

**RICHMOND, CALIFORNIA, May 17, 2011**

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

**ROLL CALL**

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

**LIABILITY CLAIMS – PENDING LITIGATION (Government Code Section 54956.9):** Larry Warren vs. City of Richmond; Alec Griffin vs. City of Richmond

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

**CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54956.9):** City designated Representatives: Jack Hughes, Leslie Knight, and Lisa Stephenson Employee Organization or Unrepresented Employees: SEIU Local 1021, IFPTE Local 21, RPOA, RPMA, IAFF Local 188, and RFMA.

**PUBLIC EMPLOYEE APPOINTMENT (Government Code Section 54957.6):** City Attorney

There were no speakers.

The Evening Open Session adjourned to Closed Session at 5:07 p.m. The Closed Session adjourned at 6:31 p.m. The Joint Meeting of the Richmond Community Redevelopment Agency/Richmond City Council was called to order at 6:38 p.m. by Mayor McLaughlin who led the Pledge of Allegiance to the Flag.

**ROLL CALL**

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

**STATEMENT OF CONFLICT OF INTEREST**

None.

## **OPEN FORUM FOR PUBLIC COMMENT**

Naomi Williams announced that she and Sergeant Dwayne Williams were presented awards by Contra Costa County for their work on the West County Alcohol Policy Working Group.

Cordell White encouraged the City Council to support the soccer programs throughout the City of Richmond.

Richard Lompa expressed his disappointment with Mayor McLaughlin for placing a resolution on the May 3, 2011, City Council Agenda in support of the 2011 Gaza bound human rights flotilla.

Antwon Cloird stated that money spent within the City of Richmond should be invested in our children.

Sims Thompson stated that mosquito abatement is needed within the City of Richmond, specifically around the Main Library due to the water located in Pacific Gas and Electric's manholes.

Don Gosney stated that the City of Richmond was an open city for tagging due to the City Council's views on freedom of speech. He encouraged the City Council to act immediately to restrict the number of murals allowed throughout the City of Richmond.

Jan Mignone encouraged the City Council to establish a protocol in regards to placing special presentations and proclamations on the agenda along with important city business.

Nicholas Bogdanoff invited citizens to attend a spiritual program that was held at Nichols Park each Saturday from 12:00 noon to 4:00 p.m.

Texanita Bluitt stated that the City of Richmond's budget needs to be transparent.

Henry Clark requested support from the City Council for the North Richmond Music Festival.

Kenneth Davis stated that money slated for improving North Richmond Neighborhoods was not being used properly.

Herinder Skalsi requested support from the City Council in seeking justice for the murder of his two brothers who were killed in the City of Richmond.

Jackie Thompson requested that Code Enforcement address the trash and furniture stored in the lots of businesses located on Cutting Boulevard and Stege Avenue. Ms. Thompson stated that she would be teaching a workshop on Effective Leadership in San Francisco on May 23, 2011.

Bea Roberson also announced that Sergeant Dwayne Williams and Naomi Williams were presented awards by Contra Costa County for their work on the West County Alcohol Policy Working Group. Ms. Roberson also elaborated on Sergeant Williams and Ms. Williams' special contributions.

Mike Parker stated that the schools within the City of Richmond need to be reformed and urged citizens to vote yes on Measures C and D.

Amanda Pruitt announced that she was appointed to the Alcohol and Drug Advisory Commission, through Supervisor John Gioia's Office, to represent the City of Richmond. She also stated that she was having problems with the lack of Paratransit service available. Ms. Pruitt also urged the City Councilmembers to opt out of receiving raises.

Mayor McLaughlin stated that the City Councilmembers were not receiving raises.

### **AGENDA REVIEW**

Removed Items H-1, I-2, I-4, and I-6, from the Consent Calendar, to be heard at the end of the agenda; withdrew Item I-12 from the agenda; and continued Item I-3 to a future meeting. City Manager Bill Lindsay announced that Item H-1 was a City Council Consent Item and not a Redevelopment Agency Board Consent Calendar item; therefore there were no items on the agenda for the Redevelopment Agency.

### **PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS**

Mayor McLaughlin read and presented a proclamation recognizing Public Works Week, May 15 through 21, 2011, to Warren Williams, Chris Chamberlin, and Dee Karnes of the Public Works Department. Cordell White and Jackie Thompson gave comments.

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

City Attorney Randy Riddle reported that the City Council approved a tentative settlement with Disability Rights Advocates which is subject to approval at a June 7, 2011, meeting, and at that point the terms of the settlement agreement would be available to the public. In the matter of Alec Griffin vs. City of Richmond the City Council approved a disability retirement claim.

### **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.

In the matter to approve a contract with DP Security, LLC (DP Security) to provide security services to former Naval Fuel Depot Point Molate for a period from July 1, 2011, through June 30, 2012, in an amount not to exceed \$253,331, with a city option to extend the contract for up to three additional one-year terms, Community and Economic Development Director Steve Duran gave an overview. Due to theft and vandalism that has occurred at the Point Molate Site, Vice Mayor Butt directed staff to make sure security personal does not leave the Point Molate limits. He also directed Mr. Duran to provide a section in his monthly report which details security, any breaches of security, etc. at Point Molate. On motion of Councilmember Booze, seconded by Councilmember Rogers approved the contract by the unanimous vote of the Council.

\*-Approved a lease with Barbara Kringle, owner, for approximately 10,000 square feet of outdoor parking lot space located at 516 23rd Street to provide additional parking and outside training space for the RichmondBUILD III Training Facility, in an amount not to exceed \$12,000, and for a term from June 1, 2011, through June 30, 2012.

The Council discussed the matter to accept the Historic Preservation Commission's Annual Report for Fiscal Year 2009-10. Jackie Thompson gave comments. On motion of Councilmember Bates, seconded by Councilmember Rogers received the Historic Preservation Commission's Annual Report for Fiscal Year 2009-10 by the unanimous vote of the Council. Councilmember Booze requested that the Historic Preservation Commission also work on the Pullman Hotel.

The matter to approve a contract with Ghilotti Construction Company, Inc., the lowest responsive bidder, to perform the Fiscal Year 2010/2011 Pavement Rehabilitation, in an amount not to exceed \$2,255,278, with an additional city-controlled construction contingency not to exceed 10%, or \$225,527.80 **was continued to a future meeting.**

A proposed contract with California Constructores, the lowest responsive bidder, to perform the Sidewalk Gap Closure Improvements (Stege Avenue) and Surface Drainage Improvements (Ohio Avenue/41st Street) for Fiscal Year 2010/11, in an amount not to exceed \$189,455.04, with an additional city-controlled contingency and reserve not to exceed \$18,945.50 was presented by Interim City Engineer Edric Kwan and Senior Engineer Tawflic Halaby. A motion was made by Vice Mayor Butt, seconded by Councilmember Booze to reject awarding the bid and rebid the contract to save the City of Richmond \$12,000. Bea Roberson and Jackie Thompson gave comments. A substitute motion was made by

Councilmember Booze, seconded by Councilmember Rogers to reject awarding the bid and rebid the contract and direct staff to come back to the City Council for approval of the contractor. The substitute motion was approved by the unanimous vote of the Council.

\*-Approved an amendment to the existing grant-funded contract with LSA Associates, Inc., increasing the contract amount by \$11,785 to \$36,570 to cover the cost of services related to completing the preparation of a Mitigated Negative Declaration for the Bicycle Master Plan and Pedestrian Plan, and extending the term to December 15, 2011.

A proposal for the purchase of three pickup trucks from Serramonte Ford in Colma to replace existing vehicles used by the Code Enforcement Division of the Police Department and the Streets Division of the Public Works Department, in an amount not to exceed \$92,000 was presented by Public Works Department Director Yader Bermudez. Bea Roberson gave comments. On motion of Councilmember Booze, seconded by Vice Mayor Butt approved the purchase by the unanimous vote of the Council.

\*-Approved the purchase of three pickup trucks from Michael Stead's Hilltop Ford in Richmond for use by the Facilities Maintenance and Parks and Landscaping Divisions of the Public Works Department, and the Wastewater Divisions of the Engineering Services Department in an amount not to exceed \$61,000.

\*-Approved the budget amendment for the North Richmond Waste and Recovery Mitigation Expenditure Plan (FY 2010-11).

\*-Approved the minutes for the March 22, 2011, meeting.

\*-Approved the following re-appointments:  
Historic Preservation Commission: Amanda Elliott, incumbent, term expiring May 19, 2013; Rosemary Corbin, incumbent, term expiring July 31, 2013;  
Human Rights and Human Relations Commission: Rock Brown, incumbent, term expiring March 30, 2014; Wendy Gonzalez, incumbent, term expiring March 30, 2011; Richmond-Shimada Friendship Commission: Marilyn Chan Alford, incumbent, term expiring December 31, 2013.

\*-Adopted **Ordinance No. 14-11** repealing Richmond Municipal Code Chapters 9.52 and 14.70 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.

*Withdrew from the agenda the matter to* acknowledge receipt of proposed Fiscal Year 2011-12 Annual Operating Budget and proposed Fiscal Year 2012-16 Five-Year Capital Improvement Budget

pursuant to Section 2.61.010 of Ordinance 42-07, and confirm the schedule for the final adoption.

## **RESOLUTIONS**

In the matter to adopt a resolution in support of the Food and Drug Administration (FDA) banning menthol in cigarettes and flavoring in other tobacco products Councilmember Ritterman gave an overview of the item. The following individuals gave comments: Cordell White, Terrance Cheung, Jackie Thompson, Julie Waters, Gustavo Morales, and Ricky Sammeurang. On motion of Vice Mayor Butt, seconded by Councilmember Ritterman adopted **Resolution No. 37-11** by the unanimous vote of the Council.

In the matter to adopt a resolution adopting the precautionary principle as policy and upholding the environmental justice laws of the State of California Mayor McLaughlin and Vice Mayor Butt gave an overview of the item. The following individuals gave comments: Henry Clark, Nile Malloy, Tiana Drisker, and Jim Cannon. On motion of Mayor McLaughlin, seconded by Councilmember Beckles adopted **Resolution No. 38-11** by the following vote: Councilmembers Beckles, Booze, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** None. **Abstentions:** Councilmember Bates. **Absent:** None.

## **COUNCIL AS A WHOLE**

In the matter to confirm or vacate the City Council's action of May 3, 2011, opposing 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 of the item. The following individuals gave comments: Naomi Williams, Owen Martin, and Bea Roberson. On motion of Councilmember Rogers, seconded by Councilmember Beckles confirmed the City Council's action of May 3, 2011, opposing the removal of the state-imposed conditions of approval for Rose and Mike's Liquors by the unanimous vote of the Council.

In the matter to discuss and direct staff regarding the proposed closure of United States Post Office Station A located at 200 Broadway in Richmond Councilmember Booze gave an overview of the item. He requested that Mayor McLaughlin write a letter to authorities in support of keeping the post office open. The following individuals gave comments: Cordell White, Jan Mignone, Jackie Thompson, Naomi Williams, and Ron Wimberly. A motion was made by Councilmember Booze, seconded by Councilmember Ritterman to direct the city manager to initiate a formal appeal on behalf of the Richmond City Council. Councilmember Bates suggested including Congressman Miller, Senator Finestine, Senator Boxer, lobbyist Dick Kosher. The motion passed by the unanimous vote of the Council.

In the matter to discuss and consider support of the People's Budget submitted by the Congressional Progressive Caucus and direct staff to hold a Town Hall Meeting to explain the People's Budget to the residents of Richmond Councilmember Ritterman introduced Council Intern David who gave a presentation which included a PowerPoint presentation. Mike Parker gave comments. On motion of Councilmember Ritterman, seconded by Councilmember Beckles supported the People's Budget submitted by the Congressional Progressive Caucus and directed staff to hold a Town Hall Meeting to explain the People's Budget to the residents 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 Butt announced that on Monday, May 16, 2011, he attended the California Preservation Foundation's Annual Conference in Santa Monica and accepted, on behalf of the City of Richmond, the 2011 President's Award in recognition of outstanding achievement in the field of historic preservation.

Councilmember Bates requested that Mayor McLaughlin adjourn the meeting in recognition of his niece, Nikita M. Phillips, who received her doctorate in Public Education and Health on May 14, 2011, from Texas Christian University in Fort Worth, Texas.

Councilmember Booze requested that staff address the broken sink in the men's restroom on the first floor of 440 Civic Center Plaza. He also thanked Mayor McLaughlin and Councilmember Beckles for attending the Martin Luther King Jr. Park Grand Opening with him. He also thanked Mayor McLaughlin for attending Bishop Santiago's Chili Cook-off and for allowing him the opportunity to attend the Maritime Conference in Sacramento with Jim Matzorkis the week of May 8<sup>th</sup>. Councilmember Booze also requested that Mayor McLaughlin close the meeting in recognition of his granddaughter, Rihanna Booze, who received her Bachelor of Science Degree in Pharmacy and received a scholarship to work towards her Master's Degree in Atlanta, Georgia.

Councilmember Beckles stated that the Martin Luther King Jr. Park Grand Opening celebration was successful. She also reported that she attended the Major Taylor Bicycle events on Friday, May 13, and 14, 2011, which were covered on Channel Seven News. Councilmember Beckles also stated that on Monday, May 16 and Tuesday, May 17, 2011, she attended a Saffron Strand Conference on Sustainable Solutions to Homelessness.

Mayor McLaughlin stated that the Martin Luther King Jr. Park Grand Opening, the North Richmond Chili Cook-off, the Major Taylor Bicycle

Events, and the event, sponsored by PAL, to honor Fred Jackson were all successful. Mayor McLaughlin also stated that she attended the Saffron Strand Conference and suggested that the City of Richmond sponsor the next conference.

Councilmember Ritterman announced that Mayor McLaughlin received an Advocacy for Homelessness Award at the Saffron Strand Conference.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 10:25 p.m. in recognition of Nikita Phillips, and Rihanna Booze moving forward in their academics, to meet again on Tuesday, May 24, 2011, at 6:30 p.m.

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City Clerk

(SEAL)

Approved:

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Mayor