

RICHMOND, CALIFORNIA, July 15, 2014

The Richmond City Council Evening Open Session was called to order at 5:05 p.m.

ROLL CALL

Present: Councilmembers Butt, Boozé, Myrick, and Mayor McLaughlin. **Absent:** Councilmembers Bates, Boozé and Vice Mayor Beckles arrived after adjourning to Closed Session.

PUBLIC COMMENT

The city clerk announced that the purpose of the 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):

Parish vs. City of Richmond

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.9):

Four cases

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8):

Property: Port of Richmond Terminal One
Agency negotiator: Bill Lindsay
Negotiating party: Terminal One Development LLC
Under negotiation: Price and terms of payment

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

Agency designated representatives: Bill Lindsay, Lisa Stephenson, and Bruce Soublet
Employee organizations: Service Employees International Union (SEIU, Local 1021); International Federation of Professional and Technical Employees (Local 21); Richmond Police Officers Association (RPOA); Richmond Police Management Association (RPMA); Richmond International Association of Firefighters (IAFF, Local 188); and Richmond Fire Management Association (RFMA).

There were no public speakers.

The Open Session adjourned to Closed Session at 5:07 p.m. Closed Session adjourned at 6:45 p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:58 p.m. by Mayor McLaughlin.

ROLL CALL

Present: Councilmembers Boozé, Bates, Butt, Myrick, Rogers, and Mayor McLaughlin. **Absent:** Vice Mayor Beckles arrived at 7:01 p.m.

STATEMENT OF CONFLICT OF INTEREST

Councilmember Butt recused himself from Item H-8.

AGENDA REVIEW

Removed Items H-8, I-2, and I-4 from the Consent Calendar. A motion by Councilmember Bates, seconded by Councilmember Boozé, that Item H-8 be moved to be heard before Open Forum, passed by the following vote: **Ayes:** Councilmembers Bates, Boozé, Myrick, Rogers, and Mayor McLaughlin. **Noes:** None. **Abstain:** Councilmembers Butt and Vice Mayor Beckles. **Absent:** None.

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

City Attorney Bruce Reed Goodmiller reported that the City Council approved a settlement agreement in the matter of Parish vs. City of Richmond in favor of Mrs. Parish.

OPEN FORUM FOR PUBLIC COMMENT

Leonard Taylor thanked the city for the 3rd of July event.

Don Severn reported that Recovery Innovations will have an open house on July 18, 2014, from 11am to 3 p.m. at 2101 Vale Road, Suite 300, San Pablo.

Dr. Laurel Hodgson gave comments regarding the potential partial closure of the hospital and stated that the entire hospital needs to remain open.

Kathy Robinson spoke against all of the money that Chevron is spending on the election.

Bea Roberson spoke against comments that Vice Mayor Beckles made towards African Americans and white people.

Coach Ricky Sampson, Richmond Recreation Center, gave comments regarding the Richmond Rockets basketball team and his positive contributions to the team.

Beverly Ellis, spoke in support of coach Ricky Sampson, who was wrongfully fired.

Pam Bilbo and Jackie Thompson stated that the incident that occurred last Tuesday night was provoked by Vice Mayor Beckles.

Madhu Cajour, Lisa Perry, Mercedes Yiannakis, Elsa Monroe, Lilly Ailhkihana, Maria Salagun, Mike Parker, and Texanita Bluit spoke in support of keeping

Doctor's Medical Center open.

Larray Crosley, Jonathan Crosley, Joseph Harris, Antonio Harris, spoke in support of Coach Ricky Sampson.

Sharon Sanders stated that the youth in the City need jobs and activities that they can participate in.

Donna Powers stated that councilmembers need to be more respectful, dress more professionally, and not eat at the dais.

June Pangelinan, Writer Coach Connection volunteer, and Vinay Pimplé stated that the program is working very well in the Richmond schools and encouraged others to be writer coaches.

Silvia Ledezma spoke against the elimination of the Fair Housing Program.

Don Gosney gave comments regarding a phone survey he received regarding the minimum wage issue that is to be placed on the ballot.

Millie Cleveland gave comments regarding SEIU Local 1021 negotiations with the city.

Wesley Ellis stated he will pray for Vice Mayor Beckles based on her recent actions.

Cheryl Sudduth read the poem "And Still I Rise" by Maya Angelou.

Rev. Kenneth Davis played audio of an altercation between Vice Mayor Beckles and himself.

James Austin spoke against layoffs of members of the Code Enforcement division.

Marilyn Langlois spoke in support of Vice Mayor Beckles regarding the harassment she has received.

Mark Wassberg stated councilmembers should take a class on love.

Eduardo Martinez stated Chevron should provide funding to keep Doctor's Medical Center open.

Councilmember Boozé stated that he would like to make a comment regarding a statement made by a member of the audience during open forum.

(8:36 p.m. - Recess – 8:44 p.m. reconvened).

*A motion by Councilmember Boozé, seconded by Councilmember Bates to overturn the Mayor's decision to move on to the next item, passed by the following vote: **Ayes:** Councilmembers Bates, Boozé, Myrick, and Rogers. **Noes:** Vice Mayor Beckles, Councilmember Butt, and Mayor McLaughlin. **Abstain:** None. **Absent:** None.*

(8:46 p.m. recess – 8:51 p.m. reconvened).

Councilmember Boozé stated that the night of the altercation that occurred with Vice Mayor Beckles, he did not tell the security guard to not call the police.

Vice Mayor Beckles replied that she has the report from DP Security that says that Councilmember Boozé told him not to call the police.

SUCCESSOR AGENCY TO THE RICHMOND COMMUNITY REDEVELOPMENT AGENCY CONSENT CALENDAR

A motion by Councilmember Butt, seconded by Councilmember Rogers, adopted **Resolution No. 14-9**, by the unanimous vote of the City Council, authorizing the housing director to negotiate and execute an ERN with: (1) Miraflores Community Devco., LLC (MCD) for the purchase and development of market-rate homeownership units on a 7+ acre portion of the Miraflores Housing Development site located at South 47th Street and Florida Avenue (Site); and (2) Community Housing Corporation of North Richmond (CHDC) and Eden Housing Inc. (Eden) for the

development of affordable senior housing rental units on a 1.5 acre portion of the Site.

CITY COUNCIL CONSENT CALENDAR

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

*-Approved an amendment to the lease agreement with Open Water Partners, LLC for use of Port property at 1319 Canal Boulevard at the Point Portrero Marine Terminal, extending the term to June 30, 2017, and increasing the lease payment amount to \$3,750 per month, to be indexed over the lease term by the change in the Consumer Price Index (CPI).

*-Approved a grant-funded contract with the Laborers' Community Service and Training Foundation to provide a series of three Multi-Craft Core Curriculum (MC3) training cohorts including an industry recognized certification at the RichmondBUILD Academy. The contract term will be September 2, 2014, through June 30, 2016, in an amount not to exceed \$40,000.

*-Approved a grant-funded contract with Civicorps Schools to provide recruitment, referral and promotional services in support of the Proposition 39 Clean Energy Job Creation Program for RichmondBUILD and its grant partners. The contract term will be September 2, 2014, through June 30, 2016, in an amount not to exceed \$25,000.

*-Approved a contract with Donnoe & Associates to develop and administer promotional examinations for Police Sergeant and Police Lieutenant positions in an amount not to exceed \$22,000 for a term of July 15, 2014, to June 30, 2015.

*-Approved a five-year contract with RouteMatch to continue providing customer support for scheduling and hardware for the R-Transit (paratransit) Program in an amount not to exceed \$101,874 (This

item was not reviewed by the Finance Committee as it is time sensitive).

*-Authorized the Library and Cultural Services Director to ACCEPT a donation from the Richmond Public Library Foundation (RPLF) in the amount of \$68,000; APPROVE the purchase and outfitting of a Library Book Van to provide library outreach services to the community; and APPROVE an amendment to the Fiscal Year 2014-15 Library Fund revenue and expenditures.

* -Adopted **Resolution No. 61-14**, to amend the Port of Richmond Tariff FMC No. 3 reflecting a 1.8% increase in tariff rates as adopted by the California Association of Port Authorities (CAPA) Tariffs and Practices Committee Members.

The matter to approve the Land Disposition Agreement (LDA) with Terminal One Development, LLC (Suzhou Weibang Property Management, LLC) regarding the disposition of the Terminal One property (Approval of the LDA does not constitute City Council approval of the project; the proposed development plan must be finalized by the Developer; an Environmental Impact Report (EIR) must also be prepared and certified prior to approval of a final development plan) was presented by City Manager, Bill Lindsay. The following individuals gave comments: Kathryn Dienst, Jim Zahradka, Antwon Cloird, Raymond Landry, and Bea Roberson. A motion by Councilmember Rogers, seconded by Councilmember Boozé, approved the item by the following vote: **Ayes:** Councilmembers Bates, Boozé, Myrick, Rogers, Vice Mayor Beckles and Mayor McLaughlin. **Noes:** None. **Abstain:** None. **Absent:** Councilmember Butt.

* -Approved an ordinance (first reading) establishing certain fees for the proposed Master Fee Schedule (A resolution setting the dollar amount for the new fees and adjusting the dollar amount for current fees will be presented concurrent with the second reading of the ordinance).

*-Approved the minutes of the May 13, 2014, Special City Council Meeting.

*-Approved a contract with Courtyard by Marriott Richmond/Berkeley to provide meeting space and catering services for firefighter interviews in an amount not to exceed \$21,700 for a term beginning July 14, 2014, and ending on July 31, 2014.

*-Approved a two-year contract with United Site Services, Inc. to provide and service portable toilets in an amount not to exceed \$36,000 and for a term from July 1, 2014, to June 30, 2016.

Approved 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. The term of the contract shall be July 1, 2014, through June 30, 2015 (This items was not reviewed by the Finance Committee as it is time sensitive). **(Councilmembers Bates and Boozé voted no).**

*-Adopted **Ordinance No. 14-14 N.S.** setting the tax rate for the Tax Override Pension Fund for Fiscal Year 2013-2014 at 0.14%.

*-Received a monthly report on the Richmond Municipal Sewer District for June 2014.

*-Approved the following appointments and re-appointments: Police Commission: Glen Stephenson, re-appointment, term ending November 1, 2015; Commission on Aging: Christine Caldwell, incumbent, term ending May 19, 2016; Arts & Culture Commission: Maryann Maslan, new appointment, term ending January 31, 2018; Planning Commission: Roberto Reyes, incumbent, term ending June 30, 2016; Ben Choi, incumbent, term ending June 30, 2016; Melvin Willis, incumbent, term ending June 30, 2016; Andrew Butt, incumbent, term ending June 30, 2016; Human Rights and Human Relations Commission: Crystal Johnson, new appointment, term ending March

30, 2017; Texanita Bluitt, new appointment, term ending March 30, 2017; Revolving Loan Fund: Vivian Rahwanji, new appointment, no term expiration.

Continued Consent Calendar Items

On motion of Councilmember Butt, seconded by Councilmember Myrick, all items under the City Council Continued Consent Calendar marked with an (*) were approved by the unanimous vote of the City Council.

The matter to approve the 2014/2015 North Richmond Waste and Recovery Mitigation Fee Expenditure Plan that specifies the activities and the revenue to support those activities from July 1, 2014, through June 30, 2015, as recommended by the North Richmond Waste and Recovery Mitigation Fee Joint Expenditure Planning Committee was presented. **This item was continued from the June 24 and July 1, 2014, meetings for Council deliberation and determination only.** A motion was made by Councilmember Butt, seconded by Vice Mayor Beckles, to approve the item. A substitute motion was made by Councilmember Bates to approve the item with the exception of the portion about the Community Benefits Agreement. *(A motion by Councilmember Myrick, seconded by Vice Mayor Beckles to extend the meeting to vote on this item. A substitute motion by Councilmember Rogers, seconded by Councilmember Myrick to suspend the rules and vote on this item, failed by the following vote: Ayes: Councilmembers Myrick, Rogers, Vice Mayor Beckles, and Mayor McLaughlin. Noes: Councilmembers Bates, Boozé and Butt. Abstentions: None. Absent: None.* This item was not concluded.

*-Adopted **Resolution No. 62-14**, authorizing the city manager and police chief to execute recurring contracts for Fiscal Years 2014-2015, 2015-2016 and 2016-2017 with Contra Costa County and the State of California at an aggregate annual amount of \$551,000. The execution of these contracts shall not exceed the limits as set forth: Services contracted with Contra Costa County include the following: California Law

Enforcement Telecommunication System (CLETS) - \$10,000; California Identification Division (CAL ID) - \$119,000; Automated Regional Information Exchange System (ARIES) - \$40,000; All County Criminal Justice Information System (ACCJIN) - \$20,000; Martinez Detention Facility intake fees - \$30,000; Alcohol and toxic drug screening and analysis - \$250,000; Sexual Assault Response Team (SART) examinations - \$40,000; Annual jail inspection and audit - \$18,000; Coroner and Gunshot Residue (GSR) examination and analysis - \$10,000; Out of state inmate extradition - \$4,000. The State of California contracted service includes all Live Scan fingerprinting - \$10,000.

CONTINUED to the July 29, 2014, City Council meeting, a resolution allowing the City of Richmond to levy an assessment on properties subject to assessment under the Downtown Richmond Property and Business Improvement District (DRPBID) and place this levy on the annual 2014-2015 property tax rolls.

*-Approved the following appointments and re-appointments to the City of Richmond Boards and Commissions: Richmond Housing Advisory Commission: Dolores Johnson, new appointment, completing an unexpired term ending November 1, 2014; Alicia Carillo, new appointment, completing an unexpired term ending November 1, 2015; Planning Commission: Marilyn Langlois, incumbent, term ending June 30, 2016; Economic Development Commission: Sandra Naylor, new appointment, term ending March 30, 2017; Richmond Arts and Culture Commission: Jenny Balisle, new appointment, term ending January 31, 2018. **(Councilmembers Bates and Boozé voted no to the appointment of Marilyn Langlois to the Planning Commission).**

Continued Public Hearings

CONTINUED to the July 29, 2014, City Council meeting, a resolution authorizing the City of Richmond to levy special assessments against certain properties having unpaid invoices related to administrative citations, nuisance abatement costs, and

foreclosure ordinance fines pursuant to Richmond Municipal Code Chapters 9.22, 6.38, 9.50 and 2.63.

Continued Resolutions

CONTINUED to the July 29, 2014, City Council meeting, a resolution limiting the amount of time that Councilmembers have to ask questions.

Continued Council as a Whole

The matter to direct the city manager to work with the city attorney and the police chief to provide the Council with possible options on rules and procedures the Council may adopt for handling disruptions during the City Council meetings was presented by Vice Mayor Beckles. Due to the increasing number of disruptions during Richmond City Council Meetings, a policy should be enacted that addresses disruptive behavior and restores an atmosphere conducive to conducting business. Many cities have found or adopted means by which to govern the chaos that frequents public meetings. Examples of policies range from suspension, charging disruptors with misdemeanors, and adopting a civility policy through which all public speakers must adhere to when they register to speak before the council. The following individuals gave comments: Pam Bilbo, Jackie Thompson, Mike Peritz, Stephanie Hervey, Kenneth Davis, Amalia Darling, Don Gosney, Bea Roberson, Jeanne Kortz, Marilyn Langlois, Jim, Kathleen Zahradka, Mike Parker, Wesley Ellis, Eduardo Martinez, Cheryl Sudduth, Steven Bates, Mike Ali, Melvin Willis, Dennis Dalton, Sharon Sanders, and Carole Johnson. Discussion ensued.

*(11:01 p.m. - A motion was made by Councilmember Myrick, seconded by Councilmember Rogers, to extend the meeting 30 minutes. A substitute motion was made by Vice Mayor Beckles, seconded by Councilmember Boozé, to finish the current item and end the meeting. City Manager Bill Lindsay stated that Item I-4 is time sensitive. Vice Mayor Beckles rescinded her motion. The original motion passed with Councilmember Boozé voting no). A motion by Councilmember Butt, seconded by Vice Mayor to end debate, passed by the following vote: **Ayes:** Councilmembers Butt, Myrick, Rogers, Vice Mayor Beckles, and Mayor McLaughlin.*

Noes: Councilmembers Bates and Boozé.

Abstentions: None. **Absent:** None. A motion by Vice Mayor Beckles, seconded by Councilmember Butt, directed staff to study the options on rules and procedures, as well as determine what is the role and authority of the chair, passed by the following vote:

Ayes: Councilmembers Bates, Butt, Myrick, Rogers, Vice Mayor Beckles, and Mayor McLaughlin. **Noes:** Councilmember Boozé. **Abstentions:** None. **Absent:** None.

**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 11:31 p.m., in memory of Christine Ruk, to meet again on Tuesday, July 22, 2014, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor