

**Minutes of the Regular Joint Meeting of the Oakley City Council/Oakley City Council acting as the Successor Agency to the Oakley Redevelopment Agency  
September 22, 2015**

**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**

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

**1.2 Pledge of Allegiance to the Flag**

Randy Smith, Commander of the Veterans of Oakley, led the Pledge of Allegiance to the Flag.

**1.3 Proclamation Recognizing Childhood Cancer Awareness Week**

On behalf of the City Council, Mayor Hardcastle presented the proclamation to Michelle Guerra, mother of Colten "Hulken" Guerra, a young boy who is fighting cancer. Ms. Guerra thanked the City Council and announced the "Hulken Challenge", a thumb war battle in which people have three days to battle three different people or they must make a donation to a pediatric cancer foundation. Mayor Hardcastle joined in the challenge and presented Ms. Guerra with a pair of Hulk hands to provide to Colten.

**1.4 Proclamation Declaring October 18-24 as "Freedom from Workplace Bullies Week" (Robert Hosmer)**

On behalf of the City Council, Mayor Hardcastle presented a proclamation to Robert Hosmer representing Workplace Bullying Institute. Mr. Hosmer accepted the proclamation and thanked the City Council.

**1.5 Diablo Water District Update (Mike Yeraka, General Manager)**

Diablo Water District General Manager Mike Yeraka provided an update to the City Council regarding the District's drought prevention status. He mentioned the District's overall 28% reduction requirement is being met; however, it is important that it continues. He discussed State prohibitions of water usage, rebates available to residents and information where to obtain reclaimed water. He also mentioned the District's water rates are still among the lowest

in the area and the District is proactive in notifying residents of excessive water use that is detected. He provided information regarding two wells the District manages.

Mayor Hardcastle inquired of the distance between the two wells and if they share the same aquifer.

Mr. Yeraka responded the wells are within one-half mile apart and they share the same aquifer.

Mayor Hardcastle thanked Mr. Yeraka for his presentation.

### **1.6 Oakley Library Update (Andrea Freyler, Library Manager)**

Oakley Library Manager Andrea Freyler provided an update to the City Council regarding the success of the Library's summer programs, including Wowie Wednesdays, Teen Thursdays, Maker Camp and the Lego Creators Club. She shared information regarding local organizations which the Library partners with for workshops and meetings, including the Oakley Community Garden group. She announced resources available at the Library or with a library card, such as Flipster (magazines available electronically), Pronunciator (a language self-learning program offering 80 languages), ESL courses, and IndieFlix (independent films available electronically).

Mayor Hardcastle thanked Ms. Freyler for her presentation.

## **2.0 PUBLIC COMMENTS**

### **Online Comment Forms**

No online comment forms were submitted for Public Comments.

### **Public Comment Cards**

Randy Smith, Commander of the Veterans of Oakley, shared the success of Stand Down on the Delta which helped over 400 veterans and 20 of their pets by offering clothing, food, medical exams, grooming and legal due process. He thanked the Councilmembers who participated in the event and for supporting the veterans. He presented certificates of appreciation to Mayor Hardcastle and Councilmembers Higgins and Perry.

Mayor Hardcastle thanked Mr. Smith for his work with the veterans.

Angela Lowrey mentioned she was following up on comments she made in March 2016 during the City's Strategic Plan discussion regarding developing Oakley as a sustainable community. She requested the City Council consider providing reclaimed

water pipeline during new development and to explore funding opportunities to support it.

### 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 September 8, 2015 (Libby Vreonis, City Clerk)**

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

- 3.2 Accept Report Out of Closed Session Memo (William Galstan, Special Counsel)**
- 3.3 Award of Construction Contract to McFadden Construction, Inc. for the Fiscal Year 2015/2016 Storm Drain Improvement Project-Capital Improvement Project 171 (Kevin Rohani, Public Works Director/City Engineer)**
- 3.4 Approve Subdivision Improvement Agreement and Final Map for Subdivision 9351-Emerson Ranch Neighborhood 5 (Northwest corner, Cypress Road and Sellers Avenue) (Kevin Rohani, Public Works Director/City Engineer)**
- 3.5 Grand Jury Inquiry Regarding Brown Act Training (William Galstan, Special Counsel)**
- 3.6 Rose Hall Claim (William Galstan, Special Counsel)**

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

#### Online Comment Forms

No online comment forms were submitted for the Consent Calendar.

#### Public Comment Card

No public comment cards were submitted for the Consent Calendar.

## 4.0 PUBLIC HEARINGS

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

#### **4.1 Burger King Re-Façade (RD 09-15) (Ken Strelo, Senior Planner)**

Senior Planner Ken Strelo presented the staff report.

The City Council had no questions, comments or discussion on the matter.

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

## 5.0 REGULAR CALENDAR

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

#### **5.1 Adopt a Resolution Appointing a representative to the Contra Costa County Advisory Council on Aging for a Two-Year Term (October 12, 2015 through October 11, 2017) (Libby Vreonis, City Clerk)**

City Clerk Libby Vreonis presented the staff report and mentioned applicant April Langro would not be in attendance at the meeting this evening as she was caught in traffic in the San Jose region.

Mayor Hardcastle invited applicant Grayce Smith to the podium to provide information regarding her qualifications which she provided.

Councilmember Higgins inquired how she would help seniors in the Oakley community.

Ms. Smith indicated she has worked with seniors on matters of housing and legal advocacy. She also mentioned she is disabled and is familiar with medical and insurance matters.

Councilmember Perry inquired if Ms. Smith would be available to attend meetings and report back to the City Council after attending the meetings.

Ms. Smith replied that would not be a problem.

Mayor Hardcastle inquired what time the meetings are held.

Mrs. Vreonis responded they meet on Wednesday morning and that it is possible there would be additional meetings if the representative sits on any other committees for the Advisory Council.

Councilmember Higgins inquired if an alternate can be appointed.

Mrs. Vreonis responded that the City Council may recommend an alternate; however, the ultimate approval for both the representative and alternate would have to be approved by the Board of Supervisors; therefore, approval of an alternate would be to the Board's discretion.

Mayor Hardcastle inquired if Ms. Smith would have any problem with transportation and Ms. Smith responded that she would not.

#### Online Comment Forms

No online comment forms were submitted for Item 5.1.

#### Public Comment Card

No public comment cards were submitted for Item 5.1.

It was moved by Vice Mayor Romick and seconded by Councilmember Higgins to appoint Grayce Smith as the representative and April Langro as the alternate to the Contra Costa County Advisory Council on Aging. Motion was unanimous and so ordered. (5-0)

### **5.2 Approval of Modifications to the City's Logo (Bryan Montgomery, City Manager)**

City Manager Bryan Montgomery presented options to modify the City's logo. He mentioned there is no additional cost to having the new logo as it will be applied prospectively if approved by the City Council.

Vice Mayor Romick expressed support for a new logo and explained staff and the City Council are not distracted from focusing on the safety and welfare of its residents by making modifications to the City's logo as suggested by some residents. His preference is the second logo from the bottom on the right side of the options presented.

Mayor Hardcastle and Councilmember Pope also preferred the same logo.

Councilmember Higgins commented she prefers the bolder logo.

Councilmember Perry likes the design that says "Council's preference", but is concerned that the leaf on the logo is small and could become convoluted. She mentioned she is leaning toward the design titled "other logo version receiving positive comments".

#### Online Comment Forms

Susie Gillilan commented the City should not waste time or money changing the City's logo, but rather focus on traffic, crime and safety.

#### Public Comment Card

No public comment cards were submitted for Item 5.2.

It was moved by Mayor Hardcastle and seconded by Vice Mayor Romick to modify the City logo prospectively as shown as the second logo from the bottom on the right side of the options presented. AYES: Hardcastle, Pope, Romick. NOES: Higgins, Perry. (3-2)

## 6.0 REPORTS

### **6.1 CITY MANAGER**

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

City Manager Bryan Montgomery thanked staff and everyone who attended the Third Annual Heart of Oakley Festival held Saturday, September 19. He announced the next festival to be held will be the Harvest Festival on October 17 at Civic Center Plaza, 12pm-4pm. He mentioned two supplemental reports will be provided this evening, an update on the Diamond Hills conditional use permit and an update on the City's storm water drainage infrastructure.

#### **(b) Update on Diamond Hills Athletic Club and Spa Conditional Use Permit**

Planning Manager Joshua McMurray commented the Diamond Hills Athletic Club is communicating with the residents in its surrounding neighborhood and have been complying with the conditions stated in its permit. He commented the City will continue to monitor the matter.

#### Public Comment Card

Angela Lowrey commented that she believes there may have been a miscommunication as she understood that they would report any concerns or violations of the conditions to the City Council, not staff. She mentioned residents are working closely with the Club manager and parking and sound system improvements have been made; however, she believes most of the events held in previous years by the Club are not being held this year. She thanked the City Council for its support on behalf of the residents and offered to provide reports if the City Council should desire. She added that residents want to work in harmony with the Club, they

want the business to stay in Oakley, and that they hope the City Council will consider businesses near residential areas with future development.

Mayor Hardcastle mentioned residents are always welcome to provide any questions, concerns or feedback during the public comment period.

Councilmember Pope suggested that residents do not have to wait until City Council meetings to address concerns; they can contact staff immediately.

The report was accepted by the City Council.

Public Works Director/City Engineer Kevin Rohani provided an update to the City Council regarding the City's storm water drainage infrastructure. He mentioned with prediction of a wet winter it is a good time to inspect and clean drainage infrastructure. He explained the City has 11 storm water detention basins, one of which is at Freedom High School and it has recently been improved to avoid flooding. He further explained that City staff and contractors have been working to clean 2500 storm drain catch basins throughout the City and the City has added an additional round of street sweeping to help keep the basins clean. He mentioned several areas where the City has been proactive to make improvements to prevent flooding. He announced the City will be providing a sand facility next to the Sheriff's annex on Second Street where residents can bring their own shovels and fill sand bags to prepare for rain. He mentioned the City has on-call contractors to call upon for assistance during heavy rains should the City's resources become overburdened.

Mayor Hardcastle thanked Mr. Rohani and the Public Works department for their work and for the update.

## **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 Pope congratulated staff on a successful Heart of Oakley Festival. He mentioned an East Contra Costa Fire Protection District (ECCFPD) Board meeting was held September 14 and Contra Costa Fire District (CCFD) agreed to staff ECCFPD's fire boat in turn for CCFD to be able to use it which was agreed upon by the two districts. He announced the next ECCFPD meeting will be held October 5 at City Hall beginning at 6:30pm.

Councilmember Higgins thanked the Veterans of Oakley for their work in Stand Down on the Delta and mentioned she was glad to participate. She mentioned she attended the Freedom High School Homecoming Parade and the Marsh Creek Clean Up and that she will be attending a health care conference in Sacramento tomorrow to represent Oakley. She thanked staff for its work at the Heart of Oakley Festival.

Councilmember Perry thanked the Veterans of Oakley for their work in Stand Down on the Delta and for engaging the City Council to participate in the event. She also thanked the Veterans of Oakley for their work in Oakley's September 11 event. She mentioned the Out of Darkness committee had a booth set up at the Heart of Oakley Festival on September 19; they have already raised over \$17,000 and have over 430 people signed up to participate in the walk to be held October 10 at Cypress Grove Community Park. She thanked City staff and volunteers for their work at the Heart of Oakley Festival.

Mayor Hardcastle announced he attended the Freedom High School Homecoming Parade and helped at the Stand Down on the Delta event. He mentioned he attended a meeting in Merced with Vice Mayor Romick and City Manager Bryan Montgomery to advocate for a train platform in Oakley. He thanked staff for its work at the Heart of Oakley Festival.

**(b) Requests for Future Agendas**

Councilmember Higgins requested staff's assistance to contact the County to inquire what services may be offered for homeless in Oakley. She commented there are 54 homeless persons in Oakley, one of whom is a veteran.

**7.0 WORK SESSIONS-None**

Mayor Hardcastle announced a 7 minute recess at 7:47pm. The City Council reconvened at 7:54pm.

**8.0 CLOSED SESSION**

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

**Property: 4.62 acres of land located north of 3330 Main Street identified as parcels 037-160-006, 130-160-007 and 037-160-018**

**Agency negotiators: Bryan Montgomery, City Manager  
Dwayne Dalman, Economic Development Manager**

**Negotiating parties: Cunha Family Limited Partnership**

**Under negotiation: Price and terms of payment**

**8.2 PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
(Pursuant to Government Code Section 54957)**

**Title: City Manager**

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

Special Counsel William Galstan reported no action was taken and direction was provided to staff.

**9.0 ADJOURN**

There being no further business, the meeting was adjourned at 9:15pm.

Respectfully Submitted,

Libby Vreonis  
City Clerk