

**RICHMOND, CALIFORNIA, January 14,
2014**

The Richmond City Council Evening Open Session was called to order at 5:09 p.m.

ROLL CALL

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

PUBLIC COMMENT

The deputy 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

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Initiation of litigation pursuant to Subdivision (c) of Government Code Section 54956.9):

One Case

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9):

Booker vs. City of Richmond

Jenkins vs. City of Richmond

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8):

Property: Port of Richmond General Warehouse
Agency negotiators: Bill Lindsay, Jim Matzorkis, and Michael Williams
Negotiating party: Golden Solar Power Group
Under negotiation: Price and terms of payment

There were no public speakers.

The Open Session adjourned to Closed Session at 5:10 p.m. Closed Session adjourned at 5:44 p.m.

The Regular Meeting of the Successor Agency to the Richmond Community Redevelopment Agency and Richmond City Council was called to order at 6:30 p.m. by Mayor McLaughlin.

ROLL CALL

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

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Removed Items I-1, I-2, and I-7 from the City Council Consent Calendar to be heard at the end of the agenda; removed Items I-9, I-12, I-13, I-14, I-15, I-16, and I-18 from the City Council Consent Calendar to be heard immediately following the approval of the City Council Consent Calendar; withdrew Item I-8 from the agenda.

ELECTION OF VICE MAYOR

Mayor McLaughlin thanked Vice Mayor Boozé for his service as Vice Mayor for 2013. Vice Mayor Boozé gave comments. On motion of Councilmember Butt, seconded by Councilmember Bates appointed Jovanka Beckles Vice Mayor by the unanimous vote of the 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 unanimously approved a final settlement in the matter of Item A-2 Conference with Legal Counsel – Existing Litigation (Subdivision [a] of Government Code Section 54956.9): Booker vs. City of Richmond and Jenkins vs. City of Richmond. Mr. Goodmiller reported that the City Council approved a final settlement of all aspects of the case including federal and state court cases. Mr. Goodmiller also reported that City Manager Bill Lindsay will release a statement to the press and public at a later date.

OPEN FORUM FOR PUBLIC COMMENT

Naomi Williams announced that the City of El Cerrito will hold a Martin Luther King Jr. Parade on January 20, 2014, beginning at 9:00 a.m. at the El Cerrito Department of Motor Vehicle and end at El Cerrito High School where there will be a host of activities and entertainment. She also invited everyone to the Black History Program at the Richmond Memorial Auditorium, February 8, 2014, tickets \$15 per ticket includes dinner.

Sims Thompson stated that funding received from federal government should be spent wisely. He hopes council takes in an interest of the city and tour the city to identify where improvements should be made. He stated that citizens need to feel safe. He stated that citizens need to help the police.

Mark Wassberg stated that the Rosie the

Riveters needed \$20,000 to travel to Washington, D.C. and he suggested that Vice President Biden come to the City of Richmond instead.

Jackie Thompson stated that she was honored that Councilmember Bates was able to meet President Obama over the holidays. Ms. Thompson also stated that bicyclists were riding against traffic and should be subjected to the same rules and drivers of vehicles. She also encouraged the City leave emergency staff working when the city shuts down over the holiday season.

Nicole Barber announced that the Richmond Community Air Monitoring Program was up and running and the website can be accessed by visiting <http://www.fenceline.org/richmond>. Ms. Barber also announced that a Telephone TownHall Meeting will be held January 23, 2014, to share information about the program. She also encouraged everyone to visit www.chevronrichmond.com for information regarding the Telephone TownHall Meeting.

Larry Lewis, Executive Director of Richmond Police Activities League (RPAL), invited everyone to RPAL's Annual Luncheon, February 27, 2014, 11:30 a.m. to 1:00 p.m., Hal Holt Memorial Gymnasium, 2200 Macdonald Avenue, tickets \$35 per person. Mr. Lewis stated that events of 2013 will be highlighted. He also announced that Richmond PAL, Berkeley Youth Alternatives, The Glover Tech Center and Post Newsgroup Charitable Youth affiliates will host 501c3 leaders unite4:good Unity Day Bay Area, February 8, 2014, 6:00 p.m. at the Craneway Pavilion. Festivities will include Behind the Curtain Concert Featuring Miguel with Mario Lopez, Mindless Behavior, and Syndey Nycole. "Behind The Curtain" is a fundraising gala that brings together local charities for one night of music, dance, arts, and giving to celebrate youth service providers."

Wesley Ellis congratulated Jovanka Beckles for her appointment to Vice Mayor.

Texanita Bluitth thanked the City Council and Parks and Recreation for the improvements at Kennedy Swim Center. She also requested a report on the status of the redesign of the swim center and stated that the building needed automatic doors on the inside. Ms. Bluitth also encouraged the City Council to do more for senior and individuals with disabilities living in the City of Richmond. She also stated that pedestrians and bicyclists needed to abide by safety rules when using the streets and sidewalks in the City of Richmond.

Marilyn Langlois wished everyone a happy new year. She also invited everyone to attend the Seventh Annual Martin Luther King Jr. Day on the Green Way from 9:00 a.m. to 2:00 p.m., between 6th Street and 16th Street. Ms. Langlois also encouraged the City of Richmond to work with the Noor Masjid Masque at 1330 Cutting Boulevard to address issues to make the

building safe to resume usage.

Fayza Ayyad encouraged the City Council to consider keeping the Noor Masjid Mosque at 1330 Cutting Boulevard open for worship.

Ray Landry expressed concern regarding the safety of citizens who use the baseball field on 10th Street and asked the City of Richmond to look into the matter.

Mike Parker stated that the Chemical Safety and Hazard Investigation Board will hold a public meeting on January 15, 2014, starting at 6:30 p.m. at the City Council Chambers, 440 Civic Center Plaza to consider and vote on the draft regulatory report of the August 6, 2012, fire at the Chevron refinery. He also encouraged citizens to visit Salute's Restaurant and the Magick Lantern Movie Theater in Richmond.

Bea Roberson announced that 4Richmond will hold a Community Reception January 21, 2014, at 3109 Macdonald Avenue to learn about new initiatives to improve public safety, education, health, and job opportunities in the City of Richmond.

SUCCESSOR AGENCY TO THE RICHMOND COMMUNITY REDEVELOPMENT AGENCY CONSENT CALENDAR

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

*-Adopted **Resolution No. 14-1** authorizing execution of a contract with Susan G. Mayer to provide strategic financial management consulting services to the Successor Agency to the Richmond Community Redevelopment Agency in an amount not to exceed \$112,875 and for a term extending to June 30, 2014, with two renewal options thereafter not to exceed \$114,000 per additional year and extending to June 30, 2016. (**Vice Mayor Beckles was absent**)

*Directed staff to design and implement a program to mitigate negative economic impacts due to the construction of the Officer Bradley A. Moody Memorial Underpass Project, and authorize the expenditure of funds available in the Project Owner's Reserve for mitigation of negative economic impacts was presented by Project Manager Chadrick Smalley. (**Vice Mayor Beckles was absent**)

CITY COUNCIL CONSENT CALENDAR

On motion of Councilmember Butt, seconded by

Councilmember Mayor all items under the City Council Consent Calendar marked with an (*) were approved by the following vote: **Ayes:** Councilmembers Bates, Booze, Butt, Myrick, Rogers, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Vice Mayor Beckles.

In the matter to approve an amendment to the existing contract with Holland & Knight LLP for legal representation in connection with the Revised Environmental Impact Report for the Chevron Refinery Modernization Project, increasing the payment limit by \$1,500,000 for a contract payment limit of \$4,750,000 (to be paid by Chevron, the project applicant), and extending the term of the contract to June 30, 2015, Councilmember Bates gave comments. Raymond Landry gave comments. On motion of Councilmember Butt, seconded by Vice Mayor Beckles approved an amendment to the existing contract with Holland & Knight LLP for legal representation in connection with the Revised Environmental Impact Report for the Chevron Refinery Modernization Project by the following vote: **Ayes:** Councilmembers Butt, Myrick, Rogers, Vice Mayor Beckles, and Mayor McLaughlin. **Noes:** Councilmembers Bates and Boozé. **Abstentions:** None. **Absent:** None.

In the matter to approve an amendment to the existing contract with ENVIRON for preparation of a Revised Environmental Impact Report for the Chevron Refinery Modernization Project, increasing the payment limit by \$1,500,000 (to be paid by Chevron, the project applicant) for a total contract payment limit of \$8,000,000 and extending the term of the contract to June 30, 2015, Planning Director Richard Mitchell gave comments. On motion of Councilmember Butt, seconded by Councilmember Rogers approved an amendment to the existing contract with ENVIRON for preparation of a Revised Environmental Impact Report for the Chevron Refinery Modernization Project by the following vote: **Ayes:** Councilmembers Butt, Myrick, Rogers, Vice Mayor Beckles, and Mayor McLaughlin. **Noes:** Councilmember Bates and Boozé. **Abstentions:** None.

*-Approved the purchase of one replacement John Deere 5075M utility tractor from Turf & Industrial Equipment for use by the Public Works Department Parks Division in an amount not to exceed \$50,000. **(Vice Mayor Beckles was absent)**

*-Adopted **Resolution No. 2-14** authorizing the City of Richmond to accept and appropriate \$355,340 in grant funding from the Contra Costa County Health Services Emergency Medical Services Division, and approve a two-year agreement from July 1, 2013 to June 30, 2015 with the Contra Costa County Health Services Emergency Medical Services Division in support of the Fire Department's Measure H program. **(Vice Mayor Beckles was absent)**

*-Approved the acceptance and appropriation of \$16,340 in donated funds from the Chevron Corporation for the Fire Department's Office of Emergency Services' Richmond Community Emergency Response Team (CERT) Training Program. **(Vice Mayor Beckles was absent)**

*-Approved the minutes of the regular December 3, 2013, and special January 7, 2014, City Council Meetings. **(Vice Mayor Beckles was absent)**

In the matter to approve 2014 appointments to City Council Standing Committees, Regional Committees, Ad Hoc Committees and Liaison positions Jackie Thompson gave comments. On motion of Vice Mayor Beckles, seconded by Councilmember Rogers approved the appointment to City Council Standing Committees, Regional Committees, Ad Hoc Committees and Liaison positions by the unanimous vote of the City Council.

Withdrew from the agenda the matter to approve a 20-year master lease agreement with Golden Solar Power Group (GSPG) for the General Warehouse located at the Point Potrero Marine Terminal, providing for approximately \$4,900,000 of lease revenue to the Port, with the Port retaining the value of the building rehabilitation and restoration which is anticipated to be a minimum of \$1,000,000.

The matter to adopt a resolution amending the City of Richmond's Conflict of Interest Code was presented by City Attorney Bruce Reed Goodmiller. Jackie Thompson gave comments. On motion of Councilmembers Butt, seconded by Vice Mayor Beckles adopted **Resolution No. 3-14** by the following vote: **Ayes:** Councilmembers Bates, Butt, Booze, Myrick, Rogers, Vice Mayor Beckles, and Mayor McLaughlin. **Noes:** None. **Abstentions:** Councilmember Boozé. **Absent:** None.

*-Adopted **Resolution No. 4-14** accepting and appropriating \$100,774 into the City's Fiscal Year 2013-15 Budget from the Metropolitan Transportation Commission (MTC) New Freedom grant program, which supports the Title VI nondiscrimination laws and regulations for disabled persons and seniors, and committing in-kind City services with a total value of \$100,774 as a local funding match. **(Vice Mayor Beckles was absent)**

*-Approved a grant-funded amendment to the construction contract with Turner Group Construction for construction and construction related services relating to the renovation of Elm Play Lot and community building, expanding the scope of work to include additional park and building components, increasing the amount by \$89,500 for a total contract amount of \$1,335,436, and maintaining the contract

term ending June 30, 2014. (**Vice Mayor Beckles was absent**)

The matter to approve the purchase of an aerial/bucket truck in an amount not to exceed \$87,478.02, to be used by the Police Department's CCTV technician for continuous maintenance, repair, and installation of all wireless camera devices was presented by Captain Anthony Williams. On motion of Councilmember Boozé, seconded by Vice Mayor Beckles approved the purchase of an aerial/bucket truck by the unanimous vote of the City Council.

The matter to accept and appropriate the 2013/2014 grant from the California Office of Traffic Safety (OTS) in the amount of \$37,400 to fund sobriety checkpoints aimed at reducing the number of victims killed and injured in alcohol-involved crashes was presented by Captain Anthony Williams. Mark Wassberg and Bea Roberson gave comments. On motion of Vice Mayor Beckles, seconded by Councilmember Myrick accepted and appropriated the 2013/2014 grant from the California Office of Traffic Safety by the unanimous vote of the City Council.

The matter to receive a report regarding the results of the sale of the City's Fiscal Year 2013/14 Tax and Revenue Anticipation Notes in accordance with City Council policy was presented by Finance Representative Susan Segovia. Mike Parker gave comments. On motion of Councilmember Myrick, seconded by Vice Mayor Beckles received a report regarding the results of the sale of the City's Fiscal Year 2013/14 Tax and Revenue Anticipation Notes by the unanimous vote of the City Council.

In the matter to adopt an ordinance for seconded reading to amend Richmond Municipal Code 9.56 to include electronic cigarettes in the smoking regulations Mark Wassberg gave comments. On motion of Councilmember Butt, seconded by Councilmember Myrick adopted **Ordinance No. 1-14 N.S.** by the unanimous vote of the City Council.

The matter to approve a second amendment to the contract with Holland & Knight LLP for the continuation of federal and state advocacy services, increasing the amount by \$180,000 and extending the term to December 31, 2014, was presented by Project Manager Lori Reese-Brown. Ray Landry gave comments. On motion of Councilmember Butt, seconded by Vice Mayor Beckles approved a second amendment to the contract with Holland & Knight LLP by the following vote: **Ayes:** Councilmembers Butt, Myrick, Rogers, Vice Mayor Beckles, and Mayor McLaughlin. **Noes:** Councilmembers Bates and Boozé. **Abstentions:** None. **Absent:** None.

*-Approved a contract with Nichols Consulting Engineers to provide technical and budgetary oversight

concerning environmental remediation activities at Point Molate in an amount not to exceed \$187,500 (paid from the remediation account funded by the United States Navy) for a contract term commencing July 1, 2013, and ending December 31, 2014. **(Vice Mayor Beckles was absent)**

The matter to approve a Memorandum of Understanding (MOU) between the City of Richmond and the Richmond Police Activities League (RPAL) to subsidize RPAL staff and programs as approved in the City's 2013/15 budget, ensuring that academic, athletic, and life-skills services offered by RPAL will continue for the period July 1, 2013, through June 30, 2015, in an amount not to exceed \$600,000, \$300,000 annually for two years was presented by Captain Anthony Williams and RPAL Director Larry Lewis. Bea Roberson gave comments. On motion of Councilmember Butt, seconded by Vice Mayor Beckles approved the MOU by the following vote: **Ayes:** Councilmembers Bates, Butt, Myrick, Rogers, Vice Mayor Beckles, and Mayor McLaughlin. **Noes:** None. **Abstention:** Councilmember Boozé. **Absent:** None.

*-Approved the City Manager's response to Grand Jury Report No. 1302 entitled, "Outsourcing Municipal Services", and submittal of the response to the foreperson of the 2012/2013 Contra Costa County Civil Grand Jury. **(Vice Mayor Beckles was absent)**

RESOLUTIONS

The matter to adopt a resolution directing staff to draft three ballot measures within 60 days for City Council review and consideration for submission to the voters at the November 4, 2014, general municipal election to establish a minimum wage for employees of employers who maintain a facility within the city or are subject to the City Business License tax (exempting small and new businesses and certain categories) was presented by Vice Mayor Beckles, Myrick, and Mayor McLaughlin. The following individuals gave comments: Lenora Brown, Yvonne Nair, Don Gosney, Joseph Puleo, Jackie Thompson, Dennis Dalton, Paul Larudee, Raymond Landry, Eduardo Martinez, Melvin Willis, Mike Parker, John Garth, Patricia Byers, Marilyn Langlois, and Jeanice Cummings. A motion was made by Vice Mayor Beckles, seconded by Councilmember Myrick to adopt a resolution directing staff to draft three ballot measures within 60 days for City Council review and consideration for submission to the voters at the November 4, 2014, general municipal election or sooner to establish a minimum wage for employees. Councilmember Rogers offered a friendly amendment to direct the city manager to look into the following issues and submit a report to the City Council as soon as possible: (1) In general when minimum wage increases were passed, was there a loss of employment and were jobs lost by younger lesser skilled African American and Hispanic job holders; (2)

what was the history when a small city like Richmond passed a minimum wage increase as opposed to a larger city like San Francisco; (3) was there a record of businesses relocating elsewhere because they had the option to; (4) how many employees in business were Richmond residents; and (5) request the city manager's professional opinion regarding what degree of businesses thinking about relocating to Richmond would reconsider due to the minimum wage requirement. The amendments were accepted and **Resolution No. 5-14** was adopted by the unanimous vote of the City Council.

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

Mayor McLaughlin gave highlights regarding her trip, along with 10 delegates including Councilmember Butt, to Regla, Cuba. She also reported that homicides in the City of Richmond were down for 2013.

Councilmember Boozé stated that he will report at a later date, the highlights of his trip to China.

Vice Mayor Beckles announced that the ribbon she was wearing was to bring awareness that January was Human Trafficking Awareness Month.

Councilmember Butt announced that residents of Richmond may pick up a reasonable number of reusable bags from the City Council Office, 440 Civic Center Plaza or the City Manager's Office 450 Civic Center Plaza.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:34 p.m. to meet again on Tuesday, January 21, 2014, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor