Minutes of the Regular Joint Meeting of the Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment
Tuesday, September 13, 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 and 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 and Councilmembers Doug Hardcastle, Randy Pope and Vanessa Perry were present.

1.2 Pledge of Allegiance to the Flag

Vintage Parkway Elementary School Student Isabelle Gutierrez led the Pledge of Allegiance.

1.3 Proclamation Recognizing September 19-25, 2016 as Falls Prevention Awareness Week in the City of Oakley (Nancy Raniere, Meals on Wheels Program Specialist for Meals on Wheels and Senior Outreach Services)

Mayor Romick presented the proclamation to Nancy Raniere, Meals on Wheels Program Specialist for Meals on Wheels and Senior Outreach Services. Nancy thanked the City Council and provided information regarding their services and resulting reduction in falls.

1.4 Proclamation Recognizing September 17-23, 2016 as Constitution Week in the City of Oakley (Mayor Romick)

Mayor Romick indicated he would accept the proclamation.

1.5 Proclamation Recognizing Suicide Prevention Awareness (*Out of the Darkness* Community Walk Planning Committee)

Mayor Romick presented the proclamation to the *Out of the Darkness* Community Walk Planning Committee. Councilmember Perry, whom is a member of the Planning Committee, announced a walk to be held Saturday, October 8, 2016 at Cypress Grove Community Park located on Frank Hengel Way beginning at 8am of which proceeds will be used for suicide prevention, education, outreach and research. She invited everyone to attend and mentioned it is free to register. She mentioned locally mental health first aid training is occurring and a survivor day is planned in the near future in Walnut Creek, the first of its kind hosted in the County.

1.6 Proclamation Encouraging Autonomous Vehicle Testing as a Public Safety and Economic Development Initiative (Mayor Romick)

Mayor Romick indicated he would accept the proclamation.

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

Ironhouse Sanitary District (ISD) General Manager Chad Davisson provided information to the City Council regarding Ironhouse Sanitary District Board's decision not to proceed with the Marsh Creek Habitat Restoration Project, biosolids processing on Jersey Island, its recycled water program, the Main Street Project, an election update and upcoming Saturday events in which ISD is participating.

Councilmember Hardcastle inquired what environmental issues may arise in bringing in others' biosolids to process.

Mr. Davisson explained that ISD is working with a consultant to review any environmental issues that could arise and also to confirm regulatory approvals that would be needed to process others' biosolids. He mentioned ISD currently only processes approximately half of what is allowed by permit and allowing others to process biosolids through ISD would offset the expense of handling its' own biosolids. He commented ISD is only at the planning stages of processing others' biosolids and ISD will provide updates to the City Council prior to any decision being made to accept others' biosolids.

Mayor Romick thanked Mr. Davisson for his report.

2.0 PUBLIC COMMENTS

Public Comment Cards

Larry Ihrig commented he would defer to Gina Vancil to speak before he speaks on the same issue.

Gina Vancil commented she lost her son Kaleb recently to an accident at Big Break. She explained he had gone fishing with his friends at the marina, an attraction, and they were returning home when his bicycle was struck and he was killed by a truck. She mentioned there is no bike lane on the two-lane road, lighting is inadequate and there is overgrown brush. She expressed belief that the accident could have been avoided and responsibility lies with who is responsible for Big Break Road and the Park. She added that Kaleb cannot be brought back, but things can be changed so this type of accident does not happen again.

Mr. Ihrig mentioned with any loss it is important to assess how the loss happened and if there is responsibility related to the loss. He explained that there are attractions offered: the marina, the park, and Marsh Creek trail; the parking lot to the attractions closes at dusk; however, he does not believe any protection is afforded to persons entering and exiting the attractions which results in an inherent danger. He asked the City Council to consider what can be done to address safety and responsibility and commented culpability should be addressed. He commented that Kaleb was his grandson.

Online Comment Forms

None.

Councilmember Pope inquired if the City Council can review the police report when complete.

City Manager Bryan Montgomery responded that he thinks the City Council can review 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 August 9, 2016 (Libby Vreonis, City Clerk)

Oakley City Council

3.2 Receive Report Out of Closed Session Memo (William Galstan)

3.3 Waive the Second Reading and Adopt an Ordinance Approving a Rezone (RZ 07-16) from Public and Semi-Public (P) to General Commercial (C) for the Oakley Gateway Self-Storage and 7-Eleven Project Site Located at 3979 Empire Avenue (Southwest Corner of Laurel Road and Empire Avenue) APN: 053-071-050, Approximate 3.63-Acre Vacant Lot (Joshua McMurray, Planning Manager)

3.4 Adopt a Resolution Denying Applications for a Self-Storage Facility at 4275 Neroly Road (GPA 04-16, RZ 06-16 and DR 13-16) (Joshua McMurray, Planning Manager)

3.5 Adopt a Resolution Accepting Work Associated with Capital Improvement Project No. 175-Police Department Building Reconstruction Project (Kevin Rohani, Director of Public Works/City Engineer)

3.6 Adopt a Resolution Approving the Agreement with Diablo Water District for "Stormwater Management Facilities Operations and Maintenance Agreement and Right of Entry" for the Diablo Water District Office Building Located at 85 & 87 Carol Lane and Authorizing the City Manager to Execute the Agreement (Kevin Rohani, Director of Public Works/City Engineer)

3.7 Adopt a Resolution Accepting Work with Yelton Demolition Company, Inc. for the Demolition and Disposal of the Building Located at 3510 Main Street Associated with Capital Improvement Project Number 165-Main Street Downtown Improvement Project (Kevin Rohani, Director of Public Works/City Engineer)

3.8 Adopt a Resolution Approving an Agreement with BKF Engineers Inc. for Engineering Design Services Associated with Capital Improvement Project Number 191-Laurel Road and Rose Avenue Intersection Improvement Project and Authorizing the City Manager to Enter into the Agreement (Kevin Rohani, Director of Public Works/City Engineer)

3.9 Adopt a Resolution Approving an Agreement with BKF Engineers Inc. for Engineering Design Services Associated with Capital Improvement Project Number 196-Laurel Road Widening Project (Rose Avenue to Mellowood Drive) and Authorizing the City Manager to Enter into the Agreement (Kevin Rohani, Director of Public Works/City Engineer)

3.10 Adopt a Resolution Approving the Annexation (Annexation No. 1) of Property Located in the Future Annexation Area of the City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services) for Minor Subdivision MS 14-977 (Doyle Road) (Kevin Rohani, Director of Public Works/City Engineer)

3.11 Adopt a Resolution Approving an Amended Deferred Improvement Agreement for Minor Subdivision MS 14-977 (3351 Doyle Road) (Kevin Rohani, Director of Public Works/City Engineer)

3.12 Adopt a Resolution Approving an Agreement with TJKM Transportation Consultants for Engineering Design Services Associated with Capital Improvement Project Number 192-Fiscal Year 2016-2017 Traffic Signal Modernization Project and Authorizing the City Manager to Execute the Agreement (Kevin Rohani, Director of Public Works/City Engineer)

3.13 Designate Vice Mayor Higgins as the Voting Delegate for the 2016 League of California Cities Annual Conference (Libby Vreonis, City Clerk)

3.14 Adopt a Resolution Approving the Purchase of Tyler Technologies Eden Payroll and Human Resources Modules (Deborah Sultan, Finance Director)

3.15 Approval of Response to Civil Grand Jury Report Number 1615 "Truancy and Chronic Absence in Contra Costa County Schools" (Bryan Montgomery, City Manager)

3.16 Adopt a Resolution Approving a Contract with PRI Management Group for Police Records Management (Chris Thorsen, Chief of Police)

3.17 Adopt a Resolution Approving the Memorandum of Understanding with the Oakley Police Officers Association (Bryan Montgomery, City Manager)

3.18 Approval of Master Compensation Agreement with Taxing Entities Regarding the Former Oakley Redevelopment Agency Properties (Bryan Montgomery, City Manager)

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

3.19 Approval of Master Compensation Agreement with Taxing Entities Regarding the Former Oakley Redevelopment Agency Properties (Bryan Montgomery, City Manager)

Public Comment Cards

None.

Online Comment Forms

None.

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

4.0 PUBLIC HEARING

Oakley City Council

4.1 UPS Facility Expansion Design Review (DR 01-16) (Ken Strelo, Senior Planner)

Request by Nelson Ye of United Parcel Service, Inc. for approval of Design Review to install 3,880 square feet of modular buildings to an existing UPS distribution facility that consists of an existing 2,580 square foot building on a partially developed 4.8 acre lot. The addition buildings would result in the addition of 20 additional package cars to serve the area during the peak season. Also associated with this project is a request for a "frontage improvement agreement." The site is located at 5300 Live Oak Avenue and zoned LI (Light Industrial) District. APN: 037-100-027

Senior Planner Ken Strelo presented the staff report.

Vice Mayor Sue Higgins inquired if trucks would be entering or exiting during school hours and if there would be an increase in the number of brown trucks used by the facility.

Mr. Strelo responded that trucks would leave early morning before school begins and would return at various hours during the day and he believes the 20 additional trucks the applicant refers to in his application are brown UPS trucks.

Councilmember Perry inquired if the site is open to the public at all times for customer pick up of packages.

Applicant Nelson Ye responded that there is currently no customer pick up site at the location; however, there will be when the site is improved.

Mayor Romick inquired if traffic will increase during school hours, if the site is temporary and how many jobs will it provide.

Mr. Ye responded that there should not be an increase in traffic as trucks will return to the site between 6pm-8pm, the site is temporary for this peak of season, but will become more permanent after the New Year, and it is estimated that 20 driver positions and 20-30 operational positions will be hired.

Councilmember Hardcastle inquired if the customer service desk will be open only during the peak season or permanently.

Mr. Ye replied that no customer service counter exists at this time; it will be in place next year.

Councilmember Perry inquired if staff is on site 24 hours a day, if there will be a locking gate at the site, and requested the date of completion of the temporary project and date of completion of the frontage improvements.

Mr. Ye responded that staff is not on site 24 hours, but there is someone in the office most of the time, there will be a locking gate at the site, the temporary project completion date is November 1, 2016, and the frontage improvements completion date is September 2017.

Public Comment Cards

None.

Online Comment Forms

None.

It was moved by Councilmember Hardcastle and seconded by Councilmember Pope to adopt the Resolution for Design Review and the Resolution for the Frontage Improvement Agreement. Motion was unanimous and so ordered. (5-0)

5.0 REGULAR CALENDAR

Oakley City Council

5.1 Fiscal Year 2015/16 Fourth Quarter Report on the Capital Improvement Program (Kevin Rohani, Director of Public Works/City Engineer)

Director of Public Works/City Engineer Kevin Rohani reported on the Main Street Improvement Project (Norcross Lane to 2nd Street), FY 2015/16 Frontage Gap Closure Improvement Project, Curb, Gutter and Sidewalk Reconstruction Project and Highway 160/Main Street Gateway Monument and Landscaping Project.

Vice Mayor Higgins inquired of the status of the Laurel Road/Rose Avenue grant funds.

Mr. Rohani explained there are two potential grants and the City should hear from CalTrans toward year-end regarding the status of each grant. He added that staff will update the City Council upon receiving information.

Councilmember Perry and Mayor Romick thanked Mr. Rohani and City staff for their work.

Public Comment Cards

None.

Online Comment Forms

None.

6.0 REPORTS

6.1 CITY MANAGER

(a) City Manager

City Manager Bryan Montgomery announced the Heart of Oakley Festival will be held Saturday, September 17, 11am-5pm in Downtown Oakley in which Main Street will be closed between Vintage Parkway and Norcross Lane beginning at 9am.

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

Mayor Romick mentioned he assisted the East County Little League Die Hard Softball team with picking up debris along Big Break Road and Live Oak Avenue Saturday, he attended the 9/11 event in Oakley, and he attended the East Contra Costa Fire Protection District Board meeting Monday where Ron Johansen who served as Oakley's representative on the Fire Board for four years was provided a farewell. He added Ron is very busy with teaching and assisting with fires throughout the State and Ron extends his gratitude for his time in representing Oakley on the Board.

Councilmember Pope commented he attended the East Contra Costa Fire Protection District Board meeting Monday in which the Board voted to support the UUT in Oakley and Brentwood. He added he did not attend the 9/11 event as he was working at Urban Shield 2016 in Pleasanton and was pleased to see the Contra Costa County team participate and the East Contra Costa Fire District boat at the event.

(b) Requests for Future Agendas

None.

7.0 WORK SESSION

Oakley City Council

7.1 Work Session Regarding Selection of Artwork for Utility Box Mural Project (Lindsey Bruno, Recreation Manager)

Recreation Manager Lindsey Bruno presented the staff report. She explained there were 30 artwork designs submitted for the utility box mural project and 10 designs were chosen at this time. She added that the 20 remaining designs submitted may be considered for other utility boxes next year. She commented that the designs were chosen to represent the best fit for the location of the utility boxes and the artwork must be complete by December 1, 2016. She explained the artwork will be coated with a graffiti protective sealant.

Councilmember Perry inquired if the art designs were all paintings or pictures and who purchases the supplies.

Ms. Bruno responded that designs submitted were required to accurately represent the art that will be painted on the utility box and artists were required to submit a sample of their work. She added that the committee reviewing the designs looked for artistic excellence, experience, and how the design would fit with the surroundings of the utility boxes. She replied that the artist is responsible for his or her own supplies.

Councilmember Hardcastle inquired how much the project will cost and if other cities pay for this type of project as well.

Ms. Bruno replied that $500. has been allocated for each utility box design. She explained that $500. is an approximate average of the amount other cities pay. She added that some cities pay for the artist for the design and then create a wrap to place around the utility box.

Vice Mayor Higgins suggested it would be fun to film or photograph the project and provide to residents via Engage in Oakley.

Mayor Romick commented on behalf of the City Council that staff has approval to move forward.

Public Comment Cards

None.

Online Comment Forms

None.

8.0 CLOSED SESSIONS

Oakley City Council

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

Michael Rasooly v. The City of Oakley
Contra Costa Superior Court Case No. MSN16-1462

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

City of Oakley v. Shea Homes, a limited partnership
Contra Costa Superior Court Case No. MSC16-00439

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

City of Oakley v. James M. Scelsi
Contra Costa Superior Court Case No. MSN16-1620

8.4 CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION (Pursuant to Government Code Section 54956.9(b)) Three potential cases.

8.5 Report Out of Closed Sessions (Derek Cole, City Attorney)

There was no reportable action. Direction was provided to staff.

9.0 ADJOURN

There being no further business, the meeting was adjourned at 8:50 p.m.

Respectfully Submitted,

Libby Vreonis
City Clerk