

**Minutes of the Regular Joint Meeting of the Oakley City Council/  
Oakley City Council Acting as the Successor Agency to the Oakley  
Redevelopment Agency/Oakley Public Financing Authority held  
Tuesday, February 14, 2017**

**1.0 OPENING MATTERS**

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

**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/Oakley Public  
Financing Authority**

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

**1.2 Pledge of Allegiance to the Flag led by Derek Roy and Alaysia Scales, O'Hara Park  
Middle School Students**

O'Hara Park Middle School Students Derek Roy and Alaysia Scales led the Pledge of Allegiance. The City Council thanked them.

**2.0 PUBLIC COMMENTS**

**Public Comment Cards**

None.

**Online Comment Forms**

None.

**3.0 CONSENT CALENDAR**

***Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley  
Redevelopment Agency/Oakley 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 Meeting  
and Special Meeting of the Oakley Public Financing Authority held January 24,  
2017 (Libby Vreonis, City Clerk)**

## ***Oakley City Council***

- 3.2 Waive the Second Reading and Adopt an Ordinance Amending Oakley Municipal Code Sections 9.1.406 and 9.1.1102 of Article 4 and Article 11 of Chapter 1 of Title 9, Necessary to Comply with Recent Changes to State Law Regarding Accessory Dwelling Units (Joshua McMurray, Planning Manager)**
- 3.3 Adopt a Resolution Approving Traffic Order 17-1 Pertaining to Parking of Over-Height Trucks (William Galstan, Special Counsel)**
- 3.4 Adopt a Resolution Awarding a Construction Contract to Ghilotti Bros. Inc. for the Main Street Realignment Project (Norcross Lane to 2<sup>nd</sup> Street)-Capital Improvement Number 165 (Kevin Rohani, Director of Public Works/City Engineer)**
- 3.5 Adopt a Resolution Accepting Work Associated with Capital Improvement Project Number 195-Bridgehead Road Pump Station Rehabilitation Project (Kevin Rohani, Director of Public Works/City Engineer)**
- 3.6 Adopt a Resolution Consenting to the Inclusion of Properties within the City of Oakley in the California Statewide Communities Development Authority (CSCDA) Open Property Assessed Clean Energy (PACE) Programs, and Authorizing Related Actions (Ken Strelo, Senior Planner)**
- 3.7 Adopt a Resolution Adding New Employee Classifications (Nancy Marquez, Assistant to the City Manager/Human Resources Manager)**
- 3.8 Accept City of Oakley Quarterly Investment Report (2<sup>nd</sup> Quarter Fiscal Year 2016-2017) (Deborah Sultan, Finance Director)**

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

- 3.9 Accept the City of Oakley as Successor Agency to the Oakley Redevelopment Agency-Quarterly Investment Report (2<sup>nd</sup> Quarter Fiscal Year 2016-2017) (Deborah Sultan, Finance Director)**
- 3.10 Adopt a Resolution Approving the Successor Agency Mid-Year Financial Status Report (Deborah Sultan, Finance Director)**

### Public Comment Cards

None.

### Online Comment Forms

None.

Items 3.1, 3.3 and 3.4 were pulled from the Consent Calendar for discussion.

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

#### Item 3.1

Councilmember Alaura requested a revision to the meeting minutes to reflect that she met with Councilmembers and the Mayor from the City of El Cerrito at the League of California Cities' New Mayors and Councilmembers Academy held in Sacramento, not in the City of El Cerrito.

It was moved by Councilmember Hardcastle and seconded by Councilmember Romick to approve Item 3.1 as amended. Motion was unanimous and so ordered. (5-0)

#### Item 3.3

Councilmember Hardcastle announced he would abstain from voting on Item 3.3. He left the room.

It was moved by Vice Mayor Pope and seconded by Councilmember Romick to approve Item 3.3. Motion was unanimous and so ordered. (4-0)

#### Item 3.4

Councilmember Hardcastle requested clarification regarding the fiscal impact portion of the staff report which provides that Councilmember Romick helped facilitate federal transportation funding for improvements. Councilmember Hardcastle commented he had not previously noticed one Councilmember being listed on a staff report.

City Manager Bryan Montgomery responded that it was likely included for historical purpose, but if it pleases the City Council, staff can omit reference to any specific Councilmember in future reports.

Mayor Higgins inquired if it was Councilmember Romick or the entire Council that approved the funding.

Councilmember Romick explained that the City Council did not approve it; he happened to be in Washington, D.C. at the time funds were being earmarked and discussed it with Congresswoman Ellen Tauscher; thereafter the City was awarded funding.

City Manager Bryan Montgomery commented that the resolution to be approved by the City Council does not mention any specific Councilmember.

Councilmember Alaura inquired if the City Council will be notified if the contingency is significant or over a certain amount and if the full contingency has been used in past projects.

Public Works Director/City Engineer Kevin Rohani responded that staff will inform the City Council if something unforeseen arises and it is a rare circumstance for the full contingency to be used on larger projects such as this; he has only experienced an increase exceeding the full contingency with a smaller striping project of significant lesser cost.

It was moved by Vice Mayor Pope and seconded by Councilmember Hardcastle to approve Item 3.4. Motion was unanimous and so ordered. (5-0)

Councilmember Alaura has an inquiry regarding Item 3.7.

The City Council did not pull the item as it had already been approved, but allowed for Councilmember Alaura to proceed with her question.

Councilmember Alaura commented that a sentence was cut off on the copy of the staff report she received. She asked staff to provide the sentence.

Assistant to the City Manager / Human Resources Manager Nancy Marquez read the sentence.

#### 4.0 PUBLIC HEARINGS-None

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

#### **4.1 Proposed Amendments to the City of Oakley Residential Guidelines to address the placement of Mobile/Manufactured Homes in Residential Neighborhoods (Joshua McMurray, Planning Manager)**

Planning Manager Joshua McMurray presented the staff report.

Councilmember Alaura inquired how significant the increase in proposals have been on an annual basis.

Mr. McMurray responded that in recent years, staff has not seen any proposals; however, the two homes that have been proposed over the past year do not blend easily with surrounding homes.

Councilmember Alaura inquired if staff has received any comments from surrounding neighbors regarding their opinion or desire for these types of homes.

Mr. McMurray replied that a few neighbors have expressed concern but State law prohibits the City from denying the homes.

Councilmember Hardcastle inquired if the guidelines only apply to homes ten (10) years or older, or if it is better to only allow "new" homes because someone could bring in a home that is nine (9) years old, for example.

Mr. McMurray explained that State law provides that any modular ten (10) years old or newer is allowed: it does not provide that the City has authority to only allow "new" homes.

Mayor Higgins inquired if the City can require an eligible home to look similar to other homes in the same neighborhood (i.e., requiring stucco siding).

Mr. McMurray responded that State guidelines allow the City to regulate things such as siding.

#### Public Comment Cards

None.

#### Online Comment Forms

None.

It was moved by Councilmember Hardcastle and seconded by Councilmember Alaura to approve Item 4.1. Motion was unanimous and so ordered. (5-0)

#### **4.2 Laurel at Emerson Ranch Design Review Resubmittal (DR 05-16) (Ken Strelo, Senior Planner)**

Senior Planner Ken Strelo presented the staff report. He provided a handout to the City Council which was the same information provided in the staff report; however, the colors in the handout were intensified to provide the City Council a clearer depiction of the colors proposed to be used in the design.

Councilmember Alaura thanked the Planning Department for working with the applicant and making sure all of the City's guidelines were followed. She commented she likes the changes made to the corner lots. She inquired if there were any last minute comments received by staff from the Citizens' Planning Advisory Committee.

Mr. Strelo replied that there were no additional comments provided by the committee; the committee is happy with the plans.

Applicant Brandy Schade with Brookfield Residential commented that Brookfield is the master builder on the project, it also built Merritt, and was named Best Builder in 2016 by *The Oakley Press*, "Best of Oakley" awards. She mentioned Brookfield is happy to be in Oakley and to comply with all of the conditions.

#### Public Comment Cards

None.

## Online Comment Forms

None.

It was moved by Vice Mayor Pope and seconded by Councilmember Romick to approve Item 4.2. Motion was unanimous and so ordered. (5-0)

## 5.0 REGULAR CALENDAR

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

#### **5.1 Adopt a Resolution for a Non-Exclusive Master Cooperation Agreement with Philips Lighting North America Corporation for the Siting, Installation and Maintenance of Certain Integrated Lighting and Communication Smart Poles (Bryan Montgomery, City Manager)**

City Manager Bryan Montgomery presented the staff report and shared examples of Smart Pole design options. He invited Mark Jones, West Coast Sales Director for Philips Lighting, to provide additional information to the City Council.

Mr. Jones explained that the Smart Pole provides the opportunity to take a wireless signal and densify it by providing it closer to user level, creating a wireless backbone for a Smart City. He added that everything (equipment, fibers, power, etc.) fits inside the Smart Pole; there is no exterior equipment; it looks like a regular light pole. He mentioned it is open for any wireless carrier to use, the carrier selects locations for the poles, Philips communicates the proposed locations to the City and the City has the option to approve or disapprove the locations; and there is no disruption to City streets as Philips works with the City to install the Smart Poles during permissible non-peak traffic hours. He added Philips currently works with major carriers such as Verizon, Sprint, AT&T and T-Mobile and initial interest has been expressed by carriers to have Smart Poles in Oakley.

Mr. Jones also explained that the Smart Pole would provide the backbone to the City's Smart City program in that it would provide the wireless infrastructure needed to improve wireless signals and stream fibers without added cell towers or trees. He explained the additional benefit to the City is that the Smart Pole would replace existing non-LED lighted poles with LED lighting which Philips would convert at no cost to the City.

Councilmember Romick commented that the Smart Pole improves reception performance and is a great first step to move forward to build a Smart City backbone; Oakley will be on the forefront of being positioned to implement new technology with this infrastructure. He inquired if the densification would provide less need for large cell towers.

Mr. Jones confirmed that it would reduce the need.

Vice Mayor Pope echoed the comments of Councilmember Romick and thanked Mr. Jones for introducing the product. He mentioned the City has struggled with hiding cell towers or making them more visibly pleasing. He inquired if the Smart Poles will provide emergency back-up power.

Mr. Jones responded that racks for radios and battery back-up are provided inside the base of the poles and all carriers currently deploy the Smart Poles with battery back-up up to 48 hours.

Vice Mayor Pope inquired if underground cables are part of a wireless mesh network or fiber underground requiring trenching.

Mr. Jones replied that it is not part of a mesh network; every site is independent having its own antennas, back-up radios, wires and existing power; the poles are not dependent upon sister sites or macro sites. He added that Verizon will work with a contractor to connect them without trenching; they find the nearest fiber strand and perform a saw cut to access it.

Councilmember Alaura commented that she is happy that the City is moving in this direction and undertaking Smart City opportunities. She inquired if Verizon is the only carrier.

Mr. Jones explained that the Smart Pole was co-developed with Ericsson over a two-year period and four major carriers operate on Ericsson equipment; the Pole is neutral and is stacked by the carrier.

Councilmember Alaura inquired if multiple carriers can be situated on the same pole.

Mr. Jones responded that each pole has only one carrier. He mentioned the beauty of everything being stored inside the poles is that the poles look the same regardless of which carrier is situated on the pole and Philips will work with the City to establish a uniform design of the poles.

Councilmember Alaura inquired how many poles will be needed in Oakley.

Mr. Jones indicated he would expect between 10-15 poles per carrier (there are four carriers). He mentioned the carriers tend to group in the same specific areas; for example, intersections, parks, shopping centers, libraries and hospitals.

Councilmember Alaura inquired about terms of Section 3(B)(iv) of the proposed Non-Exclusive Master Cooperation Agreement ("Agreement"). She inquired who would incur the cost if the applicant is granted access.

Mr. Jones responded it would be at the applicant's expense and they can revise the Agreement to include access will be solely at the expense of the applicant.

Councilmember Alaura also commented she would like to see the allowed working hours stated in Section 4(B) to match the hours the City allows.

Mr. Jones replied that change can be made.

Councilmember Alaura inquired if the poles are already equipped before installation.

Mr. Jones confirmed the poles are already equipped.

Councilmember Alaura commented neighborhoods must be notified of any possible adverse health effects regarding cell towers being installed. She inquired if the neighborhoods would be similarly notified for Smart Poles to be installed.

Mr. Jones responded that they will take direction from the City Council regarding locations for the poles to be grouped and when they prepare applications for those locations they will work with staff to provide public notice. He mentioned they have installed poles in San Jose and they held a public meeting to address any public questions or concerns; they could provide the same in Oakley if the City Council prefers.

Councilmember Hardcastle inquired if the poles are new in development, if anything can be placed on the exterior of the poles (i.e., cameras) and if so, if it would require City approval.

Mr. Jones responded that the poles were developed about two years ago and can accommodate a third party camera as most cameras utilize dark fiber which is already installed in the pole. He mentioned they install the pole and the pole is the property of the City; therefore, the City can consider approval of any contracts with third parties for cameras.

Mayor Higgins inquired how many poles have been produced and how much the carrier pays per pole. She also inquired how much radiation is emitted from the poles and if the City would be receiving new poles or replacing the LED bulb.

Mr. Jones responded that over 1,200 poles have been produced in the U.S. and Europe. He explained the amount the carrier pays is competitive and varies but on average is a few hundred dollars per pole. He commented that every site is required to be registered with the FCC. He mentioned existing poles can stay in place and the cobras can be replaced with LED fixtures which would provide an immediate savings of at least 50% on power.

Mayor Higgins inquired if Philips would consider free light poles for specific areas (i.e., Gamay and Empire).

Mr. Jones replied that the lights could be worked into the compensation agreement.



Public Comment Cards

None.

Online Comment Forms

None.

It was moved by Councilmember Romick and seconded by Vice Mayor Pope to approve Item 5.1. Motion was unanimous and so ordered. (5-0)

**5.2 Adopt a Resolution Approving the City Mid-Year Budget Review Fiscal Year 2016-2017 and its Recommendations (Deborah Sultan, Finance Director)**

Finance Director Deborah Sultan presented the staff report.

Public Comment Cards

None.

Online Comment Forms

None.

It was moved by Mayor Higgins and seconded by Vice Mayor Pope to approve Item 5.2. Motion was unanimous and so ordered. (5-0)

**5.3 Review and Approval of a New Standard Condition of Approval for Residential Subdivisions Regarding Front Yard Landscaping (Joshua McMurray, Planning Manager)**

Planning Manager Joshua McMurray presented the staff report.

Councilmember Alaura thanked the Planning Department for heading off issues Code Enforcement is facing now and for helping to prevent future potential issues. She commended the City for offering free mulch.

Vice Mayor Pope commented that he does not like the use of chemicals for weed deterrent as they can wash away with rain and the weeds return; he would prefer that the language referring to "acceptable pre-emergent herbicide" be replaced with "weed barrier" in Planning Division Condition number 16.

Mayor Higgins agreed.

Mr. McMurray commented the language was included to provide flexibility, but staff will take the direction provided by the City Council.

Councilmember Hardcastle commented that it would be best for the environment if chemicals are not used, but rather use a barrier.

#### Public Comment Cards

None.

#### Online Comment Forms

None.

It was moved by Vice Mayor Pope and seconded by Mayor Higgins to approve Item 5.3 as amended. Motion was unanimous and so ordered. (5-0)

### 6.0 REPORTS

#### **6.1 CITY MANAGER**

##### **(a) City Manager**

City Manager Bryan Montgomery mentioned he and Councilmember Alaura met Ironhouse Sanitary District (ISD) Board member Pete Zirkle; Mr. Zirkle and Councilmember Alaura had a great briefing regarding the City and Ironhouse and they look forward to the continued partnership between the agencies. He announced that City offices will be closed Monday, February 20 for President's Day and he wished everyone a Happy Valentine's Day.

#### **6.2 OAKLEY CITY COUNCIL/OAKLEY CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE OAKLEY REDEVELOPMENT AGENCY**

##### **(a) Discussion of Fire Board Appointment**

Vice Mayor Randy Pope announced that his work schedule has changed and conflicts with the meeting time for the East Contra Costa Fire Protection District (ECCFPD) Board meetings; therefore, he requested a replacement for his appointment to the Board.

Councilmember Hardcastle agreed to be his replacement.

It was the consensus of the City Council to appoint Councilmember Hardcastle to the ECCFPD Board for the remainder of Vice Mayor Pope's term.

##### **(b) 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 Alaura shared that she met with Ironhouse Sanitary District (ISD) General Manager Chad Davisson and appreciates his time in providing a tour of the treatment plant, Jersey Island and Bethel Island. She mentioned she engaged in her first meeting with ISD regarding ISD and Diablo Water District's coordinated efforts to work with the City on the Main Street Realignment Project. She reported ISD has experienced the loss of some crops due to heavy rain fall/flooding, ISD is looking at Orange County's use of rain run-off water to help flood control and create jobs, ISD is following the twin tunnels project very closely as it believes the cost of the tunnels is grossly underestimated, and ISD received four Awards of Excellence from the California Water Environment Association. She welcomed Mr. Zirkle and mentioned she looks forward to working with him.

Mayor Higgins mentioned she and Councilmember Alaura attended an Inter-agency meeting.

Councilmember Alaura added that they learned that Measure W funds will bring \$31 million to schools and will help fund a new elementary school in about 3 years, school district lines may need to be redrawn to balance the overpopulation of some schools, and Measure U funds will help provide a performing arts theater and new modulators at Freedom High School as well as new lockers at Liberty High School.

Councilmember Hardcastle inquired if there was any mention about the fire department at the Inter-agency meeting.

Mayor Higgins commented that the School Board sent a letter to the Fire Board.

Vice Mayor Pope commented the letter was from the superintendents, not the School Board.

Councilmember Hardcastle shared that he and Councilmember Romick attended a Tri-Delta Transit meeting and Tri-Delta Transit has some new buses which can travel 200-250 miles on an electric charge.

Councilmember Alaura mentioned information is available on the City's website regarding a scholarship opportunity provided through the Oakley Youth Advisory Committee and funded by Assembly Member Jim Frazier; the deadline to apply is March 31.

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

Vice Mayor Pope mentioned the East County Voters for Equal Protection will hold a meeting February 23 to discuss an alternate plan for funding fire services. He requested an item be placed on the next meeting agenda for February 28, 2017 to provide an opportunity to discuss fire services. He announced the next East Contra Costa Fire Protection District Board meeting will be held March 6 at Brentwood City Hall beginning at 6:30pm.

## **7.0 WORK SESSIONS-None**

## 8.0 CLOSED SESSION

### *Oakley City Council*

#### **8.1 CONFERENCE WITH LEGAL COUNSEL-SIGNIFICANT EXPOSURE TO LITIGATION (Pursuant to Government Code Section 54956.9 (d)(3))**

One potential case.

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

There was no reportable action.

## 9.0 ADJOURN

There being no further business, the meeting was adjourned at 8:00 p.m.

Respectfully Submitted,

Libby Vreonis  
City Clerk