

RICHMOND, CALIFORNIA, March 22, 2005

The Regular Meeting of the Richmond City Council was called to order at 7:15 p.m., by Mayor Irma L. Anderson.

ROLL CALL

Present: Councilmembers Butt, Penn, Bates, Marquez, Griffin, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Absent:** None.

COUNCILMEMBERS' CODE OF CONDUCT

The city clerk read the Councilmembers' Code of conduct.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

On motion of Councilmember Bates, seconded by Councilmember Viramontes, added a proclamation for East/West as Item F-1, by the unanimous vote of the Council.

Removed Item H-1.

OPEN FORUM

Mike Ali requested the City Council not to support any more school construction bonds.

Bob Collins applauded the City Council for passing the boom box ordinance. He stated cars should be impounded on the first offence and not the third. He also stated that the National Guard's centers should be opened to help shelter the homeless.

Debbi Landshoff was concerned about how housing elements are placed on the agendas. She stated neighbors should be involved earlier in the process.

Andre Soto stated that the City Council received of a letter forwarded from Vision 2000 asking to create a task force to discuss the just case issue and they would like the City Council to expedite the process of addressing issues of commonality and differences. He announced that March for Education is celebrating its one year anniversary with a march from West Sacramento to the Capitol, on Tuesday, March 29, 2005, meeting at the Administration Building of the School District at 9:30 a.m.

Corky Booze thanked the mayor and Police Lieutenant Ron Berry for sending out a letter of support for the Easter Egg Hunt to be held at the Iron Triangle. He thanked Leslie Knight for responding to his request for the report on the appointment of the mayor's assistant in a timely manner. Mr. Booze also stated that it was unfair to the citizens of Richmond for the Police Department to say they will clean the City and have done nothing.

Charles Smith stated that the people of Richmond should be allowed to vote yes or no on Point Molate Casino.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

The city clerk read the proclamation for the East Meets West County Art Exhibition. Mayor Anderson gave comments and presented the proclamation to the Interim Manager of the Art Program, Michelle Seville. Jennifer Bevenington, Exhibition Manager for AC5 gave comments also.

Received a status report on Richmond's Historic National Park.

The city clerk read a proclamation recognizing the Great American Clean Up in North Richmond on March 23, 2005. Mayor Anderson presented the proclamation to Councilmember Penn and Lieutenant Barry.

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

Sr. Assistant City Attorney, Everett Jenkins, reported the following:

PUBLIC EMPLOYMENT (Government Code Section 54956.9)

Interview Candidates for the position of Police Investigative and Appeals Officer - no final decision was made – continued to March 29, 2005.

Discussion: City Attorney Council-Appointed Employees – continue to March 29, 2005.

CONFERENCE WITH LEGAL COUNSEL – LABOR NEGOTIATIONS (Government Code Section 54957.6)

**City Negotiators: Robert Larson and Bruce Soublet, Counsel: Jeffrey Sloan, Renne, Sloan, Holtzman, and Sakai, LLP
Employee Organization: SEIU – Local 790**

On motion of Councilmember Viramontes, seconded by Councilmember Penn, nine to zero vote direction give to labor negotiators.

**CONFERENCE WITH LEGAL COUNSEL –
EXISTING LITIGATION
(Government Code Section 54956.9)**

One Case: Quintero vs. City of Richmond –
direction given – no final action taken.

**CONFERENCE WITH REAL PROPERTY
NEGOTIATORS
(Government Code Section 54956.9)**

Property: City-owned surplus properties
Negotiating Parties: City of Richmond and
various other entities
Under Negotiation: Recommendations on the
sale of City-owned surplus properties.

On motion by Councilmember Rogers, seconded by Councilmember Penn, on a nine to zero vote, direction was given to Real Property Negotiators.

Andre Soto and Corky Booze gave comments regarding Quintero vs. City of Richmond.

CONSENT CALENDAR

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

A proposal to approve an agreement with the West Contra Costa Unified School District to provide GED Preparation, Life Skills Development, and Job Placement Services for out-of-school youth. Total amount of agreement will not exceed \$20,000. Sal Vaca gave an overview of this item. Jerome Smith spoke on this item. On motion of Councilmember Griffin, seconded by Councilmember Penn, approved an agreement by the unanimous vote of the Council.

A proposal to approve the purchase of a brush chipper as replacement for an older model brush chipper. Total amount of purchase is \$27,275.81. Jerome Smith spoke on this item. On motion of Councilmember Marquez, seconded by Councilmember Rogers, approved the purchase of a brush chipper by the following vote: **Ayes:** Councilmembers Butt, Bates, Marquez, Griffin, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Penn.

A proposal to approve the purchase of two trucks to replace two older-model trucks in Public Services. Total cost of the purchase is \$40,158.54. Jerome Smith spoke on this item. On motion of Councilmember Penn, seconded by Councilmember Viramontes, approved the purchase of two trucks by the unanimous vote of the Council.

A proposal to adopt a Resolution authorizing MBIA MuniServices Company to audit transactions (Sales) and use tax records to ensure that the City of Richmond is receiving the additional one-half of the one percent (1/2%) tax increase effective April 1, 2005. Jerome Smith spoke on this item. On motion of Councilmember Griffin, seconded by Councilmember Viramontes, adopted Resolution No. 35-05 by the unanimous vote of the Council.

*-Denied claims against the City of Richmond by: (1) Joseph Morris, (2) Mark Elms, (3) Hoat Nguyen, (4) Betty Dupre, and (5) LaVerne Rideau.

PUBLIC HEARINGS

The city clerk announced this was the time set, pursuant to published notice, to conduct a public hearing to accept the Planning Commission's recommendation and submittal of the City of Richmond Draft Housing Element to the State Department of Housing and Community Development (HCD). Staff Recommendation: Accept Planning Commission recommendation and direct staff to submit Draft Housing Element. Lori Reese Brown, Planning Department, gave an overview of the item. The mayor declared the public hearing opened. Speakers were Mike Ali, Debbie Landsoff, Reverend Phil Lawson, Antwon Cloyd, Greg Beir, and Wayne King. On motion of Councilmember Bates, seconded by Councilmember Viramontes, closed the public hearing by the unanimous vote of the Council. A motion was made by Councilmember McLaughlin, seconded by Councilmember Butt, to extend the examination of the Draft Housing Element for 30 days. A substitute motion was made by Councilmember Bates, seconded by Councilmember Marquez, to extend the examination of the Draft Housing Element for two weeks. The substitute motion passed by the following vote: **Ayes:** Councilmembers Rogers, Marquez, Viramontes, Penn, Bates, Griffin, and Mayor Anderson. **Noes:** Councilmembers McLaughlin and Butt.

AGREEMENTS

None.

RESOLUTIONS

None.

ORDINANCES

A proposed ordinance amending Ordinance No. 13-05 N.S. pertaining to Conditional Use Permits for alcoholic beverage sales was introduced for first reading. Lori Reese-Brown, Planning Department, gave an overview of the item. Following discussion, on motion of Rogers, seconded by Griffin, said ordinance received first reading and was laid over for two weeks for second reading by the unanimous vote of the Council.

COUNCIL AS WHOLE

In the matter to consider the Mayor's recommendation to reappoint and appoint the following to Boards and Commissions: Consider approving the Mayor's recommendation to reappoint and appoint the following to Boards and Commissions: (1) **Human Relations Commission: Elmina Green and Harpreet Sandhu, Incumbents, terms expiring March 30, 2007;** (2) **Economic Development Commission: John Lopez and Katrinka Ruk, Incumbents, terms expiring March 30, 2008;** and (3) **Arts and Culture Commission: Tony Caparelli, term expiring January 31, 2008.** Corky Booze spoke on this item. On motion of Councilmember Viramontes, seconded by Councilmember Marquez, approved the Mayor's recommendations by the unanimous vote of the Council.

In the matter consider a status report on unforeseen impacts from the operations of Auto Warehousing Company (AWC) at Point Potrero Terminal. Jim Matzorkis, Port Director, gave a report of the item. Councilmember Butt requested, to receive a report by April 19, 2005, on data from BNSF, including documentation to indicate that lights were evaluated as part of the CEQA process and evaluated as part of the City's design review process, and in fact approved.

In the matter to consider requiring the developer of the proposed Civic Center Master Plan and Reuse Project to have a Project Labor Agreement as a requirement of a Development Agreement being approved by the City. Steve Duran, Community and Economic Development Director, gave an overview of the item. Speakers were Andre Soto, Reverend Phil Lawson, Jim Russey, Greg Fereon, Greg Armstrong, Dale Peterson, Carla Dias, Tom Quinn, Antwon Young, Linda Alvera, Ted Smith, and Pam Aguilar. Following discussion, a motion was made by Councilmember Marquez, seconded by Councilmember Viramontes, to approve the

Project Labor Agreement. The motion passed by the unanimous vote of the Council.

In the matter to discuss to consider only allowing comments from speakers opposing items on the Consent Calendar. The City Manager, Bill Lindsay, gave an overview of this item. Corky Booze spoke on this item. This item was referred back to the City Attorney for legal opinion.

MINUTES

On motion of Councilmember Griffin, seconded by Councilmember Viramontes, approved the minutes of the Morning Open Session, and Regular Evening Session held on March 15, 2005, by the unanimous vote of the Council.

COMMUNICATIONS

None.

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

The city clerk announced that the Council's 2004 Annual Statement (700) is due to be filed with the City Clerk's Office by Friday, April 1, 2005, by 5 p.m.

Councilmember Viramontes gave a status of items discussed at the Finance Committee held on March 17, 2005.

Councilmember Penn gave a report on items discussed at the Rules and Committee Meeting held on March 21, 2005. She also reported attending the following meetings: Parchester Elementary School Bus Service, CCC Hazardous Committee Meeting on March 14, 2005, and Local Government Commission Conference in Yosemite. Chief Terry Hudson, Police Department, reported on the abatement efforts in Coronado.

Councilmember Marquez reported on items discussed at the Public Safety Committee Meeting held on Monday, March 21, 2005. A regular Public Safety Committee Meeting is scheduled for April 14, 2005.

Councilmember Butt reported that he attended the Local Government Commission Conference in Yosemite.

Councilmember Griffin reported ways to streamlining the agenda should start with addressing the Council's behavior. He requested this item be referred to the Rules and Procedures Committee.

Councilmember Rogers reported that the audience and the Council should be reminded of proper etiquette during Council meetings.

Councilmember McLaughlin reported that there will be a public workshop on March 24, 2005, from 6:30 – 8:30 p.m. at the City Hall regarding “Flaring”. She also reported that she attended the Local Government Commission Conference in Yosemite.

Mayor Anderson announced that the North Richmond Beautification event is scheduled for 10:00 a.m. at Shields Reid; Councilmember Penn will represent the Mayor. The month of March is Women’s History Month. Mayor Anderson reported that on Friday, March 18, 2005, she attended a dinner to honor the Police Officer of the Year, Tracy Mollenbernd, and Fire Fighter of the Year, Elizabeth De Dios. She reported that CBDG funds are being threatened and urged Councilmembers to write letters to Congress. She asked Councilmember Penn to add to the Rules and Procedures Meeting a discussion on how long and how often Councilmembers can speak. Mayor Anderson stated that on April 1, 2005, she will start a program called walking with the Mayor. She asked anyone interested to meet her at the City Hall at 11 a.m. daily to walk around the Marina. She will also be visiting the high schools and communities. On March 28, 2005, a Community Forum on Violence will be taking place in the Belding Woods District from 6:30 p.m. to 8:30 p.m. at Cesar Chavez Elementary School.

ADJOURNMENT

There being no further business the meeting adjourned at 12:17 a.m. in memory of the young people killed at Red Lake and Nadine Alums, to meet again in one week on Tuesday, March 29, 2005, at 7:00 p.m.

City Clerk

(SEAL)

Approved:

Mayor