

RICHMOND, CALIFORNIA, March 18, 2008

The Regular Meeting of the City Council was called to order at 4: 44 p.m. by Mayor Gayle McLaughlin.

ROLL CALL

Present: Councilmembers Bates, Butt, Sandhu, Vice Mayor Marquez, and Mayor McLaughlin. **Absent:** Councilmembers Thurmond, Rogers, Lopez, and Viramontes (Councilmember Viramontes arrived at 4:45 p.m.).

PUBLIC COMMENT

The 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 – ANTICIPATED LITIGATION Significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.9:

One Case

CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6):

City Designated Representative(s): Bill Lindsay, Leslie Knight, Lisa Stephenson, Bruce Soublet, and Chris Magnus

Counsel: Jack Hughes, Liebert Cassidy Whitmore
Employee Organization or unrepresented employee(s): Richmond Police Officers' Association (RPOA), and Richmond Police Management Association (RPMA)

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9)

Azevedo vs. City of Richmond

There were no public speakers.

The Open Session adjourned to Closed Session at 4:45 p.m. The Closed Session adjourned at 6:33 p.m. The Regular Meeting of the City Council reconvened at 7:43 p.m. by Mayor Gayle McLaughlin.

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Removed Items F-3, F-4, F-5, F-10, F-11, F-15, F-18, and F-23 from the Consent Calendar.

Moved Item G-2 to K-1.

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

City Attorney, Scott Dickey, reported the following:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.9: One Case. **No reportable action.**

CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6): City Designated Representative(s): Bill Lindsay, Leslie Knight, Lisa Stephenson, Bruce Soublet, and Chris Magnus Counsel: Jack Hughes, Liebert Cassidy Whitmore Employee Organization or unrepresented employee(s): Richmond Police Officers' Association (RPOA), and Richmond Police Management Association (RPMA). **No reportable action.**

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9): Azevedo vs. City of Richmond. The City Council voted to settle in the amount of \$60,690.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

None.

CONSENT CALENDAR

On motion of Councilmember Viramontes, seconded by Vice Mayor Marquez, all items marked with an asterisk (*-) were approved by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Viramontes, Vice Mayor Marquez, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez.

*-Approved the contract amendment with Insight Engineering and Construction, Inc., to increase the contract amount by \$53,000 for a total contract amount not to exceed \$201,000 for preparing the construction design documents of the 465-foot segment of the Bay Trail along Canal Boulevard.

*-Approved the contract with SymPro Inc., in the amount of \$127,720 to provide software, consultation and implementation of various Treasury Management solutions.

Continued to March 25, 2008, study session a proposal to adopt the PARS Post-Retirement Health Care Plan Trust, including the PARS Post-Retirement Health Care

Plan, as part of the City Retirement Program, effective April 1, 2008. Councilmember Viramontes requested Items F-3, F-4, and F-5 be moved to the Finance Committee. Discussion continued and Councilmember Thurmond suggested Items F-3, F-4, and F-5 be placed on the March 25, 2008, study session.

Continued to March 25, 2008, study session a proposal to appoint the Finance Director/Treasurer, or his/her successor or his/her designee as the City's Plan Administrator for the Program.

Continued to March 25, 2008, study session a proposal to authorize the City's Plan Administrator to execute the PARS legal documents on behalf of the City and to take whatever additional actions are necessary to maintain the City's participation in the Program and to maintain compliance of any relevant regulation issued or as may be issued; therefore, authorizing him/her to take whatever additional actions are required to administer the City's PARS plan(s).

*-Adopted **Resolution No. 29-08** authorizing placement of liens on County Property Tax Records for unpaid garbage collection service fees.

*-Approved Amendment No.1 to the Joint Exercise of Powers Agreement (JEPA) with Contra Costa County (County) in the amount of \$22,253 for a total of \$91,253 for road surface improvements and curb ramp improvements on three sections of San Pablo Dam Road that are within the City's jurisdiction.

*-Accepted the work completed by Bay Cities Paving and Grading, Inc. for the 2006 Pavement Rehabilitation Project for a final construction cost of \$6,190,429.11.

*-Adopted **Resolution No. 30-08** approving the installation of a two-hour parking zone at 15th Street (north of Macdonald Avenue), at Nevin Avenue (east of Marina Way), and the east curb line at Marina Way (between Macdonald Avenue and Barrett Avenue), between the hours of 8 a.m. and 6 p.m., except Sundays and Holidays.

A proposal to approve the purchase of pre-fabricated and set-in-place concrete restrooms from CXT Incorporated Precast Products in an amount not to exceed \$224,877 was presented. Sharon West, Parks and Recreation, gave an overview of the item. Corky Booze spoke on this item. On motion of Councilmember Bates, seconded by Councilmember Viramontes, approved the item by the unanimous vote of the Council.

A proposal to approve the purchase of 27 new vehicles to replace existing aged and worn vehicles presently in Richmond's fleet, for a total amount of \$1,241,430.60 from the approved Fiscal Year 2007-2008 Equipment Replacement Budget was presented. Public Works Director, Yader Bermudez, gave an overview of the item. A motion was made by Councilmember Bates, seconded by Vice Mayor Marquez to approve the item as presented. Discussion ensued and a substitute motion was made by

Councilmember Lopez, seconded by Councilmember Butt, to approve the purchase of the vehicles with the exclusion of 10 Ford Fusion Sedans and direct staff to come back to the City Council with a better recommendation that moves towards an environmentally friendlier purchasing policy for vehicles. Councilmember Butt offered a friendly amendment to also exclude the two SSVs. The amendment was accepted. Discussion continued and the substitute motion passed by the following vote: **Ayes:** Councilmembers Butt, Lopez, Rogers, Sandhu, Thurmond, and Mayor McLaughlin. **Noes:** Councilmembers Bates and Viramontes. **Abstentions:** Vice Mayor Marquez. **Absent:** None.

*-Accepted the work of Ross Recreation Equipment Co., Inc. for the renovation of play equipment at the Elm Street Playlot that was successfully completed on February 7, 2008, for a total cost of \$106,394.09.

*-Approved the contract amendment for Elite Backgrounds Incorporated to provide pre-employment background investigations services, increasing the payment limit by \$22,000 for a total contact amount of \$31,700.

*-Approved the three-year-standard software maintenance agreement with New World Systems Corporation for the existing Computer Aided Dispatch (CAD) and Records Management System used by the City of Richmond Police and Fire Departments along with the West County Consortium Public Safety agencies, in an amount not to exceed \$590,250.

A proposal to approve the amendment to the agreement with DP Security, LLC for an amount not to exceed \$35,000 for a total contract amount of \$635,000 to provide uniformed, unarmed security services at Point Molate to increase patrols in areas where wire thefts have been occurring was presented. Police Officer, B. J. McBride, gave an overview of the item. Jerome Smith and Corky Booze spoke on this item. On motion of Vice Mayor Marquez, seconded by Councilmember Thurmond, approved the amendment to the agreement with DP Security by the unanimous vote of the Council.

*-Approved the agreement with the Contra Costa County District Attorney's Office to provide services for the Police-Prosecutor Liaison Program at a cost of \$185,145.00 for the 2008 calendar year. This item was approved by the Public Safety Committee on February 21, 2008.

*-Approved the one-year contract with Mr. Sam Charles for \$40,000 to provide classroom instruction on basic home repairs, supervision for Richmond youth assigned to work on Project Helping Hand, and construction services for tenant improvements for the Richmond BUILD facility.

A proposal to approve the month-to-month lease contract for a house to provide the residential component of the Transitional Living Program for a period of up to one year at a cost not to exceed \$26,400 was presented. Jay Leonhardy, Employment and Training, gave an overview of the item. Corky Booze spoke on this item. On motion of

Councilmember Viramontes, seconded by Councilmember Thurmond, approved the month-to-month lease contract by the unanimous vote of the Council.

*-Adopted **Resolution No. 31-08** approving an Amendment to the Predevelopment Loan Agreement by and between the City of Richmond, Community Housing Corporation of North Richmond (CHDC) and Eden Housing to: (1) add \$91,000 to the existing loan for a total loan amount of \$940,000 for predevelopment activities related to the MiraFlores Housing Development; and (2) extend the term of the loan for 36 months, from September 22, 2008, to September 22, 2011.

*-Adopted **Ordinance No. 8-08 N.S.** amending the text of the Zoning Ordinance to define mini-storage warehouses and to add such use to the lists of uses requiring a Conditional Use Permit in all Industrial Districts.

*-Authorized the City Manager to execute a contract with Skillpath Seminars in the amount of \$42,000 for employee training for the period of January 1, 2008, through June 30, 2008.

*-Approved the following reappointments and appointments to the following: Commission on Aging: Betty Allen, term expiring 5/19/09; Economic Development Commission: Michelle Itagaki, reappointed incumbent, term expiring 3/30/09; Housing Advisory Commission: Texanita Bluitt, incumbent, term expiring 3/21/10; Oras Washington, incumbent, term expiring 2/1/10; Jackie Thompson, term expiring 2/28/10; Human Relations and Human Rights Commission: Rock Brown, incumbent, term expiring 3/30/11; Garland Harper, appointed incumbent, term expiring 3/20/11; Joyce Harris, appointed incumbent, term expiring 3/30/11.

A proposal to approve Contract Amendment No. 4 with Swinerton for \$168,405 for a total approved contract payment limit not to exceed \$1,093,489, to oversee the temporary Hall of Justice tenant improvements including the design, bidding, permitting, and installation of a new backup generator was presented. On motion of Vice Mayor Marquez, seconded by Councilmember Rogers, approved the contract amendment by the unanimous vote of the Council.

*-Adopted **Resolution No. 32-08** declaring the Canvass of Returns and Result of the Special Municipal Election held on February 5, 2008.

*-Acknowledged adoption, by the electorate of the City, of Ordinance No. 7-08 N.S. on February 5, 2008, decreasing the City of Richmond's Telecommunications Users' Tax from 10% to 9.5% and to reflect technological advances.

*-Approved the minutes of the Special Meeting held on February 26, 2008, and the Regular Meeting held on March 4, 2008.

*-Approved the six-month contract with MBN Services Inc. (DBA Bob Murray & Associates) in the

amount of \$24,000 to develop and administer the Engineering Department's Capital Projects Manager recruitment process for the Human Resources Management Department.

PUBLIC HEARINGS

The city clerk announced this was the time set, pursuant to published notice, to conduct a public hearing to adopt a resolution of vacation ordering the vacation of the portion of B Street located between West Barrett Avenue and Garrard Boulevard, subject to conditions. Planning Director, Richard Mitchell, and City Manager, Bill Lindsay, gave an overview of the item (Councilmember Viramontes left the meeting at 8:44 p.m. and returned at 9:28). Mayor McLaughlin declared the public hearing open. Speakers were: Reverend Ervin Holland, Reverend Owens, and Gary Moore. On motion of Councilmember Thurmond, seconded by Vice Mayor Marquez, closed the public hearing by the unanimous vote of the Council. A motion was made by Councilmember Butt, seconded by Vice Mayor Marquez to approve the item as presented. A friendly amendment was offered by Councilmember Lopez that the flooding issue be addressed this year. The amendment was accepted and **Resolution of Vacation No. 902** was adopted by the unanimous vote of the Council.

The city clerk announced this was the time set, pursuant to published notice, to conduct a public hearing to adopt a resolution of vacation ordering the vacation of a portion of Alvarado Street located between Buena Vista Avenue and Arizona Avenue, subject to conditions. Planning Director, Richard Mitchell, gave an overview of the item. Mayor McLaughlin declared the public hearing opened. Jeff Lee spoke on this item. On motion of Vice Mayor Marquez, seconded by Councilmember Sandhu closed the public hearing by the unanimous vote of the Council. On motion of Vice Mayor Marquez, seconded by Councilmember Sandhu, adopted **Resolution of Vacation No. 903** by the following vote: **Ayes:** Councilmembers Bates, Lopez, Rogers, Sandhu, Thurmond, Vice Mayor Marquez, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Butt and Viramontes.

CONTINUE TO APRIL 1, 2008, to consider:

(1)Upholding the Planning Commission's decision to approve the Tentative Parcel Map in Exhibit A, Mitigated Negative Declaration with Mitigation Monitoring Plan and Supplemental Information in Exhibit B, for 125 to127 Western Drive (APN: 558-020-007); or, (2)Uphold the Planning Commission's decision as described in Option 1 with modified conditions of approval in Attachment 3; or (3) Uphold the Appeal request, thereby reversing the Planning Commission's approval of the Tentative Parcel Map in Exhibit A, Mitigated Negative Declaration with Mitigation Monitoring Plan and Supplemental Information in Exhibit B, and deny the creation of three residential lots for 125 to127 Western Drive (APN: 558-020-007).

OPEN FORUM FOR PUBLIC COMMENT

Chadozie Chemeiz asked for donations (monetary and

equipment) to assist his school with an earthquake preparedness program. The cost for the program will be approximately \$20,000. If you are able to assist, please contact Hattie Smith, Principal Contra Costa College Middle College.

Simms Thompson, Jr. spoke about the density in City of Richmond

Eleanor Thompson stated she was disappointed that the City Council could not support \$20,000 apprentice program for 10 youth in Richmond, but was able to approve spending \$125,000 for the upcoming 2008 Homefront Festival.

Naomi Williams asked that a discussion regarding the traffic on Cutting Boulevard and Carlson Boulevard be placed on the Public Safety Committee Agenda.

Jerome Smith spoke about the Chevron Refinery Expansion Project.

Kathy Robinson spoke about her disappointment with the Touchable Stories display.

Anthony Allen announced that the Iron Triangle Neighborhood Council meets every third Thursday at 7:30 p.m. at the Nevin Center. He also announced that the Neighborhood Council will start the State of the Neighbor addresses before the Council. He thanked the City Council for their approval to start the demolition of Nevin Park and asked the City Council for help in keeping the park clean.

AGREEMENTS

None.

RESOLUTIONS

None.

ORDINANCES

An ordinance to amend the Density Bonus regulations of the Richmond Municipal Code (RMC, Chapter 15.04.810.050) to allow rounding the total number of units up to the next even number when the calculation results in an odd number of total units was presented. Planning Director, Richard Mitchell, gave an overview of the item. Naomi Williams spoke on this item. On motion of Councilmember Bates, seconded by Vice Mayor Marquez, said ordinance received first reading and was laid over two weeks for second reading by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Vice Mayor Marquez, and Mayor McLaughlin. **Noes:** Councilmember Lopez. **Abstentions:** None. **Absent:** Councilmember Viramontes.

COUNCIL AS A WHOLE

In the matter to authorize the Finance Team to prepare proceedings and return to the City Council with recommendations to restructure the Wastewater Revenue

Bonds, Series 2006B, RCRA Subordinate Tax Allocation Bonds 2007 Series A and JPFA Lease Revenue Bonds Series 2007 (Civic Center). Finance Director, James Goins, gave an overview of the item. On motion of Councilmember Viramontes, seconded by Councilmember Sandhu approved the item by the unanimous vote of the Council.

In the matter to direct staff to research funding measures and support services available to assist the operation and programming of the Richmond Chapter of Girls Inc. located in Richmond. Councilmembers Thurmond and Bates gave an overview of the item. Speakers were: Jerome Smith, Laura Johnson, and Gayla Edgerly. Following discussion, a motion was made by Councilmember Thurmond, seconded by Councilmember Bates, to direct staff to provide technical assistance to Girls Inc; to identify funding; make City resources available to Girls Inc, in kind, including grant writers and recreation staff, who can assist Girls Inc. in developing their fundraising plan and that this same in kind provision of resources would include partnering with Girls Inc. in events and the city would be a sponsor and provide the space, in kind, so that Girls Inc. could hold events that would help them in raising funds". Councilmember Lopez offered a friendly amendment to request staff to hold an annual conference for non-profit organizations and to invite other grant making organizations from the region in order to provide assistance around capacity building. The amendment was accepted. Councilmember Rogers offered a friendly amendment to direct staff to examine the issue of possible redevelopment assistance for capital needs and to direct staff to hold a meeting to get community input to create a policy. The amendment was accepted. The motion passed by the unanimous vote of the Council.

In the matter to discuss and approve moving placement of Open Forum after the Consent Calendar and before Public Hearing. Mayor McLaughlin gave an overview of the item. Mayor McLaughlin suggested that Open Forum be moved between Consent Calendar and Public Hearing. Speakers were: Simms Thompson, Jr., Jerome Smith, Jovanka Beckles, and Jackie Thompson. A motion was made by Councilmember Bates, seconded by Councilmember Thurmond to place Open Forum between Consent Calendar and Public Hearing. Following discussion, the motion failed by the following vote: **Ayes:** Councilmembers Bates, Sandhu, Thurmond, and Mayor McLaughlin. **Noes:** Councilmembers Butt, Lopez, Rogers, Viramontes. **Abstentions:** Vice Mayor Marquez. **Absent:** None.

REPORTS OF OFFICERS: STANDING COMMITTEE REPORTS, REFERRALS TO STAFF, AND GENERAL REPORTS (INCLUDING AB 1234 REPORTS)

Councilmember Sandhu reported that he attended the League of Cities Meeting in Washington, D.C. regarding foreclosures and will submit documentation to Councilmembers.

Councilmember Rogers reported he attended the Local Government Board Commission in Yosemite the weekend of March 15, 2008.

Councilmember Lopez reported that she visited the Richmond Build Program and she wore the orange Richmond Build Program t-shirt given to her in honor of the program. She also announced that the Employment and Training staff presented a summary of the youth employment program and the City of Richmond invested over \$300,000 for the Summer Youth Employment Program and an additional \$50,000 to start a year-round program. She also announced that the branch libraries have reopened, and she congratulated staff. She also asked if port-o-potties will be provided at Nevin Park for public use.

Councilmember Butt reported that he attended the Local Government Board Commission Conference in Yosemite. He stated that he will submit a more detailed report. He stated that much of the conference focused on AB32 and what cities and counties are planning to comply with it. He stated the speakers represented top levels of every department of California government that had something to say in the matter. He also stated we are looking at a major leadership failure here in Richmond.

Councilmember Bates announced that a Public Safety Meeting is scheduled for Thursday, March 20, 2008, at 10 a.m. He also stated he attended a meeting on March 18, 2008, regarding Proposition 63. He stated that there was six or seven million dollars allocated by the State proposition for mental health programs and he thinks that the City should buy into it. There is a training program and money available for the police officers and the office of neighborhood safety should be involved. He also requested that the meeting be adjourned in memory of Mrs. Jimmy Rampoldi, Sr., wife of retired Richmond Parks and Recreation employee and member of the General Pension Board, Jimmy Rampoldi.

Vice Mayor Marquez announced that he attended the National League of Cities Congressional Conference in Washington D.C. He stated that he and Councilmember Sandhu visited five congress people including Congressman George Miller. He also stated that they met and talked with Congresswomen Loretta Sanchez, Chair of the Homeland Security, regarding the great separation here in the Marina. He stated she is familiar with the dilemmas we are facing with the ports of Richmond and Oakland. Vice Mayor Marquez stated that most of the congress people stated that the City of Richmond should start submitting applications before the Appropriations Committee starts distributing the funds. He also stated that we should get in touch with our lobbyist, Dick Kochan, to begin submitting applications for funding. He also announced that the City of Richmond's Metro Walk Townhouse Complex made the Redevelopment Building Better Communities Magazine, distributed by the California Redevelopment Association.

Mayor McLaughlin announced that Mr. Ceracy Andrews, a life-long Richmond resident, is in need of a marrow transplant. There will be a marrow drive, sponsored by the Richmond Fire Department and the Natural Marrow Organization, on March 24 and 28 in the City Council Chambers from 8:30 a.m. to 12:30 p.m. For more information contact Diane Canepa at 307-8160 or

www.marro.org. Mayor McLaughlin also thanked all community members that participated in the International Women's Day Event. She stated that over 200 people attended.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:00 p.m. in memory of Mrs. Jimmy Rampoldi, Sr., and extended get well wishes to Richard Granzella, to meet again on Tuesday, March 25, 2008, at 7:00 p.m.

City Clerk

(SEAL)

Approved:

Mayor