

RICHMOND, CALIFORNIA, January 4, 2005

The Regular Meeting of the Richmond City Council was called to order at 7:06 p.m., by Mayor Irma L. Anderson, who led the Pledge of Allegiance to the Flag.

ROLL CALL

Present: Councilmembers Butt, Belcher, Bates, Penn, Griffin, Bell, Viramontes, and Mayor Anderson.

Absent: Councilmember Rogers (arrived later as indicated in these minutes).

COUNCILMEMBERS' CODE OF CONDUCT

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

APPROVAL OF MINUTES

On motion of Councilmember Penn, seconded by Councilmember Bell, approved the minutes of the Regular Meeting held on December 14, 2004, by the unanimous vote of the Council.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Corrected the total amount of the grant for Item I-11 on the Consent Agenda to read \$47,092 and the City's matching fund amount is \$4,079.

Continued Item O-3 on the agenda to Tuesday, January 18, 2005.

On motion of Councilmember Butt, seconded by Councilmember Penn, the added to the agenda a contract with Miller, Starr, Regalia to represent the City of Richmond regarding the Point Molate CEQA Litigation in two separate petitions for writ of mandate entitled, respectively, *East Bay Regional Parks District vs. City of Richmond, et al.*, and *Citizens for the Eastshore State Park vs. City of Richmond, et al.*, by the following vote: **Ayes:** Councilmembers Butt, Bates, Penn, Griffin, Bell, Viramontes, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Belcher and Rogers.

Removed Items I-6, I-7, and I-9, from the Consent Agenda. Items I-7 and I-9 will be heard prior to item I-6.

Removed Item O-5 from Council As Whole.

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

Existing Litigation

East Bay Regional Park District vs. City of Richmond: Discussion with outside Counsel. A motion was made by Councilmember Viramontes, seconded by Councilmember Bell, to retain the services of Miller, Starr, Regalia, by the unanimous (9-0) vote of the Council.

Citizens for the Eastshore Park vs. City of Richmond: A motion was made by Councilmember Viramontes, seconded by Councilmember Bell, to retain the services of Miller, Starr, Regalia, by the unanimous vote of the Council.

Potential Litigation

City of Richmond vs. International Alliance of Theatrical Stage Employees (IATSE): A report will be submitted to Council on January 25, 2005.

Public Employee Performance Evaluation

City Attorney: No discussion.

Police Investigative Appeals Officer: Discussion held.

Other Discussions

Employment Development Department relocation.

Telephone usage.

Credit Card audit.

Settlement Amounts of Four Cases Reported December 18, 2004, Executive Session

Vega vs. City of Richmond - \$300,000

Dew vs. City of Richmond - \$100,000

Doe vs. City of Richmond - \$100,000

Systems Mechanical vs. City of Richmond - \$110,000

**PRESENTATIONS, PROCLAMATIONS, AND
COMMENDATIONS**

None.

**REPORTS OF STANDING COMMITTEES AND
MAYOR**

Councilmember Bates, Chairperson of the Public Safety, Public Services Standing Committee reported that the next meeting will be held on January 13, 2005.

Councilmember Viramontes, Chairperson of the Finance, Administrative Services, and Economic Development Standing Committee reported that the next meeting will be held on Thursday, January 6, 2005, at 3:00 p.m., in the Council Chamber.

Councilmember Penn, Chairperson of the Rules and Procedures Standing Committee reported that the next meeting will be held on January 24, 2005, at 3:00 p.m., in the Council Chamber.

Mayor Anderson stated that the Council would like to greet the New Year with a 'Can Do' and to say that the City has come a long way since 2004. She stated that an issue of concern is the soon to be released "Coach Carter" movie. She expressed her disappointment with MTV Productions and Paramount Pictures. She stated that the movie is based on the true story of Coach Ken Carter, Richmond High School basketball coach who put everything on the line to make sure that good education is first for the student athlete. She stated that the movie is a moving tribute to Coach Carter. She stated that the part that troubles her most is that Paramount has scheduled at least 200 previews all over the country, but not one in Richmond. She asked the public to telephone her office to request the telephone number of Paramount Pictures (Councilmember Rogers arrived).

CONSENT CALENDAR

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

A proposed resolution adopting employer pickup of pre-tax payroll deduction plan for Calpers Service Credit Purchase was presented. Councilmember Viramontes asked for clarification regarding the impact on the City's Actuarial or the General Fund. All costs associated with participation in the program will be paid by the employee and it is structured through the City by payroll deductions. Phil Batchelor, Interim City Manager, confirmed that retirement benefits are not being increased and participation in the program by any employee is at the employee's cost. Following discussion, on motion of Councilmember Viramontes, seconded by Vice Mayor Griffin, adopted **Resolution No. 2-05** by the unanimous vote of the Council.

A proposed contract with the Clorox Company as part of the Department of Labor H-1B Grant awarded to the City of Richmond. The total amount of the contract is \$520,000. Councilmember Viramontes publicly apologized to Clorox for holding up the contract due to last year's financial troubles. Mike Warwick, Employment and Training, introduced Kathryn Hayes, Clorox Company IT Training Manager, and gave some background on the grant. She stated that the purpose of the grant is to train Advance Level Information Technology training. Fundamentally these are pass-through dollars through the City of Richmond in the amount of \$2.992 million dollars to employers to advance their IT employees to incumbent level training. The City of Richmond through managing the grant receives approximately \$175,000 and represent the four East Bay Workforce Investment Boards—Oakland, Alameda, Contra Costa and Richmond. Following discussion, on motion of Councilmember Viramontes, seconded by Vice Mayor Griffin approved the contract with Clorox Company by the unanimous vote of the Council.

*-Approved an agreement with K.O.G. & Associates to provide Employment and Training with technical expertise on complying with OMB guidelines for budgeting

and cost allocation. The total amount for the contract will not exceed \$40,000.

*-Approved an agreement with Brookside Community Health Clinic to share the cost of constructing ADA compliant restrooms in the Richmond Enterprise Center, located at 343 11th Street in downtown Richmond. The total amount of the agreement will not exceed \$11,976.

*-Approved an agreement with the City of Berkeley to develop a cost share agreement for the One Stop Career Center to provide job seeker services to dislocated workers in the north cities area. The total amount of the contract will not exceed \$38,880.

*-Approved an agreement with ASML U.S., Incorporated, to provide advanced level Information Technology training for incumbent workers. The total amount of the agreement will not exceed \$37,500.

*-Approved a payment in the amount of \$23,866 to Public Affairs Management for preparation of the Negative Declaration/CEQA study of the Richmond Plunge.

A proposed agreement with Bajan Security for security services for Point Molate. The total amount of the contract will not exceed \$77,715.56. Craig Murray, Redevelopment Agency, gave an overview of the matter. Two proposals were solicited from firms that have experience with security at Point Molate—Bajan Security and DP Security. Bajan Security provided a proposal but DP Security did not. He noted that Bajan staff has worked cooperatively with local and federal police units effectively. The following individuals spoke on the matter: Michael Davenport and Lokesh Bali. He stated that he provides physical security therefore he could not bid on a request for electronic security. Discussion ensued. Following discussion, the Council requested that a presentation be made on the fine points of the security plan in Closed Session on January 18, 2005, regarding the effectiveness of an all electronic security system, and simultaneously ask Chief Hudson to review the concept of all electronic security system compared to a person being on site (Councilmember Viramontes left the meeting). The matter was held over for two weeks to January 18, 2005.

*-Adopted **Resolution No. 1-05** authorizing staff to apply for a \$25,000 grant from California Integrated Waste Management Board for waste tire playground cover for Southside Community Park.

*-Adopted **Resolution No. 3-05** designating and appointing standby officers to the members of the City Council to ensure continuity of government according to Article 15 of the State of California Emergency service Act.

*-Adopted **Resolution No. 4-05** accepting the California Department of Corrections, Juvenile Accountability Block Grant to develop a coordinated enforcement plan for reducing juvenile crime by establishing a Richmond Youth Court. The total amount of the grant is \$47,092.

*-Adopted **Resolution No. 5-05** authorizing destruction of certain records maintained by the Chief of Police in accordance with Section 34090 of the Government Code of the State of California.

*-Adopted **Resolution No. 6-05** amending Resolution No. 90-04 to adjust appropriations of the 2004-2005 WIA Grant. The total amount of the grant is \$59,152.

*-Adopted **Resolution No. 7-05** authorizing the Mayor to dissolve the Criminal Justice Agency of Contra Costa County, A Joint Powers Agreement (JPA).

*-Adopted **Resolution No. 8-05** approving changes to the 2004-2005 adopted budget to transfer \$229,497 from the Public Services Operating Budget to Public Services Salaries and Benefits and transfer \$88,738 from Public Service, Building services to Wastewater Operations.

*-Adopted **Ordinance 1-05, N.S.**, establishing the Internal Audit function of the City of Richmond and to amend Article II of the Richmond Municipal Code to add Chapter 2.74 defining the duties and responsibilities of the Internal Auditor.

*-Adopted **Ordinance 2-05, N.S.**, amending the salary ranges for the City Manager and the Human Resources Director.

*-A proposed ordinance amending Chapter 8.16 (Fire Prevention Code) of the Richmond Municipal Code setting forth additional regulations for the installation and responsible use of fire alarm systems and for assessment of service fees for excessive false fire alarm responses.

*-Denied claims against the City of Richmond by: (1) Troy Harper, (2) Ethan Allen, (3) Duane Chapman, (4) Jessie Woodson, (5) Danny Vaden, (6) Jaron Brown, (7) Robin Cobb, (8) Craig Jeffries, (9) Mobile Saw, and (10) Christina Adams by her Attorney, R. Lewis Van Blois of Oakland.

OPEN FORUM FOR PUBLIC COMMENT

Bob Sutcliffe made an appeal to the public to join the Police Commission. He gave the requirements for being a member of the Commission.

Corky Booze gave comments regarding the community's persistence regarding having input on the choice of the new police chief. He also stated that he hopes that Joan Kubota, Police Investigative Officer is treated fairly and that no backdoor tactics are used. In response to the speaker, Mayor Anderson asked Phil Batchelor, Interim City Manager to respond to filling of Department Head positions. Mr. Batchelor reported that Leslie Knight has been hired as Human Resources Director. He stated that hiring of the new police chief will require the involvement of the new city manager, Bill Lindsay, and that he would not make any appointment in that area.

PUBLIC HEARINGS

None.

AGREEMENTS

A proposed agreement with Miller, Starr & Regalia, A Professional Law Corporation, to represent the City of Richmond in two legal actions regarding Point Molate was presented. There were questions from the audience. On motion of Vice Mayor Griffin, seconded by Councilmember Penn approved the agreement by the following vote: **Ayes:** Councilmembers Butt, Belcher, Bates, Penn, Griffin, Rogers, Bell, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Viramontes.

RESOLUTIONS

None.

ORDINANCES

None.

COUNCIL AS WHOLE

In the matter of a status report on various action items from the **Initial Assessment of the Fiscal and Organizational Stabilization Needs of the City of Richmond** dated September 14, 2004. Phil Batchelor, Interim City Manager, gave an overview of the matter. He stated that three areas were selected for a status report.

- a. Emergency Operations Center EOC Exercise. Kathryn Gerk, Emergency Operations, presented a status report.
- b. Human Resources Department items. Cedric Williams, Human Resources Manager, presented a status report (Councilmember Viramontes returned to the meeting).
- c. SAP System improvements and approve a contract to purchase SAP Training Software tool. The contract amount will not exceed \$16,098. Sue Hartman, Information Technology Manager, presented a status report. On motion of Councilmember Viramontes, seconded by Councilmember Penn, approved the contract in the amount of \$16,098 by the following vote: **Ayes:** Councilmembers Belcher, Bates, Penn, Griffin, Rogers, Bell, Viramontes, and Mayor Anderson. **Noes:** Councilmember Butt. **Abstentions:** None. **Absent:** None.

In the matter to consider adopting an ordinance to add Chapter 13.57 to the Richmond Municipal Code pertaining to Neighborhood Improvement Community Enhancement Districts (NICE). Councilmember Butt presented an overview of the matter. The following individuals spoke on the matter: Paula Asmus, Gayle McLaughlin, and Corky Booze. Discussion ensued. A staff report will be submitted to the Council on January 18, 2005, and a Study Session will be conducted January 25, 2005.

Councilmember Viramontes requested that in the staff report detailed information on all Special and Benefit Assessment Districts currently operating in the City of Richmond that would be impacted by creating a boundary in that Assessment District. Mayor Anderson asked the public to contact the City Manager's office to communicate any ideas they want to be included.

Withdrew the matter to consider adopting an ordinance amending Chapter 15.04 of the Richmond Municipal Code pertaining to Conditional Use Permits for Alcoholic Beverage sales.

In the matter of a discussion of the temporary exhibit plans for the Seaver Gallery at the Richmond Museum of History and allocation of funds from the estate of Clara-Bell Lorraine Hamilton. Councilmember Penn presented an overview of the matter. The following individual spoke on the matter: Tarnel Abbott. Following discussion, the matter was continued two weeks to allow the City Manager to review the matter to determine the staff person responsible.

Withdrew the matter to consider a request to provide direction to the City Attorney's Office concerning referring to the California Attorney General's Office a question regarding the effective date of a proposed Charter Amendment to reinstate the practice of the City Council selecting the Mayor.

CALL FOR BIDS AND PROPOSALS

None.

COMMUNICATIONS

None.

REPORTS OF OFFICERS

Everett Jenkins, Interim City Attorney

Wished everyone a Happy New Year.

Vice Mayor Griffin

Wished everyone a Happy New Year.

Diane Holmes, City Clerk

Wished everyone a Happy New Year.

Acknowledged Councilmember Bell's name being left off the December 14, 2004, minutes under Roll Call. She stated that the minutes would be corrected to reflect him being present.

Councilmember Rogers

Wished everyone a Happy New Year.

Councilmember Bates

Asked for an update regarding the Target Store move.

Reported that the Golden State Warriors will host a premier and reception at the Hilltop Mall on January 11, 2005. He stated that it is fitting that the Council recognize the significant contributions Ken Carter has made.

Councilmember Penn

Commended the CoronadoYMCA on their toy giveaway.

A motion was made by Councilmember Penn, seconded by Councilmember Bell that she be seated where outgoing Councilmember Belcher is currently seated.

Councilmember Viramontes

Thanked the number of donors for providing toys for City of Richmond children.

Stated that she does not support the item regarding changing the Mayor back to a rotating position.

Councilmember Bell

Stated to his colleagues, City Manager and staff his enjoyment for the opportunity to serve the City of Richmond. He stated that he has learned a lot and the City has a tremendous potential. He said that he looks forward to continue to participate in moving the agenda of the City forward.

Councilmember Belcher

Wished for his colleagues and the Mayor a blessed and Happy New Year.

Requested the meeting be adjourned in memory of Gregory Gaines.

Stated personally to the Mayor and City Councilmembers his appreciation for the opportunity to have shared the last four years as a member of the Richmond City Council. He stated that he has the utmost respect and the kind of leadership given to the City. He extended well wishes to Gayle McLaughlin and John Marquez, City Councilmembers elect.

ADJOURNMENT

There being no further business adjourned the meeting at 9:24 p.m., in memory of Ruby Brewer, wife of Reverend Curtis Brewer, Gregory Gaines, and Shirley Chisholm, first Black Congresswoman, to meet again in one week on Tuesday, January 11, 2005, at 7:00 p.m.

City Clerk

(SEAL)

Approved

Mayor