

RICHMOND, CALIFORNIA, April 21, 2009

The Regular Meeting of the Richmond City Council was called to order at 5:08 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):

Chevron USA vs. City of Richmond
Communities for a Better Environment (CBE) vs. City of Richmond
West County Wastewater District vs. City of Richmond
City of Richmond vs. Church of Deliverance
Citizens of the East Shore State Parks vs. City of Richmond

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

One Case

The matter regarding the City of Richmond vs. Church of Deliverance was continued to a future meeting.

The Open Session adjourned to Closed Session at 5:09 p.m. The Closed Session adjourned at 6:44 p.m.

The Regular Meeting of the City Council was reconvened at 7:18 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

Councilmember Ritterman recused himself from discussion on Item F-2, a contract with Kaiser Permanente to perform physical examinations for fire personnel.

AGENDA REVIEW

Item F-6 was withdrawn from the agenda and continued to the May 5, 2009, City Council meeting. Items F-11 and I-2 were heard before Open Forum. Item F-15 was withdrawn from the agenda. Item F-13 was removed from the Consent Calendar. Councilmember Bates stated he would abstain on Item F-14, appointments to Boards and Commissions. Mayor McLaughlin withdrew Ben Parson and Herman Welm's appointments to the Community Development Commission. Ben Parsons has served the maximum number of terms allowed and Herman Welm resigned from the Community Development Commission.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Mayor McLaughlin presented a proclamation to Richmond High School student Sompong Viengvilai in recognition of his three-minute video "Polluted Nightmare", for which he was one of seven finalists in the statewide California Climate Champion competition. The video was shown, and Sompong Viengvilai thanked the Council for the proclamation and encouraged youth to make a positive change toward helping save the environment.

Mayor McLaughlin presented proclamations honoring April 22nd as Earth Day 2009 and celebrating Richmond's Growing Community Gardens to the following organizations: CYCLE, 5% Local Coalition, The Verde Partnership Garden, Eco Village Farm, The Library Garden, The Peace Garden, The HEAL Garden, Jessie Nichol, The School Gardens of Richmond High, Dover Elementary, and Richmond College Prep School. Jovanka Beckles gave comments.

Mayor McLaughlin read a proclamation recognizing April 2009 as National Sexual Assault Awareness Month. Ms. Cynthia Peterson from Community Violence Solutions was not present to accept the proclamation. Corky Booze and Jackie Thompson gave comments.

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.

CONSENT CALENDAR

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

* - Approved a contract with W. Bradley Electric (WBE) to install Opticon emergency vehicle pre-emption equipment at four signalized intersections: Hilltop Drive and Richmond Parkway, Carlson Boulevard and Cutting Boulevard, Cutting Boulevard and 37th Street, 37th Street and Barrett Avenue in an amount not to exceed \$46,250.

*- Approved a contract with Kaiser Permanente to perform physical examinations for 88 sworn fire personnel and pre-employment examinations for up to 10 firefighter trainees in an amount not to exceed \$54,684. Councilmember Ritterman recused himself from voting on this item because Kaiser is his employer.

* - Approved a contract with First Service Production, Inc. to resurface the existing outdoor basketball courts at Nevin and Atchison Parks in an amount not to exceed \$18,370.

* - Approved an agreement with the Contra Costa District Attorney's Office to provide services for the Police-Prosecutor Liaison Program at a cost of \$200,000 for calendar year 2009.

* - Adopted **Resolution No. 28-09** increasing the City's current Living Wage, effective January 1, 2009, from \$14.55 per hour to \$15.19 per hour for employees with medical benefits; and from \$16.05 per hour to \$16.69 per hour for employees without medical benefits.

Continued to May 5, 2009, a future City Council meeting the reimbursement to Auto Warehousing Company (AWC) for the additional Pre-Development expenses incurred in an amount not to exceed to \$1,055,000.

* - Approved payment in an amount not to exceed \$16,500 to Select Electrics for completion of repairs to the KCRT production vehicle.

* - Adopted **Resolution No. 29-09** of the Council of the City of Richmond, California authorizing a standing order procurement process with Innovative Interfaces, Inc. of Emeryville, California for annual hardware and software maintenance, consulting, training, and software application modules in an amount not to exceed \$150,000 for each of three fiscal years: 2008-2009, 2009-2010, and 2010-2011.

*- Approved a contract amendment with Gordon & Rees, LLP to evaluate, legally review, and advise the City on wastewater operations, and prepare for mediation and initial preparation for arbitration. The contract amendment shall be for \$175,000, for a total contract amount of \$500,000 with a term extending to December 31, 2009.

* - Adopted **Ordinance No. 8-09 N.S.** 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.

A resolution (1) authorizing the issuance by the City of Richmond of tax and revenue anticipation notes (TRANS) in an amount not to exceed \$30,000,000; (2) authorizing various financing documentation, including a purchase agreement and a trust agreement; (3) authorizing the finance director/treasurer to sign financing documentation in connection with the issuance of the TRANS; and (4) appointing the law firm of Orrick, Herrington & Sutcliffe as bond counsel to the City of Richmond was presented. James Goins, Finance Director, gave an overview of the matter and stated that the money will be used for managing cash flow from December through April. Councilmember Viramontes asked why \$30 million was proposed. Mr. Goins replied that the City is qualified to receive a \$30 million TRANS at a low interest rate and can then invest the money and make a profit. On motion of Councilmember Bates, seconded by Councilmember Ritterman, adopted **Resolution No. 30-09**, by the following vote: **Ayes:** Councilmembers Bates, Butt, Ritterman, Rogers, Vice Mayor Lopez, and Mayor McLaughlin. **Noes:** Councilmember Viramontes. **Abstentions:** None. **Absent:** None.

* - Approved 2009 Tow Service Contract and adopted **Resolution No. 31-09** for the term January 1, 2009, through December 31, 2009, which retains the current maximum tow fees approved in 2005.

Service contracts with three selected vendors: Fehr & Peers Associates, Walnut Creek; Kimley-Horn and Associates, Inc., Oakland; and PHA Transportation Consultants, Berkeley for as-needed traffic consultant services on capital improvement projects, development projects, and other City projects, in an amount not to exceed \$200,000 per vendor over a three-year period was presented. Jackie Thompson gave comments. On motion was made by Councilmember Bates, seconded by Councilmember Butt, approved the contracts, by the unanimous vote of the Council.

Approved the following appointments: Design Review Board: Otheree Christian, term expiring 4/21/11; Raymond

Welter, term expiring 4/21/11; Recreation & Parks Commission: Courtland Corky Booze, term expiring 10/26/2010; Community Development Commission: Kimberly Ellis, term expiring 4/21/2012; Economic Development Commission: Cynthia Burke, term expiring 4/21/2012; Larry Fleming, term expiring 4/21/2012; Eric Gavidia, term expiring 3/30/2012; Kevin Hampton, term expiring 3/30/2012; Qiana Riley, term expiring 3/30/2010; Dorothy Williams-Fox, term expiring 3/30/2010; William Acevedo (incumbent), term expiring 3/30/2010; William R. Dabney (incumbent), term expiring 3/30/2010; Michelle Itagaki (incumbent), term expiring 3/30/2012; Katrinka Ruk (incumbent), term expiring 3/30/2011, by the following vote: **Ayes:** Councilmembers Butt, Ritterman, Rogers, Viramontes, Vice Mayor Lopez, and Mayor McLaughlin. **Noes:** None. **Abstentions:** Councilmember Bates. **Absent:** None.

Withdrew a resolution authorizing service contracts with an approved list of qualified consultants for as-needed CEQA related services in an amount not to exceed \$400,000 per vendor, per project over a three-year period (August 2007 through July 2010) when such consultant services are reimbursed by a developer as part of a land use application.

* - Approved the minutes of the Study Session and Special Meeting held on March 24, 2009, and the Regular Meeting held on April 7, 2009.

OPEN FORUM FOR PUBLIC COMMENT

Kevin Brown thanked the Council for supporting the design of the skate park proposed for Nicholl Park.

Jackie Thompson thanked the City Manager's Office for addressing the trimming of the overgrown trees in the Coronado and Iron Triangle areas.

Naomi Williams gave comments in opposition to the plan to open South 35th Street for construction of a trail.

Corky Booze stated there are drainage problems in the proposed area for the trail on South 35th Street. Mr. Booze also stated that the community has not been involved in the planning of the skate park in Nicholl Park.

Eleanor Thompson gave comments opposing the redirection of the non-profit emergency funds to be used to fund festivals.

Simms Thompson gave comments regarding the proliferation of graffiti in the City and the placement of barbed wire fences around businesses. Mr. Simms also stated that there needs to be a traffic signal for drivers turning at the intersection of Cutting Boulevard and Carlson Avenue.

Margie Thompson suggested that the gate on 33rd Street be opened instead of South 35th for the construction of the trail.

Donna Taylor gave comments in opposition of the opening of the area behind her home.

Myrtle Braxton-Ellington stated that the City does not provide funds for the Senior Winter Ball. Ms. Ellington also stated she opposes opening South 35th Street for construction of the trail.

Jovanka Beckles invited everyone to the 5th Annual Breast Cancer Conference on Saturday, May 2, 2009, from 7:30 a.m. to 4 p.m. at the South San Francisco Conference Center's Grand Ballroom.

John Marquez gave comments regarding the signal lights at 33rd Street and Macdonald Avenue which pose a safety issue. He stated that signal lights are difficult to see due to their location on the sides of the street rather than above.

Marcelis Ashley stated she is concerned for her mother's safety if South 35th Street is opened for construction of a trail.

ORDINANCES

An ordinance amending the Business Opportunity Ordinance to extend the sunset date from April 30, 2009, to January 29, 2010, in order to provide additional time for discussions, planning, and recommendations to the

City Council for policy considerations was presented for first reading. Sal Vaca gave an overview of the item. On motion of Councilmember Ritterman, seconded by Councilmember Rogers said ordinance received first reading and was laid over two weeks for second reading, by the following vote: **Ayes:** Councilmembers Bates, Ritterman, Rogers, and Vice Mayor Lopez. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Butt, Viramontes, and Mayor McLaughlin.

COUNCIL AS A WHOLE

In the matter to consider a request from Social Progress, Inc., a Richmond based non-profit, for \$10,000 from the non-profit emergency grant fund. LaShonda Wilson, Management Analyst, City Manager's Office, gave an overview of the item and stated that this organization qualified for grant funds according to the guidelines set forth by the City Council. City Manager, Bill Lindsay, stated that there is \$32,000 balance in the emergency grant fund and does not recommend that this funding be reauthorized next fiscal year. The funding is for the purpose of assisting those organizations who are in danger of closing their doors. Eleanor Thompson and Jackie Thompson spoke in support of approving the funding. A motion was made by Councilmember Lopez, seconded by Councilmember Bates, to refer the matter to the Community Benefits Agreement Committee for funding consideration, passed by the following vote: **Ayes:** Councilmembers Bates, Butt, Ritterman, Rogers, Vice Mayor Lopez, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Viramontes.

In the matter to discuss and recommend funding for the Cinco de Mayo, Juneteenth, and Homefront Festivals. Councilmember Bates stated that the festival organizers need to know how much money the City will allocate to each festival. City Manager, Bill Lindsay, stated that Cinco de Mayo and Juneteenth were each allocated \$20,000 this fiscal year. The Point Richmond Music Festival requested \$3,500 and the Shoreline Festival requested \$10,000. Jovanka Beckles, Corky Booze, Jerrold Hatchett, Judy Morgan, Rafael Madrigal, and Naomi Williams gave comments. A motion was made

by Councilmember Butt, seconded by Councilmember Bates to allocate \$65,000 to the Cinco de Mayo Festival, \$65,000 to the Juneteenth Festival and \$65,000 to the Homefront Festival and that staff provide the total cost to the City for the festivals including police services. A substitute motion was made by Councilmember Viramontes, seconded by Vice Mayor Lopez to allocate \$45,000 to the Juneteenth Festival, \$45,000 to the Cinco de Mayo Festival and \$45,000 to the Homefront Festivals and that all of the remaining funds in the non-profit emergency funds be allocated to the festivals. Discussion ensued. A substitute motion was made by Councilmember Rogers that the city manager identify budget cuts that will be necessary in order to fund additional money for the festivals. A friendly amendment was made by Vice Mayor Lopez that the Juneteenth Festival, Cinco de Mayo Festival, and Homefront Festival each receive a total of \$45,000 and direct the City Manager to report at the next City Council meeting what the source of the funding is. Councilmember Rogers withdrew his motion. Further discussion ensued. City Attorney, Randy Riddle stated that the removal of the funding from the emergency non-profit fund cannot be acted on now because it is not on the agenda. Discussion ensued. The motion to allocate a total of \$45,000 each to the Juneteenth Festival, Cinco de Mayo Festival, and Homefront Festivals, passed by the following vote: **Ayes:** Councilmembers Rogers, Viramontes, Vice Mayor Lopez, and Mayor McLaughlin. **Noes:** None. **Abstentions:** Councilmembers Bates, Butt, and Ritterman. **Absent:** None.

(Councilmember Viramontes left the meeting).

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

Councilmember Rogers stated that he was in Washington D.C. meeting with congresspersons and representatives regarding Richmond receiving stimulus funding for various purposes. Councilmember Rogers also traveled to New York to discuss programs for healthy living and healthy building.

Councilmember Lopez reported that last week she attended the League of California Cities Annual Legislative Days. The main topic discussed was opposition to the State taking local City funds to balance the State's budget.

Councilmember Bates requested that the meeting be closed in memory of Murray Chin.

Mayor McLaughlin encouraged everyone to attend various Earth Day events. There will be a TV Turn-Off event at the Nevin Park and Community Center on Saturday, April 25th from 11:00 a.m. to 3:00 p.m. The Mayor also announced that West County's 10th Annual Earth Day Celebration will be on Saturday, April 25th from 11:00 a.m. to 3:00 p.m. at the West County Resource Recovery Center, 101 Pittsburg Avenue. There will also be several creek clean-ups on Saturday, April 25th from 9:00 a.m. to 12:00 p.m. More information regarding the creek clean-ups can be obtained by calling The Watershed Project at 665-3597.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:20 p.m., in memory of Murray Chin; Betty from Vali Cooper & Associates, and Mr. Lupe Ramirez former member of the United Council of Spanish Speaking Organization, to meet again on Tuesday, April 28, 2009, at 7:00 p.m.

City Clerk

(SEAL)

Approved:

Mayor