

## **RICHMOND, CALIFORNIA, March 1, 2011**

The Richmond City Council Evening Open Session was called to order at 5:09 p.m.

### **ROLL CALL**

**Present:** Councilmembers Boozé, Ritterman, Vice Mayor Butt, and Mayor McLaughlin. **Absent:** Councilmembers Bates, Beckles, and Rogers.

### **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):** Astro Construction vs. City of Richmond; Booker vs. City of Richmond; Jenkins vs. City of Richmond; and City of Richmond vs. Employment Risk Management Authority (ERMA).

There were no public speakers.

The Evening Open Session adjourned to Closed Session at 5:10 p.m. The Closed Session adjourned at 6:11 p.m.

The Joint Meeting of the Richmond Community Redevelopment Agency/Richmond City Council was called to order at 6:34 p.m. by Mayor McLaughlin who led the Pledge of Allegiance to the Flag (*See RCRA CC 11March1*).

### **ROLL CALL**

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

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

Vice Mayor Butt stated that he had a conflict of interest with item I-1 and would recuse himself; he owns property in the area.

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

Maria Wilcots-Hall requested that the City Council rededicate the Martin Luther King Community Center in honor of Ms. Hazel Hall.

Leonard Taylor encouraged citizens of Richmond to watch their spending.

Cordell White encouraged citizens of Richmond to play and support soccer.

Jason and Maria Myers expressed disappointment with flooding that was affecting their home and the lack of responsibility the city was taking regarding the matter.

Kenneth Davis requested support from the community for burn victim Deja James. An account was established at Bank of America Account No. 1196770499, contact Kimmie James at (510) 776-6154, or 1547 7th Street for information.

Jan Mignone expressed disappointment with individuals who paint home addresses on the curbs in front of residences without permission and then solicit money from home-owners. She encouraged the City Council to look into the issue.

Jackie Thompson announced that a boxing tournament would be held at the Richmond Auditorium on March 19, 2011, and tickets were \$15; contact Mark at 621-1227 to sponsor an event; and call the Police Activities League (PAL) for further information.

Diego Garcia expressed disappointment regards the poor conditions of the soccer fields in Richmond.

Carlos Paez expressed his concern for the lack of cooperation with staff for the use of the soccer fields in Richmond.

The following individuals requested support from the City Council to repair the soccer fields in Richmond and/or the use of the Gilman soccer fields: Beatris Ledezma, Jose Ledesma, Pedro Hernandez, and Mark Wallace.

Jerry Manning encouraged the City Council to open medical marijuana cannabis locations.

Eleanor Thompson urged the City Council to identify funds to repair the soccer fields within the City of Richmond. She also encouraged the City Council to rename Cutting Boulevard to Martin Luther King Way. She also thanked Mayor McLaughlin for appointing her to the Police Commission, and she encouraged citizens that have legitimate complaints, to file their complaints with the Police Commission.

Texanita Bluitt thanked everyone that attended the Meet and Greet sponsored by the Laural Park Neighborhood Council on February 26, 2011, at Easter Hill Methodists Church. She also stated that many streets in Richmond need to be repaired.

Simms Thompson expressed his disappointment with the City Council Meeting Procedures. He stated that items that have been pulled from the Consent Calendar should be heard immediately and not placed at the end of the agenda.

Bea Roberson expressed disappointment with individuals who paint home addresses on the curbs in front of residences without permission and then solicit money from home-owners. She encouraged the City Council to look into the issue.

### **AGENDA REVIEW**

Removed Items H-2, H-3, H-4, H-6, and H-7 from the Consent Calendar, to be heard at the end of the agenda, and withdrew Item K-1 from the agenda.

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

City Attorney Randy Riddle reported that there were no reportable actions during Closed Session.

### **CONSENT CALENDAR**

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

\*-Acknowledged receipt of the City of Richmond's Comprehensive Annual Financial Report for the fiscal year ended June 30, 2010.

A proposed three-year contract with WESCO Graphics Inc. to print the next six editions of the Recreation Department's Activities Guide in the amount of \$7,288.67 per Activities Guide for a three-year total of \$43,732 was presented by Recreation Department Supervisor Chris Loftus. Following discussion, on motion of Councilmember Booze, seconded by Councilmember Beckles approved the contract for the printing of only one of the Recreation Department's Activities Guide in the amount of \$7,288.67 and rebid the contract and staff would engage in more outreach to include more City of Richmond businesses by the following vote: **Ayes:** Councilmembers Beckles, Booze, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates.

A proposed contract with ERA Construction, Inc. to perform miscellaneous concrete repairs for FY 2010/11- 2011/12 in an amount not to exceed \$456,190 and amend the budget to include unspent encumbered funds from the miscellaneous concrete repairs FY

2009/10 - 2010/11 was presented by Interim City Engineer Edric Kwan and Engineer Andy Young. Following discussion, on motion of Councilmember Booze, seconded by Councilmember Ritterman approved the contract by the following vote: **Ayes:** Councilmembers Beckles, Booze, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates.

A proposal for the purchase of 15 police cars from Hoblit Motors of Woodland, California in an amount not to exceed \$340,000 was presented by Equipment Services Superintendent Dee Karnes. Following discussion, on motion of Councilmember Ritterman, seconded by Councilmember Booze approved the purchase by the following vote: **Ayes:** Councilmembers Beckles, Booze, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates.

\*-Approved an amendment to the grant-funded contract with Alliance Graphics, Inc. to provide graphic arts and products services for RichmondBUILD Green Careers Academy from October 4, 2010, through June 30, 2011, in an amount not to exceed \$19,500.

A proposed resolution authorizing placement of liens and special assessments for unpaid garbage collection service fees on Contra Costa County property tax records was presented by Finance Department James Goins and Antonio. Jackie Thompson gave comments. On motion of Councilmember Booze, seconded by Councilmember Beckles adopted **Resolution No. 12-11** by the following vote: **Ayes:** Councilmembers Beckles, Booze, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates.

A proposal for the purchase of six permanent hydrogen sulfide monitors from Hadronex, Inc. in an amount not to exceed \$310,000, with such monitors to be placed within the Point Richmond Neighborhood, including the property line of the treatment facility and the Washington Elementary School was presented by Contract Administrator Chad Davisson. *On motion of Councilmember Ritterman, seconded by Councilmember Booze extended the meeting to complete the final items with Vice Mayor Butt voting noe.* Maureen Decombe gave comments. Councilmember Booze suggested that staff seek recover from Viola for the purchase of the six permanent hydrogen sulfide monitors, with warranty. City Manager Bill Lindsay suggested separating the purchase issue from the potential recovery request and urged the City Council to authorize the purchase of six permanent hydrogen sulfide monitors from Hadronex, Inc. and direct staff to seek recovery from Veolia through the contract. Councilmember Booze suggested that staff include the warranty and staff agreed. On

motion of Councilmember Booze, seconded by Councilmember Ritterman approved the purchase by the following vote: **Ayes:** Councilmembers Beckles, Booze, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates.

\*-Adopted **Resolution No. 13-11** amending the City of Richmond's Conflict of Interest Code to update designated positions and disclosure categories.

\*-Approved the minutes of the Special Joint Meeting of the Richmond City Council/West Contra Costa Unified School District held on January 25, 2011.

\*-Adopted **Ordinance No. 8-11** amending Chapter 15.04.200 of the Richmond Municipal Code to correct typographical errors and expand the definition of small recycling centers to include clothing donation boxes for recycling textiles.

\*-Approved the following appointment and reappointment: Police Commission: Eleanor Thompson, term expiring November 1, 2013; Richmond-Zhoushan Friendship Commission: James Bates, Incumbent, term expiring July 22, 2012.

## **PUBLIC HEARINGS**

City Clerk Diane Holmes announced that it was time pursuant to public notice to hold a public hearing on the appeal by Manoj Tripathi of the Planning Commission's denial of an application for a conditional use permit to establish an eating establishment (a Subway Restaurant) at 217 Tewksbury Avenue in the Point Richmond Neighborhood Commercial District. Planning and Building Services Department Director Richard Mitchell and Planner Jonelyn Whales gave an overview of the item. Mr. Tripathi, the appellant, gave comments. Mayor McLaughlin declared the public hearing open. The following individuals gave comments against approving the appeal: Norma Wallace, Ilona Oliver, Marsha Tommasi, Peter Minkwitz, Margaret Morkowski, Braith Cleary, Durelle Alii, Linda Newton, Margaret Jordan, and Mike Parker. Kevin Pryne spoke in favor of the appeal. Jeff Lee gave comments. On motion of Councilmember Booze, seconded by Councilmember Ritterman closed the public hearing by the following vote: **Ayes:** Councilmembers Beckles, Booze, Ritterman, Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates and Vice Mayor Butt. A motion was made by Councilmember Booze, seconded by Councilmember Ritterman to deny the appeal based on the esthetics and character of the neighborhood. The motion passed by the following vote: **Ayes:** Councilmembers Beckles, Booze, Ritterman, Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates and Vice Mayor Butt.

The City Clerk announced that it was time pursuant to public notice to hold a public hearing to adopt **Order of Vacation No. 904** vacating a portion of Atlas Road Right-of-Way Easement, a strip of land 40 feet in width lying 20 feet on both sides of the centerline, southwest of Lot 2 of Point Pinole Business Park. Planning Director Richard Mitchell and Senior Planner Jonelyn Whales gave an overview of the item. Mayor McLaughlin declared the public hearing open. There were no public speakers. On motion of Councilmember Booze, seconded by Councilmember Beckles closed the public hearing by the following vote: **Ayes:** Councilmembers Beckles, Booze, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates. On motion of Councilmember Rogers, seconded by Councilmember Ritterman adopted **Order of Vacation No. 904** by the following vote: **Ayes:** Councilmembers Beckles, Booze, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates.

The City Clerk announced that it was time pursuant to public notice to hold a public hearing to adopt **Order of Vacation No. 905** vacating a portion of Giant Highway Right-of-Way Easement, a strip of land 40 feet in width lying 20 feet on both sides of the centerline, southwest of Lot 2 of Point Pinole Business Park. Planning Director Richard Mitchell and Senior Planner Jonelyn Whales gave an overview of the item. Mayor McLaughlin declared the public hearing open. There were no public speakers. On motion of Councilmember Booze, seconded by Councilmember Beckles closed the public hearing by the following vote: **Ayes:** Councilmembers Beckles, Booze, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates. On motion of Councilmember Rogers, seconded by Councilmember Ritterman adopted **Order of Vacation No. 905** by the following vote: **Ayes:** Councilmembers Beckles, Booze, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates.

## **RESOLUTIONS**

In the matter to adopt a resolution to free democracy from corporate control was presented by Mayor McLaughlin and Councilmember Beckles. The following individuals gave comments: Kenneth Davis, Don Gosney, Sherry Padgett, Mike Parker, Kate Sibley, Eduardo Martinez, Phoebe Sorgen, and Jeffrey Kaplan. On motion of Mayor McLaughlin, seconded by Councilmember Rogers adopted **Resolution No. 14-11** by the following vote: **Ayes:** Councilmembers Beckles, Booze, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates.

In the matter to adopt a resolution authorizing the city manager to encourage the Chevron Richmond Refinery to proceed with an application for the Chevron Richmond Renewal Project, Vice Mayor Butt and Mayor McLaughlin gave an overview. The following individuals gave comments: Greg Karras, Kenneth Davis, Dean O'Hair, and Eduardo Martinez. On motion of Vice Mayor Butt, seconded by Mayor McLaughlin adopted **Resolution No. 15-11** by the following vote: **Ayes:** Councilmembers Beckles, Booze, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates.

### **ORDINANCES**

**Withdrew from the agenda the matter to** introduce an ordinance for first reading proposing amendments to Richmond Municipal Code Chapter 9.52.040 to regulate the use of train horns at other than grade crossings or for emergencies.

### **COUNCIL AS A WHOLE**

In the matter to receive a report and provide direction to staff concerning actions to get Union Pacific to clean up graffiti on the east side of Interstate 580. Councilmember Rogers and Code Enforcement Manager Tim Higaes gave an overview. Eduardo Martinez gave comments. Rogers requested that the item be brought back in one month for review. On motion of Councilmember Booze, seconded by Councilmember Rogers received the report by the following vote: **Ayes:** Councilmembers Beckles, Booze, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates.

In the matter to review the City of Richmond's Retiree Healthcare Plan Actuarial Valuation Report as of July 1, 2009, Vice Mayor Butt and Finance Director Jim Goins gave an overview. Doug Pryor of Bartel Associates, LLC gave a presentation which included a PowerPoint Presentation. City Manager Bill Lindsay suggested that staff come back with sound financial policies in the next budget that the City Council could adopt.

In the matter to adopt a resolution making it a public policy objective to optimize economic and cultural benefits at Point Potrero Marine Terminal, and authorize staff to negotiate a sole-source contract in an amount not to exceed \$200,000 with Wiss Janney Elstner Associates to prepare construction documents and provide construction administration services for rehabilitation of the Riggers Loft, Mayor McLaughlin and Vice Mayor Butt gave an overview. On motion of Vice Mayor Butt, seconded by Councilmember Booze adopted **Resolution No. 16-11** by the following vote: **Ayes:** Councilmembers Beckles, Booze, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin.

Noes: None. Abstentions: None. Absent:  
Councilmember Bates.

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

Councilmember Booze thanked Laural Park Neighborhood Council for its Meet and Greet. He also announced that he attended the Black History Program at the Richmond Memorial Auditorium and the crab feed at the Police Activities League.

Councilmember Beckles invited everyone to attend Richmond's 4<sup>th</sup> Annual International Women's Day Celebration, Sisters in Solidarity – Richmond the Beloved Community, Saturday, March 12, 2011, from 10:00 a.m. to 3:00 p.m. and she would be the Mistress of Ceremony. Keynote Speaker: Linda Salinas, Community Organizer and Education, more speakers, performances by local dancers and poets, and round-table discussions with community organizations. The event will be held at Lovonya DeJean Middle School, 3400 Macdonald Avenue.

Mayor McLaughlin announced that a boxing program for boys and girls ages 7-18 was now available, Monday through Thursday from 4:00 p.m. to 6:00 p.m. at PAL, 2200 Macdonald Avenue. Mayor McLaughlin also thanked the Laural Park Neighborhood Council for holding a Meet and Greet. She also thanked everyone including the Finance Department and Recreation Department for their participation in celebrating Black History Month.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 11:16 p.m. in honor of Ms. Hazel Jordan, and in memory of Harry Herman Hamp and Akilah Kelly to meet again on Tuesday, March 8, 2011, at 5:30 p.m.

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City Clerk

(SEAL)

Approved:

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Mayor