

**RICHMOND, CALIFORNIA, November 13,
2012**

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

ROLL CALL

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

Yvette Turner vs. City of Richmond

Chevron vs. Contra Costa County

Jenkins vs. City of Richmond

Booker vs. City of Richmond

**CONFERENCE WITH LEGAL COUNSEL -
ANTICIPATED LITIGATION (Initiation of
litigation pursuant to Subdivision (c) of Government
Code Section 54956.9):**

One Case

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

Confidential Investigative and Appeals Officer

There were no public speakers.

The Evening Open Session adjourned to Closed Session at 5:11 p.m. The Closed Session adjourned at 6:53p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:56 p.m. by Mayor McLaughlin who led the Pledge of Allegiance to the Flag.

ROLL CALL

Present: Councilmembers Bates, Boozé, Butt,

Vice Mayor Rogers, and Mayor McLaughlin. **Absent:** Councilmembers Beckles and Ritterman.
(Councilmember Beckles arrived after Roll Call).

READING OF THE CODE OF ETHICS

City Clerk Diane Holmes read the Code of Ethics.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Removed Items J-4, J-5, J-8, J-12, J-13, J-14, J-15, J-18, and J-21 from the Consent Calendar. On motion of Councilmember Butt, seconded by Vice Mayor Rogers placed an emergency item to approve signing the Marin Energy Authority petition pertaining to the California Public Utility Commission on issues that affect Community Choice Aggregators and Marin Energy Authority by the following vote: **Ayes:** Councilmembers Beckles, Butt, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** Councilmembers Bates and Boozé. **Abstentions:** None. **Absent:** Councilmember Ritterman.

OPEN FORUM FOR PUBLIC COMMENT

Antwon Cloird stated that the Richmond City Council meeting should have begun with a prayer for the recovery of City Councilman Elect Gary Bell.

Dave Harrison requested an update on the letter staff was directed to send to Salt River Construction.

Andres Soto gave comments regarding Chevron and its rebuilding efforts, and he encouraged City of Richmond staff to exercise its complete authority for a public review process. He also announced that on Thursday, November 15, 2012, the Richmond Progressive Alliance and other organizations would host a Richmond post-election town hall meeting at 1021 Macdonald Avenue, from 6:30 p.m. to 8:30 p.m.

Michael Beer gave comments regarding the election and his support for President Obama. He also gave comments regarding Chevron.

Dwan Vance invited the community to a Community Wellness Event on Saturday, November 17, 2012, at the Hill Top Community Church from 5:00 p.m. to 6:30 p.m. The event will begin with free community health testing and screening and demonstrations by the Richmond Fire Department followed by a gospel concert featuring recording artist Earnest Pugh.

Sylvia Gray-White gave comments regarding

Chevron and the lack of monitoring of the air in Richmond.

Torm Nompraseurt urged the City Council to protect the health and safety of the community.

Wesley Ellis read a victory speech regarding the defeat of Measure N.

Eduardo Martinez gave comments regarding Chevron and stated that the City of Richmond has the responsibility to make sure the citizens of Richmond are safe. He yielded the remainder of his time in silent prayer for Councilmember Elect Gary Bell.

Sylvia Hopkins read the Richmond Progressive Alliance election results and stated that the Richmond Progressive Alliance was proud of its efforts in the election.

Mike Parker read a statement by the Richmond Progressive Alliance. He also wished Councilmember Elect Gary Bell a speedy recovery. Mr. Parker also gave comments regarding Chevron.

Jackie Thompson thanked the City Council for acting on all the issues she brought forth to the City Council. She also thanked the Fire Department and everyone that responded to the fire at her home.

Melvin Willis gave comments regarding the Chevron Repair Project and Chevron's plans to repair the damaged unit back to the way it was 35 years ago.

Eleanor Thompson encouraged citizens to pray for Councilmember Elect Gary Bell. She also expressed her pleasure for the defeat of Measure N. Ms. Thompson also congratulated Councilmembers Bates and Butt on their re-election.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Mayor McLaughlin presented a proclamation honoring Community Foundation Week to the Community Foundation Board. Board Director Joan Davis and Board Chair Patricia Jones gave comments thanking Mayor McLaughlin and City Council for the recognition. The Richmond Community Foundation is dedicated to making and facilitating change in Richmond. Through discretionary grants, as well as the grants recommended by donors, the foundation invests in a range of organizations working to build a healthy, sustainable Richmond.

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

City Attorney Bruce Reed Goodmiller reported

that the City Council authorized and directed the city attorney to: (1) intervene in an existing lawsuit; and (2) initiate a separate litigation. Mr. Goodmiller reported that consistent with Government Code Section 54957.1 the reporting out was not required to include the names of the parties, defendants, or other matters. Once the complaint in intervention was filed and the second litigation initiated, full disclosure would be available upon inquiry.

**SUCCESSOR AGENCY TO THE RICHMOND
COMMUNITY REDEVELOPMENT AGENCY
CONSENT CALENDAR**

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

*-Adopted **Resolution No. 115-12** authorizing the execution of a Highway-Railroad Crossing Safety Account Project Baseline Agreement and Program Supplement/Master Agreement with the California Department of Transportation, providing for \$4.23 million in Proposition 1B funds for the Officer Bradley A. Moody Memorial Underpass Project through the Highway-Railroad Crossing Safety Account.

CITY COUNCIL CONSENT CALENDAR

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

*-Approved a contract with Innovative Data Solutions, Inc. to purchase PowerDMS software in the amount of \$22,702.30, covering the period from December 2012 through December 2015; this software will assist the Police Department in distributing, tracking, and measuring staff retention of departmental policies and procedures.

*-Adopted **Resolution No. 116-12** amending the City of Richmond's Position Classification Plan to add the new classification of Equipment Parts Storekeeper.

*-Introduced an ordinance for first reading establishing the wages, salary, and compensation for the new classification of Equipment Parts Storekeeper (Salary Range No. 123: \$4,240 - \$4,675/month); said ordinance will be laid over two weeks for second reading.

The matter to introduce an ordinance for first reading amending Section 2.12.010 of the Richmond Municipal Code to reduce the number of Councilmembers needed to constitute a quorum or to approve a business item from five to four in conformity

with the City's Charter was presented by City Clerk Diane Holmes. On motion of Councilmember Bates, seconded by Councilmember Beckles said ordinance received first reading and was laid over two weeks for the second reading by the following vote: **Ayes:** Councilmembers Bates, Beckles, Boozé, Butt, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Ritterman.

The matter to accept the grant award and approve the expenditures associated with the Office of Juvenile Justice and Delinquency Prevention (OJJDP) Mentoring Enhancement Demonstration Program grant for year one, fiscal year 2012, issued by the United States Department of Justice, to include approval to enter into contracts and negotiate all program and budgetary amendments approved by OJJDP with: Be A Mentor Inc. (\$50,000); Bay Area Community Resources (\$75,225); East Bay Asian Youth Center/OASES (\$75,009.47); Oakland Police Athletic League (\$75,225); and Richmond Police Activities League (\$74,912.50); other costs and contractors approved by OJJDP to support this grant; in addition to the ONS personnel and fringe benefits costs for a total amount of \$397,671.97 was presented by Office of Neighborhood Safety Director DeVone Boggan. Wesley Ellis gave comments. On motion of Councilmember Beckles, seconded by Vice Mayor Rogers accepted the grant award and approved the expenditures associated with the Office of Juvenile Justice and Delinquency Prevention (OJJDP) Mentoring Enhancement Demonstration Program grant by the following vote: **Ayes:** Councilmembers Bates, Beckles, Boozé, Butt, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Ritterman.

*-Adopted **Resolution No. 117-12** to accept and approve the use of the grants from the Clara-Belle Hamilton Trust (\$83,439.41) and California ReLeaf 2012-13 (\$9,904.89).

*-Approved the purchase of four Scott Air-Pak 75 self-contained breathing apparatus (SCBA) cylinders, AV3000 face pieces and other accessories from Allstar Fire Equipment, Inc. in the amount of \$22,506.90.

The matter to approve a five-year contract with two one-year options with Aramark Uniform Services to provide uniform rental and laundry services for the Public Works Department in an amount not to exceed \$102,000 per year was presented by City Manager Bill Lindsay. Wesley Ellis gave comments. On motion of Councilmember Butt, seconded by Councilmember Beckles approved a five-year contract with two one-year options with Aramark Uniform Services by the following vote: **Ayes:** Councilmembers Bates, Beckles, Boozé, Butt, Vice Mayor Rogers, and Mayor

McLaughlin. **Noes:** None. **Abstentions:** None.
Absent: Councilmember Ritterman.

*-Adopted **Resolution No. 118-12** authorizing placement of liens and special assessments for unpaid garbage collection service fees on County property tax records.

*-Approved an agreement with the California State Library to provide funding for literacy services provided by the City of Richmond, authorized the Library and Cultural Services Director to accept the State funds in the amount of \$45,110, and approved an amendment to the Fiscal Year 2012-13 operating budget to increase library fund revenue and expenditures in the amount of \$45,110 for the purpose of providing literacy services to City of Richmond residents.

*-Approved an agreement with the Richmond Community Foundation and authorized the Library and Cultural Services Director to accept a grant in the amount of \$10,000 to provide literacy services for the residents of Richmond for the grant period from October 1, 2012 to September 30, 2013; Approved an amendment to the Fiscal Year 2012-2013 operating budget increasing library fund revenue and expenditures in the amount of \$10,000.

The matter to approve the purchase of Christy boxes and galvanized diamond plate lids from Alameda Electric Supply Inc. for use by the Public Works Facilities Maintenance Division Electrical Section, for a street light wire replacement project on West Cutting Boulevard, in an amount not to exceed \$15,000 **was continued to November 20, 2012.**

The matter to approve an agreement with Motorola Solutions Corporation for the maintenance of the City's public safety Motorola portable and mobile radio equipment, effective June 1, 2012, through June 30, 2013, in an amount not to exceed \$67,756 was presented by City Manager Bill Lindsay. Wesley Ellis gave comments. On motion of Councilmember Butt, seconded by Councilmember Beckles approved by the following vote: **Ayes:** Councilmember Beckles, Butt, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** Councilmembers Bates and Boozé. **Absent:** Councilmember Ritterman.

The matter to adopt a resolution authorizing the city manager to: (1) execute a Memorandum of Understanding for participation in the Regional Renewable Energy Procurement Project (R-REP), a regional initiative that will utilize collaborative procurement to purchase on-site renewable energy systems for public agencies throughout Contra Costa, Alameda, San Mateo and Santa Clara Counties; and (2) execute all contracts and agreements necessary to complete site assessments in an amount not to exceed

\$25,000 was presented by Administrative Chief Shasa Curl and Sustainability Coordinator Alan Lenz. Wesley Ellis gave comments. *(At 11:10 p.m. on motion of Councilmember Butt, seconded by Mayor McLaughlin extended the meeting to 11:30 p.m. with Councilmember Bates, Ritterman, and Vice Mayor Rogers Absent). The item was continued to November 20, 2012.*

The matter to approve a construction contract with AJW Construction in the amount of \$442,167, with a City-administered contingency and reserve not to exceed \$66,325, for the Safe Routes to School Cycle 2 Improvements Project was presented by Engineer Joe Camacho. *(At 11:35 p.m. on motion of Councilmember Boozé, seconded by Councilmember Beckles extended the meeting for 20 minutes with Councilmembers Bates and Ritterman Absent).* On motion of Councilmember Butt, seconded by Mayor McLaughlin approved a contract with AJW Construction by the following vote: **Ayes:** Councilmembers Beckles, Boozé, Butt, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Bates and Ritterman.

*-Adopted **Resolution No. 119-12** authorizing the city manager to apply for a 2013 EPA Brownfield Assessment Grant (EPA-OSWER-OBLR-12-07) in the amount of \$400,000 to fund the investigation of environmental conditions in the South Shoreline area and nearby properties - City Manager's Office (Bill Lindsay 620-6512).

*-Adopted **Resolution No. 120-12** authorizing the city manager to apply for a 2013 EPA Brownfield Assessment Grant (EPA-OSWER-OBLR-12-08) in the amount of \$1 million to provide for a revolving fund to be administered by the City to make loans and provide subgrants to carry out cleanup activities at brownfield sites.

The matter to approve a legal services agreement with Renne Sloan Holtzman Sakai, LLP for legal representation in the federal court lawsuit Community Coalition Against Beverage Taxes, et al vs. City of Richmond, for a total amount of \$43,140.42 was presented by City Attorney Bruce Goodmiller. Wesley Ellis and Bea Roberson gave comments. *(At 12:00 a.m. on motion of Councilmember Bates, seconded by Councilmember Boozé extended the meeting for 15 minutes with Councilmembers Beckles and Butt voting Noe).* On motion of Councilmember Beckles, seconded by Councilmember Butt approved the legal services agreement with Renne Sloan Holtzman Sakai, LLP by the following vote: **Ayes:** Councilmembers Beckles, Butt, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** Councilmembers Bates and Boozé. **Abstentions:** None. **Absent:** Councilmember Ritterman.

*-Approved the minutes of the October 2, and 16, 2012, meetings.

*-Adopted **Resolution No. 121-12** adjusting Fiscal Year 2012-13 appropriations for the Recreation Department budget, adding \$3,550 for the Richmond Tennis Center based on grant revenue received in Fiscal Year 2011-12 from the Northern California Tennis Foundation.

The matter to adopt a resolution approving a contract with City Data Services to provide monitoring and reporting services for the HOME and Community Development Block Grant Programs in an amount not to exceed \$48,000 and for a term extending to June 30, 2013, was presented by Housing Director Patrick Lynch. Wesley Ellis gave comments. On motion of Councilmember Butt, seconded by Councilmember Bates adopted **Resolution No. 122-12** by the following vote: **Ayes:** Councilmembers Bates, Beckles, Butt, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Boozé and Ritterman.

COUNCIL AS A WHOLE

The matter to adopt a resolution: (1) approving the forms of and authorizing the execution and delivery of a site lease, lease-purchase agreement, and escrow agreement; and (2) authorizing certain additional actions, for financing up to \$2 million of tenant improvements through a 10-year capital lease at a building located at 256 24th Street, to be used as the West Contra Costa Family Justice Center was presented by Police Chief Chris Magnus, Supervisor John Gioia, Deputy District Attorney John Cope, Lieutenant Bisa French, Executive Director of the West Contra Costa Family Justice Center Melissa Cainehuckabee and staff, Finance Director James Goins, and City Manager Bill Lindsay. The following individuals gave comments: Robert Uyeki, Gloria Sandoval, Leland Johnson, Miriam Wong, Bea Roberson, and Naomi Williams. On motion of Mayor McLaughlin, seconded by Councilmember Boozé adopted **Resolution No. 123-12** by the following vote: **Ayes:** Councilmembers Bates, Beckles, Boozé, Butt, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Ritterman.

The matter to receive 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 **was continued to November 27, 2012.**

The City Council received a report from Interim City Engineer Alan Wolken and Joey Williams, Engineer with the Crosby Group on the Dornan Drive Tunnel Project. Bryan Berthiaume and Bea Roberson

gave comments.

EMERGENCY ITEMS

The matter to approve signing the Marin Energy Authority petition pertaining to the California Public Utility Commission on issues that effect Community Choice Aggregators and Marin Energy Authority was presented by Councilmember Butt. Bea Roberson gave comments. On motion of Councilmember Butt, seconded by Mayor McLaughlin approved signing the Marin Energy Authority petition by the following vote: **Ayes:** Councilmembers Beckles, Butt, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** Councilmember Bates and Boozé. **Abstentions:** None. **Absent:** Councilmember Ritterman.

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 12:08 a.m. in memory of Chief Engineering Bill Jackson and well wishes to Councilmember Elect Gary Bell to meet again on Tuesday, November 27, 2012, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor