

**Minutes of the Regular Joint Meeting of the Oakley City Council/Oakley City Council acting as the Successor Agency to the Oakley Redevelopment Agency/Public Financing Authority  
January 13, 2015**

**1.0 SPECIAL ORDER OF THE DAY**

**1.1 Administration of Oath of Office to Newly Appointed Councilmember, Vanessa Perry**

City Clerk Libby Vreonis administered the Oath of Office to Vanessa Perry.

**2.0 PRESENTATIONS TO COUNCILMEMBER BURGIS**

**2.1 City Council and Staff Presentations to Councilmember Burgis**

Each member of the City Council presented Diane Burgis a parting gift – a proclamation, her formal City Council picture, flowers, a tote bag, knitting supplies and candy for her children.

**2.2 Certificate of Recognition for Councilmember Burgis**

Supervisor Mary Nejedly-Piepho presented a certificate of recognition to Diane Burgis.

**2.3 Certificate of Recognition for Councilmember**

Jennifer Barton, representing Assemblymember Jim Frazier, presented a certificate of recognition to Diane Burgis.

**2.4 Certificate of Recognition for Councilmember Burgis**

Colleen Isenberg, representing Congressman Jerry McNerney, presented a certificate of recognition to Diane Burgis.

**2.5 Comments by Outgoing Councilmember Burgis**

Diane Burgis thanked the City Council, staff and the community for their support.

**3.0 OPENING MATTERS**

**3.1 Call to Order and Roll Call of the Oakley City Council, Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency and Public Financing Authority**

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

### **3.2 Pledge of Allegiance to the Flag**

Mayor Hardcastle led the Pledge of Allegiance to the Flag.

### **3.3 Proclamation Honoring Eagle Scout George C. Loosli**

Mayor Hardcastle presented a proclamation to Eagle Scout George C. Loosli.

### **3.4 Proclamation Honoring Eagle Scout Andrew J. Oort**

Mayor Hardcastle presented a proclamation to Eagle Scout Andrew J. Oort.

### **3.5 City Council Acknowledgment of Citizen Leadership Academy Graduates**

The City Council, Supervisor Mary Nejedly-Piepho, Jennifer Barton (representing Assemblymember Jim Frazier) and Colleen Isenberg (representing Congressman Jerry McNerney) recognized the 2014 Citizen Leadership Academy Graduates.

## **4.0 PUBLIC COMMENTS**

### **Online Comment Forms**

One online comment form was received for Public Comments. Mayor Hardcastle announced the comment had been addressed by staff prior to the meeting.

### **Public Comment Cards**

Amanda Betorina, tenant of 3330 Main Street, Oakley, California, commented that her business, Everyday Estate Treasures, has changed from offering infant items to offering many types of items for sale.

Debbie Perry and Madeeha Kabriya submitted comment cards and were called upon twice by Mayor Hardcastle to speak, but were not present.

Carillon Ruotolo requested the City Council review the lease between the City and Amanda Betorina as a future agenda item as she believes Ms. Betorina is in breach of the lease as she has not paid judgments which could result in liens being filed upon her. She also commented that Ms. Betorina has openly expressed her intent to file bankruptcy and that Ms. Betorina is making negative comments on social media to other members of the community.

Lynne Hosmer also requested the City Council review the lease between the City and Amanda Betorina as a future agenda item as she is owed a judgment by Ms. Betorina and believes that violates her lease terms. She commented that Ms. Betorina threatens anyone commenting negatively about the way her business is conducted.

Michelle Rizzo submitted a comment card. She did not wish to speak, but requested her comment be read into the record. She stated that she was illegally evicted from her business at 3330 Main Street, personal items were stolen, no police report was taken and she believes that the offices above the business are being leased illegally.

Norma Rizzo Skaggs submitted a comment card. She did not wish to speak, but requested her comment be read into the record. She provided that Ms. Betorina is violating her lease at 3330 Main Street by renting offices above her business.

#### 5.0 CONSENT CALENDAR

#### ***Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Public Financing Authority***

- 5.1 Approve the Minutes of the Regular Joint Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Public Financing Authority Meeting of December 9, 2014 (Libby Vreonis, City Clerk)**

#### ***Oakley City Council***

- 5.2 Waive the Second Reading and Adopt the Ordinance Establishing a Special Tax for Police Protection Subject to Voter Confirmation (Kevin Rohani, Public Works Director/City Engineer)**
- 5.3 Waive the First Reading and Introduce an Ordinance Dealing with Leaf Blowers and Other Noises (William Galstan, Special Council)**
- 5.4 Adopt a Resolution to Name the Park Area Located at 215 2<sup>nd</sup> Street as "Dewey Park" (Kevin Rohani, Public Works Director/City Engineer)**
- 5.5 Approval of the City of Oakley's Contra Costa Transportation Authority (CCTA) Growth Management Program Compliance Checklist for Allocation of Fiscal Year 2013/2014 and 2014/2015 Local Street Maintenance and Improvement Funds (Kevin Rohani, Public Works Director/City Engineer)**
- 5.6 Adopt a Resolution Accepting the Comprehensive Annual Financial Report (CAFR), Management Letter, and Report on Agreed Upon Procedures for Fiscal Year 2013-2014 (Paul Abelson, Finance Director)**
- 5.7 Adopt a Resolution Naming Parcel A of Subdivision 8955, Phase II "Catamaran Park" (Kevin Rohani, Public Works Director/City Engineer)**

Items 5.2 and 5.3 were pulled from the Consent Calendar by Mayor Hardcastle.

It was moved by Councilmember Pope and seconded by Vice Mayor Romick to approve the balance of the Consent Calendar. Motion was unanimous and so ordered. (5-0)

#### Item 5.2

Mayor Hardcastle announced Item 5.2 would be continued to the next meeting to be held January 27, 2015.

#### Item 5.3

Mayor Hardcastle requested staff revise the ordinance to prohibit operation of a lawn mower, leaf blower or other machinery before 8:00 a.m.

It was moved by Vice Mayor Romick and seconded by Councilmember Pope to waive the first reading and introduce the ordinance as amended. Motion was unanimous and so ordered. (5-0)

#### Online Comment Forms

No online comment forms were received for the Consent Calendar.

#### Public Comment Cards

No public comment cards were submitted for the Consent Calendar.

### 6.0 PUBLIC HEARING

#### ***Oakley City Council***

#### **6.1 Approve the formation of City of Oakley Community Facilities District 2015-1 (Emerson Ranch Maintenance) ("CFD"), hold a Public Hearing and Special Landowner Election, Declare the Results of the Election and Introduce an Ordinance to Levy a Special Tax for the CFD (Kevin Rohani, Public Works Director/City Engineer)**

Public Works Director/City Engineer Kevin Rohani presented the staff report.

It was moved by Vice Mayor Romick and seconded by Councilmember Pope to approve the resolution for the Community Facilities District 2015-1 (Emerson Ranch Maintenance) formation. Motion was unanimous and so ordered. (5-0)

The public hearing and special landowner election were held. One ballot was submitted by the landowner, Brookfield Homes, in favor of the Community Facilities District 2015-1 (Emerson Ranch Maintenance) formation.

It was moved by Councilmember Pope and seconded by Councilmember Perry to declare the results of the election. Motion was unanimous and so ordered. (5-0)

It was moved by Councilmember Pope and seconded by Councilmember Perry to waive the first reading and introduce the ordinance to levy a special tax for Community Facilities District 2015-1 (Emerson Ranch Maintenance). Motion was unanimous and so ordered. (5-0)

Online Comment Forms

No online comment forms were received for the Public Hearing.

Public Comment Cards

No comment cards were submitted for the Public Hearing.

7.0 REGULAR CALENDAR

***Oakley City Council***

**7.1 Resolution Consenting to the Assignment of the Lease Agreement between the City and Republic of Cake, LLC to Byrnes Enterprise, LLC, doing business as Mr. Pickles Sandwich Shop, for the Property Located at 3080 Main Street in Oakley (Bryan Montgomery, City Manager)**

City Manager Bryan Montgomery presented the staff report.

Vice Mayor Romick expressed his preference to fill the tenant space quickly to continue the vibrancy and success of Downtown Oakley; therefore, he supports the Assignment.

Councilmember Pope inquired what would happen to the existing tenant improvements.

Mr. Montgomery responded that all affixed tenant improvements would remain and that the new tenant may purchase some of the non-affixed tenant improvements from the current tenant and other non-affixed tenant improvements may go with the current tenant.

Mayor Hardcastle inquired if the City Council approves a five-year lease and the new tenant is not successful, if the City Council would have the opportunity to review the lease again before the location is leased again.

Mr. Montgomery confirmed the City Council would have the opportunity to review the lease again under the potential circumstance expressed by Mayor Hardcastle.

It was moved by Councilmember Pope and seconded by Councilmember Perry to approve the Assignment of the Lease Agreement. Motion was unanimous and so ordered. (5-0)

## **7.2 Adopt a Resolution Approving City Council Appointments to Commissions, Boards and Committees (Libby Vreonis, City Clerk)**

City Clerk Libby Vreonis presented the staff report.

Mayor Hardcastle provided a proposed list of appointments for the City Council's discussion.

Councilmember Pope requested clarification regarding the difference between the TRANSPLAN appointee by the City Council and the TRANSPLAN appointee by the Planning Commission (whom is a member of the City Council since the City Council currently acts as the Planning Commission) and inquired if there is merit to switch the TRANSPLAN appointees at this time or hold until later.

Vice Mayor Romick explained that there are two appointees to TRANSPLAN from the City of Oakley; one is the appointee for the City Council and the other is the appointee for the Planning Commission. He mentioned that the Planning Commission appointee may not be afforded all of the rights that the City Council appointee is afforded for CCTA purposes. He stated approval of Mayor Hardcastle's proposed list with one caveat: if the City is ever in danger of losing its position on the CCTA because Vice Mayor Romick (who currently sits as the CCTA representative) could be viewed as not being a full representative (because he will become the Planning Commission representative under Mayor Hardcastle's proposed list), he requested the City Council review the appointment list again for re-consideration of this particular appointment.

Councilmember Higgins inquired if the potential situation could be solved by appointing a City Council representative as an alternate.

Vice Mayor Romick responded that it would not make a difference.

### Online Comment Forms

No online comment forms were received for the Regular Calendar.

### Public Comment Cards

No public comment cards were submitted for the Regular Calendar.

It was moved by Councilmember Pope and seconded by Vice Mayor Romick to approve Mayor Hardcastle's proposed list of appointments. Motion was unanimous and so ordered. (5-0)

## 8.0 REPORTS

### **8.1 CITY MANAGER**

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

City Manager Bryan Montgomery thanked the graduates of the Citizen Leadership Academy and Nancy Marquez-Suarez for leading the program. He also thanked employee Andrew Rodriguez for his years of service to the City of Oakley and wished him well in his next endeavor.

#### **(b) Economic Development Program Update (Dwayne Dalman, Economic Development Manager)**

Economic Development Manager Dwayne Dalman provided the Economic Development Program Update including the Program's main goals: to be a competitive location for a new business and new investment, to create a comprehensive marketing program, to provide tools and resources to allow existing businesses to grow and succeed, to facilitate new business opportunities and new investment in the community, and to improve the look and feel of the City while maintaining its small town character.

Mayor Hardcastle inquired of the status of the future child care center and future work wear business on Neroly Road.

City Manager Bryan Montgomery commented the work wear business is estimated to commence construction this summer and while the child care center is behind in its construction, the City should see construction during the same time frame.

### **8.2 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**

Councilmember Pope announced information regarding the Fire Protection Assessment District: the engineer's report will be considered by the East Contra Costa Fire Protection District Board in February; if approved, ballots will be sent to voters in March, and a public meeting will be held April 27 to open the ballots and tabulate the results.

Vice Mayor Romick congratulated Councilmember Perry on her appointment to the City Council and welcomed her.

Councilmember Perry thanked the City Council for the opportunity to serve the City of Oakley and thanked everyone who voted for her during the 2014 election.

Mayor Hardcastle congratulated Councilmember Perry as well.

**(b) Requests for Future Agendas**

There were no requests for future agendas.

9.0 WORK SESSIONS-None

10.0 CLOSED SESSIONS-None

11.0 ADJOURN

There being no further business, the meeting was adjourned at 8:04 p.m.

Respectfully Submitted,

Libby Vreonis  
City Clerk