

**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, September 12, 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 (Talon Slaney, 5th Grade Gehring Elementary Student)

Fifth grade Gehring Elementary student Talon Slaney led the Pledge of Allegiance.

The City Council thanked him.

1.3 Proclamation Recognizing September 2017 as Suicide Prevention Month in Oakley (Vanessa Perry, Board Chair, Greater San Francisco Bay Area Chapter, American Foundation for Suicide Prevention and Chair, Oakley Out of the Darkness Walk)

Mayor Higgins presented the proclamation on behalf of the City Council to Vanessa Perry and the Out of the Darkness Walk Committee.

1.4 Proclamation Recognizing September 2017 as National Childhood Cancer Awareness Month (Michelle Guerra)

Ms. Guerra was not in attendance.

1.5 Proclamation Recognizing September 2017 as National Preparedness Month (Chris Thorsen, Chief of Police and Brian Helmick, Interim Fire Chief)

Mayor Higgins presented the proclamation on behalf of the City Council to Police Chief Chris Thorsen and interim Fire Chief Brian Helmick.

1.6 Proclamation Recognizing September 17-23, 2017 as Constitution Week (Diane McLean, Regent, Anne Loucks Chapter, National Society Daughters of the American Revolution)

Mayor Higgins presented the proclamation on behalf of the Oakley City Council to Diane McLean.

1.7 Update from East Contra Costa Fire Protection District (Brian Helmick, Interim Fire Chief)

East Contra Costa Fire Protection District (ECCFPD) Interim Fire Chief Brian Helmick provided an update to the City Council including emergency response information, the District's effort to reorganize internal operations for efficiency, improved communication and he shared its public outreach efforts. He reported the ECCFPD Board approved its Fiscal Year 17/18 Budget last night and it is available on its website. He added that with Board approval, the District would like to move forward with its Strategic Planning process in January 2018. He thanked the City Council for its patience and support while the District is rebuilding and mentioned he will return regularly to update the City Council.

Councilmember Romick commented he appreciates the hard work of Interim Chief Helmick and looks forward to working with him as the District rebuilds its department and trust with the community.

Councilmember Hardcastle commented that Interim Chief Helmick should keep up the good work.

Mayor Higgins thanked Interim Chief Helmick for the update.

2.0 PUBLIC COMMENTS

Public Comment Cards

Albert DesRuisseau requested a fee waiver for booth spaces at the Heart of Oakley Festival. He explained the booth spaces are for a non-profit group which relies solely on donations to produce "Oakley Rocks" which teach random acts of kindness. He requested an \$80 donation. No response was made or action taken by the Council.

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/Oakley Public Financing Authority Meeting held August 8, 2017 (Libby Vreonis, City Clerk)**

Oakley City Council

- 3.2 Accept Report Out of Closed Session Memo (William Galstan, Special Counsel)**
- 3.3 Waive the Second Reading and Adopt an Ordinance Adding Chapter 36 to Title 4 of the Oakley Municipal Code Regarding the Use of Unmanned Aircraft Systems (UAS), also known as Drones (Libby Vreonis, City Clerk)**
- 3.4 Waive the Second Reading and Adopt an Ordinance to Rezone Approximately 14,500 sf. of an Approximate 54,496 sf. Project Site located at 3351 Doyle Road (a portion of APN 033-080-017) from R-40 (Single Family Residential District) to R-7 (Single Family Residential District). The Project is titled "Doyle Road / Hill Avenue Minor Subdivision 17-976 (GP 01-17, RZ 02-17, and TPM 01-17); Parcel B of MS 14-977 (a portion of APN 033-080-017) and a Portion of Previously Dedicated Doyle Road" (Ken Strelo, Senior Planner)**
- 3.5 Adopt a Resolution Consenting to the Inclusion of Properties within the City of Oakley in the California Municipal Finance Authority (CMFA) Open PACE Program; Authorize the CMFA to Accept Applications from Property Owners, Conduct Contractual Assessment Proceedings and Levy Contractual Assessments within the City; Authorize the City to Join CMFA; and Authorize Related Actions (Ken Strelo, Senior Planner)**
- 3.6 Adopt a Resolution Awarding a Construction Contract to Otis Elevator Company for the Purchase and Installation of an Elevator at 3330 Main Street (Dwayne Dalman, Economic Development Manager)**
- 3.7 Adopt a Resolution Approving an Amendment to the Gilbert Property Subdivision Tract Map (Subdivision 9033), Final Development Plan and Final Phasing Plan and Adopt an Addendum to the Gilbert Property Environmental Impact Report. The Gilbert Property is Regarding 120 Acres, Located at the Northeast Corner of the Sellers Avenue and East Cypress Road Intersection. (Derek Cole, City Attorney)**
- 3.8 Adopt a Resolution Approving a Budget Amendment Revising Revenues and Appropriations for the You, Me, We = Oakley! Budget (Deborah Sultan, Finance Director)**

**3.9 Accept Quarterly Investment Report (4th Quarter Fiscal Year 2016/2017)
(Deborah Sultan, Finance Director)**

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

**3.10 Accept Quarterly Investment Report (4th Quarter Fiscal Year 2016/2017)
(Deborah Sultan, Finance Director)**

Public Comment Cards

None.

Online Comment Forms

None.

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

4.0 PUBLIC HEARINGS

4.1 McDonald's Renovation Design Review (DR 07-17) (Ken Strelo, Senior Planner)

Senior Planner Ken Strelo presented the staff report.

Councilmember Alaura inquired if there were any comments from the Citizen Planning Advisors.

Mr. Strelo confirmed there were no comments.

Councilmember Alaura commented the design will provide a nice change.

It was moved by Councilmember Romick and seconded by Councilmember Hardcastle to adopt the resolution as conditioned. Motion was unanimous and so ordered. (5-0)

**4.2 422 Laurel Road Preliminary General Plan Amendment (PA 03-17)
(Josh McMurray, Planning Manager)**

Planning Manager Josh McMurray presented the staff report.

Councilmember Romick commented that Laurel Road will be one of the busiest streets in Oakley; therefore, he does not have an issue with the homes being higher density adjacent to Laurel Road as it would provide a buffer to the homes farther north and people do not usually want to purchase larger homes and lots closer to busier streets.

Councilmember Hardcastle commented he thought medium density homes typically buffer other homes. He mentioned he would like to know what the neighbors that have larger parcels just north of this area think about higher density homes nearby.

Mr. McMurray responded that Councilmember Hardcastle is correct, but in this case, the density would be consistent with the density of the properties on the other three corners. He mentioned staff noticed property owners within 500 feet and have received no comments.

Mayor Higgins inquired if the bigger lots would be closer to existing larger lots and if the lots would become smaller as they near Laurel.

Mr. McMurray responded the average size lot is 7,000 sq. ft.

Vice Mayor Pope inquired what the smallest lot size is that Single Family High Density allows.

Mr. McMurray responded that the General Plan does not designate density; however, the Zoning Code provides that the lots under R-6 zoning in which the smallest lot size is 6,000 sq. ft.

Vice Mayor Pope inquired if there would be flag lots or access via Lauren Lane.

Mr. McMurray explained that the plan submitted is very conceptual; it is not likely what will actually be done; it was just proposed to show what could be done if a change in density is approved, but no actual plan has been submitted or considered.

Vice Mayor Pope inquired if Lauren Lane is private.

Mr. McMurray responded that half of it is private.

Councilmember Alaura commented she does not have a problem with Single Family High Density in this area because it is consistent with zoning in surrounding areas and she welcomes the wine tasting room.

Councilmember Romick commented that Oakley is the only City he is aware of in the county that refers to 6,000 square foot lots as High Density Single-Family homes; it is a bit of a misnomer because it is just the opposite of what people believe high density housing is. He suggested when the General Plan is amended in 2020 that the designation be renamed to be consistent with the terminology used by other cities.

Special Counsel William Galstan agreed and shared that the designation is referred to as "low density" in most other cities.

Vice Mayor Pope commented the wine tasting is a good fit for the vineyard and surrounding property. He expressed concern with the impact on the north and east side if the lots are 6,000 sq. ft. He suggested if the rezone is approved, to have larger lots near Lauren Lane, to provide a buffer between 1-acre lots and 6,000 sq. ft. lots, placing smaller lots closer to Laurel Road.

Mayor Higgins commented she thought the land owners on the back side of the larger lots wanted a sound wall.

Mr. McMurray explained that a sound wall is not required.

City Manager Bryan Montgomery explained that some family members of the applicant live on the 1-acre lots and they don't seem to be in disagreement, though they expressed a desire for the block wall; however, the applicant has met with engineers for the rough conceptual plan which may render a sound wall unnecessary. He added Lauren Lane is unique with larger lots and a partly private road, but residents are already accustomed to that density as the same density already exists on the south side. He mentioned the applicant will want to know the City Council's preference before moving forward as some cost is involved.

Councilmember Hardcastle commented he knows people have been notified by mail; however, he prefers staff knock on the doors of the approximate eight residences with larger lots that may be impacted.

Mr. Montgomery responded that he is pretty certain that the applicant already spoke with the property owners.

Councilmember Hardcastle mentioned he thought it would be best if City staff does it to be certain.

Mr. Montgomery explained the applicant would have to pay for staff the additional outreach or the rezoning would have to be conditioned as it is not staff's application. He added that staff may not reach the property owner in person if, for example, a tenant resides on the property.

Councilmember Alaura suggested the applicant could bring forth something in writing indicating the adjacent property owners are in agreement or approve of the rezone.

Vice Mayor Pope commented that some neighbors may be family or friends and he wouldn't stand in the way of an agreement between property owners if they want to submit a petition. He suggested in addition to mailing, a notice can be placed on the porch of the properties; the applicant should do it, but staff can verify it has been done.

Councilmember Romick commented that he doesn't want City staff going door-to-door; he indicated that would set a precedent or expectation that staff would do that in conjunction with all public hearing notices; it is not staff's job to ensure people read their mail.

Mr. Montgomery mentioned in addition to the mailings, a sign will be posted on the property regarding the rezone.

Mayor Higgins inquired if the property has to be zoned commercial if there will be wine tasting on the property. She also inquired if the applicant can have a winery on the property.

Mr. McMurray responded that the property does not have to be zoned commercial to allow wine tasting and the applicant can have a winery on the property.

Public Comment Cards

None.

Online Comment Forms

None.

No formal action was required of the City Council regarding this item.

5.0 REGULAR CALENDAR

Oakley City Council

**5.1 Adopt a Resolution Appointing a Director and Alternate Director to Serve on the MCE Clean Energy Board (Joshua McMurray, Planning Manager)
(ITEM CONTINUED FROM AUGUST 8, 2017)**

Planning Manager Joshua McMurray shared that MCE plans to expand from Lafayette and open a second office along the BART corridor, possibly Concord, which may be a meeting location. He mentioned remote conferencing is not an issue and there is no minimum number of meetings required to attend, providing some flexibility for members of the Board. He shared that the swearing in ceremony will occur during the Board's retreat on September 22 and will be followed by an orientation.

Public Comment Cards

None.

Online Comment Forms

None.

Mayor Higgins indicated she is willing to be the Director if she can conference in to meetings.

Vice Mayor Pope indicated he is willing to be the alternate.

It was moved by Councilmember Romick and seconded by Councilmember Hardcastle to appoint Mayor Higgins as Director and Vice Mayor Pope as Alternate Director to serve on the MCE Clean Energy Board. Motion was unanimous and so ordered. (5-0)

5.2 Adopt a Resolution Appointing a Representative to the East Contra Costa Fire Protection District Board (Libby Vreonis, City Clerk)

City Clerk Libby Vreonis presented the staff report.

Councilmember Hardcastle inquired why the application process is not being opened up again.

Vice Mayor Pope responded the Council has that option; however, because the last application process was so recent, the Council can consider the previous applicant.

Vice Mayor Pope inquired if there is a conflict of interest for applicant Susan Morgan to be appointed to the East Contra Costa Fire Protection District (ECCFPD) Board as she currently is an elected member of Ironhouse Sanitary District's Board.

Special Counsel William Galstan explained the incompatible office doctrine which provides that a person must have absolute loyalty to one office or another or they must give up their first position. He mentioned it is his understanding Mrs. Morgan has been advised by her counsel that the offices are not incompatible.

Councilmember Hardcastle commented that he recalls Mrs. Morgan was a key opponent of Ironhouse Sanitary District providing any financial assistance to the ECCFPD and that would seem incompatible.

Mr. Galstan explained that any issues that may arise that could create a conflict would have to be addressed by someone who would file an action in court to challenge removal of the person from the first position.

Mayor Higgins commented that it is already September and if the Council decides to open up the application process again, it would likely be November before the person is sworn in. She expressed concern of having a vacancy for a long period of time.

Councilmember Alaura commented that she understands the concern regarding a conflict; however, she believes Mrs. Morgan genuinely has an interest in helping, and she is willing and capable to help ECCFPD which outweighs any conflict. She mentioned she would be in favor of appointing Mrs. Morgan if the Council concurs.

Public Comment Cards

None.

Online Comment Forms

None.

It was moved by Councilmember Alaura and seconded by Vice Mayor Pope to adopt a resolution appointing Susan Morgan to the East Contra Costa Fire Protection District Board. AYES: Alaura, Higgins, Pope, Romick. NOES: Hardcastle. (4-1)

5.3 Agricultural Conservation and Viticulture Program (ACVP) Consideration and Acceptance of Final Report for Phase 2 (Ken Strelo, Senior Planner)

Senior Planner Ken Strelo presented the staff report. He mentioned the consultant who was scheduled to provide a presentation is not present.

Public Comment Cards

None.

Online Comment Forms

None.

The item is continued to the City Council meeting to be held September 26, 2017.

6.0 REPORTS

6.1 CITY MANAGER

(a) City Manager

City Manager Bryan Montgomery announced the Heart of Oakley Festival will be held Saturday, September 23, 11am-5pm, in which Main Street from Vintage Parkway to Norcross Lane will be closed beginning at 9am.

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

Mayor Higgins thanked Vice Mayor Pope and Team Oakley for hosting the September meeting of the Mayors Conference. She reported she attended the Movie in the Plaza, *Lego Batman*.

Vice Mayor Pope reported the Mayors Conference was well attended and he received great reviews regarding Buon Appetito where the business dinner was held and he received glowing compliments regarding Oakley. He shared that he has been involved with MCE regarding its renaming effort which is on hold for now until the new entities are on board and will be renamed to match the entire new geographic group accordingly. He also reported he participated in Urban Shield, a disaster preparedness response exercise involving many

agencies, and he had the opportunity to witness Contra Costa County's SWAT team in action; they did a great job.

Councilmember Alaura reported she attended the Diablo Water District meetings and they continue to do great work, she attended the Ironhouse Sanitary District meeting and they are working on grants for future projects that would utilize recycled water, she attended the Fishing Derby and Mayors Conference, she attended the ground breaking ceremony for the new school in the Summer Lake area, she has been keeping O'Hara Park Middle School informed of progress on the Recreation Center and she and staff will host a "Cup of Coffee" at O'Hara Park to answer any questions regarding the project.

Mayor Higgins inquired how long it would be before the school in the Summer Lake area opens.

Councilmember Alaura responded that no date has been provided, but it could be between 18 months to two years.

Mayor Higgins announced the Oakley Out of Darkness Walk will be held October 14 and registration is still open for the event.

(b) Requests for Future Agendas

None.

7.0 WORK SESSION

Oakley City Council

7.1 Work Session Regarding "Safe and Sane" Fireworks (Bryan Montgomery, City Manager)

Vice Mayor Pope commented that illegal fireworks have been a struggle for Oakley and because Oakley doesn't allow any fireworks, when people do use them illegally, they use big, explosive fireworks. He proposed allowing "safe and sane" fireworks to provide a safer alternative as well as a fundraising opportunity for local community groups who wish to sell them.

Councilmember Romick commented that he does not think sparklers will mitigate larger fireworks; it won't satisfy the need for people who want the bigger fireworks. He added it is a safety issue; the Fire District is already overburdened with work and this could add to it. He expressed his preference is to keep the current standard and not allow any fireworks to avoid any confusion and if people want to see fireworks, they can attend the Cityhood Celebration.

Councilmember Hardcastle inquired how many people have received tickets or were arrested or had fireworks confiscated this past July.

Chief of Police Chris Thorsen responded he does not recall exact numbers, but perhaps 7 to 9 citations were issued and other contacts were made. He mentioned Police has tried zero tolerance, zero action, and the only thing that seems somewhat effective is providing pre-event notification so no one is surprised when they are cited or their illegal fireworks are confiscated. He mentioned there were no fires or injuries this year.

Councilmember Hardcastle inquired of the amount of fines for illegal fireworks.

Chief Thorsen replied that fines can be issued up to \$1k.

Councilmember Alaura expressed opposition to "safe and sane" fireworks indicating that if Oakley is the only city to allow these fireworks in the county, Oakley becomes the place to go for these fireworks which creates potential for an increase of these fireworks in Oakley, which may increase fires and compromise safety.

Councilmember Hardcastle commented he does not believe sparklers will offset big fireworks and prefers to keep things "as is". He encouraged everyone to be a good neighbor.

Vice-Mayor Pope indicated that it did not appear there was support from the other Councilmembers to amend the ordinance to allow safe and sane fireworks.

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)

***California Department of Water Resources v. All Persons Interested in the
Matter of the Authorization of California WaterFix Revenue Bonds, the
Issuance, Sale and Delivery of California WaterFix Revenue Bond Series A,
Series B and Subsequent Series, the Adoption of the California WaterFix
Revenue Bond General Bond Resolution and the Supplemental Resolutions
Providing for the Issuance of California WaterFix Revenue Bonds, and the
Proceedings Related Thereto
Sacramento Superior Court Case No. 34-2017-00215965***

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

There was no reportable action.

9.0 ADJOURN

There being no further business, the meeting was adjourned at 8:15 p.m.

Respectfully Submitted,

Libby Vreonis
City Clerk