

RICHMOND, CALIFORNIA, June 21, 2011

The Richmond City Council Evening Open Session was called to order at 5:06 p.m.

ROLL CALL

Present: Councilmembers Beckles, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin.

Absent: Councilmembers Bates and Boozé (Councilmember Boozé arrived after the Council adjourned 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): California Regional Water Quality Control Board, Matter No. R2-2007-0067 (Port of Richmond Terminal 4); Thomas and Harris vs. City of Richmond

PUBLIC EMPLOYEE PERFORMANCE EVALUATION CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Government Code Section 54957.6): Confidential Investigation and Appeals Officer

There were no speakers.

The Evening Open Session adjourned to Closed Session at 5:07 p.m. The Closed Session adjourned at 6:34 p.m. The Joint Meeting of the Richmond Redevelopment Agency/Richmond City Council was called to order at 7:08 p.m. by Mayor Gayle McLaughlin (*See Richmond Redevelopment Agency Minutes for June 21, 2011*).

ROLL CALL

Present: Councilmembers Bates, Beckles, Rogers, Ritterman, Vice Mayor Butt, and Mayor McLaughlin. **Absent:** Councilmember Boozé arrived at 6:51 p.m.

STATEMENT OF CONFLICT OF INTEREST

None.

OPEN FORUM FOR PUBLIC COMMENT

Naomi Williams congratulated everyone for participating in the Juneteenth Festival and Parade.

Leonard Taylor encouraged everyone to participate in the July 3, 2011, fireworks celebration on the Marina at the Ford Building.

Cordell Hindler encouraged support of soccer programs within the City of Richmond.

The following individuals expressed concern for the diminished library services within the City of Richmond: Sheila Dickinson, Deborah Bonet, Ana Leonardi, and Alana Grice.

Antwon Cloird expressed his disappointment with the lack of opportunities he has received to assist with the fight against violence within the City of Richmond.

Amy Anderson requested an appointment with Mayor McLaughlin to discuss National Security Agency (NSA) technology that was being used against her.

Mark Wassberg and Richard Stollings expressed opposition towards the issuance of municipal ID cards.

Kenneth David and Saleem Bey spoke regarding funding North Richmond received from the Mitigation Committee.

Patty Hopson expressed her disappointment that she had not received closure on a crime committed against her. She also served the City Council, excluding Councilmember Bates, with notices to recall at 7:08 p.m.

Bea Roberson invited everyone to The National Institute of Art & Disabilities (NIAD) fundraiser on Wednesday, July 6, 2011, from 5:00 p.m. to 7:00 p.m., 2800 Giant Road; tickets are \$50.00 per person; tickets sold at admin@niadart.org or call (510) 620-0290.

Amanda Elliott invited the entire community to Music on the Main; Wednesday, June 22, 2011, from 5:00 p.m. to 7:30 p.m.

Rhonda Harris announced that an outreach effort for the Richmond Greenway for a \$5 million grant through The Richmond Community Based Employment Collaborative (CBEC) was successful. She announced that CBEC was given \$10,000 of the grant for outreach efforts and was able to hire 47 individuals from the community.

Sims Thompson stated that there were a number of inoperable telephone booths and many unsafe intersections, specifically Carlson and Cutting Boulevard throughout the City of Richmond.

Myrtle Braxton-Ellington invited all senior citizens to the Commission on Aging Committee's Emergency Preparedness Workshop; Friday, June 24, 2011; 9:00 a.m. to 12:00 p.m. in the Bermuda Room of

the Richmond Auditorium; call (510) 232-4690 for more information and to make reservations.

Thomas Accetola encouraged the City Council to support the librarians within the City of Richmond.

Texanita Bluitt invited everyone to attend the Health Fair sponsored by Brookside Health Clinic on July 30, 2011, 7/30 at Davis Park from 10:00 a.m. to 3:00 p.m.

Jackie Thompson reported that the parking lots of the businesses located on Stege Avenue and Cutting Boulevard have been cleaned. She also reported that Stege Avenue does not receive street-sweeping service. Ms. Thompson also stated that the vacant lot located at 37th Street and Stege Avenue needs to be addressed.

Amanda Pruitt invited everyone to come out to City Hall on Tuesday, June 28, 2011 at 3:00 p.m. to support the new free Richmond Circular Shuttle service.

Bruce Beyert distributed the Wildcat Marsh and Landfill Loop Trail Guide to the City Council.

James Walker spoke in support of the Public Works Corporate yard moving to the AC Transit Yard.

AGENDA REVIEW

Removed Items G-2, H-1, H-4, H-8, H-13, H-15, H-18, H-19, and H-22 from the Consent Calendar and placed at the end of the agenda for consideration; withdrew Items H-2 and L-1 from the agenda; and continued Item E-2 to July 26, 2011.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Mayor McLaughlin along with the Director of the TECHS ALL-STARS Reading is Fun Book Club, Felicia Taylor, and associated members of the TECHS ALL-STARS Reading is Fun Book Club presented Certificates of accomplishment to King Elementary School TECHS All-Stars Reading is Fun Book Club participants. The following individuals gave comments: Naomi Williams, Cordell Hindler, and Bea Roberson.

Continued the presentation from City Council Public Policy Intern David Gray recognizing the 50th Anniversary of the Freedom Rides Movement and honors the selfless actions, courage, and commitment to human rights exemplified by all participants of the Freedom Rides, particularly those from the Richmond community **to July 26, 2011.**

Councilmember Bates gave a report on the recent delegation to Zhoushan, China and review of the Sister City Mutual Agreement. *(At 7:48 p.m. the Richmond City Council went into recess due to a*

medical emergency and reconvened at 7:51 p.m.)

Leonard Berry gave comments. Councilmember Bates presented the Mayor McLaughlin with the Sister City Mutual Agreement and gifts from the Mayor's Office of Zhoushan, China. Cordell Hindler gave comments.

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

City Attorney Randy Riddle reported that there were no reportable actions .

CONSENT CALENDAR

On motion of Councilmember Boozé seconded by Councilmember Rogers items marked with an asterisk (*-) were approved by the unanimous vote of the Council.

*Approved Contract Amendment No. 2 with New Image Landscape Company for vegetation management control needed in the Point Molate facilities and beach area. The original contract will expire on June 30, 2011. Contract Amendment No. 2 is in an amount not to exceed \$163,000 with a total contract amount not to exceed \$285,000. The contract term will be extended to June 30, 2012.

Withdrew from the agenda the matter to approve Contract Amendment No. 1 with Jane Lofgren, dba Central Cleaning, 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, to extend the contract term by one year to June 30, 2012, and increase the contract amount by \$18,300 to an amount not to exceed \$33,600.

*-Approved an agreement with the Richmond Community Foundation, AUTHORIZE the Library and Cultural Services Director to accept the Richmond Community Foundation grant in the amount of \$22,500, and APPROVE an amendment to the Fiscal Year 2011-12 Operating Budget to increase library fund revenue and expenditures in the amount of \$22,500 for the purpose of providing literacy services to the SparkPoint West Contra Costa.

In the matter to accept a grant award from the East Bay Community Foundation for the Office of Neighborhood Safety (ONS) in the amount of \$15,000 for general and emergency support services for ONS clients supported by street outreach work City Manager Bill Lindsay gave an overview. Councilmember Booze requested that ONS Director Devone Boggan submit a report to the City Council that includes the number and current disposition of people the ONS has serviced from the beginning of the program, and information on how these individuals are tracked. On motion of Councilmember Ritterman, seconded by

Councilmember Booze accepted the report by the following vote: **Ayes:** Councilmembers Bates, Beckles, Boozé, Ritterman, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Rogers.

*-Approved an amendment to the contract with Bartel Associates, LLC for actuarial services necessary for pension fund management, revising the scope of services and increasing the contract in an amount not to exceed \$20,000. The term of expiration of the contract is still maintained at March 31, 2012.

*-Approved a contract with Lee & Associates Rescue Equipment, Inc. for water rescue operations training and certification for 36 firefighters in an amount not to exceed \$16,000, using grant funds from the Bay Area Urban Area Security Initiative (Bay Area UASI).

*-Approved a contract with CMC Rescue, Inc. for Rope Technician I & II training and certification for 36 firefighters in an amount not to exceed \$40,690, funded by the Bay Area Urban Area Security Initiative (Bay Area UASI) grant.

In the matter to approve a construction contract to perform the Traffic Safety Improvements Project Fiscal Year 2010/-2011 with Republic ITS, the lowest responsive bidder, in an amount not to exceed \$231,363.00, including contingency and City-controlled reserve, Interim City Engineer Edric Kwan and Engineer Steven Tam gave an overview. On motion of Councilmember Boozé, seconded by Councilmember Ritterman approved the contract by the following vote: **Ayes:** Councilmembers Bates, Beckles, Boozé, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** None.

*-Approved a contract with Kevin W. Harper, CPA for auditing services at the Port of Richmond from April 1, 2011, to July 31, 2011, in an amount not to exceed \$29,000 as part of the city's internal audit program.

*-Approved a contract with Liebert Cassidy Whitmore MP in an amount of \$150,000 to continue contract negotiations, legal consultation, and employee training for the period July 1, 2011, through December 31, 2012.

*-Adopted **Resolution No. 48-11** establishing application fees and other payments for pipeline franchises as authorized by Richmond Municipal Code Chapter 13.47 by the following vote: **Ayes:** Councilmembers Beckles, Boozé, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** Councilmember Bates. **Abstentions:** None. **Absent:** None.

*-Approved a contract with Trans Metro, Inc. to provide transportation shuttle services in support of clean air policies in an amount not to exceed \$293,750, with funding provided by the Transportation Fund for Clean Air (TFCA) Regional Funds, administered by the Bay Area Air Quality Management District (BAAQMD).

In the matter to approve an amendment to the grant-funded contract with Rising Sun Energy Center to provide additional energy efficiency training for RichmondBuild participants as part of the Green Energy Training Services (GETS) Program, increasing the contract amount by \$45,701 to an amount not to exceed \$225,111 and extending the term through June 30, 2011, Employment and Training Department Director Sal Vaca gave an overview. On motion of Councilmember Boozé, seconded by Councilmember Ritterman approved an amendment to the grant-funded contract with Rising Sun Energy Center by the following vote: **Ayes:** Councilmembers Beckles, Boozé, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates.

*-Approved the Transportation Fund for Clean Air (TFCA) Funding Agreement between the City of Richmond and the Bay Area Air Quality Management District (BAAQMD) for the operation of three transportation shuttles to commence by July 1, 2011.

In the matter to approve the write-off of delinquent, uncollectible accounts receivable in the amount of \$1,402,944.88 in accordance with established accounting policy Finance Department Director James Goins and Revenue Manager Antonio Banelos gave an overview. Following discussion, on motion of Councilmember Boozé, seconded by Councilmember Beckles approved the write-off of delinquent, uncollectible accounts receivable in the amount of \$1,402,944.88 and requested a report in 90 days by the following vote: **Ayes:** Councilmembers Bates, Beckles, Boozé, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** None.

*-Approved the following appointments and re-appointments: Commission on Aging: Dolores Johnson, Incumbent, term expiring May 19, 2013; Personnel Board: Vicki Winston, term expiring June 21, 2016; Public Art Advisory Committee: Dayna Holz, term expiring January 31, 2015; Fletcher Oakes, term expiring January 31, 2015; Kathryn Sibley, term expiring January 31, 2015; Richmond-Zhoushan Friendship Commission: Harvey Tai, term expiring July 22, 2013.

*-Adopted **Resolution No. 49-11** accepting additional grant funds of \$79,200 from the Bay Area Urban Area Security Initiative (UASI) for continued urban search and rescue (USAR) training in the Fire Department.

In the matter to approve the second amendment to the Agreement for Legal Services with Holland & Knight to provide continued legal representation for the Revised Environmental Impact Report for the Revised Chevron Renewal Project in the amount of \$465,000 until December 31, 2012, for a total contract amount of \$500,000, with funding from Chevron for payment of the firm's invoices for this project, and direct the city attorney to waive certain specified conflicts, on motion of Councilmember Bates, seconded by Councilmember Beckles approved the second amendment to the Agreement for Legal Services with Holland & Knight by the following vote: **Ayes:** Councilmembers, Beckles, Boozé, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** Councilmember Bates. **Abstentions:** None. **Absent:** None.

In the matter to approve a sole-source contract with the Richmond Main Street Initiative (RMSI) in the amount of \$200,000 for a term of July 1, 2011, through June 30, 2012, including the cost of initiating a Business Improvement District for the Main Street area of Downtown Richmond Councilmember Booze pulled the item from the Consent Calendar for discussion. Community and Economic Development Agency Director Steve Duran and Amanda Elliott Executive Director, Richmond Main Street gave an overview. Bea Roberson and Naomi Williams gave comments. A motion was made by Mayor McLaughlin, seconded by Councilmember Beckles to approval a sole-source contract with the Richmond Main Street Initiative (RMSI) in the amount of \$200,000. A substitute motion was made by Councilmember Boozé, seconded by Councilmember Bates to continue the item to a future meeting in order to research better ways to share the redevelopment funds throughout the City of Richmond. The motion failed by the following vote: **Ayes:** Councilmember Bates and Boozé. **Noes:** Councilmembers Beckles, Ritterman, and Mayor McLaughlin. **Abstentions:** Councilmember Rogers and Vice Mayor Butt. **Absent:** None. Councilmember Bates offered a friendly amendment to the original motion to appoint Main Street Initiative as the principle leader in attracting businesses to the entire City of Richmond's Redevelopment Area. The amendment was not accepted. The original motion passed by the following vote: **Ayes:** Councilmembers Beckles, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** Councilmember Bates and Boozé. **Abstentions:** None. **Absent:** None.

*-Approved a contract amendment with DP Security, LLC (DP Security), adding an amount not to exceed \$450,000 to provide security services at 440 Civic Center Plaza and 450 Civic Center Plaza for a period from July 1, 2011, through June 30, 2012.

In the matter to adopt a resolution authorizing the transfer of cash from various funds to the General Fund and Capital Funds Finance Department Director James Goins gave an overview of the item. (*On motion*)

of Councilmember Ritterman, seconded by Councilmember Rogers extended the meeting until the remaining two items were completed). Following discussion, on motion of Councilmember Bates, seconded by Councilmember Beckles adopted **Resolution No. 50-11** by the following vote: **Ayes:** Councilmembers, Beckles, Boozé, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** Councilmember Bates. **Abstentions:** None. **Absent:** None.

In the matter to adopt a resolution approving a contract with Solar Richmond for the energy program marketing services in an amount not to exceed \$45,000 with a term ending December 31, 2012, and authorizing execution of any required agreements to implement the city's Residential Solar Rebate Program Development Project Manager Shasa Curl gave an overview of the item. Following discussion, on motion of Councilmember Beckles, seconded by Councilmember Rogers adopted **Resolution No. 51-11** by the following vote: **Ayes:** Councilmembers, Beckles, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** Councilmember Bates and Boozé. **Abstentions:** None. **Absent:** None.

*-Approved the minutes for the April 12, 2011, meeting.

PUBLIC HEARINGS

City Clerk Diane Holmes announced that it was time, pursuant to public notice, to hold a public hearing to consider adopting a resolution for the proposed increase in annual assessments for the Marina Bay Landscaping and Lighting Maintenance District for the 2011-2012 Fiscal Year. Public Works Department Supervisor Chris Chamberlin gave an overview of the item. Mayor McLaughlin declared the public hearing opened. Jonathan Taylor spoke in support of the increase. On motion of Councilmember Boozé seconded by Councilmember Beckles closed the public hearing by the unanimous vote of the Council. A motion was made by Councilmember Boozé, seconded by Councilmember Ritterman to adopt the resolution for the proposed increase in annual assessments for the Marina Bay Landscaping and Lighting Maintenance District for the 2011-2012 Fiscal Year. Councilmember Bates offered a friendly amendment to direct staff to submit a progress report within the next six months and continue to work with the citizens of the community. The amendment was accepted. Vice Mayor Butt directed staff to respond in writing to questions from citizens regarding landscaping concerns with a copy to the City Council. The motion passed and **Resolution No. 72-11** was adopted by the following vote: **Ayes:** Councilmembers Beckles, Boozé, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** Councilmember Bates. **Abstentions:** None. **Absent:** None.

Continued the public hearing, to consider adopting a resolution for the proposed increase in annual assessments for the Hilltop Landscape Maintenance District for the 2011-2012 Fiscal Year to July 19, 2011.

RESOLUTIONS

In the matter to adopt a resolution recommending that the California Citizens Redistricting Commission keep the City of Richmond in the Contra Costa County Congressional District Councilmember Bates gave an overview. The following individuals gave comments: Don Gosney, Sims Thompson, Texanita Bluit, Jackie Thompson, and John Marquez. Councilmember Boozé requested that staff arrange an informational seminar to answer questions. A motion was made by Councilmember Bates to adopt a resolution recommending that the California Citizens Redistricting Commission keep the City of Richmond in the Contra Costa County Congressional District and appoint Vice Mayor Butt to work with the city manager to develop a committee, and recommended Mr. Gosney for the committee, to represent the attitude of the City Council. The motion passed and **Resolution No. 52-11** was adopted by the following vote: **Ayes:** Councilmembers Bates, Boozé, Ritterman, Rogers, and Vice Mayor Butt. **Noes:** None. **Abstentions:** Councilmember Beckles and Mayor McLaughlin. **Absent:** None.

ORGINANCES

In the matter to introduce an ordinance, for first reading, amending the Multi-unit Smoking Ordinance (Chapter 9.57 of Richmond Municipal Code) to clarify definitions, legal and evidentiary provisions, and strengthen legal and administrative remedies City Attorney Randy Riddle and Attorney Trish Aljoe gave an overview of the item. Following discussion, on motion of Councilmember Ritterman, seconded by Councilmember Beckles said ordinance received first reading and was laid over for two weeks for second reading by the following vote: **Ayes:** Councilmembers Beckles, Boozé, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** Councilmember Bates. **Abstentions:** None. **Absent:** None.

COUNCIL AS A WHOLE

Withdrew from the agenda to consider forming an oversight committee of participants from the community, clergy, staff, law enforcement, medical community, and Council who can intervene and assist when the atmosphere in Council meetings becomes disrespectful and threatening with the potential for violence.

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

Councilmember Bates requested that the meeting be adjourned in memory of Sylvester Greenwood.

Councilmember Boozé gave a report regarding Sylvester Greenwood. He also thanked the organizers of the Juneteen Festival and Parade.

Mayor McLaughlin stated that the Juneteen Festival and Parade was a wonderful event, and she thanked everyone for coming out.

Vice Mayor Butt announced that he attend the League of California Cities Environment Policy Committee Meeting in Sacramento. He expects the League to support a lawsuit regarding redevelopment funds if one is filed.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:18 p.m. in memory of Sylvester Greenwood to meet again on Tuesday, June 28, 2011, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor