

RICHMOND, CALIFORNIA, May 3, 2011

The Richmond City Council Evening Open Session was called to order at 5:42 p.m.

ROLL CALL

Present: Councilmembers Beckles, Boozé, Rogers, Ritterman, and Mayor McLaughlin. **Absent:** Councilmember Bates and Vice Mayor Butt who arrived after the Council adjourned 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

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

There were no speakers.

The Evening Open Session adjourned to Closed Session at 5:43 p.m. The Closed Session adjourned at 6:09 p.m.

The Joint Meeting of the Richmond Community Redevelopment Agency/Richmond City Council was called to order at 6:15 p.m. by Mayor McLaughlin (*See RCRA 11May3*).

ROLL CALL

Present: Councilmembers Bates, Beckles, Boozé, Rogers, Ritterman, Vice Mayor Butt, and Mayor McLaughlin. **Absent:** None.

STATEMENT OF CONFLICT OF INTEREST

Vice Mayor Butt stated a conflict of interest with Item K-4 and would recuse himself when the item is considered.

OPEN FORUM FOR PUBLIC COMMENT

LaShonda Wilson encouraged all residents who received the 2011 Community Survey to complete and return the survey to the City Manager's Office. She also provided a list of community budget presentations that will take place at different Richmond Neighborhood Councils. Ms. Wilson also invited everyone to attend the Grand Opening of the Dr. Martin Luther King, Jr. Memorial Park on Saturday, May 7, 2011, 11:30 a.m. to 1:00 p.m. The ribbon-cutting and ceremonies will include a parade with honor

guard; youth sports teams; Oakland Raiders representatives; city leaders; and guest speakers. Citizens may participate in sports demos and register for youth programs. Ms. Wilson also announced that Bike to Work day was May 12, 2011.

Leonard Taylor was pleased with the Cino de Mayo Parade and Festival.

Gladys Robinson-Braud stated that she was a victim of a rape that took place in January 2006 at Friendship Manor and the matter has not been investigated. She also requested information on how individuals are bared from public housing.

Naomi Williams invited everyone to the Juneteenth celebration to be held on June 18, 2011.

Kenneth Davis stated that the North Richmond Parade was successful. He thanked the City of Richmond Officials and citizens for their participation.

Saleem Bey thanked Mayor McLaughlin and Councilmembers Beckles and Booze, for their participation in the North Richmond Parade. He encouraged the City Council to attend other events sponsored by the North Richmond community.

Cordell White expressed his concern regarding loitering around businesses in Richmond.

Alejandro Navarro expressed his concern and disappointment with the amount of time the city was taking to complete the street paving on Carlson Boulevard.

Jackie Thompson thanked Human Resource Manager and Assistant City Manager Leslie Knight and City Attorney Mary Renfro for their work on violations against disabled citizens.

Sims Thompson stated that the City Council should learn the history of the City of Richmond in order to deal effectively with city issues.

The following individuals expressed concern regarding the discarding of books and/or art by the Richmond Public Library: Michael Beer, Andrea Weber, Daniel Ari, Lauren Ari, Virginia Harrison, Tarnel Abbott, Mary Oshima, and Rosanne Ryken.

Maria Alegria announced that May 6 through May 16 was Affordable Housing Week. She invited everyone to visit the rededicated Carquinez Hotel. She also invited everyone to a Housing Forum, May 15 and 16; citizens would learn about housing and renter's rights; 11:00 a.m. to 1:00 p.m. in Saint Marks' Gymnasium.

Bruce Beyaert stated that the opening of the Wildcat Marsh and Landfill Loop Trail was successful

and encouraged everyone to visit. He also distributed a Landfill Loop Trail guide to the City Council.

Jose Rivera stated that the Cinco de Mayo Celebration was successful and hoped that the festivals would continue each year.

Andres Soto stated that the Richmond Police Explorers are affiliated with the Boys Scouts of America; therefore, the matter of Police Officer Harris purchasing and delivering a hand-gun to a minor should go before the Grand Jury.

Mike Parker stated that school teachers in the state of California have declared May 9 through 13 a state of emergency for schools and are mobilizing to Sacramento and other areas in an effort to end the corporate property tax loop holes and to tax the wealthy, i.e. Nancy Skinners' "One Percent on One Percent" law. Mr. Parker encouraged the citizens of Richmond to join the California Teacher's Association and the California Federation of Teachers in the fight to fund our schools.

Texanita Bluitt expressed concern regarding blight throughout the streets of Richmond, specifically 16th and 20th on Cutting Boulevard. She also stated that streets need repairing to upgrade the image of our city.

Jerome Smith read a poem 16th Century "Mystics" by Tukaram. In relation to the poem, Mr. Smith encouraged the City Council to listen, be sensitive to the pains of others, fuse, and become in order to grow stronger.

John Marquez thanked the City of Richmond and citizens for a successful Cinco de Mayo parade and festival.

AGENDA REVIEW

Removed Items H-10, H-12, H-15, H-17, and H-18 from the Consent Calendar, to be heard at the end of the agenda.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

West Contra Costa Unified School District President Bruce Harder introduced Sylvia Greenwood, Principal of Lovonya DeJean Middle School, who gave a PowerPoint Presentation regarding current activities taking place at the Lovonya DeJean Middle School.

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

City Attorney Randy Riddle reported that during Closed Session, the City Council approved the

settlement of a pre-litigation dispute between the City of Richmond and Pulte Home Corporation (Pulte). The primary elements of the settlement were that Pulte would pay the sum of \$2.75 million dollars to the City of Richmond and transfer certain property interest to the City of Richmond. The agreement would be available to the public upon request.

CONSENT CALENDAR

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

*-Approved a contract with Questa Engineering Corp. to provide engineering and architectural services related to improving play equipment, ADA access, and drainage at the Solano Play Lot in an amount not to exceed \$15,600. The contract term will be from May 4, 2011 to September 30, 2012.

*-Approved the purchase of a new top dresser from Turf and Industrial Equipment of Santa Clara, for use by the Public Works Department Parks Division to cover and seed playfields, in an amount not to exceed \$16,000.

*-Approved the purchase of Millenia XT G-Xtreme and Premier Wildland personal protective clothing from L.N. Curtis & Sons for new and current firefighters in the amount of \$124,588.70.

*-Approved the purchase of personal protective equipment for new firefighter trainees from L.N. Curtis & Sons in the amount of \$17,448.93.

*-Adopted **Ordinance No. 13-11 N.S.** establishing the wages, salary, and compensation for the new classification of Wastewater/Stormwater Manager (Salary Range No. 071A: \$9,240 - \$11,232/month). This position will replace a Wastewater Contract Administrator under a three-year term position.

*-Approved a contract with DP Security Services, LLC to provide unarmed security services related to rentals at various recreation facilities for a period of three years in an amount not to exceed \$50,000 beginning November 18, 2010, and ending June 30, 2013, and authorize payment for prior services rendered between June 3, 2010, to November 17, 2010.

*-Approved Amendment No. 2 to the contract with DP Security Services, LLC adding \$99,000 to the existing contract for security services at the Civic Center, bringing the total contract amount to an amount not to exceed \$544,799.06, which will fund security through June 30, 2011.

*-Approved a contract with Sally Swanson Architects in an amount not to exceed \$50,000 to

finalize completion of the ADA Transition Plan, review City building blueprints for ADA compliance, and conduct analysis of survey data for ADA compliance projects.

*-Approved the award of a grant-funded contract to Adesta Inc., the lowest responsive and responsible proposer weighted for best value, to provide labor and materials for the Wireless Cameras Phase II project at the Port of Richmond, and authorize staff to negotiate and execute the contract in an amount not to exceed \$2,961,647.

A proposal to approve the award of the grant-funded Port of Richmond Former Shipyard 3: Bay Trail Improvements Project construction contract to the lowest responsive and responsible bidder, Maggiora & Ghilotti, Inc., (M&G), and authorize staff to commence contract negotiations for labor and materials as per the plans and specifications for the project in an amount not to exceed \$736,000 was removed from the Consent Calendar by Councilmember Booze for discussion. Bruce Beyaert gave comments. A motion was made by Councilmember Booze, seconded by Councilmember Bates to hold the item over. A substitute motion was made by Councilmember Ritterman, seconded by Vice Mayor Butt to award the contract to M&G. Vice Mayor Butt requested staff e-mail a list of all subcontractors, and how the Richmond hire percentages were calculated. Councilmember Booze requested that staff provide the names and addresses all owners of Ghilotti and Bay Cities companies. Councilmember Bates requested that staff provide, in addition to Vice Mayor Butt's request, a copy of the total bid package. The substitute motion passed by the following vote: **Ayes:** Councilmembers Bates, Rogers, Ritterman, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** Councilmember Booze. **Abstentions:** Councilmember Beckles. **Absent:** None.

*-Adopted **Resolution No. 34-11** approving the Engineer's Report for Fiscal Year 2011-2012 for the Hilltop Landscape Maintenance District ("HLMD"), declaring the Council's intention to increase the annual assessment in the HLMD, and announcing a public hearing about the proposed increased assessment on June 7, 2011, at 7:00 p.m. in the City Council Chambers at 440 Civic Center Plaza in the City of Richmond.

A proposal to adopt a resolution approving the Engineer's Report for Fiscal Year 2011-2012 for the Marina Bay Landscaping and Lighting Maintenance District, declaring the Council's intention to increase the annual assessment in the Marina Bay Landscaping and Lighting Maintenance District, and announcing a public hearing about the proposed increased assessment on June 7, 2011, at 7:00 p.m. in City Council Chambers at 440 Civic Center Plaza in the City of Richmond was removed from the Consent Calendar by a citizen; however, the citizen left the meeting prior to consideration of the item. On motion of

Councilmember Ritterman, seconded by Vice Mayor Butt adopted **Resolution No. 35-11** by the unanimous vote of the Council.

*-Approved the purchase of a new forklift from Komatsu Forklift of Oakland, replacing the current 1990 forklift, for use by the Public Works Department Parks Division, in an amount not to exceed \$30,000.

*-Approved a three-year contract with RouteMatch and the City of Richmond to continue providing customer support for scheduling software and MDC/AVL software and hardware for the City's Paratransit Division in a not to exceed annual amount of \$77,506.

A proposal to approve the following appointments to the Point Molate Community Advisory Committee, with all terms expiring May 3, 2013: Bruce Beyaert, Stephen Clark, Joan Garrett, Dorothy Gilbert, Susan Glendening, Jon Gordon, Robert Ham, Toni Hanna, David Helvarg, Jim Hite, Jeanne Kortz, Eduardo Martinez, Steven Rosing, Charles T. Smith, Nina Smith, Andrés Soto, Pam Stello, Mary Sundance, Eileen Whitty was presented. Mayor McLaughlin read a letter addressed to the City Council regarding the processing of applications for the Point Molate Community Advisory Committee. On motion of Councilmember Ritterman, seconded by Councilmember Beckles approved the item by the following vote: **Ayes:** Councilmembers Beckles, Booze, Rogers, Ritterman, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** Councilmember Bates. **Abstentions:** None. **Absent:** None.

*-Approved Section 7.4 of the West Contra Costa Integrated Waste Management Authority (WCCIWMA) Joint Powers Agreement (JPA) to change the commencement date of the terms of a Board Chair and Vice Chair from July 1 of each fiscal year to February 1.

A proposal to adopt a resolution authorizing the city manager or designated representative to file and execute applications on behalf of the City of the Richmond for the Community Based Transportation Planning Grant, and to execute and file all certification of assurances, contracts or agreements, or any other documents required by Caltrans was removed from the Consent Calendar by a citizen; however, the citizen left the meeting prior to consideration of the item. The proposed grant would fund the Paratransit Division to identify practical, effective strategies for coordinating the transportation programs, in order to improve the efficiency of those services and to maximize their ability to meet current and future mobility needs. On motion of Councilmember Ritterman, seconded by Vice Mayor Butt adopted **Resolution No. 36-11** by the following vote: **Ayes:** Councilmembers Bates, Beckles, Booze, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** None.

A proposal to approve a contract with Friendly/Yellow/Greyline Cab Company to provide taxi and van rides to Richmond Paratransit clients 24 hours, seven days a week for a period of three years in an amount not to exceed \$90,000 beginning April 15, 2011, and ending April 14, 2014, was removed from the Consent Calendar by Councilmember Booze for discussion. Councilmember Booze requested that the City Council hold the item over until the cabs are cleaned. City Attorney Bill Lindsay suggested approving a three-month contract only to allow staff to review performance criteria and make sure the performance criteria was written into the contract. Councilmember Bates suggested staff include a rider-evaluation of each cab and Councilmember Booze directed staff to include an annual "break and lamp" inspection in the contract. On motion of Mayor McLaughlin, seconded by Councilmember Beckles approved a three-month contract prorated and directed staff to review and update performance criteria to be written into the contract, include a rider-evaluation, and an annual "break and lamp" inspection by the following vote: **Ayes:** Councilmembers Bates, Beckles, Booze, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Ritterman.

RESOLUTIONS

In the matter to adopt a resolution of the Council of the City of Richmond, California in support of the 2011 Gaza bound human rights flotilla, which includes Richmond residents, and calling for the safe and humane treatment of all individuals delivering international aid Mayor McLaughlin gave an overview of the item. The following individuals gave comments: Kenneth Davis, Saleem Bey, Cordell White, Jeff Romm, Glades Braud, Jaime Cader, Suheir Khalaf, Jim Harris, Jan St. Onge, Kathy Sheetz, Stere Greaves, Michael Beer, Juan Reardon, Eugene Frazier, Nawal Tamimi, Suzanne Shakuru Sanders, Jose Rivera, Andrew Paul Guberrez, Ibtisam Salman, Paul Larudee, Margaret Jordan, Jessica Montiel, James Freeman, Terry Baird, Tarnel Abbott, Rabbi Dean Kortesz, Marilyn Herrberg, Amer Araim, Tony Sustak, Andres Soto, Laura Taub, Margaret Browne, Eduardo Martinez, Juana Anker, Tom McMahan, Rabbi Alissa Wise, Cindy Shamban, Reverend Phil Lawson, Jerome Smith, Texanita Bluitt, Steve Seskin, Paul Kilkenny, Gordon Raskin, Ali Nasser, Rita Barouch, and Sylvia Hopkins. Mayor McLaughlin made the following corrections to typos in the resolution: the 6th Whereas, change "sale" to "sail," and the 6th and 7th Be It Resolved, change "Diane" to "Dianne." A motion was made by Mayor McLaughlin, seconded by Councilmember Ritterman to support the resolution as amended with the additional Whereas offered by Councilmember Ritterman regarding the targeting of civilians for collective punishment. Vice Mayor Butt stated that he would abstain on the issue because he believes that there are always two sides of an issue and

the resolution was almost completely one-sided. Councilmember Bates stated that the National Government was responsible for International Affairs; therefore, he would not support the motion. Councilmember Booze stated that he requested more time to study the issue and was denied; therefore, he would not support the resolution. A substitute motion was made by Councilmember Rogers, seconded by Vice Mayor Butt to: (1) direct staff to prepare a resolution that expresses the City of Richmond's concerns about the activities in Gaza and bring the resolution back to the Council at a future meeting; and (2) endorse the United National Security Council Resolution No. S/PRST/210/9. Councilmember Rogers amended his motion to omit the first part of the substitute motion. The substitute motion failed by the following vote: **Ayes:** Councilmembers Rogers and Vice Mayor Butt. **Noes:** Councilmembers Beckles and Booze. **Abstentions:** Councilmembers Bates, Ritterman, and Mayor McLaughlin. **Absent:** None. The original motion failed by the following vote: **Ayes:** Councilmembers Beckles, Ritterman, and Mayor McLaughlin. **Noes:** Councilmember Bates. **Abstentions:** Councilmembers Booze, Rogers, and Vice Mayor Butt. **Absent:** None.

ORDINANCES

A proposed ordinance repealing Richmond Municipal Code Chapters 14.70 and 9.52, and adding a new Chapter 9.52, to combine various noise regulations, clarify noise standards, and improve the process for enforcing noise violations in the City of Richmond was introduced for first reading by Police Chief Chris Magnus, Deputy Chief Allwynn Brown, and Attorney Chris Aljoe. *On motion of Councilmember Ritterman, seconded by Councilmember Booze extended the meeting until all items were addressed with Councilmember Bates and Vice Mayor Butt voting noe.* The current draft ordinance would be amended to include all bells in the second reading. The following individuals gave comments: Paul Minault, Jan Mignone, Bea Roberson, Kate Sibley, and Jerrold Hatchett. On motion of Councilmember Booze, seconded by Councilmember Ritterman said ordinance received first reading, with proposed amendments, and was laid over for two weeks for second reading by the unanimous vote of the Council.

COUNCIL AS A WHOLE

In the matter provide direction to staff regarding whether the public hearings at which applications for the three permitted medical marijuana collectives will be approved shall be conducted: (1) before the City Council as a whole; (2) a subcommittee of the Council; or (3) the Chief of Police, which are the three hearing options provided in the Medical Marijuana Collectives Ordinance, City Manager Bill Lindsay gave an overview. John Marquez gave comments. A motion was made by Mayor McLaughlin, seconded by

Councilmember Ritterman to hold public hearings, at which applications for the three permitted medical marijuana collectives will be approved, before the City Council as a whole. A substitute motion was made by Councilmember Booze, seconded by Councilmember Bates to hold the public hearings before the Public Safety Committee. The substitute motion failed by the following vote: **Ayes:** Councilmembers Bates and Booze. **Noes:** Councilmembers Beckles, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Abstentions:** None. **Absent:** None. The original motion pass by the following vote: **Ayes:** Councilmembers Beckles, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** Councilmembers Bates and Booze. **Abstentions:** None. **Absent:** None.

In the matter to oppose the removal of the State-imposed conditions of approval for Rose and Mike's Liquors located at 12622 San Pablo Avenue Councilmember Rogers gave an overview. Councilmember Booze requested that the item be continued until the owners' return to town. Police Chief Chris Magnus and Police Sergeant Christa Cappiali gave a report. The following individuals gave comments requesting that the City Council not remove State-imposed conditions of approval: Naomi Williams, Cordell White, and Bea Roberson. Councilmember Rogers requested staff provide a fee for calls proposal with their next report. On motion of Councilmember Rogers, seconded by Vice Mayor Butt submitted a place holder with the California Department of Alcoholic Beverage Control; a preliminary objection to the removal of the State-imposed conditions of approval for Rose and Mike's Liquors by the unanimous vote of the Council.

Continued to May 17, 2011, in the matter to receive a report from staff on the process for putting Point Molate in a Redevelopment Project Area, discuss the issue and direct staff.

In the matter to consider co-sponsoring the 2011 Point Richmond Summer Concert Series in an amount of \$5,000 Councilmember Booze gave an overview. The following individuals gave comments: Christina Zirker, Mike Parker, and Bruce Kadlan. The item was continued to a future meeting in consideration of the city's budget. *Councilmember Butt recused himself on this item.*

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

Mayor McLaughlin thanked everyone for a successful Cinco de Mayo Parade and Festival.

Councilmember Bates also congratulated organizers for a successful Cinco de Mayo Festival and

Parade. He requested that the mayor adjourn the meeting in memory of Joe “the Jet” Perry.

Councilmember Booze also congratulated organizers for a successful Cinco de Mayo Festival and Parade.

ADJOURNMENT

There being no further business, the meeting adjourned at 1:09 a.m. in memory of Joe “the Jet” Perry, to meet again on Tuesday, May 17, 2011, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor