

**RICHMOND, CALIFORNIA, April 19, 2005**

The Regular Meeting of the Richmond City Council was called to order at 7:25 p.m., by Mayor Irma L. Anderson.

**ROLL CALL**

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

**Absent:** Councilmember Griffin.

**COUNCILMEMBERS CODE OF CONDUCT**

The City Clerk read the Councilmembers Code of Conduct.

**STATEMENT OF CONFLICT OF INTEREST**

None.

**AGENDA REVIEW**

Removed Items H-3 and H-4 from the Agenda.

Mayor Anderson asked Terry Hudson, Acting Police Chief, to report on the City's actions regarding the recent shootings in the Carlson Boulevard/Cutting Boulevard area. Acting Chief Hudson gave a brief overview of the shooting on Sunday, April 17, 2005, near the South 34<sup>th</sup> Street and Cutting Boulevard at approximately 4:35 p.m. Acting Chief Hudson stated that a 16 year old female was shot in her leg as she was about to enter a church in the area, and a 22 year old male was also shot in his back. All of the related cases will be referred to the United States Attorney and all individuals will be prosecuted federally.

**OPEN FORUM FOR PUBLIC COMMENT**

Mike Ali reminded the public that on April 30 the Wentu Tribe will discuss the "Cultural Genocide of the California Water Wars against California Native America" at the Madeline Whittelsey Room at the Richmond Public Library at 6:00 p.m.

Charlotte McIntyre invited the public to the Wentu Tribe meeting on April 30 at the Madeline C. Whittlesey Community Room.

Naomi Williams, Pullman Neighborhood Council President, asked for ongoing help for the Southside neighborhood of Richmond. She stated that criminal activities happen on a regular basis in her neighborhood.

Juan Reardon, Richmond Progressive Alliance, gave comments regarding the delay in the transfer of oversight of the Zeneca site from the California Regional Water Quality Control Board to the Department of Toxic Substance Control. He announced a rally will be held on Friday, April 29<sup>th</sup>, at 7:00 a.m., at South 47<sup>th</sup> Street and Mead. The rally is cosponsored by several Bay Area groups.

Pastor Carleton Leonard, pastor of Word of Life Christian Fellowship Church, asked those he represented to stand. Reverend Leonard relayed the incident that occurred on Sunday, April 17<sup>th</sup>. Reverend Leonard stated that it is his hope that on the brink of the City's 100 Year Anniversary that homicide will not be the celebration. He stated that if the City Council does not do something the City Council Chamber is a crime scene. He asked the Council to lead, follow, or get out of the way.

Pastor Don Jones, New Life Christian Assembly, asked that the community and the City work together. He asked for a time, in the next five days to meet with the Mayor so that she can educate them on how city government is run. He said that many times the people find themselves being mistreated because the people do not understand how city government operates. He stated that he will no longer stand around on political agendas and watch children be shot down from day to day. He asked for an audience with the Council for the opportunity to work together.

Corky Booze gave comments regarding the recent shootings. He stated that he will start a petition to recall the Mayor and other African American on the dais if some help is not given to the Black community.

Reverend Vincent Manyweather asked specifically what will be done, how will it be done, and when will it be done. He stated that people do not need to be placed on hold or pause. He stated that there are some good police but those that are not have painted a poor picture of the police department.

Marla Leonard gave comments regarding the Sunday shooting incident. She stated that an increase in the numbers of police officers is needed to handle the hot spots of Richmond.

Ethel Dotson stated that it is disturbing to see the number of killings in a historical area of the black community. She requested that the Council meet with Assemblymember Loni Hancock and Congressman George Miller to have the area declared a State and National Historical site so that Park Police can patrol the area.

Juanita Taylor, Local SEIU President, lodged a formal complaint regarding the City's decision to outsource the Risk Management Third Party Administrator. She stated that the Third Party Administrator, Buckeye Claims, is not responsive and not producing the quality work that she is sure the Council intended.

Ted Smith gave comments regarding the upcoming Apprenticeship Examination. He stated that his concern is how many workers on the HOPE VI Project are actually Richmond residents and how many subcontractors are from Richmond. He also stated his concerns regarding employees at the Ford Building. He stated that the Council should receive a monthly report on all projects in the City of Richmond regarding its employees. He asked for an accounting of the 800 MHz Trunking System to date.

Randall Burnett requested that the Police Department handle the "hot spots" in the City.

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

City Clerk read the Certificate of Achievement presented to five Richmond youth in recognition for being top spellers in the 29<sup>th</sup> Annual Spelling Bee sponsored by the Contra Costa Times. Mayor Anderson and Councilmember Bates presented the certificates to: Karam Johal, Curtis Hulen, Lai Saechao, Alysa Danae Butler, and Yves D. Dong.

Councilmembers Marquez, Viramontes, and Mayor Anderson presented Certificates of Recognition to the Richmond High Soccer Team for their outstanding display of sportsmanship. Mayor Anderson read the Certificate of Recognition. The certificates for each team member were presented to the four team captains for disbursement to their teammates.

City Clerk read a proclamation declaring “April is Fair Housing Month” in the City of Richmond. Arlene Bradley, Housing Rights Program Administrator, announced the following winners of the Fair Housing poster and essay contest: Jeanine Cisneros, Johnny Tan, and Marina Esperaza, students at Valley View Elementary School.

City Clerk read a proclamation honoring the contributions of the late Robert T. Reed to the Youth Baseball Advisory Board. The certificate was presented to Tracy Reed, daughter of the late Robert T. Reed, who thanked the Council for the recognition.

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

Interim City Attorney made the following reports:

### **Conference with Legal Counsel – Existing Litigation**

- 1. Hanson Aggregates vs. City of Richmond:** Direction given to staff regarding settlement negotiations.
- 2. Frank’s Watch Repair vs City of Richmond:** A motion by Councilmember Viramontes, seconded by Councilmember Penn, to settle the case in the amount of \$200,000 but a need for additional information regarding the relationship of the property with the Redevelopment Area in that vicinity. The vote was 6 ayes and 0 noes, Councilmembers Butt, Bates and Griffin were absent.
- 3. Robert White vs City of Richmond:** Settled in the amount of \$25,000. The motion was made by Councilmember Penn, seconded by Councilmember Viramontes passed by a vote of 5 Ayes and 0 Noes; Councilmembers Butt, Bates, Marquez and Griffin were absent.
- 4. Jeffrey Kruger vs City of Richmond:** Settlement authorized in the amount of \$74,000. A motion was made by Councilmember Penn, seconded by Vice Mayor Rogers. The vote was 5 Ayes and 0 Noes;

Councilmembers Butt, Bates, Marquez, and Griffin were absent.

### **Conference with Real Property Negotiator**

- 1. City-Owned Surplus Properties. Six re-bidder surplus properties: Parcels 534-102-104, 682 2<sup>nd</sup> Street; 550-120-007, South 2<sup>nd</sup> Street; 550-120-008, South 2<sup>nd</sup> Street; 550-120-009, South 2<sup>nd</sup> Street; 550-120-010, South 2<sup>nd</sup> Street; and 550-120-011, South 2<sup>nd</sup> Street:** Direction given to the negotiators regarding the six properties. A report will be brought back to the Council at a later date. No final action taken.
- 2. 445 8<sup>th</sup> Street:** Very brief discussion. The matter is on the Council agenda for discussion later in the meeting.
- 3. Added to the Closed Session: Personnel Matter: (1) Performance Evaluation of the City Manager pertaining to Police Department promotions:** Discussion held. No final decision made by the Council.

The following individuals gave comments regarding the City Attorney's report: Nick Despota gave comments regarding the proposed promotions in the police department. On motion of Councilmember Bates, seconded by Councilmember Penn, by a vote of 7 Ayes, 1 no (Councilmember McLaughlin), and 1 absent (Councilmember Griffin), to allow Lieutenant Alec Griffin, Richmond Police Department to speak and request the Council to allow Interim Chief Hudson to proceed with the promotions.

Mayor Anderson thanked Costco for donating this month's birthday cake for the City's Centennial Celebration.

### **CONSENT CALENDAR**

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

\*-Adopted **Resolution No. 52-05** authorizing execution of an Encroachment Agreement with Markku K. and Ann M. Ratilainen to encroach upon the open space behind their property located at 4946 Thunderhead Court, to construct a six-foot high fence on an open space and create and maintain a defensive fire barrier.

\*-Adopted **Ordinance 19-05, N.S.** establishing wages, salaries, and compensation for the classification of **Workforce Development Support Specialist (Salary Range is \$3,897 to \$4,739/month)** and amending Full-Time General Employees Ordinance No. 33-01 N.S.

A proposed ordinance establishing wages, salaries, and compensation for the classification of **Confidential Investigative and Appeals Officer (Salary Range #04.1, \$6,137 to \$11,396/month)** and modifying Executive Employees Ordinance No. 2-05 N.S. was presented for second reading. The following individuals spoke on the matter: Juanita Taylor, Tarnel Abbott, and Andres Soto. On motion of Councilmember Bates, seconded by Councilmember Marquez adopted **Ordinance No. 20-05 N.S.** by the following vote: **Ayes:** Councilmembers Butt, Penn, Bates, Marquez, Rogers,

Viramontes, and Mayor Anderson. **Noes:** Councilmember McLaughlin. **Abstentions:** None. **Absent:** Councilmember Griffin.

An ordinance extending the viability of the Richmond Business Opportunity Ordinance for an additional six months from April 30, 2005, through October 31, 2005, was presented for second reading. Councilmember Butt gave comments on the matter. Discussion ensued. Following discussion, on motion of Councilmember Marquez, seconded by Councilmember Penn adopted **Ordinance No. 21-05, N.S.** extending the Richmond Business Opportunity Ordinance for an additional six months by the following vote: **Ayes:** Councilmembers Penn, Bates, Marquez, Rogers, Viramontes, and Mayor Anderson. **Noes:** Councilmembers Butt and McLaughlin. **Abstentions:** None. **Absent:** Councilmember Griffin.

\*-Awarded a contract to Pagni Construction, Incorporated, low bidder, to provide services to repair Castro Ranch Road. The total amount of the contract will be \$291,630. There is no fiscal impact to the City's General Fund. The contract will be fully funded by a \$25 million Lease Bond.

\*-Awarded a contract to W.R. Forde to construct the Richmond Bay Trail Gap Closure. The total amount of the contract will not exceed \$499,897. There is no fiscal impact to the City's General Fund. Funding for the project will be provided by Bay Area Quality Management District's TFCA Grant funds, State Parks Trails Program, Measure C, ABAG Bay Trail Grant, and Supplemental Environmental Program.

\*-Awarded a contract to Ghilotti Brothers, Incorporated for construction of the Ferry Point Tunnel Project that will complete one of the gaps in the 4.75 mile Ferry Point Loop of the Bay Trail. The total amount of the contract will not exceed \$386,902.60. There is no fiscal impact to the City's General Fund. ABAG Bay Trail Project grant and Measure C. will provide funding for the project.

\*-Approved a contract with the State of California CMAS Program to purchase four Ford vans as replacements of four older model vans that are scheduled for replacement. The total purchase price is \$76,008, and the cost of the purchase is funded from the Fiscal Year 2004/2005 Equipment Replacement fund.

## **PUBLIC HEARINGS**

City Clerk announced that there was a request to continue to May 17, 2005, appeals by Margaret Judkins, Jay Fenton, Cochise Potts, and Ethel Dotson to the Planning Commission's approval of the Parkway Commerce Center Project EID/TM 02-07: Parkway Commerce Center TIC at John Street and Collins Avenue (The public hearing was continued from the March 29, 2005, City Council meeting at the request of the four appellants and with the concurrence of the applicant). On motion of Councilmember Bates, seconded by Councilmember Marquez, continued the public hearing to May 17, 2005, by the unanimous vote of the Council.

City Clerk announced that 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 (The hearing was continued from the City Council meetings of March 22, 2005, and April 5, 2005). Barry Cromartie, Planning Director gave an overview of the matter. He introduced Mike Harton, Consultant. Councilmember McLaughlin asked that the following be included for submission with the Housing Element: the entire wording she submitted for Program 5 is included in its entirety, the letter from Faith Works. Discussion ensued. A motion was made by Councilmember McLaughlin, seconded by Councilmember Butt to submit the Housing Element with the following changes: include comments from Councilmember Gayle McLaughlin and Debbi Landshoff, suggested paragraph from the Point Richmond Neighborhood Council; the City will investigate the allegations from Faith Works and take necessary action, and comment from Councilmember Butt regarding the Ahwanee Principles. A substitute motion by Councilmember Bates, seconded by Councilmember Penn, to approve the staff recommendation. The following individuals spoke on the matter: Debbi Landshoff, Arthur Hatchett, and Reverend Phil Lawson. Further discussion ensued. A motion was made by Councilmember McLaughlin, seconded by Councilmember Butt to submit the Housing Element with the following changes: (1) Include Program 5 wording exactly as it is in Attachment C with the addition that under specific action to add the sentence from the Point Richmond Neighborhood Council, (2) add a statement that the City is working to update the land inventory section and to add qualified objectives for programs to produce new units, and (3) the Ahwanee Principles. A substitute motion was made by Councilmember Bates, seconded by Councilmember Penn, to approve the staff recommendation failed by the following vote: **Ayes:** Councilmembers Bates, Penn, and Viramontes. **Noes:** Councilmembers Butt, McLaughlin and Mayor Anderson. **Abstentions:** Councilmember Marquez and Vice Mayor Rogers. **Absent:** Councilmember Griffin. The original motion by Councilmember McLaughlin, seconded by Councilmember Butt, failed by the following vote: **Ayes:** Councilmembers Butt, Rogers, and McLaughlin. **Noes:** Councilmembers Bates, Penn, Marquez, Viramontes. **Abstention:** Mayor Anderson. A substitute motion made by Councilmember Viramontes, seconded by Councilmember Bates, to leave the City's Housing Element as submitted to Council by staff with a follow-up suggestion that if the City of Richmond is going to provide parcel listings of all affordable housing, every West County City should also do it or Richmond does not do so. Councilmember Viramontes stated that if the City Council is going to place at risk the City's ability to raise funds for affordable housing, which will lower and depress the City's real estate market. To do this she stated that the City Council should not forward any additional amendments unless all Cities include the same in their housing element document. A substitute motion was made by Councilmember Butt, seconded by Councilmember Viramontes to accept the Housing Element as submitted by staff and add the three amendments in the motion made by Councilmember McLaughlin but exclude the letter from Faith Works, failed by the following vote: **Ayes:** Councilmembers Butt, Rogers, and McLaughlin. **Noes:** Councilmembers Penn, Bates, Marquez, Viramontes, and

Mayor Anderson. **Abstentions:** None. **Absent:** Councilmember Griffin. On the motion by Councilmember Viramontes, seconded by Councilmember Bates, to submit the Housing Element document as recommended by staff passed and **Resolution No. 47-05** was adopted by the following vote: **Ayes:** Councilmembers Penn, Bates, Marquez, Rogers, Viramontes, and Mayor Anderson. **Noes:** Councilmembers Butt and McLaughlin. **Abstentions:** None. **Absent:** Councilmember Griffin.

Councilmember Bates requested a point of personal privilege to acknowledge the work and his appreciation of Barry Cromartie, Planning Director, who will be leaving the City of Richmond to begin employment with the City of American Canyon. Councilmembers Marquez, Penn, Rogers, Viramontes, and Mayor Anderson concurred.

### **AGREEMENTS**

A proposed authorization of a contract amendment with Trisha A. Aljoe to increase her contract by \$30,000 to provide special counsel legal services in the City Attorney's Office was presented. Interim City Attorney, Everett Jenkins, gave an overview of the matter. He stated that at the April 17, 2005, meeting the City Council approved and directed the City Attorney to hire by contract two attorneys to assist with completion of tasks in the City Attorney's office. The following individuals spoke on the matter: Corky Booze and Andres Soto. Discussion ensued. Councilmember Viramontes gave comments regarding her continuing non-support of the contract with Ms. Aljoe. Following discussion, on motion of Councilmember Marquez, seconded by Councilmember Bates, authorized the contract amendment with Trisha A. Aljoe by the following vote: **Ayes:** Councilmembers Penn, Bates, Marquez, Rogers, and Mayor Anderson. **Noes:** Councilmember Viramontes. **Abstentions:** Councilmembers Butt and McLaughlin. **Absent:** Councilmember Griffin.

A proposed award of a Purchase of Services Contract to KPA Group to provide structural engineering design services for the Seismic Safety Upgrades Program was presented. The total amount of the contract will not exceed \$675,000. Rich McCoy, Assistant Manager, gave an overview of the matter. He stated that on September 14, 2004, Phil Batchelor, Interim City Manager, presented to the City Council an assessment of the City's Fiscal and Organizational Stabilization Needs, which consisted of more than 170 recommendations. This matter relates directly to Recommendation number 92, regarding the seismic studies proposed over the years. On November 19, 2004, Interim City Manager Batchelor presented a report titled "Seismic Safety Upgrade Program" which included a program to be completed in two phases. Phase 1 would emphasize a public safety facilities and communication systems needed during an earthquake; the Main Library and the Richmond Auditorium. Phase 2 would identify the city-owned facilities identified for upgrades. Phase 1 funding is in place; however, it is not for Phase 2. Facilities identified for Phase 1 consisted of three Fire Stations – 62, 64, and 68, and the Corporation Yard. Phase 2 would consist of City Hall, Hall of Justice, and Richmond Auditorium. Staff interviewed three firms in each category. He stated that the item on the agenda is for Phase 2 large project seismic upgrade. The City has hired Dr. Teal to

assist with investigation, design, and preparation of plans for Seismic upgrade. The Project Engineer will submit plans to the City and Dr. Teal for review. There were no questions from the audience. Discussion ensued. Following discussion, on motion of Councilmember Bates, seconded by Councilmember Marquez, awarded the Purchase of Services Contract to KPA Group by the following vote: **Ayes:** Councilmembers Butt, Penn, Bates, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Marquez and Griffin.

A proposed authorization of lease assignments from Greater Richmond Social Services Corporation to the YMCA of the East Bay for properties located at 445 8<sup>th</sup> Street, 1350 Kelsey Street, 1410 Kelsey Street, and 360 Harbor Way South was presented. The following individual spoke on the matter: Following discussion, on motion of Councilmember Bates, seconded by Councilmember Viramontes, authorized the lease assignments, by the unanimous vote of the Council.

### **RESOLUTIONS**

A proposed resolution authorizing execution of a contract with A&B Construction, Incorporated, the low bidder for construction of Underground Improvements under the North Richmond Street Improvement Program in an amount not to exceed \$496,816. Following discussion, on motion of Councilmember Marquez, seconded by Councilmember Viramontes, adopted **Resolution No. 48-05** by the unanimous vote of the Council.

### **ORDINANCES**

A proposed ordinance extending the viability of the Local Employment Ordinance for an additional six months, from April 30, 2005, through October 31, 2005, and to give first and second reading to adopt proposed said ordinance was presented. Councilmember McLaughlin introduced the proposed ordinance. She stated that it is her desire that the residents of the City of Richmond should be benefited by having the job opportunities they deserve. She stated that the current ordinance is ineffective and difficult to implement and administer. The following individuals gave comments on the matter: Corky Booze, Thomas Dundon, Pam Aguilar, Reverend Andre Shumake, and Duane Chapman. Following discussion, on motion of Councilmember McLaughlin, seconded by Councilmember Marquez, said ordinance received first and second reading and **Ordinance No. 22-05 N.S.** was adopted by the following vote: **Ayes:** Councilmembers Bates, Marquez, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Butt, Penn, and Griffin.

### **COUNCIL AS A WHOLE**

In the matter to consider appointments and reappointments to Boards and Commission, Mayor Anderson made the following recommendations: (1) **Human Relations Commission:** Margaret Hanlon-Gradie, term expiring March 30, 2008; **Police Commission:** Dolores Hembree, term expiring November 1, 2008; and **Commission on Aging:** Willie Gholar; Doris Jones; D'Emanuel Grosse, Sr.; Dorothy

Hurd; and Mary Peace Head, incumbents terms expiring May 19, 2007. The following individuals spoke on the matter: Phil Mejias, American Civil Liberties Union, Juan Reardon, and Andres Soto. The Council voted separately on each Board and Commission appointment. On motion of Councilmember Bates, seconded by Councilmember McLaughlin, approved the Mayor's recommendations for reappointments and appointments to the Commission on Aging and the Human Relations Commission, respectively, by the following vote: **Ayes:** Councilmembers Butt, Bates, Marquez, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Penn and Griffin. Discussion ensued regarding the appointment of Dolores Hembree to the Police Commission. A motion was made by Councilmember Bates, seconded by Councilmember Viramontes to support the Mayor's recommendation to reappoint Dolores Hembree to the Police Commission. Further discussion ensued and the motion to support the Mayor's recommendations to the Police Commission passed, by the following vote: **Ayes:** Councilmembers Bates, Marquez, Rogers, Viramontes, and Mayor Anderson. **Noes:** Councilmember McLaughlin. **Abstentions:** Councilmember Butt. **Absent:** Councilmembers Penn and Griffin.

In the matter to consider recommendations to resolve and prevent future operational deficit in the Recreation and Parks Budget relative to the Richmond Memorial Convention Center. Councilmember Viramontes gave a brief overview of the matter. Rich McCoy, Assistant City Manager presented a report and recommendation to the Council to resolve the deficit. On motion of Councilmember Viramontes, seconded by Vice Mayor Rogers to accept the staff recommendation by establishing a payment plan for the \$238,000 owed to the City's General Fund, and directed Bill Lindsay, City Manager to implement the Council policy by the following vote: **Ayes:** Councilmembers Bates, Marquez, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Noes:** None. **Abstentions:** Councilmember Butt. **Absent:** Councilmembers Penn and Griffin.

In the matter to consider a status report on unforeseen impacts from the operations of Auto Warehousing Company at Point Potrero Terminal. There were no questions from the audience. The Council accepted the status report.

In the matter to consider a special Library Tax to be placed on the November 2005 ballot. Monique LeConge, Librarian, gave an overview of the matter. Discussion ensued. The following individuals spoke on the matter: Nick Despota and Debbi Landshoff. Following discussion, Mayor Anderson recommended a study session be held on the matter. The date of the study session will be scheduled with Ms. LeConge prior to her going on vacation.

In the matter to consider placing a ½ cent sales tax on the November 2005 ballot. Councilmember Marquez gave comments on the matter and a brief report of the Public Safety Public Services Standing Committee's discussion on the matter. The following individuals gave comments: Tarnel Abbott and Corky Booze. Following discussion, on motion of Councilmember Viramontes, seconded by Vice Mayor Rogers

directed staff to draft an ordinance and submit to Council for consideration at its May 17, 2005, meeting.

(The Council voted to extend the meeting for five minutes past midnight).

In the matter to consider providing policy direction concerning the petition to form the Point Richmond Neighborhood Improvement and Community Enhancement (NICE) District. Bill Lindsay, City Manager, reported that Councilmember Butt requested that no action be taken unless there is an actual vote on the assessment.

In the matter to discuss and consider revising the City Council Meeting Procedures to provide that members of the public wishing to address the Council regarding a continued agenda item should do so under "Open Forum for Public Comment." Mayor Anderson referred the matter to the Rules and Procedures Standing Committee.

### **ADJOURNMENT**

There being no further business adjourned the meeting at 12:05 a.m., in memory of Rudolph "Corky" Gonzales, a Chicano author, civil rights pioneer; champion boxer; and a founder for the Crusade for Justice, to meet again in two weeks on Tuesday, May 3, 2005, at 7:00 p.m.

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Clerk of the Council

(SEAL)

Approved:

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Mayor