

RICHMOND, CALIFORNIA June 26, 2012

The Richmond City Council Evening Open Session was called to order at 5:37 p.m.

ROLL CALL

Present: Councilmembers Beckles, Butt, Ritterman, and Mayor McLaughlin. **Absent:** Councilmembers Bates, Boozé, and Vice Mayor Rogers (Councilmembers Boozé, and Vice Mayor Rogers arrived during public comment).

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

**CONFERENCE WITH LABOR
NEGOTIATORS (Government Code Section
54957.6):**

City designated representative(s): Bill Lindsay, Lisa Stephenson, and Bruce Soublet
Employee organization or unrepresented employee(s): SEIU Local 1021; IFPTE Local 21; Richmond Police Officers Association (RPOA); Richmond Police Management Association (RPMA); International Association of Fire Fighters Local 188 (IAFF); and Richmond Fire Management Association (RFMA)

The following individuals gave comments in support of extending the contract for SEIU and also encouraged the City Council to avoid cutting the hours of part-time staff:

Markeith D. McCraw
James Walker
Stacey Wilborn
Millie Cleveland
Diane Canepa
Loch Sekona
Marilyn Langlois
Chysandra Nair
Deborah Bonet
Lisa Graves
Chris Brown
Rosanne Rylan
Khalid Shakur
Ann Wenzell
Frank Hethcoch
Tarnel Abbott

The Evening Open Session adjourned to Closed Session at 6:06 p.m. The Closed Session adjourned at 7:11 p.m.

The Special Meeting of the City of Richmond Successor Agency for the Richmond Community Redevelopment Agency/Richmond City Council was called to order at 7:20 p.m.

ROLL CALL

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

READING OF THE CODE OF ETHICS

City Clerk Diane Holmes read the Code of Ethics.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Removed Items H-1, H-2, H-3, H-5, H-7, H-8, and H-9 from the Consent Calendar; withdrew Item I-1 from the agenda and will come back on September 25, 2012; moved Item J-1 to be heard before Item I-2.

OPEN FORUM FOR PUBLIC COMMENT

Mark Wassberg spoke in support of extending the SEIU contract. He also stated that every citizen has a right to address the City Council without being interrupted.

Leonard Taylor announced that on Tuesday, July 3, 2012, at the Craneway Pavilion, the City of Richmond would hold its fireworks display and the Oakland Symphony would perform in celebration of the 4th of July.

Kenneth Davis encouraged citizens to visit freerichmond.org.

Cordell Hindler spoke in support of longer hours for the library.

Stacey Wilborn gave comments regarding comments made by Human Resources regarding the number of grievances filed by SEIU union members.

Sheila Dickinson gave comments in support of the library staff and stated that there are alternatives to cutting hours of the library part-time staff.

Mike Ali stated that the Richmond City Council was out of touch with the way citizens of Richmond live.

Courtney Cummings thanked the Richmond City Council and staff for its support for a successful 3rd Annual Richmond Pow Wow.

Henry Clark thanked the Richmond City Council for supporting the music festival in North Richmond and invited everyone to the 3rd Annual North Richmond Music Festival on July 3, 2012.

Eleanor Thompson also thanked Mayor McLaughlin and the Richmond City Council for supporting the music festival in North Richmond and invited everyone to the 3rd Annual North Richmond Music Festival on July 3, 2012. She also thanked Michele Milan and Police Chief Chris Magnus, and the Endowment Corporation for their support. Ms. Thompson also expressed her disappointment with Councilmember Ritterman for making scolding remarks to her from the Dais at a time during the City Council meeting when she was not allowed to engage in a conversation with him.

Han Thlang requested that the Richmond City Council avoid cutting the hours of the part-time workers of the public library. He encouraged the Council to embrace the library and community.

James Walker expressed his disappointment with the way the Richmond City Council treats each other and the way executive staff treats each other. He stated that the mistreatment trickles down to the line-staff. Mr. Walker also stated that there were actually 51 cars that staff drives home.

Marilyn Langlois invited everyone to attend a meeting with County Sheriff Livingston on July 9, 2012, at 2:00 p.m. at 651 Pine Street, 7th Floor, in Martinez. The meeting was organized by CCISCO to ask Sheriff Livingston not to proceed with his plans to expand the West County Jail by 150 beds. There will be a large vigil outside the meeting. A bus leaves from Saint Marks in Richmond at 1:00 pm.

Christina Nypauer requested that the Richmond City Council consider alternatives to cutting benefits of co-workers. She also urged the City Council to support the mayor's tier plan to cut salary.

Ellen Gailing urged the City Council and the Richmond Police Department to address her concerns regarding the night club environment, loud music, noise, and unsupervised youth at Saint Cornelius Church after 10:00 p.m.

Larry Lewis gave comments regarding Charonda Williams and stated that she would be competing in Olympics the coming weekend. He also announced that the Police Activities League would be holding its third boxing exhibition at the Richmond Memorial Auditorium on Saturday, June 30, 2012, at 1:00 p.m.; tickets were \$10.

Jerrold Hatchett thanked everyone involved in the success of the Juneteenth Festival.

Councilmember Ritterman stated that his comments were not directed towards Eleanor Thompson; they were directed towards Councilmembers for the comments they were making from the Dais. Councilmember Ritterman apologized to Eleanor Thompson for the misunderstanding.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Mayor McLaughlin presented a proclamation to Jan Schilling for her extraordinary work as Executive Director of Weigh of Life, a highly successful non-profit dedicated to helping Richmond residents improve their lifestyle through nutrition, education, fitness, and social support. Ms. Schilling gave comments and thanked the mayor and City Council for the proclamation. Cordell Hindler gave comments.

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 COUNCIL CONSENT CALENDAR

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

The matter to adopt a resolution approving the Fiscal Year 2011/12 - 2015/16 Five-Year Financial Plan was **continued to July 10, 2012**.

The matter to approve the amended 2012/2013 North Richmond Waste and Recovery Mitigation Fee Expenditure Plan through September 30, 2012, and the Memorandum of Understanding between the City of Richmond and Contra Costa County regarding the Solid Waste Transfer Facility Host Community Mitigation Fees (effective July 1, 2012), on motion of Councilmember Butt, seconded by Councilmember Beckles approved the amended 2012/2013 North Richmond Waste and Recovery Mitigation Fee Expenditure Plan through September 30, 2012, and the Memorandum of Understanding between the City of Richmond and Contra Costa County by the following vote: **Ayes:** Councilmembers Beckles, Boozé, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates.

The matter to approve and authorize the city manager, or his designee, to execute a fourth amended Interagency Agreement with the County of Contra Costa, to increase the payment limit by \$596,463.54 from \$1,560,860.27 to \$2,157,323.81, and extend the

term from July 1, 2012, to September 30, 2013, in order to pay the City for continued assistance and staffing to the North Richmond Mitigation Fee Committee and to jointly administer the implementation of the City/County approved Expenditure Plans was presented by Lori Reese-Brown. Kenneth Davis and Henry Clark gave comments. *(On motion of Councilmember Beckles, seconded by Councilmember Ritterman ended debate with Councilmember Boozé voting Noe and Councilmember Bates Absent)*. On motion of Councilmember Ritterman, seconded by Councilmember Beckles approved and authorized the city manager, or his designee, to execute a fourth amended Interagency Agreement with the County of Contra Costa by the following vote: **Ayes:** Councilmembers Beckles, Boozé, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates.

*-Approved the purchase of a hardware upgrade to the current control room switching system from Media Solutions in an amount not to exceed \$47,815.97.

The matter to approve a contract with Allied Defense Recycling LLC to remove and dispose of two tugs abandoned at the Point Potrero Marine Terminal in an amount not to exceed \$320,000; Ken Davis gave comments. On motion of Councilmember Butt, seconded by Councilmember Ritterman approved a contract by the following vote: **Ayes:** Councilmembers Beckles, Boozé, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates.

*-Approved 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 Liason 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).

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 presented by Police Chief Chris Magnus. Wesley Ellis gave comments. On motion of Councilmember Ritterman, seconded by Councilmember Butt approved the legal services agreement with Trisha A. Aljoe by the following vote: **Ayes:** Councilmembers Beckles, Boozé, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates.

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 presented by Mayor McLaughlin. Wesley Ellis and Mike Ali gave comments. (***On motion of Councilmember Butt, seconded by Councilmember Beckles ended debate with Councilmember Boozé voting Noe and Councilmember Bates Absent.***) On motion of Councilmember Ritterman seconded by Councilmember Butt appointed Councilmember Butt to be the Richmond representative to the Marin Energy Authority Board by the following vote: **Ayes:** Councilmembers Beckles, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** Councilmember Boozé. **Abstentions:** None. **Absent:** Councilmember Bates.

The matter to adopt an ordinance (second 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 continued to July 10, 2012.**

STUDY SESSION

The matter to accept the Annual Report from the Richmond Convention and Visitors Bureau (RCVB) **was withdrawn from the agenda.**

In the matter to receive a presentation from the Family Acceptance Project to promote the well-being of lesbian, gay, bisexual, and transgender (LGBT) youth through support and acceptance from their family, peers, and community Councilmember Beckles gave an overview and introduced Dr. Caitlin Ryan, Director of the Family Acceptance Project at San Francisco State University. Dr. Ryan discussed “the groundbreaking research that she and her team have conducted, including the evidence-based family intervention model they are developing to help ethnically and religiously diverse families support their lesbian, gay, bisexual and transgender (LGBT) children, to reduce their risk for suicide, substance abuse, HIV and homelessness and to promote their well-being. This work has been called revolutionary. It is changing the way that health, mental health, social service providers and community programs serve LGBT young people, and is guiding parent education and family services to nurture and support LGBT children and youth.” The following individuals gave comments: Mark Wassberg, Cordell Hindler, Courtney Cummings, Judy Weatherly, Nancy Burke, Kate Sibley,

Marilyn Langlois, Tony Sustak, Leslie Zephy, and Bea Roberson.

In the matter to receive a presentation from the U.S. Environmental Protection Agency (EPA) staff on the status of the cleanup of the United Heckathorn Superfund Site. The EPA Action Plan includes “collecting additional data to be used to formulate a long-term cleanup solution as well as implementing a short-term immediate cleanup action. EPA retained national sediment experts to review existing data from the Site and make recommendations for filling data gaps to evaluate cleanup options. The sediment experts recommended collecting data to: (1) determine the source of DDT recontaminating the Lauritzen Channel; and (2) evaluate sediment movement in and out of the Channel. EPA will also continue to collect sediment, mussel and fish samples to evaluate the trend of DDT and dieldrin in the environment. City staff and the EPA have met regularly since January 2012 to address cleanup and community engagement. EPA has also established a plan for ongoing community involvement in work for the site.” Henry Clark, Tony Sustak, and Eduardo Martinez gave comments. A Community Technical Assistance Workshop will be held on July 9, 2012, at the Richmond BUILD III facility, 500 23rd St, from 5:30 p.m. to 7:30 p.m.

STUDY AND DIRECTION TO STAFF SESSION

The matter to receive a presentation from Jordan Simmons, Executive Director of the East Bay Center for the Performing Arts, and approve the first amendment to loan documents with the East Bay Center for the Performing Arts (EBC) to amend the Bridge Loan and Promissory Note by: (1) eliminating interest payment obligations; (2) requiring repayment within ten (10) days of receipt of capital from EBC's capital campaign; and (3) extending the repayment maturity date to no later than June 30, 2016, City Manager Bill Lindsay gave an overview. Board Director for the East Bay Center for the Performing Arts Maria Benjamin gave comments and introduced Artistic Director Jordan Simmons who gave a presentation. Mr. Simmons invited the following students to give comments Kallen Freeman, Kabreshiona Smith, Miguel Gomez, and Kallen Freeman's mother Yvonne Franklin. Cordell Hindler also gave comments. On motion of Councilmember Butt, seconded by Councilmember Boozé approved the first amendment to loan documents with the East Bay Center for the Performing Arts (EBC) to amend the Bridge Loan and Promissory Note by the following vote: **Ayes:** Councilmembers Beckles, Boozé, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates.

In the matter to receive a presentation by RecycleMore on the West Contra Costa County Household Hazardous Waste Mobile Collection Program for seniors and disabled residents, Councilmember Boozé gave an overview of the item and introduced Nichole Forte, Manager at RecycleMore, who gave a presentation which included a video demonstrating how residents should use and dispose their household hazardous waste through the Household Hazardous Waste Mobile Collection Program.

The matter to receive a presentation on the San Francisco Bay Trail Connection (Point Richmond to the Richmond-San Rafael Bridge Bay Trail) Project and provide direction to staff on the consensus alignment was presented by Engineer Joel Camacho and consultants Jeff Martinez of Questa, and a Terry Bowen of Grey Bowen which included a PowerPoint Presentation. “The San Francisco Bay Trail Castro Street to the Richmond-San Rafael Bridge Project will close a gap in the San Francisco Bay Trail and provide a safe, convenient, and inviting route for non-motorized users to the Point San Pablo Peninsula and the Richmond-San Rafael Bridge.” The following individuals gave comments: Marilyn Langlois, Tony Sustak, Bruce Beyaert, Eduardo Martinez, and Wesley Ellis. On motion of Councilmember Butt, seconded by Councilmember Beckles directed staff to bring to City Council on July 10, 2012, for adoption of a resolution to support the consensus alignment and to authorize the City Engineer to execute the Cooperative Agreement with Caltrans for their required oversight of the PID and CEQA/NEPA Clearance by the following vote: **Ayes:** Councilmembers Beckles, Boozé, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates.

(At 11:00 p.m. on motion of Councilmember Beckles, seconded by Councilmember Ritterman extended the meeting for 30 minutes with Councilmember Boozé voting Noe and Councilmember Bates Absent).

COUNCIL AS A WHOLE

Item K-1 and K-2 were combined. The matter to review and adopt the following resolutions: (1) approving the Fiscal Year 2012-13 Operating Budget; and (2) approving the Fiscal Year 2012-17 Five-Year Capital Improvement Plan Budget was presented by City Manager Bill Lindsay and Finance Director James Goins. Staff recommended that the City Council adopt the current budget and staff would meet with bargaining units and come back in September 2012 with a budget that addresses the deficit. The following individuals gave comments: James Walker, Mike Ali, and Marilyn Langlois. *(At 11:42 p.m. on motion of Vice Mayor Roger, seconded by Councilmember Boozé extended the meeting for 30 minutes with*

Councilmember Beckles and Butt voting Noe, and Councilmember Bates Absent). A motion was made by Councilmember Beckles, seconded by Mayor McLaughlin to adopt resolutions approving the Fiscal Year 2012-13 Operating Budget; and the Fiscal Year 2012-17 Five-Year Capital Improvement Plan Budget with the ability to come back and make adjustments in September 2012 without considering reductions in hours for the library staff. A friendly amendment was requested by Vice Mayor Rogers to direct the city manager to phase out the allowance for non-public safety, public works staff to take home cars. The amendment was accepted. A friendly amendment was offered by Vice Mayor Rogers that the City of Richmond go on record that when the city consummates the sale of Terminal 1, \$3 million would be ear-marked for street repair. The amendment was not accepted. The motion passed and **Resolution No. 81-12** approving the Fiscal Year 2012-13 Operating Budget and **Resolution No. 82-12** approving the Fiscal Year 2012-17 Five-Year Capital Improvement Plan Budget were adopted by the following vote: **Ayes:** Councilmembers Beckles, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** Councilmember Boozé. **Abstentions:** None. **Absent:** Councilmember Bates.

The matter to adopt a resolution approving the 2012-13 Appropriations Limit for the City of Richmond pursuant to Article XIII B, as amended, of the Constitution of the State of California was presented by City Manager Bill Lindsay and Finance Director James Goins. On motion of Vice Mayor Rogers, seconded by Councilmember Ritterman adopted **Resolution No. 83-12** by the following vote: **Ayes:** Councilmembers Beckles, Boozé, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates.

ADJOURNMENT

There being no further business, the meeting adjourned at 1:10 a.m. in memory of Savannah Price Williams to meet again on Tuesday, July 10, 2012, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor