

RICHMOND, CALIFORNIA, July 2, 2013

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

ROLL CALL

Present: Councilmembers Beckles, Butt, Rogers, and Mayor McLaughlin. **Absent:** Councilmembers Bates, Myrick, and Vice Mayor Boozé. (Councilmember Boozé arrived at 5:12 p.m., Councilmember Myrick arrived at 5:14 p.m., and Councilmember Bates arrived after the City Council adjourned to Closed Session).

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):

Chevron vs. Contra Costa County (2)

City of Brentwood vs. Contra Costa County

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

One Case

The following individuals gave comments:

Juan Reardon stated his concern about Chevron's impact on the City of Richmond. Mr. Reardon stated that Chevron sued the City of Richmond a few years ago over property taxes, and that Richmond residents' health was in jeopardy because of Chevron.

Mike Parker stated that it was his belief that the Chevron matter was over property taxes. Mr. Parker stated that Chevron should be specific regarding the property tax issue and urged the City of Richmond to avoid negotiating a settlement with the County behind closed doors.

The Evening Open Session adjourned to Closed Session at 5:18 p.m. The Closed Session adjourned at 7:21 p.m.

The Regular Meeting of the Richmond City Council was called to order at 7:24 p.m. by Mayor McLaughlin who led the Pledge of Allegiance to the Flag.

ROLL CALL

Present: Councilmembers Bates, Butt, Myrick, Rogers, Vice Mayor Boozé, and Mayor McLaughlin.
Absent: Councilmember Beckles arrived at 7:26 p.m.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Items G-8 and G-9 were removed from the Consent Calendar and will be heard at the end of the meeting. The following items will be discussed immediately following the approval of the Consent Calendar: Items G-13 and G-14. Councilmember Rogers requested to continue Item G-9 to July 16, 2013; Councilmember Beckles requested to continue Item H-1 to July 16, 2013; and Councilmember Bates requested to continue Item I-3 to July 16, 2013. *A motion was made by Councilmember Butt, seconded by Councilmember Rogers to reconvene Closed Session after conclusion of the entire City Council Agenda. A substitute motion was made by Vice Mayor Boozé, seconded by Councilmember Bates to continue with the City Council Agenda as set without adjourning to Closed Session at the end of the agenda. The substitute*

motion failed by the following vote: Ayes: Councilmember Bates, Vice Mayor Boozé, and Mayor McLaughlin. Noes: Councilmembers Butt, Rogers, Beckles, Myrick. The original motion made by Councilmember Butt, seconded by Councilmember Rogers to reconvene Closed Session after conclusion of the entire City Council Agenda was approved by the following vote: Ayes: Councilmember Beckles, Butt, Myrick, Rogers, and Mayor McLaughlin. Noes: Councilmember Bates and Vice Mayor Boozé. Abstentions: None. Absent: None.

**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.

OPEN FORUM FOR PUBLIC COMMENT

Antwon Cloird spoke against the City Council's decision to hire a consultant to evaluate City Clerk Diane Holmes' performance in order to determine if she was worthy of a raise. He stated that the City Council should know what Ms. Holmes does and should not waste tax-payers' money for an out-side consultant to explain to the City Council know what Ms. Holmes duties are. Mr. Cloird encouraged the City Council to give Diane Holmes a raise. He also stated that the June 25, 2013, City Council Meeting was a disgrace and that the City Council must respect the residents in order to receive respect.

Reggie Russell stated that the City Council was programming Richmond residents to fail. He also stated that the City Council cannot break every law in the book without repercussions.

Jackie Thompson addressed her comments to Mayor McLaughlin and Councilmember Beckles. Ms. Thompson gave an account of the incident that took place at the June 25, 2013, City Council Meeting. She expressed disappointment that Mayor McLaughlin did

not have the individual that approached her in a threatening manner removed from the Council Chambers, but instead allowed her to remain in the Council Chambers.

Pam Bilbo gave comments regarding the proclamation presented at the June 25, 2013, City Council Meeting recognizing June 2013 as Lesbian, Gay, Bi-Sexual, Transgender, Queer, and Questioning - Pride Month in the City of Richmond, and the display of the Gay Pride Flag. Ms. Bilbo stated that she agrees with Councilmember Bates' suggestions to add an additional flag pole for honoring different cultures and special events. She also stated that she has no hate in her heart for the gay community; however, she does hate the thought of same-sex sexual interactions.

Johnny Holmes stated that he was disappointed with the City Council for not approving funds to support the Richmond Half Steppers, and for not giving City Clerk Diane Holmes a raise for over eight years.

Mark Wassberg gave comments regarding homosexuality.

Wesley Ellis gave comments regarding his displeasure with Councilmembers Myrick and Beckles.

The City Council Meeting was in recess at 7:55 p.m. and reconvened at 8:00 p.m. The City Council Meeting was in recess at 8:00 p.m. and reconvened at 8:05 p.m. with Councilmembers Myrick and Rogers absent. Councilmember Myrick and Rogers arrived at 8:09 p.m.

The following individuals encouraged the City Council to reconsider supporting the Richmond Half Steppers: William Jones, Sevgi Fernandez, Jameelah Muwakkil, and Shé Massinnissa.

Silvia Ledezma stated that the Perry's Super Save Market on 23rd Avenue and Maricopa Avenue apply hidden fees for services.

Alex Degorgio gave an update on the Marin

Clean Energy enrollment.

Texanita Bluitt encouraged the City Council to support the Richmond Half Steppers. She also stated that changing zoning to fit specific businesses will lead to trouble. Ms. Bluitt also stated that the City of Richmond owes City Clerk Diane Holmes appreciation and money.

Sims Thompson encouraged the City Council to address the safety issues at Carlson Boulevard and Cutting Boulevard.

Don Gosney stated that it took the City Council 52 minutes to begin the Regular City Council Meeting scheduled to begin at 6:30 p.m. Mr. Gosney stated that the City Council should respect the citizens of Richmond and begin its meeting on time.

Aisha Hall stated that the behavior of Councilmember Beckles was disheartening.

Michael Parker stated that he believes that most people in Richmond believe that the Supreme Court's ruling for marriage equality was a giant step forward for everyone. He stated that individuals complaining about the pride flag are missing the big picture and should be more concerned with the court's ruling to abolish the voting rights act and ruling that drug companies cannot be sued for defects in its drugs. Mr. Parker stated that it was time oppressed groups stop fighting against each other and unit to fight injustices.

CITY COUNCIL CONSENT CALENDAR

On motion of Councilmember Butt seconded by Councilmember Rogers all items marked with an (*) were approved by the unanimous vote of the Council.

*-Adopted **Resolution No. 65-13** authorizing placement of liens and special assessments for unpaid garbage collection service fees on County property tax records.

*-Approved the placement of a memorial plaque

on a bench in Civic Center Plaza in recognition of the late Eula M. Barnes as the first female and first African-American City Clerk for the City of Richmond.

*-Approved a contract with the Oakland Private Industry Council to be the contracting/ vendor pay agent for individual training accounts and on-the-job training activities for the Workforce Investment Act Program participants, in an amount not to exceed \$99,000, and a contract term July 2, 2013, through June 30, 2014.

*-Approved international travel by Employment and Training Department staff member Nicholas Alexander for participation in a workshop in Rio de Janeiro, Brazil, July 7-13, 2013, with all travel expenses covered by the US Environmental Protection Agency.

*-Adopted **Ordinance No. 10-13 N.S.** setting the tax rate for the Tax Override Pension Fund for Fiscal Year 2013-2014 at 0.14%.

*-Approved an emergency contract with Bay Hawk, Inc. to install 24 upgraded electrical traffic rated boxes, to replace existing vandalized electrical boxes on Kelsey Street from Alamo Avenue to Vernon Avenue to restore street lighting to the area, in an amount not to exceed \$15,000.

*-Approved the following re-appointment:
Planning Commission: Sheryl Lane, incumbent, term ending June 30, 2015.

The matter to adopt a single-use bag ordinance (second reading) that will: (1) prohibit the distribution of single-use plastic bags at point of sale by retail establishments; and (2) require retail establishments to charge all customers a fee of 5-10 cents for each paper bag distributed at point of sale to the customer; and adopt amendments to the food ware ordinance that will: (1) prohibit the retail sale of polystyrene foam products; (2) revise allowable food ware; (3) provide for the issuance of an administrative citation immediately following a violation of this chapter; and (4) include other technical revisions was **continued to July 16, 2013.**

The matter to direct the city attorney to draft revisions to our graffiti abatement ordinance to increase the penalties for repeated non-compliance on property within 200 feet of I-580 and I-80 **was continued to July 16, 2013.**

*-Approved the minutes of the May 28, 2013, Special City Council Meeting.

*-Acknowledged receipt of the City of Richmond's Comprehensive Annual Financial Report for the fiscal year ended June 30, 2012.

*-Approved a contract with Bay Hawk, Inc. to construct an ADA compliant pathway and picnic pad at Point Molate Beach Park in an amount not to exceed \$18,360, as part of the effort to reopen the park facility to the public. The term of the contract is June 19, 2013, to December 31, 2013.

The matter to approve a legal services agreement with Trisha A. Aljoe in the amount of \$175,000 to provide continued legal services with respect to the Police Department in connection with Code Enforcement activities, drug house abatement matters, and general legal matters, from July 1, 2013, through June 30, 2014, was presented by City Attorney Bruce Reed Goodmiller and Police Chief Chris Magnus. Michael Parker gave comments. A motion made by Councilmember Beckles, seconded by Mayor McLaughlin to end debate failed by the following vote: **Ayes:** Councilmembers Beckles, Butt, and Mayor McLaughlin. **Noes:** Councilmembers Bates, Rogers, and Vice Mayor Boozé. **Abstentions:** None. **Absent:** Councilmember Myrick. (*The City Council recessed at 9:04 p.m. and reconvened at 9:09 p.m.*) On motion of Councilmember Beckles, seconded by Councilmember Butt approved a legal services agreement with Trisha A. Aljoe by the following vote: **Ayes:** Councilmembers Beckles, Butt, Rogers, and Mayor McLaughlin. **Noes:** Councilmember Bates and Vice Mayor Boozé. **Abstentions:** None. **Absent:** Councilmember Myrick.

The matter to approve a one-year contract

extension to participate in the State of California rental vehicle program with Enterprise Holdings Incorporated, in an amount not to exceed \$173,000, from July 1, 2013, to June 30, 2014, was presented by Police Chief Chris Magnus. Sims Thompson gave comments. A motion was made by Vice Mayor Boozé, seconded by Councilmember Myrick to approve the contract and direct staff to submit an accounting report of the vehicle program, to include tracking of cars, and all unspent funding would return to the general fund. Councilmember Bates offered a friendly amendment to include in the report the average cost for various vehicles. The friendly amendment was accepted and the City Council approved a one-year contract extension to participate in the State of California rental vehicle program with Enterprise Holdings Incorporated by the unanimous vote of the City Council.

ORDINANCES

The matter to introduce an ordinance (first reading) adding Chapter 2.65 to the Richmond Municipal Code entitled "Ban the Box" requiring any contractor, lessee, recipient of financial aid or their subcontractors to refrain from any inquiries regarding employment applicants' prior criminal convictions **was continued to July 16, 2013.**

COUNCIL AS A WHOLE

The matter to discuss and provide direction to staff regarding items placed on the City Council Agenda was presented by Vice Mayor Boozé and Councilmember Bates. Wesley Ellis, Bea Roberson, and Michael Parker gave comments. ***During Michael Parker's comments the City Council recessed at 9:51 p.m. and reconvened at 9:54 p.m.*** When the City Council reconvened, Mr. Parker concluded his comments. A motion was made by Vice Mayor Boozé, seconded by Councilmember Bates to coordinate a retreat to discuss this item. The motion failed by the following vote: **Ayes:** Councilmembers Rogers, Bates, and Vice Mayor Boozé. **Noe:** Councilmembers Beckles, Butt, and Mayor McLaughlin. **Abstention:** Councilmember Myrick. **Absent:** None.

The matter to discuss and provide direction to staff regarding complaints from PG&E rate payers experiencing difficulty with opting out of the Marin Clean Energy Program was presented by Vice Mayor Boozé. Councilmember Butt requested that individuals forward concerns to him or directly to MCI Representative Alex DiGiorgio at (415) 464-6031. Sims Thompson, Bea Roberson, and Michael Parker gave comments.

The matter to receive a presentation and provide direction to staff regarding the coordination of a retreat for the Richmond City Council was **continued to July 16, 2013.**

The City Council recessed at 10:47 p.m. and reconvened at 10:49 p.m.

The matter to consider amending the City Council Meeting procedures to make Council meetings more accessible for the public and more efficient by: (1) instituting a three-month pilot program of having timed items; (2) moving advisory items to the third Tuesday meeting; and by (3) having a special period near the start of the meeting to discuss all items held over from the last meeting was presented by Councilmember Rogers. Bea Roberson and Don Gosney gave comments. Discussion began. ***(At 11:05 p.m. on motion of Councilmember Butt, seconded by Councilmember Rogers extended the meeting to 11:30 p.m. with Councilmember Bates and Vice Mayor Boozé voting Noe).*** Discussion ensued. ***The City Council recessed at 11:21 p.m. and reconvened at 11:26 p.m.*** A motion was made by Councilmember Rogers, seconded Councilmember Butt to approve Number (2) moving advisory items to the third Tuesday meeting except time-sensitive items. The motion passed by the following vote: **Ayes:** Councilmembers Bates, Beckles, Butt, Myrick, Rogers, and Mayor McLaughlin. **Noes:** Vice Mayor Boozé. **Abstentions:** None. **Absent:** None. A motion was made by Councilmember Rogers, seconded by Councilmember Myrick to approve Number (1). ***(At 11:35 p.m. on motion of Councilmember Rogers, seconded by Councilmember***

Butt suspended the rules and extended the meeting to complete the current item by the following vote:

Ayes: Councilmembers Bates, Beckles, Butt, Rogers, Myrick, and Mayor McLaughlin. Noes: Vice Mayor Boozé. Abstentions: None. Absent: None.) The motion by Councilmember Rogers, seconded by Councilmember Myrick to approve Number (1) instituting a three-month pilot program of having timed items was approved by the following vote: **Ayes:** Councilmembers Bates, Butt, Myrick, Rogers, and Vice Mayor Boozé. **Noes:** Councilmember Beckles and Mayor McLaughlin. **Abstentions:** None. **Absent:** None.

The City Council recessed at 11:44 p.m. to Closed Session, Councilmember Bates was Absent.

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

None.

ADJOURNMENT

The City Council reconvened in Open Session at 12:03 a.m. with no reportable final actions, Councilmember Bates was Absent.

There being no further business, the meeting adjourned at 12:03 a.m., to meet again on Tuesday, July 16, 2013, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor

