

**RICHMOND, CALIFORNIA, September 8,  
2009**

The Richmond City Council Evening  
Open Session was called to order at 5:10 p.m. by  
Mayor Gayle McLaughlin.

**ROLL CALL**

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

**PUBLIC COMMENT**

The city clerk announced that the purpose of  
the Evening 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):** Citizens for Eastshore Park vs. City of  
Richmond; Communities for a Better Environment  
(CBE) vs. City of Richmond; Booker vs. City of  
Richmond; Jenkins vs. City of Richmond; and  
Chevron 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 Evening Open Session adjourned to  
Closed Session at 5:11 p.m. The Closed Session  
adjourned at 6:46 p.m. The Regular Joint  
Meeting of the Richmond Community  
Redevelopment Agency and the Richmond City  
Council was called to order at 6:49 p.m. by  
Mayor Gayle McLaughlin who led the Pledge of  
Allegiance to the Flag.

**ROLL CALL**

**Present:** Councilmembers, Bates, Butt,  
Ritterman, Rogers, Viramontes (arrived at 6:50  
p.m.), and Mayor McLaughlin. **Absent:** Vice  
Mayor Lopez.

**STATEMENT OF CONFLICT OF  
INTEREST**

None.

## **OPEN FORUM FOR PUBLIC COMMENT**

Reverend George Brown thanked everyone for their support during the loss of his son.

Rhoshanda Riley expressed her disappointment is not being awarded the sidewalk contract.

John Riley expressed his disappointment in City staff for not awarding a contract to his daughter.

Bennie Singleton spoke regarding her disappointment that projects are being placed on hold in the Iron triangle.

Nate Spearman expressed concern regarding all the projects the City of Richmond is losing.

John G. Melone stated the Commission on Aging is concerned regarding Redevelopment Agency projects which focus on the removal of blight and also issues regarding senior housing. He submitted a report to the Council.

Jackie Thompson asked the City of Richmond to clean their lot filled with trash and dry weeds located on 37th Street and Stege Avenue. She also expressed concern regarding vacant homes throughout the communities and questioned whether the City was collecting fines from owners on these blighted properties, specifically the unsanitary conditions around 22<sup>nd</sup> Street and Nevin Avenue.

Corky Booze thanked City Manager Bill Lindsay and Human Resource Director Leslie Knight for putting together the group that worked with the citizens of Parchester Village and other City staff for their support. He also asked the City Council to look into the bed bugs issue in the senior housing buildings.

Marcia Vallier expressed appreciation regarding the positive work being done by the Redevelopment Department. She requested that the City do everything possible to provide funding for key projects throughout the City of Richmond.

Ed Tseng expressed concern regarding the materials being dumped in the Via Verde neighborhood on the hills at the end of Valley View. This has been brought to the attention of the City of Richmond, yet there has been no response.

Paula Young expressed concern regarding dump trucks going through the Via Verde

neighborhood at all hours of the day, loaded with toxic garbage being dumped on Lenora Road and Deborah Road off Valley View above San Pablo Dam Road.

John Hollender also expressed concern regarding the materials being dumped in the Via Verde neighborhood on the hills at the end of Valley View. He gave the city clerk copies of e-mails for the Council to review regarding this matter.

Darshan Bath stated that the Via Verde neighborhood requested a stop sign and speed control undulations at Lenora and Debra and Ellison and Debra and has received no response from the City. He also stated that the community is requesting permission from the City and is willing to pay for the undulations and stop sign if the City does not want to fund. He also stated that the community requested zebra cross walks.

***Mayor McLaughlin referred the issues regarding the crosswalks, speed control undulations, and illegal dumping to the Public Safety Committee to be addressed on Thursday, September 17, 2009.***

Myrtle Braxton-Ellington requested the City cut positions from the top when balancing the budget in an effort to keep staff that actually does the work.

Texanita Bluitth thanked the Code Enforcement Department for all their efforts and results. She stated that she hopes the City will be able to resolve its fiscal situation without placing the City at risk.

Karsa Miles expressed concerns regarding street repairs at the lower corridor at Macdonald Avenue near Atchinson Village,

Twana Easter expressed concern regarding Richmond projects that are using stimulus money.

Jerome Hubbert stated he is launching a new web site called Richmondconfidential.com that will cover the Richmond community.

Cochise Potts expressed concern regarding the violence that continues to take place in the City of Richmond.

Otheree Christian encouraged the Council to continue to develop the lower corridor of Macdonald Avenue. He also stated that in order for the violence to cease in Richmond, everyone must become involved.

Michael Tubin expressed his concern regarding the jobs City of Richmond residents were promised, through Tim Harris, but have not received.

Rhonda Harris expressed concern regarding the lack of stimulus money the City of

Richmond is distributing to City of Richmond Projects.

### **AGENDA REVIEW**

Removed Item G-3 and G-13 from the Consent Calendar. Councilmember Viramontes stated that she would vote no on Items G-8, G-9, G-10, and G-11 because they were related to new employee classifications. Items G-8, G-9, G-10, and G-11 were removed from the City Council Consent Calendar. Items I-1 and I-2 were consolidated.

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

City Attorney, Randy Riddle, stated there were no reportable actions taken during closed session.

### **JOINT MEETING REDEVELOPMENT AGENCY/CITY COUNCIL**

On motion of Councilmember/Boardmember Bates, seconded by Councilmember/ Boardmember Ritterman, all items marked with an asterisk (\*-) were approved by the following vote: **Ayes:** Councilmembers/Boardmembers Bates, Butt, Rogers, Ritterman, Viramontes, and Mayor McLaughlin. **Noes:** None. **Absent:** Vice Mayor Lopez. **Abstentions:** None.

\*- Approved minutes for the Special Meetings held on May 26, 2009; June 23, 2009; July 24, 2009; and August 11, 2009; and the Regular Meetings held on June 16, July 7, 21, and 28, 2009.

\*-Adopted **Resolution No. 90-09** authorizing the port director to accept the Fiscal Year 2008 California Port and Maritime Security Grant Program Grant in the amount of \$3,787,889 and to take any and all actions necessary to implement the resolution in accordance with such program

\*- Introduced an ordinance establishing the wages, salary, and compensation for the new classification of Community Services Administrative Manager (Salary Range No. 060D: \$6,747.

A proposed resolution amending the City of Richmond's Position Classification Plan to add the new classification of Community Services Administrative Manager and delete the classification of Library & Community Services Administrative Manager was presented. City Manager Bill Lindsay stated this was title change only. On motion of Councilmember Butt, seconded by Councilmember Rogers adopted **Resolution No. 91-09** by the unanimous vote of the Council.

\*- Adopted **Resolution No. 92-09** accepting a grant of non-exclusive public access easement for recreational trail purposes adjacent to the Bio-Rad Laboratory facilities at 3110 Regatta Boulevard for use as a portion of the Bay Trail.

\*- Adopted **Resolution No. 93-09** amending the City of Richmond's Position Classification Plan to add the new classification of Engineer I/II and delete the classifications of Junior Engineer and Assistant Engineer.

\*- Introduced an ordinance establishing the wages, salary, and compensation for the new classification of Engineer I (Salary Range No. 49E: \$4,844 - \$5,877/month) and compensation for the new classification of Engineer II (Salary Range No. 53: \$5,591 - \$6,793/month).

A proposed ordinance establishing the wages, salary, and compensation for the new classification of Engineering Infrastructure Administrator (Salary Range No. 066: \$6,926 - \$8,419/month) was presented. The city manager stated items G-8, G-9, G-10, and G-11 would be brought back with entire budget recommendations. A motion was made by Councilmember Viramontes, seconded by Councilmember Rogers to continue items G-8, G-9, G-10, and G-11 and bring them back concurrent with or after the entire budget is revised.

A proposed resolution amending the City of Richmond's Position Classification Plan to add the new classification of Engineering Infrastructure Administrator was presented. The city manager stated items G-8, G-9, G-10, and G-11 would be brought back with entire budget recommendations. A motion was made by Councilmember Viramontes, seconded by Councilmember Rogers to continue items G-8, G-9, G-10, and G-11 and bring them back concurrent with or after the entire budget is revised.

A proposed ordinance establishing the wages, salary, and compensation for the new classification of Source Control Superintendent (Salary Range No. 064D: \$7,277 - \$8,829/month) was presented. The city manager stated items G-8, G-9, G-10, and G-11 would be brought back with entire budget recommendations. A motion was made by Councilmember Viramontes, seconded by Councilmember Rogers to continue items G-8, G-9, G-10, and G-11 and bring them back concurrent with or after the entire budget is revised.

A proposed resolution amending the City of Richmond's Position Classification Plan to add the new classification of Source Control Superintendent was presented. The city manager stated items G-8, G-9, G-10, and G-11 would be brought back with entire budget recommendations. A motion was made by Councilmember Viramontes, seconded by Councilmember Rogers to continue items G-8, G-9,

G-10, and G-11 and bring them back concurrent with or after the entire budget is revised.

\* - Authorized the Library & Cultural Services Director to accept a federal Library Services and Technology Act (LSTA) Grant funded through the California State Library's Public Library Staff Education Program (PLSEP); and APPROVE an amendment to the Fiscal Year 2009-2010 Operating Budget increasing library revenue and expenditures in the amount of \$8,267.

A proposed emergency contract with Manson Construction Company to construct a temporary breasting dolphin and walkway at Terminal 2 in an amount not to exceed \$228,000 was presented. The city manager gave an overview of the item. Corky Booze spoke on this item. On motion of Councilmember Viramontes, seconded by Councilmember Ritterman approved the contract by the unanimous vote of the Council.

\*-Adopted **Resolution No. 94-09** accepting certain streets and public improvements completed by the Cortez Hope VI developers; Easter Hill Development Associates, LLC; and the Richmond Housing Authority, as specified in the Improvement Agreement approved by City Council on July 27, 2004.

\*- Adopted **Resolution No. 95-09** accepting certain streets and public improvements completed by Easter Hill Development Associates, LLC and the Richmond Housing Authority, as the developers of Subdivisions 8705 and 8761 ("Easter Hill Hope VI"), as specified in the Improvement Agreement approved by the City Council on February 17, 2004.

\*- Approved a contract with TPA Construction, Inc. for completion of roof repairs at the Booker T. Anderson Community Center in an amount not to exceed \$61,950.

\*- Approved a contract amendment with Shute, Mihaly & Weinberger for legal representation in connection with legislation to regulate evictions from foreclosed buildings, increasing the contract amount by \$19,000 for a total of \$25,000, and extending the term expiration to June 30, 2010.

\*- Approved a third amendment to the legal services agreement with Gordon Hart of Paul, Hastings, Janofsky, and Walker (Paul Hastings) to facilitate the Navy's early transfer of Point Molate by assisting in the preparation of required documents, increasing the contract amount by \$95,000 for a total contract amount of \$470,000 and extending the term until June 30, 2010.

\*- Approved the following appointments and reappointment: Community Development Commission: Maxine Henagan, Incumbent

representing Parchester Village, term expiring March 21, 2012; Lisa Stevenson-Johnson, representing NAACP, term expiring March 21, 2012; Historic Preservation Advisory Committee: Patricia Pearson, term expiring July 31, 2011; Library Commission: Kavaragu Mtambuzi, term expiring July 1, 2012; Youth Baseball Advisory Commission: Gary Daniel, term expiring June 15, 2012 (completing unexpired term of Terence Fisher).

\*- Appointed Mayor McLaughlin as alternate to West Contra Costa Transportation Advisory Committee (WCCTAC).

\*- Adopted **Resolution No. 96-09** resolution to adjust revenues and expenditures for the 2009-2010 Recreation Department Budget adding \$3,650 for summer camp programs to account for grant funding from the Northern California Grantmakers.

### **RESOLUTIONS**

A resolution opposing the expansion of Pardee Reservoir proposed in the East Bay Municipal Utility District Water Supply Management Program 2040 was presented. Mayor McLaughlin gave an overview of the item and read the proposed resolution. She introduced Timothy Robertson and Greg Chan. Timothy Robertson spoke on this item; Gregory Chan relinquished his time to address the Council to Alex Coate, a representative of East Bay Mudd. Jovanka Beckles spoke on this item. On motion of Mayor McLaughlin, seconded by Councilmember Ritterman, adopted **Resolution No. 97-09** by the following vote: **Ayes:** Councilmembers Butt, Ritterman, Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** Councilmember Bates and Viramontes. **Absent:** Vice Mayor Lopez.

### **REDEVELOPMENT AGENCY/COUNCIL AS A WHOLE**

*Items I-1 and I-2 were consolidated and heard together.* In the matter to adopt a resolution approving and adopting the First Amendment to the Fiscal Year 2009-2010 Operating Budget for the Richmond Community Redevelopment Agency (Agency) in the amount of \$25,310,280 and approving and adopting First Amendment to the Five Year 2009/10-2013/14 Capital Project and Program Budget for the Agency in the amount of \$121,897,000. City Manager Bill Lindsay gave an overview of the item. Discussion began. Councilmember Rogers stated that Vice Mayor Lopez submitted suggestions to reduce the Council's budget by 15 percent. Mr. Lindsay acknowledged he received and reviewed the proposed reductions. Millie Cleveland, representing Service Employees' International Union (SEIU) Local 1021, spoke on this item and stated that the unions have not been able to participate in a comprehensive manner on alternatives to layoffs and other ways to meet the cost savings. Other speakers were: Norma Thompson who spoke for

Gary Robinson, Lynette Gibson McElhandy, Jovanka Beckles, Eliron Hamburger (*on motion of Councilmember Viramontes, seconded by Councilmember Bates, allowed Eliron Hamburger to continue her statement past the allowed two minutes by the unanimous vote of the Council*), Alicia Klein, Corky Booze, Gautam Manandhan, Tom Wilson, Theresa Talley Wilkerson (*on motion of Councilmember Bates, seconded by Councilmember Viramontes, allowed Ms. Wilkerson to continue her statement past the allowed two minutes by the unanimous vote of the Council*), Pat Marra, and Pamela Covington. Councilmember Rogers suggested: (1) the City of Richmond accept the various cost cutting measures including the special retirement packages; (2) look at other cost savings measures presented by speakers; and (3) separate layoffs into two categories: (a) no chance in identifying funding source and proceed with the layoffs and (b) a realistic potential that in three to nine months funds would be available to support the positions; identify funding needed and come up with other forms of economizing in ways that are less damaging to the employees and the City of Richmond. Finance Director Jim Goins stated that the City currently has a \$10 million dollar reserve; after adjustments with the Redevelopment Agency and The Housing Department, the reserve would be approximately \$14 million. He stated that the reserved amount is very important because it is what the rating industry looks at, and \$14 million is the amount the City stated it would have in reserve. Mr. Goins stated that the City of Richmond would have a healthy reserve given the current recommendations made. Discussion continued. Councilmember Bates suggested that the City look at approximately one to two day furloughs to save money. Mr. Lindsay stated that the City would save money only if employees were not paid for the days the City was closed. Councilmember Bates requested analysis on the costs to the City of management staff taking cars home and the monthly fees incurred from staff with Blackberry phones and other electronic devices. Discussion ensued. Councilmember Councilmember Viramontes stated that the numbers presented in the staff report are different from the numbers the Council approved on at 2008-2009 mid-year review. She requested staff address how the \$13 million unexpectedly received from Chevron was placed in the 2008-2009 budget, and how it was spent. Discussion continued. Councilmember Viramontes recommended staff present a budget format that was consistent and directed staff to be more responsible on how projections are done. Discussion ensued. A motion was made by Councilmember Butt, seconded by Councilmember Rogers to give the city manager authorization and the resolutions needed to continue and direct the city manager to put off any actual layoffs for 30 days and solicit from anyone with ideas about realist ways of avoiding layoffs and maintaining key productive people and give the city manager the latitude to solicit ideas and consider the ideas for submittal in a report to the Council at the end of the

month. Discussion continued. Mayor McLaughlin summarized a proposal brought forth by a member of her staff. The proposal was designed to reduce the level of income and equality among City staff protecting those who earn the least while making modest salary cuts, on a progressive basis, to those who earn the most. Mayor McLaughlin also stated that the West County Mayor's Association was in the process of inviting State representatives to explain why they are taking money away from Cities to balance the State's budget. She also expressed an interest in filing a class action suit against the State of California. Discussion ensued. Councilmember Butt amended his motion to include the suggestions made by Mayor McLaughlin which included voluntary salary cuts from management, class action suit, and inviting legislation for explanations of their actions. Councilmember Rogers seconded the motion with a friendly amendment to direct the city manager to hold one more meeting with the unions and then proceed with layoffs of employees that are identified where there is not sufficient work or no realistic source of funding. Councilmember Butt accepted the amendment. A substitute motion was made by Councilmember Bates, seconded by Councilmember Viramontes to move forward with the voluntary retirements only, no layoffs, and direct the city manager to work with the labor unions and other Councilmembers to find other means of savings and report back to the Council in 30 days with recommendations. Discussion continued. A second substitute motion was made by Mayor McLaughlin to include the previous motion by Councilmember Butt, excluding any consideration of layoffs. The motion failed for lack of a second. The city manager suggested that the Council separate the early retirement issue, the action on the Redevelopment Agency budget from the City, the direction to prepare adequate financial information for the Council, Planning and Building Regulations budget, and continue discussions on reduction in force. Councilmember Bates stated that reorganization of departments needs to be considered. The Council agreed by unanimous consent to disregard all previous motions and take the city manager's suggestions to separate issues. On motion of Councilmember Ritterman, seconded by Councilmember Rogers approved moving forward with the voluntary early retirement issue for both the Redevelopment Agency and City employees by unanimous vote; Vice Mayor Lopez was absent. On motion of Councilmember Rogers, seconded by Councilmember Viramontes adopted **Resolution No. 09-31** to support the Redevelopment Agency budget excluding layoffs unless brought back to Council for approval by unanimous vote; Vice Mayor Lopez was absent. On motion of Councilmember Rogers, seconded by Councilmember Ritterman adopted **Resolution No. 98-09** the City budget as amendment excluding layoffs unless brought back to Council by the following vote: **Ayes:** Councilmembers Bates, Butt, Ritterman, Rogers, and Mayor McLaughlin. **Noes:**

Councilmember Viramontes. **Abstentions:** None. **Absent:** Vice Mayor Lopez. A motion was made by Councilmember Butt, seconded by Councilmember Rogers to continue with layoffs in the Planning and Building Department. A substitute motion was made by Councilmember Bates, seconded by Councilmember Viramontes to give the same consideration to the Planning and Building Department and not continue with layoffs until further research has been done. The substitute motion passed by the following vote: **Ayes:** Councilmember Bates, Ritterman, Viramontes, and Mayor McLaughlin. **Noes:** Councilmembers Butt and Rogers. **Abstentions:** None. **Absent:** Vice Mayor Lopez.

Human Resources Manager Leslie Knight Read the following announcement into the record: "*Public Notice, September 8, 2009, the City of Richmond intends to offer eligible members of certain miscellaneous classifications the opportunity to retire with an additional two years of service credit. The City has previously amended its contract with the California Public Employees Retirement System (CALPers) to provide this benefit and now needs only to adopt a resolution establishing the new window period in which these employees may opt to take advantage of the benefit. As required by California Government Code Section 7507 this notice provides information regarding the future costs resulting from this offering. The offering will be available for at least 90 days following adoption of a resolution two weeks hence. Based on factors provided by CALPers, an expressed interest by 21 eligible employees, we have calculated that the City's annual Pers cost to provide this benefit will be .1953%, \$84,071 of our total annual miscellaneous payroll of \$43,052,544. This cost would commence in Fiscal Year 2012/2013. Salary and benefits cost savings achieved through this offering estimated to be \$873,697 to \$1,294,137 annually. For further information, contact Rob Larson, Human Resources Personnel Officer in the City's Human Resources Management Department. Mr. Larson can be reach at (510) 620-6817. Thank you*".

***Items I-1 and I-2 were consolidated and heard together.*** In the matter to and adopt a resolution to adjust the Fiscal Year 2009-10 Operating Budget to align expenditures with revised revenue projects. City Manager Bill Lindsay gave an overview of the item. Discussion began. Councilmember Rogers stated that Vice Mayor Lopez submitted suggestions to reduce the Council's budget by 15 percent. Mr. Lindsay acknowledged he received and reviewed the proposed reductions. Millie Cleveland, representing Service Employees' International Union (SEIU) Local 1021, spoke on this item and stated that the unions have not been able to participate in a comprehensive manner on alternatives to layoffs and other ways to meet the cost savings. Other speakers were: Norma Thompson who spoke for Gary Robinson, Lynette Gibson McElhandy, Jovanka Beckles, Eliron Hamburger (***on motion of Councilmember Viramontes, seconded by***

*Councilmember Bates, allowed Eliron Hamburger to continue her statement past the allowed two minutes by the unanimous vote of the Council*), Alicia Klein, Corky Booze, Gautam Manandhan, Tom Wilson, Theresa Talley Wilkerson (*on motion of Councilmember Bates, seconded by Councilmember Viramontes, allowed Ms. Wilkerson to continue her statement past the allowed two minutes by the unanimous vote of the Council*), Pat Marra, and Pamela Covington. Councilmember Rogers suggested: (1) the City of Richmond accept the various cost cutting measures including the special retirement packages; (2) look at other cost savings measures presented by speakers; and (3) separate layoffs into two categories: (a) no chance in identifying funding source and proceed with the layoffs and (b) a realistic potential that in three to nine months funds would be available to support the positions; identify funding needed and come up with other forms of economizing in ways that are less damaging to the employees and the City of Richmond. Finance Director Jim Goins stated that the City currently has a \$10 million dollar reserve; after adjustments with the Redevelopment Agency and The Housing Department, the reserve would be approximately \$14 million. He stated that the reserved amount is very important because it is what the rating industry looks at, and \$14 million is the amount the City stated it would have in reserve. Mr. Goins stated that the City of Richmond would have a healthy reserve given the current recommendations made. Discussion continued. Councilmember Bates suggested that the City look at approximately one to two day furloughs to save money. Mr. Lindsay stated that the City would save money only if employees were not paid for the days the City was closed. Councilmember Bates requested analysis on the costs to the City of management staff taking cars home and the monthly fees incurred from staff with Blackberry phones and other electronic devices. Discussion ensued. Councilmember Councilmember Viramontes stated that the numbers presented in the staff report are different from the numbers the Council approved on at 2008-2009 mid-year review. She requested staff address how the \$13 million unexpectedly received from Chevron was placed in the 2008-2009 budget, and how it was spent. Discussion continued. Councilmember Viramontes recommended staff present a budget format that was consistent and directed staff to be more responsible on how projections are done. Discussion ensued. A motion was made by Councilmember Butt, seconded by Councilmember Rogers to give the city manager authorization and the resolutions needed to continue and direct the city manager to put off any actual layoffs for 30 days and solicit from anyone with ideas about realist ways of avoiding layoffs and maintaining key productive people and give the city manager the latitude to solicit ideas and consider the ideas for submittal in a report to the Council at the end of the month. Discussion continued. Mayor McLaughlin summarized a proposal brought forth by a member of her staff. The proposal was designed to reduce the

level of income and equality among City staff protecting those who earn the least while making modest salary cuts, on a progressive basis, to those who earn the most. Mayor McLaughlin also stated that the West County Mayor's Association was in the process of inviting State representatives to explain why they are taking money away from Cities to balance the State's budget. She also expressed an interest in filing a class action suit against the State of California. Discussion ensued. Councilmember Butt amended his motion to include the suggestions made by Mayor McLaughlin which included voluntary salary cuts from management, class action suit, and inviting legislation for explanations of their actions. Councilmember Rogers seconded the motion with a friendly amendment to direct the city manager to hold one more meeting with the unions and then proceed with layoffs of employees that are identified where there is not sufficient work or no realistic source of funding. Councilmember Butt accepted the amendment. A substitute motion was made by Councilmember Bates, seconded by Councilmember Viramontes to move forward with the voluntary retirements only, no layoffs, and direct the city manager to work with the labor unions and other Councilmembers to find other means of savings and report back to the Council in 30 days with recommendations. Discussion continued. A second substitute motion was made by Mayor McLaughlin to include the previous motion by Councilmember Butt, excluding any consideration of layoffs. The motion failed for lack of a second. The city manager suggested that the Council separate the early retirement issue, the action on the Redevelopment Agency budget from the City, the direction to prepare adequate financial information for the Council, Planning and Building Regulations budget, and continue discussions on reduction in force. Councilmember Bates stated that reorganization of departments needs to be considered. The Council agreed by unanimous consent to disregard all previous motions and take the city manager's suggestions to separate issues. On motion of Councilmember Ritterman, seconded by Councilmember Rogers approved moving forward with the voluntary early retirement issue for both the Redevelopment Agency and City employees by unanimous vote; Vice Mayor Lopez was absent. On motion of Councilmember Rogers, seconded by Councilmember Viramontes adopted **Resolution No. 09-31** to support the Redevelopment Agency budget excluding layoffs unless brought back to Council for approval by unanimous vote; Vice Mayor Lopez was absent. On motion of Councilmember Rogers, seconded by Councilmember Ritterman adopted **Resolution No. 98-09** the City budget as amendment excluding layoffs unless brought back to Council by the following vote: **Ayes:** Councilmembers Bates, Butt, Ritterman, Rogers, and Mayor McLaughlin. **Noes:** Councilmember Viramontes. **Abstentions:** None. **Absent:** Vice Mayor Lopez. A motion was made by Councilmember Butt, seconded by Councilmember

Rogers to continue with layoffs in the Planning and Building Department. A substitute motion was made by Councilmember Bates, seconded by Councilmember Viramontes to give the same consideration to the Planning and Building Department and not continue with layoffs until further research has been done. The substitute motion passed by the following vote: **Ayes:** Councilmember Bates, Ritterman, Viramontes, and Mayor McLaughlin. **Noes:** Councilmembers Butt and Rogers. **Abstentions:** None. **Absent:** Vice Mayor Lopez. Human Resources Manager Leslie Knight Read the following announcement into the record: "*Public Notice, September 8, 2009, the City of Richmond intends to offer eligible members of certain miscellaneous classifications the opportunity to retire with an additional two years of service credit. The City has previously amended its contract with the California Public Employees Retirement System (CALPers) to provide this benefit and now needs only to adopt a resolution establishing the new window period in which these employees may opt to take advantage of the benefit. As required by California Government Code Section 7507 this notice provides information regarding the future costs resulting from this offering. The offering will be available for at least 90 days following adoption of a resolution two weeks hence. Based on factors provided by CALPers, an expressed interest by 21 eligible employees, we have calculated that the City's annual Pers cost to provide this benefit will be .1953%, \$84,071 of our total annual miscellaneous payroll of \$43,052,544. This cost would commence in Fiscal Year 2012/2013. Salary and benefits cost savings achieved through this offering estimated to be \$873,697 to \$1,294,137 annually. For further information, contact Rob Larson, Human Resources Personnel Officer in the City's Human Resources Management Department. Mr. Larson can be reach at (510) 620-6817. Thank you*".

In the matter to authorize the release of city attorney opinion and disclosure of the facts and circumstances regarding unauthorized third person hearing one councilmember's telephone comments during the July 24, 2009, Closed Session Litigation Item Communities for a Better Environment (CBE) vs. the City of Richmond. Councilmember Viramontes gave an overview of the item. City Attorney Randy Riddle spoke on this item. **On motion of Councilmember Rogers, seconded by Councilmember Viramontes extended the meeting for ten minutes with Councilmember Bates voting noe and Vice Mayor Lopez absent.** Following discussion, on motion of Councilmember Rogers, seconded by Councilmember Ritterman approved the item to be released upon request by the unanimous vote of the Council. **Vice Mayor Lopez was absent.**

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

Councilmember Viramontes requested that Mayor McLaughlin adjourn the meeting in memory of Fidel Lopez, father of Vice Mayor Lopez.

Mayor McLaughlin encouraged everyone to attend the Grand re-opening of the newly renovated Richmond Civic Center on Saturday, September 12, 2009, from 11:00 a.m. to 5:00 p.m. at 450 Civic Center Plaza. Mayor McLaughlin announced that the Rosary for Fidel Lopez would be held on Thursday, September 10, 2009, 6:00 p.m., at Saint Joseph's Holy Angels Chapel, 2540 Church Lane, San Pablo; Mass would be held on Friday, September 11, 2009, at 11:00 a.m., at Saint Cornelius, 27<sup>th</sup> Street and Macdonald Avenue.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 11:11 p.m. in memory of Ruby Parham and Fidel Lopez, to meet again on Tuesday, September 15, 2009, at 6:30 p.m.

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City Clerk

(SEAL)

Approved:

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Mayor