

**RICHMOND, CALIFORNIA, October 2,
2012**

The Richmond City Council Evening Open Session was called to order at 5:36 p.m.

ROLL CALL

Present: Councilmembers Bates, Butt, Ritterman, Vice Mayor Rogers and Mayor McLaughlin.
Absent: Councilmember Boozé arrived at 5:38 p.m. and Councilmember Beckles arrived after adjourning 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 - ANTICIPATED LITIGATION (Initiation of litigation pursuant to Subdivision (c) of Government Code Section 54956.9): One case

There were no public speakers.

The Evening Open Session adjourned to Closed Session at 5:37 p.m. The Closed Session adjourned at 6:00 p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:34 p.m. by Mayor McLaughlin who led the Pledge of Allegiance to the Flag.

ROLL CALL

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

READING OF THE CODE OF ETHICS

Diane Holmes, City Clerk, read the Code of Ethics.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Items H-1, H-5, H-6 and H-9 were removed from the Consent Calendar. A motion by Councilmember Bates, seconded by Councilmember Boozé, to add an emergency item regarding the assault on Councilmember Boozé. A substitute motion was made by Mayor McLaughlin, seconded by Councilmember Beckles to not consider adding the emergency item and not intervene with the investigation. A second substitute motion was made by Councilmember Boozé to request a report from the Police Chief on how to initiate an investigation regarding his assault. Councilmember Butt called for the question. Councilmember Boozé withdrew his second substitute motion. The substitute motion passed by the following vote: **Ayes:** Councilmembers Beckles, Ritterman, Butt, and Mayor McLaughlin. **Noes:** Councilmembers Bates, Boozé, and Vice Mayor Rogers. **Absent:** None. **Abstentions:** None.

OPEN FORUM FOR PUBLIC COMMENT

Mario Clamar stated he recently purchased a property in Richmond and has been keeping it up, but the property gets burglarized often and feels he is being targeted by the Code Enforcement Department for having blight on his property.

Leonard Taylor complained of loud parties in his neighborhood.

Jean-Marc Schwarz stated he is a scientist that has been studying how fructose metabolizes in the body and spoke in favor of the soda tax.

Najari Smith believes the soda tax should be passed and feels that residents will not go outside the city to purchase groceries if it passes.

Wesley Ellis read a verse of the Bible from the Book of Esther Chapter 4, Verse 14.

Mark Wassberg stated that Councilmember Boozé was hit from behind by a member of the Richmond Progressive Alliance.

(The City Council recessed at 6:59 p.m. and reconvened at 7:03 p.m.)

Kathleen Sullivan stated that the negative dynamics between City Councilmembers have become hurtful to the entire city.

Otheree Christian and various other members of the NAACP stated that they oppose any use of violence in an attempt to silence conflicting opinions.

Eleanor Thompson stated that Juan Reardon was out of order last week while distributing “Yes on N” flyers in the Council Chambers and was not asked to leave.

Texanita Bluitt thanked the city for the automatic doors currently being installed at the Kennedy Swim Center.

Tarnell Abbott stated that the Richmond Progressive Alliance (RPA) does not condone any physical violence and also commented about RPA member, David Moore’s, argument with Councilmember Boozé.

Pam Bilbo stated that she witnessed the incident involving the assault on Councilmember Boozé on September 27th and Councilmember Boozé was trying to move away from the attacker in order to avoid being struck.

Reginald Russell stated that many times rules are not followed at the Council meetings.

Louis Jackson stated that there was a commentary in the West County Times that described the Richmond Progressive Alliance as a communist, socialist group.

Tony Sustak gave comments regarding the mailer sent out about Marilyn Langlois not paying her taxes.

Marilyn Langlois urged residents to vote in favor of Measures N and O.

Stephanie Hervey stated there are many people who would like to attend City Council meetings but don't come due to the lack of respect and decorum during the meetings.

Damien King stated that all need to be a positive example in order for good things to happen and change in Richmond.

Michael Parker stated that the City Council should focus its efforts on Chevron's decision to appeal its property tax assessment.

Eduardo Martinez stated that the city must unite in order to fight against Chevron appealing their property tax assessment.

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

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

CITY COUNCIL CONSENT CALENDAR

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

The matter to approve a contract amendment with V.W. Housen and Associates for the evaluation and technical review of the City's Wastewater Operations, Capital Improvement Projects, and the East Bay Municipal Utility District Feasibility Study regarding long-term wastewater operations in the amount of \$89,750 for a total contract amount not to exceed \$99,750 was presented. Councilmember Boozé asked if staff in-house can fulfill these duties. City Manager, Bill Lindsay, replied that at this time we don't have anyone to fulfill these duties, which Chad Davisson was responsible for prior to him leaving the city. A motion by Councilmember Ritterman, seconded by Councilmember Boozé, approved the contract by the unanimous vote of the City Council.

*-Approved a contract with Contra Costa College for an enhanced EMT-135 training course in an amount not to exceed \$50,000, funded by Contra Costa County Measure H.

*- Approved the minutes of the September 11, 13, and 18, 2012, meetings.

*-Adopted **Ordinance No. 12-12**, setting the tax rate for the Tax Override Pension Fund for Fiscal Year 2012-13 at 0.14%.

The matter to approve the city manager's response to Grand Jury Report No. 1209 entitled, "City Retirement Plans, An Unsustainable Benefit?" and submittal of the response to the foreperson of the Contra Costa County Civil Grand Jury was presented. City Manager, Bill Lindsay, stated the following to be inserted before the specific responses to recommendations portion of the report as part of the city's response in the report: *The Richmond City Council recognizes its responsibility to substantively address both the short term and long term financial obligations associated with post-retirement benefits provided to Richmond employees. In providing this response letter, the City Council also directed staff to develop a policy for consideration that would provide guidelines for eliminating the city's unfunded liabilities for post-retirement benefits. Moreover, the City*

Council directed staff to meet and confer in good faith with employee bargaining units for the purpose of agreeing on ways to manage benefit costs that will ensure the long-term financial stability of the City of Richmond. A motion by Councilmember Butt, seconded by Councilmember Ritterman, approved the responses to Grand Jury Report No. 1209, by the unanimous vote of the City Council.

(11:04 p.m. - A motion by Mayor McLaughlin, seconded by Councilmember Beckles, extended the meeting 15 minutes).

The matter to approve the city manager's response to Grand Jury Report No. 1213 entitled, "Financial Transparency With Meaning?" and submittal of the response to the foreperson of the Contra Costa County Civil Grand Jury was presented. Mayor McLaughlin requested that the response to Finding 1 on Page 126 be more elaborate than just saying that the City agrees with the finding. City Manager, Bill Lindsay, replied that the Grand Jury is very specific about how responses should be written. A motion by Councilmember Bates, seconded by Councilmember Boozé to follow the recommendations made in the report by the City Manager. A substitute motion by Mayor McLaughlin, seconded by Councilmember Ritterman, to add text to Finding 1 and 2 to indicate the City's willingness to make financial reports more understandable to the public, passed by the following vote: **Ayes:** Councilmembers Beckles, Ritterman, Butt, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** Councilmembers Bates and Boozé. **Absent:** None. **Abstentions:** None.

*-Approved a contract with Evolve Discovery to provide collection, processing, and initial review of documents (mainly e-discovery) for pending federal court litigation against the City by Upstream Point Molate, LLC and the Guidiville Band of Pomo Indians, in an amount not to exceed \$75,000 and with a term of July 1, 2012, to June 30, 2013.

*-Approved a contract with City Data Services for \$48,000 to provide monitoring and reporting services for the HOME and Community Development Block Grants (CDBG). This contract is funded 100% through Federal grants; no General Fund allocation will be necessary; \$24,000 will come from HOME administrative funds, and \$24,000 will come from CDBG administrative funds.

The matter to appoint Mayor McLaughlin as an alternate to the Marin Energy Authority Board was presented. Wesley Ellis gave comments. A motion by Mayor McLaughlin, seconded by Councilmember Beckles, approved the appointment by the following vote: **Ayes:** Councilmembers Beckles, Ritterman, Butt, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** Councilmembers Bates and Boozé. **Absent:** None. **Abstentions:** None.

RESOLUTIONS

The matter to adopt a resolution directing staff to ensure that Chevron uses the highest standards and best technology in the repair of their crude unit and expressing City Council expectations from Chevron subsequent to the August 6, 2012, refinery fire was presented by Mayor McLaughlin. Mayor McLaughlin added the following language at the end of the first “Be It Further Resolved” on the proposed resolution to read: *“To the maximum extent feasible.”* The following individuals gave comments: Stephanie Harvey, Najari Smith, Don Gosney, Melvin Willis, Eleanor Thompson, Tarnel Abbott, Juan Reardon, Darrell Caraway, Andres Soto, Mark Wassberg, Roger Lin, Greg Karras, Wesley Ellis, Kenneth Davis, Torm Nompraseurt, Lipo Chanthanasack, Bounthong Karnsouvong, Mouang Choy Saeyang, Mounng Saeteurn, Marilyn Langlois, Michael Parker, and Eduardo Martinez. A motion made by Mayor McLaughlin, seconded by Vice Mayor Rogers, adopted **Resolution No. 113-12**, by the unanimous vote of the City Council.

COUNCIL AS A WHOLE

The City Council received a status report from staff on the Easy Go Transportation Project was presented by Vice Mayor Rogers. Lori-Reese Brown, City Manager's Office, presented a PowerPoint presentation. Councilmember Beckles requested that the Richmond Spokes group participate with the Easy Go Program. Vice Mayor Rogers asked that Easy Go advertise on the City's marquee along Macdonald Avenue. Marilyn Langlois, Pam Saucer-Bilbo and other Easy-Go volunteers gave comments.

(11:20 p.m. - A motion by Mayor McLaughlin, seconded by Vice Mayor Rogers, extended the meeting 15 minutes).

The matter to consider directing the city manager to send a letter to Chevron requesting that Chevron consider a long-term investment in a Technology Campus at Marina Bay was presented. The following individuals gave comments: Eleanor Thompson, Joe Puleo, Sylvia Hopkins, Gary Bell, Jael Myrick, Dr. Ray Landry, Jerry Feagley, Dorne Dibble, Jason Claiborne, Andrew Butt, Bruce Kaplan, Membei Akeler, and Eduardo Martinez. A motion by Vice Mayor Rogers, seconded by Councilmember Ritterman, to approve the item. Councilmember Boozé made a friendly amendment that Chevron prioritizes Richmond residents for the vocational jobs that may become available. Vice Mayor Rogers accepted the amendment and also stated that persons who live in the fence line areas closer to Chevron be given even more priority over other Richmond residents. The motion passed by the unanimous vote of the City Council.

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 11:22 p.m., in memory of Barbara Moore Vincent and Alice Newsom, to meet again on Tuesday, October 16, 2012, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor