

RICHMOND, CALIFORNIA, October 30, 2007

The Special Meeting of the City Council was called to order at 5:14 p.m. by Mayor Gayle McLaughlin.

ROLL CALL

Present: Councilmembers, Lopez, Marquez, Sandhu, Thurmond, Viramontes, Vice Mayor Bates, and Mayor McLaughlin.
Absent: Councilmembers Butt and Rogers.

PUBLIC COMMENT

The deputy city clerk announced that 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 LEGAL COUNSEL - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9) - Booker vs. City of Richmond. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** Significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.9: One Case. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** Initiation of litigation pursuant to subdivision (c) of Section 54956.9 - One Case. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION** (Government Code Section 54957.6) - City Clerk. **PUBLIC EMPLOYEE APPOINTMENT** (Government Code Section 54957.6) - City Attorney.

There were no public speakers.

The Open Session adjourned to Closed Session at 5:15 p.m. The Closed Session adjourned at 6:44 p.m. The Special Meeting of the City Council was reconvened at 6:47 p.m. by Mayor McLaughlin for a Study Session.

The purpose of the Study Session was as follows:

Presentation on Bay Area Legal Aid Services available to Richmond residents. Councilmember Thurmond gave an overview of the item. Susan Kim, Managing Attorney for Bay Area Legal Aid's Contra Costa County Regional Offices, gave a brief presentation of the various free legal services available to qualifying low-income Richmond residents. She introduced Noah Zinner, of Equal Justice Works/Morgan Miller Blair Fellow, who talked about foreclosure prevention services available. Janice Cho, Staff Attorney, talked about the resources available for domestic violence survivors.

The Study Session adjourned at 7:07 p.m. and the Special Meeting of the City Council reconvened at 7:07 p.m. by Mayor McLaughlin who led the Pledge of Allegiance to the Flag.

ROLL CALL

Present: Councilmembers Lopez, Marquez, Rogers, Sandhu, Thurmond, Viramontes, Vice Mayor Bates, and Mayor McLaughlin.
Absent: Councilmember Butt.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Item F-2 continued to November 27, 2007.

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

Interim City Attorney Randy Riddle reported the following:

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision [a] of Government Code Section 54956.9) - Booker vs. City of Richmond. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** Significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.9: One Case. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** Initiation of litigation pursuant to subdivision (c) of Section 54956.9 - One Case. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION** (Government Code Section 54957.6) - City Clerk. **PUBLIC EMPLOYEE APPOINTMENT** (Government Code Section 54957.6) - City Attorney

No reportable action taken on any of the above actions.

PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS

Bill Lindsay, City Manager, gave a presentation of the Manager and the Employee of the Year Awards. Employees nominated for Employee of the Year were: I Kuan Choi, Administrative Secretary – Planning; Esther Esparaza, Human Resources Technician III – Human Resources Management; Demitrea Foster, Administrative Secretary – Employment and Training; Paul Giaramita, Fire Captain – Fire; Diane Madsen, Human Resources Technician II – Human Resources Management; Charita Patterson, Workforce Development Support Specialist – Employment and Training; Mary Thomas, Paratransit Driver Leadworker – Paratransit. Co-Employee of the Year awards were presented to: Patrick Nikolai, Recreation Coordinator – Library and Communication Services and Patrick Seals, City Clerk Technician – City Clerk’s Office. Employees nominated for Manager of the Year were: Michele Seville, Arts and Culture Manager – Library and Community Services and Rosemary Viramontes, Employment Program Manager – Employment and Training. The Manager of the Year award was presented to Fred Lucero, Project Manager I – Employment and Training.

PUBLIC HEARINGS

The deputy city clerk announced this was the time set, pursuant to published notice, to conduct a public hearing to adopt the Urgency Ordinance Extending the Temporary Moratorium on the Acceptance, Processing and Approval of Applications and Permits to Construct, Modify or Place Wireless Telecommunication Facilities within the City of Richmond from 45 days to six months. Richard Mitchell, Director of Planning and Building, gave an overview of the item. Speakers were: Andrew Olmsted, Jonathan Swett, Robin Carpenter, Wendy Morton, Paige Ponlos, Philip Rosenthal, Jerome

Smith, and Herk Schusteff. Following discussion, on motion of Councilmember Rogers, seconded by Councilmember Thurmond, adopted Ordinance No. 45-07 N.S. by the unanimous vote of the Council.

The deputy city clerk announced this was the time set, pursuant to published notice, to conduct a public hearing on an appeal of the Planning Commission's decision to approve the Tentative Parcel Map in Exhibit A, Mitigated Negative Declaration with Mitigation Monitoring Plan and Supplemental Information for 125 to 127 Western Drive (APN: 558-020-007). This hearing was continued to November 27, 2007, and the City Council received a status report from the City Manager, Bill Lindsay.

COUNCIL AS A WHOLE

In the matter to provide direction to staff regarding a proposed ballot measure to amend the Utility Users Tax (UUT) Ordinance to amend language that refers to the Federal Excise Tax in identifying telecommunication services subject to taxation and to modernize certain terms and definitions in the ordinance. Jim Goins, Finance Director, gave an overview of the item. Donald Maynor, Professional Law Corporation, gave a brief presentation. Leo McLeroy, Political Consultant, gave recommendations on the best time to place this type of measure on the ballot. He stated there is an advantage to placing the measure on the February 2008 ballot, because of the shortness of the ballot. Mr. McLeroy stated there is at least a 10 to 15 percent higher probability of passage for a measure of this type in February 2008 than in November 2008. Following discussion, a motion was made by Councilmember Rogers, seconded by Councilmember Viramontes, to direct staff to come back with two recommendations for consideration at the November 6, 2007, Council meeting: 1) a half percent decrease in tax, and 2) payment of the same Utility Users Tax as before and also declaring an emergency for putting the measure on the February 2008 ballot. He also stated the language should express that a loss of six million dollars would have a serious impact on the City of Richmond's ability to stop the crime in our City. Discussion continued and a substitute motion was made by Vice Mayor Bates, seconded by Councilmember Lopez to direct staff to come back to the City Council with solid recommendations of the direction the City Council should go. Staff is also directed to communicate with the business community for their support. Discussion ensued and Councilmember Rogers withdrew his motion. The substitute motion passed by the unanimous vote of the Council.

In the matter to discuss and set a schedule for the City Council meetings for the months of November, December, and January 2008. Councilmember Thurmond gave an overview of the item. Following discussion, on motion of Councilmember Rogers, seconded by Councilmember Viramontes, scheduled City Council Meeting for November 6 and 27, 2007, December 4, 11, and 18, 2007, and January 8, 22, and 29, 2008, by the unanimous vote of the Council.

In the matter to discuss and give direction to staff to: 1) bring appropriate legal or administrative action, or take other actions to challenge the secret DTSC/Republic Services settlement concerning operation of the West County landfill, 2) ask Governor Schwarzenegger to terminate the secret settlement, and 3) to prevent similar travesties of environmental injustice from occurring in the future. Councilmember Rogers gave an overview of the item. Kevin Finn spoke on this item. Following discussion, a motion was made by Vice Mayor Bates, seconded by Councilmember

Viramontes to direct staff to contact state representatives to seek legislation to prevent a repeat of this settlement between DTSC/Republic Services and mitigation measure/fees be directed to the areas most affected within Richmond. Discussion continued and a substitute motion was made by Councilmember Rogers, seconded by Mayor McLaughlin to: 1) include the original motion and also request that the state legislator work with federal agencies concerning settlements that could potentially mirror the above referenced, 2) Request that Governor Schwarzenegger to ask state agencies to send back money, specifically \$325,000 and Richmond be considered a priority for clean-ups, and 3) direct the city manager to create a plan to work to prevent settlements, similar to DTSC/Republic Services settlement, from happening again. A friendly amendment was offered by Councilmember Lopez to ask state legislatures to work with other federal agencies to notify the City of Richmond early in the process. The friendly amendment was accepted. Councilmember Viramontes states she would not support the substitute motion because the out of court settlements have been made, checks have already been spent, and she felt it would be a waste of staff time, which should focus on the possibility of future acquisitions. Councilmember Thurmond offered a friendly amendment to have the City of Richmond request to be first in line for clean-ups of contaminated areas, using the \$325,000 paid in penalties to DTSC, and \$50,000 for environmental education. Councilmember Rogers accepted the friendly amendment and stated the amendment would be to ask Governor Schwarzenegger not send checks back to Richmond, but place Richmond first when spending the \$325,000 for clean-ups of contaminated areas and \$50,000 for environmental education. The substitute motion passed by the following vote: **Ayes:** Councilmembers Lopez, Rogers, Thurmond, Vice Mayor Bates, and Mayor McLaughlin. **Noes:** Councilmember Sandhu. **Abstentions:** Councilmembers Marquez and Viramontes. **Absent:** Councilmember Butt.

ANNOUNCEMENTS

Vice Mayor Bates announced that a General Plan meeting will be held on Saturday, November 3, 2007, from 9:00 a.m. to 1:00 p.m. at the Richmond Recreation Center, 3238 McDonald Avenue. Everyone is invited.

Councilmember Marquez announced that the President of the League of California Cities has appointed him as Vice Chair of the Public Safety Committee again this year.

Councilmember Thurmond announced that the Beautification Committee will hold a meeting on Thursday, November 1, 2007, at 6:00 p.m. in the Council Chambers at 1401 Marina Way South, Door BW-5, to hear a proposal for graffiti abatement.

Councilmember Sandhu announced that the Human Relations Committee will hold a retreat on Saturday, November 3, 2007, at the Harbormaster's Office, 1340 Marina Way South, from 10:00 a.m. to 3:00 p.m.

Mayor McLaughlin reminded everyone of the **MEET WITH THE MAYOR FRIDAYS!** This is an "open forum with the Mayor" for one hour from **5:30 pm to 6:30 pm every Friday**. Residents are invited to share ideas or ask questions. These meetings are being held at the Whittlesey Community room next to the main library at 325 Civic Center Plaza.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:15 p.m. in memory of Odessa Buggs, mother of former City Clerk, Eula Barnes. The next City Council Meeting is scheduled for Tuesday, November 6, 2007, at 7:00 p.m.

City Clerk

(SEAL)

Approved:

Mayor