

**RICHMOND, CALIFORNIA, May
7, 2013**

The Richmond City Council Evening
Open Session was called to order at 5:09 p.m.

ROLL CALL

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

**A-1. CONFERENCE WITH LEGAL
COUNSEL - EXISTING LITIGATION
(Subdivision [a] of Government Code Section
54956.9):**

WITHDRAWN from the agenda:

Booker vs. City of Richmond

Jenkins vs. City of Richmond

A-2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Initiation of litigation pursuant to Subdivision (c) of Government Code Section 54956.9):

One Case

A-3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8):

(Councilmember Butt recused himself from discussion because Sares is his client).

Property: Terminal One

Agency negotiator(s): Bill Lindsay, Richard Mitchell, and Jim Matzorkis

Negotiating parties: Suzhou Webang Property Management, LLC, CMA, Sares Regis, and Virtual Development Corporation

Under negotiation: Price and terms of payment

The Evening Open Session adjourned to Closed Session at 5:11 p.m. The Closed Session adjourned at 6:50 p.m.

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

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

None.

Mayor McLaughlin made the following statement: “I will be strictly enforcing Rosenberg’s Rules of Order throughout this meeting. If any councilmember speaks without being recognized or participates in personal attacks, I will immediately recess the meeting to give those members who are not following the rules an opportunity to reflect on their actions and hopefully improve their conduct before reconvening. I also want to state that points of order should be directed to me as chair. Please note, according to Robert’s Rules: Parliamentary Law gives the chair alone the power to rule on questions of order or to answer parliamentary inquiries. From Rosenberg’s Rules, dated July 2011: The chair for all intents and purposes, makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself. Thank you ahead of time for adhering to these rules”.

Councilmember Bates requested that tonight’s meeting be opened in honor and closed in memory of former Mayor of Shimada, Masaya Mori, who recently passed.

AGENDA REVIEW

Items H-5 and H-6 were withdrawn from the agenda and rescheduled for the May 21, 2013, City Council meeting. Item H-7 was withdrawn from the agenda. Items H-2, H-3, H-8, H-9, H-10, H-15, H-20, H-22, H-23, and H-23 were removed from the Consent Calendar.

OPEN FORUM FOR PUBLIC COMMENT

Richard Stollings stated that the city should participate in a “no questions asked gun buyback program.”

Sims Thompson stated that the city ordinances pertaining to vehicles parked on private property be strictly enforced.

Jackie Thompson stated that there is overgrown weeds and garbage on the lot at 37th and Stege Avenue.

Tom Waller stated that the “Writer Coach Connection” program at Richmond High School will be expanding into more classrooms next year. Also, the play “Richmond Tales: Lost Secrets of the Iron Triangle” will debut on Friday, May 17, 2013, at 7 p.m.

Antwon Cloird stated he attended the homegoing celebration of the two young siblings recently murdered in Parchester Village

Eleanor Thompson stated that Councilmember Butt is “bullying” Vice Mayor Boozé, Councilmember Myrick, and Councilmember Rogers by comments he made about them in an article.

Mel Davis stated that the city shouldn’t have approved the Marin Clean Energy (MCE) item with the “opt-out” clause because many people don’t fully understand that you need to contact MCE if you don’t want to participate in the program.

Pam Saucer-Bilbo stated that Councilmember Butt was incorrect when he stated that she was a member and follower in Vice Mayor's Boozé's "army".

Courtney Cummings stated that today is "Children's Mental Health Awareness Day" and the Native American Health Center will be hosting an open house on Friday, May 10, 2013, from 4-6 p.m. at the center on 260 23rd Street.

Tracy Morris thanked the City Manager for paying the participants that cleaned the North Richmond area.

Teresa Carlstrom, from the National Association of Letter Carriers, encouraged residents to participate in the U.S. Postal Service's annual food drive on Saturday, May 11, 2013, by placing non-perishable food items near their mailbox for pick-up by their letter carrier.

Joseph Puleo stated that he was shocked by the behavior of some of the councilmembers at the last city council meeting during the gun control discussion.

Texanita Bluitt commended BAPAC for the Judge Carroll Awards Dinner where they honored five business people who are making a positive contribution in the community.

Marcos Banales thanked the Mayor for stating that Rosenberg's Rules of Order would be strictly enforced tonight.

Andres Soto stated that Communities for a Better Environment has asked the Planning Commission to declare some buildings at the

Richmond Chevron Refinery as being in dangerous conditions and stated that City Attorney, Bruce Goodmiller has thwarted these efforts.

Alpha Buie asked that the City Council consider funding the Men and Women of Valor.

Marilyn Langlois stated that she attended the Volunteer Appreciation event and is constantly impressed by how much volunteers do without seeking payment.

Naomi Williams asked that Mayor McLaughlin reconsider conducting the DUI checkpoints. Mrs. Williams also stated that drivers who are under the influence should not be allowed to have someone else pick up their vehicle.

Juan Reardon thanked Councilmembers Butt, Beckles, Rogers, Mayor McLaughlin, and former Councilmember Ritterman for their vote June 19, 2012, which gave the city the opportunity to join Marin Clean Energy (MCE). Mr. Reardon stated he and his family has chosen to participate with MCE with the “Deep Green” option, which means all of the energy comes from renewable sources and encouraged Richmond residents to do the same. More information can be obtained about MCE by attending an informational meeting at Bethlehem Missionary Baptist Church on Wednesday, May 8, 2013, at 6:00 p.m.

Jeff Ritterman stated that in poorer communities your chances of being resuscitated are lower than in affluent communities and is currently working on a program with Contra Costa County to educate 7th and 9th graders how

to perform Cardio Pulmonary Resuscitation.

Otheree Christian, President of the Iron Triangle Neighborhood Council, stated that the city needs to work in conjunction with Federal and State governments regarding gun control laws.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Mayor McLaughlin presented a proclamation acknowledging May 9, 2013, as Bike to Work Day in the City of Richmond to Najari Smith. The following individuals gave comments: Jackie Thompson, Sims Thompson, Marilyn Langlois, and Wesley Ellis.

Mayor McLaughlin presented a proclamation acknowledging May 5 -11, 2013, as Drinking Water Week in the City of Richmond. The following individuals gave comments: Marilyn Langlois, and Sims Thompson.

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.

CITY COUNCIL CONSENT CALENDAR

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

***-Adopted Resolution No. 34-13,** authorizing an agreement between the City and County of San Francisco and the City of Richmond to accept grant funds from the Fiscal Year 2012 Urban Area Security Initiative (UASI) in the amount of \$32,300 to purchase rescue equipment, and a storage container to secure the equipment, associated with the development of a Marine Response Program.

CONTINUED to the May 21, 2013, City Council meeting, the matter to approve a three-year agreement with the Native American Health Center for the lease of City-owned property at 2566 Macdonald Avenue from June 1, 2013, to May 31, 2016, with two additional one-year extension options, to provide health-related prevention and early intervention services for the local Native American community.

CONTINUED to the May 21, 2013, City Council meeting, the matter to approve a contract with BioMax Environmental Services, LLC for on-call services for monitoring the level of hydrogen sulfide gas at and around the wastewater treatment plant, Point Richmond, Washington Elementary School, and other neighboring communities, in the amount of \$80,000 and for a term extending to December 31, 2014.

***-Approved the purchase of equipment with State Homeland Security Grant Funds for the Fire Department's Urban Search and Rescue (USAR) Training Program from the Mallory Company and L.N. Curtis & Sons in the amounts of \$21,106.50 and \$7,936.04, respectively.**

CONTINUED to the May 21, 2013, City Council meeting, the matter to adopt a resolution approving the Engineer's Report for Fiscal Year 2013-2014 for the Hilltop Landscape Maintenance District ("HLMD"), declaring the Council's intention to increase the annual assessment in the HLMD, and setting a public hearing concerning the proposed increased assessment for June 4, 2013, at 6:30 p.m., in the City Council Chambers at 440 Civic Center Plaza in the City of Richmond.

CONTINUED to the May 21, 2013, City Council meeting, the matter to adopt a resolution approving the Engineer's Report for Fiscal Year 2013-2014 for the Marina Bay Landscaping and Lighting Maintenance District, declaring the Council's intention to increase the annual assessment in the Marina Bay Landscaping and Lighting Maintenance District, and setting a public hearing concerning the proposed increased assessment for June 4, 2013, at 6:30 p.m., in City Council Chambers at 440 Civic Center Plaza in the City of Richmond.

WITHDREW the purchase of fitted AS-501 threat level IIIA ballistic helmets, to replace existing Police Department equipment, from Armor Source, LLC, in an amount not to exceed \$18,000.

A motion by Councilmember Bates, seconded by Councilmember Butt, adopted **Resolution No. 35-13**, amending the City of Richmond's Position Classification Plan adding the new classification of Buyer II to create a flexibly-staffed classification series.

A motion by Councilmember Bates, seconded by Councilmember Butt, introduced an ordinance (first reading) establishing the wages, salary, and compensation for the new classification of Buyer II (Salary Range No. 52D: \$5,824 - \$7,050/month).

*-Approved a contract amendment with Softfile to provide additional digital archiving services to the Police Department in an amount not to exceed \$30,000, with a total combined contract amount not to exceed \$55,000, and for a term extending to June 30, 2014.

*-Approved an amendment to the contract with Meyers, Nave, Riback, Silver & Wilson to continue its legal representation of the City in the lawsuits entitled Booker vs. City of Richmond and Jenkins vs. City of Richmond in the amount of \$365,000.

*-Approved an amendment to the contract with Pacific Park Management (PPM) to provide parking management services at the 12th Street and Nevin Avenue garage and surface parking lot in downtown Richmond in the amount of \$10,000, increasing the total contract amount to \$20,000, and for a term extending to December 31, 2015.

*-Approved the purchase of three half-ton pickup trucks from Hilltop Ford (Richmond, California) in an amount not to exceed \$60,000.

CONTINUED to the May 21, 2013, City Council meeting, to review the budget status report and proposed budget review schedule, and provide direction to staff as appropriate.

CONTINUED to the May 21, 2013, City Council meeting, to approve a contract with Pyro Engineering, dba Bay Area Fireworks, to provide a fireworks show for the City of Richmond on July 3rd at the Marina Bay Park in the amount of \$20,000 for July 3, 2013, \$20,000 for July 3, 2014, and \$20,000 for July 3, 2015.

*- Adopted **Resolution No. 36-13**, approving the revised Administrative Plan governing the U.S. Department of Commerce Economic Development Administration (EDA) City of Richmond Revolving Loan Fund (RLF) Grant.

*-Authorized a transfer of funds from the Insurance Reserve Fund to the Workers' Compensation Operating Budget in the amount of \$810,000 to provide for the necessary funding for claims payments.

*-Approved the minutes of the regular March 19 and April 2, 2013, meetings.

*-Rejected three construction bids for the Marina Bay Park Restroom Facility, as a result of these bids exceeding the available budget, and direct staff to revise the scope of work and call for new bids.

CONTINUED to the May 21, 2013, City Council meeting, to approve the transfer and appropriation of \$10,000 from the insurance proceeds from the 2010 demolition of the Martin Luther King Jr. Community Center into the City Manager's Office budget to fund a contract with Wong Logan Architects to develop architectural concept documents for the new Martin Luther King Jr. Community Center.

*-Introduced an ordinance (first reading) establishing the wages, salary, and compensation for the new classification of Duplicating/Mail Specialist I (Salary Range No. 12: \$3,403 - \$4,137/month), and the new classification of Duplicating/ Mail Specialist II (Salary Range No. 18: \$3,743 - \$4,551/month).

CONTINUED to the May 21, 2013, City Council meeting, to approve a legal services agreement with Cotchett, Pitre & McCarthy, LLP to prosecute a civil action on a contingent-fee basis as directed in closed session.

CONTINUED to the May 21, 2013, City Council meeting, to approve the following appointments and reappointments: Point Molate Community Advisory Committee: Jim Hite, incumbent, term ending May 3, 2015; Joan Garrett, incumbent, term ending May 3, 2015; Steven Rosing, incumbent, term ending May 3, 2015; Mary Sundance, incumbent, term ending May 3, 2015; Commission on Aging: Ella Sewell, incumbent, term ending May 19, 2015; Rose Brooks, incumbent, term ending May 19, 2015; Housing Advisory Commission: Antheia Farr, incumbent, term ending November 1, 2015; Sylvia Gray-White, new appointment, term ending November 1, 2015; Planning Commission: Eduardo Martinez, new appointment, term ending June 30, 2014 (completing an unexpired term).

*-Approved a contract and scope of work with the Men and Women of Purpose for continued programs and services to assist the re-entry population in Richmond in an amount not to exceed \$10,000.

RESOLUTIONS

The matter to adopt a resolution regarding the US California Safety Board recommendations to the City of Richmond regarding Refinery Safety was presented by Mayor McLaughlin and a PowerPoint presentation was made. Councilmember Butt made the following amendments to the proposed resolution:

Whereas it is the City's interest that the City and County work together to utilize of the County's expertise and qualified staff in the area of industrial safety,

Whereas the City and county are both pursuing amendments to their respective Industrial Safety Ordinances to address the recommendations made by the Chemical safety Board in its report,

Be it further resolved that the City staff work with the County in a public process to develop amendments to the City and County Industrial Safety Ordinance.

The following individuals gave comments: Patricia Byers, Joseph Puleo, Bill Pinkham, Kathleen Wimer, Sylvia Gray-White, Jose Rivera, Marcos Banales, Andres Soto, Stephanie Hervey, Marilyn Langlois, Juan Reardon, Pennie Opal Plant, Jeff Ritterman, Margaret Browne, Liz Watts, Eduardo Martinez, Sandy Saeturn, and Michael Parker. A motion by Mayor McLaughlin, seconded by Councilmember Rogers, adopted **Resolution No. 37-13**, with amendments made by Councilmember Butt, by the unanimous vote of the City Council.

The matter to adopt a resolution declaring it a policy of the City of Richmond to not invest in fossil fuel companies, and urging the board and management of the City's pension funds to divest from publicly-traded fossil fuel companies was presented by Mayor McLaughlin. The following individuals gave comments: Patricia Byers, Don Gosney, Bill Pinkham, Wesley Ellis, Andres Soto, Stephanie Hervey, Marilyn Langlois, Jose Rivera, Juan Reardon, Pennie Plant, Jeff Ritterman, Margaret Browne, Liz Watts, Eduardo Martinez, Michael Parker, and Michael Leedie. A motion by Mayor McLaughlin, seconded by Councilmember Beckles, adopted **Resolution No. 38-13**, by the following vote: **Ayes:** Councilmembers Beckles, Butt, Myrick, Rogers, and Mayor McLaughlin. **Noes:** Councilmember Bates and Vice Mayor Boozé.

(The City Council recessed at 9:27 p.m. and reconvened at 9:30p.m.)

The matter to adopt a resolution in support of the proposed study of wBART: A BART or alternative rail extension in West Contra Costa County was presented by Councilmember Butt. The following individuals gave comments: Texanita Bluitt, Naomi Williams, Jose Rivera, Bea Roberson, Eduardo Martinez, and Michael Parker. Bart Director, Zakhary Mallett, gave comments. A motion by Councilmember Butt, seconded by Councilmember Myrick, adopted **Resolution No. 39-13**, with the following amendments made by Councilmember Rogers: That the City Council will not support any northerly extension other than one that originates from the Richmond BART Station, and the City will also

not participate or fund any further studies that explore turning Richmond into a “spur” and extending from Del Norte, passed by the unanimous vote of the City Council.

PUBLIC HEARINGS

City Clerk, Diane Holmes, stated that this was the time pursuant to public notice to conduct a public hearing and consider an appeal by Barry and Su Thysell of the Design Review Board's denial for a Design Review Permit (PLN12-108) to construct a new ±2,750 SF single-family residence with an attached ±600 SF second dwelling unit at 5900 Tehama Avenue was presented by City Planner, Kieron Slaughter. *(11:00 p.m. – A motion by Councilmember Beckles, seconded by Councilmember Rogers, extended the meeting 1 hour. Councilmember Butt voted “no”.* Mayor McLaughlin declared the public hearing open. Bill Coburn, Architect for applicants gave comments. Cynthia McMillan gave comments in opposition. The following individuals gave comments: Su Thysell, Barry Thysell, Deborah Dodge, Maureen Gravett, Diann Grimm, Mary Dybdahl, Michael Thwaites, Mary Selva, Richard Tapp, Prabaker Balasubrama, Edward Spencer, Garland Ellis, and Eduardo Martinez. A motion by Councilmember Bates, seconded by Vice Mayor Boozé, closed the public hearing by the unanimous vote of the City Council. City Clerk, Diane Holmes, stated the following names of neighbors in support of granting the appeal: Susan Neeson, Elnora Lee, John Anderson, Lindsay Holdgren, Vicky Propp, and Leonie Stern. A motion by Councilmember Bates, seconded by Councilmember Beckles, re-opened the public hearing and rebuttal arguments were made. A motion by

Councilmember Bates, seconded By Councilmember Beckles, closed the public hearing by the unanimous vote of the Council. A motion by Mayor McLaughlin, seconded by Councilmember Beckles, to sustain the Design Review Board's denial of the project, without prejudice and direct staff to work both with the neighborhood council and the applicants to come up with a modified proposal and present it again to the Design Review Board.

Councilmember Butt made the following friendly amendment: that the City Council can find, based on the testimony, that the project is not harmonious and does not relate to the surrounding neighborhood; that the project is not compatible with the surrounding neighborhood; that the project does not preserve the integrity of the neighborhood; that the project does not comply with the base zone design standards; and that there is a discrepancy between the amount of building area that was represented by the applicants and the amount of building area that was actually computed for the project. Mayor McLaughlin accepted the friendly amendment. Councilmember Bates, seconded by Vice Mayor Boozé, made a substitute motion that this matter be continued 45 days to allow the planning staff to work with the applicants and neighbors to attempt to develop a project proposal where all parties are in agreement, failed by the following vote:

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

Abstain: None. **Absent:** None. City Attorney, Bruce Goodmiller, clarified that the meaning of "without prejudice" is that the applicant would not have to pay any additional fees. Also, the findings stated in Councilmember Butt's friendly amendment would be placed on the

consent calendar at a future meeting. The original motion passed by the unanimous vote of the City Council.

COUNCIL AS A WHOLE

CONTINUED to the May 21, 2013, City Council meeting, the matter to discuss and consider supporting community efforts to establish The Pride & Purpose Promise Scholarship Fund and direct staff to allocate funds in the amount of \$280,000 from the 2012-13 fiscal years to fund the program for two years.

CONTINUED to the May 21, 2013, City Council meeting, the matter to consider a ban of alcohol billboards near schools in Richmond.

CONTINUED to the May 21, 2013, City Council meeting, the matter to receive an update from the Port Director regarding port business development activities being undertaken in China, and other efforts to expand business opportunities for the Port of Richmond, and provide policy direction as appropriate.

ADJOURNMENT

There being no further business, the meeting adjourned at 1:13 a.m., in memory of Tom Oishi, Mercedes Williams, Anthony Holly, and former Mayor of Shimada, Japan, Masaya Mori, to meet again on Tuesday, May 21, 2013, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor