

RICHMOND, CALIFORNIA, June 21, 2005

The Regular Meeting of the Richmond City Council was called to order at 7:40 p.m., by Mayor Irma L. Anderson.

ROLL CALL

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

COUNCILMEMBERS CODE OF CONDUCT

The City Clerk read the Councilmember's Code of Conduct.

APPROVAL OF MINUTES

On motion of Councilmember Marquez, seconded by Councilmember Penn, approved the minutes of the Morning Open Session held on June 7, 2005, by the unanimous vote of the Council.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Removed Items I-8; I-15; I-16; and I-21 from the Consent Calendar.

As a result of discussions held during the Morning Closed Session, added an item to the Consent Calendar regarding a one month extension of an existing agreement with Stevedoring Services of America.

Combined agenda items L-1 and N-1, and moved the item to be heard prior to Open Forum.

Continued agenda item N-3 to June 28, 2005.

Councilmember Marquez requested that his name be removed as co-author of agenda item N-4.

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

Real Property Negotiations regarding the Macdonald Avenue 80 Shopping Center. A motion was made by Councilmember Viramontes, seconded by Councilmember Penn giving direction to the Real Property Negotiators. A substitute motion by Councilmember McLaughlin, seconded by Councilmember Butt, failed by a vote of 2 ayes (Councilmember Butt and McLaughlin) and 6 noes (Councilmembers Penn, Bates, Griffin, Rogers, Viramontes, and Mayor Anderson); and 1 Absent (Councilmember Marquez). The original motion passed by the following vote: 6 ayes (Councilmembers Penn, Bates, Griffin, Rogers, Viramontes, and Mayor Anderson), 2 noes

(Councilmembers Butt and McLaughlin), and 1 absent (Councilmember Marquez).

Real Property Negotiations regarding the Stevedoring Services of America property located at 1411 Harbour Way. The item will be discussed later in the agenda for an extension of the lease.

Conference with Legal Counsel

Tyner vs. City of Richmond – A report given, but no final action.

OPEN FORUM FOR PUBLIC COMMENT

PRESENTATION, PROCLAMATIONS, AND COMMENDATIONS

Sal Vaca, Employment and Training Director, introduced those businesses contributing to the Summer Youth Program. He announced that as of this date \$220,000 has been raised, representing 220 Richmond, providing with life skills, dressing for success, interviewing techniques, and challenging them to see career opportunities that can only enhance their lives and the lives of their families in this community. The following made donations: Interactive Resources, Courtyard Marriott, and St. John Baptist Church.

COUNCILMEMBER MINDELL PENN BIDS FAREWELL

Councilmember Penn announced that this would be her last meeting as a City Councilmember. She stated that she will be moving back to Michigan to care for her elderly mother. She listed her accomplishments: Living Wage; Inclusionary Housing; and, Decisions by the Council to thwart bankruptcy. She offered comments to address the violence is to clean up the City; invest in the community by eliminating blight and enforcing a non nonsense of Code Enforcement and Abatement. She asked that the Blight to Bloom program continue as a priority. She said that there is a growing critical need of homelessness and gentrification. She stated that development of strong policies of social equity and economic development and redevelopment projects. She asked the Council to continue to work hard to bring businesses with good paying jobs and medical and community benefits. She stated that most importantly, the manpower to bring and enforce compliance. She thanked all of the citizens for their support and she asked the citizenry to continue to hold the City Council responsible and accountable for their actions, individually and collectively. She said that one of the greatest assets is the Richmond's Neighborhood Councils and the committed and involved citizens. She thanked everyone for their support, trust and confidence, and the honor for serving them.

CONSENT CALENDAR

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

-*Authorized the acquisition of 10 Bendix King High Band Radios and accessories from 49er Communications in the amount of \$13,904.54.

*-Approved the purchase of three new mowers as replacements for three older model mowers and three accompanying trailers. The total cost of the purchase is \$84,592.41. The purchase will be funded from the Equipment Replacement Fund for Fiscal Year 2004/05.

*-Approved the purchase of a truck tire changer. The total cost of the purchase is \$12,329.67. The purchase will be funded from the Equipment services Maintenance Fund for Fiscal Year 2004/05.

*-Approved an agreement with managed Health Network to administer the Employee Assistance Program. The term of the contract is July 1, 2005, through June 30, 2007. the total amount of the contract is \$79,920; \$39,690 per fiscal year.

*-Approved an amendment to an agreement with Cleary Brothers Landscape, Incorporated, to install drainage improvements for Southside Community Park.

*-Approved an amendment to an agreement with Weiss Associates to increase the scope of work for project oversight for the Inlet and Drainage Project. The total amount of the contract amendment is \$118,420.

*-Approved an amendment to an agreement with Robert Half Legal Services to increase the amount of the contract to continue services for a part-time legal assistant in the City Attorney's Office. The total amount of the amendment is \$10,500 for a total contract amount of \$60,450. The contract will expire June 30, 2005.

Continued to June 28, 2005, proposed contract award to Dutra Construction Company, Incorporated, for the Inlet Dredging and Pavement Project. The total contract amount proposed is \$1,535,360.

*-Adopted **Resolution No. 83-05** authorizing an election of a statutory Pass-Through pursuant to Health and Safety Code Sections 33607.5(b) and 33607.7(b) for the Amended and Restated Redevelopment Plan for Project Area No. 10-B Nevin.

*-Adopted **Resolution No. 84-05** approving the Final Map of Subdivision 8786 Summer Lane, located in the Hilltop area. The developer is D.R. Horton.

*-Adopted **Resolution No. 85-05** approving the Final Map of Subdivision 8878, Garrard Commercial Center, and directing the filing thereof.

*-Adopted **Resolution No. 86-05** approving the Final Map of Subdivision 8895, Factory Place Condominiums, and directing the filing thereof.

*-Adopted **Resolution No. 87-05** approving the Final Map of Subdivision 8798, Filbert Street Subdivision, and directing the filing thereof.

*-Adopted **Resolution No. 88-05** authorizing the filing of a claim with the Contra Costa Transportation Authority for allocation of Measure C Funds for Paratransit Services in the amount of \$474,433 for Fiscal Year 2005/06.

Continued to June 28, 2005, adoption of a proposed resolution amending the Classification Plan to add the classification of **Administrative Chief**. The salary range is \$5,568 to \$10,340 per month. The proposed added classification will result in one less Assistant City Manager's position, and it will impact the General Fund as the former Assistant City Manager's position was budgeted from the non-General Fund.

Continued to June 28, 2005, adoption of a proposed resolution amending the Classification Plan to add the classifications of **Senior Business Analyst**. The salary range is \$6,358 to \$7,728 per month; and **Business Analyst I/II**, salary ranges are \$49,36 to \$6,000 and \$5,602 to \$6,809 per month, respectively; and amending Management Employees Ordinance No. 40-01, N.S. This resolution will create three new classifications. However, only the Senior Business Analyst position will be filled at this time, and there will be a fiscal impact of \$88,332 to the General Fund to fill the Senior Business Analyst position.

*-Adopted **Resolution No. 89-05** amending the Classification Plan to add the classification of **Stationary Engineer Supervisor**. The salary range is \$5,355 to \$6,468 per month. This added classification will be funded from budgeted vacancies.

*-Adopted **Resolution No. 90-05** authorizing the filing of an application for Land and Water Conservation Funds for Elm Park Playlot Project.

*-Adopted **Resolution No. 91-05** approving the 2004/2005 Insurance and Premiums Paid Report.

Continued to June 28, 2005, the second reading of a proposed ordinance adding automobile service stations to lists of MFR-1 and MFR-2 Conditional Uses.

*-Denied claims against the City of Richmond by: (1) Jesus Tirado, (2) James Waters, (3) Diana Griffin, and (4) Noah Chandler.

*-Approved a 30-day agreement extension with Stevedoring Services of America (**Councilmember McLaughlin voted no**).

PUBLIC HEARINGS

Continued to July 19, 2005, a public hearing for appeals filed by Margaret Judkins, Jay Fenton, Cochise Potts, and Ethel Dotson of 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 meetings of March 29, 2005; April 19, 2004; and, May 17, 2005 at the requests of the appellants.

AGREEMENTS

None.

RESOLUTIONS

A proposed resolution declaring a state of emergency in high violent-crime census tracts in Richmond; consider and approve the Firearm Violence Action Plan, and approve an operational budget in the amount of \$1,998,600 was presented. Mayor Anderson stated that item would be bifurcated in order to discuss the resolution that deals with the State of Emergency, and the second portion that deals with the financing; immediately followed by the agenda item regarding Measure Q funds. Mayor Anderson gave comments on the matter, stating her fundamental disagreement with the State of Emergency being used except in extreme cases. Everett Jenkins, Interim City Attorney, read California Government Code Section 8558 which sets forth the terms for 'State of Emergency'. Discussion ensued regarding the amount of time to allot each speaker. Vice Mayor Rogers made a motion to allow each speaker two minutes to speak. The motion passed by the following vote: **Ayes:** Councilmembers Penn, Marquez, Griffin, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Noes:** Councilmembers Butt and Bates. **Abstentions:** None. **Absent:** None. The following individuals spoke on the matter: Andre Farr, Patricia O'Dowd, Sandra O'Dowd, Lisa Perez, Alicia Jackson, Darazette Jackson, Mike Ali, Charlene Harris, Teresa Harris, Nancy Baer, Angela Loza, Shannon Patton, Alfonso Avalos, Cochise Potts, Johnny White, Stanley Perkins, Kay Maher, Janie Anker, Reverend Charles Newsome, Pastor Carleton Leonard, Simms Thompson, Jr., Kevin Hampton, Linda Mason, A.J. Jelani, Andres Soto, Marcellus Ashley, Pastor Mitchell Martinez, Marvin Web, Lynda McPhee, Hermes Parra, Armando Soto, Melita R. Sims-Agbabiaka, Robert O. Brown, Otheree Christian, Eleanor Thompson, Armando Tanori, Lita Marie Guerrero, Graciela Blum, Celia Owens, Jessica Lee, Yvette Witt, Sandra Kay McCullom, Reverend Andre Shumake, Sophia Scherr, Melisa Scherr, Kathy Scharff, Corky Booze, Laura Pruitt, Cesar Cruz, JoAnn Tillmon, and Juanita Taylor. A motion was made by Councilmember Viramontes, seconded by Vice Mayor Rogers to extend the meeting thirty minutes passed unanimously. A motion was made by Councilmember Viramontes, seconded by Councilmember Marquez, to call for a State of Local Emergency for the City of Richmond on the basis of an epidemic of violence and homicide and recent events of the City of Richmond failed by the following vote: **Ayes:** Councilmembers Bates, Marquez, and Viramontes. **Noes:** Councilmembers Butt, Penn, Griffin, Rogers, McLaughlin, and Mayor Anderson. **Abstentions:** None. **Absent:** None.

COUNCIL AS A WHOLE

In the matter of a Summary of the Budget for Fiscal Year 2005/2006 and requests for Measure Q Funds. Vice Mayor Rogers gave an overview of the matter. He presented a proposed allocation of Measure Q funds for the First Milestone, July 1, 2005 through December 2006. A motion was made by Vice Mayor Rogers, seconded by Councilmember Viramontes to use the Measure Q funds beginning July 1, 2005. Terry Hudson, Interim Police Chief, briefly described how the Measure Q funds will be allocated for the Police Department. A motion was made by Vice Mayor Rogers, seconded by Councilmember Viramontes, to extend the meeting for ten minutes passed by the following vote: **Ayes:** Councilmembers Penn, Bates, Griffin, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Noes:**

None. **Abstentions:** Councilmember Marquez. **Absent:** Councilmember Butt. The following individuals spoke on the matter: Michelle Seville, Tony Mendicino, and Kate Sibley. Discussion ensued. Councilmember McLaughlin commented that the allocation of funds under Milestone 1 is unbalanced in comparison to the needed services requested from the public. Following discussion, on motion of Vice Mayor Rogers, seconded by Councilmember Viramontes, approved the allocation of Measure Q Funds as outlined in the table below by the following vote: **Ayes:** Councilmembers Butt, Penn, Bates, Marquez, Griffin, Rogers, Viramontes, and Mayor Anderson. **Noes:** Councilmember McLaughlin. **Abstentions:** None. **Absent:** None. The matter will be included when the 2005/2006 Fiscal Year Budget is proposed for adoption on June 28, 2005.

Department	Program	Milestone 1
Recreation	Establish new community center programs and a full time Arts Manager	\$952,000
Fire	Re-open closed Fire Station Re-establish Truck Company	\$1,300,000
Police	Violence Suppression Unit	\$789,920
	Intelligence/Patrol Tracking Unit	\$401,960
	School Resource Officers	\$297,720
	Firearm Action Plan	\$448,000
Library	Extend Main Branch Hours Open Two Branch Libraries	\$342,485
**TOTAL MILESTONE 1		\$4,602,085

**Milestones 2 and 3 are forecasted to be \$400,000 and \$1,300,000, respectively.

In the matter of a discussion of information from the State Board of Equalization on collection of sales tax and payments.

In the matter of a discussion of information from the State Board of Equalization on collection of sales tax and payments.

Withdrew a discussion to allow leniency in certain circumstances for liens on properties with outstanding balances for false alarm charges.

In the matter to consider directing the City Manager to draft two measures for the November Special Election: (1) a gross-receipts tax on residential rental income, and (2) a per-unit tax on residential rental income.

ORDINANCES

Continued to June 28, 2005, introduction and first reading of an ordinance amending the Rental Inspection Ordinance.

Continued to June 28, 2005, introduction and first reading of the following proposed ordinances:

- a. Establishing wages, salaries, and compensation for the classification of **Administrative Chief**. The salary range is \$5,568 to \$10,340 per month. This added classification will result in one less Assistant City Manager's position was budgeted from the non-General fund.
- b. Establishing wages, salaries, and compensation for the classification of **Senior Business Analyst and Business Analyst I/II**. The salary ranges are \$6,358

to \$7,728 and \$4,936 to \$6,000 per month, respectively; and amending Management Employees Ordinance No. 40-01, NS. There will be a fiscal impact to the General Fund in the amount of \$88,332 to fill the Senior Business Analyst position. Business Analyst I/II will not be filled at this time, and,

- c. Establishing wages, salaries, and compensation for the classification of **Stationary Engineer Supervisor**. The salary range is \$5,355 to \$6,468 per month, and amending Management Employees Ordinance No. 40-01, NS. There will be no impact on the General Fund.

Continued to June 28, 2005, discussion of information from the State Board of Equalization on collection of sales tax and payments.

Withdrew a discussion to allow leniency in certain circumstances for liens on propertied with outstanding balances for false alarm charges.

Continued to June 28, 2005, consideration to direct the City Manager to draft two measures for the November Special Election: (1) a gross-receipts tax on residential rental income, and (2) a per-unit tax on residential rental income. [Councilmember Marquez withdrew his name as co-initiator of the matter].

COMMUNICATIONS

None.

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

Reports of Chairpersons:

Due to time there were no reports from the Finance, Administrative Services, and Economic Development Standing Committee; Public Safety Public Services Standing Committee; Rules and Procedures Standing Committee; and, the Mayor.

General Reports from Councilmembers and staff

Due to time there were no general reports from Councilmembers and staff.

Referrals to staff from the City Council

Due to time there were no referrals to staff from the City Council.

ADJOURNMENT

There being no further business, adjourned the meeting at 1:10 a.m., to meet again in one week on Tuesday, June 28, 2005, at 7:00 p.m.

City Clerk

(SEAL)

Approved:

Mayor