

AGENDA

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

Tuesday, May 26, 2015

6:30 p.m.

Oakley City Council Chambers
3231 Main Street, Oakley, CA

MISSION STATEMENT: The City of Oakley exists to build and enhance a quality community and to serve the public in a friendly, efficient, responsive manner.

VISION STATEMENT: The City of Oakley will be recognized as a model of civic participation and a vibrant delta community where families live, work, play, shop and visit.

Agendas are posted in Oakley at Oakley City Hall-3231 Main Street, outside the gym at Delta Vista Middle School-4901 Frank Hengel Way and outside the Library at Freedom High School-1050 Neroly Road; agendas are also posted on the City's Internet Website www.ci.oakley.ca.us.

A complete packet of information containing staff reports and exhibits related to each item is available for public review prior to an Oakley City Council and/or City Council Acting as the Successor Agency to the Oakley Redevelopment Agency meeting at Oakley City Hall, 3231 Main Street, Oakley, CA 94561. Any writings or documents provided to a majority of the Oakley City Council or Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency regarding any item on this agenda will be made available for public inspection, during regular business hours, at the front counter in the Main Lobby of the Oakley City Hall located at 3231 Main Street, Oakley, CA 94561.

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(Please keep cell phones/pagers turned off during the meeting.)

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**
- 1.2 Pledge of Allegiance to the Flag**
- 1.3 Proclamations Recognizing Paola Berumen, Alexis Murillo and Paulette Quiba for the 2015 Oakley Youth Advisory Council Outstanding Youth Volunteer Awards**

2.0 PUBLIC COMMENTS

At this time, the public is permitted to address the Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency on non-agendized items. PUBLIC COMMENTS ARE LIMITED TO THREE (3) MINUTES. In accordance with State Law, however, no action or discussion may take place on any item not appearing on the posted agenda. The Oakley City Council/ Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency may respond to statements made or questions asked or may request Staff to report back at a future meeting on the matter. The exceptions under which the Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency MAY discuss and/or take action on items not appearing on the agenda are contained in Government Code §54954.2(b)(1)(2)(3). Members of the public should submit any Speaker Cards for Public Comments in advance of the Mayor calling for Public Comments.

3.0 WORK SESSIONS

Oakley City Council

- 3.1 Downtown Oakley Priority Development Area (PDA) Market Study Work Session (Joshua McMurray, Planning Manager)**
- 3.2 City Budget and Capital Improvement Program Work Session (Bryan Montgomery, City Manager, Paul Abelson, Finance Director and Kevin Rohani, Public Works Director/City Engineer)**

4.0 CONSENT CALENDAR

Consent Calendar items are typically non-controversial in nature and are considered for approval by the Oakley City Council/ Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency with one single action. Members of the audience, Staff or the Oakley City Council/ Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency who would like an item removed from the Consent Calendar for purposes of public input may request the Mayor remove the item. Members of the public should submit any Speaker Cards related to the Consent Calendar in advance of the Consent Calendar being considered.

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

- 4.1 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 May 12, 2015 (Libby Vreonis, City Clerk)**

Oakley City Council

- 4.2 Report Out of Closed Session (William Galstan, Special Counsel)**
- 4.3 Adopt a Resolution Approving a Reimbursement Agreement with Ironhouse Sanitary District for Sanitary Sewer Line Construction Related to Capital Improvement Project Number 164-Main Street Rehabilitation and Resurfacing Project (Bridgehead Road to Big Break Road)(Kevin Rohani, Public Works Director/City Engineer)**
- 4.4 Adopt Resolutions Approving the Subdivision Improvement Agreement and the Subdivision Annexation and Assessment Authorization Deferral Agreement with Prescott Parc, LLC, and Final Map for Subdivision 9080 located between Picasso Drive and Frank Hengel Way, south of Escher Circle (Kevin Rohani, Public Works Director/City Engineer)**
- 4.5 Adopt Resolutions Approving the Subdivision Improvement Agreement with Brookfield Emerson Land, LLC, and Final Map for Subdivision 9349 Emerson Ranch Neighborhood 3 located at the northwest corner, Cypress Road and Sellers Avenue (Kevin Rohani, Public Works Director/City Engineer)**
- 4.6 Adopt Resolutions Approving the Subdivision Improvement Agreement and the Subdivision Annexation and Assessment Authorization Deferral Agreement with Prescott Parc, LLC, and Final Map for Subdivision 9391 located between Picasso Drive and Frank Hengel Way, south of Escher Circle (Kevin Rohani, Public Works Director/City Engineer)**
- 4.7 Adopt a Resolution Approving Amendment Number 1 to the Agreement with Damon Pombo Livestock for On-Call Maintenance Grazing Services (Kevin Rohani, Public Works Director/City Engineer)**

5.0 PUBLIC HEARINGS

Oakley City Council

5.1 East Bay Work Wear Design Review (DR 02-15) –Design Review for the Construction of a 6,035 square foot commercial building located at 1530 Neroly Road; APN 034-040-016 (Joshua McMurray, Planning Manager)

Staff recommendation:

- Open the Public Hearing
- Receive the Staff Report
- Receive Public Testimony
- Close the Public Hearing
- Deliberate
- Summarize the Deliberation
- Specify to Staff any amendments to the Resolution during Motion
- Adopt the Resolution

5.2 Prescott at Cypress Grove Design Review (DR 03-15) (Ken Strello, Senior Planner)

Request for Design Review approval of house plans and architecture, and a development plan (neighborhood plotting plan) for 40 entitled lots located within the Cypress Grove subdivision, specifically subdivisions 9080 and 9391, north of Ironhouse Elementary School and Delta Vista Middle School (4901 Frank Hengel Way) off of East Cypress Road and Frank Hengel Way. Portion of APN 037-192-024.

Staff recommendation:

- Open the Public Hearing
- Receive the Staff Report
- Receive Public Testimony
- Close the Public Hearing
- Deliberate
- Summarize the Deliberation
- Specify to Staff any amendments to the Resolution during Motion
- Adopt the Resolution

6.0 REGULAR CALENDAR

Oakley City Council

6.1 Adopt a Resolution Appointing a Representative to the Contra Costa County Library Commission for a Two-Year Term (July 1, 2015 through June 30, 2017) (Libby Vreonis, City Clerk)

6.2 City Development Fee Incentive Program (Paul Abelson, Finance Director)

7.0 REPORTS

7.1 CITY MANAGER

(a) City Manager

7.2 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

(b) Mayor's Designation of Ad Hoc Subcommittee for Chief of Police Interviews

(c) Requests for Future Agendas

8.0 CLOSED SESSION

Oakley City Council

8.1 CONFERENCE WITH LABOR NEGOTIATORS Pursuant to Government Code Section 54957.6

City Designated Representative: Bryan Montgomery, City Manager

UNREPRESENTED EMPLOYEES: RECORDS MANAGEMENT CLERK, RECEPTIONISTS (3), PARALEGAL/CITY CLERK, PROGRAM COORDINATOR/HUMAN RESOURCES ASSISTANT, HUMAN RESOURCES MANAGER/ASSISTANT TO THE CITY MANAGER, CITY MANAGER, FACILITIES MAINTENANCE/CODE ENFORCEMENT TECHNICIAN, FINANCE DIRECTOR, SENIOR ACCOUNTANT, SENIOR ACCOUNTING TECHNICIAN, ACCOUNTING ASSISTANT, PERMIT TECHNICIAN, BUILDING INSPECTOR II, CODE ENFORCEMENT MANAGER, CODE

ENFORCEMENT/BUILDING INSPECTOR II, CHIEF OF POLICE, ADMINISTRATIVE ASSISTANTS (3), POLICE SERVICES ASSISTANT, ASSISTANT TO THE CHIEF,

POLICE SERVICES ASSISTANT/CODE ENFORCEMENT TECHNICIAN, ECONOMIC DEVELOPMENT MANAGER, PLANNING MANAGER, SENIOR PLANNER, PUBLIC WORKS DIRECTOR/CITY ENGINEER, SENIOR ENGINEER, ASSOCIATE ENGINEER, ASSISTANT ENGINEER, PUBLIC WORKS ADMINISTRATIVE SPECIALIST, PUBLIC WORKS INSPECTOR II, PUBLIC WORKS MAINTENANCE WORKER, PUBLIC WORKS MAINTENANCE LABORER, RECREATION MANAGER/ WEBSITE COORDINATOR, RECREATION & EVENTS COORDINATOR, SENIOR RECREATION LEADER, RECREATION LEADERS (3), RECREATION AIDES (2), FACILITIES MAINTENANCE, PARKS & LANDSCAPE MAINTENANCE DIVISION MANAGER, MAINTENANCE FOREMAN, PUBLIC WORKS LABORER II, TREE MAINTENANCE LABORER, SEASONAL PARKS AND MAINTENANCE LABORERS (3), SPORTS FIELD MAINTENANCE LABORER, PARK MONITOR

8.2 Reporting Out of Closed Session (William Galstan, Special Counsel)

9.0 ADJOURN

2015 Outstanding Youth Volunteer Award *Paola Berumen*

WHEREAS, The Oakley Youth Advisory Council instituted a community wide volunteer recognition program to recognize outstanding youth volunteers in Oakley; and

WHEREAS, volunteerism strengthens communities, solves vital social concerns and enhances the overall quality of life for all citizens, including youth, seniors, or those who are otherwise in need of assistance; and

WHEREAS, Paola gives back to the Oakley community through Toys for Tots, canned food drives, Pennies for Patients, and is a member of the Community Service Committee for Freedom High School Leadership; and

WHEREAS, Paola has a passion for helping people in need, and does so with a positive attitude and leads others by example; and

WHEREAS, volunteers are an important part of community engagement and are vital to our future as a caring and productive community.

NOW, THEREFORE, BE, IT RESOLVED that I, Doug Hardcastle, Mayor of the City of Oakley on behalf of the City Council, do hereby recognize Paola Berumen as a winner of the 2015 Oakley Youth Advisory Council Outstanding Youth Volunteer Award.

Doug Hardcastle, Mayor

2015 Outstanding Youth Volunteer Award
Alexis Murillo

WHEREAS, The Oakley Youth Advisory Council instituted a community wide volunteer recognition program to recognize outstanding youth volunteers in Oakley; and

WHEREAS, volunteerism strengthens communities, solves vital social concerns and enhances the overall quality of life for all citizens, including youth, seniors, or those who are otherwise in need of assistance; and

WHEREAS, Alexis Murillo has a history of giving back to the Oakley community; Alexis has served the community at O'Hara Park Middle School in the Oakley Youth Mentor Program, youth sports, band, and the Oakley Ukulele Club; and

WHEREAS, Alexis has also given back to the community through her service with her church where she reads and serves in two choirs. Alexis also volunteers with the Friends of Oakley Community Basket Program; and

WHEREAS, during the course of her volunteer work Alexis has maintained a 4.0 GPA; and

WHEREAS, volunteers are an important part of community engagement and are vital to our future as a caring and productive community.

NOW, THEREFORE, BE, IT RESOLVED that I, Doug Hardcastle, Mayor of the City of Oakley on behalf of the City Council, do hereby recognize Alexis Murillo as a winner of the 2015 Oakley Youth Advisory Council Outstanding Youth Volunteer Award.

Doug Hardcastle, Mayor

2015 Outstanding Youth Volunteer Award
Paulette Quiba

WHEREAS, The Oakley Youth Advisory Council instituted a community wide volunteer recognition program to recognize outstanding youth volunteers in Oakley; and

WHEREAS, volunteerism strengthens communities, solves vital social concerns and enhances the overall quality of life for all citizens, including youth, seniors, or those who are otherwise in need of assistance; and

WHEREAS, Paulette has performed over 120 hours of community services in the Oakley area, and

WHEREAS, Paulette volunteers serving community meals, organizing and helping with food drives and fundraisers, performances for the senior centers, providing safe Halloween activities, and volunteering at community festivals; and

WHEREAS, Paulette is also an active member of school clubs, sports teams and has earned a 4.0 GPA and a spot on the Principals Honor Roll for four years; and

WHEREAS, volunteers are an important part of community engagement and are vital to our future as a caring and productive community.

NOW, THEREFORE, BE, IT RESOLVED that I, Doug Hardcastle, Mayor of the City of Oakley on behalf of the City Council, do hereby recognize Paulette Quiba as a winner of the 2015 Oakley Youth Advisory Council Outstanding Youth Volunteer Award.

Doug Hardcastle



STAFF REPORT

Date: Tuesday, May 26, 2015
To: Bryan H. Montgomery, City Manager
From: Joshua McMurray, Planning Manager
Subject: **Downtown Oakley Priority Development Area (PDA) Market Study Work Session**

Approved and Forwarded to City Council:


Bryan H. Montgomery, City Manager

Background and Summary

Through the Contra Costa Transit Authority (Authority), the City applied for and was awarded a \$100,000 grant to conduct a Downtown PDA Market Study. The Market Demand Analysis and Land Use and Development Alternatives Study will provide the City vital information relevant to the benefits a potential San Joaquin JPA Station and/or a Tri Delta Transit park and ride lot would bring to the Downtown PDA in terms of economic expansion including new retail/commercial uses as well as job creation. The City will also obtain information regarding the feasibility of TOD near or around such a train station or transit lot. Detailed mapping of potential project sites and TOD opportunity areas will be prepared, as well as a corresponding pro forma analysis that outlines the market feasibility of a transit station and surrounding TOD development.

The lead project team assigned to work with Oakley is Perkins and Will. Along with Perkins and Will, they bring in several highly qualified sub consultants to the team: Fehr and Peers Transportation Planning and EPS Economic and Planning Systems. The City of Oakley City Council approved the cooperation agreement with CCTA on March 10, 2015. Since that time a project "kick-off" meeting was held on April 24, 2015 and the first project meeting was held on May 12, 2015. Staff has attached the Project Scope along with the Project Timeline.

At the May 12th meeting, Staff and the project team discussed three potential train station/park and ride lot locations that could be studied. The purpose of this work session is for the project team to present the three sites and go over each sites pros and cons. This discussion will help shape the study and will give the project team essential feedback and direction to move forward with the project.

Recommendation

Staff recommends that the City Council of the City of Oakley receive the Staff report and presentation and provide direction and feedback to the project team.

Attachments

1. PDA Planning Grant Scope of Work and Project Timeline

**DOWNTOWN OAKLEY MARKET STUDY
THIRD DRAFT SCOPE OF WORK
28 JANUARY 2015**

Project Purpose

This scope of work submitted by Perkins+Will, EPS and Fehr & Peers (the P+W team), is in response to the City of Oakley's successful application for PDA grant funds and an informational meeting held with all team members on 10 December 2014 in Oakley. A broad overview is provided in the following excerpt from the text of the July 2014 application submitted to CCTA:

The City of Oakley wishes to conduct a Market Demand Analysis and Land Use and Development Alternatives Study that focuses on placing a transit station within the Downtown PDA. The purpose of this analysis is to determine the feasibility of placing either a San Joaquin JPA Station and/or a TriDelta Transit park-and-ride lot in the PDA and its overall effect on the housing and economic (commercial/retail) conditions of the downtown area.

Scope Overview

Specific scope elements will require the analysis of land patterns, uses, transportation needs and real estate market potentials by the land use, economic and transportation teams individually and their combined strategic application to the issues and potentials at hand. As noted in the July application this includes:

The expectation is that the Market Demand Analysis and Land Use and Development Alternatives Study will provide the City vital information relevant to the benefits a San Joaquin JPA Station and/or a Tri Delta Transit park and ride lot would bring to the Downtown PDA in terms of economic expansion including new retail/commercial uses as well as job creation. The City is also seeking information regarding the feasibility of TOD near or around such a train station or transit lot. Detailed mapping of potential project sites and TOD opportunity areas would be expected, as well as corresponding pro forma analysis that outlines the market feasibility of a transit station and surrounding TOD development.

Project Approach

The Study's focus will be a strategic one, identifying opportunities and development incentives that encourage private development, best support transportation improvements and achieve the goals of the City. As such, up to three land-use alternatives will be developed and evaluated with the City to support the selection of a multi-faceted urban design framework for improvements in and around Downtown Oakley. The primary focus of the study will be on 'near-term' change-areas; locations where a new transit facility could be located and new development is likely.

Key in the development of alternatives will be a site the City has identified along Main Street roughly between Second and Fifth Streets as a potential location for a transit station, which could serve as a park and ride for Tri-Delta Transit and potentially as a station platform for the San Joaquin (Amtrak) rail service. The team will be preparing a market analysis for the study area, and then applying findings to determine the feasibility and effects of using the site for a mix of development program that supports the transit uses and compares the parallel potentials if applied to the previously proposed and permitted commercial uses for the proposed transit site. The P+W team will also focus on estimating the potential usage of the transportation services at that site, and assessing the potential effects on the local transportation system of a future transit station.

The study area is assumed to be the Downtown Specific Plan (DSP) Subarea as defined in the July 2014 PDA application package, although the P+W team is willing to make minor adjustments to the boundaries of this area if requested by the City to accommodate previously unidentified opportunity sites. We would expect such adjustments not to increase the overall size of the study area, merely shift the boundaries. The P+W team will also expect City staff to identify all properties within the study area boundary which are not anticipated to change use within the projected time-frame of the study and which will be shown as 'existing to remain' on project documentation. The agreed-upon boundary, along with properties to be shown as existing to remain, is henceforth referred to as the 'project study area' in this scope of work.

This study is intended to complement the DSP approved in 2010 by incorporating the City's subsequent purchase and recently completed redevelopment of 7 acres of land at the heart of the DSP Subarea and by exploring alternative and better land-uses for parts of the project study area where the current land-uses do not fit within the vision of the DSP.

The P+W team will work with City staff to refine and confirm the proposed scope of work prior to entering into a contract with CCTA. The outline project schedule which accompanies this scope of work anticipates that this study can be completed within a 16 to 18 week period. Tasks, durations, milestones and deadlines will be reviewed with City staff at project commencement and adjustments can be made as necessary to accommodate specific requests. The projected time-frame for the study is a five year period, by which time major decisions about the transit infrastructure investments will have been made by the relevant agencies and the consequent potential for redevelopment and growth within the study area will be more predictable.

Task 1: Project Initiation

1.1 Project Start-Up and Client Meeting

The P+W team will commence the project with a kick-off meeting with City Staff to confirm project goals, overall approach, scope of work, project schedule, communication protocols, key stakeholders and available base information. It is assumed that City staff will provide the P+W team a memorandum identifying and summarizing all relevant goals, issues, ideas, policies and programs to establish a planning foundation for our work on this project.

At this meeting the P+W team will review this scope of work and the outline project schedule with City staff to ensure full agreement amongst both parties. P+W will make any necessary and agreed changes to the documents which may arise out of this review.

The P+W team expects City staff to make known any stakeholders who should be consulted during the course of the project at this meeting. Frequency and extent of involvement of stakeholder groups will be discussed and agreed. This information will be incorporated into the scope and project schedule immediately following the meeting.

The City will be responsible for providing the P+W team with all appropriate base information, including GIS, CAD and other digital files and plans. We propose that this meeting be a half-day session so that the P+W team and City Staff can tour the project area, identifying and discussing opportunities and issues arising. Subsequent to the meeting, P+W will set up project and communication protocols with the client and the rest of the project team.

1.2 Communications and Management Protocols

P+W will draw upon its experience as prime consultant to multi-firm, multi-disciplinary teams in order to tailor the communication protocols to this project.

Working jointly with City staff, the P+W Project Manager (PM) will be developing meeting agendas and meeting minutes for all key team meetings that will be distributed to required attendees by the P+W PM. The meeting notes will focus primarily on documenting agreed-upon follow-up actions and responsibilities for the P+W team and City staff. The P+W PM will issue meeting minutes within one week of the meeting, or sooner, depending on the urgency of follow-up actions.

In addition to the team meetings and conference calls, team members are expected to be in direct communication with the City for discussion and feedback as required. Record notes of these independent meetings will consist of key decisions made and action items if necessary. This information can then be reported by the City or team member in a timely manner at team meetings, during conference calls or sooner via email if key decisions and directions need to be communicated.

Management actions are critical to the success of the project. As such, close coordination will be necessary between the P+W PM and the City's PM at each step in the process. Regular phone calls and exchange of e-mail messages are anticipated as part of this process.

P+W, primarily through the PM, will direct and review sub-consultant work throughout the process, ensuring completion of draft and final documents, and establishing a collaborative process consistent with this overall Scope of Work, Project Schedule and Project Budget. P+W, their consultant team and City are expected to share ideas and offer constructive feedback as the various studies are being prepared, working to ensure that key findings and concerns generated through one subtask are considered in overall project findings and recommendations. The objective will be a seamless transition from one task to the next.

The P+W team anticipates a shared responsibility between City staff and the P+W team to bring to each other's attention to any areas of concern in a timely manner to ensure a mutually acceptable way forward may be developed and agreed upon

The transfer of information will be primarily web-based, with day-to-day communications utilizing Microsoft Outlook e-mail and calendar functions. Small and medium sized files may be attached to e-mails for distribution. The upper-limit file size for e-mail attachment will be defined at project start-up.

P+W will also set up an internet-based document management/exchange platform called Newforma for efficient and secure sharing of larger files among consultants and the City. Newforma tracks all files shared and maintains a record of files accessed by user group. It will help team members effectively communicate, and share information through the course of the project.

1.3 Document Control

P+W will establish the minimum software requirements needed by each of the sub-consultants (and in discussion with the City), to ensure an easy share of document and information between the consultant team members.

Draft and final documents will be submitted through the P+W PM to the City's PM. The City, primarily through the PM, will ensure timely review of all draft documents, providing a single set of consolidated City staff comments back to the P+W PM within two weeks of receipt of the documents from P+W, and in meeting other responsibilities as contained in this Scope of Work. Comments received from the City on each draft document will be addressed in each final deliverable.

The P+W team will provide only electronic (PDF) copies of all deliverables. The City will be responsible for reproduction and distribution to necessary parties.

The Consultant team shall retain ownership of intellectual property rights to any methods or models created or used to produce the work product provided to the City.

Task 1 Meetings

One project kick-off meeting and site tour

Task 1 Deliverables

Final scope of work

Project Schedule

Communication and management protocols as needed.

Task 2: Existing Conditions Analysis and Potential Site Activity

The P+W team will examine existing conditions within the study area pertaining to:

- Land uses, patterns and urban form;
- Urban design character
- Market values of different real estate types
- Circulation and transportation;

The P+W team will use this information to analyze opportunities and constraints in relation to transit oriented development and transit facility planning overall and with a particular focus on the City's target sites.

- **Base Map.** Based on this examination and review of relevant documents provided by City staff, the P+W team will prepare a base map of the project study area.
- **Memorandum.** The P+W team will prepare a memorandum, with supporting diagrams and pictures, summarizing the opportunities and constraints in the project study area.
- **Evaluation Criteria.** This task also includes preparation of evaluation criteria for use in subsequent tasks to help frame, understand and evaluate the alternative concept plans for the study area. These criteria will draw upon the goals and objectives of the DSP and the City's CCTA application, and be reviewed with the City.

EPS will gather pricing data for residential and retail and live/work uses in this task. EPS will also integrate information related to potential mobility improvements from a park and ride location (for Tri Delta Transit buses) and/or a train platform (San Joaquin JPA commuter trains) from Fehr & Peers (FP).

- **Residential.** Given the lack of market rate multifamily residential in Oakley, EPS will review pricing for rental and for-sale multifamily housing in Antioch, Brentwood, and/or other comparable areas. EPS will also compare these prices to advertised and /or actual sale and rental pricing for single-family homes in Oakley to describe the competitive landscape for new multifamily units. In estimating the marketability of multifamily residential, EPS will consider the performance of similar residential sub-markets near up to four (4) existing Tri Delta park and ride lots and/or train platforms, to be identified with City staff.
- **Retail.** With a new grocery store, refurbished hardware store, and restaurant recently developed along Main Street and other retail amenities nearby (e.g., Cypress Shopping Center and Oakley Town Center), new large-scale retail opportunities are unlikely to be significant. However, EPS will explore the potential for niche-retail types (e.g., wine or other Oakley-specific products made or assembled in Oakley).
- **Office.** While downtown Oakley is unlikely to benefit from demand for conventional office types, there may be potential demand for small office space. To examine this, EPS will analyze data related to the number of Oakley residents who work at home (based on Census data and/or City business license data). These small-business owners may provide future demand for small office space on Main Street.

The transportation team will also complete existing conditions analyses, circulation mapping, and assembly of available transit information and projections.

- **Current Daily Traffic Conditions.** To establish current daily traffic conditions, FP will collect three days of hourly traffic counts along Main Street in the vicinity of the proposed site.
- **Mapping Transportation Key Characteristics.** FP will contribute to P+W's site mapping by marking up a draft map to denote the physical and operational characteristics of the local transportation network (e.g., number of lanes and lane widths, presence of parking, intersection control, sidewalks/crosswalks and other pedestrian facilities, etc.).
- **Coordination with Transit Providers.** FP will coordinate with Tri-Delta Transit to obtain relevant data, such as current ridership on the bus routes that would use the new park and ride, usage at other park and ride sites in the Tri-Delta service area, and any projections they may have done about potential usage at this new site. FP will also coordinate with the San Joaquin Joint Powers Authority to obtain relevant data, such as current and projected ridership at similar stations (particularly the Antioch station) and any ridership projections they may have completed as part of service planning along the San Joaquin route.

Task 2 Meetings

One web-based staff/team meeting

Task 2 Deliverables

Base map(s)

Summary memorandum; opportunities and constraints

Preliminary list of evaluation criteria

Draft technical memorandum on transportation usage of proposed transit site

Task 3: Development and Evaluation of Land-Use Alternatives

3.1 Development of Alternatives

Based on information gathered during Tasks 1 and 2, the P+W team will work with City staff to develop up to three land use alternatives for the project study area. The P+W team will prepare preliminary concept plans for the project area. Key development or 'opportunity' sites will be identified as part of the concept plan. Test fit alternatives will be studied for these selected sites, to understand development yields, market support, and traffic impacts, among other factors. The land-use alternatives will contrast different land use compositions and development densities – and use precedents to help communicate and solicit informed responses from City participants. The alternatives will include proposals for opportunity/catalyst sites. Each land-use alternative will include a summary of the development potential, including a list of the analysis assumptions made.

EPS will research local development costs for multistory building types such as pure residential, residential mixed-use, pure office, and office and retail mixed-use. Based on these costs and market information gathered in a previous task, EPS will prepare up to four (4) financial pro formas for prototypical development types likely to include two to four-story building types. This task may include other prototypes, depending on work done by other team members and City direction. EPS anticipates that this analysis will result in prototypes which are feasible today or will reveal the level of market improvement required to support the development types analyzed.

The City of Oakley is in discussions with Tri Delta Transit related to a bus park-and-ride lot and has begun communications with San Joaquin JPA related to a potential train platform in the City. EPS will work with team members to understand benefits to the commuter from the various potential transit facility sites in the PDA.

To develop input related to the economic dimensions of potential transit facility locations, EPS will review existing uses and consider potential new uses (on underutilized or vacant property) near each potential transit facility location. EPS will analyze the likely economic benefits to nearby properties, consider potential drawbacks of locating a surface parking lot in a particular location, and develop economic metrics to compare each location.

FP will develop a range of potential target site activity, in terms of both transit riders and the passenger mode of access to the station area, on a typical weekday under two scenarios: one in which the agreed upon target site is used only as a Tri-Delta Transit park and ride lot, and the other in which the site hosts both a park and ride and a San Joaquin rail station. The results of this task will be estimates of the potential site activity under both scenarios, and of the modes of access (vehicular, public transit, pedestrian, bicycle) that may be used by those patrons of the transit services on the site. FP will summarize these results in a technical memorandum.

Based on the activity estimates developed, FP will add the vehicular traffic expected from the proposed site to the current daily traffic volumes, and will qualitatively assess the effects of that additional traffic along Main Street. FP will also describe the potential effects of the other modes of access on nearby transportation facilities and land uses.

FP will assist the P+W team by qualitatively assessing the effects of the three land-use alternatives in terms of their potential to generate additional usage at the proposed park and ride/train station site and the relative magnitude of that usage. This qualitative assessment will draw upon the extensive research FP has conducted on the relationships between land use characteristics of a site, such as density and mixture of uses, and the vehicular trip generation associated with that site.

3.2 Evaluation of Land-use Alternatives

Each alternative will be evaluated with respect to the project goals established with City staff during Task 1 to help illustrate the differences between the alternative proposals. The evaluation will include the relative merits of the development opportunities. Evaluation of alternatives will include analyzing density and land use, distribution and amount of open space, opportunity site potential, use of identified opportunity sites, impacts on traffic/parking and vehicle trip generation.

The P+W team will summarize all of the evaluation criteria described above in a 'pros and cons' matrix which will provide an easily understandable overview of the relative merits of the three schemes.

The P+W team will prepare a presentation of the concept alternatives and evaluation criteria to the Planning Commission/City Council for their input into the decision making process. Presentation material will be limited to that which has previously been developed during the course of this task. Members of the P+W team will be available to answer any questions regarding outreach methods, collection of input, inclusion of representative stakeholders, technical procedures and findings.

Task 3 Meetings

One alternatives workshop with City staff

One alternatives presentation to Planning Commission/City Council

One web-based evaluation discussion with City staff

Task 3 Deliverables

Alternative concept plans

Summary of market findings, pro forma results, research documentation and supporting tables.

Alternatives evaluation matrix

Summary of economic dimensions of alternative transit facility proposals

Task 4: Refinement of Preferred Plan

Based on direction from City Staff, Planning Commission/City Council, the team will prepare and document the preferred concept plan and programs for the project study area. The preferred plan may be one of the three alternatives generated during Task 3 or it may be a hybrid which incorporates favorable aspects of each of the alternative (to the extent possible) into a single scheme.

Based on the evaluations prepared in Task 3, FP will assist the P+W team in refining the selected land use plan by advising the team on plan elements that best meet the City's local transportation needs and goals. In addition, FP staff will review the site layout and provide advice regarding vehicular, pedestrian, bicycle, and public transit access to the proposed site, as well as guidance on circulation through the site.

The preferred plan will confirm land-use designations and development densities, conceptual station location, proposals for 'opportunity' sites, circulation and parking layouts, any proposed modifications to the road network and any proposed open space, streetscape and public realm improvements.

The preferred plan with any appropriate recommendations for next steps and implementation actions, will be provided to The City at the conclusion of Task 4.

Task 4 Meetings

- One draft preferred plan review with City staff*
- One web-based progress meeting with City staff*

Task 4 Deliverables

- Draft preferred plan*
- Final technical memorandum on transportation usage of proposed transit site*

Task 5. Preferred Plan Report

The P+W team will prepare a Draft Preferred Plan Report for review by City staff. The Report will incorporate the preferred plan, programs, and technical data prepared in previous tasks. As necessary, the Report will include supporting plans, diagrams, sketches, and pictures to convey, illustrate, and amplify the preferred plan.

The proposed schedule allows for one review by City staff. Upon receipt of one consolidated set of comments the P+W team will revise the report as necessary and issue a Final Preferred Plan Report.

The P+W team will prepare a presentation of the preferred plan to the Planning Commission/City Council. Members of the P+W team will be available to answer any questions regarding outreach methods, collection of input, inclusion of representative stakeholders, technical procedures and findings.

Task 5 Meetings

- One preferred plan presentation to Planning Commission/City Council*
- One final preferred plan review with City staff*
- One web-based progress meeting with City staff*

Task 5 Deliverables

- Draft preferred plan report*
- Final preferred plan report*

Exclusions and assumptions

1. Attendance and preparation for meetings and presentations will be as outlined under each of the tasks. Presentation material for Planning Commission/City Council hearings will be limited to that which has been developed during the course of the relevant task.
2. Any printing of specially-requested large graphics for meetings and Planning Commission/City Council presentations is excluded.
3. Deliverables are limited to those described in each task. Deliverables are assumed to be electronic versions of the documents described. The City of Oakley will be responsible for printing and distribution of any hard copies.

4. The work by the P+W team for each task will be based on feedback and decisions made by City staff during previous tasks. Work necessary to re-visit these decisions will be outside this scope of work. The City will be informed prior to any work of this kind being undertaken and will have the opportunity to approve this work as an extra service.
5. Coordination with agencies (other than transit agencies noted) is the responsibility of City staff. To the extent that conflicting information, recommendations or requirements are received from outside agencies, we will expect City staff to make a determination regarding correct action and give clear instructions to the P+W team in a timely manner that will not impact the schedule as outlined.
6. Perkins+Will's approach closely ties scope and schedule together to offer the City a depth of experience and expertise and the required deliverables. However, extension of schedule and/or delays due to review time extension or complications in arranging dates for Planning Commission/City Council hearings may necessitate additional services.
7. The City will provide one set of coordinated comments for each review period indicated on the outline project schedule.
8. The outline project schedule indicates four in-person staff meetings, four web-based staff meetings and two Planning Commission/City Council meetings. P+W will be present all of these meetings. FP have budgeted six hours staff time for meetings which could be applied to any combination of in-person or web-based meetings, according to need. EPS have budgeted staff time to attend two of the in-person and two of the web-based meetings, according to need.

PROJECT TASKS

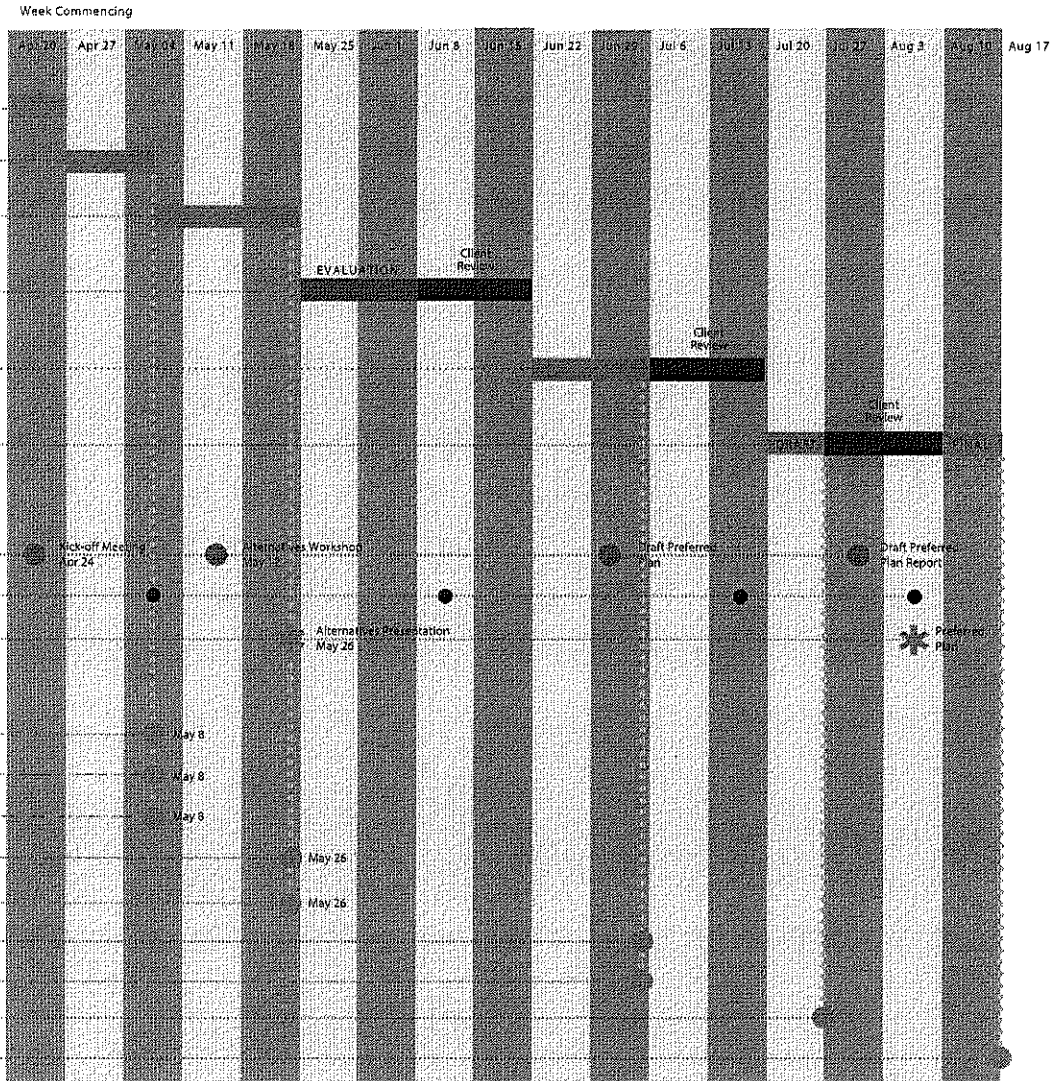
- 1. Project Initiation
- 2. Existing Conditions
- 3A. Development of Alternative Land-use Plan Concepts
- 3B. Evaluation of Alternative Plan Concepts
- 4. Draft Preferred Plan
- 5. Preferred Plan Report

MEETINGS

- City and team meetings in-person
- City and team meetings on-line
- Planning Commission/City Council meetings/workshops

DELIVERABLES

- Base Map
- Opportunities + Constraints Summary
- Market Conditions/Pro Forma Summary
- Alternative concept plans
- Park+Ride/Platform Location Summary
- Preferred Plan
- Technical Transit Summary
- Draft preferred plan report
- Final preferred plan report





CITY BUDGET AND CAPITAL IMPROVEMENT PROGRAM WORKSESSION

Tuesday, May 26, 2015

I. Introduction and Overview of the Proposed City Budget for FY 2015-16:

- Overview by City Manager and Finance Director
- Questions and/or discussion by City Council.

II. Public Comment

III. Review of Capital Improvement Program and Projects Proposed for FY 2015-16:

- Overview by City Engineer and Finance Director
- Questions and/or discussion by City Council.

IV. Public Comment

V. Closing comments and recap of all proposed changes.

Attachments

1. Fiscal Year 2015-2016 Preliminary Budget

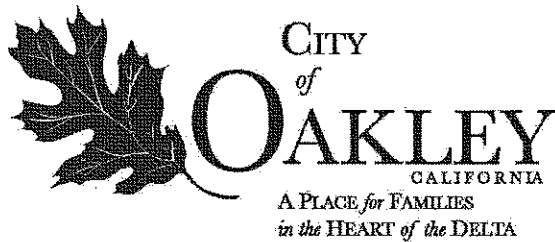


ANNUAL OPERATING AND CAPITAL BUDGET

FISCAL YEAR 2015-2016

Preliminary





CITY MANAGER'S BUDGET MESSAGE

Fiscal Year 2015-2016

INTRODUCTION

It is my pleasure to present the Fiscal Year 2015-2016 Preliminary Budget for your consideration. The Budget is structurally balanced and, adding to last year's actions, includes further steps towards restoring services downsized during the recession. The City continues to see modest benefits from improvement in the local economy. Employment continues to improve gradually and both business and building activity continue to increase.

As always, we have developed the Preliminary Budget with restraint and a focus on core services. The Budget includes some increases in revenue; most notably in building permit revenues, although property tax and sales tax revenues are also expected to increase. On the expenditure side, police services costs are expected to increase by approximately \$340,000; and the Budget includes \$450,000 from fund balance for the Police Department transition process. (In total, the budget includes approximately \$800,000 for this process; \$350,000 appropriated and largely unused in FY 2014-2015 that will be carried over and \$450,000 in new balance appropriations for FY 2015-2016). Also included are funds to continue the new events the City Council added in FY 2014-2015 and the month-to-month grant management consulting services contract with California Consulting.

Lastly, the Budget continues the restoration of annual allocations to augment roadway maintenance. Like last year, this focus on roads requires the continued phased restoration of allocations to the Equipment Replacement Reserve Fund, which leaves the projected balance in that fund below our policy threshold. We are able to do this again this year, as the Reserve fund balance remains above \$1,000,000. We will likely need to make additional contributions to the Reserve in the future; however, for now, restoring annual allocations to roadway maintenance continues to receive a higher priority, as you have directed.

Each year, we also look at the State Budget, to determine whether there are components likely to affect the local outlook for the City. The State's Fiscal Year 2015-2016 Budget was just recently updated, and the State continues to report better than expected revenues which is favorable to local agencies, leading us to expect the State Budget to include no city government takeaways. We will continue to monitor State budget discussions and report to you if there are any adjustments to the City's Budget due to State action.

As always, the Budget does not include all that we know is on the City's wish list, but what is presented here remains lean, structurally balanced, and true to the City's current strategic priorities, as you have approved in the City's Strategic Plan.

ACCOMPLISHMENTS

As a team, the City Council and *all* City departments play a role in accomplishing the goals and objectives outlined in the Strategic Plan. Towards that end, just some of the accomplishments from this past year include:

- Installed safety improvements in the City's parks, including advanced security cameras and the expanded the use of the automated irrigation system to improve water management and reduce maintenance costs for the affected City parks and streetscapes.
- Expanded the City's recreation programs in virtually every way – coordinated more classes, more City events, and served more participants (more than 22,000). First time events in FY 2014-2015 included the Hometown Holiday Decorating Contest, Youth Empowerment Workshop, and will include the upcoming Taste of Oakley, Oakley Film Festival and Showcase Oakley events.
- Increased public outreach, completed the City's first Leadership Academy, and held Economic Development workshops to hone local entrepreneurs' skills in preparing and executing business plans and using social media in marketing their businesses.
- Prepared and approved the proposed 2015-2023 Housing Element Update
- Prepared and approved a General Plan and Zoning Scoping Report
- Implemented AB 939 (Resource Recycling) Planning Documents
- Approved entitlements for 16 separate residential and commercial developments

- Assisted with the opening of the new Grocery Outlet Store, and successfully prepared downtown spaces for the Mr. Pickle's sandwich shop and Guanato's Ice Cream.
- Amended and implemented an updated and self-funded Residential Rental Inspection Program.
- Successfully obtained grants for roadway materials (\$60,000), park materials (\$58,000), a Priority Development Area Planning Grant (\$100,000), an additional You Me We = Oakley grant (\$40,000), a Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) grant for \$1,461,000, and a \$1,029,000 One Bay Area Grant funds for roadway work. In addition, grant applications are pending for a Housing Related Parks Program Grant (\$200,000), a Land/Water Conservation Grant (\$450,000), and a Highway Safety Improvement Program (HSIP) grant for intersection/signal improvements at Laurel/Rose (\$900,000); and efforts are underway to identify grants that would support development of an all abilities ball field, and to support both the transition and operations of the new in-house Police Department.
- Completed the study regarding the long-term delivery of Police Services, and begun moving forward with the transition to a mostly in-house model. The scheduled transition date is May 7, 2016.
- Refunded the City's 2006 Revenue Bonds, to yield approximately \$90,000 per year in additional funds for roadway improvements through 2036.
- Provided an initial contribution to the Roadway Maintenance Reserve Fund.

Related to the Successor Agency to the Oakley Redevelopment Agency:

- Resolved longstanding litigation with the State regarding the winding down of the Agency's affairs – the outcome led to the Agency's receiving cash in lieu of ownership of a small retail building and a larger mortgage on another building; and the Agency received its Finding of Completion, a necessary achievement in order to advance a Long-Term Property Management and Disposition Plan (PMP) and the refunding of Agency bonds;
- Completed preparation of the Agency's PMP, and obtained its local approval, authorizing its submittal to the State for their review (and it is currently proceeding through the State review process).

- Refunded the Oakley Redevelopment Agency's 2003 Tax Allocation Bonds, saving approximately \$1.6 million, most of which will be realized over the next 5 years. The successful refunding is expected to enable the Successor Agency to pay all of the pass-through payments to local agencies it was unable to pay during the recession due to reductions in property tax revenues.

Capital projects completed or nearing completion this year include:

- Civic Center Amphitheater and Veterans Memorial site construction
- Main Street (Big Break Road to Vintage Parkway) Median Landscaping and Irrigation improvement project
- Traffic Safety Improvement project on O'Hara Avenue, Carpenter Road, and Brownstone Road
- Main Street (Bridgehead Road to Big Break Road) Resurfacing project
- Security Camera System installation at City parks
- Oxford Drive Neighborhood Traffic Calming project
- Main Street Storm Drain improvement project
- Completion of the downtown "Visioning" project and start of the design for Main Street (Norcross Avenue to Second Street) project
- Cypress Grove Irrigation Well construction
- Street Restriping project
- Curb, gutter, and sidewalk repair and replacement project
- Complete renovation of a Downtown park area now named "Dewey Park"
- Held community meeting for discussion on a potential City "Dog Park" and submitted grant application for Federal Land, Water, Conservation Fund Grant
- Renovations at Laurel Ballfields Park
- Numerous landscape improvements throughout the City including renovation of specific medians and planters on Oakley Road, Laurel Road, Empire Avenue (north and south of Laurel Road), and Oakley Ranch

GENERAL FUND

The Preliminary General Fund Budget reflects our continued commitment to keeping City administrative operations lean and ensuring the budget reflects a focus on the City's highest priorities: public safety, economic development, completion of capital projects, and maintenance of the City's neighborhoods, parks and roadways.

The General Fund Budget includes \$15,353,153 in estimated revenues, and \$16,182,165 in proposed expenditures. Recurring revenues are approximately \$15,342,000, approximately \$771,000 more than currently projected Fiscal Year 2014-2015 revenues. The increase is largely due to increases in estimated building permit revenues, as well as property taxes, sales taxes, and franchise fees. Recurring expenditures are approximately \$15,275,000, approximately \$821,000 more than currently those projected for Fiscal Year 2014-2015, largely due to increases in police services, and General Fund contributions to augment roadway maintenance funding.

Available Fund Balance at June 30, 2016, is projected to be a healthy \$3.9 million, or approximately 25% of projected Fiscal Year 2016-2017 recurring expenditures (policy is to maintain at least a 20% reserve).

As noted in the 10-Year Plan, the Budget has been prepared to ensure that recurring revenues remain in excess of recurring expenditures. To accomplish this and to meet the City's highest priorities as we recover from the recession, allocations to the City's Equipment Replacement Reserve are being increased more slowly, and annual allocations to capital projects for roadway maintenance more rapidly.

TRANSFERS

In pre-recession years, the Budget included larger recurring transfers for road maintenance and for the Main Street Fund. This year's Preliminary Budget includes reduced transfers for what is now the sixth year – although we are recovering and have increased these transfers significantly. In addition, it contains our second and increased allocation to the Roadway Maintenance Reserve Fund. The Preliminary Budget includes the following transfers:

- \$225,000 to the General Capital Projects Fund for road maintenance,
- \$150,000 to the Main Street Fund, and

- \$150,000 to the Roadway Maintenance Reserve Fund.

PROPOSED MODIFICATIONS TO FINANCIAL POLICIES

As in prior years, Staff has reviewed the City's existing Comprehensive Statement of Financial Policies to determine if any updates are necessary and/or desirable. In the past, the City's Policies included one that requires interfund loans be approved by City Council Resolution. Staff considered those items that were approved in the City's Budget or Mid-Year Budget (that are approved by City Council Resolution) as meeting the policy; however, this past year, the City's Auditors interpreted the policy to require a stand-alone resolution and recommended the Policy be updated for clarification. Therefore, Staff is proposing that the policy be updated to acknowledge that the Budget, Mid-Year Budget or other Resolution all meet the criteria. Staff committed to adding a separate narrative section to the Budget and Mid-Year Budget reports to highlight any proposed/potential interfund loans, and implemented the practice with the Fiscal Year 2014-2015 Mid-Year Budget Report.

Additional changes to the Financial Policies include adding authorization for the City Manager to release and appropriate accrued benefits reserves for its intended use, when needed, to pay out accruals at employees' separation. This is to correct an omission in the prior policy. (It required the accumulation of reserves, but provided no authorization for their appropriation).

Lastly, changes were made to update the policies related to the accumulation and appropriation of Landscaping District capital asset lifecycle/replacement reserves. Last year, the City Council approved the recasting of the prior replacement reserves, to include other long-term maintenance needs, and the changes to the policy proposed improve the logistics of both accumulating the necessary reserves, and appropriating funds, as needed, for the now broader uses.

GOALS AND OBJECTIVES FOR FISCAL YEAR 2015-2016

The Strategic Plan for 2014-2016 includes an extensive list of City goals and objectives with the following areas of focus:

- Business and Job Growth
- Planned, Quality Growth
- Community Infrastructure and Traffic Safety
- Downtown & Main Street Revitalization and Enhancement

- Public Safety
- Parks, Streetscapes and Recreational Opportunities
- Financial Stability and Sustainability
- Community Outreach, Communication and Participation
- Political Leadership and Stability
- Operational Excellence

The Proposed Budget reflects allocations to the City Council's existing priorities, including public safety, infrastructure maintenance, economic development, and code enforcement. In addition, the following are some of the more significant goals and objectives for Fiscal Year 2015-2016:

- Continue to implement the City's Economic Development Work Plan
- Complete construction of the capital projects in the Fiscal Year 2015-2016 Capital Improvement Plan
- Complete the State-mandated Regional Housing Needs Assessment rezoning requirement
- Complete the transition to an in-house police service model
- Obtain final approval of the Successor Agency's Long-Range Property Management and Disposition Plan.

LANDSCAPE MAINTENANCE CHALLENGE UPDATE

We continue to face the challenge of better ensuring the funding of our Lighting and Landscaping District maintenance costs. Current economic conditions still do not support additional assessments or taxes, and staff manages many of the funds simply at the bare minimum because adequate funds are not available. Two of the neighborhood zones remain structurally imbalanced, while nearly half the remaining zones are financially balanced, but challenged. A number of them can provide for current year operations, but are unable to set aside enough for less frequently needed maintenance, remediation and asset replacements.

Staff continues to manage District operations to live within our means; however, a longer-term solution will be necessary in the years ahead.

NEW INTERFUND LOANS

One of the City's financial policies is that interfund loans be approved by the City Council. Considering all aspects of the Preliminary Budget, as presented, it appears that several funds will likely need a General Fund loan during Fiscal

Year 2015-2016. Accordingly, Staff recommends the following interfund loans be approved as part of the Budget:

Fund 187 – Country Place, a loan of up to \$10,000. This landscaping zone contains Nutmeg Park. The park was constructed knowing that the annexation of future homes to the zone would be required for it to be able to collect assessments sufficient to perform proper regular maintenance. The annexations have not yet occurred, and the General Fund has, each year, provided loans to the Fund so that the work could be performed, and so that the General Fund can be repaid in the future when more revenues become available.

Fund 206 – Public Facilities Impact Fees, a loan up to \$35,000. This fund is used to account for public facilities impact fees from new development. The fees collected are currently committed first to pay the debt service on the 2006 Certificates of Participation. If these fees are not sufficient to pay the debt service in full, the General Fund is pledged to make up the shortfall. Development activity is projected to increase in Fiscal Year 2015-2016, but not quite enough for these impact fees to fully cover the debt service on the Certificates. As is our practice, the recommendation is for this amount to be a loan, so that the General Fund may be repaid in the future when more revenues become available.

If funded, both loans will accrue interest at the City's investment earnings rate until repaid.

CAPITAL PROJECTS

Presented separately is the detailed Proposed Capital Improvement Program (CIP) with new funds totaling \$6.14 million. The majority of the new allocations are for infrastructure maintenance.

New construction and improvement projects include:

- Hill Avenue Multi-Use Trail
- East Cypress Road Widening
- Main Street Realignment (Vintage Parkway to 2nd Street)
- Highway 160 - Main Street Gateway Sign and Landscaping Project

In addition, maintenance projects include:

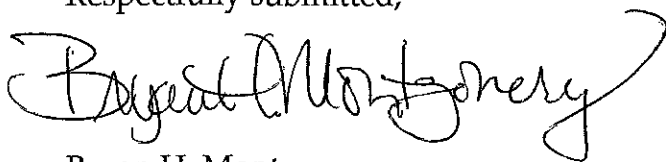
- Street repair and resurfacing
- Street Restriping
- Curb, Gutter, & Sidewalk repair and reconstruction

- Frontage Gap Closure improvements
- Storm Drain Improvements
- Traffic Calming
- Oakley Recreation Building Rehabilitation

CONCLUSION

As mentioned, this year's Preliminary Budget remains lean, structurally balanced, and true to the City Council's strategic priorities. We thank you for your support and leadership in keeping Oakley on the path of growth and improvement.

Respectfully submitted,

A handwritten signature in cursive script that reads "Bryan H. Montgomery". The signature is written in dark ink and is positioned above the printed name and title.

Bryan H. Montgomery
City Manager



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COMMUNITY PROFILE



The City of Oakley, incorporated in July 1999, is one of California's youngest cities. Residents enjoy a charming area with an abundant housing supply, quality schools, and a friendly atmosphere that truly make Oakley, "A Place for Families in the Heart of the Delta."

Oakley is located in Eastern Contra Costa County, along Highway 4, in a corridor that also includes the cities of Pittsburg, Antioch and Brentwood, with proximity to the Mount Diablo State Recreation Area, California San Joaquin Delta, and access to the many amenities of the San Francisco Bay Area.

Today a landscape of gently rolling fields, orchards, and vineyards gives us a glimpse of Oakley's agricultural past. From a quiet Delta farming town, Oakley has blossomed into a growing community of landscaped parks, abundant recreational opportunities, shopping centers, and planned business and commercial development.

Oakley's 38,789 residents enjoy a progressive community that is rich in history, supports strong family values, and offers a high quality of life. Our residents take pride in being part of a City that is building a prosperous future for generations to come.

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ELECTED OFFICIALS & CITY MANAGEMENT TEAM

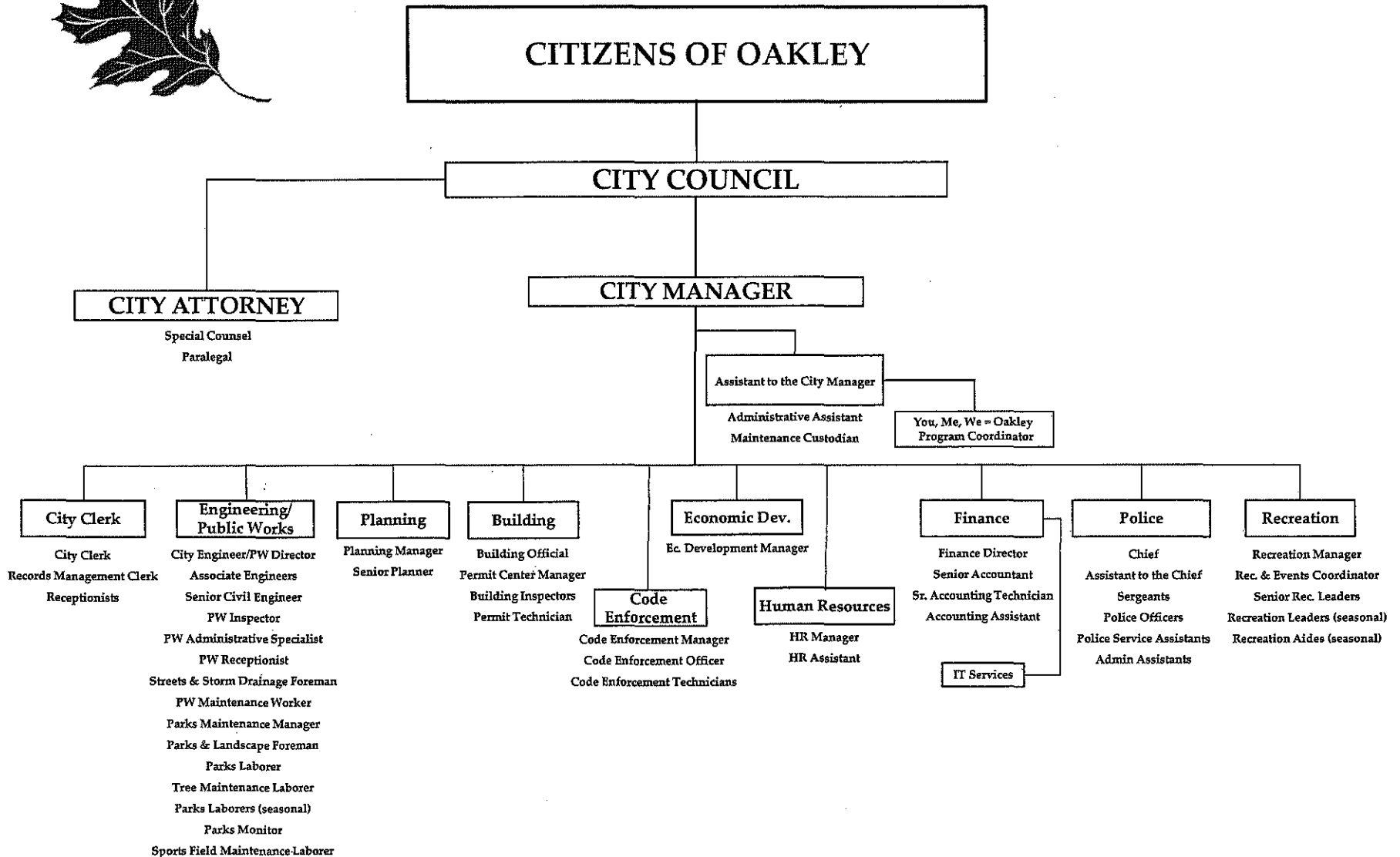
- CITY COUNCIL -

Doug Hardcastle, Mayor
Kevin Romick, Vice Mayor
Randy Pope, Councilmember
Sue Higgins, Councilmember
Vanessa Perry, Councilmember

- MANAGEMENT TEAM -

Bryan Montgomery, City Manager
Dan Gomez, Chief of Police
Paul Abelson, Finance Director
Kevin Rohani, Public Works Director/City Engineer
Libby Vreonis, City Clerk
Derek Cole, City Attorney
Joshua McMurray, Planning Manager
Lindsey Bruno, Recreation Manager
Dwayne Dalman, Economic Development Manager
Troy Edgell, Code Enforcement Coordinator
Nancy Marquez-Suarez, Assistant to the City Manager

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BUDGET STRATEGIES AND FINANCIAL POLICIES

The City Council provides long-term policy guidance for conducting the City's financial activities through its Statement of Financial Policies. These strategies and policies are presented to the Council with the intent they be reviewed each year to meet the following strategic objectives:

BUDGET STRATEGIES

- **Strategic focus** – The City's financial management should be strategic, reflecting the Council's and the community's priorities for service while providing resources that realistically fund routine operations. The City Council and Staff participate in annual strategic planning sessions which results in an updated Strategic Planning Document. The Budget is intended to implement the City's Strategic Plan.
- **Fiscal control and accountability** – The City's financial activities should be fiscally sound and accountable to the City Council through the City Manager.
- **Clarity** – The City's financial planning and reporting should be clear and easy to understand so that all participants, the Council, the community and Staff can make informed decisions.
- **Long-term Planning** – The City's financial planning should emphasize multi-year horizons to promote long-term planning of resource use.
- **Flexible and cost effective responses** – The City's financial management practices should encourage a mission-driven organization that responds to community demands quickly and in a straight forward manner. The City's management should flexibly respond to opportunities for better service, proactively manage revenues and cost-effectively manage ongoing operating costs.
- **Staffing philosophy** – The City Council desires to retain a mix of contract and permanent staff in order to ensure a cost effective and flexible service delivery system. Annually, the City Manager will review with the City Council his/her recommendations regarding the ratio for the number of contract employees to total Staff.



The following Statement of Financial Policies includes the City's policies, an assessment of whether the City is in compliance with each one and space for any comments or recommended changes to the policies.

STATEMENT OF FINANCIAL POLICIES

GENERAL FINANCIAL GOALS

	In Compliance?	Comments
To maintain a financially viable City that can maintain an adequate level of municipal services.	Yes	
To maintain financial flexibility in order to be able to continually adapt to local and regional economic changes.	Yes	
To maintain and enhance the sound fiscal condition of the City.	Yes	

OPERATING BUDGET POLICIES

The City Council will adopt a balanced budget by June 30 of each year.	Yes	
The City Manager will submit a budget calendar to the City Council no later than January 15th of each year.	Yes	
An annual base operating budget will be developed by verifying or conservatively projecting revenues and expenditures for the current and forthcoming fiscal year.	Yes	
During the annual budget development process, the existing base budget will be thoroughly examined to assure removal or reduction of any services or programs that could be eliminated or reduced in cost.	Yes	
Current revenues will be sufficient to support current operating expenditures (i.e. recurring expenditures will not exceed recurring revenues). One-time or unpredictable revenues will be used for one-time expenditures (including capital and reserves).	Yes	

<p>Annual operating budgets will provide for adequate design, construction, maintenance and replacement of the City's capital plant and equipment.</p>	<p>No</p>	<p>Some older Lighting and Landscaping District zones do not have sufficient revenues to set aside enough to fund asset replacements when needed.</p>
<p>The purchase of new or replacement capital equipment with a value of \$25,000 or more and with a useful life of two years or more will require Council approval.</p>	<p>Yes</p>	
<p>The City will project its equipment replacement needs for the next three years and will update this projection each year. From this projection a replacement schedule will be developed, funded, and implemented.</p>	<p>Yes</p>	
<p>The City will avoid budgetary and accounting procedures which balance the current budget at the expense of future budgets.</p>	<p>Yes</p>	
<p>The budget will include the appropriation of available but unassigned fund balances in special purpose funds</p> <p>In the Lighting and Landscaping Funds, the budget will include an appropriation of Asset Lifecycle Replacement Program reserves in an "unassigned asset replacement reserves" line item in each fund, equal to 25% of the available reserve balance, up to \$100,000.</p> <p>Prior approval of the City Manager will be required for the assignment and/or use of these appropriations.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>	



<p>All recommended increased appropriations of general purpose revenues, General Fund reserves, or that transfer appropriations between funds during the year shall be presented to the City Council for approval. Amendments to that are made to authorize spending of increased or new special purpose revenues may be approved by the City Manager.</p>	<p>Yes</p>	
<p>The City will forecast its General Fund expenditures and revenues for each of the next 10 years and will update this forecast at least annually.</p>	<p>Yes</p>	

REVENUE POLICIES

<p>The City will work to develop a diversified and stable revenue system to protect it from short-term fluctuations in any one revenue source.</p>	<p>Yes</p>	
<p>User fees will be adjusted bi-annually to recover the full cost of services provided, except when the City Council determines that a subsidy from the General Fund is in the public interest.</p>	<p>Yes</p>	
<p>The City will seek, and with Council approval, apply for all possible Federal and State reimbursement for mandated projects and/or programs and Federal and State grant monies for City programs and projects.</p>	<p>Yes</p>	



<p>Capital improvements will be financed primarily through user fees, service charges, impact fees, or developer agreements when benefits can be specifically attributed to users of the facility. For projects financed with debt, the fees, charges, and/or contractual payments shall be established at a level sufficient to fund the project in its entirety, including the repayment of principal and interest on amounts borrowed. The City will consider future operations and maintenance costs as part of each project's financing plan and ensure that funding sources are identified to properly operate and maintain the improvements when constructed.</p>	<p>Yes</p>	
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EXPENDITURE POLICIES

<p>The City will maintain a level of expenditures which will provide for the public well-being and safety of the residents of the community.</p>	<p>Yes</p>	
<p>Purchases shall be approved as described in the City's Municipal Code; more specifically: Purchases for more than \$5,000 shall be supported by a Purchase Order approved by the Finance Director and City Manager, and; Purchases for more than \$25,000 shall be approved by City Council.</p>	<p>Yes</p>	

CAPITAL BUDGET IMPROVEMENT BUDGET POLICIES

<p>The City will make all capital improvements in accordance with an adopted and funded capital improvement program (CIP).</p>	<p>Yes</p>	
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<p>The City will develop an annual Five-Year Plan for Capital Improvements, including sections for CIP design, development, implementation, and operating and maintenance costs.</p>	<p>Yes</p>	
<p>The City will identify the estimated capital and ongoing operations and maintenance costs, potential funding sources and project schedule for each capital project proposal before it is submitted to the Council for approval.</p>	<p>Yes</p>	
<p>The City will coordinate development of the annual capital improvement budget with the development of the operating budget. All costs for internal professional services needed to implement the CIP will be included in the operating budget for the year the CIP is to be implemented.</p>	<p>Yes</p>	
<p>The Capital Budget will be based on the CIP, and each project's unused appropriations at each year-end will be automatically rolled over to the subsequent year, until the project is completed. Additions to project funding plans require Council approval. Changes that do not increase funding levels may be approved by the City Manager.</p>	<p>Yes</p>	
<p>Cost tracking for components of the CIP will be implemented and updated quarterly to ensure project completion within budget and established timelines.</p>	<p>Yes</p>	
<p>The Council will review the pavement management program each year at budget time and will seek to supplement Gas Tax, Measure J, other street improvement funds, and the Street Maintenance Reserve Fund to adequately fund the program.</p>	<p>Yes</p>	
<p>City Impact Fees shall be used to fund the direct and indirect costs associated with capital projects identified in the City's impact fee studies.</p>	<p>Yes</p>	



OTHER CAPITAL IMPROVEMENT POLICIES

<p>Design of capital improvements shall consider long-term cost efficiency and be based on standards that minimize construction costs while assuring acceptable useful life and reduce maintenance requirements.</p>	<p>Yes</p>	
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SHORT-TERM DEBT POLICIES

<p>The City may use short-term debt to cover temporary or emergency cash flow shortages. All short-term borrowing will be subject to Council approval by ordinance or resolution.</p>	<p>Yes</p>	
<p>The City may issue interfund loans in lieu of outside debt instruments to meet short-term cash flow needs. Such loans will be permitted only if an analysis of the lending fund indicates excess funds are available and the use of these funds will not impact its current operations. The prevailing interest rate, as established by the Finance Director, will be paid to the lending fund, and such loan shall be approved by the City Council, documented by a memorandum signed by the City Manager and filed with the Finance Department and City Clerk.</p> <p><u>Both the Original Budget adopted each year, and the Mid-Year Budget Report, will include a separate section identifying anticipated interfund loans, and the City Council's approval of these reports shall be approval of the interfund loans.</u></p>	<p>Yes</p>	<p>Added this section to clarify that inclusion of loans in either of the reports, approved by the Council, meets the policy objective.</p>

LONG-TERM DEBT POLICIES

<p>The City will confine normal long-term borrowing to capital improvement projects it is unable to fund from current revenues in time to meet community needs or where a fiscal analysis shows that a significant benefit would accrue from building sooner at current prices and at current interest rates.</p>	<p>Yes</p>	
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<p>When the City issues City long-term debt, it will employ a professional financial advisor to assist the City in obtaining the best possible outcomes in terms of planning, sizing, underwriting, insuring, and presentation of the City's plans and position to bond rating agencies and the public. The City will also employ the services of qualified bond counsel and, as appropriate, disclosure counsel.</p>	<p>Yes</p>	
<p>When the City issues assessment type debt, it will work cooperatively with the project area Developers to identify an appropriate and acceptable financing team to obtain the best possible outcomes for the City and its citizens, and ensure compliance with all legal requirements.</p>	<p>Yes</p>	
<p>The City projects that the Community Parks assessment program will, over time, be sufficient to pay for ongoing costs and repay General Fund advances (loans); but that until further development occurs in the City, the General Fund may make such advances to the Community Parks program to cover operating shortfalls. All such advances will be approved by City Council.</p> <p><u>Both the Original Budget adopted each year, and the Mid-Year Budget Report will include a separate section identifying anticipated interfund loans, and the City Council's approval of these reports shall be approval of the interfund loans.</u></p>	<p>Yes</p> <p>Yes</p>	<p>Added this section to clarify that inclusion of loans in either of the reports, approved by the Council, meets the policy objective.</p>
<p>Where possible, the City will use special assessment, revenue, or other self-supporting bonds instead of general obligation bonds.</p>	<p>Yes</p>	
<p>Proceeds of long-term debt will not be used for current ongoing operations.</p>	<p>Yes</p>	



<p>The City may pledge General Fund revenues to facilitate debt; however, all debt will be supported by a dedicated revenue source identified prior to issuance that is expected to be sufficient to make the required debt service payments.</p>	<p>Yes</p>	
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RESERVE POLICIES

<p>The City will maintain General Fund Emergency reserves at a level at least equal to 20% of general fund operating expenditures. The primary purpose of this reserve is to protect the City's essential service programs and funding requirements during periods of economic downturn (defined as a recession lasting two or more years) or other unforeseen catastrophic costs not covered by the Contingency Reserve. Should the balance in the reserve fall below the 20% threshold, a plan to restore the level over a period of no more than five years shall be included in each proposed annual budget reviewed with the City Council until the reserve has been returned to at least 20%.</p>	<p>Yes</p>	
<p>A Contingency Reserve will be budgeted each year for non-recurring unanticipated expenditures or to set aside funds to cover known contingencies with unknown costs.</p>	<p>Yes</p>	
<p>The level of the Contingency Reserve will be established as needed but shall not be less than 2% of General Fund operating expenditures.</p>	<p>Yes</p>	
<p>The City will establish an account to accumulate funds to be used for payment of accrued employee benefits for terminated employees. At each fiscal year end, the accumulated amount in the reserve shall be adjusted to equal the projected payout of accumulated benefits requiring conversion to pay on retirement for employees then eligible for retirement. (This is so there are funds to</p>	<p>Yes</p>	

<p>pay out accumulated benefits requiring conversion to pay on termination).</p> <p><u>The City Manager may release and appropriate funds from this reserve during the year, but solely for terminal pay expenditures.</u></p>		<p>Added this year, as a provision for the use of the reserve was missing.</p>
<p>Claims Reserves will be budgeted at a level which, together with purchased insurance, adequately protects the City. The City will maintain a reserve of two times its deductibles for those claims covered by the insurance pool of which the City is a member (currently the Municipal Pooling Authority of Northern California). In addition, the City will perform an annual analysis of past claims not covered by the pool, and reserve an appropriate amount to pay for uncovered claims.</p>	<p>Yes</p>	
<p>The City will establish a Street Maintenance Reserve Fund for the accumulation of funds for the long-term maintenance of the City's streets. The amounts transferred into the reserve will be used to augment the City's Gas Tax, Measure J, and other street improvement revenues in completing street maintenance and improvement projects. The reserve shall be considered fully funded when the balance and the combination of anticipated special revenues eligible for street maintenance is sufficient to pay for the next 3 years' anticipated maintenance. The City shall seek to fully fund the reserve by June 30, 2018.</p>	<p>Yes</p>	

<p>The City will establish a Vehicle and Equipment Replacement Reserve Fund for the accumulation of funds for the replacement of worn and obsolete vehicles and other capital equipment. The accumulated amount in the reserve will equal at least 50% of the accumulated depreciation on the City's books for these assets, plus any amounts necessary to ensure the City's ability to replace them when they reach the end of their useful lives. Network and Computer replacement will be gauged using a 3 year lifecycle.</p>	<p>No</p>	<p>Transfers to the Reserve budgeted for FY 2015-2016 will not keep the reserve at the targeted level; however the balance is sufficient to fund all anticipated replacements.</p>
<p>The City will seek to build and maintain a Facilities Maintenance Capital Asset Reserve for capital costs associated with the maintenance of all City building facilities. The reserve will be maintained at a level at least equal to projected five year facilities maintenance capital costs.</p> <p><u>Each year-end, until fully funded, all revenues in excess of expenditures in each landscaping district zone, shall increase the funds' capital asset lifecycle replacement reserve. Each zone's operating budget shall consider annual capital/asset lifecycle replacement needs. Park operating funds shall budget costs and use them to fund reserves for future equipment replacement and resurfacing needs.</u></p>	<p>Yes</p> <p>Yes</p>	<p>This new language is proposed to improve the implementation of the capital asset lifecycle reserve changes initiated last year.</p>
<p>The City will seek to build and maintain a Storm Drain Depreciation Reserve for costs associated with the major maintenance and capital improvement costs included in the Storm Drain program budget. The minimum reserve level will be 50% of the costs projected over the next five years.</p>	<p>Yes</p>	



<p>The City will establish a Reserve for Qualifying Expenditures and will transfer into it from current revenues all amounts necessary to ensure compliance with Gann Limit provisions. These funds will be used solely to pay for Gann Limit excludable capital expenditures. To qualify, they must be for assets having a value greater than \$100,000 and having a useful life of at least 10 years.</p>	<p>Yes</p>	
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INVESTMENT POLICIES

<p>The City Manager and Finance Director will annually submit an investment policy to the City Council for review and adoption, and shall provide the Council with quarterly investment reports.</p>	<p>Yes</p>	
<p>The Finance Director will invest the City's monies in accordance with applicable laws and adopted investment policies and direct the investment of bond or note monies on deposit with a trustee or fiscal agent in accordance with the applicable indenture or issuance documents.</p>	<p>Yes</p>	
<p>The City will maintain liquid assets at a level sufficient to pay at least six months operating expenses.</p>	<p>Yes</p>	

ACCOUNTING, AUDITING & FINANCIAL REPORTING POLICIES

<p>The City's accounting and financial reporting systems will be maintained in accordance with generally accepted accounting principles and standards of the Governmental Accounting Standards Board.</p>	<p>Yes</p>	
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<p>A capital asset system will be maintained to identify all City assets, their condition, historical and estimated replacement costs, and useful life. All equipment with a cost of \$5,000 or more and a useful life of more than two years, and all buildings, improvements and infrastructure with a cost of \$50,000 or more and a useful life of more than two years will be capitalized and included in the system. While asset purchases and disposals will be tracked and accounted for each year, unless otherwise needed, vehicles and office equipment will be inventoried and infrastructure assets will be subject to an internal audit, every 3 years on a rotating cycle, with each category reviewed in turn.</p>	<p>Yes</p>	
<p>Fixed Assets shall be accounted for using the following useful lives: Buildings – 40 years Improvements – 5-15 years Machinery & Equipment – 5 years Vehicles – 5 years Roadways: Streets (Includes Pavement, Sidewalk, Curb & Gutters, Trees & Signs) – 40 years Traffic Signals – 25 years Street Lights – 40 years Bridges – 100 years Parks & Recreation: General Improvements – 25 years Specialty features – 10 years</p>	<p>Yes</p>	
<p>The Finance Department will prepare monthly reports for the City Manager and Department Heads so that they may effectively evaluate their financial performance.</p>	<p>Yes</p>	
<p>A Mid-Year Budget Review, assessing the status of both operating and capital activities and recommending appropriate mid-year adjustments, will be submitted to the City Council and made available to the public in February each year.</p>	<p>Yes</p>	



An annual audit will be performed by an independent public accounting firm with the subsequent issue of an official Comprehensive Annual Financial Report, including an audit opinion.	Yes	
Full and continuing disclosure will be provided in the City's financial statements and bond representations.	Yes	
The City will build and maintain a good credit rating in the financial community.	Yes	

GRANT FUNDING POLICIES

The City will remain current on available local, state, and federal grant funding and seek to make the most of grant opportunities for both operations and capital projects.	Yes	
The City will establish accounting procedures to support the tracking of grant funds and their use and for the timely administration of grant programs.	Yes	
Grants that the City makes to others will be such that the City retains control of funds sufficient to ensure their use is consistent with grant specifications. This is expected to be accomplished by limiting grant disbursements to reimbursements or for the City to pay agreed upon costs directly on behalf of the Grantee, all of which should be outlined in a grant agreement approved by the Council.	Yes	

HUMAN CAPITAL INVESTMENT POLICIES

The City will invest in its employees by maintaining a compensation structure that is based on market norms, considers internal alignment and equity among various groups of employees, supports and recognizes innovation and exceptional performance, and fosters teamwork within the organization.	Yes	
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APPROPRIATIONS CONTROL

In addition to the Statement of Financial Policies above, the Council has established the following policy regarding Appropriations Control:

Appropriations requiring Council action are:

- Appropriation of reserves, except asset replacement or accrued benefits reserves
- Transfers between funds
- Appropriations of any unassigned revenues (unassigned revenues are those revenues that are not associated with a particular business or service unit)

Appropriations requiring City Manager action are:

- Transfer within a fund or department
- Appropriation of unbudgeted assigned revenues – assigned revenues support a specific business or service unit and allow expansion or contraction of that unit in response to demand.
- Appropriation of asset replacement reserves, accrued benefits reserves and unassigned balances in special purpose funds.

Appropriations of fiscal resources are approved by the City Council and managed by the City Manager

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BUDGET SCHEDULE FY 2015-2016 BUDGET

Date	Function
January 21	2015-16 Budget Instructions Distributed
February 10	FY 2014-15 Midyear review with City Council
Week of February 16	Finance Available for Budget System Training to anyone needing assistance.
February 23	DH Strategic Planning Session
March 30	City Council Strategic Planning Session
Week of March 9	City Manager Discussions with DH's Individually, as needed
March 23	2015-16 Department Goals due to City Manager & Finance Director 2015-16 Operating Budgets due to Finance Director 2015-16 Final CIP Requests due to City Engineer
March 23 - April 2	Finance & Engineering Review Period
March 30	City Council Strategic Planning Session
April 6-17	City Manager Review Period
April 20-24	City Manager Reviews with DH's individually, as needed
April 30	2014-15 Departmental Accomplishments Due to City Manager & Finance Director
May 4-14	Preparation and Final City Manager Review of Proposed Budgets, CIP and Presentations
May 18-19	Production and Distribution of Proposed City, RDA and CIP Budgets to Council and Staff
May 26	Budget Work Session
June 23	2015-16 Public Hearings and Budget Adoptions

**Recommended Budget
All Funds Summary**

<u>Fund #</u>	<u>Fund Name</u>	<u>Estimated Available Resources July 1, 2015</u>	<u>Estimated Revenues 2015/16</u>	<u>Recommended Expenditures 2015/16</u>	<u>Appropriation of Unassigned/ Available Fund Balances*</u>	<u>Appropriation of Asset Replacement Reserves</u>	<u>Estimated Available Resources July 1, 2016</u>	<u>Additional Appropriation of Available Asset Replacement Reserves*</u>
100	General Fund**	\$ 4,750,371	\$15,353,153	\$ 16,182,165			\$ 3,921,359	
110	Comm Facilities Dist #1 (Cypress Grove)	\$ 1,121,424	289,000	198,650	1,211,774		\$ -	
123	Youth Development Fund	\$ -	7,000	7,000			\$ -	
125	You, Me, We = Oakley!	\$ -	78,183	78,183			\$ -	
132	Park Landscaping Zn 1 (Comm Parks)	\$ -	1,127,719	914,690			\$ 213,029	100,000
133	LLD Zone 2 (Streetlighting)	\$ -	320,360	320,360			\$ -	41,604
136	Agricultural Preservation	\$ 1,724	-	-	1,724		\$ -	
138	Economic Dev. Revolving Loan Program	\$ 275,000	-	-	275,000		\$ -	
140	Gas Tax Fund	\$ 806,251	810,351	1,558,721	57,861		\$ -	
145	Stormwater NPDES	\$ 1,042,362	461,000	872,047	631,315		\$ -	
148	Measure J	\$ 362,333	512,000	833,800	40,533		\$ -	
150	Police P-6 Fund	\$ -	3,421,500	3,421,500			\$ -	
151	Police SLESF Fund	\$ -	100,000	100,000			\$ -	
168	Athletic Field Maintenance Fund	\$ -	28,000	28,000			\$ -	
170	LLD Vintage Parkway	\$ -	73,714	73,714		1,358	\$ -	13,855
171	LLD Oakley Ranch	\$ -	26,446	26,446		300	\$ -	10,286
172	LLD Empire	\$ 5,846	4,534	4,534		15,075	\$ 5,846	16,136
173	LLD Oakley Town Center	\$ -	10,935	10,935		19,956	\$ -	11,684
174	LLD Oak Grove	\$ -	28,405	28,405			\$ -	13,804
175	LLD Laurel Woods/Luna Estates	\$ -	7,668	7,668		100	\$ -	16,874
176	LLD South Forty	\$ -	9,713	9,713		125	\$ -	4,716
177	LLD Claremont	\$ -	7,628	7,628		100	\$ -	3,997
178	LLD Gateway	\$ -	18,360	18,360		200	\$ -	45,832
179	LLD Countryside (Village Green)	\$ -	2,563	2,563		50	\$ -	4,948
180	LLD Country Fair (Meadow Glen)	\$ -	5,423	5,423			\$ -	-
181	LLD California Sunrise	\$ -	3,502	3,502		50	\$ -	14,084
182	LLD California Visions (Laurel)	\$ -	12,000	12,000		150	\$ -	32,197
183	LLD Claremont Heritage	\$ -	18,240	8,715			\$ 9,525	45,586
184	LLD Country Fair (Meadow Glen II)	\$ -	122,544	122,344			\$ 200	32,046
185	LLD Sundance	\$ -	8,910	8,910		1,671	\$ -	1,125
186	LLD Calif Jamboree (Laurel Anne)	\$ -	117,548	117,548		9,343	\$ -	78,432
187	LLD Country Place	\$ -	31,400	40,730			\$ (9,330)	-
188	LLD Laurel Crest	\$ -	97,000	96,838			\$ 162	33,398
189	LLD Marsh Creek Glen	\$ 215,872	86,528	302,400		100,000	\$ -	42,656
190	LLD Quail Glen	\$ -	28,523	23,730			\$ 4,793	17,878
191	Cypress Grove	\$ -	267,170	236,200			\$ 30,970	96,020
192	South Oakley	\$ -	354,602	354,602		72,098	\$ -	67,739
193	Stone Creek	\$ -	29,250	15,903			\$ 13,347	35,983
194	Magnolia Park	\$ -	562,500	543,600			\$ 18,900	100,000
195	Summer Lakes	\$ -	242,282	242,282		147,299	\$ -	69,527
201	General Capital Projects	\$ 805,717	1,686,000	2,203,267	155,766		\$ 132,684	
202	Traffic Impact Fee Fund	\$ 315,530	1,800,000	1,672,267	443,263		\$ -	
204	Park Impact Fee Fund	\$ (28,813)	900,000	56,000	815,187		\$ -	
205	Childcare Impact Fee Fund	\$ 231,000	-	231,000			\$ -	
206	Public Facilities Impact Fee Fund	\$ (451,733)	558,000	590,535			\$ (484,268)	
207	Reserve for Qualifying Expenditures	\$ -	-	-			\$ -	
208	Fire Impact Fees Fund	\$ 79,841	125,000	1,500	203,341		\$ -	
209	Proposition 1B Fund	\$ -	-	-			\$ -	
211	WW Parks Grant	\$ -	-	-			\$ -	
221	2004-1AD Capital Projects	\$ -	64,000	64,000			\$ -	
231	Main Street Fund	\$ 302,686	150,000	404,000	48,686		\$ -	
235	Street Maintenance Reserve Fund	\$ 75,000	150,000	-	225,000		\$ -	
301	Developer Deposits Fund	\$ -	753,998	753,998			\$ -	
351	2006 COPs Debt Svc Fund	\$ 1,402	571,035	571,035			\$ 1,402	

<u>Fund #</u>	<u>Fund Name</u>	<u>Estimated Available Resources July 1, 2015</u>	<u>Estimated Revenues 2015/16</u>	<u>Recommended Expenditures 2015/16</u>	<u>Appropriation of Unassigned/ Available Fund Balances*</u>	<u>Appropriation of Asset Replacement Reserves</u>	<u>Estimated Available Resources July 1, 2016</u>	<u>Additional Appropriation of Available Asset Replacement Reserves*</u>
501	Equipment Replacement Fund	\$ 1,266,452	106,000	279,750	1,092,702		\$ -	
502	Capital Facilities Mtc and Replacement Fund	\$ 195,000	50,000	67,000	178,000		\$ -	
621	AD 2004-1 Debt Svc Fund	\$ 1,203,145	1,160,207	1,160,207			\$ 1,203,145	
622	AD 2006-1 Debt Svc Fund	\$ 565,660	747,703	747,703			\$ 565,660	
767	Successor Housing Agency	\$ -	14,400	14,400			\$ -	

* The Budget includes the appropriation of unassigned balances in special purpose funds so they can be assigned if needed during the year; although in the landscaping district funds, available resources appropriated for unanticipated asset replacements or remediations are shown in the appropriation of available asset replacement reserves pursuant to City policy.

** General Fund resources excludes the value of real estate held, which at June 30, 2015 is estimated at \$2.070 million. General Fund activity on this schedule also excludes interfund, interagency, and economic development loan activity, which are required by City policy or approved separately by the City Council.

New this year: Since all revenues in excess of expenditures at year end in the landscaping district funds are now added to each Fund's reserves for asset replacement, the estimated available resources at July 1, of each year are \$0, unless the reserve is fully funded. Appropriations from a prior year capital project will roll into the new year, as with all capital project appropriations, but otherwise, the beginning of the year available resources in these funds will be \$0. A new column has

2015-16 Position Allocation Summary

	Position	Status	City of Oakley FTE	Contract FTE	Total FTE
City Council					
	Mayor	Elected	1.00		1.00
	Vice Mayor	Elected	1.00		1.00
	Councilmembers	Elected	3.00		3.00
	Total City Council Staffing:		5.00	0.00	5.00
Building					
	Building Official	Contract		0.40	0.40
	Permit Center Manager	Contract		0.60	0.60
	Building Inspector II	Employee	1.00		1.00
	Permit Technician	Employee	1.00		1.00
	Total Building Staffing:		2.00	1.00	3.00
Code Enforcement					
	Code Enforcement Manager	Employee	1.00		1.00
	Code Enforcement Officer/Building Inspector II	Employee	1.00		1.00
	Code Enforcement Technician	Employee	1.25		1.25
	Total Code Enforcement Staffing:		3.25	0.00	3.25
City Attorney					
	City Attorney	Contract		0.25	0.25
	Special Counsel	Contract		0.25	0.25
	City Clerk/Paralegal	Employee	0.30		0.30
	Total City Attorney Staffing:		0.30	0.50	0.80
City Clerk					
	City Clerk/Paralegal	Employee	0.70		0.70
	Records Management Clerk	Employee	1.00		1.00
	Receptionists	Employee	1.07		1.07
	Total City Clerk Staffing:		2.77	0.00	2.77
City Manager					
	City Manager	Employee	1.00		1.00
	Assistant to the City Manager/HR Manager	Employee	0.63		0.63
	Administrative Asst.	Employee	0.48		0.48
	Total City Manager Staffing:		2.10	0.00	2.10
Community Outreach					
	Assistant to the City Manager	Employee	0.32		0.32
	You Me We Project Coordinator	Employee	0.63		0.63
	Total Community Outreach Staffing:		0.95	0.00	0.95
Human Resources					
	Assistant to the City Manager/HR Manager	Employee	0.05		0.05
	Human Resources Assistant	Employee	0.38		0.38
	Total Human Resources Staffing:		0.43	0.00	0.43
Building Maintenance					
	Maintenance Custodian	Employee	0.75		0.75
	Total Building Maintenance Staffing:		0.75	0.00	0.75
Finance					
	Finance Director	Employee	1.00		1.00
	Senior Accountant	Employee	1.00		1.00
	Senior Accounting Technician	Employee	1.00		1.00
	Accounting Assistant	Employee	0.48		0.48
	Total Finance Department Staffing:		3.48	0.00	3.48

2015-16 Position Allocation Summary

	Position	Status	City of Oakley FTE	Contract FTE	Total FTE
Information Technology					
	Network Engineers	Contract		0.60	0.60
	Total Information Technology Staffing:		0.00	0.60	0.60
Economic Development					
	Economic Development Manager	Employee	1.00		1.00
	Total Economic Development Staffing:		1.00	0.00	1.00
Planning					
	Planning Manager	Employee	1.00		1.00
	Senior Planner	Employee	1.00		1.00
	Total Planning Staffing:		2.00	0.00	2.00
Police					
	Chief	Employee	1.00		1.00
	Sergeants	Contract		5.00	5.00
	Officers	Contract		22.00	22.00
	Administrative Assistants	Employee	1.25		1.25
	Assistant to the Chief	Employee	0.48		0.48
	Police Services Assistants	Employee	2.00		2.00
	Total Police Department Staffing:		4.73	27.00	31.73
Public Works and Engineering					
	City Engineer/Public Works Director	Employee	1.00		1.00
	Associate Engineer	Employee	2.00		2.00
	Senior Civil Engineer	Employee	1.00		1.00
	Public Works Inspector	Employee	1.00		1.00
	Public Works Administrative Specialist	Employee	1.00		1.00
	Public Works Receptionist	Employee	0.36		0.36
	Streets Foreman	Employee	1.00		1.00
	Public Works Maintenance Worker I	Employee	1.00		1.00
	Parks Maintenance Manager	Employee	0.75		0.75
	Parks & Landscape Maintenance Foreman	Employee	1.00		1.00
	Parks Laborer	Employee	1.00		1.00
	Tree Maintenance Laborer	Employee	1.00		1.00
	Parks Laborers (Seasonal)	Employee	2.00		2.00
	Parks Monitor	Employee	0.25		0.25
	Sports Field Maintenance Laborer	Employee	0.38		0.38
	Total Public Works/Engineering Staffing:		14.73	0.00	14.73
Recreation					
	Recreation Manager	Employee	1.00		1.00
	Recreation and Event Coordinator	Employee	1.00		1.00
	Senior Recreation Leader	Employee	0.48		0.48
	Recreation Leader (Seasonal)	Employee	1.65		1.65
	Recreation Aide (Seasonal)	Employee	1.65		1.65
	Total Recreation Division Staffing:		5.78	0.00	5.78
	Total Contract Employees			29.10	29.10
	Total City Employees:		45.99		45.99
	Total Position Allocation Summary				75.09



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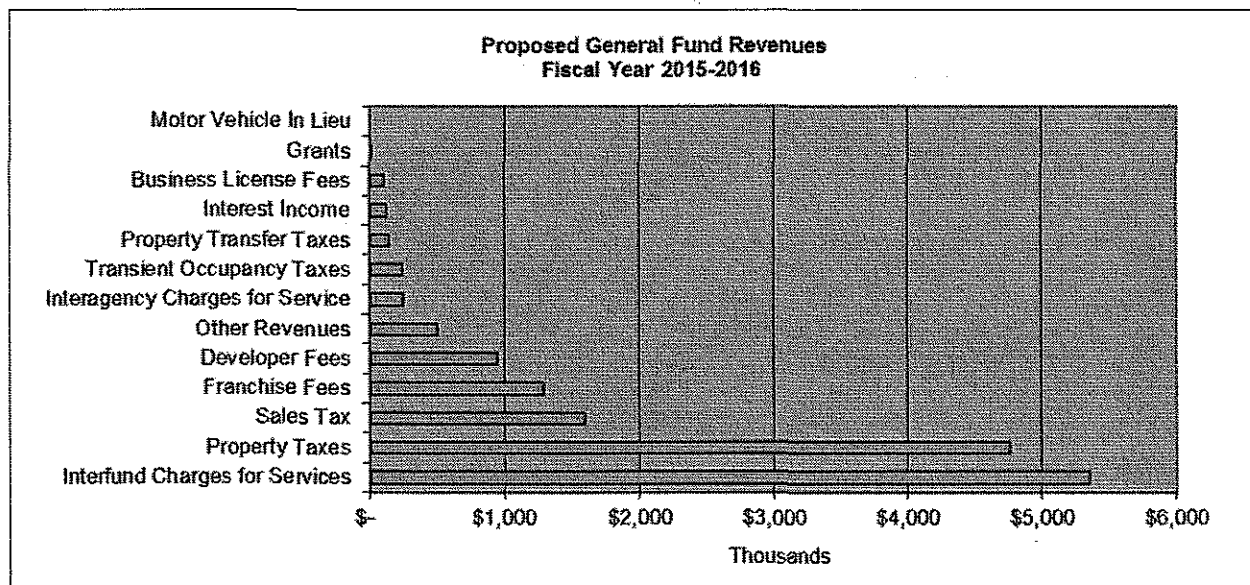
GENERAL FUND ESTIMATED REVENUES FY 2015-2016

Revenue	Actual 2012-2013 Revenues	Actual 2013-2014 Revenues*	Projected 2014-2015 Revenues*	Recommended 2015-2016 Revenues*
Interfund Charges for Services	\$5,108,438	\$4,818,000	\$5,228,000	\$5,357,000
Property Taxes (1)	\$4,180,722	\$3,868,000	\$4,494,000	\$4,763,000
Sales Tax (2)	\$1,617,770	\$1,521,000	\$1,346,000	\$1,598,000
Franchise Fees	\$1,115,304	\$1,230,000	\$1,243,000	\$1,293,000
Developer Fees	\$1,107,743	\$1,261,000	\$574,000	\$948,000
Other Revenues	\$456,495	\$523,000	\$554,000	\$501,000
Interagency Charges for Services	\$250,000	\$130,000	\$250,000	\$250,000
Transient Occupancy Taxes	\$195,941	\$195,000	\$240,000	\$240,000
Property Transfer Taxes	\$137,101	\$147,000	\$150,000	\$150,000
Interest Income	\$20,919	\$58,000	\$130,000	\$130,000
Business License Fees	\$106,743	\$111,000	\$107,000	\$110,000
Grants	\$19,946	\$41,000	\$19,000	\$12,000
Motor Vehicle in Lieu	\$18,727	\$16,000	\$16,000	
Sale of Property			\$135,000	

*2013-14, 2014-15 and 2015-16 data rounded to thousands

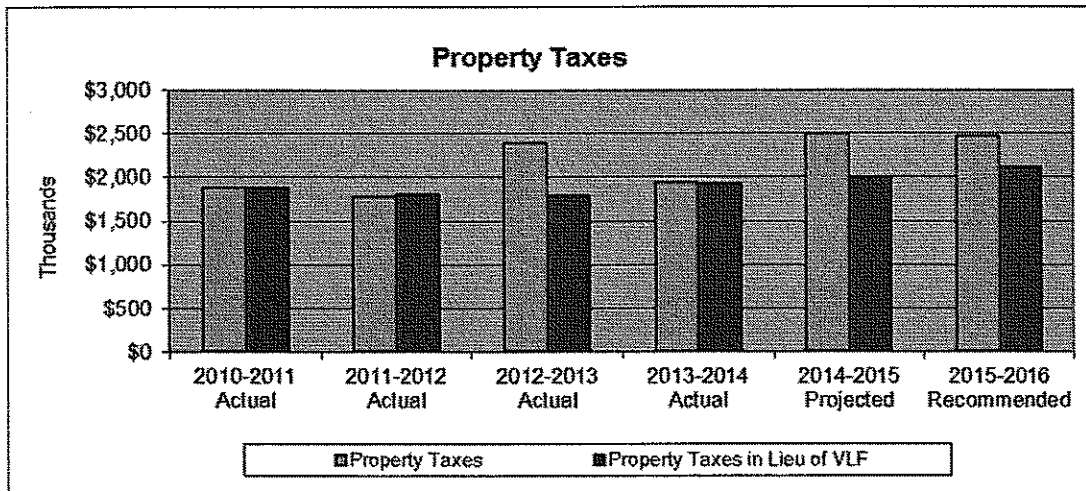
(1) 2012-13 Property Taxes include the repayment of the State's Prop 1A "Borrowing".

(2) 2014-15 Includes adjustments to recapture approximately \$180,000 of previously over-allocated Sales Tax for Dupont.



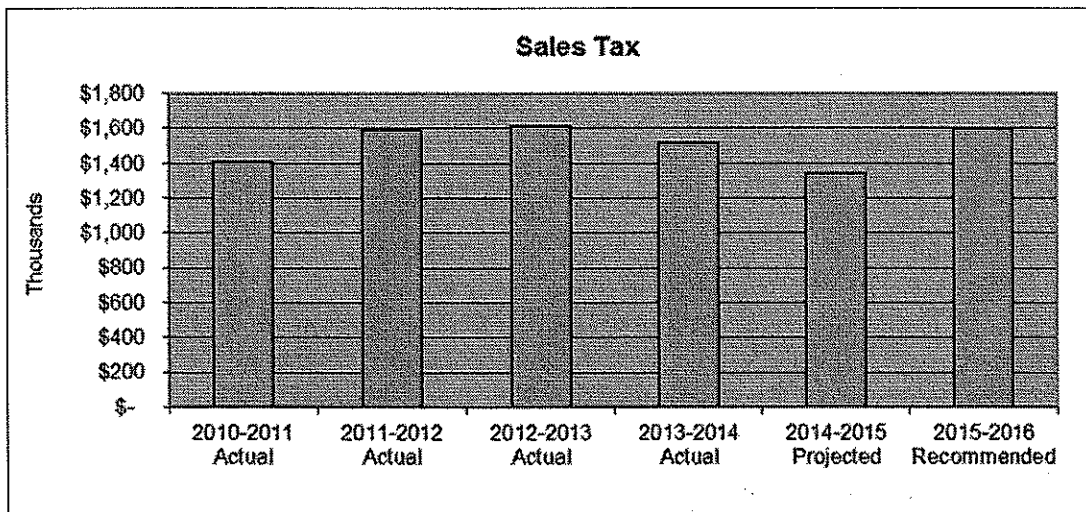
PROPERTY TAXES

The City receives two significant types of property taxes: 1) the City's share of 1% Property Taxes collected by the County; and, 2) Property Tax In Lieu Of Vehicle License Fees. Both are driven primarily by changes in assessed values. Estimates for fiscal year 2015-2016 anticipate an increase of 6% in citywide assessed values. The budget includes estimated 1% Property Taxes totaling \$2,642,000 and Property Taxes In Lieu Of Vehicle License Fees totaling \$2,121,000.



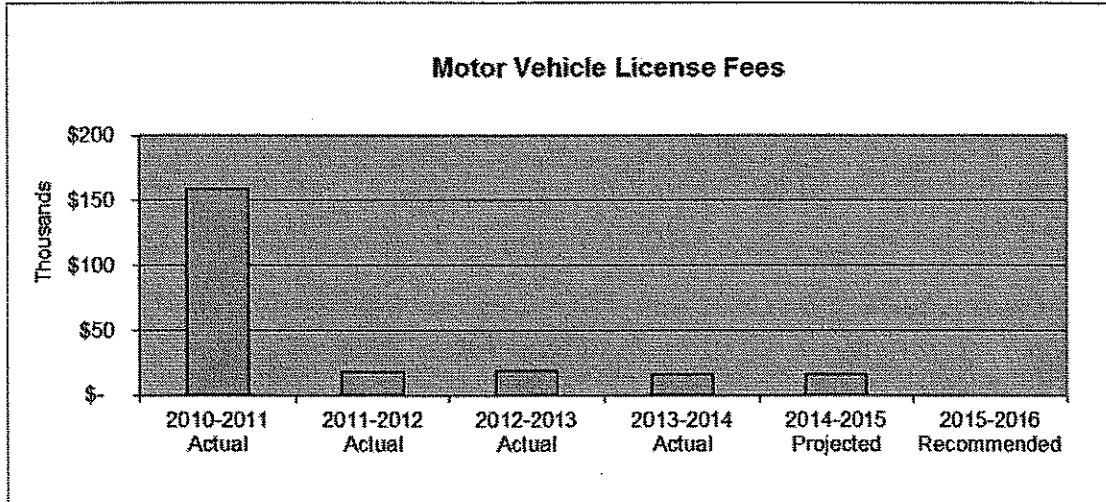
SALES TAX

The City receives a share of sales taxes where the point of sale is located in the City. While the City does not yet have a large commercial base, business activity is expected to grow over time and these revenues will increase. For fiscal year 2015-2016, the estimated sales taxes are \$1,598,000, an increase of 4.8% after adjusting for the recapture of previously over-allocated Dupont sales taxes, reflecting the impact of the improving local economy.



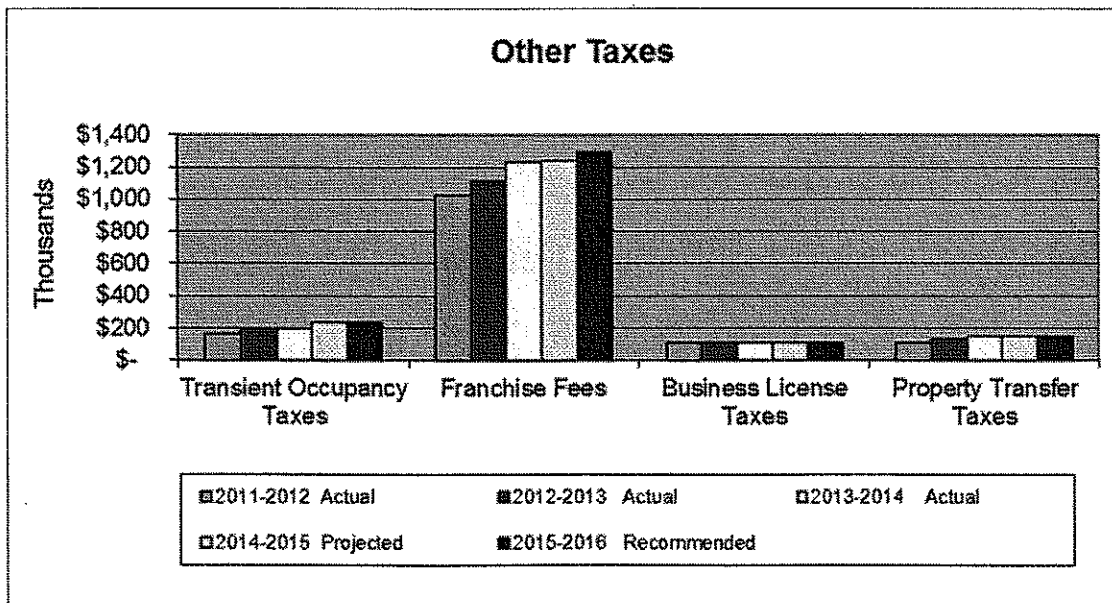
MOTOR VEHICLE IN LIEU FEES

The State ended allocations of Motor Vehicle in Lieu fees to local governments in fiscal year 2011-2012, and other than prior years' true ups, no future revenues are expected.



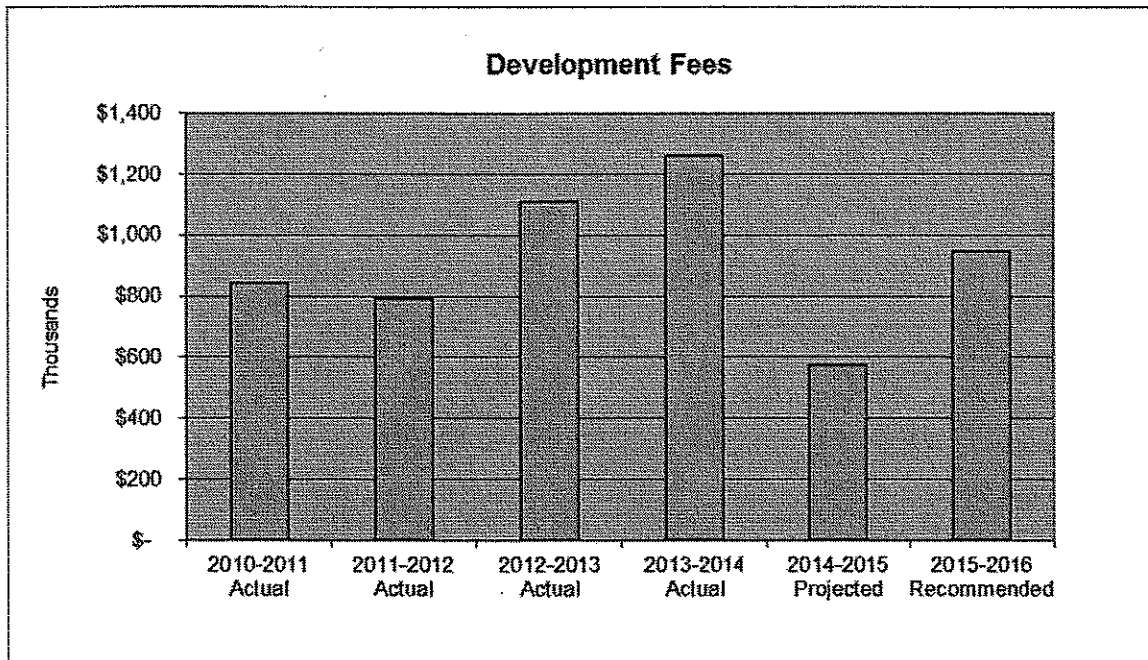
OTHER TAXES

In addition to the above Taxes, the City collects a Transient Occupancy (Hotel) Tax, Utility Franchise Fees, Property Transfer Taxes, and Business License Taxes. For fiscal year 2015-2016, estimated total Other Taxes are \$1,793,000, an increase of \$53,000 over fiscal year 2014-2015. The increase is primarily due to increased franchise fee revenues.



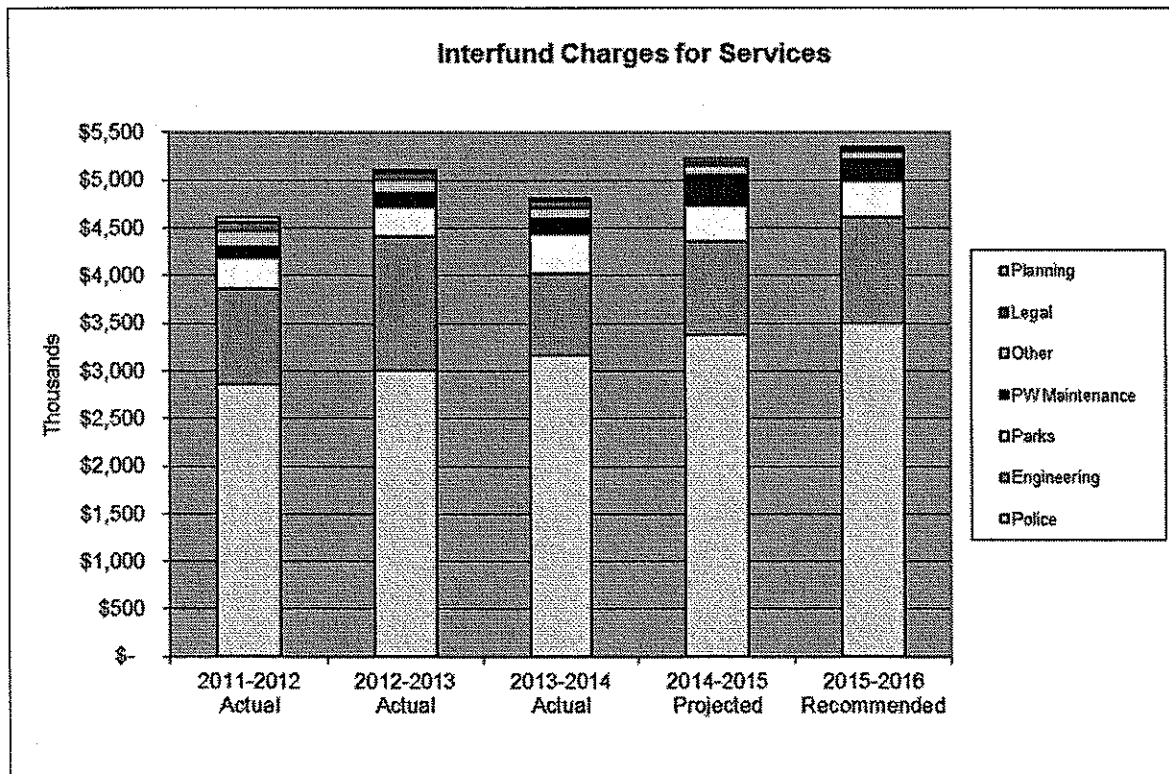
DEVELOPMENT FEES

Development Fees consist primarily of building permits, plan review, and administrative fees. For fiscal year 2015-2016, estimated Development Fees total is \$949,000, a 65% increase from the projected revenue for fiscal year 2014-2015. The budget reflects an increase in projected development activities, taking in to account primarily the delays in building activities experienced this past year.



INTERFUND CHARGES FOR SERVICES

Interfund Charges for Services is the largest revenue of the City. More than one-third of the Fiscal Year 2015-2016 General Fund revenue categories are cost recoveries for activities funded by impact fees, developer application fees, special taxes, assessments and other special purpose revenues. For fiscal year 2015-2016, estimated Interfund Charges for Police Services total approximately \$3.5 million, for Engineering Services approximately \$1.1 million, for Public Works Maintenance \$224,000, for Planning Services \$30,000, for Legal Services \$25,000, for Parks Maintenance Services \$375,000, and for Other Services \$85,000.



OVERALL ANALYSIS OF GENERAL FUND REVENUES

Overall revenues continue to be stable, and gradually increasing. The shift in the composition of City revenues continue to be most affected by property taxes and development activities, both of which are now recovering as the economy improves.

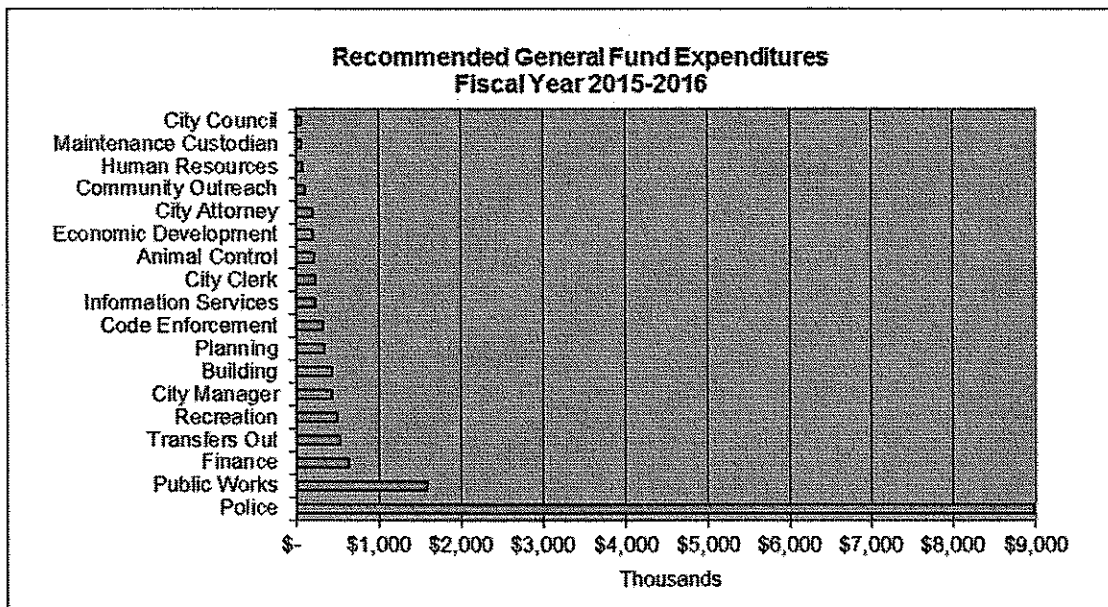


GENERAL FUND RECOMMENDED EXPENDITURES

FY 2015-2016

Department	Actual 2012-2013 Expenditures	Actual 2013-2014 Expenditures*	Projected 2014-2015 Expenditures*	Recommended 2015-2016 Expenditures*
Police	\$7,222,659	\$7,445,000	\$8,647,000	\$8,986,000
Public Works	\$1,580,629	\$1,339,000	\$1,524,000	\$1,583,000
Finance	\$527,373	\$541,000	\$648,000	\$634,000
Transfers Out	\$291,586	\$341,000	\$3,158,000	\$525,000
Recreation	\$330,280	\$378,000	\$538,000	\$493,000
City Manager	\$381,759	\$403,000	\$448,000	\$431,000
Building	\$616,155	\$472,000	\$396,000	\$429,000
Planning	\$299,137	\$326,000	\$372,000	\$340,000
Code Enforcement	\$39,560	\$105,000	\$263,000	\$320,000
Information Services	\$214,051	\$222,000	\$243,000	\$242,000
City Clerk	\$251,148	\$220,000	\$264,000	\$230,000
Animal Control	\$191,141	\$194,000	\$198,000	\$222,000
Economic Development	\$152,529	\$147,000	\$194,000	\$203,000
City Attorney	\$214,035	\$203,000	\$205,000	\$200,000
Community Outreach	\$66,290	\$92,000	\$120,000	\$107,000
Human Resources	\$31,622	\$23,000	\$67,000	\$77,000
Maintenance Custodian	\$42,776	\$48,000	\$70,000	\$70,000
City Council	\$61,603	\$57,000	\$63,000	\$62,000
Non-Departmental	\$(202,449)	(\$17,000)	\$50,000	\$228,000

2013-14, 2014-15 & 2015-16 data rounded to thousands



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DEPARTMENT DETAIL

The following pages review each of the proposed Department budgets with a summary discussion of program description, staffing, and objectives for fiscal year 2015-2016:

ANIMAL CONTROL

Program Costs and Revenues

The City contracts with Contra Costa County for Animal Control services. The costs are funded entirely by General Fund revenues.

Program Description

Animal control services patrol the City's streets and respond to public health and safety calls concerning animals in the City. The County Animal Services Department provides the service and access to its animal shelter facility in Martinez.

Staffing Summary

The County Animal Services Department provides all staffing for an annual per capita charge. There is no City staff allocated to this function.

Program Changes

There are no significant program changes for fiscal year 2015-2016. The County charge per capita has, after many years, been increased. The rate for 2015-2016 is \$5.56, increased from the \$5.31 charged for many years.

ANIMAL CONTROL			
2012-2013	2013-2014	2014-2015	2015-2016
Actual	Actual	Projected	Recommended
\$191,141	\$193,985	\$198,000	\$221,697



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CITY COUNCIL

Program Costs and Revenues

The City Council's costs are funded entirely by the General Fund.

Program Description

The Council is the legislative body of the City, in essence the City's "Board of Directors." The Council establishes the City's laws and policies and provides direction to the City Manager to implement them.

Staffing Summary

The City Council is comprised of five elected members, each for a four-year term. The City Manager, who directs the day-to day operations of the City, and the City Attorney, are accountable directly to the Council.

Program Changes

No program changes.

CITY COUNCIL				
USE OF FUNDS	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Personnel	\$32,460	\$30,339	\$31,636	\$31,676
Services	\$25,496	\$25,779	\$28,901	\$27,650
Supplies	\$3,647	\$1,166	\$2,500	\$3,000
Total	\$61,603	\$57,284	\$63,037	\$62,326

CITY COUNCIL MEMBERS	
Mayor	1.00
Vice-Mayor	1.00
Council members	3.00
Total City Council	5.00

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CITY CLERK

Program Costs and Revenues

All City Clerk costs are part of City Administration. Revenue is generated for the General Fund through the passport acceptance program.

Program Description

The City Clerk's Office coordinates the distribution of meetings packets for the City Council, the City Council Acting as the Successor Agency to the Redevelopment Agency, Public Financing Authority and Oversight Board, records the proceedings of those meetings and processes approved documents such as resolutions, ordinances, minutes and contracts; maintains the City Seal; coordinates municipal elections; advertises and coordinates City Council appointments; maintains and protects the official records of the City; coordinates the records management program; maintains the Municipal Code; administers the Fair Political Practices Commission's regulations; maintains Statements of Economic Interest and Campaign Disclosure Statements submitted by public officials and staff; processes claims against the City; receives and opens sealed bids for public projects; provides a passport acceptance agent and notary services.

Staffing Summary

The City Clerk is assigned to work in both the City Clerk and City Attorney Offices, with approximately 85% of her time serving as City Clerk. The City Clerk's Office also has one Records Management Clerk and two part-time receptionists.

Program Objectives

- Continue to participate in the State Department's Passport Acceptance Agents Program;
- Continue to coordinate implementation of records destruction procedures in accordance with the City's Records Retention Schedule, including at least one records "purging day";
- Continue to implement the citywide records scanning program;
- Continue to refine internal processes to improve the function of the City Clerk's office;



- Provide electronic agenda packets for City Council, City Council Acting as the Successor Agency to the Redevelopment Agency, Public Financing Authority and Oversight Board meetings and to accomplish all meeting follow-up activities in a timely manner;
- Coordinate General Municipal Election
- Continue to process claims for damages against the City;
- Continue to receive bids and participate in bid openings for public projects;
- Continue to process appeals for Administrative Citations;
- Continue to assist elected officials and staff with their filing obligations under the State's regulations and the City's Local Conflict of Interest Code;
- Continue to identify and implement cost-saving measures within the department;
- Make public information accessible through the City's website.

Program Changes

No program changes.

CITY CLERK				
USE OF FUNDS	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Personnel	\$209,975	\$197,123	\$213,495	\$193,466
Services	\$40,666	\$22,536	\$49,109	\$35,484
Supplies	\$507	\$797	\$1,426	\$950
Total	\$251,148	\$220,456	\$264,030	\$229,900

CITY CLERK STAFFING	
City Clerk/Paralegal	0.70
Records Management Clerk	1.00
Receptionists	1.07
Total City Clerk Staffing	2.77



CITY ATTORNEY

Program Costs and Revenues

The City Attorney's costs shown in the General Fund are part of City Administration. A portion of the department costs are expected to be recovered through interfund charges to development services and redevelopment related funds.

Program Description

The City Attorney works closely with the City Manager and his staff to carry out the Council's goals. The City Attorney directs and manages the work of the City Attorney's Office. The City Attorney's Office provides legal services, advice, and representation to the Mayor, City Council, City Manager, and City departments.

The City Attorney's Office represents the City's interest in lawsuits filed against or on behalf of the City, its officers, employees, and agencies in administrative venues, before boards and commissions, and in the state and federal court system. The City Attorney's Office assists in the investigations of claims for damages filed against the City and defends the City's interests when necessary.

The City Attorney's Office similarly provides legal advice in the areas of land use, personnel, elections, conflicts of interest, and economic development, among others. Services include drafting and reviewing contracts, ordinances, resolutions, and other documents, as well as legal research. The City Attorney also provides counsel to and attends meetings of the City Council, and special committees (as required).

Staffing Summary

The City contracts for City Attorney services and employs a full time paralegal. The paralegal is assigned to work in both the City Attorney and City Clerk Offices, with approximately 15% of her time serving as a paralegal.

Program Objectives

- Assist with code enforcement, recovery of damage to City property, amortization of nonconforming uses, and related redevelopment efforts.
- Assist with major public works projects and advising staff on acquisition of necessary right-of-ways.
- Manage the City's outside counsel and assist in various litigation matters.
- Review and update the Municipal Code, as needed.



- Assist staff on legal issues related to land use and development throughout the City.
- Promptly advise each department of legal implications of proposed actions and of permissible alternatives when legal restrictions arise.
- Administer the City Attorney's Office in a cost-effective manner.
- Participate in existing and new City programs and assist in their successful completion.

Program Changes

No program changes.

CITY ATTORNEY				
USE OF FUNDS	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Personnel	\$44,638	\$40,216	\$44,291	\$39,737
Services	\$169,398	\$162,817	\$160,643	\$160,472
Total	\$214,036	\$203,033	\$204,934	\$200,209

CITY ATTORNEY STAFFING	
City Attorney	0.25
Special Counsel	0.25
City Clerk/Paralegal	0.30
Total City Attorney Staffing	0.80



CITY MANAGER

Program Costs and Revenues

The City Manager's Office is comprised of City Administration with a portion of its budget attributable to the oversight and support of the Successor Agency to the dissolved Oakley Redevelopment Agency.

Program Description

The City Manager is responsible for the administration and oversight of Oakley's municipal operations, including the Successor Agency and Oversight Board. Activities include coordinating organizational programs; developing and general managing of operating and capital budgets, conducting fiscal planning, selecting personnel; disseminating public information, encouraging civic engagement and community participation; and facilitating the implementation of the City's short and long-term economic development strategies. The City Manager also provides direct administrative oversight for the City's Community Outreach, Economic Development, Human Resources, City Clerk, Planning, and Recreation Divisions.

Under the policy direction of the City Council and through the implementation of the Council's policies and legislative actions, the City Manager is responsible for ensuring that the City Council is provided with information and recommendations regarding policies that are under consideration. The City Manager's Office also provides administrative support to the City Council in their legislative role within the organization, as well as its activities with other agencies and organizations.

Staffing Summary

The recommended budget includes the City Manager, the Assistant to the City Manager, and a part-time Administrative Assistant.

Program Objectives

The City Manager's Office is directly responsible for the day-to-day operations of the City and for the successful implementation of the City Council's policy direction.

Program Changes

No program changes.



CITY MANAGER				
USE OF FUNDS	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Personnel	\$321,462	\$368,811	\$414,237	\$375,852
Services	\$60,298	\$34,212	\$33,655	\$55,591
Supplies				
Total	\$381,760	\$403,023	\$447,892	\$431,443

CITY MANAGER STAFFING	
City Manager	1.00
Assistant to the City Manager/HR Manager	0.62
Administrative Assistant	0.48
Total City Manager Staffing	2.10



COMMUNITY OUTREACH

Program Costs and Revenues

All costs are part of City Administration and come from the General Fund.

Program Description

The City Manager's Office administers the activities of Community Outreach and public information support to all City departments and programs under the direction of the Assistant to the City Manager. Community Outreach aims to increase our residents' awareness of the City's on-going efforts to make Oakley a desirable place to live, by communicating with our residents via multiple communication channels that include capitalizing on our City's own communications tools, promoting our efforts through weekly press releases to local print media, and face to face through public information workshops, outreach visits, or invitations to have Staff attend neighborhood meetings, local community group meetings or host them here for an information tour.

The Assistant to the City Manager is responsible for the City's weekly *Oakley Outreach* e-Newsletter, the biannual publication of the *Oak Leaf* Newsletter, regularly providing real time social media (Facebook and Twitter) updates, as well as Nextdoor posts.

Consistent with the You, Me, We, Oakley! principles we've made strides in increasing the dissemination of bilingual public information. The *Oak Leaf* newsletter now incorporates a Spanish component, as does the Recreation Guide. Face to face outreach to monolingual residents and periodic written Spanish updates have been conducted. Vendor opportunities are communicated in Spanish. Lastly, the purchasing of simultaneous translation systems will increase our capacity to involve this demographic in community meetings.

Additionally, the Office organizes City special events (Veterans Day, Memorial Day), groundbreaking, grand openings for City projects and neighborhood driven beautification projects.

Lastly, Community Outreach includes the development and communication of informational programs, a recycling grant program sponsorship, the contract with Contra Costa County for library services, and several community events, promotions and participation in marketing and advertising campaigns that promote City services.



Staffing Summary

The Assistant to the City Manager is assigned to conduct the Community Outreach functions, with approximately 30% of her time serving in this capacity. Additional assistance is provided by the Recreation Manager, who coordinates the City's website.

Program Changes

There are no increases in regular staffing levels or significant one-time costs proposed.

COMMUNITY OUTREACH				
USE OF FUNDS	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Personnel	\$21,012	\$32,440	\$42,691	\$42,345
Services	\$45,277	\$59,623	\$62,495	\$64,839
Supplies			\$15,000	
Total	\$66,289	\$92,063	\$120,186	\$107,184

COMMUNITY OUTREACH STAFFING	
Assistant to the City Manager/HR Manager	0.32
Total Community Outreach Staff	0.32



FINANCE

Program Costs and Revenues

Most Finance Department costs are part of City Administration. Some of the costs are recovered as direct charges and some as a part of the city overhead added to Parks, Planning, and Public Works staff hourly rates charged to developers and special revenue funds. A small amount of Finance Department costs are recovered through impact fee program and bond administration fees, and a portion is funded via the Administrative Allowance chargeable to the Successor Agency to the Oakley Redevelopment Agency.

Program Description

The Finance Department provides support services citywide, and for the Successor Agency to the Redevelopment Agency, with the goal of intelligent and prudent financial management. Department activities include Treasury and Debt Management; Accounting for Payroll; Accounts payable; General Ledger; Capital Projects and Grant Accounting; Financial Reporting, Budget Development and Management; Long-Term Planning; Purchasing; Billing and Collections; Business License Administration; and Risk Management. The Department is also engaged in a significant amount of Successor Agency compliance matters.

Staffing Summary

The Finance Department consists of three full-time staff and one limited-term part-time: the Finance Director, one Senior Accountant, one Senior Accounting Technician, and one part-time Accounting Assistant.

Program Objectives

The primary operating objectives for the department for fiscal year 2015-2016 are to maintain the financial and procedural infrastructure appropriate for performing the City and Successor Agency's financial functions and support their many ongoing projects. There are no significant changes to the Department's objectives.

Program Changes

There are no increases in regular staffing levels or significant one-time costs proposed.



FINANCE				
USE OF FUNDS	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Personnel	\$413,688	\$441,107	\$478,851	\$444,658
Services	\$113,685	\$99,733	\$168,637	\$189,339
Supplies			\$100	\$100
Total	\$527,373	\$540,840	\$647,588	\$634,097

FINANCE STAFFING	
Finance Director	1.00
Senior Accountant	1.00
Senior Accounting Technician	1.00
Accounting Assistant	0.48
Total Finance Staffing	3.48



HUMAN RESOURCES

Program Costs and Revenues

All costs are part of City Administration and come from the General Fund.

Program Description

The Human Resources Division administers the City's personnel merit system; employee benefits; employee relations, equal employment opportunity program, and classification and compensation programs. It provides diverse and skilled applicant pools; assures that the City's policies and procedures are uniformly interpreted and implemented; and ensures that all recruitment, hiring, placements, transfers and promotions are made on the basis of individual qualifications for the position filled.

Staffing Summary

The Human Resources Manager and Human Resources Assistant provide management and oversight for the City's Human Resources program.

Program Objectives

The Human Resources division will continue to seek the most cost-effective health insurance benefits for Staff; maintain the compensation and classification plans; conduct mandatory training seminars; promote professional development opportunities; and continue partnering with the Municipal Pooling Authority in support of the City's Loss Control and Wellness Programs.

Program Changes

There are no increases in regular staffing levels or significant one-time costs proposed.



HUMAN RESOURCES				
USE OF FUNDS	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Personnel	\$1,474	\$1,514	\$37,862	\$35,517
Services	\$29,904	\$18,712	\$19,032	\$33,719
Supplies	\$244	\$2,379	\$10,000	\$7,500
Total	\$31,622	\$22,605	\$66,894	\$76,736

HUMAN RESOURCES STAFFING	
Assistant to the City Manager/HR Manager	0.05
You Me We Project Coordinator/HR Assistant	0.38
Total Finance Staffing	0.43



MAINTENANCE CUSTODIAN

Program Costs and Revenues

All costs are part of City Administration and come from the General Fund.

Program Description

The Maintenance Custodian Division is responsible for the cleanliness and general maintenance of City buildings.

Staffing Summary

The recommended budget includes a .75 FTE maintenance custodian, supplemented by a part-time contract services equating to approximately .40 FTE.

Program Objectives

Keep assigned areas and City buildings in a clean, neat, and orderly condition; perform minor building maintenance work; and to perform related work as required.

Program Changes

There are no program changes.

Maintenance Custodian				
USE OF FUNDS	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Personnel Services	\$39,270	\$44,659	\$46,246	\$43,623
Services	\$3,506	\$3,795	\$23,711	\$26,116
Total	\$42,776	\$48,454	\$69,957	\$69,739

MAINTENANCE CUSTODIAN STAFFING	
Maintenance Custodian/Code Enforcement Technician	0.75
Total Maintenance Custodian Staffing	0.75

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INFORMATION TECHNOLOGY

Program Costs and Revenue

All Information Technology Department costs are part of City Administration. Some of the costs are recovered as a part of the city overhead added to Parks, Planning, and Public Works staffs hourly rates charged to developers and special revenue funds.

Program Description

The Information Technology Department provides support services citywide with the goal of providing on demand network availability for City Staff, and timely troubleshooting when problems arise. Department activities are primarily network maintenance, user support, and strategic planning consulting related to managing and maintaining the City's networks.

Staffing Summary

The Information Technology Department is managed by the Finance Director, and staffed by Antai Solutions, a private contractor. Antai has staff at the City Offices approximately 24 hours per week, and manages the City's network 24/7.

Program Objectives

The primary operating objectives for the department for fiscal year 2015-2016 are unchanged: To provide outstanding network support, and assist the City in planning related to its networks.

Program Changes

There are no proposed program changes for fiscal year 2015-2016.



INFORMATION SYSTEMS				
USE OF FUNDS	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Services	\$146,801	\$165,969	\$164,104	\$181,600
Supplies	\$893	\$775	\$500	\$500
Capital Outlay	\$66,357	\$55,427	\$78,575	\$59,425
Total	\$214,051	\$222,171	\$243,179	\$241,525

INFORMATION TECHNOLOGY DEPARTMENT STAFFING	
Network Manager (Contracted)	On Call
Network Engineers (Contracted)	0.625



NON-DEPARTMENTAL

Program Costs and Revenues

All Non-Departmental costs are part of City Administration and are allocated to City departments. Some of the costs are recovered as a part of the city overhead added to Parks, Planning, and Engineering staff's hourly rates charged to developers and special revenue funds. The Non-Departmental budget includes central services and supplies, replacement cost amounts transferred to the Equipment and Vehicle Replacement and Building Replacement and Maintenance Internal Service Funds, certain non-employee specific retirement system charges, and a General Fund Contingency.

Program Description

There is no program in the Non-Departmental budget unit. This budget is for costs better managed on a citywide basis, such as office supplies, utilities, storage space rentals, copier costs, insurance, web page maintenance costs, telephone services and transfers to the City's internal service funds.

Staffing Summary

The Non-Departmental budget unit is managed by the Finance Director and City Manager.

Program Objectives

The objectives related to the Non-Departmental budget are unchanged: to monitor and manage these citywide costs, and seek out opportunities to get the best value for each public dollar spent.

Program Changes

This year CalPERS is beginning to charge amortized side fund and unfunded liability obligations to each agency as a separate stand-alone amount, rather than including it in the rates applicable to each employee. Since the charges are not directly assignable to each department, we have included the charge in the Non-Departmental budget.

NON-DEPARTMENTAL				
USE OF FUNDS	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Personnel Services	\$44,089	\$35,598	\$73,180	\$209,397
Services*	\$340,441	\$459,612	\$663,380	\$986,386
Supplies	\$42,191	\$47,429	\$54,000	\$55,000
Capital Outlay		\$95,980	\$29,000	
Transfers Out	\$280,000	\$249,000	\$50,000	\$150,000
Interdepartmental Allocations	(\$909,170)	(\$904,407)	(\$819,400)	(\$1,172,783)
Total	(\$202,449)	\$16,788	\$50,160	\$228,000

* Recommended amount includes the 2% General Fund Contingency.

NON-DEPARTMENTAL STAFFING	
None	



ECONOMIC DEVELOPMENT

Program Costs and Revenues

The Economic Development budget represents an investment of taxes and general fund resources in activities to retain and expand existing Oakley businesses as well as marketing activities and materials to attract new investment and businesses to the City in order to generate additional sales, property, and transient occupancy related tax revenue.

Program Description

The Economic Development goals and objectives as outlined in the City's General Plan include:

- Retain existing businesses and expand Oakley's economic base
- Establish a diverse and balanced local economy
- Remove or reduce constraints to economic development
- Facilitate new business opportunities and new investments in the community

Program Objectives

Economic Development will focus on:

- Implementation of programs and activities designed to strengthen and expand existing Oakley businesses
- Revitalization of the Main Street/Downtown area
- Facilitation of commercial development projects
- Attraction of retailers and commercial tenants for existing shopping centers and commercial space
- Attraction of development for the Empire/Neroly Commercial Center
- Participation in trade show and conferences such as the International Council of Shopping Centers (ICSC) and other activities to promote the City of Oakley's commercial and retail sites

Staffing Summary

The Economic Development Division is staffed by a full-time Economic Development Manager.

Program Changes

There are no proposed program changes for fiscal year 2015-2016.

ECONOMIC DEVELOPMENT				
USE OF FUNDS	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Personnel Services	\$120,513	\$118,781	\$144,242	\$143,243
Services	\$28,333	\$23,151	\$45,627	\$57,341
Supplies	\$3,683	\$4,617	\$3,800	\$2,300
Total	\$152,529	\$146,549	\$193,669	\$202,884

ECONOMIC DEVELOPMENT STAFFING	
Economic Development Manager	1.00
Total Economic Development Staffing	1.00



BUILDING & CODE ENFORCEMENT

Program Costs and Revenue

Revenues for these two divisions are comprised of building permit, plan check, inspection, and rental dwelling unit inspection fees.

Program Description

The Building Division is responsible for the administration and enforcement of building codes (California Building, Plumbing, Mechanical Codes and the National Electrical Code). The Building Division provides minimum standards to safeguard public health and welfare, and property, by regulating and controlling the design of structures through plan review, construction of structures through field inspection to monitor quality of materials, use and occupancy, location and maintenance of all buildings and structures within the City of Oakley.

The Code Enforcement Division is responsible for ensuring all residential and commercial properties abide by municipal codes applicable of the health, safety, and quality of life for Oakley residents and business owners. This is achieved primarily by managing the property maintenance program and the Residential Dwelling Unit program. These requirements are met through pro-active on-site inspections, responding to citizen complaints, and educating the public through in-house developed community awareness programs.

Program Staffing

The Building Division consists of a part-time Building Official, part-time Permit Center Manager, and a full-time Building Inspector, and Permit Technician. The Code Enforcement Division consists of a Code Enforcement Manager, one full-time Code Enforcement Officer (who also assists as a Building Inspector), one full-time Code Enforcement Technician and one part-time Code Enforcement Technician

Program Objectives

- Continue to refine internal processes within functions of the two divisions.
- Improve efficiencies by expanding the use of existing technological programs for the inspection, follow-up, and penalty phase of program compliance.
- Maintain standard fifteen-day plan review as a maximum turnaround time but in 98% of projects within five days.



- Provide inspections on next workday upon request and same day when needed and as workload allows.
- When needed, provide Friday, weekend or after hour inspections when City Hall is normally scheduled for closure.
- Respond to all code enforcement inquires within one working day.
- Issue over the counter type permits at a 95% rate, the same day.
- Continue to work with property owners, realtors and lending institutions whose buildings have fallen into disrepair.
- Work with Economic Development on commercial projects as well as other projects within the City.
- Continue to provide homeowner's code compliance direction from plan submittal to final inspection.
- Continually ensure the Building Division and Code Enforcement webpage is user-friendly.
- Continue to provide updated training to staff on the adopted codes.
- Work with homeowners and contractors to resolve issues in a professional, polite and progressive manner; prior to and during construction.
- Improve the Residential Rental Property Inspection Program.
- Continue to make a positive impact in the City by enforcing the Property Maintenance Ordinance.
- Continue to enforce the Foreclosed and Abandoned Property Ordinance.
- Work with all departments, outside agencies and the contractor to ensure that all projects are constructed in the most efficient and cost effective way possible.

Program Changes

- Increasing Code Enforcement Technician staffing by .75FTE.



BUILDING & CODE ENFORCEMENT				
USE OF FUNDS	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Personnel Services	\$15,661	\$315,975	\$409,677	\$441,232
Services	\$636,752	\$253,918	\$241,192	\$296,655
Supplies	\$3,302	\$7,243	\$8,000	\$11,500
Capital Outlay				
Total	\$655,715	\$577,136	\$658,869	\$749,387

BUILDING AND CODE ENFORCEMENT STAFFING	
Building Official (Contracted)	0.40
Permit Center Manager (Contracted)	0.60
Building Inspector II	1.00
Permit Technician	1.00
Code Enforcement Manager	1.00
Code Enforcement Officer/Building Inspector II	1.00
Code Enforcement Technician	1.00
Maintenance Custodian/Code Enforcement Technician	0.25
Total Building and Code Enforcement Staffing	6.25



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POLICE

Program Costs and Revenues

The City of Oakley currently contracts for police services with the Contra Costa County Office of the Sheriff. The costs of police services are driven primarily by the costs per officer charged by the Office of the Sheriff, although support costs, capital costs and administrative costs also contribute to the overall fiscal picture. Revenues to pay for these services include special taxes and fees, but the primary source is the General Fund.

Program Description

The Oakley Police Department's principle responsibility is protecting life and property while preserving and safeguarding the public peace. These duties are accomplished within the framework of those freedoms guaranteed by the Constitutions of the United States of America and the State of California.

The Department takes a progressive stance policing the community. Officers respond to calls for service, investigate crime, arrests criminal suspects, seek prosecution for criminal acts, and engage in crime prevention strategies with other community stakeholders. Uniformed officers provide proactive patrol operations and actively pursue those involved in illegal activity. Detectives investigate crimes against persons and property, cases involving missing persons, and work closely with neighboring jurisdictions to track the criminal element. Community programs target youth in our schools to encourage responsible behavior and community involvement.

Emphasis is placed on traffic safety, education, and enforcement. The Department conducts traffic collision investigations, identifies potential roadway hazards and works with other city departments to find reasonable traffic calming solutions to alleviate traffic concerns.

Department goals emphasize that each officer and staff person recognize that daily activities and contacts with the community are an integral part of our community service effort. Each citizen contact is an opportunity to create a positive and lasting impression, enhance our community relationships, and gain a partner in public safety. The actions of each officer contribute to the community's sense safety and confidence in our ability to provide professional police services.



Program Staffing

The costs for fiscal year 2015-2016 are for a fully-staffed department with 28 sworn FTE law enforcement positions, 2 FTE Police Services Assistants, 1.25 FTE Administrative Assistants and a .475 FTE Assistant to the Chief. For the fiscal year 2015-2016 the City's sworn officers per 1,000 citizens ratio will be approximately .74.

Program Objectives

- Protect life and property.
- Continue working with the engineering department on traffic calming solutions for neighborhoods with a focus on traffic safety.
- Expand the Emergency Preparedness program and operations by training and educating the city staff to be better prepared for man-made or natural disaster. Conduct ongoing training and scenario based exercises for city staff members.
- Review and evaluate the Emergency Operations Center and Emergency Operations Plan
- Continue to focus on quality of life issues through the Problem Oriented Policing (POP) program, working with Oakley Code Enforcement Officers and the Office of the Sheriff Narcotics Unit.
- Address increasing costs for law enforcement services by continuing to use sound resource management, strategic cost cutting reviews, and search for feasible law enforcement grants.
- Continue to work with all City departments to analyze future revenues for police services that are realized on an incremental basis. Use these revenues to continue the expansion of personnel and other resources to keep pace with growth.

Program Changes

Coordinate with local East Contra Costa County Community Emergency Response Team (CERT) members to enhance our response to a local emergency.

Explore the feasibility of forming Volunteers in Police Service (VIPS) type program in addition to an Oakley PD Cadet program.



POLICE DEPARTMENT				
USE OF FUNDS	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Personnel Services	\$212,422	\$228,592	\$230,539	\$241,055
Services	\$6,816,698	\$7,031,734	\$8,157,642	\$8,486,031
Supplies	\$176,619	\$167,566	\$230,800	\$232,500
Capital Outlay	\$16,920	\$16,755	\$28,000	\$26,500
Total	\$7,222,659	\$7,444,647	\$8,646,981	\$8,986,086

POLICE DEPARTMENT STAFFING	
The following staff are provided under contract with the Contra Costa County Office of the Sheriff:	
Police Chief	1.00
Police Sergeants	5.00
Police Officers	22.00
Total staff provided under CCC Office of the Sheriff	28.00
City Staff:	
Administrative Assistant	1.25
Assistant to the Chief	.48
Police Services Assistant	2.00
Total City Staff	3.73
Total Police Department Staffing	31.73



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PLANNING

Program Costs and Revenue

Planning Division costs are primarily related to long range planning and current planning projects. Long Range planning includes planning responsibilities that must be implemented whether there is development or not, and these are paid for by the General Fund. Current planning projects can be divided into two categories, private developer projects funded by developer paid fees and daily planning duties are funded by the General Fund.

Program Description

The Planning Division provides land use, current and long range planning, and environmental services. The Division is responsible for implementation of policy pertaining to orderly development and balanced, quality growth in the City of Oakley. Over the past few years, the Division has focused their efforts on streamlining the development process. The Division continues to focus on programs that assist the City in economic development and growth. Specifically, the Division is continually processing both residential and commercial applications to help facilitate the goals of the City's General Plan and Strategic Plan.

There are several planning projects that continue to have activity at this time. Several projects within the East Cypress Road corridor have been entitled and the Emerson Ranch project is currently under construction with for-sale homes anticipated in 2015. Staff is seeing an increase in the number of new projects (both residential and commercial) and anticipates this to be the trend going forward. Phase 1 of the Agricultural Conservation and Viticulture Program has been completed and work on Phase 2 has been started. The Action Programs within the recently adopted 2015-2023 Housing Element will continue to be implemented as several updates to the Zoning Code are needed. Finally, Staff is proactively working with representatives from DuPont and their consultants to find a developer and to encourage the entitlement processing and development of that site.

Staff is involved with General Plan and Zoning Code amendments to ensure the City's zoning laws are consistent with State laws and to complete the remaining reserved sections of the Zoning Code. There is continued effort to identify areas for Zoning Code improvements and enhancements. The Division also serves as the in-house environmental Staff to prepare environmental documents for City projects.



Program Staffing

The Planning Division is made up of one Planning Manager and one Senior Planner.

Program Objectives

- Process Development projects
- Assist the City in economic development tasks, including the redevelopment of the City's downtown and facilitation of current planning development projects
- Identify and complete required update of the General Plan as identified in the recently completed General Plan and Zoning Code Scoping Report
- Continue work on Phase 2 of the Agricultural Conservation and Viticulture Program
- Continue to work with home builders and sign companies to establish a new residential kiosk program
- Continue to work with DuPont and their consultants to assist in finding a developer and to encourage the entitlement processing and development of the site
- Continue to implement AB 939 to provide Oakley residents and businesses new and expanded recycling and waste reduction programs
- SB 375 and AB 32 Implementation: Continue to participate in regional and local programs to reduce greenhouse gas emissions
- Develop a Climate Action Plan
- Develop a Shoreline Vision for the City's waterfront area
- Complete the 15/16 Policy Action Programs in the 2015-2023 Housing Element
- Monitor the Policy Action Programs of the Certified Housing Element and initiate the 2015-2023 Housing Element Update
- Identify areas for improvement and enhance the zoning code
- Re-evaluate and update residential and commercial/industrial design guidelines as needed
- Serve as the City's in-house environmental staff to prepare environmental documents for small to medium-sized City Capitol Improvement and Park projects



PLANNING DIVISION				
USE OF FUNDS	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Personnel Services	\$252,568	\$267,335	\$280,695	\$268,715
Services	\$46,394	\$58,928	\$90,935	\$70,126
Supplies	\$175	\$131	\$800	\$800
Total	\$299,137	\$326,394	\$372,430	\$339,641

PLANNING DIVISION STAFFING	
Senior Planner	1.00
Planning Manager	1.00
Total Planning Division Staffing	2.00



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PUBLIC WORKS/ ENGINEERING/MAINTENANCE & PARKS

Program Description

The Public Works and Engineering Department provides street, drainage, parks and landscape maintenance through a combination of internal staff and outside contractors. The Department also administers design, construction inspection, and contract management for capital improvement projects within the City. The Department also implements the City's Clean Water Program to ensure compliance with current NPDES requirements, and reviews and inspects private development and grading and infrastructure improvements for compliance with City standards.

Program Changes

This program will continue to actively design and construct new infrastructure for the community to enhance the quality of life for residents. The maintenance operations will continue to focus on timely response to various public inquires and pro-active maintenance of City streets, parks, and facilities.

The Parks and Landscape Maintenance Division will continue to contract for the majority of the park and landscape maintenance needs. The in-house maintenance crew will continue to use the equivalent of two seasonal maintenance workers year-round to supplement the one full time maintenance worker. This staffing model provides the division the flexibility to deploy resources as needed and according to the seasonal maintenance demands for services.

The Streets Maintenance Division has two full time maintenance workers which form the foundation of a maintenance crew and perform day to day maintenance of City street infrastructure.

The overall goal of all of the above referenced programs is to improve and enhance the quality of maintenance for all City infrastructures and in turn the quality of life for the residents of the community.

Staffing Changes

The improved economic climate in the State and region has brought an increased level of private development activity which is anticipated to grow into coming years. The department has added an Associate Engineer position in the third quarter of FY 2014-15 to work on private development projects and provide timely service and processing of



various private development applications in collaboration with the Planning and Economic Development Team.

The Department is still continuing with one full time Inspector, and will supplement that resource with an additional contract temporary Inspector as the development and construction activity necessitates. Private development activity is increasing and many of the subdivision projects that have been on hold for years are being renewed by developers who are actively working on the processing of these subdivision projects.

Revenues

The Public Works and Engineering budget relies on funds from a variety of sources, many of which restrict expenditures to specific categories.

- **Gas Tax-** Funds are restricted to "the research, planning, construction, improvement, maintenance, and operation of public streets and highways (and their related public facilities for non-motorized traffic), including the mitigation of their environmental effects, the payment for property taken or damaged for such purposes, and the administrative costs necessarily incurred in the foregoing purposes." *Anticipated Revenues-\$810,351*
- **Measure J-** Measure J expenditures are restricted to the same uses as Gas Tax, but can also be applied to transit improvement and operation, growth management planning and compliance, pedestrian and bicycle trail construction/maintenance/operation, parking facility development, and transportation efficiency program development and operation (ridesharing, etc.). Since Measure J contains a growth management component, funds may not be used to replace developer obligations that would otherwise not be publicly funded under jurisdiction policy. In order to qualify for Measure J allocations a jurisdiction must submit a self-certified program compliance checklist every other year. *Anticipated Revenues-\$512,000*
- **Storm Water Utility Assessments-**The City has adopted a Storm Water Management Plan, and based on the estimated maintenance, inspection, and administrative activities required to enact the plan, has established an annual parcel assessment. *Anticipated Revenues-\$461,000*
- **Traffic Impact Fee-** In 2003 the City adopted a traffic impact fee program to replace the prior area of benefit and median island fee programs. The program funds the improvement of major roadways and specific signalized



intersections, including the design, staff support, and construction management activities associated with private development projects. In response to the great recession of 2008, a number of fees, including the Traffic Impact Fee were reduced, and with the end of the recession and improved economic growth, the Traffic Impact Fee will be re-activated to its pre-recession structure. *Anticipated Revenues-\$1,800,000*

- **Development Deposits/Permit Applications-** Public Works and Engineering collects deposits for the review and inspection of final maps, grading plans and improvements plans related to development applications. In addition, fees are collected for encroachment permits, transportation permits, and documentation related to the FEMA Floodplain Management program. Actual staff expenditures are tracked and applied against a deposit, and refunds or additional deposits are made as necessary. *Anticipated Revenues-\$628,000*
- **Citywide Parks Assessments-** Zone 1 of the Oakley Lighting and Landscape Assessment District No. 1 provides for the maintenance and utilities for citywide parks and landscaping facilities. *Anticipated Revenues-\$1,127,719*
- **Streetlight Assessments-** Zone 2 of the Oakley Lighting and Landscape Assessment District No. 1 provides for the maintenance and utilities for citywide street lighting. The City is in the process of collaborating with PG&E to replace some of the existing street lights to LED lights which will bring cost savings in future years in terms of the electricity usage. *Anticipated Revenues - \$320,360*
- **Neighborhood Landscaping Assessments-** Zone 3 of the Oakley Lighting and Landscape Assessment District No. 1 provides for the maintenance and utilities for neighborhood landscaping improvements throughout the City. The Zone currently contains 26 sub-zones, and revenues and expenditures are tracked at the sub-zone level. *Anticipated Revenues-\$2,177,387*
- **Community Facilities District No 1-** This District was formed in 2006 to fund the operations and maintenance of the levee system, storm water pond, and the associated pump, force main, and outfall for the Cypress Grove development. Landscape and lighting maintenance for the project are funded through a separate mechanism. *Anticipated Revenues-\$300,146*



- **General Fund-** Since the majority of the funding sources for Public Works and Engineering are restricted to specific expenditures, it is recognized that some staff time and activities will require other funding sources. Those activities will be kept to a minimum, and eligible funding sources will continually be sought out.

PROGRAM AND STAFFING SUMMARY

The mission of Public Works and Engineering is to steward Oakley's infrastructure utilizing a variety of maintenance, improvement, and service activities. Through a blend of contract and City staff, the Department has nearly 14 FTE's and is supplemented through additional contract services. The Department is managed by the Public Works Director and has 7 primary functions. The Fiscal Year 2015-16 Budget proposes the following operating areas and staffing:

Operating Areas

- **Operations and Maintenance-** One of the most important tasks for Public Works and Engineering is to maintain the City's wide range of infrastructure. City staff will monitor and direct all maintenance activities, and maintenance services will be provided by both City staff and contract personnel. The individual maintenance elements are as follows:
 - **Roadway-** Routine maintenance is necessary to keep the City's road network operating in a safe and efficient manner. This includes pavement maintenance activities such as pothole patching, crack sealing, shoulder repair, signing and striping repair and replacement, and keeping the roadways free of obstructions via street sweeping and debris cleanup. As a supplement to the regular patrols of the maintenance staff, public works staff will field and investigate citizen requests to determine corrective action for conditions that may not be known or readily apparent. Since surface treatment projects like pavement overlays or chip seals tend to be extensive in nature, they are recognized as a Capital Improvement and not included in this maintenance element. The City will use an on-call maintenance contractor to supplement City maintenance staff to perform various maintenance services (i.e. pavement repair and patching, curb, gutter, and sidewalk repair, striping, guard rail repair, etc.) The City's maintenance staff will utilize this contractor service to supplement in-house resources to better provide maintenance service for the community in a pro-active way.

- **Signals & Lighting-** The City owns and operates traffic signals at 29 separate intersections, as well as numerous pedestrian safety flashing lights throughout Oakley. In addition to traffic signals, the City owns and maintains over 1,300 street lights throughout the community. There are some street lights that are owned and maintained by PG&E, in addition to the City owned street lights. Traffic Signal, Street Light, and Parking Lot Light maintenance is provided through a contract with a specialized electrical contractor who has the resources and expertise needed. In the fourth quarter of FY 2014-15, PG&E started a project to replace the old High Pressure Sodium (HPS) street lights with LED lights. This project will not only improve the quality of the street lighting system for the community, but also have reduced electricity usage and costs on a monthly basis. The City has collaborated with PG&E on this project, and the remaining 130 HPS City owned street lights on metal poles "Cobra Heads" will also be retrofitted to LED lights. In 2010, the City undertook a project to replace some of the HPS City owned street lights to LED. This new project completes this LED conversion project.
- **Drainage-** In order to minimize potential flooding and ensure that storm water is collected and conveyed properly in accordance to the regional storm water quality permits that the City operates under, maintenance staff will conduct routine inspection and service on the storm drainage system. These activities include catch basin cleaning, ditch cleaning, culvert flushing and repair, and inlet maintenance. Drainage maintenance will primarily be performed by the City's maintenance staff in coordination with the on-call service contractor to supplement in-house resources and better provide maintenance service for the community.
- **Parks and Landscaping-** The City currently maintains 33 public parks. The City supplements the Oakley Union Elementary School District financially for the maintenance of another four (4) joint-use public park facilities. In addition, the City maintains thousands of square feet of public right of way landscaping, street median landscaping, and public trail corridors. The City park and landscape maintenance staff and outside maintenance contract resources provide landscaping maintenance service for the City. The Parks Division staff work diligently every day to provide the best quality of maintenance services for the City's Parks and Landscaped medians and pathways.

- **Engineering Services-** Engineering staff will supply technical services to assist with various City activities, ranging from design and construction of public works projects to addressing requests and questions raised by the general public and officials. Also, Engineering staff, in collaboration with the City Planning and Economic Development Team, review and process various private development projects, from residential subdivisions to commercial building projects. The typical engineering services that may be provided include:
 - **Capital Project Engineering-** Engineering staff performs design and construction management for all City public projects. A detailed explanation of this service is provided in the Capital Improvement Program (CIP) section of the budget document.
 - **Traffic Engineering-** Engineering staff throughout the year perform a variety of tasks associated with traffic engineering. These tasks will include: completing speed surveys to ensure that traffic citations issued by the Police Department are enforceable, implementing neighborhood traffic calming projects, coordinating activities with the Police Department Traffic Division on traffic safety projects around school sites, investigating citizen's requests for traffic control devices and speed limit changes.
 - **Private Development Engineering-** Engineering staff review and process private development projects that are submitted to the City for construction. The scope and complexity of development projects vary from small office buildings to large residential subdivisions. Engineering staff work on each step of the entitlement process to ensure development projects are designed and constructed according to City standards and codes. In addition to addressing the engineering needs of development projects, engineering staff coordinate regularly with the Planning Department and Economic Development Manager to facilitate the development applications in Oakley.
 - **Surveying-** The primary need for land surveying services are in the area of subdivision map review and will be funded by private developer deposits. The City utilizes contract services on an as-needed basis to address any land surveying service needs.
 - **Floodplain Management-** Certain areas within the City are subject to periodic flooding, and the Federal Emergency Management Agency (FEMA) requires Oakley to participate in the National Flood Insurance Program so that flood



insurance can be provided to affected property owners. As a result of participating in the program, the City must keep Flood Insurance Rate Maps for viewing by the public, and must provide certain information upon request. Additionally, the City will review and process applications to modify known floodplain boundaries.

- ***Clean Water Program***-The City's joint municipal National Pollutant Discharge Elimination System (NPDES) permit and its participation in the Contra Costa County Clean Water Program necessitate a number of expenditures. Maintenance related activities have been accounted for in both the roadway and drainage maintenance categories. Other tasks include: contributions to the Clean Water Program for staff and resources, illicit discharge investigation, industrial and commercial site inspection, and public outreach.
- ***Assessment District Engineering***- In order to collect the funds for the City's assessment district and community facilities district, an annual engineer's report and associated budgets must be completed. The City has a contract with a financial services consultant for the processing and administration of this task, due to its specialized nature of work.
- ***Administration***- The administration of the department has evolved over the years as the department restructuring took place. This process has been completed and it is anticipated that the department will move forward as a solid team with the staffing levels as follows:
 - ***Public Works Director/City Engineer (1 FTE)***-Day to day operations in Public Works and Engineering will be managed by the Public Works Director/City Engineer. Duties will include coordination with other City departments and outside agencies, consultant/maintenance/construction contract management, development review and coordination, public outreach, traffic calming, and a wide range of other activities.
 - ***Administrative Specialist (1 FTE)*** – This full time position performs a wide range of important tasks for the department including: contract administration and processing, budget preparation assistance, City Council reports, accounting and vendor invoice processing, responding to inquiries, complaints and service requests by the public, issuance of permits, claims processing, department analyst and liaison, and general administrative tasks.



- **Senior Civil Engineer (1 FTE)** – This full time position will coordinate and perform all development related activities within the department, including entitlements, plan and map review and approvals. Other duties include; coordination of inspections for development projects, review of various permits and related traffic control plans, research information related to floodplain permits and questions.
- **Associate Engineer, (1 FTE)** – This full time position will focus primarily on the review and processing of private development projects. With the improved regional economic climate, there has been a noticeable increase in the private development activities. A number of private development projects that have been in the process and on-hold in the past years are moving forward, and new residential developers have activated these projects. The Associate Engineer will be working with the engineering and planning team to review and process development projects without delay and to facilitate further development activity. The Associate Engineer also represents the City as the Storm water Coordinator related to all development projects.
- **Associate Engineer, CIP (1 FTE)** - This full time Associate Engineer position focuses on CIP projects. The responsibilities of the position include; management and administration, development, design and construction of a wide range of CIP projects. The Associate Engineer also works collaboratively with Caltrans in securing and processing various grants for CIP projects for the City of Oakley.
- **Public Works Inspector (1 FTE)** - This full time position provides inspection of work within the public right of way, including CIP construction inspection and private development project inspection. The Public Works Inspector is also responsible for processing encroachment permits and for performing related inspections. Any additional inspection services will be provided by a contract Inspector.
- **Street Maintenance Worker (2 FTE)** – These two full time positions, one a Foreman, are the nucleus of the street maintenance crew to address the increasing maintenance needs of the City's infrastructure. This maintenance team provides a wide range of maintenance services such as: pothole patching, storm drain cleaning, sign installation, pavement striping and marking, roadside brushing and spraying, and other maintenance services.



- ***Parks and Landscape Maintenance Division Manager (0.75 FTE)*** - This City staff position manages the maintenance efforts for all publically maintained parks and landscape facilities within the City. The position develops and manages the division budget, monitors all water and utility uses associated with the facilities, schedules and manages the work of the landscape maintenance contractors, and coordinates facility uses with the Recreation Department.
- ***Parks and Landscape Foreman (1 FTE)*** – This City staff position plans, schedules, and coordinates the in-house landscape maintenance staff, performs playground inspections, and assists with other parks and landscaping operations. This is a working foreman position that reports to the Division Manager.
- ***Tree Laborer (1 FTE)*** – This City staff position performs daily maintenance of City owned trees in public right of ways and parks. This tree pruning and maintenance task is important to the health and growth of the trees and a quality of life enhancement for the community residents.
- ***Park Maintenance Worker (1 FTE)*** – This City staff position performs as the lead park and landscape maintenance crew member. Seasonal park maintenance laborers (2 FTE) provide parks and landscape maintenance service as part of the City parks maintenance crew. Seasonal workers generally work on a 6 month on - 6 month off basis.
- ***Sports Field Maintenance Worker (0.25 FTE)*** – This City staff position provides maintenance and additional safety checks to sports fields and courts, keeping fields and courts in safe and playable condition.
- ***Receptionist (0.50 FTE)*** – This part time position assists the Public Works and Engineering staff, as well as the Maintenance Divisions with general administrative functions such as: answering phones, filing, records management, data entry, public inquiries, service requests and various administrative project tasks related to the general operation of the department.



Program Objectives

The goals and objectives of the Public Works and Engineering Department for FY 2015-16 are:

- Focus on pro-active maintenance of the City's infrastructure and protect the infrastructure assets of the community using a combination of in-house staff and contract services. This will be a key component of the quality of life for the community residents.
- Improve the operations of the department by building a cohesive, versatile, and agile engineering team that is multi-dimensional and proficient in serving the community.
- Develop a Park and Landscape Maintenance Program that establishes a level of service goals and performance criteria, and is in tune with community expectations.
- Proactively, and in coordination with the Police Department, work with residents and neighborhood groups on resolving traffic and parking related issues and implementation of traffic calming and parking programs.
- Actively and proficiently implement the planned Capital Improvement Program and ensure timely project delivery within approved budgets and timelines.
- Participate in regional engineering efforts such as Transplan, the City-County Engineering Advisory Committee, and the Contra Costa Clean Water Program to ensure that Oakley is recognized as a contributor and is represented in any funding programs.
- Actively pursue State and Federal grants to supplement funding for the City's infrastructure improvement projects.
- Implement a Computer Aided Design and Drafting (CADD) system that will be used for not only the Public Works and Engineering Department, but will also be a valuable resource to other City departments and community residents to share information such as maps and infrastructure information.
- Coordinate and collaborate with other City Departments to provide exemplary and proactive service to potential developers to enhance Oakley's economic development opportunities.



PUBLIC WORKS/ENGINEERING/MAINTENANCE & PARKS				
USE OF FUNDS	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Personnel Services	\$403,287	\$879,849	\$1,275,008	\$1,326,462
Services	\$1,164,591	\$431,158	\$227,020	\$227,832
Supplies	\$12,339	\$22,605	\$21,840	\$28,600
Capital Outlay	\$412	\$5,000		
Total	\$1,580,629	\$1,338,612	\$1,523,868	\$1,582,894

PUBLIC WORKS/ENGINEERING/MAINTENANCE & PARKS DEPARTMENT STAFFING	
City Engineer/Public Works Director	1.00
Associate Engineer	2.00
Senior Civil Engineer	1.00
Public Works Inspectors	1.00
Public Works Administrative Specialist	1.00
Public Works Receptionist	0.36
Streets and Storm Drainage Foreman	1.00
Public Works Maintenance Worker I	1.00
Parks Maintenance Manager	0.75
Parks & Landscaping Maintenance Foreman	1.00
Parks Laborer	1.00
Tree Maintenance Laborer	1.00
Parks Laborer (Seasonal)	2.00
Parks Monitor	0.25
Sports Field Maintenance Laborer	0.25
Total Public Works / Engineering / and Parks Department Staffing	14.61



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RECREATION

Program Costs and Revenues

Programs for the fiscal year 2015-2016 budget are funded in part by the following revenues:

Parks and facility rental fees, program fees, grants, and sponsorships. While the Recreation Division has seen an increase in revenue generated through programming fees and increased park and facility rentals, the majority of costs will still be paid for with general purpose revenues.

Program Description

Recreation focuses on creating community through people, parks and programs. The Recreation Division provides diverse and innovative programming, offering programs and activities to citizens of all ages throughout the year. The programs promote physical health and wellness, improve community image and community pride, and foster youth development. The Recreation Division works in partnership with community organizations, non-profit organizations and commercial businesses to ensure quality recreation services for Oakley residents.

Staffing Summary

The Recreation Division consists of one Recreation Manager/Website Coordinator, one Recreation and Event Coordinator, one part-time Senior Recreation Leader and several part time seasonal Recreation Leaders and Aides and Facilities Attendants.

Recreation Manager/ Website Coordinator- The Recreation Manager is responsible for day to day operations of the Recreation Division, including After Youth School Programs, Youth CORE, Youth Advisory Council, City website, Government Outreach, Recreation Guide Community Classes and various other assignments.

Recreation and Event Coordinator- The full-time Recreation and Event Coordinator is responsible for the Kids and Tots Programs, sports field rentals and Special Events.

Senior Recreation Leader- The part-time Senior Recreation Leader is responsible for contract classes, and facility rentals.



Recreation Leaders, Aides and Facility Attendants- The City hires temporary and seasonal Recreation Leaders and Aides to assist with After School Programs, Summer Camps, Facility Rentals, Special Events and other assignments. Recreation Leaders and Aides total 3.30 FTE.

Program Objectives

The mission of The Recreation Division is to provide the residents of Oakley with quality programming meeting the following FY 2015-2016 objectives:

- **Special Events-** Special Events facilitated by the Recreation Division will continue to include the Science Week Program, increased number of Movies in the Plaza, Cityhood Celebration, Kids Fishing Derby, Harvest Festival, Christmas Tree Lighting, Film Festival, Summer Concert, Heart of Oakley, and Hometown Holiday Decorating Contest. The increased budget reflects, the continuation of special events added in the 2014/2015 fiscal year.
- **Youth Programs-** The objective of youth programs is to provide safe and fun activities for kids after school, during the summer as well as on their breaks from school.
- **Recreation Classes-**The Recreation Division offers over 30 classes through the use of independent instructor contracts. Independent instructors also provide a number of seasonal camp programs designed to provide opportunities for kids and youth during school breaks. As space permits the Recreation Division will continue to increase these programs which reflect no change in budget expenditures.
- **Park and Facility Rentals-** Parks and Facility rentals offer an untapped focus of additional revenue. Scheduling parks for private rentals as well as team rentals, as well as rentals for the Oakley Recreation Buildings are reflected in the 2015-2016 budget.

Program Changes

The Recreation Division proposed budget incorporates changes made from last year's budget. The addition of the new special events including Film Festival, Hometown Holiday Decorating Contest, Spring Concert, Car Show, Little League Opening Day Parade, Summer Concert and expanded Heart of Oakley and Cityhood Celebrations. There are also minor increases to account for minimum wage increase, and increased costs of supplies and distribution of the Recreation Guide.



RECREATION				
USE OF FUNDS	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Personnel Services	\$221,096	\$242,558	\$316,933	\$255,172
Services	\$47,551	\$45,245	\$62,842	\$82,646
Supplies	\$61,633	\$90,037	\$157,850	\$155,600
Total	\$330,280	\$377,840	\$537,625	\$493,418

RECREATION DEPARTMENT STAFFING	
Recreation Manager	1.00
Recreation and Event Coordinator	1.00
Senior Recreation Leader	0.48
Recreation Leaders (Seasonal)	1.65
Recreation Aides (Seasonal)	1.65
Total Recreation Department Staffing	5.78



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TRANSFERS

Staff proposes three transfers from the General Fund in fiscal year 2015-2016.

\$225,000 To the General Capital Projects Fund for capital projects and administration.*

\$150,000 To the Main Street Fund for capital projects and administration.*

\$150,000 To the Reserve for Roadway Maintenance **

2011-2012 Actual	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
\$157,000	\$68,000	\$341,212	\$1,707,500	\$525,000

*Transfers during the recession were reduced significantly, and we began restoration efforts in 2014-2015, with plans to increase these allocations further in future years. The City's goal is to fully fund the Reserve for Roadway Maintenance by June 30, 2018, and to build the recurring capital allocations to the Main Street Fund and General Capital Projects Fund to a combined \$1 million – \$2 million per year.

** The Reserve for Roadway Maintenance was established in fiscal year 2013-2014 as a stabilization fund for roadway maintenance allocations and to ensure funds are available for major roadway repairs and maintenance when they become necessary. The targeted fully funded level for stabilization is between \$4 million - \$5 million, which should be sufficient as a supplemental funding source for 3-4 years of a more significant economic downturn.



CAPITAL OUTLAY

There are no appropriations for fiscal year 2015-2016 for direct Capital Outlay by the General Fund.

	2012-2013 Actual*	2013-2014 Actual	2014-2015 Projected**	2015-2016 Recommended
Capital Outlay	\$223,798	\$0	\$1,450,500	\$0

* Acquired property at 111 Carol Lane

**Acquired property/assets through a settlement agreement between the City, Successor Agency and State Department of Finance regarding the dissolution of the former Oakley Redevelopment Agency.



SPECIAL REVENUE FUNDS

COMMUNITY FACILITIES DISTRICT #1 (CYPRESS GROVE)

In October 2005, the City formed CFD #1 (Cypress Grove) to account for drainage maintenance activities in this new development. This was the first such district formed in the City and serves as a model for future developments. These activities are funded entirely by assessments on property owners.

FUND 110- COMMUNITY FACILITIES DISTRICT #1 (CYPRESS GROVE)				
	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Assessments	\$282,828	\$288,486	\$288,000	\$288,000
Interest	\$1,988	\$4,540	\$1,000	\$1,000
Total Revenues	\$284,816	\$293,026	\$289,000	\$289,000
Services	\$40,975	\$35,543	\$100,200	\$16,500
Capital Outlay	\$24,467		\$400,000	
Supplies	\$43,805	\$38,952	\$167,150	\$182,150
Total Expenditures	\$109,247	\$74,495	\$667,350	\$198,650
Unassigned Balances			\$971,423	\$1,211,774
Total Budgeted	\$109,247	\$74,495	\$1,638,773	\$1,410,424

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YOUTH DEVELOPMENT GRANT FUND

The City began a partnership with the Vesper Society and was awarded grants beginning FY 2005-2006 to fund youth development programs beginning late FY 2005-2006 early FY 2006-2007. This partnership continued with additional grants awarded during FY 2008-2009, 2009-2010, FY 2010-2011, FY 2011-2012, FY 2012-2013, FY 2013-2014 and plans to continue the youth development programs to December 2015. A separate fund is utilized to account for these activities.

FUND 123- YOUTH DEVELOPMENT GRANTS				
	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Grant Proceeds	\$31,922	\$26,880	\$20,500	\$7,000
Interest	\$119	\$85	\$50	
Total Revenues	\$32,041	\$26,965	\$20,550	\$7,000
Services	\$1,202	\$1,536	\$16,000	\$3,500
Capital Outlay				
Supplies	\$9,725	\$8,547	\$4,550	\$3,500
Total Expenditures	\$10,927	\$10,083	\$20,550	\$7,000



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YOU, ME, WE = OAKLEY!

The City has begun a partnership with the Welcoming America program to operate a Welcoming Oakley Program, focused on promoting mutual respect and cooperation between foreign-born and U.S.-born Americans. Financial support from the Zellerbach Family Foundation and Y&H Soda Foundation finance the program's Staff and activities. Grants were initially awarded in FY 2010-2011. Because funding for the program is provided through grants, a separate fund is utilized to account for these activities. The program's longevity is dependent upon successful fundraising.

FUND 125- YOU, ME, WE = OAKLEY!				
	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Grant Proceeds	\$65,622	\$72,031	\$79,550	\$78,183
Interest				
Total Revenues	\$65,622	\$72,031	\$79,550	\$78,183
Personnel Services	\$42,654	\$45,812	\$45,142	\$43,833
Services	\$22,285	\$22,513	\$24,122	\$27,950
Supplies	\$812	\$301	\$650	\$6,400
Capital Outlay		\$3,549	\$9,636	
Total Expenditures	\$65,751	\$72,175	\$79,550	\$78,183

FUND 125- YOU, ME, WE = OAKLEY! STAFFING	
You Me Wee Project Coordinator	0.63
Total STAFFING	0.63



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AGRICULTURAL PRESERVATION

The City is developing a program to encourage agricultural conservation and viticulture. Phase I of the program, funded with development mitigation fees, has been completed; and it included a complete inventory of agricultural property in the City limits, their mapping, and a preliminary analysis of potential preservation strategies, with an emphasis on vineyard properties. The scope of Phase II of the program is currently being developed with an initial emphasis on viticulture, as well. While all of the Phase I program activities were funded by development fees, grants for Phase II funding will be sought once the scope of work is better developed. Because the program development, and ultimately, its implementation, is expected to be funded by special purpose revenues, the City has established this separate fund to account for program activities.

FUND 136- AGRICULTURAL PRESERVATION				
	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Developer Fees				
Interest				
Operating Transfers In			\$17,500	
Total Revenues	\$0	\$0	\$17,500	\$0
Services	\$10,000	\$3,700	\$17,500	
Capital Outlay				
Supplies				
Total Expenditures	\$10,000	\$3,700	\$17,500	\$0
Unassigned Balances				\$1,724
Total Budgeted	\$10,000	\$3,700	\$17,500	\$1,724

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ECONOMIC DEVELOPMENT REVOLVING LOAN PROGRAM

The City is developing an economic development revolving loan program. This fund was created so that the funding of the program, and ultimately the accounting for its activities can be tracked and reported on separately. The FY 2015-2016 Budget re-appropriates the unassigned balances from FY 2014-2015; although the City Council has approved the use of some of these funds to improve the Successor Agency owned property at 3330 Main Street. Uses for loans will be made as approved by the City Council, pursuant to the program parameters.

FUND 138- ECONOMIC DEVELOPMENT REVOLVING LOAN PROGRAM				
	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Principal Repayments				
Interest				
Operating Transfers In			\$275,000	
Total Revenues	\$0	\$0	\$275,000	\$0
Services				
Capital Outlay				
Supplies				
Total Expenditures	\$0	\$0	\$0	\$0
Unassigned Balances			\$275,000	\$275,000
Total Budgeted	\$0	\$0	\$275,000	\$275,000

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SPORTS FIELD MAINTENANCE

The Sports Field Maintenance Fund is a special fund established first in Fiscal Year 2014-2015. Recognizing that organized sports field usage results in the need for more intensive upkeep and maintenance, the Fund is used to account separately for the collection of fees from the ball field rentals (revenue) and expenditure of funds for an on-going maintenance program of the facilities. The funds are used for annual field renovation costs, equipment repair and replacement, supplies, and to employ a part-time sports field maintenance position.

FUND 168- SPORTS FIELD MAINTENANCE				
	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Rental Revenues			\$15,683	\$28,000
Total Revenues	\$0	\$0	\$15,683	\$28,000
Services			\$15,683	\$28,000
Supplies				
Capital Outlay				
Total Expenditures	\$0	\$0	\$15,683	\$28,000
Unassigned Balances				
Total Budgeted	\$0	\$0	\$15,683	\$28,000

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LIGHTING AND LANDSCAPING DISTRICT

The City has a Lighting and Landscaping District with 3 zones:

Zone 1 – Fund 132 Community Parks

This zone is citywide and is used to maintain the City's larger parks (3 acres or larger). It is funded primarily by assessments.

Zone 2 – Fund 133 Street Lighting

This zone provides street lighting for the entire City. It is funded primarily by assessments but does not generate sufficient revenues to be self-supporting. The Gas Tax Fund has been and is expected to continue to subsidize its operations. For fiscal year 2015-2016, the subsidy is estimated to be \$102,148.

Zone 3 – Funds 170-195 Neighborhood Parks (made up of 26 sub-zones)

This zone maintains the City's smaller neighborhood parks. Each sub-zone generally represents a park or neighborhood with several parks and/or roadway landscaping. Each sub-zone is funded by assessments.

Several Park Zones do not have sufficient revenues to fully fund their Capital Asset Lifecycle Replacement Reserves. The Capital Asset Lifecycle Replacement Program establishes reserves necessary to ensure funds for asset replacements and remediation projects are available when needed. These reserves are used primarily to pay for longer-term replacement or remediation activities, periodic tree pruning (performed on a 7 year cycle), and streetscape replacements (on a 20 year cycle); although they may be used for the replacement, improvement or remediation of any asset or amenity in the Zone or sub-Zone.

19 of the City's 26 zones were formed by the County prior to incorporation, and most of them do not have sufficient annual revenues to both operate and fund an appropriate contribution to their replacement reserves. While no existing critical need is going un-addressed at present, Staff continues to work to find ways to ensure these long-term future needs are met.

Below are a series of tables showing the revenues and expenditures for each fund. The City's policies require the budgets consider lifecycle replacement reserves be considered as a part of the budget development process. As a result, some funds show revenues in



excess of expenditures – in which case the surplus will become contributions to the reserve; and some funds show expenditures in excess of revenues– reflecting the need to use reserves for replacements and remediation activities during the year.

FUND 132 – ZONE 1 (COMMUNITY PARKS)				
	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Assessments	\$1,070,305	\$1,106,826	\$1,084,145	\$1,127,719
Interest	\$1,468	\$1,655	\$500	
Other	\$42,997	\$23,929		
Total Revenues	\$1,114,770	\$1,132,410	\$1,084,645	\$1,127,719
Services	\$715,893	\$803,252	\$816,215	\$801,690
Capital Outlay	\$44,485	\$16,365		
Operating Transfers Out	\$57,275	\$68,000	\$113,000	\$113,000
Transfer to Capital Reserve				
Interest	\$521	\$319		
Total Expenditures	\$818,174	\$887,936	\$929,215	\$914,690
Unassigned Balances			\$131,399	
Unassigned Asset Replacement Balance			\$80,005	\$100,000
Total Budget	\$818,174	\$887,936	\$1,140,619	\$1,014,690

*Beginning in FY 2015-2016, the budget no longer lists transfers to the reserve; instead, the City's policies call for all revenues in excess of expenditures at year-end to be transferred to the reserve, until the reserve is fully funded. Accordingly, the budget no longer shows a transfer to capital reserve. It also will only show an unassigned balance amount if the asset replacement reserve is fully funded, and the fund has additional unassigned balances.



FUND 133 – ZONE 2 (STREET LIGHTING)				
	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Assessments	\$200,619	\$205,535	\$213,000	\$218,212
Interest	\$195	\$227	\$100	
Transfer in	\$161,852	\$155,745	\$158,214	\$102,148
Total Revenues	\$362,656	\$361,507	\$371,314	\$320,360
Services	\$347,279	\$336,911	\$351,214	\$320,360
Transfer to Capital Reserve			\$15,460	
Total Expenditures	\$347,279	\$336,911	\$366,674	\$320,360
Unassigned Balances			\$7,805	
Unassigned Asset Replacement Balance			\$37,354	\$41,604
Total Budgeted	\$347,279	\$336,911	\$411,833	\$361,964

FUND 170 – VINTAGE PARKWAY				
	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Assessments	\$73,772	\$73,771	\$73,772	\$73,772
Donations	\$1,715			
Interest	\$1,726	\$116	\$50	
Total Revenues	\$77,213	\$73,887	\$73,822	\$73,772
Services	\$58,865	\$50,739	\$74,572	\$75,072
Total Expenditures	\$58,865	\$50,739	\$74,572	\$75,072
Unassigned Balances				
Unassigned Asset Replacement Balance			\$20,350	\$13,855
Total Budgeted	\$58,865	\$50,739	\$94,922	\$88,927



FUND 171 – OAKLEY RANCH				
	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Assessments	\$26,446	\$26,446	\$26,446	\$26,446
Interest	\$94	\$76	\$50	
Total Revenues	\$26,540	\$26,522	\$26,496	\$26,446
Services	\$34,578	\$28,765	\$31,746	\$26,746
Supplies				
Total Expenditures	\$34,578	\$28,765	\$31,746	\$26,746
Unassigned Balances				
Unassigned Asset Replacement Balance			\$5,942	\$10,286
Total Budgeted	\$34,578	\$28,765	\$37,688	\$37,032

FUND 172 – EMPIRE				
	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Assessments	\$4,534	\$4,534	\$4,534	\$4,534
Interest	\$122	\$108	\$50	
Total Revenues	\$4,656	\$4,642	\$4,584	\$4,534
Services	\$4,821	\$2,854	\$4,609	\$19,609
Total Expenditures	\$4,821	\$2,854	\$4,609	\$19,609
Unassigned Balances				
Unassigned Asset Replacement Balance			\$19,504	\$16,136
Total Budgeted	\$4,821	\$2,854	\$24,113	\$35,745



FUND 173 - OAKLEY TOWN CENTER				
	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Assessments	\$10,935	\$10,935	\$10,941	\$10,935
Interest	\$100	\$96	\$50	
Total Revenues	\$11,035	\$11,031	\$10,991	\$10,935
Services	\$5,334	\$7,741	\$17,591	\$30,891
Total Expenditures	\$5,334	\$7,741	\$17,591	\$30,891
Unassigned Balances				
Unassigned Asset Replacement Balance			\$24,430	\$11,684
Total Budgeted	\$5,334	\$7,741	\$42,021	\$42,575

FUND 174 - OAK GROVE				
	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Assessments	\$28,405	\$28,405	\$28,405	\$28,405
Interest	\$70	\$71	50	
Total Revenues	\$28,475	\$28,476	\$28,455	\$28,405
Services	\$22,178	\$22,367	\$28,455	\$28,405
Total Expenditures	\$22,178	\$22,367	\$28,455	\$28,405
Unassigned Balances				
Unassigned Asset Replacement Balance			\$12,261	\$13,804
Total Budgeted	\$22,178	\$22,367	\$40,716	\$42,209



FUND 175 – LAUREL WOODS/LUNA ESTATES				
	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Assessments	\$7,668	\$7,668	\$7,668	\$7,668
Interest	\$96	\$92	\$50	
Total Revenues	\$7,764	\$7,760	\$7,718	\$7,668
Services	\$2,512	\$2,961	\$7,668	\$7,768
Total Expenditures	\$2,512	\$2,961	\$7,668	\$7,768
Unassigned Balances				
Unassigned Asset Replacement Balance			\$15,770	\$16,684
Total Budgeted	\$2,512	\$2,961	\$23,538	\$24,452

FUND 176 – SOUTH FORTY				
	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Assessments	\$9,712	\$9,712	\$9,713	\$9,713
Interest	\$24	\$30	\$25	
Total Revenues	\$9,736	\$9,742	\$9,738	\$9,713
Services	\$6,294	\$3,980	\$9,838	\$9,838
Total Expenditures	\$6,294	\$3,980	\$9,838	\$9,838
Unassigned Balances				
Unassigned Asset Replacement Balance			\$3,346	\$4,716
Total Budgeted	\$6,294	\$3,980	\$13,184	\$14,554



FUND 177 – CLAREMONT				
	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Assessments	\$7,628	\$7,628	\$7,628	\$7,628
Interest	\$31	\$25	\$25	
Total Revenues	\$7,659	\$7,653	\$7,653	\$7,628
Services	\$7,577	\$9,065	\$12,728	\$7,728
Total Expenditures	\$7,577	\$9,065	\$12,728	\$7,728
Unassigned Balances				
Unassigned Asset Replacement Balance			\$7,935	\$3,997
Total Budgeted	\$7,577	\$9,065	\$20,663	\$11,725

FUND 178 – GATEWAY				
	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Assessments	\$18,360	\$18,360	\$18,360	\$18,360
Interest	\$287	\$254	\$125	
Total Revenues	\$18,647	\$18,614	\$18,485	\$18,360
Capital Outlay				
Services	\$17,663	\$12,852	\$18,560	\$18,560
Total Expenditures	\$17,663	\$12,852	\$18,560	\$18,560
Unassigned Balances				
Unassigned Asset Replacement Balance			\$44,592	\$45,832
Total Budgeted	\$17,663	\$12,852	\$63,152	\$64,392



FUND 179 – COUNTRYSIDE (VILLAGE GREEN)				
	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Assessments	\$2,562	\$2,562	\$2,563	\$2,563
Interest	\$31	\$29	\$25	
Total Revenues	\$2,593	\$2,591	\$2,588	\$2,563
Services	\$1,592	\$1,622	\$2,613	\$2,613
Total Expenditures	\$1,592	\$1,622	\$2,613	\$2,613
Unassigned Balances				
Unassigned Asset Replacement Balance			\$4,742	\$4,948
Total Budgeted	\$1,592	\$1,622	\$7,355	\$7,561

FUND 180 – COUNTRY FAIR (MEADOW GLEN)				
	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Assessments	\$5,423	\$5,423	\$5,423	\$5,423
Interest	\$8	\$5		
Total Revenues	\$5,431	\$5,428	\$5,423	\$5,423
Interest				
Services	\$3,783	\$3,859	\$5,423	\$5,423
Total Expenditures	\$3,783	\$3,859	\$5,423	\$5,423
Unassigned Asset Replacement Balance			\$321	
Total Budgeted	\$3,783	\$3,859	\$5,744	\$5,423



FUND 181 – CALIFORNIA SUNRISE				
	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Assessments	\$3,502	\$3,502	\$3,502	\$3,502
Interest	\$80	\$76	\$50	
Total Revenues	\$3,582	\$3,578	\$3,552	\$3,502
Services	\$513	\$778	\$3,552	\$3,552
Total Expenditures	\$513	\$778	\$3,552	\$3,552
Unassigned Balances				
Unassigned Asset Replacement Balance			\$13,432	\$14,084
Total Budgeted	\$513	\$778	\$16,984	\$17,636

FUND 182 – CALIFORNIA VISIONS (LAUREL)				
	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Assessments	\$12,000	\$12,000	\$12,000	\$12,000
Interest	\$193	\$179	\$100	
Total Revenues	\$12,193	\$12,179	\$12,100	\$12,000
Services	\$8,137	\$6,876	\$12,150	\$12,150
Transfer to Capital Reserve				
Total Expenditures	\$8,137	\$6,876	\$12,150	\$12,150
Unassigned Balances				
Unassigned Asset Replacement Balance			\$30,987	\$32,197
Total Budgeted	\$8,137	\$6,876	\$43,137	\$44,347



FUND 183 – CLAREMONT HERITAGE				
	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Assessments	\$18,240	\$18,240	\$18,240	\$18,240
Interest	\$228	\$218	\$100	
Total Revenues	\$18,468	\$18,458	\$18,340	\$18,240
Services	\$5,842	\$9,355	\$12,590	\$8,715
Transfer to Capital Reserve			\$9,600	
Total Expenditures	\$5,842	\$9,355	\$22,190	\$8,715
Unassigned Balances				
Unassigned Asset Replacement Balance			\$37,269	\$45,586
Total Budgeted	\$5,842	\$9,355	\$59,459	\$54,301

FUND 184 – COUNTRY FAIR (MEADOW GLEN II)				
	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Assessments	\$122,544	\$122,544	\$122,544	\$122,544
Interest	\$193	\$170	\$100	
Total Revenues	\$122,737	\$122,714	\$122,644	\$122,544
Services	\$119,965	\$115,679	\$123,844	\$122,344
Capital Outlay		\$379		
Total Expenditures	\$119,965	\$116,058	\$123,844	\$122,344
Unassigned Balances			(\$1,200)	
Unassigned Asset Replacement Balance			\$32,046	\$32,046
Total Budgeted	\$119,965	\$116,058	\$154,690	\$154,390



FUND 185 – SUNDANCE				
	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Assessments	\$8,910	\$8,910	\$8,910	\$8,910
Interest	\$25	\$22	\$25	
Total Revenues	\$8,935	\$8,932	\$8,935	\$8,910
Services	\$11,458	\$10,705	\$11,010	\$10,581
Total Expenditures	\$11,458	\$10,705	\$11,010	\$10,581
Unassigned Balances				
Unassigned Asset Replacement Balance			\$2,063	\$1,125
Total Budgeted	\$11,458	\$10,705	\$13,073	\$11,706

FUND 186 – CALIFORNIA JAMBOREE				
	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Assessments	\$87,548	\$87,548	\$87,547	\$87,547
Interest	\$701	\$608	\$300	
Other	\$4,709	\$6,029		
Transfers In	\$30,000	\$40,000	\$30,000	\$30,000
Total Revenues	\$122,958	\$134,185	\$117,847	\$117,547
Services	\$108,023	\$137,367	\$142,302	\$126,891
Capital Outlay	\$11,448	\$10,354		
Transfer to Capital Reserve				
Total Expenditures	\$119,471	\$147,721	\$142,302	\$126,891
Unassigned Balances				
Unassigned Asset Replacement Balance			\$121,624	\$78,432
Total Budgeted	\$119,471	\$147,721	\$263,926	\$205,323

FUND 187 – COUNTRY PLACE				
	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Assessments	\$23,400	\$23,400	\$23,400	\$23,400
Interest	(\$29)	(\$6)	(\$40)	
Transfers In	\$4,325	\$8,000	\$8,000	\$8,000
Total Revenues	\$27,696	\$31,394	\$31,360	\$31,400
Services	\$45,571	\$36,834	\$47,730	\$40,730
Total Expenditures	\$45,571	\$36,834	\$47,730	\$40,730
Unassigned Balances				
Total Budgeted	\$45,571	\$36,834	\$47,730	\$40,730

FUND 188 – LAUREL CREST				
	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Assessments	\$87,000	\$87,000	\$87,000	\$87,000
Interest	\$311	\$221	\$125	
Transfers In			\$10,000	\$10,000
Total Revenues	\$87,311	\$87,221	\$97,125	\$97,000
Services	\$105,086	\$115,701	\$109,813	\$96,838
Capital Outlay		\$1,748		
Total Expenditures	\$105,086	\$117,448	\$109,813	\$96,838
Unassigned Balances				
Unassigned Asset Replacement Balance			\$27,800	\$33,398
Total Budgeted	\$105,086	\$117,448	\$137,613	\$130,236



FUND 189 – MARSH CREEK GLEN				
	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Assessments	\$80,404	\$82,374	\$82,375	\$86,528
Interest	\$735	\$645	\$350	
Total Revenues	\$81,139	\$83,019	\$82,725	\$86,528
Services	\$53,135	\$46,611	\$48,338	\$152,400
Capital Outlay	\$50,128	\$8,818	\$83,756	\$250,000
Transfer to Capital Reserve			\$34,887	
Total Expenditures	\$103,263	\$55,429	\$166,981	\$402,400
Unassigned Balances				
Unassigned Asset Replacement Balance			\$75,573	\$42,656
Total Budgeted	\$103,263	\$55,429	\$242,554	\$445,056

FUND 190 – QUAIL GLEN				
	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Assessments	\$25,528	\$25,876	\$25,875	\$28,523
Interest	\$113	\$97	\$50	
Total Revenues	\$25,371	\$25,973	\$25,925	\$28,523
Services	\$77,320	\$12,471	\$26,150	\$23,730
Total Expenditures	\$77,320	\$12,471	\$26,150	\$23,730
Unassigned Balances				
Unassigned Asset Replacement Balance			\$19,207	\$17,878
Total Budgeted	\$77,320	\$12,471	\$45,357	\$41,608



FUND 191 - CYPRESS GROVE				
	2012-2013	2013-2014	2014-2015	2015-2016
	Actual	Actual	Projected	Recommended
Assessments	\$229,686	\$235,306	\$235,309	\$247,170
Interest	\$619	\$591	\$300	
Transfers In			\$20,000	\$20,000
Total Revenues	\$230,305	\$235,897	\$255,609	\$267,170
Services	\$159,137	\$243,935	\$307,709	\$236,200
Capital Outlay		\$2,060		
Total Expenditures	\$159,137	\$245,995	\$307,709	\$236,200
Unassigned Balances			(\$2,975)	
Unassigned Asset Replacement Balance			\$81,016	\$96,020
Total Budgeted	\$159,137	\$245,995	\$385,750	\$332,220

FUND 192 - SOUTH OAKLEY				
	2012-2013	2013-2014	2014-2015	2015-2016
	Actual	Actual	Projected	Recommended
Assessments	\$315,486	\$323,433	\$323,433	\$344,602
Interest	\$515	\$481	\$250	
Other	\$2,453	\$3,116		
Transfers In	\$12,950	\$10,000	\$10,000	\$10,000
Total Revenues	\$331,404	\$337,030	\$333,683	\$354,602
Services	\$286,172	\$336,973	\$328,500	\$426,700
Capital Outlay		\$10,178		
Transfer to Capital Reserve			\$8,233	
Total Expenditures	\$286,172	\$347,151	\$336,733	\$426,700
Unassigned Balances			(\$3,050)	
Unassigned Asset Replacement Balance			\$74,106	\$67,739
Total Budgeted	\$286,172	\$347,151	\$407,789	\$494,439



FUND 193 – STONE CREEK				
	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Assessments	\$15,875	\$16,000	\$15,875	\$29,250
Interest	\$209	\$205	\$100	
Total Revenues	\$16,084	\$16,205	\$15,975	\$29,250
Services	\$1,128	\$27,596	\$12,403	\$15,903
Total Expenditures	\$1,128	\$27,596	\$12,403	\$15,903
Unassigned Balances				
Unassigned Asset Replacement Balance			\$36,026	\$35,983
Total Budgeted	\$1,128	\$27,596	\$48,429	\$51,886

FUND 194 – MAGNOLIA PARK				
	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Assessments	\$510,500	\$531,000	\$510,500	\$552,500
Interest	\$1,389	\$1,459	\$700	
Other	\$7,504	\$6,764		
Transfer In	\$10,000	\$10,000	\$10,000	\$10,000
Total Revenues	\$529,393	\$549,223	\$521,200	\$562,500
Services	\$363,191	\$371,423	\$358,225	\$543,600
Capital Outlay		\$14,322	\$7,500	
Transfer to Capital Reserve			\$167,850	
Total Expenditures	\$363,191	\$385,745	\$533,575	\$543,600
Unassigned Balances				
Unassigned Asset Replacement Balance			\$92,500	\$100,000
Total Budgeted	\$363,191	\$385,745	\$626,075	\$643,600

FUND 195 - SUMMER LAKE				
	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Assessments	\$89,974	\$97,674	\$146,511	\$217,282
Interest	\$941	\$887	\$450	
Other				
Transfer In			\$25,000	\$25,000
Total Revenues	\$90,915	\$98,561	\$171,961	\$242,282
Services	\$51,212	\$56,416	\$262,450	\$389,581
Capital Outlay		\$157		
Transfer to Capital Reserve				
Total Expenditures	\$51,212	\$56,573	\$262,450	\$389,581
Unassigned Balances				
Unassigned Asset Replacement Balance			\$100,000	\$69,527
Total Budgeted	\$51,212	\$56,573	\$362,450	\$459,108



ROAD MAINTENANCE FUNDS

The City has three Special Revenue funds used mostly for Road Maintenance: the Gas Tax Fund, the Measure J Fund, and the Streets Maintenance Reserve Fund.

Gas Tax Fund

The Gas Tax Fund is used to account for the City's share of local gas tax revenues and congestion management funds received from the State. These revenues are for the research, planning, construction, improvement, maintenance, and operation of public streets and highways (and their related public facilities for non-motorized traffic), including the mitigation of their environmental effects, the payment for property taken or damaged for such purposes, and the administrative costs necessarily incurred in the foregoing purposes. The City uses them for local roadway maintenance, roadway projects, and to subsidize the Street Lighting Fund.

FUND 140 - GAS TAX				
	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Gas Taxes	\$833,523	\$1,056,136	\$1,195,556	\$810,350
Grant Proceeds				
Interest	\$1,058	\$1,202	\$500	
Other				
Congestion Management Funds				
Total Revenues	\$834,581	\$1,057,338	\$1,196,056	\$810,350
Services	\$356,085	\$332,877	\$531,726	\$376,573
Supplies	\$52,000	\$173,066	\$220,397	\$300,000
Capital Outlay	\$203,474	\$415,279	\$814,276	\$780,000
Transfers Out	\$161,842	\$155,745	\$158,214	\$102,148
Total Expenditures	\$773,401	\$1,076,967	\$1,724,613	\$1,558,721
Unassigned Balances			\$267,400	\$57,881
Total Budgeted	\$773,401	\$1,076,967	\$1,992,013	\$1,616,602



Measure J

The Measure J Fund is used to account for the City's share of the voter approved 1/2% sales tax for transportation projects. Measure J was passed by the voters as a successor tax to Measure C. Both are restricted to the same uses as Gas Tax revenues, but can also be applied to transit improvement and operations, growth management planning and compliance, pedestrian and bicycle trail construction/maintenance/operations, parking facility development, and transportation efficiency program development and operations (ridesharing, etc.). The City uses its Measure J tax revenues for local roadway maintenance and roadway projects.

FUND 148 – MEASURE J				
	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Grants				
Measure J Allocations	\$913,878	\$508,671	\$512,433	\$512,000
Interest	(\$423)	\$989	\$1,000	
Total Revenues	\$913,455	\$509,660	\$513,433	\$512,000
Services	\$71,853	\$110,113	\$303,940	\$183,800
Supplies				
Capital Outlay	\$408,249	\$433,741	\$937,284	\$650,000
Total Expenditures	\$480,102	\$543,854	\$1,241,224	\$833,800
Unassigned Balances			\$182,344	\$40,533
Total Budgeted	\$480,102	\$543,854	\$1,423,568	\$874,333



Streets Maintenance Reserve

The Streets Maintenance Reserve Fund was first established in Fiscal Year 2013-2014 and received its first funding in Fiscal Year 2014-2015. Contributions to the Reserve are largely expected to be transfers in from the General Fund. Street maintenance follows the long-term lifecycle of the streets themselves, and as a result, long-term costs are best contained by ensuring maintenance is performed routinely. The Streets Maintenance Reserve Fund was formed to provide 1) a place to set aside funds so that maintenance activities remain available in both good times and bad, 2) a place to save up funds for more significant future maintenance projects, and 3) to be a reserve for funding unexpected projects or higher than planned project costs on critical maintenance projects.

FUND 235 – STREET MAINTENANCE RESERVE				
	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Transfers In			\$75,000	\$150,000
Other				
Total Revenues	\$0	\$0	\$75,000	\$150,000
Services				
Supplies				
Capital Outlay				
Total Expenditures	\$0	\$0	\$0	\$0
Unassigned Balances			\$75,000	\$225,000
Total Budgeted	\$0	\$0	\$75,000	\$225,000



STORM WATER PROGRAM FUND

The City has a separate fund to account for its Storm Water Program activities. The program is funded by assessments on property owners, and pays for storm water and pollution runoff management activities mandated by the Federal Government.

FUND 145 – STORM WATER PROGRAM				
	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Assessments	\$482,954	\$484,727	\$460,000	\$461,000
Interest	\$1,702	\$3,953	\$1,000	
Other	(\$77)	\$90		
Total Revenues	\$484,579	\$488,770	\$461,000	\$461,000
Services	\$222,642	\$260,628	\$395,746	\$278,047
Supplies	\$116,274	\$143,321	\$201,824	\$214,000
Capital Outlay	39,025		\$55,000	\$380,000
Total Expenditures	\$377,941	\$403,949	\$652,570	\$872,047
Unassigned Balances			\$1,037,515	\$631,315
Total Budgeted	\$377,941	\$403,949	\$1,690,085	\$1,503,362



POLICE SERVICE FUNDS

The City has two police service funds: The P-6 Fund and the Supplemental Law Enforcement Services Fund (SLESF). The P-6 Fund is where the City accounts for the City's police services special tax, all of which are budgeted to augment general fund resources in funding the Police Department budget. The SLESF is where the City accounts for Supplemental Law Enforcement Grants from the State. The fiscal year 2015-2016 budget reflects the use of the grant from the State to supplement Police Department costs.

FUND 150 – P-6 POLICE SERVICES				
	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Assessments	\$2,856,484	\$3,058,332	\$3,308,000	\$3,421,250
Interest	\$343	\$113	\$250	\$250
Total Revenues	\$2,856,827	\$3,058,445	\$3,308,250	\$3,421,500
Services	\$2,856,827	\$3,058,445	\$3,308,250	\$3,421,500
Total Expenditures	\$2,856,827	\$3,058,445	\$3,308,250	\$3,421,500

FUND 151 – SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND				
	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Grant Revenues	\$114,322	\$116,752	\$100,000	\$100,000
Interest	(\$25)	(\$13)		
Total Revenues	\$114,297	\$116,739	\$100,000	\$100,000
Services	\$114,297	\$116,739	\$100,000	\$100,000
Supplies				
Capital Outlay				
Total Expenditures	\$114,297	\$116,739	\$100,000	\$100,000



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DEVELOPER DEPOSITS FUND

The City has a separate fund to account for developer deposits and related development application processing costs. The revenues are earned only as work is performed and costs incurred. All deposits that are unused in the application review process are returned to the applicant when the review is completed.

FUND 301 – DEVELOPER DEPOSITS				
	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Developer Fees	\$632,560	\$193,050	\$423,000	\$753,998
Total Revenues	\$632,560	\$193,050	\$423,000	\$753,998
Services	\$469,565	\$188,997	\$423,000	\$753,998
Operating Transfers Out				
Total Expenditures	\$469,565	\$188,997	\$423,000	\$753,998



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SUCCESSOR HOUSING ASSETS

Successor Housing Assets

The City is the Successor Housing Agency to the now dissolved Oakley Redevelopment Agency and the City Successor Housing Assets Fund is used to account for all related City Housing activity.

Program Costs and Revenues

Funding is provided by the repayment of housing loans. Most housing loans are repayable from affordable housing developers when the project's rents meet certain hard thresholds and produce what are called "residual receipts" (amounts in excess of the thresholds). The City has one project which currently is forwarding residual receipts payments in accordance with its loan. A portion of the receipts are retained in the Successor Housing Assets Fund, and a portion is deposited in the Successor Agency to the Oakley Redevelopment Agency's Operating Fund, each receiving a share in proportion to their contribution to the original amount loaned. Program costs are currently limited to staff and internal administrative support costs for the program. Proceeds in any year that are not utilized for program costs are used to pay prior Redevelopment Agency obligations for Impact Fees on affordable housing projects.

Program Description

The Planning Division provides housing program oversight to ensure developer compliance with the terms of any agreements with the City or the dissolved Oakley Redevelopment Agency.

Staffing Summary

The work is performed by the Planner Manager and his time is charged to the program on an hourly basis.

Program Objectives

The primary operating objectives for the program in fiscal year 2015-2016 is to ensure Developers continue to comply with their obligations. There are no significant changes to the Department's objectives. To the extent costs are less than funds available, the balance will be used towards paying down a portion of the \$1.3 million in deferred impact fee obligations from prior affordable housing projects that remain outstanding.



Program Changes

There are no increases in regular staffing levels or significant one-time costs proposed.

FUND 767 – SUCCESSOR HOUSING ASSETS				
	2012-2013 Actual	2013-2014 Actual	2014-2015 Projected	2015-2016 Recommended
Property Tax				
Interest Income	(\$573)	\$41,297	\$12,000	\$12,000
Loan Repayments	\$1,181	\$1,217	\$2,400	\$2,400
Rents				
Sale of Property				
Transfers In				
Interfund Charges for Svc				
Total Revenues	\$608	\$42,514	\$14,400	\$14,400
Personnel				
Supplies				
Services	\$9,298	\$8,279	\$3,500	\$3,500
Interest	\$4,504	\$3,267		\$10,900
Total Expenditures	\$13,801	\$11,546	\$3,500	\$14,400
Unassigned Balances			\$59,239	
Total Budgeted	\$13,801	\$11,546	\$62,739	\$14,400

Note: The Successor Housing Assets Fund was established in February 2012 as a result of the Dissolution Act that dissolved redevelopment agencies throughout California.



DEBT SERVICE FUNDS

Program Costs and Revenues

Debt Service Funds are where we account for the Principal, Interest, and administrative costs associated with the City's debt.

Program Description

The City currently has one debt outstanding:

- The 2006 Certificates of Participation issued by the City's Financing Authority to purchase 3221 Main Street and pay for the City Hall improvements on the Downtown Civic Center site. It's being repaid with Public Facilities Impact Fees

Staffing Summary

No staffing is permanently allocated to debt management; however the Finance Department ensures the City complies with financial reporting requirements and interfaces with contracted administrators, trustees, bond counsel, rating agencies, and others in meeting the Agency's bond covenants. The City hires NBS Financial as its dissemination agent, and Wells Fargo as trustee and Fiscal Agent.

Program Objectives

The primary operating objectives for the City remain unchanged for fiscal year 2015-2016: to make the debt service payments, to oversee the services provided by the contractors, and to ensure the preparation of all required public reporting.

Program Changes

No program changes.



**Debt Service 2006 Certificates of Participation
Fund 351**

ESTIMATED REVENUES		
Transfers In	Interest Income	Total Revenues
\$571,035		\$571,035

RECOMMENDED EXPENDITURES			
Principal	Interest	Administration	Total Expenditures
\$275,000	\$286,035	\$10,000	\$571,035

DEBT LISTING:

2006 Certificates	Civic Center Project	\$8,500,000
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REMAINING DEBT SERVICE:

Fiscal Year	Principal	Interest	Total Debt Service
2015-16	\$275,000	\$286,035	\$561,035
2016-17	\$285,000	\$275,035	\$560,035
2017-18	\$300,000	\$263,635	\$563,635
2018-19	\$310,000	\$251,635	\$561,635
2019-20	\$325,000	\$239,235	\$564,235
Other Years	\$5,195,000	\$1,617,870	\$6,812,870
Totals	\$6,690,000	\$2,933,445	\$9,623,445



CAPITAL IMPROVEMENT PROGRAM

The Capital Improvement Program (CIP) is a major public infrastructure and planning tool for the City of Oakley and the CIP serves as a statement of the City's policies and financial abilities to manage the physical development of the community. The development of a five-year CIP provides a systematic plan for providing infrastructure improvements within a prioritized framework and with a general schedule within which the projects proceed. The first year reflects the adopted budget for the upcoming Fiscal Year (FY). The remaining four years represent a schedule and estimate of future capital needs that may be funded given projected revenues.

There are several benefits for developing and adopting a Capital Improvement Program. Not only does the CIP become a management tool for the City Council and City staff, a CIP also provides valuable information to the citizens, developers, and businesses who are interested in the development of the community. The CIP document will assist in leveraging available resources through improved timing of projects, and coordinating City projects with the projects of other public or private entities.

Despite the many benefits of capital improvement programming, it is important to highlight the fact that this is a fluid document. Changes can occur for many reasons. Revenues can fluctuate as a result of changing economic conditions or shifts in City policy. Private economic decisions can also affect the timing, scale, and location of capital projects. The City of Oakley CIP reflects the strategic goals of the City Council and is a critical investment in the community.

The focus of the proposed CIP for FY 2015/16 through 2019/20 is to maintain the core infrastructure of the City of Oakley while utilizing the most cost effective and creative approach; and continuing to build new infrastructure for the community which will enhance the quality of life for residents and promote the economic vitality and viability for the City. In preparation of the CIP for FY 2015/16, a comprehensive review of perspective projects has been made to determine if the projects are still viable and should be funded. In several cases, funding previously set aside for longer-term projects are proposed to be re-assigned to higher priority current projects to better benefit the community. The most significant proposed re-assignment is from CIP project # 69, which was programmed prior to the great recession of 2008 to widen Main Street under Highway 160 and to make frontage improvements on south side of Main Street, west of the Big Break Road and Cypress Square Shopping Center. It was determined that



construction of this project in the near term is no longer viable, and that rather than through City funding, these improvements will more likely be constructed as required

offsite improvements for future private development projects. The reallocation of the nearly \$1.48M from CIP #69 project provides funding for Main Street improvements from Vintage Parkway to Gardenia Drive in FY 2016/17 and provides funding for other street resurfacing, sidewalk repair and replacement, and traffic calming projects in FY 2015/16.

The CIP for FY 2015/16 is divided into specific projects to address unique needs for each component of the infrastructure system. This approach provides funding for both the infrastructure maintenance and construction of new improvements with a long range goal for protecting the quality of the public infrastructure system in the City of Oakley. The funding for the CIP projects are generally from the following sources: Measure J Sales Tax, Gas Tax, General Fund, Development Traffic Impact Fees, Park Impact Fees, and Federal & State Grants. The revenues from Development Traffic Impact Fees, Park Impact Fees are dependent of the private development activity and regional economic growth. The CIP for FY 2015/16 conservatively budgets only a portion of these funding sources to account for unforeseen downturns in the regional economic and development activity.

There is a direct relationship between CIP project construction and economic development and vitality of the community. New residents want to come and live in a community that is vibrant and provides a wide range of amenities. Commercial developers also look to build in communities that thrive and provide amenities for today's life style for its residents. The construction of CIP projects help in enhancing amenities for the community residents and enhance the quality of life which in turn makes Oakley a desired community for private development. With the improved national and regional economic forecast, it is expected that the Impact Fee revenue will grow and be a larger part of the future funding of the projects. The increase in the level of private development activity will provide opportunities for the City to undertake projects with various infrastructure improvements in conjunction with the developments; and to construct roadway improvements that will be cost effective and timely.

City of Oakley
 FY 2015/16 Project Summary
 Capital Improvement Program for Fiscal Years 2015/16 to 2019/20

FY 15/16 Proposed Revenues												
	General Capital Projects	Main Street Fund	TIF	Measure J	Gas Tax	CFD	Stormwater Fund	2012 Bond Benefit	Facility Fund	LLD	Park Impact Fee	
FY 14/15 Fund Balance	\$ 805,717	\$ 302,686	\$ 315,530	\$ 362,333	\$ 806,251	\$ 1,121,424	\$ 1,042,362		\$ 195,000	\$ 520,000	\$ (28,813)	
FY 15/16 Revenues	\$ 1,553,316	\$ 150,000	\$ 1,800,000	\$ 512,000	\$ 810,351	\$ 289,000	\$ 461,000	\$ 64,000	\$ 50,000	\$ -	\$ 900,000	
FY 15/16 Operational Expenditures	\$ 92,267	\$ 4,000	\$ 177,267	\$ 183,800	\$ 676,573	\$ 198,650	\$ 522,047		\$ 27,000	\$ -	\$ 56,000	
Total Available for Capital Projects	\$ 2,266,766	\$ 448,686	\$ 1,938,263	\$ 690,533	\$ 940,029	\$ 1,211,774	\$ 981,315	\$ 64,000	\$ 218,000	\$ 520,000	\$ 815,187	

FY 15/16 Proposed Expenditures													
#	Project	FY 15/16 Total	General Capital Fund	Main Street Fund	TIF	Measure J	Gas Tax	CFD	Stormwater Fund	2012 Bond Benefit	Facility Fund	LLD	Park Impact Fee
39	Hill Avenue Multi-use trail	\$ 250,000										\$ 250,000	
147	East Cypress Road Widening	\$ 420,000			\$ 420,000								
165	Main Street Realignment (Vintage Parkway to 2nd Street)	\$ 3,225,000	\$ 1,761,000	\$ 350,000	\$ 800,000				\$ 250,000	\$ 64,000			
166	Hwy 160-Main Street Gateway Sign and Landscaping Project	\$ 500,000	\$ 150,000	\$ 50,000		\$ 300,000							
167	FY 2015/16 Street Repair and Resurfacing	\$ 1,200,000	\$ 200,000			\$ 300,000	\$ 700,000						
168	FY 2015/16 Street Restriping	\$ 50,000				\$ 50,000							
169	FY 2015/16 Curb, Gutter, & Sidewalk Repair and Reconstruction	\$ 80,000					\$ 80,000						
170	FY 2015/16 Frontage Gap Closure Improvements	\$ 225,000			\$ 225,000								
171	FY 2015/16 Storm Drain Improvements	\$ 100,000							\$ 100,000				
172	FY 2015/16 Traffic Calming Project	\$ 50,000			\$ 50,000								
173	ORB Buildings Rehabilitation	\$ 40,000									\$ 40,000		
	Total	\$ 6,140,000	\$ 2,111,000	\$ 400,000	\$ 1,495,000	\$ 650,000	\$ 780,000	\$ -	\$ 350,000	\$ 64,000	\$ 40,000	\$ 250,000	\$ -
	Remaining Unassigned Balances		\$ 155,766	\$ 48,686	\$ 443,263	\$ 40,533	\$ 160,029	\$ 1,211,774	\$ 631,315	\$ -	\$ 178,000	\$ 270,000	\$ 815,187



Proposed Projects for FY 2015/16 CIP

Project 39, Hill Avenue Multi-Use Trail – This project will construct a pre-fabricated bridge over Marsh Creek from the Marsh Creek Glenn park to provide access to the Marsh Creek trail from the neighborhood via Hill Avenue. The project design is nearly complete and the final stage of regulatory agency permit processing is underway. Construction of the project is anticipated to start in fall 2015. Total Budget- \$250,000 (\$250,000 Marsh Creek Glen Lighting and Landscape District Zone LLD).

Project 147, East Cypress Road Widening - The Emerson Ranch subdivision was conditioned during its planning process to widen the north side of Cypress Road along the subdivision frontage and install a portion of the median and landscaping. The responsibility of the developers is for curb, gutter, sidewalk, medians, and one travel lane. The second travel lane, traffic signal, and part of the medians will be the responsibility of the City. The actual construction work will be performed by the developer; and the City's cost of the project is eligible for Traffic Impact Fee credits. The project is expected to go to construction in spring 2015 and to continue to fall 2015. Fee credits will be based on actual construction costs and will be issued at the time of building permits. Total Budget- \$420,000 (\$420,000 Traffic Impact Fee (TIF)).

Project 165, Main Street Realignment (Vintage Parkway to 2nd Street) - This project will continue the improvements that started in the downtown area on Main Street three years ago by constructing new curb, gutter, sidewalk, paving, and streetscape from Norcross Lane to Second Street. A new traffic signal will be constructed at the intersection of Main Street and Norcross Lane and there will also be traffic signals interconnect between the three traffic signals on Main Street at Vintage Parkway, Norcross Lane, and O'Hara Avenue. This signal interconnection will help in traffic flow along Main Street. At the intersection of Main Street and 2nd Street there will be a roadway realignment to better define the transition point between the core downtown area and the rest of Main Street as determined in the downtown "Visioning" project in 2014. Total Budget- \$ 3,225,000 (\$1,461,000 SAFETEA-LU Federal Grant), (\$800,000 TIF), (\$300,000 General Capital Projects Fund), (\$350,000 Main Street Fund), (\$250,000 Stormwater Fund), (\$64,000 - 2012 Bonds Annual Refinancing Benefit)



Project 166, Hwy 160-Main Street Gateway Sign & Landscaping Project – This project will landscape the area in between the Hwy 160 ramps and Main Street to provide an enhanced gateway to the City of Oakley. A new gateway sign will be inside the off-ramp area from Highway 160 to Main Street. The new landscaping will greatly improve this area as a gateway to Oakley. This work will also complement the new Hwy 160 improvements that provide connector ramps to Hwy 4 and to the Main Street resurfacing project (Bridgehead Road to Big Break Road) that will take place in summer 2015. Total Budget-\$500,000 (\$150,000 General Capital Projects Fund), (\$300,000 Measure J Fund), (\$50,000 Main Street Fund).

Project 167, FY 2015/16 Street Repair & Resurfacing - This project will repair the base and surface failures and resurface streets throughout the City as a part of a comprehensive program to maintain the streets for the community. The resurfacing project for FY 2015/16 will focus on subdivisions south of Oakley Road, west of Empire Avenue, and subdivisions north and south of Laurel Road and east of Main Street. Total Budget- \$1,200,000 (\$700,000 Gas Tax), (\$300,000 Measure J), (\$200,000 General Capital Projects Fund).

Project 168, FY 2015/16 Street Restriping- This project will restripe various City streets each year to help maintain the streets that are delineated and marked clearly for public use for motorists and pedestrians. The work performed under this project focuses on the streets that are not in the plan for resurfacing in the next 2 years and need the striping for lane delineation (centerline, edge line, cross walk, pavement marking) to provide safe streets for the community. Total Budget- \$50,000 (\$50,000 Measure J).

Project 169, FY 2015/16 Curb, Gutter, and Sidewalk Repair and Reconstruction- This project will coordinate with the responsible property owners to repair and reconstruct damaged and broken concrete curbs, gutters, and sidewalk throughout the City to eliminate trip and fall accidents caused by sidewalks and curbs uplifted by tree root overgrowth and to provide safe streets for the community. This project works in coordination with the 50-50 cost share program that helps the property owners in the City to address concrete sidewalk and curb and gutter uplifts caused by tree root overgrowth. Total Budget- \$80,000 (\$80,000 Gas Tax)



Project 170, FY 2015/16 Frontage Gap Closure Improvements - This project will construct localized curb, gutter, sidewalk, ADA ramps, and pavement widening improvements that are necessary for vehicular and pedestrian safety and will likely not

be provided for by future private developments. The project for FY 2015/16 will widen the street and construct curb and sidewalks on Main Street south of East Cypress Road. Total Budget- \$225,000 (\$225,000 TIF)

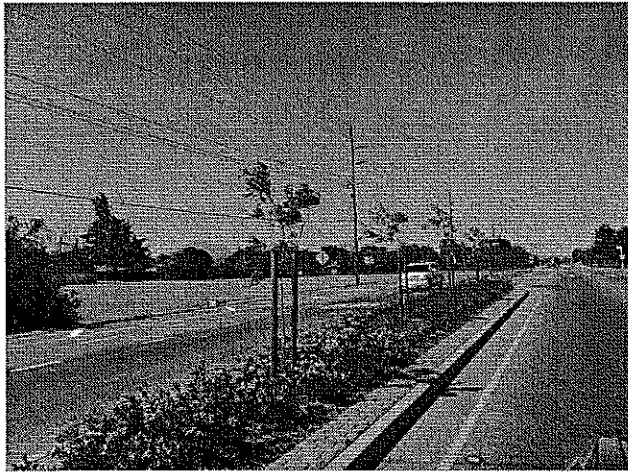
Project 171, FY 2015/16 Storm Drain Improvements - This project will construct storm drain systems on West Bolton Road. This area does not have a formal storm drain system and has experienced chronic flooding during the rainy season. Total Budget- \$100,000 (\$100,000 Stormwater Fund)

Project 172, FY 2015/16 Traffic Calming Project – The traffic flow in the community has become one of the major issues that the Police and Public Works Departments handle on a regular basis. The adoption of the new neighborhood traffic calming plan in November 18, 2014 by the City Council established the frame work and guidelines for processing various traffic calming requests. This is the first year that a project has been added in the CIP dedicated to Traffic Calming and is intended to address various traffic calming requests based on priority and order received. Total Budget- \$50,000 (\$50,000 TIF)

Project 173, Oakley Recreation Building (ORB) Rehabilitation – The condition of the ORB building will deteriorate without maintenance and up-keep. This project will paint the exterior of the buildings to protect them from weather elements. The project will also replace the interior floors to provide a safe and solid floor for all the users of the facility. Total Budget- \$40,000 (\$40,000 Capital Facilities Maintenance and Repairs Fund)

Completed Projects in FY 2014/15

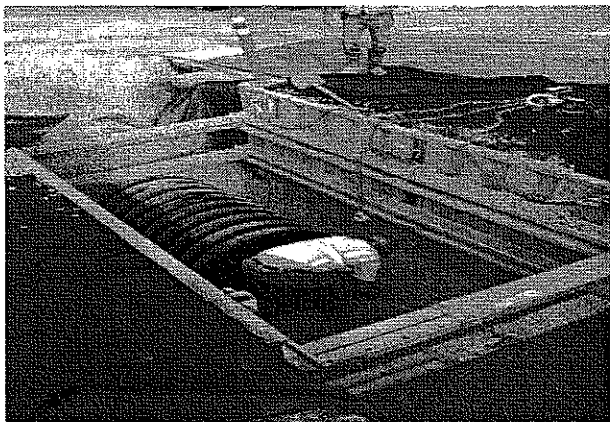
PROJECT LOCATIONS	
A Main Street Median Improvement Project	F Laurel Road Widening Project
B Main Street Storm Drain Improvement Project	G City Park Security Camera Installation Project
C Street Resurfacing and Repair Project	H City Street Restriping Project
D Traffic Signal Modernization Project	
E Traffic Safety Improvement Project	



A Main Street Median Improvement Project

Main Street Median Improvement Project

This project removed the old Caltrans landscaping and irrigation between Empire Avenue and Vintage Parkway, and installed new landscaping and water efficient irrigation and stamped concrete consistent with the City's standards. The median rehabilitation will enhance the appearance and aesthetics of the Main Street corridor when approaching Downtown Oakley.



B Main Street Storm Drain Improvement Project

Main Street Storm Drain Improvement Project

This project installed infiltration basins to alleviate the long term flooding that has been a major health and safety concern on the north side of Main Street between Seventh Street and O'Neil Court. The infiltration basins capture the stormwater off the roadway providing a safer path of travel.



C Street Resurfacing and Repair Project

Street Resurfacing and Repair Project

This project removed the asphalt paving around many of the manholes on Neroly Road from Empire Avenue to Brown Road that were unsafe and hazardous for vehicles and motorcycles. The project also repaired pavement and curb and gutter failures on Empire Avenue and numerous base failures on Laurel Road. The work was a key factor in keeping those streets in good condition ahead of the rainy season.



D Traffic Signal Modernization Project

Traffic Signal Modernization Project

This project included the modification to existing traffic signals and street lighting on Main Street and Empire Avenue. This project installed new illuminated street name signs, pedestrian push buttons, pedestrian countdown clocks, as well as replaced the street lights with L.E.D. lighting on the traffic signal poles.



E Traffic Safety Improvement Project

Traffic Safety Improvement Project

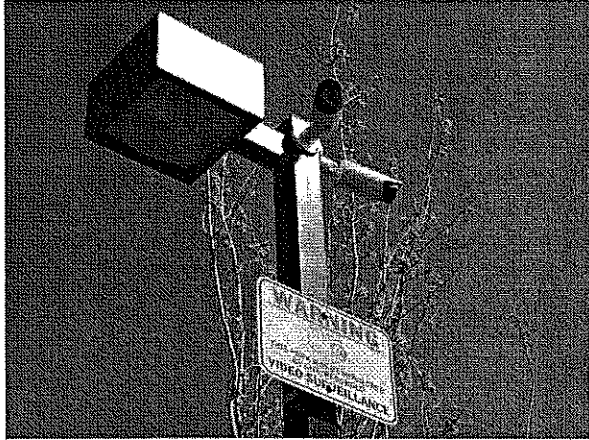
The project installed flashing advanced warning and cross-walk signs on O'Hara Avenue in front of O'Hara Park School and on Carpenter Road near Almond Grove School. Additionally, new flashing signs were installed on Carpenter Road and Vineyard Drive that replaced outdated cross-walk beacons. The new flashing signs are push button activated and flash high intensity LED lights to warn vehicles that pedestrians may be crossing the street. Two electronic radar feedback signs were also installed on Brownstone Road.



F Laurel Road Widening Project

Laurel Road Widening Project

This project widened the north side of Laurel Road from O'Hara Avenue to Rose Avenue to two lanes. The project also included half the median islands, storm drain improvements, landscaping and irrigation, and LED street lighting.



G City Park Security Camera Installation Project

City Park Security Camera Installation Project

This project replaced old analog security cameras with 44 new digital security cameras at 10 of the City's parks. The new cameras have been extremely effective and as a result several vandals have been apprehended.



H City Street Restriping Project

Street Restriping Project

This project restriped several streets in the community. The scope of work includes repainting centerlines, edge lines and legends. The project included striping work on Brownstone Road, O'Hara Avenue, Anderson Lane, and the Walnut Meadows subdivision



INTERNAL SERVICE FUNDS

Program Costs and Revenues

The City's Internal Service Funds are used to establish reserves for equipment and vehicle replacement, and for capital facilities maintenance and replacement. The revenues recommended in the Budget are primarily transfers in from the General Fund, although there are small amounts estimated each year for insurance/salvage recoveries and interest earnings. The funds transferred from the General Fund come partially from taxes, and partially from fees and other revenues.

Program Description

The City charges all of its departments for a share of the funds determined each year, according to City policies, necessary to keep the reserves for equipment and vehicle replacement and for capital facilities maintenance and replacement appropriately funded; and the proceeds are transferred to these Internal Service Funds. Asset replacement and significant facilities maintenance costs are then paid for by these funds.

Staffing Summary

Staff time related to asset replacement activities and accounting for these funds is charged to the funds.

Program Objectives

The Equipment and Vehicle Replacement Fund budget includes expenditures to replace and outfit 3 patrol cars, 6 network switches, all of the patrol vehicle computers, replace 10 workstations and upgrade several more, and replace/upgrade the City's software to Microsoft Office 2013.

The Capital Facilities Maintenance and Replacement Fund budget includes expenditures for repairs to the Oakley Recreation Building and for City Council Chambers repairs.

Program Changes

No program changes.



FUND 501 EQUIPMENT REPLACEMENT FUND

Revenues

Transfers in	\$100,000
Salvage Values	\$ 5,000
Interest	<u>\$ 1,000</u>
Total Revenues	<u>\$106,000</u>

Expenditures

Vehicles	\$105,000
Vehicle Equipment	\$ 45,000
Vehicle Computers	\$ 60,000
Network Switches/Warranties	\$ 30,500
MS Office 2013 Upgrade	\$ 21,000
Workstations	\$ 15,750
Interfund Charges	<u>\$ 2,500</u>
Total Expenditures	<u>\$279,750</u>

	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
Est. Accum Depr BOY	2,931	3,056	3,156	3,256	3,331
Est. New Depreciation	325	325	325	325	325
Est. Deletions (Replaced assets)	(200)	(225)	(225)	(250)	(250)
Est. Accum Depr EOY	3,056	3,156	3,256	3,331	3,406
Net additions to reserve (including interest, asset sales, and insurance recoveries)	106	205	205	255	265
Reserve Bal BOY	1,267	1,093	1,070	1,022	1,024
Equipment Replacements/ Expenditures	(280)	(228)	(253)	(253)	(253)
Reserve Bal EOY	1,093	1,070	1,022	1,024	1,036
Target @ 50% Accum Depr.	1,528	1,578	1,628	1,666	1,703

BOY= Beginning of the year

EOY=End of the year



PLANNED REPLACEMENTS FOR 2015-2016			
Description	Quantity	Estimated Cost/Unit*	Total Estimated Cost
Patrol Vehicles	3	\$35,000	\$105,000
Patrol Vehicle Equip.	3	\$15,000	\$45,000
Vehicle Computers **	25	\$5,600	\$60,000
Network Switches and Warranties	6	\$5,083	\$30,500
MS Office Upgrade	55	\$381	\$21,000
Workstations	10	\$1,575	\$15,750
Totals			\$ 277,250

*Amounts shown include equipment and installation/implementation costs.

**Vehicle computer replacements for all patrol vehicles are being in part paid for out of police transition costs. Replacement, configuration and installation is estimated at approximately \$140,000 in total.

FUND 502 CAPITAL FACILITIES MAINTENANCE & REPLACEMENT FUND

Revenues

Transfers in	\$50,000
Total Revenues	<u>\$50,000</u>

Expenditures

City Council Chambers	\$25,000
Oakley Recreation Bldg.	\$40,000
Interfund Charges	\$ 2,000
Total Expenditures	<u>\$67,000</u>

Fund Balances in Fund 502 are projected to be \$178,000 at July 1, 2016; and Staff believes that amount is sufficient to meet the policy target of enough to pay for 5 years' estimated costs.



AGENCY FUNDS

Program Costs and Revenues

The Agency Funds included below contain the Principal, Interest, and administrative costs associated with debt issued by City Assessment Districts. All of these costs are supported by special assessments. No General Fund support is required or anticipated, and they are not backed by the full faith and credit of the City. They are secured only by the assessments.

Program Description

The City currently has two Assessment District debts outstanding:

- The 2004-1 Assessment District Bond. It was issued to acquire infrastructure assets in the Cypress Grove and Live Oak Ranch areas, and is being repaid from special assessments levied on property owners in the two developments.
- The 2006-1 Assessment District Bond. It was issued to acquire infrastructure assets in the Magnolia Park and Riata areas, and is being repaid from special assessments levied on property owners in the two developments.

Staffing Summary

No staffing is permanently allocated to managing these funds; however the Finance Department ensures the City complies with financial reporting requirements and interfaces with contracted administrators, trustees, bond counsel, rating agencies, and others in meeting the Agency's bond covenants. The City hires NBS Financial to administer its assessments and Wells Fargo as trustee and Fiscal Agent.

Program Objective

The primary operating objectives for the City remain unchanged for fiscal year 2015-2016: to ensure the assessment and collection of the assessments, to make the debt service payments, oversee the services provided by the contractors, and ensure the preparation of all required public reporting.

Program Changes

No program changes.



2004-1 ASSESSMENT DISTRICT DEBT
Fund 621

ESTIMATED REVENUES		
Assessment Revenues	Interest Income	Total Revenues
\$1,155,207	\$5,000	\$1,160,207

RECOMMENDED EXPENDITURES			
Principal	Interest	Administration	Total Expenditures
\$370,000	\$766,607	\$23,600	\$1,160,207

DEBT LISTING:

2004-1 AD	Cypress Grove/Live Oak	\$17,150,000
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REMAINING DEBT SERVICE:

Fiscal Year	Principal	Interest	Total Debt Service
2015-16	\$370,000	\$766,606	\$1,136,606
2016-17	\$390,000	\$746,412	\$1,136,412
2017-18	\$405,000	\$724,794	\$1,129,794
2018-19	\$430,000	\$701,563	\$1,131,563
2019-20	\$450,000	\$676,644	\$1,126,644
Other Years	\$11,120,000	\$5,703,172	\$16,823,172
Totals	\$13,165,000	\$9,319,191	\$22,484,191



**2006-1 ASSESSMENT DISTRICT DEBT
FUND 622**

ESTIMATED REVENUES		
Assessment Revenues	Interest Income	Total Revenues
\$747,703		\$747,703

RECOMMENDED EXPENDITURES			
Principal	Interest	Administration	Total Expenditures
\$240,000	\$484,903	\$22,800	\$747,703

DEBT LISTING:

2006-1 AD	Magnolia Park/Riata	\$11,460,000
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REMAINING DEBT SERVICE:

Fiscal Year	Principal	Interest	Total Debt Service
2015-16	\$240,000	\$896,606	\$1,136,606
2016-17	\$255,000	\$881,412	\$1,136,412
2017-18	\$270,000	\$859,794	\$1,129,794
2018-19	\$280,000	\$851,563	\$1,131,563
2019-20	\$295,000	\$831,644	\$1,126,644
Other Years	\$8,110,000	\$2,103,960	\$10,213,960
Totals	\$9,450,000	\$6,424,979	\$15,874,979



10 YEAR PLAN

The 10 Year Plan is the City's tool for evaluating our success in ensuring service sustainability. It is organized by revenue type and function; and includes an indication of the general character of the revenues and expenditures shown as either recurring or one-time in nature.

For purposes of the 10 Year Plan, if a revenue class is likely to be recurring for a period of 5 years or more, we treat it as recurring. This includes certain development related fees that can be, as current times prove, less predictable. For instance, building permit revenue will always exist, but it is more sensitive to economic changes than property taxes. In accordance with the City's Financial Policies, the Plan is based on what we believe are reasonable, conservative assumptions.

As always, since the Plan includes both general purpose and special purpose (assigned) revenues, it's important to reiterate that while the City may fund eligible programs with both restricted and unrestricted funds, its policy is to apply restricted funds to such programs first, followed by general purpose revenues if necessary. Reviewing this is important in order to establish in general the reason the rollover balances (excluding reserves) for assigned revenues are smaller in the Plan.

Overall, the Plan is intended to help us see where we are succeeding in achieving service sustainability and where we must improve, and it should be reviewed with this goal in mind. In particular, loans, transfers, and subsidies are shown separately and should be examined to determine and consider why they are necessary or desirable, if they should continue over the long-term, or whether these funds are better allocated to higher priorities.

Staff's Conclusions and Recommendations

The Plan included on the following pages confirms that from a service sustainability perspective, the Preliminary Budget is structurally balanced, and it provides a look forward at how, with discipline, it can remain that way.

Certainly, the City's near-term position is improved when compared to recent years, and although there is still a backlog of restoration to accomplish, the near term Plan for Fiscal Year 2015-2016 helps in moving that restoration forward.



The anticipated transition to a mostly in-house Police Department is included in the Plan, and as a result, during the 10 Year Period, a more aggressive approach to keeping police staffing on pace with new development is possible, as well as continuing the gradual restoration of other services.

The General Fund reserve balance remains healthy, and in compliance with the City's policy of at least 20% of expenditures; and while the Plan shows its balance decreasing gradually over the 10 year period, adjustments during the period are to be expected and projected in the Plan, even at 10 years out, to remain above 20%.

Lastly it is useful to remind ourselves, especially in improving times: developing a "Plan" that remains in balance can be more easily resolved in the math, while the work to ensure the organization remains positioned to actually stay in balance requires both vigilance and discipline.

(10 Year Plan attached.)

City of Oakley
10 Year Plan
For Inclusion in the
FY 2014-15
City Budget

Description	General Character	(Dollars in Thousands)													Total 15/16-24/25	
		Actual	Actual	Projected	Proposed											
		12/13	13/14	14/15	15/16	16/17	17/18	18/19	19/20	20/21	21/22	22/23	23/24	24/25		
General Purpose Revenues																
Property Taxes	Recurring	1,914	\$1,941	\$2,493	\$2,642	\$2,774	\$2,913	\$3,058	\$3,211	\$3,372	\$3,541	\$3,718	\$3,903	\$4,099	33,231	
PT in Lieu of VLF	Recurring	1,793	1,927	2,002	2,121	2,227	2,338	2,455	2,578	2,707	2,842	2,984	3,134	3,290	26,678	
State Prop 1A Loan/Repayment w/2% int.	On Occasion	473													0	
Sales & Use Tax	Recurring	1,617	1,521	1,482	1,598	1,678	1,762	1,850	1,942	2,039	2,141	2,249	2,361	2,479	20,099	
Motor Vehicle In-Lieu Fees	Recurring	19	16	16	0	0	0	0	0	0	0	-	-	-	0	
Trans. Occupancy Tax (TOT)	Recurring	196	195	240	240	252	265	278	292	306	322	338	355	372	3,019	
Real Property Transfer Tax	Recurring	137	147	150	150	158	165	174	182	191	201	211	222	233	1,887	
Franchise Fees	Recurring	1,115	1,230	1,243	1,293	1,358	1,426	1,497	1,572	1,650	1,733	1,819	1,910	2,006	16,263	
Business License Tax	Recurring	107	111	107	110	112	114	117	119	121	124	126	129	131	1,204	
Traffic Fines	Recurring	155	130	128	128	134	141	148	156	163	172	180	189	199	1,610	
Interest Income	Recurring	21	58	130	130	175	185	195	195	195	210	210	225	225	1,945	
Subtotal General Purpose		7,547	7,276	7,991	8,412	8,868	9,309	9,772	10,247	10,746	11,285	11,835	12,428	13,034	105,936	
Fee/Reimbursement Revenues																
Building Permits/Plan Check/Rental Inspections	Recurring	816	939	550	822	941	969	1,248	1,285	1,324	1,363	1,404	1,446	1,490	12,291	
Engineering Fees	Recurring	10	22	20	21	22	23	24	26	27	28	30	31	33	264	
Planning Fees	Recurring	11	13	11	8	8	9	9	10	10	11	11	12	12	101	
Law Enforcement Fees/Reimbursement Revenues	Recurring	27	45	89	79	81	84	86	89	92	94	97	100	103	906	
Recreation Fees	Recurring	71	73	54	49	51	54	57	60	63	66	69	72	76	616	
City Admin Fees	Recurring	306	338	170	261	299	308	646	658	670	683	696	709	723	5,653	
Interfund Cost Recoveries (operations)	Recurring	5,359	4,942	5,473	5,602	5,916	6,355	6,876	7,473	8,111	8,790	9,515	10,269	11,056	79,963	
Interfund Cost Recoveries (charging grant funds)	one-time	21	17	14	3										3	
Other Miscellaneous Fees & Charges	Rec & one-time	107	153	213	88	91	93	96	99	102	105	108	111	115	1,009	
Subtotal Fee/Reimbursement Revenues		6,728	6,542	6,594	6,933	7,410	7,895	9,043	9,699	10,397	11,140	11,930	12,752	13,608	100,805	
Total General Operating Revenues		14,275	13,818	14,585	15,345	16,277	17,204	18,815	19,946	21,144	22,425	23,765	25,179	26,641	206,741	
Release of Dutch Slough Fund Balance Reserves	one-time	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Proceeds from the Sale of Property	one-time			135												
Total Sources of Funds		14,275	13,818	14,720	15,345	16,277	17,204	18,815	19,946	21,144	22,425	23,765	25,179	26,641	206,741	

City of Oakley
10 Year Plan
For Inclusion in the
FY 2014-15
City Budget

Description	General Character	(Dollars in Thousands)													Total 15/16-24/25
		Actual 12/13	Actual 13/14	Projected 14/15	Proposed 15/16	16/17	17/18	18/19	19/20	20/21	21/22	22/23	23/24	24/25	
Department Expenses															
City Council	Recurring	62	57	62	62	65	65	68	68	72	72	75	75	79	702
Elections	Recurring	17	0	25	0	27	0	29	0	31	0	34	0	36	157
City Manager	Recurring	381	403	448	431	453	475	569	597	627	659	692	726	762	5,991
Economic Development	Recurring	153	147	194	203	213	224	295	310	325	341	359	377	395	3,042
Community Outreach	Recurring	66	92	115	107	112	118	124	130	137	143	151	158	166	1,346
Human Resources	Recurring	32	23	67	77	81	85	89	94	98	103	108	114	119	968
Maintenance Custodial	Recurring	46	48	70	70	74	77	81	85	89	94	98	103	109	880
City Clerk	Recurring	234	220	244	230	242	254	326	343	360	378	397	416	437	3,381
Finance	Recurring	527	541	648	634	666	699	804	844	886	931	977	1,026	1,077	8,544
Information Technology	Recurring	214	222	243	242	254	267	280	294	309	324	341	358	375	3,044
Public Safety	Recurring	7,168	7,445	8,647	8,986	8,556	9,433	9,905	10,625	11,157	11,964	12,563	13,441	14,113	110,742
City Attorney	Recurring	214	203	205	200	210	221	232	243	255	268	281	295	310	2,516
Animal Control	Recurring	191	194	198	222	233	245	257	270	283	298	312	328	344	2,792
Planning	Recurring	299	326	372	340	357	375	464	487	511	537	563	592	621	4,846
Building Inspection	Recurring	616	472	396	429	450	473	497	521	548	575	604	634	666	5,396
Code Enforcement/Rental Inspections	Recurring	40	105	263	320	336	353	370	389	408	429	450	473	496	4,025
Public Works/Engineering	Recurring	1,106	857	828	931	978	1,026	1,148	1,205	1,265	1,329	1,395	1,465	1,538	12,280
Public Works Maintenance	Recurring	97	109	189	169	177	186	196	205	216	226	238	250	262	2,126
Recreation	Rec & one-time	330	378	538	493	518	544	571	599	629	661	694	728	765	6,201
Parks	Recurring	378	372	390	482	506	531	618	649	681	715	751	789	828	6,551
Department Expenditures:		12,171	12,214	14,142	14,628	14,506	15,650	16,922	17,959	18,888	20,046	21,082	22,347	23,501	178,980
Non-Departmental Expenses															
Other Non-Departmental Expenses	Recurring	416	477	504	693	721	750	780	811	843	877	912	948	986	8,320
Equipment Replacement (exp & reserve)	Recurring	280	249	50	100	200	200	250	260	270	280	290	300	310	2,460
Capital Facilities Mtc & Replacement (exp & reserve)	Recurring	0	0	0	50	30	40	50	50	50	50	50	50	50	470
Interim Needs/Contingency	Recurring	11	162	316	558	553	597	646	685	721	765	804	852	896	7,077
Amount charged to Departments	Recurring	(909)	(904)	(819)	(1,173)	(1,276)	(1,359)	(1,497)	(1,578)	(1,656)	(1,744)	(1,828)	(1,923)	(2,015)	(16,048)
Total Non-Department Expend.		(202)	(16)	51	228	228	228	228	228	228	228	228	228	228	2,280
Total Expenditures		11,969	12,198	14,193	14,856	14,734	15,878	17,150	18,187	19,116	20,274	21,310	22,575	23,729	181,260
Net General Operating Revenue (Expense)			1,620	527	489	1,543	1,325	1,665	1,759	2,027	2,151	2,454	2,604	2,912	
Transfers and Loans															
Transfers to Active Roadway Maintenance Programs	recurring	(43)	(44)	(100)	(225)	(300)	(450)	(600)	(650)	(750)	(750)	(850)	(900)	(1,000)	(6,475)
Transfer to Reserve for Roadway Maintenance	recurring			(75)	(150)	(250)	(400)	(400)	(500)	(600)	(700)	(700)	(750)	(850)	(5,000)
Transfers to Main Street Fund	recurring	(25)	(25)	(100)	(150)	(300)	(450)	(600)	(650)	(750)	(750)	(850)	(900)	(1,000)	(6,400)
Transfers to General Capital Projects Fund	one-time	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Loans to Public Facilities Fee Fund/Repayments	one-time	(75)	(75)	(281)	(5)	125	306	0	0	0	0	0	0	0	426
Total Transfers		(143)	(144)	(556)	(530)	(725)	(994)	(1,600)	(1,700)	(2,000)	(2,100)	(2,400)	(2,550)	(2,850)	(17,449)
Use of Fund Balance															
For General Fund One Time uses	one-time	(224)		(2,385)	(450)										
Transfer to General Capital Projects Fund	one-time	0	(272)	(1,065)											
Economic Development Loans	one-time		(400)	400											
Anticipated Sales Tax Allocation Correction	one-time		(45)	(135)											
Total Net Sources (Uses) of Funds		1,939	759	(3,214)	(491)	818	331	65	59	27	51	54	54	62	

City of Oakley
10 Year Plan
For Inclusion in the
FY 2014-15
City Budget

Description	General Character	(Dollars in Thousands)													
		Actual 12/13	Actual 13/14	Projected 14/15	Proposed 15/16	16/17	17/18	18/19	19/20	20/21	21/22	22/23	23/24	24/25	
Summary of Recurring and One-Time Amounts															
Recurring Activities Summary															
Revenues		13,781	13,801	14,571	15,342	16,277	17,204	18,815	19,946	21,144	22,425	23,765	25,179	26,641	
Expenditures/ Including Transfers and Loans		12,016	12,250	14,454	15,275	15,584	17,178	18,750	19,887	21,116	22,374	23,710	25,125	26,579	
Revenues over (under) Expenditures		1,765	1,551	117	67	693	25	65	59	27	51	54	54	62	
One-Time Activities Summary															
Revenues		494	(383)	414	3	125	306	0	0	0	0	0	0	0	
Expenditures/ Including Transfers and Loans		96	409	3,745	561	0	0	0	0	0	0	0	0	0	
Revenues over (under) Expenditures		398	(792)	(3,331)	(558)	125	306	0	0	0	0	0	0	0	
Total Recurring and One-Time		2,163	759	(3,214)	(491)	818	331	65	59	27	51	54	54	62	
														Total 15/16-24/25	
Assigned Revenues/Police															
State COPS Grant (SLESF)	one-time	114	117	100	100	100	100	100	100	100	100	100	100	100	1,000
P-6 Police Services Assessments	Recurring	2,857	3,058	3,308	3,421	3,626	3,950	4,352	4,822	5,327	5,867	6,446	7,047	7,673	52,531
School Resource Officer Grant	one-time	55	55	55	55	55	55	55	55	55	55	55	55	55	550
Police Equip./Traffic Grants	one-time														0
Subtotal Assigned Police Revenues		3,026	3,230	3,463	3,576	3,781	4,105	4,507	4,977	5,482	6,022	6,601	7,202	7,828	54,081
														180	
														200	
														200	
														250	
														250	
														250	
														250	
														250	
Restricted Police Expenditures															
State COPS Grant (SLESF)	one-time	114	117	100	100	100	100	100	100	100	100	100	100	100	1,000
P-6 Supported Police Services	Recurring	2,857	3,058	3,308	3,421	3,626	3,950	4,352	4,822	5,327	5,867	6,446	7,047	7,673	52,531
School Resource Officer Grant	one-time	55	55	55	55	55	55	55	55	55	55	55	55	55	550
Police Equip./Traffic Grants	one-time														0
Subtotal Restricted Police Expenditures		3,026	3,230	3,463	3,576	3,781	4,105	4,507	4,977	5,482	6,022	6,601	7,202	7,828	54,081
Rollover Balances*		0	0	0	0	0	0	0	0	0	0	0	0	0	0

City of Oakley
10 Year Plan
For Inclusion in the
FY 2014-15
City Budget

Description	General Character	(Dollars in Thousands)												Total 15/16-24/25	
		Actual 12/13	Actual 13/14	Projected 14/15	Proposed 15/16	16/17	17/18	18/19	19/20	20/21	21/22	22/23	23/24		24/25
Parks, Landscaping & Lighting Revenues															
Community Parks	Recurring	1,115	1,132	1,085	1,128	1,195	1,263	1,344	1,426	1,510	1,595	1,683	1,772	1,862	14,777
<i>Loan from General Fund, if necessary</i>	<i>one-time</i>														0
Street Lighting	Recurring	201	206	213	218	228	239	251	264	277	290	303	316	329	2,716
<i>Transfer in from Gas Tax Fund</i>	<i>one-time</i>	162	156	121	102	108	114	119	125	131	139	147	157	168	1,309
Neighborhood Parks	Recurring	1,908	1,962	2,033	2,177	2,284	2,393	2,517	2,644	2,774	2,909	3,048	3,191	3,338	27,274
Total Parks, Landscaping & Lighting Revenues		3,386	3,456	3,452	3,625	3,814	4,009	4,231	4,458	4,692	4,933	5,181	5,435	5,697	46,076
Parks, Landscaping & Lighting Expenditures															
Community Parks	Recurring	818	891	930	915	1,011	1,061	1,114	1,170	1,229	1,290	1,355	1,422	1,493	12,060
<i>Repay General Fund Loans</i>	<i>one-time</i>	0	88	43	1							18	18	18	55
Street Lighting	Recurring	348	337	329	320	336	353	370	389	408	429	450	473	496	4,025
Neighborhood Parks	Recurring	1,640	1,740	2,242	2,585	2,356	2,426	2,499	2,574	2,651	2,731	2,813	2,897	2,984	26,517
Total Parks, Landscaping & Lighting Expenditures		2,806	3,056	3,544	3,821	3,702	3,840	3,984	4,133	4,288	4,450	4,636	4,810	4,992	42,657
Rollover Balances															
Community Parks (Including Loans & Reserves)		955	1,108	1,220	1,432	1,616	1,818	2,047	2,303	2,584	2,890	3,200	3,531	3,882	
Street Lighting (Including Reserves)		149	174	179	179	179	179	179	179	179	179	179	179	179	
Neighborhood Parks (Including Reserves)		4,675	4,897	4,688	4,280	4,208	4,175	4,192	4,261	4,384	4,562	4,797	5,091	5,445	
Roadway Maintenance Revenues															
Gas Tax Revenues	Recurring	835	1,084	1,196	810	851	893	938	985	1,034	1,085	1,140	1,197	1,257	10,188
Measure J Revenues	Recurring	913	510	513	512	538	564	593	622	653	686	720	756	794	6,440
Transfers in from the General Fund for Current Capital Projects		68	69	895	375	600	900	1,200	1,300	1,500	1,500	1,700	1,800	2,000	12,875
General Fund Transfers to the Street Maintenance Reserve Fund				75	150	250	400	400	400	500	600	700	750	850	5,000
Streets Related Grants				1,029	1,461										
Total Roadway Maintenance Revenues		1,816	1,663	3,708	3,308	2,238	2,758	3,130	3,307	3,687	3,872	4,260	4,503	4,901	29,503
Roadway Maintenance Expenditures															
Gas Tax Expenditures for roadway repairs & maintenance	Recurring	303	425	464	677	393	429	469	510	903	947	992	1,040	1,089	7,448
<i>Transfer to Street Lighting Fund</i>	<i>one-time</i>	(162)	(156)	(121)	(102)	(108)	(114)	(119)	(125)	(131)	(139)	(147)	(157)	(168)	(1,309)
<i>Used for Capital Projects (for new or expanded roadways)</i>	<i>one-time</i>	(308)	(496)	(503)	(780)	(350)	(350)	(350)	(350)						(2,180)
Measure J Expenditures for roadway repairs & maintenance	Recurring	72	76	89	184	149	314	343	372	653	686	720	756	794	4,973
<i>Used for Capital Projects (for new or expanded roadways)</i>	<i>one-time</i>	(417)	(468)	(550)	(650)	(389)	(250)	(250)	(250)						(1,789)
Use of General Fund Transfers/Grants	<i>one-time</i>	358	98	1,993	2,090	600	900	1,200	1,300	1,500	1,500	1,700	1,800	2,000	14,590
Use of Street Maintenance Reserves															0
Total Roadway Maintenance Expenditures & Transfers		1,620	1,719	3,720	4,483	1,988	2,358	2,730	2,907	3,187	3,272	3,560	3,753	4,051	32,289
Rollover Balances		1,453	1,397	1,385	210	460	860	1,260	1,660	2,160	2,760	3,460	4,210	5,060	

City of Oakley
10 Year Plan
For Inclusion in the
FY 2014-15
City Budget

Description	General													Total 15/16-24/25	
	Character	Actual 12/13	Actual 13/14	Projected 14/15	Proposed 15/16	16/17	17/18	18/19	19/20	20/21	21/22	22/23	23/24		24/25
Drainage and Stormwater Revenues															
Community Facilities District Assessments	Recurring	285	293	289	288	297	306	315	324	334	344	354	365	376	3,302
Stormwater Assessments	Recurring	485	489	461	461	475	489	504	519	534	550	567	584	602	5,285
Total Drainage and Stormwater Revenues		770	782	750	749	771	795	818	843	868	894	921	949	977	8,586
Drainage and Stormwater Expenditures															
Community Facilities District Drainage Maintenance	Recurring	109	75	668	199	297	306	315	324	334	344	354	365	376	3,213
Stormwater Program Expenditures	Recurring	378	404	607	498	475	489	504	519	534	550	567	584	602	5,322
Total Drainage and Stormwater Expenditures		487	479	1,275	697	771	795	818	843	868	894	921	949	977	8,534
Rollover Balances		2,434	2,737	2,212	2,264	2,264	2,264	2,264	2,264	2,264	2,264	2,264	2,264	2,264	
Other Grant Revenues															
Recycling Grant	one-time	9	24	15	10	0	0	0	0	0	0	0	0	0	10
Oakley Welcoming (You+Me=We)	one-time	66	72	80	78	0	0	0	0	0	0	0	0	0	78
Recreation Grants (Misc)	one-time	0	0	15	0	0	0	0	0	0	0	0	0	0	0
Vesper Grant	one-time	32	27	21	7	0	0	0	0	0	0	0	0	0	7
Urban Forestry Grant			22	0	0										0
Measure WW			0	405											
Total Other Grant Revenues		107	145	536	95	0	0	0	0	0	0	0	0	0	95
Other Grant Expenditures															
Recycling Grant	one-time	9	24	15	10	0	0	0	0	0	0	0	0	0	10
Oakley Welcoming (You+Me=We)	one-time	66	72	80	78	0	0	0	0	0	0	0	0	0	78
Recreation Grants (Misc)	one-time	0	0	15	0	0	0	0	0	0	0	0	0	0	0
Vesper Grant	one-time	32	27	21	7	0	0	0	0	0	0	0	0	0	7
Urban Forestry Grant		0	22	0	0										0
Measure WW			111	294											
Total Other Grant Expenditures		107	256	425	95	0	0	0	0	0	0	0	0	0	95
Rollover Balances															
Recycling Grant		0	0	0	0	0	0	0	0	0	0	0	0	0	0
Oakley Welcoming (You+Me=We)		0	0	0	0	0	0	0	0	0	0	0	0	0	0
Recreation Grants		0	0	0	0	0	0	0	0	0	0	0	0	0	0
Vesper Grant		0	0	0	0	0	0	0	0	0	0	0	0	0	0
Urban Forestry Grant		0	0	0	0	0	0	0	0	0	0	0	0	0	0
Measure WW			(111)	0	0	0	0	0	0	0	0	0	0	0	0
Qualifying Capital Projects	recurring	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Long-Term Analysis of General Fund Fund Balances

Restricted Fund Balances:

For Dutch Slough	559	559	559	559	559	559	559	559	559	559	559	559	559	559
For Loans/Interfund Advances Receivable	1,051	1,409	2,763	2,742	2,592	2,261	2,236	2,211	2,186	2,161	2,118	2,075	2,032	
Receivable for State Prop 1A Loan	0													
For Termination Payouts	81	118	125	125	125	125	125	125	125	125	125	125	125	
Land Held for Resale (3)	2,222	2,222	2,052	2,052	2,052	2,052	2,052	2,052	2,052	2,052	2,052	2,052	2,052	
Funds held for Redevelopment dispute resolution with State (4)	1,575	1,575												
Unrestricted Fund Balances	5,501	7,702	4,429	3,954	4,787	5,133	5,213	5,287	5,329	5,395	5,482	5,569	5,664	
as a % of the Next Year's General Fund Expenditures			29%	25%	28%	27%	26%	25%	24%	23%	22%	21%		

- (1) Fund balances are affected by both operations as shown in the 10 Year Plan Projections above and from the repayment of interfund and other loans.
(2) For the purposes of this analysis, the repayment of interfund loans is planned to occur as soon as practicable.
(3) For the purposes of this analysis, the land held for resale is acknowledged but the proceeds of sale is not relied upon. A portion of the property is currently in contract to be sold.
(4) Disputed resolved favorably in July 2014.

Definition of Changes and Assumptions for 15/16 and thereafter

General Purpose Revenues

Property tax and Property Tax in Lieu reflects growth of 5%.

Transfer taxes reflect 5% per year in growth.

Sales Tax uses Sales Tax Consultant estimate for 15/16 (increase of 7+%), and annual growth of 5% thereafter.

TOT and Business License Tax reflect annual growth of 5%.

Franchise Fees reflect increases anticipated from the new Solid Waste Franchise Agreement and annual growth of 5%.

Traffic Fines reflect annual growth of 5%.

Interest Income is expected to rise as interest rates rise, but are estimated at low levels to maintain conservatism.

P-6 revenue growth is based on projected subdivision activity; and annual growth in per Police services costs. Growth is estimated at approximately 3% for 15/16, 0% for 16/17 and at 5% per year thereafter.

Fee/Reimbursement Revenues based on projected activity; Interfund Cost Recoveries are projected to grow 5% per year.

Departmental Expenditures

Administrative Departmental expenses include growth of 5% each year.

Police expenses are projected to increase 3% in 15/16, recover the transition costs to an in-house department in 16/17, provide for an increase in funding of 5% each year thereafter,

and add two officers in 16/17 and one additional officer approximately every other year thereafter.

Recreation expenses include growth of 5% per year.

Public Works/Engineering and Planning are projected to grow 5% per year.

Building/Plan Check, after adjusting for bringing operations in-house, is projected to grow 5% per year.

Non-Departmental Expenditures

Other Non-Departmental Expenses are estimated to grow 5% each year.

Contributions to the Equipment Replacement Reserve Fund were reduced during the recession, and are projected to increase again on a phased basis, until revenues are sufficient to return the reserve to full funding.

Until then, the 10 Year Plan includes funding anticipated to maintain a balance of at least \$1 million.

The Facilities Maintenance and Replacement (exp & reserve) costs are included to provide for unfunded expenses anticipated in the upcoming 5 years, as needed.

The General Fund Contingency is approximately 2% of General Fund proposed operating expenses.

The General Fund Contingency is intended to be used for special projects/demands and remains separate from Fund Balances that act as reserves for economic uncertainties.

The amount charged to Departments accounts for the fact that non-departmental costs are allocated and thus already included in the departmental expenditures.

Transfers and Loans

Where included, transfers to Roadway Maintenance Programs reflect the ongoing need to augment street maintenance with General Fund transfers.

Where included, transfers to fund the Streets Maintenance Reserve Fund are set aside during good times so that maintenance activities can occur when appropriate and sustained during recessionary periods.

Where included, transfers to the Main Street Fund reflect the ongoing need to fund the maintenance and enhancement of its major gateways and arterials.

Loans to Community Parks for current operations are included as necessary to cover community park shortfalls until assessments are sufficient to balance the budget.

Use of Fund Balance Reserves

Release and use of Dutch Slough Reserves. The City has reserves of approximately \$559,000 for Dutch Slough parks. This line will show when amounts are thought to be appropriated.

Assigned Revenues

P-6 revenues are projected to grow with development and Police services costs: New Development is now projected at 180 units in 15/16, 200 units in 16/17 and 17/18, and 250 per year thereafter.

The growth in Police services costs is being projected at 3% for 15/16, 0% for 16/17 and 5% per year thereafter.

Parks revenues are estimated to grow with development and include adjustments of 3% each year for inflation on those portions subject to inflation factors.

Roadway Maintenance revenues are estimated to grow with development, and the Plan shows an aggressive restoration of additional transfers from the General Fund as revenues become available.

Transfers of Gas Tax funds to Street Lighting are shown to continue, even with development. This largely is a reflection of the expectation that utility costs will grow faster than the assessment.

Transfers of Gas Tax and Measure J revenues to capital projects are shown only to the extent reflected in the current Capital Improvement Plan, and afterwards are discontinued. This reflects

the expectation that 5 years from now, more funds will need to be available for street maintenance and less for capital improvements.

Drainage and Stormwater assessment revenues are projected to grow 3% per year.

Assigned Expenditures

Community Parks expenditures are limited to growth of 5% per year in order to continue repaying the General Fund loan and adequately funding its Capital Asset Lifecycle Replacement Reserves.

As more of our community parks are at least several years old, starting in 15/16, an additional amount has been added to each year for the use of equipment replacement reserves.

Street Lighting expenditures are estimated to grow at 5% annually to reflect increased costs from CPI and development.

Neighborhood Parks and Landscape Maintenance revenues are projected to be spent in the year received, after funding replacement reserves, as appropriate.

As more of our neighborhood parks are at least several years old, starting in 15/16, an additional amount has been added to each year for the use of equipment replacement reserves.

Other than maintaining a small fund balance for cash flow purposes, Gas Tax and Measure C funds are projected to be spent in full in the year received.

Other than maintaining a small fund balance for cash flow purposes, Drainage and Stormwater funds are projected to be spent in full in the year received.

Grants

Grants are not included in the budget until actually approved by the Grantor, and accordingly are not projected beyond the current year.



CONTRACTS ANALYSIS

Contractor	Services		Funding Summary	
Contra Costa County Sheriff	Police Staffing	\$7,500,785	General Fund – Taxes	\$4,249,785
	Forensics and Other Support Services	\$256,000	P-6 Special Taxes	\$3,408,000
			Annual State COPS Grant (Supplemental Law Enforcement Services Funds)	\$99,000
	Total	\$7,756,785	Total Contract	\$7,756,785
County Animal Services	Animal Control	\$221,697	General Fund-Taxes	\$221,697
County Library	Augmented Library Services	\$17,972	General Fund- Taxes	\$17,972
Antai Network Services	Information Services	\$160,500	General Fund-Taxes 65%	\$104,325
			Cost Recoveries 35%	\$56,175
			Total Contract	\$160,500
Dean Hurney Inspection Svcs	Plan Check/ ADA	\$82,000	General Fund – Permit Fees	\$82,000
TRB & Associates	Building Official Svcs	\$88,000	General Fund – Permit Fees	\$88,000
Bear Electrical	Signal Maintenance	\$50,000	Gas Tax	\$50,000
	Street Light Maintenance	\$25,000	Lighting Assessments	\$25,000
Cole Management and Engineering	Public Works Inspection Services	\$65,000	Capital Improvement Funds	\$65,000



Contractor	Services		Funding Summary	
Contract Sweeping Services	Street Sweeping	\$150,000	Stormwater Assessments	\$150,000
East Bay Construction Co.	Parks and Landscaping Maintenance	\$311,200	Landscape Assessments	\$311,200
TerraCare Landscape Co.	Parks and Landscaping Maintenance	\$594,500	Landscape Assessments	\$594,500
Commercial Support Services	Park Maintenance Services	\$58,910	Landscape Assessments	\$58,910
KB Security	Cameras and Video Surveillance	\$25,000	Landscape Assessments	\$25,000
Cota Cole & Associates	Legal Services	\$130,000	General Fund Taxes	\$90,000
			Capital Projects and/or Other Funds	\$25,000
			Successor Agency	\$15,000
			Total Contract	\$130,000
Municipal Pooling Authority of Northern California	Insurance and Claims Administration	\$210,785	General Fund Taxes 65%	\$137,010
			Cost Recoveries 35%	\$73,775
			Total Contract	\$210,785
Paychex	Payroll Processing	\$19,000	General Fund Taxes 65%	\$12,350
			Cost Recoveries 35%	\$6,650
			Total Contract	\$19,000



APPROPRIATIONS LIMIT

The passage of Propositions 4 and 111 defined the basis for an annual appropriation limit for state and local entities. The limit is applicable to the spending of taxes, as defined in the Constitution and in State Proposition 4/111 implementation Guidelines. Fees and voter approved special taxes are exempted. The Limit is recalculated each year and applied to appropriations subject to the limit. The calculation of the Limit allows for increases proportional to increases in population and growth in the State per capita income, and/or growth in commercial and industrial assessed values. The City's Limit for fiscal year 2015-2016 is \$9,459,079.

**CITY OF OAKLEY
APPROPRIATIONS LIMIT CALCULATION
FOR FISCAL YEAR 2015-2016**

<i>Beginning Limit (FY 2014-2015):</i>	\$8,955,217
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<i>Per Capita Income Growth Factor</i>	X1.0382
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Higher of:

<i>County Population Growth Factor or City Population Growth Factor</i>	<u>x1.0174</u>
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<i>Limit (FY 2015-2016):</i>	<u>\$9,459,079</u>
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This year the City population factor was higher than the County population factor. By adopting the calculated limit above, the Council is taking action as required under the constitution to select the City Population Growth Factor for the FY 2015-2016 calculation.



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GLOSSARY OF BUDGET TERMINOLOGY

Appropriation:	An authorization by the City Council to make expenditures and to incur obligations for a specific purpose within a specific time frame.
Assessed Value:	The value placed on real estate or other property by the County Assessor as a basis for levying ad valorem (rate based) property tax.
Assessment District:	A defined area of land that is benefited by the acquisition, construction or maintenance of a public improvement. An assessment is levied and collected on the regular property tax bill to fund the improvements.
Audit:	Scrutiny of the City's accounts by an independent auditing firm to determine whether the City's financial statements are fairly presented in conformity with generally accepted accounting principles. An independent audit is performed annually.
Available Beginning Fund Balance:	Unencumbered resources available in a fund from the prior fiscal year after payment of prior fiscal year expenditures.
Bond:	Capital raised by issuing a written promise to pay a specified sum of money, called the face value or principal amount, with interest at predetermined intervals.
Budget:	A financial plan, usually for a one or two year period, listing an estimate of recommended expenditures and the recommended means of financing them.
Capital Improvement Plan (CIP):	The five-year financial plan for capital improvements, including considerations for related debt service and future ongoing maintenance. The CIP is adopted in a separate document and updated annually.



Deficit:	An excess of expenditures over revenues (resources).
Department:	An organizational unit comprised of divisions or functions. It is the basic unit of service responsibility encompassing a broad mandate of related activities.
Expenditure:	The actual payment for goods and services.
Fiscal Year (FY):	The period designed by the City for the beginning and ending of financial transactions. The City of Oakley fiscal year begins July 1st and ends June 30th of the following year.
Full-Time Equivalent (FTE):	The amount of time a regular full or part-time position has been budgeted for in terms of the amount of time an employee works in a year.
Gas Tax:	Administered by the State Board of Equalization, this is an 18-cent per gallon tax on fuel used to propel a motor vehicle or aircraft. Use of the revenue is for research, planning, construction, improvement, maintenance and operation of public streets and highways or public mass transit.
General Fund:	The fund used to account for all financial resources except those required to be accounted for in another fund.
General Fund Taxes:	This is the term in the Budget to describe the City's use of general purpose tax revenue, including primarily: Property Taxes, Property Taxes in lieu of VLF, and Sales Tax.
General Plan:	A policy document that serves as a guideline for future development. California State law requires each city to adopt a General Plan.
Infrastructure:	Facilities on which the continuance and growth of the community depend on such roads, water lines, sewers, public buildings, etc.



Internal Service Fund (ISF)

Internal service funds account for the financing of goods and services provided by one department to another department on a cost-reimbursement basis. In Oakley, we have ISF's that serve as sinking funds for the future replacement of vehicles and equipment; and for repairs and replacements for facilities. In each case, the costs are supported by charges to departmental operating budgets.

Lighting and Landscaping District:

The City has established a separate District to manage and fund the maintenance of the City's Public Landscaping, Community Parks, Street Lighting, and Neighborhood Parks. Each activity is accounted for in a separate fund and budgets are established yearly as part of the District's activities. Detailed breakdowns of estimated revenues and expenditures are provided in a required engineer's report. Costs are funded by landscape assessments levied in each zone, and as necessary, subsidies or loans from other eligible funds.

Measure J:

In 2004, voters approved Measure J, extending a previously approved Countywide ½ cent sales tax measure for transportation related purposes. The original Measure (Measure C) included a provision that 18% of the funds are returned to local agencies based on an allocation relative population and relative maintained street miles. Expenditures are restricted to the same uses as Gas Tax, but may also be applied to transit improvement and operation, growth management planning and compliance, pedestrian and bicycle trail construction, maintenance and operation parking facility development and transportation efficiency program development and operation (ridesharing, etc.). Measure J continues to be subject to Measure C's growth management component and funds may not be used to replace developer obligations that would otherwise not be publicly funded under jurisdiction policy. Measure J runs until March 2034.

Motor Vehicle License Fee:

A State vehicle license fee imposed on motorists for the privilege of operating a motor vehicle on the public highways.



Police Services Tax:

A voter approved special tax levied by the City and collected at the same time and in the same manner as property taxes that is used exclusively for Public Safety.

Property Tax:

Property Tax is imposed on real property (land and permanently attached improvements) and tangible personal property located within the City. Proposition 13 set the basic property tax at one percent of the assessed value of the property, and the limited the assessed value to the cash value at acquisition plus inflation, at no more than 2% per year. Property taxes are shared by all local agencies that provide service to the property. On average, Oakley receives between 5% - 6% of the basic property taxes paid by Oakley property owners.

Property Tax in Lieu of VLF:

In the early 1990's the State levied a local tax on vehicles, in the form of a 2% Motor Vehicle License Fee (see above). The then Governor successfully lobbied the legislature and passed a law allowing a temporary discount on the fee, if the State could afford it. A provision of that law was that the State backfill the lost revenue to the local agencies that resulted (since it was a local tax being reduced). Since then, the State has permanently lowered the Fee, and permanently backfilled it by shifting additional property taxes from their control to each local agency. This separate revenue is referred to as Property Taxes in Lieu of Vehicle License Fees (VLF).

Reserved Fund Balance:

Accounts used to record a portion of the fund balance as legally segregated for a specific use or not available for appropriation.

Resolution:

A special order of the City Council, requiring a majority vote, which has a lower legal standing than an ordinance.

Revenue:

Income received by the City.

Salaries and Benefits:

A budget category, which generally accounts for full time and temporary employees, overtime and all employee benefits, such as medical, dental and pension costs



Successor Agency:

With the dissolution of the Oakley Redevelopment Agency on February 1, 2012, the City elected to become the Successor Agency to the Redevelopment Agency, responsible for preserving and administering its non-housing related assets, paying and ensuring performance of its obligations, and for complying with the new law that requires the unimpeded winding down of the prior Redevelopment Agency's affairs.

Successor Housing Agency:

With the dissolution of the Oakley Redevelopment Agency on February 1, 2012, the City elected to become the Successor Housing Agency, accepting the prior Redevelopment Agency's housing related assets and related housing responsibilities.

Taxes:

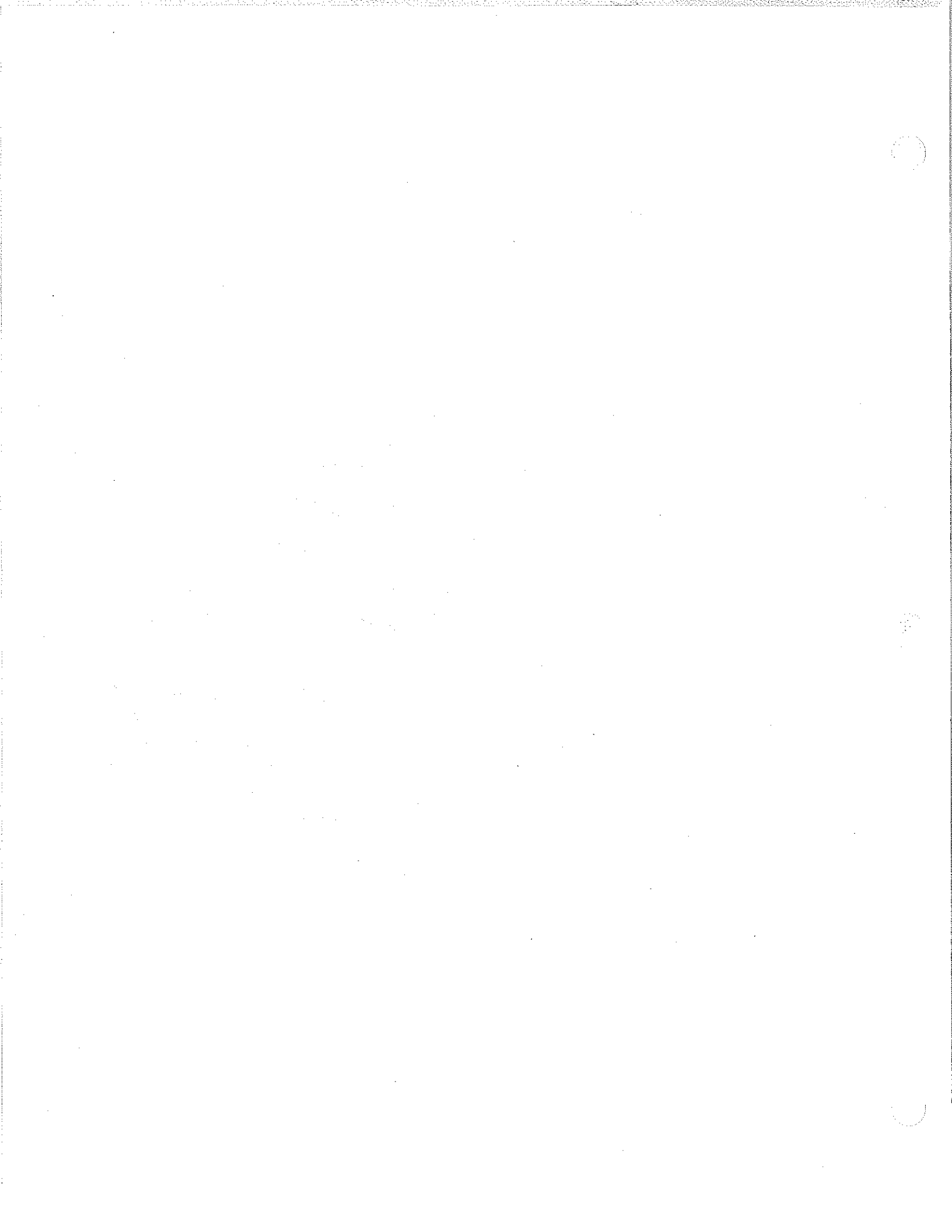
Compulsory charges levied by a government for the purpose of financing services performed for the common benefit.

Transient Occupancy Tax (TOT):

A 10% tax imposed on travelers who stay in temporary lodging facilities within the City. Also referred to as a Hotel/Motel Tax.

Unassigned Balances

The City established a policy in fiscal year 2012-2013 that in its special purpose funds, it would budget not only anticipated revenues, but also projected remaining available fund balances. The unassigned balance amount budgeted in any fund is the amount of available funds (revenues and available fund balances) that have not yet been assigned a specific current year purpose.



5-Year Capital Improvement Program

For Fiscal Years 2015/16 to 2019/20

RECOMMENDED



City of Oakley
 FY 2015/16 Project Summary
 Capital Improvement Program for Fiscal Years 2015/16 to 2019/20

FY 15/16 Proposed Revenues													
		General Capital Projects	Main Street Fund	TIP	Measure J	Gas Tax	CFD	Stormwater Fund	2012 Bond Benefit	Facility Fund	LLD	Park Impact Fee	
	FY 14/15 Fund Balance	\$ 805,717	\$ 302,686	\$ 315,530	\$ 362,333	\$ 806,251	\$ 1,121,424	\$ 1,042,362		\$ 195,000	\$ 520,000	\$ (28,813)	
	FY 15/16 Revenues	\$ 1,553,316	\$ 150,000	\$ 1,800,000	\$ 512,000	\$ 810,353	\$ 289,000	\$ 461,000	\$ 64,000	\$ 50,000	\$ -	\$ 900,000	
	FY 15/16 Operational Expenditures	\$ 92,267	\$ 4,000	\$ 177,267	\$ 183,800	\$ 778,721	\$ 198,650	\$ 522,047		\$ 27,000	\$ -	\$ 56,000	
	Total Available for Capital Projects	\$ 2,266,766	\$ 448,686	\$ 1,938,263	\$ 690,533	\$ 837,881	\$ 1,211,774	\$ 981,315	\$ 64,000	\$ 218,000	\$ 520,000	\$ 815,187	

FY 15/16 Proposed Expenditures													
#	Project	FY 15/16 Total	General Capital Fund	Main Street Fund	TIP	Measure J	Gas Tax	CFD	Stormwater Fund	2012 Bond Benefit	Facility Fund	LLD	Park Impact Fee
39	Hill Avenue Multi-use trail	\$ 250,000										\$ 250,000	
147	East Cypress Road Widening	\$ 420,000			\$ 420,000								
165	Main Street Realignment (Vintage Parkway to 2nd Street)	\$ 3,225,000	\$ 1,761,000	\$ 350,000	\$ 800,000				\$ 250,000	\$ 64,000			
166	Hwy 160-Main Street Gateway Sign and Landscaping Project	\$ 500,000	\$ 150,000	\$ 50,000		\$ 300,000							
167	FY 2015/16 Street Repair and Resurfacing	\$ 1,200,000	\$ 200,000			\$ 300,000	\$ 700,000						
168	FY 2015/16 Street Restriping	\$ 50,000				\$ 50,000							
169	FY 2015/16 Curb, Gutter, & Sidewalk Repair and Reconstruction	\$ 80,000					\$ 80,000						
170	FY 2015/16 Frontage Gap Closure Improvements	\$ 225,000			\$ 225,000								
171	FY 2015/16 Storm Drain Improvements	\$ 100,000							\$ 100,000				
172	FY 2015/16 Traffic Calming Project	\$ 50,000			\$ 50,000								
173	ORB Buildings Rehabilitation	\$ 40,000									\$ 40,000		
	Total	\$ 6,140,000	\$ 2,111,000	\$ 400,000	\$ 1,495,000	\$ 630,000	\$ 780,000	\$ -	\$ 350,000	\$ 64,000	\$ 40,000	\$ 250,000	\$ -
	Remaining Unassigned Balances		\$ 155,766	\$ 48,686	\$ 443,263	\$ 40,533	\$ 57,881	\$ 1,211,774	\$ 631,315	\$ -	\$ 178,000	\$ 270,000	\$ 815,187

City of Oakley
Funding Summary
Capital Improvement Program for Fiscal Years 2015/16 to 2019/20

Funding Source	15/16	16/17	17/18	18/19	19/20	Total
	Traffic Impact Fee	\$ 1,495,000	\$ 1,500,000	\$ 1,500,000	\$ 1,500,000	\$ 1,500,000
CFD Fund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Stromwater Fund	\$ 350,000	\$ 75,000	\$ 50,000	\$ 25,000	\$ 25,000	\$ 525,000
Park Impact Fee	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Measure J	\$ 650,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 1,650,000
Gas Tax	\$ 780,000	\$ 350,000	\$ 350,000	\$ 350,000	\$ 350,000	\$ 2,180,000
Main Street Fund	\$ 400,000	\$ -	\$ -	\$ -	\$ -	\$ 400,000
Grant	\$ 1,461,000	\$ 1,400,000	\$ -	\$ -	\$ -	\$ 2,861,000
Facility Fund	\$ 40,000	\$ -	\$ 25,000	\$ -	\$ 25,000	\$ 90,000
2012 Bond Benefit	\$ 64,000	\$ -	\$ -	\$ -	\$ -	\$ 64,000
LLD	\$ 250,000	\$ -	\$ -	\$ -	\$ -	\$ 250,000
General Capital Fund	\$ 650,000	\$ 600,000	\$ 900,000	\$ 1,200,000	\$ 1,300,000	\$ 4,650,000
Total	\$ 6,140,000	\$ 4,175,000	\$ 3,075,000	\$ 3,325,000	\$ 3,450,000	\$ 20,165,000

City of Oakley
Capital Improvement Project Information Sheet
Capital Improvement Program for Fiscal Years 2015/16 to 2019/20

Project Title:	Hill Avenue Multi-Use Trail	Project Proponent:	Public Works and Engineering
Project Category:	Parks and Trails	Project Manager:	City Engineer
Project Type:	Trail	Project Number:	39
Project Priority:	Immediate	In Redevelopment Area:	No
Project Description:	Construct a bridge over Marsh Creek from the Marsh Creek Glen park to provide access to the Marsh Creek trail.		
Project Justification:	The trail and bridge crossing are identified in the City of Oakley Parks Master Plan. This bridge and connection to Marsh Creek provides safe access to the residents of the area to enjoy all the recreational opportunities along the Marsh Creek Trail.		

PROJECT FINANCING DETAILS

Project Expenditures	14/15	15/16	16/17	17/18	18/19	19/20	Total
Planning & Design	\$ 30,000						\$ 30,000
Environmental							\$ -
Right of Way							\$ -
Construction		\$ 220,000					\$ 220,000
Operating Costs							\$ -
TOTAL	\$ 30,000	\$ 220,000	\$ -	\$ -	\$ -	\$ -	\$ 250,000

Project Funding	14/15	15/16	16/17	17/18	18/19	19/20	Total
Traffic Impact Fee							\$ -
L&L District		\$ 250,000					\$ 250,000
Public Facilities							\$ -
Park Impact							\$ -
Redevelopment							\$ -
Measure J							\$ -
Gas Tax							\$ -
Developer							\$ -
Grant (see comments)							\$ -
Other (see comments)							\$ -
Unfunded							\$ -
TOTAL	\$ -	\$ 250,000	\$ -	\$ -	\$ -	\$ -	\$ 250,000

Comments: The construction of this project had been delayed due to regulatory agency review and processing. It is anticipated that regulatory agency review and approval will be secured by summer 2015 and construction to start by fall 2015.

City of Oakley
Capital Improvement Project Information Sheet
Capital Improvement Program for Fiscal Years 2015/16 to 2019/20

Project Title:	East Cypress Road Widening and Median Improvements	Project Proponent:	Public Works and Engineering
Project Category:	Roadway	Project Manager:	City Engineer
Project Type:	Roadway Widening	Project Number:	147
Project Priority:	Immediate	In Successor Agency Area:	No
Project Description:	The Emerson Ranch Subdivision (Subdivision 9032) was conditioned to widen the north side of East Cypress Road along the subdivision frontage and install a portion of median and landscaping. These improvements are eligible for Traffic Impact Fee credits. This project is anticipated to start construction by spring 2015 and be completed in fall 2015. Fee Credits will be based on actual construction costs by the developer.		
Project Justification:	Development in the East Cypress corridor requires the widening and improvement of Cypress Road to provide capacity for the expected growth in the traffic volumes.		

PROJECT FINANCING DETAILS

Project Expenditures	14/15	15/16	16/17	17/18	18/19	19/20	Total
Planning & Design							\$ -
Environmental							\$ -
Right of Way							\$ -
Construction		\$ 420,000					\$ 420,000
Operating Costs							\$ -
TOTAL	\$ -	\$ 420,000	\$ -	\$ -	\$ -	\$ -	\$ 420,000

Project Finding	14/15	15/16	16/17	17/18	18/19	19/20	Total
Traffic Impact Fee		\$ 420,000					\$ 420,000
L&L District							\$ -
Public Facilities							\$ -
Park Impact							\$ -
Redevelopment							\$ -
Measure J							\$ -
Gas Tax							\$ -
Developer							\$ -
Grant (see comments)							\$ -
Other (see comments)							\$ -
Unfunded							\$ -
TOTAL	\$ -	\$ 420,000	\$ -	\$ -	\$ -	\$ -	\$ 420,000

Comments: It is expected that the project will construct curb, gutter, landscaping, bike lanes, two westbound travel ways, and a portion of the median.

City of Oakley
Capital Improvement Project Information Sheet
Capital Improvement Program for Fiscal Years 2015/16 to 2019/20

Project Title:	Main Street Realignment (Vintage Parkway to Second Street)	Project Proponent:	Public Works and Engineering
Project Category:	Streets	Project Manager:	City Engineer
Project Type:	Street realignment and reconstruction	Project Number:	165
Project Priority:	Immediate	In Successor Agency Area:	Yes
Project Description:	This street realignment and reconstruction will improve the traffic flow and safety for motorists and pedestrians in downtown.		
Project Justification:	The downtown visioning project that was completed in 2014 outlined the vision and plan for downtown Oakley into the future. Building upon the success of the improvements to the Main Street and down in past years, this project reconstructs Main Street from Civic Center towards 2nd Street. The improvements include construction of new traffic signal at Norcross Lane, new streetscape, new curb gutter and sidewalks and street lighting. The Federal grant for this project provides a great opportunity to improve Main Street in downtown area and promote the growth and vitality of downtown Oakley.		

PROJECT FINANCING DETAILS

Project Expenditures	14/15	15/16	16/17	17/18	18/19	19/20	Total
Planning & Design		\$ 325,000					\$ 325,000
Environmental							\$ -
Right of Way							\$ -
Construction		\$ 3,000,000					\$ 3,000,000
Operating Costs							\$ -
TOTAL		\$ 3,325,000	\$ -	\$ -	\$ -	\$ -	\$ 3,325,000

Project Funding	14/15	15/16	16/17	17/18	18/19	19/20	Total
Traffic Impact Fee		\$ 800,000					\$ 800,000
L&L District							\$ -
Public Facilities							\$ -
Park Impact							\$ -
General Capital Fund		\$ 300,000					\$ 300,000
Measure J							\$ -
Gas Tax		\$ 1,461,000					\$ 1,461,000
Stormwater Fund		\$ 250,000					\$ 250,000
2012 Bond Rebate		\$ 64,000					\$ 64,000
Main Street Fund		\$ 350,000					\$ 350,000
Unfunded							\$ -
TOTAL	\$ -	\$ 3,225,000	\$ -	\$ -	\$ -	\$ -	\$ 3,225,000

Comments: The City has secured a Federal grant, Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) for this project and the funding is in the State Transportation Improvement Program (TIP) for Fiscal Year 2015-18.

City of Oakley
Capital Improvement Project Information Sheet
Capital Improvement Program for Fiscal Years 2015/16 to 2019/20

Project Title:	Hwy 160-Main Street Gateway Sign and Landscaping Project	Project Proponent:	Public Works and Engineering
Project Category:	Streets	Project Manager:	City Engineer
Project Type:	Street landscaping and sign construction	Project Number:	166
Project Priority:	Immediate	In Successor Agency Area:	Yes
Project Description:	This project will landscape the area in between the Hwy 160 ramps and Main Street to provide an enhanced gateway to City of Oakley.		
Project Justification:	Main Street and Hwy 160 intersection is a major entrance to the City of Oakley and lack of landscaping and official gateway sign has been a concern for the community for a number of years and this project will provide a much improved gateway entrance to the City of Oakley by installing a gateway sign and landscaping and irrigation in the Highway 160 off-ramp at Main Street.		

PROJECT FINANCING DETAILS

Project Expenditures	14/15	15/16	16/17	17/18	18/19	19/20	Total
Planning & Design		\$ 25,000					\$ 25,000
Environmental							\$ -
Right of Way							\$ -
Construction		\$ 450,000					\$ 450,000
Operating Costs		\$ 25,000					\$ 25,000
TOTAL		\$ 500,000	\$ -	\$ -	\$ -	\$ -	\$ 500,000

Project Funding	14/15	15/16	16/17	17/18	18/19	19/20	Total
Traffic Impact Fee							\$ -
L&L District							\$ -
Public Facilities							\$ -
Park Impact							\$ -
Redevelopment							\$ -
Measure J		\$ 300,000					\$ 300,000
Gas Tax							\$ -
Developer							\$ -
General Capital Fund		\$ 150,000					\$ 150,000
Main Street Fund		\$ 50,000					\$ 50,000
Unfunded							\$ -
TOTAL	\$ -	\$ 500,000	\$ -	\$ -	\$ -	\$ -	\$ 500,000

Comments:

City of Oakley
Capital Improvement Project Information Sheet
Capital Improvement Program for Fiscal Years 2015/16 to 2019/20

Project Title:	FY 2015-16 Street Repair and Resurfacing Project	Project Proponent:	Public Works and Engineering
Project Category:	Street	Project Manager:	City Engineer
Project Type:	Pavement Preservation and Rehabilitation	Project Number:	167
Project Priority:	Immediate	In Successor Agency Area:	No
Project Description:	This project will perform pavement repairs and resurfacing to preserve the street infrastructure throughout the City		
Project Justification:	Street repair and resurfacing is critical on keeping the quality of the City's street infrastructure in good condition and prevent the necessity of costly reconstruction of streets due to the lack of proper rehabilitation and maintenance. This work not only improves the quality of City streets, but also the quality life for community residents. This project for FY 2015/16 will repair and resurface several areas that need Sierra Crete remediation including areas south of Oakley Road, north of Main street, and north of Laurel Road.		

PROJECT FINANCING DETAILS

Project Expenditures	14/15	15/16	16/17	17/18	18/19	19/20	Total
Planning & Design		\$ 60,000	\$ 30,000	\$ 30,000	\$ 30,000	\$ 30,000	\$ 180,000
Environmental							\$ -
Right of Way							\$ -
Construction	\$ 300,000	\$ 1,140,000	\$ 370,000	\$ 370,000	\$ 370,000	\$ 370,000	\$ 2,920,000
Operating Costs							\$ -
TOTAL	\$ 300,000	\$ 1,200,000	\$ 400,000	\$ 400,000	\$ 400,000	\$ 400,000	\$ 3,100,000

Project Funding	14/15	15/16	16/17	17/18	18/19	19/20	Total
Traffic Impact Fee							\$ -
L&L District							\$ -
Public Facilities							\$ -
Park Impact							\$ -
Redevelopment							\$ -
Measure J	\$ 150,000	\$ 300,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 850,000
Gas Tax	\$ 150,000	\$ 700,000	\$ 400,000	\$ 400,000	\$ 400,000	\$ 400,000	\$ 2,450,000
Developer							\$ -
General Capital Fund		\$ 200,000					\$ 200,000
Grant (see comments)							\$ -
Unfunded							\$ -
TOTAL	\$ 300,000	\$ 1,200,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 3,500,000

Comments:

City of Oakley
Capital Improvement Project Information Sheet
Capital Improvement Program for Fiscal Years 2015/16 to 2019/20

Project Title:	FY 2014/15 Street Restriping Project	Project Proponent:	Public Works and Engineering
Project Category:	Street	Project Manager:	City Engineer
Project Type:	Pavement Striping and Marking	Project Number:	168
Project Priority:	Immediate	In Successor Agency Area:	No
Project Description:	This project will perform pavement striping throughout the City		
Project Justification:	Street pavement striping wears out under normal traffic usage and weather elements. Lack of clear striping on the City streets creates safety issues that need to be addressed by the Public Works Department. This project performs annual restriping and marking of streets to improve the quality of striping on all City streets and enhance safety for the public.		

PROJECT FINANCING DETAILS

Project Expenditures	14/15	15/16	16/17	17/18	18/19	19/20	Total
Planning & Design							\$ -
Environmental							\$ -
Right of Way							\$ -
Construction	\$ 25,000	\$ 50,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 175,000
Operating Costs							\$ -
TOTAL	\$ 25,000	\$ 50,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 175,000

Project Funding	15/16	14/15	16/17	17/18	18/19	19/20	Total
Traffic Impact Fee							\$ -
L&L District							\$ -
Public Facilities							\$ -
Park Impact							\$ -
Redevelopment							\$ -
Measure J		\$ 50,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 150,000
Gas Tax							\$ -
Developer							\$ -
Grant (see comments)							\$ -
Other (see comments)							\$ -
Unfunded							\$ -
TOTAL	\$ -	\$ 50,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 150,000

Comments:

City of Oakley
Capital Improvement Project Information Sheet
Capital Improvement Program for Fiscal Years 2014/15 to 2018/19

Project Title:	FY 2015-16 Curb, Gutter, & Sidewalk Repair and Reconstruction Project	Project Proponent:	Public Works and Engineering
Project Category:	Street	Project Manager:	City Engineer
Project Type:	Concrete curb, gutter, and sidewalk repair and reconstruction	Project Number:	169
Project Priority:	Immediate	In Successor Agency Area:	No
Project Description:	This project will repair and replace the existing damaged and broken concrete curb, gutter, and sidewalks throughout the City		
Project Justification:	Curb, gutter, and sidewalks are damaged and uplifted by tree root overgrowth and create safety hazard for pedestrians and a liability for the City with trip and fall accidents. As a part of this project, the concrete ADA ramps at street intersections will be inspected and upgarded to new standards.		

PROJECT FINANCING DETAILS

Project Expenditures	14/15	15/16	16/17	17/18	18/19	19/20	Total
Planning & Design							\$ -
Environmental							\$ -
Right of Way							\$ -
Construction	\$ 40,000	\$ 80,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 520,000
Operating Costs							\$ -
TOTAL	\$ 40,000	\$ 80,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 520,000

Project Funding	14/15	15/16	16/17	17/18	18/19	19/20	Total
Traffic Impact Fee							\$ -
L&L District							\$ -
Public Facilities							\$ -
Park Impact							\$ -
Redevelopment							\$ -
Measure J							\$ -
Gas Tax		\$ 80,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 480,000
Developer							\$ -
Grant (see comments)							\$ -
Other (see comments)							\$ -
Unfunded							\$ -
TOTAL	\$ -	\$ 80,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 480,000

Comments: This project is to address damaged and broken existing curb, gutter, and sidewalks throughout the City with the goal of minimizing and eliminating the trip and fall accidents. This project will be a part of the 50-50 cost share program between the residents and the City.

City of Oakley
Capital Improvement Project Information Sheet
Capital Improvement Program for Fiscal Years 2015/16 to 2019/20

Project Title:	FY 2015-16 Frontage Gap Closure Improvement Project	Project Proponent:	Public Works and Engineering
Project Category:	Street	Project Manager:	City Engineer
Project Type:	New concrete Curb, Gutter, and Asphalt Paving	Project Number:	170
Project Priority:	Immediate	In Successor Agency Area:	No
Project Description:	This project will construct new curb, gutter, and street paving on Main Street south of Cypress Road to close the gaps that exist in this section of road.		
Project Justification:	Lack of connectivity and continuity in curb, gutter, sidewalks, and pavement not only creates safety issues for pedestrians, but also impacts the community image. This project will enhance the public infrastructure system in the City.		

PROJECT FINANCING DETAILS

Project Expenditures	14/15	15/16	16/17	17/18	18/19	19/20	Total
Planning & Design		\$ 10,000					\$ 10,000
Environmental							\$ -
Right of Way							\$ -
Construction		\$ 215,000					\$ 215,000
Operating Costs							\$ -
TOTAL	\$ -	\$ 225,000	\$ -	\$ -	\$ -	\$ -	\$ 225,000

Project Funding	14/15	15/16	16/17	17/18	18/19	19/20	Total
Traffic Impact Fee		\$ 225,000					\$ 225,000
L&L District							\$ -
Public Facilities							\$ -
Park Impact							\$ -
Redevelopment							\$ -
Measure J							\$ -
Gas Tax							\$ -
Developer							\$ -
Grant (see comments)							\$ -
Other (see comments)							\$ -
Unfunded							\$ -
TOTAL	\$ -	\$ 225,000	\$ -	\$ -	\$ -	\$ -	\$ 225,000

Comments: The majority of gap closures projects have been completed and any future gap closure projects will be a part of various street improvement and widening projects that include right of way acquisition or utility relocations.

City of Oakley
Capital Improvement Project Information Sheet
Capital Improvement Program for Fiscal Years 2015/16 to 2019/20

Project Title: FY 2015-16 Storm Drain Improvement Project	Project Proponent: Public Works and Engineering
Project Category: Street	Project Manager: City Engineer
Project Type: Storm Drain infrastructure Construction	Project Number: 171
Project Priority: Immediate	In Successor Agency Area: No
Project Description: This project will construct new storm drain pipes and inlet on West Bolton Road to provide drainage relief from chronic flooding.	
Project Justification: The construction of drainage systems and facilities helps in addressing chronic flooding problems. West Bolton Road does not have a storm drain system and is flooded each time it rains. This not only impacts the street, but also the private homes in the area that get flooded as result of lack of a storm drain system.	

PROJECT FINANCING DETAILS

Project Expenditures	14/15	15/16	16/17	17/18	18/19	19/20	Total
Planning & Design		\$ 5,000					\$ 5,000
Environmental							\$ -
Right of Way							\$ -
Construction		\$ 95,000					\$ 95,000
Operating Costs							\$ -
TOTAL	\$ -	\$ 100,000	\$ -	\$ -	\$ -	\$ -	\$ 100,000

Project Funding	14/15	15/16	16/17	17/18	18/19	19/20	Total
Traffic Impact Fee							\$ -
L&L District							\$ -
Public Facilities							\$ -
Park Impact							\$ -
Redevelopment							\$ -
Measure J							\$ -
Gas Tax							\$ -
Developer							\$ -
Grant (see comments)							\$ -
Other (see comments)							\$ -
Stormdrain Fund		\$ 100,000					\$ 100,000
TOTAL	\$ -	\$ 100,000	\$ -	\$ -	\$ -	\$ -	\$ 100,000

Comments:

City of Oakley
Capital Improvement Project Information Sheet
Capital Improvement Program for Fiscal Years 2015/16 to 2019/20

Project Title:	FY 2015/16 Traffic Calming Project	Project Proponent:	Public Works and Engineering
Project Category:	Street	Project Manager:	City Engineer
Project Type:	Neighborhood Traffic Calming	Project Number:	172
Project Priority:	Immediate	In Successor Agency Area:	No
Project Description:	This project will construct and install safety traffic calming measures.		
Project Justification:	The demand for traffic calming in residential streets throughout the city has increased over the past years and staff from Police and Public Works Department have been actively working with residents on addressing various safety traffic related issues and concerns in the community. For FY 2015/16 this new Traffic Calming Project is proposed to consolidate all traffic safety and calming components together. The implementation of traffic calming measures will require a dedicated funding source and its own project to be sustainable and successful moving forward into future years.		

PROJECT FINANCING DETAILS

Project Expenditures	14/15	15/16	16/17	17/18	18/19	19/20	Total
Planning & Design							\$ -
Environmental							\$ -
Right of Way							\$ -
Construction		\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 250,000
Operating Costs							\$ -
TOTAL	\$ -	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 250,000

Project Funding	14/15	15/16	16/17	17/18	18/19	19/20	Total
Traffic Impact Fee		\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 250,000
L&L District							\$ -
Public Facilities							\$ -
Park Impact							\$ -
Redevelopment							\$ -
Measure J							\$ -
Gas Tax							\$ -
Developer							\$ -
Grant (see comments)							\$ -
Other (see comments)							\$ -
Stormdrain Fund							\$ -
TOTAL	\$ -	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 250,000

Comments:

City of Oakley
Capital Improvement Project Information Sheet
Capital Improvement Program for Fiscal Years 2015/16 to 2019/20

Project Title:	ORB Building Rehabilitation	Project Proponent:	Public Works and Engineering
Project Category:	Facility	Project Manager:	City Engineer
Project Type:	Building Rehabilitation	Project Number:	173
Project Priority:	Immediate	In Successor Agency Area:	No
Project Description:	This project will paint the outside of ORB buildings and install new flooring in the rooms and restrooms.		
Project Justification:	The ORB buildings are in need of rehabilitation due to the age of facility. Painting the outside of these buildings will protect the exterior from rain and wind that can cause damage to the structure over time. The rooms inside the ORB buildings need a new floor as the existing flooring has been worn out by heavy usage and has to be replaced.		

PROJECT FINANCING DETAILS

Project Expenditures	14/15	15/16	16/17	17/18	18/19	19/20	Total
Planning & Design							\$ -
Environmental							\$ -
Right of Way							\$ -
Construction		\$ 40,000					\$ 40,000
Operating Costs							\$ -
TOTAL	\$ -	\$ 40,000	\$ -	\$ -	\$ -	\$ -	\$ 40,000

Project Funding	14/15	15/16	16/17	17/18	18/19	19/20	Total
Traffic Impact Fee							\$ -
L&L District							\$ -
Public Facilities							\$ -
Park Impact							\$ -
Redevelopment							\$ -
Measure J							\$ -
Gas Tax							\$ -
Developer							\$ -
Facility Fund		\$ 40,000					\$ 40,000
Other (see comments)							\$ -
Stormdrain Fund							\$ -
TOTAL	\$ -	\$ 40,000	\$ -	\$ -	\$ -	\$ -	\$ 40,000

Comments:

**Minutes of the Regular Joint Meeting of the Oakley City Council/Oakley City Council acting as the Successor Agency to the Oakley Redevelopment Agency
May 12, 2015**

1.0 OPENING MATTERS

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

1.1 Call to Order and Roll Call of the Oakley City Council and Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency

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

1.2 Pledge of Allegiance to the Flag

Councilmember Higgins led the Pledge of Allegiance to the Flag.

1.3 Proclamation Recognizing May 17-23 as Public Works Week (Kevin Rohani, Public Works Director/City Engineer)

Mayor Hardcastle presented the proclamation to Kevin Rohani, Public Works Director/City Engineer. Mr. Rohani thanked the City Council and provided information regarding the Public Works Open House to be held May 20 at Civic Center Park, 9am-12pm.

Mayor Hardcastle thanked Mr. Rohani and the Public Works and Engineering (PW&E) staff for their work and mentioned the feedback he receives in the community regarding PW&E staff is always positive.

1.4 Update from East Contra Costa Fire Protection District (Hugh Henderson, Fire Chief)

Chief Henderson provided an update on the fire assessment ballot and the impact on the District due to the failure of the ballot passing. He explained the District can only afford to operate three stations with nine firefighters to cover a 249 square mile area. He mentioned the District will continue to work with the cities and the County to try and find a solution to provide fire services.

Councilmember Higgins inquired if the District has reached out to Supervisor Piepho to assist.

Chief Henderson responded that he will meet with Supervisor Piepho and the County next week.

Councilmember Pope inquired what the City of Oakley can do to help.

Chief Henderson explained the District is not prepared to handle the large territory of the District. He encouraged the City Council to consider community facilities districts for new construction to help cover costs of fire services. He also encouraged the cities and County to communicate more options.

Councilmember Perry suggested the City could write to the County or State to help support the District.

Chief Henderson explained Propositions 13 and 8 provide funding for fire services; however, the allocation between districts in California is disproportionate. He mentioned there has been some talk at the State level about re-apportioning, but there has been no significant traction yet and in the meanwhile the District must find a solution.

Vice Mayor Romick commented that reallocation must occur at the State level and possibly it could mirror the distribution of school district funding.

Chief Henderson mentioned the District has experienced three rounds of closures (in 2010, 2012 and 2015) and his concerns with the lack of funding is the safety of the firefighters and their morale.

Mayor Hardcastle commented he agrees with what everyone has said and suggested the State excess could be placed in a fund for fire services. He thanked Chief Henderson and the firefighters.

1.5 Presentation and Update Regarding the Emerson Ranch Project (Josh Roden, Brookfield Homes)

Josh Roden and Gonzalo Rodriguez provided an update regarding the Emerson Ranch Project, mentioning during the next three to five years, five hundred and seventy-six lots within six neighborhoods will be built in the East Cypress Road area. They provided information regarding the work that has been accomplished on the property including moving water to temporary ponds to re-use for construction, installation of the sewer lines, water supply system, storm drain system, dry utilities, and clay liner for lake, and preparation of the road base. They mentioned the grand opening of the first phase of homes is scheduled for August 2015.

Vice Mayor Romick inquired what the front yards will look like.

Mr. Roden and Mr. Rodriguez mentioned drought tolerant plants rather than standard turf will be installed and artificial turf may be provided as an option for purchase. They added that park and street landscaping will be irrigated with well water.

Councilmember Perry inquired if the power lines had been removed.

Mr. Roden responded that the utilities have been undergrounded.

Mr. Roden requested the City Council consider continuing its fee reduction program for residential construction.

Vice Mayor Romick responded that the longer the City continues the program, the longer the City does not collect. He suggested the City Council could consider continuing the program if the developer were willing to do some of the work that the City would have to do as it may be more cost effective for the developer to do the work.

Mr. Roden and Mr. Gonzalez thanked the City Council.

2.0 PUBLIC COMMENTS

Online Comment Forms

No online comment forms were submitted for Public Comments.

Public Comment Cards

Melinda Swengel commented that her landlord has received citations for her son's dismantled vehicle which is parked in the driveway of the home she rents and also for failure to have garbage service, both in violation of the Oakley Municipal Code. She asked the City Council if they would consider allowing more time for the car to remain in the driveway if it had a car cover over it as her son is trying to sell it. She also mentioned she worked out an arrangement with Oakley Disposal for garbage service but her landlord still received a citation during the time she had service.

City Manager Bryan Montgomery explained the citations have been issued over a three month period that the car has been in the driveway and compliance with the Oakley Municipal Code is the solution.

Mayor Hardcastle commented that three months is plenty of time to remedy the violation and no additional time will be granted.

Bob May commented he is a firefighter in Oakley and is concerned that the District will have to seek support from Tracy, Pittsburg and Clayton if ConFire is unavailable to respond to assist the District, as happened ten days ago when trucks from both the District and ConFire were already committed in responding. He added it is impossible for the District to handle over 9,000 calls it received each year on its own. He welcomed any suggestions the City Council may have for short-term and long-term solutions.

Mayor Hardcastle thanked Mr. May for his work.

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 April 28, 2015 (Libby Vreonis, City Clerk)**

Oakley City Council

- 3.2 Waive the Second Reading and Adopt an Ordinance Establishing the City's Police Department (William Galstan, Special Counsel)**
- 3.3 Adopt a Resolution Approving an Agreement with Knife River Construction for Construction of West Cypress Road, Big Break Road and Rose Avenue Rehabilitation Project-Capital Improvement Project Number 163 (Kevin Rohani, Public Works Director/City Engineer)**
- 3.4 Adopt a Resolution Accepting as Complete the Work Performed by Bear Electrical Solutions, Inc., Capital Improvement Project Number 142-Fiscal Year 2014-2015 Traffic Signal Modernization Project (Kevin Rohani, Public Works Director/City Engineer)**
- 3.5 Adopt a Resolution Creating a Special Tax Area Zone 154 for a Special Tax for Police Protection for Subdivision 9104 and Waive the First Reading and Introduce an Ordinance Establishing Zone 154 for a Special Tax for Police Protection for Subdivision 9104 (Kevin Rohani, Public Works Director/City Engineer)**
- 3.6 Adopt Two Resolutions Initiating the Fiscal Year 2015-16 Oakley Street Lighting and Landscape Assessment District No. 1 Proceedings; Initiating the Process and Declaring the Intention to Order Improvements, Levy and Collect Assessments, Declaring the Intention to Annex Territory to Zones 1A, 2A, 3-21 and 3-23 and Setting July 14, 2015 as the Date for the Public Hearing (Kevin Rohani, Public Works Director/City Engineer)**
- 3.7 Adopt a Resolution Approving to Forgo Standard Procurement Processes to Contract with PG&E for LED Street Light Retrofit Program; Approving PG&E Street Light Agreement, Approving Submittal of the On-Bill Financial Supplement and Customized Retrofit Incentive Application for Street Light Retrofit Program and Authorizing the City Manager to Execute any Associated Agreements and Applications (Kevin Rohani, Public Works Director/City Engineer)**

3.8 Adopt a Resolution Declaring the City's Intent to Amend its Current Agreement with the California Public Employees Retirement System (CalPERS) to Include a Defined Benefit Plan for Public Safety Employees (Bryan Montgomery, City Manager)

3.9 3rd Quarter Investment Report (Paul Abelson, Finance Director)

3.10 Parks and Landscape Division Water Conservation / Management Strategies (Kevin Rohani, Public Works Director/City Engineer and Len Morrow, Parks and Landscape Division Manager)

3.11 Adopt a Resolution Authorizing the City Manager to Execute a Cooperation Agreement with ACD-TI Oakley, LLC, as Co-Applicant for a Fill Permit in the East Cypress Corridor (Paul Abelson, Finance Director)

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

3.12 3rd Quarter Investment Report (Paul Abelson, Finance Director)

Mayor Hardcastle pulled Items 3.4 and 3.7 from the Consent Calendar. Councilmember Pope pulled Item 3.8 from the Consent Calendar.

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.

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

Item 3.4

Mayor Hardcastle recused himself from voting. He mentioned the repairs will be in front of his property.

It was moved by Vice Mayor Romick and seconded by Councilmember Perry to approve Item 3.7. AYES: Higgins, Perry, Pope, Romick. ABSTENTIONS: Hardcastle.

Item 3.7

Mayor Hardcastle pulled Item 3.7 from the Consent Calendar to allow for a presentation from Vic Baker with PG&E.

Mr. Baker provided a presentation regarding the LED Streetlight Project. He mentioned Contra Costa County is the first of forty-seven counties and Oakley is the second city to receive LED streetlight upgrades. He added beginning May 18, PG&E will replace 2,000 streetlights (City, private and PG&E owned) in Oakley and parking and traffic will not be impacted. He explained PG&E mailed 8,000 letters and fact sheets to residents in April regarding the upcoming upgrades and it has provided information on its website and through social media. He mentioned PG&E will follow up with residents to let them know when the work has been completed. He also mentioned the LED streetlights will not impact star gazing and there are some options should the LED streetlights be too bright.

It was moved by Vice Mayor Romick and seconded by Councilmember Higgins to approve Item 3.7. Motion was unanimous and so ordered. (5-0)

Item 3.8

Councilmember Pope pulled Item 3.8 and expressed disappointment that the item was on the Consent Calendar as he understood there is further discussion needed regarding which safety plan to include and possibly which ranks to include.

City Manager Bryan Montgomery responded he thought that the safety plans had been resolved in closed session at the previous City Council meeting and explained there are two other safety plans that are less expensive for the City; however, the plans would not compete with what is currently offered to officers. He further explained that if certain ranks are included in CalPERS whereas other ranks are not, there could be retention issues with officers as they may not be able to advance in Oakley without impacting their benefits.

Mayor Hardcastle and Councilmember Higgins expressed they were unaware of three different programs.

Councilmember Perry commented it was her understanding in closed session that the City would be moving forward with the highest PERS option.

Finance Director Paul Abelson explained that the option provided is less generous than what officers currently receive; however, the difference in benefits is made up for in the quality of life and opportunity to join Team Oakley.

Councilmember Pope commented he would not pursue the discussion further since three Councilmembers were nodding in favor of the CalPERS option; however he does not believe that anyone will sacrifice their pension of 3% at 50 to join Oakley Police and it is a shame to exclude the vast majority of officers in the State. He provided an example that CalPERS employees are prohibited from working in a CalPERS environment if retired. He added that the City is giving up control of its budget by contracting with CalPERS.

Mr. Montgomery responded that no one is excluded from applying; it is their choice if they wish to unretire as a CalPERS retiree, and Oakley is seeking to attract 3% at 50 employees, including the existing Sheriff's Deputies that are assigned to Oakley.

It was moved by Vice Mayor Romick and seconded by Councilmember Perry to approve Item 3.7. AYES: Hardcastle, Higgins, Perry, Romick. NOES: Pope.

4.0 PUBLIC HEARINGS-None

5.0 REGULAR CALENDAR-None

6.0 REPORTS

6.1 CITY MANAGER

(a) City Manager

City Manager Bryan Montgomery invited everyone to attend the Public Works and Engineering Department Open House Wednesday, May 20, 9am-12pm in Civic Center Park. He also invited everyone to purchase their tickets and attend the Taste of Oakley event to be held May 30, 6pm-8pm in the City Council Chambers, followed by the movie *Ratatouille* in Civic Center Park at dusk.

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

(a) Reports from Council Liaisons to Regional Committees, Commissions and Boards AND Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency Comments

Councilmember Perry announced she attended the Ironhouse Sanitary District Board meeting last Tuesday and the District is going to set up fill stations for residents to obtain free non-potable water for their gardens or lawns. She mentioned the District will hold a public hearing June 2 at 450 Walnut Meadows Place beginning at 7pm to discuss increasing rates.

Councilmember Higgins announced the Memorial Day event to be held at Civic Center Park Saturday, May 23 beginning at 10:30am and Relay for Life to be held at Freedom High School this weekend. She mentioned she participated in Operation Access, a wine and chocolate event to benefit special needs kids, Falcon Fest at Freedom High School, the Mayors' Conference and Urban Farm event. She thanked Team Oakley for its work in installing speed humps on Oxford Drive as part of the Neighborhood Traffic Management Program.

(b) Requests for Future Agendas

Councilmember Pope commented that last Monday the East Contra Costa Fire Protection District Board voted which fire stations would close and there is a new station which is to be built on East Cypress Road, but there is no funding to have it open. He asked the City Council to consider what it may do to help fund fire services for Oakley residents as the City's population grows and more services are needed.

City Manager Bryan Montgomery responded that the County required the developer build a new fire station at Summer Lakes after the 600th home is built; however, even an assessment would not likely provide enough funding to operate the station.

Special Counsel William Galstan mentioned there is a State rural fee which funds CalFire and suggested the City Council might direct staff to look further into it to see if it could apply to the District.

Councilmember Perry suggested the cities of Oakley, Brentwood and Discovery Bay get together and lobby the State to request funding.

Mayor Hardcastle announced a five minute break at 8:02pm. The City Council reconvened at 8:07pm.

7.0 WORK SESSIONS-None

8.0 CLOSED SESSION

Oakley City Council

8.1 CONFERENCE WITH LABOR NEGOTIATORS Pursuant to Government Code Section 54957.6

City Designated Representative: Bryan Montgomery, City Manager

UNREPRESENTED ANTICIPATED EMPLOYEES: RECORDS MANAGEMENT CLERK, RECEPTIONISTS (3), PARALEGAL/CITY CLERK, PROGRAM COORDINATOR/HUMAN RESOURCES ASSISTANT, HUMAN RESOURCES MANAGER/ASSISTANT TO THE CITY MANAGER, CITY MANAGER, FACILITIES MAINTENANCE/CODE ENFORCEMENT TECHNICIAN, FINANCE DIRECTOR, SENIOR ACCOUNTANT, SENIOR ACCOUNTING TECHNICIAN, ACCOUNTING ASSISTANT, PERMIT TECHNICIAN, BUILDING INSPECTOR II, CODE ENFORCEMENT MANAGER, CODE ENFORCEMENT/BUILDING INSPECTOR II, CHIEF OF POLICE, ADMINISTRATIVE ASSISTANTS (3), POLICE SERVICES ASSISTANT, ASSISTANT TO THE CHIEF, POLICE SERVICES ASSISTANT/CODE ENFORCEMENT TECHNICIAN, ECONOMIC DEVELOPMENT MANAGER, PLANNING MANAGER, SENIOR PLANNER, PUBLIC WORKS DIRECTOR/CITY ENGINEER, SENIOR ENGINEER, ASSOCIATE ENGINEER, ASSISTANT ENGINEER, PUBLIC WORKS ADMINISTRATIVE SPECIALIST, PUBLIC WORKS INSPECTOR II, PUBLIC WORKS MAINTENANCE WORKER, PUBLIC WORKS MAINTENANCE LABORER, RECREATION MANAGER/ WEBSITE COORDINATOR, RECREATION & EVENTS COORDINATOR, SENIOR RECREATION LEADER, RECREATION LEADERS (3), RECREATION AIDES (2), FACILITIES MAINTENANCE, PARKS & LANDSCAPE MAINTENANCE DIVISION MANAGER, MAINTENANCE FOREMAN, PUBLIC WORKS LABORER II, TREE MAINTENANCE LABORER, SEASONAL PARKS AND MAINTENANCE LABORERS (3), SPORTS FIELD MAINTENANCE LABORER, PARK MONITOR

8.2 Reporting Out of Closed Sessions (William Galstan, Special Counsel)

Special Counsel William Galstan reported that there is no reportable action and direction was provided to staff.

9.0 ADJOURN

There being no further business, the meeting was adjourned at 9:10 p.m.

Respectfully Submitted,

Libby Vreonis
City Clerk



MEMORANDUM
Office of the City Attorney

Date: May 17, 2015
To: Mayor and Members of City Council
Cc: Bryan Montgomery, City Manager; Derek P. Cole, City Attorney
From: William R. Galstan, Special Counsel
Subject: Closed Session; Report-Out Memo

FOR CONSIDERATION AT THE CITY COUNCIL MEETING OF MAY 26, 2015

Background and Analysis

The City Council held a closed session at its meeting of May 12, 2015, for purposes of discussing unrepresented employees, including:

UNREPRESENTED EMPLOYEES: RECORDS MANAGEMENT CLERK, RECEPTIONISTS (3), PARALEGAL/CITY CLERK, PROGRAM COORDINATOR/HUMAN RESOURCES ASSISTANT, HUMAN RESOURCES MANAGER/ASSISTANT TO THE CITY MANAGER, CITY MANAGER, FACILITIES MAINTENANCE/CODE ENFORCEMENT TECHNICIAN, FINANCE DIRECTOR, SENIOR ACCOUNTANT, SENIOR ACCOUNTING TECHNICIAN, ACCOUNTING ASSISTANT, PERMIT TECHNICIAN, BUILDING INSPECTOR II, CODE ENFORCEMENT MANAGER, CODE ENFORCEMENT/BUILDING INSPECTOR II, CHIEF OF POLICE, ADMINISTRATIVE ASSISTANTS (3), POLICE SERVICES ASSISTANT, ASSISTANT TO THE CHIEF, POLICE SERVICES ASSISTANT/CODE ENFORCEMENT TECHNICIAN, ECONOMIC DEVELOPMENT MANAGER, PLANNING MANAGER, SENIOR PLANNER, PUBLIC WORKS DIRECTOR/CITY ENGINEER, SENIOR ENGINEER, ASSOCIATE ENGINEER, ASSISTANT ENGINEER, PUBLIC WORKS ADMINISTRATIVE SPECIALIST, PUBLIC WORKS INSPECTOR II, PUBLIC WORKS MAINTENANCE WORKER, PUBLIC WORKS MAINTENANCE LABORER, RECREATION MANAGER/ WEBSITE COORDINATOR, RECREATION & EVENTS COORDINATOR, SENIOR RECREATION LEADER, RECREATION LEADERS (3), RECREATION AIDES (2), FACILITIES MAINTENANCE, PARKS & LANDSCAPE MAINTENANCE DIVISION MANAGER, MAINTENANCE FOREMAN, PUBLIC WORKS LABORER II, TREE MAINTENANCE LABORER, SEASONAL PARKS AND MAINTENANCE LABORERS (3), SPORTS FIELD MAINTENANCE LABORER, PARK MONITOR.

No reportable action was taken. Direction was provided to staff.

Fiscal Impact

None.

Recommendation:

Receive and file this report.

Attachments:

None.



STAFF REPORT

Date: Tuesday, May 26, 2015
To: Bryan H. Montgomery, City Manager
From: Kevin Rohani, P.E. Public Works Director/ City Engineer

Approved and Forwarded to City Council:


Bryan H. Montgomery, City Manager

SUBJECT: Reimbursement Agreement with Ironhouse Sanitary District related to Sewer Improvements Associated with CIP No. 164 – Main Street Rehabilitation and Resurfacing Project (Bridgehead Road to Big Break Road)

Background and Analysis

Capital Improvement Project No. 164 includes the rehabilitation and resurfacing of Main Street from Bridgehead Road to Big Break Road. On February 26th, Ironhouse Sanitary District (ISD) had an emergency overflow with their sewer line that affected the lines at Main Street and Live Oak Avenue and Bridgehead Road. In order to prevent any future sewer overflows and to protect the health and safety of the public, ISD needs to replace this sewer line as soon as possible.

The City has partnered with ISD on multiple projects in the past. Staff recognizes the risk that raw sewage poses to public health and safety and has determined that the sewer replacement should be done prior to the Main Street Rehabilitation project. If the sewer line overflows again, there is a danger that raw sewage could potentially get into the streets and adjacent lands by way of the City's storm drain system. This is an urgent matter, so City staff stepped in and facilitated a discussion between the City's contractor (Knife River) and ISD, to include the sewer repair work with the Main Street Rehabilitation Project. As a result, Knife River determined that the sewer line installation could be added to the project without a delay to the scheduled paving date. Accordingly, both Knife River and ISD agreed to a cost of \$216,960 for the sewer line construction. The amount is an estimate for the work and does not include a proportional part of any of the City's administrative costs. ISD agreed to reimburse the City for the total amount that City will expend on ISD's sanitary sewer portion of the project through a reimbursement agreement developed by City staff. Understanding the sense of urgency to mitigate future overflows and maintain the City's project schedule, ISD's Board of Directors approved the reimbursement agreement at their May 5, 2015 meeting.

Fiscal Impact

There is sufficient budget to cover the construction costs for the project and the sewer line. The agreement requires the reimbursement of \$216,960 by August 1,

2015; or when the sewer is completed, whichever is sooner. The City shall be paid in full after the sewer improvements are installed and have been accepted by both ISD and the City.

Staff Recommendation

Staff recommends that the sewer line installation will be included as a change order to the original contract with Knife River Construction. Since the sanitary sewer is an additional change to the project and greater than the permitted amount for change orders, it requires approval from City Council.

Staff recommends that the City Council adopt the Resolution approving the Change Order and Reimbursement Agreement with Ironhouse Sanitary District for construction of the sewer line associated with CIP 164 - Main Street Rehabilitation and Resurfacing Project (Bridgehead Road to Big Break Road) and authorizes the City Manager to sign the agreement.

Attachments

- 1) Resolution
- 2) Reimbursement Agreement

RESOLUTION NO. __-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING A REIMBURSEMENT AGREEMENT WITH IRONHOUSE SANITARY DISTRICT RELATED TO CIP PROJECT NO. 164 – MAIN STREET REHABILITATION AND RESURFACING PROJECT (BRIDGEHEAD RD. TO BIG BREAK RD.)

WHEREAS, the NCE prepared plans, special provisions, and cost estimates related to CIP Project No. 164 – Main Street Rehabilitation and Resurfacing Project (Bridgehead Rd. to Big Break Rd); and

WHEREAS, on March 24, 2015, by adopting Resolution No. 36-15, the City Council awarded a construction contract to Knife River Construction, for the construction of CIP No. 164 – Main Street Rehabilitation and Resurfacing Project; and

WHEREAS, Ironhouse Sanitary District (ISD) had an emergency overflow with their sewer line at intersection of Main Street and Live Oak Avenue and Bridgehead Road; and

WHEREAS, ISD and the City's contractor (Knife River) have negotiated an agreed upon price to replace the sewer line for an amount of \$216,960; and

WHEREAS, the City and ISD have agreed to a reimbursement agreement that calls for ISD to pay the City for the total amount that the City will expend on the Ironhouse portion of the project, including but may not be limited to, increases due to further change orders, unforeseen underground conditions, claim for additional reimbursement from the contractor, and stop notices filed by subcontractors; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, by the City Council of the City of Oakley that the Reimbursement Agreement with Ironhouse Sanitary District related to CIP Project No. 164 – Main Street Rehabilitation and Resurfacing Project (Bridgehead Rd. to Big Break Rd.) is approved and the City Manager is authorized to execute said Agreement. A copy of the Agreement is attached hereto as Exhibit A.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on this 26th day of May, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

Doug Hardcastle, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date

REIMBURSEMENT AGREEMENT RELATED TO CAPITAL IMPROVEMENT
PROJECT NUMBER 164

THIS REIMBURSEMENT AGREEMENT ("**Agreement**") is entered into as of this 5 day of May, 2015 by Ironhouse Sanitary District, a sanitary district formed under the Sanitary District Act of 1923 ("**Ironhouse**") and the CITY OF OAKLEY, a municipal corporation in the State of California ("**City**").

RECITALS

A. The City's adopted Five-Year Capital Improvement Program includes Project Number 164, Main Street Resurfacing Project (Bridgehead Road to Big Break Road (CIP 164). Ironhouse is requesting the City to construct certain sewer improvements as a part of the Project.

B. The Project requires, among other things, City to resurface Main Street from Bridgehead Road to Big Break Road, including base failure repairs, storm drain improvements, median island, traffic loops, landscape median, striping, and conforms to existing improvements (the "**Improvements**").

C. Ironhouse is the owner of approximately 105 feet of sanitary pipe in the City of Oakley located at the intersection of Live Oak Avenue and Main Street and 60 feet of sewer in Bridgehead Road north of Main Street. In March 2015, Ironhouse's sewer line had an overflow due to the "hump" in the sewer line crossing Main Street at Live Oak Avenue and a reverse slope of a sewer in Bridgehead Road north of Main Street.

D. Ironhouse retained Carlson, Barbee and Gibson, Inc. (CBG) to design the civil portion of the sewer line project and the plans for the sewer improvements were completed to the 100% stage.

E. The purpose of this Agreement is to clarify and define the terms of Ironhouse's reimbursement to the City for Ironhouse's share of the sewer line installation based on the contract proposal given by the City's contractors. The applicable change order adding the sewer line installation is attached hereto and incorporated herein as Exhibit A.

NOW THEREFORE, for and in consideration of the mutual covenants and agreements contained in this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

AGREEMENT

1. **CONSTRUCTION OF SEWER LINE IMPROVEMENTS.** The City shall proceed to construct or cause to be constructed CIP 164, Main Street Resurfacing Project (Bridgehead Road to Big Break Road) as required by the project plans, specifications, contract documents for said project. City will add the change order attached to this Agreement as Exhibit A to its contract for CIP 164, and require the City's contractor to perform the work added by such change order. Ironhouse consents and agrees that

CIP 164 includes installation of a sanitary sewer line via change order to said plans and contract and Ironhouse agrees to reimburse City in the amount and at the time agreed upon herein for Ironhouse's share for the installation of the sewer line improvements. Ironhouse shall have the ability to have the installation of the sewer line inspected by its own forces or by contract at its own cost and expense, and the contract work shall be completed to the reasonable satisfaction of Ironhouse. Completion of the construction of CIP 164 shall be signified by recordation of a Notice of Completion with the Contra Costa County Clerk Recorder's Office.

2. REIMBURSEMENT.

- a. In exchange for performance of the work and installation of the sewer line included as part of CIP 164, Ironhouse shall reimburse City as further set forth herein ("**Reimbursement**"). The Reimbursement shall be for only the Sewer Line Improvements defined and included in the change order. Any additional Sewer Line Improvements associated with the change order's sewer line improvements shall remain the obligation of Ironhouse pursuant to Approval of City and Ironhouse and any subsequent modifications or extensions thereof.
- b. The Reimbursement shall be paid in full to the City after the sewer improvements are installed and have been accepted by Ironhouse or August 1, 2015, whichever comes first.
- c. **REIMBURSEMENT AMOUNT.** The City and Ironhouse agree to the Reimbursement amount of Two Hundred Sixteen Thousand Nine Hundred Sixty Dollars and Zero Cents (\$216,960.00). Said amount is an estimate for the work and does not include a proportional part of any of the City's administrative costs. Ironhouse shall reimburse the City for the total amount that City will expend on the Ironhouse portion of the project. Costs could include, but may not be limited to, increases due to further change orders, unforeseen underground conditions, claim for additional reimbursement from the contractor, and stop notices filed by subcontractors. City will consult with Ironhouse prior to incurring any additional expenses.

3. NOTICES. Any notice to either Party shall be in writing and given by delivering the notice in person or by sending the notice by registered or certified mail or express mail, return receipt requested with postage prepaid, to the Party's mailing address, or transmitted by facsimile equipment if receipt is acknowledged. The respective mailing addresses and contact information of the Parties are, until changed, the following:

City: City Engineer
Attn: Kevin Rohani
City of Oakley
3231 Main Street
Oakley, CA 94561

Ironhouse: Ironhouse Sanitary District
Attn: Jennifer Skrel, District Engineer
450 Walnut Meadows Dr.
Oakley, CA 94561

4. BINDING ON SUCCESSORS AND ASSIGNS. This Agreement shall be binding on and inure to the benefit of the respective heirs, successors and assigns of the parties to this Agreement.

5. SEVERABILITY. In the event any one or more of the provisions of the Agreement shall be held by a court of competent jurisdiction to be invalid, illegal or unenforceable, the remaining provisions of the Agreement shall remain in effect and the Agreement shall be read as though the offending provision had not been written or as the provision shall be determined by such court to be read.

6. GOVERNING LAW. This Agreement is made under, shall be governed by and construed in accordance with the laws of the State of California.

7. CONSTRUCTION. This Agreement has been reviewed and revised by legal counsel for both Ironhouse and City and no presumption or rule that ambiguities shall be construed against the drafting party shall apply to the interpretation or enforcement of the Agreement.

8. MUTUAL RELEASE OF LIABILITY.

- a. Ironhouse shall defend, indemnify and hold City and its directors, officers, employees, partners, contractors or agents, harmless from and against any and all claims, actions, causes of actions, demands, or liabilities of whatsoever kind and nature, including judgments, interest, reasonable attorneys' fees, and all other costs, fees, expenses, and charges to the extent that such claims arise out of, were caused by, or result from any breach of the performance of this Agreement or the negligence, gross negligence, or willful misconduct of Ironhouse, its directors, officers, employees, partners, contractors or agents.
- b. City shall defend, indemnify and hold Ironhouse and its directors, officers, employees, partners, contractors or agents, harmless from and against any and all claims, actions, causes of actions, demands, or liabilities of whatsoever kind and nature, including judgments, interest, reasonable attorneys' fees, and all other costs, fees, expenses, and charges to the extent that such claims arise out of, were caused by, or result from any breach of the performance of this Agreement or the negligence, gross negligence, or willful misconduct of City, its directors, officers, employees, partners, contractors or agents.

9. FURTHER ASSURANCES. Each Party covenants, on behalf of itself and its successors and assigns, to take all actions and do all things, and to execute, with acknowledgment or affidavit if required, any and all documents, instruments and writings as may be necessary or proper to achieve the purposes and objectives of the Agreement.

10. WORK PERFORMANCE AND GUARANTEE. CITY provides no guarantee or warranty for any work executed by CITY or CITY's agents associated with this agreement.

11. TIME OF ESSENCE. Time is of the essence for this Agreement.

12. RECITALS. All of the facts and background information set forth in the RECITALS, above, are incorporated into this Agreement and constitute a part hereof.

13. ATTORNEY'S FEES. In the event any action is commenced to enforce or interpret any term or condition of this Agreement, in addition to costs and any other relief, the prevailing party shall be entitled to reasonable attorney's fees. Jurisdiction and venue in the event of any legal action shall be in Contra Costa County, California.

14. ENTIRE AGREEMENT. This Agreement contains the entire agreement of the Parties hereto with respect to the matters contained herein.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

IRONHOUSE SANITARY DISTRICT

**CITY OF OAKLEY, a Municipal Corporation
in the State of California**

BY: David Contreras
David Contreras, President

BY: _____
Bryan H. Montgomery, City Manager

Attest: Susan Walde
Susan Walde, Secretary

Attest: _____
Libby Vreonis, City Clerk

Approved as to Form:

Derek P. Cole, City Attorney

Exhibit A – Change Order Proposal



www.kniferiver.com

Northern California Division – Stockton
655 West Clay Street
Stockton, CA 95206-1722
Ph: (209) 948-0302
Fax: (209) 948-6652

Contr. Lic. No. 334653
DSS Company

April 27, 2015

Ironhouse Sanitary District
450 Walnut Meadows Drive
Oakley, CA 94561

Re: Sewer System Improvements
Subject: Bridgehead Road and Live Oak Avenue

Knife River Construction is pleased to offer for your review and consideration the following proposal for work at the above referenced project. Our bid is based on unapproved plans prepared by Carlson, Barbee & Gibson, Inc. (Sheets 1 – 6, dated April 2015).

The following information is offered to clarify our scope of work per the attached bid pricing breakdown sheet.

Please note the following items are **excluded** from our bid:

1. All bonds, fees, permits, engineering, staking, and testing (Sewer TV is included)
2. Removal or relocation of existing utilities
3. Testing, excavation, removal, handling or other related costs caused by the discovery of contaminated, hazardous, corrosive and/or buried materials on the project site.
4. Dewatering; KRC has included the handling of nuisance Ground water, but the installation and maintenance of Dewatering Wells.
5. Cathodic protection.
6. Over Excavation; if bottom of Trench is deemed unsuitable for placement of pipe, cost associated with over excavation will be considered Extra Work and be performed under force account once a suitable solution is determined.
7. *Our Pricing Sheet represents a detail list of items included within this proposal, if it not listed or clarified within this proposal letter it is excluded from our scope of work.*

CONDITIONS TO THIS BID:

1. Knife River Construction requires 48 hours notice prior to starting any digging/excavating work in order to notify Underground Service Alert (USA) utility locating service. Any privately owned utilities would need to be located by the owner of the property prior to commencement of work.

Iron House Sanitary District
Bridgehead Rd & Live Oak Ave.
04/27/2015

2. Our proposal is based on quantities derived from the plans provided by ISD. Upon receipt of the Final Approved Plans, KRC will reevaluate the changes and quantities to determine the final quantities and thus the Final Contract Amount.
3. One move-in has been included
4. Trench Patching includes installation of Asphalt Concrete per City of Oakley Standard Plans and Specifications.
5. Any overtime requested by the Owner/Client to expedite completion of this project must be approved prior to the work being done and any additional costs will be negotiated.
6. This proposal is based on using conventional construction equipment. We are not responsible for structure damage due to vibrations from our equipment or any other reason other than negligence.
7. Participation of Wrap/OCIP Insurance policy is based on there being no additional change to Knife River.
8. This proposal remains in effect for thirty (30) days from the date of the proposal. After this time we reserve the right to revise our proposal.
9. If this proposal is accepted we will participate in constructing a mutually agreeable schedule.
10. Any material to be exported will require a letter from Owner certifying material is non-toxic or non-hazardous.
11. Extra work will be done at cost plus 15% utilizing Caltrans Equipment Rates and Corresponding Union Wages for Labor.

We appreciate the opportunity to bid your project and look forward to the possibility of working together. Please call me if you have any questions.

Sincerely,
KNIFE RIVER CONSTRUCTION

Steve McPeak

Steve McPeak
Estimator / Project Maager



IRON HOUSE SANITARY DISTRICT
SEWER SYSTEM IMPROVEMENTS
Bridgehead Rd. and Live Oak Rd.
04/27/15

Item	Description	Quantity	Unit Cost	Total
BID PRICING				
1	MOBILIZATION (incl Incidentals)	1	LS \$ 39,000.00	\$ 39,000.00
2	TRAFFIC CONTROL	1	LS \$ 19,660.00	\$ 19,660.00
3	CONNECT TO EXISTING SEWER - 18"	2	EA \$ 6,200.00	\$ 12,400.00
4	CONNECT TO EXISTING SEWER - 8"	2	EA \$ 4,050.00	\$ 8,100.00
5	18" PVC SDR26	116	LF \$ 450.00	\$ 52,200.00
6	8" PVC SDR26	60	LF \$ 360.00	\$ 21,600.00
7	STANDARD SEWER TRUNK MANHOLE (DWG-2)	2	EA \$ 16,700.00	\$ 33,400.00
8	SEWER PLUG	4	EA \$ 1,400.00	\$ 5,600.00
9	ABANDON-IN-PLACE EXISTING 18" SEWER	105	LF \$ 45.00	\$ 4,725.00
10	ABANDON-IN-PLACE EXISTING 8" SEWER	55	LF \$ 45.00	\$ 2,475.00
11	TRENCH REPAIR - 18" SEWER & MH	1	LS \$ 8,800.00	\$ 8,800.00
12	TRENCH REPAIR - 8" SEWER & MH (INCL VALLEY GUTTER)	1	LS \$ 9,000.00	\$ 9,000.00
TOTAL				\$ 216,960.00



STAFF REPORT

Date: Tuesday, May 26, 2015

To: Bryan Montgomery, City Manager

From: Kevin Rohani, Public Works Director/City Engineer

Subject: Subdivision Improvement Agreement, Subdivision Annexation and Assessment Authorization Deferral Agreement, and Final Map for Subdivision 9080 (Prescott Parc, between Picasso Drive and Frank Hengel Way, south of Escher Circle)

Approved and Forwarded to City Council:


Bryan H. Montgomery, City Manager

Background and Analysis

On August 14, 2006 the City Council adopted Resolution 112-06 conditionally approving the tentative map for Subdivision 9080, a 26-lot residential subdivision between Picasso Drive and Frank Hengel Way, south of Escher Circle.

Due to the economic downturn, the project was put on hold until recently when De Nova Homes acquired it. De Nova Homes has now requested approval by the City Council of the final map for Subdivision 9080 consisting of 26 lots.

In order to satisfy all remaining conditions of approval the applicant has requested that the City enter into a Subdivision Improvement Agreement.

The Subdivision Improvement Agreement requires the sub-divider to complete the public improvements as required by the conditions of approval for Subdivision 9080. As part of this agreement, the sub-divider is required to provide various securities up to the amount of the estimated cost of public improvements and drainage, (currently estimated to be a total of \$696,000.00). None of these improvements have been completed and accepted at this time. The applicant is required to complete the public improvements within twelve months in accordance with the Subdivision Map Act (Government Code §66410) and the Subdivision Improvement Agreement. The City Engineer and City Surveyor have reviewed the tentative map approval documents and the final map, and have found the map to be technically correct, in substantial compliance with the conditionally approved tentative map, and all final map conditions of approval have been met (or are being secured by way of the agreements).

The final conditions of approval that remain to be satisfied are related to the annexation of the property to the City of Oakley Street Lighting and Landscape Assessment District No. 1 (Conditions 74, 75 & 76), participating in the special police tax area (Condition 77), participating in the formation of an assessment district for the construction of off-site improvements (Condition 78) and forming a district to fund the operations and maintenance for storm drainage (Condition 79). Those items take several months to complete, and are more efficient when grouped with other projects.

The City Council has been receptive to recording final maps prior to completion of the annexation process for other projects, so staff prepared a similar agreement to those used in the past. The agreements used previously allowed the map to record, but prohibited the sale of lots until the annexation was complete.

Fiscal Impact

There is no fiscal impact associated with this action.

Staff Recommendation

Staff recommends that the City Council adopt the Resolutions authorizing the City Manager to execute the Subdivision Improvement Agreement, the Subdivision Assessment and Annexation Authorization Deferral Agreement and approving the Final Map for Subdivision 9080.

Attachments

- 1) Subdivision Improvement Agreement (SIA)
- 2) Subdivision Assessment and Annexation Authorization Deferral Agreement (SAAADA)
- 3) Resolution for SIA
- 4) Resolution for SAAADA
- 5) Resolution Approving the Final Map titled Subdivision 9080
- 6) Reduction of Subdivision 9080 Final Map

**CITY OF OAKLEY
SUBDIVISION IMPROVEMENT AGREEMENT
SUBDIVISION 9080**

This agreement is made and entered into this ____ day of _____, 20____ by and between the City of Oakley, a municipal corporation, hereinafter referred to as "CITY", and Prescott Parc, LLC, a California limited liability company, hereinafter referred to as "DEVELOPER".

RECITALS

WHEREAS, it has been determined by the City Council of the City of Oakley, State of California, that DEVELOPER, the subdivider of Subdivision 9080, desires to improve and dedicate those public improvements (hereafter "The Improvements") required by the conditions of approval for the project as adopted by the City of Oakley City Council via Resolution Number 112-06 in accordance with the requirements and conditions set forth in approvals, the requirements of the Subdivision Map Act of the State of California, and those certain plans and specifications for said development approved by CITY and titled Prescott Grading Plans Subdivision 9080 and Prescott Improvement Plan Subdivision 9080 as prepared by Carlson, Barbee & Gibson, Inc. now on file in the office of the City Engineer, which are hereby referred to for a more definite and distinct description of the work to be performed under this Agreement as though set forth at length herein; and

WHEREAS, DEVELOPER and CITY acknowledge that not all conditions of approval ("COA") contained in Resolution Number 112-06 have been satisfied, but nevertheless, DEVELOPER desires to file a final map. The satisfaction of all COA is the subject of this Agreement. DEVELOPER's agreement to satisfy all COA and to construct the Improvements identified in the aforementioned COA is a material part of the consideration for this Agreement; and

WHEREAS, DEVELOPER intends to satisfactorily complete The Improvements within the time hereinafter specified, and CITY intends to accept DEVELOPER's offer(s) of dedication of The Improvements in consideration for DEVELOPER's satisfactory performance of the terms and conditions of this Agreement:

NOW, THEREFORE, in consideration of the mutual promises, conditions and covenants herein contained, the parties agree as follows:

1. Improvements.

DEVELOPER agrees to install the road improvements (both public and private), sewer and drainage improvements, signs, street lights, fire hydrants, landscaping, and such other improvements (including appurtenant equipment) as required as conditions of approval of Tentative Map 9080 as set forth in Exhibit A to this Agreement, which is incorporated herein as if set forth at this point, or as otherwise required in the subdivision ordinance. In the event that any provision of this Agreement conflicts with

the provisions of Exhibit A the provisions of Exhibit A shall prevail to the extent that the conflicting provision in Exhibit A requires a greater or more extensive improvement or expenditure, or to the extent that that provision extends DEVELOPER's obligations over a greater period of time than the specific provision set forth herein. Such improvements shall also be made in conformance with the City of Oakley Municipal Code and Contra Costa County Ordinance Code as adopted and enforced by the City of Oakley.

DEVELOPER will commence construction of The Improvements within 30 days following the date on which CITY executes this Agreement. DEVELOPER shall complete said work not later than 12 months following said date of execution in a good workmanlike manner, in accordance with accepted construction practices and in a manner equal or superior to the requirements of the City of Oakley Municipal Code and Contra Costa County Ordinance Code and rulings made thereunder; and where there is a conflict between the improvement plans and the City Municipal Code or County Ordinance Code, the stricter requirements shall govern. It is understood that the City of Oakley was incorporated effective July 1, 1999, and as such continues to rely on certain laws, ordinances and design standards of the County of Contra Costa. References herein to the County Code or County Ordinance Code are understood to refer to such ordinances and codes as if adopted by the City of Oakley.

Time is of the essence in this Agreement. Upon completion, DEVELOPER shall furnish CITY with a complete and reproducible set of final as-built plans of The Improvements, including any authorized modifications.

2. Estimated Cost of Improvements and Possible Future Cash Deposit.

The estimated cost of constructing The Improvements required by this Agreement as adjusted for inflation is agreed to be \$349,000 for Public Improvements and \$347,000 for Grading. Said amounts include costs and reasonable expenses and fees which may be incurred in enforcing the obligation secured.

3. Bonds Furnished.

Concurrently with the execution of this Agreement, DEVELOPER shall furnish CITY with the following security in the forms specified in Government Code sections 66499.1 and 66499.2 or in a form satisfactory to the CITY Attorney if different from said Government Code forms:

- a. Faithful Performance. Either a cash deposit, a corporate surety bond issued by a company duly and legally licensed to conduct a general surety business in the State of California, or an instrument of credit equivalent to one hundred percent (100%) of the estimate set forth in Paragraph 2 and sufficient to assure CITY that The Improvements will be satisfactorily completed. A minimum of one percent (1%) of the security shall be a cash deposit.

- b. Labor and Materials. Either a cash deposit, a corporate surety bond issued by a company duly and legally licensed to conduct a general surety business in the State of California, or an instrument of credit equivalent to fifty percent (50%) of the estimate set forth in Paragraph 2 and sufficient to assure CITY that DEVELOPER'S contractors, subcontractors, and other persons furnishing labor, materials, or equipment shall be paid therefor.

- c. If required by CITY, a cash deposit, corporate surety bond, or instrument of credit sufficient to assure CITY that the surface water drainage of the subdivision shall not interfere with the use of neighboring property, including public streets and highways.

CITY shall be the sole indemnitee named on any instrument required by this Agreement. Any instrument or deposit required herein shall conform with the provisions of Chapter 5 of the Subdivision Map Act. DEVELOPER may request that portions or all of the bonds may be substituted by other parties in the event that portions or all of the Subdivision is sold to other parties, and such substitution shall not be unreasonably withheld by CITY.

4. Prevailing Wage.

CITY has determined that construction of The Improvements falls within the definition of "public works" set forth in California Labor Code Section 1720. Subject to any amendments to Labor Code Section 1720 et seq., DEVELOPER shall comply with Labor Code Section 1720 et seq., shall comply with the provisions set forth in Exhibit B and shall ensure that any contractors and subcontractors comply with the provisions of Exhibit B. DEVELOPER shall waive, indemnify, hold harmless and defend CITY concerning any liability arising out of Labor Code Section 1720 et seq.

5. Insurance Required.

Concurrently with the execution hereof, DEVELOPER shall obtain or cause to be obtained and filed with the CITY, all insurance required in this paragraph and as set forth in Exhibit C, and such insurance shall have been approved by the Finance Director of CITY, or his designee, as to form, amount and carrier. Prior to the commencement of work under this Agreement, DEVELOPER's general contractor shall obtain or cause to be obtained and filed with the Finance Director, all insurance required under this paragraph and as set forth in Exhibit C, evidenced herein as Exhibit D, and such insurance shall have been approved by the Finance Director of CITY, as to form, amount and carrier. DEVELOPER shall not allow any contractor or subcontractor to commence work on this contract or subcontract until all insurance required for DEVELOPER and DEVELOPER's general contractor shall have been so obtained and approved. Said insurance shall be maintained in full force and effect until the completion of work under this Agreement and the final acceptance thereof by CITY. All

requirements herein provided shall appear either in the body of the insurance policies or as endorsements and shall specifically bind the insurance carrier.

6. Work Performance and Guarantee.

Except as otherwise expressly provided in this Agreement, and excepting only items of routine maintenance, ordinary wear and tear and unusual abuse or neglect, DEVELOPER guarantees all work executed by DEVELOPER and/or DEVELOPER's agents, and all supplies, materials and devices of whatsoever nature incorporated in, or attached to the work, or otherwise delivered to CITY as a part of the work pursuant to the Agreement, to be free of all defects of workmanship and materials for a period of one (1) year after initial acceptance of the entire work by CITY. DEVELOPER shall repair or replace any or all such work or material, together with all or any other work or materials which may be displaced or damaged in so doing, that may prove defective in workmanship or material within said one-year guarantee period without expense or charge of any nature whatsoever to CITY. DEVELOPER further covenants and agrees that when defects in design, workmanship and materials actually appear during the one-year guarantee period, and have been corrected, the guarantee period shall automatically be extended for an additional year to insure that such defects have actually been corrected.

In the event the DEVELOPER shall fail to comply with the conditions of the foregoing guarantee within thirty (30) days time, after being notified of the defect in writing, CITY shall have the right, but shall not be obligated, to repair or obtain the repair of the defect, and DEVELOPER shall pay to CITY on demand all costs and expense of such repair. Notwithstanding anything herein to the contrary, in the event that any defect in workmanship or material covered by the foregoing guarantee results in a condition which constitutes an immediate hazard to the public health, safety, or welfare, CITY shall have the right to immediately repair, or cause to be repaired, such defect, and DEVELOPER shall pay to CITY on demand all costs and expense of such repair. The foregoing statement relating to hazards to health and safety shall be deemed to include either temporary or permanent repairs which may be required as determined in the sole discretion and judgment of CITY.

If CITY, at its sole option, makes or causes to be made the necessary repairs or replacements or performs the necessary work, DEVELOPER shall pay, in addition to actual costs and expenses of such repair or work, fifty percent (50%) of such costs and expenses for overhead and interest at the maximum rate of interest permitted by law accruing thirty (30) days from the date of billing for such work or repairs.

7. Inspection of the Work.

DEVELOPER shall guarantee free access to CITY through its City Engineer and his designated representative for the safe and convenient inspection of the work throughout its construction. Said CITY representative shall have the authority to reject all materials and workmanship which are not in accordance with the plans and

specifications, and all such materials and or work shall be removed promptly by DEVELOPER and replaced to the satisfaction of CITY without any expense to CITY in strict accordance with the improvement plans and specifications.

8. Agreement Assignment.

This Agreement shall not be assigned by DEVELOPER without the written consent of CITY.

9. Abandonment of Work.

Neither DEVELOPER nor any of DEVELOPER's agents or contractors are or shall be considered to be agents of CITY in connection with the performance of DEVELOPER's obligations under this Agreement.

If DEVELOPER refuses or fails to obtain prosecution of the work, or any severable part thereof, with such diligence as will insure its completion within the time specified, or any extension thereof, or fails to obtain completion of said work within such time, or if DEVELOPER should be adjudged as bankrupt, or should make a general assignment for the benefit of DEVELOPER's creditors, or if a receiver should be appointed, or if DEVELOPER, or any of DEVELOPER's contractors, subcontractors, agents or employees should violate any of the provisions of this Agreement, the CITY through its Public Works Director may serve written notice on DEVELOPER and DEVELOPER's surety or holder of other security of breach of this Agreement, or of any portion, thereof, and default of DEVELOPER.

In the event of any such notice of breach of this Agreement, DEVELOPER's surety shall have the duty to take over and complete The Improvements herein specified; provided, however, that if the surety, within thirty (30) days after the serving upon it of such notice of breach, does not give CITY written notice of its intention to take over the performance of the contract, and does not commence performance thereof within thirty (30) days after notice to CITY of such election, CITY may take over the work and prosecute the same to completion, by contract or by any other method CITY may deem advisable, for the account and at the expense of DEVELOPER and DEVELOPER's surety shall be liable to CITY for any damages and/or reasonable and documented excess costs occasioned by CITY thereby; and, in such event, CITY, without liability for so doing, may take possession of, and utilize in completing the work, such materials, appliances, plant and other property belonging to DEVELOPER as may be on the site of the work and necessary therefor.

All notices herein required shall be in writing, and delivered in person or sent by registered mail, postage prepaid.

Notices required to be given to CITY shall be addressed as follows:

City Manager and City Engineer
City of Oakley
3231 Main Street
Oakley, CA 94561

Notices required to be given to DEVELOPER shall be addressed as follows:

Prescott Parc, LLC
c/o De Nova Homes
1500 Willow Pass Court
Concord, CA 94520
Attn., Michael Evans

Notices required to be given surety of DEVELOPER shall be addressed as follows:

Any party or the surety may change such address by notice in writing to the other party and thereafter notices shall be addressed and transmitted to the new address.

Concurrently with the execution of this Agreement, DEVELOPER has executed and has caused to be acknowledged an abstract of this Agreement. DEVELOPER agrees CITY may record said abstract in the Official Records of Contra Costa County.

10. Use of Streets or Improvements.

At all times prior to the final acceptance of the work by CITY, the use of any or all streets and improvements within the work to be performed under this Agreement shall be at the sole and exclusive risk of DEVELOPER. The issuance of any building or occupancy permit by CITY for dwellings located within the tract shall not be construed in any manner to constitute a partial or final acceptance or approval of any or all such improvements by CITY. DEVELOPER agrees that CITY's Building Official may withhold the issuance of building or occupancy permits when the work or its progress may substantially and/or detrimentally affect public health and safety.

11. Safety Devices.

DEVELOPER shall provide and maintain such guards, watchmen, fences, barriers, regulatory signs, warning lights, and other safety devices adjacent to and on the tract site as may be necessary to prevent accidents to the public and damage to the property. DEVELOPER shall furnish, place, and maintain such lights as may be necessary for illuminating the said fences, barriers, signs, and other safety devices. At the end of all work to be performed under this Agreement, all fences, barriers, regulatory signs, warning lights, and other safety devices (except such safety items as may be shown on the plans and included in the items of work) shall be removed from site of the work by the DEVELOPER, and the entire site left clean and orderly.

12. Acceptance of Work.

Upon notice of the completion of the work covered by this agreement and the delivery of a set of final as-built plans to CITY by DEVELOPER, CITY, through its City Engineer or his designated representative, shall examine the work without delay, and, if found to be in accordance with said plans and specifications and this Agreement, shall recommend acceptance of the work to the City Council and, upon such acceptance, shall notify DEVELOPER or his designated agents of such acceptance. CITY reserves the right to not accept the work until all construction activities, including those related to building construction, within the project boundaries has been completed.

13. Patent and Copyright Costs.

In the event that said plans and specifications require the use of any material, process or publication which is subject to a duly registered patent or copyright, DEVELOPER shall be liable for, and shall indemnify CITY from any fees, costs or litigation expenses, including attorneys' fees and court costs, which may result from the use of said patented or copyrighted material, process or publication.

14. Alterations in Plans and Specifications.

Any alteration or alterations made in the plans and specifications which are a part of this Agreement or any provision of this Agreement shall not operate to release any surety or sureties from liability on any bond or bonds attached hereto and made a part hereof, and consent to make such alterations is hereby given, and the sureties to said bonds hereby waive the provisions of Section 2819 of the Civil Code of the State of California.

15. Liability.

- a. DEVELOPER Primarily Liable. DEVELOPER hereby warrants that the design and construction of The Improvements will not adversely affect any portion of adjacent properties and that all work will be performed in a proper manner. DEVELOPER agrees to indemnify,

defend, release, and hold harmless CITY, and each of its elective and appointive boards, commissions, officers agents and employees, from and against any and all loss, claims, suits, liabilities, actions, damages, or causes of action of every kind, nature and description, directly or indirectly arising from an act or omission of DEVELOPER, its employees, agents, or independent contractors in connection with DEVELOPER'S actions and obligations hereunder; provided as follows:

1. That CITY does not, and shall not, waive any rights against DEVELOPER which it may have by reason of the aforesaid hold harmless agreement, because of the acceptance by CITY, or the deposit with CITY by DEVELOPER, of any of the insurance policies described in Paragraph 4 hereof.
 2. That the aforesaid hold harmless agreement by DEVELOPER shall apply to all damages and claims for damages of every kind suffered, or alleged to have been suffered, by reason of any of the aforesaid operations referred to in this paragraph, regardless of whether or not CITY has prepared, supplied, or approved of plans and/or specifications for the subdivision, or regardless of whether or not such insurance policies shall have been determined to be applicable to any of such damages or claims for damages.
- b. Design Defect. If, in the opinion of the CITY, a design defect in the work of improvement becomes apparent during the course of construction, or within one (1) year following acceptance by the CITY of the improvements, and said design defect, in the opinion of the CITY, may substantially impair the public health and safety, DEVELOPER shall, upon order by the CITY, correct said design defect at his sole cost and expense, and the sureties under the Faithful Performance and Labor and Materials Bonds shall be liable to the CITY for the corrective work required.
- c. Litigation Expenses. In the event that legal action is instituted by either party to this Agreement, and said action seeks damages for breach of this Agreement or seeks to specifically enforce the terms of this Agreement, and, in the event judgment is entered in said action, the prevailing party shall be entitled to recover its attorneys' fees and court costs. If CITY is the prevailing party, CITY shall also be entitled to recover its attorney's fees and costs in any action

against DEVELOPER's surety on the bonds provided under paragraph 3.

16. Recitals.

The foregoing Recitals are true and correct and are made a part hereof.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in duplicate at Oakley, California, the day and year first above written.

CITY OF OAKLEY

DEVELOPER

By: _____
Bryan H. Montgomery
City Manager

Michael Evans

APPROVED AS TO FORM:

Derek P. Cole
City Attorney

ATTEST:

Libby Vreonis, City Clerk

- Exhibits: Exhibit A – City of Oakley, City Council, Resolution 112-06
 Exhibit B – Insurance Requirements
 Exhibit C - Verification of Required Insurance

EXHIBIT A
(RESOLUTION 112-06)

RESOLUTION NO. 112-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY MAKING FINDINGS AND APPROVING SUBDIVISION 9080 BY KB HOMES, LOCATED OFF OF PICASSO DRIVE AND FRANK HENGEL WAY, DIRECTLY NORTH OF DELTA VISTA MIDDLE SCHOOL, INCLUDING A GENERAL PLAN AMENDMENT, VESTING TENTATIVE MAP, DESIGN REVIEW AND CERTIFICATION OF THE MITIGATED NEGATIVE DECLARATION

FINDINGS

A. WHEREAS, KB Homes, on behalf of the property owner, (together, "Applicants"), has submitted applications to develop approximately 5.9-acres, off of Picasso Drive, directly north of Delta Vista Middle School with 26 single-family lots (the "Project"). The Project application includes requests for approval of the following:

- General Plan Amendment from Public/Semi Public to Single Family High Density Residential;
- Rezone from General Agriculture to Planned Development for Residential (P-1)
- Vesting Tentative Map 9080, which would subdivide 5.9 acres into 26 single-family lots;
- Design Review to approve seven models on the 26 lots within the subdivision.

B. WHEREAS, As part of this application, the project site is proposed for a Single-Family High (SH) land use designation. The proposed unit densities of the Project are consistent with the proposed General Plan designation.

C. WHEREAS, The City prepared a Negative Declaration dated June 16, 2006, which reflected the independent judgment of the City as to the potential environmental effects of the project.

D. WHEREAS, On July 24, 2006, the Planning Commission held a properly noticed public hearing at which it received a report from City staff, oral and written testimony from the Applicants and the public, and deliberated on the applications. At the conclusion of its deliberations, the Commission took a vote and expressed its recommendation that the City Council should approve the project, subject to the conditions recommended by staff and as revised by the Commission during its deliberations.

E. WHEREAS, On August 14, 2006, the City Council held a properly noticed public hearing at which it received a report from City staff, oral and written testimony from the Applicants and the public, and deliberated on the applications. At the conclusion of its deliberations, the Commission took a vote and adopted this resolution to approve the project, subject to the conditions recommended by the Planning Commission and as revised by the Council during its deliberations.

F. WHEREAS, These Findings are based on the City's General Plan, the City's Zoning and Subdivision Ordinances, the Residential Design Guidelines, and the

information submitted to the City Council at their August 14, 2006 meeting, both written and oral, including oral information provided by the Applicant, as reflected in the minutes of such meetings, together with the documents contained in the file for the Subdivision (hereafter the "Record").

NOW, THEREFORE, on the basis of the above findings of fact and the entire Record, the City Council makes the following additional findings in support of the approvals:

Regarding the approval of the General Plan Amendment, the Council finds that:

1. *The City shall comply with the Government Code regarding amendments to the General Plan. The City has complied with State law in processing this application;*
2. *The amendments to the land use designations provide for orderly, well planned and balanced growth with the City;*

Regarding the approval of Vesting Tentative Map 9080, the Council finds that the proposed subdivision, together with the provisions of its design and improvement, is consistent with the General Plan Amendment. The number of units, layout of lots and streets, identified improvements and dedications, and other technical requirements comply with the density prescribed by the General Plan and its applicable policies:

1. *The proposed subdivisions, together with the provisions of its design and improvement, are consistent with General Plan.*

Regarding the approval of the Design Review Vesting Tentative Map 9080, the Council finds that:

1. *The proposed development of 26 single-family homes is consistent with the General Plan designation.*
2. *The proposed development of 26 single-family homes complies with all applicable Zoning regulations.*
3. *The proposed design and materials of the single-family homes are compatible with the surrounding area.*

BE IT FURTHER RESOLVED THAT, on the basis of the foregoing Findings and the entire Record, the City Council, subject to the conditions listed below, approves the following entitlements:

- Approve the General Plan Amendment;
- Approve Vesting Tentative Map; and
- Approves the Design Review.

BE IT FURTHER RESOLVED THAT, on the basis of the above Findings and the Record, the City Council approves the Applicant's request for the General Plan Amendment, Vesting Tentative Map and Design Review with the following conditions:

CONDITIONS OF APPROVAL

Approval:

1. This Tentative Map, Design Review and Development Plan are approved, as shown on the exhibits (dated February 10, February 17, and April 3, 2006) and attachments, and as modified by the following conditions of approval, subject to final review and approval by the Community Development Director.
2. This Subdivision, Design Review and Development Plan approval shall be effectuated within a period of three (3) years from this date and if not effectuated shall expire on **August 14, 2009**. Prior to said expiration date, the applicant may apply for an extension of time, provided, however, this approval shall be extended for no more than a total of three years from **August 14, 2009**.
3. All conditions of approval shall be satisfied by the owner/developer. All costs associated with compliance with the conditions shall be at the owner/developer's expense.

Development Standards:

4. The P-1 district shall have the following standards:
 - Minimum lot area: 6,000 square feet;
 - Minimum lot frontage: 30' at the front property line;
 - Minimum lot width: 60' in average width;
 - Minimum lot depth: 90'
 - Minimum front yard setback: 20' to garage or living space and 15' to a single story porch or side loaded garage;
 - Minimum side yard setback: 5' minimum, sum of both sides 15', corner lots shall maintain a street side yard setback (secondary frontage) of 15';
 - Minimum rear yard: 15';
 - Maximum wall/fence height: 8';
 - Detached Garage Minimum rear and side yard setback (Plan 4): 5' for single story or two story structures adjacent to the park or school site. Lots 5 and 6 shall have a 10' side yard setback and an 8' rear yard setback.

Tentative Map:

5. The applicant shall pay in lieu fees for park land dedication and improvement impact fees instead of constructing an on-site facility.
6. The landscaping along Frank Hengel Way includes a mix of 15 gallon and 24-inch box deciduous and evergreen trees. The landscaping shall include a mix of low growing shrubs and groundcover within the parkway and between the sidewalk and the sound wall, shrubs and groundcover as well as vines shall be planted along the base of the sound wall. Additional landscaping shall be installed to screen the wall per the review and approval of the Community Development Director.
7. The neighborhood entry off of Picasso Drive shall be identified by accent paving, project monument signage and accent planting per the review and approval of the Community Development Director.

8. Traffic calming devices shall be placed at the intersection of B Street and Escher Circle, per the review and approval of the City Engineer.
9. Each lot shall have a minimum of two different types of trees along the street frontage, with the exception of corner lots, which shall have four.
10. The street trees shall be inter-mixed throughout the subdivision, so there are a variety of trees on every street.
11. Six feet high wood good neighbor fences shall be located along internal property lines and shall have steel posts or a comparable alternative per the review and approval of the Community Development Director.
12. Lots that have secondary frontages shall have enhanced wood fences with two feet of lattice or acceptable alternative along the top of the fence per the review and approval of the Community Development Director.
13. The street side yard fencing for lots 5 and 6 shall be pre-treated to resist water stains per the review and approval of the Community Development Director.
14. For lots that side or back onto Picasso Drive, Frank Hengel Way, Delta Vista Middle School or the park site, a precast concrete wall shall be constructed with a stucco finish, with a decorative cap and stone veneer columns as shown on Fencing Plan. The wall shall be 6' in height per the acoustical study.
15. Six foot masonry wall shall be provided at the end of A Street, adjacent to Frank Hengel Way on lots 12 and 13 with a design to match the existing walls within Cypress Grove.

Design Review:

16. Trim shall be provided around all doors and windows.
17. A minimum of one elevation for each house plan shall provide enhanced materials on the front elevation such as brick or stone per the review and approval of the Community Development Director.
18. The use of stone and brick veneer shall be carried to the fence line or with a change of building plan on the façade per the review of the Community Development Director.
19. Additional articulation shall be provided on the side and rear elevations of all two story homes including but not limited to the addition of pop-outs, shutters, awnings, etc., per the review of the Community Development Director.
20. Additional wrought iron embellishments shall be provided on the Mediterranean style homes per the review and approval of the Community Development Director.

21. No more than two of the same plan may be located on adjacent lots and the elevations and colors must be different per the review and approval of the Community Development Director.
22. A minimum of 20% of the units within the subdivision shall be single story.
23. No more than 25% of the units within the subdivision shall have the same two story plan.
24. A single story model shall be placed on lot 1 to ensure the subdivision meets the intent of the design guidelines regarding single story models on corner lots, per the review and approval of the Community Development Director.
25. A revised development plan shall be submitted to the Planning Division prior to the release of Building Permits.
26. Media niches are not allowed within the five foot side yard setback.
27. For each group of three adjacent homes, at least one shall contain a home whose front yard setback varies from those of its neighbors by at least 5 feet. Minimum setbacks may not be reduced to accommodate the variation in setbacks.

General:

28. Noise generating construction activities, including such things as power generators, shall be limited to the hours of 7:30 a.m. to 5:30 p.m. Monday through Friday, and shall be prohibited on City, State and Federal Holidays. The restrictions on allowed working days may be modified on prior written approval by the Community Development Director.
29. Should archaeological materials be uncovered during grading, trenching or other on-site excavation(s), earthwork within 30 yards of these materials shall be stopped until a professional archaeologist who is certified by the Society of Professional Archaeology (SOPA) has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s), if deemed necessary.
30. A landscaping and irrigation plan for all areas shown on the landscape plan shall be submitted for review and approval of the Community Development Director prior to the issuance of building permits. Landscaping shall conform to the Oakley Landscape Guidelines and the City's Water Conservation Landscape Ordinance 82-26 and shall be installed prior to final occupancy. The plan shall be prepared by a licensed landscape architect and shall be certified to be in compliance with the City's Water Conservation Ordinance.
31. California native drought tolerant plants shall be used as much as possible. All trees shall be a minimum fifteen-gallon size and all shrubs shall be a minimum five-gallon size, except as otherwise noted.
32. The applicant shall maintain all landscaping until occupancy and shall annex the site into a landscaping and lighting district. The applicant is required to annex to a

lighting and landscaping district and notify future homeowners by deed, notice of the fact that the land is within a landscaping and lighting district.

33. The street names shall be approved by the Community Development Department and the East Contra Costa Fire District.
34. Where a lot/parcel is located within 300' of a high voltage electric transmission line, the applicant shall record the following notice:

"The subject property is located near a high voltage electric transmission line. Purchasers should be aware that there is ongoing research on possible potential adverse health effects caused by the exposure to a magnetic field generated by high voltage lines. Although much more research is needed before the question of whether magnetic fields actually cause adverse health effects can be resolved, the basis for such a hypothesis is established. At this time no risk assessment has been made."

When a Final Subdivision Public Report issued by the California Department of Real Estate is required, the applicant shall also request that the Department of Real Estate insert the above note in the report.

35. The following statements shall be recorded at the County Recorder's Office for each parcel to notify future owners of the parcels that they own property in an agricultural area:

"This document shall serve as notification that you have purchased land in an agricultural area where you may regularly find farm equipment using local roads; farm equipment causing dust or blowing sand; crop dusting and spraying occurring regularly; burning associated with agricultural activities; noise associated with farm equipment such as zorn guns and aerial crop dusting and certain animals, including equestrian trails as well as flies may exist on surrounding properties. This statement is again, notification that this is part of the agricultural way of life in the open space areas of the City of Oakley and you should be fully aware of this at the time of purchase.

36. The applicant shall indemnify, defend, and hold harmless the City of Oakley, the City Approving Authorities, and the officers, agents, and employees of the City from any and all claims, damages and liability (including, but not limited to, damages, attorney fees, expenses of litigation, costs of court).
37. Department of Fish and Game surveys shall be performed by a qualified biologist prior to the start of any work on-site.
38. All units with over 3,500 square feet of living space shall include dual zone air conditioning units and re-circulated water heating systems for energy and resource conservation.

Public Works and Engineering Conditions

Applicant shall comply with the requirements of City Municipal Code. Any Code exceptions must be stipulated in these Conditions of Approval. Conditions of Approval are based on the site plan received by the Community Development Department and dated February 17, 2006.

The following conditions of approval shall be satisfied prior to filing any final map unless otherwise noted:

General:

39. Submit improvement plans prepared by a registered civil engineer to the City Engineer for review and approval and pay the appropriate processing costs in accordance with the Municipal Code and these conditions of approval. The plans shall be consistent with the Stormwater Control Plan for the project including treatment areas to be incorporated in the front yards if necessary, or other alternatives as approved by the City Engineer. The plans shall include the drawings and specifications necessary to implement the required stormwater control measures and be accompanied by a Construction Plan C.3 Checklist as described in the Stormwater C.3 Guidebook.
40. Submit a final map prepared by a licensed land surveyor or qualified registered civil engineer to the City Engineer for review and approval and pay processing costs in accordance with the Municipal Code and these conditions of approval.
41. Submit grading plans including erosion control measures and revegetation plans prepared by a registered civil engineer to the City Engineer for review and approval and pay appropriate processing costs in accordance with the Municipal Code and these conditions of approval.
42. Submit landscaping plans for publicly maintained landscaping, including planting and irrigation details, as prepared by a licensed landscape architect to the City Engineer for review and approval and pay appropriate processing costs in accordance with the Municipal Code and these conditions of approval.
43. Execute any agreements required by the Stormwater Control Plan which pertain to the transfer of ownership and/or long term maintenance of stormwater treatment mechanisms required by the plan prior to the final inspection of the first house within the subdivision.
44. Building permits for house construction shall not be issued until the subdivision streets serving the lots have been paved.

Roadway Improvements:

45. Construct the project streets to City public road standards and as shown on the Tentative Maps with the following exceptions:

- A. The minimum street grade may be lowered from the standard 1% to 0.75% provided that the project proponent demonstrates that the City's drainage standards can be achieved.
- 46. Submit a turning radius exhibit to the City Engineer for review and approval to illustrate that the ninety-degree turns of project streets can accommodate the largest expected vehicle to use the streets without the inclusion of City standard elbows. If the exhibit illustrates that elbows are necessary to accommodate the expected traffic then they shall be included in the improvement plans.
- 47. Install traffic control devices such as stop signs and other signing and striping on the project streets to the satisfaction of the City Engineer. A stop sign shall be installed at the A Street and Picasso Drive intersection.
- 48. Submit a phasing plan for the project streets to the City Engineer for review if the street improvement will be phased. The plan shall include provisions for emergency vehicle access, temporary turn-around facilities, and access to the occupied lots.
- 49. Design all public and private pedestrian facilities in accordance with Title 24 (Handicap Access) and the Americans with Disabilities Act.

Road and Easement Dedications:

- 50. Convey to the City, by Offer of Dedication, the right of way for the project streets.
- 51. Furnish necessary rights of way, rights of entry, permits and/or easements for the construction of off-site, temporary or permanent, public and private road, utility and drainage improvements.
- 52. Relinquish abutter's rights for non-primary frontages to the satisfaction of the City Engineer.

Street Lights:

- 53. Install streetlights along all project streets. The City Engineer shall determine the final number and location of the lights, and the lights shall be on an LS2-A rate service. The lights on the project streets shall be decorative per City standards.

Grading:

- 54. Submit a geotechnical report to the City Engineer for review that substantiates the design features incorporated into the subdivision including, but not limited to grading activities, compaction requirements, utility construction, slopes, retaining walls, and roadway sections.
- 55. At least one week prior to commencement of grading, the applicant shall post the site and mail to the owners of property within 300 feet of the exterior boundary of the project site notice that construction work will commence. The notice shall include a list of contact persons with name, title, phone number and area of responsibility. The person responsible for maintaining the list shall be included. The list shall be kept current at all times and shall consist of persons with authority to indicate and implement corrective action in their area of responsibility. The names of the individual responsible for noise and litter control shall be expressly identified

in the notice. The notice shall be reissued with each phase of major grading activity. A copy of the notice shall be concurrently transmitted to the City Engineer. The notice shall be accompanied by a list of the names and addresses of the property owners noticed, and a map identifying the area noticed.

56. Grade any slopes with a vertical height of four feet or more at a slope of 3 to 1. Retaining walls that may be installed to reduce the slope must be masonry and comply with the City's building code.
57. Grade all pads so that they drain directly to the public street at a minimum of one percent without the use of private drainage systems through rear and side yards.
58. Submit a dust and litter control plan to the City Engineer prior to beginning any construction activities.
59. Submit a haul route plan to the City Engineer for review and approval if grading activities require importing or exporting any material from the site. The plan shall include the location of the borrow or fill area, the proposed haul routes, the estimated number and frequency of trips, and the proposed schedule of hauling. Based on this plan the City Engineer shall determine whether pavement condition surveys must be conducted along the proposed haul routes to determine what impacts the trucking activities may have. The project proponents shall be responsible to repair to their pre-construction condition any roads along the utilized routes.
60. Prior to commencement of any site work that will result in a land disturbance of one acre or more; the applicant shall provide evidence to the City Engineer that the requirements for obtaining a State General Construction Permit have been met. Such evidence may be a copy of the Notice of Intent letter sent by the State Water Resources Control Board. The WDID Number shall be shown on the grading plan prior to approval by the City Engineer.
61. Submit an updated erosion control plan reflecting current site conditions to the City Engineer for review and approval no later than September 1st of every year while the Notice of Intent is active.
62. Grade all pad elevations or install levees to satisfy Chapter 914-10 of the City's Municipal Code, including the degree of protection provisions.

Utilities/Undergrounding:

63. Underground all new and existing utility distribution facilities. The developer shall provide joint trench composite plans for the underground electrical, gas, telephone, cable television and communication conduits and cables including the size, location and details of all trenches, locations of building utility service stubs and meters and placements or arrangements of junction structures. The joint trench composite plans must be endorsed by the City Engineer prior to the approval of the Improvement Plans for the project. The composite drawings and/or utility improvement plans shall be signed by a licensed civil engineer.

64. All utility boxes shall be installed underground and all wires and cables must be installed in conduits. Compliance with this condition shall be at the discretion of the City Engineer.

Drainage Improvements:

65. Collect and convey all stormwater entering and/or originating on these properties, without diversion and within an adequate storm drainage facility, to an adequate natural watercourse having definable bed and banks, or to an existing adequate public storm drainage facility that conveys the storm waters to an adequate natural watercourse, in accordance with Division 914 of the Ordinance Code. The City is currently preparing a storm drain master plan for the drainage shed roughly bounded to the west by the BNSF railroad tracks, the east by Sellers Avenue, and the north by the Contra Costa Canal. This project is within the study area and shall cooperate with the preparation of the master plan and shall comply with the plan once adopted.
66. Submit a final hydrology and hydraulic report including 10-year and 100-year frequency event calculations for the proposed drainage system to the City Engineer for review and approval.
67. Design and construct all storm drainage facilities in compliance with the Ordinance Code and City design standards.
68. Prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.
69. Dedicate a public drainage easement over the drainage system that conveys storm water run-off from public streets.

Landscaping in the Public Right of Way:

70. Install public right of way landscaping along the Frank Hengle Way frontage.
71. Maintain all landscaping within the public right of way until such time that the adjacent roadway improvements have been accepted for maintenance.

National Pollutant Discharge Elimination System (NPDES):

72. Comply with all rules, regulations and procedures of the National Pollutant Discharge Elimination System (NPDES) for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board, or any of its Regional Water Quality Control Boards (Central Valley - Region IV), including the Stormwater C.3 requirements as detailed in the Guidebook available at www.cccleanwater.org.

Compliance shall include developing long-term best management practices (BMP's) for the reduction or elimination of storm water pollutants. The project design shall incorporate wherever feasible, the following long-term BMP's in accordance with the Contra Costa Clean Water Program for the site's storm water drainage:

- Offer pavers for household driveways and/or walkways as an option to buyers.
- Minimize the amount of directly connected impervious surface area.
- Delineate all storm drains with "No Dumping, Drains to the Delta" permanent metal markers per City standards.
- Construct concrete driveway weakened plane joints at angles to assist in directing run-off to landscaped/pervious areas prior to entering the street curb and gutter.
- Distribute public information items regarding the Clean Water Program to buyers.
- Other alternatives as approved by the City Engineer.

Fees and Assessments:

73. Comply with the requirements of the development impact fees listed below, in addition to those noticed by the City Council in Resolution 00-85 and 08-03. The applicant shall pay the fees in the amounts in effect at the time each building permit is issued.

- A. Traffic Impact Fee (authorized by Ordinance No. 14-00, adopted by Resolution 49-03);
- B. Regional Transportation Development Impact Mitigation Fee (authorized by Ordinance No. 14-00, adopted by Resolution No. 73-05);
- C. Park Land Dedication In-Lieu Fee (adopted by Ordinance No. 03-03);
- D. Park Impact Fee (authorized by Ordinance No. 05-00, adopted by Resolution No. 19-03);
- E. Public Facilities Fee (authorized by Ordinance No. 05-00, adopted by Resolution No. 18-03); and
- F. Child Care Facilities "In Lieu" Fee (adopted by Ordinance Nos. 18-99 and 23-99).
- G. Fire Impact Fee collected on behalf of the East Contra Costa Fire Protection District (adopted by Resolution No. 09-01)
- I. General Plan Fee (adopted by Resolution No. 53-03).

The applicant should contact the City Engineer prior to constructing any public improvements to determine if any of the required improvements are eligible for credits or reimbursements against the applicable traffic benefit fees or from future developments. The applicant may be eligible for a credit against the East County Transportation Improvement Impact Fee that is equal to the amount of the Eastern Contra Costa Sub-Regional Transportation Mitigation Fee paid. The Applicant may also be eligible for a credit against the Park Land Acquisition component of the Park Impact Fee that is equal to the amount of the Park Land Dedication In-Lieu Fee paid.

74. Annex the property to the City of Oakley Landscape and Lighting District No. 1 for citywide landscaping and park maintenance, subject to an assessment for maintenance based on the assessment methodology described in the Engineer's

Report for the District. The assessment shall be the per parcel annual amount (with appropriate future cost of living adjustment) as established at the time of voting by the City Council. Any required election and/or ballot protest proceedings shall be completed prior to approval of the final map. The Applicant shall apply for annexation and provide all information and documents required by the City or its agents in processing the annexation. All costs of annexation shall be paid by Applicant.

75. Annex the property to the City of Oakley Landscape and Lighting District No. 1 for citywide street lighting costs and maintenance, subject to an assessment for street light maintenance based on the assessment methodology described in the Engineer's Report. The assessment shall be the per parcel annual amount (with appropriate future cost of living adjustment) as established at the time of voting by the City Council. Any required election and/or ballot protest proceedings shall be completed prior to filing of the Final Map. The applicant shall apply for annexation and provide all information and documents required by the City or its agents in processing the annexation. All costs of annexation shall be paid by Applicant.
76. Annex the property to the City of Oakley Landscape and Lighting District No. 1 for project specific landscaping maintenance, subject to an assessment for landscape operation and maintenance based on the assessment methodology described in the Engineer's Report. The assessment shall be the per parcel annual amount (with appropriate future cost of living adjustment) as established at the time of voting by the City Council. Any required election and/or ballot protest proceedings shall be completed prior to filing of the Final Map. The applicant shall apply for annexation and provide all information and documents required by the City or its agents in processing the annexation. All costs of annexation shall be paid by Applicant.
77. 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. The tax shall be the per parcel annual amount (with appropriate future cost of living adjustment) as established at the time of voting by the City Council. The election to provide for the tax shall be completed prior to filing of the final map. Should the homes be occupied prior to the City receiving the first disbursement from the tax bill, the project proponent shall be responsible for paying the pro-rata share for the remainder of the tax year prior to the City conducting a final inspection.
78. Participate in the formation of an assessment district for the construction of off-site improvements should the City deem such a mechanism necessary. The assessment district shall be formed prior to the filing of any final or parcel map, and the project proponent shall fund all costs of formation.
79. Participate in the formation of a mechanism to fund the operation and maintenance of the storm drain system, including Citywide stormwater management and discharge control activities. The appropriate funding mechanism shall be determined by the City and may include, but not be limited to, an assessment district, community services district, or community facilities district. The funding mechanism shall be formed prior to filing of the final map, and the project proponent shall fund all costs of the formation.

80. Comply with the storm drainage master plan and associated fees for drainage shed roughly bounded to the west by the BNSF railroad tracks, the east by Sellers Avenue, and the north by the Contra Costa Canal should that plan be adopted by the City and/or the Contra Costa County Flood Control and Water Conservation District. The applicant shall pay the fee in effect at the time of building permit issuance. Certain improvements required by the Conditions of Approval for this development or the Code may be eligible for credit or reimbursement against the drainage area fee. The developer should contact the City Engineer to personally determine the extent of any credit or reimbursement for which he might be eligible. Any credit or reimbursements shall be determined prior to filing the final map.

ADVISORY NOTES

THE FOLLOWING ADVISORY NOTES ARE PROVIDED TO THE APPLICANT AS A COURTESY BUT ARE NOT A PART OF THE CONDITIONS OF APPROVAL. ADVISORY NOTES ARE PROVIDED FOR THE PURPOSE OF INFORMING THE APPLICANT OF ADDITIONAL ORDINANCE REQUIREMENTS THAT MUST BE MET IN ORDER TO PROCEED WITH DEVELOPMENT.

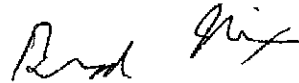
- A. The applicant/owner should be aware of the expiration dates and renewing requirements prior to requesting building or grading permits.
- B. The project will require a grading permit pursuant to the Ordinance Code.
- C. Applicant shall comply with the requirements of Ironhouse Sanitary District.
- D. The applicant shall comply with the requirements of the Diablo Water District.
- E. Comply with the requirements of the East Contra Costa Fire Protection District.
- F. Comply with the requirements of the Building Inspection Division. Building permits are required prior to the construction of most structures.
- G. This project may be subject to the requirements of the Department of Fish and Game. It is the applicant's responsibility to notify the Department of Fish and Game, P.O. Box 47, Yountville, California 94599, of any proposed construction within this development that may affect any fish and wildlife resources, per the Fish and Game Code.
- H. This project may be subject to the requirements of the Army Corps of Engineers. It is the applicant's responsibility to notify the appropriate district of the Corps of Engineers to determine if a permit is required, and if it can be obtained.
- I. The applicant shall obtain an encroachment permit for construction within existing City rights of way.
- J. The applicant shall obtain an encroachment permit from Caltrans for construction within the State right of way.
- K. Comply with requirements of Contra Costa Water District:

The Teal Cove II residential subdivision will provide a \$2,627 per residential unit contribution to the Contra Costa Water District for each single-family home within Subdivision 9080. Payment will be in the form of a lump sum payment at the time of final map approval based on the total number of approved lots times \$2,627 if the Final Map is approved prior to September 30, 2006. Based on the December 9, 2005 Tentative Map that includes 27 lots, the contribution will total \$70,929. The contribution level, per home, will be increased by 2.5% each October 1st until payment is completed.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 14th day of August, 2006, by the following vote:

AYES: Anderson, Connelley, Nix, Romick
NOES: None
ABSTENTIONS: None
ABSENT: Rios

APPROVED:



MAYOR

ATTEST:



CITY CLERK

EXHIBIT B

INSURANCE REQUIREMENTS

CONSTRUCTION CONTRACTS

MINIMUM SCOPE AND LIMIT OF INSURANCE

Coverage shall be at least as broad as:

1. **Commercial General Liability (CGL):** Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than **\$5,000,000** per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit (i.e., \$10,000,000)
2. **Automobile Liability:** Insurance Services Office Form Number CA 0001 covering Code 1 (any auto), with limits no less than **\$5,000,000** per accident for bodily injury and property damage.
3. **Workers' Compensation** insurance as required by the State of California, with Statutory Limits, and Employers' Liability insurance with a limit of no less than \$1,000,000 per accident for bodily injury or disease.
4. **Builder's Risk** (Course of Construction) insurance utilizing an "All Risk" (Special Perils) coverage form, with limits equal to the completed value of the project and no coinsurance penalty provisions.
5. **Surety Bonds** as described below.
6. **Professional Liability** (if Design/Build), with limits no less than \$1,000,000 per occurrence or claim, and \$2,000,000 policy aggregate.
7. **Contractors' Pollution Legal Liability** and/or Asbestos Legal Liability and/or Errors and Omissions (if project involves environmental hazards) with limits no less than \$1,000,000 per occurrence or claim, and \$2,000,000 policy aggregate.

If the contractor maintains higher limits than the minimums shown above, the City requires and shall be entitled to coverage for the higher limits maintained by the contractor. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the City.

Contractor shall procure and maintain for the duration of the contract, and if Contractor has a claims-made policy, Contractor shall maintain for two years thereafter, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Contractor, its agents, representatives, employees or subcontractors.

Deductibles and Self-Insured Retentions

Any deductibles or self-insured retentions must be declared to and approved by the City. At the option of the City, either: the contractor shall cause the insurer to reduce or eliminate such deductibles or self-insured retentions as respects the City, its officers, officials, employees, and volunteers; or the Contractor shall provide a financial guarantee satisfactory to the City guaranteeing payment of losses and related investigations, claim administration, and defense expenses.

Other Insurance Provisions

The insurance policies are to contain, or be endorsed to contain, the following provisions:

1. **The City, its officers, officials, employees, and volunteers are to be covered as additional insureds** on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the Contractor including materials, parts, or equipment furnished in connection with such work or operations and automobiles owned, leased, hired, or borrowed by or on behalf of the Contractor. General liability coverage can be provided in the form of an endorsement to the Contractor's insurance (at least as broad as ISO Form CG 20 10 11 85 or both CG 20 10 10 01 and CG 20 37 10 01 forms if later revisions used).
2. For any claims related to this project, the **Contractor's insurance coverage shall be primary** insurance as respects the City, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, or volunteers shall be in excess of the Contractor's insurance and shall not contribute with it.
3. Each insurance policy required by this clause shall provide notice will be provided to City in the event that the policy is terminated. Contractor shall immediately notify City of any insurance cancellation or termination and shall provide replacement insurance policy documentation to the City.

Builder's Risk (Course of Construction) Insurance

Contractor may submit evidence of Builder's Risk insurance in the form of Course of Construction coverage. Such coverage shall **name the City as a loss payee** as their interest may appear.

If the project does not involve new or major reconstruction, at the option of the City, an Installation Floater may be acceptable. For such projects, a Property Installation Floater shall be obtained that provides for the improvement, remodel, modification, alteration, conversion or adjustment to existing buildings, structures, processes, machinery and equipment. The Property Installation Floater shall provide property damage coverage for any building, structure, machinery or equipment damaged, impaired, broken, or destroyed during the performance of the Work, including during transit, installation, and testing at the City's site.

Claims Made Policies

If any coverage required is written on a claims-made coverage form:

1. The retroactive date must be shown, and this date must be before the execution date of the contract or the beginning of contract work.
2. Insurance must be maintained and evidence of insurance must be provided for at least five (5) years after completion of contract work.
3. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a retroactive date prior to the contract effective, or start of work date, the Contractor must purchase extended reporting period coverage for a minimum of five (5) years after completion of contract work.
4. A copy of the claims reporting requirements must be submitted to the City for review.
5. If the services involve lead-based paint or asbestos identification/remediation, the Contractors Pollution Liability policy shall not contain lead-based paint or asbestos exclusions. If the services involve mold identification/remediation, the Contractors Pollution Liability policy shall not contain a mold exclusion, and the definition of Pollution shall include microbial matter, including mold.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best rating of no less than A:VII, unless otherwise acceptable to the City.

Waiver of Subrogation

Contractor hereby agrees to waive rights of subrogation which any insurer of Contractor may acquire from Contractor by virtue of the payment of any loss. Contractor agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation. **Worker's Compensation policies shall be endorsed with a waiver of subrogation** in favor of the City for all work performed by the Contractor, its employees, agents and subcontractors.

Verification of Coverage

Contractor shall furnish the City with original certificates and amendatory endorsements, or copies of the applicable insurance language, effecting coverage required by this contract. All certificates and endorsements are to be received and approved by the City before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Contractor's obligation to provide them. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements, required by these specifications, at any time.

Subcontractors

Contractor shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Contractor shall ensure that City is an additional insured on insurance required from subcontractors. For CGL coverage subcontractors shall provide coverage with a format least as broad as CG 20 10 10 01 and CG 20 37 10 01.

Surety Bonds

Contractor shall provide the following Surety Bonds:

1. Bid bond
2. Performance bond
3. Payment bond
4. Maintenance bond

The Payment Bond and the Performance Bond shall be in a sum equal to the contract price. If the Performance Bond provides for a one-year warranty a separate Maintenance Bond is not necessary. If the warranty period specified in the contract is for longer than one year a Maintenance Bond equal to 10% of the contract price is required. Bonds shall be duly executed by a responsible corporate surety, authorized to issue such bonds in the State of California and secured through an authorized agent with an office in California.

Special Risks or Circumstances

City reserves right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other circumstances.

EXHIBIT C
VERIFICATION OF INSURANCE

Recording Requested By:

**Prescott Parc, LLC
c/o De Nova Homes
1500 Willow Pass Court
Concord, CA 94520**

When Recorded Mail To:

**City Clerk
City of Oakley
3231 Main Street
Oakley CA 94561**

**SUBDIVISION ANNEXATION AND
ASSESSMENT AUTHORIZATION
DEFERRAL AGREEMENT
SUBDIVISION 9080**

This agreement ("Agreement") is made at Oakley, California, effective as of _____, 2015, by and between the CITY OF OAKLEY, a municipal corporation ("City") and Prescott Parc, LLC, a California limited liability company ("Owner").

Recitals

- A. On August 14, 2006 the City Council of the City of Oakley adopted Resolution No. 112-06 which conditionally approved the tentative map for Subdivision 9080, a 26-lot residential subdivision located between Frank Hengel Way and Picasso Drive, south of Escher Circle described in the map and legal description attached hereto and incorporated herein as Exhibits A and B respectively.
- B. Conditions of Approval 74, 75 and 76 require annexation to City of Oakley Street Lighting and Landscape Assessment District No. 1 ("District") and approval of assessments for Citywide landscaping and park maintenance, Citywide street lighting costs and maintenance and project specific landscaping maintenance.
- C. Condition of Approval 77 requires the Subdivision's participation in the provision of funding to maintain police services by voting to approve a special tax ("Special Tax") created by this subdivision approval.
- D. Condition of Approval 78 requires participation in the formation of an assessment district for the construction of off-site improvements if deemed necessary by the City.
- E. Condition of Approval 79 requires the Subdivision's participation in the formation of a mechanism to fund the operation and maintenance of the storm drain system, including storm water quality monitoring and reporting, storm water ponds and any proposed pump stations as well as any levees proposed to be maintained by the City. The appropriate funding mechanism shall be determined by the City and may include, but not be limited to, an assessment district, community services district, or community facilities district. Condition of Approval 79 further requires that the funding mechanism shall be formed prior

to filing of any final or parcel map, and the project proponent shall fund all costs of formation.

F. City and Owner, by this Agreement, are implementing Conditions of Approval Number 74 through Number 79.

AGREEMENT

With reference to the foregoing Recitals and in consideration of the mutual provisions, obligations and covenants herein contained, City and Owner agree as follows:

1. Recitals.

The foregoing Recitals are true and correct and are made a part hereof.

2. Support for Annexation.

Owner shall support and take any and all actions necessary to annex the Project into the District for the future maintenance and costs of Citywide parks, Citywide street lighting and landscaping and irrigation facilities in median islands, parkways and other areas designated in the District. Owner shall also participate in the provision of funding to maintain police services by the Subdivision's annexation to Oakley Special Police Tax Area. Owner shall also participate in the formation of an assessment district for the construction of off-site improvements if deemed necessary by the City. Owner shall also support and take any and all actions necessary for the Subdivision's participation in the formation of a Funding Mechanism for the operation and maintenance of the storm drain system, including City-wide storm water management and discharge control activities.

3. Submission of Assessment Ballots in Favor of Assessment, Special Tax Ballot in Favor of Special Tax, Ballot for participation Ballot for Storm Drain Maintenance Funding Mechanism and Ballot for Offsite Improvement Assessment District.

Upon receipt of an assessment ballot regarding the assessments that shall be annually imposed by the District and/or a special tax ballot regarding the special tax annually imposed for maintenance of police services and/or a ballot regarding the assessments that shall be annually imposed for storm drain maintenance Funding Mechanism on the Subdivisions and/or a ballot or written request from the City regarding participation in the formation of an assessment district for construction of offsite improvements, Owner shall promptly indicate its support for such assessments and/or special taxes and/or requests by marking the ballot(s) and submitting it as instructed in the ballot materials or as directed in the request. Owner specifically understands that the current assessments levied by the District and the current special taxes for maintenance of police services and the current special taxes for the Funding Mechanism may increase due to inflation and Owner agrees to pay any such increase.

4. Restrictions on Conveyances and Transfers of Title.

Owner shall not convey or otherwise transfer title to the Subdivision until the annexation and/or approval of the assessments and special taxes including the completion of the ballot proceedings is finalized, and the assessments and special taxes are authorized to be levied on the Subdivision.

Owner also may enter into reservation contracts with potential purchasers of lots within the Subdivision, provided that such contracts include a prominent warning that shall be reviewed by and acceptable to the City identifying the existence of this Agreement and summarizing its critical requirements.

Notwithstanding the terms of this provision, any restrictions on conveyance or other transfer of the designated remainder under the Subdivision Map Act remain in effect.

5. Restrictions on Issuance and Processing of Building Permits.

Owner shall not request, and City shall neither issue nor process, any building permits for the Subdivision or any structure in/on the Subdivision until the annexation to the District, approval of the Special Tax and formation of Funding Mechanism (including the completion of the ballot proceedings is finalized and the assessments and special taxes are authorized to be levied) for the Subdivision.

6. Recordation of Agreement.

Prior to issuance of the Subdivision map, Owner shall record this Agreement in the chain of title for both the Subdivision, such that this Agreement will be identified in any title report prepared for a potential purchaser of any of the lots.

7. Issuance of Final Map.

City shall not withhold approval of the final map for the Subdivision prior to completion of the annexation of the Subdivision to the District, approval of the Subdivision's Special Tax, formation of the Subdivision's Funding Mechanism and prior to Subdivision's participation in the formation of an assessment district for the construction of offsite improvements and authorization of the levy of the District assessment, authorization of the levy of the Special Tax, authorization of the levy of Funding Mechanism assessment and pre-payment of eligible development impact fees on the Subdivision on account of failure to complete annexation to the District, approval of the Special Tax and formation of Funding Mechanism provided that the Subdivision is in substantial compliance with all other conditions of approval and the Subdivision is in full compliance with applicable laws.

8. Severability and Integration of Agreement.

This Agreement is an integrated agreement containing the entire understanding of the Parties regarding the matters addressed herein. No amendment or variation of the terms of this Agreement shall be effective unless made in writing and executed by both parties. In the event that any provision of this agreement is finally held or determined to be illegal or void by a court having jurisdiction, the remaining portions of the Agreement remain in

full force and effect unless the parts found to be void are wholly inseparable from the remaining portion of the Agreement.

APPROVED AS TO FORM:

CITY OF OAKLEY

Derek P. Cole, City Attorney

Bryan H. Montgomery, City Manager

ATTEST:

OWNER

Libby Vreonis, City Clerk

Michael Evans

EXHIBIT A
MAP OF SUBDIVISION

**[THE COUNTY RECORDER WILL REQUIRE A VERY HIGH RESOLUTION
COPY ON 8 ½ BY 11 INCH PAPER]**

EXHIBIT B

LEGAL DESCRIPTION OF SUBDIVISION

RESOLUTION NO. XX-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING THE SUBDIVISION IMPROVEMENT AGREEMENT WITH PRESCOTT PARC, LLC A CALIFORNIA LIMITED LIABILITY COMPANY, FOR SUBDIVISION 9080 AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT

WHEREAS, the City Council of the City of Oakley, California, wishes to enter into a Subdivision Improvement Agreement with Prescott Parc, LLC for the development of a residential subdivision known as Subdivision 9080; and

WHEREAS, this agreement will require the developer to complete approximately \$696,000.00 in public improvements and drainage in accordance with the project conditions of approval and City standard construction design.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Oakley that the Subdivision Improvement Agreement with Prescott Parc, LLC is hereby approved and the City Manager is hereby authorized to execute the Subdivision Improvement Agreement for the development of Subdivision 9080 in the form attached hereto as Exhibit A and is made part of this resolution.

PASSED AND ADOPTED by the City Council of the City of Oakley, California, this 26th day of May 2015 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

Doug Hardcastle, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date

RESOLUTION NO. XX-15

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY,
CALIFORNIA, APPROVING A SUBDIVISION ANNEXATION AND
ASSESSMENT AUTHORIZATION DEFERRAL AGREEMENT WITH
PRESCOTT PARC, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY FOR
SUBDIVISION 9080**

WHEREAS, Conditions of Approval 74, 75 & 76 require annexation to City of Oakley Street Lighting and Landscape Assessment District No. 1 ("District") and approval of assessments for Citywide landscaping and park maintenance, Citywide street lighting costs and maintenance and project specific landscaping maintenance; and

WHEREAS, Condition of Approval 77 requires the Subdivision's participation in the provision of funding to maintain police services by voting to approve a special tax ("Special Tax") created by this minor subdivision approval; and

WHEREAS, Condition of Approval 78 requires participation in the formation of an assessment district for the construction of off-site improvements if deemed necessary by the City; and

WHEREAS, Condition of Approval 79 requires the Subdivision's participation in the formation of a mechanism to fund the operation and maintenance of the storm drain system, including storm water quality monitoring and reporting, storm water ponds and any proposed pump stations as well as any levees proposed to be maintained by the City. The appropriate funding mechanism shall be determined by the City and may include, but not be limited to, an assessment district, community services district, or community facilities district. Condition of Approval 56 further requires that the funding mechanism shall be formed prior to filing of any final or parcel map, and the project proponent shall fund all costs of formation; and

WHEREAS, the formation of a mechanism to fund the operation and maintenance of the storm drain system has not been completed; and

WHEREAS, Prescott Parc, LLC (Prescott) is requesting that the Final Map for Subdivision 9080 be filed, and is willing to enter into an agreement that, among other things, will allow Prescott to file the map but will prohibit Prescott from selling any lots until the assessment district annexations are complete.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, by the City Council of the City of Oakley that the Subdivision Annexation and Assessment Authorization Deferral Agreement with Prescott Parc, LLC is hereby approved and the City Manager is hereby authorized to execute the Subdivision

Annexation and Assessment Authorization Deferral Agreement for Subdivision 9080, subject to review and approval by the City Attorney.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on this 26th day of May, 2015 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

ATTEST:

Doug Hardcastle, Mayor

Libby Vreonis, City Clerk

Date

RESOLUTION NO. XX-15

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY
APPROVING THE FINAL MAP OF SUBDIVISION 9080**

WHEREAS, Prescott Parc, LLC, a California limited liability company has satisfied the necessary conditions of approval for Subdivision 9080, as approved by the City Council on August 14, 2006 by Resolution Number 112-06; and

WHEREAS, the City Engineer has determined that the conditions of approval for the project have been satisfied; and

WHEREAS, the City Surveyor has determined that the final map is technically correct.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Oakley that the final map labeled "Subdivision 9080", as prepared by Carlson, Barbee & Gibson, Inc. be approved.

PASSED AND ADOPTED by the City Council of the City of Oakley, California, this 26th day of May 2015 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

Doug Hardcastle, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date

OWNER'S STATEMENT

THE UNDERSIGNED, BEING A PARTY HAVING A RECORD TITLE INTEREST IN THE LANDS DELINEATED AND ENLARGED WITHIN THE HEAVY BLACK LINES UPON THIS MAP, DOES HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THE SAME. THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED IN FEE FOR PUBLIC PURPOSES: THE AREA DESIGNATED AS PRESCOTT CIRCLE PICKUP DRIVE, AND FRANK HENDEL WAY.

THE AREAS DESIGNATED AS PARCELS A AND B ARE HEREBY DEDICATED TO THE CITY OF OAKLEY IN FEE OR ITS DESIGNEE FOR PUBLIC USE.

PARCEL C TO BE USED WITH PARCEL B OF SUBDIVISION NO. 9391 SUBSEQUENT TO THE FILING OF THE SUBDIVISION NO. 9391 MAP.

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED AS AN EASEMENT FOR PUBLIC PURPOSES: THE AREAS DESIGNATED AS "PUBLIC UTILITY EASEMENT" OR "PUE" FOR UNDERGROUND ELECTRIC, GAS, CABLE TELEVISION, AND TELEPHONE USE AND ANY/ALL IMPROVEMENTS AND APPURTENANCES INSTALLED, INCLUDING CONSTRUCTION, ACCESS, AND MAINTENANCE OF THESE IMPROVEMENTS AND APPURTENANCES.

THE REAL PROPERTY BELOW IS DEDICATED AS AN EASEMENT FOR PUBLIC PURPOSES: THE AREA DESIGNATED AS "PUBLIC STORM DRAIN EASEMENT" OR "PSE" FOR INSTALLATION, CONSTRUCTION, ACCESS AND MAINTENANCE OF PUBLIC STORM DRAIN FACILITIES AND THEIR APPURTENANCES UNDER, ON AND OVER THESE STRIPS OF LAND.

THIS MAP SHOWS ALL THE EASEMENTS ON THE PREMISES, OR OF RECORD WITHIN THE BOUNDARY LINES OF THE HEREIN EMBODIED MAP AS SHOWN ON THE PRELIMINARY TITLE REPORT TITLE NUMBER 0131-820630A/LA, DATED APRIL 8, 2015, PREPARED BY FIRST AMERICAN TITLE COMPANY.

THE UNDERSIGNED FURTHER REINDEMNITIES TO THE CITY OF OAKLEY ALL ABUTTERS RIGHTS OF ACCESS ALONG THE PROPERTY LINES IN THOSE AREAS DETECTED HEREON BY THE SYMBOL //.

PRESCOTT PARK, LLC BY: MICHAEL EVANS DATE: _____

BY: _____ DATE: _____

OWNER'S ACKNOWLEDGEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF _____ COUNTY OF _____

ON _____ BEFORE ME, _____ A NOTARY PUBLIC, PERSONALLY APPEARED _____ WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/HIS/HER EXECUTED THE SAME IN HIS/HER/HER AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/HER SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND: _____ SIGNATURE: _____ NAME (PRINT): _____ PRINCIPAL COUNTY OF BUSINESS: _____ MY COMMISSION NUMBER: _____ MY COMMISSION EXPIRES: _____

SUBDIVISION NO. 9080

CONSISTING OF 5 SHEETS BEING A SUBDIVISION OF THE PARCEL OF LAND DESCRIBED IN DEED RECORDED _____ AS DOCUMENT NO. _____ CONTRA COSTA COUNTY RECORDS

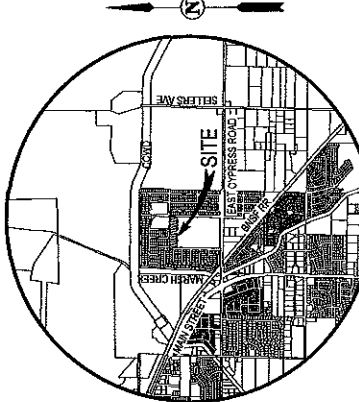
CITY OF OAKLEY, CONTRA COSTA COUNTY, CALIFORNIA.

Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS - SURVEYORS - PLANNERS

SAN FRANCISCO, CALIFORNIA

MAY 2015



VICINITY MAP NOT TO SCALE

SURVEYOR'S STATEMENT

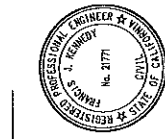
I, MARK WEBER, A LICENSED LAND SURVEYOR IN THE STATE OF CALIFORNIA, HEREBY STATE THAT THIS FINAL MAP AND SURVEY WERE MADE UNDER MY DIRECTION IN OCTOBER 2014, IN CONFORMANCE WITH THE PROFESSIONAL STANDARDS OF THE SURVEYING AND MAPPING BOARD OF THE STATE OF CALIFORNIA, AND IS TRUE AND COMPLETE AS SHOWN. THAT ALL THE MONUMENTS WILL BE OF THE CHARACTER AND OCCUPY THE POSITION INDICATED ON THE FINAL MAP, AND WILL BE SET IN SUCH POSITIONS ON OR BEFORE DECEMBER 2016 AND THAT SAID MONUMENTS WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP. I FURTHER STATE THAT THIS SUBDIVISION ENTITLED "SUBDIVISION 9080" IS A SUBDIVISION CONTAINING 340 ACRES, MORE OR LESS. THE BEARINGS SHOWN HEREON ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM, ZONE 11L.



DATE: _____ BY: MARK WEBER, P.L.S. L.S. NO. 7980

CITY SURVEYOR'S STATEMENT

I, FRANCIS JOSEPH KENNEDY, CITY SURVEYOR OF THE CITY OF OAKLEY, DO HEREBY STATE THAT I HAVE EXAMINED THIS MAP ENTITLED "SUBDIVISION NO. 9080" AND AM SATISFIED THAT SAID MAP IS TECHNICALLY CORRECT.



DATE: _____ BY: FRANCIS JOSEPH KENNEDY, CIVIL ENGINEER, PROFESSIONAL ENGINEER No. 41771, STATE OF CALIFORNIA R.C.E. NO. 21771

OWNER'S ACKNOWLEDGEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF _____ COUNTY OF _____

ON _____ BEFORE ME, _____ A NOTARY PUBLIC, PERSONALLY APPEARED _____ WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/HIS/HER EXECUTED THE SAME IN HIS/HER/HER AUTHORIZED CAPACITY(ES), AND THAT BY HIS/HER/HER SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND: _____ SIGNATURE: _____ NAME (PRINT): _____ PRINCIPAL COUNTY OF BUSINESS: _____ MY COMMISSION NUMBER: _____ MY COMMISSION EXPIRES: _____

COUNTY RECORDER'S STATEMENT

THIS MAP, ENTITLED "SUBDIVISION NO. 9080", IS HEREBY ACCEPTED FOR RECORDATION, SHOWING A CLEAR TITLE AS PER LETTER OF TITLE WRITTEN BY FIRST AMERICAN TITLE COMPANY, DATED APRIL 8, 2015, AND AFTER EXAMINING THE SAME, I DEEM THAT SAID MAP COMPLES IN ALL RESPECTS WITH THE PROVISIONS OF STATE LAWS AND LOCAL ORDINANCES GOVERNING THE FILING OF SUBDIVISION MAPS.

RECORDED AT THE REQUEST OF FIRST AMERICAN TITLE COMPANY AT _____ DAY OF _____ 20 _____ IN BOOK _____ OF MAPS, AT PAGE _____ IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA.



JOSEPH E. GONZALEZ COUNTY RECORDER CONTRA COSTA COUNTY OF CALIFORNIA

BY: DEPUTY COUNTY RECORDER

SUBDIVISION NO. 9080

CONSISTING OF 5 SHEETS
BEING A SUBDIVISION OF THE PARCEL OF LAND DESCRIBED IN DEED
RECORDED _____, AS DOCUMENT NO. _____

CONTRA COSTA COUNTY RECORDS
CITY OF OAKLEY, CONTRA COSTA COUNTY, CALIFORNIA.

Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS
SAN RAMON, CALIFORNIA

MAY 2015

CITY COUNCIL STATEMENT

I, KOUROSH ROHANI, PUBLIC WORKS DIRECTOR OF THE CITY OF OAKLEY, HEREBY STATE THAT THE CITY COUNCIL OF THE CITY OF OAKLEY HAS APPROVED THE TENTATIVE MAP FOR "SUBDIVISION NO. 9080" DATED FEBRUARY 17, 2006, WHICH INCLUDES THIS SUBDIVISION, UPON WHICH THIS FINAL MAP IS BASED.

KOUROSH ROHANI
PUBLIC WORKS DIRECTOR
CITY OF OAKLEY, CONTRA COSTA COUNTY
STATE OF CALIFORNIA

DATE: _____

CITY ENGINEER'S STATEMENT

I, KOUROSH ROHANI, CITY ENGINEER OF THE CITY OF OAKLEY, DO HEREBY STATE THAT I HAVE EXAMINED THIS MAP ENTITLED "SUBDIVISION NO. 9080"; THAT SAID SUBDIVISION AS SHOWN IS IN SUBSTANTIAL CONFORMANCE WITH THE TENTATIVE MAP APPROVED BY THE CITY OF OAKLEY CITY COUNCIL ON FEBRUARY 17, 2006, AND ANY SUBSEQUENT MODIFICATIONS THEREOF; AND THAT ALL PROVISIONS OF STATE LAW AND LOCAL ORDINANCES WHICH GOVERNED THE FILING OF SUBDIVISION MAPS AT THE TIME SAID TENTATIVE MAP WAS APPROVED HAVE BEEN COMPLIED WITH.

KOUROSH ROHANI
CITY ENGINEER, CITY OF OAKLEY,
CONTRA COSTA COUNTY, STATE OF CALIFORNIA
R.C.E. NO. 51138

DATE: _____



SOILS REPORT

A SOILS REPORT HAS BEEN PREPARED BY STEVENS, FERRONE AND BAILEY, INC., AND IS ON FILE IN THE OFFICE OF THE CITY ENGINEER OF THE CITY OF OAKLEY, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA.

CITY CLERK'S STATEMENT

I, LIBBY VREONIS, CITY CLERK AND CLERK OF THE COUNCIL OF THE CITY OF OAKLEY, DO HEREBY CERTIFY THAT THE HEREIN EMBODIED FINAL MAP ENTITLED, "SUBDIVISION NO. 9080", CONSISTING OF FIVE (5) SHEETS, THIS STATEMENT BEING ON SHEET TWO (2) THEREOF, WAS PRESENTED TO THE CITY COUNCIL, AS PROVIDED BY LAW, AT A REGULAR MEETING THEREOF HELD ON THE _____ DAY OF _____, 20____, AND THAT SAID COUNCIL DID THEREUPON, BY RESOLUTION NUMBER _____, PASSED AND ADOPTED AT SAID MEETING, APPROVE SAID MAP AND DO ACCEPT SUBJECT TO IMPROVEMENT ANY PARCELS, DRIVES, COURTS, WAYS, STREETS AND ROADS OR EASEMENTS SHOWN THEREON AS DEDICATED FOR PUBLIC USE.

I FURTHER CERTIFY THAT ALL AGREEMENTS AND SURETY AS REQUIRED BY LAW TO ACCOMPANY THE WITHIN MAP HAVE BEEN APPROVED BY THE COUNCIL OF THE CITY OF OAKLEY AND ARE ON FILE IN MY OFFICE.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS _____ DAY
OF _____, 20____.

LIBBY VREONIS
CITY CLERK AND CLERK OF THE COUNCIL OF THE
CITY OF OAKLEY, CONTRA COSTA COUNTY,
STATE OF CALIFORNIA

CERTIFICATE OF DEDICATION FOR SAME PUBLIC PURPOSE

PRESCOTT PARK, LLC HAS DEDICATED HEREON CERTAIN PUBLIC RIGHTS OF WAY FOR PRESCOTT CIRCLE, FRANK HENGEL WAY, AND PICASSO DRIVE AND EASEMENTS FOR PUBLIC UTILITIES. THE CITY OF OAKLEY SHALL RECOGNIZE THE PROPERTY TO DENOVA HOMES, OR ITS SUCCESSOR IN INTEREST IF THE CITY OF OAKLEY SUBSEQUENTLY MAKES A DETERMINATION PURSUANT TO THE PROVISIONS OF SECTION 66477.5 OF THE SUBDIVISION MAP ACT THAT THE SAME PUBLIC PURPOSE FOR WHICH THE PROPERTY WAS DEDICATED DOES NOT EXIST, OR THE PROPERTY OR ANY PORTION THEREOF IS NOT NEEDED FOR PUBLIC UTILITIES, EXCEPT FOR ALL OR ANY PORTION OF THE PROPERTY THAT IS REQUIRED FOR THAT SAME PUBLIC PURPOSE OR FOR PUBLIC UTILITIES.

CLERK OF THE BOARD OF SUPERVISORS' STATEMENT

I HEREBY STATE, AS CHECKED BELOW, THAT:

- A TAX BOND ASSURING PAYMENT OF ALL TAXES WHICH ARE NOW A LIEN, BUT ARE NOT YET PAYABLE, HAS BEEN RECEIVED AND FILED WITH THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA.
- ALL TAXES DUE HAVE BEEN PAID, AS CERTIFIED BY THE COUNTY REDEMPTION OFFICER.

DATED: _____

DAVID TWA
COUNTY ADMINISTRATOR
COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA

By: _____
DEPUTY CLERK

PRELIMINARY

SUBDIVISION NO. 9080

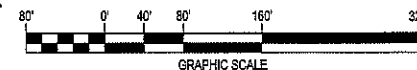
CONSISTING OF 5 SHEETS
 BEING A SUBDIVISION OF THE PARCEL OF LAND DESCRIBED IN DEED
 RECORDED AS DOCUMENT NO. _____

CONTRA COSTA COUNTY RECORDS
 CITY OF OAKLEY, CONTRA COSTA COUNTY, CALIFORNIA.

Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS
 SAN FRANCISCO, CALIFORNIA

SCALE: 1" = 80' MAY 2015



BASIS OF BEARINGS:

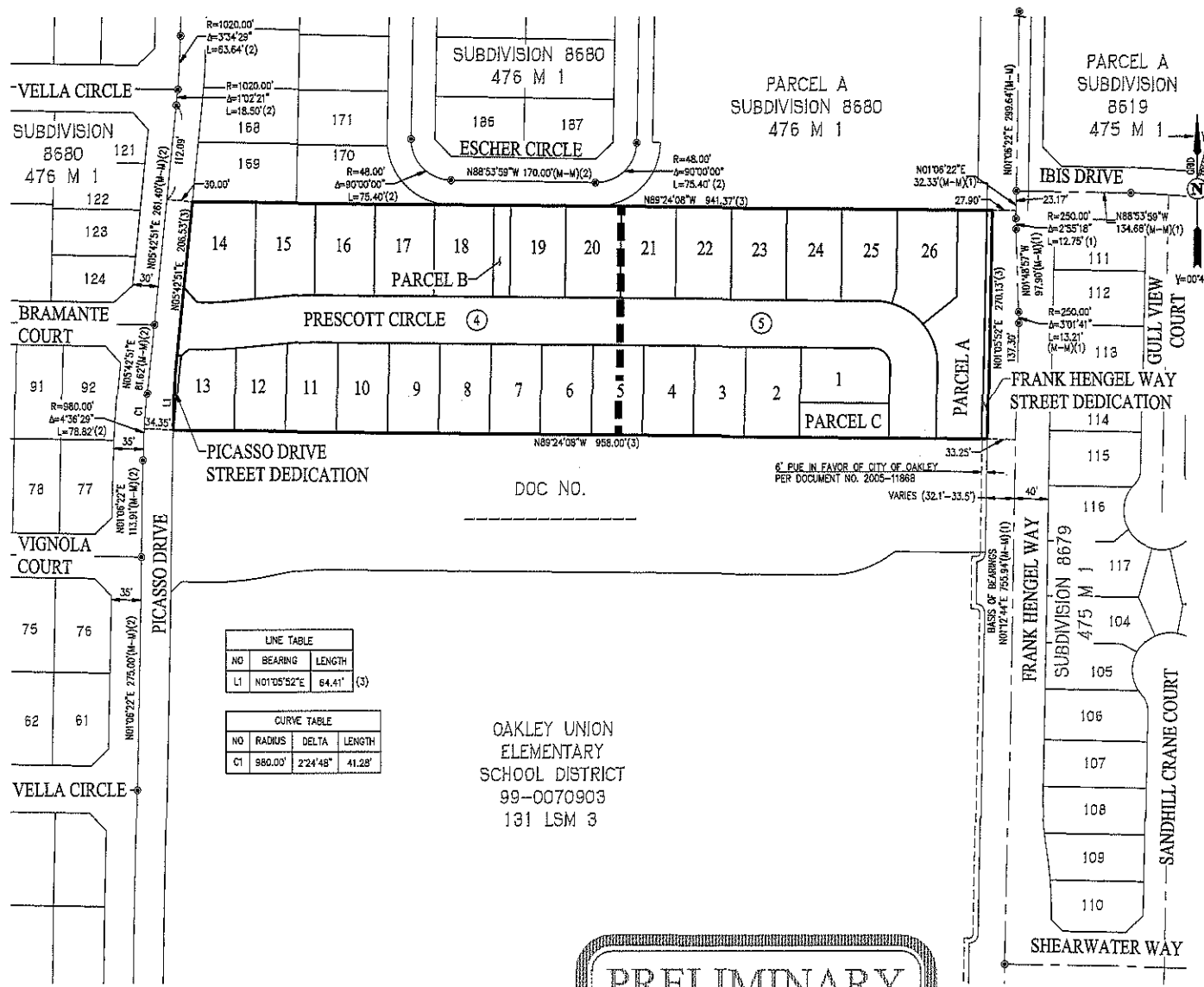
THE BASIS OF BEARINGS FOR THIS MAP IS DETERMINED BY FOUND MONUMENTS SHOWN ON FRANK HENGEL WAY. THE BEARING BEING N01°12'44"E PER SUBDIVISION 8679 (475 M 1). CALIFORNIA COORDINATE SYSTEM, ZONE 3 (NAD 27), MULTIPLY DISTANCES SHOWN BY 0.9999396 TO OBTAIN GRID DISTANCES.

LEGEND

	SUBDIVISION BOUNDARY LINE
	RIGHT OF WAY LINE
	LOT LINE
	EASEMENT LINE
	CENTERLINE
	RELINQUISHED ABUTTER'S RIGHTS
(T)	TOTAL
(L)	LOT LINE
(M-M)	MONUMENT TO MONUMENT
(M-PL)	MONUMENT TO PROPERTY LINE
●	FOUND STANDARD STREET MONUMENT
○	SET STANDARD STREET MONUMENT
○	SET 5/8" REBAR AND CAP, L5 7960
PUE	PUBLIC UTILITY EASEMENT
PSDE	PUBLIC STORM DRAIN EASEMENT
	SHEET BOUNDARY
(4)	SHEET NUMBER

REFERENCES:

- (4) INDICATES REFERENCE NUMBER
- (1) SUBDIVISION MAP 8679 (475 M 1)
- (2) SUBDIVISION MAP 8680 (475 M 1)
- (3) DEED, DOC NO. _____



NO	BEARING	LENGTH
L1	N01°05'52"E	64.41' (3)

NO	RADIUS	DELTA	LENGTH
C1	980.00'	2°24'48"	41.28'

OAKLEY UNION
 ELEMENTARY
 SCHOOL DISTRICT
 99-0070903
 131 LSM 3

PRELIMINARY

SUBDIVISION NO. 9080

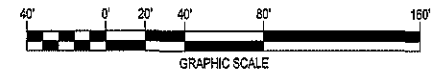
CONSISTING OF 5 SHEETS
BEING A SUBDIVISION OF THE PARCEL OF LAND DESCRIBED IN DEED
RECORDED _____ AS DOCUMENT NO. _____

CONTRA COSTA COUNTY RECORDS
CITY OF OAKLEY, CONTRA COSTA COUNTY, CALIFORNIA.

Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS
SAN RAMON, CALIFORNIA

SCALE: 1" = 40' MAY 2015



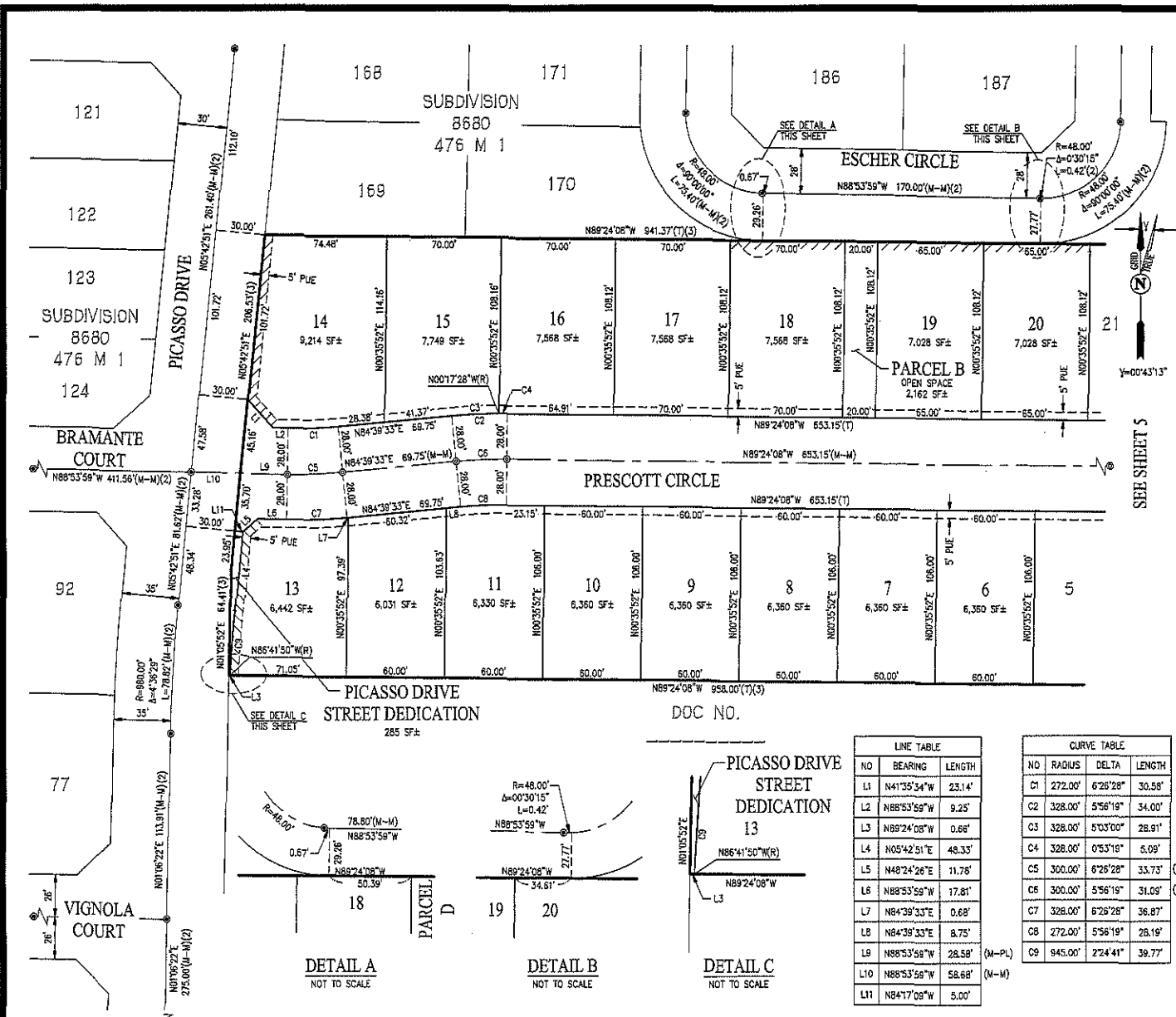
BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS MAP IS DETERMINED BY FOUND MONUMENTS SHOWN ON FRANK HENGEL WAY. THE BEARING BEING N01°12'44"E PER SUBDIVISION 8679 (475 M 1). CALIFORNIA COORDINATE SYSTEM, ZONE 3 (NAD 27). MULTIPLY DISTANCES SHOWN BY 0.99993568 TO OBTAIN GRID DISTANCES.

LEGEND

- SUBDIVISION BOUNDARY LINE
- RIGHT OF WAY LINE
- LOT LINE
- - - EASEMENT LINE
- CENTERLINE
- RELINQUISHED ABUTTER'S RIGHTS
- (T) TOTAL
- (LL) LOT LINE
- (M-M) MONUMENT TO MONUMENT
- (M-PL) MONUMENT TO PROPERTY LINE
- FOUND STANDARD STREET MONUMENT
- SET STANDARD STREET MONUMENT
- SET 5/8" REBAR AND CAP, LS 7960
- PUE PUBLIC UTILITY EASEMENT
- PSDE PUBLIC STORM DRAIN EASEMENT

PRELIMINARY



LINE TABLE		
NO	BEARING	LENGTH
L1	N41°35'34"W	23.14'
L2	N88°53'59"W	9.25'
L3	N89°24'08"W	0.68'
L4	N05°42'51"E	48.33'
L5	N48°24'26"E	11.78'
L6	N88°53'59"W	17.81'
L7	N84°39'33"E	0.68'
L8	N84°39'33"E	8.75'
L9	N88°53'59"W	28.58' (M-PL)
L10	N88°53'59"W	58.68' (M-M)
L11	N84°17'08"W	5.00'

CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C1	272.00'	6°26'28"	30.58'
C2	328.00'	5°56'19"	34.00'
C3	328.00'	5°03'00"	28.91'
C4	328.00'	0°53'19"	5.09'
C5	300.00'	6°26'28"	33.73' (M-M)
C6	300.00'	5°56'19"	31.03' (M-M)
C7	328.00'	6°26'28"	36.87'
C8	272.00'	5°56'19"	28.19'
C9	945.00'	2°24'41"	39.77'

SUBDIVISION NO. 9080

CONSISTING OF 5 SHEETS
BEING A SUBDIVISION OF THE PARCEL OF LAND DESCRIBED IN DEED
RECORDED AS DOCUMENT NO. _____

CONTRA COSTA COUNTY RECORDS
CITY OF OAKLEY, CONTRA COSTA COUNTY, CALIFORNIA

Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS
SAN RAMON, CALIFORNIA

SCALE: 1" = 40' MAY 2015



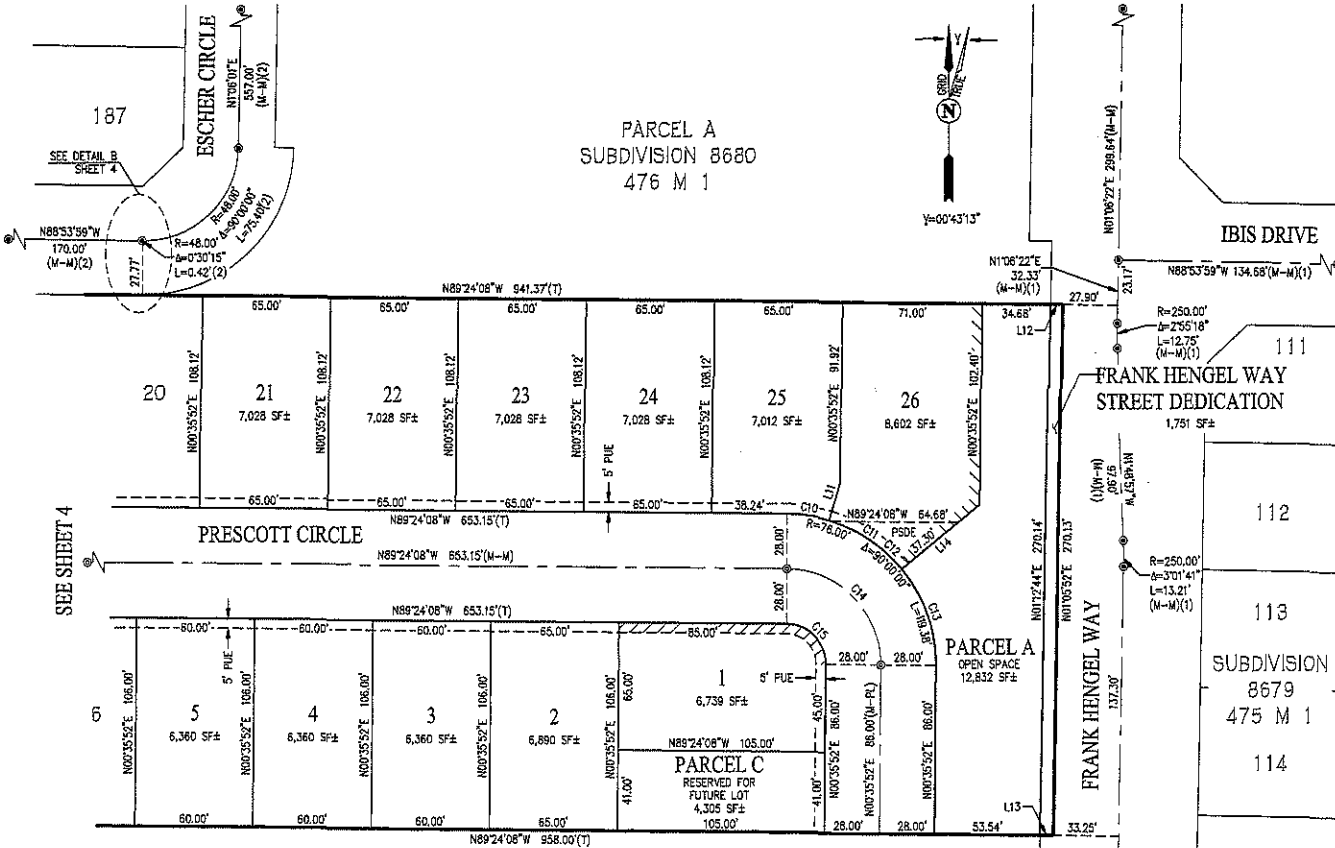
BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS MAP IS DETERMINED BY FOUND MONUMENTS SHOWN ON FRANK HENGEL WAY. THE BEARING BEING N01°12'44"E PER SUBDIVISION 8679 (475 M 1), CALIFORNIA COORDINATE SYSTEM, ZONE 3 (NAD 27), MULTIPLY DISTANCES SHOWN BY 0.9999398 TO OBTAIN GRID DISTANCES.

LEGEND

- SUBDIVISION BOUNDARY LINE
- RIGHT OF WAY LINE
- LOT LINE
- EASEMENT LINE
- CENTERLINE
- ////// RELINQUISHED ADJUTTER'S RIGHTS
- (T) TOTAL
- (LL) LOT LINE
- (M-M) MONUMENT TO MONUMENT
- (M-PL) MONUMENT TO PROPERTY LINE
- ⊙ FOUND STANDARD STREET MONUMENT
- ⊙ SET STANDARD STREET MONUMENT
- ⊙ SET 5/8" REBAR AND CAP, LS 7960
- PUE PUBLIC UTILITY EASEMENT
- PSOE PUBLIC STORM DRAIN EASEMENT

PRELIMINARY



PARCEL A
SUBDIVISION 8680
476 M 1



SEE SHEET 4

DOC NO.

LINE TABLE		
NO	BEARING	LENGTH
L11	N16°46'58"E(R)	20.00'
L12	N89°24'08"W	6.21'
L13	N89°24'08"W	6.75'
L14	N50°42'10"E(R)	51.42'

CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C10	76.00'	1671°04'	21.47'
C11	76.00'	33°55'14"	44.99' (LL)
C12	76.00'	33°04'54"	43.88' (PSOE)
C13	76.00'	39°53'42"	52.92'
C14	48.00'	90°00'00"	75.40' (M-M)
C15	28.00'	90°00'00"	31.42'



STAFF REPORT

Date: Tuesday, May 26, 2015

To: Bryan H. Montgomery, City Manager

From: Kevin Rohani, Public Works Director/City Engineer

Subject: Approval of Subdivision Improvement Agreement and Final Map for Subdivision 9349 Emerson Ranch Neighborhood 3 (Northwest corner, Cypress Road and Sellers Avenue)

Approved and Forwarded to City Council:


Bryan H. Montgomery, City Manager

Background and Analysis

On September 14, 2010 the City Council adopted Resolution 107-10 conditionally approving the tentative map for Subdivision 9032, a 578-lot residential subdivision with a 24 acre commercial parcel at the northwest corner of Cypress Road and Sellers Avenue.

The grading plans are fully approved and improvement plans for four phases of the project have been approved. Construction is under way for the four phases of the project with approved plans including Subdivision 9349 Emerson Ranch Neighborhood 3 (Neighborhood 3). Neighborhood 3 consists of 86 single family lots and 3 landscape parcels.

Brookfield Emerson Land LLC, a Delaware Limited Liability Company (Brookfield) has now requested approval by the City Council for the final map for Neighborhood 3.

In order to satisfy all remaining conditions of approval, with the exception of Condition of Approval #49 and #50 (COA #49 & #50), the applicant has requested that the City enter into a Subdivision Improvement Agreement. COA #49 & #50 set requirements for the construction of the widening of Cypress Road and Sellers Avenue and discuss requirements for reimbursement by the City for part of the costs. These conditions also state that an agreement must be approved by the City Council prior to approval of "the final map". Since the tentative map for Subdivision 9032 was approved allowing the developer to file multiple final maps, Brookfield has requested that they be allowed to execute the reimbursement agreement with a future final map to allow them to complete the design and cost estimates associated with the widening of the two streets.

The Subdivision Improvement Agreement requires the sub-divider to complete the public improvements as required by the conditions of approval for Subdivision 9032. As part of this agreement, the sub-divider is required to provide various securities up to the amount of the estimated cost of public improvements and drainage, (currently estimated to be a total of \$1,484,240.00).

None of these improvements have been completed and accepted at this time. The applicant is required to complete the public improvements within twelve months in accordance with the Subdivision Map Act (Government Code §66410) and the Subdivision Improvement Agreement. The City Engineer and City Surveyor have reviewed the tentative map approval documents and the final map, and have found the map to be technically correct, in substantial compliance with the conditionally approved tentative map, and all final map conditions of approval have been met (or are being secured by way of this agreement).

Fiscal Impact

There is no fiscal impact associated with this action.

Staff Recommendation

Staff recommends that the City Council adopt the Resolutions authorizing the City Manager to execute the Subdivision Improvement Agreement and approve the Final Map for Subdivision 9349 Emerson Ranch Neighborhood 3.

Attachments

- 1) City Council Resolution 107-10
- 2) Subdivision Improvement Agreement (SIA)
- 3) Resolution for SIA
- 4) Resolution Approving the Final Map titled Subdivision 9349 Emerson Ranch Neighborhood 3
- 5) Neighborhood 3 location map
- 6) Reduction of Subdivision 9349 Emerson Ranch Neighborhood 3 Final Map

RESOLUTION NO. 107-10

A RESOLUTION OF THE CITY OF OAKLEY CITY COUNCIL MAKING FINDINGS AND APPROVING THE EMERSON PROPERTY PROJECT VESTING TENTATIVE SUBDIVISION MAP (9032) TO SUBDIVIDE APPROXIMATELY 140 ACRES INTO 578 SINGLE FAMILY LOTS, A 24 ACRE COMMERCIAL PARCEL, AND OTHER PARK, TRAILS, OPEN SPACE AND STORMWATER DETENTION POND PARCELS, AND DESIGN REVIEW APPROVAL OF THE HOMES AND COMMERCIAL DEVELOPMENT PLAN. THE PROJECT IS LOCATED ON THE NORTHWEST CORNER OF EAST CYPRESS ROAD AND SELLERS AVENUE (APN 037-192-026)

FINDINGS

WHEREAS, in February of 2007, the applicant filed an application for approval of the Emerson Property Project - Subd. 9032 ("Project"), which included requests for a rezone to P-1 District and approval of a PD Plan, approval of a vesting tentative map to subdivide 140 acres into 662 single family lots and one approximately 10.5 commercial site, and design review approval of the homes and commercial development plan; and

WHEREAS, on or about April of 2008, the applicant filed a revised vesting tentative map and made an additional request for a General Plan Amendment. The revised map included 578 single family lots and an approximately 23.74 acre commercial site; and

WHEREAS, the revised Project included applications for the following:

- A General Plan Amendment to designate approximately 24 acres of the site to the "Commercial" land use designation;
- A rezone to P-1 (Planned Development) District and approval of the Planned Development Plan;
- A Vesting Tentative Map ("VTM") 9032 to subdivide approximately 140 acres into a 24 acre commercial parcel, 578 single family residential parcels, and other parcels containing parks, trails, open space and a stormwater treatment facility; and
- Design review for the conceptual design and signage for the commercial site, housing plans and elevations, and conceptual landscaping throughout the development and in the adjacent right-of-way.

WHEREAS, on September 3, 2010, the Notice of Public Hearing for the Project was duly noticed in the Contra Costa Times, a newspaper of general distribution. The Notice of Public Hearing was also posted at Oakley City Hall, Freedom High School, and at 204 2nd Street (City Annex); and

WHEREAS, on September 14, 2010, the City Council opened the public hearing at which it received a report from City Staff, oral and written testimony from the public, and deliberated on the project. At the conclusion of its deliberations, the City Council took a vote and adopted this resolution to approve the project, as revised by the City Council during its deliberations; and

WHEREAS, at the September 14, 2010 public hearing, the City Council introduced the project's rezone ordinance (P-1 District), which included modifications that affected the proposed vesting tentative map and design review packets, as follows:

- Deletion of 11 lots, lot numbers 530 – 540, located adjacent to the proposed park along "X" Street and "Y" Court. As a result, the project has a total of 567 residential lots; and
- Deletion of the apartment alternative as a permitted use and deletion of the apartment site plan and references in the PD Plan and Design Review packet, with allowance for the developer to bring the apartment alternative back to the City Council no sooner than March of 2013 for reconsideration.

WHEREAS, if any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City.

WHEREAS, these Findings are based on the City's General Plan, the City's Zoning and Subdivision Ordinances, and the information submitted to the City Council at its September 14, 2010 meeting, both written and oral, including oral information provided by the applicant, as reflected in the minutes of such meetings, together with the documents contained in the file for the Subdivision (hereafter the "Record").

WHEREAS, the City Council hereby makes the following factual findings regarding this application:

- A. The Environmental Impact Report (EIR) for the Emerson Property Project Subdivision 9032 was certified by the City Council on September 14, 2010. The vesting tentative map and design review applications were analyzed under the Project EIR;
- B. At its September 14, 2010 public hearing, the City Council approved a General Plan Amendment for the Project that increased the Commercial designation in the Dutch Slough area, and project site, from 12 acres to 24 acres;
- C. Also at its September 14, 2010 public hearing, the City Council introduced an ordinance to rezone the Project site from A-3 (Heavy Agriculture) District to P-1 (Planned Development) District; and

- D. The real property affected by this vesting tentative map is designated Single-Family Medium (SM), Single Family High (SH), Multi Family High (MH), and Commercial in the Oakley 2020 General Plan and zoned P-1 (Planned Development) District.

NOW, THEREFORE, BE IT RESOLVED THAT, on the basis of the above Findings and the entire Record, the City Council makes the following additional findings in support of the recommended approvals:

- A. Regarding the application requesting approval of a Vesting Tentative Map (Subd. 9032) to subdivide 140 acres into 567 lots, a 24 acre commercial parcel, and other park, trail, open space and stormwater detention pond parcels, the City Council finds that:

The proposed Vesting Tentative Map, together with the provisions of its design and improvements, is consistent with the Zoning Code, adopted P-1 District, as modified to be consistent with the applicable P-1 District PD Plan, and applicable General Plan land use designations, as approved by City Council for the Project, in that it allows for orderly residential development in a residential area, and commercial development in an adequately sized and dedicated commercial area that meets the General Plan density allowance and complies with all of the applicable regulations set forth in the project's P-1 District;

1. The site is physically suitable for the type of development in that the proposed Vesting Tentative Map meets all of the applicable development standards in the project's P-1 District, which contains development standards for residential and commercial development on the subject site. It is served by public streets, and it can be served by utilities;
2. The site is physically suitable for the proposed gross density of development at 4.1 dwelling units per gross acre, which, when combined with Gilbert Subdivision 9033's gross density, complies with the overall Dutch Slough maximum gross density of 4.4 dwelling units per acre. The increase in the commercial site's acreage and swap of approximately six acres from Gilbert to Emerson, per a memorandum of understanding, results in the Emerson gross density being slightly lower than the overall Dutch Slough range;
3. The proposed Vesting Tentative Map and all identified mitigation measures have been incorporated into Project EIR and Mitigation and Monitoring Plan, prepared in accordance with the CEQA Guidelines, which was certified by the City Council on September 14, 2010;
4. The design of the subdivision and type of improvements are not likely to cause serious public health problems in that the proposed subdivision consists of 567 single-family residential lots, 24 acre commercial site and associated improvements, configured in a rectangular manner.

Construction and grading are subject to building or grading permits, and violations of any such permits are subject to appropriate enforcement;

5. The design of the subdivision includes the construction of improvements within the right-of-way that are consistent with major subdivisions and the City's design standards. The improvements consist of roads, sidewalks, curbs and gutters; and
6. The design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. The Vesting Tentative Map does not conflict with easements acquired by the public for access and utilities.

B. Regarding the application for Design Review approval of the proposed house floor plans and architectural designs, and conceptual commercial development plan and architectural design, the City Council finds as follows:

1. The proposed house floor plans and architectural designs comply with the Oakley Residential Design Guidelines and provide for a quality project in that:
 - a. The proposed house floor plans offer recessed or side loaded garages, thereby de-emphasizing the garage door presence on the street;
 - b. Front facade materials, such as wood siding and window trim are used on all four elevations;
 - c. Roof forms and materials are relevant to the architectural style on which they sit. Roof styles include flat and shape concrete tile, wood shingle concrete tile, and architectural grade composition shingle; The architecture incorporates a variety of floor plans, building mass sizes and heights, and color schemes; and
 - d. Architectural elements such as wainscot and brick façade are used on appropriate elevation styles.

2. The proposed conceptual commercial development plan and architectural design complies with the Oakley Commercial and Industrial Design Guidelines and provides for a quality project in that:
 - a. The corner of East Cypress Road and Sellers Avenue is lined with two building pads and an outdoor plaza area, creating a focal point for the development;
 - b. Larger buildings are shown further back from the main streets, with ample setbacks to the adjacent property lines;
 - c. Pedestrian connections to the commercial area from the adjacent residential area are planned at the northwest corner, near the park and stormwater pond;
 - d. Architecturally the buildings provide a rustic, rural feel, similar to old farm or dairy buildings. Some corner elements of medium and small retail buildings simulate a metal silo;
 - e. A mix of stucco and wood siding compliments the residential architectural styles, but does not mimic them; and
 - f. Various wall elements, such as awnings, lattice and faux barn doors help to break up otherwise large, blank "canvases" of some buildings.

C. The Project complies with Measure J Growth Management requirements.

BE IT FURTHER RESOLVED THAT, on the basis of the foregoing Findings and the entire Record, the City Council take the following actions:

- A. A Vesting Tentative Map ("VTM") 9032 to subdivide approximately 140 acres into a 24 acre commercial parcel, 567 single family residential parcels, and other parcels containing parks, trails, open space and a stormwater treatment facility; and
- B. Design review for the residential architecture and conceptual design review for the commercial center.

BE IT FURTHER RESOLVED THAT, on the basis of the above Findings and the Record, the City Council approves the applicant's request for approval of Vesting Tentative Map 9032 design review approval, subject to the following conditions:

Conditions of Approval

- A. Applicant shall comply with the requirements of the Oakley Municipal Code. Any exceptions must be stipulated in these Conditions of Approval. Conditions of Approval are based on the plans received by the Community Development

Department and made a part of the City Council's meeting packet for September 14, 2010.

THE FOLLOWING CONDITIONS OF APPROVAL SHALL BE SATISFIED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT UNLESS OTHERWISE NOTED:

Planning Division Conditions

General:

1. The applicant shall modify the Vesting Tentative Map, other related maps, and the Design Review packets to be consistent with the modification adopted as part of the Project's P-1 District PD Plan approval, including removal of 11 lots adjacent to the proposed park. The applicant shall submit a modified map and design review packets to the Community Development Department for the project file.
2. The Vesting Tentative Map and Design Review, stamped approved September 14, 2010 shall be implemented, as modified by the following conditions of approval, subject to final review and approval by the Community Development Director.
3. The Vesting Tentative Map approval shall be valid for a period of three (3) years from the effective date of this resolution by recording a final map. Prior to said expiration date, the applicant may apply for an extension of time pursuant to the provisions of the Municipal Code. The Design Review approval shall run concurrently with the tentative map approval.
4. All construction drawings submitted for plan check shall be in substantial compliance with the plans presented to and approved by the City Council in conjunction with this resolution and as a part of the Project's adopted PD Plan.
5. All conditions of approval shall be satisfied by the owner/developer. All costs associated with compliance with the conditions shall be at the owner/developer's expense.
6. The applicant shall implement all applicable mitigation measures as adopted in the certified Emerson Property Environmental Impact Report/Mitigation and Monitoring Program.
7. The applicant shall participate in the East Contra Costa County Habitat Conservation Plan and pay any applicable fee as required per the MOA between the developers and the Habitat Conservation Plan Association.
8. The applicant shall indemnify, defend, and hold harmless the City of Oakley, the City Approving Authorities, and the officers, agents, and employees of the City

from any and all claims, damages and liability (including, but not limited to, damages, attorney fees, expenses of litigation, costs of court.

Development Standards:

9. The Planned Development (P-1) zone district shall have the following standards:

Neighborhood 1 (60' x 100' Typical)

- Minimum lot area: 6,000 square feet;
- Minimum lot frontage: 60' at the front property line;
- Minimum front yard setback: 20' to garage, 20' to any living space, 15' to any porches, and 15' to side loaded garages, all measured perpendicular to the structure;
- Minimum side yard setback: 5' minimum, sum of both sides 10', corner lots shall maintain a street side yard setback of 10';
- Projections subject to OMC 9.1.1122(g);
- Minimum rear yard: 15'.

Neighborhood 2 (48' & 52' & 57' x 100' Typical)

- Minimum lot area: 4,800 square feet;
- Minimum lot frontage: 48' at the front property line;
- Minimum front yard setback: 20' to garage, 15' to any living space, 10' to any porches, and 15' to side loaded garages, all measured perpendicular to the structure;
- Minimum side yard setback: 5' minimum, sum of both sides 10', corner lots shall maintain a street side yard setback of 10';
- Projections subject to OMC 9.1.1122(g);
- Minimum rear yard: 15'.

Neighborhood 3 (43' & 45' & 47' & 52' x 85' Typical)

- Minimum lot area: 3,655 square feet;
- Minimum lot frontage: 43' at the front property line;
- Minimum front yard setback: 20' to garage, 15' to any living space or side loaded garage, and 10' to any porches, all measured perpendicular to the structure;
- Minimum side yard setback: 5' minimum, sum of both sides 10', corner lots shall maintain a street side yard setback of 10';
- Projections subject to OMC 9.1.1122(g);
- Minimum rear yard: 15'.

Neighborhood 4 (40' & 45' & 50' & 55' x 90' Typical)

- Minimum lot area: 3,600 square feet;
- Minimum lot frontage: 40' at the front property line;
- Minimum front yard setback: 20' to garage, 15' to any living space, side loaded garage, and 10' to any porches, all measured perpendicular to the structure;
- Minimum side yard setback: 5' minimum, sum of both sides 10', corner lots shall maintain a street side yard setback of 10';

- Projections subject to OMC 9.1.1122(g);
- Minimum rear yard: 15'.

Neighborhood 5 (Z-Lots Typical)

- Minimum lot area: 3,350 square feet;
- Minimum lot frontage: 34' at the front property line;
- Minimum front yard setback: 20' to garage, 15' to side loaded garage, 15' to any living space, and 5' to any porches, all measured perpendicular to the structure;
- Minimum side yard setback: 3' minimum for interior zippers, 5' minimum for interior typical side, sum of both sides 8', corner lots shall maintain a street side yard setback of 10';
- Projections subject to OMC 9.1.1122(g);
- Minimum rear yard: 5' to Garage & 15' to Living Only.

All Neighborhoods

- Any lot with a front lot line where at least 50% of its length is concave, shall have a minimum lot frontage equal to half of the applicable neighborhood's minimum lot frontage (i.e. A lot in Neighborhood 1 is in the back of a cul-de-sac and its entire front lot line is concave. The minimum length of that lot frontage would be 30', rather than 60')
- The lot frontage for any corner lot, where the front and/or side yard lot lines are angled before intersecting, will be measured from the interior side and front lot line intersection to a point where the front and corner side lot lines would intersect if one or both were not angled.

Parks and Landscaping:

10. This project is subject to the Quimby Act and has a parkland requirement of five acres per 1,000 residents. The City General Plan establishes an average person per household of 3.21. The total amount of parkland, parkland in-lieu fees, or a combination of parkland and in-lieu fees will be established depending on the total number of approved housing units. As shown on the proposed vesting tentative map, the applicant has proposed a neighborhood park, located generally in the middle of the development, and a trail, located along the northern levee of the project. For park credits, the applicant will receive full credit for all final acreage located within the neighborhood park, and one-half credit for all acreage located within the trail ("Parcel A" on the VTM). The applicant shall pay in-lieu fees, subject to the City's parkland dedication and improvement impact fee, for any remainder parkland not constructed as part of the project.
11. The applicant shall work with the Community Development Department on the design, construction and completion of the park concurrent with the development of the subdivision. As part of the plan check process for the project, the applicant shall develop a park construction schedule approved by the Community Development Director to provide for the timely completion of the park concurrent with development.

12. A mix of evergreen and deciduous trees as well as shrubs and ground cover shall be planted along the street frontage as specified in the Residential Design Guidelines per the review and approval of the Community Development Director.
13. A landscaping and irrigation plan for all areas shown on the landscape plan shall be submitted, in phases as applicable, for review and approval of the Community Development Director prior to the issuance of building permits. Landscaping shall conform to the Oakley Landscape Guidelines and the City's Water Conservation Landscape Ordinance 82-26 and shall be installed prior to final occupancy. The plan shall be prepared by a licensed landscape architect and shall be certified to be in compliance with the City's Water Conservation Ordinance.
14. All landscaping shall comply with the City of Oakley water Efficient Landscape Ordinance.
15. All landscaped areas not covered by shrubs or groundcover shall be covered with bark or acceptable alternative as reviewed and approved by the Community Development Director. On slopes greater than 3 to 1, the applicant shall use an alternative to bark per the review and approval of the Community Development Director.
16. Each residential lot shall have a minimum number of trees along the street frontage, as indicated below:
 - Neighborhood 1 - Minimum of two trees, except corner lots shall have a minimum of four trees.
 - Neighborhoods 2, 3, and 4 – Minimum of two trees, except corner lots shall have a minimum of three trees.
 - Neighborhood 5 – Minimum of one tree, except corner lots shall have a minimum of three trees.

The installed location of the trees shall be in substantial compliance with the Front Yard Preliminary Landscape Plans as shown in the approved "Residential Architecture – Neighborhoods 1-5" approved by City Council and in conjunction with this Design Review approval.

17. The applicant shall install front yard landscaping on all residential lots per the Residential Design Guidelines and City of Oakley Water Efficient Landscape Ordinance, unless otherwise modified herein. The applicant shall maintain all private landscaping until occupancy.
18. A street tree plan shall be submitted for review prior to issuance of residential Building Permits (by phase as applicable). The street trees shall be inter-mixed throughout the subdivision, so there are a variety of trees on every street, per review of the Community Development Department.

19. The landscape plan along the levees shall be revised to ensure no trees or incompatible plant materials are planted within the levee prism per the approval of the Community Development Director and City Engineer.
20. Parcels C, D, E, F, G, I, J, and K, as shown on the Vesting Tentative Map stamped approved September 14, 2010, shall be fully landscaped with trees, shrubs and ground cover per the review and approval of the Community Development Director.
21. The commercial parcel shall be fully landscaped with trees, shrubs and ground cover per a landscape plan, subject to the review and approval of the Community Development Director prior to issuance of building permits for that parcel.

Fences and Walls:

22. Within the subdivision good neighbor fences shall be constructed of six-foot high wood fences with metal posts or acceptable alternative as reviewed and approved by the Community Development Director. Corner lots facing a street shall provide an enhanced wood fence with one foot of lattice along the top.
23. Fences that adjoin the trail system adjacent to the CCWD canal shall be constructed to provide for greater durability and enhanced appearance and consistent with the fencing extending from the Cypress Grove subdivision, per the review and approval of the Contra Costa Water District, as applicable.
24. A masonry wall, as shown in the Residential Architecture plans approved by City Council and in conjunction with this Design Review, shall be located along the Cypress Road residential area frontage and residential areas immediately adjacent to the commercial uses, per the acoustical analysis. A wall/berm combination may be provided to achieve the height requirement. The wall shall be of pre-cast concrete construction per the review and approval of the Community Development Director. In the locations where cul de sacs or front loaded streets are adjacent to Cypress Road, wrought iron or 42" picket fences shall be constructed to provide open views per the review and approval of the Community Development Director.
25. Anti-graffiti techniques and/or materials shall be used on sound walls (e.g., split-face CMU, and/or wall planting & other landscaping).

Subdivision Design:

26. Driveway openings shall be a maximum 18' in width or up to 25% of a lot's frontage (except on cul de sacs), whichever is more.
27. The street names shall be approved by the Community Development Department and the Fire District.

28. A life saving device shall be provided along the trail adjacent to the storm water pond to provide assistance for a drowning victim.

Subdivision Disclosures:

29. Where a lot/parcel is located within 300' of a high voltage electric transmission line, the applicant shall record the following notice:

"The subject property is located near a high voltage electric transmission line. Purchasers should be aware that there is ongoing research on possible potential adverse health effects caused by the exposure to a magnetic field generated by high voltage lines. Although much more research is needed before the question of whether magnetic fields actually cause adverse health effects can be resolved, the basis for such a hypothesis is established. At this time no risk assessment has been made."

When a Final Subdivision Public Report issued by the California Department of Real Estate is required, the applicant shall also request that the Department of Real Estate insert the above note in the report, as may be applicable to any HOA formation.

30. The following statements shall be recorded at the County Recorder's Office for each parcel to notify future owners of the parcels that they own property in an agricultural area:

"This document shall serve as notification that you have purchased land in an agricultural area where you may regularly find farm equipment using local roads; farm equipment causing dust or blowing sand; crop dusting and spraying occurring regularly; burning associated with agricultural activities; noise associated with farm equipment such as zone guns and aerial crop dusting and certain animals, including equestrian trails as well as flies may exist on surrounding properties. This statement is again, notification that this is part of the agricultural way of life in the open space areas of the City of Oakley and you should be fully aware of this at the time of purchase."

Design Review:

31. The homes and floor plans shall be consistent with those approved in the design review packet and PD Plan approved by City Council and stamped approved September 14, 2010. Any subsequent change to the floor plans or architecture of the homes shall be subject to City Council review and approval.

32. All windows shall be trimmed on all four sides.

33. Garage doors that face the street shall include windows as an option to future buyers.

Energy Efficiency:

34. Water heaters shall provide an energy efficiency factor of 0.84 or better.

35. Air conditioning condenser units shall be located to take advantage of natural shade, where feasible without interfering with practical use of yard space. Condensers should not be placed on the west or south elevation of a home, unless shade is provided. The location of the condenser shall be added to all plot plans for review and approval of the Community Development Director. Condensers located in side yards shall allow for a minimum of three feet (3') of clearance between condenser and either the house or fence.

36. Subdivisions design should take into consideration passive solar energy and house orientation should take advantage of this.

37. High efficiency furnaces in compliance with UBC Title 24 Codes.

Tree Permit

38. The applicant is approved to remove 69 onsite and 15 offsite trees as shown on the tree removal plan, and shall replace them with street trees and ornamental landscape trees, in substantial compliance with the Preliminary Landscape Plans approved as part of the PD Plan, per review by the Community Development Director.

Building Division Conditions

39. Plans shall meet the currently adopted Uniform Codes as well as the newest T-24 Energy Requirements per the State of California Energy Commission. To confirm the most recent adopted codes please contact the Building Division at (925) 625 – 7005.

40. An Automatic Life Safety Sprinkler System shall be required in all new residential occupancies pursuant to Ordinance 22-06.

41. Prior to requesting a Final Inspection from the Building Division all Conditions of Approval required for occupancy must be completed.

Public Works and Engineering Conditions

General:

42. Submit improvement plans prepared by a registered civil engineer to the City Engineer for review and approval and pay the appropriate processing costs in accordance with the Municipal Code and these conditions of approval. The plans shall be consistent with the Stormwater Control Plan for the project, include the drawings and specifications necessary to implement the required stormwater control measures, and be accompanied by a Construction Plan C.3 Checklist as described in the Stormwater C.3 Guidebook.
43. Submit a final map prepared by a licensed land surveyor or qualified registered civil engineer to the City Engineer and pay appropriate fees in accordance with the Code and these conditions of approval. Final Maps may be phased for separate neighborhoods, commercial parcel(s), and apartment parcel(s), and on or off-site improvements may be phased as applicable to match the development allowed by each Final Map at the discretion of the City Engineer. Up to ten phased Final Maps may be filed.
44. Submit grading plans including erosion control measures and revegetation plans prepared by a registered civil engineer to the City Engineer for review and pay appropriate processing costs in accordance with the Code and these conditions of approval. The Grading Plan may be phased to coincide with on or off-site improvements as applicable, at the discretion of the City Engineer. Grading plans may be issued prior approval of improvement plans, at the discretion of the City Engineer.
45. Submit landscaping plans for publicly maintained landscaping by phased neighborhood, commercial parcel(s), and apartment parcel(s), including planting and irrigation details, as prepared by a licensed landscape architect to the City Engineer for review and pay appropriate processing costs in accordance with the Code and these conditions of approval.
46. Execute any agreements required by the Stormwater Control Plan which pertain to any temporary easements, transfer of ownership and/or long term maintenance of stormwater treatment mechanisms required by the plan prior to the final inspection of the first house, apartment, or commercial building within the subdivision, or within each phase as applicable. Any temporary storm drainage ponds shall comply with the safety margins noted in EIR technical analyses, at the discretion of the City Engineer.
47. Building permits for house construction shall not be issued until the subdivision streets serving the lots have been paved.

Roadway Improvements:

48. Submit a phasing plan for roadway and infrastructure improvements to the City Engineer for approval if the project is being phased. It is anticipated that the Cypress Road and Seller Avenue improvements described in the following conditions will be phased to coincide with the phasing of the commercial and residential components of the project.
49. Construct the frontage of Cypress Road to City public road standards for a 40-foot half width roadway within a 65-foot half width right of way, including curb, eight-foot detached sidewalk (meandering within the landscape area so that the minimum landscape width is no less than six feet), right of way landscaping, necessary longitudinal and transverse drainage, pavement widening, and conforms to existing improvements. The face of curb shall be located 40 feet from the centerline and any conforms to existing improvements must take place outside of the limits of the project. The resulting cross section, including new and existing pavement, shall provide a minimum of two west bound 12 foot travel lanes, one east bound 12 foot travel lane, and associated turn lanes in accordance with the traffic analysis and City Engineer. The improvements are intended to be generally consistent with the "Emerson Ranch Project Frontage Improvements" exhibit prepared by Carlson, Barbee and Gibson, Inc. and dated April 28, 2010. The improvements may require slurry sealing and/or striping modifications as determined by the City Engineer to result in a safe and logical road segment. Ten feet of the west bound travel lanes (adjacent to the striped median) is eligible for reimbursement from the City's Traffic Impact Fee Program subject to a future reimbursement agreement. The agreement must be approved by the City Council prior to approving the final map for the costs to be reimbursable.
50. Construct the frontage of Sellers Avenue to City public road standards for a 40-foot half width roadway within a 70-foot half width right of way, including curb, eight-foot detached sidewalk (meandering within the landscape area so that the minimum landscape width is no less than six feet), right of way landscaping, necessary longitudinal and transverse drainage, pavement widening, and conforms to existing improvements. The face of curb shall be located 40 feet from the centerline and any conforms to existing improvements must take place outside of the limits of the project. The resulting cross section, including new and existing pavement, shall provide a minimum of one north bound 12 foot travel lane, one south bound 12 foot travel lane, and associated turn lanes in accordance with the traffic analysis and City Engineer. The improvements are intended to be generally consistent with the "Emerson Ranch Project Frontage Improvements" exhibit prepared by Carlson, Barbee and Gibson, Inc. and dated April 28, 2010. The improvements may require slurry sealing and/or striping modifications as determined by the City Engineer to result in a safe and logical road segment. New pavement in excess of twenty feet as measured from the face of curb to the east that will be used as part of the ultimate roadway may be eligible for reimbursement from the City's Traffic Impact Fee Program subject to

a future reimbursement agreement. The agreement must be approved by the City Council prior to approving the final map for the costs to be reimbursable.

51. Construct the bus stop along the north side of Cypress Road consistent with EIR Mitigation Measure 4.3-6. The bus stop shall be consistent with Tri Delta Transit and City standards and shall include any necessary shelters and appurtenances. The right of way adjacent to the bus stop shall be widened so that the landscaping widths are consistent with the remainder of the frontage. The bus stop structure shall be built prior to issuance of the certificate of occupancy for the first commercial (retail or office) or multi-family apartment building.
52. Construct the project streets to City public road standards and as shown on the approved Tentative Map with the following exceptions:
 - A. The minimum street grade may be lowered from the standard 1% to 0.75% provided that the project proponent demonstrates that the City's drainage standards can be achieved.
 - B. Submit a turning radius exhibit to the City Engineer for review and approval to illustrate that the ninety-degree turns of project streets can accommodate the largest expected vehicle to use the streets without the inclusion of City standard elbows. If the exhibit illustrates that elbows are necessary to accommodate the expected traffic then they shall be included in the improvement plans.
53. Install traffic signals at the following locations. The phasing, design and construction of the signals is subject to the review and approval of the City Engineer and may be based on additional traffic analysis to verify that traffic signal warrants have been met. The traffic signals shall be interconnected where appropriate. When placement of curb returns, poles and equipment is not feasible at the ultimate location the improvements will not be eligible for Traffic Impact Fee (TIF) credits (however portions of signals that are consistent with the ultimate design and locations may be eligible for fee credits).
 - A. Cypress Road at Sellers Avenue (this project is on the TIF project list and is eligible for reimbursement based on the policies and procedures of that program);
 - B. Cypress Road at A Street/Machado Lane (this project is not on the TIF project list and is not eligible for reimbursement); and
 - C. Cypress Road at Shopping Center Main Driveway (this project is not on the TIF project list and is not eligible for reimbursement).
54. Install traffic calming measures consistent with the City's Neighborhood Traffic Management Program including raised intersections or crosswalks on L Street at N Street and P Street, raised intersections or crosswalks, bulb outs, or traffic circles on Shearwater Way and Ibis Drive, and a raised crosswalk or other pedestrian safety feature from the park/stormwater pond area to the commercial

site. The traffic calming measures shall be included on the improvement plans and are subject to the review and approval of the City Engineer.

55. Install traffic control devices such as stop signs and other signing and striping on the project streets to the satisfaction of the City Engineer.
56. Design all public and private pedestrian facilities in accordance with Title 24 (Handicap Access) and the Americans with Disabilities Act.
57. Submit a phasing plan for the project streets to the City Engineer for review if the street improvements will be phased. The plan shall include provisions for emergency vehicle access, temporary turn-around facilities, and access to the occupied lots.

Road Alignment/Sight Distance:

58. Submit a preliminary plan and profile to the City Engineer for review showing all required improvements to Cypress Road and Sellers Avenue. The sketch plan shall be to scale, show horizontal and vertical alignments, transitions, curb lines, lane striping and cross sections and shall provide sight distance for a design speed of 45 miles per hour. The plan shall extend a minimum of 150 feet ± beyond the limits of the proposed work.

Road Dedications:

59. Convey to the City, by Offer of Dedication, the right of way for the project streets.
60. Convey to the City, by offer of dedication, the right of way for Cypress Road for the planned ultimate half width of 65-feet along the project frontage.
61. Convey to the City, by offer of dedication, the right of way for Sellers Avenue for the planned ultimate half width of 70-feet along the project frontage.
62. Relinquish abutter's rights of access along all non-primary frontages to the satisfaction of the City Engineer.
63. Furnish necessary rights of way, rights of entry, permits and/or easements for the construction of off-site, temporary or permanent, public and private road, utility and drainage improvements.

Street Lights:

64. Install streetlights along all project streets and the project Cypress Road and Sellers Avenue frontage. The City Engineer shall determine the final number and location of the lights, and the lights shall be on an LS2-A rate service. The lights on the project streets shall be decorative per City standards, and the lights along

Cypress Road and Sellers Avenue shall be General Electric spun aluminum "cobra head" style

Grading:

65. Submit a geotechnical report to the City Engineer for review that substantiates the design features incorporated into the subdivision including, but not limited to grading activities, compaction requirements, utility construction, slopes, retaining walls, levees, and roadway sections.
66. At least one week prior to commencement of grading, the applicant shall post the site and mail to the owners of property within 300 feet of the exterior boundary of the project site notice that construction work will commence. The notice shall include a list of contact persons with name, title, phone number and area of responsibility. The person responsible for maintaining the list shall be included. The list shall be kept current at all times and shall consist of persons with authority to indicate and implement corrective action in their area of responsibility. The names of the individual responsible for noise and litter control shall be expressly identified in the notice. The notice shall be reissued with each phase of major grading activity. A copy of the notice shall be concurrently transmitted to the City Engineer. The notice shall be accompanied by a list of the names and addresses of the property owners noticed, and a map identifying the area noticed.
67. Dust control measures shall be provided for all stockpiling per the review and approval of the City Engineer.
68. Grade all pads so that they drain directly to the public street at a minimum of one percent without the use of private drainage systems through rear and side yards.
69. Grade slopes with a vertical height of four feet or more at a slope of 3 to 1. Retaining walls that may be installed to reduce the slope must be masonry and comply with the City's building code.
70. Submit a dust and litter control plan to the City Engineer prior to beginning any construction activities. The dust and litter control plan shall address all items identified and shall be consistent with EIR Mitigation Measure 4.4-1.
71. Submit a haul route plan to the City Engineer for review and approval prior to importing or exporting any material from the site, if applicable. The plan shall include the location of the borrow or fill area, the proposed haul routes, the estimated number and frequency of trips, and the proposed schedule of hauling. Based on this plan the City Engineer shall determine whether pavement condition surveys must be conducted along the proposed haul routes to determine what impacts the trucking activities may have. The project proponents shall be responsible to repair to their pre-construction condition any roads along the utilized routes.

72. Prior to commencement of any site work that will result in a land disturbance of one acre or more, the applicant shall provide evidence to the City Engineer that the requirements for obtaining a State General Construction Permit have been met. Such evidence may be a copy of the Notice of Intent letter sent by the State Water Resources Control Board. The WDID Number shall be shown on the grading plan prior to approval by the City Engineer.
73. Submit an updated erosion control plan reflecting current site conditions to the City Engineer for review and approval no later than September 1st of every year while the Notice of Intent is active.
74. Submit the necessary documents, applications, or studies, if any, to show that the project meets National Flood Insurance Program and City Floodplain Management Ordinance requirements as they pertain to construction of any structures within the project boundary. FEMA's National Flood Insurance Rate Map currently shows the subject site is within Zone X (Panel 360 of 602, FIRM Map No. 06013C0360F, Effective Date June 16, 2009). This area is shown as being protected from the 1-percent-annual-chance or greater flood hazard by a levee system. If the FEMA map in effect at the time of grading permit approval includes the project levee and does not show any proposed building pads within a special flood hazard area then this condition shall be deemed satisfied.
75. Grade all pad elevations or install levees to satisfy Chapter 914-10 of the City's Municipal Code, including the degree of protection provisions.
76. The burying of any construction debris is prohibited on construction sites.

Utilities/Undergrounding:

77. Underground all new and existing utility distribution facilities, including those along the project frontage of Cypress Road and Sellers Avenue. The developer shall provide joint trench composite plans for the underground electrical, gas, telephone, cable television and communication conduits and cables including the size, location and details of all trenches, locations of building utility service stubs and meters and placements or arrangements of junction structures as a part of the Improvement Plan submittals for the project. The composite drawings and/or utility improvement plans shall be signed by a licensed civil engineer.
78. All utility boxes shall be installed underground and all wires and cables must be installed in conduits. Compliance with this condition shall be at the discretion of the City Engineer.
79. Above ground utility boxes shall be camouflaged per the review and approval of the City Engineer.

Drainage Improvements:

80. Collect and convey all stormwater entering and/or originating on these properties, without diversion and within an adequate storm drainage facility, to an adequate natural watercourse having definable bed and banks, or to an existing adequate public storm drainage facility that conveys the storm waters to an adequate natural watercourse, in accordance with Division 914 of the Ordinance Code. The project may be eligible for reimbursement from future development for upsizing the pond and/or storm drain main lines based on the final master plan.
81. Submit a final hydrology and hydraulic report including 10-year and 100-year frequency event calculations for the proposed drainage system and stormwater pond to the City Engineer for review and approval.
82. Design and construct all storm drainage facilities in compliance with the Municipal Code and City design standards.
83. Prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.
84. Dedicate a public drainage easement over the drainage system that conveys storm water run-off from public streets.
85. Submit a long-term operational and maintenance plan for the publicly maintained stormwater pond, and/or any private or public interim ponds, and pump stations, to the City Engineer for review. The plan must include a level of effort estimate for staffing and maintenance requirements as well as an operational and life cycle budget analysis.
86. Convey to the City, by offer of dedication, Parcel B for open space and flood control purposes.

Landscaping in the Public Right of Way:

87. Install public right of way landscaping along Cypress Road and Sellers Avenue and trail corridors. The applicant shall work with the Community Development Department and City Engineer for the design, construction and completion of the public landscaping concurrent with the phased development of the subdivision. As part of the plan check process for the landscaping, the applicant shall develop a construction schedule approved by the Community Development Director to provide for the timely completion of the landscaping concurrent with development. Public landscape phasing shall be generally performed in tandem with adjacent subdivision improvements.
88. Maintain all landscaping within the public right of way until such time that the adjacent roadway improvements have been accepted for maintenance. Acceptance of landscaping may coincide with phased landscape improvements,

at the discretion of the City Engineer and dependent on the availability of maintenance funds.

National Pollutant Discharge Elimination System (NPDES):

89. Comply with all rules, regulations and procedures of the National Pollutant Discharge Elimination System (NPDES) for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board, the Regional Water Quality Control Board (Central Valley - Region IV), including the Stormwater C.3 requirements as detailed in the Guidebook available at www.cccleanwater.org.

Compliance shall include developing long-term best management practices (BMP's) for the reduction or elimination of storm water pollutants. The project design shall incorporate wherever feasible, the following long-term BMP's in accordance with the Contra Costa Clean Water Program for the site's storm water drainage:

- Offer pavers for household driveways and/or walkways as an option to buyers.
- Minimize the amount of directly connected impervious surface area.
- Delineate all storm drains with "No Dumping, Drains to the Delta" permanent metal markers per City standards.
- Construct concrete driveway weakened plane joints at angles to assist in directing run-off to landscaped/pervious areas prior to entering the street curb and gutter.
- Distribute public information items regarding the Clean Water Program to buyers.
- Other alternatives as approved by the City Engineer.

Fees/Assessments:

90. Comply with the requirements of the development impact fees listed below, in addition to those noticed by the City Council in Resolution 00-85 and 08-03. The applicant shall pay the fees in the amounts in effect at the time each building permit is issued.

- A. Traffic Impact Fee (authorized by Ordinance No. 14-00, adopted by Resolution 49-03);
- B. Regional Transportation Development Impact Mitigation Fee (authorized by Ordinance No. 14-00, adopted by Resolution No. 73-05);
- C. Park Land Dedication In-Lieu Fee (adopted by Ordinance No. 03-03);
- D. Park Impact Fee (authorized by Ordinance No. 05-00, adopted by Resolution No. 19-03);

- E. Public Facilities Fee (authorized by Ordinance No. 05-00, adopted by Resolution No. 18-03);
- F. Fire Facilities Impact Fee, collected by the City on behalf of the Oakley Fire Protection District;
- G. East Contra Costa County Habitat Conservation Plan Fee per the East Cypress HCP MOA.

The applicant should contact the City Engineer prior to constructing any public improvements to determine if any of the required improvements are eligible for credits or reimbursements against the applicable traffic benefit fees or from future developments.

- 91. The applicant shall be responsible for paying the County Recorder's fee for the Notice of Determination as well as the State Department of Fish and Game's filing fee.
- 92. Annex the property to the City of Oakley Landscape and Lighting District No. 1 for citywide landscaping and park maintenance, subject to an assessment for maintenance based on the assessment methodology described in the Engineer's Report. The assessment shall be the per parcel annual amount (with appropriate future cost of living adjustment) as established at the time of voting by the City Council. Any required election and/or ballot protest proceedings shall be completed prior to approval of the final map. The Applicant shall apply for annexation and provide all information and documents required by the City to process the annexation. All costs of annexation shall be paid by Applicant.
- 93. Annex the property to the City of Oakley Landscape and Lighting District No. 1 for citywide street lighting costs and maintenance, subject to an assessment for street light maintenance based on the assessment methodology described in the Engineer's Report. The assessment shall be the per parcel annual amount (with appropriate future cost of living adjustment) as established at the time of voting by the City Council. Any required election and/or ballot protest proceedings shall be completed prior to filing of the final map. The applicant shall apply for annexation and provide all information and documents required by the City to process the annexation. All costs of annexation shall be paid by Applicant.
- 94. Annex the property to the City of Oakley Landscape and Lighting District No. 1 for project specific landscaping maintenance, subject to an assessment for landscape operation and maintenance based on the assessment methodology described in the Engineer's Report. The assessment shall be the per parcel annual amount (with appropriate future cost of living adjustment) as established at the time of voting by the City Council. Any required election and/or ballot protest proceedings shall be completed prior to filing of the final map. The applicant shall apply for annexation and provide all information and documents

required by the City to process the annexation. All costs of annexation shall be paid by Applicant.

95. Participate in the formation of a mechanism to fund the additional police protection and park maintenance that will be required in the Cypress Corridor area. This annual assessment is pursuant to Section 4 of the Memorandum of Understanding between the City of Oakley and the Emerson, Gilbert and Burroughs Families dated September 23, 2002. The assessment shall initially be \$120 per parcel annually and shall include appropriate future cost of living adjustments for police services and park maintenance as established at the time of voting by the City Council. Any required election and/or ballot protest proceedings shall be completed prior to filing of the final map. The applicant shall apply for the formation and provide all information and documents required by the City. All costs shall be paid by Applicant.
96. 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. The tax shall be the per parcel annual amount (with appropriate future cost of living adjustment) as established at the time of voting by the City Council. The election to provide for the tax shall be completed prior to filing of the final map. Should the homes be occupied prior to the City receiving the first disbursement from the tax bill, the project proponent shall be responsible for paying the pro-rata share for the remainder of the tax year prior to the City conducting a final inspection.
97. Participate in the formation of a mechanism to fund the operation and maintenance of the storm drain system, including storm water quality monitoring and reporting, stormwater ponds and any proposed pump stations, as well as any levees proposed to be maintained by the City. The appropriate funding mechanism shall be determined by the City and may include, but not be limited to, an assessment district, community services district, or community facilities district. The funding mechanism shall be formed prior to filing of any final or parcel map, and the project proponent shall fund all costs of the formation.
98. Comply with any applicable storm drainage master plan and associated fees for drainage. The applicant shall pay any applicable fee in effect at the time of building permit issuance. Certain improvements required by the Conditions of Approval for this development or the Code may be eligible for credit or reimbursement against the drainage area fee. The developer should contact the City Engineer to personally determine the extent of any credit or reimbursement for which he might be eligible. Any credit or reimbursements shall be determined prior to filing the final map.

ADVISORY NOTES

The following advisory notes are provided to the applicant as a courtesy but are not a part of the conditions of approval. Advisory notes are provided for the purpose of informing the applicant of additional ordinance requirements that must be met in order to proceed with development.

- A. The applicant/owner should be aware of the expiration dates and renewing requirements prior to requesting building or grading permits.
- B. The project will require a grading permit pursuant to the Ordinance Code.
- C. Applicant shall comply with the requirements of Ironhouse Sanitary District.
- D. The applicant shall comply with the requirements of the Diablo Water District.
- E. Comply with the requirements of the East Contra Costa Fire Protection District.
- F. Comply with the requirements of the Building Inspection Division. Building permits are required prior to the construction of most structures.
- G. This project may be subject to the requirements of the Department of Fish and Game. It is the applicant's responsibility to notify the Department of Fish and Game, P.O. Box 47, Yountville, California 94599, of any proposed construction within this development that may affect any fish and wildlife resources, per the Fish and Game Code.
- H. This project may be subject to the requirements of the Army Corps of Engineers. It is the applicant's responsibility to notify the appropriate district of the Corps of Engineers to determine if a permit is required, and if it can be obtained.
- I. The applicant shall obtain an encroachment permit for construction within existing City rights of way.
- J. The applicant shall obtain an encroachment permit from Caltrans for construction within the State right of way.

PASSED AND ADOPTED by the City Council at a meeting held on the 14th day of September 2010, by the following vote:

AYES: Anderson, Connelley, Frazier, Rios, Romick

NOES: None

ABSTENTIONS: None

ABSENT: None

APPROVED:

Pat Anderson, Mayor

ATTEST:

Nancy Ortenblad, City Clerk Date

**CITY OF OAKLEY
SUBDIVISION IMPROVEMENT AGREEMENT
SUBDIVISION 9349 EMERSON RANCH NEIGHBORHOOD 3**

This agreement is made and entered into this ___ day of ___, 2015 by and between the City of Oakley, a municipal corporation, hereinafter referred to as "CITY", and Brookfield Emerson Land LLC, A Delaware Limited Liability Company hereinafter referred to as "DEVELOPER".

RECITALS

WHEREAS, it has been determined by the City Council of the City of Oakley, State of California, that DEVELOPER, the subdivider of Subdivision 9349 Emerson Ranch Neighborhood 3 (Neighborhood 3), desires to improve and dedicate those public improvements (hereafter "The Improvements") required by the conditions of approval for the project as adopted by the City of Oakley City Council via Resolution Number 107-10 in accordance with the requirements and conditions set forth in approvals, the requirements of the Subdivision Map Act of the State of California, and those certain plans and specifications for said development approved by CITY and titled: Emerson Ranch – Neighborhood 3 Improvement Plan Subdivision 9349 and Emerson Ranch Phase 2 Grading Plan Subdivisions 9349, 9350, and 9351 as prepared by Carlson, Barbee & Gibson, Inc. now on file in the office of the City Engineer, which are hereby referred to for a more definite and distinct description of the work to be performed under this Agreement as though set forth at length herein; and

WHEREAS, DEVELOPER and CITY acknowledge that not all conditions of approval ("COA") contained in Resolution Number 107-10 have been satisfied, but nevertheless, DEVELOPER desires to file a final map. The satisfaction of all COA is the subject of this Agreement. DEVELOPER's agreement to satisfy all COA including the aforementioned COA and construct the Improvements identified in the aforementioned COA is a material part of the consideration for this Agreement; and

WHEREAS, Conditions of Approval #49 and #50 set requirements for the construction of the widening of Cypress Road and Sellers Avenue and sets the requirements for reimbursement by the City for part of the cost of this work. The conditions state that an agreement must be approved by the City Council prior to approval of "the final map". Since the approved tentative map for Subdivision 9032 allows DEVELOPER to file multiple final maps, DEVELOPER has requested that they be allowed to execute the reimbursement agreement with a future final map to allow them to complete the designs and cost estimates associated with the widening of the two streets; and

WHEREAS, DEVELOPER intends to satisfactorily complete The Improvements within the time hereinafter specified, and CITY intends to accept DEVELOPER's offer(s) of dedication of The Improvements in consideration for DEVELOPER's satisfactory performance of the terms and conditions of this Agreement:

NOW, THEREFORE, in consideration of the mutual promises, conditions and covenants herein contained, the parties agree as follows:

1. Improvements.

DEVELOPER agrees to install the road improvements (both public and private), sewer and drainage improvements, signs, street lights, fire hydrants, landscaping, and such other improvements (including appurtenant equipment) as required as Conditions of Approval of Tentative Map 9032 as set forth in Exhibit A to this Agreement, which is incorporated herein as if set forth at this point, or as otherwise required in the subdivision ordinance. In the event that any provision of this Agreement conflicts with the provisions of Exhibit A the provisions of Exhibit A shall prevail to the extent that the conflicting provision in Exhibit A requires a greater or more extensive improvement or expenditure, or to the extent that that provision extends DEVELOPER's obligations over a greater period of time than the specific provision set forth herein. Such improvements shall also be made in conformance with the City of Oakley Municipal Code and Contra Costa County Ordinance Code as adopted and enforced by the City of Oakley.

DEVELOPER will commence construction of The Improvements within 30 days following the date on which CITY executes this Agreement. DEVELOPER shall complete said work not later than 12 months following said date of execution in a good workmanlike manner, in accordance with accepted construction practices and in a manner equal or superior to the requirements of the City of Oakley Municipal Code and Contra Costa County Ordinance Code and rulings made thereunder; and where there is a conflict between the improvement plans and the City Municipal Code or County Ordinance Code, the stricter requirements shall govern. It is understood that the City of Oakley was incorporated effective July 1, 1999, and as such continues to rely on certain laws, ordinances and design standards of the County of Contra Costa. References herein to the County Code or County Ordinance Code are understood to refer to such ordinances and codes as if adopted by the City of Oakley.

CITY and DEVELOPER agree to defer approval of the reimbursement agreements required in Conditions of Approval #49 and #50 to a future final map.

Time is of the essence in this Agreement. Upon completion, DEVELOPER shall furnish CITY with a complete and reproducible set of final as-built plans of The Improvements, including any authorized modifications.

All deadlines, cure periods and periods for DEVELOPER'S performance under this Agreement shall be extended as applicable by occurrences of Unavoidable Delay. "**Unavoidable Delay**" shall mean any prevention, delay or stoppage in the performance of DEVELOPER's obligations under this Agreement, which prevention, delay or stoppage is caused by: (a) CITY's actions or CITY's failure to take any action that the CITY is required to take under the express terms of this Agreement, (b) acts of God, war, inability to obtain labor or materials or reasonable substitutes therefor due to

conditions generally applicable in the location of the Property, (c) moratoria, regulations, or controls imposed, or lack of action taken, by any governmental or quasi-governmental agency, (d) the inability to obtain permits or other necessary governmental approvals, (e) rain or other inclement weather, or (f) other similar matters or causes beyond DEVELOPER's reasonable control. DEVELOPER shall give written notice to CITY within fifteen (15) business days after DEVELOPER becomes aware of the occurrence of an Unavoidable Delay specifying the nature of the Unavoidable Delay. DEVELOPER will use commercially reasonable efforts to minimize the impact of any Unavoidable Delay.

2. Estimated Cost of Improvements and Possible Future Cash Deposit.

The estimated cost of constructing The Improvements required by this Agreement as adjusted for inflation is agreed to be a total of \$6,333,760 of which:

\$969,000 Emerson Ranch – Neighborhood 3 Improvement Plan Subdivision 9349,
\$515,240 Emerson Ranch Phase 2 Grading Plan Subdivisions 9349, 9350, and 9351

Said amounts include costs and reasonable expenses and fees which may be incurred in enforcing the obligation secured.

3. Bonds Furnished.

Concurrently with the execution of this Agreement, DEVELOPER shall furnish CITY with the following security in the forms specified in Government Code sections 66499.1 and 66499.2 or in a form satisfactory to the CITY Attorney if different from said Government Code forms:

- a. Faithful Performance. Either a cash deposit, a corporate surety bond issued by a company duly and legally licensed to conduct a general surety business in the State of California, or an instrument of credit equivalent to one hundred percent (100%) of the estimate set forth in Paragraph 2 and sufficient to assure CITY that The Improvements will be satisfactorily completed. A minimum of one percent (1%) of the security shall be a cash deposit.
- b. Labor and Materials. Either a cash deposit, a corporate surety bond issued by a company duly and legally licensed to conduct a general surety business in the State of California, or an instrument of credit equivalent to fifty percent (50%) of the estimate set forth in Paragraph 2 and sufficient to assure CITY that DEVELOPER'S contractors, subcontractors, and other persons furnishing labor, materials, or equipment shall be paid therefor.
- c. If required by CITY, a cash deposit, corporate surety bond, or instrument of credit sufficient to assure CITY that the surface water

drainage of the subdivision shall not interfere with the use of neighboring property, including public streets and highways.

CITY shall be the sole indemnitee named on any instrument required by this Agreement. Any instrument or deposit required herein shall conform with the provisions of Chapter 5 of the Subdivision Map Act. DEVELOPER may request that portions or all of the bonds may be substituted by other parties in the event that portions or all of the Subdivision is sold to other parties, and such substitution shall not be unreasonably withheld by CITY.

4. Prevailing Wage.

CITY has determined that construction of The Improvements falls within the definition of "public works" set forth in California Labor Code Section 1720. Subject to any amendments to Labor Code Section 1720 et seq., DEVELOPER shall comply with Labor Code Section 1720 et seq., shall comply with the provisions set forth in Exhibit B and shall ensure that any contractors and subcontractors comply with the provisions of Exhibit B. DEVELOPER shall waive, indemnify, hold harmless and defend CITY concerning any liability arising out of Labor Code Section 1720 et seq.

5. Insurance Required.

Concurrently with the execution hereof, DEVELOPER shall obtain or cause to be obtained and filed with the CITY, all insurance required in this paragraph and as set forth in Exhibit C, and such insurance shall have been approved by the Finance Director of CITY, or his designee, as to form, amount and carrier. Prior to the commencement of work under this Agreement, DEVELOPER's general contractor shall obtain or cause to be obtained and filed with the Finance Director, all insurance required under this paragraph and as set forth in Exhibit C, evidenced herein as Exhibit D, and such insurance shall have been approved by the Finance Director of CITY, as to form, amount and carrier. DEVELOPER shall not allow any contractor or subcontractor to commence work on this contract or subcontract until all insurance required for DEVELOPER and DEVELOPER's general contractor shall have been so obtained and approved. Said insurance shall be maintained in full force and effect until the completion of work under this Agreement and the final acceptance thereof by CITY. All requirements herein provided shall appear either in the body of the insurance policies or as endorsements and shall specifically bind the insurance carrier. CITY acknowledges and agrees that DEVELOPER has provided to CITY the evidence of insurance required to be maintained under this Section 5 and such insurance has been previously approved by the Finance Director of CITY, as to form, amount and carrier.

6. Work Performance and Guarantee.

Except as otherwise expressly provided in this Agreement, and excepting only items of routine maintenance, ordinary wear and tear and unusual abuse or neglect, DEVELOPER guarantees all work executed by DEVELOPER and/or DEVELOPER's agents, and all supplies, materials and devices of whatsoever nature incorporated in, or attached to the work, or otherwise delivered to CITY as a part of the work pursuant to the Agreement, to be free of all defects of workmanship and materials for a period of one (1) year after initial acceptance of the entire work by CITY. DEVELOPER shall repair or replace any or all such work or material, together with all or any other work or materials which may be displaced or damaged in so doing, that may prove defective in workmanship or material within said one-year guarantee period without expense or charge of any nature whatsoever to CITY. DEVELOPER further covenants and agrees that when defects in design, workmanship and materials actually appear during the one-year guarantee period, and have been corrected, the guarantee period shall automatically be extended (but only as to such corrected defects) for an additional year to insure that such defects have actually been corrected.

In the event the DEVELOPER shall fail to comply with the conditions of the foregoing guarantee within thirty (30) days time, after being notified of the defect in writing, CITY shall have the right, but shall not be obligated, to repair or obtain the repair of the defect, and DEVELOPER shall pay to CITY on demand all costs and expense of such repair. Notwithstanding anything herein to the contrary, in the event that any defect in workmanship or material covered by the foregoing guarantee results in a condition which constitutes an immediate hazard to the public health, safety, or welfare, CITY shall have the right to immediately repair, or cause to be repaired, such defect, and DEVELOPER shall pay to CITY on demand all costs and expense of such repair. The foregoing statement relating to hazards to health and safety shall be deemed to include either temporary or permanent repairs which may be required as determined in the sole discretion and judgment of CITY.

If CITY, at its sole option, makes or causes to be made the necessary repairs or replacements or performs the necessary work, DEVELOPER shall pay, in addition to actual costs and expenses of such repair or work, twenty five percent (25%) of such costs and expenses for overhead and interest at the maximum rate of interest permitted by law accruing thirty (30) days from the date of billing for such work or repairs.

7. Inspection of the Work.

DEVELOPER shall guarantee free access to CITY through its City Engineer and his designated representative for the safe and convenient inspection of the work throughout its construction. Said CITY representative shall have the authority to reject all materials and workmanship which are not in accordance with the plans and specifications, and all such materials and or work shall be removed promptly by DEVELOPER and replaced to the satisfaction of CITY without any expense to CITY in strict accordance with the improvement plans and specifications.

8. Agreement Assignment.

This Agreement shall not be assigned by DEVELOPER without the written consent of CITY which shall not be unreasonably withheld, conditioned or delayed.

9. Abandonment of Work.

Neither DEVELOPER nor any of DEVELOPER's agents or contractors are or shall be considered to be agents of CITY in connection with the performance of DEVELOPER's obligations under this Agreement.

If DEVELOPER refuses or fails to obtain prosecution of the work, or any severable part thereof, with such diligence as will insure its completion within the time specified, or any extension thereof, or fails to obtain completion of said work within such time, or if DEVELOPER should be adjudged as bankrupt, or should make a general assignment for the benefit of DEVELOPER's creditors, or if a receiver should be appointed, or if DEVELOPER, or any of DEVELOPER's contractors, subcontractors, agents or employees should violate any of the provisions of this Agreement, the CITY through its Public Works Director may serve written notice on DEVELOPER and DEVELOPER's surety or holder of other security of breach of this Agreement, or of any portion, thereof, and default of DEVELOPER.

In the event of any such notice of breach of this Agreement, DEVELOPER's surety shall have the duty to take over and complete The Improvements herein specified; provided, however, that if the surety, within thirty (30) days after the serving upon it of such notice of breach, does not give CITY written notice of its intention to take over the performance of the contract, and does not commence performance thereof within thirty (30) days after notice to CITY of such election, CITY may take over the work and prosecute the same to completion, by contract or by any other method CITY may deem advisable, for the account and at the expense of DEVELOPER and DEVELOPER's surety shall be liable to CITY for any damages and/or reasonable and documented excess costs occasioned by CITY thereby; and, in such event, CITY, without liability for so doing, may take possession of, and utilize in completing the work, such materials, appliances, plant and other property belonging to DEVELOPER as may be on the site of the work and necessary therefor.

All notices herein required shall be in writing, and delivered in person or sent by registered mail, postage prepaid.

Notices required to be given to CITY shall be addressed as follows:

City Manager and City Engineer
City of Oakley
3231 Main Street
Oakley, CA 94561

Notices required to be given to DEVELOPER shall be addressed as follows:

Attn: Josh Roden
Brookfield Emerson Land LLC,
A Delaware Limited Liability Company
500 La Gonda Way, Suite 100
Danville, CA 94526

Notices required to be given surety of DEVELOPER shall be addressed as follows:

Any party or the surety may change such address by notice in writing to the other party and thereafter notices shall be addressed and transmitted to the new address.

Concurrently with the execution of this Agreement, DEVELOPER has executed and has caused to be acknowledged an abstract of this Agreement. DEVELOPER agrees CITY may record said abstract in the Official Records of Contra Costa County.

10. Use of Streets or Improvements.

At all times prior to the final acceptance of the work by CITY, the use of any or all streets and improvements within the work to be performed under this Agreement shall be at the sole and exclusive risk of DEVELOPER. The issuance of any building or occupancy permit by CITY for dwellings located within the tract shall not be construed in any manner to constitute a partial or final acceptance or approval of any or all such improvements by CITY. DEVELOPER agrees that CITY's Building Official may withhold the issuance of building or occupancy permits when the work or its progress may substantially and/or detrimentally affect public health and safety.

11. Safety Devices.

DEVELOPER shall provide and maintain such guards, watchmen, fences, barriers, regulatory signs, warning lights, and other safety devices adjacent to and on the tract site as may be necessary to prevent accidents to the public and damage to the property. DEVELOPER shall furnish, place, and maintain such lights as may be necessary for illuminating the said fences, barriers, signs, and other safety devices. At the end of all work to be performed under this Agreement, all fences, barriers, regulatory signs, warning lights, and other safety devices (except such safety items as may be shown on the plans and included in the items of work) shall be removed from site of the work by the DEVELOPER, and the entire site left clean and orderly.

12. Acceptance of Work.

Upon notice of the completion of the work covered by this agreement and the delivery of a set of final as-built plans to CITY by DEVELOPER, CITY, through its City Engineer or his designated representative, shall examine the work without delay, and, if found to be in accordance with said plans and specifications and this Agreement, shall recommend acceptance of the work to the City Council and, upon such acceptance, shall notify DEVELOPER or his designated agents of such acceptance.

13. Patent and Copyright Costs.

In the event that said plans and specifications require the use of any material, process or publication which is subject to a duly registered patent or copyright, DEVELOPER shall be liable for, and shall indemnify CITY from any fees, costs or litigation expenses, including attorneys' fees and court costs, which may result from the use of said patented or copyrighted material, process or publication.

14. Alterations in Plans and Specifications.

Any alteration or alterations made in the plans and specifications which are a part of this Agreement or any provision of this Agreement shall not operate to release any surety or sureties from liability on any bond or bonds attached hereto and made a part hereof, and consent to make such alterations is hereby given, and the sureties to said bonds hereby waive the provisions of Section 2819 of the Civil Code of the State of California.

15. Liability.

- a. DEVELOPER Primarily Liable. DEVELOPER hereby warrants that the design and construction of The Improvements will not adversely affect any portion of adjacent properties and that all work will be performed in a proper manner. DEVELOPER agrees to indemnify, defend, release, and hold harmless CITY, and each of its elective and appointive boards, commissions, officers agents and

employees, from and against any and all loss, claims, suits, liabilities, actions, damages, or causes of action of every kind, nature and description, directly or indirectly arising from an act or omission of DEVELOPER, its employees, agents, or independent contractors in connection with DEVELOPER'S actions and obligations hereunder; provided as follows:

1. That CITY does not, and shall not, waive any rights against DEVELOPER which it may have by reason of the aforesaid hold harmless agreement, because of the acceptance by CITY, or the deposit with CITY by DEVELOPER, of any of the insurance policies described in Paragraph 4 hereof.
2. That the aforesaid hold harmless agreement by DEVELOPER shall apply to all damages and claims for damages of every kind suffered, or alleged to have been suffered, by reason of any of the aforesaid operations referred to in this paragraph, regardless of whether or not CITY has prepared, supplied, or approved of plans and/or specifications for the subdivision, or regardless of whether or not such insurance policies shall have been determined to be applicable to any of such damages or claims for damages.
 - b. Design Defect. If, in the opinion of the CITY, a design defect in the work of improvement becomes apparent during the course of construction, or within one (1) year following acceptance by the CITY of the improvements, and said design defect, in the opinion of the CITY, may substantially impair the public health and safety, DEVELOPER shall, upon order by the CITY, correct said design defect at his sole cost and expense, and the sureties under the Faithful Performance and Labor and Materials Bonds shall be liable to the CITY for the corrective work required.
 - c. Litigation Expenses. In the event that legal action is instituted by either party to this Agreement, and said action seeks damages for breach of this Agreement or seeks to specifically enforce the terms of this Agreement, and, in the event judgment is entered in said action, the prevailing party shall be entitled to recover its attorneys' fees and court costs. If CITY is the prevailing party, CITY shall also be entitled to recover its attorney's fees and costs in any action against DEVELOPER's surety on the bonds provided under paragraph 3.

16. Recitals.

The foregoing Recitals are true and correct and are made a part hereof.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in duplicate at Oakley, California, the day and year first above written.

CITY OF OAKLEY

**Brookfield Emerson Land LLC,
A Delaware Limited Liability Company**

By: _____
Bryan H. Montgomery
City Manager

Signature and Title

APPROVED AS TO FORM:

Derek P. Cole
City Attorney

ATTEST:

Libby Vreonis, City Clerk

- Exhibits: Exhibit A – City of Oakley, City Council, Resolution 107-10
 Exhibit B – Prevailing Wage
 Exhibit C - Insurance Requirements
 Exhibit D - Verification of Required Insurance

EXHIBIT A
(RESOLUTION 107-10)

RESOLUTION NO. 107-10

A RESOLUTION OF THE CITY OF OAKLEY CITY COUNCIL MAKING FINDINGS AND APPROVING THE EMERSON PROPERTY PROJECT VESTING TENTATIVE SUBDIVISION MAP (9032) TO SUBDIVIDE APPROXIMATELY 140 ACRES INTO 578 SINGLE FAMILY LOTS, A 24 ACRE COMMERCIAL PARCEL, AND OTHER PARK, TRAILS, OPEN SPACE AND STORMWATER DETENTION POND PARCELS, AND DESIGN REVIEW APPROVAL OF THE HOMES AND COMMERCIAL DEVELOPMENT PLAN. THE PROJECT IS LOCATED ON THE NORTHWEST CORNER OF EAST CYPRESS ROAD AND SELLERS AVENUE (APN 037-192-026)

FINDINGS

WHEREAS, in February of 2007, the applicant filed an application for approval of the Emerson Property Project - Subd. 9032 ("Project"), which included requests for a rezone to P-1 District and approval of a PD Plan, approval of a vesting tentative map to subdivide 140 acres into 662 single family lots and one approximately 10.5 commercial site, and design review approval of the homes and commercial development plan; and

WHEREAS, on or about April of 2008, the applicant filed a revised vesting tentative map and made an additional request for a General Plan Amendment. The revised map included 578 single family lots and an approximately 23.74 acre commercial site; and

WHEREAS, the revised Project included applications for the following:

- A General Plan Amendment to designate approximately 24 acres of the site to the "Commercial" land use designation;
- A rezone to P-1 (Planned Development) District and approval of the Planned Development Plan;
- A Vesting Tentative Map ("VTM") 9032 to subdivide approximately 140 acres into a 24 acre commercial parcel, 578 single family residential parcels, and other parcels containing parks, trails, open space and a stormwater treatment facility; and
- Design review for the conceptual design and signage for the commercial site, housing plans and elevations, and conceptual landscaping throughout the development and in the adjacent right-of-way.

WHEREAS, on September 3, 2010, the Notice of Public Hearing for the Project was duly noticed in the Contra Costa Times, a newspaper of general distribution. The Notice of Public Hearing was also posted at Oakley City Hall, Freedom High School, and at 204 2nd Street (City Annex); and

WHEREAS, on September 14, 2010, the City Council opened the public hearing at which it received a report from City Staff, oral and written testimony from the public, and deliberated on the project. At the conclusion of its deliberations, the City Council took a vote and adopted this resolution to approve the project, as revised by the City Council during its deliberations; and

WHEREAS, at the September 14, 2010 public hearing, the City Council introduced the project's rezone ordinance (P-1 District), which included modifications that affected the proposed vesting tentative map and design review packets, as follows:

- Deletion of 11 lots, lot numbers 530 – 540, located adjacent to the proposed park along "X" Street and "Y" Court. As a result, the project has a total of 567 residential lots; and
- Deletion of the apartment alternative as a permitted use and deletion of the apartment site plan and references in the PD Plan and Design Review packet, with allowance for the developer to bring the apartment alternative back to the City Council no sooner than March of 2013 for reconsideration.

WHEREAS, if any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City.

WHEREAS, these Findings are based on the City's General Plan, the City's Zoning and Subdivision Ordinances, and the information submitted to the City Council at its September 14, 2010 meeting, both written and oral, including oral information provided by the applicant, as reflected in the minutes of such meetings, together with the documents contained in the file for the Subdivision (hereafter the "Record").

WHEREAS, the City Council hereby makes the following factual findings regarding this application:

- A. The Environmental Impact Report (EIR) for the Emerson Property Project Subdivision 9032 was certified by the City Council on September 14, 2010. The vesting tentative map and design review applications were analyzed under the Project EIR;
- B. At its September 14, 2010 public hearing, the City Council approved a General Plan Amendment for the Project that increased the Commercial designation in the Dutch Slough area, and project site, from 12 acres to 24 acres;
- C. Also at its September 14, 2010 public hearing, the City Council introduced an ordinance to rezone the Project site from A-3 (Heavy Agriculture) District to P-1 (Planned Development) District; and

- D. The real property affected by this vesting tentative map is designated Single-Family Medium (SM), Single Family High (SH), Multi Family High (MH), and Commercial in the Oakley 2020 General Plan and zoned P-1 (Planned Development) District.

NOW, THEREFORE, BE IT RESOLVED THAT, on the basis of the above Findings and the entire Record, the City Council makes the following additional findings in support of the recommended approvals:

- A. Regarding the application requesting approval of a Vesting Tentative Map (Subd. 9032) to subdivide 140 acres into 567 lots, a 24 acre commercial parcel, and other park, trail, open space and stormwater detention pond parcels, the City Council finds that:

The proposed Vesting Tentative Map, together with the provisions of its design and improvements, is consistent with the Zoning Code, adopted P-1 District, as modified to be consistent with the applicable P-1 District PD Plan, and applicable General Plan land use designations, as approved by City Council for the Project, in that it allows for orderly residential development in a residential area, and commercial development in an adequately sized and dedicated commercial area that meets the General Plan density allowance and complies with all of the applicable regulations set forth in the project's P-1 District;

1. The site is physically suitable for the type of development in that the proposed Vesting Tentative Map meets all of the applicable development standards in the project's P-1 District, which contains development standards for residential and commercial development on the subject site. It is served by public streets, and it can be served by utilities;
2. The site is physically suitable for the proposed gross density of development at 4.1 dwelling units per gross acre, which, when combined with Gilbert Subdivision 9033's gross density, complies with the overall Dutch Slough maximum gross density of 4.4 dwelling units per acre. The increase in the commercial site's acreage and swap of approximately six acres from Gilbert to Emerson, per a memorandum of understanding, results in the Emerson gross density being slightly lower than the overall Dutch Slough range;
3. The proposed Vesting Tentative Map and all identified mitigation measures have been incorporated into Project EIR and Mitigation and Monitoring Plan, prepared in accordance with the CEQA Guidelines, which was certified by the City Council on September 14, 2010;
4. The design of the subdivision and type of improvements are not likely to cause serious public health problems in that the proposed subdivision consists of 567 single-family residential lots, 24 acre commercial site and associated improvements, configured in a rectangular manner.

Construction and grading are subject to building or grading permits, and violations of any such permits are subject to appropriate enforcement;

5. The design of the subdivision includes the construction of improvements within the right-of-way that are consistent with major subdivisions and the City's design standards. The improvements consist of roads, sidewalks, curbs and gutters; and
 6. The design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. The Vesting Tentative Map does not conflict with easements acquired by the public for access and utilities.
- B. Regarding the application for Design Review approval of the proposed house floor plans and architectural designs, and conceptual commercial development plan and architectural design, the City Council finds as follows:
1. The proposed house floor plans and architectural designs comply with the Oakley Residential Design Guidelines and provide for a quality project in that:
 - a. The proposed house floor plans offer recessed or side loaded garages, thereby de-emphasizing the garage door presence on the street;
 - b. Front facade materials, such as wood siding and window trim are used on all four elevations;
 - c. Roof forms and materials are relevant to the architectural style on which they sit. Roof styles include flat and shape concrete tile, wood shingle concrete tile, and architectural grade composition shingle; The architecture incorporates a variety of floor plans, building mass sizes and heights, and color schemes; and
 - d. Architectural elements such as wainscot and brick façade are used on appropriate elevation styles.

2. The proposed conceptual commercial development plan and architectural design complies with the Oakley Commercial and Industrial Design Guidelines and provides for a quality project in that:
 - a. The corner of East Cypress Road and Sellers Avenue is lined with two building pads and an outdoor plaza area, creating a focal point for the development;
 - b. Larger buildings are shown further back from the main streets, with ample setbacks to the adjacent property lines;
 - c. Pedestrian connections to the commercial area from the adjacent residential area are planned at the northwest corner, near the park and stormwater pond;
 - d. Architecturally the buildings provide a rustic, rural feel, similar to old farm or dairy buildings. Some corner elements of medium and small retail buildings simulate a metal silo;
 - e. A mix of stucco and wood siding compliments the residential architectural styles, but does not mimic them; and
 - f. Various wall elements, such as awnings, lattice and faux barn doors help to break up otherwise large, blank "canvases" of some buildings.

C. The Project complies with Measure J Growth Management requirements.

BE IT FURTHER RESOLVED THAT, on the basis of the foregoing Findings and the entire Record, the City Council take the following actions:

- A. A Vesting Tentative Map ("VTM") 9032 to subdivide approximately 140 acres into a 24 acre commercial parcel, 567 single family residential parcels, and other parcels containing parks, trails, open space and a stormwater treatment facility; and
- B. Design review for the residential architecture and conceptual design review for the commercial center.

BE IT FURTHER RESOLVED THAT, on the basis of the above Findings and the Record, the City Council approves the applicant's request for approval of Vesting Tentative Map 9032 design review approval, subject to the following conditions:

Conditions of Approval

- A. Applicant shall comply with the requirements of the Oakley Municipal Code. Any exceptions must be stipulated in these Conditions of Approval. Conditions of Approval are based on the plans received by the Community Development

Department and made a part of the City Council's meeting packet for September 14, 2010.

THE FOLLOWING CONDITIONS OF APPROVAL SHALL BE SATISFIED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT UNLESS OTHERWISE NOTED:

Planning Division Conditions

General:

1. The applicant shall modify the Vesting Tentative Map, other related maps, and the Design Review packets to be consistent with the modification adopted as part of the Project's P-1 District PD Plan approval, including removal of 11 lots adjacent to the proposed park. The applicant shall submit a modified map and design review packets to the Community Development Department for the project file.
2. The Vesting Tentative Map and Design Review, stamped approved September 14, 2010 shall be implemented, as modified by the following conditions of approval, subject to final review and approval by the Community Development Director.
3. The Vesting Tentative Map approval shall be valid for a period of three (3) years from the effective date of this resolution by recording a final map. Prior to said expiration date, the applicant may apply for an extension of time pursuant to the provisions of the Municipal Code. The Design Review approval shall run concurrently with the tentative map approval.
4. All construction drawings submitted for plan check shall be in substantial compliance with the plans presented to and approved by the City Council in conjunction with this resolution and as a part of the Project's adopted PD Plan.
5. All conditions of approval shall be satisfied by the owner/developer. All costs associated with compliance with the conditions shall be at the owner/developer's expense.
6. The applicant shall implement all applicable mitigation measures as adopted in the certified Emerson Property Environmental Impact Report/Mitigation and Monitoring Program.
7. The applicant shall participate in the East Contra Costa County Habitat Conservation Plan and pay any applicable fee as required per the MOA between the developers and the Habitat Conservation Plan Association.
8. The applicant shall indemnify, defend, and hold harmless the City of Oakley, the City Approving Authorities, and the officers, agents, and employees of the City

from any and all claims, damages and liability (including, but not limited to, damages, attorney fees, expenses of litigation, costs of court.

Development Standards:

9. The Planned Development (P-1) zone district shall have the following standards:

Neighborhood 1 (60' x 100' Typical)

- Minimum lot area: 6,000 square feet;
- Minimum lot frontage: 60' at the front property line;
- Minimum front yard setback: 20' to garage, 20' to any living space, 15' to any porches, and 15' to side loaded garages, all measured perpendicular to the structure;
- Minimum side yard setback: 5' minimum, sum of both sides 10', corner lots shall maintain a street side yard setback of 10';
- Projections subject to OMC 9.1.1122(g);
- Minimum rear yard: 15'.

Neighborhood 2 (48' & 52' & 57' x 100' Typical)

- Minimum lot area: 4,800 square feet;
- Minimum lot frontage: 48' at the front property line;
- Minimum front yard setback: 20' to garage, 15' to any living space, 10' to any porches, and 15' to side loaded garages, all measured perpendicular to the structure;
- Minimum side yard setback: 5' minimum, sum of both sides 10', corner lots shall maintain a street side yard setback of 10';
- Projections subject to OMC 9.1.1122(g);
- Minimum rear yard: 15'.

Neighborhood 3 (43' & 45' & 47' & 52' x 85' Typical)

- Minimum lot area: 3,655 square feet;
- Minimum lot frontage: 43' at the front property line;
- Minimum front yard setback: 20' to garage, 15' to any living space or side loaded garage, and 10' to any porches, all measured perpendicular to the structure;
- Minimum side yard setback: 5' minimum, sum of both sides 10', corner lots shall maintain a street side yard setback of 10';
- Projections subject to OMC 9.1.1122(g);
- Minimum rear yard: 15'.

Neighborhood 4 (40' & 45' & 50' & 55' x 90' Typical)

- Minimum lot area: 3,600 square feet;
- Minimum lot frontage: 40' at the front property line;
- Minimum front yard setback: 20' to garage, 15' to any living space, side loaded garage, and 10' to any porches, all measured perpendicular to the structure;
- Minimum side yard setback: 5' minimum, sum of both sides 10', corner lots shall maintain a street side yard setback of 10';

- Projections subject to OMC 9.1.1122(g);
- Minimum rear yard: 15'.

Neighborhood 5 (Z-Lots Typical)

- Minimum lot area: 3,350 square feet;
- Minimum lot frontage: 34' at the front property line;
- Minimum front yard setback: 20' to garage, 15' to side loaded garage, 15' to any living space, and 5' to any porches, all measured perpendicular to the structure;
- Minimum side yard setback: 3' minimum for interior zippers, 5' minimum for interior typical side, sum of both sides 8', corner lots shall maintain a street side yard setback of 10';
- Projections subject to OMC 9.1.1122(g);
- Minimum rear yard: 5' to Garage & 15' to Living Only.

All Neighborhoods

- Any lot with a front lot line where at least 50% of its length is concave, shall have a minimum lot frontage equal to half of the applicable neighborhood's minimum lot frontage (i.e. A lot in Neighborhood 1 is in the back of a cul-de-sac and its entire front lot line is concave. The minimum length of that lot frontage would be 30', rather than 60')
- The lot frontage for any corner lot, where the front and/or side yard lot lines are angled before intersecting, will be measured from the interior side and front lot line intersection to a point where the front and corner side lot lines would intersect if one or both were not angled.

Parks and Landscaping:

10. This project is subject to the Quimby Act and has a parkland requirement of five acres per 1,000 residents. The City General Plan establishes an average person per household of 3.21. The total amount of parkland, parkland in-lieu fees, or a combination of parkland and in-lieu fees will be established depending on the total number of approved housing units. As shown on the proposed vesting tentative map, the applicant has proposed a neighborhood park, located generally in the middle of the development, and a trail, located along the northern levee of the project. For park credits, the applicant will receive full credit for all final acreage located within the neighborhood park, and one-half credit for all acreage located within the trail ("Parcel A" on the VTM). The applicant shall pay in-lieu fees, subject to the City's parkland dedication and improvement impact fee, for any remainder parkland not constructed as part of the project.
11. The applicant shall work with the Community Development Department on the design, construction and completion of the park concurrent with the development of the subdivision. As part of the plan check process for the project, the applicant shall develop a park construction schedule approved by the Community Development Director to provide for the timely completion of the park concurrent with development.

12. A mix of evergreen and deciduous trees as well as shrubs and ground cover shall be planted along the street frontage as specified in the Residential Design Guidelines per the review and approval of the Community Development Director.
13. A landscaping and irrigation plan for all areas shown on the landscape plan shall be submitted, in phases as applicable, for review and approval of the Community Development Director prior to the issuance of building permits. Landscaping shall conform to the Oakley Landscape Guidelines and the City's Water Conservation Landscape Ordinance 82-26 and shall be installed prior to final occupancy. The plan shall be prepared by a licensed landscape architect and shall be certified to be in compliance with the City's Water Conservation Ordinance.
14. All landscaping shall comply with the City of Oakley water Efficient Landscape Ordinance.
15. All landscaped areas not covered by shrubs or groundcover shall be covered with bark or acceptable alternative as reviewed and approved by the Community Development Director. On slopes greater than 3 to 1, the applicant shall use an alternative to bark per the review and approval of the Community Development Director.
16. Each residential lot shall have a minimum number of trees along the street frontage, as indicated below:
 - Neighborhood 1 - Minimum of two trees, except corner lots shall have a minimum of four trees.
 - Neighborhoods 2, 3, and 4 – Minimum of two trees, except corner lots shall have a minimum of three trees.
 - Neighborhood 5 – Minimum of one tree, except corner lots shall have a minimum of three trees.

The installed location of the trees shall be in substantial compliance with the Front Yard Preliminary Landscape Plans as shown in the approved "Residential Architecture – Neighborhoods 1-5" approved by City Council and in conjunction with this Design Review approval.

17. The applicant shall install front yard landscaping on all residential lots per the Residential Design Guidelines and City of Oakley Water Efficient Landscape Ordinance, unless otherwise modified herein. The applicant shall maintain all private landscaping until occupancy.
18. A street tree plan shall be submitted for review prior to issuance of residential Building Permits (by phase as applicable). The street trees shall be inter-mixed throughout the subdivision, so there are a variety of trees on every street, per review of the Community Development Department.

19. The landscape plan along the levees shall be revised to ensure no trees or incompatible plant materials are planted within the levee prism per the approval of the Community Development Director and City Engineer.
20. Parcels C, D, E, F, G, I, J, and K, as shown on the Vesting Tentative Map stamped approved September 14, 2010, shall be fully landscaped with trees, shrubs and ground cover per the review and approval of the Community Development Director.
21. The commercial parcel shall be fully landscaped with trees, shrubs and ground cover per a landscape plan, subject to the review and approval of the Community Development Director prior to issuance of building permits for that parcel.

Fences and Walls:

22. Within the subdivision good neighbor fences shall be constructed of six-foot high wood fences with metal posts or acceptable alternative as reviewed and approved by the Community Development Director. Corner lots facing a street shall provide an enhanced wood fence with one foot of lattice along the top.
23. Fences that adjoin the trail system adjacent to the CCWD canal shall be constructed to provide for greater durability and enhanced appearance and consistent with the fencing extending from the Cypress Grove subdivision, per the review and approval of the Contra Costa Water District, as applicable.
24. A masonry wall, as shown in the Residential Architecture plans approved by City Council and in conjunction with this Design Review, shall be located along the Cypress Road residential area frontage and residential areas immediately adjacent to the commercial uses, per the acoustical analysis. A wall/berm combination may be provided to achieve the height requirement. The wall shall be of pre-cast concrete construction per the review and approval of the Community Development Director. In the locations where cul de sacs or front loaded streets are adjacent to Cypress Road, wrought iron or 42" picket fences shall be constructed to provide open views per the review and approval of the Community Development Director.
25. Anti-graffiti techniques and/or materials shall be used on sound walls (e.g., split-face CMU, and/or wall planting & other landscaping).

Subdivision Design:

26. Driveway openings shall be a maximum 18' in width or up to 25% of a lot's frontage (except on cul de sacs), whichever is more.
27. The street names shall be approved by the Community Development Department and the Fire District.

28. A life saving device shall be provided along the trail adjacent to the storm water pond to provide assistance for a drowning victim.

Subdivision Disclosures:

29. Where a lot/parcel is located within 300' of a high voltage electric transmission line, the applicant shall record the following notice:

"The subject property is located near a high voltage electric transmission line. Purchasers should be aware that there is ongoing research on possible potential adverse health effects caused by the exposure to a magnetic field generated by high voltage lines. Although much more research is needed before the question of whether magnetic fields actually cause adverse health effects can be resolved, the basis for such a hypothesis is established. At this time no risk assessment has been made."

When a Final Subdivision Public Report issued by the California Department of Real Estate is required, the applicant shall also request that the Department of Real Estate insert the above note in the report, as may be applicable to any HOA formation.

30. The following statements shall be recorded at the County Recorder's Office for each parcel to notify future owners of the parcels that they own property in an agricultural area:

"This document shall serve as notification that you have purchased land in an agricultural area where you may regularly find farm equipment using local roads; farm equipment causing dust or blowing sand; crop dusting and spraying occurring regularly; burning associated with agricultural activities; noise associated with farm equipment such as zone guns and aerial crop dusting and certain animals, including equestrian trails as well as flies may exist on surrounding properties. This statement is again, notification that this is part of the agricultural way of life in the open space areas of the City of Oakley and you should be fully aware of this at the time of purchase."

Design Review:

31. The homes and floor plans shall be consistent with those approved in the design review packet and PD Plan approved by City Council and stamped approved September 14, 2010. Any subsequent change to the floor plans or architecture of the homes shall be subject to City Council review and approval.

32. All windows shall be trimmed on all four sides.

33. Garage doors that face the street shall include windows as an option to future buyers.

Energy Efficiency:

34. Water heaters shall provide an energy efficiency factor of 0.84 or better.

35. Air conditioning condenser units shall be located to take advantage of natural shade, where feasible without interfering with practical use of yard space. Condensers should not be placed on the west or south elevation of a home, unless shade is provided. The location of the condenser shall be added to all plot plans for review and approval of the Community Development Director. Condensers located in side yards shall allow for a minimum of three feet (3') of clearance between condenser and either the house or fence.

36. Subdivisions design should take into consideration passive solar energy and house orientation should take advantage of this.

37. High efficiency furnaces in compliance with UBC Title 24 Codes.

Tree Permit

38. The applicant is approved to remove 69 onsite and 15 offsite trees as shown on the tree removal plan, and shall replace them with street trees and ornamental landscape trees, in substantial compliance with the Preliminary Landscape Plans approved as part of the PD Plan, per review by the Community Development Director.

Building Division Conditions

39. Plans shall meet the currently adopted Uniform Codes as well as the newest T-24 Energy Requirements per the State of California Energy Commission. To confirm the most recent adopted codes please contact the Building Division at (925) 625 – 7005.

40. An Automatic Life Safety Sprinkler System shall be required in all new residential occupancies pursuant to Ordinance 22-06.

41. Prior to requesting a Final Inspection from the Building Division all Conditions of Approval required for occupancy must be completed.

Public Works and Engineering Conditions

General:

42. Submit improvement plans prepared by a registered civil engineer to the City Engineer for review and approval and pay the appropriate processing costs in accordance with the Municipal Code and these conditions of approval. The plans shall be consistent with the Stormwater Control Plan for the project, include the drawings and specifications necessary to implement the required stormwater control measures, and be accompanied by a Construction Plan C.3 Checklist as described in the Stormwater C.3 Guidebook.
43. Submit a final map prepared by a licensed land surveyor or qualified registered civil engineer to the City Engineer and pay appropriate fees in accordance with the Code and these conditions of approval. Final Maps may be phased for separate neighborhoods, commercial parcel(s), and apartment parcel(s), and on or off-site improvements may be phased as applicable to match the development allowed by each Final Map at the discretion of the City Engineer. Up to ten phased Final Maps may be filed.
44. Submit grading plans including erosion control measures and revegetation plans prepared by a registered civil engineer to the City Engineer for review and pay appropriate processing costs in accordance with the Code and these conditions of approval. The Grading Plan may be phased to coincide with on or off-site improvements as applicable, at the discretion of the City Engineer. Grading plans may be issued prior approval of improvement plans, at the discretion of the City Engineer.
45. Submit landscaping plans for publicly maintained landscaping by phased neighborhood, commercial parcel(s), and apartment parcel(s), including planting and irrigation details, as prepared by a licensed landscape architect to the City Engineer for review and pay appropriate processing costs in accordance with the Code and these conditions of approval.
46. Execute any agreements required by the Stormwater Control Plan which pertain to any temporary easements, transfer of ownership and/or long term maintenance of stormwater treatment mechanisms required by the plan prior to the final inspection of the first house, apartment, or commercial building within the subdivision, or within each phase as applicable. Any temporary storm drainage ponds shall comply with the safety margins noted in EIR technical analyses, at the discretion of the City Engineer.
47. Building permits for house construction shall not be issued until the subdivision streets serving the lots have been paved.

Roadway Improvements:

48. Submit a phasing plan for roadway and infrastructure improvements to the City Engineer for approval if the project is being phased. It is anticipated that the Cypress Road and Seller Avenue improvements described in the following conditions will be phased to coincide with the phasing of the commercial and residential components of the project.

49. Construct the frontage of Cypress Road to City public road standards for a 40-foot half width roadway within a 65-foot half width right of way, including curb, eight-foot detached sidewalk (meandering within the landscape area so that the minimum landscape width is no less than six feet), right of way landscaping, necessary longitudinal and transverse drainage, pavement widening, and conforms to existing improvements. The face of curb shall be located 40 feet from the centerline and any conforms to existing improvements must take place outside of the limits of the project. The resulting cross section, including new and existing pavement, shall provide a minimum of two west bound 12 foot travel lanes, one east bound 12 foot travel lane, and associated turn lanes in accordance with the traffic analysis and City Engineer. The improvements are intended to be generally consistent with the "Emerson Ranch Project Frontage Improvements" exhibit prepared by Carlson, Barbee and Gibson, Inc. and dated April 28, 2010. The improvements may require slurry sealing and/or striping modifications as determined by the City Engineer to result in a safe and logical road segment. Ten feet of the west bound travel lanes (adjacent to the striped median) is eligible for reimbursement from the City's Traffic Impact Fee Program subject to a future reimbursement agreement. The agreement must be approved by the City Council prior to approving the final map for the costs to be reimbursable.

50. Construct the frontage of Sellers Avenue to City public road standards for a 40-foot half width roadway within a 70-foot half width right of way, including curb, eight-foot detached sidewalk (meandering within the landscape area so that the minimum landscape width is no less than six feet), right of way landscaping, necessary longitudinal and transverse drainage, pavement widening, and conforms to existing improvements. The face of curb shall be located 40 feet from the centerline and any conforms to existing improvements must take place outside of the limits of the project. The resulting cross section, including new and existing pavement, shall provide a minimum of one north bound 12 foot travel lane, one south bound 12 foot travel lane, and associated turn lanes in accordance with the traffic analysis and City Engineer. The improvements are intended to be generally consistent with the "Emerson Ranch Project Frontage Improvements" exhibit prepared by Carlson, Barbee and Gibson, Inc. and dated April 28, 2010. The improvements may require slurry sealing and/or striping modifications as determined by the City Engineer to result in a safe and logical road segment. New pavement in excess of twenty feet as measured from the face of curb to the east that will be used as part of the ultimate roadway may be eligible for reimbursement from the City's Traffic Impact Fee Program subject to

a future reimbursement agreement. The agreement must be approved by the City Council prior to approving the final map for the costs to be reimbursable.

51. Construct the bus stop along the north side of Cypress Road consistent with EIR Mitigation Measure 4.3-6. The bus stop shall be consistent with Tri Delta Transit and City standards and shall include any necessary shelters and appurtenances. The right of way adjacent to the bus stop shall be widened so that the landscaping widths are consistent with the remainder of the frontage. The bus stop structure shall be built prior to issuance of the certificate of occupancy for the first commercial (retail or office) or multi-family apartment building.
52. Construct the project streets to City public road standards and as shown on the approved Tentative Map with the following exceptions:
 - A. The minimum street grade may be lowered from the standard 1% to 0.75% provided that the project proponent demonstrates that the City's drainage standards can be achieved.
 - B. Submit a turning radius exhibit to the City Engineer for review and approval to illustrate that the ninety-degree turns of project streets can accommodate the largest expected vehicle to use the streets without the inclusion of City standard elbows. If the exhibit illustrates that elbows are necessary to accommodate the expected traffic then they shall be included in the improvement plans.
53. Install traffic signals at the following locations. The phasing, design and construction of the signals is subject to the review and approval of the City Engineer and may be based on additional traffic analysis to verify that traffic signal warrants have been met. The traffic signals shall be interconnected where appropriate. When placement of curb returns, poles and equipment is not feasible at the ultimate location the improvements will not be eligible for Traffic Impact Fee (TIF) credits (however portions of signals that are consistent with the ultimate design and locations may be eligible for fee credits).
 - A. Cypress Road at Sellers Avenue (this project is on the TIF project list and is eligible for reimbursement based on the policies and procedures of that program);
 - B. Cypress Road at A Street/Machado Lane (this project is not on the TIF project list and is not eligible for reimbursement); and
 - C. Cypress Road at Shopping Center Main Driveway (this project is not on the TIF project list and is not eligible for reimbursement).
54. Install traffic calming measures consistent with the City's Neighborhood Traffic Management Program including raised intersections or crosswalks on L Street at N Street and P Street, raised intersections or crosswalks, bulb outs, or traffic circles on Shearwater Way and Ibis Drive, and a raised crosswalk or other pedestrian safety feature from the park/stormwater pond area to the commercial

site. The traffic calming measures shall be included on the improvement plans and are subject to the review and approval of the City Engineer.

55. Install traffic control devices such as stop signs and other signing and striping on the project streets to the satisfaction of the City Engineer.
56. Design all public and private pedestrian facilities in accordance with Title 24 (Handicap Access) and the Americans with Disabilities Act.
57. Submit a phasing plan for the project streets to the City Engineer for review if the street improvements will be phased. The plan shall include provisions for emergency vehicle access, temporary turn-around facilities, and access to the occupied lots.

Road Alignment/Sight Distance:

58. Submit a preliminary plan and profile to the City Engineer for review showing all required improvements to Cypress Road and Sellers Avenue. The sketch plan shall be to scale, show horizontal and vertical alignments, transitions, curb lines, lane striping and cross sections and shall provide sight distance for a design speed of 45 miles per hour. The plan shall extend a minimum of 150 feet ± beyond the limits of the proposed work.

Road Dedications:

59. Convey to the City, by Offer of Dedication, the right of way for the project streets.
60. Convey to the City, by offer of dedication, the right of way for Cypress Road for the planned ultimate half width of 65-feet along the project frontage.
61. Convey to the City, by offer of dedication, the right of way for Sellers Avenue for the planned ultimate half width of 70-feet along the project frontage.
62. Relinquish abutter's rights of access along all non-primary frontages to the satisfaction of the City Engineer.
63. Furnish necessary rights of way, rights of entry, permits and/or easements for the construction of off-site, temporary or permanent, public and private road, utility and drainage improvements.

Street Lights:

64. Install streetlights along all project streets and the project Cypress Road and Sellers Avenue frontage. The City Engineer shall determine the final number and location of the lights, and the lights shall be on an LS2-A rate service. The lights on the project streets shall be decorative per City standards, and the lights along

Cypress Road and Sellers Avenue shall be General Electric spun aluminum "cobra head" style

Grading:

65. Submit a geotechnical report to the City Engineer for review that substantiates the design features incorporated into the subdivision including, but not limited to grading activities, compaction requirements, utility construction, slopes, retaining walls, levees, and roadway sections.
66. At least one week prior to commencement of grading, the applicant shall post the site and mail to the owners of property within 300 feet of the exterior boundary of the project site notice that construction work will commence. The notice shall include a list of contact persons with name, title, phone number and area of responsibility. The person responsible for maintaining the list shall be included. The list shall be kept current at all times and shall consist of persons with authority to indicate and implement corrective action in their area of responsibility. The names of the individual responsible for noise and litter control shall be expressly identified in the notice. The notice shall be reissued with each phase of major grading activity. A copy of the notice shall be concurrently transmitted to the City Engineer. The notice shall be accompanied by a list of the names and addresses of the property owners noticed, and a map identifying the area noticed.
67. Dust control measures shall be provided for all stockpiling per the review and approval of the City Engineer.
68. Grade all pads so that they drain directly to the public street at a minimum of one percent without the use of private drainage systems through rear and side yards.
69. Grade slopes with a vertical height of four feet or more at a slope of 3 to 1. Retaining walls that may be installed to reduce the slope must be masonry and comply with the City's building code.
70. Submit a dust and litter control plan to the City Engineer prior to beginning any construction activities. The dust and litter control plan shall address all items identified and shall be consistent with EIR Mitigation Measure 4.4-1.
71. Submit a haul route plan to the City Engineer for review and approval prior to importing or exporting any material from the site, if applicable. The plan shall include the location of the borrow or fill area, the proposed haul routes, the estimated number and frequency of trips, and the proposed schedule of hauling. Based on this plan the City Engineer shall determine whether pavement condition surveys must be conducted along the proposed haul routes to determine what impacts the trucking activities may have. The project proponents shall be responsible to repair to their pre-construction condition any roads along the utilized routes.

72. Prior to commencement of any site work that will result in a land disturbance of one acre or more, the applicant shall provide evidence to the City Engineer that the requirements for obtaining a State General Construction Permit have been met. Such evidence may be a copy of the Notice of Intent letter sent by the State Water Resources Control Board. The WDID Number shall be shown on the grading plan prior to approval by the City Engineer.
73. Submit an updated erosion control plan reflecting current site conditions to the City Engineer for review and approval no later than September 1st of every year while the Notice of Intent is active.
74. Submit the necessary documents, applications, or studies, if any, to show that the project meets National Flood Insurance Program and City Floodplain Management Ordinance requirements as they pertain to construction of any structures within the project boundary. FEMA's National Flood Insurance Rate Map currently shows the subject site is within Zone X (Panel 360 of 602, FIRM Map No. 06013C0360F, Effective Date June 16, 2009). This area is shown as being protected from the 1-percent-annual-chance or greater flood hazard by a levee system. If the FEMA map in effect at the time of grading permit approval includes the project levee and does not show any proposed building pads within a special flood hazard area then this condition shall be deemed satisfied.
75. Grade all pad elevations or install levees to satisfy Chapter 914-10 of the City's Municipal Code, including the degree of protection provisions.
76. The burying of any construction debris is prohibited on construction sites.

Utilities/Undergrounding:

77. Underground all new and existing utility distribution facilities, including those along the project frontage of Cypress Road and Sellers Avenue. The developer shall provide joint trench composite plans for the underground electrical, gas, telephone, cable television and communication conduits and cables including the size, location and details of all trenches, locations of building utility service stubs and meters and placements or arrangements of junction structures as a part of the Improvement Plan submittals for the project. The composite drawings and/or utility improvement plans shall be signed by a licensed civil engineer.
78. All utility boxes shall be installed underground and all wires and cables must be installed in conduits. Compliance with this condition shall be at the discretion of the City Engineer.
79. Above ground utility boxes shall be camouflaged per the review and approval of the City Engineer.

Drainage Improvements:

80. Collect and convey all stormwater entering and/or originating on these properties, without diversion and within an adequate storm drainage facility, to an adequate natural watercourse having definable bed and banks, or to an existing adequate public storm drainage facility that conveys the storm waters to an adequate natural watercourse, in accordance with Division 914 of the Ordinance Code. The project may be eligible for reimbursement from future development for upsizing the pond and/or storm drain main lines based on the final master plan.
81. Submit a final hydrology and hydraulic report including 10-year and 100-year frequency event calculations for the proposed drainage system and stormwater pond to the City Engineer for review and approval.
82. Design and construct all storm drainage facilities in compliance with the Municipal Code and City design standards.
83. Prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.
84. Dedicate a public drainage easement over the drainage system that conveys storm water run-off from public streets.
85. Submit a long-term operational and maintenance plan for the publicly maintained stormwater pond, and/or any private or public interim ponds, and pump stations, to the City Engineer for review. The plan must include a level of effort estimate for staffing and maintenance requirements as well as an operational and life cycle budget analysis.
86. Convey to the City, by offer of dedication, Parcel B for open space and flood control purposes.

Landscaping in the Public Right of Way:

87. Install public right of way landscaping along Cypress Road and Sellers Avenue and trail corridors. The applicant shall work with the Community Development Department and City Engineer for the design, construction and completion of the public landscaping concurrent with the phased development of the subdivision. As part of the plan check process for the landscaping, the applicant shall develop a construction schedule approved by the Community Development Director to provide for the timely completion of the landscaping concurrent with development. Public landscape phasing shall be generally performed in tandem with adjacent subdivision improvements.
88. Maintain all landscaping within the public right of way until such time that the adjacent roadway improvements have been accepted for maintenance. Acceptance of landscaping may coincide with phased landscape improvements,

at the discretion of the City Engineer and dependent on the availability of maintenance funds.

National Pollutant Discharge Elimination System (NPDES):

89. Comply with all rules, regulations and procedures of the National Pollutant Discharge Elimination System (NPDES) for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board, the Regional Water Quality Control Board (Central Valley - Region IV), including the Stormwater C.3 requirements as detailed in the Guidebook available at www.cccleanwater.org.

Compliance shall include developing long-term best management practices (BMP's) for the reduction or elimination of storm water pollutants. The project design shall incorporate wherever feasible, the following long-term BMP's in accordance with the Contra Costa Clean Water Program for the site's storm water drainage:

- Offer pavers for household driveways and/or walkways as an option to buyers.
- Minimize the amount of directly connected impervious surface area.
- Delineate all storm drains with "No Dumping, Drains to the Delta" permanent metal markers per City standards.
- Construct concrete driveway weakened plane joints at angles to assist in directing run-off to landscaped/pervious areas prior to entering the street curb and gutter.
- Distribute public information items regarding the Clean Water Program to buyers.
- Other alternatives as approved by the City Engineer.

Fees/Assessments:

90. Comply with the requirements of the development impact fees listed below, in addition to those noticed by the City Council in Resolution 00-85 and 08-03. The applicant shall pay the fees in the amounts in effect at the time each building permit is issued.

- A. Traffic Impact Fee (authorized by Ordinance No. 14-00, adopted by Resolution 49-03);
- B. Regional Transportation Development Impact Mitigation Fee (authorized by Ordinance No. 14-00, adopted by Resolution No. 73-05);
- C. Park Land Dedication In-Lieu Fee (adopted by Ordinance No. 03-03);
- D. Park Impact Fee (authorized by Ordinance No. 05-00, adopted by Resolution No. 19-03);

- E. Public Facilities Fee (authorized by Ordinance No. 05-00, adopted by Resolution No. 18-03);
- F. Fire Facilities Impact Fee, collected by the City on behalf of the Oakley Fire Protection District;
- G. East Contra Costa County Habitat Conservation Plan Fee per the East Cypress HCP MOA.

The applicant should contact the City Engineer prior to constructing any public improvements to determine if any of the required improvements are eligible for credits or reimbursements against the applicable traffic benefit fees or from future developments.

- 91. The applicant shall be responsible for paying the County Recorder's fee for the Notice of Determination as well as the State Department of Fish and Game's filing fee.
- 92. Annex the property to the City of Oakley Landscape and Lighting District No. 1 for citywide landscaping and park maintenance, subject to an assessment for maintenance based on the assessment methodology described in the Engineer's Report. The assessment shall be the per parcel annual amount (with appropriate future cost of living adjustment) as established at the time of voting by the City Council. Any required election and/or ballot protest proceedings shall be completed prior to approval of the final map. The Applicant shall apply for annexation and provide all information and documents required by the City to process the annexation. All costs of annexation shall be paid by Applicant.
- 93. Annex the property to the City of Oakley Landscape and Lighting District No. 1 for citywide street lighting costs and maintenance, subject to an assessment for street light maintenance based on the assessment methodology described in the Engineer's Report. The assessment shall be the per parcel annual amount (with appropriate future cost of living adjustment) as established at the time of voting by the City Council. Any required election and/or ballot protest proceedings shall be completed prior to filing of the final map. The applicant shall apply for annexation and provide all information and documents required by the City to process the annexation. All costs of annexation shall be paid by Applicant.
- 94. Annex the property to the City of Oakley Landscape and Lighting District No. 1 for project specific landscaping maintenance, subject to an assessment for landscape operation and maintenance based on the assessment methodology described in the Engineer's Report. The assessment shall be the per parcel annual amount (with appropriate future cost of living adjustment) as established at the time of voting by the City Council. Any required election and/or ballot protest proceedings shall be completed prior to filing of the final map. The applicant shall apply for annexation and provide all information and documents

required by the City to process the annexation. All costs of annexation shall be paid by Applicant.

95. Participate in the formation of a mechanism to fund the additional police protection and park maintenance that will be required in the Cypress Corridor area. This annual assessment is pursuant to Section 4 of the Memorandum of Understanding between the City of Oakley and the Emerson, Gilbert and Burroughs Families dated September 23, 2002. The assessment shall initially be \$120 per parcel annually and shall include appropriate future cost of living adjustments for police services and park maintenance as established at the time of voting by the City Council. Any required election and/or ballot protest proceedings shall be completed prior to filing of the final map. The applicant shall apply for the formation and provide all information and documents required by the City. All costs shall be paid by Applicant.
96. 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. The tax shall be the per parcel annual amount (with appropriate future cost of living adjustment) as established at the time of voting by the City Council. The election to provide for the tax shall be completed prior to filing of the final map. Should the homes be occupied prior to the City receiving the first disbursement from the tax bill, the project proponent shall be responsible for paying the pro-rata share for the remainder of the tax year prior to the City conducting a final inspection.
97. Participate in the formation of a mechanism to fund the operation and maintenance of the storm drain system, including storm water quality monitoring and reporting, stormwater ponds and any proposed pump stations, as well as any levees proposed to be maintained by the City. The appropriate funding mechanism shall be determined by the City and may include, but not be limited to, an assessment district, community services district, or community facilities district. The funding mechanism shall be formed prior to filing of any final or parcel map, and the project proponent shall fund all costs of the formation.
98. Comply with any applicable storm drainage master plan and associated fees for drainage. The applicant shall pay any applicable fee in effect at the time of building permit issuance. Certain improvements required by the Conditions of Approval for this development or the Code may be eligible for credit or reimbursement against the drainage area fee. The developer should contact the City Engineer to personally determine the extent of any credit or reimbursement for which he might be eligible. Any credit or reimbursements shall be determined prior to filing the final map.

ADVISORY NOTES

The following advisory notes are provided to the applicant as a courtesy but are not a part of the conditions of approval. Advisory notes are provided for the purpose of informing the applicant of additional ordinance requirements that must be met in order to proceed with development.

- A. The applicant/owner should be aware of the expiration dates and renewing requirements prior to requesting building or grading permits.
- B. The project will require a grading permit pursuant to the Ordinance Code.
- C. Applicant shall comply with the requirements of Ironhouse Sanitary District.
- D. The applicant shall comply with the requirements of the Diablo Water District.
- E. Comply with the requirements of the East Contra Costa Fire Protection District.
- F. Comply with the requirements of the Building Inspection Division. Building permits are required prior to the construction of most structures.
- G. This project may be subject to the requirements of the Department of Fish and Game. It is the applicant's responsibility to notify the Department of Fish and Game, P.O. Box 47, Yountville, California 94599, of any proposed construction within this development that may affect any fish and wildlife resources, per the Fish and Game Code.
- H. This project may be subject to the requirements of the Army Corps of Engineers. It is the applicant's responsibility to notify the appropriate district of the Corps of Engineers to determine if a permit is required, and if it can be obtained.
- I. The applicant shall obtain an encroachment permit for construction within existing City rights of way.
- J. The applicant shall obtain an encroachment permit from Caltrans for construction within the State right of way.

PASSED AND ADOPTED by the City Council at a meeting held on the 14th day of September 2010, by the following vote:

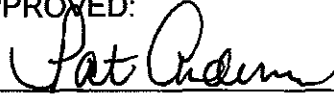
AYES: Anderson, Connelley, Frazier, Rios, Romick

NOES: None

ABSTENTIONS: None

ABSENT: None

APPROVED:



Pat Anderson, Mayor

ATTEST:



Nancy Ortenblad, City Clerk

9/16/10
Date

EXHIBIT B

PROVISIONS REQUIRED FOR PUBLIC WORKS PROJECTS PURSUANT TO CALIFORNIA LABOR CODE SECTION 1720 *ET SEQ.*

The Developer will ensure that any contract issued by the Developer or any privities of the Developer concerning the Improvements includes, and requires the parties to such contract to comply with, all applicable provisions contained in this Exhibit A and any other applicable requirements contained in California Labor Code Section 1720 and following.

HOURS OF WORK:

- A. In accordance with California Labor Code Section 1810, eight (8) hours of labor in performance of the Services shall constitute a legal day's work under this Agreement.
- B. In accordance with California Labor Code Section 1811, the time of service of any worker employed in construction of the Improvements is limited to eight hours during any one calendar day, and forty hours during any one calendar week, except in accordance with California Labor Code Section 1815; which provides that work in excess of eight hours during any one calendar day and forty hours during any one calendar week is permitted upon compensation for all hours worked in excess of eight hours during any one calendar day and forty hours during any one calendar week at not less than one-and-one-half times the basic rate of pay.
- C. The Developer and its contractors and subcontractors shall forfeit as a penalty to the City \$25 for each worker employed in the construction of the Improvements for each calendar day during which the worker is required or permitted to work more than eight (8) hours in any one calendar day, or more than forty (40) hours in any one calendar week, in violation of the provisions of California Labor Code Section 1810 and following.

WAGES:

- A. In accordance with California Labor Code Section 1773.2, the City has determined the general prevailing wages in the locality in which the Improvements are to be constructed for each craft or type of work needed to be as published by the State of California Department of Industrial Relations, Division of Labor Statistics and Research, a copy of which is on file in the City Engineer's office and shall be made available on request. The Developer, and contractors and subcontractors engaged in the construction of the Improvements shall pay no less than

these rates to all persons engaged in construction of the Improvements.

B. In accordance with Labor Code Section 1775, the Developer and any contractors and subcontractors engaged in construction of the Improvements shall comply with Labor Code Section 1775 which establishes a penalty of up to \$50 per day for each worker engaged in the construction of the Improvements who the Developer or any contractor or subcontractor pays less than the specified prevailing wage. The amount of such penalty shall be determined by the Labor Commissioner and shall be based on consideration of the mistake, inadvertence, or neglect of the Developer, contractor or subcontractor in failing to pay the correct rate of prevailing wages, or the previous record of the Developer, contractor or subcontractor in meeting applicable prevailing wage obligations, or the willful failure by the Developer, contractor or subcontractor to pay the correct rates of prevailing wages. A mistake, inadvertence, or neglect in failing to pay the correct rate of prevailing wages is not excusable if the Developer, contractor or subcontractor had knowledge of their obligations under the California Labor Code. The Developer, contractor or subcontractor shall pay the difference between the prevailing wage rates and the amount paid to each worker for each calendar day or portion thereof for which each worker was paid less than the prevailing wage rate. If a subcontractor worker engaged in construction of the Improvements is not paid the general prevailing per diem wages by the subcontractor, subject to applicable law, the prime contractor is not liable for any penalties therefore unless the prime contractor had knowledge of that failure or unless the prime contractor fails to comply with all of the following requirements:

1. Any agreement executed between the Developer and a contractor or a contractor and a subcontractor for the construction of part of the Improvements shall include a copy of the provisions of California Labor Code Sections 1771, 1775, 1776, 1777.5, 1813, and 1815.
2. The contractor shall monitor payment of the specified general prevailing rate of per diem wages by the subcontractor by periodic review of any subcontractor's certified payroll records.
3. Upon becoming aware of a subcontractor's failure to pay the specified prevailing rate of wages, the contractor shall diligently take corrective action to halt or rectify the failure, including, but not limited to, retaining sufficient funds due the subcontractor for construction of the Improvements.
4. Prior to making final payment to the subcontractor, the contractor shall obtain an affidavit signed under penalty of perjury from the subcontractor that the subcontractor has paid the specified general

prevailing rate of per diem wages employees engaged in the construction of the Improvements and any amounts due pursuant to California Labor Code Section 1813.

- C. In accordance with California Labor Code Section 1776, the Developer and each contractor and subcontractor engaged in construction of the Improvements, shall keep accurate payroll records showing the name, address, social security number, work classification, straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee employed in construction of the Improvements. Each payroll record shall contain or be verified by a written declaration that it is made under penalty of perjury, stating both of the following:
1. The information contained in the payroll record is true and correct.
 2. The employer has complied with the requirements of Sections 1771, 1811, and 1815 for any services performed by the employer's employees on the public works project.

The payroll records required pursuant to California Labor Code Section 1776 shall be certified and shall be available for inspection by the City and its authorized representatives, the Division of Labor Standards Enforcement, the Division of Apprenticeship Standards of the Department of Industrial Relations and shall otherwise be available for inspection in accordance with California Labor Code Section 1776.

- D. In accordance with California Labor Code Section 1777.5, the prime contractor, on behalf of the Developer and any contractors or subcontractors engaged in construction of the Improvements, shall be responsible for ensuring compliance with California Labor Code Section 1777.5 governing employment and payment of apprentices on public works contracts.
- E. In case it becomes necessary for the Developer or any contractor or subcontractor engaged in construction of the Improvements to employ on the construction of the Improvements any person in a trade or occupation (except executive, supervisory, administrative, clerical, or other non manual workers as such) for which no minimum wage rate has been determined by the Director of the Department of Industrial Relations, the Developer, contractor or subcontractor shall pay the minimum rate of wages specified therein for the classification which most nearly corresponds to services to be performed by that person. The minimum rate thus furnished shall be applicable as a minimum for such trade or occupation from the time of the initial employment of the person affected and during the continuance of such employment.

EXHIBIT C

INSURANCE REQUIREMENTS

CONSTRUCTION CONTRACTS

MINIMUM SCOPE AND LIMIT OF INSURANCE

Coverage shall be at least as broad as:

1. **Commercial General Liability (CGL):** Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than **\$5,000,000** per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit (i.e., \$10,000,000)
2. **Automobile Liability:** Insurance Services Office Form Number CA 0001 covering Code 1 (any auto), with limits no less than **\$5,000,000** per accident for bodily injury and property damage.
3. **Workers' Compensation** insurance as required by the State of California, with Statutory Limits, and Employers' Liability insurance with a limit of no less than \$1,000,000 per accident for bodily injury or disease.
4. **Builder's Risk** (Course of Construction) insurance utilizing an "All Risk" (Special Perils) coverage form, with limits equal to the completed value of the project and no coinsurance penalty provisions.
5. **Surety Bonds** as described below.
6. **Professional Liability** (if Design/Build), with limits no less than \$1,000,000 per occurrence or claim, and \$2,000,000 policy aggregate.
7. **Contractors' Pollution Legal Liability** and/or Asbestos Legal Liability and/or Errors and Omissions (if project involves environmental hazards) with limits no less than \$1,000,000 per occurrence or claim, and \$2,000,000 policy aggregate.

If the contractor maintains higher limits than the minimums shown above, the City requires and shall be entitled to coverage for the higher limits maintained by the contractor. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the City.

Contractor shall procure and maintain for the duration of the contract, and if Contractor has a claims-made policy, Contractor shall maintain for two years thereafter, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Contractor, its agents, representatives, employees or subcontractors.

Deductibles and Self-Insured Retentions

Any deductibles or self-insured retentions must be declared to and approved by the City. At the option of the City, either: the contractor shall cause the insurer to reduce or eliminate such deductibles or self-insured retentions as respects the City, its officers, officials, employees, and volunteers; or the Contractor shall provide a financial guarantee satisfactory to the City guaranteeing payment of losses and related investigations, claim administration, and defense expenses.

Other Insurance Provisions

The insurance policies are to contain, or be endorsed to contain, the following provisions:

1. **The City, its officers, officials, employees, and volunteers are to be covered as additional insureds** on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the Contractor including materials, parts, or equipment furnished in connection with such work or operations and automobiles owned, leased, hired, or borrowed by or on behalf of the Contractor. General liability coverage can be provided in the form of an endorsement to the Contractor's insurance (at least as broad as ISO Form CG 20 10 11 85 or both CG 20 10 10 01 and CG 20 37 10 01 forms if later revisions used).
2. For any claims related to this project, the **Contractor's insurance coverage shall be primary** insurance as respects the City, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, or volunteers shall be in excess of the Contractor's insurance and shall not contribute with it.
3. Each insurance policy required by this clause shall provide notice will be provided to City in the event that the policy is terminated. Contractor shall immediately notify City of any insurance cancellation or termination and shall provide replacement insurance policy documentation to the City.

Builder's Risk (Course of Construction) Insurance

Contractor may submit evidence of Builder's Risk insurance in the form of Course of Construction coverage. Such coverage shall **name the City as a loss payee** as their interest may appear.

If the project does not involve new or major reconstruction, at the option of the City, an Installation Floater may be acceptable. For such projects, a Property Installation Floater shall be obtained that provides for the improvement, remodel, modification, alteration, conversion or adjustment to existing buildings, structures, processes, machinery and equipment. The Property Installation Floater shall provide property damage coverage for any building, structure, machinery or equipment damaged, impaired, broken, or destroyed during the performance of the Work, including during transit, installation, and testing at the City's site.

Claims Made Policies

If any coverage required is written on a claims-made coverage form:

1. The retroactive date must be shown, and this date must be before the execution date of the contract or the beginning of contract work.
2. Insurance must be maintained and evidence of insurance must be provided for at least five (5) years after completion of contract work.
3. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a retroactive date prior to the contract effective, or start of work date, the Contractor must purchase extended reporting period coverage for a minimum of five (5) years after completion of contract work.
4. A copy of the claims reporting requirements must be submitted to the City for review.
5. If the services involve lead-based paint or asbestos identification/remediation, the Contractors Pollution Liability policy shall not contain lead-based paint or asbestos exclusions. If the services involve mold identification/remediation, the Contractors Pollution Liability policy shall not contain a mod exclusion, and the definition of Pollution shall include microbial matter, including mold.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best rating of no less than A:VII, unless otherwise acceptable to the City.

Waiver of Subrogation

Contractor hereby agrees to waive rights of subrogation which any insurer of Contractor may acquire from Contractor by virtue of the payment of any loss. Contractor agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation. **Worker's Compensation policies shall be endorsed with a waiver of subrogation** in favor of the City for all work performed by the Contractor, its employees, agents and subcontractors.

Verification of Coverage

Contractor shall furnish the City with original certificates and amendatory endorsements, or copies of the applicable insurance language, effecting coverage required by this contract. All certificates and endorsements are to be received and approved by the City before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Contractor's obligation to provide them. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements, required by these specifications, at any time.

Subcontractors

Contractor shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Contractor shall ensure that City is an additional insured on insurance required from subcontractors. For CGL coverage subcontractors shall provide coverage with a format least as broad as CG 20 10 10 01 and CG 20 37 10 01.

Surety Bonds

Contractor shall provide the following Surety Bonds:

1. Bid bond
2. Performance bond
3. Payment bond
4. Maintenance bond

The Payment Bond and the Performance Bond shall be in a sum equal to the contract price. If the Performance Bond provides for a one-year warranty a separate Maintenance Bond is not necessary. If the warranty period specified in the contract is for longer than one year a Maintenance Bond equal to 10% of the contract price is required. Bonds shall be duly executed by a responsible corporate surety, authorized to issue such bonds in the State of California and secured through an authorized agent with an office in California.

Special Risks or Circumstances

City reserves right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other circumstances.

EXHIBIT D
VERIFICATION OF INSURANCE

RESOLUTION NO. XX-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING THE SUBDIVISION IMPROVEMENT AGREEMENT WITH BROOKFIELD EMERSON LAND LLC, A DELAWARE LIMITED LIABILITY COMPANY, FOR SUBDIVISION 9349 EMERSON RANCH NEIGHBORHOOD 3 AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT

WHEREAS, the City Council of the City of Oakley, California, wishes to enter into a Subdivision Improvement Agreement with Brookfield Emerson Land LLC, a Delaware Limited Liability Company for the development of a residential subdivision known as Subdivision 9349 Emerson Ranch Neighborhood 3; and

WHEREAS, this agreement will require the developer to complete approximately \$1,484,240.00 in public improvements and drainage infrastructure in accordance with the project conditions of approval and City standard construction design.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Oakley that the Subdivision Improvement Agreement with Brookfield Emerson Land LLC, a Delaware Limited Liability Company is hereby approved and the City Manager is hereby authorized to execute the Subdivision Improvement Agreement for the development of Subdivision 9349 Emerson Ranch Neighborhood 3 in the form attached hereto as Exhibit A and is made part of this resolution.

PASSED AND ADOPTED by the City Council of the City of Oakley, California, this 26th day of May 2015 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

Doug Hardcastle, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date

RESOLUTION NO. XX-15

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY
APPROVING THE FINAL MAP OF SUBDIVISION 9349 EMERSON RANCH
NEIGHBORHOOD 3**

WHEREAS, Brookfield Emerson Land LLC, a Delaware Limited Liability Company, has satisfied the necessary conditions of approval for Subdivision 9349, as approved by the City Council on September 14, 2010 by Resolution Number 107-10; and

WHEREAS, the City Engineer has determined that the conditions of approval for the project have been satisfied; and

WHEREAS, the City Surveyor has determined that the final map is technically correct.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Oakley that the final map labeled "Subdivision 9349 Emerson Ranch Neighborhood 3", as prepared by Carlson, Barbee & Gibson, Inc. be approved.

PASSED AND ADOPTED by the City Council of the City of Oakley, California, this 26th day of May 2015 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

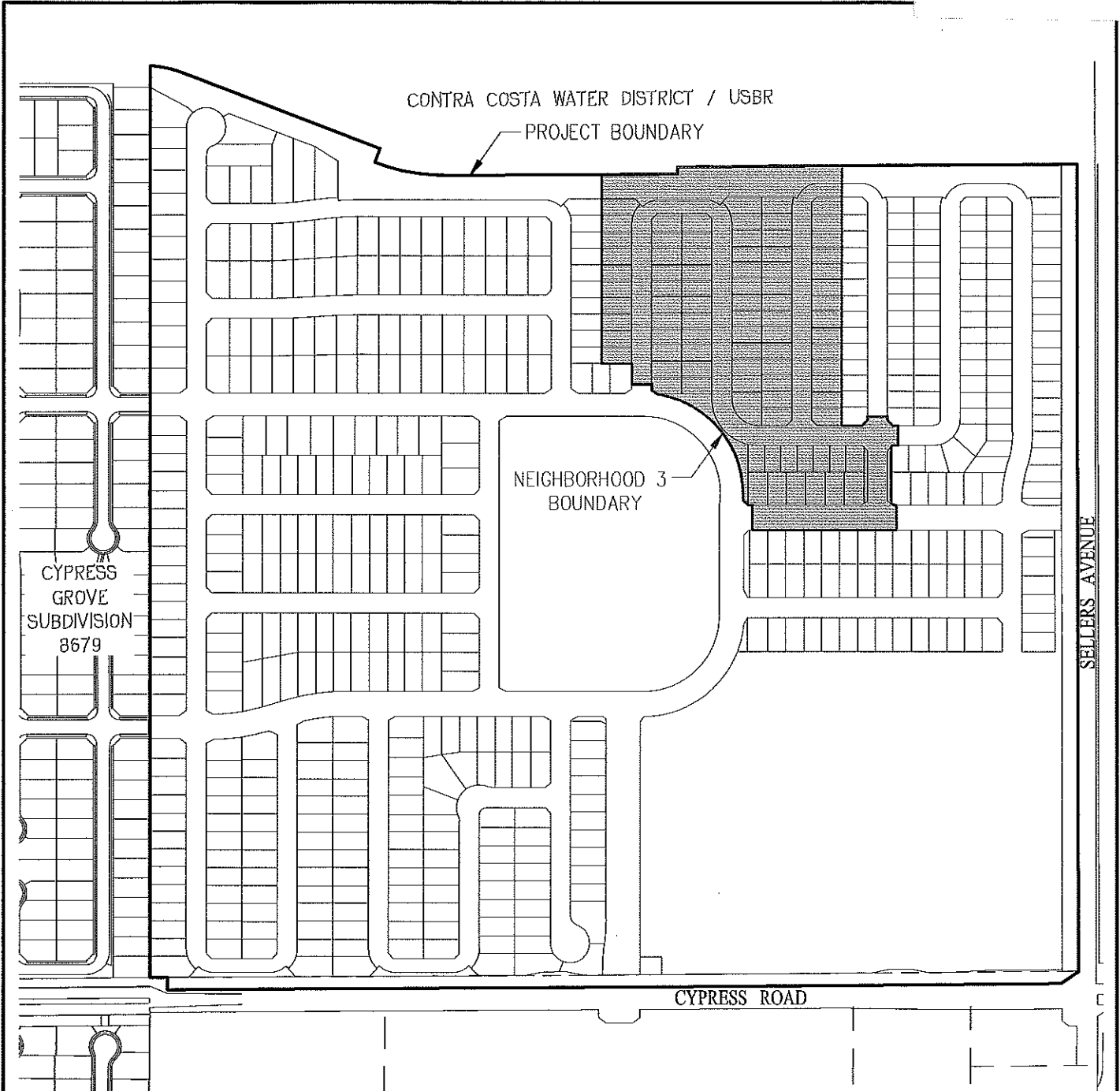
APPROVED:

Doug Hardcastle, Mayor

ATTEST:

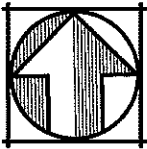
Libby Vreonis, City Clerk


Date



EMERSON RANCH
 NEIGHBORHOOD 3
 SUBDIVISION 9349

CITY OF OAKLEY CONTRA COSTA COUNTY CALIFORNIA
 DATE: MAY 14, 2015
 SCALE: 1" = 400'



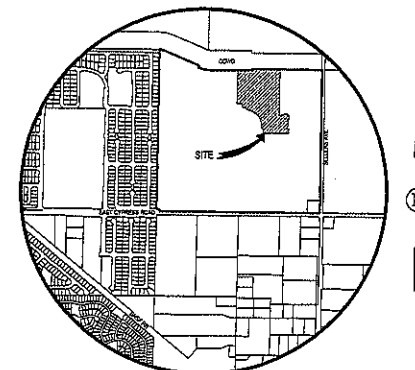
	Carlson, Barbee & Gibson, Inc. <small>CIVIL ENGINEERS • SURVEYORS • PLANNERS</small>
	<small>6111 BOLLINGER CANYON ROAD, SUITE 160 SAN RAMON, CALIFORNIA 94583</small>

SUBDIVISION NO. 9349

EMERSON RANCH NEIGHBORHOOD 3

CONSISTING OF 9 SHEETS
BEING A SUBDIVISION OF PARCEL G OF SUBDIVISION 9032,
RECORDED IN BOOK _____ OF MAPS, AT PAGE _____
CONTRA COSTA COUNTY RECORDS
CITY OF OAKLEY, CONTRA COSTA COUNTY, CALIFORNIA

Carlson, Barbee & Gibson, Inc.
CIVIL ENGINEERS • SURVEYORS • PLANNERS
SAN RAMON, CALIFORNIA
MAY 2015



VICINITY MAP
NOT TO SCALE

OWNER'S STATEMENT

THE UNDERSIGNED, BEING A PARTY HAVING A RECORD TITLE INTEREST IN THE LANDS DELINEATED AND EMBRACED WITHIN THE HEAVY BLACK LINES UPON THIS MAP, DOES HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THE SAME. THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED IN FEE FOR PUBLIC PURPOSES: THE AREAS DESIGNATED AS WILLOWRUN WAY, AMBERWIND CIRCLE, AND RIVERROCK DRIVE.

THE AREAS DESIGNATED AS PARCELS A, B, C AND D ARE HEREBY DEDICATED TO THE CITY OF OAKLEY IN FEE OR ITS DESIGNEE FOR PUBLIC USE.

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED AS AN EASEMENT FOR PUBLIC PURPOSES: THE AREAS DESIGNATED AS "PUBLIC UTILITY EASEMENT" OR "PUE" FOR UNDERGROUND ELECTRIC, GAS, CABLE TELEVISION, AND TELEPHONE USE AND ANY/ALL IMPROVEMENTS AND APPURTENANCES INSTALLED, INCLUDING CONSTRUCTION, ACCESS, AND MAINTENANCE OF THESE IMPROVEMENTS AND APPURTENANCES.

THIS MAP SHOWS ALL THE EASEMENTS ON THE PREMISES, OR OF RECORD WITHIN THE BOUNDARY LINES OF THE HEREIN EMBODIED MAP AS SHOWN ON THE PRELIMINARY TITLE REPORT TITLE NUMBER 0192-4553832, DATED JULY 15, 2014, PREPARED BY FIRST AMERICAN TITLE COMPANY.

THE UNDERSIGNED FURTHER RELINQUISHES TO THE CITY OF OAKLEY ALL ABUTTER'S RIGHTS OF ACCESS ALONG THE PROPERTY LINES IN THOSE AREAS DEPICTED HEREON BY THE SYMBOL ///////.

BROOKFIELD EMERSON LAND LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: _____ DATE: _____
JOHN RYAN, ITS PRESIDENT

BY: _____ DATE: _____
KEVIN POHLSON, ITS VP

OWNER'S ACKNOWLEDGEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF _____
COUNTY OF _____

ON _____, 20____, BEFORE ME, _____,
A NOTARY PUBLIC, PERSONALLY APPEARED _____, WHO
PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S)
WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED
TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED
CAPACITY(IES), AND BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE
PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED
THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:

SIGNATURE: _____

NAME (PRINT): _____

PRINCIPAL COUNTY OF BUSINESS: _____

MY COMMISSION NUMBER: _____

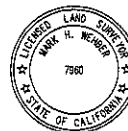
MY COMMISSION EXPIRES: _____

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF BROOKFIELD EMERSON LAND LLC, A DELAWARE LIMITED LIABILITY COMPANY IN JUNE 2013. I HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED OR THAT THEY WILL BE SET IN THOSE POSITIONS BEFORE DECEMBER 2016, AND THAT THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP.

MARK H. WEHBER
P.L.S. NO. 7960

DATE: _____



OWNER'S ACKNOWLEDGEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF _____
COUNTY OF _____

ON _____, 20____, BEFORE ME, _____,
A NOTARY PUBLIC, PERSONALLY APPEARED _____, WHO
PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S)
WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED
TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED
CAPACITY(IES), AND BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE
PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED
THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:

SIGNATURE: _____

NAME (PRINT): _____

PRINCIPAL COUNTY OF BUSINESS: _____

MY COMMISSION NUMBER: _____

MY COMMISSION EXPIRES: _____

CITY SURVEYOR'S STATEMENT

I, FRANCIS JOSEPH KENNEDY, CITY SURVEYOR OF THE CITY OF OAKLEY, DO HEREBY STATE THAT I HAVE EXAMINED THIS MAP ENTITLED "SUBDIVISION NO. 9349" AND AM SATISFIED THAT SAID MAP IS TECHNICALLY CORRECT.

FRANCIS JOSEPH KENNEDY
CITY SURVEYOR, CITY OF OAKLEY,
CONTRA COSTA COUNTY, STATE OF CALIFORNIA
R.C.E. NO. 21771

DATE: _____



COUNTY RECORDER'S STATEMENT

THIS MAP, ENTITLED "SUBDIVISION NO. 9349", IS HEREBY ACCEPTED FOR RECORDATION, SHOWING A CLEAR TITLE AS PER LETTER OF TITLE WRITTEN BY FIRST AMERICAN TITLE COMPANY, DATED JULY 15, 2014 AND AFTER EXAMINING THE SAME, I DEEM THAT SAID MAP COMPLIES IN ALL RESPECTS WITH THE PROVISIONS OF STATE LAWS AND LOCAL ORDINANCES GOVERNING THE FILING OF SUBDIVISION MAPS.

RECORDED AT THE REQUEST OF FIRST AMERICAN TITLE COMPANY AT _____
M., ON THE _____ DAY OF _____, 20____, IN BOOK
OF MAPS, AT PAGE _____, IN THE OFFICE OF THE COUNTY RECORDER OF
CONTRA COSTA COUNTY, STATE OF CALIFORNIA.

JOSEPH E. CANCEMIALLA
COUNTY RECORDER
COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA

BY: _____
DEPUTY COUNTY RECORDER

SUBDIVISION NO. 9349

EMERSON RANCH NEIGHBORHOOD 3

CONSISTING OF 9 SHEETS
BEING A SUBDIVISION OF PARCEL G OF SUBDIVISION 9032,
RECORDED IN BOOK _____ OF MAPS, AT PAGE _____,
CONTRA COSTA COUNTY RECORDS
CITY OF OAKLEY, CONTRA COSTA COUNTY, CALIFORNIA

Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS
SAN RAMON, CALIFORNIA

MAY 2015

CITY COUNCIL STATEMENT

I, KOUROSH ROHANI, PUBLIC WORKS DIRECTOR OF THE CITY OF OAKLEY, HEREBY STATE THAT THE CITY COUNCIL OF THE CITY OF OAKLEY HAS APPROVED THE TENTATIVE MAP FOR "SUBDIVISION NO. 9032" DATED SEPTEMBER 24, 2010, WHICH INCLUDES THIS SUBDIVISION, UPON WHICH THIS FINAL MAP IS BASED.

DATE: _____

KOUROSH ROHANI
PUBLIC WORKS DIRECTOR
CITY OF OAKLEY, CONTRA COSTA COUNTY
STATE OF CALIFORNIA

CITY CLERK'S STATEMENT

I, LIBBY VREONIS, CITY CLERK AND CLERK OF THE COUNCIL OF THE CITY OF OAKLEY, DO HEREBY CERTIFY THAT THE HEREIN EMBODIED FINAL MAP ENTITLED, "SUBDIVISION NO. 9349", CONSISTING OF NINE (9) SHEETS, THIS STATEMENT BEING ON SHEET TWO (2) THEREOF, WAS PRESENTED TO THE CITY COUNCIL, AS PROVIDED BY LAW; AT A REGULAR MEETING THEREOF HELD ON THE _____ DAY OF _____, 20____ AND THAT SAID COUNCIL DID THEREUPON, BY RESOLUTION NUMBER _____ PASSED AND ADOPTED AT SAID MEETING, APPROVE SAID MAP AND DO ACCEPT SUBJECT TO IMPROVEMENT ANY PARCELS, DRIVES, COURTS, WAYS, STREETS AND ROADS OR EASEMENTS SHOWN THEREON AS DEDICATED FOR PUBLIC USE.

I FURTHER CERTIFY THAT ALL AGREEMENTS AND SURETY AS REQUIRED BY LAW TO ACCOMPANY THE WITHIN MAP HAVE BEEN APPROVED BY THE COUNCIL OF THE CITY OF OAKLEY AND ARE ON FILE IN MY OFFICE.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS _____ DAY
OF _____, 20____.

LIBBY VREONIS
CITY CLERK AND CLERK OF THE COUNCIL OF THE
CITY OF OAKLEY, CONTRA COSTA COUNTY,
STATE OF CALIFORNIA

CERTIFICATE OF DEDICATION FOR SAME PUBLIC PURPOSE

BROOKFIELD EMERSON LAND LLC, A DELAWARE LIMITED LIABILITY COMPANY, HAS DEDICATED HEREON CERTAIN PUBLIC RIGHTS OF WAY FOR WILLOWRUN WAY, AMBERWIND CIRCLE & RIVERROCK DRIVE AND EASEMENTS FOR PUBLIC UTILITIES. THE CITY OF OAKLEY SHALL RECONVEY THE PROPERTY TO BROOKFIELD EMERSON LAND LLC, A DELAWARE LIMITED LIABILITY COMPANY, OR ITS SUCCESSOR IN INTEREST IF THE CITY OF OAKLEY SUBSEQUENTLY MAKES A DETERMINATION PURSUANT TO THE PROVISIONS OF SECTION 66477.5 OF THE SUBDIVISION MAP ACT THAT THE SAME PUBLIC PURPOSE FOR WHICH THE PROPERTY WAS DEDICATED DOES NOT EXIST, OR THE PROPERTY OR ANY PORTION THEREOF IS NOT NEEDED FOR PUBLIC UTILITIES, EXCEPT FOR ALL OR ANY PORTION OF THE PROPERTY THAT IS REQUIRED FOR THAT SAME PUBLIC PURPOSE OR FOR PUBLIC UTILITIES.

GEOTECHNICAL SOILS REPORT

A SOILS REPORT HAS BEEN PREPARED BY ENGeo, DATED MARCH 5, 2005, AND IS ON FILE IN THE OFFICE OF THE CITY ENGINEER OF THE CITY OF OAKLEY, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA.

CLERK OF THE BOARD OF SUPERVISORS' STATEMENT

I HEREBY STATE, AS CHECKED BELOW, THAT:

- [] A TAX BOND ASSURING PAYMENT OF ALL TAXES WHICH ARE NOW A LIEN, BUT ARE NOT YET PAYABLE, HAS BEEN RECEIVED AND FILED WITH THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA.
- [] ALL TAXES DUE HAVE BEEN PAID, AS CERTIFIED BY THE COUNTY REDEMPTION OFFICER.

DATED: _____ DAVID TWA
COUNTY ADMINISTRATOR
COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA

BY: _____
DEPUTY CLERK

CITY ENGINEER'S STATEMENT

I, KOUROSH ROHANI, CITY ENGINEER OF THE CITY OF OAKLEY, DO HEREBY STATE THAT I HAVE EXAMINED THIS MAP ENTITLED "SUBDIVISION NO. 9349"; THAT SAID SUBDIVISION AS SHOWN IS IN SUBSTANTIAL CONFORMANCE WITH THE TENTATIVE MAP APPROVED BY THE CITY OF OAKLEY CITY COUNCIL ON SEPTEMBER 14, 2010, AND ANY SUBSEQUENT MODIFICATIONS THEREOF; AND THAT ALL PROVISIONS OF STATE LAW AND LOCAL ORDINANCES WHICH GOVERNED THE FILING OF SUBDIVISION MAPS AT THE TIME SAID TENTATIVE MAP WAS APPROVED HAVE BEEN COMPLIED WITH.

DATE: _____

KOUROSH ROHANI
CITY ENGINEER, CITY OF OAKLEY,
CONTRA COSTA COUNTY, STATE OF CALIFORNIA
R.C.E. NO. 51138



PRELIMINARY

SUBDIVISION NO. 9349

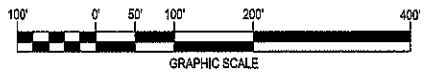
EMERSON RANCH NEIGHBORHOOD 3

CONSISTING OF 9 SHEETS
BEING A SUBDIVISION OF PARCEL G OF SUBDIVISION 9032,
RECORDED IN BOOK _____ OF MAPS, AT PAGE _____,
CONTRA COSTA COUNTY RECORDS
CITY OF OAKLEY, CONTRA COSTA COUNTY, CALIFORNIA

Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS
SAN RAMON, CALIFORNIA

SCALE: 1" = 100' MAY 2015



BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS MAP IS DETERMINED BY FOUND MONUMENTS ON THE CENTER LINE OF CYPRESS ROAD, THE BEARING BEING N89°17'16"E PER 475 M 1, CALIFORNIA COORDINATE SYSTEM, ZONE 3 (NAD 27). MULTIPLY DISTANCES SHOWN BY 0.9999398 TO OBTAIN GRID DISTANCES.

LEGEND

- SUBDIVISION BOUNDARY
- LOT LINE
- CENTERLINE
- EASEMENT LINE
- RELINQUISHED ABUTTER'S RIGHTS
- (T) TOTAL
- (M-M) MONUMENT TO MONUMENT
- (M-BD) MONUMENT TO BOUNDARY
- (R) RADIAL
- ⊙ FOUND STANDARD STREET MONUMENT, AS NOTED
- ⊗ FOUND STANDARD STREET MONUMENT, LS 7960, PER (1)
- ⊙ SET STANDARD STREET MONUMENT, LS 7960
- (#) REFERENCE NUMBER
- PUE PUBLIC UTILITY EASEMENT

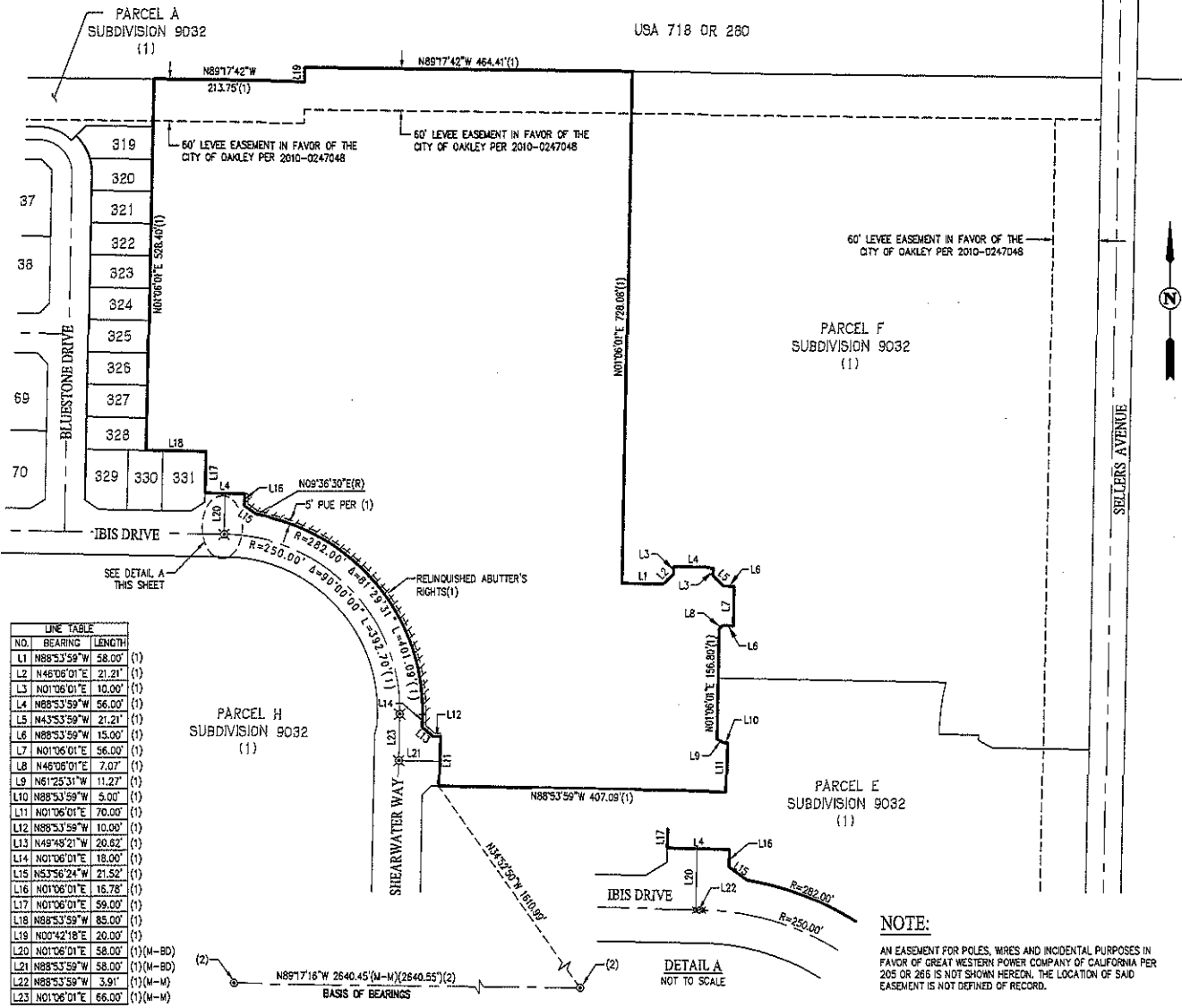
REFERENCE

- (1) SUBDIVISION 9032 (____ M ____)
- (2) SUBDIVISION 8679 (475 M 1)

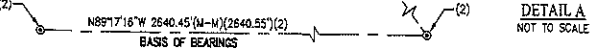


NOTE:

AN EASEMENT FOR POLES, WIRES AND INCIDENTAL PURPOSES IN FAVOR OF GREAT WESTERN POWER COMPANY OF CALIFORNIA PER 205 OR 266 IS NOT SHOWN HEREON. THE LOCATION OF SAID EASEMENT IS NOT DEFINED OF RECORD.



NO.	BEARING	LENGTH	
L1	N88°53'59"W	58.00'	(1)
L2	N48°06'01"E	21.21'	(1)
L3	N01°06'01"E	10.00'	(1)
L4	N88°53'59"W	56.00'	(1)
L5	N43°53'59"W	21.21'	(1)
L6	N88°53'59"W	15.00'	(1)
L7	N01°06'01"E	56.00'	(1)
L8	N48°06'01"E	7.07'	(1)
L9	N61°25'31"W	11.27'	(1)
L10	N88°53'59"W	5.00'	(1)
L11	N01°06'01"E	70.00'	(1)
L12	N88°53'59"W	10.00'	(1)
L13	N49°48'21"W	20.62'	(1)
L14	N01°06'01"E	18.00'	(1)
L15	N53°56'24"W	21.52'	(1)
L16	N01°06'01"E	16.78'	(1)
L17	N01°06'01"E	59.00'	(1)
L18	N88°53'59"W	85.00'	(1)
L19	N00°42'18"E	20.00'	(1)
L20	N01°06'01"E	58.00'	(1)(M-BD)
L21	N88°53'59"W	58.00'	(1)(M-BD)
L22	N88°53'59"W	3.91'	(1)(M-M)
L23	N01°06'01"E	66.00'	(1)(M-M)



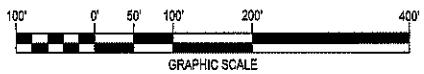
SUBDIVISION NO. 9349

EMERSON RANCH NEIGHBORHOOD 3

CONSISTING OF 9 SHEETS
BEING A SUBDIVISION OF PARCEL G OF SUBDIVISION 9032,
RECORDED IN BOOK _____ OF MAPS, AT PAGE _____,
CONTRA COSTA COUNTY RECORDS
CITY OF OAKLEY, CONTRA COSTA COUNTY, CALIFORNIA

Carlson, Barbee & Gibson, Inc.
CIVIL ENGINEERS • SURVEYORS • PLANNERS
SAN RAMON, CALIFORNIA

SCALE: 1" = 100' MAY 2015



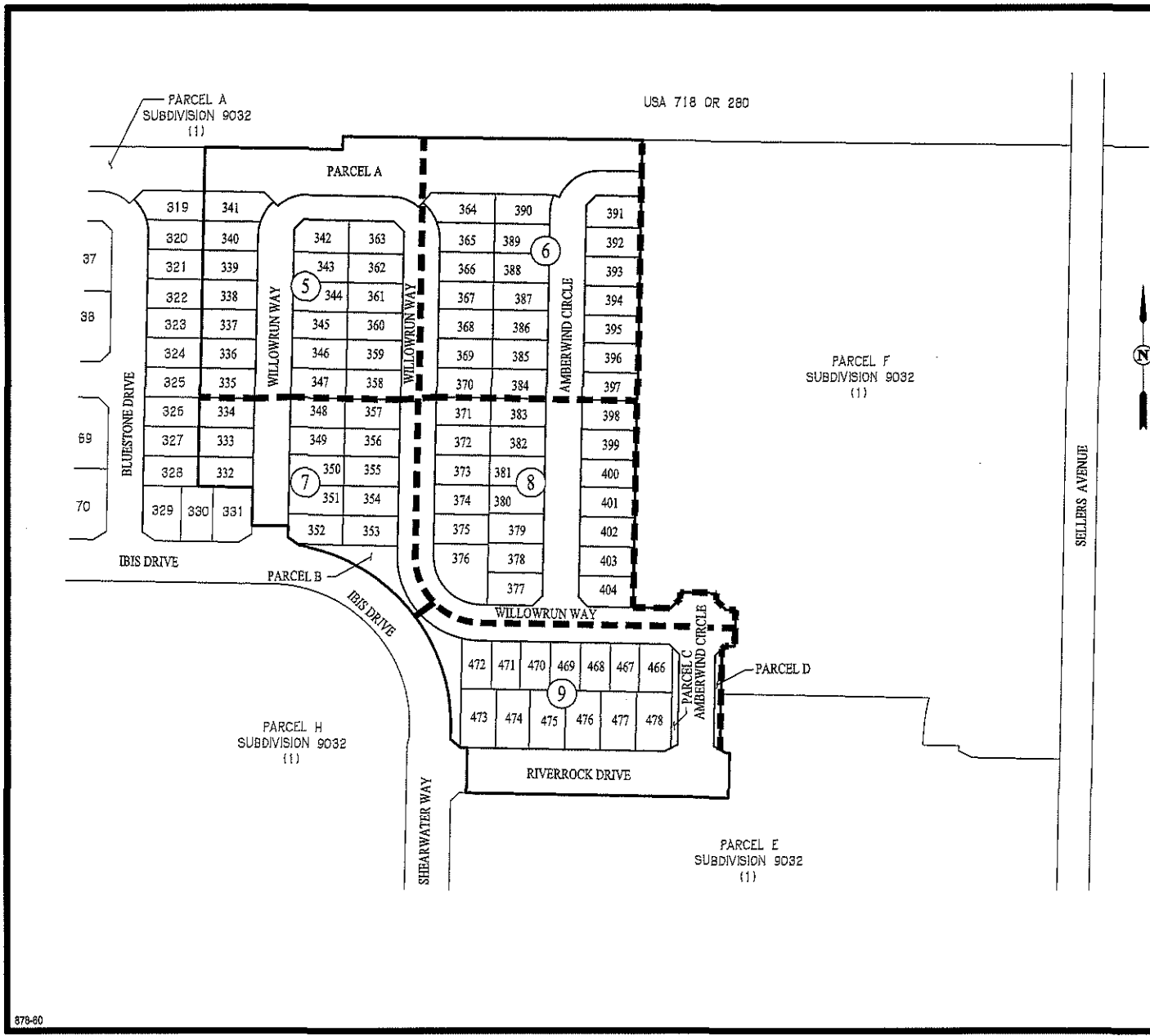
BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS MAP IS DETERMINED BY FOUND MONUMENTS ON THE CENTER LINE OF CYPRESS ROAD, THE BEARING BEING N88°17'16" E PER 475 M 1, CALIFORNIA COORDINATE SYSTEM, ZONE 3 (NAD 27). MULTIPLY DISTANCES SHOWN BY 0.9999398 TO OBTAIN GRID DISTANCES.

LEGEND

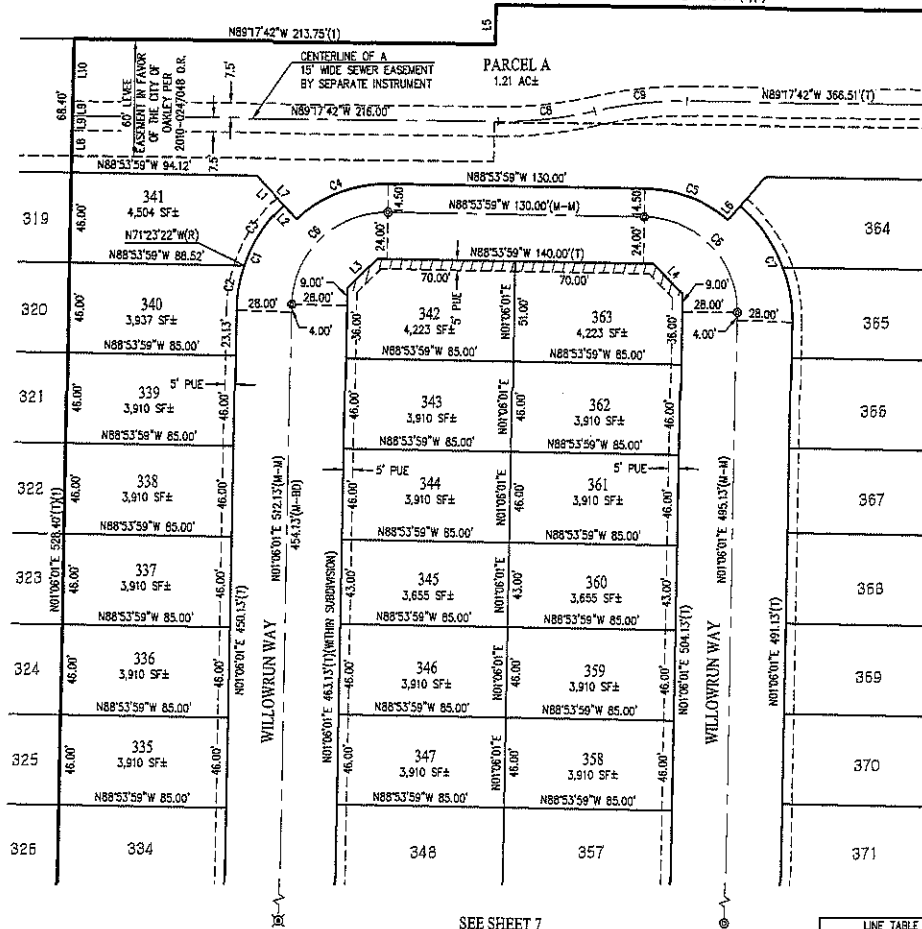
- SUBDIVISION BOUNDARY
- LOT LINE
- CENTERLINE
- EASEMENT LINE
- RELINQUISHED ABUTTER'S RIGHTS
- (T) TOTAL
- (M-M) MONUMENT TO MONUMENT
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- ⊙ SET STANDARD STREET MONUMENT, LS 7960
- (R) REFERENCE NUMBER
- PUE PUBLIC UTILITY EASEMENT
- SHEET LIMIT
- ⑤ SHEET NUMBER

PRELIMINARY



USA 718 OR 280

N89°17'42"W 464.41'(T)(1)



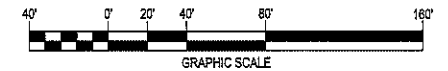
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SCALE: 1" = 40' MAY 2015



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PRELIMINARY

LINE TABLE		
NO.	BEARING	LENGTH
L1	N43°03'48"W(R)	20.00'
L2	N43°03'48"W(R)	9.50'
L3	N46°08'01"E	21.21'
L4	N43°33'59"W	21.21'
L5	N00°42'18"E	20.00' (1)
L6	N40°47'49"E(R)	9.50'
L7	N43°03'46"W	29.50'
L8	N01°06'01"E	21.46'
L9	N01°06'01"E	7.50'
L10	N01°06'01"E	31.94'

CURVE TABLE			
NO.	RADIUS	DELTA	LENGTH
C1	76.00'	45°50'13"	60.80'
C2	76.00'	17°30'37"	23.23'
C3	76.00'	28°19'36"	37.57'
C4	66.50'	44°06'47"	51.26'
C5	66.50'	39°41'47"	46.07'
C6	48.00'	90°00'00"	75.40' (M-M)
C7	76.00'	50°18'15"	56.72'
C8	207.50'	13°39'03"	49.44'
C9	197.50'	13°39'03"	47.05'

SUBDIVISION NO. 9349 EMERSON RANCH NEIGHBORHOOD 3

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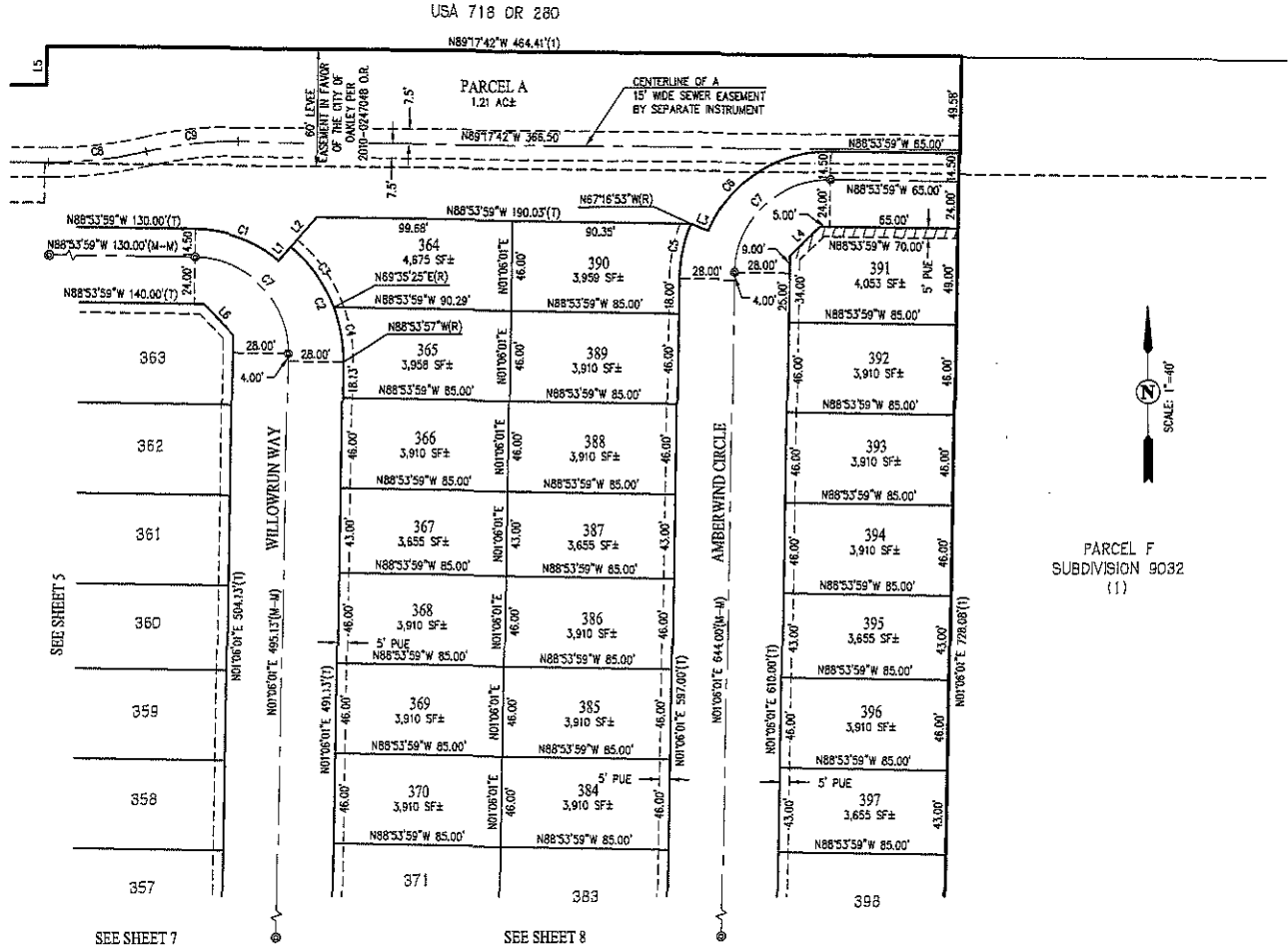
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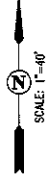
LINE TABLE		
NO.	BEARING	LENGTH
L1	N40°47'48"E(R)	9.50'
L2	N40°47'48"E(R)	20.00'
L3	N67°16'53"W(R)	9.50'
L4	N46°08'01"E	21.21'
L5	N00°42'18"E	20.00'
L6	N43°33'59"W	21.21'

CURVE TABLE			
NO.	RADIUS	DELTA	LENGTH
C1	66.50'	39°41'47"	46.07'
C2	76.00'	50°18'15"	86.72'
C3	76.00'	28°47'37"	38.18'
C4	76.00'	21°30'38"	28.53'
C5	76.00'	21°37'06"	28.68'
C6	66.50'	68°22'54"	79.37'
C7	48.00'	90°00'00"	75.40'
C8	207.30'	1°33'03"	49.44'
C9	197.50'	1°33'03"	47.05'

PRELIMINARY



PARCEL F
SUBDIVISION 9032
(1)



USA 718 OR 280

N89°17'42"W 464.41'(T)

PARCEL A
1.21 AC±

CENTERLINE OF A
15' WIDE SEWER EASEMENT
BY SEPARATE INSTRUMENT

SEE SHEET 5

SEE SHEET 7

SEE SHEET 8

SUBDIVISION NO. 9349

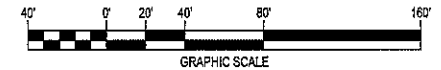
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SAN RAMON, CALIFORNIA

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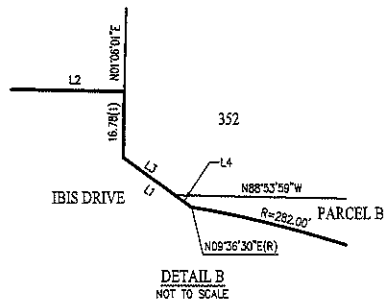
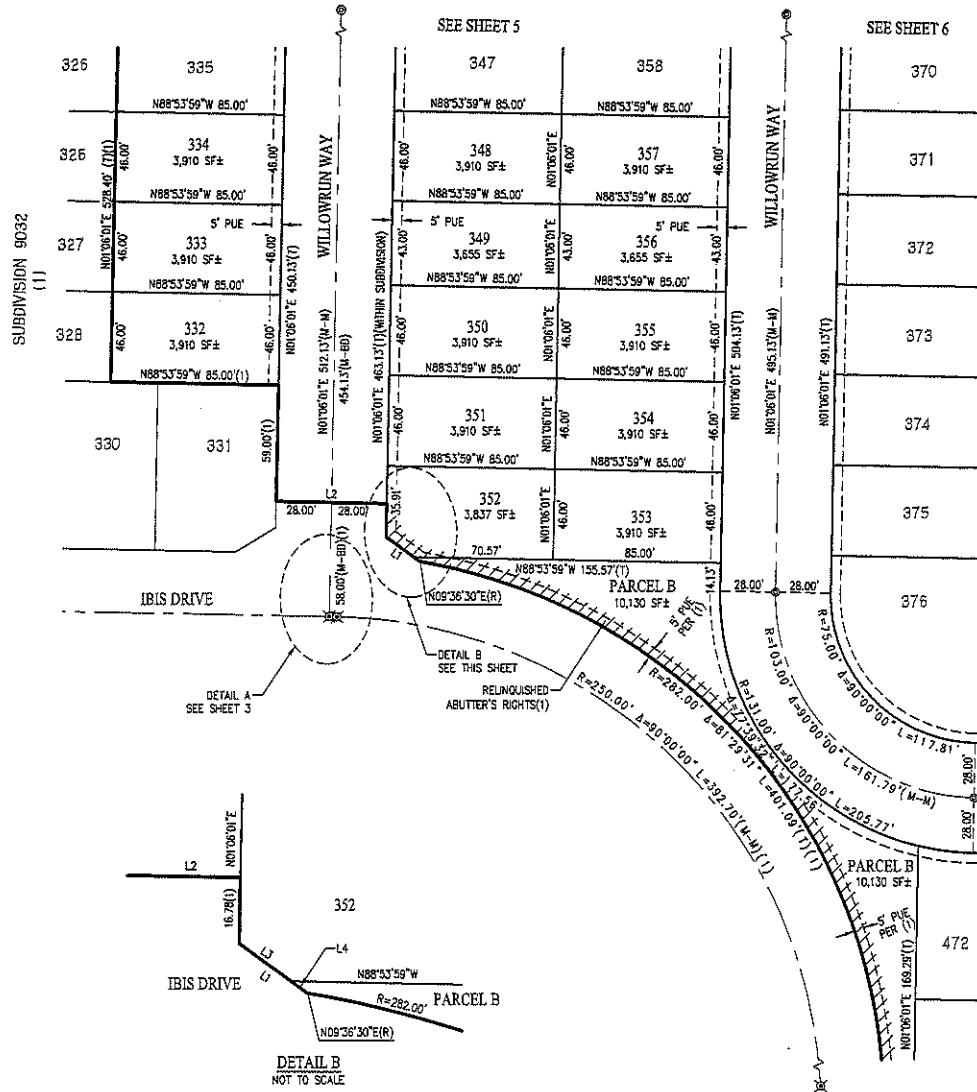
BASIS OF BEARINGS

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LEGEND

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LINE TABLE		
NO.	BEARING	LENGTH
L1	N83°56'24"W	21.52 (T)
L2	N88°53'59"W	56.00 (T)
L3	N53°56'24"W	17.61'
L4	N83°56'24"W	3.90'



PRELIMINARY

SUBDIVISION NO. 9349

EMERSON RANCH NEIGHBORHOOD 3

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SAN RAMON, CALIFORNIA

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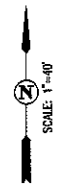


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LEGEND

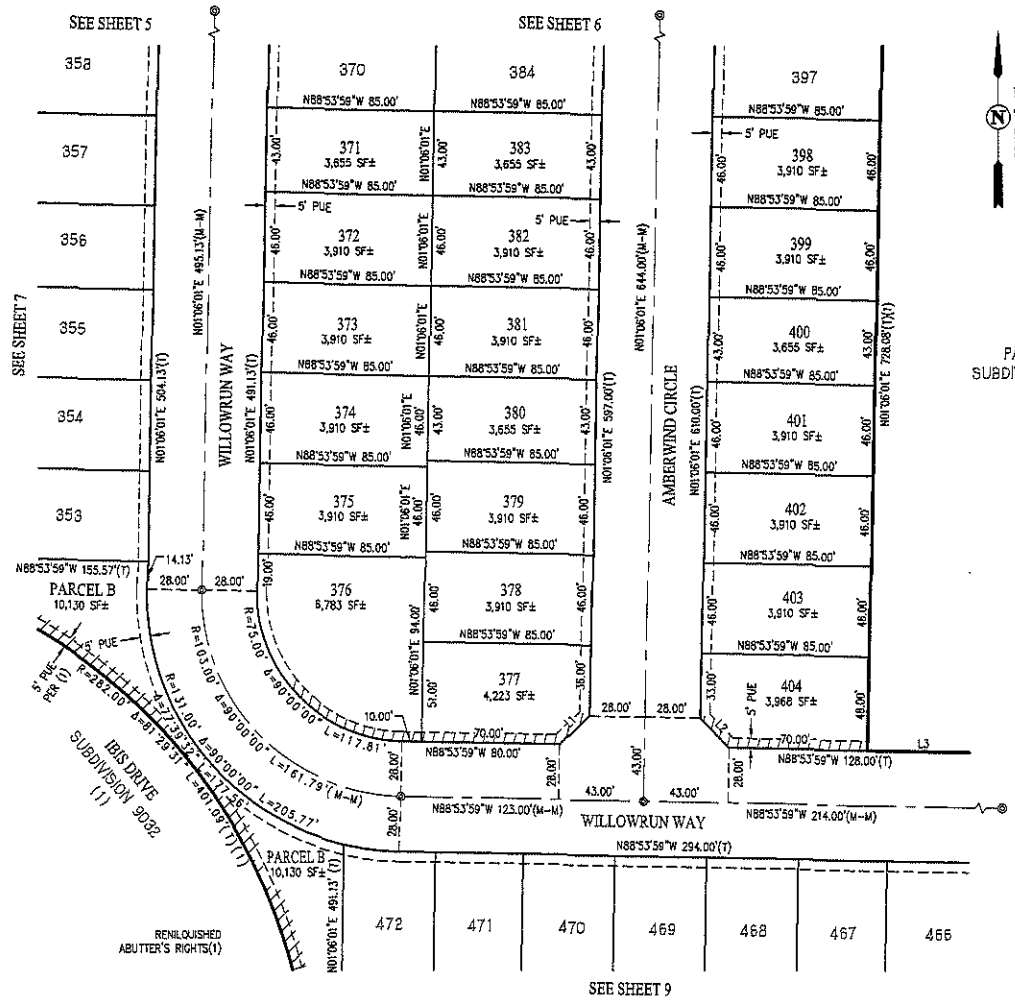
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PARCEL F
SUBDIVISION 9032
(1)

LINE TABLE		
NO.	BEARING	LENGTH
L1	N46°06'01"E	21.21'
L2	N43°53'59"W	21.21'
L3	N88°53'59"W	58.00' (T)(1)

PRELIMINARY

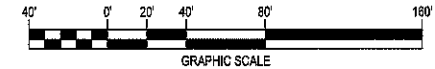


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SAN RAMON, CALIFORNIA

SCALE: 1" = 40' MAY 2015



BASIS OF BEARINGS

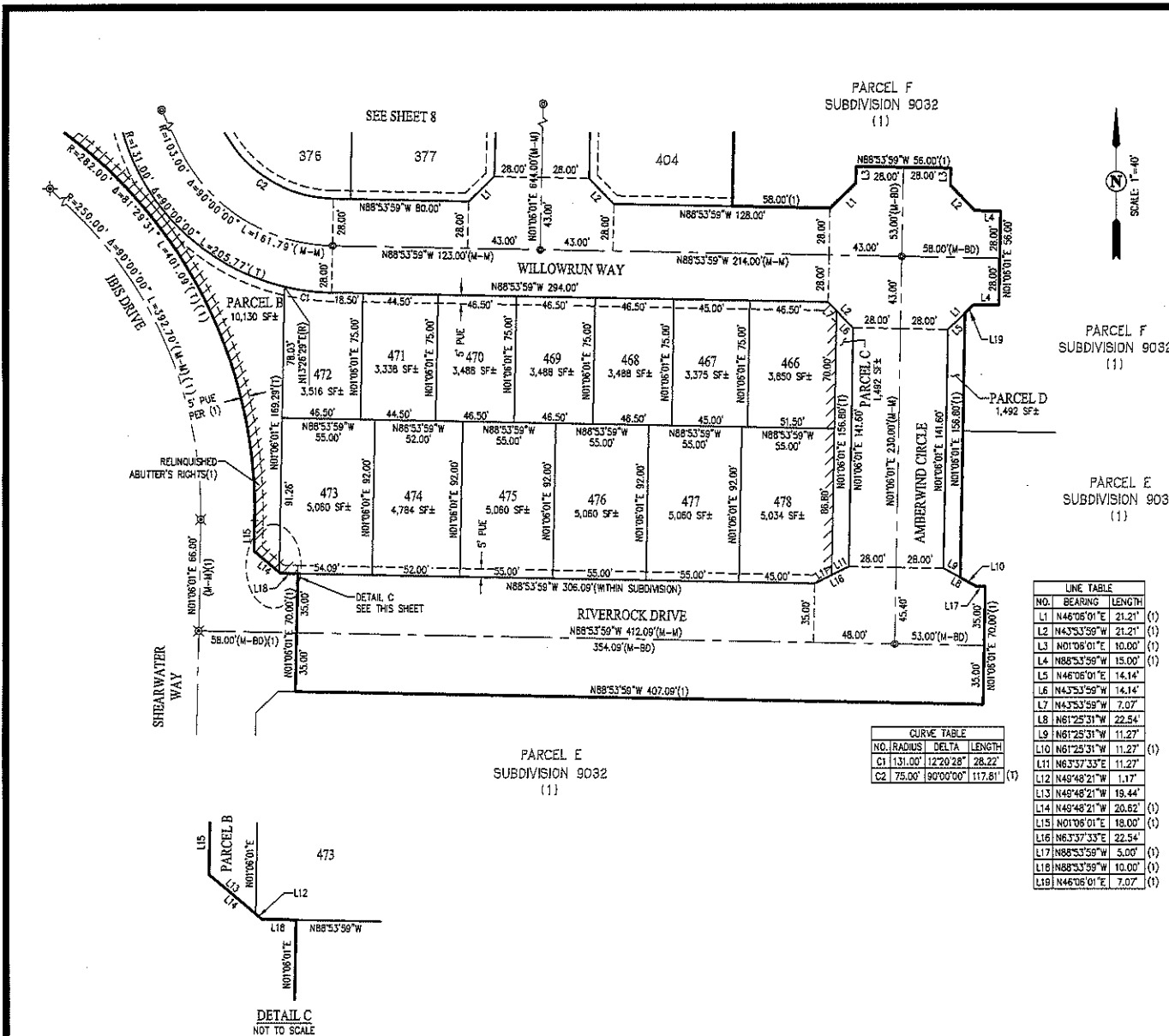
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LEGEND

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- ⊙ REFERENCE NUMBER
- PUE PUBLIC UTILITY EASEMENT

NO.	BEARING	LENGTH	
L1	N46°06'01"E	21.21'	(1)
L2	N43°33'59"W	21.21'	(1)
L3	N01°06'01"E	10.00'	(1)
L4	N88°53'59"W	15.00'	(1)
L5	N46°06'01"E	14.14'	(1)
L6	N43°33'59"W	14.14'	(1)
L7	N43°33'59"W	7.07'	(1)
L8	N61°25'31"W	22.54'	(1)
L9	N61°25'31"W	11.27'	(1)
L10	N61°25'31"W	11.27'	(1)
L11	N63°37'33"E	11.27'	(1)
L12	N48°48'21"W	1.17'	(1)
L13	N48°48'21"W	19.44'	(1)
L14	N48°48'21"W	20.62'	(1)
L15	N01°06'01"E	18.00'	(1)
L16	N63°37'33"E	22.54'	(1)
L17	N88°53'59"W	5.00'	(1)
L18	N88°53'59"W	10.00'	(1)
L19	N46°06'01"E	7.07'	(1)

NO.	RADIUS	DELTA	LENGTH
C1	131.00'	12°20'28"	28.22'
C2	75.00'	90°00'00"	117.81'



PARCEL F
SUBDIVISION 9032
(1)

PARCEL E
SUBDIVISION 9032
(1)

PARCEL E
SUBDIVISION 9032
(1)

DETAIL C
NOT TO SCALE

PRELIMINARY



STAFF REPORT

Date: Tuesday, May 26, 2015

To: Bryan Montgomery, City Manager

From: Kevin Rohani, Public Works Director/City Engineer

Subject: Subdivision Improvement Agreement, Subdivision Annexation and Assessment Authorization Deferral Agreement, and Final Map for Subdivision 9391 (Prescott Parc, between Picasso Drive and Frank Hengel Way, south of Escher Circle)

Approved and Forwarded to City Council:

Bryan H. Montgomery, City Manager

Background and Analysis

On March 10, 2015 the City Council adopted Resolution 34-15 conditionally approving the tentative map for Subdivision 9391, a 14-lot residential subdivision between Picasso Drive and Frank Hengel Way, south of Escher Circle.

De Nova Homes has requested approval by the City Council of the final map for Subdivision 9391 consisting of 14 lots.

In order to satisfy all remaining conditions of approval the applicant has requested that the City enter into a Subdivision Improvement Agreement.

The Subdivision Improvement Agreement requires the sub-divider to complete the public improvements as required by the conditions of approval for Subdivision 9391. As part of this agreement, the sub-divider is required to provide various securities up to the amount of the estimated cost of public improvements and drainage, (currently estimated to be a total of \$346,000.00). None of these improvements have been completed and accepted at this time. The applicant is required to complete the public improvements within twelve months in accordance with the Subdivision Map Act (Government Code §66410) and the Subdivision Improvement Agreement. The City Engineer and City Surveyor have reviewed the tentative map approval documents and the final map, and have found the map to be technically correct, in substantial compliance with the conditionally approved tentative map, and all final map conditions of approval have been met (or are being secured by way of the agreements).

The final conditions of approval that remain to be satisfied are related to the annexation of the property to the City of Oakley Street Lighting and Landscape

Assessment District No. 1 (Conditions 66, 67 & 68), participating in the special police tax area (Condition 69) and annexing into City of Oakley Community Facilities District No. 1 (Cypress Grove) to fund the operations and maintenance for storm drainage (Condition 70). Those items take several months to complete, and are more efficient when grouped with other projects.

The City Council has been receptive to recording final maps prior to completion of the annexation process for other projects, so staff prepared a similar agreement to those used in the past. The agreements used previously allowed the map to record, but prohibited the sale of lots until the annexation was complete.

Fiscal Impact

There is no fiscal impact associated with this action.

Staff Recommendation

Staff recommends that the City Council adopt the Resolutions authorizing the City Manager to execute the Subdivision Improvement Agreement, the Subdivision Assessment and Annexation Authorization Deferral Agreement and approving the Final Map for Subdivision 9391.

Attachments

- 1) Subdivision Improvement Agreement (SIA)
- 2) Subdivision Assessment and Annexation Authorization Deferral Agreement (SAAADA)
- 3) Resolution for SIA
- 4) Resolution for SAAADA
- 5) Resolution Approving the Final Map titled Subdivision 9391
- 6) Reduction of Subdivision 9391 Final Map

**CITY OF OAKLEY
SUBDIVISION IMPROVEMENT AGREEMENT
SUBDIVISION 9391**

This agreement is made and entered into this ____ day of _____, 20____ by and between the City of Oakley, a municipal corporation, hereinafter referred to as "CITY", and Prescott Parc, LLC, a California limited liability company, hereinafter referred to as "DEVELOPER".

RECITALS

WHEREAS, it has been determined by the City Council of the City of Oakley, State of California, that DEVELOPER, the subdivider of Subdivision 9391, desires to improve and dedicate those public improvements (hereafter "The Improvements") required by the conditions of approval for the project as adopted by the City of Oakley City Council via Resolution Number 34-15 in accordance with the requirements and conditions set forth in approvals, the requirements of the Subdivision Map Act of the State of California, and those certain plans and specifications for said development approved by CITY and titled Prescott Grading Plans Subdivision 9391 and Prescott Improvement Plan Subdivision 9391 as prepared by Carlson, Barbee & Gibson, Inc. now on file in the office of the City Engineer, which are hereby referred to for a more definite and distinct description of the work to be performed under this Agreement as though set forth at length herein; and

WHEREAS, DEVELOPER and CITY acknowledge that not all conditions of approval ("COA") contained in Resolution Number 34-15 have been satisfied, but nevertheless, DEVELOPER desires to file a final map. The satisfaction of all COA is the subject of this Agreement. DEVELOPER's agreement to satisfy all COA and to construct the Improvements identified in the aforementioned COA is a material part of the consideration for this Agreement; and

WHEREAS, DEVELOPER intends to satisfactorily complete The Improvements within the time hereinafter specified, and CITY intends to accept DEVELOPER's offer(s) of dedication of The Improvements in consideration for DEVELOPER's satisfactory performance of the terms and conditions of this Agreement:

NOW, THEREFORE, in consideration of the mutual promises, conditions and covenants herein contained, the parties agree as follows:

1. Improvements.

DEVELOPER agrees to install the road improvements (both public and private), sewer and drainage improvements, signs, street lights, fire hydrants, landscaping, and such other improvements (including appurtenant equipment) as required as conditions of approval of Tentative Map 9391 as set forth in Exhibit A to this Agreement, which is incorporated herein as if set forth at this point, or as otherwise required in the

subdivision ordinance. In the event that any provision of this Agreement conflicts with the provisions of Exhibit A the provisions of Exhibit A shall prevail to the extent that the conflicting provision in Exhibit A requires a greater or more extensive improvement or expenditure, or to the extent that that provision extends DEVELOPER's obligations over a greater period of time than the specific provision set forth herein. Such improvements shall also be made in conformance with the City of Oakley Municipal Code and Contra Costa County Ordinance Code as adopted and enforced by the City of Oakley.

DEVELOPER will commence construction of The Improvements within 30 days following the date on which CITY executes this Agreement. DEVELOPER shall complete said work not later than 12 months following said date of execution in a good workmanlike manner, in accordance with accepted construction practices and in a manner equal or superior to the requirements of the City of Oakley Municipal Code and Contra Costa County Ordinance Code and rulings made thereunder; and where there is a conflict between the improvement plans and the City Municipal Code or County Ordinance Code, the stricter requirements shall govern. It is understood that the City of Oakley was incorporated effective July 1, 1999, and as such continues to rely on certain laws, ordinances and design standards of the County of Contra Costa. References herein to the County Code or County Ordinance Code are understood to refer to such ordinances and codes as if adopted by the City of Oakley.

Time is of the essence in this Agreement. Upon completion, DEVELOPER shall furnish CITY with a complete and reproducible set of final as-built plans of The Improvements, including any authorized modifications.

2. Estimated Cost of Improvements and Possible Future Cash Deposit.

The estimated cost of constructing The Improvements required by this Agreement as adjusted for inflation is agreed to be \$308,000 for Public Improvements and \$38,000 for Grading. Said amounts include costs and reasonable expenses and fees which may be incurred in enforcing the obligation secured.

3. Bonds Furnished.

Concurrently with the execution of this Agreement, DEVELOPER shall furnish CITY with the following security in the forms specified in Government Code sections 66499.1 and 66499.2 or in a form satisfactory to the CITY Attorney if different from said Government Code forms:

- a. Faithful Performance. Either a cash deposit, a corporate surety bond issued by a company duly and legally licensed to conduct a general surety business in the State of California, or an instrument of credit equivalent to one hundred percent (100%) of the estimate set forth in Paragraph 2 and sufficient to assure CITY that The Improvements will be satisfactorily completed. A minimum of one percent (1%) of the security shall be a cash deposit.

- b. Labor and Materials. Either a cash deposit, a corporate surety bond issued by a company duly and legally licensed to conduct a general surety business in the State of California, or an instrument of credit equivalent to fifty percent (50%) of the estimate set forth in Paragraph 2 and sufficient to assure CITY that DEVELOPER'S contractors, subcontractors, and other persons furnishing labor, materials, or equipment shall be paid therefor.
- c. If required by CITY, a cash deposit, corporate surety bond, or instrument of credit sufficient to assure CITY that the surface water drainage of the subdivision shall not interfere with the use of neighboring property, including public streets and highways.

CITY shall be the sole indemnitee named on any instrument required by this Agreement. Any instrument or deposit required herein shall conform with the provisions of Chapter 5 of the Subdivision Map Act. DEVELOPER may request that portions or all of the bonds may be substituted by other parties in the event that portions or all of the Subdivision is sold to other parties, and such substitution shall not be unreasonably withheld by CITY.

4. Prevailing Wage.

CITY has determined that construction of The Improvements falls within the definition of "public works" set forth in California Labor Code Section 1720. Subject to any amendments to Labor Code Section 1720 et seq., DEVELOPER shall comply with Labor Code Section 1720 et seq., shall comply with the provisions set forth in Exhibit B and shall ensure that any contractors and subcontractors comply with the provisions of Exhibit B. DEVELOPER shall waive, indemnify, hold harmless and defend CITY concerning any liability arising out of Labor Code Section 1720 et seq.

5. Insurance Required.

Concurrently with the execution hereof, DEVELOPER shall obtain or cause to be obtained and filed with the CITY, all insurance required in this paragraph and as set forth in Exhibit C, and such insurance shall have been approved by the Finance Director of CITY, or his designee, as to form, amount and carrier. Prior to the commencement of work under this Agreement, DEVELOPER's general contractor shall obtain or cause to be obtained and filed with the Finance Director, all insurance required under this paragraph and as set forth in Exhibit C, evidenced herein as Exhibit D, and such insurance shall have been approved by the Finance Director of CITY, as to form, amount and carrier. DEVELOPER shall not allow any contractor or subcontractor to commence work on this contract or subcontract until all insurance required for DEVELOPER and DEVELOPER's general contractor shall have been so obtained and

approved. Said insurance shall be maintained in full force and effect until the completion of work under this Agreement and the final acceptance thereof by CITY. All requirements herein provided shall appear either in the body of the insurance policies or as endorsements and shall specifically bind the insurance carrier.

6. Work Performance and Guarantee.

Except as otherwise expressly provided in this Agreement, and excepting only items of routine maintenance, ordinary wear and tear and unusual abuse or neglect, DEVELOPER guarantees all work executed by DEVELOPER and/or DEVELOPER's agents, and all supplies, materials and devices of whatsoever nature incorporated in, or attached to the work, or otherwise delivered to CITY as a part of the work pursuant to the Agreement, to be free of all defects of workmanship and materials for a period of one (1) year after initial acceptance of the entire work by CITY. DEVELOPER shall repair or replace any or all such work or material, together with all or any other work or materials which may be displaced or damaged in so doing, that may prove defective in workmanship or material within said one-year guarantee period without expense or charge of any nature whatsoever to CITY. DEVELOPER further covenants and agrees that when defects in design, workmanship and materials actually appear during the one-year guarantee period, and have been corrected, the guarantee period shall automatically be extended for an additional year to insure that such defects have actually been corrected.

In the event the DEVELOPER shall fail to comply with the conditions of the foregoing guarantee within thirty (30) days time, after being notified of the defect in writing, CITY shall have the right, but shall not be obligated, to repair or obtain the repair of the defect, and DEVELOPER shall pay to CITY on demand all costs and expense of such repair. Notwithstanding anything herein to the contrary, in the event that any defect in workmanship or material covered by the foregoing guarantee results in a condition which constitutes an immediate hazard to the public health, safety, or welfare, CITY shall have the right to immediately repair, or cause to be repaired, such defect, and DEVELOPER shall pay to CITY on demand all costs and expense of such repair. The foregoing statement relating to hazards to health and safety shall be deemed to include either temporary or permanent repairs which may be required as determined in the sole discretion and judgment of CITY.

If CITY, at its sole option, makes or causes to be made the necessary repairs or replacements or performs the necessary work, DEVELOPER shall pay, in addition to actual costs and expenses of such repair or work, fifty percent (50%) of such costs and expenses for overhead and interest at the maximum rate of interest permitted by law accruing thirty (30) days from the date of billing for such work or repairs.

7. Inspection of the Work.

DEVELOPER shall guarantee free access to CITY through its City Engineer and his designated representative for the safe and convenient inspection of the work

throughout its construction. Said CITY representative shall have the authority to reject all materials and workmanship which are not in accordance with the plans and specifications, and all such materials and or work shall be removed promptly by DEVELOPER and replaced to the satisfaction of CITY without any expense to CITY in strict accordance with the improvement plans and specifications.

8. Agreement Assignment.

This Agreement shall not be assigned by DEVELOPER without the written consent of CITY.

9. Abandonment of Work.

Neither DEVELOPER nor any of DEVELOPER's agents or contractors are or shall be considered to be agents of CITY in connection with the performance of DEVELOPER's obligations under this Agreement.

If DEVELOPER refuses or fails to obtain prosecution of the work, or any severable part thereof, with such diligence as will insure its completion within the time specified, or any extension thereof, or fails to obtain completion of said work within such time, or if DEVELOPER should be adjudged as bankrupt, or should make a general assignment for the benefit of DEVELOPER's creditors, or if a receiver should be appointed, or if DEVELOPER, or any of DEVELOPER's contractors, subcontractors, agents or employees should violate any of the provisions of this Agreement, the CITY through its Public Works Director may serve written notice on DEVELOPER and DEVELOPER's surety or holder of other security of breach of this Agreement, or of any portion, thereof, and default of DEVELOPER.

In the event of any such notice of breach of this Agreement, DEVELOPER's surety shall have the duty to take over and complete The Improvements herein specified; provided, however, that if the surety, within thirty (30) days after the serving upon it of such notice of breach, does not give CITY written notice of its intention to take over the performance of the contract, and does not commence performance thereof within thirty (30) days after notice to CITY of such election, CITY may take over the work and prosecute the same to completion, by contract or by any other method CITY may deem advisable, for the account and at the expense of DEVELOPER and DEVELOPER's surety shall be liable to CITY for any damages and/or reasonable and documented excess costs occasioned by CITY thereby; and, in such event, CITY, without liability for so doing, may take possession of, and utilize in completing the work, such materials, appliances, plant and other property belonging to DEVELOPER as may be on the site of the work and necessary therefor.

All notices herein required shall be in writing, and delivered in person or sent by registered mail, postage prepaid.

Notices required to be given to CITY shall be addressed as follows:

City Manager and City Engineer
City of Oakley
3231 Main Street
Oakley, CA 94561

Notices required to be given to DEVELOPER shall be addressed as follows:

Prescott Parc, LLC
c/o De Nova Homes
Attn: Michael Evans
1500 Willow Pass Court
Concord, CA 94520

Notices required to be given surety of DEVELOPER shall be addressed as follows:

Any party or the surety may change such address by notice in writing to the other party and thereafter notices shall be addressed and transmitted to the new address.

Concurrently with the execution of this Agreement, DEVELOPER has executed and has caused to be acknowledged an abstract of this Agreement. DEVELOPER agrees CITY may record said abstract in the Official Records of Contra Costa County.

10. Use of Streets or Improvements.

At all times prior to the final acceptance of the work by CITY, the use of any or all streets and improvements within the work to be performed under this Agreement shall be at the sole and exclusive risk of DEVELOPER. The issuance of any building or occupancy permit by CITY for dwellings located within the tract shall not be construed in any manner to constitute a partial or final acceptance or approval of any or all such improvements by CITY. DEVELOPER agrees that CITY's Building Official may withhold the issuance of building or occupancy permits when the work or its progress may substantially and/or detrimentally affect public health and safety.

11. Safety Devices.

DEVELOPER shall provide and maintain such guards, watchmen, fences, barriers, regulatory signs, warning lights, and other safety devices adjacent to and on the tract site as may be necessary to prevent accidents to the public and damage to the property. DEVELOPER shall furnish, place, and maintain such lights as may be necessary for illuminating the said fences, barriers, signs, and other safety devices. At the end of all work to be performed under this Agreement, all fences, barriers, regulatory signs, warning lights, and other safety devices (except such safety items as may be shown on the plans and included in the items of work) shall be removed from site of the work by the DEVELOPER, and the entire site left clean and orderly.

12. Acceptance of Work.

Upon notice of the completion of the work covered by this agreement and the delivery of a set of final as-built plans to CITY by DEVELOPER, CITY, through its City Engineer or his designated representative, shall examine the work without delay, and, if found to be in accordance with said plans and specifications and this Agreement, shall recommend acceptance of the work to the City Council and, upon such acceptance, shall notify DEVELOPER or his designated agents of such acceptance. CITY reserves the right to not accept the work until all construction activities, including those related to building construction, within the project boundaries has been completed.

13. Patent and Copyright Costs.

In the event that said plans and specifications require the use of any material, process or publication which is subject to a duly registered patent or copyright, DEVELOPER shall be liable for, and shall indemnify CITY from any fees, costs or litigation expenses, including attorneys' fees and court costs, which may result from the use of said patented or copyrighted material, process or publication.

14. Alterations in Plans and Specifications.

Any alteration or alterations made in the plans and specifications which are a part of this Agreement or any provision of this Agreement shall not operate to release any surety or sureties from liability on any bond or bonds attached hereto and made a part hereof, and consent to make such alterations is hereby given, and the sureties to said bonds hereby waive the provisions of Section 2819 of the Civil Code of the State of California.

15. Liability.

- a. DEVELOPER Primarily Liable. DEVELOPER hereby warrants that the design and construction of The Improvements will not adversely affect any portion of adjacent properties and that all work will be performed in a proper manner. DEVELOPER agrees to indemnify,

defend, release, and hold harmless CITY, and each of its elective and appointive boards, commissions, officers agents and employees, from and against any and all loss, claims, suits, liabilities, actions, damages, or causes of action of every kind, nature and description, directly or indirectly arising from an act or omission of DEVELOPER, its employees, agents, or independent contractors in connection with DEVELOPER'S actions and obligations hereunder; provided as follows:

1. That CITY does not, and shall not, waive any rights against DEVELOPER which it may have by reason of the aforesaid hold harmless agreement, because of the acceptance by CITY, or the deposit with CITY by DEVELOPER, of any of the insurance policies described in Paragraph 4 hereof.
 2. That the aforesaid hold harmless agreement by DEVELOPER shall apply to all damages and claims for damages of every kind suffered, or alleged to have been suffered, by reason of any of the aforesaid operations referred to in this paragraph, regardless of whether or not CITY has prepared, supplied, or approved of plans and/or specifications for the subdivision, or regardless of whether or not such insurance policies shall have been determined to be applicable to any of such damages or claims for damages.
- b. Design Defect. If, in the opinion of the CITY, a design defect in the work of improvement becomes apparent during the course of construction, or within one (1) year following acceptance by the CITY of the improvements, and said design defect, in the opinion of the CITY, may substantially impair the public health and safety, DEVELOPER shall, upon order by the CITY, correct said design defect at his sole cost and expense, and the sureties under the Faithful Performance and Labor and Materials Bonds shall be liable to the CITY for the corrective work required.
- c. Litigation Expenses. In the event that legal action is instituted by either party to this Agreement, and said action seeks damages for breach of this Agreement or seeks to specifically enforce the terms of this Agreement, and, in the event judgment is entered in said action, the prevailing party shall be entitled to recover its attorneys' fees and court costs. If CITY is the prevailing party, CITY shall also be entitled to recover its attorney's fees and costs in any action

against DEVELOPER's surety on the bonds provided under paragraph 3.

16. Recitals.

The foregoing Recitals are true and correct and are made a part hereof.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in duplicate at Oakley, California, the day and year first above written.

CITY OF OAKLEY

DEVELOPER

By: _____
Bryan H. Montgomery
City Manager

Michael Evans

APPROVED AS TO FORM:

Derek P. Cole
City Attorney

ATTEST:

Libby Vreonis, City Clerk

- Exhibits: Exhibit A – City of Oakley, City Council, Resolution 34-15
 Exhibit B – Insurance Requirements
 Exhibit C - Verification of Required Insurance

EXHIBIT A
(RESOLUTION 34-15)

RESOLUTION NO. 34-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY MAKING FINDINGS AND APPROVING A VESTING TENTATIVE MAP FOR "SUBDIVISION 9391 AT CYPRESS GROVE (TM 02-14)" SUBDIVIDING APPROXIMATELY 3.52 ACRES INTO 14 SINGLE FAMILY RESIDENTIAL LOTS, A 0.22 ACRE LANDSCAPED PARCEL AND OTHER ASSOCIATED IMPROVEMENTS. THE PROJECT AREA IS LOCATED WITHIN THE EXISTING CYPRESS GROVE SUBDIVISION. APN 037-192-024

FINDINGS

WHEREAS, on October 13, 2014, Mike Evans of DeNova Homes ("Applicant") filed an application requesting approval of a vesting tentative map to subdivide approximately 3.52 acres into 14 single family residential lots, one 0.22 acre landscaped parcel, and associated right of way improvements for the project known as "Subdivision 9391 at Cypress Grove (TM 02-14)" ("Project"); and

WHEREAS, the site is located within the existing Cypress Grove subdivision north of Ironhouse Elementary School and Delta Vista Middle School (4901 Frank Hengel Way) off of East Cypress Road and Frank Hengel Way; and

WHEREAS, the applicant's plans include the Vesting Tentative Map, Conceptual Grading and Utility Plan, and Preliminary Stormwater Control Plan, titled "Subdivision 9391 Vesting Tentative Map" updated and received on March 2, 2015, and attached to the project staff report ("Plans"); and

WHEREAS, on January 28, 2015 the project application was deemed complete per Government Code section 65920 et. seq; and

WHEREAS, the project site is designated Single Family High ("SH") as depicted on the Oakley 2020 General Plan ("General Plan") Land Use Diagram (Figure 2-2 of General Plan), and zoned P-1 (Planned Development) District; and

WHEREAS, the project is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15332 (Class 32 – Infill Development Projects); and

WHEREAS, on February 27, 2015, the Notice of Public Hearing for the project was posted in the Contra Costa Times, at Oakley City Hall located at 3231 Main Street, outside the gym at Delta Vista Middle School located at 4901 Frank Hengel Way, outside the library at Freedom High School located at 1050 Neroly Road, and at the project site. The notice was also mailed out to all owners of property within a 300-foot radius of the subject property's boundaries, to outside agencies, and to parties requesting such notice; and

WHEREAS, on March 10, 2015, the City Council opened the public hearing at which it received a report from City Staff, oral and written testimony from the public, and deliberated on the project. At the conclusion of its deliberations, the City Council took a vote and adopted this resolution to approve the project, as revised by the City Council during its deliberations; and

WHEREAS, if any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City; and

WHEREAS, these Findings are based on the City's General Plan, the City's Zoning and Subdivision Ordinances, the applicable P-1 (Planned Development) District, and the information submitted to the City Council at its March 10, 2015 meeting, both written and oral, including oral information provided by the applicant, as reflected in the minutes of such meetings, together with the documents contained in the file for the Project (hereafter the "Record").

NOW, THEREFORE, BE IT RESOLVED THAT, on the basis of the above Findings and the entire Record, the City Council makes the following additional findings in support of the recommended approval:

- A. Regarding the application requesting approval of a Vesting Tentative Map for "Subdivision 9391 at Cypress grove (TM 02-14)", the City Council finds that:
1. The proposed project represents a subdivision of land that is consistent with the applicable General Plan policies and guidelines in that it results in a gross density of approximately 3.9 dwelling units per gross acre, which is at the low end of the density range for the Single Family High land use designation; and
 2. Proposed lot sizes and the gross density will mesh well with the existing residential development within the Cypress Grove neighborhood; and
 3. The subdivision, street and frontage improvements ("A" Circle) will be constructed, which will provide pedestrian and vehicle access and utilities to all of the proposed homes; and
 4. Parcel "A" will provide a landscaped parcel between the proposed homes and Frank Hengel Way, and will act as a greenway between the school property and park; and
 5. The subdivision with a loop road integrated with the undeveloped subdivision to the north will allow for approximately 12 or 13 homes that will face the open park land on the school property. Having homes, rather

than fences and walls face parks, provides for better security and neighborhood watch opportunities associated with the park land.

- B. The Project complies with Measure J Growth Management requirements.

BE IT FURTHER RESOLVED THAT, on the basis of the above Findings and the Record, the City Council approves the applicant's request for approval of a Vesting Tentative Map for "Subdivision 9391 at Cypress Grove (TM 02-14)", subject to the following conditions:

Applicant shall comply with the requirements of Municipal Code. Any exceptions must be stipulated in these Conditions of Approval. Conditions of Approval are based on the site plan received by the Community Development Department on **March 10, 2015**.

THE FOLLOWING PLANNING AND BUILDING CONDITIONS OF APPROVAL SHALL BE SATISFIED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT UNLESS OTHERWISE NOTED:

Planning Division Conditions

General:

1. This Vesting Tentative Map is approved, as shown on the revised plans, date stamped by the Planning Division on **March 2, 2015**, and as modified by the following conditions of approval, subject to final review and approval by the Community Development Director.
2. This approval shall be effectuated within a period of three (3) years from the effective date of this resolution by the recording of a final map and if not effectuated shall expire on **March 10, 2018**. Prior to said expiration date, the applicant may apply for an extension of time pursuant to the provisions of the Municipal Code.
3. All construction drawings submitted for plan check shall be in substantial compliance with the plans presented to and approved by the Planning Commission on **March 10, 2015**.
4. All conditions of approval shall be satisfied by the owner/developer. All costs associated with compliance with the conditions shall be at the owner/developer's expense.
5. Noise generating construction activities, including such things as power generators, shall be limited to the hours of 7:30 a.m. to 5:30 p.m. Monday through Friday, and shall be prohibited on City, State and Federal Holidays. The restrictions on allowed working days and times may be modified on prior written approval by the Community Development Director.

6. Should archaeological materials be uncovered during grading, trenching or other on- site excavation(s), earthwork within 30 yards of these materials shall be stopped until a professional archaeologist who is certified by the Society of Professional Archaeology (SOPA) has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s), if deemed necessary.
7. The applicant shall indemnify, defend, and hold harmless the City of Oakley, the City Approving Authorities, and the officers, agents, and employees of the City from any and all claims, damages and liability (including, but not limited to, damages, attorney fees, expenses of litigation, costs of court).
8. The applicant shall post a copy of the City of Oakley General Plan 2020 Land Use Diagram, in a conspicuous place, within the model homes or sales office.

Development Standards:

9. The P-1 (Planned Development) District for this subdivision shall be subject to the R-6 (Single family Residential) District development standards.

Parks and Landscaping:

10. The applicant shall work with the Planning Division and Public Works and Engineering Department with the design, construction and completion of Parcel A concurrent with the development of the subdivision. As part of the plan check process for Parcel "A", the applicant shall develop a construction schedule approved by the City Engineer to provide for the timely completion of Parcel "A" concurrent with development.
11. A mix of evergreen and deciduous trees as well as shrubs and ground cover shall be planted along the street frontage as specified in the Residential Design Guidelines per the review and approval of the Community Development Director.
12. A landscaping and irrigation plan for all areas shown on the landscape plan shall be submitted for review and approval of the Community Development Director prior to the issuance of building permits. Landscaping shall conform to the Oakley Landscape Guidelines and the City's Water Conservation Landscape Ordinance 82-26 and shall be installed prior to final occupancy. The plan shall be prepared by a licensed landscape architect and shall be certified to be in compliance with the City's Water Conservation Ordinance.
13. California native drought tolerant plants shall be used as much as possible. All trees shall be a mix of fifteen-gallon and 24" box; all shrubs shall be a minimum five-gallon size, except as otherwise noted.
14. All landscaped areas not covered by shrubs or groundcover shall be covered with bark or acceptable alternative as reviewed and approved by the Community

Development Director. On slopes greater than 3 to 1, the applicant shall use an alternative to bark per the review and approval of the Community Development Director.

15. Each residential lot shall have a minimum of two trees along the street frontage, with the exception of corner lots, which shall have four, unless otherwise approved by the Community Development Director and City Engineer.
16. The applicant shall maintain all private landscaping until occupancy.
17. A street tree plan shall be submitted for review prior to issuance of Building Permits. The street trees shall be inter-mixed throughout the subdivision, so there are a variety of trees on every street, per review of the Planning Division and Public Works and Engineering Department.

Fences and Walls:

18. Within the subdivision good neighbor fences shall be constructed of six-foot high wood fences with metal posts or acceptable alternative as reviewed and approved by the Community Development Director. Corner lots or any good neighbor fence facing a street shall provide a fence or wall constructed of a durable material such as, but not limited to, masonry, vinyl, enhanced wood, composite or other durable material as approved by the Community Development Director. All wood fencing visible from the street shall be stained or painted on both sides to prevent water damage to the satisfaction of the Community Development Director.
19. A wrought iron fence to match the fence located along Picasso Drive shall continue along the southern right of way of "A" Circle to the point it intersects with the existing fence near the school parking lot and Parcel "A". The fence shall allow pedestrian traffic access to the school property at the southeast corner of Picasso Drive and "A" Circle".

Subdivision Design:

20. Driveway openings shall be a maximum 18' in width or up to 25% of a lot's frontage (except on cul de sacs).
21. The street names shall be approved by the Community Development Department and the East Contra Costa Fire District.

Subdivision Disclosures:

22. The model home complex shall have a copy of the City of Oakley's General Plan land use map posted within the sales office or included with the informational material provided to prospective home buyers.

23. Where a lot/parcel is located within 300' of a high voltage electric transmission line, the applicant shall record the following notice:

"The subject property is located near a high voltage electric transmission line. Purchasers should be aware that there is ongoing research on possible potential adverse health effects caused by the exposure to a magnetic field generated by high voltage lines. Although much more research is needed before the question of whether magnetic fields actually cause adverse health effects can be resolved, the basis for such a hypothesis is established. At this time no risk assessment has been made."

When a Final Subdivision Public Report issued by the California Department of Real Estate is required, the applicant shall also request that the Department of Real Estate insert the above note in the report.

24. The following statements shall be recorded at the County Recorder's Office for each parcel to notify future owners of the parcels that they own property in an agricultural area:

"This document shall serve as notification that you have purchased land in an agricultural area where you may regularly find farm equipment using local roads; farm equipment causing dust or blowing sand; crop dusting and spraying occurring regularly; burning associated with agricultural activities; noise associated with farm equipment such as zon guns and aerial crop dusting and certain animals, including equestrian trails as well as flies may exist on surrounding properties. This statement is again, notification that this is part of the agricultural way of life in the open space areas of the City of Oakley and you should be fully aware of this at the time of purchase.

Waste Management Plan:

25. The applicant shall submit a Waste Management Plan that complies with the City of Oakley Construction and Demolition Debris Recycling Ordinance.

Building Division Conditions

26. Plans shall meet the currently adopted Uniform Codes as well as the newest T-24 Energy requirements from the State of California Energy Commission. To confirm the most recent adopted codes please contact the Building Division.
27. Prior to requesting a Certificate of Occupancy from the Building Division, all Conditions of Approval required for occupancy must be completed. When the Public Works Division and the Planning Division place Conditions of Approval on the project, those divisions will sign off on the project prior to the request for a

Building division final inspection. Similarly, if the Health Department and/or Fire Department reviewed and approved the original plans, those departments must sign off on the project prior to the request for a final inspection by the Building Division.

28. Prior to requesting a *Final Inspection* from the Building Division all Conditions of Approval required for occupancy must be completed.

Public Works and Engineering Conditions

THE FOLLOWING PUBLIC WORKS AND ENGINEERING CONDITIONS OF APPROVAL SHALL BE SATISFIED PRIOR TO THE APPROVAL OF A FINAL MAP UNLESS OTHERWISE NOTED:

General:

29. Submit improvement plans prepared by a registered civil engineer to the City Engineer for review and approval and pay the appropriate processing costs in accordance with the Municipal Code and these conditions of approval. The plans shall be consistent with the Stormwater Control Plan for the project, include the drawings and specifications necessary to implement the required stormwater control measures, and be accompanied by a Construction Plan C.3 Checklist as described in the Stormwater C.3 Guidebook.
30. Submit a final map prepared by a licensed land surveyor or qualified registered civil engineer to the City Engineer and pay appropriate fees in accordance with the Code and these conditions of approval.
31. Submit grading plans including erosion control measures and revegetation plans prepared by a registered civil engineer to the City Engineer for review and pay appropriate processing costs in accordance with the Code and these conditions of approval.
32. Submit landscaping plans for publicly maintained landscaping, including planting and irrigation details, as prepared by a licensed landscape architect to the City Engineer for review and pay appropriate processing costs in accordance with the Code and these conditions of approval.
33. Execute any agreements required by the Stormwater Control Plan which pertain to the transfer of ownership and/or long term maintenance of stormwater treatment mechanisms required by the plan prior to the final inspection of the first house within the subdivision.
34. Building permits for house construction shall not be issued until the subdivision streets serving the lots have been paved.

Roadway Improvements:

35. Construct the project streets to City public road standards and as shown on the Tentative Map with the following exceptions:
- A. The minimum street grade may be lowered from the standard 1% to 0.75% provided that the project proponent demonstrates that the City's drainage standards can be achieved.
 - B. Submit a turning radius exhibit to the City Engineer for review and approval to illustrate that the ninety-degree turns of project streets can accommodate the largest expected vehicle to use the streets without the inclusion of City standard elbows. If the exhibit illustrates that elbows are necessary to accommodate the expected traffic then they shall be included in the improvement plans.
36. Install traffic control devices such as stop signs and other signing and striping on the project streets to the satisfaction of the City Engineer.
37. Design all public and private pedestrian facilities in accordance with Title 24 (Handicap Access) and the Americans with Disabilities Act.
38. Submit a phasing plan for the project streets to the City Engineer for review if the street improvement will be phased. The plan shall include provisions for emergency vehicle access, temporary turn-around facilities, and access to the occupied lots.

Road Dedications:

39. Convey to the City, by Offer of Dedication, the right of way for the project streets.
40. Relinquish abutter's rights of access along all non-primary frontages to the satisfaction of the City Engineer.
41. Furnish necessary rights of way, rights of entry, permits and/or easements for the construction of off-site, temporary or permanent, public and private road, utility and drainage improvements.

Street Lights:

42. Install streetlights along all project streets. The City Engineer shall determine the final number and location of the lights, and the lights shall be on an LS2-A rate service. The lights on the project streets shall be decorative with LEDs per City standards.

Grading:

43. Submit a geotechnical report to the City Engineer for review that substantiates the design features incorporated into the subdivision including, but not limited to grading activities, compaction requirements, utility construction, slopes, retaining walls, and roadway sections.
44. At least one week prior to commencement of grading, the applicant shall post the site and mail to the owners of property within 300 feet of the exterior boundary of the project site notice that construction work will commence. The notice shall include a list of contact persons with name, title, phone number and area of responsibility. The person responsible for maintaining the list shall be included. The list shall be kept current at all times and shall consist of persons with authority to indicate and implement corrective action in their area of responsibility. The names of the individual responsible for noise and litter control shall be expressly identified in the notice. The notice shall be reissued with each phase of major grading activity. A copy of the notice shall be concurrently transmitted to the City Engineer. The notice shall be accompanied by a list of the names and addresses of the property owners noticed, and a map identifying the area noticed.
45. Submit a dust and litter control plan to the City Engineer prior to beginning any construction activities. Dust control measures shall be provided for all stockpiling per the review and approval of the City Engineer.
46. Grade all pads so that they drain directly to the public street at a minimum of one percent without the use of private drainage systems through rear and side yards.
47. Grade any slopes with a vertical height of four feet or more at a slope of 3 to 1. Retaining walls that may be installed to reduce the slope must be masonry and comply with the City's building code.
48. Submit a haul route plan to the City Engineer for review and approval prior to importing or exporting any material from the site. The plan shall include the location of the borrow or fill area, the proposed haul routes, the estimated number and frequency of trips, and the proposed schedule of hauling. Based on this plan the City Engineer shall determine whether pavement condition surveys must be conducted along the proposed haul routes to determine what impacts the trucking activities may have. The project proponents shall be responsible to repair to their pre-construction condition any roads along the utilized routes.
49. Prior to commencement of any site work that will result in a land disturbance of one acre or more, the applicant shall provide evidence to the City Engineer that the requirements for obtaining a State General Construction Permit have been met. Such evidence may be a copy of the Notice of Intent letter sent by the State Water Resources Control Board. The WDID Number shall be shown on the grading plan prior to approval by the City Engineer.

50. Submit an updated erosion control plan reflecting current site conditions to the City Engineer for review and approval no later than September 1st of every year while the Notice of Intent is active.
51. Grade all pad elevations or install levees to satisfy Chapter 914-10 of the City's Municipal Code, including the degree of protection provisions.
52. The burying of any construction debris is prohibited on construction sites.

Utilities/Undergrounding:

53. Underground all new and existing utility distribution facilities. The developer shall provide joint trench composite plans for the underground electrical, gas, telephone, cable television and communication conduits and cables including the size, location and details of all trenches, locations of building utility service stubs and meters and placements or arrangements of junction structures as a part of the Improvement Plan submittals for the project. The composite drawings and/or utility improvement plans shall be signed by a licensed civil engineer.
54. All utility boxes shall be installed underground and all wires and cables must be installed in conduits. Compliance with this condition shall be at the discretion of the City Engineer.
55. Above ground utility boxes shall be camouflaged per the review and approval of the City Engineer.

Drainage Improvements:

56. Collect and convey all stormwater entering and/or originating on this property, without diversion and within an adequate storm drainage facility, to an adequate natural watercourse having definable bed and banks, or to an existing adequate public storm drainage facility that conveys the storm waters to an adequate natural watercourse.
57. Submit a final hydrology and hydraulic report including 10-year and 100-year frequency event calculations for the proposed drainage system and stormwater pond to the City Engineer for review and approval.
58. Design and construct all storm drainage facilities in compliance with the Municipal Code and City design standards.
59. Prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.
60. Dedicate a public drainage easement over the drainage system that conveys storm water run-off from public streets.

Landscaping in the Public Right of Way:

- 61. Install public right of way landscaping along the Picasso Drive frontage.
- 62. Maintain all landscaping within the public right of way until such time that the adjacent roadway improvements have been accepted for maintenance.

National Pollutant Discharge Elimination System (NPDES):

- 63. Comply with all rules, regulations and procedures of the National Pollutant Discharge Elimination System (NPDES) for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board, the Regional Water Quality Control Board (Central Valley - Region IV), including the Stormwater C.3 requirements as detailed in the Guidebook available at www.cccleanwater.org.

Compliance shall include developing long-term best management practices (BMP's) for the reduction or elimination of storm water pollutants. The project design shall incorporate wherever feasible, the following long-term BMP's in accordance with the Contra Costa Clean Water Program for the site's storm water drainage:

- Offer pavers for household driveways and/or walkways as an option to buyers.
- Minimize the amount of directly connected impervious surface area.
- Delineate all storm drains with "No Dumping, Drains to the Delta" permanent metal markers per City standards.
- Construct concrete driveway weakened plane joints at angles to assist in directing run-off to landscaped/pervious areas prior to entering the street curb and gutter.
- Distribute public information items regarding the Clean Water Program to buyers.
- Other alternatives as approved by the City Engineer.

Fees/Assessments:

- 64. Comply with the requirements of the development impact fees listed below, in addition to those noticed by the City Council in Resolution 85-00 and 08-03. The applicant shall pay the fees in the amounts in effect at the time each building permit is issued.
 - A. Traffic Impact Fee (authorized by Ordinance No. 14-00, adopted by Resolution 49-03);
 - B. Regional Transportation Development Impact Mitigation Fee or any future alternative regional fee adopted by the City (authorized by Ordinance No. 14-00, adopted by Resolution No. 73-05);

- C. Park Land Dedication In-Lieu Fee (adopted by Ordinance No. 03-03);
- D. Park Impact Fee (authorized by Ordinance No. 05-00, adopted by Resolution No. 19-03);
- E. Public Facilities Fee (authorized by Ordinance No. 05-00, adopted by Resolution No. 18-03);
- F. Fire Facilities Impact Fee, collected by the City (adopted by Ordinance No. 09-01);

The applicant should contact the City Engineer prior to constructing any public improvements to determine if any of the required improvements are eligible for credits or reimbursements against the applicable traffic benefit fees or from future developments.

- 65. The applicant shall be responsible for paying the County Recorder's fee for the Notice of Determination as well as the State Department of Fish and Game's filing fee.
- 66. Annex the property to the City of Oakley Landscape and Lighting District No. 1 for citywide landscaping and park maintenance, subject to an assessment for maintenance based on the assessment methodology described in the Engineer's Report. The assessment shall be the per parcel annual amount (with appropriate future cost of living adjustment) as established at the time of voting by the City Council. Any required election and/or ballot protest proceedings shall be completed prior to approval of the final map. The Applicant shall apply for annexation and provide all information and documents required by the City to process the annexation. All costs of annexation shall be paid by Applicant.
- 67. Annex the property to the City of Oakley Landscape and Lighting District No. 1 for citywide street lighting costs and maintenance, subject to an assessment for street light maintenance based on the assessment methodology described in the Engineer's Report. The assessment shall be the per parcel annual amount (with appropriate future cost of living adjustment) as established at the time of voting by the City Council. Any required election and/or ballot protest proceedings shall be completed prior to filing of the final map. The applicant shall apply for annexation and provide all information and documents required by the City to process the annexation. All costs of annexation shall be paid by Applicant.
- 68. Annex the property to the City of Oakley Landscape and Lighting District No. 1 for project specific landscaping maintenance, subject to an assessment for landscape operation and maintenance based on the assessment methodology described in the Engineer's Report. The assessment shall be the per parcel annual amount (with appropriate future cost of living adjustment) as established at the time of voting by the City Council. Any required election and/or ballot protest proceedings shall be completed prior to filing of the final map. The

applicant shall apply for annexation and provide all information and documents required by the City to process the annexation. All costs of annexation shall be paid by Applicant.

69. 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. The tax shall be the per parcel annual amount (with appropriate future cost of living adjustment) as established at the time of voting by the City Council. The election to provide for the tax shall be completed prior to filing of the final map. Should the homes be occupied prior to the City receiving the first disbursement from the tax bill, the project proponent shall be responsible for paying the pro-rata share for the remainder of the tax year prior to the City conducting a final inspection.
70. **Annex the property to the City of Oakley Community Facilities District No. 1 (Cypress Grove) for Flood and Storm Drainage for maintenance and operation of flood and storm drainage improvements either owned or otherwise controlled by the City of Oakley including but not limited to detention ponds, pump stations, levees, conveyance systems and other related improvements.**

ADVISORY NOTES


THE FOLLOWING ADVISORY NOTES ARE PROVIDED TO THE APPLICANT AS A COURTESY BUT ARE NOT A PART OF THE CONDITIONS OF APPROVAL. ADVISORY NOTES ARE PROVIDED FOR THE PURPOSE OF INFORMING THE APPLICANT OF ADDITIONAL ORDINANCE REQUIREMENTS THAT MUST BE MET IN ORDER TO PROCEED WITH DEVELOPMENT.

- A. The applicant/owner should be aware of the expiration dates and renewing requirements prior to requesting building or grading permits.
- B. The project will require a grading permit pursuant to the Ordinance Code.
- C. Applicant shall comply with the requirements of Ironhouse Sanitary District.
- D. The applicant shall comply with the requirements of the Diablo Water District.
- E. Comply with the requirements of the East Contra Costa Fire Protection District.
- F. Comply with the requirements of the Building Inspection Division. Building permits are required prior to the construction of most structures.
- G. This project may be subject to the requirements of the Department of Fish and Wildlife. It is the applicant's responsibility to notify the Department of Fish and Wildlife, P.O. Box 47, Yountville, California 94599, of any proposed construction within this development that may affect any fish and wildlife resources, per the Fish and Wildlife Code.

- H. This project may be subject to the requirements of the Army Corps of Engineers. It is the applicant's responsibility to notify the appropriate district of the Corps of Engineers to determine if a permit is required, and if it can be obtained.
- I. The applicant shall obtain an encroachment permit for construction within existing City rights of way.
- J. The applicant shall obtain an encroachment permit from Caltrans for construction within the State right of way.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 10th of March, 2015 by the following vote: 5-0

AYES: Hardcastle, Higgins, Perry, Pope, Romick
NOES:
ABSTENTIONS:
ABSENT:

APPROVED: 
Doug Hardcastle, Mayor

ATTEST: 

Libby Vreonis, City Clerk

3-11-15

Date

EXHIBIT B

INSURANCE REQUIREMENTS

CONSTRUCTION CONTRACTS

MINIMUM SCOPE AND LIMIT OF INSURANCE

Coverage shall be at least as broad as:

1. **Commercial General Liability (CGL):** Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than **\$5,000,000** per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit (i.e., \$10,000,000)
2. **Automobile Liability:** Insurance Services Office Form Number CA 0001 covering Code 1 (any auto), with limits no less than **\$5,000,000** per accident for bodily injury and property damage.
3. **Workers' Compensation** insurance as required by the State of California, with Statutory Limits, and Employers' Liability insurance with a limit of no less than \$1,000,000 per accident for bodily injury or disease.
4. **Builder's Risk** (Course of Construction) insurance utilizing an "All Risk" (Special Perils) coverage form, with limits equal to the completed value of the project and no coinsurance penalty provisions.
5. **Surety Bonds** as described below.
6. **Professional Liability** (if Design/Build), with limits no less than \$1,000,000 per occurrence or claim, and \$2,000,000 policy aggregate.
7. **Contractors' Pollution Legal Liability** and/or Asbestos Legal Liability and/or Errors and Omissions (if project involves environmental hazards) with limits no less than \$1,000,000 per occurrence or claim, and \$2,000,000 policy aggregate.

If the contractor maintains higher limits than the minimums shown above, the City requires and shall be entitled to coverage for the higher limits maintained by the contractor. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the City.

Contractor shall procure and maintain for the duration of the contract, and if Contractor has a claims-made policy, Contractor shall maintain for two years thereafter, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Contractor, its agents, representatives, employees or subcontractors.

Deductibles and Self-Insured Retentions

Any deductibles or self-insured retentions must be declared to and approved by the City. At the option of the City, either: the contractor shall cause the insurer to reduce or eliminate such deductibles or self-insured retentions as respects the City, its officers, officials, employees, and volunteers; or the Contractor shall provide a financial guarantee satisfactory to the City guaranteeing payment of losses and related investigations, claim administration, and defense expenses.

Other Insurance Provisions

The insurance policies are to contain, or be endorsed to contain, the following provisions:

1. **The City, its officers, officials, employees, and volunteers are to be covered as additional insureds** on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the Contractor including materials, parts, or equipment furnished in connection with such work or operations and automobiles owned, leased, hired, or borrowed by or on behalf of the Contractor. General liability coverage can be provided in the form of an endorsement to the Contractor's insurance (at least as broad as ISO Form CG 20 10 11 85 or both CG 20 10 10 01 and CG 20 37 10 01 forms if later revisions used).
2. For any claims related to this project, the **Contractor's insurance coverage shall be primary** insurance as respects the City, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, or volunteers shall be in excess of the Contractor's insurance and shall not contribute with it.
3. Each insurance policy required by this clause shall provide notice will be provided to City in the event that the policy is terminated. Contractor shall immediately notify City of any insurance cancellation or termination and shall provide replacement insurance policy documentation to the City.

Builder's Risk (Course of Construction) Insurance

Contractor may submit evidence of Builder's Risk insurance in the form of Course of Construction coverage. Such coverage shall **name the City as a loss payee** as their interest may appear.

If the project does not involve new or major reconstruction, at the option of the City, an Installation Floater may be acceptable. For such projects, a Property Installation Floater shall be obtained that provides for the improvement, remodel, modification, alteration, conversion or adjustment to existing buildings, structures, processes, machinery and equipment. The Property Installation Floater shall provide property damage coverage for any building, structure, machinery or equipment damaged, impaired, broken, or destroyed during the performance of the Work, including during transit, installation, and testing at the City's site.

Claims Made Policies

If any coverage required is written on a claims-made coverage form:

1. The retroactive date must be shown, and this date must be before the execution date of the contract or the beginning of contract work.
2. Insurance must be maintained and evidence of insurance must be provided for at least five (5) years after completion of contract work.
3. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a retroactive date prior to the contract effective, or start of work date, the Contractor must purchase extended reporting period coverage for a minimum of five (5) years after completion of contract work.
4. A copy of the claims reporting requirements must be submitted to the City for review.
5. If the services involve lead-based paint or asbestos identification/remediation, the Contractors Pollution Liability policy shall not contain lead-based paint or asbestos exclusions. If the services involve mold identification/remediation, the Contractors Pollution Liability policy shall not contain a mold exclusion, and the definition of Pollution shall include microbial matter, including mold.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best rating of no less than A:VII, unless otherwise acceptable to the City.

Waiver of Subrogation

Contractor hereby agrees to waive rights of subrogation which any insurer of Contractor may acquire from Contractor by virtue of the payment of any loss. Contractor agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation. **Worker's Compensation policies shall be endorsed with a waiver of subrogation** in favor of the City for all work performed by the Contractor, its employees, agents and subcontractors.

Verification of Coverage

Contractor shall furnish the City with original certificates and amendatory endorsements, or copies of the applicable insurance language, effecting coverage required by this contract. All certificates and endorsements are to be received and approved by the City before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Contractor's obligation to provide them. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements, required by these specifications, at any time.

Subcontractors

Contractor shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Contractor shall ensure that City is an additional insured on insurance required from subcontractors. For CGL coverage subcontractors shall provide coverage with a format least as broad as CG 20 10 10 01 and CG 20 37 10 01.

Surety Bonds

Contractor shall provide the following Surety Bonds:

1. Bid bond
2. Performance bond
3. Payment bond
4. Maintenance bond

The Payment Bond and the Performance Bond shall be in a sum equal to the contract price. If the Performance Bond provides for a one-year warranty a separate Maintenance Bond is not necessary. If the warranty period specified in the contract is for longer than one year a Maintenance Bond equal to 10% of the contract price is required. Bonds shall be duly executed by a responsible corporate surety, authorized to issue such bonds in the State of California and secured through an authorized agent with an office in California.

Special Risks or Circumstances

City reserves right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other circumstances.

EXHIBIT C
VERIFICATION OF INSURANCE

Recording Requested By:

**Prescott Parc, LLC
c/o De Nova Homes
1500 Willow Pass Court,
Concord, CA 94520**

When Recorded Mail To:

**City Clerk
City of Oakley
3231 Main Street
Oakley CA 94561**

**SUBDIVISION ANNEXATION AND
ASSESSMENT AUTHORIZATION
DEFERRAL AGREEMENT
SUBDIVISION 9391**

This agreement (“Agreement”) is made at Oakley, California, effective as of _____, 2015, by and between the CITY OF OAKLEY, a municipal corporation (“City”) and Prescott Parc, LLC, a California limited liability company (“Owner”).

Recitals

A. On March 10, 2015 the City Council of the City of Oakley adopted Resolution No. 34-15 which conditionally approved the tentative map for Subdivision 9391, a 14-lot residential subdivision located between Frank Hengel Way and Picasso Drive, south of Escher Circle described in the map and legal description attached hereto and incorporated herein as Exhibits A and B respectively.

B. Conditions of Approval 66, 67 and 68 require annexation to City of Oakley Street Lighting and Landscape Assessment District No. 1 (“District”) and approval of assessments for Citywide landscaping and park maintenance, Citywide street lighting costs and maintenance and project specific landscaping maintenance.

C. Condition of Approval 69 requires the Subdivision’s participation in the provision of funding to maintain police services by voting to approve a special tax (“Special Tax”) created by this subdivision approval.

D. Condition of Approval 70 requires the Subdivision’s annexation to the City of Oakley Community Facilities District No. 1 (Cypress Grove) (CFD No. 1) for Flood and Storm Drainage for maintenance and operation of flood and storm drainage improvements either owned or otherwise controlled by the City of Oakley including but not limited to detention ponds, pump stations, levees, conveyance systems and other related improvements.

E. City and Owner, by this Agreement, are implementing Conditions of Approval Number 66 through Number 70.

AGREEMENT

With reference to the foregoing Recitals and in consideration of the mutual provisions, obligations and covenants herein contained, City and Owner agree as follows:

1. Recitals.

The foregoing Recitals are true and correct and are made a part hereof.

2. Support for Annexation.

Owner shall support and take any and all actions necessary to annex the Project into the District for the future maintenance and costs of Citywide parks, Citywide street lighting and landscaping and irrigation facilities in median islands, parkways and other areas designated in the District. Owner shall also participate in the provision of funding to maintain police services by the Subdivision's annexation to Oakley Special Police Tax Area. Owner shall support and take any and all actions necessary for the Subdivision's annexation into CFD No. 1.

3. Submission of Assessment Ballots in Favor of Assessment, Special Tax Ballot in Favor of Special Tax, Ballot for Storm Drain Maintenance Funding Mechanism and Ballot for Offsite Improvement Assessment District.

Upon receipt of an assessment ballot regarding the assessments that shall be annually imposed by the District and/or a special tax ballot regarding the special tax annually imposed for maintenance of police services and/or a ballot regarding the assessments that shall be annually imposed for storm drain maintenance related to CFD No. 1 on the Subdivision, Owner shall promptly indicate its support for such assessments and/or special taxes and/or requests by marking the ballot(s) and submitting it as instructed in the ballot materials or as directed in the request. Owner specifically understands that the current assessments levied by the District and the current special taxes for maintenance of police services and the current special taxes for the Funding Mechanism may increase due to inflation and Owner agrees to pay any such increase.

4. Restrictions on Conveyances and Transfers of Title.

Owner shall not convey or otherwise transfer title to the Subdivision until the annexation and/or approval of the assessments and special taxes including the completion of the ballot proceedings is finalized, and the assessments and special taxes are authorized to be levied on the Subdivision.

Owner also may enter into reservation contracts with potential purchasers of lots within the Subdivision, provided that such contracts include a prominent warning that shall be reviewed by and acceptable to the City identifying the existence of this Agreement and summarizing its critical requirements.

Notwithstanding the terms of this provision, any restrictions on conveyance or other transfer of the designated remainder under the Subdivision Map Act remain in effect.

5. Restrictions on Issuance and Processing of Building Permits.

Owner shall not request, and City shall neither issue nor process, any building permits for the Subdivision or any structure in/on the Subdivision until the annexation to the District, approval of the Special Tax and annexation to CFD No. 1 (including the completion of the ballot proceedings is finalized and the assessments and special taxes are authorized to be levied) for the Subdivision.

6. Recordation of Agreement.

Prior to issuance of the Subdivision map, Owner shall record this Agreement in the chain of title for both the Subdivision, such that this Agreement will be identified in any title report prepared for a potential purchaser of any of the lots.

7. Issuance of Final Map.

City shall not withhold approval of the final map for the Subdivision prior to completion of the annexation of the Subdivision to the District, approval of the Subdivision's Special Tax and prior to Subdivision's annexation into CFD No. 1 and authorization of the levy of the District assessment, authorization of the levy of the Special Tax and authorization of the levy of CFD No. 1 and pre-payment of eligible development impact fees on the Subdivision on account of failure to complete annexation to the District, approval of the Special Tax and annexation to CFD No. 1 provided that the Subdivision is in substantial compliance with all other conditions of approval and the Subdivision is in full compliance with applicable laws.

8. Severability and Integration of Agreement.

This Agreement is an integrated agreement containing the entire understanding of the Parties regarding the matters addressed herein. No amendment or variation of the terms of this Agreement shall be effective unless made in writing and executed by both parties. In the event that any provision of this agreement is finally held or determined to be illegal or void by a court having jurisdiction, the remaining portions of the Agreement remain in full force and effect unless the parts found to be void are wholly inseparable from the remaining portion of the Agreement.

APPROVED AS TO FORM:

CITY OF OAKLEY

Derek P. Cole, City Attorney

Bryan H. Montgomery, City Manager

ATTEST:

OWNER

Libby Vreonis, City Clerk

Michael Evans

EXHIBIT A
MAP OF SUBDIVISION

**[THE COUNTY RECORDER WILL REQUIRE A VERY HIGH RESOLUTION
COPY ON 8 ½ BY 11 INCH PAPER]**

EXHIBIT B
LEGAL DESCRIPTION OF SUBDIVISION

RESOLUTION NO. XX-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING THE SUBDIVISION IMPROVEMENT AGREEMENT WITH PRESCOTT PARC, LLC A CALIFORNIA LIMITED LIABILITY COMPANY, FOR SUBDIVISION 9391 AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT

WHEREAS, the City Council of the City of Oakley, California, wishes to enter into a Subdivision Improvement Agreement with Prescott Parc, LLC for the development of a residential subdivision known as Subdivision 9391; and

WHEREAS, this agreement will require the developer to complete approximately \$346,000.00 in public improvements and drainage in accordance with the project conditions of approval and City standard construction design.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Oakley that the Subdivision Improvement Agreement with Prescott Parc, LLC is hereby approved and the City Manager is hereby authorized to execute the Subdivision Improvement Agreement for the development of Subdivision 9391 in the form attached hereto as Exhibit A and is made part of this resolution.

PASSED AND ADOPTED by the City Council of the City of Oakley, California, this 26th day of May 2015 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

Doug Hardcastle, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date

RESOLUTION NO. XX-15

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY,
CALIFORNIA, APPROVING A SUBDIVISION ANNEXATION AND
ASSESSMENT AUTHORIZATION DEFERRAL AGREEMENT WITH
PRESCOTT PARC, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY FOR
SUBDIVISION 9391**

WHEREAS, Conditions of Approval 66, 67 & 68 require annexation to City of Oakley Street Lighting and Landscape Assessment District No. 1 ("District") and approval of assessments for Citywide landscaping and park maintenance, Citywide street lighting costs and maintenance and project specific landscaping maintenance; and

WHEREAS, Condition of Approval 69 requires the Subdivision's participation in the provision of funding to maintain police services by voting to approve a special tax ("Special Tax") created by this minor subdivision approval; and

WHEREAS, Condition of Approval 70 requires the Subdivision's annexation into the City of Oakley Community Facilities District No. 1 (Cypress Grove) to fund the operation and maintenance of the storm drain system, including storm water quality monitoring and reporting, storm water pond and any pump station as well as any levees maintained by the City; and

WHEREAS, Prescott Parc, LLC (Prescott) is requesting that the Final Map for Subdivision 9391 be filed, and is willing to enter into an agreement that, among other things, will allow Prescott to file the map but will prohibit Prescott from selling any lots until the assessment district annexations are complete.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, by the City Council of the City of Oakley that the Subdivision Annexation and Assessment Authorization Deferral Agreement with Prescott Parc, LLC is hereby approved and the City Manager is hereby authorized to execute the Subdivision Annexation and Assessment Authorization Deferral Agreement for Subdivision 9391, subject to review and approval by the City Attorney.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on this 26th Day of May, 2015 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

Doug Hardcastle, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date

RESOLUTION NO. XX-15

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY
APPROVING THE FINAL MAP OF SUBDIVISION 9391**

WHEREAS, Prescott Parc, LLC, a California limited liability company has satisfied the necessary conditions of approval for Subdivision 9391, as approved by the City Council on March 10, 2015 by Resolution Number 34-15; and

WHEREAS, the City Engineer has determined that the conditions of approval for the project have been satisfied; and

WHEREAS, the City Surveyor has determined that the final map is technically correct.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Oakley that the final map labeled "Subdivision 9391", as prepared by Carlson, Barbee & Gibson, Inc. be approved.

PASSED AND ADOPTED by the City Council of the City of Oakley, California, this 26th day of May 2015 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

Doug Hardcastle, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date

OWNER'S STATEMENT

THE UNDERSIGNED, BEING A PARTY HAVING A RECORD TITLE INTEREST IN THE LANDS DELINEATED AND EMBRACED WITHIN THE HEAVY BLACK LINES UPON THIS MAP, DOES HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THE SAME. THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED IN FEE FOR PUBLIC PURPOSES: THE AREA DESIGNATED AS 'A' CIRCLE, PICASSO DRIVE, AND FRANK HENGEL WAY.

THE AREAS DESIGNATED AS PARCEL A IS HEREBY DEDICATED TO THE CITY OF OAKLEY IN FEE OR ITS DESIGNEE FOR PUBLIC USE.

PARCEL B TO BE MERGED WITH PARCEL C OF SUBDIVISION NO. 9080 SUBSEQUENT TO THE FILING OF THIS MAP.

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED AS AN EASEMENT FOR PUBLIC PURPOSES: THE AREAS DESIGNATED AS "PUBLIC UTILITY EASEMENT" OR "PUE" FOR UNDERGROUND ELECTRIC, GAS, CABLE TELEVISION, AND TELEPHONE USE AND ANY/ALL IMPROVEMENTS AND APPURTENANCES INSTALLED, INCLUDING CONSTRUCTION, ACCESS, AND MAINTENANCE OF THESE IMPROVEMENTS AND APPURTENANCES.

THIS MAP SHOWS ALL THE EASEMENTS ON THE PREMISES, OR OF RECORD WITHIN THE BOUNDARY LINES OF THE HEREIN EMBODIED MAP AS SHOWN ON THE PRELIMINARY TITLE REPORT TITLE NUMBER _____ DATED _____ PREPARED BY OLD REPUBLIC TITLE COMPANY.

THE UNDERSIGNED FURTHER RELINQUISHES TO THE CITY OF OAKLEY ALL ABUTTER'S RIGHTS OF ACCESS ALONG THE PROPERTY LINES IN THOSE AREAS DEPICTED HEREON BY THE SYMBOL ///////.

DENOVA HOMES

BY: _____ DATE: _____
MICHAEL EVANS

BY: _____ DATE: _____

OWNER'S ACKNOWLEDGEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF _____ SS.
COUNTY OF _____

ON _____, BEFORE ME, _____, A NOTARY PUBLIC, PERSONALLY APPEARED _____, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:

SIGNATURE: _____

NAME (PRINT): _____

PRINCIPAL COUNTY OF BUSINESS: _____

MY COMMISSION NUMBER: _____

MY COMMISSION EXPIRES: _____

SUBDIVISION NO. 9391

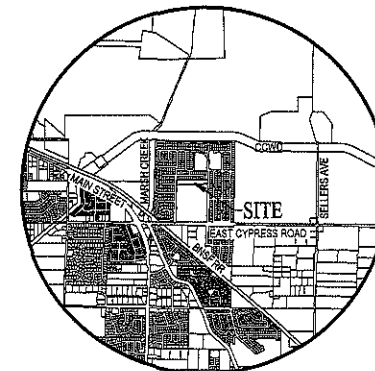
CONSISTING OF 5 SHEETS
BEING A SUBDIVISION OF THE PARCEL OF LAND DESCRIBED IN DEED
RECORDED _____ AS DOCUMENT NO. _____

CONTRA COSTA COUNTY RECORDS
CITY OF OAKLEY, CONTRA COSTA COUNTY, CALIFORNIA.

Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS * SURVEYORS * PLANNERS
SAN RAMON, CALIFORNIA

APRIL 2015



VICINITY MAP
NOT TO SCALE

SURVEYOR'S STATEMENT

I, MARK WEBBER, A LICENSED LAND SURVEYOR IN THE STATE OF CALIFORNIA, HEREBY STATE THAT THIS FINAL MAP AND SURVEY WERE MADE UNDER MY DIRECTION IN APRIL 2015, IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF DENOVA HOMES, AND IS TRUE AND COMPLETE AS SHOWN; THAT ALL THE MONUMENTS WILL BE OF THE CHARACTER AND OCCUPY THE POSITION INDICATED ON THE FINAL MAP, AND WILL BE SET IN SUCH POSITIONS PRIOR TO THE ACCEPTANCE OF THE IMPROVEMENTS AND THAT SAID MONUMENTS WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED. I FURTHER STATE THAT THIS SUBDIVISION ENTITLED "SUBDIVISION 9391", IS A SUBDIVISION CONTAINING 3.52 ACRES, MORE OR LESS. THE BEARINGS SHOWN HEREON ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM, ZONE II.

DATE _____



MARK H. WEBBER, P.L.S.
L.S. NO. 7960

OWNER'S ACKNOWLEDGEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF _____ SS.
COUNTY OF _____

ON _____, BEFORE ME, _____, A NOTARY PUBLIC, PERSONALLY APPEARED _____, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:

SIGNATURE: _____

NAME (PRINT): _____

PRINCIPAL COUNTY OF BUSINESS: _____

MY COMMISSION NUMBER: _____

MY COMMISSION EXPIRES: _____

CITY SURVEYOR'S STATEMENT

I, FRANCIS JOSEPH KENNEDY, CITY SURVEYOR OF THE CITY OF OAKLEY, DO HEREBY STATE THAT I HAVE EXAMINED THIS MAP ENTITLED "SUBDIVISION NO. 9391" AND AM SATISFIED THAT SAID MAP IS TECHNICALLY CORRECT.

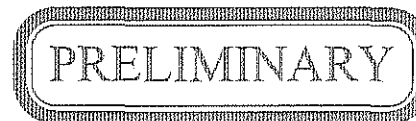
FRANCIS JOSEPH KENNEDY _____ DATE _____
CITY SURVEYOR, CITY OF OAKLEY,
CONTRA COSTA COUNTY, STATE OF CALIFORNIA
R.C.E. NO. 21771



COUNTY RECORDER'S STATEMENT

THIS MAP, ENTITLED "SUBDIVISION NO. 9391", IS HEREBY ACCEPTED FOR RECORDATION, SHOWING A CLEAR TITLE AS PER LETTER OF TITLE WRITTEN BY OLD REPUBLIC TITLE COMPANY, DATED _____ AND AFTER EXAMINING THE SAME, I DEEM THAT SAID MAP COMPLIES IN ALL RESPECTS WITH THE PROVISIONS OF STATE LAWS AND LOCAL ORDINANCES GOVERNING THE FILING OF SUBDIVISION MAPS.

RECORDED AT THE REQUEST OF OLD REPUBLIC TITLE COMPANY AT _____ M., ON THE _____ DAY OF _____ 20____, IN BOOK _____ OF MAPS, AT PAGE _____ IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA.



JOSEPH E. CANCIAMILLA
COUNTY RECORDER
COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA

BY: _____
DEPUTY COUNTY RECORDER

SUBDIVISION NO. 9391

CONSISTING OF 5 SHEETS
BEING A SUBDIVISION OF THE PARCEL OF LAND DESCRIBED IN DEED
RECORDED _____ AS DOCUMENT NO. _____
CONTRA COSTA COUNTY RECORDS
CITY OF OAKLEY, CONTRA COSTA COUNTY, CALIFORNIA.

Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS
SAN RAMON CALIFORNIA

APRIL 2015

CITY COUNCIL STATEMENT

I, KOUROSH ROHANI, PUBLIC WORKS DIRECTOR OF THE CITY OF OAKLEY, HEREBY STATE THAT THE CITY COUNCIL OF THE CITY OF OAKLEY HAS APPROVED THE TENTATIVE MAP FOR "SUBDIVISION NO. 9391" DATED MARCH 10, 2015, WHICH INCLUDES THIS SUBDIVISION, UPON WHICH THIS FINAL MAP IS BASED.

KOUROSH ROHANI
PUBLIC WORKS DIRECTOR
CITY OF OAKLEY, CONTRA COSTA COUNTY
STATE OF CALIFORNIA

DATE: _____

CITY ENGINEER'S STATEMENT

I, KOUROSH ROHANI, CITY ENGINEER OF THE CITY OF OAKLEY, DO HEREBY STATE THAT I HAVE EXAMINED THIS MAP ENTITLED "SUBDIVISION NO. 9391"; THAT SAID SUBDIVISION AS SHOWN IS IN SUBSTANTIAL CONFORMANCE WITH THE TENTATIVE MAP APPROVED BY THE CITY OF OAKLEY CITY COUNCIL ON MARCH 10, 2015, AND ANY SUBSEQUENT MODIFICATIONS THEREOF; AND THAT ALL PROVISIONS OF STATE LAW AND LOCAL ORDINANCES WHICH GOVERNED THE FILING OF SUBDIVISION MAPS AT THE TIME SAID TENTATIVE MAP WAS APPROVED HAVE BEEN COMPLIED WITH.

KOUROSH ROHANI
CITY ENGINEER, CITY OF OAKLEY,
CONTRA COSTA COUNTY, STATE OF CALIFORNIA
R.C.E. NO. 51138

DATE: _____



SOILS REPORT

A SOILS REPORT HAS BEEN PREPARED BY STEVENS, FERRONE AND BAILEY, INC., AND IS ON FILE IN THE OFFICE OF THE CITY ENGINEER OF THE CITY OF OAKLEY, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA.

CITY CLERK'S STATEMENT

I, LIBBY VREONIS, CITY CLERK AND CLERK OF THE COUNCIL OF THE CITY OF OAKLEY, DO HEREBY CERTIFY THAT THE HEREIN ENCLOSED FINAL MAP ENTITLED, "SUBDIVISION NO. 9391", CONSISTING OF FIVE (5) SHEETS, THIS STATEMENT BEING ON SHEET TWO (2) THEREOF, WAS PRESENTED TO THE CITY COUNCIL, AS PROVIDED BY LAW, AT A REGULAR MEETING THEREOF HELD ON THE _____ DAY OF _____, 20____ AND THAT SAID COUNCIL DID THEREUPON, BY RESOLUTION NUMBER _____ PASSED AND ADOPTED AT SAID MEETING, APPROVE SAID MAP AND DO ACCEPT SUBJECT TO IMPROVEMENT ANY PARCELS, DRIVES, COURTS, WAYS, STREETS AND ROADS OR EASEMENTS SHOWN THEREON AS DEDICATED FOR PUBLIC USE.

I FURTHER CERTIFY THAT ALL AGREEMENTS AND SURETY AS REQUIRED BY LAW TO ACCOMPANY THE WITHIN MAP HAVE BEEN APPROVED BY THE COUNCIL OF THE CITY OF OAKLEY AND ARE ON FILE IN MY OFFICE.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS _____ DAY
OF _____, 20____.

LIBBY VREONIS
CITY CLERK AND CLERK OF THE COUNCIL OF THE
CITY OF OAKLEY, CONTRA COSTA COUNTY,
STATE OF CALIFORNIA

CERTIFICATE OF DEDICATION FOR SAME PUBLIC PURPOSE

DENOVA HOMES HAS DEDICATED HEREON CERTAIN PUBLIC RIGHTS OF WAY FOR 'A' CIRCLE, PARCEL A, PARCEL C AND EASEMENTS FOR PUBLIC UTILITIES. THE CITY OF OAKLEY SHALL RECONVEY THE PROPERTY TO DENOVA HOMES, OR ITS SUCCESSOR IN INTEREST IF THE CITY OF OAKLEY SUBSEQUENTLY MAKES A DETERMINATION PURSUANT TO THE PROVISIONS OF SECTION 66477.5 OF THE SUBDIVISION MAP ACT THAT THE SAME PUBLIC PURPOSE FOR WHICH THE PROPERTY WAS DEDICATED DOES NOT EXIST, OR THE PROPERTY OR ANY PORTION THEREOF IS NOT NEEDED FOR PUBLIC UTILITIES, EXCEPT FOR ALL OR ANY PORTION OF THE PROPERTY THAT IS REQUIRED FOR THAT SAME PUBLIC PURPOSE OR FOR PUBLIC UTILITIES.

CLERK OF THE BOARD OF SUPERVISORS' STATEMENT

I HEREBY STATE, AS CHECKED BELOW, THAT:

- [] A TAX BOND ASSURING PAYMENT OF ALL TAXES WHICH ARE NOW A LIEN, BUT ARE NOT YET PAYABLE, HAS BEEN RECEIVED AND FILED WITH THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA.
- [] ALL TAXES DUE HAVE BEEN PAID, AS CERTIFIED BY THE COUNTY REDEMPTION OFFICER.

DATED: _____

DAVID TWA
COUNTY ADMINISTRATOR
COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA

BY: _____
DEPUTY CLERK

PRELIMINARY

SUBDIVISION NO. 9391

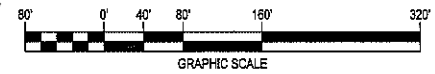
CONSISTING OF 5 SHEETS
BEING A SUBDIVISION OF THE PARCEL OF LAND DESCRIBED IN DEED
RECORDED _____ AS DOCUMENT NO. _____

CONTRA COSTA COUNTY RECORDS
CITY OF OAKLEY, CONTRA COSTA COUNTY, CALIFORNIA.

Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS
SAN RAMON, CALIFORNIA

SCALE: 1" = 80' APRIL 2015



BASIS OF BEARINGS:

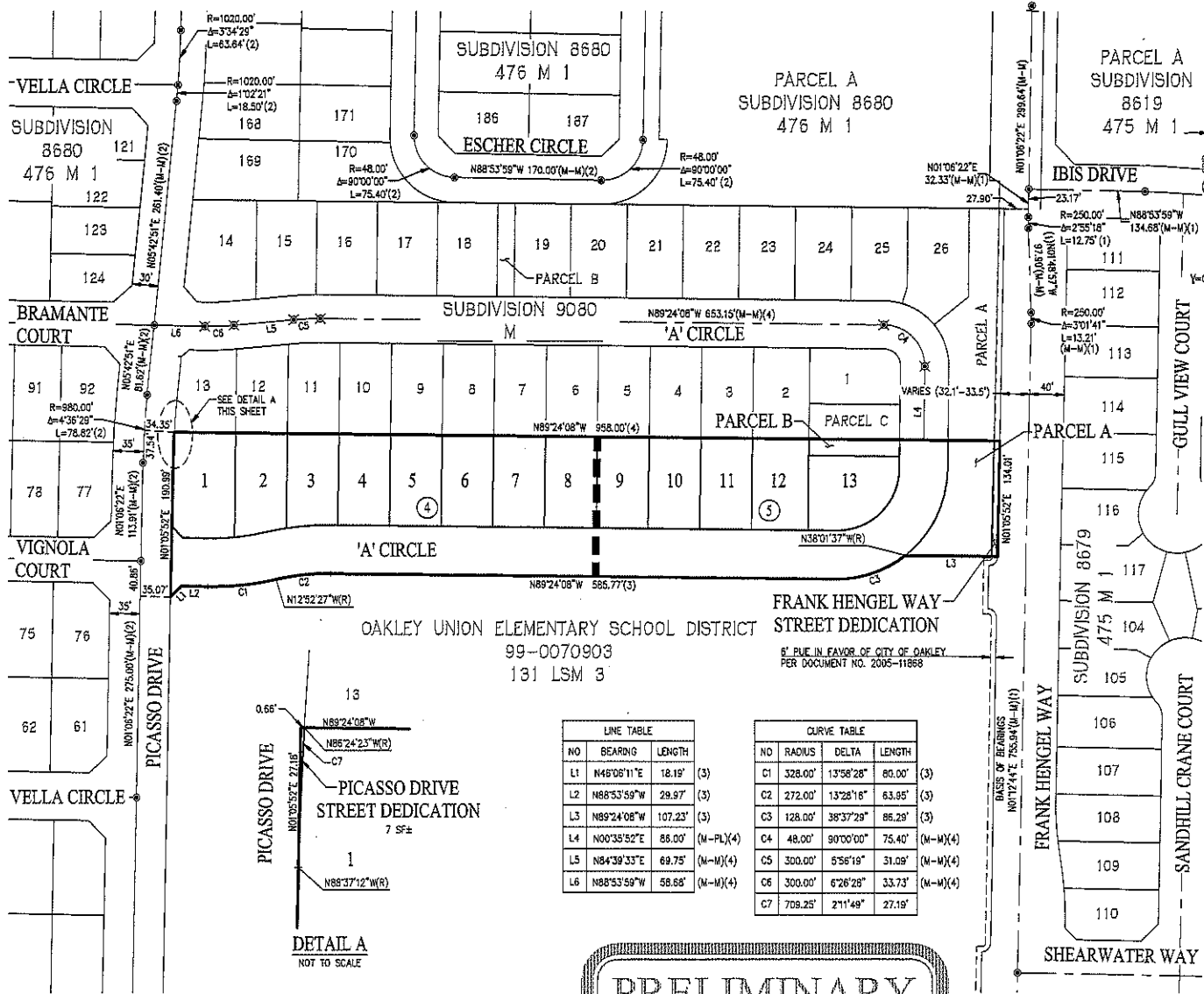
THE BASIS OF BEARINGS FOR THIS MAP IS DETERMINED BY FOUND MONUMENTS SHOWN ON FRANK HENGEL WAY. THE BEARING BEING N01°12'44"E PER SUBDIVISION 8679 (475 M 1), CALIFORNIA COORDINATE SYSTEM, ZONE 3 (NAD 27), MULTIPLY DISTANCES SHOWN BY 0.9999398 TO OBTAIN GRID DISTANCES.

LEGEND

- SUBDIVISION BOUNDARY LINE
- RIGHT OF WAY LINE
- LOT LINE
- EASEMENT LINE
- CENTERLINE
- RELINQUISHED ADJUTER'S RIGHTS
- (T) TOTAL
- (LL) LOT LINE
- (M-M) MONUMENT TO MONUMENT
- (M-PL) MONUMENT TO PROPERTY LINE
- FOUND STANDARD STREET MONUMENT
- ⊗ STANDARD STREET MONUMENT, LS 7960 TO BE SET PER (4)
- ⊙ SET STANDARD STREET MONUMENT, LS 7960
- PUE PUBLIC UTILITY EASEMENT
- SHEET BOUNDARY
- ④ SHEET NUMBER

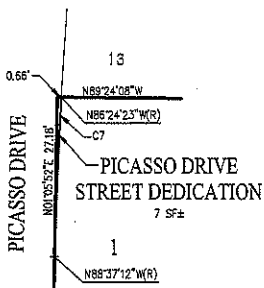
REFERENCES:

- (4) INDICATES REFERENCE NUMBER
- (1) SUBDIVISION MAP 8679 (475 M 1)
- (2) SUBDIVISION MAP 8680 (476 M 1)
- (3) DEED, DOC NO. _____
- (4) SUBDIVISION MAP 9080 (___ M ___)



NO	BEARING	LENGTH
L1	N46°06'11"E	18.19' (3)
L2	N86°53'59"W	29.97' (3)
L3	N89°24'08"W	107.23' (3)
L4	N00°35'52"E	86.00' (M-PL)(4)
L5	N84°39'33"E	69.75' (M-M)(4)
L6	N88°53'59"W	58.68' (M-M)(4)

NO	RADIUS	DELTA	LENGTH
C1	328.00'	13°58'28"	80.00' (3)
C2	272.00'	13°28'16"	63.95' (3)
C3	128.00'	38°37'29"	86.29' (3)
C4	48.00'	90°00'00"	75.40' (M-M)(4)
C5	300.00'	5°56'19"	31.09' (M-M)(4)
C6	300.00'	6°28'28"	33.73' (M-M)(4)
C7	709.25'	2°11'49"	27.19'



PRELIMINARY

SUBDIVISION NO. 9391

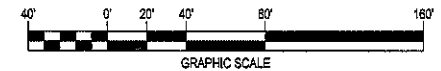
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CONTRA COSTA COUNTY RECORDS
 CITY OF OAKLEY, CONTRA COSTA COUNTY, CALIFORNIA.

Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS
 SAN RAMON, CALIFORNIA

SCALE: 1" = 40' APRIL 2015



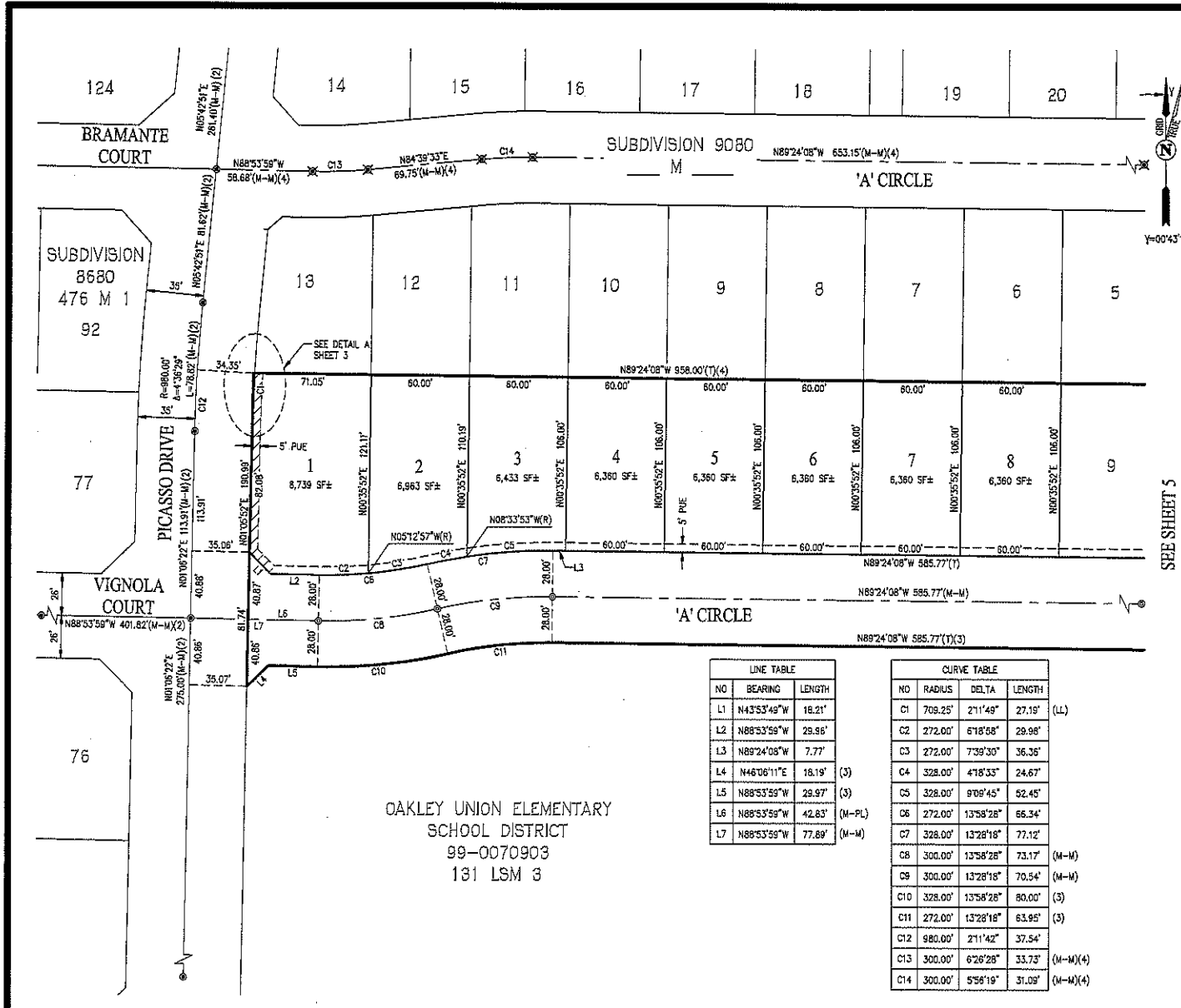
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LEGEND

- SUBDIVISION BOUNDARY LINE
- RIGHT OF WAY LINE
- LOT LINE
- - - EASEMENT LINE
- CENTERLINE
- /// RELINQUISHED ABUTTER'S RIGHTS
- (T) TOTAL
- (LL) LOT LINE
- (M-M) MONUMENT TO MONUMENT
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- ⊙ FOUND STANDARD STREET MONUMENT
- ⊗ STANDARD STREET MONUMENT, LS 7960 TO BE SET PER (4)
- ⊙ SET STANDARD STREET MONUMENT, LS 7960
- PUE PUBLIC UTILITY EASEMENT

PRELIMINARY



LINE TABLE		
NO	BEARING	LENGTH
L1	N43°53'49"W	18.21'
L2	N89°53'59"W	29.96'
L3	N89°24'08"W	7.77'
L4	N46°06'11"E	18.19' (3)
L5	N88°53'59"W	28.97' (3)
L6	N88°53'59"W	42.83' (M-M)
L7	N88°53'59"W	77.89' (M-M)

CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C1	708.25'	211°49'	27.19' (LL)
C2	272.00'	618°58'	29.98'
C3	272.00'	739°30'	36.36'
C4	328.00'	418°33'	24.67'
C5	328.00'	909°45'	52.45'
C6	272.00'	13°58'28"	66.34'
C7	328.00'	13°28'18"	77.12'
C8	300.00'	13°58'28"	73.17' (M-M)
C9	300.00'	13°28'18"	70.54' (M-M)
C10	328.00'	13°58'28"	80.00' (3)
C11	272.00'	13°28'18"	63.95' (3)
C12	980.00'	211°42'	37.54'
C13	300.00'	6°28'28"	33.73' (M-M)(4)
C14	300.00'	5°58'19"	31.09' (M-M)(4)

SUBDIVISION NO. 9391

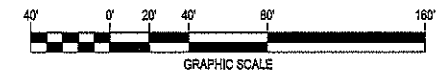
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Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS
SAN RAMON, CALIFORNIA

SCALE: 1" = 40' APRIL 2015



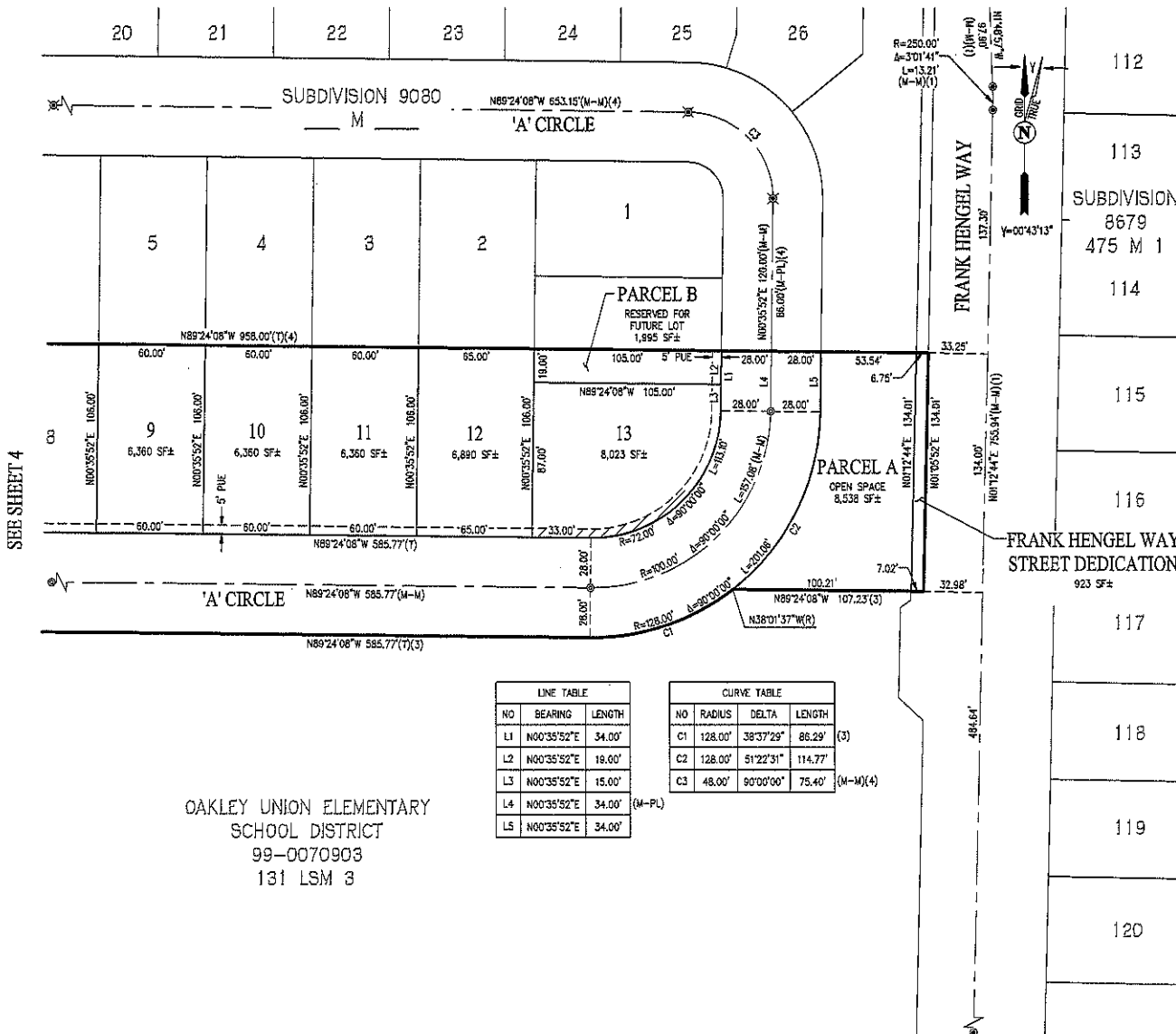
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LEGEND

	SUBDIVISION BOUNDARY LINE
	RIGHT OF WAY LINE
	LOT LINE
	EASEMENT LINE
	CENTERLINE
	RELINQUISHED ABUTTER'S RIGHTS
(T)	TOTAL
(LL)	LOT LINE
(M-M)	MONUMENT TO MONUMENT
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⊙	FOUND STANDARD STREET MONUMENT
⊗	STANDARD STREET MONUMENT, LS 7960 TO BE SET PER (4)
⊙	SET STANDARD STREET MONUMENT, LS 7960
PUE	PUBLIC UTILITY EASEMENT

PRELIMINARY



LINE TABLE	
NO	BEARING LENGTH
L1	N00°35'52"E 34.00'
L2	N00°35'52"E 18.00'
L3	N00°35'52"E 15.00'
L4	N00°35'52"E 34.00'
L5	N00°35'52"E 34.00'

CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C1	128.00'	38°37'29"	86.29' (3)
C2	128.00'	51°22'31"	114.77'
C3	48.00'	90°00'00"	75.40' (M-M)(4)

OAKLEY UNION ELEMENTARY
SCHOOL DISTRICT
99-0070903
131 LSM 3



STAFF REPORT

Approved and Forwarded to City Council:


Bryan H. Montgomery, City Manager

Date: Tuesday, May 26, 2015

To: Bryan H. Montgomery, City Manager

From: Kevin Rohani, Public Works Director/City Engineer

Subject: Contract Amendment No. 1 with Damon Pombo Livestock for On-Call Maintenance Grazing Services

Background and Analysis

On December 15, 2014, an agreement was executed between the City of Oakley and Damon Pombo Livestock for goat grazing services for weed and brush removal in various locations within the City. Since City staff had no specific experience with contracting for this type of service, this was primarily a trial period to see how effective the services would be. The initial contract was in the amount of \$24,900.00. This Council action would extend the expenditure amount beyond the \$25,000 threshold the City Manager can approve.

To date, approximately twenty acres have been cleared in two storm drain basins and the levee adjacent to Emerson Ranch. The goats have performed very well, clearing nearly all vegetation down to ground level, and there have been no issues related to their work.

Staff intends to continue using the goats for vegetation removal in other storm drain basins and at the levee along the east side of Marsh Creek, north of the railroad tracks, adjacent to Cypress Grove. Staff also plans to use the goats on an as-needed basis through the end of Fiscal Year 2015/16.

Staff is also requesting approval for the City Manager to be able to extend the contract period an additional two years after the end of Fiscal Year 2015/16, assuming the work continues to be satisfactory.

Fiscal Impact

The proposed work will be paid for from the City of Oakley Community Facilities District No. 1 (Cypress Grove) and Stormwater maintenance funds.

Staff Recommendation

Staff recommends that the City Council adopt the Resolution amending the agreement with Damon Pombo Livestock and authorizing the City Manager to execute the agreement.

Attachments

- 1) Resolution approving the amendment
- 2) Contract amendment
- 3) Cost proposal from Damon Pombo Livestock

RESOLUTION NO. XX -15

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY
APPROVING CONTRACT AMENDMENT NUMBER 1 TO THE AGREEMENT WITH
DAMON POMBO LIVESTOCK FOR ON-CALL MAINTENANCE GRAZING SERVICES**

WHEREAS, each year weeds grow in various locations throughout the City of Oakley and require removal and cleanup; and

WHEREAS, on December 15, 2014 a contract was executed with Damon Pombo Livestock for grazing services for weed removal in the amount of \$24,900.00 under the authority of the City Manager; and

WHEREAS, over twenty acres of levees and storm drain basins have been cleared by goats provided by Damon Pombo Livestock; and

WHEREAS, staff would like to continue using Damon Pombo Livestock for clearing weeds throughout FY 2015/16, and would like to increase the budget to \$30,000.00 for the remainder of FY 2014/15, and an additional \$30,000.00 for FY 2015/16; and

WHEREAS, this amendment approval would also allow the City Manager the authority to extend the contract an additional two years if the work continues to be satisfactory.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, by the City Council of the City of Oakley that the contract amendment number 1 with Damon Pombo Livestock is hereby approved. A copy of the Agreement is attached hereto as Exhibit A.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on this 26th day of May, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

ATTEST:

Doug Hardcastle, Mayor

Libby Vreonis, City Clerk

Date

AMENDMENT NO.1 TO THE AGREEMENT BETWEEN THE CITY OF OAKLEY AND DAMON POMBO LIVESTOCK FOR ON-CALL MAINTENANCE GRAZING SERVICES

This Amendment is entered into by and between the City of Oakley, a municipal corporation (hereinafter referred to as "City"), and DAMON POMBO LIVESTOCK, (hereinafter referred to as "Contractor"), effective as of the 26th day of May, 2015.

RECITALS

- A. On December 15, 2014 the City and Contractor executed an Agreement for \$24,900.00 (hereinafter referred to as the "Agreement"); and,
- B. City and Contractor now desire that the following amendments be made to the Contractor's services: an increase of \$35,100.00 to bring the original agreement amount from \$24,900.00 to \$60,000.00 for On-Call Maintenance Grazing Services for the remainder of Fiscal Year 2014/15 and to include FY 2015/16.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants, promises and agreements contained herein, City and Contractor mutually agree and covenant as follows:

- 1. Except as provided herein, the terms used in this Amendment shall have the same meaning as the same terms have in the Agreement.
- 2. The Agreement is hereby amended as follows: Paragraph Section 2, Paragraph 1, amended as follows: City hereby agrees to pay Contractor a sum not to exceed \$30,000.00 for Fiscal Year 2014/15 and an additional \$30,000.00 for Fiscal Year 2015/16 with the authority for the City Manager to extend the agreement an additional 2 years.
- 3. Except as provided herein, all other terms and provisions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the City of Oakley, a municipal corporation in the State of California, has authorized the execution of this Amendment in duplicate by its City Manager and attestation by its City Clerk under authority of Resolution No. _____, adopted by the Council of the City of Oakley on the 26th day of May, 2015, and the parties have caused this Amendment to be executed in duplicate.

City

Contractor

City of Oakley, a municipal corporation

Damon Pombo Livestock

By: _____
Bryan H. Montgomery, City Manager

By: _____
Damon Pombo, Owner

ATTEST:

Libby Vreonis, City Clerk

APPROVED AS TO FORM:

Derek P. Cole, City Attorney

Grazing Contract

Damon Pombo Livestock
City of Oakley
Oakley CA

SCOPE OF SERVICES

A. Tenant (Damon Pombo) will provide:

1. 100-200 goats
2. Guard dog if necessary
3. Portable electric fencing to fence grazing area
4. Water tank, water troughs for goats
5. Food and water for the dog
6. All supplies required for the care of the goats
7. Tenant will keep the goats contained to a designated grazing area
8. Monitor goats daily
9. Keep records
10. Will provide certified proof of insurance

B. Tenants fee will be \$1,000 an acre for two acres or more, \$1,350 an acre for less than two acres

1. This Proposal does not include any additional services

C. About Damon Pombo Livestock Operation:

I have been in the Cattle and Goat business for over 15 years. I currently run about 600 head of Goats. On grazing contracts I use all portable electric fences that are set up in small sections and move the goats often to get the best brush and weed abatement results. I have contracts with multiple Reclamation Districts and do many small jobs around San Joaquin, Stanislaus, Alameda, Contra Costa and Calaveras Counties.

D. References

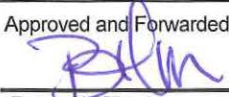
1. Pescadero Reclamation District # 2058
2. Kasson Reclamation District # 2085
3. Paradise Junction Reclamation District # 2095



STAFF REPORT

Date: Tuesday, May 26, 2015
To: Bryan H. Montgomery, City Manager
From: Joshua McMurray, Planning Manager
Subject: **East Bay Work Wear Design Review (DR 02-15) – Design Review for the Construction of a 6,035 square foot commercial building located at 1530 Neroly Road. APN 034-040-016**

Approved and Forwarded to City Council:


Bryan H. Montgomery, City Manager

Summary

The applicant is requesting approval of Design Review for the construction of an approximately 6,035 square foot commercial building. The building is planned to be split into 4 tenant spaces with the applicant, East Bay Work Wear, occupying the largest space of 3,286 square feet. East Bay Work Wear is currently operating a retail location in Concord and they carry quality work wear, casual wear, boots and accessories for men and women. This new location would replace that store. Other site improvements consist of a parking area (26 total spaces including 16 new spaces), site landscaping and a trash enclosure. The project site is designated in the General Plan as Commercial and is Zoned Planned Development (P-1) which allows for commercial uses.

Staff recommends the City Council adopt the Resolution Design Review (DR 02-15) for the construction of a new 6,035 square foot commercial building for the East Bay Work Wear project located at 1530 Neroly Road (APN: 034-040-016), as conditioned.

Background

On February 14, 2005 the City Council certified the Environmental Impact (SCH #2004062119) for the Magnolia Park subdivision. The EIR analyzed the Magnolia Park project area, encompassing 194.5 acres, a total of 549 single-family dwelling units and a 20-acre commercial site. The Pulte Group built out the residential portion of the project area, and the commercial site was reduced to approximately 17-acres. The Diamond Hills Sports Club and Spa (PLN-2007-0276) was approved by the Planning Commission in June of 2007 under Resolution No. 13-07. In August of 2007, the Planning Commission adopted Resolution No. 14-07 approving a Minor Subdivision (MS 07-976) to subdivide the 17-acre parcel into three parcels of approximately 10, 4.6 and 2.4 acres. The site was developed with the Diamond Hills Sports Club and Spa and a majority of the parking area on the 10 acre parcel, and a future Phase II on the 4.6 and 2.4 acre parcels along the Neroly Road and Empire Avenue frontages of the site. The approval for the future Phase II expired in 2010 and the City purchased the two remaining parcels in 2011 to help further facilitate the development of the site and the economic development goals for the City.

Subject: East Bay Work Wear DR 02-15

Date: May 26, 2015

Page 2

The City Council declared the project site as surplus property and initiated a Request for Proposal process in June 2014. The applicant submitted the only bid to develop a portion of the property with the proposed project as outlined in this report. The City and the applicant entered into a Real Property Purchase Agreement in October 14, 2014. The Real Property Purchase Agreement outlines the sale of the land from the City to the applicant and indicates conditions such as the timing for project construction. As stated in the agreement and further conditioned in the attached resolution, the applicant will need to complete construction for the project, assuming that all project approvals and permits are in place, no later than one year after the start of construction. The applicant has indicated that they intended to break start construction as soon as possible and look to open the store in November of this year.

General Plan/Zoning Compliance

The project site is part of the Magnolia Park development, which includes approved areas for residential, recreational, school, and commercial related land uses. In March of 2005, the City Council adopted Ordinance No. 07-05 rezoning the Magnolia Park project area from the County A-2 (General Agriculture) District to P-1 (Planned Development) District. City Council Resolution No. 26-05, approved in conjunction with the Magnolia Park Subdivision, conditioned the commercial portion of the site to comply with the standards in the RB (Retail Business) District. The RB District was used in analyzing the existing Diamond Hills Sports Club and Spa and the Neroly Child Care Center projects.

Project Description

The property (APN 034-040-016) is approximately 4.6-acres in size; however the portion of that parcel being sold to the applicants is approximately .638-acres or 27,791 square feet. As part of the agreement to purchase the property, the City agreed to process the parcel map to split that .638-acre portion off. The City completed that in February. The site is currently a graded pad, part of the larger Neroly Commercial Center site. The center is developed with the Diamond Hills Sports Club and Spa, parking areas, landscaping, and frontage improvements. The project site is a rectangular shaped parcel fronting on Empire Avenue. The frontage improvements consisting of curb, gutter and sidewalk have already been constructed along the project frontage as part of the Diamond Hills project.

The project consists of the following approval:

Design Review

The Design Review Ordinance has different levels of Design Review procedures for review and approval of a Design Review Permit. Oakley Municipal Code section 9.1.1604(c)(2)(i) requires that any new commercial structure be heard and approved by the Planning Commission¹. The proposed new commercial building and site development fit the criteria above and require a Design Review approval.

Analysis

¹ City Council acts as the Planning Commission per Ordinance No. 06-09

Land Use Compatibility

Surrounding uses include the Diamond Hills Sports Club and Spa on the same site, to the southeast with residential further to the east and partially to the north. North of the site, near the main intersection are commercially designated properties with approvals for the La Grande Wedding and Event Center and the Celebration Christian Preschool. West of the site, across Empire Avenue, is the approved Empire Station project. Further to the northwest beyond a vacant parcel is the Randall-Bold Water Treatment Plant operated by Contra Costa Water District.

The proposed project site is in a small commercial core located along Neroly Road, east of Empire Avenue. This area of the City is beginning to see signs of development with the construction of the Diamond Hills Sports Club and Spa, the approval for the La Grande Wedding and Event Center, and the recent approval for the Neroly Child Care project (same commercial center site). The project would also bring an added benefit and amenity to the City of Oakley by means of new jobs and property tax as well provide a retail location for the residents of Oakley to purchase additional goods and services.

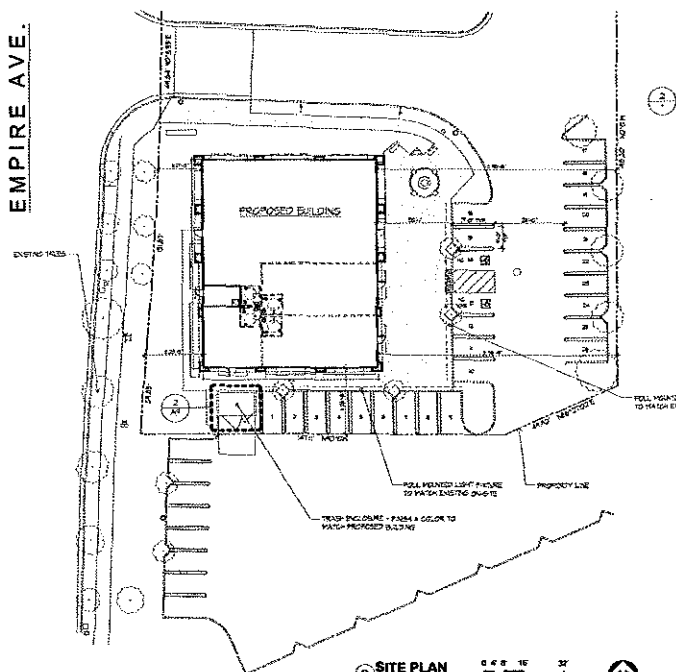
Circulation/Parking

The proposed project will be directly accessible off Empire Avenue, using an existing driveway location for the center. The project is proposing to add a total of 16 additional parking spaces. The sale of the land includes 10 parking spaces and with the addition of 16 new spaces that brings the site total to 26 parking spaces. The existing center has over 400 existing parking spaces, with the Diamond Hills Sports Club and Spa requiring a little less than 300 total spaces. With the reciprocal parking agreement in place for the center already, the project meets the requirement of 24 parking spaces which breaks down as follows:

- 6,035 square feet of building @ 1 parking space per 250 square feet = 24 parking spaces

The propose project meets all of the code requirements in terms of parking and

circulation. The image below shows the proposed layout of the project site.



Building/Site Design

The building has been designed to complement both the existing Diamond Hills Sports Club and Spa facility as well as the approved but not constructed Neroly Child Care project. The building features a primarily stucco exterior using four paint colors, a metal roof over the northern half of the building's roof, fabric awnings, and a detailed parapet for the flat portions of the

Subject: East Bay Work Wear DR 02-15

Date: May 26, 2015

Page 4

building roof. Through the Design Review process, along with the center's Architectural Review Committee review as required by the CC&R's, there are several recommended conditionals of approval to capture changes in the design as follows:

- The Applicant shall revise the plans dated April 24, 2015 to extend the shade awnings on the East, South and West elevations above the top of windows/doors consistent with those on the North elevation.
- The Applicant shall select a different color for the fabric awnings to be more consistent with the buildings color scheme.
- The Applicant shall revise the plans dated April 24, 2015 to add a window system on the west wall of Suite D (similar to the window system on the west wall of Suite A).

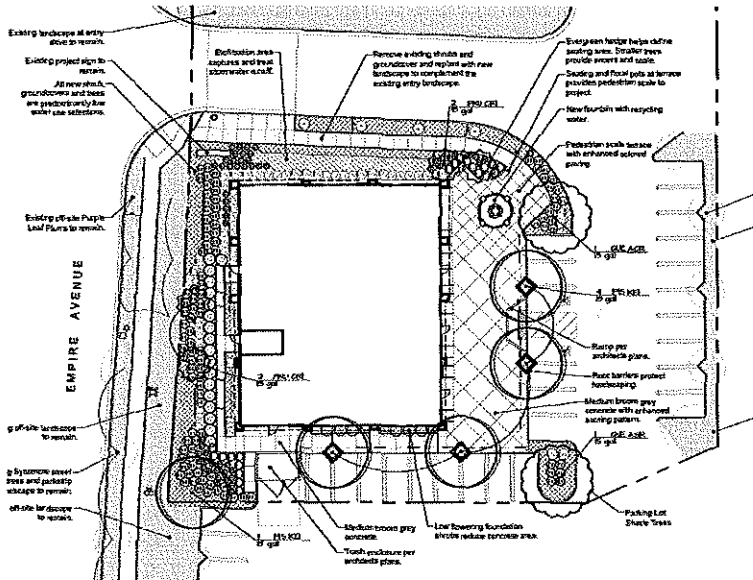
The proposed changes will make for a more visually interesting building while promoting a high quality design. The design lends itself well to being a standalone multi-tenant building. A rendering of east elevation (view from parking lot) and west elevation (view from Empire Avenue) for the project is provided below.



EAST ELEVATION (FRONT VIEW)



WEST ELEVATION (REAR VIEW)



Other site improvements consist of landscaping. A trash enclosure below the southwest portion of the building (within the parking lot) and a pedestrian area located just east of the northeast corner of the building. The proposed plans show a fountain in this location; however since the plans have been submitted and after careful consideration of the drought, the applicants have indicated that they would like the area planted with a shade tree,

groundcover, lighting, and a bench. This area will be an amenity for this building and for customers of the future tenants.

There are several conditions placed within the resolution that require further information to be submitted like detailed landscape plans, and information about the pedestrian area prior to it being constructed.

Environmental Review

This project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 – In-Fill Development Projects. No further environmental review is required for this project.

Findings

Draft findings are included in the attached resolution.

Recommendation

Staff recommends the City Council adopt the Resolution Design Review (DR 02-15) for the construction of a new 6,035 square foot commercial building for the East Bay Work Wear project located at 1530 Neroly Road (APN: 034-040-016), as conditioned.

Attachments

1. Vicinity Map
2. Project Plan Set
3. Proposed City Council Resolution

East Bay Work Wear
Design Review (DR 02-15)
Vicinity Map
Portion of APN: 034-040-016





PROJECT DATA

PROJECT DESCRIPTION: COMMERCIAL COLD SHELL
 PROJECT: NEROLY RD. & EMPIRE AVE., OAKLEY, CA
 APN: 034-040-016

PROJECT TEAM

OWNER
 GLENN & ROBIN MOFFIT
 3333 TABORA DR.
 ANTIOCH, CA 94509
 PH: (925) 813-0165
 CONTACT: GLENN MOFFIT

CIVIL ENGINEER
 DeBolt CIVIL ENGINEERING
 811 SAN RAMON VALLEY BLVD.
 DANVILLE, CA. 94526
 PH: (925) 837-3780
 FX: (925) 837-4378
 CONTACT: JIM DIGGINS

ARCHITECT OF RECORD
 STIRLING ARCHITECTS, INC.
 1145 SECOND STREET SUITE 188
 BRENTWOOD, CA 94513
 PH: (925) 634-0095
 FX: (925) 226-4816
 CONTACT: DON STIRLING, AIA

LANDSCAPE ARCHITECT
 KLA INC.
 151 N. NORLIN STREET
 SONORA, CA 95370
 PH: (209) 532-2856
 FX: (209) 532-9510
 CONTACT: TOM HOLLOWAY

DESIGN ARCHITECT
 PERKINS, WILLIAMS & COTTERILL
 3320 DATA DR., STE. 200
 RANCHO CORDOVA, CA 95670
 PH: (916) 851-1400

SHEET INDEX

ARCHITECTURAL DRAWINGS
 A1 COVER SHEET
 A2 ARCHITECTURAL SITE PLAN
 A3 FLOOR PLAN
 A4 ELEVATIONS 1
 A5 ELEVATIONS 2
 A6 COLORED ELEVATIONS 1
 A7 COLORED ELEVATIONS 2
 A8 ROOF PLAN
 A9 BUILDING SECTION & TRASH ENCLOSURE

CIVIL DRAWINGS
 C1 PRELIMINARY GRADING & DRAINAGE PLAN
 C2 PRELIMINARY STORM WATER CONTROL PLAN

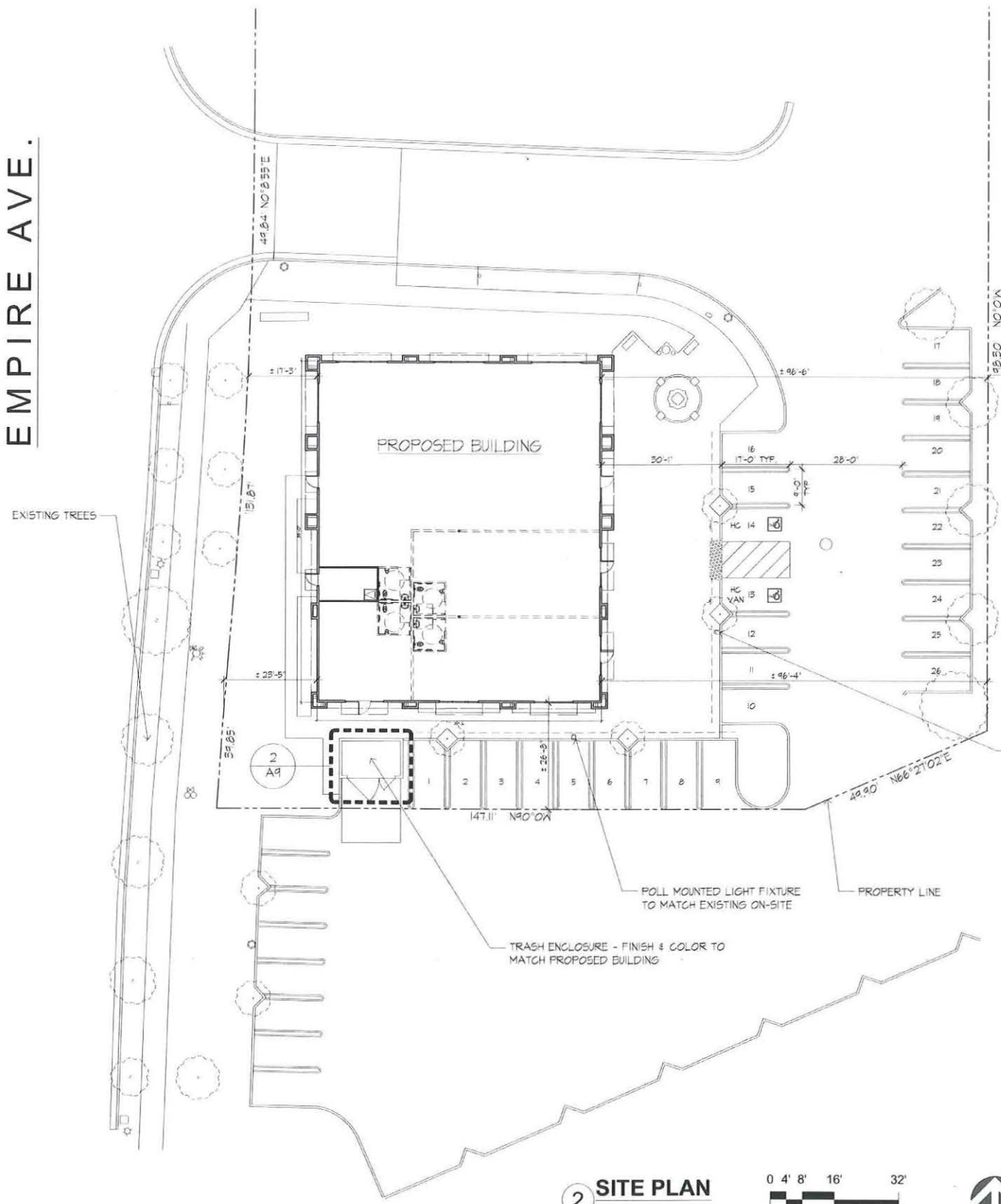
LANDSCAPE DRAWINGS
 L0 PRELIMINARY LANDSCAPE PLAN

VICINITY MAP

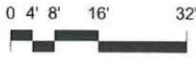
NOT TO SCALE



EMPIRE AVE.



2 SITE PLAN



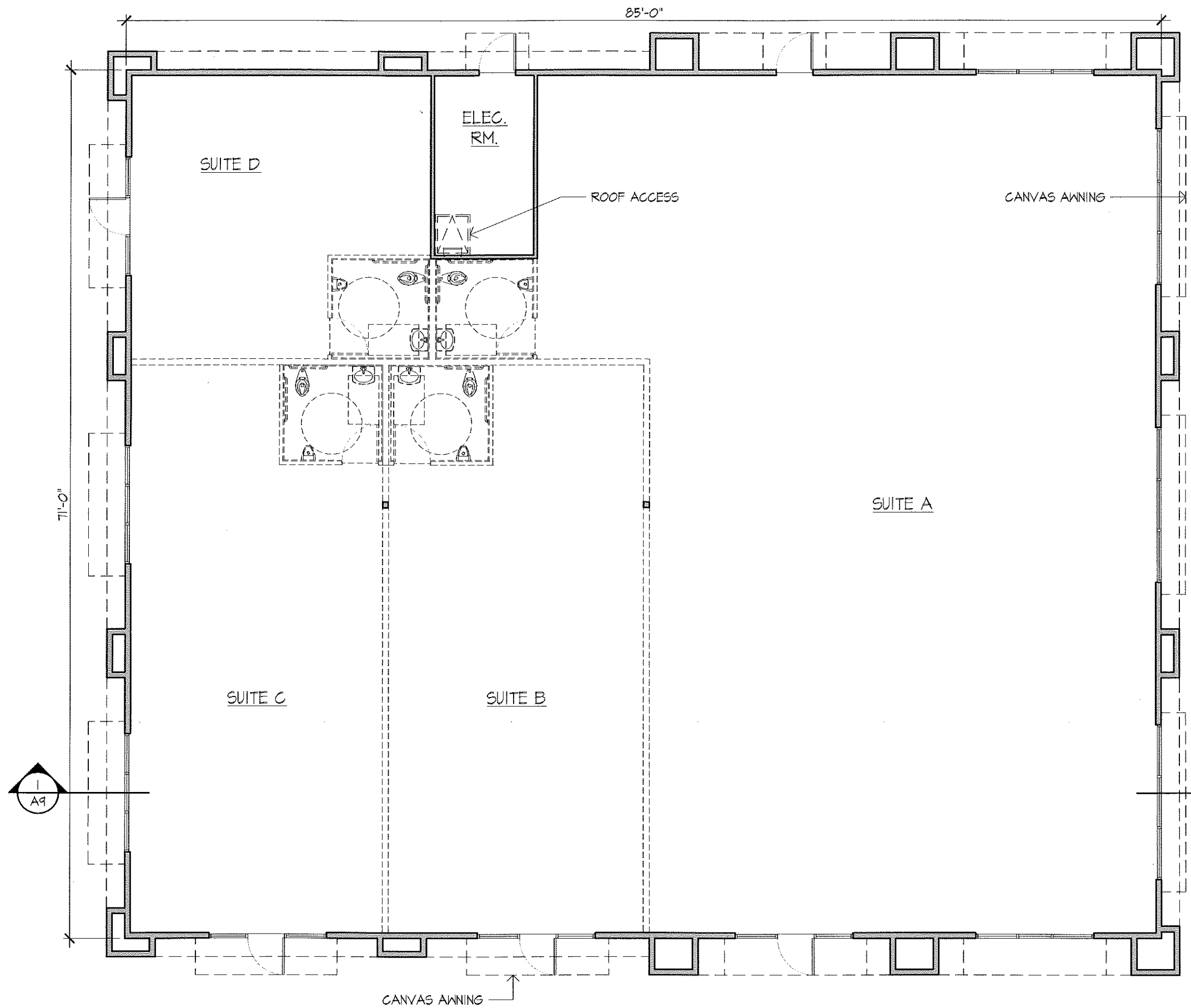
1 AERIAL PHOTO/ KEY PLAN
NOT TO SCALE

PARKING CALCULATIONS

SUITE A:	+/- 3,286 SQ. FT.
SUITE B:	+/- 1,008 SQ. FT.
SUITE C:	+/- 1,010 SQ. FT.
SUITE D:	+/- 597 SQ. FT.
ELECTRICAL ROOM:	+/- 134 SQ. FT.
PROPOSED BUILDING TOTAL:	+/- 6,035 SQ. FT.

ONE (1) SPACE FOR EACH TWO HUNDRED FIFTY (250) SQUARE FEET GROSS FLOOR AREA (RETAIL STORES & SHOPS)

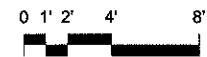
REQUIRED PARKING:	24 SPACES (5,900 SQ. FT. / 250 SQ. FT.)
PARKING PROVIDED:	26 SPACES (TOTAL)
	2 ADA PARKING SPACES
	24 STANDARD SPACES 9' X 20'

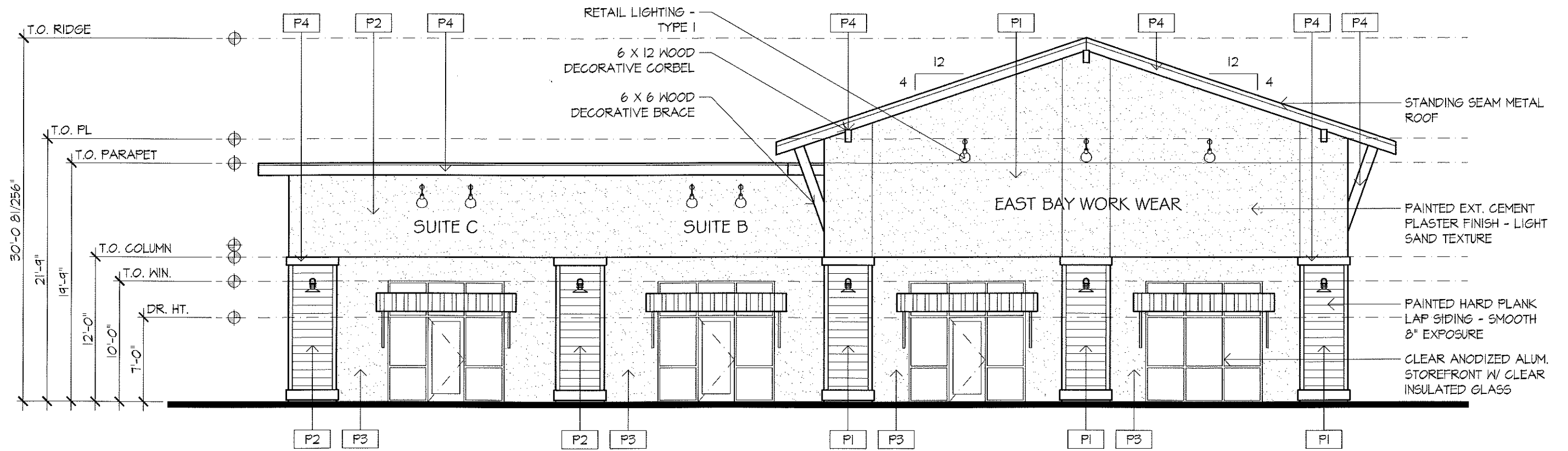


AREA CALCULATIONS

SUITE A:	+/- 3,286 SQ. FT.
SUITE B:	+/- 1,008 SQ. FT.
SUITE C:	+/- 1,010 SQ. FT.
SUITE D:	+/- 597 SQ. FT.
ELECTRICAL ROOM:	+/- 134 SQ. FT.
PROPOSED BUILDING TOTAL:	+/- 6,035 SQ. FT.

FLOOR PLAN

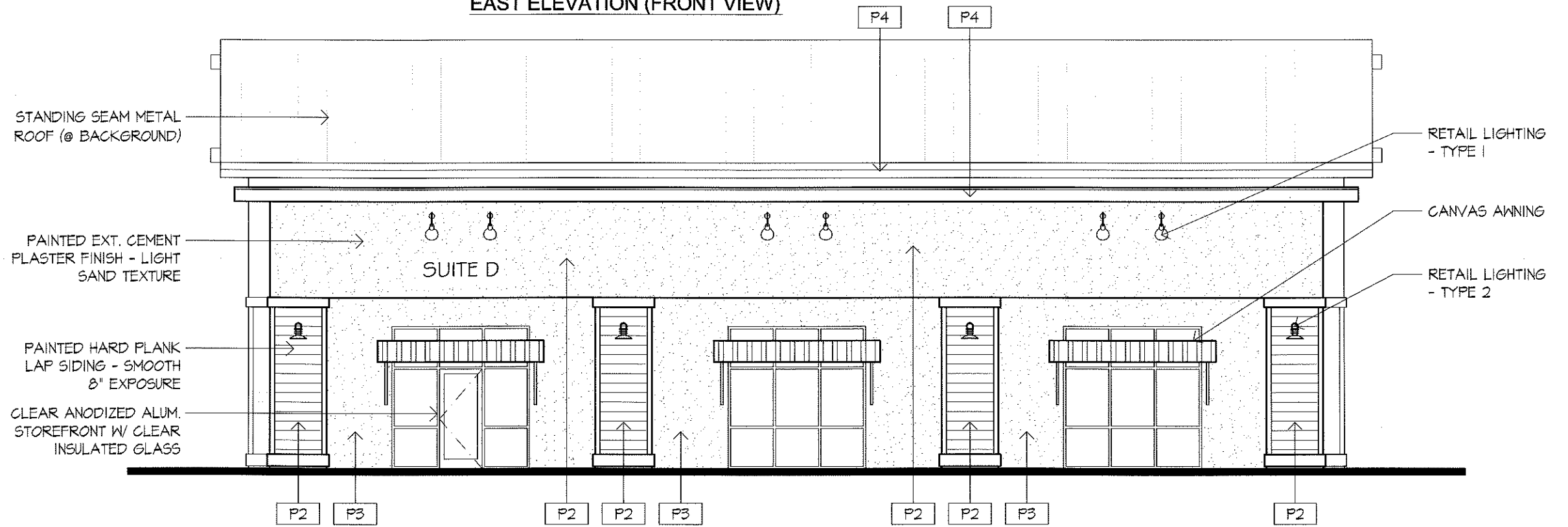




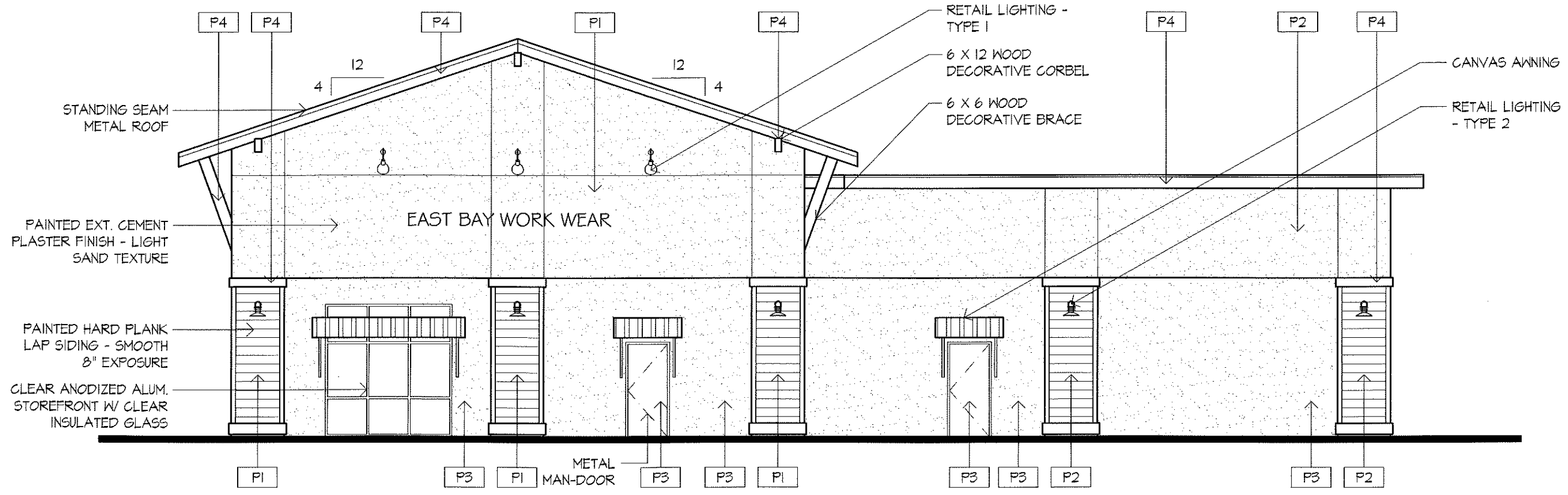
EAST ELEVATION (FRONT VIEW)

COLOR LEGEND

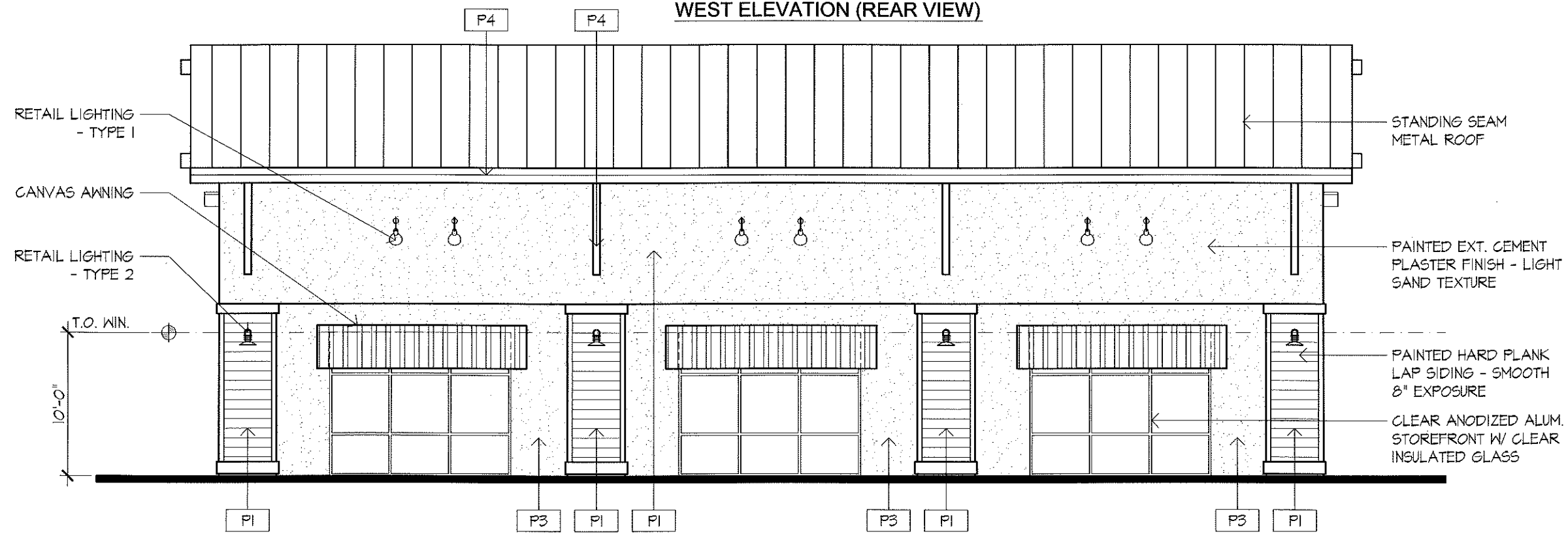
P1	BLUE FOREST
P2	SISAL
P3	PARCHMENT
P4	AMERICAN EAGLE



SOUTH ELEVATION (LEFT VIEW)



WEST ELEVATION (REAR VIEW)



NORTH ELEVATION (RIGHT VIEW)

COLOR LEGEND

P1	BLUE FOREST
P2	SISAL
P3	PARCHMENT
P4	AMERICAN EAGLE



EAST ELEVATION (FRONT VIEW)



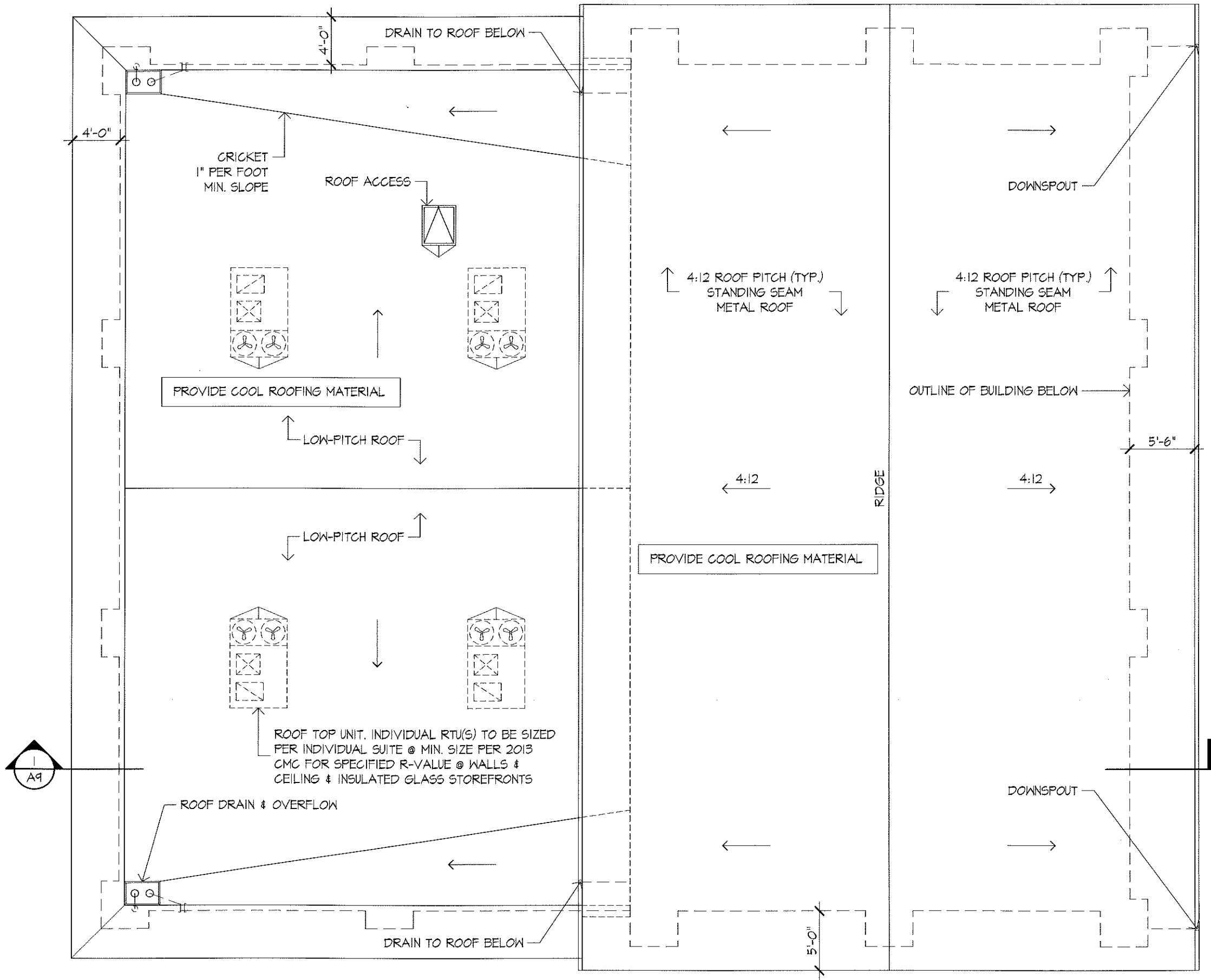
SOUTH ELEVATION (LEFT VIEW)



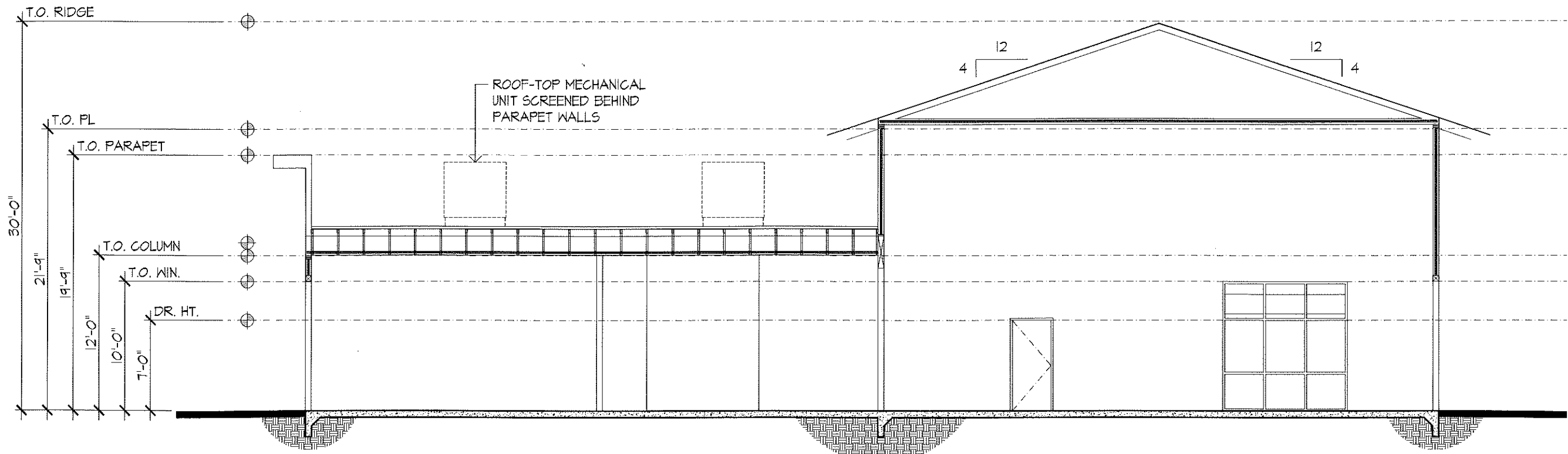
WEST ELEVATION (REAR VIEW)



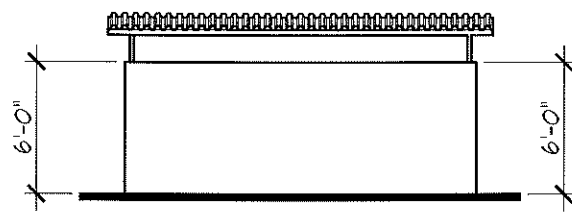
NORTH ELEVATION (RIGHT VIEW)



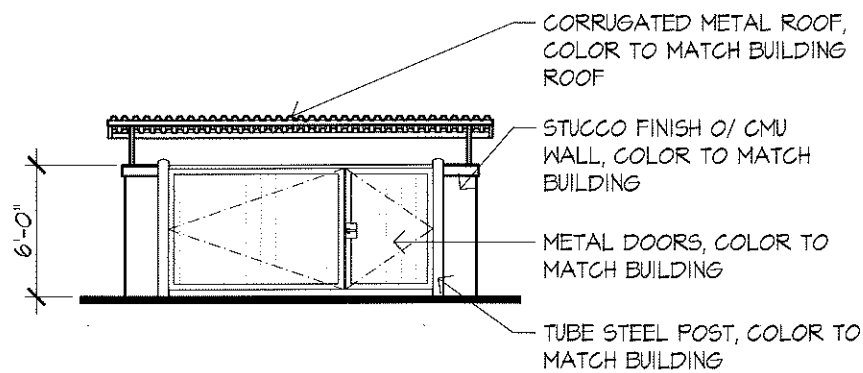
ROOF PLAN
 0 1' 2' 4' 8'
 NORTH



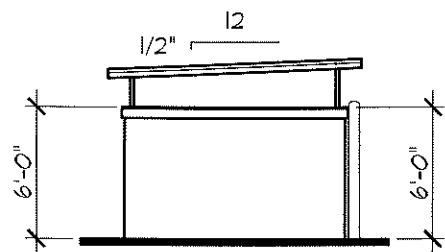
BUILDING SECTION



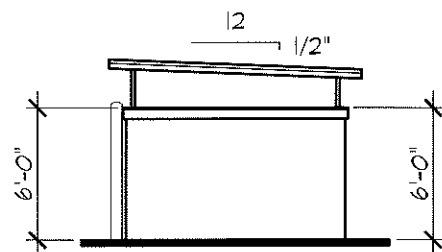
NORTH ELEVATION (REAR VIEW)



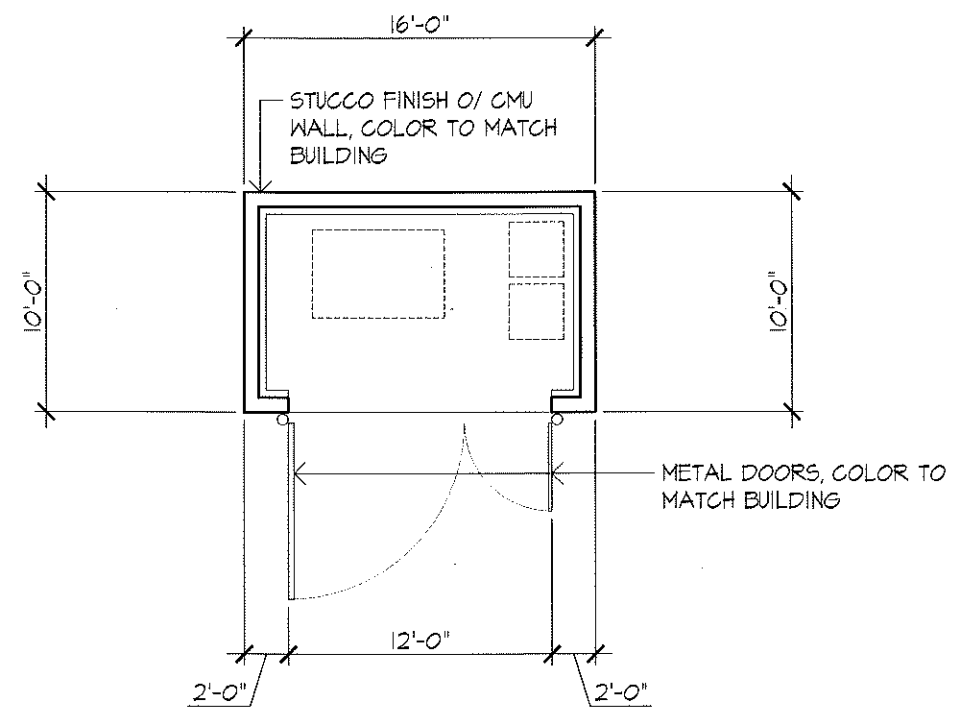
SOUTH ELEVATION (FRONT VIEW)



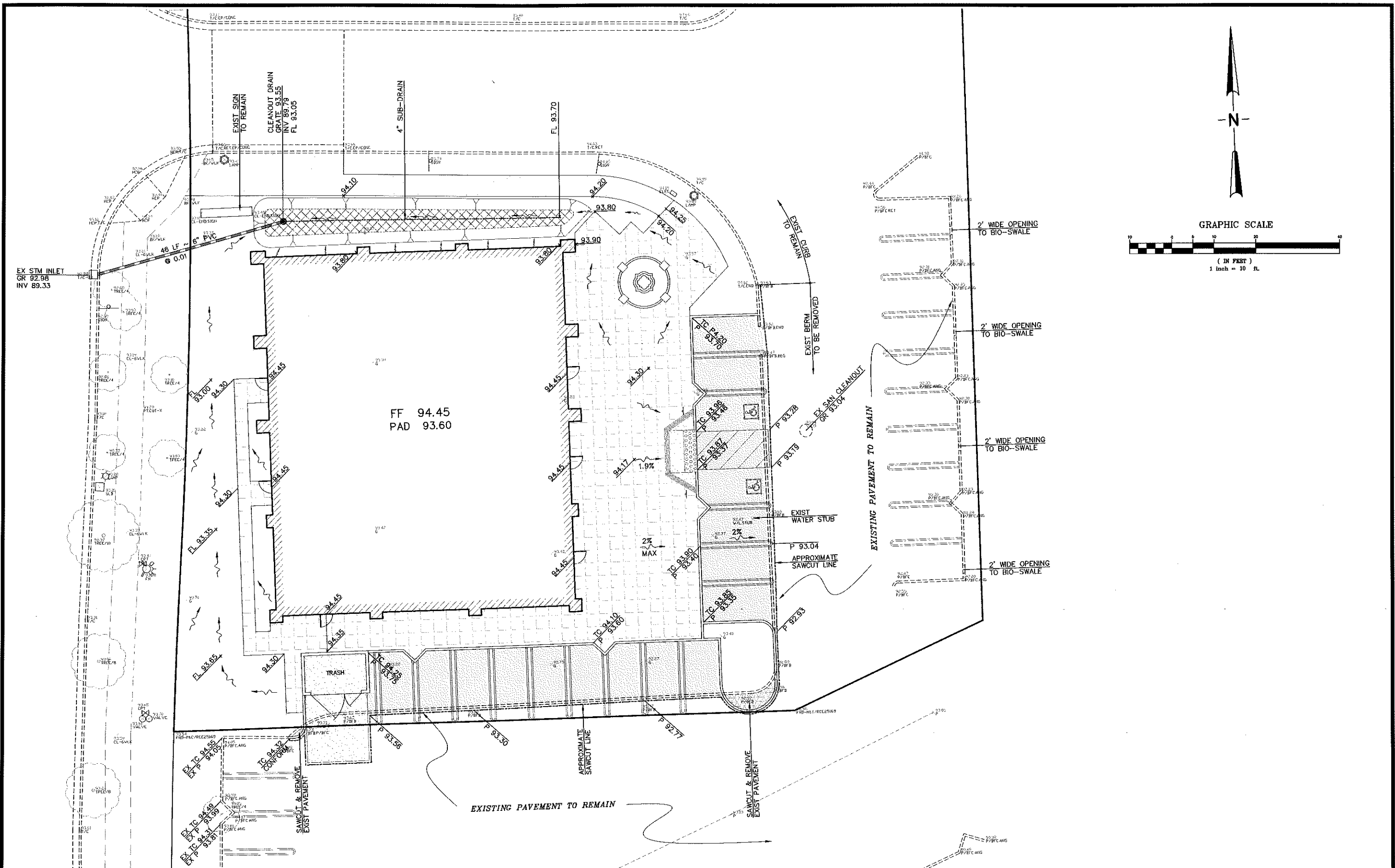
WEST ELEVATION (LEFT VIEW)



EAST ELEVATION (RIGHT VIEW)



TRASH ENCLOSURE PLAN



**PRELIMINARY
GRADING and DRAINAGE PLAN**

DIAMOND HILL

CITY OF OAKLEY

CONTRA COSTA COUNTY

CALIFORNIA

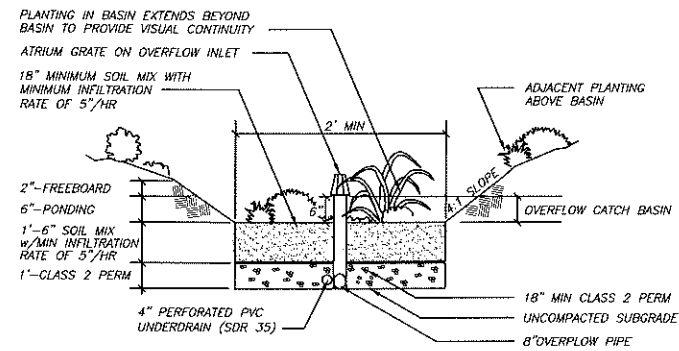
JAMES E. DIGGINS R.C.E. 27818
RENEWAL DATE: 03/31/2016

#	REVISIONS	DATE



DeBolt Civil Engineering
811 San Ramon Valley Boulevard
Danville, California 94526
Tel: 925/837-3780
Fax: 925/837-4378

Date: 4/22/2015
Scale: 1" = 10'
By: JED /
Job No.: 15117



BIO-RETENTION AREA
 N.T.S.

DMA	AREA	SURFACE
1	6,130 sq ft	ROOF
2	834 sq ft	CONCRETE
3	446 sq ft	CONCRETE
4	2,080 sq ft	LANDSCAPE
5	1,098 sq ft	CONCRETE

IMP	SIZE
1	360 sq ft

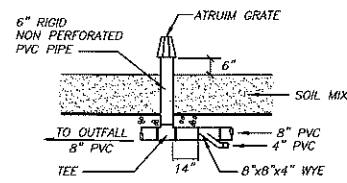
LEGEND

- BIO-SWALE / PLANTERS
- CATCH BASINS
- STORM DRAIN LINE
- DENOTES AREA (DMA) DRAINAGE MANAGEMENT AREA
- INTEGRATED MANAGEMENT PRACTICE

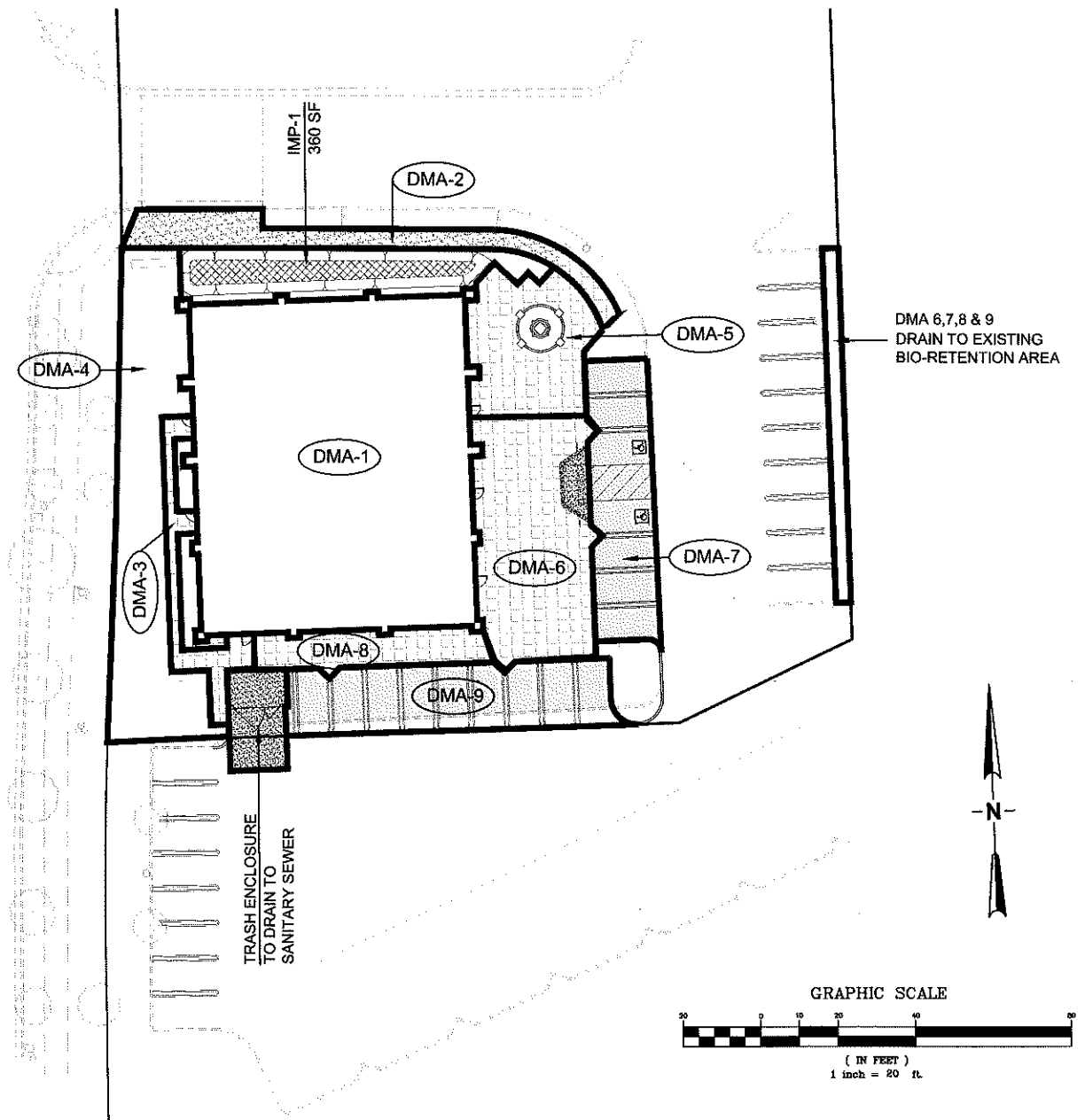
IV. Areas Draining to IMPs

IMP Name: IMP1 (Soil Type: C)
 IMP Type: Bioretention Facility
 Soil Type: C

DMA Name	DMA Area (sq ft)	Post-Project Surface Type	DMA Runoff Factor	DMA Area x Runoff Factor	IMP Sizing				
					IMP Sizing Factor	Rain Adjust-ment Factor	Minimum Area or Volume	Proposed Area or Volume	
DMA1	6,130	Conventional Roof	1.00	6,130					
DMA2	834	Concrete or Asphalt	1.00	834					
DMA3	446	Concrete or Asphalt	1.00	446					
DMA4	2,080	Landscape	0.10	208					
DMA5	1,098	Concrete or Asphalt	1.00	1,098					
Total				8,716	Area	0.040	1.000	349	360



OVERFLOW DETAIL
 N.T.S.



**PRELIMINARY
 STORM WATER CONTROL PLAN**

DIAMOND HILL

CITY OF OAKLEY

CONTRA COSTA COUNTY

CALIFORNIA

JAMES E. DIGGINS R.C.E. 27818
 RENEWAL DATE: 03/31/2016

#	REVISIONS	DATE



DeBolt Civil Engineering
 811 San Ramon Valley Boulevard
 Danville, California 94526
 Tel: 925/837-3780
 Fax: 925/837-4378

Date: 4/22/2015
 Scale: 1" = 20'
 By: JED /
 Job No.: 15117

Landscape Concept

The landscape design concept for the Diamond Hill Retail center is to provide an enjoyable and aesthetic space for the customers that fits within the landscape framework of the existing commercial center and the surrounding area. Plant material has been selected that performs well in the special conditions of the California Coastal Inland area (Sunset Zone #17).

In keeping with the need for water conservation there will be no new turf areas on this site. All plant selections (with the exception of the bio-filtration swales) are hardy low water use trees, shrubs and groundcover. The landscape (and associated irrigation) has been designed to be compliant with the City of Oakley Water Efficient Landscape Ordinance.

Special considerations have been provided in selection of plant material that respect the needs of the retail center and the customers. Clear and secure view corridors have been provided to ensure safety of the customers entering the building as well as moving around the site.

Plants near the Pedestrian Terrace are particularly selected for higher interest with variable forms, colors and textures.

Irrigation

The entire site will be irrigated using a fully automatic system and designed to meet the City's Water Efficient Landscaping Ordinance. The irrigation system will largely be low-volume design with no use of pop-up sprays. The system will include in-line valves, quick couplers, and gate valves. New irrigation controller will be Hunter, Irritrol, or equal. A wireless weather sensor will communicate with the controller for rain/freeze shut-off abilities. A complete irrigation design with these parameters will be provided with the improvement plans.

Parking Lot Shade

The City of Oakley requires 1 tree for 6 parking stalls and a 50% shading coverage of the parking area. There are also numerous street trees and accent trees throughout the project to more than sufficiently meet the parking lot shade requirements. Calculations to show that the 50% shade coverage is met or exceeded will be provided with the building permit set.

Tree Root Barriers

All trees denoted with the root barrier symbol are to have a linear DeepRoot Model #UB 18-2 root barriers installed during tree installation along the inside edge of the adjacent curb or sidewalk. The following minimum number of panels are to be installed with each tree on each side of the tree that has sidewalk or curb as denoted on the plans:

15 gallon trees 5 panels
24" box trees 6 panels

Tree sizes not listed above are to be installed with the quantity of panels as specified by the manufacturer.

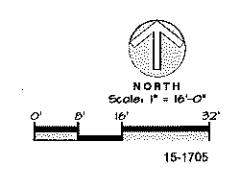
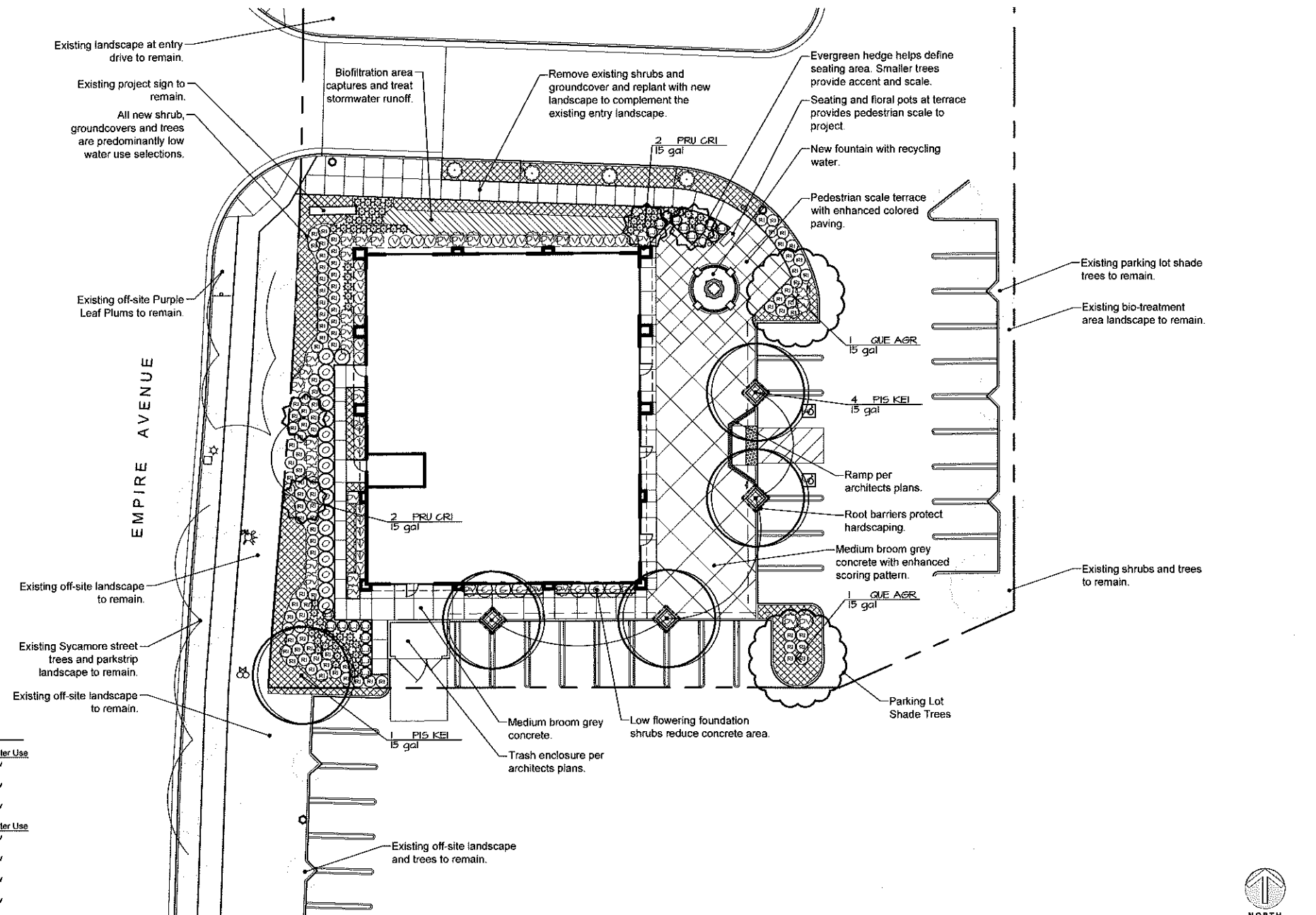
Landscape Areas

On-Site Planting Area	4,440 sf
Turf Area	0 sf
Shrub Area	4,440 sf
Total:	4,440 sf

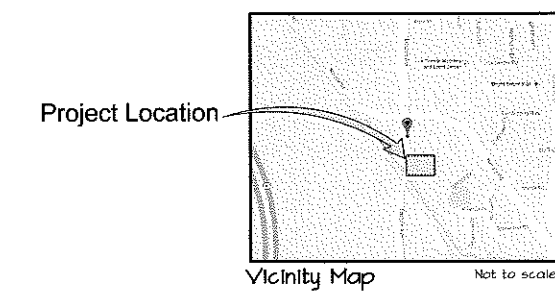
PLANT SCHEDULE

TREES	BOTANICAL NAME	COMMON NAME	CONT	QTY	Water Use	
PIS KEI	<i>Pistacia chinensis</i> 'Keith Davey'	Keith Davey Chinese Pistache	15 gal	5	Low	
PRU CRI	<i>Prunus cerasifera</i> 'Cripozam'	Flowering Plum	15 gal	4	Low	
QUE AGR	<i>Quercus agrifolia</i>	Coast Live Oak	15 gal	2	Low	
SHRUBS	BOTANICAL NAME	COMMON NAME	SIZE	QTY	Water Use	
CAL LJ	<i>Callistemon viminalis</i> 'Little John'	Dwarf Weeping Bottlebrush	5 gal	6	Low	
DIE BIC	<i>Dietes bicolor</i>	Fortnight Lily	5 gal	35	Low	
LAG MON	<i>Lagerstroemia indica</i> 'Moned'	Chica Red Dwarf Crape Myrtle	5 gal	4	Low	
LIG JAP	<i>Ligustrum japonicum</i>	Japanese Privet	5 gal	19	Low	
MUH RIG	<i>Muhlenbergia rigens</i>	Deer Grass	1 gal	58	Low	
OLE LIT	<i>Olea europaea</i> 'Little Ollie'	Little Ollie Olive	5 gal	18	Low	
RHA BAL	<i>Rhaphtolepis indica</i> 'Ballerina'	Ballerina Indian Hawthorn	5 gal	101	Low	
VIB SPR	<i>Viburnum tinus</i> 'Spring Bouquet'	Spring Bouquet Laurestinus	5 gal	31	Low	
GROUND COVERS	BOTANICAL NAME	COMMON NAME	CONT	SPACING	QTY	Water Use
ARC MAN	<i>Arcostaphylos</i> x 'Emerald Carpet'	Emerald Carpet Manzanita	1 gal	48" o.c.	1,531 sf	Low
JUN PAT	<i>Juncus patens</i>	California Gray Rush	1gal	24" o.c.	327 sf	High

Existing landscape to remain



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RESOLUTION NO. XX-15**A RESOLUTION OF THE CITY OF OAKLEY CITY COUNCIL MAKING FINDINGS AND APPROVING DESIGN REVIEW (DR 02-15) FOR THE CONSTRUCTION OF A NEW 6,035 SQUARE FOOT BUILDING AND ASSOCIATED SITE IMPROVEMENTS FOR THE EWAST BAY WORK WEAR PROJECT LOCATED AT 1530 NEROLY ROAD ON A PORTION OF APN 034-040-016****FINDINGS**

WHEREAS, on April 24, 2015, Glenn and Robin Moffatt with East Bay Work Wear ("Applicant"), submitted an application for Design Review (DR 02-15) for the construction of a new 6,035 square foot commercial building and site improvements for a project located at 1530 Neroly Road (Portion of APN: 034-040-016) ("Project"); and

WHEREAS, on May 13, 2015, the project application was deemed complete per Government Code section 65920 et. seq; and

WHEREAS, the project site was part of the larger Magnolia Park Project area (Subdivision 8737). The commercial site in which the project is specifically located is designated for commercial uses, and zoned P-1 (Planned Development); and

WHEREAS, the project is exempt from further environmental analysis under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15332, "Class 32 – In-Fill Development Projects"; and

WHEREAS, on May 14, 2015, the Notice of Public Hearing for the project was posted at Oakley City Hall located at 3231 Main Street, outside the gym at Delta Vista Middle School located at 4901 Frank Hengel Way, outside the library at Freedom High School located at 1050 Neroly Road, and at the project site. The notice was also mailed out to all owners of property within a 300-foot radius of the subject property's boundaries, to outside agencies, and to parties requesting such notice; and

WHEREAS, on May 26 2015, the City Council opened the public hearing at which it received a report from City Staff, oral and written testimony from the public and applicant, and deliberated on the project. At the conclusion of its deliberations, the City Council took a vote and adopted this resolution to approve the project, as conditioned, and

WHEREAS, if any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City; and

WHEREAS, these Findings are based upon the City's General Plan, the City's Zoning Ordinance, the City's Commercial and Industrial Design Guidelines, and the information submitted to the City Council at its May 26, 2015 meeting, both written and oral, including oral information provided by the applicant, as reflected in the minutes of such meetings, together with the documents contained in the file for the project (hereinafter the "Record"); and

NOW, THEREFORE, BE IT RESOLVED THAT, on the basis of the above findings of fact and the entire Record, the City Council makes the following additional findings in support of the approval:

- A. Regarding the application requesting approval of Design Review (DR 02-15) for the construction of a new 6,035 square foot commercial building and site improvements for a project located at 1530 Neroly Road (Portion of APN: 034-040-016):
1. The design, appearance, and manner of development of all properties within the City have a substantial relationship with the characteristics of public and private places that make a community visually interesting, functional, and a source of community pride. The site for the proposed project is adequate in size and shape to accommodate the use in a manner complementary with the land and uses in the area in that the site is approximately .638-acres and the R-B (Retail Business) Zoning District allows for the proposed development with the approval of a Design Review application. The new building and site improvements will provide a significant aesthetic upgrade to the property, and help facilitate the economic development activities of the City;
 2. Development within the City should be in a manner that is of high quality and allow for flexibility of unique solutions to enhance a project's design so that it can be successfully integrated into the existing fabric of the City, while preserving the City's human scale and sense of place.
 3. The quality of life and stabilization of property values are enhanced by project design that meets the criteria set forth in the Oakley Design Guidelines, Zoning Ordinance, and General Plan, as applicable. The proposed project will be arranged, designed, constructed, operated, and maintained so as to be compatible with the intended character of the area and will not change the essential character of the area that is intended by the General Plan and the applicable zoning ordinances in that the proposed project for the construction of a building for commercial and retail businesses are permitted in the R-B (Retail Business) Zoning District. The use will comply with the noise standards set forth in the Oakley Municipal Code, will provide all parking on-site, and will bring a new business into the City;

4. Design review is necessary to enhance project design, ensure quality development, maintain or enhance property values, and add to the visual character of the community and public health, safety, and welfare of Oakley residents. The proposed project provides for continued growth and orderly development of the community and is consistent with the various elements and objectives of the General Plan in that it provides a new business which will bring jobs to the City. The use of the site are a result of Oakley's zoning that allows for commercial lots that can accommodate this type of project; and

B. The project complies with Measure J Growth Management requirements.

BE IT FURTHER RESOLVED THAT, on the basis of the above Findings and the Record, the City Council approves of the Applicant's request for a Conditional Use Permit, subject to the following Conditions of Approval:

Conditions of Approval

Applicant shall comply with the requirements of the Oakley Municipal Code. Any exceptions must be stipulated in these Conditions of Approval. Conditions of Approval are based on the application received by the Planning Division on **April 24, 2015**, as well as additional information acquired since that time and made part of the project file.

THE FOLLOWING CONDITIONS OF APPROVAL SHALL BE SATISFIED PRIOR TO THE CONSTRUCTION OF THE BUILDING UNLESS OTHERWISE NOTED:

Planning Division Conditions

General:

1. This **Design Review (DR 02-15)** is approved, as shown on the plans, date stamped by the Planning Division on **April 24, 2015**, and as modified by the following conditions of approval, subject to final review and approval by the Community Development Director.
2. This approval for **Design Review (DR 02-15)** shall be effectuated within a period of one (1) years from the effective date of this resolution by pulling a building permit and if not effectuated shall expire on **May 26, 2016**. Prior to said expiration date, the applicant may apply for an extension of time pursuant to the provisions of the Zoning Code.
3. Notwithstanding any conditions within this resolution, the applicant shall receive a Certificate of Occupancy, assuming receipt of all necessary permits and approvals, within one year of starting construction as required by the Real Property Purchase Agreement dated October 14, 2014.

4. All construction drawings submitted for plan check shall be in substantial compliance with the plans presented to and approved by the City Council on **May 26, 2015**.
5. All conditions of approval shall be satisfied by the owner/developer. All costs associated with compliance with the conditions shall be at the owner/developer's expense.
6. Noise generating construction activities, including such things as power generators, shall be limited to the hours of 7:30 a.m. to 5:30 p.m. Monday through Friday, and shall be prohibited on City, State and Federal Holidays. The restrictions on allowed working days and times may be modified on prior written approval by the Community Development Director.
7. Should archaeological materials be uncovered during grading, trenching or other on- site excavation(s), earthwork within 30 yards of these materials shall be stopped until a professional archaeologist who is certified by the Society of Professional Archaeology (SOPA) has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s), if deemed necessary.
8. The applicant shall defend, indemnify, and hold harmless the city or any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the city, its boards, commissions, agents, officers, or employees to attack, set aside, void, or annul, the approval of the project. The city shall promptly notify the applicant of any such claim, action or proceeding. The city shall have the option of coordinating the defense. Nothing contained in this condition shall prohibit the city from participating in a defense of any claim, action, or proceeding if the city bears its own attorney's fees and costs, and the city defends the action in good faith.

Site Plan:

9. All parking stall striping shall be double striped. Parking stalls shall be 9 feet wide by 19 feet deep and all drive aisles shall be a minimum 24 feet in width as reviewed and approved by the Community Development Director.
10. A lighting and photometric plan shall be submitted prior to the issuance of building permits. The minimum requirement shall be one foot of candle light within public parking areas and pedestrian pathways.
11. Any new light poles shall match the final approved poles for the existing center and provide glare shields where adjacent to existing residences per the review and approval of the Community Development Director.
12. A trash enclosure shall match Oakley Disposal and City standards and shall provide adequate space to accommodate both trash and recycling. Also, trash enclosures

shall be constructed with a roof to match the building design and materials, have metal gates, and when appropriate be surrounded by landscaping with climbing vines on three sides per the review and approval of the Community Development Director.

13. Storage shall be contained inside the building. Storage containers are not allowed and pallets, boxes, cardboard etc. shall not be stored outside.
14. The final site plan shall show a bike rack consistent with the bike racks used within the center subject to final approval by the Community Development Director.

Architecture:

15. The Applicant shall revise the plans dated April 24, 2015 to extend the shade awnings on the East, South and West elevations above the top of windows/doors consistent with those on the North elevation to be reviewed and approved by the Community Development Director.
16. The Applicant shall select a different color for the fabric awnings to be more consistent with the buildings color scheme to be reviewed and approved by the Community Development Director.
17. The Applicant shall revise the plans dated April 24, 2015 to add a window system on the west wall of Suite D (similar to the window system on the west wall of Suite A) to be reviewed and approved by the Community Development Director.
18. The applicant shall provide a plan that reflects any changes to the "pedestrian scale terrace" area to be reviewed and approved by the Community Development Director.
19. Roof-mounted equipment shall be architecturally screened from view.
20. The light fixtures on the commercial building shall be decorative fixtures per the review and approval of the Community Development Director.
21. The applicant shall comply with the comments made by the Diamond Hills Plaza Architectural Review Committee.

Landscaping Requirements:

22. A landscaping and irrigation plan for all areas shown on the site plan shall be submitted for review and approval of the Community Development Director prior to the issuance of building permits. The landscaping plan shall include the project's frontage and side yards. Landscaping shall conform to the Oakley Water Efficient Landscape Ordinance and the Guidelines for Implementation of the City of Oakley Water Efficient Landscape Ordinance and shall be installed prior to final occupancy. The plan shall be prepared by a licensed landscape architect

and shall be certified to be in compliance with the City's Water Conservation Ordinance.

23. All proposed landscaping shall be consistent with the approved landscaping within the center.
24. California native drought tolerant plant or shall be used as much as possible. All trees shall be a mix of fifteen-gallon, 24-inch box and 36-inch box, all shrubs shall be a minimum five-gallon size, except as otherwise noted.
25. Parking lot trees shall provide 50 percent shading of the parking areas at tree maturity.
26. Prior to occupancy, an on-site inspection shall be made of privately owned lands by a licensed landscape architect to determine compliance with the approved landscape plan. A signed certification of completion shall be submitted to the Community Development Director for review and approval.
27. If occupancy is requested prior to the installation of the landscape and irrigation improvements, then either a cash deposit or a letter of credit shall be delivered to the City for 125 percent of the estimated cost of the uncompleted portion of the landscape and irrigation improvements. If compliance is not achieved after six months of occupancy as determined by the Community Development Director, the City shall contract for the completion of the landscaping and irrigation improvements to be paid for by the held sum. The City shall return the unused portion within one year of receipt or at the completion of all work.
28. Landscaping shall be maintained as shown on the landscape plan in perpetuity.

Signage:

29. The proposed signage shall meet the requirements of the City's Zoning Ordinance. All proposed signage shall be reviewed by the Planning and Building Divisions.
30. All signage shall be in conformance with the Neroly Commercial Center Master Signage Program dated July 2008.
31. All signs shall be on permanent structure and of design and material to compliment the proposed commercial building. No signs on the premises shall be animated, rotating or flashing. No flags, pennants, banners, pinwheels or similar items shall be permitted on the premises, with the exception of a United States flag and California state flag.
32. Temporary signage for such things as special events and grand openings shall require a Temporary Use Permit per the review and approval of the Community Development Director.

Waste Management Plan:

33. The applicant shall submit a Waste Management Plan that complies with the City of Oakley Construction and Demolition Debris Recycling Ordinance.

Building Division Conditions

34. Plans shall meet the currently adopted Uniform Codes as well as the newest T-24 Energy Requirements per the State of California Energy Commission. To confirm the most recent adopted codes please contact the Building Division at (925) 625 – 7005.
35. Prior to requesting a Certificate of Occupancy from the Building Division all Conditions of Approval required to occupancy must be completed.

Public Works and Engineering Conditions

General:

36. Submit improvement plans prepared by a registered civil engineer to the City Engineer for review and approval and pay the appropriate processing costs in accordance with the Municipal Code and these conditions of approval. The plans shall be consistent with the Stormwater Control Plan for the project, include the drawings and specifications necessary to implement the required stormwater control measures, and be accompanied by a Construction Plan C.3 Checklist as described in the Stormwater C.3 Guidebook.
37. Submit grading plans including erosion control measures and revegetation plans prepared by a registered civil engineer to the City Engineer for review and pay appropriate processing costs in accordance with the Code and these conditions of approval.
38. Submit landscaping plans for publicly maintained landscaping, including planting and irrigation details, as prepared by a licensed landscape architect to the City Engineer for review and pay appropriate processing costs in accordance with the Code and these conditions of approval.
39. Execute any agreements required by the Stormwater Control Plan which pertain to the transfer of ownership and/or long term maintenance of stormwater treatment mechanisms required by the plan prior to the final inspection of the first house within the subdivision.

Roadway Improvements:

40. Design all public and private pedestrian facilities in accordance with Title 24 (Handicap Access) and the Americans with Disabilities Act.

Access to Adjoining Property:

41. Furnish necessary rights of way, rights of entry, permits and/or easements for the construction of off-site, temporary or permanent, public and private road and drainage improvements.
42. Develop for the City's review and approval and enter into a private joint access agreement that allows the adjacent parcels within the project to utilize common drive aisles.

On-Site Improvements:

43. Provide a minimum outside turning radius of 45 feet and a minimum inside turning radius of 28 feet within the parking lot.
44. Develop for the City's review and approval and enter into a private maintenance agreement that ensures that joint use drive aisles, parking areas, and common landscaping will be maintained to a standard agreed upon by the City and that each separate parcel shall share in the funding of the maintenance.

Landscaping in the Public Right of Way:

45. Enter into an agreement with the City that requires the right of way landscaping adjacent to the site to be maintained as part of the on-site landscaping at the property owner's expense to a standard acceptable and agreed upon by the City.

Grading:

46. Submit a geotechnical report to the City Engineer for review that substantiates the design features incorporated into the subdivision including, but not limited to grading activities, compaction requirements, utility construction, slopes, retaining walls, and roadway sections.
47. At least one week prior to commencement of grading, the applicant shall post the site and mail to the owners of property within 300 feet of the exterior boundary of the project site notice that construction work will commence. The notice shall include a list of contact persons with name, title, phone number and area of responsibility. The person responsible for maintaining the list shall be included. The list shall be kept current at all times and shall consist of persons with authority to indicate and implement corrective action in their area of responsibility. The names of the individual responsible for noise and litter control shall be expressly identified in the notice. The notice shall be reissued with each phase of major grading activity. A copy of the notice shall be concurrently

transmitted to the City Engineer. The notice shall be accompanied by a list of the names and addresses of the property owners noticed, and a map identifying the area noticed.

48. Submit a dust and litter control plan to the City Engineer prior to beginning any construction activities. Dust control measures shall be provided for all stockpiling per the review and approval of the City Engineer.
49. Grade all pads so that they drain directly to the public street at a minimum of one percent without the use of private drainage systems through rear and side yards.
50. Grade any slopes with a vertical height of four feet or more at a slope of 3 to 1. Retaining walls that may be installed to reduce the slope must be masonry and comply with the City's building code.
51. Submit a haul route plan to the City Engineer for review and approval prior to importing or exporting any material from the site. The plan shall include the location of the borrow or fill area, the proposed haul routes, the estimated number and frequency of trips, and the proposed schedule of hauling. Based on this plan the City Engineer shall determine whether pavement condition surveys must be conducted along the proposed haul routes to determine what impacts the trucking activities may have. The project proponents shall be responsible to repair to their pre-construction condition any roads along the utilized routes.
52. Prior to commencement of any site work that will result in a land disturbance of one acre or more, the applicant shall provide evidence to the City Engineer that the requirements for obtaining a State General Construction Permit have been met. Such evidence may be a copy of the Notice of Intent letter sent by the State Water Resources Control Board. The WDID Number shall be shown on the grading plan prior to approval by the City Engineer.
53. Submit an updated erosion control plan reflecting current site conditions to the City Engineer for review and approval no later than September 1st of every year while the Notice of Intent is active.
54. Grade all pad elevations or install levees to satisfy Chapter 914-10 of the City's Municipal Code, including the degree of protection provisions.
55. The burying of any construction debris is prohibited on construction sites.

Utilities/Undergrounding:

56. All utility boxes shall be installed underground and all wires and cables must be installed in conduits. Compliance with this condition shall be at the discretion of the City Engineer.

57. Above ground utility boxes shall be camouflaged per the review and approval of the City Engineer.

Drainage Improvements:

58. Collect and convey all stormwater entering and/or originating on this property, without diversion and within an adequate storm drainage facility, to an adequate natural watercourse having definable bed and banks, or to an existing adequate public storm drainage facility that conveys the storm waters to an adequate natural watercourse consistent with the plans for Drainage Areas 30C & 130 as prepared by the Contra Costa County Flood Control and Water Conservation District.

59. Design and construct all storm drainage facilities in compliance with the Municipal Code and City design standards.

60. Prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.

National Pollutant Discharge Elimination System (NPDES):

61. Comply with all rules, regulations and procedures of the National Pollutant Discharge Elimination System (NPDES) for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board, the Regional Water Quality Control Board (Central Valley - Region IV), including the Stormwater C.3 requirements as detailed in the Guidebook available at www.cccleanwater.org.

Compliance shall include developing long-term best management practices (BMP's) for the reduction or elimination of storm water pollutants. The project design shall incorporate wherever feasible, the following long-term BMP's in accordance with the Contra Costa Clean Water Program for the site's storm water drainage:

- Utilize pavers or other pervious materials for driveways, walkways, and parking areas wherever feasible.
- Minimize the amount of directly connected impervious surface area.
- Delineate all storm drains with "No Dumping, Drains to the Delta" permanent metal markers per City standards.
- Construct concrete driveway weakened plane joints at angles to assist in directing run-off to landscaped/pervious areas prior to entering the street curb and gutter.
- Install filters in on-site storm drain inlets.
- Sweeping the paved portion of the site at least once a month utilizing a vacuum type sweeper.

- Use of landscape areas, vegetated swales, pervious pavement, and other infiltration mechanisms to filter stormwater prior to entering the storm drain system.
- Provide a sufficient amount of on-site trash receptacles.
- Distribute public information items regarding the Clean Water Program to customers.
- Other alternatives as approved by the City Engineer.

Fees/Assessments:

62. Comply with the requirements of the development impact fees listed below, in addition to those noticed by the City Council in Resolution 00-85 and 08-03. The applicant shall pay the fees in the amounts in effect at the time each building permit is issued.

- A. Traffic Impact Fee (authorized by Ordinance No. 14-00, adopted by Resolution 49-03);
- B. Regional Transportation Development Impact Mitigation Fee or any future alternative regional fee adopted by the City (authorized by Ordinance No. 14-00, adopted by Resolution No. 73-05);
- C. Park Land Dedication In-Lieu Fee (adopted by Ordinance No. 03-03);
- D. Park Impact Fee (authorized by Ordinance No. 05-00, adopted by Resolution No. 19-03);
- E. Public Facilities Fee (authorized by Ordinance No. 05-00, adopted by Resolution No. 18-03);
- F. Fire Facilities Impact Fee, collected by the City (adopted by Ordinance No. 09-01);
- G. General Plan Fee (adopted by Resolution No. 53-03);
- H. South Oakley Infrastructure Master Plan Fee (adopted by Resolution No. 52-03);
- I. East Contra Costa County Habitat Conservation Plan Fee (adopted by Resolution No. 112-07 & 124-07)

The applicant should contact the City Engineer prior to constructing any public improvements to determine if any of the required improvements are eligible for credits or reimbursements against the applicable traffic benefit fees or from future developments.

63. Participate in the City's South Oakley Infrastructure Master Plan both by cooperating with the City's consultant team in the design and implementation of specific infrastructure projects and by providing this project's fair share contribution to the costs of preparing the study. The fair share contribution shall be paid in accordance with Resolution 52-03.

ADVISORY NOTES

PLEASE NOTE ADVISORY NOTES ARE ATTACHED TO THE CONDITIONS OF APPROVAL BUT ARE NOT A PART OF THE CONDITIONS OF APPROVAL. ADVISORY NOTES ARE PROVIDED FOR THE PURPOSE OF INFORMING THE APPLICANT OF ADDITIONAL ORDINANCE REQUIREMENTS THAT MUST BE MET IN ORDER TO PROCEED WITH DEVELOPMENT.

- A. The applicant/owner should be aware of the expiration dates and renewing requirements prior to requesting building or grading permits.
- B. The project will require a grading permit pursuant to the Ordinance Code.
- C. Comply with the requirements of the Ironhouse Sanitary District.
- D. Comply with the requirements of the East Contra Costa Fire Protection District.
- E. Comply with the requirements of the Diablo Water District.
- F. Comply with the requirements of the Building Inspection Department. Building permits are required prior to the construction of most structures.
- G. This project may be subject to the requirements of the Department of Fish and Game. It is the applicant's responsibility to notify the Department of Fish and Game, PO Box 47, Yountville, California 94599, of any proposed construction within this development that may affect any fish and wildlife resources, per the Fish and Game Code.
- H. This project may be subject to the requirements of the Army Corps of Engineers. It is the applicant's responsibility to notify the appropriate district of the Corps of Engineers to determine if a permit is required, and if it can be obtained.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 26th of May, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

Doug Hardcastle, Mayor Date

ATTEST:

Libby Vreonis, City Clerk Date



STAFF REPORT

Approved and forwarded to City Council

A handwritten signature in blue ink, appearing to read "B. Montgomery", is written over a horizontal line.

Bryan H. Montgomery, City Manager

Date: May 26, 2015
To: Bryan H. Montgomery, City Manager
From: Kenneth W. Strelo, Senior Planner
SUBJECT: Prescott at Cypress Grove Design Review (DR 03-15)

Summary

This is a request by Candace Hatch of DeNova Homes for design review approval of house plans and architecture, and a development plan (neighborhood plotting plan) for 40 entitled lots located within the Cypress Grove subdivision, specifically subdivisions 9080 and 9391, north of Ironhouse Elementary School and Delta Vista Middle School (4901 Frank Hengel Way) off of East Cypress Road and Frank Hengel Way. The site is zoned P-1 (Planned Development) District. Portion of APN 037-192-024.

Staff recommends the City Council adopt the resolution approving Prescott at Cypress Grove Design Review (DR 03-15), as conditioned.

Background and Project Description

General Plan and Zoning

The General Plan Land Use Designation for the project site is Single Family High ("SH") as depicted in the Oakley 2020 General Plan Figure 2-2 (Land Use Diagram). The SH designation allows for a maximum density of 5.5 dwelling units per gross acre, per General Plan Table 2-1 (Land Use Designations Densities and Intensities). The site is zoned P-1 (Planned Development) District for the purposes of detached single family residential development.

House Floor Plans

Complete design review plans are attached for reference. Subdivisions 9080 and 9391 included 26 lots and 14 lots, respectively. When subdivision 9391 was proposed, the applicant included slight modifications to the final map for 9080 to the north in order to allow the two subdivisions to function as one loop road rather than two long cul-de-sacs. The two subdivisions will be marketed as one development, and the applicant has submitted one design review application for both.

Four floor plans and three architectural types are proposed for the 40 lots. One plan is proposed as a one-story home and the remaining three plans are proposed as two-story homes. The table below provides a summary of the four proposed floor plans.

	Livable Square Feet	Max. Beds/Baths (w/ options)	No. of Floors	California Room/Living Suite Option	Garage Spaces
Plan 1	2,036	4/2	1	Yes/No	2
Plan 2	2,402	5/3	2	Yes/No	2
Plan 3	2,733	5/3	2	Yes/Yes	3 (2 side loaded) or 2 side loaded w/ living suite option
Plan 4	2,968	5/3	2	Yes/No	3 (2 tandem)

House Elevations

All four floor plans share the same three options for architectural elevations, which all feature Stucco siding, Stucco over foam trim, theme specific garage doors, and cultured stone veneer. The elevation-specific elements are summarized below:

Elevation A Tuscan	Elevation B Craftsman	Elevation C Farmhouse
Decorative foam outlookers ¹	Wood trim overlap siding at gable ends	Board and batten at accent areas
Plank and batten shutters	Wood outlookers w/ kickers	Wood trim at board and batten siding
Concrete tile roofing - low profile "S"	Concrete tile roofing – shake profile	Concrete tile roofing – slate profile

Also present in each elevation type are different style window muntins. The Tuscan plan has the least number of muntins, with the Craftsman plan showing the second most, which are confined mostly to the upper half of each framing, and the Farmhouse shows full framed muntins. Matching muntins styling is proposed on the second floors of each respective plan.

¹ The "decorative foam outlookers" are non-structural and replicate exposed extensions of roof beams or rafters.

The proposed street scene is inserted below for reference. It can also be referenced on the first page of the applicant's design review plans. From left to right, the plans are as follows: Plan 3C (Farmhouse), Plan 4B (Craftsman), Plan 1C (Farmhouse), and Plan 2A (Tuscan).



When considering the applicant has proposed four plan types, three elevations, and three color-material schemes for each elevation type, there are a total of 36 possible combinations of floor plan/elevation type/color-material scheme available for the 40 lots. Also, with the ability to flip homes to a left or right orientation, there should be very few, if any, exactly similar homes within the subdivision.

Environmental Review

The request for design review approval does not constitute changes to the physical impacts associated with, and falls within the scope of, the CEQA analyses previously conducted for Subdivision 9080 (Negative Declaration SCH# 2006062088) and Subdivision 9391 (Exempt pursuant to CEQA Guidelines section 15332 – In-Fill Development Projects).

Analysis

The project plans were analyzed for consistency with the adopted [City of Oakley Residential Guidelines](#) ("Guidelines"). Since, the Vesting Tentative Maps were previously analyzed and approved, the focus of this analysis is on residential siting and lot design of the neighborhoods, and architectural character and details of each house.

Residential Siting and Lot Design

Lot sizes associated with this project allow for adequate variation in setbacks for front yards and between adjacent homes on side yards. The home footprints are designed in a manner that provides front yard setback variations starting at 20 feet for living areas and 15 feet for porches and side loaded garages. This variation in front yard setbacks and house footprint designs will help avoid long, straight "walls" of buildings along the street frontages and create visual interest within the front yards. The proposed Development Plan shows at least a 15 foot setback between adjacent homes and in some cases, as much as 30 feet between adjacent homes. Large side yard setbacks provide for ample space between adjacent footprints and compliance with the Residential Guideline that adjacent two-story elements be at least 15 feet apart.

The Oakley Residential Guidelines require at least 20% of a subdivision's homes and 50% of the corner lots be one-story designs. The proposed development plan includes 25% one-

story homes (Plan 1), which makes up 10 of the 40 lots. Only one of the five corner lots is proposed with the one-story home, which does not sufficiently implement the 50% requirement. In order to comply, the applicant would need to replace two of the four two-story corner lots with the one-story home. Since, the Development Plan currently shows 25% of the homes as one-story, the applicant could switch out two of the non-corner one-story homes with two of the two-story corner homes. This switch which would maintain the same overall balance of homes types, and satisfy the corner lot requirement.

Building mass is an element of lot siting and design. The covered porches, projecting architectural elements, and slight variations in roof designs within the same footprint all add to the diversity of the house styles. Plan 3, which has the side loaded, two-car garage will add to the distinctions in building mass by placing the main home entry and street-facing, single-car garage door at least 45 feet from the street line. The proposed homes combined with the proposed Development Plan result in a diverse and interesting streetscape.

Architectural Character

The architectural character and design of the proposed homes have several consistencies with the guidelines. The homes include window muntins, different exterior siding or veneer for gables, porches, and some garage elements, and false shutters on some windows. There has been a trend by some home builders to enhance only the front elevations of homes with some of those enhancements carried over to "visible" sides or the rear of the home. The applicant has worked with staff to provide some enhancements on all elevations, with additional enhancements on some highly visible lots. When enhancements are present on all four sides, it is referred to as "360 degree architecture." A couple of examples of 360 degree architecture proposed with the project include:

- Window muntins that match the front elevation muntins to be provided on all elevations of second stories; and
- Matching siding and outlookers for front, side and rear facing gables, as applicable.

The applicant is proposing to add matching false shutters to most of the side and rear facing second story elevations. In order to provide 360 degree architecture in relation to false shutters, the following second story elevations should also include shutters on at least one window:

- Plan 2 and Plan 4 (Tuscan), and Plan 4 (Farmhouse) – Right elevation.
- Plan 2 (Craftsman and Farmhouse), and Plan 4 (Farmhouse) – Rear elevation window where gable, outlookers and shutters would otherwise be installed go for enhanced lots.
- Plan 2 (Craftsman and Farmhouse) – Right and left elevations.
- Plan 4 (Tuscan) – Right Elevation

An additional architectural element in the form of a rear elevation gable with enhancements is proposed for "community edge lots" (as defined by the applicant). This enhancement is

shown on Plans 2 and 4 on the Craftsman and Farmhouse architectural types only. Staff recommends the lots for which this enhancement will be present include: Lots 1, 27, 28, and 31-40. This would include corner lots adjacent to Picasso Drive and those lots backing up to Escher Circle or the existing park. If applied to the proposed Development Plan and applicable house plans, the enhancement would only be required on lots 27, 32, 35, 36, 38 and 40. A couple more of those lots could apply if they were proposed as single-story and switched out with a Plan 2 or 4 on a corner to satisfy the corner lot single-story requirement. At most, it appears 8 lots could be impacted, but probably less since the Tuscan architectural type is not affected.

Although the project as proposed is mostly consistent with the Oakley Residential Guidelines, the proposed resolution includes conditions of approval that require false shutters as described above, as well as calling out the "enhanced lots." With implementation of the proposed conditions, the house designs will better meet the intent of the Residential Guidelines. These additional design elements will increase the architectural interest of the homes not only from all public view angles, but also to residents within and adjacent to the new development, resulting in a higher quality product design. Plus, there will be no discrepancy in defining what a "community edge lot" between staff and the developer.

Findings

Draft findings are included in the attached resolution.

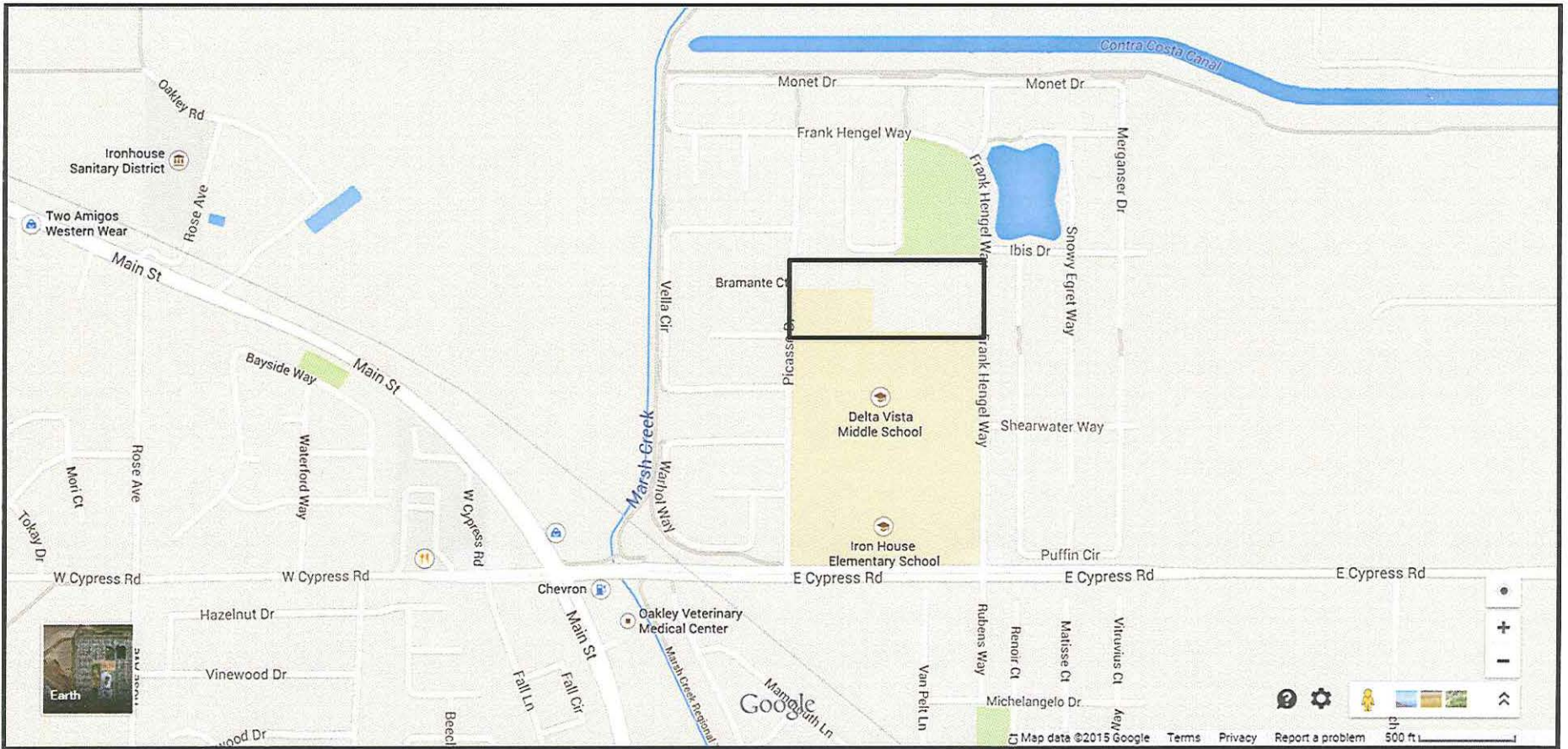
Recommendation

Staff recommends the City Council adopt the resolution approving Prescott at Cypress Grove Design Review (DR 03-15), as conditioned.

Attachments

1. Vicinity Map
2. Public Hearing Notice
3. Applicant's Plans
4. Draft Resolution

VICINITY MAP
Prescott at Cypress Grove (DR 03-15)
(APN portion of 037-192-024)





City of Oakley
3231 Main Street
Oakley, CA 94561
www.oakleyinfo.com

NOTICE OF PUBLIC HEARING

Notice is hereby given that on **May 26, 2015** at 6:30 p.m., or as soon thereafter as the matter may be heard, the City Council of the City of Oakley will hold a Public Hearing at the Council Chambers located at 3231 Main Street, Oakley, CA 94561 for the purposes of considering an application for a residential **Design Review** approval.

Project Name: Prescott at Cypress Grove Design Review (DR 03-15)

Project Location: Within the Cypress Grove subdivision, specifically subdivisions 9080 and 9391 north of Ironhouse Elementary School and Delta Vista Middle School (4901 Frank Hengel Way) off of East Cypress Road and Frank Hengel Way. Portion of APN 037-192-024.

Applicant: Candace Hatch of DeNova Homes, Inc., 1500 Willow Pass Court, Concord, CA 94520; candace@denovahomes.com

Request: This is a public hearing on a request for Design Review approval of house plans and architecture, and a development plan (neighborhood plotting plan) for 40 entitled lots within approved Subdivisions 9080 and 9391. The site is zoned P-1 (Planned Development) District.

California Environmental Quality Act (CEQA): The project does not constitute changes to the physical impacts associated with, and falls within the scope of, the CEQA analyses previously conducted for Subdivision 9080 (Negative Declaration SCH# 2006062088) and Subdivision 9391 (Exempt pursuant to CEQA Guidelines section 15332 – In-Fill Development Projects).

The Staff Report and its attachments will be available for public review, on or after May 22, 2015 at City Hall, 3231 Main Street, Oakley, CA 94561 or on the City's website www.oakleyinfo.com.

Interested persons are invited to submit written comments prior to and may testify at the public hearing. **Written comments may be submitted to Ken Strelor, Senior Planner at the City of Oakley, 3231 Main Street, Oakley, CA 94561 or by email to strelor@ci.oakley.ca.us.**

NOTICE IS ALSO GIVEN pursuant to Government Code Section 65009(b) that, if this matter is subsequently challenged in Court by you or others, you may be limited to raising only those issues you or someone else has raised at a Public Hearing described in this notice or in written correspondence delivered to the City of Oakley City Council Secretary at, or prior to, the Public Hearing.



**PLAN 3C
FARMHOUSE**

**PLAN 4B
CRAFTSMAN**

**PLAN 1C
FARMHOUSE**

**PLAN 2A
TUSCAN**



**PRESCOTT
Oakley, California**

CITY OF OAKLEY
Planning Department
MAR 13 2015
RECEIVED

940 Tyler Street #19
Benicia, CA 94510
Phone: (707) 746-6586



1416 3-4-15



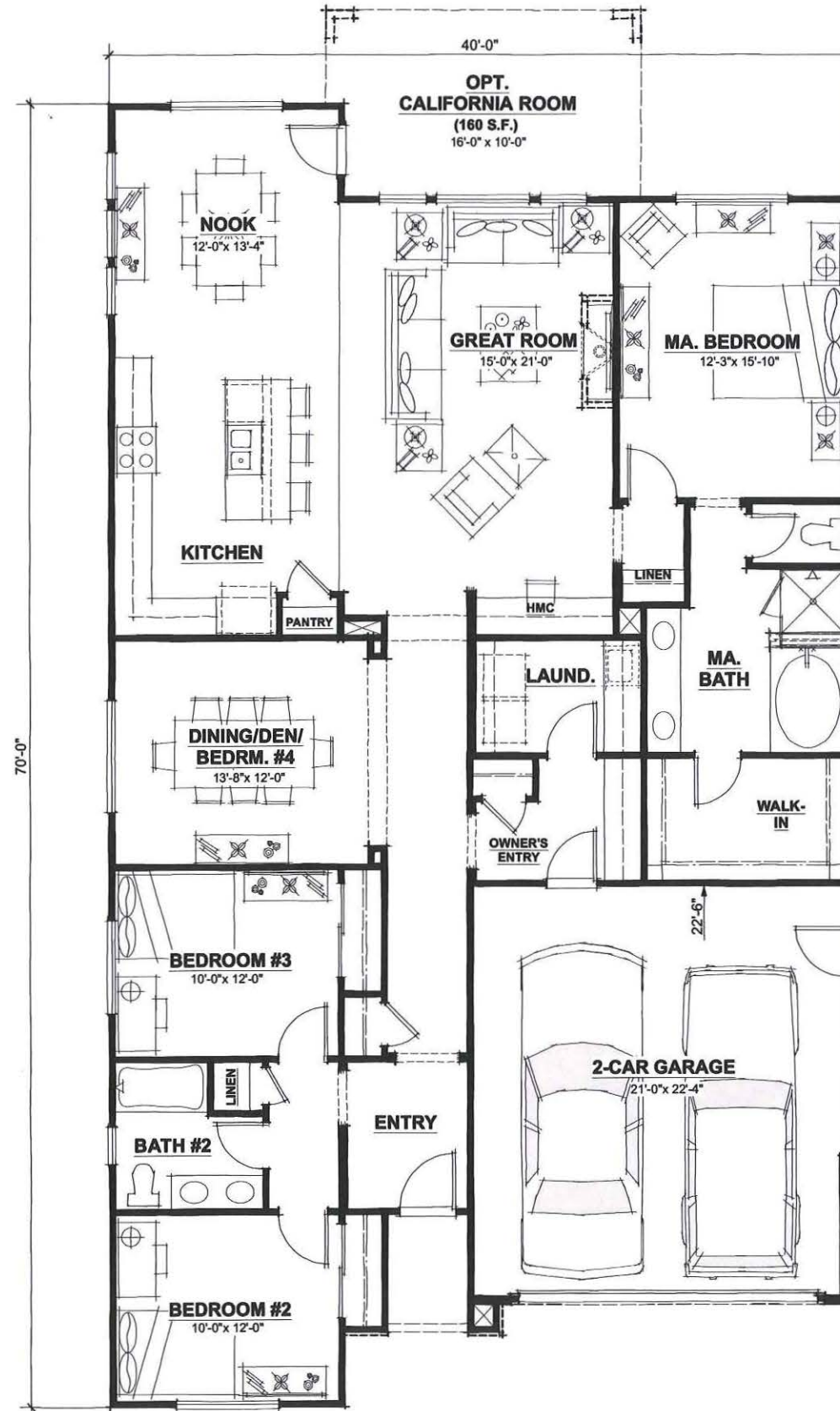
FRONT ELEVATION "A"
(TUSCAN)



FRONT ELEVATION "B"
(CRAFTSMAN)

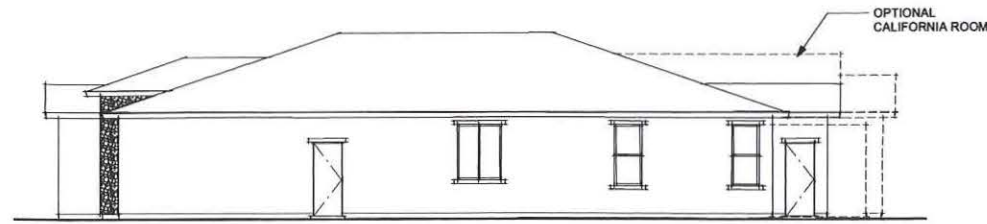


FRONT ELEVATION "C"
(FARMHOUSE)

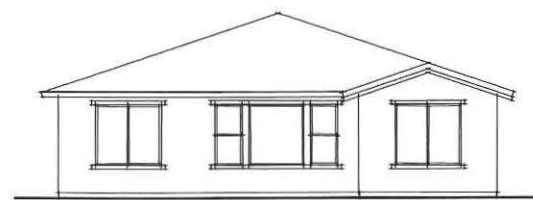


FIRST FLOOR PLAN (2036 S.F.)

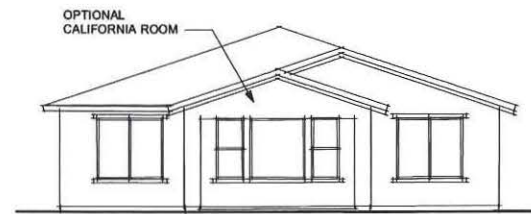
PLAN 1
PRESCOTT
 Oakley, California



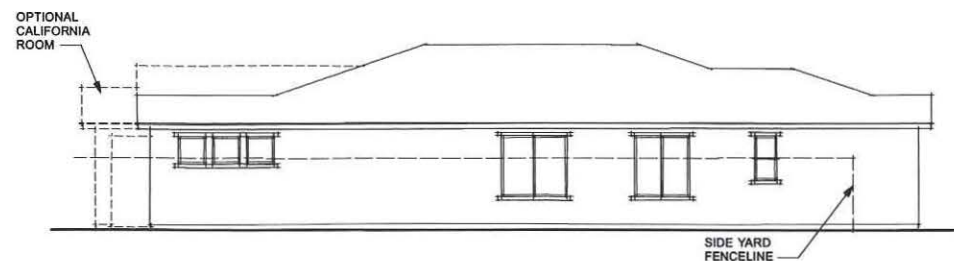
RIGHT SIDE "A"



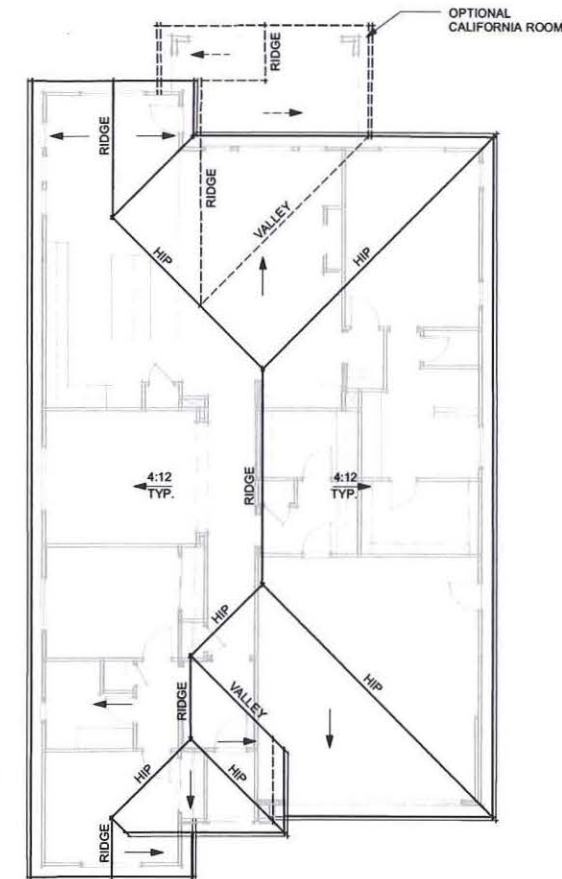
REAR "A"



REAR "A"
(OPT. CALIFORNIA ROOM)



LEFT SIDE "A"

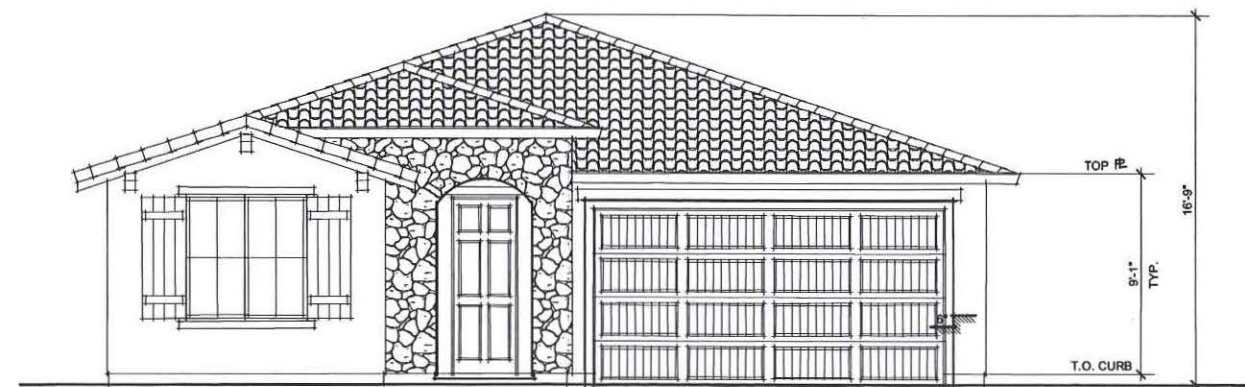


ROOF PLAN "A"

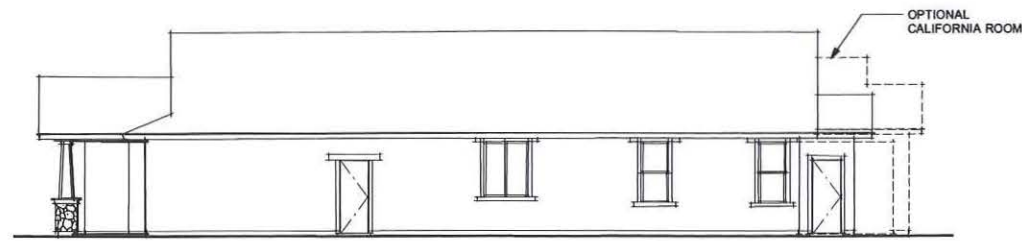
TUSCAN

- STUCCO SIDING
- STUCCO OVER FOAM TRIM
- DECORATIVE FOAM OUTLOOKERS
- PLANK AND BATTEN SHUTTERS
- CULTURED STONE VENEER
- THEME SPECIFIC GARAGE DOOR
- PROFILE TILE GUTTER
- CONCRETE TILE ROOFING - LOW PROFILE "S"

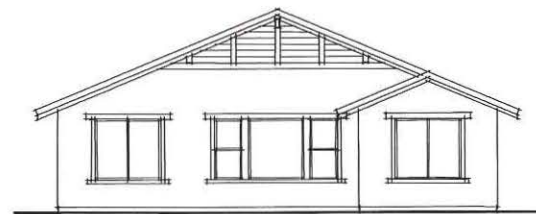
▬ INDICATES RECESS



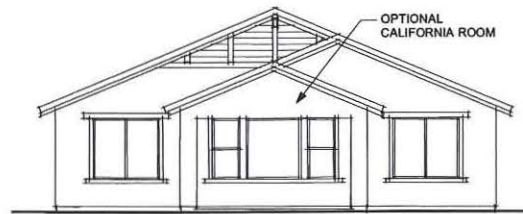
FRONT ELEVATION "A"
(TUSCAN)



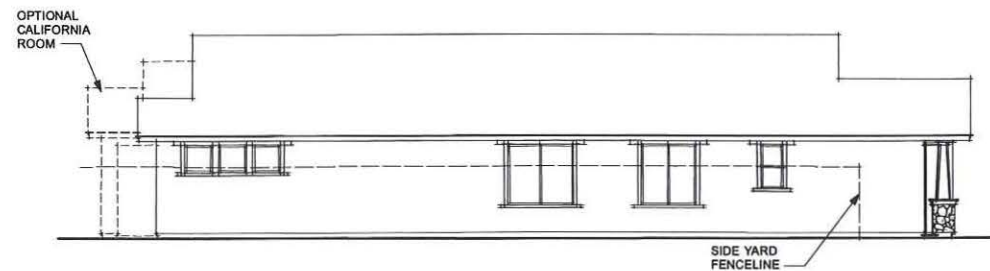
RIGHT SIDE "B"



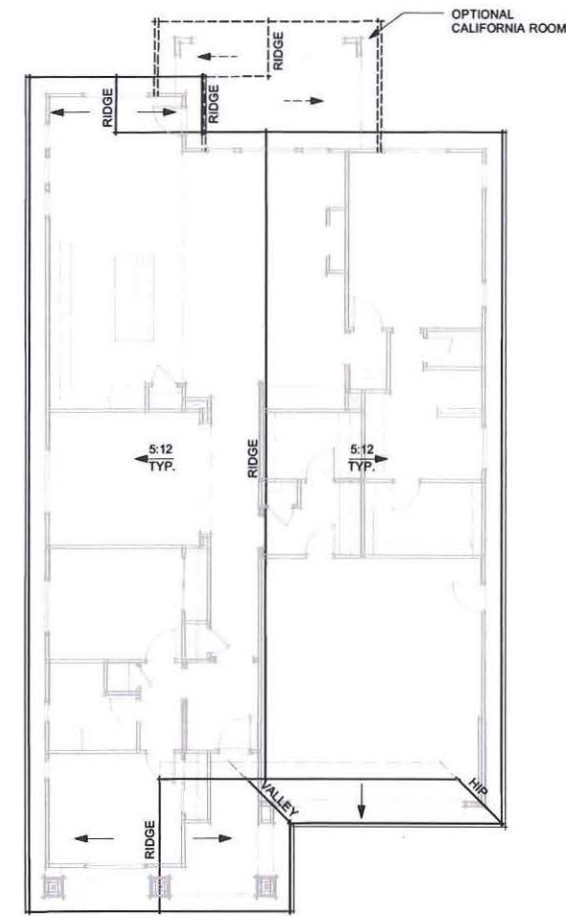
REAR "B"



**REAR "B"
(OPT. CALIFORNIA ROOM)**



LEFT SIDE "B"



ROOF PLAN "B"

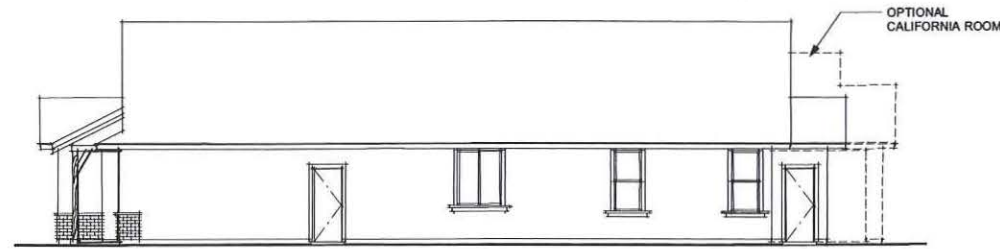
CRAFTSMAN

- STUCCO SIDING
- STUCCO OVER FOAM TRIM
- WOOD TRIM OVER LAP SIDING AT GABLE ENDS
- WOOD OUTLOOKERS W/ KICKERS
- CULTURED STONE VENEER
- THEME SPECIFIC GARAGE DOOR
- CONCRETE TILE ROOFING - "SHAKE" PROFILE

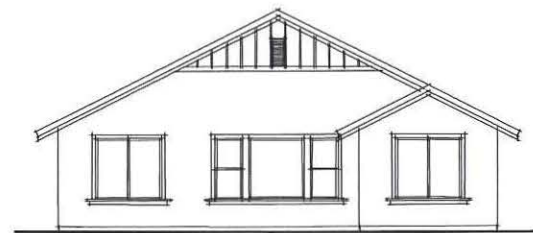
 INDICATES RECESS



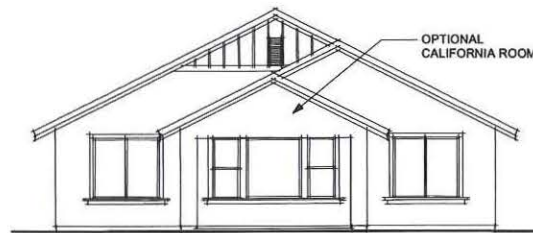
**FRONT ELEVATION "B"
(CRAFTSMAN)**



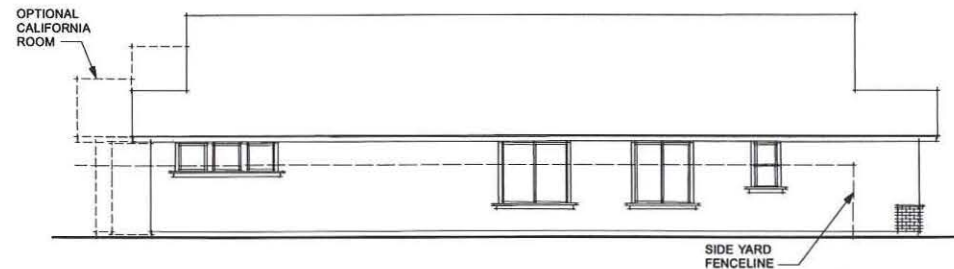
RIGHT SIDE "C"



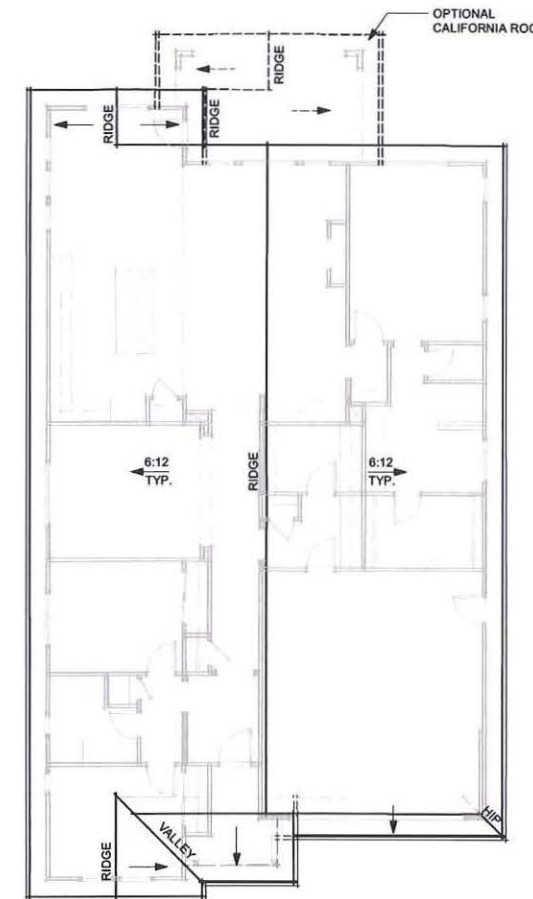
REAR "C"



**REAR "C"
(OPT. CALIFORNIA ROOM)**



LEFT SIDE "C"

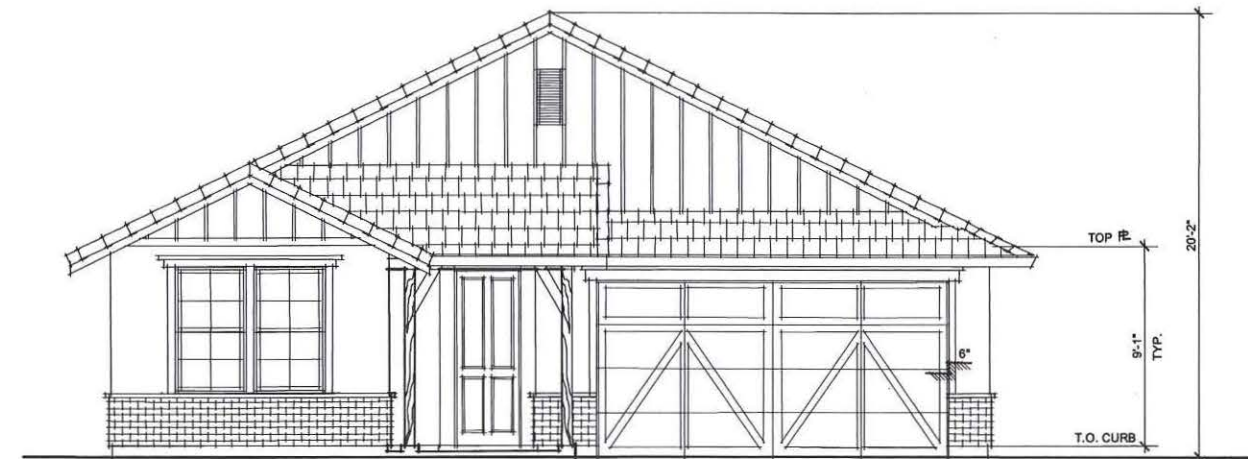


ROOF PLAN "C"

FARMHOUSE

- STUCCO SIDING
- STUCCO OVER FOAM TRIM AT
- STUCCO SIDING
- BOARD AND BATTEN AT ACCENT AREAS
- WOOD TRIM AT BOARD AND BATT SIDING
- WOOD POSTS WITH KICKERS
- THEME SPECIFIC GARAGE DOOR
- CONCRETE TILE ROOFING - "SLATE" PROFILE

 INDICATES RECESS



**FRONT ELEVATION "C"
(FARMHOUSE)**



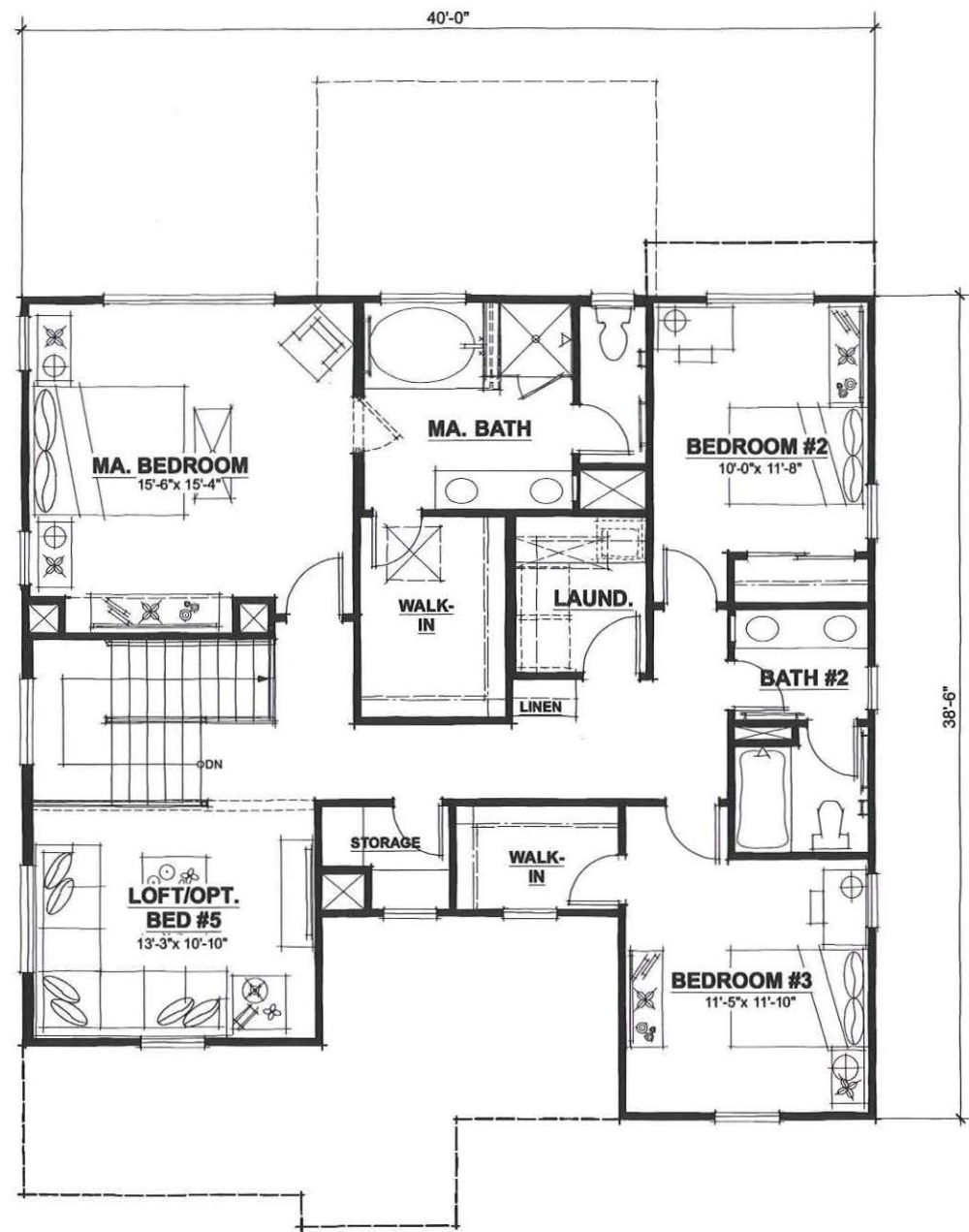
FRONT ELEVATION "A"
(TUSCAN)



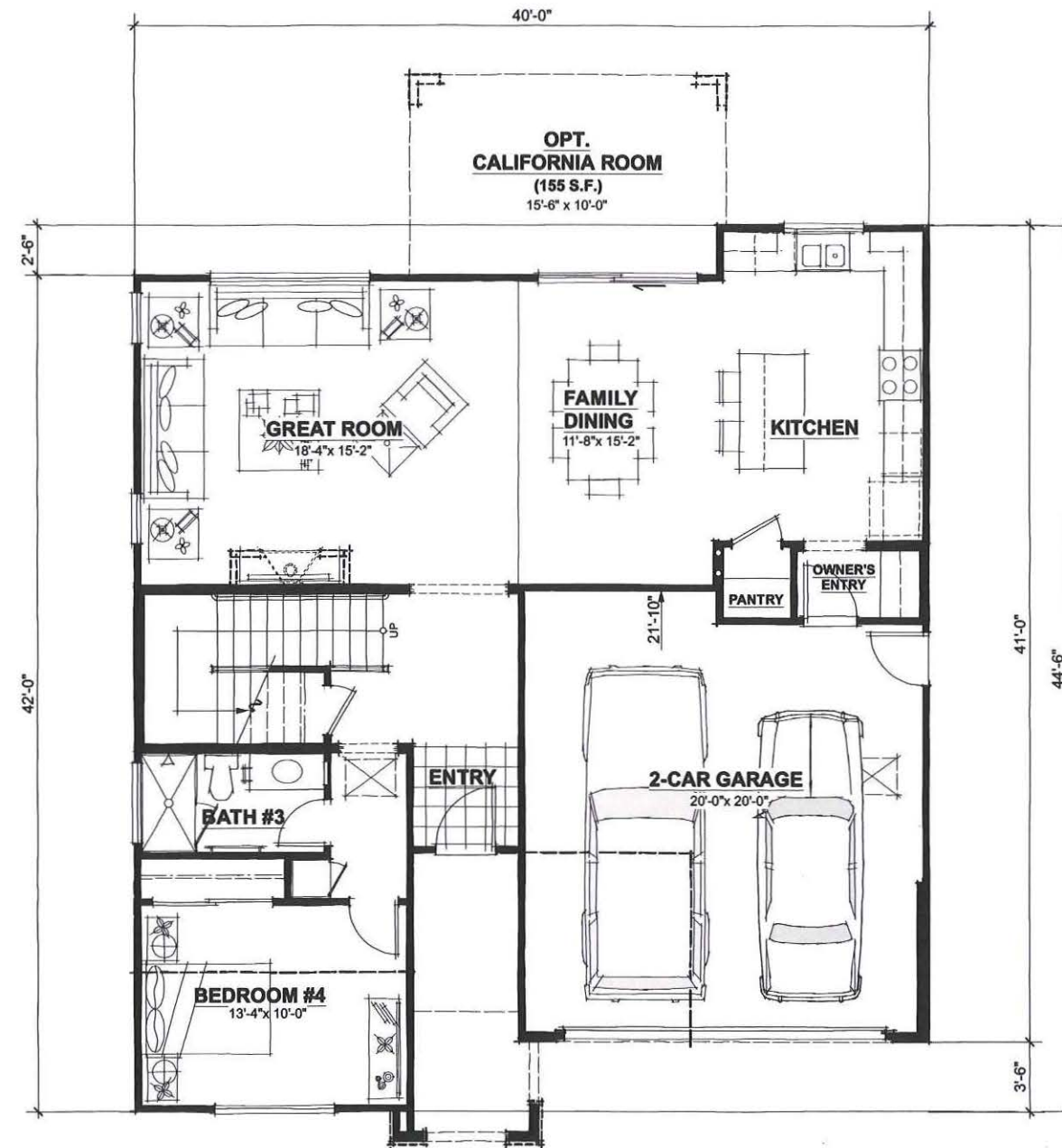
FRONT ELEVATION "B"
(CRAFTSMAN)



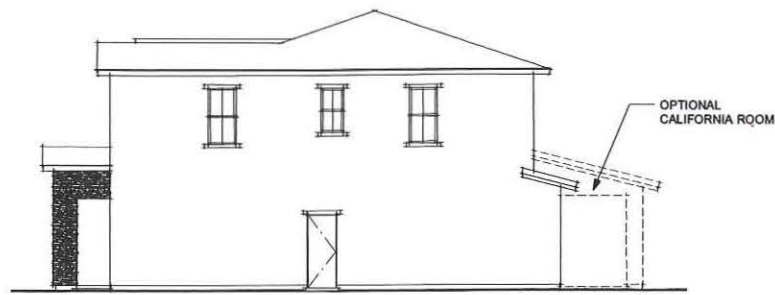
FRONT ELEVATION "C"
(FARMHOUSE)



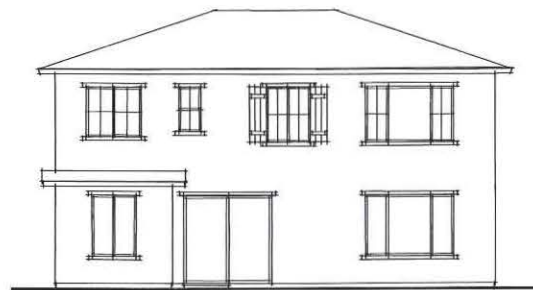
SECOND FLOOR PLAN (1284 S.F., 2402 TOTAL S.F.) 1/4"



FIRST FLOOR PLAN (1118 S.F.; 2402 TOTAL S.F.) 1/4"



RIGHT SIDE "A"



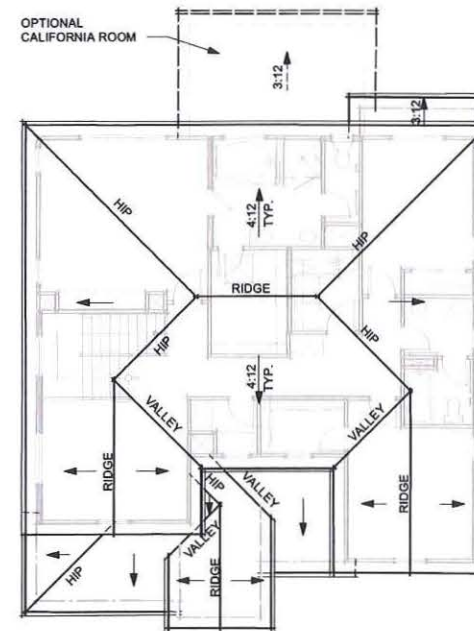
REAR "A"



**REAR "A"
(OPT. CALIFORNIA ROOM)**



LEFT SIDE "A"



ROOF PLAN "A"

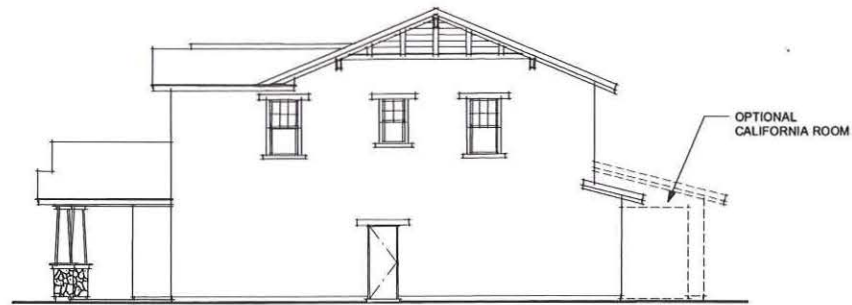
TUSCAN

- STUCCO SIDING
- STUCCO OVER FOAM TRIM
- DECORATIVE FOAM OUTLOOKERS
- PLANK AND BATTEN SHUTTERS
- CULTURED STONE VENEER
- THEME SPECIFIC GARAGE DOOR
- PROFILE TILE GUTTER
- CONCRETE TILE ROOFING - LOW PROFILE "S"

▬ INDICATES RECESS



**FRONT ELEVATION "A"
(TUSCAN)**



RIGHT SIDE "B"



REAR "B"

**REAR "B"
(OPT. CALIFORNIA ROOM)**



LEFT SIDE "B"



ROOF PLAN "B"

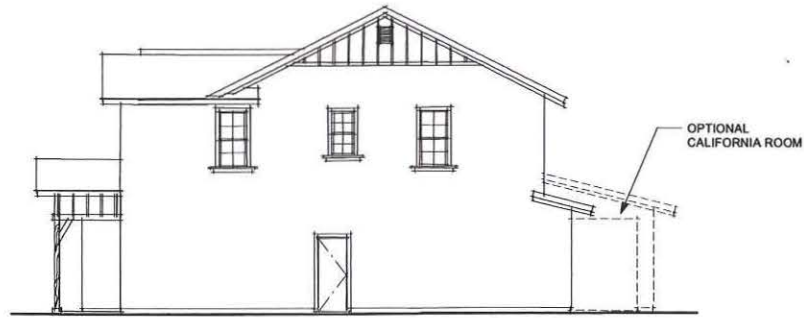
CRAFTSMAN

- STUCCO SIDING
- STUCCO OVER FOAM TRIM
- WOOD TRIM OVER LAP SIDING AT GABLE ENDS
- WOOD OUTLOOKERS W/ KICKERS
- CULTURED STONE VENEER
- THEME SPECIFIC GARAGE DOOR
- CONCRETE TILE ROOFING - "SHAKE" PROFILE

INDICATES RECESS



**FRONT ELEVATION "B"
(CRAFTSMAN)**



RIGHT SIDE "C"

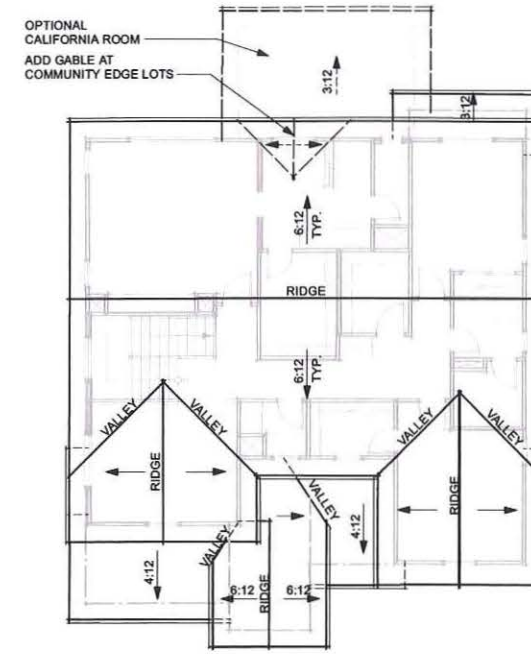


REAR "C"

**REAR "C"
(OPT. CALIFORNIA ROOM)**



LEFT SIDE "C"



ROOF PLAN "C"

FARMHOUSE

- STUCCO SIDING
- STUCCO OVER FOAM TRIM AT
- STUCCO SIDING
- BOARD AND BATTEN AT ACCENT AREAS
- WOOD TRIM AT BOARD AND BATT SIDING
- WOOD POSTS WITH KICKERS
- THEME SPECIFIC GARAGE DOOR
- CONCRETE TILE ROOFING - "SLATE" PROFILE

INDICATES RECESS



**FRONT ELEVATION "C"
(FARMHOUSE)**



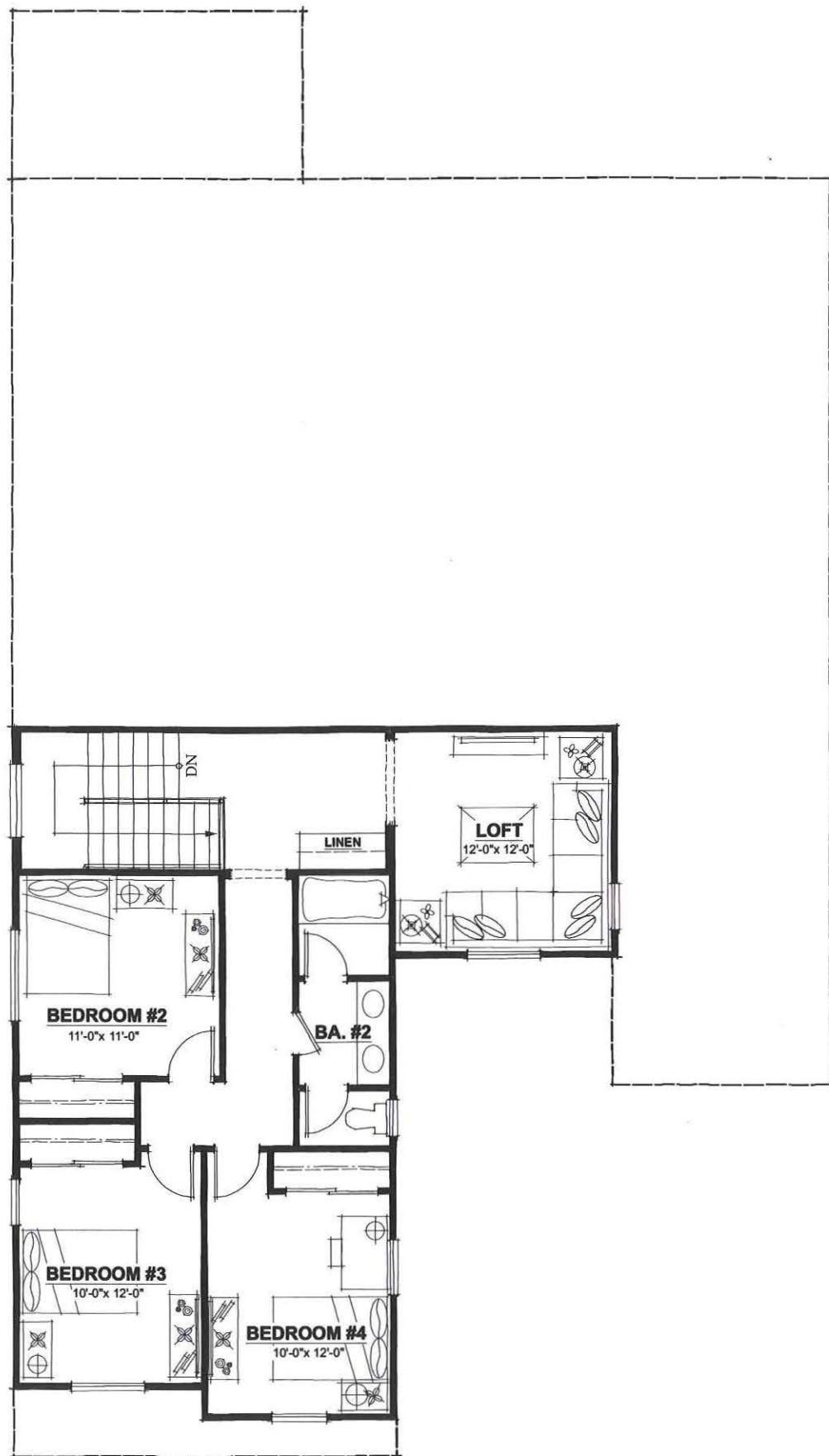
FRONT ELEVATION "A"
(TUSCAN)



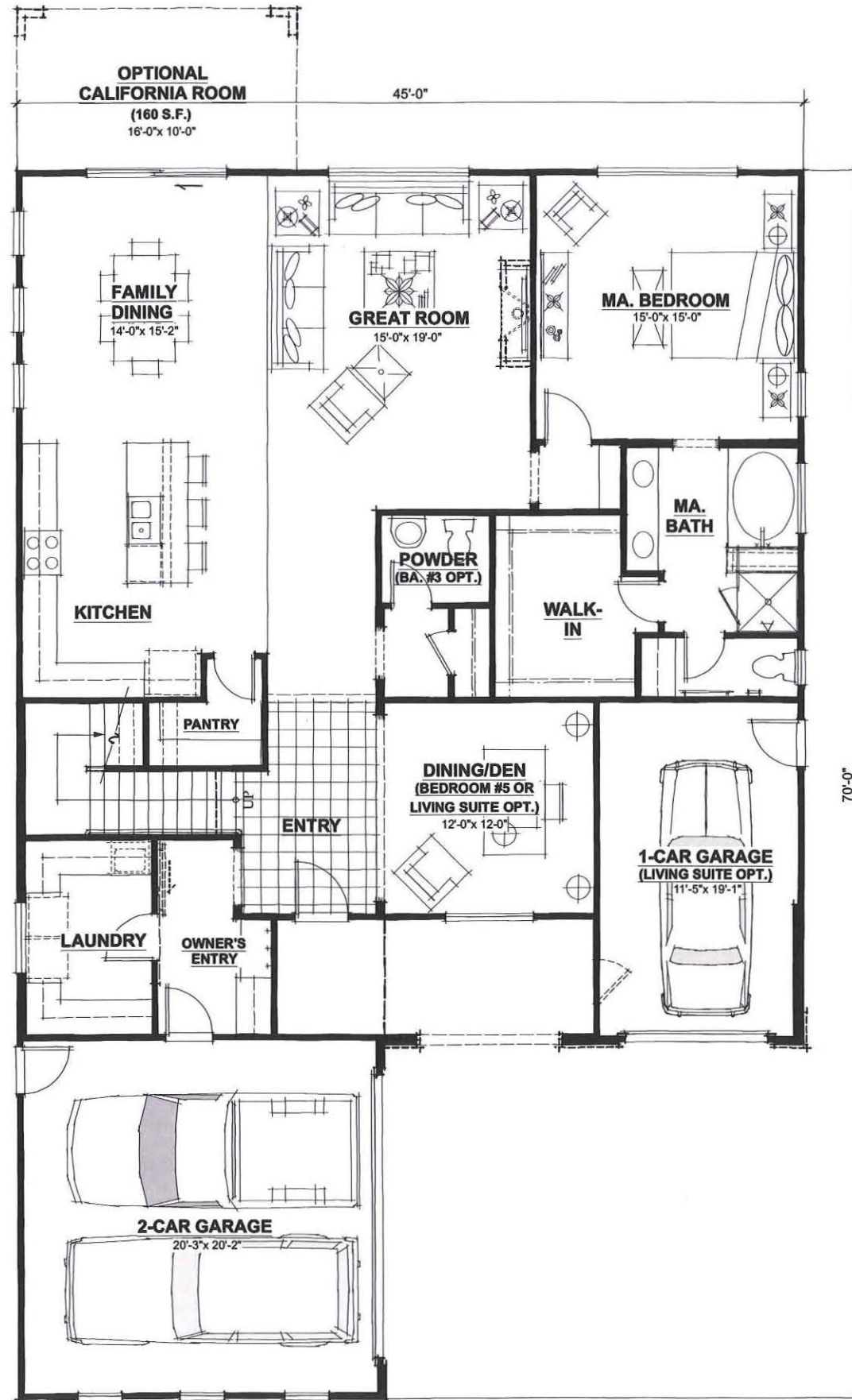
FRONT ELEVATION "B"
(CRAFTSMAN)



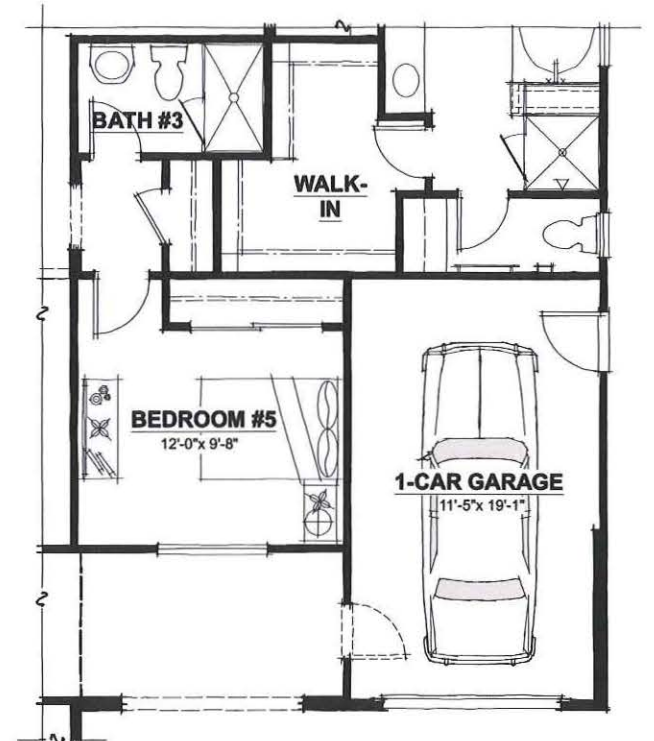
FRONT ELEVATION "C"
(FARMHOUSE)



SECOND FLOOR PLAN (857 S.F.)



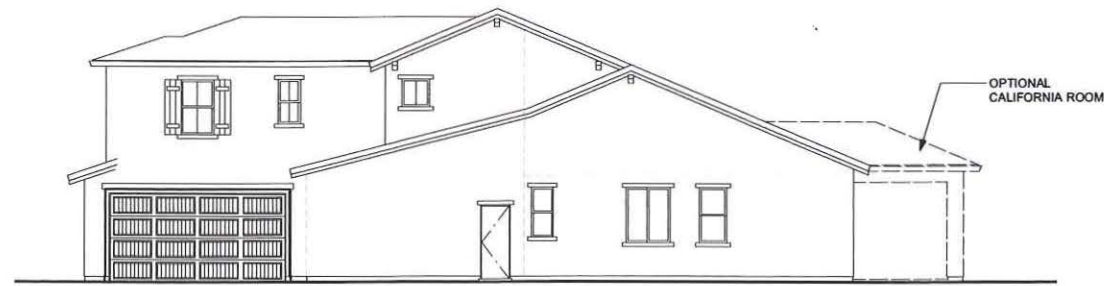
FIRST FLOOR PLAN (1876 S.F.; 2733 TOTAL S.F.)



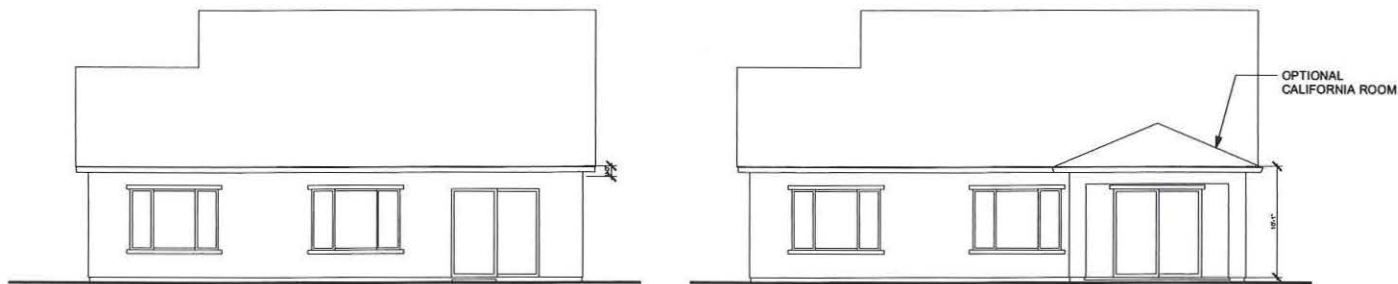
BEDROOM #5/ BATH #3 OPTION



LIVING SUITE OPTION (229 S.F.)

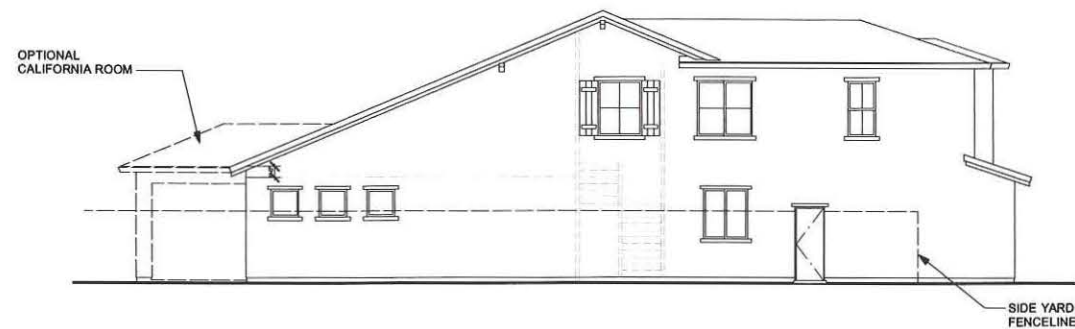


RIGHT SIDE "A"

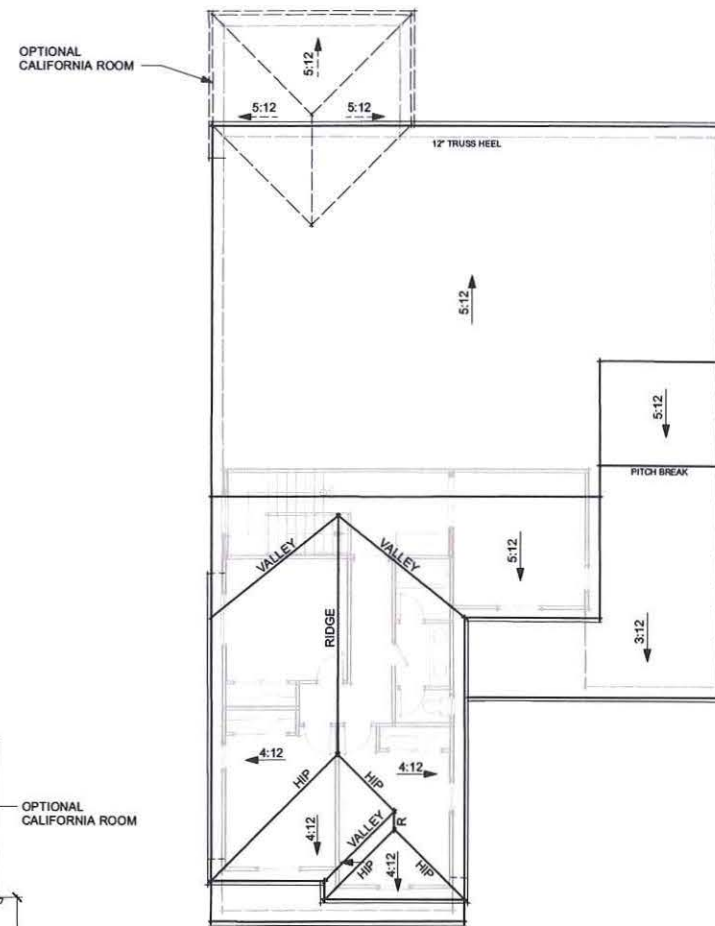


REAR "A"

**REAR "A"
(OPT. CALIFORNIA ROOM)**



LEFT SIDE "A"

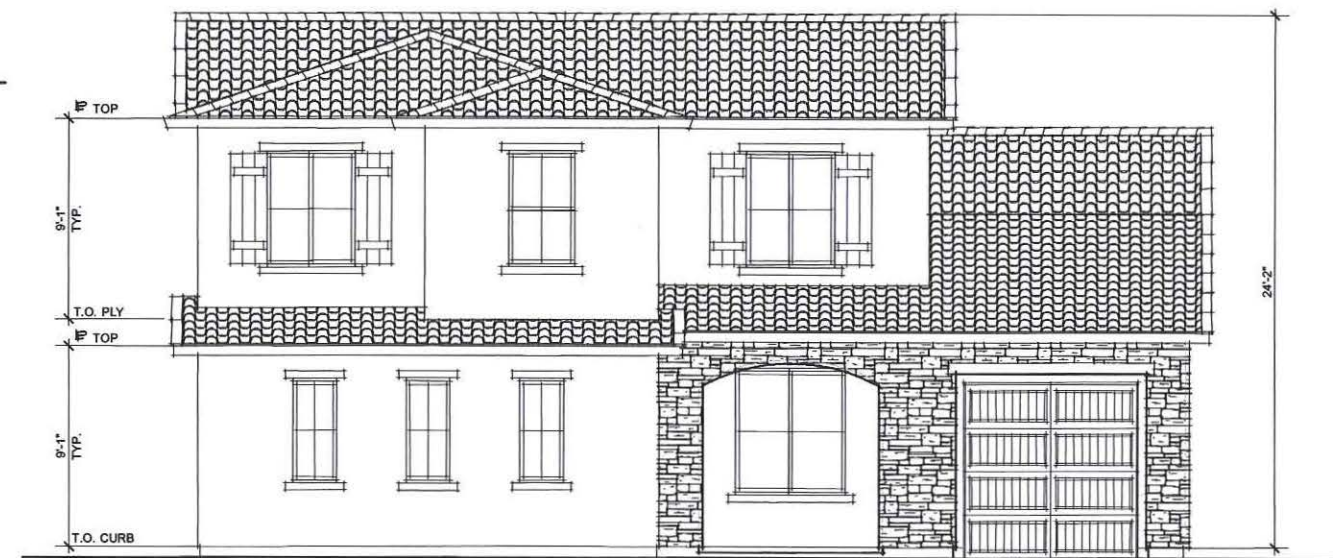


ROOF PLAN "A"

TUSCAN

- STUCCO SIDING
- STUCCO OVER FOAM TRIM
- DECORATIVE FOAM OUTLOOKERS
- PLANK AND BATTEN SHUTTERS
- CULTURED STONE VENEER
- THEME SPECIFIC GARAGE DOOR
- PROFILE TILE GUTTER
- CONCRETE TILE ROOFING - LOW PROFILE "S"

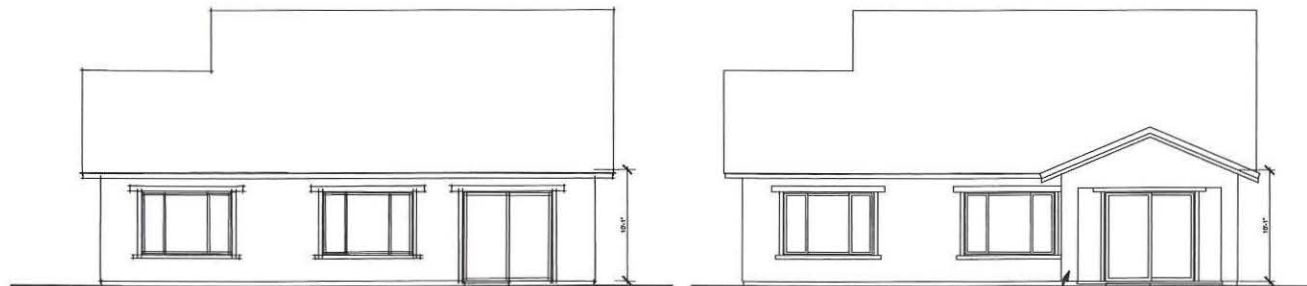
▬ INDICATES RECESS



**FRONT ELEVATION "A"
(TUSCAN)**

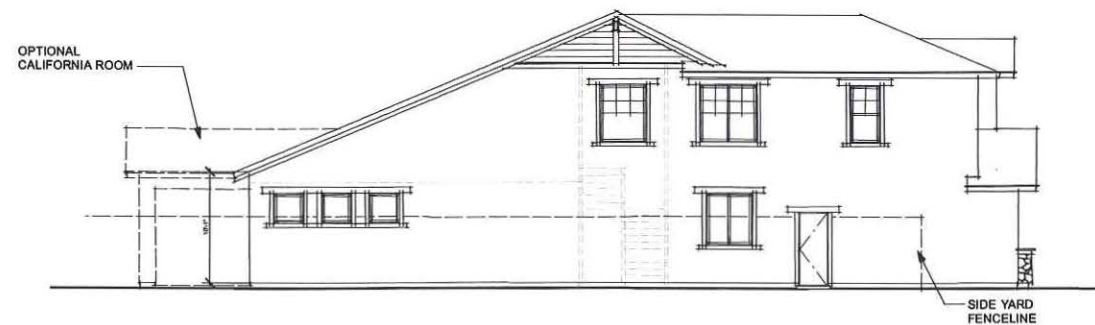


RIGHT SIDE "B"

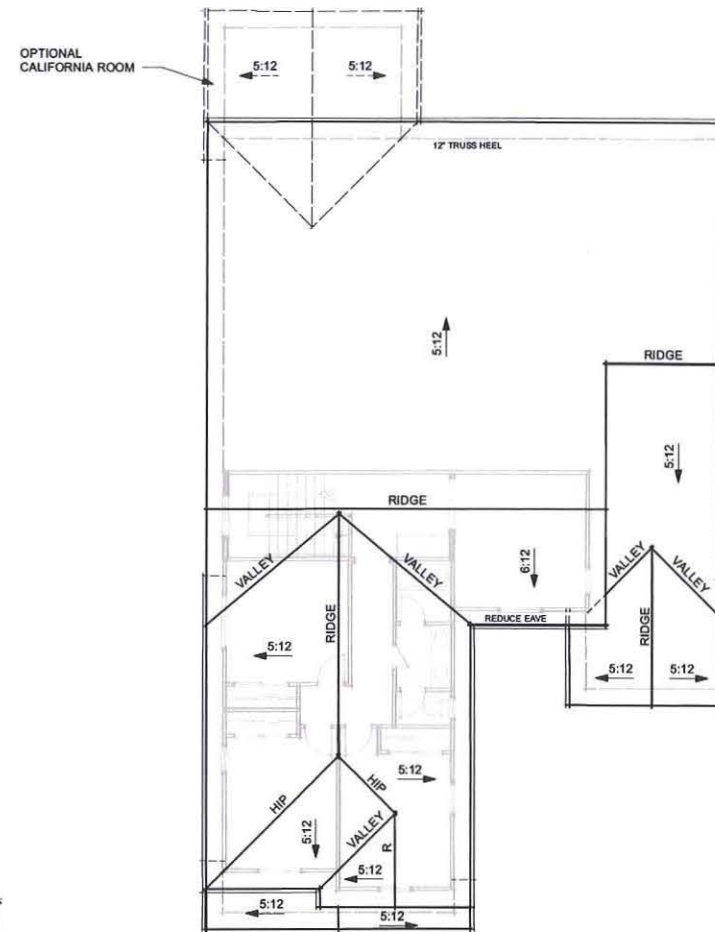


REAR "B"

**REAR "B"
(OPT. CALIFORNIA ROOM)**



LEFT SIDE "B"



ROOF PLAN "B"

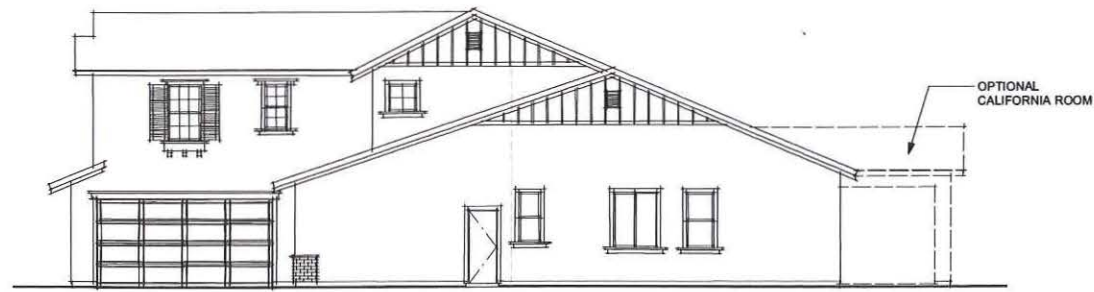
CRAFTSMAN

- STUCCO SIDING
- STUCCO OVER FOAM TRIM
- WOOD TRIM OVER LAP SIDING AT GABLE ENDS
- WOOD OUTLOOKERS W/ KICKERS
- CULTURED STONE VENEER
- THEME SPECIFIC GARAGE DOOR
- CONCRETE TILE ROOFING - "SHAKE" PROFILE

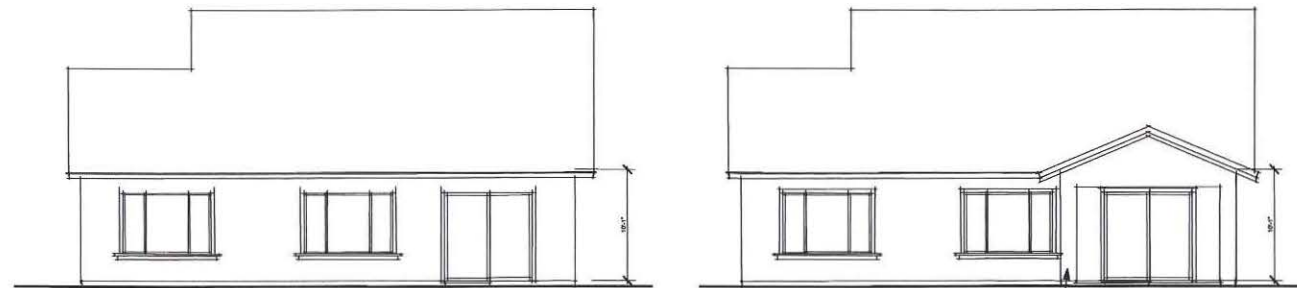
 INDICATES RECESS



**FRONT ELEVATION "B"
(CRAFTSMAN)**

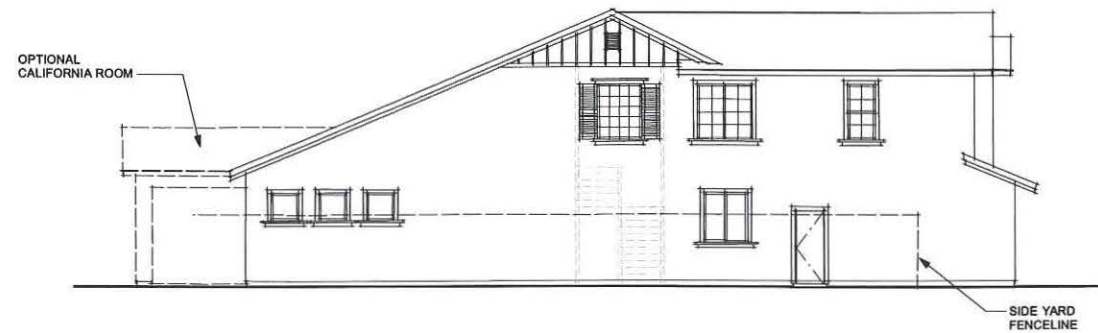


RIGHT SIDE "C"

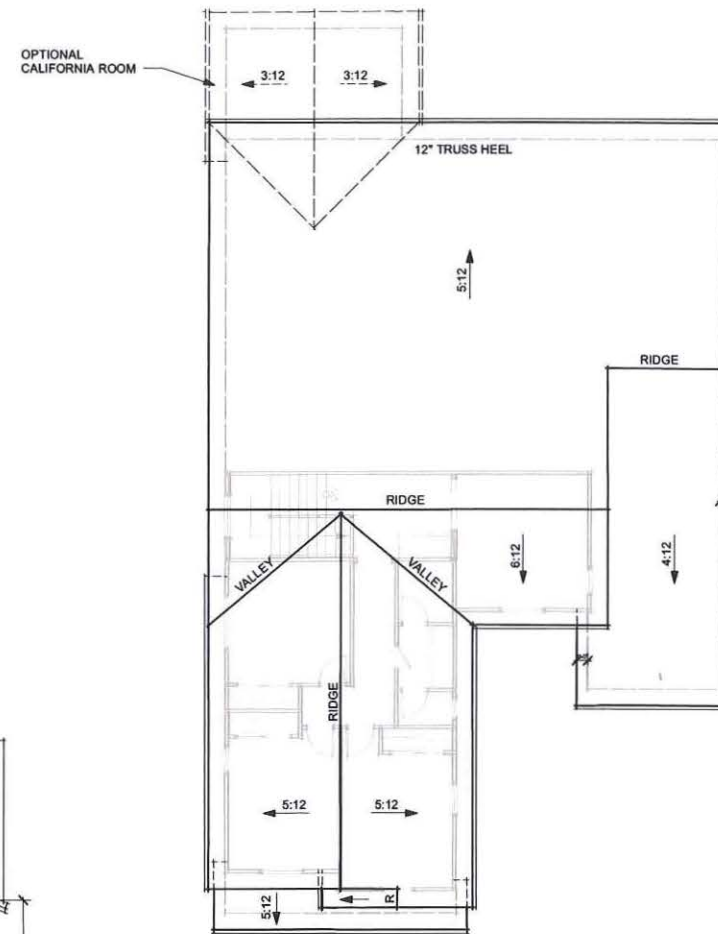


REAR "C"

**REAR "A"
(OPT. CALIFORNIA ROOM)**



LEFT SIDE "C"



ROOF PLAN "C"

FARMHOUSE

- STUCCO SIDING
- STUCCO OVER FOAM TRIM AT
- STUCCO SIDING
- BOARD AND BATTEN AT ACCENT AREAS
- WOOD TRIM AT BOARD AND BATT SIDING
- WOOD POSTS WITH KICKERS
- THEME SPECIFIC GARAGE DOOR
- CONCRETE TILE ROOFING - "SLATE" PROFILE

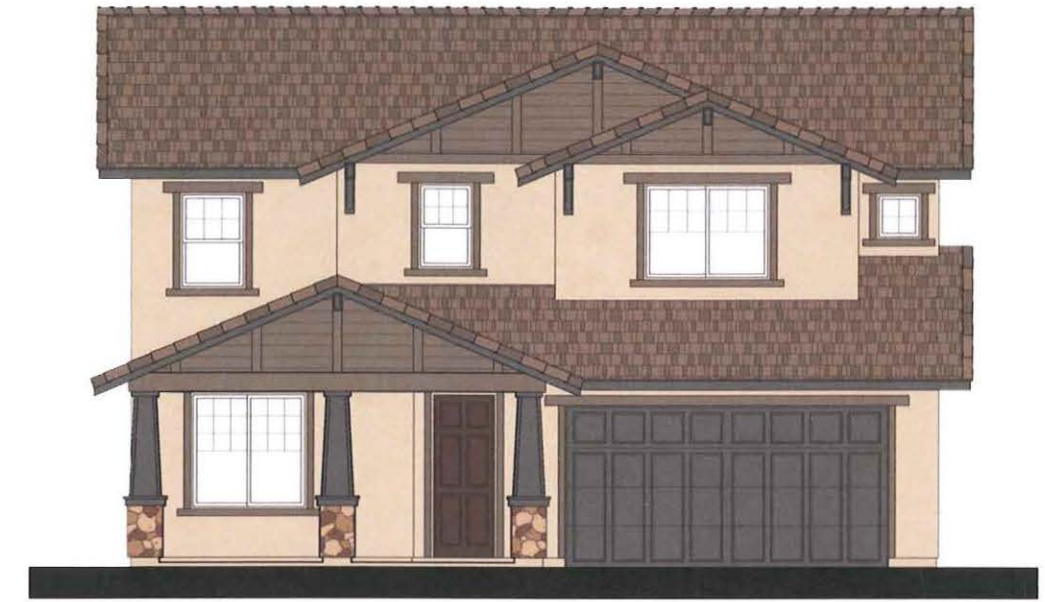
INDICATES RECESS



**FRONT ELEVATION "C"
(FARMHOUSE)**



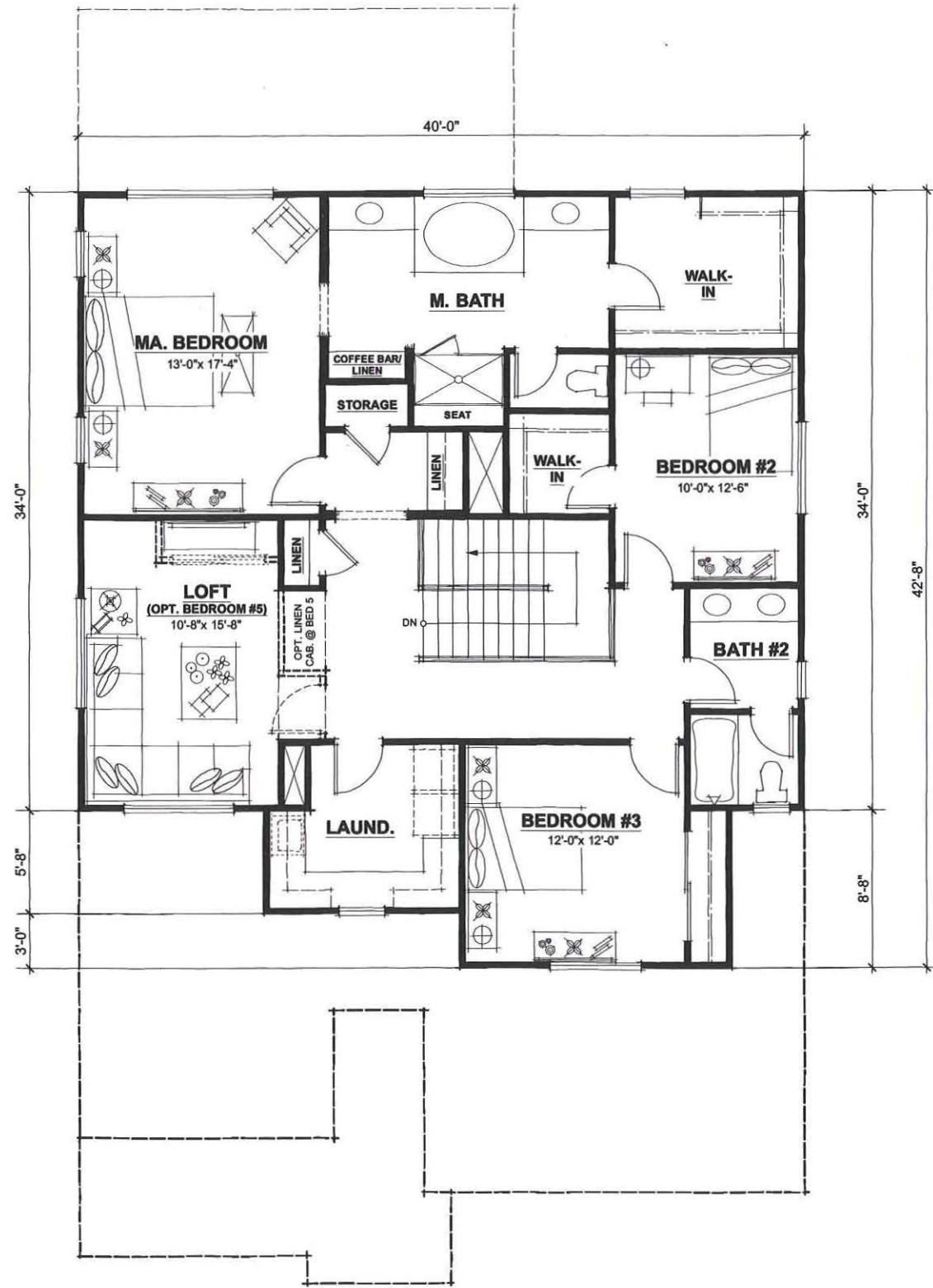
FRONT ELEVATION "A"
(TUSCAN)



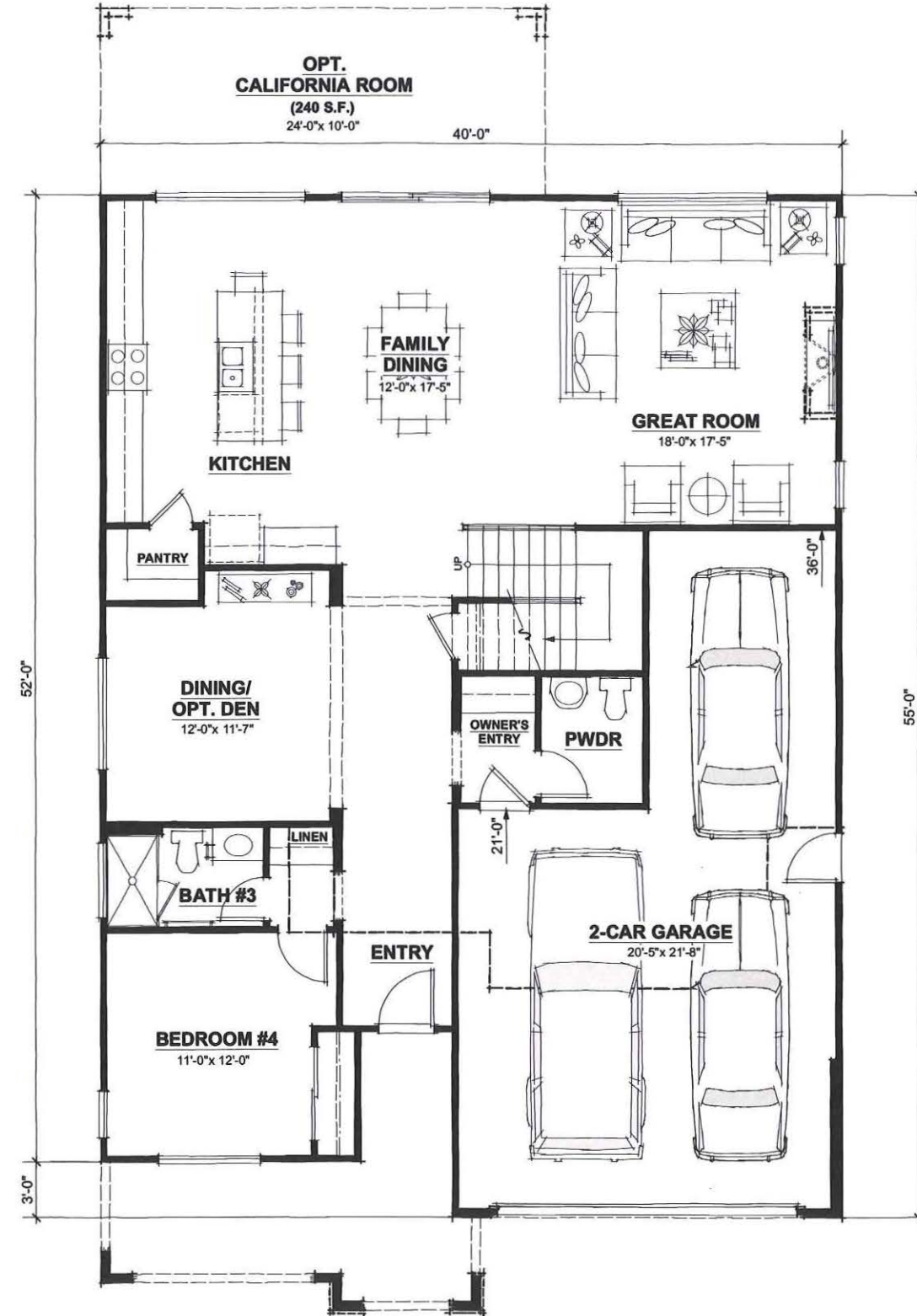
FRONT ELEVATION "B"
(CRAFTSMAN)



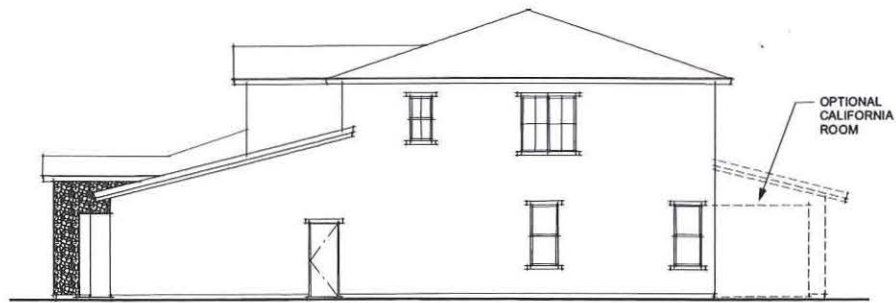
FRONT ELEVATION "C"
(FARMHOUSE)



SECOND FLOOR PLAN (1475 S.F., 2968 TOTAL S.F.) 1/4"



FIRST FLOOR PLAN (1493 S.F.; 2968 TOTAL S.F.) 1/4"



RIGHT SIDE "A"



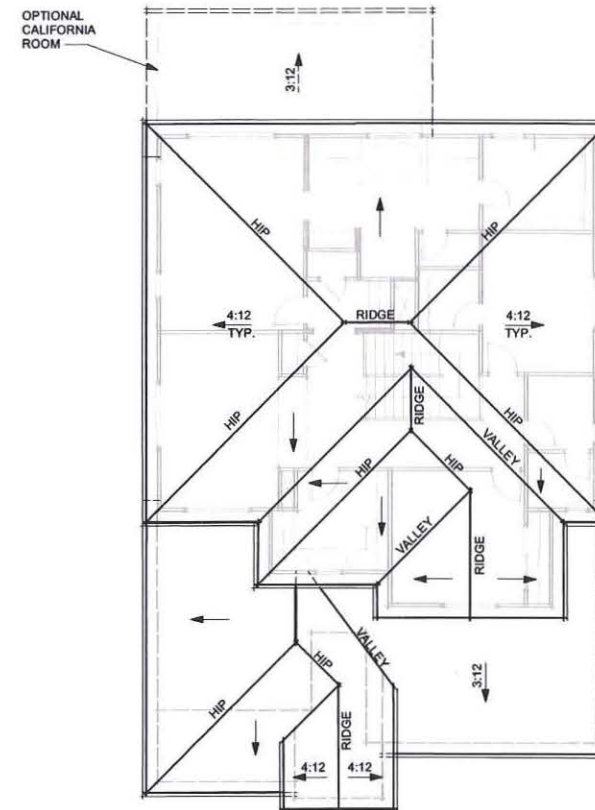
REAR "A"



**REAR "A"
(OPT. CALIFORNIA ROOM)**



LEFT SIDE "A"



ROOF PLAN "A"

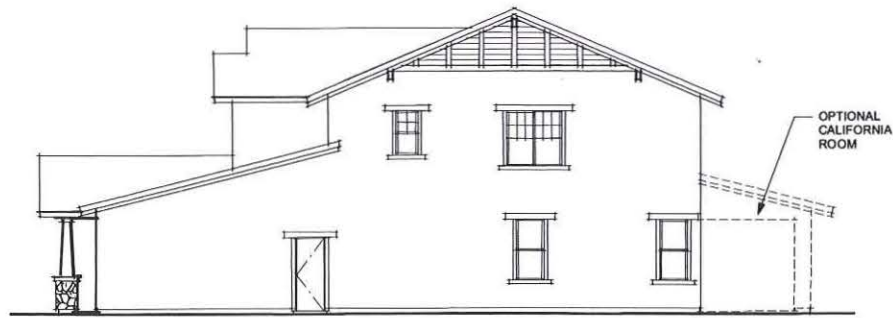
TUSCAN

- STUCCO SIDING
- STUCCO OVER FOAM TRIM
- DECORATIVE FOAM OUTLOOKERS
- PLANK AND BATTEN SHUTTERS
- CULTURED STONE VENEER
- THEME SPECIFIC GARAGE DOOR
- PROFILE TILE GUTTER
- CONCRETE TILE ROOFING - LOW PROFILE "S"

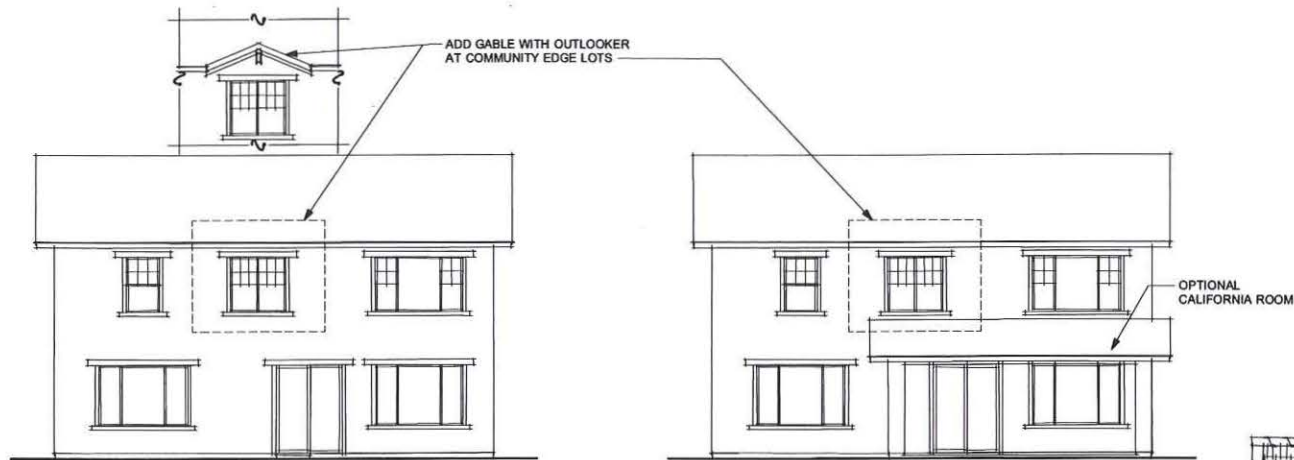
INDICATES RECESS



**FRONT ELEVATION "A"
(TUSCAN)**

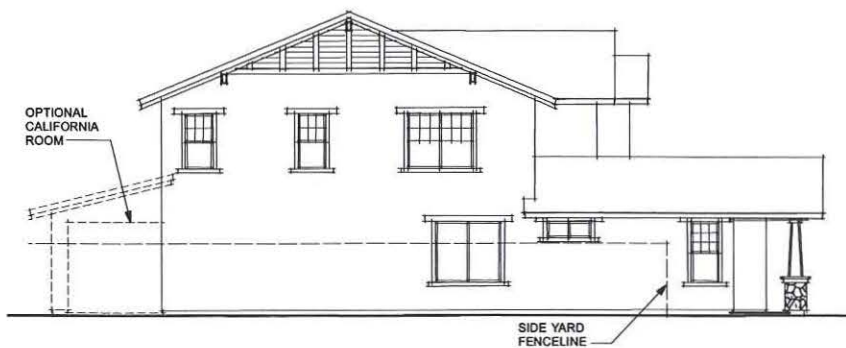


RIGHT SIDE "B"

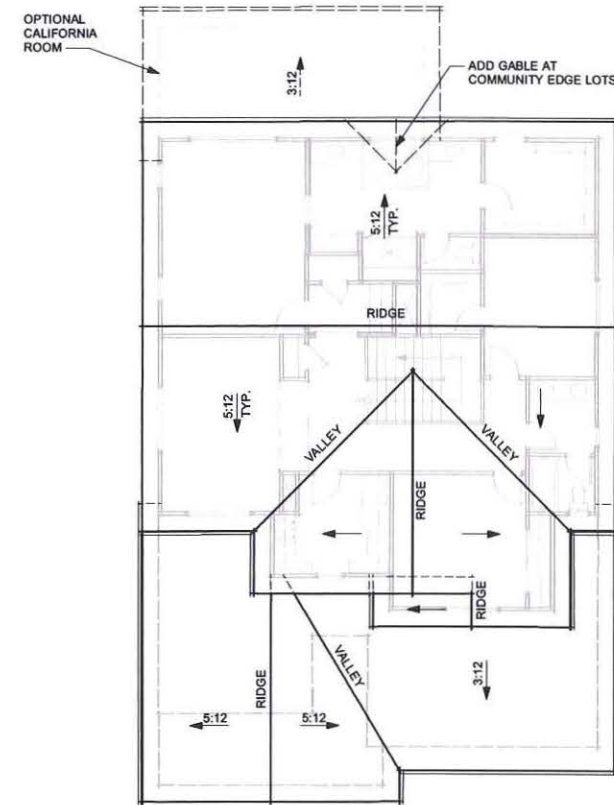


REAR "B"

**REAR "B"
(OPT. CALIFORNIA ROOM)**



LEFT SIDE "B"



ROOF PLAN "B"

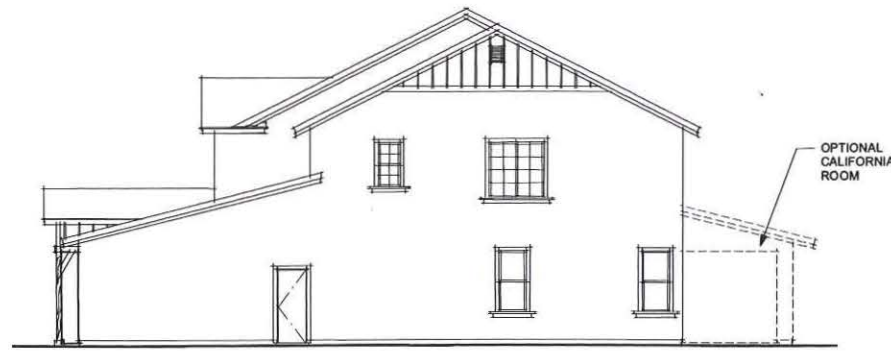
CRAFTSMAN

- STUCCO SIDING
- STUCCO OVER FOAM TRIM
- WOOD TRIM OVER LAP SIDING AT GABLE ENDS
- WOOD OUTLOOKERS W/ KICKERS
- CULTURED STONE VENEER
- THEME SPECIFIC GARAGE DOOR
- CONCRETE TILE ROOFING - "SHAKE" PROFILE

 INDICATES RECESS



**FRONT ELEVATION "B"
(CRAFTSMAN)**

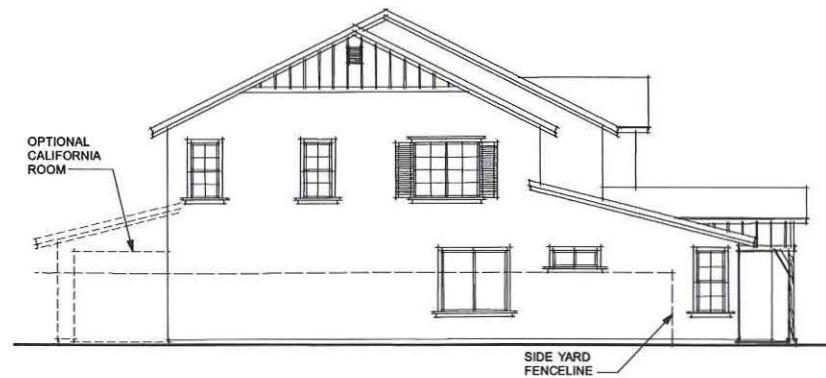


RIGHT SIDE "C"

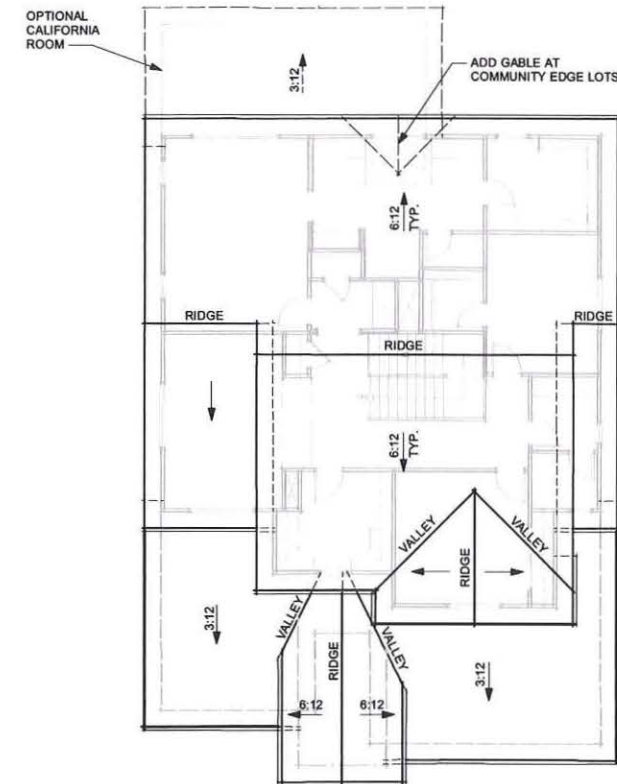


REAR "C"

**REAR "C"
(OPT. CALIFORNIA ROOM)**



LEFT SIDE "C"



ROOF PLAN "C"

FARMHOUSE

- STUCCO SIDING
- STUCCO OVER FOAM TRIM AT STUCCO SIDING
- BOARD AND BATTEN AT ACCENT AREAS
- WOOD TRIM AT BOARD AND BATTEN SIDING
- WOOD POSTS WITH KICKERS
- THEME SPECIFIC GARAGE DOOR
- CONCRETE TILE ROOFING - "SLATE" PROFILE

 INDICATES RECESS



**FRONT ELEVATION "C"
(FARMHOUSE)**

LAKE

PARK

ESCHER CIRCLE

SUBDIVISION 8680

SUBDIVISION 8679

BRIMANTE CT

FRANK HENGEL WAY

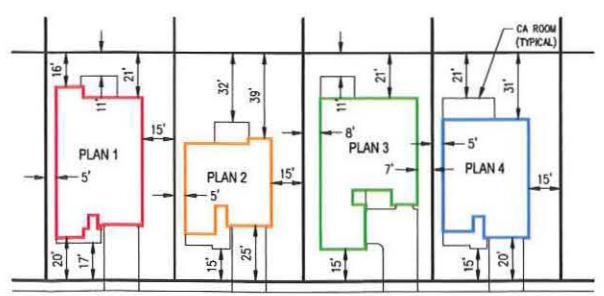
PICASSO DRIVE

VINGNOLA CT

'A' CIRCLE

'A' CIRCLE

OAKLEY UNION SCHOOL DISTRICT
037-192-018



TYPICAL LOT SETBACKS

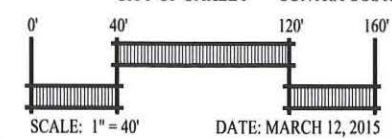
LEGEND

- PROJECT BOUNDARY
- PROPOSED LOT LINE
- PROPOSED RIGHT-OF-WAY
- PROPOSED TOP OF CURB
- MODEL HOME

PRODUCT MIX		
PRODUCT TYPE	LOT COUNT	% OF TOTAL
PLAN 1	10	25
PLAN 2	10	25
PLAN 3	10	25
PLAN 4	10	25
TOTAL	40	100

DeNova Homes
PRESCOTT
DEVELOPMENT PLAN

CITY OF OAKLEY CONTRA COSTA COUNTY CALIFORNIA



SCALE: 1" = 40'

DATE: MARCH 12, 2015

cbg Carlson, Barbee & Gibson, Inc.
 CIVIL ENGINEERS • SURVEYORS • PLANNERS

2633 CAMINO RAMON, SUITE 350
 SAN RAMON, CALIFORNIA 94583 (925) 668-0322

RESOLUTION NO. XX-15**A RESOLUTION OF THE CITY OF OAKLEY CITY COUNCIL MAKING FINDINGS AND APPROVING DESIGN REVIEW FOR "PRESCOTT AT CYPRESS GROVE DESIGN REVIEW" FOR SUBDIVISIONS 9080 AND 9391 (DR 03-15)****FINDINGS**

WHEREAS, on March 13, 2015, Candace Hatch of DeNova Homes, Inc. ("Applicant") filed an application for design review approval of house plans and architecture, and a development plan (neighborhood plotting plan) for 40 entitled lots located within the Cypress Grove subdivision, specifically subdivisions 9080 and 9391 north of Ironhouse Elementary School and Delta Vista Middle School (4901 Frank Hengel Way) off of East Cypress Road and Frank Hengel Way. The site is zoned P-1 (Planned Development) District. Portion of APN 037-192-024; and

WHEREAS, on April 13, 2015 the project application was deemed complete per Government Code section 65920 et. seq; and

WHEREAS, the project site is designated Single Family High (SH) on the Oakley 2020 General Plan Land Use Map, and zoned P-1 (Planned Development) District; and

WHEREAS, The project does not constitute changes to the physical impacts associated with, and falls within the scope of CEQA analyses previously conducted for both Subdivision 9080 (Negative Declaration SCH# 2006062088) and Subdivision 9391 (Categorically exempt pursuant to CEQA Guidelines section 15332 – In-Fill Development Projects); and

WHEREAS, on May 14, 2015, the Notice of Public Hearing for the project was posted at Oakley City Hall located at 3231 Main Street, outside the gym at Delta Vista Middle School located at 4901 Frank Hengel Way, outside the library at Freedom High School located at 1050 Neroly Road, and at the project site. The notice was also mailed out to all owners of property within a 300-foot radius of the subject property's boundaries, to outside agencies, and to parties requesting such notice; and

WHEREAS, on May 26, 2015, the City Council opened the public hearing and received a report from City Staff, oral and written testimony from the applicant and public, and deliberated on the project. At the conclusion of its deliberations, the City Council took a vote and adopted this resolution to approve the project, as revised by the City Council during its deliberations; and

WHEREAS, if any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City; and

WHEREAS, these Findings are based on the City's General Plan, the City's Zoning Ordinance, approved projects for Vesting Tentative Maps 9080 and 9391, and the information submitted to the City Council at its May 26, 2015 meeting, both written and oral, including oral information provided by the applicant, as reflected in the minutes of such meetings, together with the documents contained in the file for the Project (hereafter the "Record").

NOW, THEREFORE, BE IT RESOLVED THAT, on the basis of the above Findings and the entire Record, the City Council makes the following additional findings in support of the recommended approvals:

- A. Regarding the application requesting design review approval for project titled, "Prescott at Cypress Grove Design Review (DR 03-15)", the City Council finds that:
1. The proposed design review plans are consistent with the applicable General Plan designation and approved Vesting Tentative Maps 9080 and 9391. The vesting tentative maps were approved on August 14, 2006 (Resolution 112-06) and March 10, 2015 (Resolution 34-15), respectively; and
 2. The proposed design review plans comply with project's P-1 District zoning regulations; and.
 3. The proposed design and materials of the single-family home are compatible with the applicable adopted City of Oakley Residential Design Guidelines standards, as modified through implementation of this resolution's conditions of approval.
- B. The Project complies with Measure J Growth Management requirements.

BE IT FURTHER RESOLVED THAT, on the basis of the above Findings and the Record, the City Council approves the applicant's request for design review approval of "Prescott at Cypress Grove Design Review (DR 03-15)", subject to the following conditions:

Applicant shall comply with the requirements of the Municipal Code, unless otherwise stipulated in this resolution. Conditions of Approval are based on the plans received by the Planning Division and made a part of the City Council's meeting packet for May 26, 2015.

THE FOLLOWING CONDITIONS OF APPROVAL SHALL BE SATISFIED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT UNLESS OTHERWISE NOTED (BOLD CONDITIONS ADDED OR AMENDED AT PUBLIC HEARING):

Planning Division Conditions

General:

1. This Design Review is approved, as shown on the plans, date stamped by the Planning Department on March 13, 2015, and as conditioned below.
2. This approval shall be effectuated within a period of one (1) year from the effective date of this resolution and if not effectuated shall expire on May 26, 2016. Prior to said expiration date, the applicant may apply for an extension of time pursuant to the provisions of the Municipal Code.
3. All construction drawings submitted for plan check shall be in substantial compliance with the plans presented to and approved by the City Council on May 26, 2015 and conditioned herein.
4. All conditions of approval shall be satisfied by the owner/developer. All costs associated with compliance with the conditions shall be at the owner/developer's expense.
5. Noise generating construction activities, including such things as power generators, shall be limited to the hours of 7:30 a.m. to 5:30 p.m. Monday through Friday, and shall be prohibited on City, State and Federal Holidays. The restrictions on allowed working days and times may be modified on prior written approval by the Community Development Director.
6. Should archaeological materials be uncovered during grading, trenching or other on- site excavation(s), earthwork within 30 yards of these materials shall be stopped until a professional archaeologist who is certified by the Society of Professional Archaeology (SOPA) has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s), if deemed necessary.
7. All mitigation measures contained in Mitigated Negative Declaration adopted for Vesting Tentative Map 9080 and associated entitlements (available at City Hall, 3231 Main Street, Oakley, CA 94561) shall be implemented, as applicable.
8. The applicant shall indemnify, defend, and hold harmless the City of Oakley, the City Approving Authorities, and the officers, agents, and employees of the City from any and all claims, damages and liability (including, but not limited to, damages, attorney fees, expenses of litigation, costs of court).
9. Any model home complex shall have a copy of the City of Oakley's General Plan Land Use Map posted within the sales office or included with the informational material provided to prospective home buyers.

Architecture:

10. In order to provide at least 50% of the corner lots with one-story homes, the applicant shall replace two of the four two-story corner lots with the one-story home.
11. The applicant shall add shutters to at least one window on the following second story elevations:
 - Plan 2 and Plan 4 (Tuscan), and Plan 4 (Farmhouse) – Right elevation;
 - Plan 2 (Craftsman and Farmhouse), and Plan 4 (Farmhouse) – Rear elevation window where gable, outlookers and shutters would otherwise be installed go for enhanced lots;
 - Plan 2 (Craftsman and Farmhouse) – Right and left elevations; and
 - Plan 4 (Tuscan) – Right Elevation
12. The additional architectural element in the form of a rear elevation gable with enhancements proposed for “community edge lots” on the applicant’s plans and shown on Plans 2 and 4 of the Craftsman and Farmhouse architectural types only shall be required on the applicable homes on Lots 1, 27, 28, and 31-40, as indicated on the Development Plan.

Development Regulations:

13. Development of the subdivision shall be subject to the applicable P-1 District, which follows the R-6 (Single family Residential) District regulations.

Landscaping:

14. Front yard and right-of-way landscaping shall conform to the Oakley Landscape Guidelines and the City’s Water Conservation Landscape Ordinance 82-26 and shall be installed prior to final occupancy. The plan shall be prepared by a licensed landscape architect and shall be certified to be in compliance with the City’s Water Conservation Ordinance.
15. California native drought tolerant plants shall be used as much as possible. All trees shall be a mix of 15-gallon and 24-inch box; all shrubs shall be a minimum five-gallon size, except as otherwise noted.
16. All landscaped areas not covered by shrubs or groundcover shall be covered with bark or acceptable alternative as reviewed and approved by the Community Development Director. On slopes greater than 3 to 1, the applicant shall use an alternative to bark per the review and approval of the Community Development Director.
17. The applicant shall maintain all private landscaping until occupancy.

Energy Efficiency:

18. Air conditioning condenser units shall be located to take advantage of natural shade. Condensers should not be placed on the west or south elevation of a home, unless shade is provided. The location of the condenser shall be added to all plot plans for review and approval of the Community Development Director.
19. Design and site units so as to take advantage of natural heating and cooling, sun and wind exposure, and solar energy opportunities.

Waste Management Plan:

20. The applicant shall submit a Waste Management Plan that complies with the City of Oakley Construction and Demolition Debris Recycling Ordinance.

Building Division Conditions

21. Plans shall meet the currently adopted Uniform Codes as well as the newest T-24 Energy requirements from the State of California Energy Commission. To confirm the most recent adopted codes please contact the Building Division at (925) 625-7005.
22. Prior to requesting a Certificate of Occupancy from the Building Division, all Conditions of Approval required for occupancy must be completed. When the Public Works Division and the Planning Division place Conditions of Approval on the project, those divisions will sign off on the project prior to the request for a Building division final inspection. Similarly, if the Health Department and/or Fire Department reviewed and approved the original plans, those departments must sign off on the project prior to the request for a final inspection by the Building Division.

Public Works and Engineering Conditions

All Public Works and Engineering Conditions of Approval adopted with City Council Resolution Nos. 112-06 and 34-15 (Subdivisions 9080 and 9391 approvals) shall apply, as applicable.

Advisory Notes

The following Advisory Notes are provided to the applicant as a courtesy but are not a part of the conditions of approval. Advisory Notes are provided for the purpose of informing the applicant of additional ordinance requirements that must be met in order to proceed with development.

- A. The applicant/owner should be aware of the expiration dates and renewing requirements prior to requesting building or grading permits.
- B. The project will require a grading permit pursuant to the Ordinance Code.
- C. Applicant shall comply with the requirements of Ironhouse Sanitary District.
- D. The applicant shall comply with the requirements of the Diablo Water District.
- E. Comply with the requirements of the East Contra Costa Fire Protection District.
- F. Comply with the requirements of the Building Inspection Division. Building permits are required prior to the construction of most structures.
- G. This project may be subject to the requirements of the Department of Fish and Wildlife. It is the applicant's responsibility to notify the Department of Fish and Wildlife, P.O. Box 47, Yountville, California 94599, of any proposed construction within this development that may affect any fish and wildlife resources, per the Fish and Game Code.
- H. This project may be subject to the requirements of the Army Corps of Engineers. It is the applicant's responsibility to notify the appropriate district of the Corps of Engineers to determine if a permit is required, and if it can be obtained.
- I. The applicant shall obtain an encroachment permit for construction within existing City rights of way.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the May 26, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

Doug Hardcastle, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date



STAFF REPORT

Date: May 13, 2015
To: Bryan H. Montgomery, City Manager
From: Libby Vreonis, City Clerk/Paralegal
Subject: A Resolution of the City Council of the City of Oakley to Appoint a Representative to the Contra Costa County Library Commission for a Two-Year Term (July 1, 2015 through June 30, 2017)

Approved and Forwarded to City Council:


Bryan Montgomery, City Manager

FOR CONSIDERATION AT THE OAKLEY CITY COUNCIL MEETING ON MAY 26, 2015

Summary and Recommendation

The current term for the representative to the Contra Costa County Library Commission will expire June 30, 2015. Staff recommends the City Council review two applications submitted for the next two-year term and appoint a representative to the Contra Costa County Library Commission.

Fiscal Impact

None.

Background Information

The Contra Costa County Library Commission was established in 1991 to serve in an advisory capacity to the Board of Supervisors and the County Librarian. The Library Commission is comprised of 29 members representing towns and cities in Contra Costa County, Contra Costa County, the Central Labor Council, the Contra Costa Council, the Contra Costa Community College District, the Superintendent of Schools, and the Friends Council. Members representing towns and cities are appointed by the town/city councils.

The term for the current appointee representing the City of Oakley on the Contra Costa Library Commission will expire June 30, 2015. Staff advertised for applicants through press releases, the City's website and FYI distribution to the City's Constant Contacts list. Staff also notified the current representative and alternate to re-apply. The upcoming term will extend from July 1, 2015 through June 30, 2017 (a two-year term).

Staff received two applications which are attached to this report for the City Council's consideration. Both applicants have been invited to attend the Council meeting to be held May 26, 2015 should the City Council have any questions for the applicants. A list of potential questions will be provided to the City Council should it choose to interview the applicants.

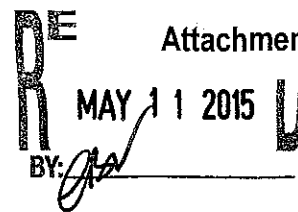


Conclusion

Staff recommends the City Council review the two applications submitted and appoint a representative to the Contra Costa County Library Commission for the next two-year term.

Attachments

1. Applications submitted by Arthur Mijares and Arnold Fitzpatrick, Jr.
2. A Resolution of the City Council of the City of Oakley to Appoint a Representative to the Contra Costa County Library Commission for a Two-Year Term (July 1, 2015 through June 30, 2017)



**APPLICATION FOR APPOINTMENT
BY THE OAKLEY CITY COUNCIL
TO THE
CONTRA COSTA COUNTY LIBRARY COMMISSION*
(Please Print Clearly)**

Name: ARTHUR MIJARES _____

Home Address: 504 BROOKS DRIVE _____
OAKLEY, CA 94561 _____

Mailing Address:
(if different) _____

Home Phone: (925) 679-9901 _____

Work Phone: (925) 852-3153 CELL _____

Fax: _____

E-Mail: arthur1209@att.net _____

Statement of interest in the position:

(Please attach additional pages as needed. Please use no more than 200 words.)

As you may know, I have served on various advisory committees throughout my years as a resident here in Oakley since moving to here in May 2004. These include Transportation, Alcohol & other Drugs and the Advisory Council on Aging. During my term on Transportation, East County was one of the prime issue on the agenda as well as Hwy 4 transfer of Hwy from 160 through the city which is now Main Street. Also the Plans for increasing Laurel Road to eventually becoming Oakley's main route with 6 lanes.

While with A&OD, we were active in stopping the legalization of Marijuana in our state as well getting information out to our communities' resources regarding alcohol, and drug abuse. My most recent service with the ACOA ended recently with my resignation after serving approx.

2 ½ years. During this time, I was able to assist in many issues regarding senior needs in our County as well as here in Oakley. I joined the Oakley Senior Citizens in their efforts to establish a stable Center here in Oakley which continues to be an on-going work. I was not able to complete all that I hoped to finish but was glad to contribute my support and also voted to extend this project to include our Veterans as co-partners and co-use of the building. I must admit that this assignment was the most difficult at both the county level and the city level. There were differences of opinions at the local level. Also that Oakley gets over looked at the county level. I did make sure that ACOA group knew we were here and working hard to achieve our local goals without support that is available in other cities (i.e. CC Café and other county supported programs located in more populated cities).

Today, my focus has changed to Library issues, hence, my application to once again offer to serve the City of Oakley on this committee. I am a member of the CCC Library and have visited many of the libraries in our county. I see the need for a new location for our city library (hopefully to our civil center area) and have participated in the fund-raising events to help get this started.

While attending college at SFSC, I worked in the library and over the years have developed a passion for its use and development for all citizens in our community (children through our Seniors).

With all this knowledge and experience on these advisory committees for and here in Oakley, I may some day run for City Council here in Oakley if I am still able. I do know, I have a heart to serve our community and assist wherever I am needed and called.

Qualifications:

(Please describe educational, work and other experience, which would make you a valuable addition to the Commission for which you are applying. Please use no more than 200 words.)

In addition to the above information, I have a background in computer technology while

I attended Diablo Valley College-2 yrs., BA Degree in Sociology from SFSC and 35 years of on-the-job with the State of CA in Counseling, working with physically, mentally, learning impaired citizens in their efforts in employment as well as learning to live, work and play in their communities. Also I was the office computer resource person. I worked in the library while attending SFSC, helped start libraries at two different small Christian Schools in Brentwood and Pittsburg. I make it a point to visit and use county libraries and have done so in the cities of Brentwood, Oakley, Pittsburg, the two Antioch libraries, Concord, Danville, Walnut Creek, Point Richmond and Los Medanos College.

Additional relevant comments:

Looking into the future, it will be important to see what is available to expand our local library facility. I understand that it takes finances and people who will serve towards these types of goals. An understanding of our County Library Commissions functions are vital to our local goals just as research is to a student or member of our community who is formulating a plan or even a business. My hope is for either me or someone else who wishes to serve our community step up and say, SEND ME, I WILL GO.

Date: 5-9-2015

Please return this application no later than 6 p.m. on Thursday, May 14, 2015 to:

City of Oakley
Libby Vreonis, City Clerk
3231 Main Street
Oakley, CA 94561
Phone: (925) 625-7013
Email: vreonis@ci.oakley.ca.us

***All information contained in this application is public data and will be made available for public review and copying for anyone requesting it, and may be posted on the website of the City of Oakley. All information in this application will be provided to the Oakley City Council in a public forum and will be reviewed in public. It will therefore be part of the public record. Although you are not legally required to provide any of the information requested in this application, the information may be needed to determine your suitability for appointment to the committee.**

RECEIVED

APPLICATION FOR APPOINTMENT
BY THE OAKLEY CITY COUNCIL
TO THE
CONTRA COSTA COUNTY LIBRARY COMMISSION*
(Please Print Clearly)

MAY 12 2015

CITY OF OAKLEY

Name: ARNOLD FITZPATRICK, JR.

Home Address: 120 MIRA VISTA DR.
OAKLEY, CA. 94561-1554

Mailing Address:
(if different) _____

Home Phone: (415) 467-4998

Work Phone: (415) 467-4991

Fax: _____

E-Mail: ARNFITZ2000@JUNO.COM

Statement of interest in the position:

(Please attach additional pages as needed. Please use no more than 200 words.)

I HAVE A DEEP PASSION AND BELIEF THAT PUBLIC LIBRARIES ARE VERY IMPORTANT TO SOCIETY IN GENERAL & INDIVIDUALS IN PARTICULAR. (FROM GOOGLE) LIBRARIES INSPIRE & EMPOWER. EVERYONE IS WELCOME. ALMOST ANYTHING CAN BE EXPLORED. THEY PLAY AN IMPORTANT ROLE FOR INDIVIDUALS & FOR COMMUNITIES. AS THE ECONOMY STRUGGLES, MANY LIBRARIES ARE TRANSFORMING INTO JOB CENTERS. ONLINE JOB APPLICATION ASSISTANCE IS ONLY THE TIP OF THE ICEBERG. HISTORICALLY, "ACCESS FOR ALL" IS WHAT DROVE THE ESTABLISHMENT OF MOST PUBLIC LIBRARIES. THIS MISSION STILL RINGS TRUE TODAY. FOR MANY, THEIR LOCAL LIBRARY IS AN IMPORTANT SOURCE FOR FREE PUBLIC ACCESS TO COMPUTERS & THE INTERNET, IN THEIR

COMMUNITIES - AND FOR SOME, IT IS THEIR ONLY ACCESS. THE PUBLIC LIBRARY IS OFTEN THE HEART OF THE COMMUNITY BRINGING PEOPLE TOGETHER IN A WAY NO OTHER COMMUNITY ORGANIZATION CAN. YOU CAN HOLD A FORMAL MEETING, YOU CAN GATHER WITH COLLEAGUES, FRIENDS & NEIGHBORS.

MORE JOBS, HIGHER PROPERTY VALUES, BETTER SCHOOLS, INCREASED WAGES... THE PUBLIC LIBRARY PLAY A ROLE IN ALL OF IT.

MANY STUDIES SUPPORT THE IDEA THAT DOLLARS SPENT ON LIBRARIES PROVIDE SOLID ECONOMIC RETURNS TO THE COMMUNITY.

Qualifications:

(Please describe educational, work and other experience, which would make you a valuable addition to the Commission for which you are applying. Please use no more than 200 words.)

- LOVE POETRY - WRITES POETRY, TWO POEMS IN VOLUME #4.
- "IN MT. DIABLO'S SHADOW" - SPONSORED BY THE CITY OF BRETTWOOD.
- U.S. AIR FORCE / 4 YRS • VALLEJO J.C. • CITY COLLEGE OF S.F.
- BUSINESS & ACCOUNTING • SKYLINE COLLEGE / SAN BRUNO.
- PARTNERSHIP IN SMALL BUSINESS FOR 7 YRS / LISTED ON DUNKIN & BRADSTREET • STRUCTURAL STEEL PAINT SUPERVISOR 7 YRS. • MENTOR OF YOUNG BOYS LIVING IN HUNTERS POINT (FOR 7 YRS) • TUTORED IN THE MISSION DISTRICT OF S.F.
- MEMBER OF THE INTERFAITH ORGANIZATION; UNITED RELIGIONS INITIATIVE (U.R.I.) 15 YRS.

A PASSION & BELIEF IN THE VALUE OF
LIBRARIES TO INDIVIDUALS, COMMUNITIES
& SOCIETY.

ATTENDED THE "CITY OF OAKLEY LEADERSHIP
ACADEMY."

Additional relevant comments:

I HAVE A SMALL CARBON FOOTPRINT.

Date: 11-MAY-2015

Please return this application no later than 6 p.m. on Thursday, May 14, 2015 to:

City of Oakley
Libby Vreonis, City Clerk
3231 Main Street
Oakley, CA 94561
Phone: (925) 625-7013
Email: vreonis@ci.oakley.ca.us

***All information contained in this application is public data and will be made available for public review and copying for anyone requesting it, and may be posted on the website of the City of Oakley. All information in this application will be provided to the Oakley City Council in a public forum and will be reviewed in public. It will therefore be part of the public record. Although you are not legally required to provide any of the information requested in this application, the information may be needed to determine your suitability for appointment to the committee.**

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY
TO APPOINT _____ TO THE CONTRA COSTA COUNTY
LIBRARY COMMISSION FOR A TWO-YEAR TERM
(JULY 1, 2015 THROUGH JUNE 30, 2017)**

BE IT RESOLVED by the City Council of the City of Oakley that _____
to the Contra Costa County Library Commission for a two-year term (July 1, 2015
through June 30, 2017).

The foregoing resolution was adopted at a regular meeting of the City
Council of the City of Oakley held on the 26th day of May, 2015, by
Councilmember _____, who moved its adoption, which motion
being duly seconded by Councilmember _____, was upon voice
vote carried and the resolution adopted by the following vote:

AYES:

NOES:

ABSTENTION:

ABSENT:

APPROVED:

Doug Hardcastle, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date



Agenda Date: 05/26/2015

Agenda Item: 6.2

STAFF REPORT

Approved and Forwarded to the City Council:

Bryan Montgomery, City Manager

Date: May 26, 2015
To: Bryan H. Montgomery, City Manager
From: Paul Abelson, Finance Director
Subject: City Development Fee Incentive Program

Background Information and Analysis

The economic downturn that began in 2007-2008 had a particularly significant impact on the financial viability of real estate development projects. The result of this was a slowdown of development activity; and while home building on existing finished lots continued (albeit at a much slower pace), developments requiring the construction of new lots stopped completely. Of course, quality residential development is a critical component of the growth and progress in Oakley, particularly in meeting our budget and economic development goals.

By 2011, home builders throughout California were faced with dramatically lower sales prices on the homes they built, while still facing significant development fees. For example, a home built in Oakley in 2005 might have been sold for \$500,000 with development fees totaling \$75,000 (15% of total). That same home in 2011 might have only sold for \$325,000, yet the development fees without any incentive would have been close to \$88,000 (27% of total). These high costs to develop would have likely stopped development in Oakley altogether until sales prices recovered. Through passage of the existing Incentive Program at that time, fees for that same home, were reduced to approximately \$58,000 (18% of total), and as a result, the City has experienced at least some continued homebuilding during the period. (Note that other agencies also abated some of their fees – the City's share of the overall savings was approximately \$14,400 per unit).

The City's Fee Incentive Program that began in 2011 was extended in 2013. The Program included a 40% abatement of Traffic Impact Fees, and 100% abatement of Park and Fire Facility Impact Fees, as well as 100% of the General Plan and South Oakley Infrastructure Fees. The Program is set to expire on June 30, 2015, and with the improving recovery of housing prices over the last several years, the Council has indicated its desire to allow the incentives for residential development to return to prior levels, and begin to again operate as designed. The commercial and light industrial

Subject: City Development Fee Reduction Incentive Program

Date: May 26, 2015

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markets have yet to recover as quickly, so interest in continuing the Incentive Program for commercial development remains.

In May 2013, with the last extension, we reported:

“Keeping in mind that the lower fees resulting from the current incentive programs makes building homes on existing finished lots more viable at current market valuations; if the local agencies’ goal is to see construction continue over the longer-term, market values still need to appreciate between 15-20% more before development of new finished lots becomes feasible.”

Furthermore, we noted that while the City had approved maps expected to provide for several thousand new homes to be built in Oakley over the long-term, the remaining inventory of *finished* lots ready for homes at the time had declined to about 250, and these were expected to be built out over the coming two years. The City extended the Program in order to accommodate the economic environment and support continued home building for a time, hoping certainly that home prices would recover by the Program’s end – and they have.

Since the City Council instituted its Incentive Program four years ago, the residential real estate market has experienced a significant recovery, developments are now returning to active status, and comparable new home prices are again seen extending to and above \$450,000. Not quite as high as during the boom, but significantly higher than when the Program was adopted. It should be added that the commercial markets, which tend to follow residential development, have not yet seen a significant recovery.

As a result of the above, Staff is returning with this report back, and a Resolution that will extend the existing Incentive Program for commercial and light industrial projects for another two years. Given the state of the finances of the Fire District, that a new station is due to be provided in the East Cypress Corridor Specific Plan Area, and that another station in Oakley cannot be staffed, it does appear that continuing the abatement of fire facility impact fees for residential projects would also be reasonable. So, Staff has included that provision in the proposed Resolution, as well.

Fiscal Impact

Over the course of the Incentive Program to date, residential development has benefited by as much as approximately \$14,400 per housing unit. During this time, the City has used and programmed all of the Traffic and Park Impact Fees previously collected, and without restoring the fees, the City will lack sufficient funds to meaningfully carry out the programs. As proposed, the average restoration of impact fee revenue will be approximately \$13,500 per housing unit, and the City’s Preliminary Budget contemplates full restoration of Traffic and Park Impact Fees.

With adoption of the Resolution, the incentives to commercial and light industrial development will be extended for two additional years; however, the impact fees on such projects are determined per 1,000 square feet of development, and they can vary significantly in size, making it difficult to provide an overall fiscal impact analysis of extending the Program. However, for a commercial or light industrial project, the incentive amounts to approximately \$3.50/square foot, so for a 10,000 square foot building, the incentive would equal approximately \$35,000.

Other Agencies Participating

Key to the Program's success has been the participation of other affected local agencies. Many of them need development to continue in an ongoing manner in order to best serve our citizens. In addition to the City, three other agencies have participated with their own Incentive Programs, and two have actively reviewed their state mandated programs for opportunities to reduce their fees. An update on their status is shown below:

- Diablo Water District - DWD has an incentive program in place, operative through July 2015.
- The East County Regional Fee and Financing Authority- ECRFFA extended its incentive program for 2015. They reduced their rebate from 50% to 29%, operative through December 2015
- Ironhouse Sanitary District - ISD had an incentive program that was operative through September 2013 – Now Expired
- Oakley Elementary School District – The school district already had capacity for additional near term growth, and reduced its fees. Fees are evaluated each year independent of the state of the economy – No Change.
- Liberty High School District – The school district has a backlog of capacity needs, but continues to evaluate ways to reduce its fees where possible – No Change.

Recommendation and Alternatives

Staff recommends that the City Council adopt the attached resolution,

- Extending the City's current Incentive Program for commercial and light industrial developments for two additional years, and
- Allowing the Traffic Impact Fee, Park Impact fee, and the General Plan and South Oakley Infrastructure Fee incentives to expire, but extending the Fire Impact Fee incentive for two additional years.

Subject: City Development Fee Reduction Incentive Program

Date: May 26, 2015

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As with the Council's prior actions, the proposed continuing incentives would be temporary and expected to sunset when the market recovers sufficiently to support the collection of increased amounts. The incentives are not modifications to our impact fee programs or studies; but abatements as a local economic incentive.

Alternatives the Council could consider include either a shorter or longer extension, smaller or larger incentives, or to let the program expire in full at June 30, 2015.

Staff believes the recommended actions are reasonable, and a meaningful approach to phasing out the prior residential program, while continuing to incent commercial development, which remains challenged.

Attachments

1. Resolution

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY
CONTINUING THE CITY'S "DEVELOPMENT FEE
INCENTIVE PROGRAM"**

WHEREAS, the economic downturn dramatically affected the viability of both residential and commercial development (including light industrial development); and

WHEREAS, a Development Summit was held in 2011 that brought together local agencies and the development community to discuss continued home building in the City during the recession; and

WHEREAS, as a result of the Summit, the City of Oakley instituted a Development Fee Incentive Program in June 2011; and

WHEREAS, a second Summit was held in 2013, resulting in an extension of the Program through June 30, 2015; and

WHEREAS, since that time, the residential market has recovered significantly from recession lows, though the commercial market has not; and

WHEREAS, without action to continue or modify the Program, the current program will expire on June 30, 2015; and

WHEREAS, the City Council deems it is in the best interests of the City to continue the Development Fee Incentive Program, as described below, for an additional two years.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby continues the Development Fee Reduction and Incentive Program that includes the following terms and conditions:

For Residential Development:

1. The prior Program abatements shall all expire, save continuation of the temporary abatement of 100% of the Fire Facilities Fee.

2. If a building permit is pulled during the term of the Program, but expires; then an extension would require not only the regular permit extension fee, but also payment of any development fees previously reduced.
3. The Program will extension will sunset on June 30, 2017.

For Commercial or Light Industrial Development:

1. Temporary abatements of 100% of the Fire Facilities Impact Fee, Park Impact Fee, General Plan Fee, the South Oakley Infrastructure Fee; and 40% of the Oakley Traffic Impact Fee.
2. If a building permit is pulled during the term of the Program, but expires then an extension would require not only the regular permit extension fee, but also payment of any development fees previously reduced.
3. The Program extension will sunset on June 30, 2017.

BE IT FURTHER RESOLVED that the City Council encourages all entities requiring development fees of residential developers in Oakley to adopt and/or continue a similar fee reduction program.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 26th of May, 2015 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

Doug Hardcastle, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date