

Richmond, California, August 11, 2009

The Special Meeting of the Richmond City Council was called to order at 9:02 a.m. by Mayor Gayle McLaughlin who led the Pledge of Allegiance to the Flag.

ROLL CALL

Present: Councilmember Bates, Ritterman, Rogers, and Mayor McLaughlin.
Absent: Councilmembers Butt, Viramontes, and Vice Mayor Lopez (Councilmember Viramontes and Vice Mayor Lopez arrived at 9:05 a.m. and 9:09 a.m., respectively).

STATEMENT OF CONFLICT OF INTEREST

None.

OPEN FORUM FOR PUBLIC COMMENT

Jackie Thompson addressed the City Council regarding the Council's courtesy and respect to individuals who submit a speaker's card to speak on agenda items. Specifically, Ms. Thompson stated that she removed an item from the Consent Calendar at the July 21 meeting, and a councilmember asked who removed the item from the Consent Calendar. Ms. Thompson responded she removed the item and a motion was made to approve the item as she was about to speak as well as a statement to support approval of the item. Ms. Thompson stated the actions of the councilmember was condescending to her and requested an apology. Councilmember Bates responded that his statements were not intended to be condescending to Ms. Thompson and extended an apology to her. Councilmember Bates also stated his admiration for her knowledge of community issues, citizen participation, commitment, and ability to get things done. Mayor McLaughlin also extended an apology on behalf of the entire city council.

AGENDA REVIEW

Councilmember Viramontes stated she requested an item be placed on the agenda, and it was not on the agenda. She requested an explanation why her item was not on the agenda. Mayor McLaughlin stated that the purpose of the special meeting was for one item and she exercised her mayoral authority to not place the item on the special meeting agenda. Discussion ensued and Councilmember Viramontes asked the city attorney for an opinion whether the mayor has the authority to remove a councilmember's item from the agenda. City Attorney Randy Riddle stated he would respond to Councilmember Viramontes' request in a written legal opinion.

PUBLIC HEARING

City clerk announced that this was the time to conduct a public hearing to adopt a resolution authorizing the City of Richmond to levy special assessments under Richmond Municipal Code Chapters 2.62, 2.63, 6.38, 9.22, and 9.50 against properties with unpaid

invoices related to administrative citations, nuisance abatement costs, and foreclosure ordinance fines. Tim Higaes, Code Enforcement Manager, gave an overview of the assessments. Councilmember Bates requested an explanation for the delay in submitting the assessments to the City Council for approval. Mr. Higaes informed the Council that he was recently hired as the manager for code enforcement, and these assessments are the result of his research of assessments for past violations and fines. He assured the City Council that future assessments will be submitted for approval in a timely manner. The city clerk informed the Council that Carl Adams and Bradley Albom filed written protests by the August 10 deadline. Mayor McLaughlin declared the public hearing open. Athan Magganas stated he has applied for a permit to demolish the structure on his property but, so far, the Planning Department has not issued a permit to him. Bradley Albom stated he had problems with a tenant whom he evicted. On motion of Councilmember Rogers, seconded by Councilmember Viramontes, the public hearing was closed by the following vote: **Ayes:** Councilmembers Bates, Ritterman, Rogers, Viramontes, Vice Mayor Lopez, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Butt. Discussion ensued and the Council stated that the properties owned by Carl Adams, Bradley Albom, and Athan Magganas would be excluded from the assessment and instructed staff to meet with the owners to resolve their protests. On motion of Councilmember Rogers, seconded by Councilmember Ritterman, adopted Resolution No. 89-09 authorizing the City of Richmond to levy the special assessments, excluding the properties owned by Carl Adams, Bradley Albom, and Athan Magganas, by the following vote: **Ayes:** Councilmembers Bates, Ritterman, Rogers, Viramontes, Vice Mayor Lopez, and Mayor McLaughlin. **Noes:** None. **Abstentions:** None. **Absent:** Councilmember Butt.

ADJOURN TO OPEN SESSION FOR PUBLIC COMMENT ON ITEMS TO BE DISCUSSED IN CLOSED SESSION

The Special Meeting adjourned at 9:49 a.m. to Open Session for comments from the audience on the items to be discussed in Closed Session.

OPEN SESSION

ROLL CALL

Present: Councilmembers Bates, Ritterman, Rogers, Viramontes, Vice Mayor Lopez, and Mayor McLaughlin. **Absent:** Councilmember Butt.

PUBLIC COMMENT ON ITEMS TO BE DISCUSSED IN CLOSED SESSION

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

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Subdivision [a] of Government Code Section 54956.9):

Communities for a Better Environment (CBE) vs. City of Richmond

City of Richmond vs. Buckeye Claims Administrators, Inc., RRPI Insurance Services, Inc., and Robert Rice

There were no speakers from the audience. The Open Session adjourned to Closed Session at 10:31 a.m.

RECONVENE CITY COUNCIL OPEN SESSION

The Open Session reconvened from Closed Session at 10:31 a.m.

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

City Attorney Randy Riddle reported that in the case of Communities for a Better Environment (CBE), the City Council voted in Closed Session to: (1) file an independent appeal of the trial court ruling, and (2) limit the appeal to urging the court of appeal to resolving and clarifying all the issues raised in the litigation challenging the Environmental Impact Report (EIR), not just those issues decided by the trial court.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:32 a.m.

Clerk of the City of Richmond

(SEAL)

Approved:

Mayor