

**RICHMOND, CALIFORNIA, July 19,
2011**

The Richmond City Council Evening
Open Session was called to order at 5:10 p.m. by
Mayor Gayle McLaughlin.

ROLL CALL

Present: Councilmembers Beckles, Boozé,
Rogers, Vice Mayor Butt, and Mayor McLaughlin.
Absent: Councilmember Bates, Ritterman arrived at
5:12 p.m.

PUBLIC COMMENT

None.

ADJOURN TO CLOSED SESSION

The City Council adjourned to Closed Session
at 5:11 p.m.

CITY COUNCIL

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:

**LIABILITY CLAIMS - PENDING
LITIGATION (Government Code Section 54956.9):**
HUD OIG Proposed Housing Authority Repayment
Agreement Review; Vincent Whittington vs. City of
Richmond; Richard Clark vs. City of Richmond

**CONFERENCE WITH LEGAL COUNSEL
- EXISTING LITIGATION (Subdivision [a] of
Government Code Section 54956.9):**
Yarborough/Freeman 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**

The Evening Open Session adjourned to Closed Session at 5:11 p.m. The Closed Session adjourned at 6:24 p.m. The Joint Meeting of the Richmond Redevelopment Agency/City Council was called to order at 6:31 p.m. by Mayor Gayle McLaughlin who led the Pledge of Allegiance to the Flag.

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

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

Councilmember Butt stated conflict of interest on Item I-4 because the vendor is his client. Councilmember Ritterman stated conflict of interest on Item I-10 because Kaiser is his former employer.

OPEN FORUM FOR PUBLIC COMMENT

Eric Marquis, Chief Executive Officer, Richmond Rockets Professional Basketball Team of the American Basketball Association, stated that he is excited to be a part of the Richmond Rockets and working with the city.

Leslie Stoval, Richmond Rockets basketball team, stated she is looking forward to partnering with the community and the city.

Brad Flewellen, Chief Financial Officer, Richmond Rockets Professional Basketball Team, stated his desire to have a successful basketball team in Richmond.

Leonard Taylor, stated National Night Out will be on August 2, 2011 and urged residents to participate.

Melanie Myers gave comments in support of retaining much needed library branch services and is concerned about the loss of many talented and caring branch librarians.

Lyndon Bell, Head of Business Development of the Richmond Rockets, stated he looked forward to partnering with the Richmond business community.

Keith Hazell, President of basketball operations of the Richmond Rockets who stated that their mission is to build and maintain a basketball team in Richmond.

Mindy Pines gave comments in support of the city's local libraries.

Antwon Cloird stated that years ago there used to be a basketball team in Richmond called the Harlem Clowns and believes the establishment of the Richmond Rockets will be positive for the youth in Richmond. Mr. Cloird also informed that the statement by the news media that the recent shootings have been North Richmond against Central Richmond is inaccurate.

Naomi Williams stated there needs to be a moratorium on new liquor establishments in the City.

Rev. Kenneth Davis thanked Gerald Hatchett for his help with the North Richmond Music Festival, which will honor Fred Jackson and will be held on Saturday, July 23, 2011. Rev. Davis also stated that more information regarding issues facing North Richmond can be obtained at www.freerichmond.org

Cordell Hindler gave comments regarding the recent increase in crime in Richmond.

Jean Womack requested that late fees on her business license be waived in exchange for face painting services.

Mark Wassberg gave comments regarding Councilmember Rogers almost being disbarred.

Bea Roberson asked the community to come out and support National Night Out in August.

George Martin gave comments in support of branch libraries.

Kate Griffin spoke in support of the libraries.

Peter Oh spoke in support of libraries and librarian Shiela Dickenson.

Deborah Bonet, librarian, expressed the importance of keeping vital library services available to the community.

Shiela Dickerson, librarian, stated that the branch libraries deserve the same attention as the main library such as full-time librarians, and a dedicated children's librarian.

Millie Cleveland, Local 1021, stated that the employee assignments at the branch libraries are not being made for the benefit of the community.

Heather Kulp, External Affairs Manager for the Chevron Refinery announced that Chevron will be accepting applications for Operator Trainee Candidate positions beginning Wednesday, July 27, 2011. Individuals interested in applying should visit www.chevron.com/careers

George Brown spoke in support of the Richmond Rockets and the importance of sports opportunities for Richmond youth.

Otheree Christian stated that the Iron Triangle Annual Picnic that took place on Saturday, July 16th was a success and thanked several sponsors.

Terri James asked where the jobs are for the community of Richmond.

Raymond Landry gave comments regarding the lack of solved murders in the City.

Eduardo Martinez announced that the North Richmond Music Festival will be held on Saturday, July 23, 2011 from 11 a.m. to 4 p.m. and the San Francisco Mime Troup will perform at 2 p.m. on Sunday, July 24, 2011, at Nicholl Park.

Jan Mignone, President North & East Neighborhood Council, requested that a meeting room be identified for conducting neighborhood council meetings.

Texanita Bluitt stated that the Brookside Community Health Center will conduct its “Healthy Living, Healthy Eating” health fair at Davis Park in San Pablo on July 30, 2011.

AGENDA REVIEW

Items I-5 was moved to Public Hearings; Item I-14 was withdrawn from the agenda; Items I-8, I-10, I-15, I-17, I-19, and I-22 were removed from the City Council Consent Calendar. Vice Mayor Butt recused himself from voting on I-4 because the vendor is his client and Councilmember Ritterman recused from voting on Item I-10 because Kaiser is his past employer.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Mayor McLaughlin, Vice Mayor Butt, and Councilmember Bates presented a Certificate of Appreciation to Antwon Cloird for his community activism. The following individuals gave comments: Cordell Hindler, Heather Kulp, Naomi Williams, Raymond Landry, Barbara Becnel, Cheryl Maier, Bea Roberson, Gerald Hatchett, and Rhonda Harris.

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

City Attorney, Randy Riddle, reported that the following actions were taken during closed session: The matter of Vincent Whittington vs. City of Richmond was settled in the amount of \$64,333; the

matter of Richard Clark vs. City of Richmond was settled in the amount of \$34,280; and the matter of Yarbough/Freeman vs. City of Richmond was settled in the amount of \$21,000.

**JOINT REDEVELOPMENT AGENCY
BOARD/RICHMOND CITY COUNCIL CONSENT
CALENDAR**

On motion of Councilmember/Boardmember Boozé, seconded by Councilmember/Boardmember Ritterman, the item marked with an asterisk (*-) was approved by the unanimous vote of the City Council:

*-(1) Adopted **Resolution No. 60-11** of the Richmond City Council approving the addendum to the previously certified Environmental Impact Report (EIR) for the Miraflores Housing Development site. The addendum reflects proposed changes to the Remedial Action Plan to off-haul lead-affected soils from the site to a permitted waste facility rather than encapsulating them on-site under the future roadways; and (2) Adopted **Resolution No. 11-5** of the Agency Board approving and authorizing the executive director to execute amendments to remediation contracts with Eagle Environmental Construction (EEC) for: (a) abatement, demolition, historic structure relocation activities, including change orders of up to \$300,000 for the handling of Class 1 demolition debris and up to \$200,000 for the dismantling relocation and preservation of three greenhouse structures; and (b) soil remediation activities: changing the form of the contract, modifying the scope of work to include off-hauling of lead-impacted soils and adding up to \$700,000 to the contract budget. The total revised budget amount for both contracts shall not exceed \$5 million, and the contract term shall not exceed 270 days. Mayor McLaughlin stated that the lead impacted soil will now be trucked away and is now in support due to this.

CITY COUNCIL CONSENT CALENDAR

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

*-Adopted **Resolution No. 61-11**, authorizing a standing-order-procurement process with Innovative Interfaces, Inc. for annual hardware and software maintenance, consulting, training, and software application modules in an amount not to exceed \$150,000 for each of three fiscal years: 2011-2012, 2012-2013, and 2013-2014 (This item was reviewed and recommended for approval by the Finance Committee at its July 8, 2011, meeting).

*- Adopted **Resolution No. 62-11**, to accept the 2011 California Emergency Management Agency (CALEMA) grant funds in the amount of \$180,209 and APPROVE the continuation of two contracts funded by the CALEMA Grant for on-site advocates to assist victims of domestic violence and sexual assault, for the period January 1, 2011, to December 31, 2011, with STAND-Against Domestic Violence in an amount not to exceed \$85,260, and with Community Violence Solutions in an amount not to exceed \$71,851.

Adopted **Resolution No. 63-11**, approving an easement to Pacific Gas & Electric Company (PG&E) for utility relocation as part of the Bradley A. Moody Underpass Project.

*- Approved an emergency contract with Bass Electric, Inc. to complete necessary repairs to the high-voltage equipment, and to provide temporary power, at the Port's Administration Building at Terminal 3, and two tenant facility sites at the Point Potrero Marine Terminal, in an amount not to exceed \$89,870. (*Councilmember Butt recused himself from voting*).

*-Adopted **Ordinance No. 15-11**, (second reading) amending (reducing) the wages, salary, and compensation for the classification of Library and Cultural Services Director (Salary Range No. 4:1: \$9,945 - \$14,917/month).

*-Adopted **Resolution No. 65-11**, authorizing standing contracts for as-needed transcription, plan check, and building rental inspection services with three transcription, two building inspection, and three plan check service firms in an amount not to exceed \$95,000 per firm over a one-year period.

The matter to approve a contract with W.R. Forde Associates, the lowest responsive bidder, to perform the Fiscal Year 2010/11 Sidewalk Gap Closure Improvements (Stege Avenue) and Surface Drainage Improvements (Ohio Avenue/41st Street) Project in an amount not to exceed \$177,280, with an additional City-controlled contingency and reserve not to exceed \$17,728 was presented by Tawfic Halaby, Engineering Services. (The Finance Committee reviewed the first contract award recommendation at its May 6, 2011, meeting and recommended the approval of this item at the next available Council meeting). Kenneth Davis gave comments. A motion by Vice Mayor Butt, seconded by Councilmember Ritterman, approved the contract, by the unanimous vote of the Council.

*- Adopted **Resolution No. 66-11**, declaring the Canvass of Returns and Result of the Special Election held on June 7, 2011.

The matter to approve a one-year grant-funded contract with the Richmond Kaiser Permanente Medical Facility to provide Haz Mat physical examinations for up to 60 Fire Department Hazardous Material Specialists using funds from the Contra Costa County Health Services Hazardous Materials Division, in an amount not to exceed \$73,000 was presented by Chief Michael Banks. Kenneth Davis gave comments. A motion by Councilmember Boozé, seconded by Councilmember Beckles, approved the contract by the unanimous vote of the Council.

*- Approved the minutes of the April 26, 2011, and May 17, 2011, meetings.

*- Approved a construction contract with Salt River Construction Corporation, the lowest responsible bidder, in the amount of \$1,850,571 for the Marina Bay

Yacht Harbor Maintenance Dredging Project, per the plans and specifications (This item was reviewed and recommended for approval by the Finance Committee at its July 8, 2011, meeting).

*- Adopted **Resolution No. 67-11**, renewing standing orders/outline agreements for information technology related goods and services from various vendors in an amount not to exceed \$250,000 per vendor for Fiscal Year 2011-2012 (This item was reviewed and recommended for approval by the Finance Committee at its July 8, 2011, meeting).

WITHDREW the matter to the City Council meeting of July 26, 2011, to approve Contract Amendment No. 2 with Bay Cities Paving and Grading, Inc. to increase the contract value by \$132,065.64 for a total of \$1,782,897.13 and accept the work for the Via Verdi Temporary Channel Improvements Contract (This item was reviewed and recommended for approval by the Finance Committee at its July 8, 2011, meeting).

The matter to adopt a resolution authorizing approval of contracts with Pogo Park, MIG, and Mack5 to facilitate the expansion and renovation of Elm Park, and authorize the city manager to execute all required contracts and agreements to facilitate the acquisition of 720 Elm Avenue and relocation expenses of the tenants at the property as part of this project (This item was reviewed and recommended for approval by the Finance Committee at its July 8, 2011, meeting) was placed back on the Consent Calendar by a motion of Councilmember Ritterman, seconded by Councilmember Beckles, and **Resolution No. 68-11**, was adopted by the unanimous vote of the City Council.

*-Approved a contract with Western Roofing Services for the re-roofing of Fire Station 61 located at 140 West Richmond Avenue, in an amount not to exceed \$120,500 (This item was reviewed and recommended for approval by the Finance Committee at its July 8, 2011, meeting).

The matter to adopt an ordinance (second reading) amending Chapter 2.64, Article II, of the Richmond Municipal Code authorizing a Municipal Identification Program to provide for the issuance of municipal identification cards to residents of the City of Richmond for the purposes of improving public safety, increasing civic participation, and supporting local commerce was presented by Councilmember Beckles. The following individuals gave comments: Mark Wassburg, Rev. Kenneth Davis, Raymond Landry, Apolonio Morales, Juan Reardon, Roberto Reyes, and Andres Soto. Councilmember Bates requested a review of the identification program be given to the City Council in one year. A motion by Councilmember Butt, seconded by Councilmember Rogers, adopted **Ordinance No. 16-11**, by the unanimous vote of the City Council.

*-Adopted **Resolution No. 69-11**, authorizing service contracts with 10 architects, eight landscape architects, and three structural engineering firms for as-needed architectural, landscape architectural, and structural engineering services in an amount not to exceed \$350,000 per firm over a three-year period (This item was reviewed and recommended for approved by the Finance Committee at its July 8, 2011, meeting).

The matter to approve the appointment of Mayor McLaughlin as City Council liaison to the Point Molate Community Advisory Committee was presented. Raymond Landry gave comments. A motion made by Councilmember Butt, seconded by Councilmember Ritterman, approved the appointment by the following vote: **Ayes:** Councilmembers Beckles, Boozé, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** None. **Abstain:** Councilmember Bates. **Absent:** None.

*-Approved the following appointments and reappointments: Commission on Aging: Rose Brooks, Incumbent, term expiring May 19, 2013; Historic Preservation Advisory Commission: Robin Cawelti, Incumbent, term expiring July 31, 2013; Workforce Investment Board: Anders Swahn; Youth Baseball Advisory Commission: DeShawn Clark, filling unexpired term of Augustine Flores who resigned, term

expiring November 16, 2011; Andrea Clark-Daniels, filling unexpired term of Elana Bolds who resigned, term expiring December 2, 2011.

*-Approved a contract with the law firm of Colantuono & Levin LLC for representation in Sipple vs. City of Alameda in an amount not to exceed \$25,000, and authorized the city manager to execute the retainer letter from Colantuono & Levin.

The matter to adopt a resolution authorizing the city manager to execute a contract with Dalessi Management Consulting, LLC to analyze the city's electricity load, in an amount not to exceed \$20,000 with a term ending June 30, 2012, and with the Marin Energy Authority, to perform the applicant impact analysis, in an amount not to exceed \$20,000 with a term ending June 30, 2012 was presented. Kenneth Davis gave comments. A motion by Councilmember Beckles, seconded by Councilmember Ritterman, adopted **Resolution No. 70-11**, by the unanimous vote of the City Council.

*-Adopted **Ordinance No. 17-11**, establishing the fees as outlined in the proposed Master Fee Schedule.

PUBLIC HEARINGS

City Clerk, Diane Holmes announced that it was time pursuant to public notice to hold a public hearing in the matter to adopt a resolution for the proposed increase in annual assessments for the Hilltop Landscape Maintenance District for the 2011-2012 Fiscal Year was presented by Parks and Landscaping Director, Chris Chamberlain. Mayor McLaughlin declared the public hearing open. Joseph Bako gave comments. A motion by Councilmember Ritterman, seconded by Councilmember Rogers, closed the public hearing by the unanimous vote of the City Council. A motion by Councilmember Ritterman, seconded by Councilmember Boozé adopted **Resolution No. 71-11**, by the following vote: **Ayes:** Councilmembers Beckles, Boozé, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** Councilmember Bates. **Abstain:** None. **Absent:** None.

City Clerk, Diane Holmes announced that it was time pursuant to public notice to hold a public hearing in the matter of an appeal by the Santa Fe Neighborhood Council of the Planning Commission's approval of a Conditional Use Permit (PLN11-057) on June 2, 2011, to allow an eating establishment and convenience store at 925 Cutting Boulevard. The staff recommendation is to approve the Conditional Use Permit, thereby denying the appeal was presented by Planning Director, Richard Mitchell and Kieron Slaughter. The Mayor declared the public hearing open. Janie Holland, appellant, President of the Santa Fe Neighborhood Council, listed several conditions they are requesting. The following individuals gave comments: Bea Roberson, Andres Soto, Stuart Littell, Jan Mignone, Garland Ellis, Jerry Yoshida, Ana Crespín, Naomi Williams, Pam Wimberley, and Eduardo Martinez. A motion by Vice Mayor Butt, seconded by Councilmember Booze, closed the public hearing by the unanimous vote of the City Council. A motion by Vice Mayor Butt, seconded by Councilmember Beckles, to deny the appeal and modify the conditions by adding the following: **1) Signs:** The owner of the property shall not allow handmade signs on the property all signs shall be in compliance with #8 under the project specific conditions; **2) Displays:** The owner of the property shall not display food stands or hanging clothing outside of the convenience store or outdoor eatery; **4) Vendors:** The owner shall not allow other vendors to come onto the property and sell goods, etc., nor shall the owner establish other businesses on the property, including, but not limited to: car wash and additional portable food stands; **5) Banners:** The owner may display banners but not create cluster and blight; **7) The owner shall be responsible for securing the property on off hours and providing appropriate lighting and signage to discourage loitering, vandalism and other unacceptable activity on the property; 8) The owner will, at all times, abide by all other applicable City of Richmond laws and ordinances in regards to the manner in which this business is operated. Conditions 3 and 6 are eliminated and the applicant is required to plant five trees on the site. Councilmember Boozé made a substitute motion that the appeal be upheld and requires that the applicant return to the Santa Fe Neighborhood Council. The motion died for lack of a**

second. The original motion passed by the following vote: **Ayes:** Councilmembers Bates, Beckles, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** Councilmember Boozé. **Abstain:** None. **Absent:** None.

City Clerk, Diane Holmes announced that it was time pursuant to public notice to hold a public hearing to introduce an ordinance amending Chapter 12.18, "Discharges to the Wastewater Treatment System" regarding the "Specific Pollutant Limitations" (i.e., "Local Limits") as they pertain to the Source Control Program's Industrial Discharger's permits. Vice Mayor Butt declared the public hearing open. Chad Davisson, Wastewater Manager, gave an overview of the matter. There were no public speakers. A motion by Councilmember Ritterman, seconded by Councilmember Boozé, closed the public hearing by the unanimous vote of the council. A motion made by Councilmember, Ritterman seconded by Councilmember Boozé, said ordinance received first reading and was laid over two weeks for second reading by the following vote: **Ayes:** Councilmembers Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** Councilmember Boozé. **Abstain:** None. **Absent:** Councilmembers Bates and Beckles.

City Clerk, Diane Holmes announced that it was time pursuant to public notice to hold a public hearing to adopt a resolution authorizing the City of Richmond to levy special assessments against certain properties having unpaid invoices related to administrative citations, nuisance abatement costs, and foreclosure ordinance fines pursuant to Richmond Municipal Code Chapters 9.22 and 2.63. Tim Higaes, Code Enforcement, stated that he would like to remove the names from the lien list for numbers 3, 5, 32, 42, 55, 75, 97, 114, 139, 143, and 160 who filed protests. Mr. Higaes stated he will work with those individuals further. Mayor McLaughlin declared the public hearing open. There were no public speakers. A motion by Councilmember Boozé, seconded by Councilmember Beckles, closed the public hearing by the unanimous vote of the Council. A motion by Councilmember Boozé, seconded by Councilmember Beckles, adopted

Resolution No. 64-11, by the unanimous vote of the Council.

COUNCIL AS A WHOLE

The matter to designate a voting delegate and alternate(s) to represent the City of Richmond at the Annual Business Meeting of the League of California Cities' 2011 Annual Conference was presented. The Annual Conference will be held in San Francisco at the Moscone West Convention Center, September 21 through 23. A motion by Councilmember Beckles, seconded by Councilmember Rogers, designated Vice Mayor Butt as the voting delegate and Councilmember Ritterman as the alternate, by the unanimous vote of the Council.

The matter to receive a report from the Richmond Half Steppers track team regarding the upcoming AAU Jr. Olympic National Championships in New Orleans, Louisiana was presented. The following individuals gave comments: Eric Avery, George Brown, Kianti Gix, Reginald Doss, Johnny Holmes, Bea Roberson, Robin Ferguson, Cordell Hindler, and Rev. Kenneth Davis. Mr. Avery gave an overview and history of the track team. Johnny Holmes stated that donations to assist the team in attending the national championships can be sent to 2293 Cypress Ave. San Pablo, California. Councilmember Bates stated that funds should be set-aside in the budget to assist non-profit organizations such as the Half Steppers team and requested that this matter be placed on the July 26, 2011, City Council agenda for further discussion regarding the possibility of the City providing funds to the track team.

(11:00 p.m. - A motion made by Councilmember Rogers, seconded by Councilmember Boozé, extended the meeting 15 minutes. Councilmember Bates and Vice Mayor Butt objected.)

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

Councilmember Boozé suggested that Closed Captioning be used on KCRT. Councilmember Boozé also thanked those individuals and organizations that donated money to the Half Steppers track team.

(11:15 p.m. - A motion made by Councilmember Rogers, seconded by Councilmember Ritterman, extended the meeting 15 minutes. Councilmember Bates and Vice Mayor Butt objected.)

Councilmember Bates stated that he attended an event at the Tinsley Company who has a contract with NASA for construction of a telescope.

Mayor McLaughlin stated that the San Francisco Mime Troup will perform at 1:30 p.m. on Sunday, July 24, 2011, at Nicholl Park.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:35 p.m. in memory of Ila Warner, Shimada Commissioner, Christine McKinney, and Lois Aline Berryman Walker, to meet again on Tuesday, July 26, 2011.

City Clerk

(SEAL)

Approved:

Mayor