

RICHMOND, CALIFORNIA, June 7, 2005

The Regular Meeting of the Richmond City Council was called to order at 7:40 p.m., by Mayor Irma L. Anderson.

ROLL CALL

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

COUNCILMEMBERS CODE OF CONDUCT

Acting City Clerk read the Councilmember's Code of Conduct.

APPROVAL OF MINUTES

On motion of Councilmember Viramontes, seconded by Councilmember Penn approved the minutes of the meeting held on May 3, 2005, by the unanimous vote of the Council.

STATEMENT OF CONFLICT OF INTEREST

Councilmember Butt recused himself from Agenda Item N-2 regarding the N.I.C.E. district.

AGENDA REVIEW

Removed Agenda Items I-1, I-4, and I-7 from the Consent Calendar.

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

Everett Jenkins, Interim City Attorney, gave the following report:

1. A motion was made by Councilmember Butt, seconded by Councilmember Viramontes, to give direction to the Real Property Negotiators regarding the discussions held passed by a vote of 6 ayes and 0 noes; Councilmembers Bates, Penn, and Vice Mayor Rogers were absent.
2. Some discussion held regarding the rental inspection ordinance, but no final decision made.

OPEN FORUM FOR PUBLIC COMMENT

Michael Ali gave comments regarding the proposed bond issue by the West Contra Costa Unified School District. He stated that the Academic Performance Index which rates schools show 17 schools in Richmond rate at the number 1, which is below average.

Charlotte McIntyre commented that the City is under a siege of drugs and violence, and to get rid of them, there must be a joint effort by the community and law enforcement.

Lisa Perez gave comments regarding the West Contra Costa School District and suggested that the City of Richmond consider seceding from the West Contra Costa School District.

Inge Oliver, Committee for the Safety of Our Children, stated that compared to the amount of property taxes paid the services are not comparable. Additionally, she said that 46% of the City's budget goes toward employee salaries. She suggested that the employee salary should be changed. She stated that for the sake of everyone and the City's budget the payroll percentage has to change.

Cochise Potts, Parchester Village Neighborhood Council, thanked Councilmember Penn for helping to restore bus service for the elementary aged school children in Parchester Village. He invited the Councilmembers to a Restoration and Watershed Community Planning Event on June 18, 2005, 2:30 to 3:00 p.m. The bus will depart from Parchester Village Community Center at 9:30 a.m.

Reverend Andre Shumake thanked the Council Members for attending the Black on Black Crime Summit held on June 4th for the purpose of discussing solutions to the problem of gun violence in the City. He stated that as a result of the summit a three-year action plan will be developed.

Carl Massey inquired about the Disabled Persons Recreation Center budget. He stated that as of May, the DPRC would have a budget. He stated that the former City Manager directed DPRC be removed from the Recreation and Parks budget. He requested reinstatement of the DPRC budget as soon as possible. He said that the program is viable, successful, and necessary program serving those citizens of Richmond with special needs.

Janet Lloyd-Massey stated that Disabled Persons Recreation Center (DPRC) helps the children know that they are not alone in their challenges of being different. She stated that those with children without disabilities are lucky. She said that by not budgeting DPRC is heartless that borders on discrimination and prejudice. She asked that no decision be made regarding DPRC until after the June 15, 2005, meeting with Bill Lindsay, City Manager.

Felicia Cowen said that DPRC is the only program that is interchangeable. She stated that these children deserve a chance.

Shannon McCants asked that the DPRC program not be dismantled. She said that this program is the only program where she can be a participant.

Teresa Crowl's son has been at DPRC for more than two years. She said that there are no other such programs in Richmond. There is a waiting list with over fifty youth. She said that merging the program with another is not an option.

Corky Booze gave comments that Mindell Penn will be a great loss. Additionally, he stated that Blessed are the Peacemakers group did a fabulous job on Saturday with the Black on Black Crime Summit. He thanked Pastor Carleton Leonard for the program he had on Sunday. He asked that DPRC be kept open.

Lynda McPhee gave comments regarding the DPRC budget. She stated that participant numbers are missing and not counted. She said that each participant pay for the privilege of participating in the program.

Odessa Green asked that the City of Richmond be cleaned up. She stated that she does not like the way Richmond is today. She said that there is only one grocery store, pot holes everywhere and drug dealers.

Yuri Ito reported that her dog was attacked by a pit bull in the prior week. She said that one of her neighbors is breeding fighting dogs and the dogs are allowed to run free in the neighborhood. She said there are children in the neighborhood.

Juanita Taylor spoke regarding the Disabled Persons Recreation Center. She asked the Council to meet and discuss the issue with the parents.

Melissa Ehman, neighbor of Yuri Ito asked the Council to access the resources available to prevent and follow up on persons that may be breeding dangerous animals for the purpose of attacking.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Acting City Clerk announced the 2005 Junior Fire Prevention Program Awards presentation to the following: 1st Place – El Sobrante School, and 2nd Place – Valley View School. Fire Inspector Richard Kalayjian presented the awards and dedicated the 2005 Program to the memory of a Fifth Grade student at El Sobrante School, Rebecca Guitierrez. He presented a short video giving a brief overview of the program. He welcomed Chevron-Texaco, Richmond Refinery as a corporate sponsor which enabled the provision of blank fire safety scrapbooks. The winners: 1st Place El Sobrante School, represented by Ms. Joyce Jones. Student winners: Audrey Mulinier and Michael Mendez. 2nd Place Valley View School represented by Ms. Carolyn Robbins. Student winners: Danielle Robbins and Alexander Chin. Mayor Anderson and Councilmember Marquez congratulated each winner. Inspector Kalayjian introduced Jim Brumfield representing Chevron-Texaco.

Terry Hudson, Interim Police Chief introduced those employees promoted to the ranks of Captain, Lieutenant, and Sergeant. He presented Sergeants Andre Hill, Edward Souza, Brian Dickerson, and Mitch Peixoto. Lieutenant Mark Gagan, Richard Clark, Mike Gormley, and Shawn Pickett. Captains Cleveland Brown and Eugene McBride. Interim Chief Hudson stated that this is the first phase of the promotions to stabilize the organization and bring direction and vision to better serve the community. Each officer shook hands with the Councilmembers.

Acting City Clerk read proclamations recognizing Community Housing Development Corporation's 15th Anniversary, and acknowledging and commending Richmond Neighborhood Housing Services during National Neighborworks Week, June 4-11, 2005. Mayor Anderson thanked Don Gilmore, Community Housing Development Corporation. Lisa Hamburger, Richmond Redevelopment Housing also gave

comments and congratulated the recipients. Lynette Gibson-McIlhaney, Richmond Neighborhood Housing Services, Incorporated, accepted the proclamation on behalf of the RNHS board. Ms Gibson-McIlhaney presented each Councilmember with a timepiece.

Sal Vaca, Employment and Training, announced the goal of raising \$200,000 has been exceeded. He stated that \$211,000 has been raised at this point. He thanked Will Hardy of PG&E; Eddrick Osborn of Kaiser Optical; and, Kevin Hampton. The following individual spoke on the matter: Bob Collins.

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.

A proposed purchase of three new mowers to replace three older models and three accompanying trailers was presented. The total cost is \$84,592.41. Sharon West, Assistant to the Parks Superintendent gave an overview of the matter. Councilmember McLaughlin asked for clarification of the sales tax issue. The following individual gave comments on the matter: Naomi Williams. Following discussion, the matter was continued for two weeks until Tuesday, June 21, 2005.

*-Approved submission of a letter as a Statement of Progress on the City's adopted Growth Management Program compliance Check List to the Contra Costa County Transportation Authority.

*-Adopted **Resolution No. 78-05** authorizing implementation of the SCAN Safe Community Alert System in the Police Department to broadcast emergency and non-emergency information quickly and efficiently to the community.

Proposed resolutions to adopt the following for the Police Department were presented:

- a. Raising the maximum towing fees and implementing new towing fees.
- b. Approving the 2005 Tow Service Contract; and
- c. Approving the Pick-N-Pull Expanded Abandoned/Abated Vehicle Program.

Captain Cleveland Brown gave an overview of the matter. Discussion ensued. The following individual spoke on the matter: Corky Booze. A motion was made by Councilmember Viramontes, seconded by Councilmember Marquez. Further discussion ensued. A substitute motion was made by Councilmember Bates, seconded by Councilmember Penn to continue the matter for two weeks, passed by In deference to the concerns expressed by several Councilmembers Councilmember Bates requested the matter be continued two weeks until July 12, 2005. Mayor Anderson continued the matter for two weeks.

*-Adopted **Resolution No. 79-05** amending the Position Classification Plan to add the classification of **Information Technology Assistant**. The salary range will be \$4,004 to \$4,771 per month.

*-Adopted **Resolution No. 80-05** authorizing execution of a Disposition and Development Agreement and an assignment

of the City's option for the purchase of the Plunge parcel to Point Richmond Gateway, LLC.

Mayor Anderson requested those Councilmembers with questions to please contact Chief Hudson so that the matter will be ready for approval in two weeks.

*-A proposed second reading of an ordinance establishing a Library Impact Fee to create a revenue source for the Richmond Public Library for infrastructure costs, library materials, and capital needs was presented. The ordinance will create the Library Impact Fee to mitigate the demand for services caused by residential and commercial development. The following individuals spoke on the matter: Lynda McPhee and Tarnel Abbott. Following discussion, on motion of Councilmember Viramontes, seconded by Councilmember Bates adopted **Ordinance No. 23-05, N.S.**, by the unanimous vote of the Council.

*-Adopted **Ordinance No. 24-05, N.S.**, amending Chapter 6.06 of the Richmond Municipal Code pertaining to the Historic Structures Code to: (1) Downsize the Historic Preservation Advisory Committee, (2) Provide more flexibility for appointee qualifications, and (3) Incorporate minor operations revisions that satisfy State of California requirements for Richmond to become a Certified Local Government.

PUBLIC HEARINGS

None.

AGREEMENTS

A proposed authorization to amend a contract with Mary Renfro to provide temporary legal services in the City Attorney's Office. The contract will terminate on June 30, 2005 was presented. There were no comments or questions from the audience. On motion of Councilmember Penn, seconded by Councilmember Griffin, authorized a contract amendment with Mary Renfro by the unanimous vote of the Council.

RESOLUTION

A proposed resolution in support of Senate Bill 840 – California Health Insurance Reliability Act authored by Senator Kuehl was presented. There were no questions from the audience. On motion of Councilmember Viramontes, seconded by Councilmember McLaughlin adopted **Resolution No. 81-05** by the unanimous vote of the Council.

ORDINANCES

Introduction for First Reading of a proposed ordinance for a Zoning Text Change to add automobile service station to the list of MFR-1 and MFR-2 Conditional Uses was presented. There were no questions from the audience. A motion was made by Councilmember Penn, seconded by Councilmember Viramontes, to receive First Reading of said ordinance. Discussion ensued. Councilmember Butt asked for clarification of the last paragraph on attachment C regarding the applicant needing a conditional use permit. Richard Mitchell, Interim Planning Director stated that staff will review the matter and

submit a report. The following individual spoke on the matter: Corky Booze. Following discussion, the Council passed the motion to receive First Reading of said Ordinance and laid it over for Second Reading by a unanimous vote.

A proposed introduction of an ordinance establishing wages, salaries, and compensation for the classification of **Information Technology Assistant** was presented. Salary range is \$4,004 to \$4,771 per month. There were no questions from the audience. On motion of Councilmember Penn, seconded by Councilmember Griffin, received Introduction and First Reading of said ordinance and laid over second reading by a unanimous vote of the Council.

COUNCIL AS A WHOLE

In the matter to direct Planning staff to complete the Request for Proposals to develop Design Standards for development and redevelopment within the City of Richmond. There were no questions from the audience. On motion of Councilmember Penn, seconded by Councilmember Griffin, directed the Planning staff to move forward on the matter by the unanimous vote of the Council.

In the matter to consider an Ordinance of Intention to form the Point Richmond Neighborhood Improvement and Community Enhancement (N.I.C.E.) District. The following individuals spoke on the matter: Margaret Morkowski, Tarnel Abbott, Paula Asmus, Joshua Genser, and Richard Lompa. Bill Lindsay, City Manager, explained that the matter is one of Urgency and this is the **First** and **Second Reading** of said Ordinance. Marco Lemandry, New City America Consultant, clarified that the weighted vote is compelled by the State Constitution, Proposition 218, and not by City Ordinance. However, he stated that if the weighted return ballots support the district, the Council must take an action to levy the assessment; therefore, levying of the assessment cannot happen if a majority protest exists, but it is the option of the Council to levy the assessments if the weighted ballots return in support. Following discussion, on motion of Councilmember Griffin, seconded by Councilmember Viramontes, adopted **Ordinance of Intention No. 25-05, NS**, by the following vote: **Ayes:** Councilmembers Penn, Bates, Marquez, Griffin, Rogers, Viramontes, and Mayor Anderson. **Noes:** Councilmember McLaughlin. **Abstentions:** None. **Absent:** Councilmember Butt.

In the matter to approve the revisions of the Comprehensive Rental Policy and Fee Schedule for Community Centers, Recreation Facilities, and Parks. The following individuals spoke on the matter: Lynda McPhee and Tony Mendicino. Following discussion, a motion was made by Councilmember Griffin, seconded by Councilmember McLaughlin, to approve the revised Comprehensive Rental Policy and Fee Schedule. In discussion, Vice Mayor Rogers suggested a friendly amendment to add under the Appeal Section the following: “..... *the decision of Recreation and Parks Commission are final.*” The amendment was accepted. The motion passed unanimously.

COMMUNICATIONS

Mayor Anderson announced the resignation of Councilmember Penn and offered her the opportunity to make a statement. Councilmember Penn stated that a week ago she announced that she will return to Michigan to care for her 86 year old mother. She said that she loves the City of Richmond and the work but she will return to take care of her mother. Mayor Anderson requested Everett Jenkins, Interim City Attorney, to inform the public of the process of filling a vacancy on the City Council according to the City Charter. Mr. Jenkins read Article III, Section 10, of the City Charter on the matter.

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

Reports of Chairpersons

Finance, Administrative Services, and Economic Development Standing Committee

No report.

Public Safety Public Services Standing Committee

The next meeting is scheduled to be held on Thursday, June 16, 2005, at 10:30 a.m., in the Council Chamber.

Rules and Procedures Standing Committee

The next meeting is scheduled to be held on Thursday, June 16, 2005, 9:00 a.m., in the Council Chamber.

Report from the Mayor

The Juneteenth Family Day Festival will be held on June 18, 2005, at Nichol Park. The festival will be sponsored by the National Brotherhood Alliance.

Budget hearings will be held on Wednesday, June 8, 12 Noon to 5:00 p.m., in the Council Chamber.

On motion of Councilmember Bates, seconded by Vice Mayor Rogers, waived reports of officers.

ADJOURNMENT

There being no further business adjourned the meeting at 10:33 p.m., to meet again on June 21, 2005, at 7:00 p.m.

City Clerk

Approved:

Mayor