

**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, July 11, 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, Councilmembers Claire Alaura, Doug Hardcastle and Kevin Romick were present.

1.2 Pledge of Allegiance to the Flag (Mayor Higgins)

Mayor Higgins led the Pledge of Allegiance.

1.3 Update from Ironhouse Sanitary District (Chad Davisson, General Manager)

Ironhouse Sanitary District Chad Davisson provided an update to the City Council regarding the District's fiscal year 17/18 budget, Capital Program, Jersey Island land use analysis and recycled water program.

Councilmember Alaura inquired if there are certain things the District wants the Municipal Resource Group to focus on for Jersey Island.

Mr. Davisson indicated the Group has been directed to focus on alternative land uses unrelated to bio solids or recycled water. He indicated the District has permit authority to do bio solids land application, but it has not exercised that authority as it would require major capital expenditures that must be weighed with savings and capital and operational costs; it is early in the process.

Councilmember Alaura inquired if the District plans to acquire any property outside of Jersey Island such as the property adjacent to Vintage Parkway to create a future additional outlet from the Vintage Parkway neighborhood.

Mr. Davisson responded that he has been working with City staff regarding preliminary options to route residents out of Vintage Parkway around the Downtown; it is being evaluated, but it hasn't been brought before the District Board yet for consideration.

2.0 PUBLIC COMMENTS

Public Comment Cards

Yolanda Mendrek thanked the City Council for appointing her to the Contra Costa Library Commission. She commented she is committed to serve and will do her best to serve all.

Barbara Bautista, Jesus Sanchez, Judith Willis, Cecile Nelson, Georgiann Stroud, Cliff Taylor, Sharon Robbins, Mary Lou Taylor, Michael Frank, Jim McCord and Steve Sandler opposed their rent increases at The Oaks Apartments on Carol Lane, an affordable housing structure. Additional comments included concerns regarding lack of management, safety, crime, lack of operating laundry equipment, trash, activities that are no longer in place, lack of landscaping maintenance, cracks in the floor of the building, improper ventilation, black mold, lack of working computers, smoking, inadequate parking and speeding. Some residents shared that they do not believe more buildings should be constructed until the current issues are resolved.

City Manager Bryan Montgomery shared that the City has no control over affordable housing rent increases; it is a function of the State; however, the City can assist with providing housing advocate and/or federal government contact information available to residents.

Mayor Higgins inquired if there is a way to get in touch with State inspectors.

Mr. Montgomery mentioned the California Department of Housing and Community Development would be the contact which is provided on a list of housing advocate resources located on the table outside the Council Chambers in the lobby. He added the list also includes contact information for legal assistance which may be an option to resolve what appears to be a landlord-tenant dispute.

Mayor Higgins recommended the City Council provide a letter of support.

Mr. Montgomery added that staff could invite CBH to attend a City Council meeting to provide more information. He commented the State has control over future buildings to be constructed; the City cannot say the buildings cannot be built; the City can only provide design review. He recommended residents follow up with Officer Radcliffe regarding any potential crimes at The Oaks.

Vice Mayor Pope thanked the group for addressing their concerns. He commented he recalls a lot of promises being made by CBH with regard to amenities and safety cameras. He requested staff review past documents to confirm CBH's obligations and hold it accountable. He suggested Code Enforcement and the Building Inspector look into the black mold and cracked foundation. He explained the State has control over the rent and the City's authority is limited. He suggested the group reach out to Assemblymember Frazier, Senator Glazer and the Oakley Seniors.

Mr. Montgomery commented he recalls that CBH committed to enhance cameras in future buildings, but he is uncertain if they committed to upgrade them in the older buildings. He mentioned the residents can let staff know when the Mayor's letter would be effective.

Councilmember Alaura thanked the group for bringing forth their concerns. She commented that her mother-in-law lives in the building; therefore, she is vested in helping and willing to assist the residents to be heard.

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 June 27, 2017 (Libby Vreonis, City Clerk)**

Oakley City Council

- 3.2 Accept Report Out of Closed Session Memo (Derek Cole, City Attorney)**
- 3.3 Adopt a Resolution Approving a Construction Contract to R&R Pacific Construction for Phase 1 of the Oakley Community Dog Park project at Nunn-Wilson Park-Capital Improvement Project Number 197 (Kevin Rohani, Director of Public Works/City Engineer)**
- 3.4 Adopt a Resolution Awarding a Construction Contract to Martell Water Systems, Inc. for the Construction of the Irrigation Well for the Oakley Community Dog Park at Nunn-Wilson Park-Capital Improvement Project Number 197 (Kevin Rohani, Director of Public Works/City Engineer)**
- 3.5 Adopt an Agreement with Garth Ruffner Landscape Architect and Freyer & Laureta Inc. for Landscape Architectural and Engineering Design Services Associated with the Athletic Field at Nunn-Wilson Park-Capital Improvement Project Number 206 (Kevin Rohani, Director of Public Works/City Engineer)**
- 3.6 Adopt a Resolution Approving an Agreement with BKF Engineers, Inc. for Engineering design Services Associated with the Laurel Road Reconstruction Project (Mellowood Drive to Main Street)-Capital Improvement Project Number 208 (Kevin Rohani, Director of Public Works/City Engineer)**

- 3.7 Adopt a Resolution Awarding a Construction Contract to TNB Construction for the Fiscal Year 2017-18 Curb, Gutter & Sidewalk Repair and Replacement Project-Capital Improvement Project Number 199 (Kevin Rohani, Director of Public Works/City Engineer)**
- 3.8 Adopt a Resolution Approving the Purchase of New Trucks for the Public Works Department (Kevin Rohani, Director of Public Works/City Engineer)**
- 3.9 Annexation No. 4 (Minor Subdivision 16-979- 7-Eleven and Oakley Self-Storage) to the City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services) (Kevin Rohani, Director of Public Works/City Engineer)**
- 3.10 Annexation No. 5 (Subdivision 9044-Aspen Place) to the City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services) (Kevin Rohani, Director of Public Works/City Engineer)**
- 3.11 Annexation No. 6 (Subdivision 9043-Aspen Lane) to the City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services) (Kevin Rohani, Director of Public Works/City Engineer)**
- 3.12 Annexation No. 7 (Subdivision 9027-Duarte Ranch) to the City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services) (Kevin Rohani, Director of Public Works/City Engineer)**
- 3.13 Adopt a Resolution of Support for Pavement Rehabilitation Projects Related to the Cycle 2 Federal Funds from the Metropolitan Transportation Commission (MTC) through OneBayArea Grant (OBAG 2) (Kevin Rohani, Director of Public Works/City Engineer)**
- 3.14 Adopt a Resolution Approving the City's Investment Policy for Fiscal Year 2017-18 (Deborah Sultan, Finance Director)**
- 3.15 Letter of Support for Los Vaqueros Reservoir Expansion Proposition 1 Grant Application (Bryan Montgomery, City Manager)**
- 3.16 Adopt a Resolution Amending the Agreement with Shine House Cleaning Services for Facility Maintenance (Nancy Marquez-Suarez, Assistant to the City Manager)**

Public Comment Cards

None.

Online Comment Forms

None.

Councilmember Alaura requested to pull Item 3.5.

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 3.5

Councilmember Alaura recused herself from voting indicating she has a personal relationship with the engineer.

Public Comment Cards

None.

Online Comment Forms

None.

It was moved by Vice Mayor Pope and seconded by Councilmember Romick to approve Item 3.5. Motion was unanimous and so ordered. (4-0)

4.0 PUBLIC HEARINGS

Oakley City Council

4.1 Adopt a Resolution Approving Design Review for the Oakley Recreation Center (DR 06-17) (Ken Strelo, Senior Planner)

Senior Planner Ken Strelo presented the staff report.

Recreation Manager Lindsey Bruno provided an overview of the history of the project and current condition of the Oakley Recreation Buildings.

Susi Marzuola, Principal with Siegel & Strain Architects, provided renderings of the project, including the site plan, parking lot design, playing field layout, building features and color schemes. She was joined by her team: Michael Hayden, Senior Associate, Seth Dunn and Intern Zach Anderson.

Public Comment Cards

Paul Seger commented he would love to know who the leadership team was for the City that Ms. Marzuola mentioned in her presentation. He expressed concern that members of the public were not on the team for design. He mentioned the General Plan calls for outreach to seniors and youth for parks planning and he doesn't recall any specific

outreach. He indicated the poll on Facebook for the color selection of the building does not properly represent public input.

Mayor Higgins asked Mr. Seger what color he would prefer for the Recreation building.

Mr. Seger responded that the project should stop now. He indicated he believes the City Council took a vote at a Strategic Planning meeting on a non-agendized item related to the Recreation Center. He requested a face-to-face public meeting to address residents' concerns. He mentioned the Recreation Center would be great on Laurel Road or Main Street. He commented there has been no discussion of traffic, crime or pollution. He suggested the City Council committee produce a true Master Parks Plan and then build the Recreation center as a community.

Liz Elias requested the City Council stop the project. She mentioned a Master Parks Plan is needed and a coalition of Oakley community members will make a complaint to the District Attorney's Office for a Brown Act violation with regard to an "illegal" vote that was taken at a Strategic Plan meeting held in 2015 related to the Recreation Center. She expressed concern that documents have been requested regarding the project but not produced. She demanded that the City Council unanimously vote "no" on the project.

Cheryl Singh requested the City Council consider adding a greenhouse to the Recreation Center to allow the community to be involved in gardening and get people out that want to be a part of the Parks and Recreation activities.

John Elias submitted a speaker card and indicated on the card he did not wish to speak. He expressed in writing concern regarding the ability of the surrounding streets to handle the extra traffic that will be generated by the Recreation Center, the parking lot design and shared driveway with the adjacent school, after-hours criminal mischief and loitering. He indicated the Recreation Center will be an unfair burden of worry placed on the surrounding neighborhood. He requested the City Council find a better location for the Recreation Center and obtain better public input.

Online Comment Forms

Cheryl Singh commented that the City is not involving residents like it should be, the park would have done wonders for residents as a community garden, and a garden would be a wonderful thing to protect and improve the community.

Morgan Henderson commented the Recreation Center has a very innovative design and great architecture. He mentioned he can't wait for the finished product.

Dalia Stephenson inquired if native or drought-tolerant plants can be used for landscaping and if it is necessary to have the square footage of the lobby bigger than the kitchen.

Vice Mayor Pope requested the online voting results for the color scheme.

Mr. Montgomery shared that 93 responses provided that 42% of voters favored the green color scheme, 29% of voters favored the light color and 29% of voters favored the rust color.

Vice Mayor Pope expressed preference for the green color scheme, indicating he does not want the Recreation Center to be confused with the adjacent school building. He commented that a community garden exists already at Creekside Park. He inquired if the hydro seed shown will be turf grass. He mentioned if a greenhouse were to be placed on the property the area where the hydro seed is shown on the rendering might be the appropriate location.

Public Works Director / City Engineer Kevin Rohani confirmed it will be turf.

Vice Mayor Pope mentioned he prefers up lighting on trees and if any type of greenhouse is considered, both can be discussed during the landscape review. He inquired at what point the building meets the grade.

Ms. Marzuola responded the building meets the grade about midpoint on the rendering.

Councilmember Romick concurred with Vice Mayor Pope's choice on color scheme. He explained the different colors of the Recreation Center and school building provide distinction.

Councilmember Hardcastle expressed preference for the green color scheme. He inquired if laminated glass on the windows would be safer or stronger.

Ms. Marzuola explained laminated glass holds together when it breaks, but tempered glass holds stronger and has been used in a facility Siegel & Strain designed which has basketball hoops.

Councilmember Alaura commented the building design looks great and she also wants the color to stand out from the adjacent school building, but her preference of color scheme is the lighter color to perhaps reduce heat, be more reflective and it is a warmer, airier color. She indicated if the majority of the City Council prefers green, it will still be a beautiful building. She shared that she receives the same information the public receives at the same time and if anyone has questions they can reach out to the City Manager, staff or her directly before the meeting. She mentioned that the City did not have to do online polls to obtain public input regarding the Recreation Center but it did as an opportunity for public engagement. She added that the perception of the City's lack of engagement with the public seems to be confused with the public's willingness to engage. She shared that even prior to being a Councilmember, the wool was not pulled over her eyes; as a resident she understood the intent of the property and what was happening; every City Council meeting provided an opportunity to speak. She expressed that the poll results cannot be laughed at; those people took the time to engage. She added the City has done a really good job to get the information out; it is also up to residents to engage.

It was the consensus of the City Council to approve the green color scheme and to treat the columns and other exposed wood to prevent discoloration.

It was moved by Vice Mayor Pope and seconded by Councilmember Alaura to approve item 4.1. Motion was unanimous and so ordered. (5-0)

4.2 The Estates at Vineyard Acres 9285 Tentative Map Extension (TME 07-17)-Request for a Four Year Extension to the Expiration of Tentative Map 9285, located at the southeast corner of Oakley Road and Knarlwood Road (Ken Strelo, Senior Planner)

Senior Planner Ken Strelo presented the staff report.

Councilmember Hardcastle inquired if the applicant could come back in four years and have smaller lots.

Mr. Strelo confirmed the applicant cannot come back with smaller lots with the current zoning and mentioned a rezone of the property would have to come before the City Council for review.

Public Comment Cards

Robert Crowder expressed concern if the applicant's real reason for the extension is to have smaller lots.

Mr. Strelo responded that if the applicant wanted smaller lots there is no need to extend the tentative map. He explained that a General Plan amendment allowing for higher density and a rezone application would be required for smaller lots.

Mayor Higgins commented approval would mean extending the tentative map to 2021 with the existing lot size.

Romano Marchetti mentioned he owns the vineyard south of the property. He inquired if the homes will be built by Seeno and requested an eight foot wall between the properties.

Mr. Strelo confirmed the homes will be built by Discovery Builders which is owned by Albert Seeno, III.

Councilmember Hardcastle commented that the City Council cannot decide upon an eight foot wall because the plan has already been approved.

Councilmember Romick commented staff can follow up to see if an eight foot wall was included in the approved plan.

City Manager Bryan Montgomery agreed staff can follow up.

Mr. Strelo commented staff will follow up; however, it is not common practice to have an eight foot masonry wall between properties.

Mr. Montgomery suggested Mr. Marchetti could approach the applicant and request a good neighbor fence, but it is not required of the applicant.

Mr. Strela commented that very little would overlay with Mr. Marchetti's vineyard to the south.

Online Comment Forms

None.

It was moved by Councilmember Hardcastle and seconded by Councilmember Alaura to approve item 4.2. Motion was unanimous and so ordered. (5-0)

4.3 Duarte Estates Winery Conditional Use Permit (CUP 02-17)-Conditional Use Permit to Establish a Winery Use on a Site Located at 1459 Kay Lane, APN 034-070-027 (Joshua McMurray, Planning Manager)

Mayor Higgins recused herself.

Planning Manager Joshua McMurray presented the staff report.

Councilmember Hardcastle inquired if a conditional use permit would still be required if the applicant just wanted to build the building, crush grapes, and install air conditioning to store the grapes at the right temperature.

Mr. McMurray confirmed a conditional use permit would be required because that proposed scenario is considered a winery use.

Public Comment Cards

Applicant Dan Duarte was in attendance and available for any questions.

Liz Elias commented that she respects the property is his personal residence, but it would be a good draw for Oakley if a tasting room is considered in the future.

Councilmember Romick congratulated the applicant and thanked him for coming forward with the project. He commented he hopes this is the first of many more wineries in the community.

Councilmember Hardcastle commented this is a great step forward and wished the applicant the best of luck.

Councilmember Alaura concurred and mentioned it will be great to have Oakley wine.

Vice Mayor Pope echoed the City Council's comments. He mentioned the winery helps establish the wine identity the City is trying to promote, it holds onto Oakley's agricultural history and it will spur economic development.

Online Comment Forms

Liz Elias referred to text in the 'further resolutions' section, Conditions of Approval, Public Works and Engineering, item #14, which reads, "Participate in the provision of funding to maintain police services by voting to approve a special tax for the parcels created by this subdivision approval." She mentioned the City cannot tell people how to vote; it is against the law. She demanded the condition be struck as unconstitutional.

It was moved by Councilmember Hardcastle and seconded by Councilmember Romick to approve item 4.3. Motion was unanimous and so ordered. (4-0)

5.0 REGULAR CALENDAR

Oakley City Council

5.1 FY 2016/17 Fourth Quarter Update (Kevin Rohani, Director of Public Works/City Engineer)

Director of Public Works/City Engineer Kevin Rohani presented an update of Fiscal Year 2016/17 Fourth Quarter Capital Improvement Program.

Councilmember Alaura expressed she is glad the Main Street project is ahead of schedule. She requested staff keep open communication with her especially when louder construction happens for the Recreation Center because she sees the principal at O'Hara Park Middle School often. She prefers that loud construction is not happening during testing weeks and that construction does not impact pick up and drop off times. She requested copies of flyers or any other outreach materials to be placed in her mailbox.

Mr. Rohani responded that there will be no shortage of outreach and they will have heavy construction scheduled for off-time toward the end of the year.

Vice Mayor Pope inquired if there is a timeline on the construction.

Mr. Rohani responded that the project was out for bid, but it was not fair to award any of the bids submitted given the limited project budget. He mentioned the project may be awarded with the Recreation Center construction or in the winter when construction costs tend to be less expensive to be mindful of the project budget. He explained Oakley's unique sandy soil allows for construction to take place during winter months and staff will continue to reach out to contractors to advertise the project.

Mayor Higgins inquired of the status of the pre-ordered signal.

Mr. Rohani responded that the equipment has been ordered at a cost savings and will be kept in the corporate yard until ready to install.

Mayor Higgins thanked staff.

Public Comment Cards

None.

Online Comment Forms

None.

No action was required by the City Council.

5.2 Adopt a Resolution of the City Council of the City of Oakley Declaring the Necessity to Commence Eminent Domain Proceedings for the Acquisition of Portions of 541 Laurel Road, Oakley, California (Derek Cole, City Attorney)

City Attorney Derek Cole presented the staff report.

Councilmember Romick requested that staff confirm that no one on the property will need to be relocated.

Councilmember Alaura referred to Statutory Finding #4 in the staff report and inquired of the specific date in June.

Mr. Cole responded the date was June 14, 2017; fifteen days advance written notice was provided.

Councilmember Alaura inquired if the initial offer included the property and the loss of 32 trees.

Mr. Cole confirmed both were included in the initial offer. He explained the property owner could still try to claim damages for things the City has not identified.

Councilmember Alaura inquired how far back the home is situated from the project.

City Manager Bryan Montgomery commented he believes it may be 200-300 feet.

Vice Mayor Pope inquired what the property owner's strategy is to have the City go through the court process.

Mr. Cole explained that the option is to have the right of possession agreement to give the City an easement until the City gains the right to take and compensation can be litigated. He added that it is his understanding that property owners will sometimes utilize the court process to avoid negotiating indemnity and insurance terms and they do not have to engage. He mentioned it may save the City money to go through the court process, but may take a few months longer.

Mr. Montgomery added that the property owner may be maximizing value to be paid a little more than the initial offer.

Councilmember Hardcastle commented that it is not a hostile taking; the City is accommodating the property owner through the legal process.

Mr. Montgomery commented it could be cheaper in the end, but if it goes to a jury, it could result in a higher price. He explained the City needs the property. He also explained that the property owner does not desire residential development; if the property owner dedicates the property, the City can make improvements at no cost to the property owner; however, this is not something the property owner is willing to entertain.

Public Comment Cards

None.

Online Comment Forms

None.

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

6.0 REPORTS

6.1 CITY MANAGER

(a) City Manager

City Manager Bryan Montgomery announced the next City Council meeting will be held August 8, 2017 at 6:30pm.

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 Romick reported he met with City staff and Contra Costa Transportation Authority staff to discuss the possibility of obtaining funding for Advance Traffic Management Systems (ATMS) in the Downtown. He mentioned ATMS can monitor cameras and signals from the office. He also reported he met with Don Tatzin with the San Joaquin Joint Powers Authority (JPA) to discuss a train station in Oakley and provided him a walking tour of the Downtown. He mentioned the San Joaquin JPA will hold a meeting July 28 to discuss if State funding is available for a train station and parking.

Councilmember Alaura reported she attended the Diablo Water District meeting. She also reported she attended Diablo Water District's Veteran of the Year ceremony where Director Rico Cinquini, a WWII Veteran, was honored. She mentioned she attended the Cityhood Celebration and she understands there was an incident in the crowd, but it didn't impact the event. She mentioned the event was great and well-attended.

Councilmember Hardcastle reported he attended the East Contra Costa Fire Protection District Board meeting; the District has officially closed the Knightsen station and the District will be fighting fires strictly defensively. He mentioned Thomas Johnson was sworn in at the meeting.

(b) Requests for Future Agendas

Vice Mayor Pope requested a future work session to discuss allowing safe and sane fireworks. He mentioned allowing the safe and sane fireworks may reduce the amount of illegal fireworks and it would be a great fundraising opportunity for local groups.

Councilmember Alaura requested a future work session to discuss commemorating the 20th Anniversary of Cityhood. She suggested inviting community input and involving Leadership Academy graduates.

7.0 WORK SESSIONS-None

8.0 CLOSED SESSIONS

Oakley City Council

**8.1 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(d)(1)**

***City of Oakley v. Shea Homes, a limited partnership
Contra Costa Superior Court Case No. MSC16-00439***

**8.2 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
(Pursuant to Government Code Section 54956.9(d)(1))**

***Michael Rasooly v. The City of Oakley
Contra Costa Superior Court Case No. MSN16-1462***

**8.3 CONFERENCE WITH LEGAL COUNSEL-POTENTIAL LITIGATION-
SIGNIFICANT EXPOSURE TO LITIGATION
Pursuant to Government Code Section 54956.9(d)(2). One potential case.**

8.4 Report Out of Closed Session (Derek Cole, City Attorney)

There is no reportable action with regard to items 8.1 and 8.2.

With regard to item 8.3, the City Council approved an "Agreement Settling Disputes Regarding Land Use Rights Affecting the Use of Real Property" with Tim Hulse and Angel Pena regarding 5740 Main Street.

The motion to approve the settlement was made by Mayor Higgins, seconded by Vice Mayor Pope, and was approved unanimously. (5-0)

9.0 ADJOURN

There being no further business, the meeting was adjourned at 9:35 p.m.

Respectfully Submitted,

Libby Vreonis
City Clerk