

**Minutes of the Regular Joint Meeting of the Oakley City Council/Oakley City Council acting as the Successor Agency to the Oakley Redevelopment Agency
February 23, 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, 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, Councilmembers Randy Pope, Vanessa Perry and Doug Hardcastle were present.

1.2 Pledge of Allegiance to the Flag (Maurice Mauricio and Malina Zuniga, Gehringer Elementary School Students)

Maurice Mauricio and Malina Zuniga led the Pledge of Allegiance. Mayor Romick thanked them.

1.3 Proclamation Recognizing the 2015 Freedom High School Football Team

Mayor Romick presented a proclamation to the 2015 Freedom High School Football Team for having the highest grade point average of any team in the North Coast Section. Coach Kevin Hartwig thanked the City Council, staff and parents for supporting the football program.

Online Comment Forms

No online comment forms were submitted for Opening Matters.

Public Comment Cards

No public comment cards were submitted for Opening Matters.

2.0 PUBLIC COMMENTS

Online Comment Forms

No online comment forms were submitted for Public Comments.

Public Comment Cards

No public comment cards were submitted for Public Comments.

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 February 9, 2016 (Libby Vreonis, City Clerk)**

Oakley City Council

- 3.2 Accept Report Out of Closed Session Memo (William Galstan, Special Counsel)**
- 3.3 Accept Quarterly Investment Report (2nd Quarter Fiscal Year 2015-2016) (Deborah Sultan, Finance Director)**
- 3.4 Adopt Resolutions Consenting to Inclusion of the City of Oakley Properties in the California Home Finance Authority PACE Programs and Associate Membership in California Home Finance Authority (Ken Strelo, Senior Planner)**
- 3.5 Adopt a Resolution Authorizing Submittal of Application for Payment Programs and Related Authorizations to CalRecycle for the City/County Payment Program (Joshua McMurray, Planning Manager)**
- 3.6 Adopt a Revised Resolution Calling a Special Municipal Election for June 7, 2016, and Authorizing the Submission to the Voters a Ballot Measure Establishing a Library Development Parcel Tax; Directing the City Attorney to Prepare an Impartial Analysis; and Setting Priorities for Filing Written Arguments (Derek Cole, City Attorney)**
- 3.7 Approve the Purchase of a Ford Interceptor-Utility Vehicle (Jeff Billeci, Lieutenant)**

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

- 3.8 Accept Quarterly Investment Report (2nd Quarter Fiscal Year 2015-2016) (Deborah Sultan, Finance Director)**

Item 3.6 was pulled from the Consent Calendar.

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

Item 3.6

Special Counsel William Galstan mentioned that one of the revisions to the proposed resolution is to include and change the format of the amount to be raised annually and the duration of the parcel tax of the proposed resolution from numerical figures to writing out the amounts to avoid any misunderstanding of the amounts.

The revised resolution also included an extension of the filing dates for primary and rebuttal arguments to be consistent with the Contra Costa County Election Division deadlines for primary and rebuttal arguments which are March 23 at 5 p.m. and March 28 at 5 p.m. respectively.

Online Comment Forms

Item 3.6

Dave Roberts commented that the revised ballot language is a significant improvement as constituents deserve to know the parcel tax is \$33 million over 30 years. He added that in the interest of full disclosure, the ballot language should also include that 71% of the tax (\$23.4 million) will be applied solely toward interest payments in which each household in Oakley would pay \$2,790 over 30 years. He requested the City Council consider updating the revised resolution to extend the filing deadline for filing ballot arguments.

Public Comment Cards

None.

It was moved by Councilmember Pope and seconded by Councilmember Perry to approve Item 3.6 as revised. Motion was unanimous and so ordered. (5-0)

4.0 PUBLIC HEARING

Oakley City Council

4.1 Boparai Minor Subdivision 16-976 (Tentative Parcel Map 01-16) (Ken Strelo, Senior Planner)

Planning Manager Joshua McMurray presented the staff report. He mentioned the applicant, Surjeet Boparai, is present and available to answer any questions.

The City Council had no comments or questions.

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 Higgins and seconded by Councilmember Hardcastle to adopt the resolution. Motion was unanimous and so ordered. (5-0)

5.0 REGULAR CALENDAR

Oakley City Council

5.1 Waive the Second Reading and Adopt an Ordinance Authorizing the City to Join Marin Clean Energy (Joshua McMurray, Planning Manager)

Planning Manager Joshua McMurray presented the staff report. He provided clarification of the City's history and involvement in choosing Marin Clean Energy (MCE). He explained that in 2014 staff first began looking at community choice energy and shortly thereafter engaged with MCE, followed by 3 public meetings, all of which were noticed.

Mr. McMurray added that MCE also engaged with Contra Costa County and 3 public meetings were held around the County in December. He mentioned he spoke with staff at Contra Costa County today and the County will present 3 options to a standing committee next Monday: 1) the County may create its own community choice program; 2) the County may partner with Alameda County which has started its own community (possibly an unlikely choice as Alameda County is not accepting new partners at this time); or 3) join MCE.

Mr. McMurray further explained that State law does not allow for customers to opt out of PG&E's program and into MCE's program, it is the other way around, and if the County moves forward with one of the 3 choices being presented, customers will still be subject to these same State law provisions.

He concluded with staff's recommendation: 1) keep the letter of intent on file with MCE (it is non-binding); 2) monitor the County's involvement in community choice energy; and 3) revisit the proposed ordinance in early 2017 as more cities will have likely had discussion on the matter by then.

Mayor Romick commented that community choice energy may be the energy option for the near future, but not today as rates for MCE are higher today than PG&E rates. He suggested staff and the City Council review what other cities are doing over the next year, follow State legislation and monitor PG&E rates.

City Manager Bryan Montgomery commented that staff can bring the item before the City Council again early next year for consideration.

Online Comment Forms

Wilton Alderman expressed concern regarding the City choosing to switch his household energy. He commented he wants to choose up front and does not want to have to pay or spend his time to opt out of a service. He suggested MCE pay the exit fee. He concluded that competition is good, but he is displeased how the City is proceeding.

Michael Davis expressed concern that the proposed ordinance does not actually provide a choice, but rather forces a situation on residents to opt out of PG&E. He suggested the option should be to opt in to MCE. He also encourage the City Council to consider that MCE is waiving the \$15,000 membership fee until March 31 as a "dangling carrot" which creates a sense of urgency to sign up when he believes in reality it is bait to get the City to sign up with MCE. He commented most people will not hassle with opting out of MCE which gives MCE an advantage and may contribute to MCE's customer retention rate.

Keith Kneer encouraged the City Council to obtain public opinion. He commented if MCE's proposal is so amazing, it can wait until more information is obtained.

Iris Obregon encouraged the City Council to perform more research before adopting the ordinance. She suggested the City Council look at Contra Costa County, other cities, the 2005 Marin Grand Jury report "Pull the Plug", comments of Severin Borenstein with Haas School of Energy Institute regarding the issue, associated costs to the City and residents, long-term contracts in a volatile energy environment, staff knowledge and advocacy for energy rates, and managing oversight of MCE and rates.

Sean Ireland encouraged the City Council to reconsider signing a letter of interest with MCE and suggested more public discussion of the matter to explain the facts before a decision is made.

Diane and Marty Kikkert urged the City Council to reconsider signing on with MCE without due process and public input as they do not believe a decision should be made for them in light of higher fees.

Michael Dupray commented that a minimal amount of MCE energy will come from renewable energy producing power and the rest will be supplemented by other power sources transmitted across many power infrastructures. He mentioned MCE rates may be cheaper now, but requested the City Council consider MCE's service and if its rates may increase. He suggested the City look at a high-tech, low maintenance battery power substation at the DuPont site to augment peak hour needs and smooth out a fluctuating power grid. He expressed support for choice now and to look to the future for better systems for the Oakley community.

Michael Burkholder expressed support for a clean energy program in the future when the City Council and staff has had the opportunity to gather more data, provide more public outreach and consider more opportunities which may be more financially sound for the Oakley community.

Mike and Leslie Mckinnon commented that the City of Oakley should slow down, educate residents and obtain public input before making a decision on the matter.

Public Comment Cards

Theresa and Mark O'Brien submitted a comment card requesting clarification regarding the CARE program and solar relief. When called upon, they opted to revisit their comments when the matter is considered again in 2017.

Susan Morgan also submitted a comment card and mentioned her concerns were addressed and she can revisit any further questions when the matter is considered again in 2017.

Councilmember Hardcastle inquired if PG&E can bring up charges other than the exit fee and how customers can opt out of MCE.

Mayor Romick responded that PG&E can raise their rates which are scheduled again to increase in March 2016 and January 2017.

Mr. McMurray replied that customers may opt out of MCE by calling MCE or utilizing its website.

It was moved by Mayor Romick and seconded by Councilmember Hardcastle to follow staff's recommendation and revisit the matter again in 2017. Motion was unanimous and so ordered. (5-0)

6.0 REPORTS

6.1 CITY MANAGER

(a) City Manager

City Manager Bryan Montgomery announced East County Little League will hold its Opening Day Parade the morning of March 5 followed by part of its ceremony in the Civic Center Amphitheatre. He shared that the Police Department recruitment process is on schedule and within budget to transition Police services from the County to the City on May 6. He thanked Chief Thorsen and staff for their work in this transition process.

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 Pope commented he attended a Habitat Conservancy meeting yesterday and Antioch (it has its own conservancy) will be using the Habitat Conservancy's plan to streamline their applicants. He announced the next East Contra Costa Fire Protection Board meeting will be held March 7 at 6:30 p.m. at the Oakley City Council Chambers.

Councilmember Perry mentioned she and Vice Mayor Higgins attended a masquerade ball benefit event for Furry Friends Food Relief Program which provides free food, low-cost vaccinations, microchips and other services for pets in East County and Martinez. She announced Furry Friend's next event will be a dress sale at Red Man Pocahontas Hall in Oakley on Sunday, February 28, 10am-2pm, in which prom and graduation dresses will be available for \$20 each and all profits will go to support the program.

Councilmember Hardcastle announced a ribbon cutting ceremony will be held Monday, February 29 at 10am to celebrate completion of the Highway 160 connector ramps.

Mayor Romick added that all 4 lanes on Highway 4 up to the Hillcrest exit in Antioch should be open by spring 2017, weather permitting, and expansion will continue to Oakley, Brentwood and Tracy in the future.

(b) Requests for Future Agendas

Councilmember Hardcastle requested an update from Diablo Water District regarding the maintenance and infrastructure of water pipes in Oakley.

7.0 WORK SESSIONS-None

8.0 CLOSED SESSIONS

Oakley City Council

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

Property: 3530 Main Street, APN 037-160-023
Agency Negotiator: Dwayne Dalman, Economic Development Manager
Negotiating Party: Victoria Louise Mann; Julie Ann Favalora
Under Negotiation: Price and terms of payment

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

Special Counsel William Galstan announced there was no reportable action.

9.0 ADJOURN

There being no further business, the meeting was adjourned at 7:30 p.m.

Respectfully Submitted,



for Libby Vreonis
City Clerk