

RICHMOND, CALIFORNIA, June 19, 2012

The Richmond City Council Evening Open Session was called to order at 5:15 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):

Russell Murrey vs. City of Richmond

Douglas Murrey vs. City of Richmond

Rizalito Evangelista vs. City of Richmond

Evelyn Craig 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 (Initiation of litigation pursuant to Subdivision (c) of Government Code Section 54956.9):

One case

There were no public speakers.

The Evening Open Session adjourned to Closed Session at 5:16 p.m. The Closed Session adjourned at 6:40 p.m.

The Regular Meeting of the City of Richmond as Successor Agency for the Richmond Community Redevelopment Agency/Richmond City Council was called to order at 6:48 p.m. by Mayor McLaughlin who led the Pledge of Allegiance to the Flag.

ROLL CALL

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

READING OF THE CODE OF ETHICS

City Clerk Diane Holmes read the Code of Ethics.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Withdrew Item J-21 from the agenda; removed Items I-1, J-1, J-5, J-10, J-12, J-15, and J-17; moved Items N-1, N-2, and N-3 heard directly after the approval of the Consent Calendar.

OPEN FORUM FOR PUBLIC COMMENT

Angela Cox gave comments regarding the positive resources and programs the library has to offer in support of youth in the city of Richmond.

Cordell Hindler encouraged citizens to stop the violence in Richmond.

Leonard Taylor stated that the Juneteenth Festival was successful.

Mark Wassberg stated that the RYSE Center promotes homosexuality.

Reverend Kenneth Davis thanked the Richmond Police Department for the support in North Richmond.

Antwon Cloird spoke in support of 7 Stars Marijuana Collective and thanked the Richmond Police Department for its support during Juneteenth. He encouraged the City Council to continue to invest in programs that have positive contributions towards reducing the violence in the City of Richmond.

Nancy Baer spoke regarding the benefits of trees.

Myrtle Jones requested information on whether the sidewalk belongs to the city or the homeowner.

Todd Spencer gave comments regarding the help he received from the Men and Women of Purpose.

Beulah Agbabiaka commended the sponsors of the Juneteenth Festival for a successful event.

Margree Jones thanked the city for painting her house and asked for more patrol in the Kennedy High neighborhood due to vandalism.

Mike Ali stated that the Juneteenth Festival was successful and requested that the City Council put more funds towards the event.

Pam Bilbo spoke in support of 7 Stars marijuana collective.

Texanita Bluitt stated that the Juneteenth Festival was successful. Ms. Bluitt also stated that according to the American with Disabilities Act, access to recreation centers was required, specifically at Kennedy Swim Center.

Eleanor Thompson requested a donation of \$1,000 from the City of Richmond for the North Richmond Festival.

Tony Sustak stated that the Juneteenth Festival and the Homelessness Conference were successful. He stated that there was a misunderstanding of what Tourette syndrome was, and he also stated that people affected were not able to control their behavior. Mr. Sustak expressed his appreciation for the Richmond Police Department for treating people with decency and encouraged them to continue.

Millie Cleveland spoke regarding the process of contract extensions for unions. She stated that prior to the City Council meeting SEIU never received any formal communication regarding an extension of its contract.

Theresa Banquet announced stated that she would be holding a book give-away at the Richmond Public Library on Saturday, June 23, 2012, from 12:00 p.m. to 3:00 p.m. Ms. Banquet also stated that PAL has offered her a space in its facility to teach a course in self improvement, education, job search skills, and future goals work with juveniles that want to make a fresh start to.

Wesley Ellis requested that the City Council vote equally across the board per the validity of the item being presented. He also stated that the RYSE Center was about helping youth. Mr. Ellis also commended Councilmember Beckles for asking for budget cuts for festivals held in the City of Richmond.

Courtney Cummings invited the community to the Richmond Native American Pow Wow at Nicholl park on June 23, 2012, from 10:00 a.m. to 6:00 p.m.

Marilyn Langlois stated that the Juneteenth Festival was successful and she hopes Juneteenth would become a national holiday. She thanked the City Council for affirming the rights of formally incarcerated citizens by banning the box for city jobs. Ms. Langlois

encouraged the City Council to consider expanding this policy to all businesses in the City of Richmond.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Mayor McLaughlin and Director of the TECHS ALL-STARS Reading is Fun Book Club, Felicia Taylor, and associated members of the TECHS ALL-STARS Reading is Fun Book Club presented Certificates of accomplishment to TECHS All-Stars Reading is Fun Book Club participants. Cordell Hindler gave comments.

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

City Attorney Bruce Reed Goodmiller reported that in the case of Booker vs. the City of Richmond the City Council formally approval a settlement with Eugene McBride.

CITY OF RICHMOND AS SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY CONSENT CALENDAR

The matter to adopt a resolution directing staff to: (1) reject the sole bid received April 24, 2012, for the Officer Bradley A. Moody Memorial Underpass Project; (2) attempt to resolve the dispute with the State Department of Finance concerning their disapproval of Recognized Obligation Payment Schedule items; and (3) re-advertise the Project for bidding after the Project is recognized as an enforceable obligation or other funds are secured to complete the funding plan for Project construction was presented by Development Project Manager Chadrick Smalley. This item was removed from the Consent Calendar by Richmond resident Tony Sustak, however, Mr. Sustak left the meeting before the item was considered. On motion of Councilmember Butt, seconded by Vice Mayor Rogers adopted **Resolution No. 76-12** by the unanimous vote of the Council.

At 12:10 a.m. on motion of Councilmember Ritterman, seconded by Mayor McLaughlin extended the meeting for one half hour to 12:40 a.m. by the unanimous vote of the Council.

CITY COUNCIL CONSENT CALENDAR

On motion of Councilmember Ritterman, Seconded by Vice Mayor Rogers placed Item J-1 back on the Consent Calendar with Councilmember Beckles Absent.

On motion of Councilmember Ritterman, seconded by Councilmember Butt all items marked with an (*) were approved with Councilmember Beckles Absent.

*-Adopted **Resolution No. 77-12** calling and giving notice of the holding of a Municipal Election to be held on Tuesday, November 6, 2012, for the election of certain officers as required by the provisions of the Charter of the City of Richmond; requesting the Board of Supervisors of Contra Costa County to consolidate the Municipal Election with the Statewide General Election; adopt regulations for candidates pertaining to the candidates' statements submitted to the voters, cost of the candidates' statements and other fees, word limit for candidates' statement; and action to be taken for a tie vote.

*-Approved a contract with JFC Construction, Inc. for the Pedestrian Bridge Project at Booker T. Anderson Park in an amount not to exceed \$160,338.75, which includes a 10% City-controlled cost contingency; the contract term will be June 20, 2012, to December 31, 2012.

*-Approved a construction contract with W. Bradley Electric Inc. for the Street Light Circuit Replacement Project (May Valley Neighborhood) in the amount of \$388,875 with a City-administered contingency and reserve not to exceed \$58,000.

*-Approved a construction contract with W. Bradley Electric Inc. for the Street Light Circuit Replacement Project (Park View Neighborhood) in the amount of \$596,335 with a City-administered contingency and reserve not to exceed \$89,000.

In the matter to approve implementing a Use and Rental Policy to govern the use and rental of the Council Chamber on motion of Councilmember Butt, seconded by Mayor McLaughlin approved a Use and Rental Policy by the following vote: **Ayes:** Councilmember Bates, Booze, Butt, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Beckles and Ritterman.

*-Approved the first amendment to the legal services agreement with Morrison & Foerster, LLP to provide continued legal representation relating to Point Molate, federal court litigation in an amount not to exceed \$250,000, and extending the term expiration to December 31, 2013.

*-Approved Amendment No. 4 to the Kronick Moskovitz legal services agreement for legal representation related to the City's intervention in the Chevron property tax appeal litigation, increasing the amount by \$150,000, and extending the term expiration to December 31, 2013.

*-Authorized payment of an additional \$103,591 (for a total budget of \$195,862) for Richmond's share of the West County Agency's Fiscal Year 2011-2012 budget (This item was approved and adopted by the West County Agency at its February 2012 board meeting).

*-Approved Contract Amendment No. 1 for the Sidewalk Gap Closure Improvements and Surface Drainage Improvements Project with W.R. Forde Associates (Richmond business) to increase the contract value by \$81,624 for a total of \$258,904.

The matter to approve an agreement with the Contra Costa District Attorney's Office to continue providing one of two Assistant District Attorneys assigned to, and housed within, the Richmond Police Department for the Police-Prosecutor Liaison Program, to assist in the preparation and review of criminal cases, as well as for other services, at a cost not to exceed \$450,000 (\$200,000 per year, for a three-year term from April 1, 2011, to June 30, 2013) was presented by Police Chief Chris Magnus. Councilmember Bates stated that he would abstain on the item due to his concern regarding the financial arrangements. Following discussion, the matter was **continued to the June 26, 2012, meeting.**

*-Approved the minutes of the April 17 and 24, 2012, and May 15, 2012, meetings.

In the matter to adopt an ordinance for second reading approving the Marin Energy Authority Joint Powers Agreement and authorizing the Implementation of a Community Choice Aggregation Program, Henry Clark gave comments. Councilmember Booze requested that staff set up an outreach community engagement plan to bring to the city council. On motion of Councilmember Ritterman seconded by Councilmember Beckles adopted **Ordinance No. 3-12 N.S.** by the following vote: **Ayes:** Councilmembers Beckles, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** Councilmembers Bates and Booze. **Abstentions:** None. **Absent:** None. Councilmember Bates directed staff to determine if the City of Richmond would be reimbursed for educating the citizens about the new Marin Energy Program.

*-Approved a contract with Rogers, Joseph, O'Donnell, P.C. for legal services related to the Regional Water Quality Control Board order pertaining to Port Terminal 4, in an amount not to exceed \$150,000.

*-Approved a contract with AT&T for 100mbps internet service for a period of five years, for a total amount not to exceed \$170,000.

The matter to approve a legal services agreement with Trisha A. Aljoe to provide continued legal services with respect to the Police Department in connection with code enforcement activities, drug house abatement matters, and general legal matters, in the amount of \$175,000 and with a term from July 1, 2012, through June 30, 2013, was *continued to June 26, 2012*.

*-Approved a contract with McNabb Construction, Inc. for the Hilltop Directional Signs Project in an amount not to exceed \$565,264 which includes a three percent cost contingency. The contract term will be June 2, 2012, to December 31, 2012, and adopted **Resolution No. 78-12** authorizing the execution and delivery of an Equipment-Lease-Purchase Agreement and an Escrow Agreement with respect to the acquisition, purchase, financing or refinancing of the project.

The matter to appoint Councilmember Tom Butt to be the Richmond representative to the Marin Energy Authority Board and authorize Councilmember Butt to advocate for raising the issue of subsidizing Power Charge Indifference Adjustment (PCIA) charges to render no economic harm to Richmond's low-income/CARE customers at his first meeting of the Board, proposing that this subsidy come from the additional revenue brought into Marin Clean Energy by Richmond was *continued to June 26, 2012*.

*-Approved a contract for \$27,870 to EarthTeam Environmental Network for a Neighborhood Public Art Program Grant, as allocated in the Fiscal Year 2011-12 Budget.

*-Approved the following appointments:
Housing Advisory Commission: Dameion Demond King, term expiring June 19, 2014; John Hollender, term expiring June 19, 2014; Library Commission: Chloe Mosqueda, term expiring July 1, 2015;
Workforce Investment Board: Joe Serrano.

*-Adopted **Ordinance No. 4-12 N.S.** amending Richmond Municipal Code Section 2.42.075 to clarify the disclosure requirements for campaign mass mailings.

Withdrew from the agenda the matter to approve a contract with Allied Defense Recycling LLC to remove and dispose two tugs abandoned at the Point Potrero Marine Terminal in an amount not to exceed \$320,000.

*-Approved a first amendment to the existing agreement with Cox, Wootton, Griffin, Hansen & Poulos, LLP for legal services regarding maritime liens, remedies, environmental risk, and port operations for a total contract amount not to exceed \$45,000.

*-Adopted **Resolution No. 79-12** authorizing the city manager to: (1) execute a construction contract with Amland Corporation in the amount of \$478,718 with a City-administered contingency and reserve not to exceed \$68,000 for the Light Emitting Diode (LED) Street Light Replacement Project (Cutting Boulevard, Richmond Parkway, Castro Street, 23rd Street, and San Pablo Avenue); and (2) authorize the city manager to execute all contracts, change orders, and agreements necessary to expend the remaining California Energy Commission loan interest loan funds in accordance with the loan agreement.

PUBLIC HEARINGS

The city clerk announced that it was time pursuant to public notice to hold a public hearing to consider awarding a medical marijuana collective permit to Granddaddy Purp Collective dba GDP Collective to operate a medical marijuana collective at 2924 Hilltop Mall Road in substantial compliance with the application submitted on or about May 2, 2011; the public hearing was closed on June 5, 2012, and Council discussion began. Senior Planner Lina Velasco gave comments. A motion was made by Councilmember Bates, seconded by Councilmember Booze to authorize the final permit subject to relocation of the medical marijuana collective to be verified by the Richmond Police Department and the City Attorney's Office. A friendly amendment was offered by Vice Mayor Rogers to: (1) approve the site located at 2924 Hilltop Mall Road; and (2) free to submit an application with a new location. The friendly amendment was not accepted. Councilmember Booze called for the vote and the motion failed by the following vote: **Ayes:** Councilmembers Bates, Boozé, and Ritterman. **Noes:** Councilmembers Beckles, Vice Mayor Rogers, and Mayor McLaughlin. **Abstentions:** Councilmember Butt. **Absent:** None. On motion of Vice Mayor Rogers, second by Councilmember Ritterman awarded a medical marijuana collective permit to Granddaddy Purp Collective dba GDP Collective to operate a medical marijuana collective at 2924 Hilltop Mall Road subject to the condition that it does not violate the ordinance by the following vote: **Ayes:** Councilmembers Bates, Booze, Ritterman, and Vice Mayor Rogers. **Noes:** Councilmember Beckles and Mayor McLaughlin. **Abstentions:** Councilmember Butt. **Absent:** None.

RESOLUTIONS

The matter to adopt a resolution urging the Contra Costa County Board of Supervisors to use the term "Guardian" in lieu of "Owner" in Division 416 entitled "Animals" of the County Code in order to more accurately describe the relationship between a person and an animal was presented by Councilmember Ritterman and Richmond resident Anita Carswell. Cordell Hindler, Bea Roberson, and Don Gosney gave comments. On motion of Councilmember Ritterman,

seconded by Councilmember Rogers adopted **Resolution No. 80-12** by the following vote: **Ayes:** Councilmembers Beckles, Booze, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** Councilmember Bates. **Abstentions:** None. **Absent:** None.

ORDINANCES

The matter to introduce an ordinance for first reading amending Richmond Municipal Code Chapter 9.24 entitled "Animals" such that the term "guardian" is used in lieu of "owner" to more accurately describe the relationship between a person and an animal was presented by Councilmember Ritterman and Richmond resident Anita Carswell. Cordell Hindler and Don Gosney gave comments. On motion of Councilmember Ritterman, seconded by Councilmember Rogers said ordinance received first reading and was laid over one week for second reading by the following vote: **Ayes:** Councilmembers Beckles, Booze, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** Councilmember Bates. **Abstentions:** None. **Absent:** None.

COUNCIL AS A WHOLE

The matter to direct staff to prepare an amendment for City Council consideration of Richmond Municipal Code Chapter 2.38 regarding acceptance and disclosure of certain contributions of more than \$250 to incorporate the requirements of California Government Code Section 84308 was presented by Councilmember Butt. Don Gosney gave comments. A motion was made by Councilmember Butt, seconded by Councilmember Beckles to direct staff to prepare an amendment for City Council consideration of Richmond Municipal Code Chapter 2.38 regarding acceptance and disclosure of certain contributions of more than \$250 to incorporate the requirements of California Government Code Section 84308. The motion passed by the following vote: **Ayes:** Councilmembers Beckles, Butt, Ritterman, and Mayor McLaughlin. **Noes:** Councilmember Bates, Booze, and Vice Mayor Rogers. **Abstentions:** None. **Absent:** None. Councilmember Bates requested that the city attorney research the legality of the action and Councilmember Booze requested that the city attorney require the Richmond Progressive Alliance to register as a lobbyist.

The matter to discuss and consider amendments to the Code of Conduct for the City Council was presented by Councilmember Bates. Councilmembers Beckles, Booze, Ritterman, and Mayor McLaughlin gave comments. The following individuals gave comments: Cordell Hindler, Mike Ali, Bea Roberson, Don Gosney, and Wesley Ellis.

The matter to consider instructing staff to apply to NRG for free electric vehicle charging stations was presented by Vice Mayor Rogers. Equipment Services

Superintendent Dee Karns gave comments and stated that NRG grants were not currently available. She stated that information was given to the City Manager's Office to apply for upcoming grants. On motion of Vice Mayor Rogers, seconded by Councilmember Beckles instructed staff to apply to NRG for free electric vehicle charging stations when funding was available through grants. A substitute motion was made by Councilmember Booze to table the item died for lack of a second. The motion passed by the following vote: **Ayes:** Councilmembers Bates, Beckles, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** Councilmember Booze. **Abstentions:** Councilmember Booze. **Absent:** None.

The matter to receive a report on the Fiscal Year 2012-13 Budget checklist items identified by the City Council at its June 12, 2012, meeting, and provide direction to staff was presented by Finance Director James Goins. Councilmember Bates requested that Items J-10 and J-15 be placed on the budget checklist. He also suggested that staff that commutes long distance to work drive their own vehicles and only use city vehicles during work hours. **(At 11:04 p.m. on motion of Councilmember Beckles, seconded by Mayor McLaughlin extended the meeting for one hour by the unanimous vote of the Council).** The following individuals gave comments: James Walker, Sam Casa, Felix Hunziker, Tarnel Abbott, Stacey Wilborn, Marilyn Langlois, Anthony Williams, Millie Cleveland, and Mike Ali. A motion was made by Mayor McLaughlin, seconded by Councilmember Beckles to: (1) direct staff to discuss the minor two percent salary reduction for executive management with senior staff and then discuss the other salary reductions with the various unions; (2) all festivals receive \$5,000 only and no festival funds would be disbursed in 2012/2013 until a full accounting from the previous year was received; and (3) make sure no part-time library staff hours are reduced. Councilmember Beckles requested a friendly amendment to stop the salary reductions at the executive management level. The friendly amendment was not accepted. Mayor McLaughlin amended her motion to exclude part three. The motion passed by the following vote: **Ayes:** Councilmembers Beckles, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** Councilmember Bates and Booze. **Abstentions:** None. **Absent:** None. A motion made by Vice Mayor Rogers, seconded by Councilmember Ritterman to direct staff to reduce the budget for public financing from \$220,000 to \$175,000 passed by the following vote: **Ayes:** Councilmembers Beckles, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** Councilmember Bates. **Abstentions:** None. **Absent:** None.

(At 12:10 a motion made by Councilmember Ritterman, seconded by Mayor McLaughlin to extend the meeting for one half hour to 12:40 a.m. passed by unanimous vote).

The matter to direct staff to revise Ordinance No. 3-09 to set limits on campaign contribution receipts to be eligible for matching funds was presented by Mayor McLaughlin. Mayor McLaughlin proposed to: (a) set a limit of the amount a candidate can take in to \$40,000; (b) disallow any matching funds for corporate or corporate pack contributions. *(At 12:50 a.m. a motion was made by Councilmember Beckles, seconded by Vice Mayor Rogers to extend the meeting for five minutes. A substitute motion was made by Councilmember Bates, seconded by Councilmember Booze to extend for the meeting for 30 minutes passed with Councilmember Ritterman Absent).* Mike Ali, Wesley Ellis, and Eleanor Thompson gave comments. A motion was made by Mayor McLaughlin, seconded by Councilmember Beckles to: (a) set a limit of the amount a candidate can receive to \$40,000; (b) disallow any matching funds for corporate or corporate pack contributions. A substitute motion was made by Councilmember Bates, seconded by Councilmember Booze to provide no matching funds for the next two years. A second substitute motion was made by Councilmember Butt, seconded by Councilmember Ritterman to adopt part (a) of the original motion and not part (b). A friendly amendment requested by Vice Mayor Rogers to increase the limit to \$75,000 was not accepted. The substitute motion passed by the following vote: **Ayes:** Councilmembers Beckles, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** Councilmembers Bates and Booze. **Abstentions:** None. **Absent:** None.

(At 1:20 a.m. on motion of Councilmember Bates, seconded by Mayor McLaughlin extended the meeting for 10 minutes with Councilmember Ritterman voting Noe, and Councilmember Beckles Absent)

The matter to discuss and consider contributing \$7,000 toward the North Richmond Blues Festival was presented by Councilmember Boozé. The following individuals gave comments: Kenneth Davis, Henry Clark, Mike Ali, Johnny White, Wesley Ellis, and Eleanor Thompson. A motion was made by Councilmember Booze, seconded by Councilmember Bates to approve a contribution of \$7,000. The motion failed by the following vote: **Ayes:** Councilmember Bates and Booze. **Noes:** Vice Mayor Rogers and Mayor McLaughlin. **Abstentions:** Councilmember Butt. **Absent:** Councilmember Beckles and Ritterman.

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

None.

ADJOURNMENT

There being no further business, the meeting adjourned at 1:58 a.m. in memory of Rodney King and Stan Hall to meet again on Tuesday, June 26, 2012, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor