

**Minutes of the Regular Joint Meeting of the Oakley City Council/Oakley City Council acting as the Successor Agency to the Oakley Redevelopment Agency
June 9, 2015**

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

1.2 Pledge of Allegiance to the Flag

Mayor Hardcastle led the Pledge of Allegiance to the Flag.

1.3 Proclamation Recognizing June 2015 as California Safe Digging Month in Oakley (Tom Guarino, PG&E)

Mr. Guarino was unable to attend the meeting. Mayor Hardcastle commented that the proclamation is a good reminder to call 8-1-1 before you dig.

1.4 Proclamations Recognizing Members of the Oakley Youth Advisory Council: Ivan Chavez, Xochitl Fernandez, Derek Furr, Morgan Henderson, Elias Juarez, Joe Lagano, Hannah McCartney, Simon Mendez, Dalton Puckett, Julissa Ramirez, Jazzlynn Riddle, Bianca Tapia and Tiana Weeks (Lindsey Bruno, Recreation Manager)

Recreation Manager Lindsey Bruno thanked the Oakley Youth Advisory Council (OYAC). OYAC presented a short video of their events and accomplishments. Mayor Hardcastle presented the proclamations to the Oakley Youth Advisory Council and thanked the members for their work.

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 May 26, 2015 (Libby Vreonis, City Clerk)**

Oakley City Council

- 3.2 Approve the Minutes of the Special Meeting of the Oakley City Council held May 19, 2015 (Libby Vreonis, City Clerk)**
- 3.3 Report Out of Closed Session from May 26, 2015 (William Galstan, Special Counsel)**
- 3.4 Award of Construction Contract to Wayne E. Swisher Cement Contractor Inc. for the Curb, Gutter and Sidewalk Repair and Reconstruction Project-Capital Improvement Project 153 (Kevin Rohani, Public Works Director/City Engineer)**
- 3.5 Adopt a Resolution Acknowledging the Retirement of K-9 Oleg and Approving a Conveyance Agreement with David Riddle (Dan Gomez, Chief of Police)**

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

4.0 PUBLIC HEARINGS

Oakley City Council

- 4.1 4700 Main Street Retail and Self-Storage- Conditional Use Permit (CUP 01-15) and Design Review (DR 02-15) for the Construction of a New Retail and Self-Storage Project on a Site Located at 4700 Main Street. APN: 033-240-004 (Joshua McMurray, Planning Manager)**

Planning Manager Joshua McMurray presented the staff report.

Vice Mayor Romick inquired how the proposed project could be made more compatible with the design of nearby existing businesses to provide a better transition along Main Street.

Mr. McMurray responded that the color palette could be adjusted to provide a better transition. He added that the proposed landscape will help as well.

Councilmember Perry inquired how many other three-story buildings exist in the City, if there is tenant interest in the commercial space and if there is a need for a storage facility.

Mr. McMurray responded that a tri-level is most commonly seen in residential; however, the Oakley Municipal Code allows for it in commercial structures.

Applicant Michael Conley of Claremont Homes, Inc. responded that the property has not been marketed yet, but that Claremont Homes, Inc. developed a similar project on Sand Creek Road in Brentwood and it is 97% occupied. He added that other local facilities are also highly occupied and that this location is ideal to accommodate storage needs for the housing development that will occur on East Cypress Road and it is highly visible which should attract a strong tenant.

Councilmember Higgins expressed concern regarding the detention basin becoming a safety hazard.

Mr. McMurray explained the detention basin is designed to store water for a short period of time until it is infiltrated; therefore, there should not be a pond formation or safety hazard.

Online Comment Forms

No online comment forms were submitted for Item 4.1.

Public Comment Card

No public comment cards were submitted for Item 4.1.

A letter dated June 8, 2015 was submitted by Contra Costa County Flood Control to Mr. McMurray which was provided to the Oakley City Council and made part of the meeting record.

It was moved by Vice Mayor Romick and seconded by Councilmember Pope to adopt the resolution as modified to include a condition of approval requiring the color palette to be more compatible with nearby existing commercial structures. Motion was unanimous and so ordered. (5-0)

4.2 3920 and 3980 Empire Avenue Preliminary General Plan Amendment (PA 01-15) (Joshua McMurray, Planning Manager)

This is a work session on a request by Roy and Erica Pantle (c/o Todd Fujinaga) ("Applicant") to discuss the merits of a potential project regarding amending the General Plan land use designation from "Single-Family Residential, Medium Density" (3.8 dwelling units per acre maximum density) to "Commercial" (to allow for commercial land uses) for the purposes of rezoning the property from the Single-Family Residential (R-10) District to the General Commercial (C) District. In addition to the General Plan Amendment and Rezone, the applicants would propose, in partnership with 7-11 Inc., a new gas station and convenience store which would also require a Conditional Use Permit and Design Review.

Planning Manager Joshua McMurray presented the staff report.

Councilmember Perry inquired how close the neighborhood homes are in proximity to the Pantle property, the impact traffic and crime could have on the property values, if the Contra Costa Water District (CCWD) property nearby is also being rezoned, if there are other commercial options available on the property, and how many police calls are received for gas stations and convenient stores in Oakley.

Mr. McMurray responded that the homes are approximately 80 feet from the single-family subdivision, a CEQA study would have to be done to determine the impacts for mitigation, gas stations and traffic do not typically trigger an EIR, if the property remains zoned as residential approximately 13 homes could be built but would also not trigger an EIR, and CCWD is in contract to sell a portion of its property for commercial use which will be reviewed by the City Council at a future date in the same manner as this project.

Kevin Sakimoto, consultant for the applicants, added there has been a lot of interest from gas stations, drug stores and fast food businesses to develop a portion of the property; however, 7-11 is the only business willing to develop the entire site.

Chief Gomez responded to Councilmember Perry's inquiry about police calls. He commented there have been very minor petty theft issues at gas stations and convenience stores which can be mitigated with lighting and security.

Vice Mayor Romick commented the property was always intended to be commercial and that homes built on the property would be undesirable due to traffic and noise.

Mayor Hardcastle inquired if noise impacts would be mitigated if the property is zoned commercial.

Mr. McMurray explained that an 8-foot sound wall is being proposed and a noise study and environmental review would occur prior to design review.

Special Counsel William Galstan suggested the City Council may wish to provide direction to the applicant as the application process is expensive and time consuming.

Councilmember Pope commented that the adjacent neighborhood likely never anticipated the Pantle property would be commercial, a gas station is needed, but at another location, and he is not in favor of rezoning it to commercial.

Councilmember Perry commented that the adjacent neighborhood homeowners purchased their properties with knowledge that the Pantle property was zoned residential and that a gas station is needed on Laurel Road, but it may be too close to the neighborhood if placed on the Pantle property and would generate too much traffic. She expressed support for a different type of commercial development, but not a gas station.

Councilmember Higgins expressed that she was torn; a gas station is needed on Laurel Road, but a 7-11 store next to housing is concerning.

Mayor Hardcastle commented that he agrees with Councilmember Pope in that neighboring residents expected the property to be residential when they purchased their homes.

Mr. Sakimoto commented there has been no residential interest in the property. He requested clarification from the City Council whether they opposed any commercial use or just the use being proposed.

Mayor Hardcastle suggested the applicant talk with the neighbors and obtain their consensus.

Mr. Galstan summarized that no action is being taken at this time, that some residents obviously oppose a 7-11 / gas station, the parcel is small for multi-family residential and realistically the parcel may become commercial. He added that the applicant could return with a revised concept and a community meeting is a possible idea to obtain feedback and address concerns of the adjacent neighborhood.

Online Comment Forms

Deborah Rocha opposes the permit of a convenience store/gas station at the corner of Empire Avenue and Laurel Road due to noise, loitering and public nuisance concerns. She requested the City Council consider another type of commercial entity that would be closed and secure at night. She suggested permitting it at the intersection of Laurel Road and Mercedes Lane.

Lynsey Goodrich opposes the permit of a convenience store/gas station at the corner of Empire Avenue and Laurel Road due to safety, loitering and traffic concerns. She also mentioned there is a 7-11 located just down the road on Empire Avenue and Main Street and there are already too many convenience stores and enough gas stations.

Sherry Seat opposes the permit of a convenience store/gas station at the corner of Empire Avenue and Laurel Road due to safety, loitering, traffic and property value concerns. She suggested locating it closer to the freeway on-ramp where it would be more easily accessible and visible from the bypass.

Joan Facca opposes the permit of a convenience store/gas station at the corner of Empire Avenue and Laurel Road due to traffic noise and safety concerns.

Rebecca Farris opposes the permit of a convenience store/gas station at the corner of Empire Avenue and Laurel Road as another 7-11 exists in close proximity. She suggested the City could purchase the property from the Pantle's and plant an oak grove to beautify the property and welcome residents and visitors to the City.

Jan Berg opposes the permit of a convenience store/gas station at the corner of Empire Avenue and Laurel Road due to traffic, noise and safety concerns.

Public Comment Card

Linda Olson commented that she purchased her home knowing that the property next to it was zoned residential, not commercial. She explained that if it is zoned commercial and a 7-11 / gas station is allowed, neighborhood property values will decline and the neighborhood will become a less desirable place to live, affecting families who live in the neighborhood. She opposes the rezone of the property for any commercial use indicating there are other vacant commercial spaces nearby and traffic safety is a concern.

Erica Pantle commented that she was told many years ago by City staff that her parcel was always intended to be commercial and when she purchased the parcel, the CCWD facility, bypass and traffic were not in existence. She added that there is no interest from the neighbors to work with them. She requested the City Council consider rezoning the parcel to commercial.

5.0 REGULAR CALENDAR-None

6.0 REPORTS

6.1 CITY MANAGER

(a) City Manager

City Manager Bryan Montgomery announced the Oakley Film Festival will be held Saturday, June 13 beginning at 7pm in the Oakley Council Chambers, followed by the winners' films being shown on the screen outside in the Civic Center Park before the Movie in the Park, *Malificent*, which begins at dusk. He also announced the car show to be held Saturday, June 20, 10am-2pm in the parking lot at Oakley City Hall.

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 Perry reported that she attended Sabrina's Pizza grand opening, the Taste of Oakley event followed by Movie in the Plaza, the first of three You, Me, We = Oakley! suicide prevention training meetings, and the Freedom High School graduation.

Mayor Hardcastle commented most of the City Council attended the Freedom High School graduation and it was a nice event. He reported that he attended an Eagle Scout ceremony for Zack Allen whom will be entering the U.S. Air Force soon. He thanked the local schools, churches, families and children for the phenomenal job they are doing.

(b) Requests for Future Agendas

There were no requests for future agendas.

7.0 WORK SESSIONS-None

8.0 CLOSED SESSION

Oakley City Council

8.1 PUBLIC EMPLOYMENT (Pursuant to Government Code Section 54957(b)(1))

TITLE: CHIEF OF POLICE

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

Special Counsel William Galstan reported that there was no reportable action.

9.0 ADJOURN

There being no further business, the meeting was adjourned at 8:00p.m.

Respectfully Submitted,

Libby Vreonis
City Clerk