

**RICHMOND, CALIFORNIA, July 20,
2010**

The Richmond City Council Evening Open Session was called to order at 5:10 p.m. by Mayor Gayle McLaughlin.

ROLL CALL

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

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. The following people gave comments regarding the medical marijuana dispensary matter: Lisa Hershorn, Ken Estes, Jason Newell, & Armando Soto.

CITY COUNCIL

LIABILITY CLAIMS - PENDING LITIGATION (Government Code Section 54956.9):
Liletha Dalbert vs. City of Richmond (worker's comp claim)
Gesmundo vs. City of Richmond

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9): Booker vs. City of Richmond; Jenkins vs. City of Richmond; People of the State of California and the City of Richmond vs. Parle, et al.; People of the State of California and the City of Richmond vs. Soto, et al.; People of the State of California and the City of Richmond vs. Tiongco, et al.; People of the State of California and the City of Richmond vs. Vasquez, et al.; People of the State of California and the City of Richmond vs. Kennedy, et al.; People of the State of California and the City of Richmond vs. Dayem, et al; People of the State of California and the City of Richmond vs. Estes, et al.; People of the State of California and the City of Richmond vs. Clay, et al.

ADJOURNMENT

The Evening Open Session adjourned to Closed Session at 5:18 p.m. The Closed Session adjourned at 6:15 p.m.

**JOINT MEETING OF THE HOUSING
AUTHORITY/RICHMOND COMMUNITY
REDEVELOPMENT AGENCY/CITY COUNCIL**

(See HA RCRA CC 10July20)

CITY COUNCIL

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

None.

OPEN FORUM FOR PUBLIC COMMENT

George Brown thanked everyone who supported his team's trip to San Diego, including Kenbella's restaurant, Sims Metal, Councilmember Bates, DP Security, Mayor's Office, and Police Chief's Office.

Rev. Andre Shumake gave comments regarding violence in the city and asked anyone who has been a victim of violence or has been affected by violence, please call him at (510) 860-3681.

Eleanor Thompson stated that South Richmond does not have someone from the Office of Neighborhood Safety in that area.

Jackie Thompson stated that there are many cars that double park in the lot adjacent to the council chambers.

Ramzhi Ayyad spoke in favor of conducting sobriety checkpoints in downtown Richmond.

Fletcher Oaks spoke in support of Mayor McLaughlin and thanked her for her leadership.

Don Gosney stated that candidates for election need to comply closely with the city's sign ordinance during this campaign season.

Billy Alexander asked for clarification regarding the funds from the Chevron agreement

Antwon Cloird gave comments regarding Mayor McLaughlin's lack of performance as mayor.

Naomi Williams stated that the West Contra Costa Unified School District has planned to close Kennedy High School.

Tom Waller stated that the condition of Richmond's economy is unacceptable.

Corky Booze stated that there will be a town hall meeting at Parchester Village on Wednesday, July 21, 2010. Mr. Booze also commented that the Richmond's Got Talent Show will be held on Friday, July 23, 2010.

Dr. Henry Clark announced that the 1st Annual Richmond Music Festival will be held Saturday, July 24, 2010, at Shield-Reid Park.

Texanita Bluit spoke against the school district's plan to close several Richmond schools.

Myrtle Braxton-Ellington gave comments opposing the planned closure of Kennedy High School.

AGENDA REVIEW

Item G-1 was removed from the Redevelopment Agency Board Consent Calendar and Item H-5 was removed from the City Council Consent Calendar. Items K-3 and L-4 were combined and will be heard after Public Hearings.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

The City Council received an oral report regarding the 2010 Summer Visit from the Zhoushan, China Delegates. Trina Jackson, Staff Assistant to the City Council gave an overview of the visit and presented gifts to members of the Zhoushan delegation.

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

City Attorney, Randy Riddle, stated that the City Council approved settlement agreements in the amount of \$40,000 in the case of Liletha Dalbert vs. City of Richmond (worker's comp claim); and in the amount of \$43,500 in the case of Gesmundo vs. City of Richmond.

REDEVELOPMENT AGENCY BOARD CONSENT CALENDAR

(See RCRA20July2010)

CITY COUNCIL CONSENT CALENDAR

On motion of Councilmember Viramontes, seconded by Councilmember Rogers, all items marked with an asterisk (*-) were approved by the following vote: **Ayes:** Councilmembers Bates, Butt, Lopez, Rogers, Viramontes, and Vice Mayor Ritterman. **Noes:** None. **Absent:** Mayor McLaughlin. **Abstain:** Councilmember Rogers abstained on Item H-12.

*-Ratified a Temporary Permission to Enter for Emergency Construction and Vehicle Bypass Agreement between the City and the John M. and Rosalie K. Stahl Trust and the Stahl Rolling Hills Trust, to construct the Via Verdi emergency bypass road through a privately owned parcel bounded by Via Verdi, El Portal Drive, and the northbound I-80 on-ramp.

*-Approved an amendment to the contract with Hargis & Associates to extend the term through June 30, 2011, and increase the amount by \$10,000 for a total contract amount not to exceed \$42,500 to develop and administer a promotional examination for the Fire Department.

*-Adopted **Resolution No. 81-10** granting another designated period (July 21, 2010 to October 20, 2010) for the two years additional service credit for early retirement for certain specified classifications.

* -Accepted the work completed by Grade Tech, Inc. for construction of Phase II of the Central Richmond Greenway Bicycle/Pedestrian Trail Project at a final construction cost of \$1,108,299.69.

The matter to approve the purchase of safety and operation equipment from Lincoln Aquatics for the Richmond Plunge in an amount not to exceed \$50,500 was presented by City Manager, Bill Lindsay. The following individuals gave comments: Naomi Williams, Jackie Thompson, and Corky Booze. A motion by Councilmember Bates, seconded by Councilmember Viramontes, approved the purchase, by the unanimous vote of the Council.

*-Approved an amendment to the contract with Pankow Special Projects, L.P. in an amount not to exceed \$60,000, bringing the total contract amount to \$209,899 to provide on-call construction services at the Civic Center Plaza complex through December 31, 2010, and authorize the city manager or his designee to execute and implement the contract.

*-Adopted **Resolution No. 82-10** to declare the city owned property at 341-347 South 17th Street as surplus and authorize the city manager to follow the disposition procedures as provided for by California Government Code Sections 54220 - 54232 to dispose of the property.

*-Approved a lease acquisition of automatic external defibrillator (AED) devices for installation at city facilities to enhance the ability of city employees to save the life of a person who suffers a cardiac arrest on city premises, at a cost of \$114,588 for a four-year lease term; and approve purchase of ancillary equipment and compliance services in the amount of \$26,249. (This item was reviewed and recommended for approval by the Finance Committee at its April 2, 2010, meeting).

*-Adopted **Resolution No. 83-10** amending the City of Richmond's Position Classification Plan to add the new classification of Engineering Infrastructure Administrator.

*-Introduced an ordinance (first reading) establishing the wages, salary, and compensation for the new classification of Engineering Infrastructure Administrator (Salary Range No. 066: \$6,926 - \$8,419/month) for the Wastewater Enterprise.

*-Adopted **Resolution No. 84-10**, authorizing placement of liens and special assessments for unpaid garbage collection service fees on County property tax records.

*-Adopted **Resolution No. 85-10** increasing appropriation for private sewer lateral grant funding in the amount of \$100,000 for a total FY 2010-11 budget of \$200,000. (*Councilmember Rogers abstained*).

*-Approved an extension to the current contract with Valley Oil Company to provide fuel to the City of Richmond, extending the term by six months to December 31, 2010, and increasing the amount of the contract by \$400,000.

PUBLIC HEARINGS

The City Clerk announced that this was the time set pursuant to published notice to approve the proposed increase in annual assessments for the Hilltop Landscape Maintenance District for the 2010-2011 Fiscal Year, and consider adopting a resolution approving the levy and collection of the proposed annual assessments. Parks Director, Tony Norris, gave an overview of the matter. Mayor McLaughlin declared the public hearing open. There were no speakers from the audience. A motion by Vice Mayor Ritterman, seconded by Councilmember Viramontes, closed the public hearing by the unanimous vote of the Council. A motion by Councilmember Viramontes, seconded by Vice Mayor Ritterman, adopted **Resolution No. 86-10**, by the unanimous vote of the Council.

City Clerk announced that this is the time set pursuant to published notice to approve the proposed annual assessments for the Marina Bay Landscaping and Lighting Maintenance District for the 2010-2011 Fiscal Year and consider adopting a resolution approving the levy and collection of the proposed annual assessments. Parks Director, Tony Norris, gave an overview of the matter. Mayor McLaughlin declared the public hearing open. There were no speakers from the audience. A motion by Councilmember Viramontes, seconded by Councilmember Lopez, closed the public hearing by the unanimous vote of the Council. A motion by Councilmember Viramontes, seconded by Councilmember Lopez, adopted **Resolution No. 87-10**, by the unanimous vote of the Council.

RESOLUTIONS

The matter to adopt a resolution in opposition of Proposition 23 which would suspend AB32, the Clean Energy and Air Pollution Control Standards of the Global Warming Solutions Act of 2006 was presented. A motion by Vice Mayor Ritterman, seconded by Councilmember Rogers, adopted **Resolution No. 88-10**, by the unanimous vote of the City Council.

The matter to adopt a resolution designating the Perennial Purple Tree Collard as the official green of the City of Richmond was presented by Councilmember Butt. Corky Booze, and Jackie Thompson gave comments. A motion by Councilmember Butt, seconded by Councilmember Viramontes, adopted **Resolution No. 89-10**, by the unanimous vote of the Council.

ORDINANCES

The matter to approve an ordinance (first reading) amending Richmond Municipal Code Chapter 11.86 (Bingo Games) to eliminate the restriction on the number of days per week that an organization may conduct bingo games and to ensure that all charitable bingo gaming is conducted in a manner that preserves the public safety and welfare was presented by Mary Renfro. The following individuals gave comments: Charles Lessin, Attorney for Pop's Bingo Club, Corky Booze, John Marquez, Richard Poe and Harpreet Sandhu. A motion by Councilmember Bates, seconded by Vice Mayor Ritterman, said ordinance received first reading and was laid over two weeks for second reading, by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Viramontes, Vice Mayor Ritterman, and Mayor McLaughlin. **Noes:** None. **Absent:** Councilmember Lopez. **Abstain:** None.

The matter to approve an ordinance (first reading) amending provisions of the Richmond Municipal Code to allow businesses serving food and beverages to obtain an encroachment permit and, in certain cases, a conditional use permit, to use public sidewalks for outdoor dining was presented. A motion by Councilmember Bates, seconded by Councilmember Viramontes, said ordinance received first reading and was laid over two weeks for second reading, by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Viramontes, Vice Mayor Ritterman, and Mayor McLaughlin. **Noes:** None. **Absent:** Councilmember Lopez. **Abstain:** None.

The matter to approve an ordinance (first reading) adding Chapter 7.102 (Medical Marijuana Collectives) to the Richmond Municipal Code and consider authorizing medical marijuana dispensaries to apply for a conditional use permit subject to paying for full-time police patrols during hours of operation and other neighborhood protection measures and the matter to consider authorizing medical marijuana dispensaries

to apply for a conditional use permit subject to paying for full-time police patrols during hours of operation and other neighborhood protection measures were presented. City Attorney Randy Riddle and Assistant City Attorney, Mary Renfro gave an overview of the matter. The following people gave comments:

Armando Soto, John Marquez, Corky Booze, Kryste Young, Louie Jackson, Bridget Jackson, Shawn Polly, Rafael Madrigal, Chris Conrad, Mike Ali, Matt Potter, and John Clay. Vice Mayor Ritterman, seconded by Councilmember Bates, that the ordinance be accepted with amendments that there be no limit on the number of dispensaries; that dispensaries be allowed in any commercially zoned district; that the 1,000 feet limit from schools, parks, etc; be removed; that there be no heavy police presence in the area surrounding the dispensaries; the City Manager or his designee shall issue the license; and the collectives shall not possess marijuana that was not cultivated by its management members or at a location fully documented and inspected in accordance with this chapter.

Councilmember Bates made a friendly amendment that there be a review of the ordinance made to the City Council in 90 days and that there is also an update made to Public Safety Committee this September in order to review the applications and make a recommendation to the City Council. Vice Mayor Ritterman accepted the amendment. Assistant City Attorney, Mary Renfro, stated that there will be a Request For Proposal (RFP) process with a point system to evaluate the applicants. Councilmember Rogers made a friendly amendment that the ordinance will be effective in 30 days and implemented no later than 120 days. Vice Mayor Ritterman accepted the amendment. Councilmember Lopez made a friendly amendment that there be a separate quality control room and a separate intake room is located in the dispensary. Vice Mayor Ritterman did not accept the amendment. *(A motion made by Councilmember Viramontes, seconded by Councilmember Lopez, the meeting was extended one hour to 12:08 a.m.*

Councilmembers Bates and Butt objected). A substitute motion by Councilmember Lopez, seconded by Councilmember Viramontes that the dispensaries be located in C-3 Zoning only; that the persons dispensing the marijuana have certification or training; that there be a quality control room located inside the dispensary; adding a separate intake room; having different levels of security for persons trying to enter the dispensary; allow only three dispensaries for now, to be reviewed in one year; and that the dispensaries offer two or three other services to their members; Councilmember Viramontes asked for an amendment that there be a limit of one ounce of marijuana on the amount of marijuana persons can obtain and that allows the chair of the Public Safety Committee to call a special meeting if an appeal hearing is needed. Councilmember Lopez accepted the amendment. Councilmember Butt made a friendly amendment that the dispensaries not be located within 500 feet of a library, community center, or park and that only one dispensary is permitted. Councilmember Lopez accepted. Mayor McLaughlin

stated that she will not support the substitute motion because she does not agree with limiting the number of dispensaries. Councilmember Rogers made a friendly amendment that there be no limit on the number of dispensaries. Councilmember Lopez did not accept the amendment. Councilmember Bates called for the question. The substitute motion failed by the following vote: **Ayes:** Councilmembers Butt, Lopez, and Viramontes. **Noes:** None. **Absent:** None. **Abstain:** Councilmembers Bates, Ritterman, Rogers, and Mayor McLaughlin. The original motion passed by the following vote: **Ayes:** Councilmembers Bates, Rogers, Vice Mayor Ritterman, and Mayor McLaughlin. **Noes:** Councilmembers Butt, Lopez, and Viramontes. **Absent:** None. **Abstain:** None.

The matter to introduce an ordinance (first reading) amending Richmond Municipal Code Chapter 6.06.074 to require evaluation for historical significance prior to demolition of a structure more than 50 years old and changing the name of the Historic Preservation Advisory Committee to the Historic Preservation Commission was presented by Councilmember Butt. Fred Glueck, Katrinka Ruk, and Raymond Landry gave comments. A motion by Councilmember Butt, seconded by Mayor McLaughlin, said ordinance received first reading and was laid over two weeks for second reading by the following vote: **Ayes:** Councilmembers Butt, Rogers, Vice Mayor Ritterman, and Mayor McLaughlin. **Noes:** Councilmember Bates. **Absent:** None. **Abstain:** Councilmembers Lopez and Viramontes.

COUNCIL AS A WHOLE

The matter to consider placing a non-binding advisory measure on the November 2010 ballot asking whether the City of Richmond should approve a project including a casino at Point Molate provided that the advisory measure is considered in a manner consistent with all the city's legal obligations and the matter to approve and adopt a Ballot Advisory Measure to place before the voters on the November 2010 Ballot indicating if the City of Richmond should consider gaming at a Casino Resort with shoreline and open space protections at Point Molate were presented. Councilmember Butt gave an overview of the matter. The following individuals gave comments: Antwon Cloird, Raymond Landry, Dr. Henry Clark, Rev. Kenneth Davis, Charles Smith, Richard Neidhardt, Don Gosney, John Garrett, Armin Wright, Jovanka Beckles, Armando Soto, Deborah O'Brien, Charles Altacruz, Owen Martin, John Salmon, Tarnell Abbott, Corky Booze, Eduardo Martinez, Pam Stello, Michael Parker, Juan Reardon, Gershon Luria, Don Gosney, Jovanka Beckles, Charles Altacruz, John Salmon, Tarnell Abbott, Corky Booze, Eduardo Martinez, Sue Roberts for Pam Stello, Michael Parker, Juan Reardon, Tania Pulido, Margaret Jordan, Mike Ali, and Paul Kilkenny. *(A motion made by Councilmember Viramontes, seconded by Mayor McLaughlin extended the meeting 40 minutes to 2:10 a.m. Councilmembers Bates,*

Rogers, and Lopez, voted no). A motion made by Councilmember Butt, seconded by Councilmember Viramontes, passed by the following vote and **Resolution No. 90-10** was adopted. **Ayes:** Councilmembers Bates, Butt, Vice Mayor Ritterman, Viramontes, and Mayor McLaughlin. **Noes:** Councilmember Rogers. **Absent:** None. **Abstain:** Councilmember Lopez.

REMOVED from the agenda the matter to discuss and direct staff to clarify their perspective on Brown Act compliance regarding the process leading to the 6th Amendment to the Point Molate Land Disposition Agreement (LDA), addressing discrepancies between the May 18, 2010, agenda Item K-1, the motion passed on May 18, 2010, and the wording of the signed 6th Amendment that was entered into as of May 18, 2010.

ADJOURNMENT

There being no further business, the meeting adjourned at 2:40 a.m. in memory of Essie May Brown and Emelda Batiste, to meet again on Tuesday, July 27, 2010, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor