

**RICHMOND, CALIFORNIA, January 5, 2010**

The Richmond City Council Evening Open Session was called to order at 5:15 p.m. by Mayor McLaughlin who led the Pledge of Allegiance to the Flag.

**ROLL CALL**

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

**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 for Eastshore Parks vs. City of Richmond; Martin vs. City of Richmond; West County Wastewater District vs. City of Richmond

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8):**  
Property: Point Molate (site of former Naval Shipyard Depot)  
Agency Negotiator: 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 5:20 p.m. The Closed Session adjourned at 6:47 p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:50 p.m. by Mayor McLaughlin.

**ROLL CALL**

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

**STATEMENT OF CONFLICT OF INTEREST**

None.

**OPEN FORUM FOR PUBLIC COMMENT**

Naomi Williams announced that the Southside Plus One Neighborhood Council would have its meeting

on Saturday, January 9, 2010, at Seaport Baptist Church. She also thanked Fire Station 64 for their assistance with helping a Richmond senior citizen.

Leonard Taylor announced that there would be a freedom train ride on January 18, 2010.

Bill Alexander expressed concern regarding the lack of seating at bus stops throughout the City of Richmond.

Simms Thompson expressed his disappointment with the changes being made to the senior citizen's building. He felt the changes would make the building overcrowded.

Jerome Denham spoke in reference to the brutal sexual attack on a student that happened at Richmond High.

Antwone Cloird expressed his disappointment with the work the Office of Neighborhood Safety.

Richard Lompa gave comments regarding Chevron being a good corporate citizen.

Tom Waller proposed that 2010 be the year of business promotion in the City of Richmond.

Jerome Smith stated that the City of Richmond needs a wholeness that accommodates the disenfranchised.

Dorothy Gilbert gave comments regarding Citizens for Point Molate.

Harry Singh thanked the Council for its help regarding the investigation into the murder of his two brothers.

Corky Booze stated that he would bring forth issues regarding the citizens of Richmond.

#### **AGENDA REVIEW**

Removed Items F-6 and F-7 from the Consent Calendar. Items F-11, G-1, G-2, G-3 and G-4 were continued to the January 19, 2010, City Council meeting, and Item F-5 was withdrawn from the Agenda.

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

City Attorney, Randy Riddle, stated that a settlement agreement was reached in the case of Martin vs. City of Richmond with Councilmember Ritterman and Vice Mayor Lopez absent. The details of the agreement will be available when the agreement is finalized.

A settlement agreement was reached in the matter of West County Wastewater District vs. City of Richmond with Councilmember Butt voting no and Councilmember Ritterman and Vice Mayor Lopez absent.

### **CITY COUNCIL CONSENT CALENDAR**

On motion of Councilmember Viramontes, seconded by Councilmember Rogers, all items marked with an asterisk (\*-) were approved by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Viramontes, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Ritterman and Vice Mayor Lopez. ***Items removed from the Consent Calendar were heard at the end of the meeting.***

\*- Approved an amendment to the contract with the Oakland Private Industry Council to process Individual Training Accounts for program participants, increasing the contract amount by \$385,000 for a new not to exceed amount of \$715,000, with the expiration date remaining June 30, 2010 (this item was reviewed and recommended for approval by the Finance Committee at its December 4, 2009, meeting).

\*- Approved the purchase of a replacement SUV from Wondries Fleet Group, through a cooperative purchase program, for use in the Police Department's homicide division, in an amount not to exceed \$30,000.

\*- Approved a one-year contract with Matrix Consulting to complete a user fee study of the City's Planning and Building Services Department in an amount not to exceed \$24,500.

\*- Approved the purchase of a one-year license to access Learner Web from Portland State University to develop and deliver building trades curriculum for Richmond BUILD Pre-apprenticeship Construction Skills and Green Career Job Training Academy students in an amount not to exceed \$15,000.

**Withdrew from the agenda** the adoption of two resolutions to enable the City of Richmond to participate in the California FIRST Financing District: (1) Authorize the City of Richmond to participate in the California FIRST Program to provide AB 811 financing services to property owners; and (2) Request that Contra Costa County provide county-level leadership and commitment to create a municipal financing district with California FIRST and take any steps necessary to fulfill the county participation requirements so that Contra Costa cities can participate.

The matter to adopt an ordinance (second reading) adding Richmond Municipal Code Chapter 15.04.942 governing deemed approved alcoholic beverage sales and amending Richmond Municipal Code Section 15.04.910.080(H) to require windows on the storefront and inspections of businesses that sell alcoholic beverages was presented. Corky Booze gave comments. On motion of Councilmember Bates seconded by Councilmember Rogers, adopted **Ordinance No. 01-10 N.S.** by the unanimous vote of the Council.

The matter to approve Contract Amendment No. 1 with Fox Design Group to provide bidding and construction support for tenant improvements to module #110D at Hilltop Mall for a police substation increasing the payment limit by \$17,820 for a total contract amount of \$39,620, and extending the contract term to March 31, 2010 was presented. The total contract amount was corrected to \$57,080. Corky Booze gave comments. On motion of Councilmember Viramontes, seconded by Councilmember Butt approved the contract by the unanimous vote of the Council.

\*- Approved a one-year contract with Alex Brennan, MCP for \$38,250 to develop a City of Richmond Green Business Development Plan and Asset Mapping Project, funded by a Federal Economic Development Administration (EDA) Planning Grant.

\*- Approved the following appointment:  
Economic Development Commission: Louis William Wright, term expiring March 30, 2013.

\*- Approved the minutes of the October 6, 2009, special meeting with a correction to reflect that it was Contra Costa College's 60th Anniversary.

\*- **Continued** to the January 19, 2009, City Council meeting, a Municipal Green Building Ordinance (second reading) adding Chapter 6.46 to the Richmond Municipal Code entitled "Commercial and Residential Green Building Standards".

\*- Adopted **Ordinance No. 02-10 N.S.** approving the rezoning for the Miraflores Housing Development Project site to Planned Area District, subject to conditions of approval.

\*- Approved a one-year contract with the Industrial Emergency Council for fire training and educational services in an amount not to exceed \$68,639.

\*- Adopted **Resolution No. 01-10**, approving the Stormwater Utility Area Agreement between the Contra Costa County

Flood Control and Water Conservation District (District) and the City of Richmond regarding an inspection program required under federal pollution control regulations, and APPROVE the Joint Exercise of Powers Agreement between the East Bay Municipal Utility District (EBMUD) and the City of Richmond to enable EBMUD to undertake stormwater inspection and enforcement activities in the City of Richmond.

## **ORDINANCES**

**Continued** to the January 19, 2010, City Council meeting the matter to adopt an urgency ordinance under Government Code Section 65858 extending the moratorium on the acceptance, processing, and approval of applications to establish medical marijuana dispensaries and cooperatives in the City until the effective date of an ordinance governing the land use, but no later than November 30, 2010.

**Continued** to the January 19, 2010, City Council meeting introduction of an ordinance (first reading) revising Richmond Municipal Code Article VI (Building Regulations) to adopt the California Building Standards Code and to amend provisions relating to residential rental inspections and appeals.

**Continued** to the January 19, 2010, City Council meeting to adopt an urgency ordinance establishing a 45-day moratorium on the acceptance, processing, and approval of applications, and permits for tobacco-oriented retail establishments ("smokeshops").

**Continued** to the January 19, 2010, City Council meeting, an ordinances (first reading) amending: (1) Richmond Municipal Code 12.20.050 to include stormwater program and permits; and (2) Richmond Municipal Code 2.34.04 to add the following charges to the Master Fee Schedule: stormwater permit fees, violation site visit inspection charges, sampling or testing, and violation laboratory charges.

The matter to introduce an ordinance (first reading) adding a fee for inspections of premises selling alcohol and/or tobacco products to Section 2.34.040 of the Richmond Municipal Code (Master Fee Schedule) was presented by City Attorney, Randy Riddle. The following individuals gave comments: Naomi Williams, Paul Doolittle, Simms Thompson, Adel Somaha, Hamid Amini, Corky Booze, Sarah Grant, and Julie Waters. Following discussion, a motion was made by Councilmember Rogers, seconded by Mayor McLaughlin to approve the item with an amendment to take the cost of revocation hearings out of the general fee and apply it specifically to the establishments that are

undergoing revocation hearings bring the basic fee down to \$950. He also added an amendment to direct staff to come back after one-year with a report and recommendations on ways to reduce costs. Councilmember Bates offered a friendly amendment to sunset the law at three years. The amendment was accepted. Substitute motion by Councilmember Viramontes send it back to the Finance or Public Safety Committee to finalize before bringing to Council died for lack of a second. Councilmember Rogers amended his motion to approve the ordinance as is and change inspections to every two years and come back to Council on January 19, 2010, with revised ordinance for first reading and financial data. The motion was approved by the unanimous vote of the Council.

### **COUNCIL AS A WHOLE**

The matter of the third amendment to the Land Disposition Agreement between City of Richmond and Upstream Pt. Molate, LLC changing the closing date for the purchase, sale, and lease of the property from January 15, 2010, to March 15, 2010 was presented. Administrative Chief Janet Schneider gave an overview of the item. Outside Counsel Gordan Hart gave comments. The following individuals gave comments: Joan Garrett, David Helvarg, Charles Smith, Pam Stella, Jerome Smith, Tarnel Abbott, John Marquez, and Aram Hodess. A motion was made by Councilmember Rogers, seconded by Councilmember Viramontes to hold the issue over and hold a special meeting when full Council is available. The motion fails by the following vote: **Ayes:** Councilmembers Bates, Rogers, and Viramontes. **Noes:** Councilmember Butt and Mayor McLaughlin. **Abstentions:** None. **Absent:** Councilmember Ritterman and Vice Mayor Lopez. A motion was made by Councilmember Butt to extend the agreement for 30 days with the following four conditions: (1) rescind tolling agreement, (2) incorporate building six into the Redevelopment plan, (3) developer has to provide solid financial data, and (4) the LDA would be revised to make clear that the design concept documents provide level of detail consistent with the level of detail as with any other project in Richmond. Although the motion did not have a second, as Chairperson Mayor McLaughlin allowed the motion to go forward. The motion failed by the following vote: **Ayes:** Councilmember Butt. **Noes:** Councilmember Bates and Mayor McLaughlin. **Abstentions:** Councilmember Rogers and Viramontes. **Absent:** Councilmember Ritterman and Vice Mayor Lopez.

The matter to direct staff to engage experts in the design of destination resorts with casinos and which included the adaptive reuse of

historic resources to assist in the review of Design Concept Documents for Point Molate and to provide professional evaluations and critiques and answer questions for the benefit of the Design Review Board, Planning Commission, and City Council was presented. Councilmember Butt gave an overview. The following individuals gave comments: Joan Garrett, Leonard Taylor, and John Marquez gave comments. Councilmember Bates stated that the community should be involved. A motion was made by Councilmember Rogers, seconded by Councilmember Butt to approve the item and bring in expertise to study the design of destination resorts with or without a casino and adaptive reuse of historic resources. The motion failed by the following vote: **Ayes:** Councilmember Butt, Rogers, and Mayor McLaughlin. **Noes:** Councilmember Bates. **Abstentions:** Councilmember Viramontes. **Absent:** Councilmember Ritterman and Vice Mayor Lopez.

**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 9:45 p.m., to meet again on Tuesday, January 19, 2010, at 6:30 p.m.

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City Clerk

(SEAL)

Approved:

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Mayor