

**RICHMOND, CALIFORNIA, April 20,
2010**

The Richmond City Council Evening Open Session was called to order at 5:14 p.m. by Mayor Gayle McLaughlin.

ROLL CALL

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

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision (a) of Government Code Section 54956.9): Toll Bros. Inc. vs. City of Richmond; Littlehale vs. City of Richmond, et al.; Coalition of Concerned Citizens of Point Richmond, et al. vs. City of Richmond, et al.; and Chevron vs. City of Richmond (two cases)

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision (a) of Government Code Section 54956.9): Four cases

There were no public speakers.

The Evening Open Session adjourned to Closed Session at 5:15 p.m. The Closed Session adjourned at 6:49 p.m.

The Joint Meeting of the Richmond Redevelopment Agency/Richmond City Council was called to order at 6:56 p.m. by Mayor McLaughlin. *(See Redevelopment Minutes RCRA20April2010).*

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

None.

OPEN FORUM FOR PUBLIC COMMENT

Everett Jenkins announced that former City Manager Leveron Bryant passed away on Tuesday, April 13, 2010.

Naomi Williams thanked Councilmember Lopez and all citizens of Southside Plus One for their attendance at the First Candidate's Night.

Wayne Ellis spoke regarding the mayor's voting record against projects in the City of Richmond.

Paul Maunu expressed concern regarding working conditions in the United States.

Ian Burkhart spoke of his disappointment with the mayor's record of voting no on the Miraflores Project.

Mike Ali spoke regarding her opposition to the sewer rate increase.

Antwon Cloird expressed his disappointment with the mayor stating that she supports jobs and continuously votes no on projects for the City of Richmond.

Donald Brown expressed concern regarding Mayor McLaughlin's voting record against projects for the City of Richmond.

Charlotte McIntire spoke regarding grant money the City of Richmond was denied.

Corky Booze expressed concern regarding the pot holes located at 21st and 22nd Street in Garvin Avenue.

Jackie Thompson expressed concern regarding the tanker cars located on the tracks on Carlson Boulevard. She also expressed concern regarding the vacant lots located on 37th Street and Stege Avenue and the U-haul trucks located at the Doit Fluit gas station.

Amanda Schow expressed her concern regarding the closing of the marijuana dispensaries in the City of Richmond.

Tony Martin apologized to the City Council and City Administration for encouraging and soliciting support for the bingo operation. He also stated that he did not know about the criminal record of the gentlemen that came forward representing the American Legions.

Edward Marsh spoke in support of the marijuana dispensaries.

Charles Smith encouraged citizens of Richmond to send letters to the Richmond City Clerk to protest the proposed sewer tax rate increase.

Jovanka Beckles spoke against the Point Molate Resort Project.

Doria Robinson thanked the City of Richmond Parks and Landscape Division, the City Council, the Mayor's Office and staff for their support of urban agriculture.

Simms Thompson expressed concern regarding the senior citizen building on 23rd Avenue and Macdonald Avenue. He also stated that citizen's tax dollars should be used towards improving the infrastructure of the city.

Dennis Roos stated that Mayor McLaughlin continuously votes no for local projects.

Texanita Bluitt stated that the City Council should thoroughly investigate people that come forward to request support for businesses.

Jerome Smith spoke against the proposed sewer tax increase.

AGENDA REVIEW

Withdrew Items H-10, H-11, and K-1 from the agenda. Removed Items H-2, H-3, H-5, H-12, and H-14 from the Consent Calendar

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

The City Council received a presentation by Richard Kochan, City of Richmond representative in Washington, DC, on the status of federal legislation. Councilmember Viramontes requested information that may become available regarding sewer project funding and educational issues such as long term funding for high risk youth. Councilmember Bates requested a progress report regarding the City of Richmond's request for sewer projects funding from the state. Richard Kochan urged the Council to write Congressman George Miller and state senators regarding increases in stimulus funding. Councilmember Rogers requested information regarding funding that may become available for pothole repairs. Mr. Kochan gave positive remarks about former City Manager Leveron Bryant. Jackie Thompson gave comments.

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

City Attorney Randy Riddle reported that in the matter of **CONFERENCE WITH LEGAL**

COUNSEL - EXISTING LITIGATION

(Subdivision (a) of Government Code Section 54956.9): Toll Bros. Inc. vs. City of Richmond; Littlehale vs. City of Richmond, et al.; Coalition of Concerned Citizens of Point Richmond, et al. vs. City of Richmond, et al.; and Chevron vs. City of Richmond (two cases) *the City Council authorized the city's participation in a lawsuit; the title and specifics would be available to the public upon request when the action was filed.*

City Attorney Randy Riddle expressed a conflict of interest with the following item and recused himself:

City Manager Bill Lindsay reported that in the matter of **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision (a) of Government Code Section 54956.9):** Four cases - *the City Council authorized the city manager to execute a contingency fee agreement with the law firm of Cotchett Pitre & McCarthy to advise the Council on the initiation of litigation concerning municipal derivatives and municipal bond insurance in proprieties.*

CONSENT CALENDAR

On motion of Vice Mayor Ritterman, seconded by Councilmember Lopez all items marked with an asterisk (*-) were approved by the unanimous vote of the Council.

*-Approved a sole-source contract with Solar Richmond to provide solar technology and solar installation training for RichmondBUILD students in a grant-funded amount not to exceed \$135,000 and for a term from April 20, 2010, to April 30, 2011.

A proposal to approve the purchase of a small pickup truck from Michael Stead's Hilltop Ford, for use in enforcing code enforcement regulations, in an amount not to exceed \$15,000 was presented. On motion of Vice Mayor Ritterman, seconded by Councilmember Viramontes approved the purchase by the unanimous vote of the Council.

A proposal to approve the purchase of two ¾-ton pickup trucks from Michael Stead's Hilltop Ford, for use by the Fire Department, in an amount not to exceed \$57,000 was presented. On motion of Vice Mayor Ritterman, seconded by Councilmember Viramontes approved the purchase by the unanimous vote of the Council.

*-Approved the emergency purchase of six fuel dispensers from Shields Harper with installation by MSI Fuel Management, Inc. at the city's three fueling locations (corporation yard, wastewater treatment plant, and parks maintenance yard), in an amount not to exceed \$84,000.00. The new equipment is necessary to meet operability and air quality standards.

A proposal to adopt a resolution authorizing placement of liens and special assessments for unpaid garbage collection service fees on County property tax records was presented. City Manager Bill Lindsay gave an overview of the item. Simms Thompson and Corky Booze gave comments. Following discussion, on motion of Councilmember Bates, seconded by Vice Mayor Ritterman adopted **Resolution No. 43-10** by the unanimous vote of the Council.

*-Approved the Third Amended Interagency Agreement between the City of Richmond and Contra Costa County for the implementation of the North Richmond Waste and Recovery Mitigation Fee Expenditure Plan, extending the term through June 30, 2012, and maintaining the not-to-exceed payment limit of \$1,560,861; and authorized the city manager, or his designee, to enter into and administer mitigation funds in a manner consistent with the terms of the agreement.

*-Approved the minutes for February 16, 2010.

*-Approved the following appointment and re-appointments: Youth Commission: Inez Hudson, term expiring April 20, 2012; Economic Development Commission: William R. Dabney, Incumbent, term expiring March 30, 2013; Darlene Drapkin, Incumbent, term expiring March 30, 2013; Quiana Riley, Incumbent, term expiring March 30, 2013.

*-Adopted **Ordinance No. 15-10 N.S.** amending Chapter 2.56 of the Municipal Code to revise the City of Richmond Local Employment Ordinance.

Withdrew from the agenda a proposal to approve a contract with Sheppard Mullin Richter & Hampton LLP to provide remediation and development counsel for Point Molate as recommended by the Council committee consisting of Mayor McLaughlin and Councilmembers Butt and Lopez. The contract term will be from April 21, 2010 through April 20, 2011 with an initial amount not to exceed \$150,000.

Withdrew from the agenda a proposal to approve a contract with Tribal Financial Advisors to perform a review of certain financial information offered by Upstream Pt. Molate LLC, for an amount not to exceed \$35,000. The contract term will be from April 20 through June 30, 2010.

A proposal to adopt an ordinance 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 was presented. Police Captain Allwyn Brown gave an overview of the item. Jerome Smith gave comments. On motion of Councilmember Bates,

seconded by Councilmember Rogers adopted **Ordinance No. 16-10 N.S.** by the unanimous vote of the Council.

*-Adopted **Resolution No. 44-10** authorizing applications for grant funds pursuant to the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 for development of an "Urban Greening Plan" for the City of Richmond.

A proposal to authorize the City Manager to enter into a contract for the demolition of the Martin Luther King Jr. Community Center to mitigate damage due to recent major copper theft and flooding; and direct staff to incorporate the replacement of the center into the Nystrom United Revitalization Effort (NURVE) plans was presented. City Manager Bill Lindsay gave an overview of the item. Jackie Thompson and Corky Booze gave comments. On motion of Councilmember Viramontes, seconded by Mayor McLaughlin authorized the city manager to enter into a contract for the demolition of the Martin Luther King Jr. Community Center to mitigate damage due to recent major copper theft and flooding; and direct staff to incorporate the replacement of the center into the Nystrom United Revitalization Effort (NURVE) plans by the unanimous vote of the Council.

PUBLIC HEARING

In the matter to hear public comment regarding the proposed wastewater rate increase to allow for additional information dissemination to the public was *continued to May 4, 2010.*

ORDINANCES

In the matter to introduce an ordinance for first reading adding Chapter 47 to Article XIII of the Richmond Municipal Code to create a comprehensive framework for the administration of pipeline franchises in the City of Richmond *was withdrawn from the agenda.*

COUNCIL AS A WHOLE

In the matter to direct staff to request inclusion in grant applications to help develop urban field studies programs for Richmond students. Councilmember Rogers gave an overview of the item. Councilmember Viramontes suggested staff contact the East Bay Regional Park District Foundation Board for possible assistance with funding. On motion of Councilmember Rogers, seconded by Councilmember Lopez directed staff to request inclusion in grant applications to help develop urban field studies programs for Richmond students 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 reported that the Morehouse family expressed their appreciation to the city manager and the Police Department for the support they received during the home-going of Mr. James Morehouse. He also thanked Mr. Matzorkis and the city manager for their work on the Honda Project.

Councilmember Rogers reported that he was in Boston the weekend of April 17, 2010, and met with a number of people regarding the urban field study program and City of Richmond development opportunities. He also stated that former City Manager Leveron Bryant was a true role model with tremendous dedication and his passing was a tremendous loss.

Councilmember Viramontes congratulated Jim Matzorkis and staff and the city manager for their hard work on the Honda Project. She also reported that she, Councilmember Rogers, and Mayor McLaughlin would be attending the ABAG meeting on Thursday, April 22, 2010, to discuss implementation of AB32 and Richmond was expected to receive an award. Councilmember Viramontes also requested that Mayor McLaughlin adjourn the meeting in memory of Senator Petrie's wife Anna.

Councilmember Lopez thanked all involved with the Honda Project. She also announced that the Finance Committee approved the annual community budget presentations. Information on the locations would be posted at the city's website. Councilmember Lopez also reported that she attended the League of California Cities Policy Committee in Ontario, California.

Mayor McLaughlin thanked her staff and the Employment and Training Staff for their work in helping to implement the new Richmond Youth Corps. She also reported that a celebration of life would be held in remembrance of former City Manager Leveron Bryant.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:50 p.m. in memory of former City Manager Leveron Bryant and Senator Petrie's wife Anna to meet again on Tuesday, April 27, 2010, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor