

**Minutes of the Regular Joint Meeting of the Oakley City Council/Oakley City Council acting as the Successor Agency to the Oakley Redevelopment Agency
August 11, 2015**

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

Mayor Hardcastle called the meeting to order at 6:30pm in the Oakley City Council Chambers located at 3231 Main Street, Oakley, California. Doug Hardcastle, Kevin Romick, Randy Pope, Sue Higgins and Vanessa Perry were present.

1.2 Pledge of Allegiance to the Flag

Police Chief Chris Thorsen led the Pledge of Allegiance to the Flag.

1.3 Presentation of new Ironhouse Sanitary District General Manager Chad Davisson

Ironhouse Sanitary District Director Susan Morgan introduced General Manager Chad Davisson.

Mr. Davisson commented he looks forward to working with the community and the City of Oakley. He invited everyone to attend the District's 70th Anniversary celebration on August 22, 10am-2pm, located at 450 Walnut Meadows Drive in Oakley.

Councilmember Perry mentioned information is also available in the City Hall lobby regarding the event.

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 July 14, 2015 (Libby Vreonis, City Clerk)**

Oakley City Council

- 3.2 Waive the Second Reading and Adopt an Ordinance Adding Section 7.2.116 to Chapter 2 of Title 7 of the Oakley Municipal Code Relating to Expedited Procedures for Small Residential Rooftop Solar Systems (Dean Hurney, Building Permit Manager)**
- 3.3 Waive the Second Reading and Adopt an Ordinance Approving a Development Agreement between the City of Oakley and ACD-TI Oakley, LLC Relating to the Project Known as "Dal Porto South, Planning Area 3" Part of the East Cypress Corridor Specific Plan (Ken Strelo, Senior Planner)**
- 3.4 Accept Report Out of Closed Session Memo (William Galstan, Special Counsel)**
- 3.5 Adopt Resolutions Approving the Subdivision Improvement Agreement, Subdivision Annexation and Assessment Authorization Deferral Agreement and Final Map for Subdivision 8728 (Cypress Estates, south end of Fuschia Way, east of Mallard Lane) (Kevin Rohani, Public Works Director/City Engineer)**
(THIS ITEM IS CONTINUED FROM THE JOINT MEETING OF THE OAKLEY CITY COUNCIL/OAKLEY CITY COUNCIL ACTING AS SUCCESSOR AGENCY TO THE OAKLEY REDEVELOPMENT AGENCY HELD JULY 14, 2015)
- 3.6 Award of Construction Contract for the Hill Avenue Multi-Use Trail Pedestrian Bridge Project, Capital Improvement Project Number 39 (Kevin Rohani, Public Works Director/City Engineer)**
- 3.7 Vacation of Roadway Dedication, 12' wide alley west of Second Street, between Main Street and East Acme Street (Kevin Rohani, Public Works Director/City Engineer)**
- 3.8 Re-Adopt the Housing-Related Parks Program (HRP Program) Resolution (Joshua McMurray, Planning Manager)**
- 3.9 Quarterly Investment Report (4th Quarter FY 2014-2015) (Paul Abelson, Finance Director)**

3.10 Update on Marijuana Cultivation Ordinance (William Galstan, Special Counsel)

3.11 A Resolution Urging the State to Provide New Sustainable Funding for State and Local Transportation Infrastructure (Bryan Montgomery, City Manager)

3.12 Adoption of the Personnel Policies Manual for the Oakley Police Department (Bryan Montgomery, City Manager)

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

3.13 Quarterly Investment Report (4th Quarter FY 2014-2015) (Paul Abelson, Finance Director)

3.14 Resolution Approving a Recognized Obligations Payment Schedule for the Six Month Period January to June 2016 (Paul Abelson, Finance Director)

Item 3.10 was pulled to allow for public comment and item 3.11 was pulled for discussion.

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

Item 3.10

Larry Carter thanked the City Council for taking a "go slow" approach to regulating marijuana cultivation and supported the recommendation to wait for the legislative outcome of AB 266.

It was moved by Vice Mayor Romick and seconded by Councilmember Higgins to approve item 3.10. Motion was unanimous and so ordered. (5-0)

Item 3.11

Councilmember Pope commented he is unwilling to approve the resolution unless a provision is added requiring the State to restore funding to the transportation fund first.

Vice Mayor Romick added that he would approve with this added provision and recommended also including that the State must restore funding to the transportation fund before any new tax is considered.

It was moved by Vice Mayor Romick and seconded by Councilmember Pope to approve Item 3.11 with the added provisions. Motion was unanimous and so ordered. (5-0)

Online Comment Forms

No online comment forms were submitted for the Consent Calendar.

Public Comment Card

No public comment cards were submitted for the Consent Calendar.

Due to time constraints of the applicant, Item 7.1 was heard prior to Item 4.1.

4.0 PUBLIC HEARINGS

Oakley City Council

4.1 5700 Main Street Preliminary General Plan Amendment (PA 03-15) APN's: 033-100-004 and 005 (Joshua McMurray, Planning Manager)

Planning Manager Joshua McMurray presented the staff report. He explained that the applicant is proposing an assisted living facility. He mentioned staff's early analysis and understanding of the proposal included only 400 units; however, the applicant proposes 720 units. He also mentioned the parcels are zoned multi-family residential, high density, and the applicant will need to fund a text amendment to the zoning code for the proposed use. In addition to the text amendment, he added that a General Plan amendment, rezone, conditional use permit and design review will be required, and a CEQA review. He explained future analysis will be conducted with regard to density, noise, traffic and land use compatibility.

Councilmember Perry inquired of the number of dwelling units per acre if 720 units are allowed and if a conditional use permit would be required to allow the item to return to the City Council for approval if the applicant decides not to use the property for an assisted living facility.

Mr. McMurray responded that there would be 61 units per acre and explained that the zoning text amendment is structured to require a conditional use permit. A change back to the original zoning would be needed if the project isn't built.

Matt Bamford, Associate with Sterling Architects, provided a presentation and overview regarding the project and introduced the applicant, Frank Yang. Mr. Bamford explained the calculations on the City's recommended number of units compared to the applicant's proposed number of units differ due to the average size of unit in which the calculations are based. He added that the applicant can provide 738 units of 4 different size options in a three-story building proposed for the parcels and still meet more than the minimum set back requirements. Mr. Yang added that this type of use will not bring noise, traffic or pollution.

Councilmember Higgins expressed concern with the level of medical care to be provided in the memory care unit and inquired if the applicant has built any similar projects.

Mr. Bamford explained that a nurse will oversee day-to-day operations, the facility must follow State guidelines and the facility will be subject to frequent inspections; however, because the memory care unit is not treated as a disease, but rather an elderly issue, caretakers, not nurses, provide day-to-day care for residents in the memory care unit.

Mr. Yang responded that he has not previously built this type of project, but plans to partner with someone who has experience with assisted living facilities.

Councilmember Perry expressed support for the assisted living facility, but expressed concern over the density of units, especially in an emergency situation (i.e., fire). She inquired if the applicant plans to build the facility to sell or if he plans to retain ownership. She mentioned she would like to see trained medical staff for the memory care unit.

Mr. Yang replied that he plans to retain ownership and partner with someone who has experience with assisted living facilities.

Vice Mayor Romick commented that he supports the project and suggested the applicant work with City staff regarding the appropriate density for future approval.

Councilmember Pope commented he supports the project as there is a need for assisted living facilities in East Contra Costa County; however, he expressed concern regarding a three-story building in a single-family zoned area. He encouraged the applicant to obtain input from surrounding neighbors. He mentioned there are too many parking spaces at the facility and recommended the applicant use some of the parking spaces for open space instead of parking. He suggested the applicant consider mitigating the lack of emergency response service in Oakley as the project will draw from the already limited service. He also suggested City staff explore how the units might qualify to meet Regional Housing Needs Assessment requirements. He commented he does not support a rezone because if the project is not completed, he does not want the designation to remain on the parcels; he would rather include a contingency provision that the parcels would revert to single-family designation if the proposed project is not completed.

Mayor Hardcastle commented he is in favor of the project but does not approve a rezone at this time. He requested the applicant perform his due diligence, obtain more details, and then return to the City Council.

Councilmember Perry recommended the applicant work with City staff to reduce the number of units and discuss mitigation measures to support emergency response systems in Oakley.

City Manager Bryan Montgomery suggested the applicant seek partner and financing sources then move forward with a rezone application.

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.

4.2 Ordinance Regulating Massage Businesses (William Galstan, Special Counsel)

Special Counsel William Galstan presented the staff report.

There were no comments, questions or discussion by the City Council.

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 Vice Mayor Romick and seconded by Councilmember Pope to waive the first reading and introduce the ordinance. Motion was unanimous and so ordered. (5-0)

5.0 REGULAR CALENDAR

Oakley City Council

5.1 An Urgency Ordinance Authorizing an Amendment to Contract between the Board of Administration of the California Public Employees Retirement System (CalPERS) and the City of Oakley to Include a New Police Category (Bryan Montgomery, City Manager) (Note: 4/5 Vote Required for Adoption)

City Manager Bryan Montgomery presented the staff report.

Special Counsel William Galstan mentioned procedurally the City Council does not need to introduce the ordinance; it can move to adopt it as it is an urgency ordinance.

Online Comment Forms

No online comment forms were submitted for Item 5.1.

Public Comment Card

No public comment cards were submitted for Item 5.1.

It was moved by Councilmember Higgins and seconded by Councilmember Perry to adopt the urgency ordinance. AYES: Hardcastle, Higgins, Perry, Romick. NOES: Pope. (4-1)

6.0 REPORTS

6.1 CITY MANAGER

(a) City Manager

City Manager Bryan Montgomery commented the concert held August 8 in the Civic Center Park was a great success. He announced Yoga in the Park will be held August 15 at 10am in Civic Center Park and the 12th Annual Fishing Derby for kids will be held August 22 at the Oakley/Antioch Pier. He recognized Police Chief Chris Thorsen and mentioned several employment opportunities are open for police services. He invited Public Works Director/City Engineer Kevin Rohani to introduce student intern Peyton Adair whose internship is possible through a Metropolitan Transportation Commission grant.

Mr. Rohani introduced Ms. Adair and commented she is a student at Freedom High School, she has been working with the City for some time and has provided tremendous assistance to the Public Works and Engineering Department.

(b) Designate a Voting Delegate and up to Two Alternate Voting Delegates for the League of California Cities Annual Conference to be held September 30-October 2, 2015 in San Jose, California (Libby Vreonis, City Clerk)

City Clerk Libby Vreonis presented the staff report.

The City Council unanimously designated Councilmember Perry to be the voting delegate at the League of California Cities Annual Conference with no alternates.

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 Perry announced she attended the "Dog Days of Summer" event hosted by the Oakley Chamber of Commerce and a League of California Cities meeting (along with Councilmember Higgins) in which AVC vehicles were discussed. She mentioned she attended open office hours for Congressman McNerney and had the opportunity to discuss the "Out of

Darkness” walk to be held October 10 in which 101 people have registered. She added that she hopes the walk combined with local training will bring attention to suicide prevention and awareness. She announced the Oakley Seniors will host a car show August 15, 1pm-5pm at the Senior Center located at 2nd and Acme Streets.

Councilmember Pope announced he attended an East Contra Costa Fire Protection District Board meeting last week and signs have been placed at the firehouses that have closed to direct residents to call 9-1-1 or visit the nearest operating firehouse for assistance. He mentioned the next meeting will be held September 7 at City Hall beginning at 6:30pm. He also mentioned the next Habitat Conservancy meeting will be held August 24 at City Hall beginning at 2pm. He commented that he heard great things about the Concert in the Park held August 8 in Civic Center Park and recommended extending concerts for longer hours.

Councilmember Higgins commented she also attended open office hours for Congressman McNerney and had the opportunity to discuss fire station issues; Congressman McNerney will work with Mayor Hardcastle on these issues. She mentioned she attended a barbeque hosted by the League of California Cities and a Library meeting to discuss a stand-alone library. She announced “Stand Down” will be hosted at the Antioch Fair Grounds September 11-14.

Vice Mayor Romick thanked staff for doing a great job with the Concert in the Park event. He mentioned it was a fantastic concert and he estimated over 600 people attended.

Mayor Hardcastle announced he attended the Mayors Conference meeting last week and the topic of discussion was involving surrounding local communities in Superbowl 50 to be held in February 2016. He mentioned there was grant funding available that he would like to look into for You, Me, We=Oakley!

(b) Requests for Future Agendas

None.

7.0 WORK SESSIONS

Oakley City Council

7.1 City of Oakley Strategic Energy Planning Work Session (Ken Strelow, Senior Planner)

Senior Planner Ken Strelow thanked the City Council for hearing the item earlier in the meeting and presented the staff report. He explained the Strategic Energy Plan is provided by grant funding through the East Bay Energy Watch Program and its goal is to evaluate the cost savings of City owned buildings through energy conservation measures. He explained the City of Oakley is part of a pilot program; therefore, all data collected will help other cities in Contra Costa and Alameda counties with evaluating potential cost savings through energy conservation.

Mr. Strelo introduced Matt Sullivan, Principal with Newcomb Anderson McCormick and Brendan Havenar-Daughton, Partnership Manager with East Bay Energy Watch.

Mr. Sullivan and Mr. Havenar-Daughton provided a presentation which included an overview of the Plan, its benefits and components, and next steps to implement the Plan.

Vice Mayor Romick commented he is in favor of staff moving forward with the Plan as it saves money and energy.

Councilmember Pope inquired if the scope of the Plan includes only City buildings and what obligations the City has in accepting the grant.

Mr. Havenar-Daughton responded that the Plan only includes City buildings; however, it also provides potential policies that could be applied more broadly. He mentioned the City has no obligations for accepting the grant and that there is flexibility with how the funding is used.

Mr. Sullivan added that it is possible to identify a community-wide plan based on this Plan and not only will the Oakley community benefit from the Plan, but other communities in Contra Costa and Alameda counties will benefit as well from the data collected.

Mayor Hardcastle inquired if a water component is included with the Plan.

Mr. Sullivan explained that the Plan focuses on energy conservation, but has water conservation components through rebates and other conservation programs.

Online Comment Forms

No online comment forms were submitted for item 7.1.

Public Comment Card

No public comment cards were submitted for item 7.1.

The City Council provided direction to staff to continue with the Plan.

7.2 Affordable Housing Overlay Zone Work Session (Joshua McMurray, Planning Manager)

Item 7.2 was considered after Item 6.2(b).

Planning Manager Joshua McMurray presented the staff report. He explained that the discussion will surround two replacement sites for 1961 Carpenter Road (APN 034-030-007) and potentially E. Cypress Road (APN 033-012-014).

The City Council discussed the potential sites and agreed to consider four potential parcels: Cypress Road (APN 035-262-058), Bridgehead Road (APN 051-052-108),

Bridgehead Road (APN 051-052-106) and a portion of 487 Sandy Lane (APN 037-050-015).

The City Council directed City staff to notify the property owners surrounding all four potential parcels.

Online Comment Forms

No online comment forms were submitted for item 7.2.

Public Comment Card

No public comment cards were submitted for item 7.2.

7.3 City Logo Design Work Session (Lindsey Bruno, Recreation Manager)

Recreation Manager Lindsey Bruno presented the staff report. She explained the City of Oakley Strategic Plan for 2012-2014 and 2014-2016 includes a goal to incorporate a water and wine theme into the City's branding. She provided many different options created by a local artist.

The City Council provided direction to City staff to work with the artist to modify the leaf and related elements on option # 2 and bring back for final review.

Online Comment Forms

No online comment forms were submitted for item 7.3.

Public Comment Card

No public comment cards were submitted for item 7.3.

Mayor Hardcastle announced a 5 minute break at 9:05pm. The City Council reconvened at 9:10pm.

8.0 CLOSED SESSIONS

Oakley City Council

8.1 CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of California Government Code Section 54956.9:

Three potential cases.

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

Title: City Manager

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

Potential litigation

As to one of the two potential cases, no action was taken but direction was given to staff. As to the other potential case, direction was given to commence litigation. The action will be to abate a public nuisance on Carpenter Road. The defendants and other particulars shall, once formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the City's ability to effectuate service on one or more unserved parties, GC Sec. 54957.1(a)(2). The vote to approve filing of litigation was 5-0.

City Manager performance evaluation

The City Council conducted an annual performance evaluation of the City Manager and took no reportable action.

9.0 ADJOURN

There being no further business, the meeting was adjourned at 10:25pm.

Respectfully Submitted,

Libby Vreonis
City Clerk