

**RICHMOND, CALIFORNIA, February 1,  
2011**

The Richmond City Council Evening  
Open Session was called to order at 6:07 p.m.

**ROLL CALL**

**Present:** Councilmembers Bates,  
Beckles, Boozé, Rogers, Ritterman, and Mayor  
McLaughlin. **Absent:** Vice Mayor Butt arrived at  
6:15 p.m.

**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): Richards vs. City of Richmond**

The following individuals spoke in support of  
allowing Armando Soto to continue his cultivating  
business in the City of Richmond: John Davies,  
Natalia Thurston, and John Middleton.

Armando Soto encouraged the City Council to  
do what is fare and just.

The Evening Open Session adjourned to Closed  
Session at 6:15 p.m. The Closed Session adjourned at  
6:30 p.m.

The Joint Meeting of the Richmond  
Community Redevelopment Agency/Richmond City  
Council was called to order at 6:41 p.m. by Mayor  
McLaughlin who led the Pledge of Allegiance to the  
Flag (*See HA RCRA CC 11Feb1*).

**ROLL CALL**

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

**STATEMENT OF CONFLICT OF INTEREST**

None.

**OPEN FORUM FOR PUBLIC COMMENT**

Leonard Taylor expressed positive thoughts  
regarding the San Francisco Giants and the Oakland  
A's.

Mark Wassburg stated was happy Councilmembers Lopez and Viramontes were no longer on the City Council. He also stated that Mayor McLaughlin directed Police Chief Chris Magnus not to enforce the ice law.

Cordell White gave comments regarding the drug activity taking place at the skate park on Macdonald Avenue. He also spoke about parents leaving their children unattended.

Larry Lewis invited everyone to attend the Richmond Police Activities League's (PAL) Annual Luncheon on February 24, 2011, from 11:30 a.m. to 1:00 p.m. at 2200 Macdonald Avenue. He also stated that the San Francisco Giant's World Series Trophy would be displayed for public viewing in the lobby of the Richmond Auditorium on February 23, 2011, from 2:00 p.m. to 4:30 p.m. He also stated that PAL would be sponsoring a boxing tournament on February 19, 2011, at the Richmond Auditorium from 2:00 p.m. to 6:00 p.m.

LaShanda Lee completed a request to speak form; however, she forfeited her time to Kenneth Davis. Ms. Lee was informed by Mayor McLaughlin that Mr. Davis would not receive additional time to address the Council. Ms. Lee understood.

Kenneth Davis expressed his disappointment with groups that are hired to provide services to his community and yet they fail to provide the services. He stated that Ms. Becknel and Neighborhood House are not providing services to the citizens of North Richmond. Mr. Davis informed the Council of the following issues: Ms. Becknel does not live in Richmond; she agreed that she would work as a fiscal agent to accept money coming from the Mitigating Committee in the amount of \$175,000; and that Saleem Bey did not threaten Ms. Becknel; however, he indicated to her that he would let the Council know what she was doing. Mr. Davis also stated that there were young men in his neighborhood that are trained to install solar collectors; however, others were hired to install the collectors on the building where he lives. He claimed that Community Housing Development Corporation (CHDC) and Neighborhood House received funds to help citizens of North Richmond; however, they do not provide opportunities to the North Richmond community.

Saleem Bey, president of North Richmond Neighborhood Council invited everyone to North Richmond's Second Annual Little League Parade on March 19, 2011, starting at 9:00 a.m. beginning at Filbert Street and Vernon Avenue and ending at Shields Reid Park; there will be free food. Mr. Bey also stated that the community started a Lots of Props, Urban Agriculture Program which produces organic food in gardens on empty lots throughout North Richmond and distributes the produce to seniors and people in need in the community. He also stated that the community also

started the Eco Academy which provides vocational training to 18 to 20 years olds.

Simms Thompson expressed his disappointment that the City of Richmond continues to have poor street lighting issues.

Jackie Thompson spoke in regarding to pot holes in the parking lot at Foods Co. and requested that the city help determine who owns the parking lot.

Antwon Cloird stated that tools are needed to train the youth at RichmondBUILD.

Phillip Mehas expressed the need for public art in private spaces throughout the City of Richmond.

Richard Stollings expressed his disappointment that the handicapped access to the Richmond Auditorium was improperly placed away from the entrance.

Armando Soto stated that the medical cannabis ordinance contains provisions that have been found to be against the law and should be amended or replaced.

Eleanor Thompson requested that the City Council ensure that money set aside to renovate Elm Park be used specifically for that purpose.

Texanita Bluitt stated that people that park illegally should be cited. She also expressed her concern for the lack of curb cuts on Potrero Avenue.

Eduardo Martinez expressed his concern regarding public art being vandalized. He stated that there should be an ordinance that protects public art.

### **AGENDA REVIEW**

Removed Items I-2, I-4, I-6, and I-7 from the Consent Calendar, to be heard at the end of the agenda, and moved Item L-1 to be heard directly following approval of the Consent Calendar.

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

Fire Inspector Robin Poindexter introduced the Richmond Youth Academy Lieutenants for 2011. The Lieutenants are: Luis Sanchez, Johnathan Christian, Joe Clark Jr., Marc Fehrman, and Acting Lieutenant Meaghan Frazier. The Youth Academy Lieutenants must be dedicated to serving the community, provide good leadership and help the other cadets grow and develop in the program. Jackie Thompson, Bea Roberson, Councilmember Booze gave comments.

Mayor McLaughlin read a proclamation honoring February 2011 as Black History Month. Jackie Thompson, Cordell White, Councilmembers Booze, and Beckles gave comments.

Mayor McLaughlin joined by Human Resources Director Leslie Knight acknowledged and welcomed Ruth Robins, Principal Officer, Administration Pittwater Council of New South Wales, Australia. Ms. Robins gave comments.

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

City Attorney Scott Dickey reported that there were no reportable actions during Closed Session.

**CONSENT CALENDAR**

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

\*-Approved the Project Operating Agreement with the East Bay Regional Communications System Authority (EBRCSA) to participate in the East Bay Regional Communications System (EBRCS) for Contra Costa and Alameda County agencies in a one-time amount not to exceed \$934,725; monthly fees in an amount not to exceed \$18,150; and yearly costs in an amount not to exceed \$217,800.

A proposed resolution establishing the fees associated with the application and operation of medical marijuana collectives as set forth in Chapter 7.102 of the Richmond Municipal Code was presented by Finance Director Jim Goins and Revenue Manager Antonio Banuelos. The following individuals gave comments: Lisa Hirshhorn, Armando Soto, and John Marquez. On motion of Vice Mayor Butt, seconded by Councilmember Ritterman adopted **Resolution No. 9-11** by the unanimous vote of the Council. Councilmember Bates requested that staff provide an update at the next Public Safety Committee Meeting.

\*-Approved a sole-source purchase from Hi-Tech EVS for a custom-built Type I pumpers for the Richmond Fire Department from Hi-Tech EVS in an amount not to exceed \$540,000.

A proposed contract with NBS Government Finance Group to review fees for engineering, wastewater, stormwater and code enforcement services, and to establish fees necessary for implementation of the medical marijuana collective ordinance and other financial services in an amount not to exceed \$25,000 was presented by Finance Director Jim Goins and Revenue Manager Antonio Banuelos. John Marquez gave comments. On motion of Vice Mayor Butt, seconded by Councilmember Bates approved the contract by the unanimous vote of the Council.

\*-Approved the minutes of the January 18 and 25, 2011, meetings.

A proposal to approve the following appointments and re-appointments: Arts and Culture Commission: Phillip Mehas, Incumbent, term expiring January 31, 2015; Community Development Commission: Jessica Montiel, representing the North and East Neighborhood, filling the unexpired term of Jayma Brown who resigned, term expiring December 2, 2011; Historic Preservation Advisory Committee: Robin Cawelti, filling the unexpired term of Christopher Bowen who resigned, term expiring July 31, 2011; Housing Advisory Commission: Annthea Yvonne Farr, Incumbent, term expiring February 1, 2013; Recreation and Parks Commission: Eduardo Martinez, term expiring October 26, 2013; Yvonne Nair, term expiring October 26, 2013; Mark Torres, term expiring October 26, 2013. Eleanor Thompson turned in a request to address the Council; however, she declined the opportunity when her name was called. Eduardo Martinez gave comments. On motion of Mayor McLaughlin, seconded by Councilmember Rogers approved the appointments by the unanimous vote of the Council.

A proposed ordinance declaring a moratorium on the acceptance, processing and approval of applications to establish formula restaurants in the Point Richmond Neighborhood Commercial (C-1) District until the earlier of: (1) such time as a zoning amendment addressing formula restaurants becomes effective; or (2) Tuesday, January 3, 2012, was presented by Vice Mayor Ritterman for second reading. Councilmember Butt recused himself on this item due to a conflict of interest. The following individuals gave comments: Richard Lompa, Joe Puleo, Linda Newton, Peter Minkwitz, and Marsha Tomassi. ***On motion of Vice Mayor Ritterman, seconded by Councilmember Booze extended the meeting to 11:15 p.m. by the unanimous vote of the Council.*** Speakers continued with: Margaret Morkowski, Barith Cleary, Eduardo Martinez, Jeff Lee, and Margaret Jordan. ***On motion by Vice Mayor Ritterman, seconded by Councilmember Rogers extended the meeting to 11:30 p.m. by the unanimous vote of the Council.*** On motion of Councilmember Ritterman, seconded by Mayor McLaughlin adopted **Ordinance No. 5-11** by the following vote: **Ayes:** Councilmembers Bates, Beckles, Booze, Ritterman, Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Vice Mayor Butt.

\*-Adopted **Resolution of Intention No. 904**, ordering the vacation of a portion of Atlas Road, a portion of Lots 1 and 2 south of the Pinole Point Business Park located at 2100 Atlas Road, consistent with the previously approved Subdivision Map 8249.

\*-Adopted **Resolution of Intention No. 905**, ordering the vacation of a portion of Giant Highway, a portion of Lots 1 and 2 south of the Pinole Point

Business Park located at 2100 Atlas Road, consistent with the previously approved Subdivision Map 8249.

### **RESOLUTIONS**

In the matter to authorize the city manager to respond to the University of California, Lawrence Berkeley National Laboratory Request for Qualifications (RFQ) for a second campus on behalf of the City of Richmond and adopt a resolution in support of the city's proposal Councilmember Ritterman, Mayor McLaughlin, and Vice Mayor Butt gave an overview of the item. The following individuals gave comments: Anders Swahn, Tom Hansen read a letter from Pam Agguliar in support, Kathleen Wimer, Joe Puleo, Patrick Dennis, Rick Alcaraz, Wayne Ellis, Aram Hodess, John Marquez, Mike Parker, Richard Poe, Katrinka Ruk, July Morgan, Margaret Morkowski, Jason Gallia, Kevin Van Buskirk, Neil Sinclair, Dexter Vizinou, Juan Reardon, Eduardo Martinez, and Jim Hite. On motion of Councilmember Bates, seconded by Councilmember Ritterman authorized the city manager to respond to the University of California, Lawrence Berkeley National Laboratory Request for Qualifications (RFQ) for a second campus on behalf of the City of Richmond, adopted **Resolution No. 10-11** in support of the city's proposal, and appointed a committee to make a presentation before the Board of Regents to communicate the City Council's support by the unanimous vote of the Council.

### **ORDINANCES**

A proposed urgency ordinance providing for a temporary moratorium on the acceptance, processing, approval, and issuance of applications and permits to construct or place new wireless communications facilities in all zoning districts within the City of Richmond through and including March 18, 2011, was presented by Mayor McLaughlin and Vice Mayor Butt. The following individuals gave comments: Simms Thompson, Martin Fineman, Beverly Hunt, Terry Ito, Shirley Cotton, Katrinka Ruk, Eduardo Martinez, Judy Morgan, and Ken Mintz. Following discussion, on motion of Mayor McLaughlin, seconded by Councilmember Beckles adopted **Ordinance No. 6-11** by the unanimous vote of the Council.

### **COUNCIL AS A WHOLE**

In the matter to receive a presentation regarding the Via Verdi sinkhole restoration alternatives and recommendations, and provide direction to staff City Engineer Edric Kwan, joined by Associate Civil Engineer Tawfic Halaby, Nichols Consulting Representative Ryan Shafer, and Certus Consulting Representative Evan Reis gave an overview of the item which included a PowerPoint presentation. The presentation outline included: work completed to date, what caused the sinkhole, emergency action plan, Cal-EMA funding criteria, and final restoration options. Staff's recommendation was option six to restore Via

Verdi to its original condition with a culvert that is concrete box reinforced which is what the community requested. John Compagno and Simms Thompson gave comments. Following discussion, a motion was made by Councilmember Booze, second Councilmember Ritterman for staff to do more research and come back to Council with recommendations. A friendly amendment was offered by Councilmember Bates to come back to Council within 30 days. The amendment was accepted. Councilmember Booze also requested staff provide a report of how many Richmond residents would be hired to work on the project. The motion passed by the unanimous vote of the Council.

**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 11:24 p.m. in memory of Julie Miles to meet again on Tuesday, February 15, 2011, at 6:30 p.m.

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City Clerk

(SEAL)

Approved:

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Mayor