

RICHMOND, CALIFORNIA, May 29, 2007

The regular meeting of the City Council was called to order at 5:09 p.m. by Mayor Gayle McLaughlin.

ROLL CALL

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

PUBLIC COMMENT

The city clerk announced that this was the time for the City Council to hear comments from the audience for the following items to be discussed in Closed Session: **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Subdivision (a) of Government Code Section 54956.9: Barra vs City of Richmond and Booker vs. City of Richmond. City Attorney.** There were no speakers from the audience.

The Open Session adjourned to Closed Session at 5:10 p.m. The Closed Session adjourned 6:33 p.m.

The Open Session reconvened at 6:33 p.m. for a study session for the following purpose:

Review the report regarding the status of responsibilities for the maintenance and operation of the city's collection systems and provide direction to staff as appropriate. Rich Davidson, City Engineer, gave an overview of the report. He addressed the following questions: (1) when does Veolia take over the collection system, (2) who is responsible for the sewer backups that are related to grease, (3) when claims are filed, determine which claims are for the City of Richmond and which claims are for Veolia, (4) what is the City's policy for back-flow prevention devices and who installs them. Rich Davidson stated that, by contract, Veolia is required to TV, clean, and if necessary, repair the sanitary sewer main line. After the initial TV and cleaning, a condition assessment report should be completed. In the report, the pipe segments are rated one to five to produce a matrix that shows a rating of one as meaning the pipe will last over 20 years and a rating of five means the pipe will last up to five years. Mr. Davidson reported that an assessment report was conducted in February 2007, and included only the percentage of pipes needing repairs. Recently the City has received a matrix that shows conditions of pipes having a rating of four or five. The City has requested a complete matrix report to make sure we are aware of any sewer problems. The TV and the cleaning in the contract are on a four-year cycle. Veolia would be responsible for claims under the following conditions: (1) after repairs are complete and there is a sewer backup into a pipe that has been cleaned, TV'd, and repaired and it is within the 4 year cleaning cycle, (2) a sewer backup into a home caused by the use of pressure, and (3) a pump station failure that causes a backup. Mr. Davidson also reported that backflow prevention devices are required to be installed at the sell of a home, or when building a new home as part of the uniform plumbing code. Tim Goode, Interim Program Manager, Veolia Treatment Plant, gave a PowerPoint presentation of the Collection System. He stated that the final completion date of the project is November 30, 2007, and may be completed ahead of the required schedule. Mr. Goode reported that the response time to residents has been 30 to 45 minutes. Councilmember Lopez asked if there were certain locations with numerous claims. Rich Davidson stated that claims are charted in GIS and when hotspots are identified, they are cleaned on a four-month cycle. Flyers are then

distributed throughout the neighborhoods to educate citizens about proper disposal of grease. Councilmember Butt stated that since Veolia has taken over the project, he has not received any complaints.

The Study Session adjourned at 7:14 p.m.

The regular meeting of the Richmond City Council was called to order at 7: 14 p.m. by Mayor McLaughlin who led the Pledge of Allegiance to the Flag.

ROLL CALL

Present: Councilmembers Sandhu, Rogers, Lopez, Viramontes, Marquez, Butt, Thurmond, Vice Mayor Bates, and Mayor McLaughlin.
Absent: None.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Item K-4 was heard after the Consent Calendar was adopted.

Removed Items G-4, G-9, and G11 from the Consent Calendar.

Item G-7 was moved to Resolutions and was heard after Item I-1

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

Interim City Attorney reported no final decisions were made for the two existing litigation cases discussed in Closed Session.

OPEN FORUM FOR PUBLIC COMMENT

Corky Booze addressed the Council regarding the tall weeds at the dead-end street near the home of Ms. Green. He also stated that Ms. Hall wanted an update on the 24-hour security at the senior housing. Mr. Booze also stated that he is disappointed that the City is planning to spend 5.9 million dollars to move the Police Station to DiCon and he expressed great disappointment about the trash and garbage located at Mira Flores site.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Mayor McLaughlin read a proclamation commending Richmond Neighborhood Housing Services and proclaiming June 2 – 9, 2007, as Neighbor Works Week in the City of Richmond. Lynette Gibson-McElhaney, Executive Director of Richmond Neighborhood, gave comments and thanked the Mayor and Council for the proclamation. Mrs. Gibson-McElhaney introduced Cebina Crosetti, President of the Richmond Neighborhood Housing, who gave comments and introduced her staff, Kurt Anderson, Vice President, and Neil Poverson, Treasurer. Ms. Crosetti thanked the Mayor and City for the proclamation. She invited everyone to the 2007 Expo on Homeownership Preparedness at Hill Top Mall on Saturday, June 2, 2007. Lynette Gibson-McElhaney announced that the Very Important Partners (VIP) Breakfast will be held Saturday, June 2, 2007, at 8:00 a.m. at the Hill Top Mall.

CONSENT CALENDAR

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

*-Approved a modification to the scope of services for Zucker Systems to assist with implementation of 127 recommendations included in its 'Operations and Service Levels Work Flow Study' for the Planning and Building Services Department. The proposed modification will increase the contract amount by \$79,500 for a total of \$159,400.

*-Approved a Contract Amendment No. 1 with United Site Services in the amount of \$174,860 for placement of portable toilets at seven City parks.

*-Approved a contract with Vallier Design Associates, Inc. in an amount not to exceed \$49,000 for a Master Plan of Nichol Park.

In the matter to approve a contract for facility and beach park maintenance services at Point Molate with Forster & Kroeger in the amount of \$257,600 and for a term extending through June 2008. Tony Norris, Parks and Landscaping Superintendent, gave an overview of the item. He stated that 1,000 goats were used, free of charge to the City, to help in clearing the area. This contractor is familiar with the work and has hired approximately 10 Richmond residents to do the labor work. Juanita Taylor, Local 1021 Chapter President, spoke and submitted a summary of the meet and confer she attended with Mr. Norris. She stated that Mr. Norris agreed to talk with the contractor about amending the contract to abate the immediate fire hazard only. The remaining work would go through the Parks Department with help from Employment and Training. Ms. Taylor stated that Mr. Vaca assured her that the contractor could hire at least 30 Richmond residents. Ms. Taylor also stated that the workers that were laid off were given a test that was not fair. Vice Mayor Bates asked Mr. Norris to address the statements made by Ms. Taylor. Mr. Norris stated the only thing finalized during the meet and confer was that the contractor would abate the fire hazard only. He also stated that the work on this contract requires operation of heavy equipment and machinery. Discussion continued. Chris Hammond, spoke in support of approving the contract. Sal Vaca stated that the contractor has done everything possible to hire Richmond residents. Following discussion, Mayor McLaughlin stated there was a breakdown in communication with the union and stated she will not support this item. On motion of Councilmember Marquez, seconded by Councilmember Lopez, approved the contract by the following vote: **Ayes:** Councilmembers Sandhu, Rogers, Lopez, Marquez, Butt and Vice Mayor Bates. **Noes:** Councilmembers Viramontes, Thurmond, and Mayor McLaughlin. **Absentions:** None. **Absent:** None.

*-Accepted the Bay Area Library & Information System (BALIS) Innovation Grant in the amount of \$25,000, and authorize the Director of Library & Community Services to sign documents related to acceptance of these funds.

*-Adopted Ordinance No. 15-07 authorizing amendments to the following Redevelopment Plans for Project Areas No. 1-A (Eastshore Park), 1-B (Pilot), 1-C (Potrero), 3-A (Galvin), 6-A (Harbor Gate), 8-A (Hensley), 10-A (Downtown), 10-B (Nevin), 11-A (Harbour), and 12-A (North Richmond) (collectively the "Plans"), pursuant to Health and Safety Code Section 33333.6(e)(2) and amending related ordinances and adopt the attached Notice of Exemption for the Ordinance.

*-Introduced an ordinance amending the wages, salary, and compensation for the classification of Code Enforcement Manager.

In the matter to approve a contract amendment with outside counsel Shute Mihaly & Weinberger LLP and the City of Richmond by increasing the contract amount by \$200,000, for a total contract amount of \$275,000, for the continued representation of the City of Richmond in the matter entitled Barra vs. City of Richmond. Interim City Attorney gave an overview of this item. On motion of Councilmember Viramontes, seconded by Councilmember Marquez, approved the contract amendment by the following vote: **Ayes:** Councilmembers Sandhu, Rogers, Lopez, Viramontes, Marquez, Thurmond, Butt and Mayor McLaughlin. **Noes:** Vice Mayor Bates. **Absentions:** None. **Absent:** None.

*-Approved the recommendations of the Executive Committee of the Workforce Investment Board and the Chamber of Commerce for the following appointments to the Workforce Investment Board: (1) Wendy Therrian (replaces Karen Morgan), (2) Tom Quinn (replaces Dennis McWhorter), and (3) Willie Hicks (new appointment).

In the matter to approve the recommendation to appoint the following individuals to fill vacant seats on Boards and Commissions: (1) Revolving Loan Fund: Glen Lezama; (2) Arts and Culture Commission: Michael Husser, term expiring January 20, 2010 (completing an unexpired term); and (3) Human Relations/Human Rights Commission: Garland Harper, term expiring March 20, 2008 (completing an unexpired term). Mayor McLaughlin gave comments on this item. Vice Mayor Bates requested that in the future the mayor appoint residents of the City of Richmond. Corky Booze and Marilyn Langlois commended Mayor McLaughlin for appointing Garland Harper to the Human Relations/Human Rights Commission. Garland Harper thanked Mayor McLaughlin for the appointment. On motion of Vice Mayor Bates, seconded by Councilmember Sandhu, approved the appointments by the following votes: **Ayes:** Councilmembers Sandhu, Rogers, Lopez, Viramontes, Marquez, Vice Mayor Bates, and Mayor McLaughlin. **Noes:** None. **Absentions:** None. **Absent:** Councilmembers Butt and Thurmond.

*-Approved the minutes of the Evening and Open Sessions held on May 1, 8, and 15.

PUBLIC HEARINGS

None.

RESOLUTIONS

A proposed resolution that would authorize Fire Chief Banks to interview Vallejo displaced firefighters if they apply to Richmond under the authority provided by state bill AB 1929 was presented. Councilmember Viramontes gave an overview of the item. Fire Chief Banks gave a presentation on the item. On May 16, 17, and 18, 2007, 23 candidates were interviewed. Out of the 23, there were eight selected to move forward with the background investigation process and would be offered positions if they pass the background investigations. Councilmember Thurmond asked if the Richmond list of candidates would be considered for positions before any candidates from other jurisdictions are hired. Chief Banks replied, the Richmond list of candidates is good for two years and there would be another opportunity for candidates to be considered for a position. Discussion ensued. Terry Harris, Richmond Professional Black Firefighters Association Representative, stated his

disappointment with the breakdown in communication with all parties involved in the process. Mr. Harris read a statement from the Richmond Professional Black Firefighters Association. Further discussion ensued. Other speakers were: Robin Poindexter, Corky Booze, Jim Russey, Floyd Wilson, Ray Dandridge, Authur Gonzales, Sean Fields, Aaron Orosio, Demand Simmons, Kevin Smith, and Ray Muhamed. Following discussion, a motion was made by Councilmember Rogers, seconded by Councilmember Viramontes to give Chief Banks the right to interview the Vallejo displaced Firefighters. An amendment to the motion by Councilmember Thurmond to: (1) not have any interviews for any other candidates except for the eight until those eight have passed background checks and it is clear they will be hired or not, and (2) moving forward beyond those eight, the hiring panel will be the Chief and two captains. The amendment was not accepted. Discussion ensued. A substitute motion was made by Mayor McLaughlin, seconded by Councilmember Butt, to hold the item over for staff and individual parties to discuss and decide what would be an acceptable solution and report to the City Council. A second substitute motion was made by Vice Mayor Bates, seconded by Councilmember Thurmond, to turn the item over to the city manager to work with the Fire Chief, Human Resources Director, and association representatives to come up with frame work for how the City's authority under AB 1929 could be best implemented and report to the City Council for adoption. The second substitute motion failed by the following vote: **Ayes:** Councilmembers Butt, Thurmond, Vice Mayor Bates, and Mayor McLaughlin. **Noes:** Councilmember Rogers. **Abstentions:** Councilmembers Marquez, Lopez, Viramontes, and Sandhu. **Absent:** None. A motion was made by Councilmember Viramontes, seconded by Councilmember Sandhu, to appropriate AB 1929 accept the resolution with the process that the city manager follow up with the fire chief and the two unions. The motion passed and Resolution No. 51-07, was adopted by the following vote: **Ayes:** Councilmembers Sandhu, Marquez, Rogers, Thurmond and Viramontes. **Noes:** Councilmember Butt and Mayor McLaughlin. **Abstentions:** Councilmember Lopez and Vice Mayor Bates. **Absent:** None.

A proposed resolution (1) authorizing the issuance, sale and delivery of multifamily housing revenue bonds in an aggregate principal amount not to exceed \$55,000,000 in tax exempt bonds, plus up to \$12,000,000 in taxable bonds, for the purpose of making a loan to provide financing for a multifamily rental housing project known as Crescent Park Apartments Project, (2) determining and prescribing certain matters relating thereto, and (3) approving and authorizing the execution of related documents, agreements and actions was presented. On motion of Councilmember Marquez, seconded by Councilmember Viramontes, Resolution No. 52-07, was adopted by the following vote: **Ayes:** Councilmembers Sandhu, Marquez, Rogers, Thurmond, Viramontes, Lopez, Vice Mayor Bates, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Butt.

ORDINANCES

A proposed ordinance to amend Richmond Municipal Code Chapter 3.20 to allow Planning Commission members to remain in office until successors are appointed and to establish a quorum of the Planning Commission as a majority of the currently serving members, but no fewer than three (3) was introduced for first reading. Councilmember Viramontes gave an overview of this item. Corky Booze spoke against this item. Following discussion, a motion was made by Councilmember Viramontes, seconded by Councilmember Lopez, to give first reading to the ordinance. The motion passed and said ordinance received first reading and was laid over one week for second reading by the following vote: **Ayes:** Councilmembers Sandhu, Rogers, Lopez, Marquez, Thurmond,

Viramontes and Vice Mayor Bates. **Noes:** Councilmember Butt and Mayor McLaughlin. **Abstentions:** None. **Absent:** None.

COUNCIL AS A WHOLE

In the matter to direct staff to: (1) Incorporate the proposed draft design review process revisions in a draft ordinance amending the Richmond Municipal Code; (2) Appoint an Ad Hoc Committee of two Council Members to review draft ordinance and modified design review process documents and, (3) Return by October 30th with the proposed draft ordinance, design review principles and guidelines document, and modified ordinances and policies combining the Planning Commission and Design Review Board duties and process. Richard Mitchell, Planning and Building Regulations Director, gave an overview of the item. Councilmember Lopes stated that a Planning Commissioner and a Design Review Board Member should be included in number 2. A motion was made by Vice Mayor Bates, second by Councilmember Marquez, to approve the item and appoint three City Councilmembers to the Ad Hoc Committee. The motion passed by the following vote: **Ayes:** Councilmember Sandhu, Rogers, Lopez, Viramontes, Marquez, and Vice Mayor Bates. **Noes:** None. **Abstentions:** Councilmember Thurmond, Butt and Mayor McLaughlin.

In the matter to approve raising the service standards to 3.0 officers per 1,000 residents for high crime areas reflecting approximately 25,000 residents in high crime beat areas; fund the new 37 position in fiscal year 07-08 and 08-09 utilizing general fund or special funds as appropriate. The three authors to this item were Councilmember Viramontes, Marquez, and Sandhu. Councilmember Viramontes gave an overview of the item and acknowledged Councilmember Rogers and Lopez for their contributions at the retreat in bringing this item to Council. Following discussion, a motion was made by Councilmember Marquez, seconded by Councilmember Rogers to approve the item. A substitute motion was made by Councilmember Butt, seconded by Vice Mayor Bates, to authorize the city manager and staff to study all ramifications and bring back recommendations to the Council as soon as possible. The substitute motion failed by the following vote: **Ayes:** Councilmember Butt, Vice Mayor Bates, and Mayor McLaughlin. **Noes:** Councilmember Sandhu, Marquez, Lopez, Rogers, Thurmond, and Viramontes. **Abstentions:** None. **Absent:** None. A motion was made by Councilmember Viramontes, seconded by Councilmember Rogers, to approve raising the service standards to 3.0 officers per 1,000 residents for high crime areas and direct the staff to come back with the financial analysis for how to proceed. The motion passed by the following vote: **Ayes:** Councilmember Sandhu, Marquez, Lopez, Rogers, Thurmond, Viramontes, and Vice Mayor Bates. **Noes:** Councilmember Butt and Mayor McLaughlin. **Abstentions:** None. **Absent:** None.

In the matter to approve roll over of unspent 06-07 funding for taxi safety to the next fiscal year. Councilmember Sandhu gave an overview of the item. On motion of Councilmember Sandhu, seconded by Councilmember Lopez, approved the roll over of unspent 06-07 funding for taxi safety by the unanimous vote of the Council.

In the matter to consider conceptual neighborhood-based proposal to relocate the Westside (Point Richmond) Branch Library to vacant leased space in the Point Richmond business district in lieu of renovating the branch library in the existing facility, and provide direction to staff as appropriate. Bill Lindsay, City Manager, gave an overview of the item. A co-motion was made by Vice Mayor Bates and Sandhu, seconded by Councilmember Thurmond, to reaffirm the city manager's recommendation to restore the branch at the current location and set the

expenditure to a maximum of \$100,000. The motion passed by the unanimous vote of the Council. Speakers were: Luchino Forner, Philip Rosenthal, David Vincent, Joann Gatten, B. James Bottoms, Steven Cabella, Carol Woodrow, and Jean Womack.

COMMUNICATIONS

None.

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

Vice Mayor Bates congratulated Providence Missionary Baptist Church for 60 years of service in our community and requested the Mayor send a letter of congratulations.

Councilmember Marquez requested the City Council collectively deal with letters received from the West County Waste Water District and the Grand Jury.

Councilmember Sandhu stated that the Month of May was Asian American Awareness Month. He suggested that the City of Richmond could chose to acknowledge Asian Americans in the Month of June. Councilmember Sandhu stated that he was interviewed by Channel 7 for Asian American Awareness.

Councilmember Rogers thanked Vice Mayor Bates for setting up a retirement celebration for Former Councilmember Griffin, at 5:30 on Thursday June 7, 2007, at the Galileo Club. He announced the next Finance Committee Meeting will be held on June 14, 2007, at 9 a.m. Councilmember Rogers asked the city manager to look into whether citizens can take legal action against railroads which continue to have graffiti on their property.

Councilmember Lopez announced that May 24, 2007, was the last Finance Budget Sub-Committee Meeting with five Neighborhood Councils. She stated that the budgets will go before the City Council on June 5, 2007, and new budgets adopted by June 29, 2007. Councilmember Lopez thanked the Finance Director, Jim Goings, and Budget Director, Andrea Miller, for attending the Neighborhood Finance Budget Sub-Committee Meetings.

Councilmember Viramontes stated she is leaving for New Orleans on Wednesday, May 30, 2007, in relation to a National Funder's Network to make a presentation to get money for the City of Richmond through non-profit groups.

Mayor McLaughlin gave an ABC 1234 report on her trip to Washington. D.C. regarding the ICE raids and how they affected children. She stated that it was a very good trip. There was a panel that heard testimony from many community members. The panel was made of up of the Washington D.C. Director of the NAACP, the Children's Defense Fund, Nation Organization of Women, and the Urban Institute. Mayor McLaughlin stated it was a very moving experience. She stated that is was clear that the panel would bring forward to members of congress the need to haul these ICE raids and to promote a fair and humane immigration policy.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:28 p.m. to meet again on Tuesday, June 5, 2007, at 7:00 p.m.

City Clerk

(SEAL)

Approved:

Mayor