

**RICHMOND, CALIFORNIA, July 17, 2012**

The Richmond City Council Evening Open Session was called to order at 5:40 p.m.

**ROLL CALL**

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

Booker vs. City of Richmond

Jenkins vs. City of Richmond

**There were no public speakers.**

The Evening Open Session adjourned to Closed Session at 5:41 p.m. The Closed Session adjourned at 6:15 p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:37 p.m. by Mayor McLaughlin who led the Pledge of Allegiance to the Flag.

**ROLL CALL**

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

**READING OF THE CODE OF ETHICS**

Joyce Harris of the Human Rights and Human Relations Commission read the Code of Ethics.

**STATEMENT OF CONFLICT OF INTEREST**

None.

**AGENDA REVIEW**

Moved Items L-5 and L-3 directly following Public Hearings; removed Items H-8, H-12, H-14, and H-15 from the Consent Calendar.

## **OPEN FORUM FOR PUBLIC COMMENT**

Margaret Browne expressed her concerns regarding the lack of American with Disabilities Act (ADA) requirements at the Kennedy Swimming Center.

Tony Sustak expressed his disappointment with comments made by Councilmember Boozé regarding ADA compliance at recreation facilities within the City of Richmond.

Texanita Bluitt expressed her concerns regarding the lack of ADA requirements at the Kennedy Swimming Center. She encouraged the City Council to hold property owners accountable for illegal activity at their property which costs the City of Richmond money to correct.

Billy Alexander gave comments regarding denying citizens the right to voice their opinion.

Mark Wassberg requested a debate with Councilmember Ritterman regarding the soda tax. He also stated that the Red Oak Victory will not pay taxes or rent. Mr. Wassberg also stated that citizens have the right to freedom of speech.

Mike Ali stated that the North Richmond Blues Festival was successful. He also mentioned that the 19<sup>th</sup> Annual Iron Triangle Greenway to Glory will be held on Saturday, July 28, 2012, from 10:00 a.m. to 4:00 p.m. Rise to power to support arts, culture, and community.

Jackie Thompson thanked Police Chief Magnus for addressing her concerns about vendors who double parking at Uncle Sam's Market. She also expressed her disappointment regarding the reading of the Code of Ethics and the continuous violation of the code by the City Council.

Mike Parker gave comments regarding the discussion of the free birthing of the Red Oak Victory Ship at the June 10, 2012, City Council Meeting. He stated that the Red Oak Victory Ship was rebuilding the City of Richmond and the City of Richmond should show gratitude.

Leonard Taylor announced that on The 29th Annual National Night Out has been scheduled for Tuesday, August 7, 2012, beginning at Target.

Cordell Hindler expressed his disappointment with individuals loitering in front of businesses within the City of Richmond.

Dave Harrison gave comments on behalf of Operating Engineers Local 3, expressed concern with City of Richmond staff's efforts regarding contract compliance with Salt River Construction, Marina Bay Yacht Harbour Dredging Project. Mr. Harrison

requested the City Council look into issues regarding the contractor.

Eleanor Thompson thanked the Councilmembers and the mayor for supporting the North Richmond Blues Festival. She also gave comments against the soda tax.

Wesley Ellis expressed his disappointment with the City Council's unprofessional behavior.

Cochise Potts stated that the City Council's behavior was unprofessional and offensive.

Councilmember Ritterman apologized to the public and to Reverend Davis for the remarks he made to Reverend Davis at the July 10, 2012, City Council Meeting.

Councilmember Boozé stated that idle apologies mean nothing. He stated that Councilmember Ritterman cursed at him at the July 10, 2012, City Council Meeting. Councilmember Boozé stated that if Councilmember Ritterman cannot hold his temper, than he should not be on the Richmond City Council. He also stated that he was responsible for looking out for the public's money. He also stated that he was disgusted with comments made by Tony Sustak, and stated that he has never referred to Mayor McLaughlin as the "White Mayor." Councilmember Boozé also stated that he was disappointed with comments made by Michael Parker, and that he was not fighting with the Red Oak, they just have a difference of opinion.

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

City Attorney Bruce Reed Goodmiller reported that there were no reportable actions.

**CITY COUNCIL CONSENT CALENDAR**

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

\*-Approved an amendment to the existing contract with ENVIRON for preparation of a Revised Environmental Impact Report for the Revised Chevron Hydrogen Renewal Project, increasing the payment limit by \$1,750,000 and extending the term of the contract to December 31, 2013, with funding for the contract provided by Chevron, as project applicant.

\*-Approved a grant-funded contract with Davillier-Sloan, Inc. for professional labor compliance services in an amount not to exceed \$18,000, relating to the Proposition 84 funded Elm Play Lot Renovation Project. The contract term will be from July 18, 2012,

to June 30, 2013.

\*-Approved the purchase of 14 emergency evacuation chairs from EVAC+CHAIR North America LLC, for placement in City buildings with multiple floors to evacuate disabled and/or injured persons, in an amount not to exceed \$24,226.78

\*-Approved a contract with the Downey Brand law firm for ongoing legal review of the requirements of the Baykeeper Settlement Agreement, in the amount of \$75,000 and for a term from July 1, 2012, through June 30, 2013.

\*-Approved a contract with Larry Walker Associates to assist with wastewater permit compliance, development of local limits, local enforcement actions, preparation of required utilities analysis for wet weather blending, and other activities related to the City's compliance with the National Pollutant Discharge Elimination System (NPDES) permit in an amount not to exceed \$75,000.

\*-Approved the first amendment to the Programmatic Agreement among, the National Park Service (NPS), San Francisco Maritime Historical Park, the California State Historic Preservation Officer, and the Advisory Council on Historic Preservation regarding the General Management Plan/Environmental Impact Statement for San Francisco Maritime National Historical Park, to address the potential effects of the dismantling and disposal of the lumber schooner WAPAMA on the Richmond Shipyard No. 3 Historic District.

\*-Approved an agreement with the East Bay Municipal Utility District (EBMUD) to develop an implementation plan for the transition of wastewater treatment services to EBMUD in an amount not to exceed \$250,000.

The matter to adopt an ordinance requiring the City of Richmond to manage pests using Integrated Pest Management principles and techniques at City-maintained properties and facilities **was continued to July 24, 2012.**

\*-Approved an amendment to the grant-funded agreement with BKF Engineers, Inc. (BKF), increasing the amount by \$213,055 to a total not to exceed \$310,000, and modifying the scope of work to provide additional design, construction administration and engineering services for the City of Richmond Municipal Fiber Optic Network.

\*-Adopted **Resolution No. 90-12** authorizing the acceptance and appropriation of a \$75,000 Fiscal Year 2013 Alcoholic Beverage Control GAP Grant from the State of California and the appropriation for \$24,500 in personnel costs as the City's matching contribution towards the grant.

\*-Approved a contract amendment with United Site Services for the pump out of the 500 gallon storage waste tank on the combo trailer located at Fire Station 67 during the remodel of stations 67 and 66, in an amount not to exceed \$24,000.

In the matter to adopt a resolution to accept and appropriate \$1,358,900 received from a Department of Homeland Security/FEMA Grant to establish a Marine Response Program and approve two sole-source requests, one for Moose Boats to build a fire boat and the other for Jet Docking Systems to build the dock; on motion of Councilmember Ritterman, seconded by Vice Mayor Rogers adopted **Resolution No. 91-12** by the unanimous vote of the Council.

\*-Approved the minutes of the June 19 and 26, 2012, City Council Meetings.

In the matter to approve the following appointments: Commission on Aging: Christine Caldwell, term expiring July 17, 2014; Human Rights and Human Relations Commission: Courtney Cummings, term expiring July 17, 2015; on motion of Councilmember Ritterman, seconded by Vice Mayor Rogers approved the appointments by the following votes: **Ayes:** Councilmember Bates, Boozé, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Beckles.

The matter to adopt an ordinance amending Richmond Municipal Code Chapter 2.43 entitled "Matching Public Funding of Richmond Election Campaigns" to limit to \$40,000 the total amount of contributions a candidate may accept if that candidate receives public matching funds from the City of Richmond **was continued to July 24, 2012.**

### **PUBLIC HEARINGS**

The city clerk announced that it was time pursuant to public notice to hold a public hearing to consider adopting a resolution authorizing the formation of the Downtown Richmond Property and Business Improvement District. The Clerk read the following procedures for the public hearing: (1) Staff will give their report; (2) The Mayor will open the public hearing; (3) The Council will hear comments from the audience; (4) The Mayor will close the public hearing; (5) Deputy City Clerk Pam Christian and Business assistance officer Janet Johnson will take the ballots into the staff room inside of the Chamber. Pam Christian will call the votes and Janet Johnson will tally the votes. This process will be open to anyone who wishes to observe the tally. At this point the Council will defer their vote on the formation of the District until the results are announced. During the tally of the ballots, the Council can have discussion and comments on the item and/or move to the public hearing for Item

I-2; (6) Pam Christian will submit the final tally of the ballots to the Clerk; (7) When the City Council concludes the public hearing for Item I-2, the City Clerk will announce that all of the ballots have been tallied and the City Council will then go back to Item I-1 and the City Clerk will announce the results of the tally; and (8) The City Council will cast its votes on the formation of the Downtown Richmond Property and Business Improvement District. Business assistance officer Janet Johnson gave an overview of the item. Mayor McLaughlin opened the public hearing. The following individuals gave comments: Amanda Elliott, Arnie Kasendorj, Charlene Smith, and Cordell Hindler. On motion of Councilmember Ritterman, seconded by Councilmember Beckles closed the public hearing by the unanimous vote of the Council. The City Council moved to the public hearing for Item I-2 and will return to this item upon conclusion of the tallied votes. The City Clerk announced the results of the tally; 16 ballots received; a total of \$159,991.70; equals 74.35% of downtown property owners voted yes to approve the Downtown Richmond Property and Business Improvement District. A motion was made by Councilmember Beckles, seconded by Councilmember Butt to approve the Downtown Richmond Property and Business Improvement District. A substitute motion by Councilmember Boozé to only charge those property owners that voted yes to the assessment was not allowed because the formation of the Downtown Richmond Property and Business Improvement District was a protest vote. The original motion passed and **Resolution No. 92-12** was adopted by the following vote: **Ayes:** Councilmembers Bates, Beckles, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** Councilmember Boozé. **Abstentions:** None. **Absent:** None.

The city clerk announced that it was time pursuant to public notice to hold a public hearing to consider adopting authorizing the City of Richmond to levy special assessments against certain properties having unpaid invoices related to administrative citations, nuisance abatement costs, and foreclosure ordinance fines pursuant to Richmond Municipal Code Chapters 9.22, 6.38, 9.50 and 2.63. Police Chief Magnus and Code Enforcement Director Tim Higarres gave an overview. Mayor McLaughlin opened the public hearing and the following individuals gave comments: Wesley Ellis, Lorene Paysinger, Odell Westbrook, and Audrey Lee. On motion of Councilmember Ritterman, seconded by Vice Mayor Rogers closed the public hearing by the unanimous vote of the Council. Following discussion, on motion of Councilmember Beckles, seconded by Councilmember Ritterman adopted **Resolution No. 93-12** by the following vote: **Ayes:** Councilmember Bates, Beckles, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** Councilmember Boozé. **Abstentions:** None. **Absent:** None.

## **RESOLUTIONS**

The matter to adopt a resolution authorizing the issuance and sale of Tax and Revenue Anticipation Notes was presented by Finance Director Jim Goins. There were no public speakers. On motion of Councilmember Boozé, seconded by Vice Mayor Rogers adopted **Resolution No.** by the following vote: **Ayes:** Councilmember Bates, Boozé, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Beckles.

The matter to adopt a resolution authorizing the execution and delivery of an interest rate swap confirmation in connection with the Richmond Joint Powers Financing Authority Point Potrero Lease Revenue Bonds Series 2009A and 2009B was presented by Finance Director Jim Goins and Managing Director of RBC Capital Markets, Inc. Bob Williams. On motion of Councilmember Boozé, seconded by Councilmember Ritterman adopted **Resolution No.** by the following vote: **Ayes:** Councilmember Bates, Boozé, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Beckles.

#### **ORDINANCES**

The matter to introduce an ordinance (first reading) amending the Richmond Municipal Code by adding Chapter 2.39 thereto to regulate contributions by parties and participants to entitlement proceedings, and to require that the Mayor and City Councilmembers disqualify themselves from participating in such proceedings where they have received more than \$250 from parties and participants to the proceeding in the previous twelve months **was continued to July 24, 2012.**

The matter to introduce an ordinance (first reading) repealing Chapter 14.72 of the Richmond Municipal Code pertaining to the solicitation of vehicle occupants **was continued to July 24, 2012.**

#### **COUNCIL AS A WHOLE**

The matter to consider providing a letter of support for the RotaCare Richmond Free Medical Clinic at Brighter Beginnings, 2727 Macdonald Avenue in Richmond was presented by Councilmember Ritterman and Barbara McCullough. Jackie Thompson, Steven Polcyn, and Alan Baer gave comments. On motion of Councilmember Ritterman, seconded by Vice Mayor Rogers approved the item by the following vote: **Ayes:** Councilmember Bates, Boozé, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Beckles.

The matter to receive a status report from Engineering on the paving of Barrett Avenue and

Cutting Boulevard **was continued to July 24, 2012.**

**This item was heard immediately following Item L-5.** The matter to direct the city attorney to provide a legal opinion regarding the possible violation of the civic rights of public speakers during the City Council meetings was presented by Councilmember Boozé and City Attorney Bruce Reed Goodmiller. The following individuals gave comments: Cochise Potts, Cordell Hindler, Don Gosney, Mike Ali, and Jackie Thompson **(At 11:45 p.m. on motion of Vice Mayor Rogers, seconded by Councilmember Boozé extended the meeting 30 minutes with Councilmembers Beckles and Butt voting Noe).** Speakers continued with: Marilyn Langlois, Bea Roberson, Mike Parker, and Wesley Ellis. **(At 12:22 a.m. on motion of Vice Mayor Rogers, seconded by Councilmember Boozé extended the meeting 30 minutes with Councilmember Butt voting Noe.)** Discussion continued. **(The City Council was in recess at 12:40 a.m. and reconvened at 12:43 a.m. Councilmember Beckles did not return.)** On motion of Councilmember Boozé, seconded by Councilmember Bates directed the city attorney to research the issue of the freedom of speech and how much leeway an elected official has before he/she crosses the line and present the findings in Closed Session by the following vote: **Ayes:** Councilmembers Bates, Boozé, Ritterman, and Vice Mayor Rogers. **Noes:** Councilmember Butt and Mayor McLaughlin. **Abstentions:** None. **Absent:** Councilmember Beckles.

The matter to consider joining Common Cause and the League of Women Voters in opposing the "Special Exemptions Act" which has qualified for the November 2012 ballot and would severely limit the voice of unions but place no similar restrictions on corporate/business interests, and is therefore not evenhanded political reform **was continued to July 24, 2012.**

**This item was the first item heard immediately following Public Hearings.** The matter to discuss and approve directing staff to send a letter to Dr. Bruce Harter, Superintendent of WCCUSD, expressing concern over recruitment and expenditures to hire short-term uncertified recruits and expressing support for collaborative educational reform efforts and policies that advance the teaching profession rather than the interest of privatizing efforts that undermine the profession was presented by Mayor McLaughlin and asked Diane Brown, president of the United Teachers of Richmond, to explain for the council the union's position.. The following individuals gave comments: Kaylee Payler, Eric Verpranskus, Melanie Perkins, John Hillyer, Crystall Tse, Mel Collins, Bea Lieberman, Tony Sustak, Margaret Browne, John Zabala, Scott Bretl, Paula Roy, Tyler Hester, Emily Bobel, Abel Pineda, Andre Taylor, Andrew McDonnell, Maribel Lopez, Marco Delgado, Mary Flanagan, Ashley Vera, Melissa Filbin, Thomas

Prather, Rebecca Ridenour, Enrique Corncio, Marilyn Langlois, Selene Calderon, Brian Gonzalez, Guadalupe Morales, Michael Parker, Ruby Aguilar Gonzalez, Don Gosney, and Eduardo Martinez (**At 11:00 p.m. on motion on Vice Mayor Rogers, seconded by Councilmember Ritterman extended the meeting to 11:45 p.m. by unanimous vote**). Speakers continued with Mike Ali, Melanie Perkins, John Hillyer, and Crystal Tse; Maria Nunez and Noelis Cruz submitted a statement in support of the teachers. A motion was made by Mayor McLaughlin, seconded by Councilmember Bates to direct staff to send a letter to Dr. Bruce Harter, Superintendent of WCCUSD, letting WCCUSD know that the City of Richmond heard a presentation on Teach for America in Richmond and encourage the WCCUSD to communicate directly with United Teachers of America on this issue to reach a resolution. The motion 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 1:05 a.m. to meet again on Tuesday, July 24, 2012, at 6:30 p.m.

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City Clerk

(SEAL)

Approved:

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Mayor