

RICHMOND, CALIFORNIA, May 6, 2014

The Richmond City Council Evening Open Session was called to order at 5:05 p.m.

ROLL CALL

Present: Councilmembers Butt, Rogers, Vice Mayor Beckles, and Mayor McLaughlin. **Absent:** Councilmembers Bates, Myrick, and Rogers arrived after adjourning to Closed Session.

PUBLIC COMMENT

The city clerk announced that the purpose of the Open Session was for the City Council to hear public comments on the following items to be discussed in Closed Session:

CITY COUNCIL

PUBLIC EMPLOYEE DISCIPLINE
(Pursuant to Government Code Section 54957):

There were no public speakers.

The Open Session adjourned to Closed Session at 5:06 p.m. Closed Session adjourned at 7:16 p.m.

The Regular Meeting of the Richmond City Council was called to order at 7:19 p.m. by Mayor McLaughlin who led the Pledge of Allegiance to the Flag.

ROLL CALL

Present: Councilmembers Bates, Boozé, Butt, Myrick, Rogers, and Mayor McLaughlin. **Absent:** Vice Mayor Beckles arrived after roll call.

The City Clerk read into the record the new rules that were adopted by the City Council at the April 22, 2014.

(The City Council recessed at 7:26 p.m. and reconvened at 7:32 p.m. with all City Council members present)

The City Clerk clarified that it was the preference of the administration that anyone (Councilmembers or public) who wants to pull an item off the Consent Calendar to discuss the matter with a City staff person, and to state the name of that staff person when pulling the item and have the staff person sign the speaker's card prior to submitting the form to the city clerk.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Removed Items F-2 and F-11 from the Regular City Council Consent Calendar and placed at the end of the agenda for consideration; removed Items G-2, G-3 and G-6 from the Items Continued from Previous Meeting Consent Calendar to be heard immediately following the approval of the Items Continued from Previous Meeting Consent Calendar; and combined Items G-13 and H-1. A motion by Councilmember Bates, seconded by Councilmember Boozé to move Item G-17 immediately following the combined Items G-13 and H-1 was approved by the unanimous vote of the City Council.

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

City Attorney Bruce Reed Goodmiller reported that the City Council took final action on Item A-1: Public Employee Discipline, an appeal by the Personnel Board to the City Council of a certain disciplinary action that was heard before the Personnel Board. The City Council voted to uphold the city manager's decision by the following vote: **Ayes:** Councilmembers Bates, Butt, Myrick, Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** Vice Mayor Beckles. **Absent:** Councilmember Boozé.

OPEN FORUM FOR PUBLIC COMMENT

Antwon Cloird announced that on Saturday, May 17, 2014, the Men of Purpose will hold its First Annual Alumni Barbeque in support of the Reentry Program in the community. He also stated that the Cinco de Mayo Festival was successful. Mr. Cloird also stated that the youth in the community and prisoners being released into the community need resources and jobs.

Sims Thompson thanked The Black American Political Action Committee for nominating him for the Judge Carol Award for his participation in community services.

Naomi Williams invited everyone to the 32nd Annual Senior Information and Health Fair, Wednesday, May 14, 2014, 9:00 a.m. to 12:00 p.m. at Richmond Memorial Auditorium. She also announced that Easter Hill Church and the South-Side Improvement Group will sponsor the only Candidate's Night, Thursday, May 15, 2014, at Easter Hill Church, 3911 Cutting Boulevard. Ms. Williams also announced that the Commission on Aging will hold its 21st Senior Night Out; \$20 per person and tickets must be purchased at the Richmond Recreation Center, 3230 Macdonald Avenue, before May 13, 2014.

Luella Hill Dudley invited everyone to the Black Fire and Ice Poetry and Music, at the Richmond Memorial Auditorium, July 12, 2014.

Leonard Taylor gave comments regarding the Cinco de Mayo Festival.

Wesley Ellis expressed his disappointment with Vice Mayor Beckles' use of language towards Councilmember Boozé.

Don Gosney expressed his disappointment with the City Council's decision to combine agenda items, the new rules established by the City Council, and also the delayed start of the City Council Meeting.

Vinay Pimplé encouraged the City Council and residents to volunteer with Writer Coach Connection to work with local students one-on-one to raise their writing proficiency, develop critical thinking, and build academic confidence. He stated that training for coaches will begin May 29, 2014, 1:00 p.m. to 4:00 p.m. Register at <http://www.writercoachconnection.org/volunteer-registration.html>.

Jackie Thompson expressed her disappointment with the new rules regarding pulling items from the Consent Calendar.

Mark Wassberg gave comments regarding individuals running for local government office.

Rosa Lara stated that the 2014 Annual Cinco de Mayo Festival was successful. She also stated that she was disappointed that Mayor McLaughlin and Vice Mayor Beckles presented a proclamation to Jorge Lerma and Sergio Reyes honoring the 2014 Cinco de Mayo Holiday and Festivities in Richmond and not to the individuals that organized the festival. Ms. Lara also expressed disappointment with comments made by Andrés Soto.

Bea Roberson invited everyone to the Richmond Police Activities League (RPAL) Amateur Boxing Bouts on Saturday, May 10, 2014, 2:00 p.m. at the RPAL building, 2200 Macdonald Avenue – tickets are \$15.

Barry Dugar gave information and updates on the positive progress of “The Remember Us People Project,” which provides transitional housing to ex-offenders.

DeAndre Hodges shared his experience with “The Remember Us People Project.”

Nathan Trivers informed the public about his new non-profit “Lets Grow Richmond,” which focuses on feeding the hungry.

Texanita Bluitt gave comments in support of Measure C to save Doctors Hospital. She also stated that the community must support each other. Ms. Bluitt also announced that it was nurse's week.

Richard Lompa gave positive comments regarding Richmond. He stated that the welfare of the City of Richmond and the people should be number one.

Ernest Lompa stated that the City Council's behavior was an embarrassment. He stated that the people of Richmond are not being heard, and that everyone should be respected.

Mike Parker gave comments regarding Measure C to save Doctor's Hospital. He requested that everyone in the community attend the Doctor's Hospital Board Meeting; May 7, 2014, 4:30 p.m. in the Doctor's Hospital Auditorium to encourage the board to keep the hospital open.

Sharon Sanders stated that lights on Roosevelt Avenue and Lowell Street are missing. She also stated that the City Council should be professional.

Councilmember Rogers stated that it was not a requirement that citizens arrive an hour early to speak with a staff person; citizens may call or meet in person with a staff person if they wish to pull an item from the Consent Calendar.

CITY COUNCIL CONSENT CALENDAR

On motion of Councilmember Myrick, seconded by Councilmember Rogers all items under the City Council Consent Calendar marked with an (*) were approved by the unanimous vote of the City Council.

*- Received the quarterly report on Point Molate property management activities.

Continued to May 13, 2014, the matter to approve a two-year contract with Bernardini Enterprises Inc. to provide and service portable toilets on an as needed basis for special events, and at various City parks that have no permanent facilities, in an amount not to exceed \$36,000 and for a term from July 1, 2014, to June 30, 2016.

*-Adopted **Resolution No. 31-14** authorizing the City of Richmond to participate in the Public Agency Retirement System (PARS) alternative retirement system (ARS) for its part-time, seasonal, and temporary employees (PTS) who are not eligible for a Qualifying Retirement Plan.

*-Adopted **Resolution No. 32-14** approving the installation of four-way stop signs at the intersection of 33rd Street and Clinton Avenue in the North and East Neighborhood.

*-Approved an emergency contract with, and associated payment to, Conflo Services, Inc. for emergency flooding remediation at the West Side Branch Library/Community Center in an amount not to exceed \$10,769.00.

*-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. The contract term will be July 1, 2014, to June 30, 2015.

*-Approved the City Council minutes of the regular meetings held on February 18, 2014, April 1 and 15, 2014, and the special meetings held on February 25, 2014, and March 25, 2014.

*-Adopted **Resolution No. 33-14** to accept and appropriate \$1,500,000 of Measure J funds from the Contra Costa Transportation Authority for the Richmond Parkway Lighting Project and to accept Measure J Funding for CIP projects.

*-Approved contract amendment no. 1 with Malachi Paving & Grading, Inc. to increase the scope of work and the value of the Miscellaneous Concrete Repairs Project contract by \$62,392 for a total of \$620,892.

*-Adopted **Resolution No. 34-14** approving the Engineer's Report for Fiscal Year 2014-2015 for the Marina Bay Landscaping and Lighting Maintenance District, declaring the Council's intention to increase the annual assessment in the Marina Bay Landscaping and Lighting Maintenance District, and announcing a public hearing concerning the proposed increased assessment on June 3, 2014, at 6:30 p.m., or soon thereafter, in City Council Chambers at 440 Civic Center Plaza in the City of Richmond.

The matter to adopt a resolution approving the Engineer's Report for Fiscal Year 2014-2015 for the Hilltop Landscape Maintenance District ("HLMD"), declaring the Council's intention to increase the annual assessment in the HLMD, and announcing a public hearing concerning the proposed increased assessment on June 3, 2014, at 6:30 p.m., or soon thereafter, in the City Council Chambers at 440 Civic Center Plaza in the City of Richmond was presented by City Manager Bill Lindsay. On motion of Councilmember Bates, seconded by Councilmember Butt adopted **Resolution No. 35-14** by the following vote: **Ayes:** Councilmember Bates, Butt, Rogers, Vice Mayor Beckles, and Mayor McLaughlin. **Noes:** Councilmember Boozé and Myrick. **Abstentions:** None. **Absent:** None.

*-Approved an amendment to the contract with CPS HR Consulting to provide employment testing

services, increasing the amount by \$24,500, for a total contract amount not to exceed \$79,500, and extending the term to December 31, 2016.

*-Adopted **Ordinance No. 8-14 N.S.** to establish wages, salaries, and compensation for the classifications represented by the Richmond Police Management Association (RPMA) in the City's classified service, and repealing Ordinance No. 40-06 N.S.

*-Adopted **Ordinance No. 9-14 N.S.** to establish the wages, salaries, and compensation for the classifications in the Exempt and Confidential Management unit, and repealing Ordinance No. 21-05 N.S.

*-Adopted **Resolution No. 36-14** in support of the San Francisco Bay Area Water Trail, a nine-county, growing network of launching and landing sites for non-motorized small boat users to safely enjoy the historic, scenic, and environmental richness of San Francisco Bay.

*-Approved a contract with Bartel Associates, LLC for actuarial services necessary for pension fund management in the amount of \$17,537.50 and with a termination date of June 30, 2014.

*-Approved the following commission appointments and re-appointments: Economic Development Commission: Amanda Elliott, incumbent, term ending March 30, 2017; Community Development Commission: Alysia Cox, new appointment (Coronado district), term ending March 21, 2017; Richmond-Shimada Friendship Commission: Josh Miklich, incumbent, term ending January 18, 2017.

*-Adopted **Resolution No. 37-14** accepting and appropriating \$77,177.30 of Community Transformation Grant funds to the City Manager's Office for work with Contra Costa Health Services and Youth Enrichment Strategies to improve public health through educational initiatives and physical infrastructure improvements ("Be Smarter, Drink Water" project).

ITEMS CONTINUED FROM PREVIOUS MEETINGS

-CONTINUED CONSENT CALENDAR

On motion of Councilmember Butt, seconded by Councilmember Rogers all items under the Continued City Council Consent Calendar marked with an (*) were approved by the unanimous vote of the City Council.

In the matter to approve a contract amendment with Security Signal Devices, Inc. for intrusion and fire

alarm system services for City buildings, increasing the original contract amount by \$400,000 for a total of \$550,000, with a term extending through June 30, 2017, on motion of Councilmember Bates, seconded by Councilmember Butt approved a contract amendment with Security Signal Devices, Inc. by the unanimous vote of the City Council.

The matter to approve the purchase of a pre-fabricated restroom building from CXT Inc. Precast Products to be placed at Marina Bay Park in an amount not to exceed \$166,778.54 and approve a contract with Maloney Construction Inc. for the demolition and site preparation for the new restroom building at Marina Bay Park in an amount not to exceed \$205,359, which includes a 10% city-controlled cost contingency and contract term of April 16, 2014, to December 31, 2014, was presented by City Manager Bill Lindsay. On motion of Vice Mayor Beckles, seconded by Councilmember Butt ended debate by the following vote: **Ayes:** Councilmembers Bates, Butt, Myrick, Rogers, Vice Mayor Beckles, and Mayor McLaughlin. **Noes:** Councilmember Boozé. **Abstentions:** None. **Absent:** None. On motion of Councilmember Bates, seconded by Councilmember Butt approved the purchase of a pre-fabricated restroom building from CXT Inc. by the unanimous vote of the City Council.

*-Approved the purchase of four Flash Cam-880SX security camera units from Q-Star Technologies for installation at the Corporation Yard in an amount not to exceed \$30,000, to improve security and to assist with the apprehension and prosecution of those illegally accessing the facility.

*-Approved a Framework Agreement and Memorandum of Understanding (MOU) with the University of California, Berkeley for infrastructure development and municipal services associated with the proposed Richmond Bay Campus project.

Continued to May 13, 2014, the matter to approve a two-year contract with D.M.G. Janitorial Services for restroom cleaning services at Jay and Barbara Vincent Park, Shimada Park, Lucretia Edwards Park, Nevin Park, Nicholl Park, Martin Luther King Jr. Park (MLK), Booker T. Anderson Park (BTA) and the North Richmond Ballfield, in an amount not to exceed \$84,420 (\$42,210 per year), and for a term from July 1, 2014, to June 30, 2016.

*-Approved a contract with Liebert Cassidy Whitmore MP in the amount of \$100,000 to continue contract negotiations, legal consultation, and employee training for the period April 15, 2014, through December 31, 2014.

*-Approved a grant-funded contract with TransMetro Inc. for the continuation of the Greenprint "Easy Go" bicycle lease and Kids CAB Programs in the

amount of \$224,408; and accepted and appropriated \$203,291 in Congestion Mitigation Air Quality (CMAQ) grant funds to the Fiscal Year 2013-2014 and Fiscal Year 2014-2015 budgets, and \$21,117 for staff support as a local match.

*-Approved the following commission appointments and re-appointments: Community Development Commission: Jackie Thompson, incumbent, term ending March 21, 2017; Housing Advisory Commission: Sherry Lynn Fuzesy, new appointment to complete unexpired term of Anntheia Harrison-Farr, term ending November 1, 2015; Workforce Investment Board: Steve Bell, new appointment, no term expiration; Public Art Advisory Committe: Suzanne Tan, new appointment, term ending January 31, 2016.

-CONTINUED RESOLUTIONS

Continued to May 13, 2014, the matter to: (1) adopt a resolution to refer to the Planning Commission Consideration of Revocation for an electronic sign at Pacific East Mall, and (2) direct the Planning Commission to conduct a revocation hearing for the previous approval of the electronic billboard LED sign at Pacific East Mall.

Continued to May 13, 2014, the matter to adopt a resolution amending Richmond's Policy Against Workplace Harassment to: specify time frame for initiating and concluding investigations, and provide for notification to all involved parties.

Continued to May 13, 2014, the matter to adopt a resolution to protect the Coastal Prairie at the Richmond Field Station.

-CONTINUED ORDINANCES

(Items G-13 and H-1 were combined)

In the matter to receive a report from the city manager regarding business outreach and potential impacts from increasing the minimum wage, and introduce an ordinance for first reading increasing the minimum wage in the City of Richmond to \$12.30 an hour by 2017, City Manager Bill Lindsay introduced city staff Patrick Seals and LaShonda White who gave the report on business outreach and potential impacts from increasing the minimum wage. Mayor McLaughlin, Vice Mayor Beckles, and Councilmember Myrick gave an overview of the proposed ordinance. The matter to consider adopting a minimum wage ordinance with adjustments to ensure minimum job losses was presented by Councilmember Rogers. Special guest Ken Jacobs of the University of California gave comments regarding research on minimum wage. The following individuals gave comments: Lou Buty, Jamila English, Ruth Vasquez-Jones, Don Gosney, Vinay Pimplé, Nathan Trivers, Stephen Ramm, Robert

McCauley, Kevin Rath, Bob Dabney, Kathleen Wimer, Joseph Puleo, Ernest Lompa, Monica Cross, Richard Lompa, Marilyn Langlois, Bea Roberson, Paul Levitan, Avi O'Shalighnessy, Gabriel Hanland, Millie Cleveland, Mark Wassberg, Eduardo Martinez, Mike Parker, Clarence Hunt, and Antwon Cloird. A motion made by Councilmember Boozé, to meet with businesses to give them an opportunity to discuss the issue died for lack of a second. Councilmember Bates suggested that the City Council review the ordinance in 12 month to monitor its success. A motion was made by Councilmember Rogers, seconded by Councilmember Butt to approve the ordinance as presented with the understanding that staff would come back in two weeks with a draft ordinance for first reading that included the following revisions: Revision #1: If the Employer pays the Employee benefits, the Employer can reduce the minimum wage owed by the amount of the benefits. Benefits include money offered by the employer, e.g. medical or dental coverage, sick leave, paid holidays, annual vacation, etc. and do not include (a) contingent payments, and (b) payments in kind (free lunch, free transportation, room and board, etc.); Revision #2 The Employer must pay an Intermediate Wage which is half way between the requirements of this ordinance and the minimum wage required by Federal or State law if the business derives more than 50% of its income from transactions where the point of sale is outside the City of Richmond; Revision #3: Employees who are 18 years or younger would be exempt; Revision #4: Employees of non-profits who are operating pursuant to a written and current certification obtained under Internal Revenue Code 501 (c) (3) would be exempt; Revision #5 The small business exemption would be based on the FTE hours paid, not based on whether there are 10 or more employees; Revision #6 Tipped employees, who already receive extensive protection under the State Law, would be exempt. This means employees who receive meaningful income from being tipped, i.e. an employee who occasionally gets a dollar or two out of a tip jar would not be exempted; and Revision #7 Employers who are primarily passing through State or Federal grants are exempt. A friendly amendment by Vice Mayor Beckles to direct the city attorney to research and provide a legal opinion on some of the proposed exemptions was accepted. *(At 11:00 p.m. A motion was made by Councilmember Myrick, seconded by Councilmember Rogers to extend the meeting for 30 minutes. A substitute motion was made by Vice Mayor Beckles to extend the meeting for 15 minutes died for lack of a second. A substitute motion was made by Councilmember Boozé, seconded by Vice Mayor Beckles to vote on the current item and adjourn the meeting. Councilmember Boozé clarified that his motion was to finish the current item, vote, and dismiss. Vice Mayor Beckles withdrew her second. A second substitute motion made by Councilmember Boozé, seconded by Councilmember Rogers to finish the current item and adjourn the meeting passed by the following vote: Ayes:*

Councilmembers Boozé, Myrick, Rogers, and Mayor McLaughlin. Noes: Councilmembers Bates, Butt, and Vice Mayor Beckles. Abstentions: None. Absent: None.) A substitute motion was made by Mayor McLaughlin, seconded by Councilmember Myrick to include in the original ordinance Revisions 2, 4, 5, and 7 only. The motion failed by the following vote: **Ayes:** Councilmember Myrick, Vice Mayor Beckles, and Mayor McLaughlin. **Noes:** Councilmember Bates, Boozé, Butt, and Rogers. **Abstentions:** None. **Absent:** None. Councilmember Rogers added to his original motion a friendly amendment that under no circumstance will a tipped employee get less than the minimum wage. The amendment was accepted. The original motion passed and staff to draft an ordinance for first ready by the unanimous vote of the City Council.

(At 11:15 p.m. on motion of Councilmember Rogers, seconded by Councilmember Bates extended the meeting to 11:30 p.m. by the following vote: Ayes: Councilmember Bates, Butt, Myrick, Rogers, and Mayor McLaughlin. Noes: Vice Mayor Beckles and Councilmember Boozé. Abstentions: None. Absent: None.)

Continued to May 13, 2014, the matter to consider introducing an ordinance to repeal Chapter 2.39 Regulation of Campaign Contributions from parties and participants in entitlement proceedings and change the spending limit in Chapter 2.43 - Matching Public Funding of Richmond Elections because these well intentioned reforms have proven to be counterproductive because they have strengthened the power of large unregulated Independent Spending PACs.

-CONTINUED COUNCIL AS A WHOLE

Continued to May 13, 2014, the matter to approve a budget for a City of Richmond Youth Council in the amount of \$250,000 over five years beginning in Fiscal Year 2014-15 to provide for meaningful resources for a viable way for Richmond's youth to participate formally in regard to issues and concerns of the City of Richmond.

Continued to May 13, 2014, the matter to establish a hiring freeze of new and vacant positions until a balanced budget is approved.

Continued to May 13, 2014, the matter to discuss and make recommendations regarding the legal authority the City has to educate the community on the ½ cent sales tax ballot measure in the upcoming November 4, 2014, General Election to secure funding for street repairs and maintenance.

Continued to May 13, 2014, the matter to discuss and consider directing staff to prepare draft amendments to the Industrial Safety Ordinance to

require that any increases in emissions due to increases in potentially more problematic feedstocks in Richmond refineries would need to be mitigated 100% by decreases elsewhere in the refinery operations so that there is no net increase in any dangerous emissions.

COUNCIL AS A WHOLE

Combined Items G-13 and H-1- See Continued Ordinances for details: in the matter to consider adopting a minimum wage ordinance with adjustments to ensure minimum job losses, and the matter to receive a report from the city manager regarding business outreach and potential impacts from increasing the minimum wage, and introduce an ordinance for first reading increasing the minimum wage in the City of Richmond to \$12.30 an hour by 2017.

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 11:29 p.m. in memory of the two young men who died as a result of homicide in Richmond in April, and the man killed by an Amtrak train while walking near railroad tracks at Cutting and Carlson. Also, in memory of Johnny White and Mother Mildred Aires to meet again on Tuesday, May 13, 2014, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor