

# AGENDA

## SPECIAL CITY COUNCIL MEETING AND REGULAR JOINT MEETING OF THE OAKLEY CITY COUNCIL/REDEVELOPMENT AGENCY

TUESDAY, NOVEMBER 24, 2009  
Oakley City Council Chambers  
3231 Main Street, Oakley, CA

**MISSION STATEMENT: THE CITY OF OAKLEY EXISTS TO BUILD AND ENHANCE  
A QUALITY COMMUNITY AND TO SERVE THE PUBLIC IN A  
FRIENDLY, EFFICIENT, RESPONSIVE MANNER.**

**VISION STATEMENT: THE CITY OF OAKLEY WILL BE RECOGNIZED AS  
A MODEL OF CIVIC PARTICIPATION AND A VIBRANT DELTA  
COMMUNITY WHERE FAMILIES LIVE, WORK, PLAY, SHOP AND VISIT.**

- *Agendas are posted at the Oakley Civic Center, the "White House" at 204 Second Street and outside the Library at Freedom High School; agendas are also posted on the City's Internet Website [www.ci.oakley.ca.us](http://www.ci.oakley.ca.us).*
- *A complete packet of information containing staff reports and exhibits related to each item is available for public review prior to a City Council or Redevelopment Agency or Public Financing Authority meeting at the Civic Center, 3231 Main Street. Any writings or documents provided to a majority of the City Council, Redevelopment Agency or Public Financing Authority regarding any item on this agenda will be made available for public inspection, during regular business hours, at the front counter in the Main Lobby of the Oakley Civic Center located at 3231 Main Street.*
- *Agendas may be picked up at the Oakley Civic Center located at 3231 Main Street for no charge. To request information regarding placement on the City's agenda subscription list, contact the Receptionist at (925) 625-7000.*
- *If you have a physically challenging condition and require special accommodations, please call the City Clerk's office at (925) 625-7013.*

***(Please keep cell phones/pagers turned off during the meeting.)***

### **SPECIAL MEETING OF THE OAKLEY CITY COUNCIL 5:00 P.M.**

#### **1.0 CALL TO ORDER AND ROLL CALL**

#### **2.0 CLOSED SESSION**

- (a) PUBLIC EMPLOYMENT – CITY ATTORNEY**  
**This Closed Session is authorized by Government Code Section  
54957.**

- (b) **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**  
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code: One Potential Case. This Closed Session is authorized by Government Code Section 54954.5(c).

- (c) **REPORTING OUT OF CLOSED SESSION**

**3.0 ADJOURN**

**REGULAR JOINT MEETING OF THE OAKLEY CITY  
COUNCIL/REDEVELOPMENT AGENCY  
6:30 P.M.**

**1.0 OPENING MATTERS**

- 1.1 **Call to Order and Roll Call of the City Council and Redevelopment Agency**  
1.2 **Pledge of Allegiance to the Flag**  
1.3 **Update on Fire District Activities (Chief Hugh Henderson)**  
1.4 **Presentation regarding an Update of Contra Costa Interfaith Supporting Community Organization (CCISCO) Activities in Oakley (Nancy Marquez, Community Organizer)**

**2.0 PUBLIC COMMENTS**

*At this time, the public is permitted to address the City Council/Redevelopment Agency on non-agendized items. COMMENTS SHOULD NOT EXCEED THREE (3) MINUTES. In accordance with State Law, however, no action or discussion may take place on any item not appearing on the posted agenda. The City Council/Redevelopment Agency may respond to statements made or questions asked or may request Staff to report back at a future meeting on the matter. Any member of the public may contact the City Clerk's Office related to the proper procedure to place an item on a future City Council/Redevelopment Agency agenda. The exceptions under which the City Council/Redevelopment Agency MAY discuss and/or take action on items not appearing on the agenda are contained in Government Code §54954.2(b)(1)(2)(3).*

**3.0 CONSENT CALENDAR**

*Consent Calendar items are typically non-controversial in nature and are considered for approval by the City Council/Redevelopment Agency with one single action. Members of the audience, Staff or the City Council/Redevelopment Agency who would like an item removed from the Consent Calendar for purposes of public input may request the Mayor/Chair to remove the item.*

### *City Council*

- 3.1 Adopt a Resolution Approving an Agreement with Carlson, Barbee and Gibson, Inc. Associated with CIP Project No. 92 (O'Hara and Neroly Median Improvements), Authorizing the City Manager to Enter into the Agreement, and Authorizing the City Manager to Sign Change Orders up to 10% of the Total Agreement Amount without Further City Council Approval (Jason Vogan, City Engineer)**
- 3.2 Adopt a Resolution Confirming the Costs for Abatement of a Public Nuisance on Contra Costa County Assessor's Parcel Numbers 034-040-016, a 4.62-Acre Parcel on the Southeast Corner of Neroly Road and Empire Avenue, and 034-040-017, a 2.37-Acre Parcel Located on the Southwest Side of Neroly Road on a Curve Approximately 200 Yards East of Empire Avenue, and Directing a Special Assessment and Lien upon the Parcels in the Amount of \$1,057.76 (Rebecca Willis, Community Development Director)**
- 3.3 Adopt a Resolution Authorizing the City Manager to Execute a Contract Amendment (Amendment #4) with Raney Planning & Management, Inc. regarding the Emerson Property Subdivision Environmental Impact Report to Expand the Scope and Augment the Contract Amount by \$55,170, and Authorizing the City Manager to Execute the Contract Amendment (Rebecca Willis, Community Development Director)**
- 3.4 Waive the First Reading and Re-Introduce the Ordinance with Amendments, Adding Paragraph "g" to Section 2.2.114 of the Oakley Municipal Code, Dealing with the City Manager's Ability to Approve Contract Change Orders (Bill Galstan, Interim City Attorney)**
- 3.5 Adopt the City of Oakley Economic Development Work Plan 2010-11(Bryan H. Montgomery, City Manager)**

### *Redevelopment Agency*

- 3.6 Adopt a Resolution Approving a Purchase and Sales Agreement with Vince and Heidi Buchanan for the Purchase of Real Property Located at 1033 Main Street in Oakley (APN #037-050-013) (Bryan Montgomery, Executive Director)**
- 3.7 Adopt a Resolution Approving a Third Amendment to Lease Agreement with James D'Amico and Delta Black Bear Diner, Incorporated (Bryan Montgomery, Executive Director)**

## **4.0 PUBLIC HEARINGS**

### ***City Council***

#### **4.1 Continued from October 27, 2009. Request for Design Review Approval for a New Wireless Telecommunication Facility Located at 200 W. Cypress Road (APN# 035-282-048) (Joshua McMurray, Senior Planner)**

**Staff recommendation:**

- Open the public hearing
- Receive the staff report
- Receive public testimony
- Receive testimony from the applicant
- Deliberate
- Adopt the Resolution approving the Design Review for a new Wireless Telecommunication Facility located at 200 W. Cypress Road

#### **4.2 Continued from October 27, 2009. Request for Design Review Approval for a New Wireless Telecommunication Facility Located at the Southeast Corner of Main Street and Gardenia Avenue (APN# 035-424-012) (Joshua McMurray, Senior Planner)**

**Staff recommendation:**

- Open the public hearing
- Receive the staff report
- Receive public testimony
- Receive testimony from the applicant
- Deliberate
- Adopt the Resolution denying the Design Review application for a new Wireless Telecommunication Facility located at the southeast corner of Main Street and Gardenia Avenue (APN 035-424-012)

***Redevelopment Agency - None***

## **5.0 REGULAR CALENDAR**

***City Council - None***

***Redevelopment Agency - None***

## **6.0 REPORTS**

### **6.1 CITY MANAGER/EXECUTIVE DIRECTOR**

**6.2 CITY COUNCIL/REDEVELOPMENT AGENCY**

**(a) Reports from Council Liaisons to Regional Committees, Commissions and Boards AND City Council/Redevelopment Agency Comments**

**(b) Requests for Future Agendas**

**7.0 WORK SESSIONS**

*Work Sessions are informal meetings permitting in-depth discussion of various issues that may ultimately come before the City Council/Redevelopment Agency in formal session. Except in unusual circumstances, no City Council or Redevelopment Agency action is taken. The City Council/Redevelopment Agency will permit members of the public to make comments; however, a Work Session is not a Public Hearing.*

**City Council - None**

**Redevelopment Agency - None**

**8.0 CLOSED SESSIONS**

**City Council**

**(a) CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION**

(Pursuant to Section 54956.9 of the Government Code)

Name of Case: Greenbelt Alliance v. City of Oakley, et al. (Contra Costa Superior Court Case No. N06-0582)

**(b) PUBLIC EMPLOYMENT – CITY ATTORNEY**

This closed session is authorized by Government Code Section 54957.

**Redevelopment Agency - None**

**(c) REPORTING OUT OF CLOSED SESSION**

**9.0 ADJOURN**