

**RICHMOND, CALIFORNIA, March 16,
2010**

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

ROLL CALL

Present: Councilmembers Butt, Viramontes, Vice Mayor Ritterman, and Mayor McLaughlin. **Absent:** Councilmember Bates, Lopez, and Rogers (Councilmembers Bates arrived at 5:08 p.m. and Councilmember Rogers arrived at 5:09 p.m.)

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): Panos Ly and Xiao Feng Zhou vs. City of Richmond

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision (a) of Government Code Section 54956.9): Baykeeper vs City of Richmond; Citizens of East Shore Parks vs. City of Richmond; Communities for a Better Environment vs. City of Richmond

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.9): One case

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8): Property: Point Molate (site of former Naval Shipyard Depot); Agency Negotiators: Bill Lindsay and Janet Schneider; Negotiating Party: Upstream Point Molate LLC; Under Negotiation: Price and Terms of Payment

There were no public speakers.

The Evening Open Session adjourned to Closed Session at 5:08 p.m. The Closed Session adjourned at 6:49 p.m.

The Joint Meeting of the Richmond Redevelopment Agency/Richmond City Council was called to order at 6:59 p.m. by Mayor McLaughlin who led the Pledge of Allegiance to the Flag. (*See Redevelopment Minutes RCRA16Mar2010*).

ROLL CALL

Present: Councilmembers Bates, Butt, Rogers, Viramontes, Vice Mayor Ritterman, and Mayor McLaughlin. **Absent:** Councilmember Lopez (Councilmember Lopez arrived at 7:00 p.m.).

STATEMENT OF CONFLICT OF INTEREST

Councilmember Butt stated a conflict of interest with Item H-12 requested his vote be recorded as an abstention.

OPEN FORUM FOR PUBLIC COMMENT

Naomi Williams reported missing lights at 2300 Potrero Avenue. She also requested that the City of Richmond repair the hole in the cyclone fence at the Richmond Village.

Simms Thompson expressed his disappointment with the missing lights throughout the City of Richmond. He also stated that flood lights continue to burn on the roof of the library. Mr. Thompson also reported a blinking stop light at 22nd Avenue and Nevin Avenue. He also stated that there should be a no left turn sign heading east on Macdonald Avenue.

Michael Beer invited all everyone to attend the Fourth Annual Richmond Silly Parade on Saturday, April 10, beginning at 10:30 a.m. For more information, visit richmondsillyparade@gmail.com.

Charlotte McIntire expressed her disappointment with the proposed sewer fees increase.

Mike Ali expressed his disappointment with the proposed sewer fees increase.

Corky Booze stated that the City Council fights among each other and engages in personal attacks. He also spoke in reference to an article written by Councilmember Rogers regarding North Shore wars. Mr. Booze stated that Councilmembers Rogers, Viramontes, Lopez, and Bates received contributions from North Shore property owners.

Jackie Thompson read an article entitled "Haters."

Tom Waller expressed his concern for the lack of leadership the City of Richmond has towards stimulating economic interest in Richmond.

Eleanor Thompson expressed her disappointment with the Office of Neighborhood Safety (ONS).

Patrice Keys announced that on Saturday, March 27, 2010, at 12:00 noon will be the opening of a new preschool called Life Center located at 201 Macdonald Avenue.

Kevin Muccular announced upcoming outreach schedule of the ONS and invited men and pastors interested in participating to contact him at (510) 815-1572. The schedule included the Iron Triangle on March 19; South Richmond, Booker T. Anderson on March 26; North Richmond on April 9; and Parchester on April 23, 2010. Mr. Muccular stated that twice a month the ONS along with pastors would visit neighborhoods in Richmond.

Rick Gerard acknowledged KCRT for keeping him informed. He also expressed his concern regarding a 911 call that did not get answered.

Celeste Germaine and Cseneca Parker representing "Project Imagine," a nonprofit, requested support from the City Council and citizens of Richmond to bring a new program called "lenses on life: a family affair" to the youth of the City of Richmond. The program features award winning photographer Duane Cramer and would allow students the opportunity to learn the basics of photography while promoting self-esteem.

Councilmember Rogers made the following statement in response to Mr. Booze's earlier statement: "before speakers make broad statements they should look carefully at each Councilmember and examine whether the Councilmember was in fact off issue and engaging in personal attacks". He also stated that he did receive a campaign contribution from a contributor that wanted to build on the north shoreline. He stated that he informed the contributor that his plan would not receive majority vote from the Council. Councilmember Rogers stated that the public financing provision could be made stronger to reduce further influence of special interest money.

Councilmember Bates stated that Mr. Booze had consistently attacked Councilmembers starting with Jim McMillan, Richard Griffin, and Mayor Irma Anderson. Councilmember Bates also stated that Mr. Booze was perceived as an "uncle" in the black community based on his actions of consistently attacking other African Americans that serve on the City Council.

Councilmember Viramontes stated that Mr. Booze was referring to an e-mail from Councilmember Butt. The implication was that the Councilmembers that received the campaign contributions had done something illegal. Councilmember Viramontes stated that public financing was legitimate and was the right of every one that runs for office.

AGENDA REVIEW

Removed Items H-7, H-9, H-11, H-13, and H-14 from the Consent Calendar. Item E-1 was moved before Open Forum.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

In the matter to receive a report from organizers of "OPERATION RICHMOND", Bishop J.W. Macklin and Superintendent Archie Levias, and present a proclamation recognizing their commitment to peace and unity in Richmond. Councilmember Bates gave a brief description. Mayor McLaughlin joined by Councilmember Bates presented a proclamation on behalf of the Richmond City Council to the organizers of "Operation Richmond." Bishop Macklin, a representative of the New Gethsemane Church of God In Christ, and to the Richmond Improvement Association, Reverend Shumake. Mayor McLaughlin also presented "adopt a block" guide books to Bishop Macklin and the representative of the New Gethsemane Church of God In Christ. Councilmember Bates stated that the community would like the City Council to focus on the following: truancy, curfew, comprehensive police checkpoints, and jobs. Bishop Macklin expressed works of thanked to the City Council and the faith-based community and encouraged the City of Richmond not to give up the fight. He invited the Richmond City Council, residents, and faith-base leaders to Glad Tidings in Hayward on April 28th at 3:00 p.m. for a tour of the neighborhood, dinner, and an exchange of ideas. Bishop Macklin stated he would like to bring a national conference to the City of Richmond to focus ideas to improve the quality of life going forward. He thanked the City Council for the presentation. He also left the following words of encouragement: "that if our circumstances are going to change, we must take the brush of faith and paint in vibrant living colors on the canvas of our tomorrow." The following individuals gave comments: Pastor Nicolas Alexander, Jackie Thompson, Corky Booze, Ray Laundry, Antwon Cloird, Sidney Keys, Dr. Barbara Williams, Harpreet Sandhu, McKinley Ross, and Rhonda Harris. Councilmembers Viramontes, Rogers, Lopez, and Vice Mayor Ritterman gave comments. City Manager Bill Lindsay gave a report on what programs were currently in place in the City of Richmond to prevent crime.

**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 Panos Ly and Xiao Feng Zhou vs. City of Richmond, the City Council voted to approve a settlement with Councilmember Butt voting **Noe**, and Mayor McLaughlin **Abstaining**. He stated that the precise terms of the agreement would be available upon final execution of the agreement.

CONSENT CALENDAR

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

*Approved a fourth amended, one-year, sole-source contract with eCivis Incorporated for the annual subscription to a city-wide grant locator database to aid city departments and non-profit organizations in applying for grants, extending the subscription to March 31, 2011, at a cost of \$29,950.

*Adopted **Resolution No. 34-10** authorizing the Association of Bay Area Governments (ABAG) to accept funding from the California Energy Commission for a regional residential energy retrofit program - Retrofit Bay Area - and to recognize Contra Costa County as the local implementer of the program within Contra Costa County.

*Approved a two-year contract with Bartel & Associates, LLC in an amount not to exceed \$50,000 for actuarial valuation services associated with the administration of retirement funds.

*Approved a contract with Brian Thomas Liston to supervise completion of tenant improvements at the Richmond BUILD facility located at 500 23rd Street, and to provide pre-apprenticeship construction skills training on an as-needed basis, for a grant funded amount not to exceed \$30,000. The contract term will be March 17, 2010 through March 31, 2011.

*Approved an amendment to the contract with Andre' Vernon, dba Final Cut Construction, to provide pre-apprenticeship-construction-skills training for RichmondBUILD participants. The contract term will be January 1, 2010, through December 31, 2011. The contract amendment increases the total payment amount by \$20,000 to an amount not to exceed \$110,000 and is funded from the American Recovery Reinvestment Act (ARRA) Clean Energy Grant.

*Approved a contract with the Peralta Community College District to support the goals and objectives of the ATLAS Advanced Transportation Initiative, an Employment Development Department (EDD) and California Energy Commission funded green transportation job training initiative. The contract term will be March 5, 2010 thru March 31, 2011, at a grant funded contract amount not to exceed \$425,000.

A proposed amendment to the existing on call traffic engineering services contract with Fehr & Peers Transportation Consultants to provide additional project management and complete traffic engineering services for the Richmond/Ohlone Greenway Gap Closure project and to provide traffic engineering services for other future projects on as needed basis. The amendment increases the payment limit by \$200,000 to a new total limit of \$400,000, while maintaining the original three year term of the contract was presented. Interim City Engineer Edric Kwan gave an overview of the item. **The City Council meeting was temporarily suspended due to lack of a quorum.** The meeting continued with Simms Thompson giving comments regarding missing lights throughout the City of Richmond and a blinking light on Nevin Avenue. On motion of Vice Mayor Ritterman, seconded by Councilmember Viramontes approved the item by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Viramontes, Vice Mayor Ritterman, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez. Councilmember Bates requested that street light issues be referred to the Public Safety Committee.

*Approved a contract with Packet Fusion for annual maintenance of the City's ShoreTel Telephone system in an amount not to exceed \$59,500.

In the matter to acknowledge receipt of the City of Richmond's Comprehensive Annual Financial Report for the fiscal year ended June 30, 2009. Finance Director James Goins gave an overview of the item. Following discussion, staff agreed to provide the City Council with a schedule of transfers-in and transfers-out. On motion of Vice Mayor Ritterman, seconded by Mayor McLaughlin acknowledged receipt of the City of Richmond's Comprehensive Annual Financial Report for the fiscal year ended June 30, 2009, by the unanimous vote of the Council.

*-Adopted **Resolution No. 35-10** authorizing the acceptance of a \$100,000 Supplemental Law Enforcement Services Fund (SLESF) grant from the State of California, and the appropriation of this amount for Police Department training and equipment cost.

In the matter to approve a contract with the Greater Richmond Interfaith Program (GRIP) to provide program readiness and life skills training services through the Community Based Employment Collaborative (CBEC) for the Office of Neighborhood Safety (ONS) California Gang Reduction and Intervention Program with a contract term expiration date of March 31, 2011, in an amount not to exceed \$138,240.00. ONS Director DeVone Boggan gave an overview of the item. The following individuals gave comments: Eleanor Thompson, Jackie Thompson, Corky Booze, McKinley Ross, and Rhonda Harris. On motion of Vice Mayor Ritterman, seconded by Councilmember Rogers approved a contract with GRIP by the unanimous vote of the Council.

*-Approved an emergency contract with Bass Electric to repair the existing high voltage electrical equipment at Port of Richmond Terminal Three in an amount not to exceed \$70,000. ***Councilmember Butt abstained on this item due to a conflict of interest.***

In the matter to approve award of a contract to Ashbury Homes, Inc. (dba AHI), for the construction of the Martin Luther King, Jr. Park, Area One Project in the amount of \$2,612,587.00 (Base Bid plus Alternates 1, 2 and 6). City Engineer Edric Kwan and City Manager Bill Lindsay gave an overview of the item. The following individuals gave comments on this item: Corky Booze, Jackie Thompson, and Rhonda Harris. ***(At 11:26 p.m. on motion of Councilmember Bates, seconded by Mayor McLaughlin extended the meeting for 10 minutes by the unanimous vote of the Council).*** On motion of Councilmember Bates, seconded by Councilmember Butt awarded a contract to Ashbury Homes, Inc. (dba AHI), for the construction of the Martin Luther King, Jr. Park, Area One Project by the unanimous vote of the Council.

In the matter to approve amendment five to the legal services agreement with Paul, Hastings, Janofsky, and Walker (Paul Hastings) to facilitate the Navy's early transfer of the last 41 acres of the Point Molate site by assisting in the preparation of required documents, increasing the contract amount by \$150,000 for a total contract amount of \$720,000 while maintaining the June 30, 2010, contract term expiration date. Councilmember Butt gave comments about why he took the item off the agenda. A motion by Councilmember Bates to continue the legal services died for lack of a second. A motion was made by Councilmember Rogers, seconded by Councilmember Lopez to continue services only until April 20, 2010. City Attorney Randy Riddle spoke in support of the Law Offices of Paul, Hastings, Janofsky and Walker. A substitute motion was made by Councilmember Viramontes, seconded by Councilmember Bates to support the staff recommendation to continue until June 30, 2010. The substitute motion failed by the following vote: **Ayes:** Councilmembers Bates, Lopez, and Viramontes. **Noes:** Councilmembers Butt and

Rogers. **Abstentions:** Vice Mayor Ritterman. **Absent:** None. The original motion by Councilmember Rogers, seconded by Councilmember Lopez to continue services only until April 20, 2010, passed by the following vote: **Ayes:** Councilmembers Bates, Lopez, Rogers, Viramontes, and Mayor McLaughlin. **Noes:** Councilmember Butt. **Abstentions:** Vice Mayor Ritterman. **Absent:** None.

*-Approved the following appointments: Arts and Culture Commission: Denise Chandhoke, term expiring January 31, 2014; Human Relations and Human Rights Commission: Eric Muhammad, term expiring March 30, 2013.

In the matter to approve the minutes for September 15 and 22, 2009, and January 19 and 26, 2010. Councilmember Viramontes made a correction to the September 15, 2009, minutes on page four, third paragraph. She stated she made the motion and was marked absent. On motion of Vice Mayor Ritterman, seconded by Councilmember Viramontes, approved the minutes with the correction to the September 15, 2009, minutes by the unanimous vote of the Council.

ORDINANCE

A proposed ordinance was introduced for first reading to add Section 6.46 to the Richmond Municipal Code imposing 'Green Building requirements' on certain commercial and residential construction projects. Planning and Building Director Richard Mitchell and Planner Joe Light gave an overview of the item. Katrinka Ruk spoke on this item. Assistant City Attorney Mary Renfro gave comments. Following discussion, a motion was made by Councilmember Bates, seconded by Councilmember Butt to approve the item. A substitute motion was made by Councilmember Lopez to postpone approval of the ordinance until the state green building requirements were official. The substitute motion died for lack of a second. Councilmember Viramontes offered a friendly amendment to the original motion to approve the ordinance and take a look at the state's green building requirements for reconciliation. The amendment was accepted. The original motion passed and said ordinance received first reading and was laid over two weeks for second reading by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Viramontes, Vice Mayor Ritterman, and Mayor McLaughlin. **Noes:** None. **Abstentions:** Councilmember Lopez. **Absent:** None.

A proposed ordinance was introduced for first reading to repeal Section 2.42.080 of the Richmond Municipal Code and add a new Section 2.42.080 to establish the penalties for violation of the Fair Elections Ordinance and the process for enforcing the Ordinance. City Attorney Randy Riddle gave an overview of the item. The following individuals gave comments: John Marquez, Corky Booze, and Jackie Thompson. A motion was made by Vice Mayor Ritterman, seconded

by Councilmember Butt to approve the item. A substitute motion was made by Councilmember Viramontes, seconded by Councilmember Lopez to bring back the ordinance with the following changes: include candidate control committees and remove jail time. The substitute motion failed by the following vote: **Ayes:** Councilmember Bates, Lopez, and Viramontes. **Noes:** Councilmembers Butt, Rogers, Vice Mayor Ritterman, and Mayor McLaughlin. **Abstentions:** None. **Absent:** None. The original motion passed and said ordinance received first reading as was laid over two weeks for second reading by the following vote: **Ayes:** Councilmembers Butt, Rogers, Vice Mayor Ritterman, and Mayor McLaughlin. **Noes:** Councilmember Bates. **Abstentions:** Councilmembers Lopez and Viramontes. **Absent:** None.

A proposed ordinance was introduced for first reading revising Richmond Municipal Code Sections 6.02.130 and 6.02.140 to establish a Board of Appeals to review decisions of the Building Official and penalties for violations of Building Codes and the Uniform Code for the Abatement of Dangerous Buildings. Planning Director Richard Mitchell and City Attorney Mary Renfro gave an overview of the item. Corky Booze gave comments. On motion of Vice Mayor Ritterman, seconded by Councilmember Viramontes said ordinance received first reading and was laid over two weeks for second reading by the unanimous vote of the Council.

A proposed ordinance was introduced for first reading adding section 6.02.155 to the Richmond Municipal Code to require a permit for the demolition of structures. Mayor McLaughlin gave an overview of the item. A motion was made by Councilmember Bates, seconded by Councilmember Butt to approve. Katrinka Ruk gave comments. Following discussion, Councilmember Bates withdrew his motion and submitted a new motion to continue the item to give Katrinka Ruk a chance to meet with Councilmember Butt. The motion died for lack of a second. A substitute motion was made by Mayor McLaughlin, seconded by Councilmember Butt to approve the item. A substitute motion was made by Councilmember Rogers, seconded by Councilmember Lopez to continue to the next meeting. The substitution passed by the following vote: **Ayes:** Councilmembers Bates, Butt, Lopez, Rogers, Viramontes, and Vice Mayor Ritterman. **Noes:** Mayor McLaughlin. **Abstentions:** None. **Absent:** None.

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

Mayor McLaughlin stated that the women's day event, "healing our beloved community" was successful.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:45 p.m. in memory of Mike Ali's aunt Trudy Brightman to meet again on Tuesday, March 23, 2010, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor