

RICHMOND, CALIFORNIA, October 6, 2009

The Richmond City Council Evening Open Session was called to order at 5:04 p.m. by Mayor Gayle McLaughlin.

ROLL CALL

Present: Councilmembers Bates, Butt, Rogers, Viramontes, and Mayor McLaughlin.
Absent: Councilmember Ritterman and Vice Mayor Lopez (Councilmember Ritterman arrived at 5:08 p.m.).

PUBLIC COMMENT

The city clerk announced that the purpose of the Evening Open Session was for the City Council to hear public comments on the following items to be discussed in Closed Session:

CITY COUNCIL

LIABILITY CLAIMS – PENDING LITIGATION (Government Code Section 54956.9): Donald Steward vs. City of Richmond.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9): United Trustees Association vs. City of Richmond and Citizens for Eastshore Park vs. City of Richmond.

CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 549576.6): City Designated Representatives: Bill Lindsay, Leslie Knight, Bruce Soublet, and Lisa Stephenson. Employee Organization or Unrepresented Employees: Locals 21 and SEIU 1021.

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

Property: Point Molate (site of former Naval Shipyard Depot), Agency Negotiator: Bill Lindsay and Janet Schneider, Negotiating Parties: Upstream Point Molate LLC, Under Negotiation: Price and Terms of Payment.

There were no public speakers.

The Evening Open Session adjourned to Closed Session at 5:06 p.m. The Closed Session adjourned at 6:48 p.m. The Regular Joint Meeting of the Richmond Community Redevelopment Agency and the Richmond City Council was called to order at 6:51 p.m. by Mayor Gayle McLaughlin who led the Pledge of Allegiance to the Flag.

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

None.

OPEN FORUM FOR PUBLIC COMMENT

Simms Thompson expressed his concern that work being done by Pacific Gas and Electric Company on the sidewalk at 23rd Street was hazardous and a potential lawsuit, if citizens should fall.

Corky Booze stated that Ms. Harper, in her absence, asked him to thank City Manager Bill Lindsay and Assistant City Manager Leslie Knight for removing the trash on the railroad tracks. He also stated Jackie Thompson, in her absence, asked him to thank Mayor McLaughlin for an opportunity to travel to Washington, District of Columbia to represent the Housing Advisory Commission. Mr. Booze also expressed his disappointment with Councilmember Ritterman for his lashing out at him for speaking up for the African American community. He stated Councilmember Ritterman should have spoken to him in private.

Jerome Smith stated that the City should stand up for the homeless community.

Antwon Cloird expressed his concern that funds the City distributed to non-profits for specific resources have not been used properly.

Wendy Gonzalez stated that the Human Rights and Human Relations Commission was in the process of preparing a resolution to address the deplorable conditions in classrooms in the West Contra Costa County Unified School District.

Twanya Easter expressed her concern regarding the unemployment rate in the City of Richmond. She also expressed interest in working for Richmond projects.

George Mitchell expressed his concern regarding the lack of jobs available in the City of Richmond.

Roberto Reyes requested the City Council support the Teachers' Union.

Councilmember Ritterman stated that he was not trying to embarrass Mr. Booze; his only intention was to encourage everyone to avoid saying things that are racially motivated.

AGENDA REVIEW

Removed Items H-4, H-9, H-10, H-11, and H-15 from the Consent Calendar; continued Item I-1 to November 3, 2009; and continued Item K-1 to a future meeting.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Mayor McLaughlin presented a certificate to Ron Dorian honoring Casper's Hot Dogs as a Richmond Small Business of the month for September 2009. Mr. Dorian thanked the mayor and the City Council for the certificate. Councilmembers Viramontes and Bates congratulated Casper's Hot Dogs for their many years of service to the City of Richmond. Corky Booze gave comments.

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

City Attorney, Randy Riddle, reported the following:

LIABILITY CLAIMS – PENDING LITIGATION (Government Code Section 54956.9): Donald Steward vs. City of Richmond – *the City Council approved a proposed settlement; terms will be available upon final execution by the other party in the litigation.*

No other reportable actions.

REDEVELOPMENT AGENCY BOARD CONSENT CALENDAR

On motion of Councilmember/Boardmember Viramontes, seconded by Councilmember/Boardmember Ritterman, all items marked with an asterisk (*-) were approved by the following vote: **Ayes:** Councilmember/Boardmembers Bates, Butt, Rogers, Ritterman, Viramontes, and Mayor/Chair McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember/Boardmember Rogers and Vice Mayor/Vice Chair Lopez.

*-ADOPTED **City Council Resolution No. 107-09 and Redevelopment Agency Resolution No. 09-35** authorizing the transmittal of the Draft Amended and Restated Redevelopment Plan for the Richmond Merged Redevelopment Project Area, Redevelopment Plan Amendment Preliminary Report, and the Draft Environmental Impact Report prepared for the plan amendment.

CITY COUNCIL CONSENT CALENDAR

On motion of Councilmember Viramontes, seconded by Councilmember Ritterman, all items marked with an asterisk (*-) were approved by the following vote: **Ayes:** Councilmembers Bates, Butt, Ritterman, Viramontes, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Rogers and Vice Mayor Lopez. *Items removed from the Consent Calendar were heard at the end of the meeting.*

*-Adopted **Resolution No. 108-09** authorizing service contracts with three materials-testing laboratories for as-needed construction materials testing services for city construction projects in an amount not to exceed \$350,000 per contract over a three-year period.

*-Adopted **Resolution No. 109-09** relating to the City of Richmond's participation in the California Statewide Community Development Authorities' Proposition 1A Securitization Program, approving the form of and authorizing the execution and delivery of a Purchase and Sale Agreement and related documents with respect to the sale of the seller's Proposition 1A Receivable from the State; and directing and authorizing certain other actions in connection therewith.

*-Approved the Fire Department's purchase of Premier wildland pants and jackets from L.N. Curtis & Sons in the amount of \$18,257 to replace existing damaged and unsafe equipment.

A proposed six-month contract with Brent Ives, BHI Management Consulting, for consulting services in the development of a strategic action plan for the Recreation Department in an amount not to exceed \$13,500 was presented. Recreation Department Director Keith Jabari gave an overview of the item. Corky Booze submitted a speaker's card to speak on the item, but declined the opportunity to address the Council. On motion of Councilmember Viramontes, seconded by Councilmember Ritterman approved the contract by the following vote: **Ayes:** Councilmember Bates, Butt, Ritterman, Rogers, Viramontes, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Vice Mayor Lopez.

*-Approved Contract Amendment No. 3 with the Community Housing Development Corporation of North Richmond to amend the scope of work for services related to implementing the North Richmond Waste and Recovery Mitigation Fee Expenditure Plan, and decrease the payment limit by \$58,800 to a new total limit of \$299,554.

*-Approved a contract with the Neighborhood House of North Richmond for the remainder of the 2009 calendar year in an amount not to exceed \$26,850 to provide services related to implementing the North Richmond Waste and Recovery Mitigation Fee Expenditure Plan.

*-Approved a lease for 12,000 square feet of property located at 500 23rd Street for use as an expanded training site for the RichmondBUILD Program at a grant-funded cost of \$3,000 per month with a term from October 7, 2009, through June 30, 2011.

*-Adopted **Ordinance No. 30-09 N.S.** amending Subsections 2.62.060, 2.62.105, and 2.62.130 of Section 2.62 of the Richmond Municipal Code relating to appeals of administrative citations.

A proposed ordinance repealing parts of Chapter 11.04 of the Richmond Municipal Code (RMC) and adopting provisions prohibiting possession of open containers of alcoholic beverages on streets and sidewalks was presented. Police Chief Magnus gave an overview of the item. Jerome Smith and Juan Reardon spoke on this item. A motion was made by Councilmember Bates to adopt the ordinance. Following discussion, Councilmember Viramontes seconded the motion and directed Chief Magnus to address recycling and private property issues in the administrative policy. **Ordinance No. 31-09 N.S.** was adopted by the following vote: **Ayes:** Councilmember Bates, Butt, Ritterman, Rogers, and Viramontes. **Noes:** None. **Abstentions:** Mayor McLaughlin. **Absent:** Vice Mayor Lopez.

A proposed ordinance amending Section 9.40 of the Richmond Municipal Code (RMC) to prohibit urinating and defecating in public was presented. Police Chief Magnus gave an overview of the item. Jerome Smith gave comments. On motion of Councilmember Bates, seconded by Councilmember Ritterman, adopted **Ordinance No. 32-09 N.S.** by the following vote: **Ayes:** Councilmember Bates, Butt, Ritterman, Rogers, Viramontes, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Vice Mayor Lopez.

A proposed contract with Malachi Construction for the construction of the Miscellaneous Concrete Repairs 2009/10 -2010/11 Project in the amount of \$388,250 was presented. Engineering Director Rich Davidson gave an overview of the item. Speakers were: Tony Westar, Rhoshanda Riley, John Riley, and Mary Wika. Following discussion, on motion of Councilmember Bates, seconded by Mayor McLaughlin approved the contract by the following vote: **Ayes:** Councilmember Bates, Butt, Ritterman, Rogers, Viramontes, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Vice Mayor Lopez.

*-Approved a contract with Matrix Consulting to complete a cost allocation study and an analysis of the City's internal service funds. The contract amount will be \$24,320 with a completion date of December 31, 2009.

*-Approved the following reappointment:
Recreation and Parks Commission: EJ Shalaby,
Incumbent term expiring October 26, 2012.

*-Approved a contract with TEEPER Inc., dba MarinMoto, to provide service to the BMW police motorcycle fleet from July 1, 2009, through June 30, 2010, in an amount not to exceed \$20,000.

A proposed resolution granting another designated period for the Two Years Additional Service Credit related to the proposed CalPERS early retirement program was presented. Leslie Knight gave an overview of the item. Theresa Talley Wilkerson and Raymond Dryer spoke on this item. Following discussion, on motion of Councilmember Ritterman, seconded by Councilmember Viramontes adopted **Resolution No. 110-09** by the following vote: **Ayes:** Councilmember Bates, Butt, Ritterman, Rogers, Viramontes, and Mayor McLaughlin. **Noes:** None. **Absentions:** None. **Absent:** Vice Mayor Lopez.

*-Directed staff to send a letter to Governor Schwarzenegger in support of Senate Bill 406 Land Use: Environmental Quality that provides a funding source for local governments and the region to perform the land use and transportation planning mandated by Senate Bill 375.

PUBLIC HEARINGS

CONTINUED TO NOVEMBER 3, 2009, a public hearing on an appeal by Matt Anacker of the Planning Commission's adoption of a Mitigated Negative Declaration and approval of Parcel Map MS 756-08 to subdivide an existing residential lot of 16,808 Square Feet (SF) located at 367 Western Drive in the Point Richmond neighborhood area into two lots of 10,808 and 6,002 Square Feet (SF), and consider either (1) affirming, (2) modifying, or (3) reversing the decision by the Planning Commission.

RESOLUTIONS

A proposed resolution establishing the maximum taxicab fares within the City of Richmond was presented. Code Enforcement Manager Tim Higaes gave an overview of the item. Following discussion, on motion of Councilmember Bates, seconded by Councilmember Ritterman adopted **Resolution No. 111-09** by the following vote: **Ayes:** Councilmembers Bates, Butt, Ritterman, Rogers, Viramontes, and Mayor McLaughlin. **Noes:** None. **Absentions:** None. **Absent:** Vice Mayor Lopez.

ORDINANCES

CONTINUED TO A FUTURE MEETING

a proposed urgency ordinance establishing a 45-day moratorium on the acceptance, processing, and approval of applications and permits for tobacco-oriented retail establishments ("smokeshops").

A proposed ordinance amending Richmond Municipal Code Chapter 7.105 concerning restrictions on evictions for residential property in foreclosure to ensure consistency with state and federal law was introduced for first reading. City Attorney Randy Riddle gave an overview of the item. Following discussion, 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 following vote: **Ayes:** Councilmembers Bates, Butt, Ritterman, Rogers, Viramontes, and Mayor McLaughlin. **Noes:** None. **Absentions:** None. **Absent:** Vice Mayor Lopez.

COUNCIL AS A WHOLE

In the matter to designate a voting delegate and an alternate to represent the City of Richmond at the National League of Cities' Annual Business Meeting that will be held on November 14, 2009. Mayor McLaughlin asked the Council to voice their interest in serving as the voting delegate. Councilmember Bates expressed his interest. On motion of Councilmember Viramontes, seconded by Councilmember Rogers, nominated Councilmember Bates as the voting delegate at the National League of Cities' Annual Business Meeting by the unanimous vote of the Council. An alternate was not appointed.

In the matter to discuss and direct staff regarding getting more input (by way of a formal vote) from both the Design Review Board and the Planning Commission regarding the Point Molate Resort and Casino Project after the public comment period has closed and all environmental review and design plan comments have been incorporated into the proposed final documents. Mayor McLaughlin and Councilmember Butt gave an overview of the item. Discussion began. Outside Counsel for Point Molate Gordon Hart spoke on this item. Speakers were: Antwon Cloird, Pastor E. F. Brown, Don Gosney, Jack Hunter, Jason Gallia, Jesse Crnkovich, Troy Christensen, Twanya Easter, Rafael Madrigal, Rhonda Harris, McKinley Ross, and Roberto Reyes. Discussion ensued. Senior Planner Lena Valesco spoke on this item. Ms. Valesco stated that certification of the Environmental Impact Report (EIR) depends on the elements of the project. She also stated that the project must be approved by the City Council who could assign responsibilities to the

Planning Commission and Design Review Board at its discretion. Councilmember Bates stated he would not support the item as presented because the Council has the final decision not the Design Review or Planning Commission. Following discussion, a motion was made by Councilmember Rogers, seconded by Councilmember Ritterman to direct the Design Review Board to review the design documents in December, and the Planning Commission to review the final EIR by December 31, 2009, at the earliest. Also, if a further extension was needed, the item must come back to the Council for consideration. The motion passed by the following vote: **Ayes:** Councilmembers Butt, Ritterman, Rogers, Viramontes, and Mayor McLaughlin. **Noes:** Councilmember Bates. **Absentions:** None. **Absent:** Vice Mayor Lopez.

In the matter to discuss and receive a response from the City Council regarding Super Shuttle Service not serving residents residing in the 94804 zip code area, and AT&T not serving residents in some areas of the City of Richmond. Councilmember Bates gave an overview of the item. He suggested sending these two companies letters to give them an opportunity to respond before taking further action. Corky Booze gave comments. Discussion began. Councilmember Butt stated that AT&T and Supper Shuttle are both regulated by the Public Utilities Commission (PUC). He stated that the proper way to handle this issue was to file a complaint with the PUC. Councilmember Bates suggested that before filing a formal complaint, the City of Richmond should provide a letter to the companies, and give them an opportunity to respond and place the issue on the City Council Agenda in a month. Following discussion, a motion was made by Councilmember Viramontes, seconded by Councilmember Rogers to direct the city attorney and city manager to meet with AT&T and Supper Shuttle to find out what the issues are and what the City of Richmond needs to do to resolve them; and if the City of Richmond is not satisfied, direct staff to come back to the Council with recommendations for filing complaints against these companies. The motion passed by the following vote: **Ayes:** Councilmembers Bates, Butt, Ritterman, Rogers, Viramontes, and Mayor McLaughlin. **Noes:** None. **Absentions:** None. **Absent:** Vice Mayor Lopez.

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

Councilmember Bates requested Mayor McLaughlin adjourn the meeting in memory of Skip Bradford, Thelma Bradford, and Ella Gordon. Ms. Gordon's funeral is schedule for Tuesday, October 13, 2009, 10:00 a.m. at Saint Lukes Church, 7th Street and Florida Avenue.

Councilmember Viramontes thanked the staff and volunteers for working on the Rosie the Riveter World War II event. She also thanked the Contra Costa College District for celebrating their 60th anniversary in Richmond at the Ford Building.

Mayor McLaughlin also thanked the staff and volunteers for making the Rosie the Riveter World War II event a success.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:52 p.m. in memory of Skip Bradford, Thelma Bradford, Ella Gordon, Barbara Obele, James Norman, father of City Employee Michelle Boyd, Clyde Smith, and Allen Lee, to meet again on Tuesday, October 13, 2009, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor