

**RICHMOND, CALIFORNIA, May 15,
2012**

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

ROLL CALL

Present: Councilmembers Boozé, Butt,
Ritterman, Vice Mayor Rogers and Mayor McLaughlin.
Absent: Councilmember Bates arrived at 5:11 p.m.
Councilmember Beckles arrived after adjourning to
Closed Session.

PUBLIC COMMENT

None.

CITY COUNCIL

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:

LIABILITY CLAIMS - PENDING

LITIGATION (Government Code Section 54956.9):

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

**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

The Evening Open Session adjourned to
Closed Session at 5:11 p.m. The Closed Session
adjourned at 6:24 p.m.

The Meeting of the City of Richmond as Successor Agency for the Richmond Community Redevelopment Agency/Richmond City Council was called to order at 6:40 p.m. by Mayor McLaughlin who led the Pledge of Allegiance to the Flag.

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

ROLL CALL

Present: Councilmembers Bates, Beckles, Butt, Ritterman, Vice Mayor Rogers and Mayor McLaughlin.

Absent: Councilmember Boozé arrived at 6:40 p.m.

READING OF THE CODE OF ETHICS

Human Rights and Human Relations Commissioner, Demetria Saunders, read the Code of Ethics.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Items H-3, H-7, H-11, and H-14 were removed from the Consent Calendar. Items J-1 and J-2 and L-1 were moved to be heard after Consent Calendar.

OPEN FORUM FOR PUBLIC COMMENT

Mike Ali urged the community to demand that our City leaders are held accountable for their actions.

Antwon Cloird invited everyone to an open house and barbeque given by the Men and Women of Purpose on Friday, May 30th at 820 23rd Street from 11a.m. to 3 p.m.

Leonard Taylor stated that the Cinco de Mayo festival was well attended.

Rev. Ken Davis stated that the North Richmond community will soon celebrate the birth and death of recently murdered North Richmond resident Orlando Yancy.

Naomi Williams announced that the Life Long Medical Care New Health Center is now open at the Nevin Senior Housing at 2400 Nevin Avenue. For appointments call (510) 236-0866. Ms. Williams also announced that the 19th Annual Senior Night Out Dinner will be on Friday, May 18th, from 7 p.m. to 11 p.m. The cost is \$10 in advance and \$15 at the door. Tickets can be purchased at the Recreation Center at 3230 Macdonald Avenue.

Cordell Hindler stated that he is tired of young men dying in our streets.

Rev. Hamilton stated that he resides in the new KB homes along the Richmond Parkway and many residents have complained of mold problems in the units to no avail.

Ida Cambridge complained of medical ailments caused by mold issues in the apartment she lives in at the KB homes on the Richmond Parkway.

Evelyn Redmon stated that she has experienced many health problems since living at the KB homes on the Richmond Parkway.

Terri James stated that the residents of North Richmond are tired of the homicides and violence.

Thomas Gary spoke in favor of the proposed sugary beverage tax because it will provide the youth in the community with sports fields and sports activities.

Richard Stollings stated that by law, the City Council meetings should be made available in other media formats in order to be accessible to all.

Tom Waller commented that Richmond needs to attract more businesses that provide goods and services for the economic growth and vitality of the city.

Texanita Bluit announced that her sorority will host its annual Women of Valor Dinner on June 23, 2012.

Jerrold Hatchett announced that the Juneteenth Celebration will be on Saturday, June 16, 2012.

Keyvon Gordon stated that the city needs jobs for the youth to help curb the violence.

Byron Miller announced that the Men and Women of Valor will be hosting a community forum titled "Safe Guard Our Community – Community Forum for Richmond Residents". The time and date is pending.

Marilyn Langlois stated that this past Saturday she attended the forum "Alive, Free, and United - Action to Save Lives and Keep Families Together".

Adrienne Harris announced that the "Richmond Ride of Silence to honor bicyclists who have been injured or killed is scheduled for Wednesday, May 16, 2012, at 5:00 p.m. at City Hall Plaza. More information can be obtained at www.richmondBPAC.org/ROS

Bea Roberson stated that Antwon Cloird incorrectly gave the date of the barbecue hosted by the Men and Women of Purpose. The correct date is Friday, May 18, 2012. Ms. Roberson also announced that the Police Commission is trying to promote a better relationship between the community and police officers by hosting a meet and greet with some of the officers on Saturday, May 11, 2012 under the City of Richmond marquis near Macdonald and 27th Street.

Eduardo Martinez stated that he challenges those individuals who are committing homicides to stop the killings.

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

City Attorney, Bruce Goodmiller, stated that there were no reportable actions taken during closed session.

**CITY OF RICHMOND AS SUCCESSOR
AGENCY FOR THE RICHMOND COMMUNITY
REDEVELOPMENT AGENCY CONSENT
CALENDAR**

On motion of Councilmember Ritterman, seconded by Councilmember Beckles, all items marked with an asterisk (*) were approved by the unanimous vote of the City Council.

*-Adopted **Resolution No. 59-12**, 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).

*-Adopted **Resolution No. 60-12** approving the Successor Agency to the Richmond Community Redevelopment Agency's second Recognized Obligation Payment Schedule (ROPS) pursuant to AB 1X 26.

CONTINUED to May 22, 2012, the matter to 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 COUNCIL CONSENT CALENDAR

On motion of Councilmember Beckles, seconded by Councilmember Boozé, all items marked with an asterisk (*) were approved by the unanimous vote of the City Council.

*-Approved 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.

*-Approved 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.

CONTINUED to May 22, 2012, the matter to 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).

*-Approved 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).

*-Approved 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.

*-Approved 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).

CONTINUED to May 22, 2012, the matter to 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.

*-Approved a contract with Acclamation Insurance Management Services, Inc. to 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).

*-Approved 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.

*-Authorized 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.

CONTINUED to May 22, 2012, the matter to 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.

*-Adopted **Resolution No. 61-12** in support of recognizing the Tibetan American community in Richmond and the struggle for Tibetan human rights in China.

*-Approved 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.

The matter to 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 was presented. (This item was reviewed and recommended for approval by the Finance Committee at its meeting of May 4, 2012, meeting). A motion by Councilmember Boozé, seconded by Councilmember Rogers, adopted **Resolution No. 62-12**, by the unanimous vote of the City Council.

*-Adopted **Resolution No. 63-12**, 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).

*-Adopted **Resolution No. 64-12**, 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).

*-Acknowledged 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) *This item was continued from the May 1, 2012, meeting.*

*-Directed staff to send a letter opposing AB 976 (Hall) Community Choice Aggregation: Conflict of Interest to Assemblymember Isadore Hall and Senator Alex Padilla.

*-Authorized 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

PUBLIC HEARINGS

CONTINUED to May 22, 2012, the matter to 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 was presented.

CONTINUED to May 22, 2012, the matter to 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.

CONTINUED to May 22, 2012 the matter to receive testimony regarding the proposed 2010-2011 Consolidated Annual Performance and Evaluation Report (CAPER), and ADOPT a resolution approving this report.

CONTINUED to May 22, 2012, the matter to 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).

RESOLUTIONS

The matter to 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 and the matter to 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 were presented. Councilmember Ritterman gave an overview of the matter. The following individuals gave comments: Dr. Lydia, Leonard Taylor, Kenneth Davis, Naomi Williams, Cordell Hindler, Antwon Cloird, Byron Miller, Jeff Rutland, Lardell Oliver, Rosa Lara, Melinda Robins, Barbara Stauss, William Hamm, Elaine Magee, Margaret Jordan, Charles Smith, Emily Yeung, Jan Mignone, Ben Suller, Juan Reardon, Zolina Zizi, Liduvina Ochoa, Adrienne Harris, Melvin Willis, Bea Roberson, Juana Anker, Tim James, David Gesinger, Cochise Potts, Sylvia Grey-White, Arturo Ramirez, Roberto Reyes, Debra Price, Yenny Velasquez, Eder Ferreira, Bill Pinkham, Texanita Bluit, Michael Parker, Elva Aguilar, Ramon Cardona, Eduardo Martinez, Kathleen Sullivan, Abdollah Amini, Brian Indelicato, Marilyn Langlois, and R.C. Overton. Discussion ensued. A motion by Councilmember Ritterman, seconded by Councilmember Beckles, approved **Resolution No. 65-12**, 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, passed by the following vote: **Ayes:** Councilmembers Beckles, Ritterman, Butt, Vice Mayor Rogers and Mayor McLaughlin. **Noes:** Councilmember Bates and Boozé. **Absent:** None. **Abstain:** None. A motion made by Councilmember Ritterman, seconded by Councilmember Beckles, adopted **Resolution No. 66-12**, 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, passed by the following vote: **Ayes:** Councilmembers Beckles, Ritterman, Butt, Vice Mayor Rogers and Mayor McLaughlin.

Noes: Councilmembers Bates and Boozé. **Absent:** None. **Abstain:** None.

ORDINANCES

CONTINUED to May 22, 2012, the matter to introduce an ordinance requiring the City of Richmond to manage pests using Integrated Pest Management principles and techniques at City-maintained properties and facilities was presented.

COUNCIL AS A WHOLE

The matter to 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 was presented. *This item was continued from the May 1, 2012, meeting.* Kinshasa Curl, and Adam Lenz, from the City Manager's Office, and representatives from the Marin Energy Authority, gave an overview of the matter. The following individuals gave comments: Michael Parker, Eduardo Martinez, Marilyn Langlois, Bea Roberson, and Wesley Ellis. Discussion ensued. Mayor McLaughlin suggested that the city's representative on the authority board advocate having the exit fee offset by additional revenues to the Marin Energy Authority to CARE customers waived. (11:00 p.m. -A motion by Councilmember Beckles, seconded by Councilmember Ritterman, extended the meeting 5 minutes, passed with Councilmembers Bates and Boozé voting "no"). A motion by Councilmember Butt, seconded by Mayor McLaughlin, adopted **Resolution No. 67-12**, introduced the ordinance, and directed the City's representative on the energy board advocate having the PCIA exit fee to C.A.R.E. customers offset by additional revenues to the Marin Energy Authority, passed, by the following vote: **Ayes:** Councilmembers Beckles, Ritterman, Butt, Vice Mayor Rogers and Mayor McLaughlin. **Noes:** Councilmembers Bates and Boozé. **Absent:** None. **Abstain:** None.

CONTINUED to May 22, 2012, the matter to 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. *This item was continued from the May 1, 2012, meeting.*

CONTINUED to June 5, 2012, the matter to 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. *This item was continued from the May 1, 2012, meeting.*

CONTINUED to May 22, 2012, the matter to discuss and consider implementing a Code of Conduct for the City Council.

**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 12:13 a.m. in memory of Betty Dickson, Margaret Emery, and Orlando Yancy, to meet again on Tuesday, May 22, 2012, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor