

## **RICHMOND, CALIFORNIA, April 22, 2014**

The Richmond City Council Evening Open Session was called to order at 5:35 p.m. by Vice Mayor Jovanka Beckles.

### **ROLL CALL**

**Present:** Councilmembers Bates, Boozé, Butt, Myrick, and Vice Mayor Beckles. **Absent:** Councilmember Rogers arrived shortly after the City Council adjourned to Closed Session. Mayor McLaughlin arrived at 6:30 p.m. while the Council was still in Closed Session and did not attend.

### **PUBLIC COMMENT**

None.

### **CITY COUNCIL**

The city clerk announced the purpose of the Open Session was for the City Council to hear public comment on the following items to be discussed in Closed Session:

#### **CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section**

**54956.8):** Property: Port of Richmond (Rigger's Loft)

Agency negotiators: Bill Lindsay and Jim Matzorkis

Negotiating party: R&B Cellars

Under negotiation: Price and terms of payment

Property: Port of Richmond Terminal 4

Agency negotiators: Bill Lindsay and Jim Matzorkis

Negotiating party: Recycled Aggregate Product Company (RAPCO)

Under negotiation: Price and terms of payment

There were no public speakers.

The Open Session adjourned to Closed Session at 5:36 p.m. Closed Session adjourned at 6:39 p.m.

The Special Meeting of the Richmond City Council was called to order at 6:49 p.m. by Mayor McLaughlin who led the Pledge of Allegiance to the Flag.

### **ROLL CALL**

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

### **STATEMENT OF CONFLICT OF INTEREST**

Councilmember Myrick stated that he would recuse himself during the discussion and consideration of the emergency item regarding Assembly Bill 2145 due to a conflict of interest.

## AGENDA REVIEW

*Continued to May 6, 2014*, Items I-2 regarding the coordination of a committee to address the concerns of Country Club Vista Homeowners, I-5 regarding the preparation of 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, and I-6 regarding 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.

A motion was made by Councilmember Butt, seconded by Councilmember Rogers to add an emergency item to provide a letter to the legislature in support of Assembly Bill 2145. The motion passed by the following vote: **Ayes:** Councilmembers Butt, Myrick, Rogers, Vice Mayor Beckles, and Mayor McLaughlin. **Noes:** Councilmember Boozé. **Abstentions:** Councilmember Bates. **Absent:** None. Mayor McLaughlin placed the item after Item H-2. A motion was made by Councilmember Boozé, seconded by Councilmember Bates to overturn Mayor McLaughlin's ruling to place the item after Item H-2, and place the emergency item at the end of the agenda. The motion 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. (*Councilmember Myrick stated that he would recuse himself during the discussion and consideration of the emergency item due to a conflict of interest.*)

## PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Mayor McLaughlin read a proclamation recognizing April as National Poetry Month with special honors to high school winners in the 2014 Poetry Out Loud competition. Carlos Leal from Richmond High School, Brenda Quintanilla from Making Waves Academy and Giselle Cariño from Salesian High School, each won the opportunity to perform on the county level. Carlos Leal placed second in the Contra Costa County competition. Sylvia Ledezma gave comments. Brenda Quintanilla performed a poem she wrote.

Mayor McLaughlin and Vice Mayor Beckles presented a certificate of appreciation to the 2014 Environmental Justice Class for its participation in a local environmental justice training for their commitment to learning and civic engagement on the issue of environmental justice in Richmond. Andrés

Soto and Greg Karras gave comments.

Mayor McLaughlin and Vice Mayor Beckles presented a proclamation to Jorge Lerma and Sergio Reyes honoring the 2014 Cinco de Mayo Holiday and Festivities in Richmond. Andrés Soto gave comments.

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

City Attorney Bruce Reed Goodmiller reported that there were no reportable actions. Jackie Thompson gave comments.

**OPEN FORUM FOR PUBLIC COMMENT**

Leonard Taylor gave comments regarding Earth Day.

Sims Thompson stated that the exit from I-80 to Barrett Avenue was dangerous.

Andrés Soto stated that the festival at Point Molate Beach Park, on April 19, 2014, was successful. He also stated that he had the pleasure of playing with the local Latin Jazz Group at the festival. Mr. Soto also stated that he interviewed Tenor saxophonist Howard Wiley on KPFA Radio Station and will interview musician Nathan Wilson. Mr. Soto also spoke about the recent passing of some great musicians.

Naomi Williams announced that the Commission on Aging will hold its Senior Night Out; May 16, 2014, tickets are \$20 and can be purchased at the Recreation Complex on Macdonald Avenue. She also announced that April was the National Council on Alcoholism and Drug Dependence, Inc. Alcohol Awareness Month. Ms. Williams also reported that the right turn arrow on Swan Avenue to Barrett Avenue was dangerous.

Don Gosney gave comments regarding the numerous proclamations Mayor McLaughlin presents on behalf of the City of Richmond without input from the citizens or other City Councilmembers.

Sandi Genser-Maack introduced Isabel Ziggler from the National Park Service. She stated that the Historic Preservation Commission and the National Park Service will present the Annual Historic Preservation Awards, Monday, May 12, 2014, at 5:30 p.m., City Council Chambers, with the reception at Richmond Arts Center. Ms. Genser-Maack also invited everyone to help kick-off the Richmond Public Library Foundation's first Book Lovers Forum, Thursday, May 1, 2014, 6:00 p.m., Courtyard by Marriott.

Jackie Thompson expressed disappointment with an article written by Robert Rogers in the Contra Costa

Times regarding large amounts of money Housing Authority Commissioners spent for travel and conferences. Ms. Thompson stated that the Housing Authority spent the money and Mr. Rogers should retract his statement.

Bea Roberson announced that the Richmond Police Activities League (RPAL) will hold Amateur Boxing Bouts on Saturday, May 10, 2014, 2:00 p.m. at the RPAL building, 2200 Macdonald Avenue – tickets are \$15.

Joseph Puleo thanked those who attended the Point Molate Beach Park Festival on Saturday, April 19, 2014, and Mr. Puleo also thanked Don Gosney for hosting a public tour of the Point Molate Naval Fuel Depot.

Estes Quintanilla gave comments regarding city workers cutting down trees within the city.

Texanita Bluitt gave comments regarding maintaining Doctor's Hospital and encouraged citizens to vote yes on Measure C.

Kathleen Sullivan gave comments in support of Measure C to save Doctor's Hospital. She also announced that the Richmond and Contra Costa Chapter of Black Women Organized for Political Action will host Angela Davis, Tuesday, May 27, 2014, La Revolucion Restaurant, 3190 Klaus Way, 5:30 p.m. to 7:30 p.m., Tickets are \$25. Ms. Sullivan also stated that the late Judge Henry Ramsey will be honored. Call (510) 621-3680 for more information.

Eduardo Martinez thanked the City of Richmond for the Point Molate Beach Park Festival on Saturday, April 19, 2014, and Chevron for donating funds to complete the Bay Trail. Mr. Martinez announced that on Monday, April 28, at 6:30 p.m. in the Multi-purpose Room at 440 Civic Center Plaza, there will be public comment regarding the cleanup of Site Three at Point Molate. He stated that the comment period was open from April 14 through May 12, 2014; residents may send their comments to George Levey, Regional Water Board at 1515 Clay Street, Oakland, California 94612.

Mike Parker gave comments in support of Measure C.

Joselvin Galeas gave comments regarding the accumulation of trash and the effects on the environment. He stated that there should be a system for dumping trash.

### **STUDY SESSION**

In the matter to receive a presentation from Contra Costa College President Dr. Denise Noldon and Contra Costa Community College District Governing Board President John Marquez on the proposed Contra

Costa Community College District Measure E, Mayor McLaughlin gave an overview and introduced Dr. Noldon and Board President Marquez. Board President Marquez requested that the City Council place the proposed Contra Costa Community College District Measure E on the regular agenda to endorse Measure E before the June election. Mayor McLaughlin stated she would place the item on the May 6, 2014, City Council Agenda. Mike Parker gave comments.

The City Council and residents received a presentation by East Bay Municipal Utility District Director Lesa McIntosh concerning the water shortage and EBMUD water supply. Ms. McIntosh's presentation included information regarding the EBMUD's current water supply and the backup drought supply. Ms. McIntosh also suggested that residents and businesses with sprinklers use them in the middle of the night and avoid watering the sidewalks. For information on tips to conserve water, or rebate programs to replace lawns with sustainable landscaping visit [www.ebaymud.com](http://www.ebaymud.com). For individuals with ideas to conserve water, questions, or concerns please call Ms. McIntosh at (510) 287-0404 or (510) 237-2618. Ms. McIntosh suggested EBMUD partner with the City of Richmond to hold workshops regarding the understanding of water.

***Emergency Item:*** The matter to adopt a resolution and send to state legislature in opposition of Assembly Bill 2145 was presented by Councilmember Butt. A motion was made by Councilmember Butt, seconded by Mayor McLaughlin to adopt a resolution and send to state legislature in opposition of Assembly Bill 2145. The following individuals gave comments: Jackie Thompson and Don Gosney. ***(The City Council recessed at 9:31 p.m. and reconvened at 9:39 p.m. with Councilmembers Myrick and Bates absent).*** Speakers continued with: Andres Soto, who spoke in support of the resolution and stated individuals should visit [leginfo.ca.gov](http://leginfo.ca.gov) to learn about legislative bills. He also encouraged individuals to visit [MapLight.com](http://MapLight.com); a nonpartisan research organization that reveals money's influence on politics. Other speakers included: Bea Roberson, and Mike Parker. The motion by Councilmember Butt, seconded by Mayor McLaughlin to adopt a resolution and send to state legislature in opposition of Assembly Bill 2145 passed and **Resolution No. 30-14** was adopted by the following vote: **Ayes:** Councilmembers Butt, Rogers, Vice Mayor Beckles, and Mayor McLaughlin. **Noes:** Councilmembers Bates and Boozé. **Abstentions:** **Absent:** Councilmember Myrick.

### **STUDY AND ACTION SESSION**

The matter to discuss and give direction to staff concerning changing our governing rules to reduce late night, lengthy meetings, which are routinely hurting the City's ability to take care of important business items

was presented by Councilmember Rogers and Councilmember Myrick. The following individuals gave comments: Jackie Thompson, Bea Roberson, and Mike Parker. A motion was made by Councilmember Rogers, seconded by Councilmember Myrick to (1) schedule all items we do not get to at the previous meeting as the first regular item of business after approving Consent Calendar and after Presentations and Proclamations; (2) require anyone (Councilmembers or public) who wants to pull an item off the Consent Calendar to discuss the matter with a City staff person, and to state the name of that staff person when pulling the item. Have a designated staff person available for an hour prior to each meeting in the Council Chambers; (3) limit each Councilmember to 30 minutes of presentations and proclamations each one half year (60 minutes for the Mayor), and enforce our existing five minute time limit, the city clerk will keep track of times used; (4) limit Councilmember questions to staff and to other presenters to real questions, not statements masquerading as questions; and (5) “limit of five minutes per item, for speaking on each agenda item, after each Councilmember has had a turn, the Council would then vote whether to have an additional five minutes. For important issues, a Councilmember would be allowed two special considerations for each meeting and the special consideration will allow a Councilmember an additional five minutes on the topic.” Councilmember Rogers stated that the changes were originally proposed by him and Councilmember Myrick, with Mayor McLaughlin proposing certain amendments which were fairly consistent, not identical, but at least consistent with the direction. Councilmember Rogers stated that the measure which he was supporting along with Councilmember Myrick does reflect all of the changes suggested by Mayor McLaughlin. Councilmember Bates offered a friendly amendment to review the backlog of City Council Agenda items in 30 days, and if there was still a backlog, the City Council will schedule a couple of special meetings to address the backlog of agenda items. The friendly amendment was accepted. A substitute motion was made by Councilmember Boozé, to allow the city clerk, city manager, and city attorney set the agenda in the order items are received. Following discussion it was determined that the agenda was set in the order items were received, and Councilmember Boozé withdrew his substitute motion. The motion passed by the following vote: **Ayes:** Councilmembers Bates, Butt, Myrick, Rogers, and Mayor McLaughlin. **Noes:** Councilmember Boozé. **Abstentions:** None. **Absent:** Vice Mayor Beckles. A motion was made by Councilmember Bates, seconded by Councilmember Boozé to include the city clerk on the finalization of the City Council Agenda. *(At 11:00 p.m. on motion by Councilmember Rogers, seconded by Councilmember Myrick extended the meeting for 30 minutes with Councilmember Butt and Vice Mayor Beckles voting Noe).* A motion by Councilmember Boozé, seconded by Councilmember Bates to end debate failed by the

following vote: **Ayes:** Councilmember Bates, Butt, and Boozé. **Noe:** Councilmember Myrick, Rogers, Vice Mayor Beckles, and Mayor McLaughlin. **Abstentions:** None. **Absent:** None. The motion by Councilmember Bates, seconded by Councilmember Boozé to include the city clerk on the finalization of the City Council Agenda passed by the following vote: **Ayes:** Councilmember Bates, Boozé, Myrick, and Rogers. **Noe:** Councilmember Butt. **Abstentions:** Vice Mayor Beckles, and Mayor McLaughlin. **Absent:** None.

*Continued to May 6, 2014*, the matter to receive an update regarding the coordination of a committee to address the concerns of Country Club Vista Homeowners.

The matter to discuss and consider directing staff to amend the Richmond Industrial Safety Ordinance to require a full-time Accidental Release Prevention Engineer at the Chevron Richmond Refinery, paid for by Chevron was presented by Councilmembers Rogers and Myrick. *(At 11:30 p.m. on motion of Councilmember Myrick, seconded by Councilmember Rogers extended the meeting to finish this item by the following vote: Ayes: Councilmembers Bates, Myrick, Rogers, Vice Mayor Beckles, and Mayor McLaughlin. Noes: Councilmember Butt. Abstentions: None. Absent: None).* Greg Karras gave comments. On motion of Councilmember Rogers, seconded by Councilmember Myrick directed staff to amend the Richmond Industrial Safety Ordinance to require a full-time Accidental Release Prevention Engineer at the Chevron Richmond Refinery by the following vote: **Ayes:** Councilmembers Bates, Boozé, Myrick, Rogers, Vice Mayor Beckles, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Butt.

*(At 11:40 p.m. on motion of Mayor McLaughlin, second Councilmember Rogers extended the meeting to hear Item I-4 by the following vote: Ayes: Councilmembers Myrick, Rogers, Vice Mayor Beckles, and Mayor McLaughlin. Noes: Councilmembers Bates and Boozé. Abstentions: None. Absent: Councilmember Butt.)*

The matter to hear the status of staff's response to requests for extending the Draft Environmental Impact Report (DEIR) for the Chevron Modernization Project comment period, and discuss and consider directing staff, if necessary, on a possible extension was presented by Mayor McLaughlin, City Manager Bill Lindsay, and Senior Planner Lina Velasco. Mr. Lindsay stated that staff did not recommend extending the comment period of the DEIR. The following individuals gave comments: Andres Soto, Greg Karras, Naomi Williams, Bea Roberson, Don Gosney, and Roger Lin. A motion was made by Councilmember Rogers, seconded by Mayor McLaughlin to extend the comment period by 15 days and schedule a City Council Meeting

for August 5, 2014; following the meeting, the City Council would recess for the remainder of August. A substitute motion was made by Councilmember Boozé, seconded by Councilmember Bates to deny the extension and proceed with the direction of the city manager. A motion by Vice Mayor Beckles, seconded by Mayor McLaughlin to end debate failed by the following vote: **Ayes:** Vice Mayor Beckles and Mayor McLaughlin. **Noes:** Councilmembers Bates, Boozé, Myrick, and Rogers. **Abstentions:** None. **Absent:** Councilmember Butt. The substitute motion made by Councilmember Boozé, seconded by Councilmember Bates to deny the extension and proceed with the direction of the city manager failed by the following vote: **Ayes:** Councilmembers Bates and Boozé. **Noes:** Councilmember Rogers. **Abstentions:** Mayor McLaughlin. **Absent:** Councilmember Butt and Vice Mayor Beckles. The original motion by Councilmember Rogers, seconded by Mayor McLaughlin to extend the comment period by 15 days and schedule a City Council Meeting for August 5, 2014, failed by the following vote: **Ayes:** Councilmember Myrick, Rogers, and Mayor McLaughlin. **Noes:** Councilmembers Bates and Boozé. **Abstentions:** None. **Absent:** Councilmember Butt and Vice Mayor Beckles.

*Continued to May 6, 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.

*Continued to May 6, 2014*, the matter to study and 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.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 12:33 p.m. to meet again on Tuesday, May 6, 2014, at 6:30 p.m.

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City Clerk

(SEAL)

Approved:

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Mayor