



## CITY COUNCIL/SUCCESSOR AGENCY MINUTES

October 10, 2023, 7:00 p.m.

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

Mayor Bryant called the meeting to order at 7:00 p.m.

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

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

Mayor Bryant led the Pledge of Allegiance.

### **C. REPORT ON CLOSED SESSION**

Mayor Bryant reported there were no reportable actions.

### **D. PUBLIC COMMENTS**

Council Member Pierson requested Item H.3 be heard and considered prior to Public Comments. With City Council consensus, Item H.3 was heard prior to Public Comments. See Item H.3 for related action.

Mayor Bryant opened Public Comments for members of the public present in the Council Chambers.

Karrie Reiser, Brentwood Chamber of Commerce President-Elect, provided information on upcoming Chamber events.

Dick DeRossett thanked City Manager Tim Ogden for his recent visit with the residents at Summerset I, provided comments related to water quality issues, and provided comments related to the height and distance from the sidewalk of the sound wall in his backyard.

Rod Flohr provided comments related to the Brown Act and listening to public commenters.

Ian Cohen thanked Police Chief Tim Herbert and the Police Department for meeting with him regarding his position on the Contra Costa County Juvenile Justice Commission as well as their efforts in protecting the community, and requested the City Council move Item G.2 ahead of Item G.1.

Carlos Adrian Hurtado spoke regarding his experience as a teacher and coach at Heritage High School.

Danny Dohrmann provided comments regarding City Council decorum.

Braden Haena spoke in support of Council Member Pierson's comments on a previous item.

Mayor Bryant opened Public Comments on the Consent Calendar and Requests for Future Agenda Items, new items for Zoom participants.

Carolina Villaseca asked for clarification on what could be commented on and elected to speak later when general public comments are allowed.

There being no one else wishing to speak, Mayor Bryant closed Public Comments.

Mayor Bryant reopened Public Comments at the end of the meeting for Zoom participants who wished to speak on items not on the agenda.

Carolina Villaseca requested the equipment planned for installation at Veterans Park be reconsidered.

There being no one else wishing to speak, Mayor Bryant closed public comments.

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

Council Member Oerlemans reported he attended the Tri Delta Transit Meeting, Farmers Market, the Brentwood Library's 5th Anniversary event and attended the Police Activities League (PAL) Board meeting.

Vice Mayor Meyer reported she attended the Brentwood Library's 5th Anniversary event, a panel discussion presented by the Los Medanos College's California Humanities Emerging Journalists Fellowship Program in Pittsburg, had a meeting with Rabbi Goldshmid of the Chabad of the Delta, announced a peaceful gathering of unity and community event on Sunday, October 15, 2023, 2:00 p.m. at City Park, attended the Mayors' Conference, attended the Community Kickoff event for Homes For Our Troops, the City's 75th Anniversary Gala, and thanked City staff and the East Contra Costa Historical Society for their efforts and contributions to the event.

Council Member Mendoza reported she met with Supervisor Diane Burgis, took calls with residents regarding the Veterans' Hall and Zoom public participation, had a call with Diane Burgis' Chief of Staff, and listened to a call with the California Public Utilities Commission (CPUC).

Council Member Pierson reported she has been working with the Brentwood Community Chest in collecting toys, worked with the PAL Board regarding the Tamale Fest that will be held on November 17, 2023, from 5:00 p.m. to 10:00 p.m., and received calls and emails from the public related to public comments of the previous City Council meeting of September 26, 2023.

Mayor Bryant had a meeting with the Police Chief regarding some resident concerns, attended the City's 75th Anniversary Gala, thanked City staff and the community for putting on and attending the event, attended the Mayors' Conference, the Brentwood Library's 5th Anniversary event, the Art Guild of

the Delta 10 Year Anniversary Party, and attended the Tri Delta Transit Board meeting.

**F. CONSENT CALENDAR**

Vice Mayor Meyer pulled Item F.2 from the Consent Calendar.

City Council recessed from 9:13 p.m. to 9:28 p.m.

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

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

Adopted the Consent Calendar as recommended by staff, excluding Item F.2 and including the amendments to item F.1.

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.1 Minutes of the City Council/Successor Agency meeting of September 26, 2023

F.2 A Proclamation reaffirming Diversity, Equity, Inclusion, and Belonging in Brentwood

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

**Seconded: Susannah Meyer, Vice Mayor**

Adopted a Proclamation Reaffirming Diversity, Equity, Inclusion, and Belonging in Brentwood

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

**Result: Approved**

F.3 A Proclamation proclaiming October 24, 2023, as World Polio Day

F.4 A Proclamation Proclaiming October 8th through October 14th as Code Enforcement Appreciation Week

F.5 Support Local, State, and Federal Efforts to Exonerate the Port Chicago 50

Adopted Resolution 2023-123 authorizing the Mayor or designee to send a letter of support to the United States Navy regarding local, state, and federal efforts to exonerate the Port Chicago 50; and adopt a proclamation in support of local, state and federal efforts to exonerate the Port Chicago 50.

- F.6 Consideration of appointments to the Contra Costa County Mosquito and Vector Control District Board of Trustees and to the Contra Costa County Advisory Council on Aging

Appointed 1) Vinoy Mereddy to the Contra Costa Mosquito and Vector Control District Board of Trustees, for a two-year term; and 2) Eric Britz to the Contra Costa County Advisory Council on Aging for a two-year term.

## **G. PUBLIC HEARINGS**

- G.1 Amendments to the Brentwood Municipal Code in response to SB 1186 (Weiner) – Medicinal Cannabis Patients’ Rights Access Act

Abraham Salinas, Senior Analyst, presented the item.

Mayor Bryant opened the Public Hearing.

Rod Flohr provided comments in favor of the item.

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

Ayes (5): Council Members Mendoza, Meyer, Pierson

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

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

Introduced and waived first reading of Ordinance 1062, repealing chapter 17.780 (medical marijuana facilities) and replacing it in its entirety with a new chapter 17.780 (cannabis facilities and cultivation) of the Brentwood municipal code to regulate cannabis deliveries within the city of Brentwood

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:** Susannah Meyer, Vice Mayor

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

Introduced and waived first reading of Ordinance 1063 repealing Brentwood municipal code chapter 9.50 (medical marijuana facilities) and replacing it in its entirety with new Brentwood municipal code chapter 9.50 (cannabis facilities and cultivation)

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 Informational update on an Ordinance amending provisions of the Brentwood Municipal Code related to oil and gas development

Alexis Morris, Director of Community Development, presented the update.

Mayor Bryant opened the Public Hearing.

The following speakers provided comments in support of the item:

Rod Flohr  
Rohan Tyagi  
Alison Chiu  
Carolina Villaseca

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

Ayes (5): Council Members Mendoza, Meyer, Pierson

**H. BUSINESS ITEMS**

- H.1 Contra Costa County Animal Services code amendments related to animals being kept outdoors during extreme weather

Tim Ogden, City Manager, presented the item.

Beth Ward, Director of Contra Costa County Animal Services and Jane De May Andreotti, Captain of Field Services spoke to current services offered and to the process of updating the Animal Ordinance.

Mayor Bryant opened the public comment period.

Celeste Smith spoke in favor of the item.

Rod Flohr spoke in favor of the item.

Carolina Villaseca spoke in favor of the item.

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

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

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

As detailed in the staff to provide the following suggestions to Contra Costa County for code amendments:

- Tethering limits;
- Requiring access to cool water and food;
- requiring access to ground other than concrete or asphalt;
- Limiting outdoor exposure in extreme heat or cold;
- County enforcement of county codes;
- Add neglect to the definition of Animal Cruelty;
- Adding Penal Code Section 597 definition related to animal cruelty and add a definition about purposeful cruelty or neglect.

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 Inclusive and Adaptive Recreation Strategic Initiative Focus 5 Update

Thien Nguyen, Recreation Manager, presented the item.

Mayor Bryant opened the public comment period.

Rod Flohr spoke in favor of the Inclusive and Adaptive Recreation Strategic Initiative.

Carolina Villaseca provided comments related to the playground equipment approved for Veterans Park.

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

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

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

As detailed in the staff report, provide the following direction to staff on the adaptive recreation program:

- Include the statement or revise as needed:

The City of Brentwood Adaptive Recreation program provides opportunities for youth and adults of all ages and abilities. We offer a wide variety of programs that promote socialization, skill development and physical activity. Staff provides advocacy and inclusion support for individuals with diverse abilities to participate in other recreational activities that the City of Brentwood has to offer.

- Share this statement with the Park and Recreation Commission to encourage consideration of the adapted programming lens when they're making decisions.
- Investigate use of Tri MyRide Transit programming.

- Ensure programming that's offered to seniors at the community center is considered for people that are more active so they have easier access to parking.
- Assess the one acre open space parcel near Pioneer Elementary as a potential All Adaptive Park.
- Add definitions of Adaptive, Inclusive Recreation, recreation therapy, and therapeutic recreation to municipal code section 7.0.020.
- Add links to the City's website pages for youth resources and adaptive resources. California Children's Services at DHCS.gov; Contra Costa County Senior Legal Services; Contra Costa County Bar Association; Contracosta health.org/seniors, to be included in both locations on the website.
- Examine the accessibility at Veterans Park including an accessible ramp to get to the play structure area.
- Provide cost benefit analysis between hiring someone in-house versus hiring an outside company to provide inclusive and adaptive programming, in conversations with BUSD on best practices.
- Ensure there are inclusive resources that are not only limited to young children, but for all age groups.

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.3 Review of City Council and Commission process for public comments and the use of virtual platforms for public comments; and consider a resolution amending the City Council Meeting Rules and Procedures Policy

Darin Gale, Assistant City Manager, presented the item.

Mayor Bryant opened the public comment period.

Danny Dohrmann spoke in opposition of removing remote participation.

Antonio Xavier spoke in opposition of removing remote participation.

Rod Flohr spoke in opposition of removing remote participation.

Dr. Anita Roberts provided comments in support of taking appropriate actions to protect the City and its residents.

Carolina Villaseca provided comments in support of taking appropriate actions to protect the City and its residents.

Alison Chiu spoke in opposition of removing remote participation.

Braden Haena provided comments both for and against amending the City Council Meeting Rules and Procedures Policy.

Ian Cohen spoke in opposition of removing remote participation.

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

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

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

Adopted Resolution 2023-122 approving amendments to sections 3.2 and 5.2 of the City's Meeting Rules and Procedures (Policy 110-1) and provided direction to staff to:

- Provide opportunity for virtual public comments for agenda items only
- Verbal public comments on items not on the agenda will be taken in person only.
- For the meeting of October 10, 2023 only, to provide opportunity for virtual public comments on items not on the agenda at the end of the meeting.

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.4 Review of City Council/Administrative Policy Ethics and Conduct Policy 110-5

*Items H.4 and I.2.a were heard together.*

Darin Gale, Assistant City Manager, presented Item H.4.

Council Member Pierson presented Item I.2.a.

Rod Flohr provided comments related to the Council Ethics and Conduct policy and public comments.

Danny Dohrmann provided comments related to providing a more clear and understandable policy.

Carolina Villaseca provided comments related to adopting a clear, measurable, and applicable policy for all commissions.

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

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

As detailed in the staff report, provide the following direction to staff on updates to the Ethics and Conduct Policy:



- That the Ethics and Conduct policy be separated, one from the other one.
- That section 2 of the Ethics and Conduct policy be applied to our commissions as well for the Ethics portion.
- That we add to our Conduct Policy, once the two are separated, in Subsection 3, the expectations of Council Members during Closed Session
- Add a cell phone policy about cell phone usage on the dais and in Closed Session.
- Both the Mayor and Council Members to ask clarifying questions or responses with speakers during public comment.
- Address the portion of section 3.6 of the policy that relates to reports of inappropriate behavior by Commission members to clarify any issues related to Brown Act that may be encountered.

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. REQUEST FOR FUTURE AGENDA ITEMS**

I.1 NEW REQUEST(S)

There were no new requests made.

I.2 REQUESTED ITEM(S)

- I.2.1 Consider a Request from Council Member Pierson for the Creation of an Ethics and Conduct Policy for City Commissions

*Items H.4 and I.2.a were heard together.*

*See Item H.4 for action taken.*

- I.2.2 Consider a Request from Council Member Pierson for the Creation of a Race and Equity Committee

**Continued to October 24, 2023**

City Council consider and discuss the request from Council Member Pierson regarding the creation of a Race and Equity Committee of the Council.

- I.2.3 Consider a Request from Council Member Pierson for the Creation of a Citywide Racial Equity Plan

**Continued to October 24, 2023**

City Council consider and discuss the request from Council Member Pierson regarding the creation of a citywide racial equity plan.

- I.2.4 Consider a Request from Council Member Pierson for the Creation of an Anti-racism and Anti-hate Crime Policy

**Continued to October 24, 2023**

City Council consider and discuss the request from Council Member Pierson regarding the creation of an Anti-racism and Anti-hate Crime Policy.

- I.2.5 Consider a Request from Council Member Pierson regarding a review of Brentwood Municipal Code sections that are no longer enforceable

**Continued to October 24, 2023**

City Council consider and discuss the request from Council Member Pierson regarding a review of Municipal Code section 2.45.020 regarding the powers and duties of the Park and Recreation Commission, and any sections of the Municipal Code that are no longer enforceable.

- I.2.6 Consider a Request from Vice Mayor Meyer regarding an update to the process for Council presentations of proclamations

**Continued to October 24, 2023**

City Council consider and discuss the request from Vice Mayor Meyer regarding updates to the process for Council presentations of proclamations.

- I.2.7 Consider a Request from Vice Mayor Meyer for the Creation of a Committee for Age Friendly Communities

**Continued to October 24, 2023**

City Council consider and discuss the request from Vice Mayor Meyer regarding the creation of a Council Committee for Age Friendly Communities.

- I.2.8 Consider a Request from Council Member Mendoza to have Department Directors report to the City Council

**Continued to October 24, 2023**

City Council consider and discuss the request from Council Member Mendoza regarding the pros and cons of having department

directors report to the City Council and the process for implementing this change.

- I.2.9 Consider a Request from Council Member Mendoza Establishing a Council Design Standards Committee

**Continued to October 24, 2023**

City Council consider and discuss the request from Council Member Mendoza establishing a Council Design Standards Committee.

- I.2.10 Consider a Request from Council Member Mendoza for an appraisal for the former Davis Camp property & Process Discussion about Rezoning the Site and Developing it, in Part, as a Park

**Continued to October 24, 2023**

City Council consider and discuss the request from Council Member Mendoza for an appraisal for the former Davis Camp property & process discussion about rezoning the site and developing it, in part, as a park.

- I.2.11 Consider a Request from Council Member Mendoza establishing a Budget Review Committee

**Continued to October 24, 2023**

City Council consider and discuss the request from Council Member Mendoza establishing a Budget Review Committee and the process for implementing the committee.

**J. ADJOURNMENT**

It was moved/seconded by Meyer/ Pierson to adjourn at 12:29 a.m. in honor of those who have lost their lives in Israel. The motion carried with the following members in favor: Mendoza, Meyer, Pierson, Oerlemans, and Mayor Bryant.