

**RICHMOND, CALIFORNIA, February 7,
2012**

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

ROLL CALL

Present: Councilmembers Boozé, Butt, Ritterman, and Mayor McLaughlin. **Absent:** Councilmembers Bates, Beckles, and Vice Mayor 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):
Andres Hites vs City of Richmond

PUBLIC EMPLOYEE APPOINTMENT (Government Code Section 54957.6): *City Attorney*

There were no public speakers.

The Evening Open Session adjourned to Closed Session at 5:09 p.m. The Closed Session adjourned at 6:15 p.m.

The Regular Meeting of the City of Richmond Successor Agency for the Richmond Community Redevelopment Agency/Richmond City Council was called to order at 6:32 p.m. by Mayor McLaughlin who led the Pledge of Allegiance to the Flag.

ROLL CALL

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

READING OF THE CODE OF ETHICS

Alexander Gamez read the Code of Ethics.

STATEMENT OF CONFLICT OF INTEREST

None.

OPEN FORUM FOR PUBLIC COMMENT

Tarnel Abbott stated that police armed with riot ammunition and gear places a chill on the public's right to protest.

Mike Parker stated that Prop 8, California's same-sex marriage ban, was declared unconstitutional. He stated the training must start so that the people of Richmond would be ready for any jobs that are created when Lawrence Berkeley National Lab (LBNL) arrives in Richmond.

Marvin Webb requested monetary support in the amount of \$5,000 from the City of Richmond to hold a gospel fest at the Richmond Craneway Pavilion, 1414 Harbour Way South.

Jackie Thompson read a letter of complaint to Councilmember Beckles regarding her behavior on the City Council.

Lina Velasco of the City of Richmond's Planning Department invited the public to the Richmond Livable Corridors Project Community Kickoff on Saturday, February 11, 2012, from 9:00 a.m. to 2:00 p.m. at DeJean Middle School, Multipurpose Room, 3400 Macdonald Avenue. For more information please visit www.ci.richmond.ca.us/livablecorridors.

Jerome Smith read a poem and encouraged the City Council to attend the Human Rights Human Relations Committee Meetings to see what change was all about.

Naomi Williams expressed her disappointment with Vice Mayor Rogers indicating that the proclamation acknowledging Black History Month would be presented at the end of the month as apposed to the beginning of the month.

Cordell Hindler spoke in regards to the violence within the City of Richmond.

Eddie Morris, Frank Hancock, Ivory Mitchell, Cornell Jones, Tempri Priestly, Mickey Daniels, Art Binder, Tamesha Walker, and Richard Lucas spoke in support of Men and Women of Purpose and requested the support of the City Council.

Dennis Dalton spoke in support of jobs for the youth of Richmond. He stated that the City Council along with labor unions and constructions companies should form a committee to ensure that youth get required training to be able to work when the LBNL arrived.

Kiley Kinnon stated that he was hired October 17, 2011 as a source control environmental compliance inspector with the City of Richmond and was terminated on February 3, 2012, by Chad Davisson and Mary Phelps for no apparent reason. He stated that his termination was an act of racism. Mr. Kinnon requested that his position be left vacant until the matter was resolved.

Leonard Taylor requested that the public contact the Richmond Police to offer any information that leads to the arrest of the individual(s) that attacked on elder women near Big O Tires.

Sims Thompson stated that the City Council must do a better job to protect the citizens of Richmond.

Mark Wassberg invited the citizens to watch his television show regarding the Richmond City Council, Sunday, February 12, 2012, on Comcast, Channel 26 at 10:30 p.m.

Pam Bilbo invited everyone to participate in the North Richmond cleanup on February 15th, 16th, and 17th beginning 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 4:00 p.m. at Shield-Reid Park, 1410 Chesley. Mrs. Bilbo stated that a Health and Safety Awareness Forum would be held on February 19, 2012.

Texanita Bluitt expressed her concern regarding recent murders, and she also expressed her appreciation that the Code of Ethics was read and encouraged the City Council to practice them. Ms. Bluitt also stated that the community should be involved with going forth with the Lawrence Livermore Lab's coming to Richmond.

Mike Ali expressed his disappointment with the City of Richmond's approval of permits for liquor stores within the City of Richmond because they contribute to the violence within the City.

Mayor McLaughlin stated that there should be a more relaxed approach for proclamations that have time constraints.

AGENDA REVIEW

Removed Items H-5, H-6, H-10, H-13, H-16, H-20, H-24, and H-28 from the Consent Calendar to be heard at the end of the meeting. Moved Item J-3 to be heard before Item J-1.

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

City Attorney Bruce Goodmiller stated that there were no reportable actions for Closed Session.

CITY OF RICHMOND SUCCESSOR AGENCY FOR THE RICHMOND COMMUNITY REDEVELOPMENT AGENCY CONSENT CALENDAR

On motion of Councilmember Ritterman, seconded by Councilmember Booze approved the minutes of the January 10, 2012, meeting by the unanimous vote of the Council.

CITY COUNCIL CONSENT CALENDAR

On motion of Councilmember Ritterman, seconded by Councilmember Booze all item marked with an (*) were approved by the unanimous vote of the Council.

*-Adopted **Resolution No. 6-12** authorizing the Mayor to execute specified annual state and county contracts associated with State Department of Justice and County records, finger print identification, forensic lab analysis, booking fees and jail access, in a combined amount not to exceed \$1,278,000 for fiscal years 2011-2012, 2012-2013, and 2013-2014.

*-Approved a contract with Lake Traffic Solutions to provide Ezyloops for the replacement of existing damaged traffic signal loops in conjunction with the City's pavement resurfacing program in an amount not to exceed \$20,000 per year for three years.

*-Adopted **Resolution No. 7-12** to adjust appropriations for the 2011-2012 Recreation Department Budget to add \$5,320 for the Richmond Tennis Center and recognize the donation received from the Black Hawk Women's Tennis Association

*-Adopted **Resolution No. 8-12** to adjust appropriations for the 2011-2012 Recreation Department Budget to add \$200 for the Youth Activities/Outdoor Adventure FamCamp Program and recognize the mini grant received from the California State Parks Foundation.

The matter to approve a contract with Precision Concrete Cutting to provide concrete sidewalk cutting services to eliminate sidewalk tripping hazards in an amount not to exceed \$40,000 per year for three years was *continued to February 21, 2012*.

The matter to approve the purchase of a replacement trencher from Ditch Witch Bay Area for use by the Parks and Landscape Division of the Public Works Department in an amount not to exceed \$58,000 was **continued to February 21, 2012**.

*-Adopted **Resolution No. 9-12** accepting a grant from The California Endowment and authorizing the city manager to enter into all required contracts and agreements to facilitate the grant outcomes.

*-Approved Contract Amendment No. 2 with Willdan Financial Services in an amount not to exceed \$14,500 to provide professional services related to the administration of the Hilltop Landscape Maintenance District and the Marina Bay Landscape and Lighting Maintenance District. The proposed contract term is July 1, 2012, to June 30, 2013.

*-Adopted **Resolution No. 10-12** ordering the

preparation of the Engineer's Report for Fiscal Year 2012-2013 regarding improvements and costs for the Hilltop Landscape Maintenance District.

On motion of Councilmember Bates, seconded by Councilmember Ritterman adopted **Resolution No. 11-12** ordering the preparation of the Engineer's Report for Fiscal Year 2012-2013 regarding improvements and costs for the Marina Bay Landscape and Lighting Maintenance District with **Councilmember Butt Absent**.

*-Adjusted appropriations for the 2011-2012 Recreation Department Budget to add \$200 for the Junior Golf Program and recognize the donation received from the Richmond Country Club Women's Golf Association.

*-Approved a grant of easement to the Bottoms Family Trust for use as an exclusive and permanent 10' wide easement for a water main pipeline under City property between Canal Boulevard and Seacliff Drive used to irrigate landscaping associated with the reclaimed quarry.

On motion of Vice Mayor Rogers, seconded by Councilmember Booze approved Contract Amendment No. 1 with Gallagher and Burk, Inc. for the Carlson Boulevard Improvement Project, to increase the contract value in an amount not to exceed \$490,000 for a total of \$4,012,166 with **Councilmember Butt Absent**.

*-Approved a contract with Valley Facilities Management Corporation for mechanical and electrical building design services to enhance the Auditorium HVAC System and to install an emergency generator at the Main Library in an amount not to exceed \$32,000.

*-Approved the minutes of the November 22, 2011, December 6, 2011, and January 10, 2012, meetings.

*-Adopted **Resolution No. 12-12** approving the City of Richmond to participate in the Contra Costa County Vehicle Abatement Service Authority Program providing revenues for the abatement of abandoned and inoperable vehicles with **Councilmember Butt Absent**.

*-Adopted **Resolution No. 13-12** authorizing the City of Richmond to enter into a new Memorandum of Understanding (MOU) with the Richmond Fire Management Association (RFMA) retroactively starting on July 1, 2009, and expiring on June 30, 2013.

*-Adopted **Resolution No. 14-12** ratifying a side letter to the 2008-2012 Memorandum of Understanding (MOU) between the City and the Richmond Police Officers' Association (RPOA) extending the term of the MOU from June 30, 2012, to June 30, 2013, and deferring a 2.5 percent wage

increase, which would have taken effect on January 1, 2012, until January 1, 2013.

*-Approved a contract with Application Associates to perform desktop application training for the City of Richmond's computer users in an amount not to exceed \$90,000 over two years.

*-Approved the Port Executive Director's request for travel to China with a cost of approximately \$9,000 to continue the business development plan and 2012 marketing plan with the Port of Zhoushan and Auto Warehousing Company, to continue to explore the potential for China auto manufacturing companies entering the U.S. market through the Port of Richmond's recently renovated automobile facility, and to meet with representatives of China automobile industry companies with **Councilmember Butt Absent**.

*-Adopted **Resolution No. 15-12** approving the application for grant-funds for the Sustainable Communities Planning Grant and Incentives Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) for development of the Richmond Clean Air and Climate Plan.

*-Adopted **Resolution No. 16-12** approving the application for grant-funds for the Urban Forestry Inventory Grant Program for the Urban Forest Inventory and Ordinance Update.

*-Approved the following appointments and re-appointments: Community Development Commission: Jackie Thompson, Incumbent, term expiring March 21, 2012; Point Molate Community Advisory Committee: Otheree Christian, term expiring May 3, 2013; Joseph Puleo, term expiring May 3, 2013; Rod Satre, term expiring May 3, 2013; Police Commission: Therese Barquet, Incumbent, term expiring November 1, 2014; Richmond-Zhoushan Friendship Commission: Karen Leong Fenton, term expiring July 22, 2013; Workforce Investment Board: Tom Hansen, representing Labor.

The matter to consider sending a letter to State Superintendent of Public Instruction Tom Torlakson in support of the request from the West Contra Costa Unified School District to be removed from State control was ***continued to February 21, 2012***.

*-Approved a contract with Meyers Nave Riback Silver & Wilson P.C. in connection with representation of the City in Valley Crest Tree Company vs. City of Richmond, and Bay Cities Paving & Grading vs. City of Richmond, up to \$25,000, with a term ending December 31, 2012.

*-Approved an amendment to the grant-funded contract with Alliance Graphics, Inc. to provide additional graphic arts and products services for RichmondBUILD Green Careers Academy. The

contract term will be October 4, 2010, through June 30, 2012. The contract amount will increase by \$10,000 for a total amount not to exceed \$39,500.

*-Approved the purchase of the proposed play equipment for Burg Park from Miracle Recreation Equipment under the California Multiple Award Schedule (CMAS) in an amount not to exceed \$77,812.74.

On motion of Councilmember Bates, seconded by Vice Mayor Rogers approved a contract with Lawson Drayage, Inc. to furnish labor and equipment to offload and install the Plunge bulkhead in an amount not to exceed \$21,986.10 with ***Councilmember Butt Absent.***

*-Rejected all bids received for the Street Light Circuit Replacement, May Valley, and Park View Neighborhoods project and authorize a call for new bids, one for May Valley Neighborhood and one for Park View Neighborhood.

*-Adopted **Resolution No. 17-12** a resolution to approve submittal of the required 20% local match, or \$12,000, of a \$60,000 grant from the Metropolitan Transportation Commission for the Pavement - Technical Assistance Program Round 13.

*-Rejected all bids received for the LED Street Light, Wire and Pull Box Replacement, Cutting Boulevard, Richmond Parkway, Castro Street, 23rd Street, San Pablo Avenue Project CIP10-013 and authorize a call for new bids, one for supplying the LEDs and another for installing.

*-Approved the purchase of rubberized safety surfacing for Burg Park from Tot Turf (Oakland) under a California Multiple Award Schedule (CMAS) contract in an amount not to exceed \$64,572.20.

RESOLUTIONS

The matter to adopt a resolution in support of the Millionaires' Tax proposed by the California Federation of Teachers and the Courage Campaign was presented by Councilmember Ritterman and Vice Mayor Rogers. The presentation included a PowerPoint Presentation. The following individuals gave comments: Cordell Hindler, Mark Wassberg, Don Schnepf, Joe Puleo, Kathleen Wilmer, Tanell Abbott, Eduardo Martinez, Roberto Reyes, and Mike Parker. On motion of Councilmember Ritterman, Seconded by Councilmember Beckles adopted **Resolution No. 18-12** by the following vote: **Ayes:** Councilmembers Bates, Beckles, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** Councilmember Booze. **Absent:** None.

The matter to adopt a resolution referred by the Human Right Human Relations Commission in support

of the New Priorities Campaign calling on members of Congress to reduce military spending and restore funding to essential public services including education, health care and housing was presented by Councilmember Beckles. The following individuals gave comments: Cordell Hindler, Mark Wassberg, Tarnel Abbott, Dr. Henry Clark, Betty Brown, Reverend Mary Hintz, Michael Eisenscher, Eduardo Martinez, (Mike Parker passed his opportunity to speak), and Jerome Smith. On motion of Councilmember Beckles, seconded by Mayor McLaughlin adopted **Resolution No. 19-12** by the unanimous vote of the Council.

The matter to adopt a resolution in support of Safe Oil Refineries, Secure Jobs and Healthy Communities was presented by Mayor McLaughlin. The following individuals gave comments: Cordell Hindler, Greg Karras, Bruce Chinn, Mike Smith, Jeff Clark, Tarnel Abbott, Roberto Reyes, Mike Parker, Don Schnepf, and Bea Roberson. On motion of Mayor McLaughlin, seconded by Vice Mayor Rogers adopted **Resolution No. 20-12** by the unanimous vote of the Council.

COUNCIL AS A WHOLE

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 presented by Vice Mayor Rogers. The following individuals gave comments: Ron Jones, Verle Craven, Cordell Hindler, Jackie Thompson, Reverend Ellis, Bea Roberson, and Reverend Kenneth Davis. Chuck Taylor of Catalog Choice gave comments. ***The City Council recessed at 10:21 p.m. and reconvened at 10:27 p.m.*** A motion was made by Vice Mayor Rogers, seconded by Councilmember Butt to direct the city manager to find a source of funding to retain the services of Catalog Choice for one year. A friendly amendment was offered by Councilmember Booze to study the item for 30 days. A substitute motion was made by Councilmember Bates, seconded by Councilmember Booze to refer the item to staff for further review and research and report the financial implications to the City Council. ***(At 11:02 p.m. a motion was made by Councilmember Booze, seconded by Vice Mayor Rogers to extend the meeting for one hour failed with Councilmembers Bates, Beckles, Butt, and Ritterman voting Noe. On motion of Mayor McLaughlin, seconded by Vice Mayor Rogers extended the meeting for 45 minutes with Councilmembers Bates, Beckles, and Butt voting Noe).*** After further discussion, Vice Mayor Rogers withdrew his original motion and the substitute motion to refer the item to staff for further review and research and report the financial implications to the City Council passed by the following vote: **Ayes:** Councilmembers Bates, Booze, Butt, Ritterman, Vice Mayor Rogers, and Mayor

McLaughlin. **Noes:** Councilmember Beckles.
Abstentions: None. **Absent:** None.

The matter to discuss and consider ideas to express the City of Richmond's appreciation to those that contributed to the Lawrence Berkeley National Lab selecting Richmond as the location of their second campus was presented by Councilmembers Bates. The following individuals gave comments: Cordell Hindler, Jerome Smith, and Jackie Thompson. On motion of Councilmember Bates, seconded by Vice Mayor Rogers directed the city manager to work with the City Council to organize an appropriate recognition to honor everyone that was involved with the Lawrence Berkeley National Lab selecting Richmond as the location of their second campus with ***Councilmember Butt Absent.***

This item was the first item heard under Council As A Whole. The matter to receive a report from Michael Mahoney, Plumbers and Steamfitters Union and direct staff regarding an apprenticeship program that may create job readiness opportunities for the LBNL second campus was presented by Councilmember Booze. Mr. Booze introduced Mr. Mahoney who gave a report on the apprenticeship program. Mr. Mahoney introduced one of his students, Floyd Henson. Mr. Henson gave comments about the success and progress he has gained through the program. Individuals interested in participating in the apprenticeship program may contact Mr. Mahoney at the Sierra Adult School, 6028 Ralston, Richmond, (510) 215-4666. Classes are held on Tuesdays and Thursdays from 6:00 p.m. to 8:00 p.m.; individuals should arrive at 5:30 p.m. on the first night of class. The following individuals gave comments: Cordell Hindler, Don Gosney, Roberto Reyes, and Jackie Thompson.

The matter to adopt a resolution opposing the sale and purchase of rat and mouse poisons deemed an unreasonable risk to children, pets and wildlife in the City of Richmond was ***continued to February 21, 2012.***

The matter to direct staff to prepare an advisory ballot initiative urging a Constitutional amendment to overturn the Citizens United case giving special interests unlimited rights to make campaign contributions, and to clarify that free speech does not mean letting those with the most money drown out the speech of the 99% was ***continued to February 21, 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 11:41 p.m. in memory of Marvin Dyson, to meet again on Tuesday, February 21, 2012, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor