

**RICHMOND, CALIFORNIA, March 17, 2009**

The Regular Meeting of the Richmond City Council was called to order at 5:06 p.m. by Mayor Gayle McLaughlin.

**ROLL CALL**

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

Rodney Smith vs. City of Richmond  
Martin vs. City of Richmond  
Booker vs. City of Richmond  
Chevron USA vs. City of Richmond  
Arm vs. City of Richmond

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8):**

Property: Point San Pablo Yacht Harbor Agency  
Negotiators: Bill Lindsay/Steve Duran  
Negotiating Parties: City of Richmond and Point San Pablo Yacht Harbor  
Under Negotiation: Price

There were no speakers from the audience, and the Open Session adjourned to Closed Session at 5:09 p.m. The Closed Session recessed at 6:15 p.m. The City Attorney stated that the Council will reconvene the Closed Session after the Council meeting adjourns to discuss Arm vs. City of Richmond.

The Regular Meeting of the City Council was reconvened at 7:01 p.m. by Mayor Gayle McLaughlin.

### **ROLL CALL**

**Present:** Councilmembers Bates, Butt, Lopez, Ritterman, Rogers, and Mayor McLaughlin. **Absent:** Councilmember Viramontes (*arrived at 7:10 p.m.*).

### **STATEMENT OF CONFLICT OF INTEREST**

None.

### **AGENDA REVIEW**

Councilmember Bates removed F-5 and F-23 from the Consent Calendar. Mayor McLaughlin stated that Items K-2 and L-1 will be held over to the April 7, 2009, City Council meeting.

### **PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS**

None.

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

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

### **CONSENT CALENDAR**

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

\* - Adopted **Resolution 15-09** to place excess workers' compensation insurance coverage with the California State Association of Counties – Excess Insurance Program (CSAC-EIA) for coverage effective April 18, 2009, and execute the Joint Powers Authority Agreement and the Excess Workers' Compensation Memorandum of Understanding as required and (this item was reviewed at the March 6, 2009, Finance Committee Meeting and recommended for approval).

\*- Approved a contract with Nichols Consulting Engineers, Chtd. in an amount not to exceed \$17,800 to provide pavement analysis and design services to rehabilitate the existing roadway on Hilltop Drive between Robert Miller Drive and Moyers Road.

\* - Approved an agreement with the Richmond Foodshed Collaborative, a division of the non-profit Urban Tilth, for creation of a local "foodshed" on public lands throughout Richmond, and acceptance of an \$85,000 Stewardship Council Grant to fund these services.

\* - Approved the Cooperative Agreement between the City of Richmond and Contra Costa Transportation Authority providing for the receipt of Measure J Program 15, 20, and 28 Funding for various bus and paratransit programs and operations.

In the matter to authorize the Recreation Department to proceed with a laser light show at the Civic Center Plaza on July 3rd, instead of the 3rd of July Fireworks show at the Marina, to preserve the endangered species of Brown Pelicans on Brooks Island and to reduce the cost of the event. Keith Jabari, Recreation Department Director, stated that due to the nesting of endangered Brown Pelicans on Brooks Island, the Recreation Department is requesting that a laser light show at the Civic Center Plaza be scheduled instead of the July 3<sup>rd</sup> fireworks show at the Richmond Marina. Both the State Fish and Game Department and the U.S. Coast Guard must approve the proposed location of a fireworks show. Councilmember Bates stated that there should be a fireworks show possibly at another location on the bay. Naomi Williams, Corky Booze, and James Jenkins gave comments. This matter was held over to the March 24, 2009, City Council meeting and with a request for a Coast Guard representative to attend the

meeting for clarification on the matter.

\*- Adopted **Resolution No. 16-09** amending the City of Richmond's position classification plan to add the classification of Sustainability Coordinator.

\* - Introduced an ordinance (first reading) establishing the wages, salary, and compensation for the new classification of Sustainability Coordinator (Salary Range 043D: \$4,689 - \$5,608/month)

\* - Adopted **Resolution No.17-09** amending the City of Richmond's position classification plan to add the amended classification of Risk Manager

\*- Introduced an ordinance (first reading) establishing the wages, salary, and compensation for the revised classification of Risk Manager (Salary Range 070D: \$8,642 - \$10,452/month).

\* - Approved a contract with Ghilotti Bros., Inc. in an amount not to exceed \$21,352 to replace the existing uneven concrete slab in one of the Equipment Services Shop Bays.

\* - Introduced an ordinance (first reading) establishing the wages, salary, and compensation for the classification of Principal Personnel Analyst (Salary Range 069D: \$7,889 - \$9,548/month)

\*- Approved a second amendment to the existing construction management services contract with Harris & Associates, Inc. to provide additional construction management services and to improve and update Engineering Service's inspection policies and procedures in an amount not to exceed \$400,000 (This item was reviewed at the March 6, 2009, Finance Committee meeting and recommended for approval).

\* - Approved a professional service contract with the Crosby Group to design the Dornan Drive Tunnel Repair and Rehabilitation Project in an amount not to exceed \$158,000 (this item was reviewed at the March 6, 2009, Finance Committee Meeting and recommended for approval)

\* - Approved a contract with Automobile Resources, Inc. to provide and install two ARI-HETRA Hose Reel Exhaust Systems to comply with current air quality environmental regulations for servicing City vehicles at the Equipment Services Corporation Yard Shop in an amount not to exceed \$65,000.

\*- Approved a contract with MSI Fuel Management, Inc. to provide and install a total of three FuelMaster Management Systems at the Corporation Yard, Parks and Recreation, and the Water Treatment Plant fuel sites, and two additional systems for the new fuel sites located at the Hilltop and May Valley fire stations, in a combined amount not to exceed \$77,500.

\*- Approved the purchase of one heavy-duty ARI-HETRA mobile vehicle lifting system with accessories, and approved a contract with Snap-On Industrial for providing and installing two John Bean automotive vehicle-lifting systems to service City vehicles at the Equipment Services Corporation Yard Shop, for a combined amount not to exceed \$66,150.

\* - Approved **Resolution No. 18-09** approving the Final Map of Subdivision 9105 (a 12-unit condominium conversion in the El Sobrante area of Richmond) and directed the recording thereof.

\* - Adopted **Resolution No. 19-09** designating David Baumann, P.L.S., of RBF Consulting, and Patrick M. Rei, L.S., of Kister, Savio & Rei, Inc., as Interim City Land Surveyors, for the purpose of checking subdivision maps.

\* - Adopted **Ordinance No. 4-09** 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).

\* - Adopted **Resolution No. 20-09** authorizing placement of liens and special assessments for unpaid garbage collection service fees on County Property Tax Records in the total amount of \$335,832.

\* - Approved a contract with Nichols Consulting Engineers for geotech soils studies analysis related to construction of the new Fire Station No. 66 on Clinton Avenue in an amount not to exceed \$16,900.

\* - Approved the third eCivis, Incorporated contract amendment for a City-wide grant locator database to aid City departments and non-governmental organizations in applying for grants, extending the contract term to March 31, 2010, and increasing the contract amount by \$29,950 for a total cost not to exceed \$126,975.

In the matter to approve the following appointments:  
Police Commission: Scott Gillespie, term expiring November 1, 2010; Dolores Hembree, term expiring November 1, 2011; James Jenkins, term expiring November 1, 2009; Bea Roberson, term expiring November 1, 2009; Cora Ward, term expiring November 1, 2011; Design Review Board: Diane Bloom, term expiring June 30, 2010; Andrew Butt, term expiring March 17, 2011; Eileen Whitty, term expiring March 17, 2011; Michael Woldemar, term expiring March 17, 2011; and Don Woodrow, term expiring June 1, 2009.  
Councilmember Bates and Councilmember Viramontes stated that the appointments should be made separately. Following discussion, a motion by Councilmember Ritterman, seconded by Mayor McLaughlin, to approve the appointments passed by the following vote: **Ayes:** Councilmembers Butt, (*abstained on the vote to appoint Andrew Butt to the Design Review Board*), Lopez, Ritterman, Rogers, Viramontes, (*abstained on the vote to appoint Andrew Butt to the Design Review Board*), and Mayor McLaughlin. **Noes:** None. **Abstentions:** Councilmember Bates. **Absent:** None.

\* - Approved the following appointments: West County Integrated Waste Management - Alternate member, Councilmember Butt; East Bay Regional Parks District Liaison Committee - Alternate member, Councilmember Ritterman.

\* - Approved the minutes for the Special Meeting held on February 24, 2009, and the Regular Meeting held on March 3, 2009.

## **OPEN FORUM FOR PUBLIC COMMENT**

Naomi Williams stated that an address should be put on every house either on the curb or on the house in case of an emergency. Ms. Williams also stated that some of the streets have the same name but are located in different places, such as Sutter Avenue and Collins Avenue, and should be renamed. She also stated that she was at the site of the I-580 shooting and saw the Office of Neighborhood Safety there also.

Robert Wirth gave comments regarding lack of response and assistance from the City pertaining to a new building he proposed to build on the corner of Cutting Boulevard and 29<sup>th</sup> Street.

Kimberly Ellis gave comments regarding a march that the Delta Academy held on Saturday, March 14, 2009, against gang violence. \$500 was raised for donation to the parents of murdered children and to the Contra Costa Crisis Center.

Jovanka Beckles gave comments regarding Van Jones, who was appointed by President Barack Obama as the Green Jobs advisor to the White House.

Simms Thompson stated that there should be some form of welcome given to persons that move to the City and inform them of who to contact if they need assistance for a City matter.

Jackie Thompson gave comments regarding the panhandling problem at various fast food restaurants in the City. She also thanked Mayor McLaughlin for the Women's Day Program that took place on March 14th. Ms. Thompson also commented that mobile food vendors should have a business license.

Corky Booze thanked a Christine whom he met at the Plunge event who thanked him for speaking for the entire community. Mr. Booze also asked that the painting of numbers on the curbs of homes be revisited. He also thanked City Manager, Bill Lindsay, for his leadership and accomplishments.

Rhonda Harris stated that her non-profit organization, The Richmond Community Based Employment Collaborative, prepares individuals with ready to work skills.

### **PUBLIC HEARINGS**

None.

### **AGREEMENTS**

None.

### **RESOLUTIONS**

A proposed resolution opposing Contra Costa County's proposed cuts for Primary Care and Health Services to undocumented adults was presented. Councilmember Viramontes and Vice Mayor Lopez gave comments. Councilmember Viramontes stated that the Contra Costa County Board of Supervisors will vote on a plan to cut health care services for approximately 5,500 adult immigrants. If passed, low-income residents, with the exception of children and pregnant women, will lose non-emergency primary care services. It would impose more costs for emergency room services, County and local hospitals, and can burden and create more financial stress on local non-profit clinics. Vice Mayor Lopez stated that emergency rooms visits could increase 10% and cost an additional \$2.5 million. A motion was made by Councilmember Viramontes, seconded by Vice Mayor Lopez, and **Resolution No. 21-09**, was adopted by the unanimous vote of the Council.

### **ORDINANCES**

An ordinance was introduced for first reading to amend Richmond Municipal Code Section 15.04.910.080 to require findings of public convenience or necessity before approving a conditional use permit for retail sales of alcoholic beverages in areas where there is an undue concentration of establishments selling alcoholic beverages. Following discussion, a motion by Councilmember Viramontes, seconded by Councilmember Rogers said ordinance received first reading and was laid over two weeks for second reading.

Continued the ordinance introducing for first reading adding Chapter 6.46 to the City of Richmond Municipal Code establishing green building standards for the construction and/or renovation of commercial and residential buildings.

### **COUNCIL AS A WHOLE**

Continued to April 7, 2009 to consider an amendment to Section 6.02.150 of the Richmond Municipal Code to include language to prevent the issuance of demolition permits for buildings that have stored or used toxic substances without a CEQA review.

In the matter to discuss and consider two considerations relative to the expansion of Burlington Northern Santa Fe (BNSF) quiet zones: (1) consider expansion of quiet zones to include the remainder of the BNSF trackage in south Richmond to include 3rd Street, 2nd Street, West Cutting Boulevard, Wright/Harbour Way South, Marina Way, and a private crossing to a storage facility; and (2) consider a study to determine the locations and costs of grade crossing improvements to all Richmond grade crossings in quiet zones. Councilmember Butt stated that expansion of the quiet zones to include the remainder of Burlington Northern Santa Fe trackage would prove beneficial to Richmond residents that live on the south side of Richmond. The total cost of the south Richmond quiet zones, excluding those already committed and/or funded by the City will be in the range of \$750,000 and could come from a variety of sources, including State bond funds, Federal stimulus funds, Chevron's \$18 million settlement, conditions of development, CPUC, CalTrans 130 funds, etc. Naomi Williams, Jackie Thompson, Corky Booze, and Sherry Padgett gave comments. Councilmember Bates stated that there are higher priority matters in the City and stated he will not support the item. Following discussion, a motion by Councilmember Ritterman, seconded by Councilmember Viramontes, to approve 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.

In the matter to discuss and provide direction to staff regarding possible Green Commute Program strategies. Jenny Oorbeck stated that based on the City's baseline greenhouse gas (GHG) emissions inventory, employees generated an estimated 25% of municipal GHG emissions from travel to and from work in personal vehicles in 2005. The City is committed to reducing these emissions and wants to maximize employee participation. These efforts should begin soon after City staff relocates back to City Hall to take advantage of the public transit opportunities available at that location. Councilmember Bates asked why the unions have not been consulted regarding the possibility of an alternative work schedule and suggested that this matter be held over for one month for a progress report on that matter. Pamela Covington gave comments. Several Councilmembers expressed concern with reduced service to the public if the alternative work schedule is applied. Rogers asked for an analysis on employee parking subsidy. This item will return to the City Council meeting on April 21, 2009, for an update and selection of which employee commute alternatives will be pursued.

In the matter to receive a report from staff on the status of the Macdonald Avenue Street Improvements. Councilmember Bates stated that this project has taken a long time to complete and has caused a burden to local businesses. Steve Duran, Community & Economic Development Director, stated that this project is located between Harbour Way and 19<sup>th</sup> Street at a cost of \$5.5 million and the project is on schedule. The project includes installation of new sewer lines and laterals and undergrounding of street lights. Jackie Thompson gave comments. Councilmember Viramontes asked if construction interruption funding from the State has been explored to assist the businesses. Mr. Duran responded that this option will be researched.

In the matter to direct staff to file an application for EPA Smart Growth Technical Assistance for planning Greenprint development in Richmond. Councilmember Rogers stated that this concept is to bring a greener way of transportation into residential developments. The Environmental Protection Agency (EPA) has a competitive process that cities can apply for that can bring national experts to the City and provide technical assistance. A motion by Councilmember Rogers, seconded by Councilmember Viramontes to direct staff to apply for the program, passed by

the unanimous vote of the Council.

In the matter to discuss and direct staff to take action to oppose High Occupancy Toll Lanes on Interstate 80. Councilmember Viramontes stated that the Metropolitan Transportation Commission (MTC) has released a study in favor of a Bay Area High Occupancy Toll (HOT) Network to address congestion along Interstate 80 and generate revenue. A letter from West Contra Costa Transportation Advisory Committee (WCCTAC) expressing concerns about the HOT lane concept was sent to MTC for review. The concerns include that HOT lanes are not equitable across income segments and they undermine efforts to promote carpooling and transit. Corky Booze, Jackie Thompson, Sims Thompson, and Don Gosney gave comments. A motion was made by Councilmember Bates, seconded by Councilmember Butt, to direct staff to oppose the action and send letters of opposition to legislators, 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 Butt stated that he attended the Local Government Commission Conference in Yosemite and will provide a written report at a later time.

Councilmember Bates stated that the Chevron Community Benefits Committee is soliciting applicants from the community to serve. The deadline to apply is Friday, March 20, 2009.

Councilmember Ritterman attended the Local Government Commission Conference on building Livable Communities.

Councilmember Rogers reported that he attended the Local Government Commission Conference. He also attended the Childhood Obesity Conference in New York.

Vice Mayor Lopez reported that there will be an HIV/AIDS Awareness Day in the Bermuda Room of the Richmond Memorial Auditorium on Wednesday, March 18, 2009, from 5:30 p.m. to 7:30 p.m. She also stated that there will be a foreclosure workshop on Saturday, March 28, 2009, at the Richmond Recreation Center from 9:00 a.m. to 12:30 p.m.

Councilmember Viramontes stated that she met with representatives from the Brookside Health Clinic and West Contra Costa Health Clinic who will receive \$1 million from the Chevron Community Benefit Agreement. She attended the International Women's Day Conference last Saturday.

Mayor McLaughlin stated that the 2<sup>nd</sup> Annual International Women's Day Conference was a success and thanked her staff for organizing the event.

*The Council adjourned to Closed Session to discuss Arm vs. City of Richmond at 10:14 p.m.*

*The Council meeting reconvened at 10:40 p.m.*

City Attorney, Randy Rittle, reported that the City Council approved a proposed settlement in the Arm vs. City of Richmond matter with Mayor McLaughlin and Councilmember Bates voting no.

### **ADJOURNMENT**

There being no further business, the meeting adjourned at 10:42 p.m., in memory of local boxer and baseball player, James MacGoodwin and Dorsey Harper, member of the North Missionary Baptist Church, to meet again on Tuesday, March 24, 2009, at 7:00 p.m.

---

City Clerk

(SEAL)

Approved:

---

Mayor