

**RICHMOND, CALIFORNIA,
September 13, 2011**

The Richmond City Council Evening Open Session was called to order at 5:13 p.m. by Mayor Gayle McLaughlin.

ROLL CALL

Present: Councilmembers Beckles, Boozé, Rogers, Vice Mayor Butt, and Mayor McLaughlin.
Absent: Councilmember Bates, Rogers arrived at 5:45 p.m.

PUBLIC COMMENT

None.

ADJOURN TO CLOSED SESSION

The City Council adjourned to Closed Session at 5:14 p.m.

CITY COUNCIL

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:

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

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9): Chevron USA vs. Contra Costa County; City of Brentwood vs. Campbell

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): One Case**

The Evening Open Session adjourned to Closed Session at 5:14 p.m. The Closed Session adjourned at 6:55 p.m. The Regular Meeting of the Richmond City Council was called to order at 7:03 p.m. by Mayor Gayle McLaughlin who led the Pledge of Allegiance to the Flag.

RICHMOND CITY COUNCIL

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

None.

OPEN FORUM FOR PUBLIC COMMENT

Naomi Williams requested that there be a Public Safety Committee meeting held soon in order to address some concerns from the Southside community.

Erik Avery thanked everyone who assisted and donated money to the Half Steppers Track team to be able to attend a track competition in Louisiana.

Mark Wassberg gave comments regarding a letter that was sent to various churches in the city regarding Councilmember Boozé.

Mike Mahoney stated that free classes began tonight at Serra Campus at 6028 Ralston Avenue, Richmond on Tuesdays and Thursdays from 6 p.m. to 8 p.m. for those interested in getting into the plumbers and steamfitters union.

Myrtle Jones requested help with unfinished work at her home regarding a sewer problem.

Cordell Hindler acknowledged Johnny Holmes of the Half Steppers track team.

Simms Thompson stated that many improvements need to be made along Macdonald Avenue.

Xina Lyons urged the City Council to close the wastewater treatment plant on Canal Boulevard.

Antwon Cloird gave comments regarding the recent letter sent to various churches speaking negatively about Councilmember Boozé.

Richard Stollings stated that the City needs to monitor the recycling center left on the former Safeway parking lot on Macdonald & San Pablo Avenue.

AJ Jelani, Belding Woods Neighborhood Council President, thanked the Code Enforcement Department for cleaning various areas in his neighborhood. Mr. Jelani also expressed condolences to the family of Fred Jackson who recently passed away.

Shams Naqvi stated that the majority of the homes in Richmond are not suitable for placement of solar panels.

Altoris Pervue gave comments regarding the lack of protection for Richmond youth.

Lorine Hayes stated that she lost her son due to violence in 1995 and urged the City Council to do something to help the youth of Richmond thrive and stop killing each other.

Lee Micheaux, member of the North & East Neighborhood Tree Team, stated that their goal is to green Richmond by encouraging residents to grow urban forests.

Mike Parker, editor of the Richmond Progressive Alliance (RPA) Newsletter, stated that the RPA does not send out anonymous mailers or letters referring to the recent letter sent to various churches speaking negatively about Councilmember Boozé

Apostle Frederick Hamilton stated that he was disturbed with the letter his church received regarding the dispute between Councilmembers Ritterman and Boozé.

Dr. Connie Portero spoke against any form of character assassination directed at anyone.

Gerald Bilbo, Pam Saucer Bilbo, Teri James, and Jackie Thompson spoke in favor of Councilmember Boozé and against the anonymous letter that was mailed depicting Councilmember Boozé negatively.

Jan Mignone, President of the North & East Neighborhood Council, expressed her support for the newly formed North & East Tree Team.

Tarnell Abbott, member of the Richmond Progressive Alliance, stated that their group only endorses those candidates that do not accept donations from corporations. For more information, visit www.richmondprogressivealliance.net

Kenneth Davis thanked the Mayor and Councilmembers for attending and participating in the North Richmond neighborhood group election.

Alvin Duncan stated he does not feel safe in his community and he and a group of his peers are planning to go into the community and make changes.

Texanita Bluitt stated that the school district plans to build a temporary school behind Kennedy High School to bus children from Coronado Elementary School to Richmond High School and is concerned with young children and high school students being mixed together.

Verna Lee stated she no longer feels safe driving her car around Richmond.

Andres Soto invited everyone to the North Richmond Shoreline Festival on Saturday, October 8, 2011 from 10 a.m. to 5 p.m.

Theresa Barquet stated that she volunteers at juvenile hall and some of the young men spoke very highly of Corporal Larry Lewis.

Juana Anker stated that the behavior of the Councilmembers is not acceptable.

Eduardo Martinez asked everyone to call Tom Torlackson at (925)682-9998 to urge him to pay the West Contra Costa Unified School District's \$8.1 million debt.

Amanda Elliot, Executive Director of Richmond Main Street, stated that the Spirit & Soul Festival will be held on Saturday, September 17, 2011, from 12-4 p.m.

AGENDA REVIEW

Item I-2 was withdrawn from the agenda and will be brought back to the agenda once the Supreme Court makes their decision. Items H-1, H-5, H-9, H-12, H-13, H-14, H-15, H-17, H-19, H-22, and H-23 were removed from the Consent Calendar. Vice Mayor Butt requested that Item H-4 be held over for two weeks. Councilmember Bates requested that Items J-1 and J-3 be heard after proclamations.

*The speakers for Consent Calendar items H-5, H-13, H-14, H-19, H-22, and H-23 left the meeting and a motion By Vice Mayor Butt, seconded by Councilmember Ritterman, placed the items back on the Consent Calendar, by the following vote: **Ayes:** Councilmembers Beckles, Boozé, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** None. **Absent:** Councilmember Bates. **Abstain:** None.*

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Mayor McLaughlin presented a proclamation Calling for Mourning in the City of Richmond for the

Lives Lost to Violence over the Summer of 2011. The following individuals gave comments: Mark Wassberg, Cordell Hindler, Pastor Vincent Maryweather, Airbell White, Jackie Thompson, Tarnell Abbott, Janice Shaw, Juan Reardon, Florence Spencer, Rev. Kenneth Davis, Andres Soto, and Antwon Cloird.

Mayor McLaughlin presented a proclamation in recognition of Blair Underwood and the contributions to Richmond PAL, the Eagles Football League, and Richmond Main Street through partnering with the Red Carpet Experience Concert at the Craneway Pavilion on September 24, 2011. The following individuals gave comments: Amanda Elliot, Cordell Hindler, and Mark Torres.

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

City Attorney, Randy Riddle, reported that the matter of Harris vs. City of Richmond was settled in the amount of \$27,500 with Vice Mayor Butt voting no and Councilmember Bates absent.

CITY COUNCIL CONSENT CALENDAR

On motion of Councilmember Ritterman, seconded by Councilmember Rogers, the item marked with an asterisk (*-) was approved by the unanimous vote of the City Council:

The matter to approve a contract with D.M.G. Janitorial Services of Richmond for restroom cleaning services at Jay and Barbara Vincent Park, Shimada Park, Lucretia Edwards Park, Nevin Park, Nicholl Park, Martin Luther King Jr. Park (MLK), and the North Richmond Ballfield in an amount not to exceed \$13,328 was presented. The contract term will be November 1, 2011, to June 30, 2012. Councilmember Boozé asked why public works employees cannot complete this work. City Manager, Bill Lindsay, replied that \$13,000 would not be enough to add another employee to the payroll to do the work. A motion by Councilmember Ritterman, seconded by Councilmember Beckles, approved the contract by the following vote: **Ayes:**

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

*-Adopted **Ordinance No. 19-11** setting the tax rate for the Pension Tax Override for Fiscal Year 2011-2012 at 0.14% and re-establishing procedures in the Municipal Code to levy Pension Tax Override on the Contra Costa County Property Tax Roll.

*-Approved the minutes of the May 24, 2011, June 21 and 28, 2011, and July 19, 2011, meetings.

HELDOVER an ordinance (second reading) amending Chapter 9.50 of the Richmond Municipal Code to provide a specific definition of what constitutes a "Managed Landscape or Garden Area," and to allow the city manager or his designee the authority to promulgate rules and regulations specifying the type of landscape management required for particular plant species.

*-Adopted **Ordinance No. 20-11**, amending Chapter 9.24 of the Richmond Municipal Code to eliminate the requirement to obtain a permit from the health department before keeping bees or maintaining an apiary within the City of Richmond.

*-Approved a second contract amendment with Burke, Williams & Sorensen, LLP for representation in connection with defense of Jandali vs. City of Richmond, increasing the contract amount by \$10,000, for a total of \$35,000.

*-Approved the sole-source purchase of a New World Systems ProQA software site license and interface (for a two-year period), for the purpose of improving the manner in which emergency medical calls for service are dispatched, in an amount not to exceed \$21,820.

*-Approved an amendment to the contract with Alliance Graphics, Inc. to provide additional graphic arts and products services for RichmondBUILD Green Careers Academy through May 31, 2012, and

increasing the contract amount by \$10,000 for a total amount not to exceed \$29,500.

*- Approved a contract with the Oakland Private Industry Council (OPIC) to procure goods and services on behalf of RichmondWORKS and in support of East Bay Works One Stop Career Center System for a contract term of September 13, 2011, through June 30, 2012, in an amount not to exceed \$34,046.

*-Introduced an ordinance (first reading) establishing the wages, salary, and compensation for the new classification of Code Enforcement Superintendent (Salary Range No. 064D, \$7,277 - \$8,829/month). This position will provide management assistance to the Code Enforcement Manager.

*- Adopted **Resolution No. 79-11**, amending the City of Richmond's Position Classification Plan to add the new classification of Code Enforcement Superintendent. This position will provide management assistance to the Code Enforcement Manager.

The matter to approve the following appointments and reappointments: Arts and Culture Commission: Sunny Woan, term expiring January 31, 2015; Design Review Board: Donald Woodrow, Incumbent, term expiring June 1, 2013; Robin Welter, term expiring September 13, 2013; Economic Development Commission: Amanda Elliott, term expiring March 30, 2014; Katrinka Ruk, Incumbent, term expiring March 30, 2014; Historic Preservation Commission: Kimberly Butt, Incumbent, term expiring July 31, 2013; Sandi Genser-Maack, Incumbent, term expiring July 31, 2013; Patricia Pearson, Incumbent, term expiring July 31, 2013; Recreation and Parks Commission: Apostle Frederick Hamilton, term expiring October 26, 2014; Richmond-Zhoushan Friendship Commission: Lucy Zhou, Incumbent, term expiring July 22, 2013; Workforce Investment Board: Len Turner of Turner Group Construction; Rigoberto Mendoza-Chavez of Rigo's Auto Sales; Youth Baseball Advisory Commission: Imaayu Hancock, Incumbent, term expiring July 22, 2014 was presented. Councilmember Boozé stated he felt disrespected as the

liaison to the Recreation and Parks Commission because he was not contacted by Mayor McLaughlin to discuss the recommended appointment of Apostle Frederick Hamilton to the Recreation and Parks Commission. Mayor McLaughlin replied that it has not been customary in the past to do so and any Councilmember is welcome to make recommendations to any board or commission. City Clerk, Diane Holmes, stated that the City Clerks Office can copy the applications and provide them to the City Council in their council packet. A motion by Councilmember Boozé, seconded by Councilmember Ritterman, approved the appointments by the following vote: **Ayes:** Councilmembers Beckles, Boozé, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** None. **Absent:** Councilmember Bates. **Abstain:** None.

(12:05 p.m. - A motion was made by Councilmember Boozé, seconded by Mayor McLaughlin, extended the meeting 5 minutes. Vice Mayor Butt objected.)

*-Approved a contract amendment to the existing contract with the Richmond Art Center, terminating December 31, 2011, by extending the termination date to June 30, 2012, and paying the Council-authorized amount of \$60,000 to support ongoing arts programs and collaborations with the City, as allocated in the Fiscal Year 2011-2012 General Fund budget.

*-Adopted **Resolution No. 80-11** directing and authorizing staff to adjust the city's Fiscal Year 2011-2012 budget to recognize the establishment of a "Downtown Revitalization Project Fund" as per City Council Resolution 28-10, using remaining Civic Center Project funds, and to adjust the Fiscal Year 2011-2012 budget to provide funding for the following specific projects and activities from said funds: (1) the DP Security contract for Civic Center Security in the amount of \$450,000 for Fiscal Year 2011-2012; (2) the Main Street Initiative Contract in the amount of \$200,000 for Fiscal Year 2011-2012; and (3) the grant match of \$150,000 for a National Endowment for the Arts (NEA) grant for the East Bay Center for the Performing Arts' historic Winters Building.

The matter to approve grant-funded international travel to the World Health Organization's 5th Milestones Meeting from September 2, 2011, through September 12, 2011, in Cape Town, South Africa by the Director of the Office of Neighborhood (ONS), as a speaking participant and by three additional ONS staff members as attendees at this meeting was presented. The total cost of the trip was completely grant-funded. Councilmember Boozé asked who went on the trip and requested the salary cost incurred by the City per employee who attended the conference. Jackie Thompson gave comments. A motion by Councilmember Boozé, seconded by Councilmember Rogers approved the travel by the following vote: **Ayes:** Councilmembers Beckles, Boozé, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** None. **Absent:** Councilmember Bates. **Abstain:** None.

*-Approved the purchase of a replacement tractor from Fernbridge Tractor and Equipment for use by the Parks and Landscaping Division of Public Works in an amount not to exceed \$42,000.

The matter to approve the sole-source purchase of a New World Systems Pawn Shop two-year site license not to exceed \$18,780 to facilitate the ongoing online retrieval of pawn slips from area pawn shops was presented. Councilmember Boozé asked if this money can be used to repair or replace surveillance cameras in the City and will discuss this further with the City Manager. A motion by Councilmember Boozé, seconded by Councilmember Beckles, approved the purchase by the following vote: **Ayes:** Councilmembers Beckles, Boozé, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** None. **Absent:** Councilmember Bates. **Abstain:** None.

*-Approved the sole-source purchase of New World Systems Online Property Software to streamline police-related data entry and access, in an amount not to exceed \$17,407.

*-Approved a contract with Bay Area Community Resources to provide an AmeriCorps member to support the Environmental Initiatives

Division of the City Manager's Office with the implementation of greenhouse gas (GHG) reduction and climate action efforts for an amount not to exceed \$17,100 with a term ending September 30, 2012.

*-Approved contract amendment No. 1 with Gordon & Rees Attorneys for the evaluation and legal review of the City's wastewater operations, increasing the current contract amount by \$85,000, bringing the total amount not to exceed \$95,000.

*-Adopted **Resolution No. 81-11**, supporting collaboration with the West Contra Costa Integrated Waste Management Authority (WCCIWMA)/RecycleMore) and its member agencies on a regional approach to develop a single-use bag ordinance and to conduct environmental review for such an ordinance.

*-Approved a grant-funded contract with Richmond Courtyard by Marriot to provide use of its conference facilities to conduct mandated police training for the period August 22, 2011, to October 7, 2011, in an amount not to exceed \$22,000.

*-Approved a grant-funded contract with Stir Fry Seminars and Consulting to provide cultural awareness-diversity training for police personnel during the period August 22, 2011, to October 7, 2011, in an amount not to exceed \$30,000.

*- Approved an amendment to the contract with Harris Corporation for maintenance of the city's existing 800MHz radio system, extending the term for an additional year, from October 1, 2011, to September 30, 2012, and increasing the amount by \$599,679 for a total contract amount not to exceed \$1,288,078.99.

*- Adopted **Resolution No. 82-11** accepting grant funds in the amount of \$103,581 awarded to the Richmond Police Department from the State of California Supplemental Law Enforcement Services Fund (SLESF) to augment training, overtime, and equipment purchases during Fiscal Year 2011-2012.

ORDINANCES

(11:00 p.m. - A motion was made by Councilmember Ritterman, seconded by Councilmember Beckles, extended the meeting 30 minutes. Councilmember Boozé objected)

The matter to introduce an ordinance amending Richmond Municipal Code Section 7.102.060 (concerning the operations of Medical Marijuana Collectives) to require Collectives operating within the city to obtain their marijuana from those who grow outdoors without artificial lights, or who grow indoors using only solar-powered artificial lighting was presented by Vice Mayor Butt. Police Chief, Chris Magnus, expressed concern on how and by whom the ordinance would be enforced. The following individuals gave comments: Raymond Landry, Kenneth Davis, Juana Anker, Carlos Plazola, Laura Blair, Ken Estes, and Mark Wassberg. A motion by Vice Mayor Butt, seconded by Councilmember Ritterman to introduce the ordinance, failed, by the following vote: **Ayes:** Councilmember Ritterman, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** Councilmember Boozé. **Absent:** Councilmember Bates. **Abstain:** Councilmembers Beckles and Rogers.

(11:33 p.m. - A motion was made by Councilmember Ritterman, seconded by Mayor McLaughlin, extended the meeting 20 minutes. Councilmember Boozé and Vice Mayor Butt objected)

WITHDREW the matter to introduce an ordinance (first reading) approving an Alternative Voluntary Redevelopment Program (AVRP), pursuant to Part 1.9 of Division 24 of the California Health and Safety Code, which allows the Agency to continue to operate if the court upholds recent state legislation (Assembly Bill 1X 27), which is currently being litigated, and direct the Community and Economic Development Director to transmit the ordinance to the appropriate state and local agencies was presented.

The matter to introduce an ordinance (first reading) of the City of Richmond adding Chapter 11.05 to Article XI of the Richmond Municipal Code

prohibiting possession or discharge of fireworks was presented by Vice Mayor Butt. Cordell Hindler gave comments. A motion made by Councilmember Boozé, seconded by Councilmember Beckles, introduced said ordinance and was laid over two weeks for second reading, by the following vote: **Ayes:** Councilmembers Beckles, Boozé, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** None. **Absent:** Councilmember Bates. **Abstain:** None.

COUNCIL AS A WHOLE

The matter to receive a report from staff regarding existing bases for terminating Veolia's contract with the City and either: 1) Terminate the City's contract with Veolia; or 2) Direct staff to present a report at the December 6, 2011, Council meeting regarding Veolia's performance, an update on Veolia's compliance with legal requirements, and determine at that time whether to terminate the Veolia contract was presented by Chad Davisson, Mark Russell, Gordon & Rees. Staff continues to investigate and review issues relating to Veolia's operations of the facility including conducting a third party safety evaluation and review of Veolia's performance and operational standards. Staff expects the third party safety evaluation and outside investigations to be completed within the next 60-90 days. At that time, more information will be available regarding the violations and staff will be able to provide the Council a complete report on the City's options and recommendations for appropriately addressing the Veolia contract. The following individuals gave comments: Raymond Landry, Maureen Decombe, Eduardo Martinez, and Charles Smith. A motion by Councilmember Boozé, seconded by Councilmember Ritterman, staff will present a report to the City Council on December 6, 2011 on whether to terminate the Veolia contract. Discussion ensued. Councilmember Bates made a substitute motion that staff present a report at the December 6, 2011, Council meeting regarding Veolia's performance, an update on Veolia's compliance with legal requirements, and determines at that time whether to terminate the Veolia contract and delete the threat of termination, died for lack of a second. The original motion passed by the following vote: **Ayes:** Councilmembers Beckles, Boozé,

Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** Councilmember Bates. **Absent:** None. **Abstain:** None.

The matter to receive a presentation concerning new National Pollutant Discharge Elimination System (NPDES) permit requirements, cost impacts to the City of Richmond, and options for funding the obligations under these permit requirements, and direct staff to support the countywide initiative proposed by the Contra Costa Clean Water Program was presented by Lynn Scarpa, Stormwater Department. A PowerPoint presentation was given by Donald Freitas, Contra Costa County Clean Water Project Manager, and John Bliss, Vice President, SCI Consulting Group. If the initiative is approved, the City of Richmond stormwater enterprise fund will receive approximately \$590,000 in additional revenue beginning in FY 2012-13 to comply with the additional requirements to manage the stormwater program. A motion by Councilmember Ritterman, seconded by Councilmember Beckles, directed staff to support the countywide initiative, passed by the following vote: **Ayes:** Councilmembers Beckles, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** None. **Absent:** Councilmember Bates. **Abstain:** Councilmember Boozé.

The matter to consider approving a request by William Harrison and Larry Flick, Founders and Directors of Greenleaf Natural Wellness Collective, for an appeal to continue in the review process for a medical marijuana permit was presented. The following individuals gave comments: Bill Harrison, Laura Blair, Dr. Landry, Carlos Plazola, Ken Estes, and Juana Anker. The Greenleaf collective did not submit the required fees upon submission of their application. Councilmember Beckles made a motion, seconded by Mayor McLaughlin to deny the appeal. Discussion ensued. Councilmember Boozé wants an additional collective to be allowed to operate in the City, bringing the total number of collectives to four, which will be agendaized for a future Council meeting. A substitute motion made by Councilmember Bates, seconded by Councilmember Ritterman, granted the appeal and will accept the \$16,000 fee from the Greenleaf Collective,

which will be due by 5 p.m., Thursday, September 15, 2011, passed by the following vote: **Ayes:** Councilmembers Bates, Boozé, Ritterman, Rogers. **Noes:** Councilmember Beckles, Vice Mayor Butt, and Mayor McLaughlin. **Absent:** None. **Abstain:** None.

Councilmember Bates left the meeting at 10:54 p.m.

*The speakers for Consent Calendar items H-5, H-13, H-14, H-19, H-22, and H-23 left the meeting and a motion By Vice Mayor Butt, seconded by Councilmember Ritterman, placed the items back on the Consent Calendar, by the following vote: **Ayes:** Councilmembers Beckles, Boozé, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** None. **Absent:** Councilmember Bates. **Abstain:** None.*

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

Councilmember Ritterman reported that he was recently in Washington, D.C. lobbying with CyberTran.

Councilmember Boozé reported that Chevron Corporation donated \$100,000 to the RichmondBuild Program so that the YouthBuild program could continue.

ADJOURNMENT

There being no further business, the meeting adjourned at 12:23 a.m. in memory of longtime community advocate, Fred Jackson, and Marilyn Harrison, Gompers School, to meet again on Tuesday, September 20, 2011.

City Clerk

(SEAL)

Approved:

Mayor