

RICHMOND, CALIFORNIA, June 1, 2010

The Richmond City Council Evening Open Session was called to order at 6:06 p.m. by Mayor Gayle McLaughlin.

ROLL CALL

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

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): Cosco Busan Oil Spill (City and County of San Francisco vs. Regal Stone)

There were no public speakers.

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

The Regular Meeting of the Richmond Richmond City Council was called to order at 6:36 p.m. by Mayor McLaughlin who led the Pledge of Allegiance to the Flag.

ROLL CALL

Present: Councilmembers Bates, Butt, Lopez, Rogers, and Mayor McLaughlin. **Absent:** Councilmember Viramontes and Vice Mayor Ritterman arrived between 6:37-6:39 p.m.).

STATEMENT OF CONFLICT OF INTEREST

None.

OPEN FORUM FOR PUBLIC COMMENT

Leonard Taylor gave comments regarding the need for a Baskin Robbins and a Starbucks at the Macdonald 80 shopping center. Mr. Taylor also stated that the City of Richmond will be hosting its annual Fireworks celebration on Saturday, July 3rd at Marina Bay Park.

Kokoye Sande invited everyone to the Richmond Main Public Library Book Sale every first Wednesday of the month.

Mike Ali spoke against approving another school bond.

Texanita Bluitt gave comments regarding her sorority who honored 10 women recently and awarded scholarships to three students. Ms. Bluitt also stated that potholes need to be repaired throughout the City.

Antwon Cloird gave comments regarding the recent surge in violence in Richmond.

Jean Womack spoke against legalizing illegal drugs.

Corky Booze thanked KCRT staff for assisting in resolving the issue with the City Council meetings cutting off early when being broadcast. Mr. Booze stated that Louie Aiello's funeral will be tomorrow at St. Callistus Church at 11 a.m. Mr. Booze also thanked Captain McBride, Mayor McLaughlin, and Councilmember Lopez for attending the recent DROC Community Forum.

Jackie Thompson stated that many vendors throughout the City have no health permits. Ms. Thompson also stated that the DROC Youth Community Forum was an opportunity to interact with the youth and speak about drugs and alcohol. She was

disappointed that many community leaders did not attend.

James Walker suggested that City cars and police vehicles should prominently display the City's logo and website.

Simms Thompson reported that there are many inoperable street lights on Carlson Boulevard.

Mike Bracy asked what positive steps can be taken to create jobs in order to reduce the violence in the City of Richmond.

AGENDA REVIEW

Removed Items G-3, G-4, G-6, G-7, and G-9, from the Consent Calendar.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Mayor McLaughlin read and presented a proclamation declaring the month of June Lesbian, Gay, Bisexual, and Transgender Pride Month in the City of Richmond to members of the RYSE Center. Members of the center thanked the Council for the proclamation. Jovanka Beckles gave comments.

Mayor McLaughlin presented a proclamation declaring June 5, 2010, through June 12, 2010, as National Neighborworks® Week to Lynette-Gibson McElheney, who thanked the City Council for the proclamation. Jackie Thompson, Corky Booze, and Bea Roberson gave comments.

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

City Attorney, Randy Riddle, reported that the Council authorized the city's intervention regarding the Cosco Busan oil spill case entitled Chelsea vs. Regal Stone.

CITY COUNCIL CONSENT CALENDAR

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

* Adopted **Resolution No. 61-10** adjusting the 2009/2010 Wastewater Enterprise budget: (1) increasing revenues by \$1,922,260.46; (2) increasing capital expenditures by \$1,722,260.46; and (3) increasing professional services by \$200,000, to appropriate funds received through the contract settlement with Veolia Water NA.

* Approved an amendment to the contract with Rising Sun Energy Center to provide Vocational English as a Second Language Energy Efficiency Workforce Development Training for RichmondBUILD grant participants. The contract amount will be increased by \$21,910 for a total contract amount not to exceed \$156,910, which is funded by a federal Clean Energy Grant. The revised contract term will be March 1, 2010, through June 30, 2011.

In the matter to consider adoption of a resolution approving the Engineer's Report for Fiscal Year 2010-2011 for the Hilltop Landscape Maintenance District (HLMD), declaring the City Council's intention to increase the annual assessment in the HLMD, and to announce a public hearing concerning the proposed increased assessment on July 20, 2010. Councilmember Viramontes stated that the wrong report was included in the Council packet. A motion was made by Councilmember Viramontes, seconded by Councilmember Ritterman, adopted **Resolution No. 62-10**, by the unanimous vote of the Council, contingent upon the correct report being attached and determination from the City Attorney whether any further public noticing is required.

In the matter to consider adoption of the Engineer's Report for Fiscal Year 2010-2011 for the Marina Bay Landscaping and Lighting Maintenance District (MBLLMD), declaring the City Council's intention to increase the annual assessment in the

MBLLMD, and to announce a public hearing concerning the proposed increased assessment on July 20, 2010. (*The public speakers left the meeting*). Councilmember Viramontes requested that the Marina Bay Community be informed about this proposed assessment prior to the matter being discussed at a council meeting. A motion by Councilmember Bates, seconded by Councilmember Ritterman, adopted **Resolution No. 63-10**, by the unanimous vote of the Council.

* Approved a contract with Bay Cities Paving and Grading, Inc., for the construction of a temporary two-lane access road to serve the Sobrante Glen neighborhood in the amount of \$256,172.75.

* In the matter to consider adoption of a resolution authorizing the issuance and sale of, not to exceed, \$30,000,000 City of Richmond, California, 2010-2011 Tax and Revenue Anticipation Notes; approving the forms of and directing the distribution of a notice of intention to sell, an official notice of sale, a note purchase agreement, an official statement, and a continuing disclosure certificate; delegating to officers of the city authorization to award bids for or negotiate a sale of said notes; and authorizing taking of necessary actions and execution of necessary documents. Councilmember Viramontes stated that she does not feel comfortable approving \$30 million. A motion was by Councilmember Bates, seconded by Councilmember Lopez to authorize the \$30 million Tax and Revenue Anticipation Note. Discussion ensued. Councilmember Viramontes made a motion to authorize only \$15 million, which died for lack of a second. The original motion passed by the following vote and **Resolution No. 64-10** was adopted by the following vote: **Ayes:** Councilmembers Bates, Butt, Lopez, Rogers, Vice Mayor Ritterman, and Mayor McLaughlin. **Noes:** None. **Abstentions:** Councilmember Viramontes. **Absent:** None.

* In the matter to consider adoption of supporting waste diversion through food waste composting and authorizing the City of Richmond to accept a grant in the amount of \$60,000 from the West Contra Costa Integrated Waste Management Authority

for the funding of a food waste collection outreach program. (*The public speakers left the meeting*). A motion by Councilmember Bates, seconded by Councilmember Ritterman, adopted **Resolution No. 65-10**, by the unanimous vote of the Council.

* Approved the following appointments: Contra Costa County Library Commission: Ron Shoop, Richmond Library Commissioner, term expiring June 30, 2011.

* In the matter to consider adoption of amending Chapter 15.04 of the Richmond Municipal Code to limit the types of land uses that may sell tobacco products was presented. Vice Mayor Ritterman gave an overview of the matter. Jackie Thompson and Corky Booze gave comments. A motion was made Councilmember Ritterman, seconded by Councilmember Lopez, **Ordinance No. 19-10**, was adopted by the following vote: **Ayes:** Councilmembers Butt, Lopez, Rogers, Vice Mayor Ritterman, and Mayor McLaughlin. **Noes:** None. **Abstentions:** Councilmember Viramontes. **Absent:** Councilmember Bates.

* Adopted **Resolution No. 66-10** authorizing staff to apply for annexation of a 10-foot wide strip of land in the Kay Road right-of-way that is currently owned by Contra Costa County, and directing the city manager to submit a letter to the county treasurer acknowledging that there will be no change in property tax revenue allocation following the annexation.

* Approved the minutes for the special meeting of March 9, 2010.

* Adopted **Resolution No. 67-10** granting another designated period (June 2, 2010, to September 1, 2010) for the two-year additional service credit for early retirement for certain specified classifications.

PUBLIC HEARINGS

The city clerk announced that this was the time set, pursuant to published notice, to conduct a public hearing to receive public comment regarding the

proposed wastewater rate increase to allow for additional information dissemination to the public (this hearing was continued from the May 4, 2010, City Council Meeting). Mayor McLaughlin stated that the public hearing will be opened tonight and be left open until June 15, 2010. Mayor McLaughlin declared the Public Hearing open. Chad Davisson, Engineering/Wastewater Management Department, gave an overview of the matter. The rate increase will not be implemented until next fiscal year and will only affect the Richmond Municipal Sewer District only. Funds will be solely for capital improvement projects and no General Fund monies will be used. State revolving fund money was also applied for. The following individuals gave comments in opposition to the wastewater rate increase: Mike Ali, Leonard Taylor, Corky Booze, James Walker, Anthony Brown, Charlotte McIntire, and Beryl Golden. Councilmember Viramontes asked that it would be beneficial for a flyer to be provided to the community of when and how much money has been used in the past. Mayor McLaughlin asked that an EBMUD representative attend the June 15, 2010, City Council meeting. Councilmember Lopez asked that at the next meeting a report be given about what projects would not be funded if the voters did not approve the rate increase. City Manager, Bill Lindsay, stated that a report of alternative bond rates and the impact they may have. The public hearing will remain open to be discussed again at the June 15, 2010, City Council meeting.

RESOLUTIONS

In the matter to adopt a resolution supporting outreach and education regarding smart meters to prevent power service disconnections and urging a moratorium on the installation of new smart meters pending the outcome of an investigation by the California Public Utilities Commission (CPUC). Mayor McLaughlin gave an overview of the matter. Leonard Taylor and Texanita Bluitt gave comments. Councilmember Viramontes stated that the whole City has already been supplied with the Smart Meters. There is a group called TURN and the City can join with this advocacy group. A motion was made by Mayor McLaughlin, seconded by Councilmember

Viramontes, to possibly schedule a local meeting as well as meet with advocacy group TURN and **Resolution No. 68-10** was adopted by the unanimous vote of the City Council.

ORDINANCES

A proposed ordinance was introduced for first reading amending Chapters 9.20 and 9.21 of the Richmond Municipal Code to revise the definition of solid wastes to exclude recyclables and to allow for biweekly collection of residential food waste mixed with green waste for composting. Jennifer Ly gave an overview of the matter. A motion was made by Councilmember Viramontes, seconded by Councilmember Lopez and said ordinance received first reading and was laid over two weeks for second reading, by the unanimous vote of the City Council, with the inclusion of the amended page provided at the meeting.

In the matter to introduce an ordinance amending Richmond Municipal Code Section 15.06.070 to clarify the scope of exemptions for official notices, traffic control signs, and danger signs. City Attorney, Randy Riddle gave an overview of the matter. Mr. Riddle stated that this ordinance pertains to government related signage. Jackie Thompson and Corky Booze gave comments. A motion was made by Councilmember Viramontes, seconded by Councilmember Lopez; said ordinance received first reading and was laid over two weeks for second reading, by the unanimous vote of the City Council.

COUNCIL AS A WHOLE

In the matter to receive a report on the Fiscal Year 2010-2011 Operating Budget Checklist items identified by the City Council at its May 18, 2010, meeting along with the city manager and finance director recommended budget additions and PROVIDE direction to staff. Finance Director, James Goins, gave an overview of the matter. All layoffs have been rescinded. Councilmember Lopez presented a report of City revenues over the last 8 years. Mayor McLaughlin requested \$10,500 for the Human Relations Human

Rights Commission and Councilmember Bates asked that the reserve balance amount be confirmed. This matter will be discussed again at the June 15, 2010, City Council meeting.

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

Councilmembers Lopez, Viramontes, and Bates stated that they attended ethics training held in the City of Pinole on May 20, 2010.

Mayor McLaughlin stated that she attended the Community Block Party held at the Ford Building.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:59 p.m. in memory of Helen Aiello, wife of Lou Aiello, to meet again on Tuesday, June 15, 2010, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor