



**Community Services Building  
440 Civic Center Plaza  
Richmond, CA 94804**

**AGENDA  
Tuesday, May 15, 2012**

**Mayor**  
Gayle McLaughlin

**Vice Mayor**  
Jim Rogers

**Councilmembers**  
Nathaniel Bates  
Jovanka Beckles  
Courtland "Corky" Boozé  
Jeff Ritterman  
Thomas K. Butt



**The Richmond City Council also serves as Board Members and Commission Members for the following:**

**Housing Authority  
Joint Powers Financing Authority  
Surplus Property Authority  
Local Reuse Authority**

## MEETING PROCEDURES

The City of Richmond encourages community participation at its City Council meetings and has established procedures that are intended to accommodate public input in a timely and time-sensitive way. As a courtesy to all members of the public who wish to participate in City Council meetings, please observe the following procedures:

**PUBLIC COMMENT ON AGENDA ITEMS:** Anyone who desires to address the City Council on items appearing on the agenda must complete and file a pink speaker's card with the City Clerk **prior** to the City Council's consideration of the item. Once the City Clerk has announced the item and discussion has commenced, no person shall be permitted to speak on the item other than those persons who have submitted their names to the City Clerk. Your name will be called when the item is announced for discussion. **Each speaker will be allowed TWO (2) MINUTES to address the City Council on NON-PUBLIC HEARING items listed on the agenda.**

**OPEN FORUM FOR PUBLIC COMMENT:** Individuals who would like to address the City Council on matters not listed on the agenda or on **Presentations, Proclamations and Commendations, Report from the City Attorney, or Reports of Officers** may do so under Open Forum. All speakers must complete and file a pink speaker's card with the City Clerk **prior** to the commencement of Open Forum. **The amount of time allotted to individual speakers shall be determined based on the number of persons requesting to speak during this item. The time allocation for each speaker will be as follows: 15 or fewer speakers, a maximum of 2 minutes; 16 to 24 speakers, a maximum of 1 and one-half minutes; and 25 or more speakers, a maximum of 1 minute.**

**SPEAKERS ARE REQUESTED TO OCCUPY THE RESERVED SEATS IN THE FRONT ROW BEHIND THE SPEAKER'S PODIUM AS THEIR NAME IS ANNOUNCED BY THE CITY CLERK.**

**CONSENT CALENDAR:** Consent Calendar items are considered routine and will be enacted, approved or adopted by one motion unless a request for removal for discussion or explanation is received from the audience or the City Council. A member of the audience requesting to remove an item from the Consent Calendar must complete and file a speaker's card with the City Clerk **prior to the City Council's consideration of Agenda Review.** An item removed from the Consent Calendar may be placed anywhere on the agenda following the City Council's agenda review.

Any law enforcement officer on duty or whose service is commanded by the presiding officer shall be Sergeant-at-Arms of the Council meetings. He/she, or they, shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the Council meetings (City Council Rules of Procedure and Order Section III F, RMC Section 2.12.030).

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## **EVENING OPEN SESSION**

5:00 p.m.

- A. ROLL CALL**
- B. PUBLIC COMMENT**
- C. ADJOURN TO CLOSED SESSION**

## **CLOSED SESSION**

Shimada Room of the Community Services Building

### **A. CITY COUNCIL**

- A-1. LIABILITY CLAIMS - PENDING LITIGATION (Government Code Section 54956.9):**

Claimant: Jason Myers; Agency claimed against: City of Richmond

- A-2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8):**

Property: 5201 Van Fleet, Richmond, CA  
Agency negotiator: Bill Lindsay  
Negotiating party: Jason Myers  
Under negotiation: price and terms of payment

Property: Port of Richmond  
Agency negotiators: Bill Lindsay and Jim Matzorkis  
Negotiating party: AWC  
Under negotiation: price and terms of payment

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**SPECIAL MEETING OF THE RICHMOND HOUSING  
AUTHORITY**

6:25 p.m.

- A. **PLEDGE TO THE FLAG**
- B. **ROLL CALL**
- C. **STATEMENT OF CONFLICT OF INTEREST**
- D. **AGENDA REVIEW**
- E. **OPEN FORUM FOR PUBLIC COMMENT**
- F. **HOUSING AUTHORITY CONSENT CALENDAR**
  - F-1. APPROVE the minutes of the April 24, 2012, special meeting - City Clerk's Office (Diane Holmes 620-6513).
- G. **PUBLIC HEARINGS**
  - G-1. CONDUCT a public hearing and adopt a resolution authorizing submission of the Richmond Housing Authority's 2012 One-Year and Five-Year Agency Plan as required by the U.S. Department of Housing and Urban Development - Richmond Housing Authority (Tim Jones 621-1310).
- H. **ADJOURNMENT**

**MEETING OF THE CITY OF RICHMOND AS SUCCESSOR  
AGENCY FOR THE RICHMOND COMMUNITY  
REDEVELOPMENT AGENCY/RICHMOND CITY COUNCIL**

6:30 p.m.

- A. **ROLL CALL**
- B. **READING OF THE CODE OF ETHICS**
- C. **STATEMENT OF CONFLICT OF INTEREST**
- D. **AGENDA REVIEW**
- E. **OPEN FORUM FOR PUBLIC COMMENT**
- F. **REPORT FROM THE CITY ATTORNEY OF FINAL DECISIONS MADE AND  
NON-CONFIDENTIAL DISCUSSIONS HELD DURING CLOSED SESSION**
- G. **CITY OF RICHMOND AS SUCCESSOR AGENCY FOR THE RICHMOND  
COMMUNITY REDEVELOPMENT AGENCY CONSENT CALENDAR**
  - G-1. ADOPT a resolution approving a contract with Nichols Consulting Engineers, Chtd. to perform soil gas sampling and analysis as part of the approved State Department of Toxic Substances Control (DTSC) Work Plan at certain locations in Marina Bay in an amount not to exceed \$142,426.10. The contract term will be June 1, 2012, through June 30, 2013 (This item was reviewed and recommended for approval by the Finance Committee at its May 4, 2012, meeting) - City of Richmond as Successor Agency for the Richmond Community Redevelopment Agency (Alan Wolken/Craig Murray 307-8140).
  - G-2. ADOPT a resolution approving the Successor Agency to the Richmond Community Redevelopment Agency's second Recognized Obligation Payment Schedule (ROPS) pursuant to AB 1X 26 - City of Richmond as Successor Agency to the Richmond Community Redevelopment Agency (Alan Wolken/Patrick Lynch 307-8140).
  - G-3. ADOPT a resolution directing staff to reject the sole bid received April 24, 2012, for the Officer Bradley A. Moody Memorial Underpass Project and request new bids for this project - City of Richmond as Successor Agency to the Richmond Community Redevelopment Agency (Alan Wolken/Patrick Lynch 307-8140).

**H. CITY COUNCIL CONSENT CALENDAR**

- H-1.** APPROVE a three-year contract, with an option to renew for an additional two years, with SSD Systems for intrusion and fire alarm maintenance at various City buildings in an amount not to exceed \$50,000 per year - Public Works Department (Yader A. Bermudez 231-3008).
- H-2.** APPROVE the purchase of a garbage truck from Golden Gate Truck Center (Oakland, CA) to replace the unit for the Parks Division in an amount not to exceed \$98,000 - Public Works Department (Yader A. Bermudez 231-3008).
- H-3.** APPROVE a contract with U.S. Matrix Construction, Inc. (Pittsburg, CA) to construct gender specific restroom improvements at Station 61, located at 140 West Richmond Avenue, in an amount not to exceed \$115,000 (This contract was reviewed and recommended for approval by the Finance Standing Committee at its May 4, 2012, meeting) - Public Works Department (Yader A. Bermudez 231-3008).
- H-4.** APPROVE a contract with ERA Construction for construction services relating to the renovation of the Burg Park Playlot in an amount not to exceed \$226,886.20, which includes a 10% owner-controlled cost contingency. The contract term is May 1, 2012, to December 31, 2012. (This contract was reviewed and recommended for approval by the Finance Standing Committee at its May 4, 2012, meeting) - Public Works Department (Yader A. Bermudez 231-3008).
- H-5.** APPROVE a three-year contract, with an option to renew for an additional two years, with Bay Alarm Company for intrusion and fire alarm maintenance for various City buildings in an amount not to exceed \$50,000 per year - Public Works Department (Yader A. Bermudez 231-3008).
- H-6.** APPROVE a contract with 2M Engineering Corporation to replace the lighting system and score board at the North Richmond Ballfield on Fred Jackson Way, in an amount not to exceed \$136,315 (This contract was reviewed and recommended for approval by the Finance Committee at its May 4, 2012, meeting) - Public Works Department (Yader Bermudez 231-3008).
- H-7.** APPROVE a sixth amendment to the contract with the Law Firm of Meyers, Nave, Riback, Silver and Wilson, to continue to represent the City in the lawsuits entitled Booker vs. City of Richmond, et al., and Jenkins vs. City of Richmond, et al. in the amount of \$400,000, extending the term expiration to June 30, 2013 - City Attorney's Office (Bruce Reed Goodmiller 620-6509).
- H-8.** APPROVE a contract with Acclamation Insurance Management Services, Inc. to

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serve as the City's third-party administrator of workers' compensation claims for fiscal years 2012/13 (\$475,000), 2013/14 (\$489,250), and 2014/15 (\$503,927) for a total of \$1,468,177 for the contract period of July 1, 2012, through June 30, 2015. An additional extension of up to two years may be negotiated at the option of the City (This item was reviewed and recommended for approval by the Finance Committee at its April 13, 2012, meeting) - Human Resources Management Department (Leslie Knight 620-6600).

- H-9.** APPROVE an amendment to the contract with the Oakland Private Industry Council to process Individual Training Accounts for the WIA and RichmondBUILD Program participants. The amended contract term will be July 5, 2011, through June 30, 2013, and the contract amount will be increased by \$99,550 to an amount not to exceed \$473,550 - Employment and Training Department (Sal Vaca/Rosemary Viramontes 307-8008).
- H-10.** AUTHORIZE the city manager to execute an agreement with the Bay Area Stormwater Management Agencies Association (BASMAA) to allow the City to receive grant funding from the "Clean Water for a Clean Bay" Program for two pilot projects for the study of polychlorinated biphenyl (PCB) contamination in stormwater - Engineering Services Department (Edric Kwan/Lynne Scarpa 307-8135).
- H-11.** APPROVE the expenditure plan associated with the 2011 CalGRIP Grant Award to include the authorization to negotiate and enter into contracts with Be a Mentor (\$49,000), Richmond PAL (\$72,000), Boys and Girls Club of El Sobrante (\$27,000), The RYSE Center (\$27,000), and Richmond Employment and Training Department (\$50,000), and to execute all budgetary amendments approved by CALEMA - Office of Neighborhood Safety (Devone Boggan 620-5418).
- H-12.** ADOPT a resolution in support of recognizing the Tibetan American community in Richmond and the struggle for Tibetan human rights in China - Mayor McLaughlin (620-6503).
- H-13.** APPROVE a sole-source purchase of professional services from New World Systems in an amount not to exceed \$53,100 related to implementation of New World Systems Aegis/MSP Automatic Vehicle Location software and Mobile Field Reporting software - Police Department (Chief Chris Magnus 620-6655).

- H-14.** ADOPT a resolution approving an agreement with MP NexLevel of California, Inc (MP) to construct the Municipal Network Project per the plans and specifications for the Project in an amount not to exceed \$2,993,258.54 (This item was reviewed and recommended for approval by the Finance Committee at its meeting of May 4, 2012, meeting) - Port Department (Jim Matzorkis 215-4600).
- H-15.** ADOPT a resolution which declares the intention of the City of Richmond to form the Downtown Richmond Property and Business Improvement District (This item was reviewed and recommended for approval by the Finance Committee at its May 4, 2012, meeting) - Finance Department/City Manager's Office (James Goins 620-6740/Janet Johnson 620-6512).
- H-16.** ADOPT a resolution authorizing the city manager to execute all documents on behalf of the City of Richmond in support of the Downtown Richmond Property and Business Improvement District (This item was reviewed and recommended for approval by the Finance Committee at its May 4, 2012, meeting.) - Finance Department (James Goins 620-6740).
- H-17.** ACKNOWLEDGE receipt of the City of Richmond's Comprehensive Annual Financial Report for the fiscal year ended June 30, 2011 (This item was reviewed and recommended for approval by the Finance Committee at its April 13, 2012, meeting) - Finance Department (James Goins 620-6740). *This item was continued from the May 1, 2012, meeting.*
- H-18.** DIRECT staff to send a letter opposing AB 976 (Hall) Community Choice Aggregation: Conflict of Interest to Assemblymember Isadore Hall and Senator Alex Padilla - Councilmember Butt (236-7435).
- H-19.** AUTHORIZE the mayor to execute a Letter of Intent with Solar Richmond, subject to final approval as to form by the city attorney, with respect to development and construction of solar photovoltaic projects on City buildings to facilitate employment for local worker owners who are graduates of City-supported training programs - Mayor McLaughlin (620-6503).

**I. PUBLIC HEARINGS**

- I-1.** ADOPT a resolution approving a reversion to acreage proposed by the applicant to re-combine a three-lot subdivision into one parcel located at 125-127 Western Drive in the Point Richmond neighborhood - Planning and Building Services Department (Richard Mitchell 620-6706).

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- I-2.** AUTHORIZE amendments to the 2011-2012 Annual Plan, including increasing funding to the Home Improvement Loan Program (HILP) by \$189,297, Richmond Ownership Dream (ROD) by \$200,000, Neighborhood Stabilization Program (NSP) by \$200,000 and Section 108 Repayment by \$19,085 - Housing and Community Development (Patrick Lynch 307-8140).
- I-3.** RECEIVE testimony regarding the proposed 2010-2011 Consolidated Annual Performance and Evaluation Report (CAPER), and ADOPT a resolution approving this report - Richmond Community Development (Patrick Lynch 307-8140).
- I-4.** ADOPT a resolution approving the 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, and authorizing the submittal of the 2012-2013 Annual Consolidated Action Plan to the U.S Department of Housing and Urban Development (HUD) - Housing and Community Development (Patrick Lynch 308-8140).

**J. RESOLUTIONS**

- J-1.** ADOPT a resolution that submits to the voters at the November 6, 2012, general municipal election to approve an ordinance imposing a business license fee of one (1) cent per ounce of sugar-sweetened beverage served, provided, or traded by businesses within the City of Richmond - Councilmember Ritterman (620-6636).
- J-2.** ADOPT a resolution calling, giving notice of and requesting consolidation of an advisory election on November 6, 2012, that asks the voters if they prefer to use the proceeds of any business license fee for sugar-sweetened beverages to fund efforts to prevent childhood obesity - Councilmember Ritterman (620-6636).

**K. ORDINANCES**

- K-1.** INTRODUCE an ordinance (first reading) requiring the City of Richmond to manage pests using Integrated Pest Management principles and techniques at City-maintained properties and facilities - Public Works Department (Yader A. Bermudez 231-3008).

**L. COUNCIL AS A WHOLE**

- L-1.** ADOPT a resolution requesting membership in the Marin Energy Authority and INTRODUCE an ordinance approving the Marin Energy Authority Joint Powers Agreement and Authorizing the Implementation of a Community Choice Aggregation Program - City Manager's Office (Bill Lindsay 620-6512). *This item was continued from the May 1, 2012, meeting.*
- L-2.** ADOPT the proposed resolution of the Richmond City Council endorsing Measure K to renew the West Contra Costa Unified School District Parcel Tax with adjustments to compensate for inflation and state take-aways - Vice Mayor Rogers (867-5725). *This item was continued from the May 1, 2012, meeting.*
- L-3.** DIRECT staff to prepare an amendment for Council consideration of Richmond Municipal Code Chapter 2.38 regarding acceptance and disclosure of certain contributions of more than \$250 to incorporate the requirements of California Government Code Section 84308 - Councilmember Butt (236-7435). *This item was continued from the May 1, 2012, meeting.*
- L-4.** DISCUSS and consider implementing a Code of Conduct for the City Council - Councilmember Bates (620-6743).

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

**N. ADJOURNMENT**

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*This agenda may be previewed on KCRT – Channel 28, Richmond Television, City website [www.ci.richmond.ca.us](http://www.ci.richmond.ca.us). Any documents produced by the City and distributed to a majority of the City Council regarding any item on this agenda will be made available at the Main Counter at City Hall located at 450 Civic Center Plaza.*