



**Community Services Building  
440 Civic Center Plaza  
Richmond, CA 94804**

**SPECIAL MEETING  
AGENDA  
Tuesday, May 11, 2010**

**Mayor  
Gayle McLaughlin**

**Vice Mayor  
Jeff Ritterman**

**Councilmembers  
Nathaniel Bates  
Thomas K. Butt  
Ludmyrna Lopez  
Jim Rogers  
Maria T. Viramontes**



**The Richmond City Council also serves as Board Members and Commission Members for the following:**

**Community Redevelopment Agency  
Housing Authority  
Joint Powers Financing Authority  
Surplus Property Authority  
Local Reuse Authority**

# MEETING PROCEDURES

The City of Richmond encourages community participation at its City Council meetings and has established procedures that are intended to accommodate public input in a timely and time-sensitive way. As a courtesy to all members of the public who wish to participate in City Council meetings, please observe the following procedures:

**PUBLIC COMMENT ON AGENDA ITEMS:** Anyone who desires to address the City Council on items appearing on the agenda must complete and file a pink speaker’s card with the City Clerk **prior** to the City Council’s consideration of the item. Once the City Clerk has announced the item and discussion has commenced, no person shall be permitted to speak on the item other than those persons who have submitted their names to the City Clerk. Your name will be called when the item is announced for discussion. **Each speaker will be allowed TWO (2) MINUTES to address the City Council on NON-PUBLIC HEARING items listed on the agenda.**

**OPEN FORUM FOR PUBLIC COMMENT:** Individuals who would like to address the City Council on matters not listed on the agenda or on **Presentations, Proclamations and Commendations, Report from the City Attorney, or Reports of Officers** may do so under Open Forum. All speakers must complete and file a pink speaker’s card with the City Clerk **prior** to the commencement of Open Forum. **The amount of time allotted to individual speakers shall be determined based on the number of persons requesting to speak during this item. The time allocation for each speaker will be as follows: 15 or fewer speakers, a maximum of 2 minutes; 16 to 24 speakers, a maximum of 1 and one-half minutes; and 25 or more speakers, a maximum of 1 minute.**

**SPEAKERS ARE REQUESTED TO OCCUPY THE RESERVED SEATS IN THE FRONT ROW BEHIND THE SPEAKER’S PODIUM AS THEIR NAME IS ANNOUNCED BY THE CITY CLERK.**

**CONSENT CALENDAR:** Consent Calendar items are considered routine and will be enacted, approved or adopted by one motion unless a request for removal for discussion or explanation is received from the audience or the City Council. A member of the audience requesting to remove an item from the Consent Calendar must complete and file a speaker’s card with the City Clerk **prior to the City Council’s consideration of Agenda Review.** An item removed from the Consent Calendar may be placed anywhere on the agenda following the City Council’s agenda review.

*The City Council’s adopted Rules of Procedure recognize that debate on policy is healthy; debate on personalities is not. The Chairperson has the right and obligation to cut off discussion that is too personal, too loud, or too crude.*

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## **EVENING OPEN SESSION**

6:00 p.m.

- A. **ROLL CALL**
- B. **PUBLIC COMMENT**
- C. **ADJOURN TO CLOSED SESSION**

## **CLOSED SESSION**

Shimada Room of the Community Services Building

- A. **CITY COUNCIL**
  - A-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
(Subdivision [a] of Government Code Section 54956.9):  
  
Two Cases
  - A-2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
(Initiation of litigation pursuant to Subdivision (c) of Section 54956.9):  
  
One Case

## **RICHMOND CITY COUNCIL**

6:30 p.m.

- A. **ROLL CALL**
- B. **STATEMENT OF CONFLICT OF INTEREST**
- C. **OPEN FORUM FOR PUBLIC COMMENT**
- D. **AGENDA REVIEW**
- E. **REPORT FROM THE CITY ATTORNEY OF FINAL DECISIONS MADE AND NON-CONFIDENTIAL DISCUSSIONS HELD DURING CLOSED SESSION**
- F. **SETTLEMENT AGREEMENT AND RESOLUTION RESCINDING BALLOT MEASURE**

**F-1.** CONSIDER and APPROVE a proposed settlement agreement with Chevron USA. Terms of that proposed settlement include, but are not limited to, the following: (1) The City will dismiss its appeal of the trial court decision invalidating Measure T, adopted by Richmond voters at the November 2, 2008, election; (2) Chevron waives the prejudgment interest in the Measure T litigation (approximately \$1.2 million); (3) Chevron agrees that the proposed initiative measure petition that would amend the Utility User's Tax (UUT) and is currently being circulated for signatures will not be submitted; (4) Chevron agrees that the City will receive Community Benefits Agreement (CBA) benefits regarding fence-line air quality monitoring, the Bay Trail, and \$2 million in funding for Greenprint, provided that the Greenprint funds will be paid in three equal installments beginning on July 1, 2010; (5) In addition to its liability under the current UUT and Business License Tax, Chevron will make payments for the next 15 years totaling \$114 million in new revenue: (a) In each of the first two years beginning in FY 2011-2012, Chevron will pay the City \$10 million in new revenue. These payments are in addition to the \$5 million Chevron agreed to pay the City in each of the next two years under a previous settlement regarding UUT tax liability. (b) In each of years 3-5, Chevron will pay the City an additional \$13 million. (c) In each of the years 6-10, Chevron will pay the City an additional \$7 million. (d) In each of the years 11-15, Chevron will pay an additional \$4 million; (6) In the event a new tax measure is enacted by voters during the term of this proposed agreement that would otherwise increase Chevron's tax liability, Chevron will continue to be obligated to pay these amounts, but will not be required to pay any additional amounts that would be due under the new tax;

(7) In the event that force of nature substantially destroys the Chevron refinery, the agreement would terminate; and (8) If the Chevron refinery were sold, either side would have the ability to terminate the agreement.

**F-2.** ADOPT a resolution rescinding Resolution No. 41-09 approved by the City Council on May 19, 2009 and withdrawing from the November 2, 2010 General Election ballot a proposed ordinance amending the City of Richmond's Utility Users' Tax so that the Utility Users Tax is based on actual usage, and to ensure that the tax covers all gas uses - (Vice Mayor Ritterman, Councilmembers Butt and Rogers 620-6581).

**G. ADJOURNMENT**

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*This agenda may be previewed on KCRT – Channel 28, Richmond Television, City website [www.ci.richmond.ca.us](http://www.ci.richmond.ca.us). Any documents produced by the City and distributed to a majority of the City Council regarding any item on this agenda will be made available at the Main Counter at City Hall located at 450 Civic Center Plaza.*