

**Minutes of the Regular Joint Meeting of the Oakley City Council/Oakley City Council acting as the Successor Agency to the Redevelopment Agency**

**Oakley City Council Chambers  
3231 Main Street, Oakley, CA  
Tuesday, June 10, 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**

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 and Councilmembers Diane Burgis and Kevin Romick. Mayor Pope announced Councilmember Rios was absent for medical reasons.

**1.2 Pledge of Allegiance to the Flag**

Mayor Pope led the Pledge of Allegiance to the Flag.

**1.3 Proclamation Recognizing the Anniversary of Proposition 13 (Mayor Pope)**

Mayor Pope presented the proclamation. Alex Aliferis, Executive Director of the Contra Costa Taxpayers Association, accepted the proclamation and thanked the City Council.

**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 May 27, 2014 (Libby Vreonis, City Clerk)**
- 3.2 Reporting Out of Closed Session from the May 27, 2014 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)**

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

- 3.3 Adopt a Resolution Approving Professional Services Agreements with Engeo, Inc. and Kleinfelder West, Inc. for On-Call Materials Testing Services (Kevin Rohani, Public Works Director/City Engineer)**
- 3.4 Adopt a Resolution Approving a Professional Services Agreement with F.J. Kennedy & Associates, Inc. for On-Call City Surveyor & Cleanwater Program Assistance Services (Kevin Rohani, Public Works Director/City Engineer)**

#### 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.

It was moved by Councilmember Romick and seconded by Vice Mayor Hardcastle to approve the Consent Calendar. AYES: Burgis, Hardcastle, Pope, Romick. ABSENT: Rios.

### 4.0 PUBLIC HEARING

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

- 4.1 Neroly Child Care Center - Tentative Parcel Map (TPM 03-13), Conditional Use Permit (CUP 04-13) and Design Review (DR 11-13) (Joshua McMurray, Senior Planner)**

Senior Planner Joshua McMurray presented the staff report.

Vice Mayor Hardcastle inquired if the developer was initially going to use the entire parcel. He expressed concern regarding paying child care funds to the developer if the building could be used for another purpose in the future.

Mr. McMurray responded that the original and current intent of the developer is to use only 48,000 square feet of the parcel and he explained that the child care grant funds condition that the developer must use the property for a minimum of five years as a child care facility; however, the developer intends to continue the use for a longer period of time.

Councilmember Romick mentioned it is an excellent location and the building matches the neighborhood.

Mayor Pope expressed concern with regard to traffic on Daffodil Drive increasing when the childcare facility opens. He requested staff adjust traffic lights to relieve traffic congestion for residents in the surrounding neighborhood.

Councilmember Burgis expressed concern regarding parking near the child care facility. She explained that parking is difficult to find when Diamond Hills Sports Club, located nearby, hosts events such as tennis or swim meets.

#### 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 Councilmember Romick and seconded by Councilmember Burgis to adopt the resolution. AYES: Burgis, Hardcastle, Pope, Romick. ABSENT: Rios.

#### **4.2 Confirm the Diagrams and Assessments and Order the Levy and Collection of the Annual Assessments for Fiscal Year 2014-2015 for the City of Oakley Street Lighting and Landscape Assessment District No. 1 (Kevin Rohani, Public Works Director/City Engineer)**

Public Works Director/City Engineer Kevin Rohani presented the staff report.

The City Council had no questions, comments or discussion.

#### Online Comment Forms

No online comment forms were submitted for Item 4.2.

#### Public Comment Cards

No public comment cards were submitted for Item 4.2.

It was moved by Councilmember Burgis and seconded by Councilmember Romick to adopt the resolution. AYES: Burgis, Hardcastle, Pope, Romick. ABSENT: Rios.

#### **4.3 The Reserve at Oakley Design Review (DR 04-14) (Ken Strelo, Senior Planner)**

Senior Planner Ken Strelo presented the staff report. He explained that the City Council approved changes to the park area years ago as part of a movement away from small pocket parks due to the expense of maintenance.

Councilmember Burgis suggested the mitigation fees for heritage trees could go toward planting trees at Creekside Park and those trees could be protected.

Mayor Pope requested staff include access to Marsh Creek and the trail from the park. He mentioned the Marsh Creek trail access was controlled by East Bay Regional Park District (EBRPD) and inquired if the access issue has been resolved.

City Manager Bryan Montgomery explained that the decision to be made tonight by the City Council is design review as the subdivision map has already been approved by the County; however, when the construction plans are submitted, the City will have the opportunity to make revisions to the park area in relation to the Marsh Creek and trail access, if desired. He added that access to the trail from the back of the homes in the existing subdivision must be ADA compliant and that it may be an expense that EBRPD has not been able to take on yet.

##### Online Comment Forms

No online comment forms were submitted for Item 4.3.

##### Public Comment Cards

Linda Carter requested the City Council consider the quality of life along Marsh Creek and keep the greenbelt along Marsh Creek.

George Fuller mentioned Teton Road is the only road access to the development and there is already an increase of speeding and u-turns and there will be only be more traffic with development.

Councilmember Romick suggested with any future development, houses should face Marsh Creek.

Councilmember Burgis disclosed she is the Executive Director of Friends of Marsh Creek Watershed (FOMCW). She mentioned FOMCW would like to see development incorporate Marsh Creek; however, the map has already been approved for this development. She suggested Marsh Creek be incorporated into future development.

It was moved by Councilmember Romick and seconded by Vice Mayor Hardcastle to adopt the resolution. AYES: Burgis, Hardcastle, Pope, Romick. ABSENT: Rios.

**4.4 Waive the First Reading and Introduce an Ordinance Amending Paragraph (f) of Section 4.19.004 and Adding Article 3 to Title 4 Chapter 19, and Adding Section 4.19.011 to the Oakley Municipal Code and Adopting a Resolution Dealing with Smoking in Outdoor Areas and Prohibiting Use and Possession of Electronic Cigarettes by Minors (Continued from May 13, 2014) (William Galstan, Special Counsel)**

Special Counsel William Galstan presented the staff report.

Online Comment Forms

Sallie Goetsch requested the City Council consider having the proposed ordinance re-written to address cigarette smoking only (exclude e-cigarettes). She provided a letter and 21 handouts of documentation supporting her request.

Stefan Didak expressed concern that the ordinance, as proposed, will open the City of Oakley up to a legal challenge in court.

Public Comment Cards

Sallie Goetsch and Stefan Didak reiterated their written comments.

Jim Root with the California Vapor Association opposed the proposed ordinance except to protect minors.

Denice Dennis with Contra Costa Health Services Tobacco Prevention Program, Mary Jaccodine with Contra Costa Tobacco Coalition and Wendy Escamilla expressed support for the ordinance.

Councilmember Romick explained there are still unknowns with regard to the health effects of e-cigarettes; however studies do show that the number of minors using e-cigarettes has increased. He inquired if staff reviewed ordinances from other cities when drafting the proposed ordinance.

Mr. Galstan responded that the definition of e-cigarettes was taken directly from State law and staff reviewed ordinances from Contra Costa County, Walnut Creek, Concord and Richmond, all of which helped shape the proposed ordinance.

Councilmember Burgis mentioned the City Council requested the proposed ordinance; the City Council is not serving any other person or agency's agenda; the ordinance is to protect public health and quality of life.

Vice Mayor Hardcastle expressed opposition to regulating smoking in open areas and with minors. He mentioned parents should be controlling what their children are doing and he does not believe in infringing on the rights of others to smoke in open areas upon their choosing.

Mayor Pope suggested including a provision that would allow minors to smoke within their own home if they have prior written consent by their parent or guardian.

It was moved by Councilmember Burgis and seconded by Councilmember Romick to adopt the resolution, waive the first reading and introduce the ordinance as amended to allow minors to smoke in their own home with prior written approval from their parent or guardian. AYES: Burgis, Pope, Romick. NOES: Hardcastle. ABSENT: Rios.

#### **4.5 Waive the First Reading and Introduce Residential Beekeeping Ordinance (William Galstan, Special Counsel)**

Mayor Pope recused himself, stating he is a beekeeper. He left the Council Chambers.

Special Counsel William Galstan presented the staff report.

##### Online Comment Forms

No online comment forms were submitted for Item 4.5.

##### Public Comment Cards

Dwight Hodgen, a former amateur beekeeper, expressed support for the ordinance and suggested revising the ordinance to allow requeening every three years rather than every two years. He mentioned robbing the hive infrequently keeps the bees healthier.

It was moved by Councilmember Romick and seconded by Councilmember Burgis to waive the first reading and introduce the ordinance as amended. AYES: Burgis, Hardcastle, Romick. ABSTENTIONS: Pope. ABSENT: Rios.

## 5.0 REGULAR CALENDAR

### *Oakley City Council*

#### **5.1 Adopt a Resolution Approving an Agreement for the Construction of the Capital Improvement Project Number 150-Civic Center Amphitheater Project (Kevin Rohani, Public Works Director/City Engineer)**

Public Works Director/City Engineer Kevin Rohani presented the staff report.

Councilmember Romick expressed he would like the project completed all at once.

Mayor Pope inquired if there would be any problems with the subcontractors coordinating for a timely completion date as the unveiling is expected to be at the Heart of Oakley festival on September 13.

Mr. Rohani responded that the coordination should be seamless and cement and turf are scheduled to be completed ahead of time.

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.

It was moved by Councilmember Romick and seconded by Vice Mayor Hardcastle to adopt the resolution. AYES: Burgis, Hardcastle, Pope, Romick. ABSENT: Rios.

**5.2 Approval of Youth Master Plan Update (Lindsey Bruno, Recreation Manager)**

Recreation Manager Lindsey Bruno, along with members of the Oakley Youth Advisory Council (OYAC), reviewed OYAC fiscal year 2013-2014 accomplishments and provided an update with regard to the Youth Master Plan for fiscal year 2014-2014.

Councilmember Burgis thanked them and suggested they partner with youth leadership and school teachers and administration to address suicide prevention.

Councilmember Romick thanked them and suggested they reach out to Oakley non-profits to get a list of their needs.

Vice Mayor Hardcastle inquired if OYAC reaches out to middle schools.

Ariana Franco responded on behalf of OYAC that they have programs each year in which they reach out to middle schools and they would like to expand these programs.

Mayor Pope commented he is impressed with what OYAC is doing and complimented them on doing a great job.

Online Comment Forms

No online comment forms were submitted for Item 5.2.

Public Comment Cards

No public comment cards were submitted for Item 5.2.

It was moved by Councilmember Burgis and seconded by Vice Mayor Hardcastle to approve the Youth Master Plan Update. AYES: Burgis, Hardcastle, Pope, Romick. ABSENT: Rios.

**5.3 Adopt a Resolution Designating Voting Delegates and Alternates for League of California Cities Annual Conference-September 3-5 in Los Angeles (Libby Vreonis, City Clerk)**

City Clerk Libby Vreonis presented the staff report.

Councilmember Burgis mentioned she may attend the Annual Conference and would serve as the voting delegate.

Mayor Pope mentioned he did not know if he would be attending yet, but would serve as the alternate voting delegate.

#### Online Comment Forms

No online comment forms were submitted for Item 5.3.

#### Public Comment Cards

No public comment cards were submitted for Item 5.3.

It was moved by Vice Mayor Hardcastle and seconded by Councilmember Romick to approve Councilmember Burgis as the voting delegate and Mayor Pope as the alternate voting delegate for the 2014 League of California Cities Annual Conference. AYES: Burgis, Hardcastle, Pope, Romick. ABSENT: Rios.

## 6.0 REPORTS

### **6.1 CITY MANAGER**

City Manager Bryan Montgomery announced the movie "Frozen" will be held in Civic Center Park on June 14. He also announced the Oakley Cityhood Celebration will be held Saturday, July 5 beginning at 6pm at the Freedom Basin Park.

#### **(a) Report on Development Fee Reduction Incentive Program**

Mr. Montgomery reported to the City Council on the Fee Reduction Incentive Program. He mentioned the fees are set to phase out in June 2015.

The City Council provided direction to bring the item back on a future agenda prior to June 2015 for vote with regard to phasing out the fee reduction for residential projects, but maintaining the fee reduction for commercial building.

#### **(b) Discussion Regarding Possible School Crossing Guard Agreement**

Mr. Montgomery mentioned there have been discussions whether the City or School District, or both, should fund crossing guard for a future school site on East Cypress Road.

The City Council expressed that they agree to discuss the matter further with the School District at a time closer to the construction of the school and authorized the Mayor to send a letter to the School Board making that commitment.



## **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**

Vice Mayor Hardcastle announced he attended the Mayors Conference and that Oakley will be hosting the Mayors Conference in July. He also announced he attended the Transplan meeting with Councilmember Romick.

Councilmember Burgis announced she provided a presentation for Contra Costa Flood Control District and the City of Walnut Creek Creek Council will be using Creekside Park as a model. She mentioned she attended the Freedom High School (FHS) graduation. She announced East Bay Regional Park District Board will hold its meeting at Big Break next week. She mentioned the East Contra Costa Fire Protection District (ECCFPD) Board is reviewing options for funding its fire departments and that the Contra Costa Board of Supervisors is also looking at adding an additional sales tax. She thanked ECCFPD and Oakley Police for dealing with difficult situations professionally.

Mayor Pope announced he also attended the FHS graduation with the entire City Council and support has been expressed for FHS and the City of Oakley to partner for a homecoming parade and festival. He mentioned in reviewing City reports, more solar permits have pulled than construction permits. He also announced Vice Mayor Hardcastle will lead the June 24 Council meeting as he will be in China with other mayors to present local investment opportunities.

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

Mayor Pope requested an update of purple pipe (reclaimed) water in Oakley. He also requested staff review requirements for solar installation and make the process easy for retrofitting and require new development to offer solar as a construction option.

## **7.0 WORK SESSIONS-None**

## 8.0 CLOSED SESSION

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

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

**City of Oakley and Successor Agency to the Oakley Redevelopment Agency  
v. Ana Matosantos, California Department of Finance, et al.  
Superior Court of the State of California, County of Sacramento,  
Case No. 34-2013-80001435**

#### **8.2 Reporting Out of Closed Session**

City Attorney Derek Cole announced there was no reportable action.

## 9.0 ADJOURN

There being no further business, the meeting was adjourned at 9:45 p.m.

Respectfully Submitted,

Libby Vreonis  
City Clerk