

**RICHMOND, CALIFORNIA, April 6, 2010**

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

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision (a) of Government Code Section 54956.9):** Citizens of East Shore Parks vs. City of Richmond; Booker vs. City of Richmond; and Jenkins vs. City of Richmond

**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 6:24 p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:33 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**

Councilmember Butt reported a conflict of interest with Item K-2.

## **OPEN FORUM FOR PUBLIC COMMENT**

Reverend Filiberto Bardera expressed his disappointment with the police DUI checkpoints that took place in front of the Saint Cornelius Church on March 25, 2010.

Leonard Taylor expressed his disappointment that the United States Postal Services may discontinue its Saturday mail delivery.

Naomi Williams spoke in support of the police check point that took place on March 25, 2010. She stated that it was done decently and in order.

Courtney Cummings invited everyone to attend the First Annual Richmond Pow Wow on June 26, 2010. For more information, contact Courtney at cccumming1102@yahoo.com.

Corky Booze thanked Mayor McLaughlin, and Councilmembers Lopez and Bates for attending the Easter Egg Hunt at Solano Park. He stated that he would continue to bring information to the public regarding jobs in Richmond.

Richard Stollings suggested that the police chief begin a gun buy back program and a gun amnesty program. He also requested a telephone number be designated for calls to the Richmond Police Department to report shots fired only.

Charles Smith encouraged all residents to attend the April 20, 2010, Council Meeting to protest the sewer tax rate increase.

Jackie Thompson asked the public to stop sending unwanted e-mails to her e-mail address.

Simms Thompson stated that the City of Richmond's administration has lost control of the city. He also requested that the police address a loitering issue at the group home located on 24th Street.

Aram Hodess spoke in support of the expansion of Lawrence Lab at the Richmond Field Station.

Charlotte McIntire spoke in support of more jobs within the City of Richmond.

Antwon Cloird spoke in support of Point Molate Project.

Bishop Andre Jackson invited the public to attend the Third Annual Financial Freedom Conference. Anyone interested in helping with the planning of the conference may attend a breakfast on Saturday, April 10, 2010, beginning at 8:30 a.m. to 10:30 a.m.

Mike Ali spoke against sewer tax increases.

James Cash stated that Booker T. Anderson is the only community center that has demonstrated concern for the citizens of the City of Richmond. He also stated that jobs are needed within the City of Richmond and he was in support of the Point Molate Project.

Michael Beer encouraged everyone to attend the Richmond Silly Parade.

Doctor Sidney Keys thanked the Mayor and Councilmembers Butt and Bates for their support; they were able to feed 300 families.

Jorge Lerma requested that the Richmond City Council and City Administration adopt the recommendations made by various community groups to improve relationships with the Richmond Police. He also spoke against police checkpoints.

Nancy Baer announced that there were upcoming pedestrian and master plan bicycle workshops scheduled in May 2010.

Darlene Jones of the Bingo Casino Shuttle Service encouraged the City Council to approve increasing the number of days of operation of the bingo hall to from three to seven.

Dario Helberg stated that Jim Levine was previously listed as a sponsor for the Historical Cable Television show that Councilmember Bates hosts which was a conflict of interest with all issues relating to Point Molate.

Bang Nguyen thanked Mayor McLaughlin for protecting the health of the citizens of Richmond.

Wayne Ellis stated that Mayor McLaughlin's voting record does not show support of jobs.

Joan Garrett spoke against the Point Molate Project.

Joseph Wimer spoke against the Point Molate Project.

Mike Parker encouraged citizens of Richmond not to sign the sewer increase petition that was being circulated within the City of Richmond.

Mayor McLaughlin stated that she did vote for the Civic Center Project. She also stated that Target was already an issue when she joined the City Council; however, she supported a sole-source agreement to ensure Richmond residents were hired by Target. She also stated that the issues of environmental concerns continued to be an issue with some projects and she voiced her concerns for them and would prefer to see some of those issues addressed more fully before the projects were approved. Mayor McLaughlin also stated that she was very supportive of the projects Wayne Ellis mentioned along with the environmental review processes extended to its fullest.

Councilmember Bates states that a conflict of interest was a situation in which a public official's decisions were influenced by the official's personal interests or financial gain. He stated that he did not receive any money for the Historical Cable Television Show that he hosted. Councilmember Bates also stated that the money received for the show was donated to the Comcast staff that assisted in the production and editing of the show. City Attorney Randy Riddle reaffirmed that there was no conflict of interest with Councilmember Bates' participation on Point Molate Issues as stated by the public speaker Dario Helberg.

#### **AGENDA REVIEW**

Removed Items H-1, H-2, H-7, H-9, and H-15 from the Consent Calendar to be heard following the completion of all other items on the agenda. Moved Item L-2, M-1, and H-15 directly after Study Session and Direction to Staff.

#### **PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS**

Mayor McLaughlin presented a proclamation acknowledging 2010 National Library Week to Library Director Monique Le Conge. Ms. Le Conge gave comments.

Lea Bodin from the Census Bureau gave a presentation emphasizing the importance of completing the 2010 Census form.

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

City Attorney, Randy Riddle, stated that there were *no reportable actions* on the following:

#### **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

**(Subdivision (a) of Government Code Section 54956.9):** Citizens of East Shore Parks vs. City of Richmond; Booker vs. City of Richmond; Jenkins vs. City of Richmond

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

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**STUDY AND DIRECTION TO STAFF SESSION**

The purpose of the Study and Direction to Staff Session was to hear the following items:

The City Council heard a presentation from a consortium of West County service providers concerning strategies to reduce violent crime in the Richmond community and Introduce an ordinance for first reading that makes it unlawful, with certain exceptions, for any minor subject to compulsory education to be in or upon any public street, highway, road, alley, park, playground, or other public ground, public place, place of amusement, eating establishment, or vacant lot 30 minutes after school commences until 30 minutes before school concludes on days when said minor's school is in session. Cheryl Maier of Opportunity West, along with Executive Directors of Youth Services Bureau, the RYSE Center, Youth in Richmond Strategies, the Police Activities League, Neighborhood House of North Richmond, the Richmond Children's Foundation, Life Skills for Peace, the Iron Triangle Neighborhood Council, Office of Neighborhood Safety, the YMCA, Building Blocks for Kids, the Cycle Program, and CBEC gave comments on this item. A future meeting will be arranged with Mayor McLaughlin to discuss potential programs. Police Chief Chris Magnus along with Police Lieutenant Mark Gagan gave a presentation. The following individuals gave comments: Leonard Taylor, Corky Booze, Jackie Thompson, Jerome Smith, Wil Joseph, Reverend Kenneth Davis, Phillip Mehas, Gina Swirsding, and Naomi Williams. Following discussion a motion was made by Vice Mayor Ritterman, seconded by Councilmember Rogers to approve the ordinance for first reading as presented. Mayor McLaughlin offered a friendly amendment to start a community review committee to see how it was working on a quarterly basis to evaluate if the children were receiving help. The amendment was accepted. Councilmember Rogers offered a friendly amendment to change the language to be more specific and include public establishments. He

also offered an amendment to the ordinance to exempt first time offenders from any fines. The amendments were not accepted. Councilmember Rogers withdrew his second and made a substitute motion to approve the ordinance with Mayor McLaughlin's friendly amendment and an amendment to exempt first time offenders from any fines. The substitute motion failed for lack of a second. Mayor McLaughlin seconded Vice Mayor Ritterman's original motion. The motion was approved by the unanimous vote of the Council.

The City Council provided direction to staff regarding additional policies and actions to reduce the incidence of violent crime in Richmond: a) direct staff to prepare plan to require that future shoreline developments include onsite shoreline recreational and educational opportunities to provide alternatives to gangs and crime for inner city students; b) direct staff to prepare a fee to ensure that problem liquor stores pay for added police patrols needed to clean up criminal activities near the liquor stores, and appoint ad hoc Committee to meet with stakeholders. Councilmember Rogers gave an overview of the item. Police Lieutenant Mark Gagan presented a cost analysis of staff time responding to criminal activities at three problem liquor stores in the City of Richmond. The following individuals gave comments: Joshua Genser, Jackie Thompson, Corky Booze, Gina Swirsding, Antwon Cloird, and Naomi Williams. A motion was made by Councilmember Rogers, seconded by Vice Mayor Ritterman to move the item as written. A substitute motion was made by Councilmember Viramontes, seconded by Councilmember Bates to approve part (b) of the item. The substitute motion passed by the unanimous vote of the Council. A motion was made by Vice Mayor Ritterman, seconded by Mayor McLaughlin to approve part (a). A friendly amendment was offered by Councilmember Lopez to direct staff to include all properties and not just shoreline developments. The friendly amendment was not accepted. The motion passed by the following vote: **Ayes:** Councilmembers Butt, Rogers, Vice Mayor Ritterman, and Mayor McLaughlin. **Noes:** Councilmember Bates. **Abstentions:** Councilmembers Lopez and Viramontes. **Absent:** None.

### **CITY COUNCIL CONSENT CALENDAR**

On motion of Councilmember Rogers, 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.*

A proposal to approve a contract amendment with Scharff, Brady & Vinding (SB&V) for legal advice related to state and federal approvals for Indian gaming regarding Point Molate, increasing the amount of the contract by \$95,000 for a total of \$102,500, and extending the term expiration to March 31, 2011, was presented. Jerome Smith gave comments on this item. On motion of Councilmember Lopez, seconded by

Councilmember Rogers approved a contract amendment with SB&V by the unanimous vote of the Council.

A proposal to approve the purchase of two Go-4 Interceptor III Scooters from Municipal Maintenance Equipment, as replacement for existing worn equipment and for use in enforcing parking regulations, in an amount not to exceed \$64,000 was presented. On motion of Councilmember Bates, seconded by Councilmember Lopez approved the purchase of two Go-4 Interceptor III Scooters by the unanimous vote of the Council.

\*-Accepted the work completed by Bay Hawk, Inc. for the Miscellaneous Sidewalk Repairs for Fiscal Year 2007/08 - 2008/09 at a final construction cost of \$651,966.28.

\*-Adopted **Resolution No. 36-10** authorizing an extension of the current Memorandum of Understanding between the city and IFPTE Local 21 in accordance with the terms of the Tentative Agreement reached between the parties' representatives.

\*-Approved a contract with The Regents of the University of California, dba University of California, Berkeley Lawrence Hall of Science, to teach and evaluate "Environmental Literacy" for RichmondBUILD Green Jobs Academy. The contract amount will not exceed \$24,000.00 and is grant funded. The contract term will be April 19, 2010, through December 31, 2011.

\*-Adopted **Resolution No. 37-10** adjusting appropriations of the 2009-2010 Employment and Training Department Budget, increasing both grant revenues and program expenditures in the amount of \$40,000 to augment the YouthWORKS Gang Related Intensive Case Managed Services Program.

A proposed ordinance to add Section 6.46 to the Richmond Municipal Code imposing 'Green Building requirements' on certain commercial and residential construction projects was presented for second reading. Jerome Smith gave comments on this item. On motion of Councilmember Rogers, seconded by Mayor McLaughlin adopted **Ordinance No. 12-10 N.S. with a correction to page 10, Section Three, the ordinance shall become effective on May 15, 2010**, by the following vote: **Ayes:** Councilmembers Butt, Rogers, Viramontes, Vice Mayor Ritterman, and Mayor McLaughlin. **Noes:** Councilmember Bates. **Abstentions:** Councilmember Lopez. **Absent:** None.

-\*Adopted **Ordinance No. 13-10 N.S.** to repeal Section 2.42.080 of the Richmond Municipal Code and add a new Section 2.42.080 to establish the penalties for violation of the Fair Elections Ordinance and the process for enforcing the ordinance. **Councilmembers Bates, Lopez, and Viramontes abstained on this item.**

A proposed ordinance revising Richmond Municipal Code Sections 6.02.130 and 6.02.140 to establish a Board of Appeals to review decisions of the Building Official and penalties for violations of Building Codes and the Uniform Code for the Abatement of Dangerous Buildings was presented. On motion of Vice Mayor Ritterman, seconded by Councilmember Rogers adopted **Ordinance No. 14-10 N.S.** by the unanimous vote of the Council.

\*-Approved the purchase of the Utility Manager Software ("Software") and installation service at a cost of \$40,000 for initial set up and a \$1,700 annual maintenance fee that will allow staff to electronically manage all of the city's utility accounts; and adopted **Resolution No. 38-10 N.S.** to use \$40,000 of proceeds from the Qualified Energy Conservation Bond for this purchase before the Bond is issued in June of 2010.

\*-Approved the following appointments and re-appointment: Arts and Culture Commission: Anyka Barber, term expiring January 31, 2014; Brenda Williams, term expiring January 31, 2014; Human Relations and Human Rights Commission: Betty Burrus-Wright, Incumbent, term expiring March 30, 2013; Contra Costa Transportation Authority Citizens Advisory Committee: Tony Sustak, Richmond representative, term expiring April 6, 2014; Recreation and Parks Commission: Harmohinder Singh, term expiring October 26, 2012; Richmond-Zhoushan Friendship Commission: Matthew Jean, term expiring July 22, 2012; Youth Commission: Jael Agbabiaka, term expiring April 6, 2012; Elisha Evelyn, term expiring April 6, 2012; Daniel Hooper, term expiring April 6, 2012; Daisy Santizo, term expiring April 6, 2012; and Christian Tirado, term expiring April 6, 2012;.

\*-Approved an amendment to the contract with the law firm of Meyers, Nave, Riback, Silver and Wilson to continue to represent the city in the lawsuits entitled Booker vs. City of Richmond, et al. and Jenkins vs. City of Richmond, et al. in the amount of \$400,000, bringing the total contract amount to \$850,000.

\*-Approved a construction contract with Ghilotti Brothers, Inc. in the amount of \$4,374,887, with a city-administered contingency and reserve not to exceed \$440,000.

\*APPROVE the minutes for February 2, 2010.

A proposal to approve the fiscal agent agreement among the City of Richmond, Upstream Point Molate LLC, and First American Fund Control (as the fiscal agent) that calls for the establishment of an escrow account for the \$28.5 million in Navy funds that the city

will receive for environmental cleanup activities to achieve regulatory compliance at the Point Molate site was presented. The fiscal agent agreement also outlines the rules by which, upon city approval, the fiscal agent will disburse funds to Upstream Point Molate LLC for its remediation activities on the city's behalf. Chief Administrator Janet Schneider gave an overview of the item. A motion was made by Councilmember Bates, seconded by Councilmember Viramontes to approve the item. Corky Booze and Jerome Smith gave comments on this item. The motion passed by the following vote: **Ayes:** Councilmembers Bates, Lopez, Rogers, and Viramontes. **Noes:** Mayor McLaughlin. **Abstentions:** Councilmember Butt and Vice Mayor Ritterman. **Absent:** None.

\*-Approved the development of a lease agreement with the West Contra Costa Business Development Center (BDC) to establish a Culinary Business Center at the Richmond Memorial Center kitchen and authorize the city manager to execute this lease agreement.

### **PUBLIC HEARING**

**CONTINUE TO APRIL 20, 2010**, to hear public comment regarding the proposed wastewater rate increase to allow for additional information dissemination to the public.

### **RESOLUTIONS**

A proposed resolution in support of restoring democracy in California through the California Democracy Act and authorizing the mayor to urge Attorney General Jerry Brown to revise the official Title and Summary for that Act was presented. A motion was made by Vice Mayor Ritterman, seconded by Councilmember Butt to adopt the resolution. Councilmember Viramontes offered a friendly amendment to remove the promotional language in paragraphs one, two, three, and four of the resolution. The amendment was accepted. The motion passed and **Resolution No. 39-10** was adopted 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 resolution expressing support of West Contra Costa Unified School District (WCCUSD) Measure D on the June 8, 2010, primary election ballot to raise additional funds to continue to repair and rebuild schools throughout the community was presented. Councilmember Rogers gave an overview of the item. Charles Ramsey gave comments on this item. On motion of Councilmember Rogers, seconded by Vice Mayor Ritterman adopted **Resolution No. 40-10** by the unanimous vote of the Council. (*Councilmember Butt recused himself on this item due to a conflict of interest*).

### **ORDINANCES**

A proposed ordinance repealing Richmond Municipal Code Section 11.86.105, which limits the number of bingo games per week conducted by any organization at any one facility was presented for first

reading. The following individuals gave comments: Commander Eddie Welbon, Mohamed AluaJeeh, Michael Scott, Tony Martin, Jerome Smith, John Marquez, and Corky Booze. Following discussion a motion was made by Councilmember Bates, seconded by Councilmember Lopez to approve the item for first reading. A friendly amendment offered by Councilmember Viramontes for the organization to submit annual financial reports on the program was accepted. The motion passed and said ordinance received first reading and was laid over two weeks for second reading by the unanimous vote of the Council.

***At 12 a.m. a motion was made by Councilmember Rogers, seconded by Vice Mayor Ritterman to extend the meeting for 20 minutes. The motion passed with Councilmembers Bates and Butt voting Noe.***

A proposed ordinance amending Chapter 2.56 of the Municipal Code to revise the City of Richmond Local Employment Ordinance (52.06 N.S.) was presented for first reading. Mayor McLaughlin acknowledged and thanked all the stakeholders involved in strengthening the Richmond Local Employment Ordinance. Employment and Training Director Sal Vaca gave an overview of the item. The following individuals gave comments: Dennis Roos, Corky Booze, Don Brown, Sergio Gomez, Jason Gallia, Ian Burkhardt, Rhonda Harris, Aram Hodess, Tom Quinn, Kevin Van Buskirh, McKinnly Ross, John Marquez, and Robert Davila. On motion of Vice Mayor Ritterman, seconded by Councilmember Viramontes said ordinance received first reading and was laid over two weeks for second reading by the unanimous vote of the Council.

### **COUNCIL AS A WHOLE**

In the matter to consider only extending the Point Molate LDA with Upstream Point Molate LLC only for a third period ending May 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 is limited to only the specific extension time and the monthly payment. Chief Administrator Janet Schneider gave an overview of the item. The following individuals gave comments: Cait Rivers, Charles Smith, Rick Alacaraz, Corky Booze, Mike Mahoney, Tom Hansen, Pam Stello, Joan Garrett, and John Anderson (***at 11:00 p.m. on motion of Councilmember Lopez, seconded by Councilmember Viramontes extended the meeting for one hour with Councilmember Butt voting Noe***), speakers continued with: Antwon Cloird, Arther Lamore, Jim Levine, Tom Quinn, Bruce Kaplan, Rhonda Harris, John Marquez, Robert Davila, Tom McMahan, Megan Timberlake, and Wayne Ellis. Following discussion, on motion of Councilmember Bates, seconded by Councilmember Lopez extended the Point Molate LDA with Upstream by the following vote: **Ayes:** Councilmembers Bates, Butt, Lopez, and Rogers. **Noes:** Mayor McLaughlin. **Abstentions:** Councilmember Viramontes and Vice Mayor Ritterman. **Absent:** None.

In the matter to approve the appointments of Mayor McLaughlin, Councilmembers Butt, and Lopez as an ad hoc committee to participate in the selection of remediation and development counsel for Point Molate, and appoint no more than three Council members to serve on this ad hoc committee. Corky Booze spoke on this item. On motion of Councilmember Butt, seconded by Councilmember Rogers approved the appointments by the following vote: **Ayes:** Councilmembers Butt, Lopez, Vice Mayor Ritterman, and Mayor McLaughlin. **Noes:** Councilmember Bates. **Abstentions:** Councilmember Viramontes. **Absent:** None.

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

Mayor McLaughlin reported that she attended a Local Government Commission Conference from March 17 through March 21, 2010, regarding green jobs and the green economy.

Councilmember Butt reported that he also attended the Local Government Commission Conference from March 17 through March 21, 2010, regarding green jobs and the green economy. He also attended the Water Emergency Transportation Citizen's Advisory Committee in San Francisco on Friday April 2, 2010.

Councilmember Bates requested that Mayor McLaughlin adjourn the meeting in memory of Maxine Eastman a longtime Richmond resident and also a longtime City of Richmond employee.

Councilmember Viramontes attended the Council of Environment and the Economy Meeting where she made a presentation regarding water infrastructure projects. She was notified that the lawsuit involving University of California Berkeley Board of Regents with the Strawberry Canyon Site was lost and that Richmond was being pursued as the alternative site. Councilmember Viramontes was seeking confirmation from staff that the information was true.

Councilmember Lopez reported that the Easter Egg Hunt she attended at Nevin Park was successful. She also visited the Solano Play Lot.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 12:58 a.m. in memory of Maxine Eastman and Charles Ramsey's mother Evelyn Ramsey, to meet again on Tuesday, April 20, at 6:30 p.m.

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City Clerk

(SEAL)

Approved:

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Mayor