



CITY COUNCIL/SUCCESSOR AGENCY MINUTES

May 14, 2024, 7:00 p.m.

A. CALL TO ORDER & ROLL CALL

Vice Mayor Meyer called the meeting to order at 7:01 p.m.

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

B. PLEDGE OF ALLEGIANCE

Vice Mayor Meyer led the Pledge of Allegiance.

C. PUBLIC COMMENTS

Vice Mayor Meyer opened the public comment period.

Sinziana Todor provided comments related to remote public comments, basketball hoops in residential neighborhoods, police patrol and enforcement related to Dolphin and Blue Goose parks.

Carolina Villaseca provided comments related to the Community Day of Service and teaching DEI to young children in the classroom.

Paul provided comments related to the Fentanyl and opiates crisis in the country and public education.

Danny Dohrmann provided comments related to remote public comments and freedom of speech.

Jeremy provided comments and concerns related to Dolphin Park.

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

Council Member Oerlemans reported on attendance at the Tri Delta Transit meeting, Police Activities League (PAL) Golf Tournament in Discovery Bay, Special City Council meetings, the Unified Prom and parade, and provided special recognition to Amanda Chaney, Stacey Dempsey, Officer Bollinger, Officer Rucker, and Sergeant Brouillette.

Council Member Mendoza reported on attendance as a judge for the Lions Club High School speech contest, League of California Cities Latino Caucus board meetings, Special City Council meetings, and a Mount Diablo Unified School District fundraiser.

Council Member Pierson reported on attendance at the Community Day of Service event, Juneteenth planning meetings, Rotary Club meetings, Special

City Council meetings, responding to emails, a meeting with the City Manager, Chief of Police, and Council Member Oerlemans regarding the community's unhoused population, Farmers Market, Commission Appreciation Dinner, League of California Cities division meeting in Alameda, donated tuxedos and gowns to the Unified Prom, and moderated panel of youth regarding getting involved in politics.

Vice Mayor Meyer reported on attendance at the Commissioner Appreciation Dinner, Elected Women's Luncheon, Community Day of Service event, Mayors' Conference, watched the Planning Commission, and attended the City's SAS 99 Consideration of Fraud Audit meeting with Mayor Bryant.

E. CONSENT CALENDAR

Vice Mayor Meyer pulled item E.6 and Council Member Mendoza pulled item E.9 to be considered separate from the Consent Calendar.

Council Member Pierson abstained from voting on item E.12 due to living within 500 feet of the project location.

Moved by: Jovita Mendoza, Council Member

Seconded by: Tony Oerlemans, Council Member

Adopted the Consent Calendar as recommended by staff, excluding items E. 6 and E. 9, and with Council Member Pierson abstaining from the vote on item E.12

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

Absent (1): Joel Bryant, Mayor

Motion Approved (4 to 0)

E.1 Minutes of the Special City Council meeting of April 23, 2024

E.2 Minutes of the City Council/Successor Agency meeting of April 23, 2024

E.3 Minutes of the Special City Council meeting of April 30, 2024

E.4 A Proclamation Proclaiming May 27, 2024, as Memorial Day

E.5 A Proclamation Proclaiming May 13 - 18, 2024, as Armed Forces Week

E.6 A Proclamation Proclaiming May 19 - 25, 2024, as Public Works Week

Vice Mayor Meyer presented the Public Works Week proclamation to Tony Pastor.

Moved by: Susannah Meyer, Vice Mayor

Seconded by: Pa'tanisha Pierson, Council Member

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

Absent (1): Joel Bryant, Mayor

Motion Approved (4 to 0)

- E.7 Amendment to Council/Administrative Policy No. 30-1 (Appointment of Planning Commission Members) to be consistent with current practices.

Adopted Resolution 2024-46 amending Council/Administrative Policy No. 30-1 (Appointment of Planning Commission Members) to be consistent with current practices.

- E.8 Award of Agreement for Architectural Services to Advance Design Consultants, Inc. for the Water and Wastewater Laboratory Project, CIP Project No. 592-59207.

Adopted Resolution 2024-47 approving and authorizing the City Manager or designee to execute an Agreement for Architectural Services with Advance Design Consultants, Inc. ("ADC") in the amount of \$279,330, plus funding authorization for a 15% contingency of \$41,899.50, for a total funding authorization not to exceed amount of \$321,229.50, for the Water and Wastewater Laboratory Project, CIP Project No. 592-59207 ("Project").

- E.9 Purchase and Sale Agreement with Nunn Family (No.2) Limited Partnership for utility easements to service the Innovation Center @ Brentwood.

Moved by: Jovita Mendoza, Council Member

Seconded by: Pa'tanisha Pierson, Council Member

Adopted Resolution 2024-51 approving and authorizing the City Manager, or designee, in coordination with the City Attorney, to execute an Agreement for Purchase and Sale of Easement Rights, in substantial conformance with the attached Agreement, with Nunn Family (No.2) Limited Partnership, for a portion of APNs 019-081-023 and 019-081-024, to acquire utility easements necessary for CIP Project No. 336-31695, Innovation Center @ Brentwood Infrastructure ("Project") for \$193,904, and authorizing execution of other documents as necessary to complete the right-of-way transaction.

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

Absent (1): Joel Bryant, Mayor

Motion Approved (4 to 0)

- E.10 Purchase and Sale Agreement with Brian Joseph Friedel for road right-of-way for the Lone Tree Way Roadway Improvements, CIP Project No. 336-31701.

Adopted Resolution 2024-48 approving and authorizing the City Manager, or designee, to execute an Agreement for Purchase and Sale of Real Property, with Brian Joseph Friedel for a portion of APN 018-100-031, to acquire road right-of-way for Lone Tree Way Roadway Improvements, CIP Project No. 336-31701 ("Project") for \$120,203, and authorizing execution of other documents as necessary to complete the right-of-way transaction.

- E.11 Purchase and Sale Agreement with Louis A. Ferraro, as Trustee of the Louis A. Ferraro Family Trust dated July 2, 2004 for road right-of-way for the Lone Tree Way Roadway Improvements, CIP 336-31701.

Adopted Resolution 2024-49 approving and authorizing the City Manager, or designee, to execute an Agreement for Purchase and Sale of Real Property with Louis A. Ferraro, as Trustee of the Louis A. Ferraro Family Trust dated July 2, 2004, for a portion of APN 018-100-038, to acquire road right-of-way for Lone Tree Way Roadway Improvements, CIP Project No. 336-31701, for \$68,303, and authorizing execution of other documents as necessary to complete the right-of-way transaction.

- E.12 Award of contract to Ghilotti Bros., Inc. for Lone Tree Way Roadway Improvements (Phase 1), CIP Project No. 336-31701.

Moved by: Jovita Mendoza, Council Member

Seconded by: Tony Oerlemans, Council Member

Adopted Resolution 2024-50 approving the contract documents, awarding the bid and authorizing the City Manager or designee to execute a contract and necessary documents for Lone Tree Way Roadway Improvements (Phase 1), CIP Project No. 336-31701, ("Project") with Ghilotti Bros., Inc. ("GBI") as the lowest responsible and responsive bidder in the amount of \$2,031,692.30, plus funding authorization for a 15% contingency of \$304,753.84, for a total funding authorization not to exceed amount of \$2,336,446.14.

Ayes (3): Jovita Mendoza, Council Member, Susannah Meyer, Vice Mayor, and Tony Oerlemans, Council Member

Abstained (1): Pa'tanisha Pierson, Council Member

Absent (1): Joel Bryant, Mayor

Motion Approved (3 to 0)

F. BUSINESS ITEMS

- F.1 Discuss and provide direction regarding potential modifications to the regulation of outdoor dining and merchandise displays in Downtown Brentwood to ensure an aesthetic, safe, and accessible environment

Vice Mayor Meyer opened the public comment period after a staff presentation by Assistant City Manager Darin Gale.

Rebecca Bloomfield and Amy Tilley submitted written public comments by email providing comments and concerns on the item.

Peter Jacoway spoke on behalf of the Downtown Business Coalition and offered collaboration between themselves and the City as these regulations are developed.

Sinziana Todor provided comments and concerns on the item.

Carolina Villaseca provided comments and concerns on the item.

Danny Dohrmann provided comments in support of option B as presented by staff.

Amy Tilley spoke on behalf of the Downtown Business Coalition and reiterated the DBC's desire to be involved in the process with the City as the regulations are developed.

Moved by: Jovita Mendoza, Council Member

Seconded by: Susannah Meyer, Vice Mayor

The City Council, by motion, directed staff to; continue with process to update zoning code and specific plan. Implement insurance requirements through encroachment permit as soon as possible

To bring back a future process to include:

- Processing fee
- Cleaning deposit
- Clearly approved area to operate
- Annual Inspections
- Continue to not charge/lease the area to businesses
- Permit revocation process
- Do not allow a business separate their outdoor dining area from their business
- ADA minimum or higher access on the sidewalk (4' or 5' and

Director's discretion) strollers, electric scooter, walkers

- Bar Seating along fence line (future operators)
- Implementation Process
- Grandfather, not amnesty

Design Specifications to include:

- Location
- Materials
- Heights
- Signage

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

Absent (1): Joel Bryant, Mayor

Motion Approved (4 to 0)

G. REQUEST FOR FUTURE AGENDA ITEMS - NEW REQUEST(S)

Vice Mayor Meyer requested a change to the regular meeting time for the Agricultural Enterprise Committee.

H. ADJOURNMENT

It was moved/seconded by Pierson/Mendoza to adjourn at 9:30 p.m. and carried unanimously.