

**RICHMOND, CALIFORNIA, July 27,  
2010**

The Richmond City Council Evening Open Session was called to order at 5:15 p.m. by Mayor Gayle McLaughlin.

**ROLL CALL**

**Present:** Councilmembers Bates – (*arrived @ 5:17 p.m.*), Butt, Viramontes, Vice Mayor Ritterman, and Mayor McLaughlin.  
**Absent:** Councilmembers Rogers and Lopez.

**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. There were no speakers from the audience.

**CITY COUNCIL**

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9):** Booker vs. City of Richmond; Jenkins vs. City of Richmond

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.9):** One Case

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

**ADJOURNMENT**

The meeting was adjourned at 5:16 p.m.

The Evening Open Session adjourned to Closed Session at 5:16 p.m. The Closed Session adjourned at 6:52 p.m.

**SPECIAL MEETING OF THE RICHMOND CITY COUNCIL**

The Special Meeting of the Richmond City Council was called to order at 6:05 p.m. by Mayor McLaughlin who led the Pledge of Allegiance to the Flag.

## **ROLL CALL**

**Present:** Councilmembers Bates, Butt, Lopez – (*arrived @ 6:18 p.m.*), Rogers, Viramontes - (*arrived @ 6:07 p.m.*), Vice Mayor Ritterman, and Mayor McLaughlin. **Absent:** None.

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

Mayor McLaughlin and City Manager Bill Lindsay, presented the Manager of the Year award to Nikki Mastay, Community and Economic Development Department, and the Employee of the Year Award to Milt Rayford, Public Works Department.

## **ADJOURNMENT**

The meeting was adjourned at 6:29 p.m.

## **SPECIAL MEETING OF THE RICHMOND HOUSING AUTHORITY**

The Special Meeting of the Richmond Housing Authority was called to order at 6:32 p.m. by Mayor McLaughlin who led the Pledge of Allegiance to the Flag. (*See rha10July27*)

## **SPECIAL JOINT MEETING OF THE RICHMOND REDEVELOPMENT AGENCY/RICHMOND CITY COUNCIL** **ROLL CALL**

## **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**

Cindy Hayden, Myrtle Braxton, Bea Roberson, Leonard Taylor, and Naomi Williams, invited everyone to participate in National Night Out on Tuesday, August 3, 2010. The kick-off will be at Target on Macdonald Avenue at 5:00 p.m. and the end party will be at the garden space on Macdonald Avenue and Harbour Way.

Simms Thompson stated that the City of Richmond is not safe.

Jackie Thompson and Corky Booze stated that they returned all of the funds that Councilmember Bates helped him raise.

Antwon Cloird stated that the office of neighborhood safety needs to be held accountable for the work they do in the City.

Raymond Landry thanked Mechanics Bank, Chevron, Upstream Development, and the Guidiville Band of Pomo Indians for their contributions to the 3<sup>rd</sup> of July Fireworks event.

AJ Jelani thanked the Mayor and Councilmember Lopez for attending the Richmond's Got Talent Show.

Rammel Jones stated that the Richmond's Got Talent Show was a great event.

Rev. Kenneth Davis stated there have been a lot of lies said about Mayor McLaughlin.

Eduardo Martinez, Texanita Bluit, and James Cash spoke against the proposed closure of Kennedy High School.

Dolores Johnson invited the Mayor and Councilmembers to National Night Out at the Hacienda Housing Complex.

Jovanka Beckles stated that our youth need faith and hope.

Rev. Andre Shumake gave comments regarding violence in the City.

Fred Jackson thanked the Mayor for your involvement in the City and for attending various events throughout the entire City.

Robert Cheasty and Norman LaForce requested that the North Shoreline item be put over to a future meeting.

Michael Parker stated that persons cannot have a decent job unless they have a decent education.

McKinley Ross thanked the City Council and others that attended and supported the 1<sup>st</sup> Annual Nystrom Jobs and Economic Development Fair.

### **AGENDA REVIEW**

Items M-1, M-2, and N-1 were withdrawn from the agenda. Items J-1 and L-3 were continued to the September 7, 2010, City Council meeting. Items H-10, H-11, H-16, H-21, H-27, H-28, H-30, H-34, and H-35 were removed from the Consent Calendar. Item H-30 was moved up to be heard before Item L-2.

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

A presentation of a Certificate of Appreciation to Michael Morgan and the Oakland East Bay Symphony for the July 3rd concert in honor of Independence Day was made by Mayor McLaughlin and Councilmember Bates.

A presentation of certificates honoring Everlasting Construction and Genser & Watkins, LLP as Richmond small businesses for the month of July 2010 was made by Mayor McLaughlin. The following person gave comments: Corky Booze, Bob Dabney, Katrinka Ruk, Joe Lorenz, and Rafael Madrigal.

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

City Attorney, Randy Riddle, stated that there was no reportable action taken.

## **REDEVELOPMENT AGENCY BOARD CONSENT CALENDAR**

*(See RCRA27July2010)*

## **CITY COUNCIL 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.

\*- Adopted **Ordinance No. 24-10** establishing the wages, salary, and compensation for the new classification of Engineering Infrastructure Administrator (Salary Range No. 066: \$6,926 - \$8,419/month).

\*- Approved a three-year contract with ECMS, Inc. for the cleaning and repairing of firefighter personal protective equipment, in an amount not to exceed \$45,000.

\*- Adopted a **Resolution No. 91-10** authorizing standing order library purchases of materials and services from various vendors in an amount not to exceed a limit set forth per library materials/service description and not to exceed an aggregate total of \$434,000 for each Fiscal Year 2010-2011, 2011-2012, and 2012-2013. (This item was not reviewed by the Finance Committee because of meeting schedule changes; the item is placed on the agenda to allow uninterrupted processing of payments).

\*- Approved a contract with Post, Buckley, Schuh, and Jernigan (PBS&J), of Sacramento, to revise and finalize the administrative draft Environmental

Impact Report (EIR) for Richmond's updated General Plan in an amount not to exceed \$150,000 and for a term extending to December 31, 2010 (This item was reviewed and recommended for approval by the Finance Committee at its July 16, 2010, meeting).

\*- Approved a contract with Envisionware, Inc. for the purchase of software, installation, and staff training to remotely manage the library's public access computer workstations in an amount not to exceed \$21,000 as allocated in the Fiscal Year 2010/11 Budget.

\*- Approved a contract with Bay Area Community Resources for an AmeriCorps member to work in the Environmental Initiatives section of the City Manager's Office to support city-wide greenhouse gas (GHG) and litter reduction and climate action efforts from August 2010 to August 2011 in the amount of \$16,000. The \$16,000 will be funded by a grant from the California Department of Conservation City/County Payment Program.

\*- Approved a reimbursement to Cal-Oils, Lessee/Operator, at Terminal 2 for emergency repairs, performed by Manson Construction, to their docking facility fender system as a result of a marine vessel incident in the amount of \$35,742.

\*- Approved the reimbursement of emergency repairs to the Honda Port of Entry Terminal Operator (Auto Warehousing Company) for emergency repairs performed to the wharf at Berth 8 as a result of a marine collision in the amount of \$29,013.45.

\*- Approved the preparation of a design services contract with Liftech Consultants Inc. to complete the design, engineering, and bid document preparation of the Terminal 3 Office Building Expansion project in an amount not to exceed \$548,240.

**MOVED** to the August 2, 2010, Special City Council Meeting, the matter to approve the Office of Neighborhood Safety (ONS) Vendor Services List (VSL) generated from the Request for Qualifications (RFQ) for Vendor Activities and Workshops (Life Skills and Supportive Services) to provide Life Skills and Supportive Services on an on-call basis for fiscal years July 1, 2010, through June 30, 2013, in an amount not to exceed \$200,000 per vendor per fiscal year. (This item was reviewed and approved by the Finance Committee at its July 16, 2010, meeting).

**MOVED** to the August 2, 2010, Special City Council Meeting, the matter to the third contract amendment with Neighborhood House of North Richmond to change the scope of work to align with the Expenditure Plan, increase the payment limit by \$196,912 to an amount not to exceed \$223,762, and extend the contract term to March 31, 2012, in order to fund specific activities described in the 2010/2011 Amended North Richmond Waste and Recovery Mitigation Fee Expenditure Plan (This item was

reviewed and recommended for approval by the Finance Committee at its July 16, 2010, meeting).

\*- Adopted **Resolution No. 92-10** renewing standing orders/outline agreements for technology-related goods and services from various vendors in an amount not to exceed \$250,000 per year per vendor for fiscal years 2010-2011 through 2012-2013 (This item was reviewed and recommended for approval by the Finance Committee at its July 16, 2010, meeting).

\*- Approved a contract with Psomas to provide Geographical Information System (GIS) technical support regarding mapping the collection system and provide inspection services for the city's Pretreatment Program, in order to comply with the City's current National Pollutant Discharge Elimination System (NPDES) permit in an amount not to exceed \$265,000 (This item was reviewed and recommended for approval by the Finance Committee at its July 16, 2010, meeting).

\*- Approved the purchase of a replacement street sweeper from Municipal Maintenance Equipment, for use in maintaining city-owned streets, in an amount not to exceed \$222,000 (This item was reviewed and recommended for approval by the Finance Committee at its July 16, 2010, meeting).

\*- Approved the use of U.S. Communities Contract with Home Depot for the purchase of city-wide maintenance and hardware supplies in an amount not to exceed \$135,000 per year for a period of three years (This item was reviewed and recommended for approval by the Finance Committee at its July 16, 2010, meeting).

**MOVED** to the August 2, 2010, Special City Council Meeting, the matter to approve a construction contract with W. Bradley Electric Inc. in the amount of \$726,025, with a contingency and reserve not to exceed \$108,000, for the Park Plaza Neighborhood Series Street Light Conversion Project.

\*-Approved an amendment to the contract with Liebert Cassidy Whitmore MP in the amount of \$110,000, bringing the total contract amount to \$205,000, to continue contract negotiations, legal consultation and employee training for the period July 1, 2009, through June 30, 2011. (This item was reviewed and recommended for approval by the Finance Committee at its meeting of July 16, 2010, meeting).

\*- Authorized payment for Richmond's share of the West County Agency's Fiscal Year 2010-2011 Budget in an amount not to exceed \$119,085 (This item was reviewed and recommended for approval by the Finance Committee at its July 16, 2010, meeting).

\*-Approved an amendment to the federal Economic Development Administration (EDA) grant-

funded contract with Alex Brennan, MCP, increasing the contract amount by \$1,662.50, for a total amount of \$39,912.50, to create a presentation on the green business development plan for local business groups.

\*- Approved an amendment to the contract with Wise, Jansey, Elstner Associates (WJE) to estimate the costs of recommended work to stabilize historic buildings as documented in their recently completed Point Molate Emergency Stabilization Assessment Report in the amount of \$3,000 for a total amount of \$13,000.

**MOVED** to the August 2, 2010, Special City Council Meeting, the matter to approve a grant award to the Office of Neighborhood Safety (ONS) in the amount of \$382,639 in California Gang Reduction and Intervention Program (CalGRIP III) funding from the California Emergency Management Agency (CalEMA) to confront the issue of gang violence in the City of Richmond (This item was reviewed and recommended for approval by the Finance Committee at its July 16, 2010, meeting).

\*- Authorized the city manager to select and enter into a contract with an executive search firm to conduct a recruitment to fill the Library & Community Services Director position in an amount not to exceed \$30,000.

\*- Approved the minutes of the March 23, 2010.

\*- Approved a sole-source agreement to purchase a three-year standard public safety communications and record-keeping software maintenance agreement from September 1, 2010, to September 30, 2013, with New World Systems Corporation, in an amount not to exceed \$770,997 (This item was reviewed and recommended for approval by the Finance Committee at its July 16, 2010, meeting).

\*- Approved the purchase of public safety communications and records management hardware (servers), software, maintenance, and a professional services contract for a three-year period from September 1, 2010, through August 31, 2013, with New World Systems in an amount not to exceed \$32,385.

\*- Adopted **Resolution No. 93-10** and **Resolution No. 94-10** declaring the official intent of the City of Richmond to reimburse itself for certain capital expenditures from the proceeds of indebtedness. One resolution applies to Recovery Zone Economic Development Bonds and one resolution applies to Wastewater Revenue Bonds.

**MOVED** to the August 2, 2010, Special City Council Meeting, the matter to approve the activities and expenditures associated with the CalGRIP III Grant Award in the amount of \$382,639, to include the right to negotiation 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) (This item was reviewed and recommended for approval by the Finance Committee at its July 16, 2010, meeting).

**MOVED** to the August 2, 2010, Special City Council Meeting, the matter to consider adopting an ordinance (second reading) amending Richmond Municipal Code Chapter 11.86 (Bingo Games) to eliminate the restriction on the number of days per week that an organization may conduct bingo games and to ensure that all charitable bingo gaming is conducted in a manner that preserves the public safety and welfare.

\*- Adopted **Ordinance No. 25-10** amending provisions of the Richmond Municipal Code to allow businesses serving food and beverages to obtain an encroachment permit and, in certain cases, a conditional use permit, to use public sidewalks for outdoor dining.

The matter to adopt an ordinance adding Chapter 7.102 (Medical Marijuana Collectives) to the Richmond Municipal Code was presented. Mayor McLaughlin suggested limiting to three dispensaries, code enforcement of existing dispensaries be a low priority until the ordinance takes effect. Councilmember Rogers stated that he wants the following changes to the ordinance: limit the number of dispensaries to three; that the City Manager be the enforcing agency; include a requirement to have a full-time police officer to patrol the dispensary and surrounding neighborhoods during the time the dispensary is open. Councilmember Butt suggested that the police department should be the enforcement agency; does not support code enforcement actions being a low priority; supports establishing dispensaries in C-3 districts only; include 1,000 feet distance between collectives; add restriction of collectives being near parks and community centers. a special meeting and approve a first reading. keeping The following persons gave comments: Kyle Powell, Robert Newell, Jason Newell, Mickey Martin, Tracy Oliva, Garland Ellis, Jerry Youshida, Corky Booze, Matt Potter, Craig Litwin, Jan Mignone, Davi Owen, Jessica Somers, Laura Blair, Kirk Wood, Darlene Bender, Carlos Plazole, Vincent Villareal, Roger Morgan, Sean Cambren, Owen Martin, Fran Moulton, John Clay, Ellen Gailing, Dwain Jenkins, and Gina Swirsding. MTV - One ounce per day total. Lopez to support Zone 3 only, need for security, a security plan, independent testing process, separate intake room, Rogers wants 1 uniformed police officer at the collectives. Bates wants to have dispensaries to continue operating and involve neighborhood councils. A motion made by Councilmember Viramontes, seconded by Councilmember Lopez, limited marijuans collectives to three; the permit program will be administered by the Chief of Police or his/her designee; restrict marijuana

dispensaries to C-3 zones only; require applicants to comply with a Request For Proposal (RFQ) competitive bid process; continue the restriction of dispensaries near parks, community centers, childcare centers, schools, etc.; require a lab or independent testing process for mold and other criteria, limit to 1 ounce of cannabis per day per collective or aggregate collectives; establish a security plan; and require a separate intake room, passed by the unanimous vote of the City Council. This matter will be discussed at the Richmond Neighborhood Coordinating Council on September 13, 2010 and will be on the September 21, 2010, City Council agenda.

\*- Approved a second contract amendment with Colantuono & Levin, P.C. for representation in connection with options to increase revenues for city services, increasing the contract amount by \$15,000, for a total of \$25,000 and extending the term of the contract to June 30, 2010.

\*- Adopted a **Resolution No. 95-10** authorizing the acceptance and appropriation of \$12,856 from the California State Department of Conservation's 2009/10 City/County Payment Program.

\*- Approved the following re-appointment:  
Contra Costa Mosquito and Vector Control District:  
Soheila Bana, Incumbent, term expiring September 11, 2013.

The matter to consider adopting an 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 changes the name of the Historic Preservation Advisory Committee to the Historic Preservation Commission was not discussed.

**MOVED** to the August 2, 2010, Special City Council Meeting, the matter to approve a term sheet and DIRECT the city attorney to prepare, and the city manager to execute, a lease with Contra Costa County and a sublease with Solar Richmond consistent with the approved term sheet for 6000 square feet of space at 2730 Maine Avenue, Richmond for use by Solar Richmond as classroom and training space for a term of five years with an initial expenditure by the city of approximately \$75,000 for tenant improvements to be repaid by Solar Richmond over the term of the lease, and other terms and conditions set forth in the term sheet included in the agenda materials.

### **PUBLIC HEARINGS**

The matter to allow the sanitary and storm sewer fees to be collected on the annual 2010-2011 property tax rolls was presented by Chad Davisson, Engineering Department. Mayor McLaughlin declared the public hearing open. Corky Booze gave comments. A motion by Councilmember Lopez, seconded by Vice Mayor Ritterman, adopted **Resolution No. 96-10**, by

the following vote: **Ayes:** Councilmembers Bates, Butt, Lopez, Rogers, Vice Mayor Ritterman, and Mayor McLaughlin. **Noes:** Councilmember Viramontes. **Absent:** None. **Abstain:** None.

### **ORDINANCES**

**CONTINUED** to the September 7, 2010, City Council meeting, an ordinance (first reading) 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.

### **RESOLUTIONS**

The matter to adopt a resolution in support of the California Jobs Budget was presented. A motion made by Vice Mayor Ritterman, seconded by Councilmember Lopez, adopted **Resolution No. 97-10**, by the unanimous vote of the Council.

### **COUNCIL AS A WHOLE**

In the matter to direct staff to draft an ordinance similar to the City of Oakland's that would license and tax large-scale marijuana farms in industrial areas to supply the city's future unlimited number of marijuana dispensaries, and review policies that could include smaller and medium-sized farmers. Councilmember Butt gave an overview of the matter. (*A motion made by Councilmember Viramontes, seconded by Mayor McLaughlin, extended the meeting to 12:30 a.m. – Councilmember Butt, and Bates objected*). Councilmember Butt struck out the word “unlimited” from the title of the agenda item. The following people gave comments: Corky Booze, Gina Swirshding, John Clay, Ellen Gailing, Eleanor Thompson, John Geluardi, Jerry Yoshida, Garland Ellis, and Armando Soto gave comments. A motion made by Councilmember Lopez, seconded by Councilmember Butt, directed staff to research the idea of farming and investigate what Oakland has done as well as other cities that allow marijuana cultivation for presentation of a study session to the City Council in January 2011. **Ayes:** Councilmembers Butt, Lopez, Rogers, Vice Mayor Ritterman, and Mayor McLaughlin. **Noes:** Councilmember Bates and Viramontes. **Absent:** None. **Abstain:** None.

**CONTINUED** to September 7, 2010, to direct staff to prepare a plan to preserve the North Richmond Shoreline Development in order to permit all stakeholders to work together to save the shoreline for recreational shoreline uses by developing a workable plan to achieve a voluntary relocation of the Richmond Rod and Gun Club.

In the matter to place a measure on the November 2010 ballot that sets the business license fee (tax) for marijuana businesses at 10 percent of gross receipts, or such other rate as the Council may set.

Councilmember Butt gave an overview of the matter. The following individuals gave comments: Matt Potter, David Owen, Craig Litwin, and John Clay. *(A motion by Councilmember Viramontes, seconded by Mayor McLaughlin, extended the meeting until 1 a.m. – Councilmembers Butt, Bates, and Ritterman objected).* A motion made by Councilmember Butt, seconded by Councilmember Lopez, set the business license tax rate at 5%, and adopted **Resolution No. 98-10**, by the unanimous vote of the Council.

In the matter to submit Richmond voters at the November 2010 Election an advisory measure on whether the city should incorporate community low-intensity commerce and recreation land uses for the North Shoreline into the General Plan was presented by Councilmember Butt. The following individuals gave comments: Dan B. Murray, Joshua Genser, Dan B. Murray, Jr., Jerry Overaa, Corky Booze, Rhonda Harris, Jackie Thompson, and Robert Cheasty. *(A motion by Councilmember Lopez, seconded by Mayor McLaughlin, extended the meeting 15 minutes to 1:20 a.m. - Councilmembers Rogers, Bates, and Vice Mayor Ritterman objected).* Councilmember Lopez stated that there is not enough information to vote on this matter tonight. A motion made by Mayor McLaughlin, seconded by Vice Mayor Ritterman, to extend the meeting 15 minutes, failed. A motion made by Councilmember Lopez, seconded by Vice Mayor Ritterman, tabled the item by the following vote: **Ayes:** Councilmembers Bates, Lopez, Viramontes, and Vice Mayor Ritterman. **Noes:** Mayor McLaughlin and Councilmember Butt. **Absent:** None. **Abstain:** Councilmember Rogers.

### **STUDY SESSION**

**WITHDREW** a presentation and report by Discovering the Reality of Our Community (DROC), a Bay Area Community Resources Program at John F. Kennedy, DeAnza, and El Cerrito High Schools, that looks at underage drinking and drug use in Richmond.

**WITHDREW** a presentation on the Citywide Parks Master Plan by Gates & Associates/Bellecci & Associates and PROVIDE direction to staff.

### **STUDY AND DIRECTION TO STAFF SESSION**

**WITHDREW** 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

### **ADJOURNMENT**

There being no further business, the meeting adjourned at 1:26 a.m. in memory of Myron King to meet again on Tuesday, September 7, 2010, at 6:30 p.m.

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City Clerk

(SEAL)

Approved:

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Mayor