

**RICHMOND, CALIFORNIA, May 18,  
2010**

The Richmond City Council Evening  
Open Session was called to order at 5:13 p.m.

**ROLL CALL**

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

**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):** Citizens of East Shore Park vs. City of  
Richmond

**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 5:14 p.m. The Closed Session adjourned at  
6:28 p.m.

The Joint Meeting of the Richmond  
Redevelopment Agency/Richmond City Council was  
called to order at 6:46 p.m. by Mayor McLaughlin.  
(*See Redevelopment Minutes RCRA18May2010*).

**ROLL CALL**

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

**STATEMENT OF CONFLICT OF INTEREST**

None.

## **OPEN FORUM FOR PUBLIC COMMENT**

Naomi Williams thanked Park Supervisor Tony Norris for installing gates at the Solano play lot. She also stated that the citizens living in the Solano community would like the City of Richmond to look into restricting the traffic to one-way. She also stated that billboards advertising beer in Spanish are being installed throughout the city. Ms. Williams also requested an update on the Greenway in south Richmond.

Antwon Cloird expressed his disappointment with the city's use of vendors that are located outside the City of Richmond.

Raymond Landry expressed his concern that there was a lot of training available for green jobs; however, there are no green jobs available for individuals after the training was completed.

Leonard Taylor urged the City Council to open a Baskin Robins Ice Cream Parlor in the City of Richmond near Target.

Michael Bracy expressed his support for the Point Molate Project.

Jackie Thompson requested an update regarding the left turn signal promised for the intersection of Carlson Boulevard and Cutting Boulevard. She also stated that individuals that supported the bulkhead at the Plunge should also support renovation efforts at the Kennedy Swim Center.

Courtney Bulletti Cummings invited everyone to attend the First Annual Native American Pow-Wow on June 26, 2010, from 10:00 a.m. to 8:00 p.m. Lucreatia Edwards Shoreline Park, 1500 Marina Way South.

Corky Booze spoke regarding jobs for citizens of Richmond.

Mike Ali stated that the citizens of Richmond should support more human rights for Native American people.

Charles Smith reminded all residents to write to the City of Richmond City Clerk to fight the proposed sewer tax rate increases.

Mark Wassberg stated that according to the United States Constitution the state of Arizona has a right to enforce any laws to protect its citizens.

Texanita Bluit invited everyone to an annual event sponsored by the Beta Phi Sigma Sorority Inc. honoring outstanding women of the Richmond community and also awarding scholarships to deserving high school graduates. The event would be held at Hs

Lordship's Restaurant at 11:00 a.m. on Saturday, May 22, 2010.

Simms Thompson stated that the infrastructure within the City of Richmond needs repair.

Joan Garrett announced that there would be a Richmond Block Party at the Ford Craneway Pavilion on May 30, 2010, from 12:00 p.m. to 6:00 p.m.

Mike Daley stated that people that work for the public good should be respected.

Jean Womack spoke in opposition to the use of illegal drugs.

Michelle Itagaki urged the City Council to take a look at the windfall of money coming to the City of Richmond and not place it all in the general fund. She urged the City Council to set some funds aside for economic development to attract new businesses as well as to keep businesses that are already in the City of Richmond.

Aram Hodess stated that Sun Power's hiring practices go against the City of Richmond's local hiring practices.

Gary Bell stated that the City Council should not place \$10 million in the General Fund because there are other needs that should be addressed.

James Cash stated that Councilmembers should be able to speak without being cut off.

James Walker spoke in opposition to the proposed sewer tax increases.

Wayne Ellis spoke regarding Mayor McLaughlin's voting records against major projects.

Reverend Charles Newsome stated that Mr. Wasserberg needs to apologize for his racist remarks. He also stated that there needs to be a leadership change within the City of Richmond.

Brian Dragton invited everyone to the Richmond Block Party at the Ford Craneway Pavilion on May 30, 2010, from 12:00 p.m. to 6:00 p.m.

Michael Parker urged everyone to oppose Proposition 16. He also urged everyone to support Measure D.

Mayor McLaughlin stated that she would continue to support good jobs for the citizens of Richmond.

## AGENDA REVIEW

Withdrew Items I-1 and J-2 from the agenda. Removed Items H-1, H-4, H-7, H-8, H-14, and H-16 from the Consent Calendar. Moved Items K-1 and K-2 after the Consent Calendar.

## PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

The City Council received a presentation by Dan Burden, Principal, Senior Urban Designer/ Executive Director of Walkable Communities, which included a PowerPoint Presentation on the pedestrian and bike plan for Richmond.

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

City Attorney Randy Riddle reported that there were no reportable actions for items discussed in Closed Session.

## CONSENT CALENDAR

On motion of Councilmember Viramontes, seconded by Councilmember Butt all items marked with an asterisk (\*-) were approved by the following vote: **Ayes:** Councilmembers Bates, Butt, Lopez, Viramontes, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Rogers and Vice Mayor Ritterman.

\*\*On motion of Councilmember Viramontes, seconded by Councilmember Butt, the Council unanimously approved the following items that were pulled from the Consent Calendar during Agenda Review because the individuals that pulled the items left the meeting: Items H-1, H-7, H-8, H-10 and H-16.

\*\*Approved a three-year service contract with American Technologies for as-needed bio-hazard removal services to clean, disinfect, and transport hazardous material from properties that require abatement, in an amount not to exceed \$300,000 for the period of June 1, 2010, through May 31, 2013.

\*- Approved a contract with David Wellhouse & Associates to prepare and file claims for reimbursement of costs for state-mandated programs in an amount not to exceed \$ 20,000.

\*-Approved a contract with Just Fencing Inc. to provide emergency fence replacement and repairs around contamination cap sites along the Richmond Parkway in an amount not to exceed \$14,770. The contract term will be April 12, 2010, to June 30, 2010.

A proposal to approve a renewal of a lease agreement between the City of Richmond (as lessor) and the YWCA of Contra Costa County (as lessee) for the use of space at the west wing of the Richmond Recreation Complex for operation of a daycare program. The lease was for a five-year term from April 1, 2010, through March 31, 2015, at a rate of \$2,700 per month. City Manager Bill Lindsay gave an overview of the item. Corky Booze stated that the item had not been reviewed by the Recreation and Parks Commission. Mr. Lindsay stated that staff had no objection to the item being reviewed by the Recreation and Parks Commission. He also stated that the YWCA would be on a month-to-month lease until the lease is approved.

\*-Approved a grant of easement to the East Bay Regional Park District for use as a non-motorized recreational trail commonly known as the East Ridge or the Highland-Knox Trail.

\*-Approved a sole-source contract with the Carpenters Training Committee Northern California to provide a curriculum template, teaching methodologies and direct entry to Carpenters Apprenticeship Program for qualified RichmondBUILD graduates. Total amount of the contract will not exceed \$25,000, for the period of May 18, 2010, through May 31, 2011.

\*\*Approved a three-year contract with Pyro Spectaculars North, Inc. for fireworks shows to be held at the Marina Bay Park in the amounts of \$29,000 for July 3, 2010; \$29,000 for July 3, 2011; and \$31,900 for July 3, 2012.

\*\***Adopted Resolution No. 58-10** to adjust appropriations for the 2009/2010 Recreation Department Budget to add \$500 in mini grant funding from the National Recreation and Parks Association to be used to purchase materials for an introductory archery program.

\*-Approved a contract with Maggiora & Ghilotti, Inc, for the construction of Point Richmond Retaining Wall Repairs, Phase 2, in the amount of \$336,633 (base bid), and approve a contract amendment with A-N West, Inc. in the amount of \$30,000, for a total authorization of \$366,633.

\*\***Adopted Resolution No. 59-10** renewing and continuing the local emergency related to sinkhole damage on Via Verdi in the vicinity of El Portal Drive that was first proclaimed by the city manager on April 22, 2010, and ratified by the City Council on April 27, 2010.

\*-Approved a contract with the Richmond Art Center (RAC) to administer the 2010 Neighborhood Public Art (NPA) Program in the amount of \$65,000 as allocated in the FY 2009-10 General Fund Budget.

\*-Approved an amendment to the contract with Meredith, Weinstein & Numbers, LLP for legal representation in a dispute with the Employment Risk Management Authority (ERMA) over coverage in the cases of Booker vs. City of Richmond and Jenkins vs. City of Richmond, increasing the amount by \$50,000, for a total of \$59,000, while maintaining the term expiration of June 30, 2011.

\*-Approved a contract with Rising Sun Energy Center to perform energy efficiency testing and improvements to 20 to 25 moderate income residents' homes, utilizing RichmondBUILD Program graduates, at a total cost not to exceed \$125,000 funded by the Energy Efficient Conservation Block Grant for the period of May 18, 2010, through September 30, 2012.

A proposed contract with the non-profit Community Energy Services Corporation to manage \$300,000 worth of lighting equipment retrofits within all city facilities to be paid with Energy Efficient Conservation Block Grant money during the period of May 18, 2010, through September 30, 2012, was presented. Councilmember Bates expressed his concern that Todd Lewis was not considered for this contract. The city manager gave an overview of the item and stated that Community Energy Services Corporation would do outreach to other local companies. Following discussion a motion was made by Councilmember Bates, seconded by Councilmember Viramontes with a provision that the City of Richmond would communicate with Todd Lewis, Rhonda Harris, and with other local vendors for the possibilities of equipment, supplies, and employment opportunities. Councilmember Bates also requested that the Council receive a six-month progress report as part of his motion. The motion passed by the following vote: **Ayes:** Councilmembers Bates, Butt, Lopez, Rogers, and Viramontes, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Vice Mayor Ritterman.

\*-Approved the minutes for the regular meetings of March 2 and 16. ***Held over the special meeting of March 9, 2010.***

**\*\*Adopted Ordinance No. 18-10 N.S.** amending Richmond Municipal Code Section 15.06 (Use and Display of Signs) and adding Section 4.12.020 (Removal of Signs from Utility Poles or Public Property) to clarify and simplify the process for obtaining a permit for multiple temporary signs.

\*-Approved the following appointments: Youth Commission: Claudia Ponce, term expiring May 18, 2012; Saeed Randle, term expiring May 18, 2012; Arts and Culture Commission: Andrea Vonny Lee, term expiring January 31, 2014.

## **RESOLUTIONS**

**Withdrew from the agenda** a proposal to adopt a resolution in support of the City of Richmond seeking designation as a Contra Costa HeartSafe Community to promote healthy lifestyles that encourage heart safety.

## **ORDINANCES**

A proposed ordinance amending Chapter 15.04 of the Richmond Municipal Code to limit the types of land uses that may sell tobacco products was introduced for first reading. Planning and Building Services Department Director Richard Mitchell and Associate Planner Hector Rojas gave an overview of the item. Jackie Thompson and Corky Booze gave comments. Following discussion, on motion of Councilmember Viramontes, seconded by Councilmember Butt said ordinance received first reading and was laid over two weeks for second reading by the following vote: **Ayes:** Councilmembers Butt, Lopez, Rogers, Viramontes, and Mayor McLaughlin. **Noes:** None. **Abstentions:** Councilmember Bates. **Absent:** Vice Mayor Ritterman.

**Withdrew from the agenda** the first reading of an ordinance amending Richmond Municipal Code Chapter 6.06.074 to require special approval prior to demolition of a structure more than 50 years old.

**Withdrew from the agenda** the first reading of an ordinance adding Chapter 47 to Article XIII of the Richmond Municipal Code to create a comprehensive framework for the administration of pipeline franchises in the City of Richmond.

## **COUNCIL AS A WHOLE**

In the matter to approve an amendment to the Land Disposition Agreement between the City of Richmond and Upstream Point Molate LLC extending the closing date to and including July 20, 2010, continuing the monthly payments to the city in the amount of \$90,000, and DIRECT the city attorney to prepare and the city manager to execute an agreement consistent with this action. Councilmember Bates gave an overview of the item. City Manager Bill Lindsay gave comments; he recommended that the City Council negotiate a larger monthly payment with Upstream Point Molate LLC to cover additional costs of maintaining the property if the extension is granted. The following individuals spoke on this item: Naomi Williams, Antwon Cloird, Jason Gallia, Carrie Steele, Charles Smith, Pam Stello, Shirley Phillips, James Cash, Jeremy Dolman, Joseph Puleo, Mike Ali, Kathleen Wimer, Eleanor Yukic, Joan Garrett, Linda Newton, Sylvia Falcon, Michael Beer, Tony Sustak, Simms Thompson, Cordell Jones, Jackie Thompson, Bill Pinkham, Texanita Bluitt, Corky Booze, Andres Soto, Ray Landry, Russell Jenkins, James Walker, Bruce Kaplan, Wayne Ellis, Renate Simon, Peter

Minkwitz, Robert Doss, Mike Daley, Edwardo Martinez, Gary Bell, John Marquez, Jovanka Beckles, Phil Lammi, Jim Levine, Aram Hodess, Rhonda Harris, Debbie Rheuark, Michael Parker, and Paul Doolittle. Following discussion, a motion was made by Councilmember Viramontes, seconded by Councilmember Bates to amend the LDA to provide an extension until April 2011, (30 days after the judicial court date of March 2011 that CESP has) include all amendments that the Point Molate Committee (Councilmembers Rogers, Lopez, and Butt) has requested of the city manager that they pursue conclusion of all those negotiations, and request an amendment to the LDA authorizing staff to include an area in the LDA that would provide for the discussion, community outreach, and for policy work to prepare for all alternative projects to strengthen that discussion publicly and to bring forward into the LDA consideration of the alternative projects and as appropriate included in the California Environmental Quality Act (CEQA) document, when it does come forward eventually before the City Council, the amendment should complete monthly payments of \$90,000 and all other obligations that Upstream Point Molate LLC has. Discussion continued. The motion passed by the following vote: **Ayes:** Councilmembers Bates, Lopez, Rogers, and Viramontes. **Noes:** Councilmember Butt and Mayor McLaughlin. **Abstentions:** None. **Absent:** Vice Mayor Ritterman.

In the matter to discuss the rights of the city to explore various development alternatives (apart from the Upstream proposal) for the Point Molate site and direct staff, in light of continuing controversy and legal complications that could well defeat the Upstream proposal or entangle the city in litigation for years to come, to receive ideas and suggestions for alternative plans so that the city may weigh the relative costs and benefits and responsibly rise from this economic downturn. Mayor McLaughlin gave an overview of the item. Discussion began. A motion was made by Councilmember Rogers, seconded by Councilmember Viramontes to direct the city attorney to give a general ideal of whether there is substantial disagreement amongst the three or four attorneys, who have weighed in on this issue, with the attorney general's opinion, which is that we can enter into specific negotiations with developers on Point Molate without fear of getting sued. The motion passed by the following vote: **Ayes:** Councilmembers Bates, Lopez, Rogers, and Viramontes. **Noes:** None. **Abstentions:** Councilmember Butt and Mayor McLaughlin. **Absent:** Vice Mayor Ritterman. City Attorney Randy Riddle stated that there was not agreement by the outside counsel that the City of Richmond has, and have used, with the views of the attorney general. The following individuals gave comments on this item: Charles Smith, Pam Stello, Jeanne Kortz, Joseph Puleo, Kathleen Wimer, Joan Garrett, Jackie Thompson, Antwon Cloird, Tony Thurman, Corky Booze, Ray Landry, Judith Piper, Mike Daley, Bruce Kaplan, Dorothy Gilbert, Jovanka Beckles, Tony Sustak, and Aram Hodess (*At*

*11:00 p.m. on motion of Councilmember Rogers, seconded by Mayor McLaughlin extended the meeting for 20 minutes with Councilmember Butt voting Noe)*

The speakers continued with: Jim Levine, Rafeal Madrigal, Kokoye Sande, Jerome Smith, Don Gosney, and Mike Ali (*At 11:20 p.m. on motion of Councilmember Viramontes, seconded by Councilmember Lopez extended the meeting to 11:30 p.m. by the unanimous vote of the Council*). The last speaker was Margaret Browne. A motion was made by Mayor McLaughlin, seconded by Councilmember Butt to direct staff to receive ideas and suggestions for alternative plans so that the city may weigh relative costs and benefits apart from the UpStream proposal. (*At 11:30 p.m. Mayor McLaughlin extended the meeting for 10 minutes*). Discussion continued and a motion to call for the question was made by Councilmember Bates, seconded by Councilmember Lopez and failed by the following vote: **Ayes:** Councilmembers Bates, Lopez, and Viramontes. **Noes:** Councilmembers Butt, Rogers, and Mayor McLaughlin. **Abstentions:** None. **Absent:** Vice Mayor Ritterman. The original motion by Mayor McLaughlin, seconded by Councilmember Butt failed by the following vote: **Ayes:** Councilmember Butt and Mayor McLaughlin. **Noes:** None. **Abstentions:** Councilmembers Bates, Lopez, Rogers, and Viramontes. **Absent:** Vice Mayor Ritterman. A motion was made by Councilmember Rogers to approve the motion made by Mayor McLaughlin with the provision that any developer that wishes to engage in that processes would indemnify and defend the City of Richmond if the City of Richmond was sued. The motion failed for lack of a second.

**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 12:18 a.m. in memory of Alfredo Valentino, father of Nicole Valentino, and Alecia Garcia to meet again on Tuesday, May 25, 2010, at 6:30 p.m.

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City Clerk

(SEAL)

Approved:

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Mayor