

RICHMOND, CALIFORNIA, September 22, 2009

The Special Richmond City Council Evening Open Session was called to order at 5:07 p.m. by Mayor Gayle McLaughlin.

ROLL CALL

Present: Councilmembers Butt, Ritterman, Rogers, Vice Mayor Lopez, and Mayor McLaughlin. **Absent:** Councilmembers Bates and Viramontes (Councilmember Bates arrived after adjourning to Closed Session).

PUBLIC COMMENT

None.

CITY COUNCIL

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9): Citizens for Eastshore Park vs. City of Richmond

There were no public speakers.

The Evening Open Session adjourned to Closed Session at 5:08 p.m. The Closed Session adjourned at 5:55 p.m.

RICHMOND CITY COUNCIL

The Special Meeting of the Richmond City Council was called to order at 6:32 p.m. by Mayor McLaughlin who led the Pledge of Allegiance to the Flag.

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

None.

OPEN FORUM FOR PUBLIC COMMENT

Arnie Kasendorf gave comments regarding rejection of his pothole claim.

Jackie Thompson stated that the vacant lot at the corner of 37th Street and Stege Avenue needs to be cleaned. Ms. Thompson stated that a person who lives on Shane Drive in the Hilltop area has an overgrown onto her property.

Simms Thompson stated that storm drains should be checked and cleaned before the winter season.

Naomi Williams stated that the service station on 23rd Street across from a rehabilitation site applied for a liquor license.

Leonard Taylor expressed concern over the lack of security at the Amtrak station.

Johnny Holmes, coach of the Richmond Half-Steppers Track Team, stated that the Half-Steppers Team came in 5th place at the Junior Olympic Nationals Competition in Iowa and six girls made the all-American Team. Mr. Holmes thanked the public, the City, and the trade unions for making this trip possible.

Dr. Connie Potrero asked the City Council to consider conducting a feasibility study regarding the possibility of merging the Recreation Department with the Parks Department.

Eleanor Thompson apologized for the comments she made at the last City Council meeting.

Jovanka Beckles gave comments regarding plastic shell casings from the Richmond Rod and Gun Club that are littering our coast.

Corky Booze gave comments regarding the lack of compliance with the Council's rule to end the meeting at 11 p.m.

Chris Lehon, RecycleMore, invited everyone to attend a meeting to discuss composting on Thursday, October 8, 2009, at San Pablo City Hall at 7:00 p.m. For more information, telephone 215-3125 or at www.recyclemore.com.

AGENDA REVIEW

Part of Item I-3 pertaining to a certificate honoring Casper's Hot Dogs as business of the month was continued to the October 6, 2009, Council Meeting. Item E-2 was continued to a future Council meeting. A motion was made by Councilmember Bates, seconded by Vice Mayor Lopez, to hear Item G-1 after Presentations.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Mayor McLaughlin read and presented a proclamation honoring October as Youth Violence Prevention and Awareness Month and October 17, 2009, as the Sixth Annual Youth Stopping Violence Summit in Richmond. Members who participated in the summit thanked the mayor and City Council for the proclamation.

Mayor McLaughlin read and presented a proclamation to Bob Ramos of Ramos Construction as Richmond small businesses of the month for September 2009. Mr. Ramos thanked the Council for the

proclamation and stated that he looks forward to doing business in the City of Richmond for a long time.

Mayor McLaughlin received a California Clean Air Award from Narinder Dhaliwal of the California Clean Air Project for adopting comprehensive secondhand smoke protection laws. Mr. Dhaliwal stated that Richmond is leading the way by recently adopting secondhand smoke protection laws. Dr. Valerie Yerger, and Mr. Ralph Morales also gave comments.

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

City Attorney, Randy Riddle, stated that there was no reportable action taken during Closed Session.

CONSENT CALENDAR

An ordinance repealing the moratorium on the construction, structural location of permanent signs, and enacting new provisions of the Richmond Municipal Code setting forth sign standards was presented for second reading. Councilmember Bates asked how this action will affect the proposed Hilltop Mall sign. Planning Director Richard Mitchell stated that the ordinance is a general ordinance and does not apply to specific signs. The following persons gave comments: Jackie Thompson, Becky Ross, Amit Patel, Sherri Moore, David Kremer, Elvia Mendoza, Robert Wainana, Michelle Itagaki, and Corky Booze. A motion was made by Councilmember Bates, seconded by Councilmember Lopez, to hear the item later in the meeting to allow for discussion of the issue with all interested parties, passed by the following vote: **Ayes:** Councilmembers Bates, Butt, Ritterman, Viramontes, and Vice Mayor Lopez. **Noes:** None. **Abstention:** Mayor McLaughlin. **Absent:** Councilmember Viramontes. Discussion on the item recessed at 7:32 p.m., and discussion resumed at 8:26 p.m. Becky Ross stated that after the recess and discussion with members of Hilltop Mall, City Manager Bill Lindsay, and City Attorney Randy Riddle, they are in support of adoption of the ordinance. Following discussion, on motion of Councilmember Ritterman, seconded by Councilmember Rogers, **Ordinance No. 29-09** was adopted by the following vote: **Ayes:** Councilmembers Bates, Butt, Ritterman, Rogers, Vice Mayor Lopez, and Mayor McLaughlin. **Noes:** None. **Abstention:** None. **Absent:** Councilmember Viramontes.

STUDY SESSION

The City Council received a report from Don Lau, Vice President of the YMCA of the East Bay, on the Rosie's Girls Program and acknowledgement of the sponsors, volunteers, and participants for their

contribution and dedication. Rosie's Girl participants gave comments regarding their experience. Councilmember Butt presented certificates to representatives from Chevron, Rosie the Riveter Trust, Wells Fargo, YMCA, National Park Service, City of Richmond Parks Department, City of Richmond Fire Department, City of Richmond Police Department, Richmond YouthWorks, and West Contra Costa School District. The volunteers were: Cheryl Bus, Vanessa Calloway, Crystal Barrett, Chanel Washington, Sara Moran, Destiny Williams, Kaya McGill, Lisa Graves, Laura Barnaby, Susie Chan, Aaron Washington, and C.J., Boback. Mayor McLaughlin also thanked Betty Reid Soskin for her help with the program.

The City Council received a presentation of Richmond Parks Survey by Healthy Eating and Active Living (HEAL) and Richmond Parks and Recreation Commission. Andres Soto, Director of HEAL, presented a report. Mr. Soto stated that the City needs to focus its attention on the current poor condition of Richmond parks and should initiate discussion of park improvement strategies in collaboration with stakeholders. The following individuals gave comments: Dr. Connie Potrero, Adrienne Harris, Jovanka Beckles, Cheryl Maier, and Corky Booze.

The City Council received a presentation on the progress of and future improvements planned for the Central Richmond Greenway Bicycle and Pedestrian Trail Project. City Engineer, Rich Davidson, stated that vandalism has been a problem in Phase I of the Project. He stated the critical part now is the fence, which is planned to be eight feet tall, made of heavy gauge material. All lights have been installed and some irrigation needs to go in. The project should be complete by mid-December 2009. Trees will be supplied to homeowners to help deal with privacy issues. The following individuals gave comments: Naomi Williams, Adrienne Harris, Nancy Baer, Corky Booze, Andres Soto, Bill Pinkham, and Dr. Connie Potrero. Vice Mayor Lopez requested a timeline for the fence installation, tree planting, and the fence material. Rich Davidson replied that the fence will be a CalTrans standard fence similar to the current BART fence and the trail will be completed between four to six weeks from the start of the Project. Councilmember Bates recommended that shrubs or vines can be intertwined on the fence to help mitigate the resident's privacy issues.

The City Council received a presentation by Richmond California Community Land Trust on the feasibility and benefits of a land trust for the City of Richmond. Mayor McLaughlin gave an introduction and Dr. Paul Larudee, ACORN member, gave an overview of the item. Tom Myles stated that ACORN applied to the Secretary of State for the formation of the land trust. The purpose of a land trust is to provide low and moderate homeowners the ability to purchase low-cost-affordable homes and the land is not sold as part of the house. The homeowner builds equity and obtains a 99-year lease and

the land trust would be under community control. The land creates an endowment and the land trust owns the land.

The City Council discussed the topic of land trusts with groups interested in supporting a community land trust model in the City of Richmond and Redevelopment Agency staff. Community & Economic Development Director, Steve Duran, stated that the scattered site option is more costly. Maria Benjamin, Community Housing Development Corporation, (CHDC), stated that a land-trust concept requires a great deal of resources and CHDC is supportive of the concept. Councilmember Butt asked for a proposal from both REDI/ACORN and the Redevelopment Agency on the land trust model. Steve Duran stated that there should be a competitive bid process and the source of funding will need to be identified.

The City Council received an update on the progress of the City of Richmond in applying for and receiving American Recovery and Reinvestment Act (ARRA) project funding. Lori-Reese Brown, Planning Department, presented the report. A motion by Vice Mayor Lopez, seconded by Councilmember Ritterman, accepted the report by the unanimous vote of the Council.

COUNCIL AS A WHOLE

In the matter to consider approval to direct staff regarding extending the public comment period for the Draft Environmental Impact Report/Environmental Impact Statement (DEIR/EIS) for the Point Molate Resort and Casino Project was presented. Mayor McLaughlin stated that an extension has been requested by various cities, agencies, and members of the public. Councilmember Butt recommended a one-month extension of the comment period from September 23rd to October 23rd, to 5:00 p.m. City Manager, Bill Lindsay, stated that the one-month extension, will impact the certification deadline and completion of the project and there would be a delay in the payment schedule to the City. (*A motion by Councilmember Rogers, seconded by Councilmember Ritterman, to extend the meeting for 10 minutes to 11:28 p.m. passed by the unanimous vote of the Council*). The following individuals gave comments: Nate Spearman, Lech Namovich, and Danna Moore. (*A motion by Councilmember Butt, seconded by Councilmember Ritterman, extended the meeting 20 minutes to 11:44 p.m. passed by the unanimous vote of the Council*). Following discussion, a motion by Councilmember Butt, seconded by Councilmember Ritterman, extended the comment period for one-month to October, 23, 2010, passed by the unanimous vote of the Council.

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 the Carlson Boulevard

Improvement Project was presented. Rich Davidson stated that Gallagher & Burk agreed to employ Richmond residents whenever possible. Mr. De Silva, representing Gallagher & Burk, stated that he can change the scope of work to try to employ local companies. A motion by Councilmember Bates, seconded by Councilmember Butt, to approve the contract passed by the unanimous vote of the Council.

(A motion by Councilmember Rogers, seconded by Mayor McLaughlin, extended the meeting for 10 minutes to 11:54 passed by the unanimous vote of the Council).

In the matter to discuss and direct staff regarding comments from city employees, union representatives and the general public regarding proposed personnel cuts, expenditure reduction and potential revenue sources to balance the FY09/10 budget was presented by City Manager Bill Lindsay. The following individuals gave comments: Theresa Wilkerson, Lori Reese-Brown, and Corky Booze gave comments. City Manager, Bill Lindsay, stated that the unions have not presented options for furloughs or pay reductions. Many employees have accepted the "Golden Handshake" option for early retirement. A motion was made by Councilmember Rogers, seconded by Lopez, to direct the city manager to balance the budget without the lay-off option, at this time. City Manager, Bill Lindsay, stated that this decision should be made with accurate financial information, which the City Council does not have at this time. Following discussion, Councilmember Rogers withdrew his motion. This matter will be discussed at a future City Council meeting in more detail at a later date. *City Clerk, Diane Holmes, read the following into the record: The City of Richmond intends to offer eligible members of certain Miscellaneous classifications the opportunity to retire with an additional two years of service credit. The City has previously amended its contract with the California Public Employees Retirement System ("CalPERS") to provide this benefit and now needs only to adopt a resolution establishing a new "window" period during which these employees may opt to take advantage of the benefit. Eligible employees are those who are at least 50 years of age with at least 5 years of service credit with CalPERS. As required by California Government Code Section 7507, this notice provides information regarding the future cost resulting from this offering. The offering will be available for at least 90 days following adoption of a resolution two weeks hence. Based on factors provided by CalPERS and assuming all 162 eligible employees would take advantage of this opportunity if offered, we have calculated that the City's annual PERS cost to provide this benefit could be 1.521% (\$654,988) of our total annual Miscellaneous payroll of \$43,052,544. This cost would commence in Fiscal Year 2012 —2013. Actual cost will be substantially lower since our preliminary poll indicates that only about 20% of those eligible will actually choose to retire. For further information, contact Rob Larson,*

Human Resources Personnel Officer, in the City's Human Resources Management Department. Mr. Larson can be reached at 510.620.6817.

ADJOURNMENT

There being no further business, the meeting adjourned at 12:08 a.m., in memory of Anderson Proctor, Sr. and John Anderson to meet again on Tuesday, October 6, 2009, at 6:30 p.m. Vice Mayor Lopez thanked all those who expressed condolences for the recent passing of her father.

City Clerk

(SEAL)

Approved:

Mayor