

RICHMOND, CALIFORNIA, February 1, 2005

The Regular Meeting of the Richmond City Council was called to order at 7:03 p.m., by Mayor Irma L. Anderson, who led the Pledge of Allegiance to the Flag.

ROLL CALL

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

COUNCILMEMBERS CODE OF CONDUCT

The City Clerk read the Councilmembers Code of Conduct.

APPROVAL OF MINUTES

On motion of Councilmember Griffin, seconded by Councilmember Penn, approved the minutes of the Regular Meeting held on January 25, 2005, by the unanimous vote of the Council.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Continued Item O-2 for one week. Prior to discussion in an Open Session, the matter will be discussed at the February 8, 2005, Executive Session.

Withdrew Item O-4 from the Agenda.

Removed Items I-3 and I-4 from the Consent Calendar.

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

Everett Jenkins, Interim City Attorney, made the following reports:

City Clerk Agenda Process: Discussed the Agenda Process with the City Clerk.

Financial Recovery Plan:

Revenue Generating Measures: Discussion held regarding discussing the matter further at next week's Executive Session.

Solbourne: On motion of Councilmember Butt, seconded by Councilmember Marquez, to initiate an investigation of the Solbourne matter at a cost not to exceed \$30,000 failed by the following vote: **Ayes:** Councilmembers Butt, Marquez, McLaughlin, and Viramontes. **Noes:** Councilmembers Penn, Bates, Griffin, Rogers, and Mayor Anderson. **Abstentions:** None. **Absent:** None. On motion of Councilmembers Bates, seconded by Councilmember Penn, directed staff to contact Solbourne and discuss with Solbourne what assistance they can provide the City with regard to the difficulties encountered with

implementation of the SAP system passed by the unanimous vote of the Council. A report will be provided at a future Council meeting.

Update on Audits in the Finance Department:
Brief update.

Public Employee Performance Evaluation

Project Manager/Office of the City Manager: Update regarding a staff person under the City Manager's direction.

City Attorney: Discussion held. Compensation regarding the salary of the Assistant City Attorneys was held and direction was given to the staff, and further discussion will be held at next week's Executive Session.

Informal discussion held regarding the Committee Structure and the working relationship of the Council. Discussions of the matter are ongoing, and a retreat is planned for the near future.

A report was distributed to Council regarding e-mail. Further discussions will be held during next week's Executive Session.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

City Clerk read a proclamation declaring February as "American Heart Month" in the City of Richmond. Mayor Anderson presented the proclamation to Keisha Tyler, representing the American Heart Association thanked the Council for the proclamation. Ms. Tyler gave each Councilmember a Red Dress, the symbol used by the American Heart Association.

City Clerk read a proclamation recognizing Judy Hart as the first Superintendent of the Rosie the Riveter/WWII Homefront National Historical Park upon her retirement after 28 years of service to the National Park Service. Mayor Anderson presented the proclamation to Ms. Hart and thanked her for her vision and tenacity to accomplish her vision. Councilmembers Butt and Penn, members of the Rosie the Riveter Trust also expressed their appreciation to Ms. Hart for the opportunity to work alongside her. The following individual spoke on the matter: Ethel Dotson.

REPORTS OF STANDING COMMITTEES AND MAYOR

Councilmember Marquez, Chairperson of the Public Safety Public Services Standing Committee reported that the first 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 the cancellation of the February 3, 2005, meeting. The next meeting is scheduled for Thursday, February 17, 2005, at 3:00 p.m. in the Council Chamber.

Councilmember Penn, Chairperson of the Rules and Procedures Standing Committee reported that the Committee met on January 24, and a meeting summary was included in the Council packet. The next meeting is scheduled to be held on

Monday, February 21, 2005, at 3:00 p.m., in the Council Chamber.

Mayor Anderson reported: (1) on the ongoing issues regarding the Bay Bridge and the cost estimates for expansion versus replacement with a Causeway. She reported that the Metropolitan Transportation Commission voted unanimously to support the Bay Bridge design plans as recommended by the prior Commission. (2) The Retreat regarding the Design Review Process was very informative and well attended. She commended the Planning Commission, Design Review Committee, Councilmembers and staff for their participation.

CONSENT CALENDAR

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

*-Accepted work completed by Cleary Brothers Landscape for the Monterey and Mendocino Parks Rehabilitation. Work was completed November 30, 2004.

*-Approved an amendment to an existing contract with Oakland Private Industry Council to extend the term period from September 22, 2004, through September 21, 2005, to July 1, 2005 through September 22, 2005.

A proposed contract with Cleary Brothers Landscape, Incorporated, for construction of Southside Community Park was presented. The total amount of the contract will not exceed \$922,458. Sharon West, Parks Superintendent Assistant, gave an overview of the matter. Mike Ali gave comments regarding parks for Parchester Village and North Richmond. Discussion ensued. Councilmember Marquez asked for clarification regarding a contract stipulation requiring Prevailing Wages. Ms. West responded that Prevailing Wage is a standard for all Caltrans contracts. Following discussion, on motion of Councilmember Marquez, seconded by Councilmember Penn approved the contract by the unanimous vote of the Council.

A proposed ordinance for second reading amending Chapter 15.04 of the Richmond Municipal Code pertaining to Conditional Use Permits for Alcoholic Beverage Sales was presented. Ludmyrna Lopez, Planning Commission Chairperson presented the following recommendations from the Planning Commission: _____ During discussion, Vice Mayor Rogers requested the original provisions of the Alcohol Beverage Control ordinance be provided for review by the City Council. Further discussion ensued and Mayor Anderson continued the matter for one week to February 8, 2005.

*-Adopted **Ordinance No. 6-05, N.S.**, amending Section 9.22.110, Public Nuisance/Abatement to provide a reward for information resulting in the arrest or citation of an individual who has violated any provision of Chapter 9.22 and ultimately pays a fine or a fee.

*-Denied claims against the City of Richmond by: (1) Cheryl Collier, (2) Corey Pinkins, and (3) CSAA Insurance representing Kiong Phoen.

OPEN FORUM FOR PUBLIC COMMENT

Mike Ali gave comments regarding the impact of possible school closures being discussed by the West Contra Costa Unified School District would have upon the African American and Hispanic children that attend Verde Elementary, Lincoln Elementary, Richmond High and Kennedy High Schools. Additionally, he asked what will happen to those school-aged children that live in Parchester Village where the bus lines will be eliminated after June 2005.

Pearl Hunter, City Employee gave comments regarding the decision by the City administration directing all staff to review a telephone bill dating back to 2003 and to reimburse the City for all personal phone calls. She stated that those being required to pay the dimes and nickels are not responsible for the \$35 million deficit. She also suggested that the City do something about the medical premiums that City employees are now required to pay.

Janet Massey, Parent representing Disabled Persons Recreation Center, stated that a packet of information was hand delivered on January 24, 2005, regarding issues surrounding the replacement of the Coordinator. She stated that it is rumored that the DPRC will be closed at the end of February and asked if that is a fact. She added that DPRC should be included in the plans to return Recreation and Parks programs and receive its fair share of Measure Q.

Lynda McPhee, President SEIU Local 790, Richmond Chapter. She stated that she and the Recreation Coordinators have been meeting with Phil Batchelor, Interim City Manager, whose goal is to open all of the community centers as soon as possible. She stated that she agrees with the vision, but it is incomprehensible that there is an urgency to open all of the community centers and provide programs for Richmond kids, but close DPRC which teaches life skills and provides recreation to the disabled children in Richmond and the surrounding cities.

Corky Booze directed his comments to Mayor Anderson. (1) He stated that there has not been a Martin Luther King, Jr., Birthday celebration nor Juneteenth Festival since she has been mayor. (2) He stated that a brochure given to him by Mayor Anderson regarding a Martin Luther King, Jr., Birthday dinner for 35 kids was not sponsored by Mayor Anderson as he was told, but by the YMCA. (3) He reported that every day during January 2005 a shooting occurred in the City of Richmond. (4) Regarding the Transit Village, he commented that no African Americans or Hispanics can afford to purchase any of the homes. (5) Regarding the Kids First Programs, Mr. Booze asked the Mayor if she had donated any of those funds to the Richmond Steelers. (6) He asked the Mayor to change her professional conduct.

Juan Reardon, Richmond Progressive Alliance, gave comments regarding the importance that the integrity of the Richmond Police Commission be maintained. Additionally, he cited a section of the Brown Act regarding the illegality of requiring members of the public to register his or her name as a condition to attendance of a public meeting. However, he

expressed his appreciation that the City of Richmond no longer has a sign-in sheet of meeting attendees.

Mary Oshima requested that water be provided for the public or have access to water. Additionally, she asked the timeline for the hiring of the eight library aides. She also asked the Council to keep the DPRC open.

Ethel Dotson asked the status of a request she made several months ago regarding Comcast assisting seniors with discounted cable. She requested the matter be placed on a future agenda.

PUBLIC HEARINGS

None.

AGREEMENTS

None.

RESOLUTIONS

None.

ORDINANCES

A proposed ordinance adding Chapter 13.57 to the Richmond Municipal Code pertaining to Neighborhood Improvement and Community Enhancement Districts (N.I.C.E.) was presented. Everett Jenkins, Interim City Attorney made the following corrections to the proposed ordinance: Page 4, Whereas the City Council believes that 50% *weighted* petition requirement... Page 5, 3rd Paragraph, 3rd Line, should read "...necessary *weighted* property owner..." Page 7, Paragraph 3, Add Paragraph F to read *repayment of private and or public funds advanced for District Formation purposes.*" Page 16, line above the concluding paragraph should read "*reports given official contact by various management corporations, contracted with the City to administer the District shall interface with the City Council through the City Manager.*" Attorney Jenkins said that the ordinance would be a first reading because of the changes made. The following individual spoke on the matter:

COUNCIL AS WHOLE

In the matter of a response by the City of Richmond to the State Audit Report. Patrick Samsell, Finance Director, gave an overview of the matter. The following individuals spoke on the matter: Mike Ali and Tarnel Abbott.

In the matter of a staff report regarding closing out the Richmond Parkway Project.

In the matter to consider amending Section 6.02.150 of the Richmond Municipal Code relating to permits.

In the matter of a discussion regarding amending the City Charter to change the position of City Attorney from Council appointed to an elected position.

In the matter of a staff report regarding closing out the Richmond Parkway Project.

In the matter to consider amending Section 6.02.150 of the Richmond Municipal Code relating to permits.

In the matter of a discussion regarding amending the City Charter to change the position of City Attorney from Council-appointed to an elected position.

In the matter of a discussion to consider hiring a consultant to review the City Charter.

In the matter of a discussion of the need for an overpass for vehicular traffic to cross the BNSF and Richmond Railroad tracks in the Marina Bay Neighborhood and to have the Redevelopment Agency use funds restricted to Marina Bay to fund a study to determine the best location and the cost of such a project.

In the matter of a discussion and appointment of a Blue Ribbon Committee for the Campus Bay Project.

CALL FOR BIDS AND PROPOSALS

None.

COMMUNICATIONS

None.

REPORTS OF OFFICERS

ADJOURNMENT

There being no further business adjourned the meeting at ___ p.m., in memory of ___ Anderson, mother of Booker T. Anderson, to meet again in one week on Tuesday, February 8, 2005, at 7:00 p.m.

City Clerk

(SEAL)

Approved:

Mayor