

**RICHMOND, CALIFORNIA, February 2,
2010**

The Richmond City Council Evening
Open Session was called to order at 5:02 p.m. by
Mayor Gayle McLaughlin.

ROLL CALL

Present: Councilmembers Butt, Rogers,
Viramontes, Vice Mayor Ritterman, and Mayor
McLaughlin. **Absent:** Councilmembers Bates and
Lopez (Councilmember Bates arrived after
adjourning to Closed Session).

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):** Browne vs. City of Richmond

**CONFERENCE WITH LEGAL
COUNSEL - EXISTING LITIGATION
(Subdivision (a) of Government Code Section
54956.9):** City and County of San Francisco et al.
vs. Regal Stone LTD, et al. (Cosco Busan); Citizens
of East Shore Parks vs. City of Richmond; Booker
vs. City of Richmond; Jenkins vs. City of
Richmond; Communities for a Better Environment
vs. City of Richmond, et al.

**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 5:05 p.m. The Closed Session
adjourned at 6:24 p.m.

The Regular Meeting of the Richmond City
Council was called to order at 6:33 p.m. by
Mayor McLaughlin who led the Pledge of
Allegiance to the Flag.

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

None.

OPEN FORUM FOR PUBLIC COMMENT

Naomi Williams thanked Community Housing Development Corporation (CHDC) for removing the unsafe trees near Pullman Point.

Leonard Taylor spoke regarding his Verizon cell phone bill. He requested that the City of Richmond have a representative from KCRA 3 Television Station attend the February 16, 2010, Richmond City Council Meeting or supply Mr. Taylor a train ticket and cab fare to 3 Television Circle, Sacramento, California 95813.

Antwon Cloird spoke in support of Chevron and their contribution to the City of Richmond. He encouraged the City Council to work with Chevron to come up with a way to co-exist.

Jael Myrick read a letter from Assembly Member Nancy Skinner, Senator Lonnie Hancock, and Senator Marc DelSenier regarding a settlement between the Citizens for a Better Environment vs. City of Richmond et al, and Chevron. The letter encouraged the Richmond City Council to return to mediation to resolve the dispute.

Corky Booze stated that the dispute is between Citizens for a Better Environment and Chevron, not the Richmond City Council.

Jackie Thompson expressed her concern for the residents living in unsafe conditions in Pullman Point. She requested a member of the Public Safety Committee attend the next Neighborhood Council Meeting.

Juan Reardon encouraged the Richmond City Council to demand that Chevron support clean air in the City of Richmond.

Jerome Smith spoke in regards to Chevron.

Simms Thompson expressed concern regarding the lights that are out from 23rd Street to Green Avenue and all the way down to Garvin Avenue. He also expressed disappointment that there are empty telephone boxes throughout the City of Richmond.

Marleen Quint urged the City Council to support the Attorney General Gerry Brown's alternative proposal for the Chevron Refinery.

Sandy Saeteurn asked the City Council to accept the Attorney General's alternative proposal for the Chevron Refinery.

Millie Cleveland requested that the City Council make public comments in support of the Attorney General Gerry Brown's alternative proposal for the Chevron Refinery.

Leonard Webster requested that the City Council support the Attorney General Gerry Brown's alternative proposal for the Chevron Refinery.

Eli More spoke in support of the Attorney General Gerry Brown's alternative proposal for the Chevron Refinery.

Reverend Ken Davis spoke in support of the Attorney General Gerry Brown's alternative proposal for the Chevron Refinery.

Thongsoun Phuthama encouraged the City Council to make Richmond a safer place to live.

Lipo Chanthanasack encouraged the City Council to talk with Chevron regarding the betterment of the community.

Boonthong Karnsouvong encouraged the City Council to speak with Chevron in support of clean air and jobs and to support Attorney General Gerry Brown's alternative proposal for Chevron Refinery.

Vicky Martinez stated she was proud of being a Richmond resident and she supports clean air.

Gwen Powell spoke in support of the issues being presented to the City Council.

Dr. Henry Clark encouraged the City Council to support Attorney General Gerry Brown's alternative proposal for Chevron Refinery.

Ana Orozco requested the City Council endorse Attorney General Gerry Brown's alternative proposal for Chevron Refinery.

Michael Aaronian, along with two students from Kenndy High, thanked the City Council for approving the contract with the WCCUSD School to College and Career Program in support of the Career Technology Education Academy.

Mr. Williams thanked the City Council for approving the contract with the WCCUSD School to College and Career Program in support of the Career Technology Education Academy.

AGENDA REVIEW

Removed Items G-6 and G-10 from the Consent Calendar to be heard following the completion of all other items on the agenda.

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): Browne vs. City of Richmond.
The City Council voted to approve a settlement in the amount of \$199,000.

No other reportable actions.

CITY COUNCIL CONSENT CALENDAR

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

*-Approved a contract with RGA Environmental to update the City's asbestos management program and provide training to affected City employees in an amount not to exceed \$20,000.

*-Approved a second amendment to the contract with Armistead Investigative Services to conduct confidential investigations into allegations of employee misconduct and provide a confidential written report to the City Attorney containing the results of the investigations, increasing the contract amount by \$50,000.00, for a total contract amount of \$75,000.00, and extending the term to December 31, 2010.

*-Adopted **Resolution No. 9-10** authorizing the submittal of a grant application to the Metropolitan Transportation Commission for TDA funding of the Bay Trail Gap Closure Project from the western shoreline of the City's Point Potrero Marine Terminal to Seacliff Drive.

*-Approved the following appointments: Arts and Culture Commission: Amber Castravani, term expiring January 31, 2014; Police Commission: Felix Hunziker, term expiring November 1, 2012 (filling vacancy left by resignation of Jim Jenkins).

*Adopted **Resolution No. 10-10** authorizing the acceptance of allocated funds from the Contra Costa County Health Services Division and the related two-year Interagency Agreement #22-276-18, in support of the department's Hazardous Material Release Response Plans and Inventory Program for \$373,813 over a two-year period; Adopted **Resolution No. 11-10** authorizing the acceptance of allocated funds from the Contra Costa County Health Services Division and the related two-year Interagency Agreement #22-351-14, in support of the department's Hazardous Materials Training Program for \$312,775 over a two-year period; and, (3) Adopted **Resolution No. 12-10** authorizing acceptance of allocated funds from the Contra Costa County Health Services Division and the related two-year Interagency Agreement #22-402-12, in support of the department's Hazardous Materials Response Unit for \$379,720 over a two-year period.

A proposed resolution authorizing the City Manager to enter into an agreement with the California Public Utilities Commission ("CPUC") under which the City of Richmond will receive compensation in an amount not to exceed \$151,875 for safety improvements at the Burlington Northern Santa Fe (BNSF) grade crossing on Wharf Street (PUC 002-1191.10-C) was presented. Engineering Manager Edric Kwan gave an overview of the item. Corky Booze and Jackie Thompson gave comments. On motion of Councilmember Bates, seconded by Councilmember Viramontes adopted **Resolution No. 13-10** by the unanimous vote of the Council.

*-Approved the minutes for the regular meeting held on November 3, 2009.

*-Adopted **Ordinance No. 6-10 N.S.** adding fees for inspections of businesses selling alcohol and/or tobacco products to the Master Fee Schedule. **Councilmember Bates was recorded as voting Noe on this item.**

*Approved a contract between the City of Richmond and Zoll Data Systems, Inc. to provide technical support, maintenance services, upgrades and mobile licenses for the Fire Department's Records Management System (RMS), Computer Aided Dispatching (CAD), and Telestaff interfaces in an amount not to exceed \$10,092.

A proposal to purchase an asphalt paver and roller from Nixon-Egli Equipment Company at a cost not to exceed \$300,000 and a skid steer loader (bobcat) from Bobcat West at a cost not to exceed \$65,000, for replacement of existing worn equipment used in maintaining City-owned streets was presented. Public Works Manager Yader Bermudez gave an overview of the item. Corky Booze stated that the Peterson Tractor Company in San Leandro was selling the same bobcat for approximately half the price quoted by Bobcat West. On motion of Councilmember Bates, seconded by Councilmember Viramontes approved the purchase of asphalt paver and roller and authorized staff to take a lower bid if available by the unanimous vote of the Council.

*- Adopted **Resolution No. 14-10** approving applications for grant funds pursuant to the Statewide Park Development and Community Revitalization Program of 2008, with eligible projects being Elm Park, Martin Luther King Jr. Park, Richmond Greenway, the Plunge and Wendell Park.

*- Approved a contract with Sam Charles, dba SC IV Construction, to serve as Construction Coordinator for the Richmond YouthBuild Program in an amount not to exceed \$65,000. The contract term will be from February 2, 2010, through February 2, 2011.

RESOLUTIONS

A report and a proposal to adopt a resolution in recognition of the 350 ppm CO₂ as the sensible limit to prevent extreme climate change was presented. Vice Mayor Ritterman gave an overview of the item and read the proposed resolution. Corky Booze spoke on this item and encouraged the Council to add a youth council. Speakers continued with Jenny Bard, Tony Sustak, Tarnel Abbott, William Terry, Juan Reardon, and Jovanka Beckles. A motion was made by Vice Mayor Ritterman, seconded by Councilmember Rogers who offered friendly amendments to direct staff to arrange a meeting with the Council of Industries and directed staff to delete the **WHEREAS** that mentions **refinery** from the resolution. The amendments were accepted. The motion passed and **Resolution No. 15-10** was adopted by the following vote: **Ayes:** Councilmembers Butt, Rogers, Viramontes, Vice Mayor Ritterman, and Mayor McLaughlin. **Noes:** Councilmember Bates. **Abstentions:** None. **Absent:** Councilmember Lopez.

A proposed resolution in support of the Local Taxpayer, Public Safety and Transportation Protection Act of 2010 was presented. On motion of Councilmember Viramontes, seconded by Councilmember Rogers adopted **Resolution No. 16-10** by the unanimous vote of the Council.

ORDINANCES

A proposed ordinance amending Sections 15.04.820.030 through 15.04.820.035 of the Richmond Municipal Code to provide for technical amendments to the City's Wireless Telecommunications Ordinance, and the related definitions section of the Zoning Ordinance was introduced for first reading. City Attorney Randy Riddle gave an overview of the item. Corky Booze gave comments. On motion of Councilmember Bates, seconded by Councilmember Viramontes said ordinance received first reading and was laid over two weeks for second reading by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Viramontes, Vice Mayor Ritterman, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez.

A proposed ordinance amending Chapter 2.50 of the Municipal Code to revise the City of Richmond Business Opportunity Ordinance (53-06 N.S.) was introduced for first reading. Gina Baker introduced Benita Reagon of Merriweather and Williams who gave an overview of the item. A motion was made by Councilmember Viramontes, seconded by Councilmember Bates with amendments to direct the city attorney to add a provision to the ordinance to encourage businesses to use City of Richmond facilities and to submit a progress report within a year. The amendments were accepted. Corky Booze, John Marquez, Juan Reardon, Rhonda Harris, Robert Davila, and Jovanka Beckles gave comments. The motion was approved and said ordinance received first reading and was laid over two week for second reading by the unanimous vote of the Council.

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

Councilmember Bates encouraged everyone to support the basketball games held at Police Activities League (PAL) in support of Haiti Relief Efforts.

City Manager Bill Lindsay stated that Leslie Knight was recognized for excellence in her profession and was awarded the John D. Nail Memorial Award by the City Manager's Department of the League of California Cities. She will receive the award on January 16, 2010.

Councilmember Viramontes stated that she and Councilmember Bates attended the State Sanitation and Water Agency Meeting. The Stege Sanitary District that serves South Richmond won the State-wide award for District of Distinction. She suggested that the City of Richmond present an award to the Stege District.

Mayor McLaughlin encouraged everyone to continue to support Haiti.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:59 p.m. in memory of the victims of the catastrophe in Haiti and continued support for the survivors, to meet again on Tuesday, February 16, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor