

**RICHMOND, CALIFORNIA, October  
22, 2013**

The Richmond City Council evening open session was called to order at 5:53 p.m. by Mayor Gayle McLaughlin who led the Pledge of Allegiance to the Flag.

**ROLL CALL**

**Present:** Councilmembers Beckles, Butt, Myrick, and Mayor McLaughlin. **Absent:** Councilmember Bates and Vice Mayor Boozé. Councilmember Rogers arrived at 5:44 p.m.

**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):**

Booker vs. City of Richmond  
Jenkins vs. City of Richmond

The Evening Open Session adjourned to Closed Session at 5:54 p.m. The Closed Session adjourned at 6:08 p.m. The Special Meeting of the Richmond City Council was called to order at 6:33 p.m. by Mayor Gayle McLaughlin who led the Pledge of Allegiance to the Flag.

**SPECIAL MEETING OF THE RICHMOND CITY COUNCIL**

**ROLL CALL**

**Present:** Councilmembers Beckles, Butt, Myrick, Rogers, and Mayor McLaughlin. **Absent:** Councilmember Bates and Vice Mayor Boozé were absent the entire meeting.

**STATEMENT OF CONFLICT OF INTEREST**

None.

**AGENDA REVIEW**

A motion by Councilmember Rogers, seconded by Councilmember Beckles, added an emergency item regarding City Council response to inappropriate comments made by an elected official serving on the West County Wastewater District, passed by the unanimous vote of the City Council. The emergency item will be heard directly after Open Forum.

**PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS**

Mayor McLaughlin and Councilmember Beckles presented a proclamation declaring "Freedom from Workplace Bullies Week," October 20-26, 2013 to Vivien Feyer, Chairperson of the Human Rights & Human Relations Commission. Mark Wassberg, Stacie Plummer, Jackie Thompson, and Texanita Bluit gave comments.

Mayor McLaughlin and Councilmember Beckles presented a proclamation recognizing National Chess Day and acknowledging the winner of the Speed Chess Tournament held at Hilltop Mall on October 12, 2013 to Trendall Ball. Jackie Thompson and Andres Soto gave comments.

Mayor McLaughlin read a proclamation honoring Extra Mile Day November 1, 2013, and recognizing the many volunteers who generously

donate their time and efforts to the City of Richmond. Mayor McLaughlin will present the proclamation to Rochelle Monk, Chief Service Officer, who was not able to attend the meeting.

Mayor McLaughlin presented a proclamation recognizing Eden Housing for 45 years of providing low income housing services to Linda Mandolini, President of Eden Housing.

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

City Attorney, Bruce Goodmiller, reported that the City Council authorized a settlement with Plaintiff Arnold Threats regarding the bankruptcy trustee.

**OPEN FORUM FOR PUBLIC COMMENT**

Leonard Taylor stated that there should be a Rite Aid Pharmacy located in Hilltop.

Don Gosney stated that some agenda items are not made available to the public for review.

Mark Wassburg spoke against the City's eminent domain plan.

Billy Alexander gave comments regarding President Barack Obama.

Texanita Bluitt expressed her gratitude to the Code Enforcement Department for cleaning up the 1500 Block of Virginia Avenue. Ms. Bluitt also urged the city to start the Miraflores project soon and complete it as quickly as possible.

Jackie Thompson thanked the Recreation and Parks Department for assisting with the Friendship Manor's Karaoke event held on the 3<sup>rd</sup> Monday of every month. Ms. Thompson also thanked the police department for taking care of the trucks that double park on Stege Avenue and thanked the Code

Enforcement Department for removing the car from Cutting Boulevard. Ms. Thompson also shared that she is a breast cancer survivor.

Wesley Ellis stated that he is displeased with some of the actions of the Richmond branch of the NAACP.

Sims Thompson gave comments regarding lack of maintenance of the city's storm drains.

Vivien Feyer stated that there will be a Human Rights Day Celebration and Awards Reception on Monday, December 9, 2013, from 6:00 p.m. to 9:00 p.m. in the City Council Chambers.

Jacqueline McBride read from Article 13 of the Human Rights Declaration. Mrs. McBride also stated that city employee, Stacie Plummer, has not been promoted and spoke against the way she has been treated for speaking out.

Andres Soto stated that WWII was not a war against socialism and communism but that it was against fascism.

Mike Parker gave comments regarding the budget crisis and the failure of public education.

### **EMERGENCY ITEM**

The matter to discuss racist comments made by Leo Battaglia, elected official from the West County Wastewater District was presented by Councilmembers Rogers, Myrick, and Beckles who gave an overview of the matter and called for an apology and resignation of Mr. Battaglia if it is confirmed that he made the racist remarks. The following individuals gave comments: Wesley Ellis, Andres Soto, Jackie Thompson, Texanita Bluit, Marilyn Langlois, Richard Stollings, James Austin, Mark Wassburg, Vivien Feyer, and Pam Hampton. Following discussion a motion by Councilmember Rogers, seconded by Councilmember Myrick, called for an apology and resignation of Mr. Battaglia if it is confirmed that he made the remarks. A

letter will also be sent to various public officials in support of this action, passed by the unanimous vote of the City Council.

### **CITY COUNCIL CONSENT CALENDAR**

A motion by Councilmember Beckles, seconded by Councilmember Rogers, authorized a delegation organized by the Richmond/Regla Sister City Committee led by Mayor McLaughlin to visit Sister City of Regla, Cuba, in December 2013. Cost for two elected officials and two City staff (\$13,000) are completely covered by Council-approved travel budgets, passed by the unanimous vote of the City Council.

### **COUNCIL AS A WHOLE**

The matter to discuss and provide direction to staff on (1) the recommended local greenhouse gas (GHG) reduction measures to be considered for the Chevron Refinery Modernization Project Environmental Impact Report; and (2) the criteria to prioritize and evaluate GHG reduction measures (This item was continued from the October 1, 2013, City Council Meeting) was presented by Adam Lenz, City Manager's Office and Jennifer Hernandez, Holland & Knight. Assembly Bill 32 (AB 32), the 2006 Global Warming Solutions Act, requires that California reduce GHG emissions to 1990 levels by 2020, and CARB has approved or is in the process of approving new regulatory mandates for all economic sectors (including refineries) to achieve this goal. Refineries can comply with AB 32 through a combination of reducing on-site operational emissions; purchasing allowances through the California Air Resources Board's (CARB's) Cap and Trade auction; and purchasing "offsets" from GHG offset programs approved by CARB. The California Environmental Quality Act (CEQA) requires that significant GHG impacts from projects, such as the Revised Project, be mitigated to the extent feasible. The threshold for determining a "significant impact" resulting from GHG emissions is not well defined under CEQA, and the case law is currently unsettled. In lieu of a defined significance threshold, Chevron has

committed to a project objective of a "no net increase" or "net zero" increase in GHG emissions resulting from the Revised Project. The following individuals gave comments: Heather Kulp, Don Gosney, Bob Bustos, Marcus Mitchell, James Austin, Andres Soto, Jeff Kilbreth, Tarnell Abbott, Marilyn Langlois, Eduardo Martinez, and Vinay Pimplé.

### **STUDY SESSION**

The City Council received a presentation from Brett Price (City's special attorney) and City staff, explaining the details and terms of the Chevron Property Tax Settlement was presented by Mayor McLaughlin who gave an overview of the matter who stated that during a closed session meeting on September 17, the Richmond City Council approved a settlement with Chevron Corporation in regard to a lawsuit involving Chevron's appeals of its property taxes for its Richmond Chevron Refinery. Mr. Price stated that since at least 2004, Chevron has filed property tax appeals challenging the assessed value of the Richmond Refinery. Contra Costa County, Chevron, and the City of Richmond have authorized settlement of these disputes. The settlement will resolve Chevron's claims for years 2004 through January 1, 2013. Under the terms of the settlement agreement, Chevron and the Assessor's Office will ask the Contra Costa County Assessment Appeals Board ("AAB") to approve the enrolled values of the Richmond Refinery for 2010 and 2011. Chevron and the Assessor will present evidence to the AAB that there should be a reduction in the taxable value of the Richmond Refinery for 2012 from \$3.87 billion to \$3.28 billion. If the AAB approves this reduction, the effect will be that Chevron will have overpaid property taxes for 2012. Ordinarily, this means that Chevron would be entitled to a refund of approximately \$8 million; however, one of the conditions of the settlement is that Chevron gives up its right to receive a refund of those property taxes, meaning that the County's taxing agencies will not lose any additional property tax money to pay for a refund to Chevron. The settlement does not prevent Chevron from filing future claims, litigation or appeals concerning the value of the

Richmond Refinery nor, with limited exceptions does it limit the issues that can be raised in future disputes. Chevron and the Assessor's Office will annually meet and confer regarding the value of the Richmond Refinery, as was the custom prior to 2004. If Chevron disagrees with property tax assessments in the future, the Assessor's Office and Chevron will mediate the claims before asking the AAB to hold a hearing to adjudicate the property tax dispute. The worst and best case scenario would have been a loss of \$158 million to no loss at all. The following individuals gave comments: Andres Soto, Jeff Kilbreth, Tarnell Abbott, Marilyn Langlois, Mike Parker, Eduardo Martinez, Vinay Pimplé, and Sylvia Hopkins.

The City Council received a presentation on the status of the findings of the City's Single Audit Reports, Grand Jury Report, Internal Library Audit, Housing Authority and Housing Department Audits was presented by City Manager, Bill Lindsay and Finance Director, James Goins, Tina McKinney, Finance Department, and Amy Meyer from Maze & Associates. The City of Richmond is subject to several different fiscal and program-related monitoring and audit requirements. In order to more effectively manage these monitoring activities, the Finance Department has increased the level of its participation in these reviews, ranging from providing assistance as needed, to managing processes in conjunction with other departments. Annually, the City of Richmond hires an independent Certified Public Accountant (CPA) firm to conduct a Single Audit, which encompasses both financial and compliance testing of all federally-funded grants. Annually, the City works with its external auditors to prepare the Comprehensive Annual Financial Report (CAFR). The CAFR presents the results of the City's operations as of June 30<sup>th</sup> of every year, as well as the cash flows for its enterprise funds. The City will continue to review all audit reports, using auditor recommendations to adjust policies and procedures so that any potential weaknesses or issues identified in the audit reports can be addressed. In its "Assessing Fiscal Risk" report, the Contra Costa Grand Jury identified nine different findings and nine recommendations. Of these findings and

recommendations, the City of Richmond, along with the other eighteen incorporated cities in the County, must respond to eight findings and four recommendations. The following individuals from various city departments gave comments regarding audit findings and outcomes: Latha Ravinder, Finance Department, Andy Yueng, Engineering Department, Sal Vaca, Employment & Training, Patrick Lynch, Director of Housing, Belinda Warner, Police Department, Delmy Cuellar, Port, and Tim Jones, Housing Authority. Jackie Thompson and Marilyn Langlois gave comments. Mayor McLaughlin asked what the outcome was regarding possible fraudulent Cal-Card charges made by library personnel. Library Director, Katy Curl, replied that the charges were investigated and it was concluded that they were not fraudulent.

*(A motion by Councilmember Myrick, seconded by Councilmember Rogers, extended the meeting to 11:30 p.m., by the unanimous vote of the City Council).*

### **STUDY AND DIRECTION TO STAFF SESSION**

The matter to discuss and direct staff to investigate how to better coordinate services between departments within the City of Richmond and with Contra Costa Health Department for dealing with mold related issues in residential dwellings (**This item was continued from the July 23, 2013, City Council meeting**) was presented by Meredith Lee, City Manager's Office, who stated that the City of Richmond receives regular calls inquiring about tenant rights and actions to protect against mold in residential buildings and dwelling. Tenants are responsible for taking actions within their control to limit the potential growth of mold, landlords should also be held responsible for tenant's living conditions when the problem persists outside the control of the tenant. Currently, the City of Richmond's Uniform Codes in Building Regulations (Section 6.02) and Residential Rental Dwelling Unit Inspections (Section 6.40) provide sufficient standards to enable City staff to act to protect tenant health when mold is present. Councilmember Myrick stated that the word "dampness" should be changed to "mold". Jackie

Thompson made comments. A motion by Councilmember Myrick, seconded by Councilmember Rogers, directed staff to investigate how to better coordinate services between city departments and Contra Costa County Health Department regarding mold related issues, passed by the unanimous vote of the City Council.

CONTINUED to the November 5, 2013, City Council meeting, discussion and direction to the city attorney to draft an ordinance requiring labeling of food sold at retail grocery establishments in Richmond that contains genetically modified organisms.

CONTINUED to the November 5, 2013, City Council meeting, discussion regarding adopting measures to implement Urban Agriculture Incentive Zones in the City of Richmond.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 11:32 p.m., to meet again on Tuesday, November 5, 2013, at 6:30 p.m.

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City Clerk

(SEAL)

Approved:

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Mayor