

**Minutes of the Regular Joint Meeting of the Oakley City Council/
Oakley City Council Acting as the Successor Agency to the Oakley
Redevelopment and Special Meeting of the Oakley Public Financing Authority
held
Tuesday, January 24, 2017**

1.0 OPENING MATTERS

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

**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/Oakley Public
Financing Authority**

Mayor Sue Higgins 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 Sue Higgins, Vice Mayor Randy Pope and Councilmembers Doug Hardcastle, Claire Alaura and Kevin Romick were present.

1.2 Pledge of Allegiance to the Flag led by Krista Derryberry Felan, 5th Grade Laurel School Student

Fifth grade Laurel School Student Krista Derryberry Felan led the Pledge of Allegiance.

The City Council thanked her.

**1.3 Proclamation Honoring Girl Scout Gold Award Recipient Kelsey Chapman,
Girl Scout Troop 31612 (Mayor Higgins)**

Item 1.3 was removed from the agenda and will be presented at a later date.

1.4 Introduction of New Police Officers Michael Palmer, Josh Del Prado and Steven Soares (Chris Thorsen, Chief of Police)

Chief of Police Chris Thorsen introduced Officers Michael Palmer, Josh Del Prado and Steven Soares.

City Clerk Libby Vreonis administered a ceremonial oath of office to the officers.

1.5 Presentation Regarding Services Provided by Bay Area Crisis Nursery, Sister Ann Weltz

Sister Ann Weltz, Executive Director of the Bay Area Crisis Nursery, shared information regarding services offered by the Nursery including support to families who have young children and need a safe place for their children to stay during a crisis or for a respite. She mentioned the Nursery has been operating for 35 years with the help of volunteers and services are free, voluntary, confidential, and independent of any government programs. She provided brochures and her contact information.

The City Council thanked her.

1.6 Presentation by Bill Iannaccone Regarding the Oakley Delta Lions Club

Bill Iannaccone with the Oakley Delta Lions Club shared information regarding services offered by the Lions Club locally, nationally and internationally. He mentioned the Lions volunteer for many community events and its focus is to provide free or low-cost vision services through community partnerships. He provided brochures, membership applications and a handout of the "Top Ten Reasons to Become a Lions Club [Member]".

The City Council thanked him.

2.0 PUBLIC COMMENTS

Public Comment Cards

None.

Online Comment Forms

None.

Item 5.2 was heard after Public Comments. The City Council then returned to the Consent Calendar followed by the remainder of the Agenda.

3.0 CONSENT CALENDAR

Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley 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/Oakley Public Financing Authority held January 10, 2017 (Libby Vreonis, City Clerk)

Oakley City Council

- 3.2 Adopt a Resolution Naming the Park Parcel of Subdivision 9033 Located at the Northeast Corner of East Cypress Road and Sellers Avenue, "Delaney Park"
(Kevin Rohani, Director of Public Works/City Engineer)**
- 3.3 Adopt a Resolution Accepting the Teton Road Landscape Improvements Associated with Subdivision 8994, The Reserve at Parklands II, developed by Richmond American Homes of Maryland, Inc., and Beginning the Landscape Maintenance by the City (Kevin Rohani, Director of Public Works/City Engineer)**
- 3.4 Acceptance of City of Oakley Smart City Program Report
(Kevin Rohani, Director of Public Works/City Engineer)**
- 3.5 Adopt a Resolution Approving an Agreement with Siegel & Strain Architects for Architectural Design Services Associated with Capital Improvement Project Number 194-Oakley Recreation Center Project
(Kevin Rohani, Director of Public Works/City Engineer)**

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

- 3.6 Adopt a Resolution Approving a Recognized Obligations Payment Schedule for the Fiscal Year July 2017 to June 2018 (Deborah Sultan, Finance Director)**

Public Comment Cards

None.

Online Comment Forms

None.

It was moved by Councilmember Romick and seconded by Councilmember Hardcastle to approve 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 Making Findings and Amending Oakley Municipal Code Sections 9.1.406 and 9.1.1102 of Article 4 and Article 11 of Chapter 1 of Title 9 of the Oakley Municipal Code, Necessary to Comply with Recent Changes to State Law Regarding Accessory Dwelling Units (ADU's)(RZ 03-16)
(Joshua McMurray, Planning Manager)**

Planning Manager Joshua McMurray presented the staff report.

Councilmember Romick requested Mr. McMurray explain for the audience the reason for the changes to the law.

Mr. McMurray explained the changes affect accessory dwelling units, commonly known as "mother-in-law" units, and are in result of the housing shortage in California. He mentioned the State requires the City to approve permits for smaller units that meet certain requirements. He added not all property in Oakley is eligible as there must be adequate land to meet the required minimum setbacks.

Public Comment Cards

None.

Online Comment Forms

None.

It was moved by Councilmember Romick and seconded by Councilmember Hardcastle to waive the first reading and introduce the ordinance. Motion was unanimous and so ordered.
(5-0)

4.2 Subdivision 9088 ("Cedarwood Subdivision") Tentative Map Extension (TME 05-16) for a project site located at 4192 Live Oak Avenue (APNs 041-030-032, 033 and 046) (Ken Strelo, Senior Planner)

Senior Planner Ken Strelo presented the staff report.

Public Comment Cards

Robert Fierros requested the Council have the applicant revise the map as it has flag lots which do not provide adequate parking for guests; parking overflow would disperse onto Knox Lane. He also commented that he would like to see laterals installed for future sewer and water connection.

Julie Fierros commented the project site is located across from her home and when the subdivision was originally proposed, she, along with other residents, protested the density and design as the surrounding properties are one-story homes with 1-acre (+) lots. She mentioned the density and design will create issues of privacy, traffic, noise, emergency access and overall aesthetics.

Online Comment Forms

None.

Councilmember Hardcastle inquired if the fire department is required to approve the map and if it has approved the map.

Mr. Strelo responded that the fire district has seen the map and approved and it is required to approve the final map and plans.

Vice Mayor Pope commented he does not like flag lots and would not have approved the design if he were on the Council at the time of approval, but to go back on a decision made years ago by the City Council would not prove trustworthy or fair to the applicant. He agreed that the resolution should be amended to require the applicant to acquire the land to the south or make an adjustment at that point to allow for another way of ingress and egress to the subdivision. He suggested staff work with the applicant regarding any adjustments that can be made to the flag lots.

It was moved by Vice Mayor Pope 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 Adopt a Resolution Authorizing the City Manager to Execute a Lease Agreement with Buon Appetito Restaurant for property located at 3070 Main Street, Oakley (Dwayne Dalman, Economic Development Manager)

Economic Development Manager Dwayne Dalman presented the staff report. He mentioned public outreach was provided and staff received some interest; however, there were no new proposals or additional letters of interest submitted. He added that Buon Appetito has proposed a five-year lease with graduated rent and it would be responsible for common area maintenance charges and utilities. He mentioned Buon Appetito has also inquired about a possible lease extension and a lease-free period.

Councilmember Hardcastle requested clarification on the lease-free period.

Mr. Dalman explained that if the City Council approves Buon Appetito as the tenant this evening, Buon Appetito will do a final walk-through at the site and address any improvements to make sure the restaurant is in working condition before its lease term begins in April 2017.

Mayor Higgins requested a correction ("retains") to a type error on paragraph 6 of the lease agreement.

Councilmember Alaura thanked staff for researching her inquiries and following up from the last City Council meeting with public outreach. She commented that she thought the first three proposals were solid, but she was glad the public was able to have input. She mentioned she dined at the Hayward Buon Appetito and she looks forward to it coming to Oakley.

Mr. Dalman reported that he provided information regarding other commercial space in Oakley to all expressing interest in this space.

Vice Mayor Pope commented that free rent and financials were what weighted his decision between the three previous proposals and he is not in favor of providing a lease-free period unless the City is responsible for something that needs to be repaired before it opens.

City Manager Bryan Montgomery commented that the HVAC system and breaker have had some problems so any lease-free period would provide the City time to confirm the building is in good condition before leasing to Buon Appetitio. He added that the Council could approve a 30-day period with the stipulation that any extension would have to be brought back to the City Council for approval.

Public Comment Cards

None.

Online Comment Forms

None.

It was moved by Councilmember Romick and seconded by Mayor Higgins to adopt the resolution approving a lease agreement with Buon Appetitio which will include a 30-day lease-free period prior to the tenant occupying the building and any extensions of such lease-free period would require City Council approval. Motion was unanimous and so ordered.
(5-0)

5.2 Fiscal Year 2016/2017 Second Quarter Capital Improvement Program Update (Kevin Rohani, Director of Public Works/City Engineer)

Director of Public Works/City Engineer Kevin Rohani presented the update.

The City Council had no questions or discussion.

No action was required of the City Council on this item.

Public Comment Cards

None.

Online Comment Forms

None.

5.3 Adopt a Resolution Approving the Citywide Traffic Model Administrative Report and Adopting the Citywide Traffic Model (Kevin Rohani, Director of Public Works/City Engineer)

Billilee Saengchalern presented the staff report.

Councilmember Romick commented that the "F"s shown on the model are at intersections where traffic is going through at regular speed, but where drivers cannot cross or merge into the traffic from side streets. He mentioned traffic is in pretty good shape and while there is some congestion during peak hours, it improves quickly.

Councilmember Alaura inquired how long the data was evaluated.

Ms. Saengchalern responded the traffic counts were taken in September 2015, signal timing and approved projects were incorporated into the study, and the map shared this evening was created in December 2016.

Mayor Higgins inquired what time "one peak hour" was measured.

Ms. Saengchalern responded that normal study time would be between 7am-9am and 4pm-6pm; however, the City extended it from 6:30am-9:30am and 3:30pm-6:30pm to include commute and school traffic.

Public Comment Cards

None.

Online Comment Forms

None.

