

**RICHMOND, CALIFORNIA, March 20,
2012**

The Regular Meeting of the City of Richmond as Successor Agency for the Richmond Community Redevelopment Agency/Richmond City Council was called to order at 6:35 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. *(At 8:57 p.m. Mayor McLaughlin left the meeting due to illness and turned the gavel over to Vice Mayor Rogers).*

READING OF THE CODE OF ETHICS

Gabrielle Carvalho read the Code of Ethics.

STATEMENT OF CONFLICT OF INTEREST

Bruce Goodmiller stated a conflict of interest with Item J-1 and would recuse himself when the item was considered.

OPEN FORUM FOR PUBLIC COMMENT

Leonard Taylor stated that the I-80 project was on hold. He requested that anyone with information regarding the eight year old that got shot to please call the Richmond Police.

Mark Wassberg spoke regarding illegal immigrants and stated that the City Council has passed resolutions in support of illegal activities of illegal immigrants.

Antwon Cloird expressed his pleasure with the progress he has seen within the City of Richmond and encouraged the City Council to support events that uplift the community.

Richmond Police Officer Larry Lewis invited everyone to Richmond Police Activities League's (PAL) celebration of 30 years in existence, March 29, 2012; 11:30 a.m. to 1:00 p.m., tickets are \$35 and may be purchased through PAL.

Jeff Rutland invited everyone to celebrate Cesar Chaves Day with Urban Tilth at the Edible Forest, Saturday, March 31, 2012, 10:00 a.m. to 2:00 p.m. at the Richmond Greenway, 16th Street and Chanslor Avenue.

Sims Thompson thanked the City of Richmond staff for repairing lights on Regatta and other neighboring streets; however, he stated that there were additional lights that need repairing within the jurisdiction of the City. Mr. Thompson stated that Pacific Gas and Electric also needs to repair lights that are missing that fall into its jurisdiction within the City.

Bea Roberson stated that the Code of Ethics has not come before the City Council or the citizens of Richmond for approval. Ms. Roberson also invited everyone to attend the "Save a Life" training on Saturday, April 14, 2012, at the Nevin Center. Individuals may register for free classes at the American Red Cross.

Texanita Bluitt stated that the "Sisters in Solidarity" event was successful. She also encouraged the City Council to replace missing lights and repair potholes throughout the City of Richmond.

Jackie Thompson stated that the "Code of Ethics" were offensive and need to be reviewed and rescinded. She also requested that the City staff establish guidelines for the public in order to review the copy of the Council Packet located in the Chambers without conflict.

Eleanor Thompson requested that the city repair the pot holes on Barrett Avenue. She also stated that children should not participate in reading the code of ethics until the City Council changes its behavior. Ms. Thompson also stated that the Richmond Progressive Alliance should expect react from individuals regarding information placed on its website, specifically when it refers directly to an individual.

Michael Beer invited everyone to the Sixth Annual Richmond Silly Parade Saturday, April 14, 2012, 11:00 to 11:39 a.m., 23rd Street and Macdonald Avenue.

Saleh Alharaazi expressed his concern with the increased fees imposed on City of Richmond Taxi Drivers.

Margaret Jordan 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 was a new groundbreaking documentary exposing the roots of the American economic crisis. A \$10 donation was requested, but not required.

Michael Parker stated that he was proud to live in a city that recognizes that the reason some people were called illegal was because they were victims of a broken immigration system. He also stated that everyone was an immigrant or daughters and sons of immigrants except for Native Americans. Mr. Parker

also stated that illegal immigrants were human beings and should be treated with dignity.

AGENDA REVIEW

Removed Items H-1 and H-2 from the City of Richmond as Successor Agency for the Richmond Community Redevelopment Agency Consent Calendar; and Items I-3, I-5, I-9, I-10, I-11, I-13, I-15, I-17, I-18, and I-20 from the City Council Consent Calendar to be heard at the end of the meeting.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Councilmember Bates joined by Mayor McLaughlin and Council Staff Trina Jackson introduced and welcomed youth ambassadors from Shimada, Japan who were visiting Richmond as part of the Richmond-Shimada Sister City Friendship Program from March 20 through March 28. Ms. Jackson introduced Don Delcollo, member of the Richmond-Shimada Commission who introduced the visitors. It was the 51st Anniversary of the Shimada, Japan-Richmond, California Sister City relationship. Councilmember Bates gave comments. Mayor McLaughlin thanked Ms. Jackson for coordinating the visit.

CITY OF RICHMOND AS SUCCESSOR AGENCY FOR THE RICHMOND COMMUNITY REDEVELOPMENT AGENCY CONSENT CALENDAR

On motion of Councilmember Ritterman seconded by Vice Mayor Rogers all item marked with an (*) were approved by the unanimous vote of the Council.

In the matter to adopt a resolution approving a grant-funded contract amendment with AN West, Inc., expanding the scope of work to finalize design and engineering of a Class II and III bicycle facility along Barrett Avenue from Garrard Boulevard east to San Pablo Avenue increasing the contract amount by \$63,994 to a total amount of \$144,982, Catalin Kaser gave comments. Alan Wolken gave comments. Councilmember Bates requested that the city manager provide a report to the City Council showing the amount of money spent on bike lane projects and the funding sources. On motion of Councilmember Butt, seconded by Councilmember Ritterman adopted **Resolution No. 29-11** by the following vote: **Ayes:** Councilmember Beckles, Butt, Ritterman, and Vice Mayor Rogers. **Noes:** Councilmember Bates. **Abstentions:** Councilmember Booze. **Absent:** Mayor McLaughlin.

In the matter to adopt a resolution formally approving the application of the stormwater program rate increase associated with the 2012 Community Clean Water Initiative for all parcels owned by the City of Richmond acting as Successor Agency to the Richmond Community Redevelopment Agency, City Manager Bill Lindsay, Director Alan Wolken, Environmental Manager Lynn Scarpa, and City Engineer Edric Kwan gave a report. *(At 11:00 p.m. on motion of Vice Mayor Roger, seconded by Councilmember Ritterman extended the meeting for 30 minutes with Councilmember Butt voting Noe).* On motion of Councilmember Butt, seconded by Councilmember Ritterman adopted **Resolution No. 30-12** by the following vote: **Ayes:** Councilmember Bates, Beckles, Butt, Ritterman, and Vice Mayor Rogers. **Noes:** Councilmember Booze. **Abstentions:** None. **Absent:** Mayor McLaughlin.

*-Adopted **Resolution No. 31-11** approving and authorizing staff to submit an application to the Department of Toxic Substance Control (DTSC) Brownfields Revolving Loan Fund Program requesting funding up to \$1,200,000, in the form of a sub-grant, to help fund soil off-haul and remediation activities at the Miraflores Housing Development site.

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.

*-Adopted **Resolution No. 32-12** 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.

*-Approved 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.

In 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 Bea Roberson gave comments. Chief Administrator Shasa Curl gave comments. A motion was made by Councilmember Booze, seconded by Councilmember Bates to continue the item to give City Manager Bill Lindsay an opportunity to speak with Recycle More regarding paying for the services. A substitute motion

was made by Councilmember Ritterman, seconded by Vice Mayor Rogers to approve the item. Councilmember Butt offered a friendly amendment to approve the item contingent upon Recycle More paying for the services of Catalog Choice and also instruct representatives to Recycle More to support when they have a chance to vote. The amendment was not accepted. The substitute motion to approve the item passed and **Resolution No. 42-12** was adopted by the following vote: **Ayes:** Councilmembers Beckles, Butt, Ritterman, and Vice Mayor Rogers. **Noes:** Councilmember Booze. **Abstentions:** Councilmember Bates. **Absent:** Mayor McLaughlin.

*-Adopted **Resolution No. 33-12** 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.

In the matter to approve contract amendments for the Neighborhood House of North Richmond (NHNR), and the Community Housing Development Corporation (CHDC), extending the contract terms to March 31, 2014, to continue funding existing services and the specific activities described in the 2012/2013 Preliminary North Richmond Waste and Recovery Mitigation Expenditure Plan, on motion of Councilmember Bates, seconded by Vice Mayor Rogers approved the amendments for the NHNR and CHDC by the following vote: **Ayes:** Councilmembers Bates, Booze, Butt, Ritterman and Vice Mayor Rogers. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Beckles and Mayor McLaughlin.

*-Adopted **Resolution No. 34-12** authorizing submission of a grant application to the Contra Costa Transportation Authority (CCTA) to fund the expansion of Greenprint Transportation services within the City of Richmond.

*-Approved the purchase of a replacement truck from Team Chevrolet in Vallejo for use by the Richmond Police Department in an amount not to exceed \$32,500.

*-Adopted **Resolution No. 35-12** authorizing the City of Richmond to accept reimbursement of costs associated with technical urban search and rescue training from the Bay Area Urban area Security Initiative (UASI), and approved a contract with Lee & Associates Rescue Equipment, Inc. for the purchase of six state-certified Urban Search and Rescue (USAR) training courses for up to forty five West County Firefighters in an amount not to exceed \$151,925.

In the matter to approve an emergency contract with J3C Construction to construct 31 two-foot wide by four-inch thick concrete slabs around new traffic rated electrical boxes provided by the City to deter wire theft along the Marina Parkway south of Regatta Boulevard in an amount not to exceed \$17,000 Councilmember Bates gave comments. On motion of Councilmember Butt, seconded by Councilmember Bates approved the emergency contract with J3C Construction by the following vote: **Ayes:** Councilmembers Bates, Butt, Ritterman, and Vice Mayor Rogers. **Noes:** Councilmember Booze. **Abstentions:** None. **Absent:** Councilmember Beckles and Mayor McLaughlin.

In the matter to adopt a resolution formally approving the application of the stormwater program rate increase associated with the 2012 Community Clean Water Initiative for all City-owned parcels, on motion of Councilmember Butt, seconded by Councilmember Ritterman adopted **Resolution No. 36-12** by the following vote: **Ayes:** Councilmember Bates, Beckles, Butt, Ritterman, Vice Mayor Rogers. **Noes:** Councilmember Booze. **Abstentions:** None. **Absent:** Mayor McLaughlin.

In the matter to adopt a resolution approving the final mitigated negative declaration and approve a contract with Bay Cities Paving and Grading, the lowest responsive bidder, for the Via Verdi Repair Project San Pablo Creek Culvert Replacement in an amount not to exceed \$5,716,850.60, and approve a total budget of \$6,574,378.19 to provide for a City-controlled construction contingency not to exceed 15% Kenneth Davis gave comments. *(At 12:10 a Motion by Vice Mayor Rogers, seconded by Councilmember Bates extend the meeting for 20 minutes failed with Councilmembers Butt and Booze voting Noe and Councilmember Beckles and Mayor McLaughlin Absent; A motion by Councilmember Booze to adjourn failed for lack of a second; A motion by Councilmember Ritterman, seconded by Councilmember Butt to finish this item and then item I-15 and then adjourn passed with Councilmember Booze voting Noe, and Councilmember Beckles and Mayor McLaughlin Absent).* A motion made by Councilmember Ritterman, seconded by Vice Mayor Rogers to adopt a resolution approving the final mitigated negative declaration and approve a contract with Bay Cities Paving and Grading failed by the following vote: **Ayes:** Councilmembers Butt, Ritterman, and Vice Mayor Rogers. **Noes:** Councilmember Bates and Booze. **Abstentions:** None. **Absent:** Councilmember Beckles and Mayor McLaughlin. *Vice Mayor Rogers continued the item to March 27, 2012.*

*-Approved the minutes of the March 6, 2012, meeting.

The matter to approve a contract amendment with ARTHUILIA, INC. to expand the scope of work and increase the contract amount by \$28,023 to a total contract amount of \$828,023 to pay the final construction change order for the gender specific restroom remodeling and a fuel pump facilities improvements at Fire Station #68, located at 2904 Hilltop Drive *was continued to April 3, 2012.*

*-Approved a sixth amended, one-year contract commencing April 1, 2012, and ending March 31, 2013, with eCivis Incorporated for the annual subscription to a city-wide grant locator database to aid city departments in researching and applying for grants, increasing the contract amount by \$22,150 to a total amount of \$209,025.

In the matter to adopt a resolution authorizing an application for grant funds for the California Department of Transportation's Transportation Planning Grant Programs for development of the 'Yellow Brick Road' Plan and South Richmond Transportation Plan, and authorizing the City Manager to execute fund transfer agreements with the California Department of Transportation, if grant funds are awarded Jackie Thompson gave comments. On motion of Councilmember Butt, seconded by Vice Mayor Rogers adopted **Resolution No. 37-12** by the following vote: by the following vote: **Ayes:** Councilmembers Bates, Booze, Butt, Ritterman and Vice Mayor Rogers. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Beckles and Mayor McLaughlin.

*-Adopted **Resolution No. 38-12** approving 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.

The matter to approve the following appointments and re-appointments: Housing Advisory Commission: Alicia Carillo, Incumbent, term expiring December 15, 2013; Library Commission: Maude DeVictor, Incumbent, term expiring July 1, 2015; Police Commission: Alejandro Navarro, term expiring November 1, 2014; Workforce Investment Board: Kande Mosley (business representative) and Michael Parker, community-base organization (CBO representative) *was continued to April 3, 2012.*

In the matter to adopt an ordinance amending Richmond Municipal Code Chapter 7.102 (Medical Marijuana Collectives) to: (1) allow the City of Richmond 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 of Richmond, and (3) provide a process for permitted

medical marijuana collectives to seek City of Richmond approval to change location or other permit condition the following individuals gave comments: Mary Selva, (*Councilmember Beckles left at 11:34 p.m.*), Garland Ellis, Jerry Yoshida, and John Marquez. A motion was made by Councilmember Bates, seconded by Councilmember Ritterman to adopt said ordinance and review in approximately one year. The motion passed and **Ordinance No. 2-12 N.S.** was adopted by the following vote: **Ayes:** Councilmember Bates, Booze, Ritterman, and Vice Mayor Rogers. **Noes:** Councilmember Butt. **Abstentions:** None. **Absent:** Councilmember Beckles and Mayor McLaughlin.

*-Adopted **Resolution No. 39-12** in support of joint action and advocacy by all stakeholders on Delta-related water issues to protect the sensitive Delta ecosystem.

The matter to accept a check in the amount of a \$1,594,069.02 from the Rosie the Riveter Trust to the City of Richmond to fully repay the bridge loan approved by the City Council in connection with the restoration of the Maritime Center *was continued to a future meeting.*

COUNCIL AS A WHOLE

The matter to approve a contract with the newly-appointed 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 was presented by City Manager Bill Lindsay. *City Attorney Bruce Goodmiller recused himself on this item.* A motion was made by Councilmember Booze, seconded by Councilmember Bates to continue the item for 30 days to allow Councilmembers Bates, Butt, and any other Councilmembers an opportunity to speak with Mr. Goodmiller regarding his plans for the City Attorney's Office. A substitute motion was made by Councilmember Ritterman, seconded by Councilmember Beckles to approve the contract. Mayor McLaughlin offered a friendly amendment to approve the contract and have a goal-setting meeting set up as soon as possible. The amendment was accepted. Councilmember Ritterman called for the question. The substitute motion failed by the following vote: **Ayes:** Councilmembers Beckles, Ritterman, and Mayor McLaughlin. **Noes:** Councilmembers Bates, Booze, and Vice Mayor Rogers. **Abstentions:** Councilmember Butt. **Absent:** None. Councilmember Bates offered a friendly amendment to the original motion to allow 30 days or less. The amendment was accepted. Councilmember Ritterman offered a friendly amendment to make the contract retroactive to March 8, 2012. The amendment was not accepted. Mayor McLaughlin ruled to begin the voting on the original motion. A motion made by Vice Mayor Rogers,

seconded by Councilmember Ritterman to overrule the Mayor's ruling failed by the following vote: **Ayes:** Councilmembers Butt, Ritterman, and Vice Mayor Rogers. **Noes:** Councilmembers Bates, Beckles, Booze, and Mayor McLaughlin. **Abstentions:** None. **Absent:** None. The original motion to continue the item for 30 days or less to allow Councilmembers Bates, Butt, and any other Councilmembers an opportunity to speak with Mr. Goodmiller regarding his plans for the City Attorney's Office failed by the following vote: **Ayes:** Councilmembers Bates, Booze, and Butt. **Noes:** Councilmembers Beckles and Vice Mayor Rogers. **Abstentions:** Councilmember Ritterman and Mayor McLaughlin. **Absent:** None. A motion by Vice Mayor Rogers, seconded by Councilmember Bates to continue the item for 30 days or less to allow Councilmembers Bates, Butt, and any other Councilmembers an opportunity to speak with Mr. Goodmiller regarding his plans for the City Attorney's Office and direct the city manager to convey to Mr. Goodmiller that this delay was not a rescinding of the contract but only a courtesy to the Councilmembers. A friendly amendment was offered by Councilmember Ritterman to make the contract retroactive to March 8, 2012. The amendment was not accepted. The motion passed by the following vote: by the following vote: **Ayes:** Councilmembers Bates, Booze, Butt, Ritterman, and Vice Mayor Rogers. **Noes:** Councilmember Beckles. **Abstentions:** Mayor McLaughlin. **Absent:** None. A motion was made by Vice Mayor Rogers, seconded by Councilmember Ritterman to direct the city manager to convey to Mr. Goodmiller that his contract would be retroactive to March 8, 2012, when his contract was approved. A substitute motion was made by Councilmember Booze, seconded by Councilmember Bates to make the decision to make the contract retroactive after the Councilmembers have had a chance to meet with Mr. Goodmiller. (*Mayor McLaughlin briefly left the dais and turned the gavel over to Vice Mayor Rogers and returned shortly after*). The substitute motion failed by the following vote: **Ayes:** Councilmembers Bates and Booze. **Noes:** Councilmember Ritterman and Vice Mayor Rogers. **Abstentions:** Councilmembers Beckles, Butt, and Mayor McLaughlin. **Absent:** None. The original motion to direct the city manager to convey to Mr. Goodmiller that it was the intent of the City Council to make his contract retroactive to March 8, 2012, when his contract was approved by the following vote: **Ayes:** Councilmembers Beckles, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** Councilmember Booze. **Abstentions:** Councilmember Bates. **Absent:** None.

The matter to review the Mid-Year Budget Financial Forecast and adopt a resolution approving the proposed Fiscal Year 2011-12 budget adjustments was presented by Finance Director James Goins, City Manager Bill Lindsay, and the Finance Department Staff. Michael Parker and Mike Ali gave comments. *(At 8:57 p.m. Mayor McLaughlin left the meeting due to illness and turned the gavel over to Vice Mayor Rogers).* On motion of Councilmember Beckles, seconded by Councilmember Bates adopted **Resolution No. 40-12** by the following vote: **Ayes:** Councilmember Bates, Beckles, Booze, Butt, Ritterman, and Vice Mayor Rogers. **Noes:** None. **Abstentions:** None. **Absent:** Mayor McLaughlin.

The matter to adopt a resolution authorizing the City of Richmond to enter into a 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 Engineer Edric Kwan and Executive Director West Contra Costa Transportation Advisory Committee Christina M. Atienza. Don Gosney, John Marquez, and Joe Wallace gave comments. On motion of Councilmember Booze, seconded by Councilmember Ritterman adopted **Resolution No. 41-12** by the following vote: **Ayes:** Councilmembers Bates, Beckles, Booze, Butt, Ritterman, and Vice Mayor Rogers. **Noes:** **Abstentions:** **Absent:** Mayor McLaughlin.

The matter to direct the city manager to contract with an outside agency to conduct a forensic audit of the Office of Neighborhood Safety was continued to March 27, 2012; however the following speakers were allowed to give comments: Mark Wassberg, *(the City Council recessed at 9:56 p.m. and reconvened at 9:57 p.m.)*, speakers continued with Lana Bolds, Eleanor Thompson, Rasheed Sheperd, Michael Parker, Kevin Muccular, Kevin Williams, Sam Vaughn, Tracy Reed, Reverend Charles Newsome, Jeff Rutland, and Councilmember Ritterman. A motion by Councilmember Bates, seconded by Councilmember Butt to discontinue debate failed by the following vote: **Ayes:** Councilmembers Bates, Beckles, and Butt. **Noes:** Councilmember Booze and Vice Mayor Rogers. **Abstentions:** Councilmember Ritterman. **Absent:** Mayor McLaughlin. A new motion by Councilmember Bates, seconded by Councilmember Butt to discontinue debate passed by the following vote: **Ayes:** Councilmembers Bates, Beckles, Butt, Ritterman. **Noes:** Councilmember Booze and Vice Mayor Rogers. **Abstentions:** None. **Absent:** Mayor McLaughlin.

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 12:43 a.m. to meet again on Tuesday, March 27, 2012, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor