

**RICHMOND, CALIFORNIA,
January 17, 2012**

The Richmond City Council Evening Open Session was called to order at 5:10 p.m. by Mayor Gayle McLaughlin.

ROLL CALL

Present: Councilmembers, Bates, Boozé, Butt, Ritterman and Mayor McLaughlin. **Absent:** Councilmember Beckles arrived at 5:11 p.m. and Vice Mayor Rogers arrived after adjourning to Closed Session.

PUBLIC COMMENT

None.

ADJOURN TO CLOSED SESSION

The City Council adjourned to Closed Session at 5:11 p.m.

CITY COUNCIL

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:

CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6): Richmond Fire Management Negotiations; Negotiators: Jack Hughes, Lisa Stephenson, and Michael Banks; Richmond Police Officers Association; Negotiators: Jack Hughes and Lisa Stephenson

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8): Property: Terminal One; Negotiators: Bill Lindsay, Alan Wolken, and KB/Bakewell

PUBLIC EMPLOYEE APPOINTMENT (Government Code Section 54957.6): City Attorney

The Evening Open Session adjourned to Closed Session at 5:11 p.m. The Closed Session adjourned at 6:45 p.m. The Regular Meeting of the Richmond City Council was called to order at 6:53 p.m. by Mayor Gayle McLaughlin who led the Pledge of Allegiance to the Flag.

RICHMOND CITY COUNCIL

ROLL CALL

Present: Councilmembers, Beckles, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Absent:** Councilmember Bates arrived at 7:07 p.m. and Councilmember Boozé arrived at 7:03 p.m.

STATEMENT OF CONFLICT OF INTEREST

Councilmember Butt recused himself from discussion on Item I-3 due to a business relationship with Richmond Development Company.

OPEN FORUM FOR PUBLIC COMMENT

Michael Robinson complained that he was robbed in his neighborhood and is aware of where the person who robbed him resides. He has informed the police and does not feel that the Police Department has assisted him appropriately on this matter.

Cordell Martin read a poem and stated that he is very concerned about all of the homicides in the city.

Leonard Taylor gave comments regarding the recent murder of a man near the Richmond Bart Station.

Kenneth Davis asked the community to view his website www.freerichmond.org for more information regarding comments he makes at the City Council meetings.

Mark Wassberg stated that he doesn't agree with all of the rights that the City Council has given illegal immigrants.

Antwon Cloird gave comments regarding events that occurred over the weekend to commemorate the Martin Luther King Holiday.

Tarnell Abbott, on behalf of the Richmond Progressive Alliance, invited the community to a film show, titled "At the River I Stand", on Monday, January 23, 2012 at 7 p.m. at 1021 Macdonald Avenue. Ms. Abbott has also received complaints that the Personnel Board meetings have not been properly noticed.

Jerome Smith reminded the City Council that they should think carefully about all actions and decisions that they make because they directly affect the community as a whole.

Jackie Thompson asked why the City Council voted to allow a public speaker to address the City Council after the allowed time to sign up to speak had passed. Ms. Thompson also stated that a public speaker that directed profanity towards Councilmember Boozé was not asked to stop nor was the microphone turned off.

AGENDA REVIEW

Items G-2, G-3, G-4, G-9, and G-10 were removed from the Consent Calendar. Item G-5 was withdrawn from the agenda. Item I-1 was moved up to be heard directly after the approval of the Consent Calendar. Mayor McLaughlin requested that Items G-3 and G-4 be pulled from the agenda and referred to the Human Rights and Human Relations Commission for review and discussion. Councilmember Boozé asked the City Attorney if the Mayor has the authority to remove an item from the agenda when it has been placed there by a department head. City Attorney Randy Riddle replied that the Mayor has the authority to continue any item being considered by the City Council for up to two weeks. Vice Mayor Rogers asked if these items were time sensitive and Captain Mark Gagan replied that Item G-4 is time sensitive because most of the equipment has expired and all of the equipment has been used before and the equipments

needs to be restocked. The City Council may override an action made by the Mayor by an affirmative vote of four councilmembers. A motion by Councilmember Boozé, seconded by Councilmember Bates to overrule the Mayor's decision to refer the items to the Human Rights and Human Relations Commission, failed by the following vote: **Ayes:** Councilmembers Bates, Boozé, and Butt. **Noes:** Councilmembers Beckles, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Absent:** None. **Abstain:** None. A motion by Vice Mayor Rogers, seconded by Councilmember Bates to overturn the Mayor's ruling and keep Item G-4 on the agenda for discussion and approval, passed by the following vote: **Ayes:** Councilmembers Bates, Boozé, Butt, Ritterman, and Vice Mayor Rogers. **Noes:** Councilmember Beckles and Mayor McLaughlin. **Absent:** None. **Abstain:** None. A motion made by Councilmember Boozé to hear Item G-4 directly after the approval of the Consent Calendar, failed for lack of a second.

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

City Attorney, Randy Riddle, stated that there was no action to report.

CITY COUNCIL CONSENT CALENDAR

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

*-Approved Amendment No. 3 to the Kronick Moskovitz contract for legal representation related to the city's intervention in the Chevron property tax appeal litigation, increasing the amount by \$60,000, for a total of \$150,000.

The matter to purchase hardware and software upgrades to the current Tightrope System (KCRT video playback system) to a server-based automated playback and programming system from Media Control Systems in an amount not to exceed \$14,477.81 was presented by Information Technology Director, Sue Hartman.

Councilmember Boozé stated that he has received numerous complaints regarding the quality and sound of the City Council meetings. A motion by Councilmember Bates, seconded by Councilmember Boozé, approved the item by the unanimous vote of the City Council. Councilmember Bates suggested that this item be placed on a future Public Safety Committee meeting for further discussion.

The matter to approve the grant funded Police Department purchase of tactical night vision optics from Lawmen's & Shooters Supply, Inc. in an amount not to exceed \$33,717 was moved for further discussion to the Human Rights and Human Relations Commission and will be re-agendized for the City Council meeting of January 24, 2012.

The matter to approve the grant funded Police Department purchase of less than lethal tactical equipment and munitions from Professional Police Supply, Inc., dba Adamson Police Products, in an amount not to exceed \$14,692 was presented. The following individuals gave comments: Bea Roberson, Tarnell Abbott, Jerome Smith, Phil Mehas, and Jerome Mehas. Mayor McLaughlin requested a written report regarding the police department's use of force policies relating to these munitions and equipment. A motion by Councilmember Bates, seconded by Councilmember Booze, approved the item unanimously and requested the written use of force policy be provided to the City Council.

CONTINUED a contract with Valley Facilities Management Corporation for mechanical and electrical building design services to enhance the Auditorium HVAC System and to install an emergency generator at the Main Library in an amount not to exceed \$32,000 was presented.

*- Approved a contract with Moscone, Emblidge & Sater, LLP for assistance in drafting appellate court brief(s) regarding BNSF Railway vs. People of the State of California in the amount of \$25,000 and with a term ending December 31, 2012.

*-Approved a three-year contracts with: (1) Carter Glass, (2) Spears Glass, and (3) Wadsworth Glass to supply window repair products and services on an as-needed basis in an amount not to exceed \$25,000 per vendor per fiscal year.

*-Approved the minutes of the November 15, 2011, City Council Meeting.

The matter to adopt an ordinance amending Richmond Municipal Code Sections 9.20.150 and 9.20.155 to increase the solid waste collection rates to reflect a 3.17% change in the Consumer Price Index (CPI) in accordance with the Franchise Agreement between the City of Richmond and Richmond Sanitary Service was presented by Finance Director, Jim Goins. Councilmember Beckles expressed concern over the increase and requested a list of services provided by Richmond Sanitary Service, which are included in the current franchise agreement and what services are chargeable separately, and that changes to levels of service are explored for possible revision to the franchise agreement. Councilmember Bates suggested that a meeting be scheduled with the 3 councilmembers who serve on the West County Integrated Waste Management Board and attorney Everett Jenkins to discuss possible service level changes to the current franchise agreement. The members are Councilmembers Bates, Boozé and Ritterman with Councilmember Beckles as the alternate. Maria Alegria and Cordell Martin gave comments. A motion by Councilmember Beckles, seconded by Mayor McLaughlin, adopted **Ordinance No. 01-12 N.S.**, by the following vote: **Ayes:** Councilmembers Bates, Beckles, Boozé, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** None. **Absent:** Councilmember Butt. **Abstain:** None.

The matter to accept and appropriate \$313,036 in grant funds from the Bay Area Air Quality Management District Transportation Fund for Clean Air (TFCA) Program, and APPROVE an extension to the contract with TransMetro Inc. to continue shuttle service operations through June 2013 consistent with the TFCA funding agreement was presented by Lori Reese-Brown. A motion by Councilmember Bates,

seconded by Councilmember Beckles, approved the item, by the following vote: **Ayes:** Councilmembers Bates, Beckles, Boozé, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** None. **Absent:** Councilmember Butt. **Abstain:** None.

RESOLUTIONS

The matter to adopt a resolution directing the Chief of Police to carefully evaluate all requests for Mutual Aid that involve responding to civil unrest, and empowering the Chief to decline to respond to Mutual Aid requests under certain circumstances was presented by Mayor McLaughlin who stated that it is important that the City Council is clear on these agreements and provide meaningful input on them, as well as make a statement about the importance of carefully evaluating all Mutual Aid requests involving civil unrest situations that may come to the City of Richmond. The following individuals gave comments: Cordell Martin, Mark Wassberg, Jackie Thompson, Tarnell Abbott, Eduardo Martinez, and Bea Roberson. A motion by Councilmember Ritterman, seconded by Mayor McLaughlin, adopted **Resolution No. 3-12**, by the following vote: **Ayes:** Councilmembers Beckles, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** Councilmembers Bates and Boozé. **Absent:** None. **Abstain:** None.

COUNCIL AS A WHOLE

The matter to receive recommendations from the Human Rights Human Relations Commission to post the City of Richmond's Code of Ethics at various points around the City Council Chambers, have this Code of Ethics recited at City Council meetings by a youth or elder, and determine if there is interest among City Councilmembers for attending sensitivity trainings, and take action regarding implementation of these recommendations was presented by Human Rights/Human Relations member, Kathleen Sullivan. ***This item was continued from the January 10, 2012, meeting.*** The following recommendations were made to the City Council by the commission to help reduce disharmony at City Council meetings: direct staff to post the City of Richmond Code of Ethics at various

points around the City Council Chambers; have this Code of Ethics recited at City Council meetings by a youth or elder; and determine if there is interest among City Councilmembers for attending sensitivity trainings. The following individuals gave comments: Mark Wassberg, Jackie Thompson, Jerome Smith, Ken Davis, Bea Roberson, and Juana Anker. Discussion ensued. A motion by Mayor McLaughlin, seconded by Councilmember Beckles, directed staff to place the Code of Ethics plaques in various places; have a senior or youth recite the Code of Ethics at the beginning of each City Council meeting; and leave up to each individual councilmember the decision to access the resources of a conflict mediation trainer, passed by the following vote: **Ayes:** Councilmembers Bates, Beckles, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** Councilmember Boozé. **Absent:** None. **Abstain:** Councilmember Butt.

The matter to receive a report from the City Attorney's Office regarding the policy and authority of the chair relative to maintaining order in the Council Chamber during public meetings was presented by Councilmembers Bates and Boozé stated that they will not support people being removed from the Council Chambers, unless they are considered an unruly distraction, use profanity, or disrupt the meeting. A suggestion was made for a vote of the council before an individual can be removed. City Attorney, Randy Riddle, stated that the City Charter provides "*The Mayor shall preside over meetings of the City Council. Municipal Code Section 2.12.030 dealing with enforcement of decorum states that the Police Chief shall carryout all orders and instructions given by the Mayor for the purpose of maintaining order and decorum in the Council Chambers. Any person in the audience who uses loud, boisterous, profane language, or any person that interrupts the proceedings of the City Council, or any other person who willfully disrupts or disturbs the proceedings of the Council shall upon order of the Mayor be removed from the City Council by any police officer present*". The Council's Rules of Procedures and Order state: "*The Mayor shall preside in meetings of the City Council and shall preserve strict order and decorum at all regular meetings. The Mayor's final say in all rules are subject to being*

overturned by the majority of the City Council. Any law enforcement officer who is on duty or who's services are commanded by the presiding officer shall be sergeant at arms. He or she shall carryout all orders and instruction given by the presiding officer for the purpose of maintaining order and decorum at the City Council meetings". Rosenberg's Rules of Order state: "The chair has a right to cut off discussion that's too personal, too loud, or too crude". The following individuals gave comments: Jackie Thompson, Cordell Martin, and Bea Roberson. Discussion ensued. The City Council unanimously received and accepted the report from the City Attorney.

The matter to direct staff regarding possible policy changes in the procedure to ensure that all interested people can testify to the Planning Commission on all General Plan proposals was presented by Councilmember Rogers who stated that this policy change is needed because it is simple fairness that all parties have a chance to comment on any and all proposals before they are recommended by the Planning Commission. The Planning Commission currently has rules that require that land use hearings be made a part of the public record and the public are allowed to study and respond. These same rules should be applied to the Planning Commission's General Plan hearings. Many years and millions of dollars are spent trying to get good public input and should not risk having all that effort undermined because the public cannot comment on last minute proposals. The following individuals gave comments: Maria Alegria, Jerome Smith, Don Gosney, Greg Karras, and Andres Soto. Discussion ensued. A motion by Vice Mayor Rogers, seconded by Mayor McLaughlin, accepted the proposed policy changes and added that the process not be allowed to be reopened for this General Plan, except by way of City Council direction, failed by the following vote: **Ayes:** Councilmembers Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** Councilmembers Bates and Boozé. **Absent:** Councilmembers Butt. **Abstain:** Councilmember Beckles. *(Councilmember Butt recused himself from discussion on this item).*

10:58 p.m. – A motion by Councilmember Ritterman, seconded by Councilmember Boozé, extended the meeting. No set time was given. Councilmembers Bates and Butt voted no.

Councilmember Butt left the meeting at 12:00 a.m.

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 12:20 a.m. in memory of former Mayor George Livingston, Rev. J.L. Johnson, Mother Novlean Harris, and Jimmie Lai, to meet again on Tuesday, January 24, 2012.

City Clerk

(SEAL)

Approved:

Mayor