



CITY COUNCIL/SUCCESSOR AGENCY MINUTES

November 14, 2023, 7:00 p.m.

A. CALL TO ORDER & ROLL CALL

Mayor Bryant called the meeting to order at 7:05 p.m. and 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

The following speakers spoke regarding concerns for pedestrian and traffic safety at Trilogy:

John Tomei
Dave Gilbert
Ed Lopez
Annette Rodrigues
Phil Henry

The following speakers spoke in favor of a resolution or proclamation in support of the Palestinian people and their call for a cease-fire:

Mahtop Ranjber
Mavjan Mohand
Tiara DeCord
Ilma R.
Salah E. Ebakri
Sumaya Alkatib
Ahmad
Farid Khalafalla
Tamara Afonso
Feros Kal
Mariam
Haroon Syed
Abu Bakr
Rimsha Hassan
Layne Fujean
Iyas Sartani
Halena Neyazi
Afaf Maheni

Ehsaan Mohamad
Aarynn

Carlos Adrian Hurtado provided comments regarding safety at our schools.

Bernadette provided comments opposing the City taking sides of a political matter.

Danny Dohrmann provided comments regarding the open public comment period.

Rod Flohr spoke in support of a humanitarian cease-fire in Gaza.

Kevin Peltz spoke on behalf of the East County Revolution Football Club regarding the success of the recent Boofest.

Denise Duran spoke on behalf of the Brentwood Chamber of Commerce and reported on past and upcoming Chamber events.

Laura Avila provided comments that everyone should have a right to live with dignity and in peace and that no one is better than another.

Olga Vidriales provided comments opposing the City taking sides of a political matter.

Cathy Little provided comments opposing the City taking sides of a political matter.

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

Council Member Oerlemans reported on attendance at Tri Delta Transit, Chamber mixer at Westmont of Brentwood, Treats at the Streets with the Police Activity League (PAL), Hometown Halloween, Day of the Dead Celebration, PAL board meeting, watched the Planning Commission meeting, attended a Tamale Fest meeting, and the Veterans Day Celebration.

Vice Mayor Meyer reported on attendance at a District 3 resident forum, spoke to students at Santa Clara University regarding the intersection of governance and business, attended the Day of the Dead Celebration, Cal Cities Department of League Leaders orientation, Mayors' Conference, Hospice of the East Bay ceremony, Cal Cities Roundtable, watched the Planning Commission meeting, presented about local government in two third-grade classes, attended the Veterans Day Celebration, multiple discussions with residents of the Trilogy community, and attended the Bristow Elementary Parent Meeting.

Council Member Mendoza reported on attendance at Day of the Dead Celebration, Our Neighborhood Voices meetings, Cal Cities Latino Caucus director meeting, Mayors' Conference, participated in the Hospice of the East Bay Tree Lighting event, East Bay Leadership Council Capital Series with Assembly Member Lori Wilson, watched Metropolitan Transportation Commission (MTC) webinar, attended Cal Cities Roundtable, Veterans Day

Celebration, Downtown Coalition meeting, watched the Planning Commission meeting, and had multiple conversations with residents regarding Trilogy and what is happening in Gaza.

Council Member Pierson reported on speaking with a group of residents in District 2 on traffic concerns related to the new school and businesses coming to the district, attendance at PAL board meeting, Tamale Fest meeting, Veterans Day Celebration, delivered toys to the Brentwood Community Chest, watched the Planning Commission meeting, Farmers Market, and was appointed to serve on the Cal Cities Women's Caucus Community Service Committee.

Mayor Bryant reported on attendance at the Veterans Day Celebration at Veterans Park, the Diwali event at City Park, Mayors' Conference, spoke with the Liberty Water Polo team - 5x BVAL Champions, Hometown Halloween, Tri Delta Transit meeting, Airport Land Use meeting, met and spoke with residents regarding issues addressed during public comments as well as at Bristow Middle School.

City Manager Tim Ogden provided an update to the Trilogy community and information on how the City implements traffic enforcement and traffic calming devices.

E. CONSENT CALENDAR

Vice Mayor Meyer requested removal of item E.3 and E.6 from the Consent Calendar.

The Clerk read the titles for Ordinance 1062 and 1063.

Moved by: Jovita Mendoza, Council Member

Seconded by: Susannah Meyer, Vice Mayor

Adopted the Consent Calendar as recommended by staff excepting Items E.3 and E.6, which were pulled for additional discussion.

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 October 24, 2023
- E.2 A Proclamation Proclaiming Saturday, November 25, 2023, as Small Business Saturday
- E.3 A Proclamation Proclaiming November 12, 2023, as a day to celebrate Diwali
- E.4 A Proclamation Proclaiming December 2023 as National Giving Month.

- E.5 An Affordable Housing Agreement between the City of Brentwood and Shea Homes for Orchard Grove (Subdivision 9535)

Adopted Resolution No. 2023-132 authorizing the City Manager to sign an Affordable Housing agreement between the City of Brentwood and Shea Homes for the Orchard Grove project (Subdivision 9535) and such other documents as may be needed to complete the transaction.

- E.6 Americans with Disabilities Act Self-Evaluation and Transition Plan Update.

Moved by: Susannah Meyer, Vice Mayor

Seconded by: Pa'tanisha Pierson, Council Member

Adopted Resolution No. 2023-137 approving the City's Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan Update ("Updated Plan"), and authorize the City of Brentwood ADA Coordinator, to develop a schedule for making the structural changes that were needed, and to monitor barrier removal implementation. Including HR Requirements.

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.7 Agreement for Civil Engineering Services with Water Works Engineers, LLC for the Biosolids Dryer/Pyrolysis System Project.

Adopted Resolution No. 2023-133 approving and authorizing the City Manager or designee to execute an Agreement for Civil Engineering Services ("Agreement"), and necessary documents, including Amendments, with Water Works Engineers, LLC in the amount of \$986,960, plus funding authorization for a 10% contingency of \$98,696, for a total funding authorization not to exceed Agreement amount of \$1,085,656 for the Biosolids Dryer/Pyrolysis System ("Project") as part of the Wastewater Treatment Plant Expansion - Phase II, CIP Project No. 592-59140.

- E.8 Amendment No. 2 to the Agreement for Construction Management Services with Psomas for the Wastewater Treatment Plant Expansion.

Adopted Resolution No. 2023-134 approving and authorizing the City Manager or designee to execute Amendment No. Two to the Construction Management Services Agreement ("Agreement"), and necessary documents, including future amendments, with Psomas in the amount of \$1,526,204.83, plus funding authorization for a 10% contingency of \$152,620.48, for a total funding authorization not to exceed Agreement amount of \$6,742,181.36 for the Wastewater

Treatment Plant Expansion - Phase II, CIP Project No. 592-59140 ("Project").

- E.9 Fee Waiver for Be Exceptional for Fiscal Year 2023-2024, not to exceed \$25,000

Adopted Resolution No. 2023-135 approving and authorizing the City Manager or designee to execute Amendment No. Two to the Construction Management Services Agreement ("Agreement"), and necessary documents, including future amendments, with Psomas in the amount of \$1,526,204.83, plus funding authorization for a 10% contingency of \$152,620.48, for a total funding authorization not to exceed Agreement amount of \$6,742,181.36 for the Wastewater Treatment Plant Expansion - Phase II, CIP Project No. 592-59140 ("Project").

- E.10 Second Reading of Ordinance No. 1064, Amending the City Council Signature Policy

Waived the second reading and adopted Ordinance No. 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.

- E.11 An Ordinance amending provisions of the Brentwood Municipal Code related to administrative citations and appeal procedures

Introduced and waived the first reading of Ordinance 1065 amending provisions of the Brentwood Municipal Code to update outdated chapter and section numbering references; revise Section 1.12.010 (Hearing Officer); revise, in its entirety, Chapter 1.24 (Administrative Citations); and make findings that these actions are exempt from the California Environmental Quality Act based on sections 15061 and 15358 of the Act's Guidelines.

- E.12 Approval of Amendment No. 4 to the Contract for Landscape Maintenance Services with Terracare Associates.

Adopted Resolution 2023-136 approving and authorizing the City Manager or designee to execute Amendment No. 4 to the Contract for Landscape Maintenance Services with Terracare Associates.

F. PUBLIC HEARINGS

- F.1 Supplemental Mitigated Negative Declaration and Amended Mitigation Monitoring and Reporting Program for the Wastewater Treatment Plant Expansion – Phase II Project.

Casey Wichert, Director of Public Works, presented the item.

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

There being no one 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, Orelemans, Bryant

Moved by: Pa'tanisha Pierson, Council Member

Seconded by: Jovita Mendoza, Council Member

Adopted Resolution 2023-138 adopting a Supplemental Mitigated Negative Declaration and Amended Mitigation Monitoring and Reporting Program for the Wastewater Treatment Plant Expansion – Phase II Project, CIP Project No. 592-59140.

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 Consideration of a resolution amending the Cost Allocation Plan and Schedule of City Fees to update mitigation fees implementing the East Contra Costa County HCP/NCCP

Erik Nolthenius, Planning Manager, presented the item.

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

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

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

Moved by: Pa'tanisha Pierson, Council Member

Seconded by: Susannah Meyer, Vice Mayor

Adopted Resolution 2023-139 amending the FY 2023/24 Cost Allocation Plan and Schedule of City Fees to update mitigation fees implementing the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP), and repeal and replace Resolution No. 2022-56, which updated the HCP/NCCP fees on April 26, 2022.

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 Request for Proposal for Consultant to assist with Brentwood Senior Center Operational Assessment & Citywide Recreational Customer Satisfaction Survey.

City Manager Tim Ogden presented the item.

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

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

Following the vote, as a point of order, Mayor Bryant spoke to the City Council's Ethics and Conduct Policy.

Moved by: Susannah Meyer, Vice Mayor

Seconded by: Pa'tanisha Pierson, Council Member

Authorized staff to issue a Request for Proposal for Consultant to assist with Brentwood Senior Center Operational Assessment & Citywide Recreational Customer Satisfaction Survey.

Ayes (4): Susannah Meyer, Vice Mayor, Pa'tanisha Pierson, Council Member, Tony Oerlemans, Council Member, and Joel Bryant, Mayor

Noes (1): Jovita Mendoza, Council Member

Motion Approved (4 to 1)

- G.2 Review and discussion of the actions contained within the General Plan Conservation and Open Space Element, including prioritization, implementation status, and cost

Erik Nolthenius, Planning Manager, presented the item.

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

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

Moved by: Pa'tanisha Pierson, Council Member

Seconded by: Susannah Meyer, Vice Mayor

The City Council, by motion, reviewed the information contained within this report and the attached table, and prioritized those actions remaining to be implemented within their respective terms, as shown below:

	Direction	Priority level
1.	COS 4i (Webpage) – <i>implement this action</i>	Next few months
2.	COS 8f (Webpage) – <i>implement this action</i>	
3.	COS 9f (Provide a conservation page (or similar page) on the City’s website that provides links to resource agencies and provides information regarding local and regional conservation and environmental programs, to the extent that the City has readily available information, including recycling guidance for single family residences, businesses, and apartments, opportunities for reuse of materials, a description of how to compost, and a description of methods to reduce water use, such as appropriate reuse and recycling of water, water conservation measures, and xeriscaping)	
4.	Update City website to include status of ongoing improvements to Conservation & Open Space Element items (to the extent not specifically listed above)	
5.	Add COS 4f (adopt standards for creek setbacks and the protection of riparian habitat along creek corridors) to Focused Zoning Ordinance update	Community Development to report back on status and implement as schedule allows and funds are budgeted
6.	Benchmark what other cities are doing for hillside preservation ordinances	
7.	Add COS 6b (develop guidelines for remodels of potentially historic residential structures) to ongoing work on objective design standards	
8.	COS 3c (develop CEQA thresholds of significance)	
9.	COS 9d (Non-potable water for landscaping) – <i>act on this policy</i>	

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.3 Consideration and direction related to the cost-benefit analysis for the possible outsourcing of wastewater lateral repair work.

Casey Wichert, Director of Public Works, presented the item.

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

Rod Flohr provided comments not related to this item.

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

Moved by: Pa'tanisha Pierson, Council Member

Seconded by: Jovita Mendoza, Council Member

The City Council received the informal cost-benefit analysis for the possible outsourcing of new budgeted positions for the wastewater lateral repair and/or replacement work as identified in and funded by the FY 2023-24 – 2027/28 Wastewater Enterprise Rate Study and return to Council with staff needs.

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.4 Lease Agreement with the Downtown Brentwood Coalition (DBC) for use of the Women's Club located at 648 2nd Street

Ricardo Noguera, Economic Development Manager, presented the item.

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

Amy Tilley, Executive Director with the Downtown Brentwood Coalition, spoke as the applicant.

Sinziana Todor spoke in favor of the item.

Peter Jacoway spoke in favor of the item.

Rod Flohr spoke in favor of the item.

Denise Durant spoke in favor of the item.

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

Moved by: Jovita Mendoza, Council Member

Seconded by: Susannah Meyer, Vice Mayor

The City Council adopted Resolution 2023-140 authorizing the City Manager to sign a fifty-four (54) month lease with the Downtown Brentwood Coalition (DBC) for the city-owned property commonly referred to as the Women's Club that is located at 648 Second Street. The DBC will complete and pay for all necessary building and site improvements to support its administrative functions at the site.

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

Vice Mayor Meyer requested to continue discussion regarding traffic control at Trilogy via City Council Workshop.

Mayor Bryant requested a Proclamation in support of all humanity, peace, and anti-Islamophobia.

Council Member Pierson requested a Proclamation to encourage peace in the Middle East and in the United States.

Council Member Mendoza requested a Proclamation or Resolution in support of a cease-fire.

I. ADJOURNMENT

It was moved/seconded by Meyer/Mendoza to adjourn at 11:08 p.m.