

**RICHMOND, CALIFORNIA, October 16,  
2012**

The Richmond City Council Evening Open Session was called to order at 5:10 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):** Booker vs. City of Richmond; Jenkins vs. City of Richmond; Municipal Pooling Authority vs. City of Richmond; Jeffrey Herson vs. City of Richmond; and In Re Municipal Derivatives Litigation

**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 5:11 p.m. The Closed Session adjourned at 6:43 p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:53 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**

City Clerk, Diane Holmes, read the Code of Ethics.

## **STATEMENT OF CONFLICT OF INTEREST**

None.

## **AGENDA REVIEW**

Items I-1, I-4, I-5, I-6, I-7, I-9, I-10, I-11, and I-13 were removed from the Consent Calendar. Items J-4 and J-6 were withdrawn from the agenda. Item J-4 will be placed on the November 13, 2012, City Council agenda. J-3 was moved up to be heard directly after Open Forum. A motion by Councilmember Butt, seconded by Councilmember Ritterman, tabled Item J-5, by the following vote: **Ayes:** Councilmembers Beckles, Butt, Ritterman, and Mayor McLaughlin. **Noes:** Councilmembers Bates, Boozé, and Vice Mayor Rogers. **Abstentions:** None. **Absent:** None.

## **OPEN FORUM FOR PUBLIC COMMENT**

Wesley Ellis announced the opening of Chris's Down Home Soulfood Restaurant at 1260 Rumrill Boulevard.

Mike Ali urged the community to vote against school district Measures E and G.

Pam Bilbo thanked Councilmember Bates for giving her the opportunity to attend and event for President Barack Obama recently in San Francisco.

Jackie Thompson gave comments regarding a restraining order filed against her, which a judge dismissed.

Leonard Taylor stated he voted “No on Measure N” via mail ballot.

*(Mark Wassberg was removed from the meeting and the City Council took a five minute recess)*

Rakia Esver and Leshia Gwyn thanked Councilmember Beckles, City Manager Bill Lindsay, Finance Director, James Goins, Attorney, Carlos Privat, for assisting them with Odyssey Preschool remaining open.

Tarnell Abbott stated that Chevron has spent over \$1 million during this election supporting candidates they think they can control.

Michael Beer stated that the American Beverage Association is using its money and power in an attempt to defeat Measure N.

Joe Puleo asked that the City Council adopt an ordinance that sponsors and major funders of candidates are required to make their names on billboards big enough to be legible from the street.

Thomas Gary stated that many of the city’s baseball and football fields need to be upgraded. Mr. Gary also stated that he has noticed more homeless persons at Nicholl Park.

Don Gosney stated that “Free Leonard” signs across the city are causing urban blight.

Fayza stated that her son was murdered in Richmond but wishes to do something positive and possibly open a business in Richmond.

Marilyn Langlois gave comments regarding war tax resistance and how she withheld her tax payments to the Federal Government in protest of the Iraq War.

Eleanor Thompson thanked Urban Tilth for hiring youth during the summer.

Billy Alexander stated that the track field located on Marina Way and Cutting Boulevard should be named after Johnny Holmes, founder of the Half Steppers Track and Field Team.

Margaret Jordan stated she received a call from someone asking her to vote against Measure N and was upset due to the lies they stated to her.

Juan Reardon thanked some of the City Councilmembers for their support of Measure N.

Michael Parker stated he disagrees with the City Council's decision not to hear the item regarding the confrontation between a member of the Richmond Progressive Alliance and Councilmember Boozé.

Eduardo Martinez reported that this past Sunday he participated in a family picnic given by Saffron Strands.

Bea Roberson stated that the City Council should openly discuss the assault incident involving Councilmember Boozé.

Councilmember Bates gave comments in reference to a confrontation between a member of the Richmond Progressive Alliance and Councilmember Boozé and stated that he is concerned for the safety of all Councilmembers, especially during meetings, and suggested that perhaps metal detectors should be used outside of the City Council Chambers. Councilmember Bates has also requested that the Chief of Police report on how the determination was made when selecting a charge on the individual involved in the attack on Councilmember Boozé.

Vice Mayor Rogers stated that the issue of whether to install metal detectors outside of the City Council Chambers is a public policy issue and needs to be dealt with due to the instances of potential violence that have occurred during council meetings in the past.

Councilmember Boozé stated that he will press charges against David Moore, the individual who attacked him outside of a recent candidate's forum.

**PRESENTATIONS, PROCLAMATIONS, AND  
COMMENDATIONS**

Mayor McLaughlin presented a proclamation declaring October 20, 2012, as Arbor Day in the City of Richmond to Chris Chamberlain, Director, Recreation and Parks Department, Landscaping Division. Mr. Chamberlain thanked the City Council for their support and invited all to an Arbor Day Tree Planting Event on Saturday, October 20, 2012, at State Court Park.

**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 the matter regarding In Re Municipal Derivatives Litigation, the City Council authorized Mayor McLaughlin to sign a letter opting out of the class action settlements with JP Morgan and Wells Fargo Banks. Attorney Goodmiller also stated that in the matter of Booker vs. City of Richmond and Jenkins vs. City of Richmond, the City Council gave final approval to a settlement with plaintiff Cleveland Brown.

**CITY COUNCIL CONSENT CALENDAR**

City Clerk, Diane Holmes, announced that the person requesting the removal of Items I-1, I-4, and I-5 has left the meeting.

On motion of Councilmember Ritterman, seconded by Vice Mayor Rogers, returned Items I-1, I-4, I-5, and I-13 to the Consent Calendar, by the unanimous vote of the City Council.

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

\*- Approved a contract with the Contra Costa County District Attorney's Office for the services of a Deputy District Attorney who would be specifically dedicated to handle the prosecution of Richmond gun cases. This 27-month contract would be for the period of April 5, 2012, through June 30, 2014, in an amount not to exceed \$338,577.14 (This item was reviewed and recommended for approval by the Finance Committee at its October 5, 2012, meeting).

\*- Approved a three-year contract, with one-two year options to extend, with PlanetBids, Inc. to provide an on-line vendor registration/bid management system (BidsOnline) in an amount not to exceed \$22,325 per year.

\*- Approved the purchase of the Linko® Data Systems database management program in an amount not to exceed \$98,252 for use in the Source Control Program of the Wastewater enterprise in order to comply with the regulatory permit requirements.

\*- Approved a contract with Straight Talk on Prison (STOP) for academic coordination. The contract term will be from October 16, 2012, to June 30, 2013, in an amount not to exceed \$47,200.

\*- Approved a grant-funded contract with the Oakland Private Industry Council to procure goods and services on behalf of RichmondWORKS and in support of East Bay Works One Stop Career Center System. Contract term will be October 16, 2012, through June 30, 2013, in an amount not to exceed \$46,074.

The matter to approve a construction contract with TPA Construction Inc., for the Dornan Drive Tunnel Repair Project in the amount of \$745,753, with a city-administered contingency and reserve not to exceed \$74,575. (This item was reviewed and recommended for approval by the Finance Committee at its October 5, 2012, meeting); and APPROVE Contract Amendment No. 2 with the Crosby Group for design services during construction, increasing the contract amount by \$31,000 to a total of \$41,000 was presented. A motion by Councilmember Ritterman, seconded by Councilmember Butt was made to approve the contract. A substitute motion by Councilmember

Boozé, seconded by Councilmember Bates, to continue the item to the October 23, 2012, City Council meeting in order for staff to report on the necessity to repair the Dornan Drive Tunnel at this time, failed by the following vote: **Ayes:** Councilmember Bates, Boozé, and Vice Mayor Rogers. **Noes:** Councilmembers Beckles, Butt, Ritterman, and Mayor McLaughlin. **Abstentions:** None. **Absent:** None. The original motion passed by the following vote: **Ayes:** Beckles, Butt, Ritterman, and Mayor McLaughlin. **Noes:** Councilmember Boozé. **Abstentions:** Councilmembers Bates and Vice Mayor Rogers. **Absent:** None. Councilmember Boozé requested that a study session be scheduled at the next City Council meeting regarding cost breakdown, time sensitivity, and who will be employed on the Dornan Drive Tunnel Project.

A motion by Councilmember Bates seconded by Councilmember Ritterman, approved an amendment to the contract with CPS HR Consulting to increase the amount by \$2,720, and in an amount not to exceed \$42,220 to develop and administer an examination for Firefighter Trainee, by the unanimous vote of the City Council. *(The person from the audience who removed this item from the Consent Calendar left the meeting).*

\*- Approved a contract with Alliance Resource Consulting, LLC to conduct a state-wide recruitment for a Risk Manager in an amount not to exceed \$23,000 for a term of October 17, 2012, to February 28, 2013.

The matter to approve an emergency contract with Conflo Services Inc., in the amount of \$10,200 for the abatement of asbestos in the air handling and boiler rooms of the Auditorium was presented. Councilmember Boozé urged the Public Works Department to expedite the installation of the heating system in the auditorium. A motion by Councilmember Boozé, seconded by Councilmember Bates, approved the contract by the unanimous vote of the City Council. Councilmember Bates requested a Study Session be presented to the City Council regarding the city's Capital Improvement Projects.

A motion by Councilmember Bates, seconded by Councilmember Ritterman, adopted **Resolution No. 114-12**, authorizing the city manager to: (1) submit an application to accept up to \$3,000,000 in energy-efficiency loans from the California Energy Commission, committing to the repayment of the loans in full through energy cost savings, and to undertake all actions necessary to complete energy-efficiency projects, including streetlight upgrades; and (2) appropriate energy rebates resulting from streetlight retrofits to the city's budget to fund additional streetlight upgrades, by the unanimous vote of the City Council.

The matter to approve a fourth amendment to the legal services agreement with Holland & Knight, LLP to provide continued legal representation for the Revised Environmental Impact Report (EIR) for the Revised Chevron Renewal Project in the amount of \$750,000, for a total expenditure of \$1,750,000 under this contract, and extending the term to December 31, 2013, with funding from Chevron for payment of all costs for this project was presented. James Austin gave comments. A motion by Councilmember Butt, seconded by Mayor McLaughlin, approved the amendment by the unanimous vote of the City Council.

\*- Approved a contract with Gardener's Guild, Inc., a Richmond-based business, in the amount of \$321,635 for the Carlson Boulevard Landscape Improvements Project (This contract was reviewed and recommended for approval by the Finance Committee at its October 5, 2012, meeting).

\*- Approved the Port Executive Director's request for travel to China with a cost of approximately \$9,000 to continue the business development plan and 2012 marketing plan with the Port of Zhoushan and Auto Warehousing Company (AWC), to continue to explore the potential for China auto manufacturing companies entering the U.S. market through the Port of Richmond's recently renovated facility, and to meet with China automobile industry representatives.

\*- Approved the purchase of a paving patch truck for use by the Public Works Department Streets Division from Municipal Maintenance Equipment, Inc. (Sacramento, CA) in an amount not to exceed \$175,000 (This item was reviewed and recommended for approval by the Finance Committee at its October 5, 2012, meeting).

\*- Approved the following re-appointments:  
Human Rights and Human Relations Commission:  
Demetria Saunders, incumbent, term expiring May 19, 2015 (this is a correction of a typographical error on the September 18 Richmond City Council Consent Calendar Item I-5 erroneously indicating a re-appointment to the Housing Advisory Commission);  
Richmond-Zhoushan Friendship Commission: Katrinka Ruk, incumbent, term expiring July 22, 2014;  
Economic Development Commission: Larry Fleming, Incumbent, term expiring April 21, 2015.

\*- Approved the minutes of the September 25, 2012, meeting.

### **COUNCIL AS A WHOLE**

The City Councilmembers received a presentation from the US Environmental Protection Agency (EPA) on the status of the United Heckathorn Superfund Site by Jennifer Ly, City Manager's Office. Richelle Thompson, Project Manager, United Heckathorn Site, Jackie Lane, Community Involvement Coordinator, Kelly Manheimer, Section Chief, Steve Kalanon, On-scene Coordinator, and Greg Baker, National Oceanic Atmospheric Association. The City of Richmond Environmental Initiatives Team has been working with the EPA to engage the community and create a cleanup plan for the United Heckathorn Superfund site. Site cleanup is expected to begin in 2015. This site was addressed in three stages: immediate actions and a long-term remedial phase focusing on cleanup of the sediments and then the soils. The immediate actions consisted of excavation of highly contaminated on-site soils. Long-term actions included dredging the channels to remove contaminated sediments and then capping about 4-1/2 acres of land to prevent erosion and exposure to residual levels of

pesticides in soils. Vice Mayor Rogers expressed concern regarding the sign advising persons not to eat fish caught from the Lauritzen Channel, rather than making it illegal to do so. Ms. Manheimer replied that this is standard wording from the State Department of Fish and Game, but will contact them to inquire if a more stringent sign can be posted. Sims Thompson and Bea Roberson gave comments.

The matter to direct staff to research and provide a report to the City Council on the feasibility of solar lights along the Richmond Parkway was presented by Councilmember Beckles. The following individuals gave comments: Wesley Ellis, Sims Thompson, Dameion King, and Stephanie Hervey. A motion by Councilmember Beckles, seconded by Mayor McLaughlin, directed staff to return to the City Council with a preliminary report in 30 days.

The matter to receive a report from staff on the Richmond Recreation Tennis Program, including a timeline to reinstate programming through the Richmond Youth Tennis Center was presented by Councilmember Beckles and Recreation Director, Keith Jabari. The following individuals gave comments: Barbara Lewis, Vaidhy Mahalingam, and Marilyn Langlois. At this point the tennis program has been stopped. A meeting will be scheduled with City Manager, Bill Lindsay, as soon as possible to discuss the Tennis Program issues.

WITHDREW to the November 13, 2012, City Council meeting, a report from staff on the Marin Clean Energy Community Choice Aggregation Program regarding the source of energy and the "Opt Out" process for Richmond consumers.

A motion by Councilmember Butt, seconded by Councilmember Ritterman, tabled the matter to discuss and provide direction to staff regarding policy action relative to assault upon elected officials and city staff, by the following vote: **Ayes:** Councilmembers Beckles, Butt, Ritterman, and Mayor McLaughlin. **Noes:** Councilmembers Bates, Boozé, and Vice Mayor Rogers. **Abstentions:** None. **Absent:** None.

WITHDREW a resolution in support of the Richmond City Council encouraging Chevron Corporation to engage with the city and the community to come up with a Community Benefits Agreement (CBA) package to mitigate the city and community losses from the August 6, 2012, fire at Chevron.

**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 10:30 p.m. in memory of Geraldine Granzella, wife of the late Richard Granzella and Mervyn Dymally, the first and only African American Lieutenant Governor in the State of California, to meet again on Tuesday, October 23, 2012, at 6:30 p.m.

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City Clerk

(SEAL)

Approved:

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Mayor