

RICHMOND, CALIFORNIA, September 16, 2008

The Regular Meeting of the Richmond City Council was called to order at 5:04 p.m., by Mayor Gayle McLaughlin.

ROLL CALL

Present: Councilmembers Butt, Bates, Rogers, Sandhu, Thurmond, Vice Mayor Marquez, and Mayor McLaughlin.
Absent: Councilmembers Lopez and Viramontes (Councilmember Viramontes was absent due to medical reasons).

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: Penny Turner
Agency Claimed Against: City of Richmond

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9): Vaughn vs. City of Antioch; Communities for a Better Environment et al. vs. City of Richmond

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)

PUBLIC EMPLOYEE APPOINTMENT
(Government Code Section 54957.6): City Attorney

There were no public speakers.

The Open Session adjourned to Closed Session at 5:07 p.m. The Closed Session adjourned at 6:01 p.m. The Regular Meeting of the City Council was reconvened at 7:01 p.m. by Mayor Gayle McLaughlin.

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Removed Items F-5, F-6, F-9, and F-11 from the Consent Calendar.

Moved Item J-2 to be heard immediately after Open Forum for Public Comment.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

None.

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

City Attorney, Scott Dickey, reported the following:

LIABILITY CLAIMS - PENDING LITIGATION (Government Code Section 54956.9): Claimant: Penny Turner; Agency Claimed Against: City of Richmond – *No reportable action.*

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9): *The City Council voted unanimously to approve settlement of Vaughn vs. City of Antioch. Once the settlement agreement has been finalized, it will be made public.*

Communities for a Better Environment et al. vs. City of Richmond – *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.*

PUBLIC EMPLOYEE APPOINTMENT (Government Code Section 54957.6): City Attorney – *No reportable action.*

CONSENT CALENDAR

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

*-Adopted **Resolution No. 105-08** authorizing the Director of Planning and Building Services to initiate a request to the Postmaster of the United States Postal Service to change the addresses of the Richmond Memorial Auditorium, Hall of Justice, and City Hall buildings to 403, 440 and 450 Civic Center Plaza, respectively.

*-Approved a twelve-month contract with Kevin Harper, CPA for auditing services in conjunction with the city's internal audit program in an amount not to exceed \$150,000.

*-Approved a contract with the firm of Mark Albertson, AIA to provide professional services needed to: (1) determine existing construction defect conditions at the Richmond Swim Center; and (2) prepare construction remediation design plans and specifications for the Richmond Swim Center in an amount not to exceed \$215,225.00.

*-Approved the sale of a surplus fire truck to the City of El Cerrito Fire Department for \$45,000.00, in compliance with adopted City of Richmond policy that allows transfers of surplus property to public agencies and non-profit organizations.

A proposed Contract Amendment No.1 with Bay Hawk, Inc. for concrete repair services, increasing the contract value by \$200,000 for a total of \$559,950 while maintaining the term expiration of June 30, 2009, was presented. City Engineer Rich Davidson gave an overview of the item. Simms Thompson, Jr., spoke on this item. On motion of Vice Mayor Marquez, seconded by Councilmember Sandhu approved the contract amendment by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Vice Mayor Marquez, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Lopez and Viramontes.

A proposed contract with Bay Cities Paving & Grading, Inc. for the construction of 2008 Pavement Rehabilitation Project in the amount of \$4,039,862 was presented. City Engineer Rich Davidson gave an overview of the item. Chris Tallerico and Corky Booze spoke on this item. On motion of Councilmember Sandhu, seconded by Vice Mayor Marquez approved the contract by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Vice Mayor Marquez, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Lopez and Viramontes.

*-Adopted **Ordinance No. 21-08 N.S.** regulating public right-of-way encroachments and establishing encroachment permit requirements for video service providers, utilities and special districts.

*-Approved a contract with Koff & Associates, Inc. to provide recruitment services for the Public Safety Technology Supervisor position from September 17, 2008, to January 31, 2009, in an amount not to exceed \$22,000.

A proposed ordinance establishing wages, salary, and compensation for the new classification of Neighborhood Change Agent was presented for seconded reading. Human Resource Director Leslie Knight gave an overview of the item. Speakers were: Corky Booze, Jackie Thompson, Tamara Walker, Kevin Muccular, Kevin Hampton, and Chris Tallerico. On motion of Councilmember Thurmond, seconded by Councilmember Sandhu adopted **Ordinance**

No. 22-08 N.S. by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Vice Mayor Marquez, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Lopez and Viramontes.

*-Adopted **Ordinance No. 23-08 N.S.** amending the City's contract with CalPERS to permit active members of the City's Police and Firemen's Pension Plan to transfer to CalPERS.

A proposed amendment one to the legal services agreement with Gordon Hart of Paul, Hastings, Janofsky, and Walker to facilitate the Navy's early transfer of Point Molate by assisting in the preparation of required documents, increasing the contract amount by \$200,000 for a total contract amount not to exceed \$275,000 while maintaining the term expiration of December 31, 2009, was presented. The public speaker that removed the item from the Consent Calendar withdrew their request to speak. On motion of Councilmember Bates, seconded by Vice Mayor Marquez, approved the amendment by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond and Vice Mayor Marquez. **Noes:** Mayor McLaughlin. **Abstentions:** None. **Absent:** Councilmembers Lopez and Viramontes.

*-Approved the following appointments: Historic Preservation Committee: Richard Borjes, term expires July 31, 2010; Richmond/Zhoushan Friendship Commission: Carl Adams, term expires September 10, 2010.

PUBLIC HEARINGS

None.

OPEN FORUM FOR PUBLIC COMMENT

Donald Seals spoke on behalf of Tent City Peace Movement.

Jackie Thompson acknowledged the work of Leslie Knight, Diane Holmes, Rochelle Monk, Pam Christian, and Michelle Milan.

Simms Thompson, Jr. expressed his concern that the storm drains need to be cleaned and lights need to be replaced within the City of Richmond.

Richard E. Stollings invited everyone to the Contra Costa College Wheel Chair Basketball Tournament, on Thursday, September 18, 2008, at 7:00 p.m. For more information call (510) 235-7800 extension 7220.

Jacquelyn Harris spoke on behalf of the Tri City Ravens Football Team and requested funds from the City of Richmond to keep the program going.

Derik spoke about the Tri City Ravens Football Team and requested funds from the City of Richmond to keep the program going.

Jerome Smith read a poem by Langston Hughes entitled "As I grew older".

Chris Tallerico spoke regarding the placement of the illegal campaign signs placed throughout the City of Richmond.

RESOLUTIONS

A proposed resolution authorizing the issuance of Variable Rate Wastewater Revenue Refunding Bonds, Series 2008A, and approve the forms of a third supplemental indenture, a bond purchase agreement, a remarketing agreement, a reimbursement agreement and an official statement, and authorize staff to undertake certain other actions in connection with the refunding was presented. The total amount of the bonds will not exceed 35 million dollars. City Manager Bill Lindsay gave an overview of the item. On motion of Councilmember Bates, seconded by Vice Mayor Marquez adopted **Resolution No. 106-08** by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Vice Mayor Marquez, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Lopez and Viramontes.

A proposed resolution to endorse Measure T, the Business License Act, also known as "A Fair Share for Richmond", on the November 4, 2008, ballot was presented. Mayor McLaughlin gave an overview and requested the City Clerk read the resolution. Mayor's Office representative, Marilyn Langlois, read the full text of Measure T. Speakers were: Corky Booze, Margaret Jordan, Mike Daley, Juan Reardon, Torm Nompraseurt, Jim Jenkins, Jessica Tovar, Michael Parker, Michael Beer, Jerome Smith, Chris Tallerico, Kate Sibley, Wendy Gonzalez, Jovanka Beckles, Dr. Jeff Ritterman, and Debra Shorter-Jones. Following discussion, Councilmember Rogers requested this item be held over one week and direct staff to draft a policy that states that Measure T would have an impact on Chevron only. Mayor McLaughlin rejected the request. Discussion continued and a motion was made by Mayor McLaughlin, seconded by Councilmember Thurmond, to approve the item. A substitute motion was made by Councilmember Rogers to endorse the item contingent on the Council passing a resolution that we reimburse any businesses for any new taxes and reimburse businesses the first \$250,000 of taxes. The endorsement would be contingent on the Council passing the policy. The substitute motion failed for lack of a second. The original motion failed by the following vote: **Ayes:** Councilmember Butt, Thurmond, and Mayor McLaughlin. **Noes:** Councilmember Rogers. **Abstentions:** Councilmember Bates, Sandhu, and Vice Mayor Marquez. **Absent:** Councilmembers Lopez and Viramontes.

COUNCIL AS A WHOLE

The matter to adopt (1) a resolution approving the City of Richmond becoming a signatory to the Urban Environmental Accords; (2) receive an update on City's newly established structure to implement environmental initiatives and a status report on those initiatives; (3) adopt a resolution committing to the greenhouse gas (GHG) emissions targets

established by AB 32, California Global Warming Solutions Act of 2006; (4) consider utilizing the taskforce proposed by the Chair of the Economic Development Commission to help implement the Urban Accords. Janet Schneider, Jennifer Ly, and Jenny Oorbeck, City Manager's Office, gave an overview of the item which included a PowerPoint presentation. William Acevedo spoke on this item. A motion was made by Councilmember Bates, seconded by Vice Mayor Marquez to approve the item. A friendly amendment was offered by Councilmember Rogers to direct staff to develop a proposal to post recycling guidelines in the trash and recycling areas of multi unit properties in the City of Richmond. The amendment was accepted and **Resolution No. 107-08** approving the City of Richmond becoming a signatory to the Urban Environmental Accords; and **Resolution No. 108-08** committing to the greenhouse gas emissions targets established by AB 32, California Global Warming Solutions Act of 2006 were adopted by the following vote: **Ayes:** Councilmembers Bates, Rogers, Sandhu, Thurmond, Vice Mayor Marquez, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmembers Butt, Lopez and Viramontes.

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

Councilmember Bates announced that the Public Safety Committee will meet on Thursday, September 18, 2008, at 10:00 a.m. He also requested the mayor to adjourn the meeting in member of the late Fairfield City Councilmember Matt Garcia and the husband of Helen Hall.

Vice Mayor Marquez announced that September 16, 2008, was Mexican Independence Day. He also announced that a proclamation would be read at the September 23, 2008, City Council Meeting, claiming Hispanic Heritage Month.

Councilmember Sandhu reported that he attended One Block at a Time and that 26 percent of homes in Richmond have been lost to banks. He directed the City Manager to bring an item to the Council to enforce property maintenance standards on properties that have been foreclosed on by banks and other lenders, and to levy fines where such standards haven't been met.

Mayor McLaughlin announced that there will be an Art Day sponsored by the Richmond Arts and Culture Commission held on Saturday, October 18, 2008, beginning at 12:30 at the Richmond High School Theater. She also announced that the City Council will honor Arts and Humanities Month at the September 23, 2008, City Council Meeting. She also announced the continuation of **MEET WITH THE MAYOR FRIDAYS!** This is an "open forum with the Mayor" for one hour from **5:30 pm to 6:30 pm every Friday except for 4th Friday of every month.** Residents are invited to share ideas or ask questions. These meetings are being held at the Whittlesey Community room next to the main library at 325 Civic Center Plaza. The meeting rotates every 4th Friday to a different location. Please call her office at (510) 620-6503 for the location.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:49 p.m. in memory of Matt Garcia, the husband of Helen Hall, the husband of Texanita Bluitt, Sergeant Paul Starzyk, Kathleen Torres, and Peter Camejo, to meet again on September 23, 2008, at 7:00 p.m.

City Clerk

(SEAL)

Approved:

Mayor