

**RICHMOND, CALIFORNIA, September 7,
2010**

The Richmond City Council Evening
Open Session was called to order at 5:08 p.m.

ROLL CALL

Present: Councilmembers Bates, Butt,
Lopez, Rogers, and Mayor McLaughlin. **Absent:**
Vice Mayor Ritterman and Councilmember
Viramontes. (Vice Mayor Ritterman and
Councilmember Viramontes 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):** Communities for a Better Environment vs.
City of Richmond, et al.; Booker vs. City of
Richmond; Jenkins vs. City of Richmond

**CONFERENCE WITH LABOR
NEGOTIATORS (Government Code Section
54957.6):** Labor Negotiations: City-designated
representative(s): Bill Lindsay, Leslie Knight, Jack
Hughes, Lisa Stephenson, and Bruce Soublet
Employee organization or unrepresented employee(s):
SEIU Local 1021 and IFPTE Local 21, RFMA and
Local 188;

There were no public speakers.

The Evening Open Session adjourned to Closed
Session at 5:09 p.m. The Closed Session adjourned at
5:34 p.m.

The Joint Meeting of the Richmond
Redevelopment Agency/Richmond City Council was
called to order at 6:42 p.m. by Mayor McLaughlin
who led the Pledge of Allegiance to the Flag. (*See
Redevelopment Minutes RCRA7Sept2010*).

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

Councilmember Butt reported a conflict of interest with Item K-1 – West Contra Costa Unified School District (WCCUSD) is his client.

OPEN FORUM FOR PUBLIC COMMENT

Myrtle Braxton-Ellington expressed her concern with the curriculum and design of Kennedy High School.

Texanita Bluitt expressed concern regarding the property that the Kennedy Swim Center occupies.

Naomi Williams expressed concern regarding the conditions at Kennedy High School.

Leonard Taylor announced that football season was starting on Friday, September 10, 2010, for Richmond and De anza High Schools.

Cordell Rhodes spoke in support of keeping Kennedy High School open.

Patrice Keys thanked Councilmember Bates, Richmond Community Foundation, Michelle Milan, and Officer Daniele Evans for their support with the Life Project. She stated that project was able to sponsor five field-trips, serve 4474 meals this summer, gave away 95 backpacks to students returning to school, sponsored two barbeques, and gave away 250 grocery bags.

Monique Davis expressed her gratitude for the Life Project. She also stated that the project presents a safe haven for children.

Myrtle Jones spoke in support of keeping Kennedy High School open. She also requested resources to assist her in preserving her home.

Toni Favila spoke in support of the parcel tax to help schools.

Antwon Cloird stated that the school system needs to get back to basics.

Kenneth Davis expressed his opposition to the Point Molate Project.

Tiombe Mashama spoke in support of the Office of Neighborhood Safety (ONS) and its partnership with Health Services in assisting clients of the ONS.

Rhonda and Larry Lowe spoke in support of ONS.

Steven Christian spoke in support of ONS.

Sims Thompson stated that signage and stop lights throughout the City of Richmond need repair in order to improve the City's image.

Darrell Campbell spoke in support of the ONS.

Miguelle Lee representing the Stride Center spoke in support of the ONS.

Corky Booze spoke in support of keeping Kennedy High School open.

Mike Ali stated that the streets located in the 900 block of 32nd Street are in desperate need of repair.

Michael Beer announced that pictures of the Richmond's Silly Parade are available at www.flickr.com or to view the event go to YouTube and search for Richmond Silly Parade.

Tracy Reed spoke in support of ONS.

Vanessa Reed spoke in support of the ONS.

Elana Bolds spoke in support of the ONS.

Karla Woods spoke in support of the ONS.

Emmanuel Henderson spoke in support of the ONS.

Kierra Bolds spoke in support of the ONS.

Betty Ferguson spoke in support of the ONS.

Eleanor Thompson introduced the youth who volunteered during the summer with the Social Progress Program. The youth planted tomato plants and presented a plant to each Councilmember.

Vena Timmons spoke in support of the ONS.

Dorothy Walls-Stewart spoke in support of the ONS.

Mary Spearman spoke in support of the ONS.

Jerome Smith encouraged the motto "One Richmond."

Michael Parker spoke in support of keeping Kennedy High School open.

Paul Miao urged the Council to reopen the marijuana issue.

AGENDA REVIEW

Removed Items H-1, H-5, H-7, and H-9 from the Consent Calendar.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Dave Campbell presented a certificate to SunPower, winner of the Bike to Work Team Bike Challenge, for bicycling the most miles in Contra Costa County during Bike to Work Month in May 2010. Jeremy Works gave comments and introduced the team.

Mayor McLaughlin joined by Councilmember Viramontes presented proclamations to Janet Schneider, Monique le Conge, and Rich Davidson in recognition of their contributions to the City of Richmond. All candidates gave comments. Cordell Rhodes and Corky Booze spoke also gave comments.

Jordan Simmons Director of the East Bay Center for the Performing Arts gave an update on the progress made in the Winter's Building. Tom Butt 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 there were no reportable actions for items discussed in Closed Session.

CONSENT CALENDAR

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

A proposed contract amendment with Morrison & Foerster for remediation, development, and litigation services regarding Point Molate, increasing the contract amount by \$250,000, with funding from the Navy for remediation related legal services, from the developer for litigation related services, and from the developer and the City Point Molate account for development services was presented. City Attorney Randy Riddle gave an overview of the item. Corky Booze gave comments. On motion of Vice Mayor Ritterman seconded by Councilmember Lopez approved the contract by the following vote: **Ayes:** Councilmembers Bates, Butt, Lopez, Viramontes, Vice Mayor Ritterman, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Rogers.

*Approved a contract amendment with California Restoration On-Call Inc., dba Avalon Construction Co., for additional roof repairs at the main library in an amount not to exceed \$74,000, for a total contract amount of \$154,000.

*Approved a contract with Daktronics, Inc. for the replacement of the Civic Center marquee in an amount not to exceed \$80,000.

*Approved a contract with the Oakland Private Industry Council to procure goods and services on behalf of RichmondWORKS and in support of East Bay Works One Stop Career Center System. The contract term will be September 7, 2010, through June 30, 2011, and the amount will not exceed \$41,207.

On motion of Vice Mayor Ritterman, seconded by Councilmember Lopez approved the appointment of Councilmember Nat Bates as City Council Liaison to the Youth Baseball Advisory Commission by the unanimous vote of the Council.

*Authorized the port director's marketing travel to China to initiate a business development plan with the Port of Zhoushan, and to explore the potential for China auto manufacturers entering the U.S. market through the Port of Richmond's recently renovated automobile facilities.

A proposed contract with Todd Jersey Architecture to provide design and construction administration services for additional work associated with the renovation project at the Richmond Natatorium, related to completion of the irrigation system, in an amount not to exceed \$20,000 and for a term ending December 31, 2010, was presented. Interim City Engineer Edric Kwan gave an overview of the item. Corky Booze gave comments. On motion of Councilmember Bates, seconded by Vice Mayor Ritterman approved the contract by the unanimous vote of the Council.

*Authorized travel out of the United States for the assistant city manager to visit and participate in the 2010 Annual Australian Local Government Managers Conference as part of the League of California Cities Official Exchange Program. Expenses for the program are partially funded by the League of California Cities, in recognition of the assistant city manager receiving the John H. Nail Memorial Award for outstanding contributions to city government.

A proposed emergency contract with Bay Hawk Inc. to perform sidewalk repairs in an amount not to exceed \$34,409.42, pursuant to an Emergency Justification Form executed on July 28, 2010, was presented. Interim City Engineer Edric Kwan gave an overview of the item. *(At 12:05 a.m. on motion of Vice Mayor Ritterman, seconded by Councilmember Bates extended the meeting for 20 minutes with Councilmember Butt voting Noe).* The following individuals gave comments: Rhonda Harris, Oiana Riley, John Riley, and John Marquez. On motion of Councilmember Butt, seconded by Vice Mayor Ritterman approved the contract by the following vote: **Ayes:** Councilmembers Butts, Lopez, Rogers, Viramontes, Vice Mayor Ritterman, and Mayor

McLaughlin. **Noes:** Councilmember Bates.
Abstentions: None. **Absent:** None.

*Approved a contract with the Contra Costa County Workforce Investment Board for intensive case management services for qualifying West County youth, summer work experience and academic support to 100 West County youth residents. The contract term will be September 8, 2010, through June 30, 2011, and the grant-funded contract amount will not exceed \$190,000.

*Approved an amendment to the contract with Sam Charles, dba SCIV Construction, to provide additional services as the Construction Coordinator of the Richmond YouthBUILD Program. The grant-funded contract amount will be increased by \$73,500 for an amount not to exceed \$138,500. The revised contract term will be February 2, 2011, through December 31, 2011.

*Adopted **Resolution No. 99-10** accepting grant funds from the Bay Area Urban Area Security Initiative (UASI) and approved a contract with Lee & Associates Rescue Equipment, Inc. to provide Urban Search and Rescue (USAR) training in an amount not to exceed \$74,300.

*Adopted **Resolution No. 100-10** authorizing city departments to enter into service contracts with consultants from a pre-qualified consultant list generated through a Request for Proposals to provide grant writing, grant seeking, or other grant-related services on an as-needed basis for fiscal years 2010-2011 and 2011-2012 in an amount not to exceed \$15,000 per job per consultant, with a total not to exceed the amount of \$100,000 per consultant per fiscal year.

*Approved the following appointments and re-appointments: Commission on Aging: Rose Brooks, filling unexpired vacancy of John Melone who is deceased, term expiring May 19, 2011; Beverly Wallace, term expiring May 19, 2012; Housing Advisory Commission: Oras Washington, Sr., Incumbent, term expiring February 2, 2012; Human Relations and Human Rights Commission: Wendy Gonzalez, Incumbent being re-instated after absence, term expiring March 30, 2011; Richmond-Zhoushan Friendship Commission: Michelle Itagaki, term expiring July 22, 2012; Youth Baseball Advisory Commission: Augustine Flores, filling unexpired vacancy of Pamila Henderson who resigned, term expiring November 16, 2011; Imaayu Hancock, filling unexpired vacancy of Warren G. Spencer, Sr. who is deceased, term expiring July 22, 2011.

*Adopted **Resolution No. 101-10** authorizing the acceptance of a \$128,419 Edward Byrne Memorial Justice Assistance Grant (JAG) from the American Recovery and Reinvestment Act of 2009 and the appropriation of this amount for law enforcement programs.

*Approved the minutes for meetings held on March 23; April 6, 20, and 27; May 4, 11, and 18; June 1; and August 2, 2010.

*Approved a first amendment to the contract with Burke Williams & Sorensen for legal representation regarding the cross-complaint in the matter of People of the State of California and City of Richmond vs. Dayem, 7 Stars Holistic Foundation, Inc. and related matters, increasing the contract amount by \$20,000, for a total of \$30,000, while maintaining the term expiration of July 2010.

*Adopted **Resolution No. 102-10** approving the application for grant funds for the Sustainable Communities Planning Grant and Incentives Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) for development of a form-based code for various commercial corridors.

*Approved a construction contract with Rosendin Electric, Inc., the lowest responsive bidder, for labor and materials as per the plans and specifications for lighting improvements at Point Potrero Marine Terminal in an amount not to exceed \$1,615,337.

*Approved a third amendment to the contract with the Law Firm of Meyers, Nave, Riback, Silver and Wilson to continue to represent the City in the lawsuits entitled Booker vs. City of Richmond, et al., and Jenkins vs. City of Richmond, et al. in the amount of \$300,000, bringing the total amount of the contract to \$1,650,000.

*Approved an amendment to the FY 2010-11 authorized staffing in the City Manager's Office (no net financial impact) establishing the position of Senior Development Project Manager and leaving as unfilled the current authorized positions of Environmental Manager and Management Analyst.

RESOLUTIONS

A proposed resolution acknowledging the 75th Anniversary of the Works Progress Administration (WPA); calling on President Obama and Congress to deliver a real WPA Program; and supporting the goals of the October 2, 2010, March on Washington, in the words of the NAACP and SEIU: "Jobs, Economic Security, Comprehensive Immigration Reform, a Safe and Renewable Energy Policy, and a Reversal of National Priorities from Making Wars to Meeting

Human Needs" was presented. Mayor McLaughlin gave an overview of the item and read the resolution into the record. The following individuals spoke on this item: Toni Favila, Harvey Smith, Jerome Smith, Eduardo Martinez, Mike Ali, Jovanka Beckles, and Michael Parker. A motion was made by Mayor McLaughlin, seconded by Vice Mayor Ritterman to adopt a resolution acknowledging the 75th Anniversary of the Works Progress Administration (WPA). A substitute motion was made by Councilmember Bates, seconded by Councilmember Viramontes to make a request to Congressman George Miller and get feedback. Following discussion, Councilmember Bates withdrew his substitute motion and the original motion was approved adopting **Resolution No. 103-10** by the unanimous vote of the Council.

A proposed resolution condemning and disapproving of the hate crimes that have taken place in our University of California/California State University systems was presented. Mayor McLaughlin along with members of the Human Rights and Human Relations Commission gave an overview of the item. Jovanka Beckles and Jose Rivera gave comments. On motion of Mayor McLaughlin, seconded by Councilmember Viramontes adopted **Resolution No. 104-10** by the unanimous vote of the Council.

ORDINANCES

A proposed 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 was presented for first reading. City attorney Randy Riddle gave an overview of the item. Joshua Genser gave comments. Katrinka Ruk signed up to speak; however, the Council allowed Ms. Ruk to relinquish her time to Mr. Genser. Following discussion, A motion was made by Councilmember Butt, seconded by Mayor McLaughlin approve the first reading of the ordinance as proposed by the city attorney. Councilmember Bates stated that he would not support the motion because: (1) under the ordinance, pipeline franchisees would be responsible for the full cost of repairing a damaged pipeline even if the City was responsible for the damage, and (2) it was his view that if a pipeline is relocated because of a development or construction by a third party, that developer or third party should have to pay for the relocation, not the pipeline franchisee. Councilmember Viramontes offered a friendly amendment to add language in the ordinance that describes the process of how original owners of a franchise can deal with new franchisees that have an impact on them. The amendment was accepted and said ordinance received first reading and was laid over two weeks for second reading by the following vote: **Ayes:** Councilmembers Butt, Lopez, Rogers, Viramontes, Vice Mayor Ritterman, and Mayor McLaughlin. **Noes:** Councilmember Bates. **Abstentions:** None. **Absent:** None.

COUNCIL AS A WHOLE

In the matter to discuss concepts for an enhanced partnership between the West Contra Costa Unified School District (WCCUSD) and the City of Richmond, and: (1) provide a commitment of \$1.5 million in funds for the 2011-12 academic year that would allow Kennedy High School and Olinda and Grant elementary schools to remain open during that year; and (2) direct staff to work with WCCUSD on a detailed financial plan for a funding partnership, to include an evaluation of including a capital funding plan for repairs to the Richmond Swim Center and for rebuilding the Martin Luther King Community Center. Councilmember Lopez gave an overview of the item: The following individuals gave comments: Leonard Taylor, Reverend Kenneth Davis, Audrey Miles, Fabiola Gutierrez, Elida Abrego, Richard Stollings, Mike Ali, Roxanne Brown-Garcia, Superintendent Harder, Madeline Kronenberg, Antonio Medrano, Texanita Bluit, Charles Ramsey, Mike Peritz, Ken Linderen, Pamela Saucer, Eduardo Martinez, Bea Roberson, Jerome Smith, Naomi Williams, Myrtle Braxton-Ellington, Eleanor Thompson, Margaret Browne, Tony Thurmond, John Schofield, Ryan Shaw, John Marquez, Rhonda Harris, Mark Moran, David Flores, Susan Wehrle, Marcellis Ashley, Ann Palmer, Fred Jackson, Michael Wasilchan, Jason Freeman, and Corky Booze. Councilmember Lopez suggested that in terms of prioritizing sources of funding, the City of Richmond should develop a joint use agreement so that its interest is protected and also pull resources together for the WCCUSD and the City to come up with the \$1.5 million. Councilmember Lopez also suggested scheduling a Joint City Council and School Board Meeting. A motion was made by Councilmember Rogers, seconded by Vice Mayor Ritterman to approve the item. Councilmember Viramontes suggested that the following issues be addressed: (1) enrollment at Kennedy High School, (2) the proposed November tax ballot measure to support schools, (3) enrollment issues in El Sobrante, and (4) property that the Kennedy Swim Center occupies. **(At 11:07p.m. on motion of Councilmember Viramontes, seconded by Councilmember Rogers extended the meeting for 45 minutes by the unanimous vote of the Council).** A friendly amendment was offered by Councilmember Lopez to include Councilmember Viramontes' four points, and also to schedule a Joint City Council and School Board Meeting, and organize an ad hoc committee that can work with the city manager and the WCCUSD between now and the scheduling of the Joint City Council and School Board Meeting to work on the financial plan. The friendly amendment was accepted. Councilmember Bates offered a friendly amendment to meet jointly at a minimum semiannually. The amendment was accepted and the item was approved by the following vote: **Ayes:** Councilmembers Bates, Lopez, Rogers, Viramontes, Vice Mayor Ritterman, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Butt.

**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 12:21 a.m. in memory of Karen Mae Hill to meet again on Tuesday, September 21, 2010, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor