

**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 8, 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 6:32pm 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

Eagle Scout Jonathan Wilkes led the Pledge of Allegiance to the Flag.

1.3 Proclamation Recognizing Eagle Scout Jonathan Wilkes, Troop 298

On behalf of the City Council, Mayor Hardcastle presented a proclamation to Eagle Scout Jonathan Wilkes.

1.4 Proclamation Recognizing September 2015 as Suicide Prevention Awareness Month in Oakley (Councilmembers Higgins and Perry)

On behalf of the City Council, Mayor Hardcastle presented a proclamation to Councilmembers Higgins and Perry and the planning committee for the Out of Darkness Walk recognizing September 2015 as Suicide Prevention Month in Oakley.

Councilmember Perry announced the Out of Darkness Walk will be held October 10 at 10am at Cypress Grove Community Park (registration begins at 9am). She mentioned 325 people have signed up for the walk and they have reached their fundraising goal of \$10,000.

1.5 Presentation by BART Boardmember Joel Keller

BART Boardmember Joel Keller provided a presentation to the City Council regarding creating a "Better BART and Better Bay Area". He discussed positive impacts BART has on reducing traffic, mileage, gas and CO2 and its impact on increasing surrounding property values. He shared a pilot cover that is being tested at the 19th Street and Broadway station to protect escalators and enhance safety of BART employees, increased way-finding signage and improvements for bicycle parking. He also discussed the opening of new stations in Pittsburg

and Antioch. He commented that some of the challenges BART faces is an aging fleet of train cars and damaged speed signals. He mentioned \$9.6 billion is needed of which \$4.8 billion is currently unfunded. He suggested a ballot measure could potentially help bridge the difference.

Councilmember Perry requested clarification of the opening date of the new Pittsburg station.

Mr. Keller responded that the new Pittsburg station will likely open at the same time as the new Antioch station (approximately May 2018) depending on the testing schedule.

Mayor Hardcastle thanked Mr. Keller for his presentation.

1.6 Contra Costa Mosquito & Vector Control District Board Update (Michael Krieg, Appointee)

Contra Costa Mosquito & Vector Control District Board Appointee Michael Krieg provided an update to the City Council including the District's sound financial status, information regarding a moderate season for West Nile Virus in the County, and an update on the District's Environmental Impact Report.

2.0 PUBLIC COMMENTS

Online Comment Forms

No online comment forms were submitted for Public Comments.

Public Comment Cards

Noor Abdullah commented she previously approached the City Council with a concern regarding a lack of stop signs at Walnut Meadows Drive. She thanked the City Council and staff for addressing her concern and placing stop signs where needed.

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 August 11, 2015 (Libby Vreonis, City Clerk)

Oakley City Council

3.2 Accept Report Out of Closed Session Memo (William Galstan, Special Counsel)

- 3.3 Waive the Second Reading and Adopt an Ordinance Rescinding and Reenacting Chapter 8 of Title 5 of the Oakley Municipal Code, Dealing with Massage Establishments and Therapists (William Galstan, Special Counsel)**
- 3.4 Adopt a Resolution Approving and Authorizing the City Manager to File a Response to Contra Costa County Civil Grand Jury Report No. 1510, "Community Courts; Unburdening the Traditional Court System." (Bryan Montgomery, City Manager)**
- 3.5 Award of Construction Contract to Ghilotti Bros. Inc. for the Fiscal Year 2015/2016 Street Repair and Resurfacing Project-Capital Improvement Project 167 (Kevin Rohani, Public Works Director/City Engineer)**
- 3.6 Award of Construction Contract to Centerline Striping Company Inc. for the Fiscal Year 2015/2016 Street Restriping Project-Capital Improvement Project 168 (Kevin Rohani, Public Works Director/City Engineer)**

Item 3.4 was pulled by Mayor Hardcastle and Councilmember Higgins for discussion.

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

Item 3.4

Councilmember Higgins inquired how soon the City would have to confirm it will have the community court. She expressed concern with funding the court.

City Manager Bryan Montgomery responded that the Grand Jury report only requests that cities evaluate having a community court; cities do not have to commit. He added the City Council would have to adopt an ordinance approving the community court; therefore it is something that would require further discussion and consideration. He mentioned community courts have been successful in other cities.

Mayor Hardcastle requested clarification that the City Council is not agreeing to a community court; it is only evaluating it at this time.

Mr. Montgomery confirmed that is correct.

Councilmember Perry inquired if the cost of the evaluation has been conducted.

Mr. Montgomery responded that it has not yet been conducted; however, community courts currently in place are typically self-funded and a cost analysis would be part of the evaluation.

Councilmember Higgins commented that Richmond implemented a community court and then discontinued it. She requested staff evaluate not only the cost of implementation, but also the estimated cost of discontinuing a community court.

It was moved by Vice Mayor Romick and seconded by Councilmember Pope to approve item 3.4. Motion was unanimous and so ordered. (5-0)

Online Comment Forms

Mike Burkholder submitted a comment encouraging the City Council to reject the community court. He mentioned staffing and funding is not available for such court, Oakley should demonstrate it is tough on crime and not provide an option for a get out of jail free card, and it places an extra burden on police. He recommended if the City moves forward with this idea, the City may wish to consider a program for anyone under the age of 18.

Public Comment Card

No public comment cards were submitted for the Consent Calendar.

Due to time constraints of the consultants, Item 5.2 was heard prior to Item 4.1.

4.0 PUBLIC HEARINGS

Oakley City Council

4.1 A Request for a Five-Year Extension to the Previously Approved Stonegate Tentative Parcel Map (MS 02-976) and Master Conditional Use Permit-5400 Live Oak Avenue (APN: 037-100-066) (Joshua McMurray, Planning Manager)

Planning Manager Joshua McMurray 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)

4.2 2092 Oakley Road Wireless Communications Facility (DR 07-15) (Ken Strelo, Senior Planner)

Senior Planner Ken Strelo presented the staff report. He mentioned other design options and other locations were considered by the applicant; however, the design chosen was most accommodating for the equipment that will be contained within the structure and the location chosen provided the least impact on the property. He suggested the City Council may wish to consider a City logo on the structure.

Councilmember Higgins inquired if another design would qualify (i.e., a wine barrel or wine bottle) to fit in with the City's water and wine theme.

Mr. Strelo explained both would probably qualify as public art.

Councilmember Perry inquired if the applicant has equipment on any of the existing towers in the community and if it is possible for the applicant to co-locate on an existing tower.

Mr. Strelo responded that he does not have information regarding the applicant's equipment on existing towers, but perhaps the applicant could provide that information and he mentioned if the applicant co-located, it would likely have to be further east in which case it may overlap existing coverage.

Councilmember Pope inquired where the base of the tower is located in relation to the road level and if it is possible to make the tower legs look more like a traditional water tower. He commented he likes the idea of the City logo on the tower and no antennae on the legs of the tower.

Mr. Strelo confirmed the grade differential between the base of the tower and the road level is approximately 7 feet.

Jenny Blocker, representing the applicant, mentioned it is possible to change the legs on the tower as long as it is structurally sound and the City logo can be added.

Vice Mayor Romick agreed with Councilmember Pope regarding changing the tower legs and suggested a faux wine label on the tower.

Mayor Hardcastle inquired if it is possible to design a clock tower instead of a water tower.

Ms. Blocker explained a clock tower requires more maintenance as the clock may need to be reset periodically and it would have to be a large clock tower to accommodate all of the equipment to be held within.

Councilmember Perry requested a map showing the area not covered. She mentioned she does not want to approve a 65 foot tower if it is not absolutely necessary.

Ms. Blocker presented a map to the City Council of the existing coverage and a map showing how coverage will improve with the tower.

City Manager Bryan Montgomery mentioned to the City Council that it may wish to decide whether the color choice will be for people to notice the tower or for it to blend in with the existing landscape. He added a more natural color and look may help for it to blend in.

Mayor Hardcastle and Councilmember Higgins suggested old style writing for the City logo.

Ms. Blocker mentioned it could be included as a condition of approval for the design.

Online Comment Forms

Mike Burkholder commented he rejects the proposed site for the wireless communications tower and encourages the City to explore alternative locations in other parts of town (other than along Main Street).

Kimberle Jeglum requested the City Council consider a tree rather than a water tower for aesthetic purposes.

Lynne ONeil commented she supports the water tower as it adds character and brings attention to the City's agricultural history.

Edward Souza requested the City Council consider a tree rather than a tower as it would be less obtrusive and he suggested a reduced height.

Public Comment Cards

No public comment cards were submitted for item 4.2.

It was moved by Councilmember Pope and seconded by Vice Mayor Romick to adopt the resolution with the condition to closely represent a traditional water tower (with no antennae on the legs) and to include a form of the City logo on the tower that would be brought back to the City Council for final approval. AYES: Hardcastle, Higgins, Pope and Romick. NOES: Perry. (4-1)

5.0 REGULAR CALENDAR

Oakley City Council

5.1 Authorization of an Invitation for Bids to Purchase the Real Property located at 1420-1480 Neroly Road, also known as Parcel 3 within the Neroly Commercial Center (APN 034-040-017-5) for the Development of a Child Care Facility (Bryan Montgomery, City Manager)

City Manager Bryan Montgomery 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 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 Perry to approve Item 5.1. Motion was unanimous and so ordered. (5-0)

5.2 Downtown Oakley Priority Development Area (PDA) Preferred Plan (Joshua McMurray, Planning Manager)

Planning Manager Joshua McMurray presented the staff report. He introduced the team of consultants involved in developing the Plan: Dennis Dornan and Brian Chambers with Perkins & Will, Katherine Tellez with Fehr & Peers, Rebecca Benassini with Economic and Planning Systems and Paul Krupka with Krupka Consulting.

Mr. Dornan reviewed the direction provided by the City Council at its previous meeting held May 26, 2015 and Mr. Chambers provided an overview of the Plan which incorporates the City Council's direction. Ms. Tellez reviewed transit and mobility of people currently and estimated what it could be if the Plan is implemented. She mentioned a signal would be recommended at the Norcross Lane and Main Street intersection with the Plan.

Mayor Hardcastle inquired how many trips per day occur now on Main Street and how much it would increase if housing is added along Main Street and/or nearby Main Street.

Ms. Tellez responded 19,000 trips per day currently occur on Main Street and approximately 2,000 more trips would be added with housing under the Plan.

Ms. Benassini discussed economic factors of the Plan including market pricing, financial feasibility, residual land value and the impact of transit on residential property values. She mentioned based on their study of the market for smaller residential units, they recommend that if the City implements the Plan, it consider townhomes first, then apartments, then commercial space as options.

Mr. Dornan concluded by mentioning the Plan is now complete and has been issued to the City of Oakley and the next step would be for City staff to develop the Plan further by discussing it with the rail authorities.

Vice Mayor Romick commented the Plan is a great start and people must live in the downtown area for it to survive. He mentioned he envisions a quaint, small downtown with shops, walkable stations and park-and-rides to attract more people. He inquired if the 300 added parking spaces were in each areas A and B or combined in areas A and B and if any discussions have taken place with Tri-Delta Transit with regard to the number of spaces they recommend.

Mr. Dornan responded they used the Tri-Delta numbers.

Mayor Hardcastle expressed concern with traffic if adding 300 parking spaces. He inquired if 1 added traffic signal at Norcross Lane could manage the traffic flow or if it would also require other modifications such as widening the streets.

Ms. Tellez responded that a land use program would need to be in place and then it could be further evaluated.

Online Comment Forms

No online comment forms were submitted for Item 5.2.

Public Comment Card

No public comment cards were submitted for Item 5.2.

The City Council received the report.

5.3 Economic Development Goal Setting and Update (Dwayne Dalman, Economic Development Manager)

Economic Development Manager Dwayne Dalman shared information with the City Council regarding economic development goals, business visitation, outreach to property owners, action plan for development of sites, updating City marketing materials, updating the economic development website, business attraction, job

creation, downtown events, disposition and development of City property and the Downtown Revitalization Loan Program.

Mayor Hardcastle inquired how many businesses have taken advantage of the Downtown Revitalization Loan Program.

Mr. Dalman explained that some business owners have applications, but they are waiting to see what improvements are made on Main Street before submitting their applications; therefore at this time, no funds have been loaned.

Vice Mayor Romick inquired if there is a web-based application for a site selection map.

Mr. Dalman explained that the City is developing an electronic site selection map. He mentioned there are four properties currently listed on the map and more will be added, all of which will provide property dimensions, zoning, contacts and specific plan areas.

Mr. Montgomery commented staff will email the link to the map to the City Council. He explained the map is being timed with the City's website update and should be complete in approximately 2-3 weeks. He welcomed the City Council to provide comments and suggestions.

No action was required by the City Council. Mayor Hardcastle thanked Mr. Dalman for his report.

Online Comment Forms

No online comment forms were submitted for Item 5.3.

Public Comment Card

No public comment cards were submitted for Item 5.3.

6.0 REPORTS

6.1 CITY MANAGER

(a) City Manager

City Manager Bryan Montgomery announced the Third Annual Heart of Oakley Festival will be held Saturday, September 19 at Civic Center Plaza; Main Street between Vintage Parkway and Norcross Lane will be closed at 9am for the event. He added there will be plenty of parking around the event, including the parking lot east of 3330 Main Street and at the Duarte property at Gardenia and Main.

Councilmember Pope inquired if parking will be available along Main Street for the event.

Mr. Montgomery explained the "No Parking" signs will be covered for the event for attendees to park along Main Street. He mentioned parking will also be available at Oakley Elementary and O'Hara Park Middle School.

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

Councilmember Perry announced she and Councilmember Higgins will be participating in Stand Down on the Delta at the Contra Costa Fairgrounds this weekend. She mentioned the Out of Darkness committee will have a booth set up at the Heart of Oakley Festival on September 19; they have already raised over \$10,000 and have over 325 people signed up to participate in the walk to be held October 10. She also mentioned she attended the Senior's group car show, the Ironhouse Sanitary District 70th Anniversary celebration and the Veterans of Foreign War paint night to support providing meals to veterans.

Councilmember Pope commented he attended the Habitat Conservancy meeting on August 24 and there will be a flyer released soon with information regarding connecting our existing trail with the Clayton area trail which will provide safer access for bicyclists, pedestrians and equestrians. He commented he would like the City Council to consider a resolution to support the trail connection and improvements. He announced the next East Contra Costa Fire Protections District Board meeting will be held September 14 at 6:30pm at City Hall. He commented that the 9 firefighters in the District are putting forth a heroic effort to do their best to provide a good level of service during the District's lean economic time.

Mayor Hardcastle added that an East Contra Costa Fire Protection District fire truck recently broke down and the firefighters on board traveled by foot to respond to the call of a man suffering from cardiac arrest.

Councilmember Higgins commented she attended the Water Board meeting, she has been discussing health care issues (AB 339) with Senator Steve Glazier, and she will attend the Stand Down event this weekend.

Councilmember Perry announced the Marsh Creek Clean Up will occur the morning of September 19.

Mayor Hardcastle announced he attended the water and sewer district meetings.

(b) Requests for Future Agendas

None.

7.0 WORK SESSIONS-None

Mayor Hardcastle announced a 7 minute recess at 8:33pm. The City Council reconvened at 8:40pm.

8.0 CLOSED SESSION

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

Title: City Manager

8.2 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 9:00pm.

Respectfully Submitted,

Libby Vreonis
City Clerk