

**RICHMOND, CALIFORNIA, October 20,
2009**

The Richmond City Council Evening
Open Session was called to order at 5:09 p.m. by
Mayor Gayle McLaughlin.

ROLL CALL

Present: Councilmembers Butt, Ritterman,
Viramontes, and Mayor McLaughlin. **Absent:**
Councilmember Bates, Rogers, and Vice Mayor
Lopez (Councilmembers Bates, Rogers, and Vice
Mayor Lopez 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
LETIGATION (Government Code Section
54956.9):** Robert and Rosalia McMasters vs. City of
Richmond; Betty Carter vs. City of Richmond.

**CONFERENCE WITH LEGAL
COUNSEL - EXISTING LITIGATION
(Subdivision [a] of Government Code Section
54956.9):** Hillary Diamond vs. City of Richmond;
Booker vs. City of Richmond; Jenkins vs. City of
Richmond; and 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 Government Code Section 54956.9):** Two
Cases

**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 5:10 p.m. The Closed Session adjourned at 6:56 p.m. The Regular Joint Meeting of the Richmond Community Redevelopment Agency and the Richmond City Council was called to order at 7:05 p.m.

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

Boardmember/Councilmember Butt stated a conflict of interest with Item K-1 and would recuse himself.

OPEN FORUM FOR PUBLIC COMMENT

Leonard Taylor expressed his appreciation that the Public Works Department worked throughout last week's storm.

Naomi Williams stated that she left a red ribbon at the dais for each Councilmember in support of the National Red Ribbon Campaign. The National Red Ribbon Campaign is the nation's largest drug prevention effort; officially celebrated nationally from October 23 through 31.

Simms Thompson Jr. expressed his disappointment that the bus stops throughout the City of Richmond do not have overhead shelters. He also stated that the sewers throughout the City of Richmond are in desperate need of cleaning. Mr. Simms also stated that the roof at the senior citizen building was not repaired correctly.

Jackie Thompson spoke in defense of Corky Booze regarding the camera that is currently near his home.

Corky Booze stated that Councilmember Bates should have spoken directly to him regarding the cameras he loaned to the City of Richmond. He stated he loaned the cameras to stop crime.

Larry Tourangeau stated he was met with resistance from the City of Richmond when attempting to bring foreclosed properties back to standard.

AGENDA REVIEW

Removed Item F-1 from the Redevelopment Agency Board Consent Calendar. Removed Items G-6, G-7, G-8, G-10, G-13, and G-14 from the Richmond City Council Consent Calendar. Item K-2 moved directly after Consent Calendar and Item I-1 moved after Item K-2. Continued Item H-2 to a future meeting.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Mayor McLaughlin read and presented a proclamation honoring 510ARTS and the East Bay Cultural Corridor to Michelle Seville. Ms. Seville thanked Mayor McLaughlin and the Council for their support of the 510ARTS and the East Bay Cultural Corridor and for honorable proclamation and encouraged everyone to visit 510ARTS.com for more information.

Mayor McLaughlin read and presented a proclamation to Arts and Cultural Commission. Jason Jong accepted the proclamation. Mr. Jong gave comments and thanked Mayor McLaughlin and the City Council for the proclamation and reminded everyone of the importance of the arts.

Mayor McLaughlin read and presented a proclamation to the Parks Department; Park Superintendent Anthony Norris commemorating the third Wednesday in October as the Official Arbor Day in the City of Richmond, and recognizing October 21st as the city's official Arbor Day for 2009 accepted the proclamation. Mr. Norris gave comments and thanked Mayor McLaughlin and the City Council for the proclamation. Jackie Thompson spoke on this item. She stated that this item should have come before the park and recreation commission before it was approved.

Mayor McLaughlin read and presented a proclamation to Inspector Poindexter and Fire Chief Michael Banks recognizing Fire Prevention in the month of October. Mayor McLaughlin thanked Inspector Poindexter and Fire Chief Banks gave comments and thanked Mayor McLaughlin and the City Council for the proclamation and Chief Banks also encouraged everyone to check their smoke detectors twice a year. Jackie Thompson spoke on this item.

**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
LETIGATION (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 Boardmember/
Councilmember Viramontes, seconded by
Boardmember/Councilmember Rogers, all items
marked with an asterisk (*-) were approved
unanimous vote. *Items removed from the Consent
Calendar were heard at the end of the meeting.*
Councilmember Lopez left at 1:03 a.m.

Proposed resolutions authorizing the executive director and city manager to execute a contract with BKF Engineers in an amount not to exceed \$2,699,690, and a Master Cooperative Agreement with the Contra Costa Transportation Authority to access \$2,700,000 in Measure J funding, for the design and engineering of the Marina Bay Parkway Grade Separation Project was presented. Steve Duran and Alan Wolken were available for questions on this item. Corky Booze gave comments on this item. On motion of Councilmember Viramontes, seconded by Councilmember Ritterman adopted **Joint Resolution No. 117-09 and 09-37** of the City Council of the City of Richmond and the members of the Richmond Community Redevelopment Agency Board authorizing execution of a contract with BFK **and City Council Resolution No. 118-09** authorizing the executive director and city manager to execute a Master Cooperative Agreement with the Contra Costa Transportation Authority by the following vote: **Ayes:** Councilmembers Bates, Ritterman, Rogers, Viramontes, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Butt and Vice Mayor Lopez.

*-Adopted **Resolution No. 09-39** authorizing the executive director to negotiate and enter into all documents necessary to increase the Richmond Community Redevelopment Agency (RCRA) loan to Carquinez Associates, LP for the rehabilitation of the Carquinez Apartments by \$301,000, bringing the total loan amount to \$1,301,000, to complete necessary structural strengthening.

*-Authorized the Community and Economic Development Director to reject all construction bids submitted for the Nevin Westside Pedestrian and Bicycle Linkages Project due to a technical inconsistency between city and federal regulations in the original bid specifications, and to call for new project construction bids.

CITY COUNCIL CONSENT CALENDAR

On motion of Councilmember Viramontes, seconded by Councilmember Rogers, all items marked with an asterisk (*-) were approved by unanimous vote. *Items removed from the Consent Calendar were heard at the end of the meeting.*

*- Approved a three-year (2009-2012) contract with George Hills Company, Inc. to provide third-party administration of general liability claims received by the city, in an amount not to exceed \$110,000 in the first year of the agreement, with annual adjustments as specified in the contract.

*-Adopted **Resolution No. 116-09** amending and restating Resolution No. 30-09, authorizing and approving the borrowing of funds for Fiscal Year 2009-10; the issuance and sale of a 2009-2010 Tax and Revenue Anticipation Notes therefore; and participation in the California Communities Cash Flow Financing Program.

*-Approved a contract with Urban Tilth to oversee and implement the North Richmond Lots of Crops Garden Project through September 30, 2010, for an amount not to exceed \$56,000 funded by the North Richmond Waste & Recovery Mitigation Fee.

*-Approved a contract to lease a 6,000 square foot facility located at 636 Spring Street, Richmond, California from Clarence Van Hook at a cost of \$2,700 per month commencing on October 21, 2009 and terminating on September 30, 2011 for a total rent of \$62,100. The facility will be used as the primary training site for the Employment and Training Department's YouthBuild program.

A proposal to reject all bids received for the 2009 Pavement Rehabilitation Project, based on the bidders' non-compliance with the employment goals and regulations contained in the Richmond Business Opportunity Ordinance, and authorize a call for new bids was presented. Councilmember Bates complimented the staff for their work on obtaining compliance with employment goals. On motion of Councilmember Bates, seconded by Councilmember Viramontes approved the item by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Ritterman, Viramontes, and Mayor McLaughlin. **Noes:** None. **Absentions:** None. **Absent:** Vice Mayor Lopez.

A proposal to accept the work completed by Bay Cities Paving and Grading, Inc. for the 2008 Pavement Rehabilitation project at a final construction cost of \$3,940,999.96 was presented. Councilmember Bates complimented Bay Cities for exceeding 20 percent for local hiring. Jackie Thompson completed a speaker's card for this item; however, she passed on the opportunity to address the Council. Corky Booze and John Riley gave comments on this item. Mr. Riley stated Bay Cities has refused to pay subcontractor Astro Construction for work it completed on the project. He stated that as a result, Astro Construction has filed a stop notice. City Manager Bill Lindsay stated that the City of Richmond is aware that an outstanding stop notice has been filed and, under the law, the city is withholding \$117,092.61 from the final payment to Bay Cities until the stop notice has been resolved. On motion of Councilmember Bates, seconded by Councilmember Ritterman accepted the work completed by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Ritterman, Viramontes, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Vice Mayor Lopez.

A proposed contract with Phoenix Electric Co. for the lighting enhancement project at Nicholl Park, Kern Play Lot, and Atchison Park in an amount not to exceed \$47,500 was presented. The contract term will be October 21, 2009, to June 30, 2010. Corky Booze gave comments on this item. On motion of Councilmember Bates, seconded by Councilmember Viramontes approved the contract by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Ritterman, Viramontes, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Vice Mayor Lopez.

*-Approve a contract with California Restoration On-Call Inc., dba Avalon Construction Co. for roof repairs at the Main Library in an amount not to exceed \$80,000.

A proposed contract with Western Roofing Services, Inc. for re-roofing Fire Stations 62 and 64 in an amount not to exceed \$417,900 was presented. On motion of Councilmember Butt, seconded by Councilmember Rogers approved the contract by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Ritterman, Viramontes, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Vice Mayor Lopez.

*-Adopted **Resolution No. 119-09** to award a consulting contract to Wiss, Jenney, Elstner Associates, Inc. for the preparation of a Historic Structures Report and Schematic Design for Rehabilitation of the Riggers Loft for an amount not to exceed \$100,000.

*-Adopted **Ordinance No. 33-09 N.S.** establishing the wages, salary, and compensation for the new classification (title change only) of Engineer I (Salary Range No. 49E: \$4,844 - \$5,877/month) and compensation for the new classification of Engineer II (Salary Range No. 53: \$5,591 - \$6,793/month).

A proposed ordinance amending Richmond Municipal Code Chapter 7.105 concerning restrictions on evictions for property in foreclosure, to ensure consistency with state and federal law was presented for second reading. Jackie Thompson gave comments. On motion of Councilmember Bates, seconded by Councilmember Ritterman adopted **Ordinance No. 34-09 N.S.** by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Ritterman, Viramontes, and Mayor McLaughlin. **Noes:** None. **Absentions:** None. **Absent:** Vice Mayor Lopez.

A proposal to approve travel expenses for city officials and staff members participating in the Mayor's delegation to Richmond's sister city of Regla, Cuba was presented. Mayor McLaughlin gave an overview of the item. Theresa Talley Wilkerson gave comments. On motion of Mayor McLaughlin, seconded by Councilmember Rogers, approved the travel expenses by the following vote: **Ayes:** Councilmembers Ritterman, Rogers, Viramontes, and Mayor McLaughlin. **Noes:** Councilmember Bates. **Absentions:** None. **Absent:** Councilmember Butt and Vice Mayor Lopez.

*-Approved a contract with the law firm of Meyers Nave Riback Silver and Wilson, in an amount of \$400,000, to continue representing the City in the lawsuits entitled Booker vs. City of Richmond, et al. and Jenkins vs. City of Richmond, et al.

*-Adopted **Resolution No. 120-09** accepting \$25,000 in grant funds from the California Department of Fish and Game, Office of Spill Prevention and Response, and APPROVE the purchase of oil spill response equipment from Global Diving & Salvage, Inc. at a cost of \$25,234.69.

*-Directed staff to prepare a Request For Proposal (RFP) to select a non-profit to enter into an Exclusive Right to Negotiate Agreement with the City of Richmond in regards to developing and implementing the Greenprint Green Shared Transportation System.

PUBLIC HEARING

The city clerk announced it was time set pursuant to public notice to conduct a joint City Council/Redevelopment Agency Board public hearing to receive testimony regarding an amendment to the Consolidated Annual Action Plan for Fiscal Years 2007-2008 and 2009-2010 (the Plan), (b) Adopt a City Council resolution approving the amendment to the Plan and authorizing the Richmond Community

Redevelopment Agency (Agency) to administer the Plan, and (c) Adopt an Agency Board resolution to authorize the Agency to administer the Plan as amended and to authorize the executive director to negotiate and execute all contracts as necessary to effectuate the amendments to the Plan as provided in this agenda report. Housing And Community Development Director Patrick Lynch gave an overview of the item. Mayor McLaughlin declared the public hearing open. Rhonda Harris gave comments. On motion of Councilmember/Boardmember Ritterman, second by Councilmember/Boardmember Viramontes closed the public hearing by the unanimous vote of the Council/Agency. On motion of Councilmember/Boardmember Viramontes, second by Councilmember/Boardmember Ritterman adopted **City Council Resolution No. 121-09** approving the amendment to the Plan and authorizing the Richmond Community Redevelopment Agency (Agency) to administer the Plan and **Agency Board Resolution No. 09-38** to authorize the Agency to administer the Plan as amended and to authorize the executive director to negotiate and execute all contracts as necessary to effectuate the amendments to the Plan by unanimous vote of the Council/Agency.

CONTINUED TO A FUTURE MEETING

a proposal to introduce an ordinance (first reading) setting the fee for Tobacco Retail Licenses and adding the proposed Tobacco Retail License fee to Section 2.34.040 of the Richmond Municipal Code (Master Fee Schedule).

RESOLUTIONS

A proposed resolution recommended by the Human Relations and Human Rights Commission in support of teachers and students in West Contra Costa Unified School District was presented. Mayor McLaughlin gave an overview if the item and also read the resolution. Speakers were: Kathleen Sullivan, Wendy Gonzalez, Demetria Saunders, Diane Brown, Terri Jackson, Jovanka Beckles, Charles Smith, Margaret Brown, Juan Reardon, and Edwardo Martinez. On motion of Mayor McLaughlin, seconded by Councilmember Bates, who requested a friendly amendment to direct staff to also write letters to the state legislature of the senate and assembly urging them to revise the state budget to make education a top priority. The amendment was accepted. Vice Mayor Lopez asked Mayor McLaughlin if she would be willing to amend the second “Be It Further Resolved” clause to encourage that the state supports a fair and equal education for all children. Mayor McLaughlin would not accept an amendment. She stated the clause encourages the state to support education for all children. **Resolution No. 122-09** was adopted by the unanimous vote of the Council.

ORDINANCES

A proposed ordinance adding Chapter 7.107 to the Richmond Municipal Code which will prohibit the sale of tobacco in pharmacies was introduced for first reading. Councilmember Ritterman gave an overview of the item. Naomi Williams and Tom Waller gave comments. Following discussion, Councilmember Bates called for the question. A motion was made by Councilmember Ritterman, seconded by Councilmember Butt to approve the item. Vice Mayor Lopez requested that the city attorney research data that addresses if Longs qualifies as a general store based on their conditional permit, and she also requested research data on how many business establishments would be affected by the ordinance. Councilmember Ritterman was in agreement with the requested research. Councilmember Bates requested an analysis on how much sales tax would the City of Richmond possibly lose. The motion pass and said ordinance received first reading and was laid over two weeks for second reading by the following vote: **Ayes:** Councilmembers Butt, Ritterman, Rogers, Viramontes, Vice Mayor Lopez, and Mayor McLaughlin. **Noes:** Councilmember Bates. **Absentions:** None. **Absent:** None.

A proposed ordinance requiring that Richmond food providers, City facilities and departments, and vendors doing business with the City use biodegradable or compostable food ware was introduced for first reading; and a proposed resolution committing to the development of residential and commercial food waste collection and processing programs in the City of Richmond and direct the City of Richmond's West Contra Costa Integrated Waste Management Board (JPA) representatives to take the action necessary for the JPA to implement food waste collection and processing programs was introduced for first reading. Environmental Manager Jenney Oorbeck, Sustainability Intern Jennifer Ly, and Stormwater Program Manger Lynn Scarpa gave a presentation which included a Powerpoint presentation. Speakers were: Linda Hunter, Juliana Gonzalez, Miriam Gordon, and Alex Dmitrius. **On motion of Councilmember Viramontes, seconded by Councilmember Rogers extended the meeting for one hour with Councilmember Bates voting Noe.** Speakers continued with Kathy Neal, Madelene Foote, Alan Sechman, Timothy Garnett, Amit Patel, Jovanka Beckles, Tom Waller, Allen King, Johnnise Downs, Chris Lehon, and John Marquez. Following discussion a motion was made by Councilmember Rogers to: (1) adopt a resolution; (2) City of Richmond set up a bulk purchase program to reduce the cost; (3) City staff, on an ongoing basis, shop the market for deals; and (4) implement a San Francisco style exemption

based on increased costs that businesses may apply for. Councilmember Rogers amended his motion to exclude the San Francisco provision.

Councilmember Viramontes seconded the motion with the following amendments: (1) set a different start date of July 1, 2010; (2) create an implementation plan to include a subsidy or assistance to purchase bulk; (3) authorize the city manager to designate his negotiator to meet with the Joint Powers Authority (JPA) staff and the City of El Cerrito to get a competitive price bid for a food waste program implementation starting with commercial and an option to later do residential and consider a blended rate; (4) if the competitive bidding doesn't work by November, then the Council would authorize the three voting members on the JPA Board, Councilmembers Bates, Viramontes, and Vice Mayor Lopez, to try to remove the City of Richmond from the waste stream and go out and find a competitive bid on its own; (5) a copy of the November Joint Powers Authority staff report should be sent to all Councilmembers; and (6) look into a styrofoam recycling project. Councilmember Rogers agreed with all amendmenst; however, he preferred to vote on the bulk plan subsidy separately. **On motion of Councilmember Viramontes, seconded by Councilmember Rogers extended the meeting until 12:30 a.m. with Councilmember Bates voting Noe.** City Manager Bill Lindsay stated that staff would develop language to deal with non-profits and donated materials. The motion, with all accepted amendments, was approved by the following vote: **Ayes:** Councilmembers Butt, Ritterman, Rogers, Viramontes, Vice Mayor Lopez, and Mayor McLaughlin. **Noes:** Councilmember Bates. **Absentions:** None. **Absent:** None.

COUNCIL AS A WHOLE

In the matter to render a decision on the appeal of the Planning Commission's conditional approval of a Design Review Permit and Variance (V/DR 1103662) to construct a single-family residence on a substandard lot located on the corner of Vine and Terrace Avenues. The City Council closed the public hearing on this appeal on July 22, 2008. Planning Director Richard Mitchell gave an overview of the item. Speakers were: Ross Provance, Meredith Benz, Karen Kittle, Stuart Littell, Firas Jandali, and Ronald Gammill. Steve Spencer was called to speak, however, passed on his opportunity to address the Council. **On motion of Councilmember Roger, seconded by Councilmember Viramontes extended the meeting for 15 minutes from 12:36 to 12:51 a.m. with Councilmember Bates voting Noe.** Speakers continued with: Ben Mohamed Alaoui, Jeanine Cutino, and Harpreet Sandhu. Following discussion, a motion was made by Councilmember Bates to deny the appeal and approve the original design approved by the Design Review Board and Planning Commission. The

motion failed for lack of a second. A motion was made by Mayor McLaughlin, seconded by Councilmember Ritterman to approve staff's recommendation. A substitute motion was made by Vice Mayor Lopez, seconded by Councilmember Viramontes to grant the appeal and deny the development plan and variance without discrimination. Mayor McLaughlin withdrew her motion. *The City Council addressed the next item on the agenda in an effort to give the parties involved an opportunity to discuss options.* **On motion of Councilmember Rogers, seconded by Mayor McLaughlin extended the meeting with Councilmember Bates voting Noe. Vice Mayor Lopez left at 1:30 a.m. Councilmember Butt left at 1:31 a.m.** Discussion resumed and a second substitute motion was made by Councilmember Rogers, seconded by Councilmember Ritterman to support staff's recommendation or start the process from the beginning. The substitute motion passed by the following vote: **Ayes:** Councilmembers Ritterman, Rogers, Viramontes, and Mayor McLaughlin. **Noes:** Councilmember Bates. **Abstentions:** None. **Absent:** Councilmember Butt and Vice Mayor Lopez.

In the matter to review the community center rental policies and schedule of community center use with no fee programming. Councilmember Butt gave an overview of the item. Speakers were: Altha Humphrey, Margaret Morkowski, Peter Minkwitz, Corky Booze, Jackie Thompson, and Jean Womack. Councilmember Viramontes recommended appointing a committee to make suggestions or send the item to the Finance Committee to work with Recreation and Parks to find a solution. Councilmember Butt recommended that the Recreation and Parks Department involve the community. Councilmember Bates suggested using volunteers in staffing recreation centers for events. Mayor McLaughlin referred the item to the Parks and Recreations Commission and directed the commission to appoint an ad hoc committee to meet with Councilmember Bates, Butt, and Viramontes for solutions.

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

Mayor McLaughlin reported that the youth stopping violence summit held on Saturday, 17, 2009, at the Richmond Auditorium was successful.

ADJOURNMENT

There being no further business, the meeting adjourned at 2:03 a.m. in honor of Human Resources Manager Leslie Knight's birthday to meet again on Tuesday, October 27, 2009, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor