

**RICHMOND, CALIFORNIA, June 22,
2010**

The Richmond City Council Evening Open Session was called to order at 6:05 p.m. by Mayor Gayle McLaughlin.

ROLL CALL

Present: Councilmembers, Butt, Lopez, Rogers, Vice Mayor Ritterman, and Mayor McLaughlin. **Absent:** Councilmembers Bates and Viramontes (*both 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): Largaespada vs. City of Richmond; California Regional Water Quality Control Board, Matter No. R2-2007-0067 (Port of Richmond Terminal 4) vs. City of Richmond.

There were no public speakers.

The Evening Open Session adjourned to Closed Session at 6:06 p.m. The Closed Session adjourned at 6:41 p.m.

The Joint Meeting of the Richmond Redevelopment Agency/City Council was called to order at 6:47 p.m. by Mayor McLaughlin who led the Pledge of Allegiance to the Flag. (*See Redevelopment Minutes RCRA22June2010*).

CITY COUNCIL

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

None.

City Clerk, Diane Holmes, announced that a request was made to move the presentation to CJ's Barbecue & Fish up to before Open Forum due to a family emergency.

OPEN FORUM FOR PUBLIC COMMENT

Leonard Taylor gave comments about the upcoming Video Game & Convention Center.

Andrew Gutierrez, Professor of Cal Berkeley, gave comments regarding the conflict in Israel.

Cory Lawrence, Cushman & Wakefield, gave comments regarding a manufacturing business that has just come to the City of Richmond.

Simms Thompson gave comments regarding a grass fire near the Zeneca site. There are other areas throughout the City that need to be addressed.

Antwon Cloird gave comments regarding Rev. Shumake's son who was recently shot. Mr. Cloird also commented that Juneteenth Festival was a very successful event.

Naomi Williams stated that the Greater Richmond Interfaith Program (GRIP) is in need of food donations. Please call 233-2141, ext. 204 for more information.

The following persons gave comments regarding the recent Israeli attack on the Gaza-bound humanitarian aid flotilla: Cathy Sheetz, Steve Grieves, Margaret Browne, Dr. Amer Araim, Tony Sustek, Tim Laidman, Jaime Cader.

Corky Booze gave comments regarding his support of the Greenway. Mr. Booze also stated that the Juneteenth Festival was a success.

Jackie Thompson thanked the City Manager's Office and Leslie Knight for following up on comments and concerns from residents. Ms. Thompson also gave comments regarding negative e-mails she has received. She also stated that there is no sidewalk on Cutting Boulevard in front of the National Armory building.

James Walker stated that Juneteenth Festival was excellent and spoke against Wastewater Fee increase.

Rev. George Brown, from Totally Led Ministries, requested donations to assist in sending 12 boys to the 2010 Basketball Championship Tournament at the California State Tournament in San Diego scheduled for July 9-11, 2010. The cost is \$6,300 and more information can be obtained by calling (510)253-5661.

Jovanka Beckles gave comments regarding the poor condition of the streets in Parchester Village on Williams Drive.

Bruce Beyaert, gave an update regarding the Richmond Bay Trail.

Texanita Bluitt gave comments regarding vacant properties in the City that need to be cleaned by the City.

AGENDA REVIEW

Removed Items G-1 and G-2b. Item E-4 was moved to be heard before Open Forum. Everlasting Construction was not present to accept their award and the presentation was moved to the July 27, 2010, City Council meeting.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Mayor McLaughlin presented a "Scholarships Are Terrific" (SAT) scholarship sponsored by the Friends of the Richmond Public Library and the Richmond Public Library to Ramiah Davis, a graduate of Hercules Middle/High School. Jackie Thompson gave comments.

Mayor McLaughlin presented certificates honoring Texanita Bluitt and Arnie Kasendorf for their national certification as housing commissioners. Jackie Thompson and Jovanka Beckles gave comments.

Mayor McLaughlin and Councilmember Viramontes presented a proclamation and a commemorative clock of the Plunge in recognition of Don Bastin and Clementina Diaz; recent retirees from the Richmond Museum of History. Bruce Beyear gave comments.

Mayor McLaughlin presented a certificate to Luther Evans honoring CJ's Barbecue & Fish as Richmond small Business of the month for June 2010. Everlasting Construction was not present to accept the award and will be honored at the July 27, 2010, City Council meeting.

Councilmember Rogers and Mayor McLaughlin presented a letter of recognition for Pastor Kevin B. Hall to Associate Pastor Mark Jones for 16 years of service as pastor of St. John Missionary Baptist Church in Richmond. Corky Booze, Jackie Thompson, and Jovanka Beckles gave comments.

Mayor McLaughlin presented a proclamation honoring and recognizing the significant contribution that the Richmond Convention and Visitors Bureau makes to the enhancement of the image as well as the economic vitality of Richmond to Michelle Itagaki; and presented a proclamation honoring and recognizing Courtyard by Marriott for its valuable contributions to the City of Richmond's image and economic development to Becky Ross. Michelle Itagaki, Arnie Kasendorf, Leonard Taylor, Corky Booze, and Jackie Thompson gave comments.

Mayor McLaughlin and Councilmember Viramontes presented a letter of recognition to Everett

Jenkins, City of Richmond Senior Assistant City Attorney, for receiving the 2010 Fred Breen Humanitarian of the Year Award presented by the West Contra Costa YMCA. A representative from Nancy Skinner's Office also presented an award. Corky Booze, Jackie Thompson, Naomi Williams, and City Attorney, Randy Riddle gave comments.

Received a report from the Festival Committee on the 2010 Cinco de Mayo festivities held on 23rd Street in the City of Richmond on May 1st and May 2nd. Councilmember Lopez gave an overview of the event. Rafael Madrigal, President of the 23rd Street Merchants Association, Officers Estevan Barragan and Dan Sanchez, and Corky Booze and Jackie Thompson 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 approved a settlement in the amount of \$20,000 in the matter of Largaespada vs. City of Richmond. Councilmember Butt voted no.

CITY COUNCIL CONSENT CALENDAR

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

The matter to adopt a resolution approving an application for grant funds pursuant to the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 for funding the planning and development of the Central Richmond Greenway's nature education related facilities was presented. A motion by Vice Mayor Ritterman, seconded by Councilmember Rogers, adopted **Resolution No. 75-10**, by the following vote: **Ayes:** Councilmembers, Butt, Lopez, Rogers, Viramontes, Vice Mayor Ritterman, and Mayor McLaughlin. **Noes:** None. **Abstain:** None. **Absent:** Councilmember Bates.

In the matter to approve and adopt the following resolutions for Fiscal Year 2010/11:

In the matter to approve the Fiscal Year 2010/11 Operating Budget, and (2) approving the Fiscal Year 2010-15 Five-Year Capital Improvement Plan Budget. A motion by Councilmember Lopez, seconded by Councilmember Viramontes referred to the Finance Standing Committee to discuss the details of providing a quarterly cash flow report to the Finance Committee; developing a policy to prevent staff from depleting the General Fund prior to City Council approval; and also directed the City Manager to evaluate the need for filling vacant positions on a case by case basis before

filling the vacancy, was approved and adopted **Resolution Nos. 76-10 and 76-10a**, by the following vote: **Ayes:** Councilmembers, Butt, Lopez, Rogers, Viramontes, Vice Mayor Ritterman, and Mayor McLaughlin. **Noes:** None. **Abstain:** None. **Absent:** Councilmember Bates.

* - Approved a two-year contract with Principal Decision Systems International (TELESTAFF) for software to monitor and manage overtime in the Police Department, in an amount that will not exceed \$63,369.

STUDY SESSION

The City Council received a presentation by California State Senator Mark DeSaulnier, representing District 7, concerning legislation and other initiatives impacting the Richmond community. Senator DeSaulnier gave a status on various senate bills and the state budget. Corky Booze and Jackie Thompson gave comments.

STUDY AND DIRECTION TO STAFF SESSION

In the matter to hear a presentation by the city attorney and provide direction for final preparation of an ordinance to regulate oil, gas, and water franchises in the City of Richmond. City Attorney, Randy Riddle gave an overview of the proposed ordinance. John Harris, Attorney from Meyers Nave, reported that the City of Richmond as a Charter City can set its own franchise fees. Randy Riddle stated that a provision can be added to the ordinance that stipulates that before you can get a new franchise or renew a franchise that has expired; you will need to pay all monies already due and payable from past years that have not been paid. Randy responded that a provision can be added. Joshua Genser gave comments on behalf of the pipeline industry. Joe Lorenz, Katrinka Ruk, and Julia Butler gave comments. Discussion ensued. A motion by Councilmember Rogers, seconded by Councilmember Butt directed staff to determine some way of billing for past usage that has not been paid as a pre-requisite prior to granting renewal or applying for a new franchise and that the City pursue legal action if a franchisee does not come to the City for approval; also if the City wants to charge twice the COLA, it will be immune from any legal challenge, but if the City tries to charge more than that than the City would have to come up with definitions and franchisees would be free to challenge the higher rates. Councilmember Butt withdrew his second and made a substitute motion, seconded by Mayor McLaughlin to determine some way of billing for part usage that has not been paid prior to granting renewal or applying for a new franchise; and that staff study options regarding how the renewal fees were determined. Councilmember Bates made substitute motion, which did not receive a second that the be COLA + 1%; that potential relocation of pipelines is fair; and confidentiality can be worked out between the industry and the city was referred to staff to consider points and try to resolve them and return to the City

Council at a later date. Councilmember Viramontes stated that she will not vote on this matter tonight. (*A motion by Councilmember Lopez, seconded by Councilmember Viramontes, extended the meeting 25 minutes. Councilmembers Bates and Butt objected*). Councilmember Viramontes requested that when the resolution regarding the fees returns to the City Council that criteria or a context on how the fee amounts was reached be included. (*Councilmember Bates left the meeting at 11:51 p.m.*) The motion made by Councilmember Butt, passed by the following vote: **Ayes:** Councilmembers, Butt, Lopez, Rogers, Vice Mayor Ritterman, and Mayor McLaughlin. **Noes:** None. **Abstain:** Councilmember Viramontes. **Absent:** Councilmember Bates.

ADJOURNMENT

There being no further business, the meeting adjourned at 12:19 a.m. in memory of Charles Harris, son of Novleen Harris to meet again on Tuesday, June 28, 2010, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor