

RICHMOND, CALIFORNIA, November 1, 2005

The Regular Meeting of the Richmond City Council was called to order at 7:02 p.m., by Vice Mayor Jim Rogers.

ROLL CALL

Present: Councilmembers Butt, Thurmond, 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

None.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

A motion was made by Councilmember Marquez, seconded by Councilmember Viramontes, to place a resolution in support of Measure J, the West Contra Costa Unified School District's Bond Measure, on the agenda as an emergency matter. Everett Jenkins, Interim City Attorney, informed the Council that based on conversations with the District Attorney, the proposed resolution did not qualify as an emergency item under the Brown Act. Discussion ensued and the Council recessed to Closed Session at 7:10 p.m., to discuss the matter further. The Open Session reconvened at 7:15 p.m., and Councilmember Marquez withdrew his motion to place the matter on the agenda.

Agenda Item I-9 was removed from the Consent Calendar.

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

Conference with Real Property Negotiators

1221 Macdonald Avenue: On motion of Councilmember Viramontes, seconded by Councilmember Bates, gave direction to the Real Property Negotiators by a vote of 8 ayes, 0 noes and 1 absent (McLaughlin).

Public Employee Evaluation

City Clerk: No final action taken.

Conference with Real Property Negotiators

Terminal No. 3: Three motions made during the closed session. (1) A motion was made by Councilmember Viramontes, seconded by Councilmember Bates, voted as follows: 7 ayes, 0 noes, 1 abstention (Butt), 1 absent (McLaughlin), gave direction

to the Real Property Negotiators. (2) A motion was made by Councilmember Viramontes, seconded by Councilmember Bates, voted as follows: 8 ayes, 0 noes, 1 absent (McLaughlin) gave additional direction to the real property negotiators concerning Terminal No. 3. (3) A motion was made by Councilmember Bates, seconded by Vice Mayor Rogers, voted 8 ayes, 0 noes, 1 absent (McLaughlin), gave additional direction to the Real Property Negotiators.

Conference with Real Property Negotiators

Update on negotiations for the Civic Center Master Developer: A report given. No final action taken.

Conference with Legal Counsel: Potential Litigation

One Case: Report given. No final action taken.

Conference with Legal Counsel: Existing Litigation

One Case: Ducre vs. City of Richmond: A motion was made by Councilmember Marquez, seconded by Councilmember Viramontes voted 7 ayes, 1 noe (Butt), 1 absent (McLaughlin), and approved settlement of the case. The settlement amount will be revealed later.

OPEN FORUM FOR PUBLIC COMMENT

Mike Ali encouraged the community to come together and tell the WCCUSD no by voting noe on Measure J on the November 8, 2005, ballot.

Naomi Williams stated that she visited King School on Friday during its' school-wide picnic. She also commented that King School is the only school in northern California that improved 122 points. She also thanked Rich Davidson, City Engineer, for working on the Carlson Boulevard and Cutting Boulevard drainage issue.

Ethel Dotson requested that the Council negotiate with Comcast to provide cable television at a rate of \$5 per month for the poor people and the seniors in the City of Richmond.

Robert O. Brown, President of Park Plaza Neighborhood Council, announced the neighborhood council's membership drive.

Paul Wilson introduced the "*One Accord*" Program.

Corky Booze gave comments regarding violence in the City of Richmond.

James Jenkins gave comments opposing Measure J.

Janet Lloyd-Massey gave comments regarding the Disabled Persons Recreation Center.

Nathan Rapp promoted the Hilltop Church of Christ's Thanksgiving dinner, which is open and free to everyone.

Al Engel complained about the business license notices he has been receiving from the City of Richmond regarding the property owner business license.

Karen Fenton, representing For the Children of West County, asked for support of Measure J.

Christina Slamon urged the residents and voters of Richmond to vote yes on Measure J.

Roz Plishner introduced several of her colleagues who spoke in favor of Measure J.

Aquacena Lopez spoke in support of Measure J.

Barbara Penny-James spoke in favor of Measure J.

Jim McMillan spoke in support of Measure J on behalf of BAPAC.

Gregory Engargiola spoke in opposition of Measure J.

Dave Brown spoke in favor of Measure J.

A motion was made by Councilmember Marquez, seconded by Councilmember Thurmond, to allow persons who arrived late to speak under Open Forum. The motion failed by the following vote: **Ayes:** Councilmembers Butt, Thurmond, and Marquez. **Noes:** Councilmembers Bates, Griffin, McLaughlin, Viramontes, and Vice Mayor Rogers. **Abstain:** None. **Absent:** Mayor Anderson.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

A proclamation in recognition of Arbor Day in the City of Richmond was presented by Vice Mayor Rogers to Julian Schotts, Principal, and Brent Ebberling, Fifth Grade Teacher, at King Elementary School who planted 25 trees in John F. Kennedy Park. Sharon West introduced the recipients and she thanked Debbi Landshoff, Recreation and Parks Commissioner, for getting the grant to enable the purchase of the trees.

Continued to November 15, 2005, a presentation on available Centennial Souvenirs.

Continued to November 15, 2005, a presentation of a proclamation in recognition of the 60th Anniversary of the United Nations.

CONSENT CALENDAR

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

*-Authorized purchase of the Versacast System, for cable TV playback. The total amount of the contract is \$42,585.

*-Authorized purchase from Sanderson Safety, Incorporated, for seven one-hour Carbon Fiber Self Contained

Breathing Apparatus (SCBA) Air Cylinders and 37 RIC Universal Air Connectors (UAC). The total amount of the purchase is \$18,946.84.

*-Authorized an amendment to a contract with Bassi, Martini, Edlin, & Blum, LLP, to provide legal services for the Richmond Swim Center and other litigation. This amendment will increase the total contract amount from \$9,999 to \$29,999.

*-Authorized payment of the City of Richmond's share of the West County Agency's cost-sharing fees in an amount not to exceed \$130,000.

*-Authorized the following payments to PG&E for service at the following City facilities:

(a) City Pump Stations and Hydrant Meters in an amount not to exceed \$50,000

(b) Wastewater Treatment Plant in an amount not to exceed \$500,000

*-Adopted **Resolution No. 151-05** amending Resolution No. 94-05 and adjusting appropriations for the 2005/06 WIA and Grant Programs in the amount of \$606,094.

*-Adopted **Resolution No. 152-05** approving a request from Heritage Park at Hilltop to remove the No Parking signs on Lakeside Drive between Research Drive and the south end.

*-Adopted **Resolution No. 153-05** installing a four-way stop at the intersection of 8th Street and Chanslor Avenue.

*-Adopted **Resolution No. 154-05** authorizing the Finance Department to proceed with refunding of the City's Limited Obligation Improvement Bonds Series 2000, Improvement District No. 1999-I, Country Club Vista and appoint an Underwriter, Bond Counsel, and a Financial Advisor.

*-Adopted **Ordinance No. 45-05, N.S.** adopting a Mitigated Negative Declaration and approving rezoning to Planned Area, PA, for an existing ± 11.42 acre vacant site located at 1689 Regatta Boulevard for development of 208 residential townhomes (**Councilmember McLaughlin voted noe**).

*-Adopted **Ordinance No. 46-05, N.S.** amending Chapter 3.59 of the Richmond Municipal Code to decrease the number of members on the Arts and Culture Commission from 15 to 11.

PUBLIC HEARINGS

None.

AGREEMENTS

None.

RESOLUTIONS

A proposed resolution supplementing Resolution No. 35-05 providing for the issuance of Pension Funding Bonds, approving the form of, and authorizing the execution and delivery

of an Indenture, Bond Purchase Agreement, and Letter of Instruction, and authorizing certain other actions in connection therewith was presented. Jim Goins, Finance Director, gave an overview of the matter. Discussion ensued. Councilmember Bates, stated that he would only support the proposed resolution if the cost savings are placed in a reserve account. Following discussion, on motion of Councilmember Viramontes, seconded by Councilmember Griffin, adopted **Resolution No. 155-05** by the unanimous vote of the Council.

ORDINANCES

None.

COUNCIL AS A WHOLE

In the matter to consider the Mayor's recommendations for appointments and reappointments to the following: **Arts and Culture Commission:** Ronna Space, term expiring January 31, 2008, completing an unexpired term; **Human Relations Commission:** Joseph Washington and Rock Brown, terms expiring March 30, 2008; **Design Review Board:** Robert Avellar, Incumbent, term expiring October 1, 2007; and **Recreation and Parks:** Lones T. Stern-Banks, term expiring October 26, 2006, completing an unexpired term. On motion of Councilmember Marquez, seconded by Councilmember Viramontes, approved the Mayor's recommendations, by the unanimous vote of the Council (**Councilmember McLaughlin abstained on the Arts and Culture Commission recommendation**).

In the matter of a report on the Trainmaster Reading Room/Plunge Property. Steve Duran, Community and Economic Development (CED) Agency Director gave an overview of the matter. The following individuals gave comments: Margaret Morkowski, Al Engel, James Byers, Walter Connolly, Jay Betts, Scott Hochstrasser, Richard Lompa, and Martin McNair. Discussion ensued. Rachel Dragolovich, Assistant City Attorney, and Alan Wolken, Community Redevelopment Agency, gave further explanation on the matter. The Council received the report.

In the matter of a review and discussion on a proposed policy and process for responding to Public Records Act requests. Bill Lindsay, City Manager, gave an overview of the matter. There were no speakers on the matter. Discussion ensued. A motion was made by Councilmember Bates, seconded by Councilmember Marquez to approve the policy and process, with an amendment to change the exemption for copies from \$1 to \$2. The motion passed, by the unanimous vote of the Council.

In the matter of a discussion and to consider a recommendation to approve the draft Council Travel/Debit Card Policy. Councilmember McLaughlin gave an overview of the matter. Corky Booze gave comments on the item. A motion by Councilmember Butt, seconded by Councilmember Viramontes, to approve the policy with the condition that upon the next review, the City Manager should provide staff's travel policy and provide a comparison, passed by the unanimous vote of the Council.

In the matter of a discussion and consider approving a recommendation regarding Councilmembers submitting requests to place items on the City Council Agenda to the City Manager's Office. Councilmember McLaughlin, gave an overview of the matter. She stated that all Councilmembers will make all agenda requests through the City Manager's Office, with the City Manager having responsibility to make sure all Councilmembers requests are placed on the agenda, and Trina Jackson, Council Assistant, will work with the City Manager for processing documentation and background materials. Following discussion, on motion of Councilmember Griffin, seconded by Councilmember McLaughlin, approved the recommendation, by the unanimous vote of the Council.

In the matter of a discussion and to consider approving a recommendation to move "Referrals to staff from the City Council" from Reports of Officers and place it as a separate item on the City Council agenda. Councilmember McLaughlin gave an overview of the matter. Corky Booze gave comments on the item. Following discussion, on motion of Councilmember McLaughlin, seconded by Councilmember Viramontes, approved placing Referrals to staff as a separate item on the agenda, by the unanimous vote of the Council.

In the matter of a discussion and decision regarding an overpass at Marina Way or Harbour Way South and directing staff to return with a financial analysis of the cost and source of funding. Steve Duran, CED Agency Director, gave an overview of the matter. Discussion ensued. Following discussion, on motion of Councilmember Bates, seconded by Councilmember Marquez, to stop any investigation underway regarding Harbour Way and to continue the investigation of the Marina Way alternative for an overpass or underpass, failed by the following vote: **Ayes:** Councilmembers Bates, Marquez and Vice Mayor Rogers. **Noes:** Councilmembers Butt, Thurmond, Griffin, McLaughlin, and Viramontes. **Abstain:** None. **Absent:** Mayor Anderson.

In the matter of a discussion to consider having a special planning session to address violence in the City of Richmond. Councilmember Thurmond gave an overview of the matter. Discussion ensued. Vice Mayor Rogers stated that it is time for the financial issues to be considered. Councilmember Thurmond stated that it is time for some action and develop complements to what the "Richmond Rises above Violence" Conference started. Councilmember Viramontes commented that the Councilmembers should have the opportunity to receive materials on best practices prior to the conversation to see what works. The following individuals spoke on the matter: Corky Booze and Mike Ali. Councilmember Viramontes said that key staff members should also be included. Councilmember McLaughlin commented that until funding issues are resolved it would be an academic exercise. She again stated her support of removing the Utility Users Tax Cap to help stem the violence. She also recommended that police officers "walk the beat", and implement the 17 conditions recommended in 2002 by the Community Involved Policing Group. Councilmember Thurmond suggested that an opportunity should be given to the Councilmembers to work with the City Manager to craft the agenda for the discussion and direct the City Manager to take the lead regarding facilitation of the session. He stated that it would not be necessary to spend money on a consultant. Councilmember Bates stated that it is

necessary to have someone on board who can bring the necessary parties to the session—someone not in the City’s mainstream. Following discussion, a motion by motion of Councilmember Thurmond, seconded by Councilmember Viramontes, to: (1) convene a special strategy planning session to develop long-term and short-term solutions to address violence and crime in the City of Richmond, (2) the Council will be responsible for developing the agenda for the session, and, (3) direct the City Manager to provide a financial report on the Richmond Rises above the Violence conference, including source of funds, by the unanimous vote of the Council.

In the matter to consider approving replacing the Councilmembers’ Code of Conduct with the City of Richmond’s Code of Ethics. The following individuals spoke on the matter: Corky Booze and Mike Ali. Following discussion, on motion of Councilmember Griffin, seconded by Councilmember Viramontes approved the proposal, by the unanimous vote of the Council.

In the matter to consider a recommendation to rescind Councilmember Thurmond’s appointment to the Rules and Procedures Committee and approve a recommendation to appoint Councilmember Thurmond to the Finance Committee and as liaison to the Youth Commission. There were no speakers on the matter. On motion of Councilmember Bates, seconded by Councilmember Griffin, approved the recommendation, by the unanimous vote of the Council.

COMMUNICATIONS

None.

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

Reports of Chairpersons of:

- a. Finance Standing Committee. There was no report.
- b. Public Safety Standing Committee. There was no report.
- c. Rules and Procedures Standing Committee
Councilmember McLaughlin, announced that at the last meeting the Committee elected her as Chairperson. The next meeting will be held on December 28, 2005, at 8:30 a.m.
- d. Report from the Mayor. There was no report.

General Reports from Councilmembers and staff

Bill Lindsay, City Manager

Reported that the Police Chief recruitment is ongoing. He stated that two candidates remain out of six and call back interviews have been scheduled.

Councilmember Bates

Requested the meeting be adjourned in memory of Bill King, Oakland A's Sport Announcer.

Councilmember Marquez

Requested the meeting be adjourned in memory of Genoveva Lopez.

Participated in a Police Ride Along, and encouraged his colleagues to do the same.

Councilmember McLaughlin

Participated in two rallies against violence. One was sponsored by the Latina Center and the other sponsored by MASK (Mothers Against Senseless Killing).

Councilmember Viramontes

Gave a report on a conference she attended along with former Councilmember Mindell Penn in May regarding Regional Equity.

Referrals to staff from the City Council

Vice Mayor Rogers requested the City Manager provide the Finance Committee a plan for being able to analyze the different funding sources from different types of developments, specifically, what some of the costs are and what some of the income coming in and to come back with a proposal for giving the Council such information

ADJOURNMENT

There being no further business adjourned the meeting at 11:11 p.m., in memory of Bill King, Rosa Parks, and Genoveva Lopez to meet again on Tuesday, November 15, 2005, at 7:00 p.m.

City Clerk

(SEAL)

Approved:

Mayor