

AGENDA

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

Tuesday, March 8, 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.

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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We provide social media options to stay connected to City Hall through Facebook, Twitter, Next Door and Instagram. Other opportunities to connect with City Hall include Peak Democracy, Oakley OnDemand and Constant Contacts. Please contact us at (925) 625-7000 for additional information or visit our website at www.oakleyinfo.com

If you have a physically challenging condition and require special accommodations, please call the City Clerk's office at (925) 625-7013.

(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 (Aaliyah Omer, Ironhouse Elementary School Student)**
- 1.3 Proclamation Recognizing NCE for Consulting Work on the Main Street Construction Project (Bridgehead Road to Big Break Road)**
- 1.4 Proclamation Declaring March 7 through March 13, 2016 as “MS Awareness Week” in Oakley**

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 February 23, 2016 (Kim Carmody, Records Management Clerk)**

Oakley City Council

- 3.2 Accept Report Out of Closed Session Memo (William Galstan, Special Counsel)**
- 3.3 Adopt a Resolution Accepting a Dedication of Right-of-Way Related to Assessor's Parcel Numbers 035-121-007, 035-112-016, 035-112-018 for Improvements Associated with the Main Street Improvement Project in Downtown-Capital Improvement Project Number 165 (Kevin Rohani, Public Works Director/City Engineer)**
- 3.4 Adopt a Resolution for the Establishment of the Rate per Equivalent Runoff Unit for FY 2016/17 and Requesting the Contra Costa County Flood Control and Water Conservation District to Adopt an Annual Parcel Assessment for Drainage Maintenance and the National Pollutant Discharge Elimination System Program (Kevin Rohani, Public Works Director/City Engineer)**
- 3.5 Adopt a Resolution Approving a Deferred Improvement Agreement, Subdivision Assessment and Annexation Authorization Deferral Agreement and Parcel Map for Minor Subdivision MS 14-977 (3351 Doyle Road) (Kevin Rohani, Public Works Director/City Engineer)**

4.0 PUBLIC HEARINGS-None

5.0 REGULAR CALENDAR-None

6.0 REPORTS

6.1 CITY MANAGER

- (a) City Manager**

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 SESSION

Oakley City Council

- 7.1 **Presentation and Discussion Regarding the Implementation of the Peak Democracy Online Town Hall Forum (Nancy Marquez, Assistant to the City Manager)**

8.0 CLOSED SESSIONS

Oakley City Council

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

City of Oakley v. Shea Homes, Limited Partnership

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

City of Oakley v. Scelsi et al.

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

9.0 ADJOURN

Main Street Construction Project **(Bridgehead Road to Big Break Road)**

Whereas, public works services provided in our community are an integral part of our citizens' everyday lives; and

Whereas, Main Street is the only direct connection from the City of Oakley to Highway 160 and is used by over 23,000 vehicles each day; and

Whereas, Main Street had not received any rehabilitation during the time it was under Caltrans jurisdiction and was in need of major repair and improvements; and

Whereas, the City of Oakley hired the consulting firm NCE who specializes in pavement design procedures and technologies to design the improvements needed for Main Street; and

Whereas, NCE as part of a collaborative process with staff from the Public Works department designed the rehabilitation of Main Street utilizing Cold-in-Place Recycling Technology; and

Whereas, Main Street was successfully rehabilitated in 2015 and as a result, the City of Oakley received the Project of the Year award from the American Public Works Association (APWA).

Now, Therefore, Be It Resolved that I, Kevin Romick, Mayor of the City of Oakley, on behalf of the City Council, and the citizens of Oakley wish to bestow upon NCE a note of appreciation for a job well done and a testament to the professionalism and dedication to providing outstanding engineering service to the Oakley community.

March 8, 2016

Kevin Romick, Mayor



P R O C L A M A T I O N

*Declaring March 7 through March 13, 2016 as
"MS Awareness Week"*

WHEREAS, multiple sclerosis (MS) is a neurological disease of the central nervous system, affecting at least 2.3 million people worldwide; and

WHEREAS, the National Multiple Sclerosis Society – Northern California Chapter reports that in our state, we serve more than 12,000 people diagnosed with MS, and that the disease generally strikes people in the prime of life, between ages 20 through 50, and causes unpredictable effects in which the progression, severity and specific symptoms cannot be foreseen, and the cause and cure for this often debilitating disease remain unknown; and

WHEREAS, the National Multiple Sclerosis Society – Northern California Chapter has been committed for more than 58 years to creating a world free of MS, heightening public knowledge about and insight into the disease while mobilizing people and resources so that everyone affected by MS can live their best lives as we stop MS in its tracks, restore what has been lost and end MS forever; and

WHEREAS, since 1946 the National Multiple Sclerosis Society has been a driving force of MS research, relentlessly pursuing prevention, treatment and a cure and has invested more than 920 million dollars in groundbreaking research; and

WHEREAS, funds raised through the National Multiple Sclerosis Society fuel the efforts of more than 380 research projects globally totaling nearly 54 million dollars annually at the best medical centers, universities and other institutions throughout the United States and abroad. Because of this MS research has never been more hopeful than it is today; and

WHEREAS, discovering the cause, finding a cure, and preventing future generations from being diagnosed with MS is an important task that all Americans and Californians should support; and

WHEREAS, the City of Oakley recognizes the importance of finding the cause and cure of MS, a chronic and often devastating disease, and expresses its appreciation and admiration for the dedication that the National Multiple Sclerosis Society – Northern California has shown toward a future free of MS.

NOW, THEREFORE, I, Kevin Romick the Mayor of Oakley, join with the members of the Oakley City Council in proclaiming March 7 – 13, 2016 as "MS Awareness Week," and commend this observance to all of our citizens.

March 8, 2016

Kevin Romick, Mayor

**Minutes of the Regular Joint Meeting of the Oakley City Council/Oakley City Council acting as the Successor Agency to the Oakley Redevelopment Agency
February 23, 2016**

1.0 OPENING MATTERS

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

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

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 (Maurice Mauricio and Malina Zuniga, Gehringer Elementary School Students)

Maurice Mauricio and Malina Zuniga led the Pledge of Allegiance. Mayor Romick thanked them.

1.3 Proclamation Recognizing the 2015 Freedom High School Football Team

Mayor Romick presented a proclamation to the 2015 Freedom High School Football Team for having the highest grade point average of any team in the North Coast Section. Coach Kevin Hartwig thanked the City Council, staff and parents for supporting the football program.

Online Comment Forms

No online comment forms were submitted for Opening Matters.

Public Comment Cards

No public comment cards were submitted for Opening Matters.

2.0 PUBLIC COMMENTS

Online Comment Forms

No online comment forms were submitted for Public Comments.

Public Comment Cards

No public comment cards were submitted for Public Comments.

3.0 CONSENT CALENDAR

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

- 3.1 Approve the Minutes of the Regular Joint Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency Meeting held February 9, 2016 (Libby Vreonis, City Clerk)**

Oakley City Council

- 3.2 Accept Report Out of Closed Session Memo (William Galstan, Special Counsel)**
- 3.3 Accept Quarterly Investment Report (2nd Quarter Fiscal Year 2015-2016) (Deborah Sultan, Finance Director)**
- 3.4 Adopt Resolutions Consenting to Inclusion of the City of Oakley Properties in the California Home Finance Authority PACE Programs and Associate Membership in California Home Finance Authority (Ken Strelo, Senior Planner)**
- 3.5 Adopt a Resolution Authorizing Submittal of Application for Payment Programs and Related Authorizations to CalRecycle for the City/County Payment Program (Joshua McMurray, Planning Manager)**
- 3.6 Adopt a Revised Resolution Calling a Special Municipal Election for June 7, 2016, and Authorizing the Submission to the Voters a Ballot Measure Establishing a Library Development Parcel Tax; Directing the City Attorney to Prepare an Impartial Analysis; and Setting Priorities for Filing Written Arguments (Derek Cole, City Attorney)**
- 3.7 Approve the Purchase of a Ford Interceptor-Utility Vehicle (Jeff Billeci, Lieutenant)**

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

- 3.8 Accept Quarterly Investment Report (2nd Quarter Fiscal Year 2015-2016) (Deborah Sultan, Finance Director)**

Item 3.6 was pulled from the Consent Calendar.

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

Item 3.6

Special Counsel William Galstan mentioned that one of the revisions to the proposed resolution is to include and change the format of the amount to be raised annually and the duration of the parcel tax of the proposed resolution from numerical figures to writing out the amounts to avoid any misunderstanding of the amounts.

The revised resolution also included an extension of the filing dates for primary and rebuttal arguments to be consistent with the Contra Costa County Election Division deadlines for primary and rebuttal arguments which are March 23 at 5 p.m. and March 28 at 5 p.m. respectively.

Online Comment Forms

Item 3.6

Dave Roberts commented that the revised ballot language is a significant improvement as constituents deserve to know the parcel tax is \$33 million over 30 years. He added that in the interest of full disclosure, the ballot language should also include that 71% of the tax (\$23.4 million) will be applied solely toward interest payments in which each household in Oakley would pay \$2,790 over 30 years. He requested the City Council consider updating the revised resolution to extend the filing deadline for filing ballot arguments.

Public Comment Cards

None.

It was moved by Councilmember Pope and seconded by Councilmember Perry to approve Item 3.6 as revised. Motion was unanimous and so ordered. (5-0)

4.0 PUBLIC HEARING

Oakley City Council

4.1 Boparai Minor Subdivision 16-976 (Tentative Parcel Map 01-16) (Ken Strelo, Senior Planner)

Planning Manager Joshua McMurray presented the staff report. He mentioned the applicant, Surjeet Boparai, is present and available to answer any questions.

The City Council had no comments or questions.

Online Comment Forms

No online comment forms were submitted for item 4.1.

Public Comment Cards

No public comment cards were submitted for item 4.1.

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

5.0 REGULAR CALENDAR

Oakley City Council

5.1 Waive the Second Reading and Adopt an Ordinance Authorizing the City to Join Marin Clean Energy (Joshua McMurray, Planning Manager)

Planning Manager Joshua McMurray presented the staff report. He provided clarification of the City's history and involvement in choosing Marin Clean Energy (MCE). He explained that in 2014 staff first began looking at community choice energy and shortly thereafter engaged with MCE, followed by 3 public meetings, all of which were noticed.

Mr. McMurray added that MCE also engaged with Contra Costa County and 3 public meetings were held around the County in December. He mentioned he spoke with staff at Contra Costa County today and the County will present 3 options to a standing committee next Monday: 1) the County may create its own community choice program; 2) the County may partner with Alameda County which has started its own community (possibly an unlikely choice as Alameda County is not accepting new partners at this time); or 3) join MCE.

Mr. McMurray further explained that State law does not allow for customers to opt out of PG&E's program and into MCE's program, it is the other way around, and if the County moves forward with one of the 3 choices being presented, customers will still be subject to these same State law provisions.

He concluded with staff's recommendation: 1) keep the letter of intent on file with MCE (it is non-binding); 2) monitor the County's involvement in community choice energy; and 3) revisit the proposed ordinance in early 2017 as more cities will have likely had discussion on the matter by then.

Mayor Romick commented that community choice energy may be the energy option for the near future, but not today as rates for MCE are higher today than PG&E rates. He suggested staff and the City Council review what other cities are doing over the next year, follow State legislation and monitor PG&E rates.

City Manager Bryan Montgomery commented that staff can bring the item before the City Council again early next year for consideration.

Online Comment Forms

Wilton Alderman expressed concern regarding the City choosing to switch his household energy. He commented he wants to choose up front and does not want to have to pay or spend his time to opt out of a service. He suggested MCE pay the exit fee. He concluded that competition is good, but he is displeased how the City is proceeding.

Michael Davis expressed concern that the proposed ordinance does not actually provide a choice, but rather forces a situation on residents to opt out of PG&E. He suggested the option should be to opt in to MCE. He also encourage the City Council to consider that MCE is waiving the \$15,000 membership fee until March 31 as a "dangling carrot" which creates a sense of urgency to sign up when he believes in reality it is bait to get the City to sign up with MCE. He commented most people will not hassle with opting out of MCE which gives MCE an advantage and may contribute to MCE's customer retention rate.

Keith Kneer encouraged the City Council to obtain public opinion. He commented if MCE's proposal is so amazing, it can wait until more information is obtained.

Iris Obregon encouraged the City Council to perform more research before adopting the ordinance. She suggested the City Council look at Contra Costa County, other cities, the 2005 Marin Grand Jury report "Pull the Plug", comments of Severin Borenstein with Haas School of Energy Institute regarding the issue, associated costs to the City and residents, long-term contracts in a volatile energy environment, staff knowledge and advocacy for energy rates, and managing oversight of MCE and rates.

Sean Ireland encouraged the City Council to reconsider signing a letter of interest with MCE and suggested more public discussion of the matter to explain the facts before a decision is made.

Diane and Marty Kikkert urged the City Council to reconsider signing on with MCE without due process and public input as they do not believe a decision should be made for them in light of higher fees.

Michael Dupray commented that a minimal amount of MCE energy will come from renewable energy producing power and the rest will be supplemented by other power sources transmitted across many power infrastructures. He mentioned MCE rates may be cheaper now, but requested the City Council consider MCE's service and if its rates may increase. He suggested the City look at a high-tech, low maintenance battery power substation at the DuPont site to augment peak hour needs and smooth out a fluctuating power grid. He expressed support for choice now and to look to the future for better systems for the Oakley community.

Michael Burkholder expressed support for a clean energy program in the future when the City Council and staff has had the opportunity to gather more data, provide more public outreach and consider more opportunities which may be more financially sound for the Oakley community.

Mike and Leslie Mckinnon commented that the City of Oakley should slow down, educate residents and obtain public input before making a decision on the matter.

Public Comment Cards

Theresa and Mark O'Brien submitted a comment card requesting clarification regarding the CARE program and solar relief. When called upon, they opted to revisit their comments when the matter is considered again in 2017.

Susan Morgan also submitted a comment card and mentioned her concerns were addressed and she can revisit any further questions when the matter is considered again in 2017.

Councilmember Hardcastle inquired if PG&E can bring up charges other than the exit fee and how customers can opt out of MCE.

Mayor Romick responded that PG&E can raise their rates which are scheduled again to increase in March 2016 and January 2017.

Mr. McMurray replied that customers may opt out of MCE by calling MCE or utilizing its website.

It was moved by Mayor Romick and seconded by Councilmember Hardcastle to follow staff's recommendation and revisit the matter again in 2017. Motion was unanimous and so ordered. (5-0)

6.0 REPORTS

6.1 CITY MANAGER

(a) City Manager

City Manager Bryan Montgomery announced East County Little League will hold its Opening Day Parade the morning of March 5 followed by part of its ceremony in the Civic Center Amphitheatre. He shared that the Police Department recruitment process is on schedule and within budget to transition Police services from the County to the City on May 6. He thanked Chief Thorsen and staff for their work in this transition process.

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

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

Councilmember Pope commented he attended a Habitat Conservancy meeting yesterday and Antioch (it has its own conservancy) will be using the Habitat Conservancy's plan to streamline their applicants. He announced the next East Contra Costa Fire Protection Board meeting will be held March 7 at 6:30 p.m. at the Oakley City Council Chambers.

Councilmember Perry mentioned she and Vice Mayor Higgins attended a masquerade ball benefit event for Furry Friends Food Relief Program which provides free food, low-cost vaccinations, microchips and other services for pets in East County and Martinez. She announced Furry Friend's next event will be a dress sale at Red Man Pocahontas Hall in Oakley on Sunday, February 28, 10am-2pm, in which prom and graduation dresses will be available for \$20 each and all profits will go to support the program.

Councilmember Hardcastle announced a ribbon cutting ceremony will be held Monday, February 29 at 10am to celebrate completion of the Highway 160 connector ramps.

Mayor Romick added that all 4 lanes on Highway 4 up to the Hillcrest exit in Antioch should be open by spring 2017, weather permitting, and expansion will continue to Oakley, Brentwood and Tracy in the future.

(b) Requests for Future Agendas

Councilmember Hardcastle requested an update from Diablo Water District regarding the maintenance and infrastructure of water pipes in Oakley.

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: 3530 Main Street, APN 037-160-023
Agency Negotiator: Dwayne Dalman, Economic Development Manager
Negotiating Party: Victoria Louise Mann; Julie Ann Favalora
Under Negotiation: Price and terms of payment

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

Special Counsel William Galstan announced there was no reportable action.

9.0 ADJOURN

There being no further business, the meeting was adjourned at 7:30 p.m.

Respectfully Submitted,

Libby Vreonis
City Clerk



MEMORANDUM
Office of the City Attorney

Date: February 24, 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

FOR CONSIDERATION AT THE CITY COUNCIL MEETING OF MARCH 8, 2016

Background and Analysis

The City Council considered a closed session item at its meeting of February 23, 2016, pursuant to California Government Code Sec. 54956.8 for the purpose of real property negotiations regarding property located at 3530 Main Street, Oakley, California (APN 037-160-023).

There was no reportable action on any of the closed session items.

Fiscal Impact

None.

Recommendation

Receive and file this report.

Attachments

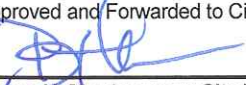
None.



STAFF REPORT

Date: Tuesday, March 8, 2016
To: Bryan H. Montgomery, City Manager
From: Kevin Rohani, P.E. Public Works Director/ City Engineer

Approved and Forwarded to City Council:


Bryan H. Montgomery, City Manager

Subject: Acceptance of dedication of right of way related to Assessor's Parcel Numbers 035-121-007, 035-112-016 and 035-112-018 for improvements associated with the Main Street Improvement project in downtown - CIP No. 165

Introduction

The City's adopted FY 2015/16 Capital Improvement Program (CIP) budget designates funding for various infrastructure repair and improvement projects. This is consistent with the City's goal to improve the quality of the City's public infrastructure and to enhance the quality of life for Oakley residents.

Background and Analysis

The State of California Department of Transportation (Caltrans) for decades had the old Highway 4 under their jurisdiction that ran through the current downtown area that was the primary access route to the community. As part of the growth and development of the community nearly 5 years ago, the City of Oakley and Caltrans agreed on the relinquishment of the entire stretch of old Highway 4 to the City of Oakley, which is now the new Main Street.

The City undertook a project to reconstruct Main Street and create a new downtown in Oakley in 2012. The above referenced project, CIP 165, is a continuation of the downtown improvement project which is currently under design and will be constructed over the next 2 years.

In the course of the design process and project background investigation, staff discovered that there were several parcels of land along Main Street that had been offered as dedication to Caltrans decades ago and somehow were never officially accepted as road right of way by Caltrans or the County. The Main Street improvement project, CIP 165 is funded in part by a Federal grant which is processed by Caltrans. One of the requirements of the project approval by Caltrans is certification of the right of way by the City to ensure that all project right of way needs are addressed. In order to certify the project right of way, the City needs to accept the previously offered right of way dedications.

Fiscal Impact

There is no fiscal impact as result of this right of way dedication acceptance by the City, as the City is not buying any right of way, simply accepting the dedication. This approval completes a procedural matter that had not been completed from years ago.

Conclusion

Staff recommends that the City Council adopt the resolution approving the acceptance of right of way dedication for the Main Street improvement project in downtown associated with Assessor's Parcel Number 035-121-007, 035-112-016 and 035-112-018.

Attachments

- 1) Resolution
- 2) Exhibit A – ROW Dedication 035-121-007
 - a. Exhibit A - Map
- 3) Exhibit B – ROW Dedications 035-112-016
 - a. Exhibit B – Maps
- 4) Exhibit C – ROW Dedication 035-112-018
 - a. Exhibit C - Map

RESOLUTION NO. ___-16

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY
ACCEPTING A RIGHT-OF-WAY DEDICATION REGARDING
APN 035-121-007, 035-112-016, 035-112-018**

WHEREAS, Capital Improvement Project Number 165 is to construct the improvements associated with Main Street in downtown; and

WHEREAS, said improvements included construction of curb, gutter, sidewalks, streetscape, street lights, medians, and paving on Main Street; and

WHEREAS, the Project requires the acquisition of right of way from three (3) properties on Main Street, identified as Assessor's Parcel Number 035-121-007, 035-112-016, and 035-112-018; and

WHEREAS, property owners identified as Assessor's Parcel Number 035-121-007, 035-112-016 and 035-112-018 have offered right of way dedication along main Street for the improvements associated with CIP 165 – Main Street Improvement Project; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Oakley that the Right-of-Way Dedication offer at APN 035-121-007, 035-112-016 and 035-112-018 is hereby accepted in the form attached hereto as Exhibit A, Exhibit B and Exhibit C.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 8th of March, 2016 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

Kevin Romick, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date

4

Recorded at the request of:
Contra Costa County
Land Development Division

Return to:
Contra Costa County
Public Works Department
Records Section

85 181113

Area Oakley
Road O'Hara Ave. & State Highway #4
Co. Road No. 8061 & 7182
Development DP 3011-85
Assessor's No. 035-121-01 & 02

RECORDED AT REQUEST OF
Contra Costa County
DEC 9 1985
AT 11 O'CLOCK
CONTRA COSTA COUNTY RECORDS
J.R. OLSON
COUNTY RECORDER
FEE:
off

104 126528 231

OFFER OF DEDICATION - ROAD PURPOSES
(Individual)

Fei-Mei Wan

the undersigned, being the present title owner(s) of record of the herein described parcel of land, do hereby make an irrevocable offer of dedication to CONTRA COSTA COUNTY, a political subdivision of the State of California, and its successors or assigns, for street and highway purposes, the real property situated in the County of Contra Costa, State of California, described in Exhibit "A" (written description) and shown on Exhibit "B" (plat map) attached hereto.

It is understood and agreed that CONTRA COSTA COUNTY and its successors or assigns shall incur no liability with respect to such offer of dedication, and shall not assume any responsibility for the offered parcel of land or any improvements thereon or therein, until such offer has been accepted by appropriate action of the Board of Supervisors, or of the local governing bodies of its successors or assigns.

The provisions hereof shall inure to the benefit of and be binding upon heirs, successors, assigns, and personal representatives of the respective parties hereto.

IN WITNESS WHEREOF, these presents have executed this instrument this 13TH day of November, 1985.

Fei-Mei Wan
Fei-Mei Wan

STATE OF CALIFORNIA }
COUNTY OF CONTRA COSTA } SS.

On November 13, 1985 before me
JOHN H. ZACH
a Notary Public, in and for said State,
personally appeared FEI-MEI WAN

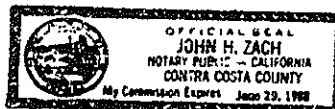
known
to me to be the person(s) whose name(s)
is/~~are~~ subscribed to the within instrument
and acknowledged to me that she
executed the same.

WITNESS my hand and official seal.

Dated: November 13, 1985

Signature *John H. Zach*

(This area for official notarial seal)



Development Permit 3011-85
State Highway 4 and O'Hara Avenue
Road Right of Way

EXHIBIT "A"

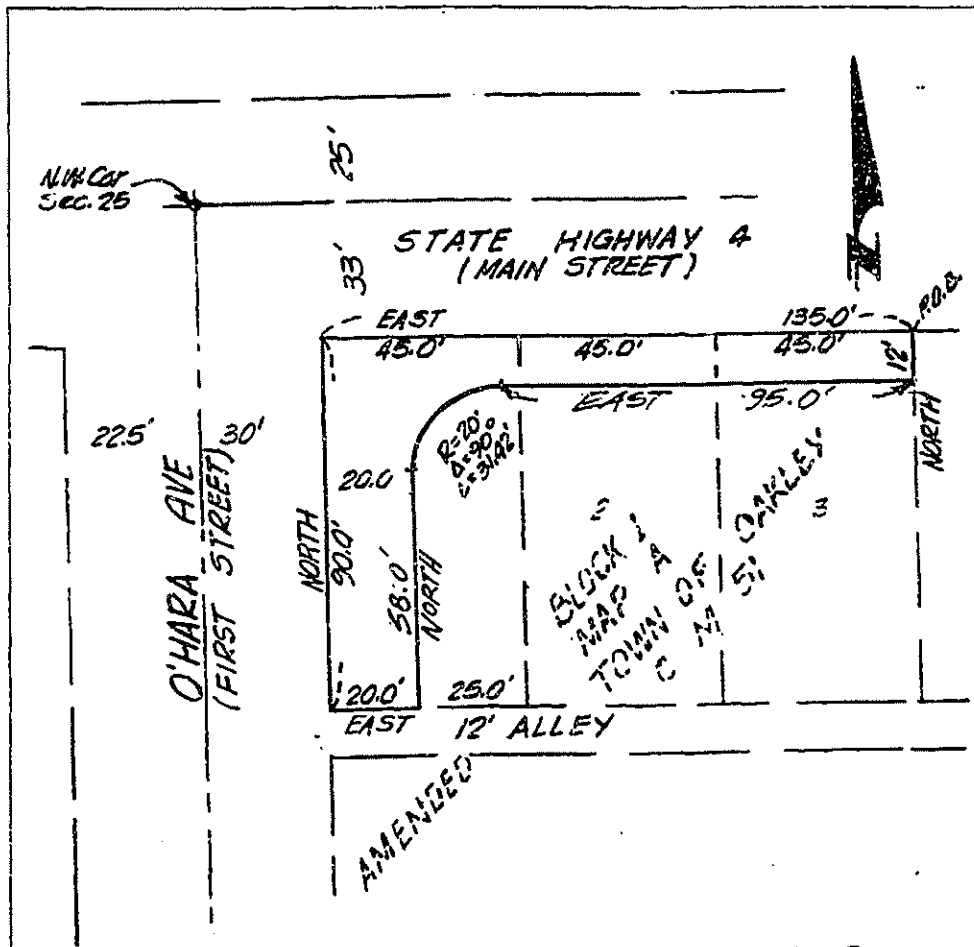
Portion of Lots 1, 2, and 3, Block 1, as shown on the subdivision map entitled "Amended Map A of the Town of Oakley", filed March 21, 1903 in Book "C" of Maps at page 51, in the Office of the County Recorder, Contra Costa County, California described as follows:

Beginning at the northeast corner of Lot 3, said point being on the south right of way line of State Highway 4 (formerly named Main Street) as shown on said "Amended Map A of the Town of Oakley", (C M 51) thence from said point of beginning south 17.00 feet along the east line of said Lot 3 to a point on a line parallel with and 12.00 feet south of said right of way line of State Highway 4; thence along said parallel line West 95.00 feet; thence southwesterly along a tangent curve concave to the southeast, having a radius of 20.00 feet, through a central angle of 90° 00' 00", an arc distance of 31.42 feet to a point on a line which is parallel with and 20.00 feet east of the east right of way line of O'Hara Avenue (formerly named First Street), a County road; thence South 58.00 feet along said south line, west 20.00 feet to the southwest corner of said Lot 1, said point being on the easterly right of way line of O'Hara Avenue as shown on said "Amended Map A of the Town of Oakley", (C M 51); thence along said east line North 90.00 feet to a point on the south right of way line of State Highway 4; thence East 135.00 feet along said right of way line to the point of beginning.

Containing 3266 square feet (0.07 acres) more or less.

ex:3011.85.t10

BOOK 1265228 232



E.O. 12852 IN 233

D.P. 3011-85

CONTRA COSTA COUNTY PUBLIC WORKS DEPARTMENT MARTINEZ CALIFORNIA	
ROAD NO. 7182	
RIGHT OF WAY STATE HIGHWAY 4 AND O'HARA AVENUE	
SCALE 1" = 30'	DATE 09-17-85
DRAWN BY B. BROWN	FILE NO.
CHECKED BY: J. R. N.	A-7182-85

EXHIBIT "B"

R/W acquired by County

Instr. _____
 Recorded _____ Vol. _____ Page _____

COORD. REF - G25 1650,550/547,600

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

Adopted this Order on December 3, 1985 by the following vote:

AYES: Supervisors Powers, Schroder, McPeak, Torlakson & Fadden

NOES: None

ABSENT: None

ABSTAIN: None

SUBJECT: Authorizing Acceptance of Instrument.

IT IS BY THE BOARD ORDERED that the following instrument is hereby ACCEPTED FOR RECORDING ONLY:

<u>INSTRUMENT</u>	<u>REFERENCE</u>	<u>GRANTOR</u>	<u>AREA</u>
Offer of Dedication for Roadway Purposes	OP 3011-85	Fei-Mei Wan	Oakley

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: DEC 2 1985

PHIL BATEMILOR, Clerk of the Board of Supervisors and County Administrator

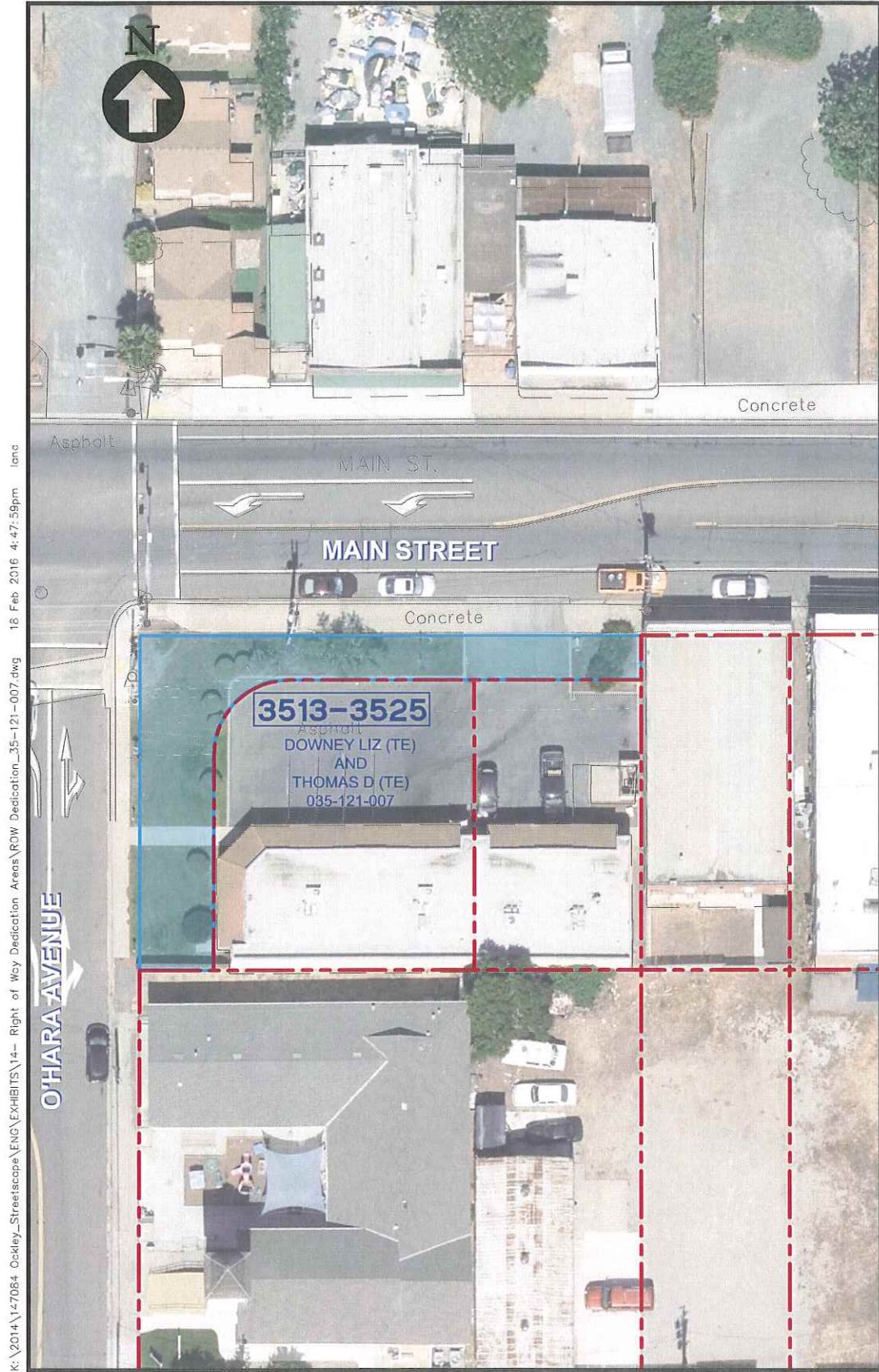
By Jeanne Sideri, Deputy

rec-1265276 234

Originator: Public Works (ES)
cc: Recorder (via ES) then PW Records
Director of Community Development

BO:3.t12

FRO OF



K:\2014\147084\Oakley_Street\scope\ENG\EXHIBITS\14-- Right of Way Dedication Areas\RDW Dedication_35-121-007.dwg 18 Feb 2016 4:47:59pm lona

LEGEND:

- RIGHT OF WAY
- DEDICATION AREA (0.070 AC)

FEBRUARY 18, 2016
SCALE: 1" = 40'

115404

BOOK 8043 PAGE 227

OCT - 5 1976

In the Board of Supervisors
of
Contra Costa County, State of California

September 21 1976

In the Matter of
Acceptance for Recording Only of
an Offer of Dedication for Road Easement
Main Street #7182
W.O. #4805-663.

RECORDED AT REQUEST OF
Contra Costa County
OCT 5 1976
AT 1 O'CLOCK P.M.
CONTRA COSTA COUNTY RECORDS
J. R. OLSSON
COUNTY RECORDER
FEE: *off*

IT IS BY THE BOARD ORDERED that the Offer of Dedication, dated September 14, 1976 from Thomas F. Kiernan, is ACCEPTED for recording only.

Said document is required as a condition of approval of Land Use Permit 2082-76.

The foregoing order was passed on September 21, 1976 by the following vote of the Board:

AYE: Supervisors J. E. Moriarty, W. K. Boggess,
E. A. Linscheid, J. P. Kenny.

NOE: None.

ABSENT: None.

ABSTAIN: Supervisor A. E. Dias.

Supervisor Dias stated that he wished the record to show he abstained from voting for the reason that he was not present for the presentation of the entire Public Works Agenda.

I hereby certify that the foregoing is a true and correct copy of an order entered on the minutes of said Board of Supervisors on the date aforesaid.

Originator: Public Works Department,
Real Property Division

Witness my hand and the Seal of the Board of
Supervisors
affixed this 21 day of September, 19 76

cc: Public Works Director
Director of Planning
Land Development
Recorder

J. R. OLSSON, Clerk
By *Honnie Boaz*, Deputy Clerk
Honnie Boaz

SEAL AFFIXED

Recorded at the Request of

CONTRA COSTA COUNTY

After Recording Return to

BOOK 9043 PAGE 228

Contra Costa County
Public Works Department
Real Property Division
Attn: C. P. Johnson

L.O.P. 2682-76
MAIN ST. (HWY. 4) #7182

OFFER OF DEDICATION

THOMAS F. KIERNAN, the undersigned, being the present title owner of record of the herein described parcel of land, does hereby make an irrevocable offer of dedication to CONTRA COSTA COUNTY, and its successor or assign, for street and highway purposes, the real property described as follows:

Described in the Exhibit "A" attached hereto and made a part hereof

It is understood and agreed that CONTRA COSTA COUNTY and its successor or assign shall incur no liability with respect to such offer of dedication, and shall not assume any responsibility for the offered parcel of land or any improvements thereon or therein, until such offer has been accepted by appropriate action of the Board of Supervisors, or of the local governing body or its successor or assign.

The provisions hereof shall inure to the benefit of and be binding upon the heirs, successors, assigns, and personal representatives of the respective parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this instrument this 14th day of September, 1976.


Thomas F. Kiernan

STATE OF CALIFORNIA

County of Contra Costa } ss.

County in which acknowledgment is taken

On September 14, 1976, before me, Leah M. Caldarazzo

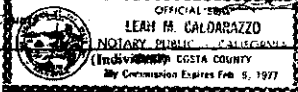
Write or type name of notary

a Notary Public, in and for said County and State, personally appeared

Thomas F. Kiernan

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

**If notary is commissioned in another County, strike "said" and name County.



OFFICIAL SEAL
LEAH M. CALDARAZZO
NOTARY PUBLIC - CALIFORNIA
(Individual) CONTRA COSTA COUNTY
My Commission Expires Feb. 5, 1977

In addition to signature type or actual name of notary
Leah M. Caldarazzo
Notary Public

~~map 8043~~ ~~map 229~~
Main Street (Hwy. 4)
and O'Hara Avenue
L.S.P. 3082-76

EXHIBIT "A"

Portions of Lots 1, 2, and 3 of Block 1 as said lots and block are shown on the map entitled "West Oakley Addition" filed December 5, 1922 in Book 18 of Maps at page 411, Records of Contra Costa County, California, described as follows:

Beginning on the southerly line of Main Street at the westerly line of said Lot 3 as shown on said map (18 M 411); thence, from said point of beginning along said southerly line of Main Street East 150.00 feet to the westerly line of O'Hara Avenue, being the easterly line of said Lot 1; thence, along said westerly line of O'Hara Avenue South 100.00 feet to the southerly line of said Lot 1; thence, along said southerly line west 27.50 feet; thence, North 68.00 feet; thence northwesterly along a tangent curve to the left, having a radius of 20.00 feet, through a central angle of $90^{\circ}00'00''$, an arc distance of 31.42 feet; thence, tangent to said curve West 102.50 feet to said westerly line of Lot 3; thence, along said westerly line North 12.00 feet to the point of beginning.

Containing an area of 0.099 acres (4306 square feet) of land, more or less.

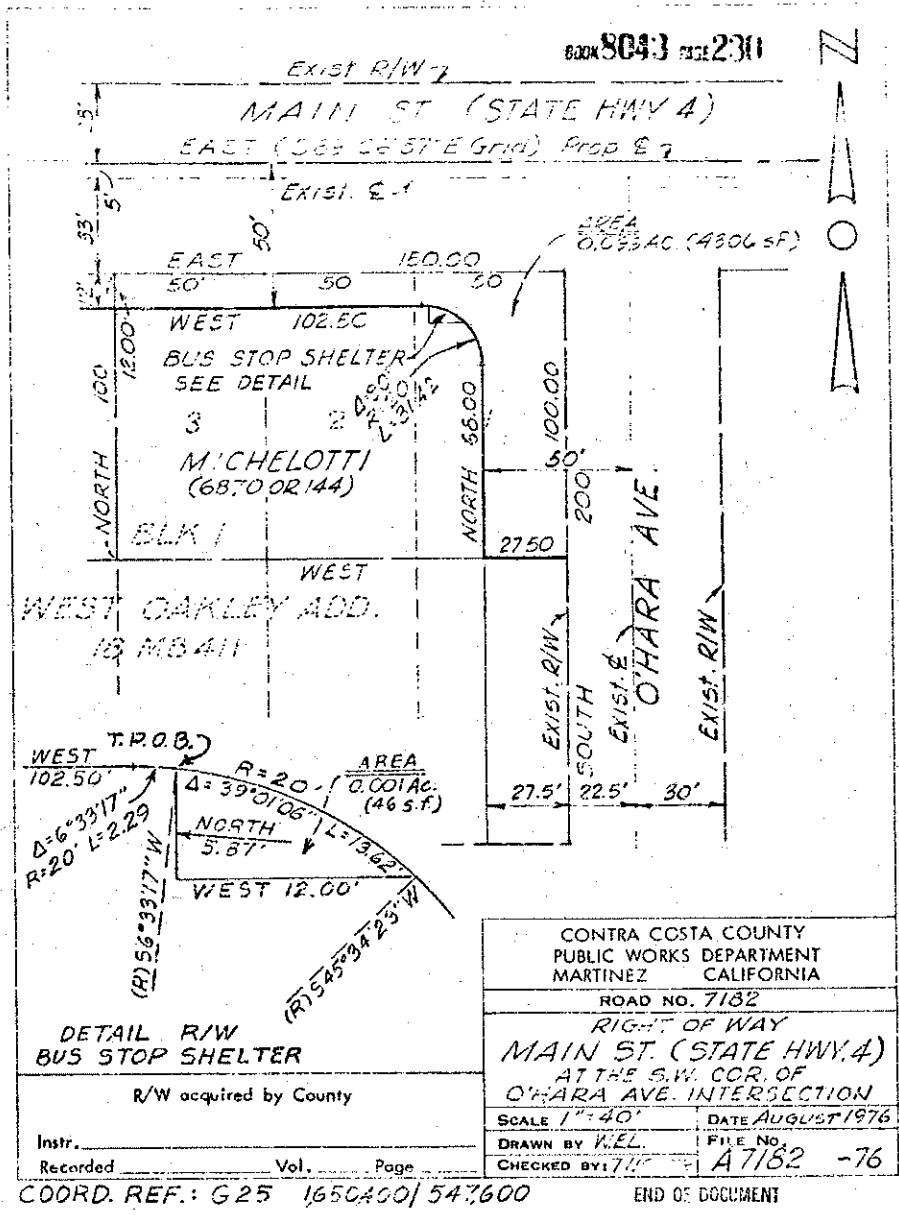
PARCEL TWO

Portions of said Lots 1 and 2 of said map (18 M 411), described as follows:

Commencing at the easterly terminus of the line described as West, 102.50 feet in the above PARCEL ONE; thence, from said point of commencement, easterly along the arc of a tangent curve to the right, having a radius of 20.00 feet, through a central angle of $6^{\circ}33'17''$, an arc distance of 2.29 feet to the true point of beginning; thence, from said true point of beginning southeasterly along said curve through a central angle of $39^{\circ}01'06''$ an arc distance of 13.62 feet to a point from which a radial line bears $S 45^{\circ}34'23'' W$; thence, west 12.00 feet, thence, north 5.87 feet to the true point of beginning.

Containing an area of 0.001 acres (46 square feet) of land, more or less.

BOOK 8043 PAGE 2311



CONTRA COSTA COUNTY PUBLIC WORKS DEPARTMENT MARTINEZ CALIFORNIA	
ROAD NO. 7182	
RIGHT OF WAY MAIN ST. (STATE HWY. 4) AT THE S.W. COR. OF O'HARA AVE. INTERSECTION	
SCALE 1"=40'	DATE AUGUST 1976
DRAWN BY W.E.L.	FILE NO. A7162 -76
CHECKED BY: 7/11	

COORD. REF.: G25 1650400/547600

END OF DOCUMENT

K:\2014\147084 Oakley_StreetScope\ENG\EXHIBITS\4- Right of Way Dedication Areas\ROW Dedication_35-1121-016.dwg 18 Feb 2016 4:54:40pm land



LEGEND:

- RIGHT OF WAY
- DEDICATION AREA (0.099 AC)

FEBRUARY 18, 2016
SCALE: 1" = 40'

PURSUANT TO GOVERNMENT CODE
§6103 NO FEE IS REQUIRED FOR THE
RECORDATION OF THIS DOCUMENT

WHEN RECORDED MAIL TO:

City Clerk
City Of Oakley
3231 Main Street
Oakley, Ca 94561

RECORDING REQUESTED BY:

City Of Oakley
3231 Main Street
Oakley, CA 94561

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

OFFER OF DEDICATION – ROADWAY PURPOSES

Colonial Corporation, the undersigned, being the present title owner(s) of record of the herein described parcel of land, does hereby make an irrevocable offer of dedication to the **CITY OF OAKLEY** (hereinafter CITY), a political subdivision of the State of California, and its successors or assigns, for the purposes of a public road, together with all necessary appurtenances pertaining thereto, including construction access or maintenance of works, improvements and structures, whether covered or open, upon the real property situated in the CITY, described in Exhibit "A" (written description) and shown on Exhibit "B" (plat map) attached hereto.

It is understood and agreed that the City and its successors or assigns shall incur no liability with respect to such offer of dedication, and shall not assume any responsibility for the offered parcel of land or any improvements thereon or therein, until such offer has been accepted by appropriate action of the City Council or the governing body of any successor or assign.

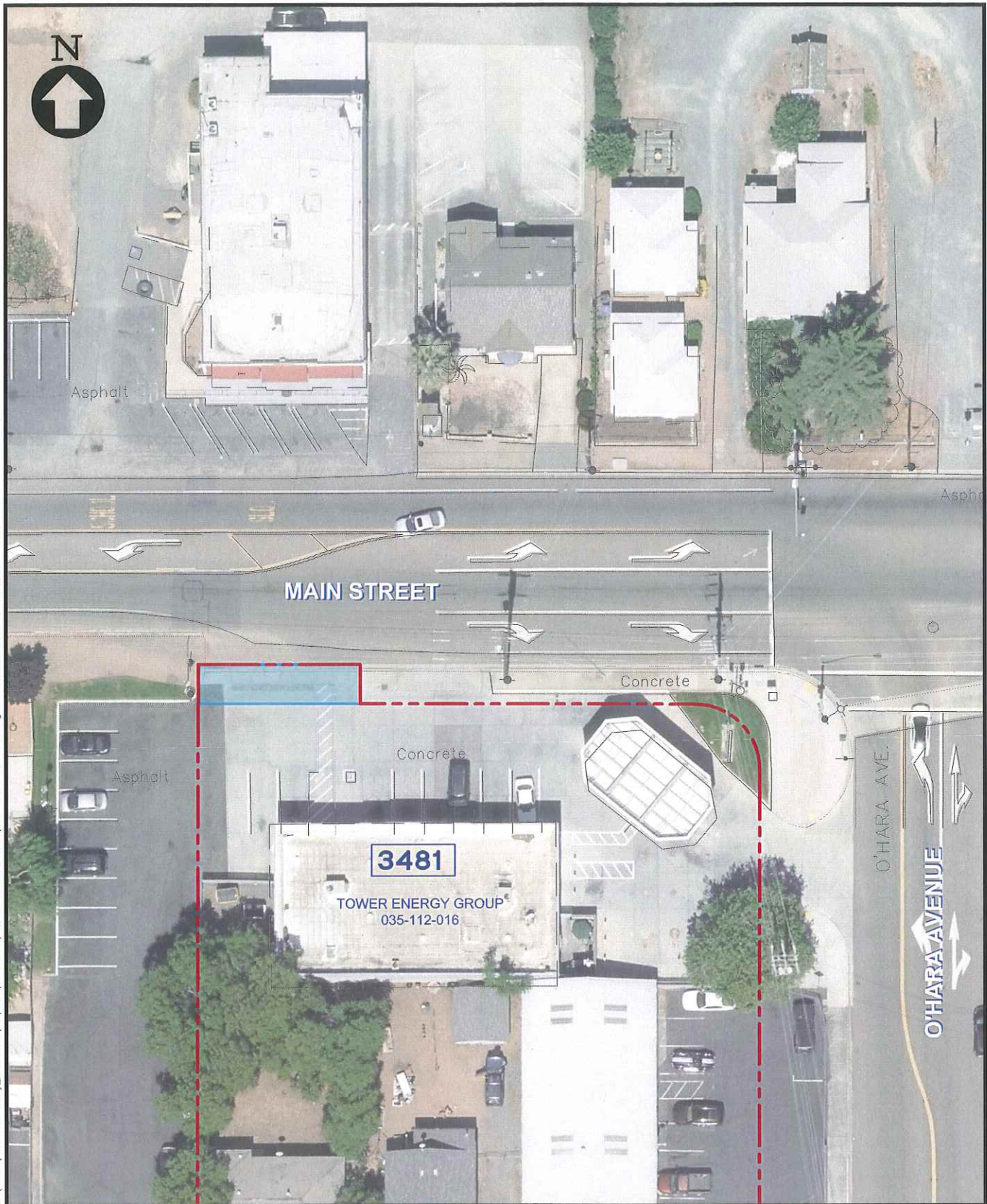
The provision hereof shall inure to the benefit of and be binding upon heirs, successors, assigns, and personal representatives of the respective parties hereto.

IN WITNESS WHEREOF, those present have executed this instrument this 26th day of February, 2016.


Ryan Monte

(see attached notary)

K:\2014\147084_Oakley_StreetScope\ENC\EXHIBITS\1_Permitt_to_Enter\PTe_035-112-016.dwg 06 Jan 2016 4:56:10pm land



LEGEND:

- - - RIGHT OF WAY
- PERMIT TO ENTER (PTE) (597 SF)

JANUARY 6, 2016
SCALE: 1" = 40'

PURSUANT TO GOVERNMENT CODE
§6103 NO FEE IS REQUIRED FOR THE
RECORDATION OF THIS DOCUMENT

WHEN RECORDED MAIL TO:

City Clerk
City Of Oakley
3231 Main Street
Oakley, Ca 94561

RECORDING REQUESTED BY:

City Of Oakley
3231 Main Street
Oakley, CA 94561

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

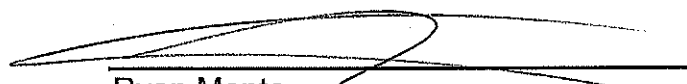
OFFER OF DEDICATION – ROADWAY PURPOSES

Colonial Corporation, the undersigned, being the present title owner(s) of record of the herein described parcel of land, does hereby make an irrevocable offer of dedication to the **CITY OF OAKLEY** (hereinafter CITY), a political subdivision of the State of California, and its successors or assigns, for the purposes of a public road, together with all necessary appurtenances pertaining thereto, including construction access or maintenance of works, improvements and structures, whether covered or open, upon the real property situated in the CITY, described in Exhibit "A" (written description) and shown on Exhibit "B" (plat map) attached hereto.

It is understood and agreed that the City and its successors or assigns shall incur no liability with respect to such offer of dedication, and shall not assume any responsibility for the offered parcel of land or any improvements thereon or therein, until such offer has been accepted by appropriate action of the City Council or the governing body of any successor or assign.

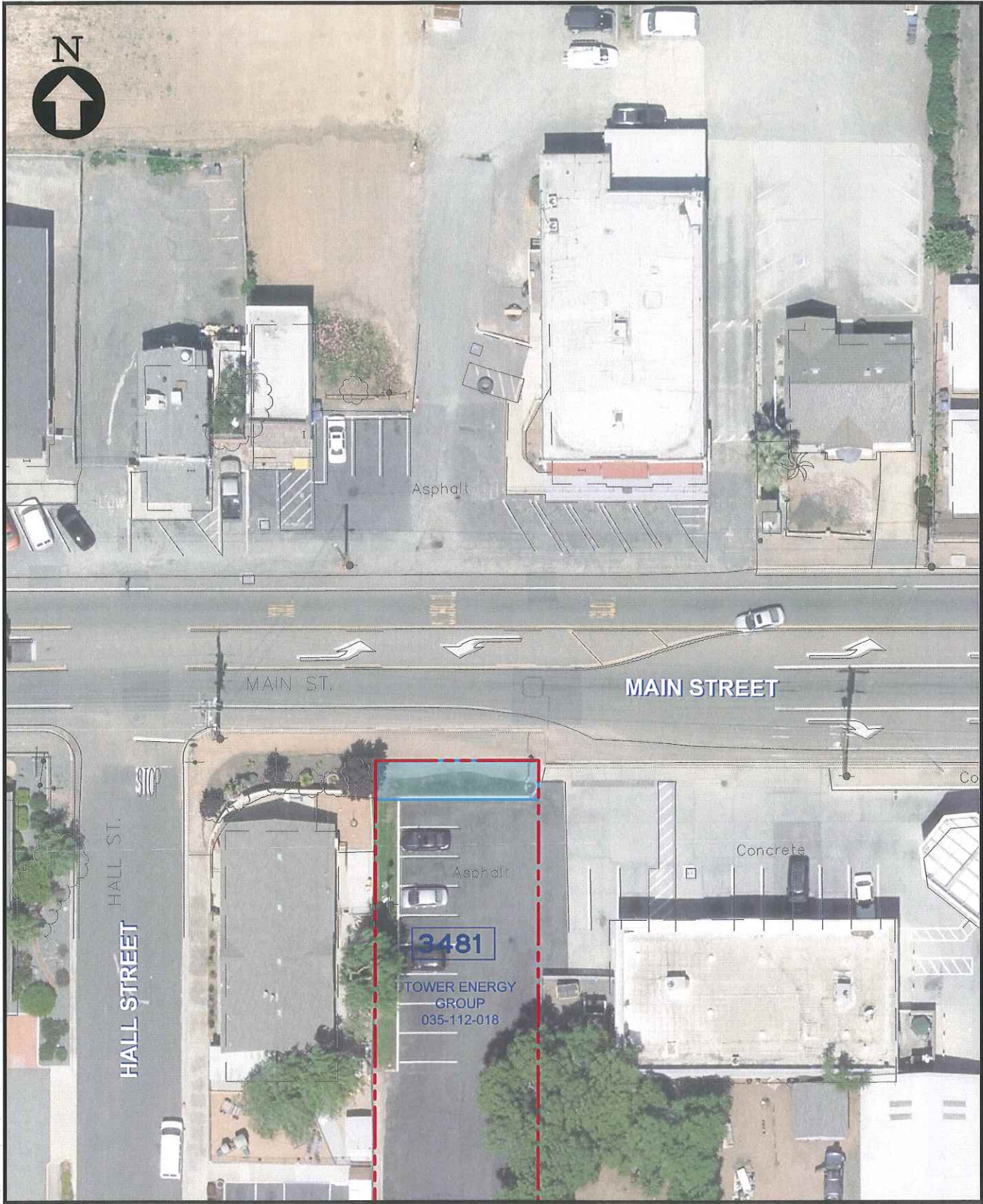
The provision hereof shall inure to the benefit of and be binding upon heirs, successors, assigns, and personal representatives of the respective parties hereto.

IN WITNESS WHEREOF, those present have executed this instrument this 26th day of February, 2016


Ryan Monte

(see attached notary)

\\BKF-Su\vol4\2014\147084 Oakley_Streetscape\END\EXHIBITS\11_Permit_to_Enter\PTE_035-112-018.dwg 06 Jan 2016 5:11:44pm chih



LEGEND:


- RIGHT OF WAY
- PERMIT TO ENTER (PTE) (600 SF)

JANUARY 6, 2016
SCALE: 1" = 40'

STAFF REPORT

Date: March 8, 2016
To: Bryan H. Montgomery, City Manager
From: Kevin Rohani, City Engineer

Approved and Forwarded to City Council:


Bryan H. Montgomery, City Manager

SUBJECT: Establishment of the Rate per Equivalent Runoff Unit for FY 2016/17 and Requesting the Contra Costa County Flood Control and Water Conservation District to Adopt an Annual Parcel Assessment for Drainage Maintenance and the National Pollutant Discharge Elimination System Program

Background and Analysis

The City of Oakley joined the Contra Costa Clean Water Program in March of 2000 to implement its National Pollutant Discharge Elimination System Program as required by the Federal Water Pollution Control Act. To fund the City's participation in the program, the Contra Costa County Flood Control and Water Conservation District was authorized by Assembly Bill 2768 to impose an annual assessment on behalf of member cities. The annual assessment is based on an Equivalent Runoff Unit (ERU) which is defined as the service charge rating assigned to each parcel based on its land use.

Prior to incorporation, the County collected \$16.20 per ERU in the Oakley area. The estimated level of effort and corresponding budget for Oakley's first two years as a member of the Clean Water Program required that the rate per ERU be increased to \$20.65, or a 27.5% increase from the pre-incorporation rate. That rate allowed the City to achieve the minimum requirements of the 5-Year National Pollutant Discharge Elimination System (NPDES) Permit that was in effect at that time. In 2003/04, anticipating a change in the permit requirements and an increased level of effort, the rate was raised to \$25.00 per ERU.

In early 2004, the Countywide permits were amended to include new development and re-development requirements that were very stringent and time intensive. Since that time, the required monitoring, reporting, and administration efforts have become more burdensome and the permit fees charged by the Regional Water Quality Control Board have increased. The most recent permit, referred to as the Municipal Regional Permit or MRP is even more restrictive. To cover these costs, the rate was raised to \$28.00 per ERU in 2004/05; and to the maximum rate of \$30.00 in 2005/06. When the Stormwater Utility Areas were established by the legislation, maximum rates were established for each participating agency. Oakley's maximum rate is

\$30.00 per ERU and can only be increased by a vote pursuant to Proposition 218. This results in a total budget estimate for FY 2015/16 of approximately \$487,000.

In FY 2004/05, the City added a part-time Stormwater Coordinator to manage the program. In 2011, the duties of the Stormwater Coordinator were shifted to the incumbent Senior Engineer who still handles them with assistance from a consultant. This is proposed to remain unchanged for 2016/17.

The core activities of the program include drainage facility maintenance, street sweeping, and monitoring and reporting on the stormwater components of the City's new development, industrial and commercial inspection, municipal maintenance, public education, and illicit discharge activities. The City is also continuing to implement the new permit provisions by tracking and monitoring all stormwater control features associated with new development (such as the Cypress Grove pond and the bio-swales in the Diamond Hills Sports Club and Spa parking lot) and conducting public outreach activities that complement the countywide effort through presentations to the local schools and other mediums such as the Oakleaf. The City pays nearly \$75,000 to the Countywide program annually for their activities, which include extensive public education, coordination of the annual report, representation to the regional boards and other stakeholder groups, negotiation of permit requirements, and other administrative activities. Oakley's Stormwater Coordinator sits on the management committee that establishes the Countywide program budget, and a concerted effort has been made to keep the costs to a minimum. Staff has prepared a draft line item budget for the City's cleanwater activities that is attached to this report for reference and will be included in the annual City FY 2016/17 budget process. The budget may be modified as part of the Citywide budget hearings and approval, but provides a logical nexus and justification for the proposed rate.

The agreement between the City and the Contra Costa County Flood Control and Water Conservation District (District) requires that the City determine the rate per ERU annually prior to May 1st. The District has requested that the City submit certified resolutions in early April so that they can schedule the item for a specific Contra Costa County Board of Supervisors hearing.

Fiscal Impact

Adoption of the resolution will authorize the Contra Costa County Flood Control and Water Conservation District to collect approximately \$488,500.00 from the property tax rolls on Oakley's behalf to fund program costs. Funds are disbursed from the District to the City as outlined in the Program agreement.

Recommendation

Staff recommends that the City Council adopt the Resolution Establishing the Rate per Equivalent Runoff Unit for FY 2016/17 and Requesting the Contra Costa County Flood Control and Water Conservation District to Adopt an Annual Parcel Assessment for Drainage Maintenance and the NPDES Program.

Attachments

- 1) Draft FY 2016/17 Budget
- 2) Resolution for ERU Establishment

Oakley Clean Water Program Budget
Fiscal Year 2016/17

Task Number	Task Title	FY 16/17 Proposed	Description/Comments
1	New Development and Construction Controls	\$ 1,500.00	Funds costs related to new development and construction activities
2	Public Education and Outreach	\$ 1,500.00	Funds costs related to public education and outreach activities; includes newsletter publication
3	Municipal Maintenance	\$ 5,000.00	Funds costs related to municipal maintenance activities
4	Industrial and Commercial Inspections	\$ 6,000.00	Funds costs related to the inspection of industrial and commercial businesses for water quality compliance
5	Illicit Discharge Control	\$ 4,000.00	Funds costs related to identification and clean-up of illicit discharges
6	Monitoring	\$ 2,500.00	No special water quality monitoring activities have been identified at this time for this year.
7	Special Studies	\$ 2,500.00	No special studies other than those related to the anticipated new permit have been identified at this time for this year.
8	Watershed Management	\$ 5,000.00	Anticipates a contribution to the watershed organization
9	Permit Fees	\$ 15,000.00	Annual RWQCB permit fees
11	Agency Administration	\$ 3,000.00	Costs for attending mandatory meetings and workshops and program related conferences and training.
12	Group Costs	\$ 75,000.00	Oakley share of the overall CCWP costs including assessment levying
13	New Permit Implementation	\$ 7,500.00	Special studies and consultant assistance related to new permit requirements
14	Street Sweeping	\$ 145,000.00	Annual street sweeping contract
15	Drainage Maintenance	\$ 67,500.00	Funds eligible drainage maintenance activities such as catch basin cleaning
16	Total Staff Costs	\$ 75,000.00	Staffing costs necessary to implement the goals of the stormwater management plan.
17	Overhead	\$ 72,500.00	Offsets overhead costs to the PW&E Division
Total Project Costs		\$ 488,500.00	
Estimated FY 2015/2016 ERU's		16,283.00	
Proposed FY 2015/2016 Fee Rate		\$ 30.00	

RESOLUTION NO. __-16

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY
ESTABLISHING THE RATE PER EQUIVALENT RUNOFF UNIT FOR FY 2016/17
AND REQUESTING THE CONTRA COSTA COUNTY FLOOD CONTROL AND
WATER CONSERVATION DISTRICT TO ADOPT AN ANNUAL PARCEL
ASSESSMENT FOR DRAINAGE MAINTENANCE AND THE NATIONAL
POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM**

WHEREAS, under Federal Water Pollution Control Act, prescribed discharges of stormwater require a permit from the appropriate California regional water quality board under the National Pollutant Discharge Elimination System (NPDES) program; and

WHEREAS, the City of Oakley (City) did apply for, and did receive, an NPDES permit which requires the implementation of selected Best Management Practices to minimize or eliminate pollutants from entering storm waters; and

WHEREAS, it is the intent of the City to utilize funds received from its Stormwater Utility Area (SUA) for implementation of the NPDES program and drainage maintenance activities; and

WHEREAS, at the request of the City, the Contra Costa County Flood Control & Water Conservation District (DISTRICT) has completed the process for formation of a SUA, including the adoption of the Stormwater Utility Assessment Drainage Ordinance No. 93-47; and

WHEREAS, The SUA and Program Group Costs Payment agreement between City and DISTRICT requires that the City annually, by May 1st, determine the rate to be assessed to a single Equivalent Runoff Unit (ERU) for the forthcoming fiscal year.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Oakley does determine that the rate to be assigned to a single ERU for FY 2016/17 shall be set at \$30.00.

BE IT FURTHER RESOLVED that the City Council does hereby request the DISTRICT to adopt SUA levies based on said amount.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 8th of March, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

Kevin Romick, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date

STAFF REPORT

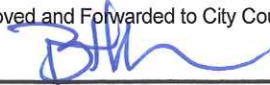
Date: Tuesday, March 8, 2016

To: Bryan Montgomery, City Manager

From: Kevin Rohani, Public Works Director/City Engineer

Subject: Deferred Improvement Agreement, Subdivision Assessment and Annexation Authorization Deferral Agreement and Parcel Map for Minor Subdivision MS 14-977 (3351 Doyle Road)

Approved and Forwarded to City Council:


Bryan H. Montgomery, City Manager

Background and Analysis

On February 24th, 2015, the City Council of the City of Oakley adopted Resolution No. 30-15 which conditionally approved the tentative map for Minor Subdivision MS 14-977 at 3351 Doyle Road which includes two proposed parcels.

Stephen B. Cockman, Jr., OWNER, has submitted the parcel map to the City Engineer for review. In order to satisfy all remaining conditions of approval, with the exception of annexing to the landscaping and lighting district, the applicant has requested that the City enter into a Deferred Improvement Agreement (DIA). The DIA requires OWNER to complete the public improvements as required by the conditions of approval for MS 14-977. Pursuant to the DIA, improvement plans are to be prepared prior to or concurrent with submitting a building permit application and OWNER shall commence construction of the improvements as soon as possible after plans are approved. The work is required to be completed no later than 180 days from the start of construction.

The City Engineer and City Surveyor have reviewed the tentative map approval documents and the parcel map, and have found the parcel map to be technically correct, in substantial compliance with the conditionally approved tentative map, and all parcel map conditions of approval have been met (or are being secured by way of the agreements).

The final conditions of approval that remain to be satisfied are related to the annexation of the property to the City of Oakley Street Lighting and Landscape Assessment District No. 1 (Conditions 50, 51 & 52), participating in the special police tax area (Condition 53), forming a district to fund the operations and maintenance for storm drainage (Condition 54). Those items take several months to complete, and

are more efficient when grouped with other projects. In the past the City Council has been receptive to recording parcel maps prior to completion of the annexation process so long as there was an agreement guaranteeing the annexations would be completed. A similar agreement has been prepared.

Fiscal Impact

There is no fiscal impact associated with this action.

Staff Recommendation

Staff recommends that the City Council:

- 1) Adopt the attached resolution approving the Deferred Improvement Agreement with Stephen B. Cockman, Jr. for MS 14-977 and authorizing the City Manager to sign it.
- 2) Adopt the attached resolution approving the Subdivision Annexation and Assessment Authorization Deferral Agreement with Stephen B. Cockman, Jr. for MS 14-977 and authorizing the City Manager to sign it.
- 3) Adopt the attached resolution approving the Parcel Map entitled "PARCEL MAP MS 14-977".

The City Council should be aware that by approving the parcel map without approving the Subdivision Annexation and Assessment Authorization Deferral Agreement, it is possible that additional voters will be introduced into the assessment district formation process or that the applicant will not cooperate with the district formation. Staff recommends that if the Resolution approving the Subdivision Annexation and Assessment Authorization Deferral Agreement is not adopted, the Resolution approving the Parcel Map should not be adopted either.

Attachments

- 1) Deferred Improvement Agreement (DIA)
- 2) Subdivision Assessment and Annexation Authorization Deferral Agreement (SAAADA)
- 3) Resolution for DIA
- 4) Resolution for SAAADA
- 5) Resolution for Parcel Map
- 6) Reduction of MS 14-977 Parcel Map

Recording Requested by:

City Engineer
City of Oakley
3231 Main Street
Oakley, CA 94561

When Recorded Mail To:

City Engineer
City of Oakley
3231 Main Street
Oakley, CA 94561

A.P.N. 033-080-017 Space above this line for Recorder's Use

**DEFERRED IMPROVEMENT AGREEMENT BETWEEN
THE CITY OF OAKLEY AND
STEPHEN B. COCKMAN, JR.**

This Deferred Improvement Agreement (the "AGREEMENT") is made and entered into this 8th day of March 2016, by and between the City of Oakley, a municipal corporation ("CITY") and Stephen B. Cockman ("OWNER").

RECITALS

A. OWNER is the owner of certain real PROPERTY located within the City of Oakley, County of Contra Costa, at 3351 Doyle Road, and more particularly described in Exhibit A (legal description), attached hereto and incorporated herein ("PROPERTY"). The Parcel Map showing the location of the PROPERTY is attached as Exhibit B (parcel map).

B. OWNER submitted an application for approval of a Tentative Parcel Map (MS 14-977), which consists of two parcels, Parcel A and Parcel B. OWNER received approval of the Tentative Parcel Map and certain entitlements as described by City of Oakley City Council Resolution 30-15 in Exhibit C attached hereto and incorporated herein.

C. Resolution 30-15 requires the OWNER to submit to the City for review and approval, grading plans, improvement plans and landscaping plans and to construct certain public improvements for the Parcels prior to the filing of a final parcel map. Resolution 30-15 also allows the OWNER to enter into a deferred improvement

agreement to be approved by the City Council prior to the filing of the final parcel map to secure these requirements.

D. OWNER has requested that the CITY approve Parcel Map MS 14-977 which will create two parcels, Parcel A and Parcel B, as shown on the approved Tentative Map.

E. CITY has agreed to defer OWNER's obligation to make certain improvements listed below. By entering into this Agreement, OWNER remains obligated to make such improvements, but in accordance with the period of time set forth herein.

AGREEMENT

1. Recitals

The foregoing Recitals are true and correct and are made a part hereof.

2. Improvements to be Constructed

OWNER of the PROPERTY shall construct all improvements required by City Council Resolution 30-15 as a condition of approving the Parcel Map.

The improvements deferred by this Agreement include those described in Condition 22, more specifically described as: Construct the frontage of Doyle Road and Hill Avenue to City public road standards for a 36-foot wide roadway within a 56-foot right-of-way, including curb, five-foot monolithic sidewalk (width measured from the curb face), necessary longitudinal and transverse drainage, pavement widening to a minimum of 28 feet, and conforms to existing improvements. The face of curb shall be located 18 feet from the centerline and any conforms to existing improvements must take place outside of the limits of the project. The current amount of the estimated cost is \$262,110.00.

3. Completion Time.

Notwithstanding the typical requirement for a residential project that all required improvements be constructed prior to occupancy or use of the project, OWNER shall have improvement plans prepared prior to or concurrent with submitting a building permit application and shall commence construction of the improvements as soon as possible after plans are approved.

Construction of the Improvements shall be completed within 180 days after commencement of construction.

OWNER shall submit improvement plans as described in Conditions 16 and 22 for the Improvements, prepared by a registered civil engineer, to the City Engineer and pay all applicable fees.

Time is of the essence of this Agreement.

4. Security

a. Concurrent with the submission of the improvement plans to the City Engineer pursuant to Section 3(c) above, OWNER shall furnish CITY with the following security in the forms specified in Government Code sections 66499.1 and 66499.2 or in a form satisfactory to the City Attorney if different from such Government Code forms:

- i. Faithful Performance. Either a cash deposit, a corporate surety bond issued by a company duly and legally licensed to conduct a general surety business in the State of California, or an instrument of credit equivalent to one hundred percent (100%) of the estimate set forth in Section 2(b) above and sufficient to assure CITY that the Improvements will be satisfactorily completed.
- ii. Labor and Materials. Either a cash deposit, a corporate surety bond issued by a company duly and legally licensed to conduct a general surety business in the State of California, or an instrument of credit equivalent to one hundred percent (100%) of the estimate set forth in Section 2(b) above and sufficient to assure CITY that OWNER'S contractors, subcontractors, and other persons furnishing labor, materials, or equipment shall be paid therefor.

b. CITY shall be the sole indemnitee named on any instrument required by this Agreement. Any instrument or deposit required herein shall conform to the provisions of Chapter 5 of the Subdivision Map Act (Government Code sections 66499-66499.10), except as may be otherwise approved by the City Attorney.

5. Insurance Required

a. Prior to the commencement of work under this Agreement, OWNER shall obtain or cause to be obtained and filed with the CITY, all insurance required by CITY as set forth in its standard insurance requirements at the time such work is to commence, and such insurance must be approved by the City Engineer, or his or her designee, as to form, amount and carrier. Prior to the commencement of work under this Agreement, OWNER, at its own cost and expense, shall also procure "occurrence coverage" insurance against claims for injuries to persons or damages to PROPERTY that may arise from or in connection with the performance of the work hereunder by the OWNER and its agents, representatives, employees, and subcontractors. OWNER shall provide proof satisfactory to CITY of such insurance that meets the requirements of this Agreement and under forms and amounts of insurance satisfactory in all respects to the CITY. OWNER shall maintain in full force and effect the insurance coverage in the forms and amounts specified by the CITY throughout the term of the work to be completed, and until final completion and acceptance of the Improvements by the CITY. OWNER shall not allow any work to commence until OWNER has obtained all insurance required by this Agreement and has provided evidence thereof to CITY.

b. The CITY may approve a variation in the insurance requirements, upon a determination that the coverages, scope, limits, and forms of such insurance are either not commercially available, or that the CITY'S interests are otherwise fully protected.

- i. **Notice of Reduction in Coverage.** In the event that any coverage required by this Section 5 is reduced, limited, or materially affected in any other manner, OWNER shall provide written notice to CITY as OWNER'S early as practicable and in no case later than five (5) days after OWNER is notified of such change in coverage.
- ii. **Failure to Maintain Insurance.** Throughout the term of the work to be completed pursuant to this Agreement, and until final completion and acceptance of the work by CITY, OWNER shall maintain in full force and effect insurance coverage in the forms and amounts required by this Agreement.
- iii. **Workers' Compensation and Employers Liability Coverage.** OWNER shall use commercially reasonable efforts to cause the insurer to agree to waive all rights of subrogation against the CITY, its officers, officials, employees and volunteers for losses arising from work performed by the OWNER pursuant to this Agreement for the CITY.

- iv. **All Coverages.** Each insurance policy required by this Section 5 shall be endorsed to provide that coverage shall not be suspended, voided, cancelled by either party, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the CITY.
- v. **Acceptability of Insurers.** Insurance is to be placed with insurers with a Bests' rating of no less than A:VII.
- vi. **Verification of Coverage.** OWNER shall furnish CITY with certificates of insurance and with original endorsements effecting coverage required by this Section 5. The certificates and endorsements are to be received and approved by the CITY before work pursuant to this Agreement commences. The CITY reserves the right to require complete, certified copies of all required insurance policies, at any time.
- c. **Subcontractors.** OWNER and/or OWNER'S general contractor shall include all subcontractors as insureds under its policies or shall obtain separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements provided in this Section 5.

6. **Warranty Period**

a. Except as otherwise expressly provided in this Agreement, and excepting only items of routine maintenance, ordinary wear and tear and unusual abuse or neglect, for a period of one (1) year after the date CITY accepts the Improvements, OWNER agrees to maintain the Improvements and repair any defects or unsatisfactory work to the reasonable satisfaction of the City Engineer. CITY shall provide written notice to OWNER of any repair or correction work which in the reasonable opinion of the City Engineer, must be completed. OWNER shall repair or make such correction of such Improvements without expense or charge of any nature whatsoever to CITY.

b. In the event the OWNER shall fail to comply with the conditions of Section 6(a) above, within thirty (30) days (or such reasonably longer period if the repair or correction work cannot be reasonably completed within such thirty (30) day period), after being notified of the repair or correction in writing, CITY shall have the right, but shall not be obligated, to make, or cause to be made, the repair or correction, and

OWNER shall promptly pay to CITY the reasonable costs and expense of such repair or correction. Notwithstanding anything herein to the contrary, in the event that any repair or correction results in a condition which constitutes an immediate hazard to the public health, safety, or welfare, CITY shall have the right to immediately make, or cause to be made, such repair or correction, and OWNER shall promptly pay to CITY the reasonable costs and expense of such repair or correction. The foregoing statement relating to hazards to health and safety shall be deemed to include either temporary or permanent repairs that may be required, as determined in the sole discretion and reasonable judgment of CITY.

7. Inspection of the Work

OWNER shall provide reasonable access to CITY through its City Engineer and his or her designated representative for the inspection of the work throughout construction of the Improvements. Such CITY representative shall have the authority to reject all materials and workmanship which are not in accordance with the Approved Plans, and all such materials and or work shall be removed promptly by OWNER and replaced to the reasonable satisfaction of CITY without any expense to CITY in strict accordance with the Approved Plans.

8. Agreement Assignment

This Agreement shall not be assigned by OWNER without the written consent of CITY which consent shall not be unreasonably withheld, conditioned or delayed.

9. No Agency Relationship; Defaults

a. Neither OWNER nor any of OWNER'S, employees, agents or contractors are or shall be considered, construed or implied to be agents of CITY in connection with the performance of OWNER'S obligations under this Agreement.

b. If, subject to Force Majeure (as defined below), OWNER refuses or fails to complete, or cause the completion of, the Improvements pursuant to this Agreement within the time specified in Section 3 above, or any extension thereof, or if OWNER should be adjudged as bankrupt, or should make a general assignment for the benefit of OWNER'S creditors, or if a receiver should be appointed, or if OWNER, or subject to notice and cure periods, any of OWNER'S contractors, subcontractors, agents or employees should violate any of the provisions of this Agreement and fails to cure such violation within the applicable cure period, the CITY, through its City Engineer may serve written notice on OWNER and OWNER'S surety or holder of other security of

breach of this Agreement, or of any portion, thereof, and default of OWNER. "Force Majeure" shall mean for purposes of this Agreement delay in OWNER'S performance of its obligations under this Agreement which are beyond the reasonable control of OWNER, including but not limited to work stoppage, acts of nature, acts of war, civil disorders and/or similar acts.

10. Use of Improvements

At all times prior to the final acceptance of the Improvements by CITY, the use of any or all such Improvements shall be at the sole and risk of OWNER.

11. Safety Devices

OWNER shall provide and maintain such guards, watchmen, fences, barriers, regulatory signs, warning lights, and other safety devices adjacent to and on the construction site of the Improvements as may be reasonably necessary to prevent accidents to the public and damage to the PROPERTY. At completion of the work to be performed under this Agreement, all fences, barriers, regulatory signs, warning lights, and other safety devices (except such safety items as may be shown on the Approved Plans and included in the Improvements) shall be removed from site of the work by the OWNER, and the construction site of the Improvements left clean and orderly.

12. Acceptance of Work

Upon notice of the completion of all construction of the Improvements and the delivery of the set of final as-built plans required by Section 2(c) above to CITY by OWNER, CITY through its City Engineer or his or her designated representative, shall examine the work without delay, and, if found to be in accordance with the Approved Plans and this Agreement, shall recommend acceptance of the Improvements to the City Council. The City Council may accept the Improvements by the adoption of a resolution, and the City Engineer shall notify OWNER or its designated agents of such acceptance.

13. Liability

- a. Indemnity. OWNER hereby warrants that all work will be performed in a workmanlike manner. OWNER agrees to indemnify, defend, release, and hold harmless CITY, and each of its elective and appointive boards, commissions, officers, agents and employees (collectively, the "Indemnified Parties"), from and against any and all loss, claims, suits,

liabilities, actions, damages, or causes of action of every kind, nature and description, directly or indirectly arising out of OWNER'S or its employees, agents, or independent contractors performance or failure to comply with the obligations under this Agreement, except to the extent caused by the negligence or willful misconduct of the Indemnified Parties; provided as follows:

- i. That CITY does not, and shall not, waive any rights against OWNER which it may have by reason of the aforesaid hold harmless agreement, because of the acceptance by CITY, or the deposit with CITY by OWNER, of any of the insurance policies described in Section 5 hereof.
 - ii. That the aforesaid hold harmless agreement by OWNER shall apply to all damages and claims for damages of every kind suffered, or alleged to have been suffered, by reason of any of the aforesaid operations referred to in this Section 14(a), regardless of whether or not CITY has prepared, supplied, or approved of plans and/or specifications for the subdivision, except to the extent caused by the negligence or willful misconduct of the Indemnified Parties, or regardless of whether or not such insurance policies shall have been determined to be applicable to any of such damages or claims for damages.
- b. Design Defect. If, in the opinion of the CITY, a design defect in the work of the improvements becomes apparent during the course of construction and such design defect, in the reasonable opinion of the CITY, may substantially impair the public health and safety, OWNER shall, upon order by the CITY, correct, or cause the correction of such design defect at its cost and expense.
- c. Litigation Expenses. In the event that legal action is instituted by either party to this Agreement, and such action seeks damages for breach of this Agreement or seeks to specifically enforce the terms of this Agreement, and, in the event judgment is entered in such action, the prevailing party shall be entitled to recover its attorneys' fees and court costs.

14. Recordation

This Agreement shall be recorded in the office of the County Recorder of Contra Costa County, California.

15. Notices

a. All notices herein required shall be in writing, and delivered in person or sent by registered mail, postage prepaid.

Notices required to be given to CITY shall be addressed as follows:

City Manager and City Engineer
City of Oakley
3231 Main Street
Oakley, CA 94561

Notices required to be given to OWNER shall be addressed as follows:

Stephen B. Cockman, Jr.
3351 Doyle Road
Oakley, CA 94561

b. Any party may change such address by notice in writing to the other party and thereafter notices shall be addressed and transmitted to the new address.

16. Miscellaneous Provisions

a. This Agreement contains the entire agreement between OWNER and the CITY with respect to the Improvements. No modification to this Agreement shall be effective unless it is in writing, signed by the OWNER and the CITY.

b. The laws of the State of California shall govern this Agreement. The invalidity, in whole or in part, of any provision of this Agreement will not void or affect the validity of any other provision of this Agreement.

c. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which, together, shall constitute one and the same instrument.

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

CITY:

OWNER:

CITY OF OAKLEY, a municipal corporation

By: _____
Bryan H. Montgomery, City Manager

By: _____
Stephen B. Cockman, Jr.

ATTEST:

Libby Vreonis, City Clerk

APPROVED AS TO FORM:

Derek P. Cole, City Attorney

A Notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
) ss
COUNTY OF _____)

On _____, before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public

(Seal)

A Notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
) ss
COUNTY OF _____)

On _____, before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public

(Seal)

EXHIBIT A

LEGAL DESCRIPTION

The land referred to is situated in the City of Oakley, County of Contra Costa, State of California, and is described as follows:

Parcel C as shown on the Record of Survey MS No. 72-66, Filed May 31, 1966, in Book 42 of Licensed Surveyors Maps, Page 43, Contra Costa County Records.

EXHIBIT B

Parcel Map

[attached behind this page]

EXHIBIT C

City Council Resolution No. 30-15

[attached behind this page]

Recording Requested By:

Stephen B. Cockman, Jr.
3351 Doyle Road
Oakley, CA 94561

When Recorded Mail To:

City Clerk
City of Oakley
3231 Main Street
Oakley CA 94561

**SUBDIVISION ANNEXATION AND
ASSESSMENT AUTHORIZATION
DEFERRAL AGREEMENT
MINOR SUBDIVISION MS 14-977**

This agreement (“Agreement”) is made at Oakley, California, effective as of March 8, 2016, by and between the CITY OF OAKLEY, a municipal corporation (“City”) and Stephen B. Cockman, Jr. (“Owner”).

Recitals

- A. On February 24th, 2015 the City Council of the City of Oakley adopted Resolution No. 30-15 which conditionally approved the tentative map for Minor Subdivision MS 14-977 at 3351 Doyle Road which consists of two proposed parcels and is further described in the map and legal description attached hereto and incorporated herein as Exhibits A and B respectively.
- B. Conditions of Approval 50, 51 and 52 require the Parcel’s annexation to City of Oakley Street Lighting and Landscape Assessment District No. 1 (“District”) and approval of assessments for Citywide landscaping and park maintenance, Citywide street lighting costs and maintenance and project specific landscaping maintenance.
- C. Condition of Approval 53 requires the Parcel’s participation in the provision of funding to maintain police services by voting to approve a special tax (“Special Tax”) created by this minor subdivision approval.
- D. Condition of Approval 54 requires the Parcel’s participation in the formation of a mechanism to fund the operation and maintenance of the storm drain system, including storm water quality monitoring and reporting, storm water ponds and any proposed pump stations as well as any levees proposed to be maintained by the City. The appropriate funding mechanism shall be determined by the City and may include, but not be limited to, an assessment district, community services district, or community facilities district. Condition of Approval 48 further requires that the funding mechanism shall be formed prior to filing of any final or parcel map, and the project proponent shall fund all costs of formation.

E. City and Owner, by this Agreement, are implementing Conditions of Approval Numbers 50, 51, 52, 53 and 54.

AGREEMENT

With reference to the foregoing Recitals and in consideration of the mutual provisions, obligations and covenants herein contained, City and Owner agree as follows:

1. Recitals.

The foregoing Recitals are true and correct and are made a part hereof.

2. Support for Annexation.

Owner shall support and take any and all actions necessary to annex the Parcel into Street Lighting and Landscape Assessment District No. 1 for the future maintenance and costs of Citywide parks, Citywide street lighting, and landscaping and irrigation facilities in median islands, parkways and other areas designated in the District.

Owner shall support and take any and all actions necessary to participate in the provision of funding to maintain police services by the Parcel's annexation to Oakley Special Police Tax Area.

Owner shall support and take any and all actions necessary for the Parcel's participation in the formation of a Funding Mechanism for the operation and maintenance of the storm drain system, including City-wide storm water management and discharge control activities.

3. Submission of Assessment Ballots in Favor of Assessment, Special Tax Ballot in Favor of Special Tax and Ballot for Storm Drain Maintenance Funding Mechanism

Upon receipt of an assessment ballot regarding the assessments that shall be annually imposed by the District and/or a special tax ballot regarding the special tax annually imposed for maintenance of police services and/or a ballot regarding the assessments that shall be annually imposed for storm drain maintenance Funding Mechanism on the Parcel, Owner shall promptly indicate its support for such assessments and/or special taxes and/or requests by marking the ballot(s) and submitting it as instructed in the ballot materials or as directed in the request. Owner specifically understands that the current assessments levied by the District and the current special taxes for maintenance of police services and the current special taxes for the Funding Mechanism may increase due to inflation and Owner agrees to pay any such increase.

4. Restrictions on Conveyances and Transfers of Title.

Owner shall not convey or otherwise transfer title to the Parcel until the annexation and/or approval of the assessments and special taxes including the completion

of the ballot proceedings is finalized, and the assessments and special taxes are authorized to be levied on the Parcel.

Owner also may enter into reservation contracts with potential purchasers of parcels within the Subdivision, provided that such contracts include a prominent warning that shall be reviewed by and acceptable to the City identifying the existence of this Agreement and summarizing its critical requirements.

Notwithstanding the terms of this provision, any restrictions on conveyance or other transfer of the designated remainder under the Subdivision Map Act remain in effect.

5. Restrictions on Issuance and Processing of Building Permits.

Owner shall not request, and City shall neither issue nor process, any building permits for the Parcel or any structure in/on the Parcel until the annexation to the District, approval of the Special Tax and formation of Funding Mechanism (including the completion of the ballot proceedings is finalized and the assessments and special taxes are authorized to be levied) for the Parcel.

6. Recordation of Agreement.

Prior to issuance of the parcel map, Owner shall record this Agreement in the chain of title for both the Parcel and the designated remainder, such that this Agreement will be identified in any title report prepared for a potential purchaser of either the Parcel or the designated remainder.

7. Issuance of Parcel Map.

City shall not withhold approval of the parcel map for the Subdivision prior to completion of the annexation of the Parcel to the District, approval of the Parcel's Special Tax and formation of the Parcel's Funding Mechanism and authorization of the levy of the District assessment, authorization of the levy of the Special Tax, authorization of the levy of Funding Mechanism assessment and pre-payment of eligible development impact fees on the Parcel on account of failure to complete annexation to the District, approval of the Special Tax and formation of Funding Mechanism provided that the Parcel is in substantial compliance with all other conditions of approval and the Parcel is in full compliance with applicable laws.

8. Severability and Integration of Agreement.

This Agreement is an integrated agreement containing the entire understanding of the Parties regarding the matters addressed herein. No amendment or variation of the terms of this Agreement shall be effective unless made in writing and executed by both parties. In the event that any provision of this agreement is finally held or determined to be illegal or void by a court having jurisdiction, the remaining portions of the Agreement remain in full force and effect unless the parts found to be void are wholly inseparable from the remaining portion of the Agreement.

APPROVED AS TO FORM:

CITY OF OAKLEY

Derek P. Cole, City Attorney

Bryan H. Montgomery, City Manager

ATTEST:

OWNER

Libby Vreonis, City Clerk

Stephen B. Cockman, Jr.

EXHIBIT A
MAP OF SUBDIVISION

EXHIBIT B
LEGAL DESCRIPTION OF SUBDIVISION

RESOLUTION NO. XX-16

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY
APPROVING THE DEFERRED IMPROVEMENT AGREEMENT WITH
STEPHEN B. COCKMAN JR. FOR MINOR SUBDIVISION MS 14-977**

WHEREAS, the City Council of the City of Oakley, California, wishes to enter into a Deferred Improvement Agreement with Stephen B. Cockman Jr. for the development of a minor subdivision known as MS 14-977; and

WHEREAS, this agreement will require the developer to complete approximately \$262,110.00 in public improvements and drainage in accordance with the project conditions of approval and City standard construction design.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Oakley that the Deferred Improvement Agreement with Stephen B. Cockman Jr. is hereby approved and the City Manager is hereby authorized to execute the Deferred Improvement Agreement for the development of MS 14-977 in the form attached hereto as Exhibit A.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 8th of March, 2016 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

ATTEST:

Kevin Romick, Mayor

Libby Vreonis, City Clerk

Date

RESOLUTION NO. XX-16

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY,
CALIFORNIA, APPROVING A SUBDIVISION ANNEXATION AND
ASSESSMENT AUTHORIZATION DEFERRAL AGREEMENT WITH STEPHEN
B. COCKMAN JR. FOR MINOR SUBDIVISION 14-977**

WHEREAS, Conditions of Approval 50, 51 and 52 for Minor Subdivision 14-977 require the project to be annexed into assessment districts for the ongoing maintenance and operation of citywide parks and landscaping and citywide street lights; and

WHEREAS, Condition of Approval 53 for Minor Subdivision 14-977 requires the project to participate in the funding to maintain police services; and

WHEREAS, Condition of Approval 54 for Minor Subdivision 14-977 requires the project to participate in the formation of a mechanism to fund the operation and maintenance of the storm drain system; and

WHEREAS, Stephen B. Cockman Jr. is requesting that the Parcel Map for Minor Subdivision 14-977 be filed, and is willing to enter into an agreement that, among other things, will allow him to file the map but will prohibit him from selling any lots until the assessment district annexations are complete.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, by the City Council of the City of Oakley that the Subdivision Annexation and Assessment Authorization Deferral Agreement with Stephen B. Cockman Jr. is hereby approved and the City Manager is hereby authorized to execute the Subdivision Annexation and Assessment Authorization Deferral Agreement for Minor Subdivision 14-977, subject to review and approval by the City Attorney.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 8th of March, 2016 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

ATTEST:

Kevin Romick, Mayor

Libby Vreonis, City Clerk

Date

RESOLUTION NO. XX-16

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY
CALIFORNIA, APPROVING THE PARCEL MAP TITLED
“PARCEL MAP MS 14-977” LOCATED AT 3351 DOYLE ROAD**

WHEREAS, on September 18th, 2014, Stephen B. Cockman Jr. (“OWNER”) submitted an application requesting approval of a Tentative Parcel Map (MS 14-977) to subdivide the 2.64 acre parcel located at 3351 Doyle Road, APN: 033-080-017 into two parcels; and

WHEREAS, on February 24th, 2015 the City of Oakley adopted Resolution 30-15 which conditionally approved the tentative map for Minor Subdivision MS 14-977; and

WHEREAS, OWNER has requested that the City Council approve the Parcel Map; and

WHEREAS, the City Engineer has determined that the final parcel map is in substantial compliance with the approved tentative parcel map and that the applicable conditions of approval have been satisfied; and

WHEREAS, the City Surveyor has determined that the map is technically correct.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, by the City Council of the City of Oakley that the parcel map labeled “Parcel Map, MS 14-977”, as prepared by Wood Rodgers be and hereby is approved.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 8th of March, 2016 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

ATTEST:

Kevin Romick, Mayor

Libby Vreonis, City Clerk

Date

OWNER'S STATEMENT

THE UNDERSIGNED DOES HEREBY STATE THAT THEY ARE THE OWNERS OF ALL THE LANDS DELINEATED AND EMBRACED WITHIN THE BOUNDARY LINES OF THE HEREIN SUBMITTED TENTATIVE PARCEL MAP...

AND THE UNDERSIGNED DOES HEREBY DEDICATE TO THE PUBLIC IN SIMPLE FEE TITLE, THOSE STRIPS OF LAND DESIGNATED AS "PARCEL 1 AND PARCEL 2".

THE UNDERSIGNED FURTHER RELINQUISHES TO THE CITY OF OAKLEY, ALL ABUTTERS RIGHTS OF ACCESS DESIGNATED BY THIS SYMBOL

THIS MAP SHOWS ALL EASEMENT ON THE PREMISES OR OF RECORD AS REFLECTED ON THE PRELIMINARY TITLE REPORT ORDER NO. 521-1851225-63, PREPARED BY ORANGE COAST TITLE COMPANY OF NORTHERN CALIFORNIA, DATED APRIL 30, 2015

Signature of Stephen B. Cockman Jr. (Owner)

STEPHEN B. COCKMAN JR. (OWNER)

OWNER'S ACKNOWLEDGEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THE CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA
COUNTY OF Contra Costa
ON 12.16.2015, 2016, BEFORE ME, Lori Quackenbush, WHO PROVED PERSONALLY APPEARED Stephen B. Cockman Jr. WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME IN HIS/HER AUTHORIZED CAPACITY, AND THAT BY HIS/HER SIGNATURE ON THE INSTRUMENT INSTRUMENT, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:

Signature of Lori Quackenbush (Notary)
NAME: Lori Quackenbush
NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE.

PRINCIPLE COUNTY OF BUSINESS: Alameda

COMMISSION EXPIRES: 5.5.2018

COMMISSION # OF NOTARY: 20171163

PARCEL MAP MS 14-977

BEING A SUBDIVISION OF PARCEL C, AS SHOWN ON THE RECORD OF SURVEY MS NO. 72-66, FILED ON MAY 31, 1966 IN BOOK 42 OF LICENSED SURVEYORS MAPS AT PAGE 43, CONTRA COSTA COUNTY RECORDS.

CITY OF OAKLEY, CONTRA COSTA COUNTY, CALIFORNIA



WOOD RODGERS DEVELOPING • INNOVATIVE • DESIGN • SOLUTIONS 4201 MacLennan Drive, Suite 100 Pleasanton, CA 94566 Tel 925.847.1556 MAY 2015

TRUSTEE'S STATEMENT

THE UNDERSIGNED, AS TRUSTEE UNDER THE DEED OF TRUST RECORDED NOVEMBER 9, 2015 AS INSTRUMENT NO. 2015-0234390, OFFICIAL RECORDS OF CONTRA COSTA COUNTY, CALIFORNIA, DOES HEREBY JOIN IN, EXECUTE AND CONSENT TO THE PREPARATION AND FILING OF THIS PARCEL MAP, AND JOINS IN ALL OFFERS OF DESIGNATION HEREIN.

CHICAGO TITLE COMPANY.

BY: [Signature] DATE: 12-16-15

TRUSTEE'S ACKNOWLEDGEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THE CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA
COUNTY OF Contra Costa
ON 12.16.2015, 2016, BEFORE ME, Lori Quackenbush, WHO PROVED PERSONALLY APPEARED [Signature] WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME IN HIS/HER AUTHORIZED CAPACITY, AND THAT BY HIS/HER SIGNATURE ON THE INSTRUMENT INSTRUMENT, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:

Signature of Lori Quackenbush (Notary)
NAME: Lori Quackenbush
NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE.

PRINCIPLE COUNTY OF BUSINESS: Alameda

COMMISSION EXPIRES: 5.5.2018

COMMISSION # OF NOTARY: 20171163

CITY ENGINEERS STATEMENT

I, KOURUSH ROHANI, CITY ENGINEER OF THE CITY OF OAKLEY, CONTRA COSTA COUNTY, CALIFORNIA, DO HEREBY STATE THAT I HAVE EXAMINED THIS MAP ENTITLED "PARCEL MAP MS 14-977" THAT SAID PARCEL MAP AS SHOWN IS IN SUBSTANTIAL CONFORMANCE WITH THE TENTATIVE PARCEL MAP BY THE CITY OF OAKLEY CITY AND ENGINEER, CONTRA COSTA COUNTY, CALIFORNIA, AND THAT THE MAP IS IN ACCORDANCE WITH ALL PROVISIONS OF STATE LAWS AND LOCAL ORDINANCES WHICH COVERED THE FILING OF SUBDIVISION MAPS AT THE TIME SAID TENTATIVE PARCEL MAP WAS APPROVED HAVE BEEN COMPLIED WITH.

KOURUSH ROHANI - RCE 51138
CITY ENGINEER, CITY OF OAKLEY
CONTRA COSTA COUNTY, STATE OF CALIFORNIA
DATE: _____

CITY SURVEYOR'S STATEMENT

I FRANCIS JOSEPH KENNEDY, CITY SURVEYOR FOR THE CITY OF OAKLEY, DO HEREBY STATE THAT I HAVE EXAMINED THE MAP ENTITLED "PARCEL MAP MS 14-977", AND I AM SATISFIED THAT SAID MAP IS TECHNICALLY CORRECT.

FRANCIS JOSEPH KENNEDY, RCE 21771 CITY SURVEYOR, CITY OF OAKLEY CONTRA COSTA COUNTY, STATE OF CALIFORNIA
DATE: _____

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF STEPHEN B. COCKMAN JR. ON MAY 2, 2014. I HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED OR THAT THEY WILL BE SET IN THOSE POSITIONS BEFORE DECEMBER 2016, AND THAT THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO EMBLE THE SURVEY AND THAT THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO EMBLE THE SURVEY APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY.

Signature of Ronald R. Archer
RONALD R. ARCHER
P.L.S. 8427
NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE.
DATE: 12-16-15

PARCEL MAP MS 14-977

BEING A SUBDIVISION OF PARCEL C, AS SHOWN ON THE RECORD OF SURVEY MS NO. 72-66 FILED ON MAY 31, 1966 IN BOOK 42 OF LICENSED SURVEYORS MAPS AT PAGE 43, CONTRA COSTA COUNTY RECORDS.

CITY OF OAKLEY, CONTRA COSTA COUNTY, CALIFORNIA



WOOD RODGERS
DEVELOPING - INNOVATIVE - DESIGN - SOLUTIONS
4301 Hacienda Drive, Suite 100
Pittshampton, CA 94368 Tel 925.847.1658
MAY 2015

CITY COUNCIL STATEMENT

I, KEVIN ROHANI, PUBLIC WORKS DIRECTOR OF THE CITY OF OAKLEY, HEREBY STATE THAT THE CITY COUNCIL HAS APPROVED THE TENTATIVE MAP FOR PARCEL MAP MS 14-977, WHICH INCLUDES THE SUBDIVISION WHICH THIS PARCEL MAP IS BASED.

KEVIN ROHANI
PUBLIC WORKS DIRECTOR
CITY OF OAKLEY, CONTRA COSTA COUNTY
STATE OF CALIFORNIA

DATE: _____

CITY CLERK'S STATEMENT

STATE OF CALIFORNIA)
COUNTY OF ALAMEDA) SS

I, LIBBY VREONIS, CITY CLERK AND CLERK OF THE CITY COUNCIL OF THE CITY OF OAKLEY, CONTRA COSTA COUNTY, HEREBY STATE THAT THE TENTATIVE MAP ENTITLED "PARCEL MAP MS 14-977" OF THE CITY OF OAKLEY, CONTRA COSTA COUNTY, CALIFORNIA, WAS PRESENTED TO THE COUNCIL OF THE CITY OF OAKLEY AS PROVIDED BY LAW AT A REGULAR MEETING THEREOF HELD ON _____, 2016, AND THAT SAID CITY COUNCIL DID THEREUPON BY RESOLUTION NO. _____ PASS AND ADOPTED AT SAID MEETING, APPROVED SAID MAP AND DID ACCEPT SUBJECT TO IMPROVEMENT OF ANY STREETS, EASEMENTS OR IMPROVEMENTS SHOWN THEREON AS OFFERED FOR DEDICATION FOR PUBLIC USE.

IN WITNESS, WHEREOF, I HAVE HERETO SET MY HAND THIS _____ DAY OF _____, 2016.

LIBBY VREONIS
CITY CLERK AND CLERK OF THE CITY COUNCIL
CITY OF OAKLEY, CONTRA COSTA COUNTY,
STATE OF CALIFORNIA

CLERK OF THE BOARD OF SUPERVISORS STATEMENT

STATE OF CALIFORNIA)
COUNTY OF ALAMEDA) SS

I HEREBY STATE, AS CHECKED BELOW:

[] AN APPROVED BOND HAS BEEN FILED WITH THE BOARD OF SUPERVISORS OF SAID COUNTY AND STATE IN THE AMOUNT OF \$ _____, CONDITIONED FOR THE PAYMENT OF SAID SPECIAL ASSESSMENTS COLLECTED THEREON, WHICH ARE NOW A LIEN AGAINST SAID LAND OR ANY PART THEREOF BUT NOT YET PAYABLE, AND WAS DULY APPROVED BY SAID LOCAL BOARD IN SAID AMOUNT.

[] ALL TAXES AND SPECIAL ASSESSMENTS COLLECTED AS TAXES HAVE BEEN PAID, AS CERTIFIED BY THE TREASURER-TAX COLLECTOR OF THE COUNTY OF ALAMEDA.

N WITNESS, WHEREOF, I HAVE HERETO SET MY HAND THIS
DAY OF _____, 2016.

DAVID JWA
CLERK OF THE BOARD OF SUPERVISORS AND
COUNTY ADMINISTRATOR OF CONTRA COSTA
STATE OF CALIFORNIA

BY: _____
DEPUTY COUNTY CLERK

COUNTY RECORDERS STATEMENT

FILED FOR RECORD THIS _____ DAY OF _____, 2016, AT _____ A.M. IN
BOOK _____ OF MAPS AT PAGES _____ THROUGH _____,
INCLUSIVE, RECORDER'S SERIES NO. 2016 _____, AT THE REQUEST OF STEPHEN B.
COCKMAN JR.

FEE: _____ PAID

JOSEPH E. CAMACHILLA
COUNTY RECORDER
CONTRA COSTA COUNTY
STATE OF CALIFORNIA

BY: _____
DEPUTY COUNTY RECORDER

PARCEL MAP MS 14-977

BEING A SUBDIVISION OF PARCEL C, AS SHOWN ON THE RECORD OF SURVEY MAP NO. 72-66, FILED ON MAY 31, 1966 IN BOOK 42 OF LICENSED SURVEYORS MAPS AT PAGE 43, CONTRA COSTA COUNTY RECORDS.

CITY OF OAKLEY, CONTRA COSTA COUNTY, CALIFORNIA



NOTES

1. ALL DISTANCES SHOWN HEREON ARE EXPRESSED IN FEET AND DECIMALS THEREOF.
2. DUE TO ROUNDING THE SUM OF THE INDIVIDUAL DIMENSIONS MAY NOT EQUAL THE OVERALL DIMENSION.

REFERENCES:

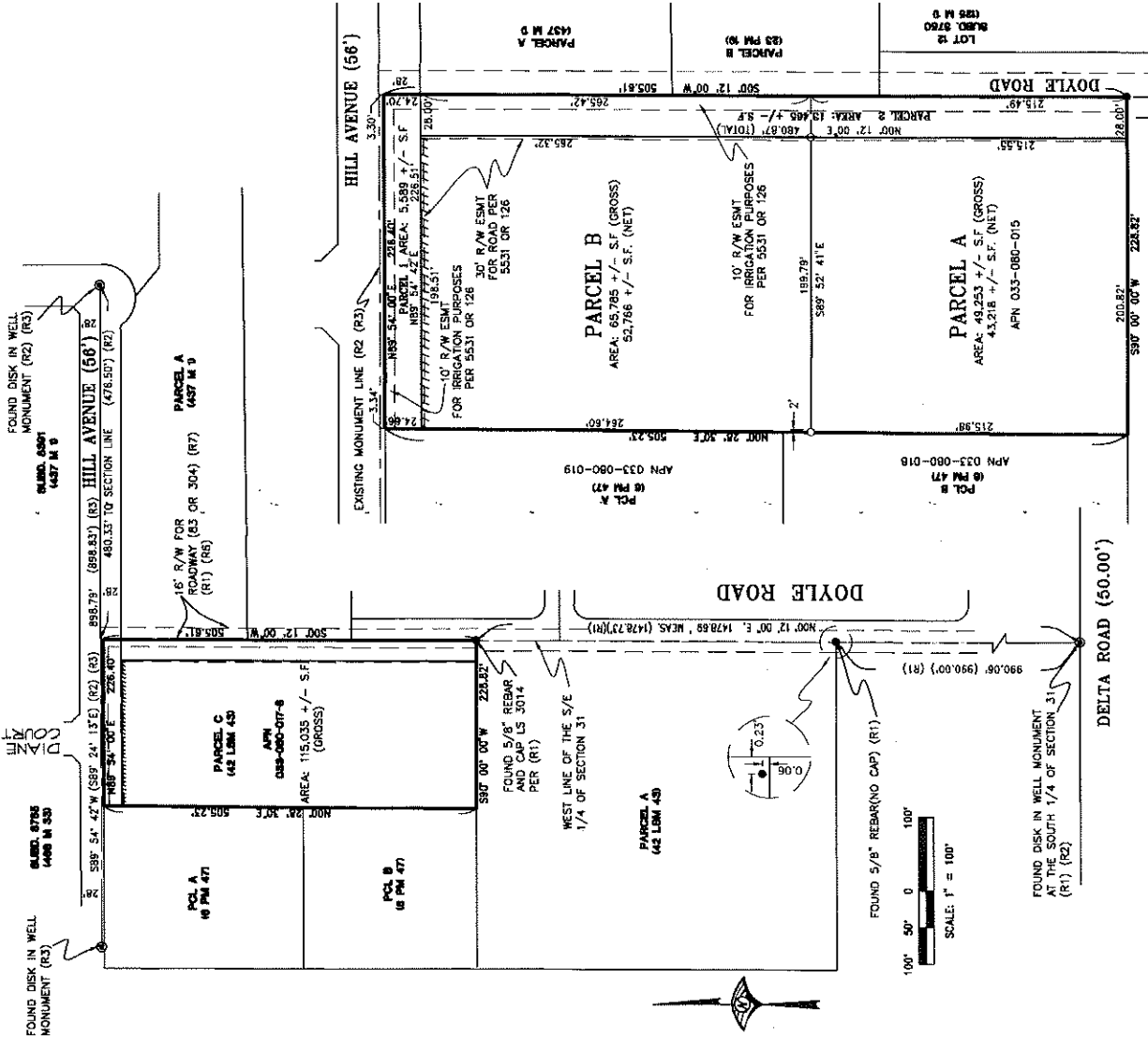
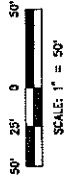
- (R1) ROS (42 LSM 43)
- (R2) TRACT 8391 (437 M 1)
- (R3) TRACT 8765 (466 M 33)
- (R4) PARCEL MAP (6 PM 47)
- (R5) DEED (2011-0177221)
- (R6) SUBD. 3750 (125 M 1)
- (R7) DEED (83 OR 304)

BASIS OF BEARINGS

THE BEARING N 00° 12' 00" E BETWEEN THE FOUND MONUMENT AT THE SOUTH CORNER OF SECTION 31 AND THE FOUND MONUMENT AT THE SOUTH CORNER OF SECTION 32, AND THE BEARING N 00° 12' 00" E BETWEEN THE FOUND MONUMENT AT THE SOUTH CORNER OF SECTION 31 AND THE FOUND MONUMENT AT THE SOUTH CORNER OF PARCEL C, AS SHOWN ON THAT CERTAIN RECORD OF SURVEY MAP NO. 72-66, FILED IN BOOK 42 OF LICENSED SURVEYORS MAPS AT PAGE 43, CONTRA COSTA COUNTY RECORDS WAS TAKEN AS THE BASIS OF BEARINGS FOR THIS MAP.

LEGEND

- SET 1/2" REBAR AND CAP LS 8427
- FOUND STREET MONUMENT AS NOTED
- FOUND MONUMENT AS NOTED
- SUBDIVISION BOUNDARY
- PROPOSED PROPERTY LINE
- ADJACENT PROPERTY LINE
- MONUMENT LINE
- EXISTING EASEMENT LINE
- DIMENSION LINE
- RELINQUISHMENT OF ABUTTERS RIGHTS
- SNF
- (R1) SEARCHED NOT FOUND RECORD DATA





Approved and Forwarded to City Council:


Bryan Montgomery, City Manager

Date: March 8, 2016
To: Bryan Montgomery, City Manager
From: Nancy Marquez-Suarez, Assistant to the City Manager
SUBJECT: **WORK SESSION** regarding Implementation of Peak Democracy
Online Town Hall Forum

Background and Analysis

Several years back the Mayor and City Council asked for a more intensive effort to inform and involve residents in City projects, programs and events. City Staff has been aggressively implementing this direction utilizing several tools including:

- Citizen surveys (mailed and online)
- Town hall meetings
- City Council work sessions
- Recorded and published videos of City Council meetings
- An active and updated Website
- A comprehensive every two-year strategic planning process that includes a separate community-wide meeting
- Expanded and increased number of community events;
- Mailed notices for Planning items
- *OakleyOnDemand* customer response software
- Online public records search (ImageSilo)
- *Oakleaf* newsletter
- Weekly press releases
- Weekly City Manager's FYI
- Weekly email blast (the *Oakley Outreach*)
- Recreation Guide
- Social media that includes Facebook, Twitter, and Instagram
- Online public comment form
- NextDoor neighborhood online discussion
- Citizen Leadership Academy
- A consistent and firm policy in responding to any citizen inquiry within 24 hours or the next business day.
- Agendas for every Council Meeting is duly published and emailed to thousands of residents who have signed up to receive it
- Complete agenda packet is available online

To add to the City's already strong online presence, we have found an additional tool that is provided by a California company called "Peak Democracy" <http://www.peakdemocracy.com/>. Peak Democracy has worked with over 100 government agencies to power over 1,500 online forums that have attracted over 200,000 online attendees. We feel strongly that this online forum program will be particularly useful and convenient to our residents. The intent is to help engage them more in a conversation that will harness their input on important City issues.

The City Council will review the residents' statements and incorporate them into the decision-making deliberations. Further, the City aims to empower citizens by providing them information on the issue to enrich online comments and to provide more opportunities for citizen interaction and engagement.

Needless to say, this online forum program has endless options and provides for a two-way communication as well. Other cities have used the program for surveys, input on proposed documents, "ideation" (a form of brainstorming), feedback on programs, services, activities, budget, area planning, blogs, and photo topics. Here are some examples of how some other cities are using the program:

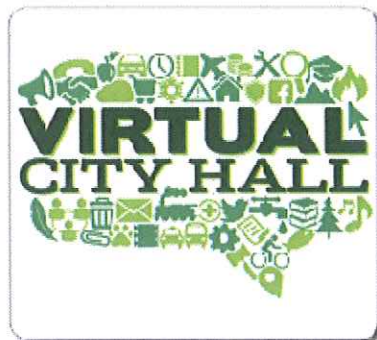
<http://peakdemocracy.com/2511>

<https://www.peakdemocracy.com/p/191>

http://www.peakdemocracy.com/portals/125/forum_home

<http://www.slcgov.com/opencityhall>

Many cities call their implementation of the program simply "Open Town Hall." We believe that a more catchy name and logo would be best. Some ideas include Open Oakley, Oakley Listens, Engaged in Oakley, Oakley Online, Engagement Oakley, Virtual City Hall. "**Engage in Oakley**" seems to be a preferred name, but we request Council's assistance with a name and some possible questions/topics to post. We intend on seeking assistance from a design professional for any logo, however, below are some early drafts that Staff prepared:



Recommendation

That the Council receive the Powerpoint presentation, discuss possible questions/topics to post, and to decide on a name for the program.