

RICHMOND, CALIFORNIA, March 29, 2005

The regular meeting of the Richmond City Council was called to order at 7:27 p.m., by Mayor Irma L. Anderson.

ROLL CALL

Present: Councilmembers Bates, Penn, Marquez, McLaughlin, Viramontes, Butt, Vice Mayor Rogers, and Mayor Anderson. **Absent:** Councilmember Griffin.

COUNCILMEMBER'S CODE OF CONDUCT

The city clerk read the Councilmember's Code of Conduct.

STATEMENT OF CONFLICT OF INTEREST

Councilmember Butt stated he had a conflict of interest with item H-7 because Signature Properties has been a client of his in the past.

AGENDA REVIEW

Removed Item F-3 from agenda.

Item M-3.b removed from the agenda – voted previously.

Removed Items H-2, H-5, H-7, H-8, and H-9 from the Consent Calendar.

On motion of Councilmember Marquez, seconded by Vice Mayor Rogers, moved Item P-1 to be heard after the Consent Calendar, by the unanimous vote of the Council.

A vote on call for the question to end discussion to determine when items can be removed from the Consent Calendar passed by the following vote: **Ayes:** Councilmembers Marquez, Viramontes, Penn, Bates, and Mayor Anderson. **Noes:** Councilmembers McLaughlin, Butt, and Vice Mayor Rogers. **Abstentions:** None. **Absent:** Councilmember Griffin. Everett Jenkins, Senior Assistant City Attorney, informed the Council that the new instruction for removing an item from the Consent Calendar was not in writing to the public and, therefore, was not legal. Following discussion, a substitute motion was made by Vice Mayor Rogers, seconded by Councilmember McLaughlin, to reverse the Mayor's ruling regarding when items must be requested to be removed from the Consent Calendar, passed by the following vote: **Ayes:** Councilmembers Butt, Penn, McLaughlin, Viramontes, and Vice Mayor Rogers. **Noes:** Councilmember Bates. **Abstentions:** Councilmembers Marquez and Mayor Anderson. **Absent:** Councilmember Griffin.

OPEN FORUM FOR PUBLIC COMMENT

Mike Ali reported that Saturday's Easter Egg Hunt at the Iron Triangle was successful.

Ethel Dotson requested that the City of Richmond enter into a Meals Act Historical Property Contract with her as the owner of a qualified historical property. She requested that the contract be made effective as of 1979, the year of purchase. Ms. Dotson requested that the technical assistance and guidance from the Office of

Historical Participation and the waiving of any and all fees associated with entering into said contract.

Naomi Williams announced that the Booker T. Anderson Community Center is having their first quarterly line dance, Fitness after 50 Birthday Celebration, Thursday, March 31st at 2 p.m. She also announced that the Easter Egg Hunt at Booker T. Anderson was a success.

Corky Booze presented pictures and expressed his dissatisfaction with the conditions of the grounds in the Iron Triangle.

Rex Spray, President of Local 790, expressed gratitude to Mayor Anderson for her leadership and to the members of the City Council for their support of the resolution opposing Governor Arnold Schwarzenegger's attempt to privatize our secure retirement. He invited the City Council to join Local 790 on the corner of Montgomery and Sutter in San Francisco Thursday, March 31, 2005, at noon at the Charles Schwab Offices.

Tarnel Abott invited members of the community to come and express their views at a meeting regarding a proposal to build a casino at Point Molate. A public meeting with the Bureau of Indian Affairs will be held on Thursday, March 31, 2005, at 7:00 p.m. at the Richmond Memorial Auditorium.

PRESENTATION, PROCLAMATIONS, AND COMMENDATIONS

Mayor Anderson presented Tracy Mollenbernd the Police Officer of the Year Award for 2004 and Elizabeth De Dios the Firefighter of the year award for 2004 in an earlier ceremony. Police representative, Terry Ellis, gave a brief overview of the Police Officer of the Year Award and highlighted the accomplishments of the recipient. Fire Chief Michael Banks, gave a brief overview of the Firefighter of the Year Award and he also highlighted the accomplishments of the recipient. Both Ms. Mollenbernd and Ms. DeDios gave comments.

The city clerk read a resolution designating the week of March 28, 2005, through April 3, 2005, as "National Community Development Week Celebration" and March 29, 2005, as "Community Development Day." Lisa Hamburger, Deputy Director for Community and Economic Development Department, gave an overview of the two celebrations and requested the City Council's support of the resolution. She also announced that in June, as part of Affordable Housing Week, the following activities are scheduled: Chesley Hut Housing Ribbon Cutting, Grip Supper Kitchen, the Neighborhood Work Housing Fair on June 4, 2005, Community Housing and Development (CHDC) and John Steward Celebration of the reopening of Pullman Point on June 11, 2005, and a joint bus tour on June 8, 2005. On motion of Councilmember Viramontes, seconded by Councilmember Marquez adopted the resolution, by the unanimous vote of the Council.

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

Conference with Legal Counsel

1. Police investigation of an appeals officer. Direction given to staff.
2. City Attorney's Office. Brief discussion of function of the City Attorney. No action taken.
3. City Council appointed employees. No discussion.
4. Contera vs. City of Richmond. Discussion, no final action taken.
5. East Bay Regional Park District vs. City of Richmond and Citizens for East Shore State Park vs. City of Richmond. Discussions, items on agenda later this evening, and no final action taken.
6. In the matter of approximately 17.6 acres at Port of Richmond Terminal 3. Discussion, no final action taken. Item on agenda to be discussed in open session.

Andre Soto expressed concern that the process of bringing on the permanent Police Commission Investigative Officer was taking too long. He asked for an update on the status and clarification of what the process is for determining the next permanent person for that position. Everett Jenkins, Senior Assistant City Attorney, confirmed that there are three outstanding cases that the interim Police Commission Investigative Officer is handling. There will be a discussion at next week's meeting regarding the full-time position.

CONSENT CALENDAR

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

*-Approved an agreement with BIO-Key International, Incorporated, for the purchase of software and support maintenance of the FireRMS System. The total amount of the agreement will not exceed \$14,266.27.

A proposed agreement with Just Fencing, Incorporated, for the installation of a safety fence at the Solano Play Lot was presented. The total amount of the agreement will not exceed \$10,430. Following discussion, on motion of Councilmember Bates, seconded by Councilmember Viramontes, approved the agreement by the unanimous vote of the Council.

A proposal to approve the purchase of three vans as replacement for three older-model vans was presented. Total amount of purchase is \$50,933.90. The following individual spoke on this matter: Jerome Smith. On motion by Councilmember Marquez, seconded by Councilmember Viramontes, approved the purchase by the unanimous vote of the Council.

A proposal to approve the purchase of three trucks as replacement for three older-model trucks was presented. Total amount of purchase is \$53,587.42. The following individual spoke on this mater: Jerome Smith. Following discussion, on motion of Councilmember Viramontes, seconded by Councilmember Bates, approved the purchase, by the unanimous vote of the Council.

A proposal to approve a lease agreement with Opportunity West to lease space at the Nevin Community Center to provide programs and services to youth and young adults, ages five to twenty-two was presented. Diane Harrison-Allums gave an overview of the item. In her report she indicated that there would be no fiscal impact to the General Fund. The City will generate \$19,517.00 per year, which includes rent and utilities. The following individuals spoke on this matter: Willie Hayward, Cheryl Maier, Roberto Reyes, Zacary Williams, Michael Ali, John Spradlin, Jennifer Lejoe, Sang Sepond, Supching Supatcho, Darryl Goodbeer, Katherine Sullivan, Gwendolyn Maudgu, Jerome Smith, Reverend Charles Newsom, Reverend Andre Shumake, and Corky Booze. After discussion, on motion of Councilmember Viramontes, seconded by Vice Mayor Rogers approved the lease agreement, by the unanimous vote of the Council.

A proposed resolution establishing the new classification specifications of Senior Buyer and Senior Buyer II was presented. Leslie Knight, Human Resources Director, gave a brief overview of the item. The following individual spoke on this matter: Jerome Smith. On motion by Councilmember Viramontes, seconded by Vice Mayor Rogers, adopted Resolution No. 36-05 by the following vote: **Ayes:** Councilmembers Butt, Marquez, Viramontes, McLaughlin, Bates, Vice Mayor Rogers, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Penn and Griffin.

A proposed resolution approving the final map of Subdivision 8821, Anchor Cove, and directing the filing thereof (Location: Marina Bay Area, Developer: Signature Properties) was presented. Rich Davidson, Acting City Engineer, gave an overview of the item. The following individual spoke on the matter: Steve Duran. Following discussion on motion of Councilmember Viramontes, seconded by Councilmember Penn, adopted Resolution No. 37-05 by the following vote: **Ayes:** Councilmembers Marquez, Viramontes, Penn, Bates, Vice Mayor Rogers, and Mayor Anderson. **Noes:** Councilmember McLaughlin. **Abstentions:** None. **Absent:** Councilmembers Butt and Griffin.

A proposal to approve the recommendations for the sale of City-owned surplus properties was presented. Steve Duran, Community and Economic Development Director, gave an overview of the item. He stated that six parcels will not be sold because of the modest bids that were received. He further stated that four criteria were approved by Council: (1) price of property, (2) early closing, (3) potential for public benefit, and (4) demonstrated ability of the bidders to perform. Mr. Duran also stated that the milestones, in terms of performance, would be attached to the bids. The following individuals spoke on the matter: Kevin Hampton, Teresa Armstrong, Kim Graves, Rhonda Harris, and Lynette Gibson Mackelhaney. On motion of Councilmember Viramontes, seconded by Councilmember Marquez, approved the recommendations by the following vote: **Ayes:** Councilmembers Penn, Bates, Marquez, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Butt and Griffin.

In the matter to consider Mayor Anderson's recommendation to reappoint **Herman Welm to the Economic Development Commission**, term expiring March 30, 2008. There was no action taken on this item.

PUBLIC HEARINGS

Continued to April 19, 2005, Planning Commission's approval of the Parkway Commerce Center Project EID/TM 02-07: Parkway Commerce Center TIC at John Street and Collins Avenue and to consider the merits of four appeals to the Parkway Commerce Center Project – Planning. **(Requests have been filed by all four appellants to continue the hearing to April 19, 2005. The applicant concurs with the request). Staff Recommendation: Continue the matter to April 19, 2005.**

AGREEMENTS

A proposal to approve an Exclusive Right to Negotiate (ERN) with Auto Warehousing Company (AWC) for Port of Richmond's Terminal 3 was presented. Jim Matzorkis gave the overview of this item. The following individual spoke on this matter: Mike Ali. Following discussion, on motion of Councilmember Viramontes, seconded by Councilmember Bates, approved an ERN with AWC by the following vote: **Ayes:** Councilmembers Marquez, Viramontes, Penn, Bates, Vice Mayor Rogers, and Mayor Anderson. **Noes:** Councilmember McLaughlin. **Abstentions:** Councilmember Butt. **Absent:** Councilmember Griffin.

RESOLUTIONS

A proposal to adopt a resolution authorizing the filing of a validation action for the Potential Pension Obligation Bond Issue and approving the form of a debenture for the issue as well as other related documents was presented. Councilmember Viramontes gave an overview. The following individual spoke on this matter: Mike Ali. Following discussion, a motion was made by Councilmember Viramontes, seconded by Councilmember Bates, and Resolution No. 38-05 was adopted by the unanimous vote of the Council.

A proposal to adopt a resolution authorizing the Superior Court of the County of Contra Costa to transfer venue to Solano County of the pending consolidated actions entitled East Bay Regional Park District vs. City of Richmond, Contra Costa Superior Case No. N04-1698; Citizens for the Eastshore State Park vs. City of Richmond, Contra Costa Superior Court Case No. N04-1657 was presented. A motion was made by Councilmember Viramontes, seconded by Vice Mayor Rogers, and Resolution No. 39-05 was adopted by the following vote: **Ayes:** Councilmembers Marquez, Viramontes, Penn, Bates, Butt, Vice Mayor Rogers, and Mayor Anderson. **Noes:** None. **Abstentions:** Councilmember McLaughlin. **Absent:** Councilmember Griffin.

ORDINANCES

An ordinance establishing wages, salaries, and compensation for the classification of **Senior Buyer (Salary Range is \$5,613 - \$6,788/month) and Senior Buyer I/II (Salary Range for Buyer I is \$4,035 - \$4,816/month and Salary Range for Buyer II is \$4,845 - \$5,865/month)** and amending Management Employees Ordinance No. 40-01 N.S. was introduced for first reading. A motion was made by Councilmember Viramontes, seconded by Vice Mayor Rogers, to approve the first reading. The motion passed and said ordinance received first reading and was laid over one week for second reading by the following vote: **Ayes:** Councilmembers Marquez, Viramontes, Penn, Bates, Butt, McLaughlin, Vice Mayor Rogers, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Penn and Griffith.

COUNCIL AS A WHOLE

In the matter to consider a recommendation for a Rental Housing Inspection Program, including cost recovery, and budget consideration for 2005-2006. Fred Clement and Councilmember Viramontes gave an overview of the item. The following individual spoke on this matter: Teresa Carr. Following discussion, a motion by Councilmember Penn, seconded by Councilmember Bates, to hold a study session on this item, tentatively on May 3, 2005, passed by the following vote: **Ayes:** Councilmembers Marquez, Viramontes, Penn, Bates, Butt, McLaughlin, Vice Mayor Rogers, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Griffith.

In the matter to accept the status report and recommendations regarding Employment and Training finances and fund balance – Employment and Training. On motion of Councilmember Marquez, seconded by Councilmember Bates, accepted the status report and recommendations by the following vote: **Ayes:** Councilmembers McLaughlin, Marquez, Viramontes, Penn, Bates, Vice Mayor Rogers, and Mayor Anderson. **Noes:** Councilmember Butt. **Abstentions:** None. **Absent:** Councilmember Griffith.

In the matter to discussion of the following from the Rules and Procedures Standing Committee: (a) consider determining seating assignments by lottery and whether seating assignments should be made each year, except for the Mayor's seat, (b) consider approving revised language and time limits for Open Forum. A motion was made by Councilmember Penn, seconded by Councilmember Butt, to have a policy of seating assignments of Councilmembers, passed by the following vote: **Ayes:** Councilmembers McLaughlin, Marquez, Butt, Penn, Bates, Vice Mayor Rogers, and Mayor Anderson. **Noes:** None. **Abstentions:** Councilmember Viramontes. **Absent:** Councilmember Griffith. Discussion ensued to clarify how seats would be assigned. A motion was made by Councilmember Butt, seconded by Councilmember Penn to have seating assigned bi-annually by lottery during election. Discussion ensued during which a substitute motion by Councilmember Viramontes, seconded by Councilmember McLaughlin, to have the Mayor make recommendations as to where Councilmembers sit with the consent of the individual, failed by the following vote: **Ayes:** Councilmembers Viramontes and Vice Mayor Rogers. **Noes:** Councilmembers McLaughlin, Penn, Bates, and Butt. **Abstentions:** Councilmembers Marquez and Mayor Anderson. **Absent:** Councilmember Griffith. The original motion failed by the following vote: **Ayes:** Councilmembers McLaughlin, Penn, Butt, and Vice Mayor Rogers. **Noes:** Councilmember Bates. **Abstentions:** Councilmembers Marquez, Viramontes, and Mayor Anderson. **Absent:** Councilmember Griffith.

COMMUNICATIONS

None

APPROVAL OF MINUTES

None

REPORTS OF OFFICERS: STANDING COMMITTEE REPORTS, REFERRALS TO STAFF, AND GENERAL REPORTS

A proposal to consider requesting that the Mayor appoint a task force to study the proposed Housing Mediation Board Ordinance and the Rent Stabilization and Good Cause for Eviction Ordinance was presented. Councilmember Marquez gave an overview of the item. The following individuals spoke on this matter: Andre Soto, Marilyn Langlois, Pam Aguliar, Teresa Carr, Reverend Phil Lawson, Corky Booze, Torm Nompresor, Roberto Reyes, Jerome Smith, Sharice Walton, Ken Ambrose, and Dwayne Chapman. Following discussion, a motion was made by Vice Mayor Rogers, seconded by Councilmember McLaughlin, to approve the recommendation. Following discussion a substitute motion was made by Councilmember Bates, seconded by Councilmember Penn, to place the item on the agenda for next week as a study session for Council to decide to proceed with the rent control ordinance or drop it. An amended substitute motion was made by Councilmember Bates, seconded by Councilmember Viramontes, to hold as study session on the April 19th to discuss the matter of Just Cause Ordinance, passed by the following votes: **Ayes:** Councilmembers Mclaughlin, Marquez, Viramontes, Penn, Bates, Butt, and Mayor Anderson. **Noes:** Vice Mayor Rogers. **Abstentions:** None. **Absent:** Councilmember Griffith.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:50 p.m., to meet again on Tuesday, April 5, 2005, at 7:00 p.m.

Clerk of the City of Richmond

(SEAL)

Approved:

Mayor