

RICHMOND, CALIFORNIA, June 3, 2014

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

ROLL CALL

Present: Councilmembers Butt, Rogers, Vice Mayor Beckles, and Mayor McLaughlin. **Absent:** Councilmember Bates arrived at 5:23 p.m., Councilmember Boozé arrived after adjourning to Closed Session. Councilmember Myrick arrived at 5:11 p.m.

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

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

Parish vs. City of Richmond

CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6):

Agency designated representatives: Bill Lindsay, Lisa Stephenson, and Bruce Soublet
Employee organizations: Service Employees International Union (SEIU, Local 1021); International Federation of Professional and Technical Employees (Local 21); Richmond Police Officers Association (RPOA); Richmond Police Management Association (RPMA); Richmond International Association of Firefighters (IAFF, Local 188); and Richmond Fire Management Association (RFMA).

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957.6):

Title: City Attorney

The Open Session adjourned to Closed Session at 5:12 p.m. Closed Session adjourned at 6:35 p.m.

The Regular Meeting of the Successor Agency to the Richmond Community Redevelopment Agency and Richmond City Council was called to order at 6:43 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.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Mayor McLaughlin stated that she is removing the appointment of Gail Brown to the Richmond Housing Advisory Commission. Items M-2 and M-3 will be combined. Items J-2 and J-3 were withdrawn from the agenda by Councilmember Boozé. Items J-4 and K-1 were continued to the June 17, 2014, City Council meeting.

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

City Attorney Bruce Reed Goodmiller stated that there were no reportable actions taken during Closed Session.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Mayor McLaughlin presented a proclamation honoring the annual Richmond Pow Wow and community event to Courtney Cummings. Marilyn Langlois gave comments.

Mayor McLaughlin and Vice Mayor Beckles presented a proclamation recognizing Juneteenth and honoring Richmond's annual 2014 community parade and festival to Gerrald Hatchett, Naomi Williams, Najari Smith, and Melvin Willis. The following individuals gave comments: Mark Wassberg, Antwon Cloird, and Marilyn Langlois.

Mayor McLaughlin and Vice Mayor Beckles presented a proclamation recognizing National LGBT Pride Month to Rev. Kamal Hasaan, Soujourner Truth Presbyterian Church, and Brenda Williams. Carolyn Wysinger and Marilyn Langlois gave comments.

**REPORT FROM THE CITY ATTORNEY OF
FINAL DECISIONS MADE AND NON-
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OPEN FORUM FOR PUBLIC COMMENT

Sims Thompson gave comments regarding unsafe intersections throughout the city, such as at 37th Street & Cutting Boulevard and 37th Street & Barrett Avenue.

Jay Leonhardy asked that Youth Services be given the same priority as the public safety divisions, and hold the Summer Youth Employment Program harmless from any potential cuts.

Jesus Cervantes, Manuel Espinoza, Elizabeth Cervantes, and Lonnie Morris spoke in support of the Youth Works program and the Straight Talk on Prison program and asked that it not be cut from the budget.

Leonard Taylor stated that parking will be restricted around the Civic Center area due to high school graduations.

Eleanor Thompson questioned how certain councilmembers can be on a committee and vote for organizations they don't like such as The Men and Women of Valor.

Jackie Thompson stated that nothing has been said to some of the disruptive people in the audience. Ms. Thompson informed that the Vacaville Housing Authority will begin accepting Section 8 applications. Ms. Thompson also stated that Mother Phillips has been unfairly run out of Nevin Park & Nevin Community Center by security.

Sharon Sanders stated that the lights on Roosevelt Avenue are still out. Ms. Sanders also stated that she was asked to leave the last council meeting unfairly.

Myrtle Braxton stated the Recreation Department is usually the first department that is cut during a budget deficit. Ms. Braxton also urged the community to vote and register to vote. Ms. Braxton also announced that tomorrow will be Naomi William's' birthday.

Vice Mayor Beckles read the poem "Still I Rise" by Maya Angelou.

Kathleen Sullivan announced that the BAWAPA event where Angela Davis spoke was a success.

Texanita Bluit stated that it is very important to the community that Doctor's Medical Center remain open.

Naomi Williams stated that the Juneteenth celebration in Richmond is one of the safest festivals in the Bay Area.

**SUCCESSOR AGENCY TO THE RICHMOND
COMMUNITY REDEVELOPMENT AGENCY
CONSENT CALENDAR**

A motion made by Vice Mayor Beckles, seconded by Councilmember Myrick, adopted

Resolution No. 14-7, approving an amendment of a swap agreement for the purpose of subordinating the termination payment due thereunder to the payment of debt service on the Successor Agency to the Richmond Community Redevelopment Agency Refunding Bonds Series 2014A (tax-exempt) and Series 2014B (taxable) and authorizing and approving certain actions taken in connection therewith, by the unanimous vote of the City Council.

CITY COUNCIL CONSENT CALENDAR

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

*- Adopted **Resolution No. 43-14**, increasing expenditures for the Recreation Department budget based on \$3,300 in additional grant funding received from the Northern Tennis Foundation, utilizing \$2,300 in grant funds for the HITS summer tennis program, and \$1,000 in grant funds for the purchase of tennis equipment.

*- Approved the installation of traffic calming measures to make the intersection of Solano Avenue and Boyd Avenue a 90-degree vehicular corner, and install signage and striping to convert Boyd Avenue from a two-way street to a southeast bound one-way street between Solano Avenue and 38th Street in the North & East Neighborhood (This item was reviewed and recommended for approval by the Public Safety Committee at its May 15, 2014, meeting).

*- Approved the following appointment:
Recreation and Parks Commission: Mark Anthony Torres, new appointment, term expiring October 26, 2016.

*- Adopted **Resolution No. 44-14**, expressing the City of Richmond's support for the passage of State Assembly Bill 1999 (Atkins), The California Economic Development and Historic Tax Credit Act.

*- Received and appropriated revenue and expenditures to the Planning and Building Services Department for consultant contracts, paid by pass-through fees collected from Chevron, for the Chevron Modernization Project Environmental Impact Report.

Continued Council as a Whole

WITHDRAWN to discuss and provide direction to staff regarding the amount of funding Holland and Knight obtained for the City of Richmond during the term of their contract. This item was continued from the February 4 and 18, 2014, March 4 and 18, 2014, and April 1 and 15, 2014, and May 13 and 20, 2014, meetings.

WITHDRAWN an update regarding the coordination of a committee to address the concerns of Country Club Vista Homeowners. This item was continued from the March 18, 2014, April 1, 15, and 22, 2014, and May 20, 2014, meetings.

CONTINUED to the June 17, 2014, City Council meeting, 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. This item was continued from the April 22, 2014, and May 6, 13, and 20, 2014, meetings.

PUBLIC HEARINGS

The matter to adopt a resolution establishing annual assessments for the Hilltop Landscape Maintenance District for the 2014-2015 Fiscal Year, including a proposed 2.45% increase in the assessments based on the annual change in the Consumer Price Index was presented by Public Works Director, Yader Bermudez. Mayor McLaughlin declared the public hearing open. Councilmember Myrick stated that there were concerns expressed by Hilltop residents and suggested that this matter be continued to allow time to

address the concerns. A motion by Councilmember Myrick, seconded by Councilmember Rogers, continued the public hearing to the June 17, 2014, City Council meeting. The public hearing will remain open.

The matter to adopt a resolution establishing annual assessments for the Marina Bay Landscaping and Lighting Maintenance District for the 2014-2015 Fiscal Year, including a proposed 3% increase in accordance with the allowable inflation adjustment established upon formation of the District was presented by Public Works Director, Yader Bermudez. Mayor McLaughlin declared the public hearing open. There were no public speakers. A motion by Councilmember Rogers, seconded by Vice Mayor Beckles, closed the public hearing by the unanimous vote of the City Council. A motion by Councilmember Rogers, seconded by Councilmember Myrick, adopted **Resolution No. 45-14**, by the unanimous vote of the City Council.

The matter to consider an appeal by Andria Sassi of the Design Review Board's approval of a Design Review Permit (PLN14-030) to construct a 2,820 square-foot single-family residence at 70 Belvedere Avenue in Point Richmond was presented by Planning Director, Richard Mitchell and Planner, Hector Rojas. Mayor McLaughlin declared the public hearing open. The following individuals gave comments: Michael Sassi, Brent Fetter, Vern Verling, Andria Yeo, Jerry Feagley, and Margaret Jordan. A motion by Councilmember Bates, seconded by Councilmember Boozé, closed the public hearing by the unanimous vote of the City Council. A motion by Councilmember Bates, seconded by Councilmember Boozé, to deny the appeal, passed by the following vote: **Ayes:** Councilmembers Bates, Boozé, Myrick, Rogers, and Vice Mayor Beckles. **Noes:** None. **Absent:** None. **Abstain:** Mayor McLaughlin and Councilmember Butt.

RESOLUTIONS

The matter to adopt a resolution urging the Planning Commission to take action on the Final

Environmental Impact Report (EIR), Conditional Use Permit (CUP), and related Project entitlements associated with the Chevron Modernization Project on or about June 23 and 25, with votes to be taken not later than June 25, 2014 was presented. A motion by Councilmember Rogers, seconded by Councilmember Bates to approve the item. The council shall prepare all necessary documents to enable the City Council to take action on these matters on or about July 29th with votes to be taken by the City Council no later than July 31, 2014 added: If for any reason that deadline is not possible the Council will delay their August recess until the City Council can take a vote on the issue. A substitute motion by Councilmember Butt, seconded by Councilmember Bates, made a substitute motion to adopt the resolution as presented in the agenda report, without the Council possibly meeting in August, passed by the following vote: **Ayes:** Councilmembers Bates, Butt, Boozé, and Myrick. **Noes:** Councilmembers Rogers, Vice Mayor Beckles, and Mayor McLaughlin. **Absent:** None. **Abstain:** None. A second substitute motion made by Councilmember Boozé, seconded by Councilmember Bates, that this matter be tabled, failed by the following vote: **Ayes:** Councilmembers Bates, Boozé, and Butt. **Noes:** Councilmembers Myrick, Rogers, Vice Mayor Beckles, and Mayor McLaughlin. **Absent:** None. **Abstain:** None. A motion by Councilmember Rogers, seconded by Councilmember Myrick, urging all Councilmembers, if needed, to be willing to meet in August, if the matter is not settled prior to July 29, 2014, with an option of joining the meeting via teleconference, passed by the following vote: **Noes:** Councilmembers Bates, Boozé, and Butt. **Ayes:** Councilmembers Myrick, Rogers, Vice Mayor Beckles, and Mayor McLaughlin. **Absent:** None. **Abstain:** None.

The matter to adopt a resolution directing staff to present a study session within 120 days on prospective policies to assist with maintaining affordable rental housing was presented. The following individuals made comments: Heather Kulp, Marcus Mitchell, Marilyn Langlois, Mike Parker, Bea Roberson, Andres Soto, and Megan Zapanta. A motion by Vice Mayor Beckles, seconded by Mayor

McLaughlin, adopted **Resolution No. 47-14**, with a friendly amendment by Councilmember Rogers to strike any reference to rent control, passed by the following vote: **Ayes:** Councilmembers Butt, Myrick, Rogers, Vice Mayor Beckles, and Mayor McLaughlin. **Noes:** Councilmembers Bates and Boozé. **Absent:** None. **Abstain:** None.

ORDINANCES

CONTINUED the matter to introduce an ordinance adopting changes to the Industrial Safety Ordinance to increase safety at the Chevron Refinery by increasing the number of inspectors, requiring risks be reduced to ALARP (As Low As Reasonably Practicable) and requiring other safety measures.

The matter to review and introduce an ordinance (first reading) establishing an increase in the minimum wage in the City of Richmond and the matter to consider adopting a compromise proposal regarding the minimum wage, in an effort to prevent ongoing conflict and changes in the law and consider adopting a compromise proposal regarding the minimum wage, in an effort to prevent ongoing conflict and changes in the law was presented. The following individuals gave comments: Tom Waller, Marilyn Langlois, Mike Parker, Isidoro Ramos, Davood Asgari, Max Alper, Kevin Rath, Millie Cleveland, Bea Roberson, Jennifer Lin, Margaret Gradie, and Pete Albert. A motion by Mayor McLaughlin, seconded by Councilmember Rogers to introduce said ordinance and combine the Mayor's revised minimum wage ordinance to be combined with Councilmember Rogers' e-mailed changes sent June 3, 2014 as follows: *1. Change the definition of small business as follows: DELETE the following highlighted language from existing Council directed ordinance from Section 7.108.030 Definitions section, subsection (E): Employer, however, shall not include any of the following: A small business Employer who pays for less than 400 hours of Employee labor during a given week, including all persons performing work for compensation on a full-time, part-time, or temporary basis. An Employer that pays for 400 or more hours of Employee labor during*

any week in a calendar year quarter shall be deemed to be a covered Employer for the entirety of that calendar year quarter; And ADD the following highlighted language: A small business Employer who pays for less than 800 hours of Employee labor during a given two-week period, including all persons performing work for compensation on a full-time, part-time, or temporary basis. An Employer that pays for 800 or more hours of Employee labor during any two-week period shall be deemed to be a covered Employer for the entirety of that two-week period; 2. DELETE the following found at Section 7.108.040, Subsection A.5: "Employers shall pay its Employees no less than the Intermediate Minimum Wage for each hour worked within the geographic boundaries of the City if Employer derives more than 50% of its income from transactions where the Employer's goods and/or services are delivered or shipped outside the City of Richmond." And ADD the following highlighted language: "Employer shall pay its Employees no less than the Intermediate Minimum Wage for each hour worked if Employer derives more than 50% of its income from transactions where the Employer's goods and services are delivered or shipped outside the City of Richmond. In determining whether this 50% threshold is met, the Employer shall only consider operations within the City of Richmond, and the income shall be based on the combined value of goods and services." 3. Change the Employer definition regarding grants as follows: DELETE the following language from current Employer definition in Section 7.108.030 Definitions section, subsection (E): "Any Employer primarily funded by Federal or State grants, reimbursement programs, or vouchers. And ADD the following into the Employee definition in Section 7.108.030 Definitions, subsection (D): 4. An Employee shall not include any Employee that receives 50% or more of his or her income from government grants, reimbursement programs, or vouchers, where the funding agency providing the grants, reimbursement programs, or vouchers specifies the amount of funding being provided for the Employee's compensation." from e-mail, passed by the unanimous vote of the City Council. Mayor McLaughlin stated that revisions to the intent of the language in the definition of "Employer" (7.108.030- C.4) was to ensure that small business

owners were not unreasonably impacted by the minimum wage requirements of this ordinance. The stated intent of the "Intermediate Wage" clause (7.108.040- A6) was likewise to ensure that Richmond-based firms doing most of their business outside of Richmond were not unreasonable at a competitive disadvantage in their industry. In an effort to avoid creating unintended loopholes that large corporations, chains, and other employers that can exploit the language included below in red boxes is to be used.

(11:00 p.m. - A motion by Councilmember Myrick, seconded by Councilmember Rogers, extended the meeting 30 minutes, by the unanimous vote of the City Council).

The amended language is as follows: *Employer" shall mean any person, as defined in Section 18 of the California Labor Code, who directly or indirectly through any other person, including through the services of a temporary employment agency or similar entity, employs or exercises control over the wages, hours or working conditions of any Employee. Employer, however, shall not include any small business Employer who pays for less than 400 hours of Employee labor during a given week, including all persons performing work for compensation on a full-time, part-time, or temporary basis. 800 or more hours of employee labor for the calendar year quarter without being retroactive at all business locations, whether inside or outside of the City of Richmond shall be deemed to be a covered Employer for the entirety of that calendar year quarter. In determining how many hours of Employee labor an Employer pays for all labor performed by businesses with substantial overlapping ownership or control shall be aggregated. Employer shall also not include any Employer that is primarily funded by Federal or State grants, reimbursement programs, or vouchers; and Employers shall pay its Employees no less than the Intermediate Minimum Wage for each hour worked within the geographic boundaries of the City if the Employer derives more than 50% of its income from transactions where goods produced by the Employer in Richmond are delivered or shipped outside the City of Richmond.*

A motion by Mayor McLaughlin, seconded by Councilmember Rogers, introduced said ordinance with the revisions, by the by the unanimous vote of the City Council.

(11:30 p.m. A motion by Councilmember Butt, seconded by Councilmember Myrick, to extend the meeting 15 minutes, to discuss Item M-4, passed with Mayor McLaughlin and Vice Mayor Beckles, voting no).

The matter to introduce an ordinance of the Richmond City Council amending Chapter 3.20, Section 3.20.080 of the Richmond Municipal Code, Powers and Duties of the Planning Commission, to establish new procedures for matters previously considered and decided by the City Council was presented. The following individuals gave comments: Katrinka Ruk, Marilyn Langlois and Gerrold Hatchett.

(11:45 p.m. A motion by Councilmember Boozé, seconded by Councilmember Rogers, to extend the meeting to discuss Item M-,1 failed with Mayor McLaughlin voting no, and Councilmembers Beckles and Butt absent).

COUNCIL AS A WHOLE

CONTINUED to the June 17, 2014, City Council meeting to discuss and direct staff to provide a report on which entity of the project design team is responsible to ensure ADA compliance associated with the Richmond Civic Center Project.

CONTINUED to the June 17, 2014, City Council meeting, the matter to consider and approve suspending matching funds for candidates at the November 4, 2014, election. All departments have taken a mandatory 17% reduction in their budgets to assist in closing the City's deficit, and Council approval of suspending matching funds for the November 2014 election will assist in closing the current deficit.

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 11:51 p.m. in memory of Yuri Cochiamma and Maya Angelou to meet again on Tuesday, June 17, 2014, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor