

**RICHMOND, CALIFORNIA, May 11, 2010**

The Special Richmond City Council Evening Open Session was called to order at 6:12 p.m. by Vice Mayor Ritterman.

**ROLL CALL**

**Present:** Councilmembers Butt, Lopez, Rogers, Viramontes, and Vice Mayor Ritterman.

**Absent:** Councilmember Bates and Mayor McLaughlin (Councilmember Bates arrived at 6:13 p.m. and Mayor McLaughlin arrived at 6:30 p.m.).

**PUBLIC COMMENT**

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

**CITY COUNCIL**

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision (a) of Government Code Section 54956.9):** Chevron vs. City of Richmond (Two Cases)

There were no public speakers.

The Evening Open Session adjourned to Closed Session at 6:13 p.m. The Closed Session adjourned at 6:39p.m.

The Special Meeting of the Richmond City Council was called to order at 6:41 p.m. by Mayor McLaughlin who led the Pledge of Allegiance to the Flag.

**ROLL CALL**

**Present:** Councilmembers Bates, Butt, Lopez, Rogers, Viramontes, Vice Mayor Ritterman, and Mayor McLaughlin. **Absent:** None.

**STATEMENT OF CONFLICT OF INTEREST**

None.

**OPEN FORUM FOR PUBLIC COMMENT**

Mike Ali spoke in opposition to the proposed wastewater sewer tax increase. He also requested that the City Council vote “no” on the Measure D school bond.

Jackie Thompson expressed disappointment that the Public Safety Committee cancelled a meeting that was scheduled at Friendship Manor has not rescheduled.

John Clay spoke in support of the Pacific Alternative Health Center as a medical marijuana dispensary.

Kenneth Davis urged the Council to find better ways to service the citizens of Richmond.

Paul Maunu stated that capitalism was the cause of the unemployment crisis.

Corky Booze expressed his gratitude to Mayor McLaughlin for spending time with Mother Naylor. He also stated that windows in homes near the greenway are being broken.

Charlotte McIntire urged the Council to better service the citizens of Richmond.

Maria Alegria spoke in support of the Just Cause Legislation that protects renters.

Maria Hall-Wilcots requested that the City of Richmond return portraits and plates to the family that belonged to her grandmother's that were currently located in the Martin Luther King Jr. Community Center before the center was demolished.

Simms Thompson expressed concern that the senior center on Macdonald was in need of repair.

Tony Sustak urged the City Council not to zone the North Shore shorelines as residential.

Charles Smith spoke in opposition to the proposed wastewater sewer taxes. He encouraged citizens of Richmond to submit letters in protest to the city clerk by June 1, 2010.

Jean Womack spoke in opposition to illegal drugs.

Texanita Bluitt stated that the City Council should look into best business practices.

#### **AGENDA REVIEW**

None.

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

City Attorney Randy Riddle reported that there were no reportable actions taken during closed session.

**SETTLEMENT AGREEMENT AND  
RESOLUTION RESCINDING BALLOT  
MEASURE**

*Items F-1 and F-2 were combined.* In the matter of Item F-1 to 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. In the matter of Item F-2 to 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 gave an overview of the item. City Manager Bill Lindsay gave comments and went over the agreement and summarized the provisions of the agreement. The following individuals gave comments: Reverend Kenneth Davis, Mike Daley, Corky Booze, Margaret Jordan, Cheryl Maier, Michael Beer, Maria Alegria, Richard Poe, Cheryl Johnson, Charles Smith, Tony Sustak, Katrinka Ruk, Texanita Bluit, John Marquez, Juan Reardon, Andres Soto, Rhonda Harris, Judith

Morgan, Gary Bell, Millie Cleveland, and Simms Thompson. City Manager Bill Lindsay gave comments. Vice Mayor Ritterman gave an overview of items Items F-1 and F-2 which included a chart of payments for the first five years. A motion was made by Vice Mayor Ritterman, seconded by Councilmember Rogers to approve the proposed settlement and adopt a resolution rescinding Resolution No. 41-09 approved by the City Council on May 19, 2009. Councilmember Lopez requested a friendly amendment to set aside one million dollars for three consecutive years for the purposes of the Brookside Community Clinic. The amendment was not accepted. Councilmember Viramontes asked the city attorney to clarify that if the City Council approved the agreement was there anything in the document that precludes the City Council from having a future Community Benefits Agreement between the City of Richmond and Chevron if particularly Chevron decided to come back for an amended Environmental Impact Report. City Attorney Randy Riddle answered “no.” Councilmember Viramontes stated she would not vote for the item due to Chevron’s inability to be honorable with reference to the Community Benefits Agreement. Following discussion, Items F-1 and F-2 were approved and **Resolution No. 56-10** was adopted by the following vote: **Ayes:** Bates, Butt, Lopez, Rogers, Vice Mayor Ritterman, and Mayor McLaughlin. **Noes:** None. **Abstentions:** Councilmember Viramontes. **Absent:** None.

### **ADJOURNMENT**

There being no further business, the meeting adjourned at 9:27 p.m. to meet again on Tuesday, May18, 2010, at 6:30 p.m.

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City Clerk

(SEAL)

Approved:

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Mayor