

**Minutes of the Regular Joint Meeting of the Oakley City Council/Oakley City Council acting as the Successor Agency to the Oakley Redevelopment Agency
February 9, 2016**

1.0 OPENING MATTERS

Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency

1.1 Call to Order and Roll Call of the Oakley City Council, Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency

Mayor Kevin Romick called the meeting to order at 6:30pm in the Oakley City Council Chambers located at 3231 Main Street, Oakley, California. In addition to Mayor Kevin Romick, Vice Mayor Sue Higgins, Councilmembers Randy Pope, Vanessa Perry and Doug Hardcastle were present.

1.2 Pledge of Allegiance to the Flag (Joshua Gutierrez and Dalley Pence, Gehringer Elementary School Students)

Joshua Gutierrez and Dalley Pence led the Pledge of Allegiance to the Flag. Mayor Romick thanked them.

1.3 Proclamations Honoring Eagle Scouts Ethan Dike, Tony Parsons and Chris Scheer, Boy Scouts of America, Troop 152

Mayor Romick presented the proclamations to Eagle Scouts Ethan Dike, Tony Parsons and Chris Scheer on behalf of the City Council.

1.4 Update from Ironhouse Sanitary District (Chad Davisson, General Manager)

General Manager Chad Davisson thanked the City Council and City staff for displaying the days and hours the Ironhouse Sanitary District's (ISD) Residential Fill Station is open. He mentioned the Fill Station opened in June 2015 and has been so successful that ISD has installed a permanent pipeline to provide potable water to the fill station to meet demand. He mentioned ISD is currently developing its two-year budget and plans to increase its marketing and outreach to commercial customers. He discussed benefits (less potable water for non-potable purpose, protect groundwater supply and quality, and protect the Delta) and potential issues (higher cost to developers to use potable water than ground water which could inhibit development) of installing more purple pipe in the City. He added ISD will hold a Spring summit to bring together the cities of Oakley and Brentwood, Contra Costa Water District, Delta Diablo and ISD for further discussion of the matter.

Mayor Romick inquired what the long range plan is for Jersey Island.

Mr. Davisson responded that ISD is completing a financial analysis of Jersey Island to determine what options may be available.

Vice Mayor Higgins inquired if ISD foresees processing potable water as drinking water so ISD would not have to purchase drinking water from Contra Costa Water District.

Mr. Davisson explained that technically it is possible to do; however, at this time it is more effective to use potable water for alternative purposes such as landscaping. He added ISD is a long way away from using it as drinking water.

Online Comment Forms

No online comment forms were submitted for Opening Matters.

Public Comment Cards

Angela Lowrey commented on item 4.1. She mentioned that she fully supports ISD and she excited that developers are already installing purple pipe as the biggest cost is construction and installation. She requested ISD and the City Council consider a long-term strategy for sustainability and funding through grants, low interest loans and other options that may become available through Senator Feinstein's drought bill to support incorporating recycled water into parks, trees and development in the Oakley community.

2.0 PUBLIC COMMENTS

Online Comment Forms

No online comment forms were submitted for Public Comments.

Public Comment Cards

No public comment cards were submitted for Public Comments.

3.0 CONSENT CALENDAR

Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency

- 3.1 Approve the Minutes of the Regular Joint Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency Meeting held January 26, 2016 (Libby Vreonis, City Clerk)**

Oakley City Council

- 3.2 Accept Report Out of Closed Session Memo (Derek Cole, City Attorney)**

- 3.3 Adopt a Resolution Awarding the Construction Contract to R & R Construction for the Fiscal Year 2015/2016 Curb, Gutter and Sidewalk Repair and Reconstruction Project-Capital Improvement Project No. 169
(Kevin Rohani, Public Works Director/City Engineer)**
- 3.4 Adopt a Resolution Approving an Agreement with Pavement Engineering Inc. (PEI) for Design Services Associated with Capital Improvement Project No. 179-Fiscal Year 2016/2017 Street Repair and Resurfacing Project
(Kevin Rohani, Public Works Director/City Engineer)**
- 3.5 Adopt a Resolution Confirming the Costs for Emergency Abatement at 543 Norcross Lane (Troy Edgell, Code Enforcement Manager)**
- 3.6 Adopt a Resolution to Adopt a Memorandum of Understanding Implementing the Recommendations of the Multi-Jurisdictional Fire Task Force
(Bryan Montgomery, City Manager)**

Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency

- 3.7 Adopt a Resolution Approving the Successor Agency Mid-Year Financial Status Report (Deborah Sultan, Finance Director)**

Online Comment Forms

No online comment forms were submitted for the Consent Calendar.

Public Comment Cards

No public comment cards were submitted for the Consent Calendar.

It was moved by Councilmember Pope and seconded by Councilmember Perry to approve the Consent Calendar. Motion was unanimous and so ordered. (5-0)

4.0 PUBLIC HEARINGS

Oakley City Council

- 4.1 Proposed Amendments to the Oakley 2020 General Plan for the Purpose of Complying with Recent Flood Protection Legislation (GP 02-15)
(Joshua McMurray, Planning Manager)**

Planning Manager Joshua McMurray presented the staff report. He introduced consultant Charlie Knox, Principal with Placeworks, whom provided a presentation to the City Council.

Mr. Knox explained the amendments to the General Plan are consistent with changes in State legislation (AB 5, AB 162, SB 5 and SB 17).

Mayor Romick inquired if the flood zone maps place any existing homes into flood zones where they may be impacted by increased insurance rates.

Mr. Knox confirmed no residential properties have been included into the flood zone map area.

Online Comment Forms

No online comment forms were submitted for item 4.1.

Public Comment Cards

No public comment cards were submitted for item 4.1.

It was moved by Councilmember Perry and seconded by Vice Mayor Higgins to adopt the resolution. Motion was unanimous and so ordered. (5-0)

4.2 Ordinance Authorizing the City to Join Marin Clean Energy (MCE) (Joshua McMurray, Planning Manager)

Planning Manager Joshua McMurray presented the staff report. He mentioned Dawn Weisz, CEO of MCE is available for any questions.

Councilmember Perry asked Ms. Weisz to explain how the process works and how bills will look for residents and businesses, how the process works for solar customers, and the amount and duration of PG&E's opt-out fee.

Ms. Weisz explained that MCE will prepare public outreach documents, provide some advertising, and process mailers to inform the public of energy choices available. She mentioned there is no change from a billing perspective for solar customers. She also mentioned that PG&E charges an opt-out fee of up to \$13 per month which diminishes over time, but can take many years.

Councilmember Hardcastle inquired if the City would be opting into MCE or out of MCE by adoption of the ordinance.

Ms. Weisz explained that if the ordinance is adopted, customers would be given the option to opt out of MCE. She added it is structured this way pursuant to State law.

Vice Mayor Higgins inquired if residents and businesses were notified before this meeting that they must opt out if that is their choice.

Mr. McMurray responded that public outreach is scheduled to occur after the ordinance is adopted; however, there is time for public outreach before the ordinance is considered for adoption if the Council prefers.

Councilmember Pope inquired if there is a sunset or time certain when the Power Charge Indifference Adjustment (PCIA) phases out and if PG&E doubled connection with its net metering.

Ms. Weisz explained that there will be a CPUC workshop discussion on March 8 to discuss when the PCIA phases out. She mentioned PG&E's net metering is not something MCE controls.

Mayor Romick asked Ms. Weisz to explain the advantages to MCE as opposed to PG&E. He inquired if there is a noticeable price difference between MCE and PG&E, if the City can provide other options to customers if they become available to encourage fair pricing through competition, what the process is moving forward if the City Council adopts the ordinance, what the process is to opt out of the MCE program and any associated costs, and what options are available if customers don't opt out of MCE in the beginning.

Ms. Weisz explained the advantages to MCE include customers participating in renewable development, transparency is provided as to the source of energy, rates must be set during a public session before approved, rates are set only one time per year, customers have choices, and energy efficient and low-income solar rebate programs, rebates and incentives are offered. She added that MCE rates have been lower than PG&E rates for the past 18 months. She also explained that State legislation does not allow multiple provider options and MCE and cannot have temporary customers if procuring long-term power which is typically for 20-25 years. She indicated that if the ordinance is adopted, next steps would include obtaining load data from PG&E, perform an economic analysis with the load data to ensure Oakley is a good fit for the MCE program, present the analysis to the MCE Board (the City is allowed to designate a representative to the Board), procurement, outreach, submit a plan to the California Public Utilities Commission and enrollment. She explained that customers can call MCE or utilize MCE's website to opt out at any time; however, there is a \$5 fee if residential customers do not opt out in the first 6 months.

City Manager Bryan Montgomery added that the typical resident will not notice a difference on their billing statement and in speaking with colleagues in other cities, every city will likely partner with a company like MCE. He mentioned it is simply a question of when and which company to choose.

Councilmember Perry inquired if \$13 is the exit fee that PG&E will charge for customers who do not opt out of the MCE program and if it is possible that the charge could increase.

Ms. Weisz explained that MCE absorbs some of the cost of the PCIA fee and it is possible the fee could increase. She added that the City may wish to consider when to enroll based upon when PG&E rates increase or when the PCIA fee is reduced.

Councilmember Pope inquired if the PCIA fee is calculated at a flat rate.

Ms. Weisz responded that the PCIA fee is based upon how much power is used. She added the rate classes are different with residential having the highest PCIA rate.

Online Comment Forms

No online comment forms were submitted for item 4.2.

Public Comment Cards

Shirley Darling inquired if the CARE discount offered by PG&E for low-income seniors will still apply.

Ms. Weisz confirmed the CARE rate will still apply.

Angela Lowrey requested more detail as to where the solar energy is derived and if any new energy options are being considered.

Ms. Weisz confirmed the energy is derived from solar, wind, geothermal, biogas, biomass and hydro and that MCE is interested in purchasing compost field stock and other new energy resources.

Jim Moita commented he would like to build a self-storage facility in Oakley and would like to participate as a solar producer. He expressed his hope that the City Council will choose MCE as PG&E's program is a more difficult process.

Councilmember Pope encouraged everyone to review the staff report as it contains a lot of information regarding sample rates of PG&E and MCE. He commented he is in favor of competition and options, likes that it is free to join the MCE program, and if anyone is not in favor of the MCE program, they can opt out.

Vice Mayor Higgins commented she likes competition and choice as well, but she would like to see more choices offered. She expressed concern over penalty fees.

Councilmember Hardcastle expressed support for the program.

Councilmember Perry commented she loves the idea of going green, but has concern that residents are unaware of a decision that could impact them with regard to opt out fees. She expressed that the residents need to be informed.

Mayor Romick commented he is in favor of competition and options and believes that there will be adequate time to educate residents. He expressed support for the program.

It was moved by Councilmember Pope and seconded by Councilmember Hardcastle to waive the first reading and introduce the ordinance and to place the item on the regular calendar for consideration of adoption at the City Council meeting to be held February 23, 2016. AYES: Hardcastle, Perry, Pope, Romick. NOES: Higgins. (4-1)

5.0 REGULAR CALENDAR

Oakley City Council

5.1 Adopt a Resolution Approving an Agreement with Agricultural–Natural Resources Trust for Assistance in Developing Phase 2 of the City of Oakley Agricultural Conservation and Viticulture Program for an Amount not to Exceed \$17,500.00, and Authorizing the City Manager to Execute Said Agreement (Ken Strelo, Senior Planner)

Senior Planner Ken Strelo presented the staff report. He introduced Liz DiGiorgio of Agricultural–Natural Resources Trust.

Ms. DiGiorgio provided the City Council an overview of Phase I of the project and introduced Phase II concepts for the project which includes an update of the parcel inventory and parcel map, establishing value for clusters such as the O'Hara cluster, identifying available program grants, developing the Walnut Meadows property, exploring a wine tasting co-op, creating revenue with grape waste products, and engaging community involvement in the program.

Councilmember Perry expressed approval of a wine co-op.

Mayor Romick thanked Ms. DiGiorgio. He commented it is important for Oakley to maintain and enrich its agricultural heritage.

Online Comment Forms

No online comment forms were submitted for item 5.1.

Public Comment Cards

No public comment cards were submitted for item 5.1.

It was moved by Councilmember Pope and seconded by Councilmember Hardcastle to adopt the resolution. Motion was unanimous and so ordered. (5-0)

5.2 Adopt a Resolution Calling a Special Municipal Election for June 7, 2016, and Authorizing the Submission to the Voters a Ballot Measure establishing a Library Development Parcel Tax; Directing the City Attorney to Prepare an Impartial Analysis; and Setting Priorities for Filing Written Arguments (Derek Cole, City Attorney)

Special Counsel William Galstan presented the staff report.

Online Comment Forms

No online comment forms were submitted for item 5.2.

Public Comment Cards

Craig Leighty, representing the Oakley Library and Learning Center Feasibility Committee, thanked the City Council for directing City staff to bring a resolution for the Library ballot measure for consideration this evening. He commented the Committee is prepared, organized and committed to provide public outreach to encourage the measure to pass.

Councilmember Perry commented she is excited about the measure.

It was moved by Councilmember Perry and seconded by Councilmember Higgins to adopt the resolution. Motion was unanimous and so ordered. (5-0)

5.3 City Mid-Year Budget Review 2015-2016 (Deborah Sultan, Finance Director)

Finance Director Deborah Sultan presented the staff report.

Mayor Romick thanked her for doing a great job.

Online Comment Forms

No online comment forms were submitted for item 5.3.

Public Comment Cards

No public comment cards were submitted for item 5.3.

It was moved by Councilmember Pope and seconded by Councilmember Perry to adopt the resolution. Motion was unanimous and so ordered. (5-0)

6.0 REPORTS

6.1 CITY MANAGER

(a) City Manager

City Manager Bryan Montgomery congratulated Public Works Director/City Engineer Kevin Rohani and his department for receiving the American Public Works Association 2016 Project of the Year Award for Northern California for the Main Street project. He mentioned Oakley businesses have shown great participation in the "Shop Oakley" coupon book which is a continuation of the "Oakley First" program Mayor Romick helped start the first time he was Mayor. He also mentioned City staff is exploring a system, Peak Democracy, to provide another forum for public input on the City's website for proposed or current items.

6.2 OAKLEY CITY COUNCIL/OAKLEY CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE OAKLEY REDEVELOPMENT AGENCY

(a) Reports from Council Liaisons to Regional Committees, Commissions and Boards AND Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency Comments

Vice Mayor Higgins thanked Mayor Romick for a great Mayors Conference. She announced she attended a Brentwood Chamber award event.

Councilmember Pope announced he attended the East Contra Costa Fire Protection District (ECCFPD) Board meeting and the Board discussed billing a patient's insurance company for payment for emergency medical services provided by ECCFPD. He mentioned the next ECCFPD meeting will be held March 7 at Oakley City Hall. He also mentioned the next Habitat Conservancy meeting will be held February 22 at Clayton City Hall.

Councilmember Perry announced she will attend the next Ironhouse Sanitary District meeting February 16 at 7p.m.

(b) Requests for Future Agendas

7.0 WORK SESSIONS-None

8.0 CLOSED SESSIONS

Oakley City Council

8.1 CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Pursuant to Government Code Section 54956.8)

Property:	3563-3587 Main Street, APN 035-121-004-2
Agency Negotiator:	Bryan Montgomery, City Manager
Negotiating Party:	Contra Costa County
Under Negotiation:	Price and terms of payment

**8.2 CONFERENCE WITH REAL PROPERTY NEGOTIATORS
(Pursuant to Government Code Section 54956.8)**

Property: 3530 Main Street, APN 037-160-023
Agency Negotiator: Dwayne Dalman, Economic Development Manager
Negotiating Party: Victoria Louise Mann; Julie Ann Favalora
Under Negotiation: Price and terms of payment

**8.3 CONFERENCE WITH REAL PROPERTY NEGOTIATORS
(Pursuant to Government Code Section 54956.8)**

Property: 305 Fifth Street, APN 035-163-007
Agency Negotiator: Joshua McMurray, Planning Manager
Negotiating Party: Gil Hagar, FSP Properties, LLC
Under Negotiation: Price and terms of payment

**8.4 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
(Pursuant to Government Code Section 54956.9(a))**

*Eugene Buchholz et al. v. City of Oakley et al., Contra Costa Superior Court,
Case No. MSC13-01166*

8.5 Report Out of Closed Session (William Galstan, Special Counsel)

Special Counsel William Galstan announced there was no reportable action.

9.0 ADJOURN

There being no further business, the meeting was adjourned at 9:45 p.m.

Respectfully Submitted,



Libby Vreonis
City Clerk