

**RICHMOND, CALIFORNIA, April 16,
2013**

The Richmond City Council Evening Open Session was called to order at 5:11 p.m.

ROLL CALL

Present: Councilmembers Myrick, Rogers, Vice Mayor Boozé, and Mayor McLaughlin. **Absent:** Councilmember Beckles arrived during the reading of the purpose of the meeting and Councilmembers Bates and Butt arrived after the City Council adjourned to Closed Session.

PUBLIC COMMENT

The deputy 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 - ANTICIPATED LITIGATION (Initiation of litigation pursuant to Subdivision (c) of Government Code Section 54956.9):

One Case

CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6):

Agency designated representatives: Bill Lindsay, Jack Hughes, Chris Magnus, Bruce Soublet and Lisa Stephenson
Employee organization: Richmond Police Officers' Association

There were no public speakers.

The Evening Open Session adjourned to Closed Session at 5:12 p.m. The Closed Session adjourned at 7:11p.m.

The Regular Meeting of the Richmond City Council was called to order at 7:17p.m. by Mayor McLaughlin.

ROLL CALL

Present: Councilmembers Bates, Beckles, Butt, Myrick, Rogers, Vice Mayor Boozé, and Mayor McLaughlin. **Absent:** None.

READING OF THE CODE OF ETHICS

City Clerk Diane Holmes read the Code of Ethics.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Removed Items G-3, G-4, G-5, G-6, G-8, G-12, G-14, and G-18 from the Consent Calendar; withdrew Item G-7. On motion of Councilmember Rogers, seconded by Councilmember Beckles placed Item G-12 back on the Consent Calendar with Councilmember Myrick Absent.

OPEN FORUM FOR PUBLIC COMMENT

Henry Parker invited everyone to the Second Annual "Reach for the Stars" Full Inclusion Fashion Show and Showcase working with children on the Autism spectrum, being held April, 27, 2013, at Lavonya Dejean Middle School, 3400 Macdonald Avenue, from 5:30p.m. to 9:00 p.m. tickets are \$10.00.

Andres Soto and Marilyn Langlois invited everyone to a United States Chemical Board public hearing on Friday, April 19, 2013, at the Richmond Memorial Auditorium regarding the interim investigative report including its finding and recommendations regarding the Chevron Fire.

Maxine Henagan stated that the Giant Highway was dark and dangerous and that the lack of lighting on the Richmond Parkway was a health and safety issue that should be given priority.

Frances Smith requested that the City of Richmond install street signs throughout the City of Richmond to help individuals locate the Masquers Playhouse in Point Richmond.

Linda Schneider stated that the City of Richmond staff was very helpful.

The following employees spoke regarding SEIU Negotiations and stated that SEIU would fight against any negotiations to take away benefits from its members: Ray Dryer, Kymberlyn Carson-Thrower, Rosanne Ryken, Chysandra Nair, and Millie Cleveland.

Mark Wassberg stated that since 2004 the homicide rate has increased under the leadership of Mayor McLaughlin and Police Chief Magnus. He stated that SEIU members voted for the people that serve on the Richmond City Council.

Brian Drayton gave comments regarding the relocation of the Richmond Spokes Shop and requested support to find a new home within the City of Richmond.

Rhonda Harris invited everyone to attend the

Grand Opening of the Richmond Veterans Resource Center, Thursday, April 11, 2013, at 934 Maine Avenue, to dedicate a nonprofit resource center for veterans. The center also provides housing for a small number of formerly homeless veterans.

Jackie Thompson invited everyone to a workshop she was teaching on “Tenant Leadership;” April 25, 2013, in the Nevin Plaza Community Center, 2400 Nevin Plaza. Individuals should contact Ms. Thompson for more information.

Wesley Knight read a policy written by Human Resources Manager and Assistant City Manager Leslie Knight which prohibits management from forcing employees to work assignments that are non-City of Richmond related.

Dennis Dalton spoke regarding billboard that remained posted with candidates from the election. He also stated that Gary Bell should be respected.

Eleanor Thompson encouraged the City Council to make sure that money earmarked in the City of Richmond’s budget for non-profits was used for non-profits only.

Sims Thompson stated that the City Council should be more transparent.

Dameion King offered his condolences to families that have lost family members to violence.

Antwon Cloird stated that organizations should come together to stop the violence within the City of Richmond.

Mike Parker stated that the community needs to get involved with programs such as the Richmond Tales and Cease Fire to help stop the violence.

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

City Attorney Bruce Reed Goodmiller stated that there were no reportable actions.

CITY COUNCIL CONSENT CALENDAR

On motion of Councilmember Butt, seconded by Councilmember Beckles all items marked with an (*) were approved by the following vote: **Ayes:** Councilmembers Bates, Beckles, Butt, Rogers, Vice Mayor Boozé, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Myrick.

*-Approved a two-year contract with two one-year extension options with Coast Oil of San Jose,

California, to deliver bulk oil to the Equipment Services Division of Public Works in an amount not to exceed \$120,000 for the initial two-year term, and \$60,000 for each one-year extension.

*-Approved a one-year contract extension with D & H Landscaping, Inc. for landscape management services at Point Molate in an amount not to exceed \$99,000, which includes a 10% cost contingency, and with a contract term extending to June 30, 2014.

In the matter to approve the purchase of additional functional modules of the Linko® Data Systems software for the Source Control Program in order to assist in the monitoring and compliance activities of industrial sewer dischargers in an amount not to exceed \$20,000, the citizen that removed the item from the Consent Calendar left the meeting. On motion of Councilmember Butt, seconded by Councilmember Rogers approved the purchase of additional functional modules of the Linko® Data Systems software by the unanimous vote of the City Council.

The matter to adopt a resolution authorizing a lease of property at 111-113 Macdonald Avenue by the Successor Agency to Saffron Strand, Inc. at a rate of \$100 per month, effective July 1, 2013, through June 30, 2017, and a memorandum of understanding (MOU) for delivery of specific employment services by Saffron Strand, Inc. to homeless individuals during this period was presented by Housing and Community Development Director Patrick Lynch. **(At 11:08 p.m. on motion of Councilmember Rogers, seconded by Councilmember Myrick extended the meeting for 30 minutes to 11:38 p.m. with Councilmembers Bates, Butt, and Vice Mayor Boozé voting Noe).** Yvonne Nair, Chysandra Nair, Margaret Jordan, and Marilyn Langlois gave comments. On motion of Councilmember Butt, seconded by Councilmember Myrick adopted **Resolution No. 27-13** by the following vote: **Ayes:** Councilmembers Bates, Beckles, Butt, Myrick, Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** Vice Mayor Boozé. **Absent:** None.

Continued to April 23, 2013, the matter to adopt a resolution authorizing the employment of Robert Larson for the purpose of assisting with the preparation of potential and actual litigation and to provide testimony in legal proceedings on behalf of the City of Richmond.

Continued to April 23, 2013, the matter to adopt a resolution authorizing the employment of Robyn Kain for the purpose of assisting with the preparation of potential and actual litigation, and to provide testimony in legal proceedings on behalf of the City of Richmond.

Withdrew from the agenda the matter to adopt a resolution authorizing an amendment to the existing

standing contracts for as-needed electrical contractor services with: (1) Cirimele Electric Works, Inc. (Richmond); (2) Kray Cabling, Inc. (Richmond); (3) Republic ITS (Novato); and (4) Harris Electric (Dublin). The contracts are proposed to be amended for an amount not to exceed \$75,000 per firm per year over a three-year period, with two one-year extensions.

Continued to April 23, 2013, the matter to adopt a resolution approving and authorizing a sole-source contract with Gonzales Architects in an amount not to exceed \$450,000, and for a term extending to June 30, 2015. The scope of work includes the preparation of detailed design documents for the Miraflores Sustainable Community Greenbelt Project as part of the Miraflores Housing Development.

*-Approved a three-year contract, with an option to renew for an additional two years, with Kelly-Moore Paint Company for paint and paint supplies for all City buildings in an amount not to exceed \$60,000 per year.

*-Approved a contract with PredPol Inc. in an amount not to exceed \$150,000 for the period May 1, 2013, thru May 1, 2016, for predictive policing analysis demonstrated to reduce property crimes through more effective and timely deployment of patrol resources.

*-Approved a contract with Carollo Engineers, Inc. for the period May 1, 2013, through May 1, 2014, in an amount not to exceed \$223,060 for engineering design services related to the Wet Weather Storage Facility Project.

*-Approved an amendment to the existing on-call construction management and inspection services contracts with: (1) BFK Engineers (Richmond); (2) Harris & Associates, Inc. (Concord); (3) Ghiradelli Associates (Richmond); and (4) Swinerton Management & Consulting (San Francisco) in an amount not to exceed \$250,000 each, for a total amount not to exceed \$1,000,000 each.

*-Accepted the work completed by ERA Construction, Inc. under the Fiscal Year 2010-11 and 2011-12 Miscellaneous Concrete Repairs Contract.

Continued to April 23, 2013, the matter to approve the recommendation by the Richmond Arts and Culture Commission to install the mural called "Richmond Identities: Extraordinary Lives/Ordinary People," by artist Judy Baca, on the exterior wall of the Senior Center on Macdonald Avenue.

*-Adopted **Resolution No. 28-13** upholding the Planning Commission's denial of a project proposed by William Randolph III to subdivide the property at 5801 Knobcone Court into four residential lots with one remainder parcel.

*-Adopted **Resolution No. 29-13** authorizing submittal of Measure J 2010 and 2011 "Growth Management Program Compliance Checklist" to Contra Costa County Transportation Authority (CCTA) to allow the City of Richmond to receive its allocation of Fiscal Years 2011-12 and 2012-13 Local Street Maintenance and Improvement Funds.

*-Approved the following appointments: Arts and Culture Commission: Najari Smith, term expiring January 31, 2017; Personnel Board: McKinley Williams, term expiring December 31, 2018.

Continued to April 23, 2013, the matter to approve an increase in budget appropriations in the amount of \$110,000 which is available in the Marina Bay Landscape and Lighting District fund balance; this will authorize funding of the previously-approved contract for the pedestrian lighting project along the Marina Bay Trail.

PUBLIC HEARINGS

The city clerk announced that it was time pursuant to public notice to hold a public hearing to consider adopting a resolution approving the Amended Annual Consolidated Action Plan for priorities and uses of Community Development Block Grant (CDBG), CDBG Program Income, Home Investment Partnership Program (HOME) funding, and HOME Program Income. Housing and Community Development Director Patrick Lynch gave a report. Mayor McLaughlin opened the public hearing. Rudy Lara and Laine Lawrence gave comments. On motion of Councilmember Beckles, seconded by Mayor McLaughlin closed the public hearing by the unanimous vote of the City Council. On motion of Vice Mayor Boozé, seconded by Councilmember Rogers adopted **Resolution No. 30-13** by the unanimous vote of the City Council.

The city clerk announced that it was time pursuant to public notice to hold a public hearing and consider adopting a resolution approving the 2013-2014 Annual Consolidated Action Plan which outlines priorities and uses of Community Development Block Grant (CDBG), CDBG Program Income, Home Investment Partnership Program (HOME) funding, and HOME Program Income. Housing and Community Development Director Patrick Lynch gave a report. Mayor McLaughlin opened the public hearing and there were no public speakers. On motion of Councilmember Boozé, seconded by Myrick closed the public hearing by the unanimous vote of the City Council. On motion of Councilmember Butt, seconded by Councilmember Myrick adopted **Resolution No. 31-13** by the unanimous vote of the City Council.

COUNCIL AS A WHOLE

The matter to review and discuss the reading of the Code of Ethics Policy was presented by Vice Mayor Boozé. The following individuals gave comments: Don Gosney, Jackie Thompson, Wesley Ellis, Raymond Dryer, and Michael Parker. A motion was made by Councilmember Beckles, second by Mayor McLaughlin to direct the city clerk to read the code of ethics during City Council Meetings. A substitute motion made by Councilmember Butt, seconded by Vice Mayor Boozé to cease reading the Code of Ethics was approved by the following vote: **Ayes:** Councilmembers Bates, Beckles, Butt, Rogers, Vice Mayor Boozé, and Mayor McLaughlin. **Noes:** None. **Abstentions:** Councilmember Myrick. **Absent:** None.

The matter to direct staff to inspect the vacant commercial property near "A" Street and Macdonald Avenue for hazardous waste was presented by Vice Mayor Boozé. The correct address was "A" Street and Barrett Avenue. City Manager Bill Lindsay stated that staff was in discussions with DTSC and staff will continue to monitor the property. A motion was made by Councilmember Bates, seconded by Vice Mayor Boozé to direct the city manager to inspect the vacant commercial property near "A" Street and Barrett Avenue and give a progress report to the City Council in 90 days. Discussion continued. On motion of Councilmember Bates, seconded by Vice Mayor Boozé ended debate by the following vote: **Ayes:** Councilmembers Bates, Butt, Myrick, and Vice Mayor Boozé. **Noes:** Councilmembers Beckles and Rogers. **Abstentions:** Mayor McLaughlin. **Absent:** None. The original motion passed by the unanimous vote of the City Council.

The matter to discuss and approve putting RichmondBuild in the general fund was presented by Vice Mayor Boozé and Employment and Training Director Sal Vaca. RichmondBuild graduates gave comments. A motion was made by Vice Mayor Boozé, seconded by Councilmember Myrick to allow the general fund as a backstop to reserve the program, at the city manager's discretion, should there be cuts in funding. A substitute motion was made by Councilmember Rogers, second by Councilmember Beckles to establish funding RichmondBuild as high priority should grant-funding disappear and return to the City Council with funding proposals from the general fund to the extent there was no grant-funding. The substitute motion passed by the following vote: **Ayes:** Councilmembers Bates, Beckles, Butt, Myrick, Rogers, and Mayor McLaughlin. **Noes:** Vice Mayor Boozé. **Abstentions:** None. **Absent:** None.

The matter to consider directing staff to: (1) replenish funds that were cut from the Fiscal Year 2012-13 budget for street repairs with the initial proceeds from the possible sale of the Westridge

Apartments; and (2) to investigate the possibility of mitigation funds from the IRRF being used for street repair was presented by Councilmembers Rogers. Councilmember Rogers requested to pull the item and bring the item back at a later date. Wesley Ellis and Bea Roberson gave comments.

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

None.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:43 p.m., to meet again on Tuesday, April 23, 2013, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor