

**RICHMOND, CALIFORNIA, February 21,
2012**

The Richmond City Council Evening Open Session was called to order at 5:03 p.m.

ROLL CALL

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

**CONFERENCE WITH LEGAL COUNSEL -
EXISTING LITIGATION (Subdivision [a] of
Government Code Section 54956.9):**

Richmond/In re Municipal Derivative Antitrust Litigation

Securities and Exchange Commission vs. GE Funding Capital Market Services, Inc.

**CONFERENCE WITH REAL PROPERTY
NEGOTIATOR (Government Code Section
54956.8):**

Property: 1322 Canal Boulevard, Richmond, CA (General Warehouse) and Rigger's Loft
City Negotiators: Jim Matzorkis and Bill Lindsay
Other Negotiating Parties: General Services Administration (on behalf of the National Park Service)
Under Negotiation: Price and terms of payment

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

There were no public speakers.

The Evening Open Session adjourned to Closed Session at 5:05 p.m. The Closed Session adjourned at 6:44 p.m.

The Regular Meeting of the City of Richmond as Successor Agency for the Richmond Community Redevelopment Agency/Richmond City Council was called to order at 6:50 p.m. by Mayor McLaughlin who led the Pledge of Allegiance to the Flag.

ROLL CALL

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

READING OF THE CODE OF ETHICS

Texanita Bluitt read the Code of Ethics.

STATEMENT OF CONFLICT OF INTEREST

None.

OPEN FORUM FOR PUBLIC COMMENT

Naomi Williams requested that Vice Mayor Rogers clarify a statement he made at the February 7, 2012, City Council Meeting when he used the term “regular people.”

Leonard Taylor expressed his sadness of the passing of Whitney Houston.

Cornell Hindler stated that businesses in the City of Richmond need the support of the Richmond Police Department.

Richard Stollings expressed his disappointment that there are no restrooms available for the workers or visitor of the Recycling Center on Macdonald and San Pablo Avenue (the former Safeway site).

Mark Wassberg stated that members of the Richmond City Council have influence on the Richmond Progressive Alliance and had Reverend Kenneth Davis’ membership revoked.

Garry Hurlbut spoke in support of a program call "Enriching Richmond Tenants" and encouraged the City of Richmond to consider starting this program.

Mark Torres spoke in support of the City of Richmond Tennis Program. He also encouraged citizens and the City Council to support the Little League Baseball beginning March 17, 2012, and also the Richmond Rockets Basketball Team.

Michael Peritz encouraged the City Council to continue supporting Kennedy High School.

Raymond Landry thanked Chevron and Fresh Works for funding he received that allowed him the opportunity to open a small market in the City of Richmond which allowed him to employ members of The Men and Women of Valor and also members of The Men and Women of Purpose. Mr. Landry also expressed his disappoint that there is no timeline for the rebuilding of the Martin Luther King Center.

Teri James thanked Mayor McLaughlin for attending the event in North Richmond and she asked all volunteers that participated in the cleanup to stand to be recognized.

Dewanda Joseph, Byron Miller, Garry Mason commended The Men and Women of Valor for creating viable and visible opportunities for the citizens of Richmond.

Pam and Gerald Bilbo thanked City Councilmembers and volunteers for their participation in making the North Richmond cleanup and the Health and Safety Awareness Forum successful.

Gail Madison spoke in support of The Men and Women of Valor and expressed her appreciation for the volunteers that are a part of the cleanup of North Richmond. Ms. Madison also requested that the City Council direct staff to open the restrooms at Sheild-Reid Park.

Wolfgagn Hebold gave thanks to God and The Men and Women of Valor for creating viable and visible opportunities for him.

Jan Mignoni stated that the City of Richmond needs to change its overall perception and suggested that the city hire a public relations specialist. Ms. Mignoni also encouraged individuals to support the Richmond Rockets Basketball Team's next home game scheduled for March 3, 2012, 7:30 p.m.

Dr. Connie Portero commended The Men and Women of Valor for embracing the City of Richmond. She also urged the City Council to repair the tennis courts at Nicholl Park.

Robert Matlock Jr. and Jermainea Hicks spoke in support of The Men and Women of Valor.

Bea Roberson invited everyone to attend the Juneteenth Celebration Kickoff Fundraiser on Friday, February 24, 2012; at 6:00 p.m. at the Craneway Pavillion, 1414 Harbour Way South.

Dennis Dalton stated that the real construction lab jobs that are forthcoming to the City of Richmond should be shared with Richmond youth by on the job training. He suggested that the City of Richmond hire Antwon Cloird to facilitate an on the job training program and appoint Councilmember Booze as liaison.

Billy Alexander suggested that the City Council place the issue of wages on the National Agenda.

Gertha Griffin and Rita Odom spoke in support of The Men and Women of Valor and requested that the city pick up the trash.

Jackie Thompson expressed her disappointment that a personnel matter was allowed to be discussed during the February 7, 2012, City Council Meeting.

Michael Beer announced that the Liberty Ship Café was open for business at the Farmer's Market and the Richmond Pow Wow, celebrating Native American people, was on June 24, 2012.

John Cummings stated that his daughter was attacked and her bike was stolen; the name(s) and location of the attacker(s) was known; however, the responding police officer stated that the matter was out of his jurisdiction and would be turned over to the Juvenile Department. Mr. Cummings requested that the City Council look into changing this policy because the delay allowed the attacker an opportunity to destroy or discard evidence.

Sylive Hopkins read a statement from the Richmond Progressive Alliance addressing the need for citizens and City Councilmember to practice appropriate etiquette during City Council Meetings.

Debbie Charles spoke in support of The Men and Women of Valor.

Joey Smith stated that ladySmith Enterprises in support of Daughters of Worth Foundation would be holding a free "How To" Workshop 101 for Women on Saturday, March 31, 2012; Nevin Community Center, 598 Nevin Avenue.

Texanita Bluitt expressed concern that there were no automatic buttons for the handicap to enter the Kennedy Swim Center.

Tarnel Abbott invited citizens to a free viewing of Richard Wolf's film call "Capitalism Hits the Fan," Sunday, February 26, 2012, 7:00 p.m., at the Richmond Progressive Alliance Office, 1021 Macdonald Avenue.

DeShawn Evans spoke in support of The Men and Women of Valor and the many life skills the program offers.

Amy Anderson requested help from the City Council to address an issue of electronic harassment. She stated that radio active devices are being used on her.

Doug Millar spoke regarding a movement to address crimes against children and distributed a letter to the City Council.

Walter Ray Johnson spoke in support of The Men and Women of Valor.

Ellen Gailing expressed her disappointment with the progress of a project to repair broken sidewalks in her neighborhood.

Sims Thompson requested that the City Council take a tour to see what is needed within the City of Richmond.

Mike Parker spoke in support of The Men and Women of Valor. He also urged citizens to vote of the Millionaire's Tax.

Margaret Jordan invited citizens to attend the East Bay Center for Performing Arts' play "In Search of My Father...Walkin' Talkin' Bill Hawkins," Friday, February 17 to Sunday, March 4, 2012.

Mayor McLaughlin thanked all the citizens that addressed the City Council, specifically the Men and Women of Valor. She also stated that she enjoyed the events hosted by the Men and Women of Valor on Sunday, February 26, 2012.

In response to Naomi Williams, Vice Mayor Rogers stated that he was not speaking to any one particular race; he was concerned about the length of the City Council Meetings and important issues not being addressed and people not being able to address the Council in a timely fashion.

Councilmember Bates and Booze also stated that he attended the successful events hosted by the Men and Women of Valor on Sunday, February 26, 2012, and the outstanding Gospel Concert on Saturday, February 25, 2012.

AGENDA REVIEW

Removed Items J-1 and J-7 from the Consent Calendar to be heard at the end of the meeting. Changed the "Recommended Action" on Item J-5 to "Reject All Bids" at staff's request. Councilmember Butt abstained on Item J-5, and recused himself on Item J-7.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Mayor McLaughlin joined by Councilmember Beckles presented a proclamation honoring Black History Month February 2012 to Naomi Williams and a copy will be presented to the City of Richmond Recreation Department. The following individuals gave comments: Cordell Hindler, Mark Wassberg, Raymond Landry, Jackie Thompson, and Reverend Andre Sumake Sr., and Vice Mayor Rogers. Councilmember Boozé requested a financial report on funds available and the timeline to rebuilding the Martin Luther King Center by Tuesday, February 28, 2012. Councilmember Bates also gave comments.

Mayor McLaughlin joined by Councilmember Butt presented a \$1 million check from the Rosie the Riveter Trust to City Manager Bill Lindsay on behalf of the City of Richmond as partial repayment of the bridge

loan approved by the City Council in connection with the restoration of the Maritime Center. Cordell Hindler and Corky Boozé gave comments.

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

City Attorney Randy Riddle stated that there were two actions to report and due to a conflict of interest, he would report on the first action and the city manager would report on the second action. Mr. Riddle reported that the City Council voted to appoint Bruce Goodmiller as city attorney effective upon Council approval of the terms of employment. The vote was six to one with Councilmember Bates voting Noe. City Manager Bill Lindsay reported on Item A-1, Richmond/In re Municipal Derivative Antitrust Litigation, that the City Council ratified a prorate share of 0.58805238 percent and authorized a settlement in the amount of \$4,777.93 with Morgan Stanley. The vote was four to zero with Councilmember Bates, Beckles, and Vice Mayor Rogers Absent. In the case of Securities and Exchange Commission vs. GE Funding Capital Market Services, Inc. the City Council authorized the acceptance of restitution amounts of \$26,267.14 for the Richmond Joint Powers Financing Authority and \$11,856.98 for the City of Richmond. The vote was six to zero with Vice Mayor Rogers Absent.

**CITY OF RICHMOND SUCCESSOR AGENCY FOR
THE RICHMOND COMMUNITY REDEVELOPMENT
AGENCY CONSENT CALENDAR**

On motion of Councilmember Ritterman, seconded by Vice Mayor Rogers adopted **Resolution No. 12-2** authorizing execution of a contract with Questa Engineering Corporation in an amount not to exceed \$615,235; and **Resolution No. 12-3** authorizing the execution and submission of an allocation request to MTC for Regional Measure 2 funds, for the design and engineering improvements along Nevin Avenue between the Richmond BART Station and 19th Street by the unanimous vote of the Council; *Councilmember Butt abstained on this item.*

CITY COUNCIL CONSENT CALENDAR

On motion of Councilmember Ritterman, seconded by Vice Mayor Rogers all item marked with an (*) were approved by the unanimous vote of the Council.

The matter to approve a contract with Precision Concrete Cutting to provide concrete sidewalk cutting services to eliminate sidewalk tripping hazards in an amount not to exceed \$40,000 per year on an as-needed basis, and subject to funding availability for a term of three years was *continued to February 28, 2012.*

*-Approved the purchase of a replacement trencher from Ditch Witch Bay Area for use by the Parks and Landscape Division of the Public Works Department in an amount not to exceed \$58,000.

*-Approved the minutes of the February 7, 2012, meeting.

*-Approved a contract with CPS HR Consulting to develop and administer an examination for Firefighter Trainee in an amount not to exceed \$39,500 for a term from March 1, 2012, to December 31, 2012.

*-The Council unanimously approved changing the action of this item to ***reject all bids*** for the Via Verdi Repair Project: San Pablo Creek Culvert Replacement in an amount not to exceed \$5,840,075.40 with an additional construction contingency not to exceed 15%, for a total budget of \$6,716,086.71 with Councilmember Butt abstaining.

*-Approved a three-year contract, with the option of two one-year extensions, with Bay Marine Boatworks for boat maintenance services in an amount not to exceed \$48,054 for three years, and \$16,018 each year thereafter, if the contract is extended.

The matter to adopt a resolution authorizing the City Manager to execute loan agreement(s) and all agreements necessary to obtain financing through the On-Bill Financing (OBF) and On-Bill Repayment (OBR) programs with Pacific Gas & Electric for City facility and streetlight energy upgrades and improvements was presented by City Manager Bill Lindsay. On motion of Councilmember Boozé, seconded by Vice Mayor Rogers adopted **Resolution No. 23-12** by the unanimous vote of the Council; ***Councilmember Butt recused himself on this item.***

*-Approved a contract with Sheldrake & Mumford, Inc. for the restoration of four tennis court surfaces at Nicholl Park and one at the Richmond Natatorium in an amount not to exceed \$29,280.30, which includes a five percent cost contingency. The contract term will be February 22, 2012, to December 31, 2012.

RESOLUTIONS

The matter to adopt a resolution welcoming the Lawrence Berkeley National Laboratory to Richmond, and direct the City Manager to prepare for City Council signature an appropriate memento of the press event announcing the Lab's decision to be presented to the Lab Director and staff, representatives of the University of California, Berkeley, and other officials who participated in the event and provided support to the City of Richmond in the selection process was presented by City Manager Bill Lindsay. The following individuals gave comments: Cordell Hindler, Mark

Wassberg, Bea Roberson, Mike Parker, and Kenneth Davis. On motion of Councilmember Beckles, seconded by Councilmember Ritterman adopted **Resolution No. 24 -12** by the unanimous vote of the Council.

The matter to adopt a resolution opposing the sale and purchase of rat and mouse poisons deemed an unreasonable risk to children, pets and wildlife in the City of Richmond was presented by Councilmember Butt. Cordell Hindler and Kenneth Davis gave comments. Vice Mayor Rogers requested that the city attorney look into banding the sale of these items within the City of Richmond. On motion of Councilmember Butt, seconded by Councilmember Ritterman adopted **Resolution No. 25-12** by the unanimous vote of the Council.

COUNCIL AS A WHOLE

The matter to approve the allocation of \$5,000 from the Fiscal Year 2011-2012 General Fund, source of which to be identified by the City Manager, for the 3rd annual Richmond Native American Pow Wow, to be held on Saturday, June 23, 2012, and include the Richmond Pow Wow in subsequent years as one of the standard City of Richmond supported festivals was presented by Mayor McLaughlin and Courtney Cummings. The following individuals gave comments: Eduardo Martinez, John Cummings, Michael Horsc, Pennie Opal, Tarnel Abbott, Jessica Tovar, Margaret Jordan, Anthony Gonzales, Isabella Zizi, and Jose Rivera. A motion was made by Councilmember Boozé, seconded by Councilmember Beckles to approve an allocation equal to the Juneteenth and Cinco de Mayo festivals from the Fiscal Year 2011-2012 General Fund, source of which to be identified by the city manager. Following discussion, Councilmember Boozé amended his motion, seconded by Councilmember Beckles to approve the originally requested \$5,000 allocation for the 3rd annual Richmond Native American Pow Wow. The motion was approved by the unanimous vote of the Council.

The matter to consider sending a letter to State Superintendent of Public Instruction Tom Torlakson in support of the request from the West Contra Costa Unified School District to be removed from State control was presented by Vice Mayor Rogers. The following individuals gave comments: Cordell Hindler, Eduardo Martinez, Billy Alexander, and Reverend Wesley Ellis. On motion of Vice Mayor Rogers, seconded by Councilmember Butt directed staff to send a letter to State Superintendent of Public Instruction Tom Torlakson and a copy to the West Contra Costa Unified School District (WCCUSD) by the unanimous vote of the Council.

The matter to direct staff to prepare an advisory ballot initiative urging a Constitutional amendment to

overturn the Citizens United case giving special interests unlimited rights to make campaign expenditures, and to clarify that free speech does not mean letting those with the most money drown out the speech of the 99% was presented by Vice Mayor Rogers. The following individuals gave comments: Cordell Hindler, Helen Grieco, and Eduardo Martinez. On motion of Vice Mayor Rogers, seconded by Councilmember Butt directed staff to prepare an advisory ballot initiative urging a Constitutional amendment to overturn the Citizens United case by the unanimous vote of the Council.

The matter to discuss and consider ideas for reducing the length of City Council meetings, and provide direction to staff regarding changes to meeting rules and procedures was presented by City Manager Bill Lindsay. The following individuals gave comments: Cordell Hindler, Bea Roberson, Jackie Thompson, and Reverend Wesley Ellis. *(In accordance with the Council's Rules and Procedures, at 11:05 p.m. on motion of Councilmember Boozé, seconded by Councilmember Bates, adjourned the meeting by the unanimous vote of the Council). Continued this item to February 28, 2012; will be the first item under Study Session and Direction to Staff.*

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 11:11 p.m., Mrs. Linda Marie Sewell Byias, Eugene Serex, Peter Minkwitz, and homicide victim Rene Garcia to meet again on Tuesday, February 28, 2012, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor