

**Minutes of the Regular Joint Meeting of the Oakley City Council/
Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency
and Special Meeting of the Oakley Public Financing Authority held
Tuesday, June 27, 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 Claire Alaura, Doug Hardcastle and Kevin Romick were present.

1.2 Flag Dedication Ceremony and Pledge of Allegiance by the Veterans of Oakley

Mayor Higgins announced the Veterans of Oakley will be performing a flag dedication ceremony. She shared that the flags are a gift from her and her siblings.

The Veterans of Oakley performed a flag dedication ceremony and led the Pledge of Allegiance.

1.3 Introduction of K-9 Officer Koda

Police Chief Chris Thorsen introduced K-9 Officer Koda led by his handler, Officer Del Prado.

1.4 Update from Contra Costa County Supervisor Diane Burgis

Contra Costa County Supervisor Diane Burgis provided an update to the Oakley City Council, including information regarding the Northern Waterfront Economic Development Initiative, involving local non-profit organizations to provide more support where local agencies cannot, an overview of the Contra Costa Grand Jury Report regarding the East Contra Costa County Fire Protection District, distribution of handouts in Bethel Island and other areas to provide notice that fireworks are illegal in Contra Costa County, information regarding the District Attorney selection process, and feedback regarding the Delta Stewardship Council meeting and Twin Tunnels Project. She shared that it is her priority to have more presence and interaction in the cities and that her office is a resource. She introduced her Field Representative, Dawn Morrow.

2.0 PUBLIC COMMENTS

Public Comment Cards

Tito Orozco commented that pedestrian crossing is a safety concern and proposed that violators be fined \$500 for the first offense, \$1000 for the second offense and have their Driver's License suspended for 3-6 months for a third offense. He mentioned he was told the intersection of Davis Lane and Douglas Avenue near Gehringer Elementary is unsafe for children and other pedestrians. He commented Police Chief Chris Thorsen has been working with him to address homelessness and Thorsen is an asset to Oakley.

Juli DelBarba requested a future agenda item to address her project on Main Street so that both parties may move forward in a successful manner by working collaboratively.

City Manager Bryan Montgomery commented that staff has indicated clearly to Ms. DelBarba that she needs to complete the development application like all other applicants for it to be placed on the agenda.

Ms. DelBarba indicated it will cost her approximately \$2,000 to go through the process as the City indicates and she believes the City Council needs to hear her concerns, including the purchase and sale agreement, to avoid future litigation.

Vice Mayor Pope suggested the Downtown Ad-Hoc Committee could review her concerns to clarify information that the City Council may not have.

Mr. Montgomery commented the sub-committee could review her concerns, but ultimately the City Council would hear the item because the development agreement is a public process and there is a cost for that public process. He added that the City Engineer has already spent 40-60 hours in staff time discussing Ms. DelBarba's concerns and they have yet to find common ground. He mentioned staff will schedule a time for the sub-committee to meet with Ms. DelBarba, but that the matter would need a formal application to come back to the City Council.

Liz Elias commented that it is unfair for businesses along Main Street to pay to pave their back lots near the new parking lot when their businesses have been inconvenienced by City construction. She mentioned the City should pave the lots behind the Scheer and Oakley Chiropractor businesses. She also commented that street sweeping is insufficient, creating dust, and she wants to see improvement.

Mr. Montgomery responded that water is used by the street sweeping truck to reduce dust and services areas in town except streets with dirt shoulders.

Vice Mayor Pope mentioned street sweeping services are to assist with preventing storm water drains from becoming clogged; if there is no drain, there may be no service. He requested staff follow up with the contractor to confirm.

Mr. Montgomery added that the truck may have to knife in and out between cars on narrow streets and perhaps it could have been in that instance where the water was not on, but staff will follow up.

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/Oakley Public Financing Authority Meeting held June 13, 2017 (Libby Vreonis, City Clerk)**

Oakley City Council

- 3.2 Accept Report Out of Closed Session Memo (Derek P. Cole, City Attorney)**
- 3.3 Waive the Second Reading and Adopt an Ordinance to Add Paragraph L to Oakley Municipal Code Section 7.1.102 Dealing with the Fire Code (William Galstan, Special Counsel)**
- 3.4 Adopt a Resolution Confirming Costs for Abatements of Mandatory Subscriptions for Garbage Service and Directing Special Assessments and Liens Upon Each Parcel (Troy Edgell, Code Enforcement Manager)**
- 3.5 Adopt a Resolution Accepting Work Associated with Grading and Earthwork for the Athletic Field Portion of Capital Improvement Project Number 194-Oakley Recreation Center Project (Kevin Rohani, Director of Public Works/City Engineer)**
- 3.6 Adopt a Resolution Authorizing the Payment of an Administrative Fee for the East Contra Costa County Habitat Conservation Plan / Natural Community Conservation Plan (HCP/NCCP) for Capital Improvement Project Number 194-Oakley Recreation Center Project (Kevin Rohani, Director of Public Works/City Engineer)**
- 3.7 Adopt a Resolution Approving Contract Amendment #1 with F.J. Kennedy and Associates, Inc. (Kennedy and Associates) for On-Call Consultant Services Related to the Clean Water Program, City Surveyor and Current Development Engineering and Inspection Services (Kevin Rohani, Director of Public Works/City Engineer)**
- 3.8 Adopt a Resolution Appointing a Representative and an Alternate to the Contra Costa Library Commission for a Two-Year Term (July 1, 2017 through June 30, 2019) (Libby Vreonis, City Clerk)**

Mayor Higgins announced online public comments were received for items 3.4 and 3.5 which will be made part of the record.

Item 3.5 was pulled for discussion.

It was moved by Councilmember Romick and seconded by Councilmember Alaura to approve the remainder of the Consent Calendar. Motion was unanimous and so ordered.

Item 3.4

Public Comment Cards

None.

Online Comment Forms

Liz Elias requested the item be removed from the Consent Calendar and suggested the 9 properties be interviewed on a case-by-case basis, and if a public nuisance exists, to enforce the ordinance as presented. She mentioned there are some people who responsibly take care of waste on their own and it would be unnecessarily unfair and punitive to force garbage subscription and pay for a service they do not need or use. She suggested writing such exemption into the ordinance.

Item 3.5

Public Comment Cards

Paul Seger indicated that someone sent him an email between Mayor Higgins and Mr. Montgomery in which Mr. Montgomery mentions in the email that he has mentioned to Mr. Seger a number of times that he is available to discuss the site but Mr. Seger has not reached out to him. He added that Mr. Montgomery mentioned in the email that an equestrian area and garden were Mr. Seger's desire. He clarified that an equestrian area is not shown on the map and the map was developed by a group, not just himself. He expressed disappointment with Mayor Higgins in that he believes she commented previously at the farm area that a 1-acre farm was not enough. He added that the farm was to be used to assist Veterans, disabled and fixed-income residents and he does not understand how the City Council would not support this use. He expressed the process is criminal in nature and he believes he is getting a snow job regarding the Ad-Hoc Parks Committee. He indicated no one is taking responsibility for no one showing up to meetings and the burden of proof is on the City Council to prove it provided public outreach.

Online Comment Forms

Liz Elias commented that proper and legal procedure was not followed on this project and work plans should be immediately halted, the project tabled, and begun afresh following legal policy, citing Oakley General Plan 7.1 and Parks and Recreation 7.7.1. She added City Policy is law, not merely a suggestion.

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

4.0 PUBLIC HEARING

Oakley City Council

4.1 Waive the Second Reading and Adopt 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 and Sale of Marijuana within City Limits. The proposed Ordinance suggests prohibiting outdoor cultivation, marijuana dispensaries, 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 mentioned that following the last meeting, staff learned the legislature is considering a bill that would address deliveries which staff will continue to monitor.

Public Comment Cards

Liz Elias commented she was outraged with the discussion last meeting, referring to what she believes was the City Council's disregard of public testimony of medicinal benefits of marijuana and ludicrous arguments that came across as uneducated comments. She expressed the numbers of people who showed up and spoke at the meeting as well as and online comments should be extrapolated as they likely represent the same opinion upward of a thousand other people. She mentioned California legalized marijuana; the City should be support it.

Online Comment Forms

None.

It was moved by Vice Mayor Pope and seconded by Councilmember Romick to waive the second reading and adopt the ordinance. Motion was unanimous and so ordered.

5.0 REGULAR CALENDAR

Oakley City Council

5.1 Adopt a Resolution Authorizing Participation in the Public Agencies Post-Employment Benefits Trust Program to be Administered by Public Agency Retirement Services ("PARS") with U.S. Bank as Trustee and Authorizing the City Manager to Negotiate, Execute and Administer Documents to Implement the Program (Deborah Sultan, Finance Director)

Finance Director Deborah Sultan presented the staff report.

Councilmember Alaura inquired if there are any other companies that can provide the same service.

Ms. Sultan responded that there is one other agency she is aware of, but 82 other agencies have gone with this agency and this agency has received an I.R.S. Private Letter Ruling confirming its Section 115 Trust fund can be used to pre-fund pension liabilities.

Councilmember Alaura inquired what the difference is between investing with PARS and investing directly with banking institutions.

Ms. Sultan explained that PARS has an investment advisory company to assist with making financial decisions; if the City invested directly with banking institutions, someone with investment knowledge would need to make those decisions for the City.

Councilmember Hardcastle inquired how often staff will meet with the investment advisors and if regular portfolio updates are provided.

Ms. Sultan responded that after the initial investment, staff will be provided monthly reconciliation reports and portfolio updates at least once or twice a year.

Vice Mayor Pope inquired how often the City can change its investment portfolio. He mentioned he might prefer a slightly more aggressive fund to reduce the margin. He commented he likes the idea and CalPERS continues to lower the discount rate resulting in more money that the City has to pay.

City Manager Bryan Montgomery commented that it is likely at least annually, but staff will follow up to confirm the frequency that the City may consider changing its portfolio.

Ms. Sultan added that there is current discussion that CalPERS may not be done with lowering discount rates.

Councilmember Romick commented that this is a positive move to reduce unfunded liabilities so the City moves in a positive direction and does not face the financial issues other cities have experienced with unfunded pensions. He added that CalPERS has always overestimated what it will earn so this is a good way to maintain control.

Mayor Higgins thanked Ms. Sultan for her work.

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

6.0 REPORTS

6.1 CITY MANAGER

(a) City Manager

City Manager Bryan Montgomery invited everyone to attend the Cityhood celebration at the Freedom High School Basin beginning at 6pm Saturday, July 1. He commented that fireworks, even safe and sane fireworks, are illegal in Contra Costa County and while the City cannot respond to every call, he mentioned residents may anonymously report any illegal activity to the City which will allow the City to reach out face-to-face with violators. He explained that illegal fireworks adversely impact some disabled children, dogs, Veterans and shift workers.

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 invited everyone to attend the Contra Costa Transportation Authority's (CCTA) Open House Thursday, June 29, 6:30pm-8:30pm at the CCTA office located at 2999 Oak Road, Suite 150, in Walnut Creek to address the 2017 Countywide Transportation Plan which will shape transportation policy for the next 20 years. He shared \$3.7 billion dollars are identified for projects and public input may help the CCTA to decide which projects have priority to use the money in the best possible way.

Vice Mayor Pope shared he attended the Habitat Conservancy meeting yesterday and a possible special meeting may be scheduled soon to discuss a large project in Oakley.

Councilmember Romick reminded the City Council that Oakley contributes lots of money to the Habitat Conservancy so some of the projects should be in Oakley.

Councilmember Hardcastle shared that he received an email last week from a lady in Oakley who recognized and thanked Oakley Police for their work in ending a domestic abuse relationship involving her daughter and four grandchildren; their abuser was convicted and is scheduled to serve a long sentence.

Mayor Higgins congratulated Buon Appetito for its soft opening last week and commented they provided great food and service.

(b) Requests for Future Agendas

None.

7.0 WORK SESSION-None

8.0 CLOSED SESSIONS

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-POTENTIAL LITIGATION-
SIGNIFICANT EXPOSURE TO LITIGATION
Pursuant to Government Code Section 54956.9(d)(2). Two potential cases.**

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

There was no reportable action and the City Council provided direction to staff.

9.0 ADJOURN

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

Respectfully Submitted,

Libby Vreonis
City Clerk