



AGENDA

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

Tuesday, May 24, 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.

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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 action or have discussion on any item that is not specifically listed on the agenda. Public comment on items not listed on the agenda will be heard under the Public Comments section of the agenda. Public comments on items listed on the agenda will be heard as the Mayor calls the items. In compliance with State law, the Council may not take action on an item that is not specifically listed on the agenda. If you would like to speak on any agenda item, please fill out a blue 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

- 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 and Special Meeting of the Oakley Public Financing Authority**
- 1.2 Pledge of Allegiance to the Flag (Riley- Girl Scout Troop 33790, Reagan-Girl Scout Troop 33787)**

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/Public Financing Authority Meeting held May 10, 2022 (Libby Vreonis, City Clerk)**

[Minutes 05-10-22](#)

- 3.2 Adopt a Resolution Amending the 2022 City Council Appointment List (Libby Vreonis, City Clerk)**

[Staff Report](#)

- [1. Proposed Amended 2022 City Council Committee Appointment List](#)
- [2. Resolution Amending the 2022 City Council Committee Appointment List](#)

- 3.3 Waive the First Reading and Introduce an Ordinance amending Title 7 (Building & Housing Regulations) Chapter 7.1.102 of the Oakley Municipal Code to adopt by reference the 2019 Edition of the California Fire Code, California Code of Regulations, Title 24, Part 9, as amended by Contra Costa Fire Protection District Ordinance 2019-37, including Findings. (Brent Smith, Community Development Director)**

[Staff Report](#)

- [1. Fire Code Ordinance](#)
- [2. Exhibit A – Ordinance 2019-37 with Findings](#)
- [3. Draft Ordinance](#)

- 3.4 Consideration of a Resolution in Support of Ensuring the Health and Sustainability of the Sacramento-San Joaquin Delta (Felicia Escover, Assistant to the City Manager)**

[Staff Report](#)

- [1. Resolution](#)

4.PUBLIC HEARINGS

5.REGULAR CALENDAR

- 5.1 Consideration of a Resolution Establishing a Reward Fund for Information Leading to the Location of 24-year old Oakley Resident Alexis Gabe (Joshua McMurray, City Manager)**

[Staff Report](#)

- [1. Resolution](#)

- 5.2 Adopt a Resolution approving the Oakley Police Association Memorandum of Understanding (Jeri Tejeda, Human Resources Director)**

Staff Report

1. Resolution
2. Memorandum of Understanding
3. 2022/2023 Salary Schedule
4. Staff Presentation

5.3 General Overview of the Fiscal Year (FY) 2022/23 Capital Improvement Program (CIP) and Budget (Joshua McMurray, City Manager, Kevin Rohani, P.E., Public Works Director/City Engineer, Tim Przybyla, Finance Director)

Staff Report

1. Powerpoint Presentation
2. Project Summary

6.REPORTS

**6.1 CITY MANAGER
(a) City Manager**

**6.2 OAKLEY CITY COUNCIL/OAKLEY CITY COUNCIL ACTING AS THE
SUCCESSOR AGENCY TO THE OAKLEY REDEVELOPMENT AGENCY**

(a) Reports from Council Liaisons to Regional Committees, Commissions and Boards AND Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency

(b) Requests for Future Agendas

7.WORK SESSION

7.1 Work Session #2 to Discuss Drive-Through Restaurants, Carwashes, Gas Stations, and Self-Storage (Ken Strelo, Planning Manager)

Staff Report

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 Operation Standards

8.CLOSED SESSIONS

9.ADJOURN

**Minutes of Oakley City Council/Oakley City Council Acting as the
Successor Agency to the Oakley Redevelopment Agency/Oakley
Public Financing Authority held
May 10, 2022**

Mayor Randy Pope called the meeting to order at 6:30 p.m. in the Oakley City Council Chambers located at 3231 Main Street, Oakley, California. Vice Mayor Aaron Meadows and Councilmembers Anissa Williams, George Fuller and Sue Higgins were also in attendance.

1) OPENING MATTERS

1.1 Call to Order and Roll Call of the Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority

1.2 Pledge of Allegiance to the Flag

Mayor Pope led the Pledge of Allegiance to the Flag.

1.3 Proclamation Recognizing May 15-21, 2022 as National Police Week

Mayor Pope presented the proclamation to Chief of Police Paul Beard.

1.4 Proclamation Recognizing May 15-21, 2022 as National Public Works Week

The proclamation was made part of the meeting record.

1.5 Update from Diablo Water District (Dan Muelrath, General Manager)

Dan Muelrath, General Manager of Diablo Water District (DWD), provided a PowerPoint presentation.

2) PUBLIC COMMENTS

None.

3) CONSENT CALENDAR

3.1 Approve Minutes from the Special City Council Meeting held March 31, 2022 (Kim Snodgrass, Deputy City Clerk)

3.2 Approve Minutes from the Regular Joint City Council/City Council Acting as the Successor Agency and Special Public Financing Authority Meeting held April 26, 2022 (Libby Vreonis, City Clerk)

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

- 3.4 Waive the Second Reading and Adopt an Ordinance Making Findings and Adopting a Mitigated Negative Declaration and Rezoning two Parcels Comprised of Approximately 10.6 Acres Located at 463 Honey Lane (APN 033-030-028) and 560 Honey Lane (APN 033-030-032) From Single Family Residential (R-6) District to Planned Unit Development (P-1) District for the Project Titled “Honey Creekside Subdivision 9579” (RZ 03-21) (Ken Strelo, Planning Manager)**
- 3.5 Acceptance of work associated with Capital Improvement Project Number 257 – Fiscal Year 2021/22 Curb, Gutter and Sidewalk Repair and Replacement Project (Kevin Rohani, P.E., Public Works Director/City Engineer)**
- 3.6 Acceptance of Work Associated with Capital Improvement Project (CIP) Number 264 - Main Street/Cypress Road Intersection Repair and Resurfacing Project (Kevin Rohani, P.E., Public Works Director/City Engineer)**
- 3.7 Acceptance of Work Associated with Capital Improvement Project (CIP) Number 272 - Legless Lizard Preserve Fence Project (Kevin Rohani, P.E., Public Works Director/City Engineer)**
- 3.8 City of Oakley Quarterly Investment Report (3rd Quarter FY 2021/22) (Tim Przybyla, Finance Director)**
- 3.9 City of Oakley as Successor Agency to the Oakley Redevelopment Agency - Quarterly Investment Report (3rd Quarter FY 2021/22) (Tim Przybyla, Finance Director)**
- 3.10 Two Resolutions Initiating the Fiscal Year 2022-23 Oakley Street Lighting and Landscape Assessment District No. 1 proceedings; initiating the process and declaring the intention to levy and collect assessments, and setting June 14, 2022 as the date for the Public Hearing (Kevin Rohani, P.E., Public Works Director/City Engineer)**
- 3.11 Adopt A Resolution Amending the 2021-2022 Salary Schedule to include the addition and replacement of specific job classifications (Jeri Tejada, Human Resources Director)**
- 3.12 Adopt A Resolution Accepting Grant Deed for Certain Parcel of Property More Particularly Described as Contra Costa County APN 041-240-044 (Derek Cole, City Attorney)**
- 3.13 Creating Zone 183 within the Oakley Special Police Tax Area consisting of the 3350 Main Street project located at the northwest corner of Main Street and Norcross Lane (Kevin Rohani, P.E., Public Works Director/City Engineer)**

Councilmember Fuller pulled item 3.2.

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

Item 3.2

Councilmember Fuller requested the April 26, 2022 minutes be amended to include that Supervisor Burgis offered to work as a partner with the City regarding the library before he accepted her offer. He mentioned he feels it is important that she should receive credit for reaching out.

It was moved by Councilmember Fuller and seconded by Vice Mayor Meadows to approve the minutes as amended. AYES: Fuller, Meadows, Pope, Williams. ABSTENTION: Higgins. (4-0-1)

4) PUBLIC HEARINGS

None.

5) REGULAR CALENDAR

5.1 American Rescue Plan Act (ARPA) State and Local Fiscal Recovery Funds Update – Additional Allocation Recommendations and Request to Establish an Ad-Hoc Committee to Review ARPA Nonprofit Grant Applications (Joshua McMurray, City Manager)

City Manager Joshua McMurray presented the staff report.

Fire Hydrant Maintenance

Vice Mayor Meadows requested clarification why the City is funding the DWD fire hydrant replacement, he expressed he doesn't feel it is the City's responsibility to maintain DWD infrastructure, and he inquired where the fire hydrants are located in Oakley.

Councilmember Higgins requested clarification where the fire hydrants are located.

Mr. McMurray explained DWD is a special district which did not receive ARPA funding and this funding will support public safety in that it will help repair fire hydrants.

Mr. Muelrath explained there is no record of ownership of the fire hydrants located in the Downtown area around 2nd Street for the past 50-60 years, this one-time helps DWD repair them sooner than the normal budget process to ensure safety of residents, DWD inherited a cost of \$5-6 million, it committed to the fire department it would be done in a

5-year period, and DWD has built remaining cost in their rate structure for all future years.

CIP 249-Recreation Center Emergency Generator Project

Mayor Pope requested to incorporate an emergency radio repeater into the emergency back-up generator.

Vice Mayor Meadows requested clarification if it his hooked up yet.

Mr. McMurray indicated staff will look into whether or not an emergency radio repeater can be included in this cost or if it will need to come back for allocation. He mentioned the generator is not hooked up but they will be able to install without PG&E so they should have a quicker process than the emergency generator at City Hall that requires PG&E involvement.

Councilmember Fuller requested all of the projects come back to the Council for discussion rather than splitting them up.

Ad Hoc Committee to Review Non-Profit Grant Applications

Councilmembers Williams and Higgins agreed to be on the ad hoc committee.

Councilmember Fuller moved to approve the allocation recommendations without an ad hoc committee, rather prioritization of non-profits will be completed by staff. The motion died for lack of a second.

Vice Mayor Meadows moved to approve the allocation recommendations excluding the fire hydrant allocation and including the ad hoc committee. The motion died for lack of a second.

It was moved by Councilmember Higgins and seconded by Councilmember Williams to approve the allocation recommendations as written (including the ad hoc committee).

A roll call vote was taken as follows: AYES: Fuller, Higgins, Pope, Williams. NOES: Meadows. (4-1)

5.2 A Resolution of the City of Oakley City Council Making Findings and Denying the Project Known as "Quick Quack Car Wash at Laurel Plaza Conditional Use Permit (CUP 02-20) and Design Review (DR 08-20)" Located in the Laurel Plaza Shopping Center on the Northwest Corner of Laurel Road and O'Hara Avenue (APN 035-510-009) (Derek Cole, City Attorney)

City Attorney Derek Cole presented the staff report. He mentioned for the record that although the public hearing closed, public comments are still allowed under the Brown Act.

Mayor Pope called for public comments.

There being no public comments, Mr. Cole requested the record reflect that no comments were received from the applicant and the applicant is not required to submit comments.

It was moved by Councilmember Williams and seconded by Councilmember Fuller to adopt the resolution, AYES: Fuller, Higgins, Pope, Williams. NOES: Meadows. (4-1)

5.3 Special Event Beer and Wine Concessions Selection from RFP (Lindsey Bruno, Recreation Director)

Vice Mayor Meadows recused himself.

Recreation Director Lindsey Bruno presented the staff report.

Councilmember Fuller expressed he is not a fan of alcohol at City events and understands this is a fundraiser. He requested if approved, he would like to keep it to 1 year. He requested the RFP be advertised to all non-profits and perhaps to a Board or consortium of NGOs.

Councilmember Williams supported allowing the Rotary to handle the events, she suggested the Rotary mentor other non-profits how to run the concessions, and she expressed she would rather have alcohol sold and monitored than brought into the events by attendees.

Councilmember Higgins requested clarification if Rotary gets to handle all Friday Night Bites events as it did the previous event.

Mr. McMurray suggested they could do a separate RFP for Friday Night Bites.

Ms. Bruno explained the organizer of Friday Night Bites has been looking for a beer truck since the beginning of the pandemic and cannot locate one, the City cannot apply for a license to sell alcohol, and the Rotary has offered to do it.

Rotary President Hugh Henderson expressed they hoped there would be more interest to share some of the events, but they are willing to handle all four events and to have other non-profits shadow them. He shared their intent is not to take it on forever and any proceeds will go back into the community.

Greg Robinson with the Rotary welcomed other non-profits to train with them and agreed that alcohol sales are more regulated this way.

Mayor Pope requested signage at the booth how non-profits can participate next year. He mentioned the non-profit roundtable Supervisor Burgis started when she was on the Oakley City Council could be a good resource to tap into. He agreed with comments

made by Councilmember Fuller regarding alcohol sales at family events and expressed he does not want it to create a problem.

Ms. Bruno shared the same email list for the non-profit roundtable was used.

It was moved by Councilmember Higgins and seconded by Councilmember Williams to select the Rotary for the four events stated in 2022. AYES: Fuller, Higgins, Pope, Williams. ABSTENTION: Meadows. (4-0-1)

5.4 Adopt a Resolution Approving Action Minutes for Meetings (Libby Vreonis, City Clerk)

City Clerk Libby Vreonis presented the staff report.

Councilmember Williams expressed support for action minutes but also expressed concern regarding technology issues with meeting video. She inquired if meeting video will exist in perpetuity and if it can be placed on YouTube.

Mrs. Vreonis explained the Council can request that staff include in the resolution that summary minutes or lengthy summary minutes be prepared in the event the meeting video is unavailable, the meeting video is currently retained for 2 years in accordance with the City's retention schedule, and she can look into whether or not the video can exist on YouTube.

Councilmember Fuller inquired if transcription is available and how that may impact the workload. He agreed with Councilmember Williams to have video available longer, possibly 10 years, with a transcript.

Mrs. Vreonis shared she has utilized transcription but whether using that or taking notes during meetings and finalizing them later, it is taking 2-3 business days to prepare the minutes when nearing 30 pages, about the same workload.

Vice Mayor Meadows requested clarification if action minutes would make it easier to prepare minutes.

Mrs. Vreonis confirmed that is correct.

Mayor Pope echoed Councilmember Williams' comments regarding technology and if it is not working, he suggested the meeting be postponed. He expressed he is in favor of action minutes because lengthier minutes may not catch the essence, but it is not an issue with the video. He mentioned he does not believe storage is an issue with technology today and indefinite retention should not be an issue. He expressed he is in favor of cross posting to YouTube or other platforms.

Councilmember Fuller requested more information regarding action minutes.

Mrs. Vreonis referred him to the first attachment in the staff report showing an example of action minutes from the City of Martinez.

Councilmember Fuller expressed it would be different from type of minutes he prefers which is the type taken now.

It was moved by Councilmember Higgins to adopt the resolution including a provision for lengthy summary minutes if video is unavailable.

Councilmember Williams amended the motion to include having meeting video available on YouTube or other platforms.

Councilmember Higgins accepted the amendment.

Councilmember Fuller commented YouTube provides closed captioning and a transcript and recommended that be included.

Councilmember seconded the motion with her amendment and Councilmember Fuller's recommendation included. Motion was unanimous and so ordered. (5-0)

6) REPORTS

6.1 CITY MANAGER (a) City Manager

City Manager Joshua McMurray announced the Taste of Oakley is sold out and will be held May 14, 6 p.m.-8 p.m. at the Oakley Recreation Center and Oakley's Got Talent will be held May 21, beginning at 7 p.m. at the Oakley Recreation Center. He also announced the Housing Element-Affordable Housing survey is available online through the City's website through May 27.

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 Higgins announced Stand Up on the Delta will be held June 3-5 at the Contra Costa Fairgrounds and is geared to the public with a focus on Veterans. She reported she attended the Tri-Delta meeting and Jeanne Krieg was named CalTrans' Small Operator Transit Professional of the Year, the Out of the Darkness walk will be held in October which she is bringing up since May is mental health month, Station 55 will have its ribbon-cutting June 1 at 10 a.m., and the Lions Club will be serving beer at the Contra Costa Fair May 12 and 15.

Councilmember Fuller reported he attended the Planning Commission meeting where Shannon Shaw was selected as Chair. He introduced her in the audience. He also reported as ECCFPD consolidates with CCCFPD Chief Helmick has expressed we are safe and will receive enhanced service with consolidation.

(b) Requests for Future Agendas

Mayor Pope requested staff look into a strong sideshow ordinance for the City to have its own mechanism of civil and administrative actions (i.e., vehicle impound or seizure) to control activities in house rather than relying on the District Attorney who may or may not file charges.

Councilmembers Williams and Fuller supported it. Councilmember Fuller suggested it include a misdemeanor charge for violations to provide teeth to the ordinance.

7) WORK SESSIONS

7.1 Fiscal Year 2022/2023 Budget Workshop (Tim Przybyla, Finance Director)

Finance Director Tim Przybyla presented the staff report and PowerPoint presentation.

Councilmember Fuller inquired how much the City will collect in total revenue for the year.

Mr. Przybyla explained the figures haven't yet been put together, but it will be higher than the General Fund amount. He shared they are adding Strategic Plan objectives and measures this year to tie back into Strategic Plan goals.

8) CLOSED SESSION

None.

9) ADJOURN

There being no further business, the meeting was adjourned at 8:10 p.m.

Respectively Submitted,

Libby Vreonis
City Clerk

STAFF REPORT

DATE: May 24, 2022

TO: Joshua McMurray, City Manager

Approved and Forwarded to the City Council

FROM: Libby Vreonis, City Clerk

SUBJECT: Adopt a Resolution Amending the 2022 City Council Committee Appointment List

Summary and Background

During its meeting held December 2021, the City Council approved the 2022 City Council Committee Appointment List. The List provides the local and regional committees each Councilmember serves. Some changes have occurred since the list was adopted. An amended list may be adopted to reflect those changes.

Vice Mayor Meadows and Councilmember Fuller are currently shown as serving on the You, Me, We=Oakley! Project Committee. This program/committee is in abeyance. Staff recommends removing the committee from the list.

Councilmember Williams is currently serving as the Planning Commission representative on the TRANSPLAN committee. She suggested at the time the list was approved that a Planning Commissioner may wish to have an opportunity to assume the position once the Planning Commission becomes active. The first Planning Commission meeting was held May 3, 2022. Amending the list to remove Councilmember Williams from the position will allow staff to bring forth a recommendation to the Planning Commission during its next meeting to be held June 7, 2022, to appoint a Planning Commissioner to the position.

During its meeting held May 10, 2022, the City Council appointed Councilmembers Higgins and Williams to the Ad Hoc Non-Profit Grant Proposal Review Subcommittee. This subcommittee has been added to the list and reflects their appointments.

In addition, Councilmember Higgins' appointment to the Ad Hoc Fire District Subcommittee was inadvertently excluded from the previously adopted list and has been added to the proposed amended list.

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 adopt a resolution amending the 2022 City Council Committee Appointment List.

Attachments

1. Proposed Amended 2022 City Council Committee Appointment List
2. Resolution Amending the 2022 City Council Committee Appointment List

2022 City Council Committee Appointment List

Higgins, Sue

Tri-Delta Transit

Ad Hoc Fire District Subcommittee

~~Ad Hoc Non-Profit Grant Proposal Review Committee~~

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Pope, Randy

CCC Mayors Conference

East County Mayors and City Managers

CalCities East Bay Division, *Voting*

Habitat Conservation Plan Exec. Committee/HCP Conservancy

Ad Hoc Parks Subcommittee

Ad Hoc Agricultural Conservation Subcommittee

MCE Board, *Alternate*

Meadows, Aaron

East County Mayors and City Managers, *Alternate*

CCC Mayors Conference, *Alternate*

TRANSPLAN/ECCRFFA/St. Route 4 Bypass (CC Rep)

MCE Board

Ad Hoc Project Labor Subcommittee

Ad Hoc Parks Subcommittee

Ad Hoc Agricultural Conservation Subcommittee

~~You, Me, We Oakley Project Committee~~

Oakley Inter-agency Subcommittee (Public School Liaison)

Williams, Anissa

Tri-Delta Transit

Oakley Inter-agency Subcommittee (Public School Liaison)

Ironhouse Sanitary District Liaison

Ad Hoc Fire District Subcommittee

~~TRANSPLAN (PC rep)~~

ABAG, *Alternate*

~~Ad Hoc Non-Profit Grant Proposal Review Committee~~

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Fuller, George

Diablo Water District Liaison

~~You, Me, We Oakley Project Committee~~

CalCities East Bay Division, *Alternate*

ABAG, *Voting*

East Bay Leadership Council (liaison)

East Contra Costa Fire Protection District Board (liaison)

RESOLUTION NO. XX-22

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY AMENDING
THE 2022 CITY COUNCIL COMMITTEE APPOINTMENT LIST**

BE IT RESOLVED by the City Council of the City of Oakley that the 2022 City Council Committee Appointment List attached as Exhibit A is hereby amended.

PASSED, APPROVED AND ADOPTED this 24th day of May, 2022 by the following vote:

AYES:

NOES:

ABSTENTION:

ABSENT:

APPROVED:

Randy Pope, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date

STAFF REPORT

DATE: May 24, 2022

TO: Joshua McMurray, City Manager

Approved and Forwarded to the City

FROM: Brent Smith, Community Development Director

SUBJECT: An ordinance of the City Council of the City of Oakley amending Title 7 (Building & Housing Regulations) Chapter 7.1.102 of the Oakley Municipal Code to adopt by reference the 2019 Edition of the California Fire Code, California Code of Regulations, Title 24, Part 9, as amended by Contra Costa Fire Protection District Ordinance 2019-37, including Findings.

Summary

This item is to update the City of Oakley Municipal Code's Building and Housing provisions to incorporate by reference the Contra Costa County Fire Protection District's Ordinance that adopts the 2019 California Fire Code with amendments for it to be in effect upon consolidation of the East Contra Costa Fire Protection District and the Contra Costa County Fire Protection District on July 1, 2022.

Background

Like all cities in California, Oakley is responsible for enforcing the 12-part California Building Standards Code, which includes part 9, the California Fire Code. Unless a city specifically adopts the California Building Standards Code every three years when they are updated by the State of California, the "codes" become effective automatically without amendments and certain appendices. When certain findings are made, cities are allowed to amend the California Building Standards Code.

Effective July 1, 2022, the East Contra Costa Fire Protection District will be consolidated with the Contra Costa County Fire Protection District (CCCFPD). The City needs to adopt CCCFPD's fire code for CCCFPD to be able to provide services to the City of Oakley and exercise its authority in the fire code. The proposed ordinance adopts, by reference, the 2019 California Fire Code with amendments as adopted by CCCFPD Ordinance 2019-37.

Findings

Health and Safety Code sections 17958.5 and 18941.5 authorize a local jurisdiction to modify or change the statewide codes and establish more restrictive building standards

if the jurisdiction finds that the modifications and changes are reasonably necessary because of local conditions that are climatic, geographical, or topographical. Under this authority, the Contra Costa County Board of Supervisors, in its capacity as the Board of Supervisors and the Board of Directors of the Contra Costa County Fire Protection District and the Crockett-Carquinez Fire Protection District, has adopted more restrictive standards because of certain local climatic, geological, and topographic conditions. The County's findings in support of the amendments to the Fire Code are included with this staff report as well as the County's Ordinance No. 2019-37.

Consistency with the Oakley Strategic Plan 27+

This item is consistent with the Strategic Plan 27+ Community Health & Safety Goal for the City to protect our public and prioritize safe streets, healthy neighborhoods, and robust community resources to benefit our most valued assets – our people.

Fiscal Impact

None.

Staff Recommendation

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

Attachments

1. Fire Code Ordinance
2. Exhibit A – Ordinance 2019-37 with Findings
3. Draft Ordinance

CONTRA COSTA COUNTY, CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT,
AND CROCKETT-CARQUINEZ FIRE PROTECTION DISTRICT
FINDINGS IN SUPPORT OF AMENDMENTS TO THE 2019 CALIFORNIA BUILDING
STANDARDS CODE, TITLE 24, PART 9, CALIFORNIA FIRE CODE

The California Building Standards Commission has adopted and published the 2019 California Fire Code. The purpose of the code is to regulate and govern the safeguarding of life and property from fire and explosion hazards arising from the storage, handling, and use of hazardous substances, materials, and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises.

Health and Safety Code section 17958.5 and 18941.5 authorize a local jurisdiction to modify or change the statewide codes and establish more restrictive building standards if the jurisdiction finds that the modifications and changes are reasonably necessary because of local climatic, geological, or topographical conditions.

Ordinance No. 2019-37 adopts the 2019 California Fire Code and amends it to address local conditions. Pursuant to Sections 17958.5 and 17958.7 of the Health and Safety Code, the Contra Costa County Board of Supervisors, in its capacity as the Board of Supervisors and the Board of Directors of the Contra Costa County Fire Protection District and the Crockett-Carquinez Fire Protection District, finds that the more restrictive standards contained in Ordinance No. 2019-37 are reasonably necessary because of certain local climatic, geological, and topographic conditions that are described below.

Local Conditions

A. Climatic

1. Precipitation and Relative Humidity

(a) Conditions

Precipitation ranges from 15 to 24 inches per year with an average of approximately 20 inches per year. 96% of precipitation falls during the months of October through April and four percent from May through September. This is a dry period of at least five months each year. Additionally, the area is subject to occasional drought. Relative humidity remains in the middle range most of the time. It ranges from 45-65% during spring, summer, fall, and from 60-90% in the winter. It occasionally falls as low as 15%.

(b) Impact

Locally experienced dry periods cause extreme dryness of untreated wood shakes and shingles on buildings and non-irrigated grass, brush, and weeds, which are often near buildings with wood roofs and sidings. Such dryness causes these materials to ignite very readily and burn rapidly and intensely.

Because of dryness, a rapidly burning grass fire or exterior building fire can quickly transfer to other buildings by means of radiation or flying brands, sparks, and embers. A small fire can rapidly grow to a magnitude beyond the control capabilities of the Fire District resulting in an excessive fire loss.

2. Temperature

(a) Conditions

Temperatures have been recorded as high as 114° F. Average summer highs are in the 90° range, with average maximums of 105° F.

(b) Impact

High temperatures cause rapid fatigue and heat exhaustion of firefighters, thereby reducing their effectiveness and ability to control large building and wildland fires.

Another impact from high temperatures is that combustible building material and non-irrigated weeds, grass, and brush are preheated, thus causing these materials to ignite more readily and burn more rapidly and intensely. Additionally, the resultant higher temperature of the atmosphere surrounding the materials reduces the effectiveness of the water being applied to the burning materials. This requires that more water be applied, which in turn requires more Fire District resources in order to control a fire on a hot day. High temperatures directly contribute to the rapid growth of fires to an intensity and magnitude beyond the control capabilities of the Fire District.

3. Winds

(a) Conditions

Prevailing winds in the area are from the south or southwest in the mornings and from the north or northwest in the afternoons. However, winds are experienced from virtually every direction at one time or another. Velocities are generally in the 14 mph to 23 mph ranges, gusting to 25 to 35 mph. 40 mph winds are experienced occasionally and winds up to 55 mph have been registered locally. During the winter half of the year, strong, dry, gusty winds from the north move through the area for several days creating extremely dry conditions.

(b) Impact

Winds such as those experienced locally can and do cause fires, both interior and exterior, to burn and spread rapidly. Fires involving non-irrigated weeds, grass, and brush can grow to a magnitude and be fanned to intensity beyond the control capabilities of the Fire District very quickly even by relatively moderate winds. During wood shake and shingle roof fires, or exposure fires, winds can carry sparks and burning brands to other structures, thus spreading the fire and causing conflagrations. When such

fires are not controlled, they can extend to nearby buildings, particularly those with untreated wood shakes or shingles. In building fires, winds can literally force fires back into the building and can create a blow torch effect, in addition to preventing “natural” ventilation and cross-ventilation efforts.

Winds of the type experienced locally also reduce the effectiveness of exterior water streams used by the Fire District on fires involving large interior areas of buildings, fires which have vented through windows and roofs due to inadequate built-in fire protection and fires involving wood shake and shingle building exteriors. Local winds will continue to be a definite factor towards causing major fire losses to buildings not provided with fire resistive roof and siding materials and buildings with inadequately separated interior areas or lacking automatic fire protection systems. National statistics frequently cite wind conditions, such as those experienced locally, as a major factor where conflagrations have occurred.

B. Geological and Topographic

1. Seismicity

(a) Conditions

Contra Costa County is located in Seismic Risk Zone 4, which is the worst earthquake area in the United States. Buildings and other structures in Zone 4 can experience major seismic damage. Contra Costa County is in close proximity to the San Andreas Fault and contains all or portions of the Hayward, Calaveras, Concord, Antioch, Mt. Diablo, and other lesser faults. A 4.1 earthquake with its epicenter in Concord occurred in 1958, and a 5.4 earthquake with its epicenter also in Concord occurred in 1955. The Concord and Antioch faults have a potential for a Richter 6 earthquake and the Hayward and Calaveras faults have the potential for a Richter 7 earthquake. Minor tremblers from seismic activity are not uncommon in the area.

The fire environment of a community is primarily a combination of two factors: the area’s physical geologic characteristics and a historic pattern of urban-suburban development. These two factors, alone and combined, create a mixture of environments which ultimately determines the area’s fire protection needs. The Fire District has 3 distinct areas. They are: the West, which includes the City of San Pablo and the communities of North Richmond, El Sobrante, and East Richmond Heights; the Central, which includes the Cities of Lafayette, Martinez, Pleasant Hill, Concord, Walnut Creek, Clayton, and the communities of Clyde, Pacheco, Alhambra Valley, and Alamo; and the East, which includes the Cities of Antioch and Pittsburg and the community of Bay Point.

Because of the size of the Contra Costa County Fire Protection District (304 square miles), the characteristics of the fire environment changes from one location to the next. Therefore the District has not one, but a number of fire environments, each of which has its individual fire protection needs from two major oil refineries, to heavy industrial facilities, freeways, rail lines, waterways, port facilities, wildland areas, urban and suburban town settings, and major downtown areas.

Interstates 80 and 680, State Highways 4, 24, and 242, Bay Area Rapid Transit District (BART), and major thoroughfares travel throughout the District. There are 2 major rail lines which run through the District. An overpass or underpass crossing collapse would alter the response route and time for responding emergency equipment. This is due to the limited crossings of the major highways and rail lines.

Earthquakes of the magnitude experienced locally can cause major damage to electrical transmission facilities, which, in turn, cause power failures while at the same time starting fires throughout the Fire District. The occurrence of multiple fires will quickly deplete existing fire district resources; thereby reducing and/or delaying their response to any given fire. Additionally, without electrical power, elevators, smoke management systems, lighting systems, alarm systems, and other electrical equipment urgently needed for building evacuation and fire control in large buildings without emergency generator systems would be inoperative, thereby resulting in loss of life and/or major fire losses in such buildings.

(b) Impact

A major earthquake could severely restrict the response of the Fire District and its capability to control fires involving buildings of wood frame construction, with ordinary wood shake and shingle exteriors, or with large interior areas not provided with automatic smoke and fire control systems.

2. Soils

(a) Conditions

The area is replete with various soils, which are unstable, clay loam and alluvial fans being predominant. These soil conditions are moderately to severely prone to swelling and shrinking, are plastic, and tend to liquefy.

Throughout the Fire District, the topography and development growth has created a network of older, narrow roads. These roads vary from gravel to asphalt surface and vary in percent of slope, many exceeding twenty (20) percent. Several of these roads extend up through the winding passageways in the hills providing access to remote, affluent housing subdivisions. Many of these roads are private with no established maintenance program. During inclement weather, these roads are subject to rock and mudslides, as well as down trees, obstructing all vehicle

traffic. It is anticipated that during an earthquake, several of these roads would be practically impassable.

3. Topographic

(a) Conditions

(i) Vegetation

The service area of the Contra Costa County Fire Protection District has a varied topography and vegetative cover. A conglomeration of flat lands, hills, and ridges make up the terrain. Development has occurred on the flat lands in the District and in the past 15 years development has spread into the hills, valleys, and ridge lands of the District.

Highly combustible dry grass, weeds, and brush are common in the hilly and open space areas adjacent to built-up locations six to eight months of each year. Many of these areas frequently experience wildland fires, which threaten nearby buildings, particularly those with wood roofs, or sidings. This condition can be found throughout the Fire District, especially in those fully developed areas and those areas marked for future development.

(ii) Surface Features

The arrangement and location of natural and manmade surface features, including hills, creeks, canals, freeways, housing tracts, commercial development, fire stations, streets, and roads, combine to limit efficient response routes for Fire District resources into and through many areas.

(iii) Buildings, Landscaping and Terrain

Many of the “newer” large buildings and building complexes have access and landscaping features or designs which preclude, or greatly limit, efficient approach or operational access to them by Fire District vehicles. In addition, the presence of security gates, roads of inadequate width and grades which are too steep for Fire District vehicles create an adverse impact on fire suppression efforts.

When Fire District vehicles cannot gain access to buildings involved with fire, the potential for complete loss is realized. Difficulty reaching a fire site often requires additional fire personnel and resources to successfully and safely mitigate the event. Access problems often result in severely delaying, misdirecting, or making fire and smoke control efforts unsuccessful.

(b) Impact

The above local geological and topographical conditions increase the magnitude, exposure, accessibility problems, and fire hazards presented to the Contra Costa County Fire Protection District. Fire following an earthquake has the potential of causing greater loss of life and damage than the earthquake itself. Hazardous materials, particularly toxic gases, could pose the greatest threat to the largest number, should a significant seismic event occur. Public Safety resources would have to be prioritized to mitigate the greatest threat, and may likely be unavailable for smaller single dwelling or structure fires.

Other variables may intensify the situation:

1. The extent of damage to the water system.
2. The extents of isolation due to bridge and/or freeway overpass collapse.
3. The extent of roadway damage and/or amount of debris blocking the roadways.
4. Climatic conditions (hot, dry weather with high winds).
5. Time of day will influence the amount of traffic on roadways and could intensify the risk to life during normal business hours.
6. The availability of timely mutual aid or military assistance.
7. The large portion of dwellings with wood shake or shingles coverings could result in conflagrations.

Necessity for More Restrictive Standards

Because of the conditions described above, the Contra Costa County Board of Supervisors, in its capacity as the Board of Supervisors and the Board of Directors of the Contra Costa County Fire Protection District and the Crockett-Carquinez Fire Protection District, finds that there are building and fire hazards unique to Contra Costa County that requires the increased fire protection requirements set forth in Ordinance No. 2019-37.

The ordinance amends Chapter 1 (Scope and Administration) of the statewide Fire Code by requiring a permit for certain activities and operations that pose fire hazards. The ordinance amends the statewide Fire Code by incorporating into Chapter 3 (General Precautions Against Fire) the fire districts' existing weed abatement program that authorizes the fire districts to declare certain weeds that pose a fire hazard as a public nuisance and to abate those weeds. The ordinance amends Chapter 4 of the statewide Fire Code (Emergency Planning and Preparedness) to require standby EMS personnel for large events as well as standby fire personnel to account for the fact that the fire district is both the local fire and EMS provider. The ordinance amends the statewide Fire Code by reducing the square footage thresholds found in Chapter 9 (Fire Protection Systems) for installation of automatic fire sprinkler systems in most commercial buildings and in private and charter schools. The ordinance amends Chapter 5 (Fire Service Features) and Appendix D (Fire Apparatus Access Roads) of the statewide Fire Code to establish requirements for fire apparatus access roads.

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FIRE CODE

ORDINANCES OF THE COUNTY OF CONTRA COSTA, THE CROCKETT-CARQUINEZ FIRE PROTECTION DISTRICT, AND THE CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT ADOPTING THE 2019 CALIFORNIA FIRE CODE WITH AMENDMENTS.

The Contra Costa County Board of Supervisors, as the Board of Supervisors for Contra Costa County and as the Board of Directors of the Crockett-Carquinez Fire Protection District and the Contra Costa County Fire Protection District, ordains as follows:

SECTION 1. ADOPTION OF THE CALIFORNIA FIRE CODE.

Contra Costa County, the Crockett-Carquinez Fire Protection District, and the Contra Costa County Fire Protection District hereby adopt the 2019 California Fire Code (California Code of Regulations, Title 24, Part, 9 [based on the 2018 International Fire Code published by the International Code Council]), including Chapters 1-10 and 12-80, Appendix B, Appendix C, Appendix D, Appendix F, Appendix H, Appendix I, Appendix J, and Appendix K, as amended by the changes, additions, and deletions set forth in this ordinance. The 2019 California Fire Code, with the changes, additions, and deletions set forth this ordinance, is adopted by this reference as though fully set forth in this ordinance. As of the effective date of this ordinance, the provisions of the fire code are controlling and enforceable within the limits of each jurisdiction.

SECTION 2. AMENDMENTS TO THE CALIFORNIA FIRE CODE.

The 2019 California Fire Code is amended by the changes, additions, and deletions set forth in this Section 2. Chapter and Section numbers used below are those of the 2019 California Fire Code.

Chapter 1. Scope and Administration.

Section 101.1 is amended to read:

101.1 Title. This code is the Fire Code of Contra Costa County, the Crockett-Carquinez Fire Protection District, and the Contra Costa County Fire Protection District, and is hereinafter referred to as "this code."

Section 102.1 is amended to add item 5, to read:

5. Where not otherwise limited by law, the provisions of this code shall apply to vehicles, ships, and boats that are permanently affixed to a specific location within the boundaries of this jurisdiction.

Section 105.6 is amended to read:

105.6 Required operational permits. The fire code official is authorized to issue operational permits for the operations set forth in Chapter 1, Sections 105.6.1 through 105.6.62.

Section 105.6.4 is amended to read:

105.6.4 Carnivals, Fairs, Festivals and Exhibitions. A permit is required to operate a carnival, fair, festival, or exhibition.

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Section 105.6.31 is amended to read:

105.6.31 Motor Fuel Dispensing Facilities. An operational permit is required for the operation of automotive, marine, and fleet motor fuel dispensing facilities, including for sites that allow mobile fueling from a service provider to the general public.

Section 105.6 is amended by adding subsections 105.6.52 through 105.6.62, to read:

105.6.52 Asbestos removal. A permit is required to conduct asbestos-removal operations regulated by Section 3318.

105.6.53 Automobile Wrecking or Dismantling Yard. An operation permit is required for all automobile wrecking yards, automobile dismantling operations, and similar operations.

105.6.54 Battery systems. A permit is required to operate stationary lead-acid battery systems having a liquid capacity of more than 50 gallons (189 L) pursuant to Section 608.

105.6.55 Christmas tree sales. A permit is required to use a property for the purpose of selling cut Christmas trees.

105.6.56 Emergency Responder Radio Coverage. A permit is required for facilities with Emergency Responder Radio Coverage Systems.

105.6.57 Firework aerial display. A permit is required to conduct a firework display regulated by California Code of Regulations, Title 19 and Chapter 56 of this code.

105.6.58 Model rockets. A permit is required to sell model rocket motors or launch model rockets (in excess of 3 launches per event) pursuant to California Code of Regulations, Title 19, Division 1, Article 17. Permits issued in accordance with this section are for the site, and are effective as long as site conditions have not changed.

105.6.59 Temporary water supply. A permit is required to use a temporary water supply for construction of residential projects or subdivisions pursuant to Section 3312.1.

105.6.60 Tire storage. A permit is required to store more than 1,000 cubic feet (28.3m³) of tires inside buildings pursuant to Chapter 34.

105.6.61 Oil Extraction Process. A permit is required to operate a process that uses a volatile solvent or Liquid Carbon Dioxide to extract oil from organic material.

105.6.62 Indoor Growing Operation. A permit is required to operate an indoor growing operation.

Exception: Agricultural Greenhouses in an agricultural zone.

Section 105.7 is amended to read:

105.7 Required construction permits. The fire code official is authorized to issue construction permits for the operations set forth in Chapter 1, Sections 105.7.1 through 105.7.31.

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Section 105.7 is amended by adding Sections 105.7.26 through 105.7.31, to read:

105.7.26 Access for fire apparatus. Plans shall be submitted and a permit is required to install, improve, modify, or remove public or private roadways, driveways, and bridges for which Fire District access is required by the Fire Code. A permit is required to install a gate across a fire apparatus access road pursuant to Section 503.

105.7.27 Construction, alteration, or renovation of a building for which a building permit is required. Plans shall be submitted to the fire code official for all land developments or for the construction, alteration, or renovation of a building within the jurisdiction where a building permit is required.

Exception: Non-sprinklered Group R-3 Occupancies where work does not involve a substantial addition or expansion.

105.7.28 Medical gas systems. A construction permit is required for the installation of or modification to a medical gas system pursuant to Section 5306.

105.7.29 Refrigeration equipment. A permit is required to install a mechanical refrigeration unit or system regulated by Chapter 6 and/or the California Mechanical Code.

105.7.30 Land Development, Subdivisions. Plans shall be submitted to the fire code official for all land developments or improvements proposed within the jurisdiction that involve the subdivision of land.

105.7.31 Water supply for fire protection. Plans shall be submitted to the fire code official for the purpose of determining whether adequate water supplies, fire hydrants, and associated systems are provided for all facilities, buildings, or portions of buildings either constructed or moved into the District pursuant to Section 507.

Section 105.8 is added, to read:

105.8 Responsibility of permittee. Construction permits shall be presumed by the Fire District to incorporate all of the work that the applicant or the applicant's agent, employees, or contractors shall carry out. Work performed shall be in accordance with the approved plans and with all requirements of this code and any other laws or regulations applicable thereto. No Fire District approval shall relieve or exonerate any person from the responsibility of complying with the provisions of this code nor shall any vested rights be created for any work performed in violation of this code.

Section 109.1 is amended to read:

109.1 Board of appeals established. In order to hear and decide appeals of orders, decisions, or determinations made by the fire code official relative to the application and interpretation of this code, there is hereby created a board of appeals. The board of appeals is comprised of the Board of Directors.

Section 109.3 is deleted.

Section 110.4 is amended to read:

110.4 Violation penalties. Every person who violates any provision of this fire code is guilty of an infraction or misdemeanor in accordance with Health and Safety Code Section 13871 and Government Code Section 53069.4. The imposition of one penalty for any violation shall not excuse the violation or

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permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense. The application of the aforesaid penalty shall not be held to prevent the enforced removal of prohibited conditions.

Section 112.4 is amended to read:

112.4 Failure to comply. Any person who continues any work after having been served with a stop work order is subject to citation, except any work that a person is directed by the fire code official to perform to remove a violation or unsafe condition.

Chapter 2. Definitions.

Section 202 is amended by adding the following definitions to that section:

Administrator. Fire Chief.

All-weather driving surface. A roadway with a minimum surface finish of one layer of asphalt or concrete that is designed to carry the imposed weight loads of fire apparatus.

Automobile Dismantling. The operation of dismantling or removing parts from salvaged vehicles including engines or engine parts.

Automobile Wrecking Yard. An area that stores or dismantles salvaged vehicles.

Board of Directors. The Contra Costa County Board of Supervisors as the governing body of the Crockett-Carquinez Fire Protection District and the Contra Costa County Fire Protection District.

Board of Fire Commissioners. An advisory commission appointed by the Board of Directors to act as set forth in this ordinance and by resolutions of the Board of Directors.

Cost of Abatement. Includes all expenses incurred by the jurisdiction in its work of abatement and administrative costs pursuant to Section 319.5 of this code.

Defensible Space. The area within the perimeter of a parcel providing the key point of defense from an approaching wildland or escaping structure fire.

Driveway. A private roadway that provides access to no more than two (2) single-family dwellings.

Fire Code Official. In the Contra Costa County Fire Protection District, the Fire Code Official is the Fire Marshal. In the Crockett-Carquinez Fire Protection District, the Fire Code Official is the Fire Chief.

Firebreak. A continuous strip of land upon and from which all rubbish, weeds, grass, or other growth that could be expected to burn has been abated or otherwise removed in order to prevent extension of fire from one area to another.

Fire trail. A graded firebreak of sufficient width, surface, and design to provide access for personnel and equipment to suppress and to assist in preventing a surface extension of fires.

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Nuisance Fire Alarm. The activation of any fire protection or alarm system which results in the response of the Fire District and is caused by malfunction, improper maintenance, negligence, or misuse of the system by an owner, occupant, employee, or agent, or any other activation not caused by excessive heat, smoke, fire, or similar activating event.

Person. Includes individuals, firms, partnerships, and corporations.

Priority Hazard Zone. An area where the threat from wildfire is severe due to proximity to open space, topography, degree of space, density of homes and/or amount of vegetation (native and ornamental), and/or other conditions favorable to fast moving fires.

Reduced Fuel Zone. The area that extends from thirty (30) feet to one hundred (100) feet away from the structure, or to the property line, whichever is closer to the structure.

Response time. The elapsed time from receipt of call to the arrival of the first unit on scene.

Rubbish. Waste matter, litter, trash, refuse, debris, and dirt on streets or private property in the jurisdiction which is, or when dry may become, a fire hazard.

Rural area. An area generally designated for agricultural or open space uses with parcels more than 10 acres (4.046873ha) in size.

Rural residential area. An area generally designated for single family residential use with parcels between three (1.2140619ha) and 10 (4.046873ha) acres in size.

Running time. The calculated time difference between leaving the first-due station and arriving on the emergency scene.

Sprinkler Alarm and Supervisory System (SASS). A Dedicated Function Fire Alarm System located at the protected premise installed specifically to monitor sprinkler water-flow alarm, valve supervisory, and general trouble conditions where a Building Fire Alarm is not required.

Streets. Includes alleys, parkways, driveways, sidewalks, and areas between sidewalks and curbs, highways, public right of ways, private road, trails, easements, and fire trails.

Substantial Addition or Expansion. Addition, expansion, remodel, or renovation of any structure where the addition of new fire area exceeds fifty percent of the existing fire area. For the purposes of this definition, areas of a building in which construction elements including walls and roof assemblies were demolished and rebuilt are considered new fire area.

Temporary fire department access road for construction. An approved temporary roadway for emergency vehicle use during construction of residential subdivision projects.

Temporary fire department access road for construction of one (1) residential (R3) unit. A temporary roadway for emergency vehicle use during construction of an individual residential (R3) structure where a fire department access road is required as part of the project.

Temporary water supply. Water stored for firefighting purposes in an approved aboveground tank during combustible construction.

Tree litter. Any limbs, bark, branches, and/or leaves in contact with other vegetation or left to gather on the ground.

Weeds. All weeds growing upon streets or private property in the jurisdiction, including any of the following:

1. Weeds that bear seeds of a fluffy nature or are subject to flight.
2. Sagebrush, chaparral (including Chamise, Coyote Brush/Greasewood, Brooms, and Buckwheat), and any other brush or weeds that attain such large growth as to become, when dry, a fire menace to adjacent improved property.
3. Weeds that are otherwise noxious or dangerous.
4. Poison oak and poison sumac when the conditions of growth constitute a menace to public health.
5. Dry grass, brush, tree litter, litter, or other flammable materials that endanger the public safety by creating a fire hazard.

Chapter 3. General Precautions Against Fire.

Section 304.1.2 is amended to read:

304.1.2 Vegetation. Hazards created by the growth of weeds, grass, vines, trees, or other growth capable of being ignited and endangering property shall be mitigated in accordance with Section 321.

Section 304.3.5 is added, to read:

304.3.5 Clothes Dryers. Clothes dryers shall be frequently cleaned to maintain the lint trap, mechanical and heating components, vent duct, and associated equipment free from accumulations of lint and combustible materials.

Section 308.1.4, Exception 1 is amended to read:

Exception 1. Residential Occupancies.

Section 321 is added to Chapter 3, to read:

SECTION 321 Exterior Fire Hazard Control.

321.1 General.

321.1.1 Jurisdictional Authority. The Board of Directors, as the supervising, legislative, and executive authority of the jurisdiction, hereby delegates to the Board of Fire Commissioners of the jurisdiction all its powers, duties, and rights to act pursuant to Part 5 (commencing with Section 14875), Division 12, of the Health and Safety Code, to clear or order the clearing of rubbish, litter, or other flammable material where such flammable material endangers the public the safety by creating a fire hazard. Fire hazard abatement will be conducted in accordance with the provisions of said Part 5 and this ordinance. In the application of the provisions of said Part 5 to fire hazard abatement proceedings under this ordinance and the Fire Protection District Law of 1987, the terms "Board of Directors" or "Board," when used in Part 5, means the Board of Fire Commissioners of this jurisdiction under this section; and the officers designated in Health and Safety Code Section 14890 are the employees of the jurisdiction.

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321.1.2 Retention of Jurisdictional Authority. If no Board of Fire Commissioners has been appointed for the jurisdiction, then the Board of Directors retains its powers and rights to act pursuant to said Part 5.

321.1.3 Contract for Services. The Board of Directors reserves and retains the power to award a contract for fire hazard abatement work when the employees of the jurisdiction are not used to perform the abatement work.

321.2 Definitions. The following terms are defined in Chapter 2:

Cost of Abatement
Defensible Space
Person
Priority Hazard Zone
Reduced Fuel Zone
Rubbish
Streets
Weeds

321.3 Weeds and Rubbish a Public Nuisance. The Board hereby declares that all weeds growing upon private property or streets in this jurisdiction and all rubbish on private property or streets in this jurisdiction are public nuisances. Such weed nuisance is seasonal and recurrent.

321.4 Abatement of Hazard.

321.4.1 Prohibition. No person who has any ownership or possessory interest in or control of parcel of land shall allow to exist thereon any hazardous rubbish, weeds, trees, or other vegetation that constitutes a fire hazard. Destruction by burning within this jurisdiction is unlawful unless the written permission of the fire chief is first obtained, and all other applicable permits are obtained from appropriate governing agencies or jurisdictions.

321.4.2 Specific Requirements. The District shall develop minimum abatement standards for land in residential, rural and/or rural residential, business, industrial areas, or land which is unused or vacant. Such standards may be modified periodically as circumstances dictate.

321.4.2.1 Clearance of Weeds from Streets. The Fire Code Official is authorized to cause areas within 10 feet (3048 mm) on each side of portions of streets which are improved, designed, or ordinarily used for vehicular traffic to be cleared of flammable vegetation and other combustible growth. The Fire Code Official is authorized to enter upon private property to do so, to the extent allowed by law.

321.5 Abatement Procedures.

321.5.1 Abatement Order. The fire code official may order the abatement of the weeds and rubbish described in Sections 304.1.2 and this Section 321. On making the order, the fire code official will mail a copy of a notice to the owners of the affected property as their names and addresses appear upon the last county equalized assessment roll, or as their names and addresses are known to the fire code official. As an alternative to mailing, the notice may be posted upon the affected property and published in the jurisdiction, not less than 15 days prior to the date of the abatement hearing. Copies of the notice will be

headed with the words "Notice to Abate Weeds and Rubbish" in letters at least one inch high. The notice will be in substantially the following form:

NOTICE TO ABATE WEEDS AND RUBBISH

You are hereby notified that weeds and rubbish constitute a fire hazard on the following described property owned by you:

(Describe property by common street designation, by metes and bounds, Assessor's code area and parcel number, or by reference to attached map).

You must remove the weeds and rubbish within fifteen (15) days from the date of this notice. If you fail to do so, the (jurisdiction) Fire Protection District will remove it, and the cost of the abatement, including administrative costs, will be collected as property taxes and will be a lien on your property until paid.

You are further notified that the Board of Supervisors has declared that such weeds and rubbish constitute a public nuisance and that such weeds also constitute a seasonal and recurring nuisance.

You may appear before the Board of Fire Commissioners of this jurisdiction on (time and date) at (place-room, street, address, and city) to show cause why this order should not be enforced.

(Signed): (Name of fire code official of name of jurisdiction)

321.5.2 Hearing Date. A date for hearing on the notice will be sent at least 15 days after the date of the notice. The date of the notice is the date on which the notice is placed in the United States mail or the date on which it is posted on the property. At the hearing, the property owner or his agent may appear to show cause why the order should not be enforced. For good cause shown, the Board of Fire Commissioners may extend the time for compliance with the order or may rescind the order.

321.5.3 Contract Award. If the owner fails to comply with the order, the fire code official may have the weeds and rubbish abated either by employees of this jurisdiction or by contract. If a contract is awarded, it will be by public bid, awarded to the lowest responsible bidder. A contract may include work on more than one parcel. Concerning any contract previously awarded as provided in this subsection and that has been fully extended as provided in that contract, it may thereafter be extended on its same terms and conditions for a further period (not to exceed one year) by agreement of the Board of Supervisors and the involved contractor.

321.5.4 Abatement Report of Costs. The fire code official or his or her designee abating the nuisance will keep an account of the cost of abatement in front of or on each separate parcel of land and will render an itemized report in writing to the Board of Fire Commissioners showing the cost of removing the weeds and rubbish on or in front of each separate lot or parcel of land, or both. Before the report is submitted to the Board of Fire Commissioners, a copy of it will be posted for at least three days on or near the chamber door of the Board with a notice of the time and when the report will be submitted to the Board for confirmation. At the time fixed for receiving and considering the report, the Board of Fire Commissioners will hear it and any objections of any of the property owners liable to be assessed for the work of abatement. Thereupon, the Board of Fire Commissioners may make such modifications in the report as it deems necessary, after which the report will be confirmed. The amount of the cost, including administrative costs, of abating the nuisance in front of or upon the various parcels of the land mentioned in the report as confirmed will constitute special assessment against the respective parcels of land, and are a lien on the property for the

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amount of the respective assessments. Such lien attaches upon recordation, in the office of the County Recorder, of a certified copy of the Resolution of Confirmation.

321.5.5 Cost Assessments. Upon confirmation of the report of cost by the Board of Fire Commissioners and the recordation of the Resolution of Confirmation, a copy of the report of cost will be sent to the County Auditor, who will enter the amount of the assessments against the parcels. Thereafter the amount of the assessments will be collected at the same time and in the same way as County taxes are collected. The owners are subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection, and enforcement of county taxes are applicable to these assessment taxes.

321.6 Alternate Mitigation. In lieu of ordering abatement as provided in Section 321.5.1, the fire code official of this jurisdiction may order the preparation of firebreaks/fuelbreaks around parcels of property where combustible weeds, crops, or brush are present. In determining the proper width for firebreaks/fuelbreaks, the fire code official will consider the height of the growth, weather condition, topography, and the accessibility to the property for fire protection equipment. The procedure set forth in Section 321.5.1 for the abatement of weeds and rubbish shall apply to the preparation of firebreaks/fuelbreaks.

321.7 Subsurface Fires.

321.7.1 Peat Fire. It is the duty of each person, firm, corporation, or association not to permit a peat fire or a fire involving combustible vegetable matters under the surface of the natural ground to remain upon the property. It is hereby declared that it is the duty of any person as herein defined to take all necessary precautions to extinguish any subsurface fire involving peat or vegetable material at the owner's own cost and expense.

321.7.2 Fire Suppression Costs. If there exists upon the lands or property of any person as herein defined a subsurface fire involving the burning or combustion of peat, vegetable matter, or vegetation, and the owner or occupant thereof has not taken reasonable precautions within a reasonable time to extinguish or minimize such fire or combustion, this jurisdiction may, in addition to its regular duties to extinguish or minimize such fire or combustion, go upon the lands of any person as herein defined and extinguish such fire or combustion. Any costs incurred by the Fire District in fighting the fire and for the cost of proving rescue or emergency medical services shall be a charge against the property owner. The charge shall constitute a debt of the property owner and is collectable by the jurisdiction incurring those costs in the same manner as in the case of an obligation under a contract, express or implied. (See Health and Safety Code, §13009.)

Section 322 is added to Chapter 3, to read:

322 Automobile Wrecking Yards.

322.1 General. The operation of automobile wrecking yards shall be in accordance with this section.

322.2 Definitions. The following terms are defined in Chapter 2:

**Automobile Dismantling
Automobile Wrecking Yard**

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322.3 Requirements.

322.3.1 Permits. An operational fire code permit is required as in Section 105.6.53.

322.3.2 Fire Apparatus Access Roads. Fire apparatus access roads shall be constructed throughout the site in accordance with this code and shall be maintained clear of all vehicles and stored items.

322.3.3 Welding and cutting. Welding and cutting operations shall be conducted in an approved location, clear of all flammable liquids and combustible materials, including weeds, tires, and all other debris.

322.3.4 Housekeeping. Combustible rubbish accumulated on site shall be collected and stored in approved containers, rooms, or vaults of noncombustible materials. Combustible vegetation, cut or uncut, shall be removed when determined by the fire code official to be a fire hazard.

322.3.5 Fire Protection. Offices, storage buildings, and vehicles used for site operations shall each be provided with at least one portable fire extinguisher with not less than a 4-A: 40-B-C rating. When required by the fire code official, additional fire extinguishers shall be provided.

322.3.6 Tire storage. Tires shall be stored in racks or in a manner as approved by the fire code official.

322.3.6.1 Distance from Water Supply. Tire storage shall be located on-site and no further than 500 feet from a fire hydrant or an approved water supply as determined by the fire code official.

322.3.7 Storage Piles. Storage piles shall be located a minimum of 20 feet from property lines and shall have an unobstructed access road on all sides of not less than 20 feet.

322.3.8 Burning operations. The burning of salvaged vehicles and salvaged or waste materials is prohibited.

322.3.9 Motor vehicle fluids. Motor vehicle fluid shall be drained from salvaged vehicles when such liquids are leaking onto the ground and prior to dismantling or removing engine/motor parts.

322.3.9.1 Mitigation of leaking fluids. Precautions shall be taken to prevent fluids from salvaged vehicles from leaking onto the ground. Supplies or equipment capable of mitigating leaks from fuel tanks, crankcases, brake systems, and transmissions shall be kept available on site. Single-use plugs, diking, and absorbent materials shall be disposed of as hazardous waste and removed from the site in a manner in accordance with federal, state, and local requirements.

322.3.10 Fuel tanks. Fuel tanks of salvaged vehicles shall be emptied of all flammable (gasoline, diesel) fuels in an approved manner and stored in approved tanks.

322.3.10.1 Repair of vehicle fuel tanks. The repair of fuel tanks, including cutting, welding, or drilling of any kind, is prohibited.

322.3.11 Lead acid batteries. Lead acid batteries shall be removed from all salvaged vehicles and stored in an approved manner in a location approved by the fire code official.

Chapter 4. Emergency Planning and Preparedness.

Section 401.5.1 is added, to read:

401.5.1 Nuisance Fire Alarm Fee. A fee may be charged for false and/or nuisance fire alarms in accordance with a fee schedule adopted by the Board of Directors.

Section 403.12.1 is amended to read:

403.12.1 Standby Personnel. Where, in the opinion of the fire code official or Fire Chief, it is essential for public safety in a place of assembly, or any other place where people congregate, because of the number of persons, or the nature of the performance, exhibition, display, contest, or activity, the owner, agent, or lessee shall provide standby personnel as required and approved by the fire code official or Fire Chief. If the activity requires fire watch, fire watch shall be provided in accordance with Sections 403.12.1.1 and 403.12.1.2. Standby personnel needed for EMS standby shall be provided in accordance with Contra Costa County EMS Protocols.

Chapter 5. Fire Service Features.

Section 503.1.4 is added, to read:

503.1.4 Access to Open Spaces. When existing access to open land or space, or to fire trail systems maintained for public or private use, is obstructed by new development of any kind, the developer shall provide an alternate means of access into the area that is sufficient to allow access for fire personnel and apparatus. The alternate means of access must be approved by the fire code official.

Section 503.2.1 is amended by adding the following exception:

Exception: A driveway with a minimum width of 16 feet is acceptable for access to one or two single-family dwellings.

Section 505.3 is added, to read:

505.3 Street names and addressing. Street names and addressing shall be submitted for review and approval to the fire code official, whose approval will not be unreasonably withheld. The purpose of the review is to verify that new street names and addressing will not duplicate existing street names and addressing.

Section 507.2.3 is added, to read:

507.2.3 Suburban and rural water supply storage. Swimming pools and ponds shall not be considered water storage for the purposes of Section 507.1.

Chapter 6. Building Services and Systems.

Section 603.6.6 is added, to read:

603.6.6 Sparks from chimneys. A chimney that is used with either a fireplace or heating appliances in which solid or liquid fuel is used shall be maintained with spark arresters that are required for incinerators pursuant to the 2019 California Mechanical Code.

Chapter 8. Interior Finish, Decorative Materials and Furnishings.

Section 806.1.4 is added, to read:

806.1.4 Flame retardants. Cut trees shall be treated by a California State Fire Marshal-licensed fire retardant applicator. Trees shall be properly treated with an approved flame retardant.

Section 806.1.5 is added, to read:

806.1.5 Tags. Trees shall bear a tag stating date of placement in the public building, type of flame-retardant treatment used, name of the person who applied the flame retardant, the name of the person affixing the tag, a permit expiration date, and the name of the designated individual making daily tests.

Section 806.1.6 is added, to read:

806.1.6 Daily tests. Trees shall be tested daily by a designated individual. The test shall include a check for dryness in accordance with Section 806.1.3 and for adequate watering.

Chapter 9. Fire Protection Systems.

Section 901.6.2 is amended to read:

901.6.2 Records. Records of all system inspections, tests, and maintenance required by the reference standards shall be maintained in paper form or by a third party electronic record keeping service as chosen by the fire district.

Section 902 is amended to add:

Substantial Addition or Expansion

Section 903.2.1.1 is amended to read:

903.2.1.1 Group A-1. An automatic sprinkler system shall be provided for fire areas containing Group A-1 occupancies and intervening floors of the building where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
4. The fire area contains a multi-theater complex.

Section 903.2.1.3 is amended to read:

903.2.1.3 Group A-3. An automatic sprinkler system shall be provided for fire areas containing Group A-3 occupancies and intervening floors of the building where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
4. The structure exceeds 10,000 square feet, contains more than one fire area containing exhibition and display rooms, and is separated into two or more buildings by fire walls of less than four-hour fire resistance rating without openings.

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Section 903.2.1.4 is amended to read:

903.2.1.4 Group A-4. An automatic sprinkler system shall be provided for fire areas containing Group A-4 occupancies and intervening floors of the building where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

Section 903.2.1.8 is added, to read:

903.2.1.8 Group B. An automatic sprinkler system shall be provided for Group B occupancies where the fire area exceeds 5,000 square feet.

Section 903.2.3 is amended to read:

903.2.3 Group E. An automatic sprinkler system shall be provided for new Group E occupancies as follows:

1. Throughout all Group E fire areas greater than 2,000 square feet in area.
Exception: An automatic sprinkler system is not required in any Group E Day Care Facility less than 5,000 square feet
2. Throughout every portion of educational buildings below the lowest level of exit discharge serving that portion of the building.
Exception: An automatic sprinkler system is not required in any area below the lowest level of exit discharge serving that area where every classroom throughout the building has at least one exterior exit door at ground level.
3. The Group E fire area has an occupant load of 300 or more.
4. In rooms or areas with special hazards such as laboratories, vocational shops, and other such areas where hazardous materials in quantities not exceeding the maximum allowable quantity are used or stored.
5. Throughout any Group E structure greater than 4,000 square feet in area, which contains more than one fire area, and which is separated into two or more buildings by fire walls of less than four-hour fire resistance rating without openings.
6. For public school state-funded construction projects, see Section 903.2.19.
7. For public school campuses, Kindergarten through 12th grade, see Section 903.2.20.

Section 903.2.4 is amended in its entirety, to read:

903.2.4 Group F

903.2.4.1 Group F-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy where one of the following conditions exists:

1. A Group F-1 fire area exceeds 5,000 square feet.
2. A Group F-1 fire area is located more than three stories above grade plane.
3. The combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds 10,000 square feet.
4. A Group F-1 occupancy used for the manufacture of upholstered furniture or mattresses exceeding 2,500 square feet (232 m²).

903.2.4.1.1 Woodworking operations. An automatic sprinkler system shall be provided throughout all Group F-1 occupancy fire areas that contain woodworking operations in excess of 2,500 square feet in area (232 m²) that generate finely divided combustible waste or use finely divided combustible materials. A fire wall of less than 4-hour fire-resistance rating without openings, or any fire wall with openings, shall not be used to establish separate fire areas.

903.2.4.2 Group F-2. An automatic sprinkler system shall be provided throughout all buildings containing a Group F-2 occupancy greater than 5,000 square feet.

Section 903.2.7 is amended to read:

903.2.7 Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

1. A Group M fire area exceeds 5,000 square feet.
2. A Group M fire area is located more than three stories above grade plane.
3. The combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 10,000 square feet.
4. A Group M occupancy used for the display and sale of upholstered furniture or mattresses exceeds 5,000 square feet (464 m²).
5. The structure exceeds 10,000 square feet, contains more than one fire area containing a Group M occupancy, and is separated into two or more buildings by fire walls of less than 4-hour fire-resistance rating without openings.

Section 903.2.8 is amended to read:

903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all Group R occupancies, including manufactured and mobile homes, including those located in mobile home parks.

Section 903.2.8.1.1 is added, to read:

903.2.8.1.1 Group R-3 Substantial Addition or Expansion. An automatic sprinkler system shall be provided throughout all existing Group R-3 dwellings where a substantial addition or expansion occurs and the new total fire area of the structure exceeds 3,600 square feet.

Exception: If a sprinkler system is required by the local building department regardless of the size of the addition or expansion, a sprinkler system shall be installed in accordance with the appropriate standard.

Section 903.2.9 is amended to read:

903.2.9 Group S-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. A Group S-1 fire area exceeds 5,000 square feet.
2. A Group S-1 fire area is located more than three stories above grade plane.
3. The combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 10,000 square feet.
4. A Group S-1 occupancy used for the storage of upholstered furniture or mattresses exceeding 2,500 square feet (232 m²).

Section 903.2.9.1 is amended to read:

903.2.9.1 Repair garages. An automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with Section 406.8 of the California Building Code, as shown:

1. Buildings having two or more stories above grade plane, including basements, with a fire area containing a repair garage exceeding 5,000 square feet.
2. Buildings not more than one story above grade plane, with a fire area containing a repair garage exceeding 5,000 square feet.
3. Buildings with repair garages servicing vehicles parked in basements.
4. A Group S-1 fire area used for the repair of commercial motor vehicles where the fire area exceeds 5,000 square feet (464 m²).

Section 903.2.10 is amended in its entirety, to read:

903.2.10 Group S-2.

903.2.10.1 Group S-2 enclosed parking garages. An automatic sprinkler system shall be provided throughout buildings classified as enclosed parking garages in accordance with Section 406.6 of the California Building Code where either of the following conditions exists:

1. Where the fire area of the enclosed parking garage exceeds 5,000 square feet.
2. Where the enclosed parking garage is located beneath other occupancy groups.

903.2.10.2 Commercial parking garages. An automatic sprinkler system shall be provided throughout buildings used for storage of commercial motor vehicles where the fire area exceeds 5,000 square feet.

903.3.10.3 Group S-2 low hazard storage. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-2 occupancy exceeding 5,000 square feet.

Exception: Open parking garages, including canopies and photovoltaic panel systems with open parking underneath, shall meet automatic sprinkler system requirements in accordance with the 2019 California Building Code and 2019 California Fire Code without local amendment.

Section 903.3.1.1.3 is added, to read:

903.3.1.1.3 Undeclared Use. In buildings of undeclared use with floor to structure height greater than 14 feet (4256 mm), the fire sprinkler system shall be designed to conform to Extra Hazard Group I design density. In buildings of undeclared use with floor to structure height less than 14 feet (4256 mm), the fire sprinkler system shall be designed to conform to Ordinary Group II design density. Where a subsequent occupancy requires a system with greater capability, it shall be the responsibility of the owner and/or the occupant to upgrade the system.

Section 903.3.1.3 is amended to read:

903.3.1.3 Sprinkler Systems for One and Two family dwellings. Automatic sprinkler systems for one- and two- family dwellings shall be permitted to be installed in accordance with sections 903.3.1.3.1 through 903.3.1.3.3.

Sections 903.3.1.3.1, 903.3.1.3.2, and 903.3.1.3.3 are added, to read

903.3.1.3.1 NFPA 13D Sprinkler Systems. Automatic sprinkler systems installed in one- and two- family dwellings, Group R-3 buildings, and townhouses shall be permitted to be installed throughout in accordance with NFPA 13D as amended in Chapter 80.

903.3.1.3.2 California Residential Code Section R313. Automatic sprinkler systems shall be permitted to be installed in accordance with California Residential Code section R313.

903.3.1.3.3 Pipe limitations. Where CPVC pipe is installed above the insulation or is otherwise located in an unconditioned space, such as in an attic space, or a garage without conditioned living space above, CPVC pipe shall be adequately insulated to a minimum R-19 value, or equivalent, or pipe shall be limited to Type K or L copper, or ferrous piping.

Section 903.3.5.3 is added, to read:

903.3.5.3 Non-permissible water supply storage. Swimming pools and ponds shall not be considered water storage for the purposes of Section 903.3.5.

Section 903.3.9 is amended to read:

903.3.9. Floor control valves. Individual floor control valves and waterflow detection assemblies shall be provided for each floor in multi-floor buildings at an approved location.

Exception: Group R-3 and R-3.1 Occupancies.

Section 903.4.2 is amended to read:

903.4.2 Alarms. One approved audible and visual device shall be connected to every automatic sprinkler system at an approved location. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Audible and visual alarm devices shall be provided on the exterior of the building in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

Sections 903.6.1 and 903.6.2 are added, to read:

903.6.1 Substantial Addition or Expansion. An automatic sprinkler system shall be provided throughout all existing buildings where a substantial addition or expansion occurs and the total fire area of the structure exceeds 5,000 square feet. Group R-3 substantial additions or expansions shall comply with Section 903.2.8.1.1

903.6.2 Change of occupancy classification. Any existing building that undergoes a change of occupancy classification into a higher hazard category shall comply with the requirements of Section 903.2. Relative hazard categories of occupancy groups shall be established based upon the Heights and Areas Hazard Categories of Table 1012.4 of the current edition of the International Existing Building Code, as published by the International Code Council. The requirements of Section 903.2 shall not be required when a change of occupancy classification is made to an equal or lesser hazard category. Group L occupancies shall be considered a relative hazard of 1 (highest hazard). Group R-3 occupancies shall be considered a relative hazard of 4 (lowest hazard).

Section 907.4.4 is added, to read:

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907.4.4 Monitoring of other fire systems. In buildings equipped with a fire alarm system or sprinkler alarm and supervisory service (SASS) system, where other fire suppression or extinguishing systems are installed in the building (including but not limited to commercial kitchen suppression systems, pre-action fire suppression systems, dry chemical systems, and clean agent systems), these other suppression systems shall be monitored by the SASS dedicated function fire alarm system and transmitted as a specific signal to the Central Station. The system shall be monitored in compliance with Section 907.6.6.

Section 907.5.2.3.1 is amended to read:

907.5.2.3.1 Public and common areas. Visible alarm notification appliances shall be provided in public use areas and common use areas, including but not limited to:

1. Sanitary facilities including restrooms, bathrooms, shower rooms, and locker rooms.
2. Corridors, hallways, and aisles with shelving and/or fixtures obstructing the required light intensity for that area.
3. Music practice rooms.
4. Band rooms.
5. Gymnasiums.
6. Multipurpose rooms.
7. Occupational shops.
8. Occupied rooms where ambient noise impairs hearing of the fire alarm.
9. Lobbies.
10. Meeting/Conference rooms.
11. Classrooms.
12. Medical exam rooms.
13. Open office areas.
14. Sales floor areas.
15. Break or lunch rooms.
16. Copy or work rooms.
17. Computer server rooms exceeding 200 sq. ft.
18. File or Storage rooms exceeding 200 sq. ft.

Section 907.6.6 is amended to read:

907.6.6 Monitoring of fire alarm systems. A fire alarm system required by this chapter, or by the California Building Code, shall be monitored by a UL-listed Central Station service in accordance with NFPA 72 and this code.

Exception: Monitoring by a UL-listed central station is not required for:

1. Single- and multiple-station smoke alarms required by Section 907.2.10.
2. Group I-3 occupancies shall be monitored in accordance with Section 907.2.6.3.
3. Residential Day Care Facilities (occupancy load of 14 or less).
4. One- and two-family dwellings.
5. Residential Care Facilities licensed by the state with an occupant load of 6 or less.
6. Occupancies with a local fire alarm system that will give an audible and visible signal at a constantly attended location, as approved by the Fire Code Official.

Section 907.8.6 is added, to read:

907.8.6 Certification. New fire alarm systems shall be UL-Certified. A Certificate of Completion and other documentation as listed in NFPA 72 shall be provided for all new fire alarm system installations. It is the responsibility of the building owner or owner's representative to obtain and maintain a current and valid Certificate.

Section 907.8.6.1 is added, to read:

907.8.6.1 Posting of Certificate. The UL Certificate shall be posted in a durable transparent cover within three feet of the fire alarm control panel within 45 days of the final acceptance test/inspection.

Chapter 10. Means of Egress.

Section 1028.5.1 is added, to read:

1028.5.1 Exit discharge surface. Exterior exit pathway surfaces shall be suitable for pedestrian use in inclement weather, and shall terminate at a public way as defined in the California Building Code.

Chapter 33. Fire Safety During Construction and Demolition.

Section 3301.3 is added, to read:

3301.3 Permits. Permits shall be obtained for asbestos removal operations, temporary fire department access roads for construction, and temporary water supplies as set forth in sections 105.6 and 105.7.

Section 3318 is added, to read:

Section 3318 Asbestos removal.

3318.1 General. Operations involving removal of asbestos or asbestos-containing materials from buildings shall be in accordance with Section 3318.

Exception: Section 3318 does not apply to the removal of asbestos from:

1. Pumps, valves, gaskets and similar equipment.
2. Pipes, ducts, girders or beams that have a length less than 21 linear feet (6400 mm).
3. Wall or ceiling panels that have an area of less than 10 square feet (0.93 m²) or a dimension of less than 10 linear feet (3048 mm).
4. Floor tiles when their removal can be completed in less than four hours.
5. Group R-3 occupancies.

3318.2 Notification. The fire code official shall be notified 24 hours prior to the commencement and closure of asbestos-removal operations. The permit applicant shall notify the building official when asbestos abatement involves the removal of materials that were used as a feature of the building's fire resistance.

3318.3 Plastic Film. Plastic film that is installed on building elements shall be flame resistant as required for combustible decorative material, in accordance with Section 807.

3318.4 Signs. Approved signs shall be posted at the entrance, exit and exit-access door, decontamination areas, and waste disposal areas for asbestos-removal operations. The signs shall state that asbestos is being

removed from the area, that asbestos is a suspected carcinogen, and that proper respiratory protection is required. Signs shall have a reflective surface. Lettering shall be a minimum of 2 inches (51 mm) high.

Chapter 50. Hazardous Materials – General Provisions.

Section 5001.5.3 is added, to read:

5001.5.3 Emergency response support information. Floor plans, material safety data sheets, Hazardous Materials Management Plans (HMMP), Hazardous Material Inventory Statements (HMIS), and other information must be stored at a readily accessible location, as determined by the fire code official. This location may be in cabinets located outside of facilities or buildings. Information may be required to be maintained in a specific electronic media format to facilitate computer aided dispatching.

Section 5003.9.1.2 is added, to read:

5003.9.1.2 Documentation. Evidence of compliance with provisions of this chapter as well as with state and federal hazardous material regulations shall be maintained on site and available for inspection by fire department personnel.

Chapter 56. Explosives and Fireworks.

Section 5601.1.3 is amended to read:

5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling, and use of fireworks are prohibited within the jurisdiction of the District.

Exceptions:

1. The use of fireworks for fireworks displays, pyrotechnics before a proximate audience, pyrotechnic special effects in motion pictures, television, theatrical, or group entertainment productions as allowed by Title 19, Division 1, Chapter 6 Fireworks reprinted in Section 5608 and the Health and Safety Code Division 11.
2. Snap Caps and Party Poppers classified by the State Fire Marshal as pyrotechnic devices.

Section 5601.2.2 is amended to read:

5601.9 Sale and retail display. No person shall construct a retail display or offer for sale any explosives, explosive materials, or fireworks within the jurisdiction.

Exception: Snap Caps and Party Poppers classified by the State Fire Marshal as pyrotechnic devices.

Section 5601.2.4 is amended as follows:

5601.2.4 Financial responsibility. Before a permit is issued pursuant to Section 5601.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of \$2,000,000 or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The fire code official is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required. Government entities shall be exempt from this bond requirement.

Exception: Fireworks in accordance with California Code of Regulations, Title 19, Division 1, Chapter 6. See Section 5608.

Section 5601.9 is added, to read:

5601.9 Prohibited and Limited Acts. The storage of explosive materials is prohibited in all zoning districts except districts zoned for industrial or agricultural uses. In districts where the storage of explosive materials is permitted, the quantities of explosives and distances shall be in accordance with California Fire Code Section 5601.8.

Chapter 57. Flammable and Combustible Liquids.

Section 5704.2.9.6.1 is amended to read:

5704.2.9.6.1 Locations where above-ground tanks are prohibited. The storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited in all zoning districts except districts zoned for commercial, industrial, or agricultural uses.

Exception: Protected above-ground tanks for the purpose of emergency power generator installations in areas zoned commercial, industrial, agricultural, central business district, rural or rural residential, and for facilities on an individual basis consistent with the intent of this provision. Tank size shall not exceed 500 gallons (1892.706L) for Class I or II liquids, or 1,000 gallons (3785.412L) for Class III liquids.

Section 5706.2.4.4 is amended to read:

5706.2.4.4 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks is prohibited in all zoning districts except district zoned for commercial, industrial, or agricultural use.

Chapter 58. Flammable Gases and Flammable Cryogenic Fluids.

Section 5806.2 is amended to read:

5806.2 Limitation. The storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited in any area which is zoned for other than industrial use.

Exception: Liquid hydrogen fuel systems in compliance with Section 5806.3 or 5806.4.

Chapter 61. Liquefied Petroleum Gases.

Section 6103.2.1.7 is amended to read:

6103.2.1.7 Use for food preparation. Individual portable L-P containers used, stored, or handled inside a building classified as a Group A, Group B, or Group M occupancy for the purposes of cooking, food display, or a similar use, shall be limited in size to one quart capacity and shall be of an approved type. The number of portable containers permitted will be at the discretion of the fire code official. LP-gas appliances used for food preparation shall be listed for such use in accordance with the California Mechanical Code and NFPA 58.

Section 6104.2 is amended to read:

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6104.2 Maximum capacity within established limits. The storage of liquefied petroleum gas is prohibited in any central business district and in all zoning districts except districts zoned for commercial, industrial, rural, or agricultural uses. The aggregate capacity of any one installation used for the storage of liquefied petroleum gas shall not exceed a water capacity of 2,000 gallons (7570 L).

Chapter 80. Referenced Standards.

Chapter 80 is amended by adding the following referenced standards:

NFPA 3 (2015): Recommended Practice for Commissioning of Fire Protection and Life Safety Systems

NFPA 850 (2015): Recommended Practice for Fire Protection for Electric Generating Plants and High Voltage Direct Current Converter Stations

Chapter 80 is further amended by amending the NFPA 13D (2016) (Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes) standard as follows:

Section 7.7.1 is added, to read:

7.7.1 Where CPVC pipe is installed above the normal insulation in an unconditioned space, such as in an attic space, or a garage without conditioned living space above, CPVC pipe shall be adequately insulated to a minimum R-19 value, or equivalent, or pipe shall be limited to Type K or L copper, or ferrous piping.

Section 8.3.5.1.2 is amended to read:

8.3.5.1.2 Where fuel-fired equipment is below or on the same level as occupied areas of the dwelling unit, at least one quick-response intermediate temperature sprinkler shall be installed above the equipment or at the wall separating the space with the fuel-fired equipment from the occupied space. In unconditioned spaces, CPVC pipe shall be adequately insulated to a minimum R-19 value, or equivalent, or pipe shall be limited to Type K or L copper, or ferrous piping.

Appendix B. Fire-Flow Requirements for Buildings.

Table B105.2 is amended to read:

TABLE B105.2
Required Fire-Flow for Buildings Other Than One- and
Two-Family Dwellings, Group R-3 and R-4 Buildings and Townhouses

AUTOMATIC SPRINKLER SYSTEM (DESIGN STANDARD)	MINIMUM FIRE-FLOW (GALLONS PER MINUTE)	FLOW DURATION (HOURS)
No automatic sprinkler system	Value in Table B105.1(2)	Duration in Table B105.1(2)
Section 903.3.1.1 of the California Fire Code	50% of the value in Table B105.1(2) ^a	Duration in Table B105.1(2) at the reduced flow rate

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Section 903.3.1.2 of the California Fire Code	50% of the value in Table B105.1(2) ^a	Duration in Table B105.1(2) at the reduced flow rate
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For SI: 1 gallon per minute = 3.785 L/m

- a. The reduced fire-flow shall be not less than 1,500 gallons per minute.

Section B105.2 is amended by amending the exception to read:

Exceptions:

1. Group B, S-2, and U occupancies having a floor area not exceeding 1,000 square feet, primarily constructed of noncombustible exterior walls with wood or steel roof framing, having a Class A roof assembly, with uses limited to the following or similar uses:
 - 1.1. California State Parks buildings of an accessory nature (restrooms).
 - 1.2. Safety roadside rest areas, (SRRA), public restrooms.
 - 1.3. Truck inspection facilities, (TIF), CHP office space and vehicle inspection bays.
 - 1.4. Sand/salt storage buildings, storage of sand and salt.
2. A reduction in required fire-flow of 50 percent, as approved by the fire code official, when the building is provided with an approved automatic sprinkler system and installed in accordance with Section 903.3.1.1. The resulting fire-flow shall be not less than 1,500 gallons per minute (5678L/min) for the prescribed duration as specified in Table B105.1.

Appendix C. Fire Hydrant Locations and Distribution.

Table C102.1 is amended as follows:

The title of Table C102.1 is amended to read:

TABLE C102.1^j

The heading of the fourth column of Table C102.1 is amended to read:

MAXIMUM DISTANCE FROM ANY POINT ON STREET OR ROAD FRONTAGE TO A
HYDRANT^{d,f,g,i}

Footnotes “i” and “j” are added to Table C102.1, to read:

- i. A fire hydrant shall be provided within 250 feet of a fire trail access point off a public or private street.
- j. For infill projects within existing single-family residential developments, Section 507.5.1 applies.

Appendix D. Fire Apparatus Access Roads.

Section D102.1 is amended to read:

ORDINANCE NO. 2019-37

D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete, or other approved all-weather driving surface capable of supporting the imposed load of fire apparatus weighing at least 74,000 pounds (33 566 kg) in accordance with CalTrans Design Standard HS-20-44.

Exception: Driveways serving one or two single-family dwellings may be constructed of an alternate surface material, providing the imposed weight load design minimums are met and the grade does not exceed 10 percent.

Section D103.1 is deleted.

Section D103.2 is amended to read:

D103.2 Grade. Fire department access roadways having a grade of between 16 percent and 20 percent shall be designed to have a finished surface of grooved concrete sufficient to hold a 44,000 pound (19 958 kg) traction load. The grooves in the concrete surface shall be ½ inch (13 mm) wide by ½ inch (13 mm) deep and 1 ½ inch (38 mm) on center and set at a 30 to 45 degree angle across the width of the roadway surface. No grade shall exceed 20 percent, nor shall the cross slope exceed 8%, unless authorized in writing by the fire code official.

Section D103.2.1 is added, to read:

D103.2.1 Angles of approach and departure. The angles of approach and departure for any means of access shall not exceed 10 percent at 10 feet of the grade break.

Section D103.3 is amended to read:

D103.3 Turning radius. Based on a minimum unobstructed width of 20 feet, a fire apparatus access roadway shall be capable of providing a minimum standard turning radius of 25 feet (7620 mm) inside and 45 feet (13 716 mm) outside.

Table D103.4 is amended to read:

**Table D103.4
REQUIREMENTS FOR DEAD-END FIRE
APPARATUS ACCESS ROADS**

LENGTH (feet)	MINIMUM WIDTH (feet)	TURNAROUNDS REQUIRED
0 – 150	20 ^a	None required
151 – 750	20 ^a	100-foot Hammerhead, 50-foot “Y”, 75-foot Shunt or 90-foot-diameter cul-de-sac in accordance with figure D103.1
Over 750		Special approval required ^b

- a. A driveway with a minimum width of 16 feet is acceptable for access to no more than two single-family dwellings.

- b. Any fire apparatus access roadway or driveway that is approved to be less than 20 feet wide and to exceed 750 feet in length shall have outsets or turnouts every 300 feet along the length of the road or driveway, or at locations approved by the fire code official. Each outset or turnout shall be of the following dimensions: an 8-foot-wide turnout that extends at least 40 feet in length.

///
///
///
///

Figure D103.1 is amended to read:

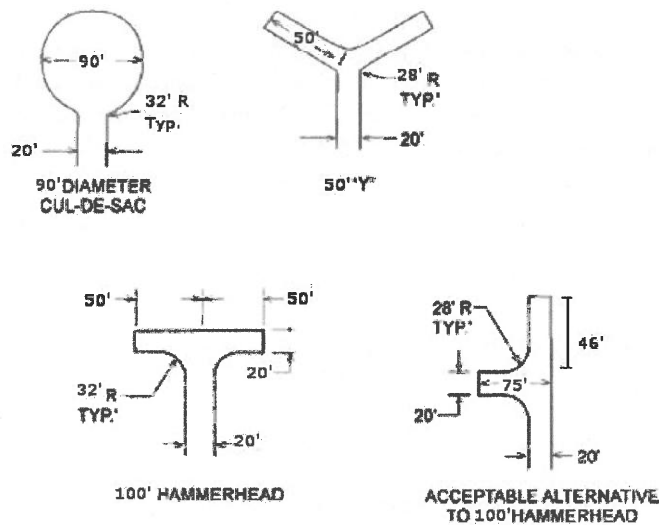


Figure D103.1
Dead-end Fire Apparatus Access Road Turnaround

Section D103.5 is amended as follows:

Criteria 1 of Section D103.5 is amended to read:

1. The minimum clear width shall be 20 feet (6096mm).

Exception: For access to one or two single-family dwellings, 16 feet clear width is acceptable.

Criteria 9 is added to Section D103.5, to read:

9. All gates shall be installed and located a minimum of 30 feet off the street.

Section D103.6.1 is amended to read:

ORDINANCE NO. 2019-37

D103.6.1 Roads less than 28 feet in width. Fire apparatus access roads less than 28 feet wide shall be posted on both sides as a fire lane.

Section D103.6.2 is amended to read:

D103.6.2 Roads 28 feet in width or greater, but less than 36 feet in width. Fire apparatus access roads 28 feet wide or greater, but less than 36 feet wide, shall be posted on one side of the road as a fire lane.

Section D106.1 is amended by deleting the exception and to read:

D106.1 Projects having more than 100 dwelling units. Multiple-family residential projects having more than 100 dwelling units shall be provided with two separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3.

Section D106.2 is deleted in its entirety.

SECTION 3. REPEAL OF FIRE CODE.

Ordinance No. 2016-23, adopting the 2016 California Fire Code with amendments, is hereby repealed.

SECTION 4. REFERENCES TO PRIOR CODE.

Unless superseded and expressly repealed, references in City forms, documents, and regulations to the chapters and sections of the Fire Code of Contra Costa County, the Crockett-Carquinez Fire Protection District, and the Contra Costa County Fire Protection District, 2016, shall be construed to apply to the corresponding provisions contained within the Fire Code of Contra Costa County, the Crockett-Carquinez Fire Protection District, and the Contra Costa County Fire Protection District, 2019. Ordinance 2016-23 and all other ordinances or parts of ordinances in conflict herewith are hereby superseded and expressly repealed.

SECTION 5. VALIDITY.

The Contra Costa County Board of Supervisors declares that if any section, paragraph, sentence, or word of this ordinance or of the 2019 California Fire Code as adopted and amended herein is declared for any reason to be invalid, it is the intent of the Contra Costa County Board of Supervisors that it would have passed all other portions or provisions of this ordinance independent of the elimination here from any portion or provision as may be declared invalid.

SECTION 6. MORE RESTRICTIVE REQUIREMENTS.

If requirements more restrictive than those in this fire code are adopted by the city of Antioch, Clayton, Concord, Lafayette, Martinez, Pittsburg, Pleasant Hill, San Pablo, or Walnut Creek, or the County of Contra Costa, those requirements will apply only within the jurisdiction adopting those requirements.

SECTION 7. EFFECTIVE DATE.

This ordinance becomes effective on January 1, 2020 or 30 days after passage, whichever is later. Within 15 days of passage, this ordinance shall be published once in the East Bay Times, a newspaper published in this County. This ordinance shall be published in a manner satisfying the requirements of Government Code Section 25124, with the names of supervisors voting for and against it.

ORDINANCE NO. 2019-37

Passed on December 17 2019, by the following vote:

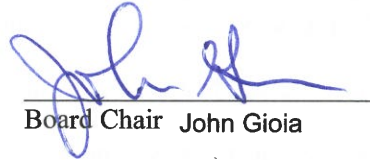
AYES: Gioia, Andersen, Burgis, Mitchoff, Glover

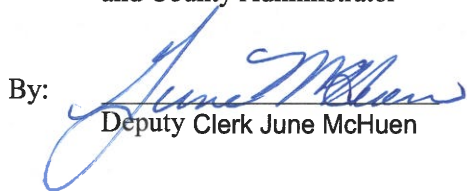
NOES: None

ABSENT: None

ABSTAIN: None

ATTEST: David Twa,
Clerk of the Board of Supervisors
and County Administrator


Board Chair John Gioia

By: 
Deputy Clerk June McHuen

[SEAL]

KCK:

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ORDINANCE NO. 2019-37

ORDINANCE NO. XX-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY AMENDING SECTION 7.1.102 OF THE OAKLEY MUNICIPAL CODE TO ADOPT BY REFERENCE THE CALIFORNIA FIRE CODE, CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 9, AS AMENDED BY CONTRA COSTA FIRE PROTECTION DISTRICT ORDINANCE 2019-37, INCLUDING FINDINGS, AND SETTING A PUBLIC HEARING DATE FOR JUNE 24, 2022

WHEREAS, each city in California is required to adopt the California Building Standards Code and is authorized to do so by reference (Health and Safety Code §17922 and Government Code §50022.2); and

WHEREAS, the City of Oakley has provided notice of, and taken all actions necessary for, the proposed adoption by reference of certain uniform State codes as set forth in this Ordinance and as required by Government Code section 50020 et. seq.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLEY DOES ORDAIN AS FOLLOWS:

Section 1.

The Council finds that the above description is sufficient to give notice to interested persons of the purpose of the ordinance and its subject matter.

Section 2.

The Council directs the City Clerk to set and notice a public hearing for June 14, 2022, for the City Council to consider the ordinance.

Section 3.

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.

Section 7.1.102 of the Oakley Municipal Code is amended in to read as follows:

7.1.102 Adoption by reference.

The following publications, 2019 Edition, including the specified appendices thereto, are hereby adopted by reference and incorporated into this code as they are adopted, published and promulgated from time to time by the International Code Council, and as adopted by the California Building Standards Commission in the California Code of Regulations:

- a. The California Building Code, Volumes 1 and 2, including Appendix Chapters: C – Group U Agricultural Buildings, H – Signs, and I – Patio Covers.
- b. The California Residential Code, including Appendix Chapters: G – Swimming Pools, Spas and Hot Tubs, and H – Patio Covers.
- c. The California Electrical Code, incorporating the National Electrical Code.
- d. The California Mechanical Code, incorporating the Uniform Mechanical Code, excluding appendix chapters.
- e. The California Plumbing Code, incorporating the Uniform Plumbing Code.
- f. The California Energy Code, including Appendix Chapter 1-A – Standards and Documents Referenced in the Energy Efficiency Regulations.
- g. The California Historical Building Code, including Appendix Chapter A.
- h. The California Existing Building Code.
- i. The California Green Building Code.
- j. The California Reference Standards.
- k. The International Property Maintenance Code, including Appendix A – Boarding Standard.
- l. ~~The California Fire Code, as amended to adopt local amendments and appendices to the 2019 California Fire Code as adopted by East Contra Costa Fire Protection District, a copy of which shall be kept in the office of the Building Official and referred to and, by this reference, expressly incorporated and made part of this chapter as though fully set forth herein, subject to additional amendments set forth in this chapter. The 2019~~ Edition of the California Fire Code, California Code of Regulations, Title 24, Part 9, subject to the following:

1.) Contra Costa County Fire Protection District Ordinance adopted. Ordinance 2019-37 of the Contra Costa County Fire Protection District, adopted December 17, 2019, is hereby adopted and ratified by the City Council under the authority of California Health and Safety Code § 13869.7. Ordinance 2019-37 adopts the 2019 California Fire Code (California Code of Regulations, Title 24, Part 9, including Chapters 1-10 and 12-80, Appendix B, Appendix C, Appendix D, Appendix F, Appendix H, Appendix I, Appendix J, and Appendix K), and amends it by the changes, additions, and deletions set forth in the ordinance. The provisions of the 2019 California Fire Code, as amended by Ordinance 2019-37, shall be controlling and enforceable within the jurisdictional boundaries of the City of Oakley.

2.) Copies available. Copies of the 2019 Edition of the California Fire Code and Ordinance 2019-037 shall be kept on file in the City of Oakley Building Department for use and examination by the public.

3.) Delegation of enforcement to Fire Chief. Pursuant to California Health and Safety Code § 13869.7, the City Council delegates enforcement of Ordinance 2019-37 to the Fire Chief of the Contra Costa County Fire Protection District, or his or her authorized representatives.

Section 5.

This ordinance shall be published in accordance with Government Code Section 36966 by either posting or publishing the ordinance in accordance with that law. Further, the City Clerk is requested to cause the text amendment and additions in Section 4 to be entered in the City of Oakley Municipal Code. The City Clerk is further requested to file this ordinance with the California Building Standards Commission, under Health and Safety Code section 17958.7. This ordinance shall take effect on July 1, 2022, after its adoption; provided, however, that where complete plans for building have been filed and are pending for building permits prior to the effective date of this Ordinance, permits may be issued, and the applicant may proceed with construction in strict compliance with the California Building Standards Codes, 2019 Editions, California Code of Regulations, Title 24, as adopted by Ordinance No. 16-19 and amended therein.

Section 6.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, the holding shall not affect the validity or enforceability of the remaining provisions, and the City Council declares that it would have adopted each provision of this ordinance irrespective of the validity of any other provision.

PASSED, APPROVE AND ADOPTED this 24th day of May, 2022 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

Randy Pope, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date



STAFF REPORT

DATE: May 24, 2022

TO: Joshua McMurray, City Manager

Approved and Forwarded to the City Council

FROM: Felicia Escover, Assistant to the City Manager

SUBJECT: Consideration of a Resolution in Support of Ensuring the Health and Sustainability of the Sacramento-San Joaquin Delta

Background and Analysis

The City of Oakley's vision is to celebrate 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. This, along with many other aspects of the City's Strategic Plan, centers around the City's position on the edge of the Delta. The Delta is a prominent part of Oakley's history and future growth. Given its importance, the City Council has expressed concern with the iterations of the Delta Conveyance projects proposed by the Department of Water Resources (DWR). Sentiments from the Council opposing conveyance projects on the Delta have been voiced at recent City Council in addition to a September 2018 letter to California gubernatorial candidates.

The State of California has been pursuing an isolated Delta conveyance since the 1940s under many titles including the Peripheral Canal, Bay Delta Conservation Plan, California WaterFix, and Delta Conveyance. These isolated conveyance projects jeopardize the health and sustainability of the Delta and is opposed by the Delta Counties Coalition (DCC), a group of representatives spanning the Counties of Contra Costa, Sacramento, San Joaquin, Solano, and Yolo. DWR states that the current proposed project includes constructing and operating new conveyance facilities in the Delta that would add to the existing State Water Project infrastructure. Two new intake facilities, each with 3,000 cubic feet per second (cfs) capacity for a total 6,000 cfs, would be located in the north Delta to divert water. Construction of this magnitude could result in adverse impacts on the Delta and its legacy communities, without offsetting benefits, including, but not limited to, construction related impacts (traffic, road degradation, noise, water availability, and air quality) over an estimated 14-year construction period, land use and agricultural impacts, economic impacts, water quality impacts, biological impacts and cultural and historical site impacts.

The attached resolution is consistent with the City Council's desire to protect the Delta. This resolution was drafted in partnership with the DCC and will be taken up by other Delta-situated communities.

Consistency with the Oakley Strategic Plan 27+

The Delta is a key component of the City's **Vision** and **Values**. Additionally, this item is consistent with the City's **Parks and Open Space goal** as it protects the Delta that the City wishes to capitalize on. Specific sections speaking to the Delta of SP 27+ are referenced below.

Vision: 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.

Value Statement: Our values guide us on a PATH to where we want to Live, Work, and Play in the heart of the Delta.

Parks and Open Space Goal: The City of Oakley will capitalize on our greatest Delta asset where our residents, businesses, and visitors can recreate and relax.

Parks and Open Space Objective: Envision Oakley as the front door of the Delta and one of California's natural wonders

Community and Economic Development Objective: Enhance Environmental Stewardship

Fiscal Impact

There is no fiscal impact associated with this item.

Staff Recommendation

Staff recommends that the City Council adopt the resolution in support of ensuring the health and sustainability of the Sacramento-San Joaquin Delta.

Attachments

1. Resolution

RESOLUTION NO. XX-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY IN SUPPORT OF ENSURING THE HEALTH AND SUSTAINABILITY OF THE SACRAMENTO-SAN JOAQUIN DELTA

WHEREAS, the Sacramento-San Joaquin Delta is the largest estuary on the Pacific Coast of the United States and includes major eastside tributaries that account for nearly half the snowmelt and runoff of the entire state. Located east of the San Francisco Bay and Suisun Marsh at the confluence of the Sacramento-San Joaquin Rivers, the Delta stretches inland to encompass an area of over 730,000 acres with islands and tracts of rich fertile soil surrounded by miles of sloughs and winding channels protected by levees creating one of the country's most productive agricultural regions; and

WHEREAS, the Delta is also habitat for hundreds of plant and animal species providing crucial habitat for fish and wildlife. In addition, the Delta with its legacy Communities is a popular boating and recreation area which supports a fishery for both recreational and commercial purposes. Eight percent of the State's commercial fishery species either live in or migrate through the Delta; and

WHEREAS, the Delta is also the hub of California's State and Federal water storage and delivery system with water exports made to agricultural and urban users in the Bay Area, Silicon Valley, San Joaquin Valley, the Central Coast, and Southern California within two-thirds of California's rely on the Delta for all or some of their drinking water. Additionally, over 7 million acres of farmland in the San Joaquin Valley are irrigated in part by water conveyed through the Delta, contributing to California's multi-billion dollar agriculture industry which produces half the nation's fruits, nuts, and vegetables, and twenty percent of the nation's dairy products; and

WHEREAS, many people living in the California delta depend on the Delta for drinking water; water for irrigation and livestock; habitat, recreation, the shipment of goods from inland ports over highways and railways crisscrossing the Delta, natural gas fields, electrical transmission and conveyance facilities among many other benefits; and

WHEREAS, the Sacramento-San Joaquin Delta is at risk from many factors, and in addressing these threats the state may make large-scale changes to the Delta's legal boundaries and ecosystem, land use authority within the Delta, water conveyance

through and around the Delta, water rights and water management statewide and my other aspects related to the Delta; and

WHEREAS, There are many parties making policy in and around the Delta including the State of California and United States Federal Government making the need for a local voice in the Delta essential; and

WHEREAS, individual DCC Counties have raised significant concerns with large-scale isolated conveyance projects proposed by Federal and State entities that could have far reaching impacts to the Delta; and

WHEREAS, Large portions of the Delta Primary Zone and portions of the Delta Secondary Zone (per the Delta Protection Act) are located in the City of Oakley; and

WHEREAS, the Counties of Contra Costa, Sacramento, San Joaquin, Solano, and Yolo have joined together in a coalition, identified as the Delta Counties Coalition (DCC), to collectively articulate their mutual interests on issues concerning the Sacramento-San Joaquin Delta from the perspective of the Delta region itself, from the people who call the Delta home and perhaps best understand the tremendous resources the Delta represents; and

WHEREAS, the DCC has identified a need for joint action and advocacy in various areas of mutual interest on Delta related issues; and

1. **WHEREAS**, since 2008 the Delta Counties Coalition (DCC) has given a strong local voice to the Delta pursuing three goals: Protect and enhance Delta Communities
2. Improve water quality and Delta ecosystem
3. Provide a more reliable water supply for the state through reducing reliance on the delta.; and

WHEREAS, In pursuit of the three goals the DCC advocates for a statewide water solution that includes water system operation improvements, regional self-reliance, levee improvements, storage, and restoration to the Delta; and

WHEREAS, The DCC has advocated for and advanced initiatives in pursuit of its goals including pursuing funding for commercial abandoned and derelict vessel removal,

invasive species control, levee improvements, and water supply regional self-sufficiency all of which are seen as positive ways to spend limited resources; and

WHEREAS, The State of California has been pursuing an isolated Delta conveyance since the 1940s under many titles including the Peripheral Canal, Bay Delta Conservation Plan, California WaterFix, and Delta Conveyance; and

WHEREAS, an isolated delta conveyance (water conveyance that involves intakes on the Sacramento River and pipelines or canals to take that water to the South Delta or beyond), including the State's proposed Delta Conveyance Project, effectively bypasses sections of, if not the entire, Delta below any intakes. Construction and operation of any isolated Delta conveyance project is not consistent with DCC principles; and

WHEREAS, an isolated Delta conveyance has potential adverse impacts on the Delta and its legacy communities, without offsetting benefits, including, but not limited to, construction related impacts (traffic, road degradation, noise, water availability, and air quality) over an estimated 14-year construction period, land use and agricultural impacts, economic impacts, water quality impacts, biological impacts and cultural and historical site impacts; and

WHEREAS, an isolated Delta conveyance has a high cost compared to other alternatives and will use many resources that could be better spent on other projects that would bolster levee improvements, storage, and regional water self-sufficiency. An isolated Delta conveyance has the potential to cause negative impacts to all users north of the Delta while benefiting only those water users south of the Delta by increasing export pumping capacity; and

NOW, THEREFORE, BE IT RESOLVED that the City of Oakley supports the DCC goals as stated herein. This includes opposing an isolated Delta conveyance in any form including under the current title of the Delta Conveyance Project.

BE IT FURTHER RESOLVED that the City of Oakley supports the DCC position that the management of the Sacramento-San Joaquin River Delta and greater Bay Delta Estuary must:

1. Protect and improve water quality and water quantity in the Delta region and maintain appropriate Delta outflow for a healthy estuary;

2. Protect the existing water right priority system and legislative protections established for the Delta;
3. Respect and safeguard Delta Counties' responsibilities related to land use, water resources, flood management, tax revenues, public health and safety, economic development, agricultural stability, recreation, and environmental protection in any projects, policies, or operations;
4. Represent and include local government in any governance structures for the Delta;
5. Protect, enhance, and preserve the Delta's agricultural economic viability, the ongoing vitality of its communities, and its historical significance;
6. Support rehabilitation, improvement, and maintenance of levees throughout;
7. Support the Delta pool concept, in which the common resource provides quality freshwater supply to all Delta users, requiring mutual responsibility to maintain, restore, and protect the common resource;
8. Support immediate improvements to through-Delta conveyance;
9. Require that any water conveyance plan for the Delta is aligned with these principles and supported by clearly demonstrated improvement to the entire state's water management;
10. Protect and restore the Delta ecosystem and provide for a healthy estuary in perpetuity by ensuring adequate water supply and quality, enhancing Delta fisheries, and managing or eradicating invasive species;
11. Include the study and implementation of storage options, sustainable groundwater management and conjunctive use, conservation, recycling, reuse, and regional self-sufficiency as part of an improved statewide flood management and water supply system, which will reduce reliance on the Delta as called for in the Sacramento-San Joaquin Delta Reform Act of 2009;
12. Support conservation actions aligned with these principles and the habitat plans and programs of each Delta County.

PASSED, APPROVED AND ADOPTED this 14th day of June 2022 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

ATTEST:

Randy Pope, Mayor

Libby Vreonis, City Clerk

Date



STAFF REPORT

DATE: May 24, 2022

TO: Joshua McMurray, City Manager

Approved and Forwarded to the City Council

FROM: Felicia Escover, Assistant to the City Manager

SUBJECT: CONSIDERATION OF A RESOLUTION ESTABLISHING A REWARD FUND FOR INFORMATION LEADING TO THE LOCATION OF 24-YEAR-OLD OAKLEY RESIDENT ALEXIS GABE

Background and Analysis

On January 27, 2022, Oakley resident Alexis Gabe was reported missing. Alexis Gabe and her family have ties to Oakley and the greater East County as long-time residents. This case is of the utmost importance to the community and the City seeks to further support the investigation using all available resources and exploring additional tools to aid in the investigation. One such tool is the establishment of a reward fund. The family and the City Council have publicly expressed a desire to set up a reward fund that may help to lead investigators to Ms. Gabe's whereabouts.

City Staff has spoken to other agencies about their process for reward programs. In doing research there are three primary models for reward funds as outlined below:

Mechanism	Description	Example
Municipal Code	A reward program is incorporated into the agency's municipal code and managed by the organization.	Diamond Bar Los Angeles County
Crime Stoppers Inc. Affiliate	Rewards are distributed through a local Crime Stoppers Inc Affiliate.	Solano County Oakland Hercules (West County)
Council Resolution	City Council establishes a reward program and/or a reward for a specific case via Council resolution.	California City City of Pasadena

Because of the time-sensitive nature of the case, Staff is recommending that the City Council adopt a resolution establishing a reward program. This option would allow for

the reward to be effective immediately. If the resolution is adopted by Council, the City Manager's Office and Police Department would work with the appropriate stakeholders to define program parameters and establish operating guidelines.

The Oakley Police Department continues to investigate the case and pursue all leads; however, this reward may aid investigative efforts. City Staff requests that the City Council support this case by directing additional resources to the investigation.

Consistency with the Oakley Strategic Plan 27+

The establishment of a reward program is consistent with the Community Health and Safety Goal to 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 impact on the general fund associated with this item. Staff is reappropriating budgeted funds to cover the reward amount of \$10,000.

Staff Recommendation

Staff recommends that the City Council adopt a resolution authorizing the establishment of a reward program and directing the City Manager and Chief of Police to develop program parameters and operating guidelines.

Attachments

1. Resolution

RESOLUTION NO. XX-22

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY
ESTABLISHING A REWARD FUND FOR INFORMATION LEADING TO THE
LOCATION OF 24-YEAR-OLD OAKLEY RESIDENT ALEXIS GABE**

WHEREAS, the City Council of the City of Oakley has a Community Health and Safety Goal to protect our public and prioritize safe streets, healthy neighborhoods, and robust community resources to benefit our most valued assets – our people; and

WHEREAS, the City Council wishes to provide resources to further support the investigation into the disappearance of 24-year-old Oakley resident Alexis Gabe by establishing a reward fund; and

WHEREAS, the Gabe family and local community have been deeply impacted by Ms. Gabe's disappearance since it was first reported in January 2022 and a reward fund is in alignment with the City Council's Community Health and Safety Goal; and

WHEREAS, the reward fund would provide investigators with an additional tool to incentivize leads on the case by directing \$10,000 towards information leading to Alexis Gabe's whereabouts; and

WHEREAS, as a new program, guidelines would need to be developed by the City Manager and Chief of Police to ensure the reward could be leveraged as an effective aid in investigative efforts; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the City Council of the City of Oakley does hereby establish a reward program and allocate \$10,000 in funding towards it.

BE IT FURTHER RESOLVED, that the City Council directs the City Manager and Police Chief to develop the reward program guidelines.

PASSED, APPROVED AND ADOPTED this 24th day of May 2022 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

ATTEST:

Randy Pope, Mayor

Libby Vreonis, City Clerk

Date



STAFF REPORT

DATE: May 24, 2022

TO: Joshua McMurray, City Manager

Approved and Forwarded to the City Council

FROM: Jeri Tejada, Human Resources Director

SUBJECT: Adopt a Resolution approving the Oakley Police Officers Association Memorandum of Understanding through June 30, 2027 and the attached Salary Schedule effective the first full pay period in July.

Background and Analysis

The memorandum of understanding (MOU) with the Oakley Police Officers Associations (OPOA) is set to expire on June 30, 2022. After a successful negotiation, the attached MOU will be effective from July 1, 2022 through June 30, 2027.

The focus for this MOU was retention and recruitment. The City and OPOA had a shared goal of ensuring our compensation and benefit package is competitive in the current market to not only recruit the best officers, but to also retain the great officers that we already have.

The following are the significant changes made to the agreement:

- Moving from a 3-year term to a 5-year term
- Changing from a merit-based system to a step system including at least a 5% increase in FY 2023 and 2024 with a meets expectation or above performance evaluation.
- Adding cost of living increases of 3% in each FY 2025, 2026, 2027
- Increase to the compensatory time off bank of an additional 40 for a total of 120 but limiting the rollover of these hours to 80
- Exchanging a floating holiday to add June 19th-Emancipation Day
- Adding a tier of 15+ years to the vacation accrual bank

- Increasing the Sick Leave accrual bank cap to 1,000 hours
- Tiering the sick leave conversion at separation so that future employees will need to retire from the City in order to receive this benefit
- Extending the sick leave conversion at retirement from 5 years to 10 years and increasing from 50% pay out to 100%
- Health insurance increases over the 5-year term of \$75, \$100, \$125, \$125 and \$150 per month.
- Adding uniform service as a reportable compensation to CalPERS for all classic members.

In addition to the above, this MOU memorializes items that have been given in the past, but were not in the MOU, changed things related to pronouns and wording, made clarifications to items that have been vague in the past, removed items that are law and do not belong in the MOU and did an overall cleanup of the entire document.

During the course of just over two full days of bargaining the team updated, changed, clarified or removed almost every section of the MOU. This was a true collaborative effort between the City and OPOA.

Consistency with the Oakley Strategic Plan 27+

This item is consistent with our strategic plan, sustainable organization goal. There are several objectives within this goal related to recruitment and retention, competitive compensation and proper police staffing.

Fiscal Impact

The current request will not affect the Fiscal Year 2021/22 budget.

Over the five-year term of the MOU the compensation and benefit package has an estimated cost of \$2.4 million. Annual amounts will be presented as part of the budget for each fiscal year.

Staff Recommendation

Adopt a Resolution approving the Oakley Police Officers Association Memorandum of Understanding through June 30, 2027 and the attached Salary Schedule effective the first full pay period in July of 2022.

Attachments

1. Resolution
2. Memorandum of Understanding
3. 2022/2023 Salary Schedule
4. Staff Presentation

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING THE
OAKLEY POLICE OFFICERS ASSOCIATION MEMORANDUM OF UNDERSTANDING
THROUGH JUNE 30, 2027 AND THE ATTACHED SALARY SCHEDULE EFFECTIVE
THE FIRST FULL PAY PERIOD IN JULY**

WHEREAS, the Oakley Police Officers Association (OPOA) and the City have a memorandum of understanding (MOU) that will expire on June 30, 2022, and

WHEREAS, the OPOA and the City entered into negotiations beginning in February of 2022, and

WHEREAS, in April of 2022 the City and OPOA reached tentative agreements on all proposals from both sides, and

WHEREAS, both the City and OPOA had a shared focus of retention and recruitment, and a compensation and benefit package that is competitive in the current market,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oakley hereby approves the following:

The Memorandum of Understanding between the Oakley Police Officers Association and the City of Oakley with a term of July 1, 2022 through June 30, 2027 attached as Exhibit A.

The Salary Schedule effective the first full pay period in July of 2022 attached as Exhibit B.

PASSED, APPROVED AND ADOPTED this 24th day of May 2022 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

Randy Pope, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date

Memorandum of Understanding



July 1, 2022 To June 30, 2027

DEFINITIONS

Appointing Authority: the City Manager or designee.

Association: the Oakley Police Officers Association

Immediate Family: an employee shall include a spouse and the following relatives: children of either spouse, stepchildren, parent of employee or spouse, brother or sister, half-brother or half-sister, either grandparent and grandchildren.

Newly Hired Employee: a person who has not completed a probationary period in any position within the organization or a person who has previously completed a probationary period but has had more than a three (3) month break in service from the City.

Probationary Employee: an employee working a test period during which the employee is required to demonstrate fitness to perform the duties of the class of position to which appointed by actual performance of those duties.

Regular Full-Time Employee: a person employed by the City in a full-time capacity, who has successfully completed a probationary period, and has been retained according to the provisions of the City of Oakley Police MOU.

Regular Part-Time Employee: a person employed in a regularly budgeted class or position which a regular employee may be appointed, and whose normal work schedule is less than the standard hours of work, but at least twenty (20) hours per workweek.

OAKLEY POLICE OFFICERS ASSOCIATION
MEMORANDUM OF UNDERSTANDING
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Section 1: APPLICABILITY AND RECOGNITION

1.1 Association Recognition

The City of Oakley ("City" or "Employer") recognizes the Oakley Police Officers' Association ("POA" or "Association") as the exclusive recognized bargaining representative for City employees in the classifications of Police Officer and Police Sergeant.

1.2 City Representative

The City Manager, or any person or organization duly authorized by the City Manager, is the representative of the City in employer- employee relations.

1.3 Release Time

The City agrees to provide a reasonable amount of release time for designated officers and representatives of the POA to conduct POA business and engage in meet and confer sessions with official representatives of the City.

Release Time should be requested in advance whenever possible. The City will accommodate such requests, as long as requests concern POA business and do not interfere with the performance of City services as determined by the City.

Under no circumstances shall an employee receive overtime pay for time spent to attend meetings for the purpose outlined in this section. Employees are to track these hours using the designated payroll code. Not more than four employees may be excused for such purposes.

1.4 Association Dues Deduction

A member of this unit may, at any time, execute a payroll deduction authorization form or forms ("Deduction Authorization Form") as furnished by the Association.

The Association will be the custodian of records for such Deduction Authorization Form and will provide the City with a certification that it has and will maintain a Deduction Authorization Form, signed by each employee from whose salary or wages the deduction is to be made ("Certification"). The Association shall not be required to provide the City a copy of the member's Deduction Authorization Form unless a dispute arises about the existence or terms of the Deduction Authorization Form. However, the Certification will contain sufficient information to allow the City to identify the appropriate level of deductions for each employee.

The City shall begin deductions in the amount prescribed by the Association in the first full payroll period after receipt of written Certification from the Association. The employer shall

transmit such payments to the Association no later than thirty (30) days after the deduction from the member's earnings occurs.

Deductions may be revoked only pursuant to the terms of the Deduction Authorization Form. The City shall direct member requests to cancel or change deductions to the Association. The City shall rely on information provided by the Association in writing, regarding whether deductions for a member were properly canceled or changed, and the Association will indemnify the City for any claims made by the employee for changes made in reliance on the information. However, the parties agree that the City shall automatically cease deductions for any member who is no longer employed in a classification represented by the Association. It is further agreed that the City shall automatically cease deduction for any member who is in leave without pay status and will continue deductions as soon as the employee returns to a paid status.

1.5 Association New Employee Orientation

New Employee Orientation: New employee orientation is defined as the onboarding process, whether in person, online or through other means, which the City provides information regarding employment status, rights, benefits, duties and responsibilities, or any other employment related matters.

The City shall provide written notification to the Association's designee, by email not less than (10) calendar days in advance of all new employee orientations except that a shorter notice may be provided in a specific instance where there is an urgent need critical to the employer's operations that was not reasonably foreseeable.

The Association shall be provided up to sixty (60) minutes to meet with the new employee during the orientation. The purpose of the meeting is for the Association to discuss the roles and activities of the exclusive representatives related to terms and conditions of employment. The Association reserves the right to address the new employees outside the presence of City employees.

Within 30 days of hire or by the first pay period of the month following the hire of the new employee, the City shall provide the Association designated representative with the name, job title, department, work location, work, home, and personal cellular telephone numbers, personal email addresses on file with the employer and home addresses. The City shall provide the Association this information for the bargaining group at least every 120 days, excepted as specified in AB 119.

Section 2

This section is intentionally left blank

Section 3: EMPLOYEE RIGHTS

3.1 Right to Representation

When an employee is required to meet with a supervisor or manager and reasonably anticipates such meeting will involve questioning that could lead to disciplinary action, the employee shall be entitled to representation by a representative of the employee's choice, including a POA representative or attorney, if so requested. Investigatory interviews shall be conducted in accordance with the Public Safety Officers Procedural Bill of Rights Act. The employee shall also be entitled to such representation at any subsequent step of the disciplinary process and for any appeal.

3.2 Personnel Files

There shall be one (1) official personnel file maintained in Human Resources and one internal affairs file, maintained in the Administrative offices of the Police Department. An employee shall be permitted to review personnel and Internal Affairs file provided the employee makes a request twenty-four (24) hours prior to the time the employee wishes to review either file. A representative of Human Resources shall be present during the review of the personnel file. An employee's representative, with written permission from the employee and twenty-four (24) hours' notice to the City, shall also be permitted to review the employee's personnel file. The City Manager, Chief of Police, or Lieutenant will be present should an employee request to review of the employee's Internal Affairs file. An employee shall be entitled to receive copies of any material in the employee's personnel file or any material which will be submitted to the personnel file.

3.3 Notice

Employees shall be provided copies of all notices of punitive action as defined by Government Code section 3303 and the employee's legal representative of choice, if any, shall be provided copies concurrently.

Section 4: CITY RIGHTS

It is understood and agreed that the City retains all of its powers and authority to manage municipal services and the work force performing those services.

It is agreed that the following rights shall remain solely a function of management except as may be limited by this agreement and/or by applicable state and federal law:

1. Determine and modify the organization of City government and its constituent work units.

2. Determine the nature, standards, levels, and mode of delivery of services to be offered to the public.
3. Determine the methods, means, and the number and kinds of personnel by which services are to be provided.
4. Determine whether goods or services shall be made or provided by the City, or shall be purchased, or contracted for.
5. Direct employees, including scheduling and assigning work, work hours, and overtime.
6. Establish employee performance standards and to require compliance therewith.
7. Discharge, suspend, demote, reduce in pay, reprimand, and withhold salary increases and benefits, or otherwise discipline employees, subject to the requirements of applicable law.
8. Relieve employees from duty because of lack of work or lack of funds or for other legitimate reasons.
9. Implement rules, regulations, and directives consistent with law and the specific provisions of this MOU.
10. Take all necessary actions to protect the public and carry out its mission in emergencies.

To the extent that management's exercise of these rights enumerated above impacts the employees' terms and conditions of employment, the City is not relieved of its obligation to meet and confer on these impacts as required by law.

Section 5: PROBATIONARY PERIOD

5.1 Probationary Period

All appointments, promotional appointments and reappointments shall be tentative and subject to a probationary period dated from the time of appointment to a regular full-time or regular part-time position. The probationary period shall be for a one (1) year period of actual service. The City Manager, upon written request of the Chief of Police, may grant an extension of the probationary period up to a maximum of six (6) months beyond the end of such probationary period, for a maximum total probation of eighteen (18) months.

An employee remains on probation until such time as the City takes formal, written action to remove the probationary employee from probationary status. This is done by the employee's supervisor completing a written performance evaluation at the approximate date of the probationary employee completing one (1) year in the probationary position. This performance evaluation must be signed by the Chief of Police and forwarded to the City Manager for final review and approval.

5.2 Dismissal of Newly Hired Employees

During the probationary period, a newly hired employee may be suspended, demoted or dismissed at any time by the appointing authority without the right of appeal. A probationary employee is an "at-will" employee. Notification of dismissal in writing shall be served on the newly-hired employee and a copy filed with Human Resources.

5.3 Demotion of Promoted Employees

An employee who is promoted to a new position in a higher classification may be demoted to the employee's previous position at any time during the one (1) year probationary period without the right of appeal. The employee shall be returned to the position which the employee held prior to the promotion and shall be placed at the salary level held prior to the promotion.

Section 6: COMPENSATION

6.1 Wage

Appendix "A" contains the base wage for each classification effective the first full pay period in July of 2022.

The City will increase base wages as follows:

Effective the first full pay period in July 2024 – three percent (3%) COLA

Effective the first full pay period in July 2025 – three percent (3%) COLA

Effective the first full pay period in July 2026 – three percent (3%) COLA

6.2 Changes to Wage Ranges

Changes to wage ranges will not change an employees' anniversary date.

Whenever the wage for any classification changes, the employee shall be paid at the same step in the revised range as the step at which the employee was paid in the previous range.

6.3 Step Increase

Employees earn step increases when their annual performance evaluation is at or above meets expectations as follows:

1. Employees Hired on or before June 30, 2021:

Annual performance reviews will occur in the month of June each year with an annual step increase occurring in the first full pay period in July of each year.

2. Employees Hired, Promoted, Transferred or Demoted on or after July 1, 2021:

Annual performance reviews will occur twelve (12) months from the date of hire and each year thereafter with an annual step increase occurring in the first full pay period following the date of hire each year.

The City desires competitive and comparable wages. The comparative cities utilized by the City are:

- Antioch
- Brentwood
- Martinez
- Pittsburg
- Pleasant Hill
- San Ramon
- Tracy

The City agrees to complete a compensation study prior to the start of successor MOU negotiations.

6.4 Wage Following Promotion

A promoted employee will be placed in the first step in the wage range for the new position. However, if first step increases the employee's wage less than five percent (5%), the City shall place the employee at the lowest step which provides at least a five percent (5%) increase, provided that in no event will the new wage exceed the highest step of the promoted wage range.

An Officer promoted to Sergeant may be eligible for a five percent (5%) increase in pay following six (6) months of successful service in the promoted position, with Police Chief Approval.

Future salary increases will be at twelve (12) months from the date of the promotion and each year thereafter as described in section 6.3.

6.5 Wage Following Non-Disciplinary Demotion

An employee demoted for non-disciplinary reasons will have either a wage step no more than five percent (5%) below the employee's wage prior to the demotion or the top of the new range, whichever is less.

The City will maintain a demoted employee's anniversary date and annual performance review schedule. A demoted employee will not serve a probationary period in the new job classification.

6.6 Wage on Reclassification of Positions

A reclassified employee's wage shall increase at least five percent (5%) over their last wage before reclassification. There shall be no additional probationary period.

6.7 Wage for Work Performed in a Higher Classification

Employees may occasionally perform duties of a higher classification to temporarily fill a vacancy.

In order to receive increased wages for working in a higher classification the employee must be assigned, assume and perform substantially all the duties and responsibilities of the position, and perform them for at least one week (five consecutive working days, without regard to the calendar week).

Increased wages for working in a higher classification shall be at least five percent (5%) above the employee's current wage, or the lowest wage within the range for the higher classification, whichever is greater, but not to exceed the maximum of the higher classification's range.

The Police Chief will evaluate higher classification pay on a case-by-case basis and make a recommendation to the City Manager. This evaluation and recommendation should occur before an employee begins working in a higher classification whenever possible.

6.8

This sub-section is intentionally left blank

6.9 Special Compensation

1. Education/POST

Employees who possess or obtain the following POST certificates and/or educational degrees shall receive additional compensation as follows:

- a. **POST Intermediate Certificate** – Two and one-half percent (2.5%) augmentation to base salary.
- b. **POST Advanced Certificate**- Two and one-half percent (2.5%) augmentation to base salary.

Incentives in subsections (a) and (b) compound, with a maximum Incentive of five percent (5%).

Instead of earning POST incentive pay, an employee with a **Bachelor's Degree** earns a five percent (5%) incentive. An employee may not earn separate incentive pays for both POST certificates and a Bachelor's Degree.

An employee may earn an additional two- and one-half percent (2.5%) over their POST or Bachelor's Degree incentive pay if the employee has a **Master's Degree** for a total Education/POST incentive not to exceed seven- and one-half percent (7.5%).

Pay for all education incentives will be effective in the first full pay period following receipt of documentation by Human Resources. Employees are responsible for ensuring timely submission of their documentation to the Chief of Police and Human Resources.

2. Special Assignments

a. Training Premium - Field Training Officer (FTO)

Any employee assigned as an FTO shall receive five percent (5%) augmentation to base salary for actual time served as an FTO. ("Time served" is defined as the time training an officer in this capacity).

b. Motorcycle Patrol

Any employee assigned to motorcycle duty shall receive a five percent (5%) augmentation to base salary in the first full pay period following being assigned to Motorcycle Patrol.

c. Shift Differential -Graveyard

Any employee assigned to the Graveyard Shift shall receive a 5% augmentation to base salary in the first full pay period following being assigned to Graveyard.

d. Detective Division

Any employee formally assigned as a Detective shall receive a 5% augmentation to base salary in the first full pay period following being assigned as a Detective.

e. Bilingual Premium

Any employee deemed professionally proficient in the Spanish language will receive a one and one-half (1.5%) augmentation to base salary in the first full pay period following certification.

f. Police Liaison - School Resource Officer (SRO)

Any employee assigned as a School Resource Officer shall receive a five percent (5%) augmentation to base salary in the first full pay period following being assigned to SRO.

g. Police Liaison - Problem Oriented Policing (POP)

Any employee assigned as a POP Officer shall receive a five percent (5%) augmentation to base salary in the first full pay period following being assigned to POP.

h. Canine Officer

Any employee assigned as a Canine Officer shall receive a five percent (5%) augmentation to base salary for time served as a Canine Officer.

i. Police Administrative Sergeant

Sergeants assigned to administration will receive a five percent (5%) augmentation to base salary in the first full pay period following being assigned as administrative sergeant.

j. Police Investigator Traffic Sergeant

Unless a Sergeant is receiving Motorcycle Patrol incentive pay, a Sergeant assigned to the traffic unit will receive a five percent (5%) augmentation to base salary in the first full pay period following being assigned as traffic sergeant.

Special Assignment Rotation

All employees assigned special assignments are subject to rotation in and out of these positions and a corresponding withdrawal of the specialty pay at the discretion of the Police Chief.

3. Longevity Incentive Pay

All employees shall receive Longevity Incentive Pay as follows:

- Five (5) years of service - two and one-half percent (2.5%) augmentation to base salary
- Ten (10) years of service – additional two and one-half percent (2.5%) augmentation to base salary (5% cumulative total)
- Fifteen (15) years of service –additional two and one-half percent (2.5%) augmentation to base salary (7.5% cumulative total)
- Twenty (20) years of service – additional two and one-half percent (2.5%) augmentation to base salary (10% cumulative total)
- Twenty-five (25) years of service – additional two and one-half percent (2.5%) augmentation to base salary (12.5% cumulative total)

Employees who were previously serving in the City of Oakley while employed by the Contra Costa Sheriff's Office as of April 15, 2015, will receive credit for their prior service with the Contra Costa Sheriff's Office when calculating their longevity increment. The increase in percentage is effective on the next pay period following the anniversary of the employee's hire date.

Longevity Incentive Pay will be reported to CalPERS as compensation to the extent allowed by law.

4. Corporal Pay

Any officer assigned as a Corporal Officer shall receive three hundred and fifty dollars (\$350) per month in addition to base salary for time served as a Corporal. This pay does not meet the definition of special compensation for CalPERS; therefore, it is not reportable as CalPERS compensation.

Section 7: HOURS OF WORK AND OVERTIME COMPENSATION

7.1 Work Hours

The Department has a variety of shift schedules and work hours to meet the needs of the City and the Department.

The regular shift schedule and work hours for unit employees is four (4) shifts of ten (10.0) hours in a seven (7) day period. Unit employees may also work a shift schedule consisting of three (3) shifts of thirteen hours and twenty minutes (13.33) in a seven (7) day period.

Alternative schedules may be used to accommodate the needs of the Department.

7.2 Work Period and Pay Periods

Work Period - The work period is one hundred seventy-one (171) hours per twenty-eight (28) day period as authorized by Section 7(k) of the Fair Labor Standards Act. The 28-day work period begins at 12:00 a.m. Sunday and ends twenty-eight (28) consecutive days later at 11:59 p.m. Saturday.

Pay Periods - Payday shall be every other Friday (bi-weekly) for the two (2) calendar week period ending on Saturday of the preceding week.

7.3 Overtime Policy

The City's policy is to avoid the necessity for overtime work. When overtime work is necessary, such overtime shall be authorized by the Police Chief or designee but shall be kept at a minimum.

7.4 Contract Overtime

Unit employees shall be paid overtime for all time worked in excess of the employee's assigned shift (e.g., 10 hours, 13.33 hours or other schedule) in a twenty-four (24) hour period or for time worked on a regularly scheduled day off or for time worked in excess of forty (40) hours in a calendar week. For purposes of calculating the forty (40) hour threshold, all paid leave hours (e.g., vacation, sick and compensatory time off) shall count as hours worked. The rate of pay for contract overtime shall be time and one half (1.5x) the employee's base hourly rate of pay.

7.5 Statutory Overtime

Unit employees shall be paid statutory overtime in accordance with the FLSA for all time worked in excess of 171 hours in a 28-day work period. The rate of pay for statutory overtime shall be time and one half (1.5x) the employee's "regular rate of pay" which includes all differentials and incentive pays as set forth in 29 CFR sections 778.108 and 778.109.

a. Dual Calculation to Determine Statutory Overtime Owed

Notwithstanding the contract overtime provisions specified in subsection 7.4 above, the City will conduct a dual calculation to determine the amount of statutory overtime owed for time actually worked in excess of 171 hours in the 28-day work period. To the extent the City's dual calculation determines that FLSA overtime owed for the 28-day work period exceeds the amount of contract overtime paid pursuant to subsection 7.4 for the same 28-day work period, the difference will be paid to the employee by way of a FLSA adjustment.

7.6 Compensatory Time

Employees may choose to be compensated for overtime work with compensatory time-off (compensatory time) at the rate of one and one-half (1.5) hours of compensatory time credit per overtime hour worked instead of receiving cash payment. The decision to receive overtime pay or compensatory time credit shall be made at the end of the pay period in which the overtime is worked. There is no provision for converting compensatory time to overtime pay except at termination. Compensatory time may be accrued up to a maximum of one-hundred twenty (120) hours per employee.

Overtime compensation earned via business travel time may be paid or allotted to the member's compensatory time bank unless said bank is already at the maximum of one-hundred twenty (120) hours.

Compensatory time off must be used in the fiscal year in which it is earned with the exception of eighty (80) hours. Eighty (80) unused hours can be rolled to the next fiscal year. Unused compensatory time over the eighty (80) hour accrual maximum as of each June 15th, will be paid, at the employee's base hourly rate, on the pay period that includes June 30th.

If an employee has any unused accrued compensatory time at termination, the employee will be paid for such unused compensatory time at the employee's base hourly rate of pay at termination.

7.7 Court Appearance Compensation

If an employee appears on a court subpoena during off-duty time, the employee will be compensated. Employees shall be compensated for off-duty court appearances on workdays as follows:

- An employee shall be compensated with a three (3) hour overtime minimum or actual time in court, whichever is greater, for any court appearance that starts more than one-half (.50) hour before an employee's shift or more than one-half hour after the conclusion of an employee's shift.
- For court appearances which begin during an employee's shift or within a half- hour (.50) of the start or conclusion of an employee's shift, the employee shall be compensated for the actual time worked.
- An employee shall be entitled to not more than two (2), three (3) hour minimums each day.

Employees shall be compensated for court appearances on scheduled days off as follows:

- An employee shall be compensated with a four (4) hour minimum or actual time in court, whichever is greater.
- An employee shall be entitled to not more than two (2), four (4) hour minimums per day.

- An employee shall be entitled to only one (1) four (4) hour minimum per court session, e.g. one in the morning, one in the afternoon, or one in the evening (after 6:00 p.m.)
- An employee shall receive a four (4) hour minimum if a court appearance is cancelled less than twenty-four (24) hours before the scheduled appearance.

7.8 Shift Trades

1. Employees may trade one or more work shift(s) with each other, subject to the following conditions:
 - a. Shift trades shall be made only with the prior approval of the on-duty Sergeant or Lieutenant.
 - b. Requests and approvals shall be documented by email
 - c. Both employees involved in the shift trade document the trade on the applicable timesheets
 - d. Employees trading shifts shall be qualified to work for each other.
2. An employee not able to fulfill a shift trade agreement shall either:
 - a. Secure another employee to work the shift, subject to the provisions of this section; or
 - b. Notify the on-duty Sergeant or Lieutenant that the shift will be vacant due to the inability of the employee to fulfill the shift trade and the Department will deduct the appropriate number of Vacation Leave hours from the employee's Vacation Leave accruals (from the employee not able to fulfill a shift trade agreement) and fill the vacant shift with an employee selected by the Department. Notwithstanding Labor Code Section 227.3, if the department must fill the vacant shift with an employee on overtime status, Vacation Leave at the rate of time and one-half (1.5) will be deducted from the employee's Vacation Leave accruals (from the employee not able to fulfill a shift trade agreement).
3. The Police Chief reserves the right to cancel any and all shift trades if deemed necessary and to restrict the number of shift trades if it is deemed to be in the best interests of the Department.

7.9 Shift Bidding

1. Shift bidding is a process which allows employees to choose a shift and days off based on seniority. Specialized units including, but not limited to Investigations, K9 and Traffic Officers are not subject to shift bidding and are assigned based on the needs of the

Department. Shift and day off selection within a specialized unit will be based on time in unit rather than Department seniority.

2. Shift bidding shall take place every six (6) months and shall be completed within seven (7) calendar days after bidding begins, and thirty (30) days before the start of the new shift. The start of the new shift will be the first day of the 28-day work period closest to the fifteenth (15th) of January and July.
3. Prior to the beginning of the bidding process, a new shift sign up folder will be created and maintained in the Sergeants' office until the close of the bidding process. An employee, or the employee's designee, may bid for a shift by writing their name next to their top three shift choices. At the close of the bidding process, the scheduling sergeant (as designated by the Police Chief) will assign employees to shifts based on their choices and seniority. The results of the completed shift bid and new shift assignments will be posted in the Sergeants' office.
4. There shall be a thirty (30) day grace period starting from the first day of each new shift. The grace period allows for an employee to fill an unexpected vacancy which arises after the start of a new shift. The desired shift must have been one of the officer's initial three (3) choices. Any vacancy that arises after the thirty (30) day grace period may be filled based on the needs of the department and only with approval of the Chief or designee.
5. In rare circumstances, and only in consultation with the POA and the City Manager, the Police Chief reserves the right, for cause, to adjust the shift bidding results when deemed in the best interest of the department. Notification of any changes in shifts shall be provided to the affected employees in writing and with at least fifteen (15) days' notice.

Section 8: STANDBY AND CALLBACK PAY

8.1 Standby Status and Standby Pay

When an employee is required to leave work where the employee can be reached for emergency call out or for other work-related purposes during a specified period outside the employee's scheduled hours of work, such employee shall be considered on standby status. (This provision does not apply to court ordered standby status issued by the District Attorney's Office or Judge.)

The following provisions apply to standby status:

Compensation:

1. Any employee formally placed on stand-by status in writing shall be paid two-hundred and fifty dollars (\$250) per week (7 days). A partial week on stand-by status shall be prorated.
2. If an employee is contacted for fifteen minutes or more (including any combination of one or more telephone calls, emails and/or texts) for a work-related purpose or required to physically report to work for an emergency while on standby status, the employee will be compensated for a minimum of two (2) hours worked at one and one-half (1.5) times the employee's base hourly rate of pay. Any time worked in addition to the two-hour minimum will be compensated at one and one-half (1.5) times the employee's base hourly rate of pay for each additional hour or fraction thereof. Work time shall commence from the time the employee is first contacted, as defined above, for a work-related purpose or first required to physically report to work until the time the employee returns home. For purposes of this provision, successive contacts during the same two (2) hour period following an initial contact or requirement to physically report to work is considered a single contact for purposes of the two (2) hour minimum.
3. Employees contacted for fifteen minutes or more for work-related purposes or called to physically report to work after midnight may elect to delay the normal start time for a shift scheduled later that same day by an amount of time equivalent to the time worked past midnight. If an employee elects to exercise this privilege, the employee must notify the supervisor in advance of the normally scheduled workday or within thirty (30) minutes of normal start time. If it is deemed to be detrimental to the operation of the City to grant this time off, the supervisor may deny the request. Employees who use this option will be paid their base hourly rate of pay for hours actually worked that day.
4. Employees must remain fit for duty during the entire period the employee is on stand-by status.

8.2 Call Out Procedure

Employees may be called back or called out to report back to work to perform necessary duties outside their normal work hours. In the event an employee is called back to work before or after normal working hours, the employee will be compensated for a minimum of two (2) hours of work at one and one-half (1.5) times the employee's base hourly rate of pay. Any time worked in addition to the minimum two (2) hours will be compensated at one and one-half (1.5) times the employee's base hourly rate of pay for each additional hour or fraction thereof. In the event an employee is called in to work and the time worked continues beyond the schedule start of the employee's regular work shift, the employee will be compensated at the employee's base hourly rate of pay once the regular work shift begins. Work time shall commence from the time the employee is contacted to report to work.

Section 9: HOLIDAYS

9.1 Holidays

The following holidays are recognized as regular holidays for pay purposes. Regular full-time employees are entitled to receive eight (8) hours of holiday pay at a rate of one and one half (1.5) times their base hourly rate. Holiday pay may be used to increase the employee's compensatory time off accrual bank.

The City will observe the following holidays:

- December 31st- New Year's Eve Day
- January 1st- New Year's Day
- Third Monday in January- Martin Luther King Jr. Day
- Third Monday in February- President's Day
- Last Monday in May - Memorial Day
- June 19th- Emancipation Day
- July 4th - Independence Day
- First Monday in September - Labor Day
- November 11th- Veteran's Day
- Fourth Thursday in November- Thanksgiving Day
- Fourth Friday in November- Day After Thanksgiving
- December 24th - Christmas Eve Day
- December 25th - Christmas Day
- Employee's Birthday

An employee who wishes to be excused from work in observance of a religious holiday (not listed as a "Regular Holiday for Pay Purposes") shall request approval of such absence from the Police Chief. If approved, such time off shall be charged against the employee's accumulated compensatory time or vacation leave.

9.2 Holiday Pay Eligibility

If a holiday falls on an employee's regular workday or scheduled day off the employee will receive eight (8) hours of holiday pay.

If a holiday falls on an employee regularly scheduled workday and the employee calls in sick on the holiday, the employee will not receive holiday pay.

If a holiday falls on an employee's regular workday, and the employee is on a scheduled vacation, the employee will receive eight (8) hours of holiday pay; however, the vacation hours taken that day will be deducted from the employee's vacation accrual.

Section 10: VACATION

10.1 Eligibility

There is no waiting period before an employee can request to take accrued vacation time; however, vacation hours cannot be used in the pay period within which they are earned. An employee may not accrue vacation while on any unpaid leave of absence.

10.2 Vacation Accrual

The City recognizes its employees' loyalty and longevity of service by granting an increase in vacation hours at milestone anniversary dates. Regular full-time employees shall be entitled to accrue paid vacation for years of service according to the schedule below.

YEARS OF SERVICE	VACATION HOURS ACCRUED PER YEAR
Year 0-3	80 hours per year
Year 4-7	120 hours per year
Year 8-14	160 hours per year
Year 15+	200 hours per year

The increase in rate of vacation accrual is effective on the next pay period following the anniversary of the employee's hire date. For example, if an employee completes three full years of service on July 1st and the next full pay period begins on July 5th, the employee will begin accruing the 120 hours per year on July 5th. Vacation accruals are calculated on a bi-weekly basis with the City's pay period schedule and are reflected on the employee's paycheck.

Note: Employees that were serving in the City of Oakley with the Contra Costa Sheriff's Office as of April 15, 2015, shall receive credit for years served with the Contra Costa Sheriff's Office.

10.3 Vacation Accumulation

The City provides vacation leave to encourage employees to take time away from work on a regular basis. For this reason, employees may earn and accumulate vacation leave up to a maximum of two and one-half (2.5) times the amount of their annual accrual as follows:

YEARS OF SERVICE	MAXIMUM VACATION ACCRUAL
Year 0-3	200 hours maximum
Year 4-7	300 hours maximum
Year 8-14	400 hours maximum
Year 15+	500 hours maximum

Unused vacation hours over the maximum vacation accrual, as of each December 1st, will be paid, at the employee's base pay, on the first full pay period after December 1st.

10.4 Use of Vacation

Vacation shall be requested via email as far in advance as possible with the Division Commander or designee. An employee shall submit an email request to the Division Commander or designee and approval of the Division Commander or designee is required prior to taking vacation time off. The Division Commander or designee shall respond to the employee via email within seven (7) calendar days after submission of the request. Vacation leave shall not be used beyond the time accrued. The time at which an employee may use accrued vacation leave and the amount taken at any one time shall be determined by Division Commander or designee, with particular regard for the needs of the Department.

10.5 Illness during Vacation

Vacation leave may be changed to sick leave if an employee submits a doctor's certificate/note satisfactory to Human Resources indicating that the employee was ill and unable to work during the employee's scheduled vacation.

10.6 Vacation at Separation

Employees whose employment with the City terminates shall be paid for the part of their vacation accumulation that remains unused at the time of separation. Payment for unused vacation shall be made at the employee's base rate of pay at the time of separation.

Designation of Beneficiary

When termination is caused by the death of the employee, pay for unused vacation shall be paid to the beneficiary the employee has designated. Such designation shall be in writing, signed by the employee and filed with Human Resources. If the employee is married and designates a beneficiary other than the spouse for more than fifty percent (50%) of the benefits payable, the signature of the spouse also shall be required on the designation. In the event an employee has not designated a beneficiary, the payment shall be made to the estate of the employee.

10.7 Vacation Buyback

Employees are eligible to exchange up to forty (40) hours of accrued vacation for a lump sum payment at the employee's current base hourly rate twice each fiscal year as follows:

1. The lump sum payments will occur in conjunction with the last pay period for March and for October of each year.
2. The employee must have reached their three-year (3) anniversary date in order to be eligible to exchange vacation pay.
3. The employee desiring to exchange vacation leave must have taken at least eighty (80) hours of vacation or compensatory time off during the previous twelve (12) months. Use of sick leave or leave without pay does not satisfy this program requirement.
4. The employee, after the requested exchange of vacation leave, must still have at least one-hundred and twenty (120) hours of vacation leave remaining.

10.8 Hardship Request

In the event an employee eligible for vacation accrual experiences a financial hardship due to circumstances beyond the employee's control, the employee may submit a request to Human Resources to receive cash payment of accrued vacation at any time during the year. Hardship Request forms are available in Human Resources. Examples of qualifying hardship requests include unexpected legal expenses, unbudgeted medical expenses not covered by other means, or any unforeseen situation that would necessitate a hardship request.

In order to keep hardship requests and the circumstances surrounding such a request as confidential as possible, all hardship requests will be reviewed in the following manner:

1. The employee submits a completed Hardship Request form to Human Resources.
2. Human Resources will obtain an updated copy of the employee's absence schedule from payroll to verify the number of vacation hours available. The employee must still have at least one-hundred and twenty (120) hours of vacation leave remaining to be eligible for a Hardship Request.
3. If clarification of the request is necessary, Human Resources will contact the requesting employee to obtain additional information.
4. A request that meets the qualifications described above will be reviewed by Human Resources and then presented to the City Manager with a recommendation for denial or final approval.
5. The employee will receive a response regarding the status of their request within five (5) working days from the date it is received by Human Resources.
6. The approved request will be delivered to payroll and a check will be prepared within three (3) business days.

Section 11: SICK LEAVE

11.1 Statement of Policy

Sick leave is an employee benefit of paid time off granted to an employee to use for personal illness or injury, medical or dental treatment, and as described in this MOU or required by law. The employee shall make notification by contacting the on-duty Supervisor as soon as possible after determining the need for sick leave and, to the extent possible, prior to the time set for reporting to work on the first day of such leave and as often thereafter as directed by the employee's Supervisor or the Police Chief. Notifications shall be made by telephone to the Supervisor. If the Supervisor is out of the office, the employee shall notify Dispatch of the need for sick leave and provide a telephone number where the employee can be contacted. Dispatch will notify the on-duty Supervisor of the call.

11.2 Accrual

Regular full-time employees earn 3.69 hours of sick leave per pay period (96 hours per year). Sick leave is not earned during any unpaid leave of absence.

For recruitment purposes, and the desire to fill vacancies with lateral officers, the City Manager, upon recommendation of the Police Chief, may grant an initial 40 hours of sick leave on the date of hire.

11.3 Accumulation

An employee may accrue up to one thousand (1,000) hours of sick leave. Once the accrual maximum is reached, the employee can earn no other paid sick leave until the accrual balance is reduced.

11.4 Use

Employees are entitled to use their accrued sick leave to be off work without the loss of compensation under the following conditions:

1. For the employee's own illness or injury or for the illness or injury of the employee's family member. For purposes of this Section, "family member" is defined as a biological, adopted, or foster child; stepchild; legal ward, or a child to whom the employee stands in loco parentis; a biological, adoptive, or foster parent; stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child; spouse; registered domestic partner; grandparent; grandchild; or sibling.
2. For the employee's receipt of required medical or dental care or consultation or for the required medical or dental care or consultation of the employee's family member.
3. For employees who are victims of domestic violence, sexual assault or stalking as specified in state law.
4. For supplemental bereavement leave as provided in this MOU.

5. Within the first week of the birth or adoption of a child up to a maximum of 40 hours.

Each hour of authorized sick leave usage shall be deducted from the employee's accumulated sick leave bank.

11.5 Sick Leave Verification

The Police Chief may request a doctor's verification or other reasonable proof of the employee's need for sick leave when the use of sick leave results in an absence from work for more than three (3) consecutive shifts and/or when the City has reason to believe that an employee is abusing sick leave on one or more of the bases described in Section 11.7.

Employees who are absent from work due to sick leave use shall not engage in any activity that would inhibit their ability to return to work at the earliest possible time.

11.6 Depletion of Available Sick Leave

In the event an employee's extended need for sick leave depletes the employee's accrued sick leave, the Police Chief may approve the use of accrued vacation leave for the employee's continued absence. Upon depletion of leave benefits, a medical leave without pay may be granted with approval of the City Manager.

11.7 Abuse of Sick Leave

The City encourages employees to use these sick leave hours wisely and maintain a comfortable number of hours available for unforeseen situations. The City considers the abuse of sick leave to be a serious offense and evidence substantiating sick leave misuse and abuse will result in disciplinary action, up to and including termination from employment.

Examples sick leave misuse and abuse include the following:

- Failure to notify a supervisor of the need for sick leave without reasonable explanation.
- Failure to provide physician's verification when required to do so.
- Submitting a fraudulent physician verification.
- Use of sick leave for an unauthorized purpose.
- Continued pattern of maintaining zero or near zero sick leave balances or seeking approval of leave without pay because sick leave accrual has been exhausted.
- Pattern of abuse, for example, the routine use before and/or after holidays; before and/or after weekends or regular days off; after pay days or any one specific day;

following overtime worked; frequent use of half days; and/or any routine use of any combination of the above.

The City maintains minimum staffing levels and excessive absenteeism creates a negative impact on the workplace by disrupting work schedules, increasing overtime costs, leaving projects incomplete, decreasing organizational efficiency, moving additional work upon others, and creating an overall negative morale within the organization.

11.8 Sick Leave Conversion

1. At Retirement (Service or Disability):

Sick leave is forfeited and not cashed out upon retirement, unless an employee has completed ten (10) years or more with the City at the date of retirement.

If years of service is met, one hundred percent (100%) of the value of accrued sick leave will be paid to the employee at retirement as follows:

- a. Payment can be taken as a lump sum cash payment or deposited into the employee's deferred compensation account (as allowed under the terms and conditions of the plan and Internal Revenue Service regulations) or used as a payment to CalPERS to buy service credits.
- b. Only fifty percent (50%) of the accrued sick leave can be allocated to CalPERS to buy service credits.

2. At Separation:

- a. Employees hired on or before June 30, 2022

Sick leave is forfeited and not cashed out upon separation, unless an employee has completed ten (10) years or more with the City at the date of separation.

If years of service are met, fifty percent (50%) of the value of accrued sick leave or 360 hours, whichever is less, will be paid to the employee at separation as follows:

- Payment can be taken as a lump sum cash payment or deposited into the employee's deferred compensation account (as allowed under the terms and conditions of the plan and Internal Revenue Service regulations)

- b. Employees hired on or after July 1, 2022

Sick leave is forfeited and not cashed out upon separation.

Note for Section 11.8: All employees that were serving in the City of Oakley with the Contra Costa Sheriff's Office as of April 15, 2015 shall receive credit for years served with the Contra Costa Sheriff's Office to determine eligibility for sick leave conversion at retirement.

11.9 SICK LEAVE DONATION FOR CATASTROPHIC CIRCUMSTANCES

An employee may be eligible to receive donations from co-workers of up to four-hundred eighty (480) hours of paid sick leave to be included in the employee's sick leave bank, if exhausted, with the City Manager's written approval and only if the employee has suffered a catastrophic illness or injury which prevents the employee from being able to work, and only if the employee is in good standing. A catastrophic illness or injury is a medically certified illness, injury, impairment, or physical condition that prevents an eligible employee from returning to work for a period of sixty (60) or more calendar days.

1. Rules of Sick Leave Donation Program
 - a. An employee is not eligible to receive sick leave donations if the employee is currently receiving workers' compensation, short-term or long-term disability benefits.
 - b. An employee using donated sick leave will not accrue additional sick leave or vacation leave but will continue receiving all other employment benefits.
 - c. Donated sick leave may not be converted into a cash benefit.
2. An Employee may donate sick leave if the donating employee:
 - a. Voluntarily elects to donate sick leave and does so with the understanding that donated leave will only be returned if not used by the affected employee within ninety (90) days of the donation;
 - b. Donates a minimum of eight (8) hours;
 - c. Retains a combined leave balance (vacation and sick) of at least one-hundred sixty (160) hours;
 - d. Donates time in one (1) hour increments. For every one (1) hour of sick leave time donated by the donor, the recipient will be credited with one (1) hour of sick leave. The pay levels of the two employees shall not affect the transaction.
3. Donations are voluntary and the City Manager shall respect an employee's right to privacy, however, the City Manager may, with the express permission of the employee who is in need of leave, inform co-workers of the employee's critical need for sick leave hours. The City Manager or any other employee shall not directly solicit leave donations from employees. The donation of leave shall occur on a strictly voluntary basis.

11.10 On-the-Job Injury

Employees receiving 4850 pay for a work-related injury/disability are entitled to the following:

1. Full credit for all time spent on the work-related injury/disability leave for purposes of their performance evaluations and eligibility for all wage increases. Wage increases shall not be prorated or apportioned based on the amount of time an employee is off work on work-related injury/disability leave.

11.11 Off-the-Job injury

Any injury /illness occurring other than in the service of the City may be compensated for through the provisions of the long-term disability insurance plan provided by the City.

Section 12: OTHER LEAVES OF ABSENCE

12.1 Personnel Leave of Absence without Pay

Upon recommendation of the Police Chief, the City Manager may grant an employee a leave of absence without pay in cases of emergency or where such absence would not be contrary to the best interests of the City. No such leave shall be granted except upon written request, and the approval must be in writing. Requests should be made as far in advance as practical. Such leave shall not exceed three (3) calendar months duration. Loss of service credit will occur for the duration of the leave; no benefit credit will be accrued toward vacation or sick leave. Employee insurance benefits will remain in effect. Performance review will be deferred if necessary or may be rescheduled upon return to work.

12.2 Bereavement Leave

Employees shall be granted up to three (3) working days leave with pay by the Police Chief in the event of death in the immediate family of the employee if death occurred within the State and up to five (5) days if death is outside of the State. ("Immediate family" is defined in "Definitions" section of this MOU).

Additional time off in excess of three (3) or five (5) days may be taken by an employee with prior approval of the Police Chief and the City Manager. Such additional time off is to be charged in the following order:

- a. Accumulated sick leave
- b. Accumulated vacation leave

- c. Accumulated compensatory time
- d. Leave of absence without pay.

12.3 Subpoena

Employees who are subpoenaed to appear as witnesses on behalf of the Federal Government or any of its agencies, the State of California or any of its agencies, or the City of Oakley or any of its agencies, shall be granted leave for such purposes, upon presentation of the subpoena to the Police Chief. Said employees shall receive full pay, for scheduled workdays, for such appearances, provided the employee remits to the City all fees as soon as received by the employee for such appearances.

For appearances in Contra Costa County as a result of a subpoena from the District Attorney, Public Defender, Department of Motor Vehicles or any other Government Agency, compensation shall be as indicated in Section 7 of this MOU.

Compensation or expenditures of the employee, for mileage or subsistence allowances, shall not be considered as a fee and shall be retained by the employee.

12.4 Jury Duty

Employees required to report for jury duty shall be granted leave for such purpose, upon presentation of jury notice to the Police Chief. Said employees shall receive full pay, for scheduled workdays, for the time served on a jury, provided the employee remits to the City all fees as soon as received by the employee for such duties. Compensation for mileage or subsistence allowances shall not be considered as a fee and shall be retained by the employee.

Section 13: LAYOFFS

13.1 City Council Action

The City Council shall determine which position(s) shall be eliminated within the organization. Human Resources shall determine and notify the employee(s) to be laid off as a result of the eliminated position(s).

13.2 Order of Layoffs

To determine which employee is to be laid off as a result of an eliminated position, Human Resources shall use the following procedure:

1. Prepare a list of every employee in the affected classification. (A classification is defined as a position or group of positions sufficiently similar in duties and

responsibilities in which the same title, qualifications, test of fitness and salary range can be applied.)

2. Determine which employee(s) within the classification will be laid off. If there is only one (1) employee in the classification, that employee shall be given a layoff notice.

If there are two (2) or more employees within the same classification, Human Resources shall apply the following order in determining which employee shall be laid off:

First, temporary employees in the classification shall be laid off. The City Manager shall determine which temporary employee(s) shall be laid off.

Second, if there are no temporary employees in the classification, layoff will be determined by seniority in City service.

3. Seniority shall be defined as follows:

As determined by official City payroll records, all service in the employ of the City shall be counted toward the establishment of an employee's City seniority service ranking including temporary, regular part-time, probationary and regular full time, as well as obligatory leaves for military service while an employee of the City. Loss of service credit will occur for the period of a leave of absence without pay. Less than full time service will be consolidated in equivalencies of full-time service for the purpose of establishing City seniority service ranking.

Note: All new employees that were serving in the City of Oakley with the Contra Costa Sheriff's Office as of April 15, 2015 shall receive credit for years served with the Contra Costa Sheriff's Office to determine seniority.

13.3 Displacement Rights

An employee designated to be laid off shall receive written correspondence with at least a minimum thirty-day layoff notification and displacement rights.

13.4 Notification of Displacement

An employee scheduled to be laid off must request displacement in writing to Human Resources within seven (7) working days of receipt of notice of layoff. An employee displacing to a lower or related classification shall be placed at the salary tier representing the least loss of pay. In no case shall the salary be increased above the amount received in the classification from which the employee was laid off.

Employees assuming a lower or related classification shall serve a probationary period in the new classification unless they previously have completed a probationary period in the classification.

13.5 Reemployment

The names of employees laid off or displaced shall be entered on a reemployment list in the inverse order specified in Section 13.2 of this Section. As reemployment opportunities become available in the classification from which the employee was laid off: the employees on the list, commencing with the highest score, shall be offered return to those positions. Reemployment lists shall remain in effect for two (2) years.

Laid-off or displaced employees will be notified of reemployment opportunities by certified mail at the last official known address of the laid-off or displaced employee. It shall be the responsibility of the laid-off or displaced employee to inform the City in writing of any changes in address.

The laid-off or displaced employee must notify Human Resources of acceptance within three (3) workdays of receipt of the mailing as reflected on the postal service certified return receipt. The employee shall be notified of such time limit in the written reemployment offer. Failure to contact the designated City official within such period shall be deemed as rejection of the vacant position and will remove the employee from the reemployment list.

Section 14: EMPLOYEE BENEFITS

14.1 Retirement Plan

Employees shall participate in the California Public Employees Retirement System (PERS) 2.7% at 57 plan pursuant to the terms and conditions of the California Public Employees' Pension Reform Act of 2013 (PEPRA). The plan includes the 4th Level 1959 Survivor's Benefit and a 3% C.O.L.A.

The City does not participate in the Social Security Plan with the exception of the mandatory Medicare (FICA) deduction.

14.2 Disability Insurance

During the term of this agreement, the employee shall pay the cost of long-term disability insurance. The cost for this insurance shall be paid over 24 pay periods through payroll deductions. Should an employee separate from the City prior to the monthly amount being deducted, the City will deduct the difference on the employee's final paycheck.

14.3 Insurance Program

1. Health

The City shall provide a health, dental, vision, and life insurance plan for employees and their dependents.

A health care plan will be available for all employees. The City's monthly health insurances premium contribution each calendar year will be as follows:

December 1, 2022

Employee Only	\$1,235 per month
Employee Plus	\$1,835 per month

December 1, 2023

Employee Only	\$1,235 per month
Employee Plus	\$1,935 per month

December 1, 2024

Employee Only	\$1,235 per month
Employee Plus	\$2,060 per month

December 1, 2025

Employee Only	\$1,235 per month
Employee Plus	\$2,185 per month

December 1, 2026

Employee Only	\$1,235 per month
Employee Plus	\$2,335 per month

If the City's contribution exceeds the cost of the health care premium in any given month, no cash payment shall be made to the employee regardless of the level of coverage with the following exception:

- a. Employees hired before September 30, 2016 whose premium is less than \$1,235 per month, may receive the difference between the covered cost and the \$1,235 as cash in lieu.

If the employee declines health insurance coverage, has submitted a completed waiver form and proof of legally compliant health care coverage, the City will provide a cash in lieu benefit as follows:

- a. Employees hired before September 30, 2016 who have alternate health coverage, will receive a cash in lieu benefit of \$1,235 per month.

- b. Employees hired on or after October 1, 2016, who have alternate health coverage, will receive a cash in lieu benefit of \$400 per month.

2. Dental & Vision

Dental and vision coverage for employee and dependents are currently paid for by the City.

3. Life

The City will provide a life insurance policy of \$100,000 to the employee.

14.4 Wellness Benefit

The City will provide a \$10 per month gym reimbursement to employees with a gym membership to any Oakley gym.

Reimbursement must be made in writing quarterly and proof of payment must be received in order to be considered.

14.5 Deferred Compensation

Employees may participate in the deferred compensation plan in accordance with the guidelines of that plan as long as such a plan is offered to any employees through the City.

14.6

This sub-section is intentionally left blank

14.7 Mileage Reimbursement/Allowance

Whenever an employee is required to use a private vehicle in the conduct of City business, such employee is entitled to reimbursement for actual mileage. Mileage is reimbursed at the rates prescribed by the IRS. Also, in the event of an accident while using a private vehicle on City business, the employee's insurance will be primary; however, the City will cover the employee's deductible cost.

14.8

This sub-section is intentionally left blank

14.9 Retiree Medical

Employees will participate in the Peace Officers Research Association of California (PORAC) Medical Trust. The City will pay four hundred and fifty dollars (\$450) per month into the PORAC Medical Trust on behalf of the employee from the date of hire until the employee's separation date. The \$450 dollar amount will be reviewed annually for increases to reflect increases in salary. After retirement, employees will receive benefits from the Trust based on the years of service and credits accrued once the minimum age and years of the Trust's participation requirements have been met. Contributions will be made for all employees in the Oakley Police Officers Association and employees may not individually elect against participation in the PORAC Medical Trust Plan.

Section 15: UNIFORMS, BOOTS & SAFETY EQUIPMENT

The City shall pay the full cost of employee uniforms and safety equipment. In the event these uniforms are damaged in the course of work or are worn out as a result of normal wear, the uniforms shall be replaced at no cost to the employee.

The City shall cover the cost of laundering/dry cleaning of uniforms at a designated location.

The City has estimated the total cost of uniforms, including the cost of dry cleaning to be approximately \$1,000 per employee annually. This uniform allowance is reportable to CalPERS as compensation for all Classic CalPERS members. The City will report this to CalPERS on a bi-weekly basis in the amount of \$38.46 per pay period. The City and employee will pay the applicable CalPERS contribution on this amount.

The City shall provide one pair of boots to each employee every calendar year, in an amount not to exceed \$200. Boots shall be purchased from vendors and with specifications approved by the Police Chief and worn as directed. Boots do not meet the requirements of CalPERS to be reportable compensation therefore, boots will not be reported to CalPERS.

Uniformed employees required to ride a motorcycle as part of their duties will be issued one pair of motorcycle boots every two years, paid for by the City. Motorcycle boots do not meet the requirements of CalPERS to be reportable compensation therefore, motorcycle boots will not be reported to CalPERS.

Section 16: DISCIPLINARY PROCEEDINGS

16.1 Causes for Disciplinary Action

Employees may be disciplined for just cause including, but not limited to the following:

- a. Fraud of any kind, including in securing appointment or making a false statement on an application for employment
- b. Incompetence, inefficiency, carelessness, inattention, or neglect of duty
- c. Insubordination\ willful disobedience
- d. Less than satisfactory performance
- e. Dishonesty or immorality
- f. Being under the influence of alcohol or medications while on duty
- g. Illegal possession, use, or addiction to the use of narcotics or controlled substances
- h. Unauthorized leave of absence
- i. Abuse of sick leave
- j. Tardiness
- k. Failure to immediately report an accident involving damage to City vehicles and/or equipment
- l. Conviction of a felony or conviction of a misdemeanor involving moral turpitude
- m. Discourteous treatment of the public or other employees
- n. Prohibited political activity in violation of the California Government Code
- o. Abuse or misuse, or appropriation for personal use, of City property
- p. Violation of any of the provisions of the Personnel Rules and Regulations, Departmental Rules and Regulations, and/or any provision of this MOU
- q. Any willful act of conduct undertaken in bad faith, either during or outside of duty hours, which is of such a nature that it causes discredit to the agency, the employee's department or division
- r. Outside employment not specifically authorized by the Police Chief and City Manager
- s. Any other conduct equal to the reasons enumerated about as determined by the Chief of Police

16.2 Types of Disciplinary Action

Types of disciplinary action, which may be taken, in order of severity, are: dismissal, disciplinary demotion, disciplinary suspension, written reprimand, oral warning, or an appropriate combination of these disciplinary actions. The aforementioned types of disciplinary action are defined as follows:

a. Dismissal

The discharge of an employee from City service.

b. Disciplinary Demotion

A permanent change in classification of an employee to a position of lower responsibility and pay for unsatisfactory performance or disciplinary reasons.

c. Disciplinary Suspension

The temporary suspension of an employee from City service, without compensation, for a period not to exceed thirty (30) calendar days in anyone (1) calendar year.

d. Written Reprimand

Notification in writing to the employee that there is a cause for dissatisfaction with the employee's services and that further disciplinary measures may be taken if the cause is not corrected.

e. Oral Warning

Verbal notification to employee that performance did not meet expectations.

16.3 Persons by Whom Disciplinary Action May Be Taken

The City Manager, Police Chief or designee may take disciplinary action against an employee under the City Manager or Police Chief's control for cause. The employee shall be informed of the disciplinary action to be taken within two weeks after the completion of the City's investigation.

16.4 Disciplinary Action Procedure

All disciplinary actions taken against a sworn police employee will be pursuant to and in compliance with the Peace Officer's Bill of Rights as specified in the Government Code.

1. Pre-Disciplinary Action Procedure

Disciplinary action, which would result in loss of employee salary, shall conform to the following procedural safeguards prior to imposition of disciplinary action:

- a. Notice: Written notice of the proposed disciplinary action shall be served upon the employee;
- b. Reasons: Reasons shall be cited for the proposed disciplinary action;
- c. Charge and Material: A copy of the charges and access to material upon which the action is based shall be included;
- d. Employee Response: The employee shall have the right to respond, either orally or in writing, to the authority initially imposing the disciplinary action.

The above stated notice and charges shall be served upon the employee either personally or by certified mail. The charges shall be detailed so as to give the employee fair opportunity to review and respond to the charges.

Upon receipt of the notice and charges, the employee shall have not less than three (3) working days within which to respond in writing or to request an informal non-evidentiary hearing before the person by whom disciplinary action was taken and /or

the Police Chief. The purpose of this hearing is to allow the employee's representative and/or the employee to make any representations believed relevant to the case. The hearing shall be held as expeditiously as possible but not more than three (3) working days after the request for hearing unless there is an agreement to extend by both parties. The hearing shall be subject to taping or transcription.

An employee may be relieved from duty and placed on paid leave pending the final decision of the proposed action if such leave is necessary to protect the public service or public interest.

2. Final Disciplinary Action Procedure

Disciplinary action causing loss of employee salary and any other form of discipline shall be imposed in accordance with the following procedure: A written notice shall be served on the employee and filed with the City Manager with a copy to Human Resources as soon as reasonably possible, but not later than five (5) working days after the date discipline is imposed. The notice shall be served on the employee either personally or by certified mail and shall include:

- a. A statement of the nature of the disciplinary action;
- b. The effective date of the action;
- c. A statement of the cause for the discipline and citing the rule(s) violated; and
- d. Said notice may include conditions or future actions to be taken.

16.5 Right of Appeal - Procedure

An employee shall have the right of appeal from any disciplinary action taken under this article. Such appeal must be filed in writing with the Police Chief with a copy to Human Resources within ten (10) calendar days after receipt of written notice of such disciplinary action. The appeal must state specifically the issue(s) in controversy and the facts upon which the issue(s) is based. The Police Chief will respond within ten (10) days of receipt of the appeal. If the employee is not satisfied with the Police Chief's review, the employee may appeal to the City Manager.

Such appeal must be filed in writing with the City Manager with a copy to Human Resources and the Police Chief within ten (10) calendar days of receipt of the Police Chief's response. In the case of suspensions of three (3) days or more, the City Manager may conduct, upon the employee's request, an independent review of the discipline imposed for the purpose of affirming, modifying or reversing the discipline. The City Manager will respond within ten (10) calendar days of receipt of the appeal.

If the employee is not satisfied with the City Manager's review, the employee may appeal the matter to final appeal hearing officer who shall be selected by the City Manager with input from

the employee. The final appeal hearing officer shall be independent, have had no role in the matter and shall have had previous experience serving in such a capacity. The appeal shall be made in writing to Human Resources within ten (10) calendar days of receipt of the City Manager's decision.

The fees and expenses of the final appeal hearing officer shall be shared equally by employee and the City. Each party, however, shall bear the cost of its own presentation.

The final appeal officer shall conduct a hearing and identify the facts in the case and shall make a final decision on the matter within thirty (30) days of the hearing. The decision of the final appeal officer shall be binding upon both parties.

16.6 Waivers/Withdrawal of Appeal

Notwithstanding any provisions in this article, any time limit or stage of procedure herein provided may be waived upon consent of both parties involved;

At any time after an appeal has been filed, an employee shall have the right to withdraw the appeal by written notification to the City Manager.

Failure of the employee to file an appeal within the period specified constitutes a waiver of appeal.

Failure of the employee to appear at the hearing shall be deemed a withdrawal of the appeal and the action of the Police Chief shall be final.

16.7 Effect of Certain Disciplinary Action Interpretive Suspension

An employee suspended from the City service shall forfeit all rights, privileges and salary, except that the employee shall not forfeit the employee's health plan, pension, long term disability, nor life insurance while on suspension.

Discharge

An employee who has been discharged from City service shall be paid salary accumulated to the effective date of termination, and any accrued compensatory time or vacation leave.

Demotion

An employee who has been demoted shall be reduced from a position in one classification to a position in a lower classification having lesser duties and responsibilities and a lower maximum rate of pay for disciplinary purposes.

Official Reprimand

An employee who has been issued an official reprimand shall be given a written notice, and a copy shall be placed in the employee's personnel file. The employee shall sign an acknowledgment that the employee has received a copy of the written notice.

16.8 Informal Corrective Counseling

1. Purpose

The effective and efficient operation of the Oakley Police Department requires employees to conform to Oakley Police Department standards. The Chief of Police believes that positive correction is often more effective than punishment. Therefore, an informal system of training and counseling has been established to assist employees in improving behavior and performance without the negative effects of lasting disciplinary measures.

The corrective counseling system is designed to give the employee an opportunity to correct behavior by clearly identifying the problem and defining a course of action to correct the problem. This informal written counseling session will remain in the officer's personnel file for the duration of the annual evaluation period. Employees may be placed into the corrective counseling system by a supervisor of the rank of sergeant or above.

2. Interview

The initial step for placement into the corrective counseling system is a meeting available information and conduct any necessary investigation. This meeting allows the employee an opportunity to present an explanation of the incident or behavior and provides the supervisor an opportunity to remind the employee of any rules, policies or procedures that were violated.

At the conclusion of the interview, the supervisor may indicate the need for corrective action, additional training, or increased supervision or the supervisor may require further investigation into the behavior.

If at any time during this process the supervisor should determine that informal corrective counseling is not appropriate and disciplinary action may be recommended the supervisor should discontinue the informal corrective counseling procedure and request further investigation be conducted by an internal affairs investigation through the chain of command.

3. Corrective Action

Each incident requires timely corrective action which directly addresses the employee's behavior problem. Appropriate corrective action can be as simple as the counseling which is provided during the meeting with an employee. Other circumstances may require more stringent monitoring of employee behavior, a more structured work environment, increased supervision, specific training, counseling programs, and medical or psychological evaluation and intervention.

4. Documentation

The supervisor will prepare an informal corrective counseling memorandum to be forwarded through the chain of command and placed into the officer's personnel file, for six (6) months. This memorandum will be addressed to the employee and it will document the issues discussed during the interview and will clearly describe the course of action to be taken to correct the unacceptable behavior.

The employee will have the opportunity to read and sign the memorandum prior to its placement into the officer's personnel file. The signing of the document by the employee is not an admission of culpability. If the employee refuses to sign the memorandum, the supervisor will note the refusal on the memo. The employee will not be ordered to sign the memo. The employee will be given the original memorandum, and a copy will be forwarded through the officer's chain of command.

The officer may prepare a separate memorandum setting forth that officer's position on the situation. This written memo shall be submitted no later than thirty (30) days after the interview and forwarded through the same chain of command as the informal corrective counseling memorandum. The officer's memo shall remain with the informal corrective counseling memo in the officer's personnel file, until they are both purged at the time of the officer's annual evaluation.

The informal corrective counseling system is designed improve an officer's behavior and performance and is not disciplinary. Placement into the informal corrective counseling system is not subject to the grievance procedure.

Section 17: GRIEVANCE PROCEDURE

17.1 Definition

A grievance is a complaint or problem, which arises from the application and/or interpretation of this Memorandum of Understanding.

17.2 Procedural Steps

Any grievance arising from the application and/or interpretation of the provisions of this MOU, wherever possible, should be considered within the Department. Use of this procedure shall not reflect unfavorably on the employee, the supervisor (s), the Police Chief or the general management of the City. Retaliatory or discriminatory action against an employee for using this procedure or discrimination in the application of a rule or policy shall be a violation of City policy.

1. Purpose of Rules

- a. To promote full communication between the City and its employees by providing a reasonable method of resolving disputes regarding the provisions of this MOU, wages, hours and other terms and conditions of employment between the City and the employee.
- b. To assure the employee of a prompt and fair discussion of the issue involved.
- c. To provide that complaints shall be settled as near as possible to the point of origin.
- d. To encourage the prompt resolution of problems and complaints of any employee.
- e. To enable employees to make their complaints known by an orderly process.
- f. To provide that complaints shall be heard and settled informally.

2. Submission of a Complaint, Grievance or Problem

In the informal complaint procedure, the complainant may present a complaint or problem verbally or in writing. If presented verbally, the complainant may, at any stage of the process or review, submit a complaint or problem in writing. The City Manager, the Police Chief or the supervisor may, at any stage of the process or review, request that the complaint or problem be put in writing and submitted.

3. Discussion of Complaint, Grievance or Problem

Any complaint or problem arising out of employment should, wherever possible, be considered within the Department. When a complaint or problem arises, it shall be brought to the attention of the immediate supervisor by the employee involved as soon as possible. Should the employee fail to bring a complaint or problem to the attention of the supervisor within three (3) working days of the date of the action or incident causing the complaint, it shall be considered as a waiver by the employee of the employees' right to submit the complaint.

The supervisor must take action on the complaint and notify the complainant of the action or decision within three (3) working days from the date the complaint was submitted.

If the matter is one which can be adjusted by the immediate supervisor to the satisfaction of the employee, this shall terminate the complaint.

If the matter cannot be adjusted or settled by the immediate supervisor within three (3) working days from the date of submission, or if the complainant is still dissatisfied after the decision of the immediate supervisor, the employee may submit a complaint to the Police Chief. The complaint must be submitted to the Police Chief within three (3) working days from the date of the supervisor's decision or the complaint shall be terminated.

The Police Chief shall confer with the complainant, the supervisor and such other persons as may be necessary to gather all the facts and to find a solution. The Chief must take action and notify the complainant of the action or decision within five (5) working days from the date the complaint was submitted.

4. City Manager Review of Complaint, Grievance or Problem

If the complainant is not satisfied after informal discussions and the Police Chief's decision, the complainant may, within ten (10) calendar days of the date of the Police Chief's decision, request in writing a meeting with the City Manager. Failure of the complainant to make such a request within the ten (10) day period shall terminate the complaint.

Upon receiving the written request, the City Manager shall within seven (7) calendar days, discuss the complaint or problem with the complainant, the complainant's representative, if any, and all principals involved for the purpose of resolving the complaint or problem.

The City Manager may make or cause to be made any inquiry, investigation or compilation of facts deemed necessary to assist in reaching a decision. The City Manager shall render a decision in writing to the complainant with a copy to the Police Chief within fourteen (14) calendar days of the date the complainant's written request was received. The decision of the City Manager shall be final.

Section 18: SAFETY

18.1 Safety Committee Appointment

The Police Department may appoint one (1) employee representative to the City Safety Committee.

18.2 Injury and Illness Prevention Program

The City will provide a comprehensive Injury and Illness Prevention Program (IIPP) which is designed to prevent workplace accidents, injuries and illnesses.

Section 19: PROMOTIONAL GUIDELINES FOR SERGEANTS

1. Human Resources will provide notification of the promotional opportunity at least fifteen (15) days in advance of the closing date for the filing of an application.
2. A promotional memo will be prepared outlining the application process, basic job duties and testing process.

3. To be eligible for a promotion, an employee must have five (5) years prior law enforcement experience, or three (3) years served at Oakley PD, or prior experience as a sergeant or above.
4. All applicants must have completed their probation period prior to submitting an application.
5. Applicants who receive a cumulative score of seventy percent (70%) or higher on the written exam will continue to the panel portion of the selection process.
6. The top five (5) candidates as determined by the panel on the forced ranking sheet will be placed on the eligibility list in alphabetical order and will be given to the Police Chief for consideration.
7. The Police Chief shall have the right to select from any of the top five (5) eligible candidates on the list or from any of the eligible candidates on an eligibility list containing less than five (5) candidates.
8. The list will remain in effect for a period of twelve (12) months.
9. If the eligibility list is exhausted prior to the twelve (12) month period, a new promotional list will be prepared based on the guidelines outlined above.

Section 20: CITY'S EXISTING PERSONNEL POLICIES MANUAL

Reference and guidance for action on any other matters of Department policy not included in this MOU, can be found in the City's Personnel Manual adopted April 25, 2017, or any superseding Personnel Manual in effect.

If an item is covered by both the Personnel Manual and this MOU, the MOU will supersede the Personnel Manual.

Section 21: SEPARABILITY AND SAVINGS

If any provision of this MOU is invalidated by any state or federal legislative or administrative enactment or by a court of law all remaining provisions shall continue in full force and effect for the remainder of this MOU. The parties shall meet and confer within a reasonable timeframe following the invalidation of any provision of this MOU in an effort to negotiate a replacement provision.

Section 22: DURATION OF THE AGREEMENT

This MOU shall continue in full force and effect from July 1, 2022 to and including June 30, 2027. City and Association agree that any provision of this MOU may be modified during this time frame, but only by mutual, written agreement.

City of Oakley

DocuSigned by:

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05/16/2022

Joshua McMurray, City Manager **Date**

DocuSigned by:

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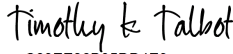
Jack Hughes, Liebert, Cassidy, Whitmore **Date**

Oakley Police Officers' Association

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5/16/2022

Tyler Radcliffe, President **Date**

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5/16/2022

Timothy K. Talbot, Rains Lucia Stern **Date**

Oakley Police Officers Association**Salary Schedule****Effective First Full Pay Period in July of 2022**

Position	Frequency	STEP AA	Step A	Step B	Step C	Step D	Step E	Step F
Police Officer	Hourly	\$ 48.23	\$ 50.64	\$ 53.17	\$ 55.83	\$ 58.62	\$ 61.55	\$ 64.63
	Per Pay Period	\$ 3,858.13	\$ 4,051.04	\$ 4,253.59	\$ 4,466.27	\$ 4,689.59	\$ 4,924.06	\$ 5,170.27
	Monthly	\$ 8,359.29	\$ 8,777.25	\$ 9,216.12	\$ 9,676.92	\$ 10,160.77	\$ 10,668.81	\$ 11,202.25
	Annually	\$ 100,311.47	\$ 105,327.04	\$ 110,593.39	\$ 116,123.06	\$ 121,929.21	\$ 128,025.68	\$ 134,426.96
Police Sergeant	Hourly		\$ 60.64	\$ 63.67	\$ 66.86	\$ 70.20	\$ 73.71	\$ 77.39
	Per Pay Period		\$ 4,851.28	\$ 5,093.84	\$ 5,348.54	\$ 5,615.96	\$ 5,896.76	\$ 6,191.60
	Monthly		\$ 10,511.11	\$ 11,036.66	\$ 11,588.50	\$ 12,167.92	\$ 12,776.32	\$ 13,415.13
	Annually		\$ 126,133.28	\$ 132,439.94	\$ 139,061.94	\$ 146,015.04	\$ 153,315.79	\$ 160,981.58

Oakley Police Officers Association

**Salary Schedule
Effective July 10, 2022**

Position	Frequency	STEP AA	Step A	Step B	Step C	Step D	Step E	Step F
Police Officer	Hourly	\$ 48.23	\$ 50.64	\$ 53.17	\$ 55.83	\$ 58.62	\$ 61.55	\$ 64.63
	Per Pay Period	\$ 3,858.13	\$ 4,051.04	\$ 4,253.59	\$ 4,466.27	\$ 4,689.59	\$ 4,924.06	\$ 5,170.27
	Monthly	\$ 8,359.29	\$ 8,777.25	\$ 9,216.12	\$ 9,676.92	\$ 10,160.77	\$ 10,668.81	\$ 11,202.25
	Annually	\$ 100,311.47	\$ 105,327.04	\$ 110,593.39	\$ 116,123.06	\$ 121,929.21	\$ 128,025.68	\$ 134,426.96
Police Sergeant	Hourly	\$ 60.64	\$ 63.67	\$ 66.86	\$ 70.20	\$ 73.71	\$ 77.39	
	Per Pay Period	\$ 4,851.28	\$ 5,093.84	\$ 5,348.54	\$ 5,615.96	\$ 5,896.76	\$ 6,191.60	
	Monthly	\$ 10,511.11	\$ 11,036.66	\$ 11,588.50	\$ 12,167.92	\$ 12,776.32	\$ 13,415.13	
	Annually	\$ 126,133.28	\$ 132,439.94	\$ 139,061.94	\$ 146,015.04	\$ 153,315.79	\$ 160,981.58	



Memorandum of Understanding July 1, 2022-June 30, 2027

City of Oakley
City Council Meeting
May 24, 2022

MOU with Oakley Police Officers Association

- Set to expire June 30, 2022
- Focus on Recruitment and Retention
- Competitive Compensation and Benefit package in the current market

Significant Changes

- 3-year term to 5-year term
- Merit based to Step System-including a 5% increase in FY 2023 & 2024
- COLA of 3% in each FY 2025, 2026 & 2027
- Adding a tier of 15+ years to vacation accrual
- Increasing sick leave accrual cap to 1,000 hours

Significant Changes Cont.

- Exchange a floating holiday for June 19th- Emancipation Day
- Increase CTO bank to 120, with a limit of 80 rollover hours
- Increasing the number of years you must work in Oakley to cash out sick leave from 5 years to 10 years.

Significant Changes Cont.

- Eliminating sick leave pay out at separation for employees hired after 07/01/2022
- Increasing Health insurance with gradual increases year over year
- Adding uniform service as a reportable compensation to CalPERS

Salary Study Police Officer



Maximum Wage

Salary Study

Police Sergeant



Maximum Wage

Negotiations

- City and OPOA were dedicated to working through the process with shared goals
- Just over two full days of bargaining to reach a tentative agreement

Staff Recommendation

Staff recommends the City Council adopt the proposed resolution approving the memorandum of understanding between the City and the Oakley Police Officers Association for a 5-year term and approve the attached salary schedule which will be effective the first full pay period in July.

STAFF REPORT

DATE: May 24, 2022

TO: Joshua McMurray, City Manager

Approved and Forwarded to the City Council

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

SUBJECT: General Overview of the Fiscal Year (FY) 2022/23 Capital Improvement Program (CIP) and Budget

Background and Analysis

The City Council at its May 10th meeting, in a work session discussed the operations budget for FY 2022/23. As a component of the City's budget, this report outlines the CIP budget for FY 2022/23.

The Capital Improvement Program (CIP) is a major public infrastructure and planning tool for the City of Oakley. The CIP serves as a statement of the City's policies and financial abilities to manage the development of the community. The creation of a five- year CIP provides a systematic plan for providing infrastructure improvements within a prioritized framework and a general schedule for projects to proceed. Projects identified in the CIP meet the City's General Plan.

There are several benefits for developing and adopting a CIP Program. It is important to highlight the fact that the CIP is a planning document. Changes can occur for many reasons. Revenues can fluctuate as a result of changing economic conditions or shifts in City policy. Private economic decisions can also affect the timing, scale, and location of capital projects. The City of Oakley's CIP reflects the Strategic Goals of the City Council and is a critical investment tool for the community to help promote the economic vitality and viability for the City of Oakley.

The CIP for FY 2022/23 is divided into specific projects to address unique needs for each component of the City's infrastructure system (e.g., Streets, Parks & Facilities). This approach provides funding for the infrastructure maintenance, construction of new improvements, and the long-range goals for protecting the quality of the public infrastructure system in the City of Oakley. The funding for CIP projects is generally from the following sources: Measure J Sales Tax, Gas Tax, Development Traffic Impact Fees, Development Park Impact Fees, Federal & State Grants, Assessment District Funds, and the City's General Fund.

Consistency with the Oakley Strategic Plan 27+

This FY 2022/23 CIP program adheres to the City's adopted Strategic Plan 2027+ Finance and Fiscal Responsibility.

Fiscal Impact

There is no direct fiscal impact as result of the CIP program review.

Staff Recommendation

Staff recommends that the City Council provide any input and comments for the proposed FY 2022/23 CIP budget as staff prepares the final budget document for presentation to the City Council on June 14th.

Attachments

1. PowerPoint Presentation
2. Project Summary



General Overview of City's Capital Improvement Program (CIP) for FY 2022/23





Recommended Projects

STREETS

- East Cypress Road Widening (Knightsen Avenue to Jersey Island Road) (\$2,700,000)
- Bethel Island Road (Rock Slough Bridge to Delta Road) (\$400,000) **ARPA Funded**
- Laurel Road Extension (Teton to Sellers) (\$300,000)
- Laurel Road Widening (O'Hara to Cloverbrook) (\$2,500,000)
- Street Repair and Resurfacing Project (\$2,000,000)
- Downtown Gateway Plaza Roadway & Parking Lot Project (\$6,500,000)
- Downtown Parking Lot Project (\$150,000)
- Neroly Road Repair/Resurfacing Project (\$300,000)



Recommended Projects (continued)

PARKS

- Enrico Cinquini Park Construction (\$3,500,000)
- Koda Dog Park Shade Structure (\$150,000)
- Irrigation Well at Freedom Basin (\$200,000)
- Holly Creek Playground Resurfacing (\$403,000)
- Piper Lane Drainage Channel Trash Capture Device (\$400,000) **ARPA Funded**



Recommended Projects (continued)

FACILITIES

- Recreation Center Emergency Generator (\$300,000) **ARPA Funded**
- City Hall Rooftop Solar Power Project (\$550,000)
- City Hall HR Department Remodeling Project (\$450,000)

City of Oakley

FY 2022/2023 Project Summary

Capital Improvement Program for Fiscal Years 2022/23 to 2026/27

			Cypress Grove CFD NO. 1	ARPA	Parks Landscaping Assessment Zone 1	Gas Tax HUTA	Gas Tax RMRA	Stormwater Fund	Measure J	General Capital Projects	Traffic Impact Fee	Park Impact Fee	Public Facilities Impact Fee	2012 Bond Benefit	Main Street Fund	Regional Park Fund	Street Maintenance & Rehab	2016 Debt Service	Emerson Ranch Storm Water (CFD 2015-1)	Facilities Fund
			110	120	132	140	141	145	148	201	202	204	206	221	231	232	235	351	407	502
	Estimated FY 2021/22 Fund Balance	18,320,931	1,438,077	259,025	3,513,268	535,706	809,626	93,909	494,377	4,752	2,603,040	2,173,358	3,342,696	65,231	(7,137)	1,680,469	368,925	43,576	815,753	86,280
	FY 22/23 Revenues	18,581,302	354,167	5,088,595	1,411,587	1,253,770	978,277	500,500	751,090	0	3,583,132	2,552,740	994,471	0		165,000		666,769	281,206	
	FY 22/23 Transfers from General fund	7,720,000								5,260,000					10,000		2,000,000			450,000
	FY 22/23 Grant Contributions	203,000										203,000								
	FY 22/23 Expenditures	(6,476,415)	(349,660)		(1,511,587)	(1,245,243)	(42,204)	(589,321)	(233,775)	(256,697)	(386,034)	(81,420)	(697,909)			(6,340)		(674,479)	(401,206)	(540)
	Total Available for Capital Projects FY 2022/23	38,348,819	1,442,584	5,347,620	3,413,268	544,233	1,745,699	5,088	1,011,692	5,008,055	5,800,138	4,847,678	3,639,258	65,231	2,863	1,839,129	2,368,925	35,866	695,753	535,740

FY 2022/23 Proposed Expenditures																				
Project #	Project Description	FY 2022/2023 Total																		
176	Oakley Regional Community Park Project	0																		
186	West Cypress Road Bridge Reconstruction at CC Canal Project	0																		
187	Main Street Bridge Rehabilitation at CC Canal Project	50,000						50,000												
189	Piper Lane Drainage Channel Trash Capture Device Project	400,000		400,000																
205	Downtown Gateway Plaza Roadway & Parking Lot Project	6,500,000					750,000	750,000	5,000,000											
211	Main Street/Rose Avenue Intersection Improvement Project	0																		
215	Downtown Parking Lot Project	150,000					150,000													
231	Sellers Avenue (Riverrock Drive to CCWD Canal Crossing) Widening and Improvement Project	0																		
246	FY 2021-22 Street Repair and Resurfacing Project	500,000					500,000													
247	East Cypress Road Widening (Knightson Avenue to Jersey Island Road) Project	2,700,000				250,000	100,000	100,000		2,250,000										
248	Holly Creek Restroom Construction Project	100,000									100,000									
249	Recreation Center Emergency Generator Project	300,000		300,000																
252	Downtown Storm Drain (Area 29) Improvement Project	0		0																
255	Cypress Grove Subdivision Pump Station Building Project	0																		
263	O'Hara Avenue/Carpenter Road Intersection Improvement Project	100,000								100,000										
265	Irrigation Well Installation @ City's Freedom Basin Project	200,000									200,000									
268	Main Street/Delta Road Intersection Improvement Project	0																		
269	Main Street/Brownstone Road Intersection Improvement Project	0																		
270	Hall Street Extension Project	0																		
271	Sheriff Annex Building Demolition Project	0																		
273	Laurel Road Extension (TetonRd. To Sellers Av)	300,000								300,000										
274	Neroly Road Repair and Resurfacing (Empire Av to O'Hara Av)	300,000					200,000									100,000				
275	FY 2022/23 Curb, Gutter, Sidewalk Repair and Reconstruction	150,000				150,000														
276	FY 2022/23 Street Restriping	60,000											60,000							
277	FY 2022/23 Traffic Calming	80,000				80,000														
278	FY 2022/23 Traffic Signal Modernization	200,000								200,000										
279	FY 2022/23 Street Repair & Resurfacing	2,000,000														2,000,000				
280	Laurel Road Widening (Cloverbrook Av to O'Hara Av)	2,500,000								2,500,000										
281	Enrico Cinquini Park Construction	3,500,000									3,500,000									
282	Laurel Road and Empire Av Landscaping Mulch	250,000			250,000															
283	Laurel Road Bridge Widening over Marsh Creek	35,000															35,000			
284	Holly Creek Park Playground Resurfacing	403,000									403,000									
285	Bethel Island Road (Rock Slough Bridge to Delta Rd)	800,000		400,000						400,000										
286	City Hall Rooftop Solar Power	550,000										550,000								
287	Koda Dog Park Shade Structure	150,000									150,000									
288	Senior Center Roof & HVAC Repair & Replacement	10,000										10,000								
289	Local Road Safety Plan Project	90,000						90,000												
290	City Hall Human Resources Department Remodeling Project	450,000																		
291	FY 2022-23 ADA Implementation Project	50,000				50,000														450,000
Total Proposed Expenditures FY 2021/22		22,878,000	0	1,100,000	250,000	530,000	1,700,000	0	990,000	5,000,000	5,750,000	4,353,000	560,000	60,000	0	0	2,100,000	35,000	0	450,000
Remaining Unassigned Balances FY 2021/22		15,470,819	1,442,584	4,247,620	3,163,268	14,233	45,699	5,088	21,692	8,055	50,138	494,678	3,079,258	5,231	2,863	1,839,129	268,925	866	695,753	85,740



Agenda Date: _____

Agenda Item: _____

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 is 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 Analyst. 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 in 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



City of Oakley
3231 Main Street
Oakley, CA 94561
www.oakleyinfo.com

NOTICE OF WORK SESSION

NOTICE IS HEREBY GIVEN that on **May 24, 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 **Work Session** at the Council Chambers located at 3231 Main Street, Oakley, CA 94561 for the purposes of considering the item as described below:

Project Name: Work Session #2 to Discuss Drive-Through Restaurants, Carwashes, Gas Stations, and Self-Storage).

Project Location: Citywide..

Applicant: N/A. This is a City-initiated work session.

Request: This is a City Council Work Session to revisit discussion on Drive-Through Restaurants, Carwashes, Gas Stations, and Self-Storage. Specifically, this work session is intended to discuss the feasibility of 1) potentially establishing buffers between residential and assembly uses and commercially zoned properties, and 2) implementing other performance and operation standards, both in relation to the four special uses, as applicable.

How to Review: The Staff Report and its attachments will be available for public review, on or before May 19, 2022 online at www.ci.oakley.ca.us/agendas-minutes-videos-archive/ by navigating to the May 24, 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, Principal Planner 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.

Staff Report from July 13, 2021 Work Session

STAFF REPORT

DATE: July 13, 2021

TO: Joshua McMurray, Interim City Manager

Approved and Forwarded to the City Council

FROM: Kenneth W. Strelo, Principal Planner

SUBJECT: Zoning Ordinance Work Session to Discuss Potential Development Regulations, Performance Standards, and/or Operational Standards for Drive-Through Restaurants, Carwashes, Gas Stations, and Self-Storage

Summary

The purpose of this work session is to discuss potential use-specific amendments to the Zoning Ordinance prior to an upcoming comprehensive Zoning Ordinance Update that will likely follow the current focused General Plan update. Per direction from the City Council during the April 13, 2021 Zoning Code Update Discussion work session, Staff researched other cities' zoning codes for examples of development regulations, performance standards, and/or operational standards related to four specific uses, which are drive-through restaurants, carwashes, gas stations, and self-storage, and provided some of those examples as a springboard for this discussion.

Staff Recommendation

City Council consider the provided examples¹, discuss if any fit for Oakley, produce any other examples that come to mind, deliberate and provide consensus feedback/direction to Staff to draft an Ordinance to amend the Zoning Code, as directed, for consideration at a future meeting.

Background

On April 13, 2021, the City Council held a work session to discuss a Zoning Code Update. The Council was provided information that a comprehensive Zoning Code update would likely follow adoption of the current focused General Plan update, and that there was still opportunity to do a more specific update for certain uses that may warrant immediate attention. Also brought up during this work session was the potential for a moratorium on certain uses. The logistics and pros and cons of a moratorium were also briefly discussed. Per conclusion of the work session (Minutes attached), Joshua McMurray (Interim City Manager / Community and Economic Development Director) provided a list of businesses

¹ Specific examples derived from the following California cities: Visalia, West Covina, Claremont, and Commerce, as well as general discussions researched online.

that deserved a closer look, which included “carwashes, self-storage, gas stations/convenience stores, and quick serves (with and without drive-through). It is noted that today’s work session focuses on drive-through restaurants, which is much more definable than “quick-serve” or “fast-food”, especially if without a drive-through.

Examples of Researched Zoning Codes with Discussion

Staff conducted internet searches for examples of regulatory tools for the topic uses of this work session. Drive-throughs and carwashes produced the most usable results. Gas stations also showed some examples, but self-storage didn’t seem to provide the same amount of information. Nonetheless, Staff has used the examples in all the uses to initiate further discussion for each use.

Drive-Through Restaurants

The examples for drive-throughs were found to apply to all drive-through uses, as well as drive-through restaurants, depending on the city. For the purposes of this discussion, examples were taken from both scenarios.

Performance standards were found in each of the examples and commonly discussed the minimum distance a drive-through would need to be from a residential use. It is noted that a performance standard can also be considered a development regulation and/or operational standard. Here are three examples of performance standards regarding minimum distances:

- The drive-thru lane shall be no less than two hundred fifty (250) feet from the nearest residence or residentially zoned property.
- A minimum distance of fifty (50) feet between the property lines of any residential zone or residential development or other sensitive receptor and the outer perimeter of the drive-through lane(s), outdoor play area, and outdoor seating area shall be maintained.
- A drive-through facility shall be separated from any residential development or residential district by no less than 300 feet, or a freeway.

The Council could consider similar performance standards for drive-through restaurant uses that would require they be located a minimum distance from residential development, or undeveloped but residentially zoned property, as well as other sensitive uses, as defined by the Council, such as schools. The Council could also discuss how many such uses may be within a certain vicinity of each other, which would be a balance of providing customers options while avoiding what could be a saturation of such uses. Staff would encourage that if the Council is in favor of this sort of performance standard, that it be well-defined and

described to address how the distance is measured. To parcel line, drive-through lane, property line, structure, etc., and by shortest distance through air, by walkable route, etc. Other examples of performance standards found related to minimum drive-through stacking requirements, circulation requirements, allowable noise levels, screening of the drive-through lane, orientation of the menu board and speaker box, landscaping, and minimum amount of land required either on the parcel or in conjunction with a shopping center.

Operational standards would apply to how the business must be operated. Typical examples of operational standards related to litter control, graffiti removal, and maintenance plans subject to City review and approval, light and glare, hours of operation when considering surrounding land uses, and manager enforcement of loitering, music, etc. in the parking lot.

Other requirements found during Staff's research included the need for a traffic analysis that addressed parking lot design and pedestrian/bicycle safety, and acoustical analysis. These are things Oakley Staff has also required, but are not currently codified in conjunction with this specific use.

Carwashes

Examples for carwashes were not as prevalent as for drive-through restaurants. Most of the researched zoning code language related to carwashes is either already covered by Oakley's ordinances or standard conditions of approval, such as setbacks, driveway conformance, screening of mechanical equipment, noise standards, stormwater control, building design, and vehicle queuing. A few examples are not currently covered by Oakley, and those included how customer waiting areas shall be designed and include drinking fountains (this would be for non-self-service carwashes), and requiring auto detailing to be done indoors.

It should be noted that although the examples for carwash performance standards were not as prevalent as those given for drive-through restaurants, the Council could consider similar performance standards as those researched for both uses. From a purely land use compatibility point of view, noise and traffic can be analyzed and mitigated for either through project design or conditions of approval/mitigation measures. It is understood that the Council may have concerns over the current trend of carwashes being proposed, and for that, the Council may want to consider saturation limitations or even the use allowances related to specific zones.

Gas Stations

Performance standards for gas stations were mostly related to development standards, such as minimum lot size of 15,000 sf, maximum lot coverage of 40%, building setbacks to public right of way and interior parcel lines, and access and circulation. More specific and unique

standards related to pedestrian access to the convenience store, requiring buildings near the public street and oriented to public view, and requiring a parking area for fuel delivery trucks which does not interfere with vehicle circulation or parking.

Gas stations are similar to the previous two uses, in that they are found to be in demand simply by the nature of their current trend in Oakley, and have become a topic of special interest to some of the public and the Council. Perhaps the most significant example found related to minimum separation of gas stations and how many could be at any single road intersection. The specific language is as follows:

“[...] fueling stations shall be separated by a minimum of five hundred (500' 0") feet, except that a maximum of two (2) fueling stations are permitted at any single intersection. Separation distance shall be measured in a straight line from the property line of said fueling stations. Where two (2) fueling stations are located at a single intersection, the City encourages fueling stations to be sited in such a manner as to serve different flows of traffic. The City may waive the spacing requirements for infill sites or locations affected by roadway widening or other infrastructure improvements.”

Other ideas for discussion could include the following topics:

- Maximum number of stations allowed per population, similar to the tobacco ordinance.
- Requirements to include EV charging stations and plans for eventual conversion to semi- or all-EV charging facility, if it is assumed new development would be standing for a few decades.

Self-Storage

Examples for self-storage performance standards were difficult to come by, but Staff has long been brainstorming ideas for this eventual discussion. If the Council so wishes, Staff recommends the following topics be discussed in relation to self-storage facilities:

- Consider only allowing self-storage in the Light Industrial District by way of a Conditional Use Permit.
- No longer be permitted as part of a mixed-use development in any “Commercial” General Plan Land Use Designation.

- Require a demand study as part of a Conditional Use Permit application, and have that include the number of Oakley and non-Oakley residents the proposed and existing self-storage facilities would serve.

Analysis

The City Council may consider the examples provided and use them as a springboard for either further discussion on any of those examples, or as a means to bring other topics into the work session. Staff will help facilitate the discussion if the Council so desires, and provide technical information as to how the land use processes may apply to any guidance from the Council.

Recommendation

City Council consider the provided examples, discuss if any fit for Oakley, produce any other examples that come to mind, deliberate and provide consensus feedback/direction to Staff to draft an Ordinance to amend the Zoning Code, as directed, for consideration at a future meeting.

Attachments

1. Minutes from April 13, 2021 City Council Meeting (Zoning Code Work Session)
2. Power Point Presentation

Staff Report from September 28, 2021 Public Hearing



Agenda Date: _____

Agenda Item: _____

STAFF REPORT

Date: September 28, 2021

To: Joshua McMurray, Interim City Manager

Approved and Forwarded to the City Council

From: Kenneth W. Strelo, Principal Planner

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 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. The Staff Report for that Work Session included examples of researched codes and potential development regulations and performance standards and/or operational standards for the subject uses. 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 based on the feedback provided by the Council. The applicable minutes of the July 13, 2021 summarize the direction provided to Staff, and are attached for reference.

Explanation of Amendments

Each of the four uses will be covered in a separate subsection of the “Special Land Uses” Article of the City’s Zoning Code. The four subsections will be 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). Examples of existing special land uses in this article include Adult Businesses, Single Room Occupancy, Cultivation of Marijuana, and Tobacco Retailing Businesses. There are a total of 17 subsections, each addressing a specific special land use, two of which are reserved. One of those reserved subsections is subsection 9.1.1210 for “Gasoline Service Stations”. Staff is recommending these four proposed additions be added as new sequential subsections to reflect the chronology of when they were codified. As a result, “Gas Stations” will become a new subsection and “Gasoline Service Stations. – Reserved” will be amended to be reserved with no specific use. Gas Stations will encompass “Gasoline Service Stations”, which could encompass ancillary service to vehicles, and is how the use is currently listed in the OMC.

For each of the four special land uses, the subsection will include a purpose and intent, definitions as necessary, and the development regulations and performance standards and/or operational standards for the subject uses. The proposed language of the ordinance is derived from research conducted by Staff, and feedback and direction provided by the City Council during the July 13, 2021 public Work Session held during a regularly scheduled City Council meeting. The goals of the amendments are to address each of the uses separately with the intent of avoiding over-saturation, ensuring proximity to sensitive land uses is consistently applied, and applying operational standards, such as litter control plans, consistently and appropriately.

Drive-Through Restaurants

Based on the City Council discussion, feedback, and direction to Staff from the July 13, 2021 Work Session, this subsection is to include performance standards for minimum distances between drive-through restaurants and certain sensitive uses, and to codify operational standards that would apply to all newly approved drive-through restaurants. The sensitive uses are proposed to be residential properties or residentially designated land, and public and private schools, as measured to their property lines. Language is also proposed that allows other uses to be considered sensitive, subject to the review and approval of the Community Development Director. Proposed operational standards address litter control plans, hours of operation, and enforcement of loitering/music. Proposed drive-through restaurants will also be required to provide a traffic analysis that specifically analyzes pedestrian/bicycle safety, as well as drive-through lane queuing. Additional acoustical details and/or an acoustical analysis will be required for menu board speakers.

Based on Council feedback from the work session, Staff is not proposing any saturation standards for drive-through restaurants. The Council majority consensus was to clarify the City is not to be involved in the specific business brand, type of food, or whether two drive-through uses may be near each other (options to customers was cited as one

reason), but that the addition of minimum distances to sensitive uses and broadly applied operation standards would be appropriate to address drive-through uses as a special land use. Please refer to the attached draft ordinance for specific language.

Carwashes

The ordinance for carwashes is proposed similar to that for drive-through restaurants with a greater emphasis on an acoustical analysis and language to avoid carwashes from occupying multiple sites within a single commercial center. Saturation standards are also included so as to avoid an over-concentration of carwashes.

Gas Stations

The ordinance for gas stations will include language similar to both drive-through restaurants and carwashes. Council had a majority consensus to not limit gas stations based on market saturation, since they will do that on their own, but did want to allow other uses to occupy major intersections. As a result of that discussion, Staff has proposed a minimum distance of 500 feet between gas stations, except a major intersection (defined as the intersection of two major arterials) may have at least two on any two corners zoned appropriately. The language will also address that in the case of two stations at an intersection, that they each serve two different flows of traffic. The proposed ordinance also addresses pedestrian safety and required parking for fueling trucks. Discussion for requiring EV (electric vehicle) charging stations did not lead to any inclusion of required standards, but there was requests from Council members to encourage both EV charging stations and alternative fuel sources. It is also noted that the 2019 California Green Building Standards Code requires that new construction include adding “EV Capable” parking spaces, which have electrical panel capacity, a dedicated branch circuit, and a raceway to the EV parking spot to support future installation of charging stations. Staff has included language that encourages, but does not require, both, which could be amended at a future date.

Self-Storage

Self-Storage is currently conditionally permitted in the LI (Light Industrial) District, where it is defined as a “Mini-storage Facility”. It is also conditionally permitted in the C (General Commercial) District as part of a mixed-use project that includes retail or other commercial uses along the street front. The latter allowance came from an “Unclassified Use” determination made by the City Manager on August 5, 2014 in regards to the mixed-use project at 4700 Main Street. Self-storage, whether alone or with other retail is not permitted or conditionally permitted in the RB (Retail Business) District. The Council was not keen on only permitting self-storage in the LI District due to possibly out-competing other job-inducing development. Also, the Council maintained that due to the difficulty in attracting new retail, that self-storage may be able to facilitate that sort of development through mixed-use projects. The idea for a demand study was generally agreed upon. This would require applicants for self-storage to show where the demand currently sits, and where it could end up with the inclusion of any new business, as well as show that Oakley residents are the base of

the demand. The idea being Oakley avoids taking on more than its fair share of self-storage based on population demands.

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.

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. Public Hearing Notice
2. Proposed Ordinance

Checklist of Draft Performance and Operational Standards from Previously Proposed Zoning Text Amendment

Name: _____

Please select one check box for each standard.

Standards	In Favor	Not in Favor
Drive-Through Restaurants		
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.	☐	☐
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.	☐	☐
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.	☐	☐
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.	☐	☐
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,	☐	☐

Standards	In Favor	Not in Favor
hedges and landscape materials, and solid walls as approved by the Community Development Director.		
Menu boards shall be oriented or screened to avoid direct visibility from adjacent public streets.	☐	☐
The speaker box on menu boards shall be oriented away from adjacent residential uses or other commercial uses with an outdoor setting.	☐	☐
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.	☐	☐
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.	☐	☐
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.	☐	☐
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.	☐	☐
The on-site manager shall take whatever steps are deemed necessary to assure the orderly conduct of employees, patrons, and visitors on the premises.	☐	☐
Carwashes		

Standards	In Favor	Not in Favor
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.	☐	☐
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.	☐	☐
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.	☐	☐
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.	☐	☐
No portion of the required queuing as determined in the traffic analysis shall obstruct any drive aisles or off-street parking.	☐	☐
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.	☐	☐
Any speaker box on automated payment machine shall be oriented away from adjacent residential uses or other commercial uses with an outdoor setting.	☐	☐

Standards	In Favor	Not in Favor
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.	☐	☐
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.	☐	☐
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.	☐	☐
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.	☐	☐
The on-site manager shall take whatever steps are deemed necessary to assure the orderly conduct of employees, patrons, and visitors on the premises.	☐	☐
Gas Stations		
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.	☐	☐
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	☐	☐

Standards	In Favor	Not in Favor
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.		
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.	☐	☐
The speakers on gas pumps shall comply with all applicable noise regulations in the Oakley General Plan.	☐	☐
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.	☐	☐
Any new gas station shall consider including alternative fuels pumps as an option to customers with alternative fuel vehicles.	☐	☐
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.	☐	☐
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.	☐	☐

Standards	In Favor	Not in Favor
storage. No moving vehicles may be stored in areas visible from the adjacent right of way(s) or be used as signage.		
Hours of operation for entrance to the self-storage area may be limited as a condition of approval in the conditional use permit.	☐	☐
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.	☐	☐
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.	☐	☐
The on-site manager shall take whatever steps are deemed necessary to assure the orderly conduct of employees, patrons, and visitors on the premises.	☐	☐