

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

**Oakley City Council Chambers
3231 Main Street, Oakley, CA
Tuesday, January 28, 2014
6:30 P.M.**

1.0 OPENING MATTERS

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

Call to Order – Mayor Pope called the meeting to order at 6:31p.m in the Oakley City Council Chambers located at 3231 Main Street, Oakley, California.

Roll Call – Present: Mayor Randy Pope, Councilmembers Diane Burgis and Kevin Romick.

Absent – Vice Mayor Doug Hardcastle and Councilmember Carol Rios were absent.

1.2 Pledge of Allegiance to the Flag

Mayor Pope led the Pledge of Allegiance to the Flag.

2.0 PUBLIC COMMENTS

Online Comment Forms

No online comment forms were submitted for Public Comments.

Public Comment Cards

Margaret Stahler was not in attendance, but prior to the meeting she completed a public comment card and provided two attachments (regarding a Community Produce Program and free computer classes offered by Corporation for Better Housing for Buildings 51 and 67) for the City Council to review regarding Corporation for Better Housing's lack of responsiveness to tenants' requests for repairs and carpet cleaning in common areas of Building 81 Carol Lane. It was noted on the Community Produce Program attachment that "Corporation for Better Housing claims they have free veggies to give away giving no credit to the Food Bank of Contra Costa and Solano."

3.0 CONSENT CALENDAR

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

3.1 Approve the Minutes of the Regular Joint Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Special Public Financing Authority Meeting of January 14, 2014 (Libby Vreonis, City Clerk)

Councilmember Burgis pulled Item 3.1 from the Consent Calendar. She requested that the comments she provided prior to the City Council meeting held January 14, 2014 regarding the discussion of the former CentroMart site, Item 6.1(b), be included.

City Manager Bryan Montgomery mentioned the item has been placed on the agenda again for this meeting (Item 6.2(c)) to provide an opportunity for her comments.

It was moved by Councilmember Burgis and seconded by Councilmember Romick to approve Item 3.1. AYES: Pope, Burgis, Romick. ABSENT: Hardcastle, Rios.

Oakley City Council

3.2 Adopt a Resolution Authorizing the Purchase and Outfitting of 5 Vehicles in an Amount Not to Exceed \$117,000 (Paul Abelson, Finance Director)

Item 3.2 will be continued to the meeting to be held on February 11, 2014 as the proposed resolution requires City Council approval by 4/5 vote and only three members of City Council are present this evening.

Online Comment Forms

No online comment forms were submitted for the Consent Calendar.

Public Comment Cards

No public comment cards were submitted for the Consent Calendar.

4.0 PUBLIC HEARINGS

Oakley City Council

4.1 Renewed Life Church Color Change (DR 12-13)

Request for Design Review approval for previously made and unapproved exterior color changes (from white to green and brown hues) to an existing church located at 1435 Main Street (Ken Strelo, Senior Planner)

Senior Planner Ken Strelo presented the staff report.

Councilmember Romick asked Mr. Strelo to explain why the color changes are required to go through the design review process.

Mr. Strelo responded that the design review ordinance requires City Council approval for buildings with significant color changes. He added that staff will be sending letters to commercial property owners regarding City design review regulations.

Councilmember Romick commented that he likes the paint colors the church chose, he is impressed with the research the church performed to determine the colors to paint the church, he is glad staff is applying the same set of rules to all commercial properties, and he appreciates the church cooperating with the City ordinance.

Councilmember Burgis commented that she likes the paint choice; it is noticeable when driving by, and she is glad to see the building is under good care.

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 Councilmember Romick and seconded by Councilmember Burgis to approve Item 4.1. AYES: Pope, Burgis, Romick. ABSENT: Hardcastle, Rios.

5.0 REGULAR CALENDAR

Oakley City Council

5.1 Waive the First Reading and Introduce an Ordinance Adding Article 2 to Chapter 19 of Title 4 of the Oakley Municipal Code Regulating Smoking at Multi-Unit Residences (William Galstan, Special Counsel)

Special Counsel William Galstan presented the staff report.

Councilmember Burgis inquired what happens if a landlord does not deal with a person smoking in his or her unit.

Mr. Galstan responded that the landlord should address the matter by warnings, penalties or otherwise and if there is still non-compliance, the matter may be addressed by City Code Enforcement in which a notice of correction may be issued and then a citation. He also mentioned residents may file a claim in small claims court against the person who is non-compliant for personal injury.

Mayor Pope mentioned the American Lung Association gave Oakley a failing grade; however, the County received a better grade. He inquired how the City and County ordinances interface.

Mr. Galstan responded that the County ordinance is effective in unincorporated areas of the County; however, the City has to adopt its own ordinance. He mentioned the American Lung Association supports the proposed ordinance.

Councilmember Romick added that if the City does not adopt an ordinance, the County ordinance does not automatically apply.

Online Comment Forms

No online comment forms were submitted for Item 5.1.

Public Comment Cards

Wendy Escamilla commented that she is glad to see that e-cigarettes are being addressed as she believes e-cigarettes should be banned from the same places that cigarettes are banned. She requested that cigarettes and e-cigarettes be banned from City events as well.

Mr. Galstan mentioned that other Oakley ordinances dealing with smoking may not be up to County standards and it is something that may be addressed in the future if the City Council prefers.

Councilmember Burgis inquired if it is legal to use e-cigarettes in non-smoking areas.

Mr. Galstan responded that he will research her inquiry and respond.

Mayor Pope echoed the comments of Ms. Escamilla and would like e-cigarettes and cigarettes restricted in public places. He mentioned smoking in multi-unit residences was complaint driven and is being addressed this evening; however, he would like staff to look at modifying other City ordinances in the near future that address smoking.

It was moved by Councilmember Romick and seconded by Councilmember Burgis to waive the first reading and introduce the ordinance. AYES: Pope, Burgis, Romick. ABSENT: Hardcastle, Rios.

6.0 REPORTS

6.1 CITY MANAGER

City Manager Bryan Montgomery announced that Economic Development Coordinator and Human Resources Administrator Cecelia Nichols-Fritzler will be leaving the City of Oakley as she has accepted a job with the City of Pleasant Hill and she will be missed.

(a) Discussion Regarding the Planning Commission

City Manager Bryan Montgomery mentioned the Planning Commission is currently being filled by the City Council as there are not many items to warrant the time and cost of a separate body. Because of the cost and time of staff as well as Commission members, he suggested other options to consider may be a design review committee, plan advisory committee, City Council sub-committee, or to have the City Council continue as the Planning Commission.

Councilmember Romick mentioned early Planning Commission meetings were filled with people and there was a lot of work to be done. He added that most of the major work of the Planning Commission has been accomplished; there are few projects at this time, and people may lose interest in participating if there is not a lot of work to do. He suggested affordable housing matters could be handled by a citizens' committee rather than the Planning Commission. With regard to design review, he suggested a citizens' committee or design review commission could be set up. He also suggested special citizens' committees could be set up for special projects.

Councilmember Burgis commented she wants input on a regular basis and that perhaps milestones could be set in place; when work reaches a certain threshold, the Planning Commission could handle the work.

Online Comment Forms

No online comment forms were submitted for Item 6.1(a).

Public Comment Cards

Ken Graunstadt mentioned prior to the Planning Commission, a regional planning advisory group and Oakley boundary committee were in place and these types of groups/committees provide a more unique thought process. He added that the City needs public representation.

Mayor Pope commented that a Planning Commission is needed and the public should be involved in the process. He explained that the duties of a Planning Commission are those that the City Council assigns to them and the Planning Commission has served as a stepping stone and training ground for future City Council members. He expressed he believes there is sufficient work that can be done by a Planning Commission and he would like the matter to be brought back again for discussion on the next meeting agenda as there is not a consensus among the three Councilmembers in attendance this evening.

Mr. Montgomery explained that planning documents are often sent to other agencies for review when applications are received. He suggested that perhaps in this early process, when applications are received, a committee could be involved.

Councilmember Romick requested staff look at meeting agendas from the past six months and determine which items would have been reviewed by a Planning Commission.

Mr. Montgomery mentioned the estimated cost impact on staff to attend two Planning Commission meetings each month would conservatively be approximately \$29,000.

Councilmember Romick added that a Planning Commission meeting has many people present, including the City Attorney, City Clerk, Planners and Planning Commission members which can be costly.

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 Burgis announced she attended a policy meeting of the League of California Cities in which there were discussions regarding handicap placards, signage along freeways for populations under 5,000, water bonds (which are likely to be on the November ballot), redevelopment funds, the California Road Repairs Act, and bus weight limits.

Mayor Pope welcomed everyone to join him at Ironhouse Sanitary District on February 3 at noon for a brown bag lunch discussion. He announced the Ironhouse Sanitary District meeting will be held February 4. He mentioned he and Vice Mayor Hardcastle will be unavailable to attend the Mayors Conference on February 6; he asked Councilmember Burgis to attend. He also mentioned the funeral will be held tomorrow for Bay Area Rapid Transit (BART) Sergeant Tom Smith and asked that there be a moment of silence in his memory at the end of the meeting.

(b) Requests for Future Agendas

Councilmember Romick requested staff review existing smoking ordinances and propose revisions.

Councilmember Burgis requested updates from the East Contra Costa Fire Protection District Board members and an update from the affordable housing advisory committee.

Mayor Pope agreed with Councilmember Burgis and requested that all appointees provide more frequent reports.

(c) Review of Cross Development's Planned Development of Former CentroMart Site

Comments provided by Councilmember Burgis include the following (see Item 3.1, supra):

- I don't think a Grocery Outlet should be placed in one of the most desirable prime spots in our downtown. I don't believe this business would compliment the type of commercial area we are trying to create.
- In other Bay Area cities all of the Grocery Outlets are located on more outskirts less prime areas.
- I understand the alternative is allowing the State to sell the property and having less control of what will be built there. However, I believe we have built a desirable center that will attract more business consideration. In the past all bids were presented when developers had to imagine what it would look like. With Ace construction underway, Carpaccio's, La Costa, and Republic of Cake doing well & the really great demographics that Oakley has to offer- I have faith something better will come along.

7.0 WORK SESSIONS

Oakley City Council

7.1 Preservation of 14-Acre Vineyard within the Dutch Slough Wetlands Restoration Project Area

Councilmember Romick mentioned he had discussions last year with Patty Finfrock with the Department of Water Resources with regard to the 14-acre vineyard that is situated in the Dutch Slough Wetlands Restoration Project area. He added that they discussed a possible swap of land within the Project area at the end of Sellers Avenue; however, the State rejected the land swap idea. He requested the City Council review the matter and provide direction with regard to the 14-acre vineyard.

Online Comment Forms

Online comment forms were submitted for Item 7.1 by Allen Balik, Barbara Balik, Mike Dildine, Frank Spinelli, David Gates and Kelley Golde, all of whom support preserving the 14-acre vineyard.

Public Comment Cards

Ted Frink submitted a public comment card but deferred his comment to allow Patty Finfrock to provide comment.

Patty Finfrock explained that the State purchased the property for the purpose of habitat restoration and had no intent to preserve the vineyard. She added the issue of

preserving the vineyard only arose last year by Matt Cline. She mentioned the land swap was not possible and the vineyard in the marsh area does not help the habitat or work with the habitat restoration plan. She suggested the vineyard would be better transplanted on City property.

Matt Cline responded that he did not know of the habitat restoration project until last year.

Lauren Linney requested the City Council consider allowing the habitat restoration project to co-exist with the vineyard. She explained that a decision not to preserve the vines would be to destroy a part of California history and that while the discussion addresses habitat restoration today, future discussions may address vineyard restoration if vineyards are not preserved now.

Frank Spinelli commented that he supports preservation of the vineyard at its current location; he believes it will be a great asset to the habitat restoration project. He expressed that he hopes that this will be the beginning of preserving all of the ancient vines in Oakley.

Councilmember Burgis inquired why the vineyard and habitat restoration project cannot co-exist.

Ms. Finrock explained that it is incompatible to have agricultural land in habitat restoration areas; the vineyard owner would not want the habitat in the vineyard. She added that the State has discomfort with it being a commercial vineyard and sulfur, pesticides and herbicides can cause water quality problems.

Councilmember Burgis inquired if roads would have to be in place to access the vineyard.

Ms. Finrock responded that a road exists in which a small pick up truck could access the vineyard.

Councilmember Burgis inquired if an "ancient vine" is still considered an "ancient vine" if transplanted.

Mr. Cline explained that transplanting the ancient vine can lead to the vine not surviving. He mentioned that the carignane varietal grown in the vineyard is unique, the vineyard is organic (only sulfur dust is used), the vineyard is accessed infrequently (13 times in past year), and no heavy equipment is used on the vineyard (only a small tractor). He added that the vineyard is currently producing next to the natural habitat which shows it can co-exist with the habitat restoration project. He mentioned new farm land cannot be created.

Councilmember Burgis inquired if Mr. Cline had been harvesting the vineyard since 2006 and if the value of carignane is declining because people want to purchase a varietal they can sell.

Mr. Cline responded that he has had a relationship with the vineyard for almost 28 years and the value of carignane has fluctuate for various reasons including prohibition, bad wine making, distributors, and wineries propogating different varietals.

Councilmember Burgis inquired why Mr. Cline did not address preserving the vineyard earlier, before money had been spent to plan for the habitat restoration project.

Mr. Cline explained for years he was focused on production, but has more recently become focused on his business. He requested the Council be progressive and consider allowing the vineyard and habitat restoration project to co-exist.

Councilmember Burgis inquired what the financial impact will be to the project with regard to the fill material (sand).

Ms. Finfrock responded that some sand would be removed from the sand mound.

Councilmember Burgis inquired if the soils are similar within the Project area to be favorable to transplanting the vines.

Ms. Finfrock responded that she is not familiar with transplanting, but Ironhouse Sanitary District has offered 5 acres of sandy soil for transplantation.

Mr. Cline explained that transplanting is extremely expensive, diseases are embedded in the hard wood, and the current site of the vineyard is what makes it unique because of its' terroir. He added that half the vines that were transplanted by the City in a separate, previous project did not survive in their original state and have been replaced by the vineyard manager (the vineyard manager absorbed the cost).

Councilmember Burgis inquired if all of the vines were 150 years old.

Mr. Cline responded that the earliest vines were planted in Oakley in 1885, providing the closest genetic material to the wood originally brought into California.

Councilmember Romick asked Mr. Cline to explain how he was informed of the habitat restoration project.

Mr. Cline explained that he subleases the property from Brent Gilbert and he received a handwritten note from him in March 2013 in which he first learned of the habitat restoration project.

Councilmember Romick inquired if vineyards can be run without using cannons.

Mr. Cline explained that the grapes of some corners of the vineyard are eaten by birds, jack rabbits and raccoons; however, because the crop ripens only once a year, a large population will not sustain there and control measures that have been used in the past include mylar tape and balloons.

Ken Graunstadt commented that wineries such as Cline and Ridge have created a market for the carignane varietal. He mentioned that the existing rootstock is 20 feet deep and cannot be transplanted; only canes can be taken and transplanted which would create something new. He added that Cline has had a presence in Oakley for 90 years.

Joe Ciolek with the Agricultural Natural Resources Trust explained that the vineyard is unique and encouraged the Council to preserve the vineyard. He added that decisions regarding what is in the best interest for the vineyard should be left to grape growers, not wetland habitat supporters.

Cecilia Rodrigues commented that she supports preserving the vineyard. She explained that development has forced much of the habitat out from their original homes and they travel into vineyards and orchards causing problems. She mentioned the carignane grape is unique and popular. She also mentioned grapes are the most tolerant crop in the area.

Mayor Pope expressed that the issue appears to be a conflict of values. He commented that the vineyard is of value and he believes it can co-exist with the habitat restoration project. He mentioned Ironhouse Sanitary District is considering providing fill from their property. He announced the habitat restoration project environmental impact report is available for public comment and requested that staff provide a link to it on the City's website.

Councilmember Romick announced he is excited about the habitat restoration project and knew the vineyard existed, but thought it had been abandoned until he was contacted by Mr. Cline. He added that he and Mayor Pope are on the sub-committee for agricultural conservation and one of their goals is to preserve vines in Oakley. He suggested the Council support preserving the vineyard. He mentioned Mr. Cline has offered other options than commercial use of the vineyard such as allowing it to be an educational vineyard.

Councilmember Burgis mentioned she was aware of the habitat restoration project for seven years and was never aware of the vineyard. She commented that she understands the value and desire to preserve the vineyard, but the timing is not good to bring forth preserving the vineyard after taxpayers' money has already been spent on planning for the habitat restoration project. She mentioned she would support the State preserving the vineyard for historical purposes, but she is not interested in a land swap or the City becoming involved in grape growing.

8.0 CLOSED SESSIONS-None

9.0 ADJOURN

There being no further business, the meeting was adjourned at 8:30p.m.

Respectfully Submitted,

Libby Vreonis
City Clerk