

**RICHMOND, CALIFORNIA, December 1,
2009**

The Richmond City Council Evening
Open Session was called to order at 5:15 p.m. by
Mayor McLaughlin.

ROLL CALL

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

PUBLIC COMMENT

The acting 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 for Eastshore Parks vs. City of
Richmond; Booker 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 Negotiator: 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 5:21 p.m. The Closed Session
adjourned at 6:40 p.m.

The Regular Meeting of the Richmond City
Council was called to order at 6:48 p.m. by
Mayor McLaughlin.

ROLL CALL

Present: Councilmembers, Bates, Butt,
Ritterman, Rogers, Vice Mayor Lopez, Mayor
McLaughlin. **Absent:** Councilmember
Viramontes – (*arrived at 6:52 p.m.*)

**STATEMENT OF CONFLICT OF
INTEREST**

None.

OPEN FORUM FOR PUBLIC COMMENT

Simms Thompson thanked the Public Works Department for fixing some of the lights on Carlson Boulevard, however there are still some areas where there is exposed wiring on the light poles. Mr. Thompson also asked that the lighting and water aquifer at the Southeast end of Spring Street be looked at.

Naomi Williams expressed concern over the lack of response so far from the engineering department pertaining to matters that she has informed the City of which are affecting the Southeast side of Richmond.

Leonard Taylor informed that there will be an upcoming holiday lighting ceremony on Macdonald Avenue.

Jennifer Diaz-Zamora gave comments regarding the installation of large AT&T U-Verse cabinets on resident's front yards.

Pearl Hunter stated that there are additional City positions that should be given the opportunity to take advantage of the two year service credit.

Kimberly Stewart is concerned with all of the empty businesses throughout the City and would like to help in attracting more businesses to Richmond.

Sergio Diaz, *(through John Marquez, translator)*, gave comments regarding the installation of large boxes that AT&T has been installing throughout Richmond.

Ramiro Perez asked how AT&T was given permission to install AT&T U-Verse boxes in Richmond without the knowledge of the resident.

James Gouldtorpe gave comments regarding the mass installation of AT&T U-Verse boxes and asked that the residents be involved in their placement.

Corky Booze asked that there are no reductions made in the Paratransit Department and also asked that the parks in Richmond be upgraded and fixed.

Diego Garcia gave comments regarding the poor condition of City parks and the need to revitalize them.

Kelsi, *(through a translator)*, requested information regarding his murdered brothers. *(Councilmember Viramontes requested that the City Manager follow-up with Mr. Kelsi).*

Charlotte Rea asked that the City Council not approve a casino at Point Molate.

Jim Jenkins stated job creation should be a priority for the government and asked homeowners in danger of losing their homes to work with their lender for assistance.

Micheal DeOrian stated that there should not be an AT&T box installed on the corner of McBryde and Ralston Avenues for vehicle safety reasons.

Jackie Thompson gave comments regarding the number of children being disruptive at the last meeting.

Jovanka Beckles gave comments on International Aids Day.

Wendy Gonzales stated that on October 20th the City of Richmond was declared a Human Rights city. On December 10th the Human Rights Commission will commemorate International Human Rights Day by feeding day laborers and providing them with useful human rights related information. For more information contact Wendy Gonzales at teacheractivist@yahoo.com

The following persons gave comments regarding the importance of keeping paratransit service in Richmond: Texanita Bluitt, Maria Contreras, Marvin Dyson, Deloris Jamison, Millie Cleveland, John Marquez, Andrea Ballard, Myrtle Braxton, Al Marshall, James Walker, Lacy Douglas and AJ Jelani.

Dr. Connie Portero gave comments regarding the lack of adequate parks, which lack proper lighting, the need for soccer fields and bathrooms.

Bill Lindsay, City Manager, stated that the possible paratransit service cuts issue will be in the agenda at a future City Council meeting. No paratransit drivers have received lay off notices. Analysis will need to be completed that will help lower the current general fund subsidy to the department and additional public input will be gathered.

A motion by Councilmember Viramontes, seconded by Councilmember Rogers, added an emergency item to the agenda regarding the AT&T boxes being installed throughout the City and to ask AT&T to stop the installation of additional boxes, by the unanimous vote of the Council. Rich Davidson, City Engineer, stated that AT&T obtained permits for placement of boxes in right-of-ways, which in many cases are in residents' front yards. An alternate location for a box proposed to be located in someone's front yard along McBryde Avenue will be explored with AT&T. Mr. Davidson also stated that he will call someone at AT&T tomorrow to plan meetings with the residents in order to discuss and plan the locations of the boxes. A motion by Councilmember Viramontes, seconded by Councilmember Butt, added an emergency item that would call for a moratorium on approving permits for the installation of any additional AT&T U-Verse boxes in Richmond, passed by the unanimous vote of the Council.

AGENDA REVIEW

Items G-1 and G-2 were removed from the Consent Calendar. A motion by Councilmember Bates, seconded by Councilmember Viramontes,

moved Item J-3 to be heard after the adoption of the Consent Calendar, passed by the unanimous vote of the Council.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Mayor McLaughlin gave a brief introduction of the proclamation honoring La Plazuela, La Selva Taqueria, and Pepito's Deli Mexicatessen restaurants as Richmond small businesses of the month for December 2009. Humberto Madrigal from La Plazuela was not present. Sergio Segura from La Selva thanked the Mayor and City Councilmembers for the proclamation. Ralph Vega from Pepito's Deli thanked the Council for the proclamation and continued support. John Marquez gave comments.

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

Assistant City Attorney, Scott Dickey, stated that there were no reportable actions.

CITY COUNCIL CONSENT CALENDAR

On motion of Councilmember Viramontes, seconded by Vice Mayor Lopez, all items marked with an asterisk (*-) were approved by the unanimous vote of the Council. *Items removed from the Consent Calendar were heard at the end of the meeting.*

The matter to approve a professional service contract with Republic Intelligent Transportation Services, Inc. to prepare a Street Light Master Plan in amount not to exceed \$110,000 was presented by Rich Davidson, City Engineer. Corky Booze gave comments. Councilmember Viramontes stated that the lights need to be better quality and illuminate a larger area. A motion made by Councilmember Ritterman, seconded by Councilmember Viramontes, approved the contract by the unanimous vote of the Council.

The matter to approve a third amendment to the contract with Solar Richmond to coordinate the solar installation component for the RichmondBUILD Training Program, increasing the contract amount by \$20,000 for a total contract amount of \$220,000, and setting December 31, 2009, as the contract termination date was presented by Employment and Training Director, Sal Vaca. Corky Booze gave comments. A motion made by Vice Mayor Lopez, seconded by Councilmember Rogers, approved the contract by the unanimous vote of the Council.

*- Approved a one-year contract with Rogers, Joseph, O'Donnell, P.C. for continuing legal services regarding the Regional Water Quality Control Board (RWQCB) clean-up order pertaining to Port Terminal 4, in an amount not to exceed \$25,000.00.

*- Approved a revised one-year lease of property located at 636 Spring Street for use as the primary training site for the YouthBUILD Program. The lease period commences December 1, 2009, and ends November 30, 2010. The rent is \$2,700 per month for a total 12-month rental cost not to exceed \$32,400.

*- Adopted **Ordinance No. 39-09** to add Chapter 12.29 (Street Opening and Pavement Restoration Regulations) to the Richmond Municipal Code, establishing a moratorium against excavating in newly resurfaced streets.

*- Adopted **Resolution No. 133-09** authorizing the acceptance of the grant funds awarded to the Richmond Public Library's Literacy for Every Adult Program (LEAP) by the California State Library through the California Library Literacy Services (CLLS) Program and increasing LEAP's FY2009/2010 state grant revenue and expenditure budget by \$29,242 to \$112,237.

ORDINANCES

A proposed ordinance adding Chapter 6.46 to Richmond Municipal Code establishing Green Building Standards for construction and/or renovation of commercial and residential buildings was presented by Richard Mitchell, Planning Director, and Joe Light, Senior Planner. Councilmember Butt requested that a time period for the board of appeals to render a decision be included. Joe Light, City Planner, replied that there will be a subsequent ordinance pertaining to the Board of Appeals for an upcoming meeting. A motion made by Councilmember Ritterman, seconded by Vice Mayor Lopez, said ordinance received first reading and was laid over two weeks for second reading, by the unanimous vote of the Council.

A proposed exploration of an alternative legislative approach to addressing public safety threats posed by large capacity magazines in guns, and introduced an ordinance repealing Richmond Municipal Code Chapter 11.98, which bans the possession of large capacity magazines for guns was presented by Scott Dickey, Assistant City Attorney. A motion made by Councilmember Bates, seconded by Councilmember Rogers, said ordinance received first reading and was laid over two weeks for second reading by the following vote:

Ayes: Councilmembers Bates, Butt, Ritterman, Rogers, Vice Mayor Lopez, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Viramontes.

The matter to add an urgency ordinance under Government Code Section 65858 declaring a moratorium on the acceptance, processing and approval of applications to establish medical marijuana dispensaries and cooperatives in any zoning district within the City. This ordinance will require a 4/5 vote of the Council. Richard Mitchell, Planning Director, gave an overview of the matter and stated that there are many individuals who have asked about the process for opening a marijuana dispensary. The Planning Department does not have any applications on file for medical cannabis dispensaries. Jim Jenkins and John Clay gave comments. Councilmember Butt asked that an item be added to the Closed Session regarding filing a civil suit against existing marijuana dispensaries. Deputy Police Chief, Ed Medina, stated that the police department is fundamentally against any marijuana dispensaries in the City. Councilmember Rogers stated that medical marijuana dispensaries should be deemed illegal in the City due to the large amount of time and money needed for enforcement. On motion by Councilmember Bates, seconded by Councilmember Ritterman, adopted **Ordinance No. 40-09**, extending the moratorium, by the unanimous vote of the Council. The moratorium becomes effective immediately and will be in effect for 45 days, which will be January 15, 2010.

The matter to introduce an ordinance to extend the sunset date of the Business Opportunity Ordinance (Richmond Municipal Chapter Code 2.50) for a period of 60 days from January 29, 2010, to March 31, 2010 was presented by Employment and Training Director, Sal Vaca. Rhonda Harris and Armando Soto gave comments. A motion made by Councilmember Butt, seconded by Councilmember Rogers, said ordinance received first reading and was laid over two weeks for second reading by the following vote: **Ayes:** Councilmembers Bates, Butt, Ritterman, Rogers, Viramontes, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Vice Mayor Lopez.

STUDY AND DIRECTION TO STAFF SESSION

The matter to receive a report on the findings and suggestions by City staff and stakeholders related to the current Richmond Business Opportunity Ordinance enacted in 2006 and scheduled for expiration on January 29, 2010, and provide direction to staff regarding proposals for strengthening the

ordinance and other related activities was presented by Employment and Training Director, Sal Vaca and City Manager, Bill Lindsay. Currently 20% of contracts are given to Richmond based businesses but believes this number can be improved. Bernita Reagan from the firm of Merriwether & Williams made a presentation. Ms. Reagan stated that there were six classes conducted for local businesses related to financial management and business development, estimating and bidding, contract and project management, bonding and insurance, and business operations. Primary recommendations to strengthen the Ordinance that have arisen out of the process described above include: Add a small business component to the Ordinance which mandates utilization of small AND local businesses on City of Richmond projects (25-30% Local; 10% small local (included in the 25-30%); Utilize the State of California's Small Business Certification (for Richmond businesses only) and the Department of Transportation's Disadvantaged Business Enterprises in Richmond to avoid developing a certification responsibility for Employment and Training, and to enhance opportunities for Richmond businesses by marketing them through the State and federal government's databases; Provide ratings incentives to certified small and local businesses when they bid on Richmond contracts; Strengthen definition of "good faith efforts" undertaken by businesses to meet the City contracting goals and to be considered a responsive bidder; Institute a "sheltered bidding" program, limited to small certified Richmond businesses, so that these small businesses are bidding only against each other on smaller contracts; Enhance monitoring and compliance by fully utilizing the Elations Contract Compliance program and providing training and support for all Richmond departments involved in negotiating and executing contracts for the City of Richmond. Councilmember Viramontes requested input from the Chamber of Commerce. Mayor McLaughlin stated that the language in the ordinance should say "shall", not "may". Corky Booze, John Tamon, and Rhonda Harris gave comments. *(A motion by Councilmember Viramontes, seconded by Vice Mayor Lopez extended the meeting 15 minutes to 11:30 p.m.)*. Councilmember Bates requested language pertaining to penalties for non-payment to be included and Councilmember Rogers expressed concern about the sheltered bidding requirements. *(A motion by Mayor McLaughlin, seconded by Councilmember Butt, extended the meeting 15 minutes to 12:00 a.m., Councilmembers Butt, Rogers, and Viramontes objected).*

COUNCIL AS A WHOLE

The matter to direct staff to review and report findings regarding the City of Richmond's current bonding requirements to determine if the minimum amounts necessary to do business with the City are an impediment for small local businesses was presented by Mayor McLaughlin. A motion made by Mayor McLaughlin, seconded by Councilmember Viramontes, directed staff to explore different bonding requirements, passed by the unanimous vote of the Council.

The matter to receive a report and direct staff regarding options for a Paramedic and Public Safety revenue measure to be placed on the June 2010 primary election ballot was presented by Councilmember Viramontes. A motion made by Councilmember Viramontes, seconded by Vice Mayor Lopez, to work with staff and the unions to discuss a general parcel tax option or a benefit assessment district only for fire service, and also decide on the number of paramedics. Councilmember Rogers requested that the cost of placing this matter on a special ballot be researched. *A motion made by Vice Mayor Lopez, seconded by Mayor McLaughlin, extended the meeting 15 minutes. Councilmember Bates objected.* Jovanka Beckles and John Marquez gave comments. Discussion ensued. *(A motion made by Councilmember Lopez, seconded by Mayor McLaughlin, extended the meeting for 10 minutes. Councilmember Bates objected).* The motion passed by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Viramontes, and Vice Mayor Lopez. **Noes:** Councilmember Ritterman and Mayor McLaughlin. **Abstentions:** None. **Absent:** None.

CONTINUED to the December 15, 2009, City Council meeting, the matter to discuss Phase 1 and 1A expenditures for the Civic Center Revitalization Project funded by the Redevelopment Agency, consider returning the balance of the construction reserve (estimated at \$1.9 million) to the Redevelopment agency upon completion of project, and consider reimbursement of the additional unforeseen cost incurred by the Redevelopment agency in the amount of \$5 million during Phase 1 of the Project.

The matter to consider and commit to restoring the Richmond Plunge to its original usage upon opening was presented by Councilmember Bates who stated that this commitment requires the city to continue the Therapeutic, Handicap, and Senior Citizen Programs at the Plunge. The following individuals gave comments: Leonard Taylor,

Kim Stoddard, Pearl Hunter, David Vincent, Jim Jenkins, Jackie Thompson, Corky Booze, Millie Cleveland, Rosemary Corbin, Jim McMillan, Pallas Pulling, Ellie Strauss, Bob Strauss, Mary Spearman, Dr. Connie Portero, Myrtle Braxton, Texanita Bluit, Naomi Williams, Norm Hantzche, John Mayer, J.J. Thorp, Nancy Malone, Ben Landon, and Courtney Coolidge. City Manager, Bill Lindsay, stated that the pool architect and the city engineering department are working on a more simplified plan for dealing with the moveable bulkhead. Councilmember Rogers asked that the following items be placed on the agenda at a future meeting: that the City Council considers eliminating the 2/3 vote to reconsider a previously voted on item and re-agendize the bulkhead issue to the next meeting. Councilmember Bates stated that the intent of those persons who raised the funds for the rehabilitation of the plunge was for the plunge to be used in the same manner it was before it closed. Councilmember Butt stated he does not agree with the comments that the Point Richmond area is getting more than other parts of the City. Councilmember Viramontes stated that there should be some long term planning discussions regarding the possibility of having at least four pools in the City. A motion by Councilmember Bates, seconded by Mayor McLaughlin, to restore the plunge to its original usage upon opening without excluding other uses, passed by the unanimous vote of the Council.

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 12:45 a.m., to meet again on Tuesday, December 15, 2009, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor