

**RICHMOND, CALIFORNIA, December 7,
2010**

The Richmond City Council Evening
Open Session was called to order at 5:05 p.m.

ROLL CALL

Present: Councilmembers, Butt, Rogers,
Viramontes, Vice Mayor Ritterman, and Mayor
McLaughlin. **Absent:** Councilmember Bates
(*Bates absent entire meeting*) and Lopez – (*Lopez
arrived at 5:15 p.m.*).

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

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

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

**CONFERENCE WITH LABOR
NEGOTIATORS (Government Code Section
54957.6):** City-designated representatives(s): Bill
Lindsay, Leslie Knight, Jack Hughes, Lisa
Stephenson, and Bruce Soublet. Employee
organization or unrepresented employee(s):
Richmond Fire Management Association and Local
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There were no public speakers.

The Evening Open Session adjourned to Closed
Session at 5:10 p.m. The Closed Session adjourned at
6:50 p.m.

The Special Joint Meeting of the Joint Powers Finance Authority/Richmond City Council was called to order at 6:56 p.m. by Mayor McLaughlin who led the Pledge of Allegiance to the Flag. (*See JPFA Minutes JPFA CC10Dec07*).

**JOINT MEETING OF THE RICHMOND
REDEVELOPMENT AGENCY/RICHMOND
CITY COUNCIL**

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

Councilmember Butt stated a conflict of interest on Item J-2 due to the close proximity of the subject property to his property.

OPEN FORUM FOR PUBLIC COMMENT

Joel Jones, Lori Barry, Dora Woddard, Fred Jackson, representing the Unity in the Community Project, requested donations to assist in raising their \$2,717 deposit for rental of the Richmond Auditorium.

Leonard Taylor gave comments regarding an apartment fire on 39th Street and Macdonald Avenue.

Cordell Martin gave comments regarding the need for security in the area of the 7-Eleven store on Macdonald Avenue.

Andres Soto stated that there will be a concert of the West County Winds symphonic band on Sunday, December 12, 2010, at El Cerrito High School Theater. Mr. Soto also stated the Junius Courtney Big Band will be playing at the Senior/Winter Ball on Saturday, December 11, 2010.

Antwon Cloird gave comments regarding crime in the City of Richmond and the need to do something different to curb the violence.

Mohania Williams, Jennifer Dhame, Goretha Johnson gave comments regarding the deplorable condition of the streets and large potholes in Parchester Village.

Bobby Brown congratulated the newly elected councilmembers and complained about the bad conditions of the street.

Gwendolyn McNeely stated that there are no street lights on the Richmond Parkway from Hilltop Drive to Giant Road.

Jackie Thompson gave comments regarding the horrible condition of the streets in Parchester Village.

Corky Booze spoke in support of the Parchester Neighborhood in demanding that their street lights and streets are repaired.

Don Gosney gave comments regarding the environmental remediation of Point Molate.

Edna Campbell spoke about Christmas in Richmond, which is a faith based organization that feeds over 700 people that was started by her daughter Burgundy Spears 5 years ago. Ms. Campbell requested assistance from the City Council and residents in order to keep this organization going.

Mike Peritz spoke in favor of keeping Kennedy High School open.

Jacklynn McElare stated that the elevators at Nevin Plaza need to be replaced.

John Marquez stated that he was appointed to the Contra Costa Community College District Board of Governors and he will be sworn in on December 7, 2010, at 6 p.m. at the college district office in Martinez.

Beverly Hunt requested an update on the proposed T-Mobile cell tower in the Fairmede Hilltop area.

AGENDA REVIEW

Item G-1 was removed from the Redevelopment Agency Board Consent Calendar and Items H-12, H-13, H-15, and H-19 were removed from the Consent Calendar.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Mayor McLaughlin presented certificates of recognition to Verde Elementary School students who participated in the "Artistically Write and Speak Aloud" Project in collaboration with Verde School and Richmond's Human Rights and Human Relations Commission. The following individuals gave comments: Cordell Jones, Jackie Thompson, Corky Booze, and Jovanka Beckles.

Mayor McLaughlin presented a proclamation commemorating the second Saturday in December as the Official Arbor Day in Richmond, California, and establishing December 11th as the City of Richmond's Official Arbor Day for 2010. Eduardo Martinez gave comments.

Mayor McLaughlin and Councilmember Lopez presented certificates of recognition to members of the Point Molate Restoration Advisory Board for their dedication to the revitalization of Point Molate. The following individuals gave comments Andres Soto, Don

Gosney, Corky Booze, and Don Delcollo. The following individuals gave comments: Andres Soto, Don Gosney, Corky Booze, and Don Delcollo.

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

City Attorney Randy Riddle reported one reportable litigation action. Details will be made available once the action is final.

**REDEVELOPMENT AGENCY BOARD
CONSENT CALENDAR**

(See RCRA7Dec2010)

CITY COUNCIL 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. 127-10**, authorizing placement of liens and special assessments for unpaid garbage collection service fees on County property tax records.

*-Approved a sole source contract between the City of Richmond and Zoll Data Systems, Inc. for technical support and maintenance of Fire Department communications software in the amount of \$10,592.

*-Approved a contract amendment with SCV and Associates in the amount of \$15,400 for a total not to exceed contract amount of \$25,000 to provide armed security guard services at the Nevin Community Center through June 30, 2011.

*-Approved an emergency purchase of the Jerome® 631 Hydrogen Sulfide Analyzer from Arizona Instrument, Inc. in an amount not to exceed \$18,000 (This action requires an exception be made to Resolution 55-10, which directs staff to refrain from doing business with Arizona companies until SB1070 is repealed). The Jerome®631 device is manufactured and distributed solely by Arizona Instrument, Inc., an Arizona corporation.

*-Approved a contract with MASTER K-9, INC. to provide K-9 maintenance training at a cost not to exceed \$27,175 (\$13,587 per year, for a two-year term) from July 1, 2010, to June 30, 2012.

*-Approved a contract with Arthulia, Inc. for the construction of gender specific restrooms and fuel pump facilities improvements at Fire Station No. 68, located at 2904 Hilltop Drive, in an amount not to exceed \$840,000. (This item was not reviewed by the Finance Committee due to time urgency and the

upcoming gap in the City Council meeting schedule).

*-Approved a contract amendment with Psomas to continue providing geographical information system (GIS) technical support regarding mapping the Wastewater Collection System and also to continue providing inspection services for the city's Pretreatment Program, in order to comply with the city's current National Pollutant Discharge Elimination System (NPDES) permit, in an amount not to exceed \$97,106, for a total contract amount of \$362,106.

*-Approved a 24-month contract with Grassetti Environmental Consulting to cover the developer funded cost of services related to completing the preparation of a Mitigated Negative Declaration for the four lot Knobcone Subdivision located in the El Sobrante Valley in the amount of \$21,205.

*-Approved a contract with Turner Group Construction to install minor interior improvements to the city-owned building located at 330 - 25th Street. The total amount of the contract will not exceed \$96,000. Contract term will be December 7, 2010, through June 30, 2012.

*-Adopted **Resolution No. 128-10**, directing the city manager to support the San Francisco Estuary Partnership's grant application and proposal for a seven-city San Pablo Avenue stormwater spine of low impact development stormwater facilities.

*-Adopted **Resolution No. 129-10** directing the city manager to execute an agreement with the Association of Bay Area Governments (ABAG) for Local Agency Participation in the grant-funded Bay Area-wide Trash Capture Demonstration Project for stormwater management.

The matter to consider approving a contract with KAPPE+DU Architects to design gender specific restrooms at Fire Station No. 61, located at 140 West Richmond Avenue, in an amount not to exceed \$15,500 was presented. Corky Booze gave comments. A motion made by Councilmember Rogers, seconded by Vice Mayor Ritterman, approved the contract, by the unanimous vote of the Council.

The matter to approve a contract with Architects/MA to design gender specific restroom improvements for Fire Station No. 67, located at 1131 Cutting Boulevard, in an amount not to exceed \$12,250 was presented by City Manager, Bill Lindsay. Corky Booze gave comments. A motion made by Councilmember Rogers, seconded by Vice Mayor Ritterman, approved the contract, by the unanimous vote of the Council.

*-Adopted **Resolution No. 130-10**, approving a 3% annual cost-of-living increase, in addition to the 2% minimum cost-of-living increase, for the recipients of the General Pension Fund, for a total annual cost-of-

living increase of 5% for these recipients.

The matter to approve the final version of the citywide Parks Master Plan as presented at the City Council meeting on September 28, 2010, with modifications incorporated into this final version based on Council comments at that meeting was presented. Corky Booze gave comments. A motion by Councilmember Rogers, seconded by Vice Mayor Ritterman, approved the plan with the incorporation of the recommendation from the Recreation and Parks Commission that all parks, with the exception of small parks or play lots, must have restrooms, passed by the unanimous vote of the Council.

*-Approved a contract with Moscone Emblidge and Sater, LLP with a payment limit of \$50,000 for legal services regarding anticipated litigation in connection with enforcement of a bond securing a developer's obligation to contribute to the funding of an underpass in Marina Bay, with a term expiring December 31, 2011.

*-Accepted a grant award from the East Bay Community Foundation for the Office of Neighborhood Safety (ONS) in the amount of \$20,000 for general and emergency support services for ONS clients supported by street outreach work.

*-Adopted joint **Resolution No. 131-10**, of the Richmond City Council and **Resolution No. 10-28** of the Richmond Redevelopment Agency Board, authorizing the city manager and the executive director of the Richmond Community Redevelopment Agency to execute a sublease, sub-sublease, project development agreement, and first amendment to the parking lot lease related to the Oilhouse renovation for the Rosie the Riveter World War II/Homefront Historical Park Education Center (Visitor Center) located at 1414 Harbour Way South.

The matter to adopt a resolution to amend the FY 2010-11 Point Molate budget to increase revenues associated with: (1) reimbursement of city costs by the developer, and (2) remediation payments by the Navy to the city, and to increase appropriations for Point Molate related costs funded by these revenues was presented. A motion by Vice Mayor Ritterman, seconded by Councilmember Rogers, adopted **Resolution No. 132-10**, by the unanimous vote of the Council.

*-Approved a contract with the city manager that will provide for: (1) 5-year term from February 14, 2011, to February 13, 2016; (2) grant the 5% increase established in the previous contract effective February 14, 2011; (3) grant subsequent salary increases tied to any Local 21/1021 Cost of Living Increases (COLA) and contingent upon an annual performance evaluation; and (4) update the deferred compensation contribution to the extent authorized by Internal Revenue Code Section 457.

*-Adopted **Resolution No. 133-10**, Declaring the Canvass of Returns and Result of the General Municipal Election held on November 2, 2010.

*-Approved the minutes for the July 20 and 27, 2010, and November 16, 2010, meetings with a correction made by Councilmember Viramontes, who stated that there is an error pertaining to Item I-7 regarding medical marijuana collectives. The number of ounces is to be corrected to 1 ounce – not 6 ounces.

*-Approved the following appointments and re-appointments: Arts and Culture Commission: Gail Clifton, term expiring January 13, 2015; Economic Development Commission: Cheryl Vaughn, term expiring March 30, 2014; Housing Advisory Commission: Arne Kasendorf, Incumbent, term expiring November 1, 2012; Library Commission: Tyrone Weems, term expiring July 1, 2013.

*-Approved a contract with BioMax Environmental Services, LLC, in an amount not to exceed \$125,000 for the continued on-call services to monitor the level of hydrogen sulfide gas at and around the wastewater treatment plant, Point Richmond, Washington Elementary School and other neighboring communities. (This item was reviewed and recommended for approval by the Finance Committee on December 3, 2010).

*-Adopted **Resolution No. 134-10**, to appropriate \$1,031,475 in project funds, received as a result of issuing the Qualified Energy Conservation Bond, to the FY2010-11 budget.

**JOINT RICHMOND REDEVELOPMENT
AGENCY/RICHMOND CITY COUNCIL PUBLIC
HEARING**

(See RCRA7Dec2010)

CITY COUNCIL PUBLIC HEARINGS

Deputy City Clerk, Ursula De Loa, announced that this was the time set, pursuant to published notice, to conduct a public hearing to receive public comment regarding the matter to conduct a public hearing to review, comment, and provide direction to staff regarding whether or not to include any of the alternative land uses identified in Design Community & Environment's land use alternatives report as project alternatives in the Point Molate Environmental Impact Report (EIR) prior to the City Council's consideration of the Final EIR and provide direction to staff regarding the schedule for the City Council's consideration of the Final EIR for February 2011. David Early, Design, Community, and Environment, presented a PowerPoint. The following individuals gave comments: Mary Sundance, Andres Soto, Kerry Benthall, Tamisha Walker, Kenneth Porter, Artis Swazya, Rokisha West,

Ivory Mitchell, Antwon Cloird, Tim Laidman, Rosemary Corbin, John Lapp, Joseph Puleo, Kathleen Wimer, Michael Beer, Corky Booze, Jen Dahme, Joan Garrett, Eduardo Martinez, and Margaret Morkowski. Discussion ensued. Councilmember Ritterman stated that he does not want to include any of the suggested alternatives in the report and that the process move forward without them. A motion made by Councilmember Butt, seconded by Vice Mayor Ritterman, that the City not consider additional land use alternatives; and directed staff to prepare the final EIR for Council consideration, passed by the unanimous vote of the City Council.

Deputy City Clerk, Ursula De Loa, announced that this was the time set, pursuant to published notice, to conduct a public hearing to receive public comment regarding the matter to conduct a public hearing to hear an appeal by Richard Lompa of the Planning Commission's direction to staff to issue citations for noncompliance with the Design Review Permit condition regarding the eagle ornament on the exterior of 2 West Richmond Avenue in the Point Richmond National Register Historic District. Assistant City Attorney, Mary Renfro, gave an overview of the matter. *(Councilmember Butt left the meeting due to conflict of interest)*. On October 28, 2009, the Design Review Board approved the exterior modifications to 2 West Richmond Avenue, a contributing structure in the Point Richmond National Register Historic District, on the condition that the eagle ornament on the top of the building is removed. The Board also stated that it had no objection to the eagle being displayed in the window above the front entryway. The eagle was temporarily removed from the building, repainted, and placed back on the edge of the roof. At its meeting of November 4, 2010, the Planning Commission considered modification and enforcement options and directed staff to issue citations to the property owner for placing the eagle statue on the roof in violation of the design permit condition. Mr. Lompa has appealed the Planning Commission's decision, asserting that the eagle is not an architectural element of the building, merely an ornament, and therefore the Design Review Board had no authority to impose the condition regarding the eagle. Mayor McLaughlin opened the public hearing. The following individuals gave comments: Richard Lompa, Ernest Lompa, Margaret Morkowski, and Puleo. A motion by Councilmember Viramontes, seconded by Councilmember Lopez, closed the public hearing by the following vote: **Ayes:** Councilmembers Lopez, Rogers, Viramontes, Vice Mayor Ritterman, and Mayor McLaughlin. **Noes:** None. **Absent:** Councilmember Bates and Butt. **Abstentions:** None. A motion made by Vice Mayor Ritterman, seconded by Councilmember Viramontes, upheld the appeal and allowed the eagle to remain on the building. No further citations will be issued to Mr. Lompa, and adopted **Resolution No. 138-10**, by the unanimous vote of the Council.

Deputy City Clerk, Ursula De Loa, announced that this was the time set, pursuant to published notice, to conduct a public hearing to receive public comment regarding the matter to conduct a public hearing to hear an appeal by Atchison Village of Design Review Board approval to install a new window at 356 West Macdonald Avenue in Atchison Village. Senior Planner, Lina Velasco, gave an overview of the matter. The proposed new window is compatible with the architectural style of the original house and relates properly to the dwellings in Atchison Village. A Mini-Historic Structures Report (HSR) and Preservation Plan were prepared by Page & Turnbull in 2009. According to the report, the windows are character defining features. The new window will be constructed in a similar style as the existing windows through use of similar recess, trim and sill. Due to the fact that the subject site is within a National Register District, the Richmond Municipal Code Chapter 6.06.050, states that the Design Review Board and Planning Commission, when acting under the provisions of this chapter, shall consider the evaluation of the Historic Preservation Advisory Committee Design Review Subcommittee (HPDRS). The HPDRS met on October 7, 2010 and voted unanimously to recommend approval of the project with modifications. The recommended modifications were incorporated in the project by the Design Review Board as conditions of approval. The Atchison Village Mutual Homes Corporation reviewed the applicant's original proposal to remove and replace the window and voted unanimously to approve the project. Subsequently, the Atchison Village Mutual Homes Corporation voted to revoke and withdraw its approval of the proposed project. A representative of the Atchison Village Mutual Homes Corporation presented their decision to withdraw support of the proposed project at the October 13, 2010 Design Review Board meeting. The Design Review Board considered their comments and voted unanimously to approve the project. Mayor McLaughlin declared the public hearing open. Karen Wargo, Vice President of Atchison Village Neighborhood Council, appellant, stated that the proposed window would permanently alter the historical appearance and integrity of the Atchison Village Historic District and the placement of a "picture window" next to the original "Character Defining" corner windows is an "incompatible Change", which could jeopardize the Village's ability to obtain grant funds and the placement of this picture window could threaten the structural and seismic integrity of the unit. Opponents, Phyllis and Dave Mandel, stated that as with all approved projects in the City, they will be required to obtain a building permit and the window will be located on a side elevation which is not the primary façade. While the wall is visible from the street, it will not create significant visual impact to persons living, working, or traveling through the neighborhood. The proposed window will use glass, trim, and siding that is commonly found in Atchison Village. *(A motion made by Mayor McLaughlin, seconded by Vice Mayor Ritterman, extended the meeting to 11:30 p.m.)* Discussion ensued. A motion

made by Councilmember Viramontes, seconded by Councilmember Lopez, closed the public hearing by the unanimous vote of the Council. (*A motion made by Councilmember Viramontes, seconded by Councilmember Rogers, extended the meeting to 12:00 a.m. – Councilmember Butt objected*). A motion made by Councilmember Viramontes, seconded by Vice Mayor Ritterman, to deny the appeal and encouraged the Atchison Village Homeowner’s Association to address any possible liability issues pertaining to the window replacement. A substitute motion was made by Councilmember Butt by to deny the appeal and change the previous Design Review Board approval to a condition that the new window has to match the design of some existing original window in the complex, the most obvious being the pair of double-hung windows. There was no second to the motion. Mr. Mandel objected to the substitute motion. The original motion passed by the following vote: **Ayes:** Councilmembers Lopez, Rogers, Viramontes, Vice Mayor Ritterman, and Mayor McLaughlin. **Noes:** None. **Absent:** Councilmember Bates. **Abstentions:** Councilmember Butt.

RESOLUTIONS

A proposed resolution setting forth the rating criteria by which complete applications to establish medical marijuana collectives are to be evaluated prior to review and consideration at a public hearing was presented by City Attorney, Randy Riddle. The following individuals gave comments: Lisa Hirshorn, John Marquez, Bill Koziol, Laura Blair, Corky Booze, and Rafael Madrigal. Discussion ensued. (*A motion made by Councilmember Butt, seconded by Mayor McLaughlin that the Council meet until all items on the agenda are completed. Councilmembers Lopez and Viramontes voted ‘no’*). A motion was made by Vice Mayor Ritterman, seconded by Councilmember Lopez, that the language for Item 3 in the proposed resolution be amended to read as follows per language from Linda Blair, Attorney at Law: “*The Management Members, officers, operators, and owners of the proposed Collective and of the proposed Collective site do not have a history of non-compliance with the City of Richmond Municipal Code, including but not limited to zoning, building, fire and business license requirements or have shown a demonstrated willingness to cooperate with the City of Richmond and its staff*”; and that item 6 pertaining to the requirement that the Collective be located near other health-related services, be stricken from the resolution. Councilmember Rogers made a friendly amendment directing the City Attorney’s office to draft appropriate language pertaining to Item 3; and add the following language as stated by Randy Riddle, City Attorney: “*The fact that a Collective or one or more Management Members of a Collective continued to operate a medical marijuana facility after the City issued a demand to close but before a court determined that the facility could not continue to operate shall not be a factor in rating any complete applications to establish a medical marijuana collective in the City*”.

Vice Mayor Ritterman accepted the friendly amendment. Councilmember Viramontes made a friendly amendment to Item 13 in the proposed resolution to read as follows: *“The Collective has demonstrated additional characteristics that would provide a social or health-related benefit to its members and/or to the community at large.”*; and that more points be given for collectives that include competency, security, and services in their proposal. Vice Mayor Ritterman accepted the friendly amendment. The motion passed and **Resolution No. 136-10**, was adopted by the following vote: **Ayes:** Councilmembers Lopez, Rogers, Viramontes, Vice Mayor Ritterman, and Mayor McLaughlin. **Noes:** Councilmember Butt. **Absent:** Councilmember Bates. **Abstentions:** None.

A proposed resolution authorizing the mayor to execute a Letter of Intent with Main Street Power and authorizing the city manager to negotiate and execute any agreements required to effectuate such letter for the installation of solar photovoltaic systems at several facilities to be agreed to by the City and Main Street Power was presented. Councilmember Butt stated that local hires are given priority. A motion made by Councilmember Viramontes, seconded by Mayor McLaughlin, adopted **Resolution No. 137-10**, by the unanimous vote of the Council.

ORDINANCES

A proposed ordinance amending Richmond Municipal Code Sections 9.20.150 and 9.20.155 to increase the solid waste collection rates to reflect a 1.01% change in the Consumer Price Index (CPI) was presented for first reading. A motion made by Councilmember Butt, 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

The matter to approve an Agency Agreement with Mark Howe, Bert Clausen and Kers Clausen, also known as the Richmond Americas' Cup Marketing Committee, to negotiate a non-binding letter of intent with the Americas' Cup Organizing Committee, the teams racing in the Americas' Cup and/or other organizations and individuals associated with the event, for the use of Terminal 3 in the Port of Richmond as an interim team facility. The following individuals gave comments: Mark Howe, Kers Clausen, Corky Booze, Margaret Morkowski, Joan Garrett, Rafael Madrigal. A motion by Vice Mayor Ritterman, seconded by Councilmember Lopez, approved the item.

The matter to receive a status report from the Police Department concerning the project to install security cameras along the 23rd Street corridor and provide direction to staff was presented by Councilmember Lopez. Deputy Chief, Ed Medina, presented a report and stated that there has been a 38%

reduction of loitering and prostitution in the area. Six or more cameras will be purchased, which will cost approximately \$100,000. The Request For Proposals (RFP) will go out next month and the installation will possibly begin in March 2010.

**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 1:30 a.m. in memory of Lillie Jenkins, mother of Assistant City Attorney, Everett Jenkins, and Vice Mayor Ritterman's uncle, Dr. Bernard Krazner to meet again on Tuesday, January 4, 2010, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor