

RICHMOND, CALIFORNIA, April 3, 2012

The Richmond City Council Evening Open Session was called to order at 5:07 p.m.

ROLL CALL

Present: Councilmembers Boozé, Butt, Ritterman, and Mayor McLaughlin. **Absent:** Councilmembers Bates and Vice Mayor Rogers. (Councilmember Beckles arrived at 5:09 p.m.)

PUBLIC COMMENT

The city clerk announced that the purpose of the Evening Open Session was for the City Council to hear public comments on the following items to be discussed in Closed Session:

CITY COUNCIL

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9): City of Richmond vs. Upstream Point Molate LLC; The Guidiville Rancheria of California vs. United States of America; Chevron vs. Contra Costa County; City of Brentwood vs. Contra Costa County.

The Evening Open Session adjourned to Closed Session at 5:08 p.m. The Closed Session adjourned at 6:40 p.m.

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 6:51 p.m. by Mayor McLaughlin who led the Pledge of Allegiance to the Flag.

MEETING OF THE CITY OF RICHMOND AS SUCCESSOR AGENCY FOR THE RICHMOND COMMUNITY REDEVELOPMENT AGENCY/RICHMOND CITY COUNCIL

ROLL CALL

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

READING OF THE CODE OF ETHICS

The Code of Ethics was read by City Clerk, Diane Holmes.

STATEMENT OF CONFLICT OF INTEREST

Attorney Bruce Goodmiller stated conflict of interest with Item I-7 regarding the proposed approval of his contract as city attorney. Councilmember Butt stated conflict of interest for Item L-1 regarding the General Plan because he has a business relationship with one of the Northshore property owners.

OPEN FORUM FOR PUBLIC COMMENT

Leonard Taylor expressed sympathy for the victims of the Oikos University massacre. Mr. Taylor also announced that there will be an Easter Egg Hunt at the Solano Playlot on Saturday, April 7, 2012, from 11 a.m. to 3 p.m.

Antwon Cloird stated that many much needed jobs will not be available if the Chevron renewal project is not approved.

Jamila Vaughn, representing the organization, “I am Man, I am Woman, Inc.”, stated that they will be hosting their first annual “Stop the Violence Unity Race and Rally to be held on June 2, 2012, beginning at the North Richmond Ballpark and ending at Booker T. Anderson Park.

Cordell Hindler stated that his friend was harassed by two police officers for no apparent reason.

Mark Wassberg apologized for his behavior during a City Council meeting a couple of weeks ago.

Pam Saucer-Bilbo, and Gerald Bilbo, thanked Councilmembers Boozé and Bates for attending the event at the new soccer field this past Saturday and also stated that residents of Richmond need jobs and are ready to work.

Wayne Captain stated that Richmond residents are in dire need of jobs.

Naomi Williams asked if Richmond would postpone the approval of additional cannabis clubs based on the recent cannabis club raids in Oakland.

Terri James stated that many developers are ready to build in Richmond and provide much needed jobs for Richmond residents. Ms. James urged the City Council to support projects that may be presented to them for approval.

Bea Roberson announced that Save-a-Life Saturday will be held on April 14, 2012, at the Nevin Center. Classes in English and Spanish will be provided.

Tracy Morris stated that jobs are needed for the Richmond community.

Greg Karras announced that there will be a Chevron educational seminar in the City Council Chambers on Wednesday, May 4, 2012, from 6-8 p.m.

Jackie Thompson announced that there will be a Meet and Greet Luncheon for chairpersons of active city boards and commissions to be held on Wednesday, April 18, 2012, from 11:30 a.m. to 1:30 p.m., in the basement of 440 Civic Center Plaza.

Melvin Willis spoke on behalf of “Heal Richmond”, who is in support of the recommendations from the REDI group, who are in support of cleaning up toxic sites and better air quality in Richmond.

Jessica Tovar, Communities for a Better Environment, (CBE), stated that the City Council should support the demands made by them when

adopting the city's General Plan.

Texanita Bluitt requested that the City Council receive the budget presentation from staff in another format in order to expedite the process and help the community understand what has been approved.

Jeff Rutland invited everyone to the Cesar Chavez Celebration to be held on April 14, 2012, from 10 a.m. to 2 p.m. at the Richmond Greenway.

James Traynor, Duane Barrette, and James Baggett, from the Men and Women of Valor, stated that they have been working out in the North Richmond community and have not been paid.

Jose Rivera announced that the Occupy Earth Day Rally will begin at 5 p.m. at the Richmond Bart Station on Friday, April 20, 2012.

Roberto Reyes thanked Councilmember Beckles for supporting the upcoming Cesar Chavez event on the Richmond Greenway

Rev. Wesley Ellis gave comments regarding the City Council not approving a contract with Alten Construction recently that could employ many Richmond residents.

Charlie Young stated that he was treated badly by the Richmond Police Department during his recent arrest.

Marvin Saucer, Vice President of Men & Women of Valor, stated that the City Council needs to approve the project with Bob Alten of Alten Construction who is ready to start his project that could employ Richmond residents.

Jennifer Regeou suggested that the former Safeway or Lucky's store sites be turned into something positive that the youth can utilize, such as a skating rink with an arcade.

Michael Lyons, Golden Gate Audubon Society, stated that the North Richmond Shoreline is an important bird area that should be preserved.

Vivian Feyer, Chairperson Human Rights and Human Relations Commission, invited everyone to the commission's regular meetings, as well as a special meeting scheduled on April 16, 2012 at 6pm in the Council Chambers for the first in a series of events honoring students who have participated in reading and writing programs relating to human rights.

Darelyn Swift, President of the Contra Costa Alumni Chapter of the Delta Sigma Theta Sorority, invited the African American males ages 11 through 15 to a workshop scheduled on April 28, 2012 at the Richmond Fire Academy at 3510 Cutting Boulevard, Richmond.

Michael Parker stated that there will be a march in honor of Trayvon Martin on Monday, April 9, 2012, at 11am beginning at 7th and Barrett Avenue.

Kathleen Sullivan stated that the leadership/chairpersons of the various city commissions are planning a luncheon together.

Delores Hamilton urged everyone to vote for Proposition 29, the California Cancer Research Act.

Rev. Curtis Shaw stated that there has been a youth music program for the past 8 years at the Grace Church that has been very successful and is asking the City to consider supporting the program, which also employs 5-10 youth.

AGENDA REVIEW

Items I-1, I-4, I-5, I-7, and I-8 have been removed from the Consent Calendar. L-1 will be heard before K-1. Mayor McLaughlin stated that Alicia Carillo has resigned from the Housing Advisory Commission and therefore her name will be removed from Item I-1. Mayor McLaughlin also stated that Item L-2 will be continued two weeks to obtain more

information about two different potential sites. Councilmember Boozé, seconded by Councilmember Bates, made a motion to overturn the Mayor's decision. Discussion ensued. The motion failed by the following vote: **Ayes:** Councilmembers Boozé, Bates, and Vice Mayor Rogers. **Noes:** Councilmembers Beckles, Butt, and Mayor McLaughlin. **Absent: Abstain:** Councilmember Ritterman.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

A presentation regarding the United States Department of Commerce National Export Initiative at the Port of Richmond was presented by Mayor McLaughlin, and Councilmembers Bates and Boozé. A letter of appreciation was given to Violeta Escobar from UPS International. Port Director, Jim Matzorkis, thanked Mayor McLaughlin and the City Council for the recognition.

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

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

CITY COUNCIL CONSENT CALENDAR

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

The matter to approve the following appointments and re-appointments: 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-Based Organization representative) *This item was continued from the March 20, 2012, meeting.* A motion by

Councilmember Beckles, seconded by Councilmember Butt, approved the appointments by the following vote: **Ayes:** Councilmembers Bates, Beckles, Butt, Ritterman, Vice Mayor Rogers and Mayor McLaughlin. **Noes:** Councilmember Boozé. **Absent:** None. **Abstain:** None.

*-Approved a contract amendment with Arthulia, 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. *This item was continued from the March 20, 2012, meeting.*

*-Approved a contract with Packet Fusion for annual maintenance of the City's ShoreTel Telephone System in an amount not to exceed \$53,550.

(11:50 p.m. - A motion by Councilmember Rogers, seconded by Councilmember Bates, extended the meeting to discuss only Item I-4, passed with Councilmembers Beckles and Butt voting "no").

The matter to adopt a resolution approving an amendment to the construction agreement with Rosendin Electric, Inc. to complete additional electrical repairs at the Point Potrero Marine Terminal in an amount not to exceed \$1,034,663, for a total contract cost of \$2,650,000, funded by the State of California's California Port and Maritime Security Grant Program was presented. Rev. Kenneth Davis gave comments. A motion by Councilmember Boozé, seconded by Councilmember Ritterman, adopted **Resolution No. 44-12**, by the following vote: **Ayes:** Councilmembers Bates, Butt, Ritterman, Vice Mayor Rogers and Mayor McLaughlin. **Noes:** Councilmember Boozé. **Absent:** Councilmember Beckles. **Abstain:** None.

CONTINUED the matter to approve a contract amendment with Republic ITS for the Traffic Safety Improvements Project, to increase the contract value by \$34,000 for a total of \$265,363, providing \$19,000 in

funds for the additional scope of work related to the traffic safety project, and \$15,000 in funds for the grant funded Cutting Boulevard Interconnect Project was presented.

*- Approved the minutes of the Regular Meeting of the City of Richmond as Successor Agency for the Richmond Community Redevelopment Agency/Richmond City Council held on March 20, 2012.

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. ***This item was continued from the March 20, 2012, meeting.*** (City Attorney Bruce Goodmiller recused himself). A motion by Councilmember Bates, seconded by Councilmember Ritterman, approved the contract by the following vote: **Ayes:** Councilmembers Bates, Beckles, Butt, Ritterman, Vice Mayor Rogers and Mayor McLaughlin. **Noes:** Councilmember Boozé. **Absent:** None. **Abstain:** None.

The matter to approve the altering of the City Council agenda format such that "Agenda Review" is permanently placed before Open Forum so that the public does not have to wait until Open Forum is completed in order to become aware of any changes in the agenda was presented. Councilmember Bates requested that items that involve senior citizens or young people be agendized before other items on the agenda. A motion by Vice Mayor Rogers, seconded by Councilmember Ritterman, passed by the following vote: **Ayes:** Councilmembers Bates, Butt, Ritterman, Vice Mayor Rogers and Mayor McLaughlin. **Noes:** Councilmember Boozé. **Absent:** Councilmember Beckles. **Abstain:** None.

*-Adopted **Resolution No. 45-12**, approving and authorizing the city manager to execute amendments to two contract agreements with Eagle Environmental Construction (EEC), with one for

abatement, demolition, historic structure relocation and the other for soil remediation activities and with PES Environmental acting as the City of Richmond's owner's representative. The requested amendments will add an additional \$2,000,000 in funding to the contract agreements and extend contract terms through June 2013. Total revised budget amounts for the three contract agreements shall not exceed \$7,000,000 and the contract periods will be through June 30, 2013.

PUBLIC HEARINGS

City Clerk, Diane Holmes, announced that this was the time to hear the matter to consider approving a permit for Holistic Healing Collective to operate a medical marijuana collective in substantial compliance with the application submitted on or about May 2, 2011 was presented by Councilmember Boozé. Mayor McLaughlin declared the public hearing open. Applicant and CEO of Holistic Healing Collective, Rebecca Vasquez, urged the City Council to approving a permit for her collective. The following individuals made comments: Sharon Golden, Bea Roberson, Reginald Russell, Mark Wassberg, Antwon Cloird, and Rev. Wesley Ellis. A motion by Councilmember Boozé, seconded by Councilmember Beckles, closed the public hearing by the unanimous vote of the City Council. Discussion ensued. A motion by Councilmember Boozé, seconded by Councilmember Bates, approved a permit for Holistic Healing Collective, by the following vote: **Ayes:** Councilmembers Bates, Beckles, Boozé, Ritterman, and Vice Mayor Rogers. **Noes:** Councilmember Butt. **Absent:** None. **Abstain:** Mayor McLaughlin.

RESOLUTIONS

The matter to adopt a resolution in support of AB 1831, and direct the city manager to send a letter of support to the California State Legislature was presented by Councilmember Beckles. The following individuals gave comments: Cordell Hindler, Mark Wassberg, Eli Moore, LaVerne Vaughn, Tamisha Walker, Linda Evans, Michelle Rodriguez, Jessie Warner, Sam Luna, and Eduardo Martinez. A motion

by Councilmember Beckles, seconded by Councilmember Ritterman, adopted **Resolution No. 46-12**, by the unanimous vote of the City Council.

(11:00 p.m. - A motion by Councilmember Ritterman, seconded by Councilmember Rogers, extended the meeting 30 minutes). Councilmembers Bates, Boozé, and Butt voted “no”).

COUNCIL AS A WHOLE

The matter to consider various land use options presented by staff for General Plan Change Area 12 (Northshore) and direct staff to amend draft General Plan 2030 to reflect the land use option selected by the City Council was presented by Planning Director, Richard Mitchell and Planner, Hector Rojas. The following individuals gave comments: Jeramiah Dean, John Marquez, Demariante Dorsey, Dwight Adam, Eduardo Martinez, Dewayne Berotte, Bob Dabney, Bryan Grunwald, Rev. Kenneth Davis, Shantay Clark, Javari Boykin, J.D. Brown, Dwight Adams, Gregory Foster, Gerald Bilbo, Elester Shelton, Yolanda Stokes, Dr. Henry Clark, Abarra, Mark Wassberg, Nicole Jones, Rev. Wesley Ellis, Pam Bilbo, Reginald Russell, Bea Roberson, Shantay Clark, Marcellis Stewart, Katrinka Ruk, Diane Hanna, Antwon Cloird, Patricia James, Joshua Genser, and Dan Murray. Discussion ensued. A motion by Councilmember Boozé, seconded by Councilmember Ritterman, selected Option 2, by the following vote: **Ayes:** Councilmembers Bates, Beckles, Boozé, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin. **Noes:** None. **Absent:** Councilmember Butt. **Abstain:** None.

CONTINUED the matter to approve a grant-funded construction contract with Alten Construction, Inc. of Richmond, the lowest responsive bidder, for labor and materials per the plans and specifications for the construction and remodel of the Port's Operations and Security Center at Terminal 3 Project in an amount not to exceed \$3,976,921 or provide alternative policy direction was presented. The following individuals gave comments: Pam Bilbo, Cordell Hindler, Bea Roberson, Kenneth Davis, Mark Wassberg, Mr. Bey,

Latonya Morris, Bob Alten, Jackie Thompson, Michael Parker, Adolph Sykes, and Stanley Rogers. Councilmember Ritterman, seconded by Councilmember Beckles, to end discussion on this matter and move to the Consent Calendar, passed by the unanimous vote of the City Council.

(11:30 p.m. – A motion by Councilmember Ritterman, seconded by Mayor McLaughlin to extend the meeting only to discuss the Consent Calendar items, failed with Councilmembers Bates, Beckles, Boozé, and Butt voting “no”).

(A substitute motion by Councilmember Butt, seconded by Councilmember Ritterman, to extend the meeting 10 minutes, passed with Councilmembers Bates and Boozé voting “no”).

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 12:25 a.m. in memory of Gloria Ham, Ed Dawson, and Bonnie Raine Moore, to meet again on Tuesday, April 17, 2012, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor