

AGENDA

REGULAR JOINT MEETING OF THE OAKLEY CITY COUNCIL/REDEVELOPMENT AGENCY

TUESDAY, OCTOBER 13, 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.*
- *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.)

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 Proclamation Declaring October 2009 as "Family History Month" in Oakley (Julie Swenson)**

- 1.4 **Proclamation Declaring October 18-24, 2009 as “Friends of the Library Week” in Oakley (Linda Pennock, Jane Connelley, Holly Occhipinti, and Louise Lincoln)**
- 1.5 **Presentation by Susan JunFish, Representing Parents for a Safer Environment, regarding Pesticide Spraying in Contra Costa County**

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/Redevelopment Agency

- 3.1 **Approve the Minutes of the Regular Joint City Council/Redevelopment Agency Meeting of September 22, 2009**

City Council

- 3.2 **Waive the Second Reading and Adopt an Ordinance Rezoning the Property Located at 4073 Rose Avenue Identified as APN #035-220-032 within the City of Oakley from the General Agriculture (A-2) District to the Planned Development (P-1) District (Josh McMurray, Senior Planner)**
- 3.3 **Adopt a Resolution Approving a Lease Agreement with California State Assembly for Staff Office Space at City Hall for Assemblywoman Buchanan and Authorizing the City Manager to Execute the Agreement (Bryan Montgomery, City Manager)**
- 3.4 **Adopt a Resolution Accepting As Complete the Work Performed by William G. McCullough Company (CIP No. 13, Citywide Frontage Improvement Gap Closures - Cypress Road) and Directing the City Clerk to File a Notice of Completion with the County Clerk (Jason Vogan, City Engineer)**

- 3.5 **Adopt a Resolution Approving Contract Amendment #3 with Raney Planning & Management, Inc. regarding the Emerson Property Subdivision Environmental Impact Report to Expand the Scope and Augment the Contract Amount by \$29,205 and Authorizing the City Manager to Execute the Contract Amendment (Rebecca Willis, Community Development Director)**
- 3.6 **Adopt a Resolution Accepting the Oakley Elementary School Park Restroom Project as Constructed by Remcon, Inc. as Complete and Directing the City Clerk to File a Notice of Completion with the County Clerk (Jason Vogan, City Engineer)**
- 3.7 **Adopt a Resolution Accepting 2008/2009 CIP Project No. 43 (Creekside Park Restroom Installation) as Constructed by Walker Construction as Complete and Directing the City Clerk to File a Notice of Completion with the County Clerk (Jason Vogan, City Engineer)**
- 3.8 **Adopt a Resolution Approving an Agreement with Restoration Design Group, LLC in the Amount Not to Exceed \$129,900 to Provide Design Services for CIP Project No. 116 (Marsh Creek Restoration, Creekside Park) and Authorizing the City Manager to Execute the Agreement (Jason Vogan, City Engineer)**
- 3.9 **Adopt a Resolution Approving an Agreement with Mark Thomas & Company in an Amount Not to Exceed \$38,000 for Construction Staking Services Associated with CIP Projects No. 27 & 87 (Empire Avenue Widening) and Authorizing the City Manager to Execute the Agreement (Jason Vogan, City Engineer)**

Redevelopment Agency – None

4.0 PUBLIC HEARINGS

City Council

- 4.1 **Continued from September 8, 2009. Cedarwood Estates Subdivision 9088**

Request for Approval of a Tentative Map to Subdivide 14.95 Acres into 34 Single-Family Lots and Permission to Remove 10 Heritage Trees. Site is Located on Knox Lane, East of Live Oak Avenue and West of Michelle Lane (APNs #041-030-032, 041-030-033 and 041-030-046). Applicant: Discovery Builders, Inc. (Bill Galstan, Interim City Attorney)

Staff recommendation:

- ❑ Receive the staff report
- ❑ Continue the public hearing
- ❑ ***By motion, continue indefinitely consideration of the tentative subdivision map***

4.2 Request for Design Review Approval for a New Wireless Telecommunication Facility Located in the Southwest Portion of the Lucky Shopping Center Parking Lot Behind the Golden Chopsticks Restaurant (2535 Main Street – APN #035-011-025) (Joshua McMurray, Senior Planner)

Staff recommendation:

- ❑ Open the public hearing
- ❑ Receive the staff report
- ❑ Receive testimony from the applicant
- ❑ Receive public testimony
- ❑ Close the public hearing
- ❑ Deliberate
- ❑ Adopt a resolution approving the Design Review application for a new Wireless Telecommunication Facility

4.3 Request for a Conditional Use Permit to Establish a Dog Boarding and Day Care Facility (“Delta Dog Camp”) within an Existing 3,300 Square Foot Building Located at 1315 Main Street (APN #037-080-027) (Joshua McMurray, Senior Planner)

Staff recommendation:

- ❑ Open the public hearing
- ❑ Receive the staff report
- ❑ Receive testimony from the applicant
- ❑ Receive public testimony
- ❑ Close the public hearing
- ❑ Deliberate
- ❑ Adopt a resolution making findings and approving a Conditional Use Permit to operate a dog boarding and day care facility

Redevelopment Agency - None

5.0 REGULAR CALENDAR

City Council

5.1 Request by John Cunningham for Input on TRANSPLAN's Comment Letter regarding the Concord Naval Weapons Station EIR

Staff recommendation:

- Receive report
- Deliberate
- Adopt the resolution approving and authorizing the Mayor to sign a Joint TRANSPLAN comment letter to the City of Concord on the EIR for the Concord Community Reuse Project

Redevelopment Agency

5.2 Update and Discussion regarding Proposal to Locate a Power Plant on the DuPont Property (Bryan Montgomery, Executive Director)

- a) A Resolution Approving a Preliminary Cooperation and Funding Agreement with Contra Costa Generating Station, LLC (Radback Energy)**
- b) A Resolution Approving a Legal Services Agreement with Jarvis, Fay, Doportto & Gibson, LLP regarding Proposed Power Plant**
- c) A Resolution Approving a Consulting Services Agreement with Manuel O. Cañalita regarding Proposed Power Plant**

Staff recommendation:

- Receive the staff report
- Deliberate
- Adopt the resolutions

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) Discussion and Direction regarding the City of Pittsburg's Status as a Member of the East Contra Costa County Fee and Financing Authority (ECCRFFA) (Jim Frazier, Councilmember)

(c) 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/Redevelopment Agency

7.1 Oakley Downtown Specific Plan Draft Environmental Impact Report (DEIR) (Ken Strelo, Senior Planner)

Staff recommendation:

- Receive presentations from staff
- Receive public comments on the Draft EIR
- Direct staff to conduct an outreach program to downtown businesses, landowners, and stakeholders on the Specific Plan and EIR

City Council – None

Redevelopment Agency - None

8.0 CLOSED SESSIONS

City Council

1. 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)

Redevelopment Agency

2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

(Pursuant to Section 54956.8 of the Government Code)

- Property: Purchase an interest in property located at 1033 Main Street, Oakley, California. APN: 037-050-013
- Agency Negotiator: Bryan Montgomery, Executive Director, on behalf of the Oakley Redevelopment Agency
- Negotiating Parties: Oakley Redevelopment Agency and Vincent & Heidi Buchanan, Owners
- Under negotiation: Price and terms of payment for the real property to be acquired.

3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

(Pursuant to Section 54956.8 of the Government Code)

- Property: Purchase an interest in property located at 3960 -3962 Main Street, Oakley, California. APN: 035-181-004 & 005
- Agency Negotiator: Bryan Montgomery, Executive Director, on behalf of the Oakley Redevelopment Agency
- Negotiating Parties: Oakley Redevelopment Agency
Henry and Gladys Mercer, Owners
- Under negotiation: Price and terms of payment for the real property to be acquired.

4. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Pursuant to Section 54956.8 of the Government Code)

- Property: Purchase an interest in property located at 3354 Main Street, Oakley, California APN 037-160-009
- Agency Negotiators: Bryan H. Montgomery Executive Director, and Paul Abelson, Finance Officer on behalf of the Oakley Redevelopment Agency

Negotiating Parties: Oakley Redevelopment Agency and Daniel Cosgrove & Valerie Cesares, Owners

Under Negotiation: Price and terms of payment for the real property to be acquired.

5. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Pursuant to Section 54956.8 of the Government Code)

Property: Purchase an interest in property located at Main Street, Oakley, California APN 037-160-018

Agency Negotiators: Bryan H. Montgomery Executive Director, and Paul Abelson, Finance Officer on behalf of the Oakley Redevelopment Agency

Negotiating Parties: Oakley Redevelopment Agency and Roy Cunha, Owner

Under Negotiation: Price and terms of payment for the real property to be acquired.

6. REPORTING OUT OF CLOSED SESSION

9.0 ADJOURN