

From: [Nicole R. Xavier](#)
To: [webCityClerk](#); [=yCouncil Members](#)
Subject: 01/10/23 Agenda Item: Proposal to Create Commission Interview Committee
Date: Sunday, January 08, 2023 12:40:29 PM

CAUTION – EXTERNAL SENDER

Brentwood City Council,

I am concerned about the proposal to create a two-member Commission Interview Committee.

As a Brentwood resident who watched the 01/26/21, 03/03/21, and 01/11/22 city council meetings and was impressed with the transition to a transparent commission interview process, I am shocked to see a proposal back to closed-door interviews.

A notable quote from Vice Mayor Rodriguez, who was involved in a two-member interview process:

"I can see some of the concerns from council members around transparency and understanding the whys. It's really hard for me to explain it, to be honest with you, because you really had to be there to be able to understand maybe why these people were chosen." (01/26/21 meeting ~2:07 minute mark)

The transparent process is in place for good reason. The devil is in the details and it takes a variety of perspectives to make the best decisions for the city. There is no value to your constituents by letting only two council members conduct these interviews behind closed doors and then basing your approval on their recommendations.

Here's what I appreciate about the full council public interviews:

Representation

The city council members represent the entire city but are voted in according to districts in the city. There's no need to district the commissioners but instead all city council members should have the opportunity to directly ask applicants any city-wide or district related questions they feel is relevant.

Ranked Voting

Ranked voting is a valuable tool to show which applicants have the broadest support. Keeping this voting method enables the mayor to make an informed recommendation and makes for an easier final vote on the recommendation.

Accountability

If you or a resident later becomes concerned with the actions or performance of a commissioner, there would be a public record of the interview questions and answers to see if the commissioner is fulfilling the role in a way they presented they would.

The benefit of a transparent process is so significant that it outweighs any potential benefit a closed-door could offer. I would love to hear from the council members that proposed this change on why they brought this proposal forward.

Thank you,

Nicole Xavier

From: [Daphne Muse](#)
To: [webCityClerk](#)
Subject: Full Transparency
Date: Monday, January 09, 2023 9:51:15 AM

CAUTION – EXTERNAL SENDER

As state law requires/mandates, it is imperative that the rules and protocols continue to be followed, accordingly. Democracy does not use a back door and remain mindful that you have an engaged citizenry who expects nothing less than full transparency from the mayor and council members. Make this a memorable year for Brentwood for all the right reasons.

Go well,

Daphne Muse

The Seasoned Elder

Writer, Poet, and Cultural Broker

www.daphnemuse.blogspot.com



From: [Joe Ely](#)
To: [webCityClerk](#)
Subject: Brentwood residents are entitled to open government proceedings
Date: Monday, January 09, 2023 4:28:55 PM

CAUTION – EXTERNAL SENDER

There is no privileged information that is relevant to the selection of public officials. Residents deserve to know how their leaders attain office. All proceedings of selecting our Planning Commissioners must be conducted in public and in real time.

Joe Ely



Brentwood

McVey, Amanda

Subject:

FW: Public Comment: City Council Agenda Item No. 2 (D.2, page 147)

From: DKDKGriff <gmcgriffin@comcast.net>

Date: January 10, 2023 at 1:46:43 PM PST

To: =yCouncil Members <Councilmembers@brentwoodca.gov>

Cc: "Ogden, Tim" <togden@brentwoodca.gov>, "Wimberly, Margaret" <mwimberly@brentwoodca.gov>

Subject: Public Comment: City Council Agenda Item No. 2 (D.2, page 147)

CAUTION – EXTERNAL SENDER

Brentwood City Council,

This e-mail is in response to the purpose and recommendation of a future agenda item brought forth by new Councilmembers Pierson and Oerlemans for a change in the process for evaluating Commission appointments, and creating the composition of a Commission Interview Committee. This is a major change in procedure that is not necessary.

In the essence of full transparency, the entire Council should have the opportunity to review the applications of Commission applicants, to prepare interview questions and to recommend applicants based on their individual assessment. There is no need to form a smaller Committee for this process, and would only be construed as containing an inherent bias, regardless of which 2 Councilmembers were on the Committee. Submitting a “brief written report and recommendation” to the Mayor by these Committee members would not be sufficient for City Council consideration.

The constituents of all of Brentwood have now elected Councilpersons for their District, and the Mayor at large. The residents deserve full transparency in all Commission appointments and a role in the process of appointing Commissioners; moreover, the current process does not need any revision.

I would like to request a denial of this future agenda item.

Thank you,
Kathy Griffin
25-year Brentwood Resident
District 4 Constituent

Sent from [Mail](#) for Windows

McVey, Amanda

Subject: Council Agenda Item E.2
Attachments: 2023 Appointment List.pdf

From: "Ogden, Tim" <togden@brentwoodca.gov>
Date: January 6, 2023 at 10:09:35 AM PST
To: =yCouncil Members <Councilmembers@brentwoodca.gov>
Cc: =yDepartment Directors <departmentdirectors@brentwoodca.gov>
Subject: Council Agenda Item E.2

Mayor & Council,

The staff report for Item E.2 reported that two regional appointments of the Mayor were removed from the list, on page 149 with:

In addition, to avoid any confusion staff has removed from the master committee list those appointments made by other organizations. These appointments include, the Mayor's appointment by the Contra Costa Mayors' Conference to the Contra Costa County Airport Land Use Committee, and an appointment made by TRANSPLAN as an Alternate to the Contra Costa Transportation Authority.

In response to Council Member Mendoza's request, staff have amended the 2023 City Council Committees List to restore the two regional bodies/committees removed from the list in the staff report due to confusion in the past about whether these were appointments for the City Council to make or not. Hopefully, this is clearer now.

Thanks,
Tim

From: Mendoza, Jovita <jmendoza@brentwoodca.gov>
Sent: Thursday, January 5, 2023 8:44 PM
To: Ogden, Tim <togden@brentwoodca.gov>
Cc: Wimberly, Margaret <mwimberly@brentwoodca.gov>
Subject: RE: City Council Agenda January 10, 2023

Hello,

For this item can we please have a list of all commissions and committees. We need to understand everything sitting on peoples plate. I read that it was removed, but I need it for this meeting.

Thanks!
Jovita

CITY COUNCIL AGENDA ITEM NO. 2

Meeting Date: January 10, 2023

Subject/Title: Review the City Council committees and committee assignments for 2023, and make appointments as needed.

Prepared by: Margaret Wimberly, City Clerk

Submitted by: Tim Ogden, City Manager

From: Wimberly, Margaret <mwimberly@brentwoodca.gov>
Sent: Thursday, January 5, 2023 6:10 PM
To: =yCouncil Members <Councilmembers@brentwoodca.gov>
Subject: City Council Agenda January 10, 2023

Good afternoon Mayor and Council Members:

The agenda for your City Council meeting scheduled for January 10, 2023, at 5:00 p.m. has been posted on the City's website: [Agenda](#)

Please reply directly to me should you have any issues downloading the agenda packet.

Sincerely,
Margaret Wimberly



Margaret Wimberly | She/Her/Hers | why [pronouns](#)?
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2023 CITY COUNCIL COMMITTEES - LOCAL AND REGIONAL

City Council Committees

Committee	Type	Appointments
Agriculture Enterprise	Standing	Meyer/ VACANT
Land Use and Development	Standing	Mendoza/ VACANT
State Route 4 Noise Committee	Ad-Hoc	Meyer/ VACANT
<i>2023 Commissions Interview Committee</i>	<i>Ad-Hoc</i>	<i>Proposed</i>

Regional Bodies and Other Local Appointments

Agency	Type	Appointments
Association of Bay Area Governments	Planning Agency	Bryant/Alt. VACANT
<i>Airport Land Use Committee</i>	<i>Not Appointed by the City. This is a Mayors' Conference appointment</i>	<i>Bryant</i>
California Association of Councils of Government	Regional/Statewide Planning Agency	Bryant/Alt. VACANT
Contra Costa Mayors conference	Mayors from Contra Costa County	Bryant
<i>Contra Costa Transportation Authority</i>	<i>Not Appointed by the City. This is a Transplan appointment</i>	<i>Bryant</i>
Delta Six	Mayors/CMs from East County	Bryant
ECCC Habitat Conservancy Board	This board administers the JPA for state and federal permits	Bryant/Alt. Meyer
ECC Water Management Association	Eleven agency regional partnership working on water management issues	Bryant
Enhanced Infrastructure Financing Districts (EIFDs)	Public Financing Authority for the Innovation Center and Brentwood-Blvd	Mendoza/ VACANT / Alt. Meyer
<i>Green Empowerment Zone</i>	<i>California State Assembly passed AB 844 (Grayson), which established the Green Empowerment Zone (GEZ).</i>	<i>VACANT</i>
John Marsh Historic Trust, City Council Liaison	Support ongoing funding and historical renovation efforts	VACANT
League of California Cities (East Bay Division)	Regional monthly meetings	Meyer
Police Activities League, City Council Liaison	Fundraising Board for Police Activities League programs	VACANT/ALT VACANT
School Interagency	City, BUSD, LUSD, and LMC meetings regarding education	Mendoza/ VACANT
Transplan, BART, State Route 4, and ECCRFFA	Transportation Related Matters to coordinate transportation interest in the region	Bryant / Alt. VACANT
Tri-Delta Transit Board	Board includes two representatives from each of the four cities served by Tri-Delta, two members from the County, and one at-large member	Bryant / B. Guise

McVey, Amanda

Subject: City Council Agenda Item C.1

From: "Morris, Alexis" <amorris@brentwoodca.gov>

Date: January 10, 2023 at 2:15:32 PM PST

To: =yCouncil Members <Councilmembers@brentwoodca.gov>

Cc: =yDepartment Directors <departmentdirectors@brentwoodca.gov>, "Wisinski, Katherine" <kwisinski@brentwoodca.gov>, "Nolthenius, Erik" <enolthenius@brentwoodca.gov>, "Anne Branham (Anne.Branham@bbklaw.com)" <Anne.Branham@bbklaw.com>

Subject: City Council Agenda Item C.1

Honorable Mayor and City Council,

Good afternoon. Staff received a few questions/comments regarding tonight's agenda item C.1 from Council Member Pierson during the agenda review meeting. The questions are summarized below according to staff's understanding of the questions and the feedback shared, and responses are provided for your reference.

Thank you.

1. *There is an error in B.4 on packet page 132.*
Staff is aware of this error, which should be a reference to BMC 17.100.005(C)(10), and it will be corrected in the final version of the ordinance. Our outside Council, Anne Branham, will be presenting this item tonight and will clarify this during her presentation.
2. *The first bullet on packet page 126 mentions "...depending on nearby conditions" but those conditions are not listed in the report. What are they?*
The "nearby conditions" that could affect the allowed height of an ADU are included on packet page 137 in Section E.2 of the proposed ordinance.
3. *Accessory Dwelling Unit and Junior Accessory Dwelling Unit are spelled out in sections where they can just be referred to with "ADU" and "JADU".*
If Council would like these phrases replaced with ADU and JADU, as appropriate, it would be appropriate to include direction to staff to make those changes in a motion to adopt the ordinance.
4. *On packet page 135 under section iv., why isn't Government Code Section 65852.2 referenced along with 65852.22?*
Government Code 65852.22 is specific to the requirements that JADUs must comply with (65852.2 covers standard ADUs, and specifically refers applicants to 65852.22 for all JADU issues). Also, the proposed ordinance language specifically tracks a portion of 65852.2, which references only 65852.22 for meeting JADU requirements. Below is an excerpt of the Government Code followed by an excerpt from the proposed ordinance showing that they

match up exactly.

(e)(1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially apply mixed-use zone to create any of the following:

(A) One accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed

(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a dwelling or accessory structure and may include an expansion of not more than 150 square feet of the structure. An expansion beyond the physical dimensions of the existing accessory structure

(ii) The space has exterior access from the proposed or existing single-family dwelling.

(iii) The side and rear setbacks are sufficient for fire and safety.

(iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

1. **Building-Permit Only.** If an ADU or JADU complies with each of the general requirements in subsection (E) below ("General ADU and JADU Requirements"), it is allowed with only a building permit in the following scenarios:

a. **Converted on Single-Family Lot.** One ADU (as described in this subsection (D)(1)(a)) and one JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:

i. Is either: within the space of a proposed single-family dwelling; or within the existing space of an existing single-family dwelling; or (in the case of an ADU only) within the existing space of an accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress.

ii. Has exterior access that is independent of that for the single-family dwelling.

iii. Has side- and rear-yard setbacks sufficient for safety, as dictated by applicable building and fire codes.

iv. The JADU complies with all the requirements of Government Code Section 65852.22.

5. *Packet page 137 – #3-Process and Timing references new timing requirements. Does this describe the whole process or are there more specifics in the Government Code that should be included in our ordinance to be enforceable?*

The language in the "Process and Timing" section of the proposed ordinance is designed to track the statute and captures all of the requirements under Government Code Sections 65852.2(a)(3)(A-B), so no further edits to that section are necessary. The language from the statute is broken into subparts to make it a bit clearer in the ordinance. Government Code Sections 65852.2(a)(3)(A) and (B) state:

"The permitting agency shall either approve or deny the application to create or serve an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the

permitting agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create or serve an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the permitting agency may delay approving or denying the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency approves or denies the permit application to create the new single-family or multifamily dwelling, but the application to create or serve the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not approved or denied the completed application within 60 days, the application shall be deemed approved. A local agency may charge a fee to reimburse it for costs incurred to implement this paragraph, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit. If a permitting agency denies an application for an accessory dwelling unit or junior accessory dwelling unit pursuant to subparagraph (A), the permitting agency shall, within the time period described in subparagraph (A), return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.”

6. *When Municipal Code sections are referenced in staff reports can hyperlinks to those sections be included in the staff report?*
Staff will follow up with the Clerk to confirm that hyperlinks can be included in the final reports and to ensure that the formatting of staff reports from all departments are consistent.



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