

RICHMOND, CALIFORNIA, July 31, 2007

The regular meeting of the City Council was called to order at 11:33 a.m. by Mayor Gayle McLaughlin.

ROLL CALL

Present: Councilmembers Lopez, Marquez, Sandhu, Thurmond, Viramontes, and Mayor McLaughlin. **Absent:** Butt, Rogers, and Vice Mayor Bates.

STUDY SESSION

The purpose of the study session was as follows:

Direct staff to initiate a planning process and to analyze the feasibility of Contra Costa County relocating its health clinic at 37th Street and Bissell Avenue to a city-owned site at 27th Street and MacDonald Avenue and relocating its youth center at 41st Street and Bissell Avenue to Nichols Park. Supervisor, John Gioia gave an overview of the item. On motion of Councilmember Rogers, seconded by Councilmember Sandhu, directed staff to initiate a planning process concerning the item by the unanimous vote of the Council.

The Study Session adjourned at 12:18 p.m. for lunch and reconvened at 1:05 p.m.

Received an update on the status of the Richmond Police Department's coordinated Neighborhood Watch Program. Councilmember Lopez gave an overview of the item and introduced Chief Magnus. Chief Magnus introduced Michelle Milam, Crime Prevention, who gave a PowerPoint presentation.

Received an update of the Water Transit Authority (WTA) Richmond Waterfront Ferry Transit Oriented Development (TOD) plan. Option 1: direct staff to incorporate the WTA Richmond Waterfront Ferry TOD plan into the City of Richmond general plan update. Option 2: discuss report and provide direction to staff and the WTA. Richard Mitchell, Planning Director, gave an overview of the item. Steve Casselberry, Executive Direction, San Francisco Bay Area Water Transportation, gave a PowerPoint presentation. Speakers were: Jim Cannon, Richard Poe, and Jim Bates. A motion was made by Councilmember Rogers, seconded by Councilmember Thurmond, to 1. Direct staff to move forward following the broad outlines of the report submitted, including proposed location, and 2. Refer issue to GPAC for further consideration. A substitute motion was made by Councilmember Viramontes, seconded by Councilmember Marquez, to acknowledge the preferred ferry site and all the paperwork that the staff needs to move forward on the preferred ferry site, and Council make no decision on what the General Plan issues now. The substitute motion passed by the following vote: **Ayes:** Councilmembers Butt, Lopez, Marquez, Sandhu, Thurmond, Viramontes, Vice Mayor Bates, and Mayor McLaughlin. **Noes:** None. **Abstentions:** Councilmember Rogers. **Absent:** None. The original motion passed by the following vote: **Ayes:** Councilmembers Butt, Lopez, Rogers, Sandhu, Thurmond, Vice Mayor Bates, and Mayor McLaughlin. **Noes:** None. **Abstentions:** Councilmembers Marquez and Viramontes. **Absent:** None.

Authorize the city manager to negotiate and execute a three year contract with ADT Security Services, Inc. To install a closed circuit television surveillance system consisting of 113 cameras throughout police

beats 1 through 7 and at the Port for a total cost of \$4,000,000, which is comprised of a not to exceed cost of \$3,833,279 for ADT Services and a \$166,721 contingency to be used solely at the City's discretion. The City funded portion is \$1,538,244. Police Chief, Magnus and Janet Schneider, City Attorney's Office, Deputy Police Chief Madina, and Sue Hartman, Information Technology Manager, gave an overview and PowerPoint presentation. Decisions on this item were made during the 7:00 p.m. regular City Council Meeting.

The Study Session adjourned at 4:26 p.m.

The regular meeting of the Richmond City Council was called to order at 7:10 p.m. by Mayor McLaughlin.

Present: Councilmembers Butt, Rogers, Lopez, Marquez, Sandhu, Thurmond, Viramontes, Vice Mayor Bates, and Mayor McLaughlin.

Absent: None.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Removed Items G-10, G-11, G-12, G-16, G-18, G-22, G-29, and G-36.

Item G-35 was removed from the agenda.

Moved K-1 and K-6 to be heard after Presentations, Proclamations and Commendations.

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

Interim City Attorney Randy Riddle reported the following:

LIABILITY CLAIMS

Claimant: Donald Smith –

Agency Claimed Against: City of Richmond – Claimant awarded \$5,000 by the unanimous vote of the Council.

Claimant: Karen Slentz –

Agency Claimed Against: City of Richmond - Claimant awarded \$107,238.61 by the Council with Councilmember Butt abstaining.

Claimant: James Burke

Agency Claimed Against: City of Richmond - Claimant awarded \$107,238.61 by the Council with Councilmember Butt abstaining.

Claimant: Jay Betts

Agency Claimed Against: City of Richmond - Claimant awarded \$107,238.61 by the Council with Councilmember Butt abstaining.

Claimant: Penny Turner

Agency Claimed Against: City of Richmond - Final action rest with other party and disposition will be made public when it becomes final upon inquiry by any person.

CONFERENCE WITH LEGAL COUNSEL - EXISTING

LITIGATION (Subdivision [a] of Government Code Section 54956.9)

Marina Westshore Partners LC vs. City of Richmond - No reportable action taken.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.9:

One Case - Council conditionally approved initiation of litigation by the City with Mayor McLaughlin voting no, other particulars of the action will be disclosed to any person upon inquiry if and when the action is formally commenced unless to do so would jeopardize the City's ability to affectionately service the process or its ability to conclude existing settlement negotiations to its advantage.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Government Code Section 54957.6)

City Manager - No reportable action taken.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
(Government Code Section 54956.8)

Property: 419 E. Richmond and one adjacent parcel on E. Richmond (APNs 556-121-017 and 556-121-024)
Negotiating Parties: Steve Duran, City of Richmond, and Kevin Hampton, United Heritage Industries
Under Negotiation: Price Fair Market Value per appraisal and Terms - No reportable action taken.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

The city clerk read a proclamation recognizing Tuesday, August 7th, as National Night Out 2007. Mary Robert spoke on this item.

Vice Mayor Bates read a proclamation honoring Susan Wittenberg for her dedication to West Contra Costa Public Schools. Councilmembers Thurmond, Butt, Vice Mayor Bates, and Mayor Mclaughlin presented the proclamation to Susan Wittenberg. Ms. Wittenberg gave comments.

OPEN FORUM FOR PUBLIC COMMENT

Pierre Thompson stated the City Council should consider the Richmond Shoreline as open space.

Patricia Jones represented citizens for East Shore Parks, in support of open space on the Richmond Shoreline.

Kathy Robinson encouraged the Council to consider recycling materials from the renovation of the City Hall.

Marjorie Blackwell spoke in support of open space on the Richmond Shoreline.

Corky Booze stated that Councilmember Viramontes showed a lack of respect for the citizens of Richmond when she left the July 17, 2007, meeting during the discussion of the Office of Violence Prevention. Councilmember Viramontes explained she left the meeting because she was ill.

Mike Ali spoke against Measure G.

Herk Schusteff continued his comments from the July 17, 2007, Council Meeting, regard first green states environmental impact report.

Joshua Bradt stated the City Council should consider the Richmond Shoreline as open space.

Norman Laforce stated the General Plan process has been hijacked by the staff.

Tony Sustak was in support of the shoreline being saved.

Anthony Allen, Vice President of Iron Triangle Neighborhood Council, announced that on Saturday, August 25, 2007, at 10:00 a.m., the Iron Triangle Neighborhood Council in conjunction with the Redevelopment Agency and Opportunity West will host the 15th Annual Neighborhood Park Picnic/Groundbreaking Ceremony to announce the upcoming renovation of Nevin Park.

Jocelyn Balderas, a member of Earth Teen, supports open space.

Cameron Hamilton, a member of Earth Teen, supports open space.

Alex Ortiz, a member of Earth Teen, supports open space.

Eleanor Thompson stated that she hopes that the City of Richmond hires someone from the community to fill the position of Neighborhood Safety Director.

Tarnel Abbott spoke in support of the open shorelines.

Frank Reyes stated 5th and Parkway needs paving.

Simms Thompson, Jr. stated there are too many items on the agenda for the citizens to participate.

Jim Jenkins stated that Grant Elementary and Wilson Elementary need painting.

Dan Moriarty stated that he supports preservation of the shoreline.

Cynthia Zuniga, Earth Teen student, spoke in support of the preservation of the shoreline.

Doria Robinson spoke in support of preservation of the shoreline.

A.J. Jelani thanked Rochelle Monk for her support in the cleanup of their neighborhood. He also asked the City Council to consider honoring the volunteers of Belding Wood.

Julie Roemer spoke in support of preservation of the shoreline.

Chris Tallerico stated he is tired of the way things are conducted in Richmond and is planning to run for City Council.

Whitney Dotson spoke in support of preservation of the shoreline.

Jerome Smith stated it is the responsibility of the City Council to act on behalf of the citizens of Richmond.

Debbie Landshoff spoke in support of preservation of the shoreline.

Phoebe Tanner spoke in support of preservation of the shoreline.

Gilda Waldmas spoke in support of preservation of the shoreline.

Christine Dalton spoke in support of preservation of the shoreline.

Mary Small spoke in support of preservation of the shoreline. She also stated that there should be more redevelopment of the downtown Richmond.

Rich Walkling spoke in support of preservation of the shoreline.

Barbara Bream spoke in support of open space on the Richmond Shoreline.

Charles T. Smith stated his disappointment in not being able to vote on the Casino of Point Molate.

Any Vanderwoker spoke in support of open space on the Richmond Shoreline.

Nina Smith spoke in support of open space on the Richmond Shoreline.

CONSENT CALENDAR

On motion of Councilmember Viramontes, seconded by Councilmember Marquez, all items marked with an asterisk (*-) were approved by the unanimous vote of the Council.

*- Approved a contract with Dutra Dredging Company to dredge the Terminal 3 berth for an amount not to exceed \$597,000. The final cost figure will be based on the selected dredge material disposal option as specified in the permits to be issued by the oversight regulatory agencies during the Council recess in August, 2007.

*- Authorized payment of the City of Richmond's share of the West County Agency's FY 2007-08 Budget in an amount not to exceed \$135,000.

*- Authorized payment to NRC Environmental Services in an amount not to exceed \$22,961.94 for the emergency services to clean the April 2007 oil spill in Baxter Creek.

*- Authorized payment not to exceed \$13,261 for the 2007 City of Richmond membership fees in the California Association of Sanitation Agencies.

*- Approved a contract with W.R. Forde, Associates of Richmond for the improvements of Boat Ramp Street in the amount not to exceed \$78,950 with a contingency and reserve not to exceed \$14,000.

*- Authorized payment not to exceed \$20,000 to Contra Costa County Public Works for the operation and maintenance of the North Richmond Storm Drain Project Pump Station.

*- Approved a contract not to exceed \$25,000 with Downey Brand law firm for the legal review of the requirements contained in the Baykeeper Settlement Agreement.

*- Accept the work completed by Bay Hawk, Inc. under the "Miscellaneous Concrete Repairs" Project performed in the 2004/05, 2005/06, and 2006/07 fiscal years.

*- Adopted two (2) resolutions supporting the City's applications for four (4) Priority Development Areas to the Association of Bay Area Governments and the Metropolitan Transportation Commission as follows: 1) Resolution No. 79-07 supporting two individual City applications, one for Central Richmond and one for South Richmond, and 2) Resolution No. 80-07 supporting two joint applications with other jurisdictions, one encompassing San Pablo Avenue and one for North Richmond.

A proposed ordinance to increase the salaries of Councilmembers from \$13,464 to \$16,830 in FY 2007/2008 was presented. Leslie Knight gave an overview of the item. Corky Booze spoke against this item. Councilmembers Lopez and Sandhu stated they will vote no and will not take the increase should the item pass. Following discussion, a motion was made by Vice Mayor Bates, second by Councilmember Marquez, to approve the item as recommended by staff and have those who vote no or abstain make a public statement when they want the money. A substitute motion was made by Councilmember Rogers, seconded by Councilmember Thurmond to accept staffs recommendation. Vice Mayor Bates withdrew his motion. The substitute motion passed and Ordinance No. 24-07 N.S. was adopted by the following vote: **Ayes:** Councilmembers Rogers, Marquez, Thurmond, Viramontes, Vice Mayor Bates, and Mayor McLaughlin. **Noes:** Councilmembers Lopez and Sandhu. **Abstentions:** Councilmember Butt. **Absent:** None. Discussion continued and a motion was made by Vice Mayor Bates, seconded by Councilmember Marquez, as a matter of public record, to have the Finance Director announce publicly those Councilmembers who have accepted the increase. The motion passed by the following vote: **Ayes:** Councilmembers Lopez, Marquez, Sandhu, Viramontes, Vice Mayor Bates, and Mayor McLaughlin. **Noes:** Councilmember Rogers. **Abstentions:** Councilmember Butt and Thurmond. **Absent:** None.

A proposed ordinance implementing a more comprehensive salary plan for classifications in the Exempt and Confidential Management Group over a three year period, and 2) discuss with the appropriate bargaining units those identified classifications which are 10% or more out of market and which are difficult to recruit was presented (added as a result of the June 14, 2007, Finance Committee Meeting). Leslie Knight gave an overview of the item. Simms Thompson, Jr. spoke against this item. Following discussion, Vice Mayor Bates stated he will support all classifications except the Library Director. On motion of Councilmember Rogers, seconded by Councilmember Viramontes adopted Ordinance No. 25-07 N.S. by the unanimous vote of the Council.

The Mayor left the Chambers for this item Vice Mayor Bates assumed the meeting. A proposed ordinance to increase the Mayor's salary from \$37,200 to \$54,000 September 1, 2007, and to \$72,000 July 1, 2008, was presented. Leslie Knight gave an overview of the item. Speakers were Corky Booze, Tony Sustak, Myrtle Braxton Ellington, Richard Lompa, and Gary Bell. Following discussion, a motion was made by Councilmember Thurmond, seconded by Councilmember Viramontes, to accept staff's recommendation. Discussion continued and a substitute motion was made by Councilmember Rogers to accept the first step to \$54,000 and staff come back with more information on second step. Councilmember Thurmond withdrew his original motion and Councilmember Viramontes withdrew her second to the original motion. The motion failed by the following vote: **Ayes:** Councilmembers Lopez,

Rogers, Viramontes, and Thurmond. **Noes:** Vice Mayor Bates. **Abstentions:** Councilmembers Butt, Marquez, and Sandhu. **Absent:** Mayor McLaughlin. Discussion ensued and a motion was made by Councilmember Rogers, seconded by Councilmember Lopez, to refer to staff and staff to incorporate comments and come back to first meeting of the Council in September 2007. A friendly amendment was offered by Councilmember Butt to have staff come back with an objective professional opinion. The amendment was accepted. A substitute motion was made by Councilmember Thurmond, seconded by Councilmember Butt, to have the City Council appoint a citizens advisory group to take up the issue of the Mayors salary and the process for making a final decision. The substitute motion failed by the following vote: **Ayes:** Councilmembers Viramontes, Thurmond, Butt, and Vice Mayor Bates. **Noes:** None. **Abstentions:** Councilmembers Marquez, Lopez, Rogers and Sandhu. **Absent:** Mayor McLaughlin. A second substitute motion was made by Councilmember Rogers, seconded by Councilmember Lopez, to approve five percent per year for five years, bringing the Mayor's salary to \$46,500. The second substitute motion was approved, said ordinance will receive first reading on September 11, 2007, by the following vote: **Ayes:** Councilmembers Lopez, Rogers, Marquez, Thurmond, Sandhu, and Viramontes. **Noes:** Vice Mayor Bates. **Abstain:** Councilmember Butt. **Absent:** Mayor McLaughlin.

*- Adopted Ordinance No. 26-07 N.S. establishing wages, salary, and compensation for the new classification of Environmental Manager (Salary Range: \$5,862 - \$7,135/month).

*- Adopted Ordinance No. 27-07 N.S. establishing wages, salary, and compensation for the new classification of Public Safety Technology Supervisor (Salary Range: 068F, \$7493-\$9110/month).

*- Adopted Ordinance No. 28-07 N.S. establishing wages, salary, and compensation for the new classification of Executive Secretary I/II (Salary Ranges 38C (\$4187 - \$5091/month] and 38D (\$4617 - 5613/month), respectively).

A proposed ordinance establishing wages, salary, and compensation for the new classification of Neighborhood Safety Director (Salary Range: \$5,950 - \$11,050/month) was presented. Eleanor Thompson spoke on this item. On motion of Councilmember Marquez, seconded by Councilmember Viramontes, adopted Ordinance No. 29-07 N.S. by the unanimous vote of the Council.

*- Authorized the Human Resources Management Department to allocate \$30,000 for the City-wide Service and Employee and Manager of the Year Awards.

A proposed resolution authorizing the City Manager to sign a Joint Exercise of Powers Agreement with the East Bay Regional Communications System Authority that will allow communication interoperability between Alameda and Contra Costa County public safety personnel was presented. On motion of Councilmember Viramontes, seconded by Councilmember Marquez, adopted Resolution No.81-07 by the unanimous vote of the Council.

*- Approved the purchase of 24 sets of the Millennia G-Xtreme turnout gear for the new firefighter recruits; four replacement Millennia G-Xtreme turnout pants for the current firefighters; eight replacement Millennia G-Xtreme turnout coats for current firefighters; 12 sets of PBI G-Xtreme turnout gear for the new firefighter recruits while in training, and 12 sets of Premier Wildland gear for the new firefighter recruits from L.N. Curtis & Sons as the sole-source provider in the amount of \$107,000.

(The Finance Committee reviewed this item on July 24, 2007, and recommended approval.)

*- Approved the contract for the purchase and installation of emergency generators at six fire stations to A.C. Construction in the amount of \$198,000. (The Finance Committee reviewed this item on July 24, 2007, and recommended approval.)

*- Approved the purchase of 48 pairs of Shelby Structure Gloves (various sizes); 72 pairs of Shelby Wildland Gloves; 20 Ultimate Shrouds for the Wildland helmets; 30 PGI Carbon Shield Hoods; 12 pairs of Ranger Bunker Boots; one pair of Ranger Insulated Combat L.B. Bunker Boots; 15 pairs of Pro Warrington Boots; 12 pairs of ESS Wildland Goggles; 12 ESS Wildland Goggle Adaptors and 80 Wildland Shelters for the new firefighter recruits for a total amount not to exceed \$37,125.

A proposed amendment to the contract with the Oakland Private Industry Council to process Individual Training Accounts for program participants was presented. The contract amount will be increased by \$214,000 for an amount not to exceed \$325,192 and extend the term until to October 30, 2008. The Finance Standing Committee reviewed this item on July 24, 2007, and recommended approval. Steve Duran, Redevelopment Director, gave an overview of the item. On motion of Councilmember Marquez, seconded by Councilmember Viramontes approved the amendment to the contract by the unanimous vote of the Council.

*- Adopted Resolution No. 82-07 in support of Senate Constitutional Amendment No. 12 (Senator Torlakson) to exclude stormwater fees from the two-thirds vote required to increase property related fees.

*- Adopted Resolution No. 83-07 authorizing the City Engineer to execute the Master Agreement, Program Supplemental Agreements, Fund Exchange Agreements and Fund Transfer Agreements associated with transportation projects eligible for Federal and/or State funding through California Department of Transportation.

*- Adopted Resolution No. 84-07 acknowledging the completion of certain improvements by the developer, Santa Clara Valley Housing Group, Inc., as specified in the Improvement Agreement for Subdivision 8637, dated August 1, 2003.

*- Adopted Resolution No. 85-07 accepting certain streets and public improvements completed by the developer, SCS Development Company, as specified in the Improvement Agreement for Subdivision 8234 dated May 23, 2000.

*- Adopted Resolution No. 86-07 accepting certain streets and public improvements completed by the developer, SCS Development Company, as specified in the Improvement Agreement for subdivision 8237 dated June 15, 2000.

*- Adopted Resolution No. 87-07 accepting certain streets and public improvement completed by the developer, SCS Development Company, as specified in the Improvement Agreement for Subdivision 8235 dated May 23, 2000. - Engineering (Rich Davidson 307-8105).

A proposed resolution renewing standing orders/outline agreements for technology related goods and services from various vendors in an amount not to exceed \$150,000 per year per vendor for fiscal year 2007-2008 was presented. Sue Hartman gave an overview of

the item. Corky Booze spoke on this item. On motion of Councilmember Viramontes, seconded by Councilmember Lopez, adopted Resolution No. 88-07 by the unanimous vote of the Council.

*- Adopted Ordinance No. 30-07 N.S amending Section 9.20 by adding Subsection 9.20.200 of the Richmond Municipal Code to allow the County Code Enforcement Officers to enforce Richmond Municipal Codes regarding illegal trash dumping and trash accumulation in the incorporated area of North Richmond. The City Council approved the ordinance (first reading) on April 17, 2007.

*-Authorize the City Manager to negotiate and execute a three year contract with ADT Security Services, Inc. to install a closed circuit television surveillance system consisting of 113 cameras throughout police beats 1 through 7 and at the Port for a total cost of \$4,000,000, which is comprised of a not to exceed cost of \$3,833,279 for ADT services and a \$166,721 contingency to be used solely at the City's discretion. The City funded portion is \$1,538,244. The Mayor was recorded as abstaining on this item.

*- Approved the updated CEQA & Planning Consultant list to expand the number and variety of CEQA consultants available as resources to staff in order to improve the quality of service, depth of environmental analysis and review time.

*- Adopted Resolution No. 89-07 certifying the Final EIR, adopting the Mitigation Monitoring and Reporting Program, approving a General Plan Amendment, and Tentative Tract Map No. 8451 for the Canyon Oaks II Project, and adopt the ordinance rezoning the project site.

*- Approved a contract amendment with MuniFinancial to conduct a Comprehensive Planning Fee Study in an amount not to exceed \$13,500, for a total contract amount of \$111,280.

A proposed resolution to redeem Pinole Point Properties, Inc.'s Letters of Credit with the City for a cash settlement of \$1,750,000 was presented. Jim Goins, Finance Director, gave an overview of the item. Corky Booze and Bruce Carrier spoke on this item. On motion of Vice Mayor Bates, seconded by Councilmember Marquez, adopted Resolution No. 90-07 by the unanimous vote of the council.

*- Appointed Steven Cabella and Lucy Lawliss to the Historic Preservation Committee and Re-appoint Sandi Genser-Maack, Judy Morgan, Kimberly Butt, Rosemary Corbin, Christopher Bowen and Charles Duncan to the Historic Preservation Committee.

*- Adopted Resolution No. 91-07 authorizing the annual acceptance of allocated funds from the Contra Costa County Emergency Medical Services Division for first responder training and other medical related equipment and supplies, under the Measure H Emergency Medical Services Program in the amount of \$30,000.

*- Approved minutes of the Evening Open Session held on July 17, 2007.

PUBLIC HEARINGS

Held over until September 11, 2007, a Public Hearing to consider the designation of a Civic Center Historic District and adopt a resolution approving the designation of a Civic Center Historic District.

The city clerk announced that this was the time set, pursuant to published notice, to conduct a public hearing to adopt a resolution accepting the report of the City Engineer (Director of Public Works) for the collection of Storm and Sanitary Sewer Fees and to place Storm and Sanitary Sewer fees on the tax rolls for Fiscal Year 2007-08. Rich Davidson, City Engineer, gave an overview of the item. Mayor McLaughlin declared the public hearing open. There were no speakers. On motion of Vice Mayor Bates, seconded by Councilmember Marquez, closed the public hearing by the unanimous vote of the Council. On motion of Vice Mayor Bates, seconded by Councilmember Marquez, adopted Resolution No. 92-07 by the unanimous vote of the Council.

Continued to September 11, 2007, a Public Hearing to (1) deny a request for approval of a General Plan Amendment, Rezoning, and Variance, for the property located at 327 South 4th Street. (2) provide direction to the General Plan Update staff to study the request for a General Plan Amendment and Rezoning to MFR-2 as part of the General Plan Update for a greater surrounding area, and, (3) direct staff to return with a draft Resolution reflecting the City Council's action.

RESOLUTIONS

None.

ORDINANCES

None.

COUNCIL AS A WHOLE

This item was heard before Public Hearings. In the matter to consider an extension of the public-comment period for the Forest Green Estates Draft Environmental Impact Report. Councilmember Butt gave an overview of the item. Speakers were: Joshua Bradt, Eleanor Loynd, Sean Kennings, Bill Helsel, Debbie Landshoff, Gary Bridges, Morgan Cleveland, Rachel Preece, Prescott Cole, John Ryan, Deana Ross, Joanne Helvig, Janet Kutulas, Maria Morales, Jorge Guevara, Damon Nelson, Jerome Smith, and Robert Slaughter. Following discussion, a motion was made by Councilmember Lopez, seconded by Councilmember Thurmond, to extend the comment period to a maximum of 90 days. The motion passed by the following vote: **Ayes:** Councilmembers Lopez, Butt, Marquez, Sandhu, Rogers, Thurmond, Viramontes, and Mayor McLaughlin. **Noes:** Vice Mayor Bates. **Abstentions:** None. **Absent:** None.

In the matter to determine whether to approve a Confidentiality Agreement with Chevron to facilitate an audit of payments of the Utility User Tax. On motion of Councilmember Viramontes, seconded by Councilmember Lopez, extended the meeting until 12:20 a.m. by the unanimous vote of the Council. Interim City Attorney, Randy Riddle, gave an overview of the item. Following discussion a motion was made by Viramontes, seconded by Marquez, to approve the Confidentiality Agreement. The motion passed by the following vote: **Ayes:** Councilmember Lopez, Butt, Marquez, Sandhu, Rogers, Thurmond, Viramontes and Vice Mayor Bates. **Noes:** Mayor McLaughlin. **Abstentions:** None. **Absent:** None. Councilmember Marquez left the meeting. A motion was made by Councilmember Rogers, seconded by Councilmember Butt, to direct the city attorney to disclose information to the public that was decided in closed session. The motion failed by the following vote: **Ayes:** Councilmembers Butt, Rogers, Thurmond, and Mayor McLaughlin. **Noes:** Councilmembers Lopez, Sandhu, and Bates.

Abstentions: Councilmember Viramontes. **Absent:** Councilmember Marquez.

On motion of Vice Mayor Bates, seconded by Councilmember Viramontes extended the meeting 10 minutes by the following vote: **Ayes:** Councilmembers, Lopez, Sandhu, Rogers, Thurmond, Viramontes, Vice Mayor Bates, and Mayor McLaughlin. **Noes:** Councilmember Butt. **Abstentions:** None. **Absent:** Councilmember Marquez.

In the matter to authorize the city engineer, via an existing consulting contract with TetraTech, to conduct a feasibility study to determine opportunities to "green" the City's waste water treatment plant's (WWTP) system. This feasibility study could be completed within 45 days at a cost not to exceed \$50,000. This includes but is not limited to comparing the available waste to energy technologies that can be implemented at the City's waste water treatment plant to reduce its impact on the environment and the City's operating costs. Rich Davidson, City Engineer, gave an overview of the item. A motion was made by Vice Mayor Bates, seconded by Councilmember Butt, to authorize the city engineer, to conduct a feasibility study, was approved by the following vote: **Ayes:** Councilmembers Lopez, Butt, Marquez, Sandhu, Rogers, Thurmond, Viramontes, Vice Mayor Bates, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Marquez.

In the matter to review Vendor Payment Policy and direct staff to provide written justification to the City Manager and City Council for all past due payments. Corky Booze spoke on this matter. Vice Mayor Bates gave an overview of the item. On motion of Vice Mayor Bates, seconded by Councilmember Thurmond, approved staff recommendation by the unanimous vote of the Council.

In the matter to designate a voting delegate and two alternate delegates to vote at the Annual Business Meeting of the League of California Cities' Annual Conference. The Annual Conference will be held September 5-8, 2007, at the Hyatt Hotel in Sacramento, California. On motion of Vice Mayor Bates, seconded by Councilmember elected Councilmember Marquez as voting delegate, and Councilmember Sandhu and Lopez as alternates by the unanimous vote of the Council.

This item was heard directly after Item K-1. In the matter to hear a presentation on cell tower placement on 260 Water Street and direct staff regarding cell tower policy and placement, the potential implementation of a moratorium on cell towers subject to staff recommendations on Richmond's cell tower policy, and the need for an inventory of existing cell tower locations in Richmond. Richard Mitchell gave an overview of the item. Public speakers were: Robin Carpenter, Andy Olmsted, Michael Adachi, Jed Peters, Lillian Sing, Jerome Smith, Sarah McCaffery, Bonita Satre Daey, Rod Satre, Regina Reitz, Arleen Rodini, Gerald Feagley, and Kathleen Mckinley. Following discussion a motion was made by Councilmember Viramontes, seconded by Vice Mayor Bates to 1. Appoint a Council adhoc committee, 2. Have a community committee made of stakeholders, those that are in the business, in regulation, and represents the community, and 3. Put a six month moratorium on any approval of any other site by our staff while we work out this process in a group and let the group come back with recommended changes for the ordinance. Discussion continued and Councilmember Butt requested staff place on the City Council Agenda for September 11, 2007, consideration of City Council referring this item to the Planning Commission under section 1504990. A friendly amendment to the motion was offered by Councilmember Rogers that stakeholder groups also discuss a way to assess fees. The amendment was accepted. The motion passed by the unanimous vote of the Council.

In the matter to direct staff to temporarily suspend permit and inspection fees for solar installations on residential units and report back to the City Council by June 1, 2008 with a recommendation for continuation of the suspension or partial restoration of the solar permit fees. Richard Mitchell gave an overview of the item. A motion was made by Vice Mayor Bates, seconded by Councilmember Viramontes to approve the item prior to speakers, but give speakers that want to address the Council an opportunity to do so. Michelle Mcgevy spoke on this item. The motion passed by the unanimous vote of the Council.

On motion of Councilmember Rogers, seconded by Councilmember Sandhu, extended the meeting for 20 minutes by the unanimous vote of the Council.

Held over until September 11, 2007, to authorize the city clerk to title Study Sessions as Study and Action Sessions, when applicable.

In the matter to discuss and direct staff to encourage aging in place facility care so Richmond seniors can have access to medical care in their homes and therefore avoid moving to nursing homes. Speakers were: Lamar Turner, Arnie Kasendorf, Peter Sutu, Corky Booze, and Jackie Thomas. On motion of Vice Mayor Bates, seconded by Councilmember Viramontes, referred this item to the Commission on Aging and staff come back with a recommendation, by the unanimous vote of the Council.

Held over until September 11, 2007, to discuss and direct staff to develop comprehensive city policy to creatively and aggressively lead by example in the fight to end global warming.

In the matter to approve a second contract amendment agreement with Environmental Science Associates (ESA) and authorize staff to spend up to \$839,000 to complete the EIR process for the Chevron Hydrogen and Energy Renewal Project. Richard Mitchell, Planning Director, gave an overview of the item. Following discussion, a motion was made by Vice Mayor Bates, seconded by Councilmember Viramontes, to approve a second contract amendment agreement with Environmental Science Associates (ESA). Discussion continued and Councilmember Rogers requested a friend amendment to the motion to accept part two of the item only. The amendment was not accepted. The motion passed by the following vote: **Ayes:** Councilmembers, Lopez, Sandhu, Rogers, Thurmond, Viramontes, and Vice Mayor Bates. **Noes:** Councilmember Butt and Mayor McLaughlin. **Abstentions:** None. **Absent:** Councilmember Marquez.

In the matter to direct the city manager to prepare recommendation for City Council consideration at its next meeting regarding hiring additional expertise to assist in specific areas of review such as global warming, air quality, alternative cleaner technologies, and on and off-site mitigations of the Chevron Hydrogen Project EIR. Richard Mitchell, Planning Director, gave an overview of the item. A motion was made by Councilmember Viramontes, seconded by Councilmember Rogers to have specific experts to review the work that ESA is doing and authorize staff to come back with additional costs and a list of vendors the Council to approve. Councilmember Rogers requested a friendly amendment to the motion to include areas listed and recommended be some of the areas covered by the staff analysis. The amendment was accepted. The motion was approved by the following vote: **Ayes:** Councilmembers Butt, Lopez, Sandhu, Rogers, Thurmond, Viramontes, and Mayor McLaughlin. **Noes:** Vice Mayor Bates. **Abstentions:** None. **Absent:** Councilmember Marquez.

In the matter to approve a contract amendment with Overaa Construction for the proposed construction services at the Bayview and West Side branch libraries of the Richmond Public Library in the amount of \$187,428. On motion of Vice Mayor Bates, seconded by Councilmember Viramontes, approved a contract by the unanimous vote of the Council.

ANNOUNCEMENTS

Vice Mayor Bates announced that the Richmond Steelers and Cheerleaders are celebrating their 30th Year Anniversary. The season is dedicated to the memory of Coach Fred Harris. The first game is September 8, 2007, at Kennedy High at 9:00 p.m.

Councilmember Sandhu reported he attended the California League of Cities and completed an ethics class.

Councilmember Lopez reports she also attended the California League of Cities for elected officials training in Monterey, California last week.

Councilmember Viramontes reported that she attended class at the Wardens School of Business for Advance Investments of Real Estate and passed

Councilmember Rogers reported he attended a conference for the National Association of Housing and Redevelopment.

ADJOURNMENT

There being no further business, the meeting adjourned, in memory of Mr. Johnny C. Jones, Bill Walsh, former 49ers Head Coach, and Jimmy Driggs at 1:13 a.m. The next City Council Meeting is scheduled for Tuesday, September 11, 2007, at 7:00 p.m.

City Clerk

(SEAL)

Approved:

Mayor