

**RICHMOND, CALIFORNIA, November 17,
2009**

The Richmond City Council Evening
Open Session was called to order at 5:46 p.m. by
Councilmember Bates.

ROLL CALL

Present: Councilmembers Bates, Butt,
Ritterman, and Viramontes. **Absent:**
Councilmember Rogers, Vice Mayor Lopez, and
Mayor McLaughlin (Councilmember Rogers arrived
at 5:58).

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

**CONFERENCE WITH LEGAL
COUNSEL - EXISTING LITIGATION
(Subdivision [a] of Government Code Section
54956.9):** City of Richmond vs. Buckeye Claims
Administrators, Inc., RRPI Insurance Services, Inc., and
Robert Rice; Citizens for Eastshore Parks vs. City of
Richmond

**CONFERENCE WITH LEGAL
COUNSEL - ANTICIPATED LITIGATION
(Significant exposure to litigation pursuant to
Subdivision (b) of Government Code Section
54956.9):** One case

**CONFERENCE WITH REAL
PROPERTY NEGOTIATOR (Government Code
Section 54956.8):** Property: Point Molate (site of
former Naval Shipyard Depot)
Agency Negotiators: Bill Lindsay and Janet Schneider
Negotiating Party: 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 5:47 p.m. The Closed Session
adjourned at 6:09 p.m.

The Regular Meeting of the Richmond City
Council was called to order at 6:37 p.m. by Vice
Mayor Lopez. Councilmember Rogers led the
Pledge of Allegiance to the Flag.

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

None.

OPEN FORUM FOR PUBLIC COMMENT

Leonard Taylor stated that the Richmond Rescue Mission has scheduled a Thanksgiving buffet on Wednesday, November 25, 2009. He encouraged everyone to drink sodas or apple cider instead of alcohol for Thanksgiving.

Simms Thompson expressed his concern regarding the missing lights throughout the City of Richmond, specifically at the 19th Street and Macdonald Avenue underpass.

Robert Wimmer expressed his disappointment with street flooding at 32nd Street and McBride to Garvin Avenue.

Jackie Thompson thanked the Recreation Department, specifically Debbie Hernandez, for hosting Senior Idol. She also expressed concern regarding the inability to make a left turn at the intersection of Carlson Boulevard and Cutting Boulevard.

Corky Booze praised LaShonda Wilson and Janet Schneider of the City Manager's Office for conducting the eCivis Training Program. He also invited everyone to the fourth Parchester Village Town Hall Meeting on Wednesday, November 18, 2009, from 6:00 p.m. to 9:00 p.m., guest speakers will be from the Probation and Library Departments and the Housing Authority. Mr. Booze also stated that there were 250 people at the Recreation and Parks Commission Meeting who were concerned about being able to play soccer in the parks.

Mike Ali expressed his concern regarding the flooding taking place at 32nd Street and McBride Avenue to Garvin Avenue. He also stated that there is a problem with tree roots growing into the sewer lines.

AGENDA REVIEW

Removed Items G-3, G-4, G-5, G-10, G19. Withdrew Item G-7 from the Agenda. Continued Item H-2 to a future meeting.

**PRESENTATIONS, PROCLAMATIONS, AND
COMMENDATIONS**

Vice Mayor Lopez gave a brief introduction of the proclamation honoring Haitian educator Euvonie Auguste and Rea Dol. Office Representative Marilyn Langlois presented a biography on the efforts of Ms. Auguste and Ms. Dol for equal education for children and adults in Haiti. On behalf of Mayor McLaughlin and the City Council, Ms. Langlois read and presented proclamations to Haitian educators Euvonie Auguste and Rea Dol honoring them for their recent presentation at Richmond's Literacy for Every Adult Program. Both recipients thanked the Mayor and Council for the proclamation. Jovanka Beckles spoke on this item.

Vice Mayor Lopez read and presented a proclamation to Mike Ali honoring the United Nations Declaration on the Rights of indigenous People. Mike Ali gave comments and thanked the Council for the proclamation. Speakers were: Amrik Pannu, Jovanka Beckles, Charlotte McIntire, and Phil Mehas. Councilmember Ritterman gave comments.

Vice Mayor Lopez gave comments for Margarita Vargas' courage and compassion in reporting the sexual assault that occurred at Richmond High School. Vice Mayor Lopez and Councilmember Rogers to present a proclamation to Margarita Vargas for her act of humanity by reporting the sexual assault on the campus of Richmond High School. Ms. Vargas gave comments and encouraged the community to do the right thing when they witness a crime. Councilmembers Bates, Butt, Ritterman, and Viramontes all gave comments commending Ms. Vargas. Speakers were: Leonard Taylor, Jovanka Beckles, and Corky Booze.

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

City Attorney, Randy Riddle, reported the following:

**CONFERENCE WITH LEGAL
COUNSEL - EXISTING LITIGATION
(Subdivision [a] of Government Code Section
54956.9):** City of Richmond vs. Buckeye Claims
Administrators, Inc., RRPI Insurance Services, Inc., and
Robert Rice. *The Council voted to approve a settlement
in which the City of Richmond would receive \$25,000.*

No other reportable actions.

CITY COUNCIL CONSENT CALENDAR

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

*-Approved a one-year agreement with Sympatric Solutions for address verification software associated with the Police Department's Computer Aided Dispatch (CAD) System in an amount not to exceed \$40,000.

*-Adopted **Ordinance No. 35-09 N.S.** setting the tax rate for the Pension Tax Override Fund for Fiscal Year 2009-2010 at 0.14%.

A proposed contract with BBJ Electric, Inc. for the lighting design and installation project at La Moine Park in an amount not to exceed \$66,819.27 was presented. The contract term will be from November 18, 2009, to June 30, 2010. City Manager Bill Lindsay gave an overview of the item. Corky Booze gave comments on this item. On motion of Councilmember Viramontes, seconded by Councilmember Ritterman approved the contract by the following vote: **Ayes: Councilmembers Bates, Butt, Ritterman, Rogers, Viramontes, and Vice Mayor Lopez. Noes: None. Abstentions: None. Absent: Mayor McLaughlin.**

A proposed contract with James Burke, dba JDB Construction, for improvements at Shields-Reid Park including grading that will improve drainage, demolition of obsolete structures, and landscaping augmentation was presented. The total amount of the contract will not exceed \$40,404, and the contract term will be from November 18, 2009, to June 30, 2010. City Manager Bill Lindsay gave an overview of the item. Corky Booze gave comments. On motion of Councilmember Viramontes, seconded by Councilmember Ritterman approved the contract by the following vote: **Ayes: Councilmembers Bates, Butt, Ritterman, Rogers, Viramontes, and Vice Mayor Lopez. Noes: None. Abstentions: None. Absent: Mayor McLaughlin.**

A proposed second amendment to the contract with Shute, Mihaly & Weinberger, LLP for legal representation in the lawsuit United Trustees Association vs. City of Richmond, increasing the amount by \$15,000 for a total contract amount of \$25,000, and extending the term expiration to June 30, 2010, was presented. City Attorney Randy Riddle gave an overview of the item. Following discussion, on motion of Councilmember Viramontes, seconded by Councilmember Rogers approved the contract by the following vote: **Ayes: Councilmembers Ritterman, Rogers, Viramontes, and Vice Mayor Lopez. Noes: Councilmembers Bates and Butt. Abstentions: None. Absent: Mayor McLaughlin.**

On motion of Councilmember Ritterman, seconded by Councilmember Viramontes, extended the meeting until 12:00 a.m. with Councilmember Bates and Butt voting Noe.

*-Adopted **Ordinance No. 36-09 N.S.** establishing the wages, salary, and compensation for the new classification of Communications Call Taker (Salary Range No. 14A: \$3,559 - \$4,327/month). This position will support the Dispatcher classification and will allow the Dispatchers to focus on handling radio transmissions.

WITHDREW FROM THE AGENDA a sole-source contract with the Downtown Association of Richmond to facilitate Mental Toughness Workshops for Richmond YouthBuild Program in the amount of \$14,500 for a term commencing November 18, 2009, and ending March 30, 2010.

*-Approved an amendment to extend a contract with Gwendolyn Anderson to provide electrical vocational training to RichmondBUILD participants through December 31, 2009, and increase the contract amount by \$3,700 in an amount not to exceed \$12,200.

*-Adopted **Resolution No. 129-09** a resolution authorizing placement of liens and special assessments for unpaid garbage collection service fees on County property tax records.

A proposed contract with Straight Talk on Prison (STOP) for YouthWORKS academic program oversight and coordination in an amount not to exceed \$30,000 for the period of November 23, 2009, to June 30, 2010, was presented. Employment and Training Representative Jay Leonhardy gave an overview of the item. Jackie Thompson and Corky Booze spoke on this item. On motion of Councilmember Viramontes, seconded by

Councilmember Ritterman, approved the contract by the following vote: **Ayes: Councilmembers Bates, Butt, Ritterman, Rogers, Viramontes, and Vice Mayor Lopez. Noes: None. Abstentions: None. Absent: Mayor McLaughlin.**

*-Adopted **Resolution No. 130-09** amending the City's 457(b) Governmental Deferred Compensation Plan dated August 1, 2008, to bring it into compliance with legislative and regulatory changes to the Pension Protection Act of 2006, Heroes Earnings Assistance and Relief Tax Act of 2008, Emergency Economic Stabilization Act of 2008, and the Worker, Retiree, and Employer Recovery Act of 2008.

*-Approved a contract with ProForce Inc. for the purchase of 20 Taser devices and 200 Taser cartridges in an amount not to exceed \$23,210.97.

*-Adopted **Ordinance No. 37-09 N.S.** adding Chapter 9.17 (Food Ware) of the Richmond Municipal Code to prohibit the use of expanded polystyrene disposable food ware and requiring the use of biodegradable or compostable food ware by food providers and City facilities effective July 1, 2010.

*-Approved a contract with the Contra Costa County Sheriff-Coroner to provide forensic firearms examination services from March 1, 2009, through February 29, 2010, in an amount not to exceed \$100,500.

*-Adopted **Ordinance No. 38-09 N.S.** adding Chapter 7.107 to the Richmond Municipal Code to prohibit the sale of tobacco in drug stores that contain pharmacies. (**Vice Mayor Lopez was recorded as voting Noe and Councilmember Bates was recorded as Abstaining**).

*-Approved the submittal of the City Manager's response to the Contra Costa County Grand Jury Report No. 0907 regarding retiree health benefits costs.

*-Approved a three-year contract with PlanetBids, Inc. to provide an on-line vendor registration/bid management system (BidsOnline) in an amount not to exceed \$73,200 for the three-year term.

*-Adopted **Resolution No. 131-09** committing to implementing the energy-saving opportunities identified through participation in California Energy Commission's (CEC) Energy Partnership Program, which provides no-cost technical assistance to audit and identify cost and energy-saving opportunities in City facilities.

A proposed resolution confirming the City of Richmond Investment Policy, as recommended by the City's auditors, Maze and Associates, and as recommended by the Association of Public Treasurers of the United States and Canada was presented. On motion of Councilmember Viramontes, seconded by Councilmember Ritterman adopted **Resolution No. 132-09** by the unanimous vote of the Council.

*-Approved an amendment to the contract with Armistead Investigative Services to conduct confidential investigations into employee misconduct, increasing the contract amount by \$15,000 for a total contract amount of \$25,000.

COUNCIL AS A WHOLE

In the matter to discuss including a movable bulkhead in the scope of work for the project to renovate the Richmond Natatorium (the Plunge) and provide direction to staff. City Manager Bill Lindsay gave an overview of the item. He stated the estimated cost for the bulkhead is estimated at \$350,000. Parks that are scheduled for renovation with WW Bond Measure funds are: Wendell Park, Marina Bay Park Restroom, Rose Garden, Shimada Park, Burg Park, and Shields-Reid Park. Recreation and Parks Director Keith Jabari and Recreation Program Coordinator Arecia Yee spoke on this item. Speakers were: Ralph Kendrick, David Vincent, Robert Strauss, Ellie Strauss, Myrtle Braxton, Rosemary Fonseca, Naomi Williams, Tania Swartz read a letter from a citizen opposing the bulkhead, Che Cevallos, Karen Cevallos, Bart Hackworth, Marco Aguilera, AJ Hackman, Kerry Radcliff, Norm Hanche, Michael Simpson, Joyce Synnott, Alana Connor, Carol Situ, Tyrone Weaves, Jon Mayer, Kim Butt, Rosemary Corbin, Corinne Jonas Mayer, Nancy Malone, Jane Himmelvo, Christina Scott, Jackie Thompson, Todd Jersey. Recreation Supervisor Kris Loftus spoke on this item. Other speakers were: Margaret Morkowski, Corky Booze, Mid Dorman, and Lorie Loftus. Following discussion, a motion was made by Councilmember Butt, seconded by Councilmember Ritterman to support the bulkhead. A friendly amendment by Councilmember Viramontes to find other revenue sources and not use the WW Bond Measure money was accepted. A friendly amendment was made by Councilmember Butt to keep the cost as low as possible. A friendly amendment by Vice Mayor Lopez to limit appropriation specifically to the bulkhead was accepted. A friendly amendment by Councilmember Rogers to come back with funding options was accepted. ***On motion of Councilmember Viramontes, seconded by Councilmember Rogers extended the meeting to 11:30 p.m. with Councilmember Bates voting Noe.*** The motion, inclusive of all of the friendly amendments, passed by the following vote: **Ayes: Councilmembers Butt, Ritterman, Rogers, Viramontes, and Vice Mayor Lopez. Noes: Councilmember Bates. Abstentions: None. Absent: Mayor McLaughlin.**

CONTINUED TO DECEMBER 1, 2009, the matter to report on the findings and suggestions by city staff and stakeholders related to the current Richmond Business Opportunity Ordinance enacted in 2006 and scheduled for expiration on January 29, 2010, and provide direction to staff regarding proposals for strengthening the ordinance and other related activities.

In the matter to receive a report on the financial status of the Civic Center Revitalization Project from the Community & Economic Development Director and direct staff regarding treatment of the remaining fund balance, as appropriate. Redevelopment Director Steve Duran gave an overview of the item which included a PowerPoint presentation. Mr. Duran stated that after completion of the Civic Center Project, there is \$1.9 million dollars in surplus funds. Following discussion, a motion was made by Councilmember Viramontes, seconded by Councilmember Rogers to accept staff's report and no additional scope of work on the Civic Center can be added unless staff comes back to the Council with its request. Also, leave the 1.9 million left in the project budget until the mid-year review and deal with the security costs for the 2010-2011 budget. A friendly amendment by Councilmember Butt to get estimates for the sound system in the auditorium was accepted. *At 11:30 p.m., on motion of Councilmember Viramontes, seconded by Vice Mayor Lopez, extended the meeting for 15 minutes with Councilmembers Bates and Butt voting Noe.* Speakers for the item were: Corky Booze, Jackie Thompson, and John Marquez. The motion passed by the following vote: **Ayes: Councilmembers Bates, Butt, Ritterman, Rogers, Viramontes, and Vice Mayor Lopez. Noes: None. Abstentions: None. Absent: Mayor McLaughlin.**

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

Councilmember Councilmember Bates announced that the Public Safety Meeting scheduled for November 19, 2009, was cancelled. He also requested Vice Mayor Lopez adjourn the meeting in memory of Margaret Selleck.

ADJOURNMENT

There being no further business, the meeting adjourned at 12:08 a.m. in memory of Margaret Selleck and Mignon Wilbon, to meet again on Tuesday, December 1, 2009, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor