

**Minutes of the Regular Joint Meeting of the Oakley City Council/
Oakley City Council Acting as the Successor Agency to the Oakley
Redevelopment Agency/Oakley Public Financing Authority held
Tuesday, June 13, 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, Councilmembers Claire Alaura, Doug Hardcastle and Kevin Romick were present.

1.2 Pledge of Allegiance to the Flag (Mayor Higgins)

Mayor Higgins led the Pledge of Allegiance.

**1.3 Proclamation Designating June 2017 as Immigrant Heritage Month in Oakley
(You, Me, We=Oakley! Ambassador)**

Mayor Higgins presented the proclamation to You, Me, We = Oakley! Ambassador Luis Ramirez on behalf of the City Council.

Mr. Ramirez thanked the City Council.

**1.4 Proclamations Honoring the Community Choice Energy Citizen Advisory
Committee (Joshua McMurray, Planning Manager)**

Mayor Higgins presented proclamations to Dian Brennan-Mayor, Michael Moore and Rafael Ochoa to honor their work on the Community Choice Energy Citizen Advisory Committee. Yolanda Pena-Mendrek was not in attendance, but was also recognized.

They thanked the City Council.

**1.5 Update from the Oakley Community Library
(Andrea Freyler, Community Library Manager)**

Oakley Community Library Manager Andrea Freyler provided an update to the City Council including information regarding library programs and new hours of operation beginning July 1, 2017. She thanked Arnold Fitzpatrick, Jr. for his service to the Oakley community as Vice President of the Friends of the Library and as the Oakley representative for the Contra Costa Library Commission.

**1.6 Update from the Contra Costa Library Commission
(Arnold Fitzpatrick, Jr., Appointee)**

Contra Costa Library Commission appointee Arnold Fitzpatrick, Jr. provided an update to the City Council regarding the current status of positions on the Commission, the State Library Budget, project Second Chance, grant services provided by the Institute of Museum and Library Services and patronage of the Contra Costa Libraries. He also shared a commentary article written by a Commission member regarding the value of the Libraries and the many services the Libraries offer.

Councilmember Romick thanked Mr. Fitzpatrick for his service.

**1.7 Update from the East Contra Costa Fire Protection District
(Brian Helmick, Interim Fire Chief)**

Interim Fire Chief Brian Helmick provided an update to the City Council including the District's operational report, temporary and long-term funding mechanisms for services and staff retention including a capital replacement plan, pay and benefit issues, transitioning from a 4-station model to a 3-station model, renumbering stations for uniformity within the District, exploring agreements with bordering agencies, new website to provide more transparency including live stream meeting video, and continued work with the cities and County to strategically sustain services. He shared the District was without engines for 5 hours last month due to multiple, simultaneous incidents.

Mayor Higgins inquired if more certification would be provided for paramedics.

Interim Chief Helmick responded that the District is providing some intermediate level emergency medical services, but at this time, the District is not looking to enhance the services due to cost, but to stabilize existing services. He mentioned it is something the District will continue to look at.

Vice Mayor Pope restated Interim Chief Helmick's comment regarding no engines available last month for 5 hours. He commented that 3 stations will do the best they can, but it is still inadequate; there are only 3 engines and 9 firefighters; Oakley is supposed to have 3 stations just within its City boundaries. He mentioned he appreciates Interim Chief Helmick's energy and vigor in the position.

Mayor Higgins thanked Interim Chief Helmick for his update.

1.8 Update from Contra Costa County Animal Services (Steve Burdo, Community & Media Relations Manager)

Contra Costa Animal Services Community & Media Relations Manager Steve Burdo provided an update to the City Council including information on internal department operations, services to Oakley, a rate increase, live releases, transfers, adoptions, updated policies and practices, increased staffing, changes in the process to handle barking dog complaints, increased marketing and public education, return to field program, book buddies program, running dog program, licensed amnesty program, pet retention program, surrendered animals partnership, opportunities and challenges. He encouraged everyone to license and chip their animals before the 4th of July holiday, the time of year that Animal Services sees an increase of animals separating from their owners. He mentioned he will be on Facebook Friday, June 16 to demonstrate and raise awareness regarding how hot and dangerous it can be for animals left in cars during hot temperatures and what to do if someone witnesses it.

Councilmember Alaura thanked Mr. Burdo for his update and inquired how many field officers are dedicated to Oakley and what time they provide service.

Mr. Burdo responded that 2 field officers are assigned to East County (excluding Antioch as it has its own Animal Services division) and the shifts are from 8am-2pm and 3pm-midnight, and there is a sergeant that can go in the field as needed.

Councilmember Alaura inquired about Animal Services returning cats to the fields in which they are found.

Mr. Burdo explained that Animal Services, and through its partnerships with community animal rescue groups, trap cats, have them spayed or neutered, and return them to the location in which they were found.

Councilmember Alaura inquired what residents should do regarding waste or other issues if no one is taking ownership of the cats.

Mr. Burdo shared there are resources available on the Animal Services website which provide deterrents the public can use and residents are always welcome to contact Animal Services to discuss possible relocation.

Councilmember Alaura inquired if law enforcement issues have involved the issue of these cats.

Mr. Burdo responded to his knowledge they have not; usually law enforcement matters involve dog issues when serving a warrant or when a person is detained for a D.U.I. and an animal is in the vehicle.

Mayor Higgins inquired if Animal Services provides free adoption times.

Mr. Burdo shared that through June 18 any adoptions at its Pinole facility are free and at its Martinez facility a \$25 fee would apply. He added that every month Animal Services has some form of animal promotion and always offers a discount for seniors.

2.0 PUBLIC COMMENTS

Public Comment Cards

Liz Elias requested the City Council meeting time be moved to 7pm as people are usually in the middle of dinner or still sitting in traffic at 6:30pm. She inquired if item 5.5 could be discussed earlier on the agenda.

Mayor Higgins thanked Ms. Elias for her comments and explained item 5.5 cannot be moved earlier on the agenda as all of the items before it are of importance to be heard as well.

Robert John Paul Titus Orozco submitted a speaker card before the meeting but was not present when called upon by Mayor Higgins.

Mike Dupray provided information regarding the Contra Costa Transportation Authority Citizen Advisory Committee and welcomed all to attend meetings and visit its website, www.ccta.net.

Ted Medina submitted a speaker card but was not present when called upon by Mayor Higgins.

Online Comment Forms

None.

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 Meeting and Special Meeting of the Oakley Public Financing Authority held May 23, 2017 (Libby Vreonis, City Clerk)

Oakley City Council

3.2 Accept Report Out of Closed Session Memo (Derek Cole, City Attorney)

- 3.3 Adopt a Resolution Approving the Utility Relocation Agreement between the City of Oakley and Western Area Power Administration to Relocate Utility Poles to Accommodate the Laurel Road and Rose Avenue Signalization Project (Kevin Rohani, Director of Public Works/City Engineer)**
- 3.4 Adopt a Resolution Naming the 55 Dedicated Park Acres from the Emerson, Gilbert and Burroughs Families as "Oakley Regional Community Park" (Kevin Rohani, Director of Public Works/City Engineer)**
- 3.5 Adopt a Resolution Approving the Purchase and Installation of a Precast Concrete Restroom Building from CXT, Inc. for Oakley Community Dog Park at Nunn-Wilson Park-Capital Improvement Project Number 197 (Kevin Rohani, Director of Public Works/City Engineer)**
- 3.6 Adopt a Resolution Confirming the Actual Costs for an Emergency Abatement for Property Located at 3563 Main Street (APN 035-121-004) (Troy Edgell, Code Enforcement Manager)**
- 3.7 Waive the First Reading and Introduce an Ordinance to Add Paragraph L to Oakley Municipal Code Section 7.1.102, Dealing with the Fire Code (William Galstan, Special Counsel)**
- 3.8 Adopt a Resolution Authorizing the Purchase of one BMW Motorcycle for the Traffic Enforcement Unit not to Exceed \$28,500 (Chris Thorsen, Chief of Police)**
- 3.9 Adopt a Resolution to Comply with Assembly Bill 2135, the Surplus Land Act (Joshua McMurray, Planning Manager)**
- 3.10 Adopt a Resolution Authorizing the City Manager to Execute a Contract with Sally Swanson Architects Inc., for the Services of an ADA Self-Evaluation and Transition Plan (Nancy Marquez, Human Resources Manager)**

Items 3.1 and 3.10 were pulled for comments.

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

Item 3.1

Vice Mayor Pope abstained from considering item 3.1 as he was not in attendance at the May 23, 2017 City Council meeting.

Public Comment Cards

Paul Seger referred to Liz Elias' comments regarding Item 3.10 on the May 23, 2017 City Council meeting agenda. He mentioned Mayor Higgins had commented that she would like to have a community meeting to discuss the park.

City Manager Bryan Montgomery shared that the design review for the project will be considered by the City Council on July 11 which will provide opportunity for comments.

Mayor Higgins inquired about a website update.

Mr. Montgomery mentioned there is a site plan.

Online Comment Forms

None.

It was moved by Councilmember Romick and seconded by Councilmember Hardcastle to approve Item 3.1. AYES: Alaura, Hardcastle, Higgins, Romick. ABSTENTION: Pope.

Item 3.10

Public Comment Cards

Liz Elias commented that the items should be an open agenda item and it sounds like an item not needing an architect.

City Manager Bryan Montgomery responded that the services are not related to a building or new construction, but rather address an ADA evaluation for areas which the City may need to construct improvements over time to better comply with ADA.

Ms. Elias suggested people who use walkers, wheelchairs, etc. be consulted.

Mr. Montgomery explained it is an expert who will provide the evaluation.

Online Comment Forms

None.

It was moved by Councilmember Romick and seconded by Councilmember Hardcastle to approve Item 3.10. Motion was unanimous and so ordered.

4.0 PUBLIC HEARINGS

Oakley City Council

- 4.1 Consider Confirming the Diagrams and Assessments and Ordering the Levy and Collection of the Annual Assessments for Fiscal Year 2017-2018 for the City of Oakley Street Lighting and Landscape Assessment District No. 1 (Kevin Rohani, Director of Public Works/City Engineer)**

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

Councilmember Romick commented that the amount of fees paid varies across developments throughout the community which is the reason some areas have less landscape than others.

Mr. Rohani explained that as development takes place in the community, parks are much bigger in magnitude and scale, requiring greater maintenance needs; fees address those needs. He added that older, smaller parks typically require less maintenance and fees unless they are completely rebuilt, thus resulting in the difference in costs.

Mayor Higgins inquired if fees from the General Fund would be used to make up any difference needed.

Mr. Rohani responded the Lighting and Landscape District supports itself.

City Manager Bryan Montgomery clarified that the general Fund loans some districts that struggle (\$10,000-\$20,000 approximately), but by law the City cannot move funds between districts.

Councilmember Romick added that the Vintage Parkway neighborhood is a good example of a neighborhood that is without a park and has very little landscaping or funding because it was developed when Oakley was under County control. He explained that was one reason for incorporating as a City; to have control over these matters. He shared that unfortunately, that neighborhood will remain that way because there are no fees to enhance it as it must be self-funded. He further explained that some money from the General Fund may be used to replace landscaping, but the landscape district revenue isn't adequate for enhancement.

Special Counsel William Galstan commented that a standard fee would be ideal; however, the Jarvis-Gannon initiative prohibits fees for general benefit; therefore, cities only have the option to create separate districts resulting in residents paying for benefits within their zones.

Public Comment Cards

None.

Online Comment Forms

None.

It was moved by Councilmember Romick and seconded by Councilmember Hardcastle to approve item 4.1. Motion was unanimous and so ordered.

4.2 Duarte Ranch 9027 Tentative Map Extension (TME 04-17)-Request for a One Year Extension to the Expiration of Tentative Map 9027, Located at the Southeast Corner of Laurel Road and Rose Avenue (Ken Strelo, Senior Planner)

Senior Planner Ken Strelo presented the staff report.

Councilmember Alaura inquired how many phases will the park be implemented.

Mr. Strelo responded that he believes it should be complete by the second phase, but the applicant may wish to comment.

Councilmember Alaura inquired if the second phase would be completed if the one-year extension is granted.

Mr. Strelo explained that it is possible that the first phase may not be completed as the extension sets the date for the Final Map, but not necessarily construction.

Applicant Dick Sestero with Seeno Homes shared that grading is underway for the first and second phases, a sound wall has been constructed, the park site has been upgraded, the park will be built by the end of the first phase and they hope within one year to have both phases recorded. He added model homes will be built on Rose Avenue in the next two months.

Public Comment Cards

None.

Online Comment Forms

None.

It was moved by Councilmember Romick and seconded by Councilmember Hardcastle to approve item 4.2. Motion was unanimous and so ordered.

4.3 Stonewood 3 9183 Tentative Map Extension (TME 05-17)-Request for a Three Year Extension to the Expiration of Tentative Map 9183, Located at the Southeast and Southwest Corners of Carpenter Road/Simoni Ranch Road and Rose Avenue (Ken Strelo, Senior Planner)

Senior Planner Ken Strelo presented the staff report.

Applicant Dick Sestero with Seeno Homes commented that they plan to build 10 lots on the left side of Rose Avenue, they are ready to build a sound wall on Rose Avenue and are working with flood control regarding drainage, and they need more time on the second phase, but the first phase is recorded, pads are graded and utilities are stubbed out to lots. He added they would be appreciative of the extension to proceed.

Public Comment Cards

None.

Online Comment Forms

None.

It was moved by Mayor Higgins and seconded by Councilmember Romick to approve item 4.3. Motion was unanimous and so ordered.

4.4 Shiloh 8975 Tentative Map Extension (TME 06-17)- Request for a One Year Extension to the Expiration of Tentative Map 8975, Located at the Southwest Corner of Main Street and Simoni Ranch Road (Ken Strelo, Senior Planner)

Senior Planner Ken Strelo presented the staff report.

Mayor Higgins commented there is usually a picture to reference.

Mr. Strelo explained he did not prepare Power Point presentations this evening.

Public Comment Cards

John Elias commented he received notification and inquired why some of the rest of his neighborhood was not notified and if the developer is no longer Meritage.

Mr. Strelo explained the City Council approved a larger notification area than required by law, 500' from the project area, and notices were sent to properties owners within that zone, but a large number were returned. He further explained that the mailing labels are obtained through a title company farm report which provides the mailing address of each property owner. He commented the developer is no longer Meritage; it is now Calendev, LLC.

Liz Elias commented the existing infrastructure is insufficient with school traffic and no notice was provided with the initial map approval; the letter of the law is not in the spirit of the law and the effects will reach farther.

Online Comment Forms

None.

Councilmember Hardcastle inquired if staff uses a service to notify residents.

Mr. Strelo explained it is a title company farm report which is most accurate.

Mayor Higgins requested clarification that the extension to the map is being considered tonight, not the infrastructure.

Mr. Strelo confirmed her understanding is correct.

It was moved by Councilmember Hardcastle and seconded by Vice Mayor Pope to approve item 4.4. Motion was unanimous and so ordered.

4.5 4700 Main Street U-Haul Conditional Use Permit (CUP 05-17)-Conditional Use Permit to establish a U-Haul Rental Business at the Future Retail and Self-Storage Project that is Currently under Construction on a Site Located at 4700 Main Street. APN 033-240-004 (Joshua McMurray, Planning Manager)

Planning Manager Joshua McMurray presented the staff report. He noted that staff would like to add after "U-Haul" on the resolution under Site Plan, "Pick-up Truck vehicles".

Councilmember Alaura inquired if it is necessary to have two pick-up trucks for advertising or if one is sufficient.

Mr. McMurray responded that the applicant may best advise; however, two seem appropriate as there are two parking spaces, the area is landscaped, and they will be visible, but not highly visible.

Councilmember Hardcastle inquired which office building they would be using.

Mr. McMurray responded that they would be using the self-storage office.

Applicant Mike Conley with Claremont Homes, Inc. mentioned they use two vehicles for advertising at their Brentwood facility and are hoping to do the same in Oakley.

Councilmember Hardcastle inquired if ½ ton trucks or ¾ ton trucks would be used.

Mr. Conley confirmed they would be ¾ ton trucks.

Public Comment Cards

Liz Elias commented there is an existing U-Haul business at Main Street and E. Bolton. She inquired if this is the same company or in addition to the existing business, and if the latter, how many are needed in the City. She commented Oakley is not honoring its agricultural history.

Online Comment Forms

None.

Vice Mayor Pope commented he appreciates not having big box trucks out front and explained the building will have an attractive front with retail space or shops and restaurants. He shared that he recently had the same inquiry as Ms. Elias and learned that there is a great need for

storage facilities which he supports here as it is being done in an attractive manner that will provide other retail opportunity.

It was moved by Vice Mayor Pope and seconded by Councilmember Hardcastle to adopt the resolution. Motion was unanimous and so ordered.

4.6 Waive the First Reading and Introduce an Ordinance Repealing and Reenacting Section 9.1.1230 and Repealing and Reenacting Chapter 12 of Title 4 of the Oakley Municipal Code Regarding the Cultivation, Delivery and Sale of Marijuana within City Limits. The proposed Ordinance suggests prohibiting outdoor cultivation, marijuana dispensaries and deliveries of marijuana, and regulating indoor cultivation of marijuana, including fully enclosed structures, within the City of Oakley. (Derek Cole, City Attorney)

Special Counsel William Galstan presented the staff report. He proposed an amendment to the ordinance regarding deliveries.

Councilmember Alaura requested clarification if the discussion only concerns recreational marijuana use.

Mr. Galstan responded that dispensaries can now sell both recreational and medicinal marijuana.

Councilmember Romick requested the amendment to the ordinance regarding deliveries be more specific. He expressed concern with deliveries to recreational users as opposed to medicinal users.

Mr. Galstan shared that the idea would be to avoid dispensaries and use a mail carrier for general deliveries.

Councilmember Alaura expressed concern that the amendment could create a loophole if dispensaries also sell general merchandise; as written, they may qualify to deliver.

Mr. Galstan commented the City Council could consider adopting the proposed amendment language and it could be amended later if needed.

City Manager Bryan Montgomery suggested staff could clarify domestic shipping service.

Councilmember Hardcastle commented he didn't want to overstep bounds with regard to what the United State Postal Service allows.

Mr. Montgomery added they have their own regulations.

Councilmember Romick suggested it could be more specific as to whom may deliver.

Public Comment Cards

Liz Elias commented there seems to be a problem with the attitude toward marijuana. She shared there are medicinal benefits, outdoor grow is more cost effective, and it is legal now.

Councilmember Hardcastle suggested a greenhouse can be put up outside if outdoor grow is preferred.

Ms. Elias explained greenhouses are too expensive.

Amarae Sansing commented she is in chronic pain from injuries sustained on a previous job and cannabis relieves her pain. She mentioned she relies on a delivery service and she would also like to grow it, but indoor growth is too expensive. She mentioned it is not legal to ship marijuana under the Federal Control Substances Act; therefore, delivery services are the best way to go.

Brian Elliff commented it was news to him that the City Council was to consider deliveries. He mentioned allowing marijuana will open up grant funding which is available to jurisdictions welcoming marijuana and the fire district needs help with funding which marijuana could also provide. He also mentioned it would be foolish not to go in the same direction as the County.

Paul Seger mentioned it was two years ago, prior to State law, when marijuana was discussed and the City Council took an aggressive approach with a complete ban. He commented some of the language discussed, i.e. how far grow should be from fences, and how it should be contained was progressive. He mentioned the people who really need marijuana often do not have the money to fund growing it; therefore, it would be more compassionate to allow deliveries as has been done for a very long time in Oakley before making it illegal. He shared that his next-door neighbors were growing it and he didn't even know because it was away from his fence line and there were materials around it. He suggested a good neighbor policy as it only produces one month out of the year.

Carole Edwards commented that she is the face of someone who uses marijuana as an alternative to prescribed pain medication to manage pain from her surgeries; someone people wouldn't perceive as a marijuana user. She mentioned people don't want to travel to other distant cities, i.e. Oakland or Stockton, to purchase marijuana; it costs money. She explained Federal law prohibits using the mail service for delivery. She requested the City Council show compassion and consider allowing delivery.

John Elias commented he is a Veteran and cannabis user to help with PTSD. He shared that marijuana helps saves lives as many Veterans with the same disorder commit suicide.

John Amie shared he uses marijuana to avoid opioide pain medication for health related issues and can only relate to marijuana for medicinal purposes. He commented the

ordinance will not inhibit the flow of marijuana to Oakley from other cities as people can drive to other cities to obtain it. He mentioned there is no local access to medical marijuana because it cannot be obtained at a pharmacy or by mail like other medical prescriptions. He added if it is in commerce, Oakley could benefit from it as a tax revenue resource. He recommended removing the fourth bullet point and Section 4.12.108 and requested the City Council consider allowing deliveries in Oakley.

Online Comment Forms

Richard Paniagua commented marijuana has helped his sister who battles cancer and delivery services have provided quality marijuana with compassion, helping people who are immobile, at lower cost than spending money to travel to get it. He shared that there are many forms of cannabis, including CBD which is a non-psychosis form that provides many benefits.

John Amie requested to speak (comments supra).

Councilmember Romick commented that he has compassion for people who are in pain and need marijuana for medicinal purposes but he is struggling with providing deliveries to people who would use it solely for recreational purposes.

Councilmember Hardcastle inquired if medicinal use and recreational use can be distinguished for deliveries.

Mr. Galstan explained that it may be difficult for staff to determine. He added that the ordinance would set a standard for Oakley, but from an enforcement standpoint, the City would likely only become involved if the City is contacted. He mentioned that options could include eliminating Section 108 entirely to allow deliveries or wording changes to include a shipping service that delivers general merchandise.

Mr. Montgomery shared that the ordinance provides a tool for enforcement, but if taken away, deliveries will be allowed even if they were causing problems. He mentioned it could always be revised later.

Vice Mayor Pope commented that most speakers referred to medicinal use and he is struggling with mechanisms that integrate recreational use as he sees it moving toward what alcohol use is today. He added that he doesn't want marijuana deliveries; they are easy to target and there are robberies and injuries caused to innocent people. He commented he is okay with relaxing a total prohibition on deliveries, but the delivery service needs to be bona fide, safe for the person receiving delivery, and there should be a requirement that an adult must be home to receive the delivery, and that the delivery be received and not just left on the porch.

Councilmember Hardcastle commented an adult signature should be required.

Councilmember Romick commented that Federal law prohibits delivery and there is no practical way to enforce the delivery portion of the ordinance. He expressed preference for no mention of marijuana on any delivery vehicles and requiring an adult signature to receive a delivery.

Mr. Montgomery commented that enforcement is possible only if it is illegal to deliver and staff can look at more ideas from other cities' ordinances and bring back the delivery portion at a later date.

Mayor Higgins suggested to work on it more and reminded all the code is complaint driven.

It was moved by Vice Mayor Pope and seconded by Councilmember Hardcastle to strike Section 4.12.108 from the ordinance and approve the remainder. Motion was unanimous and so ordered.

Mayor Higgins called for a five minute recess. A five minute recess was taken and the meeting continued.

5.0 REGULAR CALENDAR

Oakley City Council

5.1 Adopt a Resolution Accepting the Bid from Kimball Associates, Inc. to Purchase .23 Acres of Real Property Located in Downtown Oakley, North of Main Street and East of Oakley Plaza, (known as APN 037-160-006 and 037-160-007) (Dwayne Dalman, Economic Development Manager)

Economic Development Manager Dwayne Dalman presented the staff report.

Councilmember Hardcastle inquired if only the sale agreement was being reviewed tonight and not a parking agreement.

Mr. Dalman explained a parking agreement will be reviewed simultaneously with the sale agreement as the parking lot must be negotiated at the same time.

Councilmember Hardcastle inquired how that works.

Mr. Dalman explained only the bid is being considered tonight, but it then would allow the sale agreement and a parking agreement to be negotiated and brought back to the City Council.

The City Council and staff reviewed the total number of parking spaces in the shared parking lot and spaces that would be needed for the purchase area.

Public Comment Cards

None.

Online Comment Forms

None.

It was moved by Councilmember Romick and seconded by Councilmember Hardcastle to approve item 5.1. Motion was unanimous and so ordered.

5.2 Adopt a Resolution Appointing a Member to Represent the City of Oakley on the East Contra Costa Fire Protection District Board (Libby Vreonis, City Clerk)

City Clerk Libby Vreonis presented the staff report.

The City Council interviewed applicants Susan Morgan, Thomas Johnson and Jerry Pargett.

Public Comment Cards

None.

Online Comment Forms

None.

It was moved by Vice Mayor Pope and seconded by Councilmember Hardcastle to appoint Thomas Johnson to the East Contra Costa Fire Protection District Board. Motion was unanimous and so ordered.

**5.3 Adopt a Resolution Regarding Amendments to the City's Compensation Policy, and Approval of 2017-2018 Compensation and Benefits Program, and Employee Salary Ranges for Fiscal Year 2017-2018
(Nancy Marquez, Assistant to the City Manager/HR Manager)**

Assistant to the City Manager Nancy Marquez presented the staff report.

Mayor Higgins orally reported a summary and recommendation of final action on the amendments to the City's Compensation Policy, 2017-2018 Compensation & Benefits Program and Employee Salary Ranges for the Fiscal Year 2017-2018.

Vice Mayor Pope requested clarification if an employee who moves to the midpoint of the salary range after 5 years of service would be a one-time act.

Ms. Marquez explained it would happen upon the person reaching the five-year anniversary of employment in that position.

Vice Mayor Pope inquired how many employees would it include.

Ms. Marquez responded that it would be 7-8 employees.

Vice Mayor Pope inquired if the employees are not meeting the midpoint range because they have not been meeting merit increase requirements.

Ms. Marquez confirmed it was not for that reason; it is because the salary ranges for the comparable cities continues to move.

Vice Mayor Pope inquired if he understands correctly Oakley employees are not performing less than exceptionally; the salary differences with comparable cities is because the same classifications are getting raises faster.

City Manager Bryan Montgomery commented that the salary ranges move so these affected Oakley employees never move ahead in the range, but are deserving of it.

Councilmember Romick commented that Team Oakley is exceptional and the merit increase is well-deserved; if an employee is not performing to standard, he or she is no longer here.

Public Comment Cards

None.

Online Comment Forms

None.

It was moved by Councilmember Romick and seconded by Councilmember Alaura to approve item 5.3. Motion was unanimous and so ordered.

5.4 Adopt a Resolution Authorizing the City Manager to Execute Amendments to the Memorandum of Understanding with the Oakley Police Officers Association (Bryan Montgomery, City Manager)

City Manager Bryan Montgomery presented the staff report.

The City Council had no comments, questions or discussion.

Public Comment Cards

None.

Online Comment Forms

None.

It was moved by Councilmember Hardcastle and seconded by Mayor Higgins to approve item 5.4. Motion was unanimous and so ordered.

5.5 Approve a Resolution Adopting the FY 2017-2018 Recommended Budget, Statement of Financial Policies, Appropriations Limit and 5-Year Capital Improvement Program (CIP) for Fiscal Years 2017-2018 through 2021-2022 and Making Findings Related Thereto (Deborah Sultan, Finance Director and Kevin Rohani, Director of Public Works/City Engineer)

Finance Director Deborah Sultan and Director of Public Works/City Engineer Kevin Rohani presented the staff report.

Vice Mayor Pope commented the budget was out in April and on the web in May.

Ms. Sultan confirmed it was discussed at the Strategic Planning meeting held April 18 and has been available in the City's lobby and on the website for public review since then. She mentioned a workshop was held May 23.

Vice Mayor Pope commented he had trouble finding it on the website.

City Manager Bryan Montgomery mentioned the agenda is emailed and a City Council meeting de-brief is emailed to thousands of residents who have signed up; residents had plenty of time to ask questions.

Assistant to the City Manager Nancy Marquez confirmed it is about 4,000 emails that are sent.

Councilmember Romick commented if Mr. Seger had not prompted people on Facebook he is not certain that the few people here would be commenting; he is glad people became aware and IT can help in the future to make it easier to find on the City's home webpage.

Public Comment Cards

Paul Seger commented that a lot of people contacted him and did not see the full budget available online. He requested moving the item to the next meeting to provide more time for community review. He shared concern with large capital outlays and increases in revenues.

Councilmember Hardcastle asked Mr. Seger what his number one question is.

Mr. Seger responded that initially \$4 million was provided as the General Fund amount needed for parks and now believes it has grown to \$10 million; therefore he has questions and concerns.

Liz Elias commented the process is not transparent; she could not find the budget on the website, citizens deserve enough time to review, it should be posted clearly where to find it on the web, and it is being discussed late in the agenda where many people have left the meeting.

John Elias submitted a comment card requesting a citizens' oversight committee on budget and planning.

Mr. Montgomery mentioned he is available to anyone with questions and Mr. Seger and Ms. Elias know how to contact him.

Online Comment Forms

Liz Elias provided comments (supra).

John Amie requested a delay until June 27 to allow adequate time for the community to respond.

Nancy DCruz, Lu Kovalick, Nichole Perreira-Romiti and Wilton Alderman requested the item be tabled until June 27 to allow time for public review.

It was moved by Councilmember Romick and seconded by Councilmember Hardcastle to approve item 5.5. Motion was unanimous and so ordered.

5.6 Adopt a Resolution Continuing the City's Development Fee Incentive Program for an Additional Year (Dwayne Dalman, Economic Development Manager)

Economic Development Manager Dwayne Dalman presented the staff report.

Councilmember Romick commented it is a great idea to be seen as a business-friendly community and viable.

Councilmember Hardcastle inquired how Oakley compares to other cities.

City Manager Bryan Montgomery responded that Oakley is similar but the utility connection fees may differ.

Vice Mayor Pope asked at what point an applicant qualifies and at what point an applicant disqualifies.

Mr. Dalman shared that if a building permit is pulled during the process but expires, the applicant would have to pay the regular permit fee and development fees that were previously reduced.

Vice Mayor Pope asked if it could be made more clear.

Mr. Dalman suggested he could add the date of 6/30/18 to make it clearer.

Councilmember Romick asked if that meant pulling the permit and starting construction.

Mr. Montgomery explained it is only the permit.

Councilmember Hardcastle commented that construction should start by then. Mr. Montgomery explained that was not what the Council decided.

Councilmember Alaura inquired what happens if someone pulls a permit in May.

Councilmember Romick responded the date would remain the same.

Public Comment Cards

None.

Online Comment Forms

None.

It was moved by Vice Mayor Pope and seconded by Councilmember Hardcastle to adopt the resolution with language included that the applicant must pull the permit and start the project by June 30, 2018. Motion was unanimous and so ordered.

6.0 REPORTS

6.1 CITY MANAGER

(a) City Manager

City Manager Bryan Montgomery complimented staff regarding the Memorial Day celebration. He announced the City will host its "Movie in the Plaza" event this Saturday at dusk and the Cityhood Celebration will be held Saturday, July 1 at the Freedom High School Basin.

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 announced the next Habitat Conservancy meeting will be held on June 26 in Pittsburg.

Councilmember Romick reported on an update provided by Restore the Delta regarding the Twin Tunnel Project. He mentioned if it passes it could cause a lot of damage which would not be good for Oakley.

Councilmember Alaura reported she attended the Public Works Open House and there is interest from Gehringer Elementary teachers how they might participate in the future and it would be great to continue the program and eventually extend it to all schools. She also

reported she attended a Diablo Water District (DWD) meeting and discussed a spike in water usage and budget matters. She announced DWD will hold a public meeting to discuss a 5% increase for well-water users, DWD is introducing a new pay online system and it is still coming up with a final artist rendering for its new logo. She also reported she attended an Ironhouse Sanitary District meeting where the recycling water program was discussed and it will hold a barbeque on June 10. She shared she attended the Memorial Day celebration and Freedom High School graduation.

(b) Requests for Future Agendas

Councilmember Alaura requested staff look into the possibility of adding a parade to the Holiday Tree Lighting event in December. She offered to assist with a committee.

7.0 WORK SESSIONS-None

8.0 CLOSED SESSION

Oakley City Council

**8.1 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(d)(1)**

***City of Oakley v. Shea Homes, a limited partnership
Contra Costa Superior Court Case No. MSC16-00439***

**8.2 CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION-
SIGNIFICANT EXPOSURE TO LITIGATION
Pursuant to Government Code Section 54956.9(d)(2). One potential case.**

8.3 Report Out of Closed Session (Derek Cole, City Attorney)

No action was taken and direction was provided to staff.

9.0 ADJOURN

There being no further business, the meeting was adjourned at 11:04 p.m.

Respectfully Submitted,

Libby Vreonis
City Clerk