

**RICHMOND, CALIFORNIA, December 18,
2012**

The Richmond City Council Evening Open Session was called to order at 5:15 p.m.

ROLL CALL

Present: Councilmembers Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Absent:** Councilmember Bates, Beckles, and Boozé. (Councilmember Bates and Boozé arrived after the City Council adjourned 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):**

Diane Holden vs. City of Richmond

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

One Case

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

One Case

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

Property: a portion of 440 Civic Center Plaza
Agency Negotiator: Bill Lindsay
Negotiating Party: Rosie the Riveter Trust
Under negotiation: Price and terms of payment

There were no public speakers.

The Evening Open Session adjourned to Closed Session at 5:17 p.m. The Closed Session adjourned at 6:30 p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:44 p.m. by Mayor McLaughlin who opened the meeting in memory of

the victims of the Connecticut school shootings. Mayor McLaughlin also 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.

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 I-2, I-4, I-6, I-7, I-11, I-17, I-21, I-22, and I-23 from the Consent Calendar.

OPEN FORUM FOR PUBLIC COMMENT

Jackie Thompson stated that she attended the West County Health Center's Grand Opening. She also stated that the building lacks ramps for the disabled.

Mark Wassberg expressed his disappointment with the City Council for the passing of some policies.

Sims Thompson expressed his disappointment with the time limit placed on speakers during Open Forum.

Don Schnepf expressed his appreciation for Councilmember Jeff Ritterman.

Antwon Cloird stated that in light of the recent killings in Connecticut, the City of Richmond should increase resources to address individuals with mental health issues.

Wesley Ellis gave comments in support of ending corruption within the City of Richmond.

Don Gosney expressed his disappointment with the large agenda packets posted on the City of Richmond's website which does not allow the public sufficient time to review the documents prior to the scheduled City Council meeting.

Larry Lewis stated that the San Francisco Giants World Series Trophy will be displayed in the Richmond Memorial Auditorium on Monday, January 14, 2013, from 3:00 p.m. to 5:00 p.m. He also announced that Richmond Police Activities League and Richmond Police Department's Annual Shop with a Cop Christmas

Program was scheduled to take 40 children shopping at the Hill Top Mall. Each child will receive \$100 to purchase gifts. Mr. Lewis thanked each organization and individual for donations to make the event possible.

The following individuals spoke in support of People United for Richmond Ethics, ending corruption within the City of Richmond, the allegations against Human Resource Director and Assistant City Manager Leslie Knight, and in support of placing Ms. Knight on administrative leave during the investigation of the allegations against her: Loch Sekona, Raymond Dyer, Jacqueline McBride, Lalo Herrera, Rosanne Ryken, Roger Boutte, Stacie Plummer, Millie Cleveland.

Andres Soto thanked Councilmember Jeff Ritterman for his years of service and contributions as a Councilmember for the City of Richmond. He also gave comments regarding the allegations against Leslie Knight and stated that the allegations against Ms. Knight places City Manager Bill Lindsay's leadership in question.

Greg Karras gave comments regarding the Chevron Refinery and stated that the City of Richmond should allow Chevron to rebuild the damaged oil refinery at its own risk.

Marilyn Langlois stated that the Celebration of Human Rights Day, held on Monday, December 10, 2012, in the Richmond City Council Chambers was successful. She also gave comments regarding the work ethics at the City of Richmond. Ms. Langlois also gave comments regarding Chevron.

Linda Finnie expressed her disappointment with the number of pot holes on Costa Avenue.

Torm Nompraseurt gave comments regarding Chevron.

Eduardo Martinez gave comments against corruption and abuse. He also encouraged everyone to attend the West Contra Costa Unified School District Board Meeting on Wednesday, December 19, 2012, at Lovonya Dejean Middle School, at 6:00 p.m.

Alejandro Navarro gave comments regarding Chevron.

Mike Parker thanked Councilmember Jeff Ritterman for his contributions to the City of Richmond.

Tarnel Abbott gave comments against unfair practices of City of Richmond management. She asked that the City Council support and protect the "whistle-blower." She stated that the City Council could show their support by directing the city manager to place Leslie Knight on administrative leave during the investigation of the allegations against her.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

The matter to present a proclamation acknowledging Ms. Menbre Aklilu, Owner of Salute Ristorante at Marina Bay, for hosting their Second Annual Thanksgiving Dinner for the homeless *was continued to January 15, 2013.*

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

City Attorney Bruce Reed Goodmiller reported that the City Council approved a final settlement agreement with Northern California River Watch in connection with contamination at the corporate yard and will pay \$30,000 in attorney's fees and costs. The vote was unanimous with Councilmembers Beckles and Boozé **Absent**.

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 Cotchett, Pitre & McCarthy, LLP to provide legal services for prosecution of the LIBOR litigation, with fees for service on a contingency basis based on net recovery, and with the term expiring the date of final judgment of this litigation.

The matter to approve a sole-source purchase of holiday light decorations for Macdonald and Nevin Avenues in coordination with the Main Street District holiday celebrations and events in an amount not to exceed \$23,000 was presented by City Manager Bill Lindsay. Wesley Ellis gave comments. On motion of Councilmember Butt, seconded by Councilmember Boozé approved a sole-source purchase of holiday light decorations by the following vote: **Ayes:** Councilmembers Bates, Boozé, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Beckles.

*- Rejected all bids received for the project to install an emergency generator at the Main Library, and authorized staff to solicit new bids for this project.

The matter to approve a contract in an amount not to exceed \$60,000 for the National Institute for Art and Disabilities (NIAD) to support ongoing arts programs and collaborations with the City as allocated in the Fiscal Year 2012-13 General Fund Budget *was continued to January 15, 2013.*

*-Adopted **Ordinance No. 15-12 N. S.** amending Richmond Municipal Code Sections 9.20.150 and 9.20.155 to increase the solid waste collection rates to reflect the change in the Consumer Price Index.

The matter to approve a contract with the East Bay Center for the Performing Arts to support ongoing performing arts programs and collaborations with the City in an amount not to exceed \$60,000 as allocated in the Fiscal Year 2012-13 General Fund Budget *was continued to January 15, 2013.*

The matter to approve a contract with Mr. Kevin W. Harper, CPA to conduct an internal audit of the Richmond Library and Cultural Services Department in an amount not to exceed \$25,375 was presented by Finance Director James Goins. On motion Councilmember Butt, seconded by Councilmember Ritterman approved a contract with Mr. Kevin W. Harper, CPA to conduct an internal audit by the following vote: **Ayes:** Councilmembers Bates, Boozé, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Beckles.

*-Adopted **Resolution No. 129-12** approving the City of Richmond's OMB A-87 cost allocation plan and full-cost allocation plan.

*-Adopted **Resolution No. 130-12** Declaring the Canvass of Returns and Result of the General Municipal Election held on November 6, 2012.

*-Approved Amendment No. 5 to the legal services agreement with Kronick Moskovitz for legal representation related to the City's intervention in the Chevron property tax appeal litigation (three separate cases), increasing the amount by \$200,000 for a total contract amount of \$500,000.

The matter to approve an amendment to the existing contract with SCV and Associates, increasing the amount by \$20,000 to a total amount not to exceed \$109,000, and modifying the scope of work to provide armed-guard services at Shields Reid Community Center was presented by City Manager Bill Lindsay. On motion of Councilmember Butt, seconded by Councilmember Ritterman approved an amendment to the existing contract with SCV and Associates by the following vote: **Ayes:** Councilmembers Bates, Boozé, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Beckles.

*-Authorized the City Manager's Office to enroll in the National Research Center's National Citizen Survey Program in order to conduct a 2013 survey of City of Richmond residents at a cost not to exceed \$30,000.

*-Approved an agreement with Portland State University, authorized the Library and Cultural Services Director to accepted funds in the amount of \$6,000, and approved an amendment to the Fiscal Year 2012-13 operating budget to increase library fund revenue and expenditures in the amount of \$6,000.

*-Approved the submission of a grant application to CalEMA for 2013 funding (\$207,121 grant and \$69,040 in-kind match) and approve a contract with STAND!, contingent upon the award of grant funds, for the period January 1, 2013 through December 31, 2013.

*-Adopted **Ordinance No. 16-12 N. S.** amending Richmond Municipal Code Section 2.50 (Business Opportunity Ordinance), extending the expiration date to December 31, 2016, and making other technical amendments.

*-Approved the minutes of the December 4, 2012, meeting.

The matter to approve a three-year contract, with the option of two one-year renewal options, with O.C. Jones & Sons, Inc. for the rental of street paving equipment, as needed, to supplement City crews on larger maintenance paving projects, such as Cutting Boulevard, in an amount not to exceed \$100,000 per fiscal year *was continued to January 15, 2013.*

*-Adopted **Resolution No. 131-12** authorizing service contracts with three material testing laboratories (Applied Materials & Engineering, Inc. [Oakland], Construction Testing Services, [Oakland], and Ninyo & Moore [Oakland] for as-needed services in an amount not to exceed \$100,000 per contract over a three-year period.

*-Approved a contract extension for federal and state advocacy services with Holland & Knight LLP in an amount not to exceed \$180,000 and for a term extending to December 31, 2013.

*-Adopted **Resolution No. 132-12** authorizing the City of Richmond to join with other public agencies as a participant of the Investment Trust of California, carrying on business as CalTRUST.

The matter to approve the following appointments and re-appointments: Planning Commission: Marilyn Langlois, new appointment, term expiring December 11, 2014; Roberto Reyes, incumbent, term expiring June 30, 2014; Historic Preservation Commission: Paul Scolari, new appointment, term expiring December 18, 2014; Recreation and Parks Commission: Pardip Saini, new appointment, term expiring December 18, 2015, was approve by the following vote: **Ayes:** Councilmembers

Bates, Boozé, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** Councilmembers Bates and Boozé voted **Noe** on the appointments of Marilyn Langlois and Roberto Reyes. **Abstentions:** None. **Absent:** Councilmember Beckles.

The matter to accept a report from City staff on the status of the Richmond Municipal Identification/Stored Value Card Program *was continued to January 15, 2013.*

The matter to receive a status report on the implementation of projects upgrading street lights using Light Emitting Diode (LED) technology, and evaluating the feasibility of solar LED technology along Richmond Parkway *was continued to January 15, 2013.*

PUBLIC HEARINGS

The city clerk announced that it was time, pursuant to public notice and under the Tax and Equity Fiscal Responsibility Act ("TEFRA"), to hear comments relating to the proposed issuance of multifamily housing revenue obligations by the California Statewide Communities Development Authority ("CSCDA") in an amount not to exceed \$27,000,000 in connection with St. John's Partners, LP and to adopt a resolution to approve the proposed financing by the CSCDA. Finance Director James Goins gave an overview of the item. Mayor McLaughlin opened the public hearing. On motion of Councilmember Butt, seconded by Councilmember Ritterman closed the public hearing by the following vote: **Ayes:** Councilmembers Bates, Boozé, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Beckles. On motion of Councilmember Butt, seconded by Vice Mayor Rogers adopted **Resolution No. 133-12** by the following vote: **Ayes:** Councilmembers Bates, Boozé, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Beckles.

RESOLUTIONS

The matter to adopt a resolution expressing the City's intent to support the West Contra Costa Unified School District's application to the State Board of Education for a waiver of the Statutory Bonding Capacity was presented by Vice Mayor Rogers. Don Gosney gave comments. On motion of Vice Mayor Rogers, seconded by Councilmember Ritterman adopted **Resolution No. 134-12** by the following vote: **Ayes:** Councilmembers Bates, Boozé, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Beckles.

The matter to adopt a resolution urging the

California Environmental Protection Agency (Cal EPA) Department of Toxic Substances Control (DTSC) to ensure that the Zeneca property is cleaned up to unrestricted standards was presented by Mayor McLaughlin. The following individuals gave comments: Eric Blum, Eduardo Martinez, Mike Parker, Carolyn Graves, Stephen Linsley, Sherry Padgett, Peter Weiner, Don Schnepf, Marilyn Langlois, Torm Nompraseurt, Tarnel Abbott, Joe Puleo, and Andres Soto. On motion of Mayor McLaughlin, seconded by Councilmember Ritterman adopted **Resolution No. 135-12** by the following vote: **Ayes:** Councilmembers Bates, Boozé, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Beckles.

This item was heard before Item K-2.

The matter to adopt a resolution authorizing the City Manager to appoint Robyn Kain to the position of Interim Risk Manager, effective January 2, 2013, and pending completion of the recruitment for a permanent appointment to the position of Risk Manager was presented by City Manager Bill Lindsay. On motion of Councilmember Boozé, seconded by Vice Mayor Rogers adopted **Resolution No. 136-12** by the following vote: **Ayes:** Councilmembers Bates, Boozé, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Beckles.

ORDINANCES

This item was heard before Item K-2. The matter to introduce an ordinance amending Richmond Municipal Code Chapter 6.43 (Industrial Safety) to improve industrial safety and update and clarify other sections of Chapter 6.43 was presented by Planning Director Richard Mitchell and Senior Planner Lina Velasco. A motion was made by Vice Mayor Rogers, seconded by Mayor McLaughlin to approve the introduction of the ordinance. A friendly amendment was offered by Councilmember Butt to change the compliance period year from 2018 to 2014. Following discussion Councilmember Butt agreed to change the compliance period year from 2018 to 2015. A second friendly amendment was offered by Councilmember Bates to direct the city manager to investigate what other cities were doing and invite Chevron to have input for compliance with the County's ordinance. The amendments were accepted. A substitute motion was made by Councilmember Boozé to follow the County's ordinance and bring Chevron into the discussions died for lack of a second. A call for the question to end debate by Councilmember Ritterman, seconded by Councilmember Bates passed with Councilmember Beckles **Absent**. The original motion passed and said ordinance received first reading and was laid over to January 15, 2013, for second reading by the following vote: **Ayes:** Councilmembers Bates, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:**

Councilmember Boozé. **Abstentions:** None. **Absent:** Councilmember Beckles.

COUNCIL AS A WHOLE

The matter to receive a staff presentation regarding the update of the Housing Element of the City of Richmond General Plan and provide comments was presented by Planning Director Richard Mitchell, Senior Planner Hector Rojas, Kim Obstfeld from Lisa Wise Consulting Inc., and Marie Munson from Seifel Consulting Inc. The presentation included a PowerPoint Presentation. The following individuals gave comments: Len Navarro, Rachel Larson, Justin Brewer, Theresa Karr, Marilyn Langlois, Torm Nompraseurt, Jeffrey Wright, Andres Soto, Christy Leffall, Melvin Willis, and Edith Pistrano. (The City Council may not adopt the Housing Element until after the statutory comment period has concluded on January 1, 2013).

At 11:00 p.m. a motion was made by Councilmember Ritterman, seconded by Vice Mayor Rogers to extend the meeting for 30 minutes. The extension was approved with Councilmembers Boozé and Butt voting Noe and Councilmember Beckles Absent. Councilmember Bates requested a revote on the extension. On the revote, the motion to extend the meeting for 30 minutes failed with Councilmembers Bates, Boozé, and Butt voting Noe and Councilmember Beckles Absent. A substitute motion was made by Vice Mayor Rogers to extend the meeting to hear items I-2, I-7, and I-11 only. Mayor McLaughlin seconded the motion and requested a friendly amendment to also include Item I-21. The amendment was accepted. The motion passed with Councilmembers Bates and Boozé voting Noe and Councilmember Beckles Absent.

The matter to receive a presentation from the Contra Costa Transportation Authority on major interchange modifications at I-80 and San Pablo Dam Road, McBryde Avenue, and El Portal Drive *was continued to January 22, 2013.*

The matter to receive a status update on the Richmond Health Equity Partnership, and direct staff to develop a Health in All Policies Strategy and Ordinance *was continued to January 22, 2013.*

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 11:37 p.m. in memory of Mother Charlie Mae Lucky and the victims of the Connecticut school shootings to meet again on Tuesday, January 15, 2013, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor