

RICHMOND, CALIFORNIA, May 5, 2009

The Regular Meeting of the Richmond City Council was called to order at 5:07 p.m. by Mayor Gayle McLaughlin.

ROLL CALL

Present: Councilmembers Bates, Butt, Lopez, Ritterman, and Mayor McLaughlin. **Absent:** Councilmembers Rogers and Viramontes

PUBLIC COMMENT

The city clerk announced that the purpose of the Open Session was for the City Council to hear public comments on the following items to be discussed in Closed Session:

CITY COUNCIL

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Initiation of litigation pursuant to Subdivision (c) of Section 54956.9): Two cases.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9): Andre Mogannam vs. City of Richmond: Claims Settlement Authorization; Martin vs. City of Richmond; Citizens of the East Shore State Parks vs. City of Richmond; Communities for a Better Environment vs. City of Richmond

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Initiation of litigation pursuant to Subdivision (c) of Section 54956.9): One case

There were no public speakers.

The Open Session adjourned to Closed Session at 5:08 p.m. (Councilmembers Rogers and Viramontes arrived after the Council adjourned to Closed Session). The Closed Session adjourned at 6:58 p.m. The Regular Meeting of the City Council was reconvened at 7:19 p.m. by Mayor Gayle McLaughlin.

ROLL CALL

Present: Councilmembers Bates, Butt, Lopez, Ritterman, Rogers, Viramontes, and Mayor McLaughlin. **Absent:** None.

STATEMENT OF CONFLICT OF INTEREST

Councilmember Butt stated a conflict of interest with Item G-2, G-3, and G-4. He recused himself from discussions on these items.

AGENDA REVIEW

Withdrew Item G-6 from the agenda. Removed Items E-3 and E-7 from the Consent Calendar. Combined Items G-3 and G-4 to be heard together.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Mayor McLaughlin read a proclamation designating May 4th through May 10th as Public Service Recognition Week. Corky Booze and Jackie Thompson spoke on this item.

City Manager Bill Lindsay presented the Manager and the Employee of the Year Awards. Nominees for Employee of the Year were: Janice Arnold, Demetria Foster, Paul Giaramita, Robbie Hurtado, Wilber Gomez, John Hood, Larry Oraboni, Tyrone Nesbit, and Stacy Wilborn. The nominees for manager of the year were: Jerry Anderson, Kinshasa Curl, Gina De la Torre, Kathy Gerk, Ken Kirton, Kris Lofthus, Nickie Mastay, Jill Perry, Michael Schlemmer, and Alan Wolken. The Employees of The Year were Wilber Gomez, John Hood, and “Larry Oraboni of Public Works. Manager of The Year was Kinshasa Curl of Redevelopment. Speakers were: Harpreet Sandhu, Corky Booze, and Jackie Thompson.

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

No report action on any of the items discussed in Closed Session.

CONSENT CALENDAR

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

*-**Approved** the purchase and installation of nine Motorola high-band base radios and accessories from Khavarian Enterprises, Inc., dba Vision Communications Co., in the amount of \$17,152.12.

*-**Adopted Resolution No. 37-09** authorizing the execution and delivery of a swap agreement

relating to the City's wastewater bonds and authorizing certain other actions in connection therewith.

A proposed resolution memorializing the July 2007 authorization of service contracts for as-needed CEQA consulting services in an amount not to exceed \$400,000 per vendor, per project over a three-year period, August 2007 through July 2010, was presented. A motion was made by Vice Mayor Lopez, seconded by Councilmember Viramontes to approve the item with a technical revision to change Steve Hurst's service area to artist. A substitute motion was made by Councilmember Bates, seconded by Councilmember Butt, to delete obsolete individuals and direct staff to provide justification of individuals that are of concern to the Councilmembers and allow staff to provide an updated list on May 19, 2009. Lorie Reese-Brown of the Planning Department spoke on this item and requested the resolution be adopted in order to avoid any project interruptions. Following discussion, Councilmember Viramontes called for the question. Discussion continued and the substitute motion passed by the following vote: **Ayes:** Councilmember Bates, Butt, Ritterman, Rogers, and Mayor McLaughlin. **Noes:** None. **Abstention:** Councilmember Viramontes and Vice Mayor Lopez. **Absent:** None.

The city clerk announced the time was 12:01 a.m. A motion was made by Councilmember Butt, seconded by Councilmember Viramontes to adjourn the Council Meeting. A substitute motion was made by Mayor McLaughlin, seconded by Councilmember Rogers to extend the meeting for five minutes. The motion passed with Councilmembers Butt and Viramontes voting noe.

***-Adopted Ordinance No. 10-09**
amending Richmond Municipal Code Section 9.46 to strengthen restrictions on alcoholic beverage advertising.

***-Adopted Resolution No. 38-09**
authorizing City departments to submit applications for American Recovery and Reinvestment Act of 2009 (ARRA) funding and appropriating any resulting grant proceeds into the departments' or capital improvement program budget, as appropriate.

***-Approved** a second amendment to the Pre-Development Services Agreement between the City of Richmond and Auto Warehousing Company (AWC), providing for \$1,055,000 in additional reimbursement to AWC for documented pre-development expenses incurred

pursuant to the initial Pre-Development Services Agreement between the Port of Richmond (POR) and AWC.

A proposed recommendation by the Finance Committee to direct staff, working with Glen Price, to apply for a Federal DOE stimulus grant to support Greenprint and request inclusion from Congressman Miller in the Transportation Bill, and apply for future Greenprint funding opportunities, as long as no City money is needed for a match was presented. City Manager Bill Lindsay spoke on this item. Following discussion, a motion was made by Councilmember Butt, seconded by Councilmember Rogers to approve the item. A friendly amendment was offered by Vice Mayor Lopez to approve the item with the stipulation that this project would be second priority to the Marina Way Project. The amendment was accepted. The motion passed by the following vote: **Ayes:** Councilmembers Bates, Butt, Ritterman, Rogers, Vice Mayor Lopez, and Mayor McLaughlin. **Noes:** None. **Abstentions:** Councilmember Viramontes. **Absent:** None.

OPEN FORUM FOR PUBLIC COMMENT

Corky Booze requested assistance from a City Councilmember to organize a safe bicycle passage way through the City of Richmond and Councilmember Butt volunteered to help. Mr. Booze also requested the City organize a public meeting with owners that have a fence adjacent to the Greenway.

Jackie Thompson stated her concern regarding the amount of trash in the Coronado District along Marina Way. She also expressed the need for City staff to be courteous when dealing with the public.

Maxine Henagan expressed her disappointment for the lack of attention given to Parchester Village by the City of Richmond.

Juan Reardon thanked Mayor McLaughlin for her leadership.

Tom Waller spoke regarding the green initiatives. He also spoke regarding the styrofoam band.

A.J. Jelani thanked Police Chief Chris Magnus for speaking at the Beldingwood Neighborhood Counsel Meeting.

Simms Thompson expressed his appreciation that the City of Richmond encourages its employees by presenting employee and manager of the year awards. He also stated that the City should invest in cross-training

employee. He also stated that there are many dilapidated phone booths that should be removed throughout the City of Richmond.

Yolanda Jones stated she owned a construction company within the City of Richmond and requested assistance in joining the City's bid list.

COUNCIL AS A WHOLE

In the matter to acknowledge receipt of the proposed Fiscal Year 2009-2010 Annual Operating Budget and proposed Fiscal Years 2009-2014 Five-Year Capital Improvement Budget pursuant to Section 2.61.010 of Ordinance 42-07, and confirm schedule for final adoption. Finance Director Jim Goins gave an overview of the item. Vice Mayor Lopez announced that the first community meeting to give a state of the financial status of the City including a presentation of the Five-Year Capital Improvement Budget will be held on Saturday, May 9, 2009, at 2:00 p.m. at 376 South Street. On motion of Councilmember Viramontes, seconded by Vice Mayor Lopez, acknowledged receipt of the proposed Fiscal Year 2009-2010 Annual Operating Budget and proposed Fiscal Year 2009-2014 Five-Year Capital Improvement Budget by the unanimous vote of the Council.

Councilmember Butt recused himself on this item. In the matter to receive an update on the status of the Chevron Hydrogen Renewal Project, including construction permits issued, planned phases of construction, implementation of mitigation measures, and compliance with the conditions of use permit. Planning Director Richard Mitchell introduced Senior Planner Lamont Thompson who gave an overview of the item. Ana Orozco and Janie Anker spoke on this item. Mayor McLaughlin thanked staff for the update. On mention of Councilmember Viramontes, seconded by Vice Mayor Lopez received the update of the Chevron Hydrogen Renewal Project by the unanimous consent of the Council.

This item was heard concurrently with Item G-4. Councilmember Butt recused himself on this item. In the matter to adopt a resolution to submit to Richmond voters an ordinance amending the City's Utility Users' Tax (UUT) so that all users, including large industrial users, shall pay utility users' taxes based on actual usage, and to ensure that the tax covers all gas which is used or consumed to produce energy or for any other purpose, at the November 2010 election, and direct staff to take all steps to include it in the official election resolution that will be prepared next June for the November election. Councilmember Ritterman gave an overview of

this item. Speakers were: Juan Reardon, Tom Waller, Margaret Jordan, Janie Anker, and Jovanka Beckles. Following discussion, a motion was made by Councilmember Rogers, seconded by Councilmember Ritterman to adopt the resolution with an amendment to the language that reads “Shall the City of Richmond amend the Utility Users’ Tax Ordinance to eliminate the provision that allows large industrial users to pay a lower tax rate and require them to pay the same rate as other tax payers for utility use” and direct the city attorney to capture as much of the statement as legally possible. If changes are not possible, the language will remain as presented. Discussion continued and a substitute motion was made by Councilmember Viramontes, seconded by Vice Mayor Lopez to approve Items G-3 and G-4 as two separate ballot measures for the November 2010 election. Discussion continued. Councilmember Rogers requested that the city attorney include language that makes it clear that the issue is about people that are building their own internal gas pipeline system. Further discussion ensued. Councilmember Ritterman requested that Councilmember Viramontes withdraw her substitute motion due to the additional information and language provided. Councilmember Viramontes withdrew her substitute motion. Councilmember Ritterman accepted the language change suggested by Councilmember Rogers. The original motion passed by the following vote: **Ayes:** Councilmember Bates, Ritterman, Rogers, Viramontes, Vice Mayor Lopez, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Butt. The amended resolution will be placed on the Consent Calendar for approval at a future meeting.

This item was heard concurrently with Item G-3. Councilmember Butt recused himself on this item. In the matter to adopt a resolution to submit to Richmond voters an ordinance amending the City's Utility Users' Tax, so that all users, including large industrial users, shall pay utility users’ taxes based on actual usage, at the November 2010 election, and direct staff to take all steps to include it in the official election resolution that will be prepared next June for the November election. Councilmember Rogers gave an overview of the item. Speakers were: Juan Reardon, Tom Waller, Margaret Jordan, Janie Anker, and Jovanka Beckles. Following discussion, a motion was made by Councilmember Rogers, seconded by Councilmember Ritterman to adopt the resolution with an amendment to the language that reads “Shall the City of Richmond amend the Utility Users’ Tax Ordinance to eliminate the provision that allows large industrial users to pay a lower tax rate and require them to pay the same rate as other tax payers for utility use” and direct the city attorney to capture as

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In the matter to approve an allocation of \$10,000 to assist in funding the North Richmond Shoreline Open Space Festival on September 26, 2009, and direct staff to include such funding in the Fiscal Year 2009-2010 Annual Operating Budget. Mayor McLaughlin gave an overview of the item. Speakers were: Dr. Henry Clark, Adrienne Harris, Doria Robinson, Tom Waller, Tania Pulido, Janie Anker, Jovanka Beckles, and Joshua Genser. Following discussion, a motion was made by Councilmember Butt, seconded by Mayor McLaughlin to approve the allocation with the condition that none of the money can be used for political purposes. A friendly amendment was offered by Councilmember Butt to direct the Shoreline Committee to provide receipts to the City, submit a budget, and a summary of how the money was spent after the event. The amendment was accepted. An amendment was offered by Councilmember Viramontes that the request for the bulk mail permit be eliminated. Councilmember Butt refused the amendment. A friendly amendment was offered by Vice Mayor Lopez to direct staff to review the pamphlet before the bulk mail permit can be used. The friendly amendment was accepted. The item was approved with the amendments by the following vote: **Ayes:** Councilmembers Bates, Butt, Ritterman, Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** Councilmember Viramontes and Vice Mayor Lopez. **Absent:** None.

Withdrew from the agenda the matter to direct staff to work with the Contra Costa County Homeless Program to develop and implement a

plan to effectively utilize \$599,735 in HUD homelessness prevention funds, allocated to the City of Richmond pursuant to the American Recovery and Reinvestment Act, for homelessness prevention and rapid re-housing, and authorize staff to enter into agreements necessary to facilitate this partnership.

Continued to May 19, 2009, the matter to discuss and direct staff concerning approaches to increase the utilization of under-utilized land in the Richmond BART area.

REPORTS OF OFFICERS: STANDING COMMITTEE REPORTS, REFERRALS TO STAFF, AND GENERAL REPORTS (INCLUDING AB 1234 REPORTS)

None.

ADJOURNMENT

There being no further business, the meeting adjourned at 12:11 a.m. in memory of Carrie Mae Hill, to meet again on Tuesday, May 19, 2009, at 7:00 p.m.

City Clerk

(SEAL)

Approved:

Mayor