AGENDA

REGULAR JOINT MEETING OF THE OAKLEY CITY COUNCIL/OAKLEY CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE OAKLEY REDEVELOPMENT AGENCY AND SPECIAL MEETING OF THE OAKLEY PUBLIC FINANCING AUTHORITY

Tuesday, January 26, 2021
6:30 PM
Oakley City Council Chambers located at 3231 Main Street, Oakley, California 94561
BE ADVISED that this meeting will be live-streamed on the City's website at www.oakleyinfo.com. Due to the order of the County Health Officer, no one will be allowed to attend the meeting in person.

How to Participate:

Telephone: You may participate via telephone by calling (925) 809-9201 and using Conference ID#: 921207. Please call or text (925) 787-8454 with any difficulties with the call-in number or ID. The meeting host will call on you when it is your turn to speak. Please mute your phone until then.

E-mail: Public comments can be submitted until 5 p.m. the day of the meeting by completing an online comment form through the City's website, https://www.ci.oakley.ca.us/agendas-minutes-videos-archive/ . Comments will be distributed to the City Council via email and summarized in the meeting minutes. Please indicate on the comment form if you wish to speak during the meeting. Public comments are pu

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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Members of the public may address the Council on items of interest that are within the City's jurisdiction. Public comment on items not listed on the agenda will be heard under the Public Comments section of the agenda. In compliance with State law, the Council may not take action on an item that is not specifically listed on the agenda. If you would like to speak on any agenda item, please fill out a blue speaker card available in the lobby and submit it to the City Clerk prior to the agenda item being called. The Mayor will call you by name to the podium to hear your comments and you have up to 3 minutes to speak.

1.OPENING MATTERS

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 Update Provided by Fire Chief Brian Helmick, East Contra Costa Fire Protection District

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.

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 Minutes from the Regular Joint City Council/City Council Acting as the Successor Agency to the Redevelopment Agency/Public Financing Authority Meeting held January 12, 2021 (Libby Vreonis, City Clerk)
Minutes 011221

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

3.3 Approval of the East Cypress Road Precise Alignment Plan for East Cypress Road between Knightsen Avenue and Bethel Island Road (Kevin Rohani, P.E., Director of Public Works/City Engineer)
Staff Report
1. Draft East Cypress Road Precise Alignment
2. Resolution

3.4 Approval of Contract Amendment #1 with F.J. Kennedy and Associates, Inc. for On-Call Consulting Services Related to the Clean Water Program and City Surveyor Services for Fiscal Year 2020/21 (Kevin Rohani P.E., Public Works Director/City Engineer)
Staff Report
1. Resolution
2. Amendment No. 1

3.5 Acceptance of the Arco Service Station Project Offsite Improvements located near 2160 Laurel Road (Kevin Rohani, P.E., Public Works Director/City Engineer)
Staff Report
1. Resolution

3.6 Traffic Order pertaining to No Overnight Parking & No Parking for Vehicles over 7' along 1315 and 1371 Main Street (Kevin Rohani, P.E., Public Works Director/City Engineer)

Staff Report

1. Traffic Order #21-01
2. Resolution Approving Traffic Order #21-01
3. Petition from property owners along Main Street in favor of a parking restriction
4. Photos - 1315 and 1371 Main Street

3.7 Consideration of a Resolution Approving a Recognized Obligations Payment Schedule (ROPS) and Administrative Budget for the Fiscal Year of July 1, 2021 through June 30, 2022 (Tim Przybyla, Finance Director)

Staff Report

1. Resolution
2. Recognized Obligations Payment Schedule for Fiscal Year 2021/2022
3. Administrative Budget

3.8 Short-term extension of Lease Agreement with Mulehead Growers, LLC for the vineyard property located at 1785 Walnut Meadows Drive in Oakley (APN 037-141-006)(Bryan Montgomery, City Manager)

Staff Report

1. Site Map
2. Resolution
3. Proposed short-term lease extension agreement
4. Existing lease agreement

4.PUBLIC HEARINGS

4.1 Resolution Approving a Fee Study Regarding a Fire-Facilities Fee; Introduction and Waiver of First Reading of an Ordinance Amending Chapter 9.2 of the Oakley Municipal Code Concerning the Fire-Facilities Impact Fee; and Resolution Authorizing the City Manager to Execute an Administration Agreement with the East Contra Costa County Fire Protection District concerning the Fire-Facilities Fee (Derek Cole, City Attorney)

Suggested Action: 1) Open the Public Hearing, 2) Receive the Staff Report, 3) Receive Questions from the City Council, 4) Receive Public Comments, 5) Close the Public Hearing,
6) Deliberate, 7) Summarize the Deliberation, 8) Direct that the Resolution and Administration Agreement be considered for adoption on February 9, 2021, and 9) Waive the First Reading and Introduce the Ordinance.

Staff Report

1. Ordinance

5.REGULAR CALENDAR

5.1 Fiscal Year 2020/2021 2nd Quarter Report on the Capital Improvement Program (Kevin Rohani, P.E., Public Works Director/City Engineer)
Staff Report

5.2 Consideration of Approval of Concept Plan for Renovations to the Civic Center Park (Kevin Rohani, P.E., Public Works Director/City Engineer)
Staff Report
1. Civic Center Park Renovation Concept Plan

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

(b) Requests for Future Agendas

7.WORK SESSION

7.1 WORK SESSION - Oakley Planning Commission (Joshua McMurray, Community Development Director)
Staff Report
1. Powerpoint Presentation
2. Institute for local Government - The Planning Commissioner's Role

8.CLOSED SESSIONS

8.1 CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(d)(2) One Potential Case.

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

9.ADJOURN

Minutes of Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority held January 12, 2021

1) OPENING MATTERS

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

Vice Mayor Randy Pope called the meeting to order at 6:32 p.m. in the Oakley City Council Chambers located at 3231 Main Street, Oakley, California. He shared that Mayor Sue Higgins was absent due to illness. In addition to Vice Mayor Pope, Councilmembers Aaron Meadows, Anissa Williams and George Fuller were present.

1.2 Pledge of Allegiance to the Flag (Mayor Higgins)

Vice Mayor Pope led the Pledge of Allegiance.

2) PUBLIC COMMENTS

Vice Mayor Pope called for comments.

An unidentified caller commented to Councilmember Fuller that she understands he was recently was asked to leave Oakley Rotary because he wouldn't stop telling lies about fellow members. The caller indicated Councilmember Fuller made a statement during his campaign about former Mayor Romick and City Manager misdirected that $20 million. The caller requested Councilmember Fuller provide a response at some point and inquired how he plans to return this money now that he is on the City Council.

Vice Mayor Pope explained a response cannot be provided during the meeting from a Councilmember because the item is not agendized.

The caller mentioned she would be fine with a response posted on the City's website.

3) CONSENT CALENDAR

3.1 Approve Minutes from the Special Meeting of the Oakley City Council held December 8, 2020 (Libby Vreonis, City Clerk)

3.2 Approve Minutes from the Regular Joint City Council/City Council Acting as the Successor Agency to the Redevelopment Agency/Public Financing Authority Meeting held December 8, 2020 (Libby Vreonis, City Clerk)

3.3 Adopt a Resolution Continuing the Declaration of the Existence of an Emergency Affecting the Public Health and Safety due to the Novel Coronavirus (COVID-19) Pandemic (Bryan H. Montgomery, City Manager)

3.4 Appointment of City Council Standby Members for Newly Elected Councilmembers in the Event of a Declared Emergency (Libby Vreonis, City Clerk)

City Manager Bryan Montgomery commented that Councilmember Meadows brought to his attention that there is a type error in the minutes; under City Manager Reports; “painting” should be revised to “paving”, and the resolution in item 3.3 indicates a vaccine is not yet available which should be omitted. He mentioned staff will make the changes administratively if approved.

Vice Mayor Pope inquired when Police will receive vaccines.

Chief of Police Dean Capelletti responded that partners within the County will begin receiving vaccines this week and Oakley will likely be end of next week.

It was moved by Councilmember Fuller and seconded by Councilmember Meadows to approve the Consent Calendar with the revisions identified by Councilmember Meadows. Motion was unanimous and so ordered. (4-0)

4) PUBLIC HEARINGS

None.

5) REGULAR CALENDAR

None.

6) REPORTS

6.1 CITY MANAGER
(a) City Manager

City Manager Bryan Montgomery reported that staff will continue to refer the public to the Contra Costa Health Services website for the current vaccine distribution schedule.

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

Councilmember Fuller reported he virtually attended the East Contra Costa Fire Protection District (ECCFPD) Board meeting and it was decided that ECCFPD will consolidate with Contra Costa Fire Protection District (CCFPD). He mentioned within a year they anticipate to consolidate; in the process they are starting to expand personnel, enhance response time, and initiate a squad of two firefighters to fill in gaps. He also reported he attended the Diablo Water District Board meeting where Paul Seger was elected Board President. He mentioned the Board expressed concern regarding the ARCO station; the new set of directors are concerned about the gas line being located close to the creek and he relayed this information to Mr. Montgomery. He mentioned while they approved it, they would like to be kept in the loop early regarding these matters. He shared that on December 15, he watched women contest 7-Eleven’s ABC license

and they were well prepared; he believes their angst could have been resolved with review of the matter by the City having a planning commission. He also reported he attended the Contra Costa Mayors Conference where Mayor Higgins was elected to a position and where he was appointed to the Delta Protection Commission. He shared he failed in the LAFCO election.

Councilmember Meadows reported he attended the Transplan meeting in December where he was elected Chair and Supervisor Burgis was elected Vice Chair and the Board chose 2 member representatives to the Contra Costa Transportation Authority (CCTA); regular members are Joel Bryant from City of Brentwood and Lamar Thorpe from City of Antioch. He also reported he was appointed by Cal Cities to the Governance, Transparency and Labor Relations Policy Committee and they have a meeting this Friday.

Councilmember Williams reported she attended the Transplan meeting and the Tri-Delta Transit Board meeting where it was approved to research autonomous vehicles.

Vice Mayor Pope reported he attended a Habitat Conservancy meeting where he learned there is resolution to long-involved litigation regarding a fee dispute. He commented the resolution is a win-win for developers using the program and for protecting space for critters.

(b) Requests for Future Agendas

None.

7) WORK SESSIONS

7.1 Discussion Regarding the Train Platform Project (Bryan Montgomery, City Manager)

City Manager Bryan Montgomery shared that the staff report covers basic components and history of the train platform project. He mentioned in 2014, staff and the San Joaquin Regional Rail Commission had a discussion and the Commission included in a business plan the need for a more adequate and functional train platform in East Contra Costa County. He shared that staff worked with the Contra Costa Transportation Authority (CCTA) and received a grant in 2015 to conduct a study which is available on the City's website; it evaluated various sites, benefits and impacts of a railway in Downtown Oakley, and staff worked toward implementing the vision. He shared transit line maps of the train routes that could potentially be covered in its network. He mentioned the grant that was received by the San Joaquin Joint Powers Authority (SJJPA) included a component that is contingent upon the City performing as outlined in the PDA study and the Downtown Specific Plan. He shared that Amtrak is a partner with SJJPA and while the platform is intended to provide a commuter rail to Oakland, it will also be part of a nationwide network for travel. He shared the basic layout of the platform and how it ties into the Downtown Specific Plan. He explained it is SJJPA's project, it received grant funding, and it is now coordinating agreements to lead up to the design of platform. He clarified this is not a station, but rather a platform with awnings for shade, and he is not certain if kiosks are still planned to be included as ticket sales are moving toward online. He mentioned the project should be underway next year and will carry hundreds of passengers each day from Oakley and its surrounding areas. He commented that there is an existing site in Antioch, but SJJPA believes this is a better and more visible location.

Vice Mayor Pope requested Mr. Montgomery address the new station street.

Mr. Montgomery shared that the access road would happen in phases; O'Hara Avenue goes north and in the 1st phase a loop would be created on the eastern side from Second Street to O'Hara Avenue and the other connection would be in a future phase. He mentioned a parking lot is under design which includes a private building to be constructed next to the Guanatos building.

City Attorney Derek Cole addressed options the City may have in regard to the shaded blue area that Mr. Montgomery shared in his presentation. He mentioned that planning for the project dates from 2014 and the City Council can continue to provide support if it wants the project; if it doesn't want the project, the law prohibits the City's legal authority to do so. He shared that the Interstate Commerce Commission Transportation Act of 1995 provides that railroads belong to the Federal government which has created a Surface Transportation Board to regulate use by private and public rail carriers; local government cannot interfere with use, activity, transport, or construction of facilities on railroad property. He explained that if every city could pass laws regarding railroads, there would be chaos for railroads to navigate through each city. He also shared there are some limited laws for local government to request information. He commented that it may or may not be the Council's pleasure to move forward, but at this stage, the City does not have authority to tell the SJJPA what to do or not to do regarding the shaded blue area. He explained the City has the ability to make a request, but has no legal authority.

Councilmember Fuller requested confirmation that the parking lot and Gateway Plaza will be constructed with Main Street funds that were originated and transferred from the City's General Fund.

Mr. Montgomery responded that it is the designated funding source. He mentioned that while there are conceptual designs for Gateway Plaza it is not under design with construction plans, but the parking lot is.

Councilmember Fuller inquired if the City decides not to use the funds, if it could move the $3.5 million back to the General Fund or another capital project fund.

Mr. Montgomery responded that may not be the exact figure; however, the City Council could direct staff to move funds to a capital account but an operational account may not be wise because they are capital project funds. He mentioned when the SJJPA grant was submitted, it acknowledged the work mentioned by the City to support the platform which SJJPA believes is an important part of receiving the grant funds. He shared that although there is no formal agreement, the City told them it would build these things and it is in all of the city planning documents. He mentioned the City can redirect funds and not do the work to support the platform, however, as a professional, he would want to speak with the SJJPA to let them know and apologize.

Councilmember Fuller inquired if the City could suspend construction of the parking lot and Gateway Plaza until SJJPA gives a written start date when the train will stop in Oakley.

Mr. Montgomery responded that as improvements of the parking lot and roadway get closer in proximity to the platform, the City will need to know the grade of platform before the City portion can match up to the platform to meet ADA requirements; therefore, the City is waiting anyhow; construction is not imminent as much of the details would need to wait until the City has the information it needs.

Councilmember Fuller requested Mr. Montgomery address the Diablo Water District (DWD) pipeline on the railroad property.

Mr. Montgomery explained that the pipeline is located on BSNF property. He shared that much like the Antioch platform and many platforms in their network, the platform will be right up against the track. He mentioned the water line is on the southern edge and as the City gets closer to design the main platform will likely be away from the pipe line, but it is a DWD decision whether or not to relocate it. He mentioned the platform is 700 linear feet and it is possible the platform will not be on top of the water line; however, it may be under pedestrian access walkways in which they are similarly located in other places.

Councilmember Fuller inquired if a statistician has looked at the commercial impact of the project.

Community Development Director Joshua McMurray responded that in 2015, reputable and experienced consultants including Perkins and Will, Fehr and Peers, and Economic Planning Systems; they studied the project and provided a detailed analysis over 4 months. He mentioned they concluded there are positive benefits of having the station in its proposed location; it would fuel ground-floor retail and lower density, mid-rise residential.

Councilmember Fuller inquired if Bay Area Rapid Transit (BART) was ever brought into City discussions about the project.

Mr. Montgomery responded he is not aware of a City meeting with BART; however, BART has representation at Contra Costa Transportation Authority meetings and is aware of the project.

Councilmember Fuller inquired what is involved to move a homeless encampment should it come along.

City Attorney Derek Cole responded that the first question to answer is whether the property is public or private. He explained if it is private property, Police can work with the property owner's consent to remove an encampment; however, if it is public property, pursuant to the Boise case, people who unlawfully camp on public property can be removed, but they must be given an opportunity to seek available public shelter; if none is available, they cannot be removed. He added if they have been offered public shelter and refuse it, they can be removed.

Chief of Police Dean Capelletti mentioned Police provides a 72-hour notice for homeless to move their items and if they are not moved within that time, the City removes the items and holds the items for 90 days; however, they try to avoid this happening and usually when Police speaks with them, they move along. He indicated that homeless in Oakley seem to be local and are offered services.

Councilmember Fuller suggested the property could be redesigned. He inquired if the train platform doesn't go in, if the City could scale back the parking lot and redesign.

Mr. Montgomery responded it can be designed differently. He shared that the property where the parking lot is located is City-owned. He mentioned pre-pandemic, it was estimated that the train platform would need the proposed parking spaces for ridership, but the parking can also be used for downtown events and future businesses which will encourage economic development; no parking in the downtown may create a problem. He added that the goal of the Downtown Specific Plan is to draw economic development downtown.

Councilmember Fuller commented that planning was done pre-pandemic. He inquired if there has been any reassessment post-pandemic.

Mr. Montgomery responded that more analysis will be done by SJJPA and when done, if information comes back that is different than the analysis done pre-pandemic, staff will inform the Council. He shared an anecdotal experience and mentioned sometimes it is about thinking beyond what we see right now to the future benefit to the community.

Councilmember Williams commented that this project was implemented before the Antioch BART station went in and the parking lot in Antioch is a nightmare during commute hours. She inquired what studies have been done to alleviate concerns about concentrated commute time parking.

Mr. McMurray responded that an extensive amount of traffic study and analysis has been performed beginning with the Downtown Specific Plan adoption in 2010 and certification of the EIR. He added in 2017, after the PDA study, the Downtown Specific Plan was amended to further reinforce the train platform and how it is consistent with the vision of the Downtown approved which is consistent with the EIR certified in 2010. He mentioned the parking lot creates a use and a number of trips associated with that use, but there could also be commercial development which is much more intense in use. He expressed he believes the analysis done in 2010 is very comprehensive and still applies today.

Councilmember Williams inquired what Oakley can do to prevent the platform from becoming like Antioch's platform.

Chief Capelletti responded that he plans to reinstate a Police bike patrol and Police has a community impact team to address community and quality of life issues. He shared that he likes to be proactive and if more Police presence and visibility is needed, Police can provide it.

Mr. Montgomery added that SJJPA addressed security early on suggesting security cameras, benches that cannot be slept on, no concealed spaces, and good visibility, unlike the Antioch site. The SJJPA believes Oakley is a good location for riders from surrounding areas; they may not feel safe to park in Antioch.

Councilmember Meadows inquired if there are any public safety concerns with this site.

Chief Capelletti responded there are no public safety concerns.

Councilmember Williams inquired if the platform could be moved closer to Amazon where there is a larger space.

Mr. Montgomery explained that pre-pandemic, Glydways proposed a concept to use this parking hub for riders to take Amtrak and follow the same railroad right of way; riders could take an autonomous vehicle and get to Big Break, the Logistics Center and the Antioch BART station. He mentioned it is all in a conceptual study now, but the property is there and available. He mentioned it probably wouldn’t be a platform, but rather a connector.

Councilmember Meadows inquired if a parking lot will be needed for the building on the northwest corner.

Mr. Montgomery responded its parking lot is part of the overall 330 spaces.

Councilmember Meadows inquired if the parking lot will be built in 2 phases.

Mr. Montgomery confirmed it will be built in 2 phases.

Councilmember Meadows inquired if O'Hara Avenue, north of Main Street, is one-way south only.

Mr. Montgomery responded that as sketched you could go north and come south. He mentioned there is a piece of property the City does not currently own that could connect the westerly edge of the new station street; from Second Street off of Main Street heading west is one way, but as you hit O'Hara Avenue, it is two ways.

Councilmember Meadows inquired if the new segment north of Main Street is north and south traffic. He inquired if vehicles can turn left on O'Hara Avenue from the eastbound lane.

Mr. Montgomery responded that vehicles heading east on Main Street can turn left on O'Hara Avenue. He explained that in the first phase, there wouldn't be reason to turn left; however, in the future it would make sense. He mentioned in the first phase off of Second Street, vehicles would head west, then south and the northern section is not relevant in the first phase. He commented this is conceptual and the City does not have all the property yet, but this would be the long-term view.

Vice Mayor Pope commented that the project is being constructed with grant funds awarded to SJJPA, not the City. He inquired if any grant funds have been spent. He mentioned agencies that have been awarded grants have obligations and responsibilities; funds typically can't be used for something else.

Mr. Montgomery responded that he does not recommend to not move forward with the project as the SJJPA has received grant funds for $8.6 million and has already spent funds on staff time, and it could impact their ability to receive future grant funds.

Vice Mayor Pope inquired if SJJPA would have to refund grant funds spent.

Mr. Montgomery explained that grant funds are typically drawn down; however, they would likely have to reimburse for funds expended on staff time which may not be a lot at this time.

Vice Mayor Pope mentioned in the diagram, the line connects with the ACE train. He inquired if there will be trains in the morning at the Oakley station to connect with the ACE train or if all trains are going west toward Oakland.

Mr. McMurray explained it is the ultimate goal to connect with ACE; however, at this time, the San Joaquin plan is for 8 trains to go to Oakland and 4 trains to Sacramento, morning and evening. He explained it is not a reverse commuter train at this time.

Mr. Montgomery mentioned riders can connect north; however, they would have to transfer and work out the timing of transfer so perhaps it is more complicated, but the train is heading in that direction. He shared staff can request SJJPA provide a presentation and answer detailed questions.

Vice Mayor Pope explained that ACE is another commuter rail and he was wondering if the Oakley stop could connect to hit all ACE trains stops as well. He requested confirmation that $3.5 million is the estimated amount for parking construction and is a one-time expenditure meaning once the money is spent, no more money would be available. He mentioned he wouldn't want to incur a long-term liability with one-time funding.

Vice Mayor Pope announced one online public comment was submitted by Tisha Bolger and will become part of the record.

Vice Mayor Pope called for any other public comments.

A caller commented that the train concept is a bad idea to get people to jobs rather than getting jobs in Oakley to people and it doesn't help homeless to get jobs; it seems counterproductive if it just shuffles people out of Oakley to work other places.

Councilmember Fuller expressed his biggest concern is there is no train scheduled to stop in Oakley and until then he would prefer no construction; he doesn't want to underutilize public property. He commented that there are not enough services for all homeless; it will be labor intensive to deal with homeless, a bed must be available to move people, storage of items is required, and the City does not have budget to provide temporary housing. He mentioned this one attraction seems to be underutilizing public property; if the train were stopping then utilization of it might be better. He added that during the recent Mayors Conference, it was discussed that ridership is down and transportation agencies are in a dire situation. He expressed concern that transportation agencies could go bankrupt. He recommended a post-pandemic study and SJJPA having a date when there will be a stop in Oakley, then it will have a use and the Council can take a look at it.

Mr. Montgomery responded that staff will rely on SJJPA as it may not want to address the stop until ridership is addressed. He mentioned that portion of the parking lot has to wait anyway because it is part of the project phasing so whatever the Council approves will be used. He shared that the parking available now is used by riders for the bus stop at Norcross and by businesses.

Councilmember Fuller commented rail systems bring encampments as a stop is quick way in and out which will be a magnet to bring people here. He mentioned Amtrak has homeless on its trains without a ticket and they are put off the train, then they catch another train without a ticket and keep going. He expressed he wants to see it utilized.

Mr. Montgomery commented there are no homeless services in Oakley; however, the State purchased Motel 6 in Pittsburg; therefore, homeless have a place to go and if they refuse it, the City can remove them.

Councilmember Meadows commented that pre-pandemic, he could see from his office that the parking lot was always full with people parking to ride the bus.

Vice Mayor Pope inquired if he is referring to the temporary parking lot.

Councilmember Meadows responded he is referring to the parking lot north of Norcross.

Councilmember Williams inquired if there will be a park-n-ride on Cypress.

Mr. Montgomery responded that there is a proposed park-n-ride on Cypress. He explained that Glydways would go to the Logistics Center and also to Cypress. He mentioned the bus may be convenient and the area around the Bistro is designed for a turning radius for a large bus.

Vice Mayor Pope commented it was 10 years ago when he ran for City Council and the train station was planned before then. He shared historically, Oakley was founded on a train stop and decades ago had a whistle stop and the train still goes by, but does not stop. He explained the City is not creating something that didn't exist before and the previous Council spent a lot of time looking at conceptuals and expressed many of same concerns expressed now; the City doesn't want it to be an attractive nuisance and it should be a welcoming space, but make it unfriendly to commit crimes or bed down. He shared that the City has installed benches in public areas to prevent laying down. He mentioned he believes that the Council has been good stewards of the City and he hopes the current Council will continue in that stead and build a place that we're all proud to live, and to feel safe and secure. He mentioned since Police services came in-house, there has been a very compassionate enforcement homelessness procedure which he credits the first Oakley Police Chief to establishing and it continues. He shared that Police have contacted each homeless person to provide services and resources and it was successful, but a small percentage have come back. He learned that there are resistant homeless that refuse services and Police deal with it; if there is a bed, they can be cited or arrested, but if no bed, they cannot criminalize human needs. He commented that the project will create jobs; the train stop will bring people Downtown to businesses. He shared that the Bistro owner is already planning to offer coffee and breakfast pastries when the project develops. He expressed he believes the project will be a fertilizer bomb to spur economic activity. He mentioned we are not post-pandemic yet, but it has changed the workplace paradigm; telework and online work has been discovered and people are able to move where they want to live rather than live where they work and they don't have to commute. He also mentioned the autonomous vehicles discussed can provide a connector. He commented that BART presents to the Council and it has never been said to not build a station. He mentioned BART has not expressed concern of competition, but has seen the platform as complementing BART as a way to get people to BART. He commented that Oakley has needed this parking lot for a long time and is obligated to build part of it whether the train station goes in or not. He inquired how many trains will be in operation.

Mr. McMurray responded there will be 4 trains heading north and 8 trains toward Oakland.

Vice Mayor Pope commented that the trains will stop because the railroads are not going to spend money to not have them stop. He inquired if he may discuss the Antioch station.

Mr. Montgomery responded that he believes the SJJPA will discuss it with Antioch.

Vice Mayor Pope commented that Oakley's future station has been viewed more favorably for a train stop. He mentioned he has traveled on the East coast which has similar trains; they are quiet and there is more room to walk around than old BART trains which is a huge upgrade for commuters and an asset to the community. He mentioned he hopes that the Council does not send a message to the City's partners that Oakley is unreliable and goes back on its word; it is not the kind of partnership or reputation he wants Oakley to build where it is pulling the rug out from under its partners. He shared at project openings he always tries to get the lead person on the project aside to ask how doing business is with City staff and their response is that Oakley is the best government agency to do business with which means a lot. He thanked staff.

Councilmember Williams shared that she commutes and has used trains across the nation. She mentioned she is in favor of it, but has received comments from residents not in favor of it whom have repeatedly requested no train station but feel that they are not being heard. She inquired if the City Council has received a lot of comments and how to address the fears and concerns of those whom have expressed their opinions.

Vice Mayor Pope commented that the Council engages with its constituents and can agree or disagree with them and ultimately the Council directs staff. He mentioned there are approximately 44,000 people in Oakley and there may be only 1 or 2 people expressing concern, but the Council represents all residents, including others who may be too busy to engage in Council meetings or outreach and want their elected government to take care of it for them.

Mr. Montgomery mentioned that he recalls staff received a few comments early on about security and safety and the former Council addressed the concerns probably more than the amount of comments received. He added that staff has informed people multiple times of the project, including every household receiving a front page newsletter, and staff received maybe under 10 comments. He mentioned the Council listens but may have to go in different direction.

Vice Mayor Pope mentioned the new Councilmembers may have constituency that hasn't been tapped and one of the items that has been long discussed by the former Council is how to encourage residents to engage in local government and make it easier for them to engage. He expressed he would love to hear ideas how to increase engagement. He explained if someone emails a Councilmember, in his opinion, that Councilmember brings the matter forward to address to the Council. He mentioned social media comments do not get to the Council directly.

Councilmember Fuller expressed he appreciates how much work has gone into the project; however, his biggest concern is there is no stop and the current pandemic is life changing; it has created a new normal of uncertainty which need to be considered.

Councilmember Meadows commented it is a benefit to Oakley and in the Downtown, he can see it helping existing and future restaurants.

Councilmember Williams commented that post-pandemic, the City will need to ensure traffic abatement to alleviate fears and ensure there is a plan to address issues to get rid of angst.

Mr. Montgomery mentioned staff will invite SJJPA to provide updates which would address these issues. He explained the City cares about the project and wants input; however, it is a SJJPA project and SJJPA is well-versed in these platforms and has a good reputation. He shared that he viewed other platforms of the SJJPA and they look pretty clean on Google Earth.

Vice Mayor Pope inquired which Councilmembers now sit on the transportation committees.

Councilmembers Meadows and Williams responded they do.

Vice Mayor Pope commented that the future of transportation points toward parking lots being passé and we will use autonomous vehicles we don't own. He mentioned while we don't know exactly what it will hold, staff has done a good job of future-proofing projects, i.e., including charging stations, more powerlines, undergrounding conduit for power, sewer and water, all to prepare in advance.

Mr. Montgomery shared that if the parking is not needed in the future, the City would have an opportunity to change gears and build structures instead. He mentioned staff will bring the item back for more discussions as he is not hearing the Council wants it to stop. He mentioned the project would happen in phases and more time is available due to the pandemic.

8) CLOSED SESSION

8.1 PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code Section 54954.5(e)
Title: City Manager

Vice Mayor Pope announced the closed session item. He mentioned after closed session, the meeting will be closed in memory of Tinker Vanek. He mentioned she served as Mayor during first Council and laid the groundwork for Oakley. He shared she recently passed away.

9) ADJOURN

There being no further business, the meeting was adjourned at 10:11 p.m.

Respectively Submitted,

Libby Vreonis
City Clerk

OAKLEY
CALIFORNIA

MEMORANDUM

Office of the City Attorney

Date:	January 13, 2021
To:	Mayor and Members of City Council
Cc:	Bryan Montgomery, City Manager
From:	Derek P. Cole, City Attorney
Subject:	Closed Session Report-Out Memo

FOR CONSIDERATION AT THE CITY COUNCIL MEETING OF JANUARY 26, 2021

Background and Analysis

The City Council considered the following closed session item during its meeting held January 12, 2021:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code Section 54954.5(e)
Title: City Manager

The City Council continued the evaluation until the regular time in which City Manager annual evaluations are conducted. There was no other reportable action.

Fiscal Impact

None.

Recommendation

Receive and file this report.

Attachments

None.

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: January 26, 2021

TO: Bryan Montgomery, City Manager *Approved and Forwarded to the City Council*

FROM: Kevin Rohani, P.E., Public Works Director/City Engineer

SUBJECT: Approval of the East Cypress Road Precise Alignment Plan for East Cypress Road between Knightsen Avenue and Bethel Island Road

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Background and Analysis

On October 13, 2020, the City Council of Oakley approved an agreement with Bellecci & Associates, Inc. for Engineering Services associated with the preparation of the East Cypress Road Precise Alignment Plan. Staff has collaborated with Bellecci & Associates on the various private development projects slated along this corridor of East Cypress Road to prepare the draft East Cypress Road Precise Alignment plan that will establish the proposed roadway alignment to be designed by private development projects and capital improvement projects in this area.

Establishing of the right of way lines and improvements along East Cypress Road between Knightsen Avenue through the Contra Costa Canal Crossing and up to Bethel Island Road has been planned with the East Cypress Corridor Specific Plan Project (ECCSP) since 2004. The City of Oakley General Plan (GP) Transportation Element 2020, and the ECCSP Environmental Impact Report includes the extension and improvements of East Cypress Road. This section of East Cypress Road was analyzed in the East Cypress Corridor Specific Plan EIR and Supplemental EIR (SCH # 2004092011), collectively, "ECCSP EIRs", certified by the City Council in March of 2006 and 2009, respectively. The City has reviewed the precise alignment plan and determined that approval of the project will not result in any new, or substantially more adverse, significant environmental impacts than those disclosed in the ECCSP EIRs.

The establishment of the right of way lines are intended to reserve sufficient right of way for future road construction. Approval of the precise alignment plan to establish the future right of way lines will not result in the immediate acquisition of any property. The dedication of the right of way will be a part of Conditions of Approval for future private development projects.

Reconstruction of East Cypress Road that began in 2005 at Main Street fronting the Cypress Grove Subdivision, and has progressed easterly with the start of various

development projects such as the Emerson Ranch and Delaney Park subdivisions. The recent increase of residential development along the East Cypress Road corridor triggers many segments along East Cypress Road to be constructed with a four and six lane divided roadway per the City's General Plan. The purpose of the precise alignment of East Cypress Road is to continue the widening improvements and provide direction for both private development and capital improvement projects for this roadway.

The proposed future right of way for East Cypress Road between Knightsen Avenue and Jersey Island Road is 152 feet, consisting of 6 lanes with a divided median, bike lane, sidewalk and landscaped parkways. The proposed future right of way for East Cypress Road between Jersey Island Road and Bethel Island Road is 150 feet which consists of four lanes with a divided median, bike lane, sidewalk and landscaped parkways. Right of way dedications will be required for the construction of this segment of East Cypress Road. A number of parcels, including a parcel owned by the City of Oakley will be conditioned to dedicate for the roadway right of way when those areas are developed.

Fiscal Impact

There is no immediate fiscal impact associated with this action. The new right of way will be dedicated by the respective private developers in the future, as new development projects are processed by the City.

Staff Recommendation

Staff recommends that the City Council adopt the Resolution for the approval of the East Cypress Road Precise Alignment between Knightsen Avenue and Bethel Island Road.

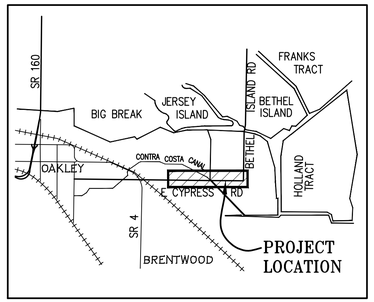
Attachments

1) Draft East Cypress Road Precise Alignment
2) Resolution

EAST CYPRESS ROAD
PRECISE ALIGNMENT
CITY OF OAKLEY

CONTRA COSTA COUNTY CALIFORNIA

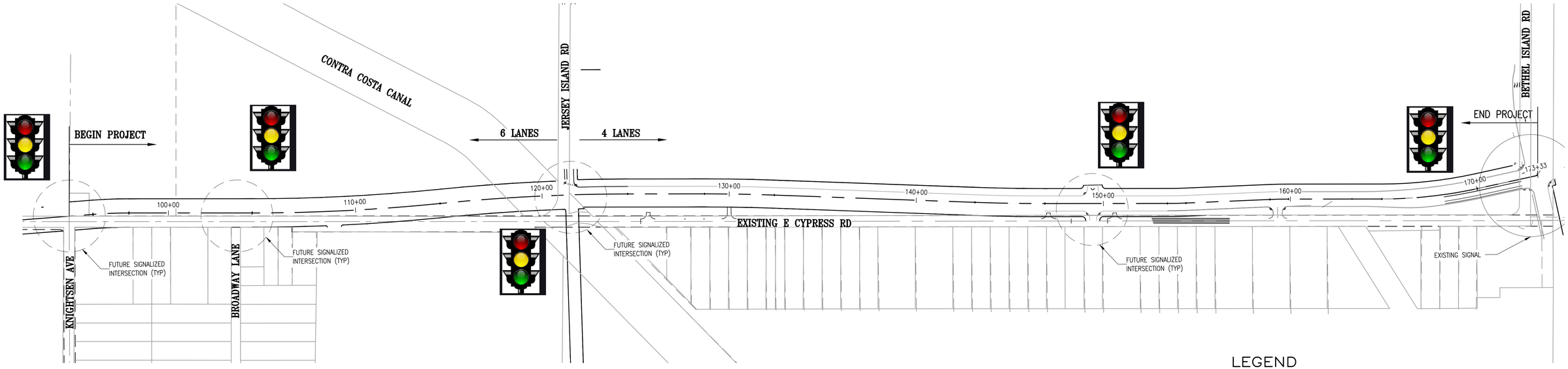
DECEMBER 2020



VICINITY MAP

NO SCALE

SHEET NO.	SHEET INDEX
1	TITLE SHEET
2	TYPICAL SECTIONS
3	TYPICAL SECTIONS
4	TYPICAL SECTIONS
5	TYPICAL SECTIONS
6	PLAN & PROFILE 93+00 – 105+00
7	PLAN & PROFILE 105+00 – 117+00
8	PLAN & PROFILE 117+00 – 129+00
9	PLAN & PROFILE 129+00 – 141+00
10	PLAN & PROFILE 141+00 – 153+00
11	PLAN & PROFILE 153+00 – 165+00
12	PLAN & PROFILE 165+00 – 173+34



ABBREVIATIONS

AB	AGGREGATE BASE	LVC	LENGTH OF VERTICAL CURVE
AC	ASPHALT CONCRETE	MAX	MAXIMUM
BC	BEGIN CURVE	MIN	MINIMUM
BM	BENCH MARK	NTS	NOT TO SCALE
CB	CATCH BASIN	PI	POINT OF INTERSECTION
CL	CENTERLINE	PL	PROPERTY LINE
CONST	CONSTRUCTION	PRC	PT OF REVERSE CURVE
CR	CURB RETURN	PT	POINT
DWY	DRIVEWAY	PVI	POINT OF VERTICAL INTERSECTION
EA	EACH	R	RADIUS
EC	END CURVE	R/W	RIGHT–OF–WAY
EL	ELEVATION	RT	RIGHT
EP	EDGE OF PAVEMENT	S	SLOPE
EX	EXISTING	SD	STORM DRAIN
FC	FACE OF CURB	SHT	SHEET
FH	FIRE HYDRANT	SL	STREET LIGHT
FL	FLOW LINE	SS	SANITARY SEWER
GB	GRADE BREAK	STA	STATION
GV	GATE VALVE	STD	STANDARD
HP	HIGH POINT	SUB	SUBDIVISION
L	LENGTH	TC	TOP OF CURB
LF	LINEAR FEET	TEMP	TEMPORARY
LG	LIP OF GUTTER	TI	TRAFFIC INDEX
LP	LOW POINT	TYP	TYPICAL
LT	LEFT	W	WATER LINE

KEY MAP

SCALE: 1"= 250'

BENCHMARK DATUM

COORDINATE AND ELEVATION DATUM FOR THIS SURVEY IS BASED ON NGS CONTROL POINTS PID NUMBERS HS3769, DH6895 AND DB3879

PID	NORTHING	EASTING	ELEVATION
HS3769	2180254.335	6232482.922	13.8
DH6895	2193565.21	6224466.128	10.108
DB3879	2175993.444	6227442.82	23.6

BASED ON THE CALIFORNIA COORDINATE SYSTEM ZONE 3, NAD83, NAVD88, EPOCH 2010.

BASIS OF BEARINGS: CALIFORNIA COORDINATE SYSTEM ZONE 3, 1983 (CCS83)

LEGEND

EXISTING	PROPOSED	DESCRIPTION
		PROPERTY LINE
		CURB, GUTTER AND SIDEWALK
		CENTERLINE
		RIGHT–OF–WAY

ADOPTED BY CITY COUNCIL

RESOLUTION NUMBER:

DATE:

THIS DOCUMENT INTENDED FOR PLANNING PURPOSES ONLY

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EAST CYPRESS ROAD PRECISE ALIGNMENT

TITLE SHEET

CITY OF OAKLEY CONTRA COSTA COUNTY CALIFORNIA

DESIGNED UNDER THE DIRECTION OF:

R.C.E. No. 8

PRELIMINARY

DATE

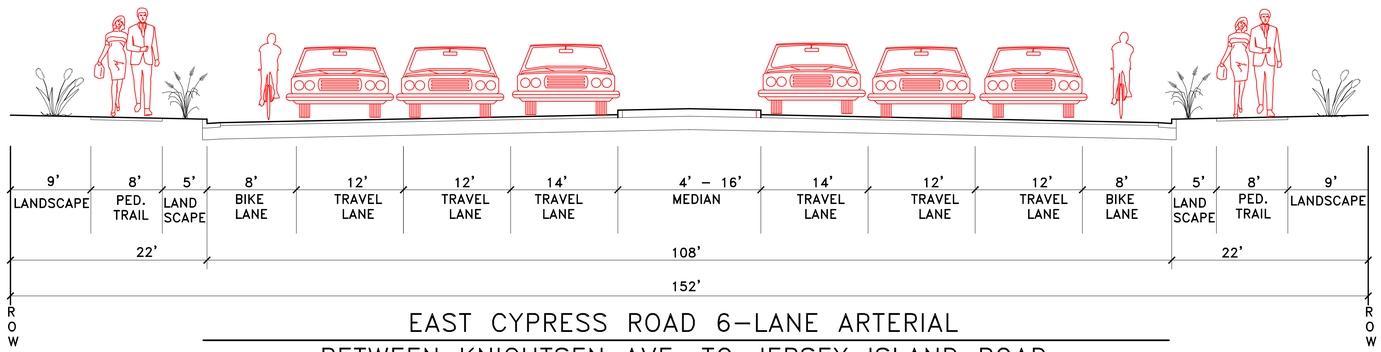
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DRAWN:	JS	DATE: 11/30/2020
CHECKED:	FCB	DATE: 11/30/2020

REGISTERED PROFESSIONAL ENGINEER SHAILA CHANDRA BANDUGULA No. 82491 CIVIL STATE OF CALIFORNIA

1 / 12

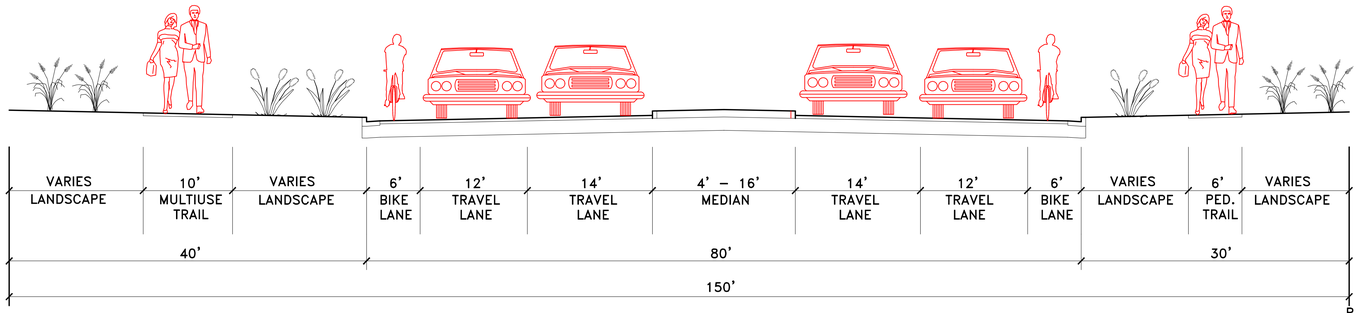
T–1

CYPRESS PRESERVE – EAST CYPRESS ROAD PRECISE ALIGNMENT 11/30/2020



EAST CYPRESS ROAD 6–LANE ARTERIAL
BETWEEN KNIGHTSEN AVE. TO JERSEY ISLAND ROAD

N.T.S.



EAST CYPRESS ROAD 4–LANE ARTERIAL
BETWEEN JERSEY ISLAND ROAD AND BETHEL ISLAND ROAD

N.T.S.

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EAST CYPRESS ROAD **PRECISE ALIGNMENT**

TYPICAL SECTIONS

CITY OF OAKLEY **CONTRA COSTA COUNTY** **CALIFORNIA**

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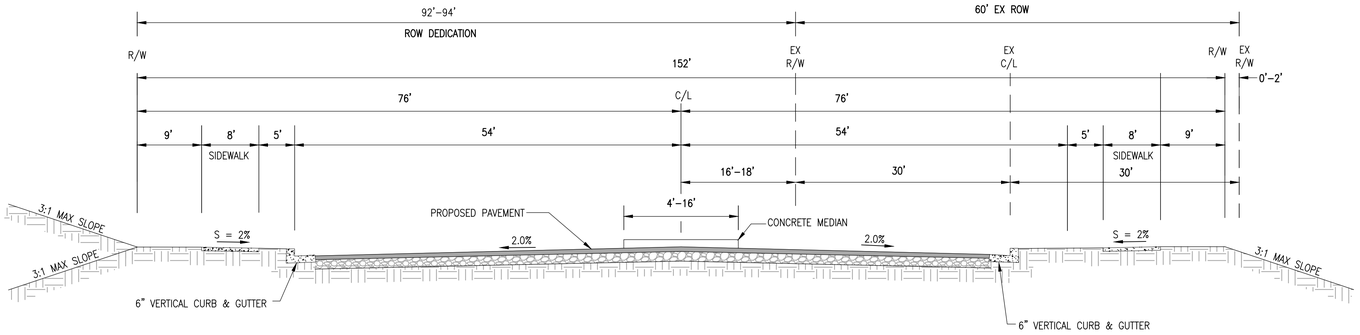
REGISTERED PROFESSIONAL ENGINEER SHARA CHANDRA BADUGU No. 82491 CIVIL STATE OF CALIFORNIA

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X–1

CYPRESS PRESERVE – EAST CYPRESS ROAD PRECISE ALIGNMENT 11/30/2020

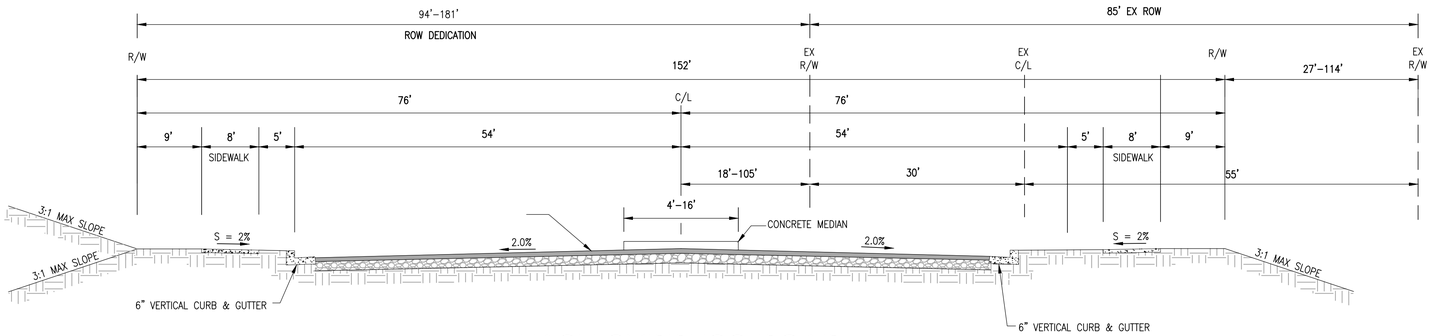
ROADWAY DESIGN DATA
DESIGN SPEED 55MPH
POSTED SPEED 45MPH



EAST CYPRESS ROAD

94+68 – 106+59

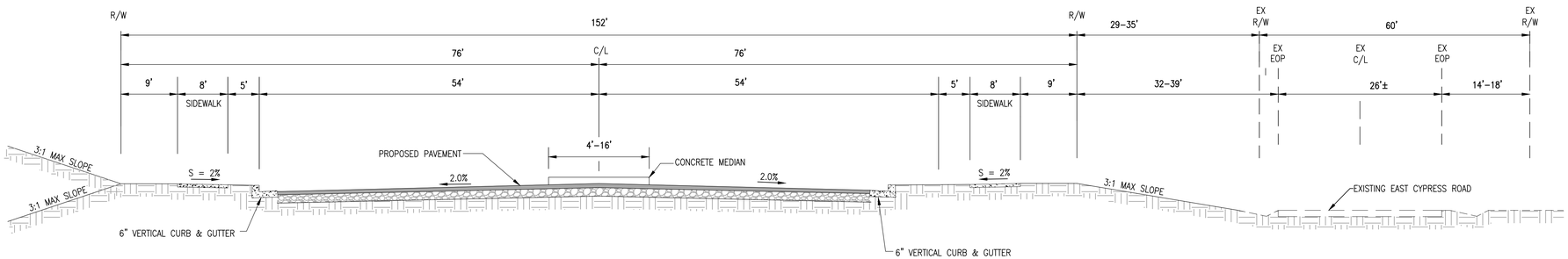
NOT TO SCALE



EAST CYPRESS ROAD

106+59 – 119+54

NOT TO SCALE



EAST CYPRESS ROAD

119+54 – 121+02

NOT TO SCALE

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EAST CYPRESS ROAD **PRECISE ALIGNMENT**

TYPICAL SECTIONS

CITY OF OAKLEY **CONTRA COSTA COUNTY** **CALIFORNIA**

DESIGNED UNDER THE DIRECTION OF:

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DESIGN: SB DATE: 11/30/2020

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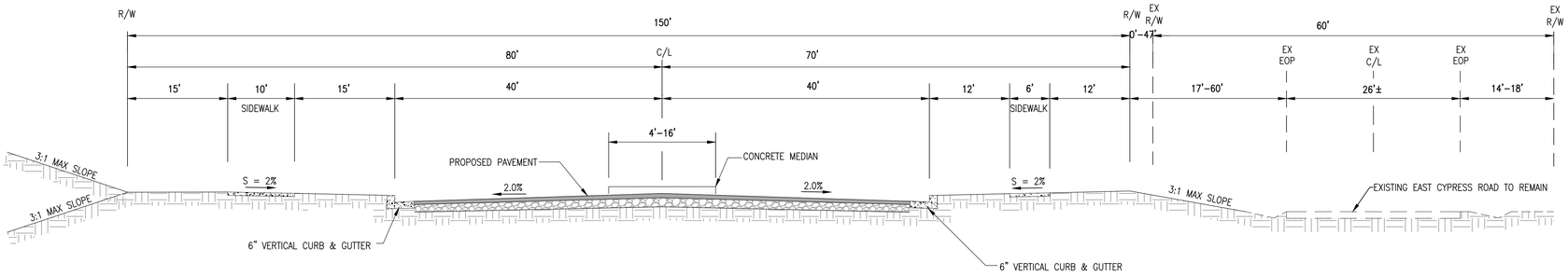
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REGISTERED PROFESSIONAL ENGINEER SHAKA CHANDRA BANDUGULA No. 82491 CIVIL STATE OF CALIFORNIA

3 / 12

X-2

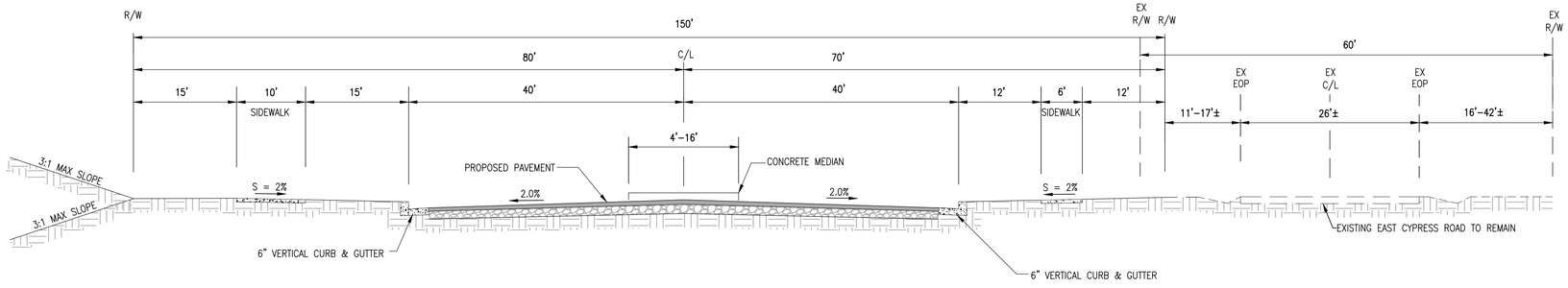
CYPRESS PRESERVE – EAST CYPRESS ROAD PRECISE ALIGNMENT 11/30/2020



EAST CYPRESS ROAD

122+27 – 143+30
155+48 – 163+78

NOT TO SCALE



EAST CYPRESS ROAD

143+30 – 155+48

NOT TO SCALE

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EAST CYPRESS ROAD **PRECISE ALIGNMENT**

TYPICAL SECTIONS

CITY OF OAKLEY **CONTRA COSTA COUNTY** **CALIFORNIA**

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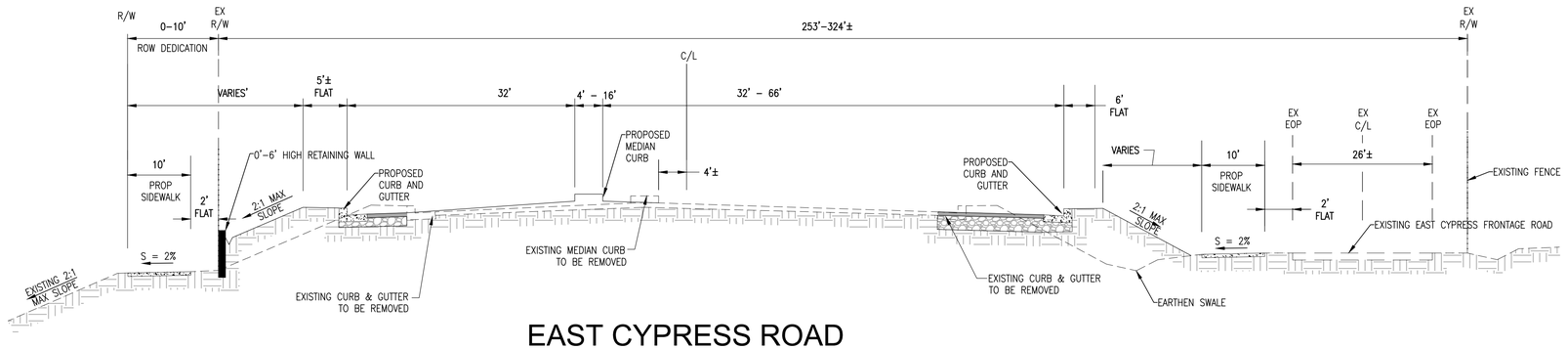
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REGISTERED PROFESSIONAL ENGINEER SHAKA CHANDRA BANDIGOLA No. 82491 CIVIL STATE OF CALIFORNIA

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X-3

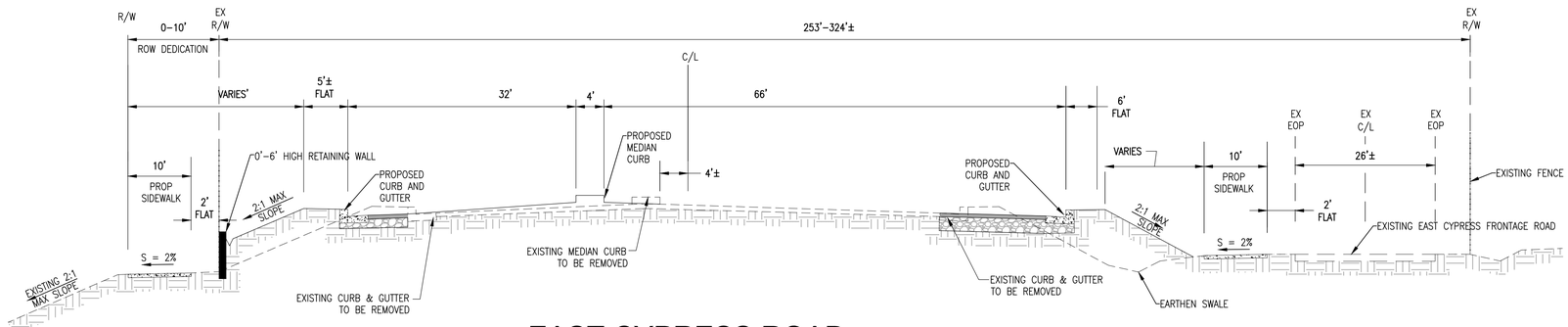
CYPRESS PRESERVE – EAST CYPRESS ROAD PRECISE ALIGNMENT 11/30/2020



EAST CYPRESS ROAD

163+78 – 168+19

NOT TO SCALE



EAST CYPRESS ROAD

168+19 – 172+13

NOT TO SCALE

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EAST CYPRESS ROAD **PRECISE ALIGNMENT**

TYPICAL SECTIONS

CITY OF OAKLEY **CONTRA COSTA COUNTY** **CALIFORNIA**

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R.C.E. No. 82491 DATE

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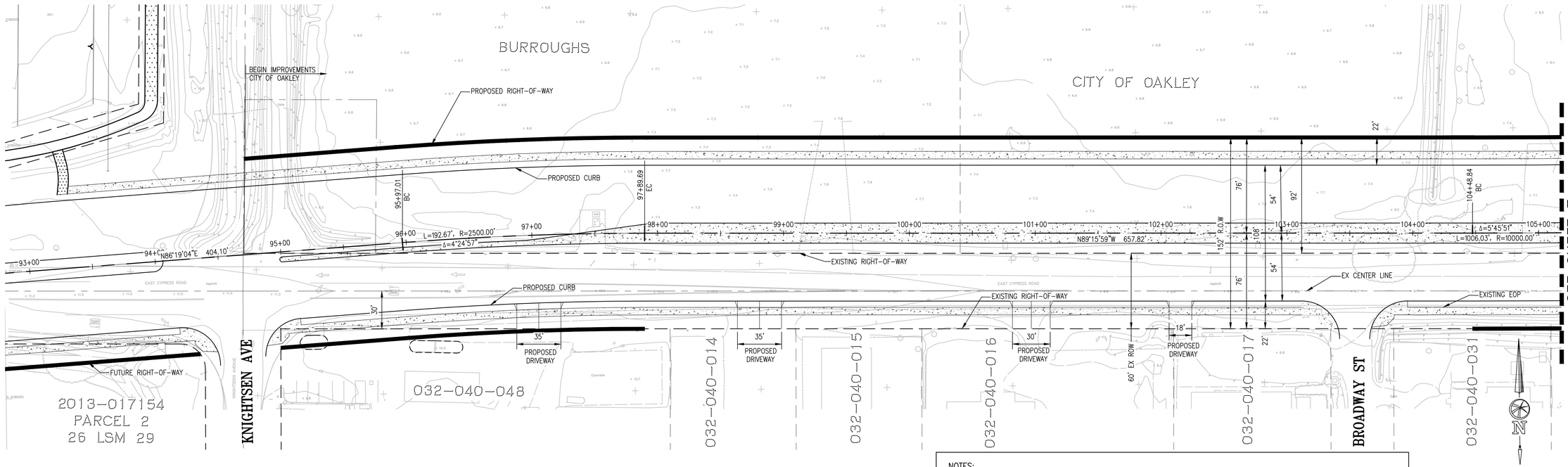
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REGISTERED PROFESSIONAL ENGINEER — SHAKTI CHANDRA BANDIGUDA — No. 82491 — CIVIL — STATE OF CALIFORNIA

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X–4

CYPRESS PRESERVE – EAST CYPRESS ROAD PRECISE ALIGNMENT 11/30/2020

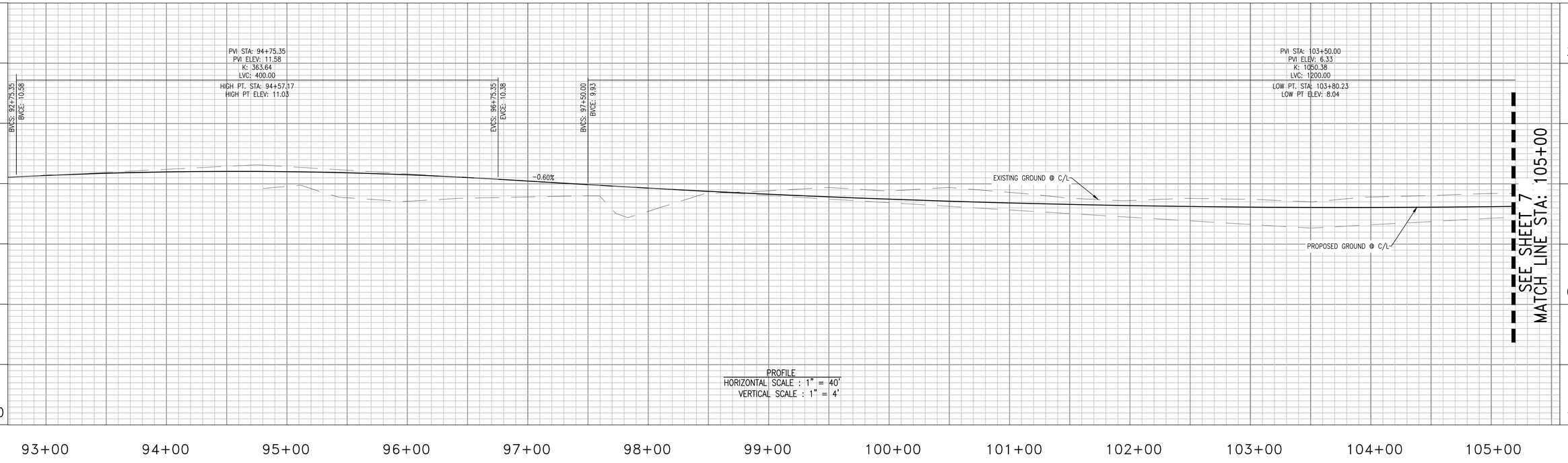


EAST CYPRESS ROAD

NOTES:

1. PROPOSED DRIVEWAY WIDTHS MATCH EXISTING DRIVEWAY WIDTHS. DRIVEWAY LOCATION AND DETAILS TO BE ADDRESSED AT FINAL DESIGN.

40 20 0 40 80 120
SCALE IN FEET
SCALE : 1" = 40'



PROFILE
HORIZONTAL SCALE : 1" = 40'
VERTICAL SCALE : 1" = 4'

CYPRESS PRESERVE – EAST CYPRESS ROAD PRECISE ALIGNMENT 11/30/2020

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EAST CYPRESS ROAD **PRECISE ALIGNMENT**

EAST CYPRESS ROAD PLAN & PROFILE STA: 93+00 – 105+00

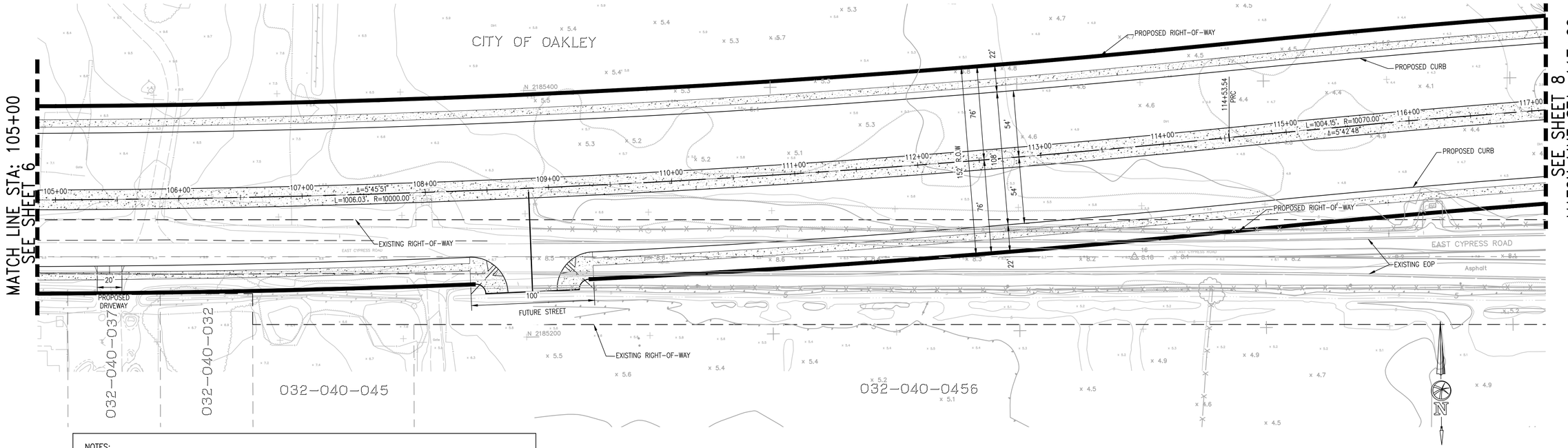
CITY OF OAKLEY **CONTRA COSTA COUNTY** **CALIFORNIA**

DESIGNED UNDER THE DIRECTION OF:
R.C.E. No. 82491 DATE
PRELIMINARY
DESIGN: SB DATE: 11/30/2020
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REGISTERED PROFESSIONAL ENGINEER SHAKA CHANDRA BANDUGULA No. 82491 CIVIL STATE OF CALIFORNIA

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L-1



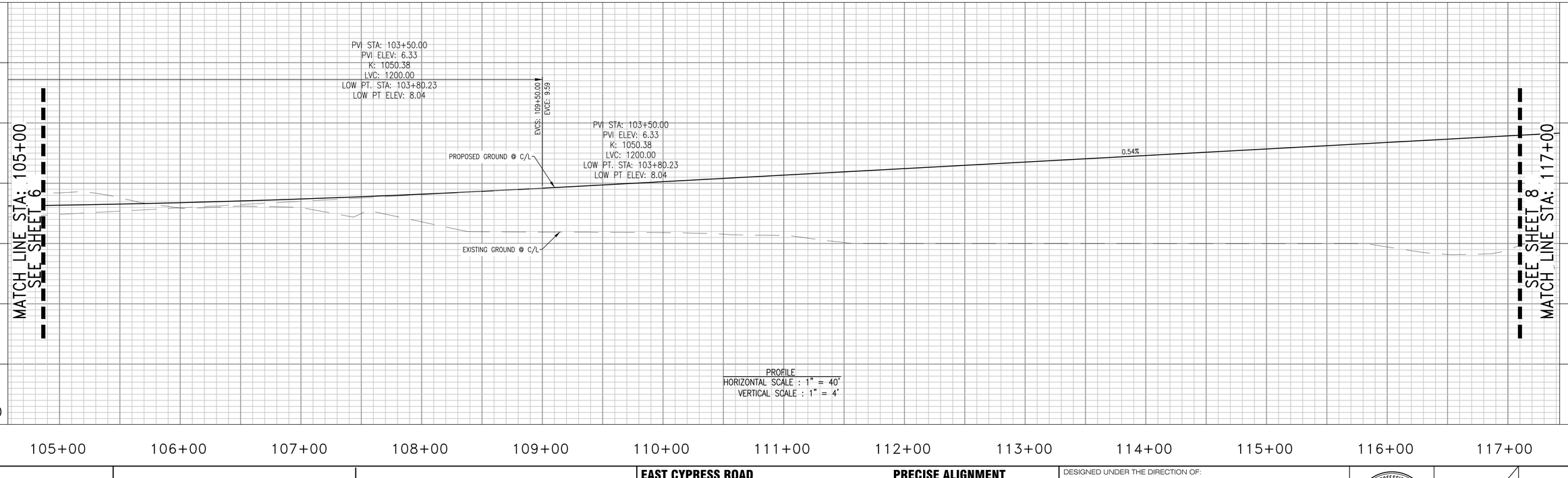
NOTES:

1. PROPOSED DRIVEWAY WIDTHS MATCH EXISTING DRIVEWAY WIDTHS. DRIVEWAY LOCATION AND DETAILS TO BE ADDRESSED AT FINAL DESIGN.

EAST CYPRESS ROAD

40 20 0 40 80 120

SCALE IN FEET
SCALE : 1" = 40'



PROFILE
HORIZONTAL SCALE : 1" = 40'
VERTICAL SCALE : 1" = 4'

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EAST CYPRESS ROAD **PRECISE ALIGNMENT**

EAST CYPRESS ROAD PLAN & PROFILE STA: 105+00 – 117+00

CITY OF OAKLEY **CONTRA COSTA COUNTY** **CALIFORNIA**

DESIGNED UNDER THE DIRECTION OF:

R.C.E. No. 3

PRELIMINARY

DATE

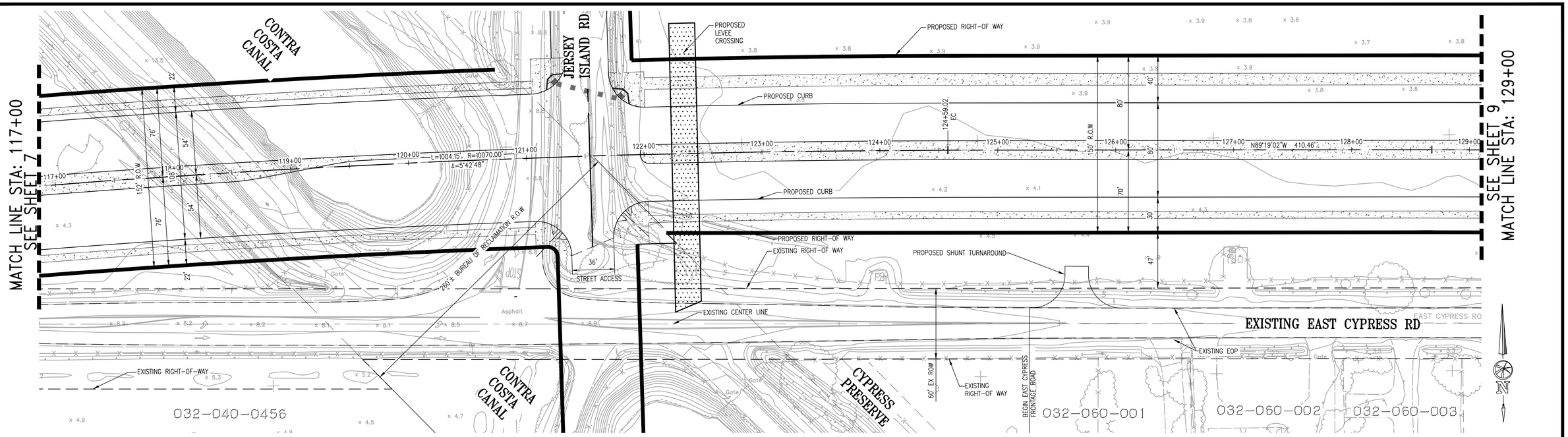
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REGISTERED PROFESSIONAL ENGINEER SHAKA CHANDRA BANDUGULA No. 82491 CIVIL STATE OF CALIFORNIA

7 / 12

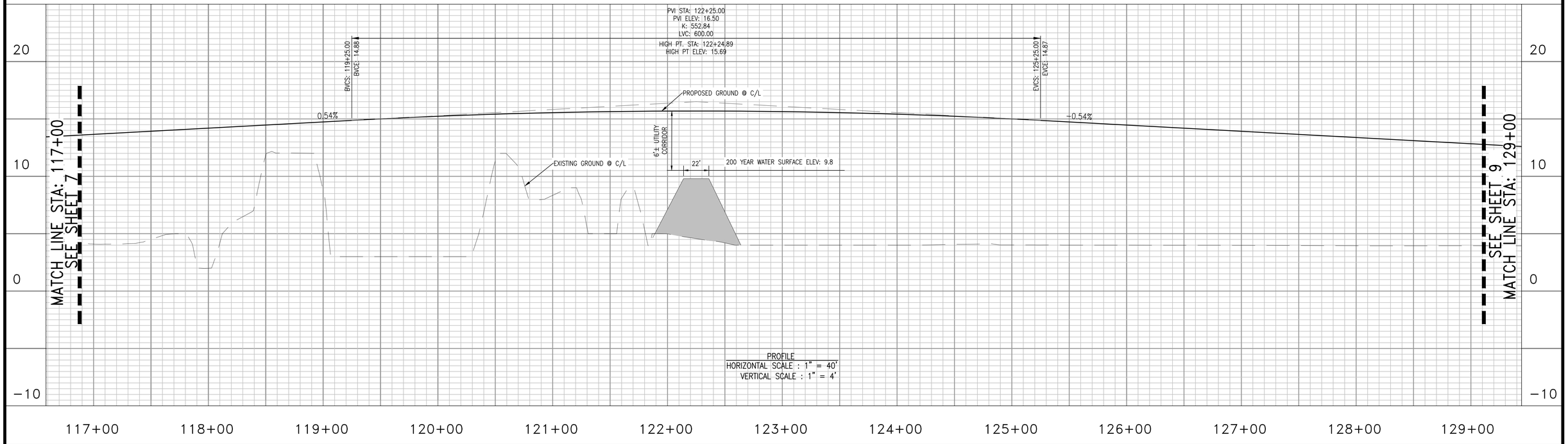
L–2

CYPRESS PRESERVE – EAST CYPRESS ROAD PRECISE ALIGNMENT 11/30/2020



EAST CYPRESS ROAD

40 20 0 40 80 120
SCALE IN FEET
SCALE : 1" = 40'



PROFILE
HORIZONTAL SCALE : 1" = 40'
VERTICAL SCALE : 1" = 4'

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EAST CYPRESS ROAD **PRECISE ALIGNMENT**

EAST CYPRESS ROAD PLAN & PROFILE STA: 117+00 – 129+00

CITY OF OAKLEY **CONTRA COSTA COUNTY** **CALIFORNIA**

DESIGNED UNDER THE DIRECTION OF:

R.C.E. No. 82491 DATE

PRELIMINARY

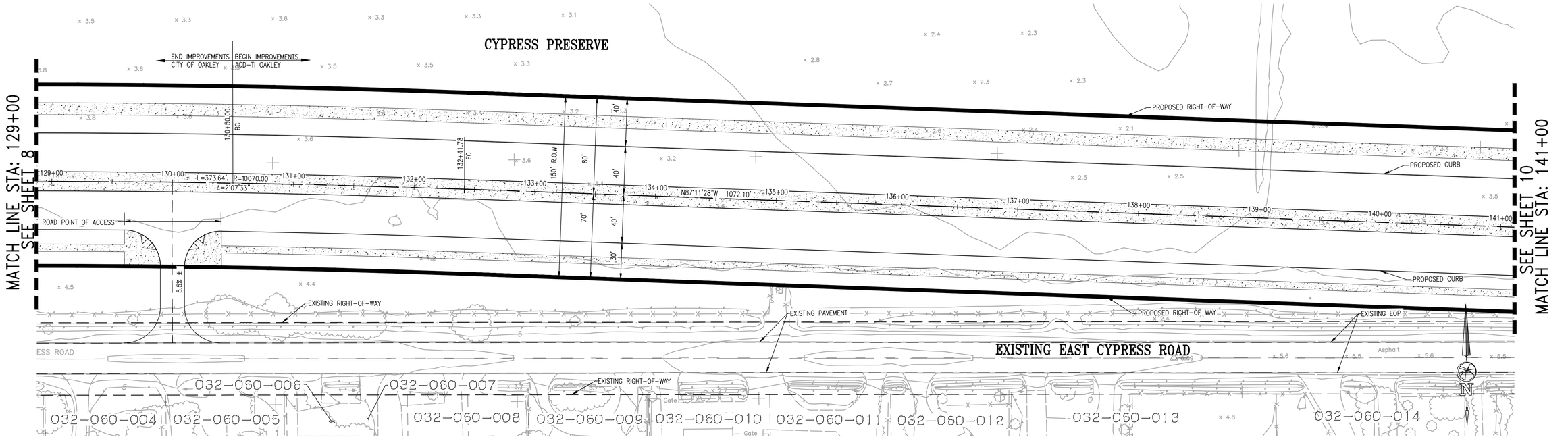
DESIGN:	SB	DATE: 11/30/2020
DRAWN:	JS	DATE: 11/30/2020
CHECKED:	FCB	DATE: 11/30/2020

REGISTERED PROFESSIONAL ENGINEER SHAKA CHANDRA SANJUGTA No. 82491 CIVIL STATE OF CALIFORNIA

8 / 12

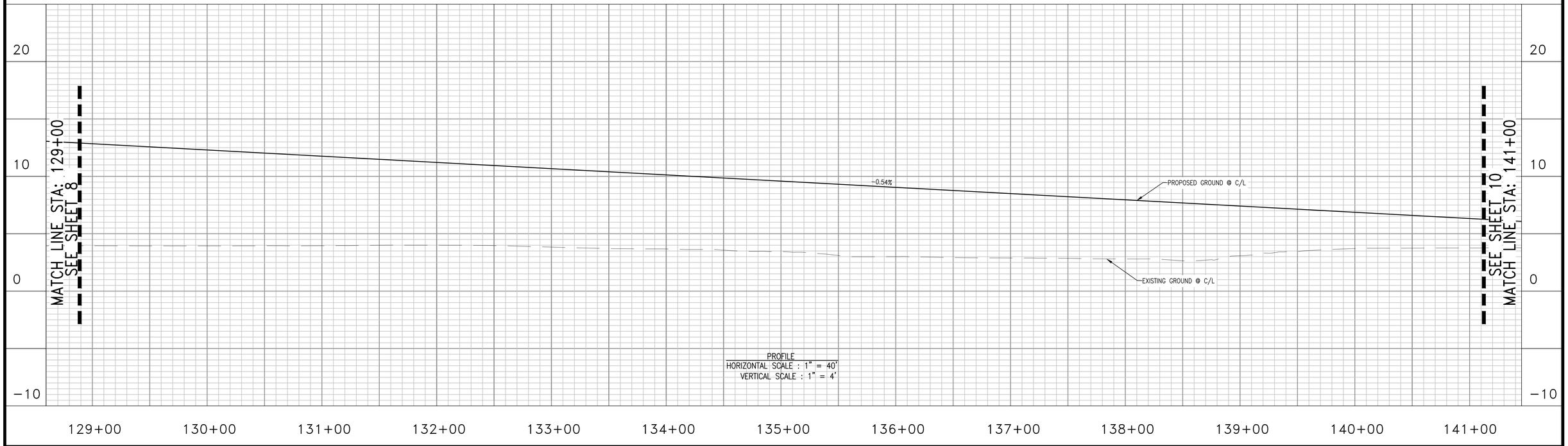
L-3

CYPRESS PRESERVE – EAST CYPRESS ROAD PRECISE ALIGNMENT 11/30/2020



EAST CYPRESS ROAD

40 20 0 40 80 120
SCALE IN FEET
SCALE : 1" = 40'



OAKLEY
CALIFORNIA
3231 MAIN STREET, OAKLEY, CA 94561

Bellecci & Associates
Civil Engineering • Land Surveying
2290 Diamond Boulevard, Suite 100 Concord, CA 94520
Phone (925) 685-4569 Fax (925) 685-4838

EAST CYPRESS ROAD **PRECISE ALIGNMENT**

EAST CYPRESS ROAD PLAN & PROFILE STA: 129+00 – 141+00

CITY OF OAKLEY **CONTRA COSTA COUNTY** **CALIFORNIA**

DESIGNED UNDER THE DIRECTION OF:

R.C.E. No. 3

PRELIMINARY DATE

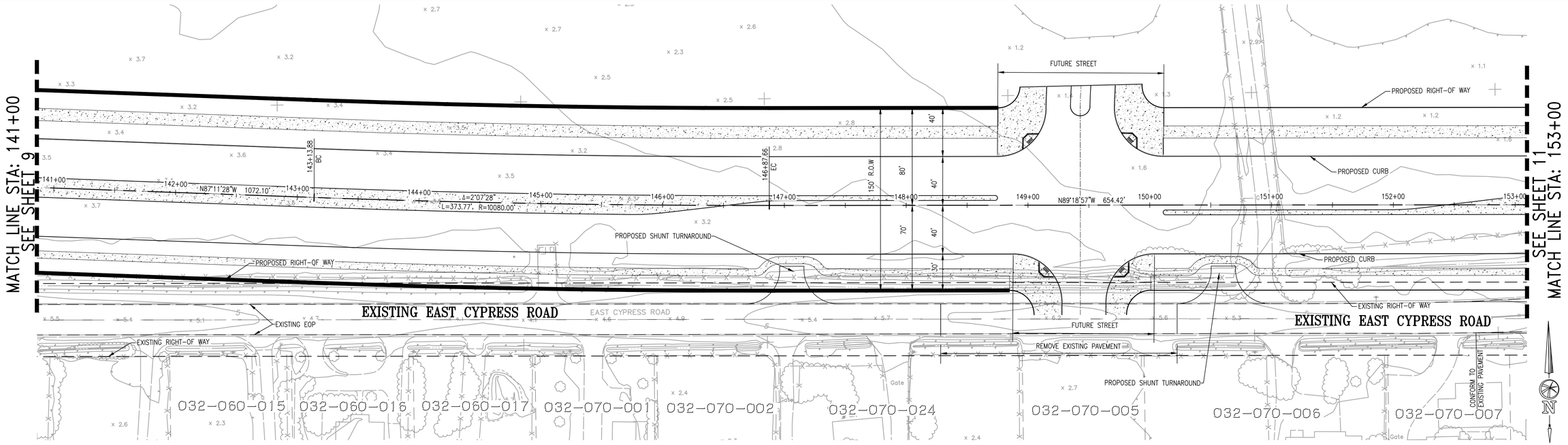
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DRAWN:	JS	DATE: 11/30/2020
CHECKED:	FCB	DATE: 11/30/2020

REGISTERED PROFESSIONAL ENGINEER SHAKA CHANDRA BANDUGULA No. 82491 CIVIL STATE OF CALIFORNIA

9 / 12

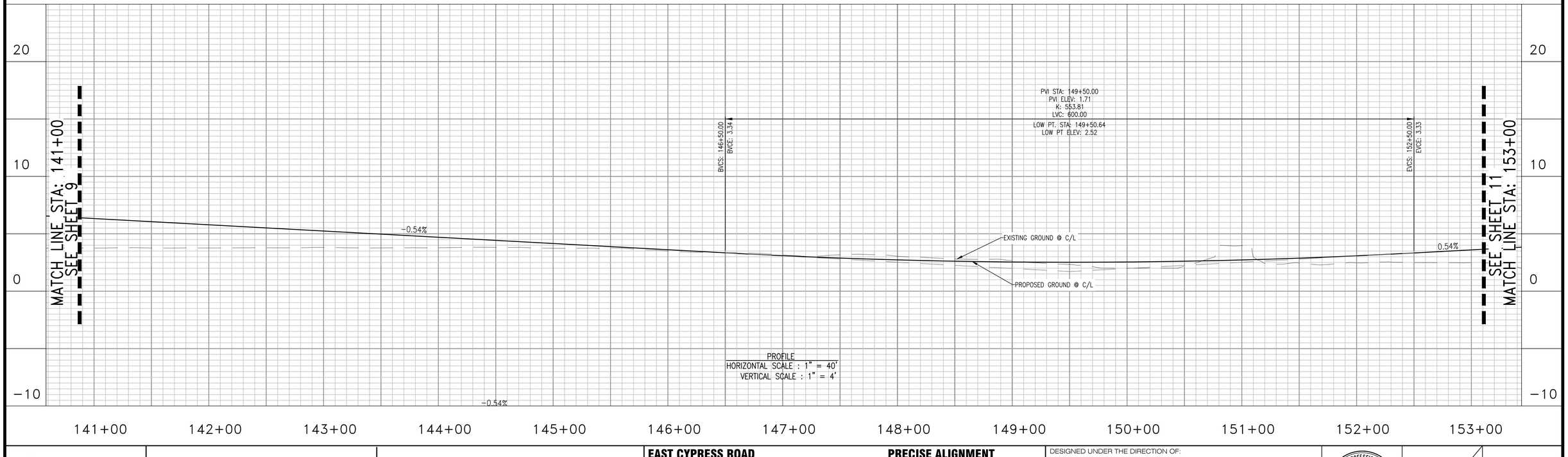
L–4

CYPRESS PRESERVE – EAST CYPRESS ROAD PRECISE ALIGNMENT 11/30/2020



EAST CYPRESS ROAD

40 20 0 40 80 120
SCALE IN FEET
SCALE : 1" = 40'



PROFILE
HORIZONTAL SCALE : 1" = 40'
VERTICAL SCALE : 1" = 4'

OAKLEY
CALIFORNIA
3231 MAIN STREET, OAKLEY, CA 94561

Bellecci & Associates
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2290 Diamond Boulevard, Suite 100 Concord, CA 94520
Phone (925) 685-4569 Fax (925) 685-4838

EAST CYPRESS ROAD **PRECISE ALIGNMENT**

EAST CYPRESS ROAD PLAN & PROFILE STA: 141+00 – 153+00

CITY OF OAKLEY **CONTRA COSTA COUNTY** **CALIFORNIA**

DESIGNED UNDER THE DIRECTION OF:

R.C.E. No. 82491 DATE

PRELIMINARY

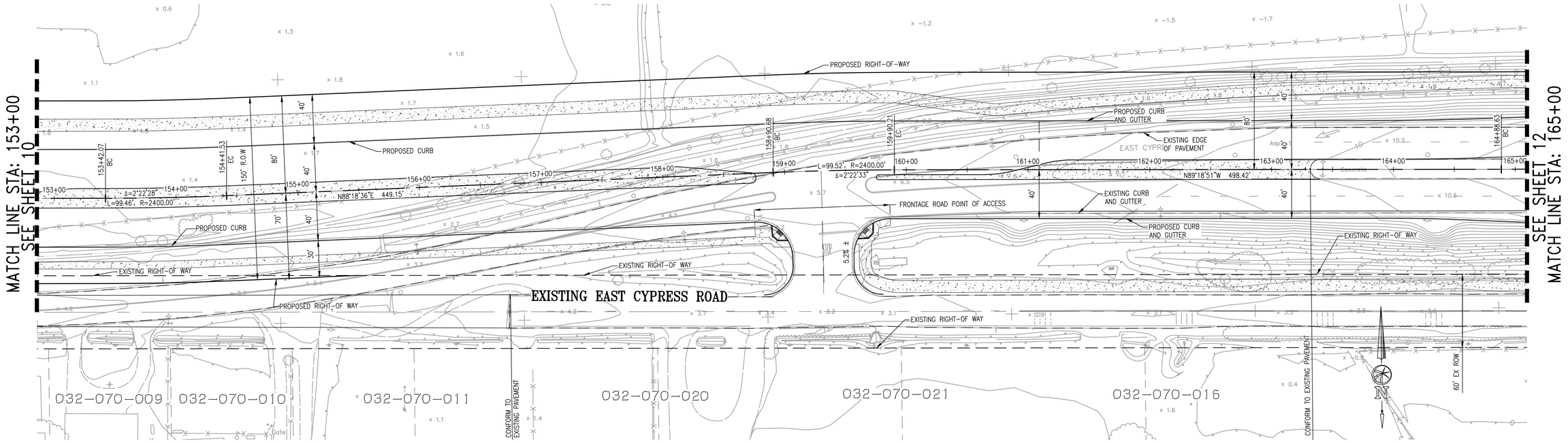
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DRAWN:	JS	DATE: 11/30/2020
CHECKED:	FCB	DATE: 11/30/2020

REGISTERED PROFESSIONAL ENGINEER SHAKAT CHANDRA BANERJEE No. 82491 CIVIL STATE OF CALIFORNIA

10 / 12

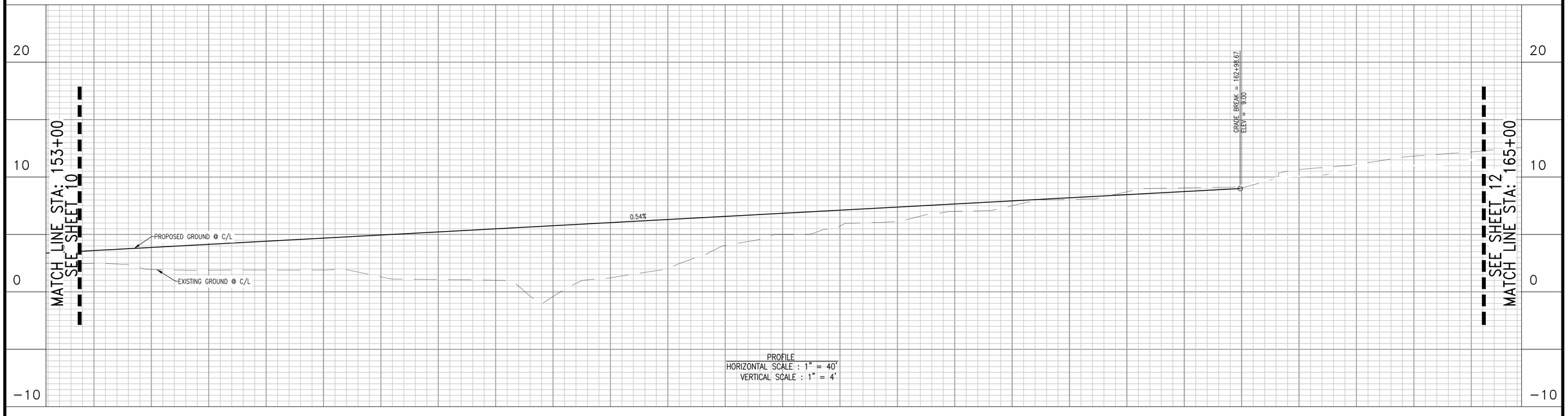
L-5

CYPRESS PRESERVE – EAST CYPRESS ROAD PRECISE ALIGNMENT 11/30/2020



EAST CYPRESS ROAD

40 20 0 40 80 120
SCALE IN FEET
SCALE : 1" = 40'



PROFILE
HORIZONTAL SCALE : 1" = 40'
VERTICAL SCALE : 1" = 4'

OAKLEY
CALIFORNIA
3231 MAIN STREET, OAKLEY, CA 94561

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Civil Engineering • Land Surveying
2290 Diamond Boulevard, Suite 100 Concord, CA 94520
Phone (925) 685-4569 Fax (925) 685-4838

EAST CYPRESS ROAD **PRECISE ALIGNMENT**

EAST CYPRESS ROAD PLAN & PROFILE
STA: 153+00 – 165+00

CITY OF OAKLEY **CONTRA COSTA COUNTY** **CALIFORNIA**

DESIGNED UNDER THE DIRECTION OF:

R.C.E. No. 3

PRELIMINARY DATE

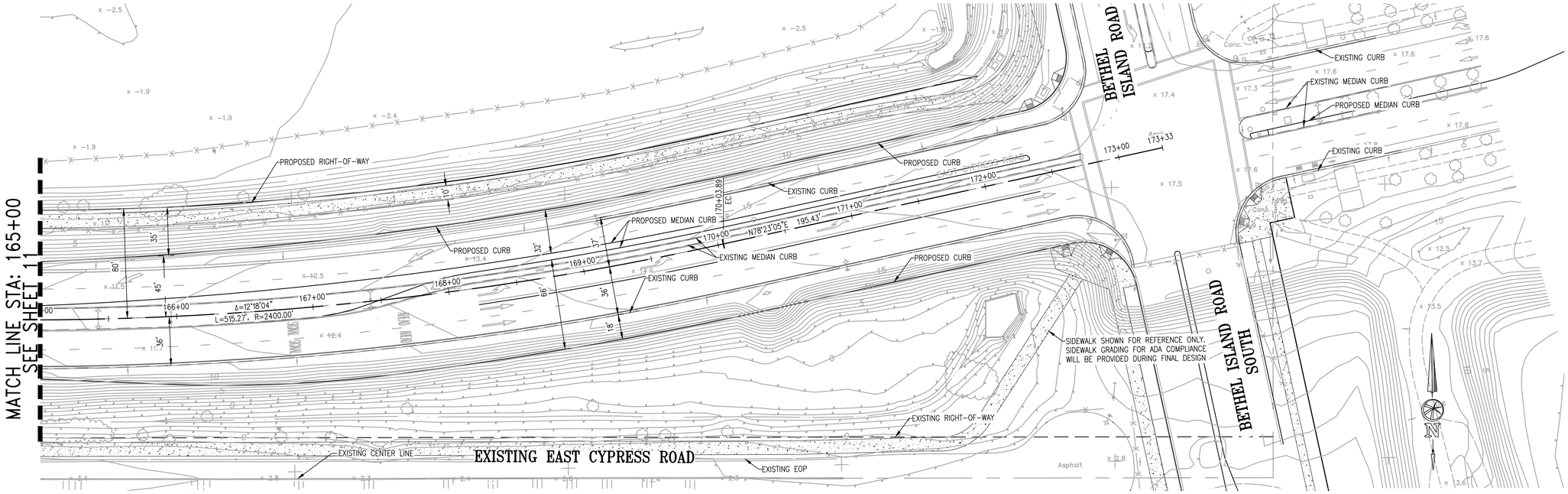
DESIGN:	SB	DATE: 11/30/2020
DRAWN:	JS	DATE: 11/30/2020
CHECKED:	FCB	DATE: 11/30/2020

REGISTERED PROFESSIONAL ENGINEER
SHAKA CHANDRA BANDUGULA
No. 82491
CIVIL
STATE OF CALIFORNIA

11/12

L–6

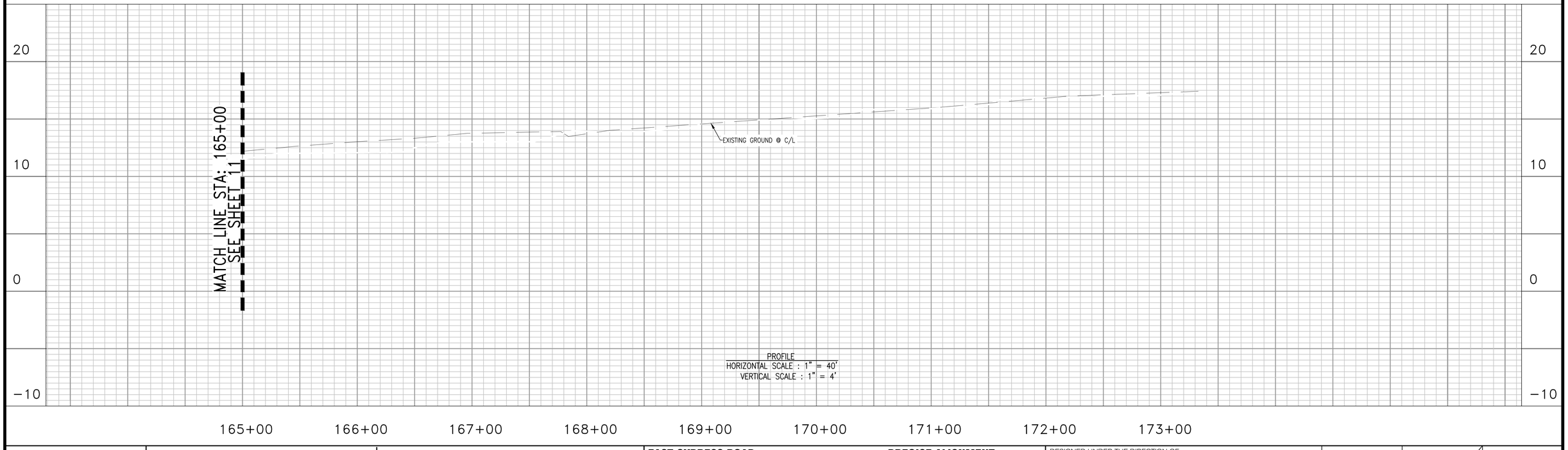
CYPRESS PRESERVE – EAST CYPRESS ROAD PRECISE ALIGNMENT 11/30/2020



EAST CYPRESS ROAD

40 20 0 40 80 120

SCALE IN FEET
SCALE : 1" = 40'



PROFILE
HORIZONTAL SCALE : 1" = 40'
VERTICAL SCALE : 1" = 4'

OAKLEY
CALIFORNIA
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EAST CYPRESS ROAD **PRECISE ALIGNMENT**

EAST CYPRESS ROAD PLAN & PROFILE STA: 165+00 – 173+34

CITY OF OAKLEY **CONTRA COSTA COUNTY** **CALIFORNIA**

DESIGNED UNDER THE DIRECTION OF:

R.C.E. No. 82491 DATE

PRELIMINARY

DESIGN:	SB	DATE: 11/30/2020
DRAWN:	JS	DATE: 11/30/2020
CHECKED:	FCB	DATE: 11/30/2020

REGISTERED PROFESSIONAL ENGINEER SHAKA CHANDRA BANDUGULA No. 82491 CIVIL STATE OF CALIFORNIA

12/12

L–7

CYPRESS PRESERVE – EAST CYPRESS ROAD PRECISE ALIGNMENT 11/30/2020

RESOLUTION NO. __-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY TO APPROVE THE EAST CYPRESS ROAD PRECISE ALIGNMENT PLAN FOR EAST CYPRESS ROAD BETWEEN KNIGHTSEN AVENUE AND BETHEL ISLAND ROAD

WHEREAS, the adoption of the precise roadway alignment for East Cypress Road between Knightsen Avenue and Bethel Island Road has been identified as necessary to maintain the Level of Service standards set forth in the Circulation Element and Growth Management Element of the City of Oakley General Plan. The City has adopted a Traffic Impact Fee ("TIF) Resolution No. 49-03 to implement the policies of the General Plan and to require new development to pay its fair share of the costs of acquiring land for and constructing improvements necessary to maintain the Level of Service standards. In developing the TIF, the City estimated the costs of the necessary improvements, in part, by determining the general locations and widths of future roadways, as described in the Long Range Roadway Plan ("LRRP") cited in the General Plan and the report supporting the TIF. The precise roadway alignment for East Cypress Road is more specific identification of the location and width of the roadway; and

WHEREAS, this section of East Cypress Road was analyzed in the East Cypress Corridor Specific Plan EIR and Supplemental EIR (SCH # 2004092011), collectively, "ECCSP EIRs", certified by the City Council in March of 2006 and 2009, respectively. The City has reviewed the information submitted with the project and determined that approval of the project will not result in any new, or substantially more adverse, significant environmental impacts than those disclosed in the ECCSP EIRs; and,

WHEREAS, the East Cypress Road Precise Alignment Plan between Knightsen Avenue and Bethel Island Road prepared by Bellecci & Associates attached to this resolution, depicts the future roadway right of way and roadway alignment in this section of East Cypress Road; and,

WHEREAS, any private development project and capital improvement project will be designed to meet this roadway alignment for future projects; and,

NOW, THEREFORE, the City Council of the City of Oakley resolves as follows:

1. Precise Roadway Alignment Adopted
   A precise roadway alignment is hereby adopted for East Cypress Road between Knightsen Avenue and Bethel Island Road, as described

more particularly in the attached “East Cypress Road Precise Alignment” plan prepared by Bellecci and Associates.

2. Recordation
   The City Council of the City of Oakley directs that the Precise Alignment Plan shall be recorded in the Clerk-Recorder’s Office of Contra Costa County.

3. Road Dedication Standards of City of Oakley Municipal Code
   The effect of said precise roadway alignment shall be governed by the provisions of Chapter 3 for Road Dedication Standards of the City of Oakley Municipal Code.

4. Effective Date
   This Resolution shall become effective immediately.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 26th of January, 2021 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

_____
Sue Higgins, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: January 26, 2021

TO: Bryan Montgomery, City Manager *Approved and Forwarded to the City Council*

FROM: Kevin Rohani, P.E., Public Works Director/City Engineer

SUBJECT: Approval of Contract Amendment # 1 with F. J. Kennedy and Associates, Inc. for On-Call Consulting Services Related to the Clean Water Program and City Surveyor Services for Fiscal Year 2020/21

Background and Analysis

The City of Oakley Community Development and Public Works Departments use the services of consultants in support of various department staff to provide timely services to the developers. This practice has been in use for many years and is an efficient and cost-effective way to provide service to private developers. This approach to providing services to developers gives the City the flexibility to call upon consultants for support services as needed, more timely and efficiently. The various consultants that are used are given contract limits. City staff monitors the expenditures as development projects are brought for processing and budgets are adjusted as service demands increase.

On May 26, 2020, an agreement was executed between the City of Oakley and F. J. Kennedy and Associates, Inc. for an on-call consulting services agreement related to the Clean Water Program & City Surveyor services. The contract was limited to a not-to-exceed amount of $50,000 for FY 2020/21.

The amount of private development construction work in Oakley has continued to increase substantially over the past several months; especially for the Contra Costa Logistics Center, various subdivision improvements, and along the East Cypress Road corridor. Staff has needed to increase the amount of work being performed by consultants in order to meet development project service needs. As a result, staff is requesting an increase of $50,000 to the contract amount for F. J. Kennedy and Associates, Inc. for FY 2020/21.

Fiscal Impact

Approval of the resolution will increase the not-to-exceed contract amount by $50,000 for FY 2020/21. Private development projects and the City's Cleanwater Program will fund the services on an as needed basis. The private developers will

be fully paying all costs associated with the consultant services, and there will not be any City General Funds used in this contract.

Staff Recommendation

Staff recommends that the City Council adopt the resolution amending the agreement with F. J. Kennedy and Associates, Inc. and authorizing the City Manager to execute the agreement.

Attachments

1. Resolution
2. Amendment No. 1

RESOLUTION NO. __-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING CONTRACT AMENDMENT # 1 TO THE AGREEMENT WITH F. J. KENNEDY AND ASSOCIATES, INC. FOR CONSULTING SERVICES RELATED TO THE CLEAN WATER PROGRAM AND CITY SURVEYOR SERVICES

WHEREAS, on May 26, 2020 the City executed an agreement with F. J. Kennedy and Associates for Clean Water Program and City Surveyor Consulting Services with the not-to-exceed amount of $50,000 for FY 2020/21; and

WHEREAS, after review of the expenditures to date for FY 2020/21 and projecting costs for these services through the end of this fiscal year, Staff determined that the original contract amount of $50,000 is not sufficient to provide consulting services for the remainder of FY 2020/21.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Oakley that Contract Amendment # 1 with F.J. Kennedy and Associates, Inc. is hereby approved. A copy of the Contract Amendment is attached hereto as Exhibit A.

PASSED AND ADOPTED by the City Council of the City of Oakley, California, this 26th day of January 2021 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

_____
Sue Higgins, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date

AMENDMENT NO. 1 TO THE AGREEMENT BETWEEN THE CITY OF OAKLEY AND F. J. KENNEDY AND ASSOCIATES, INC. RELATED TO THE ON-CALL CONSULTING SERVICES FOR FY 2020/21 RELATED TO THE CLEAN WATER PROGRAM AND CITY SURVEYOR SERVICES

This Amendment is entered into by and between the City of Oakley, a municipal corporation (hereinafter referred to as "City"), and F. J. Kennedy and Associates, Inc., a California Corporation (hereinafter referred to as "Contractor"), effective as of the 26th day of January, 2021.

RECITALS

A. On May 26, 2020, City and Contractor executed an Agreement for on-call consulting services related to the Clean Water Program and City Surveyor services (hereinafter referred to as the "Agreement"); and,

B. City and Contractor now desire that the following amendment be made to the Contractor's services: increase to the not-to-exceed contract amount from $50,000 to $100,000 for FY 2020/21; and,

C. Except as provided herein, all other terms and provisions of the Agreement shall remain in full force and effect.

AGREEMENT

IN WITNESS WHEREOF, the City of Oakley, a municipal corporation in the State of California, has authorized the execution of this Amendment in duplicate by its City Manager and attestation by its City Clerk under authority of Resolution No. ___-21, adopted by the Council of the City of Oakley on the 26th day of January, 2021, and the parties have caused this Amendment to be executed in duplicate.

City	Contractor
City of Oakley, a municipal corporation	F. J. Kennedy and Associates, Inc., a California Corporation
By: _____ Bryan H. Montgomery, City Manager	By: _____ Frank J. Kennedy, President
ATTEST:	APPROVED AS TO FORM:
_____ Libby Vreonis, City Clerk	_____ Derek P. Cole, City Attorney

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: January 26, 2021

TO: Bryan Montgomery, City Manager *Approved and Forwarded to the City Council*

FROM: Kevin Rohani, P.E., Public Works Director/City Engineer

SUBJECT: Acceptance of the ARCO Service Station Offsite Improvements associated with Minor Subdivision MS 18-976 located near 2160 Laurel Road

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Background and Analysis

On November 13th, 2018, City Council adopted Resolution 142-18 and 140-18 approving the Parcel Map and the Subdivision Improvement Agreement with Woodcreek Oaks Petroleum, Inc. (Developer), related to Minor Subdivision MS 18-976 at the northwest corner of Laurel Road and Empire Avenue. The minor subdivision proposed a new parcel and a remainder parcel for the property. The subdivision improvements required frontage improvements, left turn lane modifications and median landscaping on Laurel Road, a new signal at Laurel Road and Arco Drive, and a signal modification to Laurel Road and Empire Avenue. The agreement outlined the terms for the construction of these improvements and the City collected a bond in the amount of $1,705,200.

The Developer has completed all of the required improvements for Minor Subdivision MS 18-976. At this time, the Developer requests that the City accept the improvements for maintenance. Public Works and Engineering staff completed a final inspection of all public improvements and found them to be in substantial compliance with the approved plans. Acceptance of the improvements will begin a one-year warranty period, and at the end of that time, the developer is required to repair any defective construction components. A warranty bond in the amount of 10% of the total cost of the improvements will be on file following acceptance to ensure that the Developer completes any necessary warranty repairs.

Fiscal Impact

Upon acceptance of the improvements, the City is obligated to maintain the Public Infrastructure. Preventative street maintenance for public roadways are funded using Gas Tax and Stormwater Utility Assessments. Storm drains, lighting, and landscaping are funded through the Community Facilities District Fund.

Staff Recommendation

Staff recommends that the City Council adopt the Resolution accepting the subdivision improvements associated with Minor Subdivision MS 18-976 and to begin the one-year warranty period.

Attachments

1) Resolution

RESOLUTION NO. __-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY, ACCEPTING THE MINOR SUBDIVISION IMPROVEMENTS ASSOCIATED WITH THE MINOR SUBDIVISION 18-976 AND BEGINNING THE ONE-YEAR WARRANTY PERIOD FOR THE SUBDIVISION IMPROVEMENTS

WHEREAS, on November 13, 2018 the City Council approved the Subdivision Improvement Agreement with Woodcreek Oaks Petroleum, Inc. related to Minor Subdivision MS 18-976 located near 2160 Laurel Road; and

WHEREAS, the City of Oakley Public Works and Engineering staff has inspected the Subdivision Improvements and determined that said improvements have been constructed in substantial compliance with the approved improvement plans for Minor Subdivision MS 18-976 titled "Empire Avenue and Laurel Road Arco Service Station Project Off-site Improvement Plans" prepared by Kimley Horn, Inc.; and

WHEREAS, the City Clerk's Statement on the Minor Subdivision 18-976 Parcel Map states that the City Council did accept, subject to improvement, any streets, roads, avenues, drives, or easements shown on the map as dedicated to public use; and

NOW THEREFORE, the City Council of the City of Oakley hereby resolves as follows:

a) The Minor Subdivision Improvements associated with Minor Subdivision 18-976 have been accepted for public maintenance; and

b) The one-year warranty period required by the agreement for Subdivision Improvements has begun as of the date of adoption of this resolution and that Woodcreek Oaks Petroleum, Inc. shall repair any defective subdivision improvements associated with Minor Subdivision MS 18-976, as identified by City staff, so long as the defective improvements are identified within one-year of the date of adoption of this resolution; and

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on January 26, 2021 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

ATTEST: _____
Sue Higgins, Mayor

_____ _____
Libby Vreonis, City Clerk Date

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: January 26, 2021

TO: Bryan Montgomery, City Manager *Approved and Forwarded to the City Council*

FROM: Kevin Rohani, P.E., Public Works Director/City Engineer

SUBJECT: Traffic Order pertaining to No Overnight Parking & No Parking for Vehicles over 7' along 1315 and 1371 Main Street

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Background and Analysis

The Oakley Municipal Code, Sec. 6-1-102 *et seq* allows the City Engineer to issue a Traffic Order for the regulation of traffic and parking. After approval of each Order by the City Council, signs are posted informing the public of the restriction or prohibition. Thereafter, citations can be issued for violators by the Police Department.

The City Engineer proposes to issue Traffic Order #21-01, attached hereto. We are experiencing the situation of large vehicles being parked on streets, rather than in designated large vehicle parking areas, thus causing a number of potential problems, including: including blocking sight lines, interfering with turning movements, obstructing views of traffic control signs and devices, and becoming a safety concern for the Community. In areas where these situations occur, the City Engineer proposes to post signs prohibiting the parking of any vehicle over seven feet (7') in height and any overnight parking. Once signs are posted, any vehicles violating this prohibition could be cited by Police or Code Enforcement Officers.

Fiscal Impact

The cost of the installation of the signs will be absorbed into the Public Works Department Operation Budget.

Staff Recommendation

Staff recommends that the City Council adopt the resolution approving Traffic Order #21-01.

Attachments

1) Proposed Traffic Order #21-01
2) Resolution Approving Traffic Order #21-01
3) Petition from property owners along Main Street in favor of a parking restriction
4) Photos

CITY COUNCIL
Sue Higgins, Mayor
Randy Pope, Vice Mayor
Aaron Meadows
Anissa Williams
George Fuller

OAKLEY
CALIFORNIA

CITY HALL
3231 Main Street
Oakley, CA 94561
925.625.7000 tel
925.625.9859 fax
www.ci.oakley.ca.us

TRAFFIC ORDER #21-01

Prohibiting of Overnight and Over-Height Parking of Vehicles Along 1315 and 1371 Main Street

A. Oakley Municipal Code Sec. 6.1.102 *et seq* permits the City Engineer to issue Traffic Orders to regulate various aspects of traffic movement and parking.

B. This Order is issued pursuant to Municipal Code Sec. 6.1.104 (a) (f) and (k).

C. I find that the parking of over-height vehicles on various City streets, instead of at designated large vehicle parking lots, can block sight lines, interfere with turning movements, obstruct views of traffic control signs and devices, and be a visual blight to the Community.

D. From time to time, the undersigned will order that the parking of vehicles in excess of seven feet (7') in height on City streets or on private property open and available to public users be prohibited at all times. The locations of such locations shall be documented in writing, signed by the City Engineer, and filed with this Traffic Order.

E. When this Traffic Order is approved by a resolution and adopted by the City Council, and when signs as required by the Vehicle Code are posted announcing such prohibition, this Traffic Order shall become fully effective. Vehicles parked in violation of this Traffic Order may be cited by the Oakley Police Department or Code Enforcement Officers.

F. Any Property owner adversely affected by this Traffic Order may appeal to the City Council any designation of his/her property as being subject to this Order.

Dated: January 26, 2021

_____
Kevin Rohani, P.E.
City Engineer

RESOLUTION NO. __-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING A TRAFFIC ORDER REGULATING PARKING FOR OVERNIGHT AND OVER-HEIGHT PARKING OF VEHICLES IN FRONT OF 1315 AND 1371 MAIN STREET

WHEREAS, Oakley Municipal Code Sec. 6.1.102 *et seq* authorizes the City Engineer to issue Traffic Orders dealing with various aspects of traffic and parking; and

WHEREAS, such Traffic Orders cannot become effective until approved by the City Council and until signs are posted explaining the regulation or prohibition; and

WHEREAS, the City Engineer has proposed that Traffic Order #21-01, a copy of which is attached hereto, allowing any vehicle over seven feet (7') in height to be prohibited from parking in areas where the City Engineer believes they would block sight lines, obstruct views of traffic control signs and devices or be a safety hazard to the Community.

NOW, THEREFORE, BE IT RESOLVED, that Traffic Order #21-01 is hereby approved by the City Council.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 26th of January, 2021 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

_____
Sue Higgins, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date

Bryan Montgomery
City Manager
City of Oakley
3231 Main St. Oakley, Ca.94561

1/8/2021

Dear Mr. Montgomery,

For the past year we have been dealing with an issues regarding transient vehicles parking in front of our business at 1315 & 1371 Main St. These vehicles are full of trash and the owners are living in these vehicles. Some of these vehicles have expired registration which Oakley PD has address. They also generate a huge amount of trash which they leave on the ground against our fence. We are requesting signs be put up stating "NO OVERNIGHT PARKING" & "NO PARKING FOR VEHICLES OVER 7 FEET".

Thank You,

Shannon LaDuca

R & B Company 1315 Main St. Oakley, Ca. 94561

Sammie L Harmon Jr.

Delta Scrap and Salvage 1371 Main St. Oakley, Ca. 94561


ank You
Using and Re-Using this
eusable Bag

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: January 26, 2021

Approved and Forwarded to City Council, as the Board of the Successor Agency to the Oakley Redevelopment Agency:

_____
Bryan H. Montgomery, City Manager

TO: Bryan Montgomery, City Manager

FROM: Tim Przybyla, Finance Director

SUBJECT: Resolution Approving a Recognized Obligations Payment Schedule (ROPS) and Administrative Budget for the Fiscal Year of July 2021 through June 2022

Background and Analysis

SB 107 was signed into law on September 22, 2015 changing the ROPS filing cycle from semiannual (July to December and January to June) to annual (July to June). Attached is the completed ROPS, in the form provided by the State Department of Finance (DOF). The attached ROPS must be approved by the Agency's Board and Oversight Board, and submitted to DOF by February 1, 2021. DOF must also approve by April 15th before the County Auditor-Controller will release property taxes from its Redevelopment Property Tax Trust Fund to the Agency in July and January for the fiscal year 2021/2022.

The Health and Safety Code Section 34171(a), (b) and Section 34177(j) require the Successor Agency to approve annually an Administrative Budget for administrative costs of the Successor Agency. The administrative cost allowance is allocated to the Successor Agency each fiscal year to reimburse the agency for their expenses in winding-down the activities and debt service obligations of the former Redevelopment Agency.

Fiscal Impact

For items approved by DOF, the ROPS defines the payments allowed by the Successor Agency. The expenditures proposed are limited to paying remaining enforceable obligations, debt service, amounts necessary to maintain the Agency's properties, and to pay the City the administrative allowance allowed under statute. The administrative allowance is allowed under statute and is listed on the Successor Agency ROPs as an enforceable obligation.

Staff Recommendation

Staff recommends the Board adopt the attached Resolution approving the ROPS and Administrative Budget attached for the next fiscal year of July 1, 2021 through June 30, 2022.

Attachments

1. Resolution
2. Recognized Obligations Payment Schedule for Fiscal Year 2021/2022
3. Administrative Budget

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL, AS THE BOARD OF THE SUCCESSOR AGENCY TO THE OAKLEY REDEVELOPMENT AGENCY, APPROVING A RECOGNIZED OBLIGATIONS PAYMENT SCHEDULE AND ADMINISTRATIVE BUDGET FOR FISCAL YEAR 2021/2022

WHEREAS, Senate Bill 107 was signed into law on September 22, 2015 changing the ROPS filing cycle from semiannual (July to December and January to June) to annual (July to June). Attached is the completed ROPS, in the form provided by the State Department of Finance (DOF); and

WHEREAS, the attached ROPS must be approved by the Agency's Board and Oversight Board, and submitted to DOF by February 1, 2021; and

WHEREAS, the DOF must also approve by April 15th before the County Auditor-Controller will release property taxes from its Redevelopment Property Tax Trust Fund to the Agency in July and January for the fiscal year 2021/2022; and

WHEREAS, The Health and Safety Code Section 34171(a), (b) and Section 34177(j) require the Successor Agency to approve annually an Administrative Budget for administrative costs of the Successor Agency;

NOW, THEREFORE, BE IT RESOLVED that the City Council, as the Board of the Successor Agency of the Oakley Redevelopment Agency, approves the attached Recognized Obligations Payment Schedule for fiscal year 2021/2022, July 1, 2021 – June 30, 2022 attached hereto as Exhibit A and the attached Administrative Budget for fiscal year 2021/2022, July 1, 2021 through June 30, 2022 attached hereto as Exhibit B.

The foregoing resolution was adopted at a regular meeting of the Successor Agency Board, held on the 26th day of January 2021, by the following vote:

AYES:
NOES:
ABSTENTION:
ABSENT:

APPROVED:_____
Sue Higgins, Chair

ATTEST:

_____
Libby Vreonis, Secretary

Recognized Obligation Payment Schedule (ROPS 21-22) - Summary
Filed for the July 1, 2021 through June 30, 2022 Period

Successor Agency: Oakley

County: Contra Costa

Current Period Requested Funding for Enforceable Obligations (ROPS Detail)	21-22A Total (July - December)	21-22B Total (January - June)	ROPS 21-22 Total
A Enforceable Obligations Funded as Follows (B+C+D)	**$ 1,334,862**	**$ -**	**$ 1,334,862**
B Bond Proceeds	-	-	-
C Reserve Balance	1,334,862	-	1,334,862
D Other Funds	-	-	-
E Redevelopment Property Tax Trust Fund (RPTTF) (F+G)	**$ 133,600**	**$ 1,949,886**	**$ 2,083,486**
F RPTTF	8,600	1,824,886	1,833,486
G Administrative RPTTF	125,000	125,000	250,000
H Current Period Enforceable Obligations (A+E)	**$ 1,468,462**	**$ 1,949,886**	**$ 3,418,348**

Certification of Oversight Board Chairman:

Pursuant to Section 34177 (o) of the Health and Safety code, I hereby certify that the above is a true and accurate Recognized Obligation Payment Schedule for the above named successor agency.

Name Title

/s/

Signature Date

Oakley
Recognized Obligation Payment Schedule (ROPS 21-22) - ROPS Detail
July 1, 2021 through June 30, 2022

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W
Item #	Project Name	Obligation Type	Agreement Execution Date	Agreement Termination Date	Payee	Description	Project Area	Total Outstanding Obligation	Retired	ROPS 21-22 Total	ROPS 21-22A (Jul - Dec)					21-22A Total	ROPS 21-22B (Jan - Jun)					21-22B Total
											Fund Sources						Fund Sources					
											Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF		Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF	
								$24,376,043		$3,418,348	$-	$1,334,862	$-	$8,600	$125,000	$1,468,462	$-	$-	$-	$1,824,886	$125,000	$1,949,886
11	SA Administrative Allowance	Admin Costs	07/01/2018	06/30/2019	City of Oakley	Administrative allowance for the 15-16A ROPS, as prescribed ($125k, including the Annual External Audit)	Oakley	250,000	N	$250,000	-	-	-	-	125,000	$125,000	-	-	-	-	125,000	$125,000
42	2015 TABS DS (Series A & B)	Refunding Bonds Issued After 6/27/12	05/18/2015	09/01/2028	US Bank Trust	Debt Service Payable in September and March of each year	Oakley	4,510,000	N	$666,618	-	587,059	-	-	-	$587,059	-	-	-	79,559	-	$79,559
43	Annual Trustee/Fiscal Agent Fees	Fees	05/18/2015	09/01/2028	US Bank Trust	Annual Trustee Fees for 2015 Bonds (Series A & B)	Oakley	2,500	N	$2,500	-	-	-	2,500	-	$2,500	-	-	-	-	-	$-
44	Continuing Disclosure Services	Fees	05/18/2015	09/01/2028	NBS Financial	Annual Continuing Disclosure Services for 2015 Bonds	Oakley	2,100	N	$2,100	-	-	-	2,100	-	$2,100	-	-	-	-	-	$-
46	2018 TAB	Refunding Bonds Issued After 6/27/12	06/28/2018	09/01/2038	US Bank Trust	Debt Service Payable in September and March of each year		18,255,000	N	$1,140,687	-	747,803	-	-	-	$747,803	-	-	-	392,884	-	$392,884
47	Annual Trustee/Fiscal Agent Fees	Fees	06/28/2018	09/01/2038	US Bank Trust	Annual Trustee Fees for 2018 Bonds		1,200	N	$1,200	-	-	-	1,200	-	$1,200	-	-	-	-	-	$-
48	Continuing Disclosure Services	Fees	06/28/2018	09/01/2038	NBS Financial	Annual Continuing Disclosure Services for		2,800	N	$2,800	-	-	-	2,800	-	$2,800	-	-	-	-	-	$-

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W
Item #	Project Name	Obligation Type	Agreement Execution Date	Agreement Termination Date	Payee	Description	Project Area	Total Outstanding Obligation	Retired	**ROPS 21-22 Total**	**ROPS 21-22A (Jul - Dec)**					**21-22A Total**	**ROPS 21-22B (Jan - Jun)**					**21-22B Total**
											Fund Sources						**Fund Sources**					
											Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF		Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF	
						2018 Bonds																
49	2015 & 2018 TAB Debt Reserve Fund	Reserves	06/28/ 2018	09/01/2038	US Bank Trust	Set aside for debt service due in each calendar year, per bond convenant		1,352,443	N	$1,352,443	-	-	-	-	-	$-	-	-	-	1,352,443	-	$1,352,443

Oakley
Recognized Obligation Payment Schedule (ROPS 21-22) - Report of Cash Balances
July 1, 2018 through June 30, 2019
(Report Amounts in Whole Dollars)

Pursuant to Health and Safety Code section 34177 (l), Redevelopment Property Tax Trust Fund (RPTTF) may be listed as a source of payment on the ROPS, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation.

A	B	C	D	E	F	G	H
	ROPS 18-19 Cash Balances (07/01/18 - 06/30/19)	**Fund Sources**					**Comments**
		Bond Proceeds		**Reserve Balance**	**Other Funds**	**RPTTF**	
		Bonds issued on or before 12/31/10	Bonds issued on or after 01/01/11	Prior ROPS RPTTF and Reserve Balances retained for future period(s)	Rent, grants, interest, etc.	Non-Admin and Admin	
1	**Beginning Available Cash Balance (Actual 07/01/18)** RPTTF amount should exclude "A" period distribution amount.		-		108,358		
2	**Revenue/Income (Actual 06/30/19)** RPTTF amount should tie to the ROPS 18-19 total distribution from the County Auditor-Controller				18,398	1,624,153	
3	**Expenditures for ROPS 18-19 Enforceable Obligations (Actual 06/30/19)**					1,583,319	
4	**Retention of Available Cash Balance (Actual 06/30/19)** RPTTF amount retained should only include the amounts distributed as reserve for future period(s)						
5	**ROPS 18-19 RPTTF Prior Period Adjustment** RPTTF amount should tie to the Agency's ROPS 18-19 PPA form submitted to the CAC		No entry required			41,511	
6	**Ending Actual Available Cash Balance (06/30/19) C to F = (1 + 2 - 3 - 4), G = (1 + 2 - 3 - 4 - 5)**	**$-**	**$-**	**$-**	**$126,756**	**$(677)**	**Item 6 ($577) and 44 ($100) were more than requested on the ROPS for FY 18/19.**

Oakley
Recognized Obligation Payment Schedule (ROPS 21-22) - Notes
July 1, 2021 through June 30, 2022

Item #	Notes/Comments
11	Per HSC Section 34171 (a)(3) "However the administrative cost allowance shall not be less than two hundred and fifty thousand dollars ($250,000) in any fiscal year.
42	
43	
44	
46	
47	
48	
49	Per second supplemental trust indenture article 2, section 2.01 (l)

OAKLEY
CALIFORNIA

SUCCESSOR AGENCY TO THE FORMER CITY OF OAKLEY
REDEVELOPMENT AGENCY

ADMINISTRATIVE BUDGET
JULY 1, 2021 TO JUNE 30, 2022

CATEGORY	DEPARTMENT/DESCRIPTION	2021/2022
Wages & Benefits	City Manager	$ 30,804
Wages & Benefits	Economic Development Management Analyst	$ 42,684
Wages & Benefits	City Clerk	$ 6,766
Wages & Benefits	Record Management Clerk	$ 4,830
Wages & Benefits	Director of Finance	$ 41,803
Wages & Benefits	Planning Manager	$ 27,340
Wages & Benefits	Senior Accountant	$ 16,370
Wages & Benefits	City Council	$ 3,184
Contract Services	Legal expenses for Successor Agency Admin	$ 15,000
Contract Services	Audit Services	$ 5,000
Information Technology	Computer and other equipment maintenance	$ 10,000
Property Management	Property for future development costs	$ 25,000
Agency Operations	Postage, utilities, office supplies, office space etc.	$ 21,219
		$ 250,000

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: January 26, 2021

TO: Mayor & City Council

Approved and Forwarded to the City Council

FROM: Bryan Montgomery, City Manager

SUBJECT: **SHORT-TERM EXTENSION OF LEASE TO MULEHEAD GROWERS, LLC FOR CITY-OWNED PROPERTY LOCATED AT 1785 WALNUT MEADOWS DRIVE, OAKLEY (APN 037-141-006)**

Background

In March of 2011 the City entered into a ten-year lease agreement with Mulehead Growers, LLC (hereinafter "Mulehead") for what was at the time a vacant City-owned parcel. The lease agreement provided the veritable "win-win" situation in that Mulehead agreed to relocate some ancient grape vines from the Dupont Property that would have otherwise been lost and agreed to maintain this vacant parcel that had become a weed-infested maintenance headache for the City. The arrangement also provided some minimal lease revenue to the City (though that lease revenue was not considered a critical factor in entering the lease agreement).

Mulehead successfully completed the vine relocation, provided a water source, put up fencing, and maintained the property for the past ten years. An accounting of the lease payments has been conducted and Mulehead recently presented a check to the City for $10,004 to bring the account current. Unfortunately, in the recent discussions with Mulehead officials, they indicated that the declining yield from the vines and low prices for grapes have lead them to the decision to not continue the lease for the long term, as we had hoped. They are willing to continue to maintain the property over the course of this calendar year and complete one last harvest (August timeframe), in order to give time for the City to determine if there is someone else willing to enter into a long-term lease arrangement on the property.

Within the next 3-4 months we can send out a request for proposals to solicit proposals to continue the vineyard use of the property.

Fiscal Impact

The proposed revenue for this extension is only $1 and the continued care and maintenance of the vineyard by Mulehead will help preserve its value and eliminate

any City maintenance cost for the property (which was significant prior to the existing lease arrangement).

Recommendation

Staff recommends the City Council adopt the resolution that extends the lease to Mulehead Growers, LLC for 10 months, and direct Staff to seek proposals for a long-term lease of the vineyard property.

Attachments

1. Site map
2. Resolution
3. Proposed short-term lease extension agreement
4. Existing lease agreement

1785 Walnut Meadows Drive, Oakley

APN 037-141-006



RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY AUTHORIZING THE CITY MANAGER TO EXECUTE A SHORT-TERM EXTENSION TO THE LEASE AGREEMENT FOR PROPERTY LOCATED AT 1785 WALNUT MEADOWS DRIVE, OAKLEY, CA (APN# 037-141-006)

BE IT RESOLVED by the City Council of the City of Oakley that the City Manager is hereby authorized and directed to sign on behalf of the City a certain extension to a Lease Agreement with Mulehead Growers, LLC, an exact copy of said extension is attached hereto.

The foregoing resolution was introduced at a regular meeting of the Oakley City held on the 26h day of January, 2021 by Councilmember _____, who moved its adoption, which motion being duly seconded by Councilmember _____, was upon voice vote carried and the resolution adopted by the following vote:

AYES:
NOES:
ABSTENTION:
ABSENT:

APPROVED:

_____
Sue Higgins, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date

SHORT-TERM EXTENSION TO LEASE AGREEMENT
FOR PROPERTY LOCATED AT 1785 WALNUT MEADOWS DRIVE,
OAKLEY, CA (APN# 037-141-006)

THIS EXTENSION is entered into this ____ day of _____, 2021 by and between the City of Oakley, a municipal corporation ("CITY") and Mulehead Growers, LLC. ("TENANT").

A. This agreement shall extend the Lease Agreement (Lease Agreement) dated March 1, 2011 between the City of Oakley (CITY) and Mulehead Growers, LLC. ("TENANT"). The Lease Agreement is attached hereto.

B. The parties acknowledge the need and desire to extend the lease agreement for ten (10) months to continue to maintain the vineyard property and provide time for CITY to find another TENANT.

C. As a result, the parties agree to extend the Lease Agreement as follows:

   a. The term of the extension shall be March 1, 2021 through December 31, 2021.

   b. In acknowledgement of TENANT's investment on the property and the mutual desire to maintain the vineyard property for at least one more harvest, the lease payment for this short-term extension shall be one dollar ($1).

   c. TENANT shall maintain the vineyard property in a good and acceptable condition and shall surrender it to the CITY in such a state that another vineyard operator can quickly and effectively take over the maintenance of the vineyard.

   d. All other terms and conditions of the Lease Agreement shall continue in full force and effect.

CITY
City of Oakley, a municipal corporation

By: _____
Bryan H. Montgomery
City Manager

TENANT
Mulehead Growers, LLC

By: _____
Fred Cline
Owner

ATTEST:

_____
Libby Vreonis, City Clerk

APPROVED AS TO FORM:

_____
Derek P. Cole, City Attorney

LEASE AGREEMENT FOR
PROPERTY LOCATED AT
1785 WALNUT MEADOWS DRIVE, OAKLEY, CA
APN # 037-141-006

This Agreement, dated February 23, 2011, and effective on March 1, 2011, is by and between the **CITY OF OAKLEY**, a public body, corporate and politic, hereinafter designated as "CITY, " and Fred Cline, doing business as Mulehead Growers, hereinafter designated as **"TENANT,"** for the lease by **TENANT** of real property owned by **CITY** in the City of Oakley, County of Contra Costa, State of California, commonly described as 1785 Walnut Meadows Drive, Oakley, CA Main Street (approximately 5.7 acres), Assessor's Parcel No. 037-141-006, hereinafter referred to as the "Premises" and further described in Exhibit A to this Agreement.

TENANT hereby jointly and severally approves, agrees, and consents to the following terms and conditions:

1. **TERM:** The term of this tenancy shall be for ten (10) years, commencing March 1, 2011 and terminating on February 28, 2021; however, either party may terminate this Agreement as provided for herein.

2. **LEASE RATE:** The lease rate for the use of the above Premises shall be ONE DOLLAR ($1) per year from March 1, 2011 to February 28, 2014 and shall be TWO THOUSAND AND NO/100 DOLLARS ($2,000) per year from March 1, 2014 to February 28, 2019 and FOUR THOUSAND DOLLARS ($4,000) per year from March 1, 2019 to February 28, 2021. TENANT agrees to pay said lease rent in advance on or before the March 15th of each year so long as tenancy continues. All checks and money orders shall be made payable to CITY of OAKLEY and shall be mailed to:

CITY OF OAKLEY
Attn: City Manager
3231 Main Street
Oakley, CA 94561

If any rent is not paid to the CITY within ten (10) days after due date, a late charge of FIVE HUNDRED NO/100 DOLLARS ($500) shall be added to the payment and the total sum shall become immediately due and payable to CITY. Failure to pay within twenty (20) days after the due date will incur an additional late charge of ONE THOUSAND DOLLARS ($1,000) which shall be added to the payment and the total sum shall become immediately due. Failure to pay within thirty (30) days shall immediately terminate this Agreement.

In partial consideration for the nominal lease rate for years one to three of the lease term, TENANT will repair the existing wood fence that is just south of the Premises and adjacent to the railroad right-of-way.

3. **SECURITY DEPOSIT:** CITY will hold a deposit in the amount of ONE THOUSAND NO/100 DOLLARS ($1,000), as security for the full and faithful performance by TENANT of all terms, conditions, and covenants of this Agreement.

Upon termination of this Agreement, the CITY may use any portion of the security deposit as may be reasonably necessary to remedy TENANT'S defaults of the provisions of this Lease Agreement, including, but not limited to, payment of unpaid rent due under paragraph 2 of this Agreement, cleaning of the Premises, repair of damage, or for storage of personal property which has be abandoned by TENANT. Any remaining

portion of the security deposit after such deduction shall be mailed to TENANT at TENANT's last known address.

4. UTILITIES: TENANT shall pay all costs in connection with TENANT's operations upon the Premises, including but not limited to costs of preparing the Premises for planting of crops, production costs, costs of tools and labor, electricity and other utilities, and costs of irrigation.

5. PERMITTED USE: TENANT shall utilize the Premises exclusively for the transplanting, planting, cultivating and harvesting of grape vines. Any other use will void this Agreement. TENANT agrees to uses sound viticultural practices throughout TENANT's use of the Premises.

TENANT shall not conduct or allow any machinery or equipment noises to occur on the Premises prior to 8:00 a.m. or after 6:00 p.m., nor at any time on Sundays. Such noise shall include, but not be limited to, vehicles, whether operating or idling, tractors, or any other farming equipment or machinery that creates noise.

6. TENANT'S MAINTENANCE AND REPAIRS OBLIGATIONS: Tenant shall keep the Premises in good order, condition and repair throughout the Lease Term. On the last day of the Lease Term, or on sooner termination of this Lease, Tenant shall surrender the Premises to CITY in good and sound condition, and clean and free of debris. TENANT shall have a right to remove all vines prior to conclusion of lease period or within thirty (30) days of the date of termination.

TENANT shall keep Premises in a clean, decent, safe, and sanitary condition, free from all accumulations of debris, filth, rubbish, garbage, rodents, and vermin. TENANT shall perform regular weed abatement and trash removal to the Premises.

TENANT shall take every care to prevent fires. In the event that the Premises is destroyed by fire, this Agreement shall immediately terminate and CITY shall not be responsible for any loss or damage to TENANT.

TENANT shall not allow non-operating vehicles, or parts thereof, to remain on the Premises.

7. IMPROVEMENTS: Without the prior written consent of CITY in its sole discretion, Tenant shall not make or erect on the Premises or on any portions thereof, any building, improvement, structure or appurtenances thereto. TENANT agrees not to make or suffer any alterations to be made in or on said Property without first obtaining the written consent of CITY.

8. HAZARDOUS SUBSTANCES: TENANT shall not store, keep, or use hazardous substances on the Premises. TENANT acknowledges that hazardous substances may permanently and materially impair the value and use of the Premises.

A "Hazardous Substance" is defined to mean any substance, material or waste, including asbestos and petroleum (including crude oil or any fraction thereof), which is or becomes designated, classified or regulated as being "toxic," "hazardous," a "pollutant" or similar designation under any federal, state or local law, regulation or ordinance.

TENANT agrees to defend, save, protect, indemnify and hold CITY harmless from and against all liabilities, claims, actions, foreseeable and unforeseeable consequential damages, costs, and expenses (including sums paid in settlement of claims and all consultant, expert and legal fees and expenses of CITY'S counsel) or loss directly or indirectly arising out of or resulting from the presence of any hazardous substance

as a result of TENANT'S activities, in or around any part of the Premises, including those incurred in connection with any investigation of site conditions or any clean up, remedial, removal or restoration work, or any resulting damages or injuries to the person or property of any third parties or to any natural resources.

9. COMPLIANCE WITH LAWS: During the Lease Term, TENANT shall comply with all applicable laws, ordinances, orders, rules, regulations and requirements of Federal, State, County, City and Municipal Governments, departments, bureaus, boards, commissions and officials with respect to the Premises, the improvements thereon or the use or occupancy thereof.

10. NOTICE OF TERMINATION: CITY may terminate this Lease at its sole discretion by providing TENANT written notice on or before December 1st of any given year. TENANT may terminate this Lease at anytime, but must provide CITY six (6) months notice of termination. CITY may terminate this Lease Agreement for non-payment of the Lease rate, as provided for herein.

11. INSPECTION: The CITY reserves the right to enter the Premises between the hours of and to employ the proper representative or contractor in order to see that the Premises is being reasonably cared for, that no waste is being made, and that all things are done in the manner best calculated for the preservation of the Premises, and in full compliance with the terms and conditions of this Agreement. CITY shall provide twenty-four (24) hour notice of its entry, except in an emergency.

12. NOTICES: All notices given hereunder shall be in writing and shall be deemed to have been given if personally delivered or deposited in the United States mail, postage prepaid, return receipt requested, and addressed to the other party as follows or as otherwise designated by written notice hereunder from time to time:

To TENANT:
Fred Cline
Mulehead Growers
24737 Arnold Drive
Sonoma, CA 95476

To CITY:
City of Oakley
3231 Main Street
Oakley, CA 94561
Attn: City Manager

13. HOLD HARMLESS: TENANT shall defend, indemnify, save, protect, and hold harmless CITY, its officers, agents, and employees from any and all claims, costs, and liability, including reasonable attorneys' fees, for any damage, injury or death, including without limitation all consequential damages from any cause whatsoever, to persons or property, arising directly or indirectly from or connected with this Agreement, including, but not limited to, any act under taken pursuant to the Agreement, or the TENANT'S use or possession of the Premises, save and except claims, costs, liability or litigation arising from the sole negligence or sole willful misconduct of CITY, its officers or employees, and, if required by CITY, will defend any such actions at the sole cost and expense of the TENANT.

14. SUBLETTING: TENANT shall not assign this tenancy or any interest therein and shall not sublet said premises or any part thereof without prior written approval from the CITY. Any such assignment or subletting without the CITY'S consent shall be void.

15. INSURANCE: CITY will not keep TENANT'S interest and property insured and TENANT waives the right to claim damages from the CITY for any damage resulting to said property in the event it is damaged or destroyed by fire or any other cause.

TENANT shall, prior to occupation of the premises, furnish or caused to be furnished to the CITY duplicate originals or appropriate certificates of the following insurance policies:

A. General Commercial Liability Insurance. TENANT shall obtain at its sole cost and keep in full force and effect during the term of this Agreement, general commercial liability insurance in the amount of ONE HUNDRED THOUSAND AND NO/100 DOLLARS ($100,000) per occurrence for bodily injury, personal injury, and property damage. Said insurance shall provide that the policy shall operate as primary insurance, and that no other insurance effected by the CITY will be called upon to cover a loss covered thereunder.

B. Certificates of Insurance. TENANT shall file with the CITY, prior to occupation of the Premises, certificates of insurance which shall provide that no cancellation, major change in coverage, expiration, or nonrenewal will be made during the term of this Agreement, without thirty (30) days notice to the CITY prior to the effective date of such cancellation, or change in coverage. TENANT shall deliver copies of the insurance policy upon CITY request.

C. Prior to occupation of the Premises. TENANT shall file with the CITY the City of Oakley's standard endorsement form providing for each of the above requirements.

16. POSSESSORY INTEREST TAX: The County Assessor of Contra Costa County has invoked a possessory interest tax on all leases of CITY and other publicly-owned properties. This tax is mandatory by law and is levied on the TENANT and not the Premises. The occupant of the Premises on the lien date, April 1 of the current year, is liable for full payment, even if TENANT subsequently vacates the Premises. TENANT therefore, must recognize and understand, in accepting this Lease Agreement, his interest therein may be subject to a possible possessory interest tax that the County Assessor may legally impose on such possessory interest held by the TENANT. Each year, TENANT will pay the tax promptly.

17. CITY'S RIGHT OF RE-ENTRY: TENANT shall not vacate or abandon the Premises at any time during the term of this Agreement. If CITY'S right of reentry is exercised following abandonment of the Premises by TENANT then CITY may consider any personal property belonging to TENANT and left on the Premises to have been abandoned, in which case CITY may dispose of all such personal property in any manner pursuant to law. CITY shall deem proper and is hereby expressly relieved of all liability for doing so.

18. WAIVER: The waiver by CITY of any breach of a specific term, covenant or condition herein contained shall not constitute a waiver of any other breach of that term, covenant or condition herein contained or any other term, covenant or condition herein contained.

19. WRITTEN AGREEMENT: Neither party has relied on any promise or representation not contained in this Agreement. All previous conversations, negotiations, representations, agreements and understandings, either written or oral, are of no further force or effect. This Lease Agreement may be modified only by a writing signed by both parties. The headings of the paragraphs are for convenience only and are not a part of this Lease Agreement, nor shall they be considered in construing the intent of this Lease Agreement.

20. **ATTORNEY'S FEES:** Should either party bring any legal action or proceeding for the breach of any term, covenant or condition of this agreement the court shall award reasonable attorneys' fees to one or more of the parties therein based upon the degree to which each party prevails in such action or proceeding, as determined by the court.

21. **VENUE:** In the event that either party brings any action against the other party under this Agreement, the parties agree that trial of such action shall be vested exclusively in the state courts of California in the County of Contra Costa or in the United States District Court for the Northern District of California.

22. **WAIVER OF RELOCATION BENEFITS:** TENANT warrants and represents to CITY that TENANT does not have nor shall TENANT claim any right to relocation benefits under any provision of any State of California or federal law and TENANT knowingly waives the right to make any claim against the CITY for relocation benefits in the event CITY elects to terminate this Agreement for any reason.

23. **SEVERABILITY:** The validity or illegality of a provision of this Agreement shall not affect the remainder of the Agreement.

24. **TIME IS OF THE ESSENCE:** Time is of the essence with respect to each and all of the terms and provisions of this Agreement.

25. **AUTHORIZED SIGNATURE:** Each person and party signing this Agreement warrants that he/she has the authority to execute this Agreement and that the person or party will be bound by such signature.

26. **COUNTERPARTS:** This Agreement may be executed in multiple counterparts, each of which shall be an original and all of which together shall constitute one agreement.

CITY

CITY OF OAKLEY

By: _____
Bryan H. Montgomery
City Manager

TENANT

MULEHEAD GROWERS

By: _____
Fred Cline
Owner

ATTEST:

_____
Nancy Ortenblad
City Clerk

APPROVED AS TO FORM:

_____
William R. Galstan
Special Counsel

From:

E. Paul Stychno Insurance Services
100 Stony Point Rd. Ste # 250
Santa Rosa , CA 95401

707-526-2033
707-526-5307 www.epsinsurance.com

To:

City of Oakley

FAX DOCUMENT

Certificate of Insurance Delivery by ecertsonline ™

From: Peggy Phelan

Subject: Certificate of Liability: Cline Cellars

Date: 2/23/2011

Delivery Via: FAX 19256251810

No. of Pages: 4

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ACORD

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 2/23/2011

PRODUCER	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.	
E. Paul Stychno Insurance Services 100 Stony Point Rd. Ste # 250 Santa Rosa , CA 95401 707-526-2033 www.epsinsurance.com 707-526-5307	INSURERS AFFORDING COVERAGE	NAIC #
INSURED Cline Cellars, Inc Jacuzzi Family Vineyards Mulehead Growers 24737 Arnold Dr. Sonoma CA 95476	INSURER A: Great American Insurance Company	
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	ADD'L INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS	
A		GENERAL LIABILITY	PAC6418715-03	2/16/2011	2/16/2012	EACH OCCURRENCE	$ 1,000,000
		✓ COMMERCIAL GENERAL LIABILITY				DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 300,000
		☐ CLAIMS MADE ☑ OCCUR				MED EXP (Any one person)	$ 10,000
		✓ Liquor Liab.				PERSONAL & ADV INJURY	$ 1,000,000
						GENERAL AGGREGATE	$ 2,000,000
		GEN'L AGGREGATE LIMIT APPLIES PER:				PRODUCTS - COMP/OP AGG	$ 2,000,000
		✓ POLICY ☐ PRO-JECT ☐ LOC					
A		AUTOMOBILE LIABILITY	CAP6418716-03	2/16/2011	2/16/2012	COMBINED SINGLE LIMIT (Ea accident)	$ 1,000,000
		✓ ANY AUTO				BODILY INJURY (Per person)	$
		☐ ALL OWNED AUTOS				BODILY INJURY (Per accident)	$
		☐ SCHEDULED AUTOS				PROPERTY DAMAGE (Per accident)	$
		☐ HIRED AUTOS					
		☐ NON-OWNED AUTOS					
		GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT	$
		☐ ANY AUTO				OTHER THAN AUTO ONLY: EA ACC	$
						AGG	$
A		EXCESS / UMBRELLA LIABILITY	EXC6418717-03	2/16/2011	2/16/2012	EACH OCCURRENCE	$ 10,000,000
		✓ OCCUR ☐ CLAIMS MADE				AGGREGATE	$ 10,000,000
							$
		☐ DEDUCTIBLE					$
		☐ RETENTION $					$
		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATU-TORY LIMITS ☐ OTH-ER	
		ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N ☐				E.L. EACH ACCIDENT	$
		(Mandatory in NH)				E.L. DISEASE - EA EMPLOYEE	$
		If yes, describe under SPECIAL PROVISIONS below				E.L. DISEASE - POLICY LIMIT	$
		OTHER					
A		Property Section	PAC6418715-03	2/16/2010	2/16/2011	Wine Stock $14,000,000	
A		Business Property	PAC6418715-03	2/16/2010	2/16/2011	Blanket $24,186,003	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

CERTIFICATE HOLDER

City of Oakley

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30* DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES. * 10 Days for Non-Payment of Premium.

AUTHORIZED REPRESENTATIVE

Paul Stychno

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IMPORTANT

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DISCLAIMER

This Certificate of Insurance does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.

CERTIFICATE ATTACHMENT

DATE ISSUED
2/23/2011

NAMED INSURED:
Cline Cellars, Inc
Jacuzzi Family Vineyards
Mulehead Growers
24737 Arnold Dr.
Sonoma CA 95476

Named Insureds:

Cline Cellars, Inc.
Mulehead Growers, LLC
Fred and Nancy Cline
Jacuzzi Family Vineyards, LLC
Oxfoot Asscociates, LLC
Cline Cellars Holding, LLC
Lookout Oil and Gas LLC
Adobe Creek Vineyards, LLC
Dillion Beach, LLC
Green String Farms, LLC

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: January 15, 2021

TO: Bryan Montgomery, City Manager *Approved and Forwarded to the City Council*

FROM: Derek P. Cole, City Attorney

SUBJECT: **Resolution Approving a Fee Study Regarding a Fire-Facilities Fee; Introduction and Waiver of First Reading of an Ordinance Amending Chapter 9.2 of the Oakley Municipal Code Concerning the Fire-Facilities Impact Fee; and Resolution Authorizing the City Manager to Execute an Administration Agreement with the East Contra Costa Fire Protection District concerning the Fire-Facilities Fee**

Introduction

Based on direction from and actions taken during previous City Council meetings, the City Council was scheduled to take the following actions at its January 26, 2021 regular meeting:

- Adopt a resolution approving the fee study East Contra Costa Fire Protection District ("ECCFPD") prepared to identify the fees that should be applied to residential and non-residential development;

- Introduce and waive the first reading of an ordinance amending Chapter 9.02 of the Oakley Municipal Code regarding the City's fire-facilities impact fee; and

- Authorize the City Manager to execute an Administration Agreement concerning the fire-facilities fee with ECCFPD.

Because the first and third items will require additional time to prepare, Staff requests that the City Council direct that those items be considered at the Council's regular meeting on February 9, 2021. As the adoption of the fee resolution was publicly noticed, the Council should provide this direction on the record.

Staff does, however, request that the Council consider the second item at the January 26, 2021 meeting—introduction of an ordinance amending the City Code concerning fire-impact fees. If this actions is taken, the ordinance could be enacted at the first meeting in February, when the other items are considered.

Discussion

The City collects a number of impact fees from developers of residential and non-residential projects to mitigate the impacts of proposed development in a variety of areas. Among the fees collected is a fire-facilities impact fee that funds construction of capital infrastructure to fund fire protection services (e.g., fire stations). The City has never itself provided fire protection services; it has relied on the East Contra Costa Fire Protection District to provide such services. This district—now an independent fire protection district, and formerly a dependent County district—also provides services to the City of Brentwood and unincorporated areas including Bethel Island, Knightsen, and Byron.

Cities must justify the impact fees they charge based on "Nexus" or "AB 1600" studies. The latter refers to the legislation that enacted the Mitigation Fee Act, the comprehensive statute that governs the substantive and procedural requirements for imposing development fees. Under this act, nexus studies are undertaken to ensure compliance with the legal requirement that new development be charged only in proportion to the impacts its approval would create.

As noted, Staff intends to present a nexus study the Fire District has had prepared at your next Council meeting, in February. For the January 26 meeting, Staff is presenting a preliminary action, introduction of an ordinance amending Oakley Municipal Code.

Currently, our Code authorizes the collection of the fire-facilities impact fee and outlines the permissible uses for fee revenue. For the past few years, under a cooperative agreement with the District, the City has transmitted the funds it receives from the District. But the City Code does not expressly authorize these transfers. Although this Office does not believe the absence of express ordinance language precludes the revenue transfers, we believe it is advisable to amend the Municipal Code to include such language.

The proposed ordinance adds text to Oakley Municipal Code section 9.2.506 to expressly authorize the transfer of fire-facilities fee revenue from the City to the District. As a condition for the transfers, the amended code text requires that the City and District have an agreement in place governing the transfer of the funds. The proposed administration agreement that will be presented to the Council at your next meeting would serve as such an agreement.

Recommendation

Staff recommends that the City Council waive the first reading of and introduce the attached ordinance.

Attachments

1. Ordinance

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF OAKLEY AMENDING SECTION 9.2.506 OF THE OAKLEY MUNICIPAL CODE CONCERNING THE CITY FIRE FACILITIES IMPACT FEE

THE CITY COUNCIL OF THE CITY OF OAKLEY DOES ORDAIN AS FOLLOWS:

SECTION 1. Upon the effective date of this Ordinance, Oakley Municipal Code section 9.2.506 shall be amended to read as follows:

9.2.506 Use of Fee Revenues.

The revenues raised by payment of the fire impact fee shall be accounted for in a capital project fund. Separate and special accounts within the fund shall be used to account for revenues, along with any interest earnings on such account. These monies shall be used for the following purposes:

a. To pay for design; engineering; acquisition; acquisition of property interests for, including, without limitation, right of way acquisition for and construction of the public facilities designated in the City Council resolution; and reasonable costs of outside consultant studies related thereto;

b. To reimburse the City or applicable fire district providing fire services within the City for designated public facilities constructed by the City and/or fire district with funds (other than gifts or grants) from other sources together with accrued interest;

c. To pay for and/or reimburse costs of program development and ongoing administration of the impact fee program.

Revenue raised by payment of the fire impact fee may be transferred to the East Contra Costa County Fire District and used by the District for the above purposes if the City and District have entered into a written agreement, approved by their respective council and board of directors, regarding the transfer and use of such funds.

SECTION 2. CEQA.

The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 3. SEVERABILITY.

The City Council of the City of Oakley hereby declares that should any section, paragraph, sentence, phrase, term or word of this Ordinance be declared for any reason to be invalid, it is the intent of the City Council that it would have adopted all other portions of this Ordinance independent of the elimination herefrom of any such portion as may be declared invalid. If any section, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subdivision, paragraph, sentence, clause and phrase thereof,

irrespective of the fact that any one (or more) section, subdivision, paragraph, sentence, clause or phrase had been declared invalid or unconstitutional.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall become effective thirty (30) days after adoption.

SECTION 5. PUBLICATION.

The City Clerk shall certify to the passage of this Ordinance and shall cause this Ordinance or a summary thereof to be printed once within fifteen (15) days after its adoption in a newspaper of general circulation, published and circulated in the City of Oakley.

THE FOREGOING ORDINANCE was introduced with the reading waived at a regular meeting of the City Council of the City of Oakley on the 18th Day of January 2021. The Ordinance was adopted with the second reading waived at a regular meeting of the City Council of the City of Oakley on the 9th day of February, 2021, and ordered passed to print by the following vote, to wit:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

_____
Sue Higgins, Mayor

ATTEST:

_____ _____
Libby Vreonis, City Clerk Date

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: January 26, 2021

TO: Bryan Montgomery, City Manager *Approved and Forwarded to the City Council*

FROM: Kevin Rohani, P.E. Public Works Director/City Engineer

SUBJECT: **Fiscal Year (FY) 2020/21 Second Quarter Report on the Capital Improvement Program**

Background and Analysis

This report summarizes the status of the various projects in the City of Oakley Capital Improvement Program (CIP) at the end of the Second Quarter for FY 2020/21.

The City's CIP is a multi-year forecast of capital needs that include new construction projects and planned improvements of existing facilities. The CIP establishes structure by identifying, prioritizing, approving, and the funding of capital improvement projects. Since the demand for capital projects typically exceeds the amount of available funds, projects are prioritized based on the City Council's strategic goals.

The following highlights CIP project progress in the Second Quarter of FY 2020/21 (October-December 2020):

1. Laurel Road Reconstruction Project (Mellowood Drive to Main Street)

Project # 208
Schedule: Construction is underway
Budget: $3,100,000
Funding Source: Transportation Impact Fee (TIF) Fund

This project will reconstruct and improve Laurel Road in the section from Mellowood Drive to Main Street. This section of Laurel Road has required frequent and costly repairs due to the heavy concentration of Sierra-Crete that had been used decades ago for roadway construction by the County. The construction of this project will complement the adjacent roadway improvement project on Laurel Road (Rose Avenue to Mellowood Drive) that was completed in 2019. The scope of this project includes: removal of all failed base materials and replacement with proper aggregate base material, placement of new curb, gutter, and sidewalk, new pavement, traffic signal modifications, and new

landscaping and irrigation. This project will also construct a protected double left turn from eastbound Laurel Road to Main Street to accommodate increased traffic demands. The construction of this project is nearly complete and final paving will be performed after the winter season and cold temperatures have subsided in spring 2021.

2. Downtown Train Platform Station and Parking Lot Phase 1 Project

Project # 205
Schedule: Design is underway
Budget: $563,613 (FY 2017/18 budget for design)
Funding Source: Main Street Fund

The Downtown Oakley Train Platform Station and Parking Lot Project features a new San Joaquin Joint Power Authorities train platform station located north of Main Street between 2nd Street and O'Hara Avenue. The platform station is strategically located in downtown on Main Street, adjacent to a future Main Street Gateway Plaza. The new parking lot is anticipated to provide over 300 parking spaces, and is a big part of the future for Downtown Oakley. The San Joaquin Joint Power Authorities have secured a grant funding for the construction of the new platform station and will be using their engineering consultant to design the new train platform station. The City of Oakley in coordination with the San Joaquin Joint Power Authorities had hired engineering design consultant to design the roadway, parking lot, and other public infrastructure that will be adjacent to the new train platform station. It is anticipated that this joint design effort will conclude in late 2021 followed by the construction of the project to start in 2022.

3. Vintage Parkway Repair and Rehabilitation Project

Project # 214
Schedule: Construction is complete
Budget: $1.5M
Funding Source: One Bay Area Government Grant (OBAG), General Capital Fund

This Project reconstructed and improved Vintage Parkway from Main Street to Big Break Road. Each year the pavement conditions change due to wear and tear. Streets must routinely undergo preventative maintenance to ensure their functionality. Vintage Parkway is a two lane collector street that serves nearly 1,200 households in the neighborhoods north of the railroad tracks. Vintage Parkway is part of the Federal Highway System and qualifies for the One Bay Area Government Grant (OBAG). The OBAG grant is approximately $960,000 which will go towards the construction costs for the rehabilitation. This project performed base repairs and resurfaced the street with new asphalt, followed up

with new striping and pavement markings. The construction of this project has been successfully completed.

4. Downtown Parking Lot Construction Project

Project # 215
Schedule: Design is underway
Budget: $2.5M
Funding Source: Main Street Fund, General Capital Fund

This project, in continuing the implementation of the Strategic Goals of the City Council to improve and enhance Downtown Oakley; will construct a new parking lot and associated street infrastructure on north side of Main Street and Norcross lane intersection. This new parking lot will be behind the Entrepreneur Center and the new Oakley Mercantile Building and will serve the greater downtown merchants and their customers. The design of this project is currently under way and it is anticipated that the construction will start by spring 2021.

5. Street Repair and Resurfacing Project

Project # 237
Schedule: Construction is complete
Budget: $900,000
Funding Source: General Capital Fund, Gas Tax Fund

This project repaired the base and surface failures and resurfaced streets as a part of a comprehensive program to maintain the roadways for the community. Street repair and resurfacing is critical for keeping the City's street infrastructure in good condition, and to prevent the necessity of costly reconstruction due to the lack of proper rehabilitation and maintenance. The scope of the project included a combination of base dig-outs, overlay, crack seal, and slurry seal. The areas that are covered under this project include: Summer Lake neighborhood and Fall Lane neighborhood. The construction of this project has been successfully completed.

6. Oakley Civic Center Emergency Generator Project

Project # 228
Schedule: Construction is underway
Budget: $150,000
Funding Source: General Capital Fund

The Civic Center facility is the center of government in Oakley which handles all critical functions for the community residents, including Police services. The current facility does not have a standby emergency generator to address the

frequent PG&E power outages that take place in this region. This project will install an emergency generator which will provide electricity to the entire Civic Center facility in times of power emergencies. The new generator has been delivered and installed. The City is currently working with PG&E to coordinate the power transfer to the new generator prior to the start-up operations. Once this PG&E task has been completed, the generator will start its operations.

7. Main Street/O'Hara Avenue Intersection Improvement Project

Project # 218
Schedule: Construction is complete
Budget: $500,000
Funding Source: Transportation Impact Fee (TIF) Fund

This project completed the downtown improvements on the north side of Main Street between Norcross Lane and 5th Street at its intersection with O'Hara Avenue by constructing new curb, gutter, sidewalks, street lights, and modifications of a traffic signal, landscaping, and street widening. The construction of this project has been successfully completed.

8. Delta de Anza and Marsh Creek Trail Connection Safety Improvements Project

Project # 239
Schedule: Construction is currently underway
Budget: $183,500
Funding Source: State Grant, 2012 Bond Benefit

The proposed project will improve safety at trail crossings and connect two regional trails in the City of Oakley, including new flashing beacons on Laurel Road and Delta Road at the crossing with the Delta de Anza and Marsh Creek Regional Trail, high visibility green bike lanes at the intersection of Cypress Road/Main Street, and bicycle lanes on West Cypress Road. Enhanced safety is very important for our community. This project will have both a local and regional benefit for all trail users in the Oakley area. The construction of this project is anticipated to be completed by summer 2021.

Fiscal Impact

Each project listed in this report has a budgeted source of funds which have been approved by the City Council. These sources include Grants, Gas Tax, Measure J Sales Tax, Traffic Impact Fees, General Fund, Main Street Fund, and other Special Use funds. There is no fiscal impact associated with this CIP Update, this report is solely for informational purposes.

Staff Recommendation

The Oakley City Council should provide comments and input to staff on the CIP report for the Second Quarter of FY 2020/21.

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: January 26, 2021

TO: Bryan Montgomery, City Manager *Approved and Forwarded to the City Council*

FROM: Kevin Rohani, P.E. Public Works Director/City Engineer

SUBJECT: Consideration of Approval of Concept Plan for Renovations to the Civic Center Park

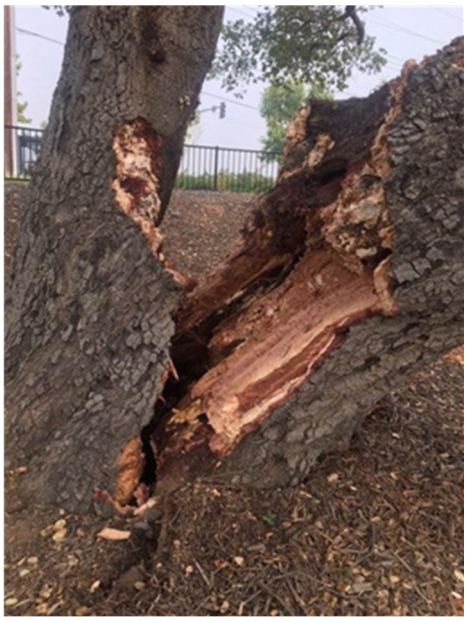
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Background and Analysis

Oakley's Civic Center is a beautiful campus that includes the City Hall facilities and an Amphitheater with a Park that has been utilized by the community to gather and enjoy the various events and functions throughout the year.

There were two very large Oak trees at the Civic Center Park site which were over 200 years old. On August 23, 2020 one of these Oak trees experienced a catastrophic failure which caused the tree to fall. The cause of this tree failure was due to its age and a deep Fungal Disease which had infested the tree. It was fortunate for everyone that when this tree came down, it did not fall on the people who were in the vicinity.

The protective measures and pruning put in place over the last several years were a major contributing factor to the minimal damages resulting from this tree failure. The remainder of the tree needed to be cut down and removed subsequently to ensure the site was safe and no longer a danger from further tree failure.





Staff has been diligently working over the past few months to develop a plan to renovate the area that used to be covered by the fallen Oak tree; with a focus on enhancing the park and its existing features. As result of this work, the attached concept plan has been prepared for consideration by the City Council.

This plan provides additional amphitheater seating which is needed to accommodate the concerts and events at the park. This amphitheater seating complements the park by following the same curved seating layout which currently exists at the park.

A new feature that is proposed, is a small playground next to the picnic area. Parents and guardians who come to the park to enjoy and participate in various events, would soon have a safe and secure area for their children to play. The design plan for this playground includes nature themed features that look like fallen logs and tree trunks.

A large Redwood tree (Sequoia sempervirens 'Aptos Blue') is to be planted at this site in place of the Oak tree. This new tree will be a large mature specimen coming in at approximately 35' tall, which would provide an immediate vertical aesthetic focal point within the park. These trees have the potential to grow 70'-100' tall at a rate of about 3' per year. This variety has ideal growth characteristics, which could allow it to be utilized as the future Christmas tree for years to come at Civic Center Park.

In addition, there will be new landscaping and tree plantings to enhance the new and existing features at this park.

Fiscal Impact

There is no fiscal impact related to the review of this concept plan. If the plan is approved, in future meetings staff will bring contracts for the actual construction of the improvements that will have its specific funding allocations.

Staff Recommendation

The City Council should provide comments and input to staff regarding this concept plan.

Attachments

1. Civic Center Park Renovation Concept Plan



1. New Nature Themed Playground
2. New Amphitheater- Seat Walls to Match Existing
3. Specimen Christmas Tree- Blue Sequoia
4. No Mow Grass
5. Turf
6. Picnic Area
7. Shade Canopy Trees
8. Columnar Windbreak Trees
9. Seatwall
10. 3'W Gate and 4'H Perimeter Fence
11. Existing Trees to Remain
12. Existing Veteran's Memorial

0 10' 20' 40'

GATES ASSOCIATES

OAKLEY CIVIC CENTER PLAYGROUND

OAKLEY, CALIFORNIA

Concept Plan

JANUARY 11, 2021



GATES ASSOCIATES

OAKLEY CIVIC CENTER PLAYGROUND

OAKLEY, CALIFORNIA

Photosimulation

JANUARY 11, 2021

STAFF REPORT

DATE: January 26, 2021

TO: Bryan Montgomery, City Manager *Approved and Forwarded to the City Council*

FROM: Joshua McMurray, Community Development Director

SUBJECT: **WORK SESSION - Oakley Planning Commission**

Background and Recommendation

As requested by the Mayor, Staff has begun the process to assemble and provide the City Council with information about reassigning the functions of the Planning Commission from the City Council to a separate Planning Commission. The City of Oakley had a separate Planning Commission since incorporation in July 1999 until February 2009 when the City was experiencing less development activity as a result of the Great Recession. Since that time, the Oakley City Council has acted as the Planning Commission.

At this time, Staff will provide a presentation that focuses on providing information on what a Planning Commission is and its purpose, as well as some high level topics to guide the discussion. Staff is looking for feedback and direction in order to bring back more detailed information that would lay the groundwork for how the Planning Commission is structured and to the extent the Commission would have authority for approval versus review and recommendation to the City Council.

Recommendation

Staff recommends the City Council review the information provided through the Staff Report and Power Point presentation, and provide Staff with comments and direction.

Attachments

1. PowerPoint Presentation
2. Institute for local Government - The Planning Commissioner's Role

OAKLEY
CALIFORNIA

Oakley Planning Commission Work Session

City of Oakley City Council Meeting

January 26, 2021

Work Session Topics

- Background
- What is the role of a Planning Commission?
- Introductory Topics

Background

- A separate Planning Commission was established in 1999, when the City incorporated.
- A separate Planning Commission was in place from that time until February 2009.
- Due to a lack of development activity and as allowed by State law, the City Council took on the duties of the Planning Commission

Background

- The Mayor asked Staff to bring the issue of possibly separating the duties from the City Council and formally re-establishing a separate Planning Commission.

- The goal of this work session is to gain feedback on direction on how to proceed.

What is a Planning Commission?

- The Planning Commission is a committee made up of five or more individuals who have been appointed by the governing body (city council or board of supervisors) to review and act on matters related to planning and development.

- Govt. Code 65100 and 65101 – State Law.

What is a Planning Commission?

- Typically consists of 5 or more people (in the past they have been 5).

- A governing body does not need to have a separate Planning Commission and City Councils in many cities also serve as the Planning Commission.

Role of a Planning Commission

- It can act as an advisory board to the City Council – provide recommendations.
- Ensuring that development is consistent with the General Plan.
- Can be a decision-making body.

Role of a Planning Commission

- The City Council has some flexibility in how the Planning Commission is structured and what level of approval or review they have.

- Decisions involve community input, just like at a City Council Meeting.

Introductory Topics

Planning Commission:

- Planning Commissioners selection process
- Term for the commissioners
- Meeting days and time

Introductory Topics

Cost of Planning Commission:

- Still needs further analysis
- Staff Time – minimum of 10 Staff needed across all Departments
- Training
- Developer deposits
- Extended time and costs on new development

Introductory Topics

- Review *vs.* Approval – What actions would require a recommendation and what approval authority does the Planning Commission have?

- A separate Planning Commission will take some approval authority away from the City Council

Introductory Topics

- Having a separate Planning Commission will add another layer to the development process, which removes one of Oakley's competitive advantages
- Streamlined development process
- Repetition in the process

Staff Recommendation

- Staff recommends the City Council review the information provided through the Staff Report and PowerPoint presentation, and provide Staff with comments and direction.



SECTION 1

The Planning Commissioner's Role

WHAT IS A PLANNING COMMISSION? 1

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- Personal Advantages and Perks 7
- Fairness and Impartiality 7

WORKING WITH FELLOW COMMISSIONERS 8

WORKING WITH STAFF 9

- Consultants 10

WORKING WITH THE GOVERNING BODY 10

WORKING WITH THE MEDIA 11

- Getting Your Message Out 11

SECTION 1

The Planning Commissioner's Role



WHAT IS A PLANNING COMMISSION?

The planning commission is a permanent committee made up of five or more individuals who have been appointed by the governing body (city council or board of supervisors) to review and act on matters related to planning and development.[1] Most planning commissioners are lay people without any previous land use experience. Commissioners serve at the pleasure of the council or board of supervisors, so commission membership may change in response to changes in those bodies. A local agency need not create a planning commission; in some jurisdictions, the governing body functions in that capacity.[2]

WHY PLAN?

Planning is a proactive process that establishes goals and policies for directing and managing future growth and development. Local agencies plan to address fundamental issues such as the location of growth, housing needs, and environmental protection. Additionally, planning helps account for future demand for services, including sewers, roads, and fire protection. In addition, planning:

- **Saves Money.** Good planning can save on infrastructure and essential service costs.
- **Sets Expectations.** Planning establishes the ground rules for development. A comprehensive general plan, for example, sends a clear signal that accepted standards and procedures apply to community development. This will not eliminate conflicts entirely, but at least sets expectations that can help minimize conflict.
- **Improves Economic Development and Quality of Life.** Economic development and quality of life issues go hand in hand because businesses want to locate in communities where their employees want to live. Planning outlines alternatives and choices so that the community can promote employment and economic well-being.
- **Provides a Forum for Reaching Consensus.** Planning processes, such as the development of the general plan, provide a forum for seeking community consensus. Planning efforts should always involve broad and diverse segments of the community to assure that the resulting plan fully addresses community needs. This will provide the public with a sense of ownership over the plan.

[1] Cal. Gov't Code § 65100.

[2] Cal. Gov't Code § 65101.

- **Connects People to the Community.** Planning ensures that architectural and aesthetic elements are incorporated into projects to connect people to their community and establish a sense of place.
- **Protects Property Values.** Property values are enhanced when a community plans for parks, trails, playgrounds, transit, and other amenities. Planning also protects property and property values by separating incompatible land uses. Imagine if a factory could just set up shop in the middle of a neighborhood. Planning assures that this will not occur.
- **Reduces Environmental Damage and Conserves Resources.** Planning helps identify important natural and cultural resources and can channel development in a way that protects or augments these resources.

THE COMMISSION'S DUTIES

The planning commission plays a central role in the planning process in three important ways. First, it acts as an advisory board to the main governing body on all planning and development issues. Second, the commission assures that the general plan is implemented by reviewing development applications on a case-by-case basis. Just as you build a building one brick at a time, you implement a community vision one project at a time. Third, the commission functions as the decision-making body for many proposals. However, any planning commission action can be appealed to the governing body, which can uphold the commission's decision, overturn it, modify it, or send it back for further study.

Planning commission duties vary depending on the jurisdiction. You can learn about your commission's particular responsibilities by asking the planning department. Most commissions have the following responsibilities:[3]

- **General Plan.** Assist in writing the general plan and hold public hearings on its adoption. (The governing body retains authority to actually adopt the general plan.) Promote public interest in the general plan. Consult with and advise public officials and agencies, utilities, organizations, and the public regarding implementation of the general plan. Also review, hold hearings on, and act upon proposed amendments to the plan.
- **Specific Plans.** Assist in writing any specific plans or community plans and hold public hearings on such plans. (The governing body retains authority to actually adopt specific plans.) Also review, hold hearings on, and act upon proposed amendments to such plans.
- **Zoning and Subdivision Maps.** Review, hold hearings on, and act upon zoning ordinances, maps, conditional use permits, and variances. Similarly consider subdivision applications.
- **Individual Project Approvals.** Review individual projects for consistency with the general plan, any applicable specific plans, the zoning ordinance, and other land use policies and regulations.
- **Report on Capital Improvements Plans.** Annually review the jurisdiction's capital improvements program and the public works projects of other local agencies for consistency with the general plan.
- **Coordinate Planning Efforts.** Coordinate local plans and programs with those of other public agencies.
- **Consider Land Acquisitions.** Report to the governing body on the consistency of proposed public land acquisition or disposal with the general plan.
- **Special Studies.** Undertake special planning studies as needed.

With so many responsibilities, it is important for every planning commission to think about how it will divide its time between day-by-day approvals and long-range planning efforts, both of which are important. It is easy to get caught up in the day-to-day efforts at the expense of long-range planning.

[3] *See for example* Cal. Gov't Code §§ 65103, 65353, 65400, 65401, 65402, 65854 and 66452.1.

OTHER LOCAL PLANNING BODIES

Some local agencies divide land use decision-making by creating positions and commissions to focus on specific aspects of the land use planning process.

- **Board of Zoning Adjustment.** A local body, created by ordinance and appointed by the governing body, whose responsibility is to consider requests for variances.
- **Building Official.** The person responsible for the administration and enforcement of building, housing, plumbing, electrical, and related codes.
- **Historic Preservation Commission.** A commission appointed by the governing body charged with carrying out the historic preservation chapter of the zoning ordinance.
- **Zoning Administrator.** An appointed official who implements zoning ordinance and is also often empowered to make decisions concerning design permits, administrative use permits, and other permits as provided for in the zoning ordinance.
- **Zoning Board.** An appointed body that hears and decides matters relating to the application of the zoning ordinance and considers appeals of zoning administrator's decisions.

PUBLIC SERVICE ETHICS

As a planning commissioner, you wield considerable power over how your community grows and develops. With this power comes the expectation that you will hold yourself to the highest ethical standards. Part of being ethical means exercising your power in the public's interests, as opposed to personal self-interest or other narrow, private interests. The chart on page 5 highlights some of the ethical values associated with public service and what they mean in terms of your duties as a planning commissioner.

There are a number of sources of guidance on your ethical obligations as a planning commissioner. One is the law. California has a complex array of laws relating to ethics that are summarized in this section. The law, however, merely sets a minimum standard for ethical conduct. Just because an action is *legal* doesn't mean that it is *ethical*. For example, it may be legal for you to vote on your best friend's project application, but if everyone in the community knows how close the two of you are, will the community truly feel that you were able to put the community's interests ahead of your personal loyalties? Another source of guidance may be your agency's own code of ethics, if it has one. Many cities and counties have adopted codes of ethics to serve as a guidepost in local decision-making.[4]

For More Information

For more resources designed to assist local officials in working through ethical dilemmas, visit the website for the Institute for Local Self Government at www.ilsg.org/trust.

At some point in your service as a planning commissioner, you will likely face two common types of ethical dilemmas. The first involves situations in which doing the right thing will come at a significant personal cost to you or your public agency. In these situations, the answer is relatively simple. The bottom line is that being ethical means doing the right thing for the community regardless of personal costs.

The second type of ethical dilemma involves those situations in which there are two conflicting sets of "right" values. In these instances, drawing the ethical bottom line is more difficult. If you find yourself faced

[4] For more information about codes of ethics, see *Developing a Local Agency Ethics Code: A Process-Oriented Guide,* published by the Institute for Local Self Government and available at www.ilsg.org.

with a "right versus right" decision, the following questions may help you come to an answer:

- Which ethical values are in conflict (for example, trustworthiness, compassion, loyalty, responsibility fairness, or respect)?
- What are the facts? What are the benefits to be achieved or the harm to be avoided by a particular decision? Is there a decision that does more good than harm?
- What are your options? Is there a course of action that would be consistent with both sets of values?
- Is one course of action more consistent with a value that is particularly important to you (for example, promise-keeping or trustworthiness)?
- What decision best reflects your responsibility as an officeholder to serve the interests of the community as a whole?
- What decision will best promote public confidence in the planning commission and your leadership?

For example, as a planning commissioner, you will frequently be asked to make exceptions to your jurisdiction's planning laws. A developer may, for instance, ask for a general plan amendment to enable a project to be approved. The developer is likely to point to numerous benefits that will flow to the community as the result of the amendment.

In coming to a decision in such a situation, the first step is to consider what ethical values are at stake. One might be fairness to those property owners who developed their properties in accordance with the policies expressed in the general plan. Another might be compassion for the developer seeking the amendment: if it is not economically feasible to develop the property as envisioned by the general plan, perhaps an amendment is in order.

The next step is to weigh the competing costs and benefits. Although the developer has identified the benefits to the community associated with approving the amendment, what are the benefits of adhering to the general plan? Will an amendment in this situation open the door for other amendment requests? How might the planning commission fairly evaluate those requests while still maintaining the overall integrity of the general plan? Are there options that might enable the community to reap some of the benefits described by the developer while still being consistent with the general plan as written?

Finally, consider which approach will best promote the public's confidence in the planning process. Will the public's confidence be undermined if the commission doesn't enforce the plan? Or will denying the amendment look so rigid and unfair to the applicant that it will undermine the public's faith in the planning commission as a decision-making body? What decision will best support the commission's stewardship of the community's growth and development?

The answers to the questions listed above will vary with each situation and likely will not always be clear-cut or obvious. However, asking difficult questions and thoroughly evaluating the answers can go a long way in helping you make consistently ethical decisions that further the public's interests.

ETHICS LAWS

California law promotes ethics in two ways: by requiring public disclosure and by prohibiting certain actions. The financial statements that you (and many public officials) must file with the Fair Political Practices Commission (FPPC) are an example of disclosure. In essence, the law allows the public to scrutinize the relationships between your personal finances and public decision-making. Disclosure laws allow the public (typically with the assistance of the media) to assess whether there may be too close of a relationship between your economic interests and the decisions you make as a public official.

In other instances, the law goes a step further and *prohibits* certain actions. For example, an official must disqualify him or herself from participating in a decision that will affect his or her financial interests. *This does not necessarily mean the disqualified official has done anything illegal or corrupt.* It simply means that the public's interests are better served by removing any question as to the official's decision-making motivations.

Public Service Values for Commissioners

Fairness

- I review applications and make other decisions based on the merits of the issues.
- I honor the law's and the public's expectation that the general plan and other planning policies will govern development decisions in our jurisdiction.
- I support the public's right to know and promote meaningful public involvement.
- I am impartial and do not favor developers or others who are in a position to help me.
- I promote equality and treat all people, projects, and perspectives equitably.

Compassion

- I recognize government's responsibilities to society's less fortunate.
- I consider exceptions to planning policies when there are unintended consequences or undue burdens.
- I realize that some people are intimidated by the public process and try to make their interactions as stress-free as possible.
- I convey the agency's care for and commitment to its community members.
- I am attuned to and care about the needs of the public, officials, and staff.

Respect for Others

- I treat fellow officials, staff, and the public with courtesy, even when we disagree.
- I focus on the merits in discussions, not personalities, character, or motivations.
- I gain value from diverse opinions and build consensus.
- I follow through on commitments, keep others informed, and make timely responses.
- I am approachable and open-minded and I convey this to others.
- I listen carefully and ask questions that add value to discussions.
- I am engaged and responsive.
- I involve staff in all meetings that affect agency business.

Responsibility

- I come to meetings prepared.
- I do not disclose confidential information without proper legal authorization.
- I represent the official positions of the agency to the best of my ability when authorized to do so.
- I explicitly state that my personal opinions do not represent the agency's position and do not allow the inference that they do.
- I refrain from any action that might appear to compromise my independent judgment.
- I take responsibility for my own actions, even when it is uncomfortable to do so.
- I do not use information that I acquire in my public capacity for personal advantage.
- I do not represent third parties' interests before my agency or neighboring agencies.

Integrity

- I am truthful with my fellow commissioners, the public, and others.
- I do not promise that which I have reason to believe is unrealistic.
- I am prepared to make unpopular decisions to further the public's interest.
- I credit others' contributions in moving our community's interests forward.
- I do not knowingly use false or inaccurate information to support my position.
- I excuse myself from decisions when my or my family's financial interests may be affected by my agency's actions.
- I disclose suspected instances of corruption to the appropriate authorities.

Public Trust

- I remember that my obligation as a public official is to serve the whole community.
- I make sound planning decisions that implement the policies expressed in the general plan.
- I consider the interests of the entire community in reaching my decisions.
- I give full considerations to all aspects of a project, including protection of the environment and the need for affordable housing.
- I promote the efficient use of the agency's resources.
- I balance the fiscal impacts of a project with the agency's social and planning goals.

Vision

- I work to assure that the vision expressed in the general plan is one that works to improve the quality of life in my community.
- I am proactive and innovative when setting goals and considering proposals.
- I maintain consistent standards but am sensitive to the need for compromise, thinking outside the box, and improving existing paradigms.
- I promote intelligent innovation to forward the agency's policies and services.
- I consider the broader regional and statewide implications of the agency's decisions and issues.

California's ethics laws fall into three general categories: (1) those involving possible financial gain by you as an officeholder, (2) those involving the use of your office for personal advantages and perks, and (3) those involving situations in which your ability to conduct a fair and impartial process might be questioned. Each of these relates back to the overarching goal of assuring the public that governmental decisions are made based on what best serves the public's interests.

Financial Gain

The notion behind financial gain laws is that the public has a right to know about a public official's financial situation and that officeholders should not even *appear* to be influenced by the effect of their decisions on their personal finances. Financial gain laws include:

- **Financial Interests—Disclosure and Disqualification Issues.** Public officials must periodically disclose their financial interests—such as interests in real property, investments, business positions, and sources of income and gifts—to the public.[5] This disclosure is made on a form called "Statement of Economic Interests," also known as "Form 700." A public official cannot make or attempt to influence a governmental decision if it is reasonably foreseeable that the decision could have a "material financial effect" on his or her financial interests.[6] The FPPC has developed a series of questions (known as the "eight-step process") to determine whether an official must be disqualified from participating in a decision. If you are worried that an upcoming decision will have an effect—positive or negative—on one or more of your financial interests, talk with your agency's attorney (not planning staff) as soon as possible.
- **Interests in Contracts Prohibited.** A public official may not have a financial interest in any contract made by the board or body of which the official is a member.[7] The law is very strict on this point. Such

THE STATE POLITICAL REFORM ACT: KEY THINGS TO KNOW

- California's disclosure and disqualification requirements are administered by the Fair Political Practices Commission (FPPC), which gives both informal and formal advice on the application of these requirements. Check out the FPPC's website (www.fppc.ca.gov) for contact information, as well as for other useful information relating to the FPPC's administration of the Political Reform Act.
- For purposes of disqualification, key areas of financial interest of concern to the FPPC include business entities in which an official has an investment of $2,000 or more; real property in which an official has an interest of $2,000 or more; sources of income of $500 or more within the preceding year; business entities in which the official is a director, officer, partner, trustee, employee, or manager; and anyone from whom the official has received gifts of $340 or more in the preceding year.
- When in doubt, the FPPC will usually err on the side of disclosure and disqualification.
- The city attorney's or county counsel's advice will not immunize an official from prosecution for violating disclosure and disqualification requirements. However, it is nonetheless wise to consult agency counsel as soon as you suspect that you may have an issue under the Political Reform Act.
- Violations of the Political Reform Act are subject to civil and criminal penalties, depending on the severity of the offense. For example, knowing and willful violation of the act is a misdemeanor and subjects the violator to a fine of the greater of $10,000 or three times the amount not reported.[8]
- For information on how to disqualify yourself, see Section 2, page 14.

[5] *See* Cal. Gov't Code §§ 87200 and following.

[6] *See* Cal. Gov't Code §§ 87100 and following.

[7] Cal. Gov't Code § 1090.

[8] Cal. Gov't Code § 91000(b).

contracts are void.[9] Under most circumstances, the prohibition cannot be avoided by disqualifying oneself from participating in the decision on the contract. Again, consult with your agency's attorney immediately if there is a contract before the commission in which you may have an interest.

- **Bribery.** Requesting, receiving, or agreeing to receive anything of value in exchange for an official action is a crime. In addition to criminal penalties, an individual convicted of bribery forfeits his or her office and is disqualified from holding public office in the future.[10]

Personal Advantages and Perks

The law strictly limits the degree to which an officeholder can receive benefits relating (or appearing to relate) to his or her status as an officeholder:

- **Gifts.** With certain exceptions, a public official must disclose most gifts over $50 on his or her Statement of Economic Interests and may not receive gifts from any one source that totals over $340 in a single year.[11] Gifts include meals, certain kinds of travel payments, and rebates or discounts to public officials not offered to others in the usual course of business.[12] The law is particularly strict about free transportation passes (not including frequent flier awards offered to everyone); acceptance of such passes results in immediate loss of office.[13]
- **Speaking Fees or Honoraria.** Public officials may not receive payments for giving a speech, writing an article, or attending a conference or meeting. Limited exceptions apply. Free conference admission, lodging, and meals provided directly in connection with speeches within California, for example, are not considered prohibited honoraria and need not be reported.[14]
- **Use of Public Resources.** It is a felony to misuse public funds, which can include such things as submitting inaccurate or inflated expense reports from traveling on agency business. Public resources (including staff time and office supplies) may not be used for either personal or political purposes.[15]

For More Information

Institute for Local Self Government, *A Local Official's Guide to Ethics Laws (2002)*, available at www.ilsg.org.

California Attorney General's Office, *Conflicts of Interests (1998)*, available at www.caag.state.ca.us/publications/conflict/conflict.pdf.

Fair Political Practices Commission booklets, available at www.fppc.ca.gov or through the toll-free advice line (866-ASK-FPPC).

- **Common Law Bias from Personal Interests.** A strong personal interest in a decision can be the basis for a finding of what is known as "common law bias." Common law bias is sufficient to disqualify a public official from participating in a decision, particularly if the official is sitting in a quasi-judicial capacity (see page 20). For example, one court found a council member biased on a proposed addition to a home in his neighborhood because the addition would block the council member's view of the ocean.[16]

Fairness and Impartiality

Officeholders should make decisions in a fair and impartial manner. Key laws that planning commissioners need to be aware of include:

- **Campaign Contributions.** Commissioners who are running for office must disqualify themselves from entitlement proceedings—such as land use permits—if they received campaign contributions of more than $250 during the previous twelve months from the applicant. Moreover, candidates may not receive or solicit contributions of more than $250 from any applicant while the application is pending and for three months afterward.[17]

[9] Cal. Gov't Code § 1092.

[10] Cal. Penal Code §§ 68, 98.

[11] Cal. Gov't Code §§ 87200, 87207; 2 Cal. Code of Regs. § 18940.2 ($340 amount valid through 2004).

[12] Cal. Gov't Code § 82028(a).

[13] Cal. Const. art. XII, § 7.

[14] Cal. Gov't Code §§ 89501, 89502; 2 Cal. Code of Regs. § 18950.3.

[15] Cal. Penal Code § 424. *See, e.g., People v. Battin*, 77 Cal. App. 3d 635 (1978).

[16] *See Clark v. City of Hermosa Beach*, 48 Cal. App. 4th 1152 (1996).

[17] Cal. Gov't Code § 84308.

RECIPE FOR AN EFFECTIVE PLANNING COMMISSION[21]

- **Focus on the Big Picture.** Focus on the big picture before you; avoid being distracted by personalities, groups, or issues that do not have anything to do with the merits of the present agenda item.
- **Meeting Procedures.** Established rules and procedures keep meetings on track. The chairperson and staff should have defined responsibilities. In addition, rules for testimony should be clear and widely available at all meetings.
- **Follow the Law.** Keep legal requirements in mind. When in doubt, ask legal counsel for advice. Before approving an application, you should be able to answer the following questions in the affirmative: Is the proposal consistent with the general plan? Does it meet all applicable zoning and subdivision requirements? Are the environmental impacts reduced or eliminated by the conditions of approval, or are there overriding considerations? Is the commission's decision supported by findings of fact based on substantial evidence in the record?
- **Stay Informed.** Prior to the hearing, commissioners should have read the agenda packet and supplemental reports. It is also a good idea to review the portions of the general plan and the zoning ordinance that are relevant to each agenda item.
- **Open Communication.** Each commissioner shares responsibility for the free flow of ideas and discussion among everyone present at a meeting, including applicants, staff, members of the public, and the commissioners themselves. Be objective, listen, and ask questions.
- **An Efficient Pace.** The chair should recognize when testimony must be closed for deliberations. Commissioners should hold their motions until the discussion has concluded. Both the chair and the other commissioners should know whether to continue a hearing or to make a decision.
- **Effective Leadership.** An effective chairperson assists the flow of ideas and helps keep the proceedings on track.

- **Effect of Decisions on Family Members' Financial Interests.** A public official must disqualify him or herself from participating in a decision that would reasonably have a foreseeable material financial effect on a member of his or her immediate family (spouse and dependent children).[18]
- **Party or Factual Bias.** A strong personal animosity towards a project applicant or the receipt of information about a project may constitute a disqualifying source of bias when a planning commission is sitting in a quasi-judicial capacity.[19] This is a variation of the "*ex parte* communications" doctrine, which suggests that, in quasi-judicial matters, all communications to you about the merits (or demerits) of the proposed use should occur in the course of a public hearing (see page x).
- **Dual Officeholding.** State law prohibits public officials from holding multiple offices at the same time that subject them to conflicting loyalties.[20] Check with your agency counsel if you are worried that this prohibition may apply to an office you are seeking.

In addition to these state ethics requirements, cities and counties may have local restrictions and requirements.

WORKING WITH FELLOW COMMISSIONERS

Good working relationships within the planning commission, as well as with planning and other staff, the city council or board of supervisors, other boards and commissions, applicants, consultants, and the public, are critical in order for planning functions to be effective and efficient. Positive working relationships are based on

[18] Cal. Gov't Code §§ 82029, 87103.

[19] *See Breakzone Billiards v. City of Torrance*, 81 Cal. App. 4th 1205, 1234 n.23 (2000).

[20] *See* Cal. Gov't Code § 1126.

[21] Adapted from Governor's Office of Planning and Research, *The Planning Commissioner's Book,* (revised May 1998); http://ceres.ca.gov/planning/plan_comm/.

mutual understanding of the role of each group, including:

- Clear expectations about how each group will relate to the other, as defined by adopted procedures
- A common set of goals, as reflected in the general plan and other adopted planning documents
- A willingness to solve problems by listening to others, considering alternatives, and arriving at a consensus
- An ability to communicate directly and clearly with others

WORKING WITH STAFF

A good working relationship with staff will significantly improve your effectiveness as a planning commissioner. A planning department staff member will always be present at commission meetings. Other attendees may include representatives from your jurisdiction's attorney's office and public works department.

Planning staff advises the commission on local agency plans, ordinances, and policies. In addition, they provide background information and research, prepare plans and reports, make recommendations, and answer technical questions on development proposals under the commission's consideration. Other staff responsibilities include:

- Orienting new commissioners
- Noticing meetings
- Responding to requests for information in a timely and professional manner
- Delivering agenda packets in time for adequate review
- Highlighting key issues, data, and criteria in staff reports and presentations
- Anticipating the type of information that will be needed for a decision
- Being accessible and keeping all commissioners equally informed
- Reviewing applications for completeness
- Acting in a fair, ethical, and consistent manner

Members of the planning staff can be a tremendous resource for you. Most will have received at least some training in geography, landscape design, urban and rural planning, economics, law, and statistics. In addition to their other duties, staff are responsible for staying current on new trends, technologies, and regulations in the planning and development field. They can use this

TIPS FOR DEVELOPING AND MAINTAINING GOOD STAFF RELATIONS

A good staff-commission relationship is built on mutual trust and respect. Here are some ways to achieve that:

- Come to meetings having reviewed the materials prepared by staff.
- Ask questions of staff in advance and alert them to concerns you intend to raise during the meeting.
- If you disagree with a staff recommendation, state specific reasons for your decision. This will help staff to draft findings in support of your decision. Simply stating "I do not like the project" is not enough.
- Clearly communicate to staff what the commission needs in order to make well-informed decisions. If material is not being presented in an understandable way, work with staff to make changes.
- Treat staff with respect.
- Do not assume that staff is wrong and a critic is right.
- Compliment staff when and where appropriate.

information to assist the planning commission in developing creative solutions to local problems.

Consultants

Local agencies face serious restrictions on staff expansion, while the demand for public planning continues to increase. Consultants are often used to address temporary staffing needs, such as:

- Complete studies requiring special skills
- Provide additional support on an as-needed basis
- Prepare studies and analyses required by environmental laws
- Assist on large projects, such as a general plan update

The commission should consider consultants as extensions of regular staff.

WORKING WITH THE GOVERNING BODY

One not so obvious ongoing relationship to take into account is the relationship between the planning commission and the governing body (city council or board of supervisors). In most cases, individual commissioners serve at the pleasure of one or more members of the governing body and therefore should consider the views of the governing body in making their decisions.

The planning commission-governing body relationship can become strained (at least from the commission's perspective) if the governing body repeatedly overturns planning commission decisions. In such cases, you may feel that the governing body did not look at the land use issues as closely as the commission. One thing to keep in mind, however, is that the governing body must also contend with political pressures that are not always felt by the appointed commission.

Here are some ideas on how to promote a good ongoing relationship between the planning commission and the governing body:

Who Does What in the Project Review Process?

PLANNING STAFF

- Identifies relevant local regulations for project applications
- Works with applicants to make a project work
- Works with other departments and agencies, such as the engineering department or the regional air board, to incorporate comments and technical recommendations into a project
- Ensures that procedures are being followed
- Prepares a professional analysis and recommendation
- Monitors project implementation
- Holds consensus-building meetings on controversial projects

AGENCY COUNSEL

- Answers legal questions
- Does not give policy direction or advice
- Advises on relevant legal considerations, both in terms of process (for example, notice requirements) and substance

PLANNING COMMISSION

- Balances staff analysis, including agency goals and policies, with community input
- Renders a decision based on findings of fact when acting in a quasi-judicial capacity
- Makes recommendations to the governing body on policy matters when acting in a legislative capacity
- Evaluates land use aspects of projects and leaves more technical issues for staff review and implementation (commissioners should trust staff to implement their general directions)

GOVERNING BODY

- Balances staff analysis, planning commission decisions, and agency goals

- Make adequate findings to insure that the reasons for your actions are clear
- Ask for clarification of the governing body's policies or actions if they are unclear
- Include in planning commission minutes any questions or points of view that are not obvious in your decisions and findings
- Send a planning commission representative to meetings of the governing body to discuss difficult decisions
- Request an annual joint work session to discuss priorities, communication and other pressing issues
- Do not rely solely on staff to convey your message, either to the public or to the appropriate elected officials
- Do an annual self-evaluation and follow through with any needed changes in how the commission does business

Keep in mind that elected officials must answer to the voters. You may find it helpful to be familiar with the policy perspectives of the members of the governing body, particularly as they relate to land use policies and programs. (For example, are they "slow growth" or "pro-growth"?) Casting individual commission decisions in ways that address issues of concern to individual members of the governing body (if not conforming to them) reduces the liklihood that a commission decision will be overturned on appeal.

WORKING WITH THE MEDIA

The media can be a commissioner's best friend—or worst enemy. Developing a good relationship with the local media is an important—and often underrated—element of working in local government. Most members of the public will learn about local land use decisions through local newspapers, radio, and television. Because of this, it is important to engage reporters to make sure that the local agency's side of the story gets told.

One of the keys in working with the media is to retain your credibility. Here are some tips for retaining your credibility:

- Share information when you can and be as transparent as possible.
- Return phone calls promptly (respect reporter deadlines). Leaving questions unanswered invites errors and unintentional bias.
- Never say "no comment;" this always sounds evasive.
- One of the most respected comments is "I don't know. I'll get back to you." Be sure to get back with the information.
- Remember that there is no such thing as "off the record." If you don't want a comment to end up in the press, don't make it.

It can be beneficial to establish ongoing relationships or an open-door policy with media representatives, but always be careful to keep your comments concise and on point. Often the media is just looking for a quote from the commission, not necessarily all the relevant facts. Staff may be able to provide reporters with more specific facts or details.

Getting Your Message Out

Another good tip for dealing with the media is to identify and repeat a single message. If you think about it, most people are only quoted once or twice in an article. What is it that you want that quote to be? (See *Media Messages for Local Government* on the next page) If you stick to your message and keep repeating



For More Information

Delivering the Message (2000). California Association of Public Information Officials. Available at www.capio.org

it, it is more likely that the reporter will use that quote. The more you ramble, the greater the risk is that you will get off message and that the reporter might pull something out of context that you might not like to see in print.

In addition, focus on substance, not procedures. Most people find procedural and legal details boring. Jargon should be avoided at all costs. Instead, use everyday language. Why say "we gave it a negative declaration" when you can say "we've decided it won't significantly affect the environment"?

An excellent resource in working with the media is your jurisdiction's public information officer. This person can alert the media to favorable stories. If you never call reporters in advance, then all they will cover are meetings, not all of which go smoothly. Contrary to popular perception, good news goes in the paper too. It is more likely that your message will stick when the story matches the message.

MEDIA MESSAGES FOR LOCAL GOVERNMENT

Journalists often build stories around people to explain an issue in human terms. Often, land use stories are about an agency's action in response to public concerns. Emphasizing the benefits of this responsiveness as it impacts individuals puts the story into a framework with which readers can relate. Here are some talking points that address common land use decisions from the local agency perspective:

- **Good Planning Maximizes Property Values.** Planning maximizes property values by insuring that development occurs in a way that is compatible with the surrounding community and the environment. Often, when property owners complain that a particular action devalues their property, they are forgetting that the underlying value of their property is already higher due to nearby public investments in roads, sewers, infrastructure, and good planning in general.
- **What Is the Impact to the Average Person?** Describe the positive or negative implications of decisions in terms of what they mean for the general public. How does planning promote a better community?
- **Balancing Act.** Local officials must strike a fair balance between individual preferences and the interest of the whole community. What is at stake in most planning decisions is the ability of public agencies to solve problems and respond to the public's concerns.
- **Quality of Life.** Effective planning promotes important quality of life issues, including a sense of place and connectedness. Developing a sense of community helps draw people together and makes communities better places to live and raise families.
- **Economic Prosperity.** Quality of life and adequate infrastructure issues are often key factors when a business is deciding where to locate.
- **Fairness.** Public agencies seek solutions that achieve fairness and justice, not only for individual landowners but also for the community as a whole.