

RICHMOND, CALIFORNIA, September 18, 2007

The Regular Meeting of the Richmond City Council was called to order at 6:17 p.m., by Mayor Gayle McLaughlin.

ROLL CALL

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

Absent: Councilmember Viramontes.

STUDY SESSION

The purpose of the study session was as follows:

Discussed and directed staff to develop comprehensive city policy to creatively and aggressively lead by example in the fight to end global warming. A motion was made by Councilmember Rogers, seconded by Councilmember Thurmond to direct staff to develop comprehensive a comprehensive city policy. Mayor McLaughlin recommended adding direction to staff to draft a policy to adopt AB32's benchmarks as city-wide goals, ratifying what has been adopted on a State level. Benchmarks to 2000 levels by 2050 would bring the City to 80 percent below 1990 levels. Councilmember Rogers also recommended staff come back to the Finance Committee with updates. All amendments to the motion were accepted and the motion passed by the unanimous vote of the Council.

Discussed and directed staff to work with the Goldman School of Public Policy (Goldman School) to conduct a study to review existing ordinances and policies that are designed to reduce the city's impact on the environment and provide recommendations for making the city's operations more sustainable. The study will also include education and outreach recommendations encouraging Richmond residents and businesses to adopt sustainable practices. Mayor McLaughlin stated the two goals for this study are: (1) protect quality of air, water, and land that are essential to building healthy communities and (2) increase investment in Richmond communities, expand economic opportunity, improve social infrastructure, and protect natural resources. She suggested adding "and human health" to the second goal. Mayor McLaughlin also suggested adding "improving environmental health and justice conditions in Richmond" under objectives. Dorine Marino, UC Berkeley, stated that the Goldman School of Public Policy would be a great entity to be involved in this study because of its resources and expertise. Following discussion, on motion of Councilmember Lopez, seconded by Councilmember Sandhu, approved the study as stated in the agenda report with the inclusion of the amendments suggested by Mayor McLaughlin, by the unanimous vote of the Council.

The Study Session adjourned at 6:50 p.m.

The Regular Meeting of the Richmond City Council reconvened at 7:05 p.m. by Mayor Gayle McLaughlin.

ROLL CALL

Present: Councilmembers Butt, Lopez, Marquez, Rogers, Sandhu, Thurmond, and Mayor McLaughlin. **Absent:** Councilmember Viramontes and Vice Mayor Bates. (Vice Mayor Bates arrived later).

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Moved item L-4 directly after Open Forum.

On motion of Councilmember Rogers, seconded by Councilmember Sandhu, added an emergency item to discuss the issue of GRIP to be heard after item L-4, (Vice Mayor Bates arrived) by the unanimous vote of the Council.

Removed items G-1, G-2, G-3, G-4, G-5, G13, and G-14 from the Consent Calendar. Items G-1 through G-5 were heard together.

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

Interim City Attorney, Randy Riddle, reported the following:

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9) - Richmond Residents for Responsible Antenna Placement and Planning ("RAP"), et al vs. City of Richmond

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Initiation of litigation pursuant to subdivision (c) of Section 54956.9 - One Case

CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6): Agency Designated Representative(s): Leslie Knight, City of Richmond Unrepresented Employee: City Manager

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957.6) - City Manager

PUBLIC EMPLOYEE APPOINTMENT (Government Code Section 54957.6) - City Attorney

No reportable action taken on any of the above actions.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

None.

OPEN FORUM FOR PUBLIC COMMENT

Kathy Robinson spoke about the violence in Richmond.

Herk Schusteff spoke about the Canyon Oaks II Project.

Naomi Williams spoke about the update process of the non-emergency phone number of the Police Department. She also thanked code enforcement for taking care of the fence violations in her neighborhood.

Jerome Smith spoke about the violence in Richmond.

Dr. Jeff Ritterman spoke about finding the right person to head the Office of Neighborhood Safety.

Reverend Andre Shumake stated the incarcerated inmates in San Quentin would like the City Council to lead by example, showing unity and working together as a Council in order to help stop the violence in Richmond.

Amanda Elliott stated that community engagement and involvement will help stop the violence in Richmond. She invited everyone to Richmond on the Main, Wednesday, September 26, 2007, from 5:00 p.m. to 7:30 p.m. on Main Street. Visit www.richmond.mainstreet.org for more information.

Corky Booze requested that the city manager have the libraries open earlier on Saturdays and open on Sundays. He also requested that the City Council write letters to the School Board to discourage them from charging \$250 an hour for children to play on the school football fields.

Mary DeBenedictis spoke about the Canyon Oaks II Project.

Simms Thompson, Jr. spoke about getting the street lights fixed, especially in problem areas where shootings have occurred.

Kelvin Davis spoke about the lack of activities for the youth; he also stated he would like to see the police and City Council come out and talk with the community in order to stop the violence.

Nicole Valentino spoke about the Council starting a critical response team.

Daniel Cabrera spoke about the crime in Richmond.

Marilyn Langlois invited everyone to visit the Tent City Peace Movement from September 25 through October 2, 2007. She also encouraged everyone to join the Children's March Against Violence on October 12, 2007.

Philip Rosenthal spoke about the cell phone tower debate in his neighborhood.

Jovanka Beckles spoke about building one-Richmond and invited all mental health workers to volunteer time to the Tent City Peace Movement.

Mark A. Jones spoke about the violence in Richmond.

Sally Cole spoke about the cell tower on Water Street.

CONSENT CALENDAR

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

A proposed ordinance revising the wages, salary, and compensation for the classification of Senior Civil Engineer Salary Range 064C: \$7510-9129/month was introduced for first reading. Leslie Knight, Human Resource Director, gave an overview of the item. On motion of Councilmember Lopez, seconded by Councilmember Marquez, said ordinance received first reading and was

laid over for two weeks for second reading by the unanimous vote of the Council.

A proposed ordinance revising the wages, salary, and compensation for the classification of Associate Civil Engineer Salary Range 061E: \$6487-7886/month was introduced for first reading. Leslie Knight, Human Resource Director, gave an overview of the item. On motion of Councilmember Lopez, seconded by Councilmember Marquez, said ordinance received first reading and was laid over for two weeks for second reading by the unanimous vote of the Council.

A proposed ordinance revising the wages, salary, and compensation for the classification of Assistant Engineer Salary Range 53: \$5684-6908/month was introduced for first reading. Leslie Knight, Human Resource Director, gave an overview of the item. On motion of Councilmember Lopez, seconded by Councilmember Marquez, said ordinance received first reading and was laid over for two weeks for second reading by the unanimous vote of the Council.

A proposed ordinance establishing wages, salary, and compensation for the new classification of Administrative Services Analyst (Salary Range: 055D \$5,541 - 6,698) was introduced for first reading. Leslie Knight, Human Resource Director, gave an overview of the item. On motion of Councilmember Lopez, seconded by Councilmember Marquez, said ordinance received first reading and was laid over for two weeks for second reading by the unanimous vote of the Council.

A proposed ordinance amending the City of Richmond Classification Plan to add the classification of Administrative Services Analyst was presented. Leslie Knight, Human Resource Director, gave an overview of the item. On motion of Councilmember Lopez, seconded by Councilmember Marquez, adopted Resolution No. 101-07 by the unanimous vote of the Council.

Adopted Ordinance No. 33-07 N.S. revising the wages, salary, and compensation for the classification of Executive Assistant to the City Manager (Salary Range: \$5,256 - \$6,392/month) was presented for second reading.

*-Introduced an ordinance adding Chapter 2.35 to the Richmond Municipal Code to establish a fee in the amount of 5% of a State video franchise holder's gross revenues, a fee in the amount of 1% of video service provider gross revenues to support public, educational and governmental (PEG) access programming, and a schedule of penalties for breach of customer service standards.

*-Approved a contract amendment with Shute, Mihaly & Weinberger, LLP to provide legal services to complete the EIR process for the Chevron Hydrogen and Energy Renewal Project and authorize the addition of Shute, Mihaly & Weinberger to the Consultant List. Total amount of the contract amendment is \$97,000, for a total contract amount of \$192,000.

*-Approved awarding a contract to CRW for \$524,500 to configure, install, and train City staff to use CRW's TRAKiT permitting, inspections, and business license software.

*-Acknowledged, for filing purposes, receipts of the City of Richmond's Memorandum on Internal Control Structure for the year ending June 30, 2006, and management's response to these comments.

*-Approved staff recommendations to: (1) place Kevin W. Harper, CPA, Moreland and Associates, Inc. and blueCONSULTING, Inc on the panel for internal audits; and (2) approve a contract with Kevin W. Harper, CPA for an amount not to exceed \$150,000 to conduct an audit of the Public Works Department, which includes Parks & Landscaping, Streets, Facilities Maintenance, Equipment and Paratransit.

*-Approved awarding a five-year contract to Tyler Technologies for software configuration, data hosting, and end-user training services. The annual payment for each of the five years of the contract will be \$644,200, for a total cost of \$3,221,000.

A proposal to award a construction contract for the 2007 Pavement Rehabilitation Area A to Top Grade Construction in the amount of \$5,397,778.00 was presented. Following discussion, on motion of vice Mayor Bates, seconded by Councilmember Lopez, awarded the construction contract to Top Grade Construction by the unanimous vote of the Council.

A proposal to award a construction contract for the 2007 Pavement Rehabilitation Area B to Bay Cities Paving and Grading, Inc. in the amount of \$1,911,793.40. Following discussion, a motion was made by Councilmember Marquez, seconded by Councilmember Lopez to award the construction contract to Bay Cities Paving and Grading, Inc. The motion failed by the following vote: **Ayes:** Councilmembers Butt, Marquez, Sandhu, and Mayor McLaughlin. **Noes:** Councilmember Rogers, Thurmond, and Vice Mayor Bates. **Abstentions:** Councilmember Lopez. **Absent:** Councilmember Viramontes. Discussion ensued and Councilmember Rogers requested this item be placed on the September 25, 2007, agenda to reconsider this item. Councilmember Thurmond requested the contractor be invited to the meeting and Vice Mayor Bates requested staff supply additional information on all previous bids for this contractor. So ordered.

*-Approved a contract amendment with the Mejorando Group to continue working with employees city-wide to improve customer service throughout the organization in an amount not to exceed \$10,000, for a total contract amount of \$60,000.

*-Authorized travel outside of the United States for specified City officials and staff to plan and organize a visit to Richmond's Sister Cities, Shimada, Japan and Zhoushan, China and to negotiate and implement and updated Mutual Agreement with Zhoushan.

*-Adopt Resolution No. 102-07 to set October 2, 2007, as the public hearing date to consider the Establishment of an Underground Utility District on Macdonald Avenue between 6th Street and Garrard Boulevard.

*-Adopted Ordinance No. 34-07 N.S. adding Chapter 6.45 to the City of Richmond Municipal Code establishing Green Building requirements for City building projects.

*-Approved the following reappointment and appointments to the Youth Commission: reappoint Robert Slaughter, term expiring July 25, 2008; appoint Taranda Jones, Fredericka Bryant, Lorenzo Macias, Wendy Gonzalez, and Elizabeth Gonzalez, terms expiring September 18, 2008.

PUBLIC HEARINGS

This item was continued from September 11, 2007 and was continued to October 2, 2007. The acting city clerk announced this was the time set pursuant to published notice, to conduct a public hearing to deny the applicant's request for approval of General Plan amendment, rezoning, and variance, for the property located at 327 So. 4th Street. Provide direction to the General Plan Update staff to study the applicant's request for a General Plan amendment and rezoning to MFR-2 as part of the General Plan Update for a greater surrounding area and, direct staff to return with a draft Resolution reflecting the City Council's action. The Council approved a request from staff to continue the hearing to October 2, 2007.

AGREEMENTS

None.

RESOLUTIONS

None.

ORDINANCES

A proposal to adopt the Urgency Ordinance Establishing A Temporary Moratorium On The Acceptance, Processing and Approval Of Applications and Permits To Construct, Modify Or Place Wireless Communication Facilities within the City of Richmond was presented. Richard Mitchell gave an overview of the item. Speakers were: robin Carpenter, Andrew Olmsted, and Tony Sustak. Following discussion, a motion was made by Councilmember Butt, seconded by Councilmember Vice Mayor Bates, to adopt the Urgency Ordinance with an amendment to Section nine requiring any petition for relief must be heard by the Planning Department and appealable to the City Council. The motion passed and Ordinance No. 35-07 N.S. was adopted by the unanimous vote of the Council.

A proposal to introduce an ordinance to enact the first Tuesday in May as the deadline for submitting the proposed annual budget to the City Council every fiscal year and require that the City Council adopt the budget by June 30 was presented. On motion of councilmember Lopez, seconded by Vice Mayor Bates, said ordinance received first reading and was laid over for two weeks for second reading by the unanimous vote of the Council.

A proposal to introduce an ordinance adding Chapter 11.98 to the Richmond Municipal Code Entitled Banning of the Possession of Large-Capacity Magazines was presented. Councilmember Rogers gave an overview of the item. Speakers were: Corky Booze, Andres Soto, and Tony Sustak. Following discussion, on motion of Councilmember Rogers, seconded by Councilmember Sandhu, said ordinance received first reading and was laid over for four weeks for second reading by the following vote: **Ayes:** Councilmembers Lopez, Rogers, Sandhu, Thurmond, Butt, and Mayor McLaughlin. **Noes:** Vice Mayor Bates. **Abstentions:** Councilmember Marquez. **Absent:** Councilmember Viramontes.

A proposal to introduce an ordinance adding Chapter 11.97 to the Municipal Code of the City of Richmond to require the reporting of lost or stolen firearms was presented. Councilmember Rogers gave an overview of the item. Speakers were: Andres Soto, Corky booze, and Carole Johnson. Following discussion, on motion of councilmember

Rogers, seconded by Councilmember Thurmond, said ordinance received first reading and was laid over for four weeks for second reading by the following vote: **Ayes:** Councilmembers Lopez, Marquez, Rogers, Sandhu, Thurmond, Butt, and Mayor McLaughlin. **Noes:** Vice Mayor Bates. **Abstentions:** None. **Absent:** Councilmember Viramontes.

COUNCIL AS A WHOLE

In the matter to receive a status report from staff on the installation of speed undulations on the 2200 block of Costa Ave. Rich Davidson, City engineer, gave a report of the item.

In the matter to discuss a proposed ballot measure for the November 2008 election to implement a tax on employers in the City of Richmond that don't meet a specified minimum of employees that reside in the City of Richmond. Councilmember Thurmond gave an overview of the item. Speakers were: Marilyn Langlois, Corky booze, and Jim Bates. A motion was made by Councilmember Thurmond, seconded by Mayor McLaughlin, to direct staff to reseach and bring back a proposal for a payroll tax and tax credit for hiring Richmond residents. The motion failed by the following vote: **Ayes:** Councilmember Thurmond and Mayor McLaughlin. **Noes:** Councilmembers Butt and Rogers. **Abstentions:** Councilmembers Lopez, Marquez, Sandhu, and Vice Mayor Bates. **Absent:** Councilmember Viramontes.

In the matter to discuss and approve using \$50,000 from the Capital Improvement Program (CIP) Budget to assist with the installation of sports lighting for the Gilman Street Sports Fields Project. Councilmember Thurmond gave an overview of the item. On motion of Vice Mayor Bates, seconded by Councilmember Rogers, approved using \$50,000 from the Capital Improvement Program (CIP) Budget by the unanimous vote of the Council.

This item was heard after Open Forum. In the matter to report of the Richmond Police Department and direction from the City Council on the escalating violence in the city of Richmond. Police Chief, Chris Magnus, gave the report. Speakers were: Reverend Andre Shumake, Demetria Saunders, Jo Podun, Tico Chacin, Simms Thompson, Jr., Corky Booze, Dr. Jeff Ritterman, Kelvin Davis, Marilyn Langlois, Mike Ali, David Flores, Ed Henderson, Ken Nelson, Darnell Turner, and Jackie Thompson. Following discussion, a motion was made by Councilmember Thurmond to: (1) convene a meeting of non-profit organizations to develop a short-term plan to reach out to those who are likely to commit a violent act, (2) work with youth to develop a one-Richmond campaign, (3) City Council take personal responsibility for working with the City Council and the police chief and anyone interested in working in an oversight group to continue to have dialogue about how we move solutions forward until we have a coordinator for the Office of Neighborhood Safety. Councilmember Rogers seconded the motion with a contingent that with the acceptance of his friendly amendment, staff will look at redevelopment money and come back with a report on violence oriented expenditures. The amendment was accepted. Discussion continued. A substitute motion was made by Vice Mayor Bates, seconded by Councilmember Butt to refer this matter to the city manager to review and discuss and come back with a plan to implement that deals with the violence in Richmond. A seconded substitute motion was made by Councilmember Lopez, seconded by Councilmember Marquez to accept the original motion without the friendly amendment, and give

direction to staff to look at opportunities for job training. Mayor McLaughlin requested the original motion and the substitute motion be combined. Discussion ensued and Councilmember Marquez withdrew his second to the second substitute motion. The original substitute motion was approved by the following vote: **Ayes:** Councilmembers Butt, Lopez, Rogers, Sandhu, Thurmond, Vice Mayor Bates, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Marquez and Viramontes.

Continued to October 2, 2007, the matter to consider supporting legislative passage of ACA8 to reform the eminent domain reform laws of the State of California. ACA8 will protect homeowners, small business, and churches from eminent domain.

EMERGENCY ITEM

This Emergency Item was added and heard after Item L-4. In the matter to discuss and approve the emergency funding for the Greater Richmond Interfaith Program (GRIP), which supports the homeless in the City of Richmond. Councilmember Rogers, Arthur Hatchett, and the GRIP committee gave an overview of the item. Speakers were: Marilyn Langlois and David McCoard. On motion Councilmember Rogers, seconded by Councilmember Lopez approved a \$50,000 matching grant and authorized the Mayor to assist GRIP with writing letters to all the relevant people to gather support. Councilmember Butt offered a friendly amendment to reappropriate \$50,000, currently budgeted for fines, to GRIP and pursue the City's fine program; use the State code and use proceeds for convictions to re-budget the fines program, by the unanimous vote of the Council.

ANNOUNCEMENTS

Vice Mayor Bates announced that the bench the Council approved to be placed in front of the North Richmond Missionary Baptist Church in honor of Mother Novelean Harris has not been completed. He also announced that he placed an item on the agenda to request that the Council take a position on placing the health center in the Civic Center.

Councilmember Sandhu announced he attended his liaison committee for the Library and they expressed concerns about updating of Boards and Commissions on the Website and KCRT TV bulletin board. He also announced he notified the City of his refusal of his raise.

Councilmember Rogers announced he would like to place the following item on the next available meeting agenda: (1) receive a report from the city manager on discretionary approvals where indemnifying and defend clause is not included and (2) a status report on the efforts to remove the graffiti at the I-580 entrance into Richmond. He also would like to place on Closed Session an item to discuss resolving personnel issues in a timely manner.

Councilmember Lopez announced she declined her raise.

Mayor McLaughlin announced that the Tent City Peace Movement's First Annual Birthday will be held on September 25 through October 1, 2007. Tents will be pitched at Martin Luther King, Kennedy, Shields Reid, and Nevin Parks.

ADJOURNMENT

There being no further business the meeting adjourned at 11:45 p.m. in memory of Ed Morris, Duane Moore, and Tom Carson, to meet again on Tuesday, September 25, at 7:00 p.m.

City Clerk

(SEAL)

Approved:

Mayor