

**RICHMOND, CALIFORNIA, September 15,
2009**

The Richmond City Council Evening Open Session was called to order at 5:06 p.m. by Mayor Gayle McLaughlin.

ROLL CALL

Present: Councilmembers Bates, Butt, and Ritterman, and Mayor McLaughlin. **Absent:** Councilmembers Lopez, Rogers, and Viramontes (Councilmember Viramontes arrived at 5:08 p.m. and Councilmembers Lopez and Rogers arrived after adjourning 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 - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9): Herson vs. City of Richmond; United Trustees Association vs. City of Richmond; Citizens for East Shore Parks vs. City of Richmond; and Martin vs. City of Richmond.

There were no public speakers.

The Evening Open Session adjourned to Closed Session at 5:07 p.m. The Closed Session adjourned at 6:20 p.m.

JOINT MEETING OF THE RICHMOND REDEVELOPMENT AGENCY/CITY COUNCIL

The Regular Joint Meeting of the Richmond Redevelopment Agency/Richmond City Council was called to order at 6:34 p.m. by Mayor/Chairperson Gayle McLaughlin who led the Pledge of Allegiance to the Flag.

ROLL CALL

Present: Boardmembers/Councilmembers Bates, Butt, Ritterman, Rogers, Viramontes, Vice Chairperson/Vice Mayor Lopez, and Mayor/Chairperson McLaughlin. **Absent:** None.

STATEMENT OF CONFLICT OF INTEREST

None.

OPEN FORUM FOR PUBLIC COMMENT

Leonard Taylor gave comments regarding the murder of Debra Williams, toll taker at the San Rafael Bridge. Mr. Taylor also asked for information regarding a train track fire that took place on September 3, 2009, north of the Richmond Bart Station on Burlington Northern Santa Fe property.

Naomi Williams congratulated Michelle Milam for receiving an award from the California Crime Prevention Officer's Association. Ms. Williams also asked that the Cutting and Carlson Boulevards grade crossing be made safer.

Sims Thompson stated that vacant homes throughout the City should be inspected for possible hazards and to check that all utilities have been disconnected.

Otheree Christian stated that mental health issues need to be addressed in order to deal with violence in Richmond.

Tom Waller gave comments regarding the City of Richmond's tax base.

Corky Booze expressed his concern regarding the lack of Richmond residents working on the Skate Park Project at Nicholl Park.

Jackie Thompson expressed her concern regarding the violence taking place mainly at the liquor store on the corner of Stege Avenue and Cutting Boulevard. She requested more help from the Richmond Police.

Eleanor Thompson expressed her concern regarding the violence in the City of Richmond.

Debbie Landshoff expressed her concern regarding capital funding for parks. She requested the Council support the contract for funding the Burg Park Restoration Project.

A motion was made by Councilmember Bates, seconded by Councilmember Rogers to allow former Councilmember Jim McMillan an opportunity to speak under Open Forum because he was late in arriving. The motion was approved by the unanimous vote of the Council.

Jim McMillan announced that an ad hoc Committee of African Americans for a Better Richmond would be holding an Open Forum on September 26, 2009, from 10:00 a.m. to 1:00 p.m. at the Richmond Recreation Center at 33rd Street and Macdonald Avenue. The City Manager, Bill Lindsay, and key city staff will participate. Issues surrounding public safety, economic stability, and

other concerns will be addressed. Everyone is invited. Mr. McMillan thanked the city manager in advance.

AGENDA REVIEW

Items H-1, H-2, H-5, H-6, and H-8 were removed from the City Council's Consent Calendar. Item E-2 was withdrawn from the agenda. Item G-3 removed from the Redevelopment Agency's Consent Calendar.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Mayor McLaughlin read a proclamation declaring September 21-27, 2009, as Falls Prevention Awareness Week in the City of Richmond. Mayor McLaughlin presented the proclamation to Joann Filibi, representing American Medical Response. Ms. Filibi thanked the Mayor and the City Council for the proclamation. Myrtle Braxton-Ellington gave comments. Councilmember Ritterman gave comments.

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

City Attorney, Randy Riddle, stated there were no reportable actions taken during Closed Session.

REDEVELOPMENT AGENCY BOARD CONSENT CALENDAR

On motion of Boardmember Viramontes, seconded by Vice Chairperson Lopez, all items marked with an asterisk (*-) were approved by the unanimous vote of the Boardmembers/Councilmembers.

*- Adopted **Resolution No. 09-32** authorizing the execution of a contract with Questa Engineering Corporation in an amount not to exceed \$97,845 for landscape design services associated with the Bay Trail in Marina Bay for a term of July 1, 2009, through December 31, 2009.

*-Adopted **Resolution No. 09-33** authorizing the executive director to execute a contract with DP Security, LLC in an amount not to exceed \$85,672 for security services throughout the Harbour 11-A Project Area covered by the Marina Bay Master Agreement for a term of September 1, 2009, through December 31, 2009.

A proposed resolution authorizing the executive director to enter into a third amendment to the Disposition and Development Agreement (DDA) between the Agency and Community Housing

Development Corporation of North Richmond (CHDC) for the purpose of: (1) approving the assignment of the DDA from CHDC to the developer; (2) transferring 249 2nd Street to the developer upon receipt of commitments for at least 95% of the development financing sources; and (3) authorizing the executive director to execute any and all necessary documents to carry out these actions was presented. On motion of Boardmember Viramontes, seconded by Vice Chairperson Lopez, adopted **Resolution No. 09-34** by the unanimous vote of the Council.

CITY COUNCIL CONSENT CALENDAR

On motion of Vice Mayor Lopez, seconded by Councilmember Viramontes, all items marked with an asterisk (*) were approved by the unanimous vote of the Council.

A proposed Contract Amendment No. 3 in the amount of \$50,000, not to exceed a total contract amount of \$125,000, to Downey Brand law firm for the legal review of the requirements in the Baykeeper Settlement Agreement, including legal reviews required by the Regional Water Quality Control Board and/or the California Water Quality Control Board as they pertain to any Clean-up and Abatement Orders (CAOs) issued by either regulatory agency was presented (*Councilmember Viramontes left the meeting*). Jackie Thompson gave comments. A motion by Vice Mayor Lopez, seconded by Councilmember Butt, to approve the contract passed by the following vote: **Ayes:** Councilmembers, Butt, Ritterman, Rogers, Vice Mayor Lopez, and Mayor McLaughlin. **Noes:** Councilmember Bates. **Absent:** Councilmember Viramontes. **Abstentions:** None.

A proposed Contract Amendment No. 2 with Gordon and Rees, Attorneys, in an amount not to exceed \$325,000 for continued legal services associated with the City's Wastewater Operations, bringing the total amount of the contract to \$825,000 was presented. A motion by Councilmember Lopez, seconded by Councilmember Butt, to approve the contract passed by the following vote: **Ayes:** Councilmembers, Butt, Ritterman, Rogers, Vice Mayor Lopez, and Mayor McLaughlin. **Noes:** Councilmember Bates. **Absent:** Councilmember Viramontes. **Abstentions:** None.

*- Adopted **Resolution No. 100-09** accepting grant funds from the California Department of Fish and Game, Office of Spill Prevention and Response and approved the purchase of oil spill response equipment from Global Diving & Salvage, Inc.

A proposed contract with the Local Government Commission (LGC), a non-profit organization, in the amount of \$263,849 to develop the City's Community Driven Pedestrian Plan funded by a California Department of Transportation Environmental Justice Transportation Planning Grant

was presented. (*Councilmember Butt recused himself because he is on the LGC Board of Directors*)

(Councilmember Viramontes returned to the meeting)

A proposed payment in the amount of \$60,819.20 to the Burlington Northern Santa Fe (BNSF) Railway Company, bringing the total payments to \$204,885.87, for the installation of signal equipment known as "Constant Warning Time" on Ohio Avenue was presented. A motion by Councilmember Butt, seconded by Councilmember Ritterman, to approve the contract passed by the following vote: **Ayes:** Councilmembers, Butt, Ritterman, Rogers, Viramontes, Vice Mayor Lopez, and Mayor McLaughlin. **Noes:** Councilmember Bates. **Absent:** None. **Abstentions:** None.

A proposed construction contract with Gallagher & Burk, Inc. in the amount of \$3,522,166, with a contingency and reserve not to exceed \$445,834, for the construction of Carlson Boulevard Improvement Project was presented. Ronnie Steward and John Riley gave comments. On motion of Councilmember Bates, seconded by Councilmember Viramontes, approved the contract by the unanimous vote of the Council.

* - Authorized removal of deed restrictions on court property located at 100 37th Street in the City of Richmond pursuant to the request by the State Public Works Board

A proposed Contract Amendment No. 1 with West Bay Builders, Inc. in an amount not to exceed \$2,900,000 for the construction of phase II of the renovation of the Richmond Natatorium, bringing the total amount to \$6,891,000 was presented. With this amendment in place, the entire project will be completed by December 31, 2009. Engineering Manager Rich Davidson gave an overview of the item. Debbi Landsoff spoke on this item. *On motion of Councilmember Viramontes, seconded by Councilmember Rogers, extended the meeting 10 minutes to 11:14 p.m. by the unanimous vote of the Council.* Speakers continued with Myrtle Braxton-Ellington, Todd Jersey, Margaret Morkowski, and Rosemary Corbin. *On motion of Councilmember Rogers, seconded by Councilmember Ritterman extended the meeting for 15 minutes to 11:33 p.m. with Councilmembers Bates and Viramontes voting Noe.* Following discussion, on motion of Councilmember Rogers, seconded by Councilmember Viramontes approved Contract Amendment No. 1 with West Bay Builders, Inc. by the unanimous vote of the Council.

*-Adopted **Resolution No. 101-09** authorizing the Finance Department to offer an amnesty program for the business license tax in an effort to enhance recovery of delinquent business license tax payments.

*- Approved Contract Amendment No. 4 with Todd Jersey Architecture in an amount not to exceed \$200,000 to provide the necessary architectural and construction administration services to close out the renovation of the Richmond Natatorium by December 31, 2009, bringing the total contract amount to \$651,000.

*- Approved on-call land surveying consultant service contracts with RBF Consulting and with Kister, Savio & Rei, Inc., each in an amount not to exceed \$200,000 over a three-year period.

*- Adopted **Resolution No. 102-09** authorizing submittal of a grant application for the Bay Air Quality Management District's (BAAQMD) Transportation Fund for Clean Air (TFCA) Regional Fund in the amount of \$709,800 to operate a Richmond Downtown and Marina Bay Shuttle (RDAMBAS) to and from the Richmond BART Station.

*- Approved the following appointments:
Commission on Aging: David Rohrer, term expiring May 19, 2011; Community Development Commission: Jerome Smith, filling the seat for a Homeless Advocate, term expiring March 21, 2012.
(Councilmember Bates abstained).

*-Adopted **Resolution No. 103-09** recognizing September 21-27, 2009, as a period for Pollution Prevention Awareness.

*- Approved a contract amendment with ShotSpotter®, Inc. to expand ShotSpotter® coverage over an additional 2.75 square mile area of Richmond, increasing the contract amount by \$600,000, for a total amount of \$1,328,250, and extending the term of the contract to June 30, 2010.

RESOLUTIONS

A proposed resolution in support of Senate Bill 279 (Hancock): Finance Energy Efficiency, Water Conservation, and Renewable Energy Investments through Community Facility Districts was presented. Mayor McLaughlin gave an overview of the matter. On motion of Mayor McLaughlin, seconded by Councilmember Ritterman, adopted **Resolution No. 104-09**, by the unanimous vote of the Council. Per the resolution the city manager and City State lobbyist, Dan Boatwright, were instructed to lobby for passage of the bill and prepare a letter of support from the city to Senator Hancock and Governor Schwarzenegger.

A proposed resolution in support of a Richmond Community Land Trust was presented. Mayor McLaughlin stated that this matter will be on the agenda next week as a study session and gave an overview of the matter. Mayor McLaughlin stated that the sixth whereas, third line should read: “*benefits not available to renters, including mortgage interest deduction, real property tax*”. The following persons gave comments: Vernell Crittendon, Michelle Chenault, and Arthur Hatchett. A motion by Councilmember Ritterman, seconded by Mayor McLaughlin, adopted **Resolution No. 105-09**, by the following vote: **Ayes:** Councilmembers, Butt, Ritterman, Rogers, Viramontes, Vice Mayor Lopez, and Mayor McLaughlin. **Noes:** Councilmember Bates. **Absent:** None. **Abstentions:** None.

ORDINANCES

An ordinance amending Section 9.40 of the Richmond Municipal Code (RMC) to prohibit urinating and defecating in public was introduced for first reading. This ordinance came before the Public Safety Committee and City Council in late 2007 and the recommendations of those entities have been followed. On motion of Councilmember Bates, seconded by Councilmember Ritterman, said ordinance received first reading and was laid over two weeks for second reading by the unanimous vote of the Council.

An ordinance repealing parts of Chapter 11.04 of the Richmond Municipal Code (RMC) and adopting provisions prohibiting possession of open containers of alcoholic beverages on streets and sidewalks was introduced for first reading. On motion of Councilmember Bates, seconded by Councilmember Ritterman, said ordinance received first reading and was laid over two weeks for second reading by the unanimous vote of the Council.

An ordinance repealing the moratorium on the construction, structural alteration or relocation of permanent signs and enacting new provision of the Richmond Municipal Code setting forth sign standards, and ADOPT a corresponding negative declaration regarding the proposed ordinance was introduced for first reading. On motion of Councilmember Bates, seconded by Councilmember Ritterman, said ordinance received first reading and adopted corresponding negative declaration, and was laid over two weeks for second reading by the unanimous vote of the Council.

An ordinance to add Chapter 12.29 (Street Opening and Pavement Restoration Regulations) to the Richmond Municipal Code, establishing a moratorium against excavating into newly, resurfaced streets was introduced for first reading. On motion of Councilmember Butt, seconded by Councilmember Bates, said ordinance received first reading and was laid over two weeks for second reading by the unanimous vote of the Council.

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

None.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:35 p.m. in memory of lives lost to violence, to meet again on Tuesday, September 22, 2009, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor