



AGENDA

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

Tuesday, January 08, 2019
6:30 PM

Oakley City Council Chambers, 3231 Main Street, Oakley, CA

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

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

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.

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1. OPENING MATTERS

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

- 1.1. Call to Order and Roll Call of the Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority**
- 1.2. Pledge of Allegiance to the Flag (Makenzie Marvin, 4th Grade Student at Vintage Parkway Elementary School)**
- 1.3. Recognizing Nancy Roberts for being named Artist of the Year by the Brentwood Art Society**
[Proclamation](#)
- 1.4. Recognition of East Contra Costa Fire Protection District Appointees (Bryan Montgomery, City Manager)**

Suggested Action: Adam Langro

Susan Morgan

Brian Oftedal

[Proclamation Adam Langro](#)

[Proclamation Susan Morgan](#)

[Proclamation Brian Oftedal](#)

2. PUBLIC COMMENTS

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

should submit any Speaker Cards for Public Comments in advance of the Mayor calling for Public Comments.

3. CONSENT CALENDAR

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

- 3.1. Approve the Minutes of the Special Meeting of the Oakley City Council and Regular Joint Meeting of the Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority Meeting held December 11, 2018 (Libby Vreonis, City Clerk)**

[Minutes 12-11-18-Special Meeting](#)

[Minutes 12-11-18-Regular Joint Meeting](#)

- 3.2. Waive the Second Reading and Adopt an Ordinance Amending Chapter 5 of Title 5 of the Oakley Municipal Code regarding Sidewalk Vending (Joshua McMurray, Planning Manager)**

[Ordinance](#)

- 3.3. Waive the Second Reading and Adopt an Ordinance Amending Oakley Municipal Code Section 6.3.126 related to Reimbursement for Street Construction (Steven Graham, Assistant City Attorney)**

[Ordinance](#)

- 3.4. Award of construction contract to Campanella Corporation, for the demolition of the structures at the site of the Oakley Regional Community Park Project - Capital Improvement Project No. 176 (Kevin Rohani, Public Works Director/City Engineer)**

[Staff Report](#)

[1. Resolution](#)

- 3.5. Authorizing application for an exemption to the Metropolitan Transportation Commission (MTC) to designate the Contra Costa County Countywide Bicycle Advisory Committee as the City's representative for the review of projects seeking and utilizing Transportation Development Act (TDA) Article 3 funds (Kevin Rohani, P.E., Public Works Director/City Engineer)**

Staff Report - TDA exempt

1. Reso - TDA exempt

- 3.6. Approving the Agreement with Richard N. Ladiera Tre, for "Stormwater Management Facility Operations and Maintenance Agreement and Right of Entry" for the UPS Facility Expansion Project located at 5300 Live Oak Avenue and authorizing the City Manager to execute the agreement (Kevin Rohani, P.E., Public Works Director/City Engineer)**

Staff Report

1. Resolution

2. UPS Stormwater O&M Agreement

- 3.7. Adopt a Resolution approving the Recognized Obligations Payment Schedule for Fiscal Year July 2019-June 2020 (Deborah Sultan, Finance Director)**

Staff Report

1. Resolution

2. Recognized Obligations Payment Schedule for fiscal year 2019/2020.

- 3.8. Adopt a Resolution approving the Administrative Budget for Fiscal Year July 2019-June 2020 (Deborah Sultan, Finance Director)**

Staff Report

1. Resolution and Administrative Budget for Fiscal Year 2018/2019

Exhibit A to Resolution

- 3.9. Adopt a Resolution Approving a Cost Study and Establishing a Fee for Tobacco Retailer Licenses (Libby Vreonis, City Clerk)**

Staff Report

1. Cost Study

2. Resolution

- 3.10. Adopt a Resolution Supporting a Community Development Block Grant (CDBG) application through Contra Costa County for the Oakley Senior Center (Nancy Marquez, Assistant to the City Manager)**

Staff Report

1. Resolution

- 3.11. Adopt a Resolution for the Purchase of Traffic Signal Poles and Equipment from AZCO Supply Inc. for the Laurel Road/Rose Avenue Intersection**

Improvement Project - CIP 191 (Kevin Rohani, P.E., Public Works Director/City Engineer)

[Staff Report](#)

[1. Resolution](#)

3.12. Road Dedication Associated with the New Oakley Recreation Center Project along 1250 O'Hara Avenue (Kevin Rohani, P.E., Public Works Director/City Engineer)

[Staff Report](#)

[1. Record of Survey Map](#)

[2. Resolution](#)

3.13. Consideration and Adoption of a Resolution Requesting to the Metropolitan Transportation Commission (MTC) for the allocation of Fiscal Year 2019/20 Transportation Development ACT (TDA) Article 3 Pedestrian/Bicycle Project Funding (Kevin Rohani, P.E., Public Works Director/City Engineer)

[Staff Report - TDA Grants](#)

[1. Resolution - TDA Grant](#)

[2. TDA Article 3 Preliminary Application](#)

3.14. Request for Proposals/Qualifications for the City of Oakley General Plan Update (Joshua McMurray, Planning Manager)

[Staff Report](#)

[1. Draft Request for Proposals and Qualifications](#)

4. PUBLIC HEARINGS

5. REGULAR CALENDAR

5.1. FY 2018/19 Second Quarter Report on the Capital Improvement Program (Kevin Rohani, P.E., Public Works Director/City Engineer)

[Staff Report](#)

5.2. Update to the Parks and Facility Reservation Policies and Fees (Lindsey Bruno, Recreation Manager)

Suggested Action: Approve the updated Public Parks and Community Facilities Policies and Fees

[Staff Report](#)

[1. Resolution](#)

2. Revised Parks and Facilities Usage Policy

6. REPORTS

7. WORK SESSIONS

7.1. Work Session -- Discussion of Conceptual Plan for the Oakley Community Park to be located at the north end of Sellers Avenue. (Bryan Montgomery, City Manager/Kevin Rohani, Public Works Director/City Engineer)

Suggested Action: Review the conceptual plan for the Park and provide any further input
[Staff Report](#)

1. [Conceptual Review from 2006](#)

2. [PowerPoint Presentation from April of 2016](#)

3. [Approved Conceptual Plan from April of 2016](#)

8. CLOSED SESSION

8.1. CONFERENCE WITH LABOR NEGOTIATORS-Labor Negotiations with the Oakley Police Officers Association

Pursuant to Government Code Section 54957.6(a)

City Designated Representative: Bryan Montgomery, City Manager

Represented Employees: Employees Covered by the Police Officers Association

8.2. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

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

8.3. Report Out of Closed Session (Steven Graham, Assistant City Attorney)

9. ADJOURN



P r o c l a m a t i o n
honoring
N a n c y R o b e r t s
Brentwood Art Society Artist of the Year

WHEREAS, the City of Oakley, a place for families in the heart of the Delta, takes pride in its citizen involvement; and

WHEREAS, Nancy Roberts, an Oakley resident, is deeply involved in the arts and gives her time generously to create awareness and education of the processes of art; and

WHEREAS, Nancy, a professional artist, teacher, and retired architect, is a vital member of the Delta Gallery, where her classes for both children and adults are among the most popular; and

WHEREAS, she works to shape policies and expand opportunities for the Art Guild of the Delta Collective artists; and

WHEREAS, her Gallery colleagues laud her work ethic and efforts to reach out to artists from the community by coordinating special themed exhibits; and

WHEREAS, Nancy is at her happiest when she's painting and loves to share that joy with others as a friend, teacher, and art community volunteer.

NOW, THEREFORE, BE IT RESOLVED that I, Claire Alaura, Mayor of the City of Oakley on behalf of the Oakley City Council, do hereby honor Nancy Roberts on her achievement of being named the Brentwood Art Society's 2018-2019 Artist of the Year.

Dated: January 8, 2018

Claire Alaura, Mayor



Proclamation

Honoring Adam Langro

Whereas, Adam Langro has served the City of Oakley as Appointee to the East Contra Costa County Fire Protection District Board since May 23, 2017; and

Whereas, the East Contra Costa County Fire Protection District was formed in 2002 by combining the Bethel Island Fire District, the East Diablo Fire District and the Oakley Fire District; and

Whereas, the East Contra Costa County Fire Protection District has been dedicated to protecting the health and welfare of Contra Costa County residents by providing fire services to Oakley and surrounding areas; and

Whereas, Adam has positively contributed to the deliberations and decisions of the East Contra Costa County Fire Protection District Board, has participated in shaping the future of the Fire District and addressed issues concerning the health and welfare of Oakley residents; and

Whereas, Adam truly cares about the health and welfare of Oakley residents and strives everyday to make a difference and has inspired others to do the same; and

Whereas, Adam will continue to serve the Oakley community on the Fire Board under an elected term.

Now, therefore, be it resolved that I, Claire Alaura, Mayor of the City of Oakley on behalf of the Oakley City Council, do hereby recognize Adam Langro for his service to the City of Oakley during his tenure as a City of Oakley Appointee to the East Contra Costa County Fire Protection District.

Dated: January 8, 2019

Claire Alaura, Mayor



Proclamation

Honoring Susan Morgan

Whereas, Susan Morgan has served the City of Oakley as Appointee to the East Contra Costa County Fire Protection District Board since September 12, 2017; and

Whereas, the East Contra Costa County Fire Protection District was formed in 2002 by combining the Bethel Island Fire District, the East Diablo Fire District and the Oakley Fire District; and

Whereas, the East Contra Costa County Fire Protection District has been dedicated to protecting the health and welfare of Contra Costa County residents by providing fire services to Oakley and surrounding areas; and

Whereas, Susan has positively contributed to the deliberations and decisions of the East Contra Costa County Fire Protection District Board, has participated in shaping the future of the Fire District and addressed issues concerning the health and welfare of Oakley residents; and

Whereas, Susan truly cares about the health and welfare of Oakley residents and strives everyday to make a difference and has inspired others to do the same; and

Now, therefore, be it resolved that I, Claire Alaura, Mayor of the City of Oakley on behalf of the Oakley City Council, do hereby recognize Susan Morgan for her service to the City of Oakley during her tenure as a City of Oakley Appointee to the East Contra Costa County Fire Protection District.

Dated: January 8, 2019

Claire Alaura, Mayor



Proclamation

Honoring Brian Oftedal

Whereas, Brian Oftedal has served the City of Oakley as Appointee to the East Contra Costa County Fire Protection District Board since August 9, 2016; and

Whereas, the East Contra Costa County Fire Protection District was formed in 2002 by combining the Bethel Island Fire District, the East Diablo Fire District and the Oakley Fire District; and

Whereas, the East Contra Costa County Fire Protection District has been dedicated to protecting the health and welfare of Contra Costa County residents by providing fire services to Oakley and surrounding areas; and

Whereas, Brian has positively contributed to the deliberations and decisions of the East Contra Costa County Fire Protection District Board, has participated in shaping the future of the Fire District and addressed issues concerning the health and welfare of Oakley residents; and

Whereas, Brian truly cares about the health and welfare of Oakley residents and strives everyday to make a difference and has inspired others to do the same; and

Whereas, Brian will continue to serve the Oakley community on the Fire Board under an elected term.

Now, therefore, be it resolved that I, Claire Alaura, Mayor of the City of Oakley on behalf of the Oakley City Council, do hereby recognize Brian Oftedal for his service to the City of Oakley during his tenure as a City of Oakley Appointee to the East Contra Costa County Fire Protection District.

Dated: January 8, 2019

Claire Alaura, Mayor

Minutes of the Oakley City Council Special Meeting held December 11, 2018

1) Opening Matters

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

Mayor Randy Pope called the meeting to order in the Oakley City Council Chambers located at 3231 Main Street, Oakley, California at 6:01pm. In addition to Mayor Pope, Vice Mayor Claire Alaura and Councilmembers Doug Hardcastle, Sue Higgins and Kevin Romick were present.

1.2 Pledge of Allegiance to the Flag

5th Grade Oakley Elementary Student Madison Garcia led the Pledge of Allegiance to the Flag.

The City Council thanked her.

2) Public Comments

David Weiss thanked the City Council for time to speak. He shared that in May he began a company, Five Dogs LLC, selling wholesale and retail cannibidoil for human and pet consumption. He commented it is premium quality proven by third party certified analysis with each batch made before marketed. He referenced the 2014 Farm Bill (in which grey areas will be further clarified by the 2018 Farm Bill) which provides that cannabis sativa with THC levels under .3% is considered industrial hemp and allowed. He explained his vendor application was denied for the Heart of Oakley Festival and he was informed the product is illegal to be sold in the City. He mentioned he lost his business license and went through a hearing process. He requested the City Council consider that the cannibidoil and industrial hemp are not cannabis sativa and should not be treated as such so the residents of Oakley can receive the benefits of the product.

3) Consent

3.1 Adopt a Resolution Accepting the Results of the Canvass of the November 6, 2018 Consolidated General Municipal Election in Oakley (Libby Vreonis, City Clerk)

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

4) Presentations

4.1 Presentations to Mayor Pope (Vice Mayor Alaura)

Vice Mayor Alaura announced presentations to Mayor Pope.

Councilmember Hardcastle presented a 100,000 Grand candy bar gift basket to Mayor Pope and thanked him for his service as Mayor.

Councilmember Higgins presented photos to Mayor Pope of him and his daughter. She thanked him for his service as Mayor and to the Oakley community.

Vice Mayor Alaura presented Mayor Pope with a proclamation. She thanked him for his leadership, complimented him for running great meetings, and mentioned she hopes to continue in that tradition.

Councilmember Romick presented flowers to Mayor Pope's wife, Kristi, and thanked her for her support.

Vice Mayor Alaura presented Mayor Pope with certificates of recognition from Supervisor Burgis and Congressman McNerney.

Filed Representative Siera Wulbern-Brown presented a certificate of recognition to Mayor Pope on behalf of Senator Glazer.

4.2 Comments by Mayor Pope

Mayor Pope shared that he tried not to say "I" a lot in his position as Mayor as one person is not responsible for anything that is done in the City. He mentioned several year ago, those working in the City became known as "Team Oakley", and as he has thought about the deeds performed, "Team Oakley" best describes what we have here. He mentioned he doesn't have to go far to see other city councils where members do not treat each other respectfully and he is very thankful for his colleagues' professional demeanor and thankful to staff for their efficiency; Oakley can do things with less budget that some larger organizations can't seem to muster. He thanked everyone.

5) Special Orders

5.1 Administration of Oaths of Office to Elected Councilmembers Sue Higgins and Randy Pope (Libby Vreonis, City Clerk)

City Clerk Libby Vreonis administered the Oath of Office to elected Councilmembers Sue Higgins and Randy Pope.

6) Reorganization of the Oakley City Council

6.1 Selection of Mayor and Vice Mayor

It was moved by Councilmember Hardcastle and seconded by Councilmember Romick to appoint Claire Alaura as Mayor. Motion was unanimous and so ordered. (5-0)

It was moved by Mayor Alaura and seconded by Councilmember Pope to appoint Doug Hardcastle as Vice Mayor. Motion was unanimous and so ordered. (5-0)

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

City Clerk Libby Vreonis administered the Oath of Office to Mayor Alaura and Vice Mayor Hardcastle.

6.3 Comments by Newly Appointed Mayor

Mayor Alaura thanked everyone for the honor. She commented that since she and her family have made Oakley their home, the people, places and events have become part of her life and she is proud to guide the City into the future. She mentioned there is no school or guide how to become or be a mayor; she plans to continue doing what she has been doing all along. She expressed that at all meetings she attends, she brings Oakley to the table, she is a voice for Oakley and she looks for projects and grants to advance Oakley. She added she will continue to support economic development to showcase all of East County; and with Oakley's growing and educated workforce ready to end their long commutes, she will meet with representatives to try to bring jobs to the City and patrons for existing businesses. She mentioned she is excited for the upcoming entrepreneur center to help grow local home-based businesses. She also mentioned she will do what she can to keep Oakley one of the top 25 safest cities in which to live. She added Oakley is becoming faced with unique public safety challenges such as the recent school threats which law enforcement handled with urgency and accuracy to solve. She commented that she will continue to have conversations with representatives at the state and federal levels regarding public safety and will continue to support regional efforts for fire safety. She shared that she is an advocate for the people of Oakley and she is here for Oakley and its residents. She thanked everyone for the opportunity to serve. She concluded by stating that as Oakley enters into its 20th year of Cityhood, she wants to make it a great year for all.

Mayor Alaura invited everyone to attend a reception in lobby.

7) Adjourn to Reception

There being no further business, the meeting was adjourned at 6:28 p.m.

Respectively Submitted,

Libby Vreonis
City Clerk

**Minutes of Oakley City Council/Oakley City Council Acting as the
Successor Agency to the Oakley Redevelopment Agency/Oakley
Public Financing Authority held
December 11, 2018**

1) OPENING MATTERS

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

Mayor Alaura called the meeting to order in the Oakley City Council Chambers located at 3231 Main Street, Oakley, California at 6:48pm. In addition to Mayor Alaura, Vice Mayor Doug Hardcastle and Councilmembers Kevin Romick, Sue Higgins and Randy Pope were present.

1.2 Recognition of Leadership Academy Graduates (Nancy Marquez-Suarez, Assistant to the City Manager)

Assistant to the City Manager Nancy Marquez-Suarez presented information regarding the Leadership Academy graduates. She thanked them for their time and participation in the Academy and mentioned she looks forward to their continued involvement.

Mayor Alaura shared that she is a graduate of the second Leadership Academy class. She encouraged participants to share the value of the class and mentioned there is a lot of help the City needs and benefits from participation from the community. She mentioned she graduated under the reign of Mayor Pope; therefore, they will present together. They presented certificates of recognition to graduates from the Office of Supervisor Burgis, the Office of Assemblymember Frazier, the Office of Senator Glazer, the Office of Congressman McNerney and the City of Oakley.

1.3 Proclamation Honoring Nolan Lozano for Achieving Eagle Scout, Oakley Boy Scout Troop 152

Mayor Alaura presented a proclamation to Nolan Lozano on behalf of the City Council honoring his achievement of Eagle Scout.

1.4 Proclamation Honoring Frank M. Beede IV for Achieving Eagle Scout, Oakley Boy Scout Troop 152

Mayor Alaura presented a proclamation to Frank M. Beede IV on behalf of the City Council honoring his achievement of Eagle Scout.

1.5 Introduction of Chief of Police Eric Christensen and Ceremonial Administration of Oath of Office (Libby Vreonis, City Clerk)

City Clerk Libby Vreonis administered the Oath of Office to Chief of Police Eric Christensen.

Chief Christensen's wife Kirsten pinned his badge on him.

Mayor Alaura thanked him and congratulated him.

1.6 Recognition of Investigators involved in the Freedom High School Threats Case (Chief of Police Eric Christensen)

Mayor Alaura introduced the item and thanked everyone involved for resolving the case. She mentioned there was team effort between Oakley Police Officers, the FBI, the DA, the school district and many others and she feels blessed to have such outstanding members in the Oakley community.

Chief of Police Eric Christensen recognized Contra Costa District Attorney's Office Investigator Darryl Holcombe and Oakley Police Officer Casey Minister for their work to identify the suspect. He also recognized Freedom High School Principal Kelly Manke, Superintendent of the Liberty Union High School District Eric Volta and Chief Paul Mulligan, Chief of the DA's Office, for their assistance. He shared that a series of threats were made on social media to students on campus at Freedom High School which eventually included a threat made to Principal Manke. He explained Officer Minister was assigned the case and he has spent much of his career learning about electronic styles for case solving and he reached out to DA Investigator Holcombe; they worked together and brought in more resources as the activities of the suspect increased. He mentioned there was approximately a 1-3% chance to solve the case because of technology being used by the suspect, but because of the diligence of the officers, they identified a suspect, flew to another jurisdiction and enlisted the assistance of that police department, and within 3 hours of landing in that jurisdiction, they had the suspect in custody, all evidence to link him to the case, and the right person who was responsible. He congratulated them on their amazing work. He shared that a Medal of Merit is not given often; it is given for gallantry and is decided upon by an awards committee consisting of top officers. Mayor Alaura presented the Medals of Merit to Officer Minister and Investigator Holcombe.

2) PUBLIC COMMENTS

No online comments or speaker cards were submitted for public comments.

3) CONSENT CALENDAR

- 3.1 Approve the Minutes of the Regular Joint Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority Meeting held November 13, 2018 (Libby Vreonis, City Clerk)**
- 3.2 Approve List of Regular Joint Oakley City Council/ Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority Meeting Dates for 2019 (Libby Vreonis, City Clerk)**
- 3.3 Adopt a Resolution Approving Councilmember Appointments to Committees for the Year 2019 (Libby Vreonis, City Clerk)**
- 3.4 Accept Report Out of Closed Session Memo**

(Steven Graham, Assistant City Attorney)

- 3.5 Ratify Election: Adopt Ordinance No. 18-18 Authorizing the Levy of a Special Tax on Parcels of Land within Tax Area Zone 169 within the Oakley Special Police Tax Area for Police Protection Services for the UPS Distribution Facility located at 5300 Live Oak Avenue (APN 037-100-027) (Kevin Rohani, P.E., Public Works Director/City Engineer)**
- 3.6 Award of Construction Contract to DeSilva Gates Construction LP for the Laurel Road Widening (Rose Avenue to Mellowood Drive) Project - CIP 196 (Kevin Rohani, P.E., Public Works Director/City Engineer)**
- 3.7 Adopt a Resolution Accepting the Comprehensive Annual Financial Report (CAFR), Management Letter and Report on Agreed Upon Procedures for Fiscal Year 2017/2018 (Deborah Sultan, Finance Director)**
- 3.8 Adopt a Resolution Accepting the AB-1600 Development Impact Fee Five Year Report. (Deborah Sultan, Finance Director)**
- 3.9 Annexation No. 16 (5300 Live Oak Avenue-UPS Distribution Facility Expansion) to the City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services) (Kevin Rohani, P.E., Public Works Director/City Engineer)**
- 3.10 Approve the Subdivision Improvement Agreement with Contra Costa County Communities, LLC for Public Park Improvements (Parcel A, exterior to pond – Delaney Park) within Subdivision 9033 (Kevin Rohani, P.E., Public Works Director/City Engineer)**
- 3.11 Accepting the Frontage Improvements Associated with the Frontage Improvement Agreement with Richard & Priscilla Ladeira and United Parcel Service associated with the UPS Facility Expansion Project at 5300 Live Oak Avenue and beginning the one-year warranty period for the frontage improvements (Kevin Rohani, P.E., Director of Public Works/City Engineer)**
- 3.12 Approving the Contract and Grant of Transmission Line Easement for a portion of Laurel Road fronting the Aspen Place Subdivision 9044, the Contract and Grant of Transmission Line Easement for of a portion of 541 Laurel Road, and the Grant of Easement Assignment and Transfer of Agreement for a portion of 3961 Rose Avenue for the Western Area Power Administration Pole Relocation related to CIP 191 Laurel Road/Rose Avenue Intersection Improvement Project (Kevin Rohani, P.E., Director of Public Works/City Engineer)**
- 3.13 Resolution Authorizing the Submittal of a grant application for Sacramento-San Joaquin Delta Conservancy Proposition 1 Funding to Restore a portion of Marsh Creek near Creekside Park (Bryan Montgomery, City Manager)**
- 3.14 Award of Contract to Terracare Associates, LLC for Park and Landscape Maintenance Services for the City of Oakley (Kevin Rohani, P.E., Public Works Director/City Engineer)**

- 3.15 Waive the Second Reading and Adopt Ordinances: (a) Requiring Tobacco Retail License and Related Regulations; and (b) Amending Oakley Municipal Code Section 9.1.1234(c) to include that No Tobacco Retailing Business Shall be Located within One Thousand Feet of Bus Stops Servicing Schools and including P-1 Districts (Libby Vreonis, City Clerk)**
- 3.16 Resolution authorizing the City Manager to execute a contract with Raney Planning and Management, INC. to prepare an Environmental Impact Report (EIR) for the Oakley Logistics Center (Joshua McMurray, Planning Manager)**

Items 3.2, 3.3, 3.7, 3.13 and 3.15 were pulled for discussion.

It was moved by Councilmember Romick and seconded by Vice Mayor Hardcastle to approve the remainder of the Consent Calendar. Motion was unanimous and so ordered.

Item 3.2

City Clerk Libby Vreonis presented the staff report.

Mayor Alaura mentioned she will not be present for the March 12, 2019 meeting; she will be attending the National League of Cities Conference. She inquired if the City Council would like to reschedule the meeting, cancel the meeting or proceed without her.

Councilmember Pope mentioned the meeting can be held on March 12, 2019 and conducted by the Vice Mayor in her absence.

It was moved by Councilmember Romick and seconded by Vice Mayor Hardcastle to adopt the resolutions approving the 2019 meeting dates. Motion was unanimous and so ordered. (5-0)

Item 3.3

City Clerk Libby Vreonis presented the staff report.

Mayor Alaura mentioned she has some proposed changes. She inquired if any of the Councilmembers would be willing to serve on the You, Me, We=Oakley! Committee which meets quarterly. She added Vice Mayor Hardcastle already serves on that Committee.

Councilmember Higgins accepted to serve.

Mayor Alaura mentioned she recommends changing the name of the Ad Hoc Parks Committee to "Oakley Community Park Committee" and asked if anyone would like to change who is on that Committee.

Councilmember Pope commented that the Oakley Community Park will be a big park, but other parks are included in the discussion.

Mayor Alaura inquired how often the Committee meets.

City Manager Bryan Montgomery responded that it is an Ad Hoc committee; therefore, discussions can and do take place mostly by email. He added that the Committee's biggest task will be the Oakley Community Park, but there will be some review of developer parks.

Mayor Alaura commented she wants to be on the committee for the bigger park and recommended splitting the parks to form two committees; one for the bigger park and one for the other parks in Oakley.

Councilmember Romick responded that the rest of the City Council would like to be involved with the bigger park as well. He suggested to have discussions as regular agenda items and the City Council can make decisions related to the 55-acre park.

It was moved by Councilmember Romick and seconded by Councilmember Higgins to approve the proposed committee list for 2019 with Councilmember Higgins serving on the You, Me, We=Oakley! Committee, the Ad Hoc Parks Committee will remain as is, and the 55-acre park will be discussed as regular agenda items by the entire City Council. Motion was unanimous and so ordered. (5-0)

Item 3.7

Finance Director Deborah Sultan presented the staff report.

Mayor Alaura inquired if the master fee schedule is available and if it is on the City's website.

Ms. Sultan explained that there will be a bi-annual review of all fees in 2019, the master fee schedule is in progress and will be posted on the City's website in the Spring when completed.

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

Item 3.13

Vice Mayor Hardcastle recused himself from voting because his property is located nearby.

It was moved by Councilmember Romick and seconded by Councilmember Pope to adopt the resolution. Motion was unanimous and so ordered. (4-0-1)

Item 3.15

Mayor Alaura commented that she wants staff to continue the effort to monitor Federal and State legislation regarding flavored tobacco and related matters and revisit the issue when policies becomes effective for the City to accept or add to it.

Councilmember Higgins expressed that she wants the original version of the ordinance which would include prohibiting the sale of flavored tobacco, including menthol tobacco products and prohibiting the sale of cigars and cigarillos packaged less than 20 quantity.

It was moved by Vice Mayor Hardcastle to waive the second reading and adopt the ordinance with revisions as indicated in the redlined version of the ordinance. It was seconded by Councilmember Romick.

Councilmember Pope commented that he approves to enforce the ordinance as written now and continue to monitor Federal and State action, and settle the matter when the law becomes known.

Councilmember Higgins commented it is a sell-out not to lead. She explained Oakley would not be the only city to prohibit flavored tobacco products and Oakley needs to take a stand and support its youth.

Mayor Alaura commented she agrees; however, they do not have votes tonight to pass it as originally written. She mentioned she is not going to let it die; the City Council will revisit it when Federal law is in effect to see if it is enough for Oakley.

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

4) PUBLIC HEARINGS

4.1 Waive the First Reading and Introduce an Ordinance Amending Chapter 5 of Title 5 of the Oakley Municipal Code regarding Sidewalk Vending (Joshua McMurray, Planning Manager)

Planning Manager Joshua McMurray presented the staff report.

Vice Mayor Hardcastle inquired if the portable fruit stand at the corner of Rose Avenue and Laurel Road would be covered under this ordinance. He mentioned no one has any idea where the produce is coming from.

Mr. McMurray commented it doesn't remove a requirement for a health permit for the sale of food items and the fruit vendor would have to comply with the ordinance.

Mayor Alaura requested a change to page 458 of the agenda which references the Oakley Almond Festival and Hot Oakley Nights. She suggested these events that no longer take place be removed or be changed to general events.

Mr. McMurray indicated it can be revised.

Mayor Alaura opened the public hearing.

No online comments or public speaker cards were submitted for item 4.1.

There was no deliberation.

It was moved by Councilmember Romick and seconded by Councilmember Higgins to waive the first reading and introduce the ordinance as amended. Motion was unanimous and so ordered. (5-0)

5) REGULAR CALENDAR

5.1 Waive the First Reading and Introduce an Ordinance Amending Oakley Municipal Code Section 6.3.126 Related to Reimbursement for Street Construction (Steven Graham, Assistant City Attorney)

Assistant City Attorney Steven Graham presented the staff report.

Councilmember Romick inquired if a project is not developed for 20 years, if the City will ask for reimbursement in today's dollars or future dollars.

Mr. Graham responded it would be in today's dollars with no provision for interest to encourage development.

Councilmember Pope inquired if there is a mechanism in the law to adjust for inflation.

Mr. Graham explained that the City Council could decide to adjust for inflation through an interest or escalator provision to reimburse the City, as the developer has the benefit of the road, but the rest of the public has had that benefit as well. He further explained to have the developer to pay the entire cost plus an escalator on a 20-year road may be why the escalator was left out.

Councilmember Pope commented he is in favor of putting an inflation compensation provision in the ordinance.

Vice Mayor Hardcastle commented that the road depreciates in time; if there is an interest rate and then depreciation, he wonders how it be adjusted.

Councilmember Romick commented that the tax payers are being compensated for what their tax dollars paid for at the time and there is a benefit to have a parcel developed rather than sitting for some time to avoid curb, sidewalk gutter gaps. He mentioned a road could be depreciated and beat up and a developer is not going to want to pay today's dollars plus an escalator; it would impede development.

Councilmember Higgins mentioned she does not want to have an escalator provision.

Mayor Alaura suggested a compromise they pay when improvements are made, but are meanwhile required to fix pot holes that may come up.

Councilmember Romick inquired if it is what the City does anyway to bring a road up to current standards.

Mr. Graham advised that it is within a future City Council's purview to offset the cost of improvements 20 years from now.

Councilmember Pope responded he is willing to accept the consensus of the City Council.

It was moved by Councilmember Pope and seconded by Councilmember Romick to waive the first reading and introduce the ordinance as written. Motion was unanimous and so ordered.
(5-0)

6) REPORTS

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

City Manager Bryan Montgomery reported that there is a mailbox in the City Hall lobby to accept letters to Santa until Friday, December 14. He announced City Hall will be closed the afternoon of December 20 and will reopen January 7. He mentioned essential services will still be provided, but the building will be closed.

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 the Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency

Councilmember Higgins commented that she wants to honor the Freedom High School football team, cheerleaders and parents. She reported she attended the opening of Step Dance on Main Street, holiday events, and a MCE meeting in Napa. She announced she will attend the Chamber meeting tomorrow and the East Contra Costa Fire Protection District reorganization meeting.

Councilmember Pope reported he attended the Habitat Conservancy meeting last week in Brentwood and there will be 2 new members for Pittsburg and Clayton; the date, times and locations of 2019 meetings will be posted when they know who the new members are.

Councilmember Romick reported he was appointed by the CCTA to the San Joaquin Joint Powers Authority, he attended the ribbon cutting of Balfour project widening of Highway 4. He shared the connector ramps Highway 160 to 4 were possible with \$1.3 billion in funding from Measure C and J, ECCRFA funding, and State and Federal funding. He mentioned the next focus is on a third lane to be added in each direction from Morello Avenue in Martinez to Highway 242 which will begin next year.

Mayor Alaura reported Diablo Water District will hold a public hearing Wednesday, January 23 at its office located at Carol Lane in Oakley beginning at 7:30pm to discuss up to a 5.8% rate increase. She reported she attended the Ironhouse Sanitary District reorganization meeting and Pete Zirkle assumed the position of President and Dawn Morrow assumed the position of Vice President. She also reported she attended the Mayors Conference in Walnut Creek December 6 where East Bay Parks discussed an electric bike pilot program. She mentioned they are being allowed in Alameda Creek in Fremont, the Contra Costa Canal in Martinez, and the Ironhouse Trail from Concord to Pleasanton. She mentioned she would like to look at bringing it to the Big Break Trail and requested staff look at ordinances other cities have adopted in relation to electric bikes. She announced the Contra Costa Homeless Continuum of Care is requesting volunteers for its homeless time count in January; training is available and the count will occur January 28 of which data will be provided for possible funding.

(b) Requests for Future Agendas

Councilmember Pope requested on the topic of electric bikes, he would like staff to look into ordinances that also cover electric scooters to ensure safety for all, including when and where to ride them so Oakley is not caught like some of the early adopting cities who were ill prepared.

Mayor Alaura requested an update from the Oakley Youth Advisory Committee regarding the status of Government Day.

7) WORK SESSION

8) CLOSED SESSIONS

9) ADJOURN

There being no further business, the meeting was adjourned at 7:55 p.m.

Respectively Submitted,

Libby Vreonis
City Clerk

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF OAKLEY REGARDING SIDEWALK VENDING**

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

Section 1. Articles 1, 2 and 3 of Chapter 5, Title 5 of the Oakley Municipal Code are amended to read as follows:

“TITLE 5, CHAPTER 5 Outdoor Sales

Article 1 RESERVED

Article 2 OUTDOOR SALES FROM UNENCLOSED STRUCTURES

5.5.202 Purpose.

The purpose of this chapter is to regulate the sale of prepared food, fresh cut flowers or plants, agricultural products, artwork, crafts, goods, wares, merchandise, things or articles of value, seasonal sales events, or any other use determined by the Community Development Director to be a similar type of retail operation. The following regulations shall apply to the operation of outdoor vending facilities when the operations of outdoor vendors are allowed by the Zoning Ordinance in the applicable zone.

5.5.204 Definitions.

"Outdoor Vending Facilities." The sale of prepared food, fresh cut flowers or plants, agricultural products, artwork, crafts, wares, merchandise, things, or articles of value, or the sale of items determined by the Community Development Director to be a similar type of retail operation, from a stand, motorized vehicle, non-motorized stationary or non-stationary cart or pushcart, or any type of sales not within an enclosed building. Vending facilities located within enclosed retail buildings, shopping centers, malls, office buildings and industrial buildings are exempt from the regulations and requirements of this chapter. Sidewalk vendors are excluded from the definition of outdoor vending facilities.

5.5.206 Allowable Locations; Required Permits.

a. Subject to the Community Development Director's approval of outdoor vending permit, the operation of an outdoor vending facility may be permitted in the following locations:

1) An outdoor vending facility may be permitted on a specified portion of private property having a Commercial or Industrial general plan land use designation, or zoned for uses consistent therewith.

2) Additionally, an outdoor vending facility may be permitted on a specified portion of private property having a general plan land use designation or zoning that allows agricultural uses if A) the

agricultural goods sold are grown on the property on which the facility is located, or B) the vendor operating the facility owns or operates an active agricultural enterprise on another property in the City.

b. An outdoor vending permit shall be required for the operation of all outdoor vending facilities.

5.5.208 Outdoor Vending Permit -Term; Required Documentation.

a. The initial term of an outdoor vending permit shall be for up to three months from the date of approval. The Community Development Director may issue an unlimited number of three-month extensions, upon a determination that the findings required in Section [5.5.210](#) of this article are still applicable and that all information required by this section is current.

b. An applicant for an outdoor vending permit shall be required to submit the following documentation:

- 1) An outdoor vending permit application provided by the Oakley Community Development Department;
- 2) A valid business license issued by the City of Oakley or on its behalf;
- 3) A signed sworn statement that the applicant is the owner of the property on which the facility will operate, or a signed statement of the owner granting the applicant permission to use a portion of the property for the proposed use;
- 4) If the applicant has, in the twelve months that preceded the application, conducted a retail sales operation subject to the collection and remittance of sales tax, evidence that the applicant collected and remitted to the California Franchise Tax Board the applicable sales tax. For permit renewals, the applicant must submit evidence of collecting and remitting the applicable sales tax for the period in which the applicant operated the facility in the City; and
- 5) Evidence of any insurance required by the Community Development Director pursuant to this article.

5.5.210 Outdoor Vending Permit – Findings for Approval.

The approval or conditional approval of an outdoor vending facility shall be based on a finding by the Director that the establishment, maintenance or operation of the use and facility will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood, or to the general welfare of the City, based on the materials submitted as part of the application and the Director's independent review and investigation.

5.5.212 Development Standards; Conditions of Permit Approval.

An application for and the operation of an outdoor vending facility shall conform to the following

development standards and be subject to the following conditions of approval of the Community Development Director, based on the application materials and independent investigation of the application:

- a. Except when operated on property lawfully used for agricultural purposes, the facility shall be located on improved private property. For the purposes of this section "improved private property" shall be defined as a property that has a paved legal access and adequate hardscaping to accommodate an outdoor vending facility.
- b. The Community Development Director shall determine the distance of a proposed facility to other outdoor vending facilities and fully enclosed retail businesses engaged in similar commercial activity. The Community Development Director shall ensure that an over-concentration of outdoor vending facilities does not result in the discouragement of permanent enclosed retail businesses in the area of the City in which an applicant proposes to locate a facility. The Director shall additionally ensure that the proximity of a proposed facility to a fully enclosed retail business engaged in similar commercial activity does not harm the economic viability of the enclosed retail business. In making both of those determinations, the Director shall consider the general plan designation of the property on which the applicant proposes to operate the facility, the applicable zoning, the proximity of the property to other zoning districts, and the type of vending proposed.
- c. The Community Development Director shall determine appropriate distance of a proposed outdoor vending facility from any fire hydrant and all driveways that access the property. In addition to other considerations, the Director shall base his/her decision, in part, on information from the Police and Fire Departments, as well as from the City Engineer.
- d. An outdoor vending facility shall not occupy required off-street parking spaces, required landscape areas, or within any required landscaping setback adjacent to a public street.
- e. An outdoor vending facility shall not exceed more than 200 square feet in area.
- f. If located on a property at an intersection, the facility shall be located outside of a 30-foot by 30-foot commercial clear vision triangle.
- g. An outdoor facility shall include trash receptacle(s) and such receptacles shall be maintained, by the vendor, so as not to create an offending odor or visual nuisance. The area on which the open air vending facility is located shall be kept free of debris.
- h. An outdoor vending facility shall not reflect undesirable light and glare from the designated premises.
- i. An outdoor vending facility shall not use, play or employ any sound, outcry, amplifier, loudspeaker, radio or any other instrument or device for the production of sound in connection with the promotion of the operation.
- j. An outdoor vending facility shall not be greater than 10 feet in height.
- k. An outdoor vending facility may not display more than two signs on the identified property.

The signs may not exceed 12 square feet each and shall be attached to the stand, cart, table, or other impermanent facilities used for vending.

- l. Sales shall be from the approved open air vending facility and not from additional accessory stands, tables, chairs, or other devices other than those permitted as indicated on the application.
- m. An outdoor vending facility shall be located on a generally level portion of the site and an adequate breaking system be provided for, as necessary.
- n. The use shall not be closer than 15 feet from the outer edge of any entrance to any building.
- o. Storage and handling of food shall comply with all applicable County and State requirements.
- p. The Community Development Director, in consultation with the Director of Public Works, may require, as a condition of permit renewal, frontage roadway improvements and landscaping for any outdoor vending facility that operates continuously or intermittently from the same location for more than 90 days in a 12-month period, if the improvements are determined to be necessary to protect the health, safety, and welfare of the City.
- q. The operator of an outdoor vending facility must maintain a current daily inventory control sheet at the facility while engaging in the permitted vending and must present it on demand to any City of Oakley employee who requests to see it for the purpose of determining compliance with the conditions of permit approval. A facility's inventory is subject to search by City of Oakley employees to determine that the inventory control sheet is accurate. If a facility operator refuses to produce an inventory control sheet, or if a facility operator's inventory control sheet is not accurate, the facility's outdoor vending permit shall be immediately suspended, pending a showing by the facility operator of the manner in which he/she will correct inventory control problems in the future. The Community Development Directory shall determine whether the proposed corrective plan is adequate. The operator of the facility shall conduct no outdoor sales while the permit is suspended.

5.5.214 Seasonal Events.

- a. A permit shall be required to operate an outdoor vending facility on City property for seasonal events, other recreational athletic league games, and other similar time-limited activities that occur annually but that are not continuous throughout the year. The Community Development Director may issue an outdoor vending permit for the full term of the event, if longer than the standard 15 and 90-day term of such a permit. The Director shall require evidence of any additional permits required for the proposed type of sales, including but not limited to a valid approved license to sell alcoholic beverages. The Director may waive any of the standards and conditions set forth in Section [5.5.212](#) that do not apply to the location of the seasonal event.
- b. A permit shall be required to operate an outdoor vending facility for the sale of goods related to a holiday or season, including but not limited to such facilities as "pumpkin patches" related to Halloween, Thanksgiving, and Christmas tree lots, regardless of whether the facility is associated with a fully enclosed business located on the same property.
- c. Notwithstanding in this article, the Community Development Director shall approve an outdoor

vending permit for the sale of flowers during the calendar week up to and including any holiday, including but not limited to St. Valentine's Day, Mothers' Day, and Easter Sunday, only if the proposed facility is associated with a fully enclosed business located on the same property.

5.5.216 Permit Denial or Revocation.

The Community Development Director may revoke or deny an outdoor vending permit for any of the following causes:

- a. Fraud, misrepresentation, or any false statement made in furnishing the information required by this article;
- b. Any violation of this article;
- c. Conviction of the permit holder of any felony or crime involving fraud, tax evasion, or moral turpitude;
- d. Conducting the vending in an unlawful manner or in such manner as to constitute a nuisance or breach of the peace or to be a menace to the health, safety or general welfare of the people of the City.

5.5.218 Appeal Procedures.

Appeal of the decision of the Community Development Director may be made in accordance with the procedures specified in Chapter [1.8](#) of this Code.

Article 3 SOLICITORS, PEDDLERS AND VENDORS

5.5.302 Purpose.

The purposes of this article are:

- a. The regulation of individuals entering upon private property, particularly private residential property, for the purpose of selling food, merchandise, or services;
- b. The regulation of individuals selling food, merchandise, or services on public sidewalks, public pedestrian paths, or private property whether by foot, vehicle or other mobile device, whether powered by motor, hand or stationary;
- c. To protect the public health, safety and welfare against unlawful activities or operations by individuals falsely representing themselves as vendors;
- d. To protect the public health, safety and welfare by regulating negative land use, public safety, and traffic impacts; and
- e. To balance the rights and interests of those engaged in commercial and nonprofit activities with the rights and interests of those who do not want to be disturbed by such activities on private and

public property.

f. To protect the health, safety and welfare, by ensuring adequate access to infrastructure located in the right of way, adequate path of travel for pedestrians along City rights of way, and the peace and enjoyment of residential zones.

g. To protect the public's use and enjoyment of natural resources and recreational opportunities at City parks and prevent of an undue concentration of commercial activity that unreasonably interferes with the scenic and natural character of City parks.

5.5.304 Definitions.

Whenever used in this article, the following terms are defined as follows:

a. "Engaged in business" means and includes the conducting, managing or carrying on of any such business or helping therewith, by any person in any capacity.

b. "Peddler" means and includes any person carrying, conveying or transporting food, goods, wares, merchandise or other personal property of any nature whatsoever, offering or exposing the same for sale or making sales and delivering articles to purchasers. "Peddler" means and includes the words "hawker" and "huckster."

c. "Person" means and includes the singular and the plural and also means and includes any individual, firm, corporation, association, club, partnership, joint venture, and any other organization.

d. "Solicitor" means and includes any person taking or attempting to take subscriptions, contracts for sale, or orders for the sale of food, goods, wares, merchandise or other personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such person has, carries or exposes for sale a sample of the subject of such sale or whether he/she collects advance payments on such sales or not.

eb. "Vendor" means a Peddler, Solicitor, or any person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one's person at any location other than a building or structure constructed on a permanent foundation which is rented, leased, or owned by the person selling, offering to sell, or soliciting for sale.

c. "Sidewalk vendor" means a Vendor who sells upon a public sidewalk or other pedestrian path.

d. "Roaming sidewalk vendor" means a sidewalk vendor who moves from place to place and stops only to complete a transaction.

e. "Stationary sidewalk vendor" means a sidewalk vendor who vends from a fixed location.

5.5.306 Permit Required.

Except as provided in Section [5.5.308](#), it is unlawful for any person to engage in the business of vendor, or to go from door to door or home to house or street to street for the purpose, direct or indirect, and whether or not the same is the sole purpose, of vending, without first obtaining a permit and paying the applicable fees as provided in this article.

5.5.308 Permit Exceptions.

The following persons and entities shall not be required to obtain the permit required by Section [5.5.306](#):

- a. Persons soliciting orders from, or selling to, retail dealers for use, or for resale or to manufacturers for processing;
- b. Persons with a valid permit issued pursuant to Article 2 of this Chapter and operating pursuant to the terms of that permit;
- c. Public agencies, such as Federal, State or Local agencies supported by tax funds;
- d. Any person operating a regular route not less than once a week for newspapers or such goods as egg, dairy or bakery products, or for laundry or dry cleaning services;
- e. Persons delivering or soliciting for a newspaper of general circulation;
- f. Licensed real estate persons;
- g. Persons solely distributing literature, writings or merchandise which seek to inform or persuade the listener to support particular causes or particular views on economic, political or social issues;
- h. Persons solely soliciting signatures for referenda, recall, initiative, candidates for public office or similar electoral processes; and
- i. Persons soliciting funds for any religious, patriotic, philanthropic, social service, environmental, fraternal, or charitable purposes.

5.5.310 Permit Application.

The Finance Director shall proscribe the forms and procedures for applications for a permit under this article. The forms shall indicate the fee for the application, the fee for the permit and the insurance requirements of this article. The application shall be verified and shall set forth:

- a. Name, birth date, driver's license or other identification number, and description of the applicant;
- b. Permanent home address and telephone number, and local address and telephone number of the applicant;
- c. The name and address for the applicant's business, his/her interest in or relationship with such

business, and if the applicant is employed, the name and address of his/her employer together with credentials establishing the exact relationship between the applicant and such employer;

d. A brief description of the nature of the applicant's business and of the product or service to be peddled, solicited or vended;

e. The length of time for which the permit to peddle, solicit or vend is desired;

f. A statement whether or not the applicant, employee or agent has been convicted of any felony or of any misdemeanor involving injury to person(s) or property, theft, fraud, or misrepresentation within five years;

g. A statement whether or not the applicant has failed to pay any judgment arising from or connected with the activities authorized by the permit;

h. A statement whether or not the applicant has suffered revocation or suspension of any required permit;

i. A statement whether or not the applicant has failed to pay any business license fee or tax imposed by the City of Oakley;

j. A picture (of passport quality) of the applicant and any agent, employee or representative, who will engage in soliciting or peddling activities, for inclusion on the identification card; and

k. Other information the Finance Director deems necessary to process the application.

5.5.312 Permit Issuance.

a. The Finance Director shall refer the application for the permit required by this article to the Police Chief, Community Development Director and other appropriate City officials for investigation and report as necessary. Upon receipt of such reports, the Finance Director shall issue or deny the permit within 30 days of receipt of a completed application. Each permit so issued shall state on the face thereof, the date of expiration.

b. A permit may be denied by the Finance Director on the following grounds:

1) The applicant, employee or agent has been convicted of a felony or misdemeanor involving bodily injury to persons, theft, fraud or misrepresentation;

2) The applicant has violated the provisions of this article;

3) The applicant has violated any other provisions of Title [5](#) of this Code; or

4) The applicant's permit has been previously revoked as provided in this article.

c. The Finance Director shall notify the applicant of the denial by depositing written notice of such decision in the first-class U.S. mail, postage prepaid, addressed to the applicant, not later than

10 days following the date of such decision. A notice of denial of an application must contain a statement of the facts upon which the denial is based and must contain a statement of the appeal procedure contained in Section [5.5.322](#).

d. All permits issued under this article shall be in the form of an Identification Card, which shall include a photo of the permittee, in a format proscribed by the Finance Director.

5.5.314 Permit Use.

Peddlers, solicitors, and vendors shall comply with the following:

a. Display. Every applicant shall be issued a permit to be carried on person and exhibited on request by any person to persons they deal with and shall at all times carry the permit issued hereunder and exhibit it on request to any police officer or designated City official.

b. Activities Creating Nuisance. No solicitor, peddler or vendor, in the course of activities regulated in this article, shall create any public nuisance or disturb the peace and quiet of the neighborhood by the use of loud noise, brilliant lights, or any other actions constituting a public nuisance.

c. Restricted Premises. No person shall peddle or solicit at any premise which are posted with a clearly visible sign bearing the words "No Peddlers or Solicitors" or words of the same import.

d. Hours of Operation. It shall be unlawful for any person to enter upon any residential premises for the purpose of contacting the occupant between 5:00 p.m. and 10:00 a.m., unless that person is invited by or known to the occupant. It is unlawful for any permittee to conduct any activities regulated under the provisions of this article between 10:00 p.m. and 5:00 a.m.

e. Transfer Prohibited. It is unlawful for any person other than the permittee to use or wear any permit issued under the provision of this article.

f. Location of Permitted Activities. No person shall vend in any of the following places within the City:

- 1) Within five hundred (500) feet of the closest point on the property line of a school serving students eighteen (18) years of age or younger;
- 2) Within three hundred (300) feet of the closest point on the property line of a public park or public playground, except upon a public sidewalk or pedestrian path;
- 3) Within three hundred (300) feet of the closest point on the property line of a municipal recreational center, except upon a public sidewalk or pedestrian path;
- 4) Within one hundred (100) feet of any street intersection or crosswalk;
- 5) At a location where space for pedestrian passage will be reduced to less than six feet;

- 6) On any sidewalk or street adjacent to a curb which has been designated as a white, yellow, blue, or red zone;
- 7) Within fifteen (15) feet of any crosswalk, fire hydrant, or driveway;
- 8) Within one hundred (100) feet of any public transit bus stop sign;
- 9) On landscaped areas of public property.
- 10) Within 500 feet of any City-permitted activities, including but not limited to, construction related street or lane closures, special events, swap meets, filming, festivals, or farmer's markets.
- 11) Within the roadway, medians, pedestrian islands, and bikeways.
- 12) Directly in front of any building or within twenty (20) feet of the entrance or exit from any building.

13) Stationary sidewalk vendors are prohibited from operating within all residential zones. All leagues that have reserved by permit a public park or facility shall be exempt from subsections (f)(1) and (10) of this section and shall be allowed to vend only within the space reserved and in compliance with the provisions of the remaining subsections of this section. Leagues are allowed to conduct vending services or allow for another vendor to conduct vending services only during the time that the public park or facility has been reserved for such leagues. Leagues must obtain written permission from the City Manager or his or her agent prior to allowing another vendor to conduct vending services during the time that the public park or facility has been reserved for such leagues.

The vendor designated by the leagues is required to obtain a permit from the City before conducting vending services for the leagues. Leagues shall be responsible for obtaining all necessary licenses and permits. Leagues or other vendor(s) shall provide their own water, electricity and garbage disposal. Alcoholic beverages may not be sold or provided. In the event cooked food is to be provided, the provisions of Section [6.5.124](#) shall apply.

Any vendor operating pursuant to this provision, and any league authorizing any vendor, shall hold the City of Oakley, its employees, agents, officers, and officials harmless and free from any liability, and shall defend and indemnify the City, its employees, agents, officers and officials from any claim, demand or lawsuit brought with respect to any such vendor operation.

g. **Display.** Permittees shall not display any products for sale or advertisements on fences, walls, trees, signs, or any other permanent structure.

h. **Waste Receptacles.** Permittees shall provide waste receptacles for the business customers' use.

i. **Compliance With Law.** This article may not be the sole source of regulation of the activities permitted under this article. Permittees shall comply with all State and Federal laws and all local ordinances.

j. **Insurance.** Every permittee shall obtain and maintain in full force and effect insurance of types

and amounts established by the Finance Director.

(Sec. 1, Ordinance No. 15-13, adopted October 8, 2013; Sec. 1, Ordinance No. 01-11, adopted January 11, 2011)

5.5.316 Fees; Terms.

All applications for permits under the provisions of this article shall be accompanied by an application fee. No application fee paid under this article shall be refunded. All original permits and renewals granted under this article shall also require a fee. All permits issued under the provisions of this article shall be valid for one year. A permit may be renewed by the timely payment of a renewal fee prior to the expiration of the permit. All permits shall cease and terminate 30 days after the default of payment. Any permit that has terminated pursuant to this article shall require the filing of a new application for a permit under this article. No permit fee paid under this article shall be refunded. Such fees shall be established by resolution of the City Council.

5.5.318 Violations.

- a. Each and every violation of the provisions of this Chapter is hereby deemed unlawful and a public nuisance. Each and every violation of the provisions of this Chapter shall constitute a separate violation. Each day a violation is committed or permitted to continue shall constitute a separate offense.
- b. Any person that causes, permits, aids, abets, suffers or conceals a violation of this Chapter shall pay an administrative fine not exceeding one hundred dollars (\$100) for the first violation, an administrative fine not exceeding two hundred dollars (\$200) for a second violation within one year, and an administrative fine not exceeding five hundred dollars (\$500) for a third violation within one year. Any subsequent violation of this Chapter within one year may result in the suspension of a permit issued under this Chapter pursuant to Section 5.5.320.
- c. Any person that causes, permits, aids, abets, suffers or conceals a violation of Section 5.5.306 shall pay an administrative fine not exceeding two hundred fifty dollars (\$250) for the first violation, an administrative fine not exceeding five hundred dollars (\$500) for a second violation within one year, and an administrative fine not exceeding one thousand dollars (\$1000) for a third and any subsequent violation within one year.
- d. When there is determined to be an imminent threat to public health, safety or welfare, the Finance Director may take immediate action to suspend a permit issued under this Chapter and give the permit holder a written notice in person or by mail of the suspension. The notice must contain a statement of the facts upon which the Finance Director has acted in suspending the permit. The notice must contain a statement of the appeal procedure contained in Section 5.5.322.
- e. The City shall provide any person receiving an administrative fine with notice of their right to request an ability-to-pay determination. The City shall make available instructions or other materials for requesting an ability-to-pay determination. The Finance Director, on request of a cited party, must consider the cited person's ability to pay. A cited person may request an ability-to-pay determination at any hearing on the citation, or at any time while the citation remains unpaid,

including when a citation is delinquent or has been referred to a collection program. Based on the ability-to-pay determination, the Finance Director, may exercise their discretion to provide for payment on an installment plan, allow the cited person to complete community service in lieu of paying the total fine, suspend the fine in whole or in part, offer an alternative disposition. If a cited person has already had an ability-to-pay determination on a citation, a cited person may request a subsequent ability-to-pay determination only based on changed circumstances.

5.5.320 Suspension.

Whenever it is shown that any person to whom a permit has been issued has caused, permitted, aided, abetted, suffered or concealed a violation any of the provisions of this Chapter four or more times within one year, the Finance Director shall immediately suspend the permit and give the permit holder a written notice in person or by mail of the suspension. The notice must contain a statement of the facts upon which the Finance Director has acted in suspending the permit. The notice must contain a statement of the appeal procedure contained in Section [5.5.322](#).

5.5.322 Appeals.

Any person aggrieved by the determination of the Finance Director to deny the issuance of a permit, to suspend a permit, or to challenge an “ability-to-pay” determination may appeal such decision to the City Manager. Such appeal shall be taken by filing a written notice of appeal with the City Clerk within 10 days of the date of the decision to deny or revoke and shall set forth the grounds for the appeal. A failure to file a timely appeal shall render the decision to deny or suspend a permit, or the “ability-to-pay” determination final. The City Manager shall set a time and place for a hearing on the appeal within 10 days of the filing of the appeal. The City Manager’s determination following the hearing shall be in writing and shall be sent to the permit holder. The decision of the City Manager shall be final and conclusive.”

Section 2. Severability.

In the event that any section or portion of this ordinance shall be determined to be invalid or unconstitutional, such section or portions shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

Section 3. California Environmental Quality Act (“CEQA”) finding.

The City Council has analyzed this ordinance and determined it is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061(b)(3), which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, as here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Section 4. Effective Date and Publication.

This ordinance shall take effect and be in force and effect thirty (30) days from and after the date of its passage. The City Clerk shall cause the ordinance to be published within fifteen (15) days after

its passage in a newspaper of general circulation, or by publishing a summary of the proposed ordinance, posting a certified copy of the proposed ordinance in the office of the City Clerk at least five (5) days prior to the City Council meeting at which the ordinance is to be adopted, and within fifteen (15) days after its adoption, publishing a summary of the ordinance with the names of the Council Members voting for and against the ordinance.

The foregoing ordinance was adopted with the reading waived at a regular meeting of the Oakley City Council on _____, 2018 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

Claire Alaura, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY AMENDING
SECTION 6.3.126 OF THE OAKLEY MUNICIPAL CODE RELATING TO
REIMBURSEMENT FOR PUBLIC IMPROVEMENTS**

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

Section 1. Section 6.3.126 of the Oakley Municipal Code is hereby amended to read as follows:

6.3.126 City Construction of Frontage Improvements Pursuant to Capital Improvements Program (CIP).

When the City has determined that the frontage improvements required by Section 6.3.100(g) must be completed before development of a particular property to preserve the public health, safety and welfare, has included the frontage improvements as part of a CIP and has funded the CIP, the City shall satisfy the requirements as set forth in Section 6.3.102. Reimbursement of the City's costs shall be a condition of approving development entitlements for the property for which the frontage improvements otherwise would have been a requirement.

- a. The City Engineer shall provide written notice to the property owner and tenants of his/her intent to construct frontage improvements. Notice shall explain that reimbursement of the costs of constructing the improvements shall be a condition of approving development entitlements on or to the property. Notice shall be served at least 45 days in advance of the expected start date of the work on the frontage improvements.
- b. The City Engineer shall issue a notice directed to the record owner of the parcel of the land. The notice shall contain:
 1. The street address and a legal description sufficient for identification of the parcel of land and structures thereon, if any.
 2. A statement that the City Engineer has found frontage improvements necessary to preserve the public safety, health and welfare and a brief and concise description of the frontage improvement work to be performed.
 3. Statements advising that the City Engineer will proceed to cause the work to be done and that reimbursement of the costs of constructing the improvements shall be a condition of approving future development entitlements on or to the property.
 4. Statements advising (i) that any person having any record title or legal interest in the parcel of land may appeal from the notice of any action of the City Engineer to the Planning Commission, provided the appeal is made in writing and filed with the Office of the City Engineer within thirty days from the date of service of such notice and order; and (ii) that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.
- c. Service of Notice. The notice, including any amended or supplemental notice, shall be

served upon the record owner(s) as provided in subsection (d).

- d. Method of Service. Service of the notice shall be made upon the record owner(s) either personally or by mailing a copy of such notice and order by first class mail to each such person at their address as it appears on the last equalized assessment roll of the county or as known to the City Engineer. If no address of any such person so appears or is known to the City Engineer, then a copy of the notice and order shall be so mailed, addressed to such person at the address of the parcel of land involved in the gap closure improvements. The failure of any such person to receive such notice shall not affect the validity of any proceedings. Service by certified mail in the manner herein provided shall be effective on the date of mailing.
- e. Proof of Service. Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the persons effecting service, declaring the time, date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgement of receipt by certified mail shall be affixed to the copy of the notice and order retained by the City Engineer.
- f. Any person having an interest in the parcel shall have the right of appeal as provided for in Article 3 of this Chapter, except that the deadline for filing an appeal stated in Paragraph (b)(4) of this section shall prevail over any deadline stated in that article.
- g. The City Engineer shall construct improvements in accordance with the standards in Article 2 and Titles 8 and Title 9.
- h. The City Engineer shall keep an accurate account of the gap closure cost incurred by the City. Such account shall indicate, where appropriate, the costs attributable to each separate parcel of land upon which the frontage improvement work is performed. Following completion of the frontage improvement work, the City Engineer shall prepare a final itemized written report showing the total costs of the frontage improvements and he/she shall submit such report for confirmation by the City Council at its next available regular meeting. At least 10 days prior to the date of such meeting, a copy of the report together with a written notice of the date on which the same shall be considered by the City Council shall be mailed to the record owner(s) in the same manner as subsection (d) above, stating the City's intent to make reimbursement for the cost incurred a condition of approval of future development of the property. A copy thereof shall be posted at City Hall.
- i. Upon City Council confirmation, the Council shall adopt a resolution indicating that reimbursement shall be a condition of approving the development entitlements. Such resolution shall be certified by the City Clerk, and recorded with the County Recorder, clearly indicating the assessor's parcel number(s) (APN's) of the property.

Section 2. Severability.

In the event that any section or portion of this ordinance shall be determined to be invalid or unconstitutional, such section or portions shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

Section 3. California Environmental Quality Act (“CEQA”) finding.

The City Council has analyzed this ordinance and determined it is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061(b)(3), which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, as here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Section 4. Effective Date and Publication.

This ordinance shall take effect and be in force and effect thirty (30) days from and after the date of its passage. The City Clerk shall cause the ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation, or by publishing a summary of the proposed ordinance, posting a certified copy of the proposed ordinance in the office of the City Clerk at least five (5) days prior to the City Council meeting at which the ordinance is to be adopted, and within fifteen (15) days after its adoption, publishing a summary of the ordinance with the names of the Council Members voting for and against the ordinance.

The foregoing ordinance was adopted with the reading waived at a regular meeting of the Oakley City Council on _____, 2019 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

ATTEST:

Claire Alaura, Mayor

Libby Vreonis, City Clerk

Date

STAFF REPORT

DATE: January 8, 2019

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

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

SUBJECT: Award of Construction Contract to Campanella Corporation for the demolition of structures at the site of the Oakley Community Regional Park Project - CIP 176

Background and Analysis

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

One of the key projects in the City's CIP is the construction of the Oakley Community Regional Park. This project will transform a 55 acre site at the north end of Sellers Avenue that was given to the City as part of the development agreements related to the Emerson and Gilbert Ranch Subdivision projects. This site will be a key feature of the City's park network and a major destination point for the residents and visitors of the community.

This 55 acre site decades ago was used as a complete dairy operation facility with all accommodations for the cattle and employees who worked at the facility. The dairy operations ended over 20 years ago and since then, the site has been dormant and severely deteriorated with buildings and structures falling apart in abandoned condition. The current condition of the site is unsafe and exposes the City with liability in case an accident occurs at the site.

The City undertook a process to develop concept plans for the future design and development of the Oakley Community Regional Park in 2016. A workgroup of staff, consultants, and stakeholders worked over several months to develop a concept plan for the future parks that would accommodate the park and recreational needs of the community. The concept plan was further refined, and after review and input from the City Council; eventually approved by the City Council.

The construction of the new Oakley Community Regional Park will cost approximately \$60M and the City has been exploring grant funding opportunities for the construction of this park. This funding and eventual construction process will take several years to complete and until the construction of the new park starts in the coming years, the site has to be cleaned up and all abandoned structures demolished and disposed of from the property.

Staff has solicited proposals for the demolition and clean-up of the site and received 2 proposals in response to our solicitation. The firms who submitted the proposals were:

Campanella Corporation	\$318,680
Yelton Company Inc.	\$498,838

The above costs include not only the demolition and disposal of the buildings and structures, but also to perform substantial Asbestos and Lead abatement and disposal, which is required, according to California Environmental Regulations.

There are 2 structures which will be kept and not demolished at this site. One is the main house that was occupied decades ago by the previous owners. The house will be renovated and incorporated into the new Oakley Community Regional Park as one of the feature attractions. Also a covered area will be kept to be used as a place for a future City corporation yard.

Fiscal Impact

The construction budget for this demolition project is funded from the Community Park Fund which was allocated in the FY 2016/17 City Budget.

Staff Recommendation

Staff recommends that the City Council adopt the resolution approving the construction agreement with Campanella Corporation for an amount not to exceed \$318,680 and authorize the City Manager to execute said agreement.

Due to variables associated with construction projects, the very competitive unit prices, and to address unforeseen circumstances during the course of construction; staff further recommends that the City Council authorize staff to execute future change orders to the construction contract as necessary in an amount not to exceed \$30,000 for work beyond what is defined in the project. This amount is within the appropriated funds mentioned above.

Attachments

1. Resolution

RESOLUTION NO. __-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING AN AGREEMENT WITH CAMPANELLA CORPORATION FOR THE DEMOLITION OF STRUCTURES AT SITE OF THE OAKLEY COMMUNITY REGIONAL PARK PROJECT - CIP 176

WHEREAS, staff prepared the bid solicitation request along with Asbestos and Lead abatement reports for the demolition and disposal of dormant and abandoned buildings at site of Oakley Community Regional Park; and

WHEREAS, the plans, specifications and special provisions were publicly advertised for bidding, with the bid period closing at 2:00 P.M. on Thursday, November 8, 2018; and

WHEREAS, two (2) qualified bids were received prior to the close of the bidding process; and

WHEREAS, Campanella Corporation submitted the lowest responsible bid for a total cost of \$318,680 for the work; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Oakley that the Agreement with Campanella Corporation for the Oakley Community Regional Park – CIP 176, for an amount not to exceed \$318,680 is approved, and the City Manager is hereby authorized to execute said Agreement and change orders in an amount not to exceed \$30,000 as necessary.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 8th of January, 2019 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

Claire Alaura, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date

STAFF REPORT

DATE: January 8, 2019

TO: Bryan Montgomery, City Manager

Approved and Forwarded to the City Council

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

SUBJECT: Authorizing application for an exemption to the Metropolitan Transportation Commission (MTC) to designate the Contra Costa County Countywide Bicycle Advisory Committee as the City's representative for the review of projects seeking and utilizing Transportation Development Act (TDA) Article 3 funds

Background and Analysis

TDA Article 3 grant program was formed under the Public Utilities Code Section 99200, the purpose of which is to fund projects for the benefit of bicyclists and pedestrians in California. Each year MTC informs municipalities of the TDA Article 3 grant and invites all interested agencies to apply for this grant. Eligible projects can include pedestrian and bicycle safety improvements and development of bicycle safety education programs. The main objective of the TDA Article 3 grant program is to increase the safety and efficiency of pedestrian and bicycle movements and encourage alternative modes of transportation.

MTC requires that each municipality to have a Bicycle Advisory Committee (BAC) to review and prioritize TDA Article 3 projects and to participate in the development and review of comprehensive bicycle plans. However, not every agency has the local resources to form and manage its own BAC. MTC is allowing local agencies to apply for an exemption from the TDA Article 3 BAC requirement if the local agency identifies a countywide BAC as its representative for the review of all TDA Article 3 funded projects.

Each of the members of the Contra Costa County Board of Supervisors have appointed a representative to the BAC, who in turn represent the municipalities within each district. As the City of Oakley falls within County Supervisorial District 3, the County BAC representing District 3 can provide adequate representation of the City of Oakley on the County BAC, for reviewing the City's submitted TDA Article 3 grant application; thus allowing the County BAC to serve as the recommended BAC committee for City of Oakley.

Staff believes that the County BAC will provide adequate representation and support for City of Oakley projects.

Fiscal Impact

The TDA Article 3 funds are an excellent funding source for bicycle and pedestrian improvement projects and securing such funding which has no local match requirement is very important to the City. The TDA Article 3 grant funding will be put in jeopardy if the City does not formally designate the County BAC as its review committee for TDA Article 3 funds and apply for exemption to the MTC City BAC requirement.

Staff Recommendation

Staff recommends that the City Council adopt the resolution identifying the County BAC as the City's review body for all projects seeking and utilizing TDA Article 3 funds, thus meeting the criteria for the City to apply for exemption to MTC from its city requirement.

Attachments

1. Resolution

RESOLUTION NO. __-19

AUTHORIZING THE COUNTYWIDE BICYCLE ADVISORY COMMITTEE FOR PURPOSES OF REVIEWING AND PRIORITIZING TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 (TDA) GRANT APPLICATIONS ON BEHALF OF THE CITY OF OAKLEY

WHEREAS, Article 3 of the Transportation Development ACT (TDA), Public Utilities Code (PUC) Section 99200 et seq., authorizes the submission of claims to a regional transportation planning agency for the funding of projects exclusively for the benefit and/or use of pedestrians and bicyclists; and

WHEREAS, the Metropolitan Transportation Commission (MTC), as the regional transportation agency for the San Francisco bay region, has adopted MTC Resolution No. 4108 entitled "Transportation Development Act, Article 3, Pedestrian and Bicycle Projects," which delineates procedures and criteria for submission of requests for the allocation of "TDA Article 3" funding; and

WHEREAS, MTC Resolution No. 4108 requires that requests for the allocation of TDA Article 3 funding be submitted as part of a single, countywide coordinated claim from each county in the San Francisco Bay Region; and

WHEREAS, MTC's policies and procedures for the TDA Article 3 funding requires input from local bicycle groups and for the FY 2019/20 funding cycle permitted such input to be provided by the Countywide Bicycle Advisory Committee (CBAC), for municipalities without a local Bicycle Advisory Committee; and

WHEREAS, the CBAC includes representatives from each Contra Costa County jurisdiction; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Oakley that the Countywide Bicycle Advisory Committee is hereby designated to act as the Local Bicycle Advisory Committee as the review body, and designates the District 3 representative as the CBAC's representative for the City of Oakley, for the review and prioritization of Transportation Development Act Article 3 applications. This designation is limited to the above-stated purpose, and does not preclude the City of Oakley forming a local Bicycle Advisory Committee at a future date.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 8th of January, 2019 by the following vote:

AYES:

NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

ATTEST:

Claire Alaura, Mayor

Libby Vreonis, City Clerk

Date

STAFF REPORT

DATE: January 8, 2019

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

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

SUBJECT: Approving the Agreement with Richard N. Ladeira, Tre, for “Stormwater Management Facility Operations and Maintenance Agreement and Right of Entry” for UPS Expansion Facility located at 5300 Live Oak Avenue and authorizing the City Manager to execute the agreement

Background and Analysis

The installation of the Permanent Stormwater Pollution Prevention Measures (BMP's) for the UPS Expansion Facility was constructed with the improvements associated with the project. The City's Stormwater Management and Discharge Control Ordinance requires proper operation and maintenance of the permanent BMP's by the respective property owners. The “Stormwater Management Facility Operation and Maintenance Agreement and Right of Entry” memorializes the owner's maintenance, operations and inspection obligation under the City's Ordinance and the approved plans.

Under the Contra Costa Countywide National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permit, projects “deemed complete” after February 15, 2005 are to comply with the provisions of the Permit. The City adopted an Ordinance, as required by the Permit, to enable this activity within the City of Oakley. A requirement of the permit is that each property implement stormwater treatment devices, fund the perpetual maintenance of those devices, and enter into an agreement with the City stating that the property owner will maintain the devices, grant a right of entry to City staff for inspections, and agree to pay the cost of City inspections.

Fiscal Impact

There is no fiscal impact associated with the agreement since all inspection, operations, and maintenance costs are the responsibility of the property owners.

Staff Recommendation

Staff recommends that the City Council adopt the resolution approving the “Stormwater Management Facility Operations and Maintenance Agreement and

Right of Entry” for the UPS Expansion Facility and authorize the City Manager to sign the agreement on behalf of the City.

Attachments

- 1) Resolution
- 2) “Stormwater Management Facility Operation and Maintenance Agreement and Right of Entry” for the UPS Expansion Facility Project

RESOLUTION NO. ____-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY, CALIFORNIA, APPROVING THE AGREEMENT WITH RICHARD N. LADEIRA TRE (APN 037-100-027) FOR “STORMWATER MANAGEMENT FACILITY OPERATION AND MAINTENANCE AGREEMENT AND RIGHT OF ENTRY” FOR THE UPS EXPANSION FACILITY LOCATED AT 5300 LIVE OAK AVENUE AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, the City of Oakley’s Stormwater Management and Discharge Control Ordinance requires proper operation and maintenance of the Permanent Stormwater Pollution Prevention Measures installed for the UPS Expansion Facility Project; and

WHEREAS, the “Stormwater Management Facility Operation and Maintenance Agreement and Right of Entry” memorializes the owner’s maintenance, operations, and inspection obligations under the City’s Ordinance and the approved plans; and

WHEREAS, the installation of the Permanent Stormwater Pollution Prevention Measures for the UPS Expansion Facility is consistent with the approved improvements plans; and

WHEREAS, Richard N. Ladeira Tre, the current owner of the lot described in Exhibit A, desires to execute the “STORMWATER MANAGEMENT FACILITY OPERATION AND MAINTENANCE AGREEMENT AND RIGHT OF ENTRY”; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the City Council of the City of Oakley does hereby approve the “STORMWATER MANAGEMENT FACILITY OPERATION AND MAINTENANCE AGREEMENT AND RIGHT OF ENTRY” for the UPS Expansion Facility in the form attached hereto and authorizes the City Manager to execute the agreement.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 8th of January, 2019 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

ATTEST:

Claire Alaura, Mayor

Libby Vreonis, City Clerk

Date

11/7/2007

**Recording Requested By:
CITY OF OAKLEY**

**Return to: CITY OF OAKLEY
City Clerk
3231 Main Street
Oakley, CA 94561**

Document Title

CITY OF OAKLEY

**COVENANT RUNNING WITH THE LAND,
STORMWATER MANAGEMENT FACILITY OPERATIONS
AND MAINTENANCE AGREEMENT, AND RIGHT OF ENTRY
(Single Parcel)**

**PROJECT: UPS FACILITY EXPANSION PROJECT
5300 LIVE OAK AVENUE**

OWNERS NAMES: RICHARD N. LADEIRA TRE

ASSESSOR'S PARCEL NUMBER: 037-100-027

**COVENANT RUNNING WITH THE LAND,
STORMWATER MANAGEMENT FACILITIES
OPERATION AND MAINTENANCE AGREEMENT,
AND RIGHT OF ENTRY**

This Covenant Running with the Land, Stormwater Management Facilities Operation and Maintenance Agreement and Right of Entry ("Agreement") is made and entered into this 8th day of January, 2019, by and between Richard N. Ladeira TRE (hereinafter referred to as "Property Owner") and The City of Oakley, a municipal corporation ("City").

The following terms used in this Agreement shall have the meanings specified below:

DEFINITIONS

Maintain: The term "**Maintain**" or "**Maintained**" shall mean taking all actions reasonably necessary to keep the Stormwater Facility in first class operation, condition and repair, which actions include but are not limited to regular inspections, painting, cleaning, maintenance, refinishing, repairing, replacing and reconstructing the Stormwater Facility, and in the case of landscaping, plant replacement, mulch replacement, irrigating, trimming, mowing, and fertilizing the landscaping. The term shall also include the routine maintenance, and the annual inspection and reporting described in the Stormwater Control Operation and Maintenance Plan, and the payment of any applicable City fees.

NPDES Permit: The term "**NPDES Permit**" shall mean the Central Valley Regional Water Quality Control Board's National Pollutant Discharge Elimination System (NPDES) Permit No. CAS0085324 (issued to the City of Oakley) as amended, and as may be superseded by subsequent NPDES permits that are reissued from time to time.

Ordinance: The term "**Ordinance**" shall mean Chapter 11 of Title 6 of the City of Oakley Municipal Code (Stormwater Management and Discharge Control), as may be amended from time to time.

Property Owner: The term "**Property Owner**" and "**Property Owners**" shall mean RICHARD N. LADEIRA TRE or LESSEE, and all heirs, successors, executors, administrators and assigns of UPS FACILITY EXPANSION PROJECT in the Property, it being the intent of the parties hereto that the obligations undertaken in this Agreement, as provided in Civil Code section 1468, run with the Property described in Exhibit A and constitute a lien against the Property.

Property: The term "**Property**" shall mean that certain real property located at 5300 Live Oak Avenue, and more particularly described in Exhibit A which is attached hereto and hereby incorporated herein by reference.

Plan: The term "**Plan**" or "**Operation and Maintenance Plan**" means the City-approved Stormwater Control Operation and Maintenance Plan prepared by LCC Engineering and Surveying, Inc. and approved by the City Engineer in writing, which may be subsequently modified from time to time with City Engineer's written approval.

Stormwater Facility: The term "**Stormwater Facility**" means the permanent stormwater management facilities located and constructed on the Property.

RECITALS

This Agreement is made and entered into with reference to the following facts:

- A.** The Property Owner is the owner of the real property more particularly described on the attached Exhibit A.
- B.** The City is the owner of Live Oak Avenue and its storm drains that are adjacent to the Property, and the City is required to ensure that stormwater run-off from the Property into its storm drains meets the requirements of its NPDES Permit.
- C.** To meet its obligations under its NPDES Permit the City has required the Property Owner to construct the Stormwater Facility on the Property.
- D.** To meet its obligations under its NPDES Permit the City has approved the Property Owner's Operation and Maintenance Plan for the Stormwater Facility.
- E.** To meet its obligations under its NPDES Permit the City's Ordinance requires proper operation and maintenance in perpetuity of the Stormwater Facility constructed on the Property.
- F.** The Plan includes an annual inspection and reporting requirement for the Stormwater Facility constructed on the Property.
- G.** This Agreement memorializes the Property Owner's maintenance, operations, and inspection obligations under the City's Ordinance, the City's NPDES Permit and the Plan.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

SECTION 1

Responsibility for Operation and Maintenance: No portion of the Stormwater Facility may be altered, in any way, by the Property Owner without the prior written consent of the City Engineer of the City of Oakley. The Property Owner shall Maintain the Stormwater Facility in first class operating condition, and in compliance with all applicable state, county and city laws and regulations. Applicable regulations include, but are not limited to, the City-approved Stormwater Control Operation and Maintenance Plan, and the provisions of the Ordinance, as they may be amended from time to time.

The Property Owner shall engage a landscape contractor or other licensed contractor to Maintain the Stormwater Facility. The City Engineer, in her or his sole absolute discretion, may approve an alternate method for the maintenance of the Stormwater Facility. The City Engineer, also in her or his sole absolute discretion, may revoke the approval of a previously approved alternate method for the maintenance of the Stormwater Facility.

SECTION 2

Inspection by Property Owner: The Property Owner shall cause its contractor to conduct annual inspections during the month of July of each year. The annual inspection report shall include completion of the checklist described in the approved Operation and Maintenance Plan. The Property Owner or its contractor must submit the inspection report to the City Engineer within 30 days after the annual inspection. A Management and/or Inspection fee established in the City's standard fee schedule shall accompany the annual inspection report.

SECTION 3

Right of Entry and Stormwater Facility Inspection by the City: The Property Owner hereby grants permission to the City, its authorized agents and employees, and the Central Contra Costa Sanitary District, the Contra Costa County Fire Protection District, County Environmental Health Department, the Contra Costa Mosquito and Vector Control District, and the Regional Water Quality Control Board to enter the portion of the Property where the Stormwater Facility is located, and to inspect the Stormwater Facility whenever any of the forgoing entities deems necessary to enforce provisions of the City's Ordinance. These entities may enter the premises at any reasonable time to inspect the Stormwater Facility's maintenance and operation, to inspect and copy records related to compliance with stormwater regulations, and to collect samples and take measurements. Whenever possible, these entities will provide notice prior to entry.

SECTION 4

Failure to Perform Required Stormwater Facility Repairs or Maintenance by the Property Owner: If the Property Owner or its successors fails to Maintain the Stormwater Facility in good working order and in accordance with the approved Plan and the City's Ordinance, the City, with prior notice, may enter the Property to return the Stormwater Facility to good working order. The City is under no obligation to Maintain or repair the Stormwater Facility, and this Agreement may not be construed to impose any such obligation on the City. If the City, under this section takes any action to return the Stormwater Facility to good working order, the Property Owner shall reimburse the City for all the costs incurred by the City, including administrative costs. The City will provide the Property Owner with an itemized invoice of the City's costs and the Property Owner will have 30 days to pay the invoice. If the Property Owner fails to pay the invoice within 30 days, the City may secure a lien against the real property of the Property Owner in the amount of such costs. In addition the City may make the cost of abatement of the nuisance caused by the failure to maintain the Stormwater Facility a special assessment against the Property that may be collected at the same time and in the same manner as ordinary municipal taxes are collected as provided in Government Code section 38773.5. This Section 4 does not prohibit the City from pursuing other legal recourse against the Property Owner.

SECTION 5

Indemnity: The Property Owner agrees to defend, indemnify and holds harmless the City, its officials, employees and its authorized agents from any and all damages, accidents, casualties, occurrences, claims, penalties or fines which might arise or be asserted against the City and which are in any way connected with the construction, operation, presence, existence or maintenance of the Stormwater Facility by the Property

Owner, or from any personal injury or property damage that may result from the City or other public entities entering the Property under Section 3 or 4.

SECTION 6

Successors and Assigns: The covenants of the Property Owner set forth in numbered Sections 1 through 5 above shall run with the land, and the burdens thereof shall be binding upon each and every part of the Property and upon the Property Owner, its successors and assigns in ownership (or any interest therein), for the benefit of Live Oak Avenue and its storm drains and each and every part thereof and said covenants shall inure to the benefit of and be enforceable by the City, its successors and assigns in ownership of each and every part of the Street and storm drains.

SECTION 7

Severability: Invalidity of any one of the provisions of this Agreement shall in no way effect any other provisions and all other provisions shall remain in full force and effect.

Recommended for approval:

City of Oakley:

City Engineer
Kevin Rohani

City Manager
Bryan H. Montgomery

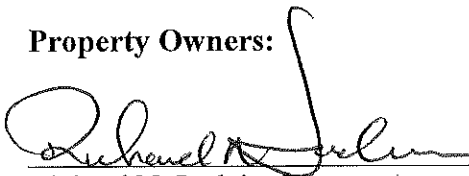
Reviewed by:

Attest:

City Attorney
Derek P. Cole

City Clerk
Libby Vreonis

Property Owners:



Richard N. Ladeira Tre

Attachments: Acknowledgements
Exhibit A

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of Contra Costa)On November 29, 2018 before me, Christine A. Keller - Notary Public,

Date

Here Insert Name and Title of the Officer

personally appeared Richard N. Ladeira

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity~~(ies)~~, and that by his/~~her/their~~ signature~~(s)~~ on the instrument the person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

Signer's Name: _____

☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

EXHIBIT A
Legal description

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 037-100-027

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF OAKLEY, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

Parcel One:

Lot 4, as designated on the Record of Survey filed January 27, 1978, Book 64, of Licensed Surveyors Maps, Page 5

EXCEPTING THEREFROM

1. Mineral rights reserved in the Deed from Milton F. Johnstone, et al, recorded April 7, 1978, Book 8782, Official Records, Page 623, as follows

Fifty percent (50%) of all oil, gas, casinghead gas, asphaltum and other hydrocarbons and all chemical gas now or hereafter found, situated or located in all or any portion of the lands described herein lying more than five hundred feet (500') below the surface thereof, together with the right to slant drill for and remove all or any of said fifty percent (50%) of all oil, gas, casinghead gas, asphaltum and other hydrocarbons and chemical gas lying below a depth of more than five hundred feet (500') below the surface thereof, but without any right whatsoever to enter upon the surface of said land lands or upon any portion thereof within five hundred feet (500') vertical distance below the surface thereof

2. Mineral rights reserved in the Deed from Stonegate, a partnership, recorded Noi'ember 6, 1984, Book 12052, Official Records, Page 769, as follows

Fifty percent (50%) of all oil, gas, casinghead gas, asphaltum and other hydrocarbons and all chemical gas now or hereafter found, situated or located in all or any portion of the lands described herein lying more than five hundred feet (500') below the surface thereof, together with the right to slant drill for and remove all or any of said fifty percent (50%) of all oil, gas, casinghead gas, asphaltum and other hydrocarbons and chemical gas lying below a depth of more than five hundred feet (500') below the surface thereof, but without any right whatsoever to enter upon the surface of said land lands or upon any portion thereof within five hundred feet (500') vertical distance below the surface thereof

Parcel Two:

An easement (not to be exclusive) for utility purposes, as an appurtenance to Parcel One above over the West feet of Lots 1, 2, and 3 as shown on said Record of survey (64 LSM 5), as granted in the Deed to Richard N. Ladeira, et ux, recorded November 6, 1984 in Book 12052, Official Records, Page 769.

STAFF REPORT

DATE: January 8, 2019
TO: Bryan Montgomery, City Manager
FROM: Deborah Sultan, Finance Director

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

Bryan H. Montgomery, City Manager

**SUBJECT: Resolution Approving a Recognized Obligations Payment
Schedule For the Fiscal Year July 2019 to June 20**

Background and Analysis

SB 107 was signed into law on September 22, 2015 changing the ROPS filing cycle from semiannual (July to December and January to June) to annual (July to June). Attached is the completed ROPS, in the form provided by the State Department of Finance (DOF). The attached ROPS must be approved by the Agency's Board and Oversight Board, and submitted to DOF by February 1, 2018. DOF must also approve by April 15th before the County Auditor-Controller will release property taxes from its Redevelopment Property Tax Trust Fund to the Agency in July and January for the fiscal year 2019/2020.

Fiscal Impact

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

Staff Recommendation

Staff recommends the Board adopt the attached Resolution approving the ROPS attached for the next fiscal year July 1, 2019 – June 30, 2020.

Attachments

1. Resolution and Recognized Obligations Payment Schedule for fiscal year 2019/2020.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL, AS THE BOARD OF THE SUCCESSOR
AGENCY TO THE OAKLEY REDEVELOPMENT AGENCY, APPROVING A
RECOGNIZED OBLIGATIONS PAYMENT SCHEDULE FOR FISCAL YEAR
2019/2020**

NOW, THEREFORE, BE IT RESOLVED that the City Council, as the Board of the Successor Agency of the Oakley Redevelopment Agency, approves the attached Recognized Obligations Payment Schedule for fiscal year 2019/20, July 1, 2019 – June 30, 2020 attached hereto as Exhibit A.

The foregoing resolution was adopted at a regular meeting of the Successor Agency Board, held on the 8th day of January 2019, by the following vote:

AYES:

NOES:

ABSTENTION:

ABSENT:

APPROVED: _____
Claire Alaura, Chair

ATTEST:

Libby Vreonis, Secretary

Recognized Obligation Payment Schedule (ROPS 19-20) - Summary
Filed for the July 1, 2019 through June 30, 2020 Period

Successor Agency:

Oakley

County:

Contra Costa

Current Period Requested Funding for Enforceable Obligations (ROPS Detail)		19-20A Total (July - December)	19-20B Total (January - June)	ROPS 19-20 Total
A	Enforceable Obligations Funded as Follows (B+C+D):	\$ -	\$ -	\$ -
B	Bond Proceeds	-	-	-
C	Reserve Balance	-	-	-
D	Other Funds	-	-	-
E	Redevelopment Property Tax Trust Fund (RPTTF) (F+G):	\$ 1,184,798	\$ 1,952,546	\$ 3,137,344
F	RPTTF	1,059,798	1,827,546	2,887,344
G	Administrative RPTTF	125,000	125,000	250,000
H	Current Period Enforceable Obligations (A+E):	\$ 1,184,798	\$ 1,952,546	\$ 3,137,344

Certification of Oversight Board Chairman:

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

Name	Title
/s/ Signature	Date

Oakley Recognized Obligation Payment Schedule (ROPS 19-20) - ROPS Detail																						
July 1, 2019 through June 30, 2020																						
(Report Amounts in Whole Dollars)																						
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W
Item #	Project Name/Debt Obligation	Obligation Type	Contract/Agreement Execution Date	Contract/Agreement Termination Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Retired	ROPS 19-20 Total	19-20A (July - December)					19-20A Total	19-20B (January - June)					19-20B Total
											Fund Sources						Fund Sources					
											Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF		Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF	
								\$ 26,375,046	N	\$ 3,137,344	\$ 0	\$ 0	\$ 0	\$ 1,059,798	\$ 125,000	\$ 1,184,798	\$ 0	\$ 0	\$ 0	\$ 1,827,546	\$ 125,000	\$ 1,952,546
2	2008 Tax Exempt TABS DS	Bonds Issued On or Before	5/1/2008	9/1/2038	Wells Fargo Corporate	Debt Service Payable in September	Oakley		N	\$ -						\$ -						\$ -
4	Annual Trustee/Fiscal Agent Fees	Fees	5/1/2008	9/1/2038	Wells Fargo Corporate Trust	Annual Trustee Fees for 2008 Bonds	Oakley		N	\$ -						\$ -						\$ -
6	Continuing Disclosure Services	Fees	5/1/2008	9/1/2038	NBS Financial	Annual Continuing Disclosure Services for 2008 Bonds	Oakley		N	\$ -						\$ -						\$ -
7	Data for Continuing Disclosures	Fees	1/1/2014	9/1/2038	Hindenliter, DeLamas (HdL)	Data for Continuing Disclosures (used for the 2008 and 2015 Bonds)	Oakley		N	\$ -						\$ -						\$ -
10	Debt Service Reserve Fund	Reserves	1/1/2014	9/30/2017	Wells Fargo Corporate Trust	Set aside for debt service due in September each year, when needed.	Oakley		N	\$ -						\$ -						\$ -
11	SA Administrative Allowance	Admin Costs	7/1/2018	6/30/2019	City of Oakley	Administrative allowance for the 15-16A ROPS, as prescribed (\$125k, including the Annual External Audit)	Oakley	250,000	N	\$ 250,000					125,000	\$ 125,000					125,000	\$ 125,000
22	Downtown Project	Project Management Costs	8/9/2011	6/30/2014	City of Oakley/Ascent Builders	Staff costs associated with loan advances and completing projects obligated by DDA's with Manuel's Five Start Restaurants and Campestre Corporation.	Oakley		N	\$ -						\$ -						\$ -
24	Main Street Frontage Improvements	Improvement/Infrastructure	2/1/2009	6/30/2019	TBD	Main Street frontage improvements to Conco Land Company property on Main Street (APNs 037-100-048 and 037-100-049) pursuant to dedication agreement.	Oakley		N	\$ -						\$ -						\$ -
41	Need to reinstate project costs for prior item 22.	Professional Services	8/9/2011	6/30/2019	City of Oakley	Staff time for project management for items 19 and 21.	Oakley		N	\$ -						\$ -						\$ -
42	2015 TABS DS (Series A & B)	Refunding Bonds Issued After 6/27/12	5/18/2015	9/1/2028	US Bank Trust	Debt Service Payable in September and March of each year	Oakley	5,465,000	N	\$ 663,815					569,845	\$ 569,845					93,970	\$ 93,970
43	Annual Trustee/Fiscal Agent Fees	Fees	5/18/2015	9/1/2028	US Bank Trust	Annual Trustee Fees for 2015 Bonds (Series A & B)	Oakley	20,000	N	\$ 2,500					2,500	\$ 2,500						\$ -
44	Continuing Disclosure Services	Fees	5/18/2015	9/1/2028	NBS Financial	Annual Continuing Disclosure Services for 2015 Bonds	Oakley	20,000	N	\$ 2,500					2,500	\$ 2,500						\$ -
46	2018 TAB	Refunding Bonds Issued After 6/27/12	6/28/2018	9/1/2038	US Bank Trust	Debt Service Payable in September and March of each year	Oakley	18,655,000	N	\$ 893,506					482,453	\$ 482,453					411,053	\$ 411,053
47	Annual Trustee/Fiscal Agent Fees	Fees	6/28/2018	9/1/2038	US Bank Trust	Annual Trustee Fees for 2018 Bonds	Oakley	70,000	N	\$ 2,500					2,500	\$ 2,500						\$ -
48	Continuing Disclosure Services	Fees	6/28/2018	9/1/2038	NBS Financial	Annual Continuing Disclosure Services for 2018 Bonds	Oakley	70,000	N	\$ 2,500						\$ -					2,500	\$ 2,500
49	2018 TAB Debt Reserve Fund	Reserves	6/28/2018	9/1/2038	US Bank Trust	Set aside for debt service due in each calendar year, per bond covenant	Oakley	1,825,046	N	\$ 1,320,023						\$ -					1,320,023	\$ 1,320,023
50									N	\$ -						\$ -						\$ -
51									N	\$ -						\$ -						\$ -
52									N	\$ -						\$ -						\$ -
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88									N	\$ -						\$ -						\$ -
89									N	\$ -						\$ -						\$ -

6

Oakley Recognized Obligation Payment Schedule (ROPS 19-20) - ROPS Detail																						
July 1, 2019 through June 30, 2020																						
(Report Amounts in Whole Dollars)																						
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W
Item #	Project Name/Debt Obligation	Obligation Type	Contract/Agreement Execution Date	Contract/Agreement Termination Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Retired	ROPS 19-20 Total	19-20A (July - December)					19-20A Total	19-20B (January - June)					19-20B Total
											Fund Sources						Fund Sources					
											Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF		Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF	
90									N	\$ -						\$ -						\$ -
91									N	\$ -						\$ -						\$ -
92									N	\$ -						\$ -						\$ -
93									N	\$ -						\$ -						\$ -
94									N	\$ -						\$ -						\$ -
95									N	\$ -						\$ -						\$ -
96									N	\$ -						\$ -						\$ -
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112									N	\$ -						\$ -						\$ -
113									N	\$ -						\$ -						\$ -
114									N	\$ -						\$ -						\$ -

Oakley Recognized Obligation Payment Schedule (ROPS 19-20) - Report of Cash Balances
July 1, 2016 through June 30, 2017
(Report Amounts in Whole Dollars)

Pursuant to Health and Safety Code section 34177 (l), Redevelopment Property Tax Trust Fund (RPTTF) may be listed as a source of payment on the ROPS, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation. For tips on how to complete the Report of Cash Balances Form, see [Cash Balance Tips Sheet](#).

A	B	C	D	E	F	G	H
		Fund Sources					Comments
		Bond Proceeds		Reserve Balance	Other Funds	RPTTF	
		Bonds issued on or before 12/31/10	Bonds issued on or after 01/01/11	Prior ROPS RPTTF and Reserve Balances retained for future period(s)	Rent, Grants, Interest, etc.	Non-Admin and Admin	
	ROPS 16-17 Cash Balances (07/01/16 - 06/30/17)						
1	Beginning Available Cash Balance (Actual 07/01/16) RPTTF amount should exclude "A" period distribution amount			487,628	315,245	0	
2	Revenue/Income (Actual 06/30/17) RPTTF amount should tie to the ROPS 16-17 total distribution from the County Auditor-Controller				93,051	1,940,524	
3	Expenditures for ROPS 16-17 Enforceable Obligations (Actual 06/30/17)			126,335		1,940,524	
4	Retention of Available Cash Balance (Actual 06/30/17) RPTTF amount retained should only include the amounts distributed as reserve for future period(s)						
5	ROPS 16-17 RPTTF Prior Period Adjustment RPTTF amount should tie to the Agency's ROPS 16-17 PPA form submitted to the CAC	No entry required					
6	Ending Actual Available Cash Balance (06/30/17) C to F = (1 + 2 - 3 - 4), G = (1 + 2 - 3 - 4 - 5)	\$ 0	\$ 0	\$ 361,293	\$ 408,296	\$ 0	RPTTF distributed for FY 18-19 was \$735,271 less than enforceable obligations

Oakley Recognized Obligation Payment Schedule (ROPS 19-20) - Notes July 1, 2019 through June 30, 2020

[illegible]

Oakley Recognized Obligation Payment Schedule (ROPS 19-20) - Notes July 1, 2019 through June 30, 2020
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Item #	Notes/Comments

STAFF REPORT

DATE: January 8, 2019
TO: Bryan Montgomery, City Manager
FROM: Deborah Sultan, Finance Director

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

Bryan H. Montgomery, City Manager

SUBJECT: Resolution Approving the Administrative Budget for FY 2019/20

Background and Analysis

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

Fiscal Impact

The administrative allowance is allowed under statute and is listed on the Successor Agency ROPs as an enforceable obligation.

Staff Recommendation

Staff recommends the Board adopt the attached Resolution approving the Administrative Budget for FY 2019/20.

Attachments

1. Resolution and Administrative Budget for fiscal year 2019/2020.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL, AS THE BOARD OF THE SUCCESSOR
AGENCY TO THE OAKLEY REDEVELOPMENT AGENCY, APPROVING THE
ADMINISTRATIVE BUDGET FOR FISCAL YEAR 2019/2020**

NOW, THEREFORE, BE IT RESOLVED that the City Council, as the Board of the Successor Agency of the Oakley Redevelopment Agency, approves the attached Administrative Budget for fiscal year 2019/20, July 1, 2019 – June 30, 2020 attached hereto as Exhibit A.

The foregoing resolution was adopted at a regular meeting of the Successor Agency Board, held on the 8th day of January 2019, by the following vote:

AYES:

NOES:

ABSTENTION:

ABSENT:

APPROVED: _____

Claire Alaura, Chair

ATTEST:

Libby Vreonis, Secretary



**SUCCESSOR AGENCY TO THE FORMER
CITY OF OAKLEY REDEVELOPMENT AGENCY
ADMINISTRATIVE BUDGET
July 1, 2019 to June 30, 2020**

Category	Department/Description	2019/2020
Wages & Benefits	City Manager	\$ 30,804
Wages & Benefits	Economic Development Manager	\$ 42,684
Wages & Benefits	City Clerk	\$ 6,766
Wages & Benefits	Record Management Clerk	\$ 4,830
Wages & Benefits	Director of Finance	\$ 41,803
Wages & Benefits	Planning Manager	\$ 27,340
Wages & Benefits	Senior Accountant	\$ 16,370
Wages & Benefits	City Council	\$ 3,184
Contract Services	Legal expenses for Successor Agency Administration	\$ 15,000
Contract Services	Audit Services	\$ 5,000
Information Technology	Computer and other equipment maintenance	\$ 10,000
Property Management	Property for future development costs	\$ 25,000
Agency Operations	Postage, utilities, office supplies, office space, etc	<u>\$ 21,219</u>
		<u><u>\$ 250,000</u></u>

STAFF REPORT

DATE: January 8, 2019

TO: Bryan Montgomery, City Manager

Approved and Forwarded to the City Council

FROM: Libby Vreonis, City Clerk / Paralegal

SUBJECT: Accept Cost Study and Establish Fee for Tobacco Retailer License

Background and Analysis

On December 11, 2018, the Oakley City Council adopted Ordinance No. 22-18 to require tobacco retail licensing and regulations regarding licensing. The ordinance will take effect 30 days after adoption (January 10, 2019). The purpose of the ordinance is to establish a licensing procedure for tobacco retailers, to allow the City to regulate the operation of lawful businesses, and discourage violations of tobacco-related laws. The ordinance will require tobacco retailers to obtain a tobacco retailer license through the Oakley Police Department by completing an application including the retailer's contact information, providing proof that the location for which the license is sought has been issued a valid state Tobacco Retailer's License by the California Department of Tax and Fee Administration, disclosing whether or not the proprietor or its agent has violations and locations of violations within the past 5 years, requiring a copy of a conditional use permit required by Oakley Municipal Code Section 9.1.1234(1), if applicable, and a statement by the proprietor that no drug paraphernalia is or will be sold at its business. The Oakley Police Department may deny the application if a basis for denial exists as set forth in the ordinance and also may suspend or revoke the license for violations as set forth in the ordinance. A revocation hearing is available for any license pending revocation. The license is non-transferrable. No license may issue for mobile vending. No more than 25 tobacco retail licenses may be issued.

The ordinance will also require tobacco retailers to check identification for persons appearing under 27 years of age, prohibit persons under 18 years of age from engaging in tobacco retailing, prohibit advertising tobacco products or paraphernalia without a valid tobacco retail license and prohibit self-service displays of tobacco products or paraphernalia. New tobacco retailers will be prohibited from locating within 500 feet of existing tobacco retailers and will be prohibited from selling tobacco products within 1,000 feet of youth sensitive areas including schools, playgrounds, parks, libraries and bus stops servicing schools.

The ordinance provides that the tobacco retailer license fee will be determined by a cost study and will be established by resolution adopted by the Oakley City Council. The license fee will recover the total costs of license administration and license enforcement, including issuing the license, administering the license program, retailer education, retailer inspection and compliance checks, documentation of violations, and prosecution of violators. All fees and any interest upon proceeds of fees shall be used exclusively to fund the aforementioned items, and shall be separately accounted for. Fees are nonrefundable except as may be required by law.

The cost study and resolution to approve the cost study are attached to this report for the City Council's review and consideration.

Fiscal Impact

The City is establishing the fee to recover total costs expected to be expended for license administration and license enforcement.

Staff Recommendation

Staff recommends the City Council adopt the resolution establishing the tobacco retailer license fee.

Attachments

1. Cost Study
2. Resolution

Cost Study
Tobacco Retail License Ordinance
December 2018

Task	Time	Staff	Rate per hr	Total Rate for Task
Develop system for issuing licenses	1 hr	City Clerk/Paralegal	\$155.47	\$155.47
Compile and maintain list of potential tobacco retailers	2 hrs 1 hr	City Clerk/Paralegal Police	\$155.47	\$310.94
Establish electronic database for TRL system	1 hrs	Police	\$66.03	\$66.03
Maintain electronic database for TRL system	1 hr	Police	\$66.03	\$66.03
Proactively engage the business community so they are aware of TRL ordinance (e.g., effective date, requirements, fines/penalties)	2 hrs	City Clerk/Paralegal	\$155.47	\$310.94
Answer questions by the business community	.25hr	City Clerk/Paralegal	\$155.47	\$38.87
Prepare and disseminate information re TRL ordinance; prepare and disseminate TRL applications	2 hrs	City Clerk/Paralegal	\$155.47	\$310.94
Receive and process applications for initial license issuance	8 hrs	Police	\$66.03	\$132.06
Prepare and mail licenses	2 hrs	Police	\$66.03	\$132.06
Monitor retailers for license expiration and renewal	2 hrs	Police	\$66.03	\$132.06
Prepare and disseminate information/applications for renewal	2 hrs	Police	\$66.03	\$132.06
Receive and process applications for license renewal	2 hrs	Police	\$66.03	\$132.06
Enter data into and update database for license issuance and renewal	2 hrs	Police	\$66.03	\$132.06
Task	Time	Staff	Rate per hr	Total Rate for Task
Meet with all related personnel to (1) coordinate enforcement strategy; and (2) develop/maintain policy and procedure for enforcement	12 hrs	Police	\$164.38	\$1,972.56

Cost Study
Tobacco Retail License Ordinance
December 2018

Prepare/review/update data collection forms	2 hrs	Police	\$66.03	\$132.06
Recruit and train youth decoys and chaperones	8 hrs	Police	\$164.38	\$1,315.04
Conduct buy operations using youth decoys	20 hrs	Police	\$164.38	\$3,287.60
Complete post-operation forms/reports	2 hrs	Police	\$164.38	\$328.76
Update database for enforcement/compliance results	2 hrs	Police	\$66.03	\$132.06
Task	Time	Staff	Rate per hr	Total Rate for Task
Meet with all related personnel as necessary to: (1) coordinate post-compliance check strategy; and (2) next steps for violators	2 hrs	Police	\$164.38	\$328.76
Prepare and deliver violation notices	2 hrs	Police	\$66.03	\$132.06
File/prosecute/settle cases	Police- 4 hrs City Attorney-Per AB 2495, cost recovery in criminal cases will be significantly limited. Cost recovery through the administrative process is still permitted. Because each case is different, recovery through the administrative process rather than a set fee would likely work best	Police City Attorney	\$66.03 N/A	\$264.12 N/A
Update database for case/settlement results	1 hr	Police	\$66.03	\$66.03
Develop press release and respond to media	1 hr	Police	\$66.03	\$66.03
Monitor retailers for license suspension/revocation	2 hrs	Police	\$6.03	\$132.06

Cost Study
Tobacco Retail License Ordinance
December 2018

Task	Time	Staff	Rate per hr	Total Rate for Task
Appeal hearing for revocation of license: coordinate hearing, notify appellant, attend hearing, prepare correspondence regarding decision	2hrs	City Clerk/Paralegal	\$155.47	\$310.94
Re-issue Licenses	2 hrs	Police	\$66.03	\$132.06
Process funds for UC Ops	2 hrs	Finance	\$95.72	\$191.44
Evidence Storage	1 hr	Police	\$66.03	\$132.06
Determine if business location falls within distance requirements	.5 hrs	Planning	\$158.31	\$79.16
Loss of buy transactions/UC Ops	N/A	Police	N/A	\$300.00
TOTAL COST				\$11,354.38
TOTAL COST PER LICENSE				\$454.18

RESOLUTION NO. _____-19

**RESOLUTION OF THE OAKLEY CITY COUNCIL ESTABLISHING A
TOBACCO RETAILER LICENSE FEE**

BE IT RESOLVED by the City Council of the City of Oakley that the attached cost study for the tobacco retailer license fee is hereby accepted and the fee for a tobacco retailer license is established in the amount of \$454.18 per license issued.

The foregoing resolution was introduced at a regular meeting of the Oakley City Council held on the 8th day of January, 2019, by Councilmember _____, who moved its adoption, which motion being duly seconded by Councilmember _____, was upon voice vote carried and the resolution adopted by the following vote:

AYES:

NOES:

ABSTENTION:

ABSENT:

APPROVED:

Claire Alaura, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date

STAFF REPORT

Date: December 11, 2018
To: City Council
From: Nancy Marquez-Suarez, Asst. to the City Manager/HR Manager
SUBJECT: **Adopt a Resolution Supporting a Community Development Block Grant (CDBG) application through Contra Costa County for the Oakley Senior Center**

Summary and Background

The City currently leases for \$1 the former fire station at 215 2nd Street to the Oakley Seniors, Inc., a local non-profit group organization.

In order to increase the offering of services and full use of the facility, the City applied in December of 2016 for grant funding through the Community Development Block Grant (CDBG) that is administered by the County. A grant for \$98,000 was received that also required a \$33,000 cash match from the City. This application requested funding for parking lot rehabilitation, ADA improvements including ADA compliant access from both the rear and front of the building, interior finishes, exterior doors, warming kitchen upgrades, and some furniture and equipment. The parking lot and west entry are complete and the interior improvements are ready to proceed, likely beginning after the 1st of the year.

The City has an opportunity to apply for grant funding again through the Community Development Block Grant (CDBG) with the application due December 12th, 2018. After soliciting quotes the intention is to proceed to apply for approximately \$98,738 for the installation of a HVAC unit and replacement of the roof. If awarded the requested amount, the City's required cash match would be of approximately \$25,000.

A resolution of support from the City Council is required for the CDBG grant application.

Fiscal Impact

If awarded, the City would be responsible for a 25% cash match and the costs of considerable staff time managing the actual project.

Recommendation

Adopt a resolution supporting a Community Development Black Grant (CDBG) application through the Contra Costa County for the Oakley Senior Center.

Attachment

1. Resolution

RESOLUTION NO.____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING AN APPLICATION FOR FUNDING FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM THROUGH CONTRA COSTA COUNTY FOR THE OAKLEY SENIOR CENTER

WHEREAS, the City Council is desirous to find funding for much-needed improvements at the Oakley Senior Center; and

WHEREAS, an opportunity exists for obtaining Community Development Block Grant (CDBG) funds through Contra Costa County in the "Infrastructure/Public Facilities" funding category for the Senior Center Project; and

WHEREAS, the City has determined that state and federal requirements for citizen participation were met leading to the development of this application.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Oakley approving an application for funding from the CDBG Program through Contra Costa County for the Oakley Senior Center project.

AND, IT IS FURTHER RESOLVED that the City Council hereby approves the following:

1. The use of General Funds in the amount of a 25% of the eventual grant award to be used as the City's cash match for the Oakley Senior Center project (based on the grant application request, this match would be approximately \$25,000); and
2. That the City Manager to sign the grant application and act on the City's behalf in all matters pertaining to this application; and
3. If the application is approved, that the City Manager is authorized to sign fund requests and any other required CDBG reporting forms.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Oakley held on the 11th day of December 2018, by Councilmember _____, who moved its adoption, which motion being duly seconded by Councilmember _____, was upon voice vote carried and the resolution adopted by the following vote:

AYES:

NOES:

ABSTENTION:

ABSENT:

APPROVED:

Randy Pope, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date

STAFF REPORT

DATE: January 8, 2019

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

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

SUBJECT: Adopt a Resolution for the Purchase of Traffic Signal Poles and Equipment from AZCO Supply Inc. for the Laurel Road/Rose Avenue Intersection Improvement Project - CIP 191

Background and Analysis

The City's adopted FY 2018/19 Capital Improvement Program (CIP) Budget designates funding for various infrastructure repair and replacement projects. This is consistent with the City's goals to improve the quality of the City's public infrastructure and to enhance the quality of life for our residents.

The intersection of Laurel Road and Rose Avenue is a major intersection in the City of Oakley on an arterial road that is not signalized. Currently, this intersection operates as a four-way stop and has one lane of traffic in each direction. This project will widen the intersection, construct a new traffic signal, relocate overhead utility poles, and improve the traffic flows on Laurel Road at Rose Avenue.

The design of this project has been underway since last year and the project is in the bidding phase. Staff will present the City Council an award of construction contract in February 2019, with the goal to start the construction by March 2019.

Staff has determined, that to meet the project schedule on track, pre-ordering the traffic signal poles and associated hardware will be beneficial to the City, in addition to its cost effectiveness. There are long lead time items (approximately 24-26 weeks) to manufacture and deliver the signal poles and associated hardware to the site. With this approach, the City will order and secure the signal poles and associated hardware. This will have them delivered to the site by the time grading and paving operations are completed by summer time; and to line up with the timeline for the installation of the new traffic signal.

Fiscal Impact

The funding for this project is fully funded from the Traffic Impact Fee fund.

Staff Recommendation

Staff prepared the list of traffic signal poles and its associated hardware for the project and solicited bids from traffic signal equipment suppliers and received 2 proposals for this project as follows:

AZCO Supply Inc.	\$76,705.95
JAM Services Inc.	\$80,792.39

Staff recommends that the City Council adopt the resolution approving the purchase of the signal poles and associated equipment from AZCO Supply Inc. in the amount of \$76,705.95.

Attachments

- 1) Resolution

RESOLUTION NO. __-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING THE PURCHASE OF SIGNAL POLES AND THE ASSOCIATED EQUIPMENT FROM AZCO SUPPLY INC. FOR THE LAUREL ROAD/ROSE AVENUE INTERSECTION IMPROVEMENT PROJECT – CIP 191

WHEREAS, BKF Engineers, Inc. prepared the plans, specifications, and estimates for the Laurel Road/Rose Avenue Intersection Improvement project; and

WHEREAS, this project involves construction of a new traffic signal at this intersection and to keep the project on schedule, traffic signal poles and associated equipment have to be pre-ordered due to the long lead time it takes to manufacture the equipment; and

WHEREAS, staff prepared specifications and solicited bids for the purchase of the traffic signal equipment, and AZCO Supply Inc. submitted the lowest cost for the project at \$76,705.95; and

NOW, THEREFORE, BE IT RESOLVED, for the City Council of the City of Oakley to approve and authorize the purchase of traffic signal equipment from AZCO Supply Inc. in the amount of \$76,705.95 for the CIP 191 - Laurel Road/Rose Avenue Intersection Improvement project.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 8th of January, 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

Claire Alaura, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date

STAFF REPORT

DATE: January 8, 2019

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

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

SUBJECT: Road Dedication Associated with the New Oakley Recreation Center Project along 1250 O'Hara Avenue

Background and Analysis

The City's adopted FY 2018/19 Capital Improvement Program (CIP) Budget designates funding for various infrastructure repair and replacement projects. This is consistent with the City's goals to improve the quality of the City's public infrastructure and to enhance the quality of life for our residents.

The "Moura" property located at 1250 O'Hara Avenue was dedicated several years ago to the County by the Moura family for "parks, recreation and related public purposes" prior to the incorporation of the City. Upon Incorporation in 1999, the property was transferred to the City with a vision that it would be a potential site for community-like amenities and other park and recreation activities. The Parks and Recreation Master Plan identifies the property as a future recreation facility that could include park areas, trail connections, and recreational buildings and facilities.

When the Moura property was dedicated to the City, the road frontage dedication was never completed. Now that the City owns the property, the City cannot dedicate the roadway frontage to itself, but rather it has to be designated as "reserve in fee for the purpose of a public street" as designated by law.

Fiscal Impact

There is no fiscal impact cost associated with this action.

Staff Recommendation

Adopt the resolution authorizing the City Manager to execute the easement deed.

Attachments

1. Record of Survey Map
2. Resolution

BASIS OF BEARINGS

TAKEN BETWEEN FOUND STANDARD CONTRA COSTA COUNTY STREET MONUMENTS ON THE WEST LINE OF THE SOUTHWEST 1/4 OF SECTION 25 (CENTERLINE OF O'HARA AVENUE) AS SHOWN ON SUBDIVISION 6780 PER 318 M 21 AND SUBDIVISION 5402 PER 289 M 40, BEING TAKEN AS N 0718°00' E PER DEED RECORDED IN OFFICIAL RECORDS OF CONTRA COSTA COUNTY, BOOK 16139 PAGE 66.

COVERED WAGON DRIVE

569.61' (569.68')
523.00'

CHANTI WAY

1215.67' (101')

32.50'

22.50'

46.51'

284.79'

N 0718°00' E

646.06' (646.02')

32.50'

361.27'

WOODGLEN DRIVE

32.50'

570.80'

N 89°58'00" E

625.80'

32.50'

32.50'

32.50'

32.50'

32.50'

32.50'

32.50'

32.50'

32.50'

32.50'

32.50'

32.50'

RECORD OF SURVEY

PORTION OF WEST 1/2 OF SOUTHWEST 1/4 OF SECTION 25, T.2N., R.2E., M.D.B. & M. CONTRA COSTA COUNTY, CALIFORNIA

RONALD GREENWELL AND ASSOCIATES, INC. ANTIPOCH CALIFORNIA AUGUST, 1996 SCALE: 1"=50'

R.S. 2213



J. MICHAEL WALFORD
COUNTY ROAD COMMISSIONER-SURVEYOR
BY: *Rene Zulema*
DEPUTY COUNTY ROAD COMMISSIONER-SURVEYOR
L.S. 5999 EXPIRES 12-31-96

OAKLEY UNION SCHOOL DISTRICT
13257 OR 277

S. 89°58'00" W 927.36'
872.36'

UNITED STATES OF AMERICA
447 OR 133

PLACED NAIL & TAG L.S. 4802

460 OR 4

UNITED STATES OF AMERICA

460 OR 4

UNITED STATES OF AMERICA

460 OR 4

UNITED STATES OF AMERICA

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REFERENCES

- 16139 OR 66
- 4000 OR 38
- 460 OR 4
- 453 OR 79
- 97 D 209
- 274 M 19
- 318 M 21

LEGEND

- SET 5/8" REBAR WITH CAP, L.S. 4802
- ⊗ SET NAIL & TAG, L.S. 4802
- ⊙ FOUND STANDARD C.C.CO. STREET MONUMENT
- FOUND 2" IRON PIPE, NO TAG (N.R.M.)
- () RECORD DATA PER 318 M 21
- > RECORD DATA PER 274 M 19

SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE LAND SURVEYORS' ACT AT THE REQUEST OF CONTRA COSTA COUNTY IN AUGUST, 1996.

DATED: Oct. 15, 1996

Ronald Greenwell
RONALD GREENWELL, P.L.S. 4802
LICENSE EXPIRES 08/30/00

RECORDER'S STATEMENT

FILED THIS 30th DAY OF OCT. 1996, AT 9:00 A.M. IN BOOK 109 OF L.S.M. AT PAGE 34, AT THE REQUEST OF CONTRA COSTA COUNTY

STEPHEN L. WEIR
COUNTY RECORDER
BY: *Stephen L. Weir*
DEPUTY COUNTY RECORDER

96-205240

A.P.N. 035-211-002

W.O. 1453.00

SHEET 1 OF 1

109/34

10/30/96 9:00 A.M.

81

109 LSM 34

RESOLUTION NO. __-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY DEDICATING FRONTAGE ALONG 1250 O'HARA AVENUE ASSOCIATED WITH THE NEW OAKLEY RECREATION CENTER

WHEREAS, the City of Oakley owns property on the east side of O'Hara Avenue between the Contra Costa Canal and O'Hara Park Middle School at 1250 O'Hara Avenue; and

WHEREAS, by Resolution the City Council approved a land use permit for the property; and

WHEREAS, in conjunction with the building construction, the roadway along the frontage needs to be dedicated as "reserve in fee for the purpose of a public street"; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Oakley that the City dedicates the frontage as "reserve in fee for the purpose of a public street".

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 8th of January, 2019 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

Claire Alaura, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date

STAFF REPORT

DATE: January 8, 2019

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

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

SUBJECT: Consideration and Adoption of Resolution Requesting to the Metropolitan Transportation Commission (MTC) for the allocation of Fiscal Year 2019/20 Transportation Development ACT (TDA) Article 3 Pedestrian/Bicycle Project Funding

Background and Analysis

On an annual basis, MTC allocates funding under TDA Article 3 funds to San Francisco Bay Area municipalities for the purposes of funding pedestrian and bicycle facility improvement projects. TDA funds are acquired from statewide retail and gas sale taxes. “Article 3” refers to the portion of the Act involving pedestrian and bicycle projects.

MTC has not yet released the estimated bid target for Contra Costa TDA Article 3 funds for FY 2019/20, but last year’s total allocation was approximately \$850,000.00, which was available for municipalities to apply for on their respective projects. Eligible projects may include pedestrian and bicycle crossing improvements, construction of new bicycle facilities, and development of bicycle safety education programs. The main objectives of the TDA grant program are to increase the safety and efficiency of bicycle and pedestrians who travel within a municipality’s transportation network.

MTC requires that each county and city have a Bicycle Advisory Committee (BAC) to review and prioritize TDA Article 3 projects and to participate in the development and review of comprehensive bicycle plans. However, since not every city has the local resources to form and operate its own BAC, MTC allows local agencies to apply for an exemption from TDA Article 3 BAC requirement, if the local agency identifies their respective countywide BAC as its representative body (in place of a local BAC) for the review of the TDA Article 3 funded projects. City of Oakley has requested that the Contra Costa County BAC represent the City to review the City’s TDA Article 3 grant application.

The City of Oakley has identified a project and is currently preparing a grant application to receive TDA Article 3 funds. The project has the following components:

- Solar powered flashing beacon system at Marsh Creek Regional Trail crossing on Laurel Road and on Delta Road. This crossing system is similar to the other solar powered flashing beacons that the City already has in operation at a crosswalk on Carpenter Road and Amaryllis Street.
- Green bike lanes and bike boxes at Main Street/Cypress Road intersection. Green bike lanes provide high-visibility pavement markings at locations of high vehicular-bicycle conflicts. Bike boxes are high-visibility green pavement markings that delineate a space on an intersection approach between the limit line for vehicles and the crosswalk. The green box space allows bicyclists to bypass a standing vehicle queue and position themselves safely ahead of any potential conflicts from right-turn traffic.
- Bicycle lane gap closure on West Cypress Road, west of Rose Avenue. This project will widen the north side of West Cypress Road from Rose Avenue to the Contra Costa Canal crossing to connect the bike lane on West Cypress Road to the Delta de Anza Regional Trail.

The project will be a great addition to the City's bicycle and pedestrian facility network and connect the link between two main regional trails in the area and improve safety for students that bike to school in this area. Staff will be submitting the City of Oakley's TDA Article 3 final application by January 24th to the County for submittal to MTC.

Fiscal Impact

Approval of the resolution would allow the City to submit the final application for MTC's TDA Article 3 grant to request \$183,465.00 to fund the project. No local match is required as part of this grant process.

Staff Recommendation

Staff recommends that the City Council adopt the resolution authorizing the Public Works Director to submit the grant application for \$183,465.00 For TDA Article 3 grant for the City of Oakley Safety Improvements and Delta de Anza and Marsh Creek Regional Trails Connection Project.

Attachments

1. Resolution
2. TDA Article 3 Preliminary Application

RESOLUTION NO. ____ - 19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY TO REQUEST THE METROPOLITAN TRANSPORTATION COMMISSION FOR THE ALLOCATION OF FISCAL YEAR 2019/20 TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 PEDESTRIAN/BICYCLE PROJECT FUNDING

WHEREAS, Article 3 of the Transportation Development Act (TDA), Public Utilities Code (PUC) Section 99200 et seq., authorizes the submission of claims to a regional transportation planning agency for the funding of projects exclusively for the benefit and/or use of pedestrians and bicyclists; and

WHEREAS, the Metropolitan Transportation Commission (MTC), as the regional transportation planning agency for the San Francisco Bay region, has adopted MTC Resolution No.4108, entitled "Transportation Development Act, Article 3, Pedestrian and Bicycle Projects," which delineates procedures and criteria for submission of requests for the allocation of "TDA Article 3" funding; and

WHEREAS, MTC Resolution No. 4108 requires that requests for the allocation of TDA Article 3 funding be submitted as part of a single, countywide coordinated claim from each county in the San Francisco Bay region; and

WHEREAS, the CITY OF OAKLEY desires to submit a request to MTC for the allocation of TDA Article 3 funds to support the projects described in Attachment B to this resolution, which are for the exclusive benefit and/or use of pedestrians and/or bicyclists; now,

THEREFORE BE IT RESOLVED that the CITY OF OAKLEY declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code; and

FURTHERMORE BE IT RESOLVED, that there is no pending or threatened litigation that might adversely affect the project or projects described in Attachment B to this resolution, or that might impair the ability of the CITY OF OAKLEY to carry out the project; and

FURTHERMORE BE IT RESOLVED, that the project has been reviewed by the countywide Bicycle Advisory Committee and has been approved by MTC to use the countywide BAC and the countywide BAC provides for expanded representation of CITY OF OAKLEY and the designated representative is familiar with the bicycle and pedestrian needs of CITY OF OAKLEY; and

FURTHERMORE BE IT RESOLVED, that the CITY OF OAKLEY attests to the accuracy of and approves the statements in Attachment A to this resolution; and

FURTHERMORE BE IT RESOLVED, that a certified copy of this resolution and its attachments, and any accompanying supporting materials shall be forwarded to the congestion management agency, countywide transportation planning agency, or county

association of governments, as the case may be, of CONTRA COSTA COUNTY for submission to MTC as part of the countywide coordinated TDA Article 3 claim.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 8th of January, 2019 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

ATTEST:

Claire Alaura, Mayor

Libby Vreonis, City Clerk

Date

RESOLUTION NO. ____-19

Attachment A

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2019/2020 Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding

Findings

Page 1 of 1

1. That the CITY OF OAKLEY is not legally impeded from submitting a request to the Metropolitan Transportation Commission for the allocation of Transportation Development Act (TDA) Article 3 funds, nor is the CITY OF OAKLEY legally impeded from undertaking the project(s) described in "Attachment B" of this resolution.
2. That the CITY OF OAKLEY has committed adequate staffing resources to complete the project(s) described in Attachment B.
3. A review of the project(s) described in Attachment B has resulted in the consideration of all pertinent matters, including those related to environmental and right-of-way permits and clearances, attendant to the successful completion of the project(s).
4. Issues attendant to securing environmental and right-of-way permits and clearances for the projects described in Attachment B have been reviewed and will be concluded in a manner and on a schedule that will not jeopardize the deadline for the use of the TDA funds being requested.
5. That the project(s) described in Attachment B comply with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.).
6. That as portrayed in the budgetary description(s) of the project(s) in Attachment B, the sources of funding other than TDA are assured and adequate for completion of the project(s).
7. That the project(s) described in Attachment B are for capital construction and/or design engineering; and/or for the maintenance of a Class I bikeway which is closed to motorized traffic; and/or for the purposes of restriping Class II bicycle lanes; and/or for the development or support of a bicycle safety education program; and/or for the development of a comprehensive bicycle and/or pedestrian facilities plan, and an allocation of TDA Article 3 funding for such a plan has not been received by the CITY OF OAKLEY within the prior five fiscal years.
8. That the project(s) described in Attachment B is included in a locally approved bicycle, pedestrian, transit, multimodal, complete streets, or other relevant plan.
9. That any project described in Attachment B that is a bikeway meets the mandatory minimum safety design criteria published in Chapter 1000 of the California Highway Design Manual.
10. That the project(s) described in Attachment B will be completed before the funds expire.
11. That the CITY OF OAKLEY agrees to maintain, or provide for the maintenance of, the project(s) and facilities described in Attachment B, for the benefit of and use by the public.

CITY COUNCIL
Randy Pope, Mayor
Claire Alaura, Vice Mayor
Doug Hardcastle
Sue Higgins
Kevin Romick



88
CITY HALL
3231 Main Street
Oakley, CA 94561
925.625.7000 tel
925.625.9859 fax
www.ci.oakley.ca.us

Countywide Bicycle Advisory Committee (CBAC)
C/O: Jerry Fahy, Division Manager
Contra Costa County Public Works Department
255 Glacier Drive
Martinez, CA 94553-4825

November 28, 2018

Re: Transportation Development Act, Article 3 (TDA) Funding Request

Dear Sirs,

Enclosed please find the City of Oakley's preliminary application for TDA funding for Safety Improvements and the Delta de Anza and Marsh Creek Regional Trail Connection project. Seventeen (17) copies of the preliminary application, inclusive of the application form, vicinity map, project description with location photos, and a preliminary cost estimate are included as requested.

We respectfully request the Countywide Bicycle Advisory Committee (CBAC) review the City of Oakley's application for TDA funding and welcome comments to prepare a full application for the January 24, 2019 final application deadline.

Please feel free to contact me or Billilee Saengchalern at (925) 625-7154 with any questions concerning this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Rohani", is written over a horizontal line.

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

Enclosures (17 Copies)
TDA 2019-2020 Application Form
Vicinity Map
Project Description
Preliminary Cost Estimate

Attachment B

TDA Article 3 Project Application Form

Fiscal Year of this Claim: 2019/2020 Applicant: City of Oakley

Contact person: Billilee Saengchalern

Mailing Address: 3231 Main Street, Oakley CA 94561

E-Mail Address: saengchalern@ci.oakley.ca.us Telephone: (925) 625-7154

Secondary Contact (in event primary not available) Kevin Rohani

E-Mail Address: rohani@ci.oakley.ca.us Telephone: (925) 625-7003

Short Title Description of Project: Safety Improvements and Delta de Anza and Marsh Creek Regional Trails Connection

Amount of claim: \$ 183,465.00

Functional Description of Project:

Improve safety at trail crossings and connect two regional trails (Delta De Anza and Marsh Creek Regional Trails) in the City of Oakley. The improvements include 350 LF of bike lane gap closure, striping bike lanes at signalized intersection with high visibility green thermoplastic, installation of flashing beacons at mid-block trail crossings, and wayfinding signs for bicyclists. These improvements will bridge a gap between the two regional trails and provide access to O'Hara Park Middle School, Delta Vista Middle School, and Iron House Elementary School.

Financial Plan:

List the project elements for which TDA funding is being requested (e.g., planning, engineering, construction, contingency). Use the table below to show the project budget for the phase being funded or total project. Include prior and proposed future funding of the project. Planning funds may only be used for comprehensive bicycle and pedestrian plans. Project level planning is not an eligible use of TDA Article 3.

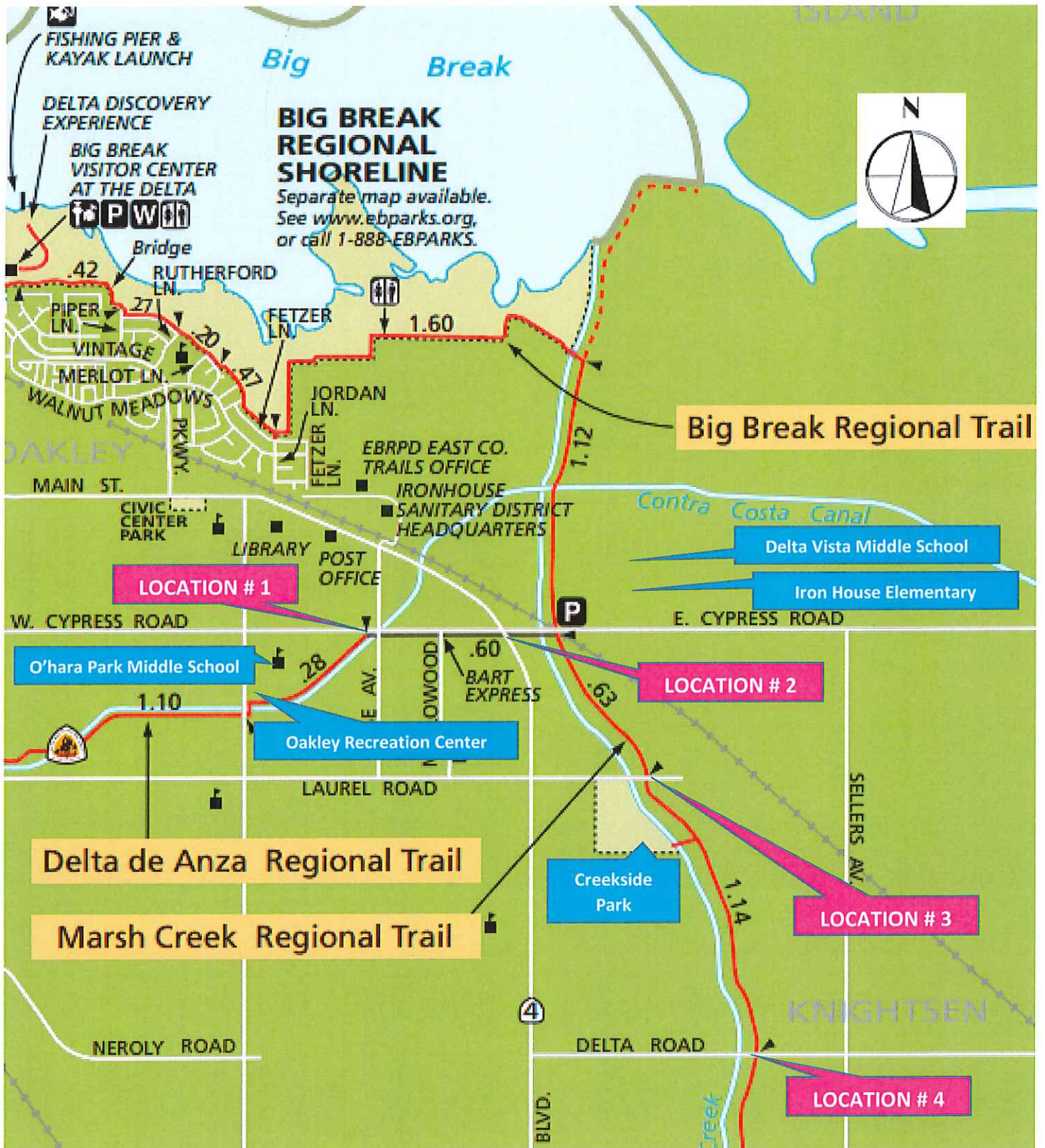
Project Elements: Planning, Design, Environmental, Construction, and Contingency

Funding Source	All Prior FYs	Application FY	Next FY	Following FYs	Totals
TDA Article 3		183,465.00			183,465.00
list all other sources:					
1.					
2.					
3.					
4.					
Totals		183,465.00			183,465.00

Project Eligibility:	YES?/NO?
A. Has the project been approved by the claimant's governing body? (If "NO," provide the approximate date approval is anticipated). JANUARY 8, 2019	NO
B. Has this project previously received TDA Article 3 funding? If "YES," provide an explanation on a separate page.	NO
C. For "bikeways," does the project meet Caltrans minimum safety design criteria pursuant to Chapter 1000 of the California Highway Design Manual? (Available on the internet via: http://www.dot.ca.gov).	N/A
D. Has the project been reviewed by a Bicycle Advisory Committee (BAC)? (If "NO," provide an explanation). Enter date the project was reviewed by the BAC: PROJECT TO BE REVIEWED BY COUNTYWIDE BAC	NO
E. Has the public availability of the environmental compliance documentation for the project (pursuant to CEQA) been evidenced by the dated stamping of the document by the county clerk or county recorder? (required only for projects that include construction). AWAITING FUNDING, PROJECT EXPECTED TO BE CATEGORICALLY EXEMPT.	NO
F. Will the project be completed before the allocation expires? Enter the anticipated completion date of project (month and year) AUGUST 2019	YES
G. Have provisions been made by the claimant to maintain the project or facility, or has the claimant arranged for such maintenance by another agency? (If an agency other than the Claimant is to maintain the facility provide its name: _____)	YES

VICINITY MAP

2019-2020 Transportation Development Act (TDA) Article 3
Safety Improvements and the Delta de Anza and
Marsh Creek Regional Trails Connection



2019-2020 Transportation Development Act (TDA) Article 3
**Safety Improvements and the Delta de Anza and Marsh
Creek Regional Trail Connection**



PROJECT SUMMARY

The proposed project will improve safety at trail crossings and connect two regional trails in the City of Oakley. Delta de Anza and Marsh Creek Regional Trail comprise of over 27 miles of paved, multi-use trail and connects users to the Big Break Regional Trail, City Parks, and other neighboring cities such as City of Brentwood and City of Antioch.

The improvements include 350 linear feet of bike lane gap closures, installation of high visibility green thermoplastic bike lanes at a high volume signalized intersection, installation of flashing beacons at mid-block trail crossings in two locations, and wayfinding signs for bicyclists to connect to other trails and/or locations and points of interest in the region. These improvements will bridge gaps between the Delta de Anza and Marsh Creek Regional Trail and provide access to O'Hara Park Middle School, Delta Vista Middle School, and Iron House Elementary school. The trail system in this area provides recreational activities connecting to Big Break Regional Trail, City public parks, and the Oakley's Recreational Center (currently under construction) located on O'Hara Road just south of O'Hara Park Middle School.

Enhanced safety is very important for our community and this project will have both a local and regional benefit for all trail users in east Contra Costa County.

PROJECT DESCRIPTION & LIMITS

The project is divided up at four (4) locations as shown in the project Vicinity Map.

The first location involves 250 linear feet of shoulder paving for a bike lane along the north side of West Cypress Road between Delta de Anza Regional Trail to Rose Avenue and another small 100 linear foot gap east of the West Cypress and Rose Avenue intersection, see photo Location 1a. The City has also secured federal funds to reconstruct the street and pedestrian bridges to include curb, sidewalk and a bike lane at the West Cypress Road and Contra Costa Canal Trail Crossing. Completing the proposed improvements will connect to the new bridge, providing a connected, safer path of travel for bicyclists and pedestrians, including students walking to school.

2019-2020 Transportation Development Act (TDA) Article 3
**Safety Improvements and the Delta de Anza and Marsh
 Creek Regional Trail Connection**

Location 1a – Wayfinding Signs and 250 LF of Bike Lane Gap Closure

West Cypress Road between Delta de Anza Trail and Rose Avenue



Location 1b: 100 LF of Bike Lane Gap Closure

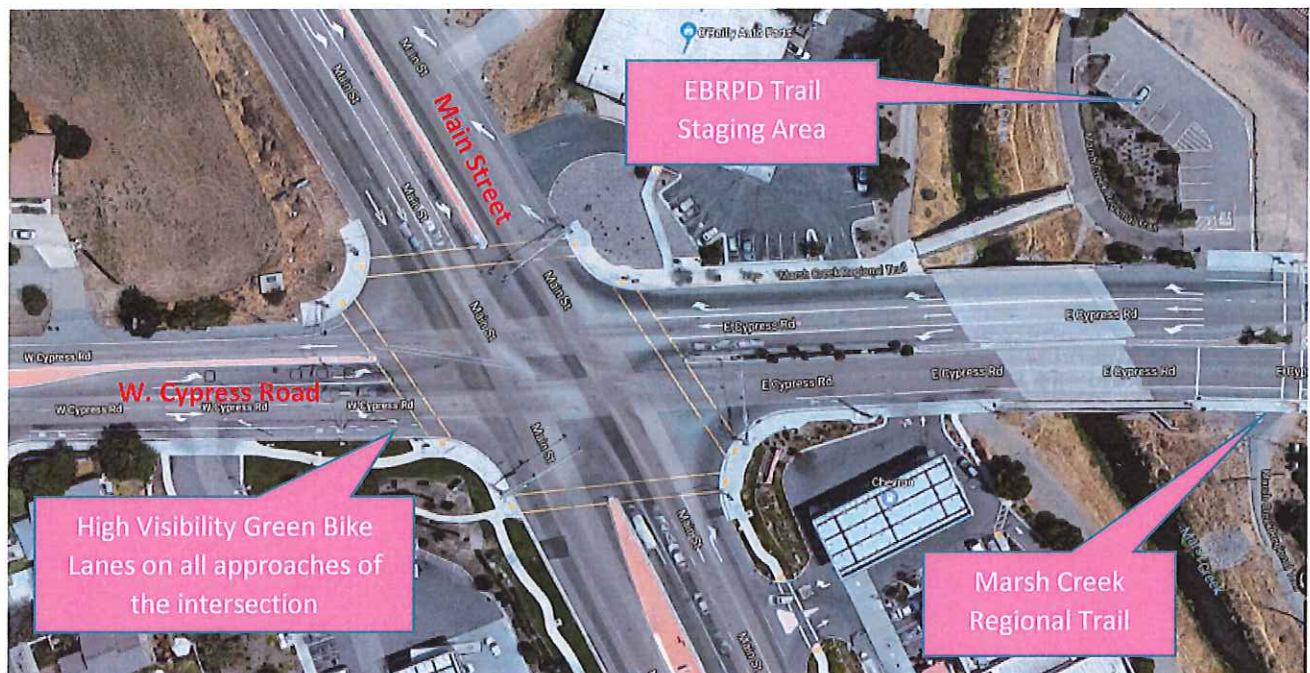
West Cypress Road between Rose Avenue and Waterford Way



2019-2020 Transportation Development Act (TDA) Article 3
**Safety Improvements and the Delta de Anza and Marsh
Creek Regional Trail Connection**

The second location is the section of West Cypress Road between Delta de Anza and Marsh Creek Regional Trail and is one of the larger, signalized intersections in our City. This intersection serves many vehicles, including trucks with over 9,300 average daily traffic along Cypress Road and 15,500 average daily traffic on Main Street. Bicyclists, pedestrians, and students have to maneuver through the intersection with over 2,300 motorists during the peak hour at the Main Street and West/East Cypress Road signalized intersection (See Location #2 Photo) to continue their path between the two trails. The project will install dedicated bike lanes at all approaches of the intersection with high visibility green thermoplastic paint improving safety and creating a safe route to schools.

Location 2 – Stripe Green Bike Lanes on All Approaches of Signalized Intersection
Main Street and West/East Cypress Road



The installation of flashing beacons at existing mid-block trail crossings (Laurel Road and Delta Road, third and fourth locations respectively) will improve safety and visibility of trail users. The mid-block crossing at Laurel Road is adjacent to Creekside Park, a park with a high daily use by many residents of this City and has many recreational amenities making it a popular destination for trail users. A mid-block crossing installed at Delta Road is frequently used by trail users to connect them to even more destinations within the City of Brentwood. Both of these locations have been identified as areas of safety concern for bicyclists and pedestrians due to the installation of a traffic signal is not warranted at these locations. The installation of the flashing beacons will alert drivers that pedestrians/bicyclists are present and to stop to allow for their crossing (see Location Photos #3 and #4).

2019-2020 Transportation Development Act (TDA) Article 3
Safety Improvements and the Delta de Anza and Marsh
Creek Regional Trail Connection

Location 3 – Flashing Beacon at Trail Crossing

Laurel Road & Marsh Creek Regional Trail



Location 4 – Flashing Beacon at Trail Crossing

Delta Road & Marsh Creek Regional Trail



Locations 3 &4 will receive solar powered flashing beacons to improve visibility of the mid-block Marsh Creek Regional Trail crossings at Laurel Road and Delta Road.

Preliminary Engineer's Estimate

City of Oakley Public Works and Engineering Department

**Project Name:** Gap Closure between Delta de Anza Regional Trail and Marsh Creek**Project Location:** W.Cypress Road between Delta de Anza Regional Trail and Marsh Creek Regional Trail**Project Length** 3,060 LF**Date:** 11/28/2018**DESIGN, ROW, AND ENVIRONMENTAL COST**

Design (15% of construction cost)

Right of Way Acquisition

Environmental

Utility Coordination

Costruction Engineering (10% of construction cost)

\$	20,385.00
\$	1,000.00
\$	13,590.00

SUBTOTAL \$ 33,975.00**CONSTRUCTION COSTS**

No.	Description	Quantity	Units	Unit Cost	Total
1	Mobilization	1	LS	\$ 4,000.00	\$ 4,000.00
2	Earthwork & Clearing/Grubbing	1	LS	\$ 1,000.00	\$ 1,000.00
3	Traffic Control	1	LS	\$ 5,000.00	\$ 5,000.00
4	Sawcut Pavement	350	LF	\$ 2.00	\$ 700.00
5	Aggregate Base	80	TON	\$ 80.00	\$ 6,400.00
6	HMA	60	TON	\$ 180.00	\$ 10,800.00
7	Rapid Flashing Beacon at Laurel Rd and Marsh Creek Regional Trail Crossing	1	LS	\$ 40,000.00	\$ 35,000.00
8	Rapid Flashing Beacon at Delta Rd and Marsh Creek Regional Trail Crossing	1	LS	\$ 40,000.00	\$ 35,000.00
9	Signing/Wayfinding	1	LS	\$ 8,000.00	\$ 8,000.00
10	Striping	1	LS	\$ 30,000.00	\$ 30,000.00

SUBTOTAL \$ 135,900.00**CONTINGENCY (10%)** \$ 13,590.00**PROJECT TOTAL** \$ 183,465.00

STAFF REPORT

DATE: January 8, 2019

TO: Bryan Montgomery, City Manager

Approved and Forwarded to the City Council

FROM: Joshua McMurray, Planning Manager

SUBJECT: Request for Proposals/Qualifications for the City of Oakley General Plan Update

Background and Recommendation

The City's General Plan was originally adopted in December of 2002 and has since been updated as needed (2010, 2015 and 2016). Typically, a California city's general plan may be active for a maximum 15-20 years before a more overall update is considered.

The City is seeking a consultant that has extensive experience in preparing General Plans, a proven ability to assess a City's current condition, and the knowledge of current State and Federal regulations as they apply to the completion of General Plan update and California Environmental Quality Act (CEQA) review.

Staff plans on releasing the RFP/RFQ on January 9, 2019 and all responses will be due on February 8, 2019. That will allow some time for Staff to review the proposals and then Staff would bring the proposals to the City Council in early March to approve a consultant and move forward with the update.

Staff recommends the City Council approve the Request for Proposals and Qualifications and direct Staff to release the document to solicit responses that will be reviewed and brought back to the City Council for approval.

Fiscal Impact

Approximately \$200,000 has been allocated over the past two budget years for this project. The City is looking to start the update in March and complete it within 12-18 months.

Recommendation

Staff recommends the City Council approve the Request for Proposals and Qualifications and direct Staff to release the document to solicit responses that will be reviewed and brought back to the City Council for approval.

Attachments:

1. Draft Request for Proposals and Qualifications

OAKLEY



CALIFORNIA

City of Oakley General Plan Update

Request for Proposals &
Qualifications

Issued on January 9, 2019
Responses Due by February 8, 2019

Submittals:
City of Oakley | Planning Division
Attn: Joshua McMurray, Planning Manager
3231 Main Street
Oakley, CA 94561

Introduction:

The City of Oakley is situated in eastern Contra Costa County, along the shore of California's fabulous 1,000 mile delta waterways. The City of Oakley incorporated in 1999 to manage growth more effectively, improve community services, and the quality of life.

Oakley's broad appeal is its ability to maintain its small-town charm and character. Residents enjoy a variety of community events throughout the year such as the City's Annual Cityhood Celebration held each July to commemorate its Incorporation, the Heart of Oakley and Harvest Festivals held each September and October at the City's Civic Center Plaza, Movies in the Park, and the Annual Tree-Lighting Ceremony in December to kick-off the holiday spirit in and around the City.

Cultivating a strong sense of community and civic pride are the cornerstones to the City's success. Building on its rich heritage, City leaders understand the importance of balancing growth and preserving a high quality of life for its citizens. The City's motto, "A Place for Families in the Heart of the Delta" is evidenced everywhere you go – the City boasts highly ranked schools, safe neighborhoods, and was also named by "San Francisco Magazine" as one of the best places to raise a family in the East Bay. Oakley's vision is to become a vibrant Delta community, where families live, work, play, shop, and visit.

The City is growing, with a majority of the development being Single-Family homes. As of this year, the City has approximately 4,500 entitled units. A majority of the homes are within the East Cypress Corridor Specific Plan area, which is a primary growth area for the City. The City does have a Certified Housing Element with several properties in the City designated for affordable housing. With that said, the City is focused on attracting new commercial development that will provide for goods and services not available in the City as well as provide for new jobs that will help utilize a workforce that primarily commutes to other areas for employment.

Background:

Incorporated on July 1, 1999, the City of Oakley is located in eastern Contra Costa County along the shore of the Sacramento-San Joaquin Delta near the cities of Brentwood and Antioch. In 2002, the City of Oakley adopted its first General Plan, setting forth a policy framework to guide the City's long-term growth and development based on the community's shared goals and aspirations through the year 2020. With the Plan's horizon year approaching, the City is initiating a new update of the document so that it can continue providing critical guidance through the year 2040 and beyond. The City is seeking proposals

January 9, 2019

from qualified planning and environmental consulting firms interested in preparing the update and the corresponding environmental documentation needed to comply with the California Environmental Quality Act (CEQA). Approximately \$200,000 will be allocated for this project. The City is looking to start the update in March and complete it within 12-18 months.

It is important to note that this update is not envisioned as a wholesale rewrite, but rather a 'refresh' of the existing Plan intended to accommodate projected growth, address current community issues, and meet new statutory requirements. The existing Plan consists of nine elements: Land Use; Circulation; Growth Management; Economic Development; Open Space and Conservation; Parks; Health and Safety; Noise; and Housing. No additional elements would be prepared as part of the update; however, the City is looking to incorporate environmental justice pursuant to SB 1000, climate change, policies addressing bicycle lane/facilities and complete streets and the implementation of SB 743 mandates. The 2015-2023 Housing Element was adopted and certified in 2015, but the City understands that minor amendments may be necessary to ensure consistency with the updated Plan.

The successful consultant team will have significant experience preparing general plan updates for diverse, suburban communities like Oakley along with community outreach, public engagement, and meeting facilitation experience. They will also be expected to deliver high-quality services and products, develop professional meeting and web-ready graphics, and work cooperatively with City staff, outside agencies, City Council members, and the public throughout development of the update. Consultants should also be familiarized with the City's current General Plan, the Downtown Specific Plan, and the East Cypress Corridor Specific Plan (see weblink at end of RFP).

II. Scope of Services:

Proposals should be specific and concise, and should conform to the following outline to enable the City to provide consistent review of all proposals:

A. Scope of Work

Proposals should follow the format outlined below and all requested information must be supplied. The proposal requirements are as follows:

1. Develop a schedule for preparation and preliminary City Council approval of the Oakley General Plan Update.
2. Update all required sections of the General Plan as a result of changes in State Law.
3. Prepare preliminary drafts, a final draft, and the final General Plan Update, in compliance with the requirements of State Law.

January 9, 2019

4. Prepare revisions to the Oakley 2020 General Plan in response to Staff, the City Council, and the public/stakeholders.
5. Prepare the environment document. (Please see D. Environmental Review section below)
6. Prepare a public participation program: 1) one “kick-off” meeting with the City Staff; 2) two educational and public informational meetings with the public; 3) two City Council work sessions; and 4) at least one City Council meeting.
7. Assist in the preparation of public meeting presentation materials, letters, memos, and other documents as required by City Staff in paper and electronic forms. (City Staff will prepare Staff Reports and Resolutions, and prepare, post, mail, and publish public hearing notices.)
8. Provide regular progress reports to Staff, and as necessary to communicate updates.

B. Content of Proposal and Statement of Qualifications

1. Please include a detailed description of each appropriate component of the project and how each task will be completed.
2. Please include a description of the company profile, including the range of the firm’s capabilities and services. In addition, please provide the names of the Project Manager as well as all other personnel who will be specifically assigned to this project, including their qualifications, education, previous representative experience and their problem solving capabilities. All contemplated sub-consultants to be used during this assignment are required to provide the above requirements as well.
3. Please provide references for similar projects. Please include the telephone number and the name of each reference.
4. Please provide a schedule showing the time required for completion.
5. The City anticipates a total budget of approximately \$200,000 to complete the scope of work described herein. If the consultant proposes a fee in excess of this estimate, tasks should be identified that can be undertaken by City Staff to reduce the fee to within the City’s anticipated budget.

C. Deliverables and Timeline

Deliverables include the draft(s) and final General Plan and CEQA documents, memos and other materials listed in the “Scope of Work” section. In addition to the original copies of all final documents, the consultant shall provide the following: 1) three (3) copies of the project schedule; 2) ten (10) copies of the Draft General Plan Update, including one (1) reproducible original and one (1) digital file; 3) ten (10) copies of the adopted General Plan Update, including one (1) reproducible original and one (1) digital file; and (3) three originals and (1) one digital copy of each document related to the environmental review. All documents and materials shall be prepared in Microsoft Office Word format. Regular updates of the documents shall also be provided to City Staff (electronic format is acceptable). All changes

January 9, 2019

from the original draft shall be noted in underscore and strikethrough or “track changes”. The City anticipates a 12-18 month schedule.

D. Environmental Review

The General Plan Update is subject to review under the California Environmental Quality Act (CEQA). The consultant will be responsible for preparation of an Initial Study to determine the appropriate project environmental review; options are a Mitigated Negative Declaration or Environmental Impact Report (EIR). The consultant shall demonstrate the ability to prepare the environmental review document in the Qualification Statement to the City of Oakley. The City expects that all aspects of the environmental review will be handled by the consultant team. If there are tasks that can be taken on by City Staff to reduce the overall project budget, then those recommendations should be incorporated into the response.

III. Qualifications Statement Requirements:

Statement shall include the following:

1. Information demonstrating the Consultant’s understanding of and approach to the project.
2. Information which demonstrated the Consultant’s experience with the preparation of General Plan updates for cities similar in size and population as Oakley.
4. Identification of the personnel proposed on this project including the project manager, qualifications and experience on similar projects.
5. A detailed project schedule for the project including milestones and deliverables.
6. Specific comments on the City’s Standard Consultant Services Agreement proposed for this project, a copy of which is attached. Proposals shall identify any exceptions taken by the Consultant regarding the terms, conditions and requirements of the City’s Standard Agreement along with an explanation and suggested language for dealing with the exception. Unless exceptions are noted in the proposal, the selected Consultant will be expected to execute the City of Oakley’s Standard Agreement as proposed. The Consultant’s proposal will be referenced and included as an exhibit in the final Agreement executed with the City.

IV. Selection Process:

Written proposals with qualification statements will be evaluated by the City of Oakley and may include an interview. Staff will make a recommendation on a Consultant to the Oakley City Council for approval and authorization to negotiate and execute an Agreement to provide the requested services. The City reserves the right to reject any and all proposals and to negotiate final contract terms with any selected consultant.

V. Background Information:

City of Oakley Background Information

Posted on the City of Oakley's web site (www.ci.oakley.ca.us) is a significant amount of background information including:

- City of Oakley 2020 General Plan
- City of Oakley 2020 General Plan Draft & Final EIR
- HCD Certified 2015-2023 Housing Element
- Zoning Ordinance (Title 9 of the Oakley Municipal Code)
- Downtown Specific Plan
- East Cypress Corridor Specific Plan

VI. Qualification Statement Deadline:

Five (5) hard copies of the Proposal with a Statement of Qualifications must be submitted by no later than 5pm on February 9, 2019 to:

Joshua McMurray, Planning Manager
City of Oakley
3231 Main Street
Oakley, CA 94561
(925) 625-7004

VII. Attachments:

1. Standard Consultant Services Agreement

Thank you in advance for your interest and response to the City of Oakley's Request for Proposal and Qualifications.

STAFF REPORT

DATE: January 8, 2019

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

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

SUBJECT: **Fiscal Year 2018/19 Second Quarter Report on the Capital Improvement Program**

Background and Analysis

This report summarizes the status of the various projects in the City of Oakley Capital Improvement Program (CIP) at the end of the second quarter for FY 2018/19.

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

The following highlights CIP project progress in the second quarter of FY 2018/19 (October-December 2018):

1. Oakley Recreation Center Project

Project # 194

Schedule: Construction is underway

Budget: \$8,914,000

Funding Source: Capital Projects Fund, Grant

This project will construct a new Recreation Facility at the old Moura Property on O'Hara Avenue where temporary modular buildings have been used for the recreational programs of the community. The project has had several key components including: rough grading and earthwork, intersection and traffic signal construction at O'Hara Avenue/Chianti Way, utility infrastructure improvements, and lastly the construction of the new Recreation Center building and its associated on-site infrastructure. The construction of the project

has been proceeding successfully and is in its final stages with the completion of the project anticipated by spring 2019.

2. Laurel Road/Rose Avenue Intersection Improvement Project

Project # 191

Schedule: Bidding is currently underway

Budget: \$2,400,000

Funding Source: Transportation Impact Fee (TIF) Fund

The intersection of Laurel Road and Rose Avenue is a major intersection in the City of Oakley, on an arterial road that is not signalized. Currently, this intersection operates as a four-way stop and has one lane of traffic in each direction. This project will widen the intersection, construct a new traffic signal, and improve the traffic flows on Laurel Road at Rose Avenue. This project is in conjunction with the private development project (Aspen Place) that will pay to widen the south side of Laurel Road to the west along the development site; and the City of Oakley's Capital Improvement Project (CIP # 196) which will widen Laurel Road from Rose Avenue to Mellowood Drive. This project's design is complete and the bidding is currently underway. Western Area Power (WAPA) will relocate their overhead electrical utilities in February 2019 to clear the site for the grading and roadway construction of this project to start in March 2019.

3. Laurel Road Widening Project (Rose Avenue to Mellowood Drive)

Project # 196

Schedule: Construction is currently underway

Budget: \$3,400,000

Funding Source: Transportation Impact Fee (TIF) Fund

This section of Laurel Road between Rose Avenue and Mellowood Drive is a narrow 2 lane road that cannot accommodate the traffic demands of the community. Laurel Road is a major arterial street in Oakley, and a direct connection to Highway 4. This project required PG&E power pole relocations that started in December 2018; and are anticipated to be completed in January 2019. This project is in conjunction with a private development project (Duarte Ranch) that will pay for the widening of the south side of Laurel Road to the east of Rose Avenue; and the City of Oakley's Capital Improvement Project (CIP # 191) which will reconstruct the Laurel/Rose intersection. The construction of this project will start in February 2019.

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

Project # 208

Schedule: Design is currently underway

Budget: \$175,000

Funding Source: Transportation Impact Fee (TIF) Fund

This project will reconstruct and improve Laurel Road in the section from Mellowood Drive to Main Street which has been in need of roadway reconstruction due to the heavy concentration of Sierra-Crete that had been used decades ago by the County. This roadway has required frequent and costly repairs. The construction of this project will complement the adjacent roadway improvement project on Laurel Road (Rose Avenue to Mellowood Drive) CIP 196. The scope of this project includes: removal of all failed base materials and Sierra-Crete and replacement with proper aggregate base material, placement of new curb, gutter, and sidewalk, improving the landscaping and irrigation, and modifying the traffic signal at the intersection of Main Street/Laurel Road. The modification will construct the protected double left turn from Laurel Road to Main Street to accommodate the traffic demands. The final part of the project will be the paving and striping. The design of this project is underway and once funding gets allocated, the construction will take place in FY 2020/21.

5. 3330 Main Street Building Remodeling Project

Project # 198

Schedule: Construction is underway

Budget: \$350,000

Funding Source: Downtown Revitalization Fund

The City of Oakley is renovating the vacant upstairs space of the City owned building located at 3330 Main Street, to house the Oakley Entrepreneur Center. Oakley's Economic Development program works to meet the needs of the existing Oakley small business community. It is anticipated that approximately 10 to 15 small businesses could be located in the center. The City has owned the building for a number of years, and previously the City renovated the bottom floor to accommodate Guanatos Ice Cream shop, as well as the Chamber of Commerce. The Entrepreneur Center will contain individual offices and conference rooms, a break room, and will be serviced by a new elevator. The construction of this project is currently underway and anticipated to be completed by spring 2019.

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

Project # 205

Schedule: Design is underway

Budget: \$563,613

Funding Source: Main Street Fund

The Downtown Oakley Train Platform Station and Parking Lot Project features a new San Joaquin Joint Power Authorities train station platform located north of Main Street between 2nd Street and O'Hara Avenue. The station platform is strategically located in downtown on Main Street, adjacent to a future Main Street Plaza that could be used for civic events and markets. The new parking lot is anticipated to provide over 300 parking spaces, and is a big part of the future for Downtown Oakley. The San Joaquin Joint Power Authorities have secured a grant for the construction of the platform station. The City will need to fund the design and construction of the roadway, parking lot, and other public infrastructure that will be adjacent to the platform station. The City has hired a consultant team to design the above referenced public infrastructure part of this project. The construction costs will be allocated in the FY 2019/20 City budget. The design of the entire railroad platform station, roadway and parking lot infrastructure project is on a fast track and the completion of the construction is anticipated by winter 2020.

7. New Fire Station #55 Construction Project

Project # 217

Schedule: Construction is underway

Budget: \$3,600,000

Funding Source: Developer Contribution

The conditions of approval for the Summerlake Subdivision had required the developer to construct a new Fire Station on East Cypress Road just north of the subdivision. This task has been delayed for some years, and a settlement was finally reached late last year between the City and the developer. A design-build team has been selected by the City, and the design portion of the project is complete and the plans have been submitted. Construction is currently underway and completion of the project is anticipated by the early summer of 2019.

8. Athletic Field at Nunn-Wilson Park Project

Project # 206

Schedule: Project design is underway

Budget: \$700,000

Funding Source: Park Impact Fee (interfund loan from the General Fund)

The existing storm drain basin at the intersections of Laurel/Brown/Oxford has been in place for many years and is under-utilized. This project will address a growing need in the community for athletic fields, and also compliment the Koda Dog Park which was constructed next to this site last year. The new athletic field will be similar to the Freedom High School Stormwater Basin, except on a smaller scale. The project design is currently underway with the construction planned for summer 2019.

9. Senior Center Renovation Project

Project # 207

Schedule: Project construction is underway

Budget: \$148,000

Funding Source: Community Development Block Grant (CDBG) and General Capital Fund

The City of Oakley uses the former fire station building located at 215 2nd Street for the headquarters for the Oakley Senior Citizens group. The building is in need of rehabilitation before being fully utilized for Senior Center activities. The rehabilitation project includes Americans with Disabilities (ADA) improvements to the front and rear entrances and doors, restroom additions, widening of interior thresholds for ADA accessibility, interior finishes and painting, parking lot improvements for ADA compliances. The first phase of this project which improved the parking lot was completed in fall 2018. The interior renovation is currently underway and expected to be completed by spring 2019.

10. Vintage Parkway Repair and Rehabilitation Project

Project # 214

Schedule: Project design is underway

Budget: \$1.5M

Funding Source: One Bay Area Government Grant (OBAG) grant, General Capital Fund

This Project will reconstruct and improve Vintage Parkway from Main Street to Big Break Road. Each year the pavement conditions change due to wear and tear, and streets must routinely undergo preventative maintenance to ensure their functionality. Vintage Parkway is a 2 lane collector street that serves nearly 1,200 households in the neighborhoods north of the railroad tracks. Vintage Parkway is part of the Federal Highway System and qualifies for the One Bay Area Government Grant (OBAG). The OBAG grant is approximately \$960,000 which will go towards the construction costs for the rehabilitation. The design of this project is currently under way, with the construction to take place during FY 2019/20.

11. Downtown Parking Lot Construction Project

Project # 215

Schedule: Project design is underway

Budget: \$850,000

Funding Source: General Capital Fund, Main Street Fund

In continuing the implementation of the Strategic Goals of the City Council to improve and enhance Downtown Oakley, this project will construct a new parking lot. The new parking lot construction will be in collaboration with the development project at the intersection of Main Street and Norcross Lane, which will construct a new modern Medical Office building. The agreement between the developer and the City, which requires the City to construct the parking lot in coordination with the developer constructing the new Medical Office. The design of both projects is currently under way and it is anticipated that the parking lot construction will start by summer 2019 and the Medical Office construction by fall 2019.

12. Main Street (Vintage Parkway to O'Hara Avenue) Traffic Operation Improvements Project

Project # 216

Schedule: Construction Completed

Budget: \$87,000

Funding Source: Contra Costa Transportation Authority (CCTA) Grant

The Main Street corridor between Vintage Parkway and 2nd Street experiences heavy commute traffic throughout the day, carrying approximately 22,000 vehicles during the weekdays. To better address the traffic flows in Downtown, this project installed upgrades to the three (3) existing traffic signals and installed a modern Central Management System for monitoring and controlling traffic. This new system adjusted the signal operations on a real time basis, which experiences fluctuating multi-modal traffic patterns. City staff worked collaboratively with CCTA to secure the grant funding for this project. The construction of this project was completed in fall 2018.

Fiscal Impact

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

Staff Recommendation

The Oakley City Council should provide comments and input to staff on the CIP report for the second quarter of FY 2018/19.

STAFF REPORT

DATE: January 8, 2019

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

FROM: Lindsey Bruno, Recreation Manager

SUBJECT: Approval of the updated Public Parks and Community Facilities Policies and Fees.

Summary

In 2013 Council approved a Resolution Revising the Public Parks and Community Facilities Policies, they were then amended in 2014 to improve the previous policy. When this policy was first established, it was noted that it would be revisited and revised from time to time when necessary. Through the course of the past four years, we have seen a few components of the policy that can use improvement. Additionally, the completion of the Nunn Wilson Park group picnic area in 2018, and the anticipated completion of the Oakley Recreation Center in the coming months require additions to the policy and associated fees.

Background and Analysis

As the number of group picnic area users have increased, City staff has encountered minor issues with the current policy and recommend updates and clarifications to improve policy consistency and ease of use that reflect staff and user concerns and input.

Currently, the only two parks with designated group picnic sites are Creekside Park and Summer Lake Park. After numerous incidents of multiple parties utilizing the Crockett Park picnic area causing confusion, staff began reserving the picnic area on a trial basis. The update to this policy includes the addition of Crockett Park and Nunn Wilson Park Group Picnic Areas. Staff is also recommending changing the fees of the group picnic area from an hourly fee to a daily fee based on user feedback as well as logistical issues experienced with hourly rentals booked back to back.

The Sports League reservation process is also clarified in the updates, providing specific late payment fees, and the inclusion of consequences including fines or reservation suspension for leagues that fail to follow the policy as outlined including utilizing closed fields, storing equipment without approval, and utilizing fields without permits.

Staff from the Public Works Department and the Recreation Division continue to coordinate to post all field closures online and notify all league representatives via email. Failure to adhere to these closures can cause damage to the field and creates unsafe playing conditions for users. Additionally, placement and servicing of equipment in unapproved locations at the parks can cause damage to irrigation, extra costs from the maintenance contractors and, in some cases, may cause health and safety risks. Our parks are a valuable asset to the community and in order to keep them in a condition that meets our standards, City staff feels it is necessary to have consequences in place for users who do not adhere to the policies.

The updated in 2014 included the then, newly-completed Civic Center Amphitheater. In the time since that addition staff has hosted City events as well as worked with outside vendors to host events like the Farmers Market, Friday Night Bites and other community fundraisers. One update to the policy includes verbiage that will prohibit the use of our parks, and Veteran's Memorial for political candidates and designates a location for political demonstrations.

A significant portion of the updated Parks and Facilities Policy is dedicated to use of the Recreation Center. This is the first facility of this scale to be constructed in Oakley and is a gem that the community can be proud of. As such, staff worked to create a policy that would provide availability of the facility for individual rentals and community group functions, while also ensuring the policy reflected the desire to preserve the condition of the facility for years to come. Through review of our previous policy as well as a review of policies of comparable facilities, staff proposes a policy and rate structure that gives a priority to Oakley residents and nonprofit groups and partners, while still allowing non-resident and commercial use of the facility.

As there are a limited number of facilities available for rental in the community, still included in the policy is the Studio 1 modular building that was a part of the former "Oakley Recreation Buildings." To help serve the community needs, Studio 1 will still be available for parties of a limited size during the week.

Recommendation

Staff recommends that the Council adopts a resolution amending the Parks and Facilities Usage Policies and Fees.

Attachments

1. Resolution
2. Revised Parks and Facilities Usage Policy

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY
AMENDING PARK AND FACILITY USAGE POLICIES AND FEE SCHEDULE**

WHEREAS, Oakley residents and the public at large desire the ability to use and reserve the City's Public Parks and Community Facilities for event(s) or activities; and

WHEREAS, Resolution 17-09, created the Parks and Facilities Usage Policy, and

WHEREAS, Resolution 113-14 amended the Parks and Facility Usage Policy in 2014, the City now desires to amend the Policy,

WHEREAS, the Oakley Municipal Code and the Oakley General Plan indicate that the City Council shall enact and adopt rules governing the use of public parks; and

WHEREAS, pursuant to Oakley Municipal Code 6.5.114h specifying that certain fees or any deposits collected by the City for services provided by the City of Oakley shall be paid and collected by the applicant before the effective date of said permit; if said fees or deposits are not paid before the effective date of said permit, then, in that event the permit issued shall be null and void;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Oakley that the amended Parks and Facilities Usage policy and Fee Schedule attached hereto as Exhibit A shall be the formal method of regulating usage of Parks and Facilities.

PASSED AND ADOPTED, by the City Council of the City of Oakley at a meeting held on the 8th day of January 2019 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

ATTEST:

Libby Vreonis, City Clerk

Date

FACILITY USE POLICY & FEES

I. GENERAL INFORMATION

The City of Oakley desires to develop and maintain safe, high quality, inviting parks and amenities, and other facilities to provide excellent recreation opportunities, and community gathering places for group functions and activities.

The Facility Use Policy outlines specific regulations associated with the permitted rental of a public facility within a park and/or facility. Obtaining a permit shall grant the user basic usage and access rights for the approved purpose and time only. In accordance with the Oakley Municipal Code (OMC) (Section 6.5.114.h), any fees or deposits established by the City Council shall be paid by the applicant before the effective date of the permit. Failure to make a payment prior to deadlines established herein will result in permit cancellations.

The City reserves the right to cancel, revoke or suspend any and all reservations, permits and applications, if deemed appropriate. If infractions occur, the Oakley Police Department will be notified and enforcement action will be taken. Violations may result in forfeiture of fees and/or deposit.

As each use may differ, permits issued pursuant to this policy contain additional requirements unique to a particular use.

The City is not responsible for personal injuries, or for any lost or stolen property.

This policy may be modified from time to time, and facility users will be required to comply with the most current requirements.

Facilities available for rent include:

1. Oakley Recreation Center (1250 O'Hara Ave) – (Exhibit A)
2. Sport/ Recreation field/ Courts and Group Picnic Areas (Exhibit B)
3. Civic Center Plaza (Exhibit C)

II. ELIGIBILITY

Certain facilities are not available for partisan political meetings, sectarian religious meetings, or for the direct financial benefit of private individuals or commercial enterprises. In accordance with OMC 6.5.118, the City reserves the right to exclude or remove activities it deems inappropriate for public use.

III. PRIORITY

City of Oakley events/activities and City of Oakley administered events/activities will take precedence over any and all other requests for parks, fields, and facilities. A City event/activity is defined as planned, organized, and controlled or sponsored by the City. A City sponsored event/activity is defined by the City's involvement being limited to the lending of its name, and contributing some type of financial or in-kind support.

Groups that have reserved a facility in advance are subject to cancellations, in rare circumstances, to accommodate this priority. All fees will be returned to the user if the City requires a cancellation or relocation of the reserved event.

With the exception of established annual community events and sports field use, permits are issued on a first come, first served basis. Priority (in the event two requests are received at the same time) shall be given to: 1. Community Partners (with a signed MOU only), 2. Oakley residents and Oakley based non-profit organizations, 3. Non-profit organizations not based in Oakley, and non-residents, 4. For profit organizations.

IV. CLASSIFICATIONS

GROUP 1: Oakley Resident and Oakley-Based Non-Profits

Use by Oakley residents must be for personal use only (birthday parties, baby showers, family reunion). Proof of residency is required at the time of reservation request.

Tax-exempt Non-Profit group(s) shall present verified and current 501(c) 3, 501(c) 6 or 501(c) 7 nonprofit tax status at the time of reservation request. The applicant organization must be the primary organizer, manager and financial administrator.

GROUP 2: Non-Resident and Non-Oakley Based Non-Profits

Use shall allow non-Oakley residents for requested activities that are for personal use only (birthday parties, baby showers, family reunion).

Tax exempt Non-Profit group(s) shall present verified and current 501(c) 3, 501(c) 6 and 501(c) 7 nonprofit tax status at the time of reservation request. The applicant organization must be the primary organizer, manager and financial administrator.

GROUP 3: Community Partner

Community Partner(s) shall consist of, but is not limited to, community organizations and public agencies (Federal State and County agencies) that are in direct or indirect partnership with the City of Oakley per a Memorandum of Understanding approved by the City Manager in accordance with City policies and procedures. Community Partner(s) must provide services that directly benefit the Oakley community.

GROUP 4: Private Business, Group or Organizations

Private business, commercial, organization or groups for events such as sales, product demonstrations, business, recruiting meetings, classes, staff or training meetings etc.

No organization, group or individual may sponsor or apply on their behalf any other organization, group or individual for the purpose of changing the group classification.

V. GENERAL USE POLICIES

These policies are for the use of City-owned or controlled community facilities. All users shall comply with City, State and Federal laws, including but not limited to provisions of the Oakley Municipal Code.

Reservation Requirements

The renter must be a minimum of 18 years of age, and submit a complete Facility Use Permit Application to the City Recreation Division, a refundable damage deposit, and all applicable user fees and insurance as described in Insurance Requirements.

Renters are required to provide the name and phone number (cell if available) and email of the primary contact person and a secondary contact. The primary contact person must be present on site during the approved rental period, will be the emergency contact, and is responsible for ensuring compliance with the policies outlined. A copy of the permit must be on site and available upon request by any City staff during the approved rental period.

Cancellations

The City of Oakley reserves the right to cancel, revoke or suspend immediately any and all reservations, permits and applications if deemed that inappropriate, flagrantly disrespectful or harmful activities are taking place in the park or facility. No notice is required and, in some cases, the Oakley Police Department will be notified and enforcement action will be taken. Violations may result in forfeiture of fees and/or deposits.

Cancellation fees vary based on the facility or park rented see exhibits for further details. All cancellations are subject to the current refund processing fee (established in the Master Fee Schedule)

Deposit forfeiture

Renter agrees to take full responsibility for the behavior by guests during the rental period. Children must be supervised at all times by adults. Any charge for damages to the park, facility or its furnishings will be deducted from the deposit. Rentals that exceed the reserved time period will be charged the hourly rate to be deducted from the deposit. Failure to leave the facility in satisfactory condition will result in deposit forfeiture and potential further recovery of City costs to restore the facility to a good condition, if the deposit amount is not adequate to do so.

Set Up and Clean Up

Requested times on the rental request must include set-up and clean-up times. You will be billed for set-up and clean-up time.

Renters are required to set up tables and chairs and clean up and wipe down City equipment such as tables, chairs, clean up spills and remove all trash and decorative items brought for the event. Trash must be placed in the receptacles provided. Trash that does not fit in the trash receptacles provided must be disposed of off site by the renter.

Tobacco and Alcohol

Smoking, tobacco and all tobacco products, including vaping is prohibited in and around City facilities per Oakley Municipal Code 6.5.126. Per State Law GC 7597 (a) "No public employee or member of the public shall smoke any tobacco product inside a public building, or in an outdoor area within 20 feet of a main exit, entrance, or operable window of a public building, or in a passenger vehicle as defined by Section 465 of the Vehicle Code, owned by the state"

Alcoholic beverages may not be served or consumed on City property without an Alcohol Permit issued by the City which may include additional requirements.

Animals

Animals are not allowed in indoor facilities including adjacent patios, except service animals and police dogs. At outdoor facilities dogs must be kept on a leash and the caretaker is responsible for clean-up.

Signs and Decorations

Temporary identification signs may be placed within the facility borders while the facility is being used, not before or after (not in the public right of way). User must remove all signage at the conclusion of the activity. Signs may not be attached to any City owned facility if such placement will cause damage. No pins, nails, duct tape, you must use painters tape only.

Renters are not permitted to use decorations which would damage or discolor the facility or grounds.

All decorations must be non-combustible or non-flammable material, or shall be treated or maintained in a flame retardant condition.

Subletting

The renter shall not have the right to re-assign a rental agreement or any rights hereunder or sublet any City of Oakley facility or sports fields.

VII. LIABILITY RESPONSIBILITY-WAIVER AND RELEASE

In consideration of the acceptance of the application to rent the City of Oakley Recreation Center, Oakley Recreation Buildings, City Council Chambers, and Public Parks, the user waives, releases and discharges any claims for damages, for death, for personal injury or property damage which any person associated with the permitted use may have against the City of Oakley as a result of the User's activities. This release is intended to discharge the City, its agents, and employees from and against any and all liability arising out of or connected in any way with User's activities, even though the liability may arise out of carelessness or negligence on the part of the City or persons named above. User must further agree to indemnify and hold harmless and defend the City and its officers, agents, servants and employees from any and all claims resulting from injuries, damages and losses sustained arising out of or in any way associated with the rental or use of any City, property, park or other facility.

VII. CONDUCT

Individuals/Groups using City property shall conduct activities that are orderly and lawful, not of a nature to incite others to disorder, and not restricted because of race religion, sex, creed or national origin.

Specifically to sport field use, City staff including the Oakley Police Department shall encourage a high standard of good sportsmanship and fair play, polite and positive attitudes, and positive role models in accordance with the Oakley Municipal Code Section 6.5.142.

If a renter refuses to comply with City Facility Reservation Policies or follow the request of a City staff member, the Oakley Police Department will be contacted for assistance. If Police are called your rental may be terminated immediately without refund.



EXHIBIT A

OAKLEY RECREATION CENTER

I. FACILITY USE

1. Hours available to rent are 9:00 am to 9:00 pm Sunday through Thursday, and 9:00 am - midnight Friday and Saturday. The facility closes at midnight, and clean up must be completed by this time. Tours are available by appointment only, during normal business hours, and are dependent on the facility use schedule.
2. The Recreation Center parking lot shall be accessible to the renter and his/her party during the hours listed on the agreement. Overnight parking is not permitted. Parking is limited to the parking lot, no parking on grass or walkways. Caterer access is for unloading and loading only. No loitering in the parking lot after rental hours.
3. Reservation requests received over the weekend, or holiday will be considered received on 8:00 am the next business day.
4. Refunds will not be given for unused reserved time.
5. The City reserves the right to rent the facility before and after your rental, as well as, other areas of the site during your rental period.
6. Changes to rental hours after initial approval are subject to approval and availability.
7. For safety, no exit may be blocked with tables, banners decorations or other large event pieces.
8. The facility occupancy maximums are strictly enforced. Violations will result in the immediate termination of the event and forfeiture of all fees and deposits.
9. Reservations may be requested twelve months in advance by Group 3 users, ten months in advance by Group 1 users and eight months in advance for all other user groups. Reservations must be made a minimum of thirty days in advance. Memorial or Celebration of Life events may be scheduled less than 30 days in advance if the space and staffing are available. All fees are due at the time of booking.
10. Renters are required to submit the completed application, deposits, and acknowledgement form at the time of reservation. Incomplete applications will

not be accepted, no dates will be held until all required paperwork and deposits have been submitted.

11. Any rental exceeding their rental period on the approved agreement and permit will be charged one and one half times the hourly published rental rate, in 30 minute increments.
12. The following items are prohibited: open flames of any kind, helium balloons, piñatas, rice, birdseed, confetti, bubbles, glitter, fog machines, and all tobacco, vaping and marijuana related items. This includes birthday candles and all BBQ's.
13. Noise levels may not exceed levels set by the City's noise ordinance.
14. Decorations are limited to table tops and walls. No glue, staples, nails, thumbtacks, or adhesives of any kind are permitted to hang up decorations. The use of blue painter's tape is permitted for signs.
15. Renters must provide their own plates, cups, utensils, napkins, tablecloths, decorating supplies, cookware, dish towels, pot holders and serving utensils.
16. Any items left in or around the property will be held for two business days after the event, at which time said items will be disposed of at the discretion of City staff.
17. Tables and chairs must be wiped clean and decorations must be removed by renters. All areas including restrooms, patios, lobby and parking lot must be left in the original condition. Failure to do so will result in a portion or all of the rental deposit being withheld.
18. The City reserves the right to bill renter for any additional cleaning or repairs caused by the renters' usage. Said fees must be paid no later than 30 days following the rental.
19. Renters may not use City tables and chairs outside. Only the existing patio furniture may be used outdoors.
20. Renters must request the use of the patio, kitchen and audio visual equipment at the time of booking.
21. The address or phone number of the facility may not be used as the official address of any organization using the Oakley Recreation Buildings nor may any group publicize its activities in such a way as to imply City sponsorship of the organization or event.

22. Based on the nature and scope of the rental, private security services may be required at the expense of the renter. Facility supervisor will make a final determination after reviewing the application.

II. ALCOHOLIC BEVERAGE POLICY

In accordance with OMC 6.5.128b alcohol (beer, wine and champagne ONLY) is allowable only with a permit approved by the City Manager and Chief of Police. Any Park or Facility Application that requests to include alcohol will not be approved unless the Alcohol Permit has been approved by the City Manager and Chief of Police. Approval may require additional security, insurance and deposit.

If your guest of honor is under 21 years old, alcoholic beverages will not be permitted. No alcohol is permitted in the parking lot, or sports field.

Rentals involving the sale of alcoholic beverages or the exchange of any type of monetary consideration for alcohol requires proof of an off- premise license from the Department of Alcoholic Beverage Control, or proof of use of a third party with a similar license. Approved ABC permit must be provided to the City ten business days in advance of your rental.

III. INSURANCE REQUIREMENTS

Renters must provide the City of Oakley with proof of insurance thirty days in advance, consisting of a Certificate of Liability and an additional insured endorsement of comprehensive general liability insurance. The coverage must include the following:

a. Name the City of Oakley its officers, agents, employees and volunteers as additionally insured against liability to persons, damages to property and for the death of a person arising or resulting from any act or omission on the part of your organization, its agents or employees.

b. Comprehensive general liability insurance policy limits of such insurance shall not be less than \$1,000,000 per occurrence for bodily injury, personal injury, and property damage.

c. Each endorsement shall be subject to the approval of the City of Oakley.

The endorsement must specifically list the following:

“The City of Oakley, its officers, agents, employees and volunteers are additional insured.”

You are encouraged to show this language to your insurance agent to ensure this language is included, as required.

Any rentals selling alcohol, require a liquor liability endorsement to the user’s general liability insurance.

IV. EXCEPTIONS

City business will take precedence over any and all other meetings. In rare circumstances your rental may be cancelled to accommodate city business, you will be given as much notice as possible in this circumstance.

V. EVENT VENDORS AND RENTAL SERVICES

The City of Oakley does not directly contract with any vendors for rentals. The renter is responsible for making sure that all vendors follow facility rules and regulations. Failure of vendors or rental services to follow policies could result in partial or full forfeiture of damage deposit. There is no onsite storage available before or after rentals, renters are responsible for ensuring that all rentals are delivered or picked up during scheduled rental period.

To accommodate overnight storage renters may rent the space the evening before their rental. Renters will be charged the hourly rental rate from the requested time until 9:00pm and then the following morning beginning at 9:00am until the scheduled rental begins.

VI. DEPOSIT, PAYMENT, CANCELLATION AND REFUNDS

All deposits are fully refundable after the event if the following criteria are met:

- There is no damage to the facility.
- There is no additional City staff time required to clean or repair the facility as a result of the event.
- The hours of usage do not exceed those paid for and agreed upon in the rental agreement.
- Only the rooms designated on the rental agreement were used.
- Policy and City Staff intervention was not required as a result of the event.
- The renter is responsible for reviewing the cleaning checklist with the building attendant at the start and end of the rental. Final refund determination will be made by the facility supervisor.

Payment, insurance, and other additional requirements (ABC License, security contract, layout request, health permit etc.) are due no less than thirty days before your rental. If these requirements are not met the City reserves the right to consider the event cancelled and subject to cancellation charges. The facility will be released and available for rent. All cancellations must be made in writing.

Cancellations occurring 90 days or more in advance of the rental date will receive a full refund, 61 to 89 days before the rental will receive a 50% refund of the deposit, 31-60 days will receive a 25% refund, 15-30 days will forfeit 100% deposit and 25% of total fees, 14 days or less will forfeit 100% of deposit and must pay 100% of fees. Changing a date is considered a cancellation and all applicable fees will apply.

All refunds including damage deposit may take up to three weeks to process and will only be refunded to the person renting the facility.



EXHIBIT B
SPORTS/ RECREATION
FIELDS/COURTS & GROUP
PICNIC REGULATIONS

I. GENERAL INFORMATION

1. In accordance with OMC section 6.5.148 all parks are open from dawn to dusk seven days a week. Individual areas may be subject to limited availability due to weather, maintenance requirements or other conditions.
2. City of Oakley group picnic areas are available without charge on a first come, first served basis unless it has been rented. Individuals or groups can apply for a permit to reserve certain facilities noted below for exclusive use. A permit is required for any and all league/organized sports affiliated usage (practice, games, camps and tournaments). None of the fields or picnic areas are lighted.
3. Jumpers, bounce houses, play features, tents, and any other equipment shall only be permitted in a park with prior, written approval of the Parks and Landscape Division Manager who will designate any approved area of the park. Electrical access is not available at any sports field or group picnic area. It is the renter's responsibility to rent a generator. Proper liability insurance is required including an endorsement listing the City of Oakley its officials, officers, employees and volunteers as additionally insured. Said insurance may be available from the rental business. The City keeps a list of companies that have supplied the required insurance.
4. Some rentals may require a Temporary Use Permit, applicants will be notified if a Temporary Use Permit is required.
5. The City does not provide bases, or goals with the rental of fields or additional field maintenance (watering infield, and infield dragging, raking and tamping batter's box and pitching mound, batter's box and base line placement). The City does prepare and renovate ball fields at the beginning of each season and provides weekly routine maintenance of scarifying (loosening) the infield, dirt, making safety checks and repairs as needed for safe conditions.
6. Users may not charge admission, fees, request donations, or sell merchandise in the park without written permission from the City.

7. Decorations are limited to table tops and walls. No glue, staples, nails, thumbtacks, or adhesives of any kind are permitted to hang up decorations. The use of blue painter's tape is permitted for signs.
8. The City reserves the right to require Police supervision or private security for any event. Cost of Police supervision will be charged to the Renter/User.
9. No vehicles (including carts) will be allowed on the field without prior written approval of the Parks and Landscape Division.
10. Renters are expected to leave the facility in good condition (clean and free of damage). All litter and garbage must be disposed of properly. Trash that does not fit in the receptacles at the facility must be hauled out by the renter. Renters will be responsible for the cost of repairs, replacement or clean up.
11. City of Oakley programs, events and activities have priority usage of the field at the Oakley Recreation Center. Availability of the field for reservation is based on rentals and activities utilizing other parts of the facility.
12. Leagues/organized sports utilizing any park or sports field without a permit will be asked to leave and will be subject to field suspension and fines equal to the costs incurred by the City.

II. AREA DESIGNATIONS

Sports Fields and Sports Courts

	Baseball	Basketball	Tennis	Soccer	Flag Football	Adult Flag Football	Adult Soccer
Laurel Ball Fields	90' bases 50-'65' bases	1	-	1	1	1	1
Summer Lake Park	2	2	1	1	1	1	1
Creekside Park	1	2	-	1	1	1	1
Freedom Basin Park	-	-	-	Varies by age group	Varies by age group	1	1
Shady Oak Park	1	1/2	-	1	1	-	-
Cypress Grove Park	1	-	-	1	1	-	-
Magnolia Park	1	-	-	1	1	-	-
Holly Creek Park	1	-	-	1	-	-	-
Crockett Park	-	1	1	-	-	-	-

The following are neighborhood parks and are not approved for any league use (practice, scrimmage or game play): Daffodil Park, Riata Park, Marsh Creek Glenn

Park, Novarina Park, Crockett Park, Nunn-Wilson Family Park, Nutmeg Park, Briarwood Park, Lakeside Park, Catamaran Park, Claremont Bay Park, Dewey Park, Heartwood Park, Harvest Park, Heather Park, Lakewood Park, Live Oak Ranch Park, Main Street Park, Manresa Park, Oak Grove Park, Sycamore Park, and Leeward Park.

Group Picnic Areas

	Number of Tables	Number of BBQs	Jumpers Permitted in approved areas
Creekside Park	11	<u>1</u>	*
Summer Lake Park	5	<u>3</u>	Yes
Nunn Wilson Family Park	9	<u>2</u>	Yes
Crockett Park	6	<u>1</u>	Yes

* Jumpers may only be used when sports field is not in use

IV. SALE OF FOOD OR GOODS

Users may sell foods or goods, but only with prior written approval from the City of Oakley. Applicants interested in selling food or goods must indicate so on the Parks and Facility Permit Application and in accordance with Oakley Municipal Code Section 5.5.314f, and Contra Costa County Environmental Health Division/ Health Services Division regulations. Non-compliance will result in cancellation of rentals and forfeiture of deposits.

Alcoholic Beverage Policy

In accordance with OMC 6.5.128b alcohol (beer, wine and champagne ONLY) are only allowable with a permit approved by the City Manager and Chief of Police. Any rental requesting to serve alcohol will not be approved until the Alcohol Permit has been approved by the City Manager and Chief of Police.

Rentals involving the sale of alcoholic beverages or the exchange of any type of monetary consideration for alcohol requires proof of an off- premise license from the Department of Alcoholic Beverage Control, or proof of use of a third party with a similar license.

Rentals serving or selling alcoholic beverages are subject to an additional deposit and additional insurance requirements.

III. SPORTS LEAGUE USE

1. League Officials, Managers, and coaches shall thoroughly inspect sports fields before each use to ensure safe conditions. Any unsafe conditions shall be reported to the Parks Division, and the sports field should not be used until further notice.

2. Failure to refrain from organized play or practice on a closed field or failure to comply with the rules and regulations may jeopardize the group or organization's future use of City of Oakley facilities. A renter playing or allowing play on a field which has been closed will be charged a fine to mitigate any damage done to any play surface or landscape, the fine will be equal to the cost incurred to repair the damage caused.
3. League coordinators, presidents, directors etc. are directly responsible for informing team managers, coaches, players and spectators of policies of field use. Failure to adhere to these policies will result in fines, cancellations, suspensions and reduction in future field allocations.
4. No hitting into fencing or backstops with baseballs/softballs.
5. In issuing sports field permits, priority shall be given as follows:
 - City sponsored/hosted activities and events
 - Local School District run programs and events
 - Oakley-based non-profit youth sports (60% minimum Oakley residents)*
 - Oakley-based non-profit adult sports (60% minimum Oakley residents)*
 - Non-Oakley based for-profit youth sports
 - Non-Oakley based for-profit adult sports
 - Profit based business

Oakley residency requires the participant live within the city limits of the City of Oakley. Teams may be required to certify Oakley residency by submitting rosters.

Other factors will influence priority including but not limited to; history of late/non-payment, the opportunity for a Regional, State or National Tournament.
6. Leagues may not transfer, re-assign or sublet fields.
7. Storage of equipment including portable toilets, wash facilities and storage boxes at City parks and facilities is permitted only with prior written approval from the Parks and Landscape Division Manager on a case-by-case basis and for a limited time only.
8. All leagues must provide the City of Oakley with proof of insurance consisting of a Certificate of Liability and an additional insured endorsement of comprehensive general liability insurance. The coverage must include the following:
 - a. Name the City of Oakley its officers, agents, employees and volunteers as additionally insured against liability to persons, damages to property and for the death of a person arising or resulting from any act or omission on the part of your organization, its agents or employees.

b. Comprehensive general liability insurance policy limits of such insurance shall not be less than \$1,000,000 per occurrence for bodily injury, personal injury, and property damage.

c. You must provide the City of Oakley with the endorsement 5 business days prior to the start of your event. Each endorsement shall be subject to the approval of the City of Oakley.

The endorsement must specifically list the following:

“The City of Oakley, its officers, agents, employees and volunteers are additional insured.”

You are encouraged to show this language to your insurance agent to ensure this language is included, as required.

9. All Sports League/Organization cancellations for field usage must be made 30 or more days in advance to qualify for a full refund. Cancellations made 29 days or less in advance will forfeit all hourly fees. (City imposed closures due to maintenance or inclement weather will be credited to the Sports League).

13. Sport Leagues/Organizations will incur a late fee of 10% for invoices paid up to 5 days after the due date. The 10% late fee will be due with the monthly bill. Invoices paid more than 5 days late will result in a cancellation of reservations for the month, and those dates will be released immediately for rental.

IV. INDIVIDUAL AND LEAGUE PERMIT SCHEDULING/ALLOCATION PROCEDURE

1. Individual, groups or organizations may request rental of the sports fields in advance by adhering to the following schedule.
2. Each sports league must designate one individual to handle all rental reservations. Bookings and availability will be provided to the designated representative only. Inquiries from all other coaches will be forwarded to the league designated individual.

Trimester Application Submittal Schedule

Requests packets are sent out two months in advance of each trimester.

First Trimester (January, February, March and April)

Second Trimester (May, June, July and August)

Third Trimester Scheduling (September, October, November, December)



EXHIBIT C
ADDITIONAL CIVIC
CENTER PARK STAGE &
AMPITHEATER
REGULATIONS

I. GENERAL INFORMATION

Use of Civic Center Plaza is limited to community-oriented special events and festivals hosted by Non-profit organizations, with an approved Temporary Use Permit per Oakley Municipal Code section 9.1.1606. A Temporary Use Permit must be submitted to the Community Development Department a minimum of 30 days in advance, with the Civic Center Plaza Permit Application. Based on the nature of the event a Special Event/ Road Closure Permit may be required.

The Stage and Amphitheater is available for rental 7 days a week, from 8am to 9:00pm Sunday through Thursday, from 8:00am to 10:00pm Friday and Saturday, excluding City observed holidays.

All rental uses taking place on the stage and amphitheater must be open to the public and to all citizens, regardless of age, sex, race, religion, national origin, or disability. Groups using the space must comply with the Americans with Disabilities Act (ADA) and it is the responsibility of the group to provide any and all reasonable accommodations for persons with disabilities in accordance with ADA.

The Civic Center Stage, Amphitheater, Veterans Memorial, park and parking lot are not available for the following purposes:

- Religious services held as part of a faiths regular religious regimen.
- Individual political candidates or controversial/partisan political activities.
- Meetings of political action committees, unions, trade groups, or other organizations whose purpose of the meeting is to determine a political position or an issue or endorsement for a political candidate or candidates.
- Any activity involving the use of hazardous materials and/or weapons.

- Demonstrations, rallies, protests. The First Amendment “free speech” area at Civic Center Plaza is the west portico sidewalk area of City Hall.

II. AREA DESIGNATIONS

Use of Civic Center Plaza is limited to Civic Center Park and immediate surrounding parking lot only, it does not include the use of City Hall.

The following are available upon request and availability, and will incur additional fees: electricity, stage lighting, snack shack and restroom.

III. SALE OF FOOD OR GOODS

With prior City approval users may sell goods or food products in accordance with Contra Costa County Environmental Health Division/ Health Services Division regulations. Non-compliance will result in cancellation of rentals and forfeiture of deposits.

Alcoholic Beverage Policy

Any renter requesting to serve alcohol will not be approved until the Permit has been approved by the City Manager and Chief of Police. Rentals involving the sale of alcoholic beverages or the exchange of any type of monetary consideration for alcohol requires proof of an off- premise license from the Department of Alcoholic Beverage Control.

Rentals serving or selling alcoholic beverages are subject to an additional deposit and additional insurance requirements.

IV. INSURANCE

Applicants must provide the City of Oakley with proof of insurance for the event per Oakley Municipal Code 4.16.136 and shall include a rider naming the City of Oakley, its officers, employees and agents as additionally insured with a minimum \$1,000,000 combined single limit per occurrence.

V. FEES

Item	Fee
Temporary Use Permit	\$100 application fee + \$500 deposit*
Special Event/ Road Closure Permit (if required)	\$50 application fee * Additional fees may apply based on the

	nature of your event
Park Rental Fee	\$250 per day

*These fees are subject to change as the master fee schedule is updated annually.

VI. ADDITIONAL CONSIDERATIONS

Applicants should contact the following organizations to determine if additional permits apply:

- Alcohol Beverage Control-
- Contra Costa County Fire Protection District-
- Contra Costa County Environmental Health Department

Based on the nature of your event, additional portable restrooms, and event security may be deemed necessary depending on the nature of the event and expected attendance.

There is no onsite storage available.

All noise must comply with Oakley Municipal Code.

No flyers, signs, banners, or posters may be attached or hung to the stage.

Glitter, and rice are prohibited. Birdseed and bubbles are permitted, but must remain on the grass lawn area.

Bubble machines and liquids are subject to approval by City to ensure they will not damage the lawn.

PICNIC AREA AND SPORTS FIELDS FEES

FACILITIES	GROUP 1	GROUP 2	GROUP 3	GROUP 4	GROUP 5
Sport Area	\$7- hour	\$17- hour	*	\$7- hour	\$40- hour
Creekside and Nunn Wilson Park Group Picnic Areas (up to 100 people)	\$100-day	\$125-day	*	\$100- day	\$200- day
Crockett and Summer Lake Park Group Picnic Areas (under 50 people)	\$75-day	\$100-day	*	\$75-day	\$150-day

A \$150 damage deposit is due at the time of application to reserve any picnic area or sports area.

RECREATION CENTER FEES

FACILITIES	GROUP 1	GROUP 2	GROUP 3	GROUP 4	GROUP 5
Oakley Recreation Building Studio 1 Only available for parties with 50 or less people Monday-Thursday.	\$55	\$75	*As outlined in individual agreements.	\$55	\$100
Recreation Center Great Room Add on Kitchen to full room rental or side A for \$100	Mon-Thu \$150 Friday- Sunday \$225	Mon-Thu \$175 Friday- Sunday \$250	*As outlined in individual agreements	Mon-Thu \$150 Friday- Sunday \$225	Mon-Thu \$225 Friday- Sunday \$300
Recreation Center Side A or Side B Add on Kitchen to full room rental or side A for \$100	Mon-Thu \$75 Friday- Sunday \$115	Mon-Thu \$100 Friday- Sunday \$135	*As outlined in individual agreements	Mon-Thu \$75 Friday- Sunday \$115	Mon-Thu \$125 Friday- Sunday \$150
Kitchen	Available Mon-Friday only \$50 per hour				

- Recreation Center Deposit \$250, insurance required on all rentals. * Large events and events serving alcohol will require \$500 deposit and security.

WORK SESSION MEMO

DATE: January 8, 2019

TO: City Council

Approved and Forwarded to the City Council

FROM: Bryan Montgomery, City Manager
Kevin Rohani, Public Works Director/City Engineer

SUBJECT: Work Session Discussion regarding the proposed Oakley Community Park located at the north end of Sellers Avenue

Summary and Background

The long-awaited transfer of various properties to the City as a part of the 2002 Dutch Slough Memorandum of Understanding has occurred and now the City can proceed further with development plans for the 55-acre Oakley Community Park, the 27-acre Burroughs Property and the 8-acre parcel at the north end of Jersey Island Road.

While some preliminary sketches have been made of potential ballfields on the 27 acres and a boat-ramp facility on the 8 acres, the purpose of this Work Session is to discuss further the possible uses on the 55-acre Oakley Community Park property.

Back in 2006 a preliminary review of the proposed Park was conducted and this conceptual review is found in Attachment #1. In the spring of 2016, a more refined and updated conceptual review was conducted and a summary Powerpoint presentation from that review is found in Attachment #2 and the conceptual plan for the Park is Attachment #3.

A tour of the Park property is set to take place the morning of December 31st which can provide some further background and help guide the discussion in this Work Session. Staff seeks any further refinement so we can proceed with grant applications and other discussions with potential partners. The estimated cost of the completed project is over \$50M, so grants and partners will be needed to complete the various phases of the proposed Park.

Fiscal Impact

None at this time

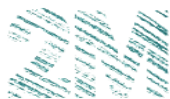
Recommendation

Provide further direction to Staff regarding the development of the Park.

Attachments

1. Conceptual Review from 2006
2. Powerpoint Presentation from April of 2016
3. Approved Conceptual Plan from April of 2016

DUTCH SLOUGH COMMUNITY PARK AND PUBLIC ACCESS CONCEPTUAL MASTER PLAN



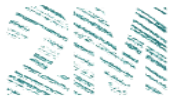
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DESIGN, COMMUNITY & ENVIRONMENT

Submitted to
City of Oakley February 2006

DUTCH SLOUGH COMMUNITY PARK AND PUBLIC ACCESS CONCEPTUAL MASTER PLAN



2M Associates
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Box 7036
Landscape Station
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DESIGN, COMMUNITY & ENVIRONMENT

in association with
EndresWare
Harrison Associates
San Francisco Estuary Institute
Sycamore Associates

Submitted to
City of Oakley February 2006

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I. CONCEPTUAL MASTER PLAN SUMMARY

This Summary was prepared for review by the Oakley City Council and Planning Commission. It presents an overview of the major components to be contained in the *Dutch Slough Community Park and Public Access Conceptual Master Plan*. Information contained within this Summary is subject to change based on the comments and direction provided by the Oakley City Council.

Dutch Slough Community Park, located on the northeastern edge of the City of Oakley, will be the main access point to the City's greatest open space amenity, the Sacramento-San Joaquin River Delta (figure 1). The Conceptual Master Plan provides for that access via three components. These are:

- ◆ Dutch Slough Community Park, a 55-acre site that will be the City's largest park and the gateway to the Dutch Slough Tidal Marsh Restoration Project lands.
- ◆ Dutch Slough Tidal Marsh Restoration Project, where trail-related recreation and interpretive opportunities will be provided within limited portions of the 1,166 acres of restored wetlands.
- ◆ Jersey Island Road/Dutch Slough Access Park, an 8-acre site east of Jersey Island Road at Dutch Slough that will provide public access to the Delta.

A. Dutch Slough Community Park

Dutch Slough Community Park will be the City of Oakley's largest park as well as the main access point to the Dutch Slough Tidal Marsh Restoration Project (figures 2a and 2b). The park, located on a former dairy farm and adjacent to Dutch Slough Marsh, affords many opportunities to celebrate the cultural and ecological history of the site. Existing buildings, including a former one-room schoolhouse, will be reused for park functions, while remnants and materials from the remaining outbuildings will be incorporated into the design. The park will balance active uses, including ball fields, picnic areas, restroom buildings and playgrounds, with more passive recreation and interpretive trails along the slough. Sustainable design principles will be incorporated throughout, creating a community destination that educates and inspires the public and is compatible with the adjacent sensitive habitat.

1. Community Park Vision

The Dutch Slough Community Park (the Community Park) will be many things to many people. At its core, the vision embodied in the Dutch Slough Community Park Conceptual Master Plan will marry seemingly disparate outdoor recreation and educational experiences in one setting.

Dutch Slough Community Park is to be a place:

- ◆ That celebrates the natural resources of the Sacramento-San Joaquin River Delta, Dutch Slough, its floodplain and margins, gleaming wetlands and open waters, patterns of sun and shadow cast from riparian trees, the scent of willows wafting through the air, and tactile qualities of wind. It is a place to respectfully hear and watch wildlife forage, dabble, duck, burrow, hide, and proliferate and to watch native plants grow and blossom.

- ◆ To enjoy with friends and family engaging in outdoor fun and games, to gain cultural enrichment, to hold events, and to add to the quality of life for all Oakley residents. Because of these qualities it is also a place to exercise and re-create the mind and body.
- ◆ That reminds the visitor of the natural and cultural history of the Delta, of how native Americans used the marsh and dune environments of the historic landscape (that will now be recreated), of how the Dutch Slough's waters and peat soils were manipulated and managed to provide lands for raising crops, dairy and cattle ranching, a place to live, and now a Community Park. Because of these qualities it is also a place to learn about history and science from the environment and the artifacts left behind from past uses.

2. Park Organization, Use Areas and Facilities

The Community Park will be organized into a series of active and passive use areas, including a riparian play zone, a historic zone, and a maintenance area (figure 2c). Active recreation areas are all located on the western side of Emerson Slough. To recognize the habitat values associated with the tidal marsh restoration area, Community Park use areas are arranged in a fashion that creates a transition between active uses near the southern portion of the site and a vegetated buffer and passive uses around the outer edges of the Park that border the restoration area. With the exception of ball fields, the Community Park will be for day use only. Use areas and facilities include:

- ◆ Large Open Field Areas: a series of three open meadow areas, at approximately three acres each in size, located in the western portion of the Community Park, that could be used for any number of individual or group functions and sports/festival events. For example, these areas are all sized to accommodate formal soccer play and other field sports. An Amphitheater and nearby Concession Stand would support the central field as the focal place for events of up to 3,000 to 5,000 people at one time. It should be noted that while field areas and other places within the

Community Park could be used for overflow parking, it is likely that additional parking for such events may be required off-site.

- ◆ Small Open Areas: A variety of smaller-sized open areas are located around the Community Park trail system and within the historic zone. They could be used for picnicking, informal play, passive relaxation, and when combined with supporting picnic shelters, small group uses.
- ◆ Family and Small Group Picnic Areas: Numerous family and small group picnic shelters (25 to 50 people) are located around the western portion of the Community Park trail system.
- ◆ Riparian Corridor Themed Play Areas: Constructed drainage channels will be created as creeks (see infrastructure below) are fed in the summer months by water pumped from on-site windmills. While planting along the creeks will enhance the riparian habitat character of the Park, these corridors will also be a connector spine for a series of seven children's play areas. These play areas include:
 - Orchard Play Area
 - Sand Dune Play Area
 - Meadows Play Area
 - Little Slough Play Area
 - Willow Tunnel Play Area
 - Delta Islands Grass Maze Play Area
 - Wind Play Area
- ◆ Softball Fields: Three adult softball fields around a central complex with restrooms, supporting storage facilities, and the Concession Stand will be developed. The ballfields will be fully fenced and lighted for nighttime use.

- ◆ Emerson Slough Water Access: A graded sandy area for sunning and informal water access will be developed just off of the Emerson Slough.
- ◆ Skating Area: A 5,000-square-foot skate area will be included in the active recreation zone.
- ◆ Amphitheater: Located at the southwest corner of the central field area, this multi-use area will accommodate larger events such as the Almond Festival, organized recreational activities and more passive use when not programmed.
- ◆ Concession Stand: The concession stand is centrally sited to specifically service both the ball fields and amphitheater area, but also is centrally located to most park use.
- ◆ Vista Pavilion: A facility just east of the Gilbert House and sited to be used in conjunction with the Gilbert House grounds at the base of Emerson Slough, this multiple-use facility would accommodate weddings/large group uses of up to 300 people indoors at one time (see 6. Park Design Character and Architectural Identity).
- ◆ Windswept Ranch Historic Area/Museum Center: Eight existing and new buildings will make up the museum complex. The Gilbert House, Caretaker's Cottage, and one barn structure will be retained. The Ironhouse School will be relocated to a site of an existing building just east of the Gilbert House. The footprint of other existing buildings will be repeated with new structures that will reflect the scale and synergy of the existing ranch complex. New structures will include:
 - Education Center and Museum – at the entrance to the historic zone near the parking area
 - Administration Building – will include offices and meeting space for docents, a commercial kitchen to support events at the Vista Pavilion, and storage areas.
 - The Vista Pavilion (see above)
 - Canoe/kayak storage building (see 3. Access)

The lawns around the historic area will include individual picnic tables and areas for passive use. A community garden, that could initially be used as a nursery for park re-vegetation programs, will be sited at the eastern side of the historic zone adjacent to the Administration Building (figure 3).

- ◆ Interpretive Facilities: In addition to the Windswept Ranch Historic Area/Museum Center buildings and themed play areas, the following interpretive features will be provided within the Community Park:
 - Point-access Boardwalks and overlooks: two boardwalks with overlook facilities extending into the tidal marsh restoration project.
 - Outdoor classrooms: two areas located within the historic zone, one back-dropped by the Emerson Slough riparian landscape and the other by the tidal marshes of the Gilbert property.
 - Interpretive signs: located along the perimeter trail of the Park.
 - Windmills: windmills will be used as both an identify feature for the Community Park and to assist in providing water within the Park's constructed streams and other water features. A "headwater windmill" will identify the southern arm of the internal creek system

Interpretive themes are included in the description for the Tidal Marsh Restoration Project area below.

- ◆ Restrooms: Public restrooms will be located throughout the Park. These include individual restroom structures as well as facilities associated with the Concession Stand, Education Center, Vista Pavilion, and Maintenance/Shop building.
- ◆ Fencing: Perimeter fencing of the park, Emerson Slough, historic zone, and maintenance area will be developed as needed for security or for habitat protection purposes.

- ◆ Maintenance: An approximately 1-acre area at the southeast corner of the Park will be used for maintenance and park storage needs. It will include an operations building, maintenance shop, and storage building.
- ◆ Dogs: Dogs on leash would be permitted within the Park at all times. Early morning hours will be scheduled for off-leash dog use west of the Emerson Slough.

3. Access

Access to and throughout Dutch Slough Community Park will accommodate a wide variety of transportation modes including autos, buses, bicycles, pedestrians, and small boats, such as canoes and kayaks. The primary access to the Park will be from Sellers Avenue and will serve as the Gateway to the Dutch Slough Restoration Area.

- ◆ Sellers Avenue Entry Gateway (figures 4 through 6): Access to the Community Park will be via Sellers Avenue. The character of the street landscape will change as it approaches the Community Park. The transition will include a road that, if necessary, could be used for two lanes of traffic. However, at most times, the vehicular traffic will be limited to one lane with an expanded bicycle lane to both calm traffic and to encourage non-vehicular use of the Park. It will culminate in a round-about with a central water feature.
- ◆ Parking: A total of 432 parking spaces will be provided within the Park. There will be an equestrian staging area located at the southwest corner of the Park adjacent to the Emerson Slough Trail. Bicycle parking will be provided at all parking and use areas.
- ◆ Bus Loading Area: A bus loading area is located near the pedestrian entrance to the historic zone.

- ◆ Interior Park Trails: Approximately 2.5 miles of shared-use trails will provide pedestrian and bicycle access throughout the Park. These trails will connect to trails along Sellers Avenue, the City and local community trail network, the Wetland Restoration Project trails, and the Marsh Creek Trail, a component of the regional trail system.
- ◆ Canoe/Kayak Access: Two canoe/kayak access points to Emerson Slough will be provided. A general-use access point is located on the west side of the Slough near two parking areas. The other is located within the historic zone and will be for group use. Associated with that access point will be a small canoe/kayak storage building for use by local school groups and organizations.
- ◆ Americans with Disabilities Act (ADA): All facilities within the Community Park will be ADA-compliant.

4. Infrastructure

Development of the community park will require a network of utilities to service the various structures, buildings and uses. Sustainable approaches to bringing power to the site will be incorporated, where possible, including wind and solar. In addition, stormwater management onsite will need to address flooding and protecting water quality of the slough.

- ◆ Utilities (figure 7): All utilities service lines will be underground within the Community Park. Water, sewer, electrical, and communication services will be extended from Sellers Avenue into the Park. Wells will be developed and well water for irrigation use where possible.
- ◆ Windmills: A series of functioning windmills will be used to pump groundwater to support the internal creek channels and Park Gateway feature.
- ◆ Solar: To the extent practical, all new buildings outside of the historic area complex will incorporate solar energy systems into their design.

- ◆ Grading and Drainage (figure 8): The majority of the Community Park is subject to flooding. All new buildings and the relocated Ironhouse School will be sited and designed such that their finished floor elevations will be above the 100-year flood level. Water quality swales will be installed at all major parking areas. Drainage from the western portions of the Community Park will be directed to constructed creek channels designed to also serve as water quality features.

5. Park Landscape

The landscape of the Community Park will reflect the natural and historic setting, as well as respond to the local climatic conditions. This approach will not only reinforce the unique character of the site, but also result in reduced maintenance and water needs.

- ◆ Plants: With the exception of turf areas, existing ornamental trees around the Gilbert House of historic value, community gardens, and two contained orchard theme planting areas, native plants will be used exclusively throughout the Park.
- ◆ Riparian Enhancement: Emerson Slough will be expanded to the west and enhanced with native riparian plants. In addition, constructed creek drainages will be designed to extend the riparian zone throughout the western portions of the Community Park.
- ◆ Perimeter Buffer and Wind Protection (figure 9): A vegetated zone will extend around the entire perimeter of the Park. This will serve to buffer both adjacent wildlife habitat areas within the marsh restoration project area as well as residences to the south from park activities. The perimeter plantings, along with the creek riparian zones and other tree plantings, will provide wind protection for most use areas.

6. Park Design Character and Architectural Identity

Given the site's agricultural history and natural features, and taking into account the proposed park program, the Community Park's design character intends to harmonize the confluence of the urban and rural context (figures 10 through 16).

Several buildings will be contained in the Community Park. They include:

Historic Structures

- Gilbert House (existing)
- Ironhouse School (relocated and reconstructed)
- Barn (reconstructed for use as the Windswept Ranch Museum Storage)
- Caretaker's Cottage (existing)

New Structures

- Windswept Ranch Offices, Event Kitchen, and Restrooms
- Outdoor Classrooms
- Concession Stand
- Outdoor Restrooms
- Learning Stations
- Learning Platforms
- Individual (2 tables) and Group Picnic Shelters (10 to 20 tables)
- Amphitheater
- Vista Pavilion Group Event Picnic Shelter (max. 299 people)
- Canoe/Kayak Storage Building

- Dutch Slough Community Park Maintenance and Equipment Storage Yard
 - Operations Building
 - Maintenance Shop Building
 - Equipment Storage
- Point Access Boardwalks
- Wildlife Overlooks/Decks/Observation Blinds with Railings
- Trail Bridges
- Windmills

The architectural designs will maintain the farm-like character of the site while energizing it with contemporary details. Building forms will use the basic geometry of vernacular agricultural structures and will be divided into parts such as breezeways, arcades, porches, overhangs or other articulations that complement a sense of human scale. Transparency and layering of materials will be used to create filtered light effects within structures similar to the existing barn structures.

Building materials will be as environmentally sustainable as practical. Characteristics will include:

- Wood siding - natural or painted to complement natural wood.
- Metal siding - galvanized, zinc or coated with galvalume/zincalume factory finish coatings.
- Roofing - corrugated, standing seam or flat panel standing seam with light valued non-reflective colors.
- Colors - that reflect natural colorings intrinsic to the actual material being used and blending with natural landscape surroundings. Accent colors will be used in small areas only.

- Finishes - selected for long-term durability and ease of maintenance given the local climatic factors, especially the impact of summer sun and the effects of salt air and strong winds from the bay.
- Recessed windows - with awnings and shaded areas of glass to reduce solar heat gain and glare.

B. Tidal Marsh Restoration Area

The Dutch Slough Tidal Marsh Restoration Project is being planned by the California Department of Water Resources (DWR), the State Coastal Conservancy (SCC), the City of Oakley, and the California Bay-Delta Authority (CBDA). DWR is the landowner, having purchased the site in 2003 with funds from the SCC and CBDA (figure 17).

The three goals of the tidal marsh restoration are to:

- ♦ Provide shoreline access, educational and recreational opportunities.
- ♦ Benefit native species by re-establishing natural ecological processes and habitats.
- ♦ Contribute to scientific understanding of ecological restoration by implementing the project under an adaptive management framework.

1. Access

The Community Park will be the primary starting point for the public's experience of the restored wetlands. Public access trails (figures 18 through 20) that link the Community Park to the tidal marsh restoration area are:

- ♦ Emerson Loop Trail: an approximately 2.9-mile-long trail loop leading west from the Community Park parallel to the Contra Costa Canal, then north along the existing Marsh Creek Trail, extending to the east along Dutch Slough, and back to the Community Park along Emerson Slough.

- ◆ Gilbert – Burroughs Trail: an approximately 3-mile-long trail leading east from the Community Park parallel to the Contra Costa Canal then following the Jersey Island Road levee to the Dutch Slough Access Park. A point access spur trail will travel west along the Dutch Slough levee.

2. Facilities

A series of interpretive points, observation blinds, and fishing access platforms will be located along the trail system. A tightly-spaced series of education stations are to be located along Emerson Slough to facilitate school use emanating from the Community Park.

3. Interpretive Themes

Both the Community Park and restored tidal marshes are an interpretive stage about local history, environmental change, and landscape patterns/processes of the Delta. Themes that will guide interpretive programs include:

- ◆ Climate - Sitting in the ‘rain shadow’ of Mount Diablo and experiencing slightly less rain than outlying areas.
- ◆ Topography - A unique set of eolian soils including the Oakley Series; outcasts of the San Joaquin and other Sierran Rivers “drifted landward by winds.”
- ◆ Tides - Early explorers spending a good deal of time struggling over a “River or Sea” debate, and measuring of the tides. Tidal influence and sea level rise as primary scientific tools in marsh restoration.
- ◆ Dutch Slough - A tidal marsh slough which wound its way closest to the Southwestern upland edge of the vast delta offering an important river access way. Indigenous people paddled the meanders of the slough in vessels crafted from its tule edge. Later, people carved cuts to the slough to make way for larger ships bearing the wheat of the land. More recently, thruways were carved to make celery islands.

- ◆ Tidal Marsh - The uniqueness of a marsh so influenced by massive riparian input and tidal pulse debated in early land grants of the area as to its channel/pond network and its melding with the plains.
- ◆ Marsh Creek - Down the North-Northeastern flank of “Bolbones peak” or Mt. Diablo, the creek and its tributaries often bifurcated into multiple channels and finally dissipated into Oakley sands. Here the creek built out its fan pushing up against the marsh edge and Dutch Slough, until settlers required their lands to be well drained for crop production.
- ◆ The Oak Grove/Chamisal - Remnant Oaks of an ancient Oakley grove that early explorers passed by on expedition to the “Tulares”.
- ◆ Levees - The story of early diking from 1852 to the new super dikes built today to protect development.
- ◆ Irrigation - Farmers moving from wheat to fruit demanded water and thus developed wells and windmills, followed by waterways and massive troughs across the land such as the Contra Costa Canal.
- ◆ Beasts - The early explorers noted ‘buros’, the great elk that migrated across the plains and delta. The Spanish and early settlers grazed their cattle on the marsh, particularly in the summer when the cattle needed access to water. Weary horses came by boat to “Brentwood Sanitarium” (now the Community Park) to heal their cobblestoned feet. Dairy Cows and later “Stockers” (calves fattening for market) occupied the site.
- ◆ “Sandlappers” - The name of ridicule given to early settlers who dared to occupy these sandlands which were once harvests of acorns, tule, and fish, and transformed them to wheat, hay, vineyards, fruits (esp. almonds, and mulberry silk farms) to gardens and to restoration sites and parklands.
- ◆ Schools - They learned from the land and their ancestors' intimacy with it. Settlers built school houses which served small towns and became private residences when schools had to serve larger populations.

4. Boating

Traditionally, motorized boating that has occurred along the existing sloughs will be permitted. However, tidal marsh restoration area sloughs and open water areas will be managed for non-powered boating access only, except for emergency access and project monitoring under the adaptive management program. Canoe/kayak access points are provided from within the Community Park.

5. Dogs

Dogs on leash will be permitted on all trails. Pooper-scooper stations will be located at all trail entrances from within the Community Park.

C. Jersey Island Road / Dutch Slough Access Park

This triangular parcel will be developed as a day-use area and boat launching site (figures 21 and 22). This will involve expanding the existing significant backfilling of the current levee to create a useable space that is accessible for both boat launching and ADA purposes. Facilities within the Access Park will include:

- ◆ Entry gate and kiosk
- ◆ Parking (automobile and auto/trailer)
- ◆ Boat Launch (three to four lanes)
- ◆ Family picnic areas with shade structures atop the expanded levee
- ◆ Fishing access from the picnic area
- ◆ Restrooms

- ◆ Bait shop (concessionaire)
- ◆ Trail connections to Tidal Marsh Restoration Project and Community Park and other levees

Approximately 3.1 acres of the existing site are comprised of jurisdictional wetland habitats that will likely be filled or significantly altered to develop the Access Park. This alteration will require Federal and State permitting and mitigation of impacted habitat resources prior to development of the Access Park. In addition, a variety of permit conditions from RD 799 will be required for reconstruction of the Dutch Slough levee.

D. Maintenance and Operations

The Community Park, Access Park, and Tidal Marsh Restoration Area will have a number of general maintenance zones each requiring a different level of landscape and building maintenance service. These zones are:

- ◆ Community Park: Historic Zone (approximately 9 acres) that will include the historic buildings, landscaping, gardens, outdoor classrooms, group event picnic shelter, and parking.
- ◆ Community Park: Recreation Areas (approximately 35 acres) that will include the gateway, active athletic fields, group and family picnic areas, children's play areas, water access area, picnic areas, parking, and maintenance area.
- ◆ Community Park: Emerson Slough (approximately 2.5 acres) consisting of open, tidal waters.
- ◆ Community Park: Native Riparian Landscape Buffers (approximately 8.5 acres) that will include trails, trees, boardwalks, view areas.

- ◆ Dutch Slough Access Park (approximately 8 acres) that will include parking, a fishing pier, boat launch facilities and trail connections.
- ◆ Tidal Marsh Restoration Trails (approximately 8.5 miles) that will include trails and interpretive facilities.

In addition to maintenance services, each of these areas will require operational support for safety and patrol, programming, and facility use and reservations.

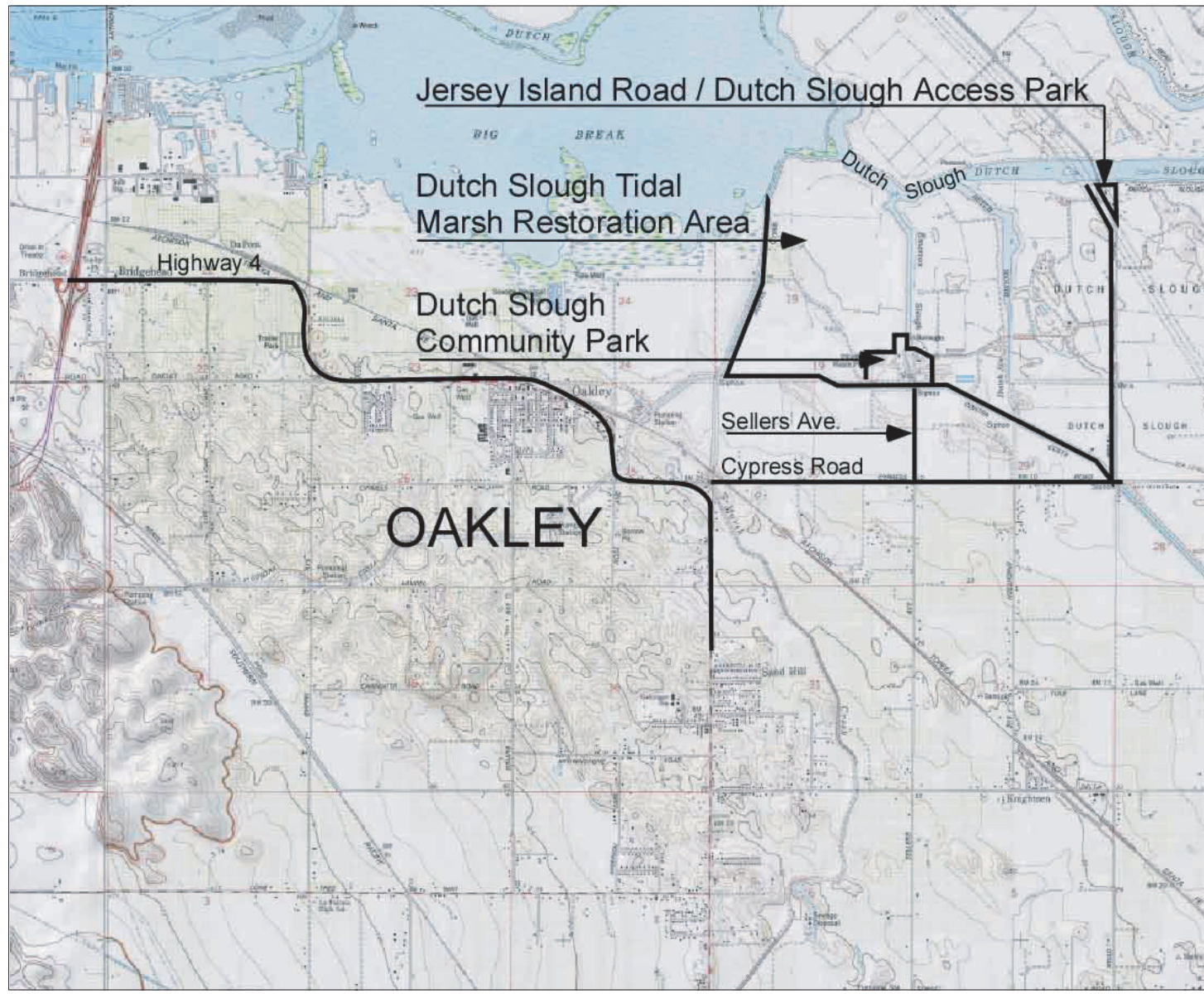
Currently the City of Oakley does not have any adopted maintenance policies and standards. All park maintenance in Oakley is now funded through a Street Lighting and Landscape Assessment District. This assessment is sufficient for normal neighborhood parks. However, the Community Park, Access Park, and Tidal Marsh Restoration Area trail system, because of the unique nature of the facilities, will likely require supplemental funding sources.

E. Phasing

Full development of the Community Park is likely to take 10 to 15 years. Initial phases of work will include:

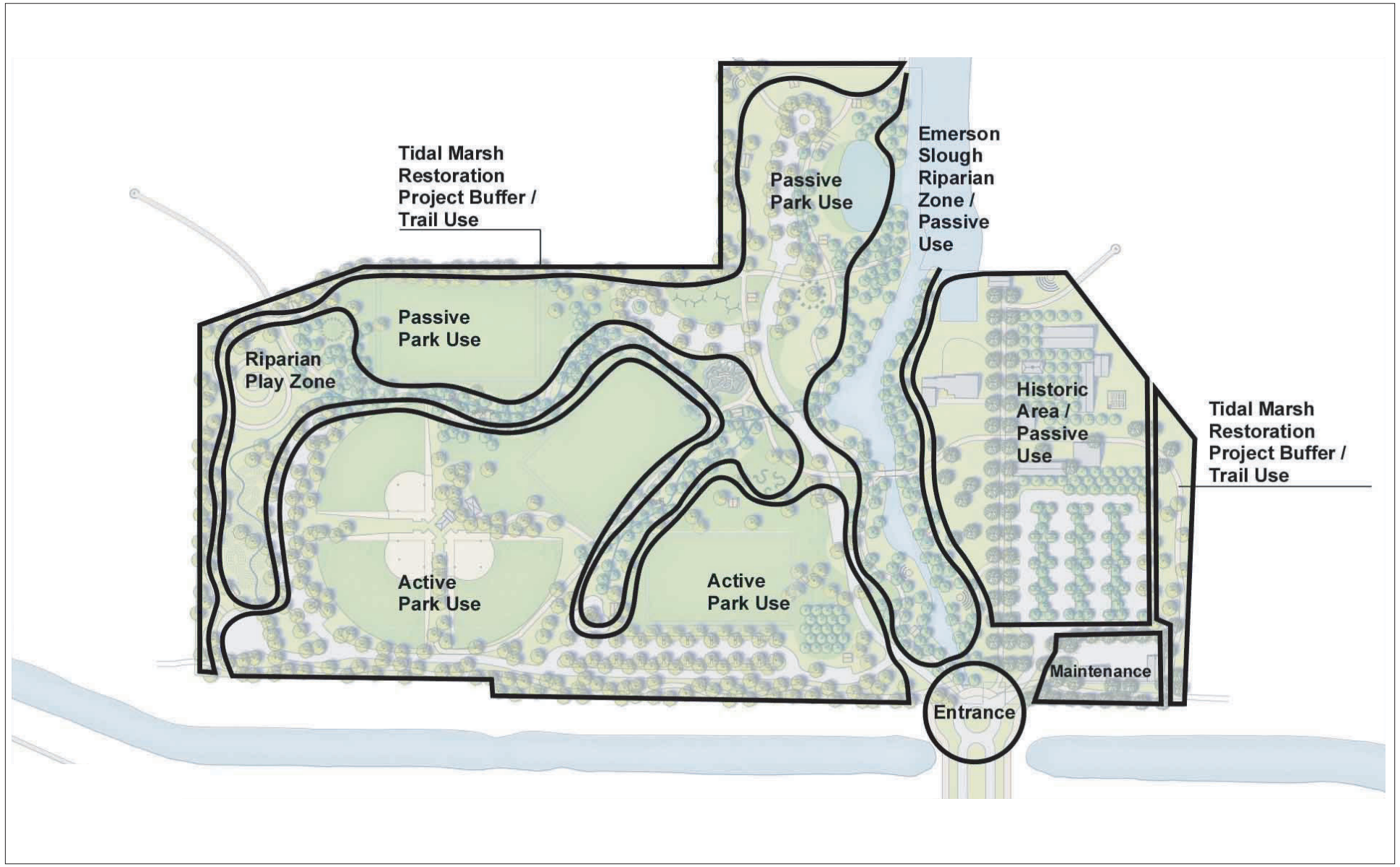
- ◆ Demolition of existing structures (except for historic structures to be retained) and site preparation of the entire property to render it safe for public access
- ◆ Development of the Community Park water, sewer, and electric service lines
- ◆ Major site grading
- ◆ Re-vegetation
- ◆ Limited parking and related public amenities

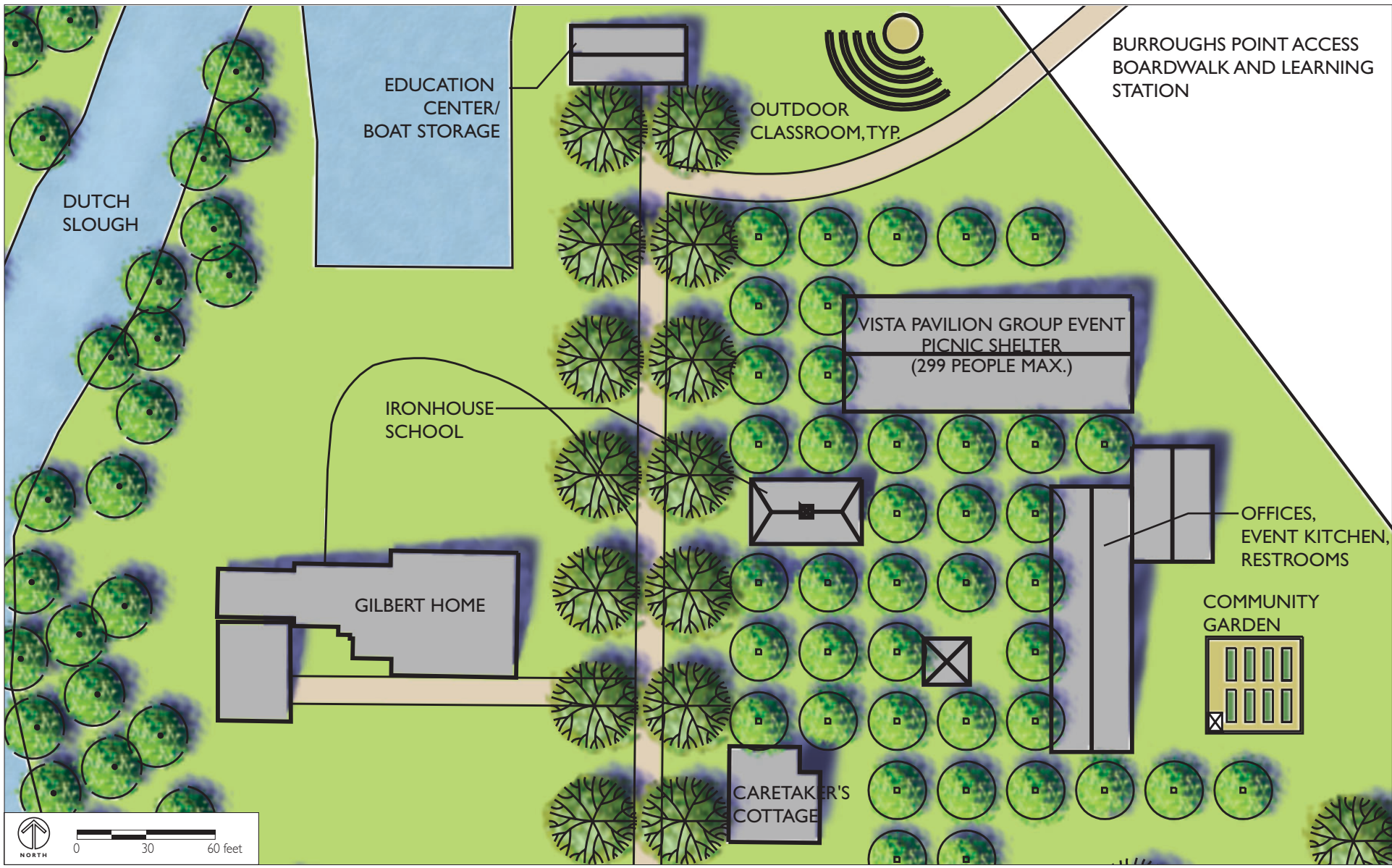
Extending public access along Marsh Creek from the existing trail to Dutch Slough is a priority. Other trails and interpretive features will be constructed in association with the Dutch Slough Tidal Marsh Restoration project.

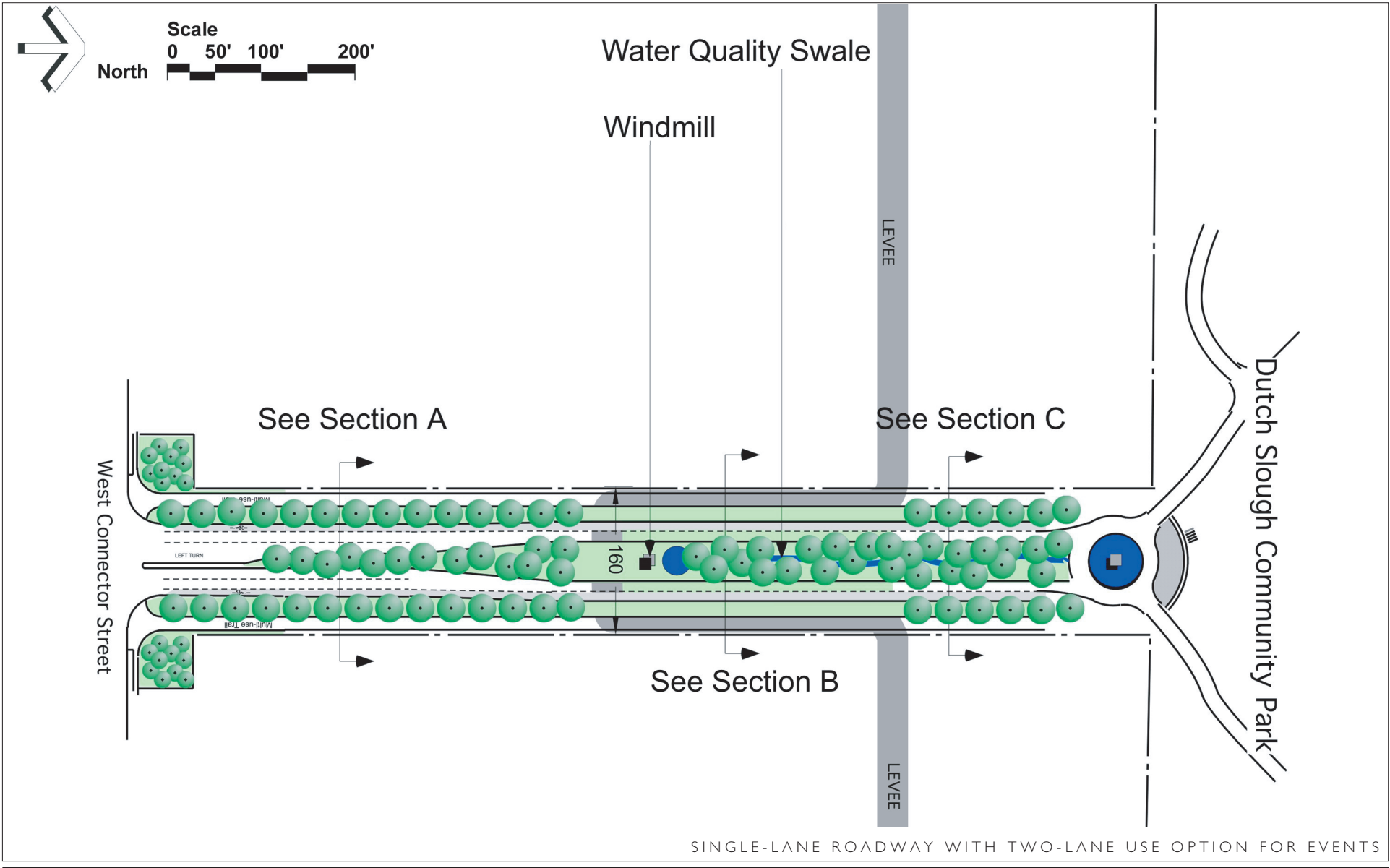


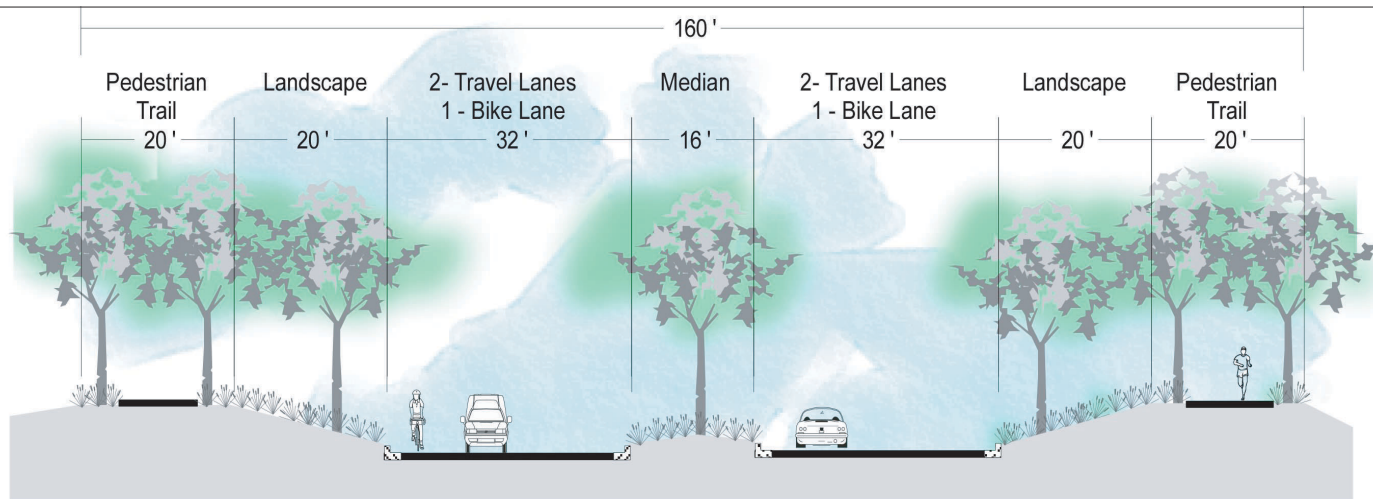




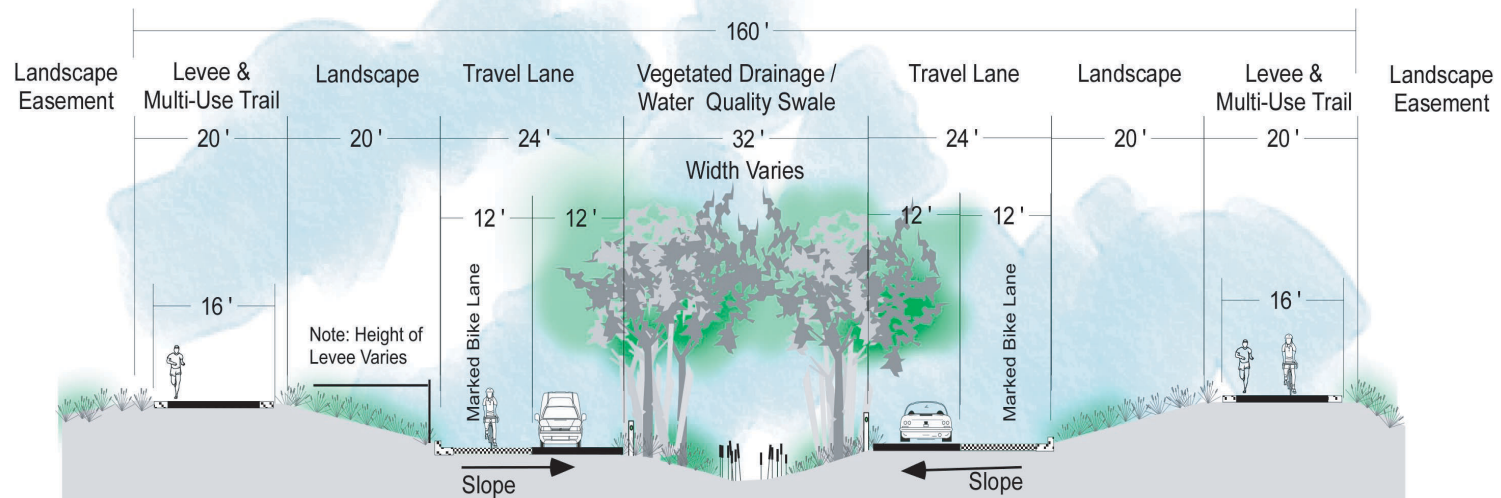






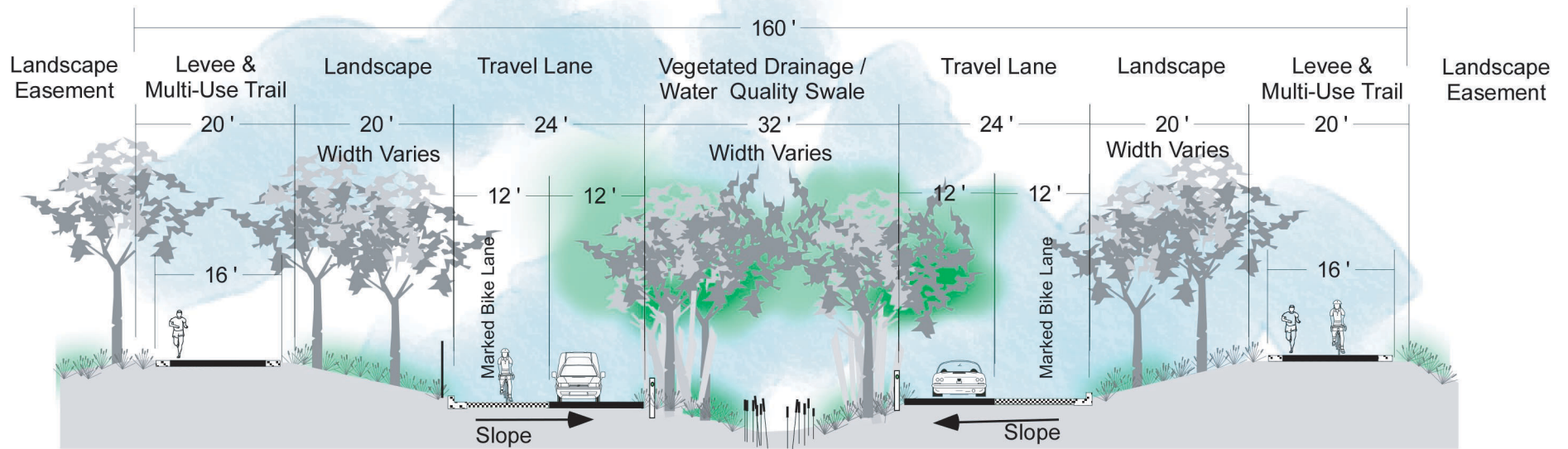


Section A: Sellers Avenue / Cypress to East-West Connector Street Entry (as proposed)

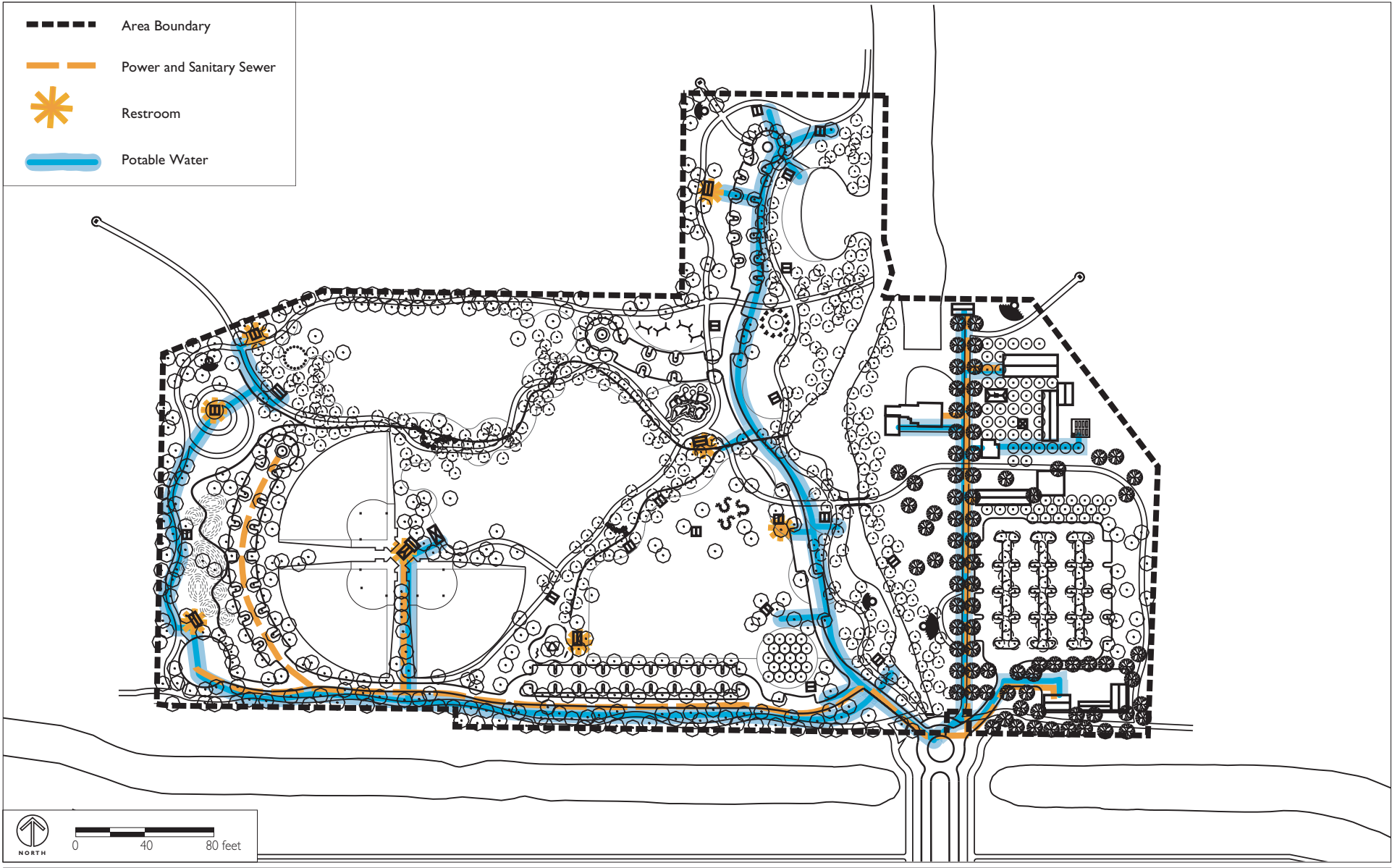


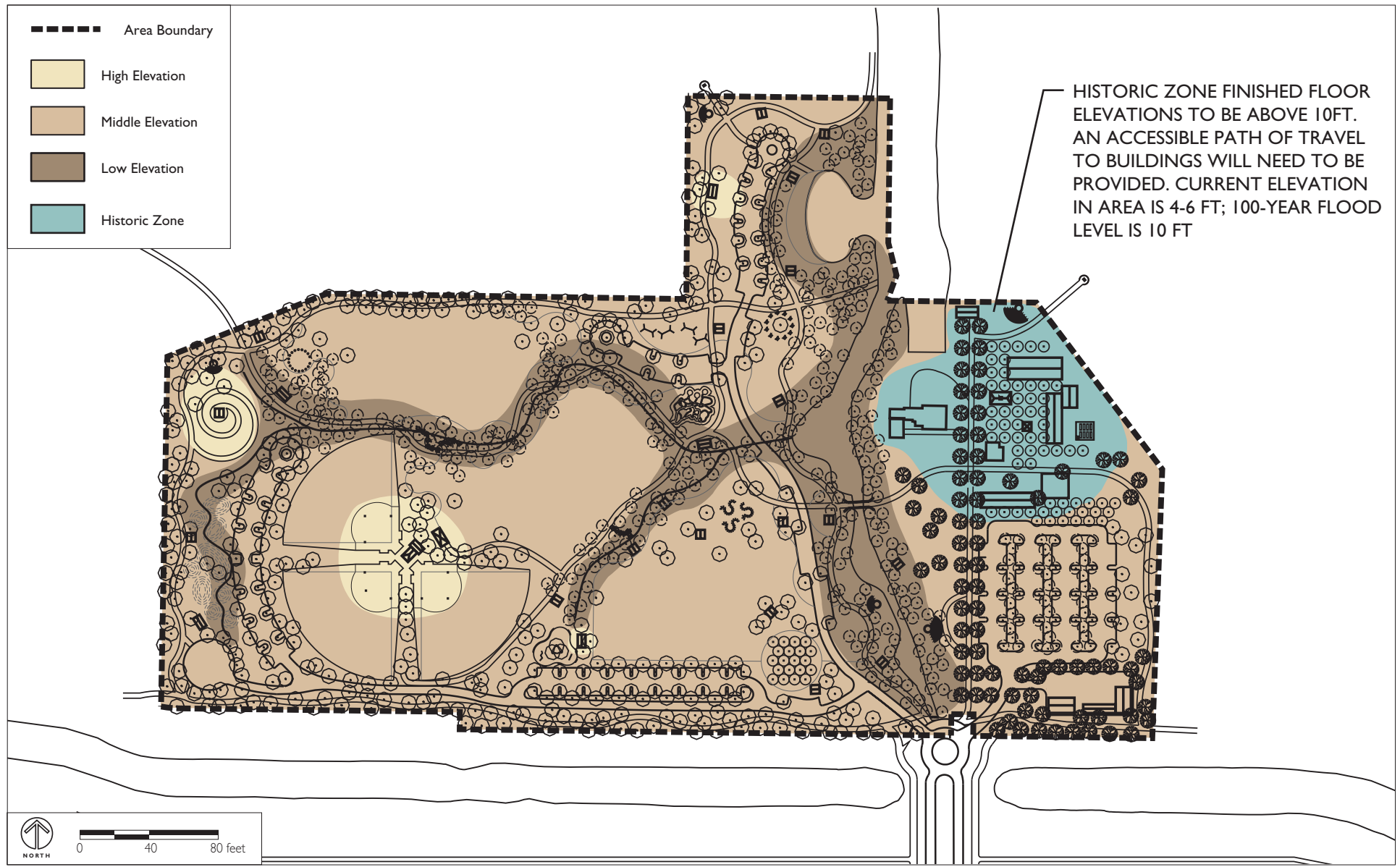
Section B: Sellers Avenue / East-West Connector Street Entry to Community Park Circle
Single-lane Roadway with two-lane use option for events

FIGURE 5



Section C: Sellers Avenue / East-West Connector Street Entry to Community Park Circle
Single-lane Roadway with two-lane use option for events





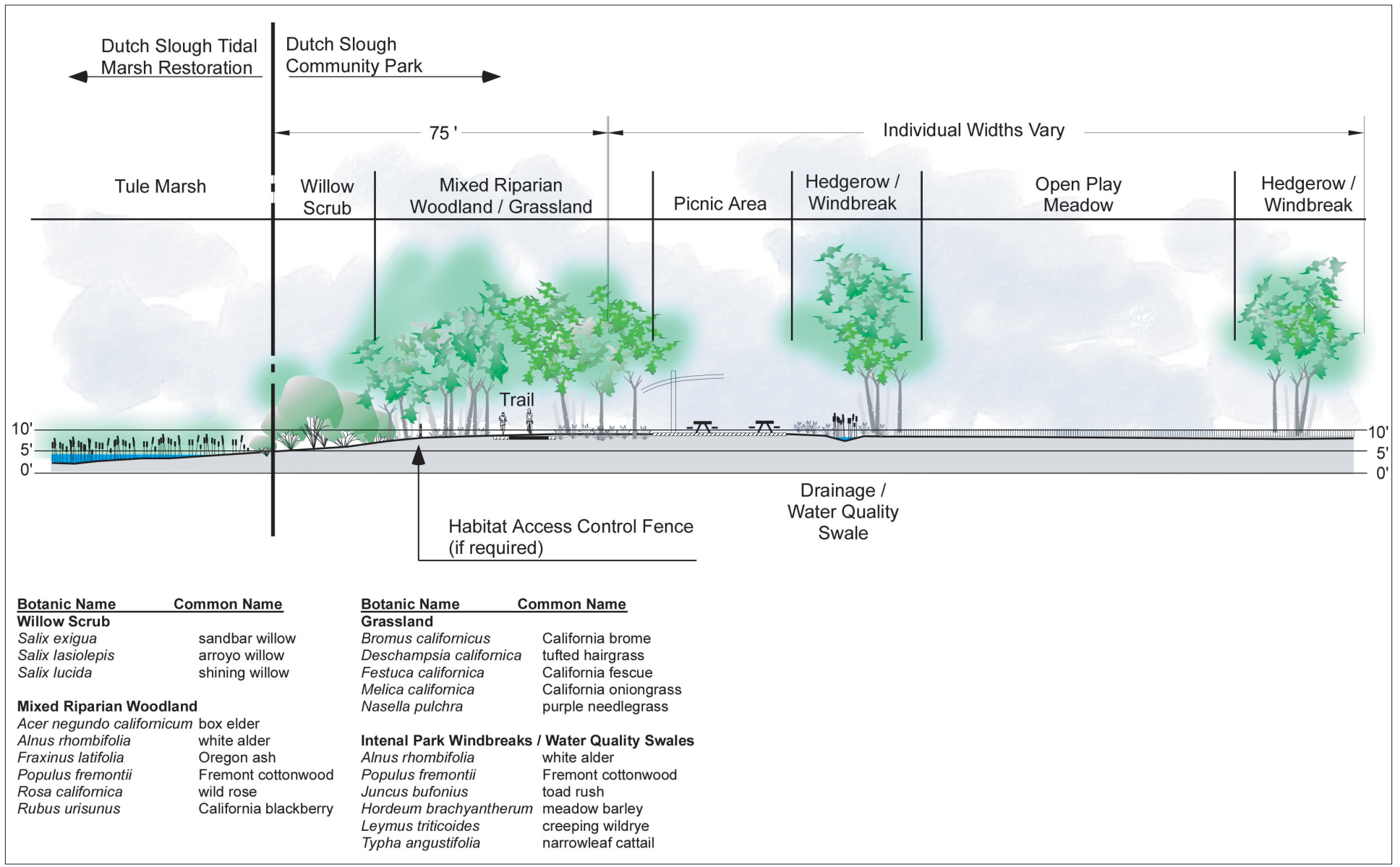


FIGURE 9

SCHEMATIC DESIGN EXAMPLES

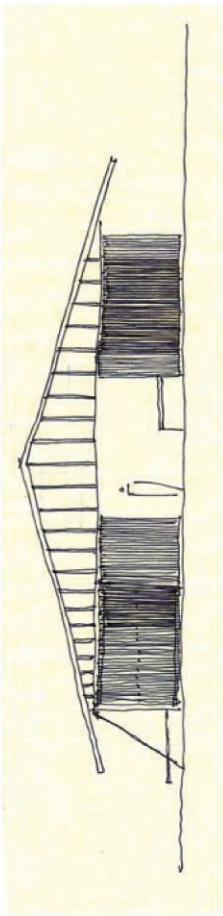
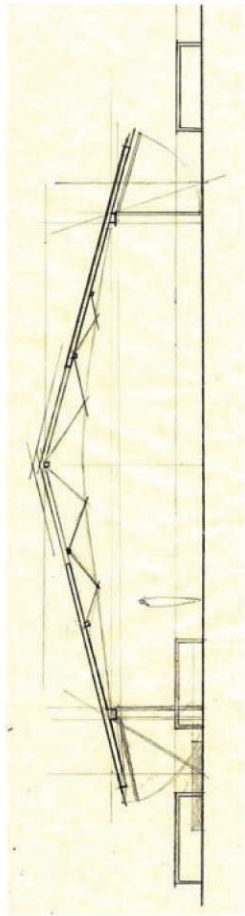
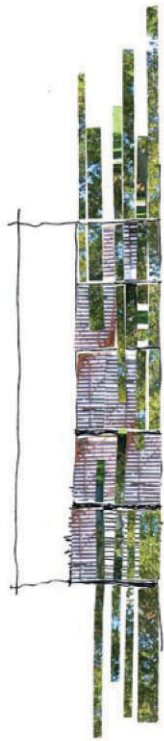
Event Picnic Shelter
(designed for less than 300 people) (299 is the max. without requiring 1 hour fire rated construction)

The picnic shelter is designed for a variety of uses, accommodating large group picnics and a wedding banquets. The shelter walls are doors that open for ventilation, view and access from all sides. The end doors slide open, and the side doors rotate upward. The picnic tables are on tracks that continue out from under the roof of the shelter, allowing for great flexibility – sitting outside in the sun on a cold day or having a banquet inside in the evening.

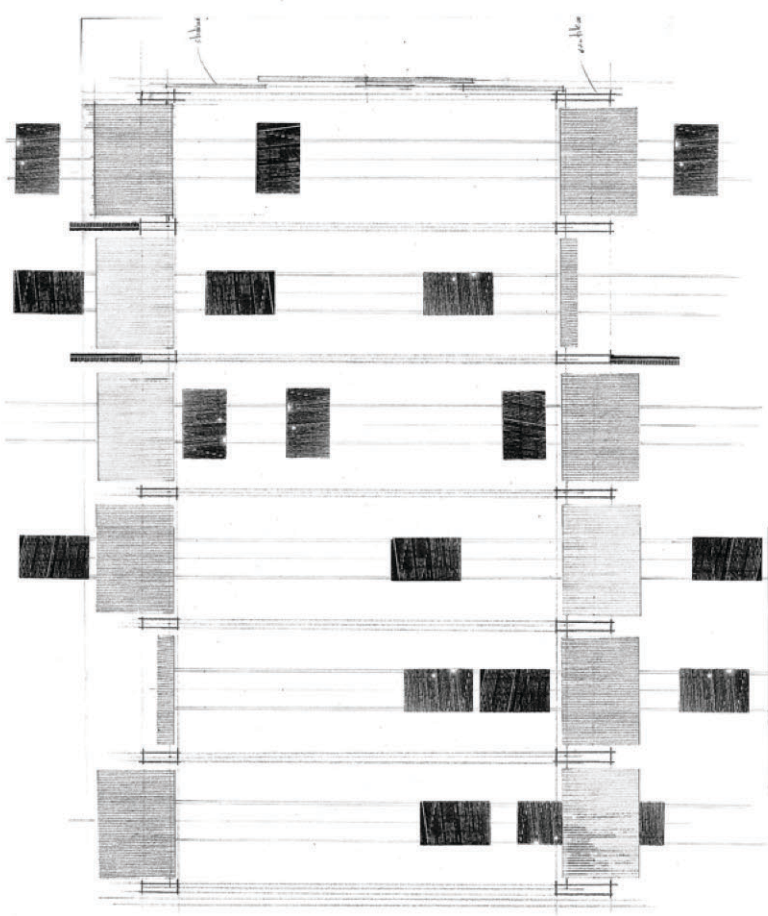
Transparency and layering of materials are used to create filtered light similar to the existing barn structures. Vertical wood slats are re-sawn from the existing redwood barns as siding on the picnic shelter. The form of the picnic shelter also recalls the form of the barns on the site, but with more modern use of materials such as trusses with cables and steel columns.

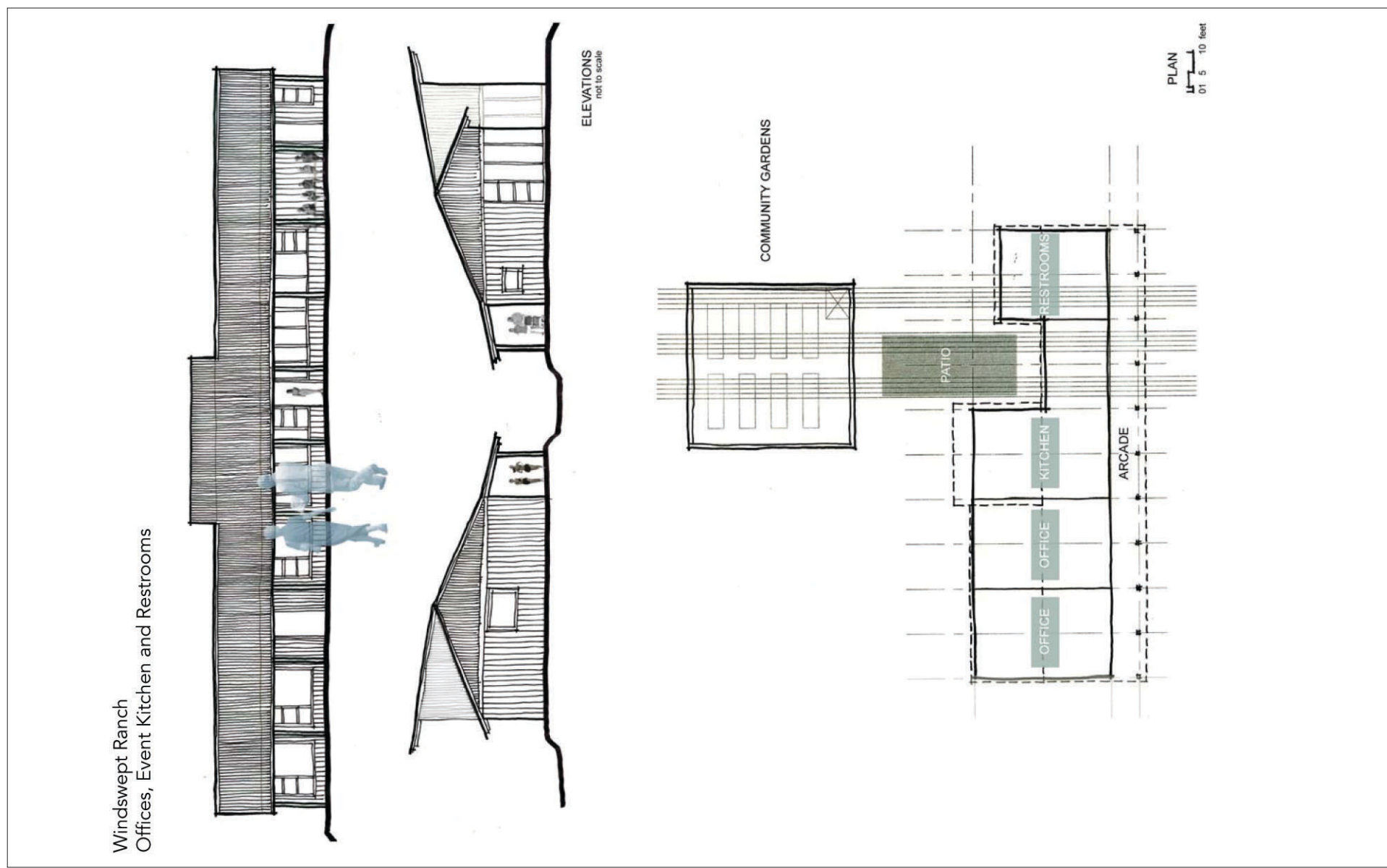


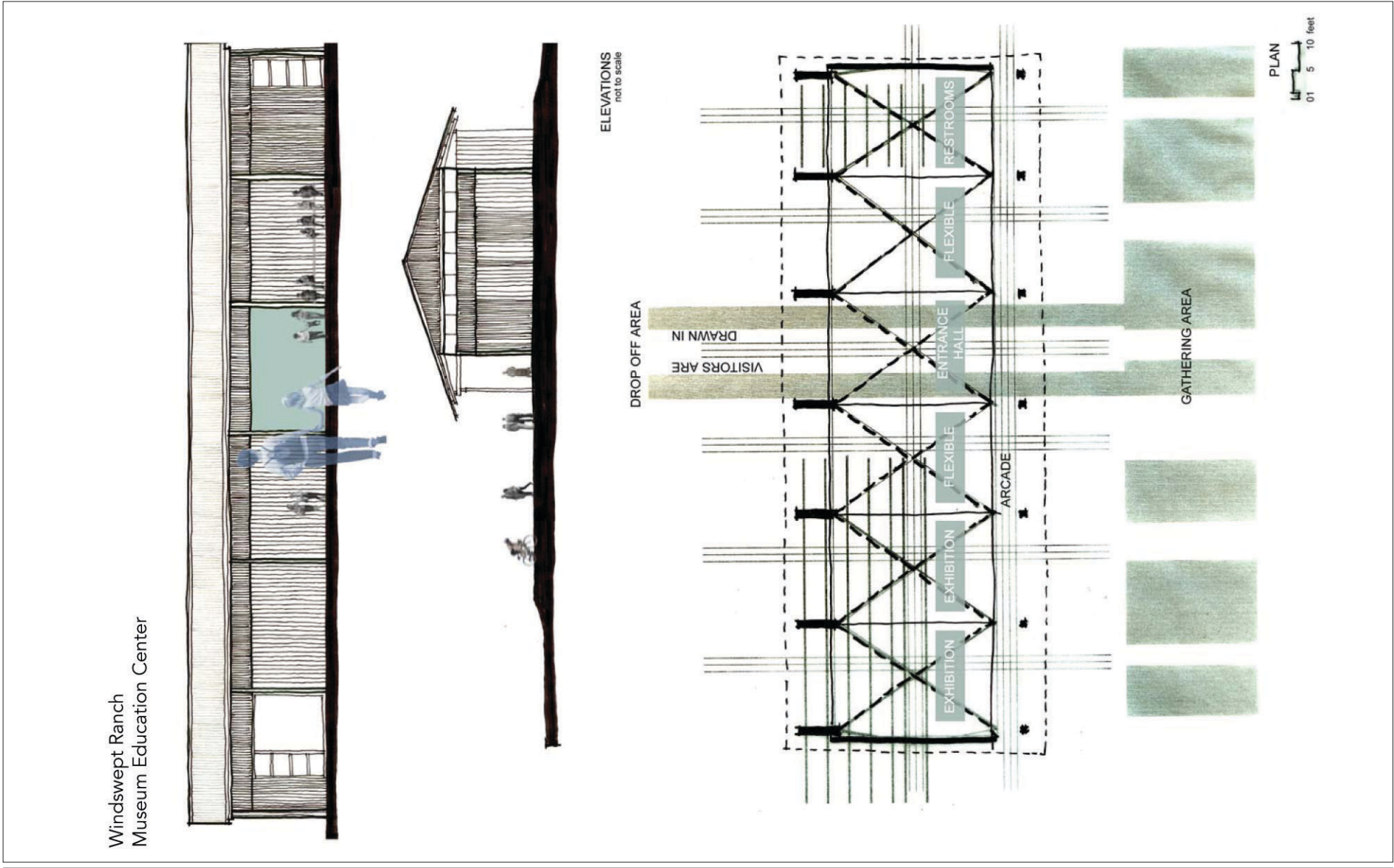
The above collage illustrates how using wood in a particular manner will affect the texture, light, air, and circulation of the space.



The elevations above and plan below express the potential flexibility of open and closed spaces.

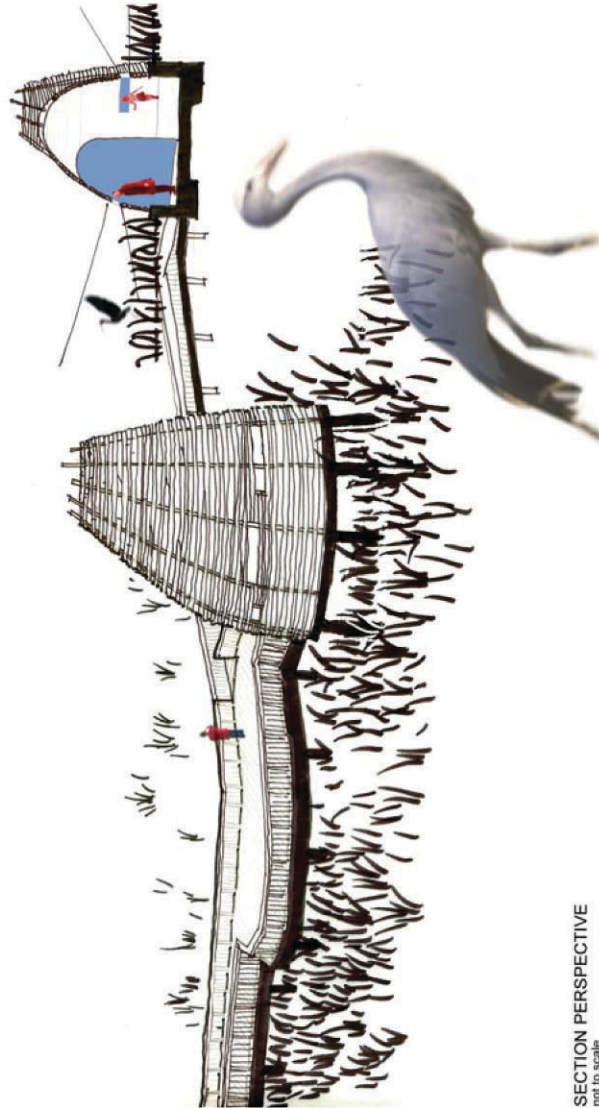


FIGURE 12
ARCHITECTURAL IDENTITY- OFFICES, EVENT KITCHEN AND RESTROOMS



Wildlife Observation Blinds

The blinds are like woven baskets placed lightly in the wetlands. The visitor feels closer to the natural wildlife by hiding in a structure made of supple tree limbs woven together through a steel and wood structure. Simple put, the observer is wrapped in pieces of nature.



SECTION PERSPECTIVE
not to scale



PRECEDENT PHOTOS SHOWING THEME INTENT

Typical Outdoor Restroom

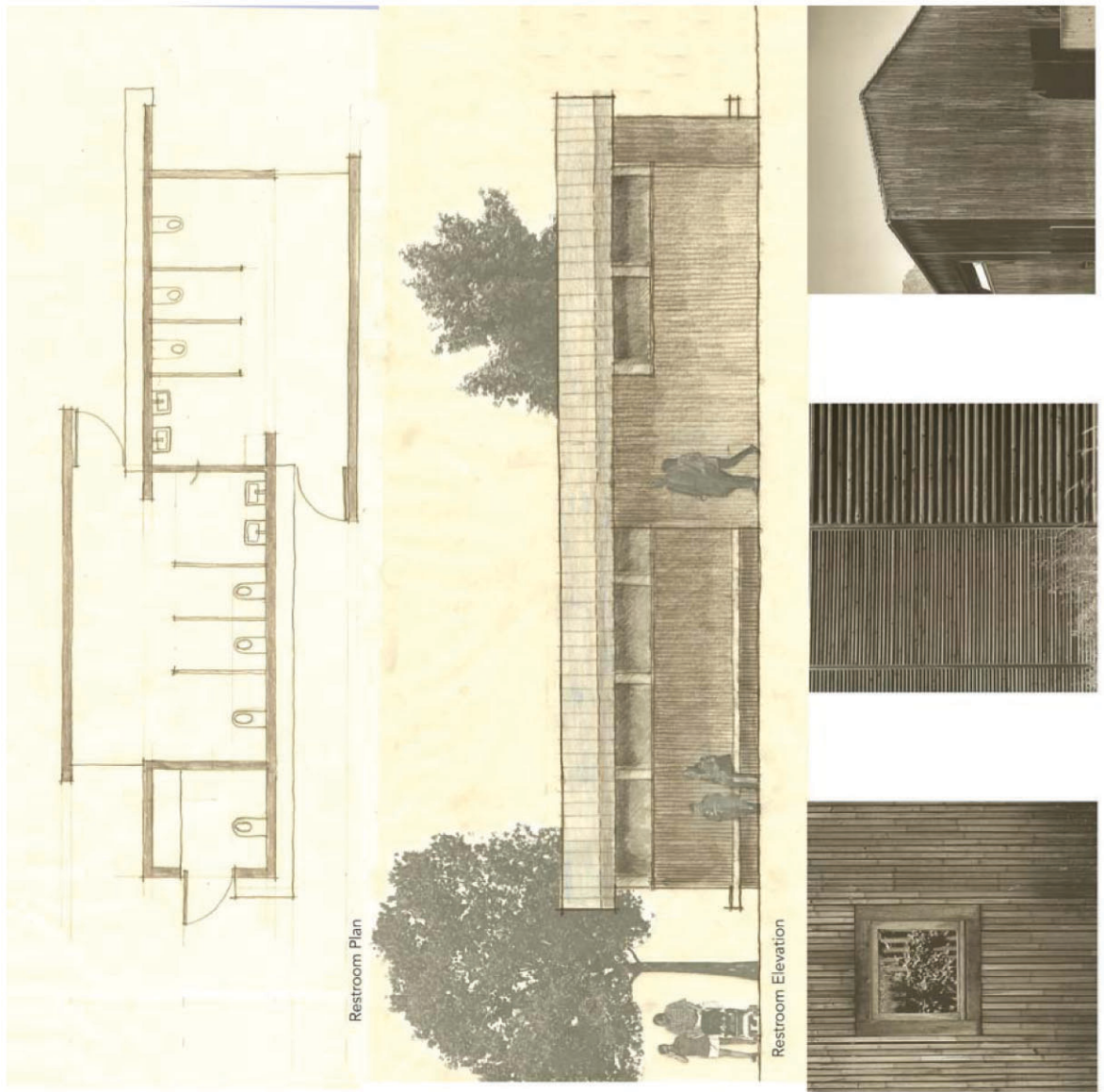
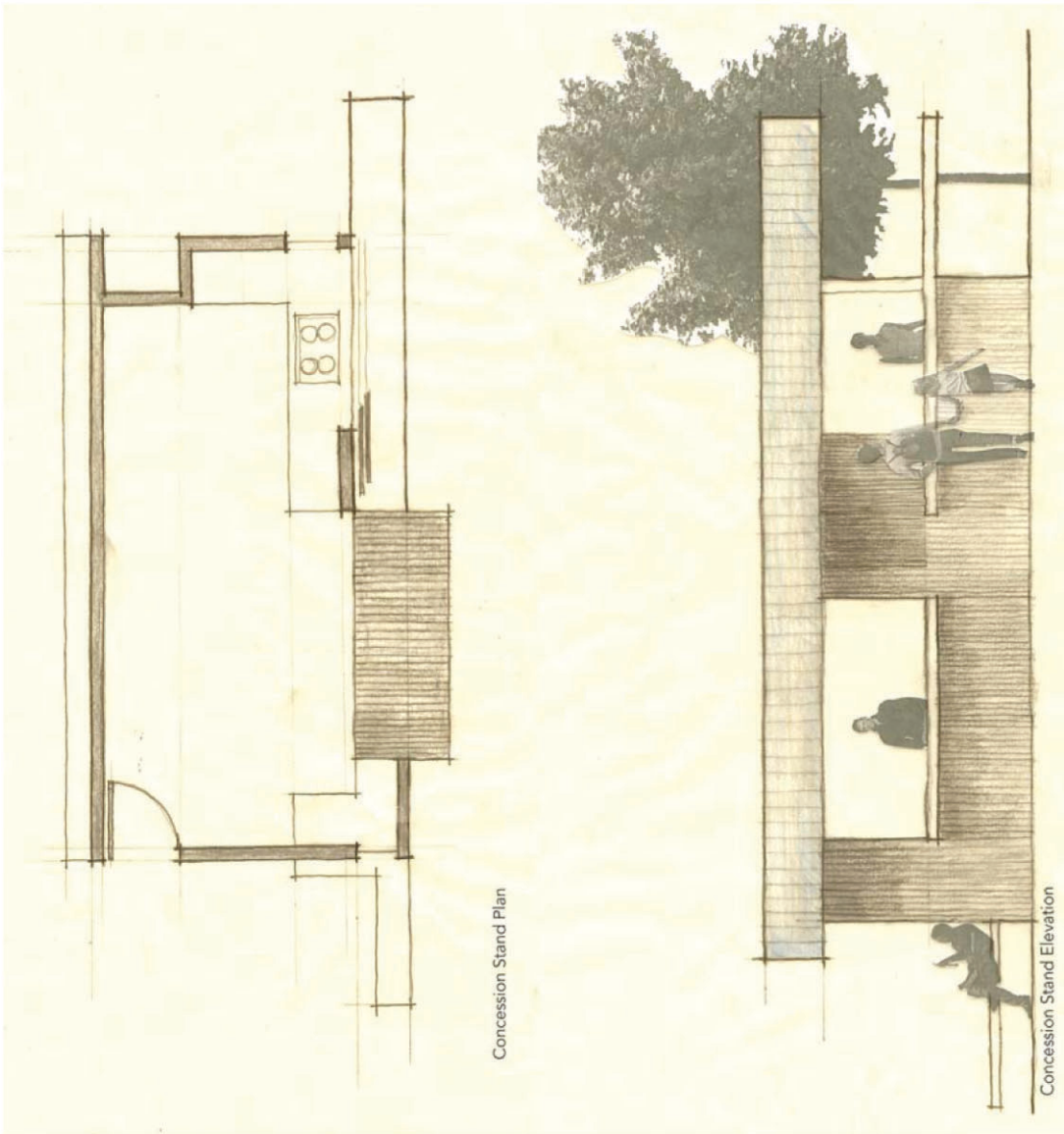
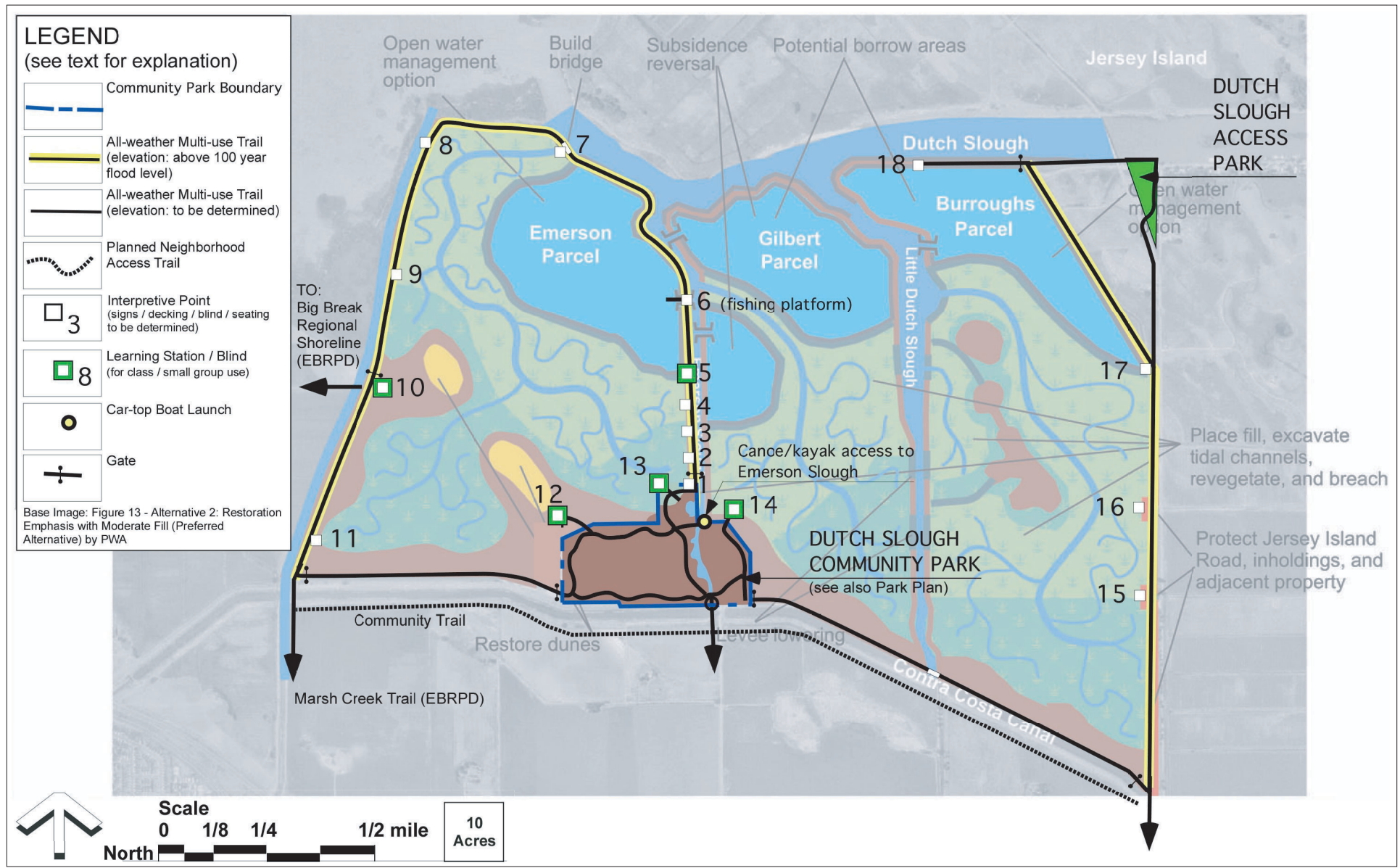


FIGURE 15

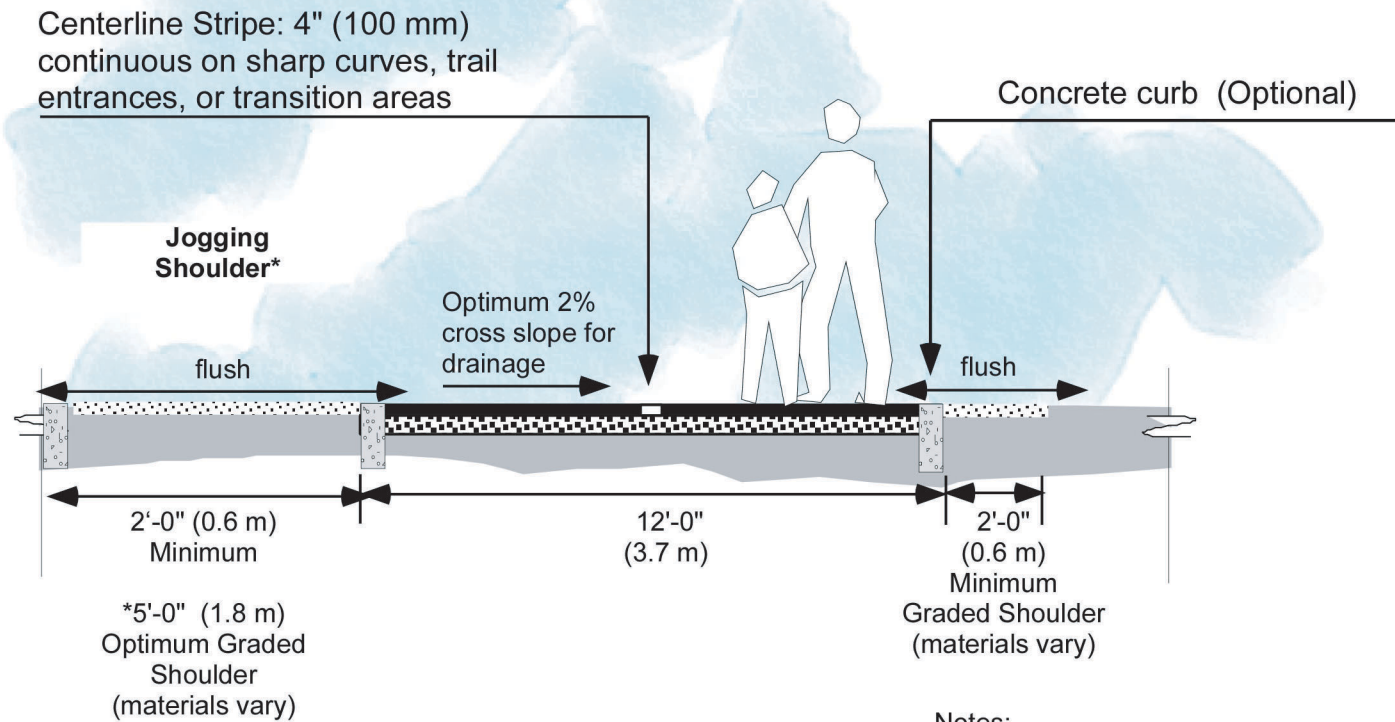
Concession Stand





© This drawing is conceptual and for planning processing purposes only. Program information, scale, location of areas, and other information shown are subject to field evaluation and modification.

FIGURE 17



- Notes:
- Section shown illustrates optimum trail widths.
 - Trail pavement surface and shoulder widths may vary based on specific site/use conditions and consistent with CalTrans design standards.
 - Trail designed to accommodate use by maintenance and emergency access vehicles.

FIGURE 18

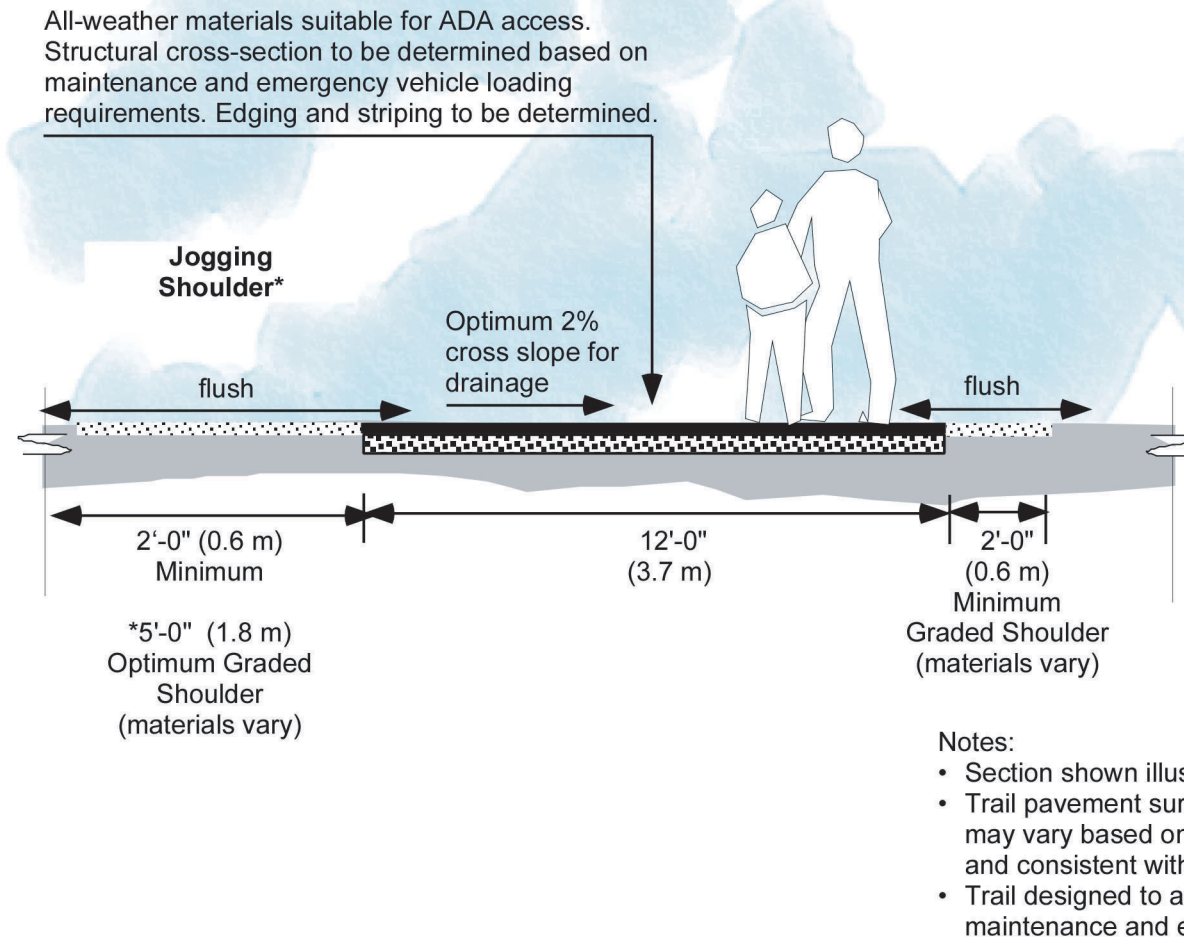


FIGURE 19

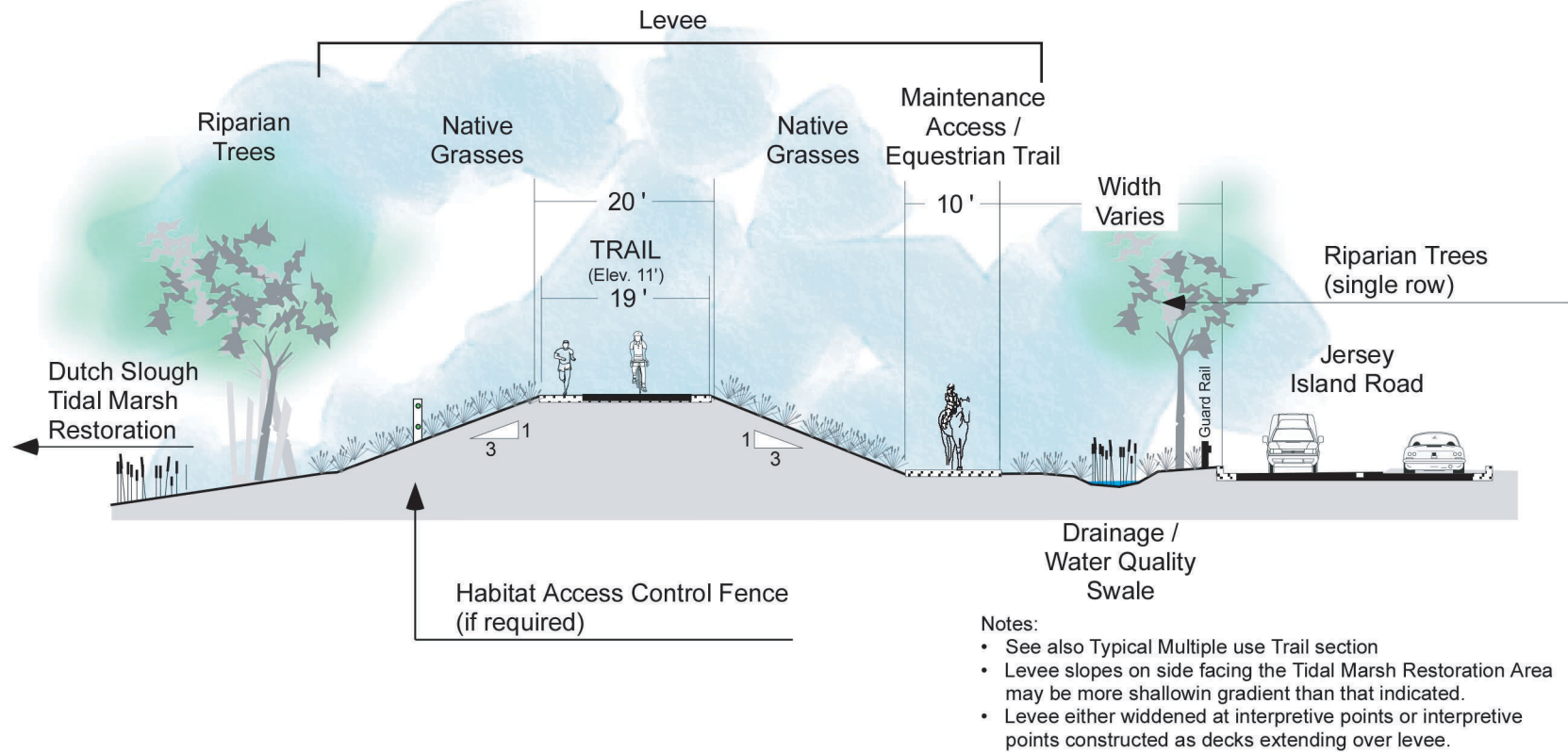
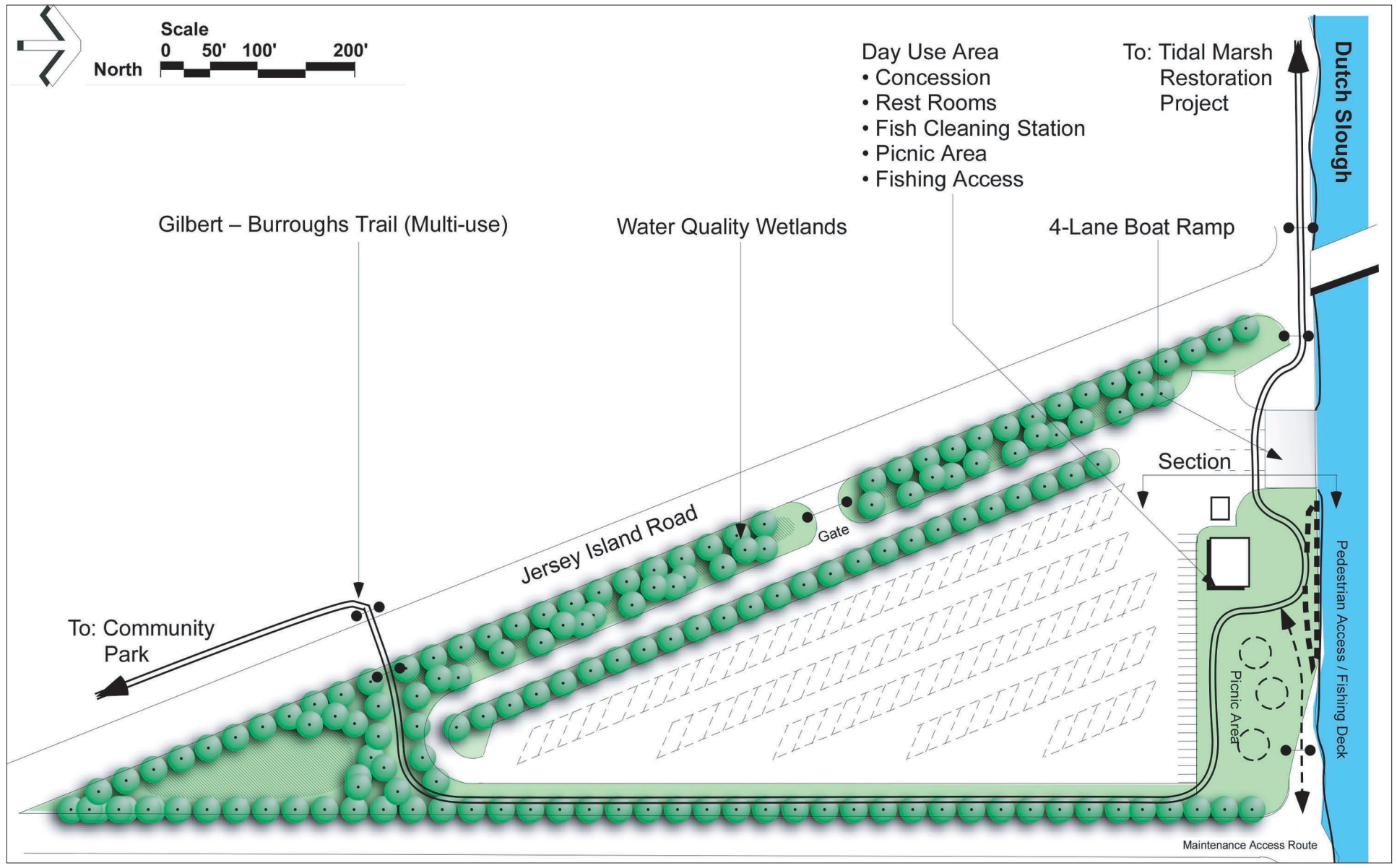
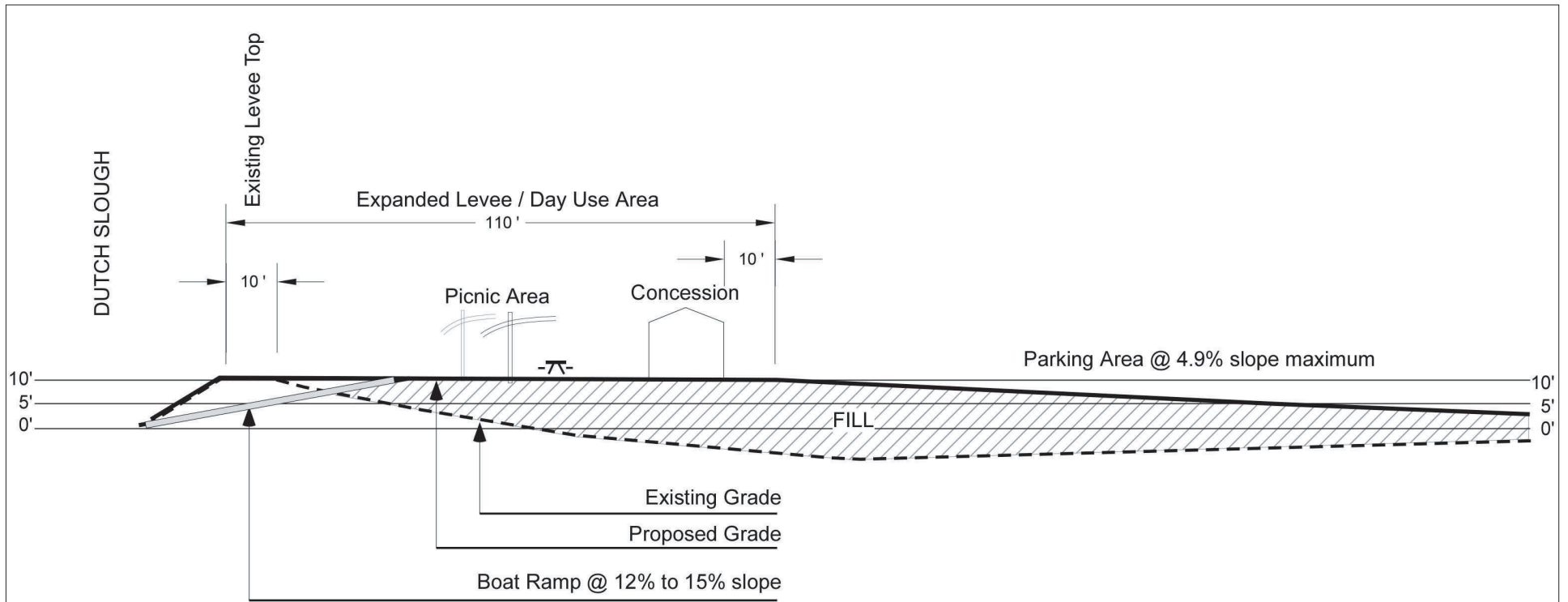


FIGURE 20





Note: Concept illustrated assumes all existing jurisdictional wetlands on the site are filled and will require off-site mitigation for related impacts.

© This drawing is conceptual and for planning processing purposes only. Program information, scale, location of areas, and other information shown are subject to field evaluation and modification.

SECTION: BOAT RAMP AND EXPANDED LEVEE

REGIONAL PARK AT DUTCH SLOUGH

March 8, 2016



Callander Associates
Landscape Architecture

+

Economic Planning Systems

MEMORANDUM

Funding Issues

1. The development and operation of a regional park requires substantial funding through time.

- *Without sufficient operations and maintenance funding, the true value of the capital investments will not be realized.*

2. Careful evaluation is required before substantial public investments in facilities that are envisioned as paying for themselves.

- *For most park programming activities, fees only recover a portion of the costs of ongoing operations and maintenance expenditures.*

MEMORANDUM

Funding Issues

3. Without substantial dedicated upfront funding, the evolution of regional parks usually occurs in phases.

- The large scale of regional parks and the limited funding often available means that parks need to be planned with a phased evolution in mind.*

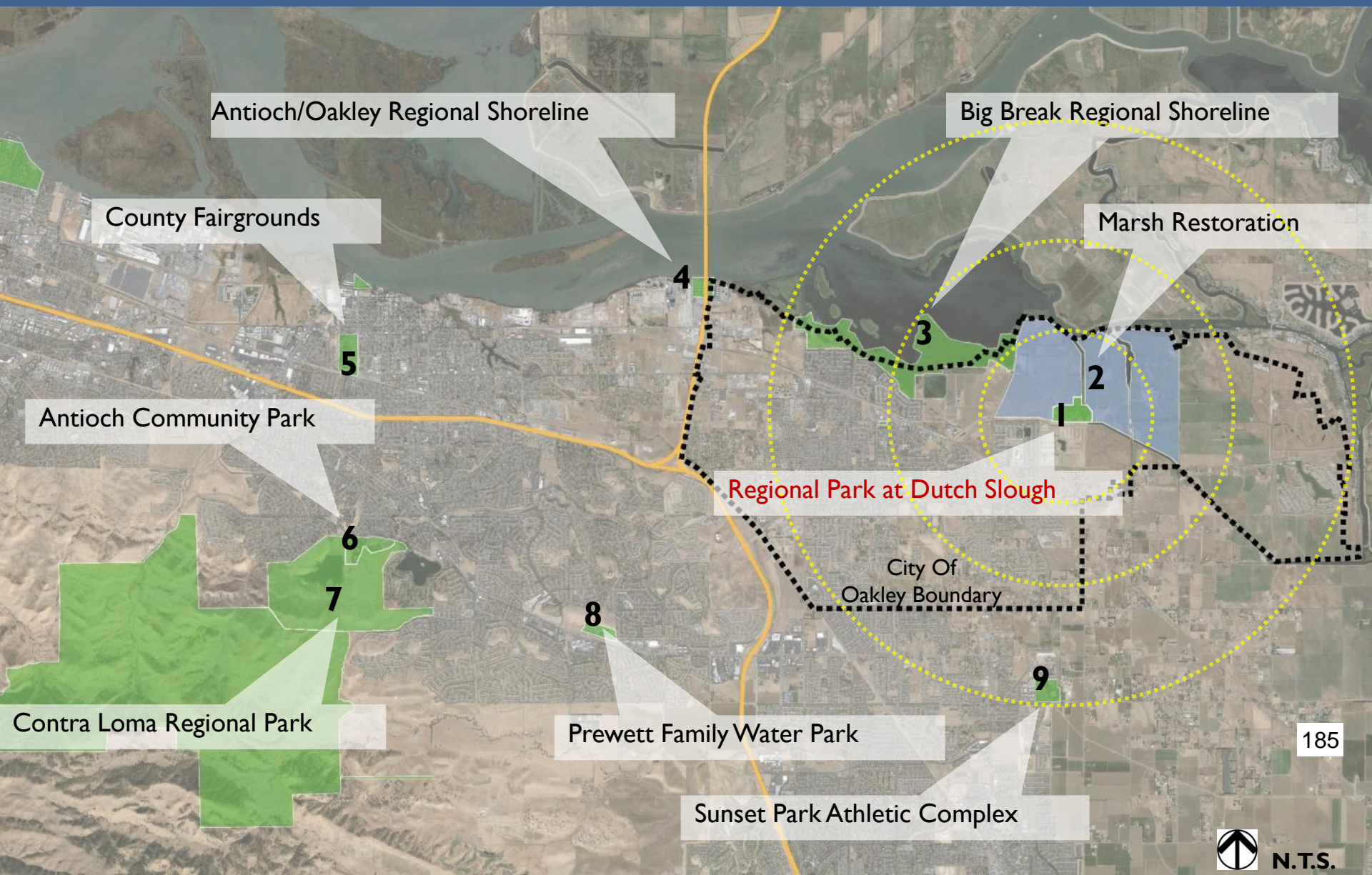
MEMORANDUM

Programming Options and Funding

The level of revenue generation will depend on the actual level of regional **demand** for the facilities, the alternative recreation and entertainment **options available**, and the **willingness** of potential users/visitors **to pay**.

REGIONAL CONTEXT

Context Map



REGIONAL CONTEXT

Big Break Regional Shoreline



Programs

Fishing
Nature education programs
Boat and Kayak launch
Shaded Amphitheatre
Picnic areas
Walking, biking and equestrian trails

Size: 440 Acres
Distance: 3 Miles

REGIONAL CONTEXT

Antioch/Oakley Regional Shoreline



Programs

Fishing
Picnic areas

Size: 7.5 Acres
Distance: 4.25 Miles

REGIONAL CONTEXT

Contra Costa County Fairgrounds



Programs

Concert pavilion
BBQ areas
Wedding venue
RV Area
Event space
 Festivals
 Fairs
 Flea Market
 Community events
Indoor roller rink
Paintball

Size: **54 Acres**

Distance: **8 Miles**

REGIONAL CONTEXT

Antioch Community Park



Programs

Sports fields
Picnic areas
BBQ areas
Tot play area
Walking trails

Size: 64 Acres
Distance: 8 Miles

REGIONAL CONTEXT

Contra Loma Regional Park



Programs

Fishing
Boat and Kayak launch
Picnic areas
Equestrian staging
Walking, biking and equestrian trails
Concessions
Swimming lagoon

Size: 779 Acres
Distance: 8 Miles

REGIONAL CONTEXT

Prewett Family Water Park



Programs

Aquatic center
Picnic areas
Skate park

Size: 28 Acres
Distance: 5.75 Miles

REGIONAL CONTEXT

Sunset Park Athletic Complex



Programs

Sports complex
Picnic areas
BBQ areas
Concessions

Size: 38 Acres
Distance: 3 Miles

REGIONAL CONTEXT

Program Matrix

	Fishing	Nature Education	Boat and Kayak Launch	Shaded Amphitheatre	Picnic Areas	Trails	Swimming	Concert Pavilion	BBQ Area	Wedding Venue	RV Area
Big Break Regional Park											
Sunset Park Athletic Complex											
Antioch/Oakley Regional Shoreline											
Prewett Family Water Park											
Contra Costa County Fairgrounds											
Antioch Community Park											
Contra Loma Regional Park											



Within 3 miles



Within 5 miles



Within 8 miles

REGIONAL CONTEXT

Program Matrix

	Event Space	Indoor Roller Rink	Paintball	Sports Fields	Tot Play Area	Equestrian Staging	Concessions	Aquatic Center	Skate Park	Sports Complex
Big Break Regional Park										
Sunset Park Athletic Complex										
Antioch/Oakley Regional Shoreline										
Prewett Family Water Park										
Contra Costa County Fairgrounds										
Antioch Community Park										
Contra Loma Regional Park										



Within 3 miles



Within 5 miles



Within 8 miles

REGIONAL CONTEXT

Trail Diagram



PROGRAMMING

Cost/Recovery Case Study



Emma Prusch Farm Park

Location: San Jose, CA

Size: 47 Acres

Passive recreation

Active farm – Veggilution

Play Area

Picnic facilities

4H programs, summer camps,
community classes

**Cost
Recovery**

6%

*Remainder from
General Fund*

PROGRAMMING

Cost/Recovery Case Study



Ardenwood Historic Farm

Location: Fremont, CA

Size: 205 Acres

Passive recreation

Active farm – J.E. Perry Farms

Weddings and events

Nature education

Concession

Train

Picnic facilities

Entrance fees

**Cost
Recovery**

19%

Remainder from
EBRPD

PROGRAMMING

Cost/Recovery Case Study



Coyote Point

Location: San Mateo, CA

Size: 607 Acres

Picnic Areas

Destination play area

Golf course

Gun range

Museum

Marina and shoreline

Free to access for walking or
bicycling

Pay to park

PROGRAMMING

Goals

1. Provide accessible and beneficial park features to the local and regional community
2. Provide a unique destination / program
3. Provide opportunities for partnerships to reduce costs and maximize programming
4. Provide connections to regional trail network
5. Preserve agricultural history
6. Maximize revenue
7. Others

PROGRAMMING

Recreational



Thematic Play Area
Parking: 20 to 60 stalls



1 Acre

200

PROGRAMMING

Recreational



Frisbee Golf Course

Disc rentals

Parking: 0 to 50 stalls

8 Acres

201

PROGRAMMING

Recreational



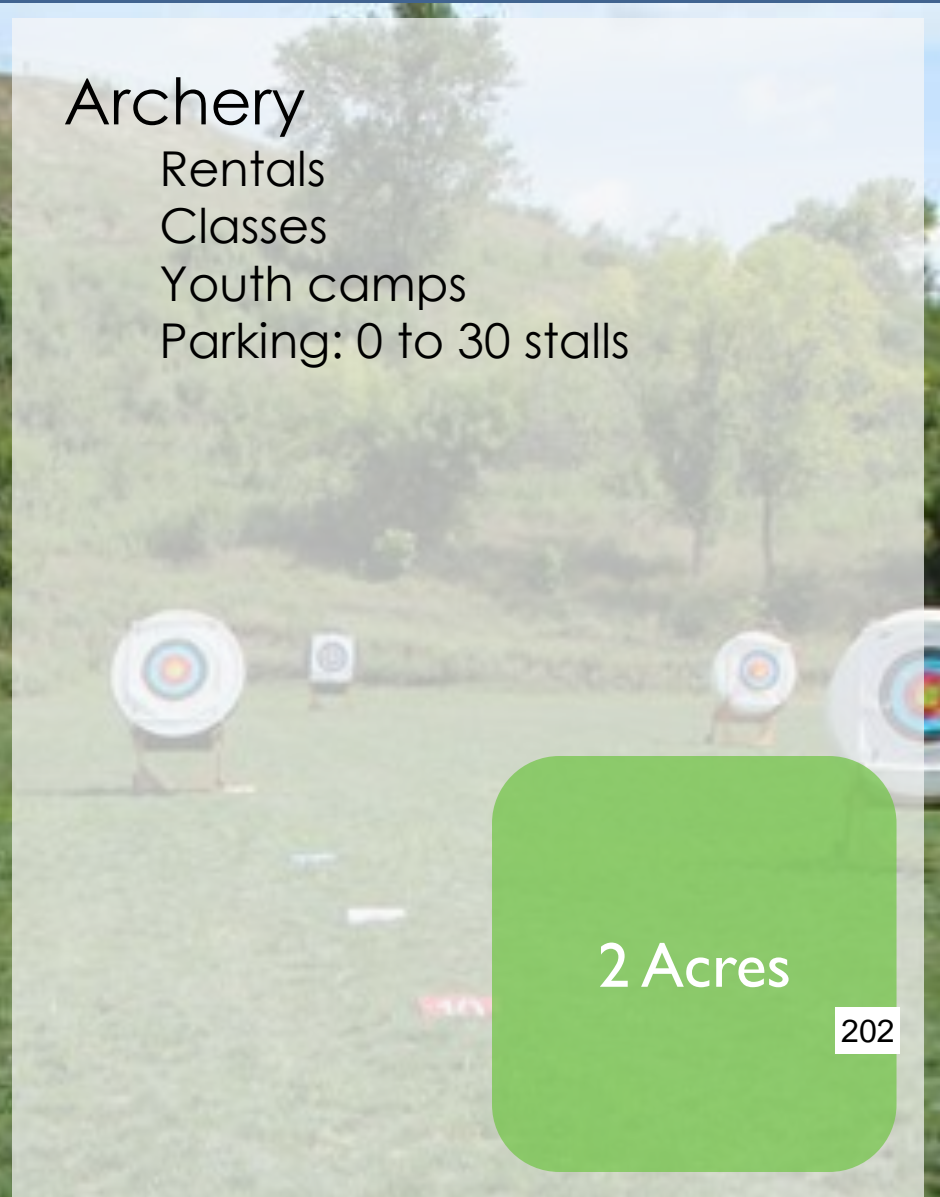
Archery

Rentals

Classes

Youth camps

Parking: 0 to 30 stalls



2 Acres

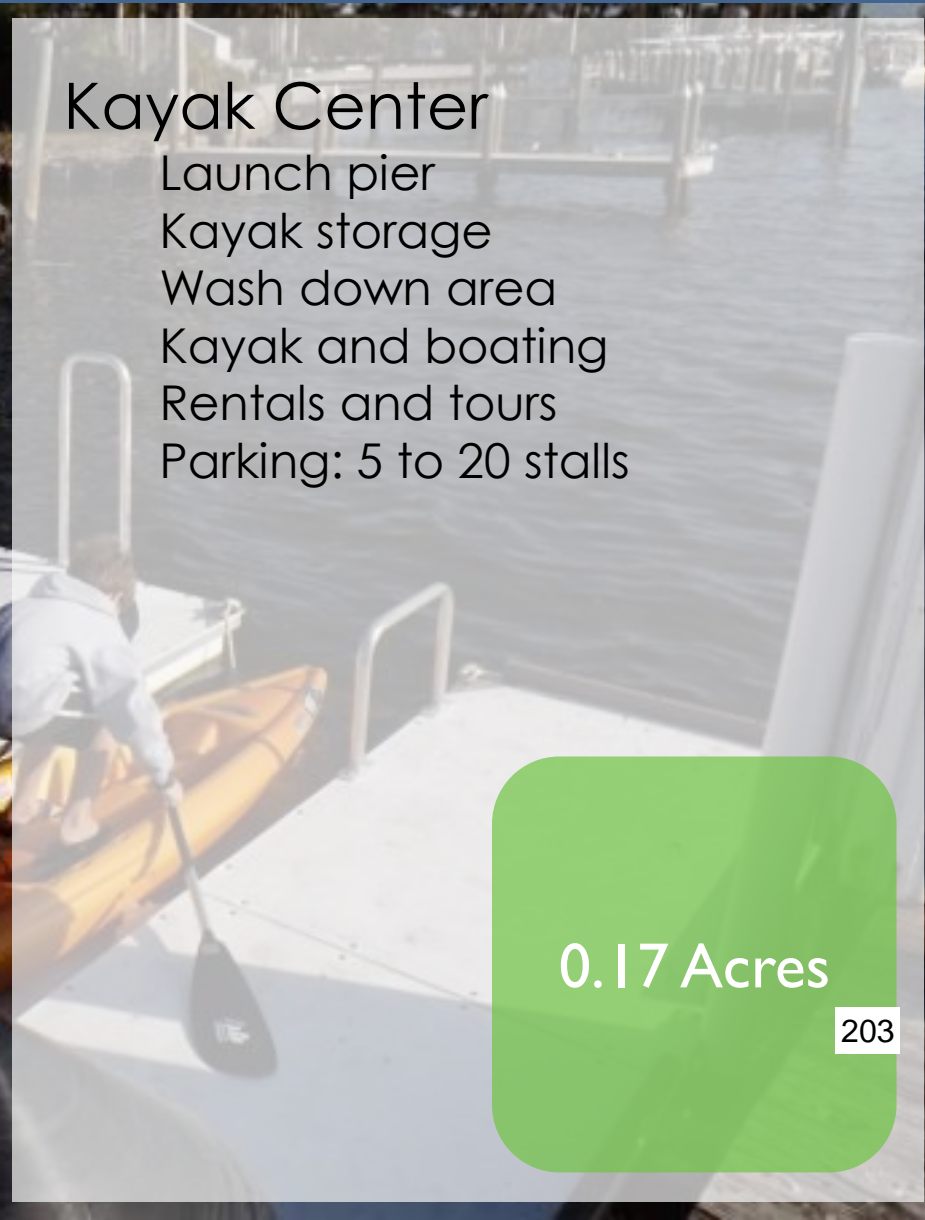
PROGRAMMING

Recreational



Kayak Center

Launch pier
Kayak storage
Wash down area
Kayak and boating
Rentals and tours
Parking: 5 to 20 stalls



0.17 Acres

203

PROGRAMMING

Recreational



Sports Complex

Soccer Fields

Baseball/Softball Fields

Tournaments

Parking: varies 100+ stalls

38 Acres

204

PROGRAMMING

Educational

Nature Education Center

Outdoor classroom
Audubon society center
Bird viewing platform
Nature tours
Parking: 15 to 30 stalls

0.15 Acres

205



PROGRAMMING

Educational



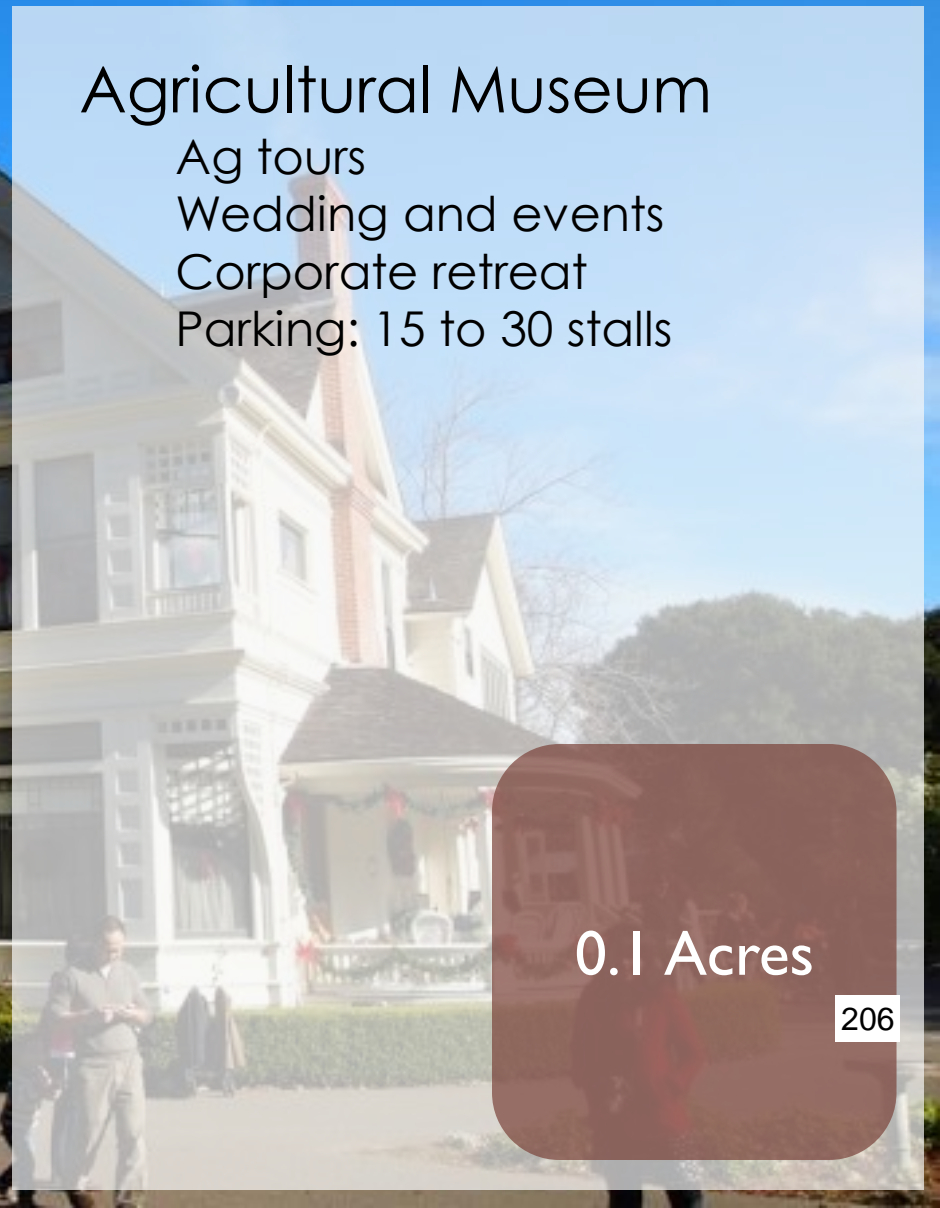
Agricultural Museum

Ag tours

Wedding and events

Corporate retreat

Parking: 15 to 30 stalls



0.1 Acres

206

PROGRAMMING

Educational



Farm + Food Lab

- Farm to table education
- Petting zoo
- Summer camps
- 4H programs
- Youth and interpretive courses
- Adult skill development programs
- Farm incubators
- Parking: 15 to 30 stalls

I Acre

PROGRAMMING

Special Events



Private Event Venue

Wedding garden

Indoor reception/conference area

Commercial kitchen

Parking: 50 to 75 stalls
(varies by event size)



2.35 Acres

208

PROGRAMMING

Special Events



Agricultural Events

- Antiques market
- Flea market
- Special events
- Food trucks/pop-ups
- Agricultural festivals
- Parking: 85 stalls



0.6 Acres

PROGRAMMING

Commercial



Farm to Table Restaurant

Destination restaurant

Chef Series

Cooking classes

Parking: 50 stalls



0.05 Acres

PROGRAMMING

Commercial



Park Winery/Brewery

Tasting
Classes
Events
Parking: 50 stalls



0.35 Acres

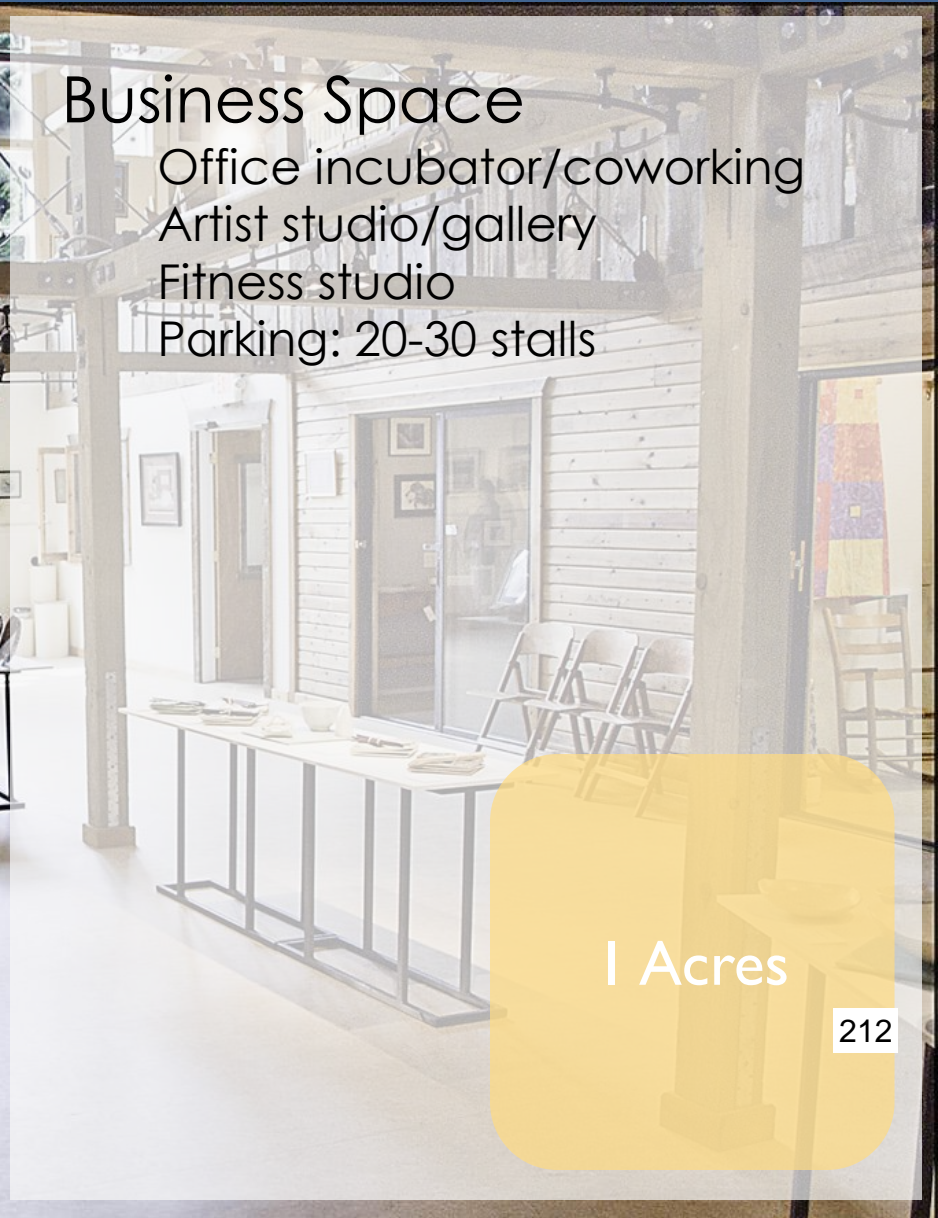
PROGRAMMING

Commercial



Business Space

Office incubator/coworking
Artist studio/gallery
Fitness studio
Parking: 20-30 stalls



1 Acres

PROGRAMMING

Commercial



Concession Stand
Parking: 0 to 10 stalls

0.1 Acres

213

PROGRAMMING

Commercial



Bike Rental and Tours
Parking: 0 to 15 stalls



0.02 Acres

PROGRAMMING

Additional Park Services



Family Picnic Areas

Large group shelters

Tables

BBQ

Parking: +/- 20 stalls
(varies on size)

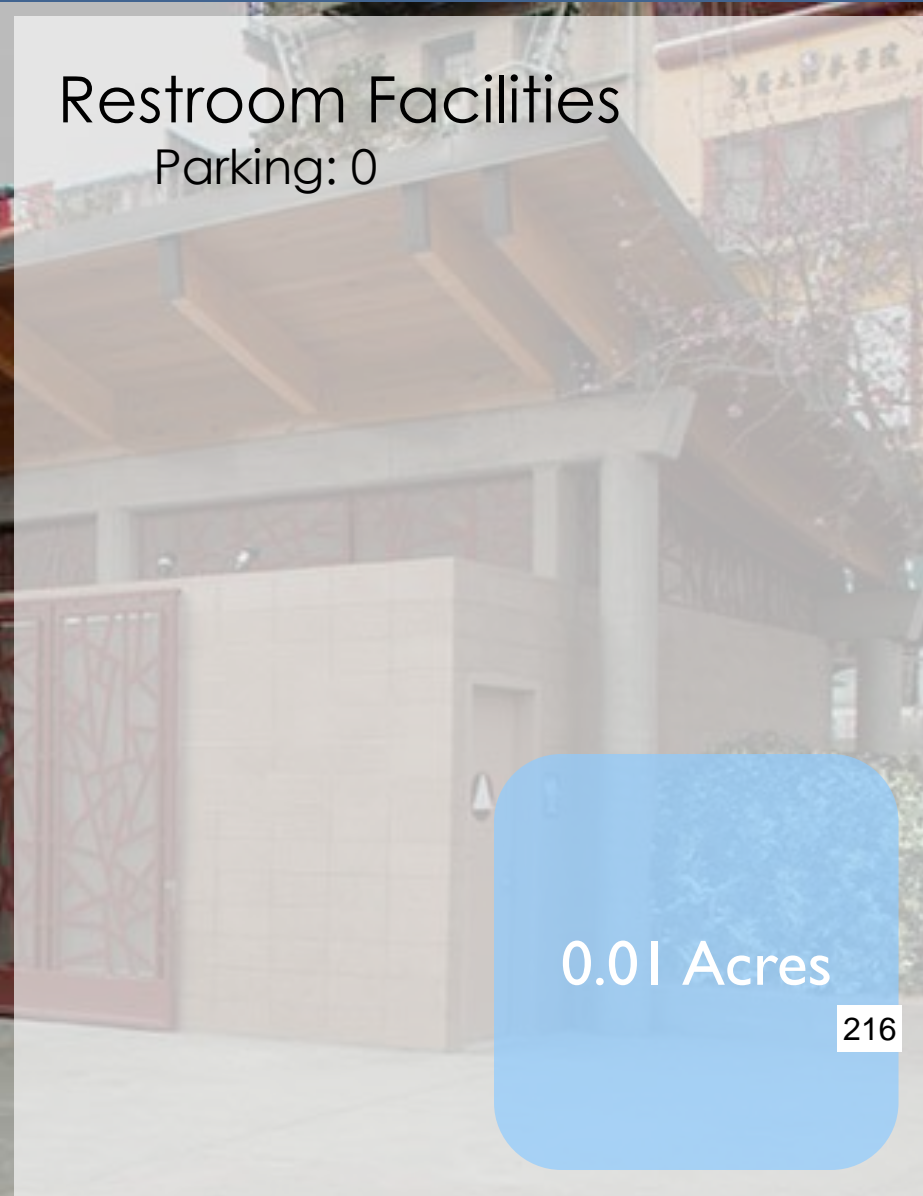
.5 to 2 Acres

PROGRAMMING

Additional Park Services



Restroom Facilities
Parking: 0



0.01 Acres

216

PROGRAMMING

Additional Park Services



Corp Yard

Parking requirement: 0

1 Acre

217

PROGRAMMING

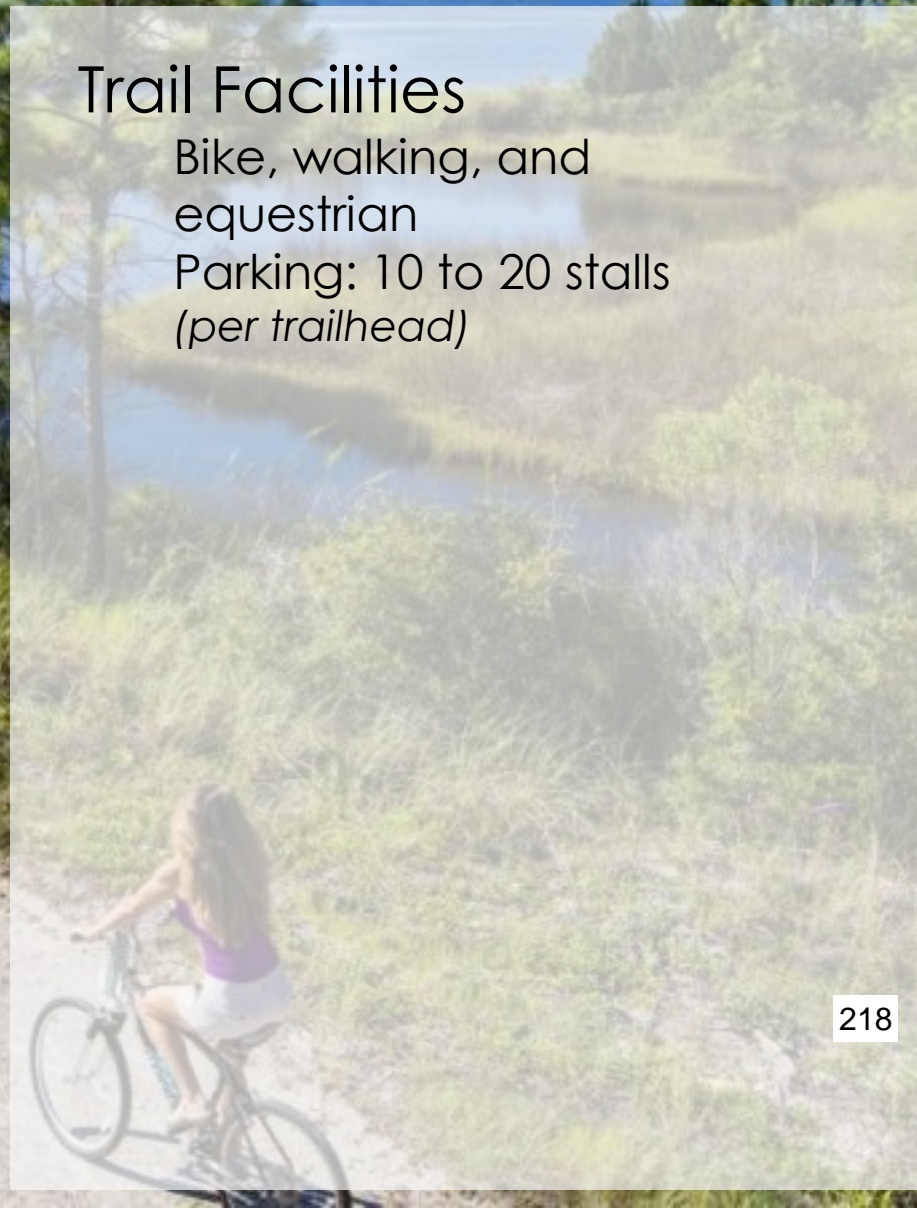
Additional Park Services



Trail Facilities

Bike, walking, and
equestrian

Parking: 10 to 20 stalls
(per trailhead)



PROGRAMMING

Funding Sources

- 
- 
1. Development Based Funding
 2. Grants
 3. Tax-Based Funding

PROGRAMMING

Partnerships

- 
1. Public-Public
 2. Public-Private
 3. Public-Nonprofit
 4. “Friends of the Park”
 5. Philanthropy
 6. Corporate Sponsorship



OBSERVATION DECK

PARKING LOT

PLAY AREA

RESTROOM

OBSERVATION DECK

PICNIC MEADOW

TRAIL KIOSK

GROUP PICNIC SHELTER

MULTI-USE TRAIL

LITTLE LEAGUE BASEBALL FIELD, TYP.

BACKSTOP, TYP.

BLEACHERS

SCORE KEEPER'S BOOTH

SHADE STRUCTURE, TYP.

PICNIC AREA

TRAIL KIOSK

SPORTS FIELD LIGHTING, TYP.

PARKING LOT

CONCESSION / RESTROOM BUILDING

CONTRA COSTA CANAL

DUTCH SLOUGH

SELLERS
AVE

TRAIL KIOSK

INTERPRETIVE NATURE TRAIL

EXISTING LEVEE

INTERPRETIVE CENTER

BOAT HOUSE

LAUNCH DOCK

DOCK

BOAT TRAILER PARKING

PARK ADMIN. BUILDING

OUTDOOR LEARNING/ CLASSROOM BUILDING

AGRICULTURAL FIELDS

PARKING

GRAVEL ACCESS ROAD

FARM ANIMAL PADDOCK

AGRICULTURAL EVENT FACILITY AND STORAGE
PAVILLION

SILOS

PROPERTY LINE, TYP.

START UP/ INCUBATOR BUILDING

TRAIL KIOSK

MAINTENANCE BUILDING

BOCCE BALL COURTS AND SHADE STRUCTURE

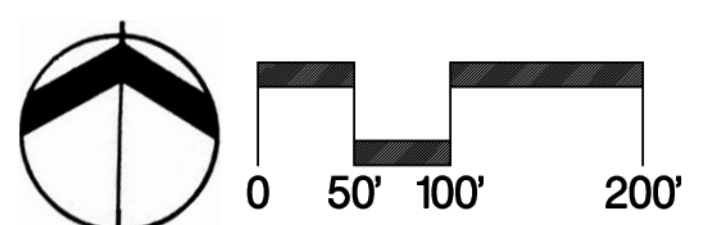
PARK ENTRY

MULTI-USE TRAIL

ACCESS ROAD, TYP.

OPEN MEADOW

CONCEPT PLAN
Oakley Community Park
Oakley, California



April 8, 2016

15077 Conceptual Master Plan 2016 4-8.indd