

RICHMOND, CALIFORNIA, April 17, 2007

The regular meeting of the City Council was called to order at 7:10 p.m. by Mayor Gayle McLaughlin.

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

Interim City Attorneys Louise Renne and Randy Riddle, of the law firm Renne Sloan Holtzman Sakai LLP, stated a conflict of interest on Item G-17 and stated they will leave the Chambers when the item is discussed.

AGENDA REVIEW

Withdrew Items J-2, and K-8 from the agenda at staff's request.

Removed Items G-2, G-3 and G-12, G-15, G-16, and G-17 from the Consent Calendar.

On motion of Councilmember Bates, seconded by Councilmember Lopez, Item K-1 was held over until the May 1, 2007, meeting by a unanimous vote of the Council.

Item K-7 will be heard after the approval of the Consent Calendar.

A motion by Councilmember Rogers, seconded by Mayor McLaughlin, to remove Item K-5 from the agenda, failed by the following vote: **Ayes:** Councilmembers Rogers, Lopez, Thurmond, and Mayor McLaughlin **Noes:** Vice Mayor Bates **Absentions:** Councilmembers Marquez and Sandhu. **Absent:** Councilmembers Butt and Viramontes.

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

Mayor McLaughlin introduced Louise Renne and Randy Riddle of Renne, Sloan, Holtzman & Sakai as the Interim City Attorneys.

Interim City Attorney Renne reported there were two matters of litigation that were heard, no final decisions were reached.

OPEN FORUM FOR PUBLIC COMMENT

James Jenkins gave comments regarding developers not using the name of Richmond in their ads for new housing.

Corky Booze commended the city manager for scheduling another meeting regarding Nevin Park. He asked the city manager to also have a Spanish translator available. Mr. Booze stated he did not support the Mayor's public safety efforts. He announced that Novelean Harris is having a prayer breakfast Saturday morning, April 21, 2007, at North Richmond Baptist Church. The price is \$10 per person.

Simms Thompson addressed the Council regarding the City's image. He stated that there are no signs indicating that you are now

entering the City of Richmond and the City should be emphasized. Street signs are also missing.

Naomi Williams thanked the mayor for the last two recommendations and approvals for the Police Commission. On April 5, 2007, she attended the Public Safety Meeting. The process for background checks was considered. The majority of the Committee voted that the only thing that should be added is a question regarding arrests for felonies and leave the background check the same. She stated that Marquez abstained on the vote. She was surprised and disappointed that the matter was not on the City Council's agenda for discussion.

Andres Soto stated that he opposes checkpoints in general. This was in response to comments made about him by Corky Booze. He stated that the purpose of the checkpoints, held recently in the City, were for drugs and guns. He suggested that the checkpoints should be held between 10 p.m. and 3 a.m.

Kathy Robinson gave comments regarding hiring contractors to replace roofs on community centers. She stated she resents the City hiring contractors without obtaining a warranty.

James Cash gave comments regarding the senior residents at Friendship Manor. He reported that the grass is extremely high. He also reported he spoke with students who were sent home from school because they could not speak English.

Mary Robert gave comments regarding denial of an appeal for a deck for a second story addition at 3532 Center Avenue.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Mayor McLaughlin stated that April 22, 2007, is Earth Day. She stated that Richmond is moving toward green businesses and practices. Mayor McLaughlin read a proclamation in recognition of Earth Day 2007 and honoring Richmond green businesses for their efforts to support the triple-bottom line of a vibrant economy, social equity, and healthy environment for Richmond. Mayor McLaughlin asked the representatives of the following green businesses to come forward to receive the proclamation and give comments: Allen King, President of Excellent Packaging Supply; James Shepherd, President of Vetrazzo; Jimmy Ruckland and Gerald Hatchet, Sims Metal; Campbell Jones, LC Biofuels; Richmond Pacific Railroad; Silver Walker Studios; and Seargent Rios, Bob's Cleaners. Councilmember Marquez recommended that Mayor McLaughlin submit the names of the residents and companies that are involved in green businesses and practices to the Association of Bay Area Governments Executive Committee to be recognized at that level.

The city clerk read a proclamation declaring the week of April 22, 2007, as "West Nile Virus and Mosquito and Vector Awareness Week." Mayor McLaughlin thanked the Contra Costa County Mosquito and Vector District.

CONSENT CALENDAR

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

*-Adopted Resolution No. 44-07 granting Wingstop Restaurant's appeal and modifying the Planning Commission's approved hours to allow alcoholic beverage service from 10:00 a.m. through 12 midnight daily.

A proposed Resolution of Intention No. 897 to vacate a portion of "B" Street and schedule a public hearing on the proposed street vacation for May 15, 2007 was presented. On motion of Vice Mayor Bates, seconded by Councilmember Marquez, set the hearing date for May 15, 2007, by the following vote: **Ayes:** Councilmember Sandhu, Rogers, Lopez, Marquez, Vice Mayor Bates, and Mayor McLaughlin. **Noes:** None. **Abstention:** None. **Absent:** Councilmembers Thurmond, Viramontes, and Butt. The following individuals were allowed to speak on this item in regards to setting the public hearing only: James Owens, Reverend Holland, William Frank, and Ron Holtzen.

A proposal to approve the write-off of delinquent, uncollectible accounts receivable as recommended by the Finance Department staff was presented. James Goins, Finance Director gave an overview of this matter. Vice Mayor Bates stated that he appreciated the efforts of the Finance Direct to collect outstanding debts. He asked why agencies are allowed to walk away with significant payment owed to the City. Councilmember Lopez reported that this item came before the Finance Committee and it was discovered that the City sent out some incorrect billings and that the City will continue to pursue collection of the debt even though it has been written off. Discussion continued. On motion of Councilmember Rogers, seconded by Councilmember Lopez, approved the write-off of delinquent, uncollectible accounts receivable, by the following vote: **Ayes:** Councilmembers Sandhu, Rogers, Lopez, Marquez, and Mayor McLaughlin. **Noes:** Vice Mayor Bates. **Abstention:** None. **Absent:** Councilmembers Thurmond, Viramontes, and Butt.

*- Acknowledged receipt of the City of Richmond's Single Audit Report for the year ended June 30, 2006.

*-Adopted the 2006-2008 Swap Policy to guide the selection, implementation, and administration of interest rate swaps related to City bond issues.

*-Adopted the 2006-2008 Cash Reserve Policy to establish guidelines for ongoing maintenance of a general, undesignated operating reserve.

*-Adopted the 2006-2008 Investment Policy to establish guidelines for the investment of idle cash.

*-Adopted the 2006-2008 Debt Policy to establish parameters for the issuance and management of debt.

*-Approved the expenditure of budgeted funds for the purchase of a street sweeper (\$200,252.25) and a riding mower (\$73,919.08), from budgeted FY 2006/07 Equipment Replacement funds for a total cost of \$274,171.33.

*-Approved Amendment No. 2 to the purchase of services contract between the City of Richmond and Swinerton Management and Consulting that will extend the contract time through June 2009 and increase the contract amount by an additional \$750,000.00.

*-Awarded a contract to Rowley International, Inc. for aquatic design services for the renovation of the swimming pool at the Richmond Natatorium for a price not to exceed \$130,000.00.

A proposal to award a construction contract to Bay Hawk, Inc. for Miscellaneous Concrete Repairs, FY 2007/08 - 2008/09 in the amount of \$359,950 with a contingency and reserve not to exceed \$40,000.00 was presented. Rich Davidson, City Engineer, gave an overview of the item. Vice Mayor Bates stated he will support the item if it is a \$359,950.00 maximum contract amount. Rich Davidson stated this is normal procedure to add 10 percent to the contract for contingency. The following individual spoke on this item: Myrtle Braxton-Ellington. Discussion ensued. On motion of Councilmember Marquez, seconded by Councilmember Rogers, awarded a construction contract to Bay Hawk, Inc. by the following vote: **Ayes:** Councilmembers Sandhu, Rogers, Lopez, Marquez, and Mayor McLaughlin. **Noes:** Vice Mayor Bates. **Abstention:** None. **Absent:** Councilmembers Thurmond, Viramontes, and Butt.

*- Adopted Ordinance No. 13-07 N.S. establishing wages, salary, and compensation, for the new classification of **Community Services Technician (Salary Range: \$3,323 - \$4,039/month)**.

*- Adopted Ordinance No. 14-07 N.S. amending the wages, salary, and compensation for City Councilmembers clarifying the payment of medical premiums for retired members of the City Council and allowing for the payment of said premiums for non-PERS medical plans.

A proposal to authorize the city manager to execute a contract with Ralph Anderson & Associates for an amount not to exceed \$25,500 to conduct a recruitment for the Public Works Operations and Maintenance Director was presented. Vice Mayor Bates gave comments on the matter. He stated that the contract with Ralph Anderson & Associates and Alliance Resources LLD should be combined to get a better price. Councilmember Rogers asked for clarification as to why we pay so much for recruiting. Leslie Knight, Assistant City Manager/ Human Resources Director, stated that the City will establish a pool of recruiters. She stated that the more the City uses the same recruiters the lower the contracting price will be. The city manager stated that specialty recruiters recruit a better pool of applicants. Leslie Knight stated there are two separate positions. The two contracts cannot be combined at this time because they are two separate firms. The firms were selected because of their expertise in recruiting for each position, and they will provide a better pool of applicants. She confirmed that the City has, in the past, recruited for two positions of the same specialty. The contract was awarded to one firm for a lower rate. The following individual spoke on this matter: Corky Booze. On motion of Councilmember Sandhu, seconded by Councilmember Lopez, authorized the city manager to execute a contract with Ralph Anderson & Associates, by the following vote: **Ayes:** Councilmembers Sandhu, Rogers, Lopez, Marquez, and Mayor McLaughlin. **Noes:** Vice Mayor Bates. **Abstention:** None. **Absent:** Councilmembers Thurmond, Viramontes, and Butt.

A proposal to authorize the city manager to execute a contract with Alliance Resources LLD for an amount not to exceed \$26,000 to conduct a recruitment for a Recreation Director was presented. This item was discussed with the previous item. On motion of Councilmember Marquez, seconded by Councilmember Lopez, authorized the city manager to execute a contract with Alliance Resources LLD, by the following vote: **Ayes:** Councilmembers Sandhu, Rogers, Lopez, Marquez, and Mayor McLaughlin. **Noes:** Vice Mayor Bates. **Abstention:** None. **Absent:** Councilmembers Thurmond, Viramontes, and Butt.

A proposal to authorize the mayor to execute a contract with the law firm of Renne, Sloan, Holtzman, & Sakai for an amount not to exceed

\$90,000 to serve as Interim City Attorney was presented. On motion of Councilmember Marquez, seconded by Councilmember Sandhu, authorized the mayor to execute a contract with the law firm of Renne, Sloan, Holtzman, & Sakai, by the following vote: **Ayes:** Councilmembers Sandhu, Rogers, Lopez, Marquez, Vice Mayor Bates, and Mayor McLaughlin. **Noes:** None. **Abstention:** None. **Absent:** Councilmembers Thurmond, Viramontes, and Butt.

*-Approved the appointment of eight members to the San Pablo Avenue Advisory Committee at the request of MIG, the General Plan consultants, that the cities of Richmond and El Cerrito have jointly retained to prepare a joint specific plan for San Pablo Avenue.

*-Approved the minutes of the Morning and Evening Open Sessions held on April 3, 2007.

PUBLIC HEARINGS

None

RESOLUTIONS

A proposal to adopt a resolution declaring Richmond a Green Economic Development Area, inviting green businesses and manufacturing to locate in Richmond and advance Richmond's' Green Business Development Initiative was presented. Mayor McLaughlin read the resolution. She stated that the item is an invitation for green businesses to come to Richmond. Councilmember Lopez stated that the City of Richmond is open for business and welcomed businesses as well as green businesses to come to Richmond. The following individuals spoke on this item: John Codele and Allen King. Councilmember Thurmond stated that he would like staff's recommendations to also include incentives for green businesses to locate to Richmond as well as businesses that are currently located in Richmond. Councilmember Marquez stated he would support the resolution with the condition that businesses or projects are not delayed because they are not entirely green businesses. A motion was made by Councilmember Marquez, seconded by Councilmember Sandhu and Resolution 45-07 was adopted by the unanimous vote of the Council.

ORDINANCES

An ordinance amending Section 9.20 of the Richmond Municipal Code by adding Section 9.20.200 to allow the County Code Enforcement Officer to enforce provisions of the Richmond Municipal Code regarding illegal trash dumping and accumulation in the incorporated area of North Richmond was introduced for first reading. A motion was made by Vice Mayor Bates, seconded by Councilmember Marquez, to approve the first reading of the ordinance. The motion passed and said ordinance received first reading and was laid over two weeks for second reading by the unanimous vote of the Council.

Withdrew from the agenda an introduction of an ordinance amending Richmond Municipal Code Section 6.06.050 to increase the number of members for the Historic Preservation Advisory Committee from seven to eight members.

COUNCIL AS A WHOLE

In the matter to consider a "Resolution of the City Council of the City of Richmond, California, Formally Establishing the Policy of the City

Council Concerning the Continuation of Boards and Commission Members' Terms." On motion of Councilmember Bates, seconded by Councilmember Lopez, continued the item to May 1, 2007, by the unanimous vote of the Council.

In the matter to discuss and direct staff to develop a budget to hold an annual Appreciation Ceremony for members of the City of Richmond's Boards and Commissions. On motion of Vice Mayor Bates, seconded by Councilmember Marquez, authorized staff to develop a budget to hold an annual Appreciation Ceremony for members of the City of Richmond's Boards and Commissions, by the unanimous vote of the Council.

In the matter to approve the allocation of \$17,000 for the Juneteenth Parade and Festival, and authorize the use of the City of Richmond's portable entertainment stage, waiving the rental fee and associated staff costs for setting up the stage. On motion of Councilmember Marquez, seconded by Vice Mayor Bates, approved the allocation, by the unanimous vote of the Council.

In the matter to approve Amendment 2 to the City of Richmond Wastewater Treatment Facility Capital Improvements, Operations, Maintenance, and Management Agreement in order to complete the Pump Station Capital Improvement Project by December 1, 2007, at an additional cost to the City not to exceed \$2,000,000.00. Janet Schneider, Administrative Chief, gave an overview of the item. She stated that the proposed amendment takes a specific project that was in the first amendment to the contract and sets milestone dates for completion and caps the cost. Staff feels this is necessary to meet the December 1, 2007, deadline. Currently the project is 60 percent complete, for which the City has paid \$5.5 million dollars. Because of disagreements between Richmond and Veolia, the current contractor, Richland and Veolia, could not come to terms to complete the project. The City of Richmond was prepared to take the project back and management it, but Veolia submitted a proposal that was negotiated into the proposed Amendment 2. The total cost of the project will be \$7.5 million dollars of which \$5.5 million dollars has already been paid. Veolia is expected to complete the project by November 2, 2007. Vice Mayor Bates stated that it is embarrassing that we are dealing with a \$2.2 million dollar allocation at the last minute when the matter should have been brought to the Council's attention earlier. He also stated that there should have been a complete evaluation by the Finance Committee before it came before the Council. Following discussion, the following individual spoke on this matter: Jim Goode of Veolia Water. Discussion ensued. On motion of Councilmember Marquez, seconded by Vice Mayor Bates, approved Amendment 2, by the following vote: **Ayes:** Councilmembers Sandhu, Marquez, Lopez, Rogers, Vice Mayor Bates, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Thurmond, Viramontes, and Butt.

In the matter to review the issue regarding enacting an ordinance to regulate railcars transporting hazardous substances through the City and take no action at this time. Janet Schneider, Administrative Chief, gave an overview of the item. The following individual spoke on this matter: Corky Booze. Following discussion, a motion by Councilmember Marquez, seconded by Vice Mayor Bates, to table the item, passed by the following vote: **Ayes:** Councilmembers Sandhu, Marquez, Lopez, Vice Mayor Bates, and Mayor McLaughlin. **Noes:** Councilmember Rogers. **Abstentions:** None. **Absent:** Councilmembers Thurmond, Viramontes, and Butt.

In the matter to consider a request by the Richmond Chamber of Commerce, along with the National Park Service, for financial support

from the City of Richmond in the amount of \$30,000.00 for the Homefront Festival by the Bay from Friday to Sunday, September 28-30, 2007, and provide direction to staff as appropriate. The city manager gave an overview of the matter. Following discussion, the following individuals spoke on this matter: Lucy Lawliss stated that the National Park Service is not requesting funds for this event, they have donated a \$15,000.00 grant received from PG&E. Other speakers included: Corky Booze, Simms Thompson, Tarnel Abbott, Judy Morgan, Mike Ali, Tanya Boyce, and Ellen Gailing. Discussion ensued. On motion of Vice Mayor Bates, seconded by Mayor McLaughlin, referred the item to the city manager for a report on the cost, by the following vote: **Ayes:** Councilmembers Sandhu, Marquez, Lopez, Vice Mayor Bates, and Mayor McLaughlin. **Noes:** Councilmember Rogers. **Abstentions:** None. **Absent:** Councilmembers Thurmond, Viramontes, and Butt.

(This item was heard directly after Presentations, Proclamations, and Commendations) In the matter to discuss and consider directing City staff to convene Richmond community-based organizations to identify strategies to reduce violence and to improve community problems and; to direct City staff to facilitate a comprehensive city-wide neighborhood revitalizing effort. Councilmember Thurmond gave an overview of the item. He stated that the item states that the City has a part in improving the quality of life in Richmond. He also stated that the staff developed a long list of items to resolve crime issues. The city manager stated staff would support this item. Vice Mayor Bates asked the city manager what this request will do that has not already been done or will be done through the Violence Coordinator. The city manager stated staff is committed to working with community-based organizations. Vice Mayor Bates asked if additional staff and resources be needed. The city manager stated that if the Council specifically directs staff to convene the Richmond community-based organizations, additional staff and resources would not be needed beyond convening the meetings. Following discussion, the following individuals gave comments on this item: Corky Booze, Cheryl Maier, Jonathan Livingston, Lynette Gibson McElhaney, Simms Thompson, Jr., Tarnel Abbott, and Dorothy Fox. Discussion continued. Mayor McLaughlin stated that she supports the item with some modifications. She stated that her desire is for this matter to go beyond grass-root organizations; she would like to have a staff person who is a social researcher. Vice Mayor Bates asked if the matter of determining whether staff has the time to compile a list of non-profits and grass-root organizations should be referred to the city manager. The city manager stated that he would like the Council's approval to move forward with this matter. He stated that community-based organizations are a vital part of the concept. Discussion ensued. On motion of Vice Mayor Bates, seconded by Councilmember Sandhu, referred the item to the city manager by the following vote: **Ayes:** Councilmembers Sandhu, Marquez, Lopez, Rogers, Thurmond, Vice Mayor Bates, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Butt and Viramontes

Withdrew from the agenda the matter to consider conceptual neighborhood-based proposal to relocate Westside (Point Richmond) branch library to vacant leased space in the Point Richmond business district in lieu of renovating and reopening the branch library in the existing facility, and provide direction to staff as appropriate.

COMMUNICATIONS

None

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

Councilmember Rogers announced there will be a Finance Committee Meeting on Monday, April 23, 2007, at 9:00 a.m. He reported he attended a conference at the Hyatt Hotel, Decision Maker's Conference and interesting issues concerning the Bay and Coastal issues were discussed.

Councilmember Lopez reported that the Budget Subcommittee of the Finance Committee held a meeting with Laurel Park and they also invited other Neighborhood Councils, i.e., Park View, Richmond Annex, and Park Plaza. There was a presentation and comments and questions from the members regarding the budget for the current and upcoming year. Staff distributed a handout and gave a brief presentation. The next meeting is schedule for North and East on April 19, 2007, at 7:00 p.m. at the Senior Center on McDonald Ave. On April 26, 2007, May Valley at May Valley Community Center on Morningside Drive at 7:15 p.m. Other meetings are posted on the KCRT bulletin board.

Councilmember Marquez reported that he has been working with the Cinco de Mayo Festival Committee in conjunction with the 23rd Street Merchants Association and the St. Cornelius Church, to bring together an excellent festival this year. He reported that there are a lot of people and sponsors involved. The 23rd Street, North and East, and Valley Woods neighborhoods are ready for a great festival right in the middle of their community. Councilmember Marquez announced that Earth Day will be celebrated at the Earth Facility on Pittsburg Street from 11:00 am to 3:00 p.m. on Saturday, April 21, 2007.

Vice Mayor Bates reminded everyone that Novelean Harris is having a prayer breakfast Saturday morning, April 21, 2007, at North Richmond Baptist Church. The price is \$10 per person. He also reported that he and the city manager represented the City for the grand opening of Wal Mart. He stated that he was impressed with the number of minorities hired by Wal Mart. He was able to talk with several employees and was pleased that many resided in Richmond. Congratulations to WalMart.

Councilmember Sandhu reported that the Neighborhood Councils would like to have the following issues addressed: (1) trucks on Cutting Boulevard; (2) sex offenders coming into Richmond, and (3) street lighting.

Mayor McLaughlin reported that the meeting with Laurel Park was successful. It was an extremely positive and lively discussion and an opportunity for the Mayor and Councilmembers to have conversations with residents. Mayor McLaughlin also thanked the Neighborhood Councils that sponsored Easter Egg Hunts over the past weekend, i.e. Crescent Park and the Iron Triangle. There will be a forum on this Friday, April 20, 2007, on No Child Left Behind, to discuss the status of the policy. The forum is sponsored by Progressive Teachers and March for Education. Mayor McLaughlin will be there to give the welcoming remarks. The forum will be held at 7:30 p.m. at the Madeline F. Whittlesey Room of the Main Library. Mayor McLaughlin also announced that Earth Day will be celebrated on Saturday, April 21, 2007, and she will also be sponsoring a clean up of Wild Cat Creek in the North Richmond Area. She invited residents to come out and help. She also reported that she will be making some announcements about advisory group task forces where she will be working with community members in the interest of environmental health and environmental justice.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:49 p.m. in memory of Jackie Robinson's 60th anniversary of breaking the color barrier in baseball, Don Woodrow's son, and Mrs. Carrie Veil, a Richmond resident for 60 years and very active in the community, to meet again on April 24, 2007.

Clerk of the City of Richmond

(SEAL)

Approved:

Mayor