

**RICHMOND, CALIFORNIA, January 20,
2009**

The Regular Meeting of the Richmond City Council was called to order at 5:02 p.m. by Mayor Gayle McLaughlin.

ROLL CALL

Present: Councilmembers Butt, Lopez, Ritterman, Viramontes, and Mayor McLaughlin.
Absent: Councilmember Bates and Rogers (Councilmember Rogers arrived at 5:06 p.m.).

PUBLIC COMMENT

The acting 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 - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9): Booker et al vs. City of Richmond

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

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8): Point San Pablo Yacht Harbor

Acquiring West Contra Costa Unified School District (WCCUSD) properties.

Properties: School District Administrative Office on Bissell Avenue; School District Furniture Warehouse on Ohio Avenue; Gompers High School

Public speakers were: Robert Edney, Eric Johnson, Peter Thelin, Wende Heath, and Bruce Beyaert.

The Open Session adjourned to Closed Session at 5:15 p.m. The Closed Session adjourned at 7: 21 p.m. The Regular Meeting of the City Council was reconvened at 7:27 p.m. by Mayor Gayle McLaughlin who led the Pledge of Allegiance to the Flag.

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

Councilmember Butt stated a conflict of interest with Item M-1 and recused himself from discussion on this item.

ELECTION OF VICE MAYOR

On motion of Councilmember Rogers, seconded by Councilmember Viramontes nominated Councilmember Lopez as Vice Mayor by the unanimous vote of the Council.

AGENDA REVIEW

Items M-4 and M-1 were moved to be heard directly after Consent Calendar.

Continued Item H-1 to a future Council Meeting.

Mayor McLaughlin stated that she would vote Noe on Item G-5.

Removed Items G-2 and G-4 from the Consent Calendar.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Joseph Stewart, President and CEO of Doctors Medical Center (DMC), and John Gioia, Chair of the DMC Management Authority gave an update on Doctors Medical Center.

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

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9): Booker et al vs. City of Richmond (*No reportable action*)

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Initiation of litigation pursuant to Subdivision (c) of Section 54956.9): Three cases (*No reportable action*)

**CONFERENCE WITH REAL
PROPERTY NEGOTIATOR (Government Code
Section 54956.8): Point San Pablo Yacht Harbor (*No
reportable action*)**

Acquiring West Contra Costa Unified School
District (WCCUSD) properties.

Properties: School District Administrative Office
on Bissell Avenue; School District Furniture Warehouse
*(The City Council voted to authorize City Manager Bill
Lindsay to go into discussions with the WCCUSD).*

CONSENT CALENDAR

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

*-Directed staff to finalize the application
process with the California State Association of
Counties - Excess Insurance Authority (CSAC-EIA)
for coverage effective July 1, 2009.

An ordinance amending Richmond Municipal
Code Subsection 9.42.070(A) to create a process for
graffiti abatement from public and private property
and a means of assessing fees on property owners
when the City removes graffiti from private property
was presented. Police Chief Chris Magnus gave an
overview of the item. On motion on Councilmember
Ritterman, seconded by Councilmember Lopez
adopted **Ordinance No. 2-09 N.S.** by the unanimous
vote of the Council.

*-Approved the purchase of 16 Scott Air-Pak
Self-Contained Breathing Apparatus units from
Allstar Fire Equipment, Inc. in the amount of
\$54,810.

A one-year contract with Malcolm Pirnie to
complete the Storm Water Scope Study Tasks 3-5 as
part of the City's obligation under the Baykeeper
Settlement Agreement in an amount not to exceed
\$250,000 was presented. On motion on
Councilmember Ritterman, seconded by
Councilmember Lopez approved a one-year contract
with Malcolm Pirnie by the unanimous vote of the
Council.

*-Approved the execution of a deed
amendment for the Pt. Molate property already
transferred from the Navy to the City of Richmond
in September 2003; approved the execution of a new
deed for the remainder Pt. Molate property to be
transferred and not covered by the current deed;
approved the execution of a new Covenant to
Restrict the Use of Property (CRUP) for the entire
Pt. Molate property replacing the current 2003
CRUP that only covered the property already

transferred; and allowed the City Manager to make ministerial changes necessary to implement these actions, subject to approval as to form by the City Attorney, and execute the above-named documents after formal approval by other governmental agencies.

*-Approved the annual appointments of Councilmembers to City Council standing committees, regional committees and liaison positions to commissions, boards and committees.

*-Approved the minutes for the regular meeting held on January 6, 2009.

PUBLIC HEARINGS

Continued the public hearing to consider proposed amendments to the Richmond Municipal Code (RMC) relating to wireless communication facilities; adopt a resolution approving the Draft Negative Declaration prepared for the proposed RMC amendments; and introduce an ordinance amending Richmond Municipal Code Section 15.04.020 (Definitions), repealing Sections 15.04.820.030 through 15.04.820.035 (Wireless Communications Facilities), and adding Chapter 15.04.890 (Wireless Communications Facilities) **to a future City Council Meeting.**

OPEN FORUM FOR PUBLIC COMMENT

Naomi Williams thanked Vice Mayor Lopez and Councilmember Viramontes for their attendance at the Martin Luther King, Jr. celebration. She also thanked the city manager and staff, specifically Janet Schneider, for the inauguration celebration for President Barack Obama.

Simms Thompson stated his concern that there are six lights that require replacement near 23rd Street and Lincoln Avenue and 20 on Harbour Way South.

James Jenkins stated that the City Council should write to our State Legislation to request money. He also congratulated the Police Department and the community for their help in catching resent criminals.

Corky Booze stated that the PA system at the Richmond Auditorium needs to be updated. He also requested that Mayor McLaughlin adjourn the meeting in memory of the late Pastor Ben Stevens of Macedonia Baptist Church.

Jackie Thompson spoke about working together in unity. She thanked Richmond Police Department for responding regarding the public safety issues she brought forward.

Kim Stewart announced a program called Critical Mass Health Conductors for African Americans age 16 to 106 years old. The program will be held at Contra Costa College, Applied Administration Building, Room 213, 2600 Mission Bell Drive, San Pablo, on the third Wednesdays of the month beginning February through May from 5:30 p.m. to 8:30 p.m. Kick-Off Orientation on January 28, 2009, from 5:00 p.m. to 7:00 p.m. at Contra Costa College Fireside Room in the Student Association Building near the main entrance parking lot.

Kevin Hampton expressed his disappointment with the leadership of Mayor McLaughlin. He stated that under her leadership, the City of Richmond is dead.

RESOLUTIONS

None.

ORDINANCES

An ordinance amending Chapter 2.43 of the Richmond Municipal Code (RMC) to increase the level of public funding provided to candidates who wish to run for City office was introduced for first reading. Councilmember Rogers gave an overview of the item. Speakers were: Corky Booze, Jackie Thompson, Jovanka Beckles, Tony Sustak, Ted Smith, Jonothan Frieman, and Moira Brennan. Mayor McLaughlin suggested the item be referred to the city manager for further review. Following discussion, a motion was made by Councilmember Rogers to approve matching funds to a maximum of \$30,000 which includes four \$7,500 matches - the first at \$5,000; the second at \$10,000; the third at \$15,000; and the fourth at \$20,000. The motion failed for lack of a second. Discussion continued and a motion was made by Councilmember Rogers to keep existing system and add an additional \$5,000 matching funds when the candidate reaches \$10,000 for a maximum of \$30,000. A substitute motion was made by Councilmember Viramontes, seconded by Vice Mayor Lopez to lower the threshold from \$15,000 to \$10,000 for candidates to apply for matching funds. The substitute motion passed by the unanimous vote of the Council. A motion was made by Councilmember Rogers, seconded by Councilmember Butt to add an additional \$5,000 in matching funds when a candidates raises \$15,000 to a maximum of \$30,000. The motion passed by the following vote: **Ayes:** Councilmembers Butt, Ritterman, Rogers, and Mayor McLaughlin. **Noes:** Councilmember Viramontes and Vice Mayor Lopez. **Abstentions:** None. **Absent:** Councilmember Bates.

COUNCIL AS A WHOLE

In the matter to discuss and recommend actions to develop and implement a three-to-five year intervention model in support of keeping Richmond schools open; and authorize the city manager to develop funding mechanisms, and to hire consultants as needed for legislation. Councilmember Viramontes gave an overview of the item. Speakers were: Tony Thurmond, Tylesha Lax, Tom Waller, Carolyn Sherry, Simms Thompson, John Marquez, Leslie Casillas, Akenia Hales, Juan Manuel Ochoa, Mason Marangella, Cecilia Sotelo, Lisandro Patino-Vega, Shavinder Gulati, Tracy Fetter, Carmen Santana, Izabel Rodriguez, Gladys Dodds, Gigi Guizado de Nathan, Jackie Thompson, Corky Booze, Rhonda Burton, Nicholas Zoffel, Naomi Santos, Jennifer Zoffel, Madeline Kroneberg, and Jovanka Beckles. School Board Members Charles Ramsey and Antonio Madrano spoke on this item. City Manager Bill Lindsay spoke on this item. He stated that a funding source would have to be identified. Following discussion, a motion was made by Councilmember Viramontes, seconded by Councilmember Rogers to approve all nine conditions with the understanding that condition one uses the discussion for proceeds of sales surplus property, the city manager be authorized to have direct contact with the trustee and superintendant immediately, and that the superintendant of schools and the school board must understand that all schools in Richmond are removed from school closure during the period of the Municipal Services Agreement. The motion passed by the unanimous vote of the Council.

In the matter to receive a status report and discuss "Greenprint Housing Development" in terms of policy and implementation. Councilmember Rogers gave an overview of the item. Corky Booze spoke on this item. On motion of Councilmember Ritterman, seconded by Councilmember Rogers approved the item by the following vote: **Ayes:** Councilmembers Butt, Ritterman, Rogers, Viramontes, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates and Vice Mayor Lopez.

In the matter to adopt a resolution providing policy direction for Design Review and Planning Commission functions. Councilmembers Butt and Rogers gave an overview of the item. Jim Jenkins and Jerry Yoshida spoke on this item. Planning Director Richard Mitchell spoke on this item. Following discussion, on motion of Councilmember, seconded by Councilmember Viramontes, adopted **Resolution No. 4-09** as written and resolved to schedule a study session in the near future to get addition staff and community input by the unanimous vote of the Council.

In the matter to discuss and direct staff to develop and implement a pilot rebate program to provide a local incentive for the installation of solar thermal equipment. Mayor McLaughlin introduced Michele McGeoy who gave an overview of the item. On motion of Mayor McLaughlin, seconded by Vice Mayor Lopez approved the item by the unanimous vote of the Council.

In the matter to amend Resolution No. 48-07 regarding terms of City board members, commissioners, and committee members to provide for a limit of up to 90 additional days of service continuation after term expiration rather than the unspecified limit to the number of days that is inherent in the current resolution. The 90-day period will begin upon passage of this resolution for any member whose term may have expired prior to the passage of the resolution. Mayor McLaughlin gave an overview of the item. Councilmember Butt spoke on this item. Speakers were: Jim Jenkins, William Acevedo, and Jovanka Beckles. Following discussion, on motion of Mayor McLaughlin, seconded by Councilmember Butt adopted **Resolution No. 5-09** by the following vote: **Ayes:** Councilmembers Butt, Ritterman, Rogers, and Mayor McLaughlin. **Noes:** Councilmember Viramontes. **Abstentions:** Vice Mayor Lopez. **Absent:** Councilmember Bates.

A motion was made by Councilmember Viramontes, seconded by Councilmember Lopez to extend the meeting for five minutes. A substitute motion was made by Mayor McLaughlin, seconded by Councilmember Lopez to extend the meeting for 15 minutes past midnight. The substitute motion passed with Councilmembers Butt and Viramontes voting Noe.

In the matter to approve the repositioning of "Open Forum for Public Comment" on the City Council Agenda to the position immediately after the Consent Calendar and before "Public Hearings". Mayor McLaughlin gave an overview of the item. Speakers were: James Jenkins, Corky Booze, Jackie Thompson, Jovanka Beckles, Kevin Hampton, and John Marquez. ***On motion of Councilmember Ritterman, seconded by Mayor McLaughlin extended the meeting to 12:30 a.m. with Councilmember Butt voting Noe.*** Following discussion a motion was made by Councilmember Rogers, seconded by Vice Mayor Lopez to approve the item as presented for one year and return to current way the next year. A substitute motion was made by Mayor McLaughlin, seconded by Vice Mayor Lopez to approve the item as presented. The substitute motion failed by the following vote: **Ayes:** Councilmember Ritterman, Vice Mayor Lopez, and Mayor McLaughlin. **Noes:** Councilmember Rogers. **Abstentions:** Councilmembers Butt and Viramontes. **Absent:** Councilmember Bates. A substitute motion was made by Councilmember Butt to move Open Forum forward only if there are 10 or fewer speakers. The substitute motion failed for lack

of a second. The original motion passed by the unanimous vote of the Council.

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

Councilmember Rogers reported that he met with Jim Anderson about rich development opportunities in Los Angeles.

ADJOURNMENT

There being no further business, the meeting adjourned at 12:31 a.m. in memory of Pastor Ben Stevens, to meet again on Tuesday, January 27, 2009, at 7:00 p.m.

City Clerk

(SEAL)

Approved:

Mayor