

**RICHMOND, CALIFORNIA, April 23,  
2013**

The Richmond City Council Evening Open Session was called to order at 5:08 p.m.

**ROLL CALL**

**Present:** Councilmembers Bates, Beckles, Myrick, and Mayor McLaughlin. **Absent:** Councilmembers Butt, Rogers, and Vice Mayor Boozé arrived at 5:10 p.m.

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

Two Cases

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957.6):**

Title: City Manager

The following individuals gave comments:

Stacie Plummer stated that the City of Richmond was in violation of Richmond Municipal Code 2.40.050 regarding Nonexempt Public Information for refusing to release information regarding the disciplinary actions taken against Assistant City Manager and Human Resource Director Leslie Knight. Ms. Plummer stated that according to the City of Richmond Charter, the city attorney shall prosecute all violators of the City of Richmond ordinances. Ms. Plummer also stated that it was not an invasion of privacy for the City of Richmond to release personnel information where there was a confirmed record of misconduct by a city employee involving personal dishonesty, misappropriation of public funds, resources, benefits, or abuse of authority.

Lalo Herrera thanked Mayor McLaughlin and Councilmember Beckles for taking the initiative and putting their political agendas aside and doing the right thing in light of the facts of the investigation of Assistant City Manager and Human Resource Director Leslie Knight. Mr. Herrera also thanked Stacie Plummer for her courage to reveal the corruption taking place at City Hall.

Sam Casas encouraged the City Council to be fair and equitable to City Manager Bill Lindsay regarding his performance evaluation. Mr. Casas also encouraged the City Council to base the evaluation on Mr. Lindsay's performance only and to question Mr. Lindsay regarding policies and practices in place to protect employees from retaliation and workplace bullying. Mr. Casas also encouraged Mr. Lindsay to be fair and equitable to all employees.

The Evening Open Session adjourned to Closed Session at 5:14 p.m. The Closed Session adjourned at 6:46 p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:50 p.m. by Mayor McLaughlin who led the Pledge of Allegiance to the Flag.

### **ROLL CALL**

**Present:** Councilmembers Bates, Beckles, Butt, Myrick, Rogers, and Mayor McLaughlin. **Absent:** Vice Mayor Boozé, was absent during Roll Call and arrived at 6:51 p.m.

### **STATEMENT OF CONFLICT OF INTEREST**

None.

### **AGENDA REVIEW**

Removed Items J-1, J-2, and J-3 from the Consent Calendar; and reversed Item I-3 and I-4. A request from Vice Mayor Boozé to move Item J-4 to the beginning of the agenda was denied by Mayor McLaughlin.

Following Open Forum for Public Comment, Vice Mayor Boozé requested that Mayor McLaughlin place Item J-4 at the beginning of the meeting. Mayor McLaughlin denied the request and stated that the City Council would have to overturn her decision. On motion of Vice Mayor Boozé, seconded by Councilmember Bates overturned Mayor McLaughlin's decision by the following vote: **Ayes:** Councilmembers Bates, Myrick, Rogers, and Vice Mayor Boozé. **Noes:** Councilmember Beckles, Butt, and Mayor McLaughlin. **Abstentions:** None. **Absent:** None. On motion of Vice Mayor Boozé, seconded by Councilmember Myrick moved Item J-4 directly following Presentations, Proclamations, and Commendation by the following vote: **Ayes:** Councilmembers Bates, Myrick, Rogers, and Vice Mayor Boozé. **Noes:** Councilmember Beckles, Butt, and Mayor McLaughlin. **Abstentions:** None. **Absent:** None.

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

Andres Soto announced that the Junius Courtney Big Band performs "Ellington's Sacred Concert" with Sojourner Truth Choir and special guest tap dancer on Sunday, April 28, 2013, at the Sojourner Truth Presbyterian Church, 2621 Shane Drive, for a fundraiser for a youth music program. He also announced that on Friday, April 19, 2013, the United States Chemical Board held a public hearing at the Richmond Memorial Auditorium and voted unanimously to adopt the interim investigative report including its finding and recommendations regarding the Chevron Fire. Mr. Soto also announced that the Bay Area Air Quality Management District was hosting a community workshop at the East Bay Center for Performing Arts on Wednesday, April 24, 2013, at 6:00 p.m.

Mark Wassberg announced that on Saturday, April 27, 2013, from 10:00 a.m. to 2:00 p.m. Contra Costa College would hold a Peace Festival to include keynote speakers, workshops, games, and refreshments for students, families, and community members.

Jeff Wright introduced the City Council and citizens to the new Director of the Richmond Museum Melinda McCrary.

Melinda McCrary, Director of the Richmond Museum, gave information regarding activities at the Richmond Museum.

Jackie Thompson reported a scam of identity theft against senior citizens at the Nevin Housing Development and encouraged the Richmond Police Department to investigate.

Texanita Bluit requested that Mayor McLaughlin adjourn the meeting in memory of Charlene Bradford.

Alexis Pickins invited everyone to the Hilltop YMCA Healthy Kids Day free community event, Saturday, April 27, 2013, 9:30 a.m. to 1:00 p.m. at the Hilltop YMCA, 4300 Lakeside Drive.

Henry Parker invited everyone to the Second Annual "Reach for the Stars" Full Inclusion Fashion Show and Showcase working with children on the Autism spectrum, being held April, 27, 2013, at Lavonya Dejean Middle School, 3400 Macdonald Avenue, from 5:30 p.m. to 9:00 p.m., tickets are \$10.00.

Eleanor Thompson thanked Vice Mayor Boozé for remembering that she was looking for a building for her non-profit. Ms. Thompson stated that other agencies should have had a chance to place a bid for the property at 111-113 Macdonald Avenue.

Fayza Ayyad offered her condolences to all the

people in Boston, Massachusetts, and she stated that violence needs to stop.

Kathleen Sullivan stated that it was unfortunate that the gun control item was the last item on the agenda. She also stated that she was disappointed that the City Council voted to stop the reading of the Code of Ethics. Ms. Sullivan also announced that the Fourth Building Bridges Between Black and Brown event was scheduled for June 29, 2013; more information to come when available.

Mayor McLaughlin directed City Manager Bill Lindsay to follow-up with the Police Chief regarding the issue brought forth by Jackie Thompson regarding the identity theft against senior citizens at the Nevin Housing Development.

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

Mayor McLaughlin presented a proclamation recognizing May as National Historic Preservation Month in Richmond to staff and members of the Historic Preservation Commission. Rosemary Corbin and Sandi Ginser-Maack gave comments.

Mayor McLaughlin and Councilmember Beckles presented a proclamation recognizing World Autism Awareness Month to representatives of the Disabled People's Recreation Center (DPRC) and The Adult Morning Program. Jackie Thompson gave comments.

Mayor McLaughlin, Rochelle Monk, and Bertha Romo presented a proclamation declaring April 26-28, 2013, as days of celebration and activities for Annual Youth Global Service Day 2013, to students of West Contra County. Several students gave comments. Evelyn Munoz gave comments.

Mayor McLaughlin presented a proclamation honoring May 4-11, 2013, as Affordable Housing Week to Community Housing Development Corporation representatives. Jackie Thompson invited individuals to attend the Community Development Commission meetings the 3<sup>rd</sup> Monday of every month at 6:30 p.m.

### **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 Rogers all items marked with an (\*) were approved by the following vote: **Ayes:**

Councilmembers Bates, Beckles, Myrick, Rogers, Vice Mayor Boozé, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Butt.

The matter to adopt a resolution approving and authorizing a sole-source contract with Gonzales Architects in an amount not to exceed \$450,000 and for a term extending to June 30, 2015, was presented by Housing and Community Development Director Patrick Lynch and Natalia Lawrence. The scope of work includes the preparation of detailed design documents for the Miraflores Sustainable Community Greenbelt Project as part of the Miraflores Housing Development. Jeff Peters and Margaret Henderson gave comments. A motion was made by Vice Mayor Boozé to deny the sole-source contract and go back out to bid. Councilmember Rogers seconded the motion with a friendly amendment to direct staff to do the Request for Proposal as quickly as possible. The amendment was accepted. The motion passed by the following vote: **Ayes:** Councilmembers Bates, Myrick, Rogers, and Vice Mayor Boozé. **Noe:** Mayor McLaughlin. **Absent:** Councilmembers Beckles and Butt.

**Items H-2 and H-3 were considered together.**

The matter to adopt a resolution authorizing the employment of Robyn Kain for the purpose of assisting with the preparation of potential and actual litigation and to provide testimony in legal proceedings on behalf of the City of Richmond was presented by City Manager Bill Lindsay. Loch Sekona and Bea Roberson gave comments. A motion was made by Councilmember Myrick, seconded by Mayor McLaughlin to approve Item H-3 only and allow the new risk manager the opportunity to handle any risk management cases. A substitute motion by Councilmember Rogers, seconded by Vice Mayor Boozé to approve both items passed and **Resolution No. 32-13** was adopted by the following vote: **Ayes:** Councilmembers Bates, Myrick, Rogers, and Vice Mayor Boozé. **Noe:** Mayor McLaughlin. **Absent:** Councilmembers Beckles and Butt.

The matter to adopt a resolution authorizing the employment of Robert Larson for the purpose of assisting with the preparation of potential and actual litigation and to provide testimony in legal proceedings on behalf of the City of Richmond was presented by City Manager Bill Lindsay. Loch Sekona and Bea Roberson gave comments. A motion was made by Councilmember Myrick, seconded by Mayor McLaughlin to approve Item H-3 only and allow the new risk manager the opportunity to handle any risk management cases. A substitute motion by Councilmember Rogers, seconded by Vice Mayor Boozé to approve both items passed and **Resolution No. 33-13** was adopted by the following vote: **Ayes:** Councilmembers Bates, Myrick, Rogers, and Vice Mayor Boozé. **Noe:** Mayor McLaughlin. **Absent:** Councilmembers Beckles and Butt.

\*-Approved an increase in budget appropriations in the amount of \$110,000 which is available in the Marina Bay Landscape and Lighting District fund balance. This will authorize funding of the previously-approved contract for the pedestrian lighting project along the Marina Bay Trail.

### **STUDY SESSION**

**Withdrew from the agenda** the matter to receive a presentation from the Bay Area Storytelling festival planners highlighting the community family event in Richmond at the Craneway Pavilion on May 17-19, 2013.

**Withdrew from the agenda** the matter to receive a presentation from special counsel Cotchett, Pitre and McCarthy, LLP regarding the London Interbank Offering Rate (LIBOR) litigation.

The City Council received a quarterly presentation from the US Environmental Protection Agency (EPA) on the status of the United Heckathorn Superfund Site. Sustainability Coordinator Jennifer Ly provided an overview of the presentation and introduced EPA representatives Rochelle Thompson, Jackie Lane, and Rich Hiatt who gave a PowerPoint Presentation. The presentation highlighted: Site background, current site status, removal action, recent field work, upcoming work and schedule, and community involvement. A proposed cleanup plan is expected to be presented in 2014 and cleanup to begin in 2015. Bea Roberson gave comments.

**This item was heard before Item I-3.**  
**Councilmember Butt left the meeting at 9:21 p.m.**  
The Men and Women of Purpose gave a status report highlighting its current projects and programs offered. The following individuals gave comments: Wesley Ellis, Pastor Marc Gandy, Jackie Thompson, Bob Dabney, Texanita Bluitt, Richard McCarty, Bobby Jackson, Ottis Rounds, Kitril Young, Kenneth Coulter, Kirk Fisher, and Kathleen Sullivan. Councilmember Bates suggested staff send a letter to Supervisor Gioia to request funding to assist the Men and Women of Purpose with projects and program. Councilmember Bates also suggested the organization seek grants.

### **STUDY AND DIRECTION TO STAFF SESSION**

The matter to approve the recommendation by the Richmond Arts and Culture Commission to install the mural called "Richmond Identities: Extraordinary Lives/Ordinary People," by artist Judy Baca, on the exterior wall of the Senior Center on Macdonald Avenue was presented by Library and Cultural Services Director Katy Curl and Arts and Culture Manager Michele Seville. Councilmember Bates stated that he was disappointed that the Italian culture was not

represented in the mural. **(At 11:08 p.m. a motion was made by Councilmember Beckles, seconded by Mayor McLaughlin to extend the meeting for 10 minutes to finish the current item. A substitute motion by Councilmember Bates, seconded by Vice Mayor Boozé to finish the agenda passed by the following vote: Ayes: Councilmembers Bates, Myrick, Roger, and Vice Mayor Boozé. Noes: Councilmember Beckles and Mayor McLaughlin. Abstentions: None. Absent: Councilmember Butt).**

A motion was made by Councilmember Bates to approve the item. Discussion continued.

Councilmember Beckles called for the question and Councilmember Bates withdrew his motion to approve the item because he was not able to give comments. A

motion was made by Councilmember Beckles, seconded by Mayor McLaughlin to approve the recommendation by the Richmond Arts and Culture Commission to install the mural called "Richmond Identities: Extraordinary Lives/Ordinary People."

Discussion began again. A motion by Councilmember Beckles, seconded by Mayor McLaughlin to end debate failed by the following vote: **Ayes:** Councilmember Beckles and Mayor McLaughlin. **Noes:**

Councilmembers Bates, Rogers, and Vice Mayor Boozé. **Abstentions:** Councilmember Myrick.

**Absent:** Councilmember Butt. Discussion ensued.

The motion to approve the recommendation by the Richmond Arts and Culture Commission passed by the following vote: **Ayes:** Councilmembers Beckles, Myrick, Rogers, and Mayor McLaughlin. **Noes:** Vice Mayor Boozé. **Abstentions:** Councilmember Bates.

**Absent:** Councilmember Butt. **(Councilmember Beckles left the meeting at 12:04 a.m.)**

**Continued to a future meeting** consideration and direction from City Council for enhanced resources for street maintenance and replacement.

The matter to receive a presentation regarding the San Pablo Avenue Complete Streets Project being undertaken by the cities of San Pablo and Richmond to improve multimodal access, safety, and connections along San Pablo Avenue between Rivers Street and Hilltop Drive, and provide direction to staff regarding the concept plan and the submittal of a joint grant application by the cities of Richmond and San Pablo to the One Bay Area Grant Program to construct these improvements was presented by City Planner Hector Rojas and Megan Weir of Fehr & Peers. "In collaboration with the City of Richmond, the City of San Pablo is working on a complete streets project for the segment of San Pablo Avenue located between Rivers Street and Hilltop Drive." The project was funded by California Transportation Environmental Planning Grant and the main focus was public health and safety. The project hopes to improve multi-modal access, safety, and connectivity along this segment of San Pablo Avenue by installing new sidewalks, pedestrian crossings, bike lanes, and lighting. The

presentation included a PowerPoint Presentation which included a Concept Plan Evaluation Matrix. Initial concept plans were developed based on input from the project team and community stakeholders. Three concept plans have been developed for the next community workshop. Concept 1A, Basic pedestrian improvements plus bike access to the mall; Concept 1B, Comprehensive pedestrian and bike improvements with four travel lanes, and Concept 2, Comprehensive pedestrian and bike improvements with two travel lanes, within the existing right of way. Concept 2 was the preferred concept plan and has been recommended by the project team because it has strong community support and most closely aligns with the goals and objectives of the San Pablo General Plan, Richmond General Plan, and the West County Action Plan for Routes of Regional Significance. If approved, the project team would prepare 30% design drawings for the preferred plan and develop a more accurate cost estimate for the project. The City of San Pablo and City of Richmond are preparing a grant application to receive funding under MTC's OBAG Program for construction of the project. A motion was made by Mayor McLaughlin, seconded by Councilmember Myrick to approve the concept plan and submittal with the caveat that the traffic issue at Robert Miller Drive would be addressed. Vice Mayor Boozé requested that staff submit a proposal to conduct a city-wide count of how many bikes use car lanes and the number of bicycle accidents, including a cost estimate and scope of work, to the City Council before the budget hearings. The motion failed by the following vote: **Aye:** Councilmembers Myrick, Rogers, and Mayor McLaughlin. **Noe:** Vice Mayor Boozé. **Abstentions:** Councilmember Bates. **Absent:** Councilmembers Beckles and Butt.

**This item was heard directly after Presentations, Proclamations, and Commendations.** The matter to receive a presentation and provide direction to staff on proposed initiatives in support of gun control policy was presented by Vice Mayor Boozé, Lori Reese-Brown, and various members of the community, and included a PowerPoint Presentation. The following individuals gave comments: Julie Waters, Wesley Ellis, Mark Wassberg, Texanita Bluit, Jackie Thompson, Don Gosney, Yolanda Jones, Kathleen Sullivan, Roxanne Alexander, Cochise Potts, and Bea Roberson. A motion was made by Vice Mayor Boozé, seconded by Councilmember Rogers to direct staff to draft a resolution and ordinance in reference to gun control. Discussion began and Vice Mayor Boozé was asked to clarify his motion. Vice Mayor Boozé stated that staff would draft an ordinance regarding gun control. Discussion continued and Councilmember Butt requested specific information or language to clarify Vice Mayor Boozé's intent or he could not support the motion. Councilmember Butt also stated that a gun buyback program was a great idea; however, it did not require an ordinance. Discussion ensued and

a motion by Councilmember Bates, seconded by Councilmember Beckles to end debate failed by the following vote: **Ayes:** Councilmembers Bates, Beckles, and Vice Mayor Boozé. **Noes:** Councilmembers Butt, Myrick, Rogers, and Mayor McLaughlin. **Abstentions:** None. **Absent:** None. Councilmember Butt again requested clarification on the motion. Mayor McLaughlin requested City Clerk Diane Holmes state the motion as she understood it. Ms. Holmes stated the motion as follows: to direct staff to research initiatives for ways of gun control. Councilmember Butt stated that he did not hear any mention of an ordinance when the motion was restated. The motion by Vice Mayor Boozé, seconded by Councilmember Rogers to direct staff to research and drafts initiatives in reference to gun control and come back to the council for review was approved by the following vote: **Ayes:** Councilmembers Bates, Beckles, Myrick, Rogers, Vice Mayor Boozé, and Mayor McLaughlin. **Noes:** Councilmember Butt. **Abstentions:** None. **Absent:** None.

### **ADJOURNMENT**

There being no further business, the meeting adjourned at 1:38 a.m. in memory of George Rustigian, general manager of Caspers Famous Hot Dogs, to meet again on Tuesday, May 7, 2013, at 6:30 p.m.

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City Clerk

(SEAL)

Approved:

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Mayor