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

5.4 Adopt a Resolution to Establish a Community Choice Energy Ad-Hoc Advisory Committee (Joshua McMurray, Planning Manager)

Planning Manager Joshua McMurray presented the staff report.

Proposed Committee member Mike Moore mentioned an analysis will be performed to study outreach efforts provided by five cities (El Cerrito, Lafayette, San Pablo, Richmond and Walnut Creek) who use Marin Clean Energy (MCE). He added that outreach will include both commercial and residential and meetings will be held February 15 and March 9; the Committee will invite PG&E and MCE to be present at those meetings.

Councilmember Hardcastle inquired if the Committee is assuming that a community energy choice program will pass and if the Committee will provide both pros and cons as well as cost comparisons when it shares information with the community.

Mr. Moore explained that the Committee supports staff's recommendation as a County-wide program is no longer an option as the County Board of Supervisors has rejected that idea. He mentioned that Oakley is among 14 cities not in a Joint Powers Agreement with MCE and Oakley will be in queue to join with those other cities if it should decide to move forward. He also mentioned that the Committee would share both pros and cons as well as cost comparisons of the MCE program with the community.

Mr. McMurray announced a community wide meeting is tentatively scheduled for April 5. He mentioned the idea is to have the Committee make its recommendation and submit to the City Council for approval on March 14 which would confirm whether or not the April 5 meeting is needed.

Mayor Higgins expressed that she wants to see PG&E at any work sessions.

Mr. Moore replied that all entities involved will be present.

Mayor Higgins inquired if there is a reason to expedite the timeline.

Mr. McMurray explained that MCE is offering no-cost enrollment if the City joins before May 31, 2017.

Councilmember Alaura thanked the proposed Committee members for their continued involvement with the City after graduating from the Leadership Academy. She mentioned she attended a meeting in the City of El Cerrito recently and obtained contact information for some people that may be able to help with questions about outreach to the community which she will pass along to the proposed Committee. She inquired if East Bay Community Energy (EBCE) in Alameda County is an option that will be considered.

Mr. Moore responded that MCE has been running for about six years and EBCE is still in the development stage; therefore, while EBCE will be an option considered, timing may be a factor in the decision-making process.

Mr. McMurray added that the MCE information is more accessible, but the Committee should look at both viable options.

Councilmember Alaura inquired what the process would be to add Committee members.

Mr. McMurray mentioned the resolution would add a list of Committee members.

Councilmember Romick mentioned the Committee will provide another opportunity to provide information to the community and obtain public input. He added that the past six or seven meetings held to discuss the topic were not well attended. He also mentioned that it is important that the Committee does not advocate or dismiss anything.

Vice Mayor Pope commented that outreach is huge and it is important that the Committee take an independent look at the facts it gathers to make its own recommendation. He also mentioned that he would not recommend a committee with more members as committees can become unwieldy when too large; but that meetings will be open to the public and held in accordance with the Brown Act.

Public Comment Cards

None.

Online Comment Forms

Michael Dupray read his comment into the record requesting to serve on the Committee and encouraging the City Council to look at the facts of services offered by MCE (and misrepresentations) and to consider other options such as EBCE or implementing a separate program.

It was moved by Councilmember Romick and seconded by Councilmember Hardcastle to adopt the resolution to establish the Community Choice Energy Ad-Hoc Advisory Committee to include members Yolanda Peña Mendrek, Michael Moore, Jennalee Wilson, Dian Brennan-Mayor and Nicole De La Garza. Motion was unanimous and so ordered. (5-0)

6.0 REPORTS

6.1 CITY MANAGER

(a) City Manager

City Manager Bryan Montgomery announced that residents may utilize "Engage in Oakley" on the City's website to vote on which movies should be played this summer as part of the City's "Movies in the Plaza" series.

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

Vice Mayor Pope shared that the East Contra Costa Fire Board District Board held a closed session discussion last night to decide how to replace the Chief upon his upcoming retirement, both interim and permanently. He announced the next meeting will be held February 6 at the

Brentwood City Hall beginning at 6:30pm and the East County Voters are holding an informational meeting February 23 at the Summerset 4 Development, 1pm-5pm, to engage in finding a funding solution for the Fire District. He encouraged public attendance and support to help the Fire District with finding a solution.

Councilmember Alaura announced she attended the League of California Cities' New Mayors and Council Members Academy where she received training and met and networked with local and statewide members. She added she will take the ideas gained and information learned and try to incorporate it into how she makes her decisions to serve the public.

Councilmember Sue Higgins announced she attended her first Mayors' Conference, a Water Board meeting will be held January 25 at 87 Carol Lane regarding a 4% rate increase, and she met with Congressman McNerney to get an update on items.

(b) Requests for Future Agendas

None.

7.0 WORK SESSION-None

8.0 CLOSED SESSIONS-None

9.0 ADJOURN

There being no further business, the meeting was adjourned at 8:14 p.m.

Respectfully Submitted,

Libby Vreonis
City Clerk