

RICHMOND, CALIFORNIA, March 2, 2010

The Richmond City Council Evening Open Session was called to order at 5:06 p.m. by Mayor Gayle McLaughlin.

ROLL CALL

Present: Councilmembers Bates, Lopez, Viramontes, Vice Mayor Ritterman, and Mayor McLaughlin. **Absent:** Councilmembers Butt and Rogers (Councilmember Butt arrived at 5:07 p.m. and Councilmember Rogers arrived at 5:11 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

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision (a) of Government Code Section 54956.9): Citizens of East Shore Parks vs. City of Richmond; Communities for a Better Environment vs. City of Richmond, et al.; Chevron vs. City of Richmond (two cases)

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Initiation of litigation pursuant to Subdivision (c) of Government Code Section 54956.9): Eight cases

CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54956.8): City designated representative(s): Bill Lindsay, Leslie Knight, Jack Hughes, Lisa Stephenson, and Bruce Soublet; Employee organization or unrepresented employee(s): Local 21

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 6:25 p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:44 p.m. by Mayor McLaughlin.

ROLL CALL

Present: Councilmembers, Bates, Butt, Lopez, Rogers, Viramontes, Vice Mayor Ritterman, and Mayor McLaughlin. **Absent:** None.

STATEMENT OF CONFLICT OF INTEREST

None.

OPEN FORUM FOR PUBLIC COMMENT

Naomi Williams expressed her disappointment with the signs that are posted throughout the City of Richmond opposing Point Molate. She asked if the signs were posted with permits.

Antwon Cloird expressed his disappointment with the mailers opposing Point Molate that included pictures of Vice Mayor Ritterman and Mayor McLaughlin.

Twanya Easter expressed the need for jobs in the City of Richmond and encouraged the City Council to promote projects that bring green jobs and steady pay checks.

James Cash expressed his disappointment with the mailers opposing Point Molate that included pictures of Vice Mayor Ritterman and Mayor McLaughlin. He also stated the biggest attractions in Richmond are the funerals.

Leonard Taylor spoke in reference to the young lady killed in Pinole.

Charles Smith expressed his opposition to the Point Molate Project.

Jovanka Beckles spoke in regards to the importance of honesty and referenced Measure T.

Bob Dabney expressed his disappointment with the mailers opposing Point Molate that included pictures of Vice Mayor Ritterman and Mayor McLaughlin.

Jackie Thompson expressed her disappointment regarding a negative e-mail about Corky Booze that is being circulated.

Aram Hodess expressed his disappointment with the mailers opposing Point Molate that included pictures of Vice Mayor Ritterman and Mayor McLaughlin.

Wayne Ellis stated that Mayor McLaughlin was bias in the way she chairs the Council Meetings. Individuals that share her views

are allowed to speak out of turn. He stated as an example that the Director of the West County Toxic Coalition was allowed to speak out of turn at the January 26, 2010, Council Meeting. On February 23, 2010, she opposed allowing Don Gosney an opportunity to address the Council on an issue being discussed. Mr. Ellis stated that Mayor McLaughlin was bias in her actions, intolerant of viewpoints that are different from her own, and incapable of seeing both sides of an issue when one does not coincide with her ideological viewpoint.

Alex Gomez announced a new business training program in Richmond and San Pablo to help low income women achieve self-sufficiency and an opportunity for women to create jobs for themselves and others.

Maria Alegria stated that policies are in place; however, jobs are needed in the City of Richmond.

Mike Ali expressed his disappointment with the proposal to increase sewer taxes for some residents within the City of Richmond.

Juan Reardon thanked Mayor McLaughlin for acknowledging small businesses within the City of Richmond with an award. He also stated that Councilmembers Viramontes and Bates did not support the small business award item when it came before the City Council for approval.

Raymond Landry, Pastor of Independent Church of God and Christ, stated he and a group of men, representing Operation Richmond, knocked on homes in their neighborhoods in an effort to reach the goal of distributing information packets to 10,000 homes. He stated that jobs would help the City of Richmond.

Charlotte McIntire expressed her disappointment with the proposal to increase sewer taxes for some residents within the City of Richmond. She stated that people are leaving Richmond because there are no jobs.

Tony Sustak spoke regarding the possibility of Chevron leaving the City of Richmond. He stated that he is most concerned about the racism within the City.

Simms Thompson stated that the City of Richmond is unsafe and should focus on improving the faded red zones and poor lighting. He also stated that city ordinances are not being enforced.

Anyssa Hall spoke in support of keeping Kennedy School open.

IDER Kaur thanked Mayor McLaughlin and Councilmember Rogers for visiting the farm-raising at Kennedy High School on Saturday February 27, 2010. She invited all Councilmembers to visit Kennedy High School to see the positives within the school and encouraged the Council to keep Kennedy High School open.

Eleanor Thompson stated that Councilmember Viramontes was disrespectful to Mayor McLaughlin at the February 23, 2010, Council Meeting. She also stated that she supported the Office of Neighborhood Safety (ONS); however, ONS failed the youth after they received funding.

Harjeet Bains expressed his disappointment with the proposal to increase sewer taxes for some residents within the City of Richmond.

A.J. Jelani announced that the Beldingwood Neighborhood Council intends to hold a talent show at the Richmond Auditorium. He requested support from the City Council and City Staff. Mr. Jelani stated that there was an urgency to address the needs of our youth.

Corky Booze spoke in reference to an e-mail that was being circulated about him in an effort to corrupt his reputation. He stated that he would continue as a community advocate for citizens of Richmond.

Richard Lompa stated that he loved Chevron. He stated that there are Councilmembers that continue to bash Chevron. Mr. Lompa suggested that for those who oppose Chevron to leave the City of Richmond.

Diana Christie proposed that the City Council support projects that will bring revitalization into the community.

Councilmember Viramontes clarified that she does support honoring small businesses; however, she did not co-sponsor the item to avoid any violation of the Brown Act.

Mayor McLaughlin stated that she had nothing to do with the mailer that is being distributed throughout the City of Richmond opposing the Point Molate Project. She also stated that she does oppose urban casinos.

Vice Mayor Ritterman stated that he did not know anything about the mailer that was being distributed throughout the City of Richmond opposing the Point Molate Project. He stated that he had nothing to do with it.

AGENDA REVIEW

Withdrew Items H-1 and J-1 from the agenda. Removed Items G-4, G-8, G-10, and G-11 from the Consent Calendar to be heard following the completion of all other items on the agenda. Moved Item J-2 directly after Presentations, Proclamations, and Commendations.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Councilmember Bates gave comments and thanked Council Interns Erica McFadden and Yvette Urrutia for their work on the presentation to honor several major employers in the City of Richmond. Mayor McLaughlin joined by Councilmember Bates, Erica McFadden, and Yvette Urrutia presented Certificates of Appreciation to the following companies: Chevron, USA, Inc., Mike Coyle, General Manager; TPMG Regional Laboratory, Jeffrey O'Connor; Hilltop Mall, Mike Short, Manager; Pacific East Mall Terry Kwong, Owner; Costco Wholesale #482 Rob Ferguson, General Manager; California Autism Foundation, John Visbal, CEO; Parker-Hannifin, Veriflo Division, Kimberly L. West; Home Depot #643, Michael Flores, Store Manager; Kaiser Permanente Medical Group, Julie Hadnot, Public Affairs Director Galaxy Desserts, Paul Levitan, CEO. Unfortunately, a representative Pacific East Mall is not able to attend tonight, but have sent a note of gratitude for the recognition. City Clerk Diane Holmes read the letter into record. Mayor McLaughlin thanked all the businesses for their continued contributions to the City of Richmond. The following individuals gave comments: Corky Booze, John Anderson, Joshua Genser, and Tom Waller.

Mayor McLaughlin presented SunPower Corporation with a proclamation honoring its contribution to a healthy local-clean-green economy. Representatives of SunPower thanked Mayor McLaughlin and the City Council for the proclamation. Mayor McLaughlin thanked all the businesses. The following individuals gave comments: Kay Wallis, Jovanka Beckles, and Corky Booze.

Mayor McLaughlin read a proclamation declaring March 2010 as International Women's Month in Richmond. She invited the public to attend Richmond's Third International Women's Day event, Women in Solidarity: Healing our Beloved Community, on Saturday, March 13, 2010, at Lavonya DeJean Middle School from 10:00 a.m. to 3:00 p.m. Margaret Jordan gave comments.

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

City Attorney, Scott Dickey, reported the following:

**CONFERENCE WITH LEGAL
COUNSEL - EXISTING LITIGATION
(Subdivision (a) of Government Code Section
54956.9): Chevron vs. City of Richmond (two cases)**

The City Council voted to appeal the court's ruling on Measure T. (Councilmembers Bates, Lopez, and Viramontes voted Noe).

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 unanimous vote of the Council. *Items removed from the Consent Calendar were heard following the completion of all other items on the agenda.*

*Approved a contract with Willdan Financial Services to provide professional services related to the administration of the Hilltop Landscape Maintenance District and the Marina Bay Landscape and Lighting Main in an amount not to exceed \$14,500.00. The proposed contract term is from March 3, 2010, to June 30, 2011.

*Adopted **Resolution No. 30-10** ordering the preparation of an Engineer's Report for Fiscal Year 2010-2011 regarding improvements and costs for the Hilltop Landscape Maintenance District.

*Adopted **Resolution No. 31-10** ordering the preparation of an Engineer's Report for Fiscal Year 2010-2011 regarding improvements and costs for the Marina Bay Landscape and Lighting Maintenance District.

A proposed contract with Morgan Fence and Iron Co. for fencing services related to abatement action on foreclosed and/or vacant properties where there was a history of chronic dumping and/or criminal activity in an amount not to exceed \$30,000 for the period January 1, 2010 through December 31, 2010, was presented. Code Enforcement Manager Tim Higarras gave an overview of the item. Corky Booze and Simms Thompson gave comments. Following discussion, on motion of Vice Mayor Ritterman, seconded by Councilmember Bates approved a contract with Morgan Fence and Iron Co. by the unanimous vote of the Council.

*Adopted **Resolution No. 33-10** authorizing the city engineer to file an application with the California Cultural and Historical Endowment's California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002 for \$135,000 in grant funds for the Richmond Plunge.

*Approved a contract with Jennielynn Dino Rossi to provide youth job development services for a contract term of April 1, 2010, through December 31, 2010. The contract amount will not exceed \$40,000.

*Approved a contract with Harris Corporation for the maintenance of the city's existing 800MHz radio system in an amount not to exceed \$599,679. This contract provides services for the period effective August 8, 2009, through August 7, 2010.

A proposal to accept a grant award from the East Bay Community Foundation for the Office of Neighborhood Safety (ONS) in the amount of \$35,000 for general and emergency support services for ONS clients supported by street outreach work was presented. Office of Neighborhood Safety Manager DeVone Boggan gave an overview of the item. The following individuals gave comments: Jackie Thompson, Corky Booze, and Eleanor Thompson. Following discussion, on motion of Vice Mayor Ritterman, seconded by Councilmember Rogers approved acceptance of a grant award from East Bay Community Foundation by the unanimous vote of the Council.

*Adopted **Resolution No. 32-10** supporting the March 4th Day of Action Rallies around the Bay Area and the State of California to Defend Public Education.

A proposal to approve the following reappointments: Housing Advisory Commission: Jackie Thompson, incumbent, term expiring February 28, 2012; Texanita Bluitt, incumbent, term expiring March 21, 2012; Arts and Culture Commission: Terri Hinte, incumbent, term expiring January 31, 2014, was presented. Corky Booze gave comments. On motion of Councilmember Viramontes, seconded by Councilmember Butt approved the reappointments by the unanimous vote of the Council.

A proposal to consider approval of a contract with the Richmond Police Activities League (RPAL) to provide case management and program coordination services for the Office of Neighborhood Safety (ONS) California Gang and Intervention Program, in an amount not to exceed \$150,000 was presented. The contract term was from January 1, 2010, through March 31, 2011. The contract was fully funded by a state grant. Office of Neighborhood Safety Manager DeVone Boggan gave an overview of the item. Jackie Thompson and Corky Booze gave comments. ***(On motion of Vice Mayor Ritterman, seconded by Councilmember Rogers extended the meeting for 10 minutes with Councilmembers Bates and Butt voting Noe).*** Eleanor Thompson was the last speakers on this item. On motion of Vice Mayor Ritterman, seconded by

Councilmember Lopez approved a contract the Richmond Police Activities League by the unanimous vote of the Council.

PUBLIC HEARINGS

Withdrew from the agenda a proposal to introduce an ordinance (first reading) amending Chapter 15.04 of the Richmond Municipal Code to prohibit Tobacco-Oriented Retail Establishments in all Zoning Districts within the city.

ORDINANCES

A proposed urgency ordinance, by four-fifths vote, pursuant to Government Code Section 65858 extending the moratorium on the acceptance, processing and approval of applications to establish medical marijuana dispensaries and cooperatives in any zoning district within the city until January 20, 2011, or such time as the Zoning Ordinance was amended to address land uses related to medical marijuana was presented. Planning and Building Services Manager Richard Mitchell gave an overview of the item. The following individuals gave comments: Corky Booze, Simms Thompson, Jackie Thompson, and Lisa Hirschhorn. A motion was made by Councilmember Bates, seconded by Vice Mayor Ritterman to refer the item to the Public Safety Committee for discussion of the ordinance in the making and direct staff to place a moratorium on the acceptance, processing and approval of applications to establish medical marijuana dispensaries and cooperatives in any zoning district within the city for 120 days or sooner. A substitute motion was made by Councilmember Butt, second by Mayor McLaughlin to accept the planning director's recommendation and direct the city manager to have an ordinance ready within 120 days. The substitute motion pass and **Urgency Ordinance No. 10-10 N.S.** was adopted by the following vote: **Ayes:** Councilmembers Butt, Lopez, Rogers, Viramontes, Vice Mayor Ritterman, and Mayor McLaughlin. **Noes:** Councilmember Bates. **Abstentions:** None. **Absent:** None.

COUNCIL AS A WHOLE

Withdrew from the agenda in the matter to discuss and provide direction to staff to prepare required documents to submit to the voters at the June 2010 primary election a ballot proposal to levy a special parcel tax to fund enhanced paramedic and public safety services in the City of Richmond and DIRECT the appropriation of monies from the City's reserve fund sufficient to fund that election.

In the matter to consider only extending the Point Molate LDA with Upstream Point Molate LLC only for a second period ending April 20, 2010. Consideration will include only monthly payments of \$90,000 to the City of Richmond to cover ongoing expenses beginning with the first extension on January 15, 2010. This agenda item was limited to only the specific extension time and the monthly payment. Councilmember Butt gave brief comments on the item. The following individuals gave comments: Naomi Williams, Ricky Jackson, Dave

Narlock, Paul Doolittle, John Oliver, Greg Feere, John Marquez, Rafael Madrigal, Mike Ficarra, Charles T. Smith, Dorothy Gilbert, Pamela Aguilar, Mike Mahony, Antwon Cloird, Orlando Lyles, Silvia Ledezma, Dennis Roos, Mariano Fraire, Mike Ali, Corky Booze, Margaret Morkowski, Ted Smith, Kevin VanBuskirk, Jean Womack, Joan Garrett, Pam Stello, Robert Davila, Andres Soto, John Salmon, Tony Sustak, Wayne Ellis, Michael Derry, and Jovanka Beckles. Following discussion a motion was made by Councilmember Butt, seconded by Councilmember Lopez to approve the item as presented. A substitute motion was made by Councilmember Bates to continue the LDA a minimum of six months with monthly progress reports. City Attorney Scott Dickey ruled that the Council could only vote on what was written on the agenda. Discussion continued. City Manager Bill Lindsay, Chief Administrator Janet Schneider, and City Attorney Bruce Goodmiller gave comments. Mayor McLaughlin stated that she would not support the item because she was against urban casinos. The original motion was approved by the following vote: **Ayes:** Councilmembers Bates, Butt, Lopez, Rogers. **Noes:** Mayor McLaughlin. **Abstentions:** Vice Mayor Ritterman and Councilmember Viramontes. **Absent:** None.

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

None.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:06 p.m. in memory of Dorothy Lightener, the grandfather of Wendy Gonzales, Alfredo Garcia, and Cecelia Vargas, to meet again on Tuesday, March 16, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor