

**RICHMOND, CALIFORNIA, June
18, 2013**

The Richmond City Council Evening Open Session was called to order at 5:07 p.m. by Mayor Gayle McLaughlin.

ROLL CALL

Present: Councilmembers Bates, Butt, Myrick, Rogers, and Mayor McLaughlin. **Absent:** Councilmember Beckles and Vice Mayor Boozé arrived at 5:14 p.m.

PUBLIC COMMENT

Naomi Williams stated it has been many years since the City Clerk has received an evaluation and that consideration should be given for a salary increase compatible to other Clerk's salaries in the surrounding area.

Dr. Henry Clark, Eduardo Martinez, Melvin Willis, Marilyn Langlois, and Melissa Pebles, urged the Councilmembers to hire the law firm to attempt to recover damages caused by the August 2012, Chevron refinery fire.

Jackie Thompson stated that certain members of the Richmond Progressive Alliance were made aware of the item regarding Chevron that was to be discussed in Closed Session. Ms. Thompson also stated that Councilmember Boozé was not informed that one of the cases under the anticipated litigation category of the closed session agenda is regarding him.

Councilmember Bates stated that members of the audience should not have been allowed to speak under closed session's public comment regarding the possible approval of a contract with a law firm to potentially file a lawsuit against Chevron because it is an item on the City Council's agenda.

CITY COUNCIL

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:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957.6): Title: City Clerk

LIABILITY CLAIMS - PENDING LITIGATION (Government Code Section 54956.9):
Ricardo Paez vs. City of Richmond
Maureen Hallisey vs. City of Richmond

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

The Evening Open Session adjourned to Closed Session at 5:31 p.m. The Closed Session adjourned at 7:02 p.m. The Regular Meeting of the Richmond City Council was called to order at 7:10 p.m. by Mayor Gayle McLaughlin who led the Pledge of Allegiance to the Flag.

MEETING OF THE SUCCESSOR AGENCY TO THE RICHMOND COMMUNITY REDEVELOPMENT AGENCY AND RICHMOND CITY COUNCIL

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Item K-6 was withdrawn from the agenda by Councilmember Bates. Items G-15, G-16, G-18, G-28, and G-29 were removed from the Consent Calendar.

OPEN FORUM FOR PUBLIC COMMENT

Pam Saucer-Bilbo asked why the City and Vice Mayor Boozé are constantly bickering about his property and the code enforcement actions against him when there are many other sites in worse condition.

Eduardo Martinez announced that the “Art at Point Molate” show will be on Thursday, June 20, 2013, from 6 p.m. to 8 p.m. at Bridge Arts. Mr. Martinez also announced that the “Colors of Love” concert will be on Saturday, July 13, 2013, from 7 p.m. to 10 p.m., at the Richmond Memorial Auditorium.

Johnny Holmes stated he needs \$8,000 to cover travel expenses for members of the Half-Steppers track team who will be traveling to Oregon and also for assistance in conducting fundraisers. Mr. Holmes also stated that Councilmember Bates has helped many kids in the community.

Mark Wassburg spoke against the passing of the proposed immigration bill.

(The City Council took a 5-minute recess).

Naomi Williams thanked her children for giving her a wonderful birthday. Ms. Williams also stated that there are many commercial properties in Richmond that are blighted and need to be cleaned.

Texanita Bluitt announced that there will be a children and family health event on August 10, 2013, at Nicholl Park.

Eleanor Thompson stated that the Mayor shouldn't have the ability to appoint persons to the various commissions.

Sims Thompson stated that taxpayer funds need to be spent on the things they were appropriated for.

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

City Attorney, Bruce Goodmiller, reported that there were no reportable actions taken during closed session.

**SUCCESSOR AGENCY TO THE RICHMOND
COMMUNITY REDEVELOPMENT AGENCY
CONSENT CALENDAR**

A motion by Councilmember Butt, seconded by Councilmember Myrick, adopted **Resolutions 50-13, 51-13, 52-13, 53-13, 54-13, and 55-13**, approving and authorizing the execution of the following documents for the construction of the Officer Bradley A. Moody Memorial Underpass Project: (1) a construction contract with Gordon N. Ball, Inc., in an amount not to exceed \$27,382,470.10 and the establishment of an owner's reserve, in the amount of \$5,223,724 for contingencies and add-alternate construction items; (2) a construction management contract with The Hanna Group, in an amount not to exceed \$4,499,423.43; (3) a design contract with BKF Engineers, in an amount not to exceed \$1,127,631; (4) a reimbursement agreement with Richmond Pacific Railroad Company, in an amount not to exceed \$230,000; (5) a reimbursement agreement with East Bay Municipal Utility District (EBMUD) for the payment by EBMUD of \$593,125 towards specific project costs; and (6) authorization to expend funds for utilities, contract compliance, and other miscellaneous project costs, in an amount not to exceed \$280,000, by the unanimous vote of the City Council. (This item was reviewed and recommended for approval by the Finance Standing Committee at its June 7, 2013, meeting).

CONSENT CALENDAR

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

*-Approved a contract with Jet Dock Systems, Inc. in an amount not to exceed \$58,000 for the purchase of a boat docking system to be used for the replacement Marine Unit police boat to be purchased as part of the Homeland Security/FEMA Grant Program.

*-Approved a contract with Moose Boats for the purchase of a 37-foot police boat (M2-37) in an amount not to exceed \$700,500, primarily funded through a Homeland Security/FEMA Grant (This item was reviewed and recommended for approval by the Finance Standing Committee at its June 7, 2013, meeting).

*-Authorized the mayor to sign a letter to the Contra Costa Transportation Authority Board in support of the grant application by the cities of Richmond and San Pablo for the San Pablo Avenue Complete Streets Project under the OneBayArea Grant (OBAG) Program.

*- Approved the purchase of one replacement street sweeper from Owen Equipment Sales in an amount not to exceed \$275,000 (This item was reviewed and recommended for approval by the Finance Standing Committee at its June 7, 2013, meeting).

*-Approved a contract with Hire Counsel to provide cost-effective privilege review of electronic documents for pending federal court litigation against the City by Upstream Point Molate, LLC and the Guidiville Band of Pomo Indians, with a term of May 21, 2013, to June 30, 2014, in an amount not to exceed \$48,000.

*-Introduced an ordinance (first reading) setting the tax rate for the Tax Override Pension Fund for Fiscal Year 2013-2014 at 0.14%.

*-Approved a purchase with Laner Electric Supply Company, Inc. for electrical wiring for the rehabilitation of the Richmond Parkway lighting system in an amount not to exceed \$25,000.

*-Approved a purchase with Royal Wholesale Electric for 122 Christy Traffic Rated Boxes for the rehabilitation of the Richmond Parkway lighting system in an amount not to exceed \$23,500.

*-Adopted **Resolution No. 56-13**, supporting federal Title VI nondiscrimination laws and regulations as required by the funding agreement with the Metropolitan Transportation Commission (MTC) administering Federal Transit Administration program funds.

*-Approved a contract with DP Security Services, LLC to provide unarmed security services for rentals at various recreation facilities for a three-year period, with two one-year renewal options. The term of the contract is July 1, 2013, ending on June 30, 2016, in an amount not to exceed \$75,000.

*-Approved an agreement with Motorola Solutions Corporation for the maintenance of the City's public safety Motorola portable and mobile radio equipment in an amount not to exceed \$192,908.88, and for a term from July 1, 2013, through June 30, 2016 (\$64,302.96 a year for three years).

*-Approved the purchase of emergency trauma kits from Rescue Essentials in an amount not to exceed \$30,000, for placement in marked police patrol vehicles and for use by police officers to render immediate medical aid to stricken officers and victims.

*-Approved the minutes of the April 23, 2013, Special City Council Meeting, and the May 21, 2013, Regular City Council Meeting.

*-Approved a contract with the Contra Costa County Office of the Sheriff-Coroner Crime Laboratory for a dedicated forensics firearms technician to examine Richmond firearms evidence as well as other services, in an amount not to exceed \$100,500 from February 29,

2012, through June 30, 2013, extending the term of a prior contract.

CONTINUED the matter to approve a contract with Bay Hawk, Inc. to construct an ADA compliant pathway and picnic pad at Point Molate Beach Park in an amount not to exceed \$18,360, as part of the effort to reopen the park facility to the public. The term of the contract is June 19, 2013, to December 31, 2013.

CONTINUED the matter to acknowledge receipt of the City of Richmond's Comprehensive Annual Financial Report for the fiscal year ended June 30, 2012 was presented. (The Finance Standing Committee received the report at its June 7, 2013, meeting).

*-Received a monthly report on the Richmond Municipal Sewer District for May 2013 was presented.

CONTINUED the matter to approve a one-year contract extension to participate in the State of California rental vehicle program with Enterprise Holdings Incorporated, in an amount not to exceed \$173,000, from July 1, 2013, to June 30, 2014 (This item was reviewed and recommended for approval by the Finance Standing Committee at its June 7, 2013, meeting).

*Approved a contract with TYCO (formerly ADT) to extend the warranty service for the existing City of Richmond CCTV Program, and to expand the current system through purchase, installation, and servicing of additional CCTV equipment for the period of December 19, 2012, through June 30, 2013, in an amount not to exceed \$171,000 (This item was reviewed and recommended for approval by the Finance Standing Committee at its June 7, 2013, meeting).

*-Approved a contract with Shot Spotter Inc., to continue providing maintenance and support for the ShotSpotter System, in an amount not to exceed \$184,950, from July 1, 2013, through June 30, 2014 (This item was reviewed and recommended for

approval by the Finance Standing Committee at its June 7, 2013, meeting).

*-Adopted **Resolution No. 57-13**, amending the original as-needed electrical contractor services resolution to perform high voltage and major electrical contract services throughout the city with Kray Cabling, Inc. (Richmond) and Republic ITS, also known as Siemens Corporation (Novato), in an amount not to exceed \$75,000 per firm per year over a three-year period with two one-year extensions (This item was reviewed and recommended for approval by the Finance Standing Committee at its June 7, 2013, meeting).

*-Approved an amendment to the existing contract with Maze & Associates to add \$230,750 for completion of additional audit work and other required financial reports for the Fiscal Year ended June 30, 2012, and approve a three-year extension through Fiscal Year 2015-16 to provide external auditing and other related services in an amount not to exceed \$942,020, for a total contract amount of \$2,231,545 (This item was reviewed and recommended for approval by the Finance Standing Committee at its June 7, 2013, meeting).

*-Approved a contract with Packet Fusion for five years for maintenance of the City's ShoreTel Telephone System in an amount not to exceed \$247,668.75 (This item was reviewed and recommended for approval by the Finance Standing Committee at its June 7, 2013, meeting).

*-Adopted **Resolution No. 58-13**, to renew standing orders and outline agreements for technology-related goods and services from Ricoh and Xerox in an amount not to exceed \$250,000 per year per vendor for Fiscal Year 2013-2014 through Fiscal Year 2015-2016 (This item was reviewed and recommended for approval by the Finance Standing Committee at its June 7, 2013, meeting).

*-Approved the 2013/2014 North Richmond Waste and Recovery Mitigation Fee Expenditure Plan; the Committee's recommended activities for July 1, 2013, through June 30, 2014; and the Third Amended Mitigation Fee Expenditure Plan for 2012/2013.

*-Approved a contract with Nema Construction for the installation and connection of an existing emergency generator and upgrading the existing power source at the Corporation Yard, Equipment Services facilities, in an amount not to exceed \$250,000 (This item was reviewed and recommended for approval by the Finance Standing Committee at its June 7, 2013, meeting).

*-Approved Amendment No.1 to a contract with Carollo Engineers, in an amount not to exceed \$768,128 for engineering design services related to the final design for the Wet Weather Storage Facility Project. The original contract amount for preliminary design services was \$223,060. The total contract amount, including the proposed amendment, is \$991,188 (This item was reviewed and recommended for approval by the Finance Standing Committee at its June 7, 2013, meeting).

CONTINUED the matter to approve a legal services agreement with Trisha A. Aljoe in the amount of \$175,000 to provide continued legal services with respect to the Police Department in connection with Code Enforcement activities, drug house abatement matters, and general legal matters, from July 1, 2013, through June 30, 2014. (This item was reviewed and recommended for approval by the Finance Standing Committee at its June 7, 2013, meeting).

The matter to a legal services agreement with Renne Sloan Holtzman & Sakai, LLP for advice regarding elections, campaign law, and general municipal assistance, in an amount not to exceed \$30,000, with a term expiring on June 30, 2014, was presented. A motion was made by Councilmember Butt, seconded by Councilmember Beckles, to approve the contract. Discussion ensued. A substitute motion by Councilmember Bates, seconded by Vice Mayor Boozé, to reduce the contract to \$15,000, failed by the

following vote: **Ayes:** Councilmember Bates and Vice Mayor Boozé. **Noes:** Councilmembers Beckles, Butt, Myrick, Rogers, and Mayor McLaughlin. **Abstain:** None. **Absent:** None. The original motion passed by the following vote: **Ayes:** Councilmembers Beckles, Butt, Myrick, Rogers, and Mayor McLaughlin. **Noes:** Vice Mayor Boozé. **Abstain:** Councilmember Bates. None. **Absent:** None.

*-Approved a purchase with Omega Pacific Electric Supply, Inc. to provide 14 - 40ft galvanized street light poles for the Richmond Parkway in an amount not to exceed \$26,500.

PUBLIC HEARINGS

A hearing related to the proposed issuance of multifamily housing revenue obligations by the California Statewide Communities Development Authority (CSCDA) in an amount not to exceed \$10,000,000, and adopt a resolution to approve the proposed financing by the CSCDA was presented by Housing and Community Development Director, Patrick Lynch. Mayor McLaughlin declared the public hearing open. There were no public speakers. A motion by Councilmember Butt, seconded by Councilmember Beckles, closed the public hearing by the unanimous vote of the City Council. A motion by Councilmember Butt, seconded by Councilmember Myrick, adopted **Resolution No. 59-13**, by the unanimous vote of the City Council.

The matter to approve the transfer of Richmond Compassionate Care's permit from a C-3 zone to a C-2 zone to continue to operate as a medical marijuana collective at 425 South 2nd Street in substantial compliance with the application submitted on or about May 2, 2011, and again on April 16, 2013 was presented by Police Chief, Chris Magnus. Mayor McLaughlin declared the public hearing open. The following individuals gave comments: Ken Hauser, Jayme Zemansky, Gary Gragg, Jim Cannon, Juan Acosta, Naomi Williams, Eduardo Martinez, Bea Roberson, Garland Ellis, and marijuana collective owner, John Valdes. A motion by Councilmember Rogers, seconded by Councilmember Beckles, closed

the public hearing by the unanimous vote of the City Council. Discussion ensued. A motion by Councilmember Beckles, seconded by Mayor McLaughlin, denied the transfer of the permit and directed Mr. Valdes to continue to look for a better location within the permitted zones. A substitute motion by Councilmember Rogers, seconded by Councilmember Myrick, to hold the matter over until the first City Council meeting in July and directed Mr. Valdes to meet with the neighborhood council and then report back to the City Council whether a regulated marijuana dispensary would reduce the crime rate in the area. The substitute motion passed by the following vote: **Ayes:** Councilmembers Bates, Myrick, Rogers, and Vice Mayor Boozé. **Noes:** Councilmembers Beckles and Butt, and Mayor McLaughlin. **Abstain:** None. **Absent:** None.

The matter to consider adopting a resolution to rename 15th Street between Nevin Plaza and Macdonald Avenue, in the Metro Walk residential neighborhood, to "Village Lane" in response to a request by residents was presented by Planning Director, Richard Mitchell. Mayor McLaughlin declared the public hearing open. There were no public speakers. A motion by Councilmember Myrick, seconded by Vice Mayor Boozé, closed the public hearing by the following vote: **Ayes:** Councilmembers Bates, Beckles, Butt, Myrick, Vice Mayor Boozé and Mayor McLaughlin. **Noes:** None. **Abstain:** None. **Absent:** Councilmember Rogers. A motion by Vice Mayor Boozé, seconded by Councilmember Beckles, adopted **Resolution No. 60-13**, by the following vote: **Ayes:** Councilmembers Bates, Beckles, Butt, Myrick, Vice Mayor Boozé and Mayor McLaughlin. **Noes:** None. **Abstain:** None. **Absent:** Councilmember Rogers.

RESOLUTIONS

The matter to adopt an amended resolution, pertaining to City Council Rules and Procedures, to establish formally the following current practices: (1) to set the start time of regular City Council meetings to 6:30 p.m. and the time of adjournment to 11:00 p.m. with an option to extend by a majority of the Council to

11:30 p.m. as a firm end-time; (2) to establish a limit of three presentations/proclamations/commendations to be placed exclusively on fourth Tuesday meetings (unless time-sensitive), allowing five minutes per item; (3) to establish that items not completed shall be continued to the next regular business meeting or study session meeting (respectively) and placed at the beginning of the same category of the agenda; and (4) to establish that the mayor and the city manager shall meet to review the draft agenda as compiled by the city clerk and set the final agenda was presented by Mayor McLaughlin. Don Gosney and Wesley Ellis gave comments. A motion by Mayor McLaughlin, seconded by Councilmember Butt, adopted **Resolution No. 61-13**, by the following vote: **Ayes:** Councilmembers, Beckles, Butt, Myrick, Rogers and Mayor McLaughlin. **Noes:** Councilmember Bates and Vice Mayor Boozé. **Abstain:** None. **Absent:** None.

ORDINANCES

The matter to A. Introduce a single-use bag ordinance that will: (1) prohibit the distribution of single-use plastic bags at point of sale by retail establishments and (2) require retail establishments to charge all customers a fee of 5-10 cents for each paper bag distributed at point of sale to the customer; and B. introduce amendments to the food ware ordinance that will: (1) prohibit the retail sale of polystyrene foam products; (2) revise allowable food ware; (3) provide for the issuance of an administrative citation immediately following a violation of this chapter; and (4) include other technical revisions was presented by Sustainability Analyst, Jennifer Ly. (11:00 p.m. – A motion by Councilmember Beckles, seconded by Councilmember Rogers, extended the meeting 30 minutes with Councilmember Bates and Vice Mayor Boozé, voting “no”). The following individuals gave comments: Marilyn Langlois, Lynn Scarpa, Eduardo Martinez, Garland Ellis, and Stephanie Hervey. A motion was made by Councilmember Myrick, seconded by Councilmember Bates, that the fine for violation of the ordinance be reduced to \$100, and that senior citizens on social security be exempt. A substitute motion by Councilmember Butt, seconded by Beckles, to introduce said ordinance as recommended by staff,

passed by the following vote: **Ayes:** Councilmembers, Beckles, Butt, Rogers and Mayor McLaughlin. **Noes:** None. **Abstain:** Councilmembers Bates and Myrick. **Absent:** Vice Mayor Boozé.

COUNCIL AS AWHOLE

The matter to receive a report on the proposed Fiscal Years 2013-15 budget checklist items identified by the City Council at its June 11, 2013, meeting, and provide direction to staff was presented by City Manager, Bill Lindsay. *(A motion by Councilmember Rogers, seconded by Councilmember Myrick, to suspend the rules and extend the meeting 15 minutes, failed with Councilmembers Myrick and Rogers voting “no”.*

CONTINUED the matter to direct the city attorney and city manager regarding a possible extension of the June 20, 2013, effective date of the legal services agreement with Cotchett, Pitre & McCarthy, LLP, in order to allow additional time for the mediation session currently set for June 27, 2013.

CONTINUED the matter to discuss and provide direction to staff regarding items placed on the City Council Agenda.

CONTINUED 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 the matter to direct the city manager to present a plan and a funding source to demolish the Petromark building.

WITHDREW a presentation and provide direction to staff regarding the coordination of a retreat for the Richmond City Council.

CONTINUED the matter to amend the City Council Meeting procedures to make Council meetings more accessible for the public and more efficient by: (1) instituting a three-month pilot program of having timed items; (2) moving advisory items to the third

Tuesday meeting; and by (3) having a special period near the start of the meeting to discuss all items held over from the last meeting.

CONTINUED the matter to direct the city manager to present a plan which would phase in a drastic reduction, or elimination, of providing City cars to employees.

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 9:52 p.m., in memory of Jean Eagers, to meet again on Tuesday, June 25, 2013, at 11:33 p.m.

City Clerk

(SEAL)

Approved:

Mayor