

**RICHMOND, CALIFORNIA, January 10,
2012**

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

ROLL CALL

Present: Councilmembers Beckles, Boozé, Ritterman, Vice Mayor Butt, and Mayor McLaughlin.
Absent: Councilmembers Bates and Rogers arrived after adjourning 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):**
Richmond Police Activities League 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; Richmond/In re Municipal Derivative Antitrust Litigation

**CONFERENCE WITH REAL PROPERTY
NEGOTIATOR (Government Code Section
54956.8):** Property: 1322 Canal Boulevard (General Warehouse) and Rigger's Loft; City Negotiators: Bill Lindsay, and General Services Administrator (on behalf of the National Park Services); Under Negotiation: Price and Terms of payment

There were no public speakers.

The Evening Open Session adjourned to Closed Session at 5:09 p.m. The Closed Session adjourned at 6:29 p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:35 p.m. by Mayor McLaughlin who led the Pledge of Allegiance to the Flag.

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

Vice Mayor Butt stated that he was a member of the Board of the Rosie the Riveter Trust and he also has a business relationship with a property owner in the Northshore; therefore, he would recuse himself on Items I-1 and K-1.

OPEN FORUM FOR PUBLIC COMMENT

Cordell Hindler expressed his disappointment with individuals loitering in front of businesses within the City of Richmond.

Leonard Taylor informed citizens of the passing of Former Mayor George Livingston, and he praised his accomplishments. He also states that the Richmond Police Department should increase crime prevention for 2012. Mr. Taylor also requested support of the Richmond Rockets Basketball Team.

Mark Wassburg stated that the City Council has sponsored illegal aliens working and driving illegally, banned checkpoints, supported fraudulent ID cards, and wrote a racist letter to Councilmember Boozé. He stated that there was no way that the citizens of Richmond would elect Councilmember Ritterman for a second new term.

Myrtle Jones requested to speak with city staff regarding a bill she received from the company that cleaned her home after the sewer leakage.

Antwon Cloird thanked City Clerk Diane for allowing the Men and Women of Purpose (MWP) to

assist her in feeding 125 people of the community over the Thanksgiving and Christmas Holidays. He also stated that the MWP also fed 150 people at the Nevin Center and would feed the participants of the Martin Luther Kind Jr. Walk. Mr. Cloird also stated that the MWP would team with the Office of Neighborhood Safety to find solutions to bond the community.

Jerome Smith read words of Martin Luther King Jr. regarding “love.”

Jeff Rutland invited the community to the Martin Luther King Jr. Day, “Make It A Day *On* in Richmond” on the Greenway on Monday, January 16, 2012. The event is sponsored by the City of Richmond, Urban Tilth, and Friends of the Richmond Greenway. Residents and friends will honor the legacy of Dr. Martin Luther King by working together to enhance and strengthen the community.

Cecily McMahan thanked the City Council for the honor of servicing the City of Richmond for 22 years.

Sims Thompson requested that the City Council take a tour of the city during the day and evening to identify unsafe areas. He also stated that the mediums on 37th Street were unsafe.

Mike Ali stated that the current mentality of the majority of the City Council was both racist and colonialistic to the people of the community it serves. He also stated that the majority of City Councilmembers have failed to take a leadership role to address poverty, unemployed, and mal nutrition of citizens within the city limits and; therefore, are unfit to service the community.

Kimberly Ellis expressed her disappointment and disgust for the unprofessional comments made by Councilmember Boozé regarding Councilmember Beckles’ ethnicity during the December 6, 2011, City Council Meeting.

Charlot McIntyre expressed her concern for the businesses that are leaving Richmond. She urged the

City Council to look into services for the youth and elderly.

Reverend Kenneth David urged citizens to visit FreeRichmond.org to find the truth about Richmond.

Michael Peritz invited the City Council and citizens to celebrate the renaming of the Kennedy Gymnasium to the Coach Dolly Felix Gymnasium on Saturday, January 14, 2012, 1:00 p.m.

Chantay Scott stated that Councilmember Boozé assaulted her in the hall way at the Nevin Center on Christmas.

Michael Parker urged citizens to attend the Martin Luther King Jr. Walk. He also urged citizens to attend the showing of a film on Martin Luther King Jr.'s the last campaign. The film would be shown at the offices of the Richmond Progressive Alliance at 1021 Macdonald Avenue, 7:00 p.m.

Juana Anker expressed her disappointment with Councilmember Boozé's remarks to Councilmember Beckles regarding her ethnicity.

Jackie Thompson expressed disappointment that the rules that are set forth during Open Forum don't apply to all. She stated that the cc should focus on programs for mental health. Ms. Thompson also stated that Chantay Scott should have been escorted from the Chambers when she used unacceptable language towards Councilmember Boozé. She also stated that the dividers on 37th Street should have reflectors and residents of Friendship Manor have requested that the city install speed bumps on Stege Street.

Councilmember Boozé applauded Ms. Kimberly Ellis for coming to the City Council Meeting and voicing her opinion. He also requested that citizens call Captain Mark Gagan regarding the false accusations made by Chantay Scott. Councilmember Boozé also encouraged Ms. Juana Anker to continue to attend City Council Meetings to voice her opinion.

AGENDA REVIEW

Removed Items I-3, I-5, and I-6, to be heard at the end of the agenda. Item K-1 was moved to be heard after approval of the Consent Calendar followed by Items K-3, and then J-1.

ELECTION OF VICE MAYOR

Mayor McLaughlin thanked Vice Mayor Butt for his service as Vice Mayor for 2011. Councilmembers Boozé, Rogers, and Beckles thanked Vice Mayor Butt for his leadership as Vice Mayor. On motion of Councilmember Beckles, seconded by Councilmember Ritterman appointed Councilmember Rogers Vice Mayor by the unanimous vote of the Council.

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

City Attorney Randy Riddle reported that the City Council approved a settlement in the amount of \$58,030.85 in the matter of Richmond Police Activities League vs. City of Richmond. Attorney Randy Riddle stated a conflict of regarding Richmond/In re Municipal Derivative Antitrust Litigation and did not attend the Closed Session on this matter. City Manager Bill Lindsay reported that the City Council approved a settlement in the amount of \$23,774.30 from Bank of America in the matter of Richmond/In re Municipal Derivative Antitrust Litigation with Councilmember Rogers absent.

REGULAR MEETING OF THE RICHMOND REDEVELOPMENT AGENCY/RICHMOND CITY COUNCIL

On motion of Councilmember Ritterman, seconded by Vice Mayor Rogers all items marked with an (-*) were approved by the unanimous vote of the City Council.

*-Approved an amendment to the loan agreement with the Rosie the Riveter Trust (the Borrower), extending the payment due date to no later than 10 days following Borrower's receipt of its principal payments pursuant to Section 3.02(b) of the Leverage Loan Agreement, but in any event, no later than June 30, 2012.

*- Approved the minutes of the September 27, 2011, October 25, 2011, and November 1, 2011, meetings.

In the matter to approve a contract with Oscar I. Solano Jr., dba Zumba Rico Fitness, to provide Zumba Fitness classes and Aqua Zumba classes at recreation facilities in an amount not to exceed \$20,000 and for a term from January 4, 2012, through December 31, 2012, Kenneth Davis gave comments. During Kenneth Davis' comments, the City Council lost its quorum and took a brief recess. The City Council reconvened and Jerome Smith gave comments. On motion of Councilmember Ritterman, seconded by Councilmember Beckles approved the contract with Oscar I. Solano Jr., dba Zumba Rico Fitness by the following vote: **Ayes:** Councilmembers Beckles, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Bates, Boozé, and Butt.

*-Adopted **Resolution No. 1-12** authorizing the acceptance and appropriation of \$31,397.65, and future funds donated annually to the city from the Richmond Fire Safe Fund in support of the Fire Prevention Bureau's safety education programs.

In the matter to adopt a resolution approving the city's application for the Transportation Development Act (TDA) Article 3 Pedestrian and Bicycle Funding for Fiscal Year 2012-2013 and, if awarded, accept and appropriate the funds for implementation of the Harbour Way Pedestrian and Bicycle Project Garland Ellis and City Manager Bill Lindsay gave comments. On motion of Vice Mayor Rogers, seconded by Councilmember Ritterman adopted **Resolution No. 2-12** by the following vote: **Ayes:** Councilmembers Beckles, Ritterman, Vice Mayor Rogers, and Mayor

McLaughlin. **Noes:** None. **Abstentions:** None.
Absent: Councilmembers Bates, Boozé, and Butt.

In the matter to approve the City Council 2012 Standing Committee, Regional, and Liaison position appointments Kenneth Davis gave comments. On motion of Councilmember Ritterman, seconded by Councilmember Beckles approved the City Council 2012 Standing Committee, Regional, and Liaison position appointments by the following vote: **Ayes:** Councilmembers Beckles, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Bates and Boozé.

RESOLUTIONS

The matter to adopt a resolution directing the Chief of Police to carefully evaluate all requests for Mutual Aid that involve responding to civil unrest and empowering the Chief to decline to respond to Mutual Aid requests under certain circumstances was *continued to January 17, 2012.*

COUNCIL AS A WHOLE

The matter to direct staff to apply one of the following land use designations to privately-owned property within draft General Plan Change Area 12 (Northshore): Open Space; Business/Light Industrial; or a blend of the two designations that allows business/light industrial uses but limits building height and maximum lot coverage as provided in the Open Space Designation was presented by Planning Director Richard Mitchell and Associate Planner Hector Rojas. The presentation included a PowerPoint presentation. The above three alternatives were considered by the Planning Commission in its review of the General Plan on October 20, 2011, but the Planning Commission made no recommendation. (***Councilmember Butt recused himself from discussion on this matter.***) City Manager Bill Lindsay stated that staff's recommendation was Option C (a blend of the two designations that allows business/light industrial uses but limits building height and maximum lot coverage as provided in the Open Space designation). The

following individuals gave comments: Louise Lang, Bea Roberson, Patricia Jones, Bob Dabney, Jeremiah Dean, Jerome Smith, Don Sharff, Bill Sato, Juana Anker, Diane Hannah, Bryan Grunwald, Dan Murray, Elaina Genser, David Brown, Josh Genser, Rafael Madrigal, Juan Reardon, Eduardo Martinez, Sandi Genser-Maack, Lynn Maack, Mark Linqvist, Robert Herbst, Joseph Puleo, Katrinka Ruk, Mack Casterman, Tom Waller, Lloyd Madden, James Freeman, Douglas Friefeld, Scott Johnson, Jerry Overaa, Eddie Orton, Mike Parker, Jerry Feagley, Horace Stonework, and Howard Cohen. A motion was made by Councilmember Beckles, seconded by Mayor McLaughlin to adopt Option A (Open Space). A substitute motion was made by Councilmember Boozé, seconded by Councilmember Bates to adopt Option B (Business/Light Industrial). A seconded substitute motion was made by Councilmember Ritterman to adopt Option C failed for lack of a second. Councilmember Ritterman offered a friendly amendment to add design guidelines and specific standards to the substitute motion to adopt October B. The friendly amendment was accepted. The City Council voted unanimously to allow Whitney Dotson to speak on the item. ***On motion of Councilmember Beckles, seconded by Councilmember Boozé extended the meeting for one hour to 12:00 a.m.*** A motion by Councilmember Bates, seconded by Councilmember Boozé called for the question failed with Councilmember Bates and Boozé voting **Aye** and Councilmember Butt **Absent**. The substitute motion to adopt Option B failed by the following vote: **Ayes:** Councilmembers Bates, Boozé, and Ritterman. **Noes:** Councilmember Beckles, Vice Mayor Rogers, and Mayor McLaughlin. **Abstentions:** None. **Absent:** Councilmember Butt. The original motion to adopt Option A failed by the following vote: **Ayes:** Councilmember Beckles and Mayor McLaughlin. **Noes:** Councilmembers Bates, Boozé, Ritterman, and Vice Mayor Rogers. **Abstentions:** None. **Absent:** Councilmember Butt. A motion made by Councilmember Ritterman, seconded by Councilmember Boozé to adopt Option C with development standards failed by the following vote: **Ayes:** Councilmembers Bates, Boozé, and Ritterman. **Noes:** Councilmember Beckles, Vice Mayor Rogers,

and Mayor McLaughlin. **Abstentions:** None. **Absent:** Councilmember Butt. City Manager Bill Lindsay suggested returning the matter to the Planning Commission. A motion was made by Vice Mayor Rogers, seconded by Councilmember Beckles to return the matter to the Planning Commission. A motion by Councilmember Bates, seconded by Councilmember Boozé to allow the city manager to answer Councilmember Bates' question failed by the following vote: **Ayes:** Councilmembers Bates, Boozé, and Vice Mayor Rogers. **Noes:** Councilmember Beckles and Mayor McLaughlin. **Abstentions:** Ritterman. **Absent:** Councilmember Butt. The motion to return the matter to the Planning Commission passed by the following vote: **Ayes:** Councilmembers Beckles, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** Councilmember Bates. **Abstentions:** None. **Absent:** Councilmembers Boozé and Butt.

The matter to receive recommendations from the Human Rights Human Relations Commission to post the City of Richmond's Code of Ethics at various points around the City Council Chambers, have this Code of Ethics recited at City Council meetings by a youth or elder, and determine if there is interest among City Councilmembers for attending sensitivity trainings, and take action regarding implementation of these recommendations was *continued to January 17, 2012*.

The matter to discuss the negative impacts of lengthy late night meetings and direct staff to provide the City Council with legal and staff recommendations for several alternatives was presented by Councilmember Beckles and Council Intern David Gray. The following individuals gave comments: Cordell Hindler, Bea Roberson, Don Gosney, Jerome Smith, Juana Anker, Garland Ellis, Naomi Williams, Mike Parker, and Kathleen Sullivan. *On motion of Councilmember Beckles, seconded by Councilmember Ritterman extended the meeting to finish the current item with Councilmember Butt voting Noe and Councilmembers Bates and Boozé Absent.* A motion was made by Councilmember Beckles, seconded by Mayor McLaughlin to direct staff to provide the City Council with legal and staff recommendations for

several alternatives. Vice Mayor Rogers directed staff to also look into holding special meetings for the public to discuss questions they may have on consent calendar items. The motion passed by the following vote: **Ayes:** Councilmembers Beckles, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Bates and Boozé.

The matter to consider proposals to partner with a service provider to reduce the amount of junk mail, including catalogs and phone books, received by Richmond residents and businesses; thereby reducing climate change and landfill waste was *continued to January 17, 2012*.

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 12:53 a.m., in memory of Evelyn Patterson and former Mayor George Livingston, to meet again on Tuesday, January 17, 2012, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor