

**RICHMOND, CALIFORNIA,
September 18, 2012**

The Richmond City Council Evening Open Session was called to order at 5:09 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):**

Jenkins vs. City of Richmond

Settlement between various State Attorneys General and GE Funding Capital Market Services, Inc.

**CONFERENCE WITH LEGAL COUNSEL -
ANTICIPATED LITIGATION (Initiation of
litigation pursuant to Subdivision (c) of Government
Code Section 54956.9):**

Initiation of Litigation (One Case)

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

Property: Port of Richmond
Agency negotiators: Port of Richmond
Negotiating parties: AWC
Under negotiation: Price and terms of payment

There were no public speakers.

The Evening Open Session adjourned to Closed Session at 5:10 p.m. The Closed Session adjourned at 6:43 p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:44 p.m. by Mayor McLaughlin who led the Pledge of Allegiance to the Flag.

ROLL CALL

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

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

Removed Items I-3, I-4, I-6, and I- 8 from the Consent Calendar; withdrew the appointment of Delores Johnson to the Housing Advisory Commission on Item I-5.

OPEN FORUM FOR PUBLIC COMMENT

Leonard Taylor 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.

Sims Thompson expressed concern regarding the inadequate street lights and unsafe conditions within the City of Richmond.

Mark Wassberg gave comments regarding the lack of well-paying jobs with benefits in the City Of Richmond.

Wesley Ellis stated that the City Council should focus on taking care of the City of Richmond business first.

Jael Myrick stated that the City of Richmond should invest the young people in the community to encourage them to do well in school. He hoped to bring a policy to the City of Richmond which would focus on awarding scholarships to every high school senior.

Naomi Williams expressed her disappointment that the Richmond City Council held a special meeting, called by Vice Mayor Rogers, on Thursday, September 13, 2012, at 2:00 p.m. Ms. Williams stated that the special meeting should have been held in the evening to allow the community an opportunity to attend.

Judy Grether stated that the Voting Rights for All Organization would like to get the work out regarding voting rights for people with felony convictions. Ms. Grether handed out flyers with information. She also stated that the deadline for voter registration was October 22, 2012.

Jackie Thompson stated that LEAP held a voter registration on September 18, 2012, from 1:00 p.m. to 4:00 p.m. She also stated that Shantina Jackson was the first African American invited to the White House to introduce her science project.

Eleanor Thompson expressed her excitement

about North Richmond Main Street and requested funding for a Christmas Giveaway Project.

Dr. Henry Clark thanked the City of Richmond and the environmental staff for transporting residents to San Francisco to the Air Quality Management District Meeting regarding the Chevron fire.

Mike Ali read a stated in honor of a women in the audience. He did not state the women's name.

Don Gosney gave comments regarding the emergency Special Richmond City Council Meeting held on September 13, 2012, and his disappointment that the meeting was held during a time when the public was not able to attend.

Marilyn Langlois invited everyone to view a film entitled "The Take," a look into the take over of abandoned factories, on Thursday, September 17, 2012, in the Whittlesey Room at the Richmond Main Library. Call (510) 233-1890 for more information.

Bea Roberson requested that the City of Richmond hire a part-time investigative officer for the Police Commission. Ms. Roberson stated that there were two outstanding complaints on file.

Michael parker gave comments in support of Measure N.

Juan Reardon encouraged voters to support Measures N and O.

Vice Mayor Rogers stated that the City Council called a special meeting on Thursday, September 13, 2012, to introduce the ordinance for mass mailing in order to bring the ordinance back to the Council for adoption on the September 18, 2012, meeting.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Mayor McLaughlin and Councilmember Bates welcomed and introduce 15 delegates from Zhoushan, China as part of the Sister City relationship between Zhoushan, China and Richmond, California. Councilmember Boozé 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 COUNCIL CONSENT CALENDAR

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

*-Approved an agreement with Gordon & Rees, Attorneys for legal services associated with the City's Wastewater Operations (as contracted by Veolia Water North America), and the legal review of documents regarding the Sludge Ponds Lease Agreement with West County Wastewater District, for an amount not to exceed \$75,000 and for a term extending to December 31, 2013.

*-Approved an agreement with Gordon & Rees, Attorneys for legal services associated with the City's Wastewater Operations (as contracted by Veolia Water North America), and the legal review of documents regarding the Sludge Ponds Lease Agreement with West County Wastewater District, for an amount not to exceed \$75,000 and for a term extending to December 31, 2013.

In the matter to adopt an ordinance amending Richmond Municipal Code Chapter 11.76 (Vehicle Abatement) relating to abandoned, wrecked, dismantled, or inoperable vehicles Mark Wassberg and Wesley Ellis gave comments. On motion of Councilmember Bates, seconded by Councilmember Boozé adopted **Ordinance No. 10-12 N. S.** by the unanimous vote of the City Council.

The matter to approve 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, was presented by City Manager Bill Lindsay. Eric Davenport gave comments. On motion of Councilmember Boozé, seconded by Vice Mayor Rogers approved the contract with DP Security by the unanimous vote of the City Council.

*-Approved the following appointment and reappointments: Library Commission: Ron Shoop, incumbent, term expiring July 1, 2015; Richmond Housing Advisory Commission: Delores Johnson, term expiring September 18, 2014; Demetria Saunders, incumbent, term expiring May 19, 2015. **Delores Johnson declined appointment to the Housing Advisory Commission.**

The matter to adopt a resolution calling for action to reduce chronic absenteeism in our nation's schools was presented by Mayor McLaughlin. Mark Wassberg, Jackie Thompson, and Mike Ali gave comments. On motion of Mayor McLaughlin, seconded by Councilmember Beckles adopted **Resolution No. 111-12** by the unanimous vote of the City Council.

*-Reviewed and approved the revised Fiscal Year 2012-13 General Fund Budget.

The matter to approve a project to install three wayside horns at the railroad crossing at 34th Street near Regatta Boulevard and accept funding in the amount of \$37,500 from Richmond Pacific Railroad to match funding provided by the City of Richmond to complete this project was presented by City Manager Bill Lindsay. A motion made by Councilmember Beckles, seconded by

Councilmember Ritterman ended discussion with Councilmember Bates **Abstaining** and Councilmember Boozé voting **Noe**. Wesley Ellis gave comments. On motion of Councilmember Ritterman, seconded by Councilmember Butt approved the project by the following vote: **Ayes:** Councilmembers Bates, Beckles, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** Councilmember Boozé . **Abstentions:** None. **Absent:** None.

RESOLUTIONS

The matter to adopt a resolution supporting Proposition 37, "The California Right to Know Genetically Engineered Food Act" for the November 2012 election was presented by Mayor McLaughlin. The following individuals gave comments: On motion of Mayor McLaughlin, seconded by Councilmember Boozé adopted **Resolution No. 112-12** by the unanimous vote of the City Council.

ORDINANCES

The matter to introduce an ordinance for first reading setting the tax rate for the Tax Override Pension Fund for Fiscal Year 2012-13 at 0.14% was presented by Finance Director James Goins. A motion by Councilmember Boozé to end debate died for lack of a second. On motion of Councilmember Bates, seconded by Councilmember Boozé said ordinance received first reading and was laid over two weeks for the second reading by the unanimous vote of the City Council.

The matter to adopt an ordinance to: (1) amend Section 2.42.075 of the Richmond Municipal Code to specify the information that must be included on a mass mailing in support of, or in opposition to, a candidate for Richmond elective office, or a Richmond City ballot measure, and to specify which types of political committees are subject to these requirements; and (2) amend Section 2.42.080 of the Richmond Municipal Code to repeal the provision of that section imposing criminal penalties for violations of Chapter 2.42 of the Richmond Municipal Code was presented by Vice Mayor Rogers. The following individuals gave comments: Wesley Ellis, Leonard Taylor, Mike Ali, Don Gosney, and Michael Parker. A motion by Councilmember Bates, seconded by Councilmember Boozé to end debate passed with Councilmembers Bates, Boozé , Butt, and Mayor McLaughlin voting **Aye** and Councilmember Beckles and Vice Mayor Rogers voting **Noe**. On motion of Vice Mayor Rogers, seconded by Councilmember adopted **Ordinance No. 11-12 N.S.** by the following vote: **Ayes:** Councilmembers Beckles, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** Councilmember Bates and Boozé. **Abstentions:** None. **Absent:** None.

COUNCIL AS A WHOLE

In 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) was presented by Vice Mayor Rogers. Jael Myrick, Mike Ali, and Michael Parker gave comments. On motion of Vice Mayor Rogers, seconded by Councilmember Beckles endorsed the West Contra Costa Unified School District bond proposition, Measure E, authorizing the district to borrow \$360 million on a 10-year repayment plan by the unanimous vote of the City Council. On motion Vice Mayor Rogers, seconded by Councilmember Ritterman endorsed parcel tax, Measure G, authorizing the school district to extend its current parcel tax beyond the scheduled expiration of 2014 (November 2012) by the unanimous vote of the City Council.

In 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 was presented by Councilmember Bates, Boozé, and City Attorney Bruce Reed Goodmiller. Mr. Goodmiller reported that up to \$30,000 was spent to represent the City of Richmond in the lawsuit filed by the Community Coalition Against Beverage Taxes. The following individuals gave comments: Wesley Ellis, Mark Wassberg, Bea Roberson, and Michael Parker. Councilmember Boozé requested copies of all invoices received regarding this item. On motion of Councilmember Bates, seconded by Councilmember Beckles ended debate by the following vote: **Ayes:** Councilmember Bates, Beckles, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** Councilmember Boozé. **Abstentions:** None. **Absent:** None.

In the matter to discuss and provide direction to staff regarding the rehabilitation and historical designation of the International Hotel in Richmond was presented by Councilmember Boozé and Planning and Building Director Richard Mitchell. Richard Stallings, Henry Clark, Wesley Ellis, Pam Bilbo, Bea Roberson, Jael Myrick, Mike Ali, and Karati Hartman gave comments. A motion was made by Councilmember Beckles, seconded by Councilmember Boozé to direct staff to come back to the City Council in 60-days with a specific plan. The motion was approved by the unanimous vote of the City Council.

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

Councilmember Butt reported that he attended the League of California Cities Environmental Quality Policy Committee Meeting in San Diego on Wednesday, September 5, 2012.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:05 p.m. in memory of Eula Barnes, Joyce Kelly, and Don Hardison to meet again on Tuesday, September 25, 2012, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor