

**RICHMOND, CALIFORNIA, May
21, 2013**

The Richmond City Council Evening
Open Session was called to order at 5:06 p.m.

ROLL CALL

Present: Councilmembers Beckles,
Butt, Rogers, Vice Mayor Boozé, and Mayor
McLaughlin. **Absent:** Councilmembers Bates
and Myrick arrived at 5:09 p.m.

PUBLIC COMMENT

None.

CLOSED SESSION

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

**LIABILITY CLAIMS - PENDING
LITIGATION (Government Code Section
54956.9):** Michael Sullivan vs. City of Richmond

**CONFERENCE WITH LEGAL COUNSEL -
EXISTING LITIGATION (Subdivision [a] of
Government Code Section 54956.9):** Monica
Rivera 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 LABOR NEGOTIATORS (Government Code Section 54957.6):

MOVED to the June 4, 2013, City Council Meeting Closed Session: Agency designated representatives: Bill Lindsay, Jack Hughes, Bruce Soublet, and Lisa Stephenson
Employee organization: International Federation of Professional and Technical Employees (IFPTE), Local 21

Agency designated representatives: Bill Lindsay, Jack Hughes, Michael Banks, Lisa Stephenson and Bruce Soublet
Employee organization: International Association of Fire Fighters (IAFF), Local 188

The Evening Open Session adjourned to Closed Session at 5:08 p.m. The Closed Session adjourned at 7:08 p.m.

The Regular Meeting of the Richmond City Council was called to order at 7:16 p.m. by Mayor McLaughlin who led the Pledge of Allegiance to the Flag.

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

Councilmember Myrick stated conflict of interest on Item H-2.

AGENDA REVIEW

Items G-2, G-24, and G-27 were removed from the Consent Calendar and will be heard at the end of the meeting. The following items will be discussed immediately after the approval of the Consent Calendar: G-26, G-29, G-30, G-34, G-35, G-36, and G-37. City Manager, Bill Lindsay, stated that Item G-7 is corrected in an amount not to exceed \$30,000 and ending June 30, 2013. Mr. Lindsay also stated that Item G-25 is for the City Council to simply acknowledge receipt of the proposed budget to be discussed at the June 4, 2013, City Council meeting.

*A motion by Vice Mayor Boozé, seconded by Councilmember Bates, to hold Item G-37 over for 30 days, failed by the following vote: **Ayes:** Councilmember Bates and Vice Mayor Boozé. **Noes:** Councilmembers Beckles, Butt, Myrick, Rogers, and Mayor McLaughlin. (7:30 p.m. - Mayor McLaughlin called a 5-minute recess). (7:37 p.m. - Reconvened - all present).*

OPEN FORUM FOR PUBLIC COMMENT

Andres Soto gave comments opposing Assembly Bill 26, which declares refineries replacement of old pipes, etc. as public works projects.

Sims Thompson stated that the City needs to be more aggressive in not allowing big rigs to park on city streets.

Wesley Ellis gave comments regarding transparency and read excerpts from a letter written by City Manager, Bill Lindsay, regarding the importance of transparency in the city

Byron Miller, Men and Women of Valor, stated that the group has been fulfilling its part of the contract and cleaning up North Richmond.

Nancy Lewis and Liza-Henty Clark gave comments regarding the need for traffic safety measures to be implemented in the area of the Solano Playlot.

Liza-Henty Clark requested that funding be given to the Solano Playlot for traffic calming devices.

Eleanor Thompson spoke in favor of gun control measures for the City of Richmond.

Antwon Cloird thanked the City Council for investing in his program.

Jackie Thompson thanked the seniors at Trinity Plaza for giving her flowers. Ms. Thompson also thanked the Human Rights Human Relations Commission for discussing issues regarding bullying.

Eduardo Martinez read the City's Code of Ethics.

Marilyn Langlois gave comments regarding the resignation of the Assistant City Manager/Human Resources Director and the misuse of public funds. Ms. Langlois also stated that there should be guidelines in place to prevent these types of issues from recurring.

Texanita Bluitt stated that our behavior can have a negative effect on somebody's life and is concerned on how the council is representing her. Ms. Bluitt also announced that her sorority, Women of Valor, will be hosting their prayer breakfast brunch at Easter Hill Methodist Church on June 29, 2013.

Bea Roberson announced that there will be a kick off breakfast for the Summer Youth Employment Program. Ms. Roberson also announced that the Richmond NAACP Day at the Races will be on June 6, 2013, at Golden Gate Fields.

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

City Attorney Bruce Reed Goodmiller stated that there were no reportable actions.

CITY COUNCIL CONSENT CALENDAR

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

*-Approve a contract with NEMA Construction to replace the lighting system and scoreboard at the North Richmond Ballfield on

Fred Jackson Way, in an amount not to exceed \$175,000 (This item was reviewed and recommended for approval by the Finance Committee at its May 3, 2013, meeting).

CONTINUED to the June 4, 2013, City Council meeting, to approve Amendment No. 6 to the Kronick Moskowitz legal services agreement for legal representation related to the City of Richmond's intervention in the Chevron property tax appeal litigation, increasing the amount by \$300,000 to a total amount of \$800,000.

*-Approved an increase in the previously-approved purchase order amount for the purchase of an aerial boom truck from ALTEC INDUSTRIES in Dixon, California. The requested increase is from \$105,000 to \$122,204 (a \$17,204 increase) and is due TO: (1) a change in the truck model type to be purchased; and (2) the omission of sales taxes from the previously-approved purchase order issued to Altec Industries.

*-Approved a contract with Turner Group Construction (Richmond, CA) in an amount not to exceed \$1,245,936 (term of contract is from May 21, 2013, to June 30, 2014) for rehabilitation of the Elm Playlot and community building; and APPROVE a contract amendment with Mack5 for project management services associated with the Elm Playlot Project, increasing the contract amount by \$36,000 to a total amount of \$134,250, and extending the term through June 30, 2014. (This contract was reviewed and recommended for approval by the Finance Committee at its May 3, 2013, meeting).

*- Approved the purchase of a three-quarter-ton pickup truck with an extended cab from Hilltop Ford (Richmond, California) in an amount not to exceed \$25,000.

*-Approved the purchase of Globe and PGI personal protective equipment (PPE) for twelve new firefighter trainees from L.N. Curtis & Sons in the amount of \$38,507.52.

*-Approved a two-year contract with Nichols Consulting Engineers to provide technical and budgetary oversight for environmental remediation activities at Point Molate in an amount not to exceed \$30,000 (paid from the remediation account funded by the United States Navy) and for a contract term commencing December 8, 2012, and ending June 30, 2013.

*-Approved a three-year contract with Remediation Risk Management, Inc. (RRM) for the assessment, monitoring, and reporting of soil and groundwater conditions in and adjacent to the City of Richmond's corporation yard, as required by the Regional Water Quality Control Board, in an amount not to exceed \$75,000 and with a term extending through June 30, 2015.

*-Approved a Cooperative Management Agreement with the National Park Service for a five-year period, with a possible extension for an additional five years by mutual agreement, to facilitate continued coordination and collaboration on the promotion and management of the Rosie the Riveter/World War II Home Front National Historical Park (Park) and other Park resources.

*-Introduced an ordinance (first reading) establishing the wages, salary, and compensation for the new classification of Community Services Technician II (Salary Range No. 36D: \$4,363 - \$5,150).

*-Adopted **Resolution No. 40-13**, amending the City of Richmond's Position Classification Plan to add the new flexibly-staffed classification of Community Services Technician II, as recommended by the Personnel Board.

*-Introduced an ordinance (first reading) establishing the wages, salary, and compensation for the new classification of CCTV and Wireless Systems Specialist (Salary Range No. 063: \$6,734 - \$8,185).

*-Approved the purchase of three three-quarter-ton pickup trucks from Downtown Ford (Sacramento, CA) for use in the Public Works Department in an amount not to exceed \$65,000.

*-Approved a grant-funded contract with First Serve Productions, Inc. for the restoration of tennis and sport court surfaces at Belding-Garcia Park, Lucas Park, Hilltop Green Park, Burg Park, and Tiller Park in an amount not to exceed \$77,000, which includes a 10% city-controlled cost contingency, and appropriated funds from the Clara-Belle Hamilton Trust for this project. The contract term will be from May 22, 2013, to December 31, 2013.

*-Approved a contract with Stommel Inc., dba LEHR Auto Electric & Emergency Equipment/Pursuit North, to purchase four license plate readers in an amount not to exceed \$89,421. The contract term is from May 21, 2013, through July 30, 2013.

*- Adopted **Ordinance No. 5-13**, establishing the wages, salary, and compensation for the new classification of Duplicating/Mail Specialist I (Salary Range No. 12: \$3,403 - \$4,137/month) and, the new classification of Duplicating/ Mail Specialist II (Salary Range No. 18: \$3,743 - \$4,551/month).

*-Adopted **Ordinance No. 6-13**, establishing the wages, salary, and compensation for the new classification of Buyer II (Salary Range No. 52D: \$5,824 - \$7,050/month).

*-Approved the purchase of one 12-passenger van and one 15-passenger van for use by the Richmond Police Department's Youth Services Division from Hilltop Ford (Richmond, CA) for a combined amount not to exceed \$55,000.

*-Adopted **Resolution No. 41-13**, supporting the establishment of a Targeted Employment Area for the Richmond Enterprise Zone as required by the California State Housing and Community Development Department.

*-Approved a contract with Municipal Resource Group, LLC to provide consulting services to assist the City with various Engineering Department projects, and with dissolution of the redevelopment agency, in an amount not to exceed \$37,440 for a term of May 21, 2013, through December 31, 2013.

*-Adopted **Resolution No. 42-13**, accepting grant funds from the Metropolitan Transportation Commission in the amount of \$413,000 for the Dornan Drive Tunnel Project; and approve contract amendments with TPA Construction Inc., increasing the contract by \$255,000 to a total of \$1,075,328; the Crosby Group, increasing the contract amount by \$19,000 to a total of \$60,000; and with Simpson Gumpertz & Heger, increasing the contract amount by \$2,000 to a total of \$12,000 for completion of the project.

*-Adopted **Resolution No. 43-13**, authorizing an agreement between the Marine Exchange of the San Francisco Bay Region and the City of Richmond to accept grant funds from the Federal Emergency Management Agency (FEMA) 2008 Port Security Grant Program in the amount of \$50,000 to be appropriated towards the construction design and cost analysis of a Public Safety Boathouse.

*-Received the monthly report on the Richmond Municipal Sewer District for March and April 2013.

CONTINUED to the June 4, 2013, City Council meeting, the matter to approve the following appointment and re-appointments: Point Molate Advisory Committee: Eileen Whitty, incumbent, term expiring May 30, 2015; Jeanne Kortz, incumbent, term expiring May 30, 2015; Economic Development Commission: Ann Roulac, new appointment, term expiring March 30, 2016.

*-Acknowledged receipt of the proposed fiscal year 2013-14 and 2014-15 Biennial Operating Budget and proposed fiscal year 2013-14 through 2017-18 Capital Improvement Plan.

The matter to adopt a resolution, authorizing the refunding of certain bonds and the issuance of not to exceed \$45,000,000 in refunding bonds, approving the forms and authorizing the execution and delivery of an indenture, a bond purchase contract, a continuing disclosure agreement, two escrow agreements, and a preliminary official statement, and authorizing certain actions taken in connection therewith. (This item was reviewed and recommended for approval by the Finance Committee at its May 3, 2013, meeting) was presented. A motion by Councilmember Bates, seconded by Councilmember Butt, adopted **Resolution No. 44-13**, by the unanimous vote of the City Council.

CONTINUED to the June 4, 2013, City Council meeting, the matter to approve the Port executive director's request for travel to China with a cost of approximately \$9,000 to continue the business development plan and 2012 marketing plan with the Port of Zhoushan and 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 was presented.

*-Adopted **Resolution of Intention No. 907**, to rename 15th Street between Nevin Plaza and Macdonald Avenue to "Village Lane" in response to a request by residents in the Metro Walk residential neighborhood.

The matter to approve a three-year agreement with the Native American Health Center for the lease of City-owned property at 2566 Macdonald Avenue from June 1, 2013, to May 31, 2016, with two additional one-year extension options, to provide health-related prevention and early intervention services for the local Native American community was presented by City Manager, Bill Lindsay. Councilmembers Bates and Vice Mayor Boozé requested that language be added to the agreement that no political activities shall take place on the premises. City Manager, Bill Lindsay, replied that there is language already in the agreement that would prohibit political activity. The following individuals gave comments: Alpha Buie, Courtney Cummings, Jackie Thompson, and Eduardo Martinez. A motion by Councilmember Beckles, seconded by Councilmember Rogers, approved the agreement by the unanimous vote of the City Council.

The matter to approve a contract with BioMax Environmental Services, LLC for on-call services for monitoring the level of hydrogen sulfide gas at and around the wastewater treatment plant, Point Richmond, Washington Elementary School, and other

neighboring communities, in the amount of \$80,000 and for a term extending to December 31, 2014 was presented. Councilmember Bates asked why the City would be responsible for paying this if the State and others have the responsibility to perform the monitoring. Chad Davisson, Wastewater Division, replied that city staff felt that it was in the best interest of the community to monitor the hydrogen sulfide levels. A motion by Councilmember Myrick, seconded by Councilmember Rogers, approved the contract, by the unanimous vote of the City Council.

*-Adopted **Resolution No. 45-13**, approving the Engineer's Report for Fiscal Year 2013-2014 for the Hilltop Landscape Maintenance District ("HLMD"), declaring the Council's intention to increase the annual assessment in the HLMD, and setting a public hearing concerning the proposed increased assessment for June 4, 2013, at 6:30 p.m., in the City Council Chambers at 440 Civic Center Plaza in the City of Richmond.

*-Adopted **Resolution No. 46-13**, approving the Engineer's Report for Fiscal Year 2013-2014 for the Marina Bay Landscaping and Lighting Maintenance District, declaring the Council's intention to increase the annual assessment in the Marina Bay Landscaping and Lighting Maintenance District, and setting a public hearing concerning the proposed increased assessment for June 4, 2013, at 6:30 p.m., in the City Council Chambers at 440 Civic Center Plaza in the City of Richmond.

*-Reviewed budget status report and proposed budget review schedule and provide direction to staff as appropriate.

The matter to approve a contract with Pyro Engineering, dba Bay Area Fireworks, to provide a fireworks show for the City of Richmond on July 3rd at the Marina Bay Park in the amount of \$26,000 for July 3, 2013; \$26,000 for July 3, 2014; and \$26,000 for July 3, 2015 was presented. Wesley Ellis gave comments. A motion was made by Councilmember Bates, seconded by Vice Mayor Boozé to approve the contract. Councilmember Rogers made a substitute motion that the amounts for 2014 and 2015 not be approved. The motion died for lack of a second. The motion passed by the following vote: **Ayes:** Councilmembers Bates, Beckles, Butt, Rogers, Vice Mayor Boozé, and Mayor McLaughlin. **Noes:** None. **Abstentions:** Councilmember Myrick. **Absent:** None.

The matter to approve the transfer and appropriation of \$10,000 from the insurance proceeds from the 2010 demolition of the Martin Luther King Jr. Community Center into the City Manager's Office budget to fund a contract with Wong Logan Architects to develop architectural concept documents for the new Martin Luther King Jr. Community Center was presented by City Manager, Bill Lindsay. Wesley Ellis gave comments. Vice Mayor Boozé stated that he has asked several times for a breakdown of how much the City received from the insurance company, and what were the demolition and plan costs. Mr. Lindsay replied that he will provide a summary report. A motion by Vice Mayor Boozé, seconded by Councilmember Rogers, approved the transfer and appropriation, by the unanimous vote of the City Council.

The matter to approve the following appointments and reappointments: Point Molate Community Advisory Committee: Jim Hite, incumbent, term ending May 30, 2015; Joan Garrett, incumbent, term ending May 30, 2015; Steven Rosing, incumbent, term ending May 30, 2015; Mary Sundance, incumbent, term ending May 30, 2015; Commission on Aging: Ella Sewell, incumbent, term ending May 19, 2015; Rose Brooks, incumbent, term ending May 19, 2015; Housing Advisory Commission: Anthea Farr, incumbent, term ending November 1, 2015; Sylvia Gray-White, new appointment, term ending November 1, 2015; Planning Commission: Eduardo Martinez, new appointment, term ending June 30, 2014 (completing an unexpired term) was presented. Vice Mayor Boozé made a motion that the City Council vote on each appointment individually. The motion died for lack of a second. The following individuals gave comments: Kathleen Sullivan, Eduardo Martinez, Eleanor Thompson, and Andres Soto. Councilmember Bates and Vice Mayor Boozé stated that individuals are being appointed to commissions without the proper knowledge and expertise. A motion by Mayor McLaughlin, seconded by Councilmember Butt, approved the appointments and reappointments by the following vote: **Ayes:** Councilmembers Bates, Beckles, Butt, Rogers, Vice Mayor Boozé, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Myrick. (Councilmember Bates and Vice Mayor Boozé voted “no” to appoint Eduardo Martinez.

The matter to approve a legal services agreement with Cotchett, Pitre & McCarthy, LLP, to prosecute a civil action on a contingent-fee basis as directed in closed session was

presented by City Attorney, Bruce Goodmiller. The following individuals gave comments: Marilyn Langlois, Joseph Puleo, Jeff Kilbreth, Tania Pulido, Adam Boisvent, Michael Beer, Kathleen Wimer, Sandy Saeturn, Megan Timberlake, Wesley Ellis, Michael Horse, Pennie Plant, Andres Soto, Bill Pinkham, and Eduardo Martinez. Mayor McLaughlin, seconded by Councilmember Beckles, made a motion to approve the agreement. A substitute motion made by Councilmember Rogers, seconded by Councilmember Myrick, to engage Chevron in mediation with the understanding that if a settlement is not reached litigation will be filed, and that the contract approval take place 30 days from today if no settlement is reached. Mayor McLaughlin, seconded by Councilmember Beckles, made a second substitute motion to hire the firm on a contingency basis and continue the mediation process. Discussion ensued. A motion by Councilmember Bates, seconded by Vice Mayor Boozé to end debate, passed by the following vote: **Ayes:** Councilmembers Bates, Beckles, Butt, Vice Mayor Boozé, and Mayor McLaughlin. **Noes:** Councilmembers Myrick and Rogers. **Abstentions:** None. **Absent:** None. The second substitute motion failed by the following vote: **Ayes:** Councilmembers Beckles, Butt, and Mayor McLaughlin. **Noes:** Councilmembers Bates, Rogers, and Vice Mayor Boozé. **Abstentions:** Councilmember Myrick. **Absent:** None. Councilmember Bates made a friendly amendment that an update on the progress in this matter is heard at the June 18, 2013, City Council meeting. Councilmember Bates did not accept the amendment. The first substitute motion passed by the following vote: **Ayes:** Councilmembers Beckles, Butt, Myrick, Rogers, and Mayor

McLaughlin. **Noes:** Councilmembers Bates and Vice Mayor Boozé. **Abstentions:** None.
Absent: None.

RESOLUTIONS

The matter to adopt a resolution supporting the campaign to remove commercial properties from Proposition 13 was presented by Councilmember Beckles. *(Councilmember Myrick recused himself from voting on this matter). (11:06 p.m. - A motion by Councilmember Rogers, seconded by Councilmember Myrick, extended the meeting for one hour. Councilmember Boozé made a substitute motion to complete the current item and adjourn the meeting. Councilmember Butt stated that according the City Council's rules, Council meetings shall end at 11:00 p.m., but may be extended to 11:30 p.m. by a majority vote of the City Council. A second substitute motion made by Mayor McLaughlin, seconded by Councilmember Beckles to extend the meeting to 11:30 p.m. Councilmember Bates made a friendly amendment to finish the current item and also discuss time-sensitive Items G-24, G-27, and J-3, passed with Vice Mayor Boozé voting "no".* The following individuals gave comments: Margaret Jordan, Joseph Puleo, Jeff Kilbreth, Kathleen Wimer, and Wesley Ellis. A motion by Councilmember McLaughlin, seconded by Councilmember Beckles, adopted **Resolution No. 47-13**, by the following vote: **Ayes:** Councilmembers Beckles, Butt, Rogers, and Mayor McLaughlin. **Noes:** Councilmembers Bates and Vice Mayor Boozé. **Abstentions:** Councilmember Myrick. **Absent:** None.

(A motion by Mayor McLaughlin, seconded by Councilmember Rogers to suspend the rules and continue the meeting for 10 minutes failed, with Councilmembers Myrick, Rogers and Mayor McLaughlin voting "yes").

CONTINUED to the June 4, 2013, City Council meeting, the matter to adopt a resolution in support of the California Senate Life Act Bills and authorize the City Manager to send a letter urging support by the California Legislature and the governor.

ORDINANCES

CONTINUED to the June 4, 2013, City Council meeting, the matter to adopt an urgency ordinance declaring a 45-day moratorium on the acceptance, processing and approval of applications for Second Hand Dealers, including but not limited to "Cash for Gold" businesses in any zoning district within the City.

COUNCIL AS A WHOLE

CONTINUED to the June 4, 2013, City Council meeting, the matter to consider a ban on alcohol billboards near schools in Richmond.

CONTINUED to the June 4, 2013, City Council meeting, the matter to discuss and consider supporting community efforts to establish The Pride & Purpose Promise Scholarship Fund and direct staff to allocate funds in the amount of \$280,000 from the 2012-13 fiscal year to fund the program for two years.

CONTINUED to the June 4, 2013, City Council meeting, the matter to authorize funding for the completion of the Riggers Loft project

and the commencement of a Joint Venture Agreement with the Port of Zhoushan. Authorize the city attorney to review and finalize Joint Venture MOU between the Ports of Richmond and Zhoushan.

CONTINUED to the June 4, 2013, City Council meeting, the matter to discuss and provide direction to staff regarding complaints from PG&E rate payers experiencing difficulty with opting out of the Marin Clean Energy program.

CONTINUED to the June 4, 2013, City Council meeting, the matter to discuss and provide direction to staff regarding items placed on the City Council Agenda.

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

Councilmember Rogers stated that he went to Detroit, Michigan last week concerning the Easy-Go Program.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:35 p.m., to meet again on Tuesday, May 28, 2013, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor