

**RICHMOND, CALIFORNIA, May 16, 2006**

The Regular Meeting of the Richmond City Council was called to order at 7:28 p.m., by Mayor Irma L. Anderson, who led the Pledge of Allegiance to the Flag.

**ROLL CALL**

**Present:** Councilmembers Butt, Bates, Griffin, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Absent:** Councilmembers Thurmond and Marquez (Councilmember Thurmond arrived later as indicated in these minutes).

**STATEMENT OF CONFLICT OF INTEREST**

None.

**AGENDA REVIEW**

Removed items G-2, G-4, G-5, G-8, and G-13, from the Consent Calendar.

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

John Eastman, City Attorney, gave the following report:

**CC-1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
(Subdivision [a] of Government code Section 54956.9)**

**Two Cases: Kubota vs. City of Richmond** – A confidential briefing was provided to the City Council.

**Quintero vs. City of Richmond** – A confidential briefing was provided to the City Council.

**CC-2. PUBLIC EMPLOYEE PERFORMANCE VALUATION  
(Government Code Section 54957.6)**

**Title: City Manager** – A confidential performance evaluation was conducted.

**City Attorney** – A confidential performance was conducted.

**CC-3. LIABILITY CLAIMS**

**Claimants: (1) Sanchez** – Approved a Civil Liability claim in the amount of \$14,319.91 by the following vote: **Ayes:** Councilmembers Butt, Bates, Griffin, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Thurmond and Marquez.

**(2) Thompson** - Approved a worker's compensation claim of \$17,500 by the following vote: **Ayes:** Councilmembers Butt, Bates, Griffin, McLaughlin, Viramontes, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Thurmond, Marquez, and Rogers.

**CC-4. CONFERENCE WITH REAL PROPERTY  
NEGOTIATOR  
(Government Code Section 54956.8)**

**Property: Vernon-Castro (APN 561-144-022) –**  
Confidential direction given to staff.

**OPEN FORUM FOR PUBLIC COMMENT**

Bob Collins stated that speakers from the audience and the City Council should stop playing the “race card” and make things politically correct.

Herk Schusteff gave comments about the benefits of helping connect people to activities in the Bay Area’s natural surroundings. He invited those interested to access the [saveelsobrantehills.org](http://saveelsobrantehills.org) website.

Corky Booze commended Bill Lindsay, City Manager, for his foresight in hiring Michael Banks as the new Fire Chief. He also thanked those concerned and spoke with him regarding the Brookside Community Health Center. Thanked Councilmember Griffin for offering his help with providing information to the senior citizens that cannot attend the City Council meetings. He announced the airing of a cable television program hosted by Reverend Andre Shumake.

Cochise Potts, Parchester Village Neighborhood Council Executive Boardmember, stated that residents of Parchester Village did not agree with the City’s Code Enforcement Department’s removal of vehicles from the property of some residents who also feel that selective enforcement is being used.

Reverend Andre Shumake, Richmond Improvement Association, commended the Richmond Housing Authority, especially Tim Jones, Executive Director, and Bette Parker, Administrative Secretary, for responding quickly to calls regarding the landscape at the Iron Triangle Public Housing facility.

**PRESENTATIONS, PROCLAMATIONS, AND  
COMMENDATIONS**

Sal Vaca, Employment and Training Director, introduced Jim Brumfield, Chevron Corporation, and Mike Warwick, Employment and Training. Mr. Brumfield presented a check in the amount of \$75,000 to Mayor Anderson for the Mayor’s Summer Youth Employment Program. Mike Warwick presented a gospel CD to each Councilmember. Mr. Warwick stated that the CD is a compilation of songs by several employees of the City of Richmond. He said that all sales from the CD will be contributed to the Mayor’s Summer Youth Employment Program.

City Clerk read a proclamation recognizing May as “National Preservation Month.” Mayor Anderson presented the proclamation regarding the Maritime Childcare Center to Rosemary M. Corbin, Historic Preservation Commission Chairperson, Rosie-the-Riveter Trust Boardmember, and Save the Richmond Plunge Trust, Vice President. She thanked the Council for the proclamation. The proclamation regarding the

Winters Building was presented to Chad Pearce, East Bay Center for Performing Arts Boardmember, who thanked the City Council for the proclamation.

A proclamation recognizing Pat Asch, General Warehouse Manager at Costco, for her contributions to the City of Richmond during her tenure at Costco Richmond. Ms. Asch relocated to Sparks, Nevada to begin her new assignment and was not present. Councilmember Bates thanked Ms. Asch for her dedication and contributions to the City of Richmond. Corky Booze and Rock Brown gave comments commending Ms. Asch for her contributions to the City of Richmond.

### **CONSENT CALENDAR**

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

\*-Approved an amendment to a contract with Applied Analytix, LLC to provide additional enhancements to the TM1 budget system configuration. This amendment will increase the contract amount by \$100,000 for a total of \$143,876 and extend the contract through June 30, 2007.

A proposed contract with CCG Systems, Incorporated to purchase and install "FASTER" fleet management software, migrate data from the existing EMS fleet management system to the new system, and train staff in the use of the new software was presented. Total amount of the contract will not exceed \$98,800. Corky Booze asked for clarification regarding "timing out" of the software and its ability to interface with current software systems. Roscoe Ward, Fleet Manager, gave an overview of the matter. He said that the \$98,800 is the maximum amount of the cost. Following discussion, on motion of Councilmember Bates, seconded by Councilmember Griffin, approved the contract by the unanimous vote of the Council.

\*-Approved a contract with Gordon Hart, representing, Paul, Hastings, Janofsky, and Walker, to assist in the preparation of required documents to facilitate the Navy's early transfer of Point Molate to the City of Richmond.

A proposed approval of an amendment to the existing two-year miscellaneous concrete repair contract with Bay Hawk, Incorporated was presented. This amendment will fund emergency irrigation repairs and will increase the value of the contract by \$16,627.60 for a total amount of \$772,827.60. Corky Booze stated his concerns regarding the absence of Richmond residents employed by the company. Sharon West, Parks Department, gave an overview of the matter, and stated that the emergency concrete repair work has been completed. Councilmember Bates requested that in the future, several contractors should be contacted for the lowest bid. Bill Lindsay, City Manager, stated that the City entered into the contract with Bay Hawk June 22, 2004 and; it is a two-year contract and will expire June 22, 2006. He stated that in the future emergency work will be appropriately calculated. Following discussion, on motion of Councilmember Griffin, seconded by Vice Mayor Viramontes, approved the contract amendment, by the unanimous vote of the Council.

A proposed approval of an amendment to a contract with MuniFinancial to expand the scope of work to add the following three projects was presented: (1) review the City's existing Impact Fee Program with recommendations for improvement, (2) analyze the feasibility of establishing a road construction impact fee, and (3) study the feasibility of establishing a user-fee surcharge to help pay for updating the General Plan. This amendment will increase the contract value by \$12,700 for a total amount of \$97,780. Councilmember McLaughlin asked for clarification regarding the meaning of Project Number 3, the user-fee surcharge for updating the General Plan. James Goins, Finance Director, explained that it is a cost allocation plan and all of the various central service departments such as the City Manager's office, Finance Department, Information Technology Department provide services for other departments which are indirect costs for services and an allocation plan is necessary. He said that several developments would benefit by the General Plan update in the long term and those developments need to pay a percentage of the cost to update the plan. Following discussion, on motion of Vice Mayor Viramontes, seconded by Councilmember Bates, approved the contract amendment, by the following vote: **Ayes:** Councilmembers Butt, Thurmond, Bates, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Marquez and Griffin.

\*-Approved a contract with the Omega Group to implement the "CrimeView" System to support police operations. Implementation of this system includes installation of the software, integration with the City's existing CAD/RMS system, and staff training to use the new software. The total amount of the contract will not exceed \$152,950.

\*-Approved a contract with Remediation Risk Management, Incorporated (RRM) for, the development of an investigative work plan at the Corporation Yard, in the amount of \$13,829, and development of an additional work plan pursuant to the Regional Water Quality Control Board's request, in the amount of \$22,066. The total for both work plans will not exceed \$36,000.

A proposed approval of a contract with Don Casimere to provide confidential investigative and appeals service for the City of Richmond for one year was presented. The total amount of the contract will not exceed \$100,000. Vice Mayor Viramontes stated that she is in support of having a full-time person to support the Police Commission. Leslie Knight, Human Resources Director/Assistant City Manager, said that in discussions with Mr. Casimere he informed the Council that the position is part-time even with the additional duties and responsibilities, and it was his recommendation that the position be part-time. She said that Mr. Casimere would only be paid for the hours of services provided. Corky Booze gave comments on the matter. Following discussion, on motion of Councilmember Bates, seconded by Councilmember Griffin, approved the contract by the following vote: **Ayes:** Councilmembers Butt, Thurmond, Bates, Griffin, Rogers, and Mayor Anderson. **Noes:** Councilmember McLaughlin and Vice Mayor Viramontes. **Abstentions:** None. **Absent:** Councilmember Marquez.

\*-Approved a contract with Zucker Systems to conduct an operation, work flow, and reporting systems study to assist in

establishing best practices to support improved service levels in the Planning and Building Departments.

\*-Approved a contract with Remediation Risk Management, Incorporated (RRM) for development of a work plan to assess soil and groundwater quality at Fire Station No. 64 (4801 Bayview Avenue).

\*-Adopted **Resolution No. 40-06** authorizing acceptance of a gift of a portable structure from Chevron USA, Incorporated, for use as a classroom and office space at the new Richmond Fire Department Training Center site and agreeing to pay Chevron for its relocation costs in an amount not to exceed \$15,000.

\*-Adopted **Ordinance No. 20-06** establishing wages, salary, and compensation for the new classification of **Public works Operations Administrator (Salary Range is \$4,248 to \$4,852 per month)**.

A proposed authorization to call for construction bids for the 2006/07 Pavement Rehabilitation Project was presented. Engineer's estimate is \$7.0 million dollars. Bill Lindsay, City Manager, gave an overview of the matter. Councilmember Bates stated that he does not agree with the one bid for the entire \$7.0 million dollars. Rich Davidson, City Engineer, stated that it is easy to control one contractor versus two or more contractors and the movement of traffic. He said that the General Contractor will be a paver, and the slurry seal and crack sealing will be done by a subcontractor. Following discussion, on motion of Vice Mayor Viramontes, seconded by Councilmember Thurmond, authorized the call for construction bids. A substitute motion by Councilmember Rogers to add \$1 million dollars from the Community Redevelopment Agency failed for lack of a second. On the original motion the Council voted unanimously to authorize the call for construction bids.

\*-Approved appointments and reappointments to Boards and Commissions: **Richmond Workforce Investment Board:** Alex Gomez, West Contra Costa Business Center; Barrie Hathaway, Street Tech; Lance Jackson, Seville Group, Incorporated; and John Troughton, Cushman and Wakefield; appointed replacements Velma Bagby, EDD; and Tim Jones, Housing Authority Executive Director. **Commission on Aging:** Eli Williams, Barbara Scott, Arnie Kasendorf and Katie Summers, Incumbents, terms expiring May 19, 2008; **Youth Commission:** Angelina Faggett and Janina Madrid, terms expiring May 16, 2007.

\*-Approved minutes of the Morning and Evening Open Session held on April 18, 2006; April 25, 2006, Special Meeting, and May 2, 2006, Morning and Evening Session.

\*-Approved authorizing the City Manager to execute a contract with SC Consulting to perform a strategic needs assessment of the Information and Technology Department.

### **PUBLIC HEARINGS**

Withdrew at the request of the appellant an appeal from the Planning Commission's denial of a variance to construct a new single-family residence on a substandard lot of 2,500 SF

located at 1603 Garvin Avenue (APN 529-140-013). SFR-3 Zoning District, Robert Sutherland, owner/applicant.

## **RESOLUTIONS**

None.

## **ORDINANCES**

Introduced a proposed ordinance extending optional coverage for Registered Domestic Partners to City Councilmembers. Leslie Knight, Human Resources Director, stated that Domestic Partner coverage is State law and PERS allows it pursuant to the State law. Every employee of the City of Richmond, with the exception of the Councilmembers has the coverage. She said this is merely a formality and should have been extended prior to this time to the Councilmembers and the only way that it can be extended is through ordinance to ensure the issue of transparency. Corky Booze gave comments on the matter. A motion was made by Councilmember Viramontes, seconded by Councilmember Bates, to approve the portion of the ordinance regarding Domestic Partners and the portion addressing salaries, the Vice Mayor and Mayor's auto allowance, facsimile, and telephones should be sent back to the Finance Standing Committee, passed by the following vote: **Ayes:** Councilmembers Butt, Thurmond, Bates, Griffin, McLaughlin, Viramontes, and Mayor Anderson. **Noes:** Councilmember Rogers. **Abstentions:** None. **Absent:** Councilmember Marquez.

## **COUNCIL AS A WHOLE**

In the matter to review and discuss the Recreation Division's activities, programs, and proposed reorganization plans. Monique le Conge, Library and Community Services Director, presented an overview of the matter. She said that progress in recreation is being made. She said that less than one year ago, Recreation was added to her departmental responsibilities. Since June 2005 36 full and part-time staff have been rehired and all of the rehire lists have been exhausted. Six community centers have been reopened. She talked about the proposed reorganization for Recreation and Parks. Ms. le Conge said that the proposed reorganization will be presented as part of the budget process. Mayor Anderson supports the use of non-profits' expertise in providing a service for youth. She said that collaboration with non-profits is needed. The following individuals gave comments on the matter: Corky Booze, James Jenkins, Mel Davis, Debbi Landshoff, Cheryl Maier, Myrtle Braxton-Ellington, and Arnie Kassendorf.

In the matter to discuss the Richmond "Camping" Ordinance, and direct staff to review with the Public Safety Committee possible amendments to the ordinance requiring that officers enforcing the "no camping" rules inform violators where there is available shelter as an alternative. Councilmember Rogers gave an overview of the matter. He said there was a recent discussion in a State case that held if a City is going to enforce an ordinance such as Richmond's, a homeless person shall be referred to an available homeless shelter before the State is allowed to take action against that person. He said that the intent of the agenda item is to modify the ordinance to state that before the ordinance can be enforced it would be stated

specifically in the ordinance that a viable alternative is available, and the police would need to provide that option before proceeding to enforce the ordinance. The following individuals spoke on the matter: Juan Reardon, Susan Prather, James Jenkins, and Elisa Della-Piana. A motion was made by Councilmember Rogers, seconded by Councilmember Thurmond to direct the matter to the Public Safety Standing Committee. Councilmember Thurmond made a friendly amendment to have a simultaneous conversation about best practices and existing services or resources that can be used. Following discussion, the matter was referred to the Public Safety Standing Committee. A substitute motion was made by Councilmember McLaughlin, seconded by Vice Mayor Viramontes to repeal the ordinance. Councilmember Bates challenged the legality of the motion based on the agenda stating that the item was for discussion only. Following discussion, the matter was referred to the Public Safety Standing Committee.

In the matter to review and discuss the draft ordinance requiring that major project developments and superstores exceeding 100,000 square feet obtain a Conditional Use Permit, and refer a proposed ordinance to the Planning Commission for a public hearing. Vice Mayor Viramontes, gave an overview of the matter. Richard Mitchell, Planning and Building Director gave a presentation on the matter. Elizabeth Sibbett and Mark Wolfe gave comments. Following discussion, a motion was made by Vice Mayor Viramontes, seconded by Councilmember McLaughlin, to adopt the draft ordinance and send it to the Planning Commission for a public hearing failed by the following vote: **Ayes:** Councilmembers Butt, Thurmond, McLaughlin, and Viramontes. **Noes:** Councilmembers Bates, Griffin, Rogers, and Mayor Anderson. **Abstentions:** None. **Absent:** Councilmember Marquez.

In the matter to discuss convening and hosting a regional working meeting of Bay Area cities and counties to establish regional strategies and outcome measures for dealing with drugs, guns, and other issues contributing to Bay Area crime. Councilmember Thurmond gave an overview of the matter. He said that the purpose would be to bring together law enforcement officials, elected officials, policy leaders for the opportunity to walk out of a meeting with agreements and commitments of how to work together regionally to address crime issues. Corky Booze gave comments on the matter. Discussion ensued. Following discussion, a motion by Councilmember Bates, seconded by Councilmember Thurmond to support the concept and refer the matter to the City Manager and the Violence Prevention Coordinator passed without objection (Councilmember Butt left the meeting).

In the matter to direct staff to submit the final report of the City's expenditures from Cinco de Mayo 2006 including all itemized expenditures. Discussion ensued. Following discussion, the Council directed staff to submit the final report of expenditures without objection.

## **COMMUNICATIONS**

None.

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

**Mayor Anderson**

The Board of Equalization will host a conference regarding women and finances on May 19, 2006, at 8:30 a.m. The owners of Salutes Restaurant and Casa Chica will be present to lend their expertise.

**Councilmember Bates**

Requested the meeting be adjourned in memory of Dan Yee.

**ADJOURNMENT**

There being no further business adjourned the meeting at 12:03 a.m., in memory of the son of former interim police chief Charles Duncan and Dan Yee, to meet again on Tuesday, June 6, 2006, at 7:00 p.m.

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City Clerk

(SEAL)

Approved:

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Mayor