

RICHMOND, CALIFORNIA, December 20, 2005

The Regular Meeting of the Richmond City Council was called to order at 7:04 p.m., by Mayor Irma L. Anderson.

ROLL CALL

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

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 Marquez, approved the minutes of the Morning Open Session held on October 18, 2005, and the Morning Open Session and the Evening Open Session held on December 6, 2005, by the following vote: **Ayes:** Councilmembers Butt, Bates, Marquez, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Noes:** None. **Abstentions:** Councilmember Griffin. **Absent:** Councilmember Thurmond.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Moved Item N-7 to be heard following approval of the Consent Calendar.

Removed Items I-3, I-5, and I-10 from the Consent Calendar.

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

John Eastman, City Attorney, made the following report:

Richmond Community Redevelopment Agency

CSRDA-1 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Two Cases: Initially agendized in error. The City Council corrected the error by adding an item to the Closed Session agenda under Government Code Section 54956.9, Subdivision (c) which provides an exception for initiating litigation. The City Council gave confidential directions to staff. Councilmembers Butt and Marquez did not participate. Councilmember McLaughlin stated that she was absent and did not participate.

City Council

CSC-1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Flippin vs. City of Richmond: Approved settlement of the personal injury claim for \$19,500. Councilmember Marquez did not participate. Councilmember Butt stated that he voted no on the matter.

Bourgeois vs. City of Richmond: No discussion.

State of California, East Bay Regional Park District, and Citizens for Eastshore State Park vs. City of Richmond et al.: City Council provided confidential settlement directions to staff. Councilmember Marquez did not participate.

CSC-2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

- a. **Property: Civic Center** – City Council was given a confidential briefing. Councilmember Thurmond did not participate.
- b. **Property: 1401 Marina Way South** – City Council did not discuss.

CSC-3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

City Manager: City Council did not discuss.

In discussion, Councilmember Bates asked the City Attorney to report how each Councilmember voted as a matter of record during the Closed Session.

OPEN FORUM FOR PUBLIC COMMENT

Linda James requested that the Council monitor the traffic issues occurring in her neighborhood on 31st Street, near Roosevelt Avenue and Clinton Street. She requested installation of traffic Calmers on her street, speed bumps, or a four-way stop sign.

Bob Dabney gave comments regarding low performing schools in the City of Richmond. He requested that the City Council become more involved in the oversight of the schools. He suggested that regular meetings of the Council and the West Contra Costa Unified School District Board be held.

Emma Moore wished everyone Merry Christmas and a Happy New Year.

Eddie Paasch, City of Richmond employee, stated that the City should do a better job of taking care of its citizens including the children.

Corky Booze gave comments regarding the Richmond Steelers.

Mike Ali suggested that a team of persons be formed to frame controversial issues for presentation to the City Council.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Vice Mayor Rogers made a presentation in gratitude and appreciation to Everett Jenkins, Assistant City Attorney, for his service as Interim City Attorney, from April 2004 through November 2005. City Clerk read the proclamation. Mr. Jenkins thanked the following individuals for assisting him in his efforts: Crystal Clark, Delores Murray, Carol Redmon, Linda Thomas, Wayne Nishioka, Bruce Soublet, Rachel Dragolovich, Trisha Aljoe, Mary Renfroe, Victor Ochoa, and John Eastman, City Attorney (Councilmember Bates left the meeting and returned at 7:51 p.m.). He also thanked Malcolm Hunter, former City Attorney. He thanked the four City Managers he worked with during his time as Acting City Attorney: Jay Corey, Leveron Bryant, Phil Batchelor, and Bill Lindsay. He thanked the City Council and commended them for staying with the issues and the citizens of Richmond. Councilmember Butt credited Mr. Jenkins for giving a legal opinion on the City's Business License Ordinance and the Utility Users Tax. Councilmember Viramontes thanked Mr. Jenkins for reporting out on Closed Session matters.

CONSENT CALENDAR

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

*-Approved an agreement with CWH Research, Incorporated, for administration of the Firefighter Examination Process. The contract period is December 21, 2005, through March 31, 2006. The total amount of the contract is \$25,548.65.

*-Approved a second amendment to a contract with Trisha A. Aljoe to provide dedicated legal services in the Richmond Police Department. The contract period will be extended to June 30, 2006.

A proposed resolution authorizing acceptance and appropriation of the funds awarded to the City of Richmond through the U.S. Department of Justice's Gang Resistance and Education and Training Grant (GREAT) was presented. The total amount of the grant is \$97,338. Lieutenant Anthony Williams, Police Department Administrative Bureau, gave an overview of the matter. He stated that the grant is awarded by the Department of Justice and will go directly to the Police Activities League. The grant has been awarded to the Police Department for more than four years. Lieutenant Williams said that the grant is used to fund the efforts towards the Gang Resistance and Education And Training Program (GREAT), which is a comprehensive curriculum that helps students develop values and practice behaviors that helps them avoid destructive activities. The grant will pay the salaries of the police officers involved in the curriculum training. The following individuals gave comments on the matter: Corky Booze and Mike Ali. Following discussion, on motion of Councilmember Griffin, seconded by Councilmember Viramontes, adopted **Resolution No. 171-05**, by the unanimous vote of the Council.

*-Adopted **Resolution No. 172-05** approving the Hazard Mitigation Plan as an annex to the Association of Bay Area Government's (ABAG) Multi-Jurisdictional Local Hazard Mitigation Plan for the San Francisco Bay Area.

A proposed resolution approving the revised Continuity of Government City Council Standby Officers was presented. Kathy Gerk, Office of Emergency Services, gave an overview. She said that the Federal and State of California law mandates Local Governments to adopt a resolution listing City Council Standby Officers. Councilmember Marquez asked for clarification regarding the residence of the Standby Officers. John Eastman, City Attorney, stated that Government Code Section 8.639 specifically states that Standby Officers do not have to be residents. He further stated that the main purpose and concern is that the Standby Officer survive an emergency in order to have Continuity of Government. Corky Booze gave comments on the matter. Following discussion, on motion of Councilmember Griffin, seconded by Councilmember Thurmond, adopted **Resolution No. 173-05**, by the unanimous vote of the Council.

*-Adopted **Resolution of Intention No. 893** vacating the portion of Embarcadero Avenue that intersects the Bio Rad property at 3110 Regatta Boulevard.

*-Adopted **Resolution of Intention No. 894** vacating the portion of Harbour Boulevard which borders to the south the Bio Rad Laboratories property at 3110 Regatta Boulevard.

*-Adopted **Ordinance 49-05, N.S.** adopting a Negative Declaration and approval of a General Plan Amendment from 922A/Neighborhood Retail to 918/Medium Density and rezoning from C-1, Neighborhood commercial to MFR-1, Multi-Family Residential District for an existing converted office building to residential condominiums and a proposed Planned Residential group consisting of seven town homes at 5110 and 5124 Huntington Avenue, respectively.

*-Adopted **Ordinance No. 50-05, N.S.** amending Ordinance No. 21-05, N.S. establishing wages, salaries, and compensation for the classification of Police Chief, Salary Range is \$83,784 to \$155,004 annually.

Proposed adoption of the 2005 Emergency Operations Plan was presented. Kathy Gerk, Office of Emergency Services gave an overview of the matter. Councilmember McLaughlin gave comments regarding the absence of telephone numbers in the 2005 Emergency Operations Manual. She also requested a Study Session to review the Manual for a clearer understanding of its contents and a better understanding of the Plan itself. Following discussion, on motion of Councilmember Marquez, seconded by Councilmember Bates, accepted the 2005 Emergency Operations Plan with the addition of Emergency Staff's telephone numbers, and directed staff to come back later for a presentation to the Council or the Public Safety Public Services Standing Committee, by the unanimous vote of the Council.

*-Approved the Mayor's recommendations for the following appointments to Boards and Commissions: (1) **Commission On Aging**: Shirley Gilbert, term expiring May 19, 2007; (2) **Police Commission**: Cora Ward, Incumbent, term

expiring November 1, 2008; (3) **Historic Preservation Advisory Committee** : David Blackburn, term expiring July 19, 2007; and (4) **North Richmond Solid Waste Transfer Station Mitigation Fee Joint Expenditure Committee**: Councilmembers Bates, Griffin, and Viramontes, and Lee Jones, Community Representative for unincorporated North Richmond.

PUBLIC HEARINGS

City Clerk announced this was the time set, pursuant to published notice, to introduce an ordinance for first reading to amend Sections 9.20.150 and 9.20.155 of the Richmond Municipal Code, establishing rates for the collection of residential and commercial solid wastes within the City of Richmond for 2006. John Eastman, City Attorney, presented an overview of the matter. He said that pursuant to the provisions of Section 3.7 of the Franchise Agreement between the City of Richmond and Richmond Sanitary Service, the City is contractually obligated to adjust the solid waste collection rates on an annual basis according to the change to the Consumer Price Index (CPI). The City received a letter from Richmond Sanitary Service requesting a CPI adjustment in the solid waste collection rates. Mr. Eastman further stated that failure to adjust the rates could result in a breach of contract. Mayor Anderson declared the public hearing open. Corky Booze gave comments on the matter. Mr. Booze requested that the City Attorney provide the specific rate increase for the benefit of the elderly residents of Richmond. John Eastman, City Attorney, in response to Mr. Booze’s request provided the following information:

35 Gallon Receptacle	Current Rate: \$16.20	New Rate: \$16.72
65 Gallon Receptacle	Current Rate: \$31.47	New Rate: \$32.35

On motion of Councilmember Bates, seconded by Councilmember Marquez, the public hearing was closed by the unanimous vote of the Council. Councilmember McLaughlin stated that she would not support the item because of Richmond Sanitary’s refusal to provide a cost of living increase to its employees. The City Council directed Bill Lindsay, City Manager, to do the following: (1) prepare an analysis of the services Richmond Sanitary provides to the City at no cost, and (2) determine the possibility of including in the Franchise Agreement covenants discouraging illegal dumping since 5,000 tons of trash is deposited in the Landfill at no extra cost to the City. Following discussion, on motion of Councilmember Griffin, seconded by Councilmember Thurmond, said ordinance received first reading and was laid over to January 10, 2006, for second reading, by the following vote: **Ayes:** Councilmembers Bates, Thurmond, Bates, Marquez, Griffin, Rogers, and Vimanontes). **Noes:** Councilmember McLaughlin. **Abstentions:** None. **Absent:** None.

AGREEMENTS

A proposed approval of a lease agreement with Cingular Wireless to install a cell phone facility at the Richmond Convention Center was presented. This agreement will generate approximately \$30,000 annually in revenue to the City of Richmond. Cecily McMahan, KCRT, gave an overview of the

item. Discussion ensued during which Ms. McMahan informed the Council that the initial time of the contract is five years with two five-year renewals. Councilmember McLaughlin gave comments on the cumulative health impacts caused by cell phone towers. The following individuals gave comments on the matter: Juan Reardon and Corky Booze. On motion of Councilmember Bates, seconded by Councilmember Marquez, the lease agreement was approved by the following vote: **Ayes:** Councilmembers Butt, Bates, Marquez, Griffin, Rogers, Viramontes, and Mayor Anderson. **Noes:** Councilmembers Thurmond and McLaughlin. **Abstentions:** None. **Absent:** None. A proposed contract with Ralph Andersen and Associates to administer the Fire Chief Recruitment Process was presented. The term of the contract is December 21, 2005, through March 31, 2006. The total amount of the contract will not exceed \$26,000. There were no questions from the audience. On motion of Councilmember Bates, seconded by Councilmember Viramontes approved the contract by the following vote: **Ayes:** Councilmembers Butt, Bates, Marquez, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Noes:** Councilmember Griffin. **Abstentions:** None.

A proposed approval of a contract with Jeff Sloane, Renne, Sloan, Holtzman, and Sakai to provide legal services for labor and employment law and labor negotiations was presented. The contract period is December 21, 2005, through June 30, 2006. The total amount of the contract shall not exceed \$100,000. Councilmember Bates commented that he disagrees with the concept of outsourcing services that can be provided by staff. Following discussion, on motion of Councilmember Viramontes, seconded by Councilmember Butt, approved the contract by the following vote: **Ayes:** Councilmembers Butt, Thurmond, Griffin, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Noes:** None. **Abstentions:** Councilmembers Bates and Marquez. **Absent:** None.

RESOLUTIONS

None.

ORDINANCES

Introduced a proposed ordinance amending Ordinance No. 6-04, N.S., Chapter 13.57, Richmond Tourism Business Improvement District, of the Richmond Municipal Code adding the Richmond Convention and Visitors Bureau and providing a mechanism for full implementation of the ordinance and the handling of funds collected pursuant to the ordinance. Bruce Souble, Assistant City Attorney, gave a brief overview. Councilmember Bates asked for clarification regarding the City's legal ability to mandate the involved businesses to collect the funds for the City of Richmond. Discussion ensued. Councilmember Bates suggested that the City be reimbursed if any City staff is involved in the process. The Council agreed to direct staff to record any staff time involved in the matter and review the issue in one year. Corky Booze gave comments on the matter. Following discussion, on motion of Councilmember Viramontes, seconded by Vice Mayor Rogers, said ordinance received first reading and was laid over to January 10, 2006, for second reading, by the following vote: **Ayes:** Councilmembers Butt, Thurmond, Griffin, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Noes:** None. **Abstentions:** Councilmembers Bates and Marquez. **Absent:** None.

Introduced a proposed ordinance repealing Section 6.02.200 of the Richmond Municipal Code pertaining to the Industrial Certified Inspection Program. John Eastman, City Attorney; Richard Mitchell, Director of Planning and Building; and Fred Clement, City Building Official, an overview of the matter. Councilmember Viramontes reported that over the next 90 days the following issues will be resolved: (1) capacity of the Planning and Building Inspection to handle permitting in a reasonable and responsible manner, (2) rearrange current staff schedules so that they are able to handle the issues, and willingness to contact specialized vendors as necessary, (3) fee structure will cover program costs only, and (4) desire to maintain the independent annual audit especially during the transition. The following individuals gave comments on the matter: Dean O'Hair and Kevin Golden. Following discussion, on motion of Councilmember Viramontes, seconded by Councilmember Marquez, said ordinance received first reading and was laid over to January 10, 2006, for second reading.

COUNCIL AS A WHOLE

In the matter of a Status Report on the West County Subregional Transportation Mitigation Fee Program (STMP) Developer Fee. Bill Lindsay, City Manager, gave a brief overview of the matter. He introduced Lisa Hammon, Program Manager, West Contra Costa Transportation Advisory Committee. He noted for the record that the Council is requested to schedule a second review of the program for February 7, 2006, which will include the Cooperative Agreement and a revised City of Richmond ordinance. Ms. Hammon presented the report.

In the matter to consider a proposal to revise the process by which Councilmembers submit items for the Council Agenda to increase meeting efficiency. Bill Lindsay, City Manager, presented the report. Discussion ensued. Mr. Lindsay recommended staff be allowed to prepare a staff report on any item of interest or concern to the City Council prior to taking action. The following individuals spoke on the matter: Mike Ali and Corky Booze. Following discussion, a motion by Councilmember Thurmond, seconded by Councilmember Viramontes to refer the matter to the Agenda Setting Committee to work on the matter, passed by the unanimous vote of the Council.

In the matter to consider a proposal to return to a weekly City Council meeting schedule. Discussion ensued. The following individuals spoke on the matter: Angelina Faggett, Tina Westbrook, Naomi Williams, Mike Ali, and Corky Booze. Following discussion, a motion was made by Councilmember Marquez, seconded by Councilmember Butt to return to weekly meetings and the City Manager will determine how the agenda will be divided. A substitute motion by Councilmember McLaughlin, seconded by Councilmember Bates to refer the matter to the Rules and Procedures Standing Committee passed by the following vote: **Ayes:** Councilmembers Bates, Griffin, Rogers, McLaughlin, and Mayor Anderson. **Noes:** Councilmembers Butt, Thurmond, Marquez, and Viramontes. **Abstentions:** None. **Absent:** None.

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. Bill Lindsay, City Manager, Richard Mitchell, Planning Director, and Fred Clement, City Building

Official. A motion by Councilmember Marquez to approve the report and move forward with the procedure set in the report, failed for lack of a second. A substitute motion by Councilmember Bates, seconded by Vice Mayor Rogers to approve the Guidelines presented by staff by the unanimous vote of the Council.

In the matter of a discussion and recommendation to approve a Community Cultural Development proposal submitted by Don Adams as part of a strategy to reduce and prevent violence in Richmond. The following individuals spoke on the matter: Kay Maher, Cheryl Maier, Mike Ali, Juan Reardon, Tina Westbrook, Corky Booze, Kate Sibley, and Don Adams. The City Council received the report. A motion by Councilmember Bates, seconded by Councilmember Griffin to refer the matter to the City Manager and the newly hired Chief of Police passed by the unanimous vote of the Council.

In the matter of a discussion of an Internal Audit Program for the City of Richmond. The matter was not discussed.

In the matter of a Staff Report on the Tobacco Retailer License Ordinance requiring retailers to obtain a license, annually, to sell tobacco. This matter was continued from the December 6, 2005, meeting. Councilmember Marquez gave a brief background. He said that the matter came before the Public Safety Public Services Standing Committee and the Committee unanimously voted to forward the matter to the City Council for consideration and approval. The following individuals spoke on the matter: Corky Booze, Vincent Bonilla, Felicia Mares, Denise Dennis, LaShonda Williams, and Mike Ali. The Council received the staff report. Mayor Anderson asked Councilmember Marquez, Chairperson of the Public Safety Public Services Standing Committee, to report the recommendation of the Committee regarding the matter. Councilmember Marquez reported that the matter was briefly discussed during the Committee meeting and recommended that the City Council approve the drafting of an ordinance for consideration by the Public Safety Public Services Standing Committee. Following discussion, staff was directed to draft an ordinance for the Council's consideration.

COMMUNICATIONS

Referrals to staff from the City Council

- a. Development of an incentive program for police officers to purchase housing in the City of Richmond
- b. Augmentation of resources for code enforcement and blight abatement activities.

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

Reports of Chairpersons of:

- a. **Finance Standing Committee**
- b. **Public Safety Standing committee**
- c. **Rules and Procedures Standing committee**

d. Report from the Mayor

General Reports from Councilmembers and staff

Because of time constraints there were no reports.

ADJOURNMENT

There being no further business, the meeting adjourned at 12:02 a.m., in memory of Mary Poinsette to meet again in two weeks on January 10, 2006, at 7:00 p.m.

Clerk of the City of Richmond

(SEAL)

Approved:

Mayor