

**RICHMOND, CALIFORNIA, July 31, 2012**

The Richmond City Council Evening Open Session was called to order at 5:18 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**

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

McMaster vs. City of Richmond; Booker vs. City of Richmond; Jenkins vs. City of Richmond

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8):**

Property: Terminal One; City Negotiator: Bill Lindsay; Other Negotiating Parties: KB/Bakewell; Other Negotiating Parties: New Home Company; Under Negotiation: Price and terms of payment

Property: Port of Richmond; City Negotiators: Bill Lindsay and Jim Matzorkis; Other Negotiating Party: AWC; Under Negotiation: Price and terms of payment

**There were no public speakers.**

The Evening Open Session adjourned to Closed Session at 5:19 p.m. The Closed Session adjourned at 6:45 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 6:50 p.m. by Mayor McLaughlin who led the Pledge of Allegiance to the Flag.

**ROLL CALL**

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

## **READING OF THE CODE OF ETHICS**

Human Rights and Human Relations  
Commissioner Joyce Harris read the Code of Ethics.

## **STATEMENT OF CONFLICT OF INTEREST**

None.

## **AGENDA REVIEW**

Removed Items J-2, J-4, J-6, J-14, J-15, J-16, J-18, and J-19 from the Consent Calendar; on motion of Councilmember Boozé, seconded by Vice Mayor Rogers moved Item K-1 to the Consent Calendar by unanimous vote; items were heard in the following order following the Consent Calendar: J-19, M-1, J-15, J-16, M-3, J-2, L-1, J-4, J-6, J-14, J-18, and M-2.

## **OPEN FORUM FOR PUBLIC COMMENT**

Cordell Harris invited everyone to the National Night Out on Tuesday, August

Antwon Cloird, Juana Janie Anker, and Kathleen Sullivan encouraged everyone to attend a meeting in Martinez at 50 Douglas Drive, on August 9, 2012, regarding Contra Costa County Sheriff David Livingston's plan to expand the West Contra Costa County Detention Facility in Richmond. These individuals say that money should be invested in programs that help keep people out of jail; buses will be available at 7:15 a.m. at Saint Marks.

The following individuals spoke in support of the soda tax: Dennis Dalton, Andres Chang, Amahra Hicks, Sylvia Gray-White, Juan Reardon, Eduardo Martinez, and Michael Parker.

The following individuals spoke against the soda tax: Mike Ali, Mark Wassberg, and Eleanor Thompson.

Margree Jones stated that there were no street lane markings on Carlson Boulevard and Broadway Avenue. She also stated that there were no street markings in front of her home across from Kennedy High School.

Wesley Ellis stated that the City Council should invite Carolyn Sherman Collins to speak about her transformation from years of sexual abuse and drug addiction to a new life. Ms. Collins has written about her ordeal in a book entitled "Imagine me." Mr. Ellis encouraged everyone to read her book.

Chysandra Nair encouraged the City Council to extend the Local 1021 contract.

Pam Bilbo thanked Mayor McLaughlin, Councilmember Bates, and the Mitigation Committee

for granting funds to REACH Fellowship and the Men and Women of Valor. She also expressed her disappointment with Councilmember Beckles for telling her that she should not have gotten on television and thanked Councilmember Booze. Mrs. Bilbo stated that she was raised to always thank individuals that help her. Ms. Bilbo also stated that the Men and Women of Valor were aware of Richmond politics. She also stated that she has a right to freedom of speech. Mrs. Bilbo stated that she supported Councilmember Beckles when she ran for Council; however, she has known Councilmember Booze for years and supports him also.

Courtney Cummings invited everyone to the Native American Health Center's Recovery Circle on Thursday, August 2, 2012, from 10:00 a.m. to 3:00 p.m. For more information, call Ms. Cummings at (510) 232-7020.

The following individuals encouraged everyone to attend the National Night Out on Tuesday, August 7, 2012; kick off at 4500 Macdonald Avenue (Target Parking Lot) at 5:00 p.m.: Karla Perez, Bea Roberson, Al Perez, and Naomi Williams.

Jackie Thompson thanked Police Chief Magnus and the Public Safety Committee for addressing her concern about vendors who double park at Uncle Sam's Market.

Dr. Henry Clark requested that an item be placed on the City Council Agenda to consider designating Ethel Dotson's historic International Hotel on South Street as an historical site.

Marilyn Langlois encouraged everyone to take part in National Night Out and also to attend the meeting in Martinez at 50 Douglas Drive, on August 9, 2012, regarding Contra Costa County Sheriff David Livingston's plan to expand the West Contra Costa County Detention Facility in Richmond

David Gesinger stated that Heal Richmond will hold a meeting to discuss health issues on Thursday, August 2, 2012, at 6:30 p.m. at 1021 Macdonald Avenue. He encouraged anyone that would like to be a part of the organization to visit ACE at 322 Harbour Way.

Andrienne Harris requested that the City Council direct the city manager to waive the encroachment fee of \$1,000 to install bicycle parking in front of Williams Natural Food Store.

Heather Kulp announced that Chevron would hold its Third Annual Community Tour on September 22, 2012, from 9:00 a.m. to 1:00 p.m. She also stated that Chevron would be celebrating its 110<sup>th</sup> Anniversary in the City of Richmond; citizens must make reservations for the tour. Ms. Kulp also encouraged citizens to visit the Chevron History display

at the Richmond Museum.

Billy Alexander gave comments regarding Phillis Mandel's letter to the editor in the West County Times, dated July 29, 2012, entitled "Difference in Ideology."

### **PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS**

Mayor McLaughlin and Councilmember Butt read a proclamation recognizing Richmond business owner and resident, John Edward Clinton, upon his retirement. Cordell Harris 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 there were no reportable actions.

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

On motion of Councilmember Butt, seconded by Councilmember Ritterman adopted **Resolution No. 97-12** approving the Successor Agency for the Richmond Community Redevelopment Agency's third Recognized Obligation Payment Schedule (ROPS) pursuant to AB 1X26 AB1484 by unanimous vote.

### **CITY COUNCIL 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 sole-source contract with the Richmond Main Street Initiative (RMSI) in the amount of \$50,000 for a term of July 1, 2012, through March 31, 2013, to provide funding to continue support for vital operations and programs to revitalize Downtown Richmond until the anticipated Downtown Richmond Property Business Improvement District (DRPBID) was implemented.

The matter to adopt resolutions authorizing participation in the Lifeline Transportation Program, allowing for the receipt of Metropolitan Transportation Commission (MTC) funding in the amount of \$343,291 for the Congestion Mitigation and Air Quality Improvement (CMAQ), and Job Access and Reverse Commute (JARC) Programs that support the Greenprint Transportation Project (Easy Go) for improved transportation mobility options for low-income residents in Richmond was presented by Lori Reese-

Brown. The following individuals gave comments: Cordell Harris, Jackie Thompson, Nancy Baer, Adrienne Harris, Marilyn Langlois, and Pam Bilbo, and Kathleen Sullivan. A motion was made by Councilmember Butt, seconded by Councilmember Boozé to adopt resolutions authorizing participation in the Lifeline Transportation Program, allowing for the receipt of Metropolitan Transportation Commission (MTC) funding in the amount of \$343,291 for the Congestion Mitigation and Air Quality Improvement (CMAQ), and Job Access and Reverse Commute (JARC) Programs that support the Greenprint Transportation Project (Easy Go) for improved transportation mobility options for low-income residents in Richmond, and to outreach to Richmond Spoke and Richmond Bicycle Committee. The motion passed and **Resolutions No. 98-12**, approving JARC funds for the Lifeline Transportation Program and **Resolution No. 99-12** authorizing the filing of an application for funding assigned to MTC were adopted by unanimous vote.

\*-Approved an amendment to the grant-funded contract with Thomas Pyun of THP Capacity Advisors, LLC, to continue strategy and planning consulting services to implement the Cities of Service model in Richmond, increasing the contract by \$8,000, to an amount not to exceed \$18,000.

The matter to approve a Memorandum of Understanding with the Richmond Art Center (RAC) at 2540 Barrett Avenue to sustain current operations, strengthen infrastructure, and expand arts education programs for the community at a cost not to exceed \$375,000 annually for a term of five years from July 1, 2012 to June 30, 2017, was presented by Library Director Katy Curl. A motion was made by Councilmember Butt, seconded by Councilmember Beckles to approve the MOU. The following individuals gave comments: Juana Anker, Susan Wittenberg, Jerarde Gutierrez, and Wesley Ellis. The motion passed by unanimous vote.

\*-Adopted **Resolution No. 100-12** approving an agreement between Auto Warehousing Company (AWC) and the City of Richmond effective June 1, 2012, through May 31, 2013, which will provide payment to the City for providing specified services on behalf of AWC while conducting business development planning in China, including exploring potential automotive import and export business partnership opportunities between the City and Port of Zhoushan.

The matter to approve a contract with D & H Landscaping, Inc. for landscape management services at Point Molate in an amount not to exceed \$99,000, which includes a 10% cost contingency was presented by Public Works Director Yader Bermudez. The contract term will be August 1, 2012, to June 30, 2013. Jackie Thompson gave comments. On motion of

Councilmember Boozé, seconded by Councilmember Beckles approved a contract with D & H Landscaping, Inc. by unanimous vote.

\*-Approved a grant-funded construction contract with Alten Construction, Inc. (Alten) of Richmond, the lowest responsive bidder, for labor and materials per the plans and specifications for the construction and remodel of the Port's Riggers Loft/Operations and Security Center at Point Potrero Marine Terminal project in an amount not to exceed \$3,008,566.

\*-Approved a contract amendment with TPA Construction, Inc., increasing the amount by \$35,000 to complete additional roof and gutter repairs at the Booker T. Anderson Community Center, for a total amount not to exceed \$94,668.

\*-Approved a one-year contract extension with D.M.G. Janitorial Services in an amount not to exceed \$23,030 for restroom cleaning services at the Jay & Barbara Vincent Park, Shimada Park, Lucretia Edwards Park, Nevin Park, Nicholl Park, Martin Luther King Jr. Park, and the North Richmond Ballfield. The contract term will be September 14, 2012, to June 30, 2013.

\*-Approved the Port Executive Director's request for travel to China, at a cost of approximately \$6,000, to continue the business development plan and 2012 marketing plan in conjunction with the Port of Zhoushan and Auto Warehousing Company (AWC), to continue to explore the potential for China auto manufacturing companies entering the U.S. market through the Port of Richmond's recently renovated facility, and to meet with China automobile industry representatives.

\*-Approved a one-year contract extension with United Site Services to provide portable toilet services at John F. Kennedy Park, Booker T. Anderson Park, Shields-Reid Park, Elm Playlot, and at the Marina in an amount not to exceed \$19,500. The contract term was previously extended to June 30, 2013.

\*-Adopted **Resolution No. 101-12** confirming the City of Richmond Investment Policy, as recommended by the City's auditors, and as recommended by the Association of Public Treasurers' of the United States and Canada (APT US&C).

\*-Approved the minutes of the July 10, 17, and 24, 2012, meetings.

The matter to adopt a resolution authorizing the City of Richmond to accept a \$28,627 University of California, Berkeley, School of Public Health Grant for a Sobriety Checkpoint Program, and to appropriate these funds for overtime costs incurred by sworn and general personnel for the associated expenses was presented by Police Sergeant Schlemmer and Police

Officer Sanchez. Bea Roberson gave comments. On motion of Councilmember Boozé, seconded by Councilmember Butt adopted **Resolution No. 102-12** by unanimous vote.

The matter to approve the expenditures associated with the 2012-13 SAMHSA Grant Award to include the right to negotiate and enter into contracts with the Native American Health Center (NAHC) in the amount of \$255,000, and for the Office of Neighborhood Safety (ONS) to provide administrative support and outreach support services, providing revenue to the ONS in the amount of \$45,000 was presented by City Manager Bill Lindsay. The following individuals gave comments: Jackie Thompson, Marilyn Langlois, Allison Desmond, Courtney Cummings, and Serena Wright. On motion of Councilmember Ritterman, seconded by Councilmember Beckles approved the expenditures associated with the 2012-13 SAMHSA Grant Award by unanimous vote.

In the matter to approve the following appointments and reappointment: Youth Baseball Commission: Michael Coleman, term expiring July 31, 2015; David Gaskin, term expiring July 31, 2015; DeWayne Williams, term expiring July 31, 2015; Delphine Smith, term expiring July 31, 2015; Library Commission: Kavaragu Mtambuzi (incumbent), term expiring July 31, 2015; Police Commission: Laverne Vaughn, term expiring July 31, 2015, Kathleen Sullivan, Juan Reardon, and Margaret Jordan gave comments. On motion of Councilmember Beckles, seconded by Councilmember Ritterman approved the appointments by the following vote: **Ayes:** Councilmembers Bates, Beckles, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Boozé.

\*-Adopted a policy that requires all items for City Council meetings brought forward by members of the City Council to be framed by that member of the Council rather than by a member of the public with the exception of study sessions, which require the name of the presenter or presenting organization identified as part of the agenda title.

The matter to adopt an ordinance repealing Chapter 14.72 of the Richmond Municipal Code pertaining to the solicitation of vehicle occupants was presented by City Attorney Bruce Reed Goodmiller. Jackie Thompson and Eduardo Martinez gave comments. On motion of Councilmember Butt, seconded by Councilmember Ritterman adopted **Ordinance No. 8-12 N.S.** by unanimous vote.

**At 11:35 p.m. on motion of Councilmember Bates, seconded by Vice Mayor Rogers extended the meeting for five minutes with Councilmembers Bates and Butt voting Noe.**

**This item was heard directly following the approval of the Consent Calendar.** The matter to adopt an ordinance amending the Richmond Municipal Code by adding Chapter 2.39 thereto to regulate contributions by parties and participants to entitlement proceedings, and to require that the Mayor and City Councilmembers disqualify themselves from participating in such proceedings where they have received more than \$250 from parties and participants to the proceeding in the previous twelve months was presented by City Attorney Bruce Reed Goodmiller. Cordell Harris and Mike Ali gave comments. On motion of Councilmember Ritterman, seconded by Councilmember Beckles adopted **Ordinance No. 9-12 N.S.** by the following vote: **Ayes:** Councilmembers Beckles, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** Councilmembers Bates and Boozé. **Abstentions:** None. **Absent:** None.

\*-Approved the appropriation of Fiscal Year 2011-2012 budget balances for three grant-funded Port of Richmond capital projects into the Fiscal Year 2012-2013 capital budget: Municipal Fiber Optic Network (Project 28E01) in the amount of \$4,243,488; Integrated Video I (Project 28G01) in the amount of \$2,263,520; and Integrated Video II (Project 28G02) in the amount of \$754,507.

## **RESOLUTIONS**

**This item was moved and approved with the Consent Calendar.** \*-Adopted **Resolution No. 103-12** in support of efforts by the City of Hercules to have the section of Highway 4 in Hercules named in honor of former Hercules Mayor and Councilmember Joe Eddy McDonald, who was instrumental in securing funding for safety improvements and widening of that section of roadway.

## **ORDINANCES**

The matter to introduce an ordinance amending Richmond Municipal Code Chapter 11.76 (Vehicle Abatement) relating to abandoned, wrecked, dismantled, or inoperable vehicles was presented by City Attorney Trish Aljoe and Deputy Police Chief Ed Medina. A motion was made by Councilmember Boozé, seconded by Councilmember Bates to introduce an ordinance amending Richmond Municipal Code Chapter 11.76 (Vehicle Abatement) relating to abandoned, wrecked, dismantled, or inoperable vehicles. A substitute motion was made by Councilmember Butt, seconded by Mayor McLaughlin to adopt the proposed changes and exclude the part that deals with storage of vehicles that are operable and have non-operable status. Councilmember Bates asked Councilmember Butt to allow a maximum of one or two vehicles per residential. Councilmember Butt amended his motion to include one vehicle per unit. Mayor McLaughlin accepted the amendment. Mark

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

The substitute motion passed and said ordinance received first reading by the following vote: **Ayes:** Councilmember Bates, Beckles, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** Councilmember Boozé. **Abstentions:** None. **Absent:** None.

### **COUNCIL AS A WHOLE**

The matter to provide direction to staff regarding the use of \$669,000 in funding to be received by the City of Richmond resulting from the consent decree settling the Cosco Busan Oil Spill litigation was presented by Public Works Director Yader Bermudez and Engineer Joel Camacho. Staff is recommending that \$235,000 of these funds be used to complete the Shipyard 3/Brickyard Cove Bay Trail Gap Closure, and that \$434,000 be used to partially fund the Marina Bay Trail Rehabilitation Project. A motion was made by Councilmember Butt, seconded by Councilmember Ritterman to designate \$235,000 of these funds be used to complete the Shipyard 3/Brickyard Cove Bay Trail Gap Closure, \$100,000 for Point Molate Beach Park Operation, and the remaining funds for the Marina Bay Trail Rehabilitation Project. The following individuals gave comments: Wesley Ellis, Marilyn Langlois, Bruce Beyaert, Adrienne Harris, Texanita Bluit, David Helvarg, Antwon Cloird, Pam Stello, and Joan Garrett. Councilmember Butt amended his motion to allocate \$235,000 to the Shipyard 3/Brickyard Cove Bay Trail Gap Closure, \$254,000 Plunge Gap; and \$154,000 for Point Molate Beach Park Operation. A friendly amendment was offered by Councilmember Boozé to add a safety railing at Point Molate. The friendly amendment was accepted. A substitute motion by Councilmember Boozé, seconded by Councilmember Bates to put a safety rail at Point Molate was made and withdrawn. The motion was approved by the unanimous vote of the Council.

The matter to receive a report from the city attorney regarding prohibited use of public resources including public facilities such as the Council Chambers for campaign activities, including prohibiting campaign speeches at Council meetings was presented by City Attorney Bruce Reed Goodmiller. **On motion of Councilmember Bates, seconded by Councilmember Beckles extended the meeting for five minutes with Councilmembers Bates, Booze, and Butt voting Noe.** Michael Parker gave comments. **On motion of Councilmember Ritterman, seconded by Vice Mayor Ritterman extended the meeting until the item was finished with Councilmembers Bates, Booze, and Butt voting Noe.**

The matter to discuss and direct staff regarding

priority street pavement on Cutting and Carlson Boulevards, at South 37th Street, and the 200 block of South 46th Street was presented by Councilmembers Bates and Boozé. Wesley Ellis, Robert Pounds, and Mike Ali gave comments. Public Works Director Yader Bermudez stated that South 37th Street was scheduled for paving before the end of September 2012 and South 46<sup>th</sup> Street was scheduled for paving in the next four to six weeks. City Manager Bill Lindsay stated that Cutting Boulevard was scheduled for paving in the spring of 2013. Staff will generate a map of the potential street paving projects.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 11:55 p.m. in memory of Joyce McNeil, Jean Eckle, and Warren Winklestein to meet again on Tuesday, September 11, 2012, at 6:30 p.m.

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City Clerk

(SEAL)

Approved:

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Mayor