



## CITY COUNCIL/SUCCESSOR AGENCY MINUTES

August 8, 2023, 7:00 p.m.

### **A. CALL TO ORDER & ROLL CALL**

Mayor Bryant called the meeting to order at 7:11 p.m.

Roll Call found the following members present: Mendoza, Meyer, Pierson, Oerlemans, and Mayor Bryant.

#### **A.1 REPORT ON CLOSED SESSION**

In Closed Session, the City Council voted 5/0 to initiate an adjudicatory proceeding. The parties and other information related to the proceeding shall be disclosed upon request once the matter is formally commenced, unless to do so would jeopardize the City's ability to serve parties to the matter and or conclude existing settlement negotiations to its advantage.

### **B. PLEDGE OF ALLEGIANCE**

Mayor Bryant led the Pledge of Allegiance.

### **C. PUBLIC COMMENTS**

Yildez provided comments related to National Night Out with regard to the neighborhoods of Deer Ridge, Shadow Lakes, and Brentwood Hills and expressed safety concerns regarding the proposed bar and restaurant at Deer Ridge golf course and similar projects.

Mariana Petrenko expressed gratitude to City staff and the Police Department in their participation in National Night Out and Fourth of July events.

Denise Duran reported on a successful Celebrate Brentwood Gala, congratulated the winners, and highlighted upcoming Chamber events.

Olga Vidriales expressed appreciation to Council Member Oerlemans, Council Member Pierson and Chief Herbert for attending the Celebrate Brentwood Gala.

Ian stated the traffic light at San Jose Avenue and Fairview Avenue is heavily delayed on recognizing vehicles waiting on San Jose Avenue and expressed disappointment that the Sand Creek Extension ground breaking ceremony was not advertised for public attendance.

Tera Bozzini spoke with concern related to the dog housed at the Brentwood Golf Course and asked the City to look further into this issue and spoke with

disapproval of the Planning Commission's approval of the outdoor equipment storage and maintenance yard on the Brentwood Golf Course property.

Carolina Villaseca spoke with appreciation of the landscape maintenance and quick response of a service ticket she submitted and expressed disappointed in the response of the Chief of Police with regard to the Chili Court incident discussed at the previous City Council meeting.

Danny Dohrmann requested a platform where the City can provide resources on what the City and the City Council can or cannot do, expressed disappointment in how the Chili Court incident was handled, and provided comments related to the Planning Department's workload as it relates to development.

**D. INFORMATIONAL REPORTS FROM COUNCIL MEMBERS, COMMITTEES, LIAISONS, AND STAFF**

Council Member Mendoza reported she attended two meetings of the California Alliance of Local Electeds, a celebration hosted by Senator Glazer honoring Janet Fraizer as Woman of the Year, Nation Night Out, had discussions with residents related to house parties, watched a Contra Costa County meeting regarding an affordable housing bond, watched the Planning Commission meeting, participated in the City Manager and City Attorney reviews, and attended the Sand Creek Extension project ground breaking.

Council Member Pierson reported she participated in the Manager and City Attorney reviews, attended National Night Out events, watched the Planning Commission meeting, attended the Chamber of Commerce's Celebrating Brentwood Gala, and attended the Sand Creek Extension project ground breaking.

Council Member Oerlemans reported he attended a Tri Delta Transit meeting, Chamber of Commerce's Celebrating Brentwood Gala, watched the Planning Commission meeting, attended a celebration hosted by Senator Glazer honoring Janet Fraizer as Woman of the Year, participated as a Judge at the Rock and Rides Car Show, attended Police Activities League board meeting, participated in the City Manager and City Attorney reviews, and attended the Sand Creek Extension project ground breaking.

Vice Mayor Meyer reported she attended the League of Cities East Bay Division meeting, presented at the Liberty Union High School District Annual Convocation, attended the Dream Team Celebration: Shooting for Success, watched the Planning Commission meeting, attended a celebration hosted by Senator Glazer honoring Janet Fraizer as Woman of the Year, National Night Out, California Alliance of Local Electeds meeting, attended the Sand Creek Extension project ground breaking, and participated in the City Manager and City Attorney reviews.

Mayor Bryant reported he attended the Sand Creek Extension ground breaking, the Downtown Business Coalition Rock and Ride Car Show, National Night Out, the Mayors Conference, Tri Delta Transit Committee, and

the TRANSPLAN, East Contra Costa Regional Fee and Financing Authority (ECCRFFA), and State Route 4 Bypass Authority meetings.

City Manager Tim Ogden reported that the public is normally welcome and invited to these events, however, due to the location of the Sand Creek project, safety concerns, and limited parking prevented the event from being a publicly open ground breaking.

**E. CONSENT CALENDAR**

**Moved by:** Jovita Mendoza, Council Member

**Seconded by:** Pa'tanisha Pierson, Council Member

Adopted the Consent Calendar as recommended by staff.

Ayes (5): Jovita Mendoza, Council Member, Susannah Meyer, Vice Mayor, Pa'tanisha Pierson, Council Member, Tony Oerlemans, Council Member, and Joel Bryant, Mayor

**Motion Approved (5 to 0)**

E.1 Minutes of the City Council/Successor Agency meeting of July 25, 2023

Approved the Minutes of the City Council/Successor Agency meeting of July 25, 2023.

E.2 Silvergate Communities, LP, off-site public improvements for maintenance

Adopted Resolution 2023-98 accepting off-site O'Hara Avenue and Business Center Drive public improvements for Silvergate Apartments for maintenance, excluding landscaping; accepting the Maintenance Bond; releasing the Improvement Securities and requesting that the City Clerk file this Resolution with the Recorder of Contra Costa County for these improvements, constructed as a part of Silvergate Communities, LP, DR17-003, located south of Sand Creek Road and east of O'Hara Avenue.

**F. PUBLIC HEARINGS**

F.1 An Extension of Interim Urgency Ordinance implementing Interim Objective Design Standards for residential housing projects in the City of Brentwood, and finding the action exempt from CEQA

Jennifer Hagen presented the item.

Mayor Bryant opened the Public Hearing.

Rod Flohr spoke in support of having specific standards.

Danny Dohrmann spoke in support of the item.

There being no one else wishing to speak, it was moved by Council Member Mendoza, seconded by Vice Mayor Meyer to close the Public Hearing, and carried by the following vote:

Ayes (5): Council Member Mendoza, Meyer, Pierson, Oerlemans, and Mayor Bryant

**Moved by:** Jovita Mendoza, Council Member

**Seconded by:** Susannah Meyer, Vice Mayor

Adopted Urgency Ordinance 1060 approving Interim Objective Design Standards, while the City develops a more robust set of residential design and development standards to ensure that projects deliver high-quality design, appropriate site planning and amenities, and are compatible with surrounding neighborhoods and the community.

Ayes (5): Jovita Mendoza, Council Member, Susannah Meyer, Vice Mayor, Pa'tanisha Pierson, Council Member, Tony Oerlemans, Council Member, and Joel Bryant, Mayor

### **Motion Approved (5 to 0)**

- F.2 Call for review of the Planning Commission's decision to approve applications for Vesting Tentative Subdivision Map and Design Review for Trumark Trailside

Jennifer Hagen presented the item.

Mayor Bryant opened the Public Hearing.

Pamela Salas Nieting spoke on behalf of the applicant.

Greg Robinson spoke in favor of this project.

There being no one else wishing to speak, it was moved by Council Member Mendoza, seconded by Council Member Pierson to close the Public Hearing, and carried by the following vote:

Ayes (5): Council Member Mendoza, Meyer, Pierson, Oerlemans, and Mayor Bryant

**Moved by:** Pa'tanisha Pierson, Council Member

**Seconded by:** Jovita Mendoza, Council Member

Adopted Resolution 2023-99 approving the Vesting Tentative Map for Subdivision 9610.

Ayes (5): Jovita Mendoza, Council Member, Susannah Meyer, Vice Mayor, Pa'tanisha Pierson, Council Member, Tony Oerlemans, Council Member, and Joel Bryant, Mayor

**Motion Approved (5 to 0)**

**Moved by:** Pa'tanisha Pierson, Council Member

**Seconded by:** Jovita Mendoza, Council Member

Adopted Resolution 2023-100 approving Design Review No. 22-006 for Trumark Trailside, to include the following changes:

- Enhance the plan 3 left elevation, per the plans shown at the meeting
- Enhance the rear elevation of the duet units, per the plans shown at the meeting
- All roof materials shall be tile for each plan
- Remove the requirement for the foregoing changes to be brought to the Design Review subcommittee

Ayes (5): Jovita Mendoza, Council Member, Susannah Meyer, Vice Mayor, Pa'tanisha Pierson, Council Member, Tony Oerlemans, Council Member, and Joel Bryant, Mayor

**Motion Approved (5 to 0)**

- F.3 Continuation of a public hearing for the consideration of ordinances enacting a permanent ban on all oil and gas development operations in the City, and more stringent regulatory control measures for existing oil and gas development in the City.

Director of Community Development Alexis Morris presented the item.

Mayor Bryant opened the public comment period.

Kristel Rietesel, Admin of the Bay Area Clean Air Coalition, submit an e-mail in support of ending oil and gas drilling within the City of Brentwood.

Ian, spoke as a representative of Sunflower Alliance and No Drilling Contra Costa in support of a continuance of the item.

There being no one else wishing to speak, Mayor Bryant closed the public comment period.

**Moved by:** Pa'tanisha Pierson, Council Member

**Seconded by:** Susannah Meyer, Vice Mayor

Continued to September 12, 2023, a public hearing for the consideration of ordinances enacting a permanent ban on all oil and gas development operations in the City, and more stringent regulatory control measures for existing oil and gas development in the City.

Ayes (5): Jovita Mendoza, Council Member, Susannah Meyer, Vice Mayor, Pa'tanisha Pierson, Council Member, Tony Oerlemans, Council Member, and Joel Bryant, Mayor

**Motion Approved (5 to 0)**

**G. BUSINESS ITEMS**

G.1 2023-2031 (6th Cycle) Draft Housing Element Status Update

Senior Planner Jennifer Hagen presented the item.

Mayor Bryant opened the public comment period.

There being no one wishing to speak on the item, Mayor Bryant closed the public comment period.

**Moved by:** Susannah Meyer, Vice Mayor

**Seconded by:** Tony Oerlemans, Council Member

Approved proposed revisions to be incorporated into the third Draft Housing Element Update as presented by staff.

Ayes (5): Jovita Mendoza, Council Member, Susannah Meyer, Vice Mayor, Pa'tanisha Pierson, Council Member, Tony Oerlemans, Council Member, and Joel Bryant, Mayor

**Motion Approved (5 to 0)**

G.2 Report regarding City of Brentwood Joint Use of Facilities Agreements with Brentwood Union School District and Liberty Union High School District

Recreation Manager Thien Nguyen presented the item.

Mayor Bryant opened the public comment period.

Greg Robinson suggested setting the public comment period to after Council discussion, so the public has more understanding of the item being discussed.

Mayor Bryant closed the public comment period.

Council invited Liberty Union High School District Superintendent Eric Volta to provide comments.

**Moved by:** Pa'tanisha Pierson, Council Member  
**Seconded by:** Jovita Mendoza, Council Member

The City Council issued the following direction:

- Parks and Recreation staff to update the list of facilities available for joint use with the Brentwood Union School District and the Liberty Union High School District;
- Add the fees associated with the usage of said facilities;
- Provide as early as possible in the beginning of the year, the availability of those facilities, including available times and dates;
- Include the process of how the public may obtain access to said facilities;
- Provide a link and updates to school district resources in both the Youth Services page of the City's website and the City newsletter;
- Develop an action plan in which we can engage our youth by utilizing said joint use facilities.

Ayes (5): Jovita Mendoza, Council Member, Susannah Meyer, Vice Mayor, Pa'tanisha Pierson, Council Member, Tony Oerlemans, Council Member, and Joel Bryant, Mayor

### **Motion Approved (5 to 0)**

## **H. REQUEST FOR FUTURE AGENDA ITEMS**

### **H.1 NEW REQUEST(S)**

Vice Mayor Meyer requested an item to provide suggestions to the County for amendment of codes related to animals being kept outdoors during extreme heat.

Council Member Mendoza requested an item to prepare a local ordinance related to liquor licenses, with the ordinance defining "schools" and regulating proximity to specific use.

Council Member Mendoza requested an item to prepare an informational report and potential updates to the Urgency Ordinance related to the moratorium for any new tobacco smoke shop in the City, to include recent approvals and guidelines.

Mayor Bryant requested an item for a draft ordinance related to enclosures for grazing animals used for weed control.

## H.2 REQUESTED ITEM(S)

### H.2.1 Request from Council Member Pierson related to a Resolution supporting the exoneration of the Port Chicago 50.

Council Member Pierson presented the item.

Mayor Bryant opened the public comment period.

There being no one wishing to speak on this item, Mayor Bryant closed the public comment period.

**Moved by:** Pa'tanisha Pierson, Council Member

**Seconded by:** Jovita Mendoza, Council Member

Directed staff to prepare a Resolution supporting the exoneration of the Port Chicago 50 and to send a letter to the State and to prepare a Proclamation.

Ayes (5): Jovita Mendoza, Council Member, Susannah Meyer, Vice Mayor, Pa'tanisha Pierson, Council Member, Tony Oerlemans, Council Member, and Joel Bryant, Mayor

### **Motion Approved (5 to 0)**

### H.2.2 Request From Council Member Mendoza for staff to present on the Police Department costs assessed for community events, and the Economic Development Grants program procedures.

Council Member Mendoza presented the item.

Mayor Bryant opened the public comment period.

Denise Duran spoke in support of bringing this item forward.

Greg Robinson spoke in support of bringing this item forward.

There being no one else wishing to speak, Mayor Bryant closed the public comment period.

**Moved by:** Jovita Mendoza, Council Member

**Seconded by:** Pa'tanisha Pierson, Council Member



Directed staff to prepare a presentation addressing why event operators are being assessed for Police Department services during special events, including the catalyst for assessing these charges, the identity of the employee who authorized the assessment of these charges, the dollar impact (full time vs. overtime costs) of these special events, and whether the City has to recoup these costs.

Ayes (5): Jovita Mendoza, Council Member, Susannah Meyer, Vice Mayor, Pa'tanisha Pierson, Council Member, Tony Oerlemans, Council Member, and Joel Bryant, Mayor

**Motion Approved (5 to 0)**

- H.2.3 Request from Council Member Mendoza for amendments to the Brentwood Municipal Code to prohibit back yard rentals and regulate parties in residential zones

Council Member Mendoza presented the item.

Mayor Bryant opened the public comment period.

There being no one wishing to speak on the item, Mayor Bryant closed the public comment period.

**Moved by:** Jovita Mendoza, Council Member

**Seconded by:** Pa'tanisha Pierson, Council Member

Directed staff to review Brentwood Municipal Code (BMC) as it relates to home occupation businesses, review the BMC as it relates to short-term rentals to ensure that the term "residential dwelling unit" includes the backyard, and establish a proactive approach with Community Enrichment and the Police Department as it relates to parties and short-term rental violations.

Ayes (5): Jovita Mendoza, Council Member, Susannah Meyer, Vice Mayor, Pa'tanisha Pierson, Council Member, Tony Oerlemans, Council Member, and Joel Bryant, Mayor

**Motion Approved (5 to 0)**

- H.2.4 Request from Vice Mayor Meyer for a summary of significant housing legislation adopted in 2022 and 2023 and pending and its impact on the City of Brentwood.

Vice Mayor Meyer presented the item.

Mayor Bryant opened the public comment period.

There being no one wishing to speak on the item, Mayor Bryant closed the public comment period.

**Moved by:** Susannah Meyer, Vice Mayor

**Seconded by:** Jovita Mendoza, Council Member

Approved the expenditure of staff time and resources on the preparation of a summary of significant housing legislation adopted in 2022 and 2023, returning sometime after the legislative session ends.

Ayes (5): Jovita Mendoza, Council Member, Susannah Meyer, Vice Mayor, Pa'tanisha Pierson, Council Member, Tony Oerlemans, Council Member, and Joel Bryant, Mayor

**Motion Approved (5 to 0)**

**I. ADJOURNMENT**

**Moved by:** Pa'tanisha Pierson, Council Member

**Seconded by:** Susannah Meyer, Vice Mayor

To adjourn the meeting at 9:53pm.

Ayes (5): Jovita Mendoza, Council Member, Susannah Meyer, Vice Mayor, Pa'tanisha Pierson, Council Member, Tony Oerlemans, Council Member, and Joel Bryant, Mayor

**Motion Approved (5 to 0)**