

RICHMOND, CALIFORNIA, July 23, 2013

The Richmond City Council Evening Open Session was called to order at 5:08 p.m.

ROLL CALL

Present: Councilmembers Bates, Butt, Vice Mayor Boozé, and Mayor McLaughlin. **Absent:** Councilmembers Beckles, Myrick, and Rogers (Councilmember Rogers arrived at 5:06 p.m., and Councilmembers Beckles and Myrick 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

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957.6):

The City Clerk

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

One Case

Naomi Williams thanked the City Council for reconsidering the city clerk's performance evaluation.

Jackie Thompson thanked the City Council for reconsidering the city clerk's performance evaluation. Ms. Thompson also stated that she has not had any contact with the City Attorney's Office regarding her concern for the lack of information reported on previous cases that have appeared on the City Council Agenda.

The Evening Open Session adjourned to Closed Session at 5:10 p.m. The Closed Session adjourned at 6:25 p.m.

The Regular Meeting of the 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, Beckles, Butt, Myrick, Rogers, Vice Mayor Boozé, and Mayor McLaughlin. **Absent:** None.

Mayor McLaughlin announced that she would place an item on the next City Council Agenda urging Attorney General Holder to prosecute the civil rights violations in the Trayvon Martin case.

Mayor McLaughlin also encouraged the City Council to adhere to the City Council Meeting Rules and Procedures, specifically Section VI.C.3, in order to expedite the meeting in a timely and effective manner.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Withdrew Item F-3 and J-2 from the Agenda. *The City Council was in recess at 6:40 p.m. due to a large protest and reconvened at 6:44 p.m. The City Council was in recess at 6:46 p.m. and reconvened at 6:51 p.m. The City Council recessed at 6:52 p.m. and reconvened at 6:54 p.m. The City Council Chambers was cleared at 6:55 p.m. and reconvened at 7:13 p.m.*

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

City Attorney Bruce Reed Goodmiller stated

that the City Council voted unanimously to sign an agreement with Cotchett, Pitre & McCarthy, LLP, and directed Cotchett, Pitre & McCarthy, LLP to file a complaint against Chevron.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Continued to July 30, 2013, the matter to present a proclamation welcoming Grocery Outlet Bargain Market to Richmond.

Mayor McLaughlin, Teen Librarian Angela Cox, and Library Director Katy Curl presented the 14th Annual S.A.T. Scholarships at the July 23, 2013, City Council Meeting. The scholarships were established by the Richmond Public Library and the Friends of the Richmond Public Library to assist with the education and development of West Contra Costa youth. Madeleine Lipson and Genevieve Simmons were both awarded a \$1,500 scholarship. Ms. Lipson will attend the University of Oregon this fall and Ms. Simmons will attend Yale University. Both recipients are recent graduates of El Cerrito High School.

Withdrew from the agenda a proclamation commending Chevron and the Contra Costa County Building and Construction Trade Union for entering into a Project Labor Agreement for the proposed Chevron Refinery Revised Renewal Project.

OPEN FORUM FOR PUBLIC COMMENT

Antwon Cloird stated that the City Council does not support or rally around the citizens of Richmond.

The City Council was recessed at 7:26 p.m. and reconvened at 7:27 p.m. The City Council was recessed at 7:28 p.m. and reconvened at 7:29 p.m.

Sims Thompson stated he was disgusted with the decision to clear the Chambers. Mr. Thompson urged the City Council to be professional in their actions to take care of the City of Richmond business.

Andres Sotó congratulated Mayor McLaughlin for taking the actions necessary to establish order in the Chambers. Mr. Soto urged citizens to join the March on Chevron, August 3, 2013, 10:00 a.m. starting from the Richmond Bart Station. He also announced that on August 6, 2013, a memorial event would take place in the Richmond Civic Center Plaza to commemorate the citizens that needed medical attention due to the Chevron Refinery fire.

William Jones spoke in support of the Richmond Half-Steppers and Coach Johnny Holmes.

Juan Reardon gave comments regarding bullying.

Pam Bilbo stated that tonight Councilmember Beckles gave sarcastic remarks, and she bullied, and picked at individuals. Ms. Bilbo stated that the City Council should take care of business with tax payer's money. Ms. Bilbo also stated that the City Council should focus on jobs and crime and stop focusing on the gay flag.

Don Gosney stated that the "Ban the Box" item was placed on the agenda as one item when it was actually three separate items, and the time allowed for the public to speak on the item was not acceptable. Mr. Gosney also stated that the city needs to improve there needs to be a better by the City to show transparency.

Mark Wassberg stated that you cannot buy tote bags with food-stamps.

City Clerk Diane Holmes read a statement from Mary Ann Hill regarding the poor conditions of the streets in Richmond Village as well as other streets in poor condition.

David Gensinger stated that citizens should listen to the words of each current City Councilmember to determine what they want the future City Council to look like.

Jackie Thompson stated that she has not seen any relief in the City leadership dealing with the two incidents she was involved in the Chambers. Ms. Thompson stated that bullying at its best was done from the dais by Councilmember Beckles. She stated that she has still not received an apology from Councilmember Beckles.

Michael Beer stated there was good news in the East Bay Express Annual July 2013 issue listing the City of Richmond “The Best of the Bay.” Mr. Beer also stated that the City of Richmond was awarded nine top prizes by the editors.

Michael Parker stated that the discussion regarding the LGBTQ bashing held during the Monday, July 22, 2013, Human Rights and Human Relations Commission Meeting was a successful. He also gave comments regarding the events that took place in the City Council Chambers tonight. Mr. Parker also stated that there was rage in the African American community which stems from the Trayvon Martin case.

Eduardo Martinez gave comments regarding the July 22, 2013, Human Rights and Human Relations Commission Meeting. Mr. Martinez also stated that citizens were waiting to receive \$5 for addressing the City Council.

City Clerk Diane Holmes read the following statement from Owen Martin: “ban the box in initial applications only.”

Tajmah Vaughn gave comments regarding support of the Black community with jobs. She also stated that she was interested in starting a business and requested a fair opportunity.

COUNCIL AS A WHOLE

The matter to receive a presentation and provide direction to staff regarding the coordination of a retreat for the Richmond City Council was presented by Councilmember Bates and Council Intern Teona Galloway. The presentation included a PowerPoint

Presentation which highlighted the benefits of a retreat. The following individuals gave comments: Naomi Williams, Jackie Thompson, Viney Pimple, Don Gosney, Bea Roberson, and Michael Parker. A motion was made by Councilmember Butt, seconded by Councilmember Rogers to direct staff to schedule a retreat in October 2013 with the city manager facilitating and staff to come up with topics and also solicit input from the public. Councilmember Butt changed his motion to direct the city manager to retain an outside facilitator and Councilmember Rogers withdrew his second. Councilmember Beckles seconded the motion made by Councilmember Butt. The motion passed by the unanimous vote of the Council.

ORDINANCES

The matter to introduce an ordinance for first reading adding Chapter 2.65 to the Richmond Municipal Code entitled "Ban the Box" requiring any contractor or their subcontractors, lessee, and recipient of financial aid to refrain from any inquiries regarding employment applicants' prior criminal convictions was presented by Councilmember Beckles. The following individuals gave comments: Antwon Cloird, Jackie Thompson, Andres Sotó, Mark Wassberg, Viney Pimple, Don Gosney, Michael Parker, Melvin Willis, Eduardo Martinez, Reverend Charles Newsome, LaVern Vaughn, Adam Kruggel, Eli Moore, Clarence Ford, Reverend Donnell Jones, Anita Clothier, Tamisha Walker, David Gesinger, Martin Owen did not wish to speak, however, he left a statement against supporting this ordinance, Margaret Jordan, Doria Robinson, Dameion King, Najari Smith, Lawrence Robinson, and Stephanie Hervey. *(At 11:00 p.m. a motion was made by Councilmember Beckles, seconded by Councilmember Myrick to extend the meeting to 11:30 p.m. A substitute motion made by Vice Mayor Booze to extend the meeting to finish the current item failed for lack of a second. The original motion passed by the unanimous vote of the City Council).* A motion was made by Councilmember Beckles, seconded by Councilmember Myrick to approve the proposed ordinance Version No. 1 for first reading.

Councilmember Rogers requested a friendly amendment to allow the city manager or his designee authorization to make administrative changes to the list of sensitive positions rather than return to the City Council. The friendly amendment was not accepted. *(At 11:30 p.m. on motion of Mayor McLaughlin, seconded by Councilmember Myrick extended the meeting just for the vote passed with Councilmember Bates voting Noe).* A substitute motion made by Councilmember Butt, seconded by Councilmember Bates to modify Section 2.65.040 of the ordinance, to make it more consistent with the practices of other cities that have adopted such policies, and with the United States Equal Employment Opportunity Commission Guidance Documents regarding the use of arrest or conviction records in employment decisions failed by the following vote: **Ayes:** Councilmembers Bates and Butt. **Noes:** Councilmembers Beckles, Myrick, Rogers, Vice Mayor Booze, and Mayor McLaughlin. **Abstentions:** None. **Absent:** None. The original motion to approve the proposed ordinance Version No. 1 for first reading passed by the following vote: **Ayes:** Councilmembers Bates, Beckles, Myrick, Rogers, Vice Mayor Booze, and Mayor McLaughlin. **Noes:** Councilmember Butt. **Abstentions:** None. **Absent:** None.

STUDY AND DIRECTION TO STAFF SESSION

Continued to July 30, 2013, the matter to receive a presentation and report from the National Research Center on the City of Richmond's 2013 Community Survey results, and provide direction to staff as appropriate.

Withdrew from the Agenda the matter to receive a presentation from Social Innovative Concepts and provide direction to staff regarding the proposed 2013 Blair Underwood Behind the Curtain Project.

Continued to July 30, 2013, 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.

Continued to July 30, 2013, the matter to discuss findings and adopt a resolution expressing concerns about hazardous conditions at the Chevron Richmond refinery and direct staff, including the Building Official and Fire Marshal, to immediately begin work to verify evidence to determine whether dangerous or unsafe conditions exist, and, if verified, to proceed expeditiously in accordance with all City and State laws.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:47 p.m., in memory of Mildred Hooper and Joann King to meet again on Tuesday, July 30, 2013, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor