

RICHMOND, CALIFORNIA, June 2, 2009

Closed Session was cancelled. The Regular Meeting of the Richmond City Council was called to order at 7:02 p.m. by Mayor Gayle McLaughlin.

ROLL CALL

Present: Councilmembers, Butt, Ritterman, Rogers, Viramontes, Vice Mayor Lopez, and Mayor McLaughlin. **Absent:** Councilmember Bates (*arrived at 7:33 p.m.*).

STATEMENT OF CONFLICT OF INTEREST

Councilmember Butt recused himself from the Coronado School item because his company does business with the school district. F-24 conflict of interest.

AGENDA REVIEW

Items F-3, F-5 and F-6 were removed from the Consent Calendar. Councilmember Viramontes requested that an item directing staff to draft a letter in support of inclusion of Coronado Elementary for next Measure J Bond Program funds be added to the agenda. On motion of Councilmember Viramontes, seconded by Councilmember Rogers the item was placed on the agenda directly after Open Forum for Public Comment by the following vote: **Ayes:** Councilmember Ritterman, Rogers, Viramontes, Vice Mayor Lopez, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates and Butt. **This item was heard directly after Open Forum.**

CONSENT CALENDAR

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

* - Approved a contract with Wadsworth Glass, Inc. for the installation of a one foot high-tempered-glass hand railing system for the Richmond Public Library's Main Branch mezzanine in an amount not to exceed \$24,990.

*- Approved Contract Amendment No. 2 with Jane Lofgren, dba Central Cleaning, for restroom cleaning services at the Jay & Barbara Vincent Park, Shimada Park, and Lucretia Edwards Park, extending the term of the contract for an additional year at a cost not to exceed \$9,720. The total amended contract amount will not exceed \$29,160.00 for the term from July 1, 2007, to June 30, 2010.

A proposed Contract Amendment No. 2 with DP Security, LLC to provide continued monitoring and securing of the restroom facilities at Nevin, Nicholl, M.L. King, J.F. Kennedy, La Moine, Shields-Reid, and Booker T. Anderson Parks was presented. The current contract will expire on June 30, 2009. Contract Amendment No. 2 is in an amount not to exceed \$75,960 with a total contract amount not to exceed \$274,483.36 for the term of July 1, 2009, to June 30, 2010. Erick Davenport spoke on this item. City Manager Bill Lindsay stated that Erick Davenport has filed a formal complaint with the City Manager's Office and it is currently under investigation. A motion was made by Councilmember Viramontes, seconded by Councilmember Rogers to extend the contract to August 30, 2009, and direct staff to return to the Council for further instructions after the investigation is complete. The motion was approved by the unanimous vote of the Council.

* - Approved the purchase of one prisoner transport kit for a Police Department prisoner van from Lehr Auto Electric in an amount not to exceed \$11,056.

A proposal to adopt the following regarding the Marina Bay Landscaping and Lighting Maintenance District: (1) a resolution initiating proceedings for formation of the Marina Bay

Landscaping and Lighting Maintenance District (MBLLMD) and for the levy and collection of assessments for fiscal year 2009-2010, and (2) a resolution accepting the Engineer's Report for the MBLLMD, declaring intention to form the MBLLMD, and setting July 21, 2009, as the date for a hearing on the proposed assessments was presented. Tony Norris, Parks Superintendant gave an overview of the matter. Mr. Willdan with Financial Services spoke on this item. Other speakers were: Don Nichols, Marcia Vallier, Terry Mollica, Alan Hanrahan, and Virginia Finlay. Following discussion, a motion was made by Councilmember Viramontes, seconded by Councilmember Rogers, to hold a special meeting on Tuesday, June 9, 2009, and hold the public hearing and the ballot count on Tuesday, July 28, 2009. Following further discussion, Councilmember Viramontes amended her motion to - hold a special meeting on Tuesday, June 9, 2009, to hold a public hearing, ballot count, and ratification of the resolutions. Mayor McLaughlin requested an amendment that this should be the only item on the agenda. The amendment was accepted. The motion passed by the unanimous vote of the Council.

A proposed contract with Pond Solutions to provide and install a solar-powered circulation system to reduce algal growth and maintain water quality at Hilltop Lake, in an amount not to exceed \$42,303 was presented. Anthony Norris gave a brief overview of the item. Councilmember Butt suggested that the Hilltop Maintenance Assessment District should be responsible for maintaining and the city manager stated he would look into Councilmember Butt's suggestion. On motion of Councilmember Viramontes, seconded by Councilmember Ritterman, approved the contract with the understanding that staff would inform the Council on the type of water there actually was at Hill Top by the unanimous vote of the Council.

* -Adopted **Resolution No. 44-09** approving the Engineer's Report for FY 2009-2010 for the Hilltop Landscape Maintenance District ("HLMD"), declaring the Council's intention to increase the

annual assessment in the HLMD, and announcing a Public Hearing concerning the proposed increased assessment on July 21, 2009, at 7:00 p.m. in City Council Chambers at 440 Civic Center Plaza in the City of Richmond.

* - Approved the purchase and installation of seven PTS-ENS3 Dual Action Smith Cage weight training systems from the Centurion Sales Company, Inc. for the continued implementation of a health and wellness program, with 80% of the purchase cost funded by an Assistance to Firefighters program grant. Total amount of the purchase and installation will not exceed \$32,696.

*- Approved the purchase of Mun-ease Debt Management Software for management of the City's debt portfolio at a cost not to exceed \$16,000.

* - Approved a one year subscription for Bloomberg Professional Service in the amount of \$22,800 for management of the City's investment and debt-related activities

*- Approved a contract with Rising Sun Energy Center in an amount not to exceed \$39,728 and for a term from May 1, 2009, to December 30, 2009, to provide energy-efficiency workforce development training for RichmondBUILD students as part of the "Green Track" element of the curriculum.

* - Approved the purchase of one 15-inch Vermeer Brush Chipper under the National Joint Powers Alliance (NJPA) Contract No. 100907-FCC in an amount not to exceed \$44,000.

* - Approved a contract amendment with Mid County Officials Network to continue providing sports officials for the Recreation Department's youth and adult sports programs. Total amount of the amendment is \$15,000 for a total contract amount of \$25,000. This amendment also extends the term through December 31, 2009.

* - Approved the purchase of one 32-ton Murray equipment trailer in an amount not to exceed \$72,000 under a State of California bid Contract No. 26601108343270 completed on November 19, 2008.

*-Adopted **Resolution No. 45-09** authorizing submittal of Measure C 2006 and 2007 "Growth Management Program Compliance Checklist" to the Contra Costa County Transportation Authority (CCTA) to allow the City of Richmond to receive its allocation of FY 2007-08 and 2008-09 Local Street Maintenance and Improvement Funds.

*- Adopted **Ordinance No. 11-09** adding Chapter 9.58 to the Richmond Municipal Code regarding the prohibition of cigarette and tobacco product sampling within the City of Richmond.

* - Adopted **Ordinance No. 12-09** repealing Chapter 9.18 and adding Chapter 9.56 that prohibits smoking in certain designated public places.

* - Adopted **Ordinance No. 13-09** repealing Chapter 7.104 and adding Chapter 7.106 entitled "Tobacco Retailer License," which requires tobacco retailers to secure a tobacco retailer license from the Police Department before selling cigarettes and tobacco products within the City of Richmond.

* - Approved a professional service contract with PSOMAS for construction management of Phase II of the Central Richmond Greenway Bicycle and Pedestrian Trail in an amount not to exceed \$93,498.

* - Approved the purchase of three slide-in fire pump units from Burton's Fire for three fire trucks in an amount not to exceed \$72,000.

* - Approved **Resolution No. 46-09** pursuant to California Streets and Highways Code Division 9 Part 3 Chapter 3 vacating a portion of Castro Street that has been superseded by relocation, resulting from construction of the Richmond Parkway, and is no longer needed for public purposes, reserving from the vacation easements for existing utilities.

* - Introduced an ordinance (first reading) setting the tax rate for the Pension Tax Override Fund for Fiscal Year 2009-2010 at 0.14%.

* - Approved the minutes of the Special Meeting held on April 28, 2009, and the Regular Meeting held on May 5, 2009.

*- Directed staff concerning the transfer of \$2,000,000 in funds from Chevron to the City of Richmond.

OPEN FORUM FOR PUBLIC COMMENT

Pat Coleman of the Nation Institute of Art and Disabilities distributed to the City Council a copy of the latest newsletters. She thanked the City Council for their investment in art centers throughout the City of Richmond.

Corky Booze requested the City take a look at the second part of the Greenway trail because of the thefts taking place and the fence has been cut. He also requested that the City look into the actions of the Office of Neighborhood Safety. Lastly, he requested the City remove the garbage at the railroad tracks at Santa Fe Avenue.

Jackie Thompson spoke regarding the National Guard Armory building and stated they should take responsibility to clean up the blight. She also requested that cameras be installed and also a crosswalk at Stege Avenue and Cutting Boulevard.

Texanita Bluitt brought forth her neighborhood concerns regarding the field located on Carlson Boulevard between Tradeway Furniture and the Pullman Townhouses. She also stated the dilapidated building located at the north end of Nystrom school needs to be addressed.

Tom Waller congratulated the City on how it is guarding its budget. He also stated that it would be nice to hear how the City's tax base is doing.

Jovanka Beckles announced that in a collaborate effort of non-profits to address the economic crisis, Neighborhood House of North Richmond a California nonprofit 501(c)(3) social services agency is raffling a \$4.3 million 9,000 square-foot home located in the Oakland Hills, or you can choose a \$2 million cash prize. Call 1 (800) 501-dream or go to www.dreambigraffel.com for more information.

EMERGENCY ITEM

In the matter to direct staff to draft a letter and a member of City Council to appear before the June 3rd West Contra Costa Unified School District (WCCUSD) Board Meeting. Councilmember Viramontes gave an overview of the matter. On motion of Councilmember Viramontes, seconded by Councilmember Ritterman approved the item by the unanimous vote of the Council.

RESOLUTIONS

In the matter to adopt a resolution amending the City Council Rules of Procedure and Order to: (1) change the starting and ending times of meetings; (2) alter the order of business; (3) consolidate City Council and Redevelopment Agency Board meetings; and (4) make related changes to facilitate completing Council and Board business in a timely fashion. City Attorney Randy Riddle gave an overview of the item. He stated that the following changes should also be reflected in the motion to adopt the resolution: (1) Closed Session should not begin before 5:00 p.m. and (2) all meetings should be consolidated excluding Housing Authority. A motion was made by Councilmember Rogers to approve the item with changes. Corky Booze and Jackie Thompson gave comments. Vice Mayor Lopez offered an amendment to the motion that removal of Consent Calendar items are limited to the City Councilmembers only and the public can address Consent Calendar items at the time of public forum. Councilmember Viramontes seconded the motion for discussion. Councilmember Bates offered

a friendly amendment to direct the city manager to dismiss consultants, department heads, and staff at his discretion and address all items taken off the Consent Calendar. The friendly amendment was accepted. A friendly amendment was offered by Vice Mayor Lopez to allow the public to take items they opposed to off the Consent Calendar and item they support should be addressed at Open Forum. The amendment was accepted. A motion was made by Councilmember Rogers, seconded by Councilmember Viramontes to continue this item to June 16, 2009. Councilmember Rogers requested the city attorney draft language to make it a requirement that if a City Councilmember pulls an item off the Consent Calendar he/she must meet with staff beforehand to discuss. Jerome Smith also made comments. **Following further discussion, the item was continued to June 16, 2009, with Councilmember Bates voting Noe.**

ORDINANCES

A proposed ordinance for repealing Richmond Municipal Code Chapters 13.08 through 13.36 and adopting a new Chapter 13.08 regarding appeals and remedies for tax and fee disputes was introduced for first reading. City Attorney Randy Riddle gave an overview of the matter. Corky Booze spoke on this item. On motion of Councilmember Viramontes, seconded by Councilmember Rogers said ordinance received first reading and was laid over two weeks for second reading by the unanimous vote of the Council.

A proposed ordinance enacting local eviction control on foreclosed property by prohibiting eviction of residential tenants from rental units during the period the unit is subject to sale under the power of sale of a deed of trust or foreclosure, except as authorized by ordinance was introduced for first reading. Councilmember Ritterman gave an overview of the item. Theresa Karr, Jerome Smith, Dwayne Bartels, Tom Waller, Maria Alegria, Arlene Bradley, Roberto Reyes, Jean Reynolds, Renee Bartels, Texanita Bluitt, and Jovanka Beckles gave comments. Discussion began and Vice Mayor Lopez asked for clarification regarding relocation fees. City Attorney

Randy Riddle stated the following language could be added to the ordinance “it shall be no relocation fee where a lease has expired”. Councilmember Viramontes stated there were issues not addressed in the ordinance which included: (1) advanced notice by a bank when a loan goes into default, (2) protection of the return of a deposit to the renter, and (3) extension of 90 days after notice of default. Councilmember Rogers suggested defining written notice as certified mail in Section 7.105.020, Number A, B, and E. He also suggested adding time frames for Number B and E. Housing Director Tim Jones gave comments on this item. Following discussion, a motion was made by Councilmember Ritterman, seconded by Mayor McLaughlin to approve the item with additional suggestions. Vice Mayor Lopez suggested adding for clarification “as provided by State law” to Section 7.105.030: Required payment of relocation fees, Number D. She also suggested removing the words “oral agreement” from Section 7.105.020, E and from definitions. Councilmember Ritterman accepted the suggestions. Councilmember Viramontes suggests adding in definition of landlord an exemption for “a single family owner/occupied home which is purchased by a family member unless having a tenant lease/rental lease is exempt”. She also suggested adding “as defined by the lease” to Section 7.105.030, B(2). Councilmember Viramontes also suggested adding advanced notice to the renter on the default should be sent at the same time the owner is notified. Councilmember Ritterman accepted the suggestions. Councilmember Rogers referred to Section 7.105.040 (a) and suggested using Section 1162 to define how written notice is given. Councilmember Ritterman accepted the suggestion. Councilmember Rogers also suggested that language be added to Section 7.105.020, H (1) for clarification and City Attorney Randy Riddle suggested adding “alternative comparable vacant unit” as possible language. Councilmember Ritterman accepted the suggestion. City Attorney Randy Riddle requested direction from staff regarding time frames for Section 7.105.020, B and E. Seven days was suggested by Councilmember Rogers and accepted. Councilmember Bates stated “that he would only support the ordinance if it stipulates that the foreclosure by financing institutions

including banks, savings and loans, etc. and excluding private individuals who continue to struggle and be penalized.” He also suggested that the first reading be postponed until all the suggestions made by the City Council are included and staff returns a clean version to the Council for approval. Vice Mayor Lopez suggested adding language to protect the tenant that has no written agreement, but has evidence of rental payments. City Attorney Randy Riddle stated “written evidence of an oral agreement” could be included in the ordinance. Councilmember Ritterman accepted the suggestion. Vice Mayor Lopez rescinded her suggestion of adding for clarification “as provided by State law” to Section 7.105.030: Required payment of relocation fees, Number D. She also suggested adding a number five to Section 7.105.030 that states in the event that the lease specifies a termination date there will be no payment of relocation fees. The suggestion was accepted. Following discussion, the motion with all accepted suggestions was approved and said ordinance received first reading and was laid over two weeks for second reading by the following vote:
Ayes: Councilmembers Butt, Ritterman, Rogers, Viramontes, Vice Mayor Lopez, and Mayor McLaughlin. **Noes:** None. **Abstentions:** Councilmember Bates. **Absent:** None.

COUNCIL AS A WHOLE

In the matter to receive a report on Fiscal Year 2009-2010 operating budget checklist items identified by the City Council at its meeting of May 19, 2009, and provide direction to staff. Finance Director Jim Goins gave an overview of the item. Discussion began and the following issues were address: (1) \$50,000 left in the golf fund as well as all funds received in restitution will be allocated to help fund a Youth Employment Program as well as a Handyman Program. Sal Vaca spoke on this item. There was no objection by the Council to allocate these funds. (2) The budget presented for approval on June 16, 2009, for the Office of Neighborhood Safety would be a status quo budget which would include funding for a Director, Operation Administrator, and Change Agents, contract services for additional street outreach, the budget also includes activities that are

100 percent grant funded. The Council will review separately on how to expand the Office of Neighborhood Safety following reviews of the program by the Public Safety and Finance Committees. Vice Mayor Lopez recommended that the Administrative Student Intern Program remain intact. Councilmember Bates stated that the interns should be supervised by Trina and required to provide a weekly report on their activities. Councilmember Viramontes stated Trina Jackson should be reflected on the City Office Manager's Organizational chart as reporting directly to the City Council and not the City Manager's Office. This action was added to the checklist. Councilmember Ritterman removed his opposition for removing the Council meeting meal funding. Councilmember Rogers requested that, in the future, the report on the Fiscal Year's Operating Budget Checklist should be placed at the beginning of the Council Meetings. He also requested to add to the checklist that if the proposal, as a result of the State budget process, to reduce funds reserved for street paving is successful, staff prioritize so that if any funding is received, street paving would be the number one priority. Councilmember Rogers also requested that staff from the City Manager's Office for one year attempt to communicate with groups and organizations to transfer paper communications to e-mails. Councilmember Bates stated that the City of Richmond had a Police Officer's Reserve Volunteer Program. City Manager Bill Lindsay stated that the matter would be placed on the Public Safety Committee Agenda for review. Mayor McLaughlin recommended approving staff's recommendation to repaint the Richmond Auditorium Marquee in its original color in the amount of \$20,000. Finance Director Jim Goins stated the Public Work's Director, Yader Bermudez, was currently working on the improvements to the marquee. Following discussion, on motion of Councilmember Viramontes, seconded by Councilmember Ritterman, received a report on the Fiscal Year 2009-2010 operating budget and directed staff to prepare a balanced budget to be placed on the Consent Calendar of the June 16, 2009, City Council Agenda for Council approval by the unanimous vote of the Council.

On motion of Councilmember Viramontes, seconded by Mayor McLaughlin extended the meeting to 12:30 a.m. with Councilmembers Bates and Butt voting Noe.

In the matter to approve a consulting services agreement with North Star in an amount not to exceed \$87,000 to facilitate a community process to identify the City of Richmond's unique brand and develop creative tools such as a new logo, strapline, graphic standards, and messages for use by the community. Janet Schneider, Administrative Chief, gave an overview of the matter. Following discussion, a motion was made by Councilmember Butt, seconded by Councilmember Ritterman, approved the agreement, by the following vote: **Ayes:** Councilmember Bates, Butt, Ritterman, and Mayor McLaughlin. **Noes:** None. **Abstentions:** Councilmembers Rogers, Viramontes, and Vice Mayor Lopez. **Absent:** None.

Continued to June 16, 2009, the matter to discuss and direct staff concerning approaches to increase the utilization of under-utilized land in the Richmond BART area. .

In the matter to direct staff to draft a resolution in support of Senate Bill 60 (Cedillo) that would require the Department of Motor Vehicles to issue driver licenses and identification cards that are in compliance with the Federal Real ID Act of 2005. Vice Mayor Lopez gave an overview of the matter and suggested that a letter be drafted instead of a resolution. Roberto Reyes spoke on this item. On motion of Vice Mayor Lopez, seconded by Councilmember Viramontes, directed the city manager to draft a letter to the chair of the transportation committee and a copy to Senator Cedillo in support of Senate Bill 60 by the unanimous vote of the Council.

In the matter to consider sending letters of support for AB1358 (Hill) - Ban on Polystyrene Take-Out Food and Beverage Containers, AB68 (Brownley) and AB87 (Davis) - Single-Use Bag Reduction Act. Councilmember Butt gave an overview of the item. On motion of Councilmember Butt, seconded by

Councilmember Viramontes approved the item with Councilmember Bates abstaining.

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

Councilmember Bates requested the meeting be adjourned in memory of Carrie Lee Walker and Frankie Cortez.

Mayor McLaughlin announced that the Commission on Aging hosted a very successful Senior's Night Out on Friday, May 29, 2009.

ADJOURNMENT

There being no further business, the meeting adjourned at 12:30 a.m. in memory of Carrie Lee Walker, Frankie Cortez, and Missionary Juanita Bradford, to meet again on Tuesday, June 9, 2009, at 7:00 p.m.

City Clerk

(SEAL)

Approved:

Mayor