

**RICHMOND, CALIFORNIA, November 20,
2012**

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

ROLL CALL

Present: Councilmembers Bates, Butt, Ritterman, and Mayor McLaughlin. **Absent:** Councilmembers Beckles, Boozé, and Vice Mayor Rogers (Councilmembers Beckles, Boozé, and Vice Mayor Rogers 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 -
EXISTING LITIGATION (Subdivision [a] of
Government Code Section 54956.9):**

Booker vs. City of Richmond

Jenkins vs. City of Richmond

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

City Designated Representatives: Bill Lindsay, Leslie Knight, Lisa Stephenson, Jack Hughes, and Chris Magnus. Employee Organization or Unrepresented Employees: Richmond Police Management Association (RPMA)

**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 5:06 p.m. The Closed Session adjourned at 6:44 p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:45 p.m. by Mayor McLaughlin who led the Pledge of Allegiance to the Flag.

ROLL CALL

Present: Councilmembers Beckles, Boozé, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Absent:** Councilmember Bates arrived after Roll Call.

READING OF THE CODE OF ETHICS

Pamela Saucer-Bilbo read the Code of Ethics.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Removed Items I-5, I-11, and I-13 from the Consent Calendar. A correction was made to the agreement term date from July 1, 2012, to June 30, 2013 on Item I-3.

OPEN FORUM FOR PUBLIC COMMENT

Jackie Thompson stated that the Community Wellness Event on Saturday, November 17, 2012, at the Hill Top Community Church was successful. She also reported that the intersection of 27th Street and Nevin Avenue was a safety hazard.

Naomi Williams announced that the Commission on Aging would hold its Senior Winter Ball on December 8, 2012. Please contact the Recreation and Parks Department for tickets.

Antwon Cloird stated that the city should invest in rebuilding family structures to save our youth.

Wesley Ellis gave comments regarding the lack of help at risk children receive from teachers.

Kenneth Davis gave comments regarding the election and expressed disappointment for the lack of attention North Richmond receives from the City Council.

Andres Soto announced that the Junius Courtney Big Band with Denise Perrier would celebrate its 50th Anniversary Season Finale featuring vocalist Denise Perrier at Yoshi's in Jack London Square, 510 Embarcadero West, Oakland. He also reported that on Thursday, November 15, 2012, Communities for a Better Environment, Richmond Progressive Alliance, and other organizations held a post-election town hall meeting to discuss individual experiences of the election. He stated that the meeting was well attended. Mr. Soto thanked Police Chief Magnus for his support in the debate regarding the realignment funding coming to Contra Costa County for programs for citizens returning from prisons.

Sims Thompson thanked the city for the new lights throughout the City. He also expressed his disappointment regarding the blight within the City.

Pam Saucer-Bilbo congratulated Councilmember Bates and Councilmember Elect Bell for their appointments to the City Council. She also expressed her happiness for the defeat of Measure N.

Aaliyah Washington and Edna Campbell encouraged everyone to partner with the Christmas in Richmond Program; please call (510) 860-7931 for information.

Michael Beer gave comments regarding corruption of money in politics. He also announced that Martin Luther King Jr. Day of Service would be held on January 15, 2013, on the Richmond Greenway.

Eleanor Thompson encouraged the City Council and citizens of Richmond to support the North Richmond Christmas Program.

Tamisha Walker gave comments congratulated the City of Richmond on a 60% reduction of homicides in Richmond. She also stated that every Friday night she walks throughout the streets of Richmond in an effort to save lives and reduce violence; the next walk was Friday, November 23, 2012, in Triangle Court.

Michael Parker urged citizens to build a better Richmond and look after the citizens who need help the most. He encouraged everyone to support Wal Mart workers at their demonstration on Friday, November 23, 2012, at 9:00 a.m. at Hilltop.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Mayor McLaughlin and Chief Service Officer Rochell Monk recognized the winners of Richmond's Volunteer Program Naming and Logo Design Contest. Imani Davis, a LEAP program graduate was the program name winner. The top winners for the program logo were: Victor Castor Gomez, Richmond High School; Mirna Murcia Jimenez, Kennedy High School; and Jasmine Mendoza, Kennedy High School

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 Ritterman seconded by Councilmember Beckles all items marked

with an (*) were approved by the unanimous vote of the Council.

*-Approved the purchase of two Flash Cam units and six mounting brackets from Q-Star Technologies in the total amount of \$13,964 to assist in the detection, apprehension, and prosecution of persons engaged in illegal dumping in the City of Richmond.

*-Approved a one-year software maintenance agreement with Zoll Data Systems, Inc. to provide technical support, maintenance services, upgrades, and licenses for the Fire Department's record management system (RMS), Computer Aided Dispatch (CAD) System, and Telestaff interfaces in the amount of \$10,592 and for a term from October 1, 2012, through September 30, 2013.

*-Approved a one-year software maintenance agreement with Kronos, Inc. for the Telestaff system that assists in managing overtime in the Police Department, in an amount not exceed \$12,137.00 and for a term from July 1, 2012 to June 30, 2012.

*-Adopted **Ordinance No. 13-12** establishing the wages, salary, and compensation for the new classification of Equipment Parts Storekeeper (Salary Range No. 123: \$4,240 - \$4,675/month).

The matter to adopt an ordinance amending Section 2.12.010 of the Richmond Municipal Code to reduce the number of Councilmembers needed to constitute a quorum or to approve a business item from five to four in conformity with the City's Charter was removed from the Consent Calendar by a citizen; however, the individual that removed Item I-5 from the Consent Calendar left the meeting and there was no discussion. On motion of Councilmember Butt, seconded by Councilmember Beckles adopted **Ordinance No. 14-12** by the following vote: **Ayes:** Councilmember Beckles, Butt, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Bates and Ritterman.

*-Approved an agreement to lease property located at 500 23rd Street in Richmond for the RichmondBUILD Program for the period from July 1, 2012, through December 31, 2012, at a cost of \$5,000 per month for a total lease amount not to exceed \$30,000.

*-Approved the sole-source purchase of Paratech trench rescue equipment, using State Homeland Security Grant funds, from L.N. Curtis and Sons for the West County urban search and rescue (USAR) training program in the amount of \$24,817.20.

*-Approved the purchase of urban search and rescue (USAR) equipment, using State Homeland Security Grant funds, in the amount of \$90,275.12 from

L.N. Curtis and Sons to be utilized in the West County USAR Training Program.

*-Approved the purchase of fifty-three 50-foot lengths of new fire hose from L.N. Curtis and Sons in the amount of \$19,462.45, to replace hose that is worn and damaged.

*-Adopted **Resolution No. 124-12** authorizing the acceptance and appropriation of grant funds in the amount of \$178,000, allocated to the City of Richmond from the Contra Costa County Sheriff's Office, as a sub-grantee of the FY2010 State Homeland Security Grant Program. This grant will provide the tools, equipment and supplies needed for the urban search and rescue (USAR) training Program.

The matter to approve the purchase of Christy boxes and galvanized diamond plate lids from Alameda Electric Supply Inc. for use by the Public Works Facilities Maintenance Division Electrical Section, for a street light wire replacement project on West Cutting Boulevard, in an amount not to exceed \$15,000 was presented by Public Works Director Yader A. Bermudez. On motion of Councilmember Butt, seconded by Councilmember Beckles approved the purchase of Christy boxes and galvanized diamond plate lids from Alameda Electric Supply Inc. by the following vote: **Ayes:** Councilmember Beckles, Butt, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** Councilmember Boozé. **Abstentions:** None. **Absent:** Councilmembers Bates and Ritterman.

*-Adopted **Resolution No. 125-12** authorizing the city manager to: (1) execute a Memorandum of Understanding for participation in the Regional Renewable Energy Procurement Project (R-REP), a regional initiative that will utilize collaborative procurement to purchase on-site renewable energy systems for public agencies throughout Contra Costa, Alameda, San Mateo and Santa Clara Counties; and (2) execute all contracts and agreements necessary to complete site assessments in an amount not to exceed \$25,000.

In the matter to approve a six-month time extension of the Letter of Intent (LOI) with Solar Richmond regarding solarizing city buildings on motion of Councilmember Butt, seconded by Councilmember Beckles approved a six-month time extension of the Letter of Intent (LOI) with Solar Richmond by the following vote: **Ayes:** Councilmember Beckles, Boozé, Butt, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Bates and Ritterman.

RESOLUTIONS

The matter to approve a resolution to provide for public safety in the Chevron Refinery rebuilding

subsequent to the August 6, 2012, refinery fire was presented by Mayor McLaughlin. The following individuals gave comments: Andres Soto, Henry Clark, Roger Lin, Michael Beer, Carressa Yearby, Sylvia Gray-White, Marilyn Langlois, Boonthong Karnsouvong, Seuy Karnsouvong, Muang Seng Saeteurn, Torm Nompraseurt, Miya Yoshitani, Don Gosney, Richard Poe, Tim Laidman, Rita Barouch, James C. Austin Jr., and Michael Parker. A motion was made by Mayor McLaughlin, seconded by Vice Mayor Rogers to adopt the resolution. Councilmember Butt requested the following friendly amendments: “BE IT FURTHER RESOLVED, that the City Council expects City staff to exercise its authority under Richmond Municipal Code 6.02.160(B), California Building Code 107.4, California Fire Code Fire Code 105.4.1 and Business and Professions Code 6735, to require that all drawings, specifications and calculations in permit application supporting documents be signed and sealed by a California professional engineer licensed in the discipline pertinent to the content of the documentation; and BE IT FURTHER RESOLVED, that the City Council expects City staff to exercise its authority under 3405.1.1 of the California Building Code, which states: “Regardless of the extent of structural or non-structural damage, the building code official shall have the authority to require the elimination of conditions deemed dangerous,” and staff shall provide a report documenting how “conditions deemed dangerous” have been eliminated; and BE IT FURTHER RESOLVED, that the City Council expects City staff to consider, in the review of permit applications, Richmond Municipal Code 6.43.050(d)(3) that requires: “For all covered processes, the stationary source shall consider the use of inherently safer systems in the development and analysis of mitigation items resulting from a process hazard analysis and in the design and review of new processes and facilities. The stationary source shall select and implement inherently safe systems to the greatest extent Feasible. If a stationary source concludes that an inherently safer system is not feasible, the basis for this conclusion shall be documented in meaningful detail. This documentation shall include: (A) Sufficient evidence to demonstrate to Contra Costa Health Services' satisfaction that implementing this inherent safer system is impractical, and (B) The reasons for this conclusion. BE IT FURTHER RESOLVED, that the City Council expects City staff to provide full documentation, including agreements that describe obligations, errors and omissions insurance (if any) and technical qualifications for any individuals and organizations, public and private, to whom permit review has been delegated; and BE IT FURTHER RESOLVED, that the City Council expects City staff to designate one building code official and one fire code official on the City of Richmond staff to approve and sign all permit.” The amendments were accepted. *On motion of Councilmember Ritterman, seconded by Councilmember Butt called for the question to end debate with Councilmembers Bates, Boozé, and Vice Mayor Rogers voting Noe.* The City Council adopted

Resolution No. 126-12 by the following vote: **Ayes:** Councilmembers Beckles, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** Councilmember Bates. **Abstentions:** Councilmember Boozé. **Absent:** None.

The City Council recessed at 8:55 p.m. and reconvened at 9:05 p.m.

COUNCIL AS A WHOLE

The matter to receive a report from staff on the Marin Clean Energy Community Choice Aggregation Program regarding the source of energy and the "opt out" process for Richmond consumers was presented by Councilmember Boozé. The Environment Department of the City Manager's Office and representatives of the Marin Energy Community Choice Aggregation Program gave the report. The following individuals gave comments: Naomi Williams, Wesley Ellis, Don Gosney, Bea Roberson, and Michael Parker. Marin Clean Energy will hold town-hall meetings to inform citizens about the program.

The matter to direct the city attorney to draft an ordinance to expand the "Ban the Box" policy to include contractors and vendors conducting business with the City of Richmond was presented by Councilmember Beckles. The following individuals gave comments: Wesley Ellis, Pam Saucer-Bilbo, Najari Smith, Marilyn Langlois, Margaret Jordan, Eli Moore, Charles Newsome, Clarence Ford, Tamisha Walker, LaVern Vaughn, Jeff Rutland, Don Gosney, Kristian Ongoco, Bea Roberson, Kenneth Davis, Melvin Willis, Michael Parker, and Dameion King. *(At 11:00 p.m. on motion of Councilmember Beckles, seconded by Vice Mayor Rogers extended the meeting for 30 minutes with Councilmembers Bates, Boozé, and Butt voting Noe).* On motion of Councilmember Beckles, seconded by Councilmember Ritterman directed the city attorney to draft an ordinance to expand the "Ban the Box" policy to include contractors and vendors conducting business with the City of Richmond by the following vote: **Ayes:** Councilmembers Beckles, Butt, Ritterman, Vice Mayor Rogers, Mayor McLaughlin. **Noes:** Councilmember Boozé. **Abstentions:** Councilmember Bates. **Absent:** None. A motion was made by Vice Mayor Rogers, seconded by Councilmember Butt to include the business community in the process of drafting the ordinance. A motion to call for the question by Councilmember Bates, seconded by Councilmember Boozé failed with Councilmembers Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin voting Noe. Discussion continued. The motion to include the business community in the process of drafting the ordinance passed by the following vote: **Ayes:** Councilmembers Beckles, Boozé, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates.

The matter to direct staff to explore grant funding opportunities for a play structure at John F. Kennedy Park located on Cutting Boulevard at South 41st Street was presented by Councilmember Beckles and Vice Mayor Rogers. The following individuals gave comments: Wesley Ellis and Jackie Thompson. *(At 11:30 p.m. on motion of Councilmember Boozé, seconded by Vice Mayor Rogers extended the meeting for 15 minutes with Councilmember Ritterman voting Noe and Councilmember Bates Absent).* Speakers continued with Kenneth Davis, Melvin Willis, Najari Smith, and Carressa Yearby. On motion of Councilmember Beckles, seconded by Vice Mayor Ritterman directed staff to explore grant funding opportunities for a play structure at John F. Kennedy Park by the following vote: **Ayes:** Councilmember Beckles, Boozé, Butt, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Bates and Ritterman.

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 11:54 p.m. in memory of Leslie Knight's Step Father, Herbert Blogett, and best wishes for a speedy recovery to Councilmember Elect Gary Bell to meet again on Tuesday, November 27, 2012, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor