

RICHMOND, CALIFORNIA, February 3, 2009.

The Regular Meeting of the Richmond City Council was called to order at 5:09 p.m. by Mayor Gayle McLaughlin.

ROLL CALL

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

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 LABOR NEGOTIATORS (Government Code Section 54957.6): City Designated Representative(s): Bill Lindsay, Leslie Knight, Jack Hughes, Lisa Stephenson, Michael Banks, and Bruce Soublet
Employee Organization or unrepresented employee(s): Firefighters Local 188 and Richmond Firefighters Management Association (RFMA) negotiations

LIABILITY CLAIMS - PENDING LITIGATION (Government Code Section 54956.9): Martin vs. City of Richmond; Citizens for Eastshore Parks and Sustainability vs. City of Richmond; Riley vs. City of Richmond.

There were no public speakers.

The Open Session adjourned to Closed Session at 5:10 p.m. The Closed Session adjourned at 7:21 p.m. The Regular Meeting of the City Council was reconvened at 7:25 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

None.

AGENDA REVIEW

Continued Items F-9 and L-2 to February 17, 2009, Council Meeting.

Removed Items F-10 and F-11 from the Consent Calendar.

Moved L-4 to be heard directly after Consent Calendar.

Moved L-1 to be heard directly after Open Forum.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Councilmember Bates gave a presentation on the Inauguration Ceremony of Barack Obama, the 44th President of the United States of America. Harpreet Sandhu and spoke on this item. Councilmember Rogers thanked everyone for their attendance at the Presidential Inauguration held at the Richmond Auditorium.

Mayor McLaughlin invited Bobby Seale and wife Leslie M. Johnson Seale to the podium as she read a proclamation celebrating February as Black History Month by honoring and recognizing the life and contributions of Bobby Seale, co-founder of the Youth Jobs North Richmond Tutorial Program (1964) and of the Black Panther Party (1966). Mayor McLaughlin presented the proclamation to Mr. Seales. Javonka Beckles spoke on this item and, along with other citizens of Richmond, presented flowers to Mr. and Mrs. Seales. Mr. Seale introduced his family and gave words of inspiration. Councilmember Bates congratulated Mr. Seale. Speakers were: Corky Booze, Michael Parker, and Kevin Hampton.

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

City Attorney, Randy Riddle, reported the following:

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

CONFERENCE WITH LABOR

NEGOTIATORS (Government Code Section

54957.6): City Designated Representative(s): Bill Lindsay, Leslie Knight, Jack Hughes, Lisa Stephenson, Michael Banks, and Bruce Soublet
Employee Organization or unrepresented employee(s): Firefighters Local 188 and Richmond Firefighters Management Association (RFMA) negotiations. *No reportable action.*

LIABILITY CLAIMS - PENDING

LITIGATION (Government Code Section

54956.9): Martin vs. City of Richmond; Citizens for Eastshore Parks and Sustainability vs. City of Richmond; Riley vs. City of Richmond. *No reportable action.*

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.

*Received a report on solar building permit activity from October 1, 2007, through November 30, 2008, and adopted **Resolution No. 6-09** resolution extending the moratorium on the collection of residential solar building permit fees for photovoltaic and domestic solar hot water installations for an additional period of two years.

*Approved a contract and funding with Life Fitness from Schiller Park, Illinois, in the amount of \$200,000 to provide and install fitness equipment at the Richmond Recreation Complex, Martin Luther King, Jr., Booker T. Anderson, Shields-Reid, Parchester, and May Valley Community Centers.

*Approved the purchase of Globe Millenia G-Xtreme personal protective equipment items, 30 coats and 35 pairs of pants, from L.N. Curtis & Sons in the amount of \$88,087.50.

*Approved the sole-brand justification and purchase of fitness equipment for the fire stations from the Gym Doctors in the amount \$90,801.54, substantially funded by the Department of Homeland Security, 2007 Assistance to Firefighters Grant for the implementation of a health and wellness program.

*Approved a contract with Creative Recreational Systems, Inc. for purchasing and installation of Kern Play Lot play equipment in an amount not to exceed \$30,352.88.

*Approved a contract with Doug Gourley Playground Design, Inc. for the Judge Carroll Park Equipment Installation Project in an amount not to exceed \$31,105.02.

*Approved a payment to Ferris Hoist and Repair, Inc. under an emergency contract for the

removal of an in-ground lift that was leaking oil and for the backfill of the resulting hole with concrete at the Public Works Equipment Services Corporation Yard Shop in an amount not to exceed \$25,000.

*Approved a second contract amendment with MBN Services Inc. (DBA as Bob Murray & Associates) for \$21,000, for a total approved contract payment limit not to exceed \$99,000, to develop and administer the recruitment processes for the position of Wastewater Contract Administrator.

Continued to February 17, 2009, a proposal to approve the first amendment to the contract between the City and ADT Security Services, Inc. in the amount of \$50,000 for the installation of cameras as part of the Nevin Park Reconstruction Plan and adopt the resolution of the City Council accepting the transfer of funds from the Redevelopment Agency to fund this contract amendment.

A proposal to introduce an ordinance (first reading) amending Richmond Municipal Code Sections 2.12.010, 7.72.110, 7.76.020, and 12.04.110, changing the number of members of the City Council necessary to constitute a quorum to conform to the recent reduction in the Council's size was presented. On motion of Councilmember Bates, seconded by Councilmember Viramontes said ordinance received first reading and was laid over two weeks for second reading.

A proposed ordinance amending Chapter 2.43 of the Richmond Municipal Code to increase the level of public funding provided to candidates who wish to run for City office. Following discussion, a motion was made by Mayor McLaughlin, seconded by Councilmember Butt to add the following amendment that matching funds will only be available for donations that were \$250 or less. A substitute motion was made by Councilmember Bates, seconded by Councilmember Viramontes to table the item. The substitute motion failed by the following vote: **Ayes:** Councilmembers Bates and Viramontes. **Noes:** Councilmembers Butt, Ritterman, Rogers, Vice Mayor Lopez, and Mayor McLaughlin. **Abstentions:** None. **Absent:** None. The original motion failed by the following vote: **Ayes:** Councilmembers Butt, Ritterman, and Mayor McLaughlin. **Noes:** Councilmembers Bates Rogers, Viramontes, and Vice Mayor Lopez. **Abstentions:** **Absent:** None. A substitute motion was made by Councilmember Rogers, seconded by Councilmember Butt to approve the same ordinance that was passed at the previous meeting. A substitute motion was made by Mayor McLaughlin, seconded by Vice Mayor Lopez to eliminate the last disbursement of matching funds for a maximum of \$25,000. The substitute motion passed by the following vote: **Ayes:** Councilmembers Ritterman, Viramontes, Vice Mayor Lopez, and Mayor McLaughlin. **Noes:** Councilmembers Bates and

Butt. Abstentions: Absent: None. Said ordinance was approved as amended for first reading and must come back for a second reading.

*Approved the first amendment to the Memorandum of Agreement (MOA) between the United States Department of the Navy and California State Historic Preservation Officer (SHPO) pursuant to 36 CFR Part 800.6(c) for the Leasing, Disposal, and Reuse of Naval Fuel Depot, Point Molate. **Mayor McLaughlin was recorded as voting Noe on this item.**

PUBLIC HEARINGS

None.

OPEN FORUM FOR PUBLIC COMMENT

Patsy Hicks stated there are no fire extinguishers in the apartment units and the exit gates are unsafe and unreliable at Friendship Manor. She also requested fire safety training.

Naomi Williams thanked the City for the cleaning up of Baxtor Creek.

Simms Thompson expressed his concern with the main street project on Macdonald. He stated that there is no flag person on site to make sure citizens can cross the streets safely.

Corky Booze stated that there is no wheel chair access for crossing the streets in the construction areas of Macdonald Avenue. He thanked everyone involved with the Obama Presidential Inauguration ceremony at the Richmond Auditorium. Mr. Booze stated that lights at the corner of Carlson Boulevard and Cutting Boulevard are dim and need to be replaced.

Jackie Thompson stated that there is no pedestrian cross walk at Stege Avenue and Cutting Boulevard.

Aziza Willis requested that the Police Department modify the parking restrictions in downtown Richmond for the Social Security Department employees.

Jovanka Beckles asked the City to expand the number of exchange agents from four to 10.

Myrtle Braxton-Ellington thanked Park Supervisor Frank Gonzales for the improvements he has made to the parks on the south side of Richmond.

Kevin Hampton thanked Councilmember Bates for his representation at the Obama

Presidential Inauguration. He thanked Mayor McLaughlin for talking to him regarding comments he made at the January 27, 2009, Council Meeting. He also encouraged the Mayor to act swiftly to obtain some of the assets from the forthcoming stimulus package and encouraged her to continue to work with businesses.

Texanita Bluitt expressed her concern about the violence in Richmond in the month of January 2009. She thanked Councilmember Bates for recognizing that the entire City needs to be cleaned not just the railroads. She stated that the City must find a way to clean up the city from blight, litter, and crime. There is a lot of work that needs to be done.

Gay Grieger-Lods from Grant School thanked the City Council for giving their school hope.

RESOLUTIONS

A proposed resolution in support of renaming the Contra Costa County Superior Courthouse in Richmond to the George D. Carroll Courthouse was presented. Councilmember Bates and Rogers gave an overview of the item. John Gioia spoke on this item. Speakers were: Naomi Williams, Corky Booze, and Jackie Thompson. On motion of Councilmember Bates, seconded by Councilmember Viramontes adopted **Resolution No. 7-09** by the unanimous vote of the Council.

ORDINANCES

None.

COUNCIL AS A WHOLE

Councilmember Butt recused himself from discussion on this item. In the matter to discuss and provide policy direction to staff regarding proposals by the West Contra Costa Unified School District (WCCUSD) to close several Richmond schools. City Manager Bill Lindsay gave an overview of the item. Councilmember Viramontes spoke on this item. Speakers were: Naomi Williams, Simms Thompson, Myrtle Braxton-Ellington, Audra Williams, Madeline Kroneberg, Charles Ramsey, Shavinder Gulati, Jackie Thompson, Texanita Bluitt, Victor Zarza, Corky Booze, Christina Slamon, Melanie Perkins, Darcy Long, Mason Marangell, and Gladys Dodds. Following discussion, a motion was made by Councilmember Viramontes, seconded by Councilmember Ritterman to continue to go forward with all nine conditions and move with the caveat that if the State Surplus Bill is not successful, the City will make the pledge to the State Trustee for the \$1.5 million dollars for fiscal year 2011, and with the

understanding that all schools in Richmond are removed from school closure during the period of the Municipal Services Agreement. Discussion continued and a friendly amendment was offered by Vice Mayor Lopez to identify \$1.5 million dollars by February 11, 2009, and set it aside. The amendment was not accepted. A friendly amendment was offered by Councilmember Rogers to call a special meeting of the City Council if the trustee is not satisfied. The amendment was accepted. Councilmember Viramontes made a friendly amendment to her motion to include a letter, officially written by the city manager and Mayor McLaughlin, to be read at the School Board Meeting on Wednesday, February 4, 2008, by Vice Mayor Lopez and Councilmember Ritterman. A friendly amendment was offered by Councilmember Bates to not use the City's reserves for funding of this item. The amendment was not accepted. The motion passed by the following vote: **Ayes:** Councilmember Ritterman, Rogers, Viramontes, Vice Mayor Lopez, and Mayor McLaughlin. **Noes:** Councilmember Bates. **Abstentions:** None. **Absent:** Councilmember Butt.

Continued to February 17, 2009, review Mid-Year Budget Financial Forecast and approved the Mid-Year Proposed Budget Fiscal Year 2008-2009 adjustments.

In the matter to direct staff to make the enforcement of Richmond Municipal Code Chapter 9.45 (Restriction of Tobacco Advertising and Promotion) a budgetary priority and to suspend for a period of 120 days the use of City staff time and other resources to process and issue licenses pursuant to Richmond Municipal Code Chapter 7.104 (Tobacco Retailer License) pending review of those Chapters. Councilmember Butt gave an overview of the item. Speakers were: John Gioia, Corky Booze, Naomi Williams, and Julie Waters. The city manager will bring back a report to the Council in March 2009. On motion of Councilmember Viramontes, seconded by Councilmember Rogers approved the item by the unanimous vote of the Council.

In the matter to receive staff report and give direction to staff concerning staff actions to get Union Pacific to clean up graffiti on the East side of I-580 and dumped concrete on their property on the West side of I-580. Councilmember Rogers gave an overview of the item. Code Enforcement Manager Tim Higaes gave a staff report on the item and will return in 30 days to give an update. Speakers were: Simms Thompson and Corky Booze.

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

Councilmember Butt reported that he attended a diner in Oakland where three state

officials talked about the SB32 and AB375 implementation. He also announced that the Nevin Park Grand Opening was a great affair and he thanked the staff responsible for putting the celebration together.

Councilmember Ritterman reported that he attended the Partners for Smart Growth Conference in Albuquerque, New Mexico.

Councilmember Rogers reported he attended a meeting of the State Lands Commission regarding the Bay Trail.

Councilmember Viramontes reported that she attended a Clean Water Action Conference in Indiana Wells, California, January 21-24, 2009.

Mayor McLaughlin thanked everyone for coming out to the Nevin Park Grand Opening. She also stated that it was an honor to deliver the proclamation to Bobby Seale and she looks forward to presenting proclamations to Betty Soskin and George Livingston during Black History Month.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:45 p.m. in memory of Brian and Ron Boughton, to meet again on Tuesday, February 17, 2009, at 7:00 p.m.

City Clerk

(SEAL)

Approved:

Mayor