

**RICHMOND, CALIFORNIA, March 15,
2011**

The Richmond City Council Evening
Open Session was called to order at 5:09 p.m.

ROLL CALL

Present: Councilmembers, Boozé,
Rogers, and Mayor McLaughlin. **Absent:**
Councilmembers Bates, Beckles, and Vice Mayor
Butt. Councilmember Bates arrived at 5:48 p.m.
Councilmember Beckles and Vice Mayor Butt
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

**LIABILITY CLAIMS - PENDING
LITIGATION (Government Code Section
54956.9):** Joseph Silva 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 LEGAL COUNSEL
- ANTICIPATED LITIGATION (Initiation of
litigation pursuant to Subdivision (c) of Government
Code Section 54956.9):** One Case

There were no public speakers.

The Evening Open Session adjourned to
Closed Session at 5:10 p.m. The Closed Session
adjourned at 5:45 p.m.

The Special Meeting of the Richmond Housing Authority was called to order at 5:47 p.m. by Mayor McLaughlin. (*See HA 11Mar15*)

The Joint Meeting of the Richmond Community Redevelopment Agency/Richmond City Council was called to order at 8:03 p.m. by Mayor McLaughlin.

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

None.

OPEN FORUM FOR PUBLIC COMMENT

Fred Warren complained that the library continues to dispose of books rather than give them away.

Jackie Thompson read a letter from the Housing Authority Commission regarding the establishment of a committee to assist in dealing with persons who become hostile, disruptive, or confrontational during council meetings. The committee should consist of 2 or 3 community residents, a clergy member, a city staff person, law enforcement person, and a councilmember.

Sims Thompson reported that the cross walk light in front of the senior center on Macdonald Avenue is not working. Mr. Thompson also complained that there is a lot of garbage and many street lights are not working throughout the city.

Rev. Kenneth Davis gave comments regarding a woman who works in Richmond and claims has taken money from North Richmond and has made slanderous comments about him.

Cordell White says the soccer field at Nicholl Park needs to be revitalized.

Johnny Holmes gave comments regarding a recent successful talent show he organized with the assistance of the Richmond Recreation Department. Mr. Holmes stated that there is another talent show scheduled for April 25, 2011. The tryout dates are March 25, 2011 from 4 p.m. to 8 p.m. and on April 2, 2011, from 9 a.m. to 2 p.m.

Texanita Bluitt gave comments regarding the recommendation of the establishment of a committee to deal with persons who become disruptive at council meetings.

Saleem Bey gave comments regarding an article written in the West County Times regarding himself and other residents of North Richmond.

Lisa Hirschhorn asked when the application process will be discussed for the establishment of medical marijuana dispensaries. Councilmember Ritterman replied that the Public Safety Committee meeting is scheduled for Thursday, March 24, 2011 for discussion of the medical marijuana item.

Deborah McIntyre stated that the Park Plaza Street Light replacement program must be completed as soon as possible because of safety issues in the area due to the lack of proper lighting.

Inocencia Dacuoros stated that the "Read Across America Family Celebration" was held on March 5, 2011, at the Main Richmond Public Library.

Bea Roberson thanked Mayor McLaughin for sending Councilmember Beckles to the most recent Richmond Neighborhood Coordinating Council meeting.

Michael Beer stated that the 5th Annual Silly Parade will be held on Saturday, April 2, 2011, at 10:30 a.m., at the corners of 23rd Street and Macdonald Avenue. For more information contact: richmondsillyparade@gmail.com

Tarnell Abbott urged the public to attend the April 5, 2011, City Council meeting to voice their opinion regarding the proposed casino at Point Molate.

Margaret Jordan gave comments regarding the negative impacts of foreclosures to cities and individuals. Ms. Jordan also stated that on Saturday, March 19, 2011, buses will depart at the corner of 5th and Nevin Avenue to Oakland to express support of the California Homeowner's Protection Act.

Eleanor Thompson stated that she hopes that the issues between Barbara Becnel, Saleem Bey, and Rev. Kenneth Davis can be resolved.

Darrell Caraway gave comments regarding the street pavement work being completed on Carlson Avenue.

Barbara Becnel, Neighborhood House of North Richmond stated that Minister Frederick Mohammad of the Nation of Islam did not threaten her as was written in a recent West County Times article. Ms. Becnel also stated that she returned a \$175,000 grant because she did not hire an individual that she was asked to hire.

Michael Parker stated that persons need to attend the meeting to oppose the possibility of establishing a casino at Point Molate.

AGENDA REVIEW

Removed Items H-3, H-12, H-13, and H-14 from the Consent Calendar, to be heard at the end of the agenda. Mayor McLaughlin announced that the City Council may convene a special city council meeting tomorrow if the State chooses to conduct an election on a date other than the one the City will have the ballot measures on, so we can be on the same ballot and share the cost of the election.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Mayor McLaughlin read a proclamation honoring March 2011 as Women's History Month.

Former City Employee, Tarnell Abbott, donated a piece of her artwork to the city. Cordell White gave comments.

Mayor McLaughlin read a proclamation declaring March 17, 2011, Adult Education Day in Richmond. The following individuals gave comments: Inocencia Dacumos, Raul Ramirez, Ken Ryan, and Eduardo Martinez.

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 during Closed Session.

REDEVELOPMENT AGENCY BOARD CONSENT CALENDAR

(See RCRA15Mar2011)

CITY COUNCIL CONSENT CALENDAR

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

The matter to approve a contract with BKF Engineers to design a prefabricated pedestrian bridge to replace the existing damaged pedestrian bridge at the Booker T. Anderson Park, in an amount not to exceed \$44,368 was presented. Councilmember Boozé asked how much the bridge will cost to construct. Public Works Director, Yader Bermudez, replied that he estimates the bridge will cost \$150,000. A motion made by Councilmember Bates, seconded by Councilmember Ritterman, approved the contract by the following vote: **Ayes:** Councilmembers Bates, Beckles, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** Councilmember Boozé **Abstain:** None. **Absent:** None.

*-Approved a contract with the Downey Brand law firm for the legal review of the requirements as predetermined in the Baykeeper Settlement Agreement and for review of the Sewer Use Ordinance in order to comply with the requirements of the City of Richmond's National Pollutant Discharge Elimination System (NPDES) permit in an amount not to exceed \$50,000.

The matter to approve a contract with United Site Services to provide portable toilet services at John F. Kennedy Park (JFK) and Booker T. Anderson Park (BTA) in an amount not to exceed \$11,000, for a contract term from March 16, 2011, to June 30, 2012 was presented by Public Works Director, Yader Bermudez. The following individuals gave comments: Texanita Bluitt and Jackie Thompson. A motion made by Councilmember Ritterman, seconded by Councilmember Boozé, approved the contract by the following vote: **Ayes:** Councilmembers Bates, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** Councilmember Boozé. **Abstain:** None. **Absent:** Councilmember Beckles.

*-Approved a contract with Jet Mulch, Inc. to install blown-in ASTM certified engineered wood fiber surfacing at various park playgrounds in an amount not to exceed \$25,641.99, including a 10% cost contingency. The contract term will be from March 16, 2011, to June 30, 2011.

*-Approved a contract with ShotSpotter Inc. to continue providing maintenance and support for both phases of the ShotSpotter System in an amount not to exceed \$60,000 from January 1, 2011, to June 30, 2011.

*-Approved a fifth amended, one-year contract with eCivis Incorporated for the annual subscription to a city-wide grant locator database to aid city departments and non-profit organizations in applying for grants, extending the subscription to March 31, 2012, in an amount not to exceed \$29,950.

The matter to approve a contract with Packet Fusion for annual maintenance of the City of Richmond's Shore Tel Telephone System in an amount

not to exceed \$53,550 was presented by I.T. Director, Sue Hartman. A motion made by Councilmember Boozé, seconded by Councilmember Ritterman, approved the contract by the following vote: **Ayes:** Councilmembers Bates, Boozé, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** None. **Abstain:** None. **Absent:** Councilmember Beckles.

The matter to approve the purchase of a two-stall shower/restroom combination trailer from Comforts of Home Services, Inc., for use during fire station renovation projects to install gender specific restroom facilities in the amount of \$27,579, plus taxes was presented by Fire Chief, Michael Banks. A motion made by Councilmember Ritterman, seconded by Mayor McLaughlin, approved the contract by the following vote: **Ayes:** Councilmembers Bates, Boozé, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** None. **Abstain:** None. **Absent:** Councilmember Beckles.

*-Directed staff to request proposals to hire qualified consultant firms and individuals to implement components of the Greenprint Alternative Transportation Program to be directed and managed by the city (This item was reviewed and recommended for approval by the Finance Committee at its February 18, 2011, meeting).

*-Approved the minutes for the February 1, 2011, City Council Meeting.

*-Approved the following re-appointment: Economic Development Commission: Michele McGeoy, Incumbent, term expiring March 30, 2013.

*-Adopted **Resolution No. 20-11**, authorizing the city manager to take all necessary steps to acquire certain Redevelopment Agency-owned real estate as generally described in the resolution.

The matter to adopt an ordinance enacting a ½ percent Transactions and Use Tax (sales tax) to be administered by the State Board of Equalization subject to approval by the city's voters at the June 7, 2011,

special election was presented. Bea Roberson gave comments. A motion by Councilmember Rogers, seconded by Councilmember Ritterman, adopted **Ordinance No. 9-11**, by the following vote: **Ayes:** Councilmembers Bates, Boozé, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** None. **Abstain:** None. **Absent:** Councilmember Beckles.

The matter to approve the Port Executive Director's and Councilmember Nat Bates' request for travel to China at a cost of approximately \$10,000 to continue the business development plan with the Port of Zhoushan, to explore the potential for China auto manufacturing entering the U.S. market through the Port of Richmond's recently renovated automobile facility, and to reinforce the City's Sister City relationship with Zhoushan was presented by Port Director, Jim Matzorkis. Jackie Thompson gave comments. A motion by Councilmember Rogers, seconded by Councilmember Boozé, approved the request for travel by the following vote: **Ayes:** Councilmembers Bates, Boozé, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** None. **Abstain:** None. **Absent:** Councilmember Beckles.

RESOLUTIONS

The matter to adopt Resolution of Intention No. 906 to rename the portion of Filbert Street between Vernon Avenue and Chesley Avenue to Fred Jackson Way was presented by Planning Director, Richard Mitchell. The following individuals gave comments: Rev. Kenneth Davis, Naomi Williams, Eleanor Thompson, Eduardo Martinez, A motion by Councilmember Beckles, seconded by Councilmember Boozé adopted **Resolution of Intention No. 906**, by the following vote: **Ayes:** Councilmembers Beckles, Boozé, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** None. **Abstain:** Councilmember Bates. **Absent:** None. The public hearing is scheduled for the April 12, 2011, City Council meeting.

The matter to adopt a resolution supporting the collective bargaining rights of workers in the State of

Wisconsin was presented by Mayor McLaughlin. The following individuals gave comments: Eduardo Martinez, Michael Parker, Naomi Williams, and Rev. Kenneth Davis. A motion by Councilmember Ritterman, seconded by Councilmember Beckles, adopted **Resolution No. 21-11**, by the unanimous vote of the Council.

The matter to adopt a resolution asking Congress to expand cities' ability to regulate the placement of wireless communications facilities to protect the health and well-being of the community was presented by Mayor McLaughlin. The following individuals gave comments: Eduardo Martinez, Beverly Hunt, Shirley Cotton, and Paul Parks. A motion by Mayor McLaughlin, seconded by Councilmember Bates, adopted **Resolution No. 22-11**, by the unanimous vote of the Council.

ORDINANCES

A proposed introduction of an ordinance proposing an amendment to Richmond Municipal Code Chapter 3.59 was presented. Eduardo Martinez gave comments. A motion by Mayor McLaughlin, seconded by Councilmember Bates said ordinance received first reading and was laid over for two weeks for the second reading by the unanimous vote of the Council.

A proposed urgency ordinance extending the current moratorium on the acceptance, processing and approval of applications to establish outdoor vendors in any zoning district until the earlier of: (1) February 16, 2012; or (2) the effective date of an ordinance revising the regulations for outdoor vendors was presented by Planning Director, Richard Mitchell. A motion by Councilmember Boozé, seconded by Councilmember Rogers, adopted **Ordinance No. 10-11**, by the unanimous vote of the Council.

A proposed urgency ordinance extending the current moratorium on the acceptance, processing, approval and issuance of applications and permits to construct or place new wireless communications facilities in all zoning districts within the City of Richmond to the earlier of: (1) the effective date of

legislation addressing land use criteria for wireless communication facilities, or (2) May 14, 2011 was presented by Vice Mayor Butt. Eduardo Martinez gave comments. A motion by Councilmember Bates, seconded by Councilmember Boozé, adopted **Ordinance No. 11-11**, by the unanimous vote of the Council.

A proposed introduction of an ordinance amending Richmond Municipal Code Section 15.04.890 (Wireless Communications Facilities) to address certain aspects of aesthetics and other aspects of the public safety and welfare that are not adequately protected in the revised Wireless Ordinance and to address scrutiny applied in reviewing the installation and modification of such facilities was presented by Mayor McLaughlin. Eduardo Martinez and Paul Parks gave comments. A motion made by Councilmember Boozé, seconded by Councilmember Rogers said ordinance received first reading and was laid over for two weeks for the second reading by the unanimous vote of the Council.

COUNCIL AS A WHOLE

The matter to receive a presentation on the Via Verdi restoration options and recommendations, and a status report on California Emergency Management Agency project funding was presented by City Engineer, Edric Kwan. Staff has a letter of confirmation from the California Emergency Management Agency (Cal-EMA) for state assistance for a total project cost of \$12 million. Cal-EMA emergency funding was garnered in large part due to the support from Contra Costa Transportation Authority and especially from their Executive Director, Randy Iwasaki. This opens the door for the City to receive reimbursement for 75% of eligible actual costs (\$9 million), including expenditures to date and future expenditures. The City must cover 25% of the eligible costs (\$3 million) and all remaining non-eligible costs. Staff is continuing to explore with Cal-EMA financial issues related to the project, including what specific costs are eligible for reimbursement, and cash flow requirements for the City based both on the construction schedule and on timing of reimbursement

payments by Cal-EMA. Until these issues are completely resolved, staff is not in a position to recommend a specific funding source for the City share of the costs. At this point, staff expects that the City share of costs will be spread over 2-3 years beginning in FY 2011-12. Final budgetary approval, with a recommendation as to the funding source(s) for the project, will be brought to the City Council in the near future when these issues are resolved with some degree of clarity. Of the various options (Attachment 3), staff recommends constructing a modern box culvert and restoring the affected area to its original condition (Alternative No. 6), and repairing the approximately 350 linear feet of remaining un-collapsed culvert (Alternative No. 8 or No. 9, depending on hydraulic calculations). The benefits of this course of action include the following: Anticipated cost of \$6.5 to \$7.8 million is considerably less than the other alternatives; Costs are likely reimbursable through Cal-EMA; Land acquisition is not required; San Pablo Creek temporary channel improvements will be utilized to access and repair the remaining un-collapsed culvert; Anticipated timeline is considerably shorter than the other alternatives; and CEQA/permitting requirements are less complex. Staff recommends adopting a budget of \$12 million to fund the total Via Verdi Sinkhole project budget (expenditures to date and future expenditures). The following individuals gave comments: Donald Bastin, Femke Oldham, Barbara Pendergrass, Frank Recorder, John Compagno, Tracy Oliva, Richard Scott, Martha Bethelsen, Lawrie McDonnell, Dennis Genova, Stephen Lo, Sandra Lo, Eleanor Loynd, and Elaine Goodwin. Discussion ensued. A motion made by Councilmember Ritterman, seconded by Councilmember Boozé, adopted staff's recommended Alternative 6, by the unanimous vote of the Council.

(10:55 p.m. - A motion by Councilmember Rogers, seconded by Councilmember Boozé, extended the meeting 30 minutes. Councilmember Butt and Vice Mayor Butt objected).

The matter to direct staff to explore legally feasible options for wastewater treatment for the City of Richmond Municipal Sewer District was presented by Mayor McLaughlin. The following individuals gave

comments: Susan Glendening, Eduardo Martinez, John Hart, Maureen Decombe, Charles Smith, Jason Claiborne, and Xina Lyons. A motion made by Mayor McLaughlin, seconded by Councilmember Ritterman, directed Chad Davisson to return to a future City Council meeting with various options for the wastewater treatment plant, was approved by the following vote: **Ayes:** Councilmembers Beckles, Boozé, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** None. **Abstain:** Councilmember Bates. **Absent:** None. .

(11:30 p.m. - A motion by Councilmember Ritterman , seconded by Councilmember Boozé, extended the meeting until finished with all remaining items. Vice Mayor Butt and Councilmember Beckles objected).

The matter to direct staff to refrain from re-opening digester operations at the City of Richmond Municipal Sewer District wastewater treatment plant until it is demonstrated that the facility can be reliably operated without posing hazards to the community was presented by Chad Davisson, Engineering Division. The plant has been out of operation for several months and will not reopen until it is deemed safe. Residents within the Point Richmond neighborhood have shared with the Mayor's Office, Council and Staff considerable concern regarding the operation and condition of the wastewater treatment plant including the digester facility. The October 2010 release of unflared digester gas into the community led to an investigation by the Bay Area Air Quality Management District, (BAAQMD), which resulted in the issuance of several Violation Notices by the BAAQMD. A number of residents have also requested investigations by other regulatory agencies including the Attorney General office and the Environmental Protection Agency (EPA) with respect to the conduct of the City's contract operator, Veolia Water as well as the City's management of the contract for the past several years. The following individuals gave comments: Xina Lyons, Jason Claiborne, Mike Pawlowski, Eduardo Martinez, Maureen Decombe, Charles Smith, Susan Glendening, Richard Norris, and Aaron Winer. A motion made by Mayor McLaughlin, seconded by Councilmember Boozé, the digester at the wastewater treatment plant will not be in operation until it is

deemed that it will be reliably operating without posing hazards, was approved 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 1:00 a.m., in memory of Aza Williams, Maurice Dorty, Avis Blanchette, Dan Wittenbauer, Victoria Matthews, and for the people of Japan due to the recent tragic earthquake, to meet again on Tuesday, March 22, 2011, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor