

**RICHMOND, CALIFORNIA,
September 11, 2012**

The Richmond City Council Evening Open Session was called to order at 5:34 p.m.

ROLL CALL

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

Community Coalition Against Beverage Taxes et al vs.
City of Richmond

There were no public speakers.

The Evening Open Session adjourned to Closed Session at 5:35 p.m. The Closed Session adjourned at 6:09 p.m.

The Regular Meeting of the Successor Agency to the Richmond Redevelopment Agency and Richmond City Council was called to order at 6:42 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

Patrick Seals, City Attorney's Office, read the Code of Ethics.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Moved Items L-1 and L-6 directly following the approval of the Consent Calendar; continued Items I-3, I-5, and withdrew Item K-1. Items I-1, I-12, and I-14 were removed from the Consent Calendar.

OPEN FORUM FOR PUBLIC COMMENT

Leonard Taylor stated that individuals should be responsible for limiting their intake of sodas, and he encouraged individuals to vote no in November 2012 for the soda tax. Mr. Taylor also encouraged citizens to attend a meeting at Riverside Elementary School on Wednesday, September 12, 2012, at 6:00 p.m. to give input on the design of the San Pablo Dam Road Overpass.

Antwon Cloird, Michael Bracy, Mark Wassberg, Ken Davis, Eleanor Thompson, and Bea Roberson gave comments in opposition of the soda tax.

Mike Ali spoke and chanted to acknowledge the victims of September 11th and the armed forces.

Jose Rivera encouraged citizens to take part in a protest to Occupy Chevron on October 3, 2012, at 3 p.m. beginning at the Richmond BART.

Andres Soto spoke regarding those candidates who accept donations from large corporations.

Texanita Bluitt stressed the need to install automatic doors at the Kennedy Swim Center in order to accommodate individuals with disabilities. She also invited everyone to the Laurel Park Neighborhood Council's Annual Blues festival on September 23, 2012, at Laurel Park.

Jackie Thompson recognized the heroes of the September 11th disaster. She stated that the Richmond Firefighters that volunteered during the disaster should also be commended. Ms. Thompson also stated that individuals should not have to use their Open Forum time to speak on items that are withdrawn from the agenda.

Marilyn Langlois stated that September 8, 2012, marked one year of Fred Jackson's death. She stated that Mr. Jackson would be proud of the citizens who fought successfully against the expansion of prisons in West County and paved the way to fund reentry programs.

Michael Parker gave comments regarding Chevron and stated that in order for Chevron to rebuild relationships in Richmond it should: drop its property tax appeal, commit to hire locally in rebuilding projects, and refrain from manipulating Richmond politics.

Deborah Price gave comments regarding the unsuccessful efforts to clean up the blight in Booker's Alleyway. She also stated that she supports the sugar tax.

Nile Mallory requested an update of the implementation of the City of Richmond's General Plan and also the Community Choice Aggregation Program.

In Mark Wassberg's comments during Open Forum he stated that Councilmember Ritterman was his cardiologist. Councilmember Ritterman stated that he did not remember being Mark Wassberg's cardiologist.

**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.

**SUCCESSOR AGENCY TO 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. 104-12**, approving the Successor Agency to the Richmond Community Redevelopment Agency's corrected third Recognized Obligation Payment Schedule (ROPS) pursuant to AB 1X26 and AB 1484.

*-Adopted **Resolution No. 105-12**, approving a contract amendment with Susan G. Mayer for management consulting services related to finance issues applicable to the Successor Agency to the Richmond Community Redevelopment Agency, increasing the contract amount by \$63,000 to a total amount of \$73,000, and extending the term to December 31, 2012.

*-Adopted **Resolution No. 106-12**, a contract with Robert Half International, Inc. for accounting and finance support for the Successor Agency to the Richmond Community Redevelopment Agency in an amount not to exceed \$32,130 and for a term ending December 31, 2012.

CITY COUNCIL CONSENT CALENDAR

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

CONTINUED to the September 18, 2012, City Council Meeting the adoption of an ordinance (second reading) amending Richmond Municipal Code Chapter 11.76 (Vehicle Abatement) relating to abandoned, wrecked, dismantled, or inoperable vehicles.

*-Approved a contract with Municipal Resource Group, LLC to conduct an internal performance audit to evaluate the effective use of TeleStaff scheduling and personnel management system within the Police Department.

CONTINUED to the September 18, 2012, City Council Meeting the adoption of a resolution setting the tax rate for the Tax Override Pension Fund for Fiscal Year 2012-2013 at 0.14%.

*- Approved the purchase of a traffic signal light conflict monitor tester for the Public Works Department, Facilities Maintenance Division Electrical Section, from

Western Systems in an amount not to exceed \$20,500.

CONTINUED to the September 18, 2012, City Council Meeting the approval of a contract with HALO Group Inc., to provide a firearms range facility for use by the Police Department for the period July 1, 2012, to June 30, 2014 in an amount not to exceed \$50,000.

*- Approved a contract with SOFTFILE, to provide digital archiving services to the Police Department for the period January 1, 2012 to June 30, 2014 in an amount not to exceed \$25,000.

*- Adopted **Resolution No. 107-12**, accepting and appropriating the 2012 California Emergency Management Agency (CALEMA) grant funds in the amount of \$178,979 and APPROVE the continuation of a contract funded by the CALEMA grant with STAND-Against Domestic Violence for on-site advocates to assist victims of domestic violence for the period January 1, 2012, to December 31, 2012, in an amount not to exceed \$91,175.

*- Approved the minutes of the June 12, 2012, and July 31, 2012, meetings.

*- Approved an amended lease agreement with Foss Maritime for Finger Pier 2 and Basin 5 at the Port of Richmond, effective October 1, 2012, through September 30, 2017, providing annual lease revenue of \$328,476, with two percent annual increases.

*- Approved a legal services agreement with Colantuono & Levin, P.C. for legal advice regarding options to increase revenues, issues related to Proposition 218, and procedures required for implementation of revenue measures, in an amount not to exceed \$30,000, and with a term expiring June 30, 2013.

*- Approved a legal services agreement with Renne Sloan Holtzman & Sakai, LLP for advice regarding general municipal law matters and elections law assistance, in an amount not to exceed \$30,000, with a term expiring June 30, 2013.

CONTINUED to the September 18, 2012, City Council Meeting the approval of a contract amendment with DP Security, LLC (DP Security), adding an amount not to exceed \$425,000 to provide security services at 440 Civic Center Plaza and 450 Civic Center Plaza for a term extending to June 30, 2013.

*- Approved an amendment to the agreement between George Hills Company, Inc. and the City of Richmond to establish the compensation for an additional 14 months of service at an amount not to exceed \$215,000, for a contract total not to exceed \$635,000.

The matter to direct staff to submit a letter to Governor Jerry Brown urging him to veto AB 976 (Hall): Public contracts: consulting services: community choice aggregators, was presented by Mayor McLaughlin and Councilmember Butt. On motion of Councilmember

Butt, seconded by Vice Mayor Rogers directed staff to submit a letter to Governor Jerry Brown, reflecting the vote of the City Council, urging him to veto AB 976 (Hall) by the following vote: **Ayes:** Councilmembers Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** Councilmembers Bates and Boozé. **Abstentions:** None. **Absent:** Councilmember Beckles.

*-Approved the following appointments and reappointments: Design Review Board: Brant Fretter, new appointment, term expiring September 11, 2014; Planning Commission: Melvin Willis, new appointment, term expiring September 11, 2014; Personnel Board: Yvonne Nair, new appointment, term expiring September 11, 2017; Richmond-Shimada Friendship Commission: Ernest Holland Jr., incumbent, term expiring September 11, 2015; Richmond-Zhoushan Friendship Commission: Matthew Jean, incumbent, term expiring September 11, 2014.

PUBLIC HEARINGS

The deputy city clerk announced that it was time pursuant to public notice to hold a public hearing regarding the proposed 2011-2012 Consolidated Annual Performance and Evaluation Report (CAPER), and ADOPT a resolution approving the 2011-12 CAPER, and authorizing its submission to the U.S Department of Housing and Urban Development. Housing Director Patrick Lynch gave an overview of the item. Mayor McLaughlin opened the public hearing. There were no public speakers. A motion by Councilmember Beckles, seconded by Councilmember Ritterman, closed the public hearing by the unanimous vote of the City Council. A motion by Councilmember Butt, seconded by Vice Mayor Rogers, adopted **Resolution No. 108-12**, by the unanimous vote of the City Council.

The deputy city clerk announced that it was time pursuant to public notice to hold a public hearing relating to the proposed incurrence of one or more loans by the California Municipal Finance Authority (CMFA) to Tissue Banks International, Inc. in an amount not to exceed \$11,000,000; adopt a resolution for the City of Richmond to become a member of the CMFA; and to approve the proposed financing by the CMFA. Finance Director James Goins and representatives from CMFA Tissue Banks International, Inc. gave an overview of the item. Mayor McLaughlin opened the public hearing. There were no public speakers. A motion by Councilmember Boozé, seconded by Councilmember Ritterman, closed the public hearing by the following vote: **Ayes:** Councilmembers Bates, Beckles, Boozé, Ritterman, Butt, and Mayor McLaughlin. **Noes:** None. **Abstain:** None. **Absent:** Vice Mayor Rogers. A motion by Councilmember Boozé, seconded by Councilmember Bates, adopted **Resolution No. 109-12**, by the unanimous vote of the City Council.

RESOLUTIONS

WITHDREW from the agenda the matter to

approve a resolution affirming the Council's intent that the City's mass mailing campaign disclaimer requirements in section 2.42.075 of the Municipal Code, as amended, apply to all mass mailings funded by a committee primarily formed to support or oppose a Richmond ballot measure, including a mass mailing relating to the ballot measure the committee was primarily formed to support or oppose.

The matter to adopt a resolution requesting to rename Breuner Marsh as "Dotson Marsh" was presented by Mayor McLaughlin and Councilmember Butt. A motion by Councilmember Ritterman, seconded by Vice Mayor Rogers, adopted **Resolution No. 110-12**, by the following vote: **Ayes:** Councilmembers Bates, Beckles, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** Councilmember Boozé. **Abstentions:** None. **Absent:** None.

COUNCIL AS A WHOLE

In the matter to receive an update from the US Chemical Safety and Hazard Investigation Board (CSB) on its investigation thus far of the August 6, 2012, Chevron refinery fire, Mayor McLaughlin gave an overview and turned the presentation over to the CSB Chairperson Dr. Rafael Moure. Dr. Moure introduced CSB Managing Director Dr. Daniel Horowitz from Washington; the Director of CSB's Western Regional Office in Denver Don Holmstrom; and Investigators. Dr. Moure stated that "The CSB's investigations examine all aspects of chemical accidents including physical causes related to equipment design as well as inadequacies in regulations, industrial standards and safety management systems. Our investigations are always transparent and our findings are made public, and ultimately, we issue safety recommendations, which are designed to prevent similar accidents in the future." The update included a video presentation of the Chevron Chemical Fire. Citizens may submit videos or pictures of the Chevron Chemical Fire to CSB.gov. Nigel Hearn, Refining Manager for Chevron gave comments. The following speakers gave comments: Marl Wassberg, Lenard Taylor, Roger Lin, Greg Karras, Andres Soto, Vicki Martinez, Jose Rivera, Jon Gordon, Art Alvarez, Shirley Boddie, Dennis Dalton, Nile Malloy, Doug Guilbert, Bea Roberson, Melvin Willis, Ken Davis, Michael Delacour, Sylvia Gray-White, and Marilyn Langlois.

The matter to receive a report from staff regarding the contractual compliance of Salt Water Construction on the Marina Bay Yacht Harbor Maintenance Dredging Project was presented by Councilmember Boozé, Dave Harrison of Local 3, and Bryan Berthiaume Executive Director of the Foundation for Fair Contracting. Bea Roberson gave comments. On motion of Councilmember Boozé, seconded by Councilmember Bates directed staff to write a letter to Salt Water Construction urging Island Tug and Barge to perform a self-audit, initiate a process to debar them if the audit showed findings, and reconvene the stakeholders meetings to review the Local Hiring Ordinance passed by the unanimous vote of the City Council.

(At 11:00 p.m. on motion of Vice Mayor Rogers, seconded by Councilmember Ritterman extended the meeting for 45 minutes with Councilmember Butt voting Noe.)

In the matter to reconsider the July 31, 2012, City Council action regarding the allocation of \$669,000 in funds received for settlement of the Cosco Busan oil spill litigation, and revise this allocation to include funding for the Marina Bay Trail Rehabilitation Project, on motion of Councilmember Bates, seconded by Councilmember Butt approved reconsideration of the July 31, 2012, City Council action by the following vote: **Ayes:** Councilmembers Bates, Boozé, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** None. **Abstain:** None. **Absent:** Councilmember Beckles. The following individuals gave comments: Jonathan Taylor, **(A motion made by Councilmember Boozé to extend the meeting for one hour died for lack of a second. A motion by Vice Mayor Rogers, seconded by Councilmember Bates to extend the meeting for 30 minutes failed with Councilmembers Bates, Boozé, and Vice Mayor Rogers voting Aye and Councilmembers Butt, Beckles, Ritterman, and Mayor McLaughlin voting Noe. A motion was made by Mayor McLaughlin, seconded by Councilmember Beckles to extend the meeting to hear the remaining speakers on this item. A substitute motion made by Councilmember Boozé to adjourn the meeting died for lack of a second. A substitute motion made by Councilmember Bates, seconded by Vice Mayor Rogers to hear the remaining speakers and take action on the item passed with Councilmember Beckles voting Noe.)** Speakers continued with Marilyn Langlois, Bruce Beyaert, and Donald Nicholls. A motion was made by Councilmember Bates, seconded by Councilmember Boozé to revert to staffs original recommendation to allocate \$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 substitute motion was made by Mayor McLaughlin, seconded by Councilmember Beckles to keep the July 31, 2012, City Council action allocating the \$669,000 from the Cosco Busan Oil Spill settlement (*\$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, and \$26,000 to add a safety railing at Point Molate*) with the exception to take \$24,000 away from Point Molate Beach Park Operation reducing the allocation to \$130,000; taking away the \$26,000 for the safety railing at Point Molate, adding \$50,000 from Eddie Orton, and \$100,000 from the LED Lighting Project for a total allocation of \$200,000 for the Marina Bay Trail Rehabilitation Project. Mayor McLaughlin amended her motion to further reduce the Point Molate Beach Park Operation allocation to \$115,000 and increasing the Marina Bay Trail Rehabilitation Project to \$215,000. Vice Mayor Rogers offered a friendly amendment to bring back the allocation of \$50,000 from Eddie Orton at a future City Council

Meeting and declare the City Council's intent to use the \$50,000 towards Marina Bay Trail Rehabilitation Project. The friendly amendment was accepted. The substitute motion 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.

At 12:25 a.m. a motion was made by Councilmember Butt, seconded by Mayor McLaughlin to extend the meeting for five minutes to address Item I-14. A substitute motion made by Councilmember Bates, seconded by Councilmember Boozé to adjourn the meeting failed with Councilmembers Bates and Boozé voting Aye and Councilmember Beckles Absent. The original motion passed with Councilmembers Bates and Boozé voting Noe and Councilmember Beckles Absent.

CONTINUED to the September 18, 2012, City Council Meeting, the matter to review and approve the revised Fiscal Year 2012-13 General Fund Budget.

CONTINUED to the September 18, 2012, City Council Meeting, the matter to receive a report from the City Attorney's Office and provide direction to staff regarding the amount of tax payers' dollars used to hire attorneys Louise Renne and Randy Riddle to represent the City of Richmond in the lawsuit filed by the Community Coalition Against Beverage Taxes.

The matter to discuss and consider amendments to the Industrial Safety Ordinance relative to safety operations and assessments was presented by Vice Mayor Rogers and Councilmember Butt. The following individuals gave comments: Gary Bell, Bea Roberson, Marilyn Langlois, Laneisha Whitfield, and Nigel Hearne. A motion was made by Vice Mayor Rogers, seconded by Councilmember Butt to direct staff to begin discussions with county staff regarding the creation of a Bench-Marking Report-Card System and direct staff to prepare the amendments to the ordinance concerning strengthening the human factors programs, and consider requiring periodic safety-cultural assessments. A motion by Councilmember Ritterman, seconded by Councilmember Beckles to end discussion 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. The motion by Vice Mayor Rogers, seconded by Councilmember Butt 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.

CONTINUED to the September 18, 2012, City Council meeting, the matter to consider endorsement of the West Contra Costa Unified School District: (1) bond proposition, Measure E, authorizing the district to borrow

\$360 million on a 10 year repayment plan; and (2) parcel tax, Measure G, authorizing the school district to extend its current parcel tax beyond the scheduled expiration of 2014 (November 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 12:45 a.m. in memory of Roger Gorrel, Cleo Jones, Beatrice Harris, Deacon Albert Donner, Bobby Lee Bowen, Linda McPhee, former City Engineer Edric Kwan's father, and in honor of the September 11th victims to meet again on Tuesday, September 18, 2012, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor