

**RICHMOND, CALIFORNIA, July 24, 2012**

The Richmond City Council Evening Open Session was called to order at 5:39 p.m.

**ROLL CALL**

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

Guidiville Rancheria of California et al vs. United States of America et al

City of Richmond vs. Upstream Point Molate LLC

**There were no public speakers.**

The Evening Open Session adjourned to Closed Session at 5:40 p.m. The Closed Session adjourned at 6:50 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 6:51 p.m. by Mayor McLaughlin.

**ROLL CALL**

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

**READING OF THE CODE OF ETHICS**

Human Rights and Human Relations Commissioner Kathleen Sullivan read the Code of Ethics.

**STATEMENT OF CONFLICT OF INTEREST**

None.

**AGENDA REVIEW**

Withdrew Item L-4 from the agenda; removed Items H-3 and H-4 from the Consent Calendar; set the order of items to be heard as follows: H-3, H-4, I-1, J-1, L-3, J-2, K-1, L-1, L-2, and L-5.

### **OPEN FORUM FOR PUBLIC COMMENT**

Leonard Taylor gave comments regarding National Night Out.

Cordell Harris encouraged individuals to enroll in business courses to learn to run a business.

Chysandra Nair encouraged the City Council to remember the line staff when negotiating salaried with Local 1021.

Mark Wassberg stated that it was the City of Richmond's fault that the dry dock was not a money maker. He stated that the Port Department was responsible for cleaning the dry dock.

Mike Ali stated that the letter circulating from Mayor McLaughlin regarding Councilmember Booze was racist and offensive.

Tony Sustak stated that the Richmond Progressive Alliance was not responsible for the lack of ADA access at the Kennedy Swim Center.

Don Gosney read an article that was published in the Press Enterprise on July 18, 2012, entitled MENIFEE: Council rejects politeness policy. "Meniffee City Council considered the introduction of a politeness policy to increase civility amongst council members. The politeness policy, called the "Social Contract," asked members to maintain civility during council meetings. Council members had asked staff to develop the Social Contract at a meeting last month. On Tuesday, Councilwoman Sue Kristjansson made a motion to vote on the policy, but her motion died from lack of a second. After about 10 minutes of discussion with no vote, Kristjansson then suggested the council wouldn't need such a contract if members just promised to get along. She made a pledge to get along but no one joined her. Instead, they resumed arguing." Mr. Gosney congratulated the City of Richmond Councilmembers for finding another community to embrace what they have mastered so well.

Margaret Browne read information/history regarding the United States Constitution.

Wesley Ellis gave comments regarding Vice Mayor Rogers' humor at the July 17, 2012, meeting and Councilmember Ritterman's conduct.

Jackie Thompson gave comments regarding the letter circulated by Mayor McLaughlin regarding Councilmember Booze. She stated that before a person throws stones at someone else they should make sure

their own house was clean. Ms. Thompson also stated that she was offended when Councilmember Beckles referred to her as “Ghetto” at the July 17, 2012, meeting. Ms. Thompson stated that she was expecting a response for those comments.

Bruce Beyaert gave comments regarding the success of the Bay Trail and thanked everyone for their part in completing the project.

Kathleen Sullivan reminded the City Council and audience that Richmond was a wonderful and beautiful city to live in.

Michael Beer informed citizens that the American Beverage Association was responsible for circulating negative information regarding the soda tax.

Larry Lewis gave comments regarding the Police Activities League (PAL) Baseball Partnerships. He stated that PAL had approximately 400 children participating in baseball at Nichols Park and that the season was completing without one conflict. He stated that PAL received 400 Giants tickets, from the San Francisco Giants Community Fund, to the Monday, July 30, 2012, game and was trying to raise \$800 to rent a bus.

Cochise Potts gave comments regarding July 17, 2012, Agenda Item L-3 (directing the city attorney to provide a legal opinion regarding the possible violation of the civic rights of public speakers during the City Council Meetings) and the disturbing remarks made about Councilmember Booze. He stated that citizens have rights to free speech. Mr. Potts also stated that Mayor McLaughlin was unfair when she was not in support of an issue.

Courtney Cummings announced that the Native American Health Center will hold a Recovery Circle on Thursday, August 2, 2012, from 10:00 a.m. to 3:00 p.m. for more information call Ms. Cummings at (510) 232-7020. Ms. Cummings also stated that she was not represented by the individual claiming to represent Native Americans.

Texanita Bluitt stated that the city Councilmembers were elected by the people for the people and people are concern about how you are not representing the people. She gave comments about the Marin Energy Program and how frustrated and disappointed she was with the community meeting. She stated that citizens

Marilyn Langlois thanked Mayor McLaughlin for her letter reminding the citizens of the duties and responsibilities of the mayor. She also thanked Kathleen Sullivan for her comments reminding citizens that Richmond was a beautiful city.

Mike Parker gave comments to correct negative

and untrue statements made regarding the Richmond Progressive Alliance. He encouraged citizens to visit <http://www.richmondprogressivealliance.net> to view newsletters.

Mayor McLaughlin announced that there were copies of a letter from her circulating speaking about the duties of the Council.

### **PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS**

Mayor McLaughlin and Vice Mayor Rogers presented a proclamation to Founder of Nutiva John Roulac for relocating Nutiva to Richmond, California and contributing to the community. Nutiva will contribute to the community by partnering with Common Vision to plant a fruit tree at the 25 public schools in Richmond. John Roulac, Cordell Harris and Councilmember Ritterman gave comments.

Mayor McLaughlin and Councilmember Booze presented of a Certificate of Recognition to Richmond resident Ms. Pauline Henderson who recently celebrated her 90th birthday. Ms. Henderson, Cordell Harris, and Councilmember Bates gave comments.

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

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

### **CITY COUNCIL CONSENT CALENDAR**

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

\*-Approved a four-year lease agreement between the City of Richmond and the County of Contra Costa (as tenant) for the premises at 5050 Hartnett Avenue to allow for continued provision by the County of child care services, at a rental rate of \$1.00 a year plus \$1,800 a year for water and sewer services, and for a term from July 1, 2012, through June 30, 2016.

\*-Authorized the city manager to select and enter into a contract with a consulting firm to be determined following a competitive procurement process, in an amount not to exceed \$50,000, to develop and administer promotional tests for Police Captain, Police Lieutenant and Police Sergeant, with the final form of the contract approved by the City Attorney.

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 presented by Park Superintendent Chris Chamberlin. The following individuals gave comments: Wesley Ellis, Jackie Thompson, Eduardo Martinez, Tony Sustak, and Marilyn Langlois. Following discussion, on motion of Councilmember Ritterman, seconded by Councilmember Beckles adopted **Ordinance No. 6-12 N.S.** by unanimous vote.

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 presented by City Attorney Bruce Reed Goodmiller. The following individuals gave comments: Wesley Ellis, Eduardo Martinez, Michael Parker, and Marilyn Langlois. Following discussion, on motion of Councilmember Beckles, seconded by Councilmember Ritterman adopted **Ordinance No. 7-12** by the following vote: **Ayes:** Councilmembers Beckles, Butt, Ritterman, and Mayor McLaughlin. **Noes:** Councilmembers Bates, Booze, and Vice Mayor Rogers. **Abstentions:** None. **Absent:** None.

#### **PUBLIC HEARINGS**

The city clerk announced that it was time pursuant to public notice to hold a public hearing to accept the report of the Wastewater Project Manager (Director of Public Works) and adopt the resolution allowing the sanitary and storm sewer fees to be collected on the annual 2012-2013 tax rolls. Wastewater Treatment Manager Chad Davisson gave a report. Mayor McLaughlin opened the public hearing. There were no public speakers. On motion of Councilmember Butt seconded by Councilmember Beckles closed the public hearing. On motion of Councilmember Butt, seconded by Vice Mayor Rogers adopted **Resolution No. 96-12** by unanimous vote.

#### **ORDINANCES**

The matter to introduce an ordinance 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 presented by City Attorney Bruce Reed Goodmiller. The following individuals gave comments: Cordell Harris, Mike Ali, Don Gosney, Wesley Ellis, Eduardo Martinez, and Paul Carman. A motion was made by Councilmember Beckles, seconded by Councilmember Ritterman to introduce said ordinance as first reading. Vice Mayor Rogers offered a friendly amendment to exclude contributions

raised for initiative committees. The friendly amendment was accepted. A substitute motion was made by Councilmember Booze, seconded Councilmember Bates to exclude the person that makes a donation and to raise the limit to \$2,000. The substitute motion failed by the following vote: **Ayes:** Councilmember Bates and Booze. **Noes:** Councilmembers Beckles, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Abstentions:** **Absent:** None. Vice Mayor Rogers requested a friendly amendment to exclude the person that makes a donation. The friendly amendment was not accepted and said ordinance was laid over one week for second reading by the following vote: **Ayes:** Councilmembers Beckles, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** Councilmembers Bates and Booze. **Abstentions:** None. **Absent:** None.

**The council recessed at 10:15 p.m. and reconvened at 10:18 p.m.**

The matter to introduce an ordinance repealing Chapter 14.72 of the Richmond Municipal Code pertaining to the solicitation of vehicle occupants was presented by City Attorney Bruce Reed Goodmiller. The following individuals gave comments: Wesley Ellis, Bea Roberson, Eduardo Martinez, and Marilyn Langlois. On motion of Councilmember Beckles, seconded by Councilmember Ritterman said ordinance received first reading and was laid over one week for second reading by unanimous vote.

**At 11:00 p.m. on motion of Councilmember Ritterman, seconded by Vice Mayor Rogers extended the meeting for 30 minutes with Councilmembers Booze and Butt voting Noe.**

#### **STUDY SESSION**

The City Council received a presentation regarding Port Operations and Financial Performance from Vice Mayor Rogers, Finance Direct James Goins, and Port Director Jim Matzorkis. The presentation included a PowerPoint Presentation. **(At 11:30 p.m. on motion of Mayor McLaughlin, seconded by Councilmember Bates extended the meeting for 10 minutes to finish the current item and listen to the staff report on Item L-2 with Councilmember Butt voting Noe.)** Bea Roberson gave comments.

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

The matter to provide direction to staff regarding the use of \$669,000 in funding to be received by the City of Richmond resulting from the consent decree settling the Cosco Busan Oil Spill litigation. Staff is recommending that \$235,000 of these funds be used to complete the Shipyard 3/Brickyard Cove Bay Trail Gap Closure, and that \$434,000 be used to partially fund the Marina Bay Trail Rehabilitation Project was **continued to July 31, 2012.**

The matter to receive a status report from Engineering on the paving of Barrett Avenue and Cutting Boulevard was presented by Councilmember Booze and Engineer Tawfic Halibi. Jackie Thompson gave comments.

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 presented by Vice Mayor Rogers. Eduardo Martinez and Michael Parker gave comments. On motion of Vice Mayor Rogers, seconded by Councilmember Beckles joined the Common Cause and the League of Women Voters in opposing the "Special Exemptions Act" by the following vote: **Ayes:** Councilmember Beckles, Booze, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates.

The matter to receive a report from staff regarding the contractual compliance of Salt Water Construction on the Marina Bay Yacht Harbor Maintenance Dredging Project **was withdrawn from the agenda.**

The matter to receive a report from the city attorney regarding prohibited use of public resources including public facilities such as the Council Chambers for campaign activities, including prohibiting campaign speeches at Council meetings **was continued to July 31, 2012.**

#### **ADJOURNMENT**

There being no further business, the meeting adjourned at 11:53 p.m. in Albert Taylor, Actor Sherman Hensley, Kimberly Sandoval, and Charlotte Dennis' sister Sharon Abner, to meet again on Tuesday, July 31, 2012, at 6:30 p.m.

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City Clerk

(SEAL)

Approved:

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Mayor