

**MINUTES OF THE REGULAR MEETING OF THE
RICHMOND CITY COUNCIL
Tuesday, September 20, 2011**

The Richmond City Council Evening Open Session was called to order at 5:41 p.m. by Mayor Gayle McLaughlin.

ROLL CALL

Present: Councilmembers Beckles, Boozé, Ritterman, and Mayor McLaughlin. **Absent:** Councilmembers Bates, Rogers, and Vice Mayor Butt (Councilmember Rogers arrived at 5:43 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 -
EXISTING LITIGATION (Subdivision [a] of Government
Code Section 54956.9):**

East 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

There were no speakers.

The Evening Open Session adjourned to Closed Session at 5:42 p.m. The Closed Session adjourned at 6:32 p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:30 p.m. by Mayor Gayle McLaughlin who led the Pledge of Allegiance to the Flag.

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

None.

OPEN FORUM FOR PUBLIC COMMENT

Naomi Williams announced that there will be a Special Public Safety Committee Meeting on Wednesday, September 21, 2011, at 10:00 a.m. in the City Council Chambers. She encouraged all citizens to attend.

Cordell Hindler encouraged everyone to attend The Red Carpet Experience, special community partner presentation by Blair Underwood, at the Craneway Pavilion, 1414 Harbour Way South Marina District, on Saturday, September 24, 2011.

Leonard Taylor stated that he would like to make a presentation to the City Council regarding sig alerts on I-80. A Sig Alert is defined by the California Highway Patrol (CHP) as "any unplanned event that causes the closing of one lane of traffic for 30 minutes or more".

Kenneth Davis directed his comments towards Mayor McLaughlin and Councilmember Beckles regarding issues of funds and support to the North Richmond Community.

Saleem Bey spoke on issues in North Richmond. He encouraged citizens to visit freerichmond.org for information.

Sims Thompson stated that the City of Richmond must improve its image by addressing damaged signage and stop lights throughout the city that need painting.

Bea Roberson announced that the West Contra Costa County Emergency Preparedness Fair will be held on Saturday, September 24, 2011, from 10:00 a.m. to 2:00 p.m. at the Del Norte BART parking lot, 6400 Cutting Boulevard in El Cerrito. More than 30 local businesses and agencies will be on hand. Demonstrations, presentations, fire and earthquake simulations, pet micro-chipping, and the best and latest preparedness information will be available. Ms. Roberson also announced that the City of Richmond's Boxing Exhibition will begin at 1:00 p.m. at the Richmond Auditorium on Saturday, September 24, 2011.

Jackie Thompson gave comments regarding an article she believes was written by Richmond Progressive Alliance that mentioned her name. She encouraged Mayor McLaughlin to get the group back on track since she is a member and the leader of the Richmond community.

Eduardo Martinez stated that film crews are in Richmond to film a special television program featuring the residents of North Richmond and the Self-sustainable Movement. Please tune in to the State of the Nation Program for more information.

Mike Parker stated that the Richmond Progressive Alliance had nothing to do with the letter sent to churches in Richmond regarding Councilmember Boozé. He urged the public to participate in Operation Cease Fire which will be held on Friday, September 26, 2011, at 6:00 p.m. at North Richmond Missionary Baptist Church, 1427 Fred Jackson Way. He also stated that the City of Richmond should address corporate power within the City of Richmond.

AGENDA REVIEW

Removed Items H-1, H-2, H-3, and H-5 from the Consent Calendar.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Mayor McLaughlin a certification in recognition of local hero and leadership High School student, Victor Martin for his successful efforts to fight off a bear and save the lives of his team members while on a training expedition in Alaska. Mr. Martin was accompanied by his grandparents and thanked Mayor McLaughlin and the City Council for the recognition. Cordell Hindler gave comments.

Mayor McLaughlin presented a proclamation to Gayle Garrett in recognition of Fall Prevention Week, September 19th through 25th. Ms. Garrett gave comments and read a thank you letter from The Fall Prevention Program of Contra Costa County. 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 the following actions were taken during closed session and approved by the following vote: Ayes: Councilmember Beckles, Boozé, Ritterman, Rogers, and Mayor McLaughlin. Noes: None. Abstentions: None. Absent: Councilmember Bates and Vice Mayor Butt.

CITY COUNCIL

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9):

East vs. City of Richmond - the City Council authorized a settlement; the exact terms of which will be available to the public upon final execution of the settlement agreement.

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

One case – the City Council authorized the city to initiate an action entitled City and County of San Francisco and City of Richmond vs. Regal Stone Limited. The complaint will be available upon filing in federal court.

CITY COUNCIL CONSENT CALENDAR

On motion of Councilmember Beckles, seconded by Councilmember Ritterman all items with an (*) were approved by the following vote: Ayes: Councilmember Beckles, Boozé, Ritterman, Rogers, and Mayor McLaughlin. Noes: None.

Abstentions: None. Absent: Councilmember Bates and Vice Mayor Butt.

A proposed resolution to approve an amendment to the existing contract with ADT, to extend the warranty service for the existing City of Richmond CCTV Program, and to expand the current system through purchase, installation, and servicing of additional CCTV equipment for the period July 1, 2011, through December 18, 2012, in an amount not to exceed \$375,000 was presented by Deputy Police Chief Ed Medina. Kenneth Davis and Sims Thompson gave comments. On motion of Councilmember Rogers, seconded by Councilmember Beckles adopted **Resolution No. 83-11** by the following vote: Ayes: Councilmember Beckles, Boozé, Ritterman, Rogers, and Mayor McLaughlin. Noes: None. Abstentions: None. Absent: Councilmember Bates and Vice Mayor Butt.

A proposed amendment to the contract with Manatt, Phelps & Phillips, LLP to continue efforts in seeking funding from the six-year Surface Transportation Reauthorization Bill for transit, rail, and other infrastructure projects in the City of Richmond, increasing the contract amount in an amount not to exceed \$40,000, with half of the cost coming from Cybertran International, Inc. for a net cost to the city of \$20,000, and extending the term to December 31, 2011, was presented by Project Manager Lori Reese-Brown and Cybertran CEO Neil Sinclair. Sims Thompson, Jackie Thompson, Eduardo Martinez, and Kenneth Davis gave comments. Following discussion, a motion was made by Councilmember Beckles, seconded by Councilmember Ritterman to approve an amendment to the contract with Manatt, Phelps & Phillips, LLP to continue efforts in seeking funding from the six-year Surface Transportation Reauthorization Bill for transit, rail, and other infrastructure projects in the City of Richmond, increasing the contract amount in an amount not to exceed \$40,000, with half of the cost coming from Cybertran International, Inc. for a net cost to the city of \$20,000, and extending the term to December 31, 2011, and requesting that Cybertran put in writing that it will comply with the city's Local Hire Ordinance. Mayor McLaughlin offered the following friendly amendment to the motion: all city costs and investments in the project are to be repaid with interest if Cybertrans relocates manufacturing and operations outside the City of Richmond, California. The amendment was accepted. Councilmember Rogers offered the following friendly amendments to the motion: (1) Cybertran shall locate its manufacturing and operations in Richmond, California unless it can show that it is financially infeasible to do so; and (2) before any future action items return to the City Council for approval, Cybertrans shall have discussed the project with the neighborhood councils in the proposed pathway. The amendments were accepted. Councilmember Boozé offered the following friendly amendment to the motion: if a product was shipped from Oregon and then all or in part manufactured in Richmond and sold elsewhere, the point of sale, for tax purposes, shall be Richmond, California, to the extent permitted by law. The amendment was accepted. The motion with all amendments was approved by the following vote: Councilmember Beckles, Ritterman, Rogers, and Mayor McLaughlin. Noes: Councilmember Boozé. Abstentions: None. Absent: Councilmember Bates and Vice Mayor Butt.

A proposed construction contract with Whiteside Concrete Construction, the lowest responsive bidder, to perform the Wharf Street At-Grade Railroad Crossing Improvements Project Fiscal Year 2011/2012 in an amount not to exceed \$29,689, with an additional contingency and reserve not to exceed \$2,968.90 was presented by City Engineer Edric Kwan and Senior Civic Engineer Steven Tam. Kenneth Davis and Juan Reardon gave comments. On motion of Councilmember Beckles, seconded by Councilmember Ritterman approved the construction contract with Whiteside Concrete Construction by the following vote: Ayes: Councilmember Beckles, Boozé, Ritterman, Rogers, and Mayor McLaughlin. Noes: None. Abstentions: None. Absent: Councilmember Bates and Vice Mayor Butt.

*- Adopted **Ordinance No. 21-11** of the City of Richmond adding Chapter 11.05 to Article XI of the Richmond Municipal Code prohibiting possession or discharge of fireworks.

A proposed ordinance establishing the wages, salary, and compensation for the new classification of Code Enforcement Superintendent (Salary Range No. 064D, \$7,277 - \$8,829/month) was presented by Human Resources Manager Leslie Knight. This position will provide management assistance to the Code Enforcement Manager. Kenneth Davis and Tom Thomas gave comments. On motion of Councilmember Rogers, seconded by Councilmember Beckles adopted **Ordinance No. 22-11** by the following vote: Ayes: Councilmember Beckles, Boozé, Ritterman, Rogers, and Mayor McLaughlin. Noes: None. Abstentions: None. Absent: Councilmember Bates and Vice Mayor Butt.

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

Councilmember Boozé requested that Mayor McLaughlin adjourn the meeting in memory of James Johnson. He also reported that he attended the funeral and memorial services for Community Activist Fred Jackson's and the 25th anniversary service for Pastor Henry Washington. Comments continued and Mayor McLaughlin requested that Councilmember Boozé finish his comments so that the meeting could continue. A motion made by Councilmember Beckles that Councilmember Boozé discontinues his comments died for lack of a second.

Councilmember Beckles reported that she also attended the funeral and memorial services for Community Activist Fred Jackson. She announced that the first Cease Fire Walk will take place on Friday, September 26, 2011, 6:00 p.m. at North Richmond Missionary Baptist Church, 1427 Fred Jackson Way.

Councilmember Ritterman reported that he was the recipient of the David Lawrence Community Service Award given by Kaiser Permanente in the amount of \$10,000. Councilmember Ritterman stated that he was allowed to donate the award to a non-profit of his choice and he donated the award to Richmond PAL. Councilmember Ritterman thanked

Kaiser Permanente for selecting him to receive the award.

Mayor McLaughlin reported that she also attended the funeral and memorial services for Community Activist Fred Jackson as well as the 25th anniversary services for Pastor Henry Washington where she presented a proclamation. She reminded the community to remember the lives lost to street violence in the City of Richmond. She also stated that positive arts activities during the winter will include the grand opening of the Winter's Building.

ADJOURNMENT

There being no further business, the meeting Adjourned at 9:23 p.m. in memory of James Johnson, Fred Jackson, and Katherine Williams to meet again on Tuesday, September 27, 2011, at 6:30 p.m.