

RICHMOND, CALIFORNIA, February 17, 2009.

The Regular Meeting of the Richmond City Council was called to order at 5:11 p.m. by Mayor Gayle McLaughlin.

ROLL CALL

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

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 - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9):

Communities for a Better Environment (CBE) vs. City of Richmond

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

Two cases

There were no public speakers.

The Open Session adjourned to Closed Session at 5:12 p.m. The Closed Session adjourned at 6:48 p.m. The Regular Meeting of the City Council was reconvened at 7:02 p.m. by Mayor Gayle McLaughlin.

ROLL CALL

Present: Councilmembers Bates, Butt, Lopez, Ritterman, Viramontes, and Mayor McLaughlin. **Absent:** Councilmember Rogers (Councilmember Rogers arrived at 8:38 p.m.)

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Withdrew Items F-5 and F-16 from the agenda.

Removed Items F-1, F-6, F-8, F-13, F-14, and F-17 from the Consent Calendar.

Referred Items F-5 and F-16 to the Finance Committee and the Public Safety Committee.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Mayor McLaughlin presented a proclamation celebrating February as Black History Month, honoring and recognizing the life and contributions of Mrs. Betty Reid Soskin. Mrs. Reid Soskin thanked the Council for the proclamation and showed a short film on her involvement with President Obama's inauguration. Jackie Thompson and Jovanka Beckles spoke on this item.

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 - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9): Communities for a Better Environment (CBE) vs. City of Richmond. *(No reportable action)*

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Initiation of litigation pursuant to Subdivision (c) of Section 54956.9): Two cases – *(The City Council voted to approve a settlement with Chevron USA regarding the dispute over Chevron's liability on the City's Utility Users Tax in a four to one vote (Mayor McLaughlin voting Noe, Councilmember Rogers absent, and Councilmember Butt recused). The total settlement amount was \$28 million with \$3 million dedicated to the Bay Trail through Richmond. There will be an initial immediate cash payment of \$13 million with the remaining \$15 million being paid to the City over the next three years. In addition, for a period of four years, Chevron will retain the option of paying a determined amount of the Utility Users Tax, known as the Cap Amount, as allowed under the terms of the City's current Utility Users Tax Ordinance)*

CONSENT CALENDAR

On motion of Vice Mayor Lopez, seconded by Councilmember Viramontes, all items marked with an asterisk (*-) were approved by the unanimous vote of the Council. **(Councilmember Rogers arrived after approval of the Consent Calendar)**

A proposed amendment to the contract with Mr. Sam Charles to provide instructional services for the RichmondBUILD Training Program, extending the term through December 30, 2009, was presented. Total amount of the amendment is \$58,000 for a total contract amount that will not exceed \$98,000. On motion of Councilmember Viramontes, seconded by Councilmember Rogers, approved the amendment by the unanimous vote of the Council.

*-Approved an amendment to the contract with the Oakland Private Industry Council to procure goods and services on behalf of RichmondWORKS and in support of East Bay Works One-Stop Career Center System. Total amount of the amendment is \$46,268 for a total contract amount that will not exceed a total cost of \$77,626.

*-Approved the purchase of a Direct Link 007 Series Crisis Response System with a Tactical Remote Unit (TRU) and 500 feet of TRU Cable from Enforcement Technology Group (ETGI) for a total contract amount that will not exceed \$25,556.24

*-Approved the purchase of a playground fire truck structure to be installed at Judge Carroll Park from Ross Recreation in the amount of \$12,538.98.

Withdrew from the Agenda a proposal to approve a contract with ISI Security Services, Inc. to provide security services for the Point Molate area for a one-year term with two optional one-year extensions, in an amount not to exceed \$325,000 per year.

A proposed purchase of a ShotSpotter® Gunshot Detection & Location System through ShotSpotter, Inc., Mountain View, California, at a total cost of \$728,250 was presented. Police Captain Allwyn Brown gave an overview of the item. Harpreet Sandhu spoke on this item. Craig Rollin of ShotSpotter, Inc. spoke on this item. On motion of Councilmember Bates, seconded by Councilmember Viramontes approved the item by the unanimous vote of the Council.

*-Approved an amendment to the contract with Solar Richmond to coordinate the solar installation component for the RichmondBuild Training Program, extending the term through December 30, 2009, and increasing the contract amount by \$75,000, for a total contract amount that will not exceed \$125,000.

A proposed purchase of Automated Vehicle Locator software for police vehicles from New World Systems Aegis/MSP for an amount not to exceed \$129,260 to enhance police officer safety

and dispatch efficiency was presented. Police Captain Alec Griffin gave an overview of the item. On motion of Councilmember Bates, seconded by Councilmember Viramontes approved the item by the unanimous vote of the Council.

*-Approved the Reimbursement Agreement between BNSF Railway Company and the City of Richmond, obligating BNSF to construct the necessary improvements at their main operating facility on Garrard Avenue which support the Honda Project at the Port of Richmond, and obligating the City of Richmond to reimburse BNSF the \$2,400,000 estimated cost for these improvements.

*-Adopted **Resolution No. 7-09** authorizing the acceptance of a \$165,154 Supplemental Law Enforcement Services Fund grant from the State of California and approve the appropriation of this amount for sworn personnel overtime costs.

*-Accepted a \$146,000 grant from the Governor's Office of Emergency Services for a Police Department program to reduce domestic violence and sexual assaults in Richmond for the period beginning January 1, 2009, and ending on December 31, 2009.

*-Approved a two-year contract with Remediation Risk Management, Inc (dba RRM, Inc.) in an amount not to exceed \$150,000 (\$102,000 for FY 2008-09 and \$48,000 in FY 2009-10) for investigative work and report submittals for various locations at the City of Richmond's Corporation Yard as required by the Regional Water Quality Control Board.

A proposal to approve a contract with Moore Iacofano Goltsman (MIG), Inc. to provide facilitation, graphic recording, writing, and graphic design services in connection with the development of the Five-Year Strategic Business Plan was presented. Total amount of the contract will not exceed \$21,500. Finance Director Jim Goins gave an overview of the item. On motion of Councilmember Vitamontes, seconded by Councilmember Butt approved the contract by the unanimous vote of the Council.

A proposed agreement with Sideman & Bancroft for legal services related to implementing Chapter 7.04 (Business License Act) of the Richmond Municipal Code, as approved by Measure T, in the amount of \$17,000 was presented. On motion of Councilmember Bates, seconded by Councilmember Butt approved the agreement by the unanimous vote of the Council.

*-Appointed as alternate to West Contra Costa Unified School District (WCCUSD) Citizens' Bond Oversight Committee: Councilmember Ritterman.

Reappoint to North Richmond Mitigation Fee Joint Committee: Councilmembers Viramontes and Bates.

Withdrew from the Agenda a proposal to approve the following appointments: Library Commission: Maude DeVictor, term expiring July 1, 2012; Police Commission: Scott Gillespie, term expiring November 1, 2011; James Jenkins, term expiring November 1, 2010 (completing an unexpired term); Bea Roberson, term expiring November 1, 2011; Charles T. Smith, term expiring November 1, 2009 (completing an unexpired term)

A proposed ordinance amending Chapter 2.43 of the Richmond Municipal Code to lower the amount of contributions a candidate for City office must raise in order to qualify for public funding was presented for second reading. On motion of Councilmember Rogers, seconded by Councilmember Ritterman adopted **Ordinance No. 3-09 N.S.** by the following vote: **Ayes:** Councilmembers Butt, Ritterman, Rogers, Vice Mayor Lopez, and Mayor McLaughlin. **Noes:** Councilmember Bates. **Abstentions:** None. **Absent:** None.

*-Approved the minutes for the Regular Meetings held on January 20 and February 3, 2009, and the Special Meeting held on January 27, 2009.

PUBLIC HEARINGS

None.

OPEN FORUM FOR PUBLIC COMMENT

Naomi Williams spoke regarding the 90 days expiration date of commissioners whose terms have expired.

Flynn Cooper requested help regarding the placement of bus stop covers at 3815 Lakeside Drive.

Ricardo Lopez spoke regarding the Homeowner's Protection Act.

Liz Mendel spoke regarding the Homeowner Protection Act.

Stephen DeMartini spoke regarding the Homeowner Protection Act.

Simms Thompson states the citizens of Richmond are not thoroughly informed about issues in the City and should be informed by having town-hall meetings.

Jackie Thompson spoke against hiring ISI Security Services, Inc.

Corky Booze requested the City look into the flooding that took place in Parchester Village. He also spoke regarding trash on the railroad tracks at Bissell Avenue and Espree Street. He also spoke against hiring ISI Security Services, Inc.

Marie Monsour requested assistance from the Police Department in obtaining fingerprinting services.

Tom Waller spoke regarding the merger of the Planning and Design Review Commissions.

Jovanka Beckles requested resources for violence prevention programs be included in the budget.

Kirin Gill requested the City Council not contract with ISI Security Services, Inc.

Tyler French spoke against hiring ISI Security Services, Inc.

Michael Davenport completed a speaker's card but chose not to speak.

Cora Ward spoke regarding the Police Commission.

Harpreet Sandhu spoke regarding the Police Commission.

Cochise Potts spoke regarding the Police Commission.

RESOLUTIONS

None.

ORDINANCES

A proposed ordinance amending Richmond Municipal Code Section 3.20.030 and Section 15.04.930.070.E to limit the period that members of the Planning Commission and Design Review Board whose terms have expired may remain in office to 90 days or, for members whose terms have expired or will expire before the effective date of the ordinance, until April 21, 2009, was introduced for first reading. City Attorney Randy Riddle gave an overview of the item. Allison Lehmon and Tom Waller spoke on this item. *Mayor McLaughlin continued this item to March 3, 2009.*

COUNCIL AS A WHOLE

In the matter to review the Fiscal Year 2008-2009 financial forecast and approve the mid-year budget adjustments. Consider staff

recommendations and provide direction on the proposed 2008-2009 mid-year revenue and expenditure adjustments to the adopted budget. Finance Director Jim Goins gave an overview of the item which included a PowerPoint presentation. City Manager Bill Lindsay spoke on this item. Community and Economic Director Steve Duran spoke on this item. A motion was made by Councilmember Viramontes, seconded by Vice Mayor Lopez to accept the report and staff recommendations. The motion passed by the unanimous vote of the Council.

In the matter to discuss and consider directing city staff to develop a green business incentive plan either in the form of streamlining the permitting process and/or reducing or eliminating some fees to the extent allowed by law. Councilmember Ritterman gave an overview of the item. Tom Waller spoke on this item. Following discussion, a motion was made by Councilmember Ritterman, seconded by Councilmember Rogers to direct staff to develop a green business incentive plan and bring back ideas to discuss further. The motion passed by the following vote: **Ayes:** Councilmember Butt, Rogers, Ritterman, Viramontes, Vice Mayor Lopez, and Mayor McLaughlin. **Noes:** Councilmember Bates. **Abstentions:** None. **Absent:** None.

In the matter to establish the Richmond Small Business of the Month Award, whereby one or more Richmond small businesses will be recognized monthly at the last City Council Meeting of the month. Mayor McLaughlin gave an overview of the item. Jackie Thompson and Corky Booze spoke on this item. A motion was made by Mayor McLaughlin, seconded by Councilmember Ritterman. The motion passed by the following vote: **Ayes:** Councilmembers Butt, Ritterman, Rogers, Vice Mayor Lopez, and Mayor McLaughlin. **Noes:** None. **Abstentions:** Councilmember Bates and Viramontes. **Absent:** None.

In the matter to adopt a resolution in support of the City of Richmond making it a public policy objective to maximize economic benefit from underutilized real estate assets in the Port of Richmond. Councilmember Butt gave an overview of the item. Corky Booze spoke on this item. A motion was made by Councilmember Butt, seconded by Councilmember Rogers to adopt the resolution. Port Director Jim Matzorkis spoke on this item. Following discussion, adopted **Resolution No. 8-09** by the following vote: **Ayes:** Councilmembers Butt, Rogers, Ritterman, Viramontes, Vice Mayor Lopez, and Mayor McLaughlin. **Noes:** None. **Abstentions:** Councilmember Bates. **Absent:** None.

In the matter to direct staff to apply for the Robert Woods Johnson Foundation grant to provide three years of funding for programs to promote healthy living by increasing fresh healthy foods, exercise, and other health related programs. Councilmember Rogers gave an overview of the item. Corky Booze spoke on this item. On motion of Councilmember Rogers, seconded by Councilmember Bates, approved the item by the unanimous vote of the Council.

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

Councilmember Bates requested that Mayor McLaughlin close the meeting in memory of Pietta Emily Menosse.

Councilmember Rogers reported that he attended two meetings in New York the week of February 9, 2009, with the Project for Public Spaces and the Local Initiative Support Corporation

Councilmember Viramontes reported there was an erroneous charge on her Mechanics Bank Card.

Mayor McLaughlin announced that the City of Richmond will honor former Mayor George Livingston on Tuesday, February 24, 2009.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:41 p.m. in memory of Pietta Emily Menosse, Kenneth Jones, Kathleen Sheridan, and Kianna Smith, to meet again on Tuesday, February 24, 2009, at 7:00 p.m.

City Clerk

(SEAL)

Approved:

Mayor