

**RICHMOND, CALIFORNIA, October 5,
2010**

The Richmond City Council Evening
Open Session was called to order at 6:09 p.m.

ROLL CALL

Present: Councilmembers Lopez,
Viramontes, Vice Mayor Ritterman, and Mayor
McLaughlin. **Absent:** Councilmembers Bates,
Butt, and Rogers 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
LITIGATION (Government Code Section
54956.9):** Janeth Perez vs. City of Richmond

**CONFERENCE WITH LEGAL
COUNSEL - EXISTING LITIGATION
(Subdivision (a) of Government Code Section
54956.9):** Arce vs. City of Richmond

**RICHMOND JOINT POWERS FINANCING
AUTHORITY AND THE RICHMOND
COMMUNITY REDEVELOPMENT AGENCY**

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

There were no public speakers.

The Evening Open Session adjourned to Closed
Session at 6:10 p.m. The Closed Session adjourned at
6:30 p.m.

The Joint Meeting of the Richmond
Redevelopment Agency/Richmond City Council was
called to order at 6:33 p.m. by Mayor McLaughlin
who led the Pledge of Allegiance to the Flag. (*See
Redevelopment Minutes RCRA5Oct2010*).

ROLL CALL

Present: Councilmembers Butt, Lopez,
Viramontes, Vice Mayor Ritterman, and Mayor
McLaughlin. **Absent:** Councilmembers Bates
and Rogers arrived at 6:39 p.m.

STATEMENT OF CONFLICT OF INTEREST

None.

OPEN FORUM FOR PUBLIC COMMENT

Leonard Taylor expressed his disappointment that the icy equipment at Seven-Eleven on Macdonald Avenue was not working on a day that was very hot.

The following individuals expressed their disappointment with Councilmember Bates decision to circulate an e-mail regarding past personal issues pertaining to Mayor McLaughlin: Jackie Thompson, Corky Booze, James Walker, and Roberto Reyes.

Sims Thompson expressed his concern with the image of the City of Richmond. He stated that there are lighting, garbage, and graffiti issues that need to be addressed.

Mark Wassburg made negative comments regarding Latinos in the City of Richmond.

David Lanieu expressed his disappointment with the lack of programs for children at the community centers throughout the City of Richmond.

Kenneth Davis spoke in support of Mayor McLaughlin.

Don Gosney stated that the Contra Costa County Labor Campaign Center and his home have been vandalism and he asked the Council to encourage individuals to stop the violence and vandalism.

Michael Beer called to speak regarding crime and transformation.

Reginald Tolan urged the Council to start a Litter Enforcement Program in the City of Richmond.

Tarnel Abbott spoke in support of Mayor McLaughlin.

Eduardo Martinez gave comments regarding the importance of a person's character.

Texanita Bluitth thanked the City Council for installing the new fence along Carlson Boulevard. She also expressed her appreciation to the City staff for work on the streets to improve wheelchair access. She also stated that wheelchair access is needed on Potrero Avenue.

Antwon Cloird gave comments regarding the information being circulated about Mayor McLaughlin.

Tom Waller stated that Richmond needs a diverse and thriving local private sector economy where the City Council's policies, regulations, and actions

create favorable conditions that encourage businesses of all types to invest locally in facilities, equipment, and especially jobs for local residents.

Billy Alexander spoke in support of Council Bates.

Larry Lewis thanked everyone for supporting the Richmond Police Activities League (PAL). He announced that the Annual Costume Ball would be held on Saturday, October 30, 2010.

Fred Jackson stated that everyone deserves a second chance.

Jerome Smith read a poem entitled "Crossed" by Langston Hughes. He also stated that individuals that are witnesses to bullying are just as guilty if they standby and do nothing.

Mike Parker stated that the Richmond Police Officer's Association (RPOA) was creating distrust among the community and the Richmond Police by using the RPOA as a tool to push forward its agenda.

Naomi Williams announced that the Pullman Neighborhood Council would have a regular meeting on Saturday at Seaport on South 34th Street.

Councilmember Bates stated that he only passed the information he received regarding Mayor McLaughlin to a few people.

Councilmember Lopez stated that she did not receive nor was she aware of the e-mail that was circulated regarding Mayor McLaughlin and, therefore, did not have a comment.

AGENDA REVIEW

Removed Items G-1 from the Redevelopment Agency Consent Calendar. (*See Redevelopment Minutes RCRA5Oct2010*).

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

City Attorney Randy Riddle reported:

**CONFERENCE WITH LEGAL
COUNSEL - EXISTING LITIGATION
(Subdivision (a) of Government Code Section
54956.9):** Arce vs. City of Richmond (*the City
Council voted to approve a settlement in the amount
of \$70,000*).

City Attorney Randy Riddle indicated a conflict of interest with the following item; therefore, Finance Director and Acting City Manager James Goins gave the report:

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Initiation of litigation pursuant to Subdivision (c) of Government Code Section 54956.9): One Case (*Richmond Joint Powers Financing Authority and the Richmond Community Redevelopment Agency joined suit with the City and authorized the firm of Cotchett, Pitre and McCarthy to, on a fee basis, represent them in derivative litigation*).

CONSENT CALENDAR

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

*-Adopted **Resolution No. 110-10** authorizing the acceptance of a \$10,000 Community Grants/Family Friendly Community Grant from First 5 Contra Costa Children and Families Commission to implement safety improvements to purchase a new piece of play equipment for the Solano Play Lot.

*-Approved the payment for annual support and licensing for fleet management software provided by Faster Asset Solutions, Inc. for use in maintaining fleet data records of city-owned equipment, in an amount not to exceed \$10,400 for Fiscal Year 2010/11 and in an amount not to exceed \$11,200 per year for Fiscal Years 2011/12 and 2012/13.

*-Approved a nine-month contract with CPS Human Resource Services to develop and administer promotional examinations for Fire Inspector and Fire Marshal in an amount not to exceed \$27,400 for a term from September 1, 2010, to June 30, 2011.

*-Adopted **Resolution No. 111-10** approving a lease agreement between the City of Richmond and the Richmond Police Activities League ("RPAL") (as lessee) for the construction and maintenance of a parking lot at 175 23rd Street for 55 years at an annual rate of \$1.00 per year.

*-Adopted **Resolution No. 112-10** revising the authorized signatures list on the Local Agency Investment Fund (LAIF) accounts to reflect the current staff assignments in the Finance Department.

*-Adopted **Resolution No. 113-10** authorizing the transfer of \$271,481 in unencumbered funds from the approved Fiscal Year 2009-2010 Budget to the Fiscal Year 2010-2011 Budget for the purposes of funding the enhancement of the Computer Aided

Dispatch (CAD) portion of the Regional Public Safety Consolidated Radio System.

*-Approved a two-year contract with Valley Oil Company to deliver bulk fuel to all city fuel sites in an amount not to exceed \$1,095,000 for the 2010-2011 budget years.

*-Approved a three-year (2010-2013) contract with Du-All Safety, LLC to provide safety program compliance services, in an amount not to exceed \$370,908 for three years beginning in Fiscal Year 2010-2011 through Fiscal Year 2012-2013, with annual adjustments as specified in the contract, and with an option to extend the contract for two one-year additional terms.

*-Approved an agreement with the Contra Costa County Office of the Sheriff-Coroner Crime Laboratory to continue providing a dedicated Forensic Firearms Technician to examine Richmond firearms evidence as well as other services, at a cost not to exceed \$201,000 from March 1, 2010, to February 28, 2012 (\$100,500 per year, for a two-year term).

*-Approved a vehicle lease agreement with Saadeh Corporation, dba Auto World, to provide the Richmond Police Department with undercover vehicles for use in its narcotics and special investigation operations in an amount not to exceed \$300,000 from July 1, 2010, to June 30, 2012 (\$150,000 per year, for a two-year term).

*-Adopted **Resolution No. 114-10** declaring the official intent of the City of Richmond to reimburse itself for certain capital expenditures from the proceeds of indebtedness relating to the potential issuance of Qualified Energy Conservation Bonds under the American Recovery and Reinvestment Act. (Adoption of this resolution does not obligate the City of Richmond to issue the bonds if it deems that the financing will not be practicable).

*-Adopted **Ordinance No. 29-10 N.S.** setting the tax rate for the Pension Tax Override Fund for Fiscal Year 2010-11 at 0.14%.

*-Adopted the revised guidelines governing the Private Sewer Lateral Grant Program to include a mutual homes association acting on behalf of each of its members individually.

*-Approved the minutes for the June 15, 2010, and September 7, 2010, meetings.

RESOLUTIONS

A proposed resolution authorizing submittal of Measure C 2008 & 2009 "Growth Management Program Compliance Checklist" to Contra Costa County Transportation Authority (CCTA) to allow the City of Richmond to receive its allocation of Fiscal

Year 2009-10 and 2010-11 Local Street Maintenance and Improvement Funds was presented by Senior Planner Lina Valasco. Garland Ellis gave comments. On motion of Councilmember Bates, seconded by Councilmember Viramontes adopted **Resolution No. 115-10** by the following vote: **Ayes:** Councilmembers Bates, Butt, Lopez, Rogers, Viramontes, and Vice Mayor Ritterman. **Noes:** None. **Abstentions:** None. **Absent:** Mayor McLaughlin.

A proposed resolution in support of Robles-Wong v. California, and Campaign for Quality Education v. California litigation challenging the state's school finance system was presented by Mayor McLaughlin. The following individuals gave comments: Margaret Jordan, Antonio Medrano Wendy Gonzales, Scottie Smith, Margaret Browne, Eduardo Martinez, and Jovanka Beckles. On motion of Mayor McLaughlin, seconded by Councilmember Rogers adopted **Resolution No. 116-10** by the unanimous vote of the Council.

ORDINANCES

A proposed ordinance amending Chapter 3.58 of the Municipal Code (Human Relations and Human Rights Commission) to change the word order in the name of the Commission; add sections for findings, definitions, purpose and scope; and add to the list of functions a new item devoted to actively promoting a culture of peace was presented for first reading by Vivien Feyer and members of the Human Relations and Human Rights Commission. Councilmember Lopez requested an amendment to the ordinance to add the City Council to the Duties paragraph. The amendment was accepted. On motion of Councilmember Viramontes, seconded by Mayor McLaughlin said ordinance received first reading and was laid over two weeks for second reading by the unanimous vote of the Council.

A proposed ordinance (first reading) amending the ordinance regulating Medical Marijuana Collectives adopted on September 21, 2010, to: (1) eliminate the requirement that a Medical Marijuana Collective submit a Determination Letter from the Franchise Tax Board indicating that the Collective is exempt from income taxes; (2) permit a Medical Marijuana Collective to be located in a C-2 zoning district if certain specified findings are made; and (3) clarify and make technical amendments to that ordinance was presented for first reading by City Attorney Randy Riddle. City Attorney Mary Renfro gave comments. The following individuals gave comments: Lisa Hirschhorn, Jackie Thompson, Garland Ellis, John Clay, Tony Sustak, Michael Colbruno, David Owen, Naomi Williams, Jerry Yoshida, Bea Roberson, and Corky Booze. Following discussion, a motion was made by Councilmember Butt, second by Councilmember Lopez to introduce the ordinance on first reading with the elimination of permitting a Medical Marijuana Collective to be located in a C-2 zoning district. 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.

COUNCIL AS A WHOLE

In the matter to adopt a resolution amending the Personnel Rules to give preference points in examinations to Richmond residents after passing the Civil Service Exam (this will only apply to non-sworn personnel and first-time hires to fill a vacancy) Councilmembers Lopez and Viramontes gave an overview. Jackie Thompson and Corky Booze gave comments. On motion of Councilmember Lopez, seconded by Councilmember Rogers adopted **Resolution No. 117-10** by the unanimous vote of the Council.

In the matter to designate a voting delegate and an alternate to represent the City of Richmond at the National League of Cities' Annual Business Meeting that will be held on December 4, 2010, in Denver, Colorado. City Clerk Diane Holmes gave an overview of the item. Mayor McLaughlin asked members of the Council to voice their interest in serving as the voting delegate and alternate. Councilmembers Bates and Lopez expressed their interest. On motion of Councilmember Viramontes, seconded by Councilmember Rogers nominated Councilmember Bates as the voting delegate and Councilmember Lopez as the alternate by the unanimous vote of the Council.

In the matter to consider creating an expenditure fund to receive donations designated for the John F. Kennedy High School Girls Book Club was presented by Councilmember Viramontes. On motion of Councilmember Bates, seconded by Councilmember Butt approved creating an expenditure fund to receive donations designated for the John F. Kennedy High School Girls Book Club by the unanimous vote of the Council.

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

Vice Mayor Ritterman reported that he attended the National League of Cities Annual Leadership Summit in Philadelphia from September 23, 2010, to September 25, 2010.

Councilmember Viramontes announced that former Councilmember Marquez' grandson passed away suddenly on Monday, October 4, 2010, after serving in Iraq.

Councilmember Rogers announced that the Home Front Festival was successful.

Councilmember Bates announced that Mother Naylor celebrated her 100th birthday on Sunday, October 3, 2010.

Mayor McLaughlin stated that the workshop entitled "Courage to Change" held on Saturday, October 2, 2010, by the Richmond Youth Academy was a wonderful and successful event.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:06 p.m. in memory of Chandra Wati Guruwaya, mother-in-law of Housing Authority employee Daphne Guruwaya, to meet again on Tuesday, October 19, 2010, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor