

## AGENDA

### REGULAR JOINT MEETING OF THE OAKLEY CITY COUNCIL/OAKLEY CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE OAKLEY REDEVELOPMENT AGENCY

Tuesday, August 9, 2016

6:30 p.m.

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 in Oakley at Oakley City Hall-3231 Main Street, outside the gym at Delta Vista Middle School-4901 Frank Hengel Way and outside the Library at Freedom High School-1050 Neroly Road; 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 an Oakley City Council and/or City Council Acting as the Successor Agency to the Oakley Redevelopment Agency meeting at Oakley City Hall, 3231 Main Street, Oakley, CA 94561. Any writings or documents provided to a majority of the Oakley City Council or Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency 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 City Hall located at 3231 Main Street, Oakley, CA 94561.

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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.)**

## 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 and Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency**
- 1.2 Pledge of Allegiance to the Flag**
- 1.3 Proclamation Recognizing the 2016 Freedom High School Track and Field Team**
- 1.4 Proclamation Recognizing the 2016 Freedom High School Dance Line**
- 1.5 Presentation by Patty Finrock of California Department of Water Resources Regarding Dutch Slough Tidal Marsh Wetland Restoration Project Update**
- 1.6 Update from Fire Chief Hugh Henderson, East Contra Costa Fire Protection District**

## 2.0 PUBLIC COMMENTS

At this time, the public is permitted to address the Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency on non-agendized items. PUBLIC COMMENTS ARE LIMITED TO 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 Oakley City Council/ Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency may respond to statements made or questions asked or may request Staff to report back at a future meeting on the matter. The exceptions under which the Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley 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). Members of the public should submit any Speaker Cards for Public Comments in advance of the Mayor calling for Public Comments.

## 3.0 CONSENT CALENDAR

Consent Calendar items are typically non-controversial in nature and are considered for approval by the Oakley City Council/ Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency with one single action. Members of the audience, Staff or the Oakley City Council/ Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency who would like an item removed from the Consent Calendar for purposes of public input may request the Mayor remove the item. Members of the public should submit any Speaker Cards related to the Consent Calendar in advance of the Consent Calendar being considered.

***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 July 12, 2016 (Libby Vreonis, City Clerk)**

***Oakley City Council***

- 3.2 Waive the Second Reading and Adopt an Ordinance Adopting Text Amendments to Oakley Municipal Code Neighborhood Preservation Ordinance (Chapter 29 of Title 4) and the Zoning Ordinance (Chapter 1 of Title 9) Related to Residential Front Yards and Shipping Containers (RZ 01-16) (Ken Strelow, Senior Planner)**
- 3.3 Ratify Election: Waive the Second Reading and Adopt Ordinance 11-16 Authorizing the Levy of a Special Tax on Parcels of Land within Tax Area Zone 159 Within the Oakley Special Police Tax Area for Police Protection Services for Minor Subdivision No. 14-978 (Bella Estates)  
(Kevin Rohani, Public Works Director / City Engineer)**
- 3.4 Adopt a Resolution Approving an Agreement with Schaaf & Wheeler Consulting Civil Engineers for Engineering Design Services Associated with Capital Improvement Project No. 189- Piper Lane Drainage Channel Full Trash Capture Device and Authorizing the City Manager to Execute the Agreement  
(Kevin Rohani, Public Works Director / City Engineer)**
- 3.5 Adopt a Resolution Approving the Agreement with Thomas Oakley, LLC for “Stormwater Management Facilities Operations and Maintenance Agreement and Right of Entry” for the Popeyes Louisiana Kitchen located at 101 Carol Lane (APNs 037-132-037 and 037-132-038) and Authorizing the City Manager to Execute the Agreement (Kevin Rohani, Public Works Director / City Engineer)**
- 3.6 Adopt a Resolution Accepting the Subdivision Improvements for Catamaran Park Associated with Subdivision 8955 (Summer Lake-Phase 2, Parcel A and B) and Beginning the Landscape Maintenance by the City (Kevin Rohani, Public Works Director / City Engineer)**
- 3.7 Resolution Accepting the Result of the Canvass of the June 7, 2016 Primary Election-Measure K (Oakley Downtown Library and Community Learning Center)  
(Libby Vreonis, City Clerk)**
- 3.8 Approve Responses to Civil Grand Jury Reports No. 1605 “Caring for Victims” and No. 1607 “Delta Levees in Contra Costa County”  
(Bryan Montgomery, City Manager)**

- 3.9 Adopt a Resolution of Acceptance Relating to the Donation to the City of Approximately 16.62 acres of Property Located North of the BNSF Rail Line Right-of-Way and East of Rose Avenue (APNs 037-191-019 and 037-191-025)  
(Bryan Montgomery, City Manager)**
- 3.10 Adopt a Resolution Approving a Deferred Improvement Agreement for New Life Ministries-4246 Empire Avenue (Southeast Corner of Empire Avenue and Meeks Lane) (Kevin Rohani, Public Works Director / City Engineer)**
- 3.11 Accept Quarterly Investment Report (4<sup>th</sup> Quarter Fiscal Year 2015-2016)  
(Deborah Sultan, Finance Director)**
- 3.12 Adopt a Resolution Establishing Certain City Police Fees  
(Deborah Sultan, Finance Director)**
- 3.13 Adopt a Resolution Regarding 2016-17 Compensation and Benefits Program and Employee Salary Ranges (Nancy Marquez-Suarez, Assistant to the City Manager/HR Manager)**

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

- 3.14 Accept Quarterly Investment Report (4<sup>th</sup> Quarter Fiscal Year 2015-2016)  
(Deborah Sultan, Finance Director)**

**4.0 PUBLIC HEARINGS**

***Oakley City Council***

- 4.1 Approval of Subdivision Improvement Agreement, Subdivision Annexation and Assessment Deferral Agreement, Phase 1 Final Map and Modification of Conditions of Approval for Subdivision 9033 Gilbert Property (Northeast Corner of East Cypress Road and Sellers Avenue)  
(Kevin Rohani, Public Works Director / City Engineer)**

Staff recommendation:

- Open the Public Hearing
- Receive the Staff Report
- Receive Comments from the Applicant
- Receive Public Testimony
- Close the Public Hearing
- Deliberate
- Summarize the Deliberation
- Adopt the Resolutions Authorizing the City Manager to Execute the Subdivision Improvement Agreement, Subdivision Annexation and

Assessment Deferral Agreement, approve the Final Map for Subdivision 9033 Gilbert Property and adopt the Resolution approving the Modification of Conditions of Approval 104, 105, 106, 108, 109 & 110

**4.2 Acorn Self-Storage-An Application Requesting Approval of: 1) a General Plan Amendment (GPA 04-16) to Amend the Land Use Designation From Single-Family Low Density Residential (SL) to Commercial (CO); 2) a Rezone (RZ 06-16) from Unzoned to Planned Development (P-1); and 3) Design Review (DR 13-16) to Construct an Approximately 4.671-Acre Self-Storage Facility Including an Office and Resident Manager’s Building on a Vacant Lot Located at 4275 Neroly Road (APN 041-021-025) (Joshua McMurray, Planning Manager)**

Staff recommendation:

- Open the Public Hearing
- Receive the Staff Report
- Receive Comments from the Applicant
- Receive Public Testimony
- Close the Public Hearing
- Deliberate
- Summarize the Deliberation
- Adopt the Mitigated Negative Declaration (included as a finding to proposed General Plan resolution and references in the proposed Rezone ordinance and Design Review resolution); Adopt a Resolution Approving the General Plan Amendment, as conditioned; Waive the First Reading and Introduce an Ordinance Approving the Rezone, as conditioned; and Adopt a Resolution Approving the Design Review, as conditioned.

**4.3 Oakley Gateway Self-Storage and 7-Eleven- An Application Requesting Approval of: 1) a General Plan Amendment (GPA 05-16) to Amend the Land Use Designation from Public and Semi-Public Facilities (PS) to Commercial (CO); 2) a Rezone (RZ 07-16) from Public and Semi-Public (P) to General Commercial (C); 3) Tentative Parcel Map (TPM 02-16) to Subdivide 3.63 Acres into Two Parcels; 4) Conditional Use Permit (CUP 02-16) to Establish a Self-Storage and Gas Station; and 5) Design Review (DR 14-16) to Construct an Approximately 101,997-Square Foot (sf) Self-Storage Facility Including a Convenience Store with a Six Multi-Product Dispenser Fueling Station with Canopy. The Project Site is an Approximately 3.63-Acre Vacant Lot Located at 3979 Empire Avenue (Southwest Corner of Laurel Road and Empire Avenue) APN: 053-071-050 (Joshua McMurray, Planning Manager)**

Staff recommendation:

- Open the Public Hearing
- Receive the Staff Report
- Receive Comments from the Applicant
- Receive Public Testimony

- ❑ Close the Public Hearing
- ❑ Deliberate
- ❑ Summarize the Deliberation
- ❑ Adopt the Mitigated Negative Declaration (included as a finding to proposed General Plan resolution and referenced in the proposed Rezone ordinance and Tentative Parcel Map, Conditional Use Permit and Design Review resolution), Adopt a resolution approving the General Plan Amendment, as conditioned; Waive the first reading and introduce an ordinance approving the Rezone, as conditioned; and Adopt a resolution approving the Tentative Parcel Map, Conditional Use Permit and Design Review, as conditioned.

## 5.0 REGULAR CALENDAR

### *Oakley City Council*

#### **5.1 East Contra Costa Fire Protection Board Appointments (Libby Vreonis, City Clerk)**

- a. **Reappointment of Councilmember Randy Pope to Seat with Two-Year Term Commencing September 1, 2016**
- b. **Appoint a New Member to Seat with Two-Year Term Commencing October 1, 2016**

#### **5.2 Adopt a Resolution Authorizing the Submission to the Voters of a Ballot Measure establishing a Utility Users Tax and a Related Advisory Ballot Measure; Directing the City Attorney to Prepare an Impartial Analysis; Setting Priorities for Filing Written Arguments and Requesting Consolidation of the Ballot Measures with the November 8, 2016 Election (Derek Cole, City Attorney and Bryan Montgomery, City Manager)**

## 6.0 REPORTS

### **6.1 CITY MANAGER**

#### **(a) City Manager**

### **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**

**(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)**

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

**8.2 CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION  
(Pursuant to Government Code section 54956.9(b))  
Two potential cases.**

**8.3 Report out of Closed Sessions (William Galstan, Special Counsel)**

**9.0 ADJOURN**