



CITY COUNCIL/SUCCESSOR AGENCY MINUTES

October 24, 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. PUBLIC COMMENTS

Rod Flohr spoke regarding the Zoom platform and felt there were ways log-ins could be required so that remote public comment could be reinstated for the general public comment period.

Paul Jarvis spoke regarding oil drilling moratorium and stated support for rejecting any items that have an oil component used in the production.

Denise Duran thanked the Council for their response to the hate speech and reported on Chamber events.

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

Council Member Mendoza reported on attendance at the CalCities Mayor and Council Member Roundtable, volunteered at and attended Oktoberfest event, the Unity Event at City Park, a CALE meeting, Latino Caucus Communication Subcommittee, a screening of a Million Miles Away, and a costume giveaway for field workers by Hijas DelCampo.

Council Member Pierson reported on attendance at the CalCities East Bay Division meeting, watched the Planning Commission meeting of September 19, 2023, attendance at the Brentwood Union School District Diversity Committee retreat, and reported on the PAL Board Tamalefest and a PAL booth at Hometown Halloween.

Council Member Oerlemans reported on attendance at the Farmers Market, Oktoberfest, Unity Rally, reported he watched the September 19, 2023, Planning Commission meeting. He reported on the PAL Tamalefest and attendance for the homecoming for an injured Brentwood Police Officer. He further recognized the work of Chief Herbert during the time following the incident where the officer was injured.

Vice Mayor Meyer reported on attendance at the CalCities Mayor and Council Member Roundtable, the CALE Legislation Review, Candidate forums for Senate and Assembly, the Unity Rally, Stand Against Violence Rebuilding Lives event, the Measure X Community Advisory Meeting, meetings with City Council Members from other cities, and volunteered and attended Oktoberfest.

Mayor Bryant reported on attendance at the Unity Rally, a Transplan meeting, ECCRFFA meeting, a State Route 4 Bypass meeting, Oktoberfest, a meeting with TriDelta Transit Director, a retirement event for Officer Rezentes. He further reported he was on scene at the incident where the Brentwood Police Officer was stabbed in his capacity as Police Chaplain. He further reported on attendance at ribbon cutting for American Family Care Urgent Care.

E. CONSENT CALENDAR

Mayor Bryant requested removal of item E.2 and E.3 from the Consent Calendar. Council Member Mendoza requested Item E.14 be removed from the Consent Calendar.

It was moved/seconded by Pierson/Meyer to adopt the Consent Calendar as recommended by staff excepting Items E.2, E.3, and E.14, which were pulled for additional discussion.

The Clerk read the titles for Ordinance 1062 and 1063.

Motion Carried unanimous with Council Members Mendoza, Meyer, Oerlemans, Pierson, and Mayor Bryant in favor.

E.1 Minutes of the City Council/Successor Agency meeting of October 10, 2023

E.2 A Proclamation Proclaiming November 12th to November 18th 2023, United Against Hate Day

Mayor Bryant read the proclamation.

Moved by: Tony Oerlemans, Council Member

Seconded by: Susannah Meyer, Vice Mayor

Proclaimed November 12, 2023 to November 18, 2023, as United Against Hate Week.

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.3 A Proclamation Proclaiming November 11, 2023, as Veterans Day

Mayor Bryant read the proclamation.

Moved by: Tony Oerlemans, Council Member

Seconded by: Pa'tanisha Pierson, Council Member

Proclaimed November 11, 2023, as Veterans Day.

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.4 A Proclamation Proclaiming November 2023, as Pancreatic Cancer Awareness Month
- E.5 A Proclamation Proclaiming November 2023, as Native American Heritage Month
- E.6 A Proclamation Proclaiming November 2023 as American Diabetes Awareness Month
- E.7 A Proclamation Proclaiming November 1, 2023, as Shelter in Place Awareness Day
- E.8 A Proclamation Proclaiming November 8, 2023, as National Town Planning Day
- E.9 A Proclamation Proclaiming November 10, 2023, as International Accounting Day
- E.10 Amendment to the Community Development Block Grant Program, HOME Investment Partnership Program, and Emergency Solutions Grant Program Cooperation Agreement.

Adopted Resolution 2023-125 approving and authorizing the City Manager or designee to sign an Amendment to the Community Development Block Grant Program, HOME Investment Partnership Program, and Emergency Solutions Grant Program Cooperation Agreement to extend the agreement and provisions related to the Affirmatively Furthering Fair Housing Final Rule; and any other such documents necessary for the implementation of the agreement.

- E.11 Authorize submittal of CalRecycle Local Assistance Grant Program applications.

Adopted Resolution 2023-126 authorizing the submittal of application(s) for CalRecycle Local Assistance grants for which the City of Brentwood is eligible.

- E.12 Second Readings of Amendments to the Brentwood Municipal Code in response to SB 1186 (Weiner) – Medicinal Cannabis Patients’ Rights Access Act

Waived second reading of and adopted ordinance 1062 repealing Chapter 17.780 (Marijuana Facilities and Cultivation) and Chapter 9.50 (Marijuana Facilities and Cultivation) of the Brentwood Municipal Code and replace them in their entirety by adopting new Chapter 17.780 (Cannabis Facilities and Cultivation) and an Ordinance 1063 Chapter 9.50 (Cannabis Facilities and Cultivation) to leave in place existing prohibitions on cannabis cultivation, cannabis dispensaries, and non-medicinal cannabis deliveries within the City of Brentwood, while allowing for and regulating medicinal cannabis deliveries, as required by SB 1186.

- E.13 Side Letter between the City of Brentwood and the Brentwood Police Officers' Association

Adopted Resolution 2023-127 Approving and Authorizing the City Manager to execute a Side Letter between the City of Brentwood and the Brentwood Police Officers' Association to ensure compliance with CalPERS rules and best practices; and Authorizing the Implementation of the Side Letter's Terms and Conditions.

- E.14 An Ordinance Amending the City Council Signature Policy

Moved by: Jovita Mendoza, Council Member

Seconded by: Pa'tanisha Pierson, Council Member

Introduced and waived the first reading ordinance 1064 amending the City Council Signature Authority Policy (10-13) to revise the signature authority of the City Attorney for legal service and personnel investigative service agreements from \$50,000 to \$75,000.

The City Clerk read the title of the Ordinance.

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. PUBLIC HEARINGS

- F.1 Call for Review of the Planning Commission's decision to approve applications for a Vesting Tentative Subdivision Map and a Design Review with associated Mitigated Negative Declaration for the Hanson Lane single-family residential project.

Following the presentation of the staff report, the Mayor opened the Public Hearing.

Keven Fryer, Meritage Homes, Applicant, spoke in support of the project.

Javier Hurtado spoke regarding the project, and requested a masonry fence be installed and spoke regarding impacts to the existing neighbors.

Maria Sanchez requested additional park space, and traffic impacts and safety to the existing neighbors.

Rod Flohr spoke in support of the item being called for review.

Carolina Villaseca spoke in support of increasing the park space and spoke regarding impacts to the existing neighbors.

Rosa inquired about EV Access and requested clarification and requested additional park space.

Dave Sparling stated the vote at the Planning Commission was four in favor and one absent.

Sinziana Todor spoke regarding the need for additional park space that could be easily accessed by neighbors.

Danny Dohrmann spoke regarding the importance of parks for the youth in the neighborhood.

There being no one else wishing to speak, it was moved/seconded by Meyer/Pierson to close the public hearing. Motion carried unanimous with Council Members Meyer, Mendoza, Oerlemans, Pierson, and Mayor Bryant in favor.

Mayor Bryant called for a recess at 9:37 p.m. and the City Council reconvened at 10:02 p.m.

The City Council requested amendments to the Resolutions that were included in the agenda packet with additional and amended conditions of approval that included moving lots 1-5 to the southwest corner of Hanson Lane and Meganos Road, the creation of an additional approximate one-acre on-site park that would include the EVA parcel (Parcel X); clarifying that the plans shall comply with the requirements of the Fire District, the addition of a decorative masonry wall along the western property line to be a minimum of 6 feet in height from both sides; and authorizing staff to correct any administrative errors in the resolutions. Staff Prepared revised Resolutions for the Council, and provided an overview prior to adoption of the Resolutions.

Moved by: Jovita Mendoza, Council Member

Seconded by: Susannah Meyer, Vice Mayor

Adopted Resolution 2023-129 approving a Mitigated Negative Declaration (IS/MND)

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: Jovita Mendoza, Council Member
Seconded by: Susannah Meyer, Vice Mayor

Adopted Resolution 2023-130 a Vesting Tentative Subdivision Map (VTSM 9547) as amended.

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: Jovita Mendoza, Council Member
Seconded by: Susannah Meyer, Vice Mayor

Adopted Resolution 2023-131 a Design Review (DR 21-006) for the 94 single-family homes to be constructed as amended.

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 Establishing the Intern classification, job description, and salary range

Following the presentation of the staff report, Mayor Bryant opened the public comment period.

Carolina Villaseca spoke in support of the program.

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

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

Adopted Resolution 2023-128 establishing the Intern classification, job description, and salary range; and authorize the City Manager with administrative authority to implement the Intern Classification.

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 Planning Commission Request to Amend Rules and Procedures Regarding Public Comments of Items on the Agenda

Following the presentation of the staff report, Mayor Bryant opened the public comment period.

Rod Flohr spoke in opposition to staff's recommendation and felt there were options to allow his procedure to be implemented.

Danny Dohrmann concurred with the comments made by the previous speaker.

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

Moved by: Pa'tanisha Pierson, Council Member

Seconded by: Tony Oerlemans, Council Member

The City Council accepted staff's recommendation to deny the request.

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 - NEW REQUESTS

There were no new requests.

I. REQUESTED FUTURE AGENDA ITEM(S)

I.1 Consider a Request from Council Member Pierson regarding a review of Brentwood Municipal Code sections that are no longer enforceable

Council Member Pierson presented her request.

Following the presentation of the request, Mayor Bryant opened public comment period.

Rod Flohr Spoke in support of the requested item.

There being no one else wishing to speak the public comment period was closed.

Moved by: Pa'tanisha Pierson, Council Member

Seconded by: Tony Oerlemans, Council Member

Authorized staff to spend time and resources on the preparation of a report on required funding, a timeline, and the prioritization of review of the Brentwood Municipal Code for sections that are no longer enforceable, and that the process be continuous.

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

Items I.2, I.3, and I.4 were considered together.

Council Member Pierson presented her requests.

Following the presentation of the requests, Mayor Bryant opened the public comment period.

Gerald Johnson spoke in support of the agenda items, and felt the use of minority owned businesses should be considered when purchasing goods and services for the City.

Danny Dohrmann spoke off topic of the agenda item.

Rod Flohr spoke in support of the item.

There being no one else wishing to speak the public comment period was closed.

Moved by: Pa'tanisha Pierson, Council Member

Seconded by: Jovita Mendoza, Council Member

Authorized staff to spend time and resources to develop a Race and Equity Commission to include stakeholders and elected officials, and that the Commission be tasked with the creation of a citywide racial equity plan, and from it, create an anti-racism and anti-hate crime policy.

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

Items I.2, I.3, and I.4 were considered together.

See Item I.2 for action taken.

- I.4 Consider a Request from Council Member Pierson for the Creation of a Race and Equity Commission

Items I.2, I.3, and I.4 were considered together.

See Item I.2 for action taken.

- I.5 Consider a Request from Vice Mayor Meyer regarding amending the process for Council presentations of proclamations

Vice Mayor Meyer presented her request.

Following the presentation on the request, Mayor Bryant opened the public comment period. There being no one wishing to speak, the public comment period was closed.

Moved by: Susannah Meyer, Vice Mayor

Seconded by: Pa'tanisha Pierson, Council Member

Directed staff to spend time and resources updating the appropriate policies to (a) require that proclamations remain on Consent unless there is someone present to accept them, and (b) clarify the process if a proclamation is pulled from Consent, whereby it will either (1) be read by the Council Member who pulled it, or (2), if multiple Council Members request to present the proclamation, that it be read by the Mayor.

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.6 Consider a Request from Vice Mayor Meyer for the Creation of a Council Committee for Age Friendly Communities

Vice Mayor Meyer presented her request.

Following the presentation on the request, Mayor Bryant opened the public comment period. There being no one wishing to speak, the public comment period was closed.

Moved by: Susannah Meyer, Vice Mayor

Seconded by: Pa'tanisha Pierson, Council Member

Directed staff to spend time and resources to prepare a staff report to create a committee or commission that may include stakeholders from 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)

- I.7 Consider a Request from Council Member Mendoza to have Department Directors report to the City Council

Request Withdrawn

- I.8 Consider a Request from Council Member Mendoza Establishing a Council Design Standards Committee

Request Withdrawn

- I.9 Consider a Request from Council Member Mendoza establishing a Budget Review Committee

Council Member Mendoza presented her request.

Following the presentation on the request, Mayor Bryant opened the public comment period. There being no one wishing to speak, the public comment period was closed.

Moved by: Jovita Mendoza, Council Member

Seconded by: Susannah Meyer, Vice Mayor

Directed staff to spend time and resources to re-introduce the Budget Committee.

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.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

Request Withdrawn

J. ADJOURNMENT

It was moved/seconded by Pierson/Oerlemans to adjourn at 12:33 a.m. Motion carried unanimous with Council Members Meyer, Mendoza, Oerlemans, Pierson, and Mayor Bryant in favor.