

**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
October 27, 2015**

SPECIAL MEETING OF THE OAKLEY CITY COUNCIL

1.0 OPENING MATTERS

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

By order of Mayor Doug Hardcastle, the special meeting was called to order by Vice Mayor Kevin Romick at 6:00pm in the Oakley City Council Chambers located at 3231 Main Street, Oakley, California. In addition to Vice Mayor Kevin Romick, Councilmembers Randy Pope, Sue Higgins and Vanessa Perry were present. Mayor Doug Hardcastle was absent.

1.2 Pledge of Allegiance to the Flag

Vice Mayor Romick led the Pledge of Allegiance to the Flag.

2.0 PUBLIC COMMENT

No public comment cards were submitted.

3.0 CLOSED SESSION

**3.1 CONFERENCE WITH REAL PROPERTY NEGOTIATORS
(Pursuant to Government Code Section 54956.8)**

Property: 4.62 acres of land located north of 3330 Main Street identified as parcels 037-160-006, 130-160-007 and 037-160-018 (.20 acres of land located at 3570 Main Street, identified as parcel 037-160-025)

**Agency negotiators: Bryan Montgomery, City Manager
Dwayne Dalman, Economic Development Manager**

Negotiating parties: Cunha Family Limited Partnership

Under negotiation: Price and terms of payment

3.2 Report Out of Closed Session

City Attorney Derek Cole announced there was no reportable action and direction was provided to staff.

4.0 ADJOURN

There being no further business, the special meeting was adjourned at 6:29 p.m.

REGULAR JOINT MEETING OF THE OAKLEY CITY COUNCIL/ OAKLEY CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE OAKLEY REDEVELOPMENT AGENCY

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

The regular joint meeting was called to order by Vice Mayor Kevin Romick at 6:32 p.m. in the Oakley City Council Chambers located at 3231 Main Street, Oakley, California. In addition to Vice Mayor Romick, Councilmembers Randy Pope, Sue Higgins and Vanessa Perry were present. Vice Mayor Romick announced Mayor Hardcastle was absent and recuperating from a recent surgery.

1.2 Pledge of Allegiance to the Flag

Vice Mayor Romick led the Pledge of Allegiance to the Flag.

1.3 Update from Contra Costa Community College District (Greg Enholm, Boardmember and Robert Kratochvil, President, Los Medanos College)

Boardmember Greg Enholm introduced Los Medanos College President, Dr. Robert Kratochvil.

Dr. Kratochvil presented information regarding the Contra Costa Community College District including its accessibility to education through low-cost per unit fees, the 40-year Open House held at Los Medanos College, an all-time high number of transfer students to 4-year schools, 2 new associate science degrees recently approved, its Strategic Plan (2014-2019), new construction and campus upgrades, a new site to open Fall

2019 at Vineyards Parkway near Marsh Creek Road, and key initiatives including marketing, student success, equitable access, development of resources and strengthening partnerships with the local community. He also provided an overview of the District's past, present and future and mentioned its accreditation was reaffirmed.

Vice Mayor Romick thanked Dr. Kratochvil for his update.

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 October 13, 2015 (Libby Vreonis, City Clerk)**

Oakley City Council

- 3.2 Adopt a Resolution Creating Zone 155 within the Oakley Special Police Tax Area for Subdivisions 9080 and 9391 (Denova Property) and Waive the First Reading and Introduce an Ordinance Establishing a Special Tax for Zone 155 for Police Protection Services (Kevin Rohani, Public Works Director/City Engineer)**
- 3.3 Adopt a Resolution of Intention to Establish Communities Facility District 2015-2 (Parks, Street Light, Landscape and Stormwater Services) (Kevin Rohani, Public Works Director/City Engineer)**
- 3.4 Waive the First Reading and Introduce an Ordinance Amending Sections 4.7.002 and 4.7.004 of the Oakley Municipal Code, Dealing with Abandoned Vehicles (Troy Edgell, Code Enforcement Manager)**

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.

Councilmember Higgins pulled item 3.1 from the Consent Calendar.

It was moved by Councilmember Pope and seconded by Councilmember Perry to approve the remainder of the Consent Calendar. Motion was unanimous and so ordered. (4-0)

Item 3.1

Councilmember Higgins explained she pulled Item 3.1 to abstain from the meeting minutes.

It was moved by Councilmember Pope and seconded by Councilmember Perry to approve Item 3.1. AYES: Perry, Pope and Romick. ABSTENTION: Higgins.

4.0 PUBLIC HEARINGS-None

Oakley City Council

4.1 Cypress Storage Preliminary General Plan Amendment (PA 04-15) (Ken Strela, Senior Planner)

Senior Planner Ken Strela presented the staff report.

Councilmember Perry inquired if a change in zoning from multi-family high density to commercial changes the requirements for Regional Housing Needs Assessment (RHNA).

Mr. Strela confirmed it will not impact RHNA.

Councilmember Higgins inquired if some form of protection would be constructed to protect people from walking on the railroad tracks.

Mr. Strela responded that a wall could be constructed; however, the design does not increase pedestrian access to the railroad tracks.

Councilmember Pope inquired where the sidewalk would be located.

Mr. Strela explained it would begin at the driveway on the east side and staff would construct a pedestrian barrier to the north to deter pedestrians from crossing at the railroad tracks and encourage them to use the pedestrian undercrossing as an alternate route.

Vice Mayor Romick inquired if the existing intersection without modification could handle the traffic flow and not impact school traffic.

Applicant Brent Aasen explained most storage facilities experience more traffic on weekends or in the evenings than during school drop-off or pick-up times.

Councilmember Higgins inquired if there is a bus stop nearby on Cypress Road.

Mr. Aasen commented there is a bus stop but it is further away from the proposed site.

Councilmember Higgins inquired if the existing road could be modified to include a turn lane in the future if needed.

Mr. Strelo explained that Cypress Road is built out and this type of project would not trigger traffic analysis; however, Planning, Public Works & Engineering and outside agencies would review the current road design in relation to the project for its safety prior to approval of the project.

City Manager Bryan Montgomery mentioned traffic and safety concerns further support the rationale why the current zoning of multi-family is not the best use of the property.

Applicant Brent Aasen shared that his company owns 3 storage facilities and they have a local office which provides them the ability to respond quickly to any issues. He explained they build projects to hold them long-term and design projects with the impact it will have on people in mind. He explained with this project, he proposes heavy landscaping and use of the existing driveway.

Online Comment Forms

No online comment forms were submitted for Item 4.1.

Public Comment Card

Jim Waldhaus expressed concern that rezoning the property may impact RHNA requirements, the lack of a sidewalk will lead people to use unsafe alternative routes such as an unmarked 20-inch wide path currently being used by apartment residents and students, and the road width is not great enough to safely handle the traffic along Cypress Road if cars are stopping to turn into the proposed storage facility.

Vice Mayor Romick mentioned he did not believe that rezoning the property will impact RHNA requirements. Mr. Strelo confirmed there will be no impact.

Vice Mayor Romick commented that the reason a sidewalk is not recommended in front of the property is to encourage safety of pedestrians by using the pedestrian undercrossing.

City Manager Bryan Montgomery mentioned that the City Council decided at its previous meeting that this property is no longer recommended for the affordable housing overlay and another site was identified.

Councilmember Pope commented he is not opposed to rezoning the property; however, he is concerned about pedestrian safety without a sidewalk. He expressed that for convenience, pedestrians may take a less safe route than the pedestrian undercrossing such as walking in the street.

Councilmember Perry commented that the property is better zoned commercial due to its location; it is not safe to be multi-family high density as it is too close to the railroad tracks.

Vice Mayor Romick and Councilmember Higgins both expressed they are in favor of the property being rezoned commercial.

4.2 Oakley Gateway Preliminary General Plan Amendment (PA 05-15) (Joshua McMurray, Planning Manager)

Planning Manager Joshua McMurray presented the staff report.

The applicant, Eric Whann with Sutter & Pierce EPC, LLC, shared visual design elements that he would like to utilize with the proposed 7-11 convenience store and gas station.

Blaire Skelley, Senior Sales Representative with 7-11, shared the site plan and rendering. She mentioned 7-11 would have concern with the convenience store located on the street side and gas pumps located on the inside of the parcel for safety and economic disadvantage reasons.

Councilmember Perry commented that the areas make sense to be zoned commercial and the 7-11 and gas station appears well situated on this site as the property does not back up to any homes. She mentioned she would like to see more office and retail space than self-storage and she believes the convenience store on the corner of the parcel may present a safety concern as it will be a blind spot for vehicles.

Councilmember Higgins expressed approval for the gas station for easy ingress and egress.

Councilmember Pope expressed concern of using prime frontage real property for self-storage. He commented he likes the idea of the convenience store and gas, but does not like the layout of the site plan. He suggested the applicant work with staff to maximize more commercial, retail and restaurant establishments. He mentioned his preference is to have the convenience store on the corner with the gas pumps located on the interior of the property.

Vice Mayor Romick inquired what research has been conducted to bring retail establishments to Oakley.

Mr. Whann mentioned they have explored many potential retail establishments, including pharmacy stores, major grocery stores and fast food tenants, but the interest is not strong to open in Oakley because either there are not enough rooftops and traffic counts or the stores want to see an anchor store already in place. He added that there is interest for gas and a convenience store on the property. He added the City requested a retail component to the convenience store and gas station; the self-storage works well in this location because it does not require the same things retail establishments need.

Ray Devlin with Devlin Retail Properties commented his company was employed by Contra Costa Water District to sell its surplus property and they experienced the same findings as Mr. Whann mentioned with regard to retail establishments.

Councilmember Perry inquired why Oakley cannot get retail stores such as Brentwood has when the population of Oakley is only approximately 18,000 less than Brentwood.

Vice Mayor Romick commented 50,000 is the minimum key number in population to attract retailers.

Mr. Whann responded that Brentwood has more anchor stores and retailers gravitate toward those anchor stores.

Vice Mayor Romick expressed support to have the property zoned commercial and mentioned he supports the project only if the convenience store is located on the corner of the property with the gas pumps located on the interior of the property. He commented the property is part of the gateway of the City and should incorporate the surrounding landscape.

Councilmember Higgins inquired if the convenience store and gas station could be developed without the self-storage.

Mr. Whann responded that without the self-storage, the project cannot move forward with 7-11.

Online Comment Forms

No online comment forms were submitted for Item 4.2.

Public Comment Card

No public comment cards were submitted for Item 4.2.

5.0 REGULAR CALENDAR

Oakley City Council

5.1 Adopt a Resolution Approving Real Property Purchase Agreements for the Purchase of 4.62 acres of land located north of Main Street and east of Oakley Plaza (APN 037-160-006, 037-160-007, 037-160-018) and .20 acres of land located at 3570 Main Street (APN 037-160-025) (Dwayne Dalman, Economic Development Manager)

Economic Development Manager Dwayne Dalman presented the staff report.

Vice Mayor Romick commented that the City is transitioning its downtown into a pedestrian-friendly area with increased economic development and activity. He mentioned the purchase of these parcels will allow the City to further achieve its goals.

Councilmember Pope mentioned that there is not a lot of discussion by the City Council on this item this evening as the City has been negotiating with the owner of the parcels for a long time. He commented that the City is getting a good price for the parcels and it furthers progression of its downtown project.

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 Pope and seconded by Councilmember Perry to adopt the resolution. Motion was unanimous and so ordered. (4-0)

5.2 Adopt a Resolution Accepting the Bid from Cemo Commercial to Purchase a Portion of the Undeveloped Real Property located at 1420-1480 Neroly Road, also known as Parcel 3 within the Neroly Commercial Center (APN 034-040-017-5) (Dwayne Dalman, Economic Development Manager)

Economic Development Manager Dwayne Dalman presented the staff report.

Councilmember Pope inquired if and when the child care grants funds will be awarded in connection with the purchase of the property.

City Manager Bryan Montgomery explained that the child care grant funds will be applied in connection with the purchase of the property as the funds were collected for the purpose of a child care facility; however, there will be no upfront dispersal of the funds; a draw-down agreement will be proposed once the certificate of occupancy is complete.

Bidder Doug Quiroz on behalf of Cemo Commercial thanked the City Council for the opportunity to engage in the proposal and commented he believes Cemo's significant level of expertise and experience will lend to a successful project.

Councilmember Perry inquired if Cemo is proposing any office or medical space.

Mr. Montgomery responded that the bid offers submitted by Cemo and the Khare's both include purchasing the entire parcel and providing office space in addition to the child care facility.

Councilmember Perry requested clarification that the difference between the two bids is \$35,000 and the Khare's propose to develop and operate the facility whereas Cemo would develop the facility, but would have to find an operator.

Mr. Montgomery confirmed this information is correct and explained that staff also evaluates the experience of each bidder when considering the recommendation for award of the bid.

Councilmember Higgins inquired if either bidder has anyone committed to the office space portion of the project.

Mr. Dalman confirmed neither bidder has shared any information that they have received commitments to the office space.

Bidders Vijay and Rashu Khare commented they are very interested in the property and have been working for the past two years with the former developer to create actual plans and secure funding which they have achieved. They added that the project has been long delayed and no one would be able to bring in a facility faster than they can because they already have everything in place. They mentioned they can develop the rest of the parcel with other educational space. They also mentioned the bid process was not consistent with their expectations, but they hope to be considered for award of the bid.

Mr. Montgomery mentioned that the City Council is not required to accept the bid recommended by staff; it may consider the Khare's bid or cancel the bids and begin the process again.

Online Comment Forms

No online comment forms were submitted for Item 5.2

Public Comment Card

No public comment cards were submitted for Item 5.2.

It was moved by Councilmember Pope and seconded by Vice Mayor Romick to accept the bid submitted by Cemo Commercial. AYES: Pope, Romick. NOES: Higgins, Perry. (2-2)

It was moved by Councilmember Perry and seconded by Councilmember Higgins to accept the bid submitted by Vijay and Rashu Khare. AYES: Higgins, Perry. NOES: Pope, Romick. (2-2)

Vice Mayor Romick announced Item 5.2 is continued to the following City Council meeting to be held November 10, 2015 at 6:30 p.m. at the Oakley City Council Chambers for further consideration.

6.0 REPORTS

6.1 CITY MANAGER

(a) City Manager

None.

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 Higgins announced she attended a Make-a-Wish celebration for Colten Guerra and she will attend the Contra Costa Water District Board meeting tomorrow. She commented the Harvest Festival was awesome.

Councilmember Perry thanked staff for a great Harvest Festival. She mentioned the events held by the City makes living in Oakley special; it is a fun, safe environment and she has the opportunity to meet new people.

Councilmember Pope gave kudos to staff for a great Harvest Festival. He mentioned at the Festival he was asked about tree trimming and pruning; he asked staff to explore a possible resident-City partnership for such maintenance. He announced the next East Contra Costa Fire Protection District Board meeting will be held November 2, 2015 beginning at 6:30 p.m. at City Hall.

Vice Mayor Romick did not provide a report.

(b) Requests for Future Agendas

There were no requests for items to be placed on future agendas.

7.0 WORK SESSIONS-None

Vice Mayor Romick announced a 5 minute break at 8:35 p.m. The City Council reconvened at 8:40 p.m.

8.0 CLOSED SESSION

Oakley City Council

8.1 CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

**Significant exposure to litigation pursuant to Govt. Code § 54956.9(b)
Two potential cases.**

8.2 Report Out of Closed Session

City Attorney Derek Cole announced there was no reportable action and direction was provided to staff.

9.0 ADJOURN

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

Respectfully Submitted,

Libby Vreonis
City Clerk