

RICHMOND, CALIFORNIA, May 13, 2014

The Special Meeting of the Richmond City Council was called to order at 6:34 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 at 6:35 p.m.

Mayor McLaughlin restated that the new rules adopted by the City Council for pulling items from the Consent Calendar are: Individuals must first speak with staff sponsoring the item in an effort to address their concerns. If the individual still wants to pull the item, it was a preference, not a requirement, of the City Council that individuals have staff sign their Speaker's Card prior to handing the card to the city clerk. Individuals may also reach staff by phone. This new rule also applies to the City Council.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Removed Items E-2 and E-3 from the Continued Consent Calendar; withdrew Item E-9 from the agenda; and continued Item E-14 to May 20, 2014.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

-CONTINUED CONSENT CALENDAR

The following items were requested to be removed from the Consent Calendar for discussion.

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, was presented by Public Works Director Yader Bermudez. Jackie Thompson gave comments. A motion was made by Councilmember Bates, seconded by Councilmember Butt to approve a two-year contract with D.M.G. Janitorial Services for restroom cleaning services. A substitute motion made by Councilmember Boozé, seconded by Councilmember Myrick to hold the item over until the budget was approved failed by the following vote: **Ayes:** Councilmembers Boozé and Myrick. **Noes:** Councilmembers Bates, Butt, Rogers, Vice Mayor Beckles, and Mayor McLaughlin.

Abstentions: None. **Absent:** None. The original motion made by Councilmember Bates, seconded by Councilmember Butt to approve a two-year contract with D.M.G. Janitorial Services for restroom cleaning services passed by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Vice Mayor Beckles, and Mayor McLaughlin. **Noes:** Councilmembers Boozé and Myrick. **Abstentions:** None. **Absent:** None.

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, was presented by Public Works Director Yader Bermudez. Jackie Thompson gave comments. A motion was made by Vice Mayor Beckles, seconded by Mayor McLaughlin to approve a two-year contract with Bernardini Enterprises Inc. A substitute motion by Councilmember Boozé that all parks must get the same service died for lack of a second. The original motion passed by the following vote: **Ayes:** Councilmembers Bates, Butt, Rogers, Vice Mayor Beckles, and Mayor McLaughlin. **Noes:** Councilmembers Boozé and Myrick. **Abstentions:** None. **Absent:** None.

-CONTINUED RESOLUTIONS

The matter to adopt a resolution to refer to the Planning Commission Consideration of Revocation for an electronic sign at Pacific East Mall, and direct the Planning Commission to conduct a revocation hearing for the previous approval of the electronic billboard LED sign at Pacific East Mall was presented by Councilmember Butt, Planning Director Richard Mitchell, and Planner Lori Reese-Brown. Discussion began. A motion by Councilmember Butt, seconded by Vice Mayor Beckles to end debate, hear from the public, and vote failed by the following vote: **Ayes:** Councilmembers Butt, Vice Mayor Beckles, and Mayor McLaughlin. **Noes:** Councilmembers Bates, Myrick, Boozé, and Rogers. Discussion continued. **Abstention:** None. **Absent:** None. *(The City Council recessed at 8:04 p.m. and reconvened at 8:09 p.m. with the entire City Council present. The City Council recessed at 8:09 p.m. and reconvened at 8:15 p.m.; recessed again at 8:16 p.m. and reconvened at 8:17 p.m. with Councilmember Rogers absent. Councilmember Rogers arrived at 8:18 p.m.)* The following individuals gave comments: Don Gosney, Sims Thompson, Luella Hill-Dudley, Pam Bilbo, Annie King-Meredith, Terry Long, Curtis Reese, Bea Roberson, Eleanor Thompson, and Garland Ellis. A motion by Councilmember Myrick to table the entire discussion until a decision was made on the sign ordinance died for lack of a second. *(The City Council recessed at 9:09 p.m. and reconvened at 9:14 p.m. The City Council recessed at 9:16 p.m. and reconvened at 9:19 p.m. with*

Councilmember Rogers absent. Councilmember Rogers arrived at 9:20 p.m.) Councilmember Boozé requested an original copy of the planning documentation regarding the electronic sign at Pacific East Mall with Mr. Mitchell's signature within the next six months. A motion by Councilmember Butt, seconded by Vice Mayor Beckles to adopt a resolution to refer to the Planning Commission Consideration of Revocation for an electronic sign at Pacific East Mall, and direct the Planning Commission to conduct a revocation hearing for the previous approval of the electronic billboard LED sign at Pacific East Mall. A substitute motion by Councilmember Myrick, seconded by Councilmember Bates to table the entire discussion until a decision was made on the sign ordinance failed with by the following vote: **Ayes:** Councilmember Bates, Boozé, and Myrick. **Noes:** Councilmembers Butt, Rogers, Vice Mayor Beckles, and Mayor McLaughlin. **Abstentions:** None. **Absent:** None. A friendly amendment by Councilmember Rogers to stipulate that if the Planning Commission determined that the sign was erected illegally, the most drastic consequence would be that the sign would be limited to advertising for Richmond businesses only was accepted. Councilmember Butt restated the motion to adopt a resolution to refer to the Planning Commission Consideration of Revocation for an electronic sign at Pacific East Mall, and direct the Planning Commission to conduct a revocation hearing for the previous approval of the electronic billboard LED sign at Pacific East Mall to determine if the sign was erected illegally, with advice to the Planning Commission that if they determine that the sign was erected illegally, the most drastic resolution would be that the sign would be limited to advertising for Richmond businesses and charitable events in Richmond only. The motion passed and **Resolution No. 38-14** was adopted by the following vote: **Ayes:** Councilmembers Butt, Rogers, Vice Mayor Beckles, and Mayor McLaughlin. **Noes:** Councilmember Bates, Boozé, and Myrick. **Abstentions:** None. **Absent:** None.

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 was presented by Vice Mayor Beckles. Human Resources Management Director Lisa Stephenson and Assistant City Attorney Bruce Soublet gave comments. Jackie Thompson and Bea Roberson gave comments. A motion was made by Vice Mayor Beckles, seconded by Mayor McLaughlin to adopt a resolution amending Richmond's Policy Against Workplace Harassment. Councilmember Butt offered a friendly amendment to indicate that changes were subject to meet and confer with the unions and modify language in number three of the final paragraph of the resolution to insert after the word manner the phrase "consistent with allowing for an adequate investigation." The amendment to insert the language

was accepted. **Resolution No. 39-14** was adopted by the following vote: **Ayes:** Councilmembers Butt, Myrick, Rogers, Vice Mayor Beckles, and Mayor McLaughlin. **Noes:** Councilmembers Bates and Boozé. **Abstentions:** None. **Absent:** None.

The matter to adopt a resolution to protect the Coastal Prairie at the Richmond Field Station was presented by Vice Mayor Beckles. The following individuals gave comments: Patricia Jones, Eduardo Martinez, Jim Hanson, and Norman La Force. A motion was made by Vice Mayor Beckles, seconded by Councilmember Myrick to adopt a resolution to protect the Coastal Prairie at the Richmond Field Station. Councilmember Butt suggested adding signage stating that the portion of Lark Drive crossing the Coastal Prairie was limited to pedestrian and bicycle use. A friendly amendment to the resolution by Mayor McLaughlin adding in the second paragraph after restored “and clean up where necessary” was accepted. The second paragraph of the resolution should now read “WHEREAS, the California Native Plant Society, Golden Gate Audubon Society, Sierra Club, and Citizens for East Shore Parks, and SPRAWLDEF and Richmond environmental activists have urged that this prairie be protected, restored, and clean up where necessary, and enhanced where feasible as one contiguous and integral prairie.” A substitute motion by Councilmember Bates, seconded by Councilmember Boozé to continue the item until after the study session failed by the following vote: **Ayes:** Councilmembers Bates and Boozé. **Noes:** Councilmembers Butt, Myrick, Rogers, Vice Mayor Beckles, and Mayor McLaughlin. **Abstentions:** None. **Absent:** None. The original motion passed and **Resolution No. 40-14** was adopted by the following vote: **Ayes:** Councilmembers Butt, Myrick, Rogers, Vice Mayor Beckles, and Mayor McLaughlin. **Noes:** Councilmembers Bates and Boozé. **Abstentions:** None. **Absent:** None.

-CONTINUED ORDINANCES

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. *(At 10:55 p.m. a motion was made by Councilmember Rogers, seconded by Councilmember Myrick to extend the meeting to 11:30 p.m. A substitute motion made by Councilmember Boozé, seconded by Vice Mayor Beckles to extend the meeting to 11:15 p.m. failed by the following vote: Ayes: Councilmembers Bates, Boozé, and Vice Mayor Beckles. Noes: Councilmembers Butt, Myrick,*

Rogers, and Mayor McLaughlin. Abstentions: None. Absent: None. An amendment made by Councilmember Bates to the original motion made by Councilmember Rogers, seconded by Councilmember Myrick to extend the meeting until midnight required a super majority and failed by the following vote: Ayes: Councilmembers Bates, Myrick, Rogers, and Mayor McLaughlin. Noes: Councilmembers Butt, Boozé, and Vice Mayor Beckles. Original motion made by Councilmember Rogers, seconded by Councilmember Myrick to extend the meeting to 11:30 p.m. passed by the following vote: Councilmembers Bates, Boozé, Myrick, Rogers, Vice Mayor Beckles, and Mayor McLaughlin. Noes: Councilmember Butt. Abstentions: None. Absent: None.) Councilmember Rogers gave an overview of the item. Bea Roberson gave comments. Vice Mayor Beckles suggested including language that candidates can start fundraising April 1. A motion was made by Councilmember Rogers 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. Councilmember Bates stated that he would place an item on the agenda to suspend all taxpayer dollars for matching funds. Councilmember Boozé requested a friendly amendment to suspend the matching funds until the City was in a better financial situation. Councilmember Rogers did not accept the amendment. A substitute motion was made by Councilmember Bates, seconded by Councilmember Boozé to accept the original motion and suspend matching fund for the 2014 campaign period due to the City's financial situation. The substitute motion failed by the following vote: **Ayes:** Councilmembers Bates and Booze. **Noes:** Councilmembers Butt, Myrick, Rogers, Vice Mayor Beckles, and Mayor McLaughlin. **Abstentions:** None. **Absent:** None. A motion to end debate made by Vice Mayor Beckles, seconded by Councilmember Rogers passed by the following vote: **Ayes:** Councilmembers Butt, Rogers, Vice Mayor Beckles, and Mayor McLaughlin. **Noes:** Councilmembers Bates, Boozé, and Myrick. **Abstentions:** None. **Absent:** None. The original motion passed by the following vote: **Ayes:** Councilmembers Bates, Butt, Myrick, Rogers, Vice Mayor Beckles, and Mayor McLaughlin. **Noes:** Councilmember Boozé. **Abstentions:** None. **Absent:** None.

-CONTINUED COUNCIL AS A WHOLE

Continued to May 20, 2014, the matter 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.

Withdrew from the agenda 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.

The matter to establish a hiring freeze of new and vacant positions until a balanced budget is approved was presented by Councilmember Bates. A motion was made by Councilmember Bates, seconded by Councilmember Boozé to establish a hiring freeze of new and vacant positions until a balanced budget was approved. Discussion began. On motion of Councilmember Boozé, seconded by Councilmember Bates ended debate by the unanimous vote of the City Council. The motion by Councilmember Bates, seconded by Councilmember Boozé to establish a hiring freeze of new and vacant positions until a balanced budget was approved passed by the following vote: **Ayes:** Councilmembers Bates, Boozé, Myrick, Rogers, and Mayor McLaughlin. **Noes:** Councilmembers Butt and Vice Mayor Beckles. **Abstentions:** None. **Absent:** None.

Continued to May 20, 2014, the matter to receive an update regarding the coordination of a committee to address the concerns of Country Club Vista Homeowners.

Continued to May 20, 2014, the matter to request the mayor to agendaize an appointment or appointments to the Housing Authority Commission on the next City Council agenda.

Continued to May 20, 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 20, 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.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:33 p.m. to meet again on Tuesday, May 20, 2014, at 6:30 p.m.

City Clerk

(SEAL)

Approved:

Mayor