

**RICHMOND, CALIFORNIA, June 15,
2010**

The Richmond City Council Evening Open Session was called to order at 5:05 p.m. by Mayor Gayle McLaughlin.

ROLL CALL

Present: Councilmembers Butt, Rogers, Vice Mayor Ritterman, and Mayor McLaughlin.
Absent: Councilmembers Bates, Lopez, and Viramontes arrived after adjourning to Closed Session.

PUBLIC COMMENT

The city clerk announced that the purpose of the Evening 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 - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9): Terra Smith vs. City of Richmond; Carnahan vs. City of Richmond; Carnahan vs. City of Richmond; Carnahan vs. City of Richmond; Booker vs. City of Richmond; Jenkins vs. City of Richmond; San Francisco Baykeeper vs. City of Richmond; Communities for a Better Environment (CBE) vs. City of Richmond

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8): Property: Point San Pablo Yacht Harbor
Agency Negotiators: Bill Lindsay and Steve Duran
Negotiating Party: Fast Lane, Inc.
Under Negotiation: Price and Terms

There were no public speakers.

The Evening Open Session adjourned to Closed Session at 5:07 p.m. The Closed Session adjourned at 6:34 p.m.

The Special Meeting of the Richmond Housing Authority was called to order at 6:46 p.m. by Mayor McLaughlin who led the Pledge of Allegiance to the Flag. (*See Housing Authority Minutes rha10June15*)

The Joint Meeting of the Richmond Redevelopment Agency/Richmond City Council was called to order at 6:49 p.m. by Mayor McLaughlin. (*See Redevelopment Minutes RCRA15June2010*).

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

None.

Councilmember Bates requested that Item L, which is Reports of Officers, be moved to welcome and introduce members of the Zhoushan, China Sister City delegation. A representative of Zhoushan stated that they were here taking some classes at Contra Costa College and visiting Richmond. Gifts were presented to the Mayor and City Council.

OPEN FORUM FOR PUBLIC COMMENT

Leonard Taylor urged Richmond residents not to shoot guns on the 4th of July. Mr. Taylor also informed that there will be a video game convention. For more information you can check California Extreme 2010 at www.caextreme.org.

Cordell Jones spoke in favor of having heightened security at Richmond High School.

Texanita Bluit gave comments regarding blight throughout the City, especially a vacant lot at 2700 Cutting Boulevard, and vacant homes at 4519 Potrero Avenue, and 5402 Potrero Avenue.

Everett Jenkins, Assistant City Attorney, stated that he was honored to have been the recipient of the 2010 Fred Breen Humanitarian of the Year Award given on June 3, 2010.

Corky Booze expressed appreciation to City Manager, Bill Lindsay, and Police Chief, Chris Magnus for finally installing surveillance cameras at the Nichol Park skate park. Mr. Booze also thanked Captain Anthony Williams for attending the Parchester neighborhood Village meeting. Mr. Booze also stated that the streets in Parchester Village are in very bad condition.

Jackie Thompson asked for clarification on what the procedure is for following up on issues and concerns that residents bring to the City Council.

Antwon Cloird expressed concern regarding the way the City Council show a lack of respect for each other.

Eleanor Thompson thanked the Office of Neighborhood Safety for assisting her family when her family member was murdered in North Richmond. Ms. Thompson also asked Councilmember Rogers to initiate a matter on the ballot that would create a youth fund.

Amanda Elliot, Executive Director of the Main Street Initiative, thanked the City Council for their continued support of community-building events held throughout the City.

James Walker stated that many City vehicles don't have the City logo nor the City's website displayed.

Michael Parker informed regarding a successful neighborhood watch story regarding burglaries in their neighborhood.

AJ Jelani announced that there will be tryouts for the 'Richmond's Got Talent Show will take place on July 23, 2010, at the Richmond Auditorium.

Frances Moulton spoke against the prosecution of cannabis dispensaries in the city.

Tamika Taylor spoke on behalf of Richmond cannabis clubs and the need to keep them open.

John Clay spoke in favor of cannabis clubs and the need to keep them operating in Richmond.

AGENDA REVIEW

Items H-1, H-2, H-9, H-11, H-15, H-23, and H-24 were removed from the Consent Calendar. Vice Mayor Ritterman stated that Item J-2 is being withdrawn from the agenda and was referred to the Human Rights & Human Relations Commission.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

A proclamation honoring and commemorating Juneteenth, "Emancipation Day," in the City of Richmond, a day to recognize the liberation of African Americans from slavery after it was abolished in the United States in 1863 was presented by Mayor McLaughlin to Jerrold Hatchett who received the proclamation on behalf of the Juneteenth Festival Committee. Cordell Jones, Antwon Cloird, and Rhonda Harris gave comments.

Mayor McLaughlin presented certificates to participants of the Richmond Crime Prevention TECHS After School Program who read the most books this year in the TECHS ALL-STARS Reading is Fun Book Club. Director, Felicia Taylor gave an overview of the program. Corky Booze gave comments.

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

City Attorney Randy Riddle reported the following City Council actions: a settlement in the amount of \$77,400 in the matter of Terra Smith vs. City of Richmond; a settlement in the amount of \$75,000 for a worker's compensation claim in the matter of Carnahan vs. City of Richmond; and a settlement in the amount of \$62,500 for a liability claim in the matter of Carnahan vs. City of Richmond.

CITY COUNCIL CONSENT CALENDAR

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

The matter to approve a contract with Maze & Associates to conduct external audits for the City of Richmond for the three separate fiscal years ending June 30, 2010; June 30, 2011; and June 30, 2012 for a total amount not to exceed \$1,058,775. (This item was reviewed and recommended for approval by the Finance Committee on June 4, 2010) was presented. David Bullock gave comments. A motion was made by Councilmember Bates, seconded by Vice Mayor Ritterman, approved the contract by the unanimous vote of the Council. Councilmember Butt asked for clarification regarding points given to bidders for employee diversity.

The matter to approve a contract with Maggie W. Stern in the amount of \$50,000.00 for the period from July 1, 2010, to December 31, 2010, to provide legal services to the Police Department in connection with the preparation of a civil gang injunction, as well as assistance with Code Enforcement activities and general legal matters was presented. A motion by Vice Mayor Ritterman, seconded by Councilmember Viramontes, approved the contract by the unanimous vote of the Council.

*-Approved a one-year extension for the current subscription for Bloomberg Professional Service in the amount of \$22,800 for management of the city's investment and debt-related activities for a term from July 1, 2010, to June 30, 2011.

*- Adopted **Resolution No.69-10**, approving the 2010-11 Appropriations Limit for the City of Richmond pursuant to Article XIII B, as amended by the Constitution of the State of California.

*-Approved a renewal of a lease agreement between the City of Richmond (as lessor) and the YWCA of Contra Costa County (as lessee) for the use of space at the west wing of the Richmond Recreation Complex for the operation of a child care program. The

lease is for a five-year term from April 1, 2010, through March 31, 2015, and has a rate of \$2,700 per month.

*-Approved a contract with Solar Richmond to provide consulting services to the city for the Municipal Solarization Project at a total cost not to exceed \$45,000 for the period of June 15, 2010, through September 30, 2012.

*-Approved renewals of two leases with the YMCA of The East Bay for the city-owned buildings located at 1350 Kelsey Street and 445 8th Street in Richmond. The lease period is for five years commencing on June 25, 2010, and terminating on June 30, 2015, with total lease revenue of \$1,545.00 per month.

*- Approved a one-year contract with Hargis & Associates to develop and administer promotional examinations for police captain, lieutenant and sergeant in an amount not to exceed \$46,250 for a term from July 1, 2010, to June 30, 2011.

The matter to approve a contract amendment approved a contract amendment with Trisha A. Aljoe in the amount of \$150,000 to provide continued legal services with respect to the Police Department in connection with Code Enforcement activities, drug house abatement matters, and general legal matters. The term of the contract shall be July 1, 2010, through June 30, 2012 was presented. John Clay gave comments. A motion by Councilmember Viramontes, seconded by Councilmember Rogers, approved the contract by the following vote: **Ayes:** Councilmembers Bates, Butt, Lopez, Rogers, and Viramontes. **Noes:** None. **Abstain:** Vice Mayor Ritterman and Mayor McLaughlin. **Absent:** None.

A motion by Councilmember Viramontes, seconded by Councilmember Rogers, extended the meeting. Councilmembers Bates and Butt objected).

*-Approved a grant of easement to T-Mobile West Corporation for use as a non-exclusive 15-foot-wide easement for access and utilities from the public street known as Heavenly Ridge Lane, for consideration to the City of Richmond in the amount of \$10,000 for an initial 10-year term, and additional payments thereafter if the grant of easement is extended.

A motion by Vice Mayor Ritterman, seconded by Councilmember Viramontes, placed this item back on the Consent Calendar, and adopted **Resolution No.70-10** authorizing an extension of the current Memorandum of Understanding between the City and SEIU Local 1021 in accordance with the terms of the Tentative Agreement reached between the parties' representatives.

*-Approved the purchase of 46 Remington 870 shotguns from LC Action Police Supply, in an amount not to exceed \$21,538.

*-Approved a professional services contract with the Pakpour Consulting Group, Inc. to provide on-call engineering plan check services in an amount not to exceed \$300,000 over a three-year period (This item was reviewed and recommended for approval by the Finance Committee on June 4, 2010).

*-Approved the purchase of 150 Glock service pistols and applicable accessories from LC Action Police Supply, in an amount not to exceed \$89,721.

A motion by Vice Mayor Ritterman, seconded by Councilmember Viramontes, placed this item back on the Consent Calendar, and approved the 2010/2011 Amended North Richmond Waste & Recovery Mitigation Fee Joint Expenditure Plan created to lessen the impact of illegal dumping and blight on the North Richmond community and AUTHORIZE the staff to expend mitigation funds consistent with the Expenditure Plan.

*-Adopted **Resolution No. 71-10** renewing and continuing the local emergency due to sinkhole damage on Via Verdi first proclaimed by the city manager on April 22, 2010, ratified by the City Council on April 27, 2010, and renewed and continued by the City Council on May 18, 2010.

*-Adopted **Ordinance No. 20-10** amending Chapters 9.20 and 9.21 of the Richmond Municipal Code to revise the definition of solid wastes to exclude recyclables and to allow for biweekly collection of residential food waste mixed with green waste for composting.

*-Adopted **Ordinance No. 21-10** amending Richmond Municipal Code Section 15.06.070 to clarify the scope of exemptions for official notices, traffic control signs, and danger signs.

*-Adopted **Resolution No. 72-10** appropriating to the Fiscal Year 2009/2010 Budget \$90,000 in funds received from Upstream Point Molate LLC to pay for certain professional and legal services contracts previously approved by the City Council associated with the Land Disposition Agreement between the City of Richmond and Upstream Point Molate LLC.

*-Approved an amendment to the contract with Sally Swanson Architects in an amount not to exceed \$50,000 to complete the City-wide accessibility study and produce a transition plan for increasing accessibility where necessary, in compliance with the Americans with Disabilities Act.

*-Adopted **Resolution No. 73-10** calling and giving notice of the holding of a Municipal Election to be held on Tuesday, November 2, 2010, for the election of certain officers as required by the provisions of the Charter of the City of Richmond; requesting the Board of Supervisors of Contra Costa County to consolidate the Municipal Election with the Statewide General

Election; adopting regulations for candidates pertaining to the candidates' statements submitted to the voters, cost of the candidates' statements and other fees, word limit for candidate's statement; and action to be taken for a tie vote.

*-Approved an amendment to the contract with the law firm of Meyers, Nave, Riback, Silver and Wilson to continue to represent the city in the lawsuits entitled Booker vs. City of Richmond, et al. and Jenkins vs. City of Richmond, et al. in the amount of \$500,000.

The matter to approve a contract with Psomas for construction management services related to modifications to the Greenway, Phase II project in the amount of \$28,000.00. The Greenway modifications are necessary to address privacy and security issues raised by residents in the area. (This item was reviewed and recommended for approval by the Finance Committee on June 4, 2010) was presented. Corky Booze gave comments. A motion by Councilmember Butt, seconded by Councilmember Viramontes, approved the contract by the unanimous vote of the Council.

The matter to approve Contract Amendment No. 2 with GradeTech, Inc. related to modifications to the Greenway, Phase II project to increase the contract value by \$20,000 for a total of \$1,111,149.24. The Greenway modifications are necessary to address privacy and security issues raised by residents in the area. (This item was reviewed and recommended for approval by the Finance Committee on June 4, 2010) was presented. Corky Booze gave comments. A motion by Councilmember Viramontes, seconded by Councilmember Butt, approved the contract by the unanimous vote of the Council. Councilmember Viramontes requested a mid-year report regarding greenway issues.

PUBLIC HEARINGS

CONTINUED TO JULY 20, 2010, a public hearing on an appeal by Maria Arechiga of the Planning Commission's decision to deny a Conditional Use Permit to establish a mobile fast-food restaurant (taco truck) at 3700 Macdonald Avenue.

The city clerk announced this was the time set, pursuant to published notice, to conduct a public hearing to receive public comment on the proposed wastewater increase and consider introducing an ordinance (first reading) setting wastewater user rates for Fiscal Years 2011-2012 through 2013-2014. The recommended annual rate increases are 5% for each of these three fiscal years (The public hearing was opened on June 1, 2010). Only 308 protests have been received from affected residents. In order for the City to not be able to move forward with the increase, 9,918 protests from impacted residents were required. Mayor McLaughlin declared the public hearing open. The following individuals gave comments: Mike Ali,

Naomi Williams, James Walker, Charles Smith, and Owen Martin. A motion by Vice Mayor Ritterman, seconded by Councilmember Viramontes, closed the public hearing by the unanimous vote of the Council. City Clerk, Diane Holmes, announced that the number of protests remains at 308. Discussion ensued. Councilmember Lopez made a motion to delay the wet weather peak flow storage project and the Keller Beach Pipeline project that total \$16 million, thereby further reducing the increase to less than 5%. The motion died for lack of a second. A motion by Councilmember Butt, seconded by Vice Mayor Ritterman, said ordinance received first reading and was laid over two weeks for second reading, by the following vote: **Ayes:** Councilmembers Bates, Butt, Lopez, Rogers, Vice Mayor Ritterman, and Mayor McLaughlin. **Noes:** Councilmember Viramontes. **Abstain:** None. **Absent:** None. **Councilmember Viramontes asked that the following letter from EBMUD General Manager, Dennis M. Deimer, dated June 15, 2010, be included in the minutes and reads as follows:** *Subject: City of Richmond Wastewater Services Dear Mr. Lindsay: The East Bay Municipal Utility District (EBMUD) has been asked to clarify our current position regarding the potential provision of wastewater treatment services for the City of Richmond's (City) wastewater flows. Nearly a decade ago, EBMUD prepared a detailed proposal to provide wastewater treatment services to the City as part of a competitive selection process undertaken by the City. Although EBMUD's proposal was not accepted and the City selected a private company for this endeavor, we have found other opportunities to utilize excess available capacity at our Main Wastewater Treatment Plant (MWWTP). We have implemented renewable energy initiatives that generate significant revenues, produce renewable energy, and effectively utilize available treatment capacity. The regulatory landscape has also changed significantly over the last ten years. EBMUD is currently under a regulatory order issued by the Regional Water Quality Control Board (RWQCB) on January 14, 2009, prohibiting discharges from EBMUD's three Wet Weather Facilities. On July 22, 2009, a Stipulated Order for Preliminary Relief issued by U.S. EPA, the State Water Resources Control Board, and RWQCB became effective, requiring EBMUD to undertake work to identify and reduce sources of infiltration and inflow to the East Bay collection systems, which is essential to ceasing discharges from the Wet Weather Facilities. EBMUD's proposal to the City 10 years ago relied on sending wet weather flows from the City to EBMUD's Point Isabel Wet Weather Facility—an alternative that is no longer feasible given this significant change in the regulatory landscape. In light of the above developments, EBMUD is no longer actively pursuing bringing wastewater from other communities to our plant. However, EBMUD would be willing to enter preliminary discussions with City staff to determine if this concept warrants further consideration, subject to the following key conditions: A formal resolution is passed by the Richmond City Council indicating an interest in pursuing EBMUD as a wastewater treatment services*

provider. The City agrees to reimburse EBMUD for staff time required to develop alternatives and work with City staff to review, evaluate, and refine these options. The City agrees to establish evaluation threshold criteria at the outset, including net benefit to EBMUD customers, no (or negligible) impacts to EBMUD priorities, and no jeopardy to EBMUD's exemplary regulatory and environmental compliance record. If subsequent preliminary discussions between EBMUD and City staff yield a potentially viable alternative, additional work would need to be completed prior to moving forward, including more detailed studies, environmental documentation, community outreach, financing arrangements, regulatory approvals, etc.

RESOLUTIONS

The matter to adopt a resolution to urge Contra Costa County to opt out of the Secure Communities Agreement to protect the human rights of immigrant families was presented by Mayor McLaughlin. The following individuals gave comments: Blanca Hernandez, Rafael Madrigal, Jose Rivera, Roberto Reyes, Andres Soto, and Maria Rivera. Councilmember Viramontes asked that an amendment be included in the resolution that: *“Whereas, the “Secure Communities” Program specifically mandates the collaboration between local police and immigration that would require the automatic investigation of the immigration status of anyone, citizen or non-citizen, who is arrested and fingerprinted for any crime, no matter the severity, by electronically crosschecking their fingerprints against an ICE data base”*. A motion by Mayor McLaughlin, seconded by Vice Mayor Ritterman, **Resolution No. 74-10** was adopted by the following vote: **Ayes:** Councilmembers Bates, Butt, Lopez, Rogers, Vice Mayor Ritterman, and Mayor McLaughlin. **Noes:** Councilmember Viramontes. **Abstain:** None. **Absent:** None.

REFERRED to the Human Relation/Human Rights Commission a resolution supporting the United Nations Security Council condemnation of the recent Israeli attack on the Gaza-bound humanitarian aid flotilla, including two Richmond residents, and calling for the safe and humane treatment of all individuals delivering international aid.

COUNCIL AS WHOLE

The matter to approve and adopt the following resolutions for Fiscal Year 2010/11: (a) a resolution approving and adopting the Fiscal Year 2010-2011 Budget for the Richmond Community Redevelopment Agency in the amount of \$90,096,671 (including Operating Costs of \$19,611,671 and Project and Program Costs of \$70,485,000) and the Five Year 2010-2015 Capital Project and Program Budget totaling \$75,651,000; and (b) the following resolutions for the City of Richmond: (1) approving the Fiscal Year 2010-11 Operating Budget and (2) the Fiscal Year 2010-15

Five-Year Capital Improvement Budget was presented by City Manager, Bill Lindsay. Councilmembers Lopez and Viramontes asked for clarification on \$12 million shortfall that the current fiscal year will end on. Discussion ensued. Further discussion will take place during the City Council retreat. *(A motion by Councilmember Viramontes, seconded by Councilmember Lopez, extended the meeting 30 minutes to 11:30 p.m. – Councilmembers Bates and Butt objected).* A motion by Councilmember Lopez, seconded by Mayor McLaughlin, continued this matter to the June 22, 2010, City Council meeting, by the unanimous vote of the Council.

The matter to provide direction to staff regarding adopting an ordinance that regulates the use of public walkways for outdoor dining at restaurants was presented by Councilmember Butt. A motion by Councilmember Butt, seconded by Councilmember Viramontes directed staff to draft an outdoor dining ordinance by the unanimous vote of the Council.

ADJOURNMENT

There being no further business, the meeting adjourned at 12:11 p.m. in memory of Elder Vernon B. Robinson, and Father John Maxwell of St. John's Church to meet again on Tuesday, June 22, 2010, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor