

**RICHMOND, CALIFORNIA,
September 10, 2013**

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

ROLL CALL

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

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):**

Wells Fargo vs. City of Richmond

Bank of New York vs. City of Richmond

Chevron vs. Contra Costa County

**CONFERENCE WITH LABOR
NEGOTIATORS (Government Code Section
54957.6):**

Agency designated representatives: Bill Lindsay, Jack Hughes, Michael Banks, Bruce Soublet, and Lisa Stephenson;
Employee organization: Richmond Fire Management Association (RFMA)

Agency designated representatives: Bill Lindsay, Jack Hughes, Lisa Stephenson, Bruce Soublet, and Chris Magnus;
Employee organization: Richmond Police Officers' Association (RPOA)

There were no speakers.

The Open Session adjourned to Closed Session at 5:16 p.m. Closed Session adjourned at 6:57 p.m.

The Special Regular Meeting of the Richmond City Council was called to order at 7:08 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 arrived at 7:13 p.m.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Items G-1, G-2, G-4, G-10, G-13, G-14, G-17, G-19, and G-22 were removed from the Consent Calendar. A motion was made by Councilmember Bates, seconded by Vice Mayor Boozé to overturn the mayor's decision to hear from staff after the public speaks. The motion failed by the following vote: **Ayes:** Councilmember **Noes:** **Abstentions:** None. **Absent:** None. Continued Item G-20 to September 17, 2013.

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.

OPEN FORUM FOR PUBLIC COMMENT

Mark Wassberg stated that he was attacked by a Richmond Progressive Alliance member during the Saturday, August 3, 2013, March on Chevron Refinery.

David Gesinger stated that he has been trying to buy a home in the City of Richmond for approximately one year and was continuously outbid by Wall Street investors that are giving cash only offers. Mr. Gesinger also stated that realtors are listing homes for cash only offers, and requested that the City of Richmond look into this situation.

Leonard Taylor gave comments regarding personal issues with East Bay Mudd.

Antwon Cloird stated that all black organizations in the City of Richmond were not homophobic, specifically the Men or Purpose.

Sims Thompson stated the City Council should be careful how it treats the community, and should work to protect the community.

Bill Pinkham stated that over 3000 people showed for the Saturday, August 3, 2013, peaceful March on Chevron Refinery. Mr. Pinkham also commended the Richmond Police Department for its treatment of the demonstrators.

Dana Chase stated that her children are not allowed to watch the Richmond City Council meetings because of the behavior of the Councilmembers. She stated that the Councilmembers should show respect for

one another. Ms. Chase also stated that Mayor McLaughlin should try to get along with other Councilmembers.

Jackie Thompson stated that Stege Avenue does not have regular street sweeping and requested that staff address this issue. She also stated that violence prevention in the City of Richmond should be funded.

Vinay Pimple stated that he has an alternative for the mayor to gain control of Council Meeting as opposed to immediately calling a recess. He stated that the mayor should ring a bell to give a warning when individuals and Councilmembers are out of order, and if there is no compliance, than call a recess.

Mike Peritz invited everyone to the West Contra Costa County Unified School District Meeting on Wednesday, September 11, 2013; Kennedy High raised its Academic Performance Index and will be honored. He also stated that the "Day at the K" will return the first Saturday in October 2013.

Eduardo Martinez stated that events such as the Cease Fire Walks and different music festivals pull Richmond together. Mr. Martinez announced that there would be a music festival on Friday, September 13, 2013, 5:30 p.m. in Point Richmond, and also a Laurel Street Blues Festival on Sunday, September 22, 2013.

Andre Soto stated that on Friday, August 2, 2013, there was a press conference at City Hall where the City of Richmond announced its lawsuit against Chevron for the refinery fire and explosion. Mr. Soto also stated that on Saturday, August 3, 2013, 3000 people showed for the peaceful March on Chevron Refinery, and he thanked the Richmond Police Department for its support. Mr. Soto also reported that on Monday August 5, 2013, Chevron pled "no contest." He also stated that individuals gathered on Tuesday, August 6, 2013, for a memorial of the actual anniversary of the toxic fire and explosion. Mr. Soto also stated that it was wonderful when the citizens confront the powers that are trying to oppress them.

Silvia Ledezma announced that there will be a benefit concert for Los Cenzontles "Supporting Roots" Campaign to raise funds to expand and renovate its facility and expand its renowned cultural arts programming, Sunday, September 29, 2013, 7:00 p.m. at the Craneway Pavilion. The concern will feature Jackson Browne, David Hidalgo, and Los Cenzontles, and tickets may be purchased at www.jacksonbrowne.com.

Andre Carpiaux gave comments in support of Vice Mayor Boozé and asked Mayor McLaughlin not to interrupt Vice Mayor Boozé when he was speaking.

CITY COUNCIL CONSENT CALENDAR

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

The matter to introduce an ordinance for first reading updating Chapter 12.22 of the Richmond Municipal Code that pertains to Stormwater Management and Discharge Control in order to comply with regulatory requirements was presented by City Manager Bill Lindsay. On motion of Councilmember Butt, seconded by Councilmember Myrick said ordinance received first reading and was laid over to September 17, 2013, for second reading by the unanimous vote of the City Council.

Continued to September 17, 2013, the matter to receive the Grand Jury Report No. 1311, "Assessing Financial Risk," and review and approve the response to this report.

*-Approved the annual support and user license agreement with Faster Asset Solutions by CCG Systems, Inc. for fleet management software used in maintaining data records of city-owned equipment, in an amount not to exceed \$11,350 for Fiscal Year 2013/14 and in an amount not to exceed \$12,000 per year for Fiscal Years 2014/15 and 2015/16.

Continued to September 17, 2013, the matter to reject all bids received for the Urban Runoff Treatment Retrofits at 1st Street and Cutting Boulevard, and re-advertise this project.

*-Approved a Memorandum of Understanding (MOU) between Rubicon Programs, Inc. and Richmond Public Library-LEAP, allowing the LEAP Program to receive \$32,030 for the period of July 1, 2013, through June 30, 2014, in exchange for providing basic literacy and GED preparation for Rubicon, and APPROVE an amendment to the Fiscal Year 2013-2014 Operating Budget increasing library fund revenue and expenditures in the amount of \$32,030.

*-Approved a Memorandum of Understanding (MOU) between Bay Area Community Resources (BACR) and Richmond Public Library-LEAP to allow BACR to place a VISTA position at Richmond Public Library-LEAP to support volunteer recruitment at a cost to LEAP of \$14,664.

*-Approved an agreement with the California State Library allowing the Richmond Public Library-LEAP to receive funding to provide literacy services for the City of Richmond, AUTHORIZE the Library and Cultural Services Director to accept the State funds in the amount of \$10,000, and APPROVE an amendment to the Fiscal Year 2013-14 Operating Budget to increase library fund revenue and expenditures in the

amount of \$10,000.

*-Adopted **Ordinance No. 16-13 N.S.** to establish wages, salaries, and compensation for the classifications represented by the International Federation of Professional and Technical Employees (IFPTE Local 21) in the city's classified service, and repealing Ordinance No. 38-06 N.S.

*-Approved the grant-funded purchase of a mobile office/storage combination trailer for the Richmond Fire Department Marine Response Program from Mark Holmes, dba Holmes Construction, using Fiscal Year 2012 Bay Area Urban Area Security Initiative (UASI) funds in an amount not to exceed \$24,500.

Continued to September 17, 2013, the matter to approve a contract amendment with TPA Construction Inc. for completion of the Dornan Drive Tunnel Project, increasing the contract amount by \$330,000 for a total of \$1,405,328.

*-Adopted **Resolution No. 89-13** approving a Memorandum of Understanding (MOU) between RFMA and the City of Richmond. The MOU will be effective from July 1, 2013, through June 30, 2016, and provides for a 3% annual salary increase each September 1 for the years 2013, 2014, and 2015. The salary increase is offset by RFMA members contributing an additional 1% per year toward CalPERS pension cost (3% over the life of the contract, for a total contribution of 12% at the end of the term).

*-Introduced an ordinance for first reading to establish wages, salaries, and compensation for the classifications represented by the Richmond Fire Management Association (RFMA) in the City's classified service, and repealing Ordinance No. 39-06 N.S.

Continued to September 17, 2013, the matter to approve a contract with Networkfleet for Global Positioning System (GPS) tracking and management in an amount not exceed \$95,000 for a two-year term, and the option for two one-year extensions in an amount not to exceed \$47,500 per year.

Continued to September 17, 2013, the matter to approve a contract with AAA Fence Company, Inc. for chain link fence repair and replacement surrounding the sport courts at Belding-Garcia Park and Lucas Park in an amount not to exceed \$40,582.30 which includes a 10% city controlled cost contingency. The contract term will be from September 11, 2013 to June 30, 2014.

*-Approved a service contract with BMW Motorcycles of San Francisco to provide regular maintenance and repair services for the Richmond Police Department's BMW motorcycle fleet, at a cost not to exceed \$60,000 (\$30,000 per year, for a two-year term) from July 1, 2013, through June 30, 2015.

*-Accepted and appropriated a grant from Cities of Service in the amount of \$25,000 to expand writing support to high school students through the WritersCoach Connection Program at Richmond High School; and approved the appropriation of a bonus grant of up to \$5,000, contingent upon the grantee meeting the year-one impact benchmarks specified in the Cities of Service Impact Volunteering Fund Memorandum of Understanding.

In the matter to approve the following appointments and re-appointments: Historic Preservation Commission: Kimberly Butt, incumbent, term expiring July 31, 2017; Robin Cawelti, incumbent, term expiring July 31, 2017; Point Molate Community Advisory Committee: Eduardo Martinez, incumbent, term expiring May 30, 2015; Workforce Investment Board: Uche Justin Uwahemu, new appointment; Jake Sloan, new appointment; Economic Development Commission: David Schoenthal, new appointment, term expiring March 30, 2016; D. Dexter Vizinou, new appointment, term expiring March 30, 2016; and Commission on Aging: Kathleen Good, new appointment, term expiring May 19, 2015; on motion of Councilmember Butt, seconded by Mayor McLaughlin approved the appointments and reappointments by the following vote: **Ayes:** Councilmembers Bates, Beckles, Butt, Myrick, Rogers, Vice Mayor Boozé, and Mayor McLaughlin. **Noes:** Councilmember Bates and Vice Mayor Boozé voted Noe on the reappointment of Eduardo Martinez to the Point Molate Community Advisory Committee. **Abstentions:** None. **Absent:** None.

*-Approved the minutes of the July 23 and 30, 2013, special meetings.

The matter to direct the Richmond City Councilmembers that represent the City of Richmond on the West Contra Costa Integrated Waste Management Authority ("RecycleMore") Board of Directors to place on that agency's agenda, and to vote in support of, an amendment to the West Contra Integrated Waste Management Authority Joint Powers Authority Agreement that provides more flexibility to members wishing to withdraw from the Authority was presented by City Manager Bill Lindsay. Chris Leon gave comments. On motion of Councilmember Butt, seconded by Councilmember Beckles directed the Richmond City Councilmembers that represent the City of Richmond on the West Contra Costa Integrated Waste Management Authority ("RecycleMore") Board of Directors to place on that agency's agenda, and to

vote in support of, an amendment to the West Contra Integrated Waste Management Authority Joint Powers Authority Agreement that provides more flexibility to members wishing to withdraw from the Authority by the unanimous vote of the City Council.

Continued to September 17, 2013, the matter to introduce an ordinance to ban alcohol billboards near schools, in order to reduce the number of minors who become at risk for alcohol abuse due to starting to drink before they can make an informed, adult choice.

*-Designated Councilmember Butt as voting delegate to represent the City of Richmond at the Annual Business Meeting of the League of California Cities 2013 Annual Conference to be held September 18-20, 2013, at the Sacramento Convention Center, Sacramento, California.

In the matter to adopt a resolution authorizing the city manager to enter into and execute all agreements necessary to amend and assess franchise fees for the collection and processing of trash, recyclables, and green waste to compensate the city for fiscal impacts caused by roadway maintenance, litter abatement, and Storm Water Program management, Chris Leon gave comments. A motion was made by Councilmember Butt, seconded by Councilmember Beckles to approve the item. A friendly amendment was offered by Councilmember Bates to modification to the language to read "to adopt a resolution authorizing the city manager, with approval of the City Council, to enter into and execute all agreements necessary to amend and assess franchise fees for the collection and processing of trash, recyclables, and green waste to compensate the city for fiscal impacts caused by roadway maintenance, litter abatement, and Storm Water Program management. The friendly amendment was accepted and **Resolution No. 90-13** was adopted by the unanimous vote of the City Council.

PUBLIC HEARINGS

Continued to September 17, 2013, receive testimony regarding the proposed Consolidated Action Plan Evaluation Report (CAPER) and approve the 2012-2013 CAPER.

COUNCIL AS A WHOLE

Mayor McLaughlin combined Items I-1, I-2, and I-3; however, each item had a separate vote. City Manager Bill Lindsay gave an overview of the eminent domain process. The following individuals gave comments: Rosa Lara, Sylvia Gray-White, Antwon Cloird, Paul Larudee, Bill Pinkham, Karen Franklin, Jackie Thompson, Mike Parker, Joshua Genser, John Frangoulis, Scott Barker, Maria Katznelson, Jerry Feagley, Renee Bartels, Pam Bilbo, Patty Castillo, Ariana Casanova, Megan Roberts, Susan

Harman, J. P., Mark Wassberg, Lisa Johnson, Jeff Romm, Katrinka Ruk, Susan Bazela, Harris Crackin, Bea Roberson, Morris LeGrand, Edward Stevens, Tarnel Abbott, Ali Marshall, Maximo Rivera, Don Winters, Stephanie Harvey, Vinay Pimple, Melvin Willis, Betty Reid Soskin, Kate Sibley. (*On motion of Councilmember Myrick, seconded by Councilmember Beckles to suspend the rules past 11:30 p.m. and hear the speakers and vote on each item passed by the following vote: Ayes: Councilmembers Butt, Beckles, Rogers, and Mayor McLaughlin. Noes: None. Abstentions: Councilmember Bates and Vice Mayor Boozé. Absent: None.*) Speakers continued with: Amy Schur, Andre Soto, Eduardo Martinez, Tracy Fetter, Dennis Dalton, Darlina Darligna, Brant Fetter, Donald Johnson, Maeve Elis Brown, Tony Sustak, Doug Gilbert, Doria Robinson, Najari Smith, Katy Robinson, Margaret Jordan, Genny Zentelle, Juan Reardon, Michael Leedie, Margaret Brown, Elsa Stevens, David Gensinger, Zack Wear, and James Zahradka.

The matter to direct the city manager to withdraw any offers made to servicers of mortgage loans to purchase such mortgages based on fair market value (letters dated July 31, 2013), and to amend the advisory services agreement with Mortgage Resolution Partners, LLC to eliminate the option of utilizing eminent domain as an option to acquire mortgages was presented by Councilmember Bates and Vice Mayor Boozé. A motion was made by Councilmember Bates, seconded by Vice Mayor Boozé to: (1) direct the city manager to withdraw any offers made to servicers of mortgage loans to purchase such mortgages based on fair market value; and (2) permanently end taking further steps to amend the advisory service agreement with Mortgage Resolution Partners, LLC to eliminate the option of using or attempt to use eminent domain to obtain mortgage loans. On motion of Councilmember Beckles, seconded by Councilmember Butt ended debate by the following vote: **Ayes:** Councilmembers Beckles, Butt, Myrick, and Mayor McLaughlin. **Noes:** Councilmembers Bates, Rogers, and Vice Mayor Boozé. **Abstentions:** None. **Absent:** None. The motion by Councilmember Bates failed by the following vote: **Ayes:** Councilmember Bates and Vice Mayor Boozé. **Noes:** Councilmembers Beckles, Butt, Myrick, Rogers, and Mayor McLaughlin. **Abstentions:** None. **Absent:** None.

The matter to hear a report from staff on Richmond CARES - the Local Principal Reduction Program, and direct staff to: (1) to work to set up a Joint Powers Authority (JPA) together with other interested municipalities, as a next step forward in the development of this program; (2) to confirm that no loans will be acquired by the City through eminent domain before coming back to the full City Council for a vote; and (3) to continue working with MRP to resolve any remaining legal issues was presented by Mayor McLaughlin. A motion was made by Mayor

McLaughlin, seconded by Councilmember Beckles to: (1) to work to set up a Joint Powers Authority (JPA) together with other interested municipalities, as a next step forward in the development of this program; (2) to confirm that no loans will be acquired by the City through eminent domain before coming back to the full City Council for a vote; and (3) to continue working with MRP to resolve any remaining legal issues, and direct staff to issue monthly reports, and return to the City Council in 30 days with an update. *(A motion was made by Councilmember Beckles, seconded by Councilmember Myrick to end debate. The City Council recessed at 1:35 a.m. and reconvened at 1:37 a.m. Councilmember Myrick withdrew his second and debate continued.)* The motion by Mayor McLaughlin was approved by the following vote: **Ayes:** Councilmembers Beckles, Butt, Myrick, and Mayor McLaughlin. **Noes:** Councilmembers Bates, Rogers, and Vice Mayor Boozé. **Abstentions:** None. **Absent:** None.

The matter to consider informing Mortgage Resolution Partners (MRP) that if they fail to provide insurance to protect the City of Richmond from litigation and related damages due to the city exercising its power of eminent domain to acquire underwater mortgages, the city will not proceed with eminent domain actions was presented by Councilmember Rogers. A motion was made by Councilmember Rogers to inform Mortgage Resolution Partners (MRP) that if they fail to provide insurance to protect the City of Richmond from litigation and related damages due to the city exercising its power of eminent domain to acquire underwater mortgages, the city will not proceed with eminent domain actions. Councilmember Myrick seconded the motion with a friendly amendment to modify language to read “if MRP cannot provide proof of financial responsibility, the City of Richmond will reconsider this agreement.” The friendly amendment was accepted.” Vice Mayor Boozé offered a friendly amendment to the language to read “if MRP cannot provide insurance than the City of Richmond will discontinue business.” The amendment was not accepted. *(A motion by Councilmember Bates, seconded by Councilmember Beckles to end debate passed by the following vote: Ayes: Councilmember Bates, Beckles, Butt, and Mayor McLaughlin. Noes: Councilmembers Myrick, Rogers, and Vice Mayor Boozé. Abstentions: None. Absent: None.)* The original motion failed by the following vote: **Ayes:** Councilmember Myrick and Rogers. **Noes:** Councilmembers Bates, Butt, Beckles, Vice Mayor Boozé, Mayor McLaughlin.

Continued to September 17, 2013, the matter to oppose appeals to modify or remove conditions of Alcohol Beverage Licenses for Val Mar Market located at 3630 Barrett Avenue, and Family Market located at 700 Pennsylvania Avenue.

**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 2:09 a.m. in memory of Pastor Carla Maxine Jackson and Osborn Hill, to meet again on Tuesday, September 17, 2013, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor