

RICHMOND, CALIFORNIA, March 3, 2009

The Regular Meeting of the Richmond City Council was called to order at 5:04 p.m. by Mayor Gayle McLaughlin.

ROLL CALL

Present: Councilmembers, Butt, Lopez, Ritterman, Viramontes, and Mayor McLaughlin.
Absent: Councilmembers Bates and Rogers (Councilmember Bates and Rogers 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): Chevron USA vs. City of Richmond
Toll Brothers vs. City of Richmond
City of Richmond vs. Buckeye

The Open Session adjourned to Closed Session at 5:05 p.m. The Closed Session adjourned at 6:51 p.m. The Regular Meeting of the City Council was reconvened at 7:14 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 Items F-14, F-16, L-1, and L-7 and stated he would recuse himself from discussion on these items.

AGENDA REVIEW

The city clerk informed the Council that Items F-9, F-11, and F-16 were removed from the Consent Calendar. Mayor McLaughlin stated that Item L-2 would be moved and heard before L-1 and Items L-1 and L-7 would be heard together.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Mayor McLaughlin read a proclamation declaring March 2009 as International Women's Month in Richmond. Deborah Dias, Co-Chair of the Contra Costa County Women's Commission, presented a poster to the mayor and invited everyone one to "A Powerful Noise" film event to be held Thursday, March 5, 2009.

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

City Attorney, Randy Riddle, stated that there were no reportable actions taken during closed session.

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.

* - Approved an amendment to the contract with Christy Jacobson for visual and learning assessments for the Literacy for Every Adult Project (L.E.A.P.) students, increasing the contract amount from \$9,950 to an amount not to exceed \$14,000 for Fiscal Year 2008/09

*- Adopted **Resolution No. 9-09** ordering the preparation of an Engineer's Report for Fiscal Year 2009/10 regarding Improvements and Costs for the Hilltop Landscape Maintenance Assessment District.

* - Adopted **Resolution No. 10-09** authorizing applications for local grant funds from the East Bay Regional Park District under the Measure WW Park Bond Extension.

* - Adopted **Resolution No. 11-09** amending the City of Richmond's Classification Plan to add the classifications of Management Analyst I/II and Senior Management Analyst.

* - Introduced an ordinance (first reading) establishing the wages, salary, and compensation for the revised classification of Management Analyst I/II (Salary Range: 043D \$4,689 - \$5,608/month; 055D \$5,763 - \$6,964/month) and the new classification of Senior Management Analyst (Salary Range: 060D \$6,488 - \$7,846/month).

*- Approved a contract with Bickmore Risk Services in an amount not to exceed \$12,000 to perform the annual actuarial studies for the City's general liability and workers' compensation self-insurance funds.

*- Adopted **Resolution No. 12-09** authorizing the acceptance and appropriation of funds allocated by the Contra Costa Homeland Security Working Group (G10) to the Fire Department on behalf of the Richmond Youth Academy in the amount of \$20,000 to be used for the purchase of a 15-person passenger van.

* - Approved the purchase of 90 pairs of Cutter II Wildland Boots from Drews, Inc. in the amount of \$22,085.

In the matter to approve a nine-month contract with Creative Education Consulting to create a professional development program consisting of scheduled trainings, peer support groups, and one-on-one technical assistance for Richmond-based and Richmond-serving non-governmental organizations in an amount not to exceed \$19,000. Janet Schneider gave an overview of the matter and stated that there were two Richmond firms who responded to the bid, but they were not the most responsive bidders. Jackie Thompson and Corky Booze gave comments. On motion of Vice Mayor Lopez, seconded by Councilmember Viramontes, approved the item by the following vote: **Ayes:** Councilmembers Butt, Ritterman, Rogers, Viramontes, Vice Mayor Lopez and Mayor McLaughlin. **Noes:** Councilmember Bates. **Abstentions:** None. **Absent:** None.

*- Approved a three-year contract with Bay Marine Boatworks for police boat maintenance services in the amount \$16,018 per year, for a total contract amount not to exceed \$48,054.

In the matter to approve the following appointments: Historic Preservation Advisory Committee: Samaneh Nili, term expiring July 31, 2009; Planning Commission: Jovanka Beckles, term expiring June 30, 2011; Virginia Finlay, term expiring June 30, 2010; Sheryl Lane, term expiring June 30, 2011; Jeff Lee, term expiring June 30, 2010; Nagaraga Rao, term expiring June 30, 2010; Carol Teltschick-Fall, term expiring June 30, 2011. Michael Beer gave comments. Councilmember Bates stated he will not support the appointment of Jovanka Beckles to the Planning Commission. Following discussion, on motion of Councilmember Rogers, seconded by Councilmember Butt, approved the appointments by the following vote: **Ayes:** Councilmembers Butt, Ritterman, Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** Councilmembers Bates, Viramontes, and Vice Mayor Lopez. **Absent:** None.

*- Approved the first amendment to the contract between the City and ADT Security Services, Inc. in the amount of \$49,800 for the installation of cameras as part of the Nevin Park Reconstruction Plan and adopted **Resolution No. 13-09** accepting the transfer of funds from the Redevelopment Agency to fund this contract amendment.

*- Appointed Vice Mayor Lopez as an alternate to the West County Agency Board and Councilmember Bates as a representative to the Gilman Street Regional Sports Complex Joint Powers Authority.

* - Approved a contract with Colantuono & Levin, Professional Corporation, for \$175,000 for legal representation in the lawsuit Chevron vs. City of Richmond (Legal challenge to Measure T). The term of the contract shall be March 4, 2009, through June 30, 2011.

* -Adopted **Resolution No. 14-09** authorizing the city engineer to submit an application for federal American Recovery and Reinvestment Act of 2009 (ARRA) funding in the amount of \$1,550,000 for the Carlson Boulevard Improvements Project, and stating City assurance to complete the project.

In the matter to approve a second extension to the Urgency Ordinance providing for a temporary moratorium on the acceptance, processing, and approval of applications and permits to construct, modify or place wireless telecommunication facilities within the City of Richmond through and including September 12, 2009. Corky Booze gave comments. On motion of Councilmember Butt, seconded by Mayor McLaughlin, approved the item by the unanimous vote of the Council.

*- Approved the minutes for the Regular Meeting held on February 17, 2009.

OPEN FORUM FOR PUBLIC COMMENT

Ric Borjes and Betty Reid-Soskin, representing the National Park Service Rosie the Riveter WWII National Homefront Historical Park, announced that the draft general management plan has been released and a public open house will be held on Wednesday, March 18, 2009, from 11:00 a.m. to 7:00 p.m. in the City Council Chamber. Copies of the plan can be obtained at City Hall, 1401 Marina Way South or by calling 232-5050.

Ana Orozco representing Communities for a Better Environment invited everyone to a Health Survey Forum on Saturday, March 28, 2009, from 11:00 a.m. to 2:30 p.m. with a location to be determined. For more information, call 510-302-0430 extension12.

Corky Booze stated that Girls Inc.'s open house was a successful event, and he asked if the group of carpenters working with Employment and Training could help repair the roof leak at the facility. Mr. Booze also announced that he is working on foreclosure assistance strategies. He stated that a resident, Diane, called him again regarding garbage in front of her home on Espree and Bissell Avenue. Mrs. Butler also called him regarding overflowing sewage from a neighbor's house.

David Vincent gave comments regarding a proclamation and benefit ceremony for the restoration and renovation of the Richmond Plunge on Saturday, March 14, 2009, from 11:00 a.m. to 1:00 p.m.

Jackie Thompson gave comments about the dangers of overgrown trees in power lines, mostly in the Iron Triangle area.

Jan Schilling, Executive Director of Weigh of Life, invited everyone to become a member at their new location on 2369 Barrett Avenue.

PUBLIC HEARINGS

None.

AGREEMENTS

None.

RESOLUTIONS

A proposed resolution endorsing the Employee Free Choice Act was presented. Mayor McLaughlin read the resolution and stated that the Free Choice Act gives employees the freedom to form or join a union. Rick Alcaraz, Roberto Reyes, Tony Tiscareno, Pamela Aguilar, Harpreet Sandhu, and Jovanka Beckles gave comments. A motion was made by Councilmember Viramontes, seconded by Councilmember Bates, and **Resolution No. 15-09**, was adopted by the unanimous vote of the Council.

ORDINANCES

An ordinance amending Richmond Municipal Code Section 3.20.030 and Section 15.04.930.070.E limiting to 90 days the period of time that members of the Planning Commission and Design Review Board whose terms have expired may remain in office, or until April 21, 2009, for members whose terms have expired or will expire before the effective date of the ordinance, was introduced for first reading. Randy Riddle, City Attorney, gave an overview of the matter. Michael Beer gave comments. Vice Mayor Lopez asked City Clerk Diane Holmes to explain the procedure to notify incumbents when their terms are about to expire. The city clerk informed the Council that board or commission members receive a letter from the City Clerk's Office approximately one month prior to the date of the expiration of the member's or commissioner's term, and they also receive an application to complete if they are eligible for reappointment. If an application is received, a copy is forwarded to the mayor for her consideration. Following discussion, a motion by Mayor

McLaughlin, seconded by Councilmember Bates to adopt the ordinance, failed by the following vote: **Ayes:** Councilmembers Butt, and Ritterman, and Mayor McLaughlin. **Noes:** Councilmembers Bates, Rogers, Viramontes, and Vice Mayor Lopez. **Abstentions:** None. **Absent:** None.

COUNCIL AS A WHOLE

(The City Council discussed and gave direction to staff concurrently on Items L-1 and L-7)

In the matter to consider directing City staff to prepare a ballot measure removing the cap from the Utility Users Tax, and adding clarifying language to the ordinance to specify the types and use of natural gas that are part of the base that is subject to tax. *(Councilmember Butt left the meeting due to a conflict of interest)*. Councilmember Ritterman and Rogers gave an overview of the matter. Councilmember Viramontes stated she would like a legal opinion on removing the cap and defending it. Councilmember Bates requested an analysis of the tax revenue with the cap and without the cap. *(Councilmember Viramontes left the meeting at 9:43 p.m. and returned at 9:45 p.m.)*. John Wade stated that Local 188, firefighters union, supports Councilmember Rogers's item. Michael Beer gave comments. Councilmember Ritterman stated he was in favor of placing the matter on the November 2010 ballot. There was discussion regarding staff submitting a proposal to the Council that would include no discounts and separates the cap from what actually is paid. Following further discussion, a motion was made by Councilmember Viramontes, seconded by Vice Mayor Lopez to have staff evaluate both options for ballot measures removing the cap and removing maximum tax payable, draft language of the proposed measure for the ballot, with a legal opinion on how this measure would be defended, if passed. The motion passed by the unanimous vote of the Council.

In the matter to review and accept the City of Richmond's 2005 Greenhouse Gas Emissions Inventory as the City's baseline greenhouse gas emissions (GHG) inventory and provide comments

and direction to staff. Jenny Oorbeck, Environmental Manager, gave an overview of the matter. *(Councilmember Bates left the meeting at 8:59 p.m. and returned at 9:03 p.m.; Councilmember Lopez left the meeting at 9:19 p.m. and returned at 9:28 p.m.)* Councilmember Ritterman asked for a report at a future Council meeting from the Bay Area Air Quality District (BAAQD) to explain how the flare minimization plan is progressing and determine if it has helped to minimize flare emissions. Councilmember Viramontes suggested that the immediate focus be placed on the wastewater treatment plant energy issues, completing the City's fleet, and a transportation employee program. A motion by Councilmember Ritterman, seconded by Mayor McLaughlin to accept the report passed, by the unanimous vote of the Council.

In the matter to receive an update on a request made at the July 29, 2008, Council meeting directing staff to work with representatives from each bargaining unit and research alternative work schedules for employees including 4/10 and 9/80 options and telecommuting. Janet Schneider stated that a staff committee was formed to consider these options in order to encourage reduction in greenhouse gas emissions. Discussion ensued and Councilmember Bates requested that the committee meet with the employee unions and that the unions be included in the recommendations to the City Council. This matter will come back for discussion at the March 17, 2009, City Council meeting.

In the matter to direct staff to identify funding to construct a bus shelter for the seniors at Heritage Park Senior Apartments. Councilmember Rogers gave an overview of the item. Jackie Thompson, Corky Booze, and Billy Alexander gave comments. Councilmember Butt suggested that all areas of Richmond be identified for possible bus shelters and that they are prioritized. Councilmember Viramontes stated that this matter is on the March agenda of the West Contra Costa Transportation Advisory Committee (WCCTAC) and directed City staff to work with a representative from WCCTAC regarding

this issue and forward a report of the findings to the Council at a future date.

In the matter to consider changes to City rules as to the status of board members and commissioners whose terms have expired. Councilmember Rogers gave an overview of the item. Naomi Williams gave comments. A motion by Councilmember Rogers, seconded by Councilmember Viramontes, that an incumbent commissioner serve on the board or commission pending their reappointment or a new appointment by the vote of the Council and if not replaced, they continue to serve. If they have served their maximum number of terms, they are removed after 90 days, passed by the following vote: **Ayes:** Councilmembers Bates, Rogers, Viramontes and Vice Mayor Lopez. **Noes:** Councilmember Butt and Mayor McLaughlin. **Abstentions:** Councilmember Ritterman. **Absent:** None.

In the matter to direct staff to develop a plan to let nonprofit agencies apply for the Chevron Community Benefits funds at the same time that they apply to the City of Richmond for Community Development Block Grant (CDBG) funding. *(Councilmember Butt left the meeting).* Councilmember Bates asked that he and Vice Mayor Lopez and Councilmember Ritterman be allowed to perform their tasks on the committee and develop the application process and return to the Council with the requirements for applying for the funds. Councilmember Rogers gave an overview of the matter. Corky Booze gave comments. Councilmember Rogers asked that this matter be held over until the Chevron committee develops the application process. So ordered.

In the matter to direct the City Attorney to draft language to place an initiative on the November 2010 ballot to get rid of the loophole that caps large taxpayers' Utility Users' Tax payments overviews *(Councilmember Butt left the meeting due to a conflict of interest).* Councilmember Ritterman and Rogers gave an overview of the matter. John Wade stated that Local 188, firefighters union, supports Councilmember Rogers's item. Michael Beer gave

comments. Councilmember Ritterman stated he was in favor of placing the matter on the November 2010 ballot. There was discussion regarding staff submitting a proposal to the Council that would include no discounts and separates the cap from what actually is paid. Following further discussion, a motion was made by Councilmember Viramontes, seconded by Vice Mayor Lopez to have staff evaluate both options for ballot measures removing the cap and removing maximum tax payable, draft language of the proposed measure for the ballot, with a legal opinion on how this measure would be defended, if passed. The motion passed by the unanimous vote of the Council.

In the matter to direct staff to draft a resolution in support of co-sponsoring the 2009 Contra Costa County Homeless Connect Summit. Councilmember Viramontes gave an overview of the matter. She stated that there is a request for the City of Richmond to co-sponsor the Summit and donate the use of the auditorium and pay for the insurance for the event. Jackie Thompson gave comments. A motion by Councilmember Viramontes, seconded by Vice Mayor Lopez, to approve the item passed by the unanimous vote of the Council.

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

Vice Mayor Lopez reported that there will be a Foreclosure Information Day on Saturday, March 28, 2009, from 9:00 a.m. to 1:00 p.m. at the Richmond Recreation Complex, 3220 Macdonald Avenue. There will also be an Information and Awareness Day for HIV/AIDS on Wednesday, March 18, 2009, from 5:30 p.m. to 7:30 p.m. at the Bermuda Room in the Richmond Memorial Auditorium. For more information call, the Brookside Clinic at 231-9835.

Councilmember Viramontes reported that the West Contra Costa Transportation Advisory

Committee (WCCTAC) discussed the issue of hot lanes at its last meeting. The Metropolitan Transportation Commission (MTC) is considering taking HOV lanes on Interstate 80 and converting them into a toll road to allow single-occupancy vehicles to enter into the carpool lane. WCCTAC supported sending a letter regarding problems with this proposed change. Councilmember Viramontes will provide copies of letters to the Councilmembers from the regional and county-wide transportation agencies and a copy of the executive summary report from MTC regarding this issue.

Councilmember Bates thanked Trina Jackson, Jerry Anderson, and Keith Jabari for their great job preparing the J.D. Banks Dedication Ceremony. Councilmember Bates also thanked the Nevin Senior Citizens group who held a Black History Month recognition dinner.

Mayor McLaughlin invited everyone to the Women's Day event, "Women in Solidarity" on Saturday, March 7, 2009, from 10:00 a.m. to 3:00 p.m. at Lovonya de Jean Middle School, 3400 Macdonald Avenue. For more information, call 620-6502 and for assistance in Spanish, call 620-6527.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:41 p.m., to meet again on Tuesday, March 17, 2009, at 7:00 p.m.

City Clerk

(SEAL)

Approved:

Mayor