

**RICHMOND, CALIFORNIA, March 19,
2013**

The Richmond City Council Evening Open Session was called to order at 5:35 p.m.

ROLL CALL

Present: Councilmembers Beckles, Butt, Myrick, Rogers, and Mayor McLaughlin. **Absent:** Councilmember Bates and Vice Mayor Boozé (Councilmember Bates and Vice Mayor Boozé arrived after the City Council adjourned to Closed Session).

PUBLIC COMMENT

The deputy 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 REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8):

Property: General Warehouse, Port of Richmond
Agency Negotiators: Bill Lindsay and Jim Matzorkis
Negotiating Parties: MSH Group; Golden Solar Power Group
Under Negotiation: Price and Terms of Payment

There were no public speakers.

The Evening Open Session adjourned to Closed Session at 5:36 p.m. The Closed Session adjourned at 6:35 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, Butt, Myrick, Rogers, Vice Mayor Boozé, and Mayor McLaughlin. **Absent:** None.

READING OF THE CODE OF ETHICS

Wesley Ellis read the Code of Ethics.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Removed Items H-1, H-6, H-16, H-17, and H-22 from the Consent Calendar. At the request of

Councilmember Myrick Mayor McLaughlin moved Item J-3 to the first item under Council as a Whole.

OPEN FORUM FOR PUBLIC COMMENT

Antwon Cloird stated that the Contra Costa County Board of Supervisor's actions regarding the Call Center were disrespectful to the City of Richmond.

Andres Soto expressed his grave disappointment with the reaction of City Manager Bill Lindsay to the first investigation results of Human Resources Director and Assistant City Manager Leslie Knight. He stated that there was clearly a double-standard in the mind of Mr. Lindsay when it comes to treatment of management versus regular City of Richmond employees. Mr. Soto stated that the difference in treatment was a disservice to all the hard-working people that work for the City of Richmond and are doing the right thing instead of corrupting the system. Mr. Soto also expressed concern regarding an article in the East Bay Express dated March 13, 2013, which stated that Vice Mayor Boozé had been repeatedly cited by Richmond Code Enforcement for code violations and refused to comply. He stated that the article also discussed assaults on various people. Mr. Soto also stated that Vice Mayor Boozé's behavior suggests that he was unfit for serving on the Richmond City Council in the future.

The following individuals expressed concern regarding the leadership and behavior of Human Resources Director and Assistant City Manager Leslie Knight and City Manager Bill Lindsay, and encouraged the City Council to take the appropriate steps to restore trust within the City of Richmond: Mark Wassberg, Raymond Dryer, Bea Roberson, Stan Fleury, Stacie Plummer, Nina Smith, Pam Bilbo, and Rodney Ferguson.

Millie Cleveland, SEIU Union Representative, expressed concern regarding the way the issue with Human Resources Director and Assistant City Manager Leslie Knight was being handled. Ms. Cleveland stated that the proper process for any employee accused of misconduct was to place the employee on administrative leave with pay. Ms. Cleveland also stated that if there were any future issues with rank and file employees, the handling of Ms. Knight's case would be raised.

Steve Zelker expressed concern regarding City of Richmond workers that are retaliated against for speaking out.

Sam Casas expressed concern regarding the allegations against Human Resources Director and Assistant City Manager Leslie Knight. He stated that if the City Manager Bill Lindsay knew about the sustained allegations than he was just as guilty as Ms. Knight and should be investigated. Mr. Casa also stated that if Mr. Lindsay knew about the sustained allegations, that he

was incapable of conducting a fair and impartial investigation. Mr. Casas encouraged the City Council to reevaluate executive management starting at the top.

Gautam Manandmar stated that he never received a free gift from Human Resources Director and Assistant City Manager Leslie Knight. He also stated that he has the names of others that have purchased gifts from Ms. Knight.

Charles Smith stated that for 12 years he was the Chief Stewart representing over 600 workers at East Bay Mudd. He stated that anytime a worker was caught committing the types of crimes Human Resources Director and Assistant City Manager Leslie Knight was caught committing, that worker was immediately removed from the work-place and placed on paid administrative leave. Mr. Smith also stated that the City of Richmond was once again in the media for corruption, and that if City Manager Bill Lindsay does not do the right thing, than he was a party to the crimes that Ms. Knight has committed.

Nina Smith stated that she wanted to emphasize the negative impact petty corruption and abuse has on the work-place within the City of Richmond. She stated that people were forced to compromise their own integrity to keep their jobs. Ms. Smith also stated that the behavior of Human Resources Director and Assistant City Manager Leslie Knight harmed the workplace, ethics, and reputation of the community. She encouraged the City Council to take care of the issue properly.

Pamela Hampton stated that she has experienced abuse from the Human Resource Services Department since Ms. Knight has taken her post. She also stated that she was laid-off and not returned to work according to seniority both in direct opposition to City Human Resource policy. Ms. Hampton stated that her Personnel Board hearing was denied by Ms. Knight and Ms. Knight also hacked her e-mail account. Ms. Hampton also stated that she was placed on administrative leave due to hearsay, and was the victim of vindictive and abusive disciplinary actions by Ms. Knight which has impacted her family life. Ms. Hampton also stated that she currently has three separate investigations regarding misconduct against her.

Rosanne Ryken stated that she had been a supporter of City Manager Bill Lindsay because he made the City of Richmond a safer place. She stated that Mr. Lindsay must deal with the misuse of public funds by Human Resources Director and Assistant City Manager Leslie Knight. Ms. Ryken stated that the response, from Mr. Lindsay, to the findings of the investigation that Ms. Knight used "poor judgment" was more of a friend's response and not that of a city manager's response. Ms. Ryken also stated that the trust in the City of Richmond's leadership had been

diminished by the actions of Ms. Knight, and that the irony, as a tax payer in the City of Richmond, was Mr. Lindsay's decision to let her remain on the job. She also stated that Mr. Lindsay's decision failed to address the distress citizens now feel towards Richmond's city government. Ms. Ryken also stated that Mr. Lindsay's actions may best be described as helping a friend.

Angela Moore stated that the Center for Human Development (CHD) had been bullied for the last three years by the Richmond Recreation Department. She stated that every year, between six to eight months, the CHD received a termination of its lease, equipment was hidden by city employees, and extensive lies and rumors were spread about the CHD organization. She requested that the City Council join CHD to stand against bullying of non-profits and organization by the Richmond Recreation Department.

Kathleen Sullivan stated that on Monday, March 18, 2013, the Human Rights and Human Relations Commission held a special forum for young children who wrote speeches about their city, hopes, and dreams. Many wrote speeches about bullying in their schools, neighborhoods, and communities. Ms. Sullivan stated that it was a travesty to hear from city employees about the bullying in the City of Richmond. She also stated that employees have a right to feel safe in the workplace.

Texanita Bluitt stated that her heart was heavy reading about things going on in the City of Richmond. She stated that the City of Richmond was in need of a professional audit on the charter, etc. Ms. Bluitt also stated that credit cards, cars, and other amenities that people are misusing at the citizens of Richmond's expense should be recalled.

Jacqueline McBride encouraged the City Council to not ignore the comments from the public and exercise its authority to make things better at the City of Richmond.

Loch Sekona encouraged the City Council to be bold and courageous in making decisions to fix the problems of corruption within the City of Richmond.

Sims Thompson expressed displeasure with the issues the City of Richmond was currently dealing with. He also stated that he was disappointed that he only had one minute to address the City Council.

Kevin Hufferd invited everyone to attend the Second Annual Richmond Tales Fest 2013 at the Richmond Civic Center and Auditorium on Saturday, April 20, 2013, 11:00 a.m. to 3:30 p.m.

James Walker stated that he was disgusted with upper management and the corruption taking place at the City of Richmond. He reminded citizens and the City Council of the violence that took place at the

Richmond Housing Authority in 1995 due to poor and harsh management. Mr. Walker encouraged the City Council to terminate Human Resources Director and Assistant City Manager Leslie Knight to avoid that same situation.

Stacey Wilborn encouraged the City Council to change the car usage policy for executives. She stated the employees should not receive a car allowance, free use of a car for personal use, or use of a car to drive to and from work.

Jackie Thompson stated that Councilmember Butt and Andre Soto were a part of the article written in the East Bay Express regarding her and Councilmember Boozé. Ms. Thompson stated that her and Vice Mayor Boozé were still friends, and that she was offended by the article, which was full of erroneous information.

Y'Anad Burrell stated that she was excited to be appointed to the Arts and Culture Commission. She stated that a local artist was a part of the unveiling of the Rosa Parks Celebration in Washington, D.C.

Mike Peritz stated that he was in agreement with the rebuilding of the Richmond Swim Center. He also encouraged the City Council to encourage the West Contra Costa Unified School Board to vote for improving the Kennedy Swim Center.

Wesley Ellis expressed concern regarding the comments made during the Morning Mix interview on KPFA of John Geluardi, investigative journalist and author of the East Bay Express. He was disturbed that a Richmond City Councilmember and Richmond City employee were mentioned during the interview.

Janie Anker stated that double-standards were alive and well in the City of Richmond. She stated that it was a disgrace to have City of Richmond public officials written about in the newspaper and talked about on the radio for stealing money from the City of Richmond and taxpayers, and being able to keep their job. She stated that other employees would have been fired. Ms. Anker also stated that double-standards must be stopped now.

Michael Parker stated that there are documented facts as a result of the investigation of Human Resources Director and Assistant City Manager Leslie Knight. He stated that the results reported an abuse of power and taking of city funds. Mr. Parker urged everyone to attend the next regular City Council meeting to vote on a resolution to remove Ms. Knight.

Joseph Puleo stated that Human Resources Director and Assistant City Manager Leslie Knight's behavior has been characterized as a "miss judgment." He stated that if she worked for the United States Treasury Department she would have been fired and prosecuted for theft of Government property.

Vice Mayor Boozé stated that Mayor McLaughlin bullied him when she asked someone else to clarify that Vice Mayor Boozé's name was mentioned during Open Forum after Vice Mayor Boozé had already told her that his name was mentioned. He stated that when bullying starts at the mayor-ship, then it was expected to be evident in other places throughout the City of Richmond. Vice Mayor Boozé also stated that Andre Soto lied when he stated that Vice Mayor Boozé beat up senior citizens. He also stated that Mr. Soto was the head of the Richmond Progressive Alliance (RPA) which has been determined to remove him from the Richmond City Council since the defeat of the soda tax measure. Vice Mayor Boozé also stated that Mr. Soto disgraced a City of Richmond employee by making false accusations that she and Vice Mayor Boozé were having an affair. He also stated that Councilmember Butt was the orchestrator of the code enforcement case against him. Vice Mayor Boozé stated that Mayor McLaughlin, Councilmembers Butt and Beckles are part of the RPA and they are the biggest bullies in the City of Richmond.

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

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

CITY COUNCIL CONSENT CALENDAR

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

In the matter to approve a contract with McNabb Construction, Inc. for the rehabilitation of the existing shoreline pedestrian lighting system along a segment of the Marina Bay Trail in an amount not to exceed \$175,000; the term of the contract is from March 20, 2013, to December 31, 2013, Sims Thompson gave comments. On motion of Councilmember Butt, seconded by Councilmember Beckles approved the contract by the unanimous vote of the City Council.

*-Approved a contract with Bartel Associates, LLC in an amount not to exceed \$80,000, for actuarial valuation services associated with the administration of post-retirement medical benefits and three retirement funds, including \$40,000 for valuations as of July 2011, and \$40,000 for July 2013.

*-Approved a contract with Malachi Paving & Grading for the project to construct Miscellaneous Concrete Repairs for Fiscal Years 2012/13 - 2013/14 in the amount of \$558,500.

*-Approved a fifth amendment to the legal services agreement with Holland & Knight, LLP for legal representation in connection with the Revised Environmental Impact Report for the Chevron Revised Renewal Project increasing the payment limit by \$1,500,000 (to be paid by Chevron, the project applicant), extending the term of the agreement to December 31, 2014, and adding a provision requiring that Holland & Knight LLP indemnify the City.

*-Approved the eighth amended contract with eCivis Incorporated, commencing April 1, 2013, and ending March 31, 2014, for the annual subscription to a City-wide grant locator database to aid City departments in researching and applying for grants, increasing the contract amount by \$22,150 to a total amount of \$232,675.

The matter to reject all bids received for the Barrett Avenue Bike Lanes - Garrard Boulevard to San Pablo Avenue Project and authorize a call for new bids was presented by City Engineer Tawfic Halaby. Daniel Azcuete gave comments. On motion of Councilmember Butt, seconded by Councilmember Beckles rejected all bids received for the Barrett Avenue Bike Lanes - Garrard Boulevard to San Pablo Avenue Project and authorize a call for new bids by the following vote: **Ayes:** Councilmembers Beckles, Butt, Myrick, Rogers, and Mayor McLaughlin. **Noes:** Councilmembers Bates. **Abstentions:** Vice Mayor Boozé. **Absent:** None.

*-Adopted **Resolution No. 21-13** authorizing placement of liens and special assessments for unpaid garbage collection service fees on County property tax records.

*-Approved a contract with McNabb Construction Inc. to relocate the current play equipment from Elm Play Lot to Lucas Park, as well as install additional new equipment and make improvements to the surrounding hardscape at Lucas Park, in an amount not to exceed \$90,000. The term of the contract is from March 20, 2013, to December 31, 2013.

*-Approved a one-year contract extension with United Site Services in an amount not to exceed \$19,500 to provide portable restroom service at John F. Kennedy Park (JFK), Booker T. Anderson Park (BTA), Elm Play Lot, and at the Marina. The total amount under the contract is increased to \$59,900, and the term is extended to June 30, 2014.

*-Approved an amendment to the contract with the Oakland Private Industry Council to process Individual Training Accounts for the Workforce Investment Act (WIA) program participants, increasing the amount by \$252,637 for a total not to exceed \$726,187, and extending the term through June 30, 2013.

*-Reviewed the staff recommendation, and direct staff to prepare a two-year budget, in lieu of an annual budget, beginning July 1, 2013.

*-Adopted **Resolution No. 22-13** authorizing the city manager to execute a Public Highway Overpass Crossing Agreement among the East Bay Regional Park District, Union Pacific Railroad Company (UPRR) and the City of Richmond for the easement rights, construction, maintenance and use of the proposed Atlas Road Bridge over UPRR's rail corridor.

*-Approved a one-year contract extension with D.M.G. Janitorial Services in an amount not to exceed \$25,200 for restroom cleaning services at Jay & Barbara Vincent Park, Shimada Park, Lucretia Edwards Park, Nevin Park, Nicholl Park, Martin Luther King Jr. Park (MLK), and the North Richmond Ballfield. The contract term will be from July 1, 2013, to June 30, 2014.

*-Adopted **Ordinance No. 2-13** amending Chapter 6.38 of the Richmond Municipal Code requiring the registration of vacant buildings in the City.

*-Approved the minutes of the February 19, 2013, regular meeting, the February 26, 2013, special meeting, the March 5, 2013, regular meeting, and the March 11, 2013, special meeting.

The matter to adopt an ordinance amending the wages, salary, and compensation for the classification of Risk Manager (Salary Range No. 071A: \$9,240 - \$11,232/month) (increase of 3.3%) was presented by City Manager Bill Lindsay. On motion of Councilmember Bates, seconded by Vice Mayor Boozé adopted **Ordinance No. 3-13** by the unanimous vote of the City Council.

The matter to adopt an ordinance establishing the wages, salary, and compensation for the new classification of Source Control Superintendent (Salary Range No. 064D: \$7,277 - \$8,829/month) was presented by City Manager Bill Lindsay. A motion was made by Councilmember Butt, seconded by Mayor McLaughlin to adopt the ordinance. A friendly amendment was offered by Councilmember Myrick to put the position out to allow additional applicants for the position. A substitute motion was made by Councilmember Bates, seconded by Vice Mayor Boozé to continue the item two weeks to allow the Human Resource Director the opportunity to give justification for the salary. Mayor McLaughlin **continued the item to April 2, 2013.**

*-Directed the city manager to send a letter to the State Capitol in support of AB 763 (Buchanan) which strengthens the response to aquatic weeds in the

Delta and lays foundation for invasive plant programs at the Department of Fish & Wildlife.

*-Adopted **Resolution No. 23-13** authorizing an application for grant funds from the California Department of Transportation's Transportation Planning Grant Programs to complete the Richmond Safe Routes to Schools Master Plan, and authorizing the city manager to execute a fund transfer agreement with the California Department of Transportation, if grant funds are awarded.

*-Approved the following appointments and reappointments: Design Review Board: Michael Woldemar, incumbent, term ending March 17, 2015; Eileen Whitty, incumbent, term ending March 17, 2015; Historic Preservation Commission: Donald Bastin, incumbent, term expiring December 2, 2016; Richmond Housing Advisory Commission: Marva Diane Lyons, new appointment, term ending March 19, 2015; Point Molate Community Advisory Committee: Paul Carman, new appointment, term ending March 19, 2015.

*-Approved the appropriation of \$12,789 in fire watch standby fees received from IMTT Richmond as reimbursement to the City for the cost of overtime services in the Fire Prevention and Emergency Operations' Fiscal Year 2012-13 operating budget.

*-Approved a contract amendment with Western Machinery Electric, Inc. for the preventive maintenance and repairs for all City emergency generators, increasing the contract amount by \$15,000 to a total amount of \$22,000, and maintaining the term ending June 30, 2103.

*-Approved an emergency contract with Bay Hawk Inc. in the amount of \$25,000, to provide payment for urgent repairs that were completed at various City locations, and to provide a contingency for other unforeseen conditions requiring similar urgent contracted response.

*-Received the monthly report on the Richmond Municipal Sewer District for February 2013.

RESOLUTIONS

The matter to adopt a resolution declaring support by the City of Richmond for the Saffron Strand 2013 Conference "Developing the Homeless Workforce: What Will It Take?" taking place June 17-18, 2013 at the Richmond Auditorium, and authorize a \$5,000 co-sponsorship of the event was presented by Mayor McLaughlin, Councilmember Beckles, and Councilmember Myrick. The following individuals gave comments: Kathleen Sullivan, Texanita Bluit, Yvonne Nair, Chysandra Nair, Phillip Woods, Jeanice Cummings, Kathleen Wimer, and Margaret Jordan. The deputy city clerk announced that Supervisor John Gioia submitted a speaker card after the item was

announced, and Mayor McLaughlin allowed Supervisor Gioia an opportunity to address the City Council. On motion of Mayor McLaughlin, seconded by Councilmember Myrick adopted **Resolution No. 24-13** declaring support by the City of Richmond for the Saffron Strand 2013 Conference and authorized a waiver for the use of the Richmond Auditorium by the unanimous vote of the City Council.

COUNCIL AS A WHOLE

The matter to authorize the city manager to solicit proposals and begin the planning process for a branding, marketing and implementation study for Richmond was presented by Councilmembers Butt and Rogers. Bea Roberson gave comments. On motion of Councilmember Butt, seconded by Councilmember Rogers authorized the city manager to solicit proposals and begin the planning process for a branding, marketing and implementation study for Richmond by Chevron by the unanimous vote of the City Council.

The matter to authorize the city manager to initiate a process to produce a Climate Action Plan for Richmond, including scheduling for completion this year, assigning staff, soliciting proposals from consultants, budgeting in Fiscal Year 2013-2014 and continuing to search and apply for grants was presented by Councilmember Butt and Mayor McLaughlin. Jackie Thompson gave comments. On motion of Councilmember Butt, seconded by Mayor McLaughlin authorized the city manager to initiate a process to produce a Climate Action Plan for Richmond, including scheduling for completion this year, assigning staff, soliciting proposals from consultants, budgeting in Fiscal Year 2013-2014 and continuing to search and apply for grants. A friendly amendment was offered by Councilmember Rogers to direct the city manager to hear the business community recommendations on this issue. The amendment was accepted. The motion passed by the following vote: **Ayes:** Councilmembers Beckles, Butt, Myrick, Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** Councilmembers Bates and Vice Mayor Boozé. **Absent:** None.

This item was the first item heard under Council as a Whole. The matter to discuss and give direction to staff to take actions to attempt to bring the Health Exchange Call Center and its 220 jobs to Richmond was presented by Councilmembers Rogers, Bates, and Myrick. Supervisor John Gioia, Kathleen Sullivan, Antwon Cloird, Pam Bilbo, Texanita Bluitt, Naomi Williams, Wesley Ellis, Michael Parker, Bea Roberson, and Paul Sannella. On motion of Councilmember Rogers, seconded by Councilmember Myrick directed the city manager to write a letter to the State indicating that the City of Richmond was ready to operate the health Exchange Call Center in the event Concord does not work out and also follow-up with Mr. Poe on a cost comparison by the unanimous vote of the

City Council.

**REPORTS OF OFFICERS: STANDING
COMMITTEE REPORTS, REFERRALS TO
STAFF, AND GENERAL REPORTS (INCLUDING
AB 1234 REPORTS)**

Councilmember Bates requested that the mayor adjourn the meeting in memory of Richmond Parkview resident Hipilito Perez.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:08 p.m. in memory of Richmond Parkview resident Hipilito Perez, to meet again on Tuesday, March 26, 2013, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor