

**Minutes of the Regular Joint Meeting of the Oakley City Council/Oakley City Council acting as the Successor Agency to the Oakley Redevelopment Agency  
May 12, 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 6:30 p.m 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**

Councilmember Higgins led the Pledge of Allegiance to the Flag.

**1.3 Proclamation Recognizing May 17-23 as Public Works Week (Kevin Rohani, Public Works Director/City Engineer)**

Mayor Hardcastle presented the proclamation to Kevin Rohani, Public Works Director/City Engineer. Mr. Rohani thanked the City Council and provided information regarding the Public Works Open House to be held May 20 at Civic Center Park, 9am-12pm.

Mayor Hardcastle thanked Mr. Rohani and the Public Works and Engineering (PW&E) staff for their work and mentioned the feedback he receives in the community regarding PW&E staff is always positive.

**1.4 Update from East Contra Costa Fire Protection District (Hugh Henderson, Fire Chief)**

Chief Henderson provided an update on the fire assessment ballot and the impact on the District due to the failure of the ballot passing. He explained the District can only afford to operate three stations with nine firefighters to cover a 249 square mile area. He mentioned the District will continue to work with the cities and the County to try and find a solution to provide fire services.

Councilmember Higgins inquired if the District has reached out to Supervisor Piepho to assist.

Chief Henderson responded that he will meet with Supervisor Piepho and the County next week.

Councilmember Pope inquired what the City of Oakley can do to help.

Chief Henderson explained the District is not prepared to handle the large territory of the District. He encouraged the City Council to consider community facilities districts for new construction to help cover costs of fire services. He also encouraged the cities and County to communicate more options.

Councilmember Perry suggested the City could write to the County or State to help support the District.

Chief Henderson explained Propositions 13 and 8 provide funding for fire services; however, the allocation between districts in California is disproportionate. He mentioned there has been some talk at the State level about re-apportioning, but there has been no significant traction yet and in the meanwhile the District must find a solution.

Vice Mayor Romick commented that reallocation must occur at the State level and possibly it could mirror the distribution of school district funding.

Chief Henderson mentioned the District has experienced three rounds of closures (in 2010, 2012 and 2015) and his concerns with the lack of funding is the safety of the firefighters and their morale.

Mayor Hardcastle commented he agrees with what everyone has said and suggested the State excess could be placed in a fund for fire services. He thanked Chief Henderson and the firefighters.

### **1.5 Presentation and Update Regarding the Emerson Ranch Project (Josh Roden, Brookfield Homes)**

Josh Roden and Gonzalo Rodriguez provided an update regarding the Emerson Ranch Project, mentioning during the next three to five years, five hundred and seventy-six lots within six neighborhoods will be built in the East Cypress Road area. They provided information regarding the work that has been accomplished on the property including moving water to temporary ponds to re-use for construction, installation of the sewer lines, water supply system, storm drain system, dry utilities, and clay liner for lake, and preparation of the road base. They mentioned the grand opening of the first phase of homes is scheduled for August 2015.

Vice Mayor Romick inquired what the front yards will look like.

Mr. Roden and Mr. Rodriguez mentioned drought tolerant plants rather than standard turf will be installed and artificial turf may be provided as an option for purchase. They added that park and street landscaping will be irrigated with well water.

Councilmember Perry inquired if the power lines had been removed.

Mr. Roden responded that the utilities have been undergrounded.

Mr. Roden requested the City Council consider continuing its fee reduction program for residential construction.

Vice Mayor Romick responded that the longer the City continues the program, the longer the City does not collect. He suggested the City Council could consider continuing the program if the developer were willing to do some of the work that the City would have to do as it may be more cost effective for the developer to do the work.

Mr. Roden and Mr. Gonzalez thanked the City Council.

## 2.0 PUBLIC COMMENTS

### Online Comment Forms

No online comment forms were submitted for Public Comments.

### Public Comment Cards

Melinda Swengel commented that her landlord has received citations for her son's dismantled vehicle which is parked in the driveway of the home she rents and also for failure to have garbage service, both in violation of the Oakley Municipal Code. She asked the City Council if they would consider allowing more time for the car to remain in the driveway if it had a car cover over it as her son is trying to sell it. She also mentioned she worked out an arrangement with Oakley Disposal for garbage service but her landlord still received a citation during the time she had service.

City Manager Bryan Montgomery explained the citations have been issued over a three month period that the car has been in the driveway and compliance with the Oakley Municipal Code is the solution.

Mayor Hardcastle commented that three months is plenty of time to remedy the violation and no additional time will be granted.

Bob May commented he is a firefighter in Oakley and is concerned that the District will have to seek support from Tracy, Pittsburg and Clayton if ConFire is unavailable to respond to assist the District, as happened ten days ago when trucks from both the District and ConFire were already committed in responding. He added it is impossible for the District to handle over 9,000 calls it received each year on its own. He welcomed any suggestions the City Council may have for short-term and long-term solutions.

Mayor Hardcastle thanked Mr. May for his work.

### 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 April 28, 2015 (Libby Vreonis, City Clerk)**

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

- 3.2 Waive the Second Reading and Adopt an Ordinance Establishing the City's Police Department (William Galstan, Special Counsel)**
- 3.3 Adopt a Resolution Approving an Agreement with Knife River Construction for Construction of West Cypress Road, Big Break Road and Rose Avenue Rehabilitation Project-Capital Improvement Project Number 163 (Kevin Rohani, Public Works Director/City Engineer)**
- 3.4 Adopt a Resolution Accepting as Complete the Work Performed by Bear Electrical Solutions, Inc., Capital Improvement Project Number 142-Fiscal Year 2014-2015 Traffic Signal Modernization Project (Kevin Rohani, Public Works Director/City Engineer)**
- 3.5 Adopt a Resolution Creating a Special Tax Area Zone 154 for a Special Tax for Police Protection for Subdivision 9104 and Waive the First Reading and Introduce an Ordinance Establishing Zone 154 for a Special Tax for Police Protection for Subdivision 9104 (Kevin Rohani, Public Works Director/City Engineer)**
- 3.6 Adopt Two Resolutions Initiating the Fiscal Year 2015-16 Oakley Street Lighting and Landscape Assessment District No. 1 Proceedings; Initiating the Process and Declaring the Intention to Order Improvements, Levy and Collect Assessments, Declaring the Intention to Annex Territory to Zones 1A, 2A, 3-21 and 3-23 and Setting July 14, 2015 as the Date for the Public Hearing (Kevin Rohani, Public Works Director/City Engineer)**
- 3.7 Adopt a Resolution Approving to Forgo Standard Procurement Processes to Contract with PG&E for LED Street Light Retrofit Program; Approving PG&E Street Light Agreement, Approving Submittal of the On-Bill Financial Supplement and Customized Retrofit Incentive Application for Street Light Retrofit Program and Authorizing the City Manager to Execute any Associated Agreements and Applications (Kevin Rohani, Public Works Director/City Engineer)**

**3.8 Adopt a Resolution Declaring the City's Intent to Amend its Current Agreement with the California Public Employees Retirement System (CalPERS) to Include a Defined Benefit Plan for Public Safety Employees (Bryan Montgomery, City Manager)**

**3.9 3<sup>rd</sup> Quarter Investment Report (Paul Abelson, Finance Director)**

**3.10 Parks and Landscape Division Water Conservation / Management Strategies (Kevin Rohani, Public Works Director/City Engineer and Len Morrow, Parks and Landscape Division Manager)**

**3.11 Adopt a Resolution Authorizing the City Manager to Execute a Cooperation Agreement with ACD-TI Oakley, LLC, as Co-Applicant for a Fill Permit in the East Cypress Corridor (Paul Abelson, Finance Director)**

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

**3.12 3<sup>rd</sup> Quarter Investment Report (Paul Abelson, Finance Director)**

Mayor Hardcastle pulled Items 3.4 and 3.7 from the Consent Calendar. Councilmember Pope pulled Item 3.8 from the Consent Calendar.

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.

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

Item 3.4

Mayor Hardcastle recused himself from voting. He mentioned the repairs will be in front of his property.

It was moved by Vice Mayor Romick and seconded by Councilmember Perry to approve Item 3.7. AYES: Higgins, Perry, Pope, Romick. ABSTENTIONS: Hardcastle.

Item 3.7

Mayor Hardcastle pulled Item 3.7 from the Consent Calendar to allow for a presentation from Vic Baker with PG&E.

Mr. Baker provided a presentation regarding the LED Streetlight Project. He mentioned Contra Costa County is the first of forty-seven counties and Oakley is the second city to receive LED streetlight upgrades. He added beginning May 18, PG&E will replace 2,000 streetlights (City, private and PG&E owned) in Oakley and parking and traffic will not be impacted. He explained PG&E mailed 8,000 letters and fact sheets to residents in April regarding the upcoming upgrades and it has provided information on its website and through social media. He mentioned PG&E will follow up with residents to let them know when the work has been completed. He also mentioned the LED streetlights will not impact star gazing and there are some options should the LED streetlights be too bright.

It was moved by Vice Mayor Romick and seconded by Councilmember Higgins to approve Item 3.7. Motion was unanimous and so ordered. (5-0)

### Item 3.8

Councilmember Pope pulled Item 3.8 and expressed disappointment that the item was on the Consent Calendar as he understood there is further discussion needed regarding which safety plan to include and possibly which ranks to include.

City Manager Bryan Montgomery responded he thought that the safety plans had been resolved in closed session at the previous City Council meeting and explained there are two other safety plans that are less expensive for the City; however, the plans would not compete with what is currently offered to officers. He further explained that if certain ranks are included in CalPERS whereas other ranks are not, there could be retention issues with officers as they may not be able to advance in Oakley without impacting their benefits.

Mayor Hardcastle and Councilmember Higgins expressed they were unaware of three different programs.

Councilmember Perry commented it was her understanding in closed session that the City would be moving forward with the highest PERS option.

Finance Director Paul Abelson explained that the option provided is less generous than what officers currently receive; however, the difference in benefits is made up for in the quality of life and opportunity to join Team Oakley.

Councilmember Pope commented he would not pursue the discussion further since three Councilmembers were nodding in favor of the CalPERS option; however he does not believe that anyone will sacrifice their pension of 3% at 50 to join Oakley Police and it is a shame to exclude the vast majority of officers in the State. He provided an example that CalPERS employees are prohibited from working in a CalPERS environment if retired. He added that the City is giving up control of its budget by contracting with CalPERS.

Mr. Montgomery responded that no one is excluded from applying; it is their choice if they wish to unretire as a CalPERS retiree, and Oakley is seeking to attract 3% at 50 employees, including the existing Sheriff's Deputies that are assigned to Oakley.

It was moved by Vice Mayor Romick and seconded by Councilmember Perry to approve Item 3.7. AYES: Hardcastle, Higgins, Perry, Romick. NOES: Pope.

#### 4.0 PUBLIC HEARINGS-None

#### 5.0 REGULAR CALENDAR-None

### 6.0 REPORTS

#### **6.1 CITY MANAGER**

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

City Manager Bryan Montgomery invited everyone to attend the Public Works and Engineering Department Open House Wednesday, May 20, 9am-12pm in Civic Center Park. He also invited everyone to purchase their tickets and attend the Taste of Oakley event to be held May 30, 6pm-8pm in the City Council Chambers, followed by the movie *Ratatouille* in Civic Center Park at dusk.

#### **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 attended the Ironhouse Sanitary District Board meeting last Tuesday and the District is going to set up fill stations for residents to obtain free non-potable water for their gardens or lawns. She mentioned the District will hold a public hearing June 2 at 450 Walnut Meadows Place beginning at 7pm to discuss increasing rates.

Councilmember Higgins announced the Memorial Day event to be held at Civic Center Park Saturday, May 23 beginning at 10:30am and Relay for Life to be held at Freedom High School this weekend. She mentioned she participated in Operation Access, a wine and chocolate event to benefit special needs kids, Falcon Fest at Freedom High School, the Mayors' Conference and Urban Farm event. She thanked Team Oakley for its work in installing speed humps on Oxford Drive as part of the Neighborhood Traffic Management Program.

##### **(b) Requests for Future Agendas**

Councilmember Pope commented that last Monday the East Contra Costa Fire Protection District Board voted which fire stations would close and there is a new station which is to be built on East Cypress Road, but there is no funding to have it open. He asked the City Council to consider what it may do to help fund fire services for Oakley residents as the City's population grows and more services are needed.

City Manager Bryan Montgomery responded that the County required the developer build a new fire station at Summer Lakes after the 600<sup>th</sup> home is built; however, even an assessment would not likely provide enough funding to operate the station.

Special Counsel William Galstan mentioned there is a State rural fee which funds CalFire and suggested the City Council might direct staff to look further into it to see if it could apply to the District.

Councilmember Perry suggested the cities of Oakley, Brentwood and Discovery Bay get together and lobby the State to request funding.

Mayor Hardcastle announced a five minute break at 8:02pm. The City Council reconvened at 8:07pm.

## 7.0 WORK SESSIONS-None

## 8.0 CLOSED SESSION

### *Oakley City Council*

#### **8.1 CONFERENCE WITH LABOR NEGOTIATORS Pursuant to Government Code Section 54957.6**

**City Designated Representative: Bryan Montgomery, City Manager**

UNREPRESENTED ANTICIPATED EMPLOYEES: RECORDS MANAGEMENT CLERK, RECEPTIONISTS (3), PARALEGAL/CITY CLERK, PROGRAM COORDINATOR/HUMAN RESOURCES ASSISTANT, HUMAN RESOURCES MANAGER/ASSISTANT TO THE CITY MANAGER, CITY MANAGER, FACILITIES MAINTENANCE/CODE ENFORCEMENT TECHNICIAN, FINANCE DIRECTOR, SENIOR ACCOUNTANT, SENIOR ACCOUNTING TECHNICIAN, ACCOUNTING ASSISTANT, PERMIT TECHNICIAN, BUILDING INSPECTOR II, CODE ENFORCEMENT MANAGER, CODE ENFORCEMENT/BUILDING INSPECTOR II, CHIEF OF POLICE, ADMINISTRATIVE ASSISTANTS (3), POLICE SERVICES ASSISTANT, ASSISTANT TO THE CHIEF, POLICE SERVICES ASSISTANT/CODE ENFORCEMENT TECHNICIAN, ECONOMIC DEVELOPMENT MANAGER, PLANNING MANAGER, SENIOR PLANNER, PUBLIC WORKS DIRECTOR/CITY ENGINEER, SENIOR ENGINEER, ASSOCIATE ENGINEER, ASSISTANT ENGINEER, PUBLIC WORKS ADMINISTRATIVE SPECIALIST, PUBLIC WORKS INSPECTOR II, PUBLIC WORKS MAINTENANCE WORKER, PUBLIC WORKS MAINTENANCE LABORER, RECREATION MANAGER/ WEBSITE COORDINATOR, RECREATION & EVENTS COORDINATOR, SENIOR RECREATION LEADER, RECREATION LEADERS (3), RECREATION AIDES (2), FACILITIES MAINTENANCE, PARKS & LANDSCAPE MAINTENANCE DIVISION MANAGER, MAINTENANCE FOREMAN, PUBLIC WORKS LABORER II, TREE MAINTENANCE LABORER, SEASONAL PARKS AND MAINTENANCE LABORERS (3), SPORTS FIELD MAINTENANCE LABORER, PARK MONITOR



## **8.2 Reporting Out of Closed Sessions (William Galstan, Special Counsel)**

Special Counsel William Galstan reported that there is no reportable action and direction was provided to staff.

## **9.0 ADJOURN**

There being no further business, the meeting was adjourned at 9:10 p.m.

Respectfully Submitted,



Libby Vreonis  
City Clerk