

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

**Oakley City Council Chambers  
3231 Main Street, Oakley, CA  
Tuesday, February 11, 2014  
6:30 P.M.**

**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 6:30p.m in the Oakley City Council Chambers located at 3231 Main Street, Oakley, California.

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

**1.2 Pledge of Allegiance to the Flag**

Mayor Pope led the Pledge of Allegiance to the Flag.

**1.3 Proclamation Recognizing March 2014 as Prescription Drug Abuse Awareness Month and Supporting National Prescription Drug Take Back Day on April 26, 2014 (Arthur Mijares, Representative, Contra Costa Council on Aging)**

Mayor Pope presented the proclamation. Mr. Mijares accepted the proclamation, thanked the City Council and encouraged everyone to participate in drug take back day.

**1.4 Proclamation Honoring Eagle Scout Collin Barnes, Troop 298**

Mayor Pope presented the proclamation to Collin Barnes.

**2.0 PUBLIC COMMENTS**

**Online Comment Forms**

Mike Burkholder requested police call logs and weekly recaps of police activity be included in City Council agendas in the form of a report or published on the City's website each week for transparency purposes.

## Public Comment Cards

Margaret Stahler was not in attendance, but prior to the meeting she completed a public comment card, provided an attachment (Contra Costa Health Services-Legal Requirements for Contra Costa County Secondhand Smoke Protections Law, County Code 445.4) and requested her comment be read into the record. Her comment read "No enforcement of 20 foot distance from doors, smoking allowed on patios/balconies, lack of "No Smoking" signage."

Ayore Riaunda announced he is a candidate this year for the position of Contra Costa County Auditor-Controller and commented he hopes he has the opportunity to work with the City Council in the future.

## 3.0 CONSENT CALENDAR

### ***Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Public Financing Authority***

- 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/Special Public Financing Authority Meeting of January 28, 2014 (Libby Vreonis, City Clerk)**

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

- 3.2 Adopt a Resolution Authorizing the City Manager to Execute an Engagement Letter with Maze & Associates to Conduct the Fiscal Year 2013-2014 Annual Audit for the City and Successor Agency (Paul Abelson, Finance Director)**

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

- 3.3 Waive the Second Reading and Adopt an Ordinance adding Article 2 to Chapter 19 of Title 4 of the Oakley Municipal Code Regulating Smoking at Multi-Unit Residences (William Galstan, Special Counsel)**
- 3.4 Accept the Quarterly Investment Report (2<sup>nd</sup> Quarter Fiscal Year 2013-2014) (Paul Abelson, Finance Director)**
- 3.5 Adopt a Resolution Approving the Fiscal Year 2013-2014 MidYear Budget Review and Adopting its Recommendations for Revising the Fiscal Year 2013-2014 Operating and Capital Budgets (Paul Abelson, Finance Director)**
- 3.6 Adopt a Resolution Authorizing the Purchase and Outfitting of 5 Vehicles in an Amount not to Exceed \$117,000 (Paul Abelson, Finance Director)**

- 3.7 Adopt a Resolution Accepting as Complete the Work Performed by Grade Tech Inc. for Capital Improvement Project Number 113-O'Hara Avenue Widening Project (Carpenter Road to Vintage Drive) (Kevin Rohani, Public Works Director/City Engineer)**
- 3.8 Adopt a Resolution Amending the City of Oakley's Position Classification Plan to Include the Positions of Economic Development Manager and Human Resources Assistant (Bryan Montgomery, City Manager)**

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

- 3.9 Accept the Quarterly Investment Report (2<sup>nd</sup> Quarter Fiscal Year 2013-2014) (Paul Abelson, Finance Director)**
- 3.10 Adopt a Resolution Approving the Mid-Year Financial Status Report (Paul Abelson, Finance Director)**
- 3.11 Adopt a Resolution Approving a Recognized Obligations Payment Schedule for July-December 2014 (Paul Abelson, Finance Director)**
- 3.12 Supplemental Report-Out; *Oakley Redevelopment Agency v. Cunha, F.L.P.*, Contra Costa Superior Court # CIVMSC10-02405 (William Galstan, Special Counsel)**
- 3.13 Adopt a Resolution Accepting as Complete the Work Performed by Goodland Landscape Construction, Inc. for Capital Improvement Project Number 131-Downtown Landmark Plaza (Kevin Rohani, Public Works Director/City Engineer)**

Vice Mayor Hardcastle pulled Items 3.3 and 3.5 for discussion. It was moved by Councilmember Rios and seconded by Councilmember Romick to approve the remainder of the Consent Calendar. Motion was unanimous and so ordered. (5-0)

Item 3.3

Vice Mayor Hardcastle requested e-cigarettes be removed from the ordinance until further research is done with regard to their impact on health. He inquired if crack cocaine smoke was necessary to include in the ordinance since it is already illegal by Federal law.

Special Counsel William Galstan responded that e-cigarettes were included in the City's ordinance to be consistent with the County ordinance and that health officials have raised concern with regard to their impact on health. He added that the City Council may direct that reference to e-cigarettes be included or excluded from the ordinance. He

mentioned crack cocaine smoke was included in the ordinance to emphasize that "smoke" applies to substances in addition to tobacco products.

Mayor Pope suggested the ordinance be tabled until further research is conducted by the City Attorney's Office with regard to e-cigarettes.

Mr. Galstan suggested the ordinance could be adopted without reference to e-cigarettes and the ordinance could be brought back for discussion once e-cigarette research has been conducted.

It was moved by Councilmember Romick and seconded by Vice Mayor Hardcastle to approve Item 3.3, excluding e-cigarettes. Motion was unanimous and so ordered. (5-0)

#### Item 3.5

Vice Mayor Hardcastle inquired why Economic Development General Fund expenditures increased in years 2011-2014.

City Manager Bryan Montgomery responded that a separate Redevelopment fund existed in earlier years which meant less funds were drawn from the General Fund.

Finance Director Paul Abelson added that as the Redevelopment fund went away, expenses were incurred in the General Fund which increased with personnel costs in years 2011-2014.

It was moved by Vice Mayor Hardcastle and seconded by Councilmember Burgis to approve Item 3.5. Motion was unanimous and so ordered. (5-0)

#### 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.

### 4.0 PUBLIC HEARINGS-None

### 5.0 REGULAR CALENDAR-None

## 6.0 REPORTS

### **6.1 CITY MANAGER**

#### **(a) Discussion Regarding the Planning Commission**

City Manager Bryan Montgomery mentioned this discussion was on the previous City Council meeting agenda; however, due to absence of two Councilmembers, the discussion is taking place again during this meeting. He explained that it would be most cost effective to have a small group of citizen advisory commissioners set up to review applications and provide comment early in the approval process for City Council review and have the City Council continue acting as the Planning Commission. He added that the cost per year to have a separate planning commission body meet would be upward of \$40,000. He mentioned if a formal planning commission (as a separate body) is desired, the Planning Commission ordinance will need an overhaul.

Councilmember Rios expressed support for a small group of citizen advisory commissioners. She mentioned the \$40,000 would be better spent on economic development. She also mentioned that planning commission members are required to review items in accordance with State law which may not always be what planning commission members had intended to volunteer their time toward.

Vice Mayor Hardcastle expressed support for a small group of citizen advisory commissioners. He mentioned he does not believe there is enough work to warrant a separate planning commission body and no one has shown up to support having a separate planning commission body.

Councilmember Romick expressed support for a citizen advisory committee. He explained that there is not enough work to have a separate planning commission body and he likes the idea of involving people who have experience in building or engineering to offer valuable opinions.

Councilmember Burgis expressed support for a small group of citizen advisory commissioners. She mentioned no one has contacted her or has shown support for a separate planning commission body. She also mentioned the advisory group would provide an opportunity for leadership development for future City and local agency leaders.

Mayor Pope announced it was the consensus of the City Council to move forward with a small group of citizen advisory commissioners.

### Online Comment Forms

No online comment forms were submitted for Item 6.1(a).

### Public Comment Cards

No public comment cards were submitted for Item 6.1(a).

## **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 Burgis announced the Vintage Parkway neighborhood is coordinating a softball game and she encouraged other neighborhoods to form teams to possibly have neighborhood tournaments. She suggested neighborhood projects could be incorporated into the teams that form. She complimented the head of real estate of Grocery Outlet for reaching out to her. She announced she attended an East Contra Costa Fire Protection Board meeting and a Union poll concluded that there is not a majority to support a parcel tax for fire protection services; therefore, the Board will continue to do outreach to obtain interest. She announced the Contra Costa County Flood Control District will have a ribbon cutting ceremony for the 10-acre wetland project on March 8. She also announced the next non-profit round table meeting will be held March 19 at City Hall and the next Community Garden meeting will be held February 18 at the Oakley Recreation Buildings. She announced she attended the Mayors Conference. She mentioned she was elected to the Executive Committee for the East Bay Division of the League of California Cities.

Councilmember Rios announced she attended a webinar for safe and sober living homes in which regulating parolee homes without discriminating was discussed. She mentioned parolee homes may be regulated by permit and requested staff research updating the Oakley Municipal Code to be ahead of the issue.

Vice Mayor Hardcastle mentioned he read that Longs Drugs is offering grants for elderly functions and encouraged the Seniors to look into the grants.

Mayor Pope announced he attended the lunch with the Mayor discussion at Ironhouse Sanitary District on February 3. He requested staff review current permit requirements for home-based business and explore possible updates to the requirements to encourage economic activity. He agreed with Councilmember Rios that staff should research parolee homes regulations. With regard to fire safety, he suggested the City Council consider a moratorium on building if the resources for public safety do not exist. He also requested

staff to research existing building codes and ensure fire technology is required in homes. He requested that staff provide preliminary budget reports for the consideration of in-house police services so the reports may be reviewed in conjunction with City budget considerations. He requested the City Council consider the retention of current officers.

He announced the next Chamber of Commerce mixer will be held Thursday, the next Habitat Conservancy meeting will be held Thursday at 10:45am at City Hall and a special meeting of the Oakley City Council will be held Tuesday, February 25, 3pm-6pm at the Oakley Recreation Buildings to discuss the City's Specific Plan.

**(b) Requests for Future Agendas**

None other than requested under specific items on the agenda.

**7.0 WORK SESSIONS**

***Oakley City Council***

**7.1 Street Maintenance and Resurfacing Program Report (Kevin Rohani, Public Works Director/City Engineer)**

Public Works Director/City Engineer Kevin Rohani presented the staff report and provided a PowerPoint presentation explaining the current conditions of City streets, continued maintenance strategies and funding necessary to maintain the streets.

Councilmember Rios thanked Mr. Rohani for his presentation and inquired if there is a standard of repair that other agencies are held to if they cut into City streets.

Mr. Rohani responded that the City coordinates with other agencies before major projects so the entities can plan their projects accordingly; there is a 5-year moratorium for entities to cut into new streets, and the City is developing stricter requirements for being able to cut into City streets and the repair that is required.

Councilmember Burgis complimented Mr. Rohani on his report and requested it be made accessible to the public. She inquired if only \$300,000 is available now, if more funds are needed, and if a goal has been set with regard to funding.

Mr. Rohani responded that the \$300,000 is only one component of funding.

City Manager Bryan Montgomery added that funds for road maintenance are from a different source than funds for road construction and during difficult economic times, recurring capital could not be allocated for maintenance; however, the hope is that over the next several years the amount will increase. He mentioned the City has a \$2 million fund balance for one-time cost items; however, recurring funds are slim. He commented that a goal has not been set.

Councilmember Burgis mentioned road maintenance is important as the roads are part of the aesthetic impact that people receive when in the City. She inquired if materials and labor costs have increased, if streets that are failing have priority to be repaired, if Oakley has a higher rate of residential streets compared to other cities, and how aggressively the City has pursued other funding for maintenance.

Mr. Rohani responded that materials and labor costs are indirectly impacted by the cost of oil which has increased, funds are typically distributed between streets in bad and good condition (preventative maintenance), and Oakley has an adequate number of residential streets compared to other cities.

Mr. Montgomery added that the City has obtained funding from other sources such as the garbage franchise fee. He explained that grant funding is difficult to receive for residential streets. He suggested private roads maintained by home owner associations could be considered for new development. He mentioned staff will look into funding from One Bay Area Grant.

Mayor Pope mentioned the medians on Laurel Road often overflow and inquired if staff could prevent the overflow as it deteriorates the road surface.

Mr. Montgomery responded that staff will address the issue.

Mayor Pope commented that aesthetically pleasing roads sets the tone for the community, thus are very important.

Mr. Montgomery mentioned that Main Street (from Bridgehead Road to Big Break Road) is expected to be repaired using funds from the power plant. He suggested if the power plant is delayed another year or two, the City Council could consider including funds for Main Street in the upcoming budget.

Mayor Pope inquired if traffic impact fees are used for maintaining streets and if there is a current assessment district for street maintenance.

Mr. Montgomery explained that the small amount of gas tax and other impact fees that are collected go toward major construction and that a current assessment district does not exist for street maintenance; it would be more common to have private road maintained by home owner associations for new development. He mentioned staff will research the legality of having a separate assessment district for street maintenance.

Mayor Pope inquired if cement is better than asphalt for streets.

Mr. Rohani explained that cement is more commonly used on the East coast and Midwest; asphalt is more commonly used in the Bay Area because of its flexibility within seismic locations and because of this he would not recommend using cement on Oakley streets. He added that cement lasts longer, but its upfront cost is more.

Councilmember Burgis inquired if roads maintained by home owner associations would have to meet specific criteria.

Special Counsel William Galstan responded that the home owners associations maintaining roads is more commonly seen in gated communities and that the City has to approve the roads.

Mr. Rohani concluded by mentioning a bid will open Thursday for repair work to some older roads.

Vice Mayor Hardcastle mentioned he is glad to have Mr. Rohani on board.

Online Comment Forms

No online comment forms were submitted for Item 7.1.

Public Comment Cards

No public comment cards were submitted for Item 7.1.

8.0 CLOSED SESSIONS-None

9.0 ADJOURN

There being no further business, the meeting was adjourned at 8:13 p.m.

Respectfully Submitted,

Libby Vreonis  
City Clerk