

RICHMOND, CALIFORNIA, April 7, 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, Bates, Butt, Ritterman, Rogers, Viramontes, Vice Mayor Lopez, and Mayor McLaughlin. **Absent:** None.

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):

Andre Mogannam vs. City of Richmond
Riley vs. City of Richmond
City of Richmond vs. Church of Deliverance
Barra vs. City of Richmond
Martin 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 LABOR NEGOTIATORS (Government Code Section 54957.6)

City Designated Representative(s): Bill Lindsay, Leslie Knight, Jack Hughes, Lisa Stephenson, and Bruce Soublet

Employee Organization or unrepresented employee(s): Locals IFPTE 21 and SEIU 1021: Alternative Work Schedules

Chevron vs. City of Richmond was added to the Closed Session for discussion. Councilmember Butt stated a conflict of interest and stated he would recuse himself from the discussion.

The Open Session adjourned to Closed Session at 5:09 p.m. The Closed Session adjourned at 7:01 p.m. The Regular Meeting of the City Council was reconvened at 7:09 p.m. by Mayor Gayle McLaughlin.

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Item F-5 was withdrawn from the agenda. Item F-11 was continued to the Council meeting of April 21, 2009. Items F-3, F-12, and F-18 were removed from the Consent Calendar. Item K-1 was heard after Resolutions.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Mayor McLaughlin presented a proclamation recognizing National Library Week, April 12-18, 2009 to Library Director Monique le Conge. Ms. le Conge thanked the Council for the proclamation.

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

City Attorney, Randy Riddle, stated that there was an \$18,000 settlement agreement in the case of Riley vs. City of Richmond.

CONSENT CALENDAR

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

* - Approved a contract with Bellecci & Associates, Inc. for professional engineering and design services for the Citywide Parks Master Plan in an amount not to exceed \$152,978.00 (this item was reviewed at the March 20, 2009, Finance Committee Meeting and recommended for approval)

*- Approved a contract with Urban Creeks Council to gather community and stakeholder feedback, design, and manage revegetation of the Baxter Creek site at Booker T. Anderson Jr. Community Park. Total amount of the contract will not exceed \$88,240.

* - Authorized the port director to execute the Memorandum of Agreement between the City of Richmond, the Bay Area Air Quality Management District, the Bay Planning Coalition, the Port of San Francisco, the Port of Oakland, the Port of Redwood City, and the Port of Benicia for the development of the Bay Area Seaports Air Emissions Inventory. The City/Port of Richmond's portion of the cost to develop the inventory will not exceed \$60,000.

* - Approved a contract with Opportunity West in an amount not to exceed \$27,500 for a term ending December 31, 2009, to provide technical and organizational support for the newly-formed Richmond Groundwork Trust Steering Committee.

Withdrew from the agenda an amendment to the contract with Merriwether & Williams Insurance Services, increasing the contract amount from \$49,000 to \$99,000 and extending the term by one year to June 30, 2010, for Phase II of the contracting and bonding assistance program for Richmond businesses.

*- Approved a contract in an amount not to exceed \$215,000 and for a term from February 1, 2008, to January 31, 2014, with Elation Systems to provide software and technical support services for web-based labor compliance

and monitoring software for the purpose of efficiently processing certified payroll records and generating compliance and demographic reports for contracts covered by the City of Richmond's Local Employment Ordinance and Business Opportunity Ordinance.

* - Approved a contract with Alten Construction, Inc. to reinforce the existing Richmond Swim Center roof in an amount not to exceed \$40,888.

* - Adopted **Ordinance No. 5-09 N.S.** establishing the wages, salary, and compensation for the revised classification of Risk Manager (Salary Range 070D: \$8,642 - \$10,452/month).

*- Adopted **Ordinance No. 6-09 N.S.** establishing the wages, salary, and compensation for the new classification of Sustainability Coordinator (Salary Range 043D: \$4,689 - \$5,608/month).

* - Adopted **Ordinance No. 7-09** establishing the wages, salary, and compensation for the classification of Principal Personnel Analyst (Salary Range 069D: \$7,889 - \$9,548/month).

* - 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)

Continued to the April 21, 2009, amending 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.

In the matter to acknowledge receipt of the City of Richmond's Comprehensive Annual Financial Report for the fiscal year ended June 30, 2008. Councilmember Viramontes asked why there was a -\$8.8 million showing in the general fund schedule of revenues, expenditures and changes. A representative from Maze & Associates replied that there were budgeted transfers in the amount of \$14.9 million but actual transfers in were only \$5.5 million. A motion made by Councilmember Viramontes, seconded by

Vice Mayor Lopez to acknowledge receipt of the report, passed by the unanimous vote of the Council.

In the matter to approve Contract Amendment No. 3 with Todd Jersey Architecture in an amount not to exceed \$116,000 to provide the necessary architectural services and construction administration to complete Phase II of the renovation of the Richmond Natatorium, bringing the total contract amount to \$451,000. Councilmember Butt stated that the plunge could have a moveable bulkhead and is a location to have a competition pool and requires public discussion and involvement. A motion was made by Councilmember Butt, seconded by Councilmember Viramontes to approve the item with the condition that there is a community meeting to hear comments from the public on the bulkhead option for the natatorium. The motion passed by the unanimous vote of the Council.

* - Adopted **Resolution No. 22-09** to award a consulting contract to Opticos Design, Inc. for the visioning and preparation of a form-based code for the 23rd Street Corridor. This item was a companion item to Item E-3 on the Redevelopment Agency agenda.

*- Approved a contract with WESCO Graphics, Inc. to print the next four editions of the Recreation Department's Activities Guide in an amount not to exceed \$46,580.

*- Approved the appointment of Mayor McLaughlin as an alternate member of the North Richmond Mitigation Fee Joint Committee.

* - Approved a contract with Networkfleet to provide 150 units of the Advance GPS Fleet Management System for the tracking and management of City vehicles, and to manage these units for two years, in an amount not to exceed \$150,000.00.

In the matter to approve the following appointments: Arts and Culture Commission: Mauricio Duarte, term expiring January 31, 2013; Housing Advisory Commission: Antheia Yvonne Harrison-Farr (incumbent), term expiring February 1, 2011; Library Commission: Ron Shoop, term expiring July 1, 2012. Councilmember Bates stated he was in support of the appointments, but he would not support

voting collectively on the appointments. A motion was made by Councilmember Rogers, seconded by Councilmember Viramontes to approve the appointments separately. All recommendations for appointments were approved by the unanimous vote of the Council.

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

OPEN FORUM FOR PUBLIC COMMENT

Stephen Schaefer, instructor at Contra Costa College, invited everyone to the Second Annual Food and Wine Festival on Sunday, April 26, to benefit the College's Culinary Arts Program. Additional information can be obtained by calling 510-235-7800, extension 4409.

Soloman Ervin and Mustafa Muhyee stated they have started a youth mentorship program in the Crescent Park neighborhood and requested use of the Booker T. Anderson Center, field, and gym. They also asked for donations to assist with the cost of the program.

Ric Borjes, Rosie the Riveter World War II Homefront National Historical Park, stated that there is still time for people to comment on the Rosie the Riveter General Plan Environmental Assessment. Copies of the plan can be requested by calling 232-5050. Mr. Borjes also invited everyone to the Homefront Youth Core Celebration on April 18, from 5:00 p.m. to 6:30 p.m. at the Richmond Museum of History.

Miguel Garcia spoke about the need for a crosswalk or stop signs in the Del Valle area at the 5400 block of Valley View Road due to safety concerns for children crossing valley View to get to the playlot. He requested that stop signs be installed.

John Marquez spoke on behalf of the Vista Del Valle residents Housing Association located South of Dam Road and West of Lois Lane. There are safety concerns with cars driving very fast and are requesting crosswalks in the area.

