

From: [Mendoza, Jovita](#)  
To: [Wimboly, Margaret](#)  
Subject: Re: Full ext for my comment on item D.2  
Date: Tuesday, November 15, 2022 6:03:13 PM

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Hello,  
Can this please be included in public comments.  
Thank you!  
Jovita

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**From:** Rod Flohr  
**Sent:** Tuesday, November 15, 2022 4:12 PM  
**To:** Jovita Mendoza <jmendoza@brentwoodca.gov>  
**Subject:** Full text for my comment on item D.2

**CAUTION - EXTERNAL SENDER**

Dear Council Member Mendoza,

My comment on item D.2 may run over 3 minutes tonight, so I am sending this so you can have the comment in its entirety.

D.2 City Policy violation allegation raised against Vice Mayor Johnny Rodriguez

The agenda packet for this item states: "the Council may wish to consider the Policy's applicability, as it specifically does not apply to "violations of State or Federal laws"." Nowhere in the policy is there any mention of this application. The policy states that the policy: "supplements, but does not supplant, other laws and rules regarding the legal responsibilities of City officials."

To say that the policy is not enforceable because it "supplants" Section 54963 is nonsense. A simple finding that a council member failed to refrain from disclosing confidential information in no way meets the standards required to successfully pursue a charge under Section 54963 in State Law. Section 54963 is very detailed and specific, and in fact is too long to read in a 3 minute comment.

To say that this Council cannot enforce their own policies on the off chance that the policy may be indicative of a violation of State Law is absurd. You would have to go through the entire policy, compare every item to state law, and strike any of them that would be in any way similar to an action prohibited under the law. The unintended consequence of adopting such a policy would be to allow dishonorable conduct on our City Council, simply because there is such a high barrier to taking a case to court. This cannot be the intent of the Council when they wrote this policy, as evidenced by the very obvious fact that such provisions have been included in the policy.

I think a more honest reading of "supplements, but does not supplant" would indicate that just because a council member is sanctioned or censured, that does not supplant the possibility of any prosecution under state law. I will give another example in my comments when the Ethics and Conduct policy revision is brought up for discussion. For now, if the allegations prove to be correct, I recommend that VM Rodriguez be sanctioned, as he has wisely decided not to run again and will be off this Council before the Censure procedure can be completed.

Thank you,

Rod Flohr

**From:** [Mulder, Bruce](#)  
**To:** [=yCouncil Members](#)  
**Cc:** [=yDepartment Directors](#); [Wanden, Aaron](#)  
**Subject:** Agenda Item B.3  
**Date:** Tuesday, November 15, 2022 1:22:53 PM

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Good afternoon Mayor and Council Members,

Council Member Rarey had the following question regarding Agenda Item B.3: Is the Marsh Creek trail built to EBRPD standards?

Response: Yes the Marsh Creek Trail is built to EBRPD Standards. EBRPD staff have been involved in the inspection of the trail and items on a punch list that they provided have been addressed.

Please let me know directly if you have additional questions.

Thanks,

Bruce



**Bruce Mulder, Director of Parks & Recreation**

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Title: Like us on facebook



**From:** [Dhaliwal, Jagtar](#)  
**To:** [=yCouncil Members](#)  
**Cc:** [=yDepartment Directors](#)  
**Subject:** Presentation slides for Agenda Item # C.1 Mitigated Negative Declaration for the Sand Creek Rd Extension Project  
**Date:** Friday, November 11, 2022 7:46:25 AM  
**Attachments:** [SLIDES\\_scr\\_ext\\_CEOA\\_adopt\\_CC\\_presentation\\_v2\\_20221115.pptx](#)

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Good Morning Mayor and Council Members

Attached is a copy of the slides associated with Agenda item C.1 that will be presented at the Nov 15, 2022 City Council meeting. Feel free to contact me if you have any questions.

Jack Dhaliwal



**Jagtar (Jack) Dhaliwal, Assistant Director of Public Works/Engineering**

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**From:** [Dhaliwal, Jagtar](#)  
**To:** [=yCouncil Members](#)  
**Cc:** [=yDepartment Directors](#)  
**Subject:** Council Questions for Agenda Item C.1  
**Date:** Tuesday, November 15, 2022 3:46:53 PM

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Good Afternoon Mayor and Council Members,  
Council Member Meyer had the following questions regarding the Agenda Item # C.1 . Please see response below:

1. Pg. 57, what are the benefits of being included in a State Scenic Highway? The State Scenic Highway Program is a State designation for recognized scenic locations in California. The general benefits for being designated a State Scenic Highway include visual quality protection measures to ensure the scenic quality of the highway corridor. Specific benefits include minimizing the encroachment of incompatible land uses along the scenic corridor; prohibits unsightly signs, billboards, or other structures that detract from scenic views or are otherwise incompatible with the surrounding scenic environment; regulate grading to minimize impacts to existing hillsides and similar scenic features; and reduce the need for noise barriers by requiring minimum setbacks for residential developments adjacent to scenic highways. The CEQA analysis questions related to the Scenic Highway is related to damaging scenic resources (trees, rock outcroppings, historic buildings, etc.) within a designated Scenic Highway. If the project is not within a designated Scenic Highway, which the Sand Creek Road Extension is not, then the question simply does not pertain to the project.
2. Pg. 60, How does the Ag preservation program work and how much is the in-lieu fee? The Agricultural Preservation Program is codified in Chapter 17.730 of the Brentwood Municipal Code. Applicants are required to comply by either acquiring an agricultural conservation easement for the benefit of the City or a qualified land trust; or by paying a per acre fee prior to grading permit issuance, currently set at \$8,531 per acre according to the Cost Allocation Plan. This project will pay upwards of approximately \$30,000.
3. Pg. 223, Is our street being designed to withstand a 6.7 magnitude earthquake? Both the street and bridge will be designed to current seismic requirements. In addition to the recommendations listed in the geotechnical report, we will also require seismic connections for all utilities crossing the new bridge.
4. Will this extension likely be used as a commuter shortcut in any way? It is likely that this extension would be used for access to the Innovation Center and, in the future, for better access to Kaiser Hospital. Under normal and uncongested conditions, commuters working outside of the East County area will likely continue to use State Route 4 instead of the any of the arterial roads between Brentwood and Antioch.

Please let me know directly if you have additional questions.

Thanks.

Jack Dhaliwal

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Title: Like us on facebook



**From:** [Mulder, Bruce](#)  
**To:** [=yCouncil Members](#)  
**Cc:** [=yDepartment Directors](#)  
**Subject:** Agenda Item D.1  
**Date:** Tuesday, November 15, 2022 4:34:07 PM

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Good afternoon Mayor and Council Members,  
Council Member Rarey had the following questions regarding Agenda Item D.1:

Background:

In the AGREEMENT FOR LANDSCAPE DESIGN ARCHITECTURAL SERVICES, it states on page 815 that these would be natural turf fields with notation of when it will need to be seeded or sodded (“If the field will be utilizing seeding for the natural grass fields, we will coordinate the schedule ... The use of sod can help ...”)

And on page 820, under the CITY OF BRENTWOOD REQUEST FOR QUALIFICATIONS, it states, “It is anticipated that the Complex will include up to 2-3 full size lighted sports fields (soccer/multi-use to be determined, preferably with artificial turf).

Question:

My understanding of this project was that the fields on the City portion of the project would be artificial turf and it would be natural turf in the flood control district portion. Is this company only providing design and construction document costs for just seeded/sodded fields?

Response:

The contract cost includes design for artificial turf fields on the City portion and natural turf fields in the basin. The specific planning and design of the fields and optimal surfaces will be based on Brentwood’s Community needs and will be determined through this planning process.

Question:

As design and construction documents would be different for artificial turf vs. grass, why wasn’t a cost estimate proposal done for artificial turf fields documents or would the cost be the same?

Response:

The planning and design cost for the fields will be based on the contract and the construction cost will be based on the bid process and final design elements of the park.

Question:

Page 849, Generally sports complexes have a single play area and picnic area, why does this conceptual plan have so much wasted space dedicated to future play and picnic areas?

If we are to draw tournaments to our town, we need to think about more fields, not less. I would rather see more of the larger sized fields with 2 smaller fields encompassed in each of the fields, along with integrated baseball and softball fields similar to the project on Page 856.

Response:

Preliminary designs were used to show the original planning of the park in the RFQ. The planning and design process will include additional community outreach to refine the optimal design based off of Brentwood’s current and future needs and to maximize the use of the

space available.

Please contact me directly if you have additional questions.

Thanks,

Bruce



**Bruce Mulder, Director of Parks & Recreation**

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