

RICHMOND, CALIFORNIA, July 29, 2008

The Regular Meeting of the Richmond City Council was called to order at 5:09 p.m., by Vice Mayor John Marquez.

ROLL CALL

Present: Councilmembers Butt, Bates, Lopez, Sandhu, Viramontes, and Vice Mayor Marquez. **Absent:** Councilmembers Rogers, Thurmond, Viramontes, and Mayor McLaughlin (Councilmembers Rogers and Thurmond arrived at 5:10 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 - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9):

Nishioka vs. City of Richmond

Dragolovich vs. City of Richmond

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

One Case

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

One Case

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8):

Property: 1310 Canal Boulevard
Negotiating Parties: Jim Matzorkis, Port Director, City of Richmond.

REDEVELOPMENT AGENCY

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8):

Real Property Negotiations (Government Code Section 54956.8)
Property: NWC Cutting Boulevard and South 13th Street
APN: 544-240-009-8, 544-240-14-8, and 544-240-015-5
Negotiating Parties: Steve Duran/Patrick Lynch, City of Richmond.

There were no public speakers.

The Open Session adjourned to Closed Session at 5:10 p.m. The Closed Session adjourned at 6:37 p.m. The Regular Meeting of the City Council was reconvened at 6:43 p.m. by Vice Mayor John Marquez for a Study Session.

The City Council received an update from the Contra Costa Transportation Authority (CCTA) staff regarding the proposed plans to reconstruct the I-80/San Pablo Dam Road Interchange. City Engineer Rich Davidson introduced CCTA Engineering Manager Hisham Noeimi who gave a presentation that included a PowerPoint presentation. The purpose and need of the project is to reduce traffic congestion, improve traffic operations, provide efficient and safe bicycle and pedestrian access, and accommodate future traffic volumes. Project information as well as notices for community meetings will be posted on the City of Richmond's website at www.ci.richmond.ca.us.

The City Council received a presentation by the Bay Area Rapid Transit District (BART) on its plans to install a Photovoltaic Solar Electric System on the roof of their Richmond Maintenance Facility. Roderick Lee, Government and Community Relations BART District, gave an overview and introduced Energy Division Manager Frank Schultz who gave a PowerPoint presentation on the Solar Electric System that will be installed at the BART Maintenance Yard. The project is scheduled to be completed by year end 2008. Mr. Bey spoke on this item.

The Study Session adjourned at 7:18 p.m. and the City Council was reconvened at 8:10 p.m.

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Juan Reardon submitted speakers' cards to remove all items from the Consent Calendar.

Continued Items F-30 and F-31 to continue to September 2008.

Items F-1, F-2, and L-3 were moved to be heard immediately after the Report From The City Attorney Of Final Decisions Made And Non-Confidential Discussions Held During Closed Session.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Councilmember Bates presented television interview tapes to the Richmond Public Library, West Contra Costa Unified School District (WCCUSD), and the Richmond Museum. The tapes consist of interviews with African-American elected officials and community leaders in the City of Richmond. Superintendent, Bruce Harter, of the WCCUSD and the representative of the Richmond Public Library accepted the tapes and expressed their appreciation. Corky Booze spoke on this item.

Councilmember Bates gave an overview of the Richmond globe Newspaper's reporting styles. Vice Mayor Marquez read a proclamation recognizing the Globe's outstanding reporting style and presented the proclamation to Publisher Vernon Whitmore and Associate Publisher Eleanor Boswell-Raine. Mr. Whitmore and Mrs. Boswell-Raine gave comments on behalf of the Globe Newspaper staff and thanked the Council for the proclamation. Javonka Beckles and Jerome Smith spoke on this item.

Presentation by the East Bay Bicycle Coalition to the Richmond We Can Do It! 2008 Team Bicycle Challenge Winning Team for Contra Costa County and recognizing local Richmond firms and volunteers that supported two Energizer Stations during Bike-To-Work Day and Bay Area Bicycle Activities during the month of May, 2008. Craig Murray spoke and introduced the winning team members: Bill Lindsay, Craig Murray, Michael Williams, Janet Johnson, and Antonio Banuelos. Dave Campbell, East Bay Bicycle Coalition, gave a presentation and presented each member with a certificate and bike bag. Corky Booze spoke on this item.

Vice Mayor Marquez announced that an item regarding National Night Out was inadvertently left off the Agenda. He announced that Cynthia Hayden, Chairperson for The Richmond Crime Prevention, invited everyone to participate in the National Night Out activities on Tuesday, August 5, 2008. National Night Out is a national event against crime. It is a time when communities stand together in solidarity to support building stronger neighborhoods and promotes civic engagement. Many cities throughout the country celebrate National Night Out with block parties where neighbors can meet and greet one another and connect with local law enforcement. The National Night Out Caravan will visit neighborhoods throughout the City. This year Target Stores will be our community partners and will host the kick off and ending parties. Other speakers were Myrtle Braxton-Ellington, and Naomi Williams.

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

City Attorney, Scott Dickey, reported the following:

CITY COUNCIL

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9): Nishioka vs. City of Richmond, Dragolovich vs. City of Richmond. *No reportable action.*

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 LEGAL COUNSEL - ANTICIPATED LITIGATION (Initiation of litigation pursuant to Subdivision (c) of Section 54956.9): One Case. *No reportable action.*

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8): Property: 1310 Canal Boulevard, Negotiating Parties: Jim Matzorkis, Port Director, City of Richmond. *No reportable action.*

REDEVELOPMENT AGENCY

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8): Real Property Negotiations (Government Code Section 54956.8) Property: NWC Cutting Boulevard and South 13th Street APN: 544-240-009-8, 544-240-14-8, and 544-240-015-5 Negotiating Parties: Steve Duran/Patrick Lynch, City of Richmond. *The City Council approved the purchase for \$450,000.*

CONSENT CALENDAR

A proposal to approve the amended Pre-Development Agreement with Auto Warehousing Company (AWC), which provides the reimbursement to AWC of pre-development costs is contingent on certification of the Environmental Impact Report (EIR) by the City of Richmond, was presented. Port Director Jim Matzorkis gave an overview of the item. Juan Reardon and Jerome Smith spoke on this item. On motion of Councilmember Bates, seconded by Councilmember Viramontes approved the amendment by the unanimous vote of the Council.

A proposal to authorize a Letter of Intent from American Honda for their automobile distribution operations at the Port of Richmond, dated July 16, 2008, be countersigned to acknowledge terms to be negotiated into a final agreement among Honda, the Port of Richmond, and Auto Warehousing Company (AWC) was presented. Port Director Jim Matzorkis gave an overview of the item. Juan Reardon spoke on this item. On motion of Councilmember Viramontes, seconded by Councilmember Sandhu approved the amendment by the unanimous vote of the Council.

The remainder of the Consent Calendar was heard after Item L-5. Juan Reardon removed all items from the Consent Calendar therefore; in order to be able to hear all 43 Consent Calendar Items, a motion was made by Councilmember Bates, seconded by Councilmember

Viramontes to suspend the rules and allow each speaker three minutes to speak on any item on the Consent Calendar. The motion failed by the following vote: **Ayes:** Councilmembers Bates, Sandhu, Viramontes, and Vice Mayor Marquez. **Noes:** Councilmembers Butt, Rogers, and Thurmond. **Abstentions:** None. **Absent:** None.

A proposal to authorize payment of up to \$435,000 for administration costs for the Contra Costa Clean Water Program per Resolution No. 105-03 was presented. Juan Reardon spoke on this item and stated that in consideration for the city clerk and Councilmember Butt, he would refrain from commenting on the remainder of the items removed from the Consent Calendar. On motion of Councilmember Bates, seconded by Councilmember Viramontes approved the payment by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez and Mayor McLaughlin.

A proposal to approve payment of up to \$210,000 for Richmond's share of the West County Agency's FY 2008-2009 budget was presented. On motion of Councilmember Bates, seconded by Councilmember Viramontes approved the payment by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez and Mayor McLaughlin.

A proposal to authorize payment of up to \$2,340,950 for the Sanitary Sewer Collection System Operations and Maintenance Cost(s) for Veolia per the Contract Agreement was presented. On motion of Councilmember Bates, seconded by Councilmember Viramontes approved the payment by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez and Mayor McLaughlin.

A proposal to authorize payment of up to \$935,100 for the Storm Sewer Collection System Operations and Maintenance Cost(s) for Veolia per the Contract Agreement was presented. On motion of Councilmember Bates, seconded by Councilmember Viramontes approved the payment by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez and Mayor McLaughlin.

A proposal to authorize payment of up to \$2,388,853 to Veolia for the Operations and Maintenance Cost(s) of the Wastewater Treatment Plant per the Contract Agreement was presented. On motion of Councilmember Bates, seconded by Councilmember Viramontes approved the payment by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez and Mayor McLaughlin.

A proposal to authorize payment of up to \$137,000 for Richmond's share of the costs incurred for the maintenance of the

North Richmond Storm Drain Project for Fiscal Year 2008-2009 was presented. On motion of Councilmember Bates, seconded by Councilmember Viramontes approved the payment by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez and Mayor McLaughlin.

A proposal to approve a contract with Psomas to provide Geographical Information System (GIS) services to the city in an amount not to exceed \$89,100 was presented. On motion of Councilmember Bates, seconded by Councilmember Viramontes approved the contract by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez and Mayor McLaughlin.

A proposal to authorize payment to Remediation Risk Management, Inc. (d.b.a. RRM, Inc.) in the amount of \$21,442, pursuant to emergency procurement procedures, for the investigative work completed to determine the level of soil contamination caused by the removal of the Underground Storage Tank (UST) at the City of Richmond's Corporation Yard (located at #6 13th St.) as required by the Regional Water Quality Control Board was presented. On motion of Councilmember Bates, seconded by Councilmember Viramontes approved the payment by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez and Mayor McLaughlin.

A proposal to approve the purchase of two software licenses for SewerCAD®, to assist in determining hydraulic capacity issues throughout the wastewater collection system, in an amount not to exceed \$32,625. On motion of Councilmember Bates, seconded by Councilmember Viramontes approved the item by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez and Mayor McLaughlin.

A proposal to review and comment on the Circulation Draft of the West Contra Costa Transportation Advisory Committee Action Plan Engineering was presented. On motion of Councilmember Bates, seconded by Councilmember Viramontes approved the item by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez and Mayor McLaughlin.

A proposal to approve a contract amendment with Special Tactics And Response, Inc. from Richmond, California, in the amount of \$15,000 for a total not to exceed contract amount of \$25,000 to provide armed security services at the Nevin and Parchester Community Centers was presented. On motion of Councilmember Bates, seconded by Councilmember Viramontes approved the amendment by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** None.

Abstentions: None. **Absent:** Councilmember Lopez and Mayor McLaughlin.

A proposed resolution to accept \$75,000 in grant funds from Preserve America and approve a consulting contract with Page and Turnbull, Inc. in an amount not to exceed \$150,000 for development of a historic context statement and reconnaissance-level survey of the Coronado, Iron Triangle, and Santa Fe Neighborhoods was presented. On motion of Councilmember Bates, seconded by Councilmember Viramontes adopted **Resolution No. 85-08** by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez and Mayor McLaughlin.

A proposed resolution renewing standing orders/outline agreements for technology related goods from various vendors in an amount not to exceed \$250,000 per year per vendor for fiscal year 2008-2009 with the option to renew for two years was presented. Jerome Smith spoke on this item. On motion of Councilmember Viramontes, seconded by Councilmember Bates, adopted **Resolution No. 86-08** by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez and Mayor McLaughlin.

A proposed resolution renewing standing orders/outline agreements for technology related services from various vendors in an amount not to exceed \$250,000 per vendor for fiscal year 2008-2009 was presented. Jerome Smith spoke on this item. On motion of Councilmember Viramontes, seconded by Councilmember Bates, adopted **Resolution No. 87-08** by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez and Mayor McLaughlin.

A proposed contract amendment with MCK Services, Inc. in an amount not to exceed \$500,000 for equipment rental and street paving services was presented. Public Services Director Yader Bermuda gave an overview of the item. Jerome Smith spoke on this item. On motion of Councilmember Viramontes, seconded by Councilmember Bates approved the item by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez and Mayor McLaughlin.

A proposed amendment of a purchase limit increase of \$2.75 million with Valley Oil Company to provide fuel to the City of Richmond increasing the purchase limit to a total amount of \$3.25 million for a three-year period was presented. Public Services Director Yader Bermuda gave an overview of the item. Jerome Smith spoke on this item. On motion of Councilmember Viramontes, seconded by Councilmember Bates approved the item by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez and Mayor McLaughlin.

A proposal to approve an additional \$500,000 for the payment of rental contracts for equipment and vehicle rentals to Hertz Equipment Rental Corporation to support Public Works equipment and vehicle needs, increasing the total authorized payment amount to \$800,000 was presented. Public Services Director Yader Bermuda gave an overview of the item. Jerome Smith spoke on this item. On motion of Councilmember Viramontes, seconded by Councilmember Bates approved the item by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez and Mayor McLaughlin.

A proposal to award a contract to Forster & Kroeger in an amount not to exceed \$231,500, for fire hazard vegetation control for the Point Molate facilities and beach area for fiscal year 2008-09 was presented. On motion of Councilmember Viramontes, seconded by Councilmember Bates approved the item by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez and Mayor McLaughlin.

A proposal to approve the purchase of 10 sedans and two police vehicles to replace existing aged and worn vehicles presently in Richmond's fleet, in an amount not to exceed \$300,000 was presented. Human Resource Director Leslie Knight gave an overview of the item. Jerome Smith spoke on this item. On motion of Councilmember Viramontes, seconded by Councilmember Bates approved the item by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez and Mayor McLaughlin.

A proposal to approve the expenditure of budgeted Fiscal Year 2008/2009 Equipment Replacement funds to purchase two bucket trucks, four dump trucks, and one transport-tractor truck to replace existing aged and worn vehicles that can no longer be certified for usage or retrofitted with emission control devices was presented. Total amount of expenditure will not exceed \$ 950,000. Public Services Director Yader Bermuda gave an overview of the item. Jerome Smith spoke on this item. On motion of Councilmember Rogers, seconded by Councilmember Viramontes approved the item by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez and Mayor McLaughlin.

A proposed contract with Kinsell, Newcomb and De Dios, Inc., and Astrum Utilities, LLC to provide revenue recovery services relating to the city's franchise agreements, with compensation for services on a contingency basis, based on revenue increases from new and updated franchise agreements was presented. Finance Director Jim Goins gave an overview of the item. On motion of Councilmember Bates, seconded by Councilmember Viramontes approved the item by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, and Viramontes. **Noes:** None. **Abstentions:** Vice Mayor Marquez. **Absent:** Councilmember Lopez and Mayor McLaughlin.

A proposed three-year contract with Visible Strategies effective August 1, 2008, in an amount not to exceed \$110,000 for the implementation, servicing and annual subscription of see-it™, a software system designed to support staff in the collection, analysis and reporting of city goals, strategies and performance measures was presented. On motion of Councilmember Viramontes, seconded by Councilmember Sandhu approved the item by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez and Mayor McLaughlin.

A proposed resolution authorizing placement of liens for unpaid garbage collection fees on County Property Tax Records against property owners who have failed to pay collection fees for more than six months was presented. On motion of Councilmember Viramontes, seconded by Councilmember Sandhu adopted **Resolution No. 88-08** by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez and Mayor McLaughlin.

A proposed contract with Maze & Associates Accountancy Corporation in an amount not to exceed \$456,470 for completion of all audit work and other requisite financial reports for the Fiscal Year ending June 30, 2008, and any other audit-related work, upon request of the finance director, that may be required during Fiscal Year 2008-2009 was presented. On motion of Councilmember Viramontes, seconded by Councilmember Sandhu approved the item by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez and Mayor McLaughlin.

A proposed resolution (1) approving the city's 457(b) Governmental Deferred Compensation Plan dated August 1, 2008, (2) authorizing the making of loans to Plan participants, (3) approving the addition of the Lincoln Financial Group as a provider to the Plan, and (4) authorizing the finance director to proceed with implementation of the Plan and to execute all documents necessary to carry out the Plan was presented. On motion of Councilmember Viramontes, seconded by Councilmember Sandhu adopted **Resolution No. 89-08** by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez and Mayor McLaughlin.

A proposed ordinance amending the existing Comprehensive Planning Fee to lower the fee rate from 0.6810 of project valuation to 0.1769 of valuation ordinance was presented. On motion of Councilmember Viramontes, seconded by Councilmember Sandhu adopted **Ordinance No. 15-08 N.S.** by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez and Mayor McLaughlin.

A proposed resolution approving the Fiscal Year 2008-2013 Five Year Capital Improvement Plan was presented. On motion of Councilmember Viramontes, seconded by Councilmember Sandhu adopted **Resolution No. 90-08** by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez and Mayor McLaughlin.

Continued to September 2, 2008, a proposal to acknowledge receipt of the Public Works Audit report as prepared by Kevin W. Harper, CPA.

Continued to September 2, 2008, a proposal to acknowledge receipt of the Paratransit Audit report as prepared by Kevin W. Harper, CPA.

A proposal to approve the purchase of 13 Panasonic Toughbook laptop computers for the new fire engines, aerial ladder truck, and administrative staff vehicles from CDCE, Inc. in an amount not to exceed \$105,345 was presented. On motion of Councilmember Viramontes, seconded by Councilmember Sandhu approved the item by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez and Mayor McLaughlin.

A proposal to approve the purchase of eight Zetron IP Alerting Systems for all seven fire stations, to include licenses and related accessories from Bearcom in the amount of \$47,208 was presented. On motion of Councilmember Viramontes, seconded by Councilmember Sandhu approved the item by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez and Mayor McLaughlin.

A proposed a contract between the City of Richmond and Tatoe Installation, Inc. to install and program eight Zetron IP Alerting Systems for all seven fire stations in the amount of \$19,500 and for a contract term from July 15, 2008, to July 14, 2009, was presented. On motion of Councilmember Viramontes, seconded by Councilmember Sandhu approved the contract by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez and Mayor McLaughlin.

A proposed ordinance establishing the wages, salary, and compensation for the new classification of Code Enforcement Supervisor (Salary Range: 063A \$6,296 - \$7,653/month) was presented. City Manager Bill Lindsay gave an overview of the item. Jerome Smith spoke on this item. On motion of Councilmember Viramontes, seconded by Councilmember Sandhu adopted **Ordinance No. 16-08 N.S.** by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez and Mayor McLaughlin.

A proposed contract with Armistead Investigative Services in an amount not to exceed \$30,000 to provide confidential investigative services on an as-needed basis into allegations of violations of city policies, rules and procedures, including but not limited to, anti-harassment and discrimination policy, policy against work-place violence and city personnel rules was presented. On motion of Councilmember Viramontes, seconded by Councilmember Bates approved the contract by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez and Mayor McLaughlin.

A proposed second amendment to the contract with the Community Housing Development Corporation of North Richmond to amend the service plan, increase the payment limit by \$140,078 to a new total limit of \$358,354 and extend the term of the contract to March 31, 2010, was presented. On motion of Councilmember Viramontes, seconded by Councilmember Bates approved Contract Amendment No. 2 by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez and Mayor McLaughlin.

A proposal to approve a second amendment to the contract with Orrick, Herrington, and Sutcliffe (OHS) for legal representation in the lawsuit captioned Parchester Village Neighborhood Council versus the City of Richmond, increasing the amount by \$50,000 for a total of \$135,000 while maintaining the term expiration of December 2008, was presented. On motion of Councilmember Viramontes, seconded by Councilmember Bates approved the amendment by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez and Mayor McLaughlin.

A proposed contract with Anacomp, Inc. for a three-year term for a total amount not to exceed \$300,000 for the term of the contract for Scanning, Indexing, and Micrographics Services was presented. On motion of Councilmember Viramontes, seconded by Councilmember Bates approved the contract by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez and Mayor McLaughlin.

A proposed Resolution of Intention to amend the City's contract with CalPERS to permit active members of the City's Police and Firemen's Pension Plan to transfer to CalPERS was presented. On motion of Councilmember Viramontes, seconded by Councilmember Bates adopted **Resolution No. 91-08** by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez and Mayor McLaughlin.

A proposed contract with Sally Swanson Architects in an amount not to exceed \$157,500 to conduct a city-wide accessibility study and produce a transition plan for increasing accessibility, where necessary, was presented. Assistant City

Attorney Bruce Soublet gave an overview of the item. On motion of Councilmember Bates, seconded by Councilmember Viramontes approved the contract by the following vote: **Ayes:** Councilmembers Bates, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** None. **Abstentions:** Councilmember Butt. **Absent:** Councilmember Lopez and Mayor McLaughlin.

A proposed contract with the law firm of Gordon & Rees, LLP, in an amount not to exceed \$325,000 for the evaluation and legal review of the city's waste water operations was presented. On motion of Councilmember Viramontes, seconded by Councilmember Sandhu approved the contract by the following vote: **Ayes:** Councilmembers Butt, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** Councilmember Bates. **Abstentions:** None. **Absent:** Councilmember Lopez and Mayor McLaughlin.

A proposal to approve the minutes of the Regular Meeting held on July 15, 2008, was presented. On motion of Councilmember Viramontes, seconded by Councilmember Sandhu approved the contract by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez and Mayor McLaughlin.

PUBLIC HEARINGS

The city clerk announced that this was the time set, pursuant to published notice, to conduct a public hearing to hear comments regarding the storm and sanitary sewer fees to be collected on the annual 2008-09 tax rolls and ADOPT the resolution approving the report on sewer service charges for Fiscal Year 2008-2009 prepared pursuant to the provisions of Chapter 12.20 of the Richmond Municipal Code. City Engineer Rich Davidson gave an overview of the item. Vice Mayor Marquez declared the public hearing open. Juan Reardon spoke on this item. On motion of Councilmember Bates, seconded by Councilmember Viramontes closed the public hearing by the unanimous vote of the Council. On motion of Councilmember Viramontes, seconded by Councilmember Sandhu adopted **Resolution No. 92-08** by the unanimous vote of the Council.

The city clerk announced that this was the time set, pursuant to published notice, to conduct a public hearing an appeal by Jeff and Vickie Martin of the Design Review Board's approval to construct a \pm 1,502 square foot two-story addition at 4917 Thunderhead Court. **Councilmember Lopez left the meeting at 9:43 p.m.** Planning Director Richard Mitchell gave an overview of the item which included a PowerPoint presentation. Mr. Mitchell stated that the design of the addition met the city's code requirements and it also conformed to the size and style of existing homes in the area. Vice Mayor Marquez declared the public hearing open. Jeff and Vickie Martin, the appellants, gave comments in support of their appeal, and Sal Russo, the applicant, gave comments opposing the appeal. Jeff and Vicki Martin stated that the proposed second-story addition would obstruct their view. Sal Russo stated that he revised his plans to accommodate the concerns of his neighbors. Eleanor Lyons

spoke on this item. On motion of Councilmember Bates, seconded by Councilmember Viramontes closed the public hearing by the unanimous vote of the Council. A motion was made by Councilmember Bates, seconded by Councilmember Viramontes to deny the appeal. A substitute motion was made by Councilmember Butt to grant the appeal. The substitute motion failed for lack of a second. The original motion passed by the following vote: **Ayes:** Councilmembers Bates, Rogers, Sandhu, Thurmond, and Viramontes. **Noes:** Councilmember Butt. **Abstentions:** Vice Mayor Marquez. **Absent:** Councilmember Lopez and Mayor McLaughlin.

The city clerk announced that this was the time set, pursuant to published notice, to conduct a public hearing to introduce an ordinance to amend the Municipal Code to eliminate the City of Richmond Design Review Board and merge its function with the Planning Commission and to revise design review requirements for land use projects. Planning Director Richard Mitchell gave an overview of the item. Vice Mayor Marquez declared the public hearing open. Speakers were: Juan Reardon, Jim Jenkins, Chris Tallerico, Rosemary Corbin, Mary Silva, Jerome Smith, George Smith, Garland Ellis, and Jerry Isheida. On motion of Councilmember Viramontes, seconded by Councilmember Bates continued the item to October 2008 by the unanimous vote of the Council.

OPEN FORUM FOR PUBLIC COMMENT

Naomi Williams gave comments about National Night Out.

Juan Reardon read a story in English and Spanish.

Richard Lompa stated the statements made by Councilmember Butt and Mayor McLaughlin in the newspaper article entitled "Descending View on Chevron Refinery Vote" went too far. He stated that accusations of conspiracy are very serious and he would like to see proof.

Chris Tallerico expressed his disappointment that there were so many items on the agenda and he also expressed disappointment with the bickering among Councilmembers as well as the public for encouraging the behavior during the meeting.

Corky Booze expressed his disappointment with the way the Council carried on during the meeting. He stated that Vice Mayor Marquez thinks everything is a joke and Councilmember Viramontes needs to learn the meaning of courtesy.

Norma Simmons spoke regarding the packet she passed out to the Council regarding the bulkhead failing on the property next door to her property.

On motion of Councilmember Bates, seconded by Councilmember Viramontes extended the meeting past midnight with Councilmember Butt voting noe.

Jackie Thompson stated that the policies and rules that recognize debate need to be reviewed. She also stated

that the City Council should have dignity and respect for each other.

Jerome Smith stated the City Council is a family and should welcome and protect new members.

Bea Roberson reminded everyone about National Night Out. She stated that Target is a national sponsor and is expected to present the City of Richmond with a check for over \$200,000.

RESOLUTIONS

None.

ORDINANCES

A proposed ordinance amending the Zoning Ordinance to clarify the boundaries and applicable regulations of the Transition/Buffer Zone as set forth in the Knox Freeway/Cutting Boulevard Specific Plan was presented for first reading. Planning Director Richard Mitchell gave an overview of the item. Speakers were: Juan Reardon, Jim Bates, Joshua Genser, Corky Booze, Paul Minault, and Sylvia Maget. Assistant City Attorney Mary Renfro spoke on this item. Following discussion, on motion of Councilmember Bates, seconded by Councilmember Viramontes said ordinance received first reading by the following votes: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez and Mayor McLaughlin.

A proposed urgency ordinance providing for another temporary moratorium on the acceptance, processing and approval of applications and permits to construct, modify or place wireless telecommunication facilities, Exhibit A, within the City of Richmond through September 12, 2008. Juan Reardon was called to speak and stated he had no comments. On motion of Councilmember Bates, seconded by Councilmember Viramontes, adopted **Ordinance No. 17-08 N.S.** by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez and Mayor McLaughlin.

COUNCIL AS A WHOLE

In the matter to approve an Early Transfer Cooperative Agreement between the Navy and the City of Richmond to facilitate early transfer of the remaining Point Molate land and allow the city manager to make ministerial changes and execute the final document. A motion was made by Councilmember Bates, seconded by Councilmember Sandhu to approve the agreement. Speakers were: Silvia McLaughlin, Betty Olds, Shirley Dean, Juan Reardon, Jean Womack, Don Gosney, Rafael Madrigal, Jerome Smith, The motion passed by the following vote: **Ayes:** Councilmember Bates, Butt, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez and Mayor McLaughlin.

In the matter to direct staff to work with representatives from each bargaining unit and research alternative work schedules for employees including 4/10 and 9/80 options and telecommuting. Councilmember Bates and Chief Assistant Janet Schneider gave an overview of the item. Rhonda Harris spoke on this item. Lorie Brown, Planning Department, spoke on this item. On motion of Councilmember Bates, seconded by Councilmember Sandhu approved the item by the following vote: **Ayes:** Councilmember Bates, Butt, Rogers, Sandhu, Thurmond, and Vice Mayor Marquez. **Noes:** None. **Abstentions:** Councilmember Viramontes. **Absent:** Councilmember Lopez and Mayor McLaughlin

In the matter to appoint City Councilmembers Harpreet Sandhu, Ludmyrna Lopez, and Nat Bates to the Richmond Community Fund Advisory Committee (RCFAC) pursuant to the Richmond Community Benefits Agreement between the City of Richmond and Chevron, and appoint Vice Mayor John Marquez as an alternate to the Committee. Councilmember Bates gave an overview of the item. Speakers were: Dr. Jeff Ritterman, Linda Newton, Juan Reardon, Tarnel Abott, Patricia Jones, Jim Jenkins, Michael Beer, Barbara Rheem, Janie Anker, Eleanor Loynd, and Jerome Smith. On motion of Councilmember Bates, seconded by Councilmember Lopez approved by the following vote: **Ayes:** Councilmembers Bates, Lopez, Sandhu, Viramontes, and Vice Mayor Marquez. **Noes:** Councilmembers Butt, Rogers, and Thurmond. **Abstention:** None. **Absent:** Mayor McLaughlin.

Continued to September 2, 2008, the matter to discuss and consider appointing a task force to explore the feasibility of Green Business Development Strategies.

In the matter to designate a voting delegate and alternate(s) to represent the City of Richmond at the Annual Business Meeting of the League of California Cities' Annual Conference in Long Beach, California, September 24-27, 2008. On motion of Councilmember Bates, seconded by Councilmember Viramontes designated Vice Mayor Marquez as the voting delegate and Councilmember Sandhu as the alternate by the following vote: **Ayes:** Councilmembers Butt, Bates, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez and Mayor McLaughlin. Juan Reardon spoke on this item.

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

Councilmember Bates requested that the meeting be adjourned in memory of Ms. Helen Harris a long-time resident of Richmond and sister of Ted Smith.

Councilmember Viramontes made a public apology to Mr. Greg Karras of Communities for a Better Environment (CBE) for her behavior towards him at the July 15th City Council Meeting.

Councilmember Rogers requested the city attorney and city manager research and come back to the City Council with laws and procedures for handling a request by the public to pull all Consent Calendar items at one time. He also asked the city attorney and city manager to look into laws and procedures for allowing the public to wear signs during the Council Meetings.

Councilmember Butt requested the city attorney draft an ordinance to get better control of the City Council.

ADJOURNMENT

There being no further business, the meeting adjourned at 2:04 a.m. in memory of Helen Harris, to meet again on Tuesday, September 2, 2008, at 7:00 p.m.

City Clerk

(SEAL)

Approved:

Mayor