

Minutes of the Regular Joint Meeting of the Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Tuesday, July 12, 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 and Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency

Mayor Kevin Romick called the meeting to order at 6:32pm in the Oakley City Council Chambers located at 3231 Main Street, Oakley, California. In addition to Mayor Kevin Romick, Vice Mayor Sue Higgins and Councilmembers Randy Pope and Vanessa Perry were present. Councilmember Doug Hardcastle was absent.

1.2 Pledge of Allegiance to the Flag

Mayor Romick led the Pledge of Allegiance.

1.3 Proclamation Honoring the Citizen Library Committee (Nancy Marquez-Suarez, Assistant to the City Manager)

Assistant to the City Manager Nancy Marquez-Suarez, Deputy County Librarian Alison McKee and Chairperson of the Citizen Library Committee Craig Leighty thanked the Citizen Library Committee for their dedication and work on Measure K.

Mayor Romick presented a proclamation to the Citizen Library Committee.

Committee members present to accept the proclamation were Nancy Huffaker, Craig Leighty, Angela Lowery, Bill Abramson, Arnold Fitzpatrick, Karen Harrington, Dawn Morrow, Ron Perry, Dianna Petterle, Sacha Rossberg, Barbara Santos, Cindy Tumin, Sue Higgins, Vanessa Perry, Lucy Arai, Patti Thelen, John Wilmott, Margie Valdez, Maryann Pierce, Michael Dupray, Nancy Marquez-Suarez, Gabriela Banos-Galvan and Pamela Selzer.

1.4 Introduction of Oakley Union Elementary School District Superintendent Greg Hetrick (Bryan Montgomery, City Manager)

Mayor Romick introduced Oakley Union Elementary School District (OUESD) Superintendent Greg Hetrick.

Mr. Hetrick commented he looks forward to OUESD working collaboratively with the Oakley City Council.

1.5 Presentation Regarding Delta Protection Commission Issues by Pittsburg Mayor Ben Johnson

Pittsburg Mayor Ben Johnson shared that the Delta Protection Commission (DPC) was established in 1993 to protect the health of the Delta. He mentioned the DPC meets bi-monthly and the next meeting will be held July 21 to discuss the tunnels project which he opposes. He added a recent State Leadership Accountability Act (SLAA) report was issued providing risks and controls in DPC operations, responsibilities and risk assessments.

Vice Mayor Higgins inquired if there is a plan for floating toilets in the Delta and if the Delta is dredged.

Mayor Johnson responded that he will inquire about floating toilets at DPC's next meeting and report his findings. He commented he does not believe the Delta is dredged near Oakley because of the higher speed of nautical flow (6 knots).

2.0 PUBLIC COMMENTS

Public Comment Cards

Kathleen Walters commented her backyard fence faces West Cypress Road and she has never been asked in the 29 years that she has lived in her home to maintain the area behind the backyard fence; she believes it has always been maintained by the County and City. She added she has concern for her safety to clean up an area where no parking is available.

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 Special Meeting of the Oakley City Council and Regular Joint Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency Meeting held June 28, 2016 (Libby Vreonis, City Clerk)**

Oakley City Council

- 3.2 Receive Report Out of Closed Session Memo (William Galstan, Special Counsel)**
- 3.3 Waive the Second Reading and Adopt an Ordinance Repealing and Re-Enacting Chapter 18 of Title 4 of the Oakley Municipal Code, Dealing with Shopping Carts (Troy Edgell, Code Enforcement Manager)**

- 3.4 Waive the Second Reading and Adopt an Ordinance Making Amendments to Chapter 12 of Title 6 of the Oakley Municipal Code, Dealing with the Floodplain Ordinance (Kevin Rohani, Public Works Director / City Engineer)**
- 3.5 Waive the Second Reading and Adopt an Ordinance Making Findings and Amending Section 9.1.410 of Article 4 of Chapter 1 of Title 9 of the Oakley Municipal Code Dealing with the Affordable Housing Overlay Zone (Joshua McMurray, Planning Manager)**
- 3.6 Waive the Second Reading and Adopt an Ordinance Approving the City Initiated Project to Apply the Affordable Housing Overlay Zone to Nine Specific Properties in Order to Comply with the Certified 2015-2023 Housing Element (Joshua McMurray, Planning Manager)**
- 3.7 Receive Report Regarding City Manager Salary/Benefit Adjustments (William Galstan, Special Counsel)**
- 3.8 Approval of Subdivision Improvement Agreement, Subdivision Annexation and Assessment Deferral Agreement, Phase 1 Final Map and Modification of Conditions of Approval for Subdivision 9033 Gilbert Property (Northeast Corner of East Cypress Road and Sellers Avenue) (Kevin Rohani, Public Works Director / City Engineer)**
- 3.9 Adopt a Resolution Confirming Costs for Abatements of Mandatory Subscriptions for Garbage Service and Directing Special Assessments and Liens upon Each Parcel (Troy Edgell, Code Enforcement Manager and Deborah Sultan, Finance Director)**
- 3.10 Adopt a Resolution Amending Portions of Resolutions 62-12, 38-13, 88-13, 61-14, 86-15 Pertaining to the Job Classification and Salary/Compensation Schedules to Consolidate Multiple Council Actions onto One Schedule per Fiscal Year (Nancy Marquez-Suarez, Assistant to the City Manager)**
- 3.11 Approve a Purchase Order with EKC Enterprises, dba Advanced Communication Technology, for Audiovisual System Services for the City Council Chambers (Lindsey Bruno, Recreation Manager)**
- 3.12 Adopt a Resolution Approving the City's Investment Policy for Fiscal Year 2016-2017 (Deborah Sultan, Finance Director)**
- 3.13 Resolution of Support for Excluding USS-POSCO from the Final Dumping Order for Imported Hot-Rolled Steel Flat Products from the Republic of Korea (Bryan Montgomery, City Manager)**

Items 3.8, 3.9, 3.11 and 3.13 were pulled from the Consent Calendar.

It was moved by Councilmember Pope and seconded by Councilmember Perry to approve the remainder of the Consent Calendar. Motion was unanimous and so ordered. (4-0)

Item 3.8

Mayor Romick announced Item 3.8 will be brought back for consideration at the City Council meeting to be held August 9.

Item 3.9

Vice Mayor Higgins pulled item 3.9 to inquire if the City can penalize for code violations in addition to home owner association (HOA) fines or if the City can collect fine amounts from the HOAs if the HOAs are collecting fines.

Code Enforcement Manager Troy Edgell commented he is unaware of any fines collected by HOAs for garbage service.

Special Counsel William Galstan explained that the City's garbage subscription ordinance provides that the property owner is responsible to maintain garbage service and the amounts being collected for the assessments are not fines, but rather reimbursements for the City subscribing the property owner to garbage service. He explained the assessments are placed on the tax roll to ensure the City is paid; therefore, there is no need to collect from HOAs.

It was moved by Councilmember Perry and seconded by Vice Mayor Higgins to adopt the resolution. Motion was unanimous and so ordered. (4-0)

Item 3.11

Councilmember Pope pulled item 3.11 to inquire if it is possible to live stream meetings.

City Manager Bryan Montgomery responded that past research showed it was expensive to install and maintain, but perhaps technology has improved; therefore, if it is the desire of the City Council, the Council can increase the purchase order amount up to the desired spending limit for live streaming, and staff can move forward within that budget; if it costs more, staff will bring it back to the Council for approval on August 9.

It was moved by Councilmember Pope and seconded by Councilmember Perry to increase the purchase order with a 10% contingency and adopt the resolution. Motion was unanimous and so ordered. (4-0)

Item 3.13

Mayor Romick recused himself from discussions and voting on item 3.13. He stated he is an employee of USS-POSCO. He left the room.

Councilmember Perry inquired if there are any other local companies that should be added to the resolution.

City Manager Bryan Montgomery explained that USS-POSCO employs over 100 Oakley residents, but there are some other companies that would be indirectly affected.

It was moved by Councilmember Pope and seconded by Councilmember Perry to adopt the resolution. Motion was unanimous and so ordered. (4-0)

Mayor Romick returned to his seat at the dais.

4.0 PUBLIC HEARINGS

Oakley City Council

4.1 Daub 4 Kidz Bingo Hall (CUP 01-16) – Recommend Denial on a Request for a Conditional Use Permit to Operate a Bingo Hall at 2107 Main Street (Ken Strelo, Senior Planner)

(Item 4.2 is continued from the Oakley City Council meeting held June 28, 2016)

Senior Planner Ken Strelo presented the staff report.

Special Counsel William Galstan explained there are two permits the applicant must obtain to operate a bingo hall in Oakley: a conditional use permit (CUP) and a bingo operator permit (the latter is issued by the Police Department). He commented that the question before the City Council this evening is a land use matter related to the CUP, regardless of whom operates the bingo hall. He added that the bingo operator permit would require review of the applicant's background and any information relevant to the applicant operating a bingo hall would be reviewed during that process (including the letter the City received from the Hot Shots).

Councilmember Perry inquired if the CUP requires the operator to be a non-profit organization.

Mr. Galstan explained it is a State law requirement.

Public Comment Cards

Bob Garrison thanked the City Council for working with them on the CUP and stated the conditions are fair, but requested the City Council consider extending the 2-year period for operation before further review to 3 years.

Applicant Francine McMahon requested the City Council consider approving flexibility to change Saturday and Sunday hours from an afternoon schedule to an evening schedule as needed.

Vice Mayor Higgins inquired if the CUP can be made non-transferable between operators.

Mr. Strelow responded the CUP applies to the property, not the operator.

Mr. Galstan added that the bingo operator permit may address any concerns of whom operates on the property under the CUP.

Vice Mayor Higgins inquired if bingo represents gambling.

Mr. Galstan mentioned bingo is addressed in the Oakley Municipal Code and in State law under the topic of gambling; however, bingo operators must be non-profit organizations with proceeds benefiting a tax-exempt charity.

Councilmember Pope requested clarification from the applicant regarding operating hours on Saturdays and Sundays.

Ms. McMahon explained that she would like the flexibility to change the hours of operation on Saturdays and Sundays should attendance not prove to be abundant in the afternoon. She indicated afternoon hours of operation on weekends would be from 11am-6pm and evening hours of operation on weekends would be 4pm-11:30pm.

Councilmember Pope inquired of staff if there are any concerns of having flexibility of hours on weekends.

Mr. Strelow responded that he does not believe there would be any issues with parking or conflicts with patrons visiting other establishments in the shopping center in the evening.

Councilmember Pope commented he is not willing to extend to 3 years as he believes the 2-year period is a trial period, but he would consider extending to 3 years after the initial 2-year period if the trial period is successful. He requested to add language that would make it clear that the applicant is responsible for the expense of police response related to any nuisance resulting from the bingo hall, excluding any medical response. He added he is okay with extending the operating hours on weekends.

With the changes proposed by Councilmember Pope (supra), it was moved by Councilmember Pope and seconded by Councilmember Perry to adopt the resolution approving the conditional use permit. AYES: Higgins, Perry, Pope. NOES: Romick. ABSENT: Hardcastle. (3-1)

4.2 Waive the First Reading and Introduce an Ordinance Adopting Text Amendments to Oakley Municipal Code Neighborhood Preservation Ordinance (Chapter 29 of Title 4) and the Zoning Ordinance (Chapter 1 of Title 9) Related to Residential Front Yards and Shipping Containers (RZ 01-16) (Ken Strelo, Senior Planner)

Senior Planner Ken Strelo presented the staff report.

Vice Mayor Higgins inquired if there is a grandfather clause to address shipping containers already situated on properties.

Mr. Strelo explained that while there is no grandfather clause, when the ordinance becomes effective, it will not be retroactively enforced.

Councilmember Pope inquired whether the additional driveway allowance in Section 9.1.1122(f)(1) only applies to 2-car driveways. He mentioned he doesn't prefer decomposed granite, but likes all other changes to the ordinance.

Mr. Strelo clarified any lot, regardless of number of garage spaces, may increase parking area, subject to a maximum 50% rule written within that section.

Mayor Romick inquired if language could be included in Section 4.29.402(e) to clearly prohibit parking on decorative hardscape areas.

Mr. Strelo responded that additional language can be inserted to clarify that intent.

It was moved by Councilmember Pope and seconded by Vice Mayor Higgins to waive the first reading and introduce the ordinance with Section 4.49.402(e) amended to clearly prohibit parking on decorative hardscape areas. Motion was unanimous and so ordered. (4-0)

5.0 REGULAR CALENDAR

Oakley City Council

5.1 Adopt a Resolution Approving Modifications to Schedule for Police Services Tax, Previously Adopted on March 22, 2004 (Deborah Sultan, Finance Director)

Finance Director Deborah Sultan presented the staff report.

It was moved by Councilmember Pope and seconded by Councilmember Perry to adopt the resolution. Motion was unanimous and so ordered. (4-0)

6.0 REPORTS

6.1 CITY MANAGER

(a) City Manager

City Manager Bryan Montgomery welcomed City Clerk Libby Vreonis back from maternity leave. He mentioned the City Council meetings of July 26 and August 23 are cancelled; the next meeting will be held August 9. He announced the Main Street Car Show at Civic Center Plaza to be held July 23 and Movie in the Plaza to be held July 30.

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

(a) Discussion regarding possible ballot measure to support the Fire District

City Manager Bryan Montgomery explained he participated in an ad-hoc task force to explore funding ideas for the East Contra Costa Fire Protection District which is currently operating in crisis mode due to lack of funding. He added that the task force successfully found a short-term funding solution to re-open one fire station and recommended that a Master Plan be commissioned to determine what is required to provide a basic adequate level of service.

He presented information regarding long-term funding mechanisms which were explored by the task force, including a possible parcel tax (would require 2/3 vote to pass), a benefit assessment (would likely face legal challenges), a property tax reallocation (not realistic or adequate) and a utility user tax (would require 50% + 1 to pass). He explained the utility user tax (UUT) would be the recommended option to pursue and would require an 8.5%-9% tax to provide funding for 2 new fire stations in Oakley; however, when some residents were surveyed, they were not receptive to it (less than 40% were in favor). He mentioned Brentwood was considering something similar, but the County is not prepared to act on any unincorporated area within the District. He suggested possible ballot language and an advisory question and mentioned the City Council would have to make a decision at its next meeting on August 9 to meet the August 12 deadline to notify the County of the measure for the November election.

It was the consensus of the City Council for staff to research and provide information regarding a UUT at 4-6% with no escalators and explore more utilities to include.

Mr. Montgomery indicated staff will research a lower UUT with no escalators and more utilities to include and bring the item back for City Council review on August 9.

(b) 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 mentioned the Fire Board met yesterday and its next meeting is August 1. He welcomed all to attend. He commented the Cityhood Celebration was wonderful. He announced he attended the Habitat Conservancy meeting and its next meeting will be held August 20. He encouraged everyone to participate in National Night Out to be held August 2.

Vice Mayor Higgins announced the Water Board meeting is tomorrow, Steve Todd of Veterans of Foreign War Post 10789 was honored tonight, she met with Assembly member Jim Frazier to discuss suicide barriers along train tracks, and she attended the Station 94 grand opening. She requested an update from the Mayor regarding illegal fireworks.

Mayor Romick commented he is working on a plan with the Oakley Police Department for anonymous reporting of fireworks and monitoring of neighborhoods.

(c) Requests for Future Agendas

Councilmember Pope suggested the Council consider allowing smaller celebratory items such as sparklers for residents rather than a complete ban on fireworks.

7.0 WORK SESSIONS-None

Oakley City Council

7.1 Oakley Recreation Center (Lindsey Bruno, Recreation Manager)

Recreation Manager Lindsey Bruno presented the staff report.

Councilmember Perry inquired if grant funds can be applied to Phase 1.

City Manager Bryan Montgomery responded that \$4 million has been budgeted to fund Phase 1 and grant funds could be used for an all-abilities ball field (must be used by June 2017), but additional grant funds would be needed.

Vice Mayor Higgins commented she would like a pool instead of a playground at the center.

Mr. Montgomery explained the cost recovery on pools is often less than 50%.

Mayor Romick inquired if it is less expensive to locate an all-abilities field on Oakley Unified Elementary School District property.

Mr. Montgomery responded that it probably would be somewhat less expensive and would allow the space at the center to be used for additional recreation.

Councilmember Pope expressed concern regarding synthetic materials for the all-abilities ball field, lack of shade and grading issues toward the back of the lot.

Ms. Bruno confirmed only a portion of the entire recreation space would have synthetic material; the remainder would be grass area.

Mr. Montgomery commented dirt could be moved to address any grading concerns.

Mayor Romick inquired of the remaining life of the portables.

Mr. Montgomery responded the portables are probably good for another 5-7 years.

Mayor Romick suggested the center and parking be addressed in phase 1 to keep recreation classes running and the all-abilities ball field could be constructed thereafter.

Vice Mayor Higgins inquired if current grant funds can be used to construct the all-abilities ball field on OUESD property.

Councilmember Pope inquired if there are any constraints on the grant funds.

Mr. Montgomery explained that with approval, the grant funds could possibly be used to construct an all-abilities ball field on OUESD property or a playground at the rec center or possibly for turf, but must be used by June 2017. He commented he wasn't certain if the funds could be used for the recreation building.

Councilmember Perry requested staff research the possibility of moving forward with an all-abilities ball field on OUESD property and if that would work for the local baseball leagues with special needs programs.

Mr. Montgomery commented staff will research and report back to the City Council on August 9.

Special Counsel William Galstan commented that pools in other cities typically do not recover operational costs unless there is a water park feature included.

Councilmember Perry suggested a water feature playground could work instead of a pool.

Councilmember Pope commented he would feel better if the all-abilities ball field were on City property rather than OUESD property.

Mr. Montgomery responded that an area of the all-abilities ball field could be fenced off if placed on City property but it would not allow as much use for other recreation. He added the design of an all-abilities ball field can be costly; therefore, the plan would be to create a field that utilizes only the grant funds available.

Councilmember Perry commented she would like to see the all-abilities ball field constructed functionally to serve its purpose. She mentioned if the all-abilities ball field is on OUESD property constructed with grant funds of the City, OUESD should maintain it.

Vice Mayor Higgins inquired if the Citizen Planning Advisors were active and if this item could possibly be reviewed by them.

Mr. Montgomery responded that they are active and this item could be reviewed by them during design review.

Mr. Montgomery confirmed staff has enough direction to proceed and will bring the item back to the City Council August 9 for further review.

8.0 CLOSED SESSIONS-None

9.0 ADJOURN

There being no further business, the meeting was adjourned at 9:21 p.m.

Respectfully Submitted,



Libby Vreonis
City Clerk