

RICHMOND, CALIFORNIA, September 20, 2005

The Special Meeting of the Richmond City Council was called to order at 10:45 p.m., by Mayor Irma L. Anderson.

ROLL CALL

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

COUNCILMEMBERS CODE OF CONDUCT

The City Clerk read the Councilmembers' Code of Conduct.

APPROVAL OF MINUTES

On motion of Councilmember Griffin, seconded by Councilmember Marquez, approved the minutes of the Special Meeting held on September 13, 2005, by the following vote:
Ayes: Councilmembers Butt, Bates, Marquez, Griffin, Rogers, McLaughlin and Mayor Anderson. **Noes:** None. **Abstentions:** Councilmember Thurmond. **Absent:** Councilmember Viramontes.

STATEMENT OF CONFLICT OF INTEREST

Councilmember Thurmond stated that he has a conflict and would not vote on agenda Item I-1. On agenda Item I-1, Councilmember Butt said that he is an Advisory Boardmember.

AGENDA REVIEW

On motion of Councilmember Butt, seconded by Vice Mayor Rogers, added to Council as Whole appointments to the Design Review Board and Planning Commission, due to imminent expiration of the 90-day extension by consent of the Council.

Withdrew agenda Items H-1; H-4; N-1, and N-2.

Corrected agenda Item I-3 regarding the Buyer I position. Mr. Larson recommended deletion of the Buyer I salary range in Section 1.1 of the proposed ordinance.

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

Everett Jenkins, Interim City Attorney made the following report:

Conference with Legal Counsel: Labor Negotiations

A motion made by Councilmember Marquez, seconded by Councilmember Griffin, voted 5-0-2 (McLaughlin and Rogers); 2 (Bates and Viramontes absent) gave direction to the Labor Negotiators.

Added to the Closed Session an item regarding **Potential Litigation**. A motion by Councilmember Bates, seconded by

Councilmember Marquez, voted 8-0-0-1(Viramontes absent), gave direction to legal staff.

Public Employment

Appointment of a City Attorney: City Council appointed John Eastman, currently Redondo Beach, California, and Assistant City Attorney. Mr. Eastman holds a Jurist Doctor from the University of Southern California. Mr. Eastman's salary will be \$12,245 per month. In addition Mr. Eastman will also receive a \$10,000 relocation allowance. Councilmember Bates stated for the record that the matter should be placed on the agenda for a Council vote. On motion of Councilmember Bates, seconded by Councilmember Marquez to add the matter to the agenda. Everett Jenkins, Interim City Attorney, stated that it is necessary to place the matter on the agenda based on information received earlier in the day. The Council voted unanimously to place the matter on the agenda. On motion of Councilmember Bates, seconded by Councilmember Marquez, to hire Mr. Eastman as the City Attorney, with moving expenses not to exceed \$10,000 and provide receipts detailing the expenditure of the \$10,000 be provided to the City Council by the following vote: **Ayes:** Councilmembers Butt, Thurmond, Bates, Marquez, Griffin, Rogers, McLaughlin, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Viramontes.

Public Employee Performance Evaluation

City Clerk: Discussion held. No final decision made.

OPEN FORUM FOR PUBLIC COMMENT

Mike Ali gave comments regarding the West Contra Costa Unified School District's Measure J School Bond. He stated that the school district is irresponsible with the taxpayer's money.

Naomi Williams, Pullman Neighborhood Council President, thanked the Community Redevelopment Program and the We Care Program for making it possible for 30 seniors living in the Pullman Neighborhood to have their homes painted. Additionally, she invited the Council to the Pullman Neighborhood Council to the Block Party/Pot lunch Luncheon. Also she corrected the spelling of Ethel Dotson's name as it appeared in the West County Times regarding the Jefferson Awards.

Ethel Dotson gave comments regarding the homeless. Additionally, she commented that there are many Richmond residents who cannot afford cable. She also stated that there should be more affordable homes.

Juan Reardon he asked the City Council on behalf of the Richmond Greens and Richmond Progressive Alliance to adopt and implement a public records policy that reforms the way in which Richmond responds to requests for records. He said that it should not take several months for records. He said that a policy is needed to streamline public access to documents.

PRESENTATIONS, PROCLAMATIONS, AND COMENDATIONS

Withdrew a presentation of a proclamation to STAND! Against Domestic Violence declaring October 2005 as “Domestic Violence Awareness Month”.

Bill Lindsay, City Manager, introduced the following new employees: (1) James Goins, Finance Director, and (2) Timothy Jones, Executive Director, Richmond Housing Authority. Interim Fire Chief, Michael Banks introduced Erik Newman, promoted to Battalion Chief. Each employee thanked the Council for the opportunity to serve the City of Richmond.

Jim Brumfield, Chevron representative presented a \$50,000 donation to the Community Housing Development Corporation of North Richmond for the Moving Assets Toward Community Hands Program to assist low-income families gain money management skills. Mr. Brumfield presented the check to Don Gilmore, Community Housing Development Corporation, Executive Director, who thanked Chevron and Mr. Brumfield for the donation.

Withdrew a presentation of a proclamation from the City of San Pablo commemorating the 100th Anniversary of the City of Richmond.

Withdrew a presentation of a proclamation to STAND! Against Domestic Violence declaring October 2005 as “Domestic Violence Awareness Month”.

Bill Lindsay, City Manager, introduced the following new employees: (1) James Goings, Finance Director, and (2) Timothy Jones, Executive Director, Richmond Housing Authority. Interim Fire Chief, Michael Banks introduced Erik Newman, promoted to Battalion Chief. Each employee thanked the Council for the opportunity to serve.

CONSENT CALENDAR

On motion of Councilmember Marquez, seconded by Councilmember Griffin, all items marked with an asterisk (*-) were adopted by the unanimous vote of the Council.

A proposed contract with West Contra Costa Public Education Fund (Ed Fund) to encumber California Department of Education one-time funds that may only be used for professional staff development for the 21st Century After-School Program. The contract will be funded through State grants, and the total amount of the contract will not exceed \$188,421.70.

*-Adopted **Resolution No. 132-05** certifying to the Superior Court of Marin County the Administrative Record in East Bay Regional Park District et al. vs the City of Richmond, Case Number CV 052241 (**Councilmember McLaughlin abstained**).

*-Adopted **Ordinance No. 37-05, NS** establishing wages, salaries, and compensation for the Classification of **Lead Telephone/Radio Specialist** (Salary Range is \$4,788 to \$5,819 per month), and **Buyer I** (Salary Range is \$4,035 to \$4,816 per month), current salary, and abolishing Buyer I salary and

compensation and amending General Employees Ordinance No. 33-01 N.S. and Management Employees Ordinance No. 40-01 N.S.

*-Adopted **Ordinance No. 38-05, NS** setting the tax rate for the Tax Override Pension Fund for Fiscal Year 2005/2006. The Tax Override Pension Tax Rate will be set at .1400.

*-Adopted **Ordinance No. 39-05, NS** amending Section 10.06.010 of Chapter 10.06 of the Richmond Municipal Code pertaining to prohibited conduct in the Richmond Public Library.

PUBLIC HEARINGS

City Clerk announced this was the time set pursuant to a published notice for appeals by Margaret Judkins, Jay Fenton, Cochise Potts, and Ethel Dotson to 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 is continued from the City Council meetings held on March 29, 2005; April 19, 2005; May 17, 2005; and, July 19, 2005. Mayor Anderson declared the public hearing open. Richard Mitchell, Interim Planning Manager introduced Lamont Thompson, Planner, who gave an overview of the matter. The following individuals spoke on the matter: Margaret Judkins, Ethel Dotson, Jim Jerry, Debbi Landshoff, Jim Moose, Thomas Weeks(a motion was made by Councilmember Viramontes, seconded by Vice Mayor Rogers to extend the meeting ten minutes passed by consent with Councilmembers Butt, and Bates objected), Gordon Lum, Jessica Palacios, Whitney Dotson, Judith Morgan, Dwight Merrill, John Troughton, and Mike Ali(a motion was made by Councilmember Bates, seconded by Councilmember Thurmond to extend the meeting to 12:15 a.m. The motion passed with Councilmember Griffin objecting). Further discussion ensued, (a motion was made by Councilmember Bates, seconded by Vice Mayor Rogers to extend the meeting to 12:30. Following discussion, on motion of Councilmember Bates, seconded by Councilmember Griffin, closed the public hearing by the unanimous vote of the Council. On motion of Councilmember Bates, seconded by Councilmember Griffin, to deny the appeal and indemnify the City and add the following Staff Recommendations to the Conditions: (a) It is recognized that the Griffin Crossing is unsuitable for truck traffic, (b) It is illegal for trucks to travel on Giant Road north of the Richmond Parkway off-ramp up to the 3 ½ ton limit sign at Atlas Road. (c) Staff recommends that the Council direct that this law be strictly enforced, and the City's enforcement be monitored by the community. (d) In implementing mitigation measure IVG-5a, the applicant has agreed to construct improvements including ensuring that the bridge is 44 feet wide, in landscaping in Rheem Creek consistent with the attached diagrams labeled "Landscape Site Creek Plan" dated July 1, 2004, and "Typical Section," undated, subject to the review and approval by the Contra Costa County Flood Control and Water Conservation District and other permitting agencies. (e) The applicant has agreed to explore liability issues with Trails for Richmond Action Committee, public access to Rheem Creek east of the Richmond Parkway right of way on the Contra Costa County Flood Control District's easement. A substitute motion was made by Councilmember McLaughlin, seconded by Councilmember Butt to grant the appeal failed by the following vote: **Ayes:** Councilmembers Butt, Thurmond, and McLaughlin.

Noes: Councilmembers Bates, Griffin, Rogers, and Mayor Anderson. **Abstentions:** Councilmember Marquez. **Absent:** Councilmember Viramontes. The original motion by Councilmember Bates, seconded by Councilmember Griffin, failed by the following vote: **Ayes:** Councilmember Bates, Griffin, and Mayor Anderson. **Noes:** Councilmembers Butt, Thurmond, and McLaughlin. **Abstentions:** Councilmember Marquez. **Absent:** Councilmember Viramontes.

City Clerk announced this was the set pursuant to a published notice to conduct a public hearing on proposed amendment to Fiscal Years 2004/05 and 2005/06 Consolidated Action Plans to allocate up to \$732,000 in Community Development Block Grant Funds (CDBG) to assist in the development of public facilities in Community Development Target Neighborhoods of Iron Triangle, Belding Woods, and North Richmond. The Council consented to continue the public hearing to October 4, 2005, at staff's request.

AGREEMENTS

None.

RESOLUTIONS

None.

ORDINANCES

None.

COUNCIL AS A WHOLE

Withdrew the matter of a Staff Report and consideration of action by City Council on Stop Work Order for Chevron Construction Project.

Withdrew the matter of a discussion and recommendation regarding the potential proposal of a draft ordinance to include a Conditional Use Permit requirement on major project developments/superstores.

In the matter to consider directing the City Manager to authorize staff to coordinate a community meeting to educate the public on impact fees associated with parks and open space; specifically, rate of collection and utilization. Following discussion, the Council requested staff conduct a Study Session on the matter.

In the matter to consider appointments to Boards and Commissions, Mayor Anderson made the following recommendations: **Design Review Board:** (1) Ted Smith, Don Woodrow, Michael Woldemar, and Eileen Whitty. **Planning Commission:** Stephen Williams and Zachary Harris. On motion of Councilmember Bates, seconded by Councilmember Griffin, approved the Mayor's recommendations by the unanimous vote of the Council.

COMMUNICATIONS

None.

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

No reports.

ADJOURNMENT

There being no further business, adjourned the meeting at 12:40 a.m., in memory of Mary Otani, Cynthia Williams, Emmitt Parker, Maurice Jones, and Manuel Estrada.

City Clerk

(SEAL)

Approved:

Mayor