

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL
Tuesday, November 1, 2011**

The Richmond City Council Evening Open Session was called to order at 5:14 p.m. by Mayor Gayle McLaughlin.

ROLL CALL

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

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):

Laura Barnaby vs. City of Richmond

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

Booker vs. City of Richmond

Jenkins vs. City of Richmond

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.9):

One Case

There were no speakers.

The Evening Open Session adjourned to Closed Session at 5:15 p.m. The Closed Session adjourned at 6:46 p.m.

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

ROLL CALL

Present: Councilmembers Bates, Beckles, Boozé, Ritterman, Rogers, and Mayor McLaughlin. **Absent:** Vice Mayor Butt arrived at 8:03 p.m.

STATEMENT OF CONFLICT OF INTEREST

None.

OPEN FORUM FOR PUBLIC COMMENT

Leonard Taylor that the Halloween celebrations within the City of Richmond were successful. He also announced that

the Richmond Rockets first game would be on Friday, November 10, 2011, at the Richmond Auditorium.

Richard Sanner and Dennis Purpura of Community Presbyterian Church stated that three years ago they made a commitment to partner with people and organizations in Richmond to offer things that they were able to bring to make a difference. They have been able to partner with the Office of Neighborhood Safety and other organizations to bring leadership and other training and counseling to citizens of Richmond. They also stated that they highly support the efforts of the Office of Neighborhood Safety.

Kenneth Davis expressed his displeasure in the manner that the city clerk was treated at the October 18, 2011, City Council Meeting regarding her handling of the personnel board elections. He also stated that the City Council was more concerned about bike trails and other issues around the world and have not focused on the young people in the City of Richmond that still need jobs. Mr. Davis also stated that the City of Richmond should purchase vehicles from dealers in the City of Richmond.

Keith Burton, Lizzarene Thomas, and Michael Bracy spoke regarding the positive help he has received from Antwon Cloird.

Antwon Cloird stated that he works with citizens of Richmond in a group called *Men and Women of Purpose* to encourage a better community.

Dr. Landry spoke in support of Antwon Cloird. He also stated that the school district should pay fees for predevelopment, architect and design of the Martin Luther King Center. He also suggested that the City of Richmond reduce the permit fees.

Jackie Thompson stated that there are no lights on 16th Street and Potrero Avenue. She also stated that there are many good programs in Richmond; however, staff running the programs are not giving the proper nourishment.

Sims Thompson reported that there are lights missing on Cutting Boulevard.

Michael Beer spoke regarding economic development within the City of Richmond.

Suzanne Shukuru Sanders stated that the City of Richmond's Sister City Project in Cuba, *Richmond Regala Committee*, hosted a Children's Theater of Cuba Workshop on Wednesday, October 26, 2011.

Rita Barouch stated that the Children's Theater of Cuba Workshop in collaboration with the East Bay Center for Performing Arts has a great educational and cultural impact on children. She stated that there is a need to foster the non-partner and public partnership collaboration. She also stated that the Richmond Regala Committee will display an art exhibit at the Richmond Arts Center. Visit <http://www.therichmondartcenter.org/> for more information.

Eduardo Martinez read a statement from his wife thanking staff at the East Bay Center for Performing Arts for hosting the Children's Theater of Cuba, known as *La Colmenita*. Mr. Martinez also encouraged citizens to join the Occupy Oakland Movement.

Saleem Bey stated that a fake Neighborhood Council for Shield Reid was formed by outside interest from North Richmond. He also stated that the fake Neighborhood Council held meetings with Chevron and other corporations that have interest in North Richmond.

Bea Roberson invited all citizens to the Richmond and El Cerrito Fire Department's 4th Annual Toy Program Christmas Breakfast at the Marriott at Hilltop, Friday, November 4, 2011, 6:30 a.m. to 9:00 a.m.

Billy Alexander spoke in opposition to free distribution of condoms and birth control pills to youth without the consent of their parents.

Teresa Puentes-Sweetser spoke in regards to the positive experience she had working as a City Council Intern.

Texanita Bluitt stated that the City Council should abide by the ordinances they place into law.

Michael Parker urged citizens to join the Occupy Oakland Movement.

AGENDA REVIEW

A motion was made by Councilmember Bates, seconded by Councilmember Boozé to consider Item I- after the vote on the City Council Consent Calendar. The motion failed by the following vote: **Ayes:** Councilmembers Bates, Boozé, and Rogers. **Noes:** Councilmembers Beckles, Ritterman, and Mayor McLaughlin. **Abstentions:** None. **Absent:** Vice Mayor Butt. Removed Item G-2 from the Redevelopment Agency Board Consent Calendar. Removed Items H-3, H-5, H-7, H-9, H-10, H-11, H-12, H-13, and H-14 from the City Council Consent Calendar. These items will be considered at the end of the agenda. Councilmember Bates requested that the city clerk identify who removed an item from the consent calendar.

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

City Attorney Randy Riddle reported that in the matter of LIABILITY CLAIMS - PENDING LITIGATION (Government Code Section 54956.9): Laura Barnaby vs. City of Richmond, the City Council approved a settlement in the amount of \$125,000.

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, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Vice Mayor Butt.

*-Approved the purchase of six Scott Air-Pak 75 self-contained

breathing apparatus (SCBA) harnesses, cylinders, AV3000 face pieces and other accessories from Allstar Fire Equipment, Inc. of Hayward, California, in the amount of \$56,839.28.

*-Adopted **Resolution No. 95-11** authorizing placement of liens and special assessments for unpaid garbage collection service fees on County property tax records.

The matter to approve an amendment to the existing contract with ENVIRON for preparation of a Revised Environmental Impact Report (EIR) for the Chevron Revised Renewal Project, increasing the payment limit by \$1,000,000, in an amount not to exceed \$1.75 million. As project applicant, Chevron is responsible for funding this contract *was continued to November 15, 2011*.

*-Adopted **Ordinance No. 23-11 N.S.** establishing the wages, salary, and compensation for the new promotional classification of Senior Human Resources Administrator (Salary Range No. 068E: \$7,643 - \$9,290/month).

The matter to approve a third amendment to the legal services agreement with Holland & Knight, LLP to provide continued legal representation for the Revised Environmental Impact Report (EIR) for the Revised Chevron Renewal Project, increasing the amount by \$500,000, and extending the term expiration to June 30, 2013; as project applicant, Chevron is responsible for funding this contract *was continued to November 15, 2011*.

*-Adopted **Resolution No. 96-11** designating the City of Richmond as a participating jurisdiction in and authorizing the adoption of the Contra Costa County Hazard Mitigation Plan (CCCHMP) and accepting Volume 1 and the City's portion of Volume 2 of the CCCHMP (This item was reviewed and recommended for approval by the Public Safety Committee at its October 20, 2011, meeting).

The matter to approve a fifth amendment to the contract with the Law Firm of Meyers, Nave, Riback, Silver & Wilson to continue to represent the City in the lawsuits entitled Booker vs. City of Richmond, et al., and Jenkins vs. City of Richmond, et al., increasing the contract amount by \$900,000 to a total of \$2,800,000. The amendment also extends the term to December 31, 2012, *was continued to November 15, 2011*.

*-Approved the minutes of the October 4, 2011, City Council Meeting.

In the matter to approve the purchase of two replacement police pursuit cars from Bay City Chevrolet of Oakland, California, for use by the Police Department's patrol unit in an amount not to exceed \$59,500 City Manager Bill Lindsay gave an overview *was continued to November 15, 2011*.

In the matter to approve the purchase of a replacement police recruit vehicle from Bay City Chevrolet, of Oakland, California, for use by the Police Department's Recruiting Division, in an amount not to exceed \$26,500 *was continued to November 15, 2011*.

In the matter to approve the purchase of two replacement police detective cars from Bay City Chevrolet of Oakland, California, for use by the Police Department's Detective Unit, in an amount not to exceed \$56,500 *was continued to November 15, 2011*.

In the matter to approve the purchase of a replacement box van from Albany Ford in Albany, California, for use by the Facilities Maintenance Division of Public Works, in an amount not to exceed

\$26,000 *was continued to November 15, 2011.*

In the matter to approve an emergency contract with Harris Electric for work completed to repair a 15KV transformer and switchgear to restore power to the Point Molate Wastewater Treatment Plant, in an amount not to exceed \$19,400.00 *was continued to November 15, 2011.*

COUNCIL AS A WHOLE

The matter to appoint two employee representatives to the Personnel Board from the following panel of three nominees elected at the Personnel Board Election held September 22, 2011, to October 6, 2011: (1) David Brown, (2) Elaine Merriweather, and (3) Charles Smith was presented by City Clerk Diane Holmes. A motion by Councilmember Boozé to hold the item over to allow the City Attorney to gather further information on what would happen if the Council does not appoint two employee representatives failed for lack of a second. James Walker, Loch Sekona, and Texanita Bluitt gave comments. Following discussion, a motion was made by Councilmember Beckles, seconded by Mayor McLaughlin to appoint Elaine Merriweather and Charles Smith to the Personnel Board. Discussion continued and a substitute motion was made by Councilmember Rogers to appoint David Brown and Elaine Merriweather to the Personnel Board. The substitute motion failed for lack of a second. Discussion ensued and the City Council unanimously agreed to vote for one representative at a time. A substitute motion was made by Councilmember Bates, seconded by Councilmember Rogers to appoint David Brown to the Personnel Board. The motion passed by the following vote: **Ayes:** Councilmembers Bates, Boozé, Rogers, and Vice Mayor Butt. **Noes:** Councilmember Beckles. **Abstentions:** Councilmember Ritterman and Mayor McLaughlin. **Absent:** None. A motion was made by Councilmember Beckles, seconded by Councilmember Rogers to appoint Elaine Merriweather to the Personnel Board. The motion passed by the following vote: **Ayes:** Councilmembers Bates, Beckles, Boozé, Ritterman, Rogers, and Vice Mayor Butt. **Noes:** None. **Abstentions:** Mayor McLaughlin. **Absent:** None.

The matter to adopt a resolution adopting the Mitigated Negative Declaration for the City of Richmond Bicycle Master Plan, City of Richmond Pedestrian Plan, Harbour Way Project and Carlson Boulevard Project, and finding the Mitigated Negative Declaration adequate for the plans and projects as proposed in their independent judgment; approve and adopt the City of Richmond's Bicycle Master Plan; approve and adopt the City of Richmond's Pedestrian Plan; and approve the Harbour Way and the Carlson Boulevard Projects was presented by Planning Director Richard Mitchell joined by Planner Keron Slaughter and other representatives for the City of Richmond Bicycle Master Plan. The following individuals gave comments: Hector Esparza, Don Gosney, Bill Pinkham, Debra Richerson, Katrinka Ruk, Jackie Thompson, Sims Thompson, Tony Sustak, Coire Reilly, Robert Richerson, Brian Drayton, Jan Mignone, Jerrey Yoshida, Naomi Williams, Myrtle Braxton-Ellington, Texanita Bluitt, Bea Roberson, Mary Selva, Garland Ellis, Liz Bittner, Jeffrey Lidicker, Nancy Baer, Marc Madden, Adienne Harris, Julie Waters, and Janie Holland. *(At 11:00 a motion made by Councilmember Boozé, seconded by Vice Mayor Butt to extend the meeting for 30 minutes failed with Councilmembers Bates, Beckles, Boozé, and Mayor McLaughlin voting Noe. A motion made by Councilmember Ritterman, seconded by Vice Mayor Butt to extend the meeting for 29 minutes failed with Councilmembers Bates, Beckles, Boozé, and Mayor McLaughlin voting Noe. A motion made by Councilmember Ritterman, seconded by Mayor McLaughlin to extend the meeting for 15 minutes passed with Councilmember Bates voting Noe)* Following discussion on motion of Vice Mayor Butt, seconded by

Councilmember Ritterman to approve the item. Councilmember Rogers offered a friendly amendment to direct staff to meet with the neighborhood councils to get their input. The amendment was accepted and the City Council adopted **Resolution No. 97-11** adopting the Mitigated Negative Declaration for the City of Richmond Bicycle Master Plan, City of Richmond Pedestrian Plan, Harbour Way Project and Carlson Boulevard Project, and finding the Mitigated Negative Declaration adequate for the plans and projects as proposed in their independent judgment; approve and adopted the City of Richmond's Bicycle Master Plan; approve and adopt the City of Richmond's Pedestrian Plan; and approve the Harbour Way and the Carlson Boulevard Projects by the following vote: **Ayes:** Councilmembers Beckles, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** Councilmembers Bates and Boozé. **Abstentions:** None. **Absent:** None.

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

None.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:15 p.m., to meet again on Tuesday, November 15, 2011, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor