

**RICHMOND, CALIFORNIA, October 15,
2013**

The Richmond City Council Evening Open Session was called to order at 5:10 p.m.

ROLL CALL

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

Angell 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

**PUBLIC EMPLOYEE PERFORMANCE
EVALUATION (Government Code Section
54957.6):**

Title: City Manager

Jackie Thompson stated that she was not clear with what the Public Employee Performance Evaluation: City Manager was about. She stated that if the item was an evaluation to renew a contract, she urged the City Council not to renew a contract until training was complete and policies are in place to deal with bullying in the work place and until city staff becomes respectful.

The Open Session adjourned to Closed Session at 5:14 p.m. Closed Session adjourned at 6:44 p.m.

The Regular Meeting of the Successor Agency to the Richmond Community Redevelopment Agency and Richmond City Council was called to order at 6:59 p.m. by Mayor McLaughlin.

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Item I-2 which was heard immediately following the approval of the Consent Calendar; Item G-18 was removed from the Consent Calendar and was considered immediately following Item I-2; Items G-5, G-12, and G-15 were removed from the Consent Calendar and were considered at the end of the City Council Meeting. City Manager Bill Lindsay stated that Vice Mayor Boozé would like the City Council to continue Item G-17 until he returned from China. Because the item was time-sensitive, Mayor McLaughlin ruled to leave the item on the agenda.

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

City Attorney Bruce Reed Goodmiller reported that as a result of a global settlement in matters related to Veolia, the City Council previously made a partial determination in the matter of Angell vs. the City of Richmond and authorized a settlement payment of \$120,000 and to pursue reimbursement for the entire amount from Veolia by the following vote: **Ayes:** Councilmembers Beckles, Butt, Myrick, Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates and Vice Mayor Boozé; in a related matter concerning a dispute about the potential reimbursement to the City of Richmond of over \$600,000 for the replacement of a digester cover and some related matters concerning some chemicals the City Council accepted the resolution by the following vote: **Ayes:** Councilmembers Beckles, Myrick, Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** Councilmember Butt. **Absent:** Councilmember Bates and Vice Mayor Boozé.

OPEN FORUM FOR PUBLIC COMMENT

Naomi Williams urged senior citizens to be aware of a Medicare fraud alert regarding Obama Care. She also announced that free annual mammogram day at Doctor's Hospital has been set for October 16, 2013, by appointment only. Ms. Williams also announced that *Mercy Killers*, a special, topical one-man play that highlights the ongoing plight of the uninsured, many of whom suffer financial tragedies on top of chronic illnesses, will be presented at Easter Hill Methodist

Church, Friday, November 15, 2013; and lastly, Ms. Williams announced that the Commission on Aging will hold its Annual Christmas Senior Winter Ball on Saturday, December 7, 2013; tickets \$20; \$25 at the door.

Leonard Taylor gave comments regarding a bomb threat on Friday, October 11, 2013; he would like to know what happened.

Mark Wassberg announced that Mayor McLaughlin was scheduled to speak at Contra Costa College, Wednesday, October 16, 2013, regarding eminent domain.

Sims Thompson expressed his disappointment with missing street lights in the City of Richmond specifically at the soup kitchen on Bissell and 22nd Street and Erlandson Street and Regatta Boulevard.

Kathy Robinson gave comments regarding Chevron Corporation.

Tarnel Abbott gave comments regarding the opening of the Point Molate Beach Park opening. She invited every to the Citizens Advisory Group Meeting on November 14, 2013, 6:30 p.m.; in the basement of 440 Civic Center Plaza.

Rose Loera gave comments regarding the unpleasant experience she had with the Richmond Police Department when retrieving her car after it was stolen and returned.

Jackie Thompson invited everyone to the Richmond Complex Center for karaoke every third Monday from 6:00 p.m. to 8:00 p.m.

Joe Puleo, Kathleen Wimer, Marilyn Langlois congratulated the City of Richmond Parks Department for the opening of the Point Molate Beach Park.

Richard Stollings gave comments regarding a letter the Richmond Police Department told him he needed to take in order to take part in a Richmond City Council Meeting. Mr. Stollings stated that citizens should be aware that they do not have to take a letter in order to take part in the Richmond City Council Meeting.

Marilyn Langlois gave comments regarding the opening of the Point Molate Beach Park. She also thanked the City Council for steps taken to handle the foreclosure issues in Richmond.

Texanita Bluitt stated that she would like the City to develop plans for the empty nursery lot in her neighborhood. She also asked if there was any impact to the City due to the government shutdown.

Eduardo Martinez praised the City of Richmond

for being a positive force and the Recreation and Parks Commission for making Richmond a family friendly place to live. He stated that this Saturday the Recreation and Parks Commission would hold a tree planting at Locus Park from 9:00 a.m. to 1:00 p.m.

Bea Roberson announced that on November 2, 2013, families will be able to sign up for the Annual Richmond/El Cerrito Firefighters Toy Program; the Annual breakfast will be held at the Courtyard by Marriott Hotel, 3150 Garrity Way, November 15, 2013; and on Friday, October 18 and Saturday, October 19, 2013, the Macaroni Grill will donate profits to the Richmond/El Cerrito Firefighters Toy Program when citizens present the fundraiser flyer.

James Austin made comments regarding the placement of distinguished guests on the agenda. He also requested that the City Council not outsource projects to companies that are not located in Richmond.

Mike Parker gave comments regarding statements previously made against the Richmond Progressive Alliance by Councilmember Bates and Wesley Ellis.

SUCCESSOR AGENCY TO THE RICHMOND COMMUNITY REDEVELOPMENT AGENCY CONSENT CALENDAR

On motion of Councilmember Beckles, seconded by Councilmember Myrick all items with an (*) were approved by the following vote: **Ayes:** Councilmembers Beckles, Butt, Myrick, Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates and Vice Mayor Boozé.

*-Adopted **Resolution No. 13-13** approving a contract amendment with PES Environmental, Inc. (PES) to perform additional ground water monitoring and analysis as part of the approved State Department of Toxic Substances Control (DTSC) Work Plan for Marina Bay Area T, increasing the contract amount by \$49,500 for a total contract amount not to exceed \$99,300.

CITY COUNCIL CONSENT CALENDAR

On motion of Councilmember Butt, seconded by Councilmember Beckles all items with an (*) were approved by the following vote: **Ayes:** Councilmembers Beckles, Butt, Myrick, Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates and Vice Mayor Boozé.

*-Adopted **Resolution No. 97-13** extending the contracts with the pool of performance auditors previously approved by the City Council (Sjoberg Evashenk Consulting Inc.; Pun & McGeady; Burr Pilger Mayer (BPM); Municipal Resource Group, LLC; and

Kevin W. Harper, CPA & Associates) to conduct internal audits in the 2013-2014 and 2014-2015 fiscal years for an amount not to exceed \$90,000 per firm over a two year period with an option to extend two additional years in an amount not to exceed \$90,000 per firm.

*- Adopted **Resolution No. 98-13** allowing the City of Richmond to levy the annual assessments of businesses under the Downtown Richmond Property and Business Improvement District (DRPBID) on the annual 2013-2014 property tax rolls.

*-Adopted **Resolution No. 99-13** amending and restating the memorandum of loan agreement and promissory note between the Port of Richmond and the City of Richmond to provide for the repayment for services and loans provided by the City to the Port.

*-Approved a sole source purchase of a three-year and eight-month standard software maintenance agreement with New World Systems Corporation (October 2013-June 2017), in an amount not to exceed \$1,033,591. The software being maintained runs the West Co. Public Safety Consortium's Dispatching and Records Management Services.

The matter to adopt a resolution accepting the revised Sewer System Management Plan (SSMP) in accordance with State Water Resource Control Board regulations was presented by Wastewater Manager Chad Davisson. James Austin gave comments. On motion of Councilmember Beckles, seconded by Councilmember Myrick adopted **Resolution No. 100-13** by the following vote: **Ayes:** Councilmembers Beckles, Butt, Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates, Myrick, and Vice Mayor Boozé.

*-Accepted and appropriated additional domestic violence-related grant funding from CalEMA, increasing the funding by \$45,103 (from \$276,161 to \$321,264), and increasing the in-kind match amount by \$11,276, for a total in-kind match of \$80,316 for the period January 1, 2013, through December 31, 2013.

*-Approved a contract with Andy's Auto Body of Richmond for body painting of up to twenty new 2013 police vehicles in an amount not to exceed \$35,000.

*-Approved a three-year contract with the Industrial Safety Supply Corporation to provide for the testing, repair and maintenance on approximately three hundred self-contained breathing apparatus (SCBA) masks, air-paks and cylinders, in an amount not to exceed \$40,050.

*-Approved a contract with California Generator Service to maintain and repair City-owned emergency generators for an initial term of three years, with a City-option to extend for an additional two years, at a cost not to exceed \$30,000 for the term of the contract.

*-Approved a grant-funded contract with Fehr & Peers, for an amount not to exceed \$80,000, to assist in the preparation of the Iron Triangle Yellow Brick Road Walkable Neighborhood plan.

*-Accepted and appropriated a grant from Youth Service America in the amount of \$2,000 to recognize and celebrate youth for their volunteer and service learning actions.

The matter to receive a monthly report on the Richmond Municipal Sewer District for September 2013 was presented by Wastewater Manager Chad Davisson. Sims Thompson gave comments. On motion of Councilmember Beckles, seconded by Councilmember Butt received a monthly report on the Richmond Municipal Sewer District for September 2013 by the following vote: **Ayes:** Councilmembers Beckles, Butt, Myrick, Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates and Vice Mayor Boozé.

*-Approved the following appointments and re-appointments: Economic Development Commission: Beth Javens, new appointment, term expiring March 30, 2016; Richmond Arts and Culture Commission: Kit Pappenheimer, new appointment, term expiring January 31, 2017; Historic Preservation Commission: Patricia Pearson, re-appointment, term expiring July 31, 2017; Recreation and Parks Commission: Connie Portero, re-appointment, term expiring October 26, 2016.

*-Adopted **Ordinance No. 20-13 N. S.** amending Richmond Municipal Code Chapter 6.06 (Historic Structures Code) to streamline the design review process for historic resource alteration projects by authorizing the Zoning Administrator to approve minor historic resource alteration projects and authorizing the Historic Preservation Commission to approve major historic resource alteration projects.

In the matter to approve the minutes of the September 24, 2013, Special City Council Meeting, James Austin gave comments. On motion of Councilmember Myrick, seconded by Councilmember Beckles approved the minutes of the September 24, 2013, Special City Council Meeting by the following vote: **Ayes:** Councilmembers Beckles, Butt, Myrick, Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates and Vice Mayor Boozé.

*-Adopted **Resolution No. 101-13** approving an

amendment to the contract with Harris Electric and Cirimele Electric Works, Inc. to provide as-needed high voltage and major electrical contract service in an amount not to exceed \$75,000 per year over a three-year period with two one-year options to extend.

*-Adopted **Resolution No. 102-13** adjusting the City's parking fines schedule to reflect State-mandated assessments and correspond to other jurisdictions' rates.

The matter to adopt an ordinance for second reading 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 was presented by Councilmember Rogers. The following individuals gave comments: Jackie Thompson, James Austin, Naomi Williams, Marilyn Langlois, and Eduardo Martinez. On motion of Councilmember Rogers, seconded by Councilmember Myrick adopted **Ordinance No. 21-13 N. S.** by the following vote: **Ayes:** Councilmembers Beckles, Butt, Myrick, Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates and Vice Mayor Boozé.

PUBLIC HEARINGS

The city clerk announced that it was time pursuant to public notice to conduct a public hearing to consider adopting a resolution to rename Western Drive north of I-580 as "Stenmark Drive." Councilmember Butt gave an overview of the item. Mayor McLaughlin opened the public hearing. The following individuals gave comments: Joe Puleo, Richard Stollings, Kathleen Wimer, and Margaret Jordan. On motion of Councilmember Myrick, seconded by Councilmember Beckles closed the public hearing by unanimous vote. On motion of Councilmember Butt, seconded by Councilmember Beckles adopted **Resolution No. 103-13** renaming Western Drive north of I-580 as "Stenmark Drive" with the understanding that the issue may be revisited in the future in respect to the area known as Point Molate by the following vote: **Ayes:** Councilmembers Beckles, Butt, Myrick, and Rogers. **Noes:** None. **Abstentions:** Mayor McLaughlin. **Absent:** Councilmember Bates and Vice Mayor Boozé.

The city clerk announced that it was time pursuant to public notice to conduct a public hearing to introduce an ordinance for first reading rezoning the parcels between 1200-1300 Fred Jackson Way from SFR-3, Single-family Low Density Residential to MFR-2, Multifamily Medium Residential to conform to the Medium Density designation set forth in the recently adopted General Plan 2030. Planning Director Richard Mitchell gave an overview. Mayor McLaughlin opened the public hearing. The following individuals gave comments: Roman Bluer and Kelly Durrant. On motion of Councilmember Beckles, seconded by Councilmember Butt closed the public hearing by

unanimous vote. On motion of Councilmember Myrick, seconded by Councilmember Butt said ordinance rezoning the parcels between 1200-1300 Fred Jackson Way from SFR-3, Single-family Low Density Residential to MFR-2, Multifamily Medium Residential to conform to the Medium Density designation set forth in the recently adopted General Plan 2030 received first reading and was laid over two weeks for second reading by the following vote: **Ayes:** Councilmembers Butt, Myrick, Rogers, and Mayor McLaughlin. **Absent.** **Noes:** None. **Abstentions:** Councilmember Bates, Beckles, and Vice Mayor Boozé.

COUNCIL AS A WHOLE

The matter to discuss and consider reducing the fee for residential solar panel installation was presented by Councilmember Butt and Mayor McLaughlin. David McCoard and Eduardo Martinez gave comments. On motion of Councilmember Beckles, seconded by Mayor McLaughlin reduced fees for residential solar panel installation by the following vote: **Ayes:** Councilmembers Beckles, Butt, Myrick, Rogers, and Mayor McLaughlin. **Absent.** **Noes:** None. **Abstentions:** Councilmember Bates and Vice Mayor Boozé.

In the matter to reaffirm and enforce Section C of Richmond Municipal Code 2.40.030 Release of Oral Public Information: "City employees shall not be discouraged from or disciplined for the expression of their personal opinions on any matter, so long as the opinion is not represented as that of the City and does not misrepresent the City's position" was presented by Councilmember Beckles and City Attorney Bruce Reed Goodmiller. City Clerk Diane Holmes read a statement from Jasmine Jones in support of the item. The following individuals gave comments: Naomi Williams, Tarnel Abbott, Rosanne Ryken, Stacie Plummer, Pamela Hampton, Joyce Harris, Jackie Thompson, Vivien Feyer, Texanita Bluitt, Kathleen Sullivan, Michael Parker, and Marilyn Langlois. Councilmember Beckles read a letter from Human Rights and Human Relations Commission Chair Vivien Feyer. Following discussion, a motion was made by Councilmember Beckles, seconded by Councilmember Rogers to reaffirm and enforce Section C of Richmond Municipal Code 2.40.030 Release of Oral Public Information: "City employees shall not be discouraged from or disciplined for the expression of their personal opinions on any matter, so long as the opinion is not represented as that of the City and does not misrepresent the City's position" and direct staff to come back with an amended ordinance to include language to indicate what personnel rules still need to be adhered to. The motion passed by the following vote: **Ayes:** Councilmembers Beckles, Butt, Myrick, Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates and Vice Mayor Boozé.

The matter to consider directing staff to prepare and submit to the City Council a grant-funded strategy to provide free Internet access for low income Richmond residents was presented by Councilmember Rogers. Jackie Thompson, Ralf Muehlen, Brewster Kahle, and Eduardo Martinez gave comments. On motion of Councilmember Beckles, seconded by Councilmember Rogers directed staff to prepare and submit to the City Council a grant-funded strategy to provide free Internet access for low income Richmond residents by the following vote: **Ayes:** Councilmembers Beckles, Butt, Myrick, Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates and Vice Mayor Boozé.

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

Councilmember Rogers reported that he traveled to Washington D.C. the week of October 6, 2013, regarding the Easy-Go Green Transportation Program.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:18 p.m. in memory of Ben Bolton Sr. and Samuel Morales to meet again on Tuesday, October 22, 2013, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor