

RICHMOND, CALIFORNIA,

December 3, 2024, 4:30 p.m.
Community Services Building
440 Civic Center Plaza
Richmond, CA 94804

A. OPEN SESSION TO HEAR PUBLIC COMMENT BEFORE CLOSED SESSION

The Open Session was called to order at 4:32 p.m. by Mayor Eduardo Martinez.

B. ROLL CALL

Present: Councilmembers Doria Robinson, Melvin Willis, Cesar Zepeda, and Mayor Eduardo Martinez. **Absent:** Vice Mayor Claudia Jimenez arrived after the roll was called. Councilmembers Soheila Bana and Gayle McLaughlin arrived after adjourning to Closed Session

C. CLOSED SESSION

**C.1 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(paragraph (1) of Subdivision [d] of Government Code Section 54956.9)**

- Bryant v. Gage

**C.2 PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government
Code Section 54957)**

- Title: City Attorney

**C.3 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
(initiation of litigation pursuant to paragraph (4) of Subdivision (d) of
Government Code Section 54956.9)**

- One Case

**C.4 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

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

Cordell Hindler gave comments in support of the performance evaluation for Dave Aleshire and in support of the labor negotiations.

E. ADJOURN TO CLOSED SESSION

Open Session adjourned at 4:34 p.m. Closed Session adjourned at 6:37 p.m.

F. REGULAR MEETING OF THE RICHMOND HOUSING AUTHORITY

The Regular Meeting of the Richmond Housing Authority was called to order at 6:41 p.m.

G. PLEDGE OF ALLEGIANCE

Vice Chairperson Claudia Jimenez led the Pledge Allegiance to the Flag.

H. ROLL CALL

Present: Commissioners Soheila Bana, Gayle McLaughlin, Doria Robinson, Melvin Willis, Cesar Zepeda, and Vice Chairperson Claudia Jimenez. **Absent:** Chairperson Eduardo Martinez and Housing Tenant Commissioner Jaycine Scott were absent the entire meeting.

I. STATEMENT OF CONFLICT OF INTEREST

None.

J. REPORT FROM THE EXECUTIVE DIRECTOR

Economic Development Director Nannette Beacham introduced new Richmond Housing Authority Director Antoinette Terrell who presented an update about a visit from representatives from HUD Regional Office 9 regarding the Richmond Village Technical Assistance site regarding vacancy reporting challenges.

K. AGENDA REVIEW

None.

L. HOUSING AUTHORITY OPEN FORUM

Cordell Hindler encouraged the commissioners to approve the consent calendar.

M. HOUSING AUTHORITY CONSENT CALENDAR

Motion by Commissioner Cesar Zepeda

Seconded by Commissioner Gayle McLaughlin

Ayes (6) Commissioners Bana, McLaughlin, Robinson, Willis, Zepeda, and Vice Chairperson Jimenez

Absent (2) Chairperson Martinez and Tenant Commissioner Scott

M.1 On-Call for As-Needed Temporary Staffing Services Contracts with Express Services, Inc.; Renoir Staffing LLC; and Beatty's Services, Inc. for Unit Turnovers and Work Orders

ADOPT a resolution authorizing on-call temporary staffing maintenance services contracts with Express Services, Inc.; Renoir Staffing LLC; and Beatty's Services, Inc. for as-needed services, in an amount not to exceed \$900,000, per firm from December 1, 2024, to June 30, 2027, with two additional one-year extension options to support unit turnover activities and work orders at Nystrom Village – Richmond Housing Authority (Antoinette Terrell/Gregory Palomino 510-621-1361).

Adopted **Resolution No. 2202.**

M.2 Exempt Surplus Land Designation for the Nevin Plaza II Senior Affordable Housing Project

ADOPT a resolution determining and declaring land owned by the Richmond Housing Authority to be Exempt Surplus Land pursuant to Government Code Section 54221(f)(1)(F). The land (APN 515-261-014-2) will be ground leased for development of the Nevin Plaza Phase II affordable senior housing project – Richmond Housing Authority (Antoinette Terrell 510-620-6784/Nannette Beacham 621-1306).

Adopted **Resolution No. 2203**.

N. ADJOURNMENT

The meeting adjourned at 6:46 p.m.

O. REGULAR MEETING OF THE RICHMOND CITY COUNCIL

The Regular Meeting of the Richmond City Council was called to order at 6:46 p.m. by Vice Mayor Claudia Jimenez.

P. ROLL CALL

Present: Councilmembers Soheila Bana, Gayle McLaughlin, Doria Robinson, Melvin Willis, Cesar Zepeda, and Vice Mayor Claudia Jimenez. **Absent:** Mayor Eduardo Martinez was absent the entire meeting.

Q. STATEMENT OF CONFLICT OF INTEREST

None.

R. AGENDA REVIEW

Items **V.3.a - Update Guiding Fiscal Policy** and **V.3.b - Update on Financial Policies and Administrative Policy Manual** were continued to the February 4, 2024, City Council meeting.

A motion by Councilmember McLaughlin, seconded by Vice Mayor Jimenez, added an emergency item to the Consent Calendar as Item V.1.c for the waiver of fees in the amount of \$3,675 for services honoring the life and legacy of former Councilmember Jim McMillan to be held at the Richmond Auditorium, passed by the following vote: **Ayes:** Councilmembers Bana, McLaughlin, Robinson, Zepeda, Willis, Vice Mayor Jimenez. **Noes:** None. **Absent:** Mayor Martinez.

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

C.1 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

(paragraph (1) of Subdivision [d] of Government Code Section 54956.9)

- Bryant v. Gage

A report was given and the City Council authorized a settlement agreement by unanimous vote.

C.2 PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957)

- Title: City Attorney

Item discussed and continued to a future meeting. The Ad Hoc committee was instructed to proceed with further analysis.

C.3 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (initiation of litigation pursuant to paragraph (4) of Subdivision (d) of Government Code Section 54956.9)

- One Case

Not discussed.

C.4 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

Item discussed and instructions were given to the labor negotiators.

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

City Manager Shasa Curl presented the report. Link to view: [City Manager Report](#)

T.1 NEW EMPLOYEE REPORT - 1st Tuesday

Deputy City Manager Nickie Mastay presented the November 2024 New Employee report and Promotions as follows: Christian Curry, Workforce Specialist II-Employment and Training; Andra Dowgala, Recreation Program Coordinator-Community Services; Carla Garcia, Administrative Trainee-Employment and Training; Wanda Gonzalez, Administrative Trainee-Employment and Training; Isabel Reyes, Administrative Trainee-Employment and Training; Amy Aaronson, Project Manager II-Human Resources/Fire Department; Maila Hughes, Office Aide-Finance; Nancy Bryan, Library Aide-Library; Alexis Grace, Administrative Aide-Community Services; Elizabeth Lockman, Associate Planner-Planning; Neil Lowery, Stationary Engineer-Public Works; Bryan Martinez Garcia, Library Aide-Library; Eldren Prieto, Planning Technician I-Planning; Antoinette Terrell, Director of Richmond Housing Authority; Sharziad Abushi, Recreation Program Leader-Community Service; Nicholas Brown, Police Officer Trainee; Sahari Bosquez-Baeza, Office Clerk-Cashier-Community Services; Pablo Radhakrishna, Groundskeeper-Public Works; Eric Jordan Office Clerk-Cashier-Finance; Robert Springer, Recreation Program Leader-Community Services.

Promotions: Gregory Everetts, Parks Supervisor-Public Works; Leticia Navarro, ONS Field Coordinator-Office of Neighborhood Services; David Rodgers, Maintenance Leadworker-Public Works; Eric Martin, Recreation Program Specialist-Community Services; Ehioze Williamson, Auditorium Aide-Community Services.

U. OPEN FORUM FOR PUBLIC COMMENT

(public comment on items that remain on the Consent Calendar or items not on the agenda - limited to 2 minutes unless otherwise specified - Back and forth dialogue with the Council is prohibited)

Cordell Hindler requested that Danny Wong was allowed to present a report to the city council on a future agenda. Mr. Hindler also stated that the UC Berkley Chancellors Office should establish a relationship with the city.

Suilma Navarrete, Zenaida Gomez, Blanca Retano, and Edith Pastrano gave comments regarding the need for approval of a rental inspection and certification program in the City of Richmond.

Jerome Fletcher President of the Richmond Steelers requested emergency funding for a team members trip to Florida. City Manager Shasa Curl stated that there would be an after the fact authorization on the December 17, 2024, City Council agenda and emergency funds would be advanced from the ECIA grant.

Philip Rosenthal gave comments regarding a meeting held regarding the Up and Under Pub that the neighborhood nor businesses were aware of.

Nate Trivers owner of the Up and Under Pub in Point Richmond stated that if the community did not want the parklet there, he would remove it.

V. CITY COUNCIL CONSENT CALENDAR

(All items placed under the Consent Calendar are considered to be routine and noncontroversial. These items will be enacted upon together with a motion and second, without discussion, of any member of the City Council, and each item shall be deemed to have received the action recommended.)

City Manager Shasa Curl stated that Item *V.5.b Calendar Years 2025-2027 Richmond Fund for Children and Youth Grant Awards* was amended to advance \$40,000 to the Richmond Steelers by December 6, 2024, for a contract commencing on December 5, 2024.

Item **V.1.c** was added as an emergency item for the waiver of fees in the amount of #3,675 for honoring the life and legacy of former Councilmember Jim McMiillan.

Motion by Councilmember Melvin Willis

Seconded by Councilmember Doria Robinson

Ayes (6): Councilmember Soheila Bana, Councilmember Gayle McLaughlin, Councilmember Doria Robinson, Councilmember Melvin Willis, Councilmember Cesar Zepeda, and Vice Mayor Claudia Jimenez

Absent (1): Mayor Eduardo Martinez

Passed

V.1 City Attorney's Office

V.1.a Third Amendment to Legal Services Agreement with Bennett, Gelini and Gelini, APC, to increase compensation and extend the end term

APPROVE a third amendment to the legal services agreement with Bennett, Gelini and Gelini, APC, to increase the compensation by \$300,000 for a total amount not to exceed \$559,990 and extending the term to end December 31, 2027 – City Attorney's Office (Kimberly Chin 510-620-6709/Shannon Moore 510-620-6505).

V.1.b Legal Service Agreement Amendment with Kramer Workplace Investigations

APPROVE an amendment to the legal services agreement with Kramer Workplace Investigations to extend the term to June 30, 2026, and increase the payment limit by \$150,000 for a total amount not-to-exceed \$250,000– City Attorney's Office/Human Resources Department (Dave Aleshire/Shannon Moore/Nickie Mastay/Sharrone Taylor 510-620-6600).

V.2 Community Development

V.2.a Purchase of Encrypted Radios for Code Enforcement

APPROVE the purchase of 11 encrypted hand radios from Motorola Solutions, for an expected total cost of \$75,079.72 for Code Enforcement – Community Development Department (Lina Velasco/Eva Mann 510-621-1283).

V.3 Finance Department

V.3.a Update Guiding Fiscal Policy

REVIEW and ADOPT updates to the Guiding Fiscal Policy – Finance Department (Shasa Curl/Nickie Mastay 510-620-6609/Andrea Miller 510-620-6790/Mubeen Qader 510-412-2077).

Item continued to the February 4, 2025, City Council meeting.

V.3.b Update on Financial Policies and Administrative Policy Manual

APPROVE updated Finance Policies and Administrative Policy Manual - Finance Department (Andrea Miller 510-620-6790/Mubeen Qader 510-412-2077/Jerry Gurule 510-620-6591).

Item continued to the February 4, 2025, City Council meeting.

V.4 Human Resources

V.4.a Amend contract with GovernmentJobs.com dba NEGOV

APPROVE the first amendment to the contract with GovernmentJobs.com dba NEGOV to increase the total payment limit by \$300,555.40 for a total amount not to exceed \$351,540.05 and extend the term to January 27, 2028 – Human Resources Department (Nickie Mastay/Sharrone Taylor 510-620-6602).

V.4.b Amend Salary Schedule

ADOPT a resolution amending the salary schedule to add the Assistant Deputy Director of Public Works, Assistant Transportation Planner, Associate Transportation Planner, Senior Transportation Planner, and the Contract Compliance Administrator classifications – Human Resources Department (Sharrone Taylor/Nickie Mastay 510-620-6602).

Adopted **Resolution No. 139-24.**

V.4.c Amend Position Control

ADOPT a resolution to amend staffing and position control list and allocate the necessary salary, wages, and benefits as required – Human Resources Department (Nickie Mastay/Sharrone Taylor 510-620-6602).

Adopted **Resolution No. 140-24.**

V.5 Library and Community Services

V.5.a Commission On Aging Senior Winter Ball Caterer

APPROVE a contract with El Sol Restaurant & Catering for a full-service catering for the Senior Winter Ball scheduled on December 14, 2024, in an amount not to exceed \$13,500 and for a term beginning December 1, 2024, to December 31, 2024 - Community Services Department (Kymberlyn Carson-Thrower 510-620-6789/Ranjana Maharaj 510-620-6972).

V.5.b Calendar Years 2025-2027 Richmond Fund for Children and Youth Grant Awards

ADOPT a resolution approving grant award recommendations from the Richmond Fund for Children & Youth (RFCY) Oversight Board for Calendar Years 2025-2027 to 37 youth-serving public and nonprofit organizations in a total amount not to exceed \$6,734,835 annually; APPROPRIATE a total of \$4,000,000 from the RFCY Fund Balance into the Fiscal Year (FY) 2024-25 budget and future FY budgets to cover all RFCY grant awards through the three-year grant cycle; ACCEPT and APPROPRIATE all grant funds awarded to City of Richmond departments up to the amounts awarded per calendar year; and AUTHORIZE the city manager, or their designee, to negotiate and execute grant service agreements with approved grantees - City Manager's Office (Patrick Seals 510-307-8016/Nicholas Delgado 510-620-6523/LaShonda White 510-620-6828).

Added to advance \$40,000 to the Richmond Steelers by December 6, 2024, for a contract commencing on December 5, 2024.

Adopted **Resolution No. 141-24**.

V.6 Public Works

- V.6.a Resolution to Approve a Construction Agreement with BuildCorp, Inc for the Lincoln Elementary School Safe Route to School Improvement Project (SRT)- CML -5137(055)

ADOPT a resolution to approve a construction agreement with BuildCorp, Inc for the Lincoln Elementary School Safe Route to School Improvement Project in an amount not to exceed \$456,000; and AUTHORIZE the director of public works to approve change orders, if necessary, for a contingency amount of up to \$68,400 which is 15 percent of the contract amount, for a total contract amount not to exceed \$524,400 – Public Works Department (Hillal Hamdan 510-621-1612/Robert Armijo 510-620-5477/Daniel Chavarria 510-620-5478).

Adopted **Resolution No. 142-24**.

- V.6.b Resolution to Award a Contract to Watearth for Operational Cost Study of Wastewater Treatment Plant, Sewer Collections System, and Stormwater Collections System

ADOPT a resolution to award an 18-month contract for \$670,947 with Watearth beginning on December 1, 2024, and ending on May 31, 2026, for Operational Cost Study of Wastewater Treatment Plant, Sewer Collections System, and Stormwater Collections System – Public Works Department (Jeffrey Barich 510-412-2009/Robert Armijo 510-620-5477/Daniel Chavarria 510-620-5478).

Adopted **Resolution No. 143-24**.

- V.6.c Resolution to Approve a Contract with SwiftComply, Inc. for Fats, Oils, and Grease (FOG), Industrial Pretreatment, and Stormwater Monitoring Services

ADOPT a resolution to approve a three-year contract with SwiftComply, Inc, for FOG, Industrial Pretreatment, and Stormwater Monitoring Services in an amount not to exceed \$239,155.00 beginning January 1, 2025 and ending on December 31, 2027, with two optional one-year extensions for a total amount of \$129,053.00 for both option years; and AUTHORIZE the Director of Public Works to approve change orders, if necessary, for a contingency amount of up to \$35,873.25 which is 15

percent of the bid amount, for a potential contract total amount not to exceed \$275,028.25 - Public Works Department (Bradley Harms 510-307-8094/Mary Phelps 510-621-1269/Daniel Chavarria 510-620-5478).

Adopted **Resolution No. 144-24**.

W. BUDGET SESSION

W.1 City Council's Direction for Investment Policy Update

REVIEW the City's Investment Policy and ADOPT a resolution to approve the updated policy – Finance Department (Andrea Miller 510-620-6740).

Finance Director Andrea Miller presented the Investment Policy. Link to the presentation: [Investment Policy Update](#)

Discussion ensued.

An update would be provided to the city council on a future agenda with the results and compliance of the policy and staff would monitor investments to ensure compliance.

Cordell Hindler gave comments.

Adopted **Resolution No. 145-24**.

Motion by Councilmember Gayle McLaughlin

Seconded by Councilmember Melvin Willis

Ayes (6): Councilmember Soheila Bana, Councilmember Gayle McLaughlin, Councilmember Doria Robinson, Councilmember Melvin Willis, Councilmember Cesar Zepeda, and Vice Mayor Claudia Jimenez

Absent (1): Mayor Eduardo Martinez

Passed

X. PUBLIC HEARINGS

X.1 Code Enforcement Lien and Special Assessment List for May 1, 2023 – April 30, 2024

Pursuant to public notice, the city clerk announced that it was time to hold a public hearing; and ADOPT a resolution authorizing the City of Richmond to levy special assessments against certain properties with unpaid invoices related to administrative citations, and nuisance abatement costs pursuant to Richmond Municipal Code Chapters 2.62, 6.38, 9.22, and 11.76 – Community Development Department (Lina Velasco/Eva Mann 510-621-1283).

Code Enforcement Manager Eva Mann and Director of Community Development Lina Velasco presented the item.

Vice Mayor Jimenez declared the public hearing open.

Link to presentation: [Code Enforcement Lien and Special Assessments](#)

Mike Doninelli, Tony Doninelli, Virginia Harrison, and Julius Melendez gave comments requesting review of their liens.

Liz Dodge #41 - Center Avenue and #45 - 673 40th Street regarding the feral cats issue gave comments via Zoom.

Vice Mayor Jimenez closed the public hearing. Discussion ensued.

City council requested the following: that future lien reports contain the type of violation; consideration of assistance for seniors; review of the feral cat ordinance; the potential of youth from the Youth Work Program to assist with abatement efforts for residents; ensure lien notices are received in both English and Spanish; differentiate between owner occupied vs vacant properties; and consider a payment plan option.

Vice Mayor Jimenez reopened the public hearing to hear from #41 - Estes Plumbing.

Vice Mayor Jimenez closed the public hearing.

Councilmember McLaughlin left the meeting at 9:06 p.m.

A motion by Councilmember Willis, seconded by Councilmember Robison, to remove those who contested the levies from the list. Councilmember Robinson offered a friendly amendment as follows: to move forward with levies for the vacant properties, and review those levies of the owner-occupied properties, churches, homesteads, and veterans; assess if the owner-occupied properties need financial assistance and direct staff to take steps to create a program for those who need assistance; initiate an RFP for an outside agency to structure a program for next budget cycle and create a list of income limitations; report the outcome to the city council for the possibility of a financial assistance program for the 2025-2026 budget; and to move forward with assess levies for businesses, rentals, vacant lots, and non-exempt, with exception of the three that came to the meeting.

Councilmember Bana offered a friendly amendment that notices are sent via certified mail in both English and Spanish with payment options. The amendment was not accepted.

Motion by Councilmember Melvin Willis

Seconded by Councilmember Doria Robinson

Ayes (5): Councilmember Soheila Bana, Councilmember Doria Robinson, Councilmember Melvin Willis, Councilmember Cesar Zepeda, and Vice Mayor Claudia Jimenez

Absent (2): Councilmember Gayle McLaughlin, and Mayor Eduardo Martinez

Passed

X.2 Appeal of Encroachment Permit (#EN23-00843) Denial for Up & Under Pub & Grill BBQ Smoker

RECEIVE AND APPROVE an update on the appeal of an Encroachment Permit Application #EN23-00843 for the Up & Under Pub & Grill, PROVIDE guidance on the Applicant's proposal and the draft Compliance Agreement, and CONTINUE this item to February 4, 2025, for presentation of the final Compliance Agreement – Public Works Department (Robert Armijo 510-620-5477)/City Attorney's Office (Dave Aleshire 510-620-3509). PUBLIC HEARING IS CLOSED; COUNCIL DELIBERATION ONLY.

City Attorney Dave Aleshire and Deputy Public Works Director Robert Armijo gave an overview.

A motion was made to uphold the city engineer's decision to deny the encroachment permit.

Motion by Councilmember Cesar Zepeda
Seconded by Councilmember Melvin Willis

Ayes (5): Councilmember Soheila Bana, Councilmember Doria Robinson,
Councilmember Melvin Willis, Councilmember Cesar Zepeda, and Vice Mayor
Claudia Jimenez

Absent (2): Councilmember Gayle McLaughlin, and Mayor Eduardo Martinez

Passed

**Y. REPORTS OF OFFICERS: REFERRALS TO STAFF, AND GENERAL REPORTS
(INCLUDING AB 1234 REPORTS)(limited to two minutes per
Councilmember)(public comments allowed under Open Forum)**

Councilmember Willis requested that the meeting was adjourned in memory of former councilmember Jim Mcmillan. His memorial service was on December 13, 2024, at 4 p.m. at the Richmond Auditorium.

Councilmember Robinson reported that the Urban Tree Advisory Committee met and walked the neighborhood to look at the state of the aging trees. Councilmember Robinson also reported that she visited the Legacy Museum in Alabama and there could be a Black Historical Legacy Program & Museum in Richmond.

Z. ADJOURNMENT

There being no further business, the meeting adjourned at 9:42 p.m., in memory of former Richmond Councilmember Jim McMillan, to meet again on December 17, 2024, at 6:30 p.m.

Clerk of the City of Richmond

Mayor

From: [Ann McIntire](#)
To: [City Clerk Dept User](#)
Subject: X.2 Agenda December 3 Up and Under Decks
Date: Monday, December 2, 2024 8:18:08 PM

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[You don't often get email from annmcin@yahoo.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

This email originated from outside of the City's email system. Do not open links or attachments from untrusted sources.

Dear Mayor Martinez,

I live in Point Richmond and want to know why the Up and Under bar has three outside seating areas. The one in the street is oversized, blocks traffic, and makes it dangerous to cross the street where there is no crosswalk. It is seldom used.

Three is too many.

Thank you,
Ann McIntire

From: [cecil calban](#)
To: [City Clerk Dept User](#)
Subject: Public Comment X.2 Dec 3 council meeting
Date: Monday, December 2, 2024 5:57:28 PM

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To whom it may concern,

My family has lived on the same block for over 60 years, and our block is affected by safety issues and parking overflow from the downtown commercial /residential district.

We are concerned that some businesses are allowed to do whatever they want, despite regulations and without public input.

We have a right to be notified about buildings and structures that affect our safety.

We are also in support of ALL of our businesses and understand that every business should be treated equally and that includes parking for their customers and parking for the residents living in the neighborhood.

Please find a way to fix this problem legally and be respectful of the people who pay taxes and play by the rules. There is already outside seating available on the sidewalk and other businesses have none. This isn't right.

Thanks,

Cecil Calban

From: [Devin Whittemore](#)
To: [City Clerk Dept User](#); [Cesar Zepeda](#); [Eduardo Martinez](#); [Doria Robinson](#); [Claudia Jimenez](#); [Gayle McLaughlin](#); [Soheila Bana](#); [Melvin Willis](#)
Cc: [Dave Aleshire](#); [Robert Armijo](#); [Eric Munson](#); [Lina Velasco](#); [Shasa Curl](#)
Subject: Public Comment for Agenda Item X.2, Up & Under Parklet & other issues
Date: Tuesday, December 3, 2024 12:20:10 PM

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Dear Mayor and City Council Members,

I am writing to express my deep concern and frustration regarding the ongoing situation with the Up & Under and its disregard for the safety of our community. The city attorney and staff have allowed this business to repeatedly violate Richmond Municipal Code, and it is imperative that this situation be addressed without further delay.

While our community is proud to support small businesses, this one business has continually overstepped, creating serious risks to public safety. Specifically, the illegal structure on W. Richmond Ave, installed by Mr. Trivers, must be removed immediately. The intersection has become incredibly dangerous, to the point where local residents are unwilling to walk through the area or drive on Railroad Ave to make a left turn onto W. Richmond Ave. It is that unsafe.

I have witnessed fire trucks being impeded from getting to urgent calls because delivery trucks and other vehicles parking next to this parklet.

Why are we allowing one business owner to put the entire community at risk by making an already dangerous intersection even more hazardous?

Mr. Trivers himself has publicly admitted that the structure does not meet the required guidelines. He is fully aware that parklets are meant to be temporary, with a maximum allowable timeframe of three years and annual renewals. Yet, he has ignored this process, failed to comply with the necessary annual renewals, and continues to operate outside of the law. Even former Mayor Tom Butt has said the structure is not ADA-compliant and needs to be removed.

In addition, Mr. Trivers has acknowledged that the intersection is a nightmare, citing weekly near-misses. Despite this, he has failed to remove the hazard at the three-year mark (December 2023), thereby continuing to put the safety of residents at risk.

This issue has gone on long enough.

The placement of his smoker in a RED ZONE and the ongoing battle with the city have stretched on for nearly two years, yet no meaningful resolution has been reached.

Moreover, Mr. Trivers has encroached upon public land across the street, where alcohol consumption has routinely been observed over the years, often outside of the required regulations.

By allowing this business to continue to operate without proper permits, violate city codes, and endanger public safety, the city is setting a dangerous precedent. It is essential that the city take immediate action to remove the parklet, halt the illegal use of public land, and require the necessary permits to ensure that this business is operating within the law.

Please take the necessary steps to protect our community and uphold the rule of law. Thank you for your attention to this urgent matter.

Sincerely,

Devin

From: [Elizabeth Dodge](#)
To: [City Clerk Dept User](#)
Cc: [Elizabeth Dodge](#)
Subject: December 3, 2024 City Council public comments agenda item # X.1
Date: Monday, December 2, 2024 7:50:11 PM

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To: Richmond City Council Members

RE: December 3, 2024 City Council public comments agenda item # X.1

Dear Members of the Richmond City Council:

My name is Elizabeth Dodge and I am providing my comments on the December 3, 2024 City Council Agenda Item X.1 Code Enforcement Lien and Special Assessment List for May 1, 2023 – April 30. I am specifically addressing Item number 45 Case number CE23—000748 for the house at 673 40th Street owned by Colleen Sadousky who has been working with the nonprofit Community Concern for Cats to reduce the feral cat population in her neighborhood. Ms. Sadousky, working with Community Concern for Cats, has:

• sterilized 29 cats in her neighborhood

• relocated or rehomed cats whenever possible

• assisted volunteers, of which I am one, to coordinate feeding with trapping feral cats on her property

This has been achieved at a cost of thousands of dollars, borne primarily by Ms. Sadousky, Community Concern for Cats, and many unpaid volunteer hours. This situation could have been avoided, or at least resolved sooner, but for the limited availability of funds for veterinary spay/neuter services. Community Concern for Cats charges the public only \$200 for spay/neuter services but that

is heavily subsidized by private donations. Most private vets charge \$500 to \$800 or more. So, in all Ms. Sadousky and Community Concern for Cats saved the City of Richmond over ten thousand dollars to address a problem not of her making.

This, unfortunately, is not an unusual situation and is caused by negligent pet owners who do not spay and neuter their pets. I recommend that the Richmond City Council eliminate the special assessment against Ms. Sadousky's property and instead support her efforts and those of the nonprofits and volunteers to humanely reduce cat populations in Richmond.

Sincerely,

Elizabeth Dodge
710 Wildcat Canyon Road
Berkeley, CA 94708

From: [jonathan.livingston](#)
To: [City Clerk Dept User](#)
Cc: [Dave Aleshire](#); [Shasa Curl](#); [Robert Armijo](#)
Subject: Agenda Item x.2 December 3 2024 Up and Under Parklet
Date: Tuesday, December 3, 2024 8:28:08 AM

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Dear Mayor City Council Members

I am writing to express my full support of the PRNC position regarding not being notified about the above item]X.2 on December 3.

Statements from staff that no one showed up to speak against the item , therefore no one is in opposition to the parklet is just false. WE have been living with this public safety hazard for years and this intrusion into the public RW at one of the most dangerous and congested intersections in the point is almost a dereliction duty of your sworn statement as a city employee to protect the health, safety and welfare of the public.

I was witness to a fire truck - sirens blazing en route to a call that could not get by that intersection because a delivery truck was parked next to the parklet blocking the street....!!!! how is this OK?

There are many other issues here that the PRNC has illuminated, such as no permits or public due process in the review of applications.

Please have this item follow the prescribed legal application process and follow the law on this .

Respectfully,

Jonathan Livingston, former DRB chair

From: [June Hight](#)
To: [City Clerk Dept User](#)
Subject: Public Comment: Agenda Item X.2 (Public Hearing) - December 3, 2024
Date: Tuesday, December 3, 2024 12:18:14 PM

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Dear Mayor and City Councilmembers,

I am writing regarding the parklet at the Up and Under. I support parklets generally, but this one, with its seemingly unusual path through the permitting process, its permanent nature, and its placement near a dangerous intersection with heavy pedestrian traffic is concerning. The parklet severely reduces visibility for those turning left from Railroad Ave.

I hope that the city can develop rules that will be applied to all applicants, including this one, evenly that ensure pedestrian and traffic safety, disabled accessibility, fairness among businesses and residents competing for shared resources, fair compensation for public property, and fire and police safety.

June Hight



City of Richmond
Shasa Curl, City Manager
Dave Aleshire, City Attorney
450 Civic Center Plaza
Richmond, CA 94804

December 2, 2024

Dear Mayor and City Councilmembers,

Please note that all Councilmembers are bcc'd on this email.

We are writing to express the Point Richmond Neighborhood Council's position on the Up & Under's parklet, which will be discussed under Agenda Item X.2 (Public Hearing).

It has been suggested that the neighbors of Point Richmond had no concerns about or did not oppose the parklet and the smoker because no one from the community spoke at the previous City Council meeting when the issue was addressed and public comment was taken.

We wish to correct this assertion, as this is very much not the case. We, the Point Richmond Neighborhood Council — which is ostensibly to be the conduit between the City and neighbors — was not informed by the City that the parklet was to be discussed and public comment was to be taken. No one spoke in opposition, quite simply, because no one knew our input was sought.

To reiterate our mission, the PRNC has always strongly supported the success of our small businesses and the priority of public safety for our residents, workers, and visitors.

These two goals should never be in conflict.

Over the years, the PRNC has held three meetings regarding parklets, and the community has agreed on criteria that align with the City of Richmond’s parklet ordinance; Bay Area standards; and key concerns about public safety, traffic, fire personnel access, parking, and equity in our mixed-use area.

Key Concerns Regarding the Up & Under Parklet

1. Failure to follow public due process:

- The structure did not go through the required LUDRC and PRNC review, unlike the other parklet application in the area.
- It does not comply with legal specifications as outlined in the ordinance and is not ADA-compliant.
- The structure lacks the necessary permits and has not undergone the required annual renewals.
- It has been in place for four years, one year beyond the maximum allowable term of three years.

2. Public Safety:

- The nearby intersection of West Richmond Avenue and Railroad Avenue is heavily trafficked and dangerous. The parklet obstructs critical sight lines for drivers turning left onto West Richmond from Railroad.
- Drivers now must pull out into the middle of the intersection to see approaching vehicles.
- “Protective” planters block the public safety red zone and are within 20 feet of marked and unmarked crosswalks, in violation of California law.

Acknowledgement of Safety Concerns and Non-Compliance

- Mr. Nate Trivers has publicly acknowledged the parklet’s compliance and safety issues, stating, “We all know looking at the structure it does not meet the guidelines” and “...there’s a safety issue there.” (link to comment: <https://youtu.be/xJwHQIZ09Lk?t=4724>)

- He has also referred to the corner as “a nightmare” and “dangerous”, with near-accidents occurring weekly. (links to comments: <https://youtu.be/xJwHQIZ09Lk?t=3601> and <https://youtu.be/xJwHQIZ09Lk?t=36>)

Two examples of balanced feedback from well-respected community members on Public Safety:

- Garry Hurlbut emphasized concerns about parking, the dangerous intersection, and the lack of public input on the parklet. He stressed the need for community collaboration to resolve these issues. (link to comment: <https://youtu.be/xJwHQIZ09Lk?t=3813>)
- Jessie West also noted the dangers at the intersection and how the parklet and smoker exacerbate the situation. (link to comment: <https://youtu.be/xJwHQIZ09Lk?t=4221>).

As communicated previously, the PRNC board is committed to scheduling the necessary LUDRC and PRNC meetings for any new parklet applications.

At the September 28, 2022, PRNC meeting, Mr. Trivers confirmed he had no plans to submit a new application (link to comment: <https://youtu.be/xJwHQIZ09Lk?t=4455>). Should he reconsider, we expect any new proposal to fully comply with the City’s parklet requirements and to not adversely impact public safety.

The PRNC supports solutions that prioritize public safety, due process, equitable access for all small businesses, and community collaboration. Thank you for your attention to this serious matter.

πSincerely,

The Board of Directors of the Point Richmond Neighborhood Council

From: [Zia Bacca](#)
To: [City Clerk Dept User](#)
Subject: Agenda Public comment X.2 12/3/24
Date: Monday, December 2, 2024 6:10:38 PM

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Dear Clerk and Council Members-

I live in Point Richmond and want to see something done about the dangerous deck that takes up half the block at Railroad Avenue and West Richmond Avenue.

This block is complicated and dangerous and we were never informed that the city was giving away free city property for one business at the expense of the businesses and folks who LIVE on the block.

We appreciate that the pub is a thriving business and the owners have made a silk purse from a (previous) sow's ear. But, covid is over and there is tons of seating on the side of the building that does not take up parking or complicate traffic safety.

It is our understanding that this structure bears no resemblance to what was proposed and I was there when the city tried to remove it years ago. Now we are wondering what happened.

Sincerely,
Zia Bacca and Family