

**RICHMOND, CALIFORNIA, September 21,  
2010**

The Richmond City Council Evening  
Open Session was called to order at 5:06 p.m.

**ROLL CALL**

**Present:** Councilmembers Butt, Rogers,  
Viramontes, and Mayor McLaughlin. **Absent:**  
Councilmembers Bates, Lopez, and Vice Mayor  
Ritterman (Vice Mayor Ritter arrived at 5:07 p.m.  
and Councilmembers Bates and Lopez 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):** Astro Constructions vs. Malachi  
Construction, City of Richmond, et al.

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

**CONFERENCE WITH LABOR  
NEGOTIATOR (Government Code Section  
54957.6):** City-designated representative(s): Bill  
Lindsay, Leslie Knight, Jack Hughes, Lisa  
Stephenson, and Bruce Soublet. Employee  
organization or unrepresented employee(s): RFMA  
and Local 188

There were no public speakers.

The Evening Open Session adjourned to Closed  
Session at 5:08 p.m. The Closed Session adjourned at  
5:54 p.m.

The Meeting of the Richmond City Council  
was called to order at 6:30 p.m. by Mayor McLaughlin  
who led the Pledge of Allegiance to the Flag.

**ROLL CALL**

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

## **STATEMENT OF CONFLICT OF INTEREST**

None.

## **OPEN FORUM FOR PUBLIC COMMENT**

Leonard Taylor requested that the City Council encourage Verizon Wireless to build a store at 12th Street and McDonald Avenue next to Foods Co.

John Marquez requested that the candidates running for local government offices be respectful to other candidates and not take signs down; let the voters decide.

Naomi Williams thanked the city manager for the installation of the safety fence along Broadway and Cutting Boulevard.

Cordell Rhodes expressed his concerns that the Richmond Main Library has decreased its hours of operation.

Richard Lompa spoke in support of Chevron.

Antwon Cloird expressed his disappointment regarding a mailer he received regarding the Point Molate Project.

Sims Thompson stated that there are safety measures that need to be addressed within the City of Richmond. He stated that the crossing light was out on Macdonald Avenue and 28th Street, and a left turn signal light was needed at Carlson and Cutting Boulevard.

Michael Beer spoke regarding a letter written by a Richmond resident that was printed in the September 8, 2010, issue of the Contra Costa Times which accused Councilmembers Lopez and Viramontes of paying individuals in New York to conduct a survey of residents of Richmond regarding the November election.

Corky Booze thanked citizens of Richmond for encouraging him to continue to address the Richmond City Council on different issues.

Billy Alexander spoke in reference to Measure U.

Jerome Smith spoke regarding the importance of leadership.

Jackie Thompson spoke regarding candidate signs that are posted illegally.

Tom Waller spoke in support of Chevron and stated that leadership changes are needed on the Richmond City Council.

Andre Jackson stated that a Financial, Health, and Family Blessings Festival will be held on Saturday, September 25, 2010, at Mount Zion Baptist Church, 253 5th Street, from 9 a.m. to 4 p.m. He also requested support from City Councilmembers with the clean-up of Macdonald Avenue.

Mike Mahoney announced that SGI Construction Management of Northern California Mechanical Association, U.A. Local 159, U.A. Local 342, and WCCUSD Adult Education invited anyone interested in training to become a pipe fitter attend training in exam, interviews, and applications preparation on October 26, 2010, from 6 p.m. to 8 p.m.; applicants must be a minimum of 18 years of age.

Councilmember Viramontes stated that she was not aware of the survey Michael Beer spoke of and did not have any involvement.

Councilmember Lopez stated that she was not involved with the survey Michael Beer spoke of and she does not pay anyone to run her campaign; the workers are volunteers.

#### **AGENDA REVIEW**

Withdrew Items G-1 from the agenda.  
Removed Items G-6 and G-11 from the Consent Calendar. Moved Item G-15 to be heard immediately after Consent Calendar.

#### **PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS**

Mayor McLaughlin joined by Councilmembers Lopez and Viramontes presented proclamations to the 23rd Street Merchants Association, the Latino Center, and the Contra Costa County Hispanic Chamber of Commerce. Rafeal Madrno, John Marquez, Cordell Rhodes, Jovanka Beckles, Eduardo Martinez, and Jose Rivera gave comments.

Mayor McLaughlin read a proclamation declaring September 27, 2010, and every fourth Monday in September as "Family Day - A Day to Eat Dinner with Your Children" as designated by the National Center on Addition and Substance Abuse. Leonard Taylor gave comments.

Mayor McLaughlin presented a proclamation declaring September 19 to 25, 2010, Falls Prevention Awareness Week to Ms. Gail Garrett of the Fall Prevention Program of Contra Costa County and Fall Prevention Coalition. Ms. Garrett gave comments and invited everyone to register for upcoming events by going to [www.fallprevent.org](http://www.fallprevent.org) or calling (925) 937-8311. Jovanka Beckles and Jackie Thompson gave comments.

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

City Attorney Randy Riddle reported that there were no reportable actions for items discussed in Closed Session.

**CONSENT CALENDAR**

On motion of Councilmember Viramontes, seconded by Vice Mayor Ritterman all items marked with an asterisk (\*-) were approved by the unanimous vote of the Council.

*This matter was on the agenda in error – the matter was previously addressed and approved at the August 2, 2010, meeting.* APPROVE the activities and expenditures associated with the CalGRIP III Grant Award in the amount of \$382,639, including authorization to negotiate and enter into contracts with the City of San Pablo (\$114,791), City of Richmond's Employment and Training Department (\$66,961), RYSE Inc. (\$114,791), Office of Neighborhood Safety Administrative Cost (\$9,569), and contract services for a Job Development and Placement Specialist (\$76,527).

\*Adopted **Resolution No. 105** authorizing the execution of a grant agreement with the California Cultural and Historical Endowment allowing the city to receive the amount of \$134,193 to fund additional authorized work associated with the renovation of the Richmond Natatorium (the Plunge).

\*Approved the purchase of 80 Blauer All Purpose 3-in-1 protective jackets for firefighters from the Banner Uniform Center in the amount of \$14,078.34.

\*Approved a contract with Tribal Financial Advisors ("TFA") to perform a review of certain financial information offered by Upstream Point Molate LLC, in an amount not to exceed \$35,000 and for a term ending June 30, 2011.

A proposal to approve a contract with Bay Cities Paving and Grading, Inc. to construct a temporary channel on Via Verdi, in the amount of \$974,764.30 was presented. The Emergency Justification Form was approved and signed on September 1, 2010, and final approval by the City Council is recommended. Interim Engineer Edric Kwan gave an overview. Corky Booze gave comments. **(At 11:00 p.m. on motion of Vice Mayor Ritterman, seconded by Councilmember Viramontes extended the meeting for 10 minutes with Councilmembers Bates and Butt voting no).** Jackie Thompson gave comments. On motion of Councilmember Viramontes, seconded by Vice Mayor Ritterman approved the

contract with Bay Cities by the unanimous vote of the Council.

\*Introduced an ordinance setting the tax rate for the Pension Tax Override Fund for Fiscal Year 2010-11 at 0.14%.

\*Approved a service contract with San Francisco Bavarian Motor Works (BMW) Inc. to provide regular maintenance and repair services for the Richmond Police Department's BMW motorcycle fleet, at a cost not to exceed \$60,000 (\$20,000 per year, for a three-year term) from July 1, 2010, through June 30, 2013.

\*Approved the use of \$89,400 from the 2009/10 Code Enforcement budget fund balance (last year's fund) to purchase three pickup trucks for use in enforcing code enforcement regulations.

\*Approved a contract with Nichols Consulting Engineers to provide environmental remediation oversight consulting services at Point Molate in an amount not to exceed \$60,000.

A proposal to adopt an ordinance (adding Chapter 47 to Article XIII of the Richmond Municipal Code to create a comprehensive framework for the administration of pipeline franchises in the City of Richmond was presented by City Attorney Randy Riddle and Councilmember Butt. Corky Booze gave comments. On motion of Councilmember Viramontes, seconded by Councilmember Lopez adopted **Ordinance No. 27-10 N.S.** by the unanimous vote of the Council.

\*Adopted **Resolution No. 106** authorizing the acceptance of \$20,000 from Contra Costa Transportation Authority and appropriation to Phase II of the Central Richmond Greenway Bicycle/Pedestrian Trail Project.

\*Approved a Purchase Order amendment with CXT Incorporated Precast Products, related to the purchase of a second prefabricated concrete restroom as part of the Martin Luther King Park Improvement Project, increasing the amount by \$43,689 for a total amount not to exceed \$142,714.

\*Adopted **Resolution No. 107-10** amending **Resolution 75-10** of the City Council of the City of Richmond approving applications for grant funds pursuant to the Safe Drinking Water, Water Quality and Supply, Flood Control, and River and Coastal Protection Bond Act of 2006 for funding the planning and development of the Central Richmond Greenway's nature education related facilities by adding a statement affirming that the city will comply with all applicable federal, state and local laws, ordinances, rules, regulations, and guidelines.

*This item was heard immediately after Consent Calendar.* A proposal to adopt a resolution of the City Council providing for the issuance of one or more series of the City's Wastewater Revenue Bonds, Series 2010; authorizing the execution and delivery of a Fourth Supplemental Indenture, A Bond Purchase Agreement, Credit Support Documents, and an Official Statement; approving a Form of Preliminary Official Statement and a Continuing Disclosure Agreement in connection therewith, and authorizing certain other actions in connection therewith was presented. Finance Director James Goins gave an overview of the item. On motion of Councilmember Bates, seconded by Councilmember Butt adopted **Resolution No. 108-10** by the unanimous vote of the Council.

### **ORDINANCES**

A proposed ordinance adding Chapter 7.102 (Medical Marijuana Collectives) to the Richmond Municipal Code was presented. City Attorney Randy Riddle gave an overview of the item. The following individuals gave comments: John Marquez, Billy Alexander, Jerome Smith, Lisa Hieschhorn, David Owen, Carlos Plazola, Darlene Bender, Melanie Rosen, Ameerah Johnson, Yolanda Aguilar, Antonette Dupree, Jeremy Mayfield, Addison DeMoura, and Dr. Janet Weiss. A motion was made by Councilmember Rogers, seconded by Vice Mayor Ritterman to adopt the ordinance and direct the city attorney to come back at the October 5, 2010, meeting with the following amendments: (1) investigate whether the Franchise Tax Board (FTB) would grant exempt status to Collectives and, if not, eliminate the requirement that a Medical Marijuana Collective submit a Determination Letter from the FTB indicating that the Collective is exempt from income taxes; and (2) clarify the definition of Collective to include the different forms of nonprofit organizations that may distribute medical marijuana; and (3) make technical amendments to that ordinance to streamline administration of the permit program. Councilmember Viramontes offered a friendly amendment to permit a Medical Marijuana Collective to be located in a C-2 zoning district if certain specified findings are made. The amendment was accepted. After further discussion Councilmember Rogers rejected the friendly amendment offered by Councilmember Viramontes regarding C-2 zoning. The motion was approved and **Ordinance No. 28-10** was adopted by the unanimous vote of the Council.

### **COUNCIL AS A WHOLE**

In the matter to review and approve the Port of Richmond's Clean Air Action Plan (CAAP) in accordance with Mitigation Measure 6-2 of the Honda Port-of-Entry's (HPOE) Final Environmental Impact Report, Port Director and Vice Mayor Ritterman gave an overview. He turned the presentation, which included a PowerPoint presentation, over to Larry Magid, Principal, Public Policy Advising; Paul Miller, Principal, Air Quality Specialist, Miller Environmental

Consultants; and Port Representative Michael Williams. Jerome Smith and Jovanka Beckles gave comments. Councilmember Butt stated that he would not support approval of the plan without a commitment to complete solar. Following discussion, Mayor McLaughlin stated that she would support the project with the condition that staff comes back the first meeting in January with an update regarding solar panels. A motion was made by Councilmember Viramontes, seconded by Councilmember Bates to approve the plan and direct staff to accept inclusion of a feasibility plan. Mayor McLaughlin offered a friendly amendment to change the language utilizing the word "shall." The amendment was accepted. The motion was approved by the following vote: **Ayes:** Councilmembers Bates, Rogers, Viramontes, Vice Mayor Ritterman, and Mayor McLaughlin. **Noes:** Councilmember Butt. **Abstentions:** None. **Absent:** Councilmember Lopez.

In the matter to receive a status report on the Greenprint Transportation Program to reduce greenhouse gas emissions, Councilmember Bates and the city manager gave an overview of the item. Councilmember Bates stated that it was a conflict of interest when a Councilmember sits on the Council and was involved with the Greenprint Transportation Program. Councilmember Bates suggested forwarding the issue to the Public Safety Committee to work with staff to clean up language on the Request for Proposal (RFP) regarding who may or may not apply. Mayor McLaughlin approved. Corky Booze gave comments.

In the matter to consider sending an Open Letter to President Barack Obama requesting a "Change We Can Believe In" concerning the Castro Cove water quality settlement, Councilmember Rogers gave an overview of the item. Jovanka Beckles gave comments. On motion of Councilmember Bates, seconded by Councilmember Butt approved the item by the unanimous vote of the Council.

**REPORTS OF OFFICERS: STANDING COMMITTEE REPORTS, REFERRALS TO STAFF, AND GENERAL REPORTS (INCLUDING AB 1234 REPORTS)**

Councilmember Butt reported that he attended the League of California Environmental Policy Committee Meeting in San Diego September 15 through 18, 2010.

Councilmember Viramontes reported that she attended the California Association of Sanitation Agencies on behalf of the City of Richmond on August 18 through 21, 2010. She also stated that it is important that candidates running for office act ethical during the campaign.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 11:10 p.m. to meet again on Tuesday, September 28, 2010, at 6:30 p.m.

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City Clerk

(SEAL)

Approved:

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Mayor