

**MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL
Tuesday, October 4, 2011**

The Richmond City Council Evening Open Session was called to order at 5:15 p.m. by Mayor Gayle McLaughlin.

ROLL CALL

Present: Councilmembers Bates, Boozé, Ritterman, Vice Mayor Butt, and Mayor McLaughlin. **Absent:** Councilmembers Beckles and Rogers arrived after the City 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

**LIABILITY CLAIMS - PENDING LITIGATION
(Government Code Section 54956.9):**

HUD OIG Proposed Housing Authority Repayment Agreement Review

**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)

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

One Case

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

City Manager

There were no speakers.

The Evening Open Session adjourned to Closed Session at 5:17 p.m. The Closed Session adjourned at 6:41 p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:52 p.m. by Mayor Gayle McLaughlin.

ROLL CALL

Present: Councilmembers Bates, Beckles, Boozé, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin.
Absent: None.

STATEMENT OF CONFLICT OF INTEREST

Councilmember Butt reported a conflict of interest on Item J-3. He stated that the Contra Costa Community College District was his client.

OPEN FORUM FOR PUBLIC COMMENT

Leonard Taylor invited the community to the North Richmond Shoreline Festival on Saturday, October 8, 2011, 10:00 a.m. to 5:00 p.m., Point Pinole Regional Shoreline Park, 5551 Giant Highway.

Naomi Williams reported that the street lights in the Park Plaza Neighborhood were repaired and working. She thanked the city staff on behalf of the citizens of the Park Plaza Neighborhood.

Antwon Cloird stated that the City of Richmond should have made a request to Chevron to hold a safety training program with the RichmondBUILD students in order for the students to obtain employment with Chevron.

Shams Naqvi requested that the City Council perform a return on investment study on its solar initiative to determine if homeowners within the city were receiving the total benefits based on the state of the city. He stated that the easiest way to conduct the study was to establish how electric power was being produced by solar panels, cost of installation, and Pacific Gas & Electric's supply of the same amount of energy.

Bea Roberson invited everyone to attend this year's Rosie The Riveter 1940'S USO Dance featuring a tribute to Lena Horne. This event will take place on the evening before the Home Front Festival, Friday, October 14th from 7:00 p.m. to 10:00 p.m., at the Craneway Pavilion, 1414 Harbour Way S.

Kenneth Davis expressed his disappointment with an individual for threatening to call the police on him. He also asked the City Council when the citizens of North Richmond were going to receive the benefits afforded other citizens of Richmond.

Jean Womack stated that she was met with opposition when she made a request to the City of Richmond to work off the late fees for her business license. On a positive note, she reported that her business license fees were currently up-to-date. She also reported that she conducted an interview with State Superintendent of Public Instruction Tom Torlakson, and that she expects to take pictures at the first Richmond Rockets basketball game in November 2011.

Eleanor Thompson stated that many citizens are pleased with the work of Councilmember Boozé. She also stated that she has never witnessed a council voting to stop a councilmember from speaking.

Tarnel Abbott announced that the Citizens Advisory Committee for the Department of Toxic Substance Control will hold a monthly meeting On October 13, 2011, at 6:30 p.m. in the Basement of the Community Services Building, 440 Civic Center Plaza, regarding the former Zeneca Site.

Jackie Thompson stated that no one has a right to question her faith, Christianity, or anything of such nature. She stated that the blue in the Flag of the United States of America represents the sky, the stars represent the stars at night, the red represents the blood shed, and the white represents peace.

Sims Thompson, Jr. stated that money spent in the City of Richmond should benefit its citizens. He suggested that city officials take a tour of the city to see what improvements are needed.

Texanita Bluit stated that Target does not support veteran solicitation for donations.

Dex D. Young stated that he was attacked while handing out flyers at Foods Co. on Macdonald Avenue by a group of youth.

Andres Soto invited everyone to the North Richmond Shoreline Festival on Saturday, October 8, 2011, 10:00 a.m. to 5:00 p.m., Point Pinole Regional Shoreline Park, 5551 Giant Highway. He also encouraged the public to attend the Planning Commission Meeting on Thursday, October 6, 2011, regarding the general plan. Mr. Soto also stated that San Pablo City Councilmember Arturo Cruz was out of the hospital and going through rehabilitation.

Eduardo Martinez stated that the City Council should ensure that the Joint Use Agreement with the West Contra Costa Unified School District allows the Richmond Half Steppers to have the use of the Kennedy High School's Athletic Field at least one Saturday of each year.

Michael Parker stated that there was a campaign to destroy the United States Postal Service. He stated that the reason that the United States Postal Service was in financial difficulty was because a Republican Congress and President passed a law that forces the United States Postal Service to prefund its retirement for the next 75 years over the next 10 years. He stated that there was an attempt to try and change this procedure currently in Congress, and he urged Richmond residents to pay close attention for the good of the remaining postal stations.

AGENDA REVIEW

Removed Items G-7 and G-10 from the Consent Calendar. Moved Items J-2, I-1, and J-3 to be heard directly following the vote on the Consent Calendar.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Mayor McLaughlin presented a proclamation to Fire Chief Michael Banks and Fire Inspector Robin Poindexter recognizing Fire Prevention Week which runs from October 9 through 15, 2011. The theme is "Protect Your Family From Fire." Inspector Poindexter gave comments. Leonard Taylor and Jackie Thompson also gave comments.

Mayor McLaughlin read a proclamation declaring October as Violence Prevention Month and honoring the 2011 Richmond Youth Anti-Violence Summit on October 15, 2011. The proclamation will be sent to the Youth Summit Planning Committee. Leonard Taylor and Kenneth Davis gave comments.

Mayor McLaughlin, joined by Councilmember Bates and City Clerk Diane Holmes presented a proclamation to former General Manager Mike Coyle, Chevron Richmond Refinery, for his contribution to the City of Richmond. Mike Coyle gave comments and thanked the City Council for the proclamation. The following individuals gave comments: Tom Waller, Naomi Williams, Antwon Cloird, Tarnel Abbott, Gerald Hatchett, Bea Roberson, Eduardo Martinez, Juan Reardon, Michael Beer, and Richard Poe. Councilmembers Beckles, Booze, Rogers, and Bates also gave comments.

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

City Attorney Scott Dickey reported that there were no reportable actions for Closed Session.

CITY COUNCIL CONSENT CALENDAR

On motion of Councilmember Ritterman, seconded by Councilmember Beckles all items with an (*) were approved 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 grant-funded contract with the Contra Costa County Employment and Human Services Department, Workforce Development Board to provide intensive case-managed services, academic support and career track, and technical training assistance to 50 non-Richmond youth in West County, with a contract term from October 5, 2011, through March 31, 2013, and in an amount not to exceed \$225,000.

*Approved a one-year contract with Zoll Data Systems, Inc. to provide technical support, maintenance services, software upgrades and licenses for FireRMS (records management), CAD (computer-aided dispatch), and Telestaff interfaces in the amount of \$10,592 and for a term from October 1, 2011, to September 30, 2012.

*Approved a contract with Ron Rakich & Associates for risk management consulting services to assist with the identification and contracting with a third-party administrator for the City of Richmond's worker's compensation program, in an amount not to exceed \$30,000 beginning in Fiscal Year 2011-2012 and ending in Fiscal Year 2012-2013.

*Adopted **Resolution No. 84-11** granting a designated period (October 5, 2011, to January 6, 2012) for the Two Years Additional Service Credit for early retirement for certain specified classifications.

*Approved a contract with Wesco Graphics Inc. to print the next six editions of the Recreation Department's Activities Guide over a three-year period. The total contract amount is not to exceed \$38,000 for the period beginning October 1, 2011 and ending April 30, 2014.

*Approved an amendment to the grant-funded contract with CALINC Training, LLC to provide three additional Hazardous Materials trainings for RichmondBUILD participants. The term of the contract will be unchanged from December 16, 2009, through January 16, 2012, and the contract amount will be increased by \$15,000 for an amount not to exceed \$165,000.

The matter to accept the work completed by W. Bradley Electric, Inc. under the Street Light Circuit Replacement Park Plaza Neighborhood Project in Fiscal Years 2010/11 and 2011/12 for a final construction cost of \$794,189.64 was pulled from the Consent Calendar for comments by Councilmember Booze. He stated that there were no Richmond residents working on this project. Following his comments, on motion of Councilmember Boozé, seconded by Vice Mayor Butt accepted the work completed by W. Bradley Electric, Inc. by the following vote: **Ayes:** Councilmembers Beckles, Boozé, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates.

*Approved a contract with the East Bay Center for the performing Arts, through which the city will provide matching funds for a grant from the National Endowment for the Arts, to implement a public art project initiated by the city in the amount of \$150,000 and for a term from October 1, 2011, through September 30, 2012.

*Authorized the city manager to expend further funds on an existing loan agreement funded by a California Department of Boating and Waterways loan for the development of the Marina Bay Yacht Harbor; authorize the port director to approve reimbursement requests; dedicating gross revenues from the Marina Enterprise Fund to pay for costs not funded by the Department of Boating and Waterways loan; and dedicating revenues from the Marina Enterprise Fund as the dedicate source of revenue to repay said loan.

The matter to approve the Port Executive Director's request for travel to China (two trips) at a total cost of approximately \$8,000 to continue the business development plan with the Port of Zhoushan, to explore the potential for China automobile manufacturing companies exporting to the United States market, and to develop economic development opportunities for the City of Richmond was pulled by an individual from the public for discussion; however, the individual that pulled the item left the City Council Meeting prior to consideration of the item. On motion of Councilmember Booze, seconded by Councilmember Rogers approved the Port Executive Director's request for travel to China by the following vote: **Ayes:** Councilmembers Beckles, Boozé, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates.

*Adopted **Resolution No. 85-11** authorizing the city manager or his designee to implement a Home Assessment and Energy Efficiency Rebate Program, funded by the United States Department of Energy Efficiency and Conservation Block Grant, and execute any required agreements to implement the City of Richmond's Energy Efficiency Rebate Program.

*Approved the minutes of the September 20, 2011, City Council Meeting.

*Adopted **Resolution No. 86-11** to modify the Historic Structures Report prepared for the Civic Center Historic District to designate the interior main staircase and plaza brick steps as character-defining features.

AGREEMENTS

The matter to approve a contract with TransMETRO, Inc., to implement the Greenprint Transportation Management Plan to embed transportation services and programs into existing and proposed land uses in the Richmond community, in the amount of \$1,770,531 and for a term from October 1, 2011, through June 30, 2013, funded by provisions of Section I (vi) of the May 2010 Tax Settlement Agreement with Chevron, was presented by City Manager Bill Lindsay, Planner Lori Reese-Brown, TransMETRO representative Fred Khan, Transform representative John Knox-White, and CalStart representative Steve Sokolski. Following discussion a motion was made by Councilmember Rogers, seconded by Councilmember Ritterman to approve a contract with TransMETRO, Inc., to implement the Greenprint Transportation Management Plan to embed transportation services and programs into existing and proposed land uses in the Richmond community. A substitute

motion was made by Councilmember Boozé, seconded by Councilmember Bates to direct staff to conduct a comprehensive cost analysis and present the information to the Council before a contract was approved. Councilmember Rogers offered a friendly amendment to his original motion that the consultants would move the project forward in multi-apartment units that are primarily low-income. Councilmember Booze would not withdraw his substitute motion. Discussion continued and a second substitute motion was made by Councilmember Ritterman to approve a contract with TransMETRO, Inc., to implement the Greenprint Transportation Management Plan to embed transportation services and programs into existing and proposed land uses in the Richmond community with improvements to the transportation option for the low income community in Richmond. Councilmember Rogers seconded the motion with a friendly amendment to roll out the program in the low income multi-unit areas, and if this option was not achievable, staff was required to report back to the City Council for further consideration. The amendment was accepted. Councilmember Ritterman also offered a friendly amendment to direct staff to return to the City Council in 120 days with a report or review of accomplishments so that the City Council may determine if the project should move forward. The amendment was accepted. The second substitute motion was approved by the following vote: **Ayes:** Councilmembers Bates, Beckles, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** Councilmember Boozé. **Abstentions:** None. **Absent:** None.

ORDINANCES

This item was heard directly following Item J-2. A proposed ordinance of the City Council of the City of Richmond amending Richmond Municipal Code Chapter 7.102 (Medical Marijuana Collectives) to increase the number of permits available from three to four was presented for first reading by Councilmember Bates. Bea Roberson and Lisa Hirschhorn gave comments. Following discussion, on motion of Councilmember Bates, seconded by Councilmember Rogers said ordinance received first reading and was laid over two week for second reading by the following vote: **Ayes:** Councilmembers Bates, Boozé, Ritterman, and Rogers. **Noes:** Councilmember Beckles, Vice Mayor Butt, and Mayor McLaughlin. **Abstentions:** None. **Absent:** None.

COUNCIL AS A WHOLE

The matter to request a 60-day continuance of the San Francisco Regional Water Quality Control Board (Regional Water Board)'s consideration of the Tentative Order (TO) with Updated Site Cleanup Requirements for the former Point Molate Naval Fuel Depot to allow the City Council to receive a presentation regarding the Tentative Order and direct staff to schedule a full presentation to the Council regarding the Tentative Order was presented by Mayor McLaughlin. Joan Garrett gave comments. *(At 11 p.m. on motion of Councilmember Ritterman, seconded by Councilmember Rogers approved a 15 minute extension to the meeting with Vice Mayor Butt voting Noe, and Councilmember Bates absent).* Eduardo Martinez also gave comments. Following

discussion, on motion of Vice Mayor Butt, seconded by Mayor McLaughlin approved a 60-day continuance of the San Francisco Regional Water Quality Control Board (Regional Water Board)'s consideration of the Tentative Order (TO) with Updated Site Cleanup Requirements for the former Point Molate Naval Fuel Depot by the following vote: **Ayes:** Councilmembers Beckles, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** Councilmember Boozé. **Abstentions:** None. **Absent:** Councilmember Bates.

This item was heard directly after the approval of the Consent Calendar. District Attorney Mark Peterson and Deputy Police Chief Allwyn Brown gave a report to the City Council, which included a PowerPoint presentation, on programming related to the City of Richmond including homicides and the Early Release Program. Some highlights of the presentation included: Makeup of the District Attorney's Office, Office Priorities, Misdemeanors, Gang Prosecution, Electronic Monitoring, Crime Prevention, Contra Costa District Attorney Truancy Program, and Project Cease Fire. Antwon Cloird gave comments. City Councilmembers thanked District Attorney Mark Peterson and Deputy Police Chief Allwyn Brown for attending the meeting and presenting a thorough report.

This item was heard directly following Item I-1. A proposed resolution in support of the Contra Costa Community College District adopting a Project Stabilization Agreement was presented by Councilmember Bates. John Marquez gave comments. On motion of Councilmember Bates, seconded by Councilmember Rogers adopted **Resolution No. 87-11** by the following vote: **Ayes:** Councilmembers Bates, Beckles, Ritterman, Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Boozé and Vice Mayor Butt.

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

Vice Mayor Butt reported that he attended the California Preservation Foundation's 28th Design Award Ceremony on Saturday, October 1, 2011, in San Francisco at the San Francisco Conservatory of Music and accepted an award on behalf of the City of Richmond. He presented Mayor McLaughlin with the announcement, for framing, that the City of Richmond was awarded a 2011 Preservation Design Award for the historic restoration of the Richmond Municipal Natatorium.

Councilmember Boozé reported that on Sunday, September 25, 2011, he attended Macedonia Church in Richmond and conducted a program on how to get involved with government. He also participated in the breast cancer walk at the Martin Luther King Junior Center on Saturday, September 24, 2011. Councilmember Boozé also reported that he attended the North Richmond Block Party. He also requested a meeting with the city manager and city attorney.

Mayor McLaughlin reported that she also participated in the breast cancer walk at the Martin Luther King Junior Center on Saturday, September 24, 2011, the Urban Fest sponsored by Ephesians Church and the Premier Gala Event at the East Bay Center for Performing Arts on Saturday, October 1, 2011. She encouraged everyone to visit Eastbaycenter.org for information on upcoming events at the East Bay Center for Performing Arts. Mayor McLaughlin also announced that Spokes, a new bike shop, opened within the City of Richmond. She also announced that the Crime Prevention Awards Ceremony would take place on Saturday, October 8, 2011, at the Richmond Recreation Complex, 3230 Macdonald Avenue. Mayor McLaughlin thanked the City Council and the public for their comments and participation throughout the City Council Meeting.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:14 p.m. to meet again on Tuesday, October 18, 2011, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor