

**RICHMOND, CALIFORNIA, May 20, 2008**

The Regular Meeting of the Richmond City Council was called to order at 4:11 p.m., by Mayor Gayle McLaughlin.

**ROLL CALL**

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

**LIABILITY CLAIMS - PENDING LITIGATION**  
(Government Code Section 54956.9):

Claimant: Michael and Joanna Lyons  
Agency Claimed Against: City of Richmond

**CONFERENCE WITH LABOR NEGOTIATORS**  
(Government Code Section 54957.6):

City Designated Representative(s): Bill Lindsay, Leslie Knight, Lisa Stephenson, and Bruce Soublet  
Employee Organization or unrepresented employee(s): Local 21 and Local 1021 Retiree Medical Negotiations

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

One Case  
Continued to June 3, 2008, Liability Claim filed by Michael and Joanna Lyons

There were no public speakers.

The Open Session adjourned to Closed Session at 4:13 p.m. The Closed Session recessed at 5:19 p.m. The Regular Meeting of the City Council was reconvened at 5:22 p.m. by Mayor McLaughlin.

## **ROLL CALL**

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

## **FISCAL YEAR 2008/2009 BUDGET**

City Manager, Bill Lindsay, and Finance Director, Jim Goins gave a financial overview of Fiscal Year 2008/2009 Budget which included a PowerPoint Presentation. The city manager highlighted some accomplishments of the City which were based on Council direction. Councilmember Viramontes congratulated Mr. Goins for receiving an award for being the best Finance Director in the State of California for 2008. Following discussion, a motion was made by Councilmember Viramontes, seconded by Vice Mayor Marquez to begin budget hearings on May 27, 2008, from 1:00 p.m. to 6:00 p.m. Councilmember Rogers offered a friendly amendment to start at 9:00 a.m. The friendly amendment was not accepted. The motion passed with Councilmember Butt voting **Noe**. A motion was made by Councilmember Viramontes, seconded by Vice Mayor Marquez to begin budget hearings on June 3, 2008, from 1:00 p.m. to 6:00 p.m. The motion passed by the unanimous vote of the Council.

The Regular Meeting of the City Council adjourned to Closed Session at 6:33 p.m. The Closed Session adjourned at 7:24 p.m. The Regular Meeting of the City Council was reconvened at 7:34 p.m. by Mayor 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-1, F-6, F-7, F-9, F-11, and F-12 from the Consent Calendar.

## **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:

## **CITY COUNCIL**

**LIABILITY CLAIMS - PENDING LITIGATION**  
(Government Code Section 54956.9):

Claimant: Michael and Joanna Lyons  
Agency Claimed Against: City of Richmond

**CONFERENCE WITH LABOR NEGOTIATORS**  
(Government Code Section 54957.6):

City Designated Representative(s): Bill Lindsay, Leslie Knight, Lisa Stephenson, and Bruce Soublet  
Employee Organization or unrepresented employee(s): Local 21 and Local 1021 Retiree Medical Negotiations

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

One Case

**CONSENT CALENDAR**

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

A proposal to accept the Arts & Culture Commission's final recommendation to select John Wehrle as the artist for the wall mural at the entrance of the Civic Center City Hall Council Chambers was presented. Corky Booze spoke on this item. On motion of Vice Mayor Marquez, seconded by Councilmember Thurmond, accepted the Arts & Culture Commission's final recommendation by the unanimous vote of the Council.

\*-Approved a legal services contract with the law firm of Rogers, Joseph & O'Donnell for an amount not to exceed \$20,000 to provide on-going legal services related to compliance with the Regional Water Quality Control Board (RWQCB) Tentative Order for Terminal 4 Site Clean-Up.

\*-Approved a contract amendment with Quality Polygraph Services to provide pre-employment polygraph examination services, increasing the amount by \$8,750 for a total of \$18,450.

\*-Adopted **Resolution No. 50-08** authorizing the City to levy special assessments against certain properties where accumulations of abandoned, wrecked or dismantled vehicles are a public nuisance under the Richmond Municipal Code (RMC), Chapter 11.76.

\*-Adopted **Resolution No. 51-08** allowing the City of Richmond to enter into a Standard Agreement (CO700127) with the State Franchise Tax Board (FTB) providing for the City's participation in the FTB's City Business Tax Data Program.

A proposed contract with Solar Richmond in the amount of \$50,000 to provide technical assistance and to coordinate the solar installation component for the RichmondBUILD training program was presented. The contract term will be May 20, 2008, through June 30, 2009, in an amount not to exceed \$50,000. Sal Vaca,

Director of 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 contract by the unanimous vote of the Council.

A proposed contract amendment with Jane Lofgren, dba Central Cleaning, to provide cleaning services for the restroom facilities at the Jay and Barbara Vincent, Shimada, and Lecretia Edwards Parks was presented. This amendment will increase the payment amount by \$9,720 for a total contract amount of \$19,440, and will extend the term of the contract from June 30, 2008, to June 30, 2009. Corky Booze spoke on this item. On motion of Councilmember Viramontes, seconded by Councilmember Rogers, approved the contract by the unanimous vote of the Council.

\*-Approved the expenditure of budgeted FY 07/08 Equipment Replacement Funds to purchase two mowers in an amount not to exceed \$23,000.

A proposed contract amendment with MBN Services Inc. (DBA: Bob Murray & Associates) for \$54,000, for a total approved contract payment limit not to exceed \$78,000, to develop and administer recruitment processes for three additional engineering classifications was presented. The city clerk announced that the individual from the audience that requested this item be removed from the Consent Calendar withdrew their request to speak on the item. On motion of Councilmember Viramontes, seconded by Vice Mayor Marquez, approved the contract by the unanimous vote of the Council.

\*-Adopted **Ordinance No. 11-08** establishing the wages, salary, and compensation for the revised and retitled classification of Revenue Manager (Salary Range 060D: \$6,238 - \$7,544/month).

A proposed contract with Ralph Andersen and Associates in the amount of \$11,355.57, for miscellaneous recruitment services was presented. The city clerk announced that the individual from the audience that requested this item be removed from the Consent Calendar withdrew their request to speak on the item. On motion of Councilmember Viramontes, seconded by Vice Mayor Marquez, approved the contract by the unanimous vote of the Council.

A proposed contract amendment with Patricia Elliot increasing the total amount from \$10,000 to \$25,000 for confidential investigative services was presented. Human Resource Director, Leslie Knight, gave an overview of the item. On motion of Councilmember Viramontes, seconded by Councilmember Rogers approved the contract by the unanimous vote of the Council.

\*-Approved the following reappointments and appointments: Commission on Aging: Barbara Scott, incumbent, term expiring May 19, 2010; Richmond Workforce Investment Board: Alan Baer; Richmond-Shimada Friendship Commission: Marilyn Chan Alford, term expiring December 31, 2010.

\*-Approved the minutes of the Regular Meeting held on May 6, 2008.

#### **PUBLIC HEARINGS**

None.

## **OPEN FORUM FOR PUBLIC COMMENT**

Corky Booze thanked the City Manager, Bill Lindsay, the City Council, and Mayor McLaughlin for working with the Tent City Peace Movement. He also stated that he received a call from a citizen complaining that he was told that he could not barbecue in his front yard. Mr. Booze stated that there are people cooking on 23rd Street all the time without health permits. He requested help from Vice Mayor Marquez requesting that everyone be treated fairly. Mr. Booze also questioned if the flags on 23<sup>rd</sup> Street that are written in Spanish were paid for by the City of Richmond tax payers; if so, the flags need to be written in English as well. Mr. Booze asked if Vice Mayor Marquez is in support of not renewing the contract with the City of Richmond and the California Highway Patrol (CHP).

Arlinda Love invited everyone to attend the Silence the Violence Day on June 18, 2008, from 6:00 p.m. to 7:00 p.m. at 26<sup>th</sup> Street and Cutting Boulevard. She also invited everyone to the San Quentin State Prison's 2<sup>nd</sup> Annual Day of Peace on June 7, 2008, on the lower yard of San Quentin Prison. For more information contact Associate Warden K. J. Williams at (415) 454-1460 Extension 5167 or Peter Van Dyke at peacepetervd@yahoo.com.

Eleanor Thompson asked about the recreation centers throughout the City of Richmond being used free of charge for non-profits.

Mohamed Mosleh requested help regarding a notice he received from the City of Richmond Code Enforcement.

Jerome Smith gave comments regarding the need for the City to be mindful of its discretionary spending.

## **ORDINANCES**

A proposed ordinance to establish a temporary moratorium on the acceptance, processing and approval of applications and permits to construct, modify or place biofuel facilities within the City of Richmond was presented for first reading. Planning Director, Richard Mitchell, gave an overview of the item. Vice Mayor Marquez suggested this item be held over to allow Mr. Mitchell the opportunity to speak with the business community. Councilmember Viramontes suggested giving the Planning Director 90 days to draft an updated ordinance that reflects whatever is needed to finalize the different types of biofuel products. Speakers were: Jim Bates, Joshua Genser, Corky Booze, and Jerome Smith. Following discussion, a motion was made by Councilmember Lopez, seconded by Councilmember Rogers to continue this item for 45 days and direct staff to consult with the business community and other business groups and draft an ordinance that would improve the process for sighting and regulating these types of facilities in Richmond. Councilmember Viramontes ask for clarification that the motion included that all current applications would fall under current zoning laws. Councilmember Lopez stated that was correct. The motion passed by the unanimous vote of the Council.

## **COUNCIL AS A WHOLE**

In the matter to approve a motion to oppose Initiative 1326, the Runner Initiative, which would increase funding for criminal justice programs by half a billion dollars annually; facilitate the prosecution of more youth as adults; increase penalties for drug offenses and offenses alleged to be "gang" related; create mandatory criminal background checks for housing; subsidy recipients; and prohibit bail for undocumented immigrants charged with "gang related" felonies. Mayor McLaughlin and Councilmember Thurmond gave an overview of the item. Speakers were: Joyce Cook, Corky Booze, Jerome Smith, Jovanka Beckles, and Mike Fabre. On motion of Councilmember Sandhu, seconded by Councilmember Viramontes approved the motion by the unanimous vote of the Council.

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

Councilmember Bates requested the mayor adjourn the meeting in memory of his long time friend J. D. Banks. Mr. Banks was also a long time city employee, an outstanding athlete who played with the Harlem Clowns Basket Ball Team, and a Contra Costa College Employee. His funeral will be on Thursday, May 22, 2008, at either Contra Costa College or Saint Cornelius Church. Councilmember Bates also announced that Ms. Fanny Flannigan passed.

Vice Mayor Marquez stated that he was elected by the whole community and he represents all of Richmond. He reminded everyone that he initiated the CHP coming to Richmond and he does not condone violations of the law. Vice Mayor Marquez applauded Javonka Beckels for her comments during Open Forum. He also requested that the mayor adjourn the meeting in memory of Larry Martinez, an advocate for the entire community. His Rosary will be held at Saint Paul in San Pablo, on Thursday, May 22, 2008, at 6:30 p.m. and the funeral will be on Friday, May 23, 2008, at 10:00 a.m. at Saint Paul.

Councilmember Sandhu announced that he attended the East Bay Center for Performing Arts.

Councilmember Rogers announced that he discussed the Nystrom renovation with, Housing Director, Tim Jones, and thanked the city manager for getting Mr. Jones involved with the project.

Councilmember Viramontes extended her condolences to the Martinez family. She also gave an AB1234 Report that she attended her annual ethics class in Sacramento last week and she also completed training on how to develop a health care trust fund.

Councilmember Lopez announced that the Finance Committee held Budget Community Meetings with neighborhood councils. She announced that the upcoming meeting will be held at Fairmead Hilltop on Thursday, May 22, 2008, at 7:00 p.m. and Richmond Heights on Monday, June 2, 2008.

Mayor McLaughlin thanked the Tent City Peace Movement for being in the Parks spreading the message of peace. She asked for support from the community to spread the message of peace. She also invited everyone to a special Meet with the Mayor on Friday, May 23, 2008, from 5:30 to 6:30 p.m. in the Richmond High School Library.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 9:14 p.m., in memory of J. D. Banks, Larry Martinez, and Fanny Flannigan, to meet again on Tuesday, May 27, 2008, at 7:00 p.m.

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City Clerk

(SEAL)

Approved:

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Mayor