

**RICHMOND, CALIFORNIA, November 5,
2013**

The Richmond City Council Evening Open Session was called to order at 5:10 p.m.

ROLL CALL

Present: Councilmembers Butt, Myrick, Rogers, Vice Mayor Boozé, and Mayor McLaughlin.
Absent: Councilmember Bates arrived at 5:15 p.m. and Councilmember 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

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

Herson vs. City of Richmond

**LIABILITY CLAIMS - (Government Code
Section 54956.9):**

Claimant: Jason Flaum (two claims)
Claimant: Timothy Saepanh
Agency claimed against: City of Richmond

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

Agency designated representatives: Bill Lindsay, Jack Hughes, Lisa Stephenson, and Bruce Soublet
Employee organization: Service Employees International Union (Local 1021)

The Open Session adjourned to Closed Session at 5:11p.m. Closed Session adjourned at 6:52 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 Bates, Beckles, Butt, Rogers, Vice Mayor Boozé, and Mayor McLaughlin.
Absent: Councilmember Myrick.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Items G-11 and G-17 were removed from the Consent Calendar. Items G-5 and I-6 were withdrawn from the agenda. Item H-1 was heldover to the November 19, 2013, City Council meeting.

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 was nothing to report.

OPEN FORUM FOR PUBLIC COMMENT

Leonard Taylor thanked Tim Jones, Housing Authority Director, for providing a house for him.

John Marquez, President of Contra Costa Community College District, invited everyone to the 65th Anniversary of Contra Costa College District on December 7, 2013, from 1 p.m. to 4 p.m. at 303 Ferry Street in Martinez.

Naomi Williams stated that there was a groundbreaking ceremony on November 1st for the West Contra Costa Family Justice Center and Lt. Governor Gavin Newsom was present. Ms. Williams also announced the Commission on Aging's 16th

Annual Senior Winter Ball will be on December 7, 2013, from 7 p.m. to 11 p.m. Tickets are \$20 in advance if purchased at the Richmond Recreation Department Complex and will be \$25 if purchased at the door.

Jackie Thompson stated that the area on 3rd Street between Macdonald and Barrett Avenues has been neglected and is in bad condition. Ms. Thompson also invited everyone to come to Senior Karaoke Night on the third Monday of each month at the Point Richmond Recreation Center.

Richard Stollings gave comments regarding the story of Richmond and thanked the National Park Service Rangers for telling it well.

Raymond Landry, coach of the Richmond High Steelers cadet football team, stated that they hosted a playoff event and won 32-0. Mr. Landry also stated that he hopes the city as well as private donors can contribute to the team.

Texanita Bluitt stated that more consideration and attention needs to be given to military veterans during Veteran's Day.

Bea Roberson stated that the Richmond/El Cerrito Fire & Police Holiday Toy Program Breakfast will be held on Friday, November 15, 2013 from 7-9 a.m. at the Courtyard by Marriot in Hilltop.

Eduardo Martinez praised the Mayor and others who have moved the city forward and are thinking more globally and doing things outside of Richmond.

Mike Parker stated that the Chevron property tax issue will be heard by the County Assessors Appeal Board on Wednesday, November 6, 2013, in the Contra Costa County Court in Martinez.

Patricia Montgomery stated that she is having issues with a neighbor who has been harassing her.

Councilmember Nat Bates and Vice Mayor

Boozé presented the Mayor with gifts from their visit to Zhoushan, China and Shimada, Japan.

CITY COUNCIL CONSENT CALENDAR

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

*-Approved a contract with Laborers' Community Service & Training Foundation for a series of three Hazardous Materials trainings at RichmondBUILD Academy. The contract term will be October 21, 2013 through June 30, 2015 for an amount not to exceed \$60,000.

*- Adopted **Resolution No. 104-13**, approving a Memorandum of Understanding (MOU) between the Richmond Police Officers' Association (RPOA) and the City of Richmond. The MOU will be effective from July 1, 2013, 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 RPOA 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).

*- Introduced an ordinance to establish wages, salaries, and compensation for the classifications represented by the Richmond Police Officers' Association (RPOA) in the City's classified service, and repealing Ordinance No. 39-06 N.S.

*-Approved a two-year License and Service Agreement between the City of Richmond and the Richmond Certified Farmers' Market Association, commencing November 1, 2013, for the free use of the northern section of the city-owned parking lot located on Barrett Avenue between 24th Street and 25th Street weekly on Fridays.

WITHDREW an amendment to the existing lease agreement between the Port of Richmond and J.E.B.S. and Associates, increasing the rent from \$6,000

per month to \$10,000 per month, with future increases tied to the CPI, extending the term to October 2014, with three one-year extension options, and increasing the leased area by approximately 25,500 square feet.

*- Approved a contract with Network Fleet for use of a GPS tracking and vehicle maintenance management system for police patrol vehicles in an amount not exceed \$98,000 and for a term from October 1, 2013, to June 30, 2015.

*- Adopted **Resolution No. 105-13**, authorizing a two-year extension to the current three-year standing contracts for as-needed architectural, landscape architectural, and structural engineer services with 10 architects, eight landscape architects and three structural engineering firms for a total of five-years-standing contracts, the contract amounts will remain at \$350,000 per firm over the five-year period.

*- Approved a contract with the Contra Costa County District Attorney's Office for the dedicated services of a Deputy District Attorney who is specifically assigned as the Police-Prosecutor Liaison, for a term extending from July 1, 2013, through June 30, 2014, and at a cost not to exceed \$200,000 (This item was reviewed and recommended for approval by the Finance Committee at its October 11, 2013, meeting).

*- Approved the use of U.S. Communities contract with Home Depot for the purchase of citywide maintenance and hardware supplies in an amount not to exceed \$95,000 per year for a period of three years (This item was reviewed and recommended for approval by the Finance Committee at its October 11, 2013, meeting).

*- Adopted **Resolution No. 106-13**, authorizing as-needed emergency construction services contracts to perform emergency work throughout the City with five contractors: Astro Construction, Bay Hawk Inc., Empire Engineering, Malachi Paving, and McNabb Construction in an amount not to exceed \$50,000 per firm per year for a three-year period with two optional

one-year extensions (This item was reviewed and recommended for approval by the Finance Committee at its October 11, 2013, meeting).

The matter to approve a three-year contract with Navex Global, Inc., to provide legally mandated training to all city supervisory employees on the prevention of workplace harassment, in an amount not to exceed \$30,000 was presented. State law requires all public entities to provide at least two hours of effective training every two years to all supervisory employees on the prevention of sexual harassment, discrimination and retaliation. Additional training on other protected classes, i.e. race, religion, disability, veteran status and sexual orientation will also be offered. The training will be made available to all city employees on-line. Jackie Thompson gave comments. A motion by Councilmember Beckles, seconded by Councilmember Myrick, passed the contract by the unanimous vote of the City Council.

*- Approved the purchase of ten 2014 Chevrolet Caprice police cars from Team Chevrolet to replace existing units for use by the Richmond Police Department in an amount not to exceed \$340,000.

*- Approved a contract with CRW Systems for licensing and implementation of new and upgraded planning and permitting systems software for an amount not to exceed \$26,000 for an initial one-year license term.

*- Approved the purchase of one Toro Groundmaster 5900 mower to replace an existing unit in the Public Works Department Parks Division from TurfStar in an amount not to exceed \$95,000.

*- Approved a contract with the Oakland Private Industry Council to procure goods and services on behalf of RichmondWORKS in support of East Bay Works One-Stop Career Center System. The contract term will be November 5, 2013, through September 30, 2014, for an amount not to exceed \$35,696.

*- Approved a contract with CSG Consultants,

Inc. to provide on-call fire plan review services and technical support at the permit counter for the Fire Prevention Bureau in an amount not to exceed \$56,000.

The matter to accept grant funds and approve the expenditures associated with year two of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) Mentoring Enhancement Demonstration Project for fiscal year 2013-2014, including approval of program and budgetary amendments approved by OJJDP, and contracts with Be A Mentor Inc. (\$59,100), Bay Area Community Resources (\$75,225), East Bay Asian Youth Center/OASES (\$75,000), Oakland Police Athletic League (\$75,225), and Richmond Police Activities League (\$74,912.50) in the total amount of \$399,462.50 was presented by City Manager, Bill Lindsay, who stated that this is a consortium of different agencies who provide mentoring services regionally in which the Office of Neighborhood Safety is the fiscal agent. Raymond Landry gave comments. A motion by Councilmember Beckles, seconded by Councilmember Myrick, accepted and approved the expenditures, by the unanimous vote of the City Council.

*- Adopted **Resolution No. 107-13**, approving two separate applications for grant funds pursuant to the Urban Greening Grant Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) for urban greening improvements: (1) along the eastern half of the Richmond Greenway, and (2) at the parking lot adjacent to Baxter Creek and the Booker T. Anderson Community Center.

*- Adopted **Resolution No. 108-13**, appropriating funds and approving the purchase of 26 self-contained breathing apparatus (SCBA) and 17 SCBA voice amplifiers at a net cost to the City of Richmond of \$33,701, representing 20% of the total cost of the purchase, with the remaining funds provided through a regional Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant, sponsored by the Contra Costa County Fire Protection District.

*- Adopted **Resolution No. 109-13**, authorizing an agreement between the City and County of San Francisco and the City of Richmond to accept funds from the Fiscal Year 2013 Urban Area Security Initiative (UASI) Grant fund in the amount of \$300,000, and APPROVE the appropriation of these funds toward the purchase of an Urban Search and Rescue (USAR) heavy rescue vehicle.

*- Adopted **Ordinance No. 22-13**, rezoning the parcels between 1200-1300 Fred Jackson Way from SFR-3, Single-family Low Density Residential to MFR-2, Multifamily Medium Residential to conform to the Medium Density designation set forth in the recently adopted General Plan 2030.

*- Approved the minutes of the October 1, 2013, and October 15, 2013, regular meetings.

*- Approved the following appointments and re-appointments: Design Review Board: Ray Welter; new appointment, term ending August 1, 2015; Robin Welter, incumbent, term ending August 1, 2015; Police Commission: Therese Barquet, new appointment, term ending November 1, 2016; Scott Gillespie, incumbent, term ending November 1, 2016; Nemesio Bautista, incumbent, term ending November 1, 2016; Work Investment Board (WIB): Victor Rodriguez, new appointment; Commission on Aging: Betty Randle, incumbent, term ending May 19, 2015.

*-Approved the write-off of accrued interest in the amount of \$36,379.89 owed by Richmond Police Activities League (PAL) to the City of Richmond stemming from two PAL loans made in 2007, the principal of which have been paid in full.

RESOLUTIONS

CONTINUED to the November 19, 2013, City Council meeting, the matter to adopt a resolution to establish the definition of "Sensitive Position", as required by Section 2.65.030(H) of Ordinance No. 14-13 N.S., which bans the requirement to provide information of prior criminal convictions on all

employment applications ("ban the box") was presented.

COUNCIL AS A WHOLE

The matter to discuss and consider adopting measures to implement Urban Agriculture Incentive Zones in the City of Richmond was presented by Councilmembers Butt and Myrick. This item was continued from the October 22, 2013, meeting. There are several local organizations within the city of Richmond that have cultivated community gardens along the Greenway, at local schools and in neighborhoods. Adopting measures to implement urban agriculture incentive zones are in line with current efforts to support urban agriculture. Eduardo Martinez gave comments. A motion by Councilmember Butt, seconded by Councilmember Myrick, directed staff to implement the zones, by the unanimous vote of the City Council.

The matter to discuss and direct the city attorney to draft an ordinance requiring labeling of food sold at retail grocery establishments in Richmond that contains genetically modified organisms was presented by Councilmember Butt and Mayor McLaughlin. This item was continued from the October 22, 2013, meeting. Genetically Modified Organisms (GMOs) are organisms whose genetic material has been altered using genetic engineering techniques; as applied to food and crops, new traits are genetically inserted into plants and animals that do not naturally occur within their species. Councilmember Bates and Vice Mayor Boozé stated they will not support the item. Eduardo Martinez and Bea Roberson gave comments. Discussion ensued. A motion by Councilmember Butt, seconded by Councilmember Beckles, directed the city attorney to draft an ordinance by the following vote: **Ayes:** Councilmembers Beckles, Butt, Myrick, Rogers, and Mayor McLaughlin. **Noes:** Councilmember Bates and Vice Mayor Boozé. **Absent:** None. **Abstain:** None.

The matter to receive a status report from the city manager on the use of city cars was presented by Vice Mayor Boozé. City Manager, Bill Lindsay, stated

that the elimination of personally assigned vehicles is a matter that will need to be part of meet and confer meetings with the unions. Vehicles assigned to public safety employees are not included. There are currently five vehicles assigned to supervisors and five others assigned to managers. The plan is to phase out the vehicles to be replaced with auto allowances. For the term from January 1, 2013 through October 31, 2013, the total mileage used was approximately 14,000 miles; there is approximately 11,000 commute miles, which would be \$6,500 monthly if compensated for mileage. The fuel cost is approximately \$20,000/yr. and vehicle maintenance performed by staff is approximately \$5,000/yr. The total cost is approximately \$2,500 per vehicle per year. Some of the vehicles that are phased out could be used by the community city car share program. Vice Mayor Boozé requested that the depreciation value of vehicles be added to the report also. Councilmember Bates suggested that there should be a mile radius limit for the distance the vehicles are allowed to be driven. Jackie Thompson and Bea Roberson gave comments. An update report will be provided at the December 3, 2013, City Council meeting.

The matter to review and approve the revised Fiscal Year 2013-15 Operating Budget was presented by Finance Director, Jim Goins, who stated that the revised Fiscal Year 2013-14 Operating Budget in the amount of \$170.5 million is balanced to within 2%, with a projected gap of \$3.4 million; and in 2014-15 is balanced to within 3% in the amount of \$169.4 million with a projected gap of \$4.6 million. The revised FY2013-14 General Fund Budget in the amount of \$143.8 million is balanced to within 2%, with a projected gap of \$3.4 million, and in 2014-15 is balanced to within 3% with a projected gap of \$4.6 million. The proposed budget provides for a cash reserve in each fiscal year in excess of \$10 million, consistent with financial policies previously established by the City Council. Councilmember Bates requested an update report regarding the status of bond sales and rates and how it will affect the interest rate, due to the principal reduction program, to be discussed at the December 17, 2013, City Council meeting. Raymond

Landry gave comments. Vice Mayor Boozé stated he will vote against the budget because it is not balanced. Following discussion a motion by Mayor McLaughlin, seconded by Councilmember Beckles, approved the budget by the following vote: **Ayes:** Councilmembers Bates, Beckles, Butt, Myrick, Rogers, and Mayor McLaughlin. **Noes:** Vice Mayor Boozé. **Absent:** None. **Abstain:** None.

The matter to consider introducing an ordinance to amend Richmond Municipal Code, Article II, Chapter 2.39 - Regulation of Campaign Contributions from parties and participants in entitlement proceedings and Chapter 2.43 - Matching Public Funding of Richmond Election Campaigns was presented by Councilmembers Butt and Rogers. In 2012, Chapter 2.39 was amended to regulate possible influence of political contributors on statewide board and commission members as well as local planning commissioners. Potential donors have shown a reluctance to make donations over the current \$250 maximum, not wanting to have to disclose contributions at public meetings and concerned that recipients of donations would be unable to vote on items affecting them. The recommended revision increases the total amount of contributions accepted by the candidate in connection with the election for which matching funds are sought from \$40,000 to \$75,000. The following individuals gave comments: Mike Parker, Bea Roberson, Melvin Willis, Marilyn Langlois, and Eduardo Martinez. Discussion ensued. A motion by Councilmember Rogers, seconded by Councilmember Butt, to introduce said ordinance changing the limit to \$60,000 instead of \$75,000, failed by the following vote: **Ayes:** Councilmembers Butt, Myrick, and Rogers. **Noes:** Councilmembers Bates, Beckles, Vice Mayor Boozé, and Mayor McLaughlin. **Absent:** None. **Abstain:** None. A second motion by Councilmember Rogers, seconded by Councilmember Myrick to change the reporting requirement from “disqualification” to “disclosure only” for contributions over \$250, which include independent expenditure committees, failed by the following vote: **Ayes:** Councilmembers Butt, Myrick, and Rogers. **Noes:** Councilmembers Bates, Beckles, Vice Mayor Boozé, and Mayor McLaughlin.

Absent: None. **Abstain:** None.

WITHDREW the matter to receive an update from staff regarding the proposed LED digital sign for the Hilltop Mall business area, including obstacles for completion of the project and options to move forward with the approval of the project in a responsible fashion.

**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 10:26 p.m. in memory of Ben Rodriguez, owner of Bay Cities Paving, to meet again on Tuesday, November 19, 2013, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor