

**RICHMOND, CALIFORNIA, October 3, 2006**

The Regular Meeting of the Richmond City Council was called to order at 7:27 p.m., by Mayor Irma L. Anderson who led the Pledge of Allegiance.

**ROLL CALL**

**Present:** Councilmembers Bates, Butt, Griffin, Marquez, McLaughlin, Rogers, Thurmond, Viramontes, and Mayor Anderson. **Absent:** None.

**STATEMENT OF CONFLICT OF INTEREST**

None.

**AGENDA REVIEW**

Removed Items G-2, G-3, G-4, G-5, G-6, G-7, G-8, G-9, G-11, and G-17 from the Consent Calendar.

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

No report.

**OPEN FORUM FOR PUBLIC COMMENT**

Antwoine Cloird asked for support for the Tent Cities in Richmond.

Ethel Dotson stated that there will be a candidate's forum on the North Richmond Shoreline Open Space Alliance on Thursday, October 5, 2006, at the Parchester Village Community Center from 6 p.m. to 9 p.m.

Ted Smith stated he has been at the Tent Cities everyday. Mr. Smith thanked Kaiser; Chris Lopez, of the West County Times; CJ's Barbecue, Willie Haywood; and Wal-Mart for their assistance.

Cory Haynes gave comments regarding Lifeskills 411, a Community-based organization that assists young people from middle school to college to gain fundamental skills to be successful and empowering. Mr. Haynes invited the community to attend a session on October 14, 2006, from 10 a.m. to 12 p.m., at the Richmond Memorial Auditorium. For further information, the website address is [www.Lifeskills411.org](http://www.Lifeskills411.org).

James Jenkins stated he supports the tent city and asked that persons go to 4<sup>th</sup> and Macdonald and Shields Reid in show of support.

Herk Schusteff thanked those involved in halting the construction of an unauthorized road and grading above Greenridge.

Lisa Davis invited everyone to a Community Action Workshop on Saturday, October 7, 2006, at Local One Community Meeting Room, 4197 Lakeside Drive, Suite 17,

Richmond. The purpose of the workshop is to try to save and support Doctor's Medical Center in San Pablo.

Lynette Gibson McElhaney stated that families have begun to move into Richmond Village and there are still six to seven moderately priced homes available. For information, the website address is [www.richmondvillagehomes.com](http://www.richmondvillagehomes.com) or Richmond Neighborhood Housing Services at (510) 237-6459.

Mike Mahoney gave comments about an apprenticeship tutoring program in conjunction with the Contra Costa Building Trades Council, The Seville Group, Inc., and the West Contra Costa Unified School District. Students are instructed on how to pass the pre-apprentership test to get into all of the local trade unions. Classes are free and meet on Tuesdays and Thursdays beginning October 17<sup>th</sup> at the Serra Campus at 6028 Ralston Ave., Richmond, (510)215-4666.

Corky Booze gave comments regarding complaints from the Richmore Village community regarding an event that took place at St. Cornelius Church on September 17<sup>th</sup>. Mr. Booze stated that there was no permit nor an alcohol permit obtained for this event.

Jorge Flores stated that he organized the community event at St. Cornelius Church on September 17<sup>th</sup> and he obtained the proper permits. Mr. Flores apologized for any problems this event may have caused and submitted a letter to the Council detailing the sequence of events.

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

City Clerk read a proclamation designating the week of October 8-14<sup>th</sup>, 2006, as Fire Prevention Week. Don Perez, Fire Marshall, indicated that the main focus of fire prevention week is fire kitchen safety. Lucien Baker, Fire Inspector, gave several kitchen fire safety tips.

City Clerk read a proclamation recognizing October 14, 2006, as "Super Saturday for Children and Families. Mayor Anderson presented the proclamation to GRIP member, Myrtle Braxton. Corky Booze gave comments.

### **CONSENT CALENDAR**

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

\*-Approved **Resolution No. 104-06** authorizing the Business License Division to offer an amnesty program waiving penalties for a period of three months for businesses with unpaid business licenses.

A proposed resolution authorizing the Finance Department to proceed with the refunding of the Affordable Housing Agency Subordinate Multifamily Housing Revenue Bonds, Series A-S, and appoint an Underwriter and Bond Counsel was presented by Finance Director, Jim Goins. This refunding would reduce the debt service payments for a three-year period for the Westridge Apartments, saving 13.5% of debt

service payments in the amount of \$1.6 million. The original purchase price of the property was \$34 million and the current appraisal price is \$36.2 million. Following discussion, on motion of Councilmember Viramontes, seconded by Councilmember Marquez, adopted **Resolution No. 105-06** by the following vote: **Ayes:** Councilmembers Bates, Griffin, Marquez, Rogers, Thurmond, Viramontes and Mayor Anderson. **Noes:** Councilmember Butt. **Abstentions:** Councilmember McLaughlin. **Absent:** None.

Mayor Anderson introduced the newly appointed Police Commissioner Chris Tallerico. Mr. Tallerico thanked the Council for the opportunity to serve as commissioner.

A proposed approval of a Fuel Card Program Master Contract with the State of California Department of General Services to allow for fuel purchase at a budgeted annual cost of \$100,000 was presented. Vice Mayor Viramontes asked who would be allowed to use the cards. Roger Helbig, Purchasing Division, replied that these cards would be used for refueling of fire trucks. A certain member in each of the fire stations would be designated to use the card. A motion was made by Vice Mayor Viramontes, seconded by Councilmember Thurmond and Fuel Card Program Master Contract was approved by the unanimous vote of the Council.

A proposed resolution accepting the improvements to Seacliff Drive constructed by Toll Brothers, associated with Subdivision 7502 Seacliff Estates was presented by Rich Davidson, City Engineer. Mr. Davidson stated that when Seacliff Estates presented the project, there was a condition of approval of the tentative map that the developers build the other half of the road. Corky Booze gave comments. Councilmember Butt asked why the developers were not required to landscape the street. Mr. Davidson replied that it was not a condition of approval of the tentative map. On motion of Councilmember Bates, seconded by Vice Mayor Viramontes, adopted **Resolution No. 106-06** by the following vote: **Ayes:** Councilmembers Bates, Griffin, Marquez, McLaughlin, Rogers, Thurmond, Viramontes and Mayor Anderson. **Noes:** Councilmember Butt. **Abstentions:** None. **Absent:** None.

A proposed authorization for Veolia Water North America to contract with The DER Group to construct the Fuel Cell Project at the Wastewater Treatment Plant for an amount not to exceed \$5,500,000 was presented. Councilmember Bates asked what happened to the option of having a cogeneration plant that would produce electricity for the plant, City Hall, and perhaps housing in the immediate area. Dave Dickson, Veolia, replied that cogeneration can be done with either an engine or with fuel cells. The fuel cell approach is more costly than an engine and both run on digester gas. The life cycle costs are similar but the initial cost of the fuel cell installation is substantially higher and fuel cells are more expensive to maintain. Veolia has a lot of experience with engines and none with fuel cells. Councilmember Rogers asked what the October 15<sup>th</sup> deadline requirements were in order to receive the \$2 million grant funds. Rich Davidson, City Engineer, replied that the City had to show to PG&E that it will purchase the fuel cell technology and not who would install it. Mayor Anderson expressed concern about the risks involved in going forward with the fuel cell technology and requested further information. Mr.

Dickson stated that under Veolia's contract if anything in the plant breaks, Veolia is at full risk for maintenance. DER would need to provide a guarantee that the fuel cells will work for the life of the cells. Councilmember Bates suggested that a comprehensive program be prepared between the City, DER Group, and Veolia, in order to come to an agreement, and then return to the Council for a recommendation on how to proceed. Bill Lindsay, City Manager, suggested that between now and the October 15<sup>th</sup> deadline, Veolia be given an opportunity to match the net present value savings with their technology within the next 10 days and to delegate to the City Engineer to make a decision based on a committed proposal by Veolia. A motion was made by Vice Mayor Viramontes, seconded by Councilmember Marquez to authorize the City Engineer to work with Veolia within the next 10 days in order to give Veolia an opportunity to submit a proposal of equal value and include the maintenance issues and call a special meeting to vote on this matter *only* at the end of the ten days by the unanimous vote of the Council.

A proposed resolution accepting a non-exclusive easement from Toll Brothers for storm drain and sanitary sewer purposes in the Seacliff Estates Development was presented. There was no discussion from the audience or Council. On motion of Councilmember Marquez, seconded by Vice Mayor Viramontes adopted **Resolution No. 107-06** by the unanimous vote of the Council.

A proposed resolution accepting a six foot wide non-exclusive public access easement from Toll Brothers for trail purposes in the Seacliff Estates Development was presented. Bruce Bayaert gave comments. A motion was made by Councilmember Marquez, seconded by Vice-Mayor Viramontes approved **Resolution No. 108-06** by the following vote: **Ayes:** Councilmembers Bates, Butt, Griffin, Marquez, McLaughlin, Rogers, Thurmond, and Viramontes. **Noes:** None. **Abstentions:** None. **Absent:** Mayor Anderson.

A proposed resolution for the Office of Violence Prevention to proceed with a Title II Formula grant application to the State of California Department of Corrections and Rehabilitation for \$500,000 to address juvenile crime and delinquency was presented. Corky Booze gave comments. A motion was made by Vice Mayor Viramontes, seconded by Councilmember Thurmond and **Resolution No. 109-06** was adopted by the unanimous vote of the Council.

A proposed approval of an amendment to the contract between the City of Richmond and Swinerton to include Hall of Justice remediation testing and possibly Police Department relocation services, increasing contract amount by \$400,000, from a total contract amount of \$750,000 to a total contract amount not to exceed \$1,150,000 was presented by Bill Lindsay City Manager. Juanita Taylor, President of Local 790, and Corky Booze gave comments. Mr. Lindsay stated there has been testing in the Library, which has shown nothing remarkable. On motion of Councilmember Marquez, seconded by Vice Mayor Viramontes approved the amendment, by the unanimous vote of the Council.

\*- Approved a bonus (not a part of the base wage) in the amount of \$12,000 for the City Manager based on successful job performance.

\*- A proposed resolution amending the City of Richmond classification plan to add the classification of **Operations Administrator** was presented. Juanita Taylor, President of Local 790, gave comments. A motion was made by Councilmember Marquez, seconded by Councilmember Griffin and **Resolution No. 110-06** was adopted by the unanimous vote of the Council.

\*- Introduced an ordinance establishing wages, salary and compensation for the new classification of **Operations Administrator (Salary: \$4,209 – \$5,304/month)**.

\*- Approved awarding of a contract to G & G Builders for the renovation of play equipment at Virginia Playlot and Humphrey Playlot in the amount of \$180,144. The renovations will be funded by the 2002 Bond Act Per Capita Program.

\*- Approved awarding of a contract to Ross Recreation for the renovation of play equipment at Stewart Playlot and Kern Playlot in the amount of \$172,614. The renovations will be funded by the 2002 Bond Act Per Capita.

\*- Approved awarding of a contract to Community Playgrounds, Inc. for the renovation of play equipment at Atchison Playground in the amount of \$97,280. The renovations will be funded by the 2002 Bond Act Per Capita Program.

\*- Adopted **Resolution No. 111-06** authorizing the City to budget a supplemental appropriation of \$412,000 for 800 MHZ communication system upgrades using the beginning balance of Fund 60009 (800MHZ) for FY 2006-07, \$952,553.20, as the funding source.

A proposed a contract with Freitas Landscape & Maintenance to provide landscape services at the Port of Richmond Terminal 3 for a 19-month period (October 1, 2006, to June 30, 2008) in an amount not to exceed \$18,000 was presented by Jim Matzorkis, Port Director. This project was put out to bid and there were four respondents, none of which are Richmond businesses. The Parks & Landscaping division indicated they did not have adequate staff to accomplish this job and the quote given was more than twice as high as the other bidders. Juanita Taylor, President of Local 790, stated that the procedure in the MOU for contracting for services that could be performed by City employees was not done by staff. Corky Booze also gave comments. Bill Lindsay, City Manager, stated that in order to have the service performed in-house, the work would need to be long term and it is more appropriate to contract the work out. Mr. Lindsay recommended that this matter be continued in order to comply with the obligations in the Local 790 employee's MOU in reference to contracting out work.

\*- Approved a purchase of AquaBrowser through The Library Corporation (TLC) in the amount of \$20,508 for the Richmond Public Library.

\*- Approved a purchase of copiers for the Richmond Public Library from Inland Business Systems in an amount not to exceed \$63,000 for six (6) copiers.

\*- Approved the appointment to the **Police Commission** of Chris Tallerico to the term expiring November 1, 2009.

\*- Approved minutes of the Morning Open Session held on September 19, 2006, and the Evening Open Sessions held on September 19, 2006, and September 26, 2006.

### **ORDINANCES**

None.

### **COUNCIL AS A WHOLE**

In the matter to discuss the formation of a City Beautification Committee to advise the City Council regarding improving the aesthetic appearance of the Richmond community was presented. Corky Booze gave comments. Councilmember Thurmond gave an overview of the matter. He stated that there are many ways to beautify the City by using Redevelopment dollars, by building façade improvements, painting over graffiti, hanging banners, planting trees, etc. This would give citizens an opportunity to advise the staff and Council on how to improve the appearance of the City. The Mayor and Council will recommend persons to be appointment to the nine-member committee.

### **COMMUNICATIONS**

None.

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

#### **Councilmember Marquez**

Attended a National League of Cities Conference of Hispanic Elected Local Officials (HILO) last week and will submit a written report for the packet next week. The conference dealt with diversity and inclusion.

#### **Vice Mayor Viramontes**

Attended the California State League of Cities Meeting. She will provide information to the Councilmembers regarding the workshops. Attended a full-day seminar in Concord, California regarding the new federal bill dealing with changes in pension law in Concord, CA. Requested that an agenda item regarding the financing plan for the developer fees be placed on an upcoming City Council agenda.

#### **Councilmember Bates**

Announced that he received AB 1234 training today.

### **Councilmember Butt**

Councilmember Butt distributed a guide to the Awhanee Water Principles to the Council and City Manager. He stated that the Sixth Annual New Partners for Smart Growth Conference will be in February 2007 in Los Angeles. The City of Richmond was selected by the National League of Cities to have a City showcase booth regarding the public/private partnerships involved in the Rosie the Riveter National Park. The National League of Cities conference will be in Reno, Nevada in December. Councilmember Butt and a member of the National Park Service will be in attendance.

### **Councilmember Thurmond**

Councilmember Thurmond announced that he has attended monthly regional meetings regarding the building of a new park facility that will be shared by the cities of Richmond, Emeryville, Berkeley, Albany, and El Cerrito. Commended the organizers of the tent cities.

### **Councilmember Rogers**

Thanked everyone involved in the organization of the tent cities. The next Finance Committee meeting will be on Thursday, October 19, 2006, at 9:30 a.m. Councilmember Rogers requested that a follow-up on the graffiti on I-580 be placed on the next City Council agenda and a report from the City Manager regarding the fact that the City parks do not have restrooms.

### **Councilmember McLaughlin**

Councilmember McLaughlin announced that the next Rules & Procedures Committee meeting will be on Thursday, October 19, 2006, at 4 p.m. Expressed her support for the persons at the tent cities.

### **City Clerk**

Diane Holmes, City Clerk, reminded all of the candidates that their first pre-election campaign statement is due Thursday, October 5, 2006, by 5 p.m.

### **City Attorney**

John Eastman, City Attorney, announced that Councilmembers may still receive AB 1234 training through the end of this year. There will be a class scheduled at City Hall on November 1, 2006.

### **Mayor Anderson**

Mayor Anderson attended the opening of the Palecek Company who hires many Richmond residents.

### **ADJOURNMENT**

There being no further business, the meeting adjourned in memory of Dan Weinstein at 10:04 p.m., to meet again in one week on Tuesday, October 17, 2006, at 7:00 p.m.

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City Clerk

(SEAL)

Approved:

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Mayor