

RICHMOND, CALIFORNIA, May 6, 2008

The Regular Meeting of the Richmond City Council was called to order at 5:37 p.m., by Vice Mayor John Marquez.

ROLL CALL

Present: Councilmembers Butt, Bates, Rogers, Sandhu, Thurmond, and Vice Mayor Marquez. **Absent:** Councilmembers Lopez, Viramontes, and Mayor McLaughlin (Councilmembers Lopez, Viramontes, and Mayor McLaughlin arrived after adjourning to Closed Session).

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

Cove Investments, LLC vs. City of Richmond

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Initiation of litigation pursuant to Subdivision (c) of Section 54956.9):

One Case

There were no public speakers.

The Open Session adjourned to Closed Session at 5:38 p.m. The Closed Session adjourned at 6:29 p.m. The Regular Meeting of the City Council was reconvened at 7:02 p.m. by Vice Mayor John Marquez.

ROLL CALL

Present: Councilmembers Bates, Lopez, Sandhu, Thurmond, and Vice Mayor Marquez. **Absent:** Councilmembers Butt, Rogers, Viramontes, and Mayor McLaughlin (Councilmembers Butt and Rogers arrived during Statement of Conflict of Interest; Mayor McLaughlin arrived at 7:01 p.m.; and Councilmember Viramontes arrived at 7:04 p.m.).

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Removed Items F-1, F-2, F-6, F-11, F-18, and F-21 from the Consent Calendar.

Mayor McLaughlin stated Item F-21 would be heard after Open Forum.

On motion of Councilmember Bates, seconded by Councilmember Rogers, approved hearing Item L-1 after Agenda Review by the unanimous vote of the Council.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Received the final Goldman School of Public Policy Environmental Policy Analysis Report and heard a presentation by public policy intern Sara Minor-Massy. (Councilmember Bates left the meeting at 7:48 p.m. and returned at 7:55 p.m. Councilmember Thurmond left the meeting at 7:49 p.m. and returned at 7:50 p.m.). Following discussion a motion was made by Councilmember Rogers, seconded by Councilmember Lopez to refer this item to the Finance Committee and staff will work with the Finance Committee to prepare a report and come back to the Council for priority setting. A friendly amendment was offered by Councilmember Viramontes to accept moving this item to the Finance Committee, accept the nine initiatives that have the maximum impacts on the environment, climate change, and change in health - begin discussion at the Finance Committee, and the City Council could discuss the other three initiatives, and submit recommendations to the City Council. A substitute motion was made by Mayor McLaughlin to have this item come to the City Council for prioritizing the processes then go before the Finance Committee. The substitute motion failed for lack of a second. City Attorney, Scott Dickey, stated the item could only be referred. Following discussion, Mayor McLaughlin referred this item to the Finance Committee.

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

City Attorney, Scott Dickey, reported no reportable action on the following:

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

Cove Investments, LLC vs. City of Richmond

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Initiation of litigation pursuant to Subdivision (c) of Section 54956.9):

One Case

CONSENT CALENDAR

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

A proposal to acknowledge receipt of proposed Fiscal Year 2008-2009 Annual Operating Budget pursuant to Section 2.61.010 of Ordinance 42-07 N.S was presented. Finance Director, James Goins, gave an overview of the item. Lacy Douglas III spoke on this item. On motion of

Councilmember Bates, seconded by Vice Mayor Marquez, acknowledged receipt of the proposed Fiscal Year 2008-2009 Annual Operating Budget by the unanimous vote of the Council.

A proposal to approve a two-year contract with Opportunity West in the amount of \$155,000 for family-based case-management services, consistent with the California Gang Reduction & Intervention Program (CalGRIP) grant was presented. Jay Leonhardy, Employment and Training, gave an overview of the item. Speakers were: Jackie Thompson, Jerome Smith, Corky Booze, and Eleanor Thompson. Following discussion, on motion of Councilmember Viramontes, seconded by Councilmember Lopez, approved a two-year contract with Opportunity West by the unanimous vote of the Council.

*-Adopted **Resolution No. 45-08** accepting the Fiscal Year 2007 California Port and Maritime Security Grant Program grant award in the amount of \$3,404,507, and authorizing the Port Director or his designee to take all actions necessary to obtain port security grant funding in accordance with such program.

*-Approved a second contract amendment with the Contra Costa County Building Inspection Department to provide building and permitting management services for an additional amount not to exceed \$200,000, and extending the contract term through November 30, 2009.

*-Adopted **Resolution No. 46-08** (1) accepting \$74,987 in grant funds from the Bay Area Air Quality Management District, and (2) amending a contract with Moore Iacofano Goltsman, Inc. for an additional amount not to exceed \$74,987 of grant funds to prepare an Energy and Climate Change Element for the City of Richmond General Plan.

A proposal to authorize payment to Aquatic Environments, Inc. for emergency repairs of the fountain in Hilltop Lake in an amount not to exceed \$70,000 was presented. City Engineer, Rich Davidson, gave an overview of the item. Corky Booze spoke on this item. On motion of Vice Mayor Marquez, seconded by Councilmember Lopez authorized payment to Aquatic Environments, Inc. by the unanimous vote of the Council.

*-Approved a construction contract for Phase I of the renovation of the Richmond Natatorium (The Plunge) to West Bay Builders, Inc. in an amount of \$3,991,000.00, and authorized a contingency and reserve not to exceed \$400,000.00.

*-Approved a second amendment to a contract with Todd Jersey Architecture of Berkeley to provide the necessary architectural services to complete Phase II of the renovation of the Richmond Natatorium, and to provide construction administration for Phase I for a cost not to exceed \$220,000.00. The total cost of the contract as amended is \$355,000.

*-Adopted **Resolution No. 48-08** authorizing the Mayor to execute a Cooperative Agreement with the State of California Department of Transportation providing for a cost-sharing plan for the installation of new traffic signals at the Carlson Boulevard and I-80 freeway ramps with the City's cost share not to exceed \$350,000.

*-Approved a contract with ACCO Engineered Systems in the amount of \$17,877 to install and replace two HVAC units at the Martin Luther Community Center that were vandalized, and authorize a contract contingency of \$3,750 - Public Works (Yader Bermudez 231-3009).

A proposal to approve the expenditure of budgeted Fiscal Year 2007-2008 Equipment Replacement Funds to purchase 32 Ford trucks and vans in an amount not to exceed \$1,000,000 was presented. This item was pulled from the Consent Calendar a member of the audience, and the public speaker was not in the Chambers when the item was announced. On motion of Vice Mayor Marquez, seconded by Councilmember Viramontes approved the expenditure by the unanimous vote of the Council.

*-Approved a contract in the amount of \$28,920 with MICK Enterprises for demolition of restrooms at Booker T. Anderson, J. F. Kennedy, and Lucas Parks, and for the removal of wooden poles from the field at Martin Luther King Park, and authorize a 20% contract contingency of \$5,784.

*-Approved a contract between Air Industrial Consultant and the Public Works Department, in an amount not to exceed \$40,000, to install and replace a dust collector in the Carpenter's Shop in order to meet Occupational Safety and Health Administration (OSHA) requirements.

*-Approved the purchase of equipment for four new Fire Engines and one new Aerial Ladder Truck from L.N. Curtis & Sons in an amount not to exceed \$178,859.76.

*-Approved the purchase of Self-Contained Breathing Apparatus (SCBA) cylinders and other related equipment for new fire apparatus from Allstar Fire Equipment, Inc. in the amount of \$107,549, plus shipping and tax.

*-Approved the purchase of 16 wildland hose packs and five thermal imaging cameras for new fire apparatus from Allstar Fire Equipment, Inc. in the amount of \$60,860.

*-Approved the purchase of five FireCom 3020R Intercom Systems and accessories for new fire apparatus from RadioMate Corporation in the amount of \$13,939.64.

A proposed a contract with Gordon Rees, LLP in an amount not to exceed \$125,000, for an evaluation and legal review of waste water operations was presented. Following discussion, on motion of Vice Mayor Marquez, seconded by Councilmember Viramontes approved a contract with Gordon Rees, LLP by the following vote: **Ayes:** Councilmembers Butt, Lopez, Rogers, Thurmond, Viramontes, Vice Mayor Marquez, and Mayor McLaughlin. **Noes:** Councilmember Bates and Sandhu. **Abstentions:** None. **Absent:** None.

*-Approved a contract amendment with Shute, Mihaly & Weinberger, LLP to increase the payment limit by \$40,000, for a total contract amount of \$50,000, for the defense of the City of Richmond in California Environmental Quality Act (CEQA) litigation, Cove Investments, LLC vs. City of Richmond.

*-Approved a two-year contract amendment with Comcate for its eFeedbackManager (eFM) software in the amount of \$43,107 for subscription fees and professional services related to the transfer of data to the City's new code enforcement module, CodeTrak.

A proposed contract amendment with Ranajit Sahu, an independent environmental and energy consultant, in the amount of \$50,000 for a total amount of \$60,000 for technical assistance in crafting conditions of approval for Chevron's energy and hydrogen renewal project was presented. City Manager, Bill Lindsay, gave an overview of the item. Speakers were: Michael Beer, Dr. Jeff Ritterman, Jerome Smith, Barbara Stauss, Ormond Otvos, Jessica Montiel, Jane Mills, Greg Karras, Juan Reardon, Janie Anker, Jovanka Beckles, Simms Thompson, and Mike Ali. Following discussion, a motion was made by Councilmember Viramontes, seconded by Vice Mayor Marquez to approve a contract amendment with Ranajit Sahu. Discussion ensued and a friendly amendment was offered by Councilmember Butt to approve the contract and exclude the confidentiality agreement. The amendment was not accepted. A substitute motion was made by Councilmember Butt, seconded by Mayor McLaughlin to approve the contract and exclude the confidentiality agreement. A friendly amendment was made by Mayor McLaughlin to also specify the issue of crude cap and to work with Communities for a Better Environment (CBE) and other agencies. The amendment was accepted. Discussion continued and the substitute motion failed by the following vote: **Ayes:** Councilmembers Butt, Thurmond, and Mayor McLaughlin. **Noes:** Councilmembers Lopez, Rogers, Sandhu, and Viramontes. **Abstentions:** Councilmembers Bates and Vice Marquez. **Absent:** None. Councilmember Lopez offered a friendly amendment to the original motion that specific concerns from the Planning Commission be addressed and will be directed to the appropriate independent consultants. The amendment was accepted. Following discussion the original motion passed by the following vote: **Ayes:** Councilmembers Bates, Lopez, Rogers, Sandhu, Viramontes, and Vice Mayor Marquez. **Noes:** Councilmembers Butt, Thurmond, and Mayor McLaughlin. **Abstentions:** None. **Absent:** None.

*-Approved the minutes of the Regular Meeting held on April 15, 2008, and the Special Meeting held on April 22, 2008.

PUBLIC HEARINGS

The city clerk announced that this was the time set, pursuant to published notice, to conduct a public hearing to consider designating the Cannery located at 1200 Harbour Way South and 1275 Hall Avenue as a Historic Resource; and ADOPT a resolution approving the designation of the Cannery as a Richmond Historic Resource. Planning

Director, Richard Mitchell, gave an overview of the item. Mayor McLaughlin declared the public hearing open. Rod Satre spoke on behalf of the owner of the property. Simms Thompson, Jr. spoke on this item. On motion of Councilmember Viramontes seconded by Councilmember Thurmond closed the public hearing by the unanimous vote of the Council. On motion of Councilmember Viramontes, seconded by Vice Mayor Marquez designated the Cannery as a Historic Resource and adopted **Resolution No. 49-08** by the following vote: **Ayes:** Councilmembers Butt, Rogers, Sandhu, Thurmond, Viramontes, Vice Mayor Marquez, and Mayor McLaughlin. **Noes:** None. **Abstentions:** Councilmember Bates. **Absent:** Councilmember Lopez.

OPEN FORUM FOR PUBLIC COMMENT

The city clerk announced that there were 17 speakers for Open Forum. Mayor McLaughlin requested clarification on when Item F-21 would be heard. The city clerk informed the Council that Item F-21 would be heard after Open Forum. A motion was made by Councilmember Bates, seconded by Vice Mayor Marquez to hear Item J-1 before Open Forum. The motion passed by the following vote: **Ayes:** Councilmember Bates, Rogers, Sandhu, Viramontes, and Vice Mayor Marquez. **Noes:** Councilmembers Butt, Thurmond, and Mayor McLaughlin. **Abstentions:** None. **Absent:** Councilmember Lopez.

Mike Ali presented a pipe to the City of Richmond from the Cherokee Tribe and said a prayer for peace.

Naomi Williams thanked the City Council for the funds appropriated to the Juneteenth Festival. She also stated the Cinco de Mayo parade and festival was a success. She also thanked Councilmembers Sandhu, Bates, Butt, and Vice Mayor Marquez for attending the BAPACK Judge George Carroll Award.

Corky Booze stated Vice Mayor Marquez should decide whether he wants to stop the crime in the City of Richmond or represent a certain group of people only. He also requested health permits be required for street vendors.

Jeff Ritterman spoke about the importance of saving our environment.

Jerome Smith spoke about his disappointment in the funding given for the Juneteenth and Cinco de Mayo Festivals.

Jaqui Porras read a positive letter to Vice Mayor Marquez and, on behalf of the 23rd Street Merchants Association, presented Vice Mayor Marquez with a plaque.

Jackie Thompson spoke about her disappointment with the City Council for fighting in public. She also thanked everyone for supporting in the Leadership Breakfast. She announced that the Tent City Peace Movement will commence Part Two of the First Annual Parks Reunion beginning at 10:00 a.m. on Sunday, May 18 through May 28, 2008. Lucas Park has been added to the list as a site for the Reunion.

Ormond Otvos asked that a camera to be installed at Curry Street and Macdonald Avenue.

Barbara Stauss spoke about making sure that the waterfront does not smell.

Greg Karras spoke about Chevron Corporation.

Jane Mills requested help for a close friend who is dying of cancer and needs assistance to vacate the home she is living in.

Jessica Montiel spoke of her disappointment with the environmental issues in Richmond and she also urged the City Council to standby the immigration procedures that were passed in Richmond.

Janie Anker spoke of her disappointment with Chevron.

Jovanka Beckles commended the cities of Richmond and San Pablo for organizing a successful Cinco de Mayo. She also stated that Mexico played a part in opposing slavery.

Eleanor Thompson spoke of her disappointment with the lack of jobs in Richmond.

RESOLUTIONS

A proposed resolution requesting the Regents of University of California non-certification of the two Final Environmental Impact Reports for the Lawrence Berkeley National Laboratory (LBNL) project and to consider the Richmond Field Station as an alternate site was presented. Councilmember Viramontes gave an overview of the item. Speakers were: Carolyn Graves, Joe Robinson, Corky Booze, Lesley Emmington, Janice Thomas, Julie Dickinson, Sherry Padgett, David Kim, Simms Thompson, and Jeff Ritterman. Following discussion, a motion was made by Councilmember Viramontes, seconded by Councilmember Bates to approve the item as presented. Councilmember Butt offered a friendly amendment that the resolution incorporate the following: (1) recommendations from the Sierra Club letter dated May 5, 2008, which states “so long as the development is not placed on the Costal Upland Prairie at the site or has any adverse impacts on the prairie; and (2) so long the project is constructed after the site is remediated according to direction by DTSC”. The amendment was accepted. Discussion continued and Mayor McLaughlin stated she will write a letter to the U.C. Regents opposing the passing of this resolution. Councilmember Bates requested that Vice Mayor Marquez write a letter to the U.C. Regents stating the position of the majority of the Council. Councilmember Viramontes stated the motion already included that a letter be written as a City with the signature of the city manager, if the mayor decides not to put her signature on the letter. The motion passed and **Resolution No. 47-08** was adopted by the following vote: **Ayes:** Councilmembers Bates, Butt, Lopez, Rogers, Sandhu, Viramontes, and Vice Mayor Marquez. **Noes:** Councilmember Thurmond and Mayor McLaughlin. **Abstentions:** None. **Absent:** None.

COUNCIL AS A WHOLE

In the matter to receive a report on the deployment of the California Highway Patrol (CHP) in the City of Richmond. CHP Captain Don Moral gave a report on the item. The city clerk announced that there were two 23rd Street merchants that submitted speaker's cards after this item was announced. On motion of Councilmember Bates, seconded by Councilmember Viramontes approved the request for Rafael Madrigal, and Adolfo Porras to speak by the following vote: **Ayes:** Councilmembers Bates, Butt, Lopez, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** Mayor McLaughlin. **Abstentions:** None. **Absent:** None. Speakers were: Corky Booze, Jackie Thompson, Simms Thompson, Rafael Madrigal, and Adolfo Porras. A motion was made by Councilmember Bates, seconded by Councilmember Rogers to accept and receive the report from the California Highway Patrol and have Mayor McLaughlin and the Council prepare a letter to the Director of the State Highway Patrol and the Governor commending the California Highway Patrol for their hard work. Mayor McLaughlin suggested the letter come from the Public Safety Committee. The suggestion was accepted. The motion passed by the unanimous vote of the Council.

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

City Manager, Bill Lindsay, gave a brief report on the response to the May 5, 2008, chemical release near Parchester Village. The response delay to the City of Richmond is under investigation. The City of Richmond will follow up on procedures as well as the business owner's responsibility.

Councilmember Sandhu announced that he attended the NAACP Annual Banquet and the Cinco de Mayo Parade. He invited everyone to attend the re-designation of students that are proficient in English as well as their native language to be held at DeJean Middle, May 8, 2008, 3400 Macdonald Avenue.

Councilmember Rogers gave an AB1234 Report stating he attended an Affordable Housing Conference in Sacramento. He also congratulated everyone involved with the Cinco de Mayo Celebration.

Councilmember Lopez reported she attended the Cinco de Mayo activities and they were wonderful. She thanked the many sponsors, volunteers, and everyone from the City of Richmond, San Pablo for their support and participation in making it a success. Councilmember Lopez stated her concern about where the notification system failed at the time of the resent chemical release.

Councilmember Viramontes congratulated everyone that worked on Cinco de Mayo. She requested that the Public Safety's Programs Committee put on their agenda a consideration for a local ordinance or request a state bill that might create charges for violators that strip metal from equipment that may hold toxic materials that would create a

public health hazard. She also gave an AB1234 Report that she and Councilmember Bates attended the State Clean Water Meeting on April 23 through 26, 2008, and she will distribute written packets to the Council.

Councilmember Butt stated he enjoyed the Cinco de Mayo parade. He also stated he attended the BAPAC event.

Councilmember Thurmond congratulated the organizers of the Cinco de Mayo event. He also invited anyone interested in training to help reduce graffiti in the community to attend a meeting to be held Wednesday, May 7, 2008, at 7:00 p.m. in the Council Chambers.

Councilmember Bates congratulated the organizers of the Cinco de Mayo event. He gave an AB1234 Report regarding the State Clean Water Meeting he attended on April 23 through 26, 2008. He also stated that Mother Novlean Harris expressed her appreciation to the Mayor McLaughlin and the City Council, and City Staff for her 92nd Birthday celebration. He also asked the mayor to adjourn the meeting in memory of Burt Curry's wife.

Vice Mayor Marquez congratulated everyone on the well organized Cinco de Mayo event. He thanked the 23rd Street Merchants Association and Jaqui Porras for the plaque. He also stated that he does not write the articles that appear in the newspapers, and that he represents all the residents in the City to the best of his ability. Vice Mayor Marquez stated that he made a surprise presentation to Don Lau, Executive Director of the YMCA, with a proclamation for his 25 years of service.

Mayor McLaughlin stated that the Cinco de Mayo Event and Parade were wonderful. She welcomed all Councilmembers to attend the South East Shoreline Community Action Group (CAG) meeting on Thursday, May 8, 2008, at 6:30 p.m. in the Council Chambers.

ADJOURNMENT

There being no further business, adjourned the meeting at 12:32 a.m., in memory of Virginia Curry, a member of the Galileo Club, to meet again in two weeks on May 20, 2008, at 7:00 p.m.

City Clerk

(SEAL)

Approved:

Mayor