



AGENDA

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

Tuesday, January 09, 2024
6:30 PM

Oakley City Council Chambers located at 3231 Main Street, Oakley, California 94561. Unless stated otherwise on the agenda, every item on the agenda is exempt from CEQA Guidelines Sections 15060(c), 15061(b)(3), 15273, 15378, 15301, 15323 and/or Public Resources Code Section 21065.

MISSION STATEMENT: The City of Oakley will create a resilient future that fosters and attracts a vibrant and evolving community that welcomes and values all people.

VISION STATEMENT: The City of Oakley celebrates our unique Delta lifestyle and small-town feel where we **Live** in a safe, dynamic community, **Work** together to build the future, and **Play** in our own backyard.

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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. Agendas may be picked up at the Oakley City Hall located at 3231 Main Street, Oakley, CA 94561 for no charge. To request information regarding placement on the City's agenda e-mail distribution list, please contact us at (925) 625-7000.

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Please keep cell phones/electronic devices turned off during the meeting. Please be advised that City Council meetings are video recorded and attendees may appear on video.

Information Regarding Public Comment

Members of the public may address the Council on items of interest that are within the City's jurisdiction. In compliance with State law, the council may not take action or have discussion on any item that is not specifically listed on the agenda. Public comment on items not listed on the agenda will be heard under the Public Comments section of the agenda. Public comments on items listed on the agenda will be heard as the Mayor calls the items. 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 public speaker card available in the lobby and submit it to the City Clerk seated in the Council Chamber **prior to the agenda item being called**. The Mayor will call you by name to the podium to hear your comment. PUBLIC COMMENTS ARE LIMITED TO THREE (3) MINUTES. Online public comments are accepted until 5 p.m. the day of the meeting and can be submitted at <https://www.ci.oakley.ca.us/online-public-comment-card/>.

1.OPENING MATTERS

Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority

- 1.1 Call to Order and Roll Call of the Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority**
- 1.2 Pledge of Allegiance to the Flag (Ana Ximena Escobedo Ruvalcaba, Vintage Parkway Elementary School Student)**
- 1.3 Proclamation Recognizing Martin Luther King Jr. Day (Michael Dupray and Odessa Lefrancois, East Contra Costa County - NAACP)**
[Proclamation](#)

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.

3.COUNCILMEMBER COMMENTS

4.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. The public may request to remove an item(s) to provide input by completing a public speaker card and submitting it to the City Clerk prior to the item(s) being called by the Mayor.

4.1 Approve Minutes from the Special City Council Meeting held December 12, 2023 (Libby Vreonis, City Clerk)

[Minutes 12-12-23-Special Meeting](#)

4.2 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 12, 2023 (Libby Vreonis, City Clerk)

[Minutes 12-12-23-Regular Meeting](#)

4.3 Accept Report Out of Closed Session Memo (Derek Cole, City Attorney)
[Memo](#)

4.4 Contract Extension with Flock Safety-Automatic License Plate Reader Technology (Paul Beard, Chief of Police)

[Staff Report](#)

- [1. Flock Safety/Oakley Police Department contract](#)
- [2. Oakley Police Department ALPR Policy \(Policy 430\)](#)
- [3. Resolution](#)

5.PUBLIC HEARINGS

6.REGULAR CALENDAR

7.REPORTS

7.1 CITY MANAGER
(a) City Manager
(b) Business License Update

[December 2023 New Business Licenses](#)

7.2 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

8.WORK SESSIONS

9.CLOSED SESSION

10.ADJOURN



P R O C L A M A T I O N

Honoring Dr. Martin Luther King Jr.

WHEREAS, Dr. Martin Luther King Jr. devoted his life to advancing equality, social justice, and opportunity for all; and

WHEREAS, Dr. King's teachings can continue to guide and inspire us in addressing challenges in our communities; and

WHEREAS, the King Holiday and Service Act, enacted in 1994, designated the King Holiday as a National Day of Volunteer service; and

WHEREAS, the Universal Declaration of Human Rights empowers us all. The principles enshrined in the Declaration are as relevant today as they were in 1948; and

WHEREAS, since 1994 millions of Americans have been inspired by the life and work of Dr. Martin Luther King Jr. to serve their neighbors and communities on the King Holiday; and

WHEREAS, serving on the King Holiday is an appropriate way to honor Dr. King, meet local and national needs, bring our citizens together, and strengthen our communities and nation; and

WHEREAS, the King Day of Service is the only federal holiday commemorated as a National Day of Service, and offers an opportunity for Americans to give back to their communities on the holiday and make an ongoing commitment to service throughout the year; and

WHEREAS, each of us can and must contribute to making our communities better with increased opportunity for all our citizens.

NOW, THEREFORE, I, Anissa Williams, Mayor of the City of Oakley, on behalf of the City Council, do hereby proclaim Martin Luther King Jr. Day 2024 as a Day of Service and call upon the people of the community to pay tribute to the life and works of Dr. Martin Luther King Jr.

January 9, 2024

Anissa Williams, Mayor



Minutes of the Special Meeting of the Oakley City Council held December 12, 2023

1) OPENING MATTERS

1.1 Call to Order and Roll Call of the Oakley City Council

Mayor Aaron Meadows called the meeting to order at 5:30 p.m. in the Oakley City Council Chambers located at 3231 Main Street, Oakley, California. Vice Mayor Anissa Williams and Councilmembers Dr. Georger Fuller, Hugh Henderson and Shannon Shaw were also present.

1.2 Pledge of Allegiance to the Flag (Pixel, Hadley and Sloan Williams)

Pixel, Hadley, and Sloan Williams led the Pledge of Allegiance to the Flag.

2) CLOSED SESSION

Mayor Meadows announced the closed session items. The City Council went into its antechambers at 5:33 p.m. for closed session and returned to the dais at 5:57 p.m.

2.1 CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION-INITIATION OF LITIGATION

Pursuant to Government Code Section 54956.9(d)(2). One potential case.

2.2 CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: One Potential Case (letter from ACLU/EFF dated May 25, 2023 and email dated November 2, 2023)

City Attorney Derek Cole reported that regarding item 2.1, it was moved by Dr. Fuller and seconded by Councilmember Shaw for the Council to authorize filing a Health & Safety Code receivership against the property owner of 3680 E. Cypress Road, Oakley, California. Motion was unanimous and so ordered. (5-0) He also reported that regarding item 2.2, direction was provided to staff and there is no reportable action.

3) PUBLIC COMMENTS

No public comments were submitted.

4) PRESENTATIONS

4.1 Presentations to Mayor Meadows

Vice Mayor Williams announced presentations to Mayor Meadows. Presentations were made by:

1. Janessa Oriol, Deputy District Director, Office of Congressman Mark DeSaulnier, presented a Certificate of Recognition to Mayor Meadows.
2. Claire Alaura, District Representative, Office of Senator Steve Glazer, presented a Certificate of Recognition to Mayor Meadows.
3. Tiffanee Jones, District Director, Office of Assemblymember Lori D. Wilson, presented a Certificate of Recognition to Mayor Meadows.
4. Peter Myers, Communications Director, Office of Contra Costa Supervisor Diane Burgis, presented a Certificate of Recognition to Mayor Meadows.
5. Joshua McMurray, City Manager, presented flowers to the Mayor's wife, Amy, and a personalized street sign and gift certificate to Mayor Meadows.

4.2 Comments by Mayor Meadows

Mayor Meadows provided a PowerPoint presentation highlighting accomplishments during 2023.

5) REORGANIZATION OF THE OAKLEY CITY COUNCIL

5.1 Selection of Mayor and Vice Mayor

City Attorney Derek Cole discussed the selection process and mentioned if the Council follows the rotation schedule, Vice Mayor Williams is in position to become Mayor.

It was moved by Councilmember Shaw and seconded by Mayor Meadows to appoint Vice Mayor Williams as Mayor. Motion was unanimous and so ordered. (5-0)

Mr. Cole discussed the selection of Vice Mayor and mentioned if the Council follows the rotation schedule, Dr. Fuller is in position to become Vice Mayor.

It was moved by Councilmember Meadows and seconded by Dr. Fuller to appoint Dr. Fuller as Vice Mayor. AYES: Fuller, Meadows. NOES: Henderson, Shaw, Williams. Motion did not pass. (2-3)

Mr. Cole explained that the Council may decide to appoint another Councilmember and a finding under Oakley Municipal Code Section 2.1.005(i) should be stated on the record if making a motion to appoint another Councilmember.

Councilmember Shaw commented that she believes Section 2.1.005(i)(2) applies.

Dr. Fuller requested that she provide an example.

Councilmember Shaw indicated she is happy to have that conversation with him outside of the meeting.

Dr. Fuller mentioned the conversation should occur in public and if this is her position, he expects an explanation. He asked Mr. Cole to advise.

Mr. Cole explained that a Councilmember must specify the ground under the code section and the person they wish to appoint. He explained that there is ambiguity in the code regarding who would be next in line in rotation due to districting. He mentioned a Councilmember must provide the code provision for their reason and can appoint any member of the Council.

It was moved by Councilmember Henderson to appoint Councilmember Shaw as Vice Mayor based on Section (e)(2)(3)(5).

Mr. Cole mentioned subsection (e) applies to Section 2.1.003 that will apply next year and provides the same reasons set forth in Section 2.1.005(i). He requested clarification from Councilmember Henderson if he intends to apply Section 2.1.005(i)(2)(3)(5) which Councilmember Henderson confirmed is correct.

Dr. Fuller requested that if the nomination of Councilmember Shaw for Vice Mayor goes through that it is postponed until the California State Attorney General can review unfortunate circumstances that have developed. He mentioned he has reason to believe, as well as many others, that Councilmember Shaw and Councilmember Henderson laundered their campaign contributions from O'Hara Properties and DeNova Homes. He mentioned they returned the contributions, and the California Real Estate Association Political Action Committee reissued the same amount within a few days to the Councilmembers which allowed them to vote on their projects, specifically McDonald's. He mentioned SB 1439 was in play, passed, and was signed by the Governor, and it went to the legislative analyst who said the Councilmembers could vote but at that point the laundering had already occurred. He shared that he filed a sworn complaint with the Fair Political Practices Commission (FPPC) who reviewed it and its Enforcement Division decided not to pursue it, and when he spoke with Laura Wagner, the FPPC handling officer, she said that they did not elect to pursue it because they did not have the resources which he was not surprised as it is a very complicated, convoluted issue involving many parties. He added that the Political Action Committee has over \$4 million in funds to defend themselves and the FPPC did not have the resources to pursue a proper investigation; he believes it is going on to the California State Attorney General's office to review whether there is a criminal prosecution against anyone, and they have the resources to investigate it. He requested postponement until the California State Attorney General responds whether there was any money laundering and mentioned there is also an administrative procedure.

The motion was seconded by Councilmember Meadows. AYES: Henderson, Meadows, Shaw, Williams. NOES: Fuller. (4-1)

5.2 Administration of Oaths of Office to Newly Appointed Mayor and Vice Mayor (Libby Vreonis, City Clerk)

City Clerk Libby Vreonis administered the Oath of Office to Mayor Williams and Vice Mayor Shaw.

5.3 Comments by Newly Appointed Mayor

Mayor Williams provided comments regarding her upcoming term as Mayor.

6) ADJOURN

There being no further business, the meeting was adjourned at 6:42 p.m.

Respectively Submitted,

Libby Vreonis
City Clerk



Minutes of the Regular Joint Meeting of the Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority held December 12, 2023

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

Mayor Anissa Williams called the meeting to order at 7:00 p.m. in the Oakley City Council Chambers located at 3231 Main Street, Oakley, California. Vice Mayor Shannon Shaw and Councilmembers Dr. George Fuller, Hugh Henderson and Aaron Meadows were also present.

1.2 Pledge of Allegiance to the Flag (Pixel, Hadley, and Sloan Williams)

Pixel, Hadley, and Sloan Williams led the Pledge of Allegiance to the Flag.

2) PUBLIC COMMENTS

Carol Coleman commented on broken sewer and water main lines on her property which she believes were caused by DeNova Homes, which have caused great expense to her and have resulted in her property being red tagged. She mentioned the Council is her last hope to get it resolved before January 7.

3) CONSENT CALENDAR

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 November 14, 2023 (Libby Vreonis, City Clerk)

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

3.3 Approve 2024 Meeting Dates (Libby Vreonis, City Clerk)

3.4 Consideration of a Resolution Accepting the Five-Year Development Impact Fee Report and Making Required Findings (AB 1600 Annual Report) (Jeri Tejada, Administrative Services Director)

- 3.5 Consideration of a Resolution Repealing Resolution 103-19 and Designating a Board Member and an Alternate Board Member to the Municipal Pooling Authority of Northern California (MPA) (Jeri Tejada, Administrative Services Director)**
- 3.6 Consideration of a Resolution Approving the City's Investment Policy for Fiscal Year 2023/2024 (Jeri Tejada, Administrative Services Director)**
- 3.7 Approval of a Modified Response to Civil Grand Jury Report No. 2306, Affordable Housing, A Plan Without a Home (Joshua McMurray, City Manager)**

Dr. Fuller requested items 3.3, 3.4, 3.6 and 3.7 be pulled.

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

Item 3.3

Dr. Fuller requested two meetings during the months of June, July, and August. He explained that agenda items for single meetings held during these months this past summer were plentiful with meetings going nearly up to 11:00 p.m. and it is not a scheduling inconvenience for everyone. It was moved by Dr. Fuller to add second meetings on the fourth Tuesday of June, July, and August 2024.

Mayor Williams inquired if special meetings were held during the summer of 2023.

City Manager Joshua McMurray responded that there were a few special meetings held during the year and the Council would have the ability to add a special meeting if needed.

Mayor Williams mentioned she understands that second meetings have not been held during the summer months not only because of a scheduling inconvenience. She inquired if the agendas have traditionally been lighter during these months.

Mr. McMurray mentioned typically agenda items for these months are light but this past year the agendas were lengthier.

The motion died for lack of a second.

It was moved by Vice Mayor Shaw and seconded by Councilmember Henderson to approve the 2024 meeting dates as listed in the staff report. AYES: Henderson, Meadows, Shaw, Williams. NOES: Fuller. (4-1)

Item 3.4

Dr. Fuller requested the public facilities impact fee include a library fund.

Jeri Tejada, Administrative Services Director, explained that they must be careful to save funds for bond payments due for the Recreation Center and City Hall and any additional funding available could be spent at any City facility that the Council so chooses.

Dr. Fuller expressed he is not a fan of COPs.

It was moved by Dr. Fuller and seconded by Councilmember Meadows to accept the report. Motion was unanimous and so ordered. (5-0)

Item 3.6

Dr. Fuller inquired if an FPPC Form 700 filing would be required.

Jeri Tejada, Administrative Services Director, explained that she does not believe it is required for City investments. She explained that they follow the Government Code section and only invest in what the Government Code allows.

Dr. Fuller explained further that the Form provides disclosure of where investments are held so they may avoid conflict.

Ms. Tejada mentioned it is in the Conflict of Interest section what and who would need to file Form 700 if they need to file it.

It was moved by Dr. Fuller and seconded by Councilmember Meadows to approve the item. Motion was unanimous and so ordered. (5-0)

Item 3.7

Dr. Fuller commented that he read the Grand Jury Report and it is very specific that the City has been doing what it should be doing in regard to affordable housing and RHNA, the City's past higher participation than others in low, very low-income housing has lowered current numbers, and it is disturbing that local control is at the mercy of the State in that at any time it can change or modify things which is the same that bothered him about ABAG. It was moved by Dr. Fuller and seconded by Councilmember Meadows to approve the modified response to Civil Grand Jury Report No. 2306. Motion was unanimous and so ordered. (5-0)

4) PUBLIC HEARINGS

None.

5) REGULAR CALENDAR

5.1 Consideration of a Resolution Accepting the Annual Comprehensive Financial Report (ACFR), Memorandum on Internal Control, Required Communications and Report on Agreed Upon Procedures for Fiscal Year 2022-2023 (Jeri Tejada, Administrative Services Director)

Administrative Services Director Jeri Tejada presented the staff report and introduced Amy Meyer, CPA, CFO, with Maze & Associates, who provided additional information.

It was moved by Councilmember Meadows and seconded by Vice Mayor Shaw to accept the Annual Comprehensive Financial Report (ACFR), Memorandum on Internal Control, Required Communications and Report on Agreed Upon Procedures for Fiscal Year 2022-2023. Motion was unanimous and so ordered. (5-0)

5.2 Adopt a Resolution Approving the City Council Committee Appointment List for 2024 (Libby Vreonis, City Clerk)

City Clerk Libby Vreonis presented the staff report.

Mayor Williams requested the list be revised for the Vice Mayor to be appointed as alternate to the East County Mayors and City Managers meetings and alternate to the Contra Costa County Mayors Conference.

It was moved by Vice Mayor Shaw and seconded by Mayor Williams to adopt a resolution approving the list as revised. AYES: Henderson, Meadows, Shaw, Williams. ABSTENTION: Fuller. (4-0-1)

5.3 Adopt a Resolution to Extend the Affordable Housing Advisory Ad-Hoc Committee (Danielle Navarro, Assistant City Manager)

City Manager Joshua McMurray presented the staff report.

Councilmember Meadows commented that they have made progress; a discussion of the issues occurred during the first meeting and information was presented in follow-up to that discussion during the second meeting. He mentioned that changes are early in the implementation process and suggested they provide more time to see what progresses.

Vice Mayor Shaw commented that there were some items that were discussed, such as trash service not being able to start when it was supposed to due to a contract issue. She mentioned she would like to provide more time to allow it to progress. She shared that they went to Oke Johnson with Winn Residential with a lot of issues and he came back with information. She mentioned that she encouraged residents to engage, and she believes good progress is being made.

Councilmember Meadows commented that there were more people in attendance there than here; the Delta Breeze conference room was full, with additional chairs brought in.

Vice Mayor Shaw commented that there is good engagement with residents on and off the committee so there has been good feedback and Oke Johnson with Winn Residential has been responsive. She mentioned she is hopeful this is a start and at some point, they can let the work happen there and have the City step back but this committee has already made a lot of improvements.

Mayor Williams inquired about the February 13 date, mentioning she thought they can only extend ad-hoc committees so many times.

Mr. McMurray commented that it is a short duration but there is no set standard; when the City Council approved the ad-hoc committee, it left the door open to extend.

Dr. Fuller commented that he is still opposed to the extension as he does not believe the City has had a stellar performance with ad-hoc committees. He mentioned that the landlord/owner must live up to its commitment to make changes, he understands the need for change and remedy the situation, but he would rather remove the cloak of authority to gain compliance. He mentioned he understands the need for something to be done and to move forward; if the landlord does not meet it, they can appoint an ad-hoc committee for ordinances or have an

investigation to address a landlord not fulfilling its obligations. He shared that he would vote no and he recommended they continue to monitor it.

Mayor Williams inquired if this precludes the committee from taking further action.

Mr. McMurray mentioned they are taking the recommendation from the current ad-hoc committee and that is why he asked the two members at the dais to provide an update as well.

Vice Mayor Shaw mentioned that management and residents are still interested in moving forward with a January 18, 2024 meeting that was discussed, if this is approved, to follow up on pending issues.

Mayor Williams commented that she can see how that would be helpful. She inquired if residents have a line of sight who they can contact.

Vice Mayor Shaw commented that there is a mobile app which they can use to submit complaints, management hosted an open house, a resident mentioned the new manager is walking the grounds and being present in engaging with residents, they are starting communication process, and there are online portals for reporting interior and exterior issues.

There were no public comments.

It was moved by Councilmember Meadows and seconded by Councilmember Henderson to adopt the resolution to extend the ad-hoc committee to February 13, 2024. AYES: Henderson, Meadows, Shaw, Williams. NOES: Fuller. (4-1)

6) REPORTS

6.1 CITY MANAGER

(a) City Manager

(b) Business License Update

City Manager Joshua McMurray wished everyone Happy Holidays and a Happy New Year. He mentioned that Associate Engineer Jason Kabalin is a 20-year employee of the City with exemplary performance and when he arrived at the City, he worked on Capital Improvement Project # 2 and has had a hand in all projects, now in the 300 range. He shared that Jason is a great person and someone that will be dearly missed as he is moving on to another job opportunity. Mr. McMurray reported that the City's Tree Lighting event was successful. He thanked Public Works and Engineering for putting it together for that night and the entire month of December. He thanked Recreation for planning the event and mentioned that staff participated in this event, more than he ever remembers. He announced City Hall will be closed at 12:00 p.m. on December 14, re-opening January 2, but Police will be available 24/7 as normal. He mentioned the Building inspection division will be working multiple days, Code Enforcement as needed, and the Public Works & Engineering team as well. He mentioned the November business license update is attached to the agenda for review.

Mayor Williams inquired about public participation for the Tree Lighting event with it held during a Thursday evening.

Mr. McMurray mentioned attendance was comparable to prior years and staff participation allowed the event to be grander for the community; it was well attended, and staff have some professional pictures and videotaping of it to post online.

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 Meadows commented that the Tree Lighting was an exceptional event. He reported that he attended the Mayors Conference last week, the MCE meeting a few weeks ago, and the parking lot ribbon cutting last week. He mentioned he has always enjoyed working with Jason Kabalin and he will be missed.

Vice Mayor Shaw reported that she attended the Ironhouse Sanitary District meeting on November 21 and there is a discussion item that will be brought back to the December meeting regarding a potential extension for Jersey Island. She also reported that she attended the Affordable Housing Ad-Hoc Advisory Committee meeting, the Tree Lighting event, and the ribbon cutting ceremony for the train platform infrastructure. She announced her grandson was born November 28.

Dr. Fuller thanked Councilmember Meadows for his service as Mayor and commented that he hopes people follow his mature example in conducting themselves. He wished staff a Merry Christmas and Happy Holidays. He reported that he attended the Tree Lighting event and the trade organizations plumbers and IBEW meeting. He shared that his grandfather was a lineman for PG&E high tension and sustained an injury on the job to his hand. He explained if not for IBEW, his grandfather may not have had a job because he never regained use of his hand. He also reported that he attended the Freedom High School Fuel Café last Friday which will be open again this Friday, 8:45 a.m. until 11:00 a.m.

Councilmember Henderson reported he attended the Tree Lighting event. He commended staff on doing an excellent job and mentioned the audience was big, if not bigger, this year.

Mayor Williams announced that she will attend the Tri-Delta meeting tomorrow. She mentioned she couldn't attend the Tree Lighting but has seen videos and the decorations are better than ever before.

(b) Requests for Future Agendas

None.

7) WORK SESSIONS

None.

8) CLOSED SESSION

None.

9) ADJOURN

There being no further business, the meeting was adjourned at 7:52 p.m.

Respectively Submitted,

Libby Vreonis
City Clerk

MEMORANDUM

Date: December 13, 2023
To: Mayor and City Councilmembers
From: Derek P. Cole, City Attorney
CC: Joshua McMurray, City Manager
Subject: Closed Session Report-Out Memo

For Consideration at the City Council Meeting of January 9, 2024

Background and Analysis

The City Council considered the following closed session items during its special meeting held December 12, 2023:

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION-INITIATION OF LITIGATION

Pursuant to Government Code Section 54956.9(d)(2). One potential case.

It was moved by Dr. Fuller and seconded by Councilmember Shaw for the Council to authorize filing a Health & Safety Code receivership against the property owner of 3680 E. Cypress Road, Oakley, California. Motion was unanimous and so ordered. (5-0)

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): One potential case (letter from ACLU/EFF dated May 25, 2023 and email dated November 2, 2023).

Direction was provided to staff. There was no reportable action.

Fiscal Impact

None.

Recommendation

Receive and file this report.



Attachments

None.



DATE: January 9, 2024
TO: Joshua McMurray, City Manager
FROM: Paul Beard, Chief of Police
SUBJECT: Award of contract extension to FLOCK Safety for Automatic License Plate Reader (ALPR) services

Approved and
Forwarded to the
City Council

Background and Analysis

Police departments throughout the world, including the Oakley Police Department (OPD), have utilized Automatic License Plate Readers (ALPR) to assist with locating stolen or wanted vehicles for quite a few years. The Oakley Police Department has an established policy on the usage and management of ALPR's (OPD Policy 430).

Modern ALPR technology captures digital images of license plates on vehicles as they pass cameras located throughout the city. The license plate is scanned at a high rate of speed and cross-checked against a database.

In April of 2021 the City of Oakley entered into a two year agreement with Flock Group, Inc. (Flock) for five stationary Flock ALPR cameras. We went live with the agreement upon the installation of the first camera, which was in November of 2021. The totality of the package we have with Flock includes: camera hardware, maintenance and support, camera software, software updates, solar panels, poles, mounting equipment and monitoring.

Stationary ALPR cameras provides the police department with a cost-effective force multiplier that helps direct officers to where crimes are occurring and provides invaluable investigative leads following a crime. Stationary ALPR technology is being used widely by many local police agencies to locate stolen vehicles and solve crimes where a vehicle has been used. The breadth of the law enforcement agencies using Flock ALPR cameras actually adds to the force multiplier effect due to the fact OPD can utilize the Flock data of other agencies and vice-versa. This creates a large network to enhance the efforts and investigative techniques of OPD and it has proven to be successful. The ALPR data can be retrieved and used for investigative purposes.



If a vehicle is identified as stolen or wanted via the Flock system an OPD officer is notified and sent to the area the vehicle is expected to be. The ALPR system stores the location, time, vehicle information, and photos of the vehicle and license plate. This technology has been extremely successful in assisting OPD in apprehending criminals committing crimes both in Oakley and other jurisdictions.

We have latitude in how we want our cameras positioned and oriented. We have opted to position most of our cameras to show capture the license plates of the back ends of vehicles and typically the actual occupants are not seen.

In November of 2023 our services with Flock went through an automatic renewal just to keep us afloat until something more permanent could be established. In December of 2023 Flock advised they would be willing to lock in our originally contracted rate if the City of Oakley signed a **five year contract extension** with them, which creates a substantial cost savings over receiving services without this five year contract.

Consistency with the Oakley Strategic Plan 27+

The continued partnership with Flock, and the retention and maintenance of ALPR cameras, is directly aimed towards complying with the City of Oakley Strategic Plan 2022 – 2027+ (SP27). More specifically, maintaining an ALPR service speaks right to the intent of B15 of SP27, which reads: ***Create a larger “cyber shield” over the City via a robust camera program.***

Fiscal Impact

The total cost of the services from Flock is \$2,500 per year, per camera. This equates to a \$12,500 annual cost to the City. This contract will cost \$62,500 over its lifespan and its funding is covered in the annual Police Department budget.

Staff Recommendation

Staff recommends that the City Council awards the contract to Flock for a continuation of their ALPR services to the City of Oakley. The contract will not exceed \$62,500.

Attachments

1. Flock Safety/Oakley Police Department contract
2. Oakley Police Department ALPR Policy (Policy 430)
3. Resolution



Flock Safety + CA - Oakley PD

Flock Group Inc.
1170 Howell Mill Rd, Suite 210
Atlanta, GA 30318

MAIN CONTACT:
Graham Carter
graham.carter@flocksafety.com
(415) 329-1307



EXHIBIT A
ORDER FORM

Customer: CA - Oakley PD
Legal Entity Name: CA - Oakley PD
Accounts Payable Email: roberts@ci.oakley.ca.us
Address: 3231 Main St Oakley, California 94561

Initial Term: 60 Months
Renewal Term: 24 Months
Payment Terms: Net 30
Billing Frequency: Annual - First Year at Signing.
Retention Period: 30 Days

Hardware and Software Products

Annual recurring amounts over subscription term

Item	Cost	Quantity	Total
Flock Safety Platform			\$12,500.00
Flock Safety Flock OS			
FlockOS™	Included	1	Included
Flock Safety LPR Products			
Flock Safety Falcon®	Included	5	Included

Professional Services and One Time Purchases

Item	Cost	Quantity	Total
One Time Fees			

Subtotal Year 1:	\$12,500.00
Annual Recurring Subtotal:	\$12,500.00
Discounts:	\$12,500.00
Estimated Tax:	\$0.00
Contract Total:	\$62,500.00

Billing Schedule

Billing Schedule	Amount (USD)
Year 1	
At Contract Signing	\$12,500.00
Annual Recurring after Year 1	\$12,500.00
Contract Total	\$62,500.00

*Tax not included

Discounts

Discounts Applied	Amount (USD)
Flock Safety Platform	\$12,500.00
Flock Safety Add-ons	\$0.00
Flock Safety Professional Services	\$0.00

Product and Services Description

Flock Safety Platform Items	Product Description	Terms
Flock Safety Falcon ®	An infrastructure-free license plate reader camera that utilizes Vehicle Fingerprint® technology to capture vehicular attributes.	The Term shall commence upon first installation and validation of Flock Hardware.

One-Time Fees	Service Description
Installation on existing infrastructure	One-time Professional Services engagement. Includes site & safety assessment, camera setup & testing, and shipping & handling in accordance with the Flock Safety Advanced Implementation Service Brief.
Professional Services - Standard Implementation Fee	One-time Professional Services engagement. Includes site and safety assessment, camera setup and testing, and shipping and handling in accordance with the Flock Safety Standard Implementation Service Brief.
Professional Services - Advanced Implementation Fee	One-time Professional Services engagement. Includes site & safety assessment, camera setup & testing, and shipping & handling in accordance with the Flock Safety Advanced Implementation Service Brief.

FlockOS Features & Description

Package: Essentials

FlockOS Features	Description
Community Cameras (Full Access)	Access to all privately owned Flock devices within your jurisdiction that have been shared with you.
Unlimited Users	Unlimited users for FlockOS
State Network (LP Lookup Only)	Allows agencies to look up license plates on all cameras opted in to the statewide Flock network.
Nationwide Network (LP Lookup Only)	Allows agencies to look up license plates on all cameras opted in to the nationwide Flock network.
Direct Share - Surrounding Jurisdiction (Full Access)	Access to all Flock devices owned by law enforcement that have been directly shared with you. Have ability to search by vehicle fingerprint, receive hot list alerts, and view devices on the map.
Time & Location Based Search	Search full, partial, and temporary plates by time at particular device locations
License Plate Lookup	Look up specific license plate location history captured on Flock devices
Vehicle Fingerprint Search	Search footage using Vehicle Fingerprint™ technology. Access vehicle type, make, color, license plate state, missing / covered plates, and other unique features like bumper stickers, decals, and roof racks.
Flock Insights/Analytics page	Reporting tool to help administrators manage their LPR program with device performance data, user and network audits, plate read reports, hot list alert reports, event logs, and outcome reports.
ESRI Based Map Interface	Flock Safety's maps are powered by ESRI, which offers the ability for 3D visualization, viewing of floor plans, and layering of external GIS data, such as City infrastructure (i.e., public facilities, transit systems, utilities), Boundary mapping (i.e., precincts, county lines, beat maps), and Interior floor plans (i.e., hospitals, corporate campuses, universities)
Real-Time NCIC Alerts on Flock ALPR Cameras	Alert sent when a vehicle entered into the NCIC crime database passes by a Flock camera
Unlimited Custom Hot Lists	Ability to add a suspect's license plate to a custom list and get alerted when it passes by a Flock camera

By executing this Order Form, Customer represents and warrants that it has read and agrees all of the terms and conditions contained in the Terms of Service located at <https://www.flocksafety.com/terms-and-conditions>

The Parties have executed this Agreement as of the dates set forth below.

FLOCK GROUP, INC.

Customer: CA - Oakley PD

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

PO Number: _____

Automated License Plate Readers (ALPRs)

430.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

430.2 POLICY

The policy of the Oakley Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

430.3 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Oakley Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Support Services Division Commander. The Administration Division Commander will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

430.3.1 ALPR ADMINISTRATOR

The Support Services Division Commander shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

- (a) A description of the job title or other designation of the members and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information.
- (b) Training requirements for authorized users.
- (c) A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.
- (d) Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.
- (e) The title and name of the current designee in overseeing the ALPR operation.
- (f) Working with the Custodian of Records on the retention and destruction of ALPR data.

Oakley Police Department

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Automated License Plate Readers (ALPRs)

- (g) Ensuring this policy and related procedures are conspicuously posted on the department's website.

430.4 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

- (a) An ALPR shall only be used for official law enforcement business.
- (b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
- (c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- (e) No ALPR operator may access department, state or federal data unless otherwise authorized to do so.
- (f) If practicable, the officer should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert.

430.5 DATA COLLECTION AND RETENTION

The Support Services Division Commander is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with department procedures.

All ALPR data downloaded to the server should be stored for a minimum of one year (Government Code § 34090.6) and in accordance with the established records retention schedule. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

430.6 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The Oakley Police Department will observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

Oakley Police Department

Policies

Automated License Plate Readers (ALPRs)

- (a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52).
- (b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
- (c) ALPR system audits should be conducted on a regular basis.

For security or data breaches, see the Records Release and Maintenance Policy.

430.7 RELEASING ALPR DATA

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

- (a) The agency makes a written request for the ALPR data that includes:
 - 1. The name of the agency.
 - 2. The name of the person requesting.
 - 3. The intended purpose of obtaining the information.
- (b) The request is reviewed by the Support Services Division Commander or the authorized designee and approved before the request is fulfilled.
- (c) The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55).

430.8 TRAINING

The Training Supervisor should ensure that members receive department-approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

RESOLUTION NO. XX-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING AN AWARD OF CONTRACT EXTENSION TO FLOCK SAFETY FOR AUTOMATIC LICENSE PLATE READER (ALPR) SERVICES.

WHEREAS, Police departments throughout the world, including the Oakley Police Department (OPD), have utilized Automatic License Plate Readers (ALPR) to assist with locating stolen or wanted vehicles for quite a few years. The Oakley Police Department has an established policy on the usage and management of ALPR's (OPD Policy 430); and

WHEREAS, Modern ALPR technology captures digital images of license plates on vehicles as they pass cameras located throughout the city. The license plate is scanned at a high rate of speed and cross-checked against a database; and

WHEREAS, In April of 2021 the City of Oakley entered into a two year agreement with Flock Group, Inc. (Flock) for five stationary Flock ALPR cameras. The agreement went live upon the installation of the first camera, which was in November of 2021; and

WHEREAS, Stationary ALPR cameras provides the police department with a cost-effective force multiplier that helps direct officers to where crimes are occurring and provides invaluable investigative leads following a crime. Stationary ALPR technology is being used widely by many local police agencies to locate stolen vehicles and solve crimes where a vehicle has been used. The breadth of the law enforcement agencies using Flock ALPR cameras creates a force multiplier due to the fact the Oakley Police Department (OPD) can utilize the Flock data of other agencies and vice-versa. This creates a large network to enhance the efforts and investigative techniques of OPD and it has proven to be successful; and

WHEREAS, In November of 2023 our services with Flock went through an automatic renewal upon the termination of the original agreement. In December of 2023 Flock advised they would be willing to lock in our originally contracted rate if the City of Oakley signed a **five year contract extension** with them, which creates a substantial cost savings over receiving services without this five year contract.

BE IT RESOLVED by the City Council of the City of Oakley that a contract extension for Flock Safety for Automatic License Plate Reader (ALPR) services is hereby approved.

PASSED AND ADOPTED by the City Council of the City of Oakley this 9th day of January 2024 by the following vote.

AYES:

NOES:

ABSTENTION:

ABSENT:

APPROVED:

Anissa Williams, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date

Business Name	Primary Contact Email Address	Primary Address Phone #	Full Primary Address	Active Licenses
BALANCE POOL AND SOLAR	ALEXAKHTARI@GMAIL.COM	(877) 925-7665	21 CALISESI CT OAKLEY CA 94561-4173	HOME BASED BUSINESS LICENSE
ELM LANE OAKLEY LP		(916) 400-2085	5301 ELM LN OAKLEY CA 94561-2949	BUSINESS LICENSE
PABL (PINOY AMERICAN & ASIAN BASKETBALL LEAGUE)	PABLEAGUE2022@GMAIL.COM	(408) 876-7617	353 RAMOS RANCH RD OAKLEY CA 94561	HOME BASED BUSINESS LICENSE
RISEN PROOF BREAD CO	RISENPROOF@GMAIL.COM	(925) 864-4342	4929 BELDIN LN OAKLEY CA 94561	HOME BASED BUSINESS LICENSE
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