



CITY COUNCIL/SUCCESSOR AGENCY MINUTES

December 12, 2023, 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.

Council Member Mendoza participated via Zoom teleconference in accordance with the Brown Act "just cause" exception, per AB 2449.

B. PLEDGE OF ALLEGIANCE

Mayor Bryant led the Pledge of Allegiance.

C. PUBLIC COMMENTS

Denise Duran thanked the Council for the opportunity to work with and learn from the City in her role as Brentwood Chamber of Commerce President.

Paul Jarvis provided comments on Covid mask mandates, homeless encampments, athletes, and President Biden.

Owen Spishock spoke as the Chairperson of the Brentwood Youth Commission and provided updates on upcoming events.

Omair Alam read a poem by Refaat Alareer, a Palestinian professor and writer.

Sinziana Todor provided comments regarding the limited speaker time, the internal investigation related to Parks and Recreation, and Council Member Pierson's participation in the Special City Council meeting on December 4th.

Don Smith provided comments regarding the roles of City Council Members as elected officials.

Carolina Villaseca provided comments regarding vetting projects and ensuring they are executed in the best way possible for the City and commented on an investigation on the Parks and Recreation department.

Danny Dohrmann provided comments regarding public comments.

Rabbi Goldshmid shared it was the sixth day of Chanukah and stated the Jewish response to senseless hatred is senseless kindness.

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

Council Member Oerlemans reported on his attendance at the Police Activities League's (PAL) Tamale Fest, Closed Session Council meetings regarding the City Attorney applicants, the Holiday Parade and Tree Lighting in City Park, the Cars and Chill Toy Drive by PAL at Chill Tea, PAL board meeting, watched a Planning Commission meeting, and attendance at Shop with a Cop at Target.

Vice Mayor Meyer reported on her attendance at the National Alliance on Mental Illness Veterans presentation, her presentation at Adams Middle School - Leadership Class, volunteered for the Hijas Del Campo clothing, food, and book drive supporting 96 families, listened to presentation by Congressman Garamendi, League of California Cities presentation on new legislation for 2024, attended a reception for County's new Veteran Services Officer, Trilogy holiday concert, A Place for Learning fundraiser, watched the Planning Commission meeting, attended the Sherwin Williams Santa and ornament painting event, the Hanukah Festival and the Grand Menorah Lighting hosted by the Chabad of the Delta, the Equity, Anti-racism and Justice listening session by The Justice Collective, and the Holiday Parade and Tree Lighting.

Council Member Mendoza reported on her attendance at the League of California Latinos Communication Subcommittee meeting, Contra Costa County board presentation related to Diversity, Equity, and Inclusion (DEI), watched the Park and Recreation Commission meeting, attended the holiday show at Trilogy, participated in an Our Neighborhood Voices statewide event, watched the League of California Cities presentation on new legislation for 2024, attended a League of Latino Caucus directors meeting, attended A Place of Learning fundraiser, watched a presentation by Congressman Garamendi, attended Diane Burgis office for the County Veterans officer presentation, the Holiday Parade and Tree Lighting, and was appointed to Housing Committee by the President of the League of California Cities.

Council Member Pierson reported on her participation with the PAL board regarding the Tamale Fest, Crab Feed, and Shop with a Cop, attendance at the Holiday Parade and Tree Lighting, met with members of the community regarding various subjects, and attendance at Closed Session meetings on November 29th and December 4th.

Mayor Bryant reported on his attendance at the inaugural meeting of the Green Empowerment Zone, the Ron Nunn Elementary School Walk and Talk with teachers and parents, the Grand Menorah Lighting, the Mayors' Conference, City Attorney interviews, Delta Six meeting, Tamale Fest, Airport Land Use Committee, and the Holiday Parade and Tree Lighting Ceremony.

E. REQUESTED FUTURE AGENDA ITEM(S)

- E.1 Consider Requests from Vice Mayor Meyer and Council Member Mendoza related to traffic safety enhancements in the Trilogy subdivision.

Vice Mayor Meyer and Council Member Mendoza presented the item.

The Mayor opened the public comment period.

The following speakers spoke in favor of the item:

Dennis Radabaugh
Rich Castro
Julie Castro
Joe Young
Dave Gilbert
Denise Duran

Danny Dorhmann inquired why Trilogy seems to get fast tracked and commented that there are other areas of the City that need attention.

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

Moved by: Susannah Meyer, Vice Mayor

Seconded by: Jovita Mendoza, Council Member

The City Council directed staff to spend time and resources related to installing an additional light up beacon on both sides of the street, increasing the flashing duration for the flashing beacon, provide the most recent traffic study, provide incident report for 2023 and 2022, continue with the landscape improvements, prepare budget opportunities if unsuccessful on grant for light up beacon, develop specific instructions for landscaping contractor, consider installation of additional speed limit signs, and report on anything else the City can do to improve safety.

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.2 Consider Requests from Mayor Bryant and Council Member Pierson related to forming a single proclamation from the suggestions to support peace and condemn Islamophobia

Mayor Bryant and Council Member Pierson presented the item.

Mayor Bryant opened the public comment period.

The following speakers spoke requesting the proclamation language to include calling for a ceasefire:

Amin Arikat
Farid
Saoud Arikat
Sumaya Alkatib
Tanvir Choudhary
Ahmad
Anoosha Chishti
Melody Rooshen
Marjan Mohamand
Iyas Sartawi
Raya Sartawi
Feros Kayyali
Hussein Hassane
Isabella Klaus
Ilma
Halena Neyazi
Michael Yoshii
Aarynn
Joy Hamilton
Mustafa
Naemah
Dina
Mahtop R.
Falustein Shoman
Wesam Shaer
Jihad Shaer
Jineen Shoman
Nina
Jenna
Sana Sharfuddin
Jacob
Jojo

The following speakers spoke in support of the item as proposed:

Cathy Little
Laura Avila

Marilyn Tamura provided comments suggesting language for both condemnation of Islamophobia and anti-Semitism.

Dina Ramaha provided comments that tax dollars should support mental health instead of war.

Rabbi Goldsmid provided comments opposing the item.

The City Council recessed from 8:46 pm and reconvened at 8:55 pm.

Moved by: Pa'tanisha Pierson, Council Member

Seconded by: Joel Bryant, Mayor

The City Council directed staff to prepare a proclamation supporting peace in the Middle East and condemning Islamophobia.

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. CONSENT CALENDAR

Council Members Oerlemans and Pierson pulled item F.10 to be heard separately from the Consent Calendar.

City Clerk read Ordinance 1065 title.

Moved by: Susannah Meyer, Vice Mayor

Seconded by: Pa'tanisha Pierson, Council Member

Adopted the Consent Calendar as recommended by staff excluding item F.10.

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 November 14, 2023

F.2 Notification of the correction of a clerical error in the Solid Waste utility rate schedule.

City Council received an informational report notifying the Council that City staff will correct an unintended clerical error to the rate schedule in Attachment A-1 of Resolution No. 2023-77 and file an amended solid waste rate study report.

F.3 Award of Contract for Homecoming Park Playground Replacement

Adopted Resolution 2023-141 1) approving the purchase and installation of playground equipment for Homecoming Park, and authorizing the City Manager or designee to execute a contract, and necessary documents, in the amount of \$287,036.18, plus funding authorization for a 10% contingency amount of \$28,703.62, for a total funding authorization not to exceed amount of \$315,739.80 with Landscape Structures, Inc. through a Sourcewell Cooperative Purchasing Agreement for Homecoming Park Playground Replacement, CIP Project No. 352-52447; 2) amending the 2023/24 – 2027/28

Capital Improvement Program (CIP); and 3) amending the 2023/24 Operating Budget for the associated project funding transfer.

F.4 Agreement with Axon Enterprises for Police Department Equipment and Services and amending the Operating Budget

Adopted Resolution 2023-142 authorizing the City Manager or designee to execute an agreement and necessary documents with Axon Enterprises, Inc. in the amount of \$1,820,470, plus funding authorization for an additional \$150,000 for contingencies, for a total not-to-exceed funding authorization amount of \$1,970,470 over a five year term for the purchase and installation of body-worn cameras, in-car video systems, electronic control devices, interview room video and audio equipment, digital evidence storage, unmanned aerial vehicles, and future innovative technologies; and amending the FY 2023/24 General Fund Operating Budget in the amount of \$74,830.

F.5 Second Reading of Ordinance No. 1065 amending provisions of the Brentwood Municipal Code related to administrative citations and appeal procedures.

Waived second reading and adopted Ordinance No. 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.

F.6 Purchase of twelve replacement and two new Ford vehicles.

Adopted Resolution 2023-143 1) approving the purchase of 14 vehicles (two new and twelve replacements): 7 Ford F250 trucks (3 for the Parks & Recreation Department, 3 for the Public Works Department, and 1 for the Police Department); 5 Ford F350 trucks for the Public Works Department; and 2 Ford F550 trucks for the Public Works Department, from Bill Brandt Ford in Brentwood, CA; 2) amending the General Fund Street Division 2023/24 Operating Budget in the amount of \$46,531; 3) amending the General Fund Parks Landscape Operations 2023/24 Operating Budget in the amount of \$31,714; 4) amending the Vehicle and Equipment Replacement Fund 2023/24 Operating Budget in the amount of \$309,325; and 5) authorizing the City Manager or designee to execute any necessary documents in an amount not to exceed \$1,321,420 for fiscal year 2023/24 for the purchase of these vehicles.

F.7 2022-23 Development Impact Fee Report

Received and filed the Development Impact Fee Report ensures compliance with California Government Code Section 66006(b) and 66001(d), which requires an annual report providing specific

information about those fees, be prepared and made available to the public.

- F.8 Supplement to the Annual Report on the Low and Moderate Income Housing Fund for Fiscal Year 2022/23.

Received and filed the Supplement to the Annual Report on the Low and Moderate Income Housing Fund ensures compliance with Senate Bill 341 requirements for Housing Successors and will be submitted to the Department of Housing and Community Development (HCD) as an addendum to the Annual Progress Report that will be prepared in Spring 2024.

- F.9 Combined Community Facilities District (CFD) Annual Report for Special Taxes Levied for Fiscal Year 2022/23

Received and filed the Combined Community Facilities District (CFD) Annual Report for Special Taxes Levied ensures compliance with Section 50075.3 of the California Government Code which requires an annual report be filed with the Legislative body for voter approved special taxes.

- F.10 Contract Change Order No. 2 with B and D Excavation and Construction for the Sound Wall, CIP Project No. 337-37263.

Moved by: Pa'tanisha Pierson, Council Member

Seconded by: Tony Oerlemans, Council Member

Motion to deny the request 1) approving Contract Change Order No. 2 with B and D Excavation and Construction ("B and D") for the Sound Wall, CIP Project No. 337-37263 ("Project"), in the amount of \$15,211.63, bringing the Contract price to \$393,811.62; and 2) increasing the funding authorization contingency amount for the Project by \$5,000, for an overall total funding authorization not to exceed amount of \$455,601.63 for the Project.

Ayes (3): Pa'tanisha Pierson, Council Member, Tony Oerlemans, Council Member, and Joel Bryant, Mayor

Noes (2): Jovita Mendoza, Council Member, and Susannah Meyer, Vice Mayor

Motion Approved (3 to 2)

G. BUSINESS ITEMS

- G.1 Independent Auditors' Report and Annual Comprehensive Financial Report for Fiscal Year 2022/23; and Report on the Financial Awards received by the City

Finance Director / City Treasurer Kerry Breen presented the item.

Amy Meyer, Maze & Associates presented the Independent Auditor's Report.

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: Susannah Meyer, Vice Mayor

City Council received the Independent Auditors' Report and Annual Comprehensive Financial Report for Fiscal Year 2022/23 and the report on the Financial Awards received by 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.2 Selection of Planning Commission candidates to be interviewed and a review of the current applicant interview process

Sinziana Todor provided comments regarding a procedural change to the applicant interview selection process.

Carolina Villaseca provided comments regarding a procedural change to the applicant interview selection process.

Moved by: Pa'tanisha Pierson, Council Member

Seconded by: Susannah Meyer, Vice Mayor

Provided direction to staff related to the process for selections and interviews, to include amendments to the process including: The Mayor and each Council member will email their individual selections to the City Clerk Each Council Member will submit up to three (3) questions, in order of preference to the City Clerk no later than twenty-four (24) hours before the special meeting. For meetings held in person, the applicants will be seated in a room where there is not audio/video of the City Council meeting; and be brought in to the public meeting in sequence. The order of sequence will be randomly selected by the City Clerk drawing names.

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 A Resolution Appointing Katherine Wisinski as Interim City Attorney

Moved by: Pa'tanisha Pierson, Council Member

Seconded by: Susannah Meyer, Vice Mayor

Adopted Resolution 2023-144 Appointing Katherine Wisinski as Interim City Attorney.

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 City Council committees and committee assignments for 2024; and dissolution of committees.

Moved by: Pa'tanisha Pierson, Council Member

Seconded by: Tony Oerlemans, Council Member

Motion to continue to the next City Council meeting when all members will be present: City Council committees and committee assignments for 2024; and dissolution of committees.

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.5 Amending City Council/Administrative Policy 110-04 Procedures for Ceremonial Documents related to the process for Proclamations

Motion to continue to the next City Council meeting when all members will be present: Amending City Council/Administrative Policy 110-04 Procedures for Ceremonial Documents related to the process for Proclamations

Moved by: Pa'tanisha Pierson, Council Member

Seconded by: Tony Oerlemans, Council Member

Motion to continue to the next City Council meeting when all members will be present: City Council committees and committee assignments for 2024; and dissolution of committees.

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

Council Member Mendoza requested a review of Brown Act Section 54954.2(C) and for discussion/update on the internal investigation.

I. PRESENTATIONS

I.1 Recognition of City Attorney, Damien Brower, upon the occasion of his retirement.

J. ADJOURNMENT

It was moved/seconded by Vice Mayor Meyer/Council Member Mendoza to adjourn at 11:50 p.m.