Paula Young stated her concern regarding construction equipment vehicles constantly going up and

down Valley View Road in the Del Valle area.

A.J. Jelani stated that he would like to have a meeting with Chief Magnus to discuss issues in his neighborhood.

Jackie Thompson thanked the mayor for coming to meet with the seniors. She stated that on Cutting Boulevard between Carlson and Stege the street sweeping signs don't indicate the date for no parking. She also said that business owners are placing cones in front of their businesses that prohibit patron parking and allow the owner and their family to use the space. Ms. Thompson also commented that Cutting Boulevard and Stege Avenue need a crosswalk.

Shawn Gage, Jackson Hewitt Tax Services, stated his concern regarding the major construction on Macdonald Avenue that has adversely affected his business. Mayor McLaughlin instructed Mr. Gage to contact the Redevelopment Agency Director, Steve Duran, and inquire about reimbursement funding for businesses affected by the construction work.

Tom Waller gave comments about the Second Annual Green Expo on May 14, 2009, at the Craneway Pavilion.

Jovanka Beckles gave comments regarding homicides in the City of Richmond and congratulated Richmond High School for the blood drive they conducted.

Simms Thompson stated that there is debris being dumped into storm drains.

Corky Booze thanked the mayor for going to Friendship Manor and interacting with the seniors. Mr. Booze also gave comments regarding crime in Richmond and the recent murder of a 16 year old girl.

PUBLIC HEARINGS

The city clerk announced that this was the time set, pursuant to published notice, to conduct a public hearing to determine whether there are any private, nonprofit agencies available to provide demand-response and fixed-route transportation services for

senior and persons with disabilities residing in the greater Richmond area for a minimum of 20 hours per week. If there are no readily available providers, adopt a resolution and authorize staff to complete and submit an application for a Federal Transit Administration (FTA) 5310 Grant to allow for the purchase of seven Paratransit vehicles at a total cost of \$371,171, with the City's share of the cost at \$42,573. Mayor McLaughlin announced that the public hearing was open. Sam Casas, Paratransit, stated that in order to qualify for the grant, a public hearing must be conducted to determine if there are any private non-profit agencies that can perform the services. Jackie Thompson and Corky Booze gave comments. Councilmember Bates asked for clarification on the noticing procedures. City Clerk, Diane Holmes, stated that the notice was published in the West County Times 30 days prior to the public hearing on March 7, 17, and 27. There were no speakers from the audience. On motion of Councilmember Viramontes, seconded by Vice Mayor Lopez, closed the public hearing, by the unanimous vote of the Council. A motion made by Councilmember Viramontes, seconded by Vice Mayor Lopez, authorizing staff to complete and submit an application for the FTA 5310 Grant, and adopting **Resolution No. 23-09**, passed by the unanimous vote of the Council.

AGREEMENTS

None.

RESOLUTIONS

A resolution supporting supporting Senate Bill 810, the California Universal Health Care Act of 2009 was presented. Mayor McLaughlin stated that this act, also known as SB810 or CHIRA, will provide comprehensive, affordable health coverage to all California residents through a single public insurance system like Medicare. Eli Williams, John Melone, and Jovanka Beckles gave comments. On motion of Mayor McLaughlin, seconded by Councilmember Viramontes, adopted **Resolution No. 24-09**, by the unanimous vote of the Council.

A resolution in support of the Cuban Five, their rights to fair trial and visitation rights for their families was

presented. Mayor McLaughlin stated that the purpose of the resolution is to express support for the release of five Cuban nationals who have been held unjustly in U.S. prisons without due process for fair trial for over 10 years and to support granting visas to their wives so that they can visit their husbands while they remain in prison. By passing this resolution, the Richmond City Council will also be giving a statement of support to friends in our Sister City of Regla, Cuba. Melanie Langlois, Alicia Webcoe, Suzanne Sanders, Juan Reardon, and Jovanka Beckles gave comments in support of adopting the resolution. More information regarding this matter can be obtained by visiting www.thecuban5.org. On motion of Mayor McLaughlin, seconded by Councilmember Viramontes, adopted **Resolution No. 25-09**, by the unanimous vote of the Council.

A resolution approving the Rosie the Riveter/World War II Home Front National Historical Park General Management Plan/Environmental Assessment and concurring with the selection of Alternative B of the Plan as the Preferred Alternative was presented. Richard Mitchell, Planning Director, stated that an official response by the City Council should be provided prior to the April 26, 2009, closing date. (*Councilmember Lopez left the meeting at 8:43 p.m. and returned at 8:46 p.m.*) Councilmember Viramontes asked if there will be any more costs the City will have to incur if the plan is selected. Ric Borjes, Chief of Cultural Services, Rosie the Riveter Park, replied that this is just a general management plan and does not require the City to fund specific projects; it is an outline of how the National Park Service and the City can work together on projects. A motion by Councilmember Viramontes, seconded by Councilmember Butt, to approve Alternative B as the preferred alternative, and adopting **Resolution No. 26-09**, passed by the unanimous vote of the Council.

ORDINANCES

An ordinance amending Richmond Municipal Code Section 9.46 to strengthen restrictions on alcoholic beverage advertising was presented for first reading. Councilmember Rogers stated that this proposed amendment will focus the prohibition on alcoholic beverage manufacturers or large retailers by addressing billboards and will expand areas of protection to include more places where children congregate.

Naomi Williams, Corky Booze, and Jovanka Beckles gave comments. Following discussion, on motion of Councilmember Rogers, seconded by Councilmember Viramontes said ordinance received first reading and was laid over two weeks for second reading, by the unanimous vote of the Council.

An ordinance 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 was presented for first reading. Planning Director, Richard Mitchell, stated that the Municipal Green Building Ordinance mandates incorporation of green building measures for City and City funded construction projects only. The proposed Green Building Ordinance applies to all newly-constructed single and multi-family residential buildings; additions to single-family residential buildings that are subject to design review, and newly-constructed or renovated commercial buildings with over 5,000 square feet of conditional space. Joe Light, Associate Planner, stated that there were changes made to the proposed ordinance at the request of the Council of Industries (COI) which were to define that this applied to buildings with conditioned space, an infeasibility option that would allow applicants to request an exemption, addition of an appeals process to the Board of Building Appeals. *(Councilmember Viramontes left the meeting at 10:20 p.m. and returned at 10:28 p.m.; Vice Mayor Lopez left the meeting at 10:52 p.m. and returned at 11:00 p.m.)* Councilmember Bates asked what the additional cost is to comply with the green building standards. Mr. Light replied that it costs an additional 1% to 3%. Tom Waller, Katrinka Ruk, Joshua Genser, Karen Fenton, and Judy Morgan gave comments. Butt suggested approving first reading and amending the language to allow process loads to be used in the Leadership in Energy and Environmental Design (LEED) calculations requirements and the definition of conditioned space to be consistent with the Title 24 language. A motion by Councilmember Butt, seconded by Councilmember Viramontes, to give first reading to the ordinance with amendments to the definition of conditioned space to be consistent with the 2008 California Energy Commission Building Energy Efficiency Standards, points be allowed for process loads, but will not be required, and these amendments

will be placed within the ordinance and shared with the Chamber of Commerce and the Council of Industries for discussion prior to the second reading of the ordinance. Councilmember Bates made an amendment to the motion to include that the City Council be the final appealing body. The motion passed inclusive of the amendments and said ordinance received first reading and was laid over two weeks for second reading, by the unanimous vote of the Council.

COUNCIL AS A WHOLE

In the matter to acknowledge receipt of the staff report on the continuation of foreclosure prevention and management activities and on the implementation of additional efforts possible through new funding. Councilmember Viramontes stated that the rapid deterioration of the economy has resulted in a 120% increase in foreclosures and properties going to auction over the last year. Patrick Lynch, Housing and Community Development Director, stated that several activities have been undertaken to address these issues. The City led multi-jurisdictional meetings through the Contra Costa County Community Development Block Grant (CDBG) Consortium to coordinate a regional response and developed strategic plans. Outreach campaigns were launched on KCRT in English and Spanish. A regional web-based self-help information and referral was developed at <http://www.ci.richmond.ca.us/ForeclosureHelp>. There are \$1 million in Redevelopment Agency funds for blighted property. Approval was obtained from the Housing and Urban Development Department (HUD) for \$3.3 million for the Richmond Neighborhood Stabilization Program (NSP) for 2009-2010. All ongoing outreach, education and counseling and loss mitigation services will continue. Assistance and referrals with credit issues and refinancing can be obtained by calling 211. *(Councilmember Rogers left the meeting at 8:58 p.m. and returned at 9:00 p.m.; Councilmember Bates left the meeting at 7:38 p.m. and returned at 7:46 p.m.)* John Marquez and Adam Poe gave comments. Councilmember Viramontes recommended that a renter's moratorium ordinance be adopted, similar to the one in Los Angeles that allows renters to remain in the rental property 90 days after the home is foreclosed and also

consider the Philadelphia model that mandates that property owners and lenders participate in mediation prior to the foreclosure of the property. Mayor McLaughlin requested that both the Hosing Stabilization Initiative and Neighborhood Stabilization Program application be forwarded to the City Council. Staff will return to the City Council with various recommendations. A motion was made by Councilmember Viramontes, seconded by Vice Mayor Lopez, that the City move forward with a \$1,000 fine ordinance and implementation plan for 2009-2010 that may include an increase in attorney assistance and Code Enforcement and increase community access to legal services and conclude the legal land trust. Also include a moratorium on eviction of renters, and mandated mediation before foreclosure with lenders and homeowners. Vice Mayor Lopez suggested that the Fresno ordinance be followed that requires that properties that will be foreclosed be registered on a list in advance and also includes a security plan on how the property will be maintained after foreclosure, passed by the following vote: **Ayes:** Councilmembers Butt, Ritterman, Rogers, Viramontes, Vice Mayor Lopez, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates.

In the matter to direct staff to seek options for the City of Richmond to help the East Bay Center for the Performing Arts secure additional funding for the Winters Building restoration by May 22, 2009. Some options to consider include: (1) recommend obtaining a \$1.5 million dollar replacement loan from the State Local Investment Fund, (2) consider submitting an application under the Federal Stimulus package for 50% of the project's funding, (3) any other options the staff can recommend to meet the deadline. Councilmember Viramontes stated that the East Bay Center for the Performing Arts has been in the final stages of raising \$1.5 million through a public-private partnership to restore the Winters Building. At risk is a loan for \$1.5 million which has been leveraged for other public and private funding. Staff time and/or consultant grant writing time would be needed to work with the East Bay Center to submit applications for federal grants or state loans. A motion was made by Councilmember Viramontes, seconded by Councilmember Ritterman, to

direct staff to seek options for additional funding of the Winters Building, passed by the unanimous vote of the Council.

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

Mayor McLaughlin stated that she sent certificates of condolences to the families of the four fallen Oakland Police Officers.

Councilmember Rogers stated that he met with two smart growth developers in Los Angeles and toured three in-fill projects in the area and is planning to tour the downtown area of Richmond.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:51 p.m., in memory of the four fallen Oakland Police Officers, the fallen officers in Pittsburg, Pennsylvania, the victims of killings in New York and Seattle, the homicides in Richmond, Jeremy Raider, Lila Raglan, and former Congressman Jerome Waldie, to meet again on Tuesday, April 21, 2009, at 7:00 p.m.

City Clerk

(SEAL)

Approved:

Mayor