

**RICHMOND, CALIFORNIA, October 19,
2010**

The Richmond City Council Evening
Open Session was called to order at 6:06 p.m.

ROLL CALL

Present: Councilmembers Bates, Butt,
Rogers, and Mayor McLaughlin. **Absent:**
Councilmembers Lopez, Viramontes, and Vice
Mayor Ritterman (Councilmembers Lopez and
Viramontes 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

**LIABILITY CLAIMS - PENDING
LITIGATION (Government Code Section
54956.9):** Janeth Perez vs. City of Richmond

**CONFERENCE WITH LEGAL
COUNSEL - ANTICIPATED LITIGATION
(Subdivision (c) of Government Code Section
54956.9):** One case

There were no public speakers.

The Evening Open Session adjourned to Closed
Session at 6:07 p.m. The Closed Session adjourned at
6:23 p.m.

The Joint Meeting of the Richmond
Redevelopment Agency/Richmond City Council was
called to order at 6:32 p.m. by Mayor McLaughlin
who led the Pledge of Allegiance to the Flag. (*See
Redevelopment Minutes RCRA19Oct2010*).

ROLL CALL

Present: Councilmembers Bates, Butt,
Lopez, Rogers, Viramontes, and Mayor
McLaughlin. **Absent:** Councilmembers Vice
Mayor Ritterman (Vice Mayor Ritterman arrived
during the meeting).

STATEMENT OF CONFLICT OF INTEREST

None.

OPEN FORUM FOR PUBLIC COMMENT

Raymond Landry, Kiera Duffy, Delores Hawkins, Leonard Taylor, and Patricia Jackson spoke in support of Measure U.

Antwon Cloird stated that the City of Richmond need jobs and hope for the citizens of Richmond and that the City Council should finish projects it starts.

Jason Claiborne, Dr. Laura Pawlowski, and Xina Lyons voiced concern regarding the wastewater treatment plant, and, in particular, recent odor problems associated with the plant.

Sims Thompson expressed his concern for the missing lights throughout the City and a stop and street sign that was down on South 34th Street.

Naomi Williams encouraged the City Council to look into placing a police substation on the south side.

Cordell Rhoades expressed his concern with individuals soliciting on private property.

Andre Soto, Michael Beer, and Michael Parker expressed their disappointment with the Richmond Police Officer's Association (RPOA).

Mark Wassberg expressed his approval with the actions of the Richmond Police Department.

John Marquez stated that individuals should show respect towards one another and not preach hate.

Mike Ali stated that the human and civil rights of the citizens of Richmond are being challenged and that the citizens should be mindful of the traditions of the City of Richmond.

Amanda Pruitt encouraged the City Council to take senior citizens concerns into consideration.

Reverend Kenneth Davis and Guillermo Perez spoke in support of Mayor McLaughlin.

Erick Davenport stated that DP Security was not following the City of Richmond's living wage ordinance.

Margaret Jordan read a letter from a Richmond resident regarding signs posted throughout the City of Richmond.

Jose Rivera and Jackie Thompson expressed their disappointment with the "hit pieces" being distributed during the November 2, 2010, election campaign.

Terry Baird spoke in support of jobs for the City of Richmond residents.

Jim Jenkins thanked the City of Richmond for paving Barrett Avenue. He also announced that the funeral services for Lois Mignone, mother of North and East Neighborhood Council President Jan Mignone, would be held on Saturday, October 23, 2010, at 1:00 p.m. at the Wilson and Kratzer Mortuary. He also expressed his disappointment with all the literature he received through the mail from outside interests opposing Point Molate.

Corky Booze expressed his concern regarding a flyer that was sent out that still included Gary Bell as a candidate.

Rita Barouch spoke in regards to future developments of cooperatives.

Paul Rodgers expressed his concern with the continuous weekend use of Booker T. Anderson Park for soccer which does not allow residents in the area use of the park.

Tony Sustak announced that the Richmond Pedestrian Plan was coming up for consideration and invited concerned citizens to attend the meeting on Monday, November 8, 2010, from 5:30 through 7:30 p.m. at Richmond City Hall Point Molate Room 2nd floor, 450 Civic Center Plaza.

Bea Roberson announced that on Saturday, October 23, 2010, at 6:30 p.m., Crime Prevention will hold a banquet honoring police officers, two businesses, two neighborhoods, and two outstanding citizens at the Richmond Recreation Complex. Ms. Roberson also announced that the Richmond and El Cerrito Fire and Police Holiday Toy Program Fundraiser Breakfast would be held on Friday, November 5, 2010, at the Marriott in Richmond in an effort to assist more than 2000 families in Richmond that are in need of toys and food for the holidays.

Brian Dragton expressed his appreciation for the help he has received from the City of Richmond to start his non-profit.

Jovanka Beckles spoke in opposition to Point Molate.

Jerome Smith stated that in many ways the City of Richmond is Chartless. He also read a poem by Emily Dickerson entitled "I Never Saw a Moor."

Edwardo Martinez stated that Richmond is going in the right direction. He also announced that the El Cerrito Green Community was donating trees to the residents of Richmond; pickup centers would be located at Nevin Park.

AGENDA REVIEW

Removed Items I-9 and I-10 from the Consent Calendar.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Mayor McLaughlin presented a proclamation to Michelle Seville and members of the Arts Commission recognizing October as National Arts and Humanities Month in the City of Richmond. Kate Sibley gave comments. Cordell Rhodes gave comments.

Mayor McLaughlin presented a proclamation to Fire Inspector Robin Poindexter recognizing Fire Prevention in the month of October 2010. Inspector Poindexter gave comments. Jackie Thompson also gave comments.

Mayor McLaughlin presented a proclamation to Reverend Shumake and members of the Multi-Ethnic Movement of Love Against Violence for their efforts to mobilize, create or expand ways to help incarcerated fathers strengthen family relationships, and celebrate diversity. Reverend Shumake and members of the movement gave comments. Mike Ali, Jackie Thompson, Corky Booze, and Quanah Parker Brightman gave comments.

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

City Attorney Randy Riddle reported:

LITIGATION (Government Code Section 54956.9): *Janeth Perez vs. City of Richmond (the City Council authorized a settlement in the amount of \$13,752.44).*

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Subdivision (c) of Government Code Section 54956.9): *One case (Chevron USA vs. County of Contra Costa, the City Council authorized the City of Richmond to intervene in the lawsuit with Councilmember Bates abstaining).*

CONSENT CALENDAR

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

*-Approved an amendment to the contract with the Oakland Private Industry Council to process Individual Training Accounts for program participants. Contract amount will be increased by \$319,000 for a total amount not to exceed \$1,034,000. The contract term will be June 16, 2009, through June 30, 2011.

*-Approved an amendment to the contract with Bay Area Peacekeepers to provide workshops,

supportive counseling services, and case manager support and training for the Youth Services Division of Employment and Training. Contract term will be November 2, 2009, through June 30, 2012. The contract amount will be increased by \$45,000 for a total amount not to exceed \$54,950.

*-Approved on-call construction management and inspection services contracts, in an amount not to exceed \$750,000 each, to five consulting firms (Harris & Associates, Inc. [Concord]; BKF Engineers [Richmond]; Ghirardelli Associates [Richmond]; Swinerton Management & Consulting [San Francisco]; Cornerstone Transportation Consulting [San Francisco]) and authorize the city engineer to approve and issue work authorizations directing each firm to work on specific budgeted projects based on the firm's specialties and qualifications.

*-Approved a contract with New Image Landscape Company in an amount not to exceed \$112,700 for fire hazard vegetation control for the Point Molate facilities and beach area for a term from October 1, 2010, to June 30, 2011.

*-Approved a contract to lease property located at 636 Spring Street in Richmond as the primary training site for the YouthBUILD Program. The lease period commences October 19, 2010, and ends September 30, 2011. The rent is \$3,100 per month for a total 12-month rental cost not to exceed \$37,200.

*-Approved the purchase of four small pickup trucks from Michael Stead's Hilltop Ford, for use in enforcing code enforcement regulations, in an amount not to exceed \$56,000.

*-Authorized appropriation of the FY 2009-10 budget balances of the Honda Port of Entry Projects to the FY 2010-11 Capital Improvement Budget in the amount of \$5,771,329.11 for the Honda Port of Entry Project at Point Potrero Marine Terminal (Project 08F01) and \$2,295,210.81 for the Port Rail Corridor Facility Project (Project 08G01).

*-Approved a contract with Larry Walker Associates to assist in the implementation of the City's National Pollutant Discharge Elimination System (NPDES) compliance activities in an amount not to exceed \$50,000.

A proposed contract with Harris Corporation for the maintenance of the city's existing 800 MHZ Public Safety Radio System in an amount not to exceed \$688,399.36 from August 7, 2010, to September 30, 2011, (\$538,479.45 for FY 2010-2011 and \$149,919.91 from July 1, 2010, through September 30, 2011, for a total term of 14 months) was presented. On motion of Councilmember Bates, seconded by Councilmembers Rogers approved the contract with Harris Corporation by the following vote: **Ayes:** Councilmembers Bates, Butt, Lopez, Rogers, Vice Mayor Ritterman, and Mayor

McLaughlin. **Noes:** None. **Abstentions:** None.
Absent: Councilmember Viramontes.

A proposed ordinance amending Chapter 3.58 of the Municipal Code (Human Relations and Human Rights Commission) to change the word order in the name of the Commission; add sections for findings, definitions, purpose and scope; and add to the list of functions a new item devoted to actively promoting a culture of peace was presented for second reading by Mayor McLaughlin. On motion of Councilmember Butt, seconded by Councilmember Rogers adopted **Ordinance No. 30-10 N.S.** by the following vote: **Ayes:** Councilmembers Bates, Butt, Lopez, Rogers, Vice Mayor Ritterman, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Viramontes.

*-Approved the following appointment and re-appointment: Police Commission: Scott Gillespie, Incumbent, term expiring November 1, 2013; Youth Baseball Advisory Commission: Elana Bolds, filling unexpired term of Benny Gill who resigned, term expiring December 2, 2011.

*-Approved a contract with Arrow Sign Company to perform emergency paneling and structural repair work on the existing Hilltop Mall pylon sign in an amount not to exceed \$35,755, with partial funding (a minimum of \$22,000) by the Hilltop Merchants Association.

*-Authorized the port director's marketing travel to China to initiate a business development plan with the Port of Zhoushan, and to explore the potential for China auto manufacturers entering the U.S. market through the Port of Richmond's recently renovated automobile facilities.

*-Approved the minutes for the June 22, 2010, and September 21, 2010, meetings.

*-Adopted **Resolution No. 118-10** revising the authorization list on the Local Agency Investment Fund (LAIF) accounts to reflect the current staff assignments in the Finance Department.

RESOLUTIONS

A proposed resolution recognizing Solar Richmond's pioneering work in service to the City of Richmond, and setting new solar installation and green jobs goals to reach by 2015 was presented by Mayor McLaughlin and Michelle Migoia. Jerome Smith gave comments. On motion of Mayor McLaughlin, seconded by Vice Mayor Ritterman adopted **Resolution No. 119-10** by the unanimous vote of the Council.

A proposed resolution supporting the efforts of the California Emerging Technology Fund to expand broadband technology, making accessibility more equitable across communities in California was

presented by Mayor McLaughlin. On motion of Councilmember Bates, seconded by Vice Mayor Ritterman adopted **Resolution No. 120-10** by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Viramontes, Vice Mayor Ritterman, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez.

ORDINANCES

A proposed ordinance amending Richmond Municipal Code Chapter 6.06.074 to require evaluation for historical significance prior to demolition of a structure more than 50 years old and change the name of the Historic Preservation Advisory Committee to the Historic Preservation Commission was presented for first reading by Councilmember Butt. Corky Booze gave comments. On motion of Councilmember Rogers, seconded by Councilmember Butt said ordinance received first reading and was laid over two weeks for second reading by the unanimous vote of the Council.

A proposed ordinance amending the ordinance regulating Medical Marijuana Collectives adopted on September 21, 2010, to: (1) eliminate the requirement that a Medical Marijuana Collective submit a Determination Letter from the Franchise Tax Board indicating that the Collective is exempt from income taxes; and (2) clarify and make technical amendments to that ordinance was presented for second reading by City Attorney Randy Riddle. Councilmember Bates recommended that the ordinance be referred back to the Public Safety to work on an ordinance that the Council would support. The following individuals gave comments: John Marquez, Sims Thompson, Jim Jenkins, Corky Booze, Ken Estes, Lisa Hirschhorn, Garland Ellis, Jerome Smith, and Naomi Williams. Following discussion, a motion was made by Councilmember Butt, seconded by Mayor McLaughlin to approve the ordinance as written. Councilmember Rogers offered a friendly amendment to remove the provision that dispensaries that do not obtain a permit by October 21, 2010, are not eligible to apply. The amendment was not accepted. A substitute motion was made by Councilmember Rogers, seconded by Councilmember Lopez to approve the ordinance excluding the provision. Councilmember Butt offered a friendly amendment to the substitute motion that dispensaries that continued its scheduled court case and prevailed would be allowed to compete. The friendly amendment was not accepted. Councilmember Rogers offered an amendment to his substitute motion that the finding of the board convened by the Police Chief would be appealed to the City Council and not to the Public Safety Committee. Councilmember Rogers withdrew his friendly amendment. A second substitute motion was made by Councilmember Bates to approve the ordinance as presented with the exclusion of the October 21, 2010, deadline and refer the matter to the Public Safety Committee for review and to make the necessary corrections. The second substitute motion failed for lack of a second. A third substitute motion

was made by Councilmember Viramontes, seconded by Councilmember Lopez to pass the ordinance excluding the deadline of October 21, 2010, and placing December 31, 2010, as the deadline date to allow the remaining dispensaries to go through its court proceedings. The motion passed by the following vote: **Ayes:** Councilmembers Bates, Lopez, Rogers, Viramontes, and Vice Mayor Ritterman. **Noes:** Councilmember Butt and Mayor McLaughlin. **Abstentions:** None. **Absent:** None. The second reading will be on November 16, 2010.

COUNCIL AS A WHOLE

Withdrew from the agenda in the matter to *direct* staff to propose a menu of options for creating a distinct governing body for the Richmond Municipal Sewer District.

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

Councilmember Butt reported that he along with Economic Development Director Steve Duran attended the California Preservation Foundation Ceremony to award the City of Richmond for the Civic Center Project in Malibu at the Getty Estates.

Mayor McLaughlin thanked the Ephesians Community Development Center for holding its Annual Urban Festival on Saturday, October 16, 2010, and the North Richmond Shoreline Open Space Alliance for holding the North Shoreline Festival at the Point Know Regional Park, and also the Seventh Annual Youth Stopping Violence Summit held at Levonya DeJean Middle School.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:50 p.m. in memory of Lois Mignone to meet again on Tuesday, October 26, 2010, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor