

RICHMOND, CALIFORNIA, September 13, 2005

The Special Meeting of the Richmond City Council was called to order at 9:58 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 , seconded by Vice Mayor Rogers, approved the minutes of June 7, 2005, June 21, 2005, and August 17, 2005, by the following vote: **Ayes:** Councilmembers Butt, Thurmond, Bates, Marquez, Griffin, Rogers, McLaughlin, and Mayor Anderson. **Noes:** None. **Abstentions:** Councilmember McLaughlin abstained on the August 17th minutes. **Absent:** Councilmember Viramontes. Mayor Anderson requested that the minutes be brought current by

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

On motion of Councilmember Butt, seconded by Councilmember Marquez voted to add the following items to the agenda by the unanimous vote of the Council:

1. Added to Agreements a proposed contract award to NRC Environmental Services. This is for the clean up of an oil spill and there is liability associated with a timely clean up.
2. Added to Resolutions a resolution regarding Employees donating Vacation Compensation to the American Red Cross for Hurricane Katrina Relief efforts.

Salary change for the position of Buyer I/II.

Removed Item I-2 from the Consent Calendar.

Continued the public hearing regarding the extension of an emergency ordinance for marijuana dispensaries.

Withdrew item N-2 from the Agenda.

Clarified for the record Item I-12 on the agenda has been reviewed and recommended by the Personnel Board to add the Human Resources Personnel Officer position.

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

Conference with Legal Counsel: Existing Litigation

Walter Georgetown vs. City of Richmond: On motion of Councilmember Bates, seconded by Councilmember Rogers, voted 8-0 to settle the case in the amount of \$61,000.

Rudy Sims vs. City of Richmond: On motion of Councilmember Bates, seconded by Vice Mayor Rogers, voted 7-1 (Griffin) to settle the case in the amount of \$75,000.

Beverly Myres vs. City of Richmond: On motion of Councilmember Bates, seconded by Councilmember Marquez, voted 7-1 (Butt voted noe) to settle the case in the amount of \$130,000.

Tanzel vs. City of Richmond: On motion of Councilmember Marquez, seconded by Councilmember Bates, voted 7-0 (Viramontes and Griffin absent), directed staff to appeal the decision.

Team Construction vs. City of Richmond: No report given.

East Bay Regional Parks District: Report given, but no action taken.

Conference with Legal Counsel: Potential Litigation

Baykeeper and West County Toxics Coalition, et al: Report given but no final action taken.

East Bay Regional Parks District: Report given.

Richmond Swim Center: No report.

Retired Firefighters: Report given, but no final action taken.

Conference with Real Property Negotiators

Property: Goodrick Avenue at Richmond Parkway: On motion of Councilmember Bates, seconded by Councilmember Marquez, gave direction to negotiators by a vote of 5-1-1(Rogers voted noe; McLaughlin abstained; Griffin and Viramontes absent).

Conference with Legal Counsel: Labor Negotiations

On motion of Councilmember Marquez, seconded by Councilmember Butt, voted to direct the labor negotiators to enter into labor negotiations with the various labor unions on a specific item by a vote of 6-0(Viramontes, Griffin and Rogers absent).

Public Employee Discipline/Dismissal/Release

Report given, but no action.

Public Employee Performance Evaluation

City Manager: Report, but no action.

City Attorney: Interviews conducted.

OPEN FORUM FOR PUBLIC COMMENT

Beatrice Boyd addressed the Council regarding the parking situation at Heritage Park Senior Apartments. She stated that currently there is not enough parking for any visitors or caregivers to park. She said that the cars are being ticketed. Councilmember Bates stated that the matter will be discussed at the Public Safety, Public Services Standing Committee meeting being held on Thursday, September 22, 2005, at 10:30 a.m., in the Council Chamber.

Reverend Sheila Cook gave comments regarding the parking situation at the Heritage Park Senior Apartments.

Mike Ali urged everyone to vote against the proposed Measure J by the West Contra Costa Unified School District.

Inge Oliver urged the Council not to support the West Contra Costa Unified School District's ballot measure.

Antwain Cloird, a Local 324 member commented about the representation of Richmond citizens on local construction jobs.

Juan Reardon gave comments regarding the Richmond Police Officers accused of taking refreshments from a Richmond Hilltop Mall vendor.

Corky Booze requested that a plaque or proclamation be presented to Bob Sutcliffe who recently resigned from the Richmond Police Commission. Additionally, he gave comments about a decision by Interim Police Chief Terry Hudson to not grant permission for several police officers to help with the relief efforts as a result of Hurricane Katrina.

Armando Soto commented that the item regarding the marijuana dispensaries was withdrawn due to the City's failure to notice the public in a timely manner.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Steve Duran, Community and Economic Development Director presented a Merit Award to the Richmond Community Redevelopment agency and Community participants with BMS Design Group from the American Society of Landscape Architects' Northern California Chapter. He also introduced Janet Johnson, Richmond Main Street Initiative and Macdonald Avenue Revitalization Project Manager. Mayor Anderson

thanked Mr. Duran and Ms. Johnson for the award and accepted it on behalf of the City Council.

City Clerk read a proclamation in recognition of the Bay Area Rescue Mission's 40th Anniversary Celebration. Mayor Anderson presented the proclamation to Reverend John Anderson, Chief Financial Officer of the Bay Area Rescue Mission. Reverend Anderson thanked the City Council for the recognition and invited them to the Anniversary Dinner to be held on September 30, 2005.

CONSENT CALENDAR

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

*-Approved amendment to a services contract with Provider Plumbing & Heating for additional work required to complete the lateral sewer line replacement work at Point Potrero Marine Terminal. The total amount of the contract amendment is \$6,000.

A proposed contract amendment with the West Contra Costa Unified School District to accept additional funding in the amount of \$14,803.84, for the Kid's First After-School Program at the Lavonya DeJean Middle School, extending the program to June 30, 2008. The total amount of the contract will not exceed \$190,803.84. Michelle Milam, Assistant to the Mayor gave an overview of the matter. The following individual spoke on the matter: Corky Booze. Following discussion, on motion of Councilmember Griffin, seconded by Councilmember Butt, approved the contract amendment by the unanimous vote of the Council.

*-Approved an amendment to an agreement with Maze & Associates to increase the amount of the audit services contract by \$19,060 for a total contract amount of \$243,855.

*-Approved an agreement with the Oakland Private Industry Council to procure goods and services on behalf of the four Workforce Investment Boards of the East Bay. The contract period is September 22, 2005, through October 30, 2006. The total amount of the contract amendment will not exceed \$75,000.

*-Approved an amendment to a contract with the Glen Price Group to provide grant development services for the Employment & Training Department. The total amount of the contract amendment will not exceed \$30,000.

*-Adopted **Resolution No. 125-05** approving the Final Map of Subdivision 9026, "The Point Condominiums" and directing the filing thereof.

*-Adopted **Resolution No. 126-05** authorizing the execution of a Quit Claim Deed to abandon a portion of a slope easement located along Seacliff Drive within Subdivision 7502, Seacliff Estates.

*-Adopted **Resolution No. 127-05** renewing a contract with ABAG Power Core Natural gas Aggregation Agreement to provide alternate gas and electricity to the City of Richmond as

per California Public Utilities Commission's authorization of January 1998.

*-Adopted **Resolution No. 128-05** establishing spend-down purchase orders and standing orders/outline agreements for Public Services Operations and Maintenance Divisions' related goods and services from various vendors. The total amount per vendor will not exceed \$200,000 for fiscal years 2005/2006 and 2006/2007.

*-Adopted **Resolution No. 129-05** amending Rule III of the City of Richmond's Personnel Rules to add Section 11 authorizing the **Human Resources Management Director to approve budgeted allocations** for existing classifications. This action is being taken in accordance with Article XIII, Section 7 of the City Charter. The amendment was approved by the Personnel Board on June 24, 2004.

*-Adopted **Resolution No. 130-05** adopting a new classification specification for **Lead Telephone/Radio Specialist** (Salary range is \$4,788 to \$5,810 per month); and **Buyer I** (Salary range is \$4,391 to \$5,316 per month); and abolishing classifications Buyer and Buyer I/II.

*-Adopted **Ordinance No. 36-05 N.S.** establishing wages, salaries, and compensation for the Classification Specification of **Human Resources Personnel Officer** (Salary range will be \$6,137 to \$11,396 per month), and amending Full-time General Employees Ordinance No. 33-01 N.S.

PUBLIC HEARINGS

City Clerk announced this was the time set pursuant to a published notice to conduct a public hearing on an appeal by Gerald Rasmussen representing the North and East Neighborhood Council Design review Committee, from the Design review Board's approval to construct a duplex in the 2300 block of Garvin Avenue. Richard Mitchell, Interim Planning Manager, gave an overview of the matter. Mayor Anderson declared the public hearing open. Sandi Genser-Maack, appellant and representing the North and East Neighborhood Council stated three reasons for the appeal. She said that the applicant (1) failed to follow long-standing standard procedure to seek review from the affected neighborhood. (2) Possibly defective location description. (3) Failure to cite substantial facts to support required findings. Robert Avellar, applicant, stated that he did however, appear before the neighborhood council at its August meeting. He said he apologized then and now for the schedule mix up. Additionally, he stated that when he appeared before the Design Review Committee of the North and East Neighborhood Council there was no opposition to his proposal. Gerald Rasmussen also gave comments on the matter. Following discussion, on motion of Councilmember Bates, seconded by Councilmember Griffin, closed the public hearing by the following vote: **Ayes:** Councilmembers Butt, Bates, Marquez, Griffin,

Rogers, McLaughlin, and Mayor Anderson. **Noes:** Councilmember Thurmond. **Abstentions:** None. **Absent:** Councilmember Viramontes. On motion of Councilmember Bates, seconded by Councilmember Marquez, the Council extended the meeting for an additional 30 minutes by the following vote: **Ayes:** Councilmembers Thurmond, Bates, Marquez, Rogers, McLaughlin, and Mayor Anderson. **Noes:** Councilmembers Butt and Griffin. **Abstentions:** None. **Absent:** Councilmember Viramontes. Following discussion, a motion was made by Councilmember Bates, seconded by Councilmember Marquez to adopt **Resolution No. 131-05** to deny the appeal by the following vote: **Ayes:** Councilmembers Thurmond, Bates, Marquez, Griffin, Rogers, and Mayor Anderson. **Noes:** Councilmembers Butt and McLaughlin. **Abstentions:** None. **Absent:** Councilmember Viramontes.

Continued to October 4, 2005, proposed adoption of an Emergency Extension for the Interim Ordinance prohibiting granting of all development-related entitlements to marijuana dispensaries within the City of Richmond until May 2007. The following individual spoke on the matter: Armando Soto.

AGREEMENTS

A proposed authorization to renew a Vehicle Lease Agreement and a sole-source vendor request for one year with Auto World—Saadeh Corporation to provide undercover vehicles for the Police Department was presented. There were no questions from the audience. On motion of Councilmember Bates, seconded by Vice Mayor Rogers approved the agreement by the following vote: **Ayes:** Councilmembers Butt, Thurmond, Bates, Marquez, Rogers, McLaughlin, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Griffin and Viramontes.

A proposed agreement to award a contract to NRC Environmental Services was presented. Everett Jenkins, Interim City Attorney, explained that the emergency is due to a clean up of an oil spill and a liability issue is associated with a timely clean up. Following discussion, on motion of Councilmember Bates, seconded by Councilmember McLaughlin, approved the contract award by the unanimous vote of the Council.

RESOLUTIONS

A proposed resolution requesting the Governor and Legislature of the State of California revisit the “Three Strikes” law. Councilmember McLaughlin gave an overview of the matter. The following individuals signed up to speak in support of the proposed resolution: Jeff Ritterman, Antonio Medrano, Juan Reardon, Rob Ham, Paul Kilkenny, David Marin, Reverend Sheila Cook, Corky Booze, Daniel Cabrera, and Tarnel Abbott. Discussion ensued. Councilmember Bates stated that he had spoken with Senator Don Perata regarding the matter. He indicated that Senator Perata commented that revisiting the law was not a primary matter at this time. Additionally, Councilmember Bates said that he would not support the resolution in its present form, specifying his disagreement with proposed resolution supporting specific-named individuals. Following discussion, on motion of Councilmember McLaughlin, seconded by Vice Mayor Rogers, adopted **Resolution No. 132-05** by the following vote: **Ayes:** Councilmembers Butt, Thurmond,

Griffin, Rogers, McLaughlin, and Mayor Anderson.
Noes: Councilmember Bates. **Abstentions:**
Councilmember Marquez. **Absent:** Councilmember
Viramontes.

A proposed resolution regarding donation of
Vacation Compensation by City Employees to the
American Red Cross for the Hurricane Katrina Relief
efforts. There were no questions from the audience. On
motion of Councilmember Bates, seconded by Vice
Mayor Rogers, adopted **Resolution No. 133-05** by the
unanimous vote of the Council.

ORDINANCES

Introduced for First Reading a proposed ordinance
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. There were no questions from
the audience. On motion of Councilmember Marquez,
seconded by Councilmember Butt, said ordinance
received First Reading and was held over one week for
Second Reading, by the unanimous vote of the Council.

Introduced for First Reading a proposed ordinance
establishing wages, salaries, and compensation for the
Classification of **Lead Telephone/Radio Specialist** and
Buyer I and abolishing Buyer and Buyer I/II salaries and
compensation and amending General Employees
Ordinance No. 33-01 N.S., and Management Employees
Ordinance 40-01, N.S. There were no questions from the
audience. On motion of Councilmember Bates, seconded
by Councilmember Marquez, said ordinance received
First Reading and was held over one week for Second
Reading, by the unanimous vote of the Council.

Introduced for First Reading a proposed ordinance
amending Section 10.06.010 of Chapter 10.06 of the
Richmond Municipal Code pertaining to prohibited
conduct in the Richmond Public Library. There were no
questions from the audience. On motion of
Councilmember Griffin, seconded by Councilmember
Marquez, said ordinance received First Reading and was
held over one week for Second Reading by the unanimous
vote of the Council.

COUNCIL AS A WHOLE

In the matter to consider recommendation to the
Workforce Investment Board. There were no questions
from the audience. On motion of Councilmember Bates,
seconded by Councilmember Griffin, approved the
Mayor's recommendation by the unanimous vote of the
Council.

In the matter to consider adopting a resolution in
support of extending the operating life the West Contra
Costa Sanitary Landfill. There were no questions from
the audience. On motion of Councilmember Bates,
seconded by Councilmember Griffin, adopted **Resolution
No. 134-05** by the unanimous vote of the Council.

In the matter of a discussion regarding five diseased trees on Fiesta Court. Bill Lindsay, City Manager, presented a brief report. He stated that the next step to occur will be the City's Certified Arborist will conduct an investigation and report back to the City Manager, and the City Manager will make a report to the City Council. Following discussion, on motion of Councilmember Bates, seconded by Councilmember Butt, directed staff to proceed with the necessary legal action to abate the trees passed by the following vote: **Ayes:** Councilmembers Butt, Thurmond, Bates, Marquez, Griffin, McLaughlin, and Mayor Anderson. **Noes:** Vice Mayor Rogers. **Abstentions:** None. **Absent:** Councilmember Viramontes.

Withdrew the matter to consider adopting a resolution changing the name of the Richmond Parkway.

COMMUNICATIONS

None.

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

There were no reports of Chairpersons of the Finance Standing Committee; Public Safety Public Services Standing Committee; Rules and Procedures Standing Committee; and Mayor Anderson.

There were no General Reports from Councilmembers and staff.

There were no referrals to staff from the City Council.

ADJOURNMENT

There being no further business, adjourned the meeting in memory of Lois Brown; Tiphanee Shipp; Aaron Todd Davis, son of Bette Hunter and Malcolm Hunter, Terrence Martin, nephew of Dolores Murray; and Yvonne "Pinky" Ramos; and, Linda Dayglo, at 12:44 a.m., to meet again in one week on Tuesday, September 20, 2005, at 7:00 p.m.

City Clerk

(SEAL)

Approved:

Mayor