

**Minutes of the Special Meeting of the Oakley City Council and Regular
Joint Meeting of the Oakley City Council/Oakley City Council Acting as the
Successor Agency to the Oakley Redevelopment Agency/Public Financing
Authority**

**Oakley City Council Chambers
3231 Main Street, Oakley, CA**

**December 10, 2013
6:00 p.m.**

Special Meeting

1.0 CALL TO ORDER AND ROLL CALL

1.1 Call to Order and Roll Call of the Oakley City Council

Call to Order – Mayor Romick called the meeting to order at 6:04p.m.in the Oakley City Council Chambers located at 3231 Main Street in Oakley.

Roll Call – Present: Mayor Kevin Romick, Vice Mayor Randy Pope, Councilmembers Carol Rios, Diane Burgis and Doug Hardcastle.

1.2 Pledge of Allegiance to the Flag

Mayor Romick led the Pledge of Allegiance to the Flag.

2.0 PRESENTATIONS TO MAYOR ROMICK

2.1 Presentations to Mayor Romick (Vice Mayor Pope)

The City Council recognized Mayor Romick with gifts of appreciation. They also provided him with a gift certificate on behalf of the City Council and City staff. They recognized his wife, Mary, and provided her a bouquet of flowers.

2.2 Certificate of Recognition for Mayor Romick (Office of Supervisor Mary Nejedly Piepho)

Jennifer Qualick, Field Representative for Supervisor Nejedly Piepho's Office, presented a Certificate of Recognition to Mayor Romick.

2.3 Certificate of Recognition for Mayor Romick (Office of Assemblymember Jim Frazier)

Erica Rodriguez-Langley, Field Representative for Assemblymember Frazier's Office, presented a Certificate of Recognition to Mayor Romick.

2.4 Certificate of Recognition for Mayor Romick (Office of Senator Mark DeSaulnier)

Satinder Malhi, District Representative for Senator DeSaulnier's Office, presented a Certificate of Recognition to Mayor Romick.

2.5 Certificate of Recognition for Mayor Romick (Office of Congressman Jerry McNerney)

Erica Rodriguez-Langley, Field Representative for Assemblymember Frazier's office, presented a Certificate of Recognition to Mayor Romick on behalf of Colleen Isenberg, Field Representative for Congressman McNerney's Office, as she was unable to attend.

2.6 Comments by Outgoing Mayor, Kevin Romick

Mayor Romick commented that the City of Oakley has maintained a balanced budget and healthy reserve without reducing public services such as police and code enforcement during economically challenged times. He mentioned there are many new opportunities in the future to continue to expand as a commercial and business center. He encouraged residents to shop local. He commented that Downtown Oakley has been revitalized and is now a destination spot which he looks forward to seeing grow as a unique, vibrant, dynamic, pedestrian-friendly area with increasing property values, lease rates, occupancy rates, private investment, customer traffic and spending. He added that the Heart of Oakley Festival, Summer Movies in the Park, Harvest Festival, Holiday Tree Lighting and future events will create a regional destination in the Downtown. He announced Ace Hardware should open in April or May of 2014 and a downtown grocery store should open in the fall of 2014 in Downtown Oakley. He also announced that building momentum is picking up and Brookfield Homes will be building approximately 550 homes on East Cypress Road beginning in 2014. He mentioned a new Senior Center is likely to be completed in 2014, final news on the Powerplant should be available in the spring, and a bid is expected to be awarded on December 18 and construction to begin in the spring for the Highway 4/160 Connector Ramp. He commented that the Veterans Memorial at the corner of Main Street and Norcross Lane should be completed by the end of 2014 and the You, Me, We = Oakley! Memorial in the Downtown Plaza should be completed by the summer of 2014. He thanked the citizens of Oakley for allowing him to serve as Mayor, City staff for keeping him on scheduled and informed, his family for their understanding, and his fellow Councilmembers for their support.

3.0 REORGANIZATION OF THE OAKLEY CITY COUNCIL

3.1 Selection of Mayor and Vice Mayor (Mayor Romick)

It was moved by Mayor Romick and seconded by Councilmember Hardcastle to nominate Randy Pope for Mayor. It was moved by Councilmember Burgis and seconded by Councilmember Rios to nominate Doug Hardcastle for Vice Mayor. Motions were unanimous and so ordered. (5-0)

3.2 Administration of Oaths of Office to Newly Appointed Mayor and Vice Mayor (Libby Vreonis, City Clerk)

City Clerk Libby Vreonis administered the Oaths of Office to Mayor Pope and Vice Mayor Hardcastle.

3.3 Comments by Newly Appointed Mayor

Mayor Pope commented that he would like to work toward increasing civic involvement, reinstating a Planning Commission, having an in-house police department and to have a parade with the Heart of Oakley Festival.

4.0 PUBLIC COMMENTS

There were no public comments.

5.0 ADJOURN TO RECEPTION

The meeting adjourned at 6:32 p.m.

Regular Meeting

1.0 OPENING MATTERS

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 and Public Financing Authority

Call to Order – Mayor Pope called the meeting to order at 6:55p.m.in the Oakley City Council Chambers located at 3231 Main Street in Oakley.

Roll Call – Present: Mayor Randy Pope, Vice Mayor Doug Hardcastle, Councilmembers Carol Rios, Kevin Romick and Diane Burgis.

1.2 Pledge of Allegiance to the Flag

Mayor Pope announced the Pledge of Allegiance to the Flag had taken place during the Special Meeting.

1.3 Public Financing Authority Presentation (Bryan Montgomery, Executive Director)

City Manager Bryan Montgomery explained that the Public Financing Authority is a separate entity that acts as a financing mechanism for bonds and capital improvement projects. He mentioned the Authority is required to meet once a year pursuant to the Authority's bylaws which is during this meeting. He commented there is no action to be taken this evening and the meeting minutes will be available for approval at the January 14, 2014 meeting.

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 of November 12, 2013 (Libby Vreonis, City Clerk)**
 - 3.2 Reporting Out of Closed Session from the November 12, 2013 Regular Joint Meeting of the Oakley City Council/ Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency (William Galstan, Special Counsel)**
 - 3.3 Approve List of Regular Joint Oakley City Council/ Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency Meeting Dates for 2014 (Libby Vreonis, City Clerk)**
- Oakley City Council***
- 3.4 Waive Second Reading and Adopt a Revised Accessory Structure Ordinance (Ken Strelo, Senior Planner)**

- 3.5 Adopt a Resolution Approving the Road Closure Permit for Bridgehead Road North of Main Street at the BNSF Railroad Overcrossing (Keith Coggins, Interim Public Works Director)**
- 3.6 Adopt a Resolution Accepting the Development Impact Fee Annual Report for the Fiscal Year Ending June 30, 2013 (Paul Abelson, Finance Director)**
- 3.7 Waive the First Reading and Introduce an Ordinance Amending Section 2.9.008(a) and Adding Section 2.9.008(c) of the Oakley Municipal Code Regarding the City's Conflict of Interest Code (William Galstan, Special Counsel)**
- 3.8 Adopt a Resolution of Support for Oakley Seniors Citizens' Grant Application to Contra Costa County for Community Development Block Grant (CDBG) Funding (Bryan Montgomery, City Manager)**
- 3.9 Adopt a Resolution Approving an Option Agreement for Property Located at 101 and 111 Carol Lane (Cecelia Nichols-Fritzler, Economic Development Coordinator)**
- 3.10 Waive the First Reading and Introduce an Ordinance Amending Chapter 7 of Title 5 of the Oakley Municipal Code Dealing With Taxicabs (Bani Kollo, Chief of Police)**
- 3.11 Adopt a Resolution Accepting Public Improvements for Maintenance by the City of Oakley for Subdivision 9199 (Magnolia Park II Phase I by Pulte Homes, East & West of Neroly Road, Between Dynasty Drive and Daffodil Drive) (Keith Coggins, Interim Public Works Director)**
- 3.12 Adopt a Resolution Accepting Public Improvements for Maintenance by the City of Oakley for Subdivision 9274 (Magnolia Park II Phase II by Pulte Homes, East of Neroly Road, Between Daffodil Drive and Lavender Way) (Keith Coggins, Interim Public Works Director)**
- 3.13 Adopt a Resolution Approving an Agreement with LJ Consultants for Construction Management Services Related to CIP 124 (Laurel Road Widening) (Keith Coggins, Interim Public Works Director)**

Online Comment Forms

No online comment forms were submitted for the Consent Calendar.

Public Comment Cards

No public comment cards were submitted for the Consent Calendar.

Items 3.6 and 3.9 were pulled from the Consent Calendar by Vice Mayor Hardcastle for discussion.

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

Item 3.6

Vice Mayor Hardcastle requested the current balance for the childcare impact fee. Finance Director Paul Abelson responded that there has been one disbursement to the grantee and the balance is currently approximately \$600,000.

Vice Mayor Hardcastle inquired of the progress of the childcare project. City Manager Bryan Montgomery responded that the applicant has submitted applications for the design review and conditional use permit which staff is reviewing and the City Council should review the conditional use permit early next year which, if approved, will allow the applicant to begin development.

It was moved by Councilmember Hardcastle and seconded by Councilmember Romick to approve Item 3.6. Motion was unanimous and so ordered. (5-0)

Item 3.9

Vice Mayor Hardcastle inquired why the \$10,000 initial deposit was reduced to \$500. Economic Development Coordinator Cecelia Nichols-Fritzler explained that the development plan is contingent upon both parcels and because one of the parcels has been hindered at no fault of the developer, but rather due to the California Department of Finance denying consent for the City to sell the parcel, staff believed it was in good faith and fair dealing to reduce the initial deposit. Special Counsel William Galstan added that the initial deposit was anticipated to be deposited into an escrow account after the City accepted the developer's bid, but after the California Department of Finance denied consent to sell one of the two parcels, it seemed unreasonable to hold a \$10,000 deposit for an unknown amount of time; therefore, staff proposes the City enter into the Exclusive Option Agreement requiring \$500 to hold the parcels for one year. He offered that staff could amend the amount if the City Council prefers.

It was moved by Councilmember Romick and seconded by Councilmember Burgis to approve Item 3.9. Motion was unanimous and so ordered. (5-0)

4.0 PUBLIC HEARINGS

Oakley City Council

4.1 6115 Bridgehead Road-Conditional Use Permit (CUP 03-13) and Design Review (DR 08-13) (Joshua McMurray, Senior Planner)

Online Comment Forms

No online comment forms were submitted for Item 4.1.

Public Comment Cards

A public comment card was submitted by the applicant, Peter Gehringer; he had no comments.

Senior Planner Joshua McMurray presented the staff report.

Councilmember Romick commented he is in favor of the project; it will bring business into the City.

Councilmember Burgis agreed with Councilmember Romick and mentioned she appreciates that people are looking at that area of the City to conduct business and believes it is a good project.

Vice Mayor Hardcastle also agreed with Councilmembers Romick and Burgis and commented that it is great to see people interested in that area of the City and welcomed the applicant.

It was moved by Councilmember Rios and seconded by Vice Mayor Hardcastle to adopt the resolution. Motion was unanimous and so ordered. (5-0)

5.0 REGULAR CALENDAR

Oakley City Council

5.1 Adopt a Resolution Approving Councilmember Appointments to Committees for the Year 2014 (Libby Vreonis, City Clerk)

Online Comment Forms

No online comment forms were submitted for Item 5.1.

Public Comment Cards

No public comment cards were submitted for Item 5.1.

City Clerk Libby Vreonis presented the staff report and noted two revisions to the 2013 City Council Committee Appointments List.

The City Council discussed the 2013 List and made revisions for 2014.

It was moved by Councilmember Romick and seconded by Councilmember Burgis to approve the 2013 List with revisions for 2014. Motion was unanimous and so ordered. (5-0)

6.0 REPORTS

6.1 CITY MANAGER

City Manager Bryan Montgomery commented the tree lighting event at City Hall on December 7 was a well-attended event with great performances. He mentioned the Republic of Cake grand opening was held earlier that same afternoon. He announced Chief of Police Bani Kollo has been promoted to Captain with the Contra Costa County Sherriff's Office and congratulated him.

He reminded everyone that City Hall will be closed beginning at noon on December 19 and will re-open on January 6 at 8 a.m.; however, police services will still be available as well as limited hours for inspections. He explained that the year-end closure provides a cost savings to the City; it allows employees' accruals to be used.

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

Councilmember Burgis announced she attended the Delta Protection Committee meeting November 22 which was well-attended and provided an opportunity to bring people to Oakley and see the changes happening within the City. She mentioned the next Community Garden meeting will be held at the Oakley Recreation Buildings on December 18 at 6:30 p.m. She welcomed Assistant to the City Manager Nancy Marquez back from maternity leave. She congratulated the Liberty Union High School District Educational Foundation for its successful Holiday Home Tour and reception held December 7 in which it raised approximately \$9,000.

Councilmember Romick mentioned a contract will be awarded on December 18 for the Highway 4/160 Connector Ramp. He congratulated Chief of Police Bani Kollo for his promotion, his 39 months of great leadership, and for his work in helping Oakley to be ranked one of the 50 safest cities in California. He commented that the tree lighting event was successful and he believes Downtown Oakley is moving in a positive direction. He congratulated Mayor Pope and Vice Mayor Hardcastle and wished them luck for the upcoming year.

Councilmember Rios congratulated Chief of Police Bani Kollo on his promotion. She complimented staff on the tree lighting event and thanked Assistant to the City Manager Nancy Marquez for uploading pictures of the event on the City's website during the event. She wished everyone a happy holiday season.

Vice Mayor Hardcastle mentioned the You, Me, We = Oakley! committee met yesterday and it was mentioned to have a Heart of Oakley parade and to complete the You, Me, We = Oakley! monument in the Downtown Plaza. He wished everyone a happy holiday season.

Mayor Pope congratulated Chief of Police Bani Kollo, thanked him for serving the City with distinction, and requested his service to the City be recognized in January. He announced he attended the Ironhouse Sanitary District meeting last week and employees were granted a 2.6% cost of living adjustment along with other job classification wage adjustments (prior to this adjustment most employee salaries were below industry average). He mentioned he attended the Republic of Cake grand opening and ribbon cutting ceremony. He also mentioned he attended the Habitat Conservancy meeting yesterday and 1,000 acres have been purchased by the East Bay Regional Park District southwest of Roddy Ranch for preservation. He commented that the tree lighting event was well-attended, the weather was good, and he thanked City staff for conducting a flawless event. He announced the Agriculture Preservation Sub-Committee will provide a presentation to the City Council on January 28 to review its accomplishments and seek future direction.

(b) Requests for Future Agendas

Mayor Pope requested an item to be included on the January 14 agenda to discuss the formation of a public advisory committee with regard to the City moving toward an in-house police department (currently police services are contracted with the Contra Costa County Sheriff's Department). City Manager Bryan Montgomery suggested that beginning with a Council ad-hoc subcommittee first may be best before considering a public advisory committee.

Mayor Pope also requested an item to be included on the January 28 agenda to discuss reinstating a planning commission.

7.0 WORK SESSION-None

8.0 CLOSED SESSION

- 8.1 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION**
Subdivision (a) of Government Code Section 54956.9
City of Brentwood v. Campbell (California Court of Appeal, First District, Case No. #A138268)

8.2 Reporting Out of Closed Session

The City Council determined, on a 5-0 vote, to approve dismissing the City of Oakley's participation in the appeal.

9.0 ADJOURN

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

Respectfully Submitted,

Libby Vreonis
City Clerk