

RICHMOND, CALIFORNIA, July 10, 2012

The Richmond City Council Evening Open Session was called to order at 5:09 p.m.

ROLL CALL

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

Johnny Woodard vs. City of Richmond

Joseph Silva vs. City of Richmond

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

Guidiville Rancheria of California et al vs. United States of America et al

City of Richmond vs. Upstream Point Molate LLC

There were no public speakers.

The Evening Open Session adjourned to Closed Session at 5:11 p.m. The Closed Session adjourned at 6:28 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 6:35 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

City Clerk Diane Holmes read the Code of Ethics.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Withdrew Item I-4 and K-2 from the agenda; moved Items K-4 and K-5 directly following the Consent Calendar; removed Items I-9, I-11, and I-15 from the Consent Calendar.

OPEN FORUM FOR PUBLIC COMMENT

Leonard Taylor stated that the July 4, 2012, fireworks celebration held on July 3, 2012, was successful.

Antwon Cloird stated that the City Council needs to focus on important issues in order to move the City of Richmond forward.

Mark Wassberg expressed his disagreement with the soda tax.

Margree Jones stated that a four-way stop sign was needed at 24th Street and Garvin Avenue because of the frequent accidents. She also stated that the Authors of the soda tax measure should go after the soda companies and request that they reduce the amount of sugar in sodas.

Naomi Williams requested that the city remove the loading zone parking on 27th to give additional parking to visitors of City Hall.

Kenneth Davis stated that Councilmembers Butt, Ritterman, and Mayor McLaughlin were racist. He stated that his civil rights were denied when he was removed from City Council Meetings.

Carlton Lax congratulated Saffron Strand for receiving the Jefferson award for public service. Saffron Strand provides homeless people with critical opportunities to achieve and sustain gainful employment and economic independence. He also thanked Mayor McLaughlin for support of the program.

Chysandra Nair congratulated Yvonne Nair and Saffron Strand for receiving the Jefferson award for public service.

Mike Thomas encouraged the City Council to bring back a Gun Buyback Program, and Gun Bounty Program with a tip-line to report illegal guns and drugs to the proper authorities.

Texanita Bluitt suggested that the City Council prioritize the items on the agenda so that the items that impact the City are heard first.

Dr. Perez-Santiago reported that one of her top graduate of REACH Boot Camp for jobs was shot today.

Wesley Ellis corrected Vice Mayor Rogers for the mispronunciation of a biblical word.

Mike Ali stated the City of Richmond will rise to power in November 2012.

Pam Bilbo thanked Councilmember Boozé for being instrumental with the completion of the tennis courts at Nicholls Park.

Terri James encouraged the City Council to hire professional help to reduce the violence within the City of Richmond.

Bea Roberson stated that the boxing matches sponsored by the Police Activities League held at the Richmond Memorial Auditorium were successful. She encouraged the City Council to update the Richmond Memorial Auditorium to ADA compliance.

Don Gosney stated that the viewing of the City Council Agenda documents needs improvement.

Garry Hurlbut thanked the City Council for renovating the Tennis Courts at Nicholls Park and attending the grand opening of the courts.

Joann Barnes gave comments regarding a program to support mothers that have lost children to gun violence. She stated that the program would like to hold a play "A Mother's Cry to the City of Richmond" at the Richmond Memorial Auditorium; however, the fees to rent the auditorium were too excessive. Ms. Barnes asked the City Council for consideration.

Bessie Lyons stated that her son was shot and killed in Richmond and she supports the play "A Mother's Cry to the City of Richmond."

Jackie Thompson requested that the City of Richmond cite vendors that double park at Uncle Sam's Market.

Diane Brown stated that the United Teachers of Richmond opposed the National Teach for America contracts. She stated that she would like to give a formal presentation regarding what was happening to career teachers in the West Contra Costa Unified School District..

Marilyn Langlois reported that the prayer vigil held in Martinez to stop mass incarceration was successful. She thanked the Richmond Police Department for not honoring the ICE holds on immigrants. Ms. Langlois also thanked Police Chief Chris Magnus for supporting the cease fire coalition platform calling on county community correction partnerships to not use realignment funds to add more

jail beds in Contra Costa County. She also congratulated Saffron Strand for receiving the Jefferson award.

Mike Parker urged citizens to support the state ballot to raise funds to support our school.

Eduardo Martinez urged citizens to support the North Richmond Music Festival. He also thanked Councilmember Beckles for being instrumental in the opening of the renovated tennis courts at Nicholls Park. Mr. Martinez also congratulated Saffron Strand for receiving the Jefferson award.

City Clerk Diane Homes gave Mr. Gosney instructions on how to use the agenda from the City of Richmond's main website.

Councilmember Boozé stated that he lead the charge to complete the tennis courts at Nicholls Park. He also stated that Mr. Lindsay, Sue Hartman, and KCRT were responsible for Wi-Fi in the Council Chambers.

Councilmember Beckles stated that Mr. Martinez was correct in his statement that she was responsible for leading the charge to get the tennis courts at Nicholls Park complete.

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

City Attorney Bruce Reed Goodmiller reported that there were no reportable actions.

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

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

*-Adopted **Resolution No. 84-12** authorizing a transfer of funds from the Successor Agency to the U.S. Department of Housing and Urban Development local (City of Richmond) HOME program account as repayment for funds previously used for acquisition of 45 1st Street (HUD activity 214), with transferred funds only to be used for eligible expenditures consistent with HOME regulations, such as home development, down payment assistance, home rehabilitation, or any other HOME eligible activity.

CITY COUNCIL CONSENT CALENDAR

On motion of Councilmember Ritterman, seconded by Councilmember Butt returned Item I-9 to the Consent Calendar.

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

*-Approved a lease agreement with Hendrick Automotive Group (El Cerrito Honda) for use of approximately two acres of Port-controlled property to store their new car inventory. The proposed lease term is one year with four one-year extensions by mutual agreement, providing annual lease payments to the Port of \$78,000.

*-Approved standing purchase orders with Bay Area Barricade and Hawkins Traffic Safety Supply for traffic signs and lines materials in an amount not to exceed \$50,000 per fiscal year per vendor for Fiscal Year 2012-13, with an option to extend these purchase orders for an additional two years.

*-Approved an agreement with the Richmond Community Foundation, authorized the Library and Cultural Services Director to accept the Richmond Community Foundation's grant in the amount of \$12,146, and APPROVE an amendment to the FY 2012-13 operating budget to increase library fund revenue and expenditures in the amount of \$12,146 for the purpose of providing literacy services to SparkPoint West Contra Costa participants.

The matter to adopt an ordinance (second reading) requiring the City of Richmond to manage pests using Integrated Pest Management principles and techniques at City-maintained properties and facilities **was withdrawn from the agenda.**

*-Adopted **Resolution No. 85-12** to support the local consensus alignment for the San Francisco Bay Trail connection from Point Richmond to the Richmond-San Rafael Bridge, and authorize the city manager to execute the required Cooperative Agreement for Caltrans Project Initiation Document Assistance and CEQA/NEPA clearance.

*-Adopted **Resolution No. 86-12** authorizing placement of liens and special assessments for unpaid garbage collection service fees on County property tax records.

*-Approved an amendment to the grant-funded agreement with MP Nexlevel of California, Inc. to construct the City of Richmond Municipal Network - Security and First Responders Project, increasing the project scope to install additional network elements, and increasing the contract amount by \$950,000 to an amount not to exceed \$3,943,258.54.

*-Approved the minutes of the May 22 and 29, 2012, and June 5, 2012, meetings.

*-Approved the purchase of a four-year license to access OverDrive's digital content, including audio books, eBooks, music and video, from the library's WebOPAC in an amount not to exceed \$80,000 for a term from January 31, 2012, to January 31, 2015..

*-Adopted **Resolution No. 87-12** approving the Fiscal Year 2011/12 - 2015/16 Five-Year Financial Plan.

In the matter to adopt an ordinance 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 the following individuals gave comments: Margree Jones, Wesley Ellis, Kenneth Davis, Bea Roberson, Aubrey Perry, Anita Carswell, Christine Garcia, Naomi Williams, and Jorge Beloso. On motion of Councilmember Beckles, seconded by Councilmember Ritterman adopted **Ordinance No. 5-12 N.S.** by the following vote: **Ayes:** Councilmembers Beckles, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** Councilmembers Bates. **Abstentions:** None. **Absent:** Councilmember Boozé.

*-Approved a contract with Friendly/Yellow/Greyline Cab Co. to provide taxi and van rides to Richmond Paratransit clients twenty-four hours, seven days a week, for a term of three years, with three one-year extensions beginning July 1, 2011, and ending June 30, 2017. The total contract amount was not to exceed \$180,000.

*-Adopted **Resolution No. 88-12** to adjust Fiscal Year 2011-12 appropriations for the Recreation Department, adding \$3,550.00 in grant revenue for the Richmond Tennis Center to account for the donation received from the Northern California Tennis Foundation, and adding \$3,550 in expenditures for the tennis program.

*-Adopted **Resolution No. 89-12** authorizing the City Manager to sign a Memorandum of Understanding (MOU) for the Building Blocks for Kids (BBK) Collective Promise Neighborhoods Planning Grant and to carry out all commitments as a BBK Collaborative partner.

In the matter to approve the following appointments: Planning Commission: Andrew Butt (filling the term-ending vacancy left by Charles Duncan), term expiring July 10, 2014; Veolia Mitigation Fund Committee: Mike Temple, term expiring July 10, 2014; Ronald Paige, term expiring July 10, 2014; Dr. Henry Clark, term expiring July 10, 2014; Johnny White, term expiring July 10, 2014, Kenneth Davis gave comments. **(At 11:40 p.m. on motion of Councilmember Beckles, seconded by Vice Mayor Rogers extended the meeting for 20 minutes with Councilmember Bates voting Noe.)**

On Motion of Councilmember Butt, seconded by Councilmember Beckles ended debate by the unanimous vote of the Council. On motion of Mayor McLaughlin, seconded by Councilmember Beckles approved the appointments by the following vote: **Ayes:** Councilmembers Bates, Beckles, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** Councilmember Boozé. **Abstentions:** None. **Absent:** None.

ORDINANCES

The matter to introduce an ordinance for first reading amending Richmond Municipal Code Chapter 2.43 entitled “Matching Public Funding of Richmond Election Campaigns” to limit to \$40,000 the total amount of contributions a candidate may accept if that candidate receives public matching funds from the City of Richmond was presented by City Attorney Bruce Reed Goodmiller. Mike Parker and Mike Ali gave comments. A motion made by Councilmember Beckles, seconded by Councilmember Ritterman to end debate was approved by the following vote: **Ayes:** Councilmembers Beckles, Butt, Ritterman, and Mayor McLaughlin. **Noes:** Councilmembers Bates, Boozé, and Vice Mayor Rogers. **Abstentions:** None. **Absent:** None. On motion of Councilmember Butt, seconded by Councilmembers Ritterman said ordinance received first reading and was laid over two weeks for second reading by the following vote: **Ayes:** Councilmembers Beckles, Butt, Ritterman, Rogers, and Mayor McLaughlin. **Noes:** Councilmembers Bates, Boozé, and Vice Mayor Rogers. **Abstentions:** None. **Absent:** None.

COUNCIL AS A WHOLE

The matter to receive a status report from Engineering on the paving of Barrett Avenue and Cutting Boulevard **was continued to July 17, 2012.**

The matter to consider providing a letter of support for the RotaCare Richmond Free Medical Clinic at Brighter Beginnings, 2727 Macdonald Avenue in Richmond **was withdrawn from the agenda.**

The matter to direct the City Attorney to provide a legal opinion regarding the possible violation of the civic rights of public speakers during the City Council meetings **was continued to July 17, 2012.**

The matter to direct staff to provide a report on the Red Oak Victory at Terminal One, including, but not limited to, the legality of collecting rent from 1999 through the duration of the ship being berthed at Terminal One was presented by Councilmember Boozé who gave a report and PowerPoint Presentation. The following individuals gave comments: Mark Wassberg, Christopher Wimmer, Wesley Ellis, Mike Ali, Don Schnepf, Lois Boyle, Pam Bilbo, Terri James, Gerald Bilbo, Bessie Thompson, Jackie Thompson, George

Coles, Patricia Pearson, Eduardo Martinez, Stephen Gilford, Antwon Cloird, Margaret Jordan, William Jackson, Marilyn Langlois, Mike Thomas, Desiree Heveroh, and Jose Rivera. Discussion began. Port Director Jim Matzorkis gave comments. A motion by Councilmember Beckles, seconded by Councilmember Butt to end debate passed by the following vote: **Ayes:** Councilmembers Beckles, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** Councilmembers Bates and Boozé. **Abstentions:** None. **Absent:** None. A motion made by Councilmember Boozé, seconded by Councilmember Bates to direct staff to evaluate the possibility of relocating the Red Oak Victory and come back to the City Council with a recommendation failed by the following vote: **Ayes:** Councilmembers Bates and Boozé. **Noes:** Councilmembers Beckles, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Abstentions:** None. **Absent:** None.

(City Council recessed at 9:58 p.m. and reconvened at 10:10 p.m.)

The matter to provide policy direction regarding entering into an agreement between the City of Richmond and the Richmond Museum of History that recognizes mutual benefits and confirms the City's obligation to provide long term free berthing in exchange for the Museum's obligation to continue maintaining the ship and making it publicly accessible; the City, at its discretion, may use internal accounting to offset the value of berthing by reducing the loan balance owed to the General Fund by the Port was presented by Councilmember Butt. A motion was made by Councilmember Butt, seconded by Councilmember Beckles to provide policy direction to the city manager to enter into an agreement between the City of Richmond and the Richmond Museum of History that recognizes mutual benefits and confirms the City's obligation to provide long term free berthing in exchange for the Museum's obligation to continue maintaining the ship and making it publicly accessible. The City, at its discretion, may use internal accounting to offset the value of berthing by reducing the loan balance owed to the General Fund by the Port. A friendly amendment was offered by Councilmember Bates to: (1) direct staff to do an annual financial analysis of the Richmond Museum Red Oak; and (2) credit for the loss of revenue that the Port did not generate and direct staff to come back with a recommendation of that amount. The friendly amendment to direct staff to do an annual financial analysis of the Richmond Museum Red Oak; the city will use internal accounting was accepted. **(The City Council recessed at 10:32 p.m. and reconvened at 10:38 p.m.)** The following individuals gave comments: Wesley Ellis, Kenneth Davis, Don Gosney, Lois Boyle, George Coles, Rich Chivers, Patricia Pearson, Eduardo Martinez, and Mike Parker. **(At 11:00 p.m. on motion of Councilmember Ritterman, seconded by Vice Mayor Rogers extended the meeting for 30 minutes**

with Councilmember Bates and Boozé voting Noe.)

The motion by Councilmember Butt with the amendment by Councilmember Bates passed by the unanimous vote of the Council.

The matter to consider joining Common Cause and the League of Women Voters in opposing the "Special Exemptions Act" which has qualified for the November 2012 ballot and would severely limit the voice of unions but place no similar restrictions on corporate/business interests, and is therefore not evenhanded political reform **was continued to July 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 12:05 a.m. to meet again on Tuesday, July 17, 2012, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor