

**RICHMOND, CALIFORNIA, January 15,
2013**

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

ROLL CALL

Present: Councilmembers Beckles, Boozé Butt, and Mayor McLaughlin. **Absent:** Vice Mayor Rogers and Councilmember Bates 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 REAL PROPERTY
NEGOTIATOR (Government Code Section 54956.8)**

Property: Port of Richmond
Agency negotiators: Bill Lindsay and Jim Matzorkis
Negotiating parties: Auto Warehousing Company
Under negotiation: Price and terms of payment

There were no public speakers.

The Evening Open Session adjourned to Closed Session at 5:37 p.m. The Closed Session adjourned at 6:48 p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:53 p.m. by Mayor McLaughlin who led the Pledge of Allegiance to the Flag.

ROLL CALL

Present: Councilmembers Bates, Beckles, Boozé, Butt, Vice Mayor Rogers, and Mayor McLaughlin. **Absent:** None.

READING OF THE CODE OF ETHICS

Diane Holmes, City Clerk, read the Code of Ethics.

STATEMENT OF CONFLICT OF INTEREST

Councilmembers Bates, Butt, and Boozé stated conflict of interest on Item I-15 because they have received campaign contributions from Auto Warehousing in excess of \$250.

AGENDA REVIEW

Removed Items I-10 and I-18 from the Consent Calendar, and withdrew Items I-15 and I-19 from the agenda.

OPEN FORUM FOR PUBLIC COMMENT

Antwon Cloird stated that there has been a decline in crime in Richmond in 2012 and said it was a collaborative effort made by many agencies and organizations.

Kathleen Sullivan announced that the “Martin Luther King March for Change” event on January 19, 2013 at the Nevin Community Center at 11:30 a.m.

Willie Robinson, President of NAACP, El Sobrante Chapter, stated that the Martin Luther King Peace and Freedom Award will be presented to Councilmember Boozé for not retaliating at an act of violence directed toward him.

Sims Thompson asked the City Council to tour the city to determine what issues need to be addressed.

Najari Smith invited all to participate in the Martin Luther King National Day of Service at the Richmond Greenway on January 21, 2013.

Thomas Gary, Vice President of Richmond Little League, asked the community to support and sponsor the league.

Tarnel Abbott urged the City Council to appoint Eduardo Martinez to the vacant city council seat.

Michael Beer asked that the community participate in the Martin Luther King National Day of Service on January 21, 2013, at the Richmond Greenway.

Joe Puleo expressed gratitude for the quick and efficient response of the Finance Department staff to his inquiry regarding an agenda item.

Marilyn Langlois announced that the Contra Costa County Board of Supervisors voted unanimously to approve the CCP budget for realignment funds for re-entry programs. Ms. Langlois also stated that there is an excellent Cuban art exhibit at the Richmond Art Museum and also asked the Mayor to close the meeting in memory of musician Jimmy McCracklin.

Mary Cantrell asked someone to respond to her request to have the curb in front of her house designated as handicapped parking and complained that the cost associated with this is exorbitant.

Melvin Willis urged the City Council to appoint Eduardo Martinez to the City Council.

Eleanor Thompson thanked everyone who assisted with the Christmas event.

Mike Ali gave comments regarding the Prime Minister of Canada who has been inflicting political repression and violence against First Nations native people.

Aaliyah Washington thanked the City for participating in the “Christmas in Richmond” event and invited everyone to the play she is starring in called “Full Circle” at the Richmond Auditorium on Saturday, January 19th.

Edna Campbell thanked everyone who participated in “Christmas in Richmond”.

Texanita Bluitt stated that the Laurel Park Neighborhood Council received a request from West Contra Costa School District Superintendent, Dr. Harter, who will be attending the Laurel Park Neighborhood Council meeting on January 28, 2013, to discuss redefining the attendance area for Kennedy High School.

Jose Rivera stated that the Prime Minister of Canada disrespected the treaties of indigenous people and a “flash mob” movement has started in support of the tribes, including an event in Richmond that was held this past Saturday.

Michael Parker urged the City Council to appoint Eduardo Martinez to the vacant City Council seat and not waste money unnecessarily on a special election.

Eduardo Martinez thanked Mayor McLaughlin and Chief Magnus for attending the Contra Costa County Board of Supervisor’s meeting to urge the supervisors to pass the CCT budget for AB109.

Millie Cleveland asked that the City Council appoint Eduardo Martinez to the vacant City Council seat because he was the next top vote getter after Gary Bell.

Juan Sandoval asked the City Council to appoint Eduardo Martinez to the City Council seat and not spend money on a special election.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Mayor McLaughlin and Councilmember Rogers presented a proclamation to Ms. Menbere Aklilu, Owner of Salute Ristorante at Marina Bay, for hosting their Second Annual Thanksgiving Dinner for the homeless. Ms. Aklilu thanked the community and the City Council for their support.

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

*- Approved 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 paving projects, in an amount not to exceed \$100,000 per fiscal year (This item was not reviewed by the Finance Committee due to cancellation of its December 7, 2012, meeting). **This item was continued from the December 18, 2012, meeting.**

*- Approved a three-year contract with CRW for continued maintenance and support of the TRAKiT community development software application for a total cost not to exceed \$78,000 over the life of the agreement.

*- Adopted **Resolution No. 1-13**, approving a three percent annual cost-of-living increase, in addition to the two percent minimum cost-of-living increase, for the recipients of the General Pension Fund, for a total annual cost-of-living increase of five percent for these recipients.

*- Approved a two-year contract with Oscar Solano, dba ZumbaRico Fitness, to provide Zumba Fitness classes and Aqua Zumba classes at recreation facilities in an amount not to exceed \$30,000, with a term ending December 31, 2014.

*- Approved the minutes of the December 18, 2012, meeting.

*- Approved a sole-source, three-year grant-funded contract with Richmond Kaiser Permanente Medical Group to perform physical examinations for up to 60 Fire Department Hazardous Materials Specialists using funds from the Contra Costa County Health Services Hazardous Materials Division, in an amount not to exceed \$75,000.

*- Approved a contract with NBS Government Finance Group (NBS) in an amount not to exceed \$48,325 to prepare the full cost and OMB Circular A-87 compliant cost allocation plans and user fee study.

*- Approved a grant-funded contract with In2change, Inc. to make improvements to the Police Department's Line-up Room that will improve officers' ability to exchange information and receive training, for the period January 1, 2013, to April 29, 2013, in an amount not to exceed \$99,500.

*- Received a report from the West Contra Costa Integrated Waste Management Authority ("RecycleMore") on the Statement of Interest (SOI) procurement process for post-collection processing and disposal services.

CONTINUED the matter to approve the purchase of 20 new Chevrolet Caprice police cars from Winner Chevrolet of Elk Grove, California, for use by the Richmond Police Department as replacement for existing vehicles, in an amount not to exceed \$625,000 (This item was not reviewed by the Finance Committee due to cancellation of recent Committee meetings).

*-Approved an amendment to the contract with Tyler Technologies for Application Service Provider (ASP) services for the MUNIS Enterprise Resource Planning (ERP) System, extending the term of the contract for five years, at a total cost of \$2,439,400 for the five-year renewal period for ASP services, and for acquisition of the Tyler Content Manager document management system for a one-time cost of \$57,400 (This item was not reviewed by the Finance Committee due to cancellation of recent committee meetings).

*- Approved the following re-appointments:
Police Commission: Felix Hunziker, incumbent, term expiring November 1, 2015; Bea Roberson, incumbent, term expiring November 1, 2015; Glen Stephenson, incumbent, term expiring November 1, 2015; Economic Development Commission: Cynthia Burke, incumbent, term expiring April 21, 2015; Michelle Itagaki, incumbent, term expiring March 30, 2015.

*- Approved a contract for the National Institute for Art and Disabilities (NIAD) to support ongoing 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.. **This item was continued from the December 18, 2012, meeting.**

*-Approved 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. **This item was continued from the December 18, 2012, meeting.**

WITHDREW the matter to approve the First Amendment to the Lease Agreement between Auto Warehousing Company and the Port of Richmond for a portion of Terminal 3, extending the term for an additional five years through December 31, 2018, providing not less than \$42,000 in annual revenue during this term.

*- Adopted **Resolution No. 2-13**, authorizing the city manager to execute a contract with the Regents of the University of California in an amount not to exceed \$25,000 to develop a Richmond Bay Campus strategic business plan.

*- Adopted **Resolution No. 3-13**, authorizing the city manager to execute a contract with the Regents of the University of California in an amount not to exceed \$25,000 for the development of a strategic business plan for a Destination Marketplace at 12th Street and Macdonald Avenue.

CONTINUED 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 presented.

WITHDREW the matter to accept a report from city staff on the status of the Richmond Municipal Identification/Stored Value Card Program.

PUBLIC HEARINGS

The matter to (1) adopt a resolution in Attachment 1 adopting the Addendum to the Richmond General Plan 2030 EIR and adopting the Richmond General Plan Housing Element Update with amendments recommended by city staff; OR (2) adopt a resolution in Attachment 2 adopting the Addendum to the Richmond General Plan 2030 EIR and adopting the Richmond General Plan Housing Element Update with amendments recommended by the Planning Commission was presented by Planning Director, Richard Mitchell and Planner Hector Rojas. Mayor McLaughlin opened the public hearing. The following persons gave comments: John Anderson, Len Navarro, Michael Beer, Richard Poe, Theresa Karr, Andres Soto, Jeffrey Wright, Melvin Willis, Juan Sandoval, Michael Parker, Christy Leffall, Joshua Genser, Stephanie Hervey, Don Gosney, Tarnell Abbott, Maximo Rivera, Zak Wear, Marilyn Langlois, Eduardo Martinez, and Garland Ellis. A motion by Councilmember Beckles, seconded by Councilmember Boozé, closed the public hearing by the unanimous vote of the City Council. A motion by Vice Mayor Rogers, seconded by Councilmember Beckles to accept the staff recommendations and that staff return to the City Council within 3 months with a recommendation to increase the in-lieu fees to about 80% of the cost of the home for ownership projects. Councilmember Beckles made a friendly amendment that the community land trust is included and staff researches what is a reasonable rent stabilization policy, without the formulation of a Rent Control Board. Vice Mayor Rogers accepted the amendments. A substitute motion made by Councilmember Boozé, seconded by

Councilmember Butt, to accept staff's recommendations failed by the following vote: **Ayes:** Councilmembers Boozé and Butt. **Noes:** Councilmembers Bates, Beckles, and Mayor McLaughlin. **Abstain:** Councilmember Bates. **Absent:** None. A substitute motion made by Councilmember Bates, seconded by Councilmember Boozé, that each staff recommended program be voted on separately, failed by the following vote: **Ayes:** Bates, Boozé, and Butt. **Noes:** Councilmember Beckles, Vice Mayor Rogers, and Mayor McLaughlin. **Abstain:** None. **Absent:** None. A substitute motion made by Councilmember Boozé to adopt item (1) of the recommended action failed by lack of a second. The original motion failed by the following vote: **Ayes:** Councilmember Beckles, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** Councilmembers Bates, Boozé, Butt. **Abstain:** None. **Absent:** None. A motion by Councilmember Butt, seconded by Councilmember Bates, to accept Staff Recommended Program H-1.3.2 (Inclusionary Housing Ordinance Study), passed by the following vote: **Ayes:** Councilmember Bates, Beckles, Boozé, Butt, and Mayor McLaughlin. **Noes:** Vice Mayor Rogers. **Abstain:** None. **Absent:** None. A motion by Councilmember Butt, seconded by Councilmember Bates, to accept Staff Recommended Program H-1.3.4 (Community Land Trust Study), passed by the unanimous vote of the City Council. A motion by Councilmember Butt, seconded by Councilmember Beckles, to accept Staff Recommended Program H-4.2.2 (Expansion of Just Cause for Eviction Ordinance), passed by the following vote: **Ayes:** Councilmember Bates, Beckles, Butt, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** Councilmember Boozé. **Abstain:** None. **Absent:** None. A motion by Councilmember Butt, seconded by Mayor McLaughlin, to accept Staff Recommended Program H-4.2.3 (Rent Control Ordinance Study), passed by the following vote: **Ayes:** Councilmember Bates, Beckles, Butt, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** Councilmember Boozé. **Abstain:** None. **Absent:** None. A motion by Councilmember Butt, seconded by Mayor McLaughlin, adopted **Resolution No. 4-13**, by the following vote: **Ayes:** Councilmember Bates,

Beckles, Butt, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** Councilmember Boozé. **Abstain:** **None.** Absent: None.

ORDINANCES

The matter to adopt an ordinance (second reading) amending Richmond Municipal Code Chapter 6.43 to improve industrial safety and update and clarify other sections of Chapter 6.43 was presented by Planning Director, Richard Mitchell, and Planner Lina Velasco. A motion by Councilmember Butt, seconded by Vice Mayor Rogers, approved first reading of the ordinance with the change that industries be given two years to complete their policy changes unless a compelling case is made to the City Manager requesting an additional year, which the City Manager may grant. The decision is appealable to the City Council. The motion passed by the unanimous vote of the City Council.

The matter to introduce an ordinance (first reading) amending Chapter 6.38 of the Richmond Municipal Code requiring the registration of vacant buildings in the City was presented by Attorney Trisha Aljoe. The following persons gave comments: Joe Puleo, Andres Soto, Melvin Willis, Christy Lefall, Joshua Genser, Marilyn Langlois, and Eduardo Martinez. (***This item was not completed.***)

*(11:00 a.m. - A motion by Mayor McLaughlin, seconded by Councilmember Beckles to extend the meeting for 30 minutes, failed by the following vote: **Ayes:** Councilmember Beckles and Mayor McLaughlin. **Noes:** Councilmembers Bates, Boozé, Butt, and Vice Mayor Rogers. **Absent:** None. **Abstain:** None. A motion by Councilmember Boozé, seconded by Councilmember Bates, to end the meeting immediately, failed by the following vote: **Ayes:** Councilmember Bates, Boozé, Butt, and Vice Mayor Rogers. **Noes:** Councilmembers Beckles, and Mayor McLaughlin. **Absent:** None. **Abstain:** None. A motion by Mayor McLaughlin, seconded by Councilmember Beckles, to finish Item K-2 and L-1, failed by the following vote: **Ayes:** Councilmember Beckles and Mayor McLaughlin.*

Noes: Councilmembers Bates, Boozé, Butt, and Vice Mayor Rogers. Absent: None. Abstain: None. A motion by Mayor McLaughlin, seconded by Councilmember Beckles, to postpone completion of Item K-2 and discuss Item L-1 for 5 minutes, failed by the following vote: Ayes: Councilmember Beckles and Mayor McLaughlin. Noes: Councilmembers Bates, Boozé, Butt, Vice Mayor Rogers. Absent: None. Abstain: None. A motion by Vice Mayor Rogers, seconded by Mayor McLaughlin to discuss Item L-1 only and encouraged public speakers to pass. Councilmembers did not vote on the last motion and the meeting ended.

COUNCIL AS A WHOLE

CONTINUED the matter to announce City Council seat vacancy as of January 8, 2013, and establish January 31, 2013, as the deadline for submitting statements of interest and February 12, 2013, as the date for a public meeting to fill the vacancy.

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 11:14 p.m. in memory of Redell Randall, former Councilmember, John Marquez's mother, and Jimmy McCracklin to meet again on Tuesday, January 29, 2013, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor