

**RICHMOND, CALIFORNIA, May 3, 2005**

The Regular Meeting of the Richmond City Council was called to order at 8:01 p.m., by Mayor Irma L. Anderson.

**ROLL CALL**

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

**COUNCILMEMBERS CODE OF CONDUCT**

The City Clerk read the Councilmembers' Code of Conduct.

**REQUEST TO FILE SPEAKER'S CARDS TO REMOVE ITEMS FROM THE CONSENT CALENDAR**

Mayor Anderson announced and requested all members of the audience wishing to speak on Consent Calendar items to complete a Speaker's Card and submit it to the City Clerk.

**STATEMENT OF CONFLICT OF INTEREST**

None.

**AGENDA REVIEW**

Items I-1, I-3, and I-7 were removed from the Consent Calendar. A motion by Councilmember Viramontes, seconded by Councilmember Marquez, to hear items removed from the Consent Calendar prior to Council As a Whole, passed by the unanimous vote of the Council.

By the unanimous consent of the Council, the order of the Agenda was changed and moved Presentations, Proclamations, and Commendations was repositioned to be heard prior to Open Forum for Public Comment.

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

Everett Jenkins, Interim City Attorney, made the following reports:

**Public Employee Performance Evaluation**

- 1. City Manager**
- 2. City Clerk**

Continued two weeks for further discussion.

**Conference with Legal Counsel – Existing Litigation**

- 1. Carlos vs. City of Richmond:** A motion by Councilmember Marquez, seconded by Councilmember Griffin, voted 5 ayes and 1 Noe (Councilmember Butt), 3 absent (Councilmembers Penn, Viramontes, and Mayor Anderson), approved a settlement for a workers' compensation case in the amount of \$60,000.

## **OPEN FORUM FOR PUBLIC COMMENT**

Pastor Carleton Leonard requested that Mayor Anderson reverse the Council decision to have bi-weekly meetings and hold City Council meetings once a week because of the concerns of the community.

Corky Booze asked the Mayor and City Council to allow the public to have more than one minute to address the Council under Open Forum.

Antwain Cloird addressed the Council regarding Richmond residents not being hired by contractors for local projects.

Kevin Hampton stated that his company has hired twenty Richmond residents, and the company's focus is to keep the community first. He also said that he would submit a matching check for \$2,000 to the Mayor's office for the Summer Youth Employment Program. He thanked the City Council and the City of Richmond for the opportunities he has been afforded. He stated that it is time to stand up, be accountable, become educated and prepare to take advantage of what is available.

Othereen Christian commented on the need for good leadership.

Rosa Burnett gave comments regarding the discomfort of having to bury young people due to recent violence in the City of Richmond.

LeAnda Russell read a poem about the descent of the young people.

Ronnel Reddic said that 'enough is enough' regarding the violence in the City of Richmond.

Jacquie Nelson stated that something is wrong when tax paying, law abiding citizens feel as though they are prisoners and law breakers roam the City free without fear.

Carolyn Moore said that she no longer sees the City of Richmond as a City of Pride and Purpose and she is in search of accountability.

Earl Moore said that he did not see any concern from any Councilmember with the exception of Vice Mayor Rogers regarding the concerns of the citizens.

Andres Soto stated that corrupting influences are the cause of things not moving in a positive direction in the City of Richmond.

Juan Reardon said that the City needs to think about what it is doing in its allocation of resources regarding the barricades on 23<sup>rd</sup> Street.

Joann Tillmon regarding Vice Mayor Rogers' using the term "...like a silver bullet" in a statement he made at the last City Council meeting. She stated that Vice Mayor Rogers is

disconnected from the community he serves and he should attend a multicultural sensitivity training session.

Eva Hermanowicz gave comments regarding extreme fire danger near her property. She said that in previous years City employees sprayed for mosquitoes around her property.

Jessica Wright asked when enough will be enough.

Stephanie Tommas gave comments regarding a telephone call she made to Lieutenant Alec Griffin requesting extra police patrols in the area of Cutting Boulevard.

Toni Lynch a new resident stated that in her short time living here her family has experienced first hand the violence in Richmond.

Stacy Dearborne expressed her fears behind the violence in the City of Richmond.

Angela Dearborne stated that a time limit is being placed on the rights of the citizens if something is not done about the crime in Richmond.

Joyce Dearborne asked if something will be done before she has to bury another relative.

Tony Montgomery resident of Richmond stated that he has witnessed violence in the City for a great portion of his life. He stated that it is his understanding that a lot of the violence is due to lack of police officers, but he can be harassed while driving home late at night.

Tarnel Abbott asked that the shelvers be brought back to work in the library. She stated that education is necessary.

Tamikia McElveen stated that three weeks ago she was physically and verbally abused by the Richmond police.

Randall Burnett asked that the City Councilmembers drive around the City of Richmond and see what is going on in the community. He asked them to do what they can.

Shanda Lynch stated that she does not feel safe in her City.

Joy Jones stated that she will continue to attend the Council meetings until something is done about the violence.

Laleta Leonard stated that the day of the shooting outside of World of Life Christian Fellowship Church was a horrific day for the parishioners.

Renee Cureaux stated that the children deserve the right to live. She said that she has no inner assurance that she is protected or served with pride.

Nakita Alexander stated that the City continues to experience the same problems of homelessness, joblessness, drugs, murder, prostitution, and innocent people being killed.

Ernest Lompa gave comments regarding the concerns of the previous speakers. He stated that the Council should 'throw out' the Councilmembers Code of Conduct since none of them adhere to it.

Kevin Davis gave comments regarding the awards given to the soccer players two weeks ago. He stated that it would be better if the children were given a safe city in which to play soccer.

Dana Anderson commented that education and career training is needed for the young people of the City of Richmond.

### **PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS**

City Clerk read a proclamation declaring May 2005 as "Older Americans Month" and endorsing Richmond's 23<sup>rd</sup> Annual Information and Health Faire. Mayor Anderson thanked the Commission On Aging Commissioners for their leadership and support of the entire community as the City of Richmond moves forward to make it a better place for all citizens. She also emphasized the necessity for all members of the community to attend the Annual Health Faire. The proclamation was presented to Arnie Kassendorf, Chairperson of the Commission On Aging. Mr. Kassendorf introduced members of the Commission. In addition to the Annual Information and Health Faire, Chairperson Kassendorf announced the 13<sup>th</sup> Annual Seniors Night Out and Senior Extravaganza on Thursday, May 19<sup>th</sup> at the Richmond Convention Center. The following individuals gave comments on the matter: Beverly Wallace and Mary Peace Head.

City Clerk read a proclamation in recognition of Public Service Recognition Week and in recognition of the service of all City employees. Mayor Anderson, on behalf of the City Council saluted all City staff. Rich McCoy, Assistant City Manager, accepted the proclamation.

Mayor Anderson accepted contributions from the following to help fund the Mayor's Summer Youth Program: (1) \$6,000 from Republic Services, (2) \$136,730 to date raised by Employment and Training. The goal is \$200,000 to employ 200 Richmond youth, (3) \$2,000 from the Mayor's Office, and a challenge to the Councilmembers to match the \$2,000 contribution.

### **CONSENT CALENDAR**

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

A proposed contract to lease property to provide housing services for youth transitioning from the foster care system was presented. The total amount of the contract will not exceed \$13,200. The term of the lease is May 4, 2005, through September 30, 2005. Sal Vaca, Employment and Training gave an overview of the matter. The following individual spoke on the matter: Corky Booze. Following discussion, on motion of Councilmember Griffin, seconded by Councilmember Marquez approved the contract by the following vote: **Ayes:** Councilmembers Marquez, Griffin, Rogers, McLaughlin,

Viramontes, and Mayor Anderson. **Noes:** None. **Absent:** Councilmembers Butt, Penn and Bates. **Abstentions:** None.

\*-Approved an agreement with Ralph Anderson and Associates to provide recruitment services for an Internal Auditor. The total amount of the contract is \$23,500. The term of the contract is May 4, 2005, through September 30, 2005.

A proposed purchase of a dynamometer to meet the State of California's BAR 97-ASM smog certification inspection program was presented. The total cost of the purchase is \$23,658.67. Roscoe Ward, Public Works, gave an overview of the matter. The following individuals spoke on the matter: Ben Gill and Corky Booze. Following discussion, on motion of Councilmember Griffin seconded by Councilmember Viramontes, approved the purchase by the following vote: **Ayes:** Councilmembers Marquez, Griffin, Rogers, Viramontes, and Mayor Anderson. **Noes:** Councilmember McLaughlin. **Absent:** Councilmembers Butt, Penn, and Bates. **Abstentions:** None.

\*-Awarded a contract to Provider Plumbing & Heating to replace the lateral sewer line for Building 4 in Point Potrero Marine Terminal. The total amount of contract will not exceed \$17,000.

\*-Adopted **Resolution No. 57-05** supporting an amendment to the Measure C Expenditure Plan, transferring \$4.5 million in Measure C Funds originally earmarked for the El Cerrito Plaza BART Parking structure to the Richmond Transit Village BART Parking structure.

\*-Adopted **Resolution No. 58-05** approving a budget adjustment in the amount of \$150,526 for the Library to accept grants and California Public Library Fund (PLF) monies from the California State Library and the State Department of education for the Workforce Investment Act (WIA) and directing the Finance Department to create an expenditure account for donations/restricted Library expenses to allow appropriate expenditures and auditing separately from the regular Library budget.

A proposed resolution requesting that the California Public Employees Retirement System (CALPERS) allow Acting Police Chief Terry Hudson to work beyond the 960-hour annual limit for retired employees re-employed by a local agency was presented. The following individual spoke on the matter: Corky Booze. Following discussion, on motion of Councilmember Griffin, seconded by Councilmember Viramontes, adopted **Resolution No. 59-05** by the following vote: **Ayes:** Councilmembers Marquez, Griffin, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Butt, Penn, and Bates.

\*-Adopted **Resolution No. 60-05** ratifying the revised Joint Exercise of Powers Agreement and Bylaws for the Contra Costa County Municipal Risk Management Insurance Authority (CCMRMIA).

\*-Adopted **Resolution No. 61-05** authorizing the filing of an application for Land and Water Conservation Funds for the Elm Park Playlot Project.

\*-Adopted **Resolution No. 62-05** approving budget supplement from the Hilltop Landscape Maintenance Assessment District Cash Account to the Hilltop Landscape Maintenance Assessment District Budget.

\*-Denied claims against the City of Richmond by: (1) Alick Dziabczenko, (2) Victor Duran, (3) Norman Adams, (4) 5620 Central Avenue, LLC, (5) Jesus Sandoval, (6) Ernie Ramirez, (7) Linda Carter, and (8) Michael Gunn.

### **PUBLIC HEARINGS**

None.

### **AGREEMENTS**

None.

### **RESOLUTIONS**

None.

### **ORDINANCES**

Introduction of a proposed ordinance amending the Richmond Municipal Code Chapter 6-06, Historic Structures Code, changing the Historic Preservation Advisory Committee to the Historic Preservation Advisory Board and instituting a procedure for a committee of the Historic Preservation Advisory Board to comment on design review issues involving historic structures was presented. Judith Battle, Acting Planning Director, gave an overview of the matter. Bill Lindsay, City Manager, gave comments on the matter. The following individuals gave comments on the matter: Corky Booze and Sims Thompson. Councilmember Viramontes stated that she wants to support historic preservation, but will not support another board or commission. Mayor Anderson stated that the fiscal impact has to be evaluated and should be referred to a committee with the City Manager leading the research. Bill Lindsay, City Manager, stated that the staff is a messenger for the way something can work, but it is a policy decision by the Council. Councilmember Butt commented that there is an existing ordinance and organization. He said that the ordinance on the books is for ten members, and the reason that the committee stopped functioning because of lack of members. He clarified that the proposal is to reduce the number of members from ten to seven and be more flexible with membership criteria. He also said that the proposal does not require the City of Richmond to spend any money, but in fact, brings money to the City of Richmond and restore neighborhoods. Mayor Anderson suggested that the Following discussion, on motion of Councilmember Butt, seconded by Councilmember Marquez to leave the name as a committee and incorporate the changes. Further discussion ensued. After some discussion, Councilmember Marquez, withdrew his second and Councilmember McLaughlin seconded the motion. Further discussion ensued. Following discussion, Councilmember Butt withdrew his motion and requested that the matter be continued two weeks and requested more staff information clearly stating that the changes are to the ordinance only. The matter was continued for two weeks.

### **COUNCIL AS A WHOLE**

In the matter to consider appointments to Boards and Commissions, Mayor Anderson made the following recommendation: (1) **Commission On Aging:** Charlotte McIntire, term expiring May 19, 2007. On motion of Councilmember Marquez, seconded by Councilmember Griffin, approved the appointment, by the unanimous vote of the Council.

In the matter to consider recommendations for disposition of six City-owned surplus properties: (1) 534-102-104 (682 2<sup>nd</sup> Street), (2) 550-120-007, (3) 550-120-008, (4) 550-120-009, (5) 550-120-010, and (6) 550-120-011 (the last five parcels are located at South 2<sup>nd</sup> Street). Steve Duran, Community and Economic Development Director, gave an overview of the matter. The following individual spoke on the matter: Kevin Hampton. Following discussion, on motion of Councilmember Viramontes, seconded by Councilmember Rogers, approved the disposition of the surplus properties and directed staff to negotiate and execute disposition agreements with the recommended bidders, by the unanimous vote of the Council.

In the matter to consider adopting an ordinance making the City of Richmond a participant in the Mills Act Program. Councilmember Viramontes stated that she would move to approve the item for the ten-year agreement as long as there is language in the agreement that the person receiving the tax credit has a plan for property improvements. Councilmember Butt gave an overview of the matter. The following individuals spoke on the matter: Leslie Harrison, Corky Booze, Sims Thompson, Timothy Kilkenny, Victoria Sawicke, Delfino Torres, JoAnn Tillmon, Ethel Dotson, Margaret Judkins, and Claudia Carr. Following discussion, on motion of Councilmember Griffin, seconded by Councilmember Viramontes, directed staff to draft an ordinance for the City of Richmond to become a participant in the Mills Act Program, by the unanimous vote of the Council.

In the matter to consider a resolution to establish a policy that authorizes the Public Services Director, or his designee, to create disabled parking spaces was presented. There were no questions from the audience. On motion of Councilmember Griffin, seconded by Councilmember Marquez, adopted **Resolution No. 63-05**, by the unanimous vote of the Council.

In the matter of a discussion regarding the proposed work plan for review of the City's Charter. Bill Lindsay, City Manager made a correction. He stated that the item was initially approved in 2003, and again February 2005. He stated that it is estimated that tasks one and two can be done for approximately \$25,000. Mayor Anderson stated that the Council should approve the plan in so that the review can begin. On motion of Councilmember Griffin, seconded by Vice Mayor Rogers, approved the proposed plan by the unanimous vote of the Council.

In the matter to consider approving the revised Scope of Work, Request for Proposals, and the Master Consultant selection process for the General Plan update and reconfirm the establishment of a General Plan Committee to be appointed by the Mayor and approval of the General Plan Budget for Fiscal Years 2004-05, 2005-06, and 2006-07. Following discussion, on motion of Councilmember Griffin, seconded by Councilmember Marquez, approved the scope of work, selection process, and

establishment of a General Plan Committee, by the unanimous vote of the Council.

### **COMMUNICATIONS**

None.

### **APPROVAL OF MINUTES**

On motion of Councilmember Viramontes, seconded by Councilmember Marquez, approved the minutes of the Morning Open Sessions held on March 29 and April 19, 2005, Evening Open Sessions held on March 29, 2005, April 5, 2005, and April 19, 2005, by the following vote: **Ayes:** Councilmembers Butt, Penn, Bates, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Noes:** None. **Abstentions:** Councilmember Griffin. **Absent:** None.

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

Councilmember Viramontes, **Chairperson of the Finance, Administrative Services, and Economic Development Standing Committee Chairperson**, reported that the committee did not meet as regularly scheduled. She stated that the Committee is in the process of restructuring the meeting dates and times to coincide with the new Council meeting schedule.

Councilmember Viramontes gave comments regarding the upcoming Cinco de Mayo celebration. She stated that she supports the Police Department's safety plan.

Councilmember Marquez, **Chairperson of the Public Safety Public Services Standing Committee**, reported that members of his committee decided to meet during the same week as the City Council meetings. He stated that the next meeting will be held on May 18, 2005, at 9:00 a.m. He said that the Committee will have ongoing discussions to establish the necessity to meet twice per month.

Councilmember Marquez also gave comment regarding the Cinco de Mayo celebration. He said that initially meetings were held sometime ago with the Police Chief and several of his Command staff to discuss strategies on how the community can have a fun, enjoyable Cinco de Mayo celebration. He said that he walked the 23<sup>rd</sup> Street Corridor handing out fliers to the merchants and invited them to a meeting to discuss the planning stages.

Councilmember McLaughlin presented the **Rules and Procedures Standing Committee** report. She stated that the Committee discussed the policy regarding travel, a status report on the City Charter review; the revised Code of Conduct which will include the Boards and Commissions and the public, and the number of times a Councilmember is allowed to speak on an item. She stated that the Committee recommended that each Councilmember self-police and respect each others' time. She reported that the Committee will hold its meeting on the second and fourth Tuesday of the month from 8:30 a.m., to 10:30 a.m. The next meeting dates will be May 10<sup>th</sup> and May 24<sup>th</sup>.

Councilmember McLaughlin reported that she attended the ABAG Assembly where there was a lecture and discussion on Urban Casinos. She also reported that she met with the Arts Commission and she looks forward to working with them as the Council liaison.

Councilmember McLaughlin acknowledged those speaking about the violence in the City of Richmond. She stated that it is important that the violence is addressed. She asked that Mayor Anderson contact her when the next meeting is planned.

Councilmember Griffin attended the Commission On Aging regular meeting.

Councilmember Griffin thanked Councilmembers Marquez and Viramontes for their efforts to help make Cinco de Mayo a successful celebration. He also congratulated Interim Chief Hudson for his efforts.

Councilmember Griffin requested the meeting be closed in memory of Carrie Walker, wife of Marshall Walker, retired City employee and former President of SEIU Local 790.

Vice Mayor Rogers requested that the matter regarding allowing members of the public to speak on a 'continued' item to speak earlier in the meeting rather than waiting until later in the meeting be placed on the Rules and Procedures Standing Committee's next meeting agenda.

Vice Mayor Rogers requested placement of a discussion regarding Toll Brothers on the next Council Closed Session.

Vice Mayor Rogers expressed his concern about staff's process of discussing the Target Project without having the FirstSource Agreement become part of the development. He asked the City Manager to prepare and submit a report detailing other projects where the City's FirstSource Agreement should be a requirement. Vice Mayor Rogers also requested that the Rules and Procedures Standing Committee discuss the possibility of the City Council conducting a tentative vote on matters that a large number of persons wish to speak in favor of or against in an effort to move the meeting.

Vice Mayor Rogers also clarified his motion on the Target matter so that the City Manager is clear that the agreement applies to the ongoing businesses and persons leasing from the principal and all businesses.

Mayor Anderson announced that she will telephone Pastor Carlton Leonard to schedule an appointment to meet with him at this church. She also stated that she will report back regarding two police officers who were assigned to meet and discuss with Pastor Leonard the possibility of the officers working with him and the youth in his church.

Mayor Anderson invited any business desiring to add to the Youth Summer Job Program to please do so.

Mayor Anderson announced that the symphony kick-off was enjoyable. She thanked the Commissioners,

Councilmember's, and former Councilmembers for their participation.

Mayor Anderson congratulated Steve Duran, Community and Economic Development Director, for receiving additional funds for the Section 108 loan and EDI grant.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 11:42 p.m., to meet again two weeks on May 17, 2005, in memory of Carrie Walker, spouse of Marshall Walker, III, and acknowledging that Attorney John Knox was home from the hospital and recuperating well.

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City Clerk

(SEAL)

Approved:

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Mayor