

**RICHMOND, CALIFORNIA, March 6,  
2012**

The Regular Meeting of the Richmond City Council was called to order at 6:40 p.m. by Mayor McLaughlin who led the Pledge of Allegiance to the Flag.

**ROLL CALL**

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

**READING OF THE CODE OF ETHICS**

Rosemary Corbin read the Code of Ethics.

**STATEMENT OF CONFLICT OF INTEREST**

City Attorney Bruce Goodmiller stated that he would recuse himself on Item H-19.

**OPEN FORUM FOR PUBLIC COMMENT**

Cordell Hindler expressed his concern for the safety of senior citizens in the City of Richmond.

Pam Bilbo and members of the Men and Women of Valor wished the city manager a happy birthday and presented him with a birthday cake.

Leonard Taylor stated that he would not be able to attend any more City Council meetings until after April 7, 2012.

Gerald Bilbo encouraged the city to support the Men and Women of Valor.

Kenneth Davis encouraged citizens to visit [freerichmond.org](http://freerichmond.org). He also encouraged the City of Richmond to sponsor the Fred Jackson Blues Festival.

Mark Wassberg spoke against taxing sugary beverages.

Antwon Cloird stressed the need to love one another. He also encouraged the City of Richmond to invest in companies that want to do business within the city.

Dwight Adams spoke in support of the Men and Women of Valor.

Sims Thompson encouraged the City of Richmond to improve the bus stops and lighting within the City of Richmond.

Joey Smith stated that ladySmith Enterprises in support of Daughters of Worth Foundation would be holding a free "How To" Workshop 101 for Women on

Saturday, March 31, 2012; Nevin Community Center,  
598 Nevin Avenue.

Teri James spoke in support of the Men and  
Women of Valor.

James Singleton announced that the Richmond  
Steelers Football Team's midget division was  
undefeated and has won two championships. He  
encouraged the City of Richmond to embrace and honor  
the team for its accomplishments.

Michelle Perryman requested that the City of  
Richmond continue funding transportation programs  
that assist in getting children back and forth to school.

Kay Wallis talked about the positive progress of  
the City of Richmond.

Rosemary Corbin announced that the Voices in  
Cloth 2012 Quilt Show would be held at the Craneway  
Pavilion, 1414 Harbour Way South, March 17, 2012,  
through March 18, 2012, 10:00 a.m. to 5:00 p.m.

Gail Madison expressed her disappointment  
with Councilmember Bates, Mayor McLaughlin, and  
the Men and Women of Valor for using the citizens as  
volunteers to cleanup North Richmond without pay or  
proper safety equipment.

Wesley Ellis announced that there were  
openings for the Plumbers and Steamfitters Union  
Apprenticeship Program with Michael Mahoney.  
Individuals interested in participating in the  
Apprenticeship Program may contact Mr. Mahoney at  
the Sierra Adult School, 6028 Ralston, Richmond,  
(510) 215-4666.

Margaret Jordan thanked the Richmond Police  
and Mayor McLaughlin for their support during the  
March for Education from Oakland to Sacramento.

Jackie Thompson announced that  
Councilmember Booze received the following  
information from Senator Nancy Skinner's Office:  
citizens that make less than \$49,000 a year may get  
their taxes done for free. IRS-certified tax preparers  
will see if individuals qualify for over \$5,000 cash back  
from the Earned Income Tax Credit (EITC), Mondays  
and Sundays from 9:00 a.m. to 5:00 p.m., 1865 Rumrill  
Blvd. Suite B. Call (510) 533-8850 for more  
information.

Tarnell Abott announced that the Richmond  
Progressive Alliance would hold a Movie Night,  
featuring "The Heist: Who Stole the American Dream"  
on Friday, March 23, 7:00 p.m. to 9:30 p.m., 1021  
Macdonald Avenue. The movie is a new ground-  
breaking documentary exposing the roots of the  
American economic crisis. A \$10 donation is requested.

Raymond Landry expressed his disagreement with changing the start time of the City Council meetings.

Texanita Bluitt invited everyone to attend the 4th annual “Sisters in Solidarity: Richmond the Beloved Community” at Lovonya DeJean Middle School’s multipurpose room Saturday from 10:00 a.m. to 3:00 p.m.

Marvin Saucer spoke in support of Men and Women of Valor and requested support from the City of Richmond.

Eduardo Martinez stated that the March for Education showed a positive image of Richmond.

The following individuals spoke in support of EasyGo Richmond: Jacqueline Majors, Don Do, Alyssa Lavern, Naydine Monroe, and Veronica Stevens.

Mary Williams thanked Mayor McLaughlin and Councilmember Beckles for holding a meeting with her after their election into office; she was inspired. She also thanked the City Council for the Black History Award.

Mike Parker expressed his disappointment with individuals that have made verbal, untrue attacks against the Richmond Progressive Alliance. He stated that the Richmond Progressive Alliance has issued a statement, in answer to the attacks, at richmondprogressivealliance.net.

### **AGENDA REVIEW**

Removed Items H-2, H-6, H-8, H-11, H-12, H-14, H-15, H-18, and H-19 from the Consent Calendar to be heard at the end of the meeting; withdrew Items H-3 and H-4 from the agenda; moved Items K-3 and K-2 to be heard directly following the approval of the Consent Calendar.

### **CITY COUNCIL CONSENT CALENDAR**

On motion of Councilmember Ritterman, seconded by Councilmember Beckles all item marked with an (\*) were approved by the unanimous vote of the Council.

\*-Approved a contract with Western Roofing Service to replace the existing auditorium roof hatch at Civic Center Plaza, and to install a rail system with a ladder extension to improve safety in accessing the auditorium roof, in an amount not to exceed \$15,000.

In the matter to approve a contract with Sesco Electrical, Inc. for maintenance of the Natatorium pool overhead lighting system located at #1 East Richmond

Avenue, in an amount not to exceed \$10,800 Kenneth Davis and Raymond Landry gave comments. **(Councilmember Beckles left the meeting at 11:25 p.m.)** On motion of Councilmember Ritterman seconded by Vice Mayor Rogers approved the contract by the following vote: **Ayes:** Councilmembers Bates, Booze, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Beckles and Butt.

**Withdrew from the agenda** the matter to adopt an order of vacation for the cul-de-sac portion of South 11th Street adjacent, and south of Florida Avenue, and currently bisecting the campus of the Richmond College Prep Charter School.

**Withdrew from the agenda** the matter to approve the Sewer System Management Plan as required by the State Water Resource Control Board adopted Order No. 2006-0003-DWQ to eliminate sanitary sewer overflows.

\*-Accepted the Port of Richmond Audit report as prepared by Kevin W. Harper, Performance Auditor, and the Five Year Operating Pro-Forma as prepared by Port of Richmond staff.

In the matter to approve a contract with Precision Concrete Cutting to provide concrete sidewalk cutting services to eliminate sidewalk tripping hazards in an amount not to exceed \$40,000 per year on an as-needed basis, and subject to funding availability for a term of three years was presented by City Manager Bill Lindsay. On motion of Councilmember Booze, seconded by Councilmember Ritterman approved a one-year contract in an amount not to exceed 40,000 by the following vote: **Ayes:** Councilmembers Bates, Booze, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Beckles and Butt.

\*-Approved the minutes of the January 17 and 24, 2012, and February 21 and 28, 2012, meetings.

The matter to adopt a resolution authorizing the acceptance and appropriation of \$379,720 in grant funding from the Contra Costa County Health Services Haz Mat Division, as well as approving a two-year agreement from July 1, 2011 to June 30, 2013 between the City of Richmond and Contra Costa County Health Services Haz Mat Division, in support of the Fire Department's Hazardous Material Response Program was **continued to March 20, 2012**.

\*-Adopted **Resolution No. 26-12** accepting and appropriating \$373,813 in grant funding from the Contra Costa County Health Services Haz Mat Division, as well as approving a two-year interagency agreement from July 1, 2011 to June 30, 2013 between the City of Richmond and the Contra Costa County

Health Services Haz Mat Division, in support of the Fire Department's Hazardous Material Response Program for AB 2185 inspections, and hazardous material release response plans and inventory program.

\*-Adopted **Resolution No. 27-12** designating the Standard Oil Administration Building, located at 841 Chevron Way, as a historic resource listed on the Richmond Historic Register, as recommended by the Historic Preservation Commission.

The matter to approve an annual payment of up to \$6,500 to ActiveNetwork for maintenance and support of the Recreation Department's CLASS System used for program registration and facility reservation, and APPROVE a one-time payment of \$9,900 for software and training for the CLASS System was *continued to March 20, 2012*.

The matter to adopt a resolution authorizing the City Manager to execute a contract in an amount not to exceed \$3,500 for services from Catalog Choice to implement a one-year opt-out program to eliminate unwanted junk mail and phone books in Richmond was *continued to March 20, 2012*.

\*-Approved the following appointment:  
Revolving Loan Fund Board: Abiud Amaro Diaz.

The matter to adopt a resolution authorizing the City of Richmond to accept and appropriate \$312,775 in grant funding from the Contra Costa County Health Services Haz Mat Division, and approving a two-year agreement from July 1, 2011 to June 30, 2013 between the City of Richmond and the Contra Costa County Health Services Haz Mat Division to support the training and administrative functions of the Fire Department's Hazardous Material Response Program was *continued to March 20, 2012*.

In the matter to direct the city attorney to urge the State Board of Equalization, through Betty T. Yee, First District Member, to seek review by the California Supreme Court in Western States Petroleum Association vs. State Board of Equalization, a case regarding the property tax assessment method for refineries which was decided against the State Board and which will result in reduced property taxes for refineries in California Kenneth Davis and Eduardo Martinez gave comments. On motion of Councilmember Ritterman, seconded by Vice Mayor Rogers directed the city attorney to urge the State Board of Equalization, through Betty T. Yee, First District Member, to seek review by the California Supreme Court in Western States Petroleum Association vs. State Board of Equalization by the following vote: **Ayes:** Councilmembers Bates, Booze, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Beckles and Butt.

\*-Reviewed and accepted the progress report for the Greenprint Transportation project.

\*-Approved the purchase of annual geographic information system (GIS) software maintenance from Environmental Systems Research Institute (ESRI), in an amount not to exceed \$25,000 per year, with the option to renew for two (2) years.

In the matter to approve a contract with Community Playgrounds for construction services relating to the renovation of the Solano Play Lot in an amount not to exceed \$178,930.40; the contract term will be from March 21, 2012, to December 31, 2012, Kenneth Davis, Raymond Landry, Bea Roberson, and Eduardo Martinez gave comments. On motion of Councilmember Ritterman, seconded by Councilmember Booze approved a contract with Community Playgrounds for construction services relating to the renovation of the Solano Play Lot by the following vote: **Ayes:** Councilmembers Bates, Booze, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Beckles and Butt.

In the matter to approve a contract with new City Attorney Bruce Goodmiller that will provide for a three-year term starting March 8, 2012, an initial base salary of \$16,786 per month with subsequent salary increases subject to a satisfactory performance evaluation, and other specified employment terms Councilmember Bates gave comments. *City Attorney Bruce Goodmiller recused himself on this item.* A motion was made by Councilmember Ritterman, seconded by Vice Mayor Rogers to approve a contract with a goal-setting meeting with new City Attorney Bruce Goodmiller. A substitute motion was made by Councilmember Booze, seconded by Councilmembers Bates to continue the item to give Councilmembers Bates and Butt an opportunity to informally interview Bruce Goodmiller. The substitute motion failed by the following vote: **Ayes:** Councilmembers Bates and Booze. **Noes:** Councilmember Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Abstentions:** None. **Absent:** Councilmembers Beckles and Butt. The original motion to approve a contract with a goal-setting meeting with new City Attorney Bruce Goodmiller failed by the following vote: **Ayes:** Councilmembers Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** Councilmembers Bates and Booze. **Abstentions:** None. **Absent:** Councilmembers Beckles and Butt. *Mayor McLaughlin ruled to continue the item to March 20, 2012.* A motion by Councilmember Bates, seconded by Councilmember Booze to overturn Mayor McLaughlin's decision failed by the following vote: **Ayes:** Councilmembers Bates and Booze. **Noes:** Councilmembers Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Abstentions:** None. **Absent:** Councilmembers Beckles and Butt.

## **RESOLUTIONS**

The matter to consider placing a non-binding advisory measure on the November 6, 2012, ballot asking whether Richmond's congressional representatives should be instructed to propose, and Richmond's state legislators instructed to ratify, an amendment to the United States Constitution to provide that corporations are not entitled to the Constitutional rights of real people, and that there should be limits on all spending in political campaigns, including ballot measures and "independent expenditures" was presented by Vice Mayor Rogers. Cordell Hindler and Kate Sibley gave comments. Following discussion, on motion of Vice Mayor Rogers, seconded by Councilmember Ritterman adopted **Resolution No. 27-12a** by the following vote: **Ayes:** Councilmembers Bates, Beckles, Booze, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Butt.

## **ORDINANCES**

In the matter to introduce an ordinance for first reading amending Richmond Municipal Code Chapter 7.102 (Medical Marijuana Collectives) to: (1) allow the City to issue up to six permits to operate a medical marijuana collective, (2) ensure that collectives are not over concentrated within one area of the City, and (3) provide a process for permitted medical marijuana collectives to seek City approval to change locations, a motion was made by Councilmember Beckles, seconded by Mayor McLaughlin to continue the item until there was a full Council. A substitute motion was made by Councilmember Boozé, seconded by Councilmember Bates to approve the item failed by the following vote: **Ayes:** Councilmembers Bates, Boozé, and Vice Mayor Rogers. **Noes:** Councilmember Beckles and Mayor McLaughlin. **Abstentions:** Councilmember Ritterman. **Absent:** Councilmember Butt. The original motion failed by the following vote: **Ayes:** Councilmember Beckles and Mayor McLaughlin. **Noes:** Councilmember Bates, Boozé, and Vice Mayor Rogers. **Abstentions:** Councilmember Ritterman. **Absent:** Councilmember Butt. City Attorney Bruce Goodmiller and Assistant City Attorney Mary Renfro gave a report. The following individuals gave comments: Gerald Bilbo, Pam Bilbo, Mark Wassberg, Dwight Adams, Teri James, Bea Roberson, Jane Kelly, Jan Mignone, Naomi Williams, Dr. Chand Patel, John Marquez, Raymond Landry, Garland Ellis, and Jerry Yoshida. A motion was made by Councilmember Boozé, seconded by Councilmember Ritterman to follow the direction of the Public Safety Committee to move the item forward. The following friendly amendment was offered by Vice Mayor Rogers: if a collective was requesting permission to relocate in C-2, Council must make three findings, the last being, "The proposed location was not abutting a residential use." The amendments were accepted and said ordinance received first reading and was laid over

two weeks for second reading by the following vote:  
**Ayes:** Councilmembers Bates, Boozé, Ritterman, and Vice Mayor Rogers. **Noes:** Mayor McLaughlin.  
**Abstentions:** Councilmember Beckles. **Absent:** Councilmember Butt.

### **COUNCIL AS A WHOLE**

The matter to adopt a resolution authorizing the City of Richmond to enter into Memorandum of Understanding No. 15.00.06 Among the California Department of Transportation and Local Agencies of Alameda and Contra Costa County for I-80 Integrated Corridor Mobility Strategies was presented by City Civil Engineer Steven Tam, Executive Director West Contra Costa Transportation Advisory Committee Christina M. Atienza, and Contra Costa Transportation Authority Representative Hisham Noeimi. The following individuals gave comments: Bea Roberson, Don Gosney, and Chris Peeples. *(In accordance with the Council's Rules and Procedures, at 11:00 p.m. a motion was made by Councilmember Ritterman, seconded by Vice Mayor Rogers to extend the meeting to 11:30 p.m. A substitute motion was made by Mayor McLaughlin, seconded by Councilmember Boozé to only allow the last three speakers to address the City Council regarding the current item, and then address the time-sensitive Consent Calendar items. A second substitute motion was made by Councilmember Boozé, seconded by Councilmember Bates to immediately adjourn the meeting. The second substitute motion failed by the following vote: Ayes: Councilmembers Bates and Boozé. Noes: Councilmembers Beckles, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. Abstentions: None. Absent: Councilmember Butt. The first substitute motion to only allow the last three speakers to address the City Council regarding the current item, and then address the time-sensitive Consent Calendar items failed by the following vote: Ayes: Councilmember Beckles and Mayor McLaughlin. Noes: Councilmembers Bates, Boozé, Ritterman, and Vice Mayor Rogers, Abstentions: None. Absent: Councilmember Butt. The original motion was modified by Councilmember Ritterman to extend the meeting for 30 minutes; however, the motion failed by the following vote: Ayes: Councilmember Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. Noes: Councilmembers Bates, Boozé, and Beckles. Abstentions: None. Absent: Councilmember Butt. A motion was made by Mayor McLaughlin, seconded by Councilmember Beckles to only address the time sensitive Consent Calendar Items was approved by the following vote: Ayes: Beckles, Boozé, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. Noes: Councilmember Bates. Abstentions: None. Absent: Councilmember Butt.)*

The matter to approve City of Richmond sign-on to the letter to Governor Jerry Brown and the California Department of Food and Agriculture

Secretary Karen Ross, urging their support for an alternative to the costly "Statewide Pest Prevention Programmatic Environmental Impact Report (Pest PEIR) was presented by Mayor McLaughlin. Jane Kelly gave comments. On motion of Mayor McLaughlin, seconded by Councilmember Ritterman approved the item by the following vote: **Ayes:** Councilmembers Bates, Beckles, Boozé, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Butt.

The matter to receive a report from the city manager and the City Council ad hoc committee (Bates, Beckles, and Boozé) concerning the Richmond Rockets basketball team was presented by City Manager Bill Lindsay and Councilmember Beckles. The following individuals gave comments: Cordell Hindler, Mark Wassberg, Bea Roberson, Reverend Andre Shumake Sr., Jan Mignone, Naomi Williams, Marsha Tomassi, Reverend Ellis, Emily Espinosa, Polatasa Bradford, Krysten Crowder, Patrick Mitchell, Mike Davenport, Kate Sibley, and Becky Ross. Following discussion, Councilmember Bates suggested that the committee continue to meet and come back to the City Council, as soon as possible, with a final recommendation.

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

Councilmember Boozé announced a Wells Fargo Home Mortgage Workshop would be held at the Craneway Pavilion on March 7 through March 8, 2012, from 9:00 a.m. to 7:00 p.m.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 12:21 a.m. in memory of Donna White and Nazzree Ann Davis to meet again on Tuesday, March 20, 2012, at 6:30 p.m.

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City Clerk

(SEAL)

Approved:

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Mayor