

RICHMOND, CALIFORNIA, May 11, 2021

The Richmond City Council Special Evening Open Session was called to order at 4:01 p.m. by Mayor Thomas K. Butt via teleconference.

Due to the coronavirus (COVID-19) pandemic, Contra Costa County and Governor Gavin Newsom issued multiple orders requiring sheltering in place, social distancing, and reduction of person-to-person contact. Accordingly, Governor Gavin Newsom issued executive orders that allowed cities to hold public meetings via teleconferencing (Executive Order N-29-20).

DUE TO THE SHELTER IN PLACE ORDERS, attendance at the City of Richmond City Council meeting was limited to Councilmembers, essential City of Richmond staff, and members of the news media. Public comment was confined to items appearing on the agenda and was limited to the methods provided below. Consistent with Executive Order N-29-20, this meeting utilized teleconferencing only. The following provides information on how the public participated in the meeting.

The public was able to view the meeting from home on KCRT Comcast Channel 28 or AT&T Uverse Channel 99 and livestream online at <http://www.ci.richmond.ca.us/3178/KCRT-Live> and <http://www.youtube.com/user/KCRTTV>.

*The methods to submit public comment were via mail, email to cityclerkdept@ci.richmond.ca.us, teleconference, and telephone during the meeting. Written comments received by 1:00 p.m. on May 11, 2021, were put into the record and considered before Council action. Written comments received after 1:00 p.m. and up until the public comment period on the relevant agenda item closed, were also put into the record. **Attached herewith all written public comments received.***

ROLL CALL

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

CITY COUNCIL

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

Richmond Shoreline Alliance, SPRAWLDEF, Citizens for East Shore Parks, Sunflower Alliance, and GreenAction for Health and Environmental Justice v. City of Richmond

SPRAWLDEF et al. v. City of Richmond North Coast Rivers Alliance et al./ Point Molate Alliance et al. v. City of Richmond

CONFERENCE WITH LEGAL COUNSEL -
ANTICIPATED LITIGATION (Significant exposure to litigation pursuant to paragraph (2) or (3) of Subdivision (d) [as applicable] of Government Code Section 54956.9):

Three cases. In light of the California Court of Appeal's decision in Fowler v. City of Lafayette, the City Attorney's Office attached to the agenda two letters regarding the amended judgment and various agreements related to Point Molate. The letters provided the existing facts and circumstances for going into closed session on the items pursuant to California Government Code Section 54956.9(d)(2).

PUBLIC COMMENT BEFORE CLOSED SESSION – LIMITED TO ITEMS ON THE SPECIAL CLOSED SESSION AGENDA ONLY

The following individuals gave comments via teleconference regarding the existing litigation items: Tarnel Abbott, Pam Stello, Jeanne Kortz, Doria Mueller-Beilschmidt, David Helvarg, and Sally Tobin.

The Open Session adjourned to Closed Session at 4:16 p.m. Closed Session adjourned at 6:21 p.m.

The Special Meeting of the Richmond City Council was called to order at 6:30 p.m. by Mayor Butt via teleconference.

ROLL CALL

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

PUBLIC COMMENT INSTRUCTIONAL VIDEO

The Public Comment Instructional Video was shown.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Item G-1 was withdrawn from the agenda.

REPORT FROM THE CITY ATTORNEY ON FINAL DECISIONS MADE DURING CLOSED SESSION

City Attorney Teresa Stricker stated there were no final actions to report.

BUDGET SESSION

F-1. The matter to receive department presentations on services, accomplishments, opportunities, and challenges for Fiscal Year 2021-22 was introduced by City Manager Laura Snideman. Department heads (or their representative) gave presentations for the following departments: Mayor's Office, City Council, City Clerk's Office, City Attorney's Office, Community Police Review Commission, City Manager's Office, Economic Development,

Children and Youth, Environmental and Community Investment Agreement, Finance, Human Resources, Information Technology, Office of Neighborhood Safety, Fire, Public Works, Community Development, Community Services, Library, Recreation, and Transportation Services. Discussion ensued. The Council made the following recommendations and requests: Consider translation services for City Council meetings. Work with the West Contra Costa Unified School District or other volunteer programs to assist with abatement issues. Consider using goats for landscape maintenance and fire prevention. Provide a community needs assessment reflected in each department budget. Adjust budget assumptions to reflect the reality of revenue and expenses. Provide information for position vacancies to clarify discrepancies. Provide a complete list of planned budgeted vacancies including position classifications, compensation and benefits cost, funding source, explanation of why the vacancy was included in the budget, and staffing levels needed for community needs. Determine the percentage of the budget for the Reimagining Public Safety Community Task Force recommendations proposed at the Special City Council meeting on May 10, 2021. Discuss the American Rescue Plan Act funds. Provide a checklist in response to the Council's list of concerns submitted to the city manager. Consider providing city-wide broadband internet service and recycled computers to the community. Ensure that recycling is addressed appropriately by the waste collection provider. Address illegal dumping issues and needed repairs for paving, curbs, and sidewalks. Provide a timeline for the reopening of senior centers. Address repairs needed at the Booker T. Anderson Community Center, upkeep of parks, abandoned vehicles, street lighting, youth programs, permanent library director, unhoused community, city landscape and maintenance, and additional staff for the Literacy for Every Adult Program. Provide assumptions for the CalPERS budget projections. Take advantage of funding proposed around Smart Cities Initiatives to improve infrastructure and technology. Consider rehiring part-time employees laid off due to the pandemic and creating a community task force for abatement. Focus on providing charter-mandated services such as public safety, public works, streets, recreation, parks, and libraries. Provide an analysis and information regarding the length of vacancies and frozen positions. Provide information regarding printing and mailing services provided to the neighborhood councils. Provide information regarding the proposed additional staff. The following individuals gave comments via teleconference: Mark Wassberg, Luis Chacon, Lisa Cody, and Amanda LeGaux.

COUNCIL AS A WHOLE

G-1. Withdrawn from the agenda, the matter to adopt a resolution reiterating the City of Richmond's commitment to being the most protective of health and safety and directing staff to provide a report of approved projects regarding the latest verified scientific and health data available.

G-2. The matter to receive a presentation from the city manager or designee regarding the City of Richmond's ongoing response to COVID-19; and provide feedback on the city's proposed plans to reopen City Hall was introduced by Mayor Butt. City Manager Laura Snideman, Human Resources Director Anil Camelo, Human Resources Risk Manager Laura Marquez, and Emergency Operations Services Manager Genevieve Pastor-Cohen presented a Powerpoint that highlighted the following: overview; pathway to providing public services; public information and

reopening task forces; site safety plan and measures; essential and hybrid services provided; current City Hall reopening status; planned “new normal” date of June 21, 2021; and COVID-19 vaccine, mandate challenges, and recommendation to not pursue a vaccine mandate. Discussion ensued. Mark Wassberg and Leisa Johnson gave comments.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:09 p.m., to meet again on Tuesday, May 18, 2021, at 6:30 p.m.

Clerk of the City of Richmond

(SEAL)

Approved:

Mayor

From: [Lucy Gill](#)
To: [City Clerk Dept](#)
Cc: [Tom Butt - external](#); [Nat Bates](#); [Claudia Jimenez](#); [Eduardo Martinez](#); [Demnlus Johnson](#); [Gayle McLaughlin](#); [Melvin Willis](#)
Subject: Public Comments -- Agenda Item: Special Closed Session (Point Molate)
Date: Tuesday, May 11, 2021 5:52:37 PM
Attachments: [05.11.2021 Gill PublicComment.pdf](#)

Mayor, Vice Mayor, and Council Members:

Attached is my statement for public comment on the special closed session agenda item (Point Molate Mixed-Use Project).

I have also included the text in the body of the email for convenience:

Mayor, Vice Mayor, and City Council Members,

My name is Lucy Gill, and I am a PhD Candidate in the Department of Anthropology at UC Berkeley, with experience working as an archaeologist on cultural resource management projects in the East Bay. I have been aware of the archaeological significance of Point Molate for some time and have followed development discussions closely.

In collaboration with several colleagues at Berkeley, including Professor Kent Lightfoot, I reviewed in detail the cultural resources assessment prepared in 2009 by Analytical Environmental Services. We found the archaeological research design, data collection, and analysis methodologies insufficient for characterizing the archaeological resources at Point Molate. Further research demonstrated that AES has indeed misjudged the status of known archaeological resources at Point Molate.

My colleagues and I have reviewed all previous archaeological and geotechnical reports within the APE, several of which describe undisturbed midden strata up to 1 meter thick, recorded as recently as 2016. It has been noted in previous reports that a stratum of midden deposits is visible in a vertical exposure along one portion of the beach bluff within the APE, which we confirmed during a site visit. Preliminary geophysical survey data show that this stratum extends inland at least 10-20 m from the edge of the bluff, representing a considerable in situ component of the shell mound documented as CA-CCo-283. Several geological borehole logs from geotechnical reports record identical in situ, shell-bearing, dark-earth deposits at several other points within the mapped boundary of CA-CCo-283.

These data—not considered in the AES report—demonstrate that there are significant, intact cultural resources and historic properties within the project APE, which are eligible for the State and National Register under both State and Federal law, and which will be subject to unmitigable adverse effects under the current Subsequent Environmental Impact Report and proposed Development Agreement.

We urge you to consider these important cultural resources in any further decisions regarding Point Molate, and I am happy to provide further information regarding the work described above. Thank you.

Sincerely,
Lucy Gill, MA
PhD Candidate, University of California, Berkeley

--

[Lucy Gill](#)
PhD Candidate
[Huchiun, unceded Lisjan \(Ohlone\) territory](#)
University of California Berkeley
Department of Anthropology



May 11, 2021

Mayor, Vice Mayor, and City Council Members,

My name is Lucy Gill, and I am a PhD Candidate in the Department of Anthropology at UC Berkeley, with experience working as an archaeologist on cultural resource management projects in the East Bay. I have been aware of the archaeological significance of Point Molate for some time and have followed development discussions closely.

In collaboration with several colleagues at Berkeley, including Professor Kent Lightfoot, I reviewed in detail the cultural resources assessment prepared in 2009 by Analytical Environmental Services. We found the archaeological research design, data collection, and analysis methodologies insufficient for characterizing the archaeological resources at Point Molate. Further research demonstrated that AES has indeed misjudged the status of known archaeological resources at Point Molate.

My colleagues and I have reviewed all previous archaeological and geotechnical reports within the APE, several of which describe undisturbed midden strata up to 1 meter thick, recorded as recently as 2016. It has been noted in previous reports that a stratum of midden deposits is visible in a vertical exposure along one portion of the beach bluff within the APE, which we confirmed during a site visit. Preliminary geophysical survey data show that this stratum extends inland at least 10-20 m from the edge of the bluff, representing a considerable in situ component of the shell mound documented as CA-CCo-283. Several geological borehole logs from geotechnical reports record identical in situ, shell-bearing, dark-earth deposits at several other points within the mapped boundary of CA-CCo-283.

These data—not considered in the AES report—demonstrate that there are significant, intact cultural resources and historic properties within the project APE, which are eligible for the State and National Register under both State and Federal law, and which will be subject to unmitigable adverse effects under the current Subsequent Environmental Impact Report and proposed Development Agreement.

We urge you to consider these important cultural resources in any further decisions regarding Point Molate, and I am happy to provide further information regarding the work described above. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lucy Gill'.

Lucy Gill, MA
PhD Candidate, University of California, Berkeley

From: [Cordell Hindler](#)
To: [City Clerk Dept](#)
Subject: Public Comments F-1 Budget Session
Date: Monday, May 10, 2021 4:47:04 PM

good evening Mayor Butt, council members and City Staff, I have some comments in Regarding the presentations

1. I must commend staff for the fine work in their departments
2. My concerns is regarding not having the positions needed for the departments

Sincerely
Cordell

From: [Klein, Linda C.](#)
To: [City Clerk Dept](#)
Cc: [Marc Magstadt \(mmagstadt@suncal.com\)](#); [David Soyka](#); [Sabey, Andrew](#)
Subject: Agenda Item G-1
Date: Monday, May 10, 2021 4:48:21 PM
Attachments: [Letter to City re Agenda Item G-1\(12698629.2\).pdf](#)

Pamela,

Attached please find a comment letter concerning agenda item G-1. I would appreciate it if you could circulate the letter to the Mayor and all council members.

Best,

Linda C. Klein



Cox, Castle & Nicholson LLP

50 California Street | Suite 3200 | San Francisco, CA 94111

direct: 415.262.5130 | *main:* 415.262.5100

cell: 310.985.9381

lklein@coxcastle.com | [vcard](#) | [bio](#) | [website](#)



Cox, Castle & Nicholson LLP
50 California Street, Suite 3200
San Francisco, California 94111-4710
P: 415.262.5100 F: 415.262.5199

Linda C. Klein
415.262.5130
lklein@coxcastle.com

File No. 083086

May10, 2021

VIA E-MAIL

City Council
c/o Pamela Christian, City Clerk
City of Richmond
450 Civic Center Plaza
Richmond, CA 94804

Re: City Council Agenda Item G-1: Resolution Directing Staff To Provide A Report Of Approved Projects Regarding The Latest Verified Scientific And Health Data

Dear Mayor, Vice-Mayor, and Councilmembers:

I write on behalf of my client, Winehaven Legacy LLC (“Winehaven Legacy”). Winehaven Legacy is concerned about City Council Agenda Item G-1, which proposes a resolution (“Resolution”) to have staff look at the mitigated negative declarations (MNDs) and environmental impact reports (EIRs) of approved, but unbuilt projects and inform City Council of the continued scientific validity of the thresholds used to examine those projects’ contributions to existing impacts related to sea-level rise, toxins, fire, geotechnical hazards, and emergency vehicle access and evacuation routes. In addition, although not an impact under the California Environmental Quality Act (CEQA), the resolution asks staff to list the proximity of approved projects to “inherently dangerous production activities, such as major industrial facilities.” (See *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369, 392 [CEQA “does not generally require an agency to consider the effects of existing environmental conditions on a proposed project’s futures users or residents”].)

The “Whereas” clauses provide no insight into the purpose of this study, nor do the clauses acknowledge that this Resolution will have no impact on approved projects subject to development agreements, protected by vesting tentative maps, or protected by a preliminary application. According to the “Whereas” clauses, the City is undertaking this study to protect “the health and safety of its residents” consistent with the Health in All Policies (HiAP) Ordinance and because “it is essential at this point in time, during a global pandemic, to clarify the City’s commitment to health and safety for all residents (current and future).” The action proposed, however, is divorced from those goals.

Regarding the HiAP Ordinance, City staff provided a progress report (“HiAP Report”) on its implementation efforts and recommended future actions to City Council last September.

There was no recommendation in the HiAP Report to relook at approved projects. Under the “Environmental Health and Justice” category, the report recommends working with regional regulators to enforce regulations for mobile sources and analyzing ways to improve the high asthma rates in the City, particularly in the Iron Triangle. Under the “Residential and Built Environment” category, the report recommends “connecting neighborhoods that lack healthy food outlets to areas with such stores and protecting neighborhoods from displacement of residents.” (Report from Shasa Curl, et al., to the City Council regarding HiAP Progress (September 29, 2020).)

Winehaven Legacy supports the City’s efforts to implement the HiAP Report recommendations. Notably, there is no staff recommendation to re-examine CEQA thresholds for approved projects, which would take staff away from implementing the important recommendations in the HiAP Report. The HiAP Report also mentions the need for increased economic activity and construction of housing to prevent displacement. Asking staff to examine the thresholds in adopted CEQA documents, to the extent it delays or derails projects that bring jobs and housing, is counter to those goals

Similarly, re-examining the CEQA documents of approved projects has no rational relation to COVID-19. COVID-19 has highlighted the importance of access to health care and housing. Re-examining adopted CEQA documents is unlikely to increase the City’s access to health care. Nor will it increase access to housing.

To clarify that the City does not intend to derail approved projects that have undergone CEQA clearance, Winehaven Legacy asks that the resolution be modified as follows:

THEREFORE, BE IT RESOLVED that the City Council directs staff to prepare a report identifying the thresholds for the data points, specified below, that should be used to evaluate ~~these entitled private~~ development projects that require a ~~with an adopted~~ Mitigated Negative Declaration (MND) or a certified Environmental Impact Report (EIR), ~~but without an issued construction permit, and any changes to those thresholds since project approval.~~

Such projects are crucial to the City meeting its HiAP Ordinance goals and its Regional Housing Needs Assessment targets.

Even if the Resolution is not modified, it will have no effect on the Point Molate project (“Project”) because of its Development Agreement (DA). Specifically, for the fifteen-year term of the DA, the Project Approvals and the City’s rules, regulations, ordinances and policies applicable to the development of Point Molate are vested, meaning new policies and ordinances cannot be applied to the Project. (DA § 3.2.) The Project also has a vesting tentative map. Moreover, new CEQA thresholds are not the type of new information that triggers the need for further environmental review under Public Resources Code section 21166. (See *Concerned Dublin Citizens v. City of Dublin* (2013) 214 Cal.App.4th 1301, 1319–1320.)

Indeed, construction of the Project will further many of the goals identified in the HiAP Report. The Project would continue the cleanup of contaminated land at Point Molate, provide well-paying construction jobs, add to the City's bicycle network, rehabilitate important and currently inaccessible historic resources, and provide new parks and open spaces for the City's existing and future residents to enjoy. The Project also would be the City's first all-electric community, providing a template for future development and supporting the City's efforts to fight climate change.

Sincerely,



Linda C. Klein

cc: Marc Magstadt, Winehaven Legacy LLP
David Soyka, Winehaven Legacy LLP