

**AGENDA**  
(revised 1/22/16)

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

**Tuesday, January 26, 2016  
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](http://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  
(Brady Houston, Almond Grove Elementary School Student)**
- 1.3 Proclamation Honoring Eagle Scout Justin Horrocks, Troop 297**
- 1.4 Update from Contra Costa Advisory Council on Aging (Grayce Smith, Appointee)**

## 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 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***

- 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 January 12, 2016 (Libby Vreonis, City Clerk)**

***Oakley City Council***

- 3.2 Accept Report Out of Closed Session Memo (William Galstan, Special Counsel)**
- 3.3 Waive the Second Reading and Adopt an Ordinance Prohibiting Marijuana Cultivation (William Galstan, Special Counsel)**
- 3.4 Waive the Second Reading and Adopt an Ordinance to Levy a Special Tax for Communities Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services) (Kevin Rohani, Public Works Director/City Engineer)**
- 3.5 Adopt a Resolution Approving a Land and Water Conservation Fund Grant Application for Nunn-Wilson Family Park Development Project (Kevin Rohani, Public Works Director/City Engineer)**
- 3.6 Adopt a Resolution Approving the Sale of Property Located at 101 Carol Lane (Bryan Montgomery, City Manager)**
- 3.7 Adopt a Resolution Confirming the Cost for Abatement of a Public Nuisance and Directing a Special Assessment and Lien Upon Said Parcel-4303 Redwood Drive (Troy Edgell, Code Enforcement Manager)**
- 3.8 Approval of a Contract with Systems and Space to Provide Evidence Storage Equipment (Chris Thorsen, Chief of Police)**

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

- 3.9 Adopt a Resolution Approving a Recognized Obligations Payment Schedule for the Fiscal Year 2016/2017 (Deborah Sultan, Finance Director)**

**4.0 PUBLIC HEARINGS-None**

**5.0 REGULAR CALENDAR-None**

**6.0 REPORTS**

**6.1 CITY MANAGER**

- (a) City Manager**
- (b) Discussion Regarding Planning Advisory Committee/Planning Commission**
- (c) Discussion Regarding Recycled Materials for Playgrounds**

**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**
- (b) Requests for Future Agendas**

**7.0 WORK SESSIONS-None**

**8.0 CLOSED SESSION**

***Oakley City Council***

**8.1 CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION**

Initiation of litigation pursuant to California Government Code Section 54956.9(c):  
One potential case.

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

**9.0 ADJOURN**

**Minutes of the Regular Joint Meeting of the Oakley City Council/Oakley City Council acting as the Successor Agency to the Oakley Redevelopment Agency/Public Financing Authority  
January 12, 2016**

**1.0 OPENING MATTERS**

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

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

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

**1.2 Pledge of Allegiance to the Flag (Melina Gutierrez, Almond Grove Elementary School Student)**

Melina Gutierrez led the Pledge of Allegiance to the Flag. Mayor Romick thanked her.

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

East Contra Costa Fire Protection District (ECCFPD) Chief Hugh Henderson mentioned calls for service increased 6% over the past year and response times increased, on average, 30 seconds. He also mentioned that Contra Costa Fire assisted ECCFPD 373 times last year. He commented the Oakley City Council approved a memorandum of understanding last year between various agencies to open a fourth fire station which should be operational by summer 2016 in which ECCFPD is in the process of hiring firefighters.

Mayor Romick thanked Chief Henderson and everyone at ECCFPD for their work.

## 2.0 PUBLIC COMMENTS

### Online Comment Forms

No online comment forms were submitted for Public Comments.

### Public Comment Cards

Lena O' Neal, Paul Seger, Michael Dupray and Margie Valdez (on behalf of the AFL/CIO Central Labor Council) spoke in opposition to the Trans Pacific Partnership (TTP) and requested the City Council adopt a resolution opposing extension of disastrous trade policies.

Robbie White also submitted a comment card regarding the TTP on behalf of AFSCME.

## 3.0 CONSENT CALENDAR

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

- 3.1 Approve the Minutes of the Special City Council Meeting and Regular Joint Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Public Financing Authority Meeting of December 8, 2015 (Libby Vreonis, City Clerk)**

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

- 3.2 Waive the Second Readings and Adopt Ordinances to Amend Various Sections of the Zoning Code as Necessary to Implement the General Plan 2015-2023 Housing Element: 1) Amendment to Provide a Permitting Process for Transitional and Supportive Housing Consistent with State Law and SB2; 2) 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 3) Amendment to Provide Definitions and a Permitting Process for Employee and Farmworker Housing (Joshua McMurray, Planning Manager)**
- 3.3 Waive the Second Reading and Adopt 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 (DA 02-15) (Joshua McMurray, Planning Manager)**

**3.4 Award of Construction Contract to Alex Kushner General Contractor for Capital Improvement Project No. 175- Police Department Building Reconstruction Project  
(Kevin Rohani, Director of Public Works / City Engineer)**

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 Councilmember Pope to approve the Consent Calendar. Motion was unanimous and so ordered. (5-0)

4.0 REGULAR CALENDAR

***Oakley City Council***

**4.1 Resolution Directing City Staff to Prepare all the Necessary Documents to Place a Ballot Measure for Voter Consideration at the June 7, 2016 Election that Would Fund the Construction of a new Oakley Library and Learning Center in the Downtown (Bryan Montgomery, City Manager)**

City Manager Bryan Montgomery presented the staff report and reviewed some of the library survey highlights including 89% of people surveyed believe there is a need for a new library facility, 91% of people use the library and 90% support a Downtown site. He explained if the Council approves the resolution tonight, staff will prepare a resolution and ordinance to place a measure on the ballot for the June 7, 2016 Election to fund the construction and additional operations of a new library and learning center in the Downtown. He added that the measure requires 2/3 support by voters for the City to implement the \$7.75 per parcel, per month, tax.

Alison McKee, Deputy County Librarian, Contra Costa County Library thanked the City Council, Freedom High School and Liberty Union High School District for their support. She commented that the value of modern full-service libraries is that they serve as early learning and literacy centers, a place for participatory learning, a venue for cultural events and concerts, and a great place for teens to become involved as role models.

Andrea Freyler, Oakley Community Library Manager, spoke of items the library envisions with more space including increased technology, programming, financial, literacy and cultural workshops, and more study areas. She thanked the City Council for considering an investment in Oakley's future.

Craig Leighty, Chairman, Feasibility Committee, spoke of the grassroots effort led by some graduates of the 2015 Leadership Academy and community members for a new library. He explained they engaged in fact finding and preparation, developed plans and strategy, organized volunteers, and surveyed the community for its support of a new library and the location of the library in the Downtown. He added that the Feasibility Committee developed a website, social media outreach, talking points, press releases, graphic design, and it registered with the State of California and set a bank account in preparation if the City Council adopts the resolution.

John Chrastka, Founder of EveryLibrary, a donor supported non-profit, joined the meeting by Skype and explained he does pro bono work to help committees support community discussions of campaigning for libraries. He mentioned he will be with the Feasibility Committee through Election day and the Committee has done a great job with the surveys which reflect a high degree of interest. He added that the ballot will provide solid information regarding the new library.

Councilmember Perry inquired what the success rate if of EveryLibrary.

Mr. Chrastka responded that since its inception in 2012, EveryLibrary has engaged in 33 campaigns, 25 of which were winning campaigns, in both small and large cities.

Mayor Romick thanked Mr. Chrastka for his help and support.

#### Online Comment Forms

Antionette Bartlow commented she supports the library as long as no new assessed property taxes are associated. She added it would be more prudent to reopen one of the closed fire departments.

Stuart Moore, Cheryl Stewart and Michael Stewart requested to speak at the meeting.

Pat Anderson encouraged the City Council to consider adoption of the resolution in support of a new library and learning center.

Barbara Santos commented in support of a new library to provide residents educational resources, a community meeting place, access to books/tapes/videos, and increased home values.

Mary Snell commented Oakley residents deserve a new library. She provided several examples of Contra Costa cities that have built new libraries or are moving forward to build new libraries.

Teresa Flores expressed support for a new library, mentioning the current library is inadequate and a disservice to the library staff who would like to do more and to the Freedom High School students whose library is limited. She added the Downtown location is ideal to benefit local businesses and the Downtown as a destination center



and also supports community values. She encouraged the City Council to adopt the resolution.

Brenda Reyes expressed support for a new library, even if through a property assessment, commenting property values will increase and it will make Oakley an even better place for families.

Arthur Fernandez commented in favor of a new library and learning center in the Downtown. He mentioned reading is important to families and Oakley deserves a library worthy of the title it holds as a top 20 California city for families.

#### Public Comment Cards

Cheryl Stewart commented she and her family use the library weekly, it is in an investment in the community, and more space is needed for programs, tutoring, meeting rooms, books and parking.

Michael Stewart commented he would like to see a new library in the Downtown and the librarians currently do a great job with limited space.

Shirley Darling, President of the Oakley Senior Citizens (OSC), requested her comment be read into the record. She mentioned the OSC support a new library as it serves as an important learning place for all ages and provides access to research potential grants for local non-profits.

Diane Burgis commented when she was an Oakley City Councilmember she did not support a library ballot measure because the cost was much higher at the time and there was uncertainty of community support for such measure. She explained that this time is different and the support shown is what she was hoping to see. She added a new library will improve home values, contribute to education and safety and improve quality of life for residents; therefore, she fully supports it.

Rodolfo Diaz commented he and his family use the library every week and they support a new, larger library.

Greg Enholm, Vice President of the Contra Costa Community College District, commented he fully supports the library ballot measure. He explained a new library will benefit all residents, including students at Los Medanos College campuses.

John Santos commented he supports a new library in that it will help residents with education and jobs which are necessary.

Ron Perry, Vice President of the Feasibility Committee, commented the \$7-\$8 per month each resident would pay if the ballot measure is successful for a new library in the Downtown is money that will give back to the community through increased property values, reduced crime, higher education = higher wages and surrounding businesses

will prosper. He mentioned Freedom High School currently has the smallest library of all local high schools and it will gain space when the Oakley Library relocates.

Julie Perry commented she and her family are avid users of library resources (movies, books, computers, etc.) and they support a new library. She added she is sad and embarrassed that the library has not grown with the community.

Holly Spagnol commented she supports a new library as the library helps provide resources to families.

Dawn Morrow mentioned there are comments circulating that libraries are obsolete and a waste of taxpayer funds; however, she explained many families rely on resources offered by the library and the library provides people with a venue to interact rather than being secluded by technology.

Jasmin Pinzon, an 8<sup>th</sup> grade leadership student, commented she supports a new library because the current library space is too small for library programs, meetings and events and she prefers actual books as opposed to electronic books.

Cindy Tumin commented she supports a new library. She explained the Oakley Library is the oldest library in the Contra Costa County Library system and the Oakley Library as well as Freedom High School each needs its own space. She added the community values the library; many people use the library for internet access, employment search, classes and materials.

Nancy Huffaker commented she supports a new library and learning center which she envisions will provide many uses, including access to technology.

Amaya Andrea-White, an 11<sup>th</sup> grade student, explained she supports a new library because the library provides her a place to study, but is sometimes noisy because of the small space to study. She added that she is a member of the Oakley Library Youth Squad and it is very sad to see children turned away at events because the library space cannot accommodate the amount of attendees at some of their events.

Brian Moreno requested his comment be read into the record. He mentioned he is a teenager who uses the library regularly for work and he supports a new library to expand services for Oakley residents.

Angela Lowrey commented she supports a new library; it is a gathering place and more space is needed to accommodate library programs. She requested the City Council consider placing a measure on the ballot in June to support a new library, if not in the Downtown, another location.

Trecinna Lankford-Abundis commented she is an advocate of education and the City Council can show its support of education by approving a library ballot measure for the June election. She added the Oakley community deserves a larger library.

Vince Cortese commented he is a retired teacher who believes reading is very important to education, his family uses the library frequently; therefore, he supports a new library.

Ron Acevedo commented he believes his family's frequent use of the library helped his children to be successful in their education; therefore, he supports a new library for the Oakley community.

Dale Smith provided a brief history of the library committee's formation and commented all of the volunteers are interested, committed, hard-working and helpful to assist in engaging the community to support a new library, but they need the City Council's approval of the ballot measure in order to take the next steps.

Arnold Fitzpatrick commented the library is an extension of our school system to continue life-long learning and a foundation of our society; therefore, he supports a new library to improve our community.

Michael Dupray commented he supports a new library and learning center.

Zachary Coan requested his comment be read into the record. He mentioned a new library will satisfy the City's need to have a safe place to meet and learn.

Amber Kelley requested her comment be read into the record. She mentioned she is a Freedom High School student and it is becoming cramped with two libraries in one room.

Robert Urbach requested his comment be read into the record. He mentioned a library is a positive place to study, learn, engage in community activities and raise our families and a new library will be instrumental in educating our children and keeping Oakley as a destination choice for new residents. He requested the City Council support the ballot measure.

Terry Tipton-Guthmiller requested her comment be read into the record. She mentioned libraries are a place of peace, learning and relaxing and she strongly supports a new library with plenty of parking to grow with the needs of the Oakley Community.

Councilmember Perry commented she supports a new library and learning center. She explained it will provide a quiet learning place, meeting space is needed, and there are programs that residents already pay for such as art exhibits that could be hosted in a new library and learning center.

Councilmember Hardcastle commented he supports a new library as it will be a great asset to the community. He complimented Andrea Freyler and the Feasibility Committee for their work on the survey, their ideas, and for addressing concerns the City Council

had from the previous time the ballot measure was proposed. He suggested the item be approved to let the voters decide.

Councilmember Pope commented "Ditto."

Mayor Romick commented "Ditto" and complimented the Feasibility Committee and Friends of the Oakley Library to improve the library.

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

Mayor Romick announced a break at 8:31p.m. The City Council reconvened at 8:42p.m.

**4.2 Approve the Formation of City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services) ("CFD No. 2015-2"), Hold a Public Hearing and Special Landowner Election, Declare the Results of the Election and Introduce an Ordinance to Levy a Special Tax for CFD No. 2015-2 (Kevin Rohani, Director of Public Works / City Engineer)**

Mayor Romick introduced the item and called for the ballot vote. The City Clerk opened the official ballot and announced the property owner, Prescott Parc, LLC, approved the ballot measure to annually levy the tax for Communities Facilities District 2015-2.

Director of Public Works/City Engineer Kevin Rohani presented the staff report.

Councilmember Hardcastle inquired how many acres the fees would cover.

Mr. Rohani explained that it is roughly 8 acres and the fees are calculated on specifics of each subdivision which are divided among the lots with caps built in and which all support surrounding infrastructure such as parks.

City Manager Bryan Montgomery added that the maximum caps are arbitrary numbers; it is much more realistic to consider the amount divided among the lots.

Online Comment Forms

No online comment forms were submitted for Item 4.2.

Public Comment Cards

No public comment cards were submitted for Item 4.2.

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

#### **4.3 150 E. Acme Street Building Renovation Design Review (DR 11-15) (Kenneth Strelø, Senior Planner)**

Senior Planner Kenneth Strelø presented the staff report.

Councilmember Perry inquired if the proposed renovation would fix any code enforcement violations on the property and if the property would still be red-tagged.

Mr. Strelø responded that the renovation will not fix the code enforcement violations; however, it will upgrade the building. He added that the resolution contains time provisions so that the renovation does not extend past the time code enforcement issues need to be resolved.

#### Online Comment Forms

No online comment forms were submitted for Item 4.3.

#### Public Comment Cards

No public comment cards were submitted for Item 4.3.

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

#### **4.4 Adopt a Resolution Approving Sponsorship Agreements for Wild West Bass Trail and Dan's Delta Outdoors Fishing Tournaments (Dwayne Dalman, Economic Development Manager)**

Economic Development Manager Dwayne Dalman presented the staff report.

Vice Mayor Higgins inquired how many tournaments are scheduled.

Dan Mathisen, owner of Dan's Delta Outdoors, responded that 8 events are scheduled with approximately 100 participants per event.

Councilmember Perry commented it is exciting to see Big Break Marina improve and the people participating in the tournaments will bring revenue to local businesses. She requested Oakley festivals be advertised in any literature provided to participants.

Mayor Romick commented Oakley used to host tournaments all of the time, but with the demise of Big Break Marina, tournaments were relocated to Bethel Island; now that Big Break Marina has been rejuvenated, the tournaments will be a great reinvestment for Oakley.

Councilmember Hardcastle requested coupons for local businesses be included in participants' goodie bags. He added that the tournaments are a good investment in Oakley.

#### Online Comment Forms

No online comment forms were submitted for Item 4.4.

#### Public Comment Cards

No public comment cards were submitted for Item 4.4.

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

### 5.0 PUBLIC HEARINGS

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

#### **5.1 Willow at Emerson Neighborhood 5 Design Review (DR 03-14) (Ken Strelo, Senior Planner)**

Senior Planner Ken Strelo presented the staff report.

Councilmember Hardcastle inquired if the shingles will be made of cement.

Mr. Strelo confirmed the applicant says the shingles will be made of cement.

#### Online Comment Forms

No online comment forms were submitted for Item 5.1.

#### Public Comment Cards

No public comment cards were submitted for Item 5.1.

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

#### **5.2 Waive the First Reading and Introduce an Ordinance to Prohibit or Regulate Cultivation of Medical Marijuana (William Galstan, Special Counsel)**

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

Special Counsel William Galstan presented the staff report. He mentioned Contra Costa County has adopted an interim prohibition ordinance, Antioch is considering adopting a prohibition ordinance tonight, Brentwood is considering the same tomorrow night, and Pittsburg is considering an urgency ordinance soon.

Councilmember Pope inquired if the City Council takes a strict approach tonight if it could loosen provisions of the ordinance in the future and vice versa.

Mr. Galstan explained it would be possible to loosen provisions of a strict ordinance but may be difficult to tighten an ordinance past the March 1 deadline because the State may have more involvement in regulating it.

Vice Mayor Higgins inquired if a complete prohibition would still allow patients under the Compassionate Use Act access to medication.

Mr. Galstan explained the courts have held a limited application of the Compassionate Use Act in which cities can still adopt zoning ordinances which would prohibit cultivation even for patients.

Councilmember Hardcastle mentioned the Town of Danville currently prohibits cultivation, but not delivery.

Mr. Galstan explained Oakley's current ordinance prohibits dispensaries; if the City Council wishes to amend the ordinance, it can direct staff.

Councilmember Hardcastle mentioned he is thinking of people who may not be able to physically get to medication.

Mr. Galstan responded that a delivery service would not present the same type of nuisance as growth would.

City Manager Bryan Montgomery commented that many cities are adopting prohibition ordinances before the March 1 deadline and will see what the State regulates, then can modify their ordinances if necessary. He added that there are many discussions happening at the State level involving all parties, which does not need to also happen at the local level.

#### Online Comment Forms

John Amie, Chuck Varnado and Katherine Jones requested to speak at the meeting.

Katherine Jones also provided written comment in opposition to the ordinance. She mentioned she is a medical marijuana patient and it would be a great hardship for her to have to travel to obtain her medicine.

## Public Comment Cards

John Amie commented in his opinion, cannabis will be legalized in the next 3-5 years and it may provide the City of Oakley a source of revenue through taxation, something the City Council may wish to consider.

Chuck Varnado commented he is a medical marijuana patient and growing provides him less expensive and safer access to medicine. He added that the amount of electricity he uses is a private matter and he agrees with the current number of plants suggested by State law which is adequate to propagate. He expressed concern with permits that would be required to grow in that he would not want his information to become a public record.

Katherine Jones was called upon, but was not present to speak.

Edwin Andujar commented on Proposition 215, the 10<sup>th</sup> Amendment to the U.S. Constitution, that the Controlled Substance Act is not in the U.S. Constitution and therefore can be regulated by the states, denial of cultivation is a violation of the Compassionate Use Act in which voter approval is required to change, requiring licenses and permits violates the 5<sup>th</sup> Amendment rights against self-incrimination, and the amount of marijuana produced varies between outdoor and indoor cultivation.

John Santos commented he is a caregiver and it is a matter of freedom to what patients have access to obtaining. He added there is a safety issue in going to dispensaries such as in Oakland and a relaxed approach may be better for the Oakley community.

Sam Hall joined the meeting by phone to provide comment to support allowing cultivation.

Dezi Pina expressed concern with people who do not grow responsibly. He mentioned other drugs cannot be manufactured in residential areas; therefore, he does not believe cultivation should be allowed, but does support dispensaries for access to medication. He added that the quantity of marijuana produced from indoor grow and outdoor grow differ and it is expensive to grow marijuana.

Keith Schatek commented that on January 4, 2016 an amendment to AB21 was proposed. He suggested the City Council consider co-op grows in agricultural areas in Oakley as there is revenue to be made by all, including the City, if structured correctly.

Brian Elliff provided a handout. He commented the Governor plans to sign the amendment to AB21 and before the City Council passes any ordinance, more education should be sought. He suggested dialogue be kept open at this time and the City has an obligation to protect the right to farm. He mentioned allowing cultivation will ensure patient safety, create potential tax revenue for the general fund and create jobs. He added that by opposing cultivation, the City is supporting the black market.

Joanna Hosack, commented collectives in agricultural areas may be the best compromise to allow grow but with restrictions (setbacks, fencing, permits, etc.).



Lee Reisch commented that a complete prohibition would disallow patients safe access to their medicine and he wants to make a difference by assisting as a caretaker. He requested there be more dialogue.

Jeremy Petrell commented he appreciates the City Council having dialogue regarding cultivation and as a representative of 250 patients in the City, they do not want to give up their HIPAA rights which would be a violation of the 5<sup>th</sup> Amendment. He mentioned in order to deliver marijuana, a store front must be established in which big enterprises often push out individual or smaller owners. He added that there is revenue to be made which can fund City programs.

Suzzette Bartell requested the City Council consider that if the rights to access to medicine are taken away, it will encourage patients to use other medications. She mentioned if allowed, the money stays local and the residents also stay here.

Aaron Bartell commented he supports dispensaries in that the money stays local and it is safer than going to other places to obtain the medicine. He added he supports cultivation as the money goes to farmers, not pharmaceutical companies, and the product can be taxed creating revenue for the City. He mentioned if the City Council prohibits cultivation it is supporting the black market and the ordinance will conflict with the Compassionate Use Act.

Paul Seger commented AB21 is supported by the League of California Cities and both Houses. He added the Medical Marijuana Regulation and Safety Act cleaned up the bill in which cities can add fees and taxes for delivery services and collectives can operate for profit or non-profit. He commended the City Council for listening to the public and suggested that the dialogue does not need to end here. He mentioned Oakley has an opportunity to set itself apart from other cities by not placing a prohibition on cultivation.

Eve Diamond requested her comment be entered into the public record. She mentioned denying residents the right to medical marijuana is cruel and backward thinking.

Ric Onalfo requested his comment be entered into the public record. He commented that the City Council should not be in a position to take away the right to medication of others, indicating it is similar to taking away dialysis for a patient or tissue plasminogen activator (tPA) for a stroke victim. He asked the City Council to consider if this is what they want to be remembered for.

Anthony Lopez requested his comment be entered into the public record. He mentioned he believes it should be legal to grow for medicinal purposes and to be able to purchase marijuana legally as many people need it for medicinal purposes.

Mayor Romick commented the proposed ordinance only addresses cultivation of marijuana.

Special Counsel William Galstan suggested one additional option to consider is to wait and see if the amendment to AB21 passes and an urgency ordinance can be brought back in February, although it was not popular before.

City Manager Bryan Montgomery added that an urgency ordinance would require 4/5 vote of the City Council.

Councilmember Pope inquired if permits would be public records.

Mr. Galstan explained that they would not as they would fall within an exception to public disclosure.

Councilmember Pope expressed that he is a local control advocate and for this reason, he does not wish to wait and see what the State decides; he supports a full prohibition to protect City rights for local control over the matter. He added that the ordinance is not intended to be enforced without having received a complaint, as is the case with other code violation matters.

Mayor Romick inquired if the City Council adopts a prohibition, if Police would enforce any differently.

Mr. Montgomery explained that it will be a zoning issue which will be handled by Code Enforcement, not Police, and the person will be provided due process.

Councilmember Perry commented she supports the main ordinance, regardless of whether indoor or outdoor is voted upon, and cultivation should not be banned out of fear.

Vice Mayor Higgins commented under the Compassionate Use Act patients' rights should not be banned; therefore, she supports the main ordinance.

Councilmember Hardcastle commented he supports a complete prohibition to protect neighbors from being impacted by cultivation.

Councilmember Perry commented there will always be people who break laws and those that need medicine should not be penalized.

Vice Mayor Higgins commented "Ditto."

Mayor Romick commented he supports a prohibition as it allows the greatest capability to adapt to what the State decides. He added there is more funding at the State level for research and involvement of interest groups. He mentioned there will be no enforcement without complaint, the same process of how other code violations are treated.

It was moved by Councilmember Pope and seconded by Councilmember Hardcastle to adopt an ordinance (option 3) establishing a complete prohibition on cultivation of marijuana. AYES: Hardcastle, Pope and Romick. NOES: Higgins and Perry. (3-2)

## 6.0 REPORTS

### **6.1 CITY MANAGER**

City Manager Bryan Montgomery announced Recreation and Economic Development are creating a coupon book for local businesses to participate in advertising.

#### **(a) Report on Long-Range Property Management Plan**

Mr. Montgomery reported the Department of Finance has approved the Property Management Plan and it is now time to implement the Plan. He mentioned the item will be presented to the City Council on January 26 during its regular meeting and will then be presented to the Oversight Board on January 28 during its regular meeting.

### **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**

Vice Mayor Higgins announced the Relay for Life kickoff will occur January 14 and Diablo Water District will hold a public hearing on January 20 to consider raising rates by 2%. She encouraged all to attend.

Councilmember Pope announced the East Contra Costa Fire Protection District Board has received emergency funding and direction to go to the voters to seek additional funding to bring back a safe level of service. He mentioned the Board will be providing public outreach and voter education in upcoming months.

Mayor Romick announced the Contra Costa Transportation Authority is considering a ½ cent transportation tax to support a transportation expenditure plan. He explained the Expenditure Plan Advisory Committee, made up of a variety of groups, will decide if the tax should be on the November ballot. He added that all groups want a cut of the money so the Committee is meeting twice a month to resolve any issues and reach compromise. He suggested anyone seeking more information can visit the CCTA website at [ccta.org](http://ccta.org).

**(b) Designation of two Councilmembers to participate in an Adhoc Parks & Recreation Planning Committee**

Mayor Romick commented that Councilmember Hardcastle volunteered to be on the Committee.

Councilmember Pope volunteered as well. Vice Mayor Higgins volunteered to be an alternate.

**(c) Requests for Future Agendas**

Vice Mayor Higgins requested future agenda items including laying purple pipe, alternatives to rubber recycle programs and assistance for homeless in Oakley.

City Manager Bryan Montgomery mentioned Ironhouse Sanitary District will be providing an update to the City Council in February and suggested the District Manager can address purple pipe at that time. He also mentioned Contra Costa County has a plan for homeless and could provide a report and staff can research what neighboring cities are doing to assist.

Councilmember Pope suggested the County could explain how the City fits into its plan regarding homeless.

**7.0 WORK SESSIONS-None**

**8.0 CLOSED SESSIONS**

***Oakley City Council***

**8.1 CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
(Pursuant to Government Code Section 54956.8)**

**Property:** 3563-3587 Main Street, APN 035-121-004-2  
**Agency Negotiator:** Bryan Montgomery, City Manager  
**Negotiating Party:** Contra Costa County  
**Under Negotiation:** Price and terms of payment

**8.2 CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
(Pursuant to Government Code Section 54956.8)**

**Property:** 3405 Main Street, APN 035-112-017-5  
**Agency Negotiator:** Bryan Montgomery, City Manager  
**Negotiating Party:** Contra Costa County  
**Under Negotiation:** Price and terms of payment

**8.3 CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
(Pursuant to Government Code Section 54956.8)**

**Property:** 150-160 Acme Street, APN 035-121-005-9  
**Agency Negotiator:** Bryan Montgomery, City Manager  
**Negotiating Party:** Contra Costa County  
**Under Negotiation:** Price and terms of payment

**8.4 Report Out of Closed Sessions (William Galstan, Special Counsel)**

Special Counsel William Galstan reported that no action was taken and direction was provided to staff.

**9.0 ADJOURN**

There being no further business, the meeting was adjourned at 11p.m.

Respectfully Submitted,

Libby Vreonis  
City Clerk



**MEMORANDUM**  
*Office of the City Attorney*

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**Date:** January 19, 2016  
**To:** Mayor and Members of City Council  
**Cc:** Bryan Montgomery, City Manager; Derek P. Cole, City Attorney  
**From:** William R. Galstan, Special Counsel *William R. Galstan*  
**Subject:** Closed Session Report-Out Memo

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**FOR CONSIDERATION AT THE CITY COUNCIL MEETING OF JANUARY 26, 2016**

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**Background and Analysis**

The City Council considered three closed session items at its meeting of January 12, 2016, pursuant to California Government Code Sec. 54956.8 for the purposes of real property negotiations of price and terms of payment for the following properties: 3563-3587 Main Street (APN 035-121-004-2), 3405 Main Street (APN 035-112-017-5) and 150-160- Acme Street (APN 035-121-005-9). No action was taken. Direction was provided to staff.

**Fiscal Impact**

None.

**Recommendation**

Receive and file this report.

**Attachments**

None.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY ADDING SECTION 9-1.1226 TO THE OAKLEY MUNICIPAL CODE, DEALING WITH MARIJUANA CULTIVATION**

The City Council of the City of Oakley does ordain as follows:

Section 1. Section 9-1.1226 is hereby added to the Oakley Municipal Code, to read as follows:

**9.1.1226. Marijuana cultivation**

**(A) Findings**

The City Council hereby finds that the growing and cultivation of marijuana has the potential to create nuisances to neighboring properties due to the odor emitted by marijuana plants. Also, the cultivation of marijuana can be attractive to burglars wishing to steal the plants, which can lead to violent confrontations with the owners. Indoor cultivation can lead to the risk of fire and other safety issues, as well as excessive consumption of electricity and greenhouse gas emissions.

**(B) Definition.**

“Marijuana” means all parts of the plant *Cannabis sativa* L.

**(C) Prohibition.**

It shall be unlawful and a public nuisance to grow, plant or cultivate any marijuana plant within the City of Oakley.

**(D) Enforcement.**

A civil administrative citation may be issued for an violation of this Section. Additionally, the City retains all rights and remedies under civil law to enforce the provisions of this Section. This Section shall not be enforced by any criminal proceeding.

Section 2. California Environmental Quality Act (CEQA) Finding.

This Ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), Review for Exemption, because it can be seen with certainty that the project will not have a significant effect on the environment; therefore the project is not subject to CEQA.

Section 3. Severability.

In the event any section or portion of this Ordinance shall be determined to be invalid or unconstitutional, such section or portions shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

Section 4. Effective Date and Publication.

This ordinance shall take effect and be in force and effect thirty (30) days from and after the date of its passage. The City Clerk shall cause the ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation, or by publishing a summary of the proposed ordinance, posting a certified copy of the proposed ordinance in the office of the City Clerk at least five (5) days prior to the City Council meeting at which the ordinance is to be adopted, and within fifteen (15) days after its adoption, publishing a summary of the ordinance with the names of the Council Members voting for and against the ordinance.

The foregoing ordinance was adopted with the reading waived at a regular meeting of the Oakley City Council on \_\_\_\_\_, 2016 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

\_\_\_\_\_  
Kevin Romick, Mayor

ATTEST:

\_\_\_\_\_  
Libby Vreonis, City Clerk





## STAFF REPORT

**Date:** Tuesday, January 26, 2016  
**To:** Bryan H. Montgomery, City Manager  
**From:** Kevin Rohani, Public Works Director/City Engineer  
**SUBJECT:** Approve second reading of Ordinance No. 06-16 authorizing the levy of a special tax commencing in Fiscal Year 2016-17 and each ensuing fiscal year thereafter solely within and relating to City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services) ("CFD No. 2015-2")

Approved and Forwarded to City Council:

  
Bryan H. Montgomery, City Manager

### Background and Analysis

On May 26, 2015, City Council approved Subdivision Maps No. 9080 and No. 9391. These subdivision maps encompass the development known as the Prescott Parc Project. The Prescott Parc Project will consist of 40 single-family residential parcels which are located between Picasso Drive and Frank Hengel Way south of Escher Circle in the central part of the City of Oakley. As a condition of development, the property owner, Prescott Parc, LLC, was required to establish a funding mechanism to mitigate their project's fiscal impact on regional, community and neighborhood parks, street lighting, neighborhood landscaping and stormwater detention facilities.

On October 20, 2015 the City received a petition from Prescott Parc, LLC requesting the establishment of a new Community Facilities District. On October 27, 2015, the City Council adopted Resolution No. 124-15, (the "Resolution of Intention"), declaring its intention to establish CFD No. 2015-2. On December 8, 2015, the City Council adopted Resolution No. 144-15, (the "Amended and Restated Resolution of Intention"), which amended the original Resolution of Intention. The Amended and Restated Resolution of Intention to establish Community Facilities District No. 2015-2 added language that was missing from the original Resolution of Intention, regarding the formation of the Future Annexation Area in order to facilitate future annexations to the district. If formed, CFD No. 2015-2 will provide a funding mechanism to cover the annual costs associated with maintenance, operation, monitoring, and replacement of regional, community and neighborhood parks, street lighting, neighborhood landscaping, stormwater detention facilities and associated administrative costs.

On November 9, 2015, the Boundary Map was recorded with the Contra Costa County Recorder's office as required by the CFD Act. The Proposed Boundary Map also includes a "Future Annexation Area" which corresponds to the City's boundaries. This future annexation area will enable all future development projects within the City to annex into CFD No. 2015-2 with the unanimous approval of the property owner and with Council's approval. It is anticipated that future development projects may be

annexed into CFD No. 2015-2 when they are approved for development or property owners may request a separate financing mechanism to mitigate their fiscal impacts to the City. The benefit of establishing a "Future Annexation Area" is that the annexation process into CFD No. 2015-2 is significantly streamlined, which saves staff time and costs to Developers. By creating this "Future Annexation Area" for CFD No. 2015-2, staff is able to bring future CFD annexations to City Council for approval at one Council meeting, instead of the lengthy three Council meeting process.

On January 12, 2016, the City Council took the following actions:

- It adopted Resolution No. 03-16 which formed CFD No. 2015-2;
- It then adopted Resolution No. 04-16 which called for a special land owner election to authorize the levy of special taxes within the CFD for FY 2016-17 and each fiscal year thereafter;
- It then held the special land owner election and subsequently adopted Resolution No. 05-16 declaring the results of the election, which was a unanimous vote in favor of the levy of special taxes;
- Finally, the City Council then introduced Ordinance No. 06-16 authorizing the levy of a special tax commencing in Fiscal Year 2016-17 and each fiscal year thereafter solely within and relating to CFD No. 2015-2.

As required by the CFD Act, the notice of special tax lien was recorded at the Contra Costa County Recorder's office. The recording of the notice of special tax lien will put all interested parties, including title companies, lenders and future home purchasers, on notice that the property is located within CFD No. 2015-2 and is subject to a special tax.

Based on an estimate of the costs to be incurred by the City of Oakley for providing the authorized services for CFD No. 2015-2, the maximum combined annual special tax is \$1,391.95 (in FY 2015-16 dollars) per single-family residential parcel. As specified in the rate and method of apportionment of special tax, annual increases in the maximum special tax are limited to the prior year's change in the Consumer Price Index – All Urban Consumers (San Francisco-Oakland-San Jose, CA) with a minimum annual increase of 3% and a maximum annual increase of 5% over the previous year's maximum special tax.

Final adoption of Ordinance No. 06-16 is proposed to take place at the January 26, 2016 City Council meeting. Should Council adopt the ordinance, the City Clerk is required to publish the Ordinance within 15 days after its passage in a newspaper of general circulation published and circulated in the area of the CFD. Publication of the Ordinance will complete the process to authorize the levy of special taxes within CFD No. 2015-2 commencing in Fiscal Year 2016-17.

### **Fiscal Impact**

Development of the Prescott Parc Project requires a funding mechanism to mitigate the fiscal impact of the project's regional, community and neighborhood parks, street lighting, neighborhood landscaping, stormwater detention facilities and associated administrative costs. CFD No. 2015-2 will provide the financing mechanism to levy an annual Special Tax to pay for these services. Following the creation of CFD No. 2015-2, the levy of the special tax can be levied annually commencing in Fiscal Year 2016-17 if necessary.

### **Recommendation**

Staff recommends that the City Council adopt the following Ordinance:

1. Ordinance No. 06-16 which is an Ordinance Levying the Special Tax.

### **Attachments**

- 1) Ordinance Levying Special Tax

**ORDINANCE NO. 06-16****ORDINANCE LEVYING SPECIAL TAX****CITY OF OAKLEY****Community Facilities District No. 2015-2****(Parks, Street Light, Landscape and Stormwater Services)****SECTION 1. FINDINGS**

A. The City Council (this "Council") of the City of Oakley (the "City") has adopted a resolution entitled "Amended and Restated Resolution of Intention to Establish Community Facilities District" (the "Resolution of Intention"), and has conducted proceedings (the "Proceedings") to establish (i) the "City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services)" (the "CFD") and (ii) the "City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services) (Future Annexation Area)" (the "Future Annexation Area") pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act") to fund certain municipal services (the "Services") as provided in the Act.

B. Pursuant to notice as specified in the Act, and as part of the Proceedings, the Council has held a public hearing under the Act relative to the determination to proceed with the formation of the CFD and the Future Annexation Area and the rate and method of apportionment of the special tax ("Special Tax") to be levied within the CFD to finance the Services, and at such hearing all persons desiring to be heard on all matters pertaining to the formation of the CFD and the Future Annexation Area and the levy of the Special Tax were heard, substantial evidence was presented and considered by this Council and a full and fair hearing was held.

C. Upon the conclusion of the hearing, this Council adopted a resolution entitled "A Resolution of Formation of Community Facilities District" (the "Resolution of Formation"), pursuant to which it completed the Proceedings for the establishment of the CFD and the Future Annexation Area, the authorization of the levy of the Special Tax within the CFD and the calling of an election within the CFD on the propositions of levying the Special Tax and establishing an appropriations limit within the CFD, respectively.

D. On January 12, 2016, a special election was held among the landowner voters within the CFD at which such voters approved such propositions by the two-thirds vote required by the Act, which has been confirmed by resolution of this Council.

**SECTION 2.** By the passage of this Ordinance, the Council hereby authorizes and levies the Special Tax within the CFD (including any parcel or parcels in the Future Annexation Area that annex into the CFD) pursuant to the Act, at the rate and in accordance with the rate and method of apportionment of Special Tax set forth in the Resolution of Formation which rate and method is by this reference incorporated herein. The Special Tax is hereby levied commencing in fiscal year 2016-17 and in each fiscal year thereafter to pay for the Services for the CFD, as contemplated by the Resolution of Formation and the Proceedings and all costs of administering the CFD.

SECTION 3. The Finance Director or designee, or an employee or consultant of the City, is hereby authorized and directed each fiscal year to determine the specific Special Tax to be levied for the next ensuing fiscal year for each parcel of real property within the CFD (including any parcel or parcels in the Future Annexation Area that annex into the CFD), in the manner and as provided in the Resolution of Formation.

SECTION 4. Exemptions from the levy of the Special Tax shall be as provided in the Resolution of Formation and the applicable provisions of the Act. In no event shall the Special Tax be levied on any parcel within the CFD in excess of the maximum Special Tax specified in the Resolution of Formation.

SECTION 5. All of the collections of the Special Tax shall be used as provided in the Act and in the Resolution of Formation, including, but not limited to, the payment of costs of the Services, the payment of the costs of the City in administering the CFD, and the costs of collecting and administering the Special Tax.

SECTION 6. The Special Tax shall be collected in the same manner as ordinary ad valorem taxes are collected and shall have the same lien priority, and be subject to the same penalties and the same procedure and sale in cases of delinquency as provided for ad valorem taxes; provided, however, that the Council may provide for other appropriate methods of collection by resolution(s) of the Council. In addition, the provisions of Section 53356.1 of the Act shall apply to delinquent Special Tax payments. The Finance Director of the City is hereby authorized and directed to provide all necessary information to the auditor/tax collector of the County of Contra Costa in order to effect proper billing and collection of the Special Tax, so that the Special Tax shall be included on the secured property tax roll of the County of Contra Costa for fiscal year 2016-17 and for each fiscal year thereafter until no longer required to pay for the Services or until otherwise terminated by the City.

SECTION 7. If for any reason any portion of this ordinance is found to be invalid, or if the Special Tax is found inapplicable to any particular parcel within the CFD, by a court of competent jurisdiction, the balance of this ordinance and the application of the Special Tax to the remaining parcels within the CFD shall not be affected.

SECTION 8. The Mayor shall sign this Ordinance and the City Clerk shall cause the same to be published immediately after its passage at least once in a newspaper of general circulation circulated in the City.

SECTION 9. This Ordinance shall take effect 30 days from the date of final passage.

The foregoing Ordinance was adopted at a regular meeting of the City Council of the City of Oakley held on the 26th day of January, 2016, by Councilmember \_\_\_\_\_ who moved its adoption and passage, which motion being duly seconded by Councilmember \_\_\_\_\_ was upon voice vote carried and ordered posted by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

**APPROVED:**

\_\_\_\_\_  
Kevin Romick, Mayor

**ATTEST:**

\_\_\_\_\_  
Libby Vreonis, City Clerk

## STAFF REPORT

**Date:** Tuesday, January 26, 2016  
**To:** Bryan H. Montgomery, City Manager  
**From:** Kevin Rohani, City Engineer/Public Works Director  
**SUBJECT:** **Resolution Approving a Land and Water Conservation Fund Grant Application for Nunn-Wilson Family Park Development Project**

Approved and Forwarded to City Council:

  
Bryan H. Montgomery, City Manager

### Background and Analysis

The Land and Water Conservation Fund (LWCF) program provides matching grants for acquisition or development of lands and facilities that provide or support public outdoor recreation.

Staff desires to submit a LWCF grant application with the California State Parks and Recreation Department for improvements at Nunn-Wilson Family Park; more specifically a Community Dog Park. The total cost for the Project is estimated at \$827,030.00.

The LWCF grant is a reimbursement program that has a match requirement of 50%. With the request to approve the grant application, Council is also being asked to commit to fund the match for the project cost.

The Community Dog Park at Nunn-Wilson Family Park encompasses approximately 2.5 acres of the existing park site as depicted in the attached conceptual plan, and would include a parking lot, restroom, picnic area, fencing, tables, benches, turf, dog water play area, drinking fountains, agility equipment, dog waste stations, and more.

These improvements will significantly benefit the community, not only for dogs and their owners, but dog parks promote and provide multi-generational park activity for all ages.

The City held a public meeting in January of 2015 at City Hall to hear and solicit input on the proposed Community Dog Park project. Approximately twenty-two (22) individuals were in attendance, with almost all of the attendees in support of Oakley constructing a designated dog park, with several expressing they do not want the Dog Park located at Nunn-Wilson Park. The amenities and features proposed in the conceptual plan were well-received. Good input and constructive comments made it a positive meeting.

City Council approved the submittal of a LWCF grant application last year; however, our project was not selected through the competitive process for funding.

**Fiscal Impact**

The cost for the proposed improvements is estimated to be \$827,030.00. The LWCF grant will reimburse 50% of the project cost; therefore, the City's financial share and obligation is \$413,515.00.

**Recommendation**

Staff recommends that the Council adopt the resolution

**Attachments**

- 1) Resolution
- 2) Community Dog Park Conceptual Plan



## RESOLUTION \_\_\_ - 16

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING THE GRANT APPLICATION FOR LAND AND WATER CONSERVATION FUNDING FOR THE NUNN-WILSON FAMILY PARK DEVELOPMENT PROJECT**

**WHEREAS**, the Congress under Public Law 88-578 has authorized the establishment of a federal Land and Water Conservation Fund Grant-In-Aid program, providing Matching funds to the State of California and its political subdivisions for acquiring lands and developing Facilities for public outdoor recreation purposes; and

**WHEREAS**, the California Department of Parks and Recreation is responsible for administration of the program in the State, setting up necessary rules and procedures governing Applications by local agencies under the program; and

**WHEREAS**, the City of Oakley certifies by resolution the approval of the Application and the availability of eligible matching funds prior to submission of the Application to the State;

**NOW, THEREFORE, BE IT RESOLVED** that the City of Oakley City Council hereby:

1. Approves the filing of an Application for Land and Water Conservation Fund assistance for the proposed;
2. Agrees to abide by SECTION 6(F)(3) of Public Law 88-578 which states "No property acquired or developed with assistance under this section shall, without the approval of the National Secretary of the Interior, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location."
3. Certifies that the City of Oakley has Matching funds from eligible source(s) and can finance 100 percent of the Project, which up to half may be reimbursed; and
4. Appoints the City Manager as agent of the City of Oakley to conduct all negotiations and execute and submit all documents, including, but not limited to, applications, contracts, amendments, payment requests, and compliance with all applicable current state and federal laws which may be necessary for the completion of the aforementioned Project.

**PASSED AND ADOPTED** by the City Council of the City of Oakley at the meeting held on January 26, 2016 by the following vote:

AYES:  
NOES:  
ABSENT:

APPROVED:

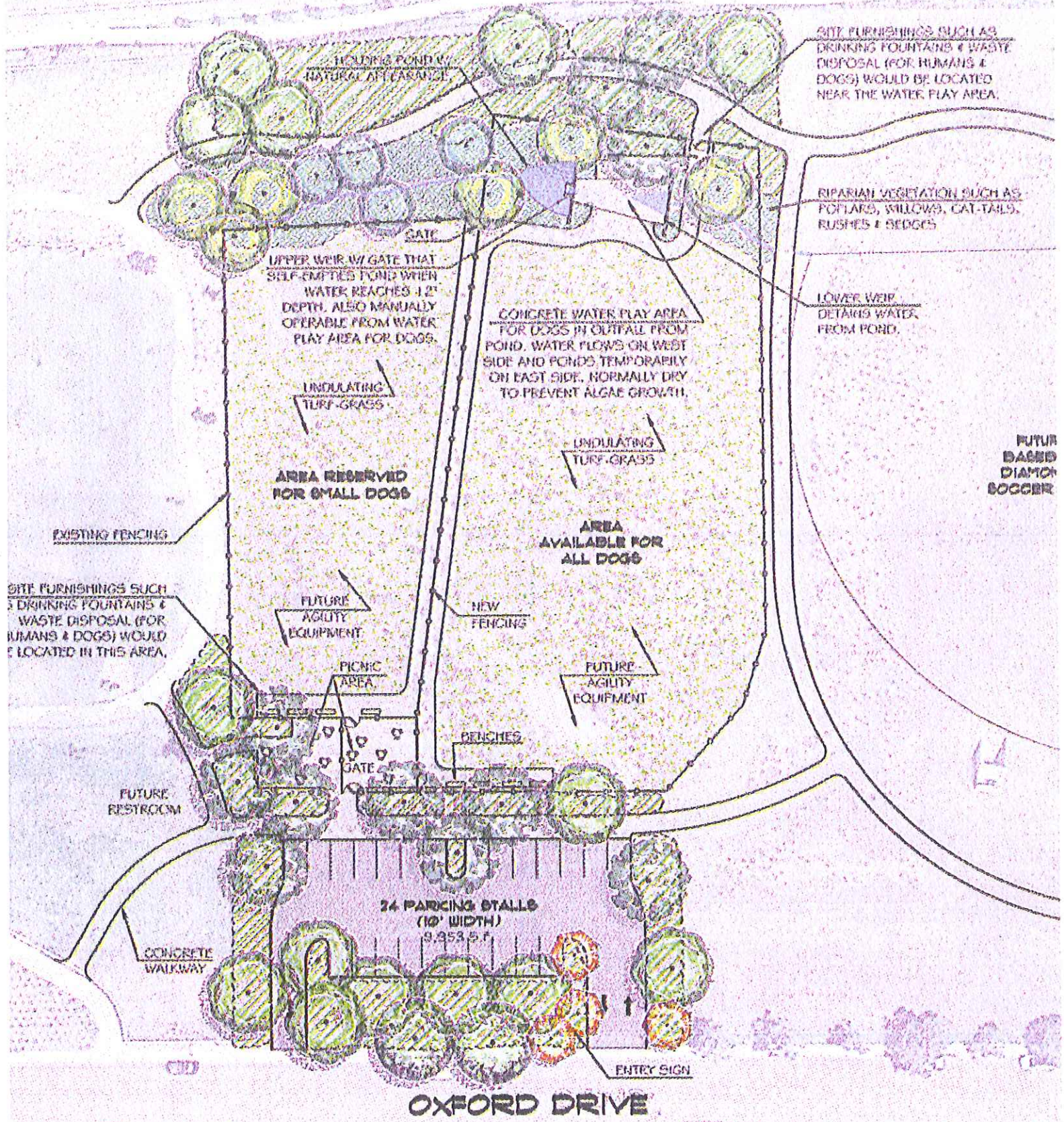
\_\_\_\_\_  
Kevin Romick, Mayor

ATTEST:

\_\_\_\_\_  
Libby Vreonis, City Clerk

\_\_\_\_\_  
Date






**CONCEPTUAL LANDSCAPE PLAN  
 NUNN-WILSON FAMILY PARK  
 OAKLEY COMMUNITY DOG PARK**



## STAFF REPORT

**Date:** January 26, 2016  
**To:** City Council and Council acting as the Successor Agency Board  
**From:** Bryan Montgomery, City Manager   
**SUBJECT:** **Approval of sale to Thomas Properties, Inc. of Undeveloped Property located at 101 and 111 Carol Lane in Oakley (APN# 037-132-038 & 037-132-0383)**

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### Background and Analysis

At Incorporation the County deeded the vacant property at 101 Carol Lane to the City. The property had been purchased to widen Main Street and an easement was also approved at that time that bifurcated the property to provide access to the home at 111 Carol Lane that had lost its access to Main St. with the widening project (see the attached aerial photo).

For years the City made attempts to attract development to the 101 Carol Lane property. As a part of these efforts the City even deeded the property to the then Oakley Redevelopment Agency to see if some incentives could get some interest from developers, but we were repeatedly told that the easement rendered the property undevelopable. After a couple years of negotiation, the City (not the Redevelopment Agency) was able to acquire the home and property at 111 Carol Lane – with the intent of assembling the two properties to make them developable. The home was torn down and a public solicitation of bids, pursuant to State law, was conducted for the purchase of both properties.

Two sealed bids were received, one from Thomas Properties, Inc. for \$339,000, and one from the Equus Group for \$305,000. The Council subsequently awarded the bid to Thomas Properties on September 10, 2013 (see attached resolution).

It was believed that because no Redevelopment Agency funds were used to purchase either property, the City could proceed with the sale, even though the 101 Carol Lane property was held in title at the time by the Oakley Redevelopment Agency. Due to the State's action of dissolving redevelopment agencies and the new rules imposed on the disposition of redevelopment agency assets, the State would not allow the sale to go through, but requested that the property be included in the required Long Range Property Management Plan (LRPMP) for redevelopment agency properties.

The City Council, acting as the Successor Agency Board, and the Oversight Board both approved the LRPMP in November of 2014; however, the State's review and approval of the Plan did not take place until December of 2015.

In the State-approved LRPMP the 101 Carol Lane property was designated as a "Sale of Property" with proceeds going to fulfill approved Successor Agency obligations and the value set for the property was \$25,000. (This value was set because of the easement that rendered the property undevelopable).

The attached resolution affirms the City's action to sell the property to Thomas Properties, Inc.; and, the Council acting as the Successor Agency Board, would approve the sale of the 101 Carol Lane property for \$25,000 as part of the transaction. (This amount would come out of the \$339,000 bid and be used to fulfill Agency obligations approved by the State). The Oversight Board will then need to consider approval of this action, which consideration is set for the January 28, 2016 Oversight Board Meeting. Because the LRPMP was approved prior to January 1, 2016, there is no review by the State Department of Finance.

It is important to note that Thomas Properties, Inc. does have a buyer for the project – Popeye's Chicken, and the City Council has already approved the design review and a conditional use permit for that project.

#### **Fiscal Impact**

The Successor Agency would realize \$25,000 of the sales proceeds and the City \$314,000 (revenues to the General Fund). This transaction will also lead to the development of the property that includes future property and sales tax revenues to the City and to other public entities.

#### **Recommendation**

Staff recommends that the Council and the Council acting as the Successor Agency to the Oakley Redevelopment Agency adopt a joint resolution approving the sale of 101 and 111 Carol Lane to Thomas Properties, Inc., pursuant to the State-approved Long Range Property Management Plan, and authorizes the City Manager to execute all required documents to complete the sale.

#### **Attachments**

1. Aerial Photograph of the parcels
2. September 10, 2013 Resolution accepting bid of Thomas Properties, Inc.
3. Joint resolution approving the sale





Main Street

111 Carol Lane

114 Carol Lane

Easement Encumbrance

Carol Ln

**A RESOLUTION ACCEPTING THE BID FROM THOMAS PROPERTIES, INC. TO PURCHASE THE UNDEVELOPED REAL PROPERTY LOCATED AT 101 AND 111 CAROL LANE, OAKLEY, CALIFORNIA (APNS 037-132-0383 and 037-132-0375)**

**WHEREAS**, the City is the owner of the real property located at 101 and 111 Carol Lane, Oakley, California (APNS 037-132-0383 and 037-132-0375), and

**WHEREAS**, on June 15, 2013, the City Council declared the property surplus and approved the publication of an Invitation to Bid so interested parties could competitively submit proposals to purchase and develop the property; and

**WHEREAS**, on August 27, 2013, the date and time for bids to be received, two bids were received; and

**WHEREAS**, Thomas Properties, Inc. has proposed to purchase the property for \$339,000 and develop within 18 months; and

**WHEREAS**, after careful consideration, the City Council has determined this proposal from Thomas Properties, Inc. is in the best interests of the community.

**NOW, THEREFORE BE IT RESOLVED**, that by adoption of this Resolution, the Oakley City Council hereby accepts the bid from Thomas Properties, Inc. to purchase undeveloped Real Property located at 101 and 111 Carol Lane, Oakley, California (APNS 037-132-0383 and 037-132-0375, and directs Staff to prepare the appropriate disposition agreement.

**PASSED AND ADOPTED** by the City Council of the City of Oakley at a meeting held on the 10<sup>th</sup> of September 2013 by the following vote:

AYES: Burgis, Hardcastle, Pope, Rios, Romick

NOES:

ABSENT:

ABSTENTIONS:

**APPROVED:**

  
Kevin Romick, Mayor

**ATTEST:**



Libby Vreonis, City Clerk

9-13-13  
Date



JOINT RESOLUTION NO. \_\_\_\_\_

**A JOINT RESOLUTION OF THE OAKLEY CITY COUNCIL AND THE CITY COUNCIL ACTING AS THE BOARD OF THE SUCCESSOR AGENCY TO THE OAKLEY REDEVELOPMENT AGENCY APPROVING THE SALE OF UNDEVELOPED REAL PROPERTY LOCATED AT 101 AND 111 CAROL LANE, OAKLEY, CALIFORNIA (APNS 037-132-0383 and 037-132-0375) TO THOMAS PROPERTIES, INC.**

**WHEREAS**, the City holds title to the real properties located at 101 and 111 Carol Lane, Oakley, California (APNS 037-132-0383 and 037-132-0375), and

**WHEREAS**, on June 15, 2013, the City Council declared the properties as surplus and approved the publication of an Invitation to Bid so interested parties could competitively submit proposals to purchase and develop the property; and

**WHEREAS**, on August 27, 2013, the date and time for bids to be received, two bids were received; and

**WHEREAS**, Thomas Properties, Inc. has proposed to purchase the property for \$339,000 and this bid was accepted and awarded by the City Council on September 10, 2013; and

**WHEREAS**, because the property at 101 Carol Lane had once been held in title by the now dissolved Oakley Redevelopment Agency, the State Department of Finance requested that this property not be conveyed until approved as part of the State-mandated Long Range Property Management Plan; and

**WHEREAS**, Oakley's Long Range Property Management Plan included the sale of 101 Carol Lane and the Plan was approved by the State on December 30, 2015; and

**WHEREAS**, to implement this item of the Long Range Property Management Plan the City Council acting as the Board of the Successor Agency desires to authorize the sale of 101 Carol Lane, and as the City Council desires to affirm its September 10, 2013 decision of selling the 111 Carol Lane property to Thomas Properties, Inc..

**NOW, THEREFORE BE IT RESOLVED**, that by adoption of this Resolution, the Oakley City Council and the City Council acting as the Board to the Successor Agency of the Oakley Redevelopment Agency hereby approves the sale of the undeveloped Real Property located at 101 and 111 Carol Lane, Oakley, California (APNs 037-132-0383 and 037-132-0375 to Thomas Properties, Inc and authorizes the City Manager to execute any and all documents required to accomplish the transaction.



**PASSED AND ADOPTED** by the City Council of the City of Oakley and the City Council acting as the Board of the Successor Agency to the Oakley Redevelopment Agency at a meeting held on the 26<sup>th</sup> of January, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

**APPROVED:**

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Kevin Romick, Mayor  
*City of Oakley*

Date

**APPROVED:**

---

Kevin Romick, Chair  
*Board of Successor Agency*

Date

**ATTEST:**

---

Libby Vreonis, City Clerk

Date



Agenda Date: 01/26/2016

Agenda Item: 3.7

## STAFF REPORT

Approved and forwarded to the City Council:

Date: January 8, 2016

To: Bryan H. Montgomery, City Manager

From: Deborah Sultan, Finance Director  
Troy Edgell, Code Enforcement Manager

Subject: Resolution Confirming the Cost for Abatement of a Public Nuisance  
and Directing a Special Assessment and Lien Upon Said Parcel

### Background and Analysis

The City's Municipal Code includes provisions to protect the health and safety of the community. The Code Enforcement Division is charged with enforcing those provisions that deal primarily with the failure of a property owner to care for and maintain their property, so much so, that it becomes a threat to the public's health and safety.

This resolution seeks City Council approval for an abatement performed at 4303 Redwood Drive after the property owner refused to correct nuisances directly impacting the health, safety, and property value of a neighborhood. Specifically, the City removed a dangerous vehicle up on jacks and trash and debris accumulated on the property.

The City was required to take such action because all attempts to gain compliance were exhausted. Due process was followed through the issuance of Correction Notices and Administrative Citations over a period in excess of 8 months. The City was forced to obtain an abatement warrant when it became apparent the property owner would not take any action to remove the nuisances nor respond to any attempts to communicate with the City.

The property owner is required to reimburse the City for the costs associated with this abatement. If reimbursement is not made voluntarily, the City will seek to collect by enrolling a direct assessment onto the County tax roll to recover all staff costs and fines associated with performing the abatement, noticing the property owner, and processing the assessment.

The property owner will have the ability to appeal the assessment on February 8th at 9:00 A.M. before the Administrative Hearing Officer.

Direct assessment collections of nuisance and emergency abatements can only be ordered by the City Council. The item before you today is to adopt the attached Resolution acknowledging the property owner subject to the abatement and to authorize Staff, if the City does not receive reimbursement of its costs by March 1, 2016 to:

**Subject:** Resolution Confirming the Cost for Abatement of a Public Nuisance and Directing a Special Assessment and Lien Upon Said Parcel

**Date:** 8 January 2016

**Page 2 of 2**

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- 1) Lien the property due; and
- 2) Submit the property to the County Auditor-Controller so that it will be included as a direct assessment on the Fiscal Year 2016-2017 property tax bills.

**Fiscal Impact**

Adoption of the Resolution will authorize Staff to lien the property and collect the amount due if not paid by March 1, 2016 via direct assessment on the 2016-2017 tax roll.

**Recommendation**

Staff recommends the Council adopt the attached Resolution confirming the cost for abatement of the public nuisance and directing a special assessment and lien upon the parcel.

**Attachments**

Resolution  
Cost Report

RESOLUTION NO. \_\_-16

**A RESOLUTION OF THE OAKLEY CITY COUNCIL CONFIRMING THE COST FOR ABATEMENT OF A PUBLIC NUISANCE AND DIRECTING A SPECIAL ASSESSMENT AND LIEN UPON SAID PARCEL**

**WHEREAS**, the Oakley Municipal Code establishes standards in Law to protect the health and safety of the Community; and

**WHEREAS**, the City's Code Enforcement Division is tasked with addressing violations of these codes, so as to ensure the health and safety of the Community; and

**WHEREAS**, the property listed in Exhibit A attached had violations which required abatement by the City through the Code Enforcement Division; and

**WHEREAS**, the cost incurred by the City to abate the violations is shown in the Exhibit, and such cost remains unreimbursed to date; and

**WHEREAS**, the City seeks to confirm this cost, and if it remains unpaid after March 1, 2016, seeks authorization to lien the property and collect the amount due via direct assessment on the Fiscal Year 2016-2017 property tax roll.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Oakley hereby confirms the cost for said property, and if remaining unreimbursed after March 1, 2016, authorizes Staff to lien the property and submit it as a direct assessment for collection on the 2015-2016 property tax roll.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 26<sup>th</sup> day of January, 2016 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTENTIONS:

APPROVED:

\_\_\_\_\_  
Kevin Romick, Mayor

ATTEST:

\_\_\_\_\_  
Libby Vreonis, City Clerk

\_\_\_\_\_  
Date

## ABATEMENT COST REPORT

4303 REDWOOD DRIVE OAKLEY, CA 94561

APN	UNPAID CITATIONS*	CONTRACTOR COST**	ADMINISTRATIVE COST***	TOTAL COST***
035-555-015	\$1,200.00	\$755.00	\$89.00/Hour x 6.5Hours = \$578.50	\$2,533.50

\*Administrative Citations: (Citation #1609/11-13-2014/\$300.00) (Citation #1615/01-27-2015/\$400.00)  
(Citation #1424/2-12-2015/\$500.00)

\*\*Contractor Costs: Clean-up and removal of trash and debris. A&J Hauling Invoice dated 8-18-2015.  
See Invoice.

\*\*\*Administrative cost includes 6.5 hours of administrative time at the hourly rate of \$89 (as identified in the 2015/16 Overhead and Interfund Charges Schedule), including: multiple re-inspections of the property, receipts and response to complaints regarding the property, site visits to property tenants seeking voluntary compliance to cure violations, communication and coordination with Contractors for obtaining bids, monitoring abatement work, travel to and from property for visual inspection of occupancy and posting of Public Notice, preparation of Assessment List, research, development, and preparation of Notice of Lien, writing and editing code enforcement report, legal and City Clerk admin and review.

## STAFF REPORT

**Date:** 1/14/2016

**To:** Bryan Montgomery, City Manager  
**From:** Chris Thorsen, Chief of Police



**SUBJECT:** Adopt a Resolution Authorizing the City Manager to Approve a Contract with Systems and Space Inc for the Provision and Installation of Evidence Storage Equipment

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### Summary:

Since incorporation, the Oakley Police Department has contracted with the Office of the Sheriff for property management services. Those services include the storage, return, inventory, release and destruction of property seized or collected by Deputies assigned to Oakley under contract.

As we move away from the Office of the Sheriff, we will be handling those functions in house. The City Council previously approved a contract to complete tenant improvements to our current office space. This included the construction of the space for our new evidence storage area.

This contract is for the purchase and installation of temporary evidence lockers, narcotics/hazardous material storage equipment and a moveable high density storage system that will maximize our space.

### Background and Analysis:

As part of their daily duties, officers collect property for a variety of reasons. Property is taken as evidence in criminal cases, items of value are collected when their ownership cannot be determined, other items such as firearms are seized for safe keeping when a citizen may find themselves at a point of mental incapacitation.

In all these cases, we are required to store, inventory and safeguard these items until the criminal case is adjudicated or statute of limitations expires, the rightful owner has been determined or it is determined by a court that property is to be returned. We need a secure location to perform these vital functions.

The attached contract is for the provision of temporary storage lockers and for long term storage equipment. When an Officer collects evidence, he/she places the item in secure temporary locker. Access to these lockers must be highly controlled and they must be secure to preserve the chain of custody for later criminal prosecution.



Once appropriately inventoried and cataloged by staff, the property is placed in a longer term storage area. For longer term storage, the contract calls for the provision of a vented, secure locker for the storage of narcotics and other hazardous material.

In addition, the contract calls for the provision of moveable, high density storage system. The system makes the best use of limited space. The storage shelving is on a track system which allows for movement, eliminating the need for permanent isles or walk ways between storage shelves. Additionally, the moveable storage provides additional security for items of evidence that should be highly controlled such as cash or firearms. The system is scalable allowing us to add additional storage carriages in the future as we grow.

The contractor, Systems and Space Inc, has performed similar work for various law enforcement agencies to include, the Contra Costa Sheriff's Office, Alameda County Sheriff's Office, El Cerrito Police Department, San Jose Police Department, San Ramon Police Department and the DEA crime lab in Pleasanton.

Systems and Space Inc has been awarded the National Joint Powers Association competitively bid contract, thus meeting our purchasing guidelines requiring a competitive bid process on all purchases over \$25,000.

**Fiscal Impact:**

The contract to supply the outlined equipment and labor to install all components calls for the expenditure of \$46,259.89. These expenditures were anticipated in the development of the police transition budget.

**Recommendation:**

Authorize the City Manager to execute the contract with Systems and Space Inc.

**Attachments:**

City Council Resolution  
Proposal from Systems and Space



RESOLUTION NO. \_\_\_\_\_

**RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT BETWEEN THE CITY OF OAKLEY AND SYSTEMS AND SPACE INC. FOR THE PROVISION AND INSTALLATION OF EVIDENCE STORAGE EQUIPMENT**

**BE IT RESOLVED** that the City Manager is authorized to execute a contract between the City of Oakley and Systems and Space Incorporated for the provision and installation of temporary evidence lockers and storage equipment for the police evidence room.

The foregoing resolution was adopted at a regular meeting of the City Council of the City of Oakley held on the 26th day of January, 2016, 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:

\_\_\_\_\_  
Kevin Romick, MAYOR

ATTEST:

\_\_\_\_\_  
Libby Vreonis, CITY CLERK

\_\_\_\_\_  
Date





## ***Proposal to Improve Space Management and Storage Capacity***



***We have set the standard in customer care - Because we understand the composition and characteristics that are intrinsic to space management and capacity planning.***

### **Oakley Police Department Oakley PD - Remodel - Evidence Room**

**January 13, 2016**

**Submitted To: Chief. Chris Thorsen  
Oakley Police Department  
3231 Main Street  
Oakley, CA 94561**

**Submitted By: Mike McCollin  
Systems Planner  
Systems & Space, Inc.  
500 Boulder Court, Suite B  
Pleasanton, CA 94566  
(925) 426-1955**

***Partners in Progressive Storage Solutions***

*This proposal will demonstrate to you that selecting SSI as your storage solution partner is the best step you can take.*

#### Who Is Systems & Space?

SYSTEMS & SPACE, INC. (SSI) is a premier provider of space, storage and filing solutions for today's business environment. Since 1988 we've been developing complete storage and space management strategies and solutions – for all types of businesses. We are experts at individual systems analysis, systems hardware, engineering and implementation. Our mission is to deliver your project on time, within budget – and trouble free.

#### Executive Summary

SYSTEMS & SPACE, INC., is pleased to present this proposal to the space management team at your company. The attached detailed architectural drawings outline your specific requirements and our solution. This proposal is available for acceptance 30 days from the cover date.

#### Why Systems & Space, Inc.?

In order to complete this project on time, with high quality results, it is essential to select a company that can work within your timelines, budget and meet your planning requirements, now and for the long term.

SSI possesses the capability to ensure the success of this project because:

- SSI understands the scope of your specific planning requirements
- SSI engineering, project management experience and system planning are unparalleled in the industry
- SSI has a longstanding partnership with Spacesaver Corporation
- SSI offers extended warranty programs to preserve your investment for years to come.

The SSI management team is committed at every level to the success of your project.

#### Why Spacesaver?

SPACESAVER is the industry leader in high-density mobile file systems. Spacesaver has been in business since 1972 and has more installations than all of its competitors. For material protection, storage efficiency, durability, reliability, security, safety, and accessibility, Spacesaver is the state of the art solution for all your storage requirements.

#### Design

This proposal includes an architectural drawing to allow for visual acceptance. The drawing outlines room dimensions, system dimensions, stored media - existing plus increased capacities and storage weight.

#### Floor Loading

Floor load data that applies to the project is subject to interpretation by a certified structural engineer. SSI is providing reference data for determining load and distribution conditions. Floor load and considerations are to be reviewed and evaluated by a qualified engineer. It is the responsibility of client to have this system approved for the floor loading if needed.

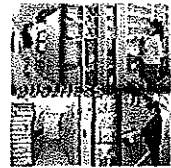
SYSTEMS & SPACE, INC. can assist with the floor load assessment process. We will work directly with your structural engineer or we can provide a certified structural engineer and consulting. A complete analysis, including any required building modifications, designs and supporting structural calculations, will be prepared for a fixed fee. The fee will be determined by the complexity of the project and pricing will be submitted at your request.

#### Delivery, Installation, Training and Warranty

Components and materials will be shipped approximately 6-8 weeks upon receipt of purchase order and completed checklist. A field service supervisor and job crew leader will be assigned prior to the system installation. They will remain with the project until completion to control all scheduling, freight, elevator access and all phases of the installation to assure complete satisfaction with minimal disruption to your staff. Spacesaver warrants that all equipment shall be free from defects in materials and workmanship for five (5) years from the date of the customer's written acceptance of installation – to assure complete satisfaction. This proposal is based on installation utilizing a Monday-Friday workweek and non-union hours of 8:00 AM – to 5:00 PM. Should you require different hours, other options are available. SSI will provide unlimited training to all users to assure optimal use of your system.

#### Extended Warranty Programs

Extended warranty programs are available to protect and preserve your investment. These programs include 1<sup>st</sup> priority service response and covered check-up appointments throughout the years. For more information, simply ask your Systems Planner.



**Business**



**Government**



**Healthcare**



**Justice**



**Library**



**Museum**

**Systems & Space Inc. guarantees the success of your project!**



## Investment

DRAWING NO.	DESCRIPTION	INVESTMENT
15182 R-3	Spacesaver High Density Storage System for Evidence	\$22,468.10
	Spacesaver DSM – Temporary Evidence Lockers	\$20,739.47
	Spacesaver Freestyle Drug Storage Cabinet – Vented	\$2,248.68
	IOPC Evidence Processing Shelves and Bins	\$803.64
	<b>Total Investment</b>	<b>\$46,259.89</b>

*This investment includes all Materials, Freight & Installation.  
Please note that installation is priced at a regular (prevailing wage) rate.  
Tax is included on final invoice.*

### NJPA Contract Purchases

The NJPA has awarded KI/Spacesaver with a national competitively bid contract governed by a national municipal contracting agency.

#### Contract Facts:

Contract Holder: KI (Krueger International, Inc.) and Spacesaver Corporation as a KI subsidiary.  
 Contract Term: July 22, 2010 through July 21, 2014, with one-year option periods throughout the term.  
 Pricing: July 1, 2010 Commercial Price List.  
 Discounts: See attached Discount Structure. Discounts include freight (tailgate delivery to dock).  
 Freight: F.O.B. Destination. Contract discounts include freight (tailgate delivery to dock). Inside delivery is negotiated on a job-by-job basis because of the custom nature and volume of equipment.  
 Authorized Dealers: The Spacesaver Group based on geographical PAR

When purchasing under the NJPA contract, please use the following guidelines in preparing your purchase orders:  
The purchase order will be made payable to: **Systems & Space, Inc.**

Please include the following information on your purchase order: **NJPA/KI Contract Number: 052910-KII**

Remit purchase order to: **Systems & Space, Inc.  
500 Boulder Court, Suite B  
Pleasanton, CA 94566**

**CALIFORNIA STATE CONTRACTOR'S LICENSE NUMBER 5998899  
DIR CONTRACTOR'S REGISTRATION NUMBER 1000007450**

Payment Terms **Net 30 Days**

**X**  
 \_\_\_\_\_  
 Client Approval Print Name Date  
 Project # 15182

Systems Planner: Mike McCollin

Project # 15182



## STAFF REPORT

**Date:** January 26, 2016  
**To:** Bryan H. Montgomery, City Manager  
**From:** Deborah Sultan, Finance Director  
**SUBJECT:** **Resolution Approving a Recognized Obligations Payment Schedule For the Fiscal Year July 2016 to June 2017**

Approved and Forwarded to City Council, as the Board of the Successor Agency to the Oakley Redevelopment Agency:

  
Bryan Montgomery, City Manager

### Background and Analysis

SB 107 was signed into law on September 22, 2015 changing the ROPS filing cycle from semiannual (July to December and January to June) to annual (July to June). Attached is the completed ROPS, in the form provided by the State Department of Finance (DOF). The attached ROPS must be approved by the Agency's Board and Oversight Board, and submitted to DOF by February 1, 2016. DOF must also approve by April 15<sup>th</sup> before the County Auditor-Controller will release property taxes from its Redevelopment Property Tax Trust Fund to the Agency in July and January for the fiscal year 2016/2017.

### Fiscal Impact

For items approved by DOF, the ROPS defines the payments allowed by the Successor Agency. The expenditures proposed are limited to paying remaining enforceable obligations, debt service, amounts necessary to maintain the Agency's properties, and to pay the City the administrative allowance allowed under statute.

### Recommendation

Staff recommends the Board adopt the attached Resolution approving the ROPS attached for the next fiscal year July 1, 2016 – June 30, 2017.

### Attachments

1. Resolution and Recognized Obligations Payment Schedule for fiscal year 2016/2017.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL, AS THE BOARD OF THE SUCCESSOR  
AGENCY TO THE OAKLEY REDEVELOPMENT AGENCY, APPROVING A  
RECOGNIZED OBLIGATIONS PAYMENT SCHEDULE FOR FISCAL YEAR  
2016/2017**

**NOW, THEREFORE, BE IT RESOLVED** that the City Council, as the Board of the Successor Agency of the Oakley Redevelopment Agency, approves the attached Recognized Obligations Payment Schedule for fiscal year 2016/17, July 1, 2016 – June 30, 2017 attached hereto as Exhibit A.

The foregoing resolution was adopted at a regular meeting of the Successor Agency Board, held on the 26<sup>th</sup> day of January 2016, by the following vote:

AYES:  
NOES:  
ABSTENTION:  
ABSENT:

APPROVED: \_\_\_\_\_  
Kevin Romick, Chair

ATTEST:

\_\_\_\_\_  
Libby Vreonis, Secretary

**Recognized Obligation Payment Schedule (ROPS 16-17) - Summary**  
 Filed for the July 1, 2016 through June 30, 2017 Period

**Successor Agency:** Oakley  
**County:** Contra Costa

<b>Current Period Requested Funding for Enforceable Obligations (ROPS Detail)</b>		<b>16-17A Total</b>	<b>16-17B Total</b>	<b>ROPS 16-17 Total</b>
<b>Enforceable Obligations Funded with Non-Redevelopment Property Tax Trust Fund (RPTTF) Funding</b>				
<b>A</b>	<b>Sources (B+C+D):</b>	<b>\$ 195,000</b>	<b>\$ 1,119,346</b>	<b>\$ 1,314,346</b>
B	Bond Proceeds Funding	-	1,024,346	1,024,346
C	Reserve Balance Funding	-	-	-
D	Other Funding	195,000	95,000	290,000
<b>E</b>	<b>Enforceable Obligations Funded with RPTTF Funding (F+G):</b>	<b>\$ 1,266,725</b>	<b>\$ 1,300,925</b>	<b>\$ 2,567,650</b>
F	Non-Administrative Costs	1,141,725	1,175,925	2,317,650
G	Administrative Costs	125,000	125,000	250,000
<b>H</b>	<b>Current Period Enforceable Obligations (A+E):</b>	<b>\$ 1,461,725</b>	<b>\$ 2,420,271</b>	<b>\$ 3,881,996</b>

Certification of Oversight Board Chairman:  
 Pursuant to Section 34177 (o) of the Health and Safety code, I  
 hereby certify that the above is a true and accurate Recognized  
 Obligation Payment Schedule for the above named successor  
 agency.

\_\_\_\_\_  
 Name Title  
 /s/ \_\_\_\_\_  
 Signature Date

Oakley Recognized Obligation Payment Schedule (ROPS 16-17) - ROPS Detail

July 1, 2016 through June 30, 2017

(Report Amounts in Whole Dollars)

A	B	C	D	E	F	G	H	I	J	K	16-17A					16-17B					W										
											Non-Redevelopment Property Tax Trust Fund (Non-RPTTF)					RPTTF						Non-Redevelopment Property Tax Trust Fund (Non-RPTTF)					RPTTF				
											L	M	N	O	P	Q	R	S	T	U		V	16-17A Total								
																							Bond Proceeds	Reserve Balance	Other Funds	Non-Admin	Admin	Bond Proceeds	Reserve Balance	Other Funds	Non-Admin
Item #	Project Name/Debt Obligation	Obligation Type	Contract/Agreement Execution Date	Contract/Agreement Termination Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Retired	ROPS 16-17 Total	Bond Proceeds	Reserve Balance	Other Funds	Non-Admin	Admin	16-17A Total	Bond Proceeds	Reserve Balance	Other Funds	Non-Admin	Admin	16-17B Total									
2	2008 Tax Exempt TABS DS	Bonds Issued On or Before	5/1/2008	9/1/2038	Wells Fargo Corporate Trust	Debt Service Payable in September		\$ 32,432,271	N	\$ 3,881,996			\$ 195,000	\$ 1,141,725	\$ 125,000	\$ 1,461,725	\$ 1,024,346		\$ 95,000	\$ 1,175,925	\$ 125,000	\$ 2,420,271									
4	Annual Trustee/Fiscal Agent Fees	Fees	5/1/2008	9/1/2038	Wells Fargo Corporate Trust	Annual Trustee Fees for 2008 Bonds		63,000	N	\$ 2,500				2,500		\$ 2,500				561,630		\$ 561,630									
6	Continuing Disclosure Services	Fees	5/1/2008	9/1/2038	NBS Financial	Annual Continuing Disclosure Services for 2008 Bonds		5,000	N	\$ 2,000						\$ -				2,000		\$ 2,000									
7	Data for Continuing Disclosures	Fees	1/1/2014	9/1/2038	Hindenliter, DeLamas (HdL)	Data for Continuing Disclosures (used for the 2008 and 2015 Bonds)		15,000	N	\$ 1,000				1,000		\$ 1,000							\$ -								
9	Annual External Audit	Dissolution Audits	1/1/2014	9/1/2039	Current External Auditor is Maze and Associates	Required external audit of the SA pursuant to bond covenants/other requirements. Now combined with item 11.			N	\$ -						\$ -							\$ -								
10	Debt Service Reserve Fund	Reserves	1/1/2014	9/30/2017	Wells Fargo Corporate Trust	Set aside for debt service due in September each year, when needed.		1,173,925	N	\$ 500,000						\$ -				500,000		\$ 500,000									
13	Property Common Area Maintenance and Property Taxes	Property Maintenance	1/1/2014	6/30/2017	Various contractors and utilities	Property taxes, maintenance and common area charges to operate owned properties pursuant to existing leases and obligation to maintain properties. (Hoping to dispose within the next 12-24 months. Most are proposed to be conveyed to the City in the Property Management Plan currently under review by DOF).		180,000	N	\$ 120,000			60,000			\$ 60,000			60,000				\$ 60,000								
24	Main Street Frontage Improvements	Improvement/Infrastructure	2/1/2009	6/30/2017	TBD	Main Street frontage improvements to Conco Land Company property on Main Street (APNs 037-100-048 and 037-100-049) pursuant to dedication agreement.		880,000	N	\$ 880,000						\$ -	880,000						\$ 880,000								
32	Building Maintenance for unleased RE Owned	Property Maintenance	1/1/2014	6/30/2017	Various	Maintenance and other services/utilities directly related to unleased properties, until they are leased or sold. (As mentioned above, we hope to complete disposition of most of these in the next 12-24 months, and the obligation will retire when the properties are finally disposed.)		150,000	N	\$ 70,000			35,000			\$ 35,000			35,000				\$ 35,000								
41	Need to reinstate project costs for prior item 22.	Professional Services	8/9/2011	6/30/2017	City of Oakley	Staff time for project management for items 19 and 21.		144,346	N	\$ 144,346						\$ -	144,346						\$ 144,346								
42	2015 TABS DS (Series A & B)	Refunding Bonds Issued After 6/27/12	5/18/2015	9/1/2028	Wells Fargo Corporate Trust	Debt Service Payable in September and March of each year		5,710,000	N	\$ 204,590				102,295		\$ 102,295				102,295			\$ 102,295								
43	Annual Trustee/Fiscal Agent Fees	Fees	5/18/2015	9/1/2028	Wells Fargo Corporate Trust	Annual Trustee Fees for 2015 Bonds (Series A & B)		104,000	N	\$ 8,000						\$ -				8,000			\$ 8,000								
44	Continuing Disclosure Services	Fees	5/18/2015	9/1/2028	NBS Financial	Annual Continuing Disclosure Services for 2015 Bonds		32,000	N	\$ 2,000						\$ -				2,000			\$ 2,000								
45	Consulting Services related to the Disposition of Agency Property	Professional Services	1/1/2016	6/30/2017	TBD	Consulting services to determine the best approach for the disposition of property subject to sale pursuant to the Agency's PMP (recently approved). Services could include, but would not be limited to appraisals, certain broker fees, and the employment of property development and disposition specialists, as needed.		100,000	N	\$ 100,000			100,000			\$ 100,000							\$ -								
46									N	\$ -						\$ -							\$ -								
47									N	\$ -						\$ -							\$ -								
48									N	\$ -						\$ -							\$ -								
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**Oakley Recognized Obligation Payment Schedule (ROPS 16-17) - Report of Cash Balances  
(Report Amounts in Whole Dollars)**


Pursuant to Health and Safety Code section 34177 (l), Redevelopment Property Tax Trust Fund (RPTTF) may be listed as a source of payment on the ROPS, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation. For tips on how to complete the Report of Cash Balances Form, see <a href="#">CASH BALANCE TIPS SHEET</a>									
A	B	C	D	E	F	G	H	I	
Cash Balance Information by ROPS Period		Fund Sources					Comments		
		Bond Proceeds		Reserve Balance		Other			RPTTF
		Bonds issued on or before 12/31/10	Bonds issued on or after 01/01/11	Prior ROPS period balances and DDR RPTTF balances retained	Prior ROPS RPTTF distributed as reserve for future period(s)	Rent, grants, interest, etc.			Non-Admin and Admin
<b>ROPS 15-16A Actuals (07/01/15 - 12/31/15)</b>									
1	Beginning Available Cash Balance (Actual 07/01/15)		2,000,429		100,000	207,589	12,617		
2	Revenue/Income (Actual 12/31/15) RPTTF amounts should tie to the ROPS 15-16A distribution from the County Auditor-Controller during June 2015					124,720	1,520,000		
3	Expenditures for ROPS 15-16A Enforceable Obligations (Actual 12/31/15)					76,678	1,130,330		
4	Retention of Available Cash Balance (Actual 12/31/15) RPTTF amount retained should only include the amounts distributed as reserve for future period(s)		2,000,429		100,000	75,000			
5	ROPS 15-16A RPTTF Balances Remaining	No entry required							
6	Ending Actual Available Cash Balance C to G = (1 + 2 - 3 - 4), H = (1 + 2 - 3 - 4 - 5)	\$ -	\$ -	\$ -	\$ -	\$ 180,631	\$ 402,287		
<b>ROPS 15-16B Estimate (01/01/16 - 06/30/16)</b>									
7	Beginning Available Cash Balance (Actual 01/01/16) (C, D, E, G = 4 + 6, F = H4 + F4 + F6, and H = 5 + 6)	\$ -	\$ 2,000,429		\$ 489,670	\$ 255,631	\$ 12,617		
8	Revenue/Income (Estimate 06/30/16) RPTTF amounts should tie to the ROPS 15-16B distribution from the County Auditor-Controller during January 2016					180,000	866,624		
9	Expenditures for ROPS 15-16B Enforceable Obligations (Estimate 06/30/16)					235,000	866,624		
10	Retention of Available Cash Balance (Estimate 06/30/16) RPTTF amount retained should only include the amounts distributed as reserve for future period(s)		2,000,429			120,000		We continue to try to keep costs down so that other revenues cover expenses then some, but prior losses of tenants and increased common area maintenance costs make this challenging. Maintaining some cash on hand is necessary to meet property maintenance obligations as they arise. Our request is to retain \$20,000 for this purpose. We now have an approved LRPMP and we have included in the ROPS for \$100,000 in retained other funds for services related to the disposition of properties pursuant to the LRPMP.	
11	Ending Estimated Available Cash Balance (7 + 8 - 9 - 10)	\$ -	\$ -	\$ -	\$ 489,670	\$ 80,631	\$ 12,617		







## MEMORANDUM

**Date:** January 26, 2016  
**To:** City Council  
**From:** Bryan Montgomery, City Manager   
Joshua McMurray, Planning Manager

**SUBJECT:** Discussion regarding Citizen Planning Advisory Committee and Planning Commission

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### Background

At the request of Councilmember Perry, this memo reviews previous discussions and an update on the possible ways to achieve more direct citizen input in various planning/zoning items.

Due to budget, the lack of significant planning items on the horizon and the Council's desire to review all of the planning agenda items, the City Council assumed the role of the Planning Commission in February of 2009. With the desire to more directly involve residents in the discussion on planning items, in March of 2014 the Council adopted a resolution calling for a group of "Citizen Planning Advisors" (see attached resolution). Unfortunately, after repeated solicitations for applications, only one resident applied. We do believe there is more interest now, particularly from some of the graduates of the Citizen Leadership Academy.

### ***Cost of a Planning Commission***

A formal Planning Commission (i.e. not the City Council acting as the Planning Commission) would be even more expensive now than was last reported. The staff load on the Planning Division is now more significant and we believe another full-time Planner would need to be hired if we had a separate Planning Commission. The situation now is that the two Planners are getting close to their capacity (in time), though we feel that current staffing could continue for another 2-3 years. A separate Planning Commission, however, would certainly push that over the top.

While we could hire a more junior Planner and have existing staff handle the Planning Commission duties, it would be hard to find a qualified Planner that is only willing to work part-time. A full-time Assistant Planner with salary and benefits is over \$100,000 in total cost. Of course, that Planner would be able to help with some other matters, but we wouldn't have likely brought that position on if it were not for the tasks required for the separate Planning Commission.

The other cost impacts relate to having staff from Engineering attend each Planning Commission meeting, as well as a minutes clerk and the City Attorney. The Clerk's Office would also have the task of pulling together the agenda packets and performing all of the required postings for the meetings. Other staff, including myself, would also attend a good share of the meetings. Some additional costs would also be incurred to train the new Planning Commissioners. In total, it would likely be over \$125,000 in cost to form a separate Planning Commission. (For some perspective, this is approaching the cost of an additional police officer).

Of course, there would be increased costs to both residential and commercial developers for a separate Planning Commission. The current scenario is far more streamlined and allows the Council to have immediate input and authority on these important development items – a preference of those seeking to invest in Oakley.

### ***Citizen Planning Advisors***

This concept continues to be, in Staff's opinion, the most cost-effective option to more directly involve a group of citizens to review certain planning items going to the City Council (the total cost would be less than \$10,000 per year). The idea is to send designated planning applications by email to those appointed as Advisors at the same time that applications are routed to other entities for review. The Advisors would have the opportunity to make comments and suggestions that can then be incorporated into the Staff Report. (Of course, not all suggestions may become part of Staff's recommendations, but the list of comments and suggestions would be provided to the City Council as part of the Staff Report).

Staff does recommend some slight modifications/clarifications to the approved resolution for the Citizen Planning Advisors:

- With more apparent interest in serving, the number of Advisors may better be placed at five, but no more than seven
- The scope of projects for the Advisors' review would be similar to that of a separate Planning Commission (Conditional Use Permits, Design Reviews, Variances).
- Comments and suggestions should have the same time set forth in the initial routing of a project (typically 30 days or less). The input would be submitted by email.
- Staff wouldn't necessarily respond to or include all suggestions in the Staff recommendations, but all can be listed for City Council's information.

- The applicant(s) would have an opportunity to respond to the Advisors' comments and suggestions.
- The comments would be provided to the City Council as part of the Staff Report. The comments would be grouped together to remove the names of the Advisors.

Staff believes that these adjustments will improve the success of the Citizen Planning Advisors concept; and, that the concept is the most cost-effective way of more directly involving residents in the review process.

### **Recommendation**

Discuss the information in the memorandum and direct Staff to bring back some minor adjustments to the Citizen Planning Advisors concept and begin soliciting applications.

### **Attachment**

1. Citizen Planning Advisors - March 14, 2014 Resolution

**RESOLUTION NO. 15-14**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY  
ESTABLISHING CITIZEN PLANNING ADVISORS**

**WHEREAS** the City Council is the Planning Agency of the City of Oakley; and

**WHEREAS** the Council desires to encourage more citizen participation and input in the subdivision and Design Review process;

**NOW, THEREFORE, BE IT RESOLVED** as follows:


1. There is hereby established the volunteer office of "Citizen Planning Advisor", which shall have the duties as specified herein.
2. The City Council may, from time to time, appoint three, but not more than five, Citizen Planning Advisors, who shall serve terms of two years.
3. The City shall use its established application process for recruiting and selecting the Advisors. Emphasis in the appointment selection shall be based upon each applicant's knowledge and interest in urban and community planning and any knowledge or experience in the disciplines of architecture, urban design, landscape architecture, environmental studies, traffic engineering, or related disciplines.
4. Every Citizen Planning Advisor shall be deemed to be a "designated employee" under the City's Conflict of Interest Code and shall be assigned Disclosure Categories 1 – 4 and file Disclosure Statements and otherwise comply with all requirements of the Conflict of Interest Code and regulations of the City and the State of California. Although they are included in the term "designated employee", Citizen Planning Advisors shall be volunteers and not be employees of the City and not be entitled to compensation or benefits of any kind or nature. They may, however, be entitled to receive training or reimbursement of expenses if approved in advance of incurring any expense or training by the City Manager.
5. City staff will route to Citizen Planning Advisors subdivision and Design Review projects after the applications for such projects are "deemed complete" per Government Code Section 65920 et. seq. Each Advisor will use the adopted Residential and Commercial/Industrial Design Guidelines to review projects and may submit comments on the project to City staff.
6. City staff shall attach any comments received from the Citizen Planning Advisors to the reports given to the City Council.
7. City staff shall have no obligation to respond to comments from Citizen Planning Advisors.

8. City staff shall conduct at least one training session for each Citizen Planning Advisor and shall coordinate at least an annual meeting for the Citizen Planning Advisors to discuss the operations of this program.
9. Notwithstanding the creation of the Citizen Planning Advisor program, the City Council shall remain the Planning Agency for the City of Oakley.
10. This program shall be reviewed by the City Council at the conclusion of the first two years and thereafter from time to time. Citizen Planning Advisors serve at the pleasure of the majority of the City Council, and may be removed from office prior to the expiration of the term at the discretion of a majority of the members of the City Council.

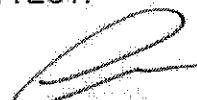
PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 11<sup>th</sup> of March, 2014 by the following vote: 5-0

AYES: Burgis, Hardcastle, Pope, Rios, Romick  
NOES:  
ABSTENTION:  
ABSENT:

APPROVED:

  
Raddy Pope, Mayor

ATTEST:

  
Libby Vreonis, City Clerk

13 March  
Date

# OAKLEY



CALIFORNIA

Agenda Date: 01/26/2016

Agenda Item: 6.1c

## MEMORANDUM

**Date:** January 26, 2016

**To:** City Council

**From:** Bryan Montgomery, City Manager 

**SUBJECT:** Discussion regarding the use of Recycled Rubber for Playgrounds

### Background

Last year the City was awarded \$55,000 in grant funding from the State of California Department of Resources, Recycling and Recovery (CalRecycle) to purchase and install rubber bark at the Holly Creek Park playground, which was completed late last year. This form of tan bark is much more durable than wood bark and provides a superior fall surface from a safety perspective and is ADA compliant. The rubber park also significant reduces maintenance costs compared to wood bark or sand that has to be constantly groomed and replaced.

As you know, California has some of the strictest environmental regulations in the country and has deemed the product safe. The product also exceeds standards set by the U.S. Consumer Product Safety Commission. Also, as a recycled and reused product, thousands of tons of waste rubber are diverted from landfills. Notwithstanding this determination, a local resident has expressed concern as to whether at some later date the material would not be deemed safe. (Staff believes that the recent studies and concerns have related more specifically to small rubber pellets that are used in artificial turf, not to the playground bark/mulch).

In response to the expressed concerns, Vice-Mayor Higgins requested that this matter be formally on the agenda for Council discussion.

Here are some links from some vendors you sell the product:

<http://www.internationalmulch.com/recycled-rubber-for-playgrounds/>

<http://www.costco.com/NuPlay-Playground-Mulch-Made-From-100%25-Recycled-Rubber.product.11671313.html>

<http://www.groundsmartrubbermulch.com/playground-rubber-mulch/>

Here are links to studies about the use of the product:

<http://www.calrecycle.ca.gov/publications/Detail.aspx?PublicationID=1206>

<http://www.kdheks.gov/waste/forms/wastetires/rubbermulchfactsheet.pdf>