

RICHMOND, CALIFORNIA, February 22, 2005

The Regular Meeting of the Richmond City Council was called to order at 7:15 p.m., by Vice Mayor Jim Rogers.

ROLL CALL

Present: Councilmembers Butt, Penn, Bates, Marquez, Griffin, McLaughlin, Viramontes, and Vice Mayor Rogers.
Absent: Mayor Anderson.

COUNCILMEMBERS CODE OF CONDUCT

The City Clerk read the Councilmembers' Code of Conduct.

APPROVAL OF MINUTES

The City Clerk informed the Council and the audience that Councilmember McLaughlin e-mailed to her corrections to the February 15, 2005, minutes, and that the corrections were made and reissued for Council approval. Councilmember Viramontes requested the City Clerk to confirm the vote on Page 11, Line 20. Following discussion, on motion of Councilmember Griffin, seconded by Councilmember Penn, approved the minutes of the meeting held on February 15, 2005, by the following vote: **Ayes:** Councilmembers Butt, Penn, Marquez, Griffin, McLaughlin, Viramontes, and Vice Mayor Rogers. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates and Mayor Anderson.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Vice Mayor Rogers requested that the matter regarding the Vernon-Castro Site, be placed on the Richmond Redevelopment Agency agenda.

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

No report.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

None.

REPORTS OF STANDING COMMITTEES

Councilmember Marquez, Chairperson of the Public Safety Public Services Standing Committee, reported that the next meeting will be held on Thursday, February 24, 2005, at 9:00 a.m., in the Council Chamber.

Councilmember Viramontes, Chairperson of the Finance, Administrative Services, and Economic Development Standing Committee reported that the Committee met on

Thursday, February 17, 2005. She publicly thanked Pat Samsell, Finance Director, and his staff for their hard work. She reported that the Finance Committee made a policy recommendation to the City Council to consider using one-time revenues for one-time expenses. The budget has a reserve of \$1.1 million dollars. She reported that 480 employees are funded by the General Fund and 192 employees funded by Special Funds, down from approximately 1,300 total employees. Employment and Training's current deficit is \$2 million dollars. Corky Booze thanked Councilmember Viramontes for telephoning him regarding the Kids First Program. He also thanked the Finance Committee for taking a second look at the Red Cross building lease.

Councilmember Penn, Chairperson of the Rules and Procedures Standing Committee, reported that the next meeting will be held on Monday, February 28, 2005, at 3:00 p.m., in the Council Chamber.

There was no report from the Mayor.

CONSENT CALENDAR

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

*-Authorized appropriation of funds and expenditure of funds for the acquisition of auto extrication equipment in an amount not to exceed \$40,970 from L.N. Curtis and Sons. Funding for the acquisition is through a grant awarded to the City by the Fireman's Fund Insurance Company.

A proposed authorization amending the Southside Community Park Contract with Cleary Brothers Landscape to construct Phase I of the Richmond Scenic Pedestrian Overlooks in Point Richmond was presented. The total amount of the amendment will not exceed \$77,912. Rich Davidson, Acting City Engineer, gave an overview of the matter. Councilmember Marquez stated that he received a call regarding the redesign. After discussion, Councilmember Marquez stated that he would have the resident telephone Mr. Davidson. Rhonda Harris, Santa Fe Neighborhood Council Vice President, asked for clarification regarding the impact the contract amendment will have on the progress of the Southside Community Park. Mr. Davidson stated that the proposed contract amendment will have no effect on the Southside Community Park deadline. Following discussion, on motion of Councilmember Viramontes, seconded by Councilmember Penn, authorized amending the Southside Community Park Contract with Cleary Brothers, by the unanimous vote of the Council.

*-Continued to March 1, 2005, an agreement with DP Security to provide guard patrol security service at Point Molate. The total amount of the agreement will not exceed \$225,000.

*-Adopted **Resolution No. 17-05** levying special assessment for unpaid waste collection service, garbage liens, on certain lands situated in the City of Richmond.

*-Adopted **Resolution No. 18-05** renewing Standing Orders for library materials purchased from various vendors, including, but not limited to: 3-M, AEC Publishing; All Data; Amazon.com; Applied Microfilm; Baker and Taylor Books, BarnesandNoble.com; Books on Wings; Wholesalers, Inc.; Bordart, Inc.; EBSCO; Follett Media Distribution; Gale Publishing; Ingram Library Services; Inland Business Systems; Landmark Audio Books; Lectorum, Inc.; MediaLab AquaBrowser; Milligan's News Service; Midwest Tape, Inc.; North Bay Cooperative Library System; Pitney Bowes; ProQuest; Quality Books, Inc.; Recorded Books; Stringer Business Systems; Valley Bindery; World Book; and Xerox Corporation in an amount not to exceed \$140,000 per year for fiscal years 2004/2005 and 2005/2006.

*-Adopted **Ordinance No. 12-05 N.S.**, establishing wages, salaries, and compensation for the classification of **Graffiti Abatement Specialist** and amending Full-time General Employees Ordinance No. 33-01, N.S.

*-Denied claims against the City of Richmond by: (1) Rona Space and (2) Travis L. Harmon, represented by Residence Mutual Insurance Company.

OPEN FORUM FOR PUBLIC COMMENT

Mike Ali gave comments regarding the conduct of several attendees of the City Council meeting held on February 15, 2005. He stated that the purpose of the Council Chamber is for the City Council and the citizens of Richmond to conduct their business without interruption or being politically intimidated.

Charlotte McIntyre encouraged the public and the citizens of Richmond to begin improving the image of the City of Richmond.

Corky Booze gave comments regarding a misunderstanding by the community that he is waging a personal attack against Mayor Irma L. Anderson. He stated that he is not personally attacking the Mayor. He also gave comments regarding statements made by several Open Forum speakers at the February 15, 2005 meeting.

Robert O. Brown gave comments regarding the construction of Mira Flores Development by KB Homes and Eden Housing. He said that there is conflicting information in the historic architectural evaluation regarding the structure heights.

Charma Ferreira, Local 107 Business Agent for IATSE, stated that on numerous occasions IATSE has attempted to have contracts signed by several City of Richmond officials, but each time the negotiations would break down.

Jerome Smith gave comments regarding the Police Commission. He stated that it appears that the Council is set to eliminate the Police Commission's role in the community.

Constance Anderson gave comments regarding the Campus Bay Site and the proposed resolution to give the Department of Toxic Substance Control oversight

responsibilities. She stated that it would be more practical to recommend third-party oversight.

Andres Soto, Richmond Progressive Alliance member, welcomed City Manager Lindsay to the City of Richmond. He gave a brief report on a recent trip he and his son took to Brazil. He attended a meeting sponsored by the ACORN group. He stated that the ACORN group has several police-related issues. He also commented to City Manager Lindsay that public participation in the selection of a police chief will have a positive impact with the reinforcement of trust in the community regarding the Police Department.

Lynda McPhee, SEIU Local 790, Richmond Chapter gave comments regarding the Richmond Public Library and the need to make the library a full-service library. However, she stated that without the proper number of library staff, the services will not be provided.

PUBLIC HEARINGS

None.

AGREEMENTS

None.

RESOLUTIONS

A proposed resolution amending Resolution No. 90-04 to approve the Mid-Year changes to the 2004/2005 adopted budget, as of December 31, 2004 was presented. Pat Samsell, Finance Director, presented the report. Mr. Samsell stated that currently the General Fund shows recovery of the structural balance. Discussion ensued. A motion by Councilmember Penn, seconded by Councilmember Viramontes, to approve the Mid-Year changes to the 2004/2005 adopted budget, as of December 31, 2004, passed and **Resolution No. 19-05** was adopted by the unanimous vote of the Council.

ORDINANCES

A proposed ordinance regarding the Slavery Era Insurance Disclosure Act and disclosure and divestment of investment earnings from City-sponsored Pension Funds or Investment Funds from financial and insurance institutions that benefit from international investment in slavery was presented. The following individuals spoke on the matter: Corky Booze and Jerome Smith. Following discussion, on motion of Councilmember Viramontes, seconded by Councilmember Penn, said ordinance received first reading and was laid over one week for second reading, by the unanimous vote of the Council.

A proposed request to continue to March 1, 2005, the second reading of an ordinance amending Chapter 15.04 of the Richmond Municipal Code pertaining to conditional Use Permits for Alcoholic Beverage Sales was presented. Lori Reese Brown, Planning Department gave an overview of the matter. Discussion ensued. On motion of Councilmember Butt, seconded by Councilmember Viramontes, adopted **Ordinance No. 13-05 N.S.**, with the condition that amendments regarding

hours of operation and location of establishment in proximity to areas where there is a concentration of children be brought back at a later date, passed by the unanimous vote of the Council.

COUNCIL AS WHOLE

In the matter to consider approving the CED Group Strategic Plan Update on major projects and the Six-Quarter Rolling Forecast. Jay Corey, Assistant City Manager, presented the report. Ted Smith stated that the hiring of minority Richmond residents to work on construction projects in the City of Richmond is disproportionate to the population. Following discussion, on motion of Councilmember Penn, seconded by Councilmember Marquez, approved the Strategic Plan Update, by the unanimous vote of the Council.

In the matter of a request to continue to March 1, 2005, consider amending Section 6.02.150 of the Richmond Municipal Code relating to demolition permits. Councilmember Butt stated that staff is working to improve the language. Andres Soto gave comments regarding the public's need to understand how the permit was issued regarding the Zeneca site. Corky Booze also commented on the matter. Following discussion the item was continued to March 1, 2005.

COMMUNICATIONS

None.

REPORTS OF OFFICERS

Bill Lindsay, City Manager

Acknowledged that this would be Assistant City Manager Jay Corey's last meeting, and he thanked Mr. Corey for doing a fine job for him.

Everett Jenkins, Interim City Attorney

Wished Jay Corey much success on his departure from the City of Richmond and stated that he has been a gentleman.

Councilmember Butt

Reported that the Personnel Committee met recently and a report is forthcoming.

Councilmember Penn

Requested that a discussion regarding manpower/diversity issues be placed on the next Executive Session agenda.

Councilmember Bates

Wished Jay Corey the very best of success.

Requested that the meeting be adjourned in memory of Art Selleck, founding member of the St. Luke's United Methodist Church. He expressed his condolences to his family.

Congratulated Betty and Clinton Hendricks on their 50th Wedding Anniversary. Mrs. Hendricks is the pastor of Bethel Temple Church on Cutting Boulevard

Congratulated James and Ellen Brandon on their 70th Wedding Anniversary.

Councilmember Marquez

Requested that the Campaign Ordinance be placed on the next Finance, Administrative Services, and Economic Development Standing Committee agenda for review.

Councilmember Griffin

Thanked Jay Corey for a job well done and for helping the City of Richmond.

Requested that the Rules and Procedures Standing Committee review what can be discussed under Reports of Officers. Diane Holmes, City Clerk, stated that City Manager Lindsay has requested an item be placed on the next Rules and Procedures Standing Committee agenda to discuss a new category called "Council/Staff Referrals or Recommendations".

Councilmember McLaughlin

Thanked the Pullman Neighborhood Council for inviting her to their meeting.

Thanked the Iron Triangle Richmond ACORN Chapter for inviting her to a meeting. She stated that the group discussed their concerns about crime and code enforcement in the City.

Attended a meeting regarding the Police Commission.

Thanked the 33 speakers that spoke on the Department of Toxics Substance Control.

Councilmember Viramontes

Acknowledged the Personnel Committee discussion regarding the immediate filling of the Police Investigative Officer's position.

Thanked Jay Corey for his leadership in community development.

Requested the following item placed on the Executive Session Agenda: Discussion and update regarding the appointment of the Police Investigative Officer.

Requested the following item placed on the Open Meeting Agenda: Discussion regarding City Council/Police Commission Retreat.

Vice Mayor Rogers

Thanked Jay Corey for his service to the City of Richmond.

Corrected an earlier statement made regarding former Interim Police Chief Chuck Bennett. He stated that Mr. Bennett left the City services due to PERS issues.

Informed Lynda McPhee that Mr. Lindsay will be discussing the matter of the hiring of library staff with her and the union.

Thanked Ted Smith for his comments regarding the economic development issues regarding employment.

ADJOURNMENT

There being no further business, adjourned the meeting in memory of Art Selleck, founder of St. Luke's United Methodist Church at 8:45 p.m., to meet again in one week on Tuesday, March 1, 2005.

City Clerk

(SEAL)

Approved:

Vice Mayor