

**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, July 8, 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 6:31p.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 Presentation by Christopher Thayer Regarding Oakley Sand Mounds (Introduction by Councilmember Burgis)**

Botanist Christopher Thayer and Mack Casterman, Conservation Analyst for the East Bay Chapter of the California Native Plant Society, provided a PowerPoint presentation and discussed local sand mounds to bring attention to the historical significance and resources of sand mounds, and to instill local interest in them in the community.

The City-Council suggested they provide information to staff with regard to mitigation efforts and look into seed banking from the Legless Lizard Preserve for replanting purposes.

**1.4 Update from East Contra Costa Fire Protection District Board (Hugh Henderson, Fire Chief and Ron Johansen, Boardmember)**

East Contra Costa Fire Protection District Fire Chief Hugh Henderson and Boardmember Johansen provided an update to the City Council and indicated their upcoming August 4 meeting will be important to determine the future of the District's operations in which the Board will decide whether or not to move forward with a ballot measure to try and increase revenue. They mentioned they are working hard to explore other sources of revenue, explaining even if voters support the measure, the District will not receive funding until the following fiscal year. They also explained that if voters do not support the measure, there will likely be an increase in homeowners' insurance rates since the District will not be able to maintain current levels of service without funding.

The City Council requested that the District Board move toward an elected Board rather than appointed members, in accordance with the original intent of East Contra Costa agencies when the Board was formed.

## 2.0 PUBLIC COMMENTS

### Online Comment Forms

No online comment forms were submitted for Public Comments.

### Public Comment Cards

Shirley Darling provided an update on behalf of the Oakley Seniors and mentioned they should receive a document this month which will allow them to obtain insurance and begin ADA compliance improvements to the Oakley Seniors center. She announced the Oakley Seniors will be holding a spaghetti fundraiser dinner Saturday, July 12, 4pm-6pm at the Oakley Seniors Center on 2<sup>nd</sup> Street.

Marjorie Baker requested City staff respond to her requests to allow her or an attorney in a vacant home that is currently red-tagged within the City to obtain documents related to probate matters.

City Manager Bryan Montgomery mentioned the City has no authority to allow her into the home as the City does not own the home; however, staff is available to speak with her to see what may be done.

## 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 June 10, 2014 (Libby Vreonis, City Clerk)**
- 3.2 Reporting Out of Closed Session from the June 10, 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 Approve the Minutes of the Special Oakley City Council Meeting of June 30, 2014 (Libby Vreonis, City Clerk)**

- 3.4 Waive the Second Reading and Adopt 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 (William Galstan, Special Counsel)**
- 3.5 Waive the Second Reading and Adopt an Ordinance Adding Subparagraph 13 to Paragraph b of Section 9.1.404 of the Oakley Municipal Code Dealing with Keeping of Bees in the Single Family Residential Zoning District (William Galstan, Special Counsel)**
- 3.6 Adopt a Resolution Approving the City's Investment Policy for Fiscal Year 2014-2015 (Paul Abelson, Finance Director)**
- 3.7 Adopt a Resolution Approving and Agreement with BKF Engineers Inc. for Engineering Design Services Associated with Downtown Main Street "Visioning" Project Number 162 (Kevin Rohani, Public Works Director/City Engineer)**
- 3.8 Adopt a Resolution Approving the Elimination of Condition of Approval Number 52 of Resolution Number 27-04 Requiring the Developer to Contribute Toward the Cost of Traffic Signals at Laurel Road and Quail Valley Run and Laurel Road and Teton Road (Subdivision 8737-East of Marsh Creek, South of Parklands at Laurel Creek (Subdivision 6963) (Kevin Rohani, Public Works Director/City Engineer)**
- 3.9 Approval of Responses to Civil Grand Jury Reports Numbers 1403 "Training City Personnel in Reporting Child Abuse", 1404 "Planning for Technology" and 1405 "The Public Records Act in Contra Costa County" (Bryan Montgomery, City Manager)**
- 3.10 City Manager Performance Evaluation (William Galstan, Special Counsel)**
- 3.11 Adopt a Resolution Approving Amendments to Section 2.9.008(a) of the Oakley Municipal Code Regarding the City's Conflict of Interest Code (Libby Vreonis, City Clerk)**

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.

Vice Mayor Hardcastle pulled items 3.1 and 3.3 for discussion. Mayor Pope pulled item 3.8 for discussion.

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

### Item 3.1

Vice Mayor Hardcastle requested a revision to the meeting minutes regarding agenda item 4.4. He commented he is not opposed to regulating e-cigarettes for minors.

It was moved by Vice Mayor Hardcastle and seconded by Councilmember Burgis to approve Item 3.1. AYES: Burgis, Hardcastle, Pope, Rios, Romick.

### Item 3.3

Vice Mayor Hardcastle commented he was not in attendance at the special meeting held June 30; therefore, he would abstain from voting.

It was moved by Councilmember Romick and seconded by Councilmember Burgis to approve Item 3.3. AYES: Burgis, Pope, Rios, Romick. ABSTENTION: Hardcastle.

### Item 3.8

Mayor Pope inquired if the City has decided where the connecting road will be placed as there is no access point until Delta Road. He mentioned he would like the City Council to weigh in with regard to where the road should go and who should pay for the traffic impacts as they should be collected.

City Manager Bryan Montgomery responded that there has been uncertainty where the connecting road will be, when it will happen and what the traffic impact will be; however, the developer will need to know whether or not it needs to contribute toward the traffic signals at this time. He added that the road improvement may not take place within a 10-year window which is the standard for that type of assessment so we would be asking for a payment that we would hold onto for 10 years which seems a little long. He suggested an option may include figuring out the alignment and determining allocation of cost, but it could take 3-4 months.

Special Counsel William Galstan added that there is a 3-year period to provide a report indicating how the traffic impact fees will be spent.

City Manager Bryan Montgomery commented that the developer would still be required to pay the traffic impact fee, but this would require the developer to pay additional funds for the signal as well; as the need for the signal may be uncertain for some time, it is awkward to charge for it.

Councilmember Romick requested a study be performed with regard to traffic impact fees for future development. Councilmember Romick expressed he did not feel it would be fair to impose such fees on the developer with existing uncertainties.

Public Works Director/City Engineer Kevin Rohani commented it could take 4-6 months to evaluate the road and traffic impacts and he would not recommend collecting the fee to sit on it for years.

Councilmember Rios mentioned past discussions by the City Council included an overpass at Sellers Avenue. She inquired if the condition of approval is removed for this development if it could be imposed on development in future that would cause the need for the traffic signal.

Mr. Rohani affirmed if the condition of approval is removed for this development it can be imposed on development in future that would cause the need for the traffic signal.

Councilmember Rios commented that this developer should not be required to pay the traffic signal fee if the development will not have an impact on traffic in relation to the signal.

Councilmember Burgis expressed that traffic will only increase in that area as it grows and she supports a study. She mentioned there was an advantage to development that went in that area early as they did not have to pay the fees, but at some point development will need to begin paying.

Vice Mayor Hardcastle inquired who will pay for the signals in the future if this developer does not pay.

City Manager Bryan Montgomery explained that a traffic impact fee program would be implemented in which a study would be performed to determine the cost per residence and any amount that could not reasonably be covered by residents would be covered by various sources, including grants and the City's general fund.

Mayor Pope mentioned the only connection point is at Delta Road which means residents will be accessing the roads and utilizing the signals. He added that the missing link in traffic flow is the road alignment.

It was moved by Councilmember Romick and seconded by Vice Mayor Hardcastle to approve Item 3.8 and to direct staff to look into the future alignment of the road. AYES: Burgis, Hardcastle, Pope, Rios, Romick.

## 4.0 PUBLIC HEARING

### *Oakley City Council*

#### **4.1 Make Findings and Adopt a Resolution Approving the Tentative Parcel Map (TPM 01-14) to Subdivide the 1.1-Acre Site into Two Parcels, Conditional Use Permit (CUP 02-14) to Establish and Design Review (DR 05-14) for the Construction of a New 617 Square Foot Drive-Through Starbucks on a Site Located at 900 Main Street (APN 051-052-063) (Joshua McMurray, Senior Planner)**

Senior Planner Joshua McMurray presented the staff report.

Mayor Pope announced he would open public comments for the Consent Calendar after Item 4.1 was considered as he realized public comments had been overlooked and he apologized.

The City Council discussed public safety with regard to the proposed driveway for ingress and egress to the proposed Starbucks site from Main Street which is a driveway also used by McDonalds for egress from its drive through window. They also discussed vehicles utilizing the access road behind the proposed Starbucks site for vehicles to exit onto Bridgehead Road instead of Main Street to access Highway 160.

Applicant Lisa Sunderland commented that Starbucks could also place a stop sign near the driveway for cars exiting the Starbucks drive through onto Main Street to assist with traffic concerns and safety.

The City Council provided direction to staff to place signage at the site directing Highway 160 traffic to Bridgehead Road, to place a pork chop island in the area of ingress and egress from Main Street to separate vehicle traffic and to place a stop sign in as the applicant indicated.

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

Mayor Pope revisited the Consent Calendar and pulled Item 3.4 to allow for public comments.

Sallie Goetsch requested the City Council consider revisions she made to the proposed definition of e-cigarettes to make the definition more clear for law enforcement purposes. She also sent an email with her comments to the City Council prior to the City Council meeting for their review.

Stefan Didak and Jeff Bale submitted comment cards for Item 3.4. They were present earlier in the meeting but not at the time the Mayor opened the Item for public comments.

Special Counsel William Galstan commented that the proposed definition came from state law and the Chief of Police addressed any potential enforcement issues before the ordinance was proposed to the City Council.

The City Council discussed enforcement of the ordinance. Staff explained it would be complaint based.

By re-vote, it was moved by Councilmember Rios and seconded by Councilmember Romick to adopt the resolution. AYES: Burgis, Pope, Rios, Romick. NOES: Hardcastle.

## 5.0 REGULAR CALENDAR

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

#### **5.1 Approval of Comment Letter Relating to the Environmental Studies for the Bay Area Delta Conservation Plan (Bryan Montgomery, City Manager)**

City Manager Bryan Montgomery submitted the staff report.

Councilmember Rios suggested the letter include a carbon copy of everyone that had been carbon copied in IronHouse Sanitary District's comment letter.

Mayor Pope expressed concern with lack of local input and control and suggested adding a section in the letter addressing local input in the final plan.

#### Online Comment Forms

No online comment forms were submitted for Item 5.1.

#### Public Comment Cards

Roger Mammon spoke in support of the letter and invited everyone to attend the "Save the Delta, Stop the Tunnels" rally July 29 at 11:30am at the State Capitol in Sacramento. He mentioned a bus would be leaving from Lauritzen Yacht Harbor in Oakley at 9:30am that day to the rally.

It was moved by Councilmember Burgis and seconded by Vice Mayor Hardcastle to approve the letter with the additions mentioned above. AYES: Burgis, Hardcastle, Pope, Rios, Romick.

**5.2 Waive the First Reading and Introduce an Ordinance Amending Section 6.5.142 of the Oakley Municipal Code Dealing with Removal from Public Property for Prohibited Conduct (William Galstan, Special Counsel)**

Special Counsel William Galstan presented the staff report.

Councilmember Hardcastle inquired if Oakley Police would handle situations involving prohibited conduct.

Mr. Galstan responded that it would be more practical for Parks staff to monitor and share observations and any photos with the Public Works Director to determine the appropriate response.

Councilmember Burgis inquired if a fine can be imposed for reimbursement to the City for clean-up of prohibited conduct.

Mr. Galstan affirmed it could be imposed.

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 Romick and seconded by Councilmember Burgis to waive the first reading and introduce the ordinance. AYES: Burgis, Hardcastle, Pope, Rios, Romick.

**5.3 Adopt a Resolution Authorizing the City Manager to Execute a Month to Month Contract with California Consulting, LLC for Grant Program Management Services (Paul Abelson, Finance Director)**

Finance Director Paul Abelson presented the staff report.

Juan Garza II, Chief Operating Officer of California Consulting, LLC provided the City Council with information regarding California Consulting's services.

The City Council requested a monthly report from California Consulting, LLC.



Mr. Garza explained the project manager assigned to the City will provide a grant report at the end of each month.

City Manager Bryan Montgomery added that he can forward that monthly report to the City Council.

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

### **5.4 FY 2013-2014 Capital Improvement Project 4<sup>th</sup> Quarter Update (Kevin Rohani, Public Works Director/City Engineer)**

Public Works Director/City Engineer Kevin Rohani provided an update to the City Council with regard to Capital Improvement Projects.

Councilmember Rios thanked Mr. Rohani for providing concise information.

Councilmember Burgis thanked Mr. Rohani and appreciates scheduled dates being included. She mentioned the School District is frustrated the Laurel Road Widening Project will not be complete before school begins. She encouraged everyone to drive safely on the route to Freedom High School.

City Manager Bryan Montgomery commented that the work being done on Laurel Road will help solve future issues.

#### Online Comment Forms

No online comment forms were submitted for Item 5.4.

#### Public Comment Cards

No public comment cards were submitted for Item 5.4.

## 6.0 REPORTS

### **6.1 CITY MANAGER**

City Manager Bryan Montgomery thanked staff for their work in conducting the Cityhood Celebration and he thanked residents for participating in the event. He announced the next Movie in the Plaza will be held in the parking lot at Civic Center (as Civic Center Park is being improved) on July 26. He mentioned each City department will submit requests for the grant wish list and encouraged the City Council to do the same.

### **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 thanked staff for their work with the Cityhood Celebration and commented that it was a wonderful event, it felt like a very safe environment and she encountered people attending from other cities because it is such a nice event. She thanked Oakley Police and East Contra Costa Fire Protection District for their work at the event.

Councilmember Rios echoed Councilmember Burgis' comments and mentioned the number of people attending seems to be increasing.

Councilmember Romick agreed with comments made by Councilmembers Burgis and Rios with regard to the Cityhood Celebration and announced the City will unveil the eagle on July 12 from 11am-1pm for the future Veterans' Memorial to be constructed in Civic Center Park.

Mayor Pope also agreed with comments made by Councilmembers Burgis and Rios with regard to the Cityhood Celebration. He suggested more restrooms and to expand rides or entertainment for children as the lines were long for both. He also suggested that staff look into a radio broadcast of the music that could be synchronized with the fireworks so people watching the fireworks from other City parks can listen. He thanked Oakley Police for their work in getting everyone in and out of the event safely. He announced Oakley is hosting the Mayors' Conference on July 10, that he attended the Ace ribbon-cutting ceremony this past weekend and that the quarterly regional mayors/city manager meetings will begin again. He mentioned no meeting will be held July 22 for the Oakley City Council/Oakley City Council acting as the Successor Agency to the Redevelopment Agency. He inquired if events can be extended into September at Civic Center Park once construction is complete.

City Manager Bryan Montgomery responded that staff will bring back some ideas in August to the City Council for discussion.

**(b) Requests for Future Agendas**

None.

**7.0 WORK SESSIONS-None**

**8.0 CLOSED SESSIONS**

***Oakley City Council***

**8.1 PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
(Pursuant to Government Code Section 54957)**

**Title: City Manager**

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

**8.2 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**

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

Special Counsel William Galstan reported that the City Council had approved, on a 5-0 vote, a settlement agreement with the Department of Finance regarding *City of Oakley and Successor Agency to the Oakley Redevelopment Agency v. Ana Matosantos, California Department of Finance, et al.* and once the Department of Finance signs the settlement agreement, a copy of the settlement agreement will be available to the public and will be part of the report out of closed session memo on the next City Council agenda. There was no report out regarding the City Manager's performance evaluation.

**9.0 ADJOURN**

There being no further business, the meeting was adjourned at 10:30p.m.

Respectfully Submitted,

Libby Vreonis  
City Clerk