

**RICHMOND, CALIFORNIA, November 22, 2022**

Community Services Building  
440 Civic Center Plaza  
Richmond, CA 94804

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**A. OPEN SESSION TO HEAR PUBLIC COMMENT BEFORE CLOSED SESSION**

The Richmond City Council Evening Open Session was called to order at 5:00 p.m. by Mayor Thomas K. Butt via teleconference.

**B. ROLL CALL**

**Present:** Councilmembers Claudia Jimenez, Demnlus Johnson III, Melvin Willis, Vice Mayor Eduardo Martinez, and Mayor Thomas K. Butt. **Absent:** Councilmembers Nathaniel Bates and Gayle McLaughlin arrived after the roll was called.

**C. CLOSED SESSION**

City Clerk Pamela Christian clarified that there was only one workers' compensation claim for Item C.1 and the other claim listed was a duplicate.

**C.1 CONFERENCE WITH LEGAL COUNSEL - WORKERS' COMPENSATION CLAIM (Pursuant to Government Code § 54956.95)**

- Claimant: Employee - Fire Department  
Claim: 16000077COR  
Agency Claimed Against: City of Richmond
- Claimant: Employee - Fire Department  
Claim: 16000077COR  
Agency Claimed Against: City of Richmond

**C.2 CONFERENCE WITH LEGAL COUNSEL - LIABILITY CLAIM: (Pursuant to Government Code § 54956.95)**

- Claimant: Ofelia Gutierrez  
Agency Claimed Against: City Richmond

**C.3 CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)**

- Agency Representatives: Sharrone Taylor and Jack Hughes  
Employee organizations:
  1. SEIU Local 1021 Full Time Unit and Part Time Unit
  2. IFPTE Local 21 Mid-Level Management Unit and Executive Management Units
  3. Richmond Police Officers Association RPOA
  4. Richmond Police Management Association RPMA
  5. IAFF Local 188
  6. Richmond Fire Management Association RFMA

**C.4 CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8)**

- Property: Nevin Plaza - 2400 Nevin Plaza  
Agency negotiators: Nannette Beacham and David Rosen (DRA & Associates)  
Negotiating parties: EAH Housing  
Under negotiations: Price and Terms of Payment
- Property: South 45th Street to the west, Wall Avenue to the south, Interstate 80 to the east, and the BART tracks to the north  
Agency negotiators: Anita Luck, Lina Velasco, and Jesus Morales  
Negotiating parties: Miraflores Community Devco, LLC  
Under negotiations: Price and Terms of Payment
- Property: Terminal One  
Agency negotiators: Lina Velasco and Dave Aleshire  
Negotiating parties: Terminal One Development LLC  
Under negotiation: Price and terms of payment

**C.5 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (initiation of litigation pursuant to paragraph (4) of Subdivision (d) of Government Code Section 54956.9)**

- Two Cases

**D. PUBLIC COMMENT BEFORE CLOSED SESSION (public comment limited to items on the Closed Session agenda only)**

There were no public speakers via teleconference.

**E. ADJOURN TO CLOSED SESSION**

The Open Session adjourned to Closed Session at 5:03 p.m. Closed Session adjourned at 6:45 p.m.

**F. REGULAR MEETING OF THE RICHMOND CITY COUNCIL**

The Regular Meeting of the Richmond City Council was called to order at 6:47 p.m. by Mayor Butt via teleconference.

**G. ROLL CALL**

**Present:** Councilmembers Jimenez, Johnson III, McLaughlin, Willis, and Mayor Butt.  
**Absent:** Councilmember Bates and Vice Mayor Martinez arrived after the roll was called.

**H. PUBLIC COMMENT INSTRUCTIONAL VIDEO**

The public comment instructional video was shown.

**I. STATEMENT OF CONFLICT OF INTEREST**

None.

**J. AGENDA REVIEW**

Item Q.3 regarding the Terminal One Project disposition was moved for discussion immediately following the Consent Calendar.

**K. REPORT FROM THE CITY ATTORNEY OF FINAL DECISIONS MADE DURING CLOSED SESSION**

Items C.1 and C.2, workers' compensation and liability claims, were not discussed.

Item C.3, labor negotiations, a status report was provided and direction was given for continued negotiations.

Item C.4, property negotiations, there was a discussion regarding Nevin Plaza of potential assistance to that project. There was a vote to provide funding for some items involving the project. The motion made by Councilmember Willis, seconded by Councilmember Jimenez, passed by a vote of five to one with one abstention and one no vote. The Miraflores matter was continued for a future meeting. There were legal issues discussed regarding Terminal One potential claims with no reportable action taken.

Item C.5, anticipated litigation, there was no reportable action taken and both cases were continued to the December 6, 2022, City Council meeting.

**L. REPORT FROM CONGRESSMAN MARK DESAULNIER (public comment allowed under Open Forum)**

Congressman Desaulnier expressed his gratefulness for the opportunity to have represented Richmond through the years. The congressman gave an overview of past and present legislative policies he worked on.

**M. REPORT FROM THE CITY MANAGER (public comment allowed under Open Forum)**

City Manager Shasa Curl deferred her report to a future meeting.

**N. CRIME REPORT FROM POLICE CHIEF - 4th Tuesday (public comment allowed under Open Forum)**

Chief of Police Bisa French provided the following crime report from October 25 through November 20, 2022: Nineteen aggravated assaults; twenty-two robberies; seven sexual assaults; forty-six burglaries; seventy-seven thefts including catalytic converters; seventy-six auto thefts; fifty-six shot spotter reports; and eighty-two calls for shots fired. Chief French reported that police beat seven in the northern district continued to be the area with the highest incidents. Chief French advised challenges with vehicle side shows and that Richmond police were working with other jurisdictions to develop a regional task force. Discussion ensued. The council requested the following: more information regarding the City of Vallejo's proposed ordinance concerning catalytic converter theft; consider developing recycling center agreements not to accept catalytic converters; and a crime analysis comparison report from January to November 2022.

**O. OPEN FORUM FOR PUBLIC COMMENT**

The following individuals gave comments via teleconference:

Phillip Rosenthal expressed concerns regarding late City Council hearings of urgent agenda items. Mr. Rosenthal urged the council to make it easier for the public to give public comment earlier in the meeting and locate the Zoom teleconference information.

Steve Bishoff advised that San Mateo County was considering branding catalytic converters and the use of vehicle markings to deter theft.

Mark Wassberg gave comments regarding immigration and political corruption.

Bruce Beyaert gave comments regarding the Richmond-San Rafael Bridge trail and Rich City Ride's celebratory event held on November 20, 2022. Mr. Beyaert advised that a study by the University of California, Berkeley found that the trail had not contributed to increased traffic congestion.

**P. CITY COUNCIL CONSENT CALENDAR**

**Motion by** Councilmember Johnson III  
**Seconded by** Councilmember Jimenez

To approve the Consent Calendar.

Ayes (7): Councilmember Bates, Councilmember Jimenez, Councilmember Johnson III, Councilmember McLaughlin, Councilmember Willis, Vice Mayor Martinez, and Mayor Butt

Passed (7 to 0)

**P.1 Community Development**

P.1.a Amendments to Richmond Municipal Code Article VI Chapter 6.02

ADOPT an ordinance (second reading) with an effective date of January 1, 2023, amending Richmond Municipal Code (RMC) Article VI, Building Regulations, Chapter 6.02 by adopting the 2022 California Building Standards Code with noted local amendments – Community Development Department (Lina Velasco/Chris Castanchoa 510-620-6764).

**Adopted Ordinance No. 14-22 N.S.**

**Q. STUDY AND ACTION SESSION**

**Q.1 Impact of Richmond Rapid Response Fund (R3F) in the Community and Update on Guaranteed Income and Strategic Planning Process**

RECEIVE a report from the Richmond Rapid Response Fund Program (R3F) including updates on funds disbursed, residents served, and current and future programming – Councilmembers Demnlus Johnson III and Claudia Jimenez (510-620-6861).

Councilmembers Johnson III and Jimenez introduced the matter. Interim Director of Community Services LaShonda White, Director of Community Development Lina Velasco, Jim Becker of Richmond Community Foundation, and Jessica Travenia of Richmond Rapid Response Fund/edFUND presented a PowerPoint that highlighted the following: overview and success; direct disbursements; rent relief; guaranteed income, and next steps. Discussion ensued. The council suggested the following: raising the \$5,000 cap on the rental assistance funds to accelerate distribution; utilizing data from the Richmond Rent Program to expedite documentation; establishing a deadline or providing a report to the council in six months regarding funds disbursement; and for the Richmond Rent Board to discuss the creation of a rental assistance program administered by the Richmond Rent Program.

**Motion by** Councilmember Johnson III

**Seconded by** Councilmember Jimenez

To allow the rent relief program flexibility in the dollar amount disbursed to applicants as well as requesting that quarterly reports be made in regards to the progress with the first report being made in February or March 2023. A friendly amendment made by Councilmember Jimenez, recommending that the Richmond Rent Program present to the Rent Board at its December 2022 meeting how a rental assistance program could be administered by Richmond Rent Program and return to the council in January 2023 with such recommendations, was accepted.

Ayes (6): Councilmember Bates, Councilmember Jimenez, Councilmember Johnson III, Councilmember McLaughlin, Councilmember Willis, and Vice Mayor Martinez

Absent (1): Mayor Butt

Passed (6 to 1)

**Q.2 Emergency Security Services for the Castro Encampment, Contract with Ascend Professional Services, LLC**

APPROVE an emergency contract with Ascend Professional Services, LLC, to provide security guard services, for up to three guards, 24 hours a day, seven days a week, including holidays, for term ending on January 31, 2023, in an amount not to exceed \$200,000 – Community Development (Lina Velasco/Jesus M. Morales 510-620-6706).

Director of Community Development Lina Velasco and Housing Manager Jesus Morales introduced the matter. Discussion ensued.

**Motion by** Councilmember Johnson III

**Seconded by** Councilmember McLaughlin

To approve said contract.

Ayes (6): Councilmember Bates, Councilmember Jimenez, Councilmember Johnson III, Councilmember McLaughlin, Councilmember Willis, and Vice Mayor Martinez

Absent (1): Mayor Butt

Passed (6 to 1)

**Q.3 Terminal One Disposition: Notice to California Department of Housing and Community Development (HCD) and of Community Benefits**

APPROVE (1) Terms of Amendment to Land Disposition Agreement for Terminal One Project with Developer; (2) Authorize the city manager and city attorney to finalize the Amendment incorporating the approved terms; (3) ADOPT a resolution Declaring Terminal One Property Exempt From Surplus Land Act; and RECEIVE INPUT on Community Benefits proposed as part of the Project – City Attorney’s Office/Community Development Department (Dave Aleshire/Lina Velasco/James Atencio 510-620-6509). RESOLUTION TO FOLLOW

City Attorney Dave Aleshire introduced the matter. Mr. Aleshire provided project background information, proposed changes to the developer purchase price, and other aspects of the development agreement. Mr. Aleshire highlighted the findings in the proposed resolution. Discussion ensued. The following individuals gave comments via teleconference: Bruce Beyaert, Kathryn Dienst, Robert Bunce, Anthony Kleppe, Don (last name not stated), Chris Cook, Phillip Rosenthal, Brian Lewis, Thomas Knowles, Mark Wassberg, and Mark Hathaway. Further discussion ensued. The council requested additional information regarding \$2.6 million received by the developer in the year 2016; and to resolve property maintenance concerns. Mr. Aleshire advised that there was a finding in the proposed resolution concerning the number of affordable housing units as 559 which should have been 3,923. *(At approximately 9:16 p.m., Mayor Butt departed the meeting and appointed Vice Mayor Martinez to chair the remainder of the meeting).* Further discussion ensued.

**Motion by** Councilmember McLaughlin

**Seconded by** Councilmember Jimenez

To approve the resolution that includes the Terms of Amendment to Land Disposition Agreement for Terminal One Project with Developer; authorize the city manager and city attorney to finalize the Amendment incorporating the approved terms; and declare Terminal One Property Exempt From Surplus Land Act.

Ayes (6): Councilmember Bates, Councilmember Jimenez, Councilmember Johnson III, Councilmember McLaughlin, Councilmember Willis, and Vice Mayor Martinez

Absent (1): Mayor Butt

Passed (6 to 1)

#### **Q.4 Electric Vehicle Fleet**

RECEIVE a presentation from MOTIV PS on the benefits of transitioning to an electric fleet – Vice Mayor Martinez (510-620-6593).

**Continued to the December 6, 2022, City Council meeting.**

#### **Q.5 Present Traffic Safety Implementation Strategy Based Upon a Number of Stakeholder Requests**

Director of Public Works Daniel Chavarria introduced the matter. Infrastructure Administrator Patrick Phelan and Ryan McClain of Fehr & Peers presented a PowerPoint that highlighted the following: program introduction; sample projects by category; and project prioritization and program costs. Discussion ensued. The council requested the following: review the timing of the street signal lights and traffic circulation near the intersections at Hilltop Drive, San Pablo Avenue, Richmond Parkway, Blume Drive, and at the Canal Boulevard freeway offramp; consider traffic calming measures at 29th Street and Vale Road near Salesian High School, Ohio Avenue near the southside of downtown, and other areas included in the recent petition submitted by the Belding Woods neighborhood; increase communication for neighborhood petitions for traffic safety measures; ensure the goals of the Pavement Equity Plan were met and historically neglected roadways received attention; improve the lighting and pedestrian safety at 6th Street and Macdonald Avenue and in the Iron Triangle area; increase left-turn signals especially at 22nd Street and Barrett Avenue; consider installing speedbumps on 44th Street leading from the Target Store; consider the installation and use of smart-technology for pedestrian and lighting systems to collect real-time data on intersection usage; include in the program the Barrett Avenue and Key Boulevard intersection; and for the council and staff to tour the streets to determine priority areas. *(At approximately 10:58 p.m., a motion made by Councilmember Willis, seconded by Councilmember Johnson III, to extend the meeting to finish Item Q.5 and Reports of Officers passed by the following vote: Ayes: Councilmembers Bates, Jimenez, Johnson III, McLaughlin, Willis, and Vice Mayor Martinez. Noes: None. Abstentions: None. Absent: Mayor Butt).* The following individuals gave comments via teleconference: Garland Ellis, Alfredo Angulo, Jim Hanson, and Emily Ross gave comments via teleconference.

**Motion by** Councilmember Jimenez

**Seconded by** Councilmember Johnson III

To approve the seventeen projects recommended by staff and add the Barrett Avenue and Key Boulevard intersection as the eighteenth project; and add to the \$750,000 the funds that were in the Capital Improvement Projects (CIP) budget for \$300,000, and the \$150,000 that was allocated in the CIP budget for the

American Rescue Plan Act needs assessment that was no longer needed, for a total of \$1.2 million for staff to start working on the plan. A friendly amendment made by Councilmember McLaughlin to expand the \$750,000 to \$1.2 million and have that amount come forward in the mid-year budget review was accepted.

Ayes (6): Councilmember Bates, Councilmember Jimenez, Councilmember Johnson III, Councilmember McLaughlin, Councilmember Willis, and Vice Mayor Martinez

Absent (1): Mayor Butt

Passed (6 to 1)

**Q.6 Council Direction on Requested Changes to Cannabis License Ordinance**

PROVIDE direction to City staff on whether amendments to the Cannabis Ordinance should be prepared increasing the number of cannabis retailer licenses – City Attorney’s Office (Dave Aleshire 510-620-6509).

**Continued to the December 6, 2022, City Council meeting.**

**R. REPORTS OF OFFICERS: REFERRALS TO STAFF, AND GENERAL REPORTS (INCLUDING AB 1234 REPORTS)**

None.

**S. ADJOURNMENT**

There being no further business, the meeting adjourned at 11:25 p.m., in memory of Clara Rae Genser, Bob Dabney, Barbara Martin, and Jim DeWitt, to meet again on December 6, 2022, at 6:30 p.m.

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Clerk of the City of Richmond

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Mayor

**From:** [Cordell Hindler](#)  
**To:** [City Clerk Dept User](#)  
**Subject:** public Comments- open forum  
**Date:** Thursday, November 17, 2022 9:50:31 PM

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Good Evening Mayor Butt, Council and Staff,

i have some comments for the Record

1. For a future Agenda, the Council should invite Danny Wan to provide a presentation on how the port of oakland is recovering from the pandemic
2. Also to have Segal Consulting on the Class and comp study

Sincerely  
Cordell

**From:** [Don Lau](#)  
**To:** [City Clerk Dept User](#)  
**Subject:** Public Comments-Open Session Prior to Closed Session  
**Date:** Monday, November 21, 2022 11:18:25 AM

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Mayor and Councilmembers:

I would like to express my support for the City to extend the SOS contract which is on the agenda tonight. As someone who has partnered with SOS, both individually and with the Richmond Rotary Club, I have seen the positive work they are doing with trash pick up, their shower power program, employing homeless workers, and working on moving the unhoused into housing. **I support the City renewing the contract for SOS.**

Don Lau  
17 Powder Bowl Ct  
Richmond, CA 94803  
510-813-5170

**From:** [Brian Lewis](#)  
**To:** [City Clerk Dept User](#)  
**Cc:** [Brian Lewis](#); [Lina Velasco](#); [James Atencio](#); [Gayle McLaughlin](#); [Claudia Jimenez](#); [Demnlus Johnson](#); [Eduardo Martinez](#); [Melvin Willis](#); [Nat Bates](#); [Shasa Curl](#); [Karen R. Becker](#); [Hector Rojas](#); [Tom Butt - external](#); [Gene Scott, PhD](#); [Susan Hubbard](#); [Jeffrey Vines](#); [Mike Lederer](#)  
**Subject:** Public Comments agenda item #Q.3. Nov 22 City Council Meeting  
**Date:** Tuesday, November 22, 2022 2:25:47 PM

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Mayor Butt and Council Members,  
Below are our comments on the upcoming agenda item Q3.

- 1) The City's land use process, including the Design Review Board, Planning Commission and City Council is being taken out of sequence in a rush to approve this project. The project was missing information and the DRB meetings had to be postponed and the applicant resubmitted material. The DRB could not fully evaluate the project and it is going back for further review, which is backwards. The public review has been limited by not seeing the project fleshed out before City Council is voting on the project. It seems Due Process has been interrupted. Not having the Resolution available 72 hours before the meeting may be a violation of the Brown Act.
- 2) There is a binding agreement that must be followed.
  - a) Our agreement includes figures that address height and density. The new project changes the positioning of units and increases the height of some units. I believe our agreement needs to hold to the height limits in the attachments. For example, two story homes in our agreement now plan to be three story homes. In addition, the new project requires fill that will further increase the height. We are especially concerned with the massing of the project along the eastern border with the Richmond Yacht Club. Having structures up to 45 feet in the new plan where the old plan had two and three story structures seems to conflict with our agreement.
  - b) In addition, funding should be earmarked for the Retaining Wall and Security Fence (item 3).
  - c) Also the Rental Restrictions (item 5) need to be included in the LDA.
  - d) Parking, item 2. No reduction in the number of parking spaces from the 2016 design. The community feels there is not enough parking in the new design.
- 3) The Developer contributes a fair share for street maintenance caused by project development. This is inadequate. Two hundred thousand dollars (\$200,000) needs to go towards rebuilding the Western portion of the road (Mallard to just past Pelican) which should be dedicated to the city after development of Terminal One.
- 4) Payment for maintenance of the Park needs to be done by the HOA. If a Utility district is

created, it should only include the City and the HOA formed by this project. Surrounding HOAs already have been paying for lighting, maintenance and landscaping.

5) The limitations to parking will restrict the public to the park. Parking around the new development will go to the homeowners and their guests and park users will not be able to park. It seems unfair to the Richmond Community to have restricted parking near a park.

Sincerely, Brian Lewis, Brickyard Alliance for Responsible Development and Steering Committee

**From:** [Bruce Beyaert](#)  
**To:** [Nat Bates](#); [Tom Butt - external](#); [Claudia Jimenez](#); [Demnlus Johnson](#); [Eduardo Martinez](#); [Gayle McLaughlin](#); [Melvin Willis](#); [City Clerk Dept User](#)  
**Cc:** [Shasa Curl](#); [Lina Velasco](#); [Dave Aleshire](#); [James Atencio](#); [Daniel Chavarria](#); [Jose Urquilla](#); [Patrick Phelan](#); [Bruce Brubaker](#)  
**Subject:** Public Comments Agenda Item Q.3 - T1 Disposition  
**Date:** Monday, November 21, 2022 2:19:07 PM

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Mayor Butt and City Councilors,

TRAC, the Trails for Richmond Action Committee, would like to offer recommendations for the Terminal 1 Project Land Disposition Agreement and Community Benefits.

**Land Disposition Agreement:** Please ensure that current LDA Sections 6.6 Project Phasing and 6.8 Operations and Maintenance Funding Plan are retained in the revised LDA. Section 6.8 provides for maintenance of the Bay Trail and Wharf Park by “CFO/Assessment District and/or Home Owner Association funding”. Section 6.6 Project Phasing states in part:

"Developer shall include in the initial phase of the Project all of the Offsite Improvements. In addition, the Parties agree to work cooperatively to explore the feasibility of constructing certain of the Offsite Improvements either in advance of Phase 1, or as an accelerated component of Phase 1, with the focus of this cooperative effort to be on those particular Offsite Improvements the earlier completion of which would benefit the Project, the surrounding community, and the City."

Offsite Improvements are defined to include the San Francisco Bay Trail and Wharf Park.

**Community Benefits:** TRAC requests that community benefit funds be used to help implement the following two nearby projects planned by the City’s Public Works Department:

1. New lighting for the Ferry Point Tunnel - In response to concerns about pedestrian and bicyclist safety, Public Works is designing a new, energy-efficient LED lighting system for placement on the tunnel wall above the Bay Trail passing through the tunnel. The working old sodium vapor lights on the ceiling provide very dim illumination, and many do not function at all.
2. Protected bikeway on Dornan Drive - Under contract to Public Works, Alta Planning + Design has prepared a conceptual design and preliminary cost estimate for providing a protected two-way bikeway on the southern side of Dornan Drive between Brickyard Cove Road and the Point Richmond Tunnel. This will improve cyclist safety, especially northbound approaching the elevated Bay Trail in the tunnel, at an estimated cost of \$1.085 million.

In summary, please ensure that current LDA Sections 6.6 Project Phasing and 6.8 Operations and Maintenance Funding Plan are retained in the revised LDA and use Community Benefits funds for the listed nearby pedestrian and cyclist safety projects.

Bruce

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Bruce Beyaert, TRAC Chair

baytrailtrac@gmail.com

tel. 510-235-2835

<http://www.pointrichmond.com/baytrail/>

<http://www.ci.richmond.ca.us/109/TRAC>

Photos: <https://sfbaytrailinrichmond.shutterfly.com/pictures/5> .

**From:** [Isabella Silverman](#)  
**To:** [City Clerk Dept User](#)  
**Cc:** [Pamela Christian](#)  
**Subject:** Fwd: Public Comment Item Q.3: Terminal One Disposition  
**Date:** Tuesday, November 22, 2022 7:06:58 PM

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Dear City Clerk,

I would like to formally submit the below comment for the written public record and supplementary minutes for this evening's council meeting regarding Item Q.3.

Thank you.

Sincerely,  
I. Silverman

Begin forwarded message:

**From:** Isabella Silverman <isilverman2003@gmail.com>  
**Subject:** Public Comment Item Q.3: Terminal One Disposition  
**Date:** November 22, 2022 at 6:55:32 PM PST  
**To:** Tom Butt <tom.butt@intres.com>, Nat Bates <natbates@comcast.net>, Eduardo Martinez <richcityservant@gmail.com>, Melvin Willis <Melvinforrichmond@gmail.com>, Gayle\_McLaughlin@ci.richmond.ca.us, gayledirect@gmail.com, claudia\_jimenez@ci.richmond.ca.us, jimenez.claudia78@gmail.com, demnlus\_johnson@ci.richmond.ca.us, johnsondemnlus@yahoo.com, Dave Aleshire <daleshire@awattorneys.com>, Shasa Curl <Shasa\_Curl@ci.richmond.ca.us>  
**Cc:** Lina Velasco <lina\_velasco@ci.richmond.ca.us>, Roberta Feliciano <Roberta\_Feliciano@ci.richmond.ca.us>

Dear Mayor, Councilmembers, City Attorney and City Manager -

I am writing in strong opposition to the Notice of Sale of Terminal One to avoid the Surplus Land Act.

As a long-term resident of Brickyard Cove and Richmond, it saddens me to watch how City Staff, and apparently the Council in closed session, have been actively working to thwart the public review process for Terminal One.

The community very much wants to see Terminal One developed. However, the manner in which you are going about this is wrong, further destroys public trust, and is a 180 degree about face from some of the key reasons RPA Councilmembers stated for being opposed to the Point Molate development by SunCal and Winehaven, LLC.

**First:** I am very proud of the Planning Commission, who last night unanimously voted to deny Laconia's application. There were ~ 22 speakers and numerous letters speaking out against the current project as proposed. The speakers were unified, clear, and on point.

All of the Commissioners felt the process was being rushed and not following public due process. Items were being proposed & considered in the wrong order with the City Council and City Staff agendaing two items before the Planning Commission had even formally reviewed the project:

- 1) tonight's "notice of sale" agenda item; and
- 2) a city council agenda item on December 6th to review and approve the development proposal.

The title of the Staff Report is: "2022-11-15(sr)(reso)Terminal One - **Notice of Sale to HCD** and Community Benefits(1)"

This is wrong, and signaled to the public and their own Planning Commission that they were prepared to proceed despite any potential objections from the public and Commissioners. This conveys a message that if they didn't approve the project, all the Developer who have to do is appeal the Planning Commission decision, that you would overturn it on appeal and approve the project because you appear desperate for the \$9.5M that Laconia would pay upon the sale of the land. If I were a Planning Commissioner, I would have felt disrespected and manipulated.

This further erodes any sliver of remaining public trust that the City and majority council will rightfully follow public due process, let alone with

public land.

While Director Velasco asked the Planning Commissioners to identify a couple reasons why they were denying the application, it was abundantly clear to all who watched the meeting that each Commissioner had several legitimate objections. The Commissioners were asked to identify some reasons while Ms. Feliciano quickly scrolled through the agenda report on her screen, which no one could properly read.

This by no means meant that the Commissioners didn't have many other concerns and objections with other items on the application, so the Council should not assume otherwise. They merely tried to address Director Velasco's request after over four hours of testimony, all of which was captured on video and the public record.

**Second:** It is noteworthy that when one of the commissioners asked Staff if Laconia's proposal violated the settlement agreement with the Brickyard Cove Alliance for Responsible Development (BCARD), that Staff stayed silent and allowed the Developer to state their opinion. Mr. Menzies stated on the record that BCARD's binding settlement agreement does not apply anymore since this is a new project. BCARD's representative Mr. Lewis doesn't agree with the Developer's interpretation.

I found it rather unsettling that the City allowed a Developer to address questions asked of City Staff by the taxpayers.

**Third:** Tonight's meeting is in violation of the Brown Act. The Agenda Report ends by stating,  
"Attachment 3 - HCD Resolution (to be provided at Council meeting)"

This is a clear violation of the Brown Act as the document was not available for public review at least 72 hrs before the meeting.

**Fourth:** This one is the most disheartening. The RPA Councilmembers stopped Point Molate development in large part because they said it would expose taxpayers to the cost of maintaining the infrastructure.

Yet, we found out last night that the same Councilmembers and Staff have been secretly discussing in closed session an option to impose

Brickyard Cove residents with a community/facility district tax to pay for the maintenance of a public park.

Both Point Molate and Terminal One are public land. **Why the disparate approach in protecting Point Molate and Richmond residents but not Brickyard Cove residents?**

One of the Planning Commissioners commented on this very point last night, and stated that she had concerns about passing on the costs of maintaining infrastructure to the HOA and/or Brickyard Cove residents when this is a public park.

The City has never reached out to ask any of Brickyard Cove residents and businesses if we even want another public park let alone be “willing” to pay to maintain it. **By the way - we’re not.**

The people who would use this park would be the same people who frequently visit and utilize Miller Knox Park and Ferry Point. It is a public park and if the City can’t afford to maintain it, then why are you approving it be built?

Each development in Brickyard Cove already has to pay to support public infrastructure within their development, including the bay trail. Why do you even think we can afford yet more taxes? **By the way - most of us over here cannot and we’re tired of being characterized as rich when the majority of us are far from it.**

Is the city going to take all public access infrastructure in Brickyard Cove, besides the road once the City finally takes it over 17-years late, and split it fairly across all HOAs and businesses?

This would be a **new tax** that was not covered in our CC&Rs and other agreements. As such, shouldn’t that necessitate voter approval?

At the end of the day, this is public land and should be treated the same way they did Point Molate and protecting all taxpayers from the cost of maintaining public infrastructure, especially one they did not request.

Please do not proceed with selling this land to Laconia. The project is not worthy of this beautiful and unique public land, and deserves the same attention, support and advocacy you paid to Point Molate.

Sincerely,

I. Silverman

**From:** [Kathryn Dienst](#)  
**To:** [City Clerk Dept User](#)  
**Subject:** public comments – Agenda Item Q3 Terminal One LDA Revision, heard at CC 11/22/22  
**Date:** Monday, November 21, 2022 11:37:27 AM  
**Attachments:** [Dienst to City Council.docx](#)

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TO: City Council, Mayor Tom Butt

Planning: Lina Velasco

Legal: James Atencio

SJ: public comments – Agenda Item Q3 Terminal One LDA Revision, heard at CC 11/22/22

FM: Kathryn Dienst

**A. The amended LDA should address use or return of Petromark soil cleanup funds**

- a. Richmond transferred site cleanup funds to the developer, yet the site has not been cleaned up.
  - i. Resolution 16-7 (Dec. 20, 2016) transferred \$2,645,380. These fees were a Petromark lawsuit settlement for soils contamination and were to be used for soil and groundwater cleanup.
  - ii. In total, more than \$6M of Richmond funds have been transferred to the developer.
  - iii. There should be a complete accounting of public funds transferred to the developer, and their usage before any extension is signed.
- b. Revised LDA should reflect a range of outcomes:
  - i. If Laconia FAILS to develop Terminal One, public funds need to be returned to Richmond.
  - ii. If Laconia SELLS Terminal One, public funds need to be returned to Richmond.

B. The proposal extends the look of recent approvals in Richmond (ex: townhomes on Wright Ave or Quarry) -- adequate not a showpiece. Regardless, **LDA needs to ensure that the project is actually completed.**

**C. Despite an extraordinary time in review, Laconia remains vague on important issues. The LDA should set a maximum review timeline -- after which the property reverts to Richmond.**

1. Currently, it is a toss-up as to whether development criteria have been met. Draft Resolution 22- lists 13 “conditionally satisfied” criteria and only 17 “criteria satisfied”.
2. Details about fill, final grading, and transport need to be revealed before CEQA can be completed. The developer has resisted all requests, despite fill being a key component of the proposal.
  - a. CEQA Analysis 4-5 soils section has general credibility issues.
    - i. All are “less than significant” (as they were for the 2016 proposal). Yet problematic soils are the MAIN reason Laconia modified their design. Even the 2012 RFP noted that the site has a high water table and problematic soils.
  - b. CEQA Analysis 4-6 deletes 2016 wording on minimizing truck trips and imported/exported soils.
    - i. Yet, there is almost discussion about the increased fill, construction impacts of this fill (on air quality and surrounding roads), alternatives for fill transport (ex: barge). Also, what is the impact on soil stability, flooding and drainage on the Bay Trail and neighboring properties. During months of DRB review, the public has repeatedly asked for this information.
3. The 89 Conditions of Approval also offer more insight into unresolve issues:
  - a. Condition 14 clarifies that Richmond expects to be sued, yet again. It seems inevitable with so much unresolved.
  - b. Conditions of Approval 64, 71 and 72 shown concern about this development on neighbor RYC.
  - c. Condition 73 suggests that DRB considers the design unfinished.
  - d. Condition 12 casts doubt that the fill resolves site flooding issues, shifting the responsibility to future homeowners. And 16, 41, 50,51,53 suggest inadequate storm water plans were reviewed.
  - e. Condition 56 – Is this a refusal statement by Richmond to assume responsibility for assuming Brickyard Cove Road (which is more than a decade overdue)? Neighbors are very firm on this.

**From:** [Annette Segal](#)  
**To:** [City Clerk Dept User](#)  
**Subject:** public comments – Open Session prior to Closed Session  
**Date:** Monday, November 21, 2022 11:16:26 AM

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HELP! We need safer streets! Another Key St. and Barrett accident in which 2 cars were totalled! REALLY?

And cars flying down Barrett at high speed where children (and pets) live?

IT'S IMPERATIVE to fix this problem now - not next year or even next season!

A. Segal  
453 Dimm St.

**From:** [elizabeth kudo](#)  
**To:** [PCcomments](#); [City Clerk Dept User](#)  
**Cc:** [East-Richmond-Neighbors](#); [Dimm-Key Neighborhood Watch](#); [Jim Hanson](#); [Claudia Jimenez](#)  
**Subject:** Public Comments - Open Forum  
**Date:** Monday, November 21, 2022 10:57:50 PM

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**From:** Elizabeth Kudo kudo@yahoo.com  
November 21, 2022

Dear City Council,

As you already know, the neighbors who surround the Key and Barrett intersection and beyond had gathered last spring to voice our concerns for neighborhood safety. We had petitioned the Council for the need for a roundabout.

The subsequent months have seen many continuing side show violations, many calls to the police, and emails to the City Council. I am hopeful that the devastating accident last week that totaled two cars will underscore the need for immediate action. I am asking you, members of the City Council, to please finalize plans and funding for building a roundabout or, immediately install one of the various temporary solutions presented by Fehr&Peers, the traffic consultants.

I so appreciate our council representative, Claudia Jimenez, who consistently kept us updated and informed.

Also, the presentation in September by Patrick Phelan and the traffic consultants were very informative. I am most disappointed that our concerns are not addressed in today's agenda and hope that in the very near future you will seriously help our community solve our safety issue at Key and Barrett. The threat to our safety and the safety of the many new families with small children, looms large. The violations of speed and sideshows continues to grow.

Sincerely,

Elizabeth Kudo  
5104 Barrett Avenue  
Richmond

[Sent from Yahoo Mail for iPad](#)

**From:** [Madison Semler](#)  
**To:** [Tom Butt - external](#); [Eduardo Martinez](#); [Nat Bates](#); [Claudia Jimenez](#); [Demnlus Johnson](#); [Gayle McLaughlin](#); [Melvin Willis](#); [Dave Aleshire](#); [Shasa Curl](#); [Daniel Chavarria](#)  
**Cc:** [City Clerk Dept User](#); [Pamela Christian](#)  
**Subject:** Public Comment, Item Q.5, Traffic Safety Implementation Stratgey  
**Date:** Tuesday, November 22, 2022 10:29:03 PM

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Mayor, Vice Mayor, Councilmembers, and City Staff -

Many neighborhood councils and residents have submitted traffic safety concerns to various staff and council members over the past several years, yet they're concerns have largely remained unanswered.

When former Director Joe Leach left public works and city staff earlier this year, many neighborhoods councils stated they would wait for the new director to start before they re-submitted their requests and concerns to be considered as part of this "equitable" process.

I believe Director Chavarria just started on October 31st, and many of us were hopeful he wouldn't proceed with this controversial item until he had performed appropriate outreach and made neighborhoods aware of the process and timeline for a fair and equitable plan under his oversight and with accountability.

However, Footnote 1 states: "This table includes all projects tracked via this effort as of Thursday, October 27, 2022."

That staff has only provided 37 projects underscores the public's legitimate concerns that their requests were going into the ether, for lack of a better term, such that they are now "lost" from this list. We know that there are several more projects that have been requested, many numerous times, to staff and council, over the past few years.

This is disheartening to hear.

I appreciate that Director Chavarria and staff have tried to put criteria in place to help with prioritization. However, we now see that the new project prioritization once again puts politics over public safety.

In Table 3, there are 17 projects prioritized estimating a cost of \$745K.

- Twelve of those 17 projects or 70% will be in RPA Councilmembers Martinez, McLaughlin and Jimenez's districts 5 and 6.
- Four of the remaining 5 projects (16/17 total = 94%) reside in districts 1 & 3, which are or will be represented by RPA councilmembers.

Per slide 17 in the Powerpoint presentation:

- \$525K of the \$745K (70%) is being allotted to RPA Councilmembers Martinez, McLaughlin and Jimenez's districts 5 and 6.
- Another \$130K ( $\$655K/\$745K = 88\%$  total) will be allocated to projects in districts 1 & 3, which are or will be represented by RPA councilmembers.

I see that others in the community who expressed in July that the RPA councilmembers were politicizing our public safety were correct. And sadly, it appears concerns that the new Public Works director would not be allowed to operate independently and in the public's best interest have also been validated.

It's a sad day for Richmond.

Madison

**From:** [Rosario Ysip](#)  
**To:** [City Clerk Dept User](#)  
**Subject:** Public Comments Agenda item #5  
**Date:** Tuesday, November 22, 2022 1:03:25 PM

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Dear Richmond City Council:

We are Richmond residents and have resided on 479 Key Boulevard off Barrett Avenue since late 80s.

We love our neighborhood, and have come to know several of our neighbors. We've seen frequent walkers, bicyclists, joggers, and seniors on motorized wheelchairs.

The incident on Monday (Nov. 14) at around 7:45pm when a 2-car accident on Key resulted 2 totaled cars due to another night of donuts. One of the cars was our neighbor who had parked the car on the street in front in their house. Our door camera caught the moment of collision — it was alarming to watch the violent impact. We are thankful no one was injured, and property damaged. We shudder at the thought that, had our neighbor not parked the car on the street, the driver might have hit the telephone pole!!!

We've observed increased traffic, speeding cars, reckless drivers who do not STOP or YIELD to pedestrians at the 4-Way Stops at the corner of Key Blvd/Barrett Ave, and at Key Blvd/Macdonald Ave.

We hope the City Council will find safety remedies to Key Blvd area and prevent anymore incidents like we had on the night of Nov 14. Keep us safe.

Regards,

Rosario Ysip and Patrice Chung

**From:** [Sandra Gracia](#)  
**To:** [City Clerk Dept User](#); [Nat Bates](#); [Tom Butt - external](#); [eduard\\_martinez@ci.richmond.ca.us](mailto:eduard_martinez@ci.richmond.ca.us); [Gayle McLaughlin](#); [trina\\_jackson@ci.richmond.ca.us](mailto:trina_jackson@ci.richmond.ca.us); [Melvin Willis](#); [demnlus\\_johnson@ci.rich](mailto:demnlus_johnson@ci.rich); [claudia\\_jimenez@ci.richmond](mailto:claudia_jimenez@ci.richmond)  
**Subject:** Public Comments – Open Session prior to Closed Session; Open Forum; or Public Comments agenda item #Q.5  
**Date:** Monday, November 21, 2022 10:19:44 PM  
**Attachments:** [Ring Clip Barrett-Key Accident 11-14-22.mov](#)

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Dear Council Members Bates, Butt, Martinez, McLaughlin, Willis, Johnson, and Jimenez; and Trina Jackson;

Thank you for allowing me to bring the Barrett and Key traffic safety problems to your attention once again. Since our last meeting my neighbors and I have experienced several more sleepless nights of speeding, engine revving, and doughnut spinning cars, and one episode on Nov. 14, 2022 resulted in two cars getting totaled and the 18 yr old teenage driver possibly injured.

I do not know if the police were called to write a traffic collision report concerning the degree of property damage but I do know it was considerable. Both cars had to be towed. Had my neighbor's blue car not been parked in front of his house there is little doubt the teenager would have hit the house. Thankfully, there were no children inside the parked car and my neighbors were not hurt. From what I understand though the teenager was hurt. He almost passed out after getting out of his car and other neighbors had to give him support to walk away from his totaled vehicle. Later his father arrived to deal with the accident because the teenager was incapable.

Attached you will find a short video clip taken by a neighbor's "Ring" doorbell which depicts a motorist yielding to a car spinning doughnuts at the intersection (out of frame). The next thing you see is a white car (doughnut driver) coming from the opposite direction and speeding past the motorist. What is also not in frame is the resulting serious accident where the teenage driver crashed into my neighbor's parked car and totaled both vehicles. Attached is a photo of the damage to the teenager's car.

This accident is just an example of the intrusion and threat my neighbors and I are under. It honestly feels like a war zone that goes completely unchecked but could be resolved easily by placing a small planted circle in the middle of the street. I also attach a photo of a modest plant circle and signage I saw in Berkeley. I do not understand why something like this wasn't put in place years ago as we have been complaining about this for 4-5 years now. Apparently, we were contacting the wrong agencies to get the needed action.

Please give this intersection your consideration and approve the requested safety improvements to resolve our safety issues. Thank you for your consideration in this matter.

Respectfully submitted,

Sandra Gracia, 486 Key Blvd., Richmond, CA 94805



