

RICHMOND, CALIFORNIA, July 16, 2013

The Richmond City Council Evening Open Session was called to order at 5:08 p.m.

ROLL CALL

Present: Councilmembers Myrick, Rogers, Vice Mayor Boozé, and Mayor McLaughlin. **Absent:** Councilmembers Bates, Beckles, and Butt. (Councilmember Butt arrived during the reading of the items listed under Closed Session. Councilmembers Bates and Beckles 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

LIABILITY CLAIMS - PENDING LITIGATION (Government Code Section 54956.9):

Paula Reyes vs. City of Richmond

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

One Case

CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6):

Agency designated representatives: Bill Lindsay, Jack Hughes, Lisa Stephenson, and Bruce Soublet
Employee organization: International Federation of Professional Technical Employees (IFPTE), Local 21

Agency designated representatives: Bill Lindsay, Jack Hughes, Michael Banks, Lisa Stephenson and Bruce Soublet
Employee organization: International Association of Fire Fighters (IAFF), Local 18

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

Property: Port of Richmond General Warehouse
Agency negotiators: Jim Matzorkis and Bill Lindsay
Negotiating parties: Golden State Power Group and MSH Group

Property: Port of Richmond Rigger's Loft
Agency negotiators: Bill Lindsay and Jim Matzorkis

Negotiating Parties: R&B Cellars and Golden Gate Brewing Company

Jackie Thompson expressed concern for the lack of information the public received on items discussed in Closed Session from previous meetings.

The Evening Open Session adjourned to Closed Session at 5:11 p.m. The Closed Session adjourned at 6:46 p.m.

The Regular Meeting of the Richmond City Council was called to order at 6:48 p.m. by Mayor McLaughlin who led the Pledge of Allegiance to the Flag. Mayor McLaughlin made the following statement: "An injustice was done in Florida with the verdict on the George Zimmerman trial that symbolizes that racism, systemic and personal, overt and subtle, still exists in America and needs to be fought."

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

Councilmember Myrick stated that he would recuse himself during the consideration of Item I-2 because it related to state legislation.

AGENDA REVIEW

Items G-1, G-8, G-9, G-13, and G-15 were removed from the Consent Calendar and will be heard at the end of the meeting. Item G-18 was discussed immediately following the approval of the Consent Calendar. Councilmember Bates requested that Item K-1 be moved immediately following Open Forum because the item had been continued from the May 28, June 4, June 18, and July 2, 2013, City Council Meetings. *(The City Council recessed at 6:55 p.m. and reconvened at 7:00 p.m.)* Mayor McLaughlin stated that the item was agendaized to be considered at 9:00 p.m., therefore, she denied Councilmember Bates's request. She stated that the City Council could complete whatever item it was considering at 9:00 p.m. and move immediately to item K-1. Councilmember Bates was not in agreement with the suggested arrangement. On motion of Councilmember Bates, seconded by Vice Mayor Booze continued Item K-1 to July 23, 2013, directly after Presentation, Proclamations, and Commendations by the unanimous vote of the City Council.

(The City Council recessed at 7:08 p.m. and reconvened at 7:13 p.m.)

OPEN FORUM FOR PUBLIC COMMENT

Naomi Williams thanked Police Department Graffiti Abatement staff Ed Paasch for repainting the curb red on her block.

Antwon Cloird spoke against the City Council's decision to hire a consultant to evaluate the performance of City Clerk Diane Holmes in order to determine if she was worthy of a raise. He stated that the City Council should know the duties of the city clerk. He encouraged the City Council to give Ms. Holmes a raise.

Greg Karras gave comments regarding safety issues at the Chevron Refinery.

Juan Reardon gave comments regarding bullying.

Andres Soto gave comments in support of the California prisoners strike against oppressive conditions in the California prison systems. Mr. Soto also stated that he stood in solidarity with Councilmember Beckles and Mayor McLaughlin for the abuse they are subjected to on a weekly basis. He also stated that the Trayvon Martin case showed racial biases.

Silvia Ledezma stated that at the June 22, 2013, Richmond Pow Wow, she and other Richmond vendors were not able to participate. She requested that the City Council look into the matter.

Jared "Jay Red" Walton invited the community to a fundraising comedy concert on Saturday, September 21, 2013, at the Richmond Memorial Auditorium, 403 Civic Center Plaza, 5:00 p.m. Mr. Walton stated that the comedy show was a chance to give back to the community; proceeds will benefit the West Contra Costa Salesian Boys and Girls Club.

Michael Beer gave comments in remembrance of Trayvon Martin.

Mark Wassberg gave comments regarding individuals that have committed violent acts.

Myrtle Jones stated that she had a complaint and submitted the details to the City Council. City Clerk Diane Holmes stated she would make copies for the City Council.

Jackie Thompson gave an account of the incidents that took place at the June 25 and July 2, 2013, City Council Meetings. She expressed disappointment that Mayor McLaughlin did not have an individual that approached her in a threatening manner removed from the Council Chambers, but instead allowed her to remain in the Council Chambers. She also explained that Councilmember Beckles blew a kiss to her, and she did not appreciate the gesture.

Eduardo Martinez stated that the City Council needs to show respect towards each other.

Margaret Jordan gave comments in support of Councilmember Beckles and Mayor McLaughlin.

Texanita Bluitt stated that there needs to be accountability for staff time.

Raymond Landry expressed concern regarding the way the City Council Meeting had been facilitated when there was a large amount of monetary business listed on the agenda, and time was wasted calling for recesses. He also expressed concern regarding the economic crisis of the City of Richmond. Mr. Landry stated that the City had to borrow money to take care of issues that should be handled with tax revenue it were friendlier to businesses. He also stated that the City of Richmond was awarding large amounts of money to stripping companies and many youth in RichmondBUILD do not have the skill. Mr. Landry encouraged the City Council to revisit the local hire policy so that companies are required to train Richmond youth to give our youth a chance to gain employment.

Vivian Huang gave comments regarding the safety of the Chevron Refinery. She stated that it was important to declare that the Chevron Refinery was unsafe and she encouraged the City Council to make sure that Chevron made all necessary repairs.

Torm Nompraseurt gave comments regarding the safety of the Chevron Refinery and the behavior of the City Council.

Kenneth Davis read scriptures from the Bible, from the book of Paul. Mr. Davis also stated that Mayor McLaughlin was a racist.

The City Council recessed at 7:38 p.m. and reconvened at 7:46 p.m.

Marcos Banales thanked Mayor McLaughlin for her comments regarding Trayvon Martin. He also gave comments regarding racial profiling for African Americans and Latinos. Mr. Banales also stated that the City Council should show more respect for each other.

Eleanor Thompson stated that the City Councilmembers should try to get along. She also stated that the use of the word “hate” to describe people that don’t support certain lifestyles needs to stop. Ms. Thompson stated that she can disagree about an individual’s lifestyle, and yet still love that individual. She also stated that Mayor McLaughlin should never have asked everyone in the Council Chambers that was in support of the Lesbian, Gay, Bi-Sexual, Transgender, Queer, and Questioning (LGBTQQ) to stand. Ms. Thompson stated “what was the mayor trying to do,

pick out the ones that did not stand.” Ms. Thompson also stated that she did not stand, but it does not mean that she hates LGBTQ.

Michael Parker stated that “hate” speech needs to stop. He stated that “hate” speech deprives others of free speech. Mr. Parker also stated that the City Council should not stand for any “hate” speech.

Jan Mignone stated that the individual fire work displays were unacceptable and dangerous. She stated that the ordinance needs to be enforced.

Bea Roberson stated that the Trayvon Martin verdict was a travesty. She also stated that the City of Richmond City Council Meetings were also a travesty because there was no respect. Ms. Roberson stated that the City Councilmembers want respect; however, they do not respect the citizens in the audience that have a difference of opinion. Ms. Roberson also stated that calling a recess was not controlling the meeting. She encouraged the City Council to take care of the City of Richmond’s business so that she could have a City Council worthy of respect.

Johnny Holmes thanked supporters of the Half Steppers. He also expressed his disappointment that the City Council had not given City Clerk Diane Holmes a raise for over eight years.

Dameian King invited everyone to the 20th Annual Iron Triangle Community Picnic and lifelong-Brookside Health Fair, Saturday, July 27, 2013, 10:00 a.m. to 4:00 p.m. at Nevin Park. He also spoke in support of giving City Clerk Diane Holmes a raise.

David Gesinger asked that the City Council clean up its behavior.

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 Myrick all items marked with an (*) were approved by the unanimous vote of the Council.

The matter to approve an amendment to the standing purchase order with Bay Area Barricade for procuring traffic signs and lines materials, in an amount not to exceed \$50,000 for a total of \$100,000 during Fiscal Year 2013-14, and including an option to extend this purchase order at \$100,000 per year for an additional two years was **continued to July 30, 2013.**

*-Approved a contract amendment with DP Security, LLC (DP Security), adding an amount not to exceed \$165,000 to provide security services at 440 Civic Center Plaza and 450 Civic Center Plaza, and maintaining the existing contract term extending to December 31, 2013.

*-Adopted **Resolution No. 66-13** amending the Port of Richmond Tariff FMC No. 3, reflecting a 1.7% increase in tariff rates effective July 1, 2013, and authorizing future annual tariff adjustments based on the change in the Consumer Price Index (CPI), as approved by the Executive Committee of the California Association of Port Authorities (CAPA).

*-Introduced an ordinance for first reading to establish wages, salaries, and compensation for the classifications represented by the International Association of Firefighters (IAFF Local 188) in the City's classified service, and repealing Ordinance No. 43-06 N.S. and said ordinance was laid over two weeks for second reading.

*-Adopted **Resolution No. 67-13** approving a Memorandum of Understanding (MOU) between IAFF Local 188 and the City of Richmond. The MOU will be effective July 1, 2009, through June 30, 2016, and provides for a 3% annual salary increase each September 1 for the years 2013, 2014, and 2015. The salary increase is offset by IAFF Local 188 members contributing an additional 1% per year toward CalPERS pension cost (3% over the life of the contract, for a total contribution of 12% at the end of the term).

*-Approved the mutual termination of both East Bay Municipal Utility District's (EBMUD) obligations under an existing agreement regarding the Contra Costa Clean Water Program (CCCWP) storm water inspections and Joint Exercise of Powers Agreement (JEPA) between EBMUD and the City of Richmond for storm water inspection enforcement services.

*-Approved the response by the City of Richmond to the report entitled "Getting to Clean Water in Contra Costa County," prepared by the Grand Jury of Contra Costa County, to be included with responses compiled from other cities and municipalities within Contra Costa County.

In the matter to adopt a resolution of local support, as required by the Metropolitan Transportation Commission, for a grant application in the amount of \$3,443,000 for Local Streets and Roads Preservation (LSRP) funding under the One Bay Area Grant (OBAG), and if awarded, accept and appropriate the funds, on motion of Mayor McLaughlin, seconded by Councilmember Beckles adopted **Resolution No. 68-13** by the following vote: **Ayes:** Councilmembers Beckles, Butt, Myrick, Rogers, Vice Mayor Booze, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None.

Absent: Councilmember Bates.

In the matter to adopt a resolution authorizing the acceptance and appropriation of a \$75,000 Fiscal Year 2013-14 Alcoholic Beverage Control GAP Grant from the State of California and the appropriation for \$24,500 in-kind personnel costs as Richmond's required local contribution toward the grant, on motion of Mayor McLaughlin, seconded by Councilmember Beckles adopted **Resolution No. 69-13** by the following vote: **Ayes:** Councilmembers Beckles, Butt, Myrick, Rogers, Vice Mayor Booze, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Bates.

*-Adopted **Resolution No. 69-13(a)** approving amendments to contracts with Eagle Environmental Construction (EEC) for: (1) abatement, demolition, and historic structures relocation, increasing the amount by \$100,000 to a total of \$4,465,000; and (2) soil remediation activities, increasing the amount by \$1,200,000 to a total amount of \$2,499,987; and (3) with PES Environmental, Inc. acting as the City of Richmond's owner's representative providing project oversight and monitoring, increasing the contract amount by \$700,000 to a total amount of \$1,400,000. The requested amendments will also extend contract terms to December 2015.

*-Approved the purchase of a Graco Promelt Thermolaser System from Statewide Traffic Safety and Signs to install thermoplastic stripes and markings, in an amount not to exceed \$17,058.37.

*-Approved the minutes of the Regular June 4, 2013, the Special June 11, 2013, and the Regular July 2, 2013, City Council Meetings.

The matter to approve the following re-appointments to the Historic Preservation Commission: Rosemary Corbin, incumbent, term expiring July 31, 2017; Sandy Genser-Maack, incumbent, term expiring July 31, 2017 was **continued to July 30, 2013**.

*-Received a monthly report on the Richmond Municipal Sewer District for June 2013.

The matter to approve a contract with Central Striping Service, Inc. for materials and installation of new thermoplastic striping and marking on Cutting Boulevard between South 37th Street and Interstate I-80, in an amount not to exceed \$35,000 **continued to July 30, 2013**.

*-Approved a grant-funded contract with Community Alliance for Learning in an amount not to exceed \$25,000 to expand its literacy initiative, WriterCoach Connection, at Richmond High School. The term of the contract is January 1, 2013 to June 30, 2014 - City Manager's Office (Bill Lindsay/Rochelle

Monk 620-6512).

*-Directed the city manager to send a letter on behalf of the Richmond City Council in support of Senate Bill 150 (Lara) Tuition Equity Act.

The matter to adopt a single-use bag ordinance for second reading that will: (1) prohibit the distribution of single-use plastic bags at point of sale by retail establishments and (2) require retail establishments to charge all customers a fee of 5-10 cents for each paper bag distributed at point of sale to the customer; and adopt amendments to the food ware ordinance for second reading that will: (1) prohibit the retail sale of polystyrene foam products; (2) revise allowable food ware; (3) provide for the issuance of an administrative citation immediately following a violation of this chapter; and (4) include other technical revisions was presented by City Manager Bill Lindsay. Michael Parker gave comments. On motion of Councilmember Beckles, seconded by Councilmember Myrick adopted **Ordinance No. 11-13 N.S.** a single-use bag ordinance that will: (1) prohibit the distribution of single-use plastic bags at point of sale by retail establishments and (2) require retail establishments to charge all customers a fee of 5-10 cents for each paper bag distributed at point of sale to the customer, and **Ordinance No. 12-13 N. S.** amendments to the food ware ordinance that will: (1) prohibit the retail sale of polystyrene foam products; (2) revise allowable food ware; (3) provide for the issuance of an administrative citation immediately following a violation of this chapter; and (4) include other technical revisions by the following vote: **Ayes:** Councilmember Beckles, Butt, Myrick, Rogers, and Mayor McLaughlin. **Noes:** Councilmember Bates and Vice Mayor Booze. **Abstentions:** None. **Absent:** None.

*- Directed the city attorney to draft revisions to our graffiti abatement ordinance to increase the penalties for repeated non-compliance on property within 200 feet of I-580 and I-80.

PUBLIC HEARINGS

The city clerk announced that it was time, pursuant to public notice, to hold a public hearing related to the proposed issuance of tax-exempt obligations by the California Statewide Communities Development Authority (CSCDA) in an amount not to exceed \$8,500,000 in connection with a tax-exempt loan by CSCDA to the Making Waves Foundation, Inc., and adopt a resolution to approve the proposed financing by the CSCDA. Accountant Susan Sergovia and a representative from Making Waves gave an overview of the item. Mayor McLaughlin declared the public hearing open. Raymond Landry gave comments. On motion of Councilmember Butt, seconded by Councilmember Beckles closed the public hearing by the unanimous vote of the City Council. On motion of Councilmember Bates, seconded by Vice Mayor Booze adopted **Resolution No. 70-13** by the unanimous vote

of the City Council.

The city clerk announced that it was time, pursuant to public notice, to hold a public hearing relating to the proposed issuance of tax exempt revenue bonds by the California Municipal Finance Authority (CMFA) in an amount not to exceed \$40,000,000 in connection with the acquisition and rehabilitation of a 401-unit affordable apartment complex known as Westridge Apartments and adopt a resolution to approve the proposed financing by the CMFA. Accountant Susan Sergovia and representatives of CMFA gave an overview of the item. Mayor McLaughlin declared the public hearing open. Raymond Landry and Eduardo Martinez gave comments. On motion of Councilmember Butt, seconded by Councilmember Beckles closed the public hearing by the unanimous vote of the City Council. On motion of Councilmember Bates, seconded by Councilmember Butt adopted **Resolution No. 71-13** by the unanimous vote of the City Council.

The city clerk announced that it was time, pursuant to public notice, to hold a public hearing to adopt 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. Code Enforcement Manager Tim Higaes gave an overview of the item. Mayor McLaughlin declared the public hearing open. Jackie Thompson, Texanita Bluitt, and Andres Soto gave comments. On motion of Councilmember Butt, seconded by Councilmember Beckles closed the public hearing by the unanimous vote of the City Council. On motion of Councilmember Myrick, seconded by Councilmember Beckles adopted **Resolution No. 73-13** by the unanimous vote of the City Council.

RESOLUTIONS

The matter to adopt a resolution authorizing that the city manager take the following actions to finance and construct the street light system enhancement project: (1) Enter into an equipment lease agreement with Banc of America Merrill Lynch in an amount not to exceed \$5,000,000 to finance LED street light upgrades and wire theft repair; (2) Appropriate up to \$1,000,000 of the equipment lease proceeds to repair wire theft damage along the Richmond Parkway into the 2013-14 Fiscal Year budget; (3) Execute a purchase agreement contract to procure LED street lights and associated equipment from local lighting distributor Omega Pacific, the lowest responsive bidder, in an amount not to exceed \$2,500,000 to be financed by a combination of Banc of America Merrill Lynch equipment lease proceeds and low interest loan from the California Energy Commission; (4) Execute a construction contract with local contractor Net Electric,

the lowest responsive bidder, to install the street lights in an amount not to exceed \$600,000; (5) Execute any and all necessary agreements with PG&E to upgrade existing PG&E street lights to LED technology and transfer ownership of the facilities to the City of Richmond in an amount not to exceed \$2,000,000; and (6) Enter into service agreements with PG&E to splice and connect new street lights onto empty wood poles in an amount not to exceed \$750,000 was presented by City Manager Bill Lindsay, Police Chief Chris Magnus, Engineer Joe Camacho, and Accountant Susan Segovia. Jan Mignone and Raymond Landry gave comments. On motion of Councilmember Bates, seconded by Vice Mayor Booze adopted **Resolution No. 72-13** by the unanimous vote of the City Council.

The matter to adopt a resolution in support of Senate Concurrent Resolution 44 (SCR 44), designating the Willow Avenue Overcrossing over State Highway Route 4 in Contra Costa County as the Joe Eddy McDonald Memorial Overcrossing, in honor of the former Mayor of Hercules and former Richmond resident was presented by Councilmember Bates and Mayor McLaughlin. Texanita Bluitt gave comments. On motion of Councilmember Bates, seconded by Vice Mayor Booze adopted **Resolution No. 74-13** with **Ayes:** Councilmembers Bates, Beckles, Butt, Rogers, Vice Mayor Booze, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Myrick.

The matter to adopt Resolution of Intention No. 908 and set a public hearing for July 30, 2013, to rename Western Drive north of I-580 to "Stenmark Drive" in recognition of Captain J. O. Stenmark's colorful contribution to the early history of Richmond, was presented by Councilmember Butt. The following individuals gave comments: Rosemary Stenmark, Richard Stallings, Jackie Thompson, and Don Gosney gave comments. A motion was made by Councilmember Butt, seconded by Vice Mayor Booze to adopt **Resolution of Intention No. 908** and set a public hearing for July 30, 2013, to allow the Park and Recreation Commission time to review. A substitute motion was made by Councilmember Bates to refer the item to the Recreation and Parks Commission to review and bring forward a recommendation for honoring Captain J. O. Stenmark died for lack of a second. The original motion passed and **Resolution of Intention No. 908** was adopted by the following vote: **Ayes:** Councilmembers Beckles, Butt, Myrick, Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** Councilmember Bates. **Absent:** Councilmember Booze.

The matter to adopt a resolution in support of gathering expert data to assess the cost to the City of Richmond as a whole as a result of the Chevron Richmond Refinery fire of August 6, 2012, and bring forward the analysis for public discussion before any settlement or agreement was worked out with Chevron

was presented by Mayor McLaughlin. The following individuals gave comments: Margaret Jordan, Vivian Huang, Eduardo Martinez, Michael Parker, and Melvin Willis. *(On motion of Councilmember Myrick, seconded by Councilmember Beckles extended the meeting to 11:30 p.m. with Councilmember Bates and Vice Mayor Booze voting Noe).* A motion was made by Councilmember Beckles, seconded by Mayor McLaughlin to approve the item as presented. A substitute motion made by Vice Mayor Booze, seconded by Councilmember Bates to table the item failed by the following vote: w/bates, booze=yes and Myrick abstaining. A substitute motion was made by Councilmember Rogers, seconded by Councilmember Myrick to schedule a closed session with Attorney Cotchett to discuss the case was approved by the following vote: **Ayes:** Councilmembers Butt, Myrick, Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** Councilmember Bates and Beckles. **Absent:** Vice Mayor Booze.

ORDINANCES

The matter to introduce an ordinance for first reading adding Chapter 2.65 to the Richmond Municipal Code entitled "Ban the Box" requiring any contractor or their subcontractors, lessee, and recipient of financial aid to refrain from any inquiries regarding employment applicants' prior criminal convictions was presented by Councilmember Beckles; Councilmember Bates recused himself do to his background in criminal justice. *(At 11:25 p.m. a motion made by Councilmember Myrick, seconded by Councilmember Beckles to suspend the rules and extend the meeting to complete the current item and Items G-8 and G-9 failed by the following vote: Councilmembers Beckles, Myrick, Rogers, and Mayor McLaughlin. Noes: Councilmember Butt and Vice Mayor Booze. Abstentions: None. Absent: Councilmember Bates.) Continued the item to July 23, 2013.*

COUNCIL AS A WHOLE

The matter to receive a presentation and provide direction to staff regarding the coordination of a retreat for the Richmond City Council was **continued to July 23, 2013, to be heard immediately following Presentations, Proclamations, and Commendations.**

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 Jose Santa Maria and Kenneth Bradley Richmond, residents killed while working at a Wing Stop in Oakland, Mearn Lee Pom, Bohnkeo Viengvilai, and Chandee Viengvilai to meet again on Tuesday, July 23, 2013, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor