

**RICHMOND, CALIFORNIA, November 19,
2013**

The Richmond City Council Evening Open Session was called to order at 5:55 p.m.

ROLL CALL

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

PUBLIC COMMENT

The deputy city clerk announced that the purpose of the 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):**

Gragg vs. City of Richmond

There were no public speakers.

The Open Session adjourned to Closed Session at 5:56 p.m. Closed Session adjourned at 6:25 p.m.

The Regular Meeting of the Successor Agency to the Richmond Community Redevelopment Agency and Richmond City Council was called to order at 6:32 p.m. by Mayor McLaughlin.

ROLL CALL

Present: Councilmembers Bates, Butt, Myrick, Rogers, and Mayor McLaughlin. **Absent:** Councilmember Beckles and Vice Mayor Boozé arrived at 6:33 p.m.

STATEMENT OF CONFLICT OF INTEREST

Councilmember Myrick stated that he received a donation from Green Remedy and would recuse himself on Item J-2.

AGENDA REVIEW

None.

**PRESENTATIONS, PROCLAMATIONS, AND
COMMENDATIONS**

Mayor McLaughlin and Councilmember Beckles presented a proclamation recognizing National Diabetes Awareness Month to Cindy Howell of the Natural Healing Tree Women's Wellness Center. Mrs.

Howell and Kathleen Sullivan gave comments.

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

City Attorney Bruce Reed Goodmiller reported that the City Council approved a settlement in the matter of Gragg vs. City of Richmond authorizing the City of Richmond to execute a settlement agreement authorizing the City to make payments to two plaintiffs who were struck by a City vehicle. Once the agreements are signed they will become public records.

OPEN FORUM FOR PUBLIC COMMENT

Naomi Williams wished Deacon Edward Hall and his wife Jessie Hall a speedy recovery.

Barry Dugar stated that he and his wife live at 155 South 41st Street and were currently housing newly released prisoners in their home. He requested support from anyone interested in helping. He also stated that he has been in touch with Linda Schneider who will help the group start a garden in the backyard of his home. Mr. Dugar also distributed correspondence including contact information and receipts of funds expended on some inmates.

Steve Foster stated that he lives with Mr. and Ms. Dugar and encouraged support for the program. Mr. Foster also thanked the City of Richmond for the different support programs available within the city.

Evelyn Christian thanked Vice Mayor Boozé for implementing the Operation Training Program at Veolia Water and Councilmember Bates for his support of the program. She stated that she received her operator training certification from the State of California and looks forward to taking her grade one certification in April 2014. Ms. Christian also thanked the City of Richmond for partnering with Veolia Waters.

Kevin Hawkins thanked Vice Mayor Boozé for implementing the Operation Training Program at Veolia Water and Councilmember Bates for his support of the program. He stated that he received his operator training certification from the State of California and looks forward to receiving the results of his grade three examination in January 2014. Mr. Hawkins also stated that the Operation Training Program allows individuals to become an asset to the city.

Don Gosney stated that the network of neighborhood councils have become the means for a small group of people to use their councils to push their own agendas. He stated that in his opinion, a neighborhood council should not have the authority to speak for others living in the neighborhood and elected officials should not rely on the neighborhood council as

the decision makers.

Jackie Thompson encouraged the City Council to form a task force to monitor areas that are known for heavy dumping. She also stated that the statistics showing Richmond had the lowest score among other cities for solving crimes was discouraging. Ms. Thompson also thanked everyone that made Friendship Manners 5th Annual Luncheon a success.

Myrtle Braxton invited everyone to the 16th Annual Commission on Aging Senior Winter Ball, December 7, 2013, 7:00 p.m. at the Richmond Memorable Auditorium; \$20 in advance and \$25 at the door. She also invited everyone to the Crime Prevention Party, December 11, 2013, 6:30 p.m. at the Macdonald Avenue Richmond Recreation Complex; bring a toy for a boy or girl for admission.

Rosanne Ryken stated that Local 1021 team has submitted a proposal for a new contract and have not received a response. Ms. Ryken posed the following questions to the City Council: (1) are contracted law firms interested in negotiating a timely contract for employees; and (2) is it fiscally responsible for the City of Richmond to hire outside attorneys when the City of Richmond has ample attorneys? Ms. Ryken requested the City Council's assist in getting the contract approved.

Texanita Bluitt encouraged the City Council improve Americans with Disabilities Act access at the City of Richmond facilities and Richmond City Hall.

Mike Parker requested that everyone remember the tragedies in the Philippines and the mid-west and to solute the people deploring to help the victims. Mr. Parker stated that the extreme tragedies are connected to the climate change. Mr. Parker also stated that Chevron was the biggest producer of greenhouse gases and requested that Chevron reduce greenhouse gases.

SUCCESSOR AGENCY TO THE RICHMOND COMMUNITY REDEVELOPMENT AGENCY CONSENT CALENDAR

On motion of Councilmember Beckles, seconded by Councilmember Myrick all items with an (*) were approved by the unanimous vote of the Successor Agency.

*-Adopted **Resolution No. 13-14** approving a contract amendment with PES Environmental, Inc. (PES) to prepare a second five-year review workplan and report, and to perform five years of annual site inspections and related reporting for the nine deed-restricted areas in Marina Bay, as required by the Department of Toxic Substance Control (DTSC), increasing the amount by \$88,500 for a total contract amount not to exceed \$137,375 and extending the term to June 30, 2018.

CITY COUNCIL CONSENT CALENDAR

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

*-Adopted **Ordinance No. 23-13 N.S.** to establish wages, salaries, and compensation for the classifications represented by the Richmond Police Officers' Association (RPOA) in the City's classified service, and repealing Ordinance No. 39-06 N.S.

*-Adopted **Resolution No. 110-13** authorizing the appointment of Mitsubishi UFJ Securities, Inc. as Remarketing Agent for the City of Richmond Variable Rate Wastewater Revenue Refunding Bonds, Series 2008A, and authorizing the execution of necessary documents and certificates and related actions.

*-Approved a one-year software maintenance agreement with Zoll Data Systems, Inc. to provide technical support, maintenance services, upgrades, and licenses for the Fire Department's Record Management System (RMS), Computer Aided Dispatch (CAD) System and Telestaff interfaces from October 1, 2013, through September 30, 2013, in an amount not to exceed \$10,592.

*-Ratified a contract to lease property located at 500 23rd Street to be used by RichmondBUILD for job training activities in the amount of \$5,000 per month, total lease renewal amount not to exceed \$60,000, beginning July 1, 2013, through June 30, 2014. The lease is funded by the EPA Environmental Workforce Development Grant and the Memorandum of Understanding with San Pablo Economic Development Center.

*-Approved the purchase of three 2014 Ford Police Interceptor Utility Vehicles from Downtown Ford to replace existing units for use by the Richmond Police Department in an amount not to exceed \$95,000.

*-Approved the purchase of one new John Deere 210K Tractor Loader from Pape Machinery to replace an existing unit for use by the Parks Division in an amount not to exceed \$98,000.

*-Adopted **Resolution No. 111-13** authorizing placement of liens and special assessments for unpaid garbage collection service fees on County property tax records.

*-Approved the minutes of the October 22, 2013, special meeting.

*-Approved a contract with W.W. Grainger, Inc., using the Western States Contracting Alliance (WSCA) purchasing cooperative, for the purchase of

facilities maintenance supplies, lighting products, industrial supplies, and tools for the Public Works Facilities Maintenance Division in the amount of \$100,000 per fiscal year for a total amount not to exceed \$300,000 over a three-year period with a city-option for a two-year extension.

*-Approved the purchase of one 2015 Ford F650 attenuator truck and two 2015 Ford F750 dump trucks from Wondries Fleet Group to replace existing vehicles used by the Public Works Department paving crew, in an amount not to exceed \$369,000.

*-Approved the following commission re-appointments: Recreation and Parks Commission: Diego Garcia incumbent, term ending October 26, 2016; Library Commission: Tyrone Weems incumbent, term ending July 1, 2016; Police Commission: Eleanor Thompson, incumbent, term ending November 1, 2016.

PUBLIC HEARINGS

The deputy city clerk announced that it was time pursuant to public notice to conduct a public hearing to introduce an ordinance for first reading updating and amending Chapter 8.16 of the Richmond Municipal Code which establishes the Fire Prevention Code for the City of Richmond by adopting the 2013 California Fire Code and the 2012 International Fire Code. The item was presented by Fire Chief Michael Banks, Inspector Eric Govan, and Deputy Fire Marshall Robin Poindexter. Mayor McLaughlin opened the public hearing. There were no public speakers. On motion of Councilmember Myrick, seconded by Councilmember Beckles closed the public hearing by the unanimous vote of the City Council. On motion of Councilmember Myrick, seconded by Councilmember Beckles said ordinance received first reading and was laid over two weeks for second reading by the unanimous vote of the City Council.

The deputy city clerk announced that it was time pursuant to public notice to conduct a public hearing to consider approving the transfer of Green Remedy Collective's permit from a C-3 zone to a C-2 zone to operate as a medical marijuana collective at 4800 Bissell Avenue in substantial compliance with their application submitted on or about May 2, 2011. This relocation allows the collective to meet the distance mandated by the Richmond Municipal Code of being no closer than one mile from another collective as well as meeting the concerns of Federal prosecutors who have raided dispensaries based on being within 1,000 feet of a school. Police Captain Anthony Williams and Officer Ben Terriault gave a report. The City Council began discussion. Following discussion, Mayor McLaughlin opened the public hearing. Green Remedy representative Bill Koziol gave comments in support of the transfer. The following individuals gave comments: Brian Burns, Owen Martin, Don Gosney, Myrtle Braxton, Naomi Williams, Antwon Cloird, Texanita

Bluitt, Kathleen Sullivan, Bea Roberson, Lawana Pruitt, James Hicks, Lynette Young, Kirk Wood, Danny Riggio, and Darrin Parle. On motion of Councilmember Bates, seconded by Councilmember Beckles closed the public hearing by the following vote: **Ayes:** Councilmembers Bates, Beckles, Butt, Rogers, Vice Mayor Boozé, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Myrick. A motion was made by Councilmember Bates, seconded by Vice Mayor Boozé to approve the transfer of Green Remedy Collective's permit from a C-3 zone to a C-2 zone to operate as a medical marijuana collective at 4800 Bissell Avenue. Mayor McLaughlin requested a friendly amendment to the motion to add the condition that Green Remedy Collectives adopt a section of the Greenway to keep clean of debris. The amendment was not accepted. A substitute motion was made by Councilmember Butt, seconded by Mayor McLaughlin to approve the transfer of Green Remedy Collective's permit from a C-3 zone to a C-2 zone to operate as a medical marijuana collective at 4800 Bissell Avenue and to add the condition that Green Remedy Collectives sponsor a section of the Greenway adjacent to the business to keep clean of debris. City Attorney Bruce Reed Goodmiller stated that anyone who had donated or received a donation of \$250 or more that would benefit from the approval of the transfer of Green Remedy Collective's permit from a C-3 zone to a C-2 zone to operate as a medical marijuana collective at 4800 Bissell Avenue must disclose that information prior to the voting of this item. Darrin Parle of Green Remedy Collectives disclosed that Councilmember Rogers received a donation of approximately \$500 or more approximately a year ago. Mr. Parle also disclosed that Councilmember Butt received a check for approximately \$250 from a member of the Green Remedy Collectives and Councilmember Myrick received a donation of over \$250 from Green Remedy Collectives. The substitute motion passed by the following vote: **Ayes:** Councilmembers Bates, Beckles, Butt, Rogers, Vice Mayor Boozé, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Myrick.

RESOLUTIONS

The matter to adopt a resolution appointing an Underwriter and a Structuring Agent and authorizing and approving certain actions taken in connection therewith was presented by Finance Director James Goins, Jacqui Jennings of Schiff Hardin as Disclosure Counsel, and Jim Cervantes of Stifel Nicolaus as Underwriter Stifel, Nicolaus & Co as Underwriter. Discussion began. A motion by Councilmember Butt, seconded by Councilmember Beckles to end debate failed by the following vote: **Ayes:** Councilmembers Beckles, Butt, and Mayor McLaughlin. **Noes:** Councilmembers Bates, Rogers, and Vice Mayor Boozé. **Abstentions:** None. **Absent:** Councilmember Myrick. The following individuals gave comments:

Vinay Pimple, David Sharples, Mike Parker, and Melvin Willis. On motion of Councilmember Beckles, seconded by Councilmember Rogers adopted **Resolution No. 13-15** by the unanimous vote of the City Council.

COUNCIL AS A WHOLE

The matter to discuss and consider directing staff to research utilizing the Quonset Hut on Western Drive at Point Molate as an indoor shooting range for the Richmond Police Department was presented by Vice Mayor Boozé. A motion was made by Councilmember Rogers, seconded by Councilmember Bates to direct staff to research finding a facility in Richmond as an indoor shooting range for the Richmond Police Department and include Quonset Hut. Don Gosney and Joseph Puleo gave comments. A friendly amendment was offered by Councilmember Beckles to remove the Quonset Hut location. The amendment was not accepted. A substitute motion was made by Councilmember Beckles, seconded by Mayor McLaughlin to direct staff to research finding a facility in Richmond as an indoor shooting range for the Richmond Police Department and exclude the Quonset Hut location. Police Captain Anthony Williams gave comments. Following discussion, Councilmember Beckles withdrew her substitute motion, and Mayor McLaughlin withdrew her second to the substitute motion. A substitute motion was made by Vice Mayor Booze, seconded by Councilmember Bates to direct staff to research utilizing the Quonset Hut on Western Drive at Point Molate as an indoor shooting range for the Richmond Police Department. The substitute motion failed by the following vote: **Ayes:** Councilmember Bates and Vice Mayor Booze. **Noes:** Councilmembers Beckles, Butt, and Mayor McLaughlin. **Abstentions:** Councilmembers Myrick and Rogers. **Absent:** None. Councilmember Rogers amended his motion to include direct staff to bring the results of the research to a study session. The original motion failed by the following vote: **Ayes:** Councilmembers Myrick, Rogers, and Vice Mayor Booze. **Noes:** Councilmembers Bates, Beckles, Butt, and Mayor McLaughlin. **Abstentions:** None. **Absent:** None. On motion of Councilmember Bates, seconded by Councilmember Rogers referred the matter to the city manager to consider all sites for an indoor shooting range for the Richmond Police Department by the following vote: **Ayes:** Councilmembers Bates, Myrick, Rogers, and Vice Mayor Booze. **Noes:** Councilmember Butt and Mayor McLaughlin. **Abstentions:** None. **Absent:** Councilmember Beckles.

At 11:00 p.m. on motion of Councilmember Bates, seconded by Councilmember Myrick extended the meeting for 30 minutes with Vice Mayor Booze voting Noe.

The matter to receive a monthly report on the Richmond Municipal Sewer District for October 2013 and receive direction from the City Council regarding organizational structure, duties, and compensation of the West County Agency was presented by Chad Davisson and West County Agency General Manager E. J. Shalaby. A motion was made by Councilmember Butt, seconded by Mayor McLaughlin to direct the City Council Representatives of the West County Agency Board to introduce a motion at the next meeting to reduce the stipend they receive to zero. *(At 11:30 p.m. on motion of Councilmember Butt, seconded by Councilmember Myrick extended the meeting for five minutes by the unanimous vote of the City Council.)* Councilmember Myrick requested a friendly amendment to reduce the stipend to \$50. The friendly amendment was accepted. The motion was revised to recommend City Council Representatives of the West County Agency Board to accept a stipend up to a \$50 maximum. The motion was approved by the following vote: **Ayes:** Councilmembers Beckles, Butt, Myrick, Rogers, and Mayor McLaughlin. **Noes:** Councilmember Bates and Vice Mayor Booze. **Abstentions:** None. **Absent:** None.

**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 11:37 p.m. in memory of Upesi Mtambuzi and Dennis Cola to meet again on Tuesday, November 26, 2013, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor