AGENDA
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

Tuesday, October 10, 2017
6:30 PM
Oakley City Council Chambers
3231 Main Street, Oakley, CA

MISSION STATEMENT: The City of Oakley exists to build and enhance a quality community and to serve the public in a friendly, efficient, responsive manner.

VISION STATEMENT: The City of Oakley will be recognized as a model of civic participation and a vibrant Delta community where families live, work, play, shop and visit.

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A complete packet of information containing staff reports and exhibits related to each item is available for public review prior to an Oakley City Council and/or City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority meeting at Oakley City Hall, 3231 Main Street, Oakley, CA 94561. Any writings or documents provided to a majority of the Oakley City Council, Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency or Oakley Public Financing Authority regarding any item on this agenda will be made available for public inspection, during regular business hours, at the front counter in the Main Lobby of the Oakley City Hall located at 3231 Main Street, Oakley, CA 94561.

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1. 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

1.2. Pledge of Allegiance to the Flag (Mayor Higgins)

1.3. Proclamation Recognizing November as Homelessness Awareness Month in Oakley (Michael V. Fischer, CCACS Program Manager, Contra Costa Health, Housing and Homeless Services Division)
   Proclamation

1.4. Update from Diablo Water District (Mike Yeraka, General Manager)

2. PUBLIC COMMENTS
At this time, the public is permitted to address the Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority on non-agendized items. PUBLIC COMMENTS ARE LIMITED TO THREE (3) MINUTES. In accordance with State Law, however, no action or discussion may take place on any item not appearing on the posted agenda. The Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority may respond to statements made or questions asked or may request Staff to report back at a future meeting on the matter. The exceptions under which the Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority MAY discuss and/or take action on items not appearing on the agenda are contained in Government Code §54954.2(b)(1)(2)(3). Members of the public should submit any Speaker Cards for Public Comments in advance of the Mayor calling for Public Comments.

3. CONSENT CALENDAR
Consent Calendar items are typically non-controversial in nature and are considered for approval by the Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority with one single action. Members of the audience, Staff or the Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority who would like an item removed from the Consent Calendar for
purposes of public input may request the Mayor remove the item. Members of the public should submit any Speaker Cards related to the Consent Calendar in advance of the Consent Calendar being considered.

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 Meeting held September 26, 2017 (Libby Vreonis, City Clerk)
9-26-17 Meeting Minutes

3.2. Accept Report Out of Closed Session Memo (William Galstan, Special Counsel) Memo

3.3. Waive the Second Reading and Adopt an Ordinance Amending the Sign Ordinance (Chapter 5 of Title 1 of the Oakley Municipal Code) to Permit Service Club Signs (Ken Strelo, Senior Planner)
Ordinance

4. PUBLIC HEARINGS

5. REGULAR CALENDAR

5.1. Request for Qualifications (RFQ) for the Design and Construction of Fire Station #55 (Bryan Montgomery, City Manager)
Suggested Action: Adopt a Resolution approving the Request for Qualifications-Based Proposals for the Design-Build of Fire Station #55
Staff Report
Request for Qualifications
Resolution

6. REPORTS

6.1. CITY MANAGER
(a) City Manager

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
(b) Requests for Future Agendas

7. WORK SESSIONS

8. CLOSED SESSION

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-EXISTING LITIGATION-
     Pursuant to Government Code Section 54956.9(d)(1)
     City of Oakley v. Craig Davidson
     Contra Costa Superior Court Case No. MSC15-01280

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

9. ADJOURN
Proclamation
Homeless Awareness Month

WHEREAS, the month of November is recognized as Homelessness Awareness Month in the United States; and

WHEREAS, the purpose of this proclamation is to educate the public and advocate with and on behalf of people experiencing homelessness about the many reasons people are homeless including the shortage of affordable housing in Contra Costa County; and to encourage support for homeless assistance service providers as well as community service opportunities for students and school service organizations; and

WHEREAS, there are many organizations committed to sheltering, providing supportive services and basic resources to people experiencing homelessness including Anka Behavioral Health, Bi Bett, Berkeley Food and Housing Project, Bay Area Rescue Mission, Catholic Charities, Contra Costa Health Services, Contra Costa Interfaith Housing, Contra Costa Crisis Center, Greater Richmond Interfaith Program, Housing Authority of Contra Costa, Lifelong Medical Care, Monument Crisis Center, Northern California Family Center, Resources for Community Development, Satellite Affordable Housing Associates, SHELTER, Inc., STAND! For Families Free of Violence, Trinity Center, and Winter Nights; and

WHEREAS, the City of Oakley recognizes that homelessness continues to be a serious problem for many individuals and families in Contra Costa; and

WHEREAS, 6,105 persons in Contra Costa accessed homeless services in Contra Costa in FY 16-17; and

WHEREAS, 640 families, including 746 minors accessed homeless services in Contra Costa in FY 16-17; and

WHEREAS, 86% of veterans in Contra Costa have been homeless for 12 months or more; and

WHEREAS, 80% of people experiencing homelessness lost their housing in Contra Costa; and

WHEREAS, Contra Costa has the shelter capacity to meet only 41% of the need for single adults; and

WHEREAS, a report by California Housing Partnership in 2017 found that Contra Costa County needs over 30,000 more affordable rental homes to meet the needs of its lowest income renters.

NOW THEREFORE BE IT RESOLVED that I, Sue Higgins, Mayor of the City of Oakley on behalf of the City Council do hereby proclaim November as National Homelessness Awareness Month and encourages all citizens to recognize that thousands of people in Contra Costa do not have housing and need support from citizens, and private/public nonprofit service entities.

October 10, 2017

Sue Higgins, Mayor
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 Pledge of Allegiance to the Flag
(Mariann Romero, 4th Grade Student at Vintage Parkway Elementary School)

Fourth Grade Student Mariann Romero led the Pledge of Allegiance to the Flag.

The City Council thanked her.

1.3 Proclamation Recognizing October 2 – November 18, 2017 as the Inaugural East County Reads Event (Andrea Freyler, Oakley Community Library Manager)

Mayor Higgins presented the proclamation to Oakley Community Library Manager Andrea Freyler on behalf of the City Council.

Ms. Freyler thanked the City Council, shared information regarding the event, provided copies of the book to the City Council, and mentioned and thanked partnering agencies.

(Item 1.5 was heard prior to Item 1.4)

1.4 Update from Contra Costa Mosquito Abatement & Vector Control District (Michael Krieg)

Contra Costa Mosquito Abatement & Vector Control District Appointee Michael Krieg updated the City Council regarding the business and operations of the District, West Nile Virus and emerging viruses. He shared the District’s general manager retired in August and Dr. Paula Macedo has been hired for the position. He also shared the District has been experiencing some challenges with new software implemented at the beginning of the year but the District is working to resolve matters by end of November. He added that new operational software will be forthcoming for its technicians. He reported West Nile virus cases are down this year. He informed everyone that St.
Louis encephalitis has made a comeback in the last couple of years, but it is not likely to be a problem in the County, presumably because the climate is not right for it. He discussed findings regarding the Zika Virus in Africa compared to Brazil and shared that there are several vaccines in trial stages. He mentioned the Culex Pygmaea mosquito, one of 23 mosquitoes located within the County, is a competent carrier of Zika Virus; however, it does not currently carry the Zika Virus.

Councilmember Romick thanked Mr. Krieg for his report.

1.5 Update from Contra Costa County Supervisor Diane Burgis

Supervisor Burgis provided an update to the City Council. She mentioned the Board of Supervisors passed a resolution to establish a nine-county regional Economic Development Department in which the County is working to hire an Economic Development Director, all of which is tied in to the Northern Waterfront Initiative. She announced the EC2 Economic Development Summit to be held October 20. She also mentioned she recently attended the 10-year Anniversary for the East Contra Costa Habitat Conservancy. She reported that the Board of Supervisors appointed former Judge Diana Becton as the Interim District Attorney, that the County has updated its environmental drug disposal ordinance and is working on an ordinance to provide more efficient disposal of sharps. She expressed that she is pleased that Wes Lind said no to spending $4 billion for a plumbing system that would not create another drip of water. She explained by saying no to spending the $4 billion, the burden will be placed on the rest of the water providers that will have to provide $17 billion to buy the system. She mentioned there are other options for water resources such as surface storage, groundwater recharge, stormwater recapture and desalination. She shared there will be a Delta Conservancy meeting at Big Break tomorrow, eBART is coming in May 2018, the Balfour Interchange Project is on schedule, the Byron Highway-Diablo Camino Intersection should be completed by the end of November, the Morgan Territory Project should be completed in November. She thanked all who supported Stand Down for Veterans. She mentioned the Marsh Creek Clean-Up occurred the previous weekend and she thanked the volunteers and the Oakley Youth Advisory Council for its participation. She shared that the Board of Supervisors declared September as suicide prevention month.

Councilmember Hardcastle inquired who the Sheriff’s Office recommended for the District Attorney position.

Supervisor Burgis mentioned the County Sheriff’s preference was Paul Graves.

Mayor Higgins inquired if there was any movement on the County’s end with regard to East County’s fire services situation.

Supervisor Burgis responded that the County is one partner with Oakley and Brentwood and her goal has been to help people recognize that fire is its own agency. She commented that the Fire District found money which is a better situation than finding it had lost money. She also commented she met with the Interim Fire Chief and is confident with new leadership, the Fire Board taking the reins, the District will move forward. She added she looks forward to an elected Board.
2.0 PUBLIC COMMENTS

Public Comment Cards

Tito Orozco submitted a comment card requesting Oakley Police and County Sheriff assistance regarding assaults on the elderly. He was not present to speak.

Online Comment Forms

Chris Gilroy shared dismay regarding the comments posted on social media regarding a proposed mosque and senior center in Oakley.

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 September 12, 2017 (Libby Vreonis, City Clerk)

Oakley City Council

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

3.3 Amending the FY 2017/2018 Budget to Incorporate a List of Projects Funded by Senate Bill 1 (SB 1): The Road Repair and Accountability Act of 2017 (Kevin Rohani, Director of Public Works/City Engineer)

3.4 Approval of Reimbursement Agreement for Pavement Repairs and Overlay of Trail Along the Cypress Grove and Emerson Ranch Levees (Kevin Rohani, Director of Public Works/City Engineer)

3.5 Annexation No. 10 (Stonewood 3 Subdivision 9183)-to the City of Oakley Community Facilities District No. 2015-2 (Parks, Street Annexation Approval (Kevin Rohani, Director of Public Works/City Engineer)

3.6 Authorize the City Manager to Execute an Amendment to the Consulting Services Agreements with Gates & Associates Inc. and Siegel & Strain Architects Inc. to provide Construction Support Services for the Oakley Recreation Center Project-Capital Improvement Project No. 194 (Kevin Rohani, Director of Public Works/City Engineer)
3.7 Annexation No. 9 (Main Street-Nature Properties, LLC) to the City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services). The project area is located on the north side of Main Street, between 2nd and 5th Street (APNs 035-122-008 and 035-164-002) (Kevin Rohani, Director of Public Works/City Engineer)

3.8 Creating Zone 165 within the Oakley Special Police Tax Area Consisting of the Main Street-Nature Properties, LLC Project (APNs 035-122-008 and 035-164-002) (Kevin Rohani, Director of Public Works/City Engineer)

3.9 Approve the City’s Pension Trust Investment Guidelines (Deborah Sultan, Finance Director)

3.10 Adopt a Resolution Approving the Purchase of Automated License Plate Reading Cameras (Chris Thorsen, Chief of Police)

Public Comment Cards
None.

Online Comment Forms
None.

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

4.0 PUBLIC HEARING

Oakley City Council

4.1 Waive the First Reading and Introduce an Ordinance Amending the Sign Ordinance (Chapter 5 of Title 1 of the Oakley Municipal Code) to Permit Service Club Signs (Ken Strelo, Senior Planner)

Senior Planner Ken Strelo presented the staff report.

Mayor Higgins inquired if a sign can be on a free standing post in front of an organization or if the signs would be on City entrance signs.

Mr. Strelo responded that the amendment allows signs to be placed on City entrance signs, it would require space for four signs to be posted on free standing signs. He added that signs in front of a business would be covered by the current code and there is no need to add anything for those signs.
Councilmember Hardcastle inquired if service club signs may be placed at any entrance sign to the City.

Mr. Strelo responded that any request to place a sign on an existing City sign would be reviewed by staff and any new sign whether it be a City entrance sign or free standing sign, would need to be approved by the City Council.

Councilmember Romick commented that the signs will help everyone to be aware of what service clubs are available in Oakley; they bring attention to the organizations for people who may wish to become engaged.

**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 Adopt a Resolution Approving Amendments to the Oakley Downtown Specific Plan (Joshua McMurray, Planning Manager)

Planning Manager Joshua McMurray presented the staff report.

Mayor Higgins inquired if the City would revoke a business’ use permit if seven full-time employees are not maintained.

Mr. McMurray responded that the City Council has discretion with regard to the number. He added seven full-time employees seems reasonable for a 10,000 sq. ft. building. He explained the intent of the requirement is not to make the use permit invalid but to be compatible with surrounding uses.

Mayor Higgins inquired if the amendments will impact the Chamber of Commerce as it is located on the ground floor.

Mr. McMurray responded that some nuances exist with the Plan; the amendments do not allow ground floor office use meaning on Main Street and the Chamber appears to meet the definition as it is not on Main Street. He mentioned the overall goal would be to get office use businesses on the second floor of multi-story buildings in the core Downtown area, but there are some other office space businesses that have only one floor.

Mayor Higgins inquired if those offices would be grandfathered in to the amendments.

Mr. Murray explained essentially that is what will happen.
Mayor Higgins inquired what happens if a business cannot provide seven employees.

Mr. McMurray explained the City Council has discretion to review it as it is a conditional use permit.

Councilmember Hardcastle commented that start-up businesses may not have a lot of employees in the beginning and the intent may be five to seven employees eventually, but if the business can show how it will progress, that should be considered.

Councilmember Alaura requested clarification if it is seven or ten employees for 10,000 sq. ft.

City Manager Bryan Montgomery commented that the amendments address prime retail commercial uses in the Downtown; seven full-time employees seems to be a low threshold for a 10,000 sq. ft. building as it will likely have 1,500-2,000 sq. ft. segments within, each with 1-2 full-time employees. He added that the conditional use permit process allows for discussion.

Mr. McMurray clarified that seven employees would be required for 10,000 sq. ft. of office business space. He mentioned the City doesn’t want to see the Downtown core area dominated with ground floor offices.

Councilmember Romick commented that the intent of the amendments is to have a vibrant, retail-oriented Downtown. He mentioned the two-story office building is unique and with more parking spaces requested than what was required, the business may expect to draw a number of people to the Downtown. He added that retail shopping is evolving to online shopping, but people still want to go out and have gathering space.

Councilmember Hardcastle inquired if other cities impose a requirement on the number of full-time employees to occupy businesses.

Mr. McMurray explained confirmed it is common in other cities.

Vice Mayor Pope requested page 25 be corrected to remove reference to the Centromart parcel. He also requested to change the language from “full-time employees” to “full-time equivalent employees” to allow flexibility for small business owners.

Councilmember Alaura commented she is glad to see staff is looking at the Plan and making adjustments as necessary to attract businesses Downtown. She mentioned seven full-time equivalent employees is acceptable. She also approved of the clarification of permitted residential uses and densities.

Public Comment Cards

None.
Online Comment Forms

None.

It was moved by Councilmember Alaura and seconded by Vice Mayor Pope to adopt the resolution with the amendment revised to show seven full-time equivalent employees per 10,000 sq. ft. of office space in the Downtown. Motion was unanimous and so ordered. (5-0)

5.0 REGULAR CALENDAR

Oakley City Council

5.1 Agricultural Conservation and Viticulture Program (ACVP) Consideration and Acceptance of Final Report for Phase 2 (CONTINUED FROM 09/12/17) (Ken Strelo, Senior Planner)

Senior Planner Ken Strelo presented the staff report and introduced Liz DiGiorgio, Executive Director of Agricultural-Natural Resources Trust to provide more information.

Ms. DiGiorgio reviewed work done in Phase 1 and Phase 2 of the ACVP. She mentioned an easement grant program is available at 50% cost share.

Public Comment Cards

None.

Online Comment Forms

None.

It was moved by Councilmember Romick and seconded by Vice Mayor Pope to accept the deliverables from Phase 2 of the ACVP. Motion was unanimous and so ordered. (5-0)

Councilmember Romick shared that in 2011, Greenbelt Alliance, the City of Oakley and landowners reached a settlement agreement out of which a fund was created to support farm land mitigation for approximately 800 acres in the East Cypress corridor and when construction begins in that area, it is expected that $7 million will be generated to the fund which will be managed by the San Francisco Foundation, which will issue grants to organizations for the acquisition of eligible farm lands, conservation easements and other related activities. The funds will be prioritized for protecting farm land in Contra Costa County but can also be used to protect lands in portions of Solano, Sacramento, San Joaquin and Yolo counties pursuant to the settlement agreement. He inquired when the development on E. Cypress is expected to begin on this portion of East Cypress and when the funds from that agreement would be expected to be received.

Mr. Strelo commented spring of 2018 may be the earliest to see work on the northern section of the wetland preservation area, but no date has been determined yet for the
homes to be built. He explained the fees are collected in phases: 50% at the time of grading phase and 50% at the time the building permit is issued for each home. He mentioned that could possibly occur a year or more later than the wetland preservation area, in 2019 or 2020.

Councilmember Romick commented that some Oakley residents are paying for habitat conservation and just recently land was purchase with the funds by the Habitat Conservancy in East County. He mentioned he would like to have the $7 million stay in Oakley and not be shared with other counties and a way to do that may be to look at projects and priorities to keep potential grant money from the Foundation in Oakley. He added that he would like to see signs placed in existing vineyards as a better way to market what is in Oakley.

Mayor Higgins inquired if it is possible not to do anything until 2018 if nothing is going on right now and have a plan in place for 2019 when funds may become available.

Mr. Strelo responded that he does not believe any current funds have been earmarked for the program so it would be possible to not do anything until funds may become available in the near future.

Councilmember Alaura commented that she is glad to hear there is potential for available funding and she agrees that the City should develop a priority list so the City can jump on any opportunity for available funding. She inquired if the remaining funds of $5,000 can be used now to create vineyard signs to provide recognition for vineyards which are part of our community.

Councilmember Hardcastle commented that he thought the Council had decided that the Boy Scouts should make the signs and install them. He inquired how funds would be earmarked for Oakley if the funds are in a joint fund with other agencies.

Councilmember Romick responded that the funds cannot be earmarked; however, the City can prepare in advance to apply for grant funds by having proposed projects that are shovel-ready.

Councilmember Hardcastle commented that staff should talk to landowners that have properties to make sure they are on board.

Councilmember Romick commented that land projects or other programs need to be ready to be best situated for grant funding.

Vice Mayor Pope commented that some landowners do not wish to encumber their property because they may wish to pass it along to family or sell it at some point. He mentioned he would like to see remaining funds used to create shovel-ready projects in preparation for applying for grant funding. He expressed that he does not want to stop the momentum and pick up at a later time; he wants to keep the momentum going that has already been developed and be ready.
City Manager Bryan Montgomery suggested the City Council subcommittee (Vice Mayor Pope and Councilmember Romick) can meet with staff and brainstorm a list of potential projects and evaluate priorities now and bring back to the City Council for review for when funds become available. He mentioned it is likely the funds may be 4-5 years out as building in the area may face some challenges including levees and other permits.

Mayor Higgins suggested the list could always be updated when funds become available.

5.2 Contra Costa County Advisory Council on Aging Appointment
(Libby Vreonis, City Clerk)

City Clerk Libby Vreonis presented the staff report.

Public Comment Cards

None.

Online Comment Forms

None.

The City Council interviewed applicant Branin Cook and took a written vote.

Mrs. Vreonis tallied the votes and announced Mr. Cook is the Council’s selected applicant for the position.

It was moved by Vice Mayor Pope and seconded by Councilmember Hardcastle to adopt the resolution. Motion was unanimous and so ordered. (5-0)

6.0 REPORTS

6.1 CITY MANAGER

(a) City Manager

City Manager Bryan Montgomery thanked the community for a successful Heart of Oakley Festival this past Saturday. He announced the last Movie in the Plaza event will be held Saturday, October 7 in Civic Center Park.

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 reported that the Contra Costa Transportation Authority approved the Environmental Impact Report and Draft 2017 Countywide Transportation Program. He also reported he attended the Heart of Oakley Festival and was impressed. He requested staff look for ways to keep people at the Festival past 3pm. He mentioned he attended some Freedom High School football games and the team has a 4-0 record; it has a big game coming up against Pittsburg.

Vice Mayor Pope reported the Habitat Conservancy celebrated its 10th Anniversary at Roddy Ranch (acquired and preserved for recreation) and the Habitat Conservancy is being used as a model for Antioch. He mentioned builders love the Habitat Conservancy model because it usually streamlines the process for them to obtain permits. He also reported he attended the Heart of Oakley Festival and thanked Team Oakley for doing a great job.

Councilmember Hardcastle reported that he has heard a lot of positive comments regarding the Downtown lately with the landscaping and benches going in and he thanked staff for doing a good job.

Councilmember Alaura reported that she attended the League of California Cities Annual Conference earlier this month with Mayor Higgins and learned a lot and some things that other cities are doing; she will share some of those ideas in the near future. She also reported she attended the Diablo Water District meeting and the District is continuing to add connections to businesses and homes. She shared that she has received positive comments regarding the new benches installed in parks.

Mayor Higgins reported she also attended the League of California Cities Annual Conference. She thanked Congressman McNerney and his wife, Mary, for attending the Heart of Oakley Festival. She announced the next Movie in the Plaza, Beauty and the Beast, will be held October 7 in Civic Center Park.

Councilmember Alaura added that attendees to the movie are encouraged to dress up in their favorite princess or prince costumes.

Vice Mayor Pope added that there may also be guest appearances from princesses.

(b) Requests for Future Agendas

None.

7.0 WORK SESSION-None
8.0 CLOSED SESSIONS

Oakley City Council

8.1 CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6(a)
Agency designated representatives: Mayor, Vice Mayor, City Attorney
Unrepresented employee: City Manager

Special Counsel William Galstan read the closed session item into the record.

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

Special Counsel William Galstan reported there was no reportable action.

9.0 ADJOURN

There being no further business, the meeting was adjourned at 8:15 p.m.

Respectfully Submitted,

Libby Vreonis
City Clerk
FOR CONSIDERATION AT THE CITY COUNCIL MEETING OF OCTOBER 10, 2017

Background and Analysis
The City Council considered a closed session item at its meeting held September 26, 2017 involving a conference with labor negotiators pursuant to Government Code Section 54957.6(a) involving agency designated representatives (Mayor, Vice Mayor and City Attorney) and an unrepresented employee (City Manager).

There is no reportable action.

Fiscal Impact
None.

Recommendation
Receive and file this report.

Attachments
None.
ORDINANCE NO. ________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY ADOPTING
TEXT AMENDMENTS TO CHAPTER 5 OF TITLE 9 OF THE OAKLEY MUNICIPAL
CODE (REGULATION OF SIGNS AND OUTDOOR ADVERTISING) TO PERMIT THE
INSTALLATION OF SERVICE CLUB SIGNS AT CERTAIN LOCATIONS WITHIN THE
CITY OF OAKLEY

The City Council of the City of Oakley does ordain as follows:

SECTION 1. Section 9.5.106 of the Oakley Municipal Code, titled “Definitions.” is hereby
amended by adding the definition for “Service Club Sign” alphabetically as subsection
9.5.106(a)(52), and renumbering definitions following that subsection as appropriate. The
text will be written as follows:

9.5.106(a). “52) “Service club sign” means a sign that represents a club of
business or professional men or women organized for their common benefit and
active in community service.”

SECTION 2. Section 9.5.122 of the Oakley Municipal Code, titled “Administrative Sign
Permits.” is hereby amended by adding “Service Club Signs” and applicable regulations
and standards alphabetically as subsection 9.5.122(a)(8), and renumbering following
subsections as appropriate. The text will be written as follows:

9.5.122(a). “8) Service club signs. The Community Development Director may
approve an application for a sign permit to place an individual service club sign
onto an existing City entry sign or permitted freestanding sign installed specifically
for the purpose of housing service club signs, subject to the following regulations
and standards:

a) Service club signs shall be circular or rectangular in shape. Irregular
shapes shall not be permitted;

b) Each individual service club sign shall be no larger than eight (8) square
feet (if rectangular) or 36 inches in diameter (if circular);

c) Service club signs shall be made of professional quality materials that
can resist weather decay and fading; and

d) Installation of a service club signs shall not violate the California
Constitution, Article 16 Public Finance, Sec. 5. (Cal. const., art. XVI, §5.) ”

SECTION 3. Section 9.5.124 of the Oakley Municipal Section, titled “City Council Sign
Permits.” is hereby amended by adding “Service Club Sign – Freestanding” and
applicable regulations and standards alphabetically as subsection 9.5.124(a)(3). The text
will be written as follows:

a) Regulations. In order to approve a freestanding service club sign, the sign must comply with the following regulations:

(1) The sign shall be located at a key entry point for the City of Oakley, subject to the approval of the City Council.

(2) The sign shall be subject to “General Regulations” set forth for “Freestanding Signs” under Section 9.5.122.

(3) The sign shall be designed in a manner that allows for safe and attractive installation of future individual service club signs. Attention shall be given to aesthetic balance of the sign even when empty spaces have yet to be filled.

(4) The sign shall be no taller than six (6) feet in height and allow for a minimum of four (4) individual service club signs, where the bottom of each sign is at least 18 inches above the base of the sign.

(5) Only signs falling under the definition of “Service Club Sign” shall be permitted on the freestanding sign. All other permanent and temporary signs, shall be prohibited, except signs directly associated with City-sponsored or operated events, subject to the review and approval of the Community Development Director.

(6) Installation of a freestanding service club sign shall not violate the California Constitution, Article 16 Public Finance, Sec. 5. (Cal. const., art. XVI, §5.) ”


This project is exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15301 “Existing Facilities” (Class 1).

SECTION 5. Effective Date and Posting.

This ordinance shall take effect and be in force thirty (30) days from and after the date of its passage. The City Clerk shall cause the ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation, or by publishing a summary of the proposed ordinance, posting a certified copy of the proposed ordinance in the City Clerk’s Office at least five (5) days prior to the City Council meeting at which the ordinance is to be adopted, and within fifteen (15) days after its adoption, publishing a summary of the ordinance with the names of the Council Members voting for and against the ordinance.
The foregoing ordinance was adopted with the reading waived at a regular meeting of the Oakley City Council on _____________, 2017 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

_____________________________________
Sue Higgins, Mayor  Date

ATTEST:

_______________________________
Libby Vreonis, City Clerk  Date
DATE: October 10, 2017

TO: City Council

FROM: Bryan Montgomery, City Manager

SUBJECT: Request for Qualifications for the Design-Build of Fire Station #55

Background and Analysis
Fire Station #55 is to be located on the north side of E. Cypress Rd. (north of the Summer Lakes development) and just east of Bethel Island Road. The developer of Summer Lakes, Shea Homes, was to build this fire station as a condition of approval of the development and Shea Homes was to receive some reimbursement from future development (paid through Fire Facilities Impact Fees). Instead of building the station and receiving reimbursement, Shea Homes has provided funding for the station that will be operated by the East Contra Costa Fire Protection District. The Fire District and City will work together to manage the design and construction of the facility and propose to do so by using the “design-build” approach. (This is the same method that was used to design and build Station #53 and the Oakley City Hall).

The attached Request for Qualifications document outlines the design-build process and follows the relevant State laws that provide for this method for public entities to complete a building project.

Fiscal Impact
Funds to construct the fire station come from funds paid by Shea Homes and from Fire Facilities Impact Fees. The cost of the fire station is not to exceed $3.6 million.

Staff Recommendation
Adopt a resolution that approves the Request for Qualifications document and directs the City Manager to proceed with the project accordingly.

Attachments
1. Request for Qualifications document
2. Resolution
Request for Qualifications-Based Proposals for the DESIGN-BUILD of OAKLEY FIRE STATION #55

City of Oakley, California
3231 Main Street
Oakley, CA 94561
www.ci.oakley.ca.us
SECTION I
GENERAL INFORMATION

Introduction
The City of Oakley invites qualified firms or individuals to submit proposals for the Design Build of Oakley Fire Station #55, as set forth in this Request for Qualifications-based Proposals document (RFQ). The project budget includes all design, engineering, geotechnical, administration, bonding, insurance, fees, permits, construction, contingency, furniture-fixtures and equipment (excluding fire-fighting vehicles/apparatus) necessary to provide a fully functional and operating facility. The design-build fee for all services will not exceed $3,600,000.

Design-Build teams will be required to provide site plans, floor plans, elevations, sections, material descriptions, team qualifications, workplan, schedule and other related details as part of their submittals (see Section V – Proposal Submission Requirements). The deadline for submitting proposals is 5:00 p.m. PDST, on Tuesday, December 5, 2017.

The design-build team will be selected based on the “best value” as determined by the City through the RFQ process. Best value is defined as “a value determined by objectives relative to design-build team qualifications and experience, price, features, function and life-cycle costs.”

Background
The City of Oakley, a general law city located in eastern Contra Costa County, is a community of over 41,000 residents. Fire services are provided to the City by the East Contra Costa Fire Protection District (“District”). It will be the Fire District that operates the new fire station.

The project site is on a 1-acre parcel and is located near the northeast corner of E. Cypress Road and Bethel Island Road, as shown in Exhibits A and B. (County Assessor Parcel Number 032-370-012). The dimensions of the parcel are approximately 201’ by 216’.
In collaboration with the Fire District, the City will be the lead agency in directing the development of the new fire station and the City has decided to utilize the design-build approach for its design and construction. California law has granted the design-build authority with various requirements as found in California Public Contract Code.

SECTION II
SCOPE OF WORK

The selected Design-Build Team, in coordination with the City and the Fire District, will guide the construction of the new fire station. The project will include a standard fire station of approximately 5,600 square feet of building area; apparatus bays, typical onsite parking, drainage, lighting and landscaping; and the street frontage improvements to Summer Lake Drive (north of E. Cypress Rd. and to the limits of the property). A conceptual site plan is found in Exhibit C.

Referring to Exhibit C, the fire station will include a three-bay apparatus area (about 3,100 sq. ft.); approximately 2,500 sq. ft. of dorms, kitchen, restrooms and office areas. Concrete driveways with accompanying asphalt paving and parking are proposed, as depicted in the conceptual site plan. Typical landscaping and a flagpole are to be included. The project site is located in FEMA Flood Zone X, protected by an existing levee against a minimum 100-year event.

The fire station is considered an “essential services facility” as defined in the California Building Code and will include on-site and above-ground fueling support, generator support for the entire building and site, plus an uninterrupted power supply for critical components of the operation.

The final product and finishes are expected to be equal to or greater to the fire station built in 2011 located at 530 O’Hara Avenue in Oakley (though that facility is somewhat larger).

The selected design-build team will be required to integrate sustainable strategies and features into the design to minimize the energy consumption of the fire station; conserve resources; minimize adverse effects to the environment; and improve occupant productivity, health, and comfort to reduce the total cost of ownership of the project using a whole building, life-cycle approach.

The selected design-build team will be required to coordinate with the City Manager and Fire Chief, or their designees, on the project and frequent update meetings will be
required throughout the project. The City and/or District may, at its expense, retain the services of a design professional or construction project manager, or both, throughout the course of the project in order to ensure compliance with agreed-upon specifications and other requirements.

An agreement between the City and the selected design-build team will be executed that will outline the full requirements and expectations of the project, including the guaranteed maximum price of **not to exceed $3,600,000**. The design-build team will obtain sufficient bonding to cover the contract amount for non-design services and errors and omissions insurance coverage sufficient to cover all design and architectural services provided in the agreement. Builder’s risk coverage will also be required.

All eventual subcontractors participating as part of the design-build team will be afforded the protections of State law, and all work is subject to applicable prevailing wage laws. This project is subject to compliance monitoring and enforcement by the California Department of Industrial Relations. The selected design-build team shall maintain all records in accordance with legal requirements and shall cooperate with the City’s labor compliance monitoring consultant to the fullest extent possible.

As outlined herein, the selected design-build team is expected to utilize all reasonable methods to hire from the local (east Contra Costa County) labor force. With regard to soliciting subcontractors, the design-build entity will: 1) Provide public notice of the availability of work to be subcontracted; and 2) Provide a fixed date and time on which the subcontracted work will be awarded.

### SECTION III

**PRE-QUALIFICATION PROCEDURE**

California Public Contract Code calls for a pre-qualification procedure as part of the request for proposal process. Please find in **Exhibit D** a questionnaire consistent with this requirement. The pre-qualification questionnaire MUST be submitted with your proposal. It will be reviewed as the first step of the proposal evaluation process and any firm not deemed “pre-qualified” by the City will be eliminated from further consideration. Design-build teams are strongly encouraged to NOT submit a proposal if responses to the pre-qualification questionnaire are likely to disqualify them from further consideration.
SECTION IV
RFQ SCHEDULE

Responses to this RFQ must be submitted to the Oakley City Hall as outlined in Section V no later than 5:00 p.m. PDST, on Tuesday, December 5, 2017. Responses received after this date and time will not be considered. Attendance to the pre-submission meeting and tour is highly recommended and this meeting will take place on Wednesday November 1, 2017 at 2:00 p.m. PST at the Oakley City Hall, located at 3231 Main Street in Oakley.

The City proposes an aggressive schedule for the review and selection process as outlined below. The schedule may be modified and extended if the need arises.

- Release of RFQ October 11, 2017
- Pre-submission Meeting November 1, 2017 (2:00 p.m. PDST)
- Proposal Due Date December 5, 2017 (5:00 p.m. PDST)
- Review/Interviews and Scoring of Submittals December 6, 2017 – January 2, 2018
- Final review/interviews by City Council and selection of design-build team January 9, 2018 (6:30 p.m. PDST)
- Design-Build Agreement approved by City Council January 23, 2018

A review team will complete the scoring of the proposals and will rank sequentially the three highest-scoring respondents. These finalists will be presented to the City Council at a duly-noticed public meeting, most likely January 9, 2018. At that meeting presentations/interviews will be held with these finalists and a final selection made by the City Council.

The City Council will determine which design-build team will be the selected for the project. The action to award will include a listing of who are the first, second and third ranked design-build teams, in sequential order. Contract negotiations will commence following the award with the highest ranked design-build team. If negotiations are not successful in a reasonable amount of time, the City Council may direct the City Manager to commence negotiations with the second-ranked firm. It is anticipated that a formal agreement will be presented to the City Council for its consideration later in January.
**SECTION V**  
PROPOSAL FORM AND CONTENT

To speed and simplify evaluation and to assure that each receives the same orderly consideration, all submittals must follow the format described in this section. Respondents are encouraged to submit concise and clear responses to the RFQ. The City of Oakley reserves the right to include or exclude any part of the submittals in the final agreement with the selected design-build team.

Five (5) bound copies of the submittal and a complete copy of the submittal on a USB flash drive in pdf format. Each submittal shall contain no more than twenty (20) single-sided 8½” x 11” pages (not counting dividers, site plan, floor plan, elevations and any relevant appendices). All pages shall be numbered. Drawings provided with the submittal shall not exceed 11”x17” in size.

Submittals shall be placed in a clearly marked envelope and delivered or mailed to:

**RFQ for Oakley Fire Station #55**  
*Attn: City Manager*  
OAKLEY CITY HALL  
3231 Main Street  
Oakley, CA 94561

Submittals must include the following components in the order listed below:

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<thead>
<tr>
<th>Part 1:</th>
<th>Cover Letter/Executive Summary</th>
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<tr>
<td>Part 2:</td>
<td>Prequalification Questionnaire</td>
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<td>Part 3:</td>
<td>Experience and Qualifications</td>
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<td>Part 4:</td>
<td>Commitment to Project Budget</td>
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<td>Part 5:</td>
<td>Concept Plan and Technical Design</td>
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<td>Part 6:</td>
<td>Delivery Schedule, Phasing and Timeline</td>
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<td>Part 7:</td>
<td>Sustainable Strategies and Life-Cycle Costing</td>
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<td>Part 8:</td>
<td>Skilled Labor Force Availability</td>
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<td>Part 9:</td>
<td>Safety Record</td>
<td>10 points</td>
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<tr>
<td>Part 10:</td>
<td>Reference Review</td>
<td>15 points</td>
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</table>

**TOTAL POSSIBLE:** 100 points
Part 1: Cover Letter /Executive Summary  (5 points)

In no more than three (3) pages, the Cover Letter and Executive Summary should include:

1. The names of the key members of the design-build team.
2. The mailing address, telephone number, and the name of the main point of contact for the design-build team.
3. A summary of the design-build team’s experience and qualifications and the significant advantages of selecting the design-build team.
4. The name and title of the representative(s) that attended the pre-submission meeting.
5. An acknowledgement of receiving any addendums to the RFQ document that may be sent out by the City.

Part 2: Prequalification Questionnaire  0 points

Include a completed Questionnaire using the format that is found in Exhibit C to this RFQ document. Failure to submit a completed Questionnaire will disqualify the design-build team from consideration. This portion of the submittal will not be scored, but any design-build team not deemed “qualified” pursuant to the responses to the Questionnaire, at the discretion of the review team, will not be considered for award.

Part 3: Experience and Qualifications  20 points

Provide detail relating to the experience and qualifications of the members of the design-build team including a Design-Build Team organization chart showing all key personnel who will be assigned to this project. Submit brief resumes demonstrating the training, experience and other qualifications of the key personnel who will be assigned to this project. Key personnel are defined as, but not limited to the following: Project Architects (Principal and Project Manager), Construction Project Executive, Construction Project Manager, and Construction Field Superintendent.

Design-build teams should further document expertise by including the information regarding the following:

1. Construction and architectural experience of the team, particularly on projects in the $3-5 million range.
2. Experience in design-build projects, particularly working together as a single team on similar projects in the past.
3. Experience with designing and constructing fire stations.
4. Understanding of operations, activities and maintenance of fire stations.
5. Experience and completing previous “Essential Services” facilities.
6. Construction experience on projects in east Contra Costa County, especially in the City of Oakley.
7. Experience designing and constructing facilities using LEED and other sustainable strategies.
8. Experience with the use of Life-Cycle Cost and Value Engineering.
9. Any other information that would assist the Review Team in understanding the design-build team’s capacity to efficiently and effectively complete the project.

**Part 4: Commitment to Project Budget  10 points**

The project budget includes all design, engineering, geotechnical, administration, bonding, insurance, fees, permits, construction, contingency, apparatus bay ventilation, basic furniture-fixture and equipment (excluding fire-fighting vehicles/apparatus) necessary to provide a fully functional and operating facility. The design-build fee for all services will not exceed $3,600,000.

Each responding design-build team should include an acknowledgement that it can effectively complete this project within the budget indicated. Because the budget is fixed, price is not a major factor of consideration; however, each respondent should clearly explain in this section the methods and process it will use to insure the project is within budget and that the District and City will be getting the best value/product within the budgeted amount. Specifically discuss the process the team proposes to use to obtain the best value pricing from subcontractors and technical consultants.

The City has conducted a preliminary estimate of building permits, impact fees, water and sewer connections, and furniture, fixtures and equipment that must be a part of this budget.

```
Building Permit Fees: $10,000
Local Traffic Impact Fee: $18,000
Regional Transportation Impact Fee: $10,000
Public Facilities Impact Fee: $3,000
Oakley Unified School District: $3,000
Liberty Union School District: $2,000
Water connection and impact fees: $60,000
Sewer connection and impact fees: $20,000
FF&E Estimate: $55,000
TOTAL $181,000
```
Part 5: Concept Plan and Technical Design  10 points
Each respondent should demonstrate its capacity to design a high-quality, functional and attractive facility within the budgeted funds. A detailed design is not required as part of the submittal; however, a general written explanation and graphic representation(s) that include the following information should be included in this section:

1. SITE PLAN AND DESIGN
   a. Functional Spaces: Discuss spatial layout, functional work spaces, dorms, finishes, furnishings, lighting and other relevant architectural provisions.
   b. Site Circulation: Describe circulation for people, parking and emergency service vehicles.
   c. Support Areas: Discuss access and clearance, delivery location, and other support area functions.
   d. Landscaping Concept: Generally describe features and plant/vegetation selection.

2. BUILDING DESIGN
   a. Building Concept: Discuss the proposed architectural concept; describe massing, special features, materials, overall architectural design and appearance, contextual relationship to the site.
   b. Building Enclosure: Describe the proposed systems and finish materials for exterior.
   c. Interior Public Spaces: Generally describe entry, general office, dorms and apparatus bay areas.
   d. Unique Fire Facility Features: Review the specific-use fire facility features for various areas on site and within the facility.

3. GRAPHIC REPRESENTATIONS
Submit graphic representations that would describe the various aspects of your site and building conceptual design. Any representations on paper should be no larger than 11” x 17” and be included in your submittal. The opportunity for display of larger representations and computer-aided displays may be possible during any presentations or interviews, but is not expected as part of the RFQ submittal.
Part 6: Delivery Schedule, Phasing and Timeline  10 points
Discuss in this section the steps of the design-build process the team proposes to take. Clearly outline the delivery schedule, phasing and timeline of each component of the project. Specific dates should be used assuming an award to this RFQ in December and an agreement approved in January. Completion of the project as soon as possible will be a factor in scoring this section.

Indicate in your proposed phasing the various decision points that will be required of the City and District. Also, describe your ability to guarantee your proposed timeline. (Examples of phasing and timelines on similar projects may be included to demonstrate the capacity to organize the work flow and complete the project in a timely manner).

Part 7: Sustainable Strategies and Life-Cycle Costing  10 points
The successful design-build team will be asked to develop energy efficient design options and alternatives for the design of the building, site and systems and maximize energy efficiency throughout the facility by addressing building design, shading, daylighting, site design, insulation, glazing, orientation, and LEED-related components.

In a narrative format, describe the team’s capacity and intention to integrate sustainable strategies and features into the design to minimize the energy consumption of the facility; conserve resources; minimize adverse effects to the environment; and improve occupant productivity, health, and comfort to reduce the total cost of ownership of the project using a whole building, life-cycle approach. Providing examples from other projects may prove helpful.

Specifically, as required by the design-build legislation found in the California Public Contract Code, each respondent must describe a preliminary life-cycle cost analysis of over 15 years or more as part of the submittal.

Part 8: Skilled Labor Force Availability  10 points
Also, specifically required by the design-build legislation is an affirmation from each respondent that it has reasonable and effective access to skilled labor for the project. Clearly explain the team’s ability and experience in obtaining this skilled labor and specifically describe the agreements the team has or will have with a registered apprenticeship program, approved by the California Apprenticeship Council.
The successful design-build team will be encouraged to incorporate local hires in its effort to access skilled labor. For the purposes of this project, “local labor” is skilled labor that resides in eastern Contra Costa County (east of the City of Concord).

The successful design-build team will be required to agree to all the terms and conditions of the labor compliance provisions found in the California Labor Code.

**Part 9: Safety Record  10 points**

The design-build legislation requires each respondent to demonstrate an “acceptable” safety record. The safety record will be deemed “acceptable” if the prime contractor’s “experience modification rate for the most recent three-year period is an average of 1.00 or less, and the average total recordable injury/illness rate and average lost work rate for the most recent three-year period does not exceed the applicable statistical standards for its business category, or if the bidder is a party to an alternative dispute resolution system, as provided for in Section 3201.5 of the Labor Code.”

In summary, include for the most recent three-year period:

1. The team’s experience modification rate.
2. The average total recordable injury/illness rate.
3. The average lost work rate.

In addition, briefly describe the team’s Injury & Illness Protection Plan (IIPP) and indicate if the team’s IIPP has been approved by OSHA.

**Part 10: Reference Review  15 points**

The review team will conduct a background reference review of each respondent. Please include the following information for the three projects, if applicable, that the design-build team (prime contractor and architect) has worked on together. Further, provide three references for each the prime contractor and architect members of the design-build team for projects that are similar in nature to this fire station project and/or that demonstrate a capacity to accomplish this project.

For each reference include:

1. Name of the Project
2. Type of Project (design-build or traditional design-bid)
3. Location of the Project
4. Name, title and contact information for the owner/client (phone and email)
5. Project Budget
6. Date of Completion of the Project
Include in your submittal a completed Authority to Release information Indemnification ad Waiver found in Exhibit E for BOTH the prime contractor and architect members of the team.

SECTION VI
GENERAL INFORMATION

1. **Addenda Interpretations.**
If it becomes necessary to revise any part of this RFQ, a written addendum will be provided to each firm that requested and/or received a copy of this RFQ. The City of Oakley is not bound by any oral representations, clarifications, or changes made in the written specifications by the City or its agents, unless such clarification or change is provided to you in written addendum from the City Manager of the City of Oakley.

2. **Designated Contact**
For the purposes of this RFQ, the designated contact is Bryan Montgomery, Oakley’s City Manager. Any questions concerning the scope of work and the selection process should be directed to the City Manager, who may be reached at montgomery@ci.oakley.ca.us. ALL questions and responses concerning this RFQ will only be accepted in writing, via email.

3. **Public Records.**
This RFQ document and all submittals in response thereto are public records. You are cautioned to not put any material into the proposal that is strictly proprietary in nature.

4. **Proposal Costs**
All costs associated with the preparation of RFQ submittals shall be borne by the respondent, not the City of Oakley.

5. **Equal Opportunity**
The City of Oakley requires all proposers to comply with equal opportunity policies. The City of Oakley’s programs, services, employment opportunities, and volunteer positions and contracts are open to all persons without regard to race, religion, color, national origin, sex, age, marital status, handicap, or political affiliation.

6. **Form of Contract**
An agreement will be signed by the selected design-build team and the City and which may incorporate all of the terms of the RFQ and any submittals. It is expected that the eventual contract will be made between the City and the “prime” contractor member of the design-build team; in other words, the City intends to only execute an agreement with one party, most likely being the prime contractor.
Any subcontracts executed by the contractor and/or the design-build team are subject to review by the City, but the City has no legal or financial obligation with regard to any subcontracts. Any agreements made by the City are subject to the approval of the Oakley City Council.

7. **Independent Contractor**
The selected design-build team and all other sub-consultants and subcontractors are deemed to be independent contractors for all purposes and no agency, either expressed or implied, exists.

8. **Labor Compliance Program**
A labor compliance program, containing the requirements outlined in Section 1771.5 of the Labor Code, will be enforced by agreement with the selected design-build team.

9. **Reservation of Rights**
The City reserves the right, for any reason, to accept or reject any one or more proposals; to negotiate the terms and specifications for the facility; to modify any part of the RFQ; or to issue a new RFQ.

We thank you again for your interest in Oakley and this very important community project!

Bryan Montgomery, City Manager  
City of Oakley, California  
3231 Main Street  
Oakley, CA 94561  
montgomery@ci.oakley.ca.us
EXHIBIT A

Fire Station Site
EXHIBIT B
Fire Station Parcel Map
EXHIBIT C

Conceptual Site Plan
EXHIBIT D
PREQUALIFICATION QUESTIONNAIRE

1. Name(s) of Design-Build Entity: ________________________________

2. Which of the following best describes this entity?
   ☐ Partnership  ☐ Limited partnership  ☐ Other Association ____________

3. Please list the names of all of the partners, general partners, or association members known at the time of bid submission who will participate in the design-build contract:

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<thead>
<tr>
<th>Name</th>
<th>Title</th>
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4. List at least three design build projects that the partners or association members have participated in that demonstrate the design-build entity has the experience, competency, capability, and capacity to complete projects of similar size, scope, or complexity.

   1)

   2)

   3)
1. Does the design-build entity have the capacity to complete the project?  
   ☐Yes ☐No

2. Provide the licenses and license number of each key member of the design-build team.

<table>
<thead>
<tr>
<th>Name</th>
<th>License(s)</th>
<th>License Number(s)</th>
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Are all of these licenses valid and current?  ☐Yes ☐No
Explain, if no:

7. Does the design-build entity have the capacity to obtain all required payment and performance bonding, liability insurance, and errors and omissions insurance for this project?  ☐Yes ☐No

8. Has there been any prior serious or willful violation of the California Occupational Safety and Health Act of 1973, contained in Part 1 (commencing with Section 6300) of Division 5 of the Labor Code or the federal Occupational Safety and Health Act of 1970 (Public Law 91-596) settled against any member of the design-build entity?
   ☐Yes ☐No  Explain, if yes:

9. Has any member of the design-build entity been disbarred, disqualified or removed from a federal, state, or local government public works project?  ☐Yes ☐No
10. Is there any instance where the design-build entity, its owners, officers, or managing employees defaulted on a construction contract?  □ Yes  □ No

11. Has any member of the design-build entity violations of the Contractors' State License Law (Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code), excluding alleged violations of federal or state law including the payment of wages, benefits, apprenticeship requirements, or personal income tax withholding, or of Federal Insurance Contribution Act (FICA) withholding requirements settled against any member of the design-build entity?  □ Yes  □ No

12. Has any member of the design-build entity been subject to bankruptcy or receivership, including information concerning any work completed by a surety?  □ Yes  □ No  Explain, if yes:

13. Please attach an explanation concerning any and all settled adverse claims, disputes, or lawsuits between the owner of a public works project and any member of the design-build entity during the preceding five (5) years preceding, in which the claim, settlement, or judgment exceeds fifty thousand dollars ($50,000). Information must also be provided concerning any work completed by a surety during this period.

14. Please attach a statement specifying that all partners or association members agree to be fully liable for the performance under the design-build contract.

~~~ OATH VERIFYING INFORMATION PROVIDED HEREIN ~~~

I ________________________________ declare under penalty of perjury and the laws of the State of California that the foregoing is true and correct. Executed this _______ day of __________, at _______________, California.

Signature: ________________________________
EXHIBIT E
AUTHORITY TO RELEASE INFORMATION
INDEMNIFICATION AND WAIVER

I, ______________________________ (name, title and company) hereby direct and authorize you, your organization, and/or persons in your employ to release any and all information which you may have concerning me and/or my company. This information may be of confidential nature, including, but not limited to, information that is privileged in nature, or derogatory in nature, any data or materials which have been sealed or agreed to be withheld pursuant to any prior agreement or court proceeding.

I understand that I will not receive and am not entitled to know the contents of confidential verbal or written reports received, including any and all information obtained during the background review and I further understand that these reports are privileged.

I hereby release, discharge, and exonerate you, your agents, employees and representatives and any person furnishing Information from any and all liability or damages for furnishing and inspection of such documents, records and other intonation, and this release shall be binding on my legal representatives, heirs, and assigns.

This release will expire in one year after the day signed.

Signed: ________________________________ Date: __________

Print Name: ________________________________
RESOLUTION NO. ______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY
APPROVING A REQUEST FOR QUALIFICATIONS-BASED PROPOSALS FOR
THE DESIGN-BUILD OF FIRE STATION #55 AND DIRECTS THE CITY
MANAGER TO PROCEED WITH THE PROJECT

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves
the Request for Qualifications-Based Proposals for the Design-Build of Fire Station
#55, a true and exact copy of which is attached hereto as Exhibit A, and directs
the City Manager to proceed with the project.

The foregoing resolution was adopted at a regular meeting of the City Council held
on the 10th day of October, 2017 by the following vote:

AYES:

NOES:

ABSTENTION:

ABSENT:

APPROVED:

______________________________
Sue Higgins, Mayor

ATTEST:

______________________________
Libby Vreonis, City Clerk Date