

**RICHMOND, CALIFORNIA, July 12, 2005**

The Special Meeting of the Richmond City Council was called to order at 7:30 p.m., by Mayor Irma L. Anderson.

**ROLL CALL**

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

**Absent:** None. **Vacancy:** One.

**COUNCILMEMBER'S CODE OF CONDUCT**

The Acting City Clerk read the Councilmembers' Code of Conduct.

**APPROVAL OF MINUTES**

There were no minutes to approve.

**STATEMENT OF CONFLICT OF INTEREST**

None.

**AGENDA REVIEW**

On motion of Councilmember McLaughlin, seconded by Councilmember Butt the order of the agenda was changed. Item N-2, the process to fill the vacancy on the City Council was heard following Item I-8, by the consensus of the Council. Everett Jenkins, Interim City Attorney, clarified that Item N-2 is a process as well as an action item.

Removed Items I-1, I-3, and I-5 from the Consent Calendar Agenda.

**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:

**Conference with Legal Counsel: Potential Litigation**

Richmond Swim Center: No final action.

**Conference with Legal Counsel: Existing Litigation**

Robert Preston vs. City of Richmond: On motion of Councilmember Griffin, seconded by Councilmember Viramontes, authorized settlement of the case in the amount of \$25,000 by a vote of 8-0.

Milton Johnson vs. City of Richmond: On motion of Councilmember Viramontes, seconded by Councilmember Marquez, authorized settlement of the case in the amount of \$80,000, by a vote of 8-0.

Ricardo Reyes vs. City of Richmond: On motion of Councilmember Marquez, seconded by Councilmember Viramontes, authorized settlement of the case in the amount of \$44,000 by a vote of 8-0.

Phyllis Stuckey vs. City of Richmond: On motion of Councilmember Marquez, seconded by Councilmember Viramontes, authorized settlement of the case in the amount of \$60,000, by a vote of 8-0.

### **Public Employee Performance Evaluation**

City Clerk: Discussion but no final action.

### **Public Employee Discipline, Dismissal or Release**

This item was added to the agenda as an emergency. Report made, but no final action.

### **Conference with Legal Counsel: Labor Negotiations**

Discussion held and direction given to the labor negotiators regarding the labor unions.

### **OPEN FORUM FOR PUBLIC COMMENT**

Charlotte McIntire gave comments regarding the West Contra Costa Unified School District Board. She stated that a \$400 million bond will be discussed at the next meeting. She said that the school board should be focused on the education of the children instead of buildings and contracts.

Mike Ali addressed the Council regarding the school district. He suggested that Richmond should secede from the West Contra Costa Unified School District.

Lisa Perez gave comments regarding the West Contra Costa Unified School District's \$400 million bond measure.

Corky Booze thanked Lenny Williams of Tower of Power and Willie Haywood, Public Services, for their hard work to make the Juneteenth celebration a success.

Jay Betts gave comments regarding the proposed N.I.C.E. District and stated that he opposes the proposed district.

Richard Lompa gave comments regarding the proposed N.I.C.E. District.

Kevin Hampton gave comments regarding the reunification program "Coming Anew" that is for individuals on parole and probation. Theresa Armstrong is the director of the program. Mr. Hampton invited the Council to a formal meet and greet on Friday, July 15, 2005, at 5216 Wall Avenue, at 5:30 p.m. He thanked Mayor Anderson for hiring Michelle Milam in her office.

Robert Brown, newly-elected president of the Park Plaza Neighborhood Council, invited the Laurel Park Neighborhood Council to meet with Park Plaza in an effort to form a collaboration regarding the Mira Flores Housing Project.

Ron Jackson informed the Councilmembers that if God is not in the forefront of what the Council does or plans nothing will not work, and the killings will not stop. He said that the police must be allowed to do whatever is necessary to stop the violence.

## **PRESENTATION, PROCLAMATIONS, AND COMMENDATIONS**

Sandi Genser-Maack, introduced the following 2005 officers of the Executive Board of the Richmond Neighborhood Coordinating Council: Rhonda Harris, Vice President; Tony Mendicino, Treasurer; Donald Woodrow, Corresponding Secretary; Eleanor Loynd, Recording Secretary; George Schmidt, Sergeant-At-Arms; Naomi Williams, Public Information Officer; Paul Conner, Director-at-Large; Jerry Yoshida, Director-at-Large; and Janie Holland, Director-at-Large. Ms. Genser-Maack distributed a binder about the Richmond Neighborhood Coordinating Council.

Mayor Anderson accepted contributions to the Summer Youth Program from Sal Vaca, Employment and Training Director. Mr. Vaca said more than \$270,000 has been raised and over 200 Richmond youth are employed and working. He introduced Jim Brumfield of Chevron who donated an additional \$50,000 to the Summer Youth Employment Program. Mayor Anderson thanked Mr. Vaca and Mr. Brumfield for their contributions.

## **CONSENT CALENDAR**

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

A proposed resolution authorizing placement of property liens for Richmond Sanitary Service garbage collection fees and City Administrative fees was presented. The following individual gave comments on the matter: Corky Booze. Following discussion, on motion of Councilmember Griffin, seconded by Councilmember Viramontes, adopted **Resolution No. 93-05** by the following vote: **Ayes:** Councilmembers Butt, Bates, Griffin, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Noes:** None. **Abstentions:** Councilmember Marquez. **Absent:** None. **Vacancy:** One.

\*-Adopted **Resolution No. 94-05** requesting termination of the U.S. Department of Commerce, Economic Development Administration Federal Assistance Award Agreement Number 07-01-05187.

A proposed resolution to adopt the following: (1) authorizing the City Manager to accept the donation of the Whirley Crane No. 2 from Levin-Richmond Terminal Corporation upon its delivery to its new foundation to be constructed in the southeast corner of the easternmost former dry dock of Point Potrero Marine Terminal pursuant to the attached Site Plan, (2) approving the relocation of Whirley Crane No. 2 to Point Potrero Marine Terminal for use as an interpretive exhibit in the Rosie the Riveter World War II Home Front National Historical Park, and (3) directing the City Manager to facilitate an agreement between the City, National Park Service, and the Richmond Museum Association regarding the creation of a comprehensive safety program prior to permitting the general public to visit the area in Point Potrero Marine Terminal where the Whirley Crane is to be located and where the Red Oak Victory Ship is currently located. The Interim City Attorney noted the following changes to the resolution: Page 2 should

read... *“Therefore Be It Further Resolved that the City Council accept the donation of Whirley Crane No. 2 from Levin Richmond Terminal Corporation upon its departure from Levin-Richmond Terminal Corporation to be delivered to its new foundation to be constructed in the southeast corner of the easternmost former dry dock of Point Potrero Marine Terminal pursuant to the attached site plan and directs the City Manager to sign the appropriate documents to affect the donation and acceptance of Whirley Crane No. 2.”* Paragraph 3 ... *“Therefore Be It Further Resolved that the City Council direct and authorize the City Manager to determine that appropriate insurance is in place during the construction of the new foundation and the transfer of the Whirley Crane from existing to the new location and to facilitate an agreement between the City, National Park Service, and Richmond Museum Association regarding the creation of a comprehensive safety program prior to permitting the general public to visit the area in Point Potrero Marine Terminal where the Whirley Crane No. 2 is to be relocated and where the Red Oak Victory Ship is located.”* Following discussion, on motion of Councilmember Griffin, seconded by Councilmember Viramontes, adopted **Resolution No. 96-05** by the unanimous vote of the Council.

A proposed Resolution of Intention No. 891 to vacate a 40' x 103' unimproved portion of Fall Avenue east of South 52<sup>nd</sup> Street was presented. Richard Mitchell, Interim Planning Director, gave an overview of the matter. Following discussion, on motion of Councilmember Griffin, seconded by Vice Mayor Rogers, adopted **Resolution of Intention No. 891**, by the unanimous vote of the Council.

\*-Adopted **Resolution of Intention No. 97-05** calling for a public hearing on August 2, 2005, for the Engineer's Report and levying of the Annual Benefit Assessment for Fiscal Year 2005/2006 for the Hilltop Landscape Maintenance District.

\*-Adopted **Ordinance No. 29-05, N.S.** adopting the amended and restated Redevelopment Plan for Project Area No. 10-B (Nevin) pursuant to the Community Redevelopment Law of the State of California.

\*-Adopted **Ordinance No. 30-05, N.S.** establishing wages, salaries, and compensation for the classification of **Administrative Chief**. Salary range is \$5,568 to \$10,340 per month. This added classification will result in one less Assistant City Manager's position, and it will impact the General Fund as the former Assistant City Manager's position was budgeted from the non-General Fund.

\*-Adopted **Ordinance No. 31-05, N.S.** establishing wages, salaries, and compensation for the classifications of **Senior Business Analyst** and **Business Analyst I/II**. Salary ranges are \$6,358 to \$7,728 and \$4,936 to \$6,000 per month, respectively, and amending Management Employees Ordinance No. 40-01 N.S. There will be a fiscal impact to the General Fund in the amount of \$88,332 to fill the Senior Business Analyst position. Business Analyst I/II will not be filled at this time.

## **PUBLIC HEARINGS**

None.

## AGREEMENTS

None.

## RESOLUTIONS

None.

## ORDINANCES

A proposed emergency urgent ordinance approving a moratorium on the issuance of all development-related entitlements, including building permits, for marijuana dispensaries within the City of Richmond was presented. Everett Jenkins, Interim City Attorney, stated that this is an emergency urgency ordinance requesting that the City Council place a moratorium on medical marijuana dispensaries in the City of Richmond. He also stated that the State allows up to 45 days for initial adoption of an urgency ordinance. Amando Soto gave comments on the item. On motion by Councilmember Bates, seconded by Councilmember Griffin, adopted **Ordinance No. 32-05 N.S.**, by the unanimous vote of the Council.

## COUNCIL AS A WHOLE

Withdrew from the agenda the matter to consider approving reappointments to the following Boards and Commissions: **Design Review Board:** Ted Smith, Incumbent, term expiring June 19, 2007; Michael Woldemar, Incumbent, term expiring August 1, 2007; Donald Woodrow, Incumbent (completing an unexpired term) term expiring June 1, 2007; and **Planning Commission:** Vicki Winston and Stephen Williams, Incumbents, terms expiring June 30, 2007.

In the matter of the process to fill the Council seat vacated by Mindell Lewis Penn on July 1, 2005. In previous years, the Council appointed new members through a nomination and selection process. The City Council will use the same process used to appoint the Vice Mayor to appoint a new Councilmember. This same process, as shown below, was also used to fill the last Council vacancy:

1. A Councilmember nominates a candidate;
2. All Councilmembers vote on the candidate; and
3. The first candidate that receives a majority vote becomes the new City Councilmember.

The following individuals spoke in support of Andres Soto: Armando Soto, Lorie Chinn, Luis Perez, Millie Cleveland, Odessia Green, Calvin Jones, Roberto Reyes, Fred Jackson, James Jenkins, Jose Duran, Bob Sutcliffe, Harpreet Sandhu, Dr. Jeff Ritterman, Robert O. Brown, Andres Soto, and Tarnel Abbott. The following individuals spoke in support of Gary Bell: Gary Bell, Inge Oliver, Charlotte McIntire, Lisa Perez, and Mike Ali. The following individuals spoke in support of Deborah Preston Stewart: Deborah Preston Stewart and Rhonda Harris. Corky Booze spoke in support of himself. The following individual spoke in support of Tony Thurmond: Kevin Hampton. A motion was made by Councilmember Marquez seconded by Councilmember Butt to nominate

Corky Booze. A substitute motion was made by Councilmember McLaughlin, seconded by Councilmember Butt to nominate Andres Soto. The substitute motion to appoint **Andres Soto**, the motion failed by the following vote: **Ayes:** Butt and McLaughlin. **Noes:** None. **Abstentions:** Councilmembers Bates, Marquez, Griffin, Rogers, Viramontes, and Mayor Anderson. **Absent:** None. **Vacancy:** One. The original motion to appoint **Corky Booze** failed by the following vote: **Ayes:** Councilmembers Butt and Marquez. **Noes:** None. **Abstentions:** Councilmember Bates, Griffin, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Absent:** None. **Vacancy:** One. A motion was made by Councilmember Butt, seconded by Councilmember Griffin to appoint **Gary Bell**, failed by the following vote: **Ayes:** Councilmembers Butt, Griffin, and Rogers. **Noes:** None. **Abstentions:** Councilmembers Bates, Marquez, McLaughlin, Viramontes, and Mayor Anderson. **Absent:** None. **Vacancy:** One. A motion by Councilmember Viramontes, seconded by Councilmember Butt, to appoint **Tony Thurmond** passed by the following vote: **Ayes:** Councilmembers Butt, Marquez, Rogers, Viramontes, and Mayor Anderson. **Noes:** None. **Abstentions:** Councilmembers Bates, Griffin, and McLaughlin. **Absent:** None. **Vacancy:** One. Tony Thurmond gave comments and thanked the Council for his appointment. He stated that he is committed to getting the work of the City of Richmond done and for the opportunity to serve.

In the matter to consider using a refund from the State of California of the Vehicle License Fees for a one-time employee bonus for all City employees. Vice Mayor Rogers, gave an overview of the matter. The following individuals spoke on the matter: Charlotte McIntire, Naomi Williams, Corky Booze, Juanita Taylor, and Tarnel Abbott. Following discussion, a motion by Councilmember Bates, seconded by Councilmember Griffin, to table the matter and refer it to the City Manager, passed by the following vote: **Ayes:** Councilmembers Bates, Marquez, Griffin, Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Noes:** None. **Abstentions:** Councilmember Butt. **Absent:** None.

In the matter to consider adopting a resolution requesting the Governor of the State of California to revisit the “Three Strikes” law and to commute the sentence of Santos Reyes to time already served and release him immediately from prison. Councilmember McLaughlin gave comments on the matter. The following individuals spoke on the matter: Corky Booze, James Jenkins, Karla Bean, Marilyn Langlois, and Paul Kilkenny. Discussion ensued. A motion was made by Councilmember McLaughlin, seconded by Councilmember Viramontes, to adopt the proposed resolution. A substitute motion was made by Councilmember Bates, seconded by Councilmember Marquez, to refer the matter to Mayor Anderson, work with Councilmember McLaughlin, and bring the matter back at a later date. The substitute motion failed by the following vote: **Ayes:** Councilmembers Bates, Marquez, Rogers, and Mayor Anderson. **Noes:** Councilmember McLaughlin. **Abstentions:** Councilmembers Butt and Viramontes. **Absent:** Councilmember Griffin. **Vacancy:** One. The original motion failed by the following vote: **Ayes:** Councilmembers Butt,

McLaughlin, and Viramontes. **Noes:** None. **Abstentions:** Councilmembers Bates, Marquez, Rogers, and Mayor Anderson. **Absent:** Councilmember Griffin. Further discussion ensued. A motion was made by Vice Mayor Rogers, seconded by Councilmember McLaughlin to refer the matter to the Public Safety Public Services Standing Committee failed by the following vote: **Ayes:** Councilmembers Rogers, McLaughlin, Viramontes, and Mayor Anderson. **Noes:** None. **Abstentions:** Councilmember Marquez. **Absent:** Councilmembers Butt, Bates, and Griffin. **Vacancy:** One. Mayor Anderson referred the matter to the Public Safety Public Services Standing Committee.

## **COMMUNICATIONS**

Charles Ramsey, West Contra Costa Unified School District Board Member announced that the School Board will consider moving forward with a rebuilding program and placing a \$400 million bond on the November ballot. He stated that the majority of Richmond schools will be repaired – Nystrom, Coronado, King, Kennedy, Richmond, Wilson, and Highland schools.

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

### **Reports of Chairpersons:**

**Finance, Administrative Services, and Economic Development Standing Committee –** Councilmember Viramontes reported that the next meeting is scheduled to be held on July 28, 2005.

**Public Safety Public Services Standing Committee –** Councilmember Marquez, Chairperson, announced the next meeting is scheduled to be held on July 21 at 10:30 a.m.

**Rules and Procedures Standing Committee –** Councilmember McLaughlin announced the next meeting is scheduled to be held on July 21 at 9:00 a.m.

**Report from the Mayor –** None.

### **General Reports from Councilmembers and staff**

#### **Everett Jenkins, Interim City Attorney**

Commended Jacqueline Vaca for her work in helping to acquire the permit for the Fireworks display on July 3<sup>rd</sup>.

#### **Vice Mayor Rogers**

Requested that the City Manager place on the next agenda the matter of quarterly reports to the City Council from the City Manager, the Fire Chief and Police Chief indicating pay issues and employee resignations to accept better paying jobs.

**Councilmember McLaughlin**

Visited Eco Village Farm.

Participated in the Parks and Recreation workshop.

**Councilmember Bates**

Participated in the 50<sup>th</sup> Wedding Anniversary celebration of Mr. and Mrs. Otis Felder.

**Referrals to staff from the City Council**

**ADJOURNMENT**

There being no further business, adjourned the meeting in honor of Mr. and Mrs. Felder at 11:59 p.m., to meet again in one week, on July 19, 2005, at 7:00 p.m.

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City Clerk

(SEAL)

Approved:

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Mayor