

**RICHMOND, CALIFORNIA,  
December 6, 2011**

The Richmond City Council Evening Open Session was called to order at 5:08 p.m. by Mayor Gayle McLaughlin.

**ROLL CALL**

**Present:** Councilmembers Beckles, Vice Mayor Butt, Ritterman, and Mayor McLaughlin. **Absent:** Councilmember Bates, Boozé, and Rogers arrived after adjourning to Closed Session.

**PUBLIC COMMENT**

None.

**ADJOURN TO CLOSED SESSION**

The City Council adjourned to Closed Session at 5:09 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:

**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**

**REDEVELOPMENT AGENCY**

**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 5:09 p.m. The Closed Session adjourned at 6:35 p.m. The Regular Meeting of the Richmond City Council was called to order at 6:36 p.m. by Mayor Gayle McLaughlin who led the Pledge of Allegiance to the Flag.

## **RICHMOND CITY COUNCIL**

### **ROLL CALL**

**Present:** Councilmembers, Beckles, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin.  
**Absent:** Councilmembers Bates and Boozé.

### **STATEMENT OF CONFLICT OF INTEREST**

None.

### **OPEN FORUM FOR PUBLIC COMMENT**

Frederick Franklin and Cheryl Maier invited everyone to a history presentation to be given by historian Runoko Rashidi on Saturday, December 17, 2011, from 4 pm to 8 pm at the Nevin Community Center. For more information, call 510-236-5812.

Andres Abarra stated that it is not being discriminatory if you are asked to leave the City Council meeting if you are being disruptive.

Mason Salvador thanked the city and City Council for reducing the fees that sports teams have to pay for use of playing fields.

Texanita Bluitt thanked the city for fixing the issues regarding the sidewalks in her neighborhood that were causing pedestrian accidents.

Jose Reyes expressed disappointment with the way the City Council acted at the last council meeting by being disruptive and disrespectful to one another.

Tamisha Walker thanked the City Council for passing the Ban-the-Box resolution.

Richard Boyd stated that the community should not continue to be divided by the use of the word “racism” that is used frequently at City Council meetings.

Jeff Rutland asked the Council how he and the community can help the City Council be more effective and conduct more efficient council meetings.

Laverne Vaughn expressed disappointment regarding the City Council’s behavior by some members making racially divisive comments and using abusive language.

Bernice Peoples thanked Veolia Waters, Inc. for a generous donation to Sharonda Williams, who is currently training for the 2012 Olympic Games.

Simms Thompson stated that the image of the city needs to drastically change.

Diego Garcia, co-chair of the Richmond Safe Coalition and President of the Richmond Sol Soccer Club, presented the City Council with yearbooks in gratitude for their support throughout the year.

Gilbert Rodriguez, President of the Richmond United Soccer Club and Co-Chair of the Richmond Safe Coalition, asked for support from the city for the use of more than one soccer field.

Eduardo Martinez, co-facilitator of the SAFE Coalition, thanked the City Council and the City Manager for meeting with their group.

Melinda Rideau, Vice President of the Richmond Eagles Pop Warner Cheer Team, thanked the City Council for their support.

Eleanor Thompson stated that the City Council must not treat each other with disrespect.

Rev. Alvin Bernstein stated his support for the Mayor wanting to establish order in the Council Chambers pertaining to dealing with those who disrupt

the meetings and continue to speak after their time for comments to the City Council have expired.

Michael Beer suggested that the city build our utilities underground.

Jackie Thompson stated that some people have stated that councilmembers have threatened each other, which she has not observed. Ms. Thompson also thanked the City for having the sidewalk paved on Stege Avenue.

Minister Cochise Potts thanked the residents of Parchester Village for giving the police department information regarding a murder that occurred in their neighborhood, which led to the arrest of the suspect.

Jose Jimenez, Richmond Sol Soccer Team, thanked the city for the use of Martin Luther King Park.

Antwon Cloird apologized to the Office of Neighborhood Safety (ONS) Department for past negative comments that he has made about his perceived lack of the department's ability to curtail the city's violence. Mr. Cloird stated that the group "Men and Women of Purpose" are willing to work with ONS in order to make a positive change for Richmond.

Leonard Taylor thanked the city for improving the sewer pipelines on his street.

Mariz De Los Santos invited everyone to attend the Richmond Rockets professional basketball team game on Saturday, December 10, 2011, at the Richmond Police Activities League building at 2200 Macdonald Avenue. Tickets are \$10. More information is available at [www.Richmondrockets.net](http://www.Richmondrockets.net).

Kenneth Davis stated that he was removed from the Richmond Progressive Alliance because the group did not want any African Americans members.

Tarnel Abbot invited everyone to celebrate the 12<sup>th</sup> Anniversary of the sister city relationship between Richmond and Regla, Cuba on December 9, 2011, at 6:30 p.m. in the Richmond Main Library Community Room.

Michael Parker stated that hundreds of people attended the Contra Costa County Board of Supervisor's meeting this morning due to the many cuts that the board is proposing.

*A motion by Councilmember Boozé, seconded by Councilmember Bates, to allow Councilmember Boozé to make comments. The motion passed by the following vote: **Ayes:** Councilmembers Bates, Booze, Rogers, and Vice Mayor Butt. **Noes:** Councilmember Beckles, and Mayor McLaughlin **Abstain:** Councilmember Ritterman. **Absent:** None.*

*Councilmember Boozé gave comments regarding the incident when Kenneth Davis was removed from the Council Chambers. Councilmember Boozé cautioned the Mayor and Councilmembers about disrespecting the public due to the many incidences of violence and shootings that have occurred in other governmental meetings. Councilmember Boozé stated that he is opposed to the public being denied their right to free speech.*

*A motion by Councilmember Beckles, seconded by Councilmember Ritterman to limit Councilmember Booze's discussion was withdrawn.*

### **AGENDA REVIEW**

Item I-1 was withdrawn from the agenda. Items G-14, J-1, and L-4 were continued. Items G-4, G-10, G-12, G-13, G-15, G-16, G-17, G-18, G-19, G-20, and G-22 were removed from the Consent Calendar. Item L-1 will be heard directly after approval of the Consent Calendar.

*The speakers for Consent Calendar items G-10 and G-22 asked that those items be placed back on the Consent Calendar.*

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

Attorney Bruce Goodmiller stated that there were no reportable actions taken during Closed Session.

**CITY COUNCIL CONSENT CALENDAR**

On motion of Councilmember Ritterman, seconded by Councilmember Beckles, the items marked with an asterisk (\*-) were approved by the unanimous vote of the City Council:

\*-Approved a contract with Legend Construction & Painting, Inc. to construct improvements at Fire Station 67, located at 1131 Cutting Boulevard, adding gender-specific restroom facilities, in an amount not to exceed \$65,000.

\*-Approved a contract with Plant Hazardous Services Inc. to perform asbestos abatement prior to construction of improvements at Fire Station 67, located at 1131 Cutting Boulevard, to add gender-specific restroom facilities, in an amount not to exceed \$13,950.

\*-Authorized the Library and Cultural Services Director to accept the Library Services and Technology Act (LSTA) Funds in the amount of \$11,655, and APPROVE an amendment to the Fiscal Year 2011-12 Operating Budget to increase library fund revenue and expenditures in the amount of \$11,655 for the purpose of providing a Summer Reading Camp Program at the Main Library in 2012.

The matter to approve the Preliminary 2012/2013 North Richmond Waste and Recovery Mitigation Fee Expenditure Plan providing for the initial six months of service operations based on the previously-approved funding strategies until a final 2012-2013 Expenditure Plan has been approved was presented. A motion by Councilmember Ritterman, seconded by Councilmember Rogers, approved the contract by the following vote: **Ayes:** Councilmembers

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

\*-Approved a legal services agreement with Colantuono & Levin, P.C. for representation in connection with public finance issues, in an amount not to exceed \$10,000, and with a term ending June 30, 2012.

\*-Approved a legal services agreement with Burke Williams & Sorensen, LLP, in an amount not to exceed \$9,000, and with a term ending June 30, 2012, to provide legal research and advice on the City of Richmond's Medical Marijuana Collective Permitting Program.

\*-Approved a grant-funded contract with EHS International, Inc. for a series of hazardous materials trainings at RichmondBUILD Green Careers Academy in an amount not to exceed \$95,000, and a contract term from January 1, 2012, through December 31, 2013.

\*-Approved a grant-funded amendment to the contract with Net Electric, Inc. to continue vocational electrical training at the RichmondBUILD Green Careers Academy. The contract amount will be increased by \$25,000, for a total amount not to exceed \$85,000, and a contract term from May 24, 2010, through December 31, 2012.

\*-Approved a grant-funded contract with Straight Talk on Prison (STOP) for coordination of the academic program provided to youth enrolled in the year-round YouthWORKS Case-Managed Program in an amount not to exceed \$45,000, and a contract term from December 6, 2011, through June 30, 2012.

\*-Approved a grant-funded amendment to the contract with the Oakland Private Industry Council to process Individual Training Accounts for the Workforce Investment Act and RichmondBUILD Program participants. The contract term will be July 5, 2011, through September 30, 2012. The contract amount will be increased by \$275,000 in an amount not to exceed \$374,000 was presented. (*This item was*

*reviewed and recommended for approval by the Finance Committee at its November 4, 2011, meeting).*

\*-Approved the minutes of the September 13, 2011, and October 18, 2011, City Council Meetings.

The matter to adopt a resolution accepting the wastewater collection system master plan was presented. *The master plan was presented to the City Council at the November 22, 2011, meeting.* A motion by Councilmember Ritterman, seconded By Councilmember Boozé, adopted **Resolution No. 111-11**, by the following vote: **Ayes:** Councilmembers Boozé, Ritterman, Rogers, and Mayor McLaughlin. **Noes:** None. **Absent:** Councilmembers Bates, Beckles, and Vice Mayor Butt. **Abstain:** None.

The matter to approve an amendment to the contract with the law firm of Renne, Sloan, Holtzman & Sakai, LLP, for continued services as City Attorney for the period of January 10, 2012, through March 10, 2012, in an amount not to exceed \$100,000 was presented. Jerome Smith gave comments. A motion by Councilmember Boozé, seconded by Councilmember Ritterman, approved the amendment by the following vote: **Ayes:** Councilmembers Boozé, Ritterman, Rogers, and Mayor McLaughlin. **Noes:** None. **Absent:** Councilmembers Bates, Beckles, and Vice Mayor Butt. **Abstain:** None.

**HELDOVER** to January 2012, a report from Municipal Resource Group, LLC (MRG) consultants regarding findings and recommendations resulting from their service as interim director for the Library and Cultural Services Department and from related consulting services for the Richmond Public Library (*A recommendation regarding this report was not made by the Finance Committee due to lack of a quorum at its meeting of December 2, 2011*).

The matter to approve a contract amendment with BioMax Environmental Services, LLC for continued on-call services to monitor and investigate levels of hydrogen sulfide gas at and around the wastewater treatment plant, Point Richmond, Washington Elementary School, and other neighboring

areas, in the amount of \$75,700, for a total contract amount not to exceed \$200,700 was presented. Naomi Williams and Paul Maio gave comments. A motion by Councilmember Boozé, seconded by Councilmember Rogers, approved the amendment by the following vote: **Ayes:** Councilmembers Boozé, Ritterman, Rogers, and Mayor McLaughlin. **Noes:** None. **Absent:** Councilmembers Bates, Beckles, and Vice Mayor Butt. **Abstain:** None.

Approved a three-year contract with Lincoln Equipment, Inc. to supply and deliver pool chemicals to the Richmond Swim Center and the Richmond Municipal Natatorium on an as-needed basis, in an amount not to exceed \$120,000 per fiscal year through Fiscal Year 2013-2014. Naomi Williams gave comments. A motion by Councilmember Rogers, seconded by Councilmember Ritterman, approved the contract by the following vote: **Ayes:** Councilmembers Boozé, Ritterman, Rogers, and Mayor McLaughlin. **Noes:** None. **Absent:** Councilmembers Bates, Beckles, and Vice Mayor Butt. **Abstain:** None. (*This item was not reviewed by the Finance Committee due to lack of a quorum at its December 2, 2011, meeting*).

Adopted a resolution that approves a 3% annual cost-of-living increase, in addition to the 2% minimum cost-of-living increase, for the recipients of the General Pension Fund, for a total annual cost-of-living increase of 5% for these recipients by the following vote: A motion by Councilmember Rogers, seconded by Councilmember Ritterman, adopted **Resolution No. 112-11**, by the following vote: **Ayes:** Councilmembers Boozé, Ritterman, Rogers, and Mayor McLaughlin. **Noes:** None. **Absent:** Councilmembers Bates, Beckles, and Vice Mayor Butt. **Abstain:** None. (*This item was not reviewed by the Finance Committee due to lack of a quorum at its December 2, 2011, meeting*).

Approved a contract with Holland and Knight for federal and state lobby services, with an initial term from January 1, 2012, through June 30, 2012, with an option to extend the term through June 30, 2013, at a cost of \$15,000 per month (\$180,000 annually), with funding from the City of Richmond and the Richmond Community Redevelopment Agency. (*This item was not reviewed by the Finance Committee due to lack of*

*a quorum at its December 2, 2011, meeting*). A motion by Councilmember Rogers, seconded by Councilmember Ritterman, approved the contract by the following vote: **Ayes:** Councilmembers Boozé, Ritterman, Rogers, and Mayor McLaughlin. **Noes:** None. **Absent:** Councilmembers Bates, Beckles, and Vice Mayor Butt. **Abstain:** None.

Adopted a resolution authorizing as-needed electrical contractor services with four electrical contractors: Cirimele Electric Works, Inc. (Richmond); Kray Cabling, Inc. (Richmond); Republic ITS. (Novato); Harris Electric, (Dublin) to perform high voltage and major electrical contract services throughout the city in an amount not to exceed \$75,000 per firm for a three-year period. A motion by Councilmember Rogers, seconded by Councilmember Ritterman, adopted **Resolution No. 113-11**, by the following vote: **Ayes:** Councilmembers Boozé, Ritterman, Rogers, and Mayor McLaughlin. **Noes:** None. **Absent:** Councilmembers Bates, Beckles, and Vice Mayor Butt. **Abstain:** None. *(This item was not reviewed by the Finance Committee due to lack of a quorum at its December 2, 2011, meeting)*

Approved the purchase of 650 desktop computers from Dell, Inc. for a "technology refresh" of computer equipment in an amount not to exceed \$582,929 with a motion by Councilmember Rogers, seconded by Councilmember Ritterman, by the following vote: **Ayes:** Councilmembers Boozé, Ritterman, Rogers, and Mayor McLaughlin. **Noes:** None. **Absent:** Councilmembers Bates, Beckles, and Vice Mayor Butt. **Abstain:** None. *(This item was not reviewed by the Finance Committee due to lack of a quorum at its December 6, 2011, meeting)*

\*-Adopted **Resolution No. 114-11** accepting the City of Richmond's updated Fiscal Year 2011-12 authorized broker/dealer list to allow broker/dealers to offer the City of Richmond investment instruments in accordance with Government Code 53601 *(This item was not reviewed by the Finance Committee due to lack of a quorum at its December 2, 2011, meeting)*.

\*-Adopted **Ordinance 24-11 N.S.**, amending the Multi-unit Smoking Ordinance (Chapter 9.57 of

Richmond Municipal Code) to clarify definitions, legal and evidentiary provisions, and strengthen legal and administrative remedies.

## **PUBLIC HEARINGS**

City Clerk, Diane Holmes announced that it was time pursuant to public notice to hold a public hearing to consider six applications to establish medical marijuana collectives in the City of Richmond. The applicants are: Richmond Compassionate Care Collective dba Greenheart; Green Remedy Collective; Granddaddy purp Collective dba GDP Collective; 7-Stars Holistic Healing Center; Holistic Healing Collective; and Greenleaf Natural Wellness. The City Council may approve up to four permits to operate medical marijuana collectives. Assistant City Attorney Mary Renfro gave an overview. The City of Richmond received six applications to establish medical marijuana collectives during the application period. The application materials were reviewed first by members of the Richmond Police Department Regulatory Unit, and then distributed to staff members in the Building, Code Enforcement, Fire, and Planning Departments. In accordance with City Council Resolution 136-10, staff rated each applicant's competence to operate a collective and prevent diversion of marijuana to the criminal market; strength of security plan; and provision of social or health-related benefits to the member population in addition to supplying medical marijuana. Mayor McLaughlin declared the public hearing open. The following individuals gave comments: John Valdez, Ken Estes, Bill Coshal, Rebecca Vasquez, Jason Newell, Sharon Golden, Linda Blair, Helen Chisum, John Marquez, Sharon Golden, Sean Cambern, Kirk Wood, Laura Blair, Bea Roberson, Zeaad Handoush, Terry Qwan, Rafael Madrigal, James Anthony, and Dorji Roberts. *(A motion by Councilmember Ritterman, seconded by Mayor McLaughlin extended the meeting until all items are discussed, passed by the following vote: **Ayes:** Councilmembers Bates, Boozé, Ritterman, and Rogers. **Noes:** Councilmember Beckles. **Absent:** Vice Mayor Butt. **Abstain:** Mayor McLaughlin).* A motion by Councilmember Rogers, seconded by Councilmember Boozé, closed the public hearing by the unanimous vote

of the council. A motion by Councilmember Bates, seconded by Councilmember Beckles, to limit each councilmember's comments to 1 ½ minutes each, passed by the following vote: **Ayes:** Councilmembers Bates, Beckles, Ritterman, Vice Mayor Butt, and Mayor McLaughlin. **Noes:** Councilmember Boozé and Rogers. **Absent:** None. **Abstain:** None. Discussion ensued. A motion by Councilmember Rogers, seconded by Councilmember Ritterman, to accept the ranked order that staff gave the six dispensaries that applied, and that the top four be approved. If a dispensary drops out then the next in line will be approved. Councilmember Ritterman withdrew his second and Councilmember Rogers' motion died for lack of a second. A motion by Councilmember Ritterman to approve the top four dispensaries as listed by staff, failed for lack of a second. A motion by Councilmember Boozé, seconded by Councilmember Bates to vote on each dispensary individually, passed by the unanimous vote of the council. Mayor McLaughlin stated that she will abstain on all of the votes due to general ongoing, unresolved marijuana permitting issues. A motion by Councilmember Bates, seconded by Councilmember Ritterman, to approve 7 Stars Holistic Healing Center, failed by the following vote: **Ayes:** Councilmembers Bates, Ritterman, and Rogers. **Noes:** Councilmember Boozé. **Absent:** Vice Mayor Butt. **Abstain:** Councilmember Beckles and Mayor McLaughlin. A motion by Councilmember Rogers, seconded by Councilmember Ritterman, approved Greenleaf Natural Wellness, by the following vote: **Ayes:** Councilmembers Bates, Beckles, Boozé, Ritterman, and Rogers. **Noes:** None. **Absent:** Vice Mayor Butt. **Abstain:** Mayor McLaughlin. A motion by Councilmember Boozé, seconded by Councilmember Ritterman, approved Green Remedy Collective, by the following vote: **Ayes:** Councilmembers Bates, Beckles, Boozé, Ritterman, and Rogers. **Noes:** None. **Absent:** Vice Mayor Butt. **Abstain:** Mayor McLaughlin. Councilmember Rogers made a motion to approve GranddaddyPurp Collective, which failed for lack of a second. A motion by Councilmember Boozé, seconded by Councilmember Rogers, approved Richmond Compassionate Care Collective dba Greenheart, by the following vote: **Ayes:** Councilmembers Bates, Beckles, Boozé,

Ritterman, and Rogers. **Noes:** None. **Absent:** Vice Mayor Butt. **Abstain:** Mayor McLaughlin. A motion by Councilmember Beckles, seconded by Councilmember Boozé, to approve Holistic Healing, failed by the following vote: **Ayes:** Councilmembers Bates, Beckles, and Boozé. **Noes:** None. **Absent:** Vice Mayor Butt. **Abstain:** Councilmembers Rogers, Ritterman, and Mayor McLaughlin. Mayor McLaughlin ruled that she will not hold the matter to consider the collectives not approved tonight over to a future city council meeting. A motion by Councilmember Bates, seconded by Councilmember Rogers, to overturn the Mayor's decision to not hold this matter over and consider approving a fourth applicant at a future meeting, failed by the following vote: **Ayes:** Councilmembers Bates, Ritterman, and Rogers. **Noes:** Councilmembers Boozé, Beckles and Mayor McLaughlin. **Absent:** Vice Mayor Butt. **Abstain:** None. Attorney Mary Renfro stated that a permit for a fourth dispensary will not be available until December 22, 2011, once the revised ordinance is in effect. A substitute motion was made by Councilmember Ritterman, seconded by Councilmember Rogers to conditionally approve 7-Stars Holistic Healing Center; until such time that the revised ordinance is adopted. Councilmember Boozé suggested that both dispensaries that were not previously approved be reconsidered. The substitute motion failed by the following vote: **Ayes:** Councilmembers Ritterman and Rogers. **Noes:** Councilmember Beckles and Boozé. **Absent:** Vice Mayor Butt. **Abstain:** Councilmembers Bates, and Mayor McLaughlin. A motion by Councilmember Beckles, seconded by Councilmember Boozé, to approve Holistic Healing Collective, failed by the following vote: **Ayes:** Councilmembers Bates, Beckles, Boozé. **Noes:** Councilmembers Ritterman, Rogers, and Mayor McLaughlin. **Absent:** Vice Mayor Butt. **Abstain:** None.

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

**WITHDREW** to revise meeting procedures to avoid the public being inconvenienced or unable to be present at Council meetings by: (1) keeping first and third Tuesday meetings shorter by directing the city

manager to schedule all presentations and proclamations for the fourth Tuesday meeting; and (2) directing the city manager to schedule a time certain for several items at each Redevelopment Agency and City Council Meeting.

## **RESOLUTIONS**

**CONTINUED** a resolution directing the Chief of Police to carefully evaluate all requests for Mutual Aid that involve responding to civil unrest and empowering the Chief to decline to respond to Mutual Aid requests under certain circumstances - Mayor McLaughlin (620-6503) and Councilmember Ritterman (620-6581). *This item was continued from the November 22, 2011, meeting.*

## **ORDINANCES**

The matter to introduce an ordinance amending Richmond Municipal Code Sections 9.20.150 and 9.20.155 to increase the solid waste collection rates to reflect a 3.17% change in the Consumer Price Index (CPI) in accordance with the Franchise Agreement between the City of Richmond and Richmond Sanitary Service was presented. The CPI adjustment of solid waste collection rates for 2012 may have some fiscal impact with regards to higher waste collection costs that are not currently covered by the City's franchise agreement with Richmond Sanitary Service. However, the adjustment will also result in increased franchise fee revenues since the franchise fee received by the City of Richmond is based on a percentage of Richmond Sanitary Service's gross receipts. Councilmember Ritterman asked if Richmond Sanitary Service is contractually obligated to pick up Christmas trees curbside without charging customers an additional fee. Janna Culverson, Richmond Sanitary Service, replied that the trees will be picked up if customers cut the tree up and place it in the green cart, otherwise the tree can be picked up whole curbside for a fee of \$15. City staff and Richmond Sanitary Service are currently discussing a Christmas tree pilot program that involves trees being picked up curbside without a fee. Councilmember Beckles requested a report detailing what services are included in Richmond Sanitary Service customer's

rates, and which are not, that would therefore be subject to an additional fee. A motion by Councilmember Boozé, seconded by Councilmember Rogers, directed the City Manager to continue to work with Richmond Sanitary Service on identifying and resolving contractually obligated service issues and said ordinance was introduced by the following vote: **Ayes:** Councilmembers Bates, Beckles, Boozé, Ritterman, Rogers, and Mayor McLaughlin. **Noes:** None. **Absent:** Vice Mayor Butt. **Abstain:** None.

### **COUNCIL AS A WHOLE**

The matter to receive a report on the health effects of sugary beverages on childhood obesity in Richmond by Contra Costa Public Health Director Wendel Brunner, M.D., Ph D.; and (2) ADOPT a resolution directing staff to prepare for the City Council's review and consideration two draft ballot measures intended for the general election of November 6, 2012, to help diminish the human and economic costs of obesity and dental disease among Richmond residents was presented. Dr. Wendel Brunner made a presentation and stated that 11% of deaths in Richmond are attributed to obesity. It is estimated that in Richmond, 67% of teens consume one or more sugary beverage per day and 21% of adults drink sugary beverages daily. In Richmond, obesity results in the loss of 3 years of life per person due to cardiovascular disease, 9 years of life due to cancer, and 7 years of life due to diabetes. Richmond could implement a variety of local programs to increase healthy eating and promote regular physical activity. The following individuals gave comments: Kenneth Davis, Don Gosney, Diego Garcia, Gilbert Rodriguez, Eduardo Martinez, Michael Beer, Jackie Thompson, Roberto Reyes, Doria Robinson, Sims Thompson, Michael Parker, Leonard Taylor, Charles Smith, Jerome Smith, Cordell Hindler, John Marquez, Jan Schilling, Juana Anker, and Steffan Harvey. Discussion ensued. A motion by Councilmember Ritterman, seconded by Councilmember Beckles, adopted **Resolution No. 115-11**, by the following vote: **Ayes:** Councilmembers, Ritterman, Rogers, and Mayor McLaughlin. **Noes:** Councilmember Boozé. **Absent:** Councilmembers

Beckles, and Vice Mayor Butt. **Abstain:**  
Councilmember Bates.

The matter to (a) AUTHORIZE staff to enter into negotiations with Veolia over the terms of a separation agreement; (b) APPROVE a contract with Carollo Engineering in an amount not to exceed \$80,000 to evaluate options related to the wastewater treatment system infrastructure; (c) AGENDIZE a session at the February 7, 2012, City Council Meeting to discuss Carollo Engineering's recommended options for the wastewater treatment system infrastructure; and (d) CONSIDER taking final action on the Veolia contract on or after the February 7, 2012, City Council Meeting, was presented by Chad Davisson. Everett Jenkins stated that the city and Veolia have agreed to a separation agreement. Chad Davisson gave an overview of the matter. Staff has been working to identify and evaluate both long and short-term options related to the wastewater system infrastructure. Several long-term alternatives involving significant infrastructure improvements and modifications have been identified. These alternatives require a more in-depth analysis of the cost and feasibility. As a result, staff is recommending that the City Council approve a contract with Carollo Engineering to evaluate potential options and to provide a technical analysis of the required cost and timelines for these options. Staff will then bring to the Council specific recommendations and proposed funding mechanisms. The City Council's direction to staff to proceed with negotiating the separation agreement and authorization to perform in-depth analysis of treatment options will provide information to determine the most appropriate course of action for wastewater/stormwater collection and treatment services for both the short and long-term. The following persons gave comments: Charles Smith, James Smith, Martha Mosely, Juana Anker, Wayne Madison, Maureen Decombe, Jim Good, Xina Lyons, and Laura Jeliffe. A motion by Mayor McLaughlin, seconded by Councilmember Ritterman, authorized staff to enter into negotiations with Veolia over the terms of a separation agreement; approved a contract with Carollo Engineering in an amount not to exceed \$80,000 to evaluate options related to the wastewater treatment system infrastructure; to agendize a session at

the February 7, 2012, City Council Meeting to discuss Carollo Engineering's recommended options for the wastewater treatment system infrastructure; and to consider taking final action on the Veolia contract on or after the February 7, 2012. Vice Mayor Butt made a substitute motion that the city does not hire a consultant; instruct staff to move forward to evaluate various options discussed regarding Veolia as soon as possible, such as attempting to move the capital projects forward. Councilmember Rogers made a friendly amendment that staff request proposals for operational and infrastructural needs and return to the City Council in approximately 60 days to discuss the outcome of the proposals and take any necessary action at that time. The friendly amendment was accepted by Vice Mayor Butt. The substitute motion failed by the following vote: **Ayes:** Councilmembers Bates, Rogers, and Vice Mayor Butt. **Noes:** Councilmembers Beckles, Ritterman, and Mayor McLaughlin. **Absent:** None. **Abstain:** Councilmember Boozé. The original motion passed by the following vote: **Ayes:** Councilmembers Beckles, Boozé, Ritterman, and Mayor McLaughlin. **Noes:** Councilmembers Bates, Rogers, and Vice Mayor Butt. **Absent:** None. **Abstain:** None.

*(A motion by Councilmember Rogers, seconded by Mayor McLaughlin, extended the meeting 30 minutes.*

The matter to direct staff to take appropriate action concerning Caltrans' proposed detour due to I-580 replacement project, including scheduling a closed session at the next City Council meeting to discuss whether to commence litigation under CEQA due to Caltrans illegally sneaking Scofield Drive replacement/detour item past the City of Richmond was presented by Councilmember Rogers. Bea Roberson gave comments. A motion by Councilmember Rogers, seconded by Councilmember Ritterman, approved the item by the following vote: **Ayes:** Councilmembers Boozé, Rogers, Ritterman, and Mayor McLaughlin. **Noes:** None. **Absent:** Councilmembers Bates, Beckles, and Vice Mayor Butt. **Abstain:** None.

**CONTINUED** recommendations from the Human Rights Human Relations Commission to post

the City of Richmond Code of Ethics at various points around the City Council Chambers, have this Code of Ethics recited at City Council meetings by a youth or elder, and determine if there is interest among City Councilmembers for attending sensitivity trainings, and take action regarding implementation of these recommendations.

**CONTINUED** a report from the City Attorney's Office regarding the policy and authority of the chair relative to maintaining order in the Council Chamber during public meetings.

**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 2:22 a.m. in memory of Lillie Mae Harper, Dolores Zachary, and Adams School teacher, Savette Sans, to meet again on Tuesday, January 10, 2011.

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City Clerk

(SEAL)

Approved:

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Mayor