

**Minutes of the Special City Council Meeting and Regular Joint Meeting of the  
Oakley City Council/Oakley City Council acting as the Successor Agency to the  
Oakley Redevelopment Agency/Public Financing Authority**

**Oakley City Council Chambers  
3231 Main Street, Oakley, CA 94561  
December 8, 2015  
6:00p.m.**

**Special Meeting (6:00 p.m.)**

**1.0 CALL TO ORDER AND ROLL CALL**

**1.1 Call to Order and Roll Call of the Oakley City Council, Oakley City Council  
Acting as the Successor Agency to the Oakley Redevelopment Agency and  
Public Financing Authority**

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

**1.2 Pledge of Allegiance to the Flag**

Mayor Hardcastle led the Pledge of Allegiance to the Flag.

**2.0 PRESENTATIONS TO MAYOR DOUG HARDCASTLE**

**2.1 Certificate of Recognition for Mayor Hardcastle (Colleen Isenberg, Office of  
Congressman Jerry McNerney)**

Colleen Isenberg, representing Congressman McNerney's office, presented a certificate of recognition to Mayor Hardcastle.

**2.2 Certificate of Recognition for Mayor Hardcastle (Office of Senator Steve  
Glazer)**

George Escutia, representing Senator Glazer's office, presented a certificate of recognition to Mayor Hardcastle.

**2.3 Certificate of Recognition for Mayor Hardcastle (Melissa Margain, Office of  
Supervisor Mary Nejedly Piepho)**

Ms. Margain was not in attendance.

## **2.4 City Council and City Staff Presentations to Mayor Hardcastle (Vice Mayor Romick)**

The Oakley City Council and City Manager Bryan Montgomery (on behalf of City staff) presented items of recognition to Mayor Hardcastle for his service as Mayor of the City of Oakley.

## **2.5 Comments by Mayor Doug Hardcastle**

Mayor Hardcastle thanked everyone for their support during his term as Mayor and mentioned it has been a great honor to serve as Mayor of Oakley. He thanked City staff, volunteers and the City Council for their collaborative effort to serve the Oakley community.

## **3.0 REORGANIZATION OF THE OAKLEY CITY COUNCIL**

### **3.1 Selection of Mayor and Vice Mayor (Mayor Hardcastle)**

It was moved by Mayor Hardcastle and seconded by Councilmember Higgins to select Kevin Romick as Mayor for the upcoming year. Motion was unanimous and so ordered. (5-0)

It was moved by Mayor Romick and seconded by Councilmember Perry to select Sue Higgins as Vice Mayor for the upcoming year. Motion was unanimous and so ordered. (5-0)

### **3.2 Administration of Oaths of Office to Newly Appointed Mayor and Vice Mayor (Libby Vreonis, City Clerk)**

City Clerk Libby Vreonis administered the oath of office to Mayor Romick and Vice Mayor Higgins.

### **3.3 Comments by Newly Appointed Mayor**

Mayor Romick commented he looks forward to many things in the upcoming year: the cost savings of the Police Department transitioning from the County to the City, traffic calming measures, continued improvement of the Downtown area, a new San Joaquin train station in Oakley which will include a park-n-ride for the train and for transit to the Hillcrest BART station, completion of Highways 4 and 160 connector ramps, new signage on Highways 4 and 160 to direct traffic to Oakley's Downtown, rehabilitation of unimproved areas, a City gateway monument sign, a 55 acre park near Sellers Avenue for recreation, and development opportunities.

## 4.0 PUBLIC COMMENTS

None.

## 5.0 ADJOURN TO RECEPTION

Mayor Romick announced the special meeting was adjourned at 6:15 p.m. and invited everyone to a reception in the lobby.

## Regular Meeting (6:30 p.m.)

### 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, Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency and Public Financing Authority**

Mayor Kevin Romick called the meeting to order at 6:35pm in the Oakley City Council Chambers located at 3231 Main Street, Oakley, California. In addition to Mayor Kevin Romick, Vice Mayor Sue Higgins and Councilmembers Doug Hardcastle, Vanessa Perry and Randy Pope were present.

##### **1.2 Pledge of Allegiance to the Flag**

Mayor Romick led the Pledge of Allegiance to the Flag.

##### **1.3 Proclamation Honoring Eagle Scout, Kendall Rowley, Troop 153**

Mayor Romick presented a proclamation to Eagle Scout Kendall Rowley.

Kendall thanked everyone for their support.

##### **1.4 2015 Leadership Academy Graduation (Nancy Marquez, Assistant to the City Manager)**

Mayor Romick, Colleen Isenberg representing Congressman McNerney's office, and Nancy Marquez, Assistant to the City Manager, presented certificates of recognition to the 2015 Leadership Academy graduates. Mayor Romick mentioned certificates of recognition from Senator Glazer's office will be mailed and distributed to the graduates in the near future.

### **1.5 Recognition of the You, Me, We = Oakley! Safekeeper Training Participants (Gabriela Banos-Galvan, You, Me, We = Oakley! Coordinator)**

Mayor Romick, along with Rhonda James, Executive Director of the Contra Costa Crisis Center, Melissa Caine-Huckabay, Grief Counseling Program Manager of the Contra Costa Crisis Center, and Gabriela Banos-Galvan, You, Me, We = Oakley! Program Coordinator, presented certificates of recognition to Safekeeper Training participants.

Ms. James thanked the City Council, Ms. Banos-Galvan, local clergy, former Councilmember Diane Burgis and Supervisor Mary Nejedly-Piepho for their attention to the uptick of suicide related events in Oakley a couple of years ago and for their collaboration to take action to address the well-being of the Oakley community. She commented that the Safekeeper Training participants received 40 hours of training in suicide awareness and prevention and they are available as local resources to assist others in crisis situations. She mentioned she will share their accomplishments at the next Board of Supervisors meeting.

Ms. Caine-Huckabay announced some of the participants will continue to train and work as part of a response team to provide field counseling. She added that this is a new model in an effort to create regional response teams that are familiar with the local community.

Ms. Banos-Galvan discussed how the community organized to acknowledge and facilitate the training. She thanked the participants, the Contra Costa Crisis Center, local clergy and the City Council for their support.

Mayor Romick announced a brief recess at 7:06 p.m.

The City Council reconvened at 7:15 p.m.

## **2.0 PUBLIC COMMENTS**

None.

## **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 of November 10, 2015 (Libby Vreonis, City Clerk)**

- 3.2 Accept Reporting Out of Closed Session Memo from the November 10, 2015 Regular Joint Meeting of the Oakley City Council/ Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency (William Galstan, Special Counsel)**
- 3.3 Approve List of Regular Joint Oakley City Council/ Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency Meeting Dates for 2016 (Libby Vreonis, City Clerk)**

***Oakley City Council***

- 3.4 Acceptance of Work Associated with Capital Improvement Project No. 39-Hill Avenue Bridge and Trail Improvement Project (Kevin Rohani, Director of Public Works / City Engineer)**
- 3.5 Acceptance of Work Associated with Capital Improvement Project No. 148-Cypress Grove Irrigation Well Project (Kevin Rohani, Director of Public Works / City Engineer)**
- 3.6 Acceptance of Work Associated with Capital Improvement Project No. 153-Fiscal Year 2014-2015 Curb, Gutter, and Sidewalk Replacement Project (Kevin Rohani, Director of Public Works / City Engineer)**
- 3.7 Acceptance of Work Associated with Capital Improvement Project No. 163-West Cypress Road, Big Break Road and Rose Avenue Rehabilitation Project (Kevin Rohani, Director of Public Works / City Engineer)**
- 3.8 Acceptance of Work Associated with Capital Improvement Project No.164-Main Street Rehabilitation and Resurfacing Project (Bridgehead Road to Big Break Road) (Kevin Rohani, Director of Public Works / City Engineer)**
- 3.9 Adopt a Resolution Authorizing the City Manager to Execute an Amendment to the Consulting Services Agreement with BKF Engineers Inc. for the Main Street Realignment Project-Capital Improvement Project No. 165 -Norcross Lane to 2<sup>nd</sup> Street (Kevin Rohani, Director of Public Works / City Engineer)**
- 3.10 Acceptance of Work Associated with Capital Improvement Project No. 167-Fiscal Year 2015-2016 Street Repair and Resurfacing Project (Kevin Rohani, Director of Public Works / City Engineer)**
- 3.11 Acceptance of Work Associated with Capital Improvement Project No. 168-Fiscal Year 2015-2016 Street Restriping Project (Kevin Rohani, Director of Public Works / City Engineer)**

- 3.12 Acceptance of Work Associated With Capital Improvement Project No. 171-  
Fiscal Year 2015-2016 Storm Drain Improvement Project  
(Kevin Rohani, Director of Public Works / City Engineer)**
- 3.13 Adopt a Resolution Authorizing the City Manager to Execute an  
Encroachment Reimbursement Agreement with SDC Delta Coves, LLC  
Related to Waterline Construction Along Bethel Island Road  
(Kevin Rohani, Director of Public Works / City Engineer)**
- 3.14 Adopt a Resolution of Intention as Amended and Restated to Establish  
Community Facilities District 2015-2 (Parks, Streetlight, Landscape and  
Stormwater Services) (Kevin Rohani, Director of Public Works / City  
Engineer)**
- 3.15 A Resolution of the City Council of the City of Oakley Supporting the  
Request to the Metropolitan Transportation Commission for the Allocation of  
Fiscal Year 2016/2017 Transportation Development Act Article 3  
Pedestrian/Bicycle Project Funding (Kevin Rohani, Director of Public Works /  
City Engineer)**
- 3.16 Accept the AB 1600 Annual Report (Development Impact Fee Five Year  
Report) (Deborah Sultan, Director of Finance)**
- 3.17 Accept Comprehensive Annual Financial Report and Auditor Reports  
(Deborah Sultan, Director of Finance)**

Online Comment Forms

No online comment forms were submitted for the Consent Calendar.

Public Comment Cards

No public comment cards were submitted for the Consent Calendar.

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

## 4.0 PUBLIC HEARINGS

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

#### **4.1 Pagano Parcel Map MS 15-977 (TPM 03-15) (Ken Strelo, Senior Planner)**

*Note: Item 4.1 was continued to the December 8, 2015 meeting from the Regular Joint Meeting of the Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency held November 10, 2015.*

Senior Planner Ken Strelo presented the staff report.

The City Council had no comments, questions or discussion.

#### Online Comment Forms

No online comment forms were submitted for Item 4.1.

#### Public Comment Card

No public comment cards were submitted for Item 4.1.

It was moved by Councilmember Pope and seconded by Councilmember Perry to adopt a resolution approving the Pagano Parcel Map MS 15-977 (TPM 03-15), as conditioned. Motion was unanimous and so ordered. (5-0)

#### **4.2 Popeyes Louisiana Kitchen Conditional Use Permit (CUP 03-15) and Design Review (DR 10-15), (Joshua McMurray, Planning Manager)**

Planning Manager Joshua McMurray presented the staff report. He mentioned the applicant is the first to volunteer to engage in the community benefit program that was approved by the City Council on November 10, 2015 by contributing to the cost of the signal change that must take place at the Main Street and Carol Lane intersection in relation to the project.

Councilmember Hardcastle commented the location is central in Oakley and the means of ingress and egress appear sound.

#### Online Comment Forms

No online comment forms were submitted for Item 4.2.

### Public Comment Card

Mayor Romick announced the applicant, Julio Tinajero on behalf of Popeyes, submitted a speaker card and is available to answer any questions.

It was moved by Vice Mayor Higgins and seconded by Councilmember Hardcastle to adopt a resolution approving the conditional use permit. Motion was unanimous and so ordered. (5-0)

#### **4.3 Waive the First Readings and Introduce Ordinances to Amend Various Sections of the Zoning Code as Necessary to Implement the General Plan 2015-2023 Housing Element: a) Amendment to Provide a Permitting Process for Transitional and Supportive Housing Consistent with State Law and SB2; b) Addition of Regulations to Establish a Definition for Residential Care Facilities and to Provide Development Standards and a Permitting Process Consistent with State Law; and c) Amendment to Provide Definitions and a Permitting Process for Employee and Farmworker Housing (Joshua McMurray, Planning Manager)**

Planning Manager Joshua McMurray presented the staff report.

Mayor Romick commented that the ordinances are being proposed to comply with State law.

### Online Comment Forms

No online comment forms were submitted for Item 4.3.

### Public Comment Card

No public comment cards were submitted for Item 4.3.

It was moved by Councilmember Pope and seconded by Councilmember Perry to waive the first readings and introduce the ordinances. Motion was unanimous and so ordered. (5-0)

#### **4.4 Main Street Improvement and Development Agreement (DA 02-15): Waive the First Reading and Introduce an Ordinance Approving a Development Agreement by and between the City of Oakley and Nature Properties, LLC for the construction of the Main Street Improvements from 2<sup>nd</sup> Street to 5<sup>th</sup> Street in Association with the Main Street Realignment Project (Joshua McMurray, Planning Manager)**

Planning Manager Joshua McMurray presented the staff report.

Vice Mayor Higgins inquired when construction will commence.



Mr. McMurray responded that once the City completes its improvements, construction will commence and be completed approximately 2 ½ years thereafter, if not earlier.

Councilmember Hardcastle inquired how many parking spaces will be made available.

Councilmember Pope added that the proposed site plan in the staff report provides that there will be 54 onsite parking spaces and 31 offsite parking spaces.

#### Online Comment Forms

No online comment forms were submitted for Item 4.4.

#### Public Comment Card

No public comment cards were submitted for Item 4.4.

It was moved by Councilmember Pope and seconded by Vice Mayor Higgins to waive the first reading and introduce the ordinance. Motion was unanimous and so ordered. (5-0)

#### **4.5 Waive the First Reading and Introduce an Ordinance Regulating Cultivation of Medical Marijuana (William Galstan, Special Counsel)**

Mayor Romick mentioned that public speaker cards submitted from the last City Council meeting regarding this topic indicate that there were a number of public speakers who live outside of the City of Oakley boundaries which are areas under County control. He commented that the proposed ordinance only applies to properties within the City of Oakley boundary.

Special Counsel William Galstan presented the staff report.

Councilmember Hardcastle inquired if it is legal under Federal law to grow medical marijuana as the Council is sworn to abide by all laws.

Mr. Galstan responded that he would need to look into Federal law; however, under California law, the ordinance proposed this evening is legal.

Councilmember Perry inquired if the proposed ordinance requires there to be a fence within a backyard fence, how many criminal reports have been attributed to marijuana theft and how the proposed ordinance works with The Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Mr. Galstan responded that the proposed ordinance would only require a regular 6 foot house fence and with regard to HIPAA, the patient would have to show his or her medical card which would be voluntary because the person is seeking a permit.

City Manager Bryan Montgomery added that there have been several incidents related to marijuana theft, including one which involved a physical altercation between Police and a resident.

Councilmember Pope inquired if it should be stated in the ordinance that the fence must be solid wood to provide a visual and physical barrier.

Mr. Galstan explained that requirement could be included in the ordinance.

Mayor Romick requested clarification regarding how many fences are required.

Mr. Galstan explained that only a backyard and a side yard fence are required (not a fence within a fence).

Vice Mayor Higgins inquired if a person has a fence less than 6 feet in height built by the City, if he or she would have to rebuild the fence under this ordinance.

Mr. Galstan confirmed the fence would have to be at least 6 feet in height.

Councilmember Hardcastle recommended 6 plants total.

#### Online Comment Forms

No online comment forms were submitted for Item 4.5.

#### Public Comment Card

John Eddy requested the City Council reconsider the number of plants being proposed as the number of plants is insufficient to support and supply the medical needs of most patients.

Keith Schatek also requested the City Council reconsider the number of plants being proposed, indicating the recommended number of plants will not sustain anyone for even one year.

Lee Reisch commented he is a documentary film maker and represents the sick and disabled who are often too sick to grow. He suggested allowing dispensaries and expressed the need for a local operative or collective. He mentioned disallowing access to medicine is a deprivation of rights.

Edwin (last name not provided) expressed concern regarding no indoor cultivation. He mentioned that if no indoor grow is allowed, the ordinance forces people outside which violates privacy. He stated Contra Costa Fire reports that less than 1% of calls received for fires are marijuana grow related. He mentioned the previous proposed ordinance allowed for 50 feet of growth space and he requested the City Council consider allowing 50 feet of growth space in the current proposed ordinance. He also suggested the City Council could limit the number of people in a collective and allow patients to have someone to grow for them.

Jeremy Petrell commented he represents patients and is a patient. He mentioned his prescription indicates his medical needs would not be met by the number of plants proposed and the proposed ordinance infringes on the right to safe access to medicine. He mentioned crimes should be investigated equally and Colorado has not seen an increase in crime since allowing marijuana to be grown.

Saxon Pesko expressed opposition to the proposed ordinance. He commented it is a deprivation of rights to restrict access to medicine and 6 plants are insufficient to meet patient needs. He recommended the City Council consider allowing 6 plants per person, not per property, and to allow collectives for people to grow together in agricultural areas.

Brian Elliff commented the proposed ordinance is in conflict with Assembly Bill (AB) 266 in that if no permit is in place by 2018, the State regulations will allow a 10 foot x 10 foot grow area. He mentioned the County's ban on dispensaries and the proposed ordinance infringe upon rights to safe access to medicine.

Suzzette Bartell commented she is an advocate of medical marijuana. She explained that there are different types of marijuana, not all of which get people high, and if the City limits the number of plants grown, it is regulating medicine. She encouraged the City Council to give people the ability to make their own choice how to heal and medicate themselves.

Councilmember Pope inquired if the prohibition of indoor cultivation is new.

Mr. Galstan replied that it is new in response to the current fire response situation in Oakley; however, if the City Council does not concur with it, the proposed ordinance can be amended.

Councilmember Pope commented that he respects the rights of growers and of neighbors, the number of plants for outdoor cultivation should be limited to deter odors and enhance safety, the proposed ordinance should require a solid wood fence to block odors from penetrating to neighbors, if indoor cultivation is allowed locks should be required to deter crimes of opportunity, and he prefers to address the ordinance before the March 1, 2016 deadline to keep governance of the matter local.

Mr. Galstan recommended the City Council can keep the public hearing open until the next meeting to be held January 12, 2016 and provide direction to staff to include any revisions to the proposed ordinance.

Councilmember Pope suggested limiting outdoor growth to 6 plants and allowing indoor growth.

Councilmember Perry suggested allowing indoor growth and carrying the minimum number of plants as provided in the proposed ordinance.

Vice Mayor Higgins agreed with Councilmember Perry.

Mayor Romick inquired if the same ordinance was proposed in Antioch.

Mr. Galstan responded that a work session was conducted in Antioch a couple of weeks ago and the Antioch City Council provided direction to completely prohibit cultivation of medical marijuana. He mentioned there will be a public hearing in Antioch January 12 to introduce an ordinance to prohibit cultivation of medical marijuana.

Councilmember Hardcastle suggested 6 plants total or a complete prohibition.

Mayor Romick inquired what regulations are currently in place to grow in Oakley.

Mr. Galstan responded that Oakley currently has no regulation; however, in California, depending on the number of plants grown, it can be considered illegal.

Mayor Romick suggested if indoor cultivation is allowed, less outdoor plants are needed; therefore, 6 outdoor plants should be allowed. He inquired if staff can bring back an ordinance with options for the City Council to consider.

Mr. Galstan responded that staff can bring back an ordinance with options. He mentioned that the number of plants cannot fall below the minimum number established by AB 266.

Mayor Romick recommended the public hearing remain open and continued to the next meeting to be held January 12, 2016. AYES: Higgins, Perry, Pope, Romick. NOES: Hardcastle. (4-1)

## 5.0 REGULAR CALENDAR

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

#### **5.1 Adopt a Resolution Approving a Purchase Agreement and Childcare Grant Agreement with Cemo Commercial, Inc. for the Sale of Property at 1137-1311 Neroly Road, also known as Parcel 3 within the Neroly Commercial Center (Dwayne Dalman, Economic Development Manager)**

Economic Development Manager Dwayne Dalman presented the staff report. He

mentioned after the staff report was prepared, the parties agreed to a non-compete clause to prohibit another childcare use within the Neroly Center within five years and to prohibit another childcare use on City property within one mile of the site, a copy of which was provided to the City Council and placed in the public binder for review.

Councilmember Hardcastle inquired if the City can include a right of first refusal in the agreement in the event the fair market value declines.

Mr. Dalman explained the fair market value could increase as well.

City Manager Bryan Montgomery commented that the City could opt to have the developer continue to work on developing the property if the fair market value declined considerably. He added the City could decline the option to purchase.

#### Online Comment Forms

No online comment forms were submitted for Item 5.1.

#### Public Comment Card

No public comment cards were submitted for Item 5.1.

It was moved by Councilmember Hardcastle and seconded by Vice Mayor Higgins to waive the first reading and introduce the ordinance which shall include a clause that the City has the right to refuse to purchase should the fair market value decline. Motion was unanimous and so ordered. (5-0)

### **5.2 Color and Logo Design Approval for 2092 Oakley Road Wireless Communication Facility (Ken Strelo, Senior Planner)**

Senior Planner Ken Strelo presented the staff report. The applicant, Laurie Jackson on behalf of Verizon Wireless, was present to answer questions.

Councilmember Perry mentioned she was the only Councilmember who opposed the tower when it was previously presented. She thanked staff and the applicant for considering the Council's comments and making improvements to the design to make it look nice.

Mayor Romick inquired if the base and tower are two different colors.

Mr. Strelo explained as proposed the base and tower are the same color, but the color could be modified if it is the Council's preference.

Mayor Romick commented he prefers the base and tower to be two different colors.

Ms. Jackson responded that Verizon can change the base and tower to be two different colors. She mentioned the pipe in the rendering is needed for structural purposes.

Councilmember Pope commented he appreciates the changes staff and the applicant made. He added he prefers the base and tower to be two different colors. He inquired how many oak leaves would be on the tower and if the tower would be illuminated.

Mr. Strelo explained that illumination is prohibited by the Oakley Municipal Code.

Ms. Jackson mentioned the tower has two oak leaves and the paint is not reflective.

Councilmember Hardcastle commented the tower looks great and he also prefers the base and tower to be two different colors.

#### Online Comment Forms

No online comment forms were submitted for Item 5.2.

#### Public Comment Card

No public comment cards were submitted for Item 5.2.

No action was required of the City Council.

### **5.3 Adopt a Resolution Authorizing the City Manager to Send a Non-Binding Letter of Intent to Marin Clean Energy (MCE) Expressing the City's Interest in Exploring Potential Membership (Joshua McMurray, Planning Manager)**

Planning Manager Joshua McMurray presented the staff report and invited the applicant to provide additional information to the City Council.

Alex DiGiorgio, MCE Community Development Manager and Alexandra McCroskey, Community Powers Organizer, provided information regarding MCE's relationship with PG&E, rate options, goals and objectives, and its work with businesses.

Councilmember Perry inquired if "community" on the application checklist referred to City staff sharing information during the enrollment period, if everyone would automatically be placed in the MCE program and would have to opt out if they do not want to be in the program, if a new or existing City staff member would be required to assist during the enrollment period, and if the City would have to provide desk space at City Hall for MCE during the enrollment period.

Mr. DiGiorgio responded that although "community" refers to City staff, MCE would provide all notices to residents and City staff would field some calls which can be

referred to MCE staff. He explained by law a person would have to opt out of the program if he or she does not want to be in the program, MCE does not expect the City to hire new staff, and desk space can be at an offsite location such as a public library; however, it is often helpful to have an MCE staff member on site during the six-month enrollment period.

Vice Mayor Higgins requested clarification regarding the one-year wait period for returning to the MCE program if someone should decide to opt out of the program.

Mr. DiGiorgio explained that during the six-month enrollment period a person can opt out and return; however, after that period, the person would have to stay with PG&E for one year before returning to MCE.

Councilmember Pope commented he likes the plan. He mentioned the County is concurrently reviewing the plan and he inquired when the City needs to make a decision.

City Manager Bryan Montgomery responded that the County process could take longer; however, if the City approves, the process can commence now the MCE.

Mr. DiGiorgio added that the City must make a decision before the analysis can commence and the process would take less than a year. He explained that the process would include the City adopting a resolution in favor of the plan and issue a letter of intent, a memorandum of understanding would be entered into, MCE would make a data request from PG&E, MCE would conduct an analysis at no cost, and then the MCE Board would vote to include Oakley in its program. He mentioned the letter of intent does not obligate Oakley to the program. He encouraged the City Council to look at all options available.

Mr. Montgomery mentioned City staff can explore other options if it is the Council's preference.

Mayor Romick commented he is in favor of moving forward with the letter of intent and staff can research other options.

Councilmember Pope commented he is also in favor of moving forward with the letter of intent; however, he would like to see what competitors of MCE offer to ensure the best plan is offered to Oakley residents.

### Online Comment Forms

No online comment forms were submitted for Item 5.3.

### Public Comment Card

No public comment cards were submitted for Item 5.3.

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

### **5.4 Fiscal Year 2015-2016 Second Quarter Report on the Capital Improvement Program (Kevin Rohani, Director of Public Works / City Engineer)**

Director of Public Works/City Engineer Kevin Rohani provided an update to the City Council regarding the Capital Improvement Program.

Mayor Romick commented he is looking forward to the gateway sign at Highway 160. He thanked Mr. Rohani and staff for doing great work.

Councilmember Hardcastle commented the landscaping at the off ramp near Carl's Jr. looks good and he thanked Mr. Rohani and staff for their work.

Vice Mayor Higgins agreed with Councilmember Hardcastle and thanked Mr. Rohani for his leadership and ability to accomplish projects quickly.

### Online Comment Forms

No online comment forms were submitted for Item 5.4.

### Public Comment Card

No public comment cards were submitted for Item 5.4.

No action was required of the City Council.

### **5.5 Adopt a Resolution Approving Councilmember Appointments to Committees for the Year 2016 (Libby Vreonis, City Clerk)**

City Clerk Libby Vreonis presented the staff report and explained one change had been made to the existing appointment list which was provided to the City Council and also placed in the public binder for review.

### Online Comment Forms

No online comment forms were submitted for Item 5.5.



## Public Comment Card

No public comment cards were submitted for Item 5.5.

It was moved by Councilmember Hardcastle and seconded by Vice Mayor Higgins to adopt a resolution approving City Council appointments for 2016. Motion was unanimous and so ordered. (5-0)

## 6.0 REPORTS

### **6.1 CITY MANAGER**

City Manager Bryan Montgomery mentioned the City tree lighting event was successful. He announced City Hall will be closed December 18 through January 3; employees will not be paid, but they can use accruals, providing savings to the City.

#### **(a) Strategic Plan 2014-2016 Update**

City Manager Bryan Montgomery and Assistant to the City Manager Nancy Marquez provided an update to the City Council regarding the 2014-2016 Strategic Plan.

The consensus of the City Council is to conduct a resident survey, hold a community meeting for public input and evaluate the data prior to developing the 2016-2018 Strategic Plan.

#### **(b) Public Financing Authority Update**

Mr. Montgomery mentioned today is also the annual Public Financing Authority meeting. He explained the Public Financing Authority is a conduit to issue debt measures and throughout City history, most bonds have been non-general fund obligation bonds. He added that earlier this year, the City received an A+ rating for a bond for sound and solid financial performance, robust housing recovery, strong management practices and a sound debt profile. He added that the City has very little debt, most of which is covered by property in the assessment districts.

### **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 Pope commented that the tree lighting event was fantastic, especially

the snow. He mentioned that the East Contra Costa Fire Protection Board meeting was held last night and temporary emergency funding has been secured which will allow the Knightsen fire station to re-open. He added that the County approved the ordinance; however, it made some changes including a separate leadership board, a community task force, and an agency name change. He also mentioned that tax sharing or reapportioning is being considered. He announced the next Habitat Conservancy meeting will be held at Pittsburg City Hall Monday, December 14 at 11a.m.

Councilmember Hardcastle commented the tree lighting event was enjoyable and a great event for family and friends.

Mayor Romick commented that moving the tree lighting event outdoors added to the event; more people could attend and participate.

Councilmember Perry also mentioned the tree lighting event was great.

The City Council wished everyone a Merry Christmas and Happy New Year.

**(b) Requests for Future Agendas**

None.

**7.0 WORK SESSIONS-None**

**8.0 CLOSED SESSIONS-None**

**9.0 ADJOURN**

There being no further business, the meeting was adjourned at 9:36 p.m.

Respectfully Submitted,



Libby Vreonis  
City Clerk