



## CITY COUNCIL/SUCCESSOR AGENCY MINUTES

February 27, 2024, 7:00 p.m.

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

Mayor Bryant called the meeting to order at 7:01 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**

There were no reportable actions.

### **D. PUBLIC COMMENTS**

Mayor Bryant opened Public Comments.

Danny Dohrmann provided comments related to remote public comments and the traffic engineer's participation at the Planning Commission meeting.

Lisa Curry provided comments related to Business Item H.1.

Olga Vidriales provided comments related to the Brentwood Rotary Club's Sweetheart Run and thanked the City and City Staff for their participation and support.

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 on attendance at Police Activities League (PAL) board meeting, the 2024 State of the City, watched Planning Commission meeting, Quarterly Closed Session meeting with City Council, PAL Annual Crab Feed, Farmers Market, watched the Land Use and Development (LUD) meeting, and attendance at the Special City Council meeting on February 27, 2024.

Vice Mayor Meyer reported on attendance at the Age Friendly Communities ad hoc subcommittee meeting, presentation by Loki Mullholland, the 2024 State of the City, watched the Planning Commission and LUD meeting, attendance at two fundraisers for non-profits serving Choice in Aging and An

Elderly Wish Foundation, Heritage Culture Club Lunar New Year Celebration, and two California Alliance of Local Electeds (CALE) meetings.

Council Member Mendoza reported on attendance at the Latino Caucus Communications subcommittee board meeting, Heritage Culture Club Lunar New Year Celebration, League of California Cities Latino Caucus board meeting, LUD meeting, CALE meetings, presentation by former Mayor of Palo Alto Eric Filseth, watched Planning Commission meeting, 2024 State of the City, presentation by Loki Mullholland, and attendance at the Brentwood Lions Club Crab Feed.

Council Member Pierson reported on attendance at a meeting with City staff regarding the Juneteenth event, Age Friendly Communities as hoc subcommittee meeting, meeting with Amy Tilly with the Downtown Brentwood Coalition regarding the Juneteenth event, Special City Council meetings, 2024 State of the City, watched the Planning Commission meeting, attendance at the Brentwood Chamber of Commerce's Celebrating Brentwood Gala, and the LUD meeting.

Mayor Bryant reported on attendance at the Habitat Conservancy board meeting, PAL Annual Crab Feed, Quarterly Closed Session City Council meeting, Swearing In of new Brentwood Police Officer, and attendance at a Green Empowerment Zone meeting and a Airport Land Use committee meeting.

City Manager Tim Ogden provided an update on the Community Day of Service.

## **F. CONSENT CALENDAR**

Items F. 1, F. 2, F. 3, F. 7, and F. 8 were pulled for discussion.

Vice Mayor Meyer provided the following statement related to Item F. 4:

"Through my work I have come to know individuals who work with Meals on Wheels Diablo Region nonprofit and they are being considered for Consent Item F. 4. My relationship with anyone involved with Meals on Wheels Diablo Region does not affect my ability to be a fair and impartial decision maker or to act with anything by the Public's best interest in mind."

The City Clerk read the title for Ordinance No. 1067.

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

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

Adopted the Consent Calendar as recommended by staff with the exclusion of items F.1, F.2, F.3, F.7, and F.8.

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 February 13, 2024

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

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

Approved meeting minutes of February 13, 2024.

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 Proclamation Proclaiming March as Women's History Month

Council Member Pierson presented the Women's History Month proclamation to the Soroptimist International of the Delta.

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

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

Approved as presented.

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 Proclamation Proclaiming March as Red Cross Awareness Month

Mayor Bryant presented the Red Cross Month proclamation to Miki Tsubota, American Red Cross Leadership Council of Contra Costa County.

**Moved by:** Joel Bryant, Mayor

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

Approved as presented.

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.4 Meals on Wheels Diablo Region operation of the senior nutrition program at the Brentwood Senior Activity Center.

Adopted Resolution 2024-17:

1. Approving a Memorandum of Understanding ("MOU") with Meals on Wheels Diablo Region ("MOWDR") for the senior nutrition program at the Brentwood Senior Activity Center;
2. Approving a fee waiver for MOWDR's use of City facilities for FY 2024/25 and FY 2025/26.
3. Amending the Use of City Funds Policy 10-12 to replace "Contra Costa County Senior Nutrition Program" with "Meals on Wheels Diablo Region" as shown in the attached policy.
4. Approving the replacement of Contra Costa County Senior Nutrition Program with Meals on Wheels Diablo Region to receive the FY 2023/24 payment in the amount of \$26,000.

F.5 Annexation #15 to Community Facilities District No. 5

Adopted Resolution No. 2024-18 approving Annexation #15 Boundary Map for City of Brentwood ("City") Community Facilities District ("CFD") No. 5.

Adopted Resolution No. 2024-19 declaring the intent to annex territory to Community Facilities District No. 5, levy a special tax in such territory and set a date of April 9, 2024, at 7:00 p.m., or as soon thereafter as the matter may be heard, for the Public Hearing.

F.6 Informational Report on Final Map of Subdivision No. 9535, Orchard Grove, developed by Shea Homes, LP, and associated Subdivision Improvement Agreement

Received and filed an informational report on Final Map approval by the City Manager of Subdivision No. 9535, Orchard Grove, developed by Shea Homes, LP, located east of Adams Lane, directly north of the intersection of Lone Oak Road and Gracie Lane (APN 016-040-005), and associated Subdivision Improvement Agreement.

F.7 2024 Park and Recreation Commission Commissioner Recommendations

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

By motion, appointed Blythe Lind and John Tomei to the Park and Recreation Commission for three-year term expiring on December 31, 2026, and Michelle Gallardo for a two-year term expiring on December 31, 2025.

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.8 2024 Arts Commission, Commissioner Recommendations

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

By motion, appointed Nina Koch and Bryan Stewart to the Arts Commission for a three-year term expiring on December 31, 2026.

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.9 Award of contract to Unlimited Environmental, Inc. for the Brentwood Boulevard Widening North – Phase I (Building Demolition)

Adopted Resolution 2024-20 approving the contract documents, awarding the bid and authorizing the City Manager or designee to execute a contract and necessary documents for the Brentwood Boulevard Widening North – Phase I (Building Demolition), CIP Project No. 336-31620, ("Project") with Unlimited Environmental, Inc. ("UEI") as the lowest responsible and responsive bidder in the amount of \$55,405, plus funding authorization for a 20% contingency of \$11,081, for a total funding authorization not to exceed amount of \$66,486.

F.10 An amendment to Title 17 (Zoning) of the Brentwood Municipal Code regarding oil and gas regulations

Waived the second reading and adopted Ordinance No. 1067 removing oil and gas development as conditionally permitted uses in Planned Development District No. 17 and Planned Development District No. 55, requiring oil and gas development uses to be expressly listed as

permitted or conditionally permitted uses in a district to be permitted or eligible for conditional use permits, amending oil and gas production regulations, and finding the action exempt from CEQA (RZ 23-003).

**G. PUBLIC HEARINGS**

G.1 Application for Vesting Tentative Subdivision Map and Design Review approval for the Lone Tree Way residential project.

Mayor Bryant requested a continuance of the item at the recommendation of legal counsel.

Mayor Bryant opened public comments for those wishing to speak regarding the continuance of the item.

Danny Dohrmann provided comments inquiring on the reason for the continuance.

Jackie Seeno spoke as the applicant and requested the item be continued to a date certain.

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

**Moved by:** Pa'tanisha Pierson, Council Member  
**Seconded by:** Tony Oerlemans, Council Member

By motion, item continued to a date uncertain.

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 Brentwood Municipal Code Amendments to repeal and replace Local Density Bonus Regulations and Reference State Density Bonus Law, as well as modify the definition of Low-income household.

Senior Planner Jennifer Hagen presented the item.

Mayor Bryant opened the Public Hearing.

There being no one wishing to speak on the item, it was moved/seconded by Meyer/Pierson to close the Public Hearing and carried unanimously.

**Moved by:** Tony Oerlemans, Council Member  
**Seconded by:** Susannah Meyer, Vice Mayor

The City Council waived the first reading and introduced Ordinance No. 1068 approving an amendment (Rezone No. 23-005) to the Brentwood

Municipal Code by repealing and replacing Chapter 17.720 (Density Bonus Program) to implement State Density Bonus Law and adopt Government Code Sections 65915–65918 by reference, as well as modifying Section 17.725.002 (Definitions) of the City’s Affordable Housing Ordinance to modify the definition of Low-income household.

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. BUSINESS ITEMS**

- H.1 Two ordinances to regulate non-motorized sidewalk vending and mobile vending from motorized vehicles on public and private property, and direction to staff regarding new regulations in the Zoning Ordinance for longer-term mobile vending facilities.

Code Enforcement Supervisor Robbie Portillo-Bienemann and Director of Community Development Alexis Morris presented the item.

Mayor Bryant opened the public comment period.

Rocio Parra, owner of Nena's Taco, provided comments requesting alternative permit requirements.

Karri Reiser spoke on behalf of the Chamber of Commerce in support of the item with possible exceptions as stated by previous speaker.

Deborah Spinola requested clarification on the details of the proposed ordinance.

Lisa Curry requested clarification on multiple points of interest related to the proposed ordinance.

Amy Tilly spoke on behalf of the Downtown Business Coalition in favor of the item and requested clarification on a couple points of interest.

Greg Robinson provided comments in support of the item with some case-by-case considerations.

Marivel Mendoza provided comments and additional considerations to the item.

Marisol Valles provided comments related to vendors at Sunset Park.

Danny Dohrmann provided comments regarding fairness and equity.

Vicky Little, owner of Sip-n-Scoop, provided comments from the perspective of a brick-and-mortar business who started as a mobile vendor.

Tom Gregory provided comments related to utilizing private property.

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

Prior to the vote, the City Clerk read the Ordinance titles into the record.

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

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

Introduced and waived first reading of Ordinance 1069 amending the definition of "Peddler" in Section 5.48.020 and adding Chapter 5.64 to the Brentwood Municipal Code Imposing Regulations on Sidewalk Vending in Compliance with Senate Bill 946; Amending Section 7.02.210 Regarding Vendors in Parks; and Determining the Ordinance to be Exempt from CEQA.

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:** Susannah Meyer, Vice Mayor

Introduced and waived first reading of Ordinance 1070 repealing and replacing Chapter 5.68 of the Brentwood Municipal Code regarding Mobile Vending and Declaring the Ordinance Exempt from CEQA; and providing the following direction to staff:

- Return with a detailed staff report on regulations for long-term mobile vending facilities as part of the focused zoning or Ordinance update.
- Remove 5.68.050 M with the 4-day regulation from the draft Ordinance and return with a future staff report adding it to the Ordinance.
- Discuss fees that would be a part of the permit for the Council to further discuss and make a determination about.
- Provide information on a potential grant program for the fees.

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 - NEW REQUEST(S)**

Council Member Mendoza requested the following future agenda items:

- Updates to the Affordable Housing Ordinance (BMC Chapter 17.725) as it relates to the percentage of allocations for Very Low, Low, and Moderate income units.
- Updates to the Affordable Housing Ordinance (BMC Chapter 17.725) as it relates to a potential increase to the minimum percentage of affordable units required.
- Updates to the Objective Design Standards to require a green strip in front of sidewalks in new developments.

## **J. REQUESTED FUTURE AGENDA ITEM(S)**

J.1 Consider a Request from Council Member Mendoza for changes to the calendar on the City's website.

Council Member Mendoza presented her request.

Mayor Bryant opened the public comment period.

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

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

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

City Council directed staff to spend time and resources to consider changes to the City's website as it relates to the City Calendar.

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)**

J.2 Consider a request from Council Member Mendoza for City Council access to the Human Resource files of the City Council's direct reports.

Council Member Mendoza presented her request.

Council Member Mendoza withdrew the request.

## **K. ADJOURNMENT**

Adjourned in memory and honor of Rene De Luna, 2023 Brentwood Citizen of the Year.

Motion/second was made by Meyer/Mendoza to adjourn at 10:04 p.m. and carried unanimously.