

**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, August 8, 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 (Kalub Muller, Laurel Elementary Student)**

Laurel Elementary Student Kalub Muller led the Pledge of Allegiance. The City Council thanked him.

**1.3 Proclamation Recognizing Braeden Joseph Fowler for his Attainment of Eagle Scout**

Mayor Higgins, on behalf of the City Council, presented a proclamation to Joseph Fowler to recognize his attainment of Eagle Scout.

**1.4 Recognition of Recipients of President's Volunteer Service Award**

Mayor Higgins, accompanied by Recreation Manager Lindsey Bruno, presented certificates of recognition to the following recipients of the President's Volunteer Service Award: Simon Mendez, Allison Felix, Claudia Franco, Nathan Shaffer, Morgan Henderson and Nahzaneen Hatefi.

**1.5 County Homeless Outreach Program (CORE) (Jenny Robbins, Housing and Services Administrator)**

Jenny Robbins, CORE Housing and Services Administrator, presented information to the City Council regarding homeless services available in Contra Costa County.

Councilmember Alaura thanked her for her work and requested information regarding a CARE center in East Contra Costa County, including location, start-up needs and a timeline.

Ms. Robbins responded that the County is working with cities, Police and communities with regard to funding opportunities and location. She mentioned an announcement for an RFP process will occur in the next couple of months and the County hopes to have the site up by next year.

### **1.6 Presentation by Corporation for Better Housing (Charlie Brumbaugh, President, CEO)**

Charlie Brumbaugh, President and CEO of Corporation for Better Housing (CBH), along with Lori Koester, Executive Director of CBH, and Erin Mathias with the management team for the CBH apartments, appeared before the City Council to address any concerns and answer any questions regarding the Carol Lane apartments.

Ms. Koester provided an update regarding the concerns brought to her attention by residents and the meeting held with residents in response to their concerns. She addressed rental rate increases and mentioned property management office hours have been immediately extended to meet resident needs. She offered to report back to the City Council in the near future.

Mr. Brumbaugh mentioned that rental increases exceeding 10% will not be implemented until further discussion with tenants.

Councilmember Romick commented that the City Council does not need details as it does not have control over CBH's operation of its business; it does not need to be the "go-between". He mentioned rent increases are inevitable and the tenants' rents are controlled by the State. He requested CBH consider having a better process in place to notify tenants of rent increases in advance and transparently so tenants are not uncertain or confused when there is a rent increase.

Councilmember Hardcastle requested CBH respond to tenant inquiries, treat tenants with respect and listen to tenant concerns.

Vice Mayor Pope thanked CBH for their attitude and commented that he hopes that it carries over when addressing tenant concerns. He mentioned the City would prefer to be good partners with CBH and not have Code Enforcement, Police or other agencies responding to tenant issues. He recommended CBH issue rent increases in a phased plan so that tenants can plan for them. He requested a 30-day report from CBH regarding its progress.

Mr. Brumbaugh commented CBH can provide a report in 30 days or 60-90 days if it should take longer for CBH to address concerns.

Councilmember Alaura thanked CBH for its quick response to resident concerns and mentioned she is happy to hear rent increases exceeding 10% will be stayed until further evaluation. She agreed a report would be good in 30-60 days for the tenants and community to know it is a safe and reasonable place to live. She commented that her mother-in-law is a resident; therefore, it is personal to her and she would like every tenant to be treated with respect.

Mayor Higgins thanked CBH for meeting with its residents and listening to their concerns. She commented that as Councilmember Romick pointed out, the City doesn't want to be the go-between, but it does want to help.

Mr. Brumbaugh thanked the City Council for the opportunity to present.

## 2.0 PUBLIC COMMENTS

### Public Comment Cards

Mary Lou Taylor commented she understands the need for rent increases; however, she does not understand how increases are calculated. She mentioned some apartments are the same size yet tenants received different increases; a standard rent increase based on apartment size would have been easier. She added that Social Security is not increasing to keep up with the rent increases.

Jesus Sanchez commented he was glad CBH addressed the rent increases. He expressed concern regarding the safety of the property. He mentioned there are places he can go down 5 feet and get stuck in his wheelchair and there is a steep incline on the ramp posing danger to everyone. He also mentioned there is a hole in the floor in the hallway where chicken wire is visible.

Judy Willis commented her rent increase will be 23% as of September 1. She thanked the reporters for bringing public awareness of the situation and mentioned CBH is only addressing tenant concerns now because of the press. She recommended CBH stay rent increases until October or November for all tenants so everyone will know when to make payment and the amount. She expressed concern with vandalism, bed bugs, cockroaches and cracks in the floor in Building 73.

Michael Dupray commented why Emergency Services Additional Revenue District (ESARD) is the best way to assure adequate and necessary level of service for East Contra Costa Fire Protection District (ECCFPD).

### Online Comment Forms

Michael Dupray addressed the same comment as presented (supra).

## 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 July 11, 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 Authorizing the City Manager to Terminate the Agreement with Marina Landscape Inc. for Parks and Landscape Maintenance Services (Kevin Rohani, Director of Public Works/City Engineer)**
- 3.4 Approve the Subdivision Improvement Agreement and Parcel Map for Bella Estates Minor Subdivision MS 14-978 at Daniel Drive (Kevin Rohani, Director of Public Works/City Engineer)**
- 3.5 Accept Responses to Civil Grand Jury Reports No. 1706 "Funding the East Contra Costa Fire Protection District" and No. 1707 "Homelessness in the Cities" (Bryan Montgomery, City Manager)**
- 3.6 Adopt a Resolution Designating Mayor Higgins as Voting Delegate and Councilmember Alaura as Alternate for the League of California Cities Annual Business Meeting to be held September 15, 2017 in Sacramento (Libby Vreonis, City Clerk)**
- 3.7 Adopt a Resolution Awarding a Tree Trimming Services Contract with West Coast Arborists, Inc. (Kevin Rohani, Director of Public Works/City Engineer)**
- 3.8 Adopt Resolutions Authorizing the City Manager to Execute the Subdivision Improvement Agreement and Approving the Final Map for Subdivision 9027 Duarte Ranch Unit 1 Located at the Southeast Corner of Rose Avenue and Laurel Road (Kevin Rohani, Director of Public Works/City Engineer)**
- 3.9 Adopt Resolutions Authorizing the City Manager to Execute the Subdivision Improvement Agreement and Approving the Final Map for Subdivision 9043 Aspen Lane Located at the Northeast Corner of Carpenter Road and Empire Avenue (Kevin Rohani, Director of Public Works/City Engineer)**
- 3.10 Adopt Resolutions Authorizing the City Manager to Execute the Subdivision Improvement Agreement and Approving the Final Map for Subdivision 9044 Aspen Place Located on the South Side of Laurel Road between Rose Avenue and Cloverbrook Avenue (Kevin Rohani, Director of Public Works/City Engineer)**
- 3.11 Adopt a Resolution Approving the Agreement with James W. Arellano and Tatiana Y. Arellano (APN 034-080-034) for "Stormwater Management Facilities Operation and Maintenance Agreement and Right of Entry" for the Minor Subdivision MS 14-978 Bella Estates Located at Daniel Drive and Authorizing the City Manager to Execute the Agreement (Kevin Rohani, Director of Public Works/City Engineer)**

**3.12 Adopt a Resolution Approving Annexation No. 8 (3530 Main Street) to the City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services) (Kevin Rohani, Director of Public Works/City Engineer)**

**3.13 Ratify Election: Adopt Ordinance No. 03-17 Authorizing the Levy of a Special Tax on Parcels of Land within Tax Area Zone 162 within the Oakley Special Police Tax Area for Police Protection Services for 3530 Main Street (APN 037-160-033) (Kevin Rohani, Director of Public Works/City Engineer)**

Public Comment Cards

None.

Online Comment Forms

None.

Councilmember Hardcastle requested to pull item 3.4.

Councilmember Alaura requested to pull item 3.5.

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

Item 3.4

Councilmember Hardcastle requested clarification regarding language in the staff report.

City Manager Bryan Montgomery mentioned the Subdivision Improvement Agreement needs to be approved and signed before the parcel map is filed. He mentioned staff could have placed it as "A" and "B" items on the agenda and it is the same requirement on every development.

It was moved by Councilmember Hardcastle and seconded by Vice Mayor Pope to approve Item 3.4. Motion was unanimous and so ordered. (5-0)

Public Comment Cards

None.

Online Comment Forms

None.

### Item 3.5

Councilmember Alaura commented that recent discussions between City Manager and Interim Chief Helmick involved an idea to have the Fire District establish a Community Facilities District (CFD); she requested staff add information regarding such to the City's response.

City Manager Bryan Montgomery responded that the Civil Grand Jury is recommending that the City consider a policy to adopt a CFD and the City can include in its response it is willing to consider a policy to adopt a CFD and will need to coordinate with the East Contra Costa Fire Protection District to determine if a District-wide CFD would be a better approach and it is something under exploration.

Mayor Higgins inquired if it would exclude the Summer Lake subdivision.

Mr. Montgomery responded that if a CFD already exists, he would suggest that it wouldn't be included. He mentioned a CFD will not solve the District's financial needs, but will help.

Councilmember Romick commented that Brentwood CFD's do not all go to the Fire District; if a District-wide policy were in place, it would all have to go to the Fire District.

Mr. Montgomery added that in that scenario, the City would not receive funds; those funds would go directly to the Fire District.

It was moved by Councilmember Alaura and seconded by Vice Mayor Pope to approve Item 3.5 as amended to include language regarding a District-wide CFD to the City's response to Recommendation # 8. Motion was unanimous and so ordered. (5-0)

## 4.0 PUBLIC HEARINGS

### *Oakley City Council*

#### **4.1 Adopt a Resolution Approving a Conditional Use Permit (CUP 01-17) and Design Review (DR 04-17) for the Project Known as "UPS Facility Expansion at 5300 Live Oak Avenue"—Request for approval of reuse of a portion of an existing building, reconfiguration and addition of modular buildings, and additional site development on a 4.8 acre site (Ken Strelor, Senior Planner)**

Senior Planner Ken Strelor presented the staff report.

Councilmember Alaura commented she appreciates staff incorporating Citizen Planning Advisors' requests and taking into consideration the school and neighborhood. She inquired if the applicant has a current internal policy in place which requires right turns

for delivery trucks exiting the project site to avoid conflicts with the school area during school hours.

Mr. Strelo commented that he is not aware of a current policy; however, the project engineer indicated the company prefers to make right turns and therefore agreed to such policy.

Vice Mayor Pope commented he appreciates the policy regarding right turns. He mentioned he received a complaint regarding the traffic signal timing and priority and inquired if priority is given to Live Oak Avenue or how it is programmed.

Public Works Director/City Engineer Kevin Rohani responded that the signal is timed to function properly, but staff will look into it.

Vice Mayor Pope commented he likes the proposal and sidewalks and other improvements to be added by the applicant will provide a safe route for kids going to and from school.

Applicant Maurice Barksdale for UPS mentioned it is UPS' intentions to make the site useable for its business and aesthetically pleasing to the community; it has every intention to do as the Council directs.

#### Public Comment Cards

None.

#### Online Comment Forms

None.

It was moved by Councilmember Romick and seconded by Councilmember Hardcastle to Adopt the Resolution Approving the UPS Facility Expansion at 5300 Live Oak Avenue Conditional Use Permit and Design Review (CUP 01-17, DR 04-17), as conditioned. Motion was unanimous and so ordered. (5-0)

#### **4.2 Waive the First Reading and Introduce an Ordinance and Adopt a Resolution Approving a General Plan Amendment (GPA 01-17), Rezone (RZ 02-17), and Tentative Parcel Map (TPM 01-17) for the Project Known as "Doyle Road / Hill Avenue Minor Subdivision (MS 17-976)"—Request for approval of a General Plan Amendment from SV to SH, a Rezone from R-40 to R-7, and a Tentative Parcel Map to Subdivide one 54,496 sf. lot into 3 lots of 40,007 sf., 7,263 sf., and 7,294 sf. (Ken Strelo, Senior Planner)**

Senior Planner Ken Strelo presented the staff report.

Councilmember Hardcastle commented one of the maps showed an easement on Doyle Road to go all the way through to Hill Avenue. He inquired if the easement will be removed.

Mr. Strelo mentioned the easement will not be removed, but there will not be a dedicated public right-of-way; it is an irrigation easement, not a City easement.

Mayor Higgins inquired if the curb, gutter and sidewalk will be located only in front of the parcel next to the park.

Mr. Strelo confirmed the curb, gutter and sidewalk will be located only in front of the parcel next to the park.

Mayor Higgins inquired if there will be a wall between the two parcels.

Mr. Strelo explained there will be no access to the homes from Doyle Road, there will only be access from Hill Avenue.

Mayor Higgins inquired if there will be a regular 6 foot fence behind the homes.

Mr. Strelo confirmed there would be a 6-7 foot fence behind the homes.

#### Public Comment Cards

None.

#### Online Comment Forms

None.

It was moved by Councilmember Hardcastle and seconded by Councilmember Alaura to adopt the Resolution approving the General Plan Amendment (GP 01-17) and Tentative Parcel Map (TPM 01-17), as conditioned and waive the first reading and introduce the Ordinance for the Rezone (RZ 02-17). Motion was unanimous and so ordered. (5-0)

**4.3 3530 Main Street (APN 037-160-023)-Applicant is requesting to 1) Modify Conditions of Approval #30 and #31 of Resolution No. 04-17 approved on January 10, 2017 for Design Review (DR 03-16) and Variance (VA 02-16) dealing with annexing into the City of Oakley Community Facilities District and funding to maintain Police Services; 2), Amend the Real Property Purchase Agreement dated June 28, 2016 and modified January 10, 2017 which would extend the project completion date from September 1, 2017 to November 30, 2017; and 3) a request to waive the \$2,000 Developer Deposit required to process this Application. (Joshua McMurray, Planning Manager)**

City Manager Bryan Montgomery thanked the applicant, City staff and the Council subcommittee for engaging in discussions regarding the project to come to an

agreement. He updated the City Council that items 3.12 and 3.13 on the Consent Calendar this evening were approved by the City Council which resolves item # 1 in the staff report, the applicant has requested an extension of the project completion date to November 30 and progress is being made, the applicant expressed interest to purchase the adjacent 236 sq. ft. parcel at the same price (approximately \$7,500) in which the City purchased it from her family to extend a patio awning on the parcel, and the applicant has withdrawn her request for a waiver of the fee deposit. He mentioned staff recommends granting the extension of time and to direct staff to proceed with conveying the adjacent parcel to the applicant.

Applicant Juli DelBarba commented she is pleased with the agreement and would be glad to have the Mayor attend the ribbon cutting ceremony. She mentioned the awning, hardscape and brick will be complete by November 30; however, tenant improvements will be completed when she secures a tenant (she has applications she is considering). She thanked staff for reaching agreeable terms and looks forward to moving forward with the project.

Councilmember Hardcastle inquired if the awning is already being put up on the adjacent parcel.

Ms. DelBarba responded that the easement is needed and she has requested to purchase it because it is cleaner for the entire parcel. She mentioned the awning was approved during the design phase to allow an easement; the posts have been installed, but the awning has not yet been installed.

Planning Manager Joshua McMurray clarified that the original approval allowed the awning to encroach with the condition of an easement on the property; the purchase of the parcel by the applicant is in lieu of the easement.

Councilmember Hardcastle inquired if the applicant is paying for something she didn't have to pay for.

Mr. McMurray explained the applicant could have used the property with an easement, but she would prefer to purchase it.

Councilmember Hardcastle inquired if the November 30 completion date will work with the City's completion of the Downtown improvements.

Public Works Director/City Engineer Kevin Rohani responded that the Downtown Improvement Project from Norcross Lane to Second Street should be completed by the end of September and up to Fifth Street will take a little longer; however, there will be landscape around the applicant's building and it will not look like a construction area; therefore, staff is fine with extending the applicant's project date until November 30.

Mr. Montgomery mentioned the City's 5<sup>th</sup> Annual Heart of Oakley Festival will be held September 23. He suggested a ribbon-cutting ceremony could be held at the project site to kick off the event.

### Public Comment Cards

None.

### Online Comment Forms

None.

It was moved by Vice Mayor Pope and seconded by Councilmember Hardcastle to adopt the Resolution to amend the Real Property Purchase Agreement dated June 28, 2016 and modified January 10, 2017 to extend the project completion date from September 1, 2017 to November 30, 2017 and to direct staff to proceed with the sale of the adjacent 236 sq. ft. parcel to the applicant. Motion was unanimous and so ordered.  
(5-0)

## 5.0 REGULAR CALENDAR

### ***Oakley City Council***

#### **5.1 Adopt a Resolution Appointing a Director and Alternate Director to Serve on the MCE Clean Energy Board (Joshua McMurray, Planning Manager)**

Planning Manager Joshua McMurray presented the staff report.

Mayor Higgins indicated she would be willing to be an alternate if it would be possible to attend meetings via conference call or Skype.

Vice Mayor Pope inquired if there is any flexibility in the meeting dates.

Mr. McMurray responded he could look into any options available and report back. He also mentioned another option would be to consolidate representation with another member; however, there may be some concerns with that option.

### Public Comment Cards

None.

### Online Comment Forms

None.

It was the consensus of the City Council to continue the item to September 12, 2017.

## **5.2 Adopt a Resolution Appointing a Member to the Contra Costa Transportation Authority's Citizen Advisory Committee (Libby Vreonis, City Clerk)**

City Clerk Libby Vreonis presented the staff report.

The City Council interviewed applicants Michael Dupray and Michael Moore. Applicant Monica Borrego was not in attendance.

The City Council ranked their choice for the appointment. Michael Dupray received the highest ranking.

### Public Comment Cards

None.

### Online Comment Forms

None.

It was moved by Mayor Higgins and seconded by Councilmember Hardcastle to adopt a resolution appointing Michael Dupray to the Contra Costa Transportation Authority Citizens Advisory Committee for a four-year term. Motion was unanimous and so ordered. (5-0)

## **5.3 Waive the First Reading and Introduce an Ordinance Adding Chapter 36 to Title 4 of the Oakley Municipal Code Regarding the Use of Unmanned Aircraft Systems (UAS), also known as Drones (Libby Vreonis, City Clerk)**

City Clerk Libby Vreonis presented the staff report.

Councilmember Alaura requested "animals and/or wildlife" be added to section F of the ordinance.

Councilmember Hardcastle agreed with Councilmember Alaura, commenting that some people like to spook animals.

Vice Mayor Pope commented that the FAA specifies drones over 1 ½ pounds and operators over the age of 13, seemingly to exclude drones that might be more like toys; those specifications are not in the proposed ordinance. He mentioned he has seen drones flying over events such as the Little League parade and inquired if people would have to obtain permission from the City to operate in restricted areas.

Mrs. Vreonis responded that the FAA registration requirements implemented in 2015 addressed persons 13 years or older would have to register their drone(s) on the FAA website; however, the registration requirements were invalidated by a court decision issued in May 2017. She added that another area of FAA regulations addresses the age of 16 which may be something to consider. She mentioned it is her understanding that drones may not be flown over people, but may take video or photo from a distance. She added the City Council could consider permit requirements.

Councilmember Romick commented that he would like the ordinance to be as least staff intensive as possible, he prefers for Police to have the ability to confiscate drones if needed, and for privacy and safety needs to be addressed. He added that he has received several complaints regarding drones in backyards.

Mayor Higgins agreed with Councilmember Romick.

#### Public Comment Cards

None.

#### Online Comment Forms

None.

It was moved by Mayor Higgins to waive the first reading and introduce the ordinance. Councilmember Romick amended the motion which was seconded by Councilmember Alaura to waive the first reading and introduce the ordinance with Section F amended to include animals and/or wildlife. Motion was unanimous and so ordered. (5-0)

## 6.0 REPORTS

### **6.1 CITY MANAGER**

#### **(a) City Manager**

City Manager Bryan Montgomery announced the Fishing Derby will be held this Saturday, a Movie in the Plaza will be held the following Saturday, and a Concert in the Park will be held in two Saturdays.

### **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 the San Joaquin JPA unanimously approved a resolution including the Oakley train platform project. He reported that he attended the Holy Ghost

Festival, the 3<sup>rd</sup> Annual Main Street Car Show (and recommends food vendors for future events), the Liberty Union High School District convocation ceremony at Freedom High School to welcome District staff back from summer vacation, and celebrated National Night Out in a couple of neighborhoods.

Councilmember Hardcastle reported that he attended National Night Out and everyone had a good time.

Councilmember Alaura reported she also attended the Holy Ghost celebration, the Liberty Union High School District convocation ceremony at Freedom High School and National Night Out. She shared that residents reported that they were being treated well by Oakley Police. She also reported that she attended the Ironhouse Sanitary District meeting and the District is continuing to do great work.

Mayor Higgins reported that she attended the Holy Ghost celebration and National Night Out, visiting five neighborhoods.

#### **(b) Requests for Future Agendas**

None.

### **7.0 WORK SESSIONS**

#### ***Oakley City Council***

##### **7.1 Work Session Regarding Parades (Bryan Montgomery, City Manager)**

City Manager Bryan Montgomery presented the staff report.

Councilmember Romick commented that the band instructor at Freedom High School indicated the band needs ½ mile to conduct its performance; therefore, the band will not be performing at the Veterans Day ceremony this year; however, it can be addressed next year when Main Street is complete. He mentioned that parades have been problematic with regard to routes and length of time to shut down Main Street. He added a parade on Veterans Day would be after the morning traffic and would be the best test.

Councilmember Alaura mentioned her initial request was for a Christmas or holiday parade in the evening worked in with the holiday tree lighting without Main Street or Laurel Road being shut down, but rather the route would begin at Laurel Road and O'Hara Avenue and end in the City parking lot. She suggested the choir could be caroling through the streets and a lighting element could be added.

Councilmember Hardcastle commented that he likes Councilmember Alaura's idea; however, a staging area is needed to begin and he is not sure if the ball fields will work with the weather at that time of year. He suggested the basin at Freedom High School could be used to stage a parade. He mentioned Oakley doesn't have a contiguous area without closing streets.

Councilmember Alaura suggested the parade could start at the Recreation Center on O'Hara Avenue.

Councilmember Romick commented that the side streets near Oakley's Downtown are narrow and 'no parking' signs would have to be used. He mentioned it is a great idea to have the parade begin at Laurel Road, but expressed concern regarding how to implement it with the least impact.

Vice Mayor Pope commented that the start and end points of the parade should have significance. He shared that Freedom High School has the same logistical problem with its Homecoming parade. He mentioned that if the City is going to hold a parade, it should be done right. He suggested engaging citizen groups to conduct the parade to help mitigate costs and encourages the parade to be held in Downtown.

Councilmember Romick suggested the parade can begin at the temporary parking lot at Gardenia Avenue and Main Street and come up to Norcross Lane. He mentioned while the band will not work for that short length, perhaps the choir may work. He added that it would be a good place to learn and grow.

Mr. Montgomery commented that starting small is a good suggestion and the City Council may wish to consider participation as the time of year is cold.

Councilmember Alaura commented that parades in other cities at the same time of year are well attended and she does not believe that Oakley will be lacking in spirit for the holidays or in participation; the parade will bring people together.

Mr. Montgomery suggested staff could solicit other groups to take the lead as Vice Mayor Pope suggested and the groups could provide a proposal in which the City might supplement; however, the City would not be able to do it this December as scheduling with groups requires many months advance planning.

Vice Mayor Pope mentioned staff should confirm a holiday parade would not be in conflict with any other local holiday parades scheduled at that time.

Recreation Manager Lindsey Bruno shared that Brentwood has its holiday parade mid-November and Antioch has its Christmas Jubilee parade in December. She mentioned if the choir will be performing in the parade it would require reworking the entire event. She suggested a parade this year could include a dance troop, sports league or other band and end at City Hall with the choir performance.

Vice Mayor Pope suggested this year community groups could begin caroling on sidewalks at various starting points within the City and converging roughly at the same time at City Hall to join singing a song; it would eliminate the need for road closures and next year the City could have a parade.

Mayor Higgins suggested staff could solicit interest through Next Door.

Councilmember Romick commented he likes Vice Mayor Pope's idea; it would be a unique, one-of-a-kind event and may bring more people Downtown. He added that the City could reach out to schools and churches to form caroling groups. He suggested a name for the groups, 'Cruising Carolers'.

Mr. Montgomery commented that staff can reach out to community groups to seek interest. He added that caroling captains would likely be needed for each group. He mentioned not closing streets alleviates financial, staffing and safety concerns.

Mayor Higgins suggested that Santa should carol in last. She commented the City can gear toward a parade next year.

Councilmember Romick commented next year the City should begin with a Veterans Day parade with the Freedom High School band participating, beginning at Teakwood Drive and ending at Norcross Lane; the second parade should be for Christmas.

Councilmember Alaura recommended the City use volunteer resources and solicit participation from Leadership Academy participants and/or graduates.

Mr. Montgomery commented that the City would need community help for two parades; other cities reach out to community groups to assist.

## **7.2 Work Session Regarding Public Art Development Impact Fee Information (Joshua McMurray, Planning Manager)**

Planning Manager Joshua McMurray presented the staff report. He shared a letter submitted by Lisa Vorderbrueggen of the Building Industry Association of the Bay Area (BIA) which was made part of the meeting record.

Councilmember Romick expressed concern with regard to artwork in other cities and whether the City Council is best to decide on public art. He also expressed concern adding more fees on properties that already have high assessments. He recommended excluding residential property from the Public Art Development Impact Fee and focus on bigger development.

Councilmember Hardcastle commented that he is not in favor of the public art development impact fee because Oakley has some neighborhoods with the highest assessments in East County and assessments will not incentivize business to come to Oakley.

Vice Mayor Pope commented he would support a voluntary program, but not mandatory.

Special Counsel William Galstan advised there are other funding options than development fees; a percentage of fees from an assessment district to fund street improvements may be possible or there could be a park dedication component.

Councilmember Alaura expressed opposition to a residential impact fee to fund public art, but she might consider a park dedication for an interactive art piece. She commented that if voluntary, the art could be extra advertisement for a development.

Councilmember Romick commented if public art development is done in a way other than direct fees imposed on development he would be open to explore those options and involve the public in the choices.

Mayor Higgins agreed.

It was the consensus of the City Council to not proceed with a public art development impact fee.

## 8.0 CLOSED SESSIONS

### ***Oakley City Council***

#### **8.1 CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Pursuant to Government Code Section 54956.8)**

**Property:** 3721 and 3729 Main Street  
APN's 035-163-002 and 035-163-003  
**Agency Negotiator:** Bryan Montgomery, City Manager  
**Negotiating Party:** CBC Cinquini Real Estate  
**Under Negotiation:** Price and terms of payment

#### **8.2 CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Pursuant to Government Code Section 54956.8)**

**Property:** 3009 and 3021 Main Street  
APN's 035-090-060 and 035-090-061  
**Agency Negotiator:** Bryan Montgomery, City Manager  
**Negotiating Party:** Douglas Manful, J. Rockcliff Realtors  
**Under Negotiation:** Price and terms of payment

#### **8.3 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**

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

#### **8.5 Report Out of Closed Session (Derek Cole, City Attorney)**

There was no reportable action.

## 9.0 ADJOURN

There being no further business, the meeting was adjourned at 10:00 p.m.

Respectfully Submitted,

Libby Vreonis  
City Clerk