry Hudson, spoke on this item. Following discussion, on motion of Councilmember Butt, seconded by Councilmember Griffin, levied special assessments on certain properties for property abatement receivables for Lot Clean Up Notifications and Inspections and Building Board Ups excluding the nine appeals received, by the unanimous vote of the Council.

AGREEMENTS

None.

RESOLUTIONS

None.

ORDINANCES

In the matter to introduce an ordinance establishing wages, salary, and compensation for the classification of **Human Resources Personnel Officer** – (Salary Range is \$6,137 to \$11,396 per month) and amending Executive Employees Ordinance No. 2-05 N.S. Human Resources Director, Leslie Knight, gave an overview. Jim Russey spoke on this item. A motion was made by Vice Mayor Rogers to refer this item to the Finance Committee. A substitute motion was made by Councilmember Butt, second by Councilmember McLaughlin, to approve staff's recommendation. A second substitute motion was made by Councilmember Bates to hold this item over to August 2, 2005, to give the Council an opportunity to ask questions. Councilmember Thurmond requested staff provide information to show cost savings. Mayor Anderson held the item over to August 2, 2005.

COUNCIL AS A WHOLE

In the matter to consider approving recommendations for the following appointments to Boards and Commissions: **(1) Historic Preservation Committee**: Judith Morgan, Rosemary Corbin, Sandi Genser-Maack, Charles Duncan, and Kim Butt; **(2) Human Relations Commission**: Jennifer Rougeau and Kathleen Sullivan, terms expiring March 30, 2008; **(3) Library Commission**: Luis Perez, Incumbent, term expiring July 1, 2008; **(4) Planning Commission**: Zachary Harris, Stephen Williams, and Vicki, Incumbents, terms expiring June 30, 2007; and **(5) Youth Baseball Commission**: Melvin Cruz, Carl Hancock, and Evangeline Munson, Incumbents, terms expiring June 15, 2008. On motion of Councilmember Griffin, seconded by Vice Mayor Rogers, approved the recommendations by the unanimous vote of the Council.

In the matter to consider designating a Voting Delegate and an Alternate Delegate to the League of California Cities' Annual Business Meeting and Conference that will be held October 6-8, 2005, at the San Francisco Moscone Convention Center. On motion of Councilmember Griffin, seconded by Councilmember Viramontes, nominated Mayor Anderson as Voting Delegate and Vice Mayor Rogers as Alternate Delegate, by the unanimous vote of the Council.

COMMUNICATIONS

REPORTS OF OFFICERS: STANDING COMMITTEE REPORTS, REFERRALS TO STAFF, AND GENERAL REPORTS

Councilmember Marquez announced that the Public Safety Standing Committee will meet Thursday, July 21, 2005, at 10:30 a.m.

Councilmember McLaughlin reported that the Rules and Procedures Standing Committee will meet on the 3rd Thursday in September at 9 a.m.

Mayor Anderson reported that proclamations will be prepared by the Juneteenth Committee. She thanked her staff for assisting in the farewell to Mr. Patel. She also praised the

Human Resources Department for the great job in preparing and getting out announcements.

Thanked staff for the work they did on Fireworks.

Councilmember Griffin announced that the weeds need to be cut on ramps off I-580, Carlson, Cutting, and Hill Top.

Councilmember McLaughlin announced that the last DTSC CAG meeting was held on June 30, 2005, and the next meeting will be held on July 28, 2005, at 7:00 p.m. at the Richmond Auditorium, Bermuda Room.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:56 in memory of Felix Hernandez, a former employee of the City of Richmond. The next City Council Meeting is scheduled for Tuesday, August 2, 2005, at 7:00 p.m.

City Clerk

(SEAL)

Approved:

Mayor