

**RICHMOND, CALIFORNIA, June 7, 2011**

The Richmond City Council Evening Open Session was called to order at 5:08 p.m.

**ROLL CALL**

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

**LIABILITY CLAIMS – PENDING LITIGATION (Government Code Section 54956.9):** Jimmy Russey vs. City of Richmond; Ray Tirona vs. City of Richmond

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

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

There were no speakers.

The Evening Open Session adjourned to Closed Session at 5:10 p.m. The Closed Session adjourned at 7:03 p.m. The Meeting of the Richmond City Council was called to order at 7:08 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 invited everyone to the Juneteenth Celebration at Nichols Park on Saturday, June 18, 2011.

Cheryl Maier encouraged the City Council to focus on the increase in homeless students that could benefit from the passing of Measures C and D.

Leonard Taylor encouraged citizens to take advantage of the swim programs available to children during the summer.

Cordell Rhoades encourage the City Council to improve the soccer fields within the City of Richmond.

Corbina Mancano and Holly Harwood expressed opposition to the selling of live chickens at the Richmond Farmer's Market.

Mark Wassberg expressed opposition to the issuance of Municipal IDs.

Eleanor Thompson and Anthony Wood requested monetary assistance from the City of Richmond for purchasing camera equipment for projects with Social Progress Inc.

Raymond Landry stated that the Martin Luther King Jr. Park was beautiful; however, he was concerned with the limited use due to the hours of operation.

Patty Hopson expressed her disappointment that she had not received closure on a crime committed against her. She stated that the City Council, with the exception of Councilmember Bates, and city staff have ignored her calls.

The following individuals spoke in support of the Shore Soccer Development Project: Ratael Madriga, Mason Salvador, Reverend Barrera, Victor Garcia, Juanito Hernandez, Michael Penate, Oscar Alcoler, Rigo Mendoza, and Mark Wallace.

Mike Parker spoke against the North Shore Soccer Development Project.

Jackie Thompson thanked city staff for addressing issues at Uncle Sam's Liquor Store.

Diego Garcia thanked everyone involved with the construction of the Martin Luther King Jr. Park. He expressed his disappointment that the Shore Soccer Development Project was continued to a future meeting.

Sims Thompson stated that there were a number of inoperable telephone booths throughout the City of Richmond and a stop sign at 24th Street and Wendell Avenue that staff needs to address.

Tony Sustak urged citizens to contact city officials when they have a city issue.

Jerome Smith read a poem entitled "When I Heard the Learned Astronomer" by Walt Whitman. He stated that the City Councilmembers must forget the

facts and all the sides of the issue, look within themselves and only go with a vision that has been with them all of their life. He stated that the City Councilmembers must not let the learned astronomers manipulate them.

Texanita Bluitt encouraged citizens to be proactive when planning for the education of children.

Christina Ly spoke in support of the selling of live chickens at the Farmer's Market.

Paul Miao stated that the City of Richmond could do a lot more to create a sustainable society.

Richard Lompa spoke in support of Chevron.

Eduardo Martinez expressed his concern in regards to the limited use of the Martin Luther King Jr. Park fields.

### **AGENDA REVIEW**

Removed Items G-4, G-6, G-7, and G-10 from the Consent Calendar, to be heard at the end of the agenda; Continued Item J-1 to July 5, 2011; and moved Item J-3 to be heard following Item I-1.

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

City Attorney Randy Riddle reported that in the matter of:

**LIABILITY CLAIMS – PENDING LITIGATION (Government Code Section 54956.9):** Jimmy Russey vs. City of Richmond reached a settlement in the amount of \$53,712.50; and Ray Tirona vs. City of Richmond reached a settlement in the amount \$63,750.

### **CONSENT CALENDAR**

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

\*-Adopted **Resolution No. 41-11** approving applications for grant funds pursuant to the Statewide Park Development and Community Revitalization Program of 2008 (Proposition 84) for renovations of Martin Luther King Jr. Park, Richmond Greenway, and Wendell Park.

\*-Adopted **Resolution No. 42-11** approving The Mass Care and Shelter Annex for People with Disabilities and the Elderly and adding the annex to the city's Emergency Operations Plan.

\*-Approved a contract amendment with Trisha A. Aljoe in the amount of \$150,000, to provide continued legal services with respect to the Police Department in connection with Code Enforcement activities, drug house abatement matters, and general legal matters. The term of the contract shall be July 1, 2011, through June 30, 2012.

A proposed amendment to the contract with Municipal Resource Group, LLC to extend the term through July 31, 2011, and increase the amount by \$15,250, for a total amount not to exceed \$134,125, to continue operating as the Interim Library and Cultural Services Director and providing other consulting services, while the city recruits for a permanent Library and Cultural Services Director was presented by Human Resources Manager Leslie Knight. Jerome Smith gave comments. On motion of Councilmember Bates, seconded by Councilmember Ritterman approved the amendment by the following vote: **Ayes:** Councilmembers Bates, Booze, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** Councilmember Beckles. **Abstention:** None. **Absent:** None.

\*-Approved a legal services agreement with Morrison & Foerster, LLP to provide continued legal representation relating to Point Molate in an amount not to exceed \$250,000, with a term expiration of December 31, 2012, by the following vote: **Ayes:** Councilmembers Beckles, Booze, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** Councilmember Bates. **Abstention:** None. **Absent:** None.

A proposed amendment to the legal services agreement with Holland & Knight to provide legal representation for the Revised Environmental Impact Report (EIR) for the Revised Chevron Energy Renewal Project, increasing the payment limit by \$340,000, for a total of \$350,000, with funding from Chevron for payment of the firm's invoices for this project was presented by City Attorney Randy Riddle. Mr. Riddle stated that there were conflict of interest issues that need to be resolved and requested that the item be amended to provide for an additional \$25,000 for Holland & Knight for continuation of legal work, and staff would bring the matter back to Council in two weeks. On motion of Councilmember Booze, seconded by Councilmember Ritterman approved the amendment by the following vote: **Ayes:** Councilmembers Bates, Booze, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** None. **Abstention:** None. **Absent:** Councilmember Beckles.

A proposal to reject all bids received for the 2010/2011 Pavement Rehabilitation construction project and authorize a call for new bids was presented by Associate City Engineer Tawfic Halaby and Engineer Melissa Tigboa. The following individuals gave comments: Tom Smith *(at 11 p.m. on motion of Councilmember Booze, seconded by Councilmember*

*Ritterman extended the meeting for 15 minutes or less with Councilmember Bates and Vice Mayor Butt voting Noe*), speakers continued with Dick Ghilotti. On motion of Councilmember Booze, seconded by Councilmember Ritterman rejected all bids by the unanimous vote of the Council.

\*-Approved the appointment of Councilmember Jovanka Beckles as alternate to West Contra Costa Integrated Waste Management Authority.

\*-Approved the following appointments and re-appointments: Arts and Culture Commission: Michael Sasaki, term expiring January 31, 2015; Human Rights and Human Relations Commission: Jenab-i Pareja, Incumbent, term expiring March 30, 2014; Kathleen Sullivan, Incumbent, term expiring March 30, 2013; Revolving Loan Fund: Scott Lewis.

A proposal to adopt a resolution in support of the application for grant funding in the amount of \$246,500 for the Richmond Safe Routes to School Cycle 2 Project, as required by the Metropolitan Transportation Commission (MTC) was pulled from the Consent Calendar for comments. Tony Sustak gave comments. On motion of Councilmember Booze, seconded by Councilmember Beckles adopted **Resolution No. 43-11** by the unanimous vote of the Council.

\*-Adopted **Resolution No. 44-11** to award a consulting contract to Environ for the preparation of a Revised Environmental Impact Report for the Revised Chevron Renewal Project for an amount not to exceed \$750,000 and a term ending December 31, 2012, with funding from Chevron for payment of the firm's invoices for this project.

\*-Approved the minutes for the April 5, 2011, meeting.

### **PUBLIC HEARINGS**

Continued the public hearing to consider adoption of a resolution on the proposed increase in annual assessments for the Hilltop Landscape Maintenance District for the 2011-2012 Fiscal Year to June 21, 2011.

Continued the public hearing to consider adoption of a resolution on the proposed increase in annual assessments for the Marina Bay Landscaping and Lighting Maintenance District for the 2011-2012 to June 21, 2011.

### **RESOLUTIONS**

In the matter to adopt a resolution directing staff to review the draft Municipal ID Ordinance, to propose modifications, to meet with the Richmond Municipal ID coalition and others, and to prepare a final ordinance for review of the City Council on July 5, 2011,

Councilmember Beckles gave an overview of the item. The following individuals gave comments: Apolonio Morales, Eduardo Martinez, Ramon Cadona, Amahra Hicks, Alejandro Navarro, Roberto Reyes, Maria Rivera, Miguel Robles, Jose Rivera, Cordell Rhodes, Mark Wassberg, Dr. Landry, and Rita Barouch. Following discussion on motion of Councilmember Beckles, seconded by Mayor McLaughlin adopted **Resolution No. 45-11** by the unanimous vote of the Council.

### **COUNCIL AS A WHOLE**

**Continued** the matter to receive a report and provide direction to staff on land-use alternatives for General Plan Change Area 12 (Northshore) to the July 5, 2011, meeting.

In the matter to adopt a resolution encouraging the West Contra Costa Integrated Waste Management Authority (WCCIWMA) to complete a single-use bag ordinance initial study and to fund a regional Environmental Impact Report (EIR) Development Project Manager Shasa Curl and Sustainability Associate Jennifer Ly gave an overview of the item. City Manager Bill Lindsay suggested that the Council set a time limit of 60 days for other West County agencies to opt in or not, and to move forward with those participating agencies. Following discussion a motion was made by Mayor McLaughlin, seconded by Councilmember Boozes to go on record that the City of Richmond wants Recyclemore to fund a regional study based on Richmond's current work on the EIR and allow other West County agencies 60 days to join the City of Richmond's efforts; after 60 days the City of Richmond would go forward and request that Recyclemore pay for Richmond's study. The motion passed and Resolution **No. 46-11** was adopted by the following vote: **Ayes:** Councilmembers Beckles, Booze, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** Councilmember Bates. **Abstentions:** None. **Absent:** None.

In the matter to discuss and direct staff to draft a letter to AC Transit urging the Board of Directors to keep open the Division 3 Operating Yard, Mayor McLaughlin and Councilmember Booze gave an overview of the item. The following individuals gave comments: Cordell Rhoades, Joe Wallace, Chris Peoples, and Corey Lavigne. On motion of Councilmember Booze, seconded by Mayor McLaughlin directed staff to draft a letter to AC Transit urging the board of directors to keep an open and operating yard in Division 3, request AC Transit work with the City of Richmond on alternative sites for a maintenance yard, and request that AC Transit work with the City of Richmond on the disposition of the Division 3 Operating Yard by the unanimous vote of the Council.

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

In the matter to receive a report on the Fiscal Year 2011-12 budget checklist items identified by the City Council at its May 24, 2011, meeting and provide direction to staff, Finance Department James Goins gave an overview. The following individuals gave comments: Eleanor Thompson, Bea Roberson, and Naomi Williams. Confidential Investigator Don Cashmere gave comments. Mayor McLaughlin requested that staff seek larger contributions from Target and Chevron for the City of Richmond's Annual Fourth of July Fireworks Display. Councilmember Booze requested staff add \$10,000 for senior programs to the checklist. Councilmember Rogers requested staff prioritize any new funding for street paving. A motion was made by Councilmember Booze, seconded by Councilmember Ritterman to accept the checklist. A friendly amendment was offered by Mayor McLaughlin to accept the checklist with a holistic view of how further cuts occur. The friendly amendment was accepted. The motion passed by the unanimous vote of the Council.

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

Councilmember Bates requested that Mayor McLaughlin adjourn the meeting in memory of Reverend Rayfield Van Hook, Christine Butler, and Mary Ruth Van Hook Crayton.

Councilmember Booze announced that he and the Mayor attended a function in North Richmond hosted by Eleanor Thompson.

Councilmember Ritterman congratulated Vice Mayor Butt and Student Intern Erika McFadden for a successful First West County Urban Agriculture Summit held on Saturday, June 4th, 2011.

Mayor McLaughlin also congratulated Vice Mayor Butt for a successful First West County Urban Agriculture Summit. She also invited everyone to attend the Juneteenth Celebration on Saturday, June 18, 2011.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 11:18 p.m. in memory of Reverend Rayfield Van Hook, Christine Butler, and Mary Ruth Van Hook Crayton to meet again on Tuesday, June 21, 2011, at 6:30 p.m.

\_\_\_\_\_  
City Clerk

(SEAL)

Approved:

\_\_\_\_\_  
Mayor