

**RICHMOND, CALIFORNIA, May 4,  
2010**

The Richmond City Council Evening Open Session was called to order at 5:00 p.m. by Mayor Gayle McLaughlin.

**ROLL CALL**

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

**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):** Communities for a Better Environment 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 LABOR NEGOTIATORS (Government Code Section 54957.6):** City designated representative(s): Bill Lindsay, Leslie Knight, Jack Hughes, Lisa Stephenson, and Bruce Soublet - Employee organization or unrepresented employee(s): SEIU Local 1021; IFPTE Local 21; Richmond Police Officers Association (RPOA); Richmond Police Management Association (RPMA); International Association of Fire Fighters Local 188 (IAFF); and Richmond Fire Management Association (RFMA)

**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 5:03 p.m. The Closed Session adjourned at 6:51 p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:56 p.m. by Mayor McLaughlin who led the Pledge of Allegiance to the Flag.

### **ROLL CALL**

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

### **STATEMENT OF CONFLICT OF INTEREST**

None.

### **OPEN FORUM FOR PUBLIC COMMENT**

Mike Bracy expressed his concern for the lack of jobs available within the City of Richmond.

Naomi Williams expressed her support for the Point Molate Project.

Mike Ali urged the City Council not to raise sewer tax fees.

Charlotte McIntire stated that the sewers and streets of Richmond have been neglected.

Antwon Cloird stated that the Office of Neighborhood Safety (ONS) should work with neighboring programs so that the youth can have something to do.

Simms Thompson expressed his concern that the city was paying money for services and no services are being rendered to the community at large; citizens are afraid to leave their homes.

Charles Smith encouraged citizens to protest the proposed sewer tax rate increase.

Jackie Thompson expressed opposition to the Point Molate Project.

Corky Booze expressed his disappointment with the news media for not covering the Cinco de Mayo Festival.

Bob Dabney reported that the criminals that robbed his home were captured and he credits the Richmond Police Department for its quick response.

Jean Womack stated that she stresses to her students that drugs are against the federal law.

Texanita Bluitt encouraged Code Enforcement to take a look at 28th Street and Cutting Boulevard. She also stated that citizens of Richmond need to assist the Richmond Police Department in policing our communities.

Eleanor Thompson expressed her disappointment with the Councilmembers for awarding grants through the Office of Neighborhood Safety to non-residents, non-profits, and businesses that are not located within the City of Richmond.

James Walker spoke in opposition to the proposed sewer tax increase. He urged citizens of Richmond to not sign the Chevron Utility Tax petition.

Michael Parker expressed his concern regarding race profiling. He suggested that the community band together and he urged citizens to visit Jovanka Beckles' website to read a story about racism.

### **AGENDA REVIEW**

Removed Items H-2, H-3, and H-9 from the Consent Calendar to be heard following the completion of all other items on the agenda.

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

Mayor McLaughlin presented a proclamation declaring May 3 through May 7 Public Service Week. 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, stated that he would recuse himself on the one item approved during Closed Session due to a conflict of interest with the item:

City Manager Bill Lindsay reported the following:

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Initiation of litigation pursuant to Subdivision (c) of Government Code Section 54956.9):** Two cases – *the City Council approved the initiation of litigation in the municipal derivatives and municipal bond insurance matters by unanimous vote.*

**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 Butt, Rogers, Viramontes, Vice Mayor Ritterman, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates and Lopez. *Items removed from the Consent Calendar were heard following the completion of all other items on the agenda.*

\*-Approved a three-year contract with ParcelQuest to prepare quarterly reports used to project property tax revenue in an amount not to exceed \$5,000 per year for a total contract amount of \$15,000.

A proposed resolution authorizing the city manager to execute a cooperative agreement with the State of California Department of Transportation for maintenance of pedestrian/bicycle path and lighting in the City of Richmond for the Richmond Greenway was presented. Interim City Engineer Edric Kwan gave an overview of the item. On motion of Councilmember Viramontes, seconded by Councilmember Butt adopted **Resolution No. 48-10** by the following vote: **Ayes:** Councilmembers Butt, Lopez, Rogers, Viramontes, Vice Mayor Ritterman, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates.

A proposed resolution accepting \$20,000 from the City of El Cerrito and \$23,300 from the San Francisco Bay Area Rapid Transit District, and appropriating these funds for the Greenway/Ohlone Gap Closure Project was presented. Interim City Engineer Edric Kwan gave an overview of the item. The following individuals gave comments: Jackie Thompson, Corky Booze, and Adrienne Harris. On motion of Councilmember Viramontes, seconded by Councilmember Butt adopted **Resolution No.**

**49-10** by the following vote: **Ayes:** Councilmembers Butt, Lopez, Rogers, Viramontes, Vice Mayor Ritterman, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates.

\*-Approved a fourteen-month contract with Opportunity West for provision of intensive case management services to the YouthBUILD Academic and Vocational Training Program. The contract term will be from May 5, 2010, through June 30, 2011. The contract amount will not exceed \$64,175 and is funded by a Federal Department of Labor grant.

\*-Approved a fourteen-month contract with West Contra Costa Youth Services Bureau for provision of intensive case management services to the YouthBUILD Academic and Vocational Training Program. The contract term will be from May 5, 2010, through June 30, 2011. The contract amount will not exceed \$64,175 and is funded by a Federal Department of Labor grant.

\*-Adopted **Ordinance No. 17-10 N.S.** amending and restating the Redevelopment Plan for the Richmond Merged Redevelopment Project Area.

\*-Approved the minutes of the February 23, 2010, regular meeting and the March 2, 2010, special joint meeting.

\*-Adopted **Resolution No. 50-10** revising the list of authorized broker-dealers available to conduct investment trading business with the Finance Department in accordance with Government Code 53601.

A proposed contract with Morrison & Foerster 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 was presented. The contract term will be from April 21, 2010, through June 30, 2011, with an initial amount not to exceed \$150,000. Simms Thompson and Corky Booze gave comments. On motion of Councilmember Lopez, seconded by Councilmember Butt approved the contract by the following vote: **Ayes:** Councilmembers Butt, Lopez, Rogers, Viramontes, Vice Mayor Ritterman, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates.

\*-Approved a contract with Net Electric, Inc. for a series of vocational

electrical training programs at the RichmondBUILD III training facility. The contract term will be May 24, 2010, through December 31, 2011. The contact amount will not exceed \$60,000 and is funded by a grant from the California Department of Labor.

\*-Approved a sole-source contract with Build it Green to provide a series of energy efficiency vocational training programs. The proposed contract term was from May 10, 2010, through December 31, 2011. The contract will be in an amount not to exceed \$30,000 and was funded by a grant from the California Department of Labor.

\*-Approved the purchase of 30 pairs of Millenia XT G-Xtreme personal protective pants and coats from L.N. Curtis and Sons to replace worn and damaged equipment in the amount of \$82,971.

\*-Approved the following two contracts for on-site advocates to assist domestic violence/sexual assault victims at the Richmond Police Department for the period from January 1, 2009, to March 31, 2010: (1) STAND! Against Domestic Violence in the amount of \$70,260.00; and (2) Community Violence Solutions in the amount of \$54,072.00. Funding for both of these contracts has already been disbursed to the Richmond Police Department by the State of California Office of Emergency Services.

\*-CONTINUED FROM MAY 4, 2010, TO JUNE 1, 2010, to hear public comment regarding the proposed wastewater rate increase to allow for additional information dissemination to the public.

\*-Acknowledged receipt of proposed fiscal year 2010-11 Annual Operating Budget and proposed Fiscal Year 2011-15 Five-Year Capital Improvement Budget pursuant to Section 2.61.010 of Ordinance 42-07, and confirm the schedule for the final adoption.

\*-Approved a contract with Tribal Financial Advisors (TFA) to perform a review of certain financial information offered by Upstream Pt. Molate LLC, in an amount not to exceed \$35,000, and authorized and directed the city manager to retain a qualified independent firm to provide a peer review of TSA's report to the City Council. The contract term will be from May 5, 2010, through June 30, 2010.

## **PUBLIC HEARING**

The city clerk announced it was time pursuant to public notification to hold a public hearing on the proposed street vacation of a portion of South 1st Street located south of Maine Avenue and adopt a proposed resolution ordering the vacation of a portion of South 1st Street. Planning and Building Director Richard Mitchell gave an overview of the item. Mayor McLaughlin declared the public hearing open. On motion of Councilmember Viramontes, seconded by Councilmember Lopez closed the public hearing by the following vote: **Ayes:** Councilmembers Butt, Lopez, Rogers, Viramontes, Vice Mayor Ritterman, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates. On motion of Councilmember Viramontes, seconded by Vice Mayor Ritterman approved the street vacation of a portion of South 1st Street located south of Maine Avenue and adopted **Resolution No. 51-10** by the following vote: **Ayes:** Councilmembers Butt, Lopez, Rogers, Viramontes, Vice Mayor Ritterman, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates.

The city clerk announced it was time pursuant to public notification to hold a joint City Council and Redevelopment Agency Board Public Hearing to receive testimony regarding the proposed Five-Year Consolidated Plan and Analysis of Impediments to Fair Housing for 2010-2015; and adopt a City Council Resolution approving the 2010-2015 Five-Year Consolidated Plan and Analysis of Impediments and authorizing its submittal to Housing and Urban Development (HUD) Patrick Lynch and Ana Cortez gave an overview of the item. Mayor McLaughlin declared the public hearing open. Susan Kim gave comments. On motion of Councilmember Viramontes, seconded by Vice Mayor Ritterman closed the public hearing by the following vote: **Ayes:** Councilmembers Butt, Lopez, Rogers, Viramontes, Vice Mayor Ritterman, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates. On motion of Councilmember Viramontes, seconded by Vice Mayor Ritterman adopted Resolution No. 52-10 by the following vote: **Ayes:** Councilmembers Butt, Lopez, Rogers, Viramontes, Vice Mayor Ritterman, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates.

## **RESOLUTIONS**

A proposed resolution of the Council of the City of Richmond opposing Proposition 16 on the June 8, 2010, statewide General Election ballot, the "New Two-Thirds Vote Requirement for Public Electricity Providers" Initiative was presented. Mayor McLaughlin gave an overview of the item. The following individuals gave comments: Jovanka Beckles, John Marquez, Michael Parker, and Andres Soto. On motion of Mayor McLaughlin, seconded by Councilmember Rogers adopted **Resolution No. 53-10** by the following vote: **Ayes:** Councilmembers Butt, Lopez, Rogers, Viramontes, Vice Mayor Ritterman, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates.

A proposed resolution reaffirming support for AB 32 and supporting SB 375 global warming solutions and clean cars was presented. Mayor McLaughlin and Councilmember Butt gave an overview of the item. Andres Soto gave comments. On motion of Councilmember Viramontes, seconded by Vice Mayor Ritterman adopted **Resolution No. 54-10** by the following vote: **Ayes:** Councilmembers Butt, Lopez, Rogers, Viramontes, Vice Mayor Ritterman, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates.

A proposed resolution opposing Arizona Law SB1070 and urging its immediate repeal was presented. Mayor McLaughlin read the resolution into the record. Vice Mayor Ritterman gave comments. The following individuals gave comments: Jorge Lermo, Jose Rivera, Jovanka Beckles, John Marquez, Roberto Reyes, Fred Jackson, Andres Soto, and Rhonda Harris. A motion was made by Mayor McLaughlin, seconded by Vice Mayor Ritterman to adopted the resolution with a correction in the first "Whereas" changing "will allow" to "requires." The motion passed and **Resolution No. 55-10** was adopted by the following vote: **Ayes:** Councilmembers Butt, Lopez, Rogers, Viramontes, Vice Mayor Ritterman, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates.

## **ORDINANCES**

A proposed ordinance amending Richmond Municipal Code Section 15.06 (Use and Display of Signs) to clarify and simplify the process for obtaining a permit for multiple temporary signs was presented for first reading. City Attorney Randy Riddle gave an overview of the item.

Councilmember Lopez directed staff to submit an analysis of how the City of Richmond's sign fee compares to other cities in Contra Costa County, also indicate what happens to the sign if it was taken down. Corky Booze and John Marquez gave comments. A motion was made by Councilmember Viramontes, seconded by Councilmember Lopez to approve the first reading of said ordinance and direct staff to include analysis of how the City of Richmond's fees compare to other cities in the county as well as incorporate into the ordinance what happens to signs that are taken down due to violations. The motion was approved and said ordinance received first reading and was laid over two weeks for second reading by the following vote: **Ayes:** Councilmembers Butt, Lopez, Rogers, Viramontes, Vice Mayor Ritterman, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates.

#### **COUNCIL AS A WHOLE**

In the matter to declare opposition, as a City Council, to Chevron's proposed "City of Richmond Utility Users Tax Reform Act," currently being circulated for voters' signatures to qualify for the ballot. Mayor McLaughlin and Vice Mayor Ritterman gave an overview of the item. The following individuals gave comments: Jovanka Beckles, Andres Soto, Juan Reardon, and Margaret Jordan. Following discussion, a motion was made by Mayor McLaughlin, seconded by Councilmember Rogers to declare opposition, as a City Council, to Chevron's proposed "City of Richmond Utility Users Tax Reform Act" and direct the city manager to send an informative letter to all the registered voters of the City of Richmond regarding the ballot measure and how much revenue the city could lose. City Attorney Randy Riddle ruled that the direction to the city manager to send out an informative letter would have to be brought back to Council for approval because it was not agendaized. On motion of Councilmember Viramontes, seconded by Mayor McLaughlin declared the distribution of the letter to all the registered voters of the City of Richmond regarding the ballot measure and how much revenue the city could lose as an emergency measure by the following vote: **Ayes:** Councilmembers Butt, Lopez, Rogers, Viramontes, Vice Mayor Ritterman, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates. On motion of

Mayor McLaughlin, seconded by Councilmember Rogers declared opposition, as a City Council, to Chevron's proposed "City of Richmond Utility Users Tax Reform Act" and directed the city manager to send an informative letter to all the registered voters of the City of Richmond regarding the ballot measure with specific facts regarding revenue the city could lose by the following vote: **Ayes:** Councilmembers Butt, Lopez, Rogers, Viramontes, Vice Mayor Ritterman, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates.

*Continued to May 18, 2010*, the matter to discuss and consider action to suspend the potential disbursement of \$25,000 per candidate for public matching funds available to qualified candidates seeking election for the upcoming November 2010 election

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

Councilmember Viramontes requested that Mayor McLaughlin adjourned the meeting in memory of Lucille Ziesenhenné.

**The City Council adjourned to Closed Session at 10:02 p.m. Closed Session adjourned at 11:25 p.m. and the Joint Meeting of the Richmond Redevelopment Agency/Richmond City Council reconvened at 11:25 p.m. There was no reportable actions.**

**ADJOURNMENT**

There being no further business, the meeting adjourned at 11:26 p.m. in memory of Lucille Ziesenhenné, to meet again on Tuesday, May 11, at 6:30 p.m.

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City Clerk

(SEAL)

Approved:

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Mayor