

RICHMOND, CALIFORNIA, February 5, 2008

The Regular Meeting of the City Council was called to order at 5:10 p.m. by Mayor Gayle McLaughlin.

ROLL CALL

Present: Councilmembers Bates, Butt, Rogers, Sandhu, Viramontes, Vice Mayor Marquez, and Mayor McLaughlin. **Absent:** Councilmembers Lopez, and Thurmond (Councilmember Lopez and Thurmond arrived after adjournment to Closed Session).

PUBLIC COMMENT

The city clerk announced that the purpose of the Open Session was for the City Council to hear public comments on the following items to be discussed in Closed Session:

CITY COUNCIL

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9)

Booker vs. City of Richmond

LIABILITY CLAIMS - PENDING LITIGATION (Government Code Section 54956.9)

Alvin Parker vs. City of Richmond

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957.6)

City Clerk

REDEVELOPMENT AGENCY

Real Property Negotiations (Government Code Section 54956.8)

Property: 12th Street and Macdonald Avenue

Negotiating Parties: Steve Duran, Richmond Community Redevelopment Agency and AF Evans

Negotiation: Price and Terms

There were no public speakers.

The Open Session adjourned to Closed Session at 5:14 p.m. The Closed Session adjourned at 7:00 p.m. The Regular Meeting of the City Council reconvened at 7:08 p.m. by Mayor Gayle McLaughlin who led the Pledge of Allegiance to the Flag.

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Removed Items G-6, G-8, and G-10 from the Consent Calendar.

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

Interim City Attorney, Louise Renne, reported the following:

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9): Booker vs. City of Richmond.

No reportable action.

LIABILITY CLAIMS - PENDING LITIGATION (Government Code Section 54956.9): Alvin Parker vs. City of Richmond.

The City Council moved to approve the proposed settlement of \$115,000 to resolve all issues in this matter.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957.6): City Clerk

No reportable Action.

REDEVELOPMENT AGENCY

Real Property Negotiations (Government Code Section 54956.8)
Property: 12th Street and Macdonald Avenue
Negotiating Parties: Steve Duran, Richmond Community Redevelopment Agency and AF Evans
Negotiation: Price and Terms

No reportable action.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Vice Mayor Marquez read a proclamation in recognition of Joe L. Fisher's installation as the President of the West Contra Costa Association of Realtors. Vice Mayor Marquez, Councilmembers Sandhu, Thurmond, and Mayor McLaughlin presented the proclamation to Mr. Fisher. Joe Fisher thanked the Council for the recognition.

Fire Chief, Michael Banks, introduced the following staff responsible for recruiting new firefighters, and designing and directing the academy: Battalion Chief Erik Newman, Captain Oscar Jones, Captain Manly Moulton, Captain Elizabeth De Dios, and Engineer Marc Palechek, who was absent. The new City of Richmond firefighters are: Carolyn Conry, Zachary Jenssen, Steven Harris, John

Stevens, and Eric Mendoza-Govan.

OPEN FORUM FOR PUBLIC COMMENT

Naomi Williams thanked Public Service Superintendant, Julian Cotton, for completing signs and cleaning graffiti. She also thanked, City Engineer, Rich Davidson, for the installation of two handicapped curbs.

Len Conly read a note from Marni Temple urging the City Council to improve service with AC Transit in Atchison Village.

Kathy Robinson expressed her excitement that the City of Richmond is sponsoring a free Black Film Festival for the month of February at the Main Library. She also urged everyone to visit the Black History display of the Tent City Peace Movement also located at the Main Library.

Bob Wimmer requested that the City of Richmond resolve the flooding issue on 32nd Street.

Mike Ali invited everyone to be a part of an historic event, the LONGEST WALK 2008: To commemorate the 30th anniversary of The Longest Walk 1978, another great walk will take place with a mission to **Clean Up Mother Earth** on its route. The Longest Walk will begin on February 11, 2008, in San Francisco and end 4,400 miles and five months later in Washington D.C. on July 11, 2008. Visit www.longestwalk.org for more information

James Jenkins gave comments about the shooting that took place on Saturday, February 2, 2008. He stated that police talked to witnesses but no one was willing to come forward. Mr. Jenkins stated that the community must come forward when they see crimes being committed.

Corky Booze stated he continues to single out Vice Mayor Marquez because he chose to call a press conference and offered a \$20,000 reward when two Indian citizens were killed and does not do the same when African Americans are killed.

Gonzalo Rucobo, Bay Area Peacekeepers, invited everyone to Shields-Reid Park and Community Center, 1410 Kelsey, for the first of a citywide series of "Richmond Youth Sports Camps" to be held on Saturday, February 16, 2008, from 9:00 a.m. to 3:00 p.m. for ages 5 through 18. A free lunch will be provided.

April Capil spoke about the proposed styrofoam band in the City of Richmond.

CONSENT CALENDAR

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

*-Adopted **Resolution No. 16-08** appropriating

\$355,514 in funding, and approving a two-year contract between the City of Richmond and Contra Costa County Health Services, for support of the Fire Department's Hazardous Materials Response Program from July 1, 2007, to June 30, 2009.

*-Introduced an ordinance establishing the wages, salary, and compensation for the revised classification of Custodial Maintenance Supervisor (Salary Range 052F: \$5,129 - \$6,209/month).

*-Adopted **Resolution No. 17-08** amending the City of Richmond Classification Plan to add the revised classification of Custodial Maintenance Supervisor.

*- Introduced an ordinance establishing the wages, salary, and compensation for the new classification of Park Steward (Salary Range 879: \$12.21 - \$15.07/hr).

*-Adopted **Resolution No. 18-08** amending the City of Richmond Classification Plan to add the new classification of Park Steward.

A proposal to award a construction contract for the repair of a retaining wall on Water Street in Point Richmond to Ghilotti Bros., for a price of \$398,888 with a contingency and reserve not to exceed \$40,000 was presented. Rich Davidson gave an overview of the item. Speakers were: Corky Booze and Jackie Thompson. On motion of Councilmember Viramontes, seconded by Councilmember Lopez, approved the contract with Ghilotti Bros., with the understanding that they are meeting the requirements for local hiring and that they have also added additional local Richmond businesses in the contract, by the unanimous vote of the Council.

*-Approved a lease agreement between the City of Richmond Police Department and the Hilltop Mall for a storefront to be used as a substation, at the cost of \$1.00 per year.

A proposal to approve an agreement with the Contra Costa County District Attorney's Office to provide services for the community-based Prosecution Program at a cost of \$185,145, and for a term from January 1, 2008, through December 31, 2008, was presented. Captain Alec Griffin, Administrative Bureau, gave an overview of the item. Following discussion, a motion was made by Councilmember Viramontes, seconded by Vice Mayor Marquez, to approve the agreement. Vice Mayor Marquez withdrew his second until all speakers were heard. Speakers were: Chris Talerico, Police Commission, and Jackie Thompson. Following discussion, Mayor McLaughlin continued this item to February 19, 2008, pending additional information and analysis.

*-Approved a lease agreement with Auto World - Saadeh Corporation for an amount not to exceed \$90,000 to supply undercover vehicles for use by the Richmond Police Department Vice/Narcotics Unit. The term of the contract shall be from October 1, 2006, to June 30, 2008.

On motion of Councilmember Viramontes, seconded by Councilmember Lopez, approved the minutes of the Regular Meeting of the City Council held on January 22, 2008. **Due to missing pages, minutes for the Special Meeting held in January 29, 2008 will be resubmitted on the February 19, 2008, agenda for approval.**

PUBLIC HEARINGS

None.

AGREEMENTS

None.

RESOLUTIONS

None.

ORDINANCES

None.

COUNCIL AS A WHOLE

In the matter to discuss and direct staff regarding funding for the 2008 Home Front Festival. The Finance Committee reviewed this item on December 3, 2008 and recommended providing \$125,000 to the 2008 Homefront Festival. Judy Morgan, Chamber of Commerce Director, gave comments and showed a PowerPoint presentation of the 2007 Home Front Festival. She thanked the Council for their support last year and stated she looked forward to their support this year. Councilmember Bates stated the Council should receive a package that includes all festivals. Speakers were: Corky Booze and Tom Waller. Councilmember Lopez stated there should be a contingency that before any money is released; the City receives a budget to show how the funds are going to be spent. Mayor McLaughlin stated she could not support this amount of money for this one festival. Councilmember Bates stated he cannot support this item because it is incomplete without a budget. Following discussion a motion was made by Vice Mayor Marquez, seconded by Councilmember Butt to approve providing \$125,000 to the 2008 Homefront Festival with the understanding that a budget be submitted by next week. Councilmember Bates requested that the city manager state where the funds will be coming from. City Manager, Bill Lindsay, stated he will include the funds in the 2008/2009 budget. Vice Mayor Marquez amended his motion to include that the funds will be included in the 2008/2009 budget. Councilmember Butt accepted the amendment. The motion passed by the following vote: **Ayes:** Councilmembers Butt, Lopez, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** Mayor McLaughlin. **Abstentions:** Councilmember Bates. **Absent:** None.

In the matter to receive an update regarding on-going and future efforts to reduce violence in the City of

Richmond. Office of Neighborhood Safety Director, DeVone Boggan, gave an update on on-going and future efforts. He stated that the initial team of neighborhood change agents has been identified and will start with the City of Richmond as early as next week. He also reported that the Office of Neighborhood Safety has established a 14-member Community Based Advisory Committee that will meet on a monthly basis. Speakers were: Gonzalo Rucobo, Corky Booze, Jackie Thompson, and Eleanor Thompson.

In the matter to discuss and direct staff to research the feasibility of including security cameras as part of the Facade and the Revolving Loan Programs for small businesses in the Redevelopment Areas. Councilmember Lopez and Sandhu gave an overview of the item. Speakers were: Corky Booze and Adolfo Porras. Councilmember Bates stated the Police Department needs to be involved and this item should be referred to the Public Safety Committee. Councilmember Lopez stated these are not the same cameras that were approved in the past; this program is a security matter for each business owner. Mayor McLaughlin stated this issue will be discussed at the presentation on February 20, 2008, at 8:00 a.m. at the West Contra Costa Mayor's and Supervisor's Association Meeting, which will be hosted by the City of Richmond and held in the Council Chambers. Councilmember Bates withdrew his opposition. Following discussion, a motion was made by Councilmember Lopez, seconded by Councilmember Sandhu, to direct staff to research the feasibility of including security cameras as part of the Facade and the Revolving Loan Programs for small businesses in the Redevelopment Areas within 30 days and have recommendations presented to the Public Safety Committee. The motion passed by the unanimous vote of the Council.

In the matter to discuss and recommend a policy for selection of the vice mayor. Councilmember Rogers gave an overview of the item. He stated that the recommended policy was "Councilmembers that have served without having served as vice mayor will be appointed as vice mayor unless that Councilmember has served as vice mayor within four years of the date the vote for vice mayor". Corky Booze spoke on this item. Following discussion, a motion was made by Councilmember Rogers, seconded by Councilmember Viramontes to recommend a policy for selection of the vice mayor. Vice Mayor Marquez stated he will abstain because he abstained when he was elected vice mayor and wanted to remain consistent. The item failed by the following vote: **Ayes:** Councilmembers Lopez, Rogers, Viramontes, and Mayor McLaughlin. **Noes:** Councilmember Bates. **Abstentions:** Councilmembers Butt, Sandhu, Thurmond, and Vice Mayor Marquez. **Absent:** None.

In the matter to discuss and recommend ways to schedule items on the City Council's agenda to encourage more public participation. Councilmember Rogers and Viramontes gave an overview of the item. Councilmember Viramontes stated the purpose of this item is to move Public Hearings right after the consent calendar. Speakers were: Corky Booze, Jackie Thompson, and James Jenkins.

During discussion, Councilmember Rogers stated presentations, proclamations, and commendations could be scheduled at 6:00 p.m. Mayor McLaughlin stated 7:00 p.m. is a better time for presentations, proclamations, and commendations. She stated she already has a proclamation scheduled for February 19, 2008. Councilmember Rogers suggested adopting the time change for presentations, proclamations, and commendations to 7:00 p.m. and made a motion to: (1) have presentations, proclamations, and commendations be made at the final meeting of the month starting at 7:00 p.m. with no prior scheduled meetings; (2) order of items would be done as presented in the staff report dated February 5, 2008, page 2 of 2 Items (a) through (h) and items removed from the Consent calendar removed would be heard later in the meeting, Consent Calendar items not removed would be approved right away. Councilmember Rogers stated the presentations, proclamations, and commendations would be more like a study session. Discussion continued and the city manager asked Councilmember Rogers to clarify that his motion is to have the agenda reordered as listed on the Staff Report dated February 5, 2008, beginning at the bottom of page 1 and continuing at the top of page 2 with the time change from 6:00 p.m. to 7:00 p.m. and a recommended time limit of five minutes for each presentation. Councilmember Rogers confirmed the motion was correct. Reordering of the City Council agenda to become effective February 19, 2008, with the exception of the already scheduled proclamation to take place as scheduled. The city manager asked for clarification regarding Closed Sessions held on the last meeting of the month. Following discussion, Councilmember Rogers amended his motion to include that on the last meeting of the month, when urgently needed at staff's discretion, a Closed Session may precede the 7:00 p.m. meeting for presentations, proclamations, and commendations. The amendment was accepted. The motion passed by the following vote: **Ayes:** Councilmember Bates, Butt, Lopez, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** Mayor McLaughlin. **Abstentions:** None. **Absent:** None.

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

Councilmember Sandhu stated he visited many stores in City of Richmond and was surprised to see the number of items available that offer rebates. He also asked staff to distribute more information stating that the City of Richmond allows citizens to have solar panels with reduction of fees. Councilmember Sandhu stated that the City of Richmond donated a \$10,000 reward for the two young men killed in their restaurant and the other \$10,000 amount came forward an anonymous donor.

Councilmember Viramontes distributed to each Councilmember her AB 1234 Report regarding treatment of bio solids in open air composting, grease to methane gas to power generation program, and fire rehabilitation of forests using bio solids.

Councilmember Thurmond reported that last week he attended the West Contra Costa County Transportation Advisory

Committee Meeting with Councilmembers Viramontes and Butt. He stated that several projects were identified that would benefit from public transportation funding.

Councilmember Lopez reported that she was the alternate for the Citizen's Bond Oversight Committee and at a meeting last week several options were presented to the School Board on ways to meet their budget for the school bond measure. She reported that many Richmond schools were on the cutting board specifically Kennedy, Gompers, Public Leadership, and Nystrom. Councilmember Lopez stated that on March 5, 2008, the School Board will discuss additional options and voting will take place on March 14, 2008.

Councilmember Bates congratulated Amoni Toomer for his Super Bowl victory with the New York Giants. Amoni got his start as a football player with the Richmond Steelers. Councilmember Bates stated that it would be appropriate for the City to present a resolution to acknowledge his success.

Vice Mayor Marquez stated that he attended a School Board meeting where recommendations with options were made. He stated that he is concerned that the school district tends to make decisions where Richmond schools take a hit and also tends to pass over bond measures that other cities don't. The school district gives preference to other cities because they threaten to pull out of the district. If the school district decides to take funds from Kennedy, Gompers, Public Leadership, and Nystrom and give those funds to Ohlone Elementary School, he is prepared to take all the elementary schools from Richmond and turn them into charter schools. Vice Mayor Marquez stated it is time for the Council to stand up and make a statement for our students and tax payers. He also stated that it is the mayor's role to stop or caution people from attacking Councilmembers personally. The emergency Public Safety Committee Meeting that was called in January 2008 was at the request of many people in Richmond. The reward that was offered that day was offered by the Police Department for information on a couple of homicides; it had nothing to do with John Marquez calling a special meeting. He stated that because he does not go to crime scenes does not mean he does not support or care about people. It is the responsibility of the police to respond to crime scenes not civilians. He also stated that the Council does make phone calls and attend funerals. Vice Mayor Marquez stated that if it is the mayor's policy not to stop people from attacking Councilmembers by name, then he will place an item on the agenda at the next meeting for the Council to vote on changing that policy.

Mayor McLaughlin stated she will be writing the School Board regarding the issue of the inequity of funding allocations for Richmond schools and will forward copies to each Councilmember. She also re-announced that the Black History Film Festival will be held each Friday night this month at the Richmond Main Library from 6:30 p.m. to 8:30 p.m. Mayor McLaughlin also invited people to the next City Council Meeting where she will be honoring the saga and struggle of the Gary Family. She re-announced that a Sports Camp will be held at Shields-Reid Park and Community Center, 1410 Kelsey, on Saturday, February 16, 2008, from 9:00 a.m. to 3:00 p.m.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:23 p.m. in memory of Rochelle Flanagan, a recent homicide victim in the City of Richmond, to meet again on Tuesday, February 19, 2008, at 7:00 p.m.

City Clerk

(SEAL)

Approved:

Mayor