

RICHMOND, CALIFORNIA, December 6, 2005

The Regular Meeting of the Richmond City Council was called to order at 7:02 p.m., by Mayor Irma L. Anderson.

ROLL CALL

Present: Councilmembers Butt, Thurmond, Marquez, Rogers, McLaughlin, Viramontes, and Mayor Anderson.

Absent: Councilmembers Bates and Griffin.

AFFIRMATION OF THE CITY OF RICHMOND CODE OF ETHICS

The City Council affirmed the Code of Ethics.

APPROVAL OF MINUTES

On motion of Councilmember Viramontes, seconded by Councilmember Thurmond, approved the minutes of the Morning Session and the Evening Session held on November 15, 2005, by the unanimous vote of the Council.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Removed Items I-1, a lease agreement with Cingular Wireless, I-5, an amendment to an agreement with Bridge Housing and I-12, an ordinance establishing wages, salaries, and compensation from the Consent Calendar.

Withdrew an appointment to the Commission on Aging under Item I-14, from the agenda.

Continued Item N-7, discussion of an Internal Audit Program, to the December 20, 2005, City Council meeting.

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

John Eastman, City Attorney, reported the following:

RICHMOND COMMUNITY REDEVELOPMENT AGENCY

Conference with Real Property Negotiators

Property: Civic Center

Under Negotiation: Price and Terms

A Confidential update was submitted to the Agency.

Conference with Real Property Negotiators

Property: 1221 Macdonald Avenue

Under Negotiation: Price and Terms

Confidential direction given to staff.

CITY COUNCIL

Conference with Legal Counsel: Labor Negotiations

Confidential Negotiations discussion held.

Conference with Legal Counsel: Existing Litigation

Turner vs. City of Richmond – Settlement amount for sewer claim for \$10,800. Ayes: Thurmond, Bates, Griffin, Rogers, McLaughlin, Viramontes, and Mayor Anderson. Noes: Butt. Absent: Marquez.

Robinson vs. City of Richmond – Settlement amount for workers compensation claim for \$50,000. Ayes: Butt, Thurmond, Bates, Griffin, Rogers, McLaughlin, and Anderson. Noes: None. Absent: Marquez and Viramontes.

Zanotelli vs. City of Richmond – Settlement amount for worker's compensation claim for \$70,000. Ayes: Butt, Thurmond, Bates, Griffin, Rogers, McLaughlin, and Anderson. Noes: None. Absent: Marquez and Viramontes.

Geick vs. City of Richmond – Settlement amount for slip and fall liability claim for \$10,000. Ayes: Butt, Thurmond, Bates, Griffin, Rogers, McLaughlin, Viramontes, and Anderson. Noes: None. Absent: Marquez.

Conference with Legal Counsel: Anticipated Litigation

One Case: Parkway Commerce

Confidential legal advice presented to the Council.

Public Employee Performance Evaluation

Title: City Manager – No discussion.

OPEN FORUM FOR PUBLIC COMMENT

Peter Cleveland read into the public record a letter written to William Lindsay, City Manager, expressing sincere appreciation to Mr. Lindsay for meeting with the Community Involved Policing Group. The Group commended the City Manager for including the community and congratulated Mr. Lindsay for making the decision to choose Christopher Magnus as the new Police Chief for the City of Richmond.

Mike Ali announced the official formation of the United Bay Area Native American Indian Council.

Eleanor Thompson gave comments regarding violence. She suggested that jobs are necessary to replace the violence.

JoAnn Tillmon commented that it is important that parole officers are involved in the anti-violence efforts.

Robert O. Brown, Park Plaza Neighborhood Council President, invited the public to the neighborhood council's membership drive. The event will be Thursday, December 8, 2005, at King Elementary School.

Antwain Cloird gave comments about the violence in the City. He stated he wants action instead of meetings, and nothing has changed in the City of Richmond. He stated there have been no changes because there are no resources, training, or apprentice programs.

Arlene Bradley, Program Administrator of Housing Rights, Incorporated, addressed a comment made by Councilmember Marquez regarding the absence of resources for Spanish speaking residents. She said that Housing Rights, Incorporated, has assisted Spanish-speaking residents for many years.

Corky Booze gave comments regarding Lieutenant Ron Berry being moved from the Iron Triangle Community and transferred to Patrol. Mr. Booze urged everyone to telephone Chief Hudson at 620-6655 and state their opposition to the transfer of Lieutenant Berry. He stated that he would have liked Councilmember Viramontes to put as much effort into resolving the high rate crime in the Black neighborhoods as she did in opposing placing a clinic at 1st and 2nd Streets.

Ramona Samuels, Executive Director, gave comments regarding the relationships cultivated between the Main Street Initiative and the Hispanic Community.

Marie Ries requested the process used to issue conditional use permits to vendors near schools selling tobacco and alcohol, and drug paraphernalia. She also expressed her concern regarding Councilmember Viramontes comments regarding the Hispanic Community.

Arnie Kasendorf announced the Senior Winter Ball will be held on December 10, 2005, and invited everyone to attend.

Hewitt Joyner, Project Specialist, gave comments about a proposal to stop the violence trend.

Tina Westbrook stated that the youth are eager to see what will happen in 2006. She said there is a need for recreation centers to be open to provide tutoring and games for youth. She also stated that job training is key. There is a need to work with contractors to provide training.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

City Clerk read a proclamation recognizing the victories of the Richmond Steelers Football Teams in the Annual Las Vegas Pigskin Tournament. Mayor Anderson stated that Fred Harris, Head Coach for the Steelers, could not be present to accept the Proclamation. She stated that the proclamation will be presented at a banquet on December 17, 2005. Corky Booze and Mike Ali gave comments.

City Clerk read a proclamation affirming Thursday, December 1, 2005, as "World AIDS Day." No one was present to accept the proclamation. Jim Jenkins gave comments on the matter.

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.

Continued to December 20, 2005, a proposed lease agreement with Cingular Wireless to install a cell phone facility at the Richmond Memorial Convention Center. This agreement will generate approximately \$30,000 annually in revenue to the City of Richmond. Juan Reardon gave comments on the matter.

*-Approved an agreement to lease a house to provide the residential component of the Transitional Living Program for youth transitioning from the foster care system. Total amount of the lease will not exceed \$24,000, and the contract period is December 7, 2005, through September 30, 2006.

*-Approved a Purchase of Services Contract with Sympro for procurement, installation, maintenance, and training for a debt management, cash management, and earning allocation software modules. The total amount of the contract is \$159,066.13.

*-Approved amended Lease Agreements between the Port of Richmond and California Oils and between the Port of Richmond and Stevedoring Services of America (SSA) for use of property as a shipping terminal (**Councilmember Butt abstained**).

A proposed amendment to an agreement with Bridge Housing to lease an additional 645 sf to expand the Iron Triangle Police Substation was presented. The cost to lease the additional space will be \$1.00 per year. The following individuals spoke on the matter: Corky Booze and JoAnn Tillmon. Following discussion, on motion of Councilmember Viramontes, seconded by Councilmember Marquez, approved the amendment, by the unanimous vote of the Council.

*-Adopted **Resolution No. 164-05** confirming the City Council's decisions to deny the appeal of Joe Carlevaro and uphold the decision of the Design Review Board to approve DR 1101665 to construct an approximately 858 sf addition to an existing single family dwelling at 1218 South 57th Street (**Councilmembers Butt and McLaughlin voted no**).

*-Adopted **Resolution No. 165-05** levying special assessment for unpaid waste collection service charges on certain lands situated in the City of Richmond (garbage liens).

*-Adopted **Resolution No. 166-05** approving the additional 3% 2006 Annual Cost of Living Increase for recipients of the General Pension fund in addition to the 2% annual increase. The total cost of living increase for 2006 will be 5%.

*-Adopted **Resolution No. 167-05** authorizing the Police Department to accept funds awarded to the City of Richmond through the State of California's Frontline Law Enforcement Grant in the amount of \$148,634 and approve the proposed spending plan.

*-Adopted **Resolution of Intention No. 892** to vacate public right-of-way ST 1101332, an undeveloped alley, located between 200 Bishop Avenue and 180 Bishop Alley.

*-Adopted **Resolution No. 168-05** approving a contract with Bluewater Environmental Services, Incorporated, to remove and dispose burnt debris and/or asbestos containing materials (ACM) and board up the Richmond Natatorium, the Plunge.

A proposed ordinance was presented for second reading establishing wages, salaries, and compensation for the classifications of: **(1) Library and Community Services Director, Salary Range is \$6,593 to \$12,245 per month; (2) Planning and Building Services Director, Salary Range is \$6,593 to \$12,245 per month; (3) Information Technology Director, Salary Range is \$5,568 to \$10,340 per month; (4) Public Works Operations and Maintenance Director, Salary Range is \$6,137 to \$11,396 per month; and (5) City Engineer, Salary Range is \$6,137 to \$11,396 per month.** Leslie Knight, Assistant City Manager, gave an overview of the item. The following individuals spoke on the matter: Juanita Taylor, Susan Gwinn, and Tanya Boyce. In discussion, Councilmember Thurmond asked for an estimated timeline and process for addressing salary and classification changes for non-exempt classifications. Leslie Knight, Human Resources Director/Assistant City Manager, stated that the process is currently underway and will be presented to the Personnel Board at its next several meetings. Following discussion, on motion of Councilmember Viramontes, seconded by Vice Mayor Rogers, adopted **Ordinance No. 47-05, N.S.** by the following vote: **Ayes:** Councilmembers Butt, Thurmond, Marquez, Rogers, Viramontes, and Mayor Anderson. **Noes:** Councilmember McLaughlin. **Abstentions:** None. **Absent:** Councilmembers Bates and Griffin.

*-Adopted **Ordinance No. 48-05, N.S.** amending Section 2.40.070 of the Richmond Municipal Code to conform the compliance timeframes of the Public Information Ordinance with those set forth in the Public Records Act.

*-Approved a recommendation for the following appointments to Boards and Commissions and to the Contra Costa Mosquito and Vector Control District: **(1) Historic Preservation Advisory Committee**: Christopher Bowen, and **(3) Mosquito and Vector Control District**: Jeanette Mahoney. The appointment to the Commission on Aging was withdrawn.

PUBLIC HEARINGS

City Clerk announced this was the time set, pursuant to published notice, to introduce an ordinance amending Article IX of Chapter 9.55 of the Richmond Municipal Code pertaining to the reduction of air pollution by regulating the installation of wood-burning appliances. Mayor Anderson declared the public hearing open. Hector Rojas, Assistant Planner, gave an overview of the matter (Mayor Anderson passed the gavel to Vice Mayor Rogers and left the dais). The following individuals gave comments on the proposal: Lee Jones and Emily Hopkins. On motion of Councilmember Viramontes, seconded by Councilmember Marquez, the public hearing was closed, by the unanimous vote of the Council. Following discussion, on motion of Councilmember Viramontes, seconded by Vice Mayor Rogers,

said ordinance received first reading and was laid over for second reading with the following change to the staff proposal: Delete Section 9.55.030(a) and instruct staff to come back to Council with a substitute approach, by the unanimous vote of the Council.

City Clerk announced this was the time set, pursuant to published notice, to adopt a Negative Declaration and approve a General Plan Amendment from 922A/Neighborhood retail to 918/Medium Density and rezone from C-1, Neighborhood Commercial to MFR-1, Multi-Family Residential District to allow residential on the ground floor of an existing building at 5124 Huntington Avenue (APN 510-092-032) and the construction of a proposed planned residential group consisting of seven townhomes at 5110 Huntington Avenue (APNs: 510-092-001, 002, and 003), Project EID/GPA/RZ 1101501. Mayor Anderson declared the public hearing open. Richard Mitchell, Planning and Building Services Director, gave an overview of the matter. The following individuals spoke on the matter: Allan Hopkins and Arabella Georges. A motion by Councilmember Viramontes, seconded by Councilmember Marquez, to close the public hearing passed by the unanimous vote of the Council. Following discussion, on motion of Councilmember McLaughlin, seconded by Councilmember Viramontes, adopted the Negative Declaration and approved a General Plan Amendment by the unanimous vote of the Council.

AGREEMENTS

None.

RESOLUTIONS

A proposed resolution authorizing the Mayor and the City Manager to execute a loan agreement with Christopher J. Magnus, newly hired Police Chief, and instructing the City Attorney to prepare the necessary documents to accomplish the agreement was presented. Leslie Knight, Human Resources Director, gave an overview of the matter. She stated that the housing costs in California are significantly higher than in Fargo, North Dakota, making it necessary for the City to offer financial assistance to facilitate Mr. Magnus' transition and relocation to the City of Richmond. Staff proposed a \$200,000 loan and is available in the General Fund balances; \$50,000 will be used as a bridge loan to assist in purchasing a house in the City of Richmond and an additional \$150,000 will be secured by the Magnus house in Fargo. Corky Booze gave comments on the matter. Following discussion, on motion of Councilmember Marquez, seconded by Councilmember Viramontes, adopted **Resolution No. 169-05** by the unanimous vote of the Council.

A proposed resolution urging Governor Schwarzenegger to grant clemency to Stanley "Tookie" Williams was presented. The following individuals spoke on the matter: Jim Jenkins, Paul Kilkenny, Corky Booze, Marilyn Langlois, Kathleen Sullivan, Juana Tillmon, Jason Stenson, Tina Westbrook, Juan Reardon, and Eric Muhammad. Councilmember Marquez stated that he would abstain due to his involvement as a translator for the California Penal System. Following discussion, on motion of Councilmember McLaughlin, seconded by Councilmember Thurmond, adopted **Resolution No. 170-05** and directed the City Manager to fax a copy of the resolution to Governor Schwarzenegger by the following vote: **Ayes:** Councilmembers

Butt, Thurmond, Rogers, McLaughlin, and Mayor Anderson. **Noes:** Councilmember Viramontes. None. **Abstentions:** Councilmember Marquez. **Absent:** Councilmembers Bates and Griffin.

ORDINANCES

A proposed ordinance was introduced for first reading to amend Ordinance No. 21-05, N.S., establishing wages, salaries, and compensation for the classification of Police Chief. The Salary Range is \$83,784 to \$155,504 annually. Leslie Knight, Human Resources Director, gave an overview of the matter. There were no questions from the audience. Following discussion, on motion of Councilmember Butt, seconded by Councilmember Thurmond, said ordinance received first reading and was held over two weeks for second reading by the unanimous vote of the Council.

COUNCIL AS A WHOLE

In the matter of identification and discussion of department-based programs and proposals to address violence in the City of Richmond and provide direction to staff regarding implementation and next steps. Bill Lindsay, City Manager, gave an overview of the matter. Mr. Lindsay stated that many of the suggestions do not require funding, and the suggestions included the schools, infrastructure, blight abatement, and maintaining parks. Mr. Lindsay also recommended that hiring an Anti-Violence Coordinator be considered. The following individuals gave comments on the matter: Don Adams, Michele Seville, Kate Sibley, JoAnn Tillmon, Glen Price, Kevin Hampton, Phil Mejias, Corky Booze, Mike Ali, and Kay Maher.

In the matter of a discussion of expanded use of foot patrols by the Police Department as part of Community-Involved Policing and Anti-Violence Strategies. Terry Hudson, Interim Police Chief, gave an overview of the matter. The following individuals gave comments on the matter: Corky Booze, Mike Ali, and JoAnn Tillmon. Chief Hudson explained that the current the agreement with the California Highway Patrol will end soon, and the agreement with the County Sheriff has already ended. He said that their current coalitions with other agencies are covert.

In the matter of a presentation and cost survey from Tom Carson, Integration Team, on network surveillance (continued from the November 15, 2005 Council meeting). Tom Carson gave a PowerPoint presentation. The following individuals gave comments on the matter: Tina Westbrook, Phil Mejias, Kay Maher, and Mark Swosteg. Councilmember Marquez stated that the presentation was given during a Public Safety Public Services Standing Committee meeting.

In the matter to consider approving a policy directing the Planning Director to require the process of plan checking to be completed in two weeks. The matter was continued from the November 15, 2005 Council meeting. The Council directed staff to submit a report for review and discussion during the December 20, 2005, Council meeting.

Continued to December 20, 2005, the Staff Report on the Tobacco Retailer License Ordinance requiring retailers to obtain a license, annually, to sell tobacco.

In the matter of a status report on the Disabled People's Recreation Center. Monique Le Conge, Library and Community Services Director, said that the status report outlines a recommendation to extend the program on a monthly basis and allow staff to negotiate a working agreement with the Regional Center of the East Bay to vendorize the afternoon programs and is similar to how the morning programs are vendorized. She said it is planned if approved by the Council to begin the program February 1, 2006. The following individuals spoke on the matter: Rocio Smith, Juanita Taylor, Lynda McPhee, G. Borg, Corky Booze, Teresa Crow, Maria Marin, Maxine McCants, Shannon McCants, Greg Ruiz, Janet Lloyd-Massey, and Carl Massey. Following discussion, on motion of Councilmember Viramontes, seconded by Councilmember McLaughlin, accepted the status report by a unanimous vote.

Continued to December 20, 2005, the matter of a discussion of an Internal Audit Program for the City of Richmond.

In the matter of a discussion regarding approaches for resolving dog shooting complaint. Terry Hudson, Interim Police Chief, gave a background report. Arnold Threets, Police Lieutenant, explained that due to the status of the case he was prohibited from making public any portion of the subject matter. Don Casimere, Confidential Police and Investigative Appeals Officer, confirmed that an appeal complaint has been filed with the Police Commission regarding the incident. The following individuals spoke on the matter: Cynthia Peters and Corky Booze.

COMMUNICATIONS

Referrals to staff from the City Council

Councilmember Viramontes requested staff to place on the December 20, 2005, meeting agenda the matter of how often the Council will meet during a month.

Mayor Anderson requested that a discussion item be placed on the December 20, 2005, agenda regarding the number of items place on the agenda by Councilmembers.

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

Reports of Chairpersons

- a. Finance Standing Committee – No report.
- b. Public Safety Public Services Standing Committee – No report.
- c. Rules and Procedures Standing Committee – No report.
- d. Report from the Mayor – No report.

General Reports from Councilmembers and staff

None.

ADJOURNMENT

There being no further business, adjourned the meeting in memory of Victor Vega, Fire Department, and Freddy Cortez, retired City of Richmond Public Works employee, at 1:32 a.m., to meet again on December 20, 2005, at 7:00 p.m.

Clerk of the Richmond City Council

(SEAL)

Approved:

Mayor