

**RICHMOND, CALIFORNIA,
November 3, 2009**

The Richmond City Council Evening
Open Session was called to order at 5:08 p.m. by
Councilmember Bates.

ROLL CALL

Present: Councilmembers Bates, Butt,
Ritterman, Viramontes, and Mayor McLaughlin.
Absent: Councilmember Rogers and Vice Mayor
Lopez (Councilmember Rogers arrived at 5:09).

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):** Robert and Rosalia McMasters vs. City
of Richmond

**CONFERENCE WITH LEGAL
COUNSEL - EXISTING LITIGATION
(Subdivision [a] of Government Code Section
54956.9):** 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 LEGAL
COUNSEL - ANTICIPATED LITIGATION
(Initiation of litigation pursuant to Subdivision
(c) of 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 5:08 p.m. The Closed Session
adjourned at 6:44 p.m.

The Regular Meeting of the Richmond City
Council was called to order at 6:50 p.m. by
Mayor McLaughlin.

ROLL CALL

Present: Councilmembers, Bates, Butt, Ritterman, Rogers, Viramontes, Vice Mayor Lopez, and Mayor McLaughlin. **Absent:** None. **Councilmember Bates left at 7:25 p.m. following the vote on item G-1.**

STATEMENT OF CONFLICT OF INTEREST

None.

OPEN FORUM FOR PUBLIC COMMENT

Leonard Taylor requested city officials come up with a proposal to bring more businesses into the City of Richmond. He encouraged city residents to vote yes on Measure S in June 2010.

Corky Booze thanked many people for their role in making the Halloween Party in Parchester Village successful. He also thanked the Recreation Department for the haunted house held at the Richmond Auditorium. Mr. Booze also thanked Joanne Frazier, Debbie Hernandez, and Keith Jabari for their assistance in obtaining a new refrigerator at the Point Richmond Senior Citizens Center.

Mohania Williams stated that there were still much needed improvements throughout Parchester Village. She invited the Council to attend a Parchester Neighborhood Council Meeting. She also requested that Councilmember Rogers check with the neighborhood council before speaking for the residents of Parchester village. Ms. Williams stated that Chief Magnus has kept his promise to patrol Parchester Village to help keep crime down. She also stated that funding should be put forth to improve the treatment of youth in the City of Richmond.

Gwendolyn McKneely expressed her concern regarding the lights that are out at the Giant Highway Exit off the Richmond Parkway. She also expressed concern for the danger of not being able to see deer that roam in that area because of the missing lights.

Diana Sandoval stated that she was told by city staff that she must have a permit to play in the city park. She also stated that the City of Richmond should provide better lighting and safe places for children to play.

Albert Harrison stated Parchester Village residents need cooperation from the Recreation Department to use the Community Center to bring everyone together for tutoring, sports, etc.

Goretha Johnson thanked the Parks and Recreation and Police Departments for allowing the residents of Parchester Village to hold a successful Halloween Party and haunted house.

Eleanor Thompson stated that some of the Councilmembers are not noticeable in the community unless they are up for election. She thanked Mayor McLaughlin and the Fire Department staff for attending a festival held at Easter Hill Baptist Church. She also requested that the City of Richmond install better lighting in its parks.

Connie Portero expressed a need for security and lights throughout the parks and recreation facilities in the City of Richmond.

Jackie Thompson expressed concern regarding a drivers' inability to make a safe turn at the intersection of Carlson Boulevard and Cutting Boulevard.

AGENDA REVIEW

Removed Items F-2 and F-4 from the Consent Calendar. Reordered items to be heard in the following order: Item G1, J-4, J-3, and J-1.

City Attorney Randy Riddle announced that an emergency item to temporary appointment a substitute Councilmember to the West County Integrative Management Authority (WCIMA) needed to be added to the agenda and would require a two-thirds vote by the Council for approval. On motion of Mayor McLaughlin, seconded by Councilmember Rogers added the emergency item to the agenda by the unanimous vote of the Council. On motion of Councilmember Viramontes, seconded by Councilmember Rogers appointed Councilmember Ritterman to a temporary substitute appointment to the West County Integrative Management Authority (WCIMA) by the unanimous vote of the Council.

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 - ANTICIPATED LITIGATION (Initiation of litigation pursuant to Subdivision (c) of Section 54956.9): One Case. *The City Council authorized initiation of litigation; names will be available when the law suit is issued. Councilmember Bates voted Noe.*

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 unanimous vote of the Council. ***Items removed from the Consent Calendar were heard at the end of the meeting.***

*-Approved a contract with the Oakland Private Industry Council (OPIC) to procure goods and services on behalf of RichmondWORKS and in support of East Bay Works One Stop Career Center System for a term beginning November 2, 2009, through June 30, 2010. The contract amount will not exceed \$56,581.

A proposed Land Use Agreement between the City of Richmond and the Richmond Certified Farmers Market Association for the lease of the northern section of the parking lot located on Barrett Avenue between 24th Street and 25th Street weekly on Fridays for the purpose of operating weekly farmers was presented. ***On motion of Councilmember Rogers, seconded by Councilmember Viramontes extended the meeting for 15 minutes; from 11:30 p.m. to 11:45 p.m. by the unanimous vote of the Council.*** Speakers regarding the Land Use Agreement were: Raymond Young, Tom Cloman, Louis Katz, Jean Herrmann, Steve Ghigliotto, and John Marquez. ***On motion of Councilmember Viramontes, seconded by Councilmember Ritterman extended the meeting for 15 minutes; from 11:45 p.m. to 12:00 a.m. with Councilmember Butt voting Noe.*** The item continued with a motion made by Councilmember Viramontes, seconded by Councilmember Ritterman to approve the Land Use Agreement and allow the live chicken vendor to remain a part of the Farmer's Market as long as the vendor can pass inspections and also relocates his stand away from the Louis and Kraft Mortuary. The motion passed by the following vote: **Ayes:** Councilmembers Butt, Ritterman, Rogers, Viramontes, Vice Mayor Lopez, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates.

*-Approved the purchase of eight BH Fitness T11 treadmills for seven fire stations and the training center from the Gym Doctors in the amount of \$25,375, as part of the Fire Department's grant-funded health and wellness program.

A proposed grant award to the Office of Neighborhood Safety in the amount of \$400,000 in California Gang Reduction and Intervention Program (CalGRIP) funding from the California Emergency Management Agency (CalEMA) to confront the issue of gang violence in the City of Richmond was presented. Speakers were: Jackie

Thompson, Corky Booze, and McKinley Ross. A motion was made by Councilmember Viramontes, seconded by Mayor McLaughlin to approve the grant award to the Office of Neighborhood Safety with the understanding that the Bay Area Peace Keepers were a part of Phase I and II of the Program. The motion passed by the following vote: **Ayes:** Councilmembers Butt, Ritterman, Rogers, Viramontes, Vice Mayor Lopez, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates.

*-Introduced an ordinance, for first reading, 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.

*-Adopted **Resolution No. 123-09** amending the City of Richmond's Position Classification Plan to add the new classification of Communications Call Taker; this position will support the Dispatcher classification and will allow the Dispatchers to focus on handling radio transmissions.

*-Approved the minutes for the regular meeting held on September 8, 2009.

*-Received a report on meetings with elected officials and federal agencies in Washington, DC to discuss American Recovery & Reinvestment Act (ARRA) funding and other potential federal grant opportunities, and Received an update on ARRA funding in the City of Richmond.

*- Approved the following reappointment: Recreation and Parks Commission: Pamela Saucer-Bilbo, Incumbent, term expiring October 26, 2012.

*- Approved an emergency contract with A-1 Remediation Services to abate lead, asbestos, and mold at the Martin Luther King (MLK) Community Center in an amount not to exceed \$175,000.

*-Adopted **Resolution No. 124-09** authorizing and directing the mayor to execute and the city clerk to record an Encroachment Agreement with Augusto Jr. and Arraceli Ferriols to encroach upon a portion of Parcel M in Subdivision 4833.

*- Adopted **Resolution No. 125-09** of the Richmond City Council authorizing the city manager to apply for energy efficiency loans from the California Energy Commission to implement energy efficiency measures and to accept a loan up to \$3,000,000.

PUBLIC HEARINGS

The city clerk announced it was time set pursuant to public notice to conduct a public hearing to modify the Planning Commission's approval of a Parcel Map (MS 756-08) to subdivide an existing residential lot located at 367 Western Drive in the Point Richmond neighborhood, into two lots (10,808 and 6,002 square ft) to include additional conditions as agreed upon by the appellant, Matt Anacker, and the applicant, Steve Kowalski. Planning Director Richard Mitchell gave an overview of the item. Mayor McLaughlin declared the public hearing open. There were no public speakers. On motion of Councilmember Ritterman, Viramontes closed the public hearing by the unanimous vote of the Council. On motion of Councilmember Ritterman, second by Councilmember Viramontes approved the item and adopted **Resolution No. 128-09** by the unanimous vote of the Council. **This item was heard directly following the vote on the Consent Calendar. Councilmember Bates left at 7:25 p.m. following the vote on this item.**

The city clerk announced it was time set pursuant to public notice to conduct a public hearing to authorize the City of Richmond to levy special assessments against certain properties having unpaid invoices related to administrative citations, nuisance abatement costs, and foreclosure ordinance fines pursuant to Richmond Municipal Code Chapters 9.22 and 2.63. Code Enforcement Manager Tim Higarres gave an overview of the item. Mr. Higarres removed the following names/properties from the special assessment list: Malone, Sterns Barnum and Associates, Zhuang Xiu, Ellison, Lewis, Ferrarello, Gross Mortgage Corp, Baker, Carrera, LLC 2008, Reisbeck, Rattu, Winada, Deutsche Bank National, Conditioned-Aire Heating-Sheet Metal, Ameri Home Mortgage Service Inc., Pitre Orlean, Mclain, Pitre, and Ward. Mr. Higarres briefly met with other residents that were present at the meeting to discuss resolution and potentially removing their names from the special assessment list. Upon completion of the meeting, Mr. Higarres removed the following names from the special assessment list: Seet, Dorton, Surjeet, Gregory, Durhan, and Soucie. Mayor McLaughlin declared the public hearing open. Kwame Gregory and Lori Soucie gave comments. On motion of Vice Mayor Lopez, seconded by Councilmember Viramontes closed the public hearing by the following vote: **Ayes:** Councilmembers Butt, Ritterman, Rogers,

Viramontes, Vice Mayor Lopez, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates. A motion was made by Vice Mayor Lopez, seconded by Councilmember Ritterman to accept staff's recommendation, minus the names removed from the special assessment listing. The motion passed and **Resolution No. 127-09** was adopted by the following vote: **Ayes:** Councilmembers Butt, Ritterman, Rogers, Viramontes, Vice Mayor Lopez, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates.

RESOLUTIONS

A proposed resolution declaring Richmond a Human Rights City, at the recommendation of the Human Relations and Human Rights Commission was presented. Mayor McLaughlin gave an overview of the item. Kathleen Sullivan, Vivien Feyer, Jackie Thompson, Dr. Henry Clark, Dr. Betty Burrus-Wright, and Dr. Lesli Handmacher gave comments. On motion of Mayor McLaughlin seconded by Councilmember Ritterman, adopted **Resolution No. 126-09** by the following vote: **Ayes:** Councilmembers Butt, Ritterman, Rogers, Viramontes, Vice Mayor Lopez, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates.

ORDINANCES

A proposed ordinance to add Chapter 12.29 (Street Opening and Pavement Restoration Regulations) to the Richmond Municipal Code, establishing a moratorium against excavating in newly resurfaced streets was presented for first reading (Note: three alternative ordinances are provided for Council consideration). City Engineer Rich Davidson gave an overview of the item. Engineering Manager Edric Kwan spoke on this item. John Marquez spoke on this item. A motion was made by Councilmember Viramontes, seconded by Mayor McLaughlin to approve alternative number three. A substitute motion was made by Councilmember Butt to accept alternative number one and direct staff to come up with ways to assist with funding for low income. The motion failed for lack of a second. A substitute motion was made by Vice Mayor Lopez, seconded by Councilmember Ritterman to approve alternative number two and direct staff to review if there is a nexus with the encroachment permit fees that could absorb the cost to the City of Richmond. The motion passed and said ordinance received first reading and was laid over two weeks for second reading by the following vote: **Ayes:** Councilmembers Ritterman, Rogers, Viramontes, Vice Mayor Lopez, and Mayor McLaughlin. **Noes:** Councilmember Butt. **Abstentions:** None. **Absent:** Councilmember Bates.

A proposal to adopt the second reading of an ordinance adding Chapter 7.107 to the Richmond Municipal Code, which will prohibit the sale of tobacco in drug stores that contain pharmacies, or alternatively introduce an amended version of that ordinance, for first reading, that contains revised provisions aimed at clarifying the scope and application of the ordinance was presented. Councilmember Ritterman gave an overview of the item. Following discussion, a motion was made by Councilmember Ritterman, seconded by Councilmember Butt, to introduce an ordinance for first reading. The motion passed and said ordinance received first reading and was laid over two weeks for second reading by the following vote: **Ayes:** Councilmembers Butt, Ritterman, Rogers, and Mayor McLaughlin. **Noes:** Vice Mayor Lopez. **Abstentions:** None. **Absent:** Councilmember Bates.

COUNCIL AS A WHOLE

In the matter to discuss and approve formulating a Paramedic and Public Safety Measure for the Primary Election Ballot in June 2010. Councilmember Viramontes gave an overview of the item. Corky Booze, John Marquez, and Jim Russey gave comments. Fire Chief Michael Banks and Police Chief Chris Magnus spoke on this item. A motion was made by Councilmember Viramontes, seconded by Councilmember Rogers, to direct staff to bring back a measure that considers different ways that a tax may be implemented and submit the information to the Council for consideration; Councilmembers interested in making changes should communicate their ideas to the staff. The motion passed by the following vote: **Ayes:** Councilmembers Butt, Ritterman, Rogers, and Mayor McLaughlin. **Noes:** Vice Mayor Lopez. **Abstentions:** None. **Absent:** Councilmember Bates.

In the matter to direct staff to develop a plan to impose a fee on liquor stores to fund new or increase programs to respond to the crime/nuisance problems associated with liquor stores. Councilmember Rogers gave an overview of the item. Jackie Thompson and Julie Waters spoke on this item. On motion of Councilmember Ritterman, seconded by Councilmember Butt approved the introduction of an amended version of a plan by the following vote: **Ayes:** Councilmembers Butt, Ritterman, Rogers, and Mayor McLaughlin. **Noes:** Vice Mayor Lopez. **Abstentions:** None. **Absent:** Councilmember Bates.

On motion of Councilmember Rogers, seconded by Councilmember Viramontes extended the meeting for 15 minutes from 11:11 p.m. to 11:26 p.m. with Councilmember Butt voting Noe.

In the matter to receive a report from the Richmond Police Department on the investigation of the sexual assault that took place on the campus of Richmond High School on October 23, 2009. Vice Mayor Lopez gave a brief comment on this item. Police Chief Chris Magnus gave a report on the item. He stated our hearts go out to the victim and her family. He also stated that his first priority would be to work together with the West Contra Costa Unified School District, Richmond Police, and the public to make sure the City of Richmond does everything in its power to keep a crime like of this nature from happening again. Chief Magnus reported on the number of current arrests and the possibility of more during the week. He reported that the Richmond Police are working closely with the District Attorney's Office to continue to build a solid case. He also reported that the Richmond Police received useful information from many residents, including youth within the City of Richmond. Chief Magnus reported that the Richmond Police Department has been in communication with the WCCUSD, specifically with the superintendent and assistant superintendent, resulting in a commitment to assure that adequate security is on campus for after-school events. Chief Magnus encouraged greater participation from parents and community members to act as volunteers and/or chaperons for after-school events. Community Violence Solutions Director Rhonda James gave a report on the services and projects available through Community Violence Solutions. Some of these projects include rape crisis center, sexual assault services, children's' interview center, prevention project located in local high schools, stand against domestic violence program, and anti-human trafficking. Jackie Thompson, Corky Booze, John Marquez, and Eleanor Thompson gave comments. Following discussion, Mayor McLaughlin, encouraged everyone to continue to support the survivor of the sexual assault and her family. She also encouraged community groups, WCCUSD, and city departments to work together to mend issues brought forward by this crime to prevent future incidents of this nature.

In the matter to direct the city manager to prepare and execute a letter on behalf of the City Council requesting funding of Cybertran's smart light rail development proposal under the Transportation Investment Generating Economic Recovery (TIGER) Program of ARRA. Councilmember Ritterman gave an overview of the item and introduced Light Rail Cybertra representatives Dexter Bismal, Neil Sinclair, and Gene Hishinaga who gave a PowerPoint presentation. Following discussion, on motion of Councilmember Ritterman, seconded by Councilmember Rogers, directed the city manager to work with Cybertran to provide letters of support to promote Cybertran by the following vote: **Ayes:** Councilmembers Butt, Ritterman, Rogers, Viramontes, Vice Mayor Lopez, and Mayor

McLaughlin. **Noes:** None. **Abstentions:** None.
Absent: Councilmember Bates.

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

Mayor McLaughlin stated that the trip to Cuba has been postponed until spring. She also stated that some of the statements may have been misinterpreted and read the following statement into record: "In planning various aspects of the trip to Regla originally scheduled for November, and now postponed until spring of 2010, I have worked closely with the Richmond/Regla Sister City Committee and others. However, participation on this delegation was at my invitation. The Richmond/Regla Committee did not make any decisions about who would go on the trip, beyond its own members, who were all invited. I received suggestions and recommendations about who else to invite from several different people and groups, but ultimately the decision was mine about who would be part of the delegation, based on their expertise in the focus areas of the trip."

Councilmember Viramontes report she attended the West Contra Costa Transportation Advisory (WCCTA) Meeting on Friday, October 30, 2009. Discussion included reductions of funding for transportation projects in West County, specifically a reduction in Measure J funding for the Richmond Parkway. She also reported that Caltrans is moving forward with the I-80 Mobility Project. WCCTA identified Richmond City Councilmember Butt, San Pablo Vice Mayor Garcia, and Hercules Vice Mayor Balico to work with its staff to make sure that the ramps in Richmond that come off I-80 that will be impacted are identified and reported.

ADJOURNMENT

There being no further business, the meeting adjourned at 12:10 a.m. in support of the survivor of the Richmond High School rap incident and all youth of the City of Richmond, to meet again on Tuesday, November 17, 2009, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor