OAKLEY
CALIFORNIA

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, September 13, 2022
6:30 PM
Oakley City Council Chambers located at 3231 Main Street, Oakley, California 94561

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.

Agendas are posted in Oakley at Oakley City Hall-3231 Main Street, outside the gym at Delta Vista Middle School-4901 Frank Hengel Way and outside the Library at Freedom High School-1050 Neroly Road. Agendas are also posted on the City's Internet Website www.ci.oakley.ca.us.

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.

The City of Oakley provides social media options to stay connected to City Hall through Facebook, Twitter, Next Door and Instagram. Other opportunities to connect with City Hall include Engage In Oakley, Oakley OnDemand on the City's website, and by emailing info@ci.oakley.ca.us.

If you have a physically challenging condition and require special accommodations, please call the City Clerk's office at (925) 625-7000.

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 actionor 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 (Angelina Gilbo, 5th Grade Student at Vintage Parkway Elementary School)

1.3 Reading/Presentation of Proclamations

1. Library Card Sign up Month (Lisa Cano-Loomis, Contra Costa Library Manager)
2. Falls Prevention Week (Allen Perry, Oakley Seniors)
3. National Hispanic Heritage Month (Annalouisa Gonzalez-Ortega, Freedom High School Latinos Unidos Club Advisor)
4. Suicide Prevention + Action Month (Gigi Crowder, Contra Costa Chapter National Alliance on Mental Illness)
5. Patriot Day (Dave Watson, Con Fire Assistant Chief)
6. National Service Dog Month - Councilmember Fuller
7. Labor Day
8. Disabled American Veterans Day

Proclamations

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 07/12/2022 (Libby Vreonis, City Clerk)

Minutes 07-12-22

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 08/09/2022 (Libby Vreonis, City Clerk)

Minutes 08-09-22

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

Memo

3.4 Annexation No. 33 (Elm Lane Apartments) to the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services) (Kevin Rohani, P.E., Public Works Director/City Engineer)

Staff Report
1. Unanimous Approval Form
2. Resolution
3. Boundary Map
4. Amendment No. 33 - Notice of Special Tax Lien

3.5 Ratify Election: Adopt Ordinance No. 07-22 Authorizing the Levy of a Special Tax on Parcels of Land within Tax Area Zone 184 within the Oakley Special Police Tax Area for Police Protection Services for the Wendy's project located approximately 295 feet east of the northeast intersection of Bridgehead Road and Main Street (APN 037-040-021) (Kevin Rohani, P.E., Public Works Director/City Engineer)

Staff Report
1. Signed Ballot
2. Ordinance No. 07-22
2A. Exhibit A
2B. Exhibit B

3.6 Ratify Election: Adopt Ordinance No. 08-22 Authorizing the Levy of a Special Tax on Parcels of Land within Tax Area Zone 185 within the Oakley Special Police Tax Area for Police Protection Services for the Elm Lane Apartments project (APNs 051-210-019 and 051-220-005) (Kevin Rohani, P.E., Public Works Director/City Engineer)

Staff Report
1. Signed Ballot
2. Ordinance 08-22
2A. Exhibit A
2B. Exhibit B

3.7 Award of Construction Contract to Sun Light & Power for the construction of the City Hall Rooftop Solar Power Project – Capital Improvement Project (CIP) Number 286 (Kevin Rohani, P.E., Public Works Director/City Engineer)

Staff Report
1. Resolution
2. Proposal

3.8 Authorize the City Manager to Enter into a one-year Agreement with Townsend Public Affairs, Inc. for On-Call Grant Writing Services (Joshua McMurray, City Manager)
Staff Report
1. Townsend Public Affairs Inc. Proposal
2. Draft Resolution
3. Contract

3.9 Award of Construction Contract to Day's Generator Service Co. for the installation of the Recreation Center Emergency Generator Project, Capital Improvement Project No. 249 (Kevin Rohani, P.E., Public Works Director/City

Engineer)

Staff Report
1. Resolution
2. Bid Summary

3.10 Consideration of a Resolution Amending the City of Oakley Fiscal Year 2022/2023 Budget, Awarding a Contract to Affordable Landscaping Services Corporation for the Site Preparation and Installation of Turf around the Lake at the Delaney Park Subdivision and Authorizing the City Manager to Execute the Agreement (Kevin Rohani, P.E., Public Works Director/City Engineer)
Staff Report
1. Resolution

3.11 Approval of Contract with Universal Site Services, Inc. (USS) for Porter Maintenance Services for Various City of Oakley Parks and Facilities (Kevin Rohani, P.E., Public Works Director/City Engineer)

Staff Report
1. USS Proposal
2. Resolution

3.12 Adopt a Resolution Ratifying the Fifth Amendment to the Agreement with Cole Huber, LLP for City Attorney (Jeri Tejeda, Human Resources Director)

Staff Report
1. Resolution
2. Fifth Amendment

3.13 Approval of Consulting Services Agreement by TRB and Associates, Inc. for On-Call services related to Code Compliance Plan Review and Inspection Services (Brent Smith, Community Development Director)

Staff Report
1. Resolution
2. Scope of Services

3.14 Reject all bids and authorize staff to re-bid the Senior Center Roof and HVAC Repair and Replacement Project – Capital Improvement Project (CIP) Number 288 (Kevin Rohani, P.E., Public Works Director/City Engineer)
Staff Report
1. Resolution

3.15 Review of Proclamation Requests for Future Agendas (Libby Vreonis, City Clerk)
Staff Report
1. Proclamation Request Forms
2. Sample Proclamations

4.PUBLIC HEARINGS

4.1 Water-Efficient Landscape Requirements Update - Introduction of an Ordinance to Amend Oakley Municipal Code Chapter 4.31 (Water-Efficient Landscape Requirements) to Adopt the State of California's Model Water Efficient Landscape Ordinance as Amended by Diablo Water District's Regulation No. 8 which Prohibits New Installation of Non-Functional Turf (Ken Strelo, Planning Manager)

Suggested Action: 1) Receive the Staff Report, 2) Receive Questions from the City Council, 3) Open the Public Hearing, 4) Receive Public Testimony, 5) Close the Public Hearing, 6) Deliberate, 7) Summarize the Deliberation 8) Waive the First Reading and Introduce the Ordinance
Staff Report
1. Notice of Public Hearing
2. Proposed Ordinance

4.2 Zoning Ordinance Text Amendments to Article 12 of Chapter 1 of Title 9 of the Oakley Municipal Code ("Special Land Uses") – Adding Four Subsections to Address Drive-Through Restaurants, Carwashes, Gas Stations, and Self-Storage (RZ 04-21) (Ken Strelo, Planning Manager)
Suggested Action: 1) Receive the Staff Report, 2) Receive Questions from the City Council, 3) Open the Public Hearing, 4) Receive Public Testimony, 5) Close the Public Hearing, 6) Deliberate, 7) Summarize the Deliberation 8) Waive the First Reading and Introduce the Ordinance
Staff Report
1. Notice of Public Hearing
2. Staff Report from May 24, 2022 Work Session (without attachments)
3. Councilmembers' Responses to Checklist of Performance and Operational Standards
4. Proposed Ordinance

5.REGULAR CALENDAR

5.1 Urgency Ordinance Imposing a Moratorium on the Permitting of Hydrocarbon Development within City Limits to Allow for Evaluation of the Public Health and Environmental Impacts and the Enactment of Further and Appropriate Regulations Concerning the Same (Ken Strelo, Planning Manager)
Staff Report

1. Proposed Moratorium Ordinance Concerning Hydrocarbon Operations

5.2 Resolution Approving a Letter of Support Addressed to the County Board of Supervisors to Ban all Future Oil and Gas Drilling Countywide and Shut Down Current Oil and Gas Drilling Operations (Ken Strelo, Planning Manager)
Staff Report
1. Proposed Resolution
Ex A to Attachment 1. Proposed Letter addressed to Contra Costa County Board of Supervisors

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 SESSIONS

8.CLOSED SESSION

8.1 CONFERENCE WITH LABOR NEGOTIATORS-Labor Negotiations with the City Manager
Pursuant to Government Code Section 54957.6(a)
City Designated Representatives: Randy Pope, Mayor, Aaron Meadows, Vice Mayor and Derek Cole, City Attorney
Unrepresented Employee: City Manager

8.2 CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Government Code Section 54956.8
Property: 63980 Empire Avenue, Oakley, CA, APN 034-010-033
Agency Negotiator: Joshua McMurray, City Manager
Negotiating Party: Roy and Erica Pantle
Under Negotiation: Price and term of payment

9.ADJOURN

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Proclamation

Library Card Sign-up Month
September 2022

WHEREAS, libraries and librarians play a crucial role in the education and development of children; and

WHEREAS, librarians are literacy experts, offering everything from preschool storytime to summer reading programs that sustain school-year learning; and

WHEREAS, libraries provide a learning environment that fosters joyful exploration, encouraging students to research subjects that they are genuinely curious about; and

WHEREAS, librarians create welcoming and inclusive spaces for people of all backgrounds to learn together and engage with one another; and

WHEREAS, libraries provide a variety of books and resources to serve everyone in the community, making knowledge and ideas available so that people have the freedom to choose what to read; and

WHEREAS, a library card empowers all people to pursue their dreams, explore new passions and interests, and find their voice; and

WHEREAS, libraries are constantly transforming to deliver new services that connect closely with community needs, even during a pandemic.

NOW, THEREFORE, BE IT RESOLVED that I, Randy Pope, Mayor of the City of Oakley, and on behalf of the Oakley City Council do hereby proclaim the month of September Library Card Sign-up Month in the City of Oakley and encourage everyone to sign up for their own library card today and to visit the library to take advantage of the wonderful resources available.

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Randy Pope, Mayor

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Falls Prevention Awareness Week

September 18-24, 2022

WHEREAS, each year nationally, one in every three adults age 65 and older falls; and falls are the leading cause of injury or death among seniors; and every 35 minutes, an older adult dies from a fall; and

WHEREAS, falls are the most common cause of nonfatal injuries and hospital admissions for trauma, causing injuries such as hip fractures and head traumas; and fall-related injury is one of the 20 most expensive medical conditions; and

WHEREAS, according to a 2010, report, almost half (49.3%) of Contra Costa County's unintentional injury hospitalizations occurred among residents 65 years and older; and over three-quarters (75.9%) of these hospitalizations were due to falls; and

WHEREAS, county residents 65 years and older had the highest unintentional injury hospitalizations in the county due to falls, followed by motor vehicle traffic accidents and poisonings; and

WHEREAS, falling and the fear of falling, can lead to depression, isolation, diminished mobility, and loss of functional independence; and

WHEREAS, concentrated efforts are being made in Contra Costa County by the Fall Prevention Coalition to reduce falls and fall related injuries using multi-faceted interventions; and

WHEREAS, by Senate Concurrent Resolution SCR 77 of May 28, 2008 declares the first week of fall each year as Falls Prevention Awareness Week in California, and the Federal Safety of Seniors Act of 2007 calls for the expansion of public health programs, educational outreach, and research activities related to fall prevention.

NOW THEREFORE BE IT RESOLVED that I, Randy Pope, Mayor of the City of Oakley, on behalf of the City Council, do hereby proclaim the week of September 18 to September 24, 2022, as "FALLS PREVENTION AWARENESS WEEK" in the City of Oakley, and call upon our citizens and interested groups to observe the week with appropriate activities that promote awareness of fall prevention.

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Randy Pope, Mayor

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PROCLAMATION

NATIONAL HISPANIC HERITAGE MONTH
September 15 – October 15, 2022

WHEREAS, America draws strength from the extraordinary diversity of its people, that our national character is enhanced by citizens who maintain, and honor cultural customs brought from other lands; and

WHEREAS, the Hispanic people have long been part of this tradition, having been among the earliest settlers in California, in Contra Costa County and other regions of the United States and Latinos over the years have come to this country in search of democracy, freedom and a better way of life. Their diverse and vibrant culture includes elements originating in Europe, North America, Central America, South America, and the Caribbean; and

WHEREAS, many Hispanic sons and daughters have served our country with distinction, making important contributions in the arts and sciences, the business world, academia, government, agriculture, and the Armed Forces helping to preserve the democracy and freedom all Americans enjoy, and where since World War I have been awarded the Medal of Honor more than any other ethnic group; and

WHEREAS, pursuant to Public Law No. 100-402, approved August 17,1988, "That the President of the United States is hereby authorized and requested to issue annually a proclamation designating a 31-day period beginning September 15 and ending on October 15 as "National Hispanic heritage Month" and calling upon the people of the United States, especially the educational community, to observe such month with appropriate activities;" and

NOW THEREFORE, BE IT RESOLVED THAT I, Randy Pope, Mayor of the City of Oakley, join with the members of the Oakley City Council in proclaiming September 15 through October 15, 2022 as "National Hispanic Heritage Month" and encourage all citizens to honor this observance with programs, activities, and ceremonies to learn about and promote the Latino-Hispanic contributions.

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Randy Pope, Mayor

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PROCLAMATION

September Is National Suicide Prevention + Action Month

WHEREAS; September is known around the United States as "National Suicide Prevention Awareness Month", most of us are quite aware of suicide. **National Suicide Prevention + Action Month** is intended to help promote and give attention to the Suicide Prevention services available to us and our community. The goal is to speak openly about the topic of suicide to help erase the stigma surrounding it, and to direct those in need to the appropriate support services; and

WHEREAS; Suicidal thoughts can affect anyone regardless of age, gender, race, orientation, income level, religion, or background; and

WHEREAS; According to the American Foundation for Suicide Prevention (AFSP), more than 40,000 people die by suicide each year; and

WHEARAS; Suicide is the 10th leading cause of death among adults in the US, and nearly 20% of all suicides were completed by people ages 45-54; and

WHEREAS; Oakley, California is no different than any other community in the country, but chooses to publicly state and place our full support behind local educators, mental health professionals, athletic coaches, pack leaders, police officers, and parents, as partners in supporting our community in simply being available to one another; and

WHEREAS; local organizations like Suicide Prevention Services (SPS), national organizations like the National Alliance on Mental Illness (NAMI) and international groups like Hope For The Day (HFTD) are on the front lines of a war that many still refuse to discuss, as suicide and mental illness remain too uncomfortable of a topic to talk about; and

WHEREAS, every member of our community should understand that throughout life's struggles we all need the occasional reminder that we are all fighting our own battles; and

WHEREAS, I encourage all residents to take the time to check in with their family, friends, and neighbors on a regular basis and to honestly communicate their appreciation for their existence by any gesture they deem appropriate. A simple phone call, message, handshake, or hug can go a long way towards helping someone realize that suicide is not the answer.

NOW THEREFORE, BE IT RESOLVED THAT I, Randy Pope, Mayor of the City of Oakley, join with the members of the Oakley City Council in proclaiming the month of September 2022 as National Suicide Prevention Awareness Month in the City of Oakley, California.

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Randy Pope, Mayor

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PROCLAMATION
Patriot Day

WHEREAS: Twenty-One years ago, our country lost the lives of nearly 3,000 innocent men, women and children in the devastating terrorist attacks that occurred on September 11, 2001; and

WHEREAS: the Oakley community will always remember and honor the lives lost that day; and

WHEREAS: that tragedy will always serve as a reminder of the United States of America's tremendous strength and resilience in the face of devastating loss; and

WHEREAS: our military, law enforcement officers, firefighters, first responders and other emergency personnel showed true heroism, and we can never thank them enough for the selfless courage they demonstrated in defense of our great freedoms; and

WHEREAS: these brave men and women who defended their fellow Americans, as well as our Nation's enduring truths, will never be forgotten and their heroic actions are forever etched into the pages of our Nation's history.

NOW THEREFORE, BE IT RESOLVED THAT I, Randy Pope, Mayor of the City of Oakley, join with the members of the Oakley City Council in declaring September 11, 2022 as Patriot Day.

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Randy Pope, Mayor

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Proclamation

National Service Dog Month

WHEREAS, National Service Dog Month is celebrated every September to show appreciation to our four-legged friends who often play a huge role in the lives of human beings; and

WHEREAS, National Service Dog Month acknowledges all the efforts that are made by service dogs to help humans. The dogs are trained at a young age and once assigned a home, it becomes their duty to protect the human; and

WHEREAS, to bring to light how important service dogs are, National Service Dog Month was formed in 2008; and

WHEREAS, service dogs are more than just pets since they have been trained to take care of humans suffering from certain ailments, disabilities, or mental health issues that may interfere with their quality of life; and

WHEREAS, the purpose of service dogs is to provide companionship, protect, serve their humans, and make their lives easier. A well-trained service dog will not only be their best friend, but also their biggest support.

NOW THEREFORE BE IT RESOLVED that I, Randy Pope, Mayor of the City of Oakley, on behalf of the City Council, do hereby proclaim September as National Service Dog Month.

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Randy Pope, Mayor

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Proclamation

Labor Day

WHEREAS, Labor Day is observed annually on the first Monday in September to recognize the contributions and achievements of American Workers; and

WHEREAS, during the late 19th century, labor unions grew prominent and vocal by protesting for better wages, hours, and working conditions; and

WHEREAS, after decades of protests, strikes, and boycotts, Congress passed an act making Labor Day a legal holiday. On June 28, 1894, President Grover Cleveland signed it into law; and

WHEREAS, the recently introduced Protecting the Right to Organize (PRO) Act will empower workers to exercise their freedom to organize and negotiate for better wages and working conditions. It will increase worker protections and strengthen the institutions that hold corporations accountable; and

WHEREAS, Labor Day is a creation of the labor movement and is dedicated to the social and economic achievements of American workers. This annual national holiday recognizes the contributions and resilience of working Americans.

NOW THEREFORE BE IT RESOLVED that I, Randy Pope, Mayor of the City of Oakley, on behalf of the City Council, do hereby proclaim September 5, 2022, as Labor Day.

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Randy Pope, Mayor

OAKLEY
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Proclamation

Disabled American Veterans Day

WHEREAS, Disabled American Veterans (DAV) was founded by World War I Veterans on September 25, 1920 and was chartered by an Act of Congress on June 17, 1932; and

WHEREAS, DAV is dedicated to a single purpose: empowering veterans to lead high-quality lives with respect and dignity; and

WHEREAS, DAV accomplishes this by ensuring veterans and their families have access to the full range of benefits available to them, by fighting for the interests of America's injured heroes, and by educating the public about the needs of veterans transitioning back to civilian life; and

WHEREAS, DAV provides free, professional assistance to veterans and their families in obtaining benefits and services provided by the U.S. Department of Veterans Affairs and other agencies; and

WHEREAS, the DAV additionally provides outreach concerning its programs and services to the American people generally, and to disabled veterans and their families specifically; and

WHEREAS, the DAV represents the interests of disabled veterans, their families, their widowed spouses, and their orphans before the federal government, as well as state and local governments; and

WHEREAS, the DAV Department of California demonstrate their unending commitment to ill and injured veterans of all generations and conflicts.

NOW, THEREFORE, BE IT RESOLVED that I, Randy Pope, Mayor of the City of Oakley, and on behalf of the Oakley City Council do hereby proclaim September 25, 2022 as Disabled American Veterans Day and encourage all citizens to join me in this worthy observance.

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Randy Pope, Mayor

Minutes of the Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority held July 12, 2022

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 Aaron Meadows called the meeting to order at 6:35 pm in the Oakley City Council Chambers located at 3231 Main Street, Oakley, California. Councilmembers Anissa Williams, George Fuller and Sue Higgins were also in attendance. Mayor Randy Pope was absent.

1.2 Pledge of Allegiance to the Flag (Girl Scout Troop 33666)

Girl Scouts from Troop 33666 lead the Pledge of Allegiance to the Flag.

1.3 Contra Costa Transportation Authority Update (Tim Haile, Executive Director)

CCTA Tim Haile, Executive Director provided a PowerPoint presentation including information regarding what CCTA does, 2004 Measure J funding projects, leveraging local funding (3:1 leveraging ratio), travel behavior, survey regarding willingness to try/increase modes of transportation to alleviate congestion on SR-4/242, Vision Zero approach to safety, Transit First program, Countywide safety through a synchronized signal system, clean corridors, Accessible Transportation Strategic Plan, redefining mobility, SR 4 Design Alternative Assessment (DAA), SR 239/connector to Byron airport, Glydways system, and East Contra Costa County DPMT Conceptual Routing Plan.

Councilmember Fuller asked Mr. Haile to provide detail on the Byron project.

Mr. Haile explained the project would provide better access to the Byron airport to have freight and goods movement to SR 239. He mentioned the County has a development plan around the Byron airport which can be used to leverage trucks on the road or as a transportation hub.

Councilmember Fuller inquired how much infrastructure would have to be done.

Mr. Haile responded the County may have the answer as it has the development plan.

Councilmember Higgins inquired how much longer until Glydways hits streets.

Mr. Haile responded that a request for proposals will be released in September to start the project, to provide technology for the project. He commented Glydways is a potential vendor for it and other vendors can submit proposals to provide similar technology. He mentioned it will be a 3 to 4-year project.

1.4 Liberty Union High School District Update (Eric Volta, Superintendent)

Liberty Union High School District Superintendent Eric Volta provided an update including Freedom High School (FHS) is in its 27th year of operation and current enrollment is 2,527 and is projected to be slightly higher by October but enrollment will likely decline due to growth declining in outside areas. He discussed Measure U (2016) projects are close to being completed or have been completed including the construction academy, theater, auxiliary gym, turf replacement on football, baseball and softball fields across the district, and FHS pool expansion. He mentioned COVID protocols continue to follow the status quo. He shared the highest COLA (12.6%) in history has been provided to schools, they have received $9.1 million in one-time funds to be used discretionary on their part, and they have a $121 million approved budget.

1.5 Oakley Union Elementary School District Update (Jeff Palmquist, Superintendent)

Oakley Union Elementary School District Superintendent Jeff Palmquist provided an update including they are projecting a steady growth of students over the next few years due to expansion for TK and development, they are 1 of 14 districts to receive an instruction literacy grant, they will use the 1st year to address district leadership with a train-the-trainer model and the next 3 years for impact for students. He shared financially, the District is in order and enrollment projections are key. He also shared they completed painting both middle schools' facades. He mentioned they have a pandemic services coordinator. He also mentioned they have a leadership development framework and look forward to a continued partnership with the City.

Councilmember Williams inquired if any of the funds from the state will be used toward mental health support. She requested Mr. Palmquist explain the later start time for schools.

Mr. Palmquist shared that the District hired a social worker three months ago, they are creating wellness centers at middle schools, they have floating positions for safety-to provide an extra set of eyes and ears and to monitor and submit work orders, and there is a new Director of Student Services. He mentioned mental health has been an area of focus and will continue to be. He explained the later start time for elementary and middle schools is due to shared transportation being scheduled around a change in state law that has high school students starting later. He shared the most substantial change is 15 minutes and not all sites have this much change in start time.

2) PUBLIC COMMENTS

Hannah Lee requested an oil and gas drill ban be set within City limits and a resolution passed asking the County to ban oil and gas drilling. She shared she has been physically impacted by these things and worries about her health being in jeopardy. She mentioned chronic heart and lung diseases and premature death can be caused by smoke emitted, especially for persons with higher health risks. She urged the Council to take the best public health option of elimination of oil and gas drilling.

Ian Cohen thanked Councilmember Higgins for bringing the issue to the Council's attention. As an advocate of public health, he requested an oil and gas drilling ban as young families have kids playing next to an oil drill. He indicated the City of Antioch banned oil and gas drilling by changing its zoning rules and asked why Oakley allows it. He mentioned oil and gas drilling with harmful premature death and lung cancer is within 2.5 miles of homes for families in the Heart of the Delta.

Liz Elias thanked Councilmembers Higgins and Williams for having the courage to step forward toward banning oil and gas drilling. She suggested Oakley look at the City of Richmond' resolution written by physicians. She shared drilling for gas and/or oil is not environmentally friendly and if they stop completely, resources can be diverted to green energy production. She indicated a social justice issue is involved and worst affected are communities with low economic status or minorities. She implored the Council to act quickly to prohibit oil and gas and drilling or extraction by any other means and cap off existing wells at cost to the owner or benefactor and restore areas to their natural states. She urged the Council to support a resolution to present to the County for the health and safety for all persons within the County. She commented it is hypocritical to tell the County to do something the City is not already doing. She suggested Councilmembers take note of what young activists are saying as they will be old enough to vote when current terms expire.

Sydney Flanery shared she is a senior in high school and she is requesting a ban on oil and gas drilling within the City. She urged the County to pass a resolution regarding the same. She mentioned climate change affects everyone and the City should protect the safety of future generations. She shared her residence is within 150 feet of a drilling site which can cause cancer and high asthma. She indicated oil and gas drilling is a global warming contributor. She shared during water polo and swim, she could feel the poor, unhealthy air quality. She asked the Council to not allow oil companies the right to profit as they go to school and live within 2.5 miles of a site and the future of families will be greatly affected.

Alison Chin shared she is a high school junior. She urged the Council to ban oil and gas drilling and to encourage the County to also pass a resolution, following the lead of the cities of Antioch and Brentwood. She indicated Stanford and Yale studies reflect contamination and stress among other harmful factors of living close to drilling, i.e., increased heart disease, cancer, liver damage, immunodeficiencies, and neurological issues; everyone is affected directly. She commented that a 150-foot set back in Oakley

is nothing; it is not something anyone wants to be near and will never be a place for families in the heart of the Delta.

Paul Seger, President, Board of Directors, Diablo Water District, mentioned the District has authority to protect water in the aquifer which may be impacted by oil and gas drilling. He mentioned historically East Contra Costa has had oil and gas and now has abandoned wells and drilling. He explained active drilling has the highest contamination potential and they should protect the health of the aquifer within its influence. He shared that drilling outside of the district sphere can impact groundwater quality within their area, contributing to climate change, exasperated sea level rise and other issues. He referred to a 2021 risk resiliency plan with a December 2027 target date, addressing new oil and gas wells in subbasin, and a resolution passed late last year to go along with a Sunflower Alliance petition. He urged Councilmember Higgins to please stop all wells currently in operation.

Vice Mayor Meadows announced closed session items 8.1 and 8.3 would be heard next, before the Consent Calendar. The Council heard the closed session items in the antechamber and then returned to the chamber.

City Attorney Derek Cole reported in regard to the conference with legal counsel for existing litigation, *City of Long Beach et al. v. Monsanto Company,* the City was proposed to be the recipient of class action funds. It was moved by Councilmember Fuller and seconded by Councilmember Higgins to opt out of the settlement agreement and the City will institute its own legal action. Motion was unanimous and so ordered. (4-0) He indicated direction was provided to the City Attorney to execute an agreement with a private law firm to represent the City.

3) CONSENT CALENDAR

3.1 Approve Minutes from the Regular Joint City Council/City Council Acting as the Successor Agency / Public Financing Authority Meeting held June 14, 2022 (Libby Vreonis, City Clerk)

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

3.3 Award of Construction Contract to SofSURFACES for the Holly Creek Park Playground Resurfacing Project - Capital Improvement Program (CIP) Number 284 (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.4 Consideration of a Resolution Establishing a Master Fee Schedule and Updating Certain City Fees (Tim Pryzybla, Finance Director)

3.5 Annexation No. 32 (Wendy's at Bridgehead Rd and Main St) to the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services) (Parks, Streetlight, Landscape and

Stormwater Services) (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.6 Creating Zone 184 within the Oakley Special Police Tax Area consisting of the Wendy's project located approximately 295 feet east of the northeast intersection of Bridgehead Road and Main Street (APN 037-040-021) (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.7 Creating Zone 185 within the Oakley Special Police Tax Area consisting of the Elm Lane Apartments project located between Elm Lane and Highway 160 (APNs 051-210-019 and 051-220-005) (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.8 Adopt a Resolution Approving a list of projects for Fiscal Year 2022/23 Funded by Senate Bill 1: The Road Repair and Accountability Act of 2017 (Kevin Rohani, P.E., Director of Public Works/City Engineer)

3.9 Agreement with TJKM, Inc. to develop a Local Roadway Safety Plan associated with Capital Improvement Program (CIP) Project Number 289 – Local Roadway Safety Plan Project (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.10 Side letter to the Memorandum of Understanding between the City of Oakley and the Oakley Police Association (Jeri Tejeda, Human Resources Director)

3.11 Consideration of a Resolution Allocating Additional American Rescue Plan Act (ARPA) State and Local Fiscal Recovery Funds to the City's Nonprofit Grant Program (Felicia Escover, Assistant to the City Manager)

3.12 Approval of the Bethel Island Road Precise Alignment Plan for Bethel Island Road between East Cypress Road and Sandmound Boulevard (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.13 Amendment Number 3 to the Consulting Services Agreement with Pavement Engineering, Inc. to provide Construction Support Services for FY 2020-21 Street Repair and Resurfacing Project - CIP 246 (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.14 Consideration of a Resolution Approving a Loan Subordination Agreement Between Walker & Dunlop, LLC and the Successor Agency to the Oakley Redevelopment Agency (Tim Przybyla, Finance Director)

Vice Mayor Meadows pulled item 3.11 to hear public comments submitted.

It was moved by Councilmember Fuller and seconded by Councilmember Higgins to approve the remainder of the consent calendar. Motion was unanimous and so ordered. (4-0)

Item 3.11

Robin Ryder commented trap and return resources are limited so the grant money will help them. She mentioned calls for help have increased and shelters have not been able to accommodate all requests. She shared this past month she took in 20 cats that were fixed and adopted. She indicated feral cats are an issue at Freedom High School; recently, four new kittens were found in a trash compactor with their cord still attached and she worked for three days to try and help them survive but couldn't. She explained this could have been prevented with education.

Lisa Kirk with Contra Costa County SPCA shared she has been involved in trap, neuter and return for 10 years in East County and she appreciates the City supporting groups like this. She explained the shelters are not providing adequate services. She suggested a low-cost, high volume spay/neuter clinic in Oakley because East County has nothing. She mentioned she is a volunteer and must schedule her time, their time, vet services and sometimes go to a site 10-12 times to get cats as well as clean, feed, do laundry, get gas, maintain her car, all which add up to approximately $45 per cat at her cost. She mentioned the cost is approximately $90-$140 per cat with vaccines and flea treatments.

It was moved by Councilmember Higgins and seconded by Councilmember Williams to adopt the resolution. Motion was unanimous and so ordered. (4-0)

4) PUBLIC HEARINGS

4.1 Public Review Draft of 2023-2031 Housing Element Update – Presentation by Ascent Environmental (Oakley's Housing Element Consultants) on the public review draft of the 2023-2031 Housing Element Update in order to receive public comments and consensus feedback from the City Council (Ken Strelo, Planning Manager)

Planning Manager Ken Strelo presented the staff report and PowerPoint. He mentioned the 2023-2031 Housing Element Update was posted on City's website June 29 and will remain open for public comment until August 5.

Chelsey Payne, Director of Urban Design and Planning with Ascent Environmental, Inc. provided a PowerPoint presentation on the 2023-2031 Housing Element Update including an overview of the Housing Element, recent trends and housing needs, Regional Housing Needs Allocation (RHNA), summary of housing capacity, housing plan and next steps.

Councilmember Williams inquired how many sites belong to the City.

Mr. Strelo explained they are all privately owned.

Councilmember Williams inquired if any building occurred on these lots if it would take a willing landowner and a willing builder, and in the last/current housing cycle, how many lots were developed.

Mr. Strelo responded that the Elm Lane project was developed, and he is not sure if CBH was one of those sites.

Councilmember Williams inquired if not all sites were developed.

Mr. Strelo commented that no one showed interest to develop the other sites.

Councilmember Williams inquired about ‘underutilized’ versus ‘vacant’ sites.

Ms. Payne indicated vacant sites are more likely to be developed as the state has stringent standards for nonvacant sites so vacant sites have a better chance to be approved.

Councilmember Fuller commented he is glad she captured disabled complaints. He requested Ms. Payne explain page 418, figure 4.4.

Ms. Payne commented that this is a data study prepared by UC Merced students sponsored by ABAG; they took a deep dive into U.S. Census data, compared cities, looked at the racial segregation index compared to other cities, and found the highest segregation is between black and white residents; the figure shows the % of certain racial groups that would need to move to different areas to achieve balance.

Councilmember Fuller commented they have income inequity, segregation by inequity, and this may create further income inequity. He explained the houses on southeast Cypress and Sellers are one-story units but are below the median rate for the Bay Area. He indicated the southwest corner of Laurel and O’Hara is a desirable site for affordable housing as it is near shopping, transportation and schools to be more inclusive, but people didn’t like it so they moved it to East Cypress which doesn’t have the same access; the only reason it was withdrawn is that people didn’t like it there.

Mr. Strelo commented that several sites were presented during public sessions and for various reasons sites were limited down; if sites had opposition, the majority did not move on them.

Councilmember Fuller commented that Rose and Main is the most famous site, but it is low-income; the more affluent area opposed.

Councilmember Higgins mentioned some other cities were talking about suing ABAG because these numbers provided to cities are nuts. She inquired if anything came about with that lawsuit.

Ms. Payne indicated nothing she is aware of.

Vice Mayor Meadows commented that Oakley's numbers went down, he thought about the area of Bridgehead Road and Hwy 160 and removal of sites at Brownstone and Main. He mentioned they received a letter from DeNova Homes with potential sites at Summer Lakes North.

Mr. Strelo commented the Brownstone and Main sites were taken out of the overlay zone but would remain as additional sites. He explained that if the site needs to be rezoned, the environmental analysis is already done. He mentioned he anticipates whatever site chosen will be opposed and it can be challenging to find additional sites within 6 months. He shared that staff is not recommending any East Cypress sites be included because no transportation or other services exist in the area.

Vice Mayor Meadows inquired if there are 14 new sites.

Mr. Strelo explained there are 7 existing and 7 new sites.

Vice Mayor Meadows commented that 6 sites fall west of Empire Avenue.

Mr. Strelo commented there are 4 sites west of Empire Avenue (sites 8, 9, 10 and 11)

Vice Mayor Meadows requested the unit count west of Empire Avenue.

Ms. Payne indicated it is most of the units.

Vice Mayor Meadows commented it is 315 units.

Vice Mayor Meadows opened the public hearing.

Patricia Houghton shared she took the Housing Element survey and she does not believe less than .5% of Oakley's population who took the survey should decide what happens in Oakley. She mentioned many low-income housing units exist in District 1 where she lives. She shared a visual map she created with low-income housing in District 1, 2 and 5; however, there is none in Districts 3 and 4. She shared the roads in District 1 are mainly rural which are narrow and have too much congestion already with industrial buildings such as Amazon and CoCo Farms, as well as many apartment units being built in Antioch to the west. She commented that the Elm project has 170 units on a narrow, congested road. She suggested additional sites be considered instead of in District 1 which is in the Antioch Unified School District. She mentioned this was all hidden from them; no one knew about it until she told everyone. She also submitted an online public comment made part of the meeting record.

Stacy Winslett commented she is a resident close to site 10 and is opposed to adding 234 units because Antioch has already added 394 units, resources are limited, police would need to be increased to monitor emergency services, fire and medical would need to be increased, schools are lacking to accommodate the number of people, infrastructure is old, want kids to grow up in a safe environment with schools not overcrowded, and 170 units are being built behind Chevron. She mentioned 943 units are proposed between Antioch units being built and site 10 which is an extreme increase in people where grocery and emergency services are not nearby to accommodate the people. She also submitted a public comment online made part of the meeting record opposing Site E on Oakley Road.

Lydia Vicknair was called and was not present. She submitted a public comment online made part of the meeting record regarding lack of publicity about the survey and low-income housing concentrated in a district.

Jill DiNapoli was called and was not present. She submitted a public comment online made part of the meeting record regarding adding units near custom homes that will decrease home values and increase traffic on roads not wide enough to accommodate.

Dr. Richard Brophy commented that the reality of low-income housing is increased crime that radiates to neighboring communities, drug abuse, increased need/taxing for fire, police and social services and violence at schools. He expressed this draconian measure is unconscionable and people are leaving the state in droves. He requested the Council seriously consider this and protect them.

Robert Hooper shared he is a Section 8 landlord and Section 8 tenants are the best he has had, many with a disability, and they don't impact services more. He expressed he does not want big complexes that are like a penitentiary. He mentioned his tenants are good people and he tries to be a good landlord by providing things like gardeners and pest control. He commented that big complex may be wrong, but Section 8 is not all bad; it is necessary to have it as low-income housing includes people with disabilities.

Gerald Hardt commented there is climate change, traffic, unconscionable roads and infrastructure. He expressed concern that the whole city is going to change and he asked if everyone is ready for this lifestyle. He shared he lives in the Neroly area and can't get around those houses. He mentioned the Antioch complexes are unbelievable. He inquired what road and infrastructure improvements are being made with their tax dollars. He expressed the bypass does not work; there are too many houses and people.

Terry Hooper commented she understands the state mandate and believes high density, low-income units should be evenly distributed throughout the City. She mentioned zones 1 and 2 have several high-density units; zone 5 has only 96 and appears to have a lot of suitable locations. She suggested the Council look at locations

in zone 5. She requested staff consider mailing notices as not everyone is computer savvy to find information online.

David Houghton commented that residents want to be treated fairly and equitably. He shared zone 1 has 80% of the units. He mentioned other cities are fighting the state on this and this plan will be an icon for low-income/homelessness. He mentioned 82% of units are in District 1 already and the City wants to put more in there. He expressed opposition to sites 8-11 and support for sites 14 and 15. He inquired why the City of Oakley cannot say 'no' to the state, especially when this will change the look of the City when people have worked hard for their property; a burden the state is putting on the City.

Cynthia Kay commented that areas of low-income get more low-income housing, a cycle that continues. She inquired if affluent cities have these problems and what their affordable housing looks like. She mentioned no one she knows had the survey or knew about this. She shared she lives in zone 1 where there are million-dollar homes and she does not want to see development on Neroly and Oakley Road that will lower their home values. She mentioned they pay taxes based on their home value and she would like to know how low-income housing helps the City since apartment residents don't purchase appliances or home repair items which means little money will be coming back into the City by these residents. She expressed the sites don't have infrastructure, grocery is inadequate, roads have potholes and are not very wide. She indicated she does not oppose apartments to provide housing, especially to seniors, but they need to be close to services.

Doris Daniels shared she is an area 1 resident and is upset that her property value may decrease. She explained she wants to move into senior care and wants to be able to sell her house so she can live the rest of her life. She mentioned the roads are paved, but narrow and lack curbs and sidewalks so she doesn't feel safe because there is no place between her and cars. She also mentioned there is no lighting, no sewers and more sceptic tanks would go in a new area. She inquired why the City put in a two-lane road in Downtown as between 3:30 p.m.-6:00 p.m. people can't get through there and traffic is backed up on Cypress. She mentioned it is not constructive for the City and people within. She urged the Council to not let people hanging there.

Dollie Swenson commented she echoes previous comments and hopes the Council will consider what people are saying, also with the mosque to be built.

Vice Mayor Meadows commented that the public can present comments but at this time there is no dialogue; when the people are done speaking, the Council or staff will comment.

Dollie continued indicating the area is inundated and being handpicked for low-income housing. She mentioned schools will have to bus students to middle and high schools and residents don't want to pay for it, it will reduce water and she wants to know who

will pay for their water, and she wants to know who will pay for city services they will create with crime.

Jim D'Amico commented he is not concerned about zone 1. He mentioned he has watched the City grow and it is amazing what the City has done. He shared he lives in Neroly Estates and to put an apartment complex in the area without streetlights does not seem to make sense. With problems known on Carol Lane, he suggested the City reconsider zone 10. He asked the Council to consider single people and families and put apartment complexes somewhere else.

Zeru Valenzuela commented he lives in the house across from Elm Lane and saw no posting on development. He inquired why residents didn't receive notice. He mentioned some people need Section 8 housing and some people take advantage. He explained he has made Oakley his home and his family works. He mentioned the people who started this City were low-income, foreigners, grape pickers and East County used to be beautiful so why bring this to this City. He mentioned Danville wouldn't accept this.

Samantha Madruga submitted a written comment but did not wish to speak. Her comment indicated the City is not built to hold low-income housing, it will hurt our City and bring people who do not care about it, and the City does not have the infrastructure needed for growth.

Bryan Webb submitted a written comment but did not wish to speak. His comment indicated he does not want trash from surrounding cities spilling into Oakley into already struggling schools. He mentioned Oakley doesn't have the proper infrastructure to accommodate these units.

Pat Leiser commented he has a hard time trusting the Council. He mentioned the council voted 5-0 to keep 1-acre parcels in Neroly Estates then 6 months later changed it to ½-acre parcels. He expressed uncertainty with how many units it will really be. He mentioned the CCTA update heard this evening explained how bad the infrastructure is and it needs improving before units go in because the City is not currently ready for it. He mentioned he was never notified of the 170 units and inquired if that is part of this update. He expressed it is crazy to select 7 sites at public meetings based on 200 comments and a study on ethnic social climate done by college students, not professionals. He requested to see CEQA documents and EIRs. He mentioned if they add the units being built across Hwy 160 in Antioch, there is a proposed 940 units within a ½-acre radius and no one supports that plan.

Trent Sanson with DeNova mentioned he submitted a letter for the City to consider a Summer Lake North project for units. He mentioned they already have a project underway and are able to work with the City to provide an equitable distribution on the east side of town in a project already under construction. He mentioned they can offer diversity in design, relish the opportunity for alternative designs, and there will be a new levy encapsulated so as not to impact other residents.

Paul Seger spoke as a resident. He mentioned there are residential design guidelines online. He shared the Knox Lane community took a stance against a Seeno home development next to agricultural limited homes on acre lots. He explained each neighborhood needs to look like it belongs to the next neighborhood with small steps in density. He suggested this group should get lawyer. He mentioned the General Plan update recently passed without an EIR and there are no changes to development within the City, but here they are talking about adding thousands of homes creating new traffic patterns. He commented that the state has it backwards. He added that it is a staff decision on CEQA and staff is saying 'no' to an EIR that is needed; the documents need to be produced and numbers tallied.

Jerome Cizek submitted an online public comment made part of the meeting record opposing all 3 proposed sites, in particular Site E.

Curtis Cottle submitted an online public comment made part of the meeting record requesting the Council preserve the vineyard on Oakley Road rather than developing into units.

Vice Mayor Meadows closed the public hearing.

Councilmember Higgins commented that she had low-income housing and worked her way up. She mentioned the City has to have low-income housing and she is sorry no one wants it next to them; the City must have it and many units do not get developed. She mentioned it is not a class action suit to jump on; it is expensive to litigate. She indicated they can look at which sites they all agree on that they can put an overlay; they are not saying put this type of housing or that type; they need to decide on sites.

Councilmember Fuller mentioned staff decreased the number of units required of RHNA. He shared he sits on ABAG and this is a losing proposition to fight it. He mentioned Alameda County is trying to pass a bond for people with land; they are trying to get the state to give money to developers with land. He indicated Oakley is up against a delicate situation. He mentioned the RHNA numbers were approved by a Mayor of Contra Costa County town. He shared Berkeley and Oakland have thousands of units they need to put in, not hundreds. He mentioned it is important for public input but doesn't want anyone to think it's going to stop because Oakley has open land. He commented that staff is working very hard to bring it together and work with the community. He expressed everyone needs to be involved, not only residents, but foreign investors and others involved. He commented it is not divided equitably within the City. He requested the southwest corner of Laurel and O'Hara be added back in and sites be distributed in an equitable manner. He expressed he does not like Brownstone and Main or larger units as housing projects are inhumane and he does not want to see it just because land is available. He mentioned not everyone will be happy with the sites chosen but Oakley must develop its share. He suggested people can go to the ABAG website to see what other communities have for RHNA numbers. He mentioned the disabled are the most discriminated group in this City, especially when the City tore down the blue houses on Main and disabled people were unhoused.

Councilmember Williams shared that she couldn't afford a home in Oakley without fortunate circumstances they encountered; she would be considered low-income and would be one of the people in an apartment complex. She shared it is time for a different view of people who will live there; they are teachers, firefighters, people that cannot afford to rent here. She requested everyone remember years ago residents had to make exceptions and accommodations for people to be here and the City needs to make choices where it makes sense because units are needed here. She shared she couldn't afford it as an entrepreneur, and she accepts that people who work here would also like to live here; she would like to afford those opportunities to those people because they are the people making this community work. She expressed they need to think about generations to come. She mentioned actual development of the units takes a willing landowner and willing developer, and by selecting sites, the City can show to the state it has done what is required. She mentioned the last cycle had one site built and this selection process must happen every 8-10 years so there will be the same panic, but the City has to do it. She commented she understands the concentration of where people will live, but groceries, transportation and jobs are in certain areas and she loves that DeNova offered to build units, but Tri-Delta doesn't go out to E. Cypress. She indicated these projects will not be built tomorrow and this is not just rentals or apartments; there are a variety of housing types.

City Manager Joshua McMurray mentioned the economic reality is that the units would be rentals.

Councilmember Williams inquired if fast-tracking would still happen and if they would still have to do an EIR and CEQA.

Mr. McMurray explained that the environmental is all yet to be done; they would have to do CEQA as part of the process before the draft form.

Councilmember Williams inquired if every special district needs to sign off to approve (i.e., water, fire, schools, etc.).

Mr. McMurray responded that they would; all analyze it as part of CEQA.

Councilmember Williams commented she would love to hear how to get people to participate as this was not first go around at this.

Mr. Strelo shared that staff published notice in the newspaper, the City has had information regarding the update on the front page of its website and this was also done for the public survey. He mentioned they have provided information on social media, every work session or study session was posted in 3 locations within the City, and the City of Oakley has a mailing list of which the public can subscribe.

Councilmember Williams inquired about Elm Lane noticing.

Mr. McMurray mentioned Elm Lane is the only affordable project with the current cycle that was approved in 2013. He explained as part of the analysis, the state wants the site to be approved and the overlay is done by administrative review, not by public hearing.

Councilmember Williams inquired how staff will incorporate feedback for future meetings and if the public will have an opportunity to speak.

Mr. Strelo explained that hearings for both the Planning Commission and City Council will have draft documents for review and provide for public comment.

Mr. McMurray explained that rezone was the past practice for the current cycle; the City Council approves the actual rezone and staff would notice each site within a 500-foot radius, 200 feet over the state required noticing, and each property would be noticed separately.

Councilmember Williams commented on the site for O'Hara and Laurel mentioning it is not close to grocery, but transportation is there. She inquired if there is a way to identify where those items are located so the Council can make an informed decision.

Mr. McMurray commented that staff feels the southwest corner of Laurel and O'Hara is a prime site for the overlay.

Councilmember Fuller commented that the City needs to get the Downtown Specific Plan done. He expressed he really wants to see it, the impact on numbers and how to put it together.

Mr. Strelo responded that it is scheduled for late 2025 but if they can bring it sooner than that, they will.

Vice Mayor Meadows shared he lives west of Empire. He mentioned this is state mandated and therefore residents should consider who they vote for at the state level as it is important. He commented this is not a housing issue; it is a jobs issue, and he doesn't want to see land in Bridgehead that could provide jobs converted to housing. He expressed he wants to see a site at Oakley Road and the site at Laurel and O'Hara added back in. He mentioned Patricia's display board shows the units are concentrated in District 1 west of Empire and apartments east and west of Lucky's could be included in district equitable distribution.

Mr. Strelo mentioned no motion is needed. He inquired if any other Councilmembers want to discuss sites.

Vice Mayor Meadows commented site 10 at Oakley Road and Hwy 160 is zoned commercial. He mentioned he believes it should be zoned light industrial as there is too much commercial in the City anyway; they already have apartments being built to the north of it and there are lots of apartments in that district; 82% are low-income.

Councilmember Williams commented she supports removal but wants to see the overlay and wants to see where transportation is provided.

Vice Mayor Meadows mentioned the site at Laurel and O'Hara is across from a potential future Safeway.

No action was required of the City Council.

4.2 Repeal of Oakley Municipal Code Section 9.1.502 "Commercial Downtown District (CD)" (RZ 02-22) - City-initiated application to repeal Oakley Municipal Code ("OMC") Section 9.1.502 "Commercial Downtown District (CD)" as a clean-up item to the Zoning Code (Ken Strelo, Planning Manager)

Councilmember Fuller expressed his objection to the train platform and parking lot in Downtown Oakley, indicating financial resources would better support a new local library building in Downtown Oakley.

It was moved by Councilmember Fuller and seconded by Councilmember Williams to waive the first reading and introduce the ordinance. Motion was unanimous and so ordered. (4-0)

4.3 Waive the First Reading and Introduce an Ordinance Adding Chapter 39 to Title 4 of the Oakley Municipal Code Relating to Military Equipment use by the Oakley Police Department (Derek Cole, City Attorney)

City Attorney Derek Cole presented the staff report.

Police Chief Paul Beard explained the tools and equipment Police uses for high-risk incidents, community protection and incidents requiring specialized equipment including single-round 40mm launcher, multi-round 40mm launcher; 29 patrol rifles, patrol rifle, 5.56 chambering-semi-automatic, and 2 drones with 4 trained operators used for lost people, for festivals to memorialize events, and to look for dangerous people.

Councilmember Williams inquired if it comes back to the Council for approval if Police adds to the list.

Chief Beard responded it would; he will need to add rifles as officers are added.

Vice Mayor Meadows inquired if he comes back to request additional rifles, how many officers would utilize those rifles.

Chief Beard responded that would depend on the number of officers added.

Vice Mayor Meadows opened the public hearing. There were no public comments.

Vice Mayor Meadows closed the public hearing.

It was moved by Councilmember Higgins and seconded by Councilmember Williams to waive the first reading and introduce the ordinance. Motion was unanimous and so ordered. (4-0)

5) REGULAR CALENDAR

5.1 Introduce an Ordinance Adding Chapter 38 to Title 4 of the Oakley Municipal Code Concerning Spectators at Illegal Speed Contests, Exhibitions of Speed, and Side Shows (Derek Cole, City Attorney)

City Attorney Derek Cole presented the staff report. He explained the ordinance provides Police enforcement tools for spectators who attend events and drivers can be subject to enforcement and arrest but this addresses spectators who create demand for such events to occur by allowing misdemeanor prosecution. He mentioned the District Attorney may not want to give high attention to cases but the City can fine, providing local enforcement tools.

Chief Beard provided background on sideshows, a demonstration video, probable outcomes, information on local side show activity; Oakley Police Officer bodycam footage and video of spectators within 200 feet.

Councilmember Higgins inquired if the fine can be raised to make it stronger.

Chief Beard responded that the state has set the fine level.

Mr. Cole responded that violations of a local ordinance cannot exceed a misdemeanor or $1000 fine.

Councilmember Higgins commented that this ordinance mirrors Pittsburg's ordinance. She inquired if Antioch's ordinance is more stringent.

Mr. Cole commented it is Antioch's list, but he is not sure if it has been adopted yet.

Chief Beard commented it is the County's goal for cities to be in alignment.

Bud Chaddock provided comments in support of the ordinance.

It was moved by Councilmember Fuller and seconded by Councilmember Higgins to waive the first reading and introduce the ordinance. Motion was unanimous and so ordered. (4-0)

City Attorney Derek Cole commented that the Council can vote to go past 11:00 p.m. but it needs a motion to continue past 11:00 p.m. or they can try to finish before then.

It was moved by Councilmember Williams and seconded by Councilmember Fuller to continue the meeting past 11:00 p.m. AYES: Fuller, Meadows, Williams. NOES: Higgins. (3-1)

5.2 Consider Approval of a Request for Proposals, 204 Second Street (Harumi Murata, Economic Development Manager)

Economic Development Manager Harumi Murata presented the staff report. She mentioned there was no purchase interest by those required to be notified in the 60-day period. She indicated the property appraised at $399,488 and bids are due July 27, 2022, to be presented at the August 9, 2022 City Council Meeting.

No public comments were submitted.

Vice Mayor Meadows commented that July 27th is in 2 weeks. He inquired if it will publish tomorrow.

City Manager Joshua McMurray responded they have interest in the property but could extend 4 weeks and bring it back to the Council in September.

Vice Mayor Meadows requested it be extended to 4 weeks.

It was moved by Councilmember Williams and seconded by Councilmember Fuller to approve the request for proposals with an extension of 4 weeks for the bid deadline. Motion was unanimous and so ordered. (4-0)

5.3 Consider Approval of a Request for Proposals and Ad Hoc Committee, Economic Development Workplan Update (Harumi Murata, Economic Development Manager)

Economic Development Manager Harumi Murata presented the staff report. She mentioned the request for proposals will be advertised and proposals will be due August 12, 2022; thereafter, proposals will go to the qualifications committee on August 13, 2022 and staff will bring it back to Council on September 13, 2022. She mentioned the ad hoc committee consists of 2 City Councilmembers to review proposals; authorization is up to $50k of ARPA funding.

It was moved by Councilmember Fuller and seconded by Councilmember Williams to approve the request for proposals and appoint Councilmember Fuller and Vice Mayor Meadows to the ad hoc committee. Motion was unanimous and so ordered. (4-0)

6) REPORTS

6.1 CITY MANAGER
(a) City Manager

City Manager Joshua McMurray thanked Recreation staff and volunteers for the Oakley Summer Fest. He announced the next Movie in the Park, Sing 2, will be held July 30, the next Friday Night Bites and concert will be held August 5, the Annual Kids Fishing Derby will be held August 13, and the Heart of Oakley Festival will be held September 24.

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

None.

(b) Requests for Future Agendas

Councilmember Fuller requested staff bring forth a policy regarding minors speaking at the podium. He shared he would like to see their parents present as teenagers can be easily manipulated and exploited.

7) WORK SESSIONS

7.1 Introduction to the Yellow Roof Foundation and discussion about a potential affordable housing project at 4981, 4901 and 4911 Teakwood Drive (APN's: 035-322-019, 035-322-020, 035-322-021) (Joshua McMurray, City Manager)

Joshua McMurray presented the staff report. He mentioned the Council should have received a letter of interest from Yellow Roof Foundation (YRF). He mentioned YRF wants to purchase 3 parcels, construct 3 homes with 3 ADUs, these count toward RHNA, and while the Council doesn't have to accept anything less than fair market value, YRF's initial offer was $125k for 3 parcels and the property appraised at over $500k. He mentioned the new offer is at $300k so the parties are getting closer. He shared selling 3 parcels individually may present challenges to the City and here they could sell to a buyer capable of developing. He mentioned it takes lots of staff time to hand hold when people are unfamiliar with developing. He shared YRF has done a similar development in Pittsburg to provide affordable housing in a responsible way.

Trent Sanson with YRF provided a PowerPoint presentation and shared they have volunteers and donations to provide housing to unhoused, they have experience and ability, and they take applicants on an income basis. He mentioned rent is no more than 30% of an applicant's income. He shared conceptual architecture, appraisal comparison, letter of intent timeline and community benefits.

Councilmember Williams inquired if the ADU is above, not behind, where there would be two separate families in one house.

Mr. Sanson responded it would be two families in one house.

Vice Mayor Meadows inquired if utilities are stubbed on lots.

Mr. McMurray responded he is uncertain; lots are being sold as is and if not stubbed, it is nearby.

Vice Mayor Meadows commented there is a cost difference; he does not think DeNova will buy lots for $187k.

Mr. Sanson responded not as DeNova.

Vice Mayor Meadows commented he doesn't think it is a crazy amount.

Mr. McMurray responded he is looking for approval to work with YRF.

Councilmember Higgins commented the landlord will be lifelong partners and the properties will be serviced so she is providing a thumbs up.

Vice Mayor Meadows inquired if they can push it out to the next cycle to count toward RHNA numbers. He mentioned this also falls within his district, District 1.

Councilmember Williams inquired when Oakley can get a tiny home village.

Mr. Sanson commented that they love land donations.

Councilmember Higgins suggested Summer Lake North.

Councilmember Williams commented there are issues with access.

Vice Mayor Meadows and Councilmember Williams provided thumbs up.

Mr. Sanson indicated he is open to conversation.

8) CLOSED SESSION

8.1 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(d)(1)
City of Long Beach et al. v. Monsanto Company
U.S. Dist. Ct. Central Dist. Cal, Case No. CV 16-3493 FMO (ASx)

This item was heard earlier during the meeting (report out provided, supra).

8.2 PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code Section 54957
Title: City Manager

Vice Mayor Meadows announced Closed Session item 8.2. The Council heard the matter in the antechambers.

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

8.3 CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
Initiation of Litigation pursuant to Government Code Section 54956.9(d)(4)
One potential case.

This item was heard earlier during the meeting.

Direction was provided to staff to institute legal action.

9) ADJOURN

There being no further business, the meeting was adjourned at 11:48 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 August 9, 2022

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 Randy Pope called the meeting to order at 6:41 p.m. in the Oakley City Council Chambers located at 3231 Main Street, Oakley, California. The meeting began late due to technical issues. Vice Mayor Meadows and Councilmembers Anissa Williams, George Fuller and Sue Higgins were also in attendance.

1.2 Pledge of Allegiance to the Flag (Aubrey, Taylor and Ashley from Girl Scout Troops 33787 and 33784)

The Girl Scouts were not in attendance. Mayor Pope led the Pledge of Allegiance.

1.3 Proclamation Declaring August 18, 2022 "Never Give Up Day"

No one was present to receive the proclamation. Mayor Pope mentioned it would be mailed to the person requesting the proclamation.

1.4 Proclamation Recognizing August 31, 2022 as International Overdose Awareness Day (Danielle Aubin & April Rovero)

No one was present to receive the proclamation. Mayor Pope mentioned it would be mailed to the person requesting the proclamation.

1.5 Update from Contra Costa County Advisory Council on Aging (Michael Rigsby)

Michael Rigsby provided information regarding the groups he is involved in on the Advisory Council and requested Council input regarding priorities of interest.

Councilmember Higgins requested focus on affordable senior housing and rent remaining level.

Mayor Pope supported that as the biggest issue brought to Council by seniors.

Councilmember Fuller requested focus on mental health for seniors.

1.6 Update from Contra Costa Animal Services (Steve Burdo)

Steve Burdo was caught in traffic. The Council delayed hearing the item until his arrival.

Mr. Burdo provided a PowerPoint presentation including an agency snapshot, services provided, top activities in Oakley, CCAS Agreement (detail, fee structure and staffing), and information regarding free adoptions in August and September.

Councilmember Fuller inquired if Animal Service works with other groups for adoption if specific breeds are brought in. He also inquired what services animals receive before adopted and what call center enhancement has been made. He expressed appreciation for reduced licensing costs for seniors.

Mr. Burdo explained they advertise on their website and social media, and work with transfer partners and rescue groups with focus on specific breeds. He mentioned animals must be spayed/neutered, vaccinated and microchipped before available to adopt. He indicated more information is now available online to assist with services and reduce the number of calls received and wait time is now 5-7 minutes. He mentioned reduced licensing costs for seniors and free licensing and adoption for Veterans.

Councilmember Williams inquired if Animal Services handles livestock, i.e., removal of horses that are put down.

Mr, Burdo explained they have a 6-stall barn to handle situations involving public safety; however, they do not handle removal of deceased livestock from private properties.

Councilmember Williams suggested resources on the County website for people to access for removal.

2.PUBLIC COMMENTS

None.

3.CONSENT CALENDAR

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

3.2 Waive the Second Reading and Adopt an Ordinance to Repeal Oakley Municipal Code Section 9.1.502 “Commercial Downtown District (CD)” (RZ 02-22) - City-initiated application to repeal Oakley Municipal Code (“OMC”) Section 9.1.502 “Commercial Downtown District (CD)” as a clean-up item to the Zoning Code (Ken Strelo, Planning Manager)

3.3 Waive the Second Reading and Adopt an Ordinance Adding Chapter 39 to Title 4 of the Oakley Municipal Code Relating to Military Equipment use by the Oakley Police Department (Derek Cole, City Attorney)

3.4 Waive the Second Reading and Adopt an Ordinance Adding Chapter 38 to Title 4 of the Oakley Municipal Code Concerning Spectators at Illegal Speed Contests, Exhibitions of Speed, and side Shows (Derek Cole, City Attorney)

3.5 City of Oakley Quarterly Investment Report (4th Quarter FY 2021/22) (Tim Przybyla, Finance Director)

3.6 City of Oakley as Successor Agency to the Oakley Redevelopment Agency Quarterly Investment Report (4th Quarter FY 2021/22) (Tim Przybyla, Finance Director)

3.7 Fiscal Year (FY) 2021/22 Fourth Quarter Report on the Capital Improvement Program (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.8 Acceptance of work associated with the Police Department Parking Lot Expansion Project – Capital Improvement Project Number 253 (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.9 Approving the Agreement with Eastern Contra Costa Transit Authority for "Stormwater Management Facility Operations and Maintenance Agreement, and Right of Entry" for the Tri Delta Transit Park and Ride project located at 4300 Main Street (APN 035-282-063) and authorizing the City Manager to execute the agreement (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.10 Adopt Resolution of Intention to Establish Community Facilities District No. 2022-1 (HCP/NCCP Services) (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.11 Authorize the City Manager to Execute a Consulting Services Agreement with Bellecci and Associates to Provide Design Services for Capital Improvement Project Number 285 – Bethel Island Road Construction Project (Rock Slough Bridge to Delta Road) (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.12 Acceptance of Subdivision Improvements Associated with Acacia Subdivision 9498 located at Main Street and Ramos Ranch Road (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.13 Consideration of a Resolution Authorizing the City Manager, Finance Director, and Accounting Manager to Act as the Agents to Engage with the Federal Emergency Management Agency and the Governor's Office of Emergency Services (Cal OES) (Joshua Mc Murray, City Manager)

Councilmember Fuller pulled items 3.5 and 3.7.

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

Item 3.5

Councilmember Fuller commended Mr. Przybyla on a great report.

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

Item 3.7

Councilmember Fuller commented that project #215 involves $3.975 million ($4 million rounded) for a parking lot.

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

4.PUBLIC HEARINGS

None.

5.REGULAR CALENDAR

5.1 Designation of a Voting Delegate for League of California Cities Annual Conference September 7- 9, 2022 and Directing City Administration to complete and forward the voting delegate form to the League of California Cities (Joshua McMurray, City Manager)

City Manager Joshua McMurray presented the staff report.

It was moved by Vice Mayor Meadows and seconded by Councilmember Higgins to designate Councilmember Williams as the voting delegate for the League of California Cities Annual Conference Business Meeting to be held Friday, September 9, 2022. Motion was unanimous and so ordered. (5-0)

5.2 Consider authorizing the City Manager to send a letter in support of the development and opening of the Marsh Creek State Historic Park on behalf of the City of Oakley (Joshua McMurray, City Manager)

City Manager Joshua McMurray presented the staff report.

Councilmember Higgins inquired if there is any financial commitment by the City.

Mr. McMurray indicated there is none.

Councilmember Fuller thanked staff for the maps and mentioned they are on the City's website.

It was moved by Councilmember Williams and seconded by Vice Mayor Meadows to authorize the City Manager to send the letter in support. Motion was unanimous and so ordered. (5-0)

5.3 Consideration of a Resolution Approving an Amendment to the City of Oakley Fiscal Year 2022/2023 Budget to Expand upon the Pilot Oakley Community Digital Gift Card Program (Harumi Murata, Economic Development Analyst)

Economic Development Analyst Harumi Murata presented the staff report and PowerPoint presentation.

Councilmember Higgins inquired if people previously purchased cards if they can purchase again. She expressed she likes buy one, get one free, but has trouble finding her balance. She inquired if there is an 800 number.

Ms. Murata responded that login to an account is the primary way to check the balance.

Councilmember Williams inquired if participating businesses have provided feedback and if she is using that data to attract businesses slower to adopt the program.

Ms. Murata responded there has been positive feedback from the 23 businesses participating and she is using the data to attract more businesses to the program with the goal of 50 businesses eventually participating.

James Gearing provided public comment. He inquired if the program is funded by the City and encouraged shopping in Oakley.

Mayor Pope explained the program if funded with federal ARPA funds.

It was moved by Councilmember Higgins and seconded by Councilmember Fuller to adopt the resolution. Motion was unanimous and so ordered. (5-0)

Before moving to hear item 5.4, the Mayor returned to hear item 1.6 as Steve Burdo was now in attendance.

5.4 Authorization for the City Manager to Execute a Purchase and Sale Agreement with the Yellow Roof Foundation for the sale of properties located at 4981, 4901 and 4911 Teakwood Drive (APN's: 035-322-019, 035-322-020, 035-322-021) which will lead to the construction of 6 affordable housing units (Joshua McMurray, City Manager)

City Manager Joshua McMurray presented the staff report.

Francine Lumperis expressed concern that they were not notified of the affordable housing units.

Ray Serna expressed concern regarding the affordable housing decreasing surrounding home values, increasing traffic and that the homes do not fit in with the neighborhood. He mentioned they have high density already with apartments at Teakwood and Main and senior housing; they need homes to match. He indicated they do not want this.

Dana Tsubota with Yellow Roof Foundation (YRF) provided an overview of what they do and intend to do with these lots, explaining they find surplus land and with donations of time, talent and materials, they build at a lower cost. She mentioned they offer fixed rent at 30% of income level of the occupant and it is not high density. She shared they have a similar completed project in Pittsburg and it houses a teacher, security guard and city administrator; people who had hard times in the past and are getting back on their feet; their stay is for a limited time to help bridge that gap.

Councilmember Higgins inquired if YRF manages the properties.

Ms. Tsubota explained YRF manages the property and helps occupants set up bank accounts and gain access to financial training.

Councilmember Williams commented she is surprised at some pushback and inquired how they select occupants and what happens if occupants don't leave after the 3-year lease term.

Ms. Tsubota responded they work with local community partners, applications are submitted and reviewed as received with standard qualifications, they are building multiple projects, and they follow the law regarding rentals.

Mayor Pope requested staff address notification of the project. He inquired if there are any age restrictions and about any increase in traffic/speed of traffic.

Mr. McMurray explained it is not a project yet and therefore does not require noticing, but DeNova will provide notification when construction begins. He mentioned there

are no age restrictions; however, they could direct coordinating such for the need of the community. He also mentioned the properties are zoned residential and the General Plan and Zoning assume there are homes on the lots; 3 units have nominal peak hour trips so there is no impact. He added the City has a traffic calming program to address speed, accessible on the City's website.

Mayor Pope inquired if a third unit ADU could be added to each parcel, commenting that the property is dense already.

Ms. Tsubota indicated the plans are drawn for only 2 units per lot.

Gerry Schwartz inquired if residents were invited to the initial meeting involving discussions of these affordable housing units and if it is a done deal or if further work group discussions can be provided. He expressed the units are not good for the neighborhood.

Mr. McMurray explained there was a public City Council meeting on July 12, 2022, where the item was addressed.

Mayor Pope explained these parcels are surplus property and when not used for a City purpose, by law, the City has to offer it to certain purposes, i.e., affordable housing, as in this situation. He added they are only discussing the purchase and sale agreement at this time.

Ms. Tsubota explained the value of the homes will still be comparable to those in the neighborhood; just because they are building them at lower cost does not mean they will not have comparable value and there is no evidence to suggest it will lower home values as appraisals look at the home, not the use.

City Attorney Derek Cole explained that surplus property has to be offered for affordable housing and it could have been a situation of a more traditional affordable housing project that was proposed and the City's hands would be tied, but this is a superior product to what could have been. He further explained the City cannot offer to the market unless it is first offered for affordable housing and if the City doesn't offer it, it can be subject to significant penalties.

Councilmember Williams inquired if this is a fair offer and if once the homes are built if the appraisal value comes in.

Mr. McMurray explained the City has discretion on price and it looks for community partners when they sell properties. He mentioned moderate/above housing is fine in the City, but low-income has been harder to come by and this offers an alternative to apartments; it will be managed and maintained by a well-respected company in this region. He mentioned the land plus improvements will be calculated for value and he expects it will the same if not higher of existing surrounding homes.

Councilmember Williams inquired if the City does not proceed with this if someone else could develop it for Section 8 housing.

Mr. McMurray responded that is a possibility.

Councilmember Fuller commented it is a good, solid project and he doesn't want to see people put into a separate area because other people don't want it in their neighborhood. He indicated to move it forward.

Vice Mayor Meadows supported it and indicated in his opinion, home values will not be affected.

Mayor Pope expressed support indicating he is in favor of private programs as opposed to bureaucratic government programs and he likes the homes rather than apartments. He mentioned the City's hands are tied to offer it for affordable housing and if people do not like that, they need to let their state representatives know.

It was moved by Councilmember Williams and seconded by Councilmember Williams to adopt the resolution approving the Purchase and Sale Agreement. Motion was unanimous and so ordered. (5-0)

5.5 4th Quarter Budget Update (Tim Przybyla, Finance Director)

Finance Director Tim Przybyla presented the staff report.

Councilmember Higgins inquired if the City receives revenue from County pools and if gas is still the highest tax.

Mr. Przybyla responded that the City receives a share of sales tax revenue and gas is still the highest tax.

No public comments were submitted.

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

Mayor Pope called for a brief recess at 8:12 p.m. The City Council reconvened at 8:17 p.m.

5.6 Adopt a Resolution Establishing a Proclamation Policy (Libby Vreonis, City Clerk)

City Clerk Libby Vreonis presented the staff report.

City Attorney Derek Cole explained the Establishment Clause and that the City cannot promote religion but can recognize service arms for non-religious services provided.

Mayor Pope indicated “Mormon Helping Hands” has been updated to “Helping Hands”.

Councilmember Fuller requested Juneteenth added to the list.

Councilmember Higgins expressed she likes standard proclamations that outline the month, then if requested, have the Mayor approve.

Mayor Pope explained the difference between a proclamation and resolution. He mentioned the pre-approved list streamlines the process.

Mayor Pope and Councilmember Fuller exchanged words regarding items that are controversial versus non-controversial.

Mr. Cole clarified the action before the Council is 1) to adopt a proclamation policy or not, and 2) approve the existing list or modify.

Mr. McMurray indicated staff looked at best practices of other cities and wants to bring something that will work for Oakley; if the Council wants staff to research further, they can.

Councilmember Fuller provided a list of items to add and remove.

It was moved by Vice Mayor Meadows and seconded by Councilmember Higgins to approve the proclamation policy. AYES: Higgins, Meadows, Pope, Williams. NOES: Fuller. (4-1)

Vice Mayor Meadows commented he has no issue with additions made by Councilmember Fuller.

Mayor Pope commented he had no issue with items added.

It was moved by Councilmember Fuller and seconded by Councilmember Williams to approve the list with the changes Councilmember Fuller submitted.

Mayor Pope commented he agrees with the removal of “Mormon” from “Helping Hands”.

Councilmember Fuller commented he can live with that.

Vice Mayor Meadows requested 100th birthdays to remain on the list.

Mr. Cole clarified that the motion has been amended to include “Helping Hands Day” and 100th birthday recognition to remain on the list.

Councilmember Fuller commented he is okay with that if a person is not required to attend in person to receive it.

Motion was unanimous and so ordered. (5-0)

6.REPORTS

6.1 CITY MANAGER
(a) City Manager

City Manager Joshua McMurray announced the Fishing Derby to be held Saturday, Movie in the Plaza on 8/27, Friday Night Bites on 9/2, and the Heart of Oakley Festival on 9/24.

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 Williams reported she is now the Board Chair for Tri-Delta Transit, on 9/12 Tri-Delta will go to full service, she provided information regarding Try My Ride, she mentioned there has been a delay with PG&E regarding the park and ride, Pass to Class is offered for free bus passes to every student in households, a hydrogen fueling station is upcoming, 15 additional drivers are needed, and CEO Jeanne Krieg is retiring and a new CEO will be appointed.

Councilmember Higgins announced she will attend a conference in Seattle on October 8, the 6th Annual Out of Darkness Walk will be held October 1, 9am-12pm, and a health resource fair including a blood drive will be held October 15 at St. Anthony, 9am-3pm.

Vice Mayor Meadows reported he attended a Transplan meeting 3 weeks ago and will attend another Transplan meeting Thursday.

(b) Requests for Future Agendas

Councilmember Higgins requested the Municipal Code be changed to no longer allow oil and gas drilling. Councilmember Williams supported it.

Councilmember Higgins also requested disc golf parks and pickleball courts in Oakley. Councilmember Williams supported it.

Councilmember Fuller mentioned the oil and gas item will be addressed in the work session. He inquired if it is necessary to bring up as a future agenda item.

Mr. McMurray mentioned during the work session, staff will obtain feedback from the Council and they can accomplish the item in discussion.

7.WORK SESSIONS

7.1 Work Session on Oil and Gas Drilling (Ken Strelo, Planning Manager)

Planning Manager Ken Strelo presented the staff report.

Mike Moore, a 2016 Oakley Leadership Academy Graduate, researched oil and gas wells in Oakley as part of a Leadership project. He commented that there is no need to allow oil and gas drilling in Oakley as there are 96 oil and gas wells in Oakley and 95 of those are plugged or abandoned. He provided background information when the wells were producing and when they stopped.

Tatiana Torres urged the Council to ban oil and gas drilling and prevent any future drilling in the County. She referred to rigs near Heritage High School and the decline it has had on property values, negative impact on the environment, and associated health concerns.

Rohan Tyagi urged the Council to ban oil and gas drilling and encourage the County to do the same. He mentioned the County lacks awareness of the impact on 39,000 people within 2.5 miles of sites. He referred to the climate action plan and high asthma rates in East Contra Costa County. He mentioned Los Angeles County has a 5-year phase out plan. He suggested change starts here.

Ian Cohen urged the Council to ban oil and gas drilling and encourage the County to do the same for the safety and well being of families and students within 2.5 miles of drilling.

Mrs. Moore commented that she didn’t know there was gas all around and she has developed allergies due to pollution. She pleaded the Council consider making the air clearer.

Justin Brown requested the Council consider banning oil and gas drilling within the City.

An online public comment was submitted by Sinziana Todor urging the Council to encourage the County to shut down current gas and oil drilling and ban future gas and oil drilling for public health and safety.

An online public comment was submitted by Marjaneh Moini, MD and Amanda Millstein, MD encouraging the City and County to ban gas and oil drilling for public health and safety.

Councilmember Fuller inquired if the City would be liable to landowners for losing minerals from their land if the City bans oil and gas drilling.

City Attorney Derek Cole responded that a State Supreme Court decision is expected next year regarding Monterey County. He explained the state preempts local government from banning the activity. He mentioned if the Council wishes to regulate, it could have a moratorium up to two years and see how the court decision unfolds, then adopt a permanent ordinance consistent with the court decision. He added that the City is not responsible for mineral rights of property owners; the City is a regulatory body. He mentioned he understands there are no active operations, and none in the past two years. He explained the Council is not afoul of Constitutional limitations if it decides to have a moratorium.

Vice Mayor Meadows commented he has not seen oil and gas in Oakley in his life, but rather natural gas as most people heat their homes with it. He expressed concern if a problem even exists in Oakley for the Council to take action.

Mr. Strelo commented in his 15 years as a staff member, he has received no applications.

Councilmember Higgins suggested if there is no problem, then there is no harm to ban it and send a letter to the County.

Councilmember Williams and Councilmember Fuller exchanged words regarding a comment made by Councilmember Williams regarding time spent on discussion of items.

Councilmember Williams commented the topic is worthy for the future of families and they should move forward to improve air quality and put pressure on the County.

Mayor Pope expressed concern regarding banning something that hasn’t been replaced yet with an alternative. He suggested a 500-foot setback as with other sensitive uses. He inquired if wells can be reactivated.

Mr. Strelo responded staff would need to research to respond.

Mayor Pope commented that he wants to know what it means to have a well “capped”—if the land can be used in perpetuity. He mentioned with the energy crisis, the timing is wrong; there needs to be an energy replacement first. He also mentioned the County has other issues having the biggest refinery in the state.

Councilmember Fuller spoke to 9/11/01 and how fuel was needed to keep military aircraft in the air on standby to defend this country. He mentioned the state has

expertise what to do with oil drilling; however, the City should change its ordinance because as it stands now, operations are allowed and new operations could come in. He mentioned he would like to have the court decision before an ordinance is brought forth.

Councilmember Higgins commented that Brentwood has a moratorium, they can look at the state says, not open capped wells, consider a buffer zone or ban it, and revisit the Municipal Code.

Councilmember Williams commented she supports a buffer zone within a 500-foot distance from buildings and she doesn't think a new operation would come in to drill because they wouldn't have surface rights.

Mayor Pope suggested 500 foot+ buffer from buildings and other structures plus concealment.

Mr. McMurray commented that at least 3 Councilmembers have expressed staff should look at the Municipal Code and provide distance between drilling and structures. He inquired if there is consensus on a moratorium.

Councilmembers Higgins and Williams responded they support a moratorium.

Mayor Pope expressed he does not support it.

Councilmember Fuller expressed he can live with a moratorium but wants a date certain when it will come back for a permanent ordinance to be considered.

Mr. McMurray indicated staff will look at the current ordinance and bring something back to Council.

8.CLOSED SESSION

Mayor Pope announced the closed session items.

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

8.2 CONFERENCE WITH LABOR NEGOTIATORS-Labor Negotiations with the City Manager
Pursuant to Government Code Section 54957.6(a)
City Designated Representative: Randy Pope, Mayor, Aaron Meadows, Vice Mayor and Derek Cole, City Attorney
Unrepresented Employee: City Manager

9.ADJOURN

There being no further business, the meeting was adjourned at 11:48 p.m.

Respectively Submitted,

Libby Vreonis
City Clerk

OAKLEY
CALIFORNIA

MEMORANDUM

Office of the City Attorney

Date:	August 10, 2022
To:	Mayor and Members of City Council
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 SEPTEMBER 13, 2022

Background and Analysis

The City Council considered the following closed session item during its regular meeting held August 9, 2022:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code Section 54957
Title: City Manager

CONFERENCE WITH LABOR NEGOTIATORS-Labor Negotiations with the City Manager
Pursuant to Government Code Section 54957.6(a)
City Designated Representatives: Randy Pope, Mayor; Aaron Meadows, Vice Mayor; and Derek Cole, City Attorney
Unrepresented Employee: City Manager

Direction was provided to staff and there was no reportable action for both items.

Fiscal Impact

None.

Recommendation

Receive and file this report.

Attachments

None.

Agenda Date: _____

Agenda Item: _____

OAKLEY CALIFORNIA

STAFF REPORT

Approved and Forwarded to City Council:

Joshua McMurray, City Manager

Date: September 13, 2022

To: Joshua McMurray, City Manager

From: Kevin Rohani, Public Works Director/City Engineer

SUBJECT: Annexation No. 33 (Elm Lane Apartments) to the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services)

Background and Analysis

On June 10, 2021, the City Council approved a development plan with certain Conditions of Approval for the proposed project of a 170-unit affordable/workforce housing project. The proposed project consists of seven multi-family housing apartment buildings with associated parking, lighting, and landscaping as shown on the project plans dated April 22, 2021. The Elm Lane Apartments project, located between Elm Lane and Highway 160, is comprised of Parcel A of Lot Line Adjustment for 5301 Elm Lane, Oakley, CA dated January 14, 2022 (LLA 21-03).

The Conditions of Approval for the Elm Lane Apartments project require the property owner to mitigate their project's financial impact on the City's parks, streetlighting, landscape and stormwater service budgets. On January 12, 2016, the Oakley City Council formed City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services) ("CFD No. 2015-2"). CFD No. 2015-2 authorizes the annual levy of a special tax on parcels located within CFD No. 2015-2 to mitigate their financial impact to the City's parks, streetlighting, landscape and stormwater service budgets. The property owner for Elm Lane Apartments has requested the City assist them with the annexation of their development into CFD No. 2015-2 to satisfy their conditions of approval.

Prior to tonight's City Council meeting, the property owner for Elm Lane Apartments executed the attached Unanimous Approval Form. This form constitutes unanimous approval and a unanimous vote by the property owner in favor of annexing their property to CFD No. 2015-2 including the subsequent annual levy of special taxes to mitigate their project's financial impact on the City's parks, streetlighting, landscape and stormwater service budgets.

Consistency with the Oakley Strategic Plan 27+

This item is consistent with the Strategic Plan 27+ Park and Open Space and Finance and Fiscal Responsibility section goals.

Fiscal Impact

There will be no financial impact to the City's General Fund. The applicant has funded all costs associated with the annexation of their project to CFD No. 2015-2. The FY 2022-23 special tax rates per multi-family unit are as follows:

FY 2022-23 Maximum Special Tax Rates per Multi-Family Unit	
Special Tax Component	**Maximum Annual Special Tax Rates**
Regional Park Maintenance Tax	$78.65
Community Parks Maintenance Tax	$173.69
Streetlighting Maintenance Tax	$34.30
Neighborhood Parks & Landscape Maintenance Tax	$0.00
Stormwater/Water Quality Maintenance Tax	$5.00
Total	**$291.64**

Therefore, successful annexation of the Elm Lane Apartments project into CFD 2015-2 could provide up to $49,579 (in FY 2022-23 dollars) in revenue annually when all units are constructed. The taxes will be collected on the property tax rolls commencing in FY 2023-24.

Recommendation

The conditions of approval for Elm Lane Apartments require the property owner to mitigate their project's financial impact on the City's parks, streetlighting, landscape and stormwater service budgets. Staff recommends that the City Council:

1. Adopt a Resolution Approving the Annexation (Annexation No. 33) of Property Located in the Future Annexation Area of the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services)

Conclusion

Staff recommends that the City Council adopt the Resolution Approving the Annexation (Annexation No. 33) of Property Located in the Future Annexation Area of the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services).

Attachments

1. Unanimous Approval of Annexation to a Community Facilities District and Related Matters - City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services);
    a. Exhibit A: Description of Services;
    b. Exhibit B: Cost Estimate; and
    c. Exhibit C: Supplement to the Rate and Method of Apportionment of Special Tax – Tax Zone No. 30.
2. Resolution Approving the Annexation (Annexation No. 33) of Property Located in the Future Annexation Area of the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services);
3. Map – Annexation No. 33 to City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services); and
4. Amendment No. 33 to Notice of Special Tax Lien - City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services).

UNANIMOUS APPROVAL
of Annexation to a Community Facilities District
and Related Matters

CITY OF OAKLEY
Community Facilities District No. 2015-2
(Parks, Streetlight, Landscape and Stormwater Services)

Annexation No. 33 – Tax Zone No. 30

September 13, 2022

To the Honorable City Council,
City of Oakley
3231 Main Street
Oakley, CA 94561

Members of the City Council:

This constitutes the Unanimous Approval (the "Unanimous Approval") of the record owner(s) (the "Property Owner") of the fee title to the real property identified below (the "Property") contemplated by Section 53339.3 et seq. of the Mello-Roos Community Facilities Act of 1982, as amended (the "Act") to annexation of the Property to the "City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services)" (the "CFD"), and it states as follows:

1. Property Owner. This Unanimous Approval is submitted by the Property Owner as the record owner(s) of fee title to the Property. The Property Owner has supplied to the City current evidence of its ownership of fee title to the Property.

2. Approval of Annexation. This Unanimous Approval constitutes the unanimous approval and unanimous vote by the Property Owner in favor of the annexation of the Property to the CFD. The CFD was formed to finance the municipal services (the "Services") described in Exhibit A hereto and made a part hereof.

3. Approval of Special Tax and the Services. This Unanimous Approval constitutes the unanimous approval and unanimous vote by the Property Owner in favor of the levy of special taxes (the "Special Taxes") on the Property to finance the Services. The Special Taxes will be levied according to the "Supplement to the Rate and Method of Apportionment of Special Tax – Tax Zone No. 30" attached hereto as Exhibit C and

made a part hereof (the "Rate and Method"). The cost estimate for the Services is attached hereto as Exhibit B.

4. Waivers and Vote. The Property Owner hereby confirms that this Unanimous Approval constitutes its approval and unanimous vote as described herein and as contemplated by Section 53339.3 et seq. of the Act and Article XIIIA of the California Constitution. The Property Owner hereby waives all other rights with respect to the annexation of the Property, the levy of the Special Taxes on the Property and the other matters covered in this Unanimous Approval.

5. Recordation of Amendment to Notice of Special Tax Lien. The Notice of Special Tax Lien for the CFD was recorded in the Office of the County Recorder of the County of Contra Costa, State of California on January 19, 2016, as Document No. 20160009045. The Property Owner hereby authorizes and directs the City Clerk to execute and cause to be recorded in the office of the County Recorder of the County of Contra Costa an amendment to the Notice of Special Tax Lien for the CFD as required by Section 3117.5 of the California Streets and Highways Code. The amendment to the Notice of Special Tax Lien shall include the Rate and Method as an exhibit thereto.

6. Authority Warranted. The Property Owner warrants to the City that the presentation of this Unanimous Approval, any votes, consents or waivers contained herein, and other actions mandated by the City for the annexation of the Property to the CFD shall not constitute or be construed as events of default or delinquencies under any existing or proposed financing documents entered into or to be entered into by the Property Owner for the Property, including any “due-on-encumbrance” clauses under any existing security instruments secured by the Property.

7. Due Diligence and Disclosures. The Property Owner agrees to cooperate with the City and its attorneys and consultants and to provide all information and disclosures required by the City about the Special Taxes to purchasers of the Property or any part of it.

8. Agreements. The Property Owner further agrees to execute such additional or supplemental agreements as may be required by the City to provide for any of the actions and conditions described in this Unanimous Approval, including any cash deposit required to pay for the City’s costs in annexing the Property to the CFD.

9. The Property. The Property is identified as follows:

Parcel Description: Parcel A of Lot Line Adjustment for 5301 Elm Lane, Oakley, CA dated January 14, 2022 (LLA 21-03).

Acres: 6.43 acres

By executing this Unanimous Approval, the Property Owner agrees to all of the above.

Annexation No. 33 - Tax Zone No. 30

Record Owner:
Elm Lane Oakley, L.P.
a California limited partnership

By: PacH Anton South Holdings, LLC,
a California limited liability company
its Managing General Partner

By: Pacific Housing, Inc.,
a California nonprofit public benefit corporation,
its Manager

By: _____
Mark A. Wiese
President

By: Anton-AMREV Oakley, LLC,
a California limited liability company
its Administrative General Partner

By: Anton DevCo, Inc.,
a California corporation,
its Manager

By: _____
Rachel Green
Director of Development Services

EXHIBIT A

CITY OF OAKLEY
Community Facilities District No. 2015-2
(Parks, Streetlight, Landscape and Stormwater Services)

DESCRIPTION OF SERVICES

The captioned Community Facilities District will finance, in whole or in part, the following services ("services" shall have the meaning given that term in the Mello-Roos Community Facilities Act of 1982), including all related administrative costs, expenses and related reserves for replacement of vehicles, equipment and facilities:

Regional Parks

Maintenance, including servicing, repair, replacement and removal of regional parks (includes park amenities such as buildings, sports fields, sports courts, playground equipment, play courts, play structures, picnic tables, lighting, drinking fountains, barbeques, etc.), both (i) in the CFD and (ii) outside the CFD but within the boundaries of the City if the City has concluded that such maintenance would benefit the CFD. Maintenance also includes cleaning and removal of graffiti, and associated electric, water and other utility costs.

Community Parks

Maintenance, including servicing, repair, replacement and removal of community parks (includes park amenities such as buildings, sports fields, sports courts, playground equipment, play courts, play structures, picnic tables, lighting, drinking fountains, barbeques, etc.), both (i) in the CFD and (ii) outside the CFD but within the boundaries of the City if the City has concluded that such maintenance would benefit the CFD. Maintenance also includes cleaning and removal of graffiti, and associated electric, water and other utility costs.

Streetlighting

Maintenance, including servicing, repair, replacement and removal of streetlights (includes poles, fixtures, bulbs, conduits, equipment, including guys, anchors, posts, pedestals and metering devices, etc.), both (i) in the CFD and (ii) outside the CFD but within the boundaries of the City if the City has concluded that such maintenance would benefit the CFD. Maintenance also includes cleaning and removal of graffiti, and associated electric and other utility costs.

Neighborhood Parks & Landscaping

Maintenance, including servicing, repair, replacement and removal of neighborhood parks (includes park amenities such as playground equipment, play courts, play structures, picnic tables, lighting, drinking fountains, barbeques, etc.), both (i) in the CFD and (ii) outside the CFD but within the boundaries of the City if the City has concluded that such maintenance would benefit the CFD. Maintenance also includes cleaning and removal of graffiti, and associated electric, water and other utility costs.

Maintenance, including servicing, repair, replacement and removal of parkways, landscape setbacks, landscaped roadway medians, open space, environmental preserves (including performance and management of environmental mitigation monitoring and annual reporting), publicly-owned masonry walls, fences, monuments and features, trails, bike paths, etc., both (i) in the CFD and (ii) outside the CFD but within the boundaries of the City if the City has concluded that such maintenance would benefit the CFD. Maintenance also includes cleaning and removal of graffiti, and associated electric, water and other utility costs.

Stormwater

Maintenance, including servicing, repair, replacement and removal of bio-retention facilities and drainage facilities (includes field inspections, record keeping, cost of permits and regulatory fees, environmental mitigation monitoring, annual reporting, vegetation management, removal of silt, sediment, trash and debris from the drainage areas, bio-retention basins and City catch basins, etc.), both (i) in the CFD and (ii) outside the CFD but within the boundaries of the City if the City has concluded that such maintenance would benefit the CFD. Maintenance also includes cleaning and removal of graffiti, and associated electric, water and other utility costs.

In addition, the following costs will also be financed by the special taxes levied within the CFD and be allocated to each improvement described above based upon their pro-rata share of needed administrative costs, operating reserves and capital reserves, and actual or estimated delinquencies.

1. Administrative Expenses including the costs incurred to determine, levy and collect the special taxes, including compensation of City employees for administrative work performed in relation to the CFD, the fees of consultants and legal counsel, the costs of collecting installments of the special taxes upon the general tax rolls, preparation of required reports, and any other costs incurred in the administration of the CFD by the City;

2. Any amounts needed for operating reserves and capital reserves; and

3. Any amounts needed to cure actual or estimated delinquencies in special taxes for the current or previous fiscal years.

EXHIBIT B

CITY OF OAKLEY
Community Facilities District No. 2015-2
(Parks, Streetlight, Landscape and Stormwater Services)

Cost Estimate
(FY 2022-23 Dollars)

Special Tax Component	FY 2022-23 Special Tax Requirement
Regional Park Maintenance Tax	$13,371
Community Parks Maintenance Tax	$29,527
Streetlighting Maintenance Tax	$5,831
Neighborhood Parks & Landscape Maintenance Tax	$0
Stormwater/Water Quality Maintenance Tax	$850
Total	**$49,579**

EXHIBIT C

CITY OF OAKLEY
Community Facilities District No. 2015-2
(Parks, Streetlight, Landscape and Stormwater Services)

SUPPLEMENT TO THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX – TAX ZONE NO. 30

Special Taxes in the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services) (the "CFD" or "CFD No. 2015-2") shall be levied and collected according to the tax liability determined by the Administrator through the application of the appropriate amount or rate for Taxable Property, as described below. All the property in CFD No. 2015-2, unless exempted by law or by the provisions of Section E herein, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 2015-2, unless a separate Rate and Method of Apportionment of Special Tax is adopted for such annexation area.

Property annexed to City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services) pursuant to Annexation No. 33 will be annexed to Tax Zone No. 30 per the Supplement to the Rate and Method of Apportionment of Special Tax shown below.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Accessory Unit" means a second residential unit of reduced size (e.g., granny cottage, etc.) that shares a Parcel with a Residential Unit.

"Acre" or **"Acreage"** means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Map or other recorded County parcel map.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 (commencing with Section 53311), Division 2, of Title 5 of the Government Code of the State of California.

"Administrative Expenses" means the following actual or reasonably estimated costs directly related to the administration of CFD No. 2015-2: the costs of computing the Special Tax and preparing the annual Special Tax collection schedules (whether by the City or any designee thereof or both); the costs of collecting the Special Taxes; the costs to the City, CFD No. 2015-2, or any designee thereof of complying with

disclosure requirements associated with the Act; the costs associated with preparing Special Tax disclosure statements and responding to public inquiries, protests, or appeals regarding the Special Taxes; and the City's annual administration fees and third party expenses. Administrative Expenses shall also include amounts estimated or advanced by the City or CFD No. 2015-2 for any other administrative purposes of CFD No. 2015-2, including attorney's fees, costs associated with annexations to CFD No. 2015-2, and other costs related to commencing and pursuing to completion any foreclosure of delinquent Special Taxes.

"Administrator" means an official of the City, or any designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Tax.

"Assessor's Parcel" or **"Parcel"** means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's Parcel Number.

"Assessor's Parcel Map" means an official map of the County Assessor designating parcels by Assessor's Parcel Number.

"Assessor's Parcel Number" or **"APN"** means a unique number assigned to an Assessor's Parcel by the County Assessor for purposes of identifying a property.

"Authorized Services" means the public services authorized to be funded by CFD No. 2015-2 as set forth in the documents adopted by the Council when CFD No. 2015-2 was formed.

"Building Permit" means a building permit issued by the City and having a building structure improvement valuation over $50,000. Building Permits for the construction of ancillary structures such as fences, swimming pools, retaining walls, etc. are excluded.

"**CFD" or "CFD No. 2015-2"** means the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services).

"City" means the City of Oakley.

"City Landscape Maintenance Standards" means the then applicable landscape maintenance standards or then applicable level of service for then applicable landscape maintenance contracts executed by the City that are in effect and relate to similar landscaping improvements.

"City Manager" means the City Manager of the City of Oakley.

"Commercial Unit" means an individual building structure for commercial uses as defined per the County Assessor (e.g., grocery stores, shopping centers, motel, hotel, service stations, and offices).

"Condominium Parcel" means a Parcel designated by the County Assessor as having a condominium, townhome, cluster home and co-op land use.

"Council" means the City Council of the City of Oakley, acting as the legislative body for CFD No. 2015-2.

"County" means the County of Contra Costa.

"County Assessor" means the Contra Costa County Assessor.

"County Land Use Code" means the land use code assigned to an Assessor's Parcel as indicated in the records of the County Assessor.

"Developed Property" means, in any Fiscal Year, all Parcels of Taxable Property for which a Building Permit was issued by the City for construction of a residential structure or a non-residential structure on or prior to June 30 of the preceding Fiscal Year. In the absence of a Building Permit, any Parcel of Taxable Property shall be classified as "Developed Property" if it has been occupied by a user as determined by the Administrator on or prior to June 30 of the preceding Fiscal Year.

"Final Map" or "Parcel Map" means a final map approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410, *et seq.*) that creates individual lots on which a Building Permit can be issued for construction of Residential Units without further subdivision of the lots.

"Fiscal Year" means the period starting on July 1 and ending on the following June 30.

"Industrial" means an individual building structure for industrial uses as defined per the County Assessor (e.g., research and development, mini-warehouse, etc.).

"Institutional" means an individual building structure for institutional uses as defined per the County Assessor (e.g., churches, hospitals, assisted living, schools, etc.).

"Land Use Classification" means the current or intended use of a Taxable Parcel as determined by the Taxable Parcel's County Land Use Code.

"Maximum Special Tax" means, for each Special Tax Component, the maximum Special Tax, determined in accordance with Section C herein, which can be levied in any Fiscal Year.

"Mixed Use Parcel" means a Parcel designated by the County Assessor as having a multiple land uses such as residential land uses and commercial land uses, or multi-family land uses and commercial land uses.

"Multi-Family Parcel" means a Parcel designated by the County Assessor as having a multi-family residential land uses which includes duplexes, triplexes, fourplexes and apartments.

"Non-Residential Parcel" means for each Fiscal Year, all Assessor Parcels designated by the County Assessor with a County Land Use Code of Commercial, Industrial, or Institutional. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign a Land Use Classification to the Taxable Parcel described in Section C below.

"Non-Residential Parcel – In Compliance" this definition only applies for the purpose of calculating the annual neighborhood parks and landscaping maintenance tax component and means for each Fiscal Year, an Assessor Parcel designated by the County Assessor with a County Land Use Code of Commercial, Industrial, or Institutional for which the Property Owner of the Commercial, Industrial, or Institutional Parcel has notified the City in writing by the preceding February 1st that it will maintain its parcel's frontage landscaping during the immediate following fiscal year and the City Manager or his/her designee has determined that the Property Owner has maintained its Parcel's frontage landscaping in previous Fiscal Years to City Landscape Maintenance Standards. In addition, in order for any Commercial, Industrial, or Institutional Parcel within a Tax Zone of CFD No. 2015-2 to be defined as a Non-Residential Parcel – In Compliance, all Non-Residential Parcels within the Tax Zone must also be defined as Non-Residential Parcel – In Compliance.

"Non-Residential Parcel – Out of Compliance" this definition only applies for the purpose of calculating the annual neighborhood parks and landscaping maintenance tax component and means for each Fiscal Year, an Assessor Parcel designated by the County Assessor with a County Land Use Code of Commercial, Industrial, or Institutional for which the Property Owner of the Non-Residential Parcel has not notified the City in writing by the preceding February 1st that it will maintain its parcel's frontage landscaping during the immediate following fiscal year or the City Manager or his/her designee has determined that the Property Owner has not maintained its Parcel's frontage landscaping in previous Fiscal Years to City Landscape Maintenance Standards. In addition, if any Non-Residential Parcel within a Tax Zone of CFD No. 2015-2 is defined as a Non-Residential Parcel – Out of Compliance, then all Non-Residential Parcels within the Tax Zone must also be defined as Non-Residential Parcel – Out of Compliance.

"Property Owner" means the Property Owner of record per current County Assessor records unless more current information is available such as recorded deed of sale, etc.

"Proportionately" means, for Developed Property, that the ratio of the actual annual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor's Parcels of Developed Property. For Undeveloped Property, "Proportionately" means that the ratio of the actual annual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor's Parcels of Undeveloped Property.

"Public Property" means, for each Fiscal Year: (i) any property within the boundaries of CFD No. 2015-2 that is owned by or irrevocably offered for dedication to the federal government, the State of California, the City or any other public agency; provided, however, that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act (as such section may be amended or replaced) shall be taxed and classified in accordance with its use; or (ii) any property within the boundaries of CFD No. 2015-2 that is encumbered by an unmanned utility easement making impractical its utilization for other than the purpose set forth in the easement.

"Residential Unit" means an individual building structure for residential or multi-family residential uses as defined per the County Assessor. An Accessory Unit that shares a Parcel with a Residential Unit shall not be considered a separate Residential Unit for purposes of this RMA.

"RMA" means this Rate and Method of Apportionment of Special Tax.

"Single-Family Parcel" means a Parcel designated by the County Assessor as having a single-family residential land use. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign a Land Use Classification to the Taxable Parcel described in Section C below.

"Special Tax" means any tax levied within CFD No. 2015-2 to pay the Special Tax Requirement, and includes each Special Tax Component.

"Special Tax Component" means one of the following components of the Special Tax: Community Park Maintenance Tax, Streetlighting Maintenance Tax, Neighborhood Parks and Landscape Maintenance Tax, or Stormwater Maintenance Tax.

"Special Tax Requirement" means, for each Special Tax Component, the amount of revenue needed in any Fiscal Year to pay for the following: (i) Authorized Services related to the Special Tax Component; (ii) Administrative Expenses attributable to the Special Tax Component; and (iii) amounts needed to cover any delinquencies in the payment of the Special Tax Component which occurred in the previous Fiscal Year or, based on delinquency rates in prior years, may be expected to occur in the Fiscal Year in which the Special Tax will be collected.

"Taxable Property" or "Taxable Parcels" means all Assessors' Parcels within the boundaries of CFD No. 2015-2 that are not exempt from the Special Tax pursuant to law or Section E herein.

"Tax Zone" means a mutually exclusive geographic area within which the Special Tax may be levied pursuant to this RMA. All the property within CFD No. 2015-2 at the time of CFD Formation is within Tax Zone 1. Additional Tax Zones may be created when property is annexed to CFD No. 2015-2, and a separate Maximum Special Tax shall be identified for property within the new Tax Zone at the time of such annexation. The Assessor's Parcels included within a new Tax Zone established when such Parcels are annexed to CFD No. 2015-2 shall be identified by Assessor's Parcel Number in the Unanimous Approval Form that is signed by the owner(s) of the Parcels at the time of annexation.

"Unanimous Approval Form" means that form executed by the record owner of fee title to a Parcel or Parcels annexed into CFD No. 2015-2 that constitutes the property owner's approval and unanimous vote in favor of annexing into CFD No. 2015-2, the levy of the Special Tax against his/her Parcel or Parcels pursuant to this RMA.

"Undeveloped Property" means, in any Fiscal Year, all Parcels of Taxable Property in CFD No. 2015-2 that are not classified as Developed Property.

B. DATA FOR ANNUAL TAX LEVY

Each Fiscal Year, the Administrator shall identify the current Assessor's Parcel Numbers for all Parcels of Taxable Property within CFD No. 2015-2. The Administrator shall also determine: (i) whether each Assessor's Parcel of Taxable Property is Developed Property or Undeveloped Property, and (ii) the Special Tax Requirement for each Special Tax Component for the then-current Fiscal Year. Each Special Tax Component shall be levied only to pay for the related Special Tax Requirement.

In any Fiscal Year, if it is determined that (i) a Final Map or Parcel Map for a portion of property in CFD No. 2015-2 was recorded after the last date upon which the County Assessor will incorporate the newly-created Parcels into the then current tax roll, (ii) because of the date the Final Map or Parcel Map was recorded, the County Assessor does not yet recognize the new Parcels that will be created by the Final Map or Parcel Map, and (iii) one or more of the newly-created Parcels would meet the definition of Developed Property, the Administrator shall calculate the Special Tax for the property affected by recordation of the Final Map or Parcel Map by determining the Special Tax that applies separately to each new Parcel that will be created by that Final Map or Parcel Map, then applying the sum of the individual Special Taxes to the Parcel that was subdivided by recordation of the Final Map or Parcel Map.

C. MAXIMUM SPECIAL TAXES

1. Developed Property - The Fiscal Year 2022-23 Maximum Special Tax for each Special Tax Component for all Parcels of Developed Property shall be as shown in Table 1 below:

Table 1: Developed Property

Special Tax Component	Land Use Classification	FY 2022-23 Maximum Tax
Regional Park Maintenance Tax	Single-Family Parcel	$157.30 per Parcel
Regional Park Maintenance Tax	Condominium Parcel	$117.97 per Parcel
Regional Park Maintenance Tax	Multi-Family Parcel	$78.65 per Unit
Regional Park Maintenance Tax	Non-Residential Parcel	$471.90 per Acre
Community Parks Maintenance Tax	Single-Family Parcel	$347.37 per Parcel
Community Parks Maintenance Tax	Condominium Parcel	$260.52 per Parcel
Community Parks Maintenance Tax	Multi-Family Parcel	$173.69 per Unit
Community Parks Maintenance Tax	Non-Residential Parcel	$1,042.10 per Acre
Streetlighting Maintenance Tax	Single-Family Parcel	$68.58 per Parcel
Streetlighting Maintenance Tax	Condominium Parcel	$51.44 per Parcel
Streetlighting Maintenance Tax	Multi-Family Parcel	$34.30 per Unit
Streetlighting Maintenance Tax	Non-Residential Parcel	$205.75 per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Single-Family Parcel	$0.00 per Parcel
Neighborhood Parks & Landscaping Maintenance Tax	Condominium Parcel	$0.00 per Parcel
Neighborhood Parks & Landscaping Maintenance Tax	Multi-Family Parcel	$0.00 per Unit
Neighborhood Parks & Landscaping Maintenance Tax	Non-Residential Parcel - In Compliance	$0.00 per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Non-Residential Parcel - Out of Compliance	$0.00 per Acre
Stormwater/Water Quality Maintenance Tax	Single-Family Parcel	$10.00 per Parcel
Stormwater/Water Quality Maintenance Tax	Condominium Parcel	$7.50 per Parcel
Stormwater/Water Quality Maintenance Tax	Multi-Family Parcel	$5.00 per Unit
Stormwater/Water Quality Maintenance Tax	Non-Residential Parcel	$132.19 per Acre

Mixed Use Parcels will have their Maximum Tax calculated each Fiscal Year based upon their combined uses on the Parcel. For example, if a one-acre parcel has commercial on the ground floor and 50 condominiums on the second floor the property owner will be charged the Non-Residential Parcel rate for one acre and the Condominium Parcel Rate for the 50 condominiums.

2. Undeveloped Property - The Fiscal Year 2022-23 Maximum Special Tax for each Special Tax Component for all Parcels of Undeveloped Property shall be as shown in Table 2 below:

Table 2: Undeveloped Property

Special Tax Component	Land Use Classification	FY 2022-23 Maximum Tax
Regional Park Maintenance Tax	Single-Family Parcel	$471.90 per Acre
Regional Park Maintenance Tax	Condominium Parcel	$353.92 per Acre
Regional Park Maintenance Tax	Multi-Family Parcel	$235.95 per Acre
Regional Park Maintenance Tax	Non-Residential Parcel	$235.95 per Acre
Community Parks Maintenance Tax	Single-Family Parcel	$1,042.10 per Acre
Community Parks Maintenance Tax	Condominium Parcel	$781.58 per Acre
Community Parks Maintenance Tax	Multi-Family Parcel	$521.06 per Acre
Community Parks Maintenance Tax	Non-Residential Parcel	$521.06 per Acre
Streetlighting Maintenance Tax	Single-Family Parcel	$205.75 per Acre
Streetlighting Maintenance Tax	Condominium Parcel	$154.31 per Acre
Streetlighting Maintenance Tax	Multi-Family Parcel	$102.88 per Acre
Streetlighting Maintenance Tax	Non-Residential Parcel	$102.88 per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Single-Family Parcel	$0.00 per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Condominium Parcel	$0.00 per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Multi-Family Parcel	$0.00 per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Non-Residential Parcel - In Compliance	$0.00 per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Non-Residential Parcel - Out of Compliance	$0.00 per Acre
Stormwater/Water Quality Maintenance Tax	Single-Family Parcel	$132.19 per Acre
Stormwater/Water Quality Maintenance Tax	Condominium Parcel	$132.19 per Acre
Stormwater/Water Quality Maintenance Tax	Multi-Family Parcel	$132.19 per Acre
Stormwater/Water Quality Maintenance Tax	Non-Residential Parcel	$132.19 per Acre

3. Escalation of Maximum Special Tax

On July 1, 2023, and each July 1 thereafter, the Maximum Special Tax for each Special Tax Component for the current Fiscal Year for Developed Property and Undeveloped Property shall be increased from the Maximum Special Tax for the respective Special Tax Component for the previous Fiscal Year by Consumer Price Index – All Urban Consumers (San Francisco-Oakland-San Jose, CA) (from February) with a minimum annual increase of three (3.00%) percent and a maximum annual increase of five (5.00%) percent for any given year.

D. METHOD OF LEVY AND COLLECTION OF SPECIAL TAXES

Each Fiscal Year, the Administrator shall determine the Special Tax Requirement for each Special Tax Component for that Fiscal Year and levy each Special Tax Component on all Parcels of Taxable Property as follows:

Step 1: Each Special Tax Component shall be levied Proportionately on each Parcel of Developed Property up to 100% of the Maximum Special Tax for each Parcel of Developed Property for such Fiscal Year until the amount levied is equal to the Special Tax Requirement for such Special Tax Component;

Step 2: If additional revenue is needed after Step 1, each Special Tax Component shall be levied Proportionately on each Parcel of Undeveloped Property up to 100% of the Maximum Special Tax for each Parcel of Undeveloped Property for such Fiscal Year until the amount levied, when combined with the amount of the Special Tax Component levied pursuant to Step 1, is equal to the Special Tax Requirement for such Special Tax Component.

The Special Tax for CFD No. 2015-2 shall be collected at the same time and in the same manner as ordinary ad valorem property taxes provided, however, that the City may (under the authority of Government Code Section 53340) collect Special Taxes at a different time or in a different manner if necessary to meet the financial obligations of CFD No. 2015-2, and the Special Tax shall be subject to foreclosure if delinquent regardless of the manner in which it was collected.

E. EXEMPTIONS

No Special Tax shall be levied on Parcels of Public Property or any privately-owned Parcels that are non-developable, such as common areas, wetlands, and open space, parks, etc. except as otherwise provided in this RMA and in the Act.

F. INTERPRETATION OF SPECIAL TAX FORMULA

The City reserves the right to make minor administrative and technical changes to this document that does not materially affect the rate and method of apportioning Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. Interpretations may be made by the City through a resolution of the Council for purposes of clarifying any vagueness or ambiguity in this RMA.

G. TERM OF THE SPECIAL TAX

The Special Tax shall be levied in perpetuity as necessary to pay the Special Tax Requirement.

H. REPEAL OF THE SPECIAL TAX

CFD No. 2015-2 was established to levy the Special Tax to finance the Authorized Services as a condition of the entitlement to develop the Developed Property in CFD No. 2015-2. If the levy of the Special Tax is repealed by initiative or any other action participated in by the owners of Parcels in CFD No. 2015-2, the City shall cease to levy the Special Tax and shall cease to be obligated to provide the Authorized Services for which the Special Tax was levied.

I. SEVERABILITY

The invalidity or unenforceability of any provisions of this Rate and Method of Apportionment of Special Tax shall not affect the validity or enforceability of any other provision of this Rate and Method of Apportionment of Special Tax, which shall remain in full force and effect.

RESOLUTION NO. XX-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING THE ANNEXATION (ANNEXATION NO. 33) OF PROPERTY LOCATED IN THE FUTURE ANNEXATION AREA OF

CITY OF OAKLEY
Community Facilities District No. 2015-2
(Parks, Streetlight, Landscape and Stormwater Services)

RESOLVED by the City Council (the "Council") of the City of Oakley (the "City"), County of Contra Costa, State of California, that:

WHEREAS, this Council has adopted a resolution entitled "Resolution of Formation of Community Facilities District" (the "Resolution of Formation"), ordering the formation of the (i) the "City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services)" (the "CFD") and (ii) the "City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services) (Future Annexation Area)," authorizing the levy of a special tax on property within the CFD, and preliminarily establishing an appropriations limit for the CFD, all pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act").

WHEREAS, under the Resolution of Formation and a resolution calling special election heretofore adopted by this Council, the propositions of the levy of the special tax and the establishment of the appropriations limit were submitted to the qualified electors of the CFD as required by the Act.

WHEREAS, on January 12, 2016, a special election was held among the landowner voters within the CFD, wherein such propositions were approved by the two-thirds vote required by the Act, as confirmed by resolution of this Council.

WHEREAS, on January 19, 2016, a notice of special tax lien (the "Notice of Special Tax Lien") was recorded with the Contra Costa County Recorder's office, thereby giving notice that the lien to secure payment of the Special Tax was imposed on the land in the CFD.

WHEREAS, the owner (the "Property Owner") of Parcel A of Lot Line Adjustment for 5301 Elm Lane, Oakley, CA dated January 14, 2022 (LLA 21-03) located within the Future Annexation Area (the "Property") has agreed to mitigate certain impacts of the proposed development of the Property by paying for certain services financed by the CFD.

WHEREAS, pursuant to the Act, the Property Owner has executed a Unanimous Approval constituting a unanimous approval and unanimous vote by the Property Owner in favor of the annexation of the Property to the CFD and the levy of the Special Tax.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, as follows:

1. Recitals. The foregoing recitals are all true and correct.

2. Approval of Annexation. The City Council hereby determines that Parcel A of Lot Line Adjustment for 5301 Elm Lane, Oakley, CA dated January 14, 2022 (LLA 21-03) is annexed into Tax Zone No. 30 of the CFD.

3. Amendment to Notice of Special Tax Lien. The City Council hereby directs the Clerk of the City Council to record an Amendment to Notice of Special Tax Lien, evidencing that Parcel A of Lot Line Adjustment for 5301 Elm Lane, Oakley, CA dated January 14, 2022 (LLA 21-03) is added to the CFD.

4. Boundaries Described. The revised boundaries of the CFD including Parcel A of Lot Line Adjustment for 5301 Elm Lane, Oakley, CA dated January 14, 2022 (LLA 21-03) are described in an amended boundary map, which this City Council hereby directs the City Clerk to record with the Contra Costa County Recorder's office.

5. General Authority; Ratification of Previous Actions. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to consummate the transactions described herein or to otherwise effectuate the purposes of this resolution. Any actions previously taken by such officers that are consistent with the purposes of this resolution are hereby ratified and confirmed.

6. Effective Date. This Resolution shall take effect upon its adoption.

PASSED, APPROVED AND ADOPTED this 13th day of September, 2022 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

_____
Randy Pope, Mayor

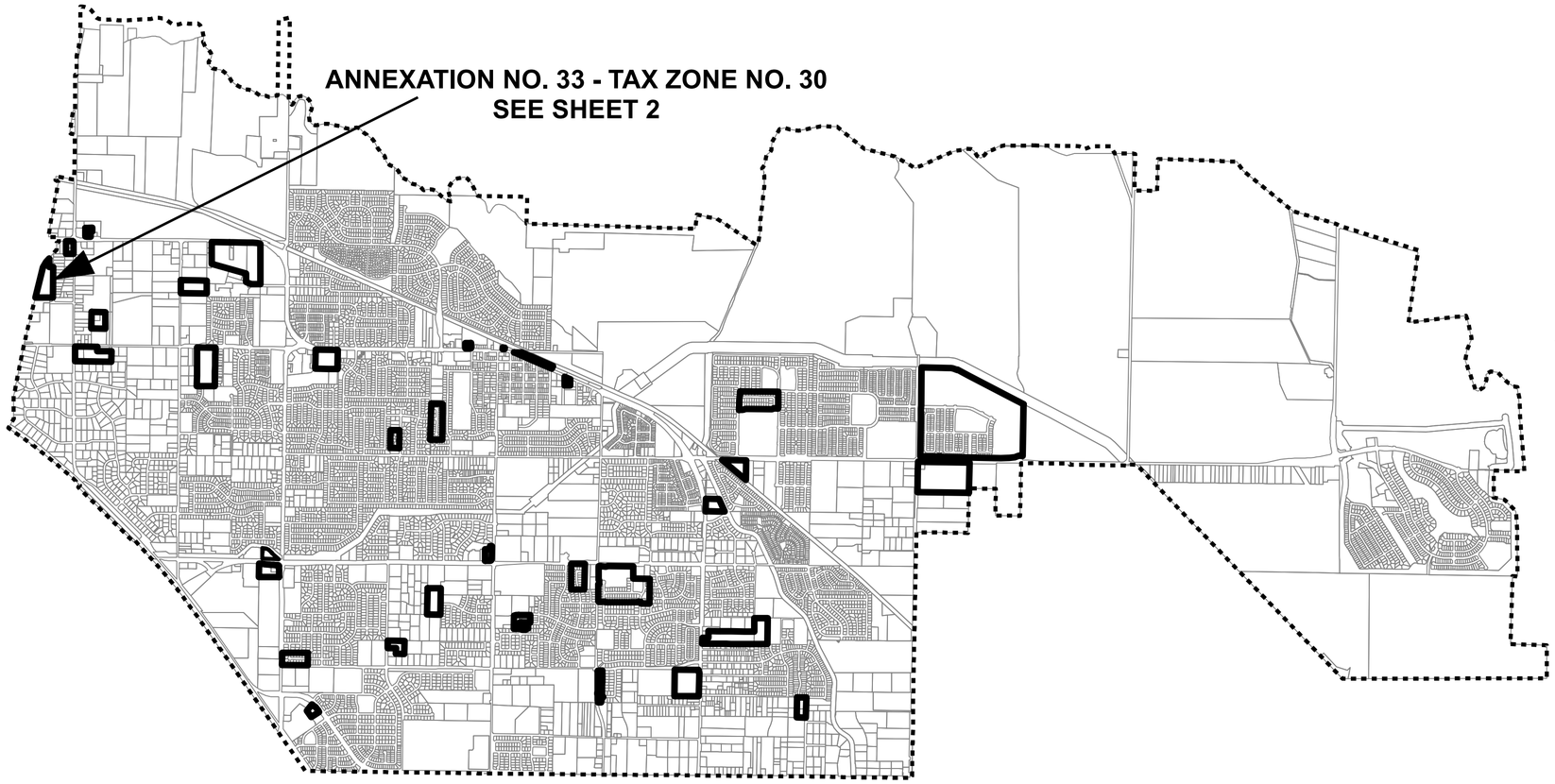
ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date

ANNEXATION MAP No. 33 TO
CITY OF OAKLEY COMMUNITY FACILITIES DISTRICT No. 2015-2
(PARKS, STREETLIGHTS, LANDSCAPE MAINTENANCE AND STORMWATER)

CITY OF OAKLEY
CONTRA COSTA COUNTY, STATE OF CALIFORNIA



FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF OAKLEY THIS _____ DAY OF _____, 2022.

_____
LIBBY VREONIS, CITY CLERK
CITY OF OAKLEY
CONTRA COSTA COUNTY
STATE OF CALIFORNIA

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING ANNEXATION No. 33 TO CITY OF OAKLEY COMMUNITY FACILITIES DISTRICT No. 2015-2 (PARKS, STREETLIGHTS, LANDSCAPE MAINTENANCE AND STORMWATER), CITY OF OAKLEY, CONTRA COSTA COUNTY, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF OAKLEY, AT A REGULAR MEETING THEREOF, HELD ON THE _____ DAY OF _____, 2022, BY ITS RESOLUTION No. _____.

_____
LIBBY VREONIS, CITY CLERK
CITY OF OAKLEY
CONTRA COSTA COUNTY
STATE OF CALIFORNIA

FILED THIS _____ DAY OF _____, 2022, AT THE HOUR OF _____ __.M IN BOOK _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE _____, DOCUMENT No. _____ IN THE OFFICE OF THE COUNTY RECORDER IN CONTRA COSTA COUNTY, STATE OF CALIFORNIA.

_____
COUNTY RECORDER
CONTRA COSTA COUNTY
STATE OF CALIFORNIA

Legend

- CFD No. 2015-2 Boundary
- Oakley City Limits/CFD No. 2015-2 Future Annexation Area
- Parcel Lines

N

0 2,500 5,000 Feet

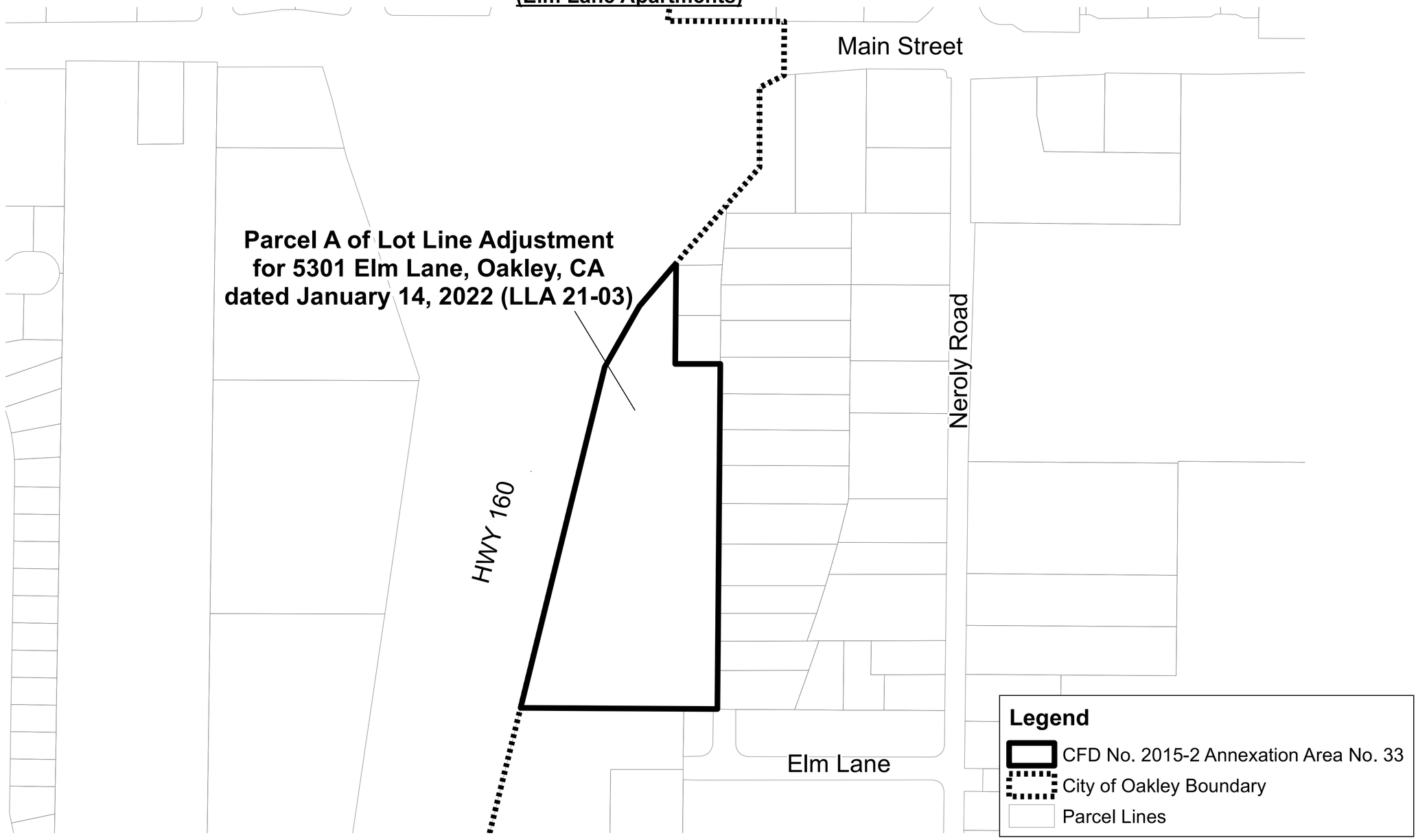
NOTE: THIS ANNEXATION MAP ANNEXES TERRITORY TO CITY OF OAKLEY COMMUNITY FACILITIES DISTRICT No. 2015-2 (PARKS, STREETLIGHTS, LANDSCAPE MAINTENANCE AND STORMWATER), CITY OF OAKLEY, CONTRA COSTA COUNTY, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA, ON THE 9TH DAY OF NOVEMBER, 2015 IN BOOK 85 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICT AT PAGE 20.

ASSESSOR PARCELS WITHIN BOUNDARY: FOR PARTICULARS OF LINES AND DIMENSIONS OF PARCELS, REFERENCE IS MADE TO PARCEL A OF LOT LINE ADJUSTMENT FOR 5301 ELM LANE, OAKLEY, CA DATED JANUARY 14, 2022 (LLA 21-03).

ANNEXATION MAP No. 33 TO
CITY OF OAKLEY COMMUNITY FACILITIES DISTRICT No. 2015-2
(PARKS, STREETLIGHTS, LANDSCAPE MAINTENANCE AND STORMWATER)

CITY OF OAKLEY
CONTRA COSTA COUNTY, STATE OF CALIFORNIA

Annexation No. 33 - Tax Zone No. 30
(Elm Lane Apartments)



RECORDING REQUESTED BY AND
AFTER RECORDATION RETURN TO:

City Clerk
City of Oakley
City Hall
3231 Main Street
Oakley, California 94561

AMENDMENT NO. 33 TO NOTICE OF SPECIAL TAX LIEN

CITY OF OAKLEY
Community Facilities District No. 2015-2
(Parks, Streetlight, Landscape and Stormwater Services)

Annexation No. 33 - Tax Zone No. 30 (Elm Lane Apartments)

Pursuant to the requirements of Section 3117.5 of the Streets and Highways Code of California and the Mello-Roos Community Facilities Act of 1982, as amended, section 53311, et seq., of the California Government Code (the "Act"), the undersigned City Clerk of the City of Oakley (the "City"), County of Contra Costa, State of California, hereby gives notice that a lien to secure payment of a special tax, which the City is authorized to levy, is hereby imposed on the property described herein. The special tax secured by this lien is authorized to be levied for the purpose of paying for certain municipal services set forth in that certain Notice of Special Tax Lien heretofore recorded in the Office of the County Recorder of the County of Contra Costa, State of California on January 19, 2016, as Document No. 20160009045, to which reference is hereby made and the provisions of which are hereby incorporated by this reference.

This Amendment No. 33 to Notice of Special Tax Lien amends the Notice of Special Tax Lien to add to the territory of the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services) (the "CFD"). The territory included in the existing CFD is set forth in the map of the CFD heretofore recorded as Document No. 15-234174 in the Office of the County Recorder of the County of Contra Costa, State of California on November 9, 2015, in Book 85 at Page 20 of Maps of Assessment and Community Facilities Districts, to which reference is hereby made. The territory to be added is set forth in that certain "Annexation Map No. 33 to Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services), County of Contra Costa, State of California," heretofore recorded at _____ on _____, 2022, in Book _____ at Page _____ of Maps of Assessment and Community Facilities Districts in the office of the County Recorder of the County of Contra Costa, State of California.

The rate, method of apportionment, and manner of collection of the authorized special tax, as supplemented with respect to the annexation of the territory described herein to the CFD, is set forth in Exhibit B hereto and hereby made a part hereof. The lien of the special tax is a continuing lien which shall secure the annual levy of the special tax and which shall continue in force and effect until the special tax obligation is permanently satisfied and canceled in

accordance with law or until the special tax ceases to be levied and a notice of cessation of special tax is recorded in accordance with Government Code Section 53330.5.

Notice is further given that upon the recording of this notice in the office of the county recorder, the obligation to pay the special tax levy shall become a lien upon all nonexempt real property with in the territory to be added to the CFD in accordance with Section 3115.5 of the Streets and Highways Code.

The assessor's tax parcel(s) numbers of all parcels or any portion thereof which are included in this Amendment No. 33 to Notice of Special Tax Lien, together with the name(s) of the owner(s) thereof, as they appear on the latest secured assessment roll as of the date of recording hereof or as are otherwise known to the City are as set forth in Exhibit A hereto and hereby made a part hereof.

For further information concerning the current and estimated future tax liability of owners or purchasers of real property subject to this special tax lien, interested persons should contact the Finance Director of the City of Oakley, City Hall, 3231 Main Street, Oakley, California 94561, telephone number (925) 625-7000.

Dated: As of _____, 2022

By: _____
Libby Vreonis, City Clerk,
City of Oakley

EXHIBIT	Parcel Description	Name(s) of Property Owner(s)	A
CITY OF	Parcel A of Lot Line Adjustment for 5301 Elm Lane, Oakley, CA dated January 14, 2022 (LLA 21-03).	ELM LANE OAKLEY, L.P.	

OAKLEY
Community Facilities District No. 2015-2
(Parks, Streetlight, Landscape and Stormwater Services)

Annexation No. 33 – Tax Zone No. 30

PARCEL DESCRIPTION AND OWNER OF LAND WITHIN ANNEXATION NO. 33 – TAX ZONE NO. 30

EXHIBIT B

CITY OF OAKLEY
Community Facilities District No. 2015-2
(Parks, Streetlight, Landscape and Stormwater Services)

SUPPLEMENT TO THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX – TAX ZONE NO. 30

Special Taxes in the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services) (the "CFD" or "CFD No. 2015-2") shall be levied and collected according to the tax liability determined by the Administrator through the application of the appropriate amount or rate for Taxable Property, as described below. All the property in CFD No. 2015-2, unless exempted by law or by the provisions of Section E herein, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 2015-2, unless a separate Rate and Method of Apportionment of Special Tax is adopted for such annexation area.

Property annexed to City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services) pursuant to Annexation No. 33 will be annexed to Tax Zone No. 30 per the Supplement to the Rate and Method of Apportionment of Special Tax shown below.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Accessory Unit" means a second residential unit of reduced size (e.g., granny cottage, etc.) that shares a Parcel with a Residential Unit.

"Acre" or **"Acreage"** means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Map or other recorded County parcel map.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 (commencing with Section 53311), Division 2, of Title 5 of the Government Code of the State of California.

"Administrative Expenses" means the following actual or reasonably estimated costs directly related to the administration of CFD No. 2015-2: the costs of computing the Special Tax and preparing the annual Special Tax collection schedules (whether by the City or any designee thereof or both); the costs of collecting the Special

Taxes; the costs to the City, CFD No. 2015-2, or any designee thereof of complying with disclosure requirements associated with the Act; the costs associated with preparing Special Tax disclosure statements and responding to public inquiries, protests, or appeals regarding the Special Taxes; and the City's annual administration fees and third party expenses. Administrative Expenses shall also include amounts estimated or advanced by the City or CFD No. 2015-2 for any other administrative purposes of CFD No. 2015-2, including attorney's fees, costs associated with annexations to CFD No. 2015-2, and other costs related to commencing and pursuing to completion any foreclosure of delinquent Special Taxes.

"Administrator" means an official of the City, or any designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Tax.

"Assessor's Parcel" or **"Parcel"** means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's Parcel Number.

"Assessor's Parcel Map" means an official map of the County Assessor designating parcels by Assessor's Parcel Number.

"Assessor's Parcel Number" or **"APN"** means a unique number assigned to an Assessor's Parcel by the County Assessor for purposes of identifying a property.

"Authorized Services" means the public services authorized to be funded by CFD No. 2015-2 as set forth in the documents adopted by the Council when CFD No. 2015-2 was formed.

"Building Permit" means a building permit issued by the City and having a building structure improvement valuation over $50,000. Building Permits for the construction of ancillary structures such as fences, swimming pools, retaining walls, etc. are excluded.

"**CFD" or "CFD No. 2015-2"** means the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services).

"City" means the City of Oakley.

"City Landscape Maintenance Standards" means the then applicable landscape maintenance standards or then applicable level of service for then applicable landscape maintenance contracts executed by the City that are in effect and relate to similar landscaping improvements.

"City Manager" means the City Manager of the City of Oakley.

"Commercial Unit" means an individual building structure for commercial uses as defined per the County Assessor (e.g., grocery stores, shopping centers, motel, hotel, service stations, and offices).

"Condominium Parcel" means a Parcel designated by the County Assessor as having a condominium, townhome, cluster home and co-op land use.

"Council" means the City Council of the City of Oakley, acting as the legislative body for CFD No. 2015-2.

"County" means the County of Contra Costa.

"County Assessor" means the Contra Costa County Assessor.

"County Land Use Code" means the land use code assigned to an Assessor's Parcel as indicated in the records of the County Assessor.

"Developed Property" means, in any Fiscal Year, all Parcels of Taxable Property for which a Building Permit was issued by the City for construction of a residential structure or a non-residential structure on or prior to June 30 of the preceding Fiscal Year. In the absence of a Building Permit, any Parcel of Taxable Property shall be classified as "Developed Property" if it has been occupied by a user as determined by the Administrator on or prior to June 30 of the preceding Fiscal Year.

"Final Map" or "Parcel Map" means a final map approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410, *et seq.*) that creates individual lots on which a Building Permit can be issued for construction of Residential Units without further subdivision of the lots.

"Fiscal Year" means the period starting on July 1 and ending on the following June 30.

"Industrial" means an individual building structure for industrial uses as defined per the County Assessor (e.g., research and development, mini-warehouse, etc.).

"Institutional" means an individual building structure for institutional uses as defined per the County Assessor (e.g., churches, hospitals, assisted living, schools, etc.).

"Land Use Classification" means the current or intended use of a Taxable Parcel as determined by the Taxable Parcel's County Land Use Code.

"Maximum Special Tax" means, for each Special Tax Component, the maximum Special Tax, determined in accordance with Section C herein, which can be levied in any Fiscal Year.

"Mixed Use Parcel" means a Parcel designated by the County Assessor as having a multiple land uses such as residential land uses and commercial land uses, or multi-family land uses and commercial land uses.

"Multi-Family Parcel" means a Parcel designated by the County Assessor as having a multi-family residential land uses which includes duplexes, triplexes, fourplexes and apartments.

"Non-Residential Parcel" means for each Fiscal Year, all Assessor Parcels designated by the County Assessor with a County Land Use Code of Commercial, Industrial, or Institutional. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign a Land Use Classification to the Taxable Parcel described in Section C below.

"Non-Residential Parcel – In Compliance" this definition only applies for the purpose of calculating the annual neighborhood parks and landscaping maintenance tax component and means for each Fiscal Year, an Assessor Parcel designated by the County Assessor with a County Land Use Code of Commercial, Industrial, or Institutional for which the Property Owner of the Commercial, Industrial, or Institutional Parcel has notified the City in writing by the preceding February 1st that it will maintain its parcel's frontage landscaping during the immediate following fiscal year and the City Manager or his/her designee has determined that the Property Owner has maintained its Parcel's frontage landscaping in previous Fiscal Years to City Landscape Maintenance Standards. In addition, in order for any Commercial, Industrial, or Institutional Parcel within a Tax Zone of CFD No. 2015-2 to be defined as a Non-Residential Parcel – In Compliance, all Non-Residential Parcels within the Tax Zone must also be defined as Non-Residential Parcel – In Compliance.

"Non-Residential Parcel – Out of Compliance" this definition only applies for the purpose of calculating the annual neighborhood parks and landscaping maintenance tax component and means for each Fiscal Year, an Assessor Parcel designated by the County Assessor with a County Land Use Code of Commercial, Industrial, or Institutional for which the Property Owner of the Non-Residential Parcel has not notified the City in writing by the preceding February 1st that it will maintain its parcel's frontage landscaping during the immediate following fiscal year or the City Manager or his/her designee has determined that the Property Owner has not maintained its Parcel's frontage landscaping in previous Fiscal Years to City Landscape Maintenance Standards. In addition, if any Non-Residential Parcel within a Tax Zone of CFD No. 2015-2 is defined as a Non-Residential Parcel – Out of Compliance, then all Non-Residential Parcels within the Tax Zone must also be defined as Non-Residential Parcel – Out of Compliance.

“Property Owner” means the Property Owner of record per current County Assessor records unless more current information is available such as recorded deed of sale, etc.

“Proportionately” means, for Developed Property, that the ratio of the actual annual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor’s Parcels of Developed Property. For Undeveloped Property, “Proportionately” means that the ratio of the actual annual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor’s Parcels of Undeveloped Property.

“Public Property” means, for each Fiscal Year: (i) any property within the boundaries of CFD No. 2015-2 that is owned by or irrevocably offered for dedication to the federal government, the State of California, the City or any other public agency; provided, however, that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act (as such section may be amended or replaced) shall be taxed and classified in accordance with its use; or (ii) any property within the boundaries of CFD No. 2015-2 that is encumbered by an unmanned utility easement making impractical its utilization for other than the purpose set forth in the easement.

“Residential Unit” means an individual building structure for residential or multi-family residential uses as defined per the County Assessor. An Accessory Unit that shares a Parcel with a Residential Unit shall not be considered a separate Residential Unit for purposes of this RMA.

“RMA” means this Rate and Method of Apportionment of Special Tax.

"Single-Family Parcel" means a Parcel designated by the County Assessor as having a single-family residential land use. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign a Land Use Classification to the Taxable Parcel described in Section C below.

“Special Tax” means any tax levied within CFD No. 2015-2 to pay the Special Tax Requirement, and includes each Special Tax Component.

“Special Tax Component” means one of the following components of the Special Tax: Community Park Maintenance Tax, Streetlighting Maintenance Tax, Neighborhood Parks and Landscape Maintenance Tax, or Stormwater Maintenance Tax.

“Special Tax Requirement” means, for each Special Tax Component, the amount of revenue needed in any Fiscal Year to pay for the following: (i) Authorized Services related to the Special Tax Component; (ii) Administrative Expenses attributable

to the Special Tax Component; and (iii) amounts needed to cover any delinquencies in the payment of the Special Tax Component which occurred in the previous Fiscal Year or, based on delinquency rates in prior years, may be expected to occur in the Fiscal Year in which the Special Tax will be collected.

"Taxable Property" or "Taxable Parcels" means all Assessors' Parcels within the boundaries of CFD No. 2015-2 that are not exempt from the Special Tax pursuant to law or Section E herein.

"Tax Zone" means a mutually exclusive geographic area within which the Special Tax may be levied pursuant to this RMA. All the property within CFD No. 2015-2 at the time of CFD Formation is within Tax Zone 1. Additional Tax Zones may be created when property is annexed to CFD No. 2015-2, and a separate Maximum Special Tax shall be identified for property within the new Tax Zone at the time of such annexation. The Assessor's Parcels included within a new Tax Zone established when such Parcels are annexed to CFD No. 2015-2 shall be identified by Assessor's Parcel Number in the Unanimous Approval Form that is signed by the owner(s) of the Parcels at the time of annexation.

"Unanimous Approval Form" means that form executed by the record owner of fee title to a Parcel or Parcels annexed into CFD No. 2015-2 that constitutes the property owner's approval and unanimous vote in favor of annexing into CFD No. 2015-2, the levy of the Special Tax against his/her Parcel or Parcels pursuant to this RMA.

"Undeveloped Property" means, in any Fiscal Year, all Parcels of Taxable Property in CFD No. 2015-2 that are not classified as Developed Property.

B. DATA FOR ANNUAL TAX LEVY

Each Fiscal Year, the Administrator shall identify the current Assessor's Parcel Numbers for all Parcels of Taxable Property within CFD No. 2015-2. The Administrator shall also determine: (i) whether each Assessor's Parcel of Taxable Property is Developed Property or Undeveloped Property, and (ii) the Special Tax Requirement for each Special Tax Component for the then-current Fiscal Year. Each Special Tax Component shall be levied only to pay for the related Special Tax Requirement.

In any Fiscal Year, if it is determined that (i) a Final Map or Parcel Map for a portion of property in CFD No. 2015-2 was recorded after the last date upon which the County Assessor will incorporate the newly-created Parcels into the then current tax roll, (ii) because of the date the Final Map or Parcel Map was recorded, the County Assessor does not yet recognize the new Parcels that will be created by the Final Map or Parcel Map, and (iii) one or more of the newly-created Parcels would meet the definition of Developed Property, the Administrator shall calculate the Special Tax for the property affected by recordation of the Final Map or Parcel Map by determining the Special Tax that applies separately to each new Parcel that will be created by that Final

Map or Parcel Map, then applying the sum of the individual Special Taxes to the Parcel that was subdivided by recordation of the Final Map or Parcel Map.

C. MAXIMUM SPECIAL TAXES

1. Developed Property - The Fiscal Year 2022-23 Maximum Special Tax for each Special Tax Component for all Parcels of Developed Property shall be as shown in Table 1 below:

Table 1: Developed Property

Special Tax Component	Land Use Classification	FY 2022-23 Maximum Tax
Regional Park Maintenance Tax	Single-Family Parcel	$157.30 per Parcel
Regional Park Maintenance Tax	Condominium Parcel	$117.97 per Parcel
Regional Park Maintenance Tax	Multi-Family Parcel	$78.65 per Unit
Regional Park Maintenance Tax	Non-Residential Parcel	$471.90 per Acre
Community Parks Maintenance Tax	Single-Family Parcel	$347.37 per Parcel
Community Parks Maintenance Tax	Condominium Parcel	$260.52 per Parcel
Community Parks Maintenance Tax	Multi-Family Parcel	$173.69 per Unit
Community Parks Maintenance Tax	Non-Residential Parcel	$1,042.10 per Acre
Streetlighting Maintenance Tax	Single-Family Parcel	$68.58 per Parcel
Streetlighting Maintenance Tax	Condominium Parcel	$51.44 per Parcel
Streetlighting Maintenance Tax	Multi-Family Parcel	$34.30 per Unit
Streetlighting Maintenance Tax	Non-Residential Parcel	$205.75 per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Single-Family Parcel	$0.00 per Parcel
Neighborhood Parks & Landscaping Maintenance Tax	Condominium Parcel	$0.00 per Parcel
Neighborhood Parks & Landscaping Maintenance Tax	Multi-Family Parcel	$0.00 per Unit
Neighborhood Parks & Landscaping Maintenance Tax	Non-Residential Parcel - In Compliance	$0.00 per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Non-Residential Parcel - Out of Compliance	$0.00 per Acre
Stormwater/Water Quality Maintenance Tax	Single-Family Parcel	$10.00 per Parcel
Stormwater/Water Quality Maintenance Tax	Condominium Parcel	$7.50 per Parcel
Stormwater/Water Quality Maintenance Tax	Multi-Family Parcel	$5.00 per Unit
Stormwater/Water Quality Maintenance Tax	Non-Residential Parcel	$132.19 per Acre

Mixed Use Parcels will have their Maximum Tax calculated each Fiscal Year based upon their combined uses on the Parcel. For example, if a one-acre parcel has commercial on the ground floor and 50 condominiums on the second floor the property owner will be charged the Non-Residential Parcel rate for one acre and the Condominium Parcel Rate for the 50 condominiums.

2. Undeveloped Property - The Fiscal Year 2022-23 Maximum Special Tax for each Special Tax Component for all Parcels of Undeveloped Property shall be as shown in Table 2 below:

Table 2: Undeveloped Property		
Special Tax Component	**Land Use Classification**	**FY 2022-23 Maximum Tax**
Regional Park Maintenance Tax	Single-Family Parcel	$471.90 per Acre
Regional Park Maintenance Tax	Condominium Parcel	$353.92 per Acre
Regional Park Maintenance Tax	Multi-Family Parcel	$235.95 per Acre
Regional Park Maintenance Tax	Non-Residential Parcel	$235.95 per Acre
Community Parks Maintenance Tax	Single-Family Parcel	$1,042.10 per Acre
Community Parks Maintenance Tax	Condominium Parcel	$781.58 per Acre
Community Parks Maintenance Tax	Multi-Family Parcel	$521.06 per Acre
Community Parks Maintenance Tax	Non-Residential Parcel	$521.06 per Acre
Streetlighting Maintenance Tax	Single-Family Parcel	$205.75 per Acre
Streetlighting Maintenance Tax	Condominium Parcel	$154.31 per Acre
Streetlighting Maintenance Tax	Multi-Family Parcel	$102.88 per Acre
Streetlighting Maintenance Tax	Non-Residential Parcel	$102.88 per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Single-Family Parcel	$0.00 per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Condominium Parcel	$0.00 per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Multi-Family Parcel	$0.00 per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Non-Residential Parcel - In Compliance	$0.00 per Acre
Neighborhood Parks & Landscaping Maintenance Tax	Non-Residential Parcel - Out of Compliance	$0.00 per Acre
Stormwater/Water Quality Maintenance Tax	Single-Family Parcel	$132.19 per Acre
Stormwater/Water Quality Maintenance Tax	Condominium Parcel	$132.19 per Acre
Stormwater/Water Quality Maintenance Tax	Multi-Family Parcel	$132.19 per Acre
Stormwater/Water Quality Maintenance Tax	Non-Residential Parcel	$132.19 per Acre

3. Escalation of Maximum Special Tax

On July 1, 2023, and each July 1 thereafter, the Maximum Special Tax for each Special Tax Component for the current Fiscal Year for Developed Property and Undeveloped Property shall be increased from the Maximum Special Tax for the respective Special Tax Component for the previous Fiscal Year by Consumer Price Index – All Urban Consumers (San Francisco-Oakland-San Jose, CA) (from February) with a minimum annual increase of three (3.00%) percent and a maximum annual increase of five (5.00%) percent for any given year.

D. METHOD OF LEVY AND COLLECTION OF SPECIAL TAXES

Each Fiscal Year, the Administrator shall determine the Special Tax Requirement for each Special Tax Component for that Fiscal Year and levy each Special Tax Component on all Parcels of Taxable Property as follows:

Step 1: Each Special Tax Component shall be levied Proportionately on each Parcel of Developed Property up to 100% of the Maximum Special Tax for each Parcel of Developed Property for such Fiscal Year until the amount levied is equal to the Special Tax Requirement for such Special Tax Component;

Step 2: If additional revenue is needed after Step 1, each Special Tax Component shall be levied Proportionately on each Parcel of Undeveloped Property up to 100% of the Maximum Special Tax for each Parcel of Undeveloped Property for such Fiscal Year until the amount levied, when combined with the amount of the Special Tax Component levied pursuant to Step 1, is equal to the Special Tax Requirement for such Special Tax Component.

The Special Tax for CFD No. 2015-2 shall be collected at the same time and in the same manner as ordinary ad valorem property taxes provided, however, that the City may (under the authority of Government Code Section 53340) collect Special Taxes at a different time or in a different manner if necessary to meet the financial obligations of CFD No. 2015-2, and the Special Tax shall be subject to foreclosure if delinquent regardless of the manner in which it was collected.

E. EXEMPTIONS

No Special Tax shall be levied on Parcels of Public Property or any privately-owned Parcels that are non-developable, such as common areas, wetlands, and open space, parks, etc. except as otherwise provided in this RMA and in the Act.

F. INTERPRETATION OF SPECIAL TAX FORMULA

The City reserves the right to make minor administrative and technical changes to this document that does not materially affect the rate and method of apportioning Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. Interpretations may be made by the City through a resolution of the Council for purposes of clarifying any vagueness or ambiguity in this RMA.

G. TERM OF THE SPECIAL TAX

The Special Tax shall be levied in perpetuity as necessary to pay the Special Tax Requirement.

H. REPEAL OF THE SPECIAL TAX

CFD No. 2015-2 was established to levy the Special Tax to finance the Authorized Services as a condition of the entitlement to develop the Developed Property in CFD No. 2015-2. If the levy of the Special Tax is repealed by initiative or any other action participated in by the owners of Parcels in CFD No. 2015-2, the City shall cease to levy the Special Tax and shall cease to be obligated to provide the Authorized Services for which the Special Tax was levied.

I. SEVERABILITY

The invalidity or unenforceability of any provisions of this Rate and Method of Apportionment of Special Tax shall not affect the validity or enforceability of any other provision of this Rate and Method of Apportionment of Special Tax, which shall remain in full force and effect.

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: September 13, 2022

TO: Joshua McMurray, City Manager *Approved and Forwarded to the City Council*

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

SUBJECT: Ratify Election: Adopt Ordinance No. 07-22 Authorizing the Levy of a Special Tax on Parcels of Land within Tax Area Zone 184 within the Oakley Special Police Tax Area for Police Protection Services for the Wendy's project located approximately 295 feet east of the northeast intersection of Bridgehead Road and Main Street (APN 037-040-021)

Background and Analysis

On February 8, 2022, the City Council adopted a resolution with certain Conditions of Approval approving the Design Review (DR 05-21) and Conditional Use Permit (CUP 2-21) for the Wendy's project. The proposed 0.76-acre project consists of one 2,331 square-foot restaurant including dine in and drive-through service with associated parking, lighting, and landscaping improvements. The Wendy's project, located approximately 295 feet east of the northeast intersection of Bridgehead Road and Main Street, is comprised of APN 037-040-021.

The Conditions of Approval for the Wendy's project require the property owner to mitigate the financial impact that their project has on the City's police services budget. The City of Oakley previously formed the Oakley Special Police Tax Area District that authorizes the levy of an annual special tax on parcels to mitigate their financial impact to the City's police services budget. The property owner for the Wendy's project has requested that the City assist with annexing the project (APN 037-040-021) into the Oakley Special Police Tax Area to satisfy their Conditions of Approval.

On July 12, 2022, the City Council introduced Ordinance No. 07-22 which would authorize a special tax for police services within Zone 184 subject to property owner voter approval. On August 12, 2022, the City Clerk conducted the property owner election. There was one (1) ballot issued to the property owner representing the Wendy's project (APN 037-040-021). The City Clerk tabulated the property owner ballot and the property owner was in favor of annexing into the Oakley Special Police Tax Area as Zone 184.

Consistency with the Oakley Strategic Plan 27+

This item is consistent with the Strategic Plan 27+ Park and Open Space and Finance and Fiscal Responsibility section goals.

Fiscal Impact

There will be no financial impact to the City's General Fund. The applicant has funded all costs associated with the annexation of Zone 184 to the Oakley Special Police Tax Area. The FY 2022-23 special tax rate for "Drive-in Restaurants" parcels is $1,846.10/parcel (FY 2022-23 rates). Therefore, successful creation of the Zone is expected to provide up to $1,846.10 (in FY 2022-23 dollars) in revenue annually at build-out. The taxes can be collected on the property tax rolls commencing in FY 2023-24.

Recommended Action

Staff recommends that the City Council ratify the election and adopt Ordinance No. 07-22 authorizing the levy of a special tax on parcels of land within Tax Area Zone 184 within the Oakley Special Police Tax Area for Police Protection Services for the Wendy's project located approximately 295 feet east of the northeast intersection of Bridgehead Road and Main Street (APN 037-040-021).

Attachments

1) One (1) Signed Ballot
2) Ordinance No. 07-22
    a. Exhibit A – Boundary Map for Police Tax Area Zone 184
    b. Exhibit B – Tax Rate Schedule for Fiscal Year 2022-23

SPECIAL POLICE TAX AREA BALLOT
CREATING ZONE 184 FOR THE WENDY'S PROJECT
LOCATED APPROXIMATELY 295 FEET EAST OF THE NORTHEAST INTERSECTION OF BRIDGEHEAD ROAD AND MAIN STREET

Parcel Description: Assessor Parcel Number 037-040-021

Record Owner: DHILLON PIRTHIPAL SINGH TRE

Property Address: Main Street

Shall Ordinance No. 07-22 of the City Council of the City of Oakley be approved so as to authorize a special tax on property located in Zone 184 of the Oakley Special Police Tax Area to maintain the present level of police protection service and provide additional funding for increased police protection service? The initial annual special tax rate for County use code 46 (Drive-in Restaurants) is $1,846.10 per parcel and $615.37 per vacant parcel per the current FY 2022-23 rate schedule. I also acknowledge that the tax rate can be adjusted annually as described in Ordinance No. 07-22.

X Yes, Ordinance No. 07-22 shall be approved.

_____ No, Ordinance No. 07-22 shall not be approved.

Signature of Authorized Representative for
DHILLON PIRTHIPAL SINGH TRE

Pirthipal Singh Dhillon
Printed Name

Owner
Title

ORDINANCE NO. 07-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY ESTABLISHING OAKLEY SPECIAL POLICE TAX AREA ZONE 184 WITHIN THE OAKLEY SPECIAL POLICE TAX AREA FOR A SPECIAL TAX FOR POLICE PROTECTION SERVICES FOR THE WENDY'S PROJECT LOCATED APPROXIMATELY 295 FEET EAST OF THE INTERSECTION OF BRIDGEHEAD ROAD AND MAIN STREET (APN 037-040-021)

The Voters of the City of Oakley do ordain as follows:

Section 1. Purpose, Intent and Authority.

It is the purpose and intent of this Ordinance to authorize the levy of a special tax on Assessor Parcel Number 037-040-021 of real property on the secured property tax roll of Contra Costa County that is within Oakley Special Police Tax Area Zone 184 of the Oakley Special Police Tax Area in order to provide funding for police protection to serve the property and persons within said Zone.

This Tax is a special tax within the meaning of Section 4 of the Article XIIIA of the California Constitution. Because the burden of this tax falls upon property, this tax also is a property tax, but this tax is not determined according to nor in any manner based upon the value of property; this tax is levied on a parcel and use of property basis. Insofar as not inconsistent with this Ordinance or with legislation authorizing special taxes and insofar as applicable to a property tax that is not based on value, such provisions of the California Revenue and Taxation Code and of Article XIII of the California Constitution as relate to ad valorem property taxes are intended to apply to the collection and administration of this tax (Section 4 of this Ordinance), as authorized by law.

The revenues raised by this tax are to be used solely for the purposes of obtaining, furnishing, operating, and maintaining police protection equipment or apparatus, for paying the salaries and benefits of police protection personnel, and for such other police protection service expenses as are deemed necessary for the benefit of the residents of Zone 184.

This Ordinance is enacted pursuant to the authority of Government Code Section 53978.

Section 2. Definitions.

The following definitions shall apply throughout this Ordinance.

A. "Constant first year dollars" shall mean an actual dollar amount which, in years subsequent to the first fiscal year the tax is levied, shall have the same purchasing price as the base amount in first fiscal year dollars as measured by the actual cost of services for the City of Oakley's cost of obtaining police services. The base amount shall be the

amount of tax per parcel as specified in Section 3.A herein. The adjustments from actual to constant dollars shall be made by use of the actual cost of services, as specified in Section 3.B herein.

B. "Fiscal year" means the period of July 1 through the following June 30.

C. "Oakley Special Police Tax Area" includes all properties within the jurisdictional limits of the City of Oakley.

D. Oakley Special Police Tax Area Zone 184 (hereinafter called "Zone") means that portion of the incorporated area of the City of Oakley located within the boundaries as shown on the map Exhibit A hereto.

E. "Parcel" means the land and any improvements thereon, designated by an assessor's parcel map and parcel number and carried on the secured property tax roll of Contra Costa County. For the purposes of this Ordinance, parcel does not include any land or improvements outside the boundaries of Zone 184, nor any land or improvements owned by any governmental entity.

F. Pursuant to Government Code §53978, "voter" means a person owning real property within the Zone at the time this Ordinance was adopted, as shown on the last equalized assessment role prepared by the Contra Costa County Assessor's Office.

Section 3. Amount and Level of Taxes.

The tax per year on each parcel in the Zone shall not exceed the amount applicable to the parcel, as specified below.

A. For First Fiscal Year:

The tax per year for the first fiscal year (July 1, 2022 through June 30, 2023) shall be the amount of Tax Per Parcel for a Property Use Code Category as set forth on Exhibit B hereto. If any new development, including new residential units, is completed prior to the tax being effective for the first fiscal year, the owner of the Parcel, as shown on the latest assessment roll, shall pay the tax for the remainder of such fiscal year on a pro-rated basis to the City, no later than receipt of Certificate of Occupancy or final building permit inspection.

B. For Subsequent Fiscal Year:

The tax rates shown in Exhibit B shall be automatically adjusted on July 1 of each year, beginning on July 1, 2023 by the increase in the Consumer Price Index for all Urban Consumers for the San Francisco-Oakland Bay Area and applying that rate to the prior year amounts for each property use code category. However, the City Council reserves the right to itself the opportunity to adjust the rate in the following year if the CPI adjustment is insufficient to reimburse the City for the costs of providing levels of police services as approved by the City Council.

In no event shall the tax per parcel for any fiscal year be less than the amount established for the previous fiscal year.

C. The taxes levied on each parcel pursuant to this Article shall be a charge upon the parcel and shall be due and collectible as set forth in Section 4, below.

Section 4. Collection and Administration.

A. Taxes as Liens Against the Property.

The amount of taxes for each parcel each year shall constitute a lien on such property, in accordance with Revenue and Taxation Code Section 2187, and shall have the same effect as an ad valorem real property tax lien until fully paid.

B. Collection.

The taxes on each parcel shall be billed on the secured roll tax bills for ad valorem property taxes and are to be collected in the same manner in which the County of Contra Costa collects secured roll ad valorem property taxes. Insofar as feasible and insofar as not inconsistent with this Ordinance, the times and procedure regarding exceptions, due dates, installment payments, corrections, cancellations, refunds, late payments, penalties, liens, and collections for secured roll ad valorem property taxes shall be applicable to the collection of this tax. Notwithstanding anything to the contrary in the foregoing, as to this tax:

i) The secured roll tax bills shall be the only notices required for this tax, and
ii) The homeowners and veterans exemptions shall not be applicable because such exemptions are determined by dollar amount of value.

C. Costs of Administration by County.

The reasonable costs incurred by the County officers collecting and administering this tax shall be deducted from the collected taxes.

Section 5. Severability Clause.

If any article, section, subsection, sentence, phrase or clause of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The voters of the Zone hereby declare that they would have adopted the remainder of this Ordinance, including each article, section, subsection, sentenced phrase or clause, irrespective of the invalidity of any other article, section, subsection, sentence, phrase or clause.

Section 6. Effective Date and Posting.

This Ordinance shall take effect immediately upon its confirmation by two-thirds of the voters voting within the Zone in an election to be held on August 12, 2022, so that taxes shall first be collected hereunder for the tax year beginning July 1, 2023. If not confirmed by two-thirds of the voters participating in the election, this Ordinance and the tax approved herein shall not become effective.

PASSED, APPROVED AND ADOPTED this 13th day of September, 2022 by the following vote:

AYES:
NOES:
ABSTENTION:
ABSENT:

APPROVED:

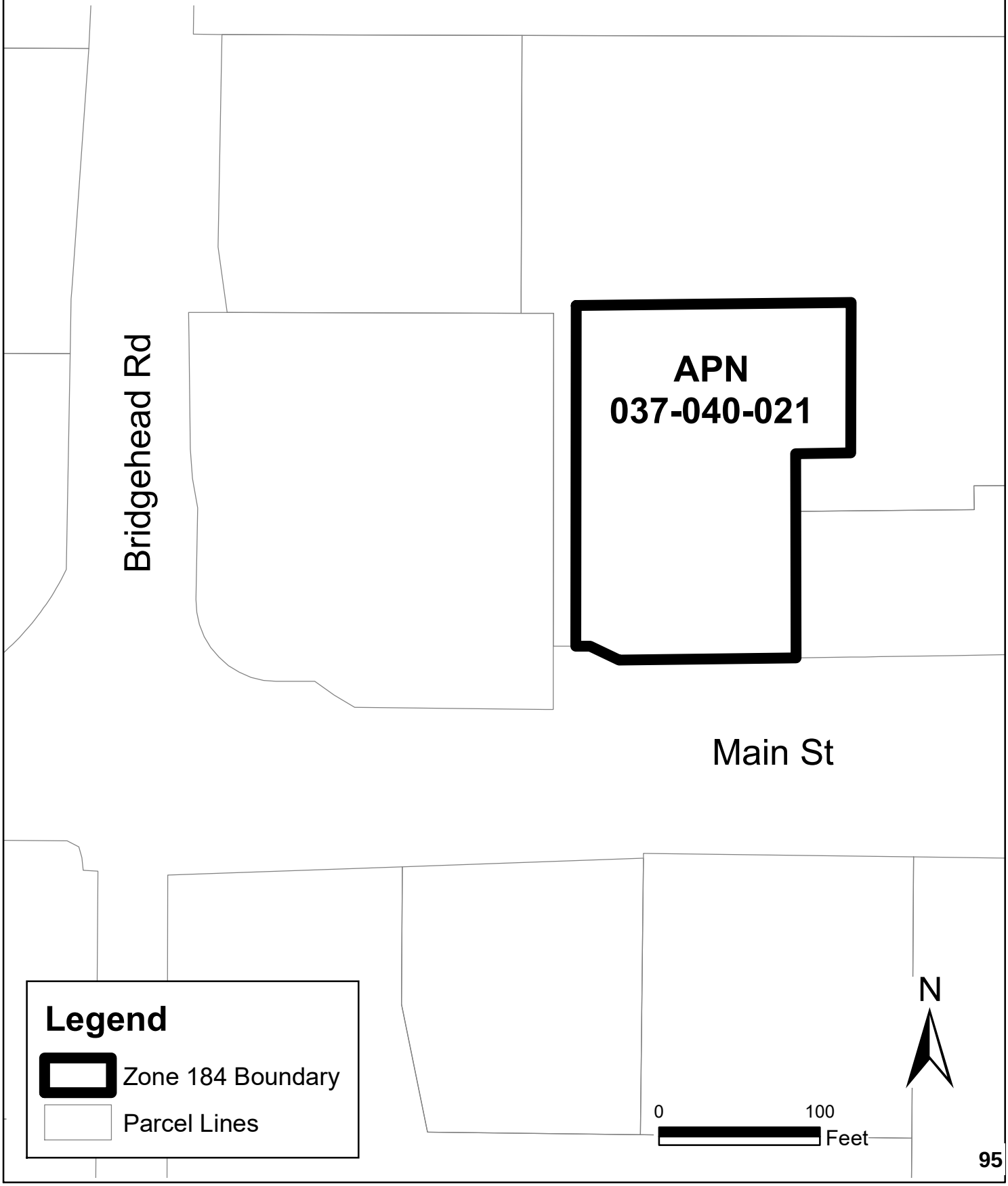
_____
Randy Pope, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date

EXHIBIT A - BOUNDARY MAP
CITY OF OAKLEY SPECIAL POLICE TAX AREA ZONE 184
CITY OF OAKLEY
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA



CITY OF OAKLEY SCHEDULE FOR POLICE SERVICE TAX
FOR FISCAL YEAR 2022/2023

PROPERTY USE CODE CATEGORY	DESCRIPTION	FY21/22 TAX PER PARCEL	FY22/23 TAX PER PARCEL
11	Single Family Residence – 1res., 1 site	$1,172.12	$1,230.73
12	Single Family Residence – 1 res., 2 or more sites	$1,172.12	$1,230.73
13	Single Family Residence – 2 res., on 1 or more sites	$1,875.39	$1,969.17
14	Single Family Residence – other than single fam. Land	$1,172.12	$1,230.73
15	Misc. Improvements – 1 site	$1,172.12	$1,230.73
16	Misc. Improvements – 2 or more sites	$1,172.12	$1,230.73
17	Vacant – 1 site	$586.06	$615.37
18	Vacant – 2 or more sites	$586.06	$615.37
19	Single Family Residence – Det. W/common area	$1,172.12	$1,230.73
20	Vacant – Multiple	$586.06	$615.37
21	Duplex	$1,875.39	$1,969.17
22	Triplex	$2,813.09	$2,953.75
23	Fourplex	$3,750.78	$3,938.34
24	Combinations	$1,172.12	$1,230.73
25	Apartments (5 –12 Units)	$4,688.48	$4,922.92
26	Apartments (13 – 24 Units)	$12,190.05	$12,799.59
27	Apartments (25 – 59 Units)	$23,442.40	$24,614.60
28	Apartments (60+ units)	$56,261.76	$59,075.04
29	Attached PUDs: Cluster Homes, Condos, etc.	$1,172.12	$1,230.73
30	Vacant – Commercial	$586.06	$615.37
31	Commercial Stores – Not Supermarkets	$2,344.24	$2,461.46
32	Small Grocery Stores – (7-11, etc.)	$3,516.36	$3,692.19
33	Office Buildings	$2,344.24	$2,461.46
34	Medical, Dental	$2,344.24	$2,461.46
35	Service Stations, Car Wash	$2,344.24	$2,461.46
36	Garages	$2,344.24	$2,461.46
37	Community Facilities (Recreational, etc.)	$4,688.48	$4,922.92
38	Golf Courses	$2,344.24	$2,461.46
39	Bowling Alleys	$1,172.12	$1,230.73
40	Boat Harbors	$2,930.30	$3,076.83
41	Supermarkets – (not shopping centers)	$3,516.36	$3,692.19
42	Shopping Centers	$4,688.48	$4,922.92
43	Financial Buildings – (Ins., Title, Banks, S&L)	$1,172.12	$1,230.73
44	Motels, Hotels & Mobile Home Parks	$5,860.60	$6,153.65
45	Theaters	$2,637.27	$2,769.14
46	Drive-in Restaurants	$1,758.18	$1,846.10
47	Restaurants	$1,758.18	$1,846.10
48	Multiple & Commercial	$1,758.18	$1,846.10
49	New Car Agencies	$1,758.18	$1,846.10
50	Vacant Land (not part of Ind. Park or P. & D.)	$439.55	$461.52
51	Industrial Park	$3,516.36	$3,692.19
52	Research & Development	$1,758.18	$1,846.10
53	Light Industrial	$1,758.18	$1,846.10
54	Heavy Industrial	$1,758.18	$1,846.10
55	Mini Warehouses (public storage)	$3,516.36	$3,692.19
56	Misc. Improvements	$3,516.36	$3,692.19
61	Rural, Res., Improvement 1A-10A	$879.09	$923.05
62	Rural, w/or w/o structure 1A-10A	$879.09	$923.05
70	Convalescent Hospitals / Rest Homes	$1,758.18	$1,846.10
73	Hospitals	$1,758.18	$1,846.10
74	Cemeteries / Mortuaries	$1,758.18	$1,846.10
75	Fraternal & Service Organizations	$1,758.18	$1,846.10
76	Retirement Housing Complex	$5,860.60	$6,153.65
78	Parks & Playgrounds	$3,516.36	$3,692.19
85	Public & Private Parking	$1,758.18	$1,846.10
87	Common Area	$1,758.18	$1,846.10
88	Mobile Homes	$879.09	$923.05
89	Other (split parcels in different tax code areas)	$879.09	$923.05
99	Homeowner's Association Owned Common Areas	$703.27	$738.44

The tax rates shown in this schedule shall be automatically adjusted on July 1 of each year, beginning on July 1, 2016 by the increase in the Consumer Price Index for all Urban Consumers for the San Francisco-Oakland-Bay Area and applying that rate to the prior year amounts for each property use code category. However, the City Council reserves the right to itself the opportunity to adjust the rate in the following year if the CPI adjustment is insufficient to reimburse the City for the costs of providing levels of police services as approved by the City Council.

CALCULATION OF COST OF LIVING INCREASE	
Percent increase from FY 2021-22 in the San Francisco-Oakland-Bay Area Consumer Price Index for all Urban Consumers.	5.00%

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: September 13, 2022

TO: Joshua McMurray, City Manager *Approved and Forwarded to the City Council*

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

SUBJECT: Ratify Election: Adopt Ordinance No. 08-22 Authorizing the Levy of a Special Tax on Parcels of Land within Tax Area Zone 185 within the Oakley Special Police Tax Area for Police Protection Services for the Elm Lane Apartments project

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Background and Analysis

On June 10, 2021, the City Council approved a development plan with certain Conditions of Approval for the proposed project of a 170-unit affordable/workforce housing project. The proposed project consists of seven multi-family housing apartment buildings with associated parking, lighting, and landscaping as shown on the project plans dated April 22, 2021. The Elm Lane Apartments project, located between Elm Lane and Highway 160, is comprised of Parcel A of Lot Line Adjustment for 5301 Elm Lane, Oakley, CA dated January 14, 2022 (LLA 21-03).

The Conditions of Approval for the Elm Lane Apartments project require the property owner to mitigate the financial impact that their project has on the City's police services budget. The City of Oakley previously formed the Oakley Special Police Tax Area District that authorizes the levy of an annual special tax on parcels to mitigate their financial impact to the City's police services budget. The property owner for the Elm Lane Apartments project has requested that the City assist with annexing the project into the Oakley Special Police Tax Area to satisfy their Conditions of Approval.

On July 12, 2022, the City Council introduced Ordinance No. 08-22 which would authorize a special tax for police services within Zone 185 subject to property owner voter approval. On August 12, 2022, the City Clerk conducted the property owner election. There was one (1) ballot issued to the property owner representing Elm Lane Apartments. The City Clerk tabulated the property owner ballot and the property owner was in favor of annexing into the Oakley Special Police Tax Area as Zone 185.

Consistency with the Oakley Strategic Plan 27+

This item is consistent with the Strategic Plan 27+ Park and Open Space and Finance and Fiscal Responsibility section goals.

Fiscal Impact

There will be no financial impact to the City's General Fund. The applicant has funded all costs associated with the annexation of Zone 185 to the Oakley Special Police Tax Area. The FY 2022-23 special tax rate for Apartment (60+units) parcels is $59,075.04/parcel. (FY 2022-23 rates). Therefore, successful creation of the Zone is expected to provide up to $59,075.04 (in FY 2022-23 dollars) in revenue annually at build-out. The taxes can be collected on the property tax rolls commencing in FY 2023-24.

Recommended Action

Staff recommends that the City Council ratify the election and adopt Ordinance No. 08-22 authorizing the levy of a special tax on parcels of land within Tax Area Zone 185 within the Oakley Special Police Tax Area for Police Protection Services for the Elm Lane Apartments project located between Elm Lane and Highway 160.

Attachments

1) One (1) Signed Ballot
2) Ordinance No. 08-22
    a. Exhibit A – Boundary Map for Police Tax Area Zone 185
    b. Exhibit B – Tax Rate Schedule for Fiscal Year 2022-23

SPECIAL POLICE TAX AREA BALLOT
CREATING ZONE 185 FOR THE ELM LANE APARTMENTS PROJECT
LOCATED BETWEEN ELM LANE AND HIGHWAY 160

Parcel Description:	Parcel A of Lot Line Adjustment for 5301 Elm Lane, Oakley, CA dated January 14, 2022 (LLA 21-03)
Record Owner:	Elm Lane Oakley, L.P.
Address:	5301 Elm Lane

Shall Ordinance No. 08-22 of the City Council of the City of Oakley be approved so as to authorize a special tax on property located in Zone 185 of the Oakley Special Police Tax Area to maintain the present level of police protection service and provide additional funding for increased police protection service? The initial annual special tax rate for County use code 28 (Apartments (60+ Units)) is $59,075.04 per parcel and $615.37 per vacant parcel per the current FY 2022-23 rate schedule. I also acknowledge that the tax rate can be adjusted annually as described in Ordinance No. 08-22.

X Yes, Ordinance No. 08-22 shall be approved.

_____ No, Ordinance No. 08-22 shall not be approved.

Record Owner:
Elm Lane Oakley, L.P.
a California limited partnership

By: PacH Anton South Holdings, LLC,
a California limited liability company
its Managing General Partner

By: Pacific Housing, Inc.,
a California nonprofit public benefit corporation,
its Manager

By: _____
Mark A. Wiese
President

By: Anton-AMREV Oakley, LLC,
a California limited liability company
its Administrative General Partner

By: Anton DevCo, Inc.,
a California corporation,
its Manager

By: R- Green
Rachel Green
Director of Development Services

ORDINANCE NO. 08-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY ESTABLISHING OAKLEY SPECIAL POLICE TAX AREA ZONE 185 WITHIN THE OAKLEY SPECIAL POLICE TAX AREA FOR A SPECIAL TAX FOR POLICE PROTECTION SERVICES FOR THE ELM LANE APARTMENTS PROJECT LOCATED BETWEEN ELM LANE AND HIGHWAY 160

The Voters of the City of Oakley do ordain as follows:

Section 1. Purpose, Intent and Authority.

It is the purpose and intent of this Ordinance to authorize the levy of a special tax on Parcel A of Lot Line Adjustment for 5301 Elm Lane, Oakley, CA dated January 14, 2022, of real property on the secured property tax roll of Contra Costa County that is within Oakley Special Police Tax Area Zone 185 of the Oakley Special Police Tax Area in order to provide funding for police protection to serve the property and persons within said Zone.

This Tax is a special tax within the meaning of Section 4 of the Article XIIIA of the California Constitution. Because the burden of this tax falls upon property, this tax also is a property tax, but this tax is not determined according to nor in any manner based upon the value of property; this tax is levied on a parcel and use of property basis. Insofar as not inconsistent with this Ordinance or with legislation authorizing special taxes and insofar as applicable to a property tax that is not based on value, such provisions of the California Revenue and Taxation Code and of Article XIII of the California Constitution as relate to ad valorem property taxes are intended to apply to the collection and administration of this tax (Section 4 of this Ordinance), as authorized by law.

The revenues raised by this tax are to be used solely for the purposes of obtaining, furnishing, operating, and maintaining police protection equipment or apparatus, for paying the salaries and benefits of police protection personnel, and for such other police protection service expenses as are deemed necessary for the benefit of the residents of Zone 185.

This Ordinance is enacted pursuant to the authority of Government Code Section 53978.

Section 2. Definitions.

The following definitions shall apply throughout this Ordinance.

A. "Constant first year dollars" shall mean an actual dollar amount which, in years subsequent to the first fiscal year the tax is levied, shall have the same purchasing price as the base amount in first fiscal year dollars as measured by the actual cost of services

for the City of Oakley's cost of obtaining police services. The base amount shall be the amount of tax per parcel as specified in Section 3.A herein. The adjustments from actual to constant dollars shall be made by use of the actual cost of services, as specified in Section 3.B herein.

B. "Fiscal year" means the period of July 1 through the following June 30.

C. "Oakley Special Police Tax Area" includes all properties within the jurisdictional limits of the City of Oakley.

D. Oakley Special Police Tax Area Zone 185 (hereinafter called "Zone") means that portion of the incorporated area of the City of Oakley located within the boundaries as shown on the map Exhibit A hereto.

E. "Parcel" means the land and any improvements thereon, designated by an assessor's parcel map and parcel number and carried on the secured property tax roll of Contra Costa County. For the purposes of this Ordinance, parcel does not include any land or improvements outside the boundaries of Zone 185, nor any land or improvements owned by any governmental entity.

F. Pursuant to Government Code §53978, "voter" means a person owning real property within the Zone at the time this Ordinance was adopted, as shown on the last equalized assessment role prepared by the Contra Costa County Assessor's Office.

Section 3. Amount and Level of Taxes.

The tax per year on each parcel in the Zone shall not exceed the amount applicable to the parcel, as specified below.

A. For First Fiscal Year:

The tax per year for the first fiscal year (July 1, 2022 through June 30, 2023) shall be the amount of Tax Per Parcel for a Property Use Code Category as set forth on Exhibit B hereto. If any new development, including new residential units, is completed prior to the tax being effective for the first fiscal year, the owner of the Parcel, as shown on the latest assessment roll, shall pay the tax for the remainder of such fiscal year on a pro-rated basis to the City, no later than receipt of Certificate of Occupancy or final building permit inspection.

B. For Subsequent Fiscal Year:

The tax rates shown in Exhibit B shall be automatically adjusted on July 1 of each year, beginning on July 1, 2023 by the increase in the Consumer Price Index for all Urban Consumers for the San Francisco-Oakland Bay Area and applying that rate to the prior year amounts for each property use code category. However, the City Council reserves the right to itself the opportunity to adjust the rate in the following year if the CPI adjustment is insufficient to reimburse the City for the costs of providing levels of police services as approved by the City Council.

In no event shall the tax per parcel for any fiscal year be less than the amount established for the previous fiscal year.

C. The taxes levied on each parcel pursuant to this Article shall be a charge upon the parcel and shall be due and collectible as set forth in Section 4, below.

Section 4. Collection and Administration.

A. Taxes as Liens Against the Property.

The amount of taxes for each parcel each year shall constitute a lien on such property, in accordance with Revenue and Taxation Code Section 2187, and shall have the same effect as an ad valorem real property tax lien until fully paid.

B. Collection.

The taxes on each parcel shall be billed on the secured roll tax bills for ad valorem property taxes and are to be collected in the same manner in which the County of Contra Costa collects secured roll ad valorem property taxes. Insofar as feasible and insofar as not inconsistent with this Ordinance, the times and procedure regarding exceptions, due dates, installment payments, corrections, cancellations, refunds, late payments, penalties, liens, and collections for secured roll ad valorem property taxes shall be applicable to the collection of this tax. Notwithstanding anything to the contrary in the foregoing, as to this tax:

i) The secured roll tax bills shall be the only notices required for this tax, and
ii) The homeowners and veterans exemptions shall not be applicable because such exemptions are determined by dollar amount of value.

C. Costs of Administration by County.

The reasonable costs incurred by the County officers collecting and administering this tax shall be deducted from the collected taxes.

Section 5. Severability Clause.

If any article, section, subsection, sentence, phrase or clause of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The voters of the Zone hereby declare that they would have adopted the remainder of this Ordinance, including each article, section, subsection, sentenced phrase or clause, irrespective of the invalidity of any other article, section, subsection, sentence, phrase or clause.

Section 6. Effective Date and Posting.

This Ordinance shall take effect immediately upon its confirmation by two-thirds of the voters voting within the Zone in an election to be held on August 12, 2022 so that taxes shall first be collected hereunder for the tax year beginning July 1, 2023. If not confirmed by two-thirds of the voters participating in the election, this Ordinance and the tax approved herein shall not become effective.

PASSED, APPROVED AND ADOPTED this 13th day of Septebmer, 2022, by the following vote:

AYES:
NOES:
ABSTENTION:
ABSENT:

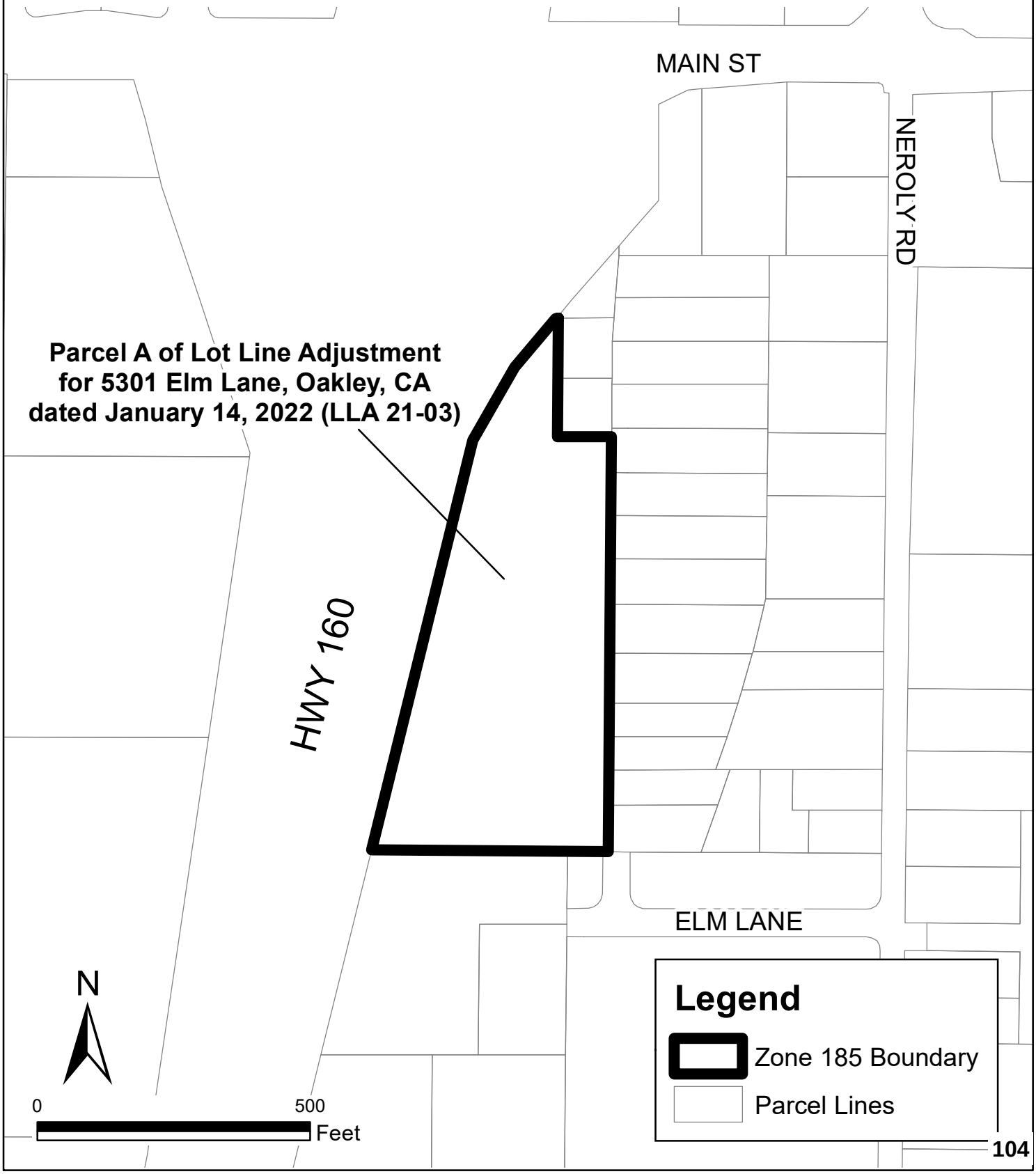
APPROVED:

_____
Randy Pope, Mayor

ATTEST:

_____ _____
Libby Vreonis, City Clerk Date

EXHIBIT A - BOUNDARY MAP
CITY OF OAKLEY SPECIAL POLICE TAX AREA ZONE 185
CITY OF OAKLEY
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA
ELM LANE APARTMENTS



CITY OF OAKLEY SCHEDULE FOR POLICE SERVICE TAX
FOR FISCAL YEAR 2022/2023

PROPERTY USE CODE CATEGORY	DESCRIPTION	FY21/22 TAX PER PARCEL	FY22/23 TAX PER PARCEL
11	Single Family Residence – 1res., 1 site	$1,172.12	$1,230.73
12	Single Family Residence – 1 res., 2 or more sites	$1,172.12	$1,230.73
13	Single Family Residence – 2 res., on 1 or more sites	$1,875.39	$1,969.17
14	Single Family Residence – other than single fam. Land	$1,172.12	$1,230.73
15	Misc. Improvements – 1 site	$1,172.12	$1,230.73
16	Misc. Improvements – 2 or more sites	$1,172.12	$1,230.73
17	Vacant – 1 site	$586.06	$615.37
18	Vacant – 2 or more sites	$586.06	$615.37
19	Single Family Residence – Det. W/common area	$1,172.12	$1,230.73
20	Vacant – Multiple	$586.06	$615.37
21	Duplex	$1,875.39	$1,969.17
22	Triplex	$2,813.09	$2,953.75
23	Fourplex	$3,750.78	$3,938.34
24	Combinations	$1,172.12	$1,230.73
25	Apartments (5 –12 Units)	$4,688.48	$4,922.92
26	Apartments (13 – 24 Units)	$12,190.05	$12,799.59
27	Apartments (25 – 59 Units)	$23,442.40	$24,614.60
28	Apartments (60+ units)	$56,261.76	$59,075.04
29	Attached PUDs: Cluster Homes, Condos, etc.	$1,172.12	$1,230.73
30	Vacant – Commercial	$586.06	$615.37
31	Commercial Stores – Not Supermarkets	$2,344.24	$2,461.46
32	Small Grocery Stores – (7-11, etc.)	$3,516.36	$3,692.19
33	Office Buildings	$2,344.24	$2,461.46
34	Medical, Dental	$2,344.24	$2,461.46
35	Service Stations, Car Wash	$2,344.24	$2,461.46
36	Garages	$2,344.24	$2,461.46
37	Community Facilities (Recreational, etc.)	$4,688.48	$4,922.92
38	Golf Courses	$2,344.24	$2,461.46
39	Bowling Alleys	$1,172.12	$1,230.73
40	Boat Harbors	$2,930.30	$3,076.83
41	Supermarkets – (not shopping centers)	$3,516.36	$3,692.19
42	Shopping Centers	$4,688.48	$4,922.92
43	Financial Buildings – (Ins., Title, Banks, S&L)	$1,172.12	$1,230.73
44	Motels, Hotels & Mobile Home Parks	$5,860.60	$6,153.65
45	Theaters	$2,637.27	$2,769.14
46	Drive-in Restaurants	$1,758.18	$1,846.10
47	Restaurants	$1,758.18	$1,846.10
48	Multiple & Commercial	$1,758.18	$1,846.10
49	New Car Agencies	$1,758.18	$1,846.10
50	Vacant Land (not part of Ind. Park or P. & D.)	$439.55	$461.52
51	Industrial Park	$3,516.36	$3,692.19
52	Research & Development	$1,758.18	$1,846.10
53	Light Industrial	$1,758.18	$1,846.10
54	Heavy Industrial	$1,758.18	$1,846.10
55	Mini Warehouses (public storage)	$3,516.36	$3,692.19
56	Misc. Improvements	$3,516.36	$3,692.19
61	Rural, Res., Improvement 1A-10A	$879.09	$923.05
62	Rural, w/or w/o structure 1A-10A	$879.09	$923.05
70	Convalescent Hospitals / Rest Homes	$1,758.18	$1,846.10
73	Hospitals	$1,758.18	$1,846.10
74	Cemeteries / Mortuaries	$1,758.18	$1,846.10
75	Fraternal & Service Organizations	$1,758.18	$1,846.10
76	Retirement Housing Complex	$5,860.60	$6,153.65
78	Parks & Playgrounds	$3,516.36	$3,692.19
85	Public & Private Parking	$1,758.18	$1,846.10
87	Common Area	$1,758.18	$1,846.10
88	Mobile Homes	$879.09	$923.05
89	Other (split parcels in different tax code areas)	$879.09	$923.05
99	Homeowner's Association Owned Common Areas	$703.27	$738.44

The tax rates shown in this schedule shall be automatically adjusted on July 1 of each year, beginning on July 1, 2016 by the increase in the Consumer Price Index for all Urban Consumers for the San Francisco-Oakland-Bay Area and applying that rate to the prior year amounts for each property use code category. However, the City Council reserves the right to itself the opportunity to adjust the rate in the following year if the CPI adjustment is insufficient to reimburse the City for the costs of providing levels of police services as approved by the City Council.

CALCULATION OF COST OF LIVING INCREASE	
Percent increase from FY 2021-22 in the San Francisco-Oakland-Bay Area Consumer Price Index for all Urban Consumers.	5.00%

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: September 13, 2022

TO: Joshua McMurray, City Manager

Approved and Forwarded to the City Council

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

SUBJECT: Award of Construction Contract to Sun Light & Power for the construction of the City Hall Rooftop Solar Power Project – Capital Improvement Project (CIP) Number 286

Background and Analysis

The City's adopted FY 2022/23 Capital Improvement Program Budget designates funding for various infrastructure repair and replacement projects. This is consistent with the City's goals to improve the quality of the City's public infrastructure and to enhance the quality of life for our residents.

Staff investigated the qualifications of various firms in the commercial solar power business operating in this region and determined that Sun Light & Power is best suited for our project. This firm has extensive experience in commercial solar power system design and installation and have been selected to perform rooftop solar system design and installation for the ACE Hardware right across Main Street and the new Elm Lane Workforce Apartment Complex near Neroly Road.

In preparation of the City Hall Rooftop Solar Power Project, the design team undertook a detailed analysis of electricity usage history for City Hall. It was found, from PG&E records and invoices, that the City Hall consumes about 273,000 kWh per year. The next step was to evaluate the best layout of solar panel placements on multiple City Hall roof tops.

It was determined that the East, West, and South pitched tile roof areas and the usable portion of the flat roof could accommodate a 172.8 kW solar system, producing 255,000 kWh in the first year. The design team evaluated a larger solar system requiring installation of solar panels on canopies in the parking lot. That option would have added considerable cost to construction, and was determined to not be economically prudent, both short and long term. The solar power system as proposed is best suited for the City Hall building which will offset 93% of electricity use at City Hall. The prosed project includes extended inverter warranties (20 years) and six annual cleanings of the solar panels.

The financial analysis and assumptions on this project are very conservative. For instance, we assign PG&E a price escalation rate of 3% per year. If PG&E were to get their way, the increase will be over 20% next year and we have averaged about a 5% increase annually for the last decade. The bottom line is at about $48,500 in savings in the first year of operation, increasing each year. The internal Rate-of-Return exceeds 14%, even with those conservative assumptions, without any associated risk.

The new Inflation Reduction Act of 2022 that was passed by the U.S. Congress provides rebates for adoption of solar systems even for municipalities without tax liability. It is estimated that the City will receive a 30% rebate on this project, approximately $165,000 once the bill is fully implemented. If received, that rebate will go back into the Public Facilities Impact Fees Fund, which is funding this $549,517 project.

It is anticipated that the construction of this project will be completed by spring 2023 and will commence with cost savings on the electricity expense for the City.

Consistency with the Oakley Strategic Plan 27+

This item is consistent with the Strategic Plan 27+ Community Health and Safety goals.

Fiscal Impact

The approval of this resolution is expected to generate about $48,500 in savings for the General Fund in its first year of operations, increasing each year thereafter. The FY 2022/23 budget has allocated $550,000 of funding from Public Facilities Impact Fees, which will fully fund this construction project.

Staff Recommendation

Staff recommends that the City Council adopt the resolution approving the construction agreement with Sun Light & Power for an amount not to exceed $549,517 and authorizing the City Manager to execute the agreement.

Attachments

1) Resolution
2) Proposal

RESOLUTION NO. XX-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING AN AGREEMENT WITH SUN LIGHT & POWER FOR THE CONSTRUCTION OF CAPITAL IMPROVEMENT PROJECT (CIP) NUMBER 286 – CITY HALL ROOFTOP SOLAR POWER PROJECT

WHEREAS, amongst the Goals and Priorities of the City Council is an environmentally friendly and sustainable organization and to enhance environmental stewardship; and

WHEREAS, one element that promotes that approach is using solar power to generate electricity for City Hall buildings and reduce the City's carbon footprint; and
WHEREAS, staff after review of solar system firms, selected Sun Light & Power as best suited for this project; and

WHEREAS, Sun Light & Power submitted the lowest responsible bid proposal for a total cost of $549,517 for the work; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Oakley that the Bid Proposal with Sun Light & Power for City Hall Rooftop Solar Power – CIP 286, for an amount not to exceed $549,517 is approved, and the City Manager is hereby authorized to execute it into an Agreement.

PASSED, APPROVED AND ADOPTED this 13th day of September, 2022 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

_____
Randy Pope, Mayor

ATTEST:

_____ _____
Libby Vreonis, City Clerk Date

SUN LIGHT & POWER
100% EMPLOYEE OWNED

CALIFORNIA SOLAR + STORAGE ASSOCIATION MEMBER

AMICUS Certified Member

Certified B Corporation

Prepared For

City of Oakley



Sun Light & Power has provided exceptional customer experience for well over 40 years to those seeking solar solutions in California. We have served a broad range of commercial and non-profit clients encompassing new construction and retrofit projects for office and industrial sites. We have completed over 2,000 installations for many sectors, including 400+ multifamily housing developments, food service businesses, schools, places of worship, manufacturing facilities, non-profit organizations, government buildings, hotels, car dealerships and more. Over 85% of our business is referral or repeat business, a testament to the value we place on relationships we have built over time with our revered customers.

We are a Certified B Corporation, and a California Benefit Corporation, as well as an Alameda County Green Business. We are licensed (#326203) and NABCEP Certified.

City Hall Rooftop Solar Power Project, CIP No. 286

Prepared By

8/23/2022

Tim McKeever
415-271-8089
tmckeever@sunlightandpower.com



SUN LIGHT & POWER
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Solar Proposal – Oakley City Hall

3231 Main St. Oakley, CA 94561

Contact: Kevin Rohani – Director of Public Works
Tim Przybyla – Finance Director

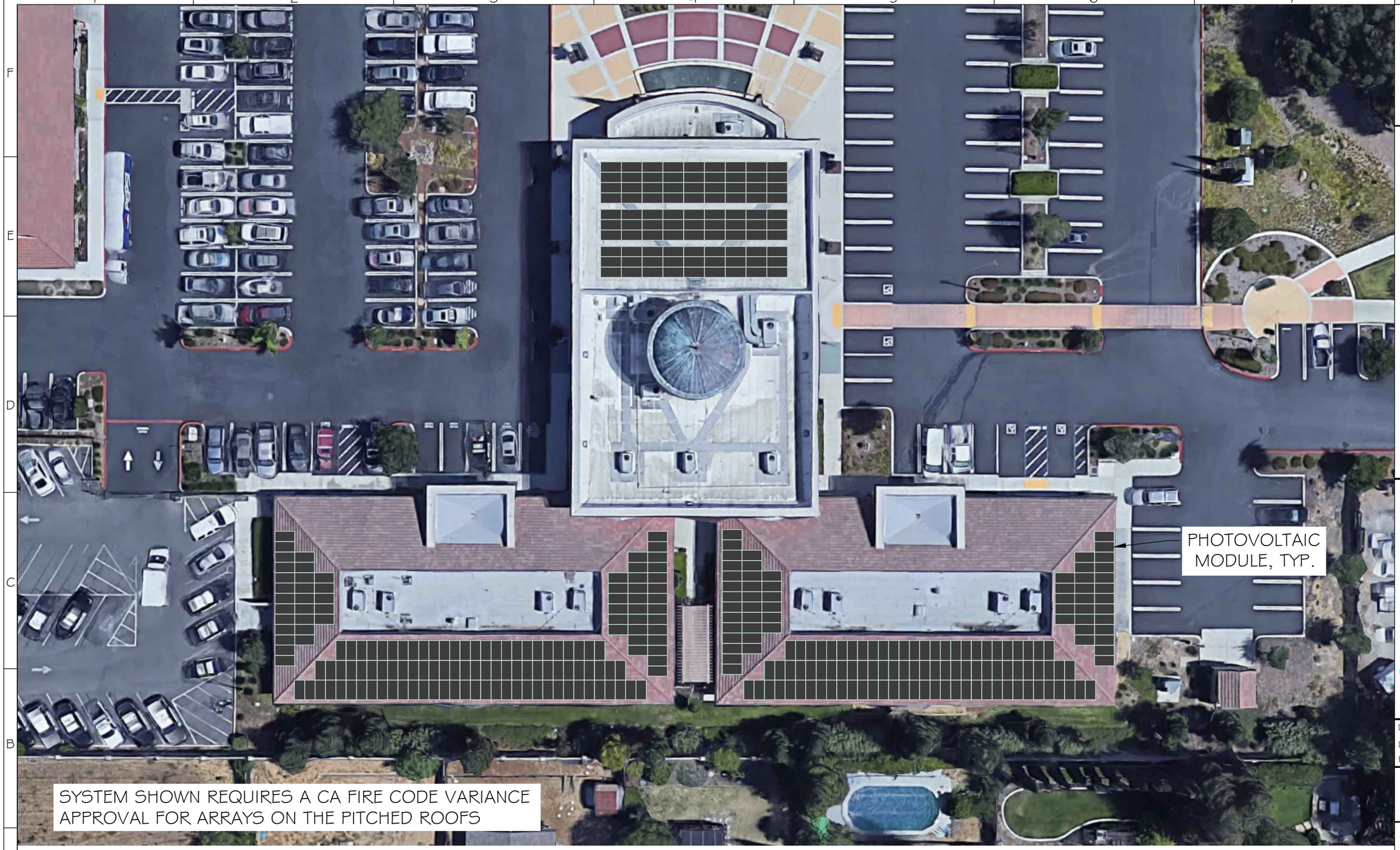
Stated Project Goal: To lower Oakley City Hall's operational expenses with the adoption of solar power. To set an example for the community in adopting renewable energy.

Project Qualifications: Sun Light & Power has continuously operated as a solar thermal and PV contractor for 45 years in Northern California. We have experience in public, private, and non-profit sectors. We install for residential and commercial customers. We primarily install rooftop systems, but also can also provide carport, ground mount, and other specialty solutions. We build new construction and retrofit projects, with a special focus on multifamily housing, especially low-income, senior, and workforce housing. We are currently bidding to install on the new apartments being built by Anton Construction in Oakley on Elm Street. SLP operates as an employee-owned certified California B-Corp, striving to provide the best in materials and service while always considering our own environmental impacts and adhering to governance and social best practices.

Project Proposal Summary: We propose adding solar power to the best available roof spaces on the Oakley City Hall Building. This would include the East, South, and West facing sloped roof planes, and a portion of the central flat roof. The system would be approximately 173 kW, providing 255,000 kWh per year and offsetting 93% of the meter's consumption and 70% of the power cost. This update takes into account PG&E's recently implemented rate increase. It does not include the anticipated 15-20% increase they have proposed for 2023.

Project Financing: Financing was discussed, but with the impending passage of the Inflation Reduction Act and its new provision for municipalities to be able to take advantage of the 30% tax credit through direct pay (refund), it was decided payment from the capital budget was best for the city. Details are still to be determined, but the direct pay refund should be approximately $165,000.

Tim McKeever
Commercial Project Developer
Tmckeever@sunlightandpower.com
415-271-8089



SYSTEM SHOWN REQUIRES A CA FIRE CODE VARIANCE APPROVAL FOR ARRAYS ON THE PITCHED ROOFS

PHOTOVOLTAIC SYSTEM DESCRIPTION:
(384) ET 450 MODULES
USING (1) P1101 OPTIMIZER FOR EVERY (2) MODULES
(1) SOLAREDGE SE 100KUS INVERTER
(1) SOLAREDGE SE 40KUS INVERTER
172.800 kW STC

1 PLAN - PHOTOVOLTAIC SYSTEM PRELIMINARY LAYOUT

1/32" = 1'

270° 4:12 | N | 90° 4:12

180° 4:12, 5° tilt

SUN LIGHT & POWER
100% EMPLOYEE OWNED
1035 FOLGER AVE, BERKELEY CA 94710
PH 510.845.2997 FX 510.845.1133

PROJECT:
MAIN ST, 3231, OAKLEY (CITY HALL)

SITE:
3231 MAIN ST
OAKLEY, CA

NOT FOR CONSTRUCTION

DATE: 2022-08-11
DRAWN BY: MK
PROJECT DEVELOPER: TM

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SHEET TITLE:
PHOTOVOLTAIC SYSTEM

SHEET #:
ET.1A

SCALED FOR 11X17

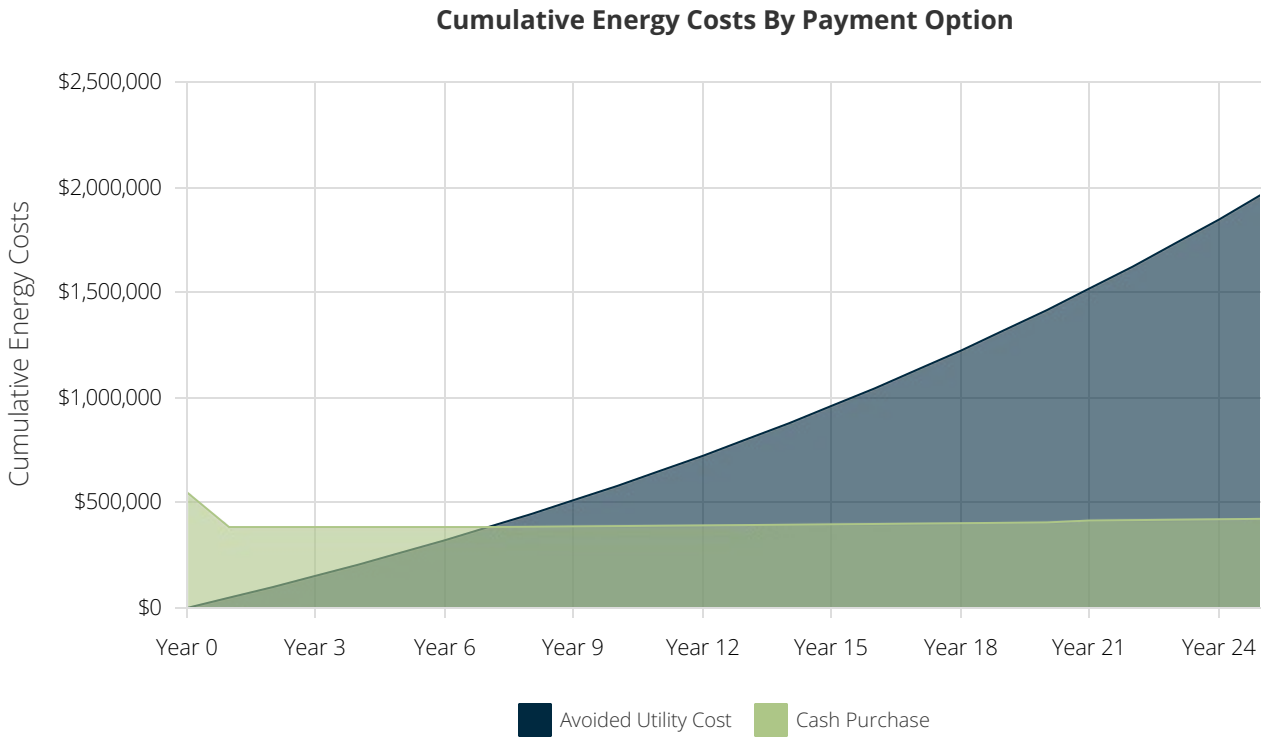
Project Summary

Payment Options	Cash Purchase
IRR - Term	14.7%
LCOE PV Generation	$0.062 /kWh
Net Present Value	$600,372
Payback Period	7.0 Years
Total Payments	$549,517
Total Incentives	$164,855
Net Payments	$384,662
Electric Bill Savings - Year 1	$48,867
Electric Bill Savings - Term	$1,963,831
Upfront Payment	$549,517

Combined Solar PV Rating

Power Rating: 172,800 W-DC

Power Rating: 151,665 W-AC-CEC



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100% EMPLOYEE OWNED

Prepared By: Tim McKeever
P: 415-271-8089, **E:** tmckeever@sunlightandpower.com

PV System Details

General Information
Facility: City Hall B-10
Address: 3231 Main St Oakley CA 94561

Solar PV Equipment Description
Solar Panels: (384) ET Solar ET-M672BH450
Inverters: (1) SolarEdge SE40KUS (2021), (1) SolarEdge SE100KUS (2022)

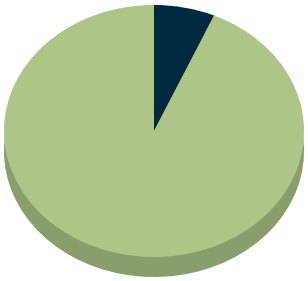
Solar PV Equipment Typical Lifespan
Solar Panels: Greater than 30 Years
Inverters: 20 Years

Solar PV System Cost and Incentives

Solar PV System Cost	$549,517
Direct pay - 30% ITC	-$164,855
Net Solar PV System Cost	**$384,662**

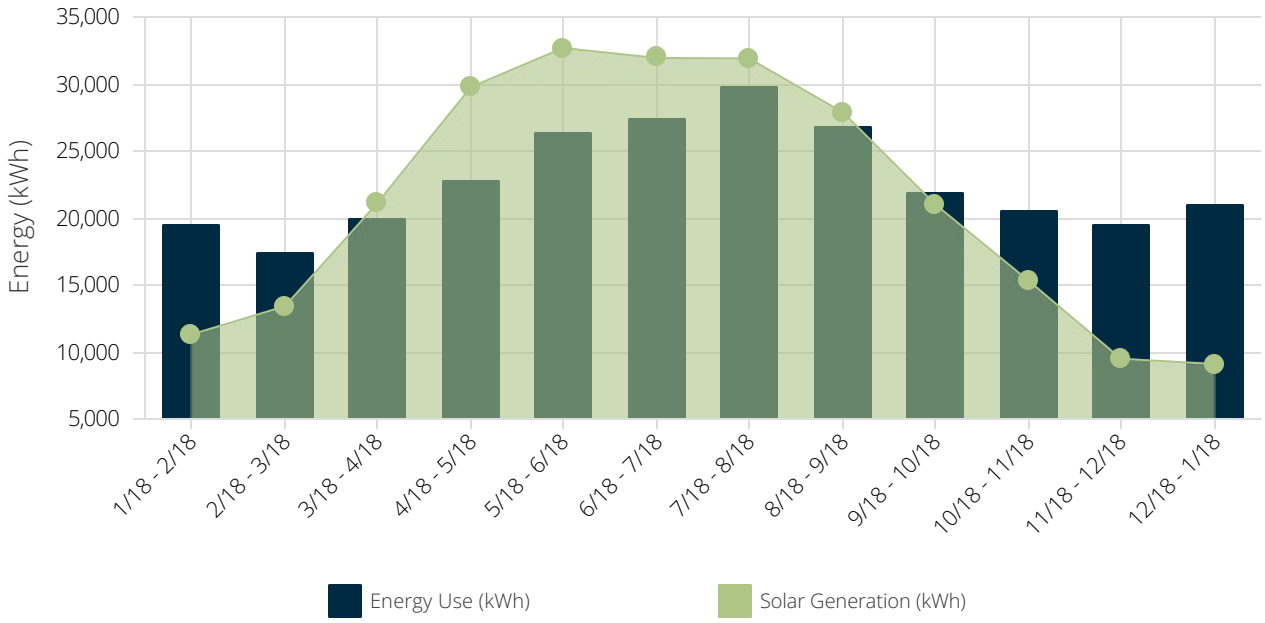
Solar PV System Rating
Power Rating: 172,800 W-DC
Power Rating: 151,665 W-AC-CEC

Energy Consumption Mix
Annual Energy Use: 272,777 kWh



Utility	17,900 kWh (6.56%)
Solar PV	254,877 kWh (93.44%)

Monthly Energy Use vs Solar Generation



SUN LIGHT & POWER
100% EMPLOYEE OWNED

Prepared By: Tim McKeever
P: 415-271-8089, **E:** tmckeever@sunlightandpower.com

Rebates and Incentives

This section summarizes all incentives available for this project. The actual rebate and incentive amounts for this project are shown in each example.

The Inflation Reduction Act of 2022 contains a "direct pay" provision that enables certain tax-exempt customers, including state and local government, to receive a direct cash payment in lieu of an investment tax credit (ITC). Entities that install solar photovoltaic (PV) systems are eligible to receive a tax credit in the amount of 30% of the total PV system cost.

Total Incentive Value: $164,855

Utility Rates

The table below shows the rates associate with your current utility rate schedule (B10). Your estimated electric bills after solar are shown on the following page.

Customer Charges				Energy Charges				Demand Charges			
Season	Charge Type	Rate Type	B10	Season	Charge Type	Rate Type	B10	Season	Charge Type	Rate Type	B10
S	Flat Rate	per day	$5.91	S	Peak	Import	$0.27691	S	Flat Rate	Import	$16.96
W1	Flat Rate	per day	$5.91	S	Part Peak	Import	$0.22291	W1	Flat Rate	Import	$16.96
W2	Flat Rate	per day	$5.91	S	Off Peak	Import	$0.19391	W2	Flat Rate	Import	$16.96
				W1	Peak	Import	$0.20769				
				W1	Off Peak	Import	$0.17669				
				W2	Peak	Import	$0.20769				
				W2	Off Peak	Import	$0.17669				
				W2	Super Off Peak	Import	$0.14469				

Current Electric Bill

The table below shows your annual electricity costs based on the most current utility rates and your previous 12 months of electrical usage.

Rate Schedule: MCE - B10

Time Periods	Energy Use (kWh)				Max Demand (kW)	Charges				
Bill Ranges & Seasons	Peak	Part Peak	Off Peak	Super Off Peak	NC / Max	Other	NBC	Energy	Demand	Total
1/18/2021 - 2/18/2021 W1	3,976	-	15,451	-	47	$183	$461	$3,094	$797	$4,536
2/18/2021 - 3/18/2021 W1 / W2	3,605	-	11,034	2,744	47	$165	$413	$2,683	$770	$4,031
3/18/2021 - 4/18/2021 W2	4,478	-	10,669	4,753	52	$183	$473	$3,030	$882	$4,568
4/18/2021 - 5/18/2021 W2	5,677	-	11,537	5,570	76	$177	$541	$3,482	$1,289	$5,490
5/18/2021 - 6/18/2021 W2 / S	6,948	2,928	13,858	2,632	104	$183	$626	$4,722	$1,519	$7,051
6/18/2021 - 7/18/2021 S	7,343	5,158	14,884	-	89	$177	$650	$5,419	$1,509	$7,756
7/18/2021 - 8/18/2021 S	7,919	5,736	16,190	-	91	$183	$709	$5,902	$1,543	$8,337
8/18/2021 - 9/18/2021 S	6,977	5,043	14,836	-	90	$183	$638	$5,295	$1,526	$7,643
9/18/2021 - 10/18/2021 S / W1	5,417	2,034	14,373	-	73	$177	$518	$3,889	$1,113	$5,698
10/18/2021 - 11/18/2021 W1	4,447	-	16,016	-	56	$183	$486	$3,267	$950	$4,886
11/18/2021 - 12/18/2021 W1	4,114	-	15,434	-	44	$177	$464	$3,117	$746	$4,505
12/18/2021 - 1/18/2022 W1	4,427	-	16,570	-	48	$183	$499	$3,349	$814	$4,845
Total	65,328	20,899	170,852	15,699	-	$2,157	$6,478	$47,250	$13,460	$69,346

SUN LIGHT & POWER
100% EMPLOYEE OWNED

Prepared By: Tim McKeever
P: 415-271-8089, **E:** tmckeever@sunlightandpower.com

New Electric Bill

Rate Schedule: MCE - B10

Time Periods	Energy Use (kWh)				Max Demand (kW)	Charges				
Bill Ranges & Seasons	Peak	Part Peak	Off Peak	Super Off Peak	NC / Max	Other	NBC	Energy	Demand	Total
1/18/2021 - 2/18/2021 W1	3,408	-	4,721	-	45	$183	$300	$1,349	$762	$2,594
2/18/2021 - 3/18/2021 W1 / W2	2,379	-	3,765	-2,175	42	$165	$248	$750	$706	$1,870
3/18/2021 - 4/18/2021 W2	816	-	4,914	-6,907	43	$183	$242	$66	$728	$1,220
4/18/2021 - 5/18/2021 W2	26	-	2,816	-9,829	61	$177	$224	$753	$1,028	$676
5/18/2021 - 6/18/2021 W2 / S	302	-1,053	-1,134	-4,433	72	$183	$242	$888	$1,112	$650
6/18/2021 - 7/18/2021 S	714	-1,795	-3,475	-	61	$177	$245	$768	$1,035	$689
7/18/2021 - 8/18/2021 S	1,560	-1,394	-2,228	-	67	$183	$282	$262	$1,128	$1,331
8/18/2021 - 9/18/2021 S	2,170	-1,452	-1,736	-	67	$183	$282	$35	$1,135	$1,564
9/18/2021 - 10/18/2021 S / W1	2,518	-356	-1,368	-	54	$177	$261	$281	$860	$1,579
10/18/2021 - 11/18/2021 W1	3,335	-	1,838	-	48	$183	$285	$895	$807	$2,170
11/18/2021 - 12/18/2021 W1	3,944	-	6,110	-	43	$177	$324	$1,660	$734	$2,896
12/18/2021 - 1/18/2022 W1	4,149	-	7,749	-	45	$183	$355	$1,948	$755	$3,241
Total	25,321	-6,050	21,972	-23,344	-	$2,157	$3,290	$4,244	$10,788	$20,479

Annual Electricity Savings: $48,867

SUN LIGHT & POWER
100% EMPLOYEE OWNED

Prepared By: Tim McKeever
P: 415-271-8089, **E:** tmckeever@sunlightandpower.com

Cash Purchase

Assumptions and Key Financial Metrics

IRR - 10 Year	7.0%	IRR - 20 Year	13.8%	IRR - Term	14.7%
Net Present Value	$600,372	Payback Period	7.0 Years	ROI	280.3%
PV Degradation Rate	0.25%	Discount Rate	5.0%	Energy Cost Escalation Rate	4.0%
Federal Income Tax Rate	21.0%	State Income Tax Rate	8.8%	Total Project Costs	$549,517

Years	Project Costs	O&M / Equipment Replacement	Direct pay - 30% ITC	Electric Bill Savings	State Tax Effect	Federal Tax Effect	Total Cash Flow	Cumulative Cash Flow
Upfront	-$549,517	-	-	-	-	-	-$549,517	-$549,517
1	-	-	$164,855	$48,867	-	-	$213,722	-$335,795
2	-	-	-	$50,694	-	-	$50,694	-$285,101
3	-	-	-	$52,590	-	-	$52,590	-$232,511
4	-	-	-	$54,556	-	-	$54,556	-$177,955
5	-	-	-	$56,595	-	-	$56,595	-$121,359
6	-	-	-	$58,711	-	-	$58,711	-$62,649
7	-	-	-	$60,904	-	-	$60,904	-$1,744
8	-	-$1,500	-	$63,180	-	-	$61,680	$59,936
9	-	-$1,530	-	$65,540	-	-	$64,010	$123,945
10	-	-$1,561	-	$67,988	-	-	$66,427	$190,372
11	-	-$1,592	-	$70,526	-	-	$68,934	$259,307
12	-	-$1,624	-	$73,159	-	-	$71,536	$330,843
13	-	-$1,656	-	$75,890	-	-	$74,234	$405,076
14	-	-$1,689	-	$78,722	-	-	$77,033	$482,109
15	-	-$1,723	-	$81,660	-	-	$79,937	$562,046
16	-	-$1,757	-	$84,706	-	-	$82,948	$644,994
17	-	-$1,793	-	$87,865	-	-	$86,073	$731,067
18	-	-$1,828	-	$91,142	-	-	$89,313	$820,381
19	-	-$1,865	-	$94,540	-	-	$92,675	$913,056
20	-	-$1,902	-	$98,064	-	-	$96,162	$1,009,218
21	-	-$8,940	-	$101,719	-	-	$92,779	$1,101,997
22	-	-$1,979	-	$105,510	-	-	$103,530	$1,205,527
23	-	-$2,019	-	$109,441	-	-	$107,422	$1,312,949
24	-	-$2,059	-	$113,517	-	-	$111,458	$1,424,407
25	-	-$2,100	-	$117,745	-	-	$115,644	$1,540,051
Totals:	-$549,517	-$39,118	$164,855	$1,963,831	-	-	$1,540,051	-

SUN LIGHT & POWER
100% EMPLOYEE OWNED

Prepared By: Tim McKeever
P: 415-271-8089, **E:** tmckeever@sunlightandpower.com

SCOPE OF WORK

08/23/2022

Kevin Rohani
3231 Main St Oakley CA
Oakley CA 94561

RE: Photovoltaic System for City of Oakley located at 3231 Main St Oakley CA

Option: Main St, 3231, Oakley (Oakley City Hall) - ET 450
Sun Light & Power proposes to perform the solar portion of the work at the above-referenced project in accordance with the following clarification of scope.
DC System size: 173.25 kW Peak.

System Price: $ 549,517
Estimated Federal Tax Credit (direct pay provision): $ 164,855
Total System Cost to Customer: $ 384,662

SECTION A: Materials

1. (385) 450 watt modules
2. (2) Inverters, 1 SolarEdge, SE40K-US04IBNZ4: 40000W, 480VAC, 3-ph and 1 SE100K-US: 100000W, 480VAC, 3-ph with extended warranty (20 years)
3. (193) DC-to-DC Converters
4. (1) Cellular Data Acquisition System
5. (1) SL&P Racking system and BOS

SECTION B: Inclusions:

1. Design all system components to meet standard code requirements.
2. Provide and install galvanized steel posts and waterproofing.
3. Provide and install flush mount attachments.
4. Install the galvanized steel pipe sub-structure with mounting rails using stainless steel hardware.
5. Provide and install mounting rails on the mounting brackets using stainless steel hardware.
6. Provide and install the modules on the racking systems.
7. The Inverters and related equipment will be installed on the exterior wall.
8. Provide and install a Panel PV on the exterior wall.
9. Provide and install all AC and DC wire and conduit for the designed system as noted in the assumptions.
10. Coordinate with the system owner to identify a (reasonable) location for the AC Disconnect that meets all requirements.
11. Provide and install a utility required Solar AC Disconnect for the (1) interconnection.
12. Provide and install (1) line side solar point of interconnection.
13. Manage materials using a(n) Gradall - 40 '.
14. Commission the system; Coordinate all utility and local permit inspections.
15. Provide and install a cellular enabled Data Acquisition System (DAS) to monitor the PV system production.
16. (10) years of workmanship and manufacturer's warranty for equipment. Plus Proactive Monitoring (SLP notification to client when system production is off) and monthly performance reports.
17. (6) annual solar array cleanings by Solar Klean or another approved provider.
18. Provide, install, and maintain SLP signage for the duration of the project.

SECTION C: Special Exclusions:

1. In addition to the general exclusions described in the Commercial Terms and Conditions, SLP’s Scope of Work excludes the following “Special Exclusions".
2. Delays due to weather or any force majeure.
3. Any costs or work caused by unforeseen conditions or obstacles, including underground conduit, sewer, rocks, and similar.
4. SLP requires clear space for landing materials and installing equipment. Moving other's materials and equipment is excluded. If re-mobilization is required, additional charges may apply.
5. Delays due to hazardous materials found on site.
6. Unusual or extreme labor and/or materials supply constraints, other changes in law/ Force Majeure.
7. Delays due to other contractors on site and their related work.
8. Any ground or underground related work.
9. Walking pads, slip-sheets, roof repair and all other roofing-related materials.
10. All structural engineering, structural upgrades, including any structural upgrades, such as blocking, that may be required for the system installation.
11. Demolition, relocation and/or removal of equipment and material from roof by others.
12. All work to remove, replace or repair any concealed or unmarked existing conduits, piping, or other building components that are affected by installation of the system.
13. All concealed conduit, including attic and in-wall conduit, unless otherwise noted.
14. Relisting of electrical equipment.
15. Core drilling, similar methods, or long conduit detours for passing through the necessary walls.
16. Painting of electrical equipment, conduits, or any other surfaces unless otherwise noted.
17. Any consumption or building load monitoring.
18. All permits related to street closure, lifting, flagging, and similar if required by the AHJ.
19. All zoning, utility shutdown fees, fireproofing, sound mitigation, hazardous material testing and remediation, unless otherwise noted.
20. Mandatory union and prevailing wage rate increases.
21. Any energy storage.
22. Bond costs.
23. Guarantees of specific utility rates, tariffs, time-of-use periods, and/or associated utility savings. Project enrollment under Net Energy Metering (NEM 2.0) is not guaranteed.
24. Any special inspections or related coordination.
25. Additional costs of materials greater than 3% annually or cost of labor greater than 1.5% annually will trigger an equitable repricing.
26. All other materials and installation except those listed under "Inclusions" above are excluded.

SECTION D: Assumptions:

1. The permit fees do not exceed the California Solar Permit mandate of $1,862.75.
2. Two weeks notice will be provided to SLP when work is required outside of normal operating hours including Fridays.
3. The existing roof structure(s) is sufficient to support the additional loads due to the photovoltaic system.
4. SLP's optimized design and layout approved by the local fire authority and AHJ.
5. The existing parapet walls are a minimum of 42" tall to provide safe working conditions.
6. The roof structure allows for a 5/16ths inch lag for the attachment points.
7. The roofing warranty will not be voided by adding the solar attachment points.
8. The sloped roof is concrete tile style and does not include spanish tile.
9. One mobilization for installing the roof attachments and one mobilization for loading all additional solar materials. If additional mobilizations are required, remobilization charges will apply.
10. This project includes one mobilization for the delivery and/or lifting of materials to work site. If required, additional mobilizations may incur additional cost.
11. All required conduit is surface mounted and easily accessible, unless otherwise noted.
12. The roof level conduit will run along the roof surface and racking and down the exterior of the building before entering the electrical room.
13. The system interconnection voltage is 208V 3-phase Wye.
14. The existing switchgear, without upgrade and as provided, allows for a NEC compliant solar point of interconnection.
15. Sufficient room exists in the electrical room for the inverters.
16. Sufficient room exists in the electrical room for the AC Disconnect.

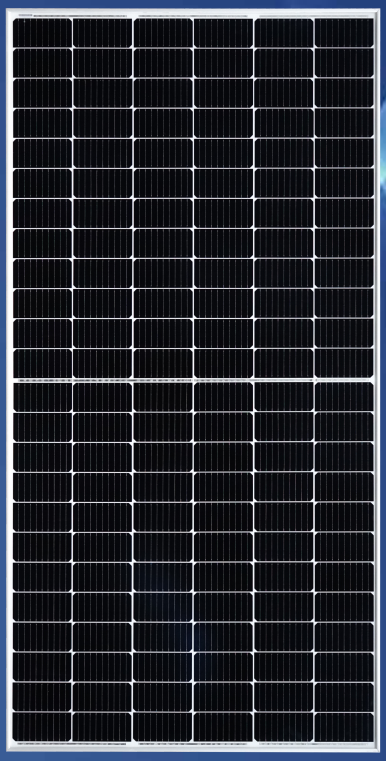
17. The AHJ does not require DC shunt disconnects for the DC conductors.
18. Aluminum wire may be used at SLP's sole discretion on this project.
19. Sufficient cellular service is available at the DAS location for the monitoring system.
20. AC Disconnect must remain accessible to PG&E 24 hours a day, 7 days a week.
21. Parking will be provided for SLP vehicles on or adjacent to work site.
22. Phasing is not required to install the solar system. Phasing requirements by the client may incur additional charges.
23. Owner/GC to provide restroom access for the duration of project.
24. Sufficient space is made available during construction along the building for the lifting equipment to lift materials as needed.
25. For the purposes of any SLP-provided financial analysis and any SLP-provided Warranty, the “first year” begins when "Permission To Operate" letter is issued by the local utility.
26. Union labor is not required for this project.
27. Labor rates are assumed to be Prevailing Wages.
28. SLP may at its option substitute comparable or better materials and/or equipment for those specified in this Contract.
29. Escalation of material cost is included in contract price at a rate of 13% for modules, 10% for steel, and 10% for wire annually and assumes a 2023 Q1 delivery. Delays or increases in material costs beyond assumed escalation rate may result in price increase.
30. This offer is valid for 30 days.

SECTION F: Allowances

1. $11,250.00 - Allowance for waterproofing of the (90) attachment points of the flat-roof PV system.
2. $4,000.00 - Allowance for replacing broken tiles due to work performed.

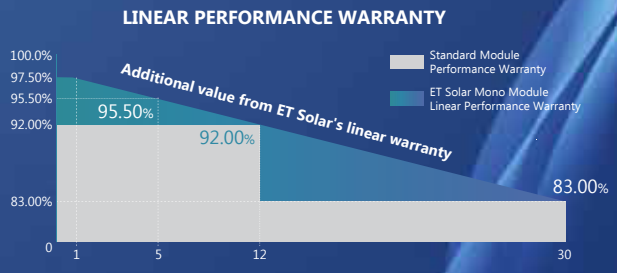
PERC BIFACIAL
PV MODULE

ET-M672BH430TW/TB 430W
ET-M672BH435TW/TB 435W
ET-M672BH440TW/TB 440W
ET-M672BH445TW/TB 445W
ET-M672BH450TW/TB 450W



KEY FEATURES

- Enhanced safety by excellent fire resistance
- Perfect for sandy, snowy and high latitude regions
- Bifacial technology enables additional energy harvesting from rear side(up to 25%)
- Lower operating temperature, more reliable
- Cut cell, Less internal power loss, Less mismatch loss



12 YEARS Guarantee on product material and workmanship

30 YEARS linear power output warranty

ET SOLAR
support@etsolar.hk

INVERTERS

Three Phase Inverter with Synergy Technology

For the 277/480V Grid for North America

SE80KUS / SE100KUS / SE110KUS / SE120KUS



Powered by unique pre-commissioning process for rapid system installation

- Pre-commissioning feature for automated validation of system components and wiring during the site installation process and prior to grid connection
- Easy 2-person installation with lightweight, modular design (each inverter consists of 2 or 3 Synergy units and one Synergy Manager)
- Independent operation of each Synergy unit enables higher uptime and easy serviceability
- Built-in thermal sensors detect faulty wiring ensuring enhanced protection and safety
- Built-in arc fault protection and rapid shutdown
- Built-in PID mitigation for maximized system performance
- Monitored* and field-replaceable surge protection devices, to better withstand surges caused by lightning or other events
- Built-in module-level monitoring with Ethernet or cellular communication for full system visibility

*Applicable only for DC and AC SPDs

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: **September 13, 2022**

TO: **City Council**

Approved and Forwarded to the City Council

FROM: **Joshua McMurray, City Manager**

SUBJECT: **Authorize the City Manager to Enter into a one-year Agreement with Townsend Public Affairs, Inc. for On-Call Grant Writing Services**

Background and Analysis

The City has historically used several firms for grant finding and grant writing activities to seek appropriate grant funding for various projects and activities. Since April of 2018 we have been using Sylvir Consulting Inc., to help with grant research and ultimately grant submittal. Our current arrangement has worked for us in the past but there are several services we are no longer receiving and after an analysis of what we should be receiving, Staff decided to issue a Request for Proposals (RFP) to see what other firms could assist the City. The City issued the RFP on June 21, 2022 and we let the submission period run through July 13, 2022. We received four proposals, in no particular order, from: Littleberry Press, Even Brooks Associates, Inc., Blais & Associates, LLC and Townsend Public Affairs, Inc. After a thorough review by several key City Staff including the City Manager, Community Development Director and Public Works Director, Staff is recommending Townsend Public Affairs, Inc.

The firm practices a full-service approach to working with its clients, starting with a needs assessment, and then bringing grant opportunities to the City for review. The firm provides grant writing and submission services (assisted by City Staff), and when grants are awarded, they assist in administering the grant, as well as in post-grant administration work. Taking an active role through the entire process is intended to not only find, win and properly administer grants, but to also ensure the client develops a good working relationship with the Grantor, and that the grantor is encouraged to consider the City for future grants. The full scope of the services offered to the City will be found in Option 1 on Page 26 of the attached proposal.

Townsend Public Affairs, Inc. business model is one where for a fixed monthly fee over a year long contract, there are no limits on the number of grants they'll pursue,

lobby, and help administer for the City. If approved, Staff will use this next year to evaluate the service.

Consistency with the Oakley Strategic Plan 27+

This item is consistent with several areas of the Oakley Strategic Plan 27+. Specifically, grant writing is mentioned in the Community Health and Safety Goal, the Parks and Open Space Goal, the Finance and Fiscal Responsibility Goal, and the Sustainable Organization Goal. Hiring an experienced firm will help augment City Staff and our ability to seek out grants and be more competitive in our applications.

Fiscal Impact

The total cost of the attached contract is for $5,000 a month or $60,000 a year. The funding for this contract is proposed to come out of the $457,662 Contingency budget.

Staff Recommendation

Staff recommends the Council authorize the City Manager to enter into the attached one-year contract with Townsend Public Affairs, Inc. Staff also recommends that the City Council approve the amendment to the Fiscal Year 2022/2023 Budget to utilize $60,000 of the Contingency line item in the General Fund's Non-Departmental budget to increase the Consulting budget line item in the City Manager's Office budget to cover this cost.

Attachments

1. Townsend Public Affairs, Inc. Proposal
2. Draft Resolution
3. Contract

TOWNSEND

PUBLIC AFFAIRS

EST TPA 1998

WWW.TOWNSENDPA.COM

SACRAMENTO • WASHINGTON, DC
NORTHERN CALIFORNIA • CENTRAL CALIFORNIA
SOUTHERN CALIFORNIA

OAKLEY

CALIFORNIA

Proposal for
On-Call Grant Writing Services

July 13, 2022

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TOWNSEND
PUBLIC AFFAIRS
EST TPA 1998

July 13, 2022

City of Oakley
3231 Main Street
Oakley, CA 94561

Dear :

Thank you for the opportunity for Townsend Public Affairs, Inc. (“TPA”) to submit our proposal for On-Call Grant Writing Services to the City of Oakley (“City”).

Since its inception in 1998, TPA has earned the reputation as ***Champions for Better Communities*** by providing the experience, resources, and relationships expected from a premier legislative advocacy and grant writing firm while also giving clients the unique brand of customer service they deserve: personal attention, maximum accessibility, and passion for their mission.

Our strategic approach to advocacy and funding is tailored to meet the individual needs of each client by leveraging the breadth and depth of our team as well as our vast network of relationships with key stakeholders and decision makers.

Utilizing this method on behalf of our clients, TPA has shepherded over 100 legislative and regulatory proposals into law, and secured over $2.3 billion in grants from state, federal, and local government agencies as well as nonprofit foundations and private companies.

Thank you again for your interest in our firm and your consideration of this proposal. Please contact us if you have any questions or need additional information. We would be honored to serve the City of Oakley.

Yours truly,

Christopher Townsend
President

BACKGROUND INFORMATION

TPA is a state and federal grant writing and legislative advocacy firm that provides lobbying and funding services to public agencies and nonprofit organizations throughout California.

- Founder/Owner/President: Christopher Townsend
- Advocacy Success: Shepherded **over 100** client-sponsored legislative proposals into law
- Funding Success: Over **$2.3 billion** in state, federal, and local government grants as well as grants from nonprofit organizations and private companies
- Longevity: 24 years (founded in 1998)
- Number of Employees: 16
- Number of Registered State and Federal Lobbyists and Grant Writers: 13
- Number of Offices: Five
  - TPA State Capitol Office, Sacramento
  - TPA Federal Office, Washington, DC
  - TPA Northern California Office, Oakland
  - TPA Central California Office, Fresno
  - TPA Southern California Office, Newport Beach
- Types of Clients:
  - City Governments
  - County Governments
  - Water and Sanitation Districts
  - Transportation Districts
  - K-12 School Districts
  - Community College Districts
  - Parks and Recreation Districts
  - Fire Protection Districts
  - Museums, Science Centers, and Cultural Facilities
- Areas of Specialization:
  - Local Governance (Cities, Counties, Special Districts)
  - Transportation Policy and Infrastructure
  - Water and Sanitation Policy and Infrastructure
  - Education Policy and Infrastructure
  - Housing and Economic Development
  - Parks and Community Facilities (Recreational, Cultural, Historical)
  - Energy, Environment, and Natural Resources
  - Public Safety
  - Budget and Finance
- Ranking by Revenue Reported to the California Secretary of State:
  - 6th of 486 Firms Registered for 2021-22 Legislative Session
  - 99th Percentile

GRANT FUNDING ACHIEVEMENTS

This table provides an overview of our grant funding achievements on behalf of our clients from state, federal, and local government agencies as well as private and nonprofit grant programs.

These amounts represent grants secured through a competitive and/or legislative process and do NOT include any funds awarded to clients via formulas or related forms of funding entitlements.

Policy Sector	State Funding	Federal Funding	All Sources
Water and Sanitation	$126.6 Million	$8.7 Million	$135.3 Million
Transportation	$568.7 Million	$131.1 Million	$699.8 Million
Education	$248.0 Million	$46.8Million	$294.8 Million
Parks and Recreation	$154.7 Million	$30.1 Million	$184.85 Million
Cultural Resources	$120.0 Million	$10.3 Million	$130.3 Million
Housing and Development	$694.8 Million	$11.8 Million	$706.6 Million
Public Safety	$106.5 Million	$66.7 Million	$173.2 Million
TOTAL	**$2.019 Billion**	**$305.5 Million**	**$2.325 Billion**

A DETAILED 20-PAGE SCHEDULE OF OUR STATE, FEDERAL, AND LOCAL GRANT FUNDING ACHIEVEMENTS CAN BE PROVIDED UPON REQUEST

FY 2021-22 STATE BUDGET EARMARKS

This table provides an overview of the budget earmarks that TPA secured on behalf of our clients in the State Budget for FY 2021-22. TPA strategized with our clients to identify priority projects and transform them into budget requests. TPA then worked closely and diligently with Members of the Assembly and Senate (and their staff), the Budget Committees, the Governor's Administration, and other key stakeholders to ensure our client projects were included in the final official budget.

Client Name	Project	Amount Awarded
City of Costa Mesa	Regional Fire and Rescue Facility Improvements	$2,500,000
City of Del Mar	Del Mar Fairgrounds Operating Shortfall	$3,500,000
City of Emeryville	Affordable Housing Site Remediation	$2,500,000
City of Farmersville	Fire Engine Acquisition	$750,000
City of Fremont	Mission Blvd Interchange Modernization Project	$7,200,000
City of Fullerton	Hunt Library Restoration	$2,750,000
	Homelessness Recuperative Center	$4,000,000
City of Half Moon Bay	Carter Park Renovation Project	$4,750,000
City of Hayward	Hayward Navigation Center	$662,000
	South Hayward Youth Family Center Project	$1,000,000
City of Irvine	Bommer Canyon Fire Prevention Efforts	$1,000,000
City of Lafayette	Safe Pathway for Children Trail	$238,000
City of Modesto	Infrastructure Improvements to County Islands	$5,000,000
City of Oakland	Oakland Fund for Public Innovation for the California Entrepreneurship Capital in the Community Initiative	$8,000,000
	Local Jurisdiction Assistance for Cannabis Equity Program	$9,905,020
	Oakland MACRO Project	$10,000,000
	Port of Oakland Freight and Passenger Infrastructure Enhancements	$280,000,000
City of Pismo Beach	Public Safety Communications Equipment	$470,000
City of Reedley	Olson/Kings River Sewer Main Replacement	$2,800,000
City of San Leandro	Memorial Park Rehabilitation Project	$2,750,000
City of San Pablo	Alternative Policing and Mental Health Program	$2,000,000
City of Santa Ana	Youth Facilities Improvements	$4,000,000
City of South San Francisco	Vehicle License Fee Adjustment	$3,000,000
City of Tracy	Multi-Generational Recreation Center	$5,000,000
City of Tustin	New Emergency Backup Generator	$1,500,000
Discovery Science Foundation	Discovery Cube of Orange County Re-Opening Operating Expenses	$2,040,000
	Discovery Cube of Los Angeles Re-opening Operating Expenses	$2,600,000
North Orange County Public Safety Task Force	North Orange County Public Safety and Homelessness Task Force Program Extension	$7,800,000
TOTAL FY 2021-22 STATE BUDGET EARMARKS		**$377,715,020**

FY 2020-21 STATE BUDGET EARMARKS

Due to COVID, there were no budget earmarks in the FY 2020-21 State Budget.

FY 2019-20 STATE BUDGET EARMARKS

This table provides an overview of the budget earmarks that TPA secured on behalf of our clients in the State Budget for FY 2019-20. TPA strategized with our clients to identify priority projects and transform them into budget requests. TPA then worked closely and diligently with Members of the Assembly and Senate (and their staff), the Budget Committees, the Governor's Administration, and other key stakeholders to ensure our client projects were included in the final official budget.

Client Name	Project	Amount Awarded
City of Agoura Hills	Stormwater Treatment Project	$1,000,000
City of Avalon	Underground Fuel Tank Removal and Replacement	$500,000
City of Buena Park	Historical Facilities Renovations	$500,000
City of Costa Mesa	Lions Community Park	$1,000,000
City of Dinuba	Water Well Replacement	$1,000,000
City of Huntington Beach	Multi-Use Blufftop Path	$1,700,000
City of Laguna Beach	Laguna Canyon Road Fuel Modification	$1,000
City of Oakland	Public Safety Projects	$4,000,000
	Bus Services	$1,000,000
City of Selma	Storm Drain, Storage, and Recharge	$1,500,000
Discovery Cube of Los Angeles	Natural Resources Pavilion	$5,000,000
Discovery Cube of Orange County	Property Acquisition/Parking Structure	$10,000,0000
East Contra Costa Fire Protection District	Equipment, Vehicles, and Facilities Acquisitions and Improvements	$500,000
North County Transit District	Del Mar Bluffs Stabilization Project	$6,130,000
Tri Valley Cities Coalition	Dublin Sports Grounds All-Abilities Playground	$1,400,000
TOTAL FY 2019-20 STATE BUDGET EARMARKS		**$36,230,000**

CUMULATIVE TOTAL STATE BUDGET EARMARKS

FOR FY 2019-20 AND FY 2021-22:

$413,945,020

FY 2021-22 FEDERAL APPROPRIATIONS EARMARKS

This table provides an overview of the appropriations earmarks that TPA secured on behalf of our clients in the Federal Appropriations legislation for FY 2021-22. TPA strategized with our clients to identify priority projects and transform them into appropriations requests. TPA then worked closely and diligently with Members of Congress and the U.S. Senate (and their staff), the appropriations committees, the President's administration, and other key stakeholders to ensure our client projects were included in the final appropriations legislation.

Client Name	Project	Amount Awarded
Amity Foundation	Mother's Hub Residence	$2,838,521
Cities of Anaheim, Brea, Buena Park, Fullerton, Stanton, Placentia	North Orange County Public Safety and Homelessness Task Force	$5,000,000
Cities of Dublin, Livermore, and Pleasanton	AXIS Mental Health Urgent Care	$450,000
City of Agoura Hills	Community Center	$1,000,000
City of Beaumont	Pennsylvania Avenue Widening	$1,500,000
City of Berkeley	African American Holistic Resource Center	$1,000,000
City of Brea	Tracks at Brea Extension	$2,000,000
City of Chino Hills	Open Space Fuel Reduction	$565,000
City of El Monte	MacLaren Community Park Project	$1,500,000
City of Emeryville	Contaminated Remediation for Housing	$2,000,000
City of Hesperia	Maple Avenue Street Improvements	$2,000,000
City of Huntington Beach	Sand Mitigation	$15,500,000
	Mobile Crisis Response Program	$500,000
City of Murrieta	Homeless Outreach Services Funding	$500,000
City of Oakland	Mental Health Resilience Project	$1,230,000
	Mental Health Resilience Project	$734,000
	Broadway - Bus and Pedestrian Safety	$2,000,000
	Violence Prevention Project	$200,000
City of Placentia	Golden Avenue Bridge	$2,200,000

City of San Ramon	Iron Horse Trail Crow Canyon Road Iron Horse Trail Bicycle-Pedestrian Overcrossing	$2,000,000
City of Santa Clara	City of Santa Clara De La Cruz Blvd, Lick Mill Blvd, and Scott Blvd Bicycle Projects	$2,725,000
City of Stanton	Orangewood Parkette	$850,000
Discovery Cube of Orange County	Land Acquisition and Development for Sustainability Festival	$2,000,000
East Contra Costa Fire Protection District	Fire Station	$1,500,000
Guadalupe Union School District	LeRoy Park	$1,700,000
North County Transit District	Hydrogen Fuel Cell Electric Bus Station	$1,717,836
Rancho Santiago Community College District	RSCCD Digital Access Consortium	$2,000,000
Town of Danville	Danville Townwide Traffic Signal Modernization	$1,000,000
	Iron Horse Trail Bridge, Nature Park, and Pedestrian Safety Project	$350,000
Yorba Linda Water District	Heli-Hydrant	$500,000
TOTAL FY 2021-22 FEDERAL APPROPRIATIONS EARMARKS		**$59,060,357**

TOTAL FEDERAL APPROPRIATIONS EARMARKS FOR FY 2021-22:

$59,060,357

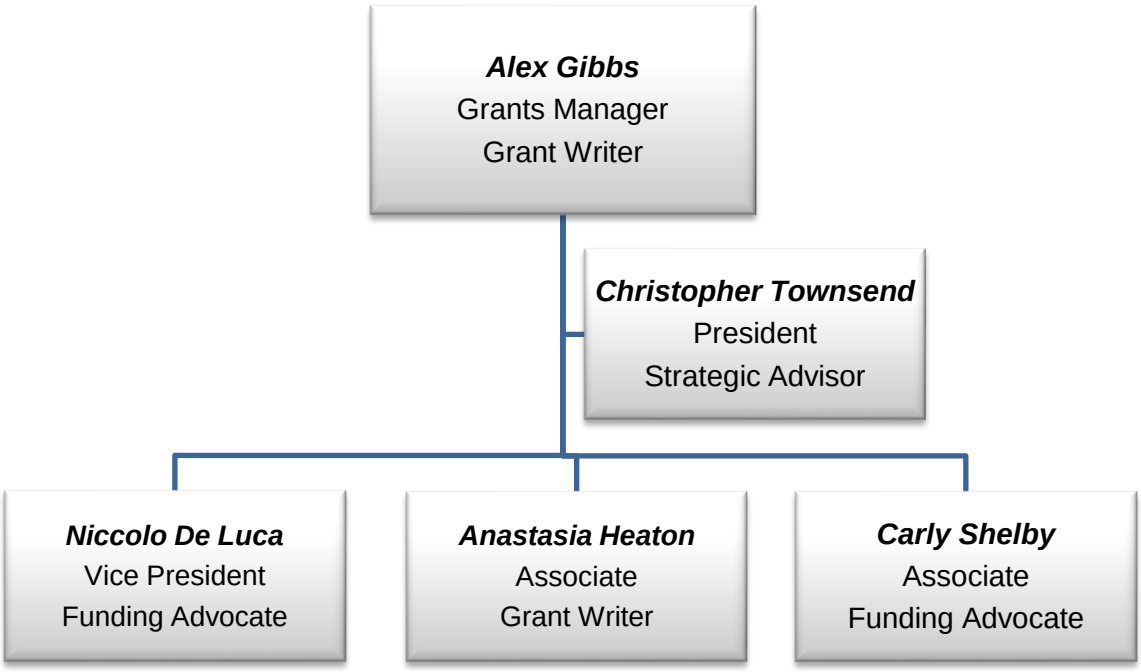
CLIENT SERVICE TEAM

With a team of 14 registered state and federal grant writers, TPA has the breadth and depth of experience AND the ability to deploy as many grant writers as needed to maximize success for the City while minimizing the burden on City staff. TPA will rely on City staff to provide technical project information, budget details, and project timeline information as appropriate. TPA is prepared to draft all briefing materials, funding requests, and grant applications.

The project manager, Grants Manager Alex Gibbs, will oversee the proposed team for the project to ensure the proposed work for this project is within the time limits of the grant program, considering the team's current workload. TPA Associate Anastasia Heaton will assist in grant writing and drafting technical narrative, while providing support to Alex and working directly with the City on the grant application. The team will be supported by TPA Vice President Niccolo De Luca and Associate Carly Shelby, who will work with the Grant Writing Team to provide feedback, identify funding opportunities, and ensure that all funding avenues, including legislative and regulatory, are explored.

The proposed team will also be supported by an additional nine (9) TPA grant writers. TPA President Christopher Townsend will personally engage in the project to adjust internal workloads in order to ensure quality control of all deliverables.

The proposed team for this engagement will be structured in the following way. Resumes for each member of the proposed project team can be found on the following pages.





Christopher Townsend, President: Christopher founded TPA in 1998 and has 40 years of experience in public affairs, legislative advocacy, and grant writing. Christopher and TPA have represented over 315 clients, including 235 local public agencies, such as cities, counties, transportation agencies, water and sanitation districts, elementary and secondary school districts, community college districts, park and recreation districts, and other special districts, as well as nonprofit organizations.

Townsend Public Affairs, Inc.
President *1998-Present*

Christopher provides leadership to a team of 14 advocates and grant writers while managing the development and implementation of strategies for the agendas of each client. His achievements include:

- Under Christopher's leadership, TPA has become one of the most successful advocacy firms in California (and is continually recognized as a "top ten" firm registered with the California Secretary of State) while still providing the personalized attention and focus of a small boutique firm.

- Under Christopher's leadership, TPA has shepherded **over 100** legislative and regulatory proposals into law over a wide range of policy areas, including local governance, water and sanitation, transportation, housing and economic development, parks and natural resources, historical and cultural resources, elementary and secondary education, higher education, and public safety. The bipartisan capabilities of the firm are evidenced by legislative and funding successes over the tenure of several federal and state administrations, including: President Bill Clinton, George W. Bush, Barack Obama, Donald Trump, and Governors Pete Wilson, Gray Davis, Arnold Schwarzenegger, Jerry Brown, and Gavin Newsom.

- Christopher and his team have secured over **$2.3 billion** in local, regional, state, and federal government grants as well as private and nonprofit grants for a multitude of legacy projects in the policy sectors of water and sanitation, transportation, education, housing and economic development, parks and natural resources, historical and cultural resources, and public safety.

- Maintains close bi-partisan relationships with several members of the California Congressional delegation, including Senators Feinstein and Padilla, and Representatives Torres, Lowenthal, Porter, Levin, Correa, Lee, Swalwell, Napolitano, Garamendi, Carbajal, Desaulnier, Sanchez, Lieu, Harder, McNerney, Calvert, Garcia, Steel, and Kim.

- Christopher and TPA have participated in the development and implementation of several California bond propositions for the statewide ballot to provide capital funding for major infrastructure projects, including water and sanitation, transportation, education, housing and economic development, parks and natural resources, and historical and cultural resources, including Propositions 1, 1B, 1C, 1D, 1E, 12, 13, 14, 40, 47, 50, 55, 68 and 84. Most recently, Christopher worked closely with the State Legislature and the Governor's office on the drafting of SB 5 (De Leon), which authorized a **$4 billion** park bond that was approved on the November 2018 statewide ballot as Proposition 68.

- In 1999, Christopher was appointed by Assembly Speaker Antonio Villaraigosa to serve on the Speaker's Commission on State and Local Government Finance.

- In 1997, Christopher was appointed by Assembly Speaker Cruz Bustamante to serve on the California Film Commission.

PepsiCo/Taco Bell Corp., Irvine, CA
Senior Director, Government & Community Affairs *1992-1998*

Christopher managed and directed government and media relations, crisis management, internal communications, and marketing publicity. Christopher also managed the political action committee for state and federal political races. Additionally, Christopher managed community relations initiatives, corporate philanthropy, and the Taco Bell Foundation.

Stein-Brief Group, Inc., Dana Point, CA
Vice President, Public Affairs *1982-1992*

Christopher directed government, community, and media relations at the level, state, and federal levels, including the management of all political, civic, charitable, and cultural activities. Christopher provided land-use planning and entitlement process analysis for domestic and international projects. Christopher also managed activities with numerous state and federal agencies to ensure compliance with all applicable laws and regulations governing land use. Finally, Christopher created and directed a political action committee that supported various local, state, and federal candidates and ballot initiatives.

JFK School of Government, Harvard University, Cambridge, MA
Master of Public Administration *1991*

Claremont McKenna College, Claremont, CA
Bachelor of Arts, Political Science, Magna cum Laude, Political Science Honors Prize *1982*

Coro Fellow
Southern California *1981*

Harry S Truman Scholar
California *1980*



Alex Gibbs, Grant Manager and Project Manager: Alex brings ten years of public policy and legislative advocacy experience to TPA. Alex has four years of experience working for the State Legislature analyzing researching, writing, and shepherding bills through the legislative process. Alex has also secured significant grant funding for clients throughout California. Alex has expertise in the policy sectors of parks and recreation, local governance, public safety, transportation, cap and trade, and labor relations.

Townsend Public Affairs, Inc.
Grants Manager *2014-Present*

During his tenure at TPA, Alex has been responsible for securing millions in competitive grant funds at the private, state, and federal levels for local public agency clients. In addition to his expertise on parks and recreation, transportation, and public safety, Alex has a strong network of relationships with State Legislators and key staff, as well as various state departments and agencies. Some of his accomplishments include:

- Alex worked closely with the City of Oakland staff to secure **$10,801,183** in grant funding from the Clean CA Local Grant Program. Alex leveraged relationships with the California Department of Transportation and the City's legislative delegation to successfully advocate for two funded projects. This funding helped the City of Oakland conduct the Courtland Creek Restoration Project, as well as the Oakland Mini Parks Beautification Project, both of which provided significant remediation and beautification of public resources for local residents.

- Alex led a team of Kern County staff through the application process to secure **$6,515,000** in grant funding from the Prop 68 Statewide Parks Program (Round 4). This funded the South Kern Lamont Park Project which provided much needed renovations to an existing park in the community of Lamont, despite grant program guidelines which provided preferences for the construction of new parks.

- Alex collaborated with state Natural Resources Agency staff to secure a **$3,086,000** Urban Greening Grant for the Desert Recreation District. This funded the construction of a new park and sports complex in unincorporated Riverside County. Alex then continued to work with the District on grant administration, ensuring the client was able to see the completion of their legacy project, that had been years in the making.

- Alex worked jointly with the City of South San Francisco to secure a **$868,000** grant from the Active Transportation Program (ATP). Alex leveraged relationships with the California Department of Transportation and coordinated among local business stakeholders and school officials to craft a competitive grant application to the statewide ATP. This funding helped the City with their Linden and Spruce Avenue Traffic Calming Improvement Project to construct major traffic calming improvements to ensure bike and pedestrian safety at crucial intersections to residential and commercial neighborhoods.

- Alex collaborated with state and federal Land and Water Conservation Fund staff to secure a **$750,000** grant for the City of Imperial. This funded the construction of a 300 plus acre regional park and equestrian center. Alex then continued to work with the City on grant

administration, ensuring the client was given the appropriate time to meet deadlines and retain their funding.

- Alex worked in concert with the City of South San Francisco to secure a **$658,000** grant from the San Mateo County Transportation Authority's Measure A Pedestrian and Bicycle Program. Alex leveraged relationships with stakeholders in the County to ensure that the City received the funding needed for their Sunshine Gardens Project, including major traffic-calming improvements on streets frequented by students walking and riding bicycles.

- Alex worked closely with City of Novato staff to secure a **$220,500** grant from the Food Waste Recovery program at CalRecycle. This funded a local food waste recovery effort in Marin County that allowed the City of Novato to partner with local non-profits and ensure that good food, that otherwise would go to waste, reached food banks and vulnerable residents.

- Alex has developed broad expertise with respect to public safety policy and funding. In conjunction with local stakeholders, Alex has worked successfully on a variety of public safety issues that affect local public agencies in California, including the fight against the trafficking and exploitation of minors, as well as the protection of local control regarding the manufacturing of medicinal cannabis products.

California State Senate
Legislative Aide *2012-2014*

Alex worked as a member of the Eighth Senate District's legislative team representing San Francisco and San Mateo Counties. Alex's primary responsibilities included monitoring, reviewing, and making recommendations on legislation passing through the Senator's committee's as well as bills of interest to the District. Alex annually carried a bill package through the legislative process and assisted with problem bills that required more support. Alex consistently had one of the highest numbers of bills signed into law of any senate staffer.

University of San Francisco, CA
Bachelor of Arts, Politics *2011*



Niccolo De Luca, Vice President: Niccolo brings 25 years of legislative and public policy experience to TPA. Niccolo has expertise in the policy sectors of local governance, parks and recreation, public safety, natural resources, cultural resources, cannabis, and consumer affairs.

Townsend Public Affairs, Inc.
Vice President *2008-Present*

Throughout his tenure at TPA, Niccolo has been responsible for dozens of legislative proposals that have been signed into law and secured millions in competitive grant funds for local public agency clients. In addition to his public policy expertise, Niccolo has widespread bi-partisan relationships with Members and staff of the State Legislature, Governor Newsom Administration, and relevant agencies. Some of Niccolo's accomplishments include:

- Niccolo led the TPA efforts to secure **$33.1 million** in critically needed park funding for cities and nonprofits in the Bay Area, Central Valley, and Southern California. These efforts included working on the funding guidelines, drafting the applications, lobbying for the applications, and working hand in hand with the funding agency. Niccolo was the team lead and instrumental in the many victories of our clients.

- Niccolo, in recognizing the need for additional tools to protect public and private infrastructure from natural disasters such as earthquakes, championed legislation to allow cities to create a special assessment district to provide low-cost earthquake retrofit loans in areas with vulnerable housing stock. In addition, Niccolo worked with the City of Oakland and the City of Los Angeles to create the first ever state loan program for seismic retrofits of multi-unit buildings.

- Niccolo was a major part of the coalition to help pass the state's first ever medicinal cannabis regulatory framework legislation. A comprehensive, thorough approach to statewide medicinal cannabis guidelines has been needed for several years. Niccolo served as an instrumental member of the statewide coalition that supported the views of both local government and the industry. Niccolo actively drafted language and advocated with legislators and staff to ensure statewide regulations would be in the best interest of cities. Due to these efforts, Niccolo has been recognized as a policy expert on cannabis policy and has testified before numerous legislative committees on issues related to the statewide implementation of cannabis regulations.

- Niccolo assisted the City of Oakland in securing **$2.2 million** in State Budget earmarks in FY14 and FY16. Niccolo coordinated with the Oakland Mayor, State Legislature, Governor's Office, and appropriate Administration officials to draft the language for inclusion into both budgets. Niccolo's strategy and execution led to two significant financial wins for the City and their various public safety efforts.

- Niccolo worked closely with the City of Oakland to secure four grants in the combined amount of **$18.9 million** from the Community Oriented Policing Services (COPS) Hiring Program. Niccolo developed the applications and shepherded them through the grant

process, including leveraging relationships with the US Department of Justice and COPS staff, which resulted in critical federal funding for the City to hire additional police officers.

- Niccolo worked with the City of Emeryville to secure **$600,000** in federal funding from the Pre-Disaster Mitigation Grant Program to finance the cost of seismic retrofitting of the City's one and only emergency community gathering and housing facility. Niccolo worked closely with the City and Congresswoman Barbara Lee on the application as well as development and execution of an advocacy strategy, including the defeat of a hostile amendment that would have taken the grant away from Emeryville and reverted the funds back to FEMA.

City of Oakland
Deputy City Administrator *2004-2007*

Niccolo was responsible for the daily operations and decision making for the two largest departments (public works and police department), overseeing a combined annual budget of $323 million. Niccolo also directly supervised four different divisions with 45 employees.

Niccolo provided direct organizational leadership to create a standard operating procedure for a multi-faceted crime reduction initiative, which was adopted by the City Council and resulted in crime reduction. Additionally, Niccolo expanded the number of organized neighborhood public safety gatherings for three consecutive years, with an average of nearly 100 percent annual increase. Furthermore, Niccolo served as lead administrative staff member for three City Council committee, providing expertise and support to the Mayor and City Council in the formulation, interpretation, and application of public policy.

City of Oakland
Assistant Director, Public Works Agency *2001-2004*

Niccolo was responsible for three divisions of the public works department (including finance and human relations), five direct reports, and 40 staff members. Niccolo oversaw the financial operations of the entire public works department, including revenues and expenditures. Niccolo implemented procedures to reduce the number of worker's compensation claims subsequently adopted for the entire City.

Niccolo also served as the spokesperson of the public works department and maintained all media relations. Niccolo built strong media relations and served as hearing officer for union grievances, ultimately helping to improve key relationships with affected unions.

City of Oakland
Assistant to Councilmember Richard Spees *1998-2001*

Niccolo served as lead spokesperson for the Council Member within the district. Niccolo improved the overall district-wide public approval rating of the Council Member through grass roots marketing campaigns and new information dissemination strategies. Additionally, Niccolo led constituent services for the district, ensuring proper and efficient service delivery for 58,000 residents.

University of Oregon
Bachelor of Arts, American History *1997*



Anastasia Heaton, Associate: Anastasia brings a variety of experience in knowledge to TPA, including two years of experience in public cultural and historical resources. Anastasia has grant writing experience in areas such as water, parks and recreation, cultural resources, and natural resources.

Townsend Public Affairs, Inc.
Associate *2021 – Present*

Since joining TPA, Anastasia has worked with clients to develop their funding proposals and secure competitive grant funding on projects. She has also worked to identify strategic funding resources that ensured her client's visions were transformed into reality. Some of her work includes:

- Anastasia worked with State Department of Water Resources staff to secure **$2,313,500** in Small Community Drought Relief Grants. This grant funding funded three projects in Kern County and Marin County, ranging in award amount from $19,500 to $1.4 million. These critical drought mitigation projects include a new intake facility and increased storage capacity for water districts hit the hardest by severe drought conditions.

- Anastasia worked closely with the City of Palmdale to secure **$1,000,000** in competitive LA County Regional Park and Open Space District Measure A funding for Regional Recreation, Multi-Use Trails, and Accessibility projects. This grant funding will go towards the expansion of a beloved and critical swimming pool in the City's Marie Kerr Park.

United States State Department and Indian Health Services Agency
Research and Writing VSFS Intern *2020 - 2021*

Anastasia worked as a researcher and writing intern for the United States State Department and Indian Health Services Agency, devising creative ways to translate and narrate information and data on cultural resources and public health.

Santa Barbara Mission-Archive Library
Archival Intern *2020*

Anastasia worked to research and identify significant historical narratives and bring them to the public through community outreach and public education efforts. She provided key support on managing grant documentation and securing funding for the Mission Archive-Library.

Westmont College, Santa Barbara
Bachelor of Arts, History *2021*



Carly Shelby, Legislative Associate: Carly brings over five years of government affairs experience to TPA. Carly has state legislative experience in areas such as water, solid waste and recycling, revenue and taxation, housing and land use, community services, pension reform, and budget. Carly has strong relationships with legislative committee staff, members of the legislature, and cities.

Townsend Public Affairs, Inc.
Legislative Associate *2021 – Present*

Since joining TPA, Carly has worked with clients to develop their legislative advocacy agenda In Sacramento. Some of her work includes:

- Carly has worked to build advocacy tools for clients such as legislative tracking matrices, policy issue summaries, and fact sheets. These tools allow clients to develop a successful advocacy strategy to achieve positive government actions in Sacramento.

- Carly has provided expert analysis and feedback on a variety of policy issues for our clients. She has written letters and official correspondence to bring client concerns to the attention of decision makers in Sacramento while helping navigate the legislative process.

League of California Cities
Legislative and Policy Development Assistant *2017-2020*

Carly was responsible for analyzing legislation and developing strategic policy positions to benefit cities throughout California. Carly also maintained stakeholder relations with various government agencies and government-proxy organizations to implement policy agendas crucial to local government clients.

Press Office of Assembly Speaker Anthony Rendon
Press Intern *2017*

Carly worked for Assembly Speaker Anthony Rendon and was responsible for maintaining communications between the legislature and major news outlets as well as communicating the Speaker and Democratic Caucus' policy agendas.

The California Building Industry Association (CBIA)
Government Affairs Intern *2016*

Carly worked to implement CBIA's policy agenda with emphasis on the issue areas of housing and land use. Carly also provided strategic campaign support on the CBIA sponsored school bond initiative.

California State University, Sacramento
Bachelor of Arts, Political Science *2021*

REFERENCES

1. CITY OF PALMDALE

Contact 1: Ronda Perez, City Manager

Contact 2: Terrie Zayas, Management Analyst

Address: 38300 Sierra Highway, Palmdale, CA 93550

Phone Number: (661) 267-5450

Email: tzayas@cityofpalmdale.org

Scope: TPA provides grant writing services to the City.

2. CITY OF SOUTH SAN FRANCISCO

Contact Name: Mike Futrell

Title: City Manager

Address: 400 Grand Ave, South San Francisco, CA 94080

Phone Number: (650) 877-8502

Email: mike.futrell@ssf.net

Scope: TPA provides grant writing and advocacy services to the City.

3. CITY OF LAFAYETTE

Contact Name: Niroop Srivatsa

Title: City Manager

Address: 3675 Mt Diablo Blvd, Lafayette CA 94549

Phone Number: (925) 284-1968

Email: nsrivatsa@lovelafayette.org

Scope: TPA provides legislative and funding advocacy services to the City.

GRANT FUNDING SCOPE OF SERVICES

TPA will utilize the following strategic and comprehensive approach to provide grant funding services to the City:

- **Conduct Detailed Orientation:** TPA utilizes a comprehensive onboarding process that includes extensive meetings with various relevant members of City leadership and key City departments to help develop a strategic plan that is carefully tailored to satisfy the needs of the City, as well as designed for maximum success in the current political climate and funding environment.

- **Craft Strategic Funding Plan:** Utilizing the information gathered during the onboarding process, TPA will coordinate with the City to develop a proactive and comprehensive strategic funding plan that serves the needs of the City's priorities. ***The plan will do more than simply identify City projects***; it will outline and prioritize multiple funding options for each project, and develop a specific plan of work tailored for each project. It will also identify key "strings attached" to help assess the cost/benefit ratio for each grant opportunity.

- **Identify, Research, and Monitor Grant Funding Opportunities:** TPA will utilize list-serve subscription programs, funding workshops, agency canvassing, and other networking tactics to ensure every potential opportunity is identified and reviewed for relevance with the City's projects. TPA will then share these opportunities with the City for further assessment and determination if a grant application is warranted. The City will also receive a grant matrix of funding programs that is updated regularly as new opportunities arise.

- **Grant Application Development and Submittal:** TPA will develop, draft, submit, and follow up on each City grant application through the following process:

    - **Establishment of Clear Accountabilities:** TPA will coordinate with the City to ensure the assignment of responsibilities and tasks are made clear so that confusion and inefficiency are avoided and the City is burdened as little as possible while TPA pursues a grant opportunity**.**

    - **Provide Overview of Full Application Requirements:** For each grant application, TPA will provide the City with a detailed overview of the requirements for the grant program and corresponding application to ensure that the program is a strong fit for the City's project. This will include:
        - Application timeline
        - Eligible project types
        - Funding availability and award maximum and minimums
        - List of application components, including proposal questions and any required attachments

    - **Assemble Project Background and Details**: TPA will conduct a detailed informational interview with City staff most involved with each project in order to gain

a full understanding of the project background and scope details necessary for developing the grant proposal and addressing all application questions.

- **Coordinate Technical Project Details**: For technical application components such as site plans, detailed cost estimates, project timelines, engineering plans, and cost-benefit analyses, TPA will coordinate with City staff to compile all necessary attachments and ensure consistency across all elements of the application.

- **Draft Written Proposal**: TPA will fully draft all narrative components of the application and, when applicable, will indicate where additional input or project detail from the City could be provided during the proposal review process.

- **Incorporate Feedback to Finalize Proposal**: Well ahead the of the application deadline, TPA will provide the City with a full draft for review and feedback. TPA will incorporate any additional details or revisions provided during this process to finalize the grant application and will obtain City approval for the final version of the application prior to submission.

- **Submit Completed Application**: TPA will ensure that applications are submitted prior to the deadline, whether the submission is electronic or through hard copies, in accordance with submission instructions for each individual program. For hard copy submissions, TPA will print and package applications according to submission instructions and will ship applications through a reliable carrier service such as FedEx in order to provide the City with tracking and delivery confirmation for the application. TPA will also obtain a receipt for proof of submission and provide the City with a final copy of all submitted application documents.

- **Funding Advocacy:** Throughout grant application process TPA will leverage relationships with relevant officials and program officers in various state and federal funding agencies to ensure that City grant applications are aligned with the goals of the specific grant program and that the applications are well-crafted and well-positioned for funding.

- **State Budget Funding Opportunities:** In an effort to maximize state funding, TPA will work with the City to identify projects and other funding priorities that may be suitable for funding through the State Budget. TPA will coordinate with the City to develop supporting materials for the budget request. TPA will also work with members of the City's state legislative delegation, along with the Assembly and Senate Budget Committees, to gain support for the inclusion of the City's project in the final State Budget approved by the Legislature.

- **Federal Earmark Opportunities:** In an effort to maximize federal funding, TPA will work with the City to identify projects and other funding priorities that may be suitable for funding through the Federal Earmark process. TPA will coordinate with the City to

develop supporting materials for the earmark request. TPA will also work with members of the City's federal legislative delegation to gain support for the inclusion of the City's project.

- **Post-Grant Submittal Advocacy:** TPA will frequently contact legislators and agency officials to follow up on the status of a grant application and promote its need and urgency. This will include drafting letters of support after grant submissions and distributing them to legislators for their consideration. In addition, TPA will work with legislators to reach out to individual granting agencies to provide background on City's projects and convey their support for those projects.

- **Post-Award Grant Administration and Compliance:** TPA will also assist, as needed, with post-award administration and compliance for all grant applications submitted by TPA on behalf of the City. This assistance will include interacting with granting agencies on behalf of the City, providing support for the drafting and submission of required reports, evaluations, and other tasks related to the successful monitoring of and compliance with the program requirements.

- **Comprehensive Follow-Up on Unsuccessful Applications:** Despite all best efforts, some grant applications are not selected for funding. In those instances where grant applications are unsuccessful, TPA will work with the relevant state and federal funding agencies to set up in-person or telephone debriefing sessions to discuss the grant applications and how to best revise the grant applications for the next funding round to ensure success.

- **Provide Monthly Progress Reports:** TPA will confer regularly with the City on our activities. TPA will provide timely electronic monthly reports on the status of all funding activity, such current funding opportunities, current applications, submitted applications, and post-grant submittal advocacy. In addition to written reports, TPA will be available to the City for conference calls, in-person briefings, and meetings

UPCOMING GRANT FUNDING OPPORTUNITIES

In addition to the Scope of Services, TPA has compiled the following chart, which details various grant programs that the City may wish to pursue.

Administrator & Grant Name	Application Info	Eligible Projects	Application Deadline
Department of Housing and Urban Development **Choice Neighborhood Planning Grant**	Max Award $500,000 5+% Match Required	The grant program assists communities with severely distressed public housing or HUD-assisted housing in developing a successful neighborhood transformation plan. Neighborhood transformation plans are a blueprint for the redevelopment of distressed public housing/HUD-assisted housing into mixed-income communities, supportive services for families that live there, and physical improvements to the surrounding neighborhood.	July 28, 2022
California Natural Resources Agency **Youth Community Access Grant Program**	$25k Min. Award $300k Max Award No Match Required	The Youth Community Access Grant Program supports youth access to natural or cultural resources with a focus on low-income and disadvantaged communities including, but not limited to, community education and recreational amenities to support youth substance use prevention and early intervention.	July 29, 2022
National Endowment for the Arts **Our Town Grants Program**	Min Award: $25,000 Max Award: $150,000 50% required match	Our Town grants support projects that integrate arts, culture, and design activities into efforts that strengthen communities by advancing local economic, physical, and/or social outcomes. Successful Our Town projects include public installation of art, theater programs, artist residencies, and more. These projects require a partnership between a nonprofit organization and a local government entity, with one of the partners being a cultural organization.	August 4, 2022

Administrator & Grant Name	Application Info	Eligible Projects	Application Deadline
CalRecycle **Tire-Derived Aggregate (TDA) Grant Program**	Max Award: $375,000 25% required match	The program provides opportunities to divert waste tires from landfills, prevent illegal tire dumping, and promote markets for recycled-content tire products. The Program provides assistance to civil engineers in solving a variety of engineering challenges using Tire-Derived Aggregate (TDA), which is produced from shredded tires, is lightweight, free-draining, and a less expensive alternative to conventional aggregates.	August 17, 2022
Governor's Office of Emergency Services **Domestic Violence Response Team (VA) Program**	Max Award: $125,000 25% required match	The program supports communities in building and implementing protocols and practices for a collaborative and coordinated response to incidents of domestic violence. The Program builds the capacity of communities that demonstrate a need for greater collaboration and coordination between domestic violence service providers and law enforcement. Applicants must be a governmental or a community-based non-profit organization that employs a Domestic Violence Counselor.	August 15, 2022
California Department of Transportation **Highway Safety Improvement Program (HSIP) Cycle 11**	Min Award $100,000 Max Award $10,000,000 Match Varies (0%,10%,50%)	The Local HSIP opportunity prioritizes projects than can be executed quickly. Projects must address specific safety concerns and identify specific countermeasures.	September 12, 2022

Administrator & Grant Name	Application Info	Eligible Projects	Application Deadline
US Department of Transportation **Safe Streets and Roads for All (SS4A) Grant Program**	Action Plan Grants: $200,000 - $1,000,000 Implementation Grants: $5,000,000 - $30,000,000 20% Required Match	Funds will support planning, infrastructure, behavioral, and operational initiatives to prevent death and serious injury on roads and streets involving all roadway users, including pedestrians; bicyclists; public transportation, personal conveyance, and micromobility users; motorists; and commercial vehicle operators.	September 15, 2022
WalMart **Local Community Grant Program**	$250 Minimum Award $5,000 Max Award	The Local Community Grant program funds projects in the areas of Community/Economic Development, Diversity/Inclusion, Education, Environmental Sustainability, Health and Human Service, Hunger Relief, Public Safety, Quality of Life. Organizations may submit a total number of 25 applications and/or receive up to 25 grants within the 2022 grant cycle.	Grants Accepted Throughout 2022
Department of Transportation **Reconnecting Communities Pilot Program**	Total Funding Available: $195 Million	The program's funds can support planning, capital construction, and technical assistance to equitably and safely restore community connectivity through the removal, retrofit, mitigation, or replacement of eligible transportation infrastructure facilities that create barriers to mobility, access, or economic development	NOFO Expected Summer 2022
US Department of Justice **COPS Hiring Program**	Funds up to two officer positions across a 3-year period.	The Cops Hiring Program provides funding to hire and re-hire entry level career law enforcement officers in order to preserve jobs, increase community policing capacities and support crime prevention efforts.	Expected early 2023

Administrator & Grant Name	Application Info	Eligible Projects	Application Deadline
US Department of Justice **Law Enforcement Mental Health and Wellness Act (LEMHWA) Program**	$175k Max Award No Match Required	The Program funds projects to improve the delivery of and access to mental health and wellness services for law enforcement through the implementation of peer support, training, family resources, suicide prevention, and other wellness programs.	Expected early 2023
California State Library **Building Forward Library Infrastructure Program**	Max Award TBD Up to 50% Match Required	The Building Forward Library Infrastructure Program is an equity-focused matching infrastructure grant program to support local library maintenance, capital projects, broadband and technology upgrades, and purchasing of devices.	NOFO Expected early 2023 Deadline Expected early 2023

COST PROPOSAL

OPTION I: ALL-INCLUSIVE MONTHLY RETAINER

DESCRIPTION OF SERVICES	FEE
Grant Writing Specialist	**$5,000 Per Month***
• Conduct Detailed Orientation	Included
• Craft Strategic Funding Plan	Included
• Identify, Research, and Monitor Grant Funding Opportunities	Included
• Grant Application Development and Submittal	Included
• Establishment of Clear Accountabilities	Included
• Provide Overview of Full Applications Requirements	Included
• Assemble Project Background and Details	Included
• Coordinate Technical Project Details	Included
• Draft Written Proposal	Included
• Incorporate Feedback to Finalize Proposal	Included
• Submit Completed Application	Included
• Funding Advocacy	Included
• State Budget Funding Opportunities	Included
• Federal Earmark Opportunities	Included
• Post-Grant Submittal Advocacy	Included
• Post-Award Grant Administration and Compliance	Included
• Comprehensive Follow-Up on Unsuccessful Applications	Included
**The monthly fee includes all reasonable business expenses, such as any and all applicable licenses and insurance coverage required to perform the Scope of Work. The monthly fee also covers all travel expenses performed on behalf of the client.*	

TPA does NOT institute a limit on the number of funding opportunities that we will pursue on behalf of a client. For this reason, TPA recommends our monthly fee option as a more cost-effective option for the City than on a per grant basis.

OPTION II: PER-PROJECT GRANT WRITING SERVICES

DESCRIPTION OF SERVICES	PROJECT FEE*
Grant Writing Services	**$3,500 to $15,000 Per Grant****
• Conduct Pre-Proposal Research and Outreach	Included
• Craft Strategic Funding Plan	Included
• Grant Application Development and Submittal	Included
• Establishment of Clear Accountabilities	Included
• Provide Overview of Full Applications Requirements	Included
• Assemble Project Background and Details	Included
• Coordinate Technical Project Details	Included
• Coordinate Stakeholder Meetings	Included
• Draft Written Proposal	Included
• Incorporate Feedback to Finalize Proposal	Included
• Submit Completed Application	Included
• Funding Advocacy	Included
• State Budget Funding Opportunities	Included
• Federal Earmark Opportunities	Included
• Post-Grant Submittal Advocacy	Included
• Post-Award Grant Administration and Compliance	Included
• Comprehensive Follow-Up on Unsuccessful Applications	Included

**The project fee includes all reasonable business and travel expenses and is determined based on the requirements of the grant program.*
*** Project fee determined by grant program requirements and length of project.*

EXAMPLES OF GRANT FUNDING ACHIEVEMENTS

The following chart includes five successful grant funding efforts TPA grant writing specialists achieved on behalf of our clients:

City of Palmdale: Statewide Parks Program	
Project Description	Melville J. Courson Park Revitalization
Role of TPA	Attended relevant grant workshops, worked with city staff to identify priority projects, assisted city staff with community outreach efforts, secured letters of support, drafted the grant application, submitted the grant application, worked with the City's legislative delegation to lobby for funding
Funding Agency	Department of Parks and Recreation
Amount Requested	$4,150,000
Total Amount Secured	$4,150,000
County of Kern: Statewide Parks Program	
Project Description	South Kern Lamont Park Project
Role of TPA	Attended relevant grant workshops, reviewed previously unsuccessful applications, scheduled and attended meetings between the funding agency and County staff to review application narrative, assisted County staff with community outreach efforts, secured letters of support, drafted the grant application, submitted the grant application, worked with the County's legislative delegation to lobby for funding.
Funding Agency	Department of Parks & Recreation
Amount Requested	$6,515,000
Total Amount Secured	$6,515,000
City of Murrieta: Public Works and Economic Adjustment Assistance Grant Program *(Competitive subcategory)*	
Project Description	Murrieta Innovation Center Life Science Startup Incubator
Role of TPA	Attended relevant grant workshops, reviewed previously unsuccessful applications, scheduled and attended meetings between the funding agency and City staff to review application narrative, assisted City staff with community outreach efforts, secured letters of support, drafted the grant application, submitted the grant application, worked with the City's legislative delegation to lobby for funding.
Funding Agency	U.S. Economic Development Administration
Amount Requested	$2,400,000

Total Amount Secured	$2,400,000
City of South San Francisco: One Bay Area Grant Program:	
Project Description	Grand Boulevard Initiative
Role of TPA	Attended relevant grant workshops, reviewed previously unsuccessful applications, scheduled and attended meetings between the funding agency and City staff to review application narrative, assisted City staff with community outreach efforts, secured letters of support, drafted the grant application, submitted the grant application, worked with the City's legislative delegation to lobby for funding.
Funding Agency	Metropolitan Transportation Commission
Amount Requested	$1,000,000
Total Amount Secured	$1,000,000
City of Placentia: Project Safe Neighborhoods	
Project Description	he Placentia STRONG Project
Role of TPA	Attended relevant grant workshops, reviewed previously unsuccessful applications, scheduled and attended meetings between the funding agency and City staff to review application narrative, assisted City staff with community outreach efforts, secured letters of support, drafted the grant application, submitted the grant application, worked with the City's legislative delegation to lobby for funding.
Funding Agency	US Department of Justice
Amount Requested	$537,160
Total Amount Secured	$537,160

RESOLUTION NO. XX-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY AUTHORIZING THE CITY MANAGER TO ENTER INTO A ONE-YEAR AGREEMENT WITH TOWNSEND PUBLIC AFFAIRS, INC. FOR ON-CALL GRANT WRITING SERVICES

WHEREAS, the City wishes to engage outside assistance in developing and implementing a program to find and obtain grants to support City services; and

WHEREAS, Townsend Public Affairs, Inc., a full service firm specializes in developing and assisting municipalities with such programs; and

WHEREAS, Townsend Public Affairs, Inc. has agreed to serve the City of Oakley for a period of one-year, including all of its available services without limitation;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Oakley authorizes the City Manager to execute the attached Agreement with Townsend Public Affairs, Inc., for grant program management services.

PASSED, APPROVED AND ADOPTED this 13th day of September, 2022 by the following vote:

AYES:
NOES:
ABSTENTION:
ABSENT:

APPROVED:

_____
Randy Pope, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date

CONTRACT FOR CONSULTANT SERVICES

THIS CONTRACT FOR CONSULTANT SERVICES ("Contract") is made and entered into as of this 1st day of September 2022, by and between City of Oakley, a municipal government ("Client"), and Townsend Public Affairs, Inc., a California corporation ("Consultant"). For valuable consideration, Client and Consultant agree:

1. Term.
   This Contract is effective as of the date above. The terms and conditions of this Contract shall remain in full force for the period set forth in Exhibit "A."

2. Services.
   Consultant will, in accordance with the terms of this Contract, perform the services described in Exhibit "A," ("Services").

3. Fees.
   Client agrees to pay Consultant for the Services in accordance with the provisions of the Fee Schedule set forth in Exhibit "A." The Consultant will submit a monthly invoice to Client reflecting the fee and including any expenses incurred for such month. Client shall pay each billing within thirty (30) days of receipt thereof.

4. Expenses.
   Subject to prior written authorization, Client shall reimburse Consultant for all itemized expenses with third party vendors incurred while providing Services as defined herein on behalf of Client. Such expenses shall be billed to the Client on a monthly basis and reimbursement thereof will be due upon receipt.

5. Laws, Rules and Regulations.
   Consultant shall perform the Services in accordance with all applicable local, state and federal laws and regulations, exercising the standard of care applicable to Consultant's profession.

6. Lobbyist Registration
   As a lobbyist employer, Client is required to file a Form 602 with the California Secretary of State, a quarterly Form 635. Consultant will prepare all forms for Client's signature and will file the forms on your behalf of Client.

7. No Condition to Payment.
   It is the intention of the parties to this Contract that the Services rendered hereunder and the payments made hereunder are not in any way contingent upon the achievement of any specific result including, without limitation, the defeat or enactment of any legislative or administrative proposal. Consultant does not guarantee, represent or warrant any specific results in connection with the provision of Services. The parties hereto agree that such sums as are paid pursuant to this Contract shall be deemed to be the reasonable value of Services rendered hereunder.

8. Independent Contractor.
   Client confirms to Consultant that the Services provided by Consultant to Client hereunder are not of a type performed by Client on its own behalf and are not within the scope of Client's usual business. It is the intention of the parties to this Contract that the Services rendered hereunder shall be so rendered by Consultant as an independent contractor and not as an employee, agent, joint venturer or partner of Client. Nothing in this Contract shall be

interpreted or construed as creating or establishing the relationship of employer and employee between Client and Consultant or any employee or agent of Consultant. Consultant's performance of the Services shall not be subject to the control and direction of Client. Both parties acknowledge that Consultant is not an employee for state or federal tax purposes. Consultant fully retains the right to contract with and perform services for other parties during the entire term hereof.

9. Work Product
Any tangible work product that is developed by Consultant shall be the property of the Client.

10. Confidentiality.
Consultant agrees to maintain the confidentiality of files or other information it is provided or develops during the course of its work for Client. It is understood, however, that disclosure of certain information provided by Client may be necessary or appropriate in the course of its representation of Client. Such disclosures shall be made upon consultation with Client or Client's designated representative and with written consent from the Client

11. Termination.
This Contract may be terminated by either party upon thirty (30) days written notice to the other party specifying desired date of termination.

12. Contract Modifications.
Client and Consultant agree that the terms and conditions of this Contract shall constitute the entire agreement between the parties signatory hereto as to the matters set forth herein. Client and Consultant may modify the terms of this Contract only by executing a written Contract Addendum, which shall reference this Contract and shall be executed by the parties' signatory hereto.

13. Attorneys Fees.
Client and Consultant agree that the prevailing party in any dispute under this Contract shall be entitled to an award of attorneys' fees and costs as ordered by a court of competent jurisdiction.

14. Certification of Non-Discrimination.
By signing this Contract, Consultant certifies that it does not discriminate in hiring on the basis of race, color, creed, religion, sex, age, marital status, national origin, ancestry, physical handicap or medical conditions.

15. Notice.
Notice and written communications sent by one party to the other shall be personally delivered or sent by U.S. Mail, postage prepaid, to the following addresses:

To Client:	City of Oakley 3231 Main Street Oakley, CA 94561
To Consultant:	Townsend Public Affairs, Inc. 1401 Dove Street, Ste. 330 Newport Beach, CA 92660

16. Execution.
The representatives of Client and Consultant warrant that they have authority to sign on behalf of and bind their principals and have caused this Contract to be duly executed the day and year first above written.

"CONSULTANT"	"CLIENT"
TOWNSEND PUBLIC AFFAIRS, INC., a California corporation	CITY OF OAKLEY a municipal government
By: _____	By: _____
Name: _____	Name: _____
Title: _____	Title:_____

EXHIBIT "A"
TO
CONTRACT FOR CONSULTANT SERVICES

TERM:	September 1, 2022 through August 31, 2023
FEE SCHEDULE:	$5,000 per month
SERVICES:	Please see attached Addendum to Exhibit "A" for full description of services provided.

Client Initials _____

Consultant Initials _____

ADDENDUM
TO
EXHIBIT "A"

The Services provided pursuant to the terms of the Contract for Consultant Services are the following:

DESCRIPTION OF SERVICES	FEE
Grant Writing Specialist	**$5,000 Per Month***
• Conduct Detailed Orientation	Included
• Craft Strategic Funding Plan	Included
• Identify, Research, and Monitor Grant Funding Opportunities	Included
• Grant Application Development and Submittal	Included
• Establishment of Clear Accountabilities	Included
• Provide Overview of Full Applications Requirements	Included
• Assemble Project Background and Details	Included
• Coordinate Technical Project Details	Included
• Draft Written Proposal	Included
• Incorporate Feedback to Finalize Proposal	Included
• Submit Completed Application	Included
• Funding Advocacy	Included
• State Budget Funding Opportunities	Included
• Federal Earmark Opportunities	Included
• Post-Grant Submittal Advocacy	Included
• Post-Award Grant Administration and Compliance	Included
• Comprehensive Follow-Up on Unsuccessful Applications	Included
**The monthly fee includes all reasonable business expenses, such as any and all applicable licenses and insurance coverage required to perform the Scope of Work. The monthly fee also covers all travel expenses performed on behalf of the client.*	

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: September 13, 2022

TO: Joshua McMurray, City Manager *Approved and Forwarded to the City Council*

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

SUBJECT: Award of Construction Contract to Day's Generator Service, Inc. for the installation of the Recreation Center Emergency Generator Project, Capital Improvement Project No. 249

Background and Analysis

The City's adopted FY 2022/23 Capital Improvement Program (CIP) Budget designates funding for various infrastructure and facility improvement projects. This is consistent with the City's goals to improve the quality of the City's public infrastructure and to enhance the quality of life and safety for our residents.

The Oakley Recreation Center facility is the center of recreational activities and programs in Oakley. The current Recreation Center does not have a standby emergency generator to address the frequent PG&E power outages that take place in this region.

During the last City Council Strategic Planning meetings, the need for having continued and uninterrupted service at the Recreation Center was amongst the major goals. This included the installation of a standby emergency generator to address the electricity needs of the Recreation Center. If the City is faced with an extended power outage, without a standby emergency generator, we will not be able to provide critical support functions from the Recreation Center facility to the community.

In preparation for the delivery and installation of the generator, staff has prepared the plans and specifications and solicited bids from contractors for the installation of this generator and its start-up operations. On August 25, 2022, a total of four (4) qualified bids were received for the construction of this project.

Day's Generator Service, Inc. was the lowest responsible bidder for the project and have all the resources needed to install the generator. The installation of the generator will involve preparing the site and construction of the concrete pad for the generator and its associated components, furnishing the new generator, installation of the new conduits and wiring to connect the electrical switch panels at the Recreation Center to

the generator, as well as the starting of the new generator. This project will not require any related work with PG&E, which is a big plus considering the delays customers have experienced in getting PG&E related support services.

Consistency with the Oakley Strategic Plan 27+

This item is consistent with the Strategic Plan 27+ Community Health and Safety goals.

Fiscal Impact

The current FY 2022/23 budget for this project is $300,000 from the ARPA Fund. This budget covers the purchase and installation cost of the generator.

Staff Recommendation

Staff recommends that the City Council adopt the resolution approving the award of the construction contract for the installation of the generator for the Recreation Center Emergency Generator Project to Day's Generator Service, Inc. in the amount of $262,848 and authorizes the City Manager to execute the agreement.

Additionally, due to variables associated with construction projects, and to address unforeseen circumstances during the course of construction, staff recommends that the City Council authorize staff to execute future change orders to the construction contract as necessary, in an amount not to exceed $25,000 for work beyond what is defined in the base bid project.

Attachments

1) Resolution
2) Bid Summary

RESOLUTION NO. XX-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING AN AGREEMENT WITH DAY'S GENERATOR SERVICE, INC. FOR THE INSTALLATION OF THE GENERATOR FOR THE OAKLEY RECREATION CENTER EMERGENCY GENERATOR PROJECT – CIP 249

WHEREAS, the Oakley Recreation Center is the center of recreational services in Oakley, and there is currently no emergency generator at the Recreation Center to provide electricity in times of power outage and uninterrupted services at the Recreation Center is of utmost importance; and

WHEREAS, staff prepared the plans and specifications for this project and subsequently solicited bids from contractors for the installation and startup of this generator and its associated components; and

WHEREAS, On August 25, 2022, four (4) qualified bids were received prior to the close of the bidding process and Day's Generator Service, Inc. submitted the lowest responsible bid for a total cost of $262,848 for the project; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Oakley that the Agreement with Day's Generator Service, Inc. for the installation of the emergency Generator for the Recreation Center Emergency Generator Project - CIP 249, for an amount not to exceed $262,848 is approved, and the City Manager is hereby authorized to execute said Agreement and change orders in an amount not to exceed $25,000 as necessary.

PASSED, APPROVED AND ADOPTED this 13th day of September, 2022 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

_____
Randy Pope, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date

City of Oakley Public Works Department
Recreation Center Emergency Generator Project
Certified Bid Tabulation Bid opening: August 25, 2022 at 2:00 P.M. at the Civic Center

				Engineers Estimate		Days Generator Service Co. P.O. Box 1868 Brentwood, CA 94513		James Day Construction Co. 14832 Lakeshore Drive Clearlake, CA 95422		Nema Construction Co. 555 Pierce Street, # 1005 Albany, CA 94706		Bockmon & Woody Electric Co. 1528 El Pinal Drive Stocktom, CA 95205	
Item No.	*Description*	*Quantity*	*Unit*	*Unit Price*	*Item Cost*	*Unit Price*	*Item Cost*	*Unit Price*	*Item Cost*	*Unit Price*	*Item Cost*	*Unit Price*	*Item Cost*
1	Recreation Center Emergency Generator Project	1	LS	275,000.00	$275,000.00	$ 262,848.00	$ 262,848.00	$ 367,732.00	$ 367,732.00	$ 368,500.00	$ 368,500.00	$ 405,557.00	$ 405,557.00
					$275,000.00		$ 262,848.00		367,732.00		$ 368,500.00		$ 405,557.00

This certifies that all bids were received and opened on August 25, 2022, and that this is a copy of the bid tabulation with bids corrected for errors in addition and multiplication. By:



OAKLEY
CALIFORNIA

STAFF REPORT

DATE: September 13, 2022

TO: Joshua McMurray, City Manager

Approved and Forwarded to the City Council

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

SUBJECT: Consideration of a Resolution Amending the City of Oakley Fiscal Year 2022/2023 Budget, Awarding a Contract to Affordable Landscaping Services Corporation for the Site Preparation and Installation of Turf around the Lake at the Delaney Park Subdivision and Authorizing the City Manager to Execute the Agreement

Background and Analysis

The City's adopted FY 2022/23 City Budget designates funding for various infrastructure repair and replacement projects. This is consistent with the City's goals to improve the quality of the City's public infrastructure and to enhance the quality of life for our residents.

Delaney Park Subdivision is one of the largest subdivisions in Oakley that includes over 580 homes, a large park and playground, extensive landscaping, storm water pump station and electrical generator building, as well as a lake. The new residents and guests of Delaney Park enjoy all the amenities of this subdivision year around.

One of the key attractions of this park is the lake, its fountain, and the walking pathway around the lake. The lake is at a lower elevation that the walking pathway and the embankment from the edge of the lake to the walking pathway had received hydroseeding during the construction of this subdivision by the developer of the subdivision. The hydroseeding did not perform as designed and expected and it had to be redone twice more, with adjusting the seed mix for the hydroseed to improve the performance and longevity.

Despite all the adjustments and modifications, the hydroseeding did not perform well and the embankments were overtaken with weeds and exposed soil. The maintenance of the embankment landscaping with the weeds growing in it has become very difficult and cost prohibitive.

Staff investigated alternatives to stabilize the embankment around the lake ranging from construction of concrete embankment with cobble stone surfacing, riprap revetment system and turf placement. After evaluating the various options both from safety and costs aspects, it was determined that a high-quality natural turf will be best suited for this site and can be

maintained with current landscaping maintenance contracts. The turf will protect the embankment and blend in with the surrounding park in an environmentally friendly approach and aesthetically pleasing for the residents.

Staff solicited proposals from contractors for the embankment site preparation and placement of the turf and received the following bids in response to our request:

Affordable Landscaping Services Corporation	$123,890
Terracare Associates	$125,763
Pacific Coast Landscape, Co.	$147,395

It is anticipated that the construction of this maintenance project will be completed promptly, and new turf will be established, and the embankments protected and enhanced before the winter rainy season.



Consistency with the Oakley Strategic Plan 27+

This item is consistent with the Strategic Plan 27+ park and Open Space Goal and Finance and Fiscal Responsibility Goal.

Fiscal Impact

The approval of this resolution will not have a fiscal impact on the General Fund. However, since this proposed project was not included in the FY 2022/23 Budget, a budget amendment to Fund 421 is necessary. Funding for this landscape maintenance project will come from the Delaney Park Community Facility District (CFD) operational reserves in Fund 421.

Staff Recommendation

Staff recommends that the City Council adopt the resolution amending the City of Oakley Fiscal Year 2022/2023 Budget for Fund 421 to increase the L&L Maintenance and Upgrade budget line item by $123,890, approving the landscaping project agreement with Affordable Landscaping Services Corporation for an amount not to exceed $123,890 and authorizing the City Manager to execute the agreement.

Attachments

1) Resolution

RESOLUTION NO. XX-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY ADOPTING AN AMENDMENT TO THE CITY OF OAKLEY FISCAL YEAR 2022/2023 BUDGET, APPROVING AN AGREEMENT WITH AFFORDABLE LANDSCAPING SERVICES CORPORATION FOR THE SITE PREPARATION AND INSTALLATION OF TURF AROUND THE LAKE EMBANKMENT AT DELANEY PARK AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, the Delaney Park Subdivision is one of the largest subdivisions in Oakley and its lake and landscaping is a major point of attraction for residents; and

WHEREAS, the embankments around the lake are eroding due to failure of hydroseeding and needs improvement and protection; and

WHEREAS, staff investigated alternatives to stabilize the embankment around the lake ranging from the construction of a concrete embankment with cobble stone surfacing, riprap revetment system, and turf placement. After evaluating the various options, it was determined that a high-quality natural turf will be best suited for this site; and

WHEREAS, Affordable Landscaping Services Corporation submitted the lowest responsible bid proposal for placement of a high-quality natural turf for a total cost of $123,890 for the work; and

WHEREAS, appropriations for this $123,890 project were not included in the adopted City of Oakley Fiscal Year 2022/2023 Budget; and

WHEREAS, the City of Oakley finds it necessary to complete this project and stabilize the embankment around the lake at the Delaney Park;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Oakley that a budget amendment to increase appropriations in Fund 421 by $123,890 for the completion of this landscaping upgrade project is hereby adopted, the Bid Proposal with Affordable Landscaping Services Corporation for the Delaney Park Lake embankment turf placement project, for an amount not to exceed $123,890 is approved, and the City Manager is hereby authorized to execute it into an Agreement.

PASSED, APPROVED AND ADOPTED this 13th day of September, 2022 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

_____
Randy Pope, Mayor

ATTEST:

_____ _____
Libby Vreonis, City Clerk Date

STAFF REPORT

DATE: September 13, 2022

TO: Joshua McMurray, City Manager *Approved and Forwarded to the City Council*

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

SUBJECT: Approval of Contract with Universal Site Services, Inc. (USS) for Porter Maintenance Services for various City of Oakley Parks and Facilities

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Background and Analysis

The City of Oakley is responsible for the maintenance and operation of over 37 public parks, an assortment of street median and planter landscaping, multiple facilities, and parking lots, which includes the Civic Center Campus and Oakley Plaza. It is of critical importance that these parks and facilities are well maintained to be to showcase Oakley as a community with high standards as well as for enhancing the quality of life for the residents.

In an effort to efficiently and professionally maintain the City's parks, landscaping, and facility assets, the City utilizes the services of contractors. The City hires contractors to perform these various maintenance tasks, since the City does not currently have in-house staffing resources to perform these services.

To maintain the maintenance services with proper resources, to ensure that the City of Oakley receives quality service keeping the community's parks and facilities in best condition; staff prepared a Request for Qualifications (RFQ) and invited contractors to participate in the process for the selection of a maintenance contractor to provide litter and trash removal, restroom cleaning and building washing for the City's parks and facilities.

The City received one (1) proposal responding to the RFQ from Universal Site Services. Staff followed up by meeting with the representatives from Universal Site Services to go over the scope of work, and to ensure that there is a clear understanding of what the City's expectations are as related to this maintenance contract. As result of these discussions, downward cost adjustments were made by Universal Site Services to accommodate the City's budget allocations. Under this contract, trash and litter will be picked up and disposed of and restrooms cleaned daily from the City's Parks and Facilities on a routine and consistent schedule.

Based on staff review and past experience working with USS, staff concluded that USS provided a fair and professional proposal especially in these current times of high inflation.

Consistency with the Oakley Strategic Plan 27+

This item is consistent with the Strategic Plan 27+ Community Health and Safety & Park and Open Space goals.

Fiscal Impact

Approval of this resolution will accept the proposal and authorize the City Manager to execute an agreement with Universal Site Services for a cost not to exceed $223,344 annually. The funding to pay for the porter services from Universal Site Services will be provided from the City's Lighting and Landscape Districts (LLD) and Community Facilities Districts (CFD).

Staff Recommendation

Staff recommends that the City Council adopt the resolution approving the proposal with Universal Site Services for porter services for the City's parks, landscaping, and facilities maintenance and authorizes the City Manager to enter into an agreement for a not to exceed amount of $223,344 annually which will be pro-rated for the remainder of Fiscal Year (FY) 2022/23.

Attachments

1) Universal Site Services Proposal
2) Resolution



Universal Site Services in partnership with the city of

OAKLEY
CALIFORNIA

Presented to:
Jesse Dela Cruz
Park and Landscape Maintenance Manager
925.625.7015
delacruz@ci.oakley.ca.us

Universal Site Services
Since 1958
YOUR PROPERTY, OUR PRIORITY

OAKLEY
CALIFORNIA

Dear Jesse, Kevin, and City of Oakely,

Allow me to begin by thanking you for the opportunity to re-submit this overview and proposal for continued partnership.

As you know, Universal Site Services is one of the oldest - and largest; privately held maintenance and cleaning organizations in California, and we are proudly recognized as the 14th largest Women Owned business in the Silicon Valley.

Universal Site Services offers consolidated maintenance services (*parking lot sweeping, pressure washing, landscape maintenacne, day portering and so much more*) for large multi-site corporate portfolios, as well as municipal, individual retail, lifestyle centers, industrial centers, commercial, and Homeowner Association type properties.

We simplify maintenance & site services by offering client partners a wide range of integrated services - managed under one single contract as well as single (and local) point of contact for all your needs.

So, what makes us different?

Our integrated approach is designed to innovate, rather than replicate – and to deploy resources in the most efficient and effective manner.

This makes the overall management of those services simpler - and more efficient, while offering the highest caliber of personal customer service and savings.

But what does that all mean? This means that we have the assets, management, and the determination to keep your property's appearance, operation, & appeal groomed and polished. Our staff is comprised entirely of experts with many years of experience in this industry – and we are *continually* investing to ensure that we have the right people to manage the services for your property.

We look forward to the opportunity of discussing the details of what will continue to be an extraordinary partnership soon.

Sincerely,

Gabriel G. Mariscal
Universal Site Services, Inc.
760 E Capitol Ave, Milpitas Ca 95035
209.639.3967
gmariscal@universalsiteservices.com
www.universalsiteservices.com

Silicon Valley Business Journal
Women Owned Business
Top 25
2011



Universal Site Services
Since 1958
YOUR PROPERTY, OUR PRIORITY

OAKLEY
CALIFORNIA

About Us

Founded in 1958 in California's Silicon Valley, Universal Site Services, Inc. has grown into one of the largest privately held outdoor maintenance companies with a commitment to delivering the very best client focused solutions to exterior maintenance. With over 63 years of experience and one of the largest fleets of exterior maintenance equipment in California, we are ready to deliver.

Universal Site Services was proudly recognized as the 14th largest Women Owned Business in the Silicon Valley (Silicon Valley/San Jose Business Journal) and for actively engaging in philanthropic organizations that provides guidance for women aspiring to become future business owners.



Founder, Leonard Vella 1958

What Differentiates Us:

- Dedicated Account Managers – **WE INVITE YOU TO MEET AND INTERVIEW YOUR ACCOUNT MANAGERS**
- **REGULAR SITE INSPECTIONS AND REPORTS – PHOTOS – ISSUES - LIABILITIES**
- A Dedicated Corporate Customer Support Team
- Technology reporting for your properties
- We have more field Account Managers than our competitors
- We are a California Company
- We have systems in place to have open lines of communication with our clients
- We excel at communicating issues uncovered on our client's properties.
- Rapid reaction to customer demands with Pro-Active Management
- Quality assurance measures are in place to make sure the work was completed properly
- Our attention to detail matters
- We are industry innovators
- We tailor services to target client's critical issues and concerns
- Depth of experience in the maintenance and sweeping industry
- Proven methods to ensure clients receive consistent services
- *Corrective action plans when we make mistakes*
- We offer work schedules on a yearly, monthly, weekly, daily basis
- Experienced staff
- 63 Year history affords confidence in dedication & reliability
- Compliant with all City, State and Federal laws for clean water conservation & pollution prevention

Universal Site Services

Since 1958

YOUR PROPERTY, OUR PRIORITY

OAKLEY
CALIFORNIA



The Universal Site Services Advantage

We'll ensure a positive experience begins as soon as your staff, leadership, and guests faculty, administrator's, students, and support personnel enter your prestigious property. Clean curb lines and parking lots helps ensure a positive experience for the many visitors you have every year. Universal Site Services, Inc. ensures consistently higher results while delivering budgetary savings based on client needs. Universal is flexible to change and mold with seasonal needs during the life of a contract.

We believe that by properly handling the visual appearance of your property, you will retain and help improve its value and your experience. We aim at providing the most cost-effective services and maintenance programs tailored to the diverse needs of your site.

We understand each site is unique, so we cater our services to the characteristics of your property and your budget. We pride ourselves on having the resources in place to handle any incidentals that might take place on your property *and* the knowledge to handle it correctly.

- We offer a *dedicated Account Manager* along with a *dedicated Customer Service team* that delivers updates and reporting to stay in consistent communication with you.

Our Mission

At Universal Site Services our mission is to support the successful achievements of our clients. We are focused on providing maintenance solutions, quality cleaning and landscaping services tailored to the needs of individual properties and communities across the Western United States.

Our family atmosphere and teamwork promote the infrastructure to encourage continued employee educations, and training for a broadened skill set that our customers are able to rely upon.

Our mission is to create meaningful jobs where cleaners feel valued, recognized as individuals, and that their work impacts the lives of others.

We have a lower workforce turnover rate because we treat our employees well. That certainly benefits you, our customer by delivering consistency.

Universal Site Services
Since 1958
YOUR PROPERTY, OUR PRIORITY

OAKLEY
CALIFORNIA

Our Benefits

Universal Site Services is proud to offer our employees Health, Dental, and Vision plans as well as career development, Retirement Savings Plans and Life Insurance for employees enrolled in our medical program.

USS offers our employees a Safe Harbor 401K Plan. USS makes a matching contribution equal to 100% of salary deferrals that do not exceed 3% of ones compensation plus 50% of salary deferrals between 3% and 5% of ones compensation. This matching contribution is 100% vested.

Dental and Medical Burden Rates plus FUTU, SUTA, Works Comp, & Social Security can add addittional costs of $900 a month per employee.

Service Time-On Site:

We will dedicate the right amount of time on site with each of the core elements of your service: Management Oversite, Crew Lead, Laborers, sweeping operators.

A low bid does not equate to the proper amount of TIME dedicated to your property!

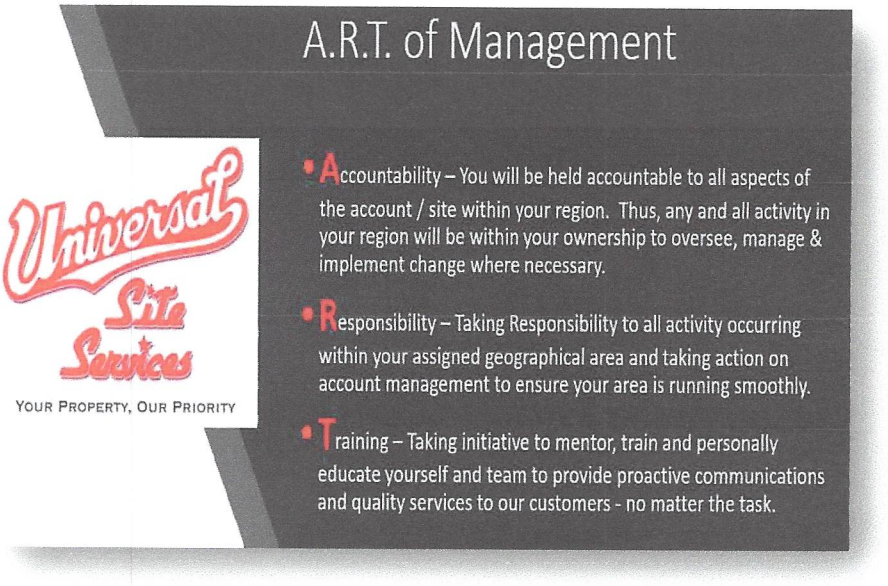
We have consistently shown you that we are different, we dedicate as much resources as necessary to satisfy your requirements. We are PROUD to have the Home Depot as a client and allocate all the necessary resources to ENSURE your satisfaction REGARDLESS of our bottom line.

Employee Development And Responsibility

We believe our success and growth is based on our principles of self-reflection and to deliver the best in exterior maintenance services, working with our team to help with career development and to integrate training to deliver the best field service with our labor force. We focus on our managers career growth and how it relates to the activities and deliverables we commit to our clients.

Our janitorial staff go through a rigorous multistage training process beginning with being assinged to a mentorship program and learning the important steps in maintenance, cleaning, smallwares, communication, scheduling, check list, repairs and maintenance.

We then move employees to larger sites taking on more responsibilities and development. onto behind the wheel training and in house on-line safety and compliance training. Many of our employees have years of experience with us and with our corporate benefits package and career path stay with us for years.



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Issue Resolution

When we do not meet our client's expectations, we self-reflect and report on where we went wrong to develop an action plan to address and fix the issues. We then implement the changes into the field

Process to Address and Fix Quality Issues

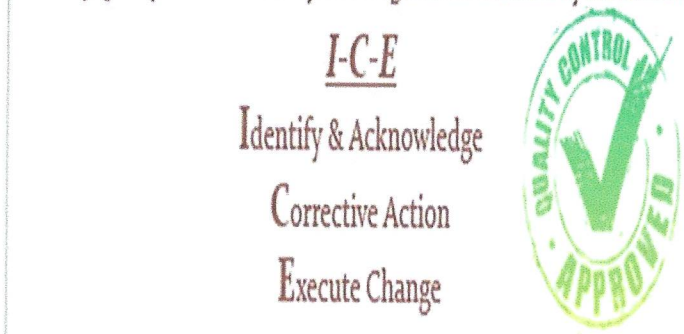
Identify quality issues before they are brought to our attention by the customer

I-C-E

Identify & Acknowledge

Corrective Action

Execute Change



Dedicated Customer Service Team



With a centralized customer service team located at our corporate facility we can coordinate client incoming issues and direct actionable responses coordinating efforts between our service operators, managers and respond to clients with speed to ensure all issues are resolved quickly with satisfaction.

Our account managers are tasked with visiting each site that is assigned to them within their respective geographic areas. Each manager drives and walks the site detailing the condition of the site, the last service, looks for issues, takes picture and creates an onsite report to be sent and data inputted into our internal systems.

Audit/Quality Assurance Program

- Regional Managers, Area Managers, Operational Managers and Crew Leads and Crews are tasked with quality control requirements and many utilize our internal reporting or at times work onsite to effect immediate change.
- Management works on set and floating account review routing to ensure multiple layers of management are physically touching each site over the course of each day, week, month, quarter.

Formal Field Inspections

- Account Managers perform routine inspections of the property – all regions and managers have key performance measurements that relate to services provided, communications for value added services opportunities as well as safety performance, equipment upkeep, payroll efficiency and margins.
    - While on site reviewing work completed, your Account Manager will document and complete an automated site inspection and a detailed report is sent to the client. A sample of the report can be reviewed on the following page.
    - Opportunities are recognized, quality is assured, corrective actions are put in place if KPI's are not met to ensure the long term goals are on tasks are being defined. It is important to recognize that our below reporting is also utilized to track improvements and positive progress.

Quality Control Measures

- Report logs are completed by our Account Managers for review by the Regional Managers and the Corporate Account Manager assigned to the project as needed or required. Our Regional Managers, Area Managers and Operational Mangers are tasked with the quality control requirements and the company provides as many tools as possible to encourage personal and regional success.
- Our system ensures multiple management levels are physically touching each site over the course of each day, week, month, and quarter depending on the location and level of service the job is needed to be evaluated.
- Using a mobile phone or tablet our reporting App enables us to generate a report with grading analytics that we can share with our clients.
- Quality control starts with seasoned professional operators and crews in the field. We execute an extensive employee screening plan with continual training and employee development. Most importantly our employees are experienced and professional.

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Our New Site Inspection/Visit Report. Please see attached file "Proprietary Site Inspection App – SAMPLE" to see the full report. We have been developing this App over the last few years to deliver the very best reporting capabilities to our clients.

SITE INSPECTION REPORT

Store Information

Store	SAF0955
Brand	Safeway
Store Name	CONCORD
Address	2600 WILLOW PASS ROAD
City	CONCORD
State	CA
Zip	94519
Territory	East Bay
Territory Manager	Chris Salter

SITE VISIT INFO	
Lot Sweeping Grade	NA
Inspection Performed	6/18/2020
Company	Universal Site Services, Inc.
Manager Performing Inspection	Manny Gutiérrez
Did you speak with a site Manager while on site?	Yes
Manager	
Store Email	

LOT SWEEPING SERVICES

Area Manager	Cell #	E-Mail
Manny Gutierrez	669-276-0[illegible]	Mgutierrez@universalsiteservices.com

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Yes		Yes		Yes	Yes	Yes

Contracted Lot Sweeping Frequency **Site Notes:**

Lot Service completed? No

Photos 10



Sidewalks Blow off? Yes

Photos 4



Were Handpicking services completed? No **Site Notes:**

Photos 2

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Management Team



Gina Vella, President / Owner
Gina joined the Universal Site Services Team in 1990 after years of corporate politics and experience in owning her own clothing line. By clearly understanding the individual needs of each customer Gina has built a strong and attentive team to cater to individuality and partnership philosophy. Gina attributes her success in simple terms, "Each customer has individual needs and requirements. Understand what they are and carry through."



Joe Vella, Vice President / Owner
Joe has worked with the family organization for over 30 years. Joe's history and background is substantiated from years of hard work within the industry. Starting with the washing of sweepers, Joe has also come full circle and has spent much of his career focused on heavy equipment and asset deployment. Joe is renowned as one of the experts in the field of sweeping equipment, development, scheduling, and maintenance of sweepers, trailer retrofitting, and asset allocation.

The ownership team of Joe & Gina is unspoiled. Joe brings an unparalleled experience in field operations and equipment functions and Gina brings a fantastic understanding of customer needs, support, management, and financial structure.



Jerry Nunez, Director of Operations (Direct Overseeing Operations for the Project)
Jerry's experience in the outdoor maintenance industry extends over **28 years**, 20 with Universal Site Services, Inc. Jerrys ability to deploy teams and disseminate the fine details to achieve performance success is unparallel. Jerry's involvement with the project will be guiding the operational teams and corporate account management and for a seamless operational execution. Jerry has the unique ability to facilitate Regional Managers and assist field personnel to offer harmonious operations and the highest level of quality and expertise.

All operations flow up to Jerry. He is involved reviewing proposals, RFP requirements, Scheduling and operations training and management.



Chris Dickie, Director of Sales & Marketing
Dynamic self-starter with 25 years of accomplished professional experiences both in the corporate environment and as an entrepreneur. Both experiences have led to a successful business path and professional skill sets to take on the never-ending challenges to develop win-win strategies for all involved. Chris is a visionary with strong communication skills, teamwork & interpersonal skills to work across multiple constituents with a can't quit attitude.



Ryan Rathke, Corporate Manager
Ryan Rathke has 18 years of security related experience, with a heavy emphasis on 'Corporate America'. He is recognized and proven in the fields of safety, security, loss prevention and emergency response planning and has provided a variety of consulting, and investigative work, along with executive & force protection details both domestically and internationally. During his career, Ryan has provided services to many Fortune 500 and 100 companies, schools, hospitals and local government, and even former President Bill Clinton. He has conducted in-depth security assessments, risk analyses and vulnerability studies and has developed and implemented security and safety policies, standards and procedures for several organizations in the United States.

The Account Support Services Team



Carisa Depew, Customer Service Manager
Over 25 years of Customer Service Experience, manages the team on 11 customer service agents. With over 13 years of Project Management in Construction Carisa can see the dynamic of the details to ensure that the diverse requirements of the Customer Service group provide through and efficient solutions and support to both the customer and our operational teams. Her team engages all aspect of Portal Protocol, Reporting, customer feedback and quarterbacking inquiries are managed skillfully. In her spare time, she dedicates time to her local community advocating for children and children's rights and protection.

With over 13 years of Project Management in Construction Carisa can see the dynamic of the details to ensure that the diverse requirements of the Customer Service group provide through and efficient

Account And Back Office Support

ACCOUNTING TEAM



Vandana Behl

Accounting Manager



Julie Riley

Accounts Payable



Doreen Hardin

Accounts Receivable



Tien Tran

Accounts Payable Specialist



Ana Urbieta

Payroll Accountant

Contract And Operator Compliance Team

COMPLIANCE TEAM



Justin Bain

Compliance Manager



Anne Heyman

Contract Processing Supervisor
Oversees AVP
New & Loss Report
Method Changes



Christine Calfee

Contract Compliance Coordinator
Tracks Compliance
Requests for:
SAC
CV
Pen
EB
House



Veronica Lupercio

Contract Compliance Coordinator
Tracks Compliance
All Operators Letters – Change Acct
Tracks All Sub letters to get Signatures/Files
New Sub Requests for:
LA
NBAY



Roxanna Flores

Contract Processing Admin
All Operators Letters for:
New Accts
Cancellations

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Other Services We Are Ready To Offer

Hauling Services

No time to clean up the junk and debris that has accumulated in your Community?



Universal Site Services is committed to providing prompt and professional quality hauling services at competitive prices. Upon approval of removal, our hauling crews are dispatched during the week Monday – Friday 7am to 4pm. Our hauling crews are equipped with dump truck and large trailers for large hauling items of almost any type.

Items of Removal Include: Refrigerator, Tires, Microwaves, Cardboards, Plastic Containers, Televisions, Computers, Furniture, Mattresses, *and whatever else they dump in your District*

We React Fast To Emergencies

Our solution ensures consistently higher results with better communication with a better trained team. We offer expert services for the exterior maintenance requirements of your property:

Emergency Services



All managers are on duty 24/7. Our estimated time of arrival for an emergency is 1 hour during working hours described at 6:00 AM to 6:00 PM Monday – Friday. Arrival for after hour calls should not exceed 2 hours. A twenty-four (24) hour emergency number is available. All personnel are equipped with communication.

We have on the job training, tailgate meetings and safety meetings weekly. We ensure employee management training and create corrective plan of Actions and Follow up when employee issues occur.

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ENHANCEMENTS, UPGRADES AND OVERHAULS

We have software that lets us SHOW you what your enhancements could look like!

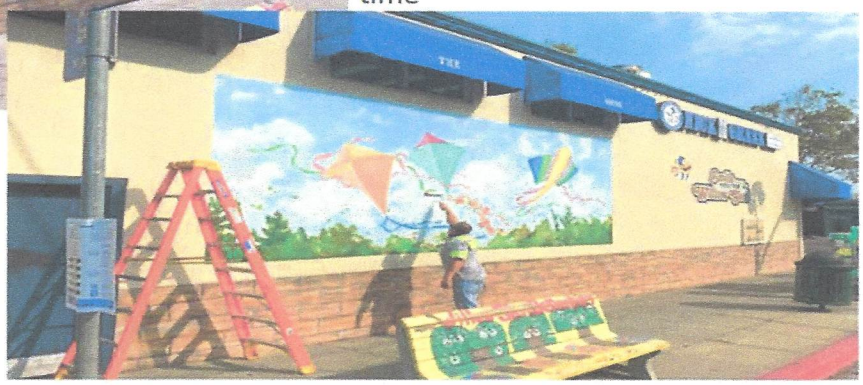
We can provide detailed planning and computer-generated images with a plan for how your enhancements will look prior to ever breaking ground.



GRAFFITI REMOVAL



Using a state of the art environmentally friendly removal process we quickly washed away the unsightly graffiti, worked with the original artist to touch up a few areas *then* applied an Anti-Graffiti Clear Protective Coating to protect against future tagging in record time



Corporate Offices: 760 E. Capitol Avenue ~ Milpitas, CA.95035 ~ Ph: 800.647.9337 ~ Fax: 408.258.0122
San Jose ◆ Stockton ◆ Sacramento ◆ Santa Rosa ◆ Los Angeles ◆ Simi Valley
San Diego ◆ Reno ◆ Phoenix ◆ Hawaii ◆ Texas ◆ Washington ◆ Oregon
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www.UniversalSiteServices.com

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Recommendations:

From the Willow Glen Business Association

To Whom it May Concern

On behalf of the Willow Glen Business and Professional Association I wish to express how pleased we are with the service and support from Universal Site Services.

Universal Site Services continually goes above and beyond for our community. They are a trusted partner that regularly sends updates and pictures to ensure we know what is happening in real time in our downtown business district.

Universal is quick to react to the many emergencies that happen in a modern city such as graffiti abatement, dealing with homeless issue, spot washing, keeping our landscaping in pristine condition and politely helping both our patrons and business owners. Universal is an easy and very reliable company to work with from the porters that go above and beyond, the area manager assigned to us that ensure open lines of communication and ownership who always makes themselves available to us.

Sincerely,
Kandy Stevens

Kandy Stevens
Willow Glen Business Association
1261 Lincoln Ave, #217 San Jose, CA 95125
willowglen.org
408-298-2100

DOWNTOWN WILLOW GLEN
SAN JOSE'S LOCAL TREASURE
WILLOW GLEN BUSINESS ASSOCIATION

From Senior Facilities Management

I would like to recommend Universal Site Services. I have worked professionally and personally with the ownership and various Account Managers at Universal Site Services since 2008. I am very satisfied with their performance and their customer service is outstanding.

They have provided various services to my different properties over the years including sweeping, landscaping, pressure washing, general building maintenance, landscaping, and day porter service.

I am happy to recommend the services of Universal Site Services. If you should have any questions or concerns, please feel free to contact me at (408) 572-8454.

Sincerely,
Gizelle Lamb

Facilities Manager
408-373-8936
glamb@summitps.org
www.summitps.org
San Jose, CA 95128
(408) 572-8454 Phone

SUMMIT PUBLIC SCHOOLS

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From Senior Property Management

The people at Universal Site Services are truly something special. The management team goes above and beyond to take care of my staff and tenants at over 20 class A, commercial, and industrial/distribution centers throughout California. We have worked together for close to a decade and it has been the most personal and proactive business relationships that I've had the pleasure of having.

They are my first choice for anything exterior site service related. Their pricing is very fair, and the returns on our investments are evident. I encourage anyone who is considering a partnership with Universal Site Services to tour any one of our properties to see for themselves the quality and talent of their team.

When it comes to personal relationships, they all have what seems to be a 'friendship, trust, and then business' principal; which is certainly extraordinary in the modern day hyper speed business environment. My recommendation to whomever is reading this is to trust your instincts and grant them the opportunity – you will be proud with your decision.

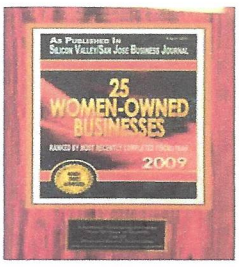
Thank you,

Barbara McDermott
Senior General Manager
CA BRE License #02001300
Jones Lang LaSalle Americas, Inc.
Real Estate License #01223413
3255 W. March Lane, Suite 105A
Stockton, CA 95219
T + 1 209 390 1697











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2022 - 2025 Pricing Schedule					
ZONE	LOCATION	# Site Visits Per Week	Coding	Monthly Amount	Annual Amount
Z-1-233	CROCKETT PARK	7	132-33-233-5300	$ 796.00	$ 9,552.00
Z-1-234	MAIN STREET PARK	2	132-33-234-5300	$ 658.00	$ 7,896.00
	Main ST CIP 165 AB and Parkinglot				
Z-1-235	LAUREL BALLFIELDS PARK	7	132-33-235-5300	$ 796.00	$ 9,552.00
Z-1-236	FREEDOM BASIN PARK	3	132-33-236-5300	$ 263.00	$ 3,156.00
Z-1-238	Dewey Park	2	132-33-238-5300	$ 796.00	$ 9,552.00
	CIVIC CENTER and PARK	7			
Z-1-239	Oakley Recreation Center	3	132-33-239-5300	$ 405.00	$ 4,860.00
Z-1-241	CYPRESS TRAIL HEAD	2	132-33-241-5300	$ 179.00	$ 2,148.00
CAM - 002	OAKLEY PLAZA SHOPPING CTR	7	138-82-002-5300	$ 1,630.00	$ 19,560.00
3-01	Vintage Parkway	2	170-31-001-5300	$ 100.00	$ 1,200.00
3-05	Oak Grove Park	1	174-31-005-5300	$ 100.00	$ 1,200.00
3-15	Heather Park	2	184-31-015-5300	$ 775.00	$ 9,300.00
	HOLLY CREEK PARK	7			
3-17	CREEKSIDE PARK	7	186-31-017-5300	$ 937.00	$ 11,244.00
3-19	NUNN-WILSON PARK W/KODA	7	188-31-019-5300	$ 1,016.00	$ 12,192.00
	Nunn Wilson Athletic Field	7			
3-20	MARSH CREEK GLENN PK	2	189-31-020-5300	$ 263.00	$ 3,156.00
3-22	BRIARWOOD PARK	2	191-31-022-5300	$ 1,052.00	$ 12,624.00
	CYPRESS GROVE POND	3			
	Cypress/Picasso/Monet Cans	3			
	CYPRESS GROVE PARK	3			
3-23	RIATA PARK	1	192-31-023-5300	$ 1,263.00	$ 15,156.00
	HEARTWOOD PARK	1			
	SHADY OAK PARK	3			
	LIVE OAK RANCH PARK	1			
	Harvest Park	1			
	SIMONI RANCH OPEN SPACE	2			
3-25	MAGNOLIA PARK	3	194-31-025-5300	$ 1,510.00	$ 18,120.00
	Daffodil Park	3			
	Brown Rd. Cans	3			
	Magnolia Trail	3			
	NOVARINA PARK	3			
3-26	LAKEWOOD DRIVE PARK	1	195-31-026-5300	$ 1,545.00	$ 18,540.00
	SYCAMORE DRIVE PARK	1			
	MANRESA PARK	1			
	SUMMER LAKE	7			
	LAKESIDE PARK	1			
	LEEWARD PARK	1			
	CATAMARAN PARK + WLKWY	1			
CFD - Neighborhood (CITYWIDE)	Duarte Park/Basin	5	416-53-500-5300	$ 316.00	$ 3,792.00
CFD EMERSON RANCH (2015-1)	CFD Emerson Ranch Nbh Pks&Ltg	7	405-53-502-5300	$ 1,230.00	$ 14,760.00
	CFD Emerson Ranch (2015-1) Neighborhood Landscaping		406-53-500-5300	$ 526.00	$ 6,312.00
	CFD Emerson Ranch (2015-1) Stormwater		407-53-501-5300	$ 350.00	$ 4,200.00
CFD Delaney Park (2015-2)	CFD Delaney Park Nbh Pks&Ltg	7	421-53-500-5300	$ 1,230.00	$ 14,760.00
	CFD Delaney Park (2015-1) Stormwater		422-53-501-5300	$ 876.00	$ 10,512.00
			TOTALS	$ 18,612.00	$ 223,344.00

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Contractor License # 907009
www.UniversalSiteServices.com

EXHIBIT A

SCOPE OF SERVICES

- Frequency varies by location – 1 to 7 days per week coverage
- All litter removal from ground such as parking lots, walkways, planters etc. at City Parks and Facilities
- Garbage emptying
- Daily Public Park restroom servicing which includes cleaning, disinfecting, and restocking
- Materials needed for cleaning and restocking
- Drinking fountain cleaning
- Minor cleaning of other park amenities
- Areas of coverage can be found at the link below:
  https://arcg.is/1KPTnm0

Universal Site Services adheres to the scope of work as per the contract. USS management team is utilizing the beautiful site map and details listed in the abovementioned website. Great job to the person/team who created this!

Monday Route		
Stop	Title	Address
7:00-7:30	Civic Center and Park	3231 Main Street
7:30-8:00	Oakley Plaza Shopping Center	3080 Main Street
8:00-8:30	Lakeside Park	4351 E. Summerlake Drive
8:30-9:00	Cypress Grove Park/Delaney Park	4001 Frank Hengel Way/100 Marathon Drive
9:00-9:30	Cypress Grove Pond	4001 Frank Hengel Way
9:30-10:00	Creekside Park	3900 Creekside Way
10:00-10:30	Shady Oak Park	301 Shady Oak Drive
10:30-11:00	Live Oak Ranch Park	19 Solitude Court
11:30-12:00	Laurel Ballfields Park/Riata Park	850 Laurel Rd/607 Saddlebrook Way
12:00-12:30	Freedom Basin/Daffodil/Nutmeg Park	1040 Neroly Rd/590 Daffodil Dr/1068 Nutmeg Dr
12:30-1:00	Magnolia Park/Magnolia Trail	5301 Daffodil Drive
1:00-1:30	Novarina Park/Crockett Park	100 Brown Road/4150 Richard Way
1:30-2:00	Nunn-Wilson & Koda Dog Park	100 Oxford Dr, Oakley, CA 94561
2:00-2:30	Heartwood Park/Summer Lake Park	240 Heartwood Dr/4020 Summer Lake
2:30-3:00	Leeward Park/Catamaran Park+WLKWY	4289 Summer Lake Dr/2695 Manresa Shore Ln
3:00-3:30	Duarte Ranch Park/Emerson Ranch Park	586 Sapphire Parkway/300 Shearwater Way

Tuesday Route		
Stop	Title	Address
7:00-7:30	Vintage Parkway Cans	Vintage Parkway
7:30-8:00	Heather Park	5164 Claremont Lane
8:00-8:30	Civic Center and Park	3231 Main Street
8:30-9:00	Dewey Park	215 2nd Street
9:00-9:30	Main St. CIP AB and Parking Lot	3669 Main Street
9:30-10:00	Lakewood Drive Park	1882 Lakewood Drive
10:00-10:30	Main Street Park	Main Street and Gardenia Avenue
10:30-11:00	Holly Creek Park/Crockett Park	4759 Hagar Ct/4150 Richard Way
11:30-12:00	Nunn-Wilson & Koda Dog Park	100 Oxford Drive
12:00-12:30	Simoni Ranch Open Space	20 Simoni Ranch Road
12:30-1:00	Marsh Creek Glenn Park	430 Hill Avenue
1:00-1:30	Creekside Park	3900 Creekside Way
1:30-2:00	Cypress Trail HeadDelaney Park	120 E Cypress Road/100 Marathon Drive
2:00-2:30	Briarwood Park/Sycamore Park	100 Michaelangelo Dr/1799 Park Place
2:30-3:00	Summer Lake Park/Duarte Ranch Park	4020 Summer Lake Dr/586 Sapphire Pkwy
3:00-3:30	Manresa Park/Emerson Ranch Park	1088 Clear Lake Dr/300 Shearwater Way

Wednesday Route		
Stop	Title	Address
7:00-7:30	Civic Center and Park	3231 Main Street
7:30-8:00	Delaney Park	100 Marathon Drive
8:00-8:30	Crockett Park	4150 Richard Way
8:30-9:00	Nunn-Wilson & Koda Dog Park	100 Oxford Drive
9:00-9:30	Laurel Ballfields Park	850 Laurel Road
9:30-10:00	Brown Rd (Cans)Magnolia Trail	Brown Road
10:00-10:30	Novarina Park	100 Brown Road
10:30-11:00	Magnolia Park	5301 Daffodil Drive
11:30-12:00	Freedom Basin Park	1040 Neroly Road
12:00-12:30	Daffodil Park/Nutmeg Park	590 Dafodill Drive/1068 Nutmeg Drive
12:30-1:00	Shady Oak Park/Creekside Park	301 Shady Oak Drive/3900 Creekside Way
1:00-1:30	Cypress Grove Pond	4001 Frank Hengel Way
1:30-2:00	Cypress Grove Park	4001 Frank Hengel Way
2:00-2:30	Summer Lake Park	4020 Summer Lake Drive
2:30-3:00	Duarte Ranch Park	586 Sapphire Way
3:00-3:30	Emerson Ranch Park	300 Shearwater Way

Thursday Route		
Stop	Title	Address
7:00-7:30	Vintage Parkway Cans	Vintage Parkway
7:30-8:00	Heather Park	5164 Claremont Lane
8:00-8:30	Civic Center and Park	3231 Main Street
8:30-9:00	Dewey Park	215 2nd Street
9:00-9:30	Main St. CIP AB and Parking Lot	3669 Main Street
9:30-10:00	Delaney Park	100 Marathon Drive
10:00-10:30	Main Street Park	Main Street and Gardenia Avenue
10:30-11:00	Holly Creek Park	4759 Hagar Court
11:30-12:00	Crockett Park	4150 Richard Way
12:00-12:30	Nunn-Wilson & Koda Dog Park	100 Oxford Dr, Oakley
12:30-1:00	Simoni Ranch Open Space	20 Simoni Ranch Road
1:00-1:30	Marsh Creek Glenn Park/Creekside Park	430 Hill Avenue/3900 Creekside Way
1:30-2:00	Cypress Trail Head/Briarwood Park	120 E Cypress Rd/100 Michaelangelo Drive/Dalia Court
2:00-2:30	Summer Lake/Manresa Park	4020 Summer Lake Drive/1088 Clear Lake Drive
2:30-3:00	Lakewood Park/Sycamore Park	1882 Lakewood Dr/1799 Park Place Drive
3:00-3:30	Duarte Ranch Park/Emerson Ranch Park	586 Sapphire Parkway

Friday Route

	Title	Address
7:00-7:30	Civic Center and Park	3231 Main Street
7:30-8:00	Delaney Park	100 Marathon Drive
8:00-8:30	Crockett Park	4150 Richard Way
8:30-9:00	Nunn-Wilson & Koda Dog Park	100 Oxford Drive
9:00-9:30	Laurel Ballfields	850 Laurel Road
9:30-10:00	Brown Rd (Cans)Magnolia Trail	Brown Road
10:00-10:30	Novarina Park	100 Brown Road
10:30-11:00	Magnolia Park	5301 Daffodil Drive
11:30-12:00	Freedom Basin Park	1040 Neroly Road
12:00-12:30	Daffodil Park/Nutmeg Park	590 Daffodil Drive/1068 Nutmeg Drive
12:30-1:00	Shady Oak Park/Harvest Park	301 Shady Oak Drive/3800 Marsh Way
1:00-1:30	Oak Grove Park/Creekside Park	403 White Oak Court/3900 Creekside Way
1:30-2:00	Cypress Grove Pond	4001 Frank Hengel Way
2:00-2:30	Cypress Grove Park	4001 Frank Hengel Way
2:30-3:00	Summer Lake Park	4020 Summer Lake Drive
3:00-3:30	Duarte Park/Emerson Ranch	586 Sapphire Parkway/300 Shearwater Way

Saturday Route

	Title	Address
7:00-8:30	Civic Center and Park	3231 Main Street
9:30-10:00	Crockett Park	4150 Richard Way
10:00-10:30	Nunn-Wilson & Koda Dog Park	100 Oxford Drive
11:00-12:00	Laurel Ballfields	850 Laurel Road
12:00-12:30	Creekside Park	3900 Creekside Way
12:30-1:00	Summer Lake Park	4020 Summer Lake Drive
2:00-2:30	Emerson Ranch Park	300 Shearwater Way
2:30-3:30	Delaney Park	100 Marathon Drive

Sunday Route

	Title	Address
7:00-8:30	Civic Center and Park	3231 Main Street
9:30-10:00	Crockett Park	4150 Richard Way
10:00-10:30	Nunn-Wilson & Koda Dog Park	100 Oxford Drive
11:00-12:00	Laurel Ballfields	850 Laurel Road
12:00-12:30	Creekside Park	3900 Creekside Way
12:30-1:00	Summer Lake Park	4020 Summer Lake Drive
2:00-2:30	Emerson Ranch Park	300 Shearwater Way
2:30-3:30	Delaney Park	100 Marathon Drive

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OAKLEY
CALIFORNIA

Universal Site Services greatly appreciates the opportunity to demonstrate to you why we believe we are best suited to continue handling the task at hand and to put our best foot forward in ensuring a successful partnership between all parties involved.

What differentiates us from our competition?

* Local and dedicated Area Operations Manager with many years of experience in the industry
* Our company culture promotes employee longevity with very low attrition rates with a goal to promote from within
* We do not enter into a partnership until all levels of management agree that we can deliver the results you expect and deserve
* Partnerships include Executive Management and Corporate Administrative support

We take each responsibility bestowed upon us very seriously and work diligently to ensure a job well done every time. Most importantly, when our partner client's expectations are not met, we guarantee we will make it right immediately.

Thank you for the opportunity to resubmit our proposal, and we look forward to many more years of service with you and the City of Oakley.

Sincerely,



Gabriel G. Mariscal
Universal Site Services, Inc.
760 E Capitol Ave, Milpitas Ca 95035
209.639.3967
gmariscal@universalsiteservices.com
www.universalsiteservices.com

STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

CONTRACTORS STATE LICENSE BOARD ACTIVE LICENSE

License Number **907009** Entity CORP

Business Name UNIVERSAL SITE SERVICES INC

Classification(s) C61/D63 C27

Expiration Date 11/30/2023 www.cslb.ca.gov

CSLB

State of California
Department of Industrial Relations
Division of Labor Standards Enforcement
Licensing & Registration Unit
1515 Clay Street, Ste. 1902
Oakland, CA 94612

Registration Number:
JS-LR-1000707575

Janitorial Services Registration

REGISTRANT WITH EMPLOYEES

Effective Date	Expiration Date
2/22/2022	2/22/2023

Universal Site Services, Inc.
760 E Capitol Avenue
Milpitas, CA 95035

Workers Compensation Insurance Expiration Date:
October 1, 2022

Branch 1. DBA N/A — 2923 Saturn St, Brea, CA 92821

Branch 2. DBA N/A — 3174 Luyung Dr, Rancho Cordova, CA 95742

Branch 3. DBA N/A — 1113 N Shaw Rd, Stockton, CA 95215

Branch 4. DBA N/A — 250 E. Easy Street, Simi Valley, CA 93065

Having paid to the Labor Commissioner of the State of California the required Registration Fee is hereby granted a registration to conduct the business of Janitorial Services in the State of California at the location(s) listed above and effective for the period designated above in conformity with the provisions of Chapter 4, Part 4.2, Division 2 of the Labor Code and the rules and regulations issued thereunder by the Labor Commissioner.

THIS REGISTRATION IS NOT TRANSFERABLE AND IS VALID ONLY AT THE REGISTERED OPERATING LOCATION INDICATED ABOVE

POST IN A CONSPICUOUS PLACE

ALTERATIONS WILL VOID THIS REGISTRATION

NWBOC

WWW.NWBOC.ORG

RCW184467
CERTIFICATION NUMBER

03/14/20
EXPIRATION DATE

Certifies that:

Universal Site Services, Inc.

has successfully met the requirements of the NWBOC national certification program for certification as a woman-owned and woman-controlled business.

The identified business has qualified as an eligible Woman Business Enterprise (WBE) as set forth in NWBOC standards and procedures.

PHYLLIS HILL SLATER
Board Chair, NWBOC

561790, 488490
NAICS Code(s)

03/15/19
Date

WWW.NWBOC.ORG
INFO@NWBOC.ORG | 800-794-6140 | 1101 East Cumberland Ave, Suite #301, Tampa, Florida 33602

TAMPERING OR ALTERING THIS CERTIFICATE IS, IN THE DISCRETION OF NWBOC, GROUNDS FOR TERMINATION OF CERTIFICATION.

RESOLUTION NO. XX-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING AN AWARD OF CONTRACT WITH UNIVERSAL SITE SERVICES FOR PORTER MAINTENANCE SERVICES FOR CITY PARKS AND FACILITIES AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT

WHEREAS, the City of Oakley Public Works Department is responsible for the overall maintenance and operation of all City's Parks and Facilities; and

WHEREAS, the City of Oakley has previously outsourced these services with Universal Site Services; and

WHEREAS, this contract has officially expired as of June 30 2022 and is in need of an annual update; and

WHEREAS, in response to a Request For Qualifications (RFQ), Universal Site Services submitted a proposal which after review and analysis by staff was determined to be best suited for providing the Porter Services for City Parks and Facilities; and

RESOLVED, by the City Council of the City of Oakley that the Maintenance Services agreement with Universal Site Services for Porter Service Maintenance for City Parks and Facilities for an amount not to exceed $223,344 annually until fiscal year (FY) 2024/25, and pro-rated for the remainder of FY 2022/23 is hereby approved, and the City Manager is authorized to execute said agreement.

PASSED, APPROVED AND ADOPTED this 13th day of September, 2022 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

_____
Randy Pope, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: **September 13, 2022**

TO: **Joshua McMurray, City Manager** *Approved and Forwarded to the City Council*

FROM: **Jeri Tejeda, Human Resources Director**

SUBJECT: **Adopt a Resolution ratifying the Fifth Amendment to the Agreement with Cole Huber, LLP for City Attorney Services.**

Background and Analysis

The City of Oakley contracts with Cole Huber, LLP for City Attorney services. This fifth amendment would add employment services to our agreement. These services will assist the Human Resources Department in some of the more complex matters regarding worker's compensation, disability retirements, disciplinary or separation issues as well as day to day legal advice as it relates to employment matters.

The City has not had specific contracts in the past as it relates to employment matters and has relied on the consortium that is contracted through our general liability and worker's compensation provider. The consortium is convenient and cost-effective for general questions, forms or policies, but is not able to assist us in more complex matters. When a matter is outside of the scope of the consortium call, we are then referred to a labor attorney.

It is the goal of the department to have a standard labor attorney who is familiar with our policies and memorandums of understanding so that we do not waste time and money on the assigned attorney familiarizing themselves with Oakley once a consortium call is referred to them.

In addition to gaining consistency with a set labor attorney, the City will also benefit financially. Our current rate when assigned to an attorney through the consortium has been $390-$425 per hour depending on the assigned attorney. The agreement with Cole Huber will reduce the cost to $240 per hour.

Consistency with the Oakley Strategic Plan 27+

This item is consistent with our strategic plan, sustainable organization goal of identifying and investing in resources to execute the cities responsibilities. Also, having consistency in how similar employment matters are handled will help to continue to build trust within the team.

Fiscal Impact

There is no fiscal impact related to this item as legal services were approved as part of the FY 2022/23 budget adoption.

Staff Recommendation

Adopt a Resolution ratifying the Fifth Amendment to the Agreement with Cole Huber, LLP for City Attorney Services.

Attachments

1. Resolution
2. Fifth Amendment

RESOLUTION NO. XX-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY RATIFYING THE FIFTH AMENDMENT TO THE AGREEMENT WITH COLE HUBER, LLP FOR CITY ATTORNEY SERVICES

WHEREAS, in November of 2009 issued a request for proposal for City Attorney Services; and

WHEREAS, In February 2010 Council selected Cota Cole, LLP to provide these services and entered into a one-year agreement; and

WHEREAS, in February 2011 the first amendment was approved to extend services for two additional years; and

WHEREAS, in February of 2013 the second amendment was approved to continue receiving City Attorney services from Cota Cole, LLP; and

WHEREAS, in April of 2018 the third amendment was approved to provide services through June 2021; and

WHEREAS, in April of 2021 the fourth amendment was approved for Cole Huber, LLP to provide services through June 2024; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oakley hereby approves the following:

Ratification of the fifth amendment to the agreement with Cole Huber, LLP for City Attorney Services, adding employment services to the provided services.

PASSED, APPROVED AND ADOPTED this 13th day of September 2022 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

_____
Randy Pope, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date

FIFTH AMENDMENT

TO AGREEMENT BETWEEN THE CITY OF OAKLEY AND COLE HUBER LLP FOR CITY ATTORNEY SERVICES

THIS FIFTH AMENDMENT to the February 1, 2010 AGREEMENT for CITY ATTORNEY SERVICES (hereinafter referred to as "City Attorney Agreement") is entered into this 15th day of August 21, 2022 by and between the City of Oakley, a municipal corporation (hereinafter called "CITY"), and Cole Huber LLP (previously known as Cota, Cole & Huber LLP and Cota Cole LLP) (hereinafter referred to as "Attorney"). The effective date of this Agreement is August 15, 2022.

1. Exhibit B of the City Attorney Agreement is modified as follows:

   A. A new category of legal services referred to as "Employment Services" is authorized.

   B. "Employment services" shall refer to any request for legal advice concerning labor and employment matters that requires a devotion of time and a level of legal analysis and skill that exceed that which is required to handle routine, minor, or non-complex labor and employment matters. Such services shall include, for purposes of illustration only, the review and drafting of personnel manuals; advice regarding employee hiring, discipline, or separation; advice concerning disability accommodation processes, workers compensation claims, or disability retirements; and advice or representation concerning bargaining matters.

   C. Employment services shall be billed at the attorney rate of $240 per hour. Attorney shall not undertake any employment services without the advance approval of the City Manager.

2. Except as provided above, all terms, conditions, and obligations of the City Attorney Agreement, the First Amendment approved in 2011, the Second Amendment approved in 2013, the Third Amendment approved in 2018, and the Fourth Amendment approved in 2021, shall remain in effect for the duration of the Agreement.

3. Attorney shall not perform more than $15,000 of employment services unless and until the City Council ratifies this Amendment in a public meeting.

CITY

City of Oakley, a municipal corporation
in the State of California

By: _____
Joshua McMurray, City Manager

Attest:

_____
Libby Vreonis, City Clerk

ATTORNEY

Cole Huber LLP, a California
limited liability partnership

By: _____
Derek P. Cole, Managing Partner

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: September 13, 2022

Approved and Forwarded to the City Council

TO: Joshua McMurray, City Manager

FROM: Brent Smith, Community Development Director

SUBJECT: Approval of Consulting Services Agreement by TRB and Associates, Inc. for On-Call services related to Code Compliance Plan Review and Inspection Services

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Background and Analysis

The City of Oakley utilizes a wide range of consultants and contractors across all departments to augment City staff as needed to accommodate the workload activities. One of the areas that this approach is utilized is code compliance plan reviews and inspections for projects that the City issues building permits for. The volume of private development activity fluctuates with the overall economic climate of the region, the Community Development and Public Works Departments use staff augmentation as needed to process and manage the development project workloads. This provides the City the ability to be responsive to the needs of development community while being cost effective. This approach gives the organization flexibility and agility to adjust to the level of service needed by private developers that frequently change as the regional economic climate changes.

The Community Development Department is responsible for all planning activities and issuance of building permits related to private development projects, which includes the plan review and inspection of the new structures that are built as part of these projects. The construction of two (2) of the largest residential development projects in Oakley have commenced. These projects are: the Grand Cypress Preserve and Summer Lake North and are located at the far eastern end of East Cypress Road from Jersey Island Road to Bethel Island Road. These new subdivisions will collectively construct nearly 4,000 new homes. These consulting services allow us to ensure we have the right experts on the varying projects, with levels of complexity that are unique to such large master plan development projects.

These two (2) developments, along with other substantial development projects are far more than the current City staffing levels can accommodate and will require consulting services at times to perform plan reviews and inspections of these development projects which will span several years. These services help us to ensure that all

permitted projects meet the requirements of the California Building Standard Code as well as other local and state requirements, all of which help to ensure public safety, energy efficiency and sustainability in the built environment.

Staff has relied on services from TRB and Associates, Inc. since 2014 for On-Call Services as they provide superior staff augmentation capabilities to municipalities for plan reviews and inspections; with the ability to provide expert level services regardless of the project size and scope. The economic climate of the SF Bay Area remains solid, and growth continues to be steady in residential and commercial projects. All municipalities, consultants, and contractors are keeping very busy in addition to absorbing the high construction costs.

Consistency with the Oakley Strategic Plan 27+

This item is consistent with the Strategic Plan 27+ Community and Economic Growth, Community Health and Safety, and Sustainable Organization Goals.

Fiscal Impact

Approval of the resolution will authorize the City Manager to execute a professional services agreement with TRB and Associates, Inc. for a not-to-exceed amount of $200,000 per fiscal year, beginning September 14, 2022, through June 30, 2023. Development building permit fees will fund the services on an as needed basis. There will not be any City General Funds used in this contract.

Staff Recommendation

Staff recommends that the City Council adopt the resolution approving the Professional Services Agreement with TRB and Associates, Inc. for “On-Call” Plan Review and Inspection services and authorizing the City Manager to execute the agreement

Attachments

1. Resolution
2. Scope of Services

RESOLUTION NO. XX-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING THE PROFESSIONAL SERVICES AGREEMENT WITH TRB AND ASSOCIATES, INC. AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT FOR ON-CALL CODE-COMPLIANCE PLAN REVIEW AND INSPECTION SERVICES

WHEREAS, City of Oakley uses various consultants and contractors on an as-need basis to assist City staff on processing and managing private development projects; and

WHEREAS, TRB and Associates, Inc. has been serving the City since 2014 after being selected as the best suited firm to provide code-compliance plan review and inspection services to the City; and

WHEREAS, the need for this type of code-compliance support service has remained steady due to the large number of development projects being approved and constructed; and

WHEREAS, the costs associated with the agreement will be funded by private development project permit fees and not the City's General Fund; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, by the City Council of the City of Oakley that the Professional Services Agreement with TRB and Associates, Inc. is hereby approved, and the City Manager is authorized to execute the agreement beginning on September 14, 2022 through June 30, 2023 for an amount not-to-exceed $200,000.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Oakley at a meeting held on this 13th day of September, 2022 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

_____
Randy Pope, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date

EXHIBIT A
SCOPE OF SERVICES & COMPENSATION SCHEDULE

Plan Review

TRB will perform as-needed plan review services for residential, multi-family residential, commercial, and industrial projects encompassing building code, electrical, plumbing, mechanical, fire protection, Title-24 energy, accessibility, and green building standards; as well as grading, drainage, floodplain, wildland urban interface fire severity zone, stormwater, grading, hazardous materials, and State housing law Title-25 factory-built structure considerations, as applicable. Our reviews consider all relevant project documentation including plans, specifications, calculations, and other related correspondence to verify conformance to adopted local codes, ordinances, regulations, and standards, including the following California Building Standards Codes:

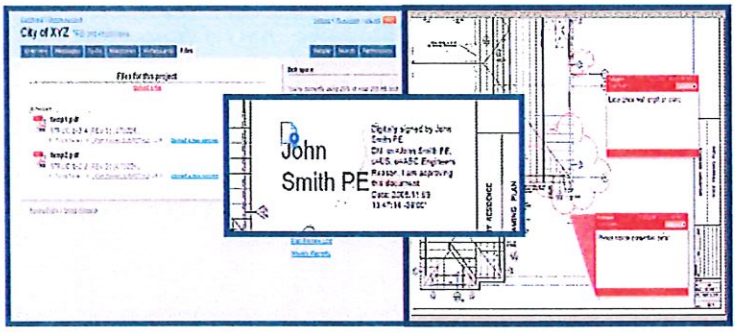
- 2019 California Building Code
- 2019 California Residential Code
- 2019 California Electrical Code
- 2019 California Plumbing Code
- 2019 California Mechanical Code
- 2019 California Fire Code
- 2019 California Energy Code
- 2019 California Green Building Standards Code

Alternate Material and Methods

TRB and Associates recognizes that there are alternate materials and methods of construction that can be used to satisfy and comply with the provisions of the code. Our experience with the use of alternate materials, alternate design and methods of construction enhances our ability to solve specific issues that arise in design and construction.

Electronic Plan Review

As an alternative to review hardcopy media, TRB is equipped to review electronic documents should it be the desire of the City to accept submittals electronically. The staff of TRB has been leaders in the field of digital plan review and workflow management; as such, we have the experience and know-how to efficiently manage the review of electronic documents. In addition to having our own system, our team has extensive experience working with several electronic plan review systems including DigEplan, Bluebeam, ProjectDox, and Accela.



Shipping and Delivery of Plans

TRB provides pre-printed overnight shipping labels and/or pickup services to facilitate the transport of plan submittals to our office. Please note that the pickup, shipment and delivery of plan documents and other relevant correspondence to the City is provided at no additional cost to the City.

Building Inspection

TRB is prepared to perform inspection, referring to building plans, structural plans, and material specifications for structures located within the City limits, upon 48-hour notice. Our inspectors are proficient at verifying project conformance to model code standards (2019 California Building, Electrical, Mechanical, Plumbing, Green Building, Energy, Fire Codes) and locally adopted ordinances.

TRB provides all labor and technical, administrative, professional, and other personnel; supplies, materials, equipment, and all other resources necessary to perform the specified work. TRB will use existing City forms or can develop correction sheets which meet with the approval of the City and shall maintain written lists of corrections needed to ensure conformance to codes and regulations.

Code Administration and Permit Processing

TRB is prepared to provide Administration and Permit Processing services support to the City on an as-needed basis. TRB staff are prepared to work at City offices as an extension of staff under the supervision of the Chief Building Official or their designee with the knowledge, skills, and abilities to perform the following functions:

Permit Technician / Administrative Assistant

- Enter permit and related data into the City permit tracking system.
- Research, compile and prepare various limited reports and presentation graphics.
- Assist inquiries regarding building, planning, and engineering permit requirements, application and permit fees, application filing procedures and processing, and permit status.
- Accept permit and related applications and collect fees.
- Screen plans and application materials for completeness and for conformance with City ordinances standards, policies, and guidelines.
- Review application materials for compliance with conditions of project approval; route plans to other City departments for review; approve and issue minor permits; research and respond to inquiries.

Civil Engineering Plan Review and Construction Inspection

The TRB team is equipped to perform civil engineering plan review and construction inspection support to the City on an as-needed basis. TRB plan reviewers and inspectors will work with City staff to ensure that all work conforms to the project construction documents, Codes and Ordinances including Grading Code, APWA Standard Specifications, AWWA Standards, State (2019 California Energy Code) and Federal (ADA) Building Codes related to site accessibility.

Civil Engineering Plan Review

- Plan review subdivision maps, parcel maps, and improvement drawings. Our project manager shall assign a California Licensed Civil or Structural engineer who is qualified to review subdivision maps, parcel maps, site development plans and construction drawings.
- Maintain engineering records.
- Provide engineering advice and recommendations to Planning, Building and Public Works divisions.
- Provide consultation regarding current development review to the Chief Building Official, Planning Manager and Engineer.
- Assist City staff with code interpretation and application of state and federal regulations.
- Perform related duties as assigned by City.

Construction Inspection

- Oversee Quality Assurance of the construction activities to verify conformance to plans and specifications.
- Document all work, contractor and subcontractor personnel and equipment, and field orders daily.
- Maintain onsite project log and as-built schedule report. Prepare daily reports of observations and activities.
- Maintain a daily inspection report containing a record of weather, contractors, work onsite, number of workers, work accomplished, problems encountered, solutions agreed upon, and other similar relevant data as directed by City.
- Perform daily photo-documentation of the progress of the project in accordance with City practice.
- Monitor establishment and application of appropriate Contractor site safety programs.
- Monitor and report on applicable Erosion Control and SWPP provisions.
- Perform related duties as assigned by the City.

Fees

TRB and Associates offers the following fixed-fee and hourly rate schedules for services provided. Please note that Building Plan Review services may be rendered on either a fixed fee or hourly rate basis, as noted below. If additional services are requested such as Fire Plan Review, Building Inspection, Staff Augmentation and Other services (e.g. CASp consulting), those services can be provided on an hourly basis at rates shown in the provided Schedule of Hourly Rates and Reimbursables.

Plan Review Services

Our plan review fees may be calculated as a percentage of the Building Plan Review Fee collected by the City . The fee compensation shown covers three total plan review cycles – the initial plan review and up to two rechecks. Any further review cycles which become necessary and reviews of revisions to approved plans would be billed based upon a negotiated hourly rate. Please note that the turnaround timeframe for providing expedited and express plan reviews would be negotiated/mutually agreed upon prior to commencement of the review. Please also note that all plan reviews are subject to a minimum $250 fee.

Turnaround Timeframe (in business days)	Structural Only Review	M/E/P Only Review	Complete Review (Structural, Life Safety/Disabled Access, M/E/P, Green, Title 24 Energy)
Standard* - 10 days first check - 5 days rechecks	45%	45%	70%
Expedited** - 5 to 7 days first check - 5 days rechecks	Standard fee plus an additional 50 percent	Standard fee plus an additional 50 percent	Standard fee plus an additional 50 percent

* For exceptionally large/complex projects, 15-day first check and 10 day rechecks may apply, as mutually agreed upon prior to commencement of review.

**Turnaround timeframe would be mutually agreed upon prior to commencement of work.

Please note that the pickup, shipment, and delivery of hardcopy and/or electronic plan documents and other relevant correspondence to the City is included in the above-noted cost.

Schedule of Hourly Rates and Reimbursables

The following billing rates apply for services rendered on an hourly basis:

Position	Hourly Rate
Principal	$175.00
Project Manager	$150.00
Building Official	$150.00
Assistant Building Official	$135.00
Supervising Plan Review Engineer/Architect	$140.00
Senior Plan Review Engineer/Architect	$130.00
Senior Plans Examiner (Building & Fire)	$125.00
Plan Review Engineer/Architect	$115.00
Plans Examiner (Building & Fire)	$100.00
Engineering Technician	$ 95.00
Permit Technician III	$ 85.00
Permit Technician II	$ 75.00
Permit Technician I	$ 70.00
Clerical/Admin	$ 58.00
Fire Protection Engineer	$215.00
Geotechnical Engineer	$235.00
CASp Certified Inspector/Examiner	$125.00
Grading/Storm Water Plan Review Engineer	$205.00
QSP Storm Water Inspector	$195.00
Inspector of Record	$140.00
Supervising Inspector	$130.00
Senior Inspector III	$120.00
Senior Inspector II	$110.00
Senior Inspector I	$100.00
Inspector II	$ 95.00
Inspector I	$ 85.00
Intern Inspector	$ 75.00

- Overtime, Emergency, Expedited, and After-hours work is billed at the above-noted rates plus an additional 50 percent (Note that no overtime will be charged without client authorization)
- Project inspections subject to prevailing wage requirements are at the above-published rates plus 30 percent.
- All requested inspection and other staff-augmentation services are subject to a minimum 4-hour fee.
- Reimbursement for direct expenses, incurred in connection with the work, will be at cost plus 15 percent.
- Reimbursement for non-City vehicles used in connection with the work will be at the current IRS rate plus 10 percent per mile.
- Other in-house charges for prints, reproductions and equipment use, etc. will be at standard company rates.

The above Schedule is valid through June 30, 2023, and may be adjusted thereafter to account for CPI changes, as mutually agreed upon.

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: September 13, 2022

TO: Joshua McMurray, City Manager *Approved and Forwarded to the City Council*

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

SUBJECT: Reject all bids and authorize staff to re-bid the Senior Center Roof and HVAC Repair and Replacement Project – Capital Improvement Project (CIP) Number 288

Background and Analysis

The City's adopted Fiscal Year (FY) 2022/23 Capital Improvement Program (CIP) Budget designates funding for various infrastructure repair and replacement projects. This is consistent with the City's goals to improve the quality of the City's public infrastructure and to enhance the quality of life for our residents.

The Oakley Senior Center, located at 215 2nd Street is a facility that had been used as a fire station decades ago. Since the construction of the more modern fire stations within East Contra Costa County, this facility had been vacant for many years. In more recent years, it has been used for the Senior Center to service the senior citizens of the Oakley community. This building has not had any renovations to upgrade it and bring it into modern operations.

In 2017, the City of Oakley used the Community Development Block Grant (CDBG) Program to begin doing improvements to this facility, by starting with a parking lot and ADA access improvements. The next phase of the improvements will include the performing of roof and HVAC system repair and replacements. Earlier this year, staff successfully secured additional CDBG grants for this phase of the improvements.

The Senior Center Roof and HVAC Repair and Replacement Project – CIP No. 288 was advertised on August 12, 2022, and the City received two (2) bids on September 1, 2022. Both bids received were above the project budget and the cost estimate of $80,000. With the recovering economy of the SF Bay Area, the construction bidding climate continues to see an increase in construction costs, as well as a corresponding decrease in the number of bidders. Unfortunately, this trend continues to adversely affect Public Works projects. Staff has reached out to several construction firms to determine whether there were specific issues with the project bid requirements, or other reasons which may have caused them not to bid on the project. The responses indicated that contractors are very busy preparing bids for multiple projects, as there is

a high demand for construction work in the SF Bay Area, and they are opting for larger contracts in general.

Rejecting the bids received will allow the staff to solicit bids for the project from a broader range of contractors, with the expectations that more favorable bids will be received with this approach. Staff will bring this project to the City Council for approval at the October 11th meeting.

Fiscal Impact
The re-bidding of this project will not have any fiscal impact at this time.

Consistency with the Oakley Strategic Plan 27+
This item is consistent with the Strategic Plan 27+ Community Health and Safety goals.

Staff Recommendation
Adopt a Resolution authorizing the City Manager to reject all bids and direct staff to re-bid the Senior Center Roof and HVAC Repair and Replacement Project - CIP No. 288

Attachments
1. Resolution

RESOLUTION NO. __-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY REJECTING ALL BIDS FOR THE SENIOR CENTER ROOF AND HVAC REPAIR AND REPLACEMENT PROJECT CAPITAL IMPROVEMENT PROJECT (CIP) 288 - AND AUTHORIZING THE RE-BIDDING OF THE PROJECT AND RELATED ACTIONS

WHEREAS, staff prepared the bid documents for the Oakley Senior Center Roof and HVAC Repair and Replacement project – CIP 288; and

WHEREAS, the plans, specifications and special provisions were publicly advertised for bidding, with the bid period closing at 2:00 P.M. on Thursday, September 1, 2022; and

WHEREAS, two (2) bids were received prior to the close of the bidding process; and

WHEREAS, both bid proposals exceeded the engineer's estimate and budget amount; and

WHEREAS, a re-bid of the project would allow staff to solicit bids for its various components from a broader range of contractors, which is anticipated to bring the project construction cost within the budget and engineer's estimate; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Oakley that all bids the installation of the new Oakley Senior Center Roof and HVAC Repair and Replacement Project - CIP 288, are hereby rejected and the City Council of the City of Oakley authorize staff to re-bid the project.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 13th of September 2022 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

_____
Randy Pope, Mayor

ATTEST:

_____ _____
Libby Vreonis, City Clerk Date

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: September 13, 2022

TO: Joshua McMurray, City Manager *Approved and Forwarded to the City Council*

FROM: Libby Vreonis, City Clerk

SUBJECT: **Review of Requested Proclamations - (Lung Cancer Awareness Month & Peripheral Artery Disease (PAD)**

Summary and Background

On August 9, 2022, the Oakley City Council approved a proclamation policy. In accordance with the policy, the Mayor, without formal action of the City Council, may issue proclamations on behalf of the City Council that adhere to the policy and are on a pre-approved list adopted by the City Council. Proclamations not on the list may be submitted and brought forth to the City Council for consideration. The attached proclamations are not on the pre-approved list; therefore, approval is requested.

Consistency with the Oakley Strategic Plan 27+

Council engagement with community partners is consistent with the Community and Collaborative Partnerships Goal in the Oakley Strategic Plan 27+.

Fiscal Impact

None.

Recommendation

Staff recommends that the City Council review the requested proclamations and either approve or deny them. The item is not required to be pulled from the Consent Calendar if unanimous approval is provided.

Attachments

1. Proclamation Request Forms
2. Sample proclamations

OAKLEY
CALIFORNIA

OFFICE OF THE CITY CLERK

PROCLAMATION REQUEST FORM

Proclamations are public announcements or recognitions directing attention to local residents, organizations or events. Proclamations are not statements of policy. The Mayor, without formal action of the City Council, may issue proclamations on behalf of the City Council that adhere to these guidelines and are among the proclamations approved on the attached list. Proclamations can be sent to the requestor or presented at a City Council meeting as arranged with the requesting body and at the Mayor's discretion. Proclamations not included on the attached list may be submitted and brought forth to the City Council for consideration. Proclamations approved by the City Council are authorized to be added to the approved list without further City Council action. **Requests for proclamations should be submitted at least Thirty (30) Days in advance**

Date of Request: August 30, 2022

Date needed: October 10, 2022 Time of event: November 1-30, 2022

Event Location: Lung Cancer Awareness Month

Requestor Name: Maya Sharma

Organization: American Lung Cancer Screening Initiative (ALCSI)

Address: 18002 Blossom Springs Ct.

City: Cypress State: Zip: 77433

Email: mayaussharma@gmail.com Phone: 2894000430

Please specify below whether you would like the proclamation mailed to you or if you will accept in person

Name of the person who will be in attendance at the Meeting to accept the proclamation _____

If no-one will be in attendance would you like the proclamation mailed to you ☑ yes(inc mailing address below) ☐ no

Mailing Address_____

A brief history of the organization or a description of the purpose, goals, motto or theme of the event is required to complete the proclamation. If funds are to be raised, who will benefit from the event, and what will take place during the time of celebration/recognition, including dates and times, are required to be included.
A sample proclamation is highly recommended to expedite the process.

Please email a PDF of the proclamation to mayaussharma@gmail.com. Please find attached to

You may also submit requests to:

City of Oakley
City Clerk's Office
3231 Main Street | Oakley, CA 94561
phone: (925) 625-7000| fax: (925) 625-9859
city clerk@ci.oakley.ca.us

OAKLEY
CALIFORNIA

OFFICE OF THE CITY CLERK

PROCLAMATION REQUEST FORM

Proclamations are public announcements or recognitions directing attention to local residents, organizations or events. Proclamations are not statements of policy. The Mayor, without formal action of the City Council, may issue proclamations on behalf of the City Council that adhere to these guidelines and are among the proclamations approved on the attached list. Proclamations can be sent to the requestor or presented at a City Council meeting as arranged with the requesting body and at the Mayor's discretion. Proclamations not included on the attached list may be submitted and brought forth to the City Council for consideration. Proclamations approved by the City Council are authorized to be added to the approved list without further City Council action. **Requests for proclamations should be submitted at least Thirty (30) Days in advance**

Date of Request 9/1/2022

Date needed _____ Time of event _____

Event Location City Council Meeeting

Requestor Name RoseMarie Laguna

Organization Sutter Delta Advanced Wound Care Clinic

Address 3903 Lone Tree Way, Suite 104

City Antioch State CA Zip 94509

Email RoseMarie.Laguna@sutterhealth.org Phone 209.663.9929

Please specify below whether you would like the proclamation mailed to you or if you will accept in person

Name of the person who will be in attendance at the Meeting to accept the proclamation _____

If no-one will be in attendance would you like the proclamation mailed to you ☐ yes(inc mailing address below) ☐ no

Mailing Address _____

A brief history of the organization or a description of the purpose, goals, motto or theme of the event is required to complete the proclamation. If funds are to be raised, who will benefit from the event, and what will take place during the time of celebration/recognition, including dates and times, are required to be included.
A sample proclamation is highly recommended to expedite the process.

Sutter Delta Medical Center Advanced Wound Care provides comprehensive care and treatmen

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phone: (925) 625-7000| fax: (925) 625-9859
city clerk@ci.oakley.ca.us

Please do not modify, move, or delete this template

Whereas, lung cancer is the leading cause of cancer death among men and women in the United States and _____, accounting for more deaths than colon cancer, breast cancer, and prostate cancer combined; (1)(2)

Whereas, according to the Centers for Disease Control, there were _____ new lung cancer cases and _____ deaths because of lung cancer between 2015 and 2019 in _____; (2)

Whereas the 5-year survival rate for localized lung cancer is ~60%, yet only ~24% of lung cancers are diagnosed at this stage; (1)

Whereas, screening for lung cancer for high-risk individuals using low-dose computed tomography can lead to the earlier detection of lung cancer and save lives, reducing the mortality by 20% when compared to screening by chest x-ray in the National Lung Screening Trial (3) and reducing the risk of death at 10 years by 24% in men and 33% in women as demonstrated by another large randomized trial; (4)

Whereas, funding for lung cancer research trails far behind funding for research of many other cancers, and additional research is needed in early diagnosis, screening, and treatment for lung cancer as well as in lung cancer affecting women and lung cancer health disparities;

Whereas lung cancer incidence is decreasing twice as fast in men as it is in women, each year more women die from lung cancer than breast cancer and by 2035, more women will die from lung cancer than men; (6,7)

Whereas African Americans have the highest lung cancer incidence and mortality of all races, and disparities in lung cancer screening, diagnosis, treatment, and mortality are well characterized among African Americans and other racial minorities. (8)

Whereas lung cancer in individuals who never smoked is the 7th leading cause of cancer-related death and accounts for 17,000-26,000 deaths in the US every year (7), 60-70% of individuals diagnosed with lung cancer who never smoked are women (9,10), and the proportion of lung cancers diagnosed in people who never smoked is increasing in the US; (10,11). Whereas radon is the leading cause of lung cancer among individuals who never smoked and the second leading cause of lung cancer overall. (12, 13)

Whereas, organizations working in ____ such as the American Lung Cancer Screening Initiative and Women's Lung Cancer Forum, are committed to educating about lung cancer and lung cancer screening and working to increase lung cancer screening rates in ____.

Therefore, I, _____, hereby proclaim November 2022 as Lung Cancer Awareness Month in ____, and recognize the need for research in lung cancer affecting women and lung cancer health disparities, and encourage all citizens to learn about lung cancer and early detection through lung cancer screening.

(1) "Cancer of the Lung and Bronchus - Cancer Stat Facts." *SEER*, seer.cancer.gov/statfacts/html/lungb.html.
(2) "United States Cancer Statistics: Data Visualizations." Center for Disease Control, https://gis.cdc.gov/Cancer/USCS/DataViz.html.
(3) National Lung Screening Trial Research Team, Aberle DR, Adams AM, et al. Reduced lung-cancer mortality with low-dose computed tomographic screening. *N Engl J Med.* 2011;365(5):395-409. doi:10.1056/NEJMoa1102873
(4) de Koning HJ, van der Aalst CM, de Jong PA, et al. Reduced Lung-Cancer Mortality with Volume CT Screening in a Randomized Trial. *N Engl J Med.* 2020;382(6):503-513. doi:10.1056/NEJMoa1911793
(5) Siegel, R. L.; Miller, K. D.; Jemal, A., Cancer statistics, 2020. *CA: A Cancer Journal for Clinicians* 2020, *70* (1), 7-30.
(6) Jeon, J.; Holford, T. R.; Levy, D. T.; Feuer, E. J.; Cao, P.; Tam, J.; Clarke, L.; Clarke, J.; Kong, C. Y.; Meza, R., Smoking and Lung Cancer Mortality in the United States From 2015 to 2065: A Comparative Modeling Approach. *Ann Intern Med* 2018, *169* (10), 684-693.
(7) Rivera, G. A.; Wakelee, H., Lung Cancer in Never Smokers. *Adv Exp Med Biol* 2016, *893*, 43-57.
(8) Rivera, M. P.; Katki, H. A.; Tanner, N. T.; Triplette, M.; Sakoda, L. C.; Wiener, R. S.; Cardarelli, R.; Carter-Harris, L.; Crothers, K.; Fathi, J. T.; Ford, M. E.; Smith, R.; Winn, R. A.; Wisnivesky, J. P.; Henderson, L. M.; Aldrich, M. C., Addressing Disparities in Lung Cancer Screening Eligibility and Healthcare Access. An Official American Thoracic Society Statement. *American Journal of Respiratory and Critical Care Medicine* 2020, *202* (7), e95-e112.
(9) Korpanty, G. J.; Kamel-Reid, S.; Pintilie, M.; Hwang, D. M.; Zer, A.; Liu, G.; Leighl, N. B.; Feld, R.; Siu, L. L.; Bedard, P. L.; Tsao, M.-S.; Shepherd, F. A., Lung cancer in never smokers from the Princess Margaret Cancer Centre. *Oncotarget* 2018, *9* (32), 22559-22570.
(10) Pelosof, L.; Ahn, C.; Gao, A.; Horn, L.; Madrigales, A.; Cox, J.; McGavic, D.; Minna, J. D.; Gazdar, A. F.; Schiller, J., Proportion of Never-Smoker Non-Small Cell Lung Cancer Patients at Three Diverse Institutions. *Journal of the National Cancer Institute* 2017, *109* (7), djw295.
(11) Toh, C. K.; Ong, W. S.; Lim, W. T.; Tan, D. S.; Ng, Q. S.; Kanesvaran, R.; Seow, W. J.; Ang, M. K.; Tan, E. H., A Decade of Never-smokers Among Lung Cancer Patients-Increasing Trend and Improved Survival. *Clin Lung Cancer* 2018, *19* (5), e539-e550.
(12) Riudavets, M.; Garcia de Herreros, M.; Besse,; Mezquita, L., Radon and Lung Cancer: Current Trends and Future Perspectives, 2022. Cancers 2022, 14 (13).
(13) "Health Risk of Radon." United States Environmental Protection Agency, https://www.epa.gov/radon/health-risk-radon#:~:text=Radon%20is%20the%20number%20one,people%20who%20have%20never%20smoked.

Peripheral Artery Disease (PAD)

September 2022

WHEREAS, Peripheral artery disease (PAD) is a disease of the blood vessels outside the heart. This condition is caused by a narrowing of vessels that carry blood away from the heart to other parts of the body; and

WHERAS, The term "PAD" is recommended to describe this condition because it includes venous in addition to arterial disorders. PAD stems from structural changes in the blood vessels resulting from fatty buildup in the inner walls of the arteries. These deposits hinder and block normal blood flow; and

WHEREAS, In the most common type of PAD, lower extremity PAD, blood flow is reduced to the legs and feet.

WHEREAS, Left untreated, PAD can lead to gangrene and limb amputation. Patients with PAD are at heightened risk for death from both heart attack and stroke. PAD can result in poor kidney circulation, leading to high blood pressure or blood pressure that is difficult to control with lifestyle changes and medications. In some cases, blockage of the kidney arteries may progress to loss of kidney function or kidney failure; and

WHEREAS, The most common symptom of PAD is "claudication," which is cramping, fatigue, aching, pain or discomfort in the legs and buttocks caused by poor blood circulation. Claudication can often decrease the distance you can walk, and negatively affect your ability to function at home and at work; and

WHEREAS, nearly 10 million people in the United States are living with PAD. The risk factors for PAD include a family history of the disease, older age (>65 years). 1 in 5 people over age 60 have PAD; and

WHEREAS, 40% of those living with PAD may not experience symptoms or leg pain and 25% of people with late-stage PAD may require an amputation within one year; and

WHEREAS, Non-healing wounds require specialized care because underlying, complex conditions prevent the wound from going through the expected healing stages. Sutter Delta Advanced Wound Care Center can provide specialized care to help wounds heal faster; and

WHEREAS, The purpose of wound care is to help you heal faster so you can get back to your life. Sutter Delta Advanced Wound Care Center is one of the nation's expert in wound healing, we change lives every day through word-class healing and prevention practices.

NOW THEREFORE, BE IT RESOLVED THAT I,

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: September 13, 2022

TO: Joshua McMurray, City Manager

Approved and Forwarded to the City Council

FROM: Kenneth W. Strelo, Planning Manager

SUBJECT: **Water-Efficient Landscape Requirements Update - Introduction of an Ordinance to Amend Oakley Municipal Code Chapter 4.31 (Water-Efficient Landscape Requirements) to Adopt the State of California's Model Water Efficient Landscape Ordinance as Amended by Diablo Water District's Regulation No. 8 which Prohibits New Installation of Non-Functional Turf**

Summary

This is a City-initiated item requesting the City Council of the City of Oakley adopt an ordinance amending Oakley Municipal Code ("OMC") Chapter 4.31 (Water-Efficient Landscape Requirements) by replacing the existing ordinance with a standard reference to the State of California's Model Water Efficient Landscape Ordinance ("MWELO") and to comply with Diablo Water District's (water distributer for Oakley customers) Regulation No. 8, which prohibits the new installation of non-functional turf for applicable projects.

Staff Recommendation

Staff recommends the City Council waive the first reading and introduce the proposed ordinance.

Existing Water-Efficient Landscape Requirements in Oakley

The existing Water-Efficient Landscape Requirements (OMC Chapter 4.31) were adopted by Ordinance No. 03-10 on February 9, 2010. The ordinance brought the City into compliance with the State of California's first Model Water Efficient Landscape Ordinance ("MWELO") and allowed the City to promote the values and benefits of landscapes while recognizing the need to use water and other resources as efficiently as possible. In addition to the ordinance's standard applicability and definitions, the requirements included provisions for new construction and rehabilitated landscapes, as well as existing landscapes. Overall, the ordinance, which is still effective, encourages water conservation in new and rehabilitated projects.

Summary of Amendments

Currently, the OMC includes a full chapter that covers the City's ordinance, which was adopted in 2010 to the guidance of the State's MWELO related to water-efficient landscape requirements. This proposed ordinance amendment would remove the entirety of text within that chapter and replace it with language that references the State's current MWELO[1], which was updated back in 2015, and add in the prohibition of new installation of non-functional turf in compliance with Diablo Water District's ("DWD") Regulation No. 8 (Water-Use Efficiency) (Appendix E of DWD's 2020 Urban Water Management Plan[2] updated in June of 2021). The ordinance language is proposed to read as follows (footnote not included in ordinance):

> **4.31.102 Applicability.**
>
> The "Model Water Efficient Landscape Ordinance" of the state of California, as contained in California Code of Regulations Title 23 Waters, Division 2 Department of Water Resources, Chapter 2.7 Model Water Efficient Landscape Ordinance, Section 490 et seq., is hereby adopted by reference as the water efficient landscape ordinance of the City of Oakley, as the same may be amended from time to time, as if set out in full in this chapter. In addition to compliance with the State's MWELO, new installation of "non-functional turf" is prohibited for applicable projects.

Since "non-functional turf" is not defined in the State's MWELO, the definition used in the State Water Resources Control Board emergency action effective June 10, 2022 will be included in the ordinance. That definition is as follows:

> "Non-functional turf" means turf that is solely ornamental and not regularly used for human recreational purposes or for civic or community events. Non-functional turf does not include sports fields and turf that is regularly used for human recreational purposes or for civic or community events.

State MWELO Applicable Projects

Only applicable projects are subject to the State MWELO. Since the regulations require local ordinance to implement a WELO that is at least as strict as the State's model, the updates that took place in December of 2015 apply by default and were codified by reference to the State's MWELO. Applicable projects are included in the State MWELO section 490.1 "Applicability" and are summarized as follows:

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1 https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I55B69DB0D45A11DEA95CA4428EC25FA0&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default)

2 https://diablowater.org/doc/final_uwmp/

- New construction projects with an aggregate landscape area equal to or greater than 500 square feet requiring a building or landscape permit, plan check or design review;

- rehabilitated landscape projects with an aggregate landscape area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check, or design review;

- existing landscapes limited to Sections 493, 493.1 (landscapes installed prior to December 1, 2015 that are over 1-acre in size) and 493.2 (Water Waste Prevention); and

- cemeteries. Recognizing the special landscape management needs of cemeteries, new and rehabilitated cemeteries are limited to Sections 492.4, 492.11, and 492.12; and existing cemeteries are limited to Sections 493, 493.1, and 493.2.

Most homeowner landscaping projects would not be subject to the State MWELO since those type installations do not typically require a building or landscape permit, plan check or design review; however, construction of a new home that includes new landscaping may result in an applicable project, depending on the square footage of landscaping.

MWELO-Related Documents

The City of Oakley currently provides applicants access to a guidebook and forms to assist in completing their applications. As part of this update, Staff will either update the applicable documents or use/reference the applicable State documents to ensure compliance with the State's MWELO.

Environmental Review

California Environmental Quality Act Compliance

This project is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15308, Actions by Regulatory Agencies for the Protection of the Environment, because the State's Model Water Efficient Landscape Ordinance states the ordinance will result in improving California's environmental conditions and provide benefits and realize sustainability goals.

Notice of Public Hearing

A Notice of Public Hearing for this project was published in the East Bay Times and posted at City Hall, the Oakley Library at Freedom Highschool, and outside the gym at Delta Vista Middle School at least 10 days prior to the date of the public hearing.

Consistency with the City of Oakley Strategic Plan 2022-2027+

This ordinance amendment to adopt the State's MWELO is consistent with the Community and Economic Development Goal which states, "The City of Oakley will inspire and encourage Community and Economic Development through strategic and thoughtful growth, a business-friendly environment, and local opportunities." More specifically, including the prohibition of "non-functional turf" is consistent with an objective within that goal to "Enhance Environmental Stewardship"

Fiscal Impact

There is no ongoing fiscal impact to the General Fund in relation to this ordinance amendment.

Staff Recommendation

Staff recommends the City Council waive the first reading and introduce the proposed ordinance.

Attachments

1. Notice of Public Hearing
2. Proposed Ordinance

Resources Available Online

1. Link to the State's Model Water Efficient Landscape Ordinance:

https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I55B69DB0D45A11DEA95CA4428EC25FA0&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default) or https://tinyurl.com/2p949pee

2. Link to California Department of Water Resources Model Water Efficient Landscape Ordinance Homepage:

https://water.ca.gov/Programs/Water-Use-And-Efficiency/Urban-Water-Use-Efficiency/Model-Water-Efficient-Landscape-Ordinance or https://tinyurl.com/8jf33sbw

City of Oakley
3231 Main Street
Oakley, CA 94561
www.oakleyinfo.com

NOTICE OF PUBLIC HEARING

Notice is hereby given that on **September 13, 2022** at 6:30 p.m., or as soon thereafter as the matter may be heard, the City Council of the City of Oakley will hold a Public Hearing at the Council Chambers located at 3231 Main Street, Oakley, CA 94561 for the purposes of considering an **ordinance to amend Oakley Municipal Code Chapter 4.31 related to Water-Efficient Landscape Requirements.**

Project Name: Water-Efficient Landscape Requirements Update.

Project Location: Citywide for applicable projects.

Applicant: City of Oakley, 3231 Main Street, Oakley, CA 94561. (925) 625-7000.

Request: This is a public hearing on a City-initiated item requesting the City Council of the City of Oakley adopt an ordinance amending Oakley Municipal Code ("OMC") Chapter 4.31 (Water-Efficient Landscape Requirements) by replacing the existing ordinance with a standard reference to the State of California's Model Water Efficient Landscape Ordinance ("MWELO") and to comply with Diablo Water District's (water distributer for Oakley customers) Regulation No. 8, which prohibits the new installation of non-functional turf for applicable projects.

How to Review: The Staff Report and its attachments will be available for public review, on or before **September 8, 2022** at City Hall, 3231 Main Street, Oakley, CA 94561 or online at www.ci.oakley.ca.us/agendas-minutes-videos-archive/ by navigating to the **September 13, 2022** agenda and clicking the project title link. (Note: City Hall is closed on the 1st and 3rd Fridays of each month). Interested persons are invited to submit written comments prior to and may testify at the public hearing. **Written comments may be submitted to Kenneth W. Strelo, Planning Manager at the City of Oakley, 3231 Main Street, Oakley, CA 94561 or by email to strelo@ci.oakley.ca.us.**

NOTICE IS ALSO GIVEN pursuant to Government Code Section 65009(b) that, if this matter is subsequently challenged in Court by you or others, you may be limited to raising only those issues you or someone else has raised at a Public Hearing described in this notice or in written correspondence delivered to the City of Oakley City Clerk at, or prior to, the Public Hearing.

ORDINANCE NO. XX-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY AMENDING OAKLEY MUNICIPAL CODE CHAPTER 4.31 (WATER-EFFICIENT LANDSCAPE REQUIREMENTS) TO ADOPT THE STATE OF CALIFORNIA'S MODEL WATER EFFICIENT LANDSCAPE ORDINANCE AS AMENDED BY DIABLO WATER DISTRICT'S REGULATION NO. 8 WHICH PROHIBITS NEW INSTALLATION OF NON-FUNCTIONAL TURF

Findings

WHEREAS, on February 9, 2010, the Oakley City Council adopted Ordinance No. 03-10, which created the City's Water-Efficient Landscape Requirements (Oakley Municipal Code ("OMC") Chapter 4.31) compliant with State law; and

WHEREAS, on April 1, 2015, Governor Edmund G. Brown Jr signed Executive Order B-29-15 amending the State's Model Water Efficient Landscape Ordinance; and

WHEREAS, in June 2021, Diablo Water District's ("DWD") Board of Directors updated the 2020 Urban Water Management Plan. That plan includes an Appendix E, referred to as "Regulation No. 8 (Water Use Efficiency)" that includes a condition that DWD work with local land us authorities to implement a non-functional turf prohibition.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLEY DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 4.31 of the Oakley Municipal Code, titled, "Water Efficient Landscape Requirements" is hereby amended in its entirety as follows:

"CHAPTER 31
WATER-EFFICIENT LANDSCAPE REQUIREMENTS

4.31.102 Applicability.

The "Model Water Efficient Landscape Ordinance" of the state of California, as contained in California Code of Regulations Title 23 Waters, Division 2 Department of Water Resources, Chapter 2.7 Model Water Efficient Landscape Ordinance, Section 490 et seq., is hereby adopted by reference as the water efficient landscape ordinance of the City of Oakley, as the same may be amended from time to time, as if set out in full in this chapter. In addition to compliance with the State's MWELO, new installation of "non-functional turf" is prohibited for applicable projects.

4.31.104 Definition of Non-Functional Turf.

a. "Non-functional turf" means turf that is solely ornamental and not regularly used for human recreational purposes or for civic or community events. Non-functional turf

does not include sports fields and turf that is regularly used for human recreational purposes or for civic or community events."

SECTION 2. California Environmental Quality Act.

This project is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15308, Actions by Regulatory Agencies for the Protection of the Environment, because the State Water Efficient Landscape Ordinance states the ordinance will result in improving California's environmental conditions and provide benefits and realize sustainability goals.

SECTION 3. Effective Date and Posting.

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

PASSED, APPROVED AND ADOPTED this 13th day of September, 2022 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

_____
Randy Pope, Mayor

ATTEST:

_____ _____
Libby Vreonis, City Clerk Date

OAKLEY
CALIFORNIA

STAFF REPORT

Date: September 13, 2022

To: Joshua McMurray, City Manager

Approved and Forwarded to the City Council

From: Kenneth W. Strelo, Planning Manager

Subject: **Zoning Ordinance Text Amendments to Article 12 of Chapter 1 of Title 9 of the Oakley Municipal Code ("Special Land Uses") – Adding Four Subsections to Address Drive-Through Restaurants, Carwashes, Gas Stations, and Self-Storage (RZ 04-21)**

Summary

This is a public hearing on a City-initiated request for approval of Zoning Ordinance Text Amendments to Article 12 of Chapter 1 of Title 9 of the Oakley Municipal Code ("OMC"), titled "Special Land Uses" (RZ 04-21). The amendments consist of adding four new subsections to address four special land uses as follows: Drive-Through Restaurants (Subsection 9.1.1236); Carwashes (Subsection 9.1.1238); Gas Stations (Subsection 9.1.1240); and Self-Storage (Subsection 9.1.1242).

Staff recommends the City Council waive the first reading and introduce the ordinance approving Zoning Ordinance Text Amendments to Article 12 of Chapter 1 of Title 9 of the Oakley Municipal Code ("Special Land Uses") (RZ 04-21).

Background

On April 13, 2021, the City Council held a Zoning Code Update Discussion Work Session where it was discussed that a comprehensive Zoning Code Update would likely follow adoption of the current Focused General Plan Update, but that an opportunity existed to conduct more specific updates for certain uses that may warrant immediate attention. As a result of that work session, the four uses addressed in this Staff Report were further researched by Staff and brought back to the City Council at the July 13, 2021 meeting for a second, more focused work session. After receiving a Staff presentation and holding discussions regarding each of the four special land uses, the City Council directed Staff to bring back ordinance language for consideration.

On September 28, 2021, the City Council held a public hearing on a City-initiated request for approval of Zoning Ordinance Text Amendments to Article 12 of Chapter 1 of Title 9 of the Oakley Municipal Code ("OMC"), titled "Special Land Uses" (RZ 04-21). The proposed amendments consisted of adding four new subsections to address four special land uses as follows: Drive-Through Restaurants (Subsection 9.1.1236);

Carwashes (Subsection 9.1.1238); Gas Stations (Subsection 9.1.1240); and Self-Storage (Subsection 9.1.1242). After deliberations, no action was taken on the item and the City Council directed Staff to seek out additional information from stake holders and provide more analysis on the impacts created by potential buffers and bring the item back for additional consideration in a future work session setting.

On May 24, 2022, the City Council held a second Work Session to discuss the four special land uses, including draft performance and operational standards and establishing potential buffers. This work session included a summary of feedback from commercial developers, brokers and property owners (see attached May 24, 2022 Staff Report) and an analysis of potential required buffers between the special land uses and uses such as residentially zoned land and public schools. As part of the work session, Staff gave a presentation that provided examples of how a 300-foot buffer from residential land and public schools would affect nearby commercially designated properties, and the manner in which some of those properties would be impacted. The City Council considered Staff and public input and discussed the topic both with Staff and amongst itself. City Council feedback led to a consensus that applications would be handled on a case by case basis, with the anticipation of additional standards in place (as a result of this ordinance), and that the addition of a 300-foot buffer from schools seemed appropriate.

At the conclusion of the Work Session, it was agreed on by the City Council for each member to complete the checklist of performance and operational standards that was included as an attachment to the May 24, 2022 Work Session Staff Report for each of the four special land uses and return it to the City Clerk. It was agreed through consensus that the completed checklists would be used to determine which performance/operational standards had at least three Councilmembers "In Favor," and for those to be included in the proposed ordinance language. It was also agreed to by the Council that the answers from each Councilmember would be made a part of the packet for the ordinance introduction.

Results of Performance and Operational Standards Checklists

All five Councilmembers either returned a checklist to Staff or made their selections known, allowing Staff to tally the responses and draft the ordinance accordingly. Although the ordinance is proposed to reflect what a majority of the Council selected on their checklists, there are some standards that received comments with the submitted checklist. Staff has summarized the comments received on specific standards below.

Councilmembers' Comments on Standards for Drive-Through Uses

- #2: In relation to drive-through menu speakers. Okay with requiring spec sheet on menu board speaker and any sound reducing technologies it may incorporate, but not okay with requiring a detailed acoustical analysis.

- #4: In relation to drive-through queuing and access. Not in favor of whole standard, but in favor of the portion that states, "The drive-through shall not take ingress or egress from a local residential road." (Staff note: Any proposed standard can be separated into two or more standards).
- #5: In relation to drive-through lane screening. "Depends on public safety."
- #7: In relation to direction of menu board speakers. In favor of not pointing them toward adjacent residential uses.

Councilmembers' Comments on Standards for Carwashes

- #7: Same as #7 for Drive-Through Uses.

Councilmembers' Comments on Standards for Gas Stations

- None.

Councilmembers' Comments on Standards for Self-Storage

- None.

Proposed Ordinance

The proposed ordinance has been drafted to include all proposed standards in the checklist. The City Council may choose to hold further discussion on the comments received on some of the standards and summarized above. If the Council has any recommended changes to the ordinance, Staff may be able to make non-substantive changes, so long as the direction is clear, without the need to continue the item to a later date. Separating out parts of a standard into different standards in order to reach a full consensus would be a non-substantive modification. Clarifying language within a standard may also be considered non-substantive. Adding entirely new standards that would affect land use would likely be considered a substantive change and may require a revised ordinance that may need to be re-noticed before introducing.

Analysis

Adoption of the proposed ordinance will implement the direction provided to Staff by the City Council. The performance and operational standards that will become ordinance will serve as standard conditions of approval specific to each of the four special land uses. Since some of the standards require studies (such as a traffic analysis for pedestrian/bicycle safety and drive-through vehicle queuing for "Drive-Through Restaurants"), the information and technical analysis gathered will allow Staff to conduct more thorough analysis of any given project and provide that analysis to the appropriate decision making body during a project's public hearing. In practice, the ordinance will assist project applicants, Staff, and the Planning Commission/City Council in processing and approving development applications through the use of tools to identify and address potential incompatibility with surrounding uses that may not otherwise be identified through existing established thresholds or less objective analysis. The ordinance will

also provide a level of fairness and standards for all similar uses, as it will apply regardless of the specific location a use is proposed.

Environmental

This project is exempt from further analysis under the California Environmental Quality Act (“CEQA”) Guidelines Section 15061(b)(3) in that adoption of the ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment.

Consistency with the Oakley Strategic Plan 27+

This item is consistent with the Strategic Plan 27+ Community and Economic Growth Goal and Strategic and Thoughtful Growth Sub-Goal.

Fiscal Impact

There is no fiscal impact to the General Fund in relation to this work session.

Recommendation

Staff recommends the City Council waive the first reading and introduce the ordinance approving Zoning Ordinance Text Amendments to Article 12 of Chapter 1 of Title 9 of the Oakley Municipal Code (“Special Land Uses”) (RZ 04-21).

Attachments

1. Notice of Public Hearing
2. Staff Report from May 24, 2022 Work Session (without attachments)
3. Councilmembers’ Responses to Checklist of Performance and Operational Standards
4. Proposed Ordinance

City of Oakley
3231 Main Street
Oakley, CA 94561
www.oakleyinfo.com

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **September 13, 2022** at 6:30 p.m., or as soon thereafter as the matter may be heard, the City Council of the City of Oakley will hold a **Public Hearing** at the Council Chambers located at 3231 Main Street, Oakley, CA 94561 for the purposes of considering the item as described below:

Project Name: Zoning Ordinance Text Amendments to Article 12 of Chapter 1 of Title 9 of the Oakley Municipal Code ("Special Land Uses") (RZ 04-21).

Project Location: Citywide.

Applicant: City of Oakley, 3231 Main Street, Oakley, CA 94561.

Request: This is a public hearing on a City-initiated request for approval of Zoning Ordinance Text Amendments to Article 12 of Chapter 1 of Title 9 of the Oakley Municipal Code ("OMC"), titled "Special Land Uses" (RZ 04-21). The amendments consist of adding four new subsections to address four special land uses as follows: Drive-Through Restaurants (Subsection 9.1.1236); Carwashes (Subsection 9.1.1238); Gas Stations (Subsection 9.1.1240); and Self-Storage (Subsection 9.1.1242).

How to Review: The Staff Report and its attachments will be available for public review, on or before September 8, 2022 online at www.ci.oakley.ca.us/agendas-minutes-videos-archive/ by navigating to the September 13, 2022 agenda and clicking the project title link. Interested persons are invited to submit written comments prior to 5:00 P.M. the day of the hearing to Ken Strelo, Planning Manager at strelo@ci.oakley.ca.us.

NOTICE IS ALSO GIVEN pursuant to Government Code Section 65009(b) that, if this matter is subsequently challenged in Court by you or others, you may be limited to raising only those issues you or someone else has raised at a Public Hearing described in this notice or in written correspondence delivered to the City of Oakley City Clerk at, or prior to, the Public Hearing.

Agenda Date: _____

Agenda Item: _____

OAKLEY CALIFORNIA

STAFF REPORT

Date: May 24, 2022

To: Joshua McMurray, City Manager

Approved and Forwarded to the City Council

From: Kenneth W. Strelo, Planning Manager

Subject: **Work Session #2 to Discuss Drive-Through Restaurants, Carwashes, Gas Stations, and Self-Storage**

Summary

This is a City Council Work Session to revisit discussion on Drive-Through Restaurants, Carwashes, Gas Stations, and Self-Storage. Specifically, this work session in intended to discuss the feasibility of 1) potentially establishing buffers between residential and commercially zoned properties, and 2) implementing other performance and operational standards, both in relation to the four special uses, as applicable.

Background

On April 13, 2021, the City Council held a Zoning Code Update Discussion Work Session where it was discussed that a comprehensive Zoning Code Update would likely follow adoption of the current Focused General Plan Update, but that an opportunity existed to conduct more specific updates for certain uses that may warrant immediate attention. As a result of that work session, the four uses addressed in this Staff Report were further researched by Staff and brought back to the City Council at the July 13, 2021 meeting for a second, more focused work session. After receiving a Staff presentation and holding discussions regarding each of the four special land uses, the City Council directed Staff to bring back ordinance language for consideration.

On September 28, 2021, the City Council held a public hearing on a City-initiated request for approval of Zoning Ordinance Text Amendments to Article 12 of Chapter 1 of Title 9 of the Oakley Municipal Code ("OMC"), titled "Special Land Uses" (RZ 04-21). The proposed amendments consisted of adding four new subsections to address four special land uses as follows: Drive-Through Restaurants (Subsection 9.1.1236); Carwashes (Subsection 9.1.1238); Gas Stations (Subsection 9.1.1240); and Self-Storage (Subsection 9.1.1242). After deliberations, no action was taken on the item and the City Council directed Staff to seek out additional information from stake holders and provide more analysis on the impacts created by potential buffers, and bring the item back for additional consideration in a future work session setting.

Main Items of Discussion

Potential Buffers

One of the main items discussed during the September 28, 2021 public hearing was the Performance Standards related to buffers between "Sensitive Uses" and proposed drive-through restaurants, carwashes, and gas stations. In these cases, "sensitive uses" was defined as follows:

> "[A]ny Residential or Agricultural designated property, whether occupied or vacant, on the Oakley General Plan Land Use Map, any legal and conforming residential use, or any public or private school with students in any grade ranging from K-12. Residential uses located in non-residential zoning districts and General Plan land use designations are not considered "Sensitive Uses" for the purposes of this subsection. Other uses may be considered as "Sensitive Uses" subject to the discretion of the Community Development Director."

The buffer from sensitive uses was proposed at 300 feet as measured from a sensitive use's property line to specific locations of the proposed use. For drive-through restaurants it was the building, drive-through lane, or entry driveways; for carwashes it was the building; and for gas stations it was the parcel lines, building, or entry driveways. There were other discussions on buffers, such as a minimum distance between gas stations of at least 500 feet except that two may be located on corners at arterial road intersections, minimum distance between carwashes of 500 feet, and minimum distance between self-storage facilities of 1,000 feet.

Performance and Operational Standards

The buffers mentioned above are part of what were included as performance standards in the previously proposed zoning ordinance text amendments considered by the City Council on September 28, 2021. In addition to those performance standards were operational standards. Examples of some of the other standards for the four uses included items such as litter control plans, requirements for acoustical analysis of specific noise generating sources, additional pedestrian circulation analysis, vehicle queuing requirements, and standards for self-storage mixed use project.

Analysis

Part of the City Council's direction to Staff at the conclusion of the September 28, 2022 hearing was to speak to some of the commercial brokers or property owners for input. Staff was able to speak with not only existing brokers and owners in the City, but also potential developers at a conference attended by the City's Economic Development Analysist. The results of those conversations varied, but the theme centered around the challenges establishing such buffers would present for developability of affected commercial parcels, and as a direct result, the developability of the remainder of those commercial centers with affected parcels.

300-Foot Buffer from Residential, etc.

One exercise Staff conducted as part of this analysis was to look at several areas in the City where commercial land abuts residential land and analyze the impacts of a 300-foot buffer. The analysis showed the buffer would impact several undeveloped commercial sites and that portions of future commercial centers would be impacted, including:

- Land at the Laurel Road and O'Hara Avenue intersection;
- The remaining portion of the commercial site on Laurel Road where ARCO is located;
- The vacant parcel to the west of Oakley Town Center (Lucky Shopping Center);
- Northwest corner of Main Street and East Cypress Road; and
- Most of the commercial properties along Main Street near the City's southern border.

In addition to the vacant commercial land, Staff conducted an analysis on how such a buffer could have impacted the City's current commercial businesses. Results of that analysis showed that several of the City's current businesses that have been approved since incorporation would not have been allowed in their current location with such a buffer in place. Some of those businesses include the following:

- Starbucks at Main Street and Carol Lane;
- Popeye's at Main Street and Carol Lane;
- Chevron gas station at Main Street and East Cypress Road;
- Drive-through in Bopari Plaza on Main Street south of East Cypress Road;
- ARCO gas station at Main Street and East Cypress Road;
- 7/11 gas station at Main Street and Empire Avenue; and
- The relative uses in the Emerson Commercial site.

Another factor that may not be as obvious is how future infill residential development could alter developability of commercial properties if such a buffer existed. For example, the City is currently updating the Housing Element and part of that process includes looking at additional sites for the Affordable Housing Overlay ("AHO") District. Some of those sites are allowed to be zoned commercial, and some of the currently proposed AHO are zoned commercial.

Placing the AHO on commercial properties is allowed by the state, and it serves two main purposes. The first is it allows more flexibility is site selection. Residential sites are often partially developed or in already established neighborhoods with much lower density than what the AHO would permit, potentially creating more difficulty on acceptance of the site by the state, or as a density conflict with the existing surrounding areas. The second main purpose is to bring more people to existing commercial uses, which results in a benefit to the City in meeting its housing needs, and to existing commercial uses by bringing potential customers within walking distance to those businesses which may offer commercial goods and services. As more commercial sites

are rezoned with the AHO, one less foreseeable impact of a buffer from residential uses would be if a commercial site with the AHO were to be developed with residential uses, thus creating a new buffer over viable commercial property located on major arterials or nearer the freeways. Bridgehead Road is one such example.

Based on the above analysis, Staff is recommending the applicability of 300-foot buffers from sensitive uses is no longer implemented, and instead, Staff and decision makers rely on the tools already provided by the Oakley Municipal Code, such as:

- The three uses previously proposed to be subject to the buffer already require the discretionary approval of conditional use permits;
- Staff is recommending several other performance and operational standards for the uses, which could be adopted as ordinance and integrated into the zoning code; and
- Accompanying design review applications can include design to increase compatibility between uses on a case-by-case basis.

Proposed 300-Foot School Buffer

One other factor considered by Staff was to apply the 300-foot buffer to the parcel lines of schools that are part of the four school districts within the City. It was found that although a few commercial sites would be affected, the impact City-wide was far less extreme than the 300-foot buffer from residential. The most notable affected sites were a residential site zoned Retail Business District across O'Hara Avenue from O'Hara Park Middle School, portions of the commercial sites on the northwest corner and southwest corners of Laurel Road and O'Hara Avenue near Laurel Elementary School, and a vacant site fronting Carpenter Road between La Grande and Almond Grove School.

The intent of this buffer would be to implement it from schools that are part of the Antioch Unified School District, Brentwood Elementary School District, Oakley Union Elementary School District, and Liberty Union High School District. The proposed standard would not include uses such as day care centers (which are typically in commercial zones) or locations where students are homeschooled. If the City Council is in favor of this buffer, it may consider directing Staff to craft more specific language to ensure the standard is applied as intended.

Presentation

A presentation will be given by Staff as a part of the oral report. The presentation will show how the 300-foot buffer from residential land impacts some of the areas discussed in this report. It will also show how the 300-foot buffer from schools will affect adjacent commercial land.

Performance and Operational Standards Checklist

Staff has created a checklist of the proposed performance and operational standards. That checklist is attached to this Staff Report and has been provided to each Councilmember in hard copy. Staff is requesting that each Councilmember complete the list and provide a response of "In favor" or "Not in favor" for each standard listed. The completed checklists can then be returned to the City Clerk at each Councilmember's earliest convenience. The lists are not required to be completed during this Council Meeting. Staff will use the lists to assist in the deciding which standards to include in the future proposed ordinance. The results of each Councilmember's list will also be made public in any future packet for consideration of ordinance language related to this topic.

Summary Analysis

In summary, due to the significant effect on existing commercial properties and foreseeable and unforeseeable effects on existing commercial properties that may be caused by future infill residential development, Staff is recommending the land use decisions remain on a case-by-case basis and rely on the existing discretion allowed by Staff and decisions makers and the conditional use process rather than establishing a buffer between certain commercial uses and residential uses. In addition, several performance and operational standards will further ensure the related uses perform and operate in specific manners as eventually ordained into the zoning code. Staff also recommends the Council consider establishing a buffer of 300 feet between schools in the City's four school districts and the specific uses discussed in this Staff Report.

Consistency with the Oakley Strategic Plan 27+

This item is consistent with the Strategic Plan 27+ Community and Economic Growth Goal and Strategic and Thoughtful Growth Sub-Goal.

Fiscal Impact

There is no fiscal impact to the General Fund in relation to this work session.

Recommendation

Staff recommends the City Council receive the Staff Report and Staff Presentation, hold the Work Session, including receiving public comments, and provide Staff with oral and/or written direction on the topic of regulating all or some of the discussed uses.

Attachments

1. Notice of Work Session
2. Staff Report from July 13, 2021 Work Session
3. Staff Report from September 28, 2021 Public Hearing
4. Checklist of Draft Performance and Operational Standards

Councilmembers' Responses to Checklist of Performance and Operational Standards

RP = Mayor Randy Pope
AM = Vice Mayor Aaron Meadows
AW = Councilmember Anissa Williams
GF = Councilmember George Fuller
SH = Councilmember Sue Higgins

	Standards	In Favor	Not in Favor
	Drive-Through Restaurants		
1	An application for a proposed drive-through restaurant shall include a traffic analysis that specifically analyzes onsite and nearby pedestrian/bicycle safety and drive-through lane queuing. This analysis is in addition to any Vehicle Miles Traveled ("VMT") or Level of Service ("LOS") analysis that may already be required.	RP AW GF SH	AM
2	An application for a proposed drive-through restaurant shall include either a detailed acoustical analysis of the menu board speaker consistent with the proposed site plan, or a detailed specification sheet on the menu board speaker and any sound reducing technologies it may incorporate. All menu board speakers shall function in compliance with the City of Oakley General Plan.	RP AW GF SH	
3	Any proposed drive-through restaurant shall be a minimum of 300 feet (three-hundred feet) from the parcel lines of any school within the Antioch Unified School District, Brentwood Elementary School District, Oakley Union Elementary School District, and Liberty Union High School District, as measured by the shortest distance in a straight line on a map to the limits of the drive-through restaurant's drive-through lane, building dimensions, or entry driveways, whichever is nearest.	RP AW GF SH	AM
4	No portion of the drive-through lane or its required queuing, as determined in the traffic analysis, shall obstruct any drive aisles or off-street parking. The drive-through shall not take ingress or egress from a local residential road.	RP AW GF SH	AM (with comments)

	Standards	In Favor	Not in Favor
5	The entire drive-through lane shall be screened from adjacent public street and residential views to a height of at least three feet. Screening devices shall be a combination of berming, hedges and landscape materials, and solid walls as approved by the Community Development Director.	RP AW GF SH	
6	Menu boards shall be oriented or screened to avoid direct visibility from adjacent public streets.	RP AW GF SH	
7	The speaker box on menu boards shall be oriented away from adjacent residential uses or other commercial uses with an outdoor setting.	RP AW GF SH	AM (with comments)
8	Pedestrian access to the building, either from the parking lot or public right of way, shall not cross the drive-through lane at any point between the last queuing area and end of the building facade where the pick-up window is located.	RP AW GF SH	AM
9	Hours of operation may be limited as a condition of approval in the conditional use permit as necessary to achieve compatibility with adjacent land uses.	RP AW GF SH	AM
10	The applicant shall prepare and submit a litter control, and/or recycling plan as a part of the conditional use permit application. In addition to the litter control plan, the site shall be maintained in a litter free condition and no unreasonable odors shall be generated on the site. The on-site manager shall make all reasonable efforts to see that trash and litter originating from the use or its patrons is not deposited on adjacent properties or left on the grounds of the use overnight. Employees shall be required daily to pick up trash or litter on or adjacent to the site, as well as any visible litter originating from the site and within 300 feet of the perimeter. Any graffiti shall be removed within 48 hours of it being discovered.	RP AW GF SH	AM
11	The on-site manager shall not permit, and shall make an attempt to prohibit, any loud music, noise, or other amplified sounds, as well as parking lot loitering, gatherings, or other activities than may disrupt the quiet and peace of the	RP AW GF SH	AM

	Standards	In Favor	Not in Favor
	premises, surrounding commercial uses, and surrounding land uses.		
12	The on-site manager shall take whatever steps are deemed necessary to assure the orderly conduct of employees, patrons, and visitors on the premises.	RP AW GF SH	AM
	Carwashes		
1	An application for a proposed carwash shall include a traffic analysis that specifically analyzes onsite and nearby pedestrian/bicycle safety and queuing. This analysis is in addition to any Vehicle Miles Traveled ("VMT") or Level of Service ("LOS") analysis that may already be required.	RP AW GF SH	AM
2	An application for a proposed carwash shall include a detailed acoustical analysis of noise generated by the use and confirm that the use complies with the noise thresholds in the City of Oakley General Plan in relation to noise impacts on sensitive uses. If a generally accepted decibel variance allowance would result in the noise exceeding a threshold, the noise source shall be reduced until the analysis shows the noise, including any decibel variance allowance, falls within the thresholds in the General Plan.	RP AW GF SH	
3	Any proposed carwash shall be a minimum of 300 feet (three-hundred feet) from the parcel lines of any school within the Antioch Unified School District, Brentwood Elementary School District, Oakley Union Elementary School District, and Liberty Union High School District, as measured by the shortest distance in a straight line on a map to the limits of the carwash building.	RP AM AW GF SH	
4	There shall be no more than one carwash located within any shopping center or contiguous commercial properties that have internally shared access. In addition, no new carwash shall be proposed within 1,000 feet of an existing carwash as measured between the shortest distance from either the perimeter of the carwash operations or parcel lines, subject to the determination by the Community Development Director.	RP AW GF SH	AM
5	No portion of the required queuing as determined in the traffic analysis shall obstruct any drive aisles or off-street parking.	RP AW GF	AM

	Standards	In Favor	Not in Favor
		SH	
6	The entire carwash queuing lane shall be screened from adjacent public street and residential views to a height of at least three feet. Screening devices shall be a combination of berming, hedges and landscape materials, and solid walls as approved by the Community Development Director.	RP AW GF SH	
7	Any speaker box on automated payment machine shall be oriented away from adjacent residential uses or other commercial uses with an outdoor setting.	RP AM (with comments) AW GF SH	
8	Pedestrian access to the building either from the parking lot or public right of way shall not cross the queuing lane at any point between the automated payment machine and entrance to the carwash. Nor should it be located within 25 feet of the exit of the carwash.	RP AW GF SH	AM
9	Hours of operation may be limited as a condition of approval in the conditional use permit as necessary to achieve compatibility with adjacent sensitive land uses.	RP AW GF SH	AM
10	The applicant shall prepare and submit a litter control, and/or recycling plan as a part of the conditional use permit application. In addition to the litter control plan, the site shall be maintained in a litter free condition and no unreasonable odors shall be generated on the site. The on-site manager shall make all reasonable efforts to see that trash and litter originating from the use or its patrons is not deposited on adjacent properties or left on the grounds of the use overnight. Employees shall be required daily to pick up trash or litter on or adjacent to the site, as well as any visible litter originating from the site and within 300 feet of the perimeter. Any graffiti shall be removed within 48 hours of it being discovered.	RP AW GF SH	AM
11	The on-site manager shall not permit, and shall make an attempt to prohibit, any loud music, noise, or other amplified sounds, as well as parking lot loitering, gatherings, or other activities than may disrupt the quiet and peace of the	RP AW GF SH	AM

	Standards	In Favor	Not in Favor
	premises, surrounding commercial uses, and surrounding land uses.		
12	The on-site manager shall take whatever steps are deemed necessary to assure the orderly conduct of employees, patrons, and visitors on the premises.	RP AW GF SH	AM
	Gas Stations		
1	An application for a gas station shall include a traffic analysis that specifically analyzes onsite and nearby pedestrian/bicycle safety. This analysis is in addition to any Vehicle Miles Traveled ("VMT") or Level of Service ("LOS") analysis that may already be required.	RP AW GF SH	AM
2	Any proposed gas station shall be a minimum of 300 feet (three-hundred feet) from the parcel lines of any school within the Antioch Unified School District, Brentwood Elementary School District, Oakley Union Elementary School District, and Liberty Union High School District, as measured by the shortest distance in a straight line on a map from to the limits of the gas station's parcel lines, building dimensions, or entry driveways, whichever is nearest.	RP AM AW GF SH	
3	Any proposed gas station shall be minimum of 500 feet from an existing gas station, as measured between the shortest distance from either the perimeter of the gas station operations or parcel lines, subject to the determination by the Community Development Director. Except that any intersection of two arterial streets (as defined in the City's General Plan) may have two gas stations on separate corners. In the case where there are two gas station on two corners, efforts should be made so the two gas stations mainly serve opposite flows of traffic.	RP AW GF SH	AM
4	The speakers on gas pumps shall comply with all applicable noise regulations in the Oakley General Plan.	RP AM AW GF SH	

	Standards	In Favor	Not in Favor
5	Any new gas station shall include a parking location for fueling trucks that does not block or cross over any required drive aisles or off-street parking spaces.	RP AW GF SH	AM
6	Any new gas station shall consider including alternative fuels pumps as an option to customers with alternative fuel vehicles.	RP AW GF SH	AM
7	Hours of operation for all or any individual component of a gas station (i.e. pumps, convenience store, carwash, or vacuum stations) may be limited as a condition of approval in the conditional use permit as necessary to achieve compatibility with adjacent sensitive land uses.	RP AW GF SH	AM
8	The applicant shall prepare and submit a litter control, and/or recycling plan as a part of the conditional use permit application. In addition to the litter control plan, the site shall be maintained in a litter free condition and no unreasonable odors shall be generated on the site. The on-site manager shall make all reasonable efforts to see that trash and litter originating from the use or its patrons is not deposited on adjacent properties or left on the grounds of the use overnight. Employees shall be required daily to pick up trash or litter on or adjacent to the site, as well as any visible litter originating from the site and within 300 feet of the perimeter. Any graffiti shall be removed within 48 hours of it being discovered.	RP AW GF SH	AM
9	The on-site manager shall not permit, and shall make an attempt to prohibit, any loud music, noise, or other amplified sounds, as well as parking lot loitering, gatherings, or other activities than may disrupt the quiet and peace of the premises, surrounding commercial uses, and surrounding land uses.	RP AW GF SH	AM
10	The on-site manager shall take whatever steps are deemed necessary to assure the orderly conduct of employees, patrons, and visitors on the premises.	RP AW GF SH	AM

	Standards	In Favor	Not in Favor
	Self-Storage		
1	Any application for approval of a conditional use permit for a self-storage use shall include a demand study that supports the need for the new business to accommodate population growth within the City of Oakley rather than growth of surrounding jurisdictions.	RP AW GF SH	AM
2	Any self-storage proposed as a part of a mixed-use project with a retail/commercial frontage in the C (General Commercial) District shall meet the following minimum standards: 1. The project shall be designed so only the storefronts for the retail component and tenant spaces/buildings are directly accessible and visible from the main street frontage, with the exception of the self-storage leasing office, which may also be accessible and visible from the main street frontage. All building area for self-storage shall be located behind the frontage buildings. 2. Off-street parking for the commercial component shall provide at least 1 parking space per 200 square feet of gross floor area, regardless of any known uses at the time of the conditional use permit application, unless those uses require a higher number of parking spaces for the relative floor area, in which case that number should be applied to that relative floor area. 3. The storing or renting of moving vans/trucks shall only be allowed if explicitly stated in the conditional use permit. Moving vehicles may only consist of self-motorized vehicles and shall be stored in designated areas that do no occupy required parking or drive aisles associated with the self-storage. No moving vehicles may be stored in areas visible from the adjacent right of way(s) or be used as signage.	 RP AW GF SH RP AW GF SH RP AW GF SH	 AM AM
3	Hours of operation for entrance to the self-storage area may be limited as a condition of approval in the conditional use permit.	RP AW GF SH	AM
4	The applicant shall prepare and submit a litter control, and/or recycling plan as a part of the conditional use permit	RP AW	AM

	Standards	In Favor	Not in Favor
	application that shall be included in the leasing contract for all future tenants of the site (if part of a mixed-use project). In addition to the litter control plan, the site shall be maintained in a litter free condition and no unreasonable odors shall be generated on the site. The on-site manager shall make all reasonable efforts to see that trash and litter originating from the use or its patrons is not deposited on adjacent properties or left on the grounds of the use overnight. Employees shall be required daily to pick up trash or litter on or adjacent to the site, as well as any visible litter originating from the site and within 300 feet of the perimeter. Any graffiti shall be removed within 48 hours of it being discovered.	GF SH	
5	The on-site manager shall not permit, and shall make an attempt to prohibit, any loud music, noise, or other amplified sounds, as well as parking lot loitering, gatherings, or other activities than may disrupt the quiet and peace of the premises, surrounding commercial uses, and surrounding land uses.	RP AW GF SH	AM
6	The on-site manager shall take whatever steps are deemed necessary to assure the orderly conduct of employees, patrons, and visitors on the premises.	RP AW GF SH	AM

ORDINANCE NO. XX-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY ADOPTING ZONING TEXT AMENDMENTS TO ARTICLE 12 OF CHAPTER 1 OF TITLE 9 OF THE OAKLEY MUNICIPAL CODE ("SPECIAL LAND USES") – ADDING FOUR SUBSECTIONS TO ADDRESS DRIVE-THROUGH RESTAURANTS, CARWASHES, GAS STATIONS, AND SELF-STORAGE (RZ 04-21)

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

SECTION 1. Subsection 9.1.1210 of the Oakley Municipal Code, titled "Gasoline Service Stations. – Reserved," is hereby amended to have the title, "Reserved."

SECTION 2. Subsection 9.1.1236, titled "Drive-Through Restaurants," is hereby added to the Oakley Municipal Code in its entirety, as follows:

"9.1.1236 Drive-Through Restaurants.

a. Purpose and Intent. It is the purpose of this subsection to specify performance and operational standards for restaurants or food-related uses seeking to incorporate one or more drive-through lanes in association with the proposed use.

    1) This subsection shall apply to any use proposed within the City of Oakley that is considered a "Drive-thru Restaurants and Services," and that is a restaurant or food/drink-related business.

b. Definitions and Meanings.

    1) For the purposes of this subsection "Drive-Through" is interchangeable with "Drive-thru" found elsewhere in the Oakley Municipal Code.

    2) "Sensitive Uses," as referenced in this subsection shall mean any Residential or Agricultural designated property, whether occupied or vacant, on the Oakley General Plan Land Use Map, any legal and conforming residential use, or any public or private school with students in any grade ranging from K-12. Residential uses located in non-residential zoning districts and General Plan land use designations are not be considered "Sensitive Uses" for the purposes of this subsection. Other uses may be considered as "Sensitive Uses" subject to the discretion of the Community Development Director.

c. Performance Standards.

    1) An application for a proposed drive-through restaurant shall include a traffic analysis that specifically analyzes onsite and nearby pedestrian/bicycle safety and drive-through lane queuing. This analysis is in addition to any Vehicle Miles Traveled ("VMT") or Level of Service ("LOS") analysis that may already be required.

2) An application for a proposed drive-through restaurant shall include either a detailed acoustical analysis of the menu board speaker consistent with the proposed site plan, or a detailed specification sheet on the menu board speaker and any sound reducing technologies it may incorporate. All menu board speakers shall function in compliance with the City of Oakley General Plan.

3) Any proposed drive-through restaurant shall be a minimum of 300 feet (three-hundred feet) from the parcel lines of any school within the Antioch Unified School District, Brentwood Elementary School District, Oakley Union Elementary School District, and Liberty Union High School District, as measured by the shortest distance in a straight line on a map to the limits of the drive-through restaurant's drive-through lane, building dimensions, or entry driveways, whichever is nearest.

4) No portion of the drive-through lane or its required queuing as determined in the traffic analysis shall obstruct any drive aisles or off-street parking. The drive-through shall not take ingress or egress from a local residential road.

5) The entire drive-through lane shall be screened from adjacent street and residential views to a height of at least three feet. Screening devices shall be a combination of berming, hedge and landscape materials, and solid walls as approved by the Community Development Director.

6) Menu boards shall be oriented or screened to avoid direct visibility from adjacent public streets.

7) The speaker box on menu boards shall be oriented away from adjacent residential uses or other commercial uses with an outdoor setting.

8) Pedestrian access to the building either from the parking lot or public right of way shall not cross the drive-through lane at any point between the last queuing area and end of the building facade where the pick-up window is located.

d. Operational Standards.

1) Hours of operation may be limited as a condition of approval in the conditional use permit as necessary to achieve compatibility with adjacent sensitive land uses.

2) The applicant shall prepare and submit a litter control, and/or recycling plan as a part of the conditional use permit application. In addition to the litter control plan, the site shall be maintained in a litter free condition and no unreasonable odors shall be generated on the site. The on-site manager shall make all reasonable efforts to see that trash and litter originating from the use or its patrons is not deposited on adjacent properties, or left on the

grounds of the use overnight. Employees shall be required daily to pick up trash or litter on or adjacent to the site, as well as any visible litter originating from the site and within 300 feet of the perimeter. Any graffiti shall be removed within 48 hours of it being discovered.

3) The on-site manager shall not permit and shall make an attempt to prohibit any loud music, noise, or other amplified sounds, as well as parking lot loitering, gatherings, or other activities than may disrupt the quiet and peace of the premises, surrounding commercial uses, and surrounding land uses.

4) The on-site manager shall take whatever steps are deemed necessary to assure the orderly conduct of employees, patrons, and visitors on the premises."

SECTION 3. Subsection 9.1.1238, titled "Carwashes," is hereby added to the Oakley Municipal Code in its entirety, as follows:

"**9.1.1238 Carwashes.**

a. Purpose and Intent. It is the purpose of this subsection to specify performance and operational standards for carwashes.

1) This subsection shall apply to any carwash use proposed within the City of Oakley, including carwashes ancillary to gas stations, self-service carwashes, stand-alone automated carwashes, and carwash businesses that may include additional detailing whether indoors or under a shade structure.

b. Definitions and Meanings.

1) For the purposes of this subsection "Carwash" may include the types of carwashes listed above. If a part of this subsection only applies to specific type of carwash, it will be explicitly stated as such. Otherwise, the part applies to all types of carwashes.

2) "Sensitive Uses," as referenced in this subsection shall mean any Residential or Agricultural designated property, whether occupied or vacant, on the Oakley General Plan Land Use Map, any legal and conforming residential use, or any public or private school with students in any grade ranging from K-12. Residential uses located in non-residential zoning districts and General Plan land use designations are not be considered "Sensitive Uses" for the purposes of this subsection. Other uses may be considered as "Sensitive Uses" subject to the discretion of the Community Development Director.

c. Performance Standards.

1) An application for a proposed carwash shall include a traffic analysis that specifically analyzes onsite and nearby pedestrian/bicycle safety and queuing. This analysis is in addition to any Vehicle Miles Traveled ("VMT") or Level of Service ("LOS") analysis that may already be required.

2) An application for a proposed carwash shall include a detailed acoustical analysis of noise generated by the use, and confirm that the use complies with the noise thresholds in the City of Oakley General Plan in relation to noise impacts on sensitive uses. If a generally accepted decibel variance allowance would result in the noise exceeding a threshold, the noise source shall be reduced until the analysis shows the noise, including any decibel variance allowance, falls within the thresholds in the General Plan.

3) Any proposed carwash shall be a minimum of 300 feet (three-hundred feet) from the parcel lines of any school within the Antioch Unified School District, Brentwood Elementary School District, Oakley Union Elementary School District, and Liberty Union High School District, as measured by the shortest distance in a straight line on a map to the limits of the carwash building.

4) There shall be no more than one carwash located within any shopping center or contiguous commercial properties that have internally shared access. In addition, no new carwash shall be proposed within 1,000 feet of an existing carwash as measured between the shortest distance from either the perimeter of the carwash operations or parcel lines, subject to the determination by the Community Development Director.

5) No portion of the required queuing as determined in the traffic analysis shall obstruct any drive aisles or off-street parking.

6) The entire carwash queuing lane shall be screened from adjacent street and residential views to a height of at least three feet. Screening devices shall be a combination of berming, hedge and landscape materials, and solid walls as approved by the Community Development Director.

7) Any speaker box on automated payment machine shall be oriented away from adjacent residential uses or other commercial uses with an outdoor setting.

8) Pedestrian access to the building either from the parking lot or public right of way shall not cross the queuing lane at any point between the automated payment machine and entrance to the carwash. Nor should it be located within 25 feet of the exit of the carwash.

d. Operational Standards.

1) Hours of operation may be limited as a condition of approval in the conditional use permit as necessary to achieve compatibility with adjacent sensitive land uses.

2) The applicant shall prepare and submit a litter control, and/or recycling plan as a part of the conditional use permit application. In addition to the litter control plan, the site shall be maintained in a litter free condition and no unreasonable odors shall be generated on the site. The on-site manager shall make all reasonable efforts to see that trash and litter originating from the use or its patrons is not deposited on adjacent properties, or left on the grounds of the use overnight. Employees shall be required daily to pick up trash or litter on or adjacent to the site, as well as any visible litter originating from the site and within 300 feet of the perimeter. Any graffiti shall be removed within 48 hours of it being discovered.

3) The on-site manager shall not permit and shall make an attempt to prohibit any loud music, noise, or other amplified sounds, as well as parking lot loitering, gatherings, or other activities than may disrupt the quiet and peace of the premises, surrounding commercial uses, and surrounding land uses.

4) The on-site manager shall take whatever steps are deemed necessary to assure the orderly conduct of employees, patrons, and visitors on the premises."

SECTION 4. Subsection 9.1.1240, titled "Gas Stations," is hereby added to the Oakley Municipal Code in its entirety, as follows:

"**9.1.1240 Gas Stations.**

a. Purpose and Intent. It is the purpose of this subsection to specify performance and operational standards for gas stations.

1) This subsection shall apply to any gas station use proposed within the City of Oakley, whether or not they include a convenience store, carwash, or vacuum stations.

b. Definitions and Meanings.

1) For the purposes of this subsection "Gas Station" is interchangeable with "Gasoline Service Station" found elsewhere in the Oakley Municipal Code.

2) "Sensitive Uses," as referenced in this subsection shall mean any Residential or Agricultural designated property, whether occupied or vacant, on the Oakley General Plan Land Use Map, any legal and conforming residential use, or any public or private school with students in any grade ranging from K-12. Residential uses located in non-residential

zoning districts and General Plan land use designations are not be considered “Sensitive Uses” for the purposes of this subsection. Other uses may be considered as “Sensitive Uses” subject to the discretion of the Community Development Director.

c. Performance Standards.

1) An application for a gas station shall include a traffic analysis that specifically analyzes onsite and nearby pedestrian/bicycle safety. This analysis is in addition to any Vehicle Miles Traveled (“VMT”) or Level of Service (“LOS”) analysis that may already be required.

2) Any proposed gas station shall be a minimum of 300 feet (three-hundred feet) from the parcel lines of any school within the Antioch Unified School District, Brentwood Elementary School District, Oakley Union Elementary School District, and Liberty Union High School District, as measured by the shortest distance in a straight line on a map from to the limits of the gas station’s parcel lines, building dimensions, or entry driveways, whichever is nearest.

3) Any proposed gas station shall be minimum of 500 feet from an existing gas station, as measured between the shortest distance from either the perimeter of the gas station operations or parcel lines, subject to the determination by the Community Development Director. Except that any intersection of two arterial streets (as defined in the City’s General Plan) may have two gas stations on separate corners. In the case where there are two gas station on two corner, efforts should be made so the two gas stations mainly serve opposite flows of traffic.

4) The speakers on gas pumps shall comply with all applicable noise regulations in the Oakley General Plan.

5) Any new gas station shall include a parking location for fueling trucks that does not block or cross over any required drive aisles or off-street parking spaces.

6) Any new gas station shall consider including alternative fuels pumps as an option to customers with alternative fuel vehicles.

d. Operational Standards.

1) Hours of operation for all or any individual component of a gas station (i.e. pumps, convenience store, carwash, or vacuum stations) may be limited as a condition of approval in the conditional use permit as necessary to achieve compatibility with adjacent sensitive land uses.

2) The applicant shall prepare and submit a litter control, and/or recycling plan as a part of the conditional use permit application. In addition to the litter

control plan, the site shall be maintained in a litter free condition and no unreasonable odors shall be generated on the site. The on-site manager shall make all reasonable efforts to see that trash and litter originating from the use or its patrons is not deposited on adjacent properties, or left on the grounds of the use overnight. Employees shall be required daily to pick up trash or litter on or adjacent to the site, as well as any visible litter originating from the site and within 300 feet of the perimeter. Any graffiti shall be removed within 48 hours of it being discovered.

3) The on-site manager shall not permit and shall make an attempt to prohibit any loud music, noise, or other amplified sounds, as well as parking lot loitering, gatherings, or other activities than may disrupt the quiet and peace of the premises, surrounding commercial uses, and surrounding land uses.

4) The on-site manager shall take whatever steps are deemed necessary to assure the orderly conduct of employees, patrons, and visitors on the premises."

SECTION 5. Subsection 9.1.1242, titled "Self-Storage," is hereby added to the Oakley Municipal Code in its entirety, as follows:

"**9.1.1242 Self-Storage.**

a. Purpose and Intent. It is the purpose of this subsection to specify performance and operational standards for self-storage.

1) This subsection shall apply to any self-storage use proposed within the City of Oakley, including self-storage uses that incorporate a component of frontage retail or other commercial activities.

b. Definitions and Meanings.

1) For the purposes of this subsection "Self-Storage" is interchangeable with "Mini-storage Facility" found elsewhere in the Oakley Municipal Code. Self-storage does not refer to any sort of outdoor storage of materials, vehicles, equipment, etc. It applies to the conventional self-storage use where customers rent lockable space to store personal goods

c. Performance Standards.

1) Any application for approval of a conditional use permit for a self-storage use shall include a demand study that supports the need for the new business in order to accommodate population growth within the City of Oakley rather than growth of surrounding jurisdictions.

2) Any self-storage proposed as a part of a mixed-use project with a retail/commercial frontage in the C (General Commercial) District shall meet the following minimum standards:

i. The project shall be designed so only the storefronts for the retail component and tenant spaces/buildings are directly accessible and visible from the main street frontage, with the exception of the self-storage leasing office, which may also be accessible and visible. All building area for self-storage shall be located behind the frontage buildings.

ii. Off-street parking for the commercial component shall provide at least 1 parking space per 200 square feet of gross floor area, regardless of any known uses at the time of the conditional use permit application, unless those uses require a higher number of parking spaces for the relative floor area, in which case that number should be applied to that area.

iii. The storing or renting of moving vans/trucks shall only be allowed if explicitly stated in the conditional use permit. Moving vehicles may only consist of self-motorized vehicles and shall be stored in designated areas that do no occupy required parking or drive aisles associated with the self-storage. No moving vehicles may be stored in areas visible from the adjacent right of way(s) or be used as signage.

d. Operational Standards.

1) Hours of operation for entrance to the self-storage area may be limited as a condition of approval in the conditional use permit.

2) The applicant shall prepare and submit a litter control, and/or recycling plan as a part of the conditional use permit application that shall be included in the leasing contract for all future tenants of the site (if part of a mixed-use project). In addition to the litter control plan, the site shall be maintained in a litter free condition and no unreasonable odors shall be generated on the site. The on-site manager shall make all reasonable efforts to see that trash and litter originating from the use or its patrons is not deposited on adjacent properties, or left on the grounds of the use overnight. Employees shall be required daily to pick up trash or litter on or adjacent to the site, as well as any visible litter originating from the site and within 300 feet of the perimeter. Any graffiti shall be removed within 48 hours of it being discovered.

3) The on-site manager shall not permit and shall make an attempt to prohibit any loud music, noise, or other amplified sounds, as well as parking lot loitering, gatherings, or other activities than may disrupt the quiet and peace of the premises, surrounding commercial uses, and surrounding land uses.

4) The on-site manager shall take whatever steps are deemed necessary to assure the orderly conduct of employees, patrons, and visitors on the premises."

SECTION 6. California Environmental Quality Act (CEQA).

This project is exempt from environmental analysis under the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3), because it can be seen with certainty that the proposed amendments will not have a significant effect on the environment in that they do not relax any land use requirements or bypass any project's requirement to comply with CEQA.

SECTION 7. Effective Date and Posting.

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

PASSED, APPROVED AND ADOPTED this 27th day of September, 2022 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

_____
Randy Pope, Mayor

ATTEST:

_____ _____
Libby Vreonis, City Clerk Date

OAKLEY
CALIFORNIA

STAFF REPORT

Date: September 13, 2022

To: Joshua McMurray, City Manager

Approved and Forwarded to the City Council

From: Derek P. Cole, City Attorney

Subject: **Urgency Ordinance Imposing a Moratorium on the Permitting of Hydrocarbon Development within City Limits to Allow for Evaluation of the Public Health and Environmental Impacts and the Enactment of Further and Appropriate Regulations Concerning the Same**

Background and Discussion

On May 24, 2022, during the future-agenda items portion of the City Council Meeting, two councilmembers requested that the City consider an agenda item concerning a moratorium on new oil and gas operations within City limits. At its August 9, 2022 City Council meeting, Staff was directed to present a proposed moratorium ordinance for consideration at a future Council meeting.

State law permits a city to adopt an interim ordinance that prohibits otherwise permitted uses when those uses conflict with potential land use proposals that the city is considering, studying, or intending to study within a reasonable time. These measures require a four-fifths vote of the city council. As part of the ordinance, the council must make a finding that there is a current and immediate threat to the public health, safety or welfare.

The proposed ordinance imposes an initial, 45-day moratorium on new oil and gas—referred to as "hydrocarbon"—development anywhere within the City. The 45-day limit of this ordinance is due to the specific requirements for "interim" or "urgency" zoning ordinances. Per Government Code section 65858, an urgency ordinance may only initially be enacted for a period of up to 45 days. The City Council thereafter may only extend the ordinance two additional times—first, for a period of 10 months and 15 days; and second, for a period of up to one year. In total, the urgency moratorium may last for two years.

As was explained during the City Council's previous workshop, the Oakley Municipal Code currently addresses hydrocarbon development. Section 9.1.1216 of the Code regulates the exploration for, drilling, redrilling, and recovery of oil, gas, and other hydrocarbons, including injection wells. Section 9.1.1216 conditionally permits hydrocarbon development in certain zones, subject to varying development and distance requirements depending on the zone in which the activities occur.

As drafted, the proposed ordinance would declare as the City Council's findings that:

> "A. Hydrocarbon excavation and development have undergone considerable technological advances in recent years, including the development of stimulation techniques, such as hydraulic fracturing, or 'fracking.'
>
> B. The City's regulation of hydrocarbon development was enacted several years ago, and it is unlikely the City's current suite of regulations is adequate to address the potential impacts to public health and safety that could be created by the application of the technological advances in hydrocarbon development in recent years.
>
> C. Hydrocarbon development has the potential for significant and immediate impacts on the health, safety, and welfare of the citizens of Oakley through increased noise, odor, dust, traffic, and other disturbances, as well as the potential to significantly impact the City's air, water, soil, biological quality, geology, water, stormwater and wastewater infrastructure, transportation, emergency response plans, and other aesthetic values and community resources.
>
> D. Without the imposition of a temporary moratorium on new hydrocarbon development within the City, the City may be required to process applications for such development even though its existing regulations require updating based on study and analysis that results in recommendations of new standards and best practices for hydrocarbon operations."

If the Council enacts the proposed moratorium, then for so long as the ordinance is in effect, including through any extension, the City shall not receive, accept, process, or approve any application for any permit under OMC Section 9.1.1216 or otherwise concerning hydrocarbon development operations.

As a condition for adoption of the proposed urgency ordinance, the City Manager, or designee, would be required to prepare a report describing the measures taken to alleviate the condition which led to adoption of the ordinance for presentation to the City Council no later than ten days prior to the expiration of the ordinance. Staff believes the Planning Commission would be the proper body to vet the issues concerning, and new or different approaches to regulating, hydrocarbon development within city limits.

Recommendation

Staff recommends that the City Council consider the proposed urgency ordinance. Should four-fifths of the City Council vote to enact the urgency ordinance, the ordinance would become effective immediately, for a period of 45 days unless extended.

Consistency with the Oakley Strategic Plan 27+

The proposed ordinance would further the Community Health and Safety goal in that it would be designed to protect the city's public and prioritize safe streets, healthy neighborhoods, and robust community resources to benefit its most valued assets—its people.

Attachment

1. Proposed Moratorium Ordinance Concerning Hydrocarbon Operations

ORDINANCE NO. XX-22

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY IMPOSING A MORATORIUM ON THE PERMITTING OF HYDROCARBON DEVELOPMENT WITHIN CITY LIMITS TO ALLOW FOR EVALUATION OF THE PUBLIC HEALTH AND ENVIRONMENTAL IMPACTS AND THE ENACTMENT OF FURTHER AND APPROPRIATE REGULATIONS CONCERNING THE SAME

WHEREAS, Section 9.1.1216 of the Oakley Municipal Code ("OMC") regulates the exploration for, drilling, redrilling, and recovery of oil, gas, and other hydrocarbons, including injection wells (these activities are collectively referred to within as "hydrocarbon development"); and

WHEREAS, OMC Section 9.1.1216 conditionally permits hydrocarbon development in certain zones, subject to varying development and distance requirements depending on zone in which the activities occur; and

WHEREAS, at its City Council meeting on August 9, 2022, the City Council held a workshop in which it received public testimony concerning the potential adverse impacts to public health and the environment from hydrocarbon development within East Contra Costa County, including potentially within Oakley city limits; and

WHEREAS, pursuant to the City of Oakley's police power, the City Council of the City of Oakley has the authority to enact and enforce ordinances and regulations for the public peace, morals, and welfare of the City and its residents; and

WHEREAS, California Government Code Section 65858 provides that, without following the procedures otherwise required prior to the adoption of a zoning ordinance and for the purpose of protecting the public safety, health and welfare, the City Council may adopt, as an urgency measure, an interim ordinance prohibiting any uses which may be in conflict with "a contemplated general plan, specific plan, or zoning proposal that the City Council, planning commission or the planning department is considering or studying or intends to study within a reasonable time"; and

WHEREAS, consistent with the above authorty, and in response to conditions and evidence of which it has recently become aware, the City Council desires to adopt a moratorium on the permitting of hydrocarbon development within city limits to allow for evaluation of whether the existing City regulation concerning such uses are sufficient to protect the public health and environment; and

WHEREAS, for the reasons more fully described within, the City Council determines, by at least a four-fifths (4/5) vote, that this urgency ordinance is a matter of City-wide importance, is a reasonable and necessary measure designed for the immediate preservation and protection of the public health, safety, or welfare of the community; and is in accordance with the public purposes and provisions of applicable State and local laws and requirements.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLEY DOES ORDAIN AS FOLLOWS:

SECTION 1. MORATORIUM FINDINGS.

A. Hydrocarbon excavation and development have undergone considerable technological advances in recent years, including the development of stimulation techniques, such as hydraulic fracturing, or "fracking."

B. The City's regulation of hydrocarbon development was enacted several years ago, and it is unlikely the City's current suite of regulations is adequate to address the potential impacts to public health and safety that could be created by the application of the technological advances in hydrocarbon development in recent years.

C. Hydrocarbon development has the potential for significant and immediate impacts on the health, safety, and welfare of the citizens of Oakley through increased noise, odor, dust, traffic, and other disturbances, as well as the potential to significantly impact the City's air, water, soil, biological quality, geology, water, stormwater and wastewater infrastructure, transportation, emergency response plans, and other aesthetic values and community resources.

D. Without the imposition of a temporary moratorium on new hydrocarbon development within the City, the City may be required to process applications for such development even though its existing regulations require updating based on study and analysis that results in recommendations of new standards and best practices for hydrocarbon operations.

E. There is a current and immediate threat to the public health, safety, and welfare of the City and its residents, thereby necessitating the immediate enactment of this urgency moratorium, in that the approval of any permits for new oil and gas development in the City would be required to be processed under the City's existing rules and procedures, which require additional study and revisions to comport with changes in state law and industry practices.

F. The adoption of this urgency moratorium is necessary to protect the City and its residents, businesses, and visitors from the potential health and safety impacts of oil and gas operations under current City regulations, including concerns with air quality, noise, spills, and other impacts, and to preserve the quality of life, health, safety, and welfare of the community.

G. Imposition of the moratorium will allow the City sufficient time to conclude the preparation of a comprehensive ordinance for the regulation of hydrocarbon activities moving forward. The absence of this urgency measure would create a serious threat to the orderly and effective implementation of any amendments to the OMC which may be adopted by the City Council as a result of studying this issue, in that new hydrocarbon

activities under the existing City rules and procedures may be in conflict with or frustrate the contemplated updates and revisions to the OMC and General Plan.

SECTION 2. IMPOSITION OF MORATORIUM.

For so long as this Ordinance is in effect, including through any extension, the City shall not receive, accept, process, or approve any application for any permit under OMC Section 9.1.1216 or otherwise concerning hydrocarbon development operations.

SECTION 3. CEQA FINDING.

The City Council determines that the provisions of this ordinance are exempt from the California Environmental Quality Act ("CEQA") because the instant ordinance involves continuing administrative activities and thus is not a project, as CEQA defines, pursuant to Section 15378(b)(2) of the CEQA Guidelines. To the extent the adoption of this Ordinance constitutes a project, the City Council finds pursuant to CEQA Guideline Section 15061(b)(3) that the project is exempt from environmental review because it can be seen with certainty that the adoption of the ordinance would not have any significant impact on the environment.

SECTION 4. REPORT.

The City Manager, or designee, is authorized and directed to prepare the report required by paragraph (d) of California Government Code Section 65858 describing the measures taken to alleviate the condition which led to adoption of this Ordinance for presentation to the City Council no later than ten days prior to the expiration of this Ordinance.

SECTION 5. EFFECTIVE DATE; FOUR-FIFTHS VOTE REQUIRED.

This Ordinance shall become effective immediately upon adoption if adopted by at least a four-fifths (4/5) vote of the total members of the City Council and shall be in effect for forty-five (45) days from the date of adoption, unless extended by the City Council as provided in California Government Code Section 65858.

SECTION 6. 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.

PASSED, APPROVED, AND ADOPTED this 13th day of September 2022 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

_____
Randy Pope, Mayor

ATTEST:

_____ _____
Libby Vreonis, City Clerk Date

Agenda Date: _____

Agenda Item: _____

OAKLEY CALIFORNIA

STAFF REPORT

Date: September 13, 2022

To: Joshua McMurray, City Manager

Approved and Forwarded to the City Council

From: Kenneth W. Strelo, Planning Manager

Subject: **Letter of Support to the Contra Costa County Board of Supervisors to Ban all Future Oil and Gas Drilling and Shut Down Current Oil and Gas Drilling Operations Countywide**

Summary

This is a City Council-initiated request for the City Council to consider adoption of a resolution approving a letter of support from the City of Oakley City Council to the Contra Costa County Board of Supervisors to ban oil and gas drilling operations within the County. Specifically, the letter of support and resolution request the County Board of Supervisors to ban all future oil and gas drilling and to shut down the current oil and gas extraction operations within the County.

Recommendation

Adopt a resolution authorizing the Mayor, on behalf of the Oakley City Council, to sign a letter of Support to the Contra Costa County Board of Supervisors to ban all future oil and gas drilling Countywide and shut down current oil and gas drilling operations and directing City Staff to distribute the letter and resolution on the Mayor's behalf.

Background

On May 24, 2022, Councilmember Higgins, with the support of Councilmember Williams, requested a future agenda item for the City Council to consider a resolution to the County Board of Supervisors to ban oil and gas drilling operations throughout the County. On August 9, 2022, the City Council held a work session to discuss the direction of the City in regard to the City's current ordinance regulating oil and gas drilling operations. At that meeting, it was confirmed to bring back a resolution for consideration regarding a letter to the County Board of Supervisors to ban oil and gas drilling operations throughout the County.

Historically, Contra Costa County, including portions of east Contra Costa County, has been an active location for oil and gas drilling. As of current day, most oil and gas wells have been plugged and a few are inactive. According to the California Department of

Conservation Well Finder map[1], there are three active oil and gas wells all within close proximity to each other within unincorporated Contra Costa County just south of the City of Antioch city limit. Specifically, they are located approximately 600 feet east of Deer Valley Road and approximately 1.5 miles north of Balfour Road. Another 15 active gas storage wells and one active gas observation well are located in unincorporated Contra Costa County north of Highway 4 just east of Port Chicago Highway. The Well Finder map website did not turn up any other active gas or oil wells within either unincorporated Contra Costa County or within any city limits within the County. As of current day, there appears to be three active oil and gas wells, 15 active gas storage wells, and one active gas observation well within the entire County.

Actions by Other Jurisdictions and Agencies

Diablo Water District ("DWD"): On October 27, 2021, the Diablo Water District Board of Directors adopted Resolution 2021-29 stating opposition to future oil and gas wells in east Contra Costa County. Copies of the adopted resolution were forwarded to State Senator Steve Glazer, Assemblymember Jim Frazier, the Oakley City Council, the Brentwood City Council, and the Contra Costa Board of Supervisors.

City of Antioch: On January 25, 2022, the City of Antioch City Council unanimously adopted an ordinance amending the Antioch Municipal Code to prohibit oil and gas drilling production, and exploratory operations as permitted uses in the "M-2" (Heavy Industrial) zone and in the designated portion of the Sand Creek Focus Area of the "S" Study District resulting in a citywide ban.

City of Brentwood: On April 12, 2022 the City of Brentwood City Council unanimously adopted an interim urgency ordinance implementing a moratorium on new oil and gas development. That ordinance was effective for an initial 45-days. On May 26, 2022, the Brentwood City Council adopted an urgency ordinance extending the temporary prohibition on new oil and gas development for an additional 10 months and 15 days.

Proposed Letter and Resolution

The proposed letter contains the language in support of the County Board of Supervisors banning oil and gas drilling within the County. Similar to the proposed resolution, the letter calls out the actions taken by Diablo Water District, the City of Antioch, the City of Brentwood, and the City of Oakley (depending on Council's decision on separate item to consider a moratorium on the use). Should the City Council have additional direction on the contents of either the letter or resolution, Staff will make those modification prior to execution of the resolution. There would be no need to continue the item to make any requested modifications to either document.

[1] https://maps.conservation.ca.gov/doggr/wellfinder/#openModal

Consistency with the City of Oakley Strategic Plan 2022-2027+

Adoption of the resolution would be consistent with at least two Goals of the City of Oakley Strategic Plan 2022-2027+ ("SP27+"). The first area of consistency is with the Community and Economic Development Goal which states, "The City of Oakley will inspire and encourage Community and Economic Development through strategic and thoughtful growth, a business-friendly environment, and local opportunities." The second area of consistency is with the Community Health and Safety Goal which states "The City of Oakley will protect our public and prioritize safe streets, healthy neighborhoods, and robust community resources to benefit our most valued assets – our people."

Fiscal Impact

There is no fiscal impact to the General Fund in relation to this item.

Recommendation

Adopt a resolution authorizing the Mayor, on behalf of the Oakley City Council, to sign a letter of support to the Contra Costa County Board of Supervisors to ban all future oil and gas drilling Countywide and shut down current oil and gas drilling operations and directing City Staff to distribute the letter and resolution on the Mayor's behalf.

Attachments

1. Proposed Resolution with Exhibit "A" Proposed Letter addressed to Contra Costa County Board of Supervisors

RESOLUTION NO. XX-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY MAKING FINDINGS TO APPROVE A LETTER OF SUPPORT TO THE CONTRA COSTA COUNTY BOARD OF SUPERVISORS TO BAN ALL FUTURE OIL AND GAS DRILLING COUNTYWIDE AND SHUT DOWN CURRENT OIL AND GAS DRILLING OPERATIONS

WHEREAS, on May 24, 2022, at the regular Oakley City Council Meeting, Councilmember Sue Higgins, with the support of Councilmember Anissa Williams, requested a future agenda item for the City Council to consider a resolution to the County Board of Supervisors to ban oil and gas drilling operations throughout the County; and

WHEREAS, on August 9, 2022, the Oakley City Council held a Work Session item to discuss the direction of the City in regard to the City's current ordinance (Oakley Municipal Code Section 9.1.1216 Oil and Gas Drilling) regulating oil and gas drilling operations; and

WHEREAS, hydrocarbon development has the potential for significant and immediate impacts on the health, safety, and welfare of the citizens of the County through increased noise, odor, dust, traffic, and other disturbances, as well as the potential to significantly impact the County's air, water, soil, biological quality, geology, water, stormwater and wastewater infrastructure, transportation, emergency response plans, and other aesthetic values and community resources; and

WHEREAS, On October 27, 2021, the Diablo Water District Board of Directors adopted Resolution 2021-29 stating opposition to future oil and gas wells in east Contra Costa County. Copies of the adopted resolution were forwarded to State Senator Steve Glazer, Assemblymember Jim Frazier, the Oakley City Council, the Brentwood City Council, and the Contra Costa Board of Supervisors; and

WHEREAS, on January 25, 2022, the City of Antioch City Council unanimously adopted an ordinance amending the Antioch Municipal Code to prohibit oil and gas drilling production, and exploratory operations as permitted uses in the "M-2" (Heavy Industrial) zone and in the designated portion of the Sand Creek Focus Area of the "S" Study District, resulting in a citywide ban; and

WHEREAS, on April 12, 2022 the City of Brentwood City Council unanimously adopted an interim urgency ordinance implementing a moratorium on new oil and gas development. That ordinance was effective for an initial 45-days. On May 26, 2022, the Brentwood City Council adopted an urgency ordinance extending the temporary prohibition on new oil and gas development for an additional 10 months and 15 days; and

WHEREAS, on September 13, 2022, the City of Oakley City Council adopted an urgency ordinance imposing a moratorium on the permitting of hydrocarbon development within the City limits to allow for evaluation of the public health and environmental impacts of the enactment of further and appropriate regulations concerning the use; and

WHEREAS, on September 13, 2022, the City Council considered this resolution as a regular calendar item at which time it received a report from City Staff, oral and written testimony from the public, and deliberated on the project. At the conclusion of its deliberations, the City Council took a vote and adopted this resolution, as revised by the City Council during its deliberations; and

WHEREAS, these Findings are based on the direction of the City Council and the information submitted to the City Council at its September 13, 2022 meeting, both written and oral, as reflected in the minutes of such meetings, together with the documents contained in the file for the Project (hereafter the "Record").

NOW, THEREFORE, on the basis of the foregoing Findings and the entire Record, the City Council hereby approves a letter of support (Exhibit "A") encouraging the County Board of Supervisors to ban all future oil and gas drilling and to shut down the current oil and gas extraction operations within the County.

BE IT FURTHER RESOLVED THAT, the City Council directs Staff to prepare the approved letter of support, as amended as a result of this item, for the Mayor's signature on behalf of the City Council, and to distribute the letter on the Mayor's behalf.

PASSED, APPROVED AND ADOPTED this 13th day of September, 2022 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

_____
Randy Pope, Mayor

ATTEST:

_____ _____
Libby Vreonis, City Clerk Date

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

OAKLEY
CALIFORNIA

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

September 13, 2022

Contra Costa County Board of Supervisors
1025 Escobar Street
Martinez, CA 94553

Subject: Letter of Support to Contra Costa Board of Supervisors to Ban Oil and Gas Drilling Operations within Contra Costa County

Dear Contra Costa County Board of Supervisors:

The City of Oakley City Council recently held a work session on August 9, 2022 on the topic of oil and gas drilling operations and as a result received numerous public comments on the topic. The City Council recognizes that hydrocarbon development has the potential for significant and immediate impacts on the health, safety, and welfare of the citizens of the City and County through increased noise, odor, dust, traffic, and other disturbances, as well as the potential to significantly impact the City's and County's air, water, soil, biological quality, geology, water, stormwater and wastewater infrastructure, transportation, emergency response plans, and other aesthetic values and community resources.

In response to this work session, on September 13, 2022, City Council adopted an urgency ordinance imposing a moratorium on the permitting of hydrocarbon development within the City limits to allow for evaluation of the public health and environmental impacts of the enactment of further and appropriate regulations concerning the use. Within the past year, two other local jurisdictions and one agency in east Contra Costa County have also passed resolutions or ordinances related to oil and gas drilling operations.

- On October 27, 2021, the Diablo Water District Board of Directors adopted Resolution 2021-29 stating opposition to future oil and gas wells in east Contra Costa County. Copies of the adopted resolution were forwarded to State Senator Steve Glazer, Assemblymember Jim Frazier, the Oakley City Council, the Brentwood City Council, and the Contra Costa Board of Supervisors.

- On January 25, 2022, the City of Antioch City Council unanimously adopted an ordinance amending the Antioch Municipal Code to prohibit oil and gas drilling production, and exploratory operations as permitted uses in the "M-2" (Heavy Industrial) zone and in the designated portion of the Sand Creek Focus Area of the "S" Study District resulting in a citywide ban.

- On April 12, 2022, the City of Brentwood City Council unanimously adopted an interim urgency ordinance implementing a moratorium on new oil and gas development. That ordinance was effective for an initial 45-days. On May 26, 2022, the Brentwood City Council adopted an urgency ordinance extending the temporary prohibition on new oil and gas development for an additional 10 months and 15 days.

The Oakley City Council supports and encourages the Contra Costa County Board of Supervisors to join the Cities of Antioch, Brentwood, and Oakley, and Diablo Water District and consider banning all future oil and gas drilling operations and shut down current oil and gas extractions within unincorporated Contra Costa County.

Sincerely,

Randy Pope, Mayor