

Minutes of the Regular Joint Meeting of the Oakley City Council/Oakley City Council acting as the Successor Agency to the Redevelopment Agency

**Oakley City Council Chambers
3231 Main Street, Oakley, CA
Tuesday, May 13, 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

Call to Order – Mayor Pope called the meeting to order at 6:30p.m in the Oakley City Council Chambers located at 3231 Main Street, Oakley, California.

Roll Call – Present: Mayor Randy Pope, Vice Mayor Doug Hardcastle and Councilmembers Diane Burgis, Carol Rios and Kevin Romick.

1.2 Pledge of Allegiance to the Flag

Mayor Pope led the Pledge of Allegiance to the Flag.

1.3 Introduction of Dwayne Dalman, the City's new Economic Development Manager (Bryan Montgomery, City Manager)

Economic Development Manager Dwayne Dalman introduced himself and mentioned he is excited to join Team Oakley and to grow the Oakley community.

1.4 Proclamation Declaring May 2014 as Mental Health Awareness Month in the City of Oakley (Councilmember Burgis)

Councilmember Burgis read and accepted the proclamation. She mentioned she is working with County and State officials as well as the interfaith community, schools and organizations to bring additional suicide prevention resources to Oakley. She added that anyone can call 2-1-1 for support services, including mental health support.

1.5 Proclamation Recognizing May 2014 as Building Safety Month in the City of Oakley (Dean Hurney, Permit Center Manager)

Permit Center Manager Dean Hurney accepted the proclamation and thanked the City Council and staff.

1.6 Proclamation Recognizing May 18-24, 2014 as National Public Works Week in the City of Oakley (Kevin Rohani, Public Works Director/City Engineer)

Public Works Director/City Engineer Kevin Rohani accepted the proclamation and invited everyone to attend the Public Works and Engineering Open House to be held Wednesday, May 21, 9am-12pm at Civic Center Park.

1.7 Contra Costa Transportation Authority Citizens Advisory Committee Update (Michael Dupray, Representative)

Representative Michael Dupray provided an update to the City Council with regard to a recent assessment for Safe Routes to Schools, including programs, projects, outreach and funding needed. He mentioned he posted a copy of the assessment for review on Facebook and Next Door Neighbor. He announced the next Contra Costa Transportation Authority Citizens Advisory meeting will be held May 28.

Councilmember Rios mentioned Oakley had obtained funding through Safe Routes to School in the past and requested Mr. Dupray keep an eye on any funding that may be available for Oakley in the future.

2.0 PUBLIC COMMENTS

Online Comment Forms

Robert Bryson requested the City fix the roads in Oakley, particularly Main Street from Neroly Road to Big Break Road; Laurel Road from O'Hara Avenue to Main Street; and E. Cypress Road from Iron House to Bethel Island Road. He mentioned the roads are heavily traveled and in terrible shape. Public Works Director/City Engineer Kevin Rohani responded to Mr. Bryson prior to the meeting.

Public Comment Cards

Paul Seger, representative for Oakley Community Gardens, requested City staff move forward with the lease agreement for the community garden. He expressed concern over the waste dirt placed on the community garden site (Moura property).

City Manager Bryan Montgomery explained that permits may be required for some of the items Oakley Community Gardens is requesting and more information is needed, but that City staff could provide a very general lease agreement and bring back the permits for City Council review each time they arise. He mentioned the waste dirt was temporarily placed on the Moura property to dry, but will be hauled off.

Councilmember Rios requested Oakley Community Gardens provide a project plan before approving the lease agreement, including the plan to provide water to the community garden site.

Mr. Seger assured her the project plan would be submitted.

Councilmember Burgis commented that the current project plan is specific and suggested City staff could meet with Oakley Community Gardens to help expedite the information still needed.

Councilmember Rios requested the project plan be shared with the City Council.

City Manager Bryan Montgomery requested the project plan as well and suggested City staff could meet with Oakley Community Gardens early next week.

Mayor Pope expressed that his understanding was that the project would be evolving; first it would be a community garden and then other features would be added.

Mr. Seger responded that is the plan and they are moving at a decent pace; they were trying for summer crops, but now the plan is for fall crops. He mentioned they would like to have a farmers market next year.

Noelle Gamon requested the City Council consider recognizing epilepsy awareness in the Oakley community.

Mayor Pope requested November to be Epilepsy Awareness month in Oakley, for the information to be disseminated in the City's newsletter and for Ms. Gamon to join the City Council at that time to recognize such month.

Councilmember Burgis thanked Ms. Gamon for the information and mentioned she appreciates her speaking with regard to awareness.

3.0 CONSENT CALENDAR

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

- 3.1 Approve the Minutes of the Regular Joint Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency Meeting of April 22, 2014 (Libby Vreonis, City Clerk)**
- 3.2 Reporting Out of Closed Session from the April 22, 2014 Regular Joint Meeting of the Oakley City Council/ Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency (William Galstan, Special Counsel)**

Oakley City Council

- 3.3 Waive the Second Reading and Adopt an Ordinance Amending Section 204 of Chapter 1 of Title 6 of the Oakley Municipal Code, Dealing with the Parking of Commercial Vehicles (Joshua McMurray, Senior Planner)**

- 3.4 Waive the Second Reading and Adopt an Ordinance to Amend Oakley Municipal Code Section 9.1.1120 (Home Business Permits) Relating to Internet-Only Based Businesses (Ken Strelow, Senior Planner)**
- 3.5 Adopt a Resolution Approving the Amendment to Parking Lot and Public Spaces Maintenance Agreement between the City of Oakley and Rogelstad Thorpe, LLC (Bryan Montgomery, City Manager)**
- 3.6 Adopt a Resolution Approving an Agreement with Bear Electrical Solutions, Inc. for Capital Improvement Program Number 142-Traffic Signal Modernization Project (Kevin Rohani, Public Works Director/City Engineer)**
- 3.7 Adopt a Resolution Approving an Agreement with Universal Building Services for Street Sweeping Maintenance Services (Kevin Rohani, Public Works Director/City Engineer)**
- 3.8 Adopt a Resolution Approving an Agreement with Bear Electrical Solutions, Inc. for Traffic Signal and Street Light Maintenance Services (Kevin Rohani, Public Works Director/City Engineer)**
- 3.9 Adopt a Resolution Approving Plans and Specifications for the Civic Center Park Improvement Project and Authorizing Staff to Advertise the Project for Bid (Kevin Rohani, Public Works Director/City Engineer)**
- 3.10 Accept the Quarterly Investment Report (3rd Quarter FY 2013-2014) (Paul Abelson, Finance Director)**
- 3.11 Adopt a Resolution Approving the 2014-2016 Strategic Plan (Nancy Marquez, Assistant to the City Manager)**
- 3.12 Adopt a Resolution Calling the Regular General Municipal Election for Two City Council Seats; Requesting the Consolidation of Elections on November 4, 2014; Requesting the County Registrar to Perform Election Services in Connection with Said Consolidated Election; Setting Specifications of the Election Order; and Authorizing the City to Reimburse the County Registrar of Voters for Election Services Performed (Libby Vreonis, City Clerk)**
- 3.13 Adopt a Resolution Designating an Elections Official to Assist the City Clerk in the November 4, 2014 General Municipal Election (Libby Vreonis, City Clerk)**

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

- 3.14 Accept the Quarterly Investment Report (3rd Quarter FY 2013-2014) (Paul Abelson, Finance Director)**

Items 3.3 and 3.11 were pulled for discussion.

Item 3.3

Vice Mayor Hardcastle pulled item 3.3 to abstain from voting as he owns an RV storage facility which could be a conflict of interest in voting.

It was moved by Councilmember Romick and seconded by Councilmember Burgis to approve Item 3.3. AYES: Burgis, Pope, Rios, Romick. ABSTENTION: Hardcastle.

Item 3.11

Councilmember Burgis pulled item 3.11 to request revisions to include reference to a small town feel, quality schools and to change action item 7.d. from "Delta Science Center" to "East Bay Regional Park District".

It was moved by Councilmember Rios and seconded by Councilmember Romick to approve Item 3.11. Motion was unanimous and so ordered. (5-0)

Online Comment Forms

No online comment forms were submitted for the Consent Calendar.

Public Comment Cards

No public comment cards were submitted for the Consent Calendar.

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

4.0 PUBLIC HEARINGS

Oakley City Council

4.1 Waive the First Reading and Introduce an Ordinance Amending Section 4.19.004(f) and Adding Sections 4.19.009, 4.19.009.1 and 4.19.011 to the Oakley Municipal Code, Dealing with Smoking in Outdoor Areas and Prohibiting Use of Electronic Cigarettes by Minors (William Galstan, Special Counsel)

Mr. Galstan presented the staff report and explained two parts to the proposed ordinance; one, smoking will be prohibited in outdoor areas owned or operated by the City and certain private areas; and two, minors will be prohibited from using e-cigarettes. He explained that there are studies underway regarding the health and safety of e-cigarettes, but because definitive information is lacking at this time, he would not recommend prohibiting e-cigarettes in outdoor areas owned or operated by the City and

certain private areas because if challenged in a court of law, the City may not have sufficient evidence to prove e-cigarettes are harmful to public health and safety. He suggested the City Council could consider prohibiting e-cigarettes in outdoor areas owned or operated by the City and certain private areas as a public nuisance as there is odor to the vapor emitted from e-cigarettes.

Online Comment Forms

Mike Burkholder requested the City Council move forward with the proposed ordinance and ban e-cigarettes from minors. He also requested the ordinance be expanded to include banning the use of e-cigarettes in lie with cigarettes. He commented e-cigarettes have no place in a restaurant while people are eating.

Public Comment Cards

Contra Costa Health Services Tobacco Control Project Director Denice Dennis thanked the City Council for considering e-cigarettes in the proposed ordinance. She mentioned carcinogens and toxic chemicals have been found in some e-cigarettes. She commented that outdoor area, second-hand smoke protections have been adopted by other cities in Contra Costa County and thanked the City Council for considering the same in the proposed ordinance.

Center for Human Development Program Coordinator Mary Jaccodine commented she works with high school students for tobacco and marijuana use prevention and thanked the City Council for considering the proposed ordinance. She mentioned smoking prevention education and restricted use have changed social norms with regard to smoking tobacco cigarettes and e-cigarettes are reintroducing smoking as cool which could change social norms again if education and restricted use are not provided.

Wendy Escamilla commented that e-cigarettes should be banned in public places.

The City Council discussed both parts of the proposed ordinance and suggested the proposed ordinance be continued to a June meeting to provide an opportunity to address e-cigarettes in some of the areas in which smoking will be prohibited and to consider prohibiting minors from possessing e-cigarettes in the proposed ordinance.

4.2 Aspen at Emerson Design Review NH 2b (DR 02-14) (Ken Strello, Senior Planner)

Senior Planner Ken Strello presented the staff report.

Councilmember Romick thanked the applicant for providing detail and design around the houses and commented the designs look great.

Councilmember Rios inquired of the type of material the siding is made of to ensure there would be no concern about termites and paint chipping.

Applicant Mike Evans on behalf of De Nova Homes responded that the siding is made of simulated wood which is a concrete-based material; therefore, there should be no concerns of termites or paint wear.

Vice Mayor Hardcastle commented the product looks good and the homes will be a great asset to Oakley.

Councilmember Burgis commented she is glad to see these beautiful homes coming to Oakley. She inquired if the applicant considered adjacent neighborhoods in the design.

Mr. Evans responded that they reviewed Brookfield Homes' designs to ensure variety and no overlapping.

Online Comment Forms

No online comment forms were submitted for Item 4.2.

Public Comment Cards

No public comment cards were submitted for Item 4.2.

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

5.0 REGULAR CALENDAR

Oakley City Council

5.1 Resolution of Support for Federal Legislation – S.228 (Feinstein) and H.R. 1002 (Garamendi) regarding the Sacramento-San Joaquin Delta National Heritage Area Establishment Act (Councilmember Burgis)

The City Council discussed whether or not support of the resolution could negatively impact Oakley in the future and what stage the bills are at in the process.

Councilmember Burgis explained it was the intent of northern California legislators to help draw attention to the Delta and provide protection to the Delta. She added support of this legislation will help the Delta Protection Commission with a marketing plan and economic development plan.

Online Comment Forms

No online comment forms were submitted for Item 5.1.

Public Comment Cards

No public comment cards were submitted for Item 5.1.

It was moved by Councilmember Romick and seconded by Councilmember Burgis to adopt the resolution. AYES: Burgis, Pope, Rios, Romick. NOES: Hardcastle. (4-1)

5.2 Agricultural Conservation and Viticulture Program (ACVP) - Consideration of Phase 1 Deliverables and Future Phase 2 (Ken Strelo, Senior Planner and Joe Ciolek, Agricultural Natural Resources Trust)

Senior Planner Ken Strelo presented the staff report and informed the City Council that updated information was provided after the staff report had been submitted in which Page 3 of the staff report should be revised to show:

- “ Neroly Cluster: 13 parcels with 135 acres and 6 Landowners”

Joe Ciolek with Agricultural Natural Resources Trust provided a PowerPoint presentation explaining Phase 1 of the Agricultural Conservation and Viticulture Program (ACVP), including areas of agricultural conservation, clusters, inventory, mapping and legislation.

Mr. Strelo commented that if Phase 1 is approved, the City can post the mapping prepared by the ACVP on the City's website. He requested the City Council consider approval to pursue Phase 2 so funding sources may be further explored.

Councilmember Romick commented that previous litigation prompted the need to preserve agricultural land preservation and the ACVP promotes Oakley through preservation of Oakley's heritage vines in a voluntary manner.

Councilmember Burgis suggested the ACVP contact the San Francisco Foundation for funding and also work with the Delta Conservancy. She commented that funding sources may become more available if people are engaged in the process.

Online Comment Forms

No online comment forms were submitted for Item 5.2.

Public Comment Cards

Fred Del Barba expressed concern whether or not the program was voluntary.

The City Council explained that the program is voluntary and its purpose is to preserve vineyards.

Councilmember Rios inquired if the CEQA mitigation fees and HCP fees would apply if the land is developed which may devalue the land.

Mr. Strelo explained HCP fees are separate from this program.

Mr. Montgomery added that the program is voluntary; however, State law and CEQA are not voluntary if the property is developed.

It was moved by Councilmember Romick and seconded by Councilmember Rios to accept the deliverables from Phase 1 of the ACVP as complete and continue pursuing Phase 2, subject to available funding. Motion was unanimous and so ordered. (5-0)

6.0 REPORTS

6.1 CITY MANAGER

City Manager Bryan Montgomery thanked the Building Department and Public Works and Engineering Department for their work. He invited everyone to attend the Public Works and Engineering Open House on May 21 beginning at 9am.

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 Romick announced he attended the farewell luncheon for former Chief Building Official Brent Smith and mentioned he will be missed; however, he is confident that there are very capable people that have joined Team Oakley that will do a great job as well.

Councilmember Rios announced Oakley Elementary turned 75 years old last Friday.

Councilmember Burgis announced she visited Black Diamond Mines Regional Preserve where U.S. Secretary of Interior Sally Jewell was in attendance to celebrate the progress of the East Contra Costa County Habitat Conservation Plan. She mentioned Relay for Life will be held in Oakley this weekend.

Vice Mayor Hardcastle also mentioned Relay for Life will be held in Oakley this weekend and Oakley will host a Memorial Day event at Civic Center Park on Saturday, May 24 beginning at 10:30am. He mentioned he visited Pocahontas Hall last week and the interior and exterior have been repainted (compliment of Keller-Williams) and decking material had been installed. He also mentioned he attended the Interagency Meeting with Councilmember Burgis, City Manager Bryan Montgomery and the area school districts.

Mayor Pope mentioned he was honored to attend and speak at the Liberty Union High School District Athletic Hall of Fame induction ceremony. He also mentioned he attended the Habitat Conservancy meeting. He announced Vice Mayor Hardcastle will be the MC for the Memorial Day event.

(b) Requests for Future Agendas

Councilmember Romick requested a volunteer day in Oakley which would reinforce a sense of community.

Vice Mayor Hardcastle requested an interagency meeting to discuss having an additional crossing guard on Cypress Road.

Councilmember Burgis requested an update from the Affordable Housing Committee.

City Manager Bryan Montgomery mentioned an update had been provided a few weeks ago, but another update can be provided.

7.0 WORK SESSIONS

Oakley City Council

7.1 Discussion and Direction Regarding Boat and RV Parking (Joshua McMurray, Senior Planner)

Senior Planner Joshua McMurray presented the staff report.

Councilmember Burgis inquired if City staff received information regarding the County's ordinance.

Mr. McMurray confirmed staff had received it.

Online Comment Forms

Bob Stone submitted comments online and also in person (provided below).

Mike Burkholder commented that he does not own a boat or RV, but believes the current ordinance is fine as is. He encouraged the City Council not to change it, but to possibly expand on the definition of an "improved surface".

Janet Young commented that RV's, trailers, boats should be out of view of any neighbor unless packing for vacation in which case perhaps a 72-hour limit might help and visitors might need a longer stay.

Public Comment Cards

Bob Stone commented that he has an RV and jet skis and it would be a financial burden for him to have to pay for storage. He added the reason he moved to Oakley was because he could store these items on his property.

Brenda Stone was not in attendance but submitted written comments that she opposes restrictions on RV and boat parking.

Councilmember Romick expressed he has no issues with the existing ordinance and it doesn't seem to be an overwhelming concern with the community. He suggested City staff could define "improved surface" to provide clarity.

Councilmember Rios expressed it was never the intent of the City Council at the time the ordinance was adopted to allow vehicles to park on front yards, only on side yards. She suggested that complaints be handled through Code Enforcement rather than change the ordinance.

Vice Mayor Hardcastle mentioned he would abstain from voting as he owns an RV storage area; therefore, it would be a conflict of interest for him to vote.

Councilmember Burgis suggested that changes could be made to the ordinance applicable to new development and a grandfather clause could be built into the ordinance to allow side yard storage for existing properties until the properties transfer title.

Mayor Pope suggested accommodating RV's and boats according to lot size, requiring RV's and boats to be operational and currently registered, the size of the vehicle should be specific, and possibly include restrictions in the CC&R's in new developments for HOA's to enforce.

Mayor Pope announced no formal action is to be taken at this time, the Council is divided equally for and against revisions to the existing ordinance, and the matter will be tabled until there is further public interest.

7.2 Discussion and Direction Regarding Allowing Beehives in Residential Zones (Bryan Montgomery, City Manager)

Mayor Pope announced he will recuse himself from voting should revisions to the existing ordinance be proposed for the City Council to consider.

Councilmember Romick commented he has never had any issues with bees and expressed concern with who will monitor enforcement. He mentioned he does not want to increase Code Enforcement work and suggested the City Council consider revisions to the existing ordinance on a trial basis, for one year.

Councilmember Burgis commented she is supportive of beekeeping in residential zones and agreed a trial basis would be preferred. She suggested beekeeping in proximity to child care centers be addressed.

Vice Mayor Hardcastle commented he is supportive of allowing beekeeping in residential zones.

Councilmember Rios agreed a temporary ordinance would be preferred. She suggested beekeeping could be incorporated into Science Week to educate the community. She commented she would only allow two hives for beekeeping as a hobby, but would not allow commercial beekeeping in residential zones.

Mayor Pope agreed that non-commercial beekeeping could be added to the ordinance for residential zones and suggested a buffer zone in proximity to property lines could ease anxiety for neighbors next to properties having bee hives.

Councilmember Burgis suggested creating a handout to provide to people if complaints are received to provide education about beekeeping and explain what is and what is not allowed in the City. She also suggested Vector Control could assist with responding to hornets, wasps, etc.

City Manager Bryan Montgomery suggested the City Council could adopt revisions to the ordinance without a sunset clause and instead bring it back for review after one year at which time the ordinance could be amended or rescinded.

Councilmember Romick suggested revisions include a 100 foot buffer zone between the bee hives and a licensed child care center.

8.0 CLOSED SESSION

Oakley City Council

8.1 CONFERENCE WITH LABOR NEGOTIATORS Pursuant to Government Code Section 54957.6

City Designated Representative: Bryan Montgomery, City Manager

Unrepresented Employees: Assistant to the City Manager, Human Resources Assistant, City Clerk/Paralegal, Records Management Clerk, Receptionist, Finance Director, Accounting Technician, Senior Accountant, Public Works Director/City Engineer, Assistant Engineer, Parks & Landscape Division Manager, Public Works Office Coordinator, Economic Development Manager, Senior Planner, Housing & Economic Development Analyst, Chief Building Official, Permit Technician, Assistant to the Police Chief, Police Services Assistant; Building Inspector II, Code Enforcement/Building Inspector II, Public Works Inspector II, Parks and Landscape Foreman, PW/Streets Maintenance Worker, Facility Maintenance Worker, Parks Maintenance Worker, Parks Maintenance Laborer; Recreation Manager, Recreation Technician and Recreation Leader.

8.2 Report Out of Closed Session

Special Counsel William Galstan announced there was no reportable action.

9.0 ADJOURN

There being no further business, the meeting was adjourned at 10:45 p.m.

Respectfully Submitted,

Libby Vreonis
City Clerk