

**RICHMOND, CALIFORNIA, October 7, 2008**

The Regular Meeting of the Richmond City Council was called to order at 5:14 p.m., by Mayor Gayle McLaughlin.

**ROLL CALL**

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

**LIABILITY CLAIMS - PENDING LITIGATION (Government Code Section 54956.9):** Penny Turner vs. City of Richmond.

**CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6):** City Designated Representative(s): Bill Lindsay and Leslie Knight  
Employee Organization or unrepresented employee(s): Exempt Employees

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957.6):** City Manager, City Clerk

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

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9):** Communities for a Better Environment et al. vs. City of Richmond; Toll Brothers, Inc. vs. City of Richmond and Richmond Community Redevelopment Agency

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8):**  
Property: 1320 Canal Boulevard, Richmond, CA 94804  
Negotiating Parties: Jim Matzorkis, City of Richmond  
Negotiations: Price and Terms.

There were no public speakers.

The Open Session adjourned to Closed Session at 5:16 p.m. The Closed Session adjourned at 6:43 p.m. The Regular Meeting of the City Council was reconvened at 7:00 p.m. by Mayor Gayle McLaughlin.

## **ROLL CALL**

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

## **STATEMENT OF CONFLICT OF INTEREST**

None.

## **AGENDA REVIEW**

A motion was made by Councilmember Viramontes, seconded by Councilmember Thurmond to add an emergency item to the agenda to authorize the city manger and police chief to work with office Brad Moody's family; results of the meeting can be ratified at the October 21, 2008, City Council Meeting. The motion passed by the unanimous vote of the Council. *This item was heard as Item L-4.*

A motion was made by Councilmember Viramontes, seconded by Councilmember Sandhu, to move Item L-2 immediately after Consent Calendar in order for Councilmember Lopez to participate. The motion passed by the following vote: **Ayes:** Councilmember Bates, Lopez, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** Councilmember Butt, Rogers, and Mayor McLaughlin. **Abstentions:** None. **Absent:** None.

Open Forum moved immediately after Item L-2.

## **PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS**

Mayor McLaughlin presented a proclamation to the Fire Department recognizing October 5 - 11, 2008, as Fire Prevention Week, with the theme of "Prevent Home Fires". Fire Chief Michael Banks and Fire Inspector Robin Poindexter gave comments. Jackie Thompson spoke on this item.

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

City Manager, Bill Lindsay, reported the following:

**LIABILITY CLAIMS - PENDING LITIGATION (Government Code Section 54956.9):** Penny Turner vs. City of Richmond. *No reportable action.*

**CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6):** City Designated Representative(s): Bill Lindsay and Leslie Knight  
Employee Organization or unrepresented employee(s): Exempt Employees. *No reportable action.*

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957.6):** City Manager, City Clerk. *No reportable action.*

**PUBLIC EMPLOYEE APPOINTMENT (Government Code Section 54957.6):** City Attorney. *The City Council voted to*

*appoint Randy Riddle as the City Attorney with Louise Renne continuing in an advisory counsel role with Councilmember Butt voting Noe.*

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9):** Communities for a Better Environment et al. vs. City of Richmond; Toll Brothers, Inc. vs. City of Richmond and Richmond Community Redevelopment Agency. *No reportable action.*

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8):**  
Property: 1320 Canal Boulevard, Richmond, CA 94804  
Negotiating Parties: Jim Matzorkis, City of Richmond  
Negotiations: Price and Terms. *No reportable action.*

### **CONSENT CALENDAR**

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

\*-Approved a contract with Shah-Kawasaki Architects to design and provide technical support during the construction of the new Richmond Fire Station No. 66 at 4100 Clinton Avenue and an adjacent children's "tot lot" in an amount not to exceed \$527,000. *Councilmember Lopez recued herself from voting on this item due to the proximity of her residence to this project.*

\*-Adopted **Resolution No. 110-08** authorizing service contracts with five (5) selected vendors (Treadwell & Rollo, Inc., Fugro West, Inc., Nichols Consulting, AGS, Inc., and Kleinfelder) for as-needed geotechnical engineering services to expedite the design of capital improvement projects for an amount not to exceed \$350,000 per vendor over a three-year period.

\*-Approved a contract amendment with Shute, Mihaly & Weinberger, LLP increasing the contract amount from \$400,000 to \$700,000 to cover the cost of services related to reviewing and processing of the Chevron Hydrogen and Energy Renewal Project, with these additional costs reimbursed from the Chevron funded development account.

\*-Approved the purchase of RouteMatch TS Scheduling Software and Automatic Vehicle Location/Mobile Data Computer ("AVL/MDC") devices from RouteMatch Software, Inc. in Atlanta, Georgia, for the Paratransit Division in an amount not to exceed \$204,683.

\*-Approved an agreement with the BNSF Railway Company for the installation of Constant Warning Time equipment on Ohio Avenue in an amount not to exceed \$145,083, which will allow for the creation of a "quiet zone" in this area.

\*-Adopted **Resolution No. 111-08** approving the Final Map for Subdivision 9239 (located on Santa Fe Avenue in the Point Richmond area), and directing the recording of said map with the County Recorder.

\*-Adopted **Resolution No. 112-08** approving the Final Map of Subdivision 8771 (Sunset Court in the El Sobrante area), authorizing the execution of the Improvement Agreement with TC and PIN Developers, LLC and directing the recording of said map with the County Recorder

\*-Adopted **Resolution No. 113-08** affirming authorization of the Finance Director to determine the initial interest rate mode of the Wastewater Revenue Refunding Bonds and to amend the existing interest rate swap or execute a fixed receiver interest rate swap, if it is in the City's best interest.

\*-Adopted **Resolution No. 114-08** authorizing the acceptance and appropriation of \$27,238 from the State of California Department of Conservation (DOC) 2008/09 City/County Payment Program to fund improved recycling programs throughout City buildings and parks.

\*-Adopted **Resolution No. 115-08** a authorizing the acceptance and appropriation of \$8,142 in grant funding from the West Contra Costa Integrated Waste Management Authority

\*-Approved the minutes of the regular meetings held on September 2 and September 16, 2008.

### **PUBLIC HEARINGS**

The city clerk announced that this was the time set, pursuant to published notice, to conduct a public hearing concerning the July 23, 2008, Design Review Board (DRB) approval of a permit for construction of a ± 900 square foot two-story addition to an existing single-family residence located at 3045 Keith Drive in the May Valley neighborhood, and affirm, deny, or modify the decision of the DRB. Mayor declared the public hearing open. Gisela Harting spoke as the appellant against the project. Michael Chan spoke as the owner in support of the project. Stanley Scher spoke on this item. On motion of Councilmember Bates, seconded by Vice Mayor Marquez, closed the public hearing by the unanimous vote of the Council. On motion of Councilmember Rogers, seconded by Councilmember Thurmond denied the appeal and affirmed the decision of the DRB by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Viramontes, and Vice Mayor Marquez. **Noes:** Mayor McLaughlin. **Abstentions:** None. **Absent:** Councilmember Lopez.

### **OPEN FORUM FOR PUBLIC COMMENT**

Wilma Miller acknowledged Jackie Thompson as first President of the Tent City Movement.

Jackie Thompson spoke in support of the driver's license checkpoint.

Corky Booze stated that the flyer was racist.

Antonio Medrano expressed his disappointment with the flyer sent out by the Richmond Police Officer's Association.

Wendy Gonzalez stated that she is Jovanka Beckle's Campaign Manager. She also stated that the City Council should demand a retraction for the flyer sent out by the Richmond Police Officer's Association.

Talia Padilia expressed her disappointment with the flyer sent out by the Richmond Police Officer's Association.

Mike Daley quoted one of his favorite politicians "move beyond the corrupt politics, money and power, spear and fear – yes we can."

Simms Thompson expressed of his disappointment that an item to address the safety of the City of Richmond was not on the Agenda.

Juan Reardon stated he is not a campaign manager for any candidate in the November 2008 election. He also expressed his disappointment with the flyer sent out by the Richmond Police Officer's Association.

Andres Soto expressed his disappointment with the flyer sent out by the Richmond Police Officer's Association and read a letter of demands which included: a promise from the Richmond Police Officer's Association to cease similar campaign tactics; that the 10 City Council candidates also denounce the mailer; that candidates reject Richmond Police Officer's Association endorsements and campaign contributions; and that the Contra Costa Democratic Central Committee withdraw endorsement of candidates who do not support an apology.

The following individuals also expressed their disappointment with the flyer sent out by the Richmond Police Officer's Association: Dr. Jeff Ritterman, Michael Parker, Margaret Jordan, Jovanka Beckles, Michael Beer, Lucero Garcia, Tony Sustak, Margaret Browne, Daniel Martinez, Alejandro Navarro, Tarnel Abbott, Maricruz Manzanarez, Barbara Mejia, Enedina Mendoza, Jessica Peregna, Jerome Smith, Beverly Dove, Yessenia Garcia, Griselda Pardenas, Jay Siphanthaong, and Carla Bernal.

Mayor McLaughlin announced that she would place on the October 21, 2008, City Council Agenda, an item to discuss a decision by the City Council to denounce the mailer and address the communities' demands.

Vice Mayor Marquez stated that he was offended by the flyer sent out by the Richmond Police Officer's Association. He stated that the flyer is not reflective of the entire Police Department.

Councilmember Bates stated that drugs do come from Mexico. He also stated that there are many law abiding Latino citizens. Councilmember Bates also stated that he supports the Richmond Police and the driver's license check points.

**City Council recessed at 9:23 p.m. and reconvened at 9:30 p.m.**

## RESOLUTIONS

None.

## COUNCIL AS A WHOLE

**Continued to October 21, 2008**, the matter to direct staff to prepare an ordinance or variance to permit the listing of specific stores/businesses on the Hilltop Mall pylon visible from Interstate-80.

In the matter to review, discuss and direct staff on irregularities in the General Fund Budget expenditures. Councilmember Viramontes gave an overview of the item and made the following recommendations for Council to consideration: (1) hire a forensic auditor to collaborate with the District Attorney's Office on the investigation and to prepare an audit report directed to the City Council, based on the audit report, the city attorney can tell the City Council if the item is Executive Session or public; (2) until the investigation is complete, there should be an oversight committee an audit committee over the Mayor's Office monthly expenditures and any reauthorization of the budget that has been approved by the City Council. The committee should include a member of City Attorney's Office and appoint two member of the Finance Committee, Lopez and Rogers; (3) recommend to reinstitute the policy of the City Council to approve all checks and requisition reports; (4) recommend that the independent auditor do a random depart review of credit card use, backup of credit card use, and validation of every department head and manager responsible for signing, approving, and checking credit card authorization; (5) suspend the stipend scholarship internship from the Mayor's Office budget; and (6) direct staff to follow-up on issues that are unresolved. Speakers were: Fred Glueck, Jim Bates, Jim Cannon, Corky Booze, Tony Sustack, and Michael Parker. Discussion followed. **This item will be placed on the October 21, 2008, agenda.**

In the matter to direct staff to review the process by which commercial code compliance and enforcement is implemented in the City of Richmond and consider amendments to RMC Chapter 6.38. Councilmember Butt and Mayor McLaughlin gave an overview of the item. Independent Contractor Trish Aljoe gave an update on the item. Corky Booze spoke on this item.

In the matter to authorize the city manger and police chief to work with the family of Officer Brad Moody; results of the meeting can be ratified at the October 21, 2008, City Council Meeting. On motion of Councilmember Viramontes, seconded by Councilmember Sandhu, authorize the city manger and police chief to work with office Brad Moody's family by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Sandhu, Thurmond, Viramontes, Vice Mayor Marquez and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Lopez.

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

Councilmember Sandhu expressed his deepest sympathy to the family of Officer Moody and fellow officers. He encouraged everyone to give to the Moody Family. He also stated that the Home Front Festival was successful and the activities were great.

Councilmember Viramontes extended her condolences to the family of Officer Moody. She also thanked everyone involved with the Home Front Festival.

Councilmember Butt thanked the sponsors and volunteers of the Home Front Festival. He reported that he attended the League of California Cities Environmental Quality Policy Committee Conference in Long Beach, California, on Thursday, October 3, 2008.

Councilmember Thurmond extended his condolences to the family of Officer Moody. He asked staff to make sure flags are at half-mast throughout the City of Richmond. He also reports that on Saturday, October 4, 2008, he attended an event focused on providing child care opportunities in West Contra Costa County.

Councilmember Bates extended his condolences to the family of Officer Moody. He thanked those that started the fund at Mechanics Bank. He also stated that the Home Front Festival was successful and congratulated the sponsors and volunteer for doing an outstanding job.

Vice Mayor Marquez reported that he also attended the League of California Cities Environmental Quality Policy Committee Conference in Long Beach, California, on Thursday, October 3, 2008. He offered his condolences to the family of Officer Moody.

Mayor McLaughlin extended her condolences to the family of Officer Moody. A memorial is scheduled for Tuesday, October 14, 2008, at 11:00 a.m. at the Concord Pavilion. A fund to benefit the Moody family has been established at Mechanic's Bank. Donations may be made to the "The Memorial Fund for Officer Brad Moody" and dropped off at any Mechanics Bank location. go to [www.richmondpd.net](http://www.richmondpd.net) for more information. Mayor McLaughlin thanked all volunteers of the Home Front Festival and stated it was a big success. She announced that the Arts & Humanities Annual Celebration & Event would be held on Saturday, October 18, 2008, at Richmond High School Theater, 1108 Bissell Avenue, Richmond, CA 94804 from 1:00 p.m. - 5:00 p.m. She also announced that the New RYSE Youth Center in Richmond Open its Doors on October 18, 2008, 10:00 a.m. - 3:00 p.m. (Ribbon cutting from 10:30 - 11:30), at 205 - 41st Street (at Macdonald Avenue), Richmond, CA 94804.

#### **ADJOURNMENT**

There being no further business, the meeting adjourned at 10:32 p.m. in memory of Officer Brad Moody; Dante Boggan, brother of Devone Boggan; Ruby Jackson, sister of Fred Jackson; Calvin Chooey; and Helen Dias, mother of Debra Dias to meet again on Tuesday, October 21, 2008, at 7:00 p.m.

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City Clerk

(SEAL)

Approved:

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Mayor