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

Tuesday, October 28, 2025
6:30 PM
Oakley City Council Chambers located at 3231 Main Street, Oakley, California 94561. Unless stated otherwise on the agenda, every item on the agenda is exempt from CEQA Guidelines Sections 15060(c), 15061(b)(3), 15273, 15378, 15301, 15323 and/or Public Resources Code Section 21065.

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

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

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A complete packet of information containing staff reports and exhibits related to each item is available for public review prior to an Oakley City Council and/or City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority meeting at Oakley City Hall, 3231 Main Street, Oakley, CA 94561. Any writings or documents provided to a majority of the Oakley City Council, Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency or Oakley Public Financing Authority regarding any item on this agenda will be made available for public inspection, during regular business hours, in the Main Lobby of Oakley City Hall.

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Please keep cell phones/electronic devices turned off during the meeting. Please be

advised that City Council meetings are video recorded and attendees may appear on video.

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

1. OPENING MATTERS

   1.1 Call to Order and Roll Call

   1.2 Pledge of Allegiance to the Flag (Summer Lake Elementary Student)

   1.3 Proclamation Recognizing November as Homelessness Awareness Month (Jenny Robbins, Contra Costa Health)
   Proclamation

   1.4 Presentation from Contra Costa Health (Jenny Robbins)

   1.5 Recognizing Stepz Dance Studio for their performance at the Warriors Halftime Show (Stephanie Nelson, Owner)

2. PUBLIC COMMENTS
   At this time, the public is permitted to address the Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority on non-agendized items.

3. COUNCILMEMBER COMMENTS

4. CONSENT CALENDAR
   Consent Calendar items are typically non-controversial in nature and are considered for approval by the Oakley City Council/ Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority with one single action. Members of the audience, Staff or the Oakley City Council/ Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority who would like an item removed from the Consent Calendar for purposes of public input may request the Mayor remove the item. The public may request to remove an item(s) to provide input by completing a public speaker card and submitting it to the City Clerk prior to the item(s) being called by the Mayor.

   4.1 Approve Minutes from the Regular Meeting held October 14, 2025 (Kim

Snodgrass, City Clerk)
Minutes

4.2 Approve Minutes from the Special Meeting Held October 21, 2025 (Kim Snodgrass, City Clerk)
Minutes

4.3 Report out of Closed Session Memo from the Special Meeting held October 21, 2025 (Derek Cole, City Attorney)
Memo

4.4 Waive the Second Reading and adopt Ordinance No. 14-25 approving Rezoning (RZ 2025-004), resulting in completing implementation of Policy Action 1.1 of the Housing Element (Ken Strelo, Community Development Director)
Ordinance No. 14-25

4.5 Waive the Second Reading and Adopt Ordinance No. 15-25 Repealing Section 2.1.003 and Amending and Reenacting Section 2.1.005 of the Oakley Municipal Code Concerning the Appointment of Mayor and Vice Mayor (Derek Cole, City Attorney)
Ordinance No. 15-25

4.6 Adopt a Resolution Appointing Andrea Everage to the Contra Costa Transportation Authority Citizens Advisory Committee for a Four-Year Term (Kim Snodgrass, City Clerk)
Staff Report
1. Application
2. Proposed Resolution

4.7 Adopting a Resolution Accepting the Subdivision Improvements Associated with Subdivision 8734 Stonewood Unit 2A Located on Grapevine Lane east of O'Hara Avenue (Kevin Rohani, P.E., Public Works Director/City Engineer)
Staff Report
1. Vicinity Map
2. Resolution

4.8 Adopt a Resolution Approving the Agreement with Oakley Regency, LLC for "Agreement of Property Owner for Provision of Landscaping in the Public Right of Way" pursuant to Conditions of Approval in Planning Commission Resolution No. 16-24 for Oakley Shops at Laurel Fields and Authorizing the City Manager to Execute the Agreement (Kevin Rohani, P.E., Public Works Director/City Engineer)
Staff Report
1. Resolution
2. Landscape Agreement for Oakley Shops

4.9 Adopt Resolutions Required by CalPERS Confirming the City's Election to Pay the Required Member Contribution (Jeri Tejeda, Administrative Services Director)
Staff Report

1. Resolution-EPMC Classic Misc Tier 1, June 28, 2010 through June 20, 2013
2. Resolution-EPMC Classic Misc Tier 2, June 28, 2010 through June 20, 2013
3. Resolution-EPMC Classic Misc Tier 1, June 21, 2013
4. Resolution-EPMC Classic Misc Tier 2, June 21, 2013

5. PUBLIC HEARINGS

5.1 Adopt a Resolution Amending the Master Fee Schedule to Add Studio 55 Annual Membership Fees and a Home-Based Business Transfer Fee (Jeri Tejeda, Administrative Services Director)
Staff Report
1. Resolution
2. Master Fee Schedule

6. REGULAR CALENDAR

6.1 Adopt a Resolution Approving the Fifth Amendment to the Employment Agreement Between the City of Oakley and Joshua McMurray (Derek Cole, City Attorney)
Staff Report
1. Resolution Approving Fifth Amendment to Employment Agreement
2. Fifth Amendment to Employment Agreement

7. REPORTS

7.1 City Manager
(a) City Manager
(b) Business License Update - September
(c) City Council Follow-up: "Blue Sky" Contract for Animal Evacuation Services
(b) September New Business Licenses
(c) Memorandum

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

(b) Requests for Future Agendas
Councilmember Reports from October 14, 2025

8. WORK SESSION

9. CLOSED SESSIONS

9.1 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Pursuant to Government Code Section 54956.9(d)(1)
Schaefers v. BNSF Railway Company (and City of Oakley), Contra Costa Superior Court, Case No. C22-01552

McCallister v. Moeckel (and City of Oakley), Contra Costa Superior Court, Case No. C23-00834

Adler v. City of Oakley Police Officers, US District Court, N. D. Cal. Case No. 4:24-cv-03939-HSG

County of Contra Costa, et al. (and City of Oakley) v. Monsanto Co., et al., Civ. No. C22-02818

Cendejas v. City of Oakley. Contra Costa Sup. Ct. Case No. C24-02585

10. ADJOURN

OAKLEY
CALIFORNIA

Proclamation

Homelessness Awareness Month

WHEREAS, November is recognized nationally as Homelessness Awareness Month, and Youth Homelessness Outreach Prevention and Education (HOPE) Month; and

WHEREAS, 14,245 individuals accessed homeless services in Contra Costa County in 2024—an increase of 40% from 2020, underscoring systemic housing challenges; and

WHEREAS, homelessness in Contra Costa County is driven primarily by the lack of affordable housing, with 30,812 low-income renter households in Contra Costa County not having access to an affordable home in 2024; and

WHEREAS, according to The Opportunity to Change: A Community Needs Assessment for Youth and Young Adult Homelessness, an estimated 13,506 young people are experiencing homelessness in Contra Costa County; and

WHEREAS, in 2025 in Contra Costa County, there were only 3,787 temporary and permanent housing beds for persons experiencing homelessness, a stark shortfall compared to the scale of need across our communities; and

WHEREAS, Contra Costa County's 34% increase in temporary and permanent housing beds over the past two years reflects a sustained commitment to expanding shelter and housing solutions; and

WHEREAS research shows that criminalizing homelessness worsens the crisis and deepens existing racial inequities; and

WHEREAS, since 2020, Contra Costa has seen a 79% increase in households with minor children, a 69% increase in seniors aged 65+, and a 53% increase in Transition Aged Youth (ages 18–24) accessing homeless services; and

WHEREAS, the Contra Costa Continuum of Care unites over 50 organizations, jurisdictions, and individuals committed to preventing and ending homelessness through coordinated housing, health, and support services; and

WHEREAS, Contra Costa Continuum of Care is committed to promoting evidence-based practices like Harm Reduction and Housing First to achieve permanent housing outcomes for the most vulnerable in our community; and

WHEREAS, the Youth Action Board, composed of youth and young adults (YYA) with lived experience of homelessness in Contra Costa County, is actively leading and amplifying the voices of YYA, informing the Contra Costa Continuum of Care, and providing leadership and guidance in collaboration with community stakeholders to end YYA homelessness.

NOW, THEREFORE, BE IT RESOLVED, that I, Shannon Shaw, Mayor of the City of Oakley along with the members of the Oakley City Council do hereby proclaim the month of November 2025 as Homelessness Awareness Month and Youth Homelessness Outreach Prevention, and Education Month.

Dated: October 28, 2025

_____
Shannon Shaw, Mayor

MINUTES OF THE REGULAR JOINT MEETING OF THE OAKLEY CITY COUNCIL/OAKLEY CITY COUNCILACTING AS THE SUCCESSOR AGENCY TO THE OAKLEY REDEVELOPMENT AGENCY/OAKLEY PUBLIC FINANCING AUTHORITY HELD OCTOBER 14, 2025

1. OPENING MATTERS

1.1 Call to Order and Roll Call

Mayor Shannon Shaw called the meeting to order at 6:30 p.m. Vice Mayor Hugh Henderson and Councilmembers George Fuller, Aaron Meadows and Anissa Williams were also present.

1.2 Pledge of Allegiance to the Flag

Mayor Shaw led the Pledge of Allegiance to the Flag.

1.3 Certificate of Recognition to the Rotary Club of Oakley (Shannon Shaw, Mayor)

Mayor Shaw presented the Certificate of Recognition to Rotary Club of Oakley President Robert Greaff.

1.4 Proclamation Recognizing National Community Planning Month (Ken Strelo, Community Development Director)

Mayor Shaw read and presented the proclamation to Community Development Director Ken Strelo and Senior Planner Jose Cortez.

1.5 Proclamation Recognizing Code Enforcement Officer Appreciation Week (Conrad Fromme, Chief Building Official)

Mayor Shaw read and presented the proclamation to Chief Building Official Conrad Fromme, Code Enforcement Officer Ashley Schaefer and Code Enforcement Technicians Lauren Kober and Ralph Freeman.

2. PUBLIC COMMENTS

Public Comments were provided by Lou Florez, Bud Chaddock and Dawn Morrow.

A Public Comment was submitted by Armando David Lopez and will be entered into the public record.

Mayor Shaw called for a brief recess.

3. COUNCILMEMBER COMMENTS

Comments were provided by Councilmember Fuller and Councilmember Williams.

4. CONSENT CALENDAR

4.1 Approve Minutes from the Regular Meeting held September 23, 2025 (Kim Snodgrass, City Clerk)

4.2 Approve Minutes from the Special Meeting held September 19, 2025 (Kim Snodgrass, City Clerk)

4.3 Report out of Closed Session Memo from the Special Meeting held September 11, 2025 (Derek Cole, City Attorney)

4.4 Report out of Closed Session Memo from the Special Meeting held September 19, 2025 (Derek Cole, City Attorney)

4.5 Adopt a Resolution Approving the Agreement with Meritage Homes of California, Inc. for "Stormwater Management Facility Operations and Maintenance Agreement, and Right of Entry" for Subdivision 9615 Machado Property and Authorizing the City Manager to Execute the Agreement (Kevin Rohani, P.E., Public Works Director/City Engineer)

4.6 Adopt a Resolution Approving the Agreement with Meritage Homes of California, Inc. for "Stormwater Management Facility Operations and Maintenance Agreement, and Right of Entry" for Subdivision 9614 Sellers Avenue Subdivision and Authorizing the City Manager to Execute the Agreement (Kevin Rohani, P.E., Public Works Director/City Engineer)

4.7 Adopt a Resolution Awarding a Construction Contract to FJ&I Engineering, Inc. for the Construction of Fiscal Year 2025/26 Curb, Gutter, & Sidewalk Repair and Reconstruction Project, Capital Improvement Project (CIP) Number 321 (Kevin Rohani, P.E., Public Works Director/City Engineer)

4.8 Creating Zone 200 within the Oakley Special Police Tax Area Consisting of the 5401 Live Oak Avenue Project Located at 5401 Live Oak Avenue (APN 037-090-005-2) (Kevin Rohani, P.E., Public Works Director/City Engineer)

Councilmember Fuller pulled items 4.1 and 4.6.

Councilmember Williams pulled item 4.7.

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

Item 4.1

Councilmember Fuller mentioned he will vote no.

Councilmember Meadows provided a comment.

It was moved by Councilmember Meadows and seconded by Councilmember Williams to approve the minutes. Ayes: Henderson, Meadows, Shaw, Williams; Noes: Fuller (4-1)

Item 4.6

Councilmember Fuller stated he would recuse himself.

It was moved by Councilmember Meadows and seconded by Vice Mayor Henderson to adopt the resolution. Ayes: Henderson, Meadows, Shaw, Williams; Noes: None; Recusal: Fuller (4-0-1)

Item 4.7

Councilmember Williams asked for clarification on the 50/50 cost sharing program; City Manager Joshua McMurray responded.

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

5. PUBLIC HEARINGS

5.1 Housing Element Rezone - General Plan Amendments and Rezoning (GPA 2025-004, RZ 2025-004) - Adoption of a Resolution Approving General Plan Amendments and Introduction of an Ordinance Approving Rezonings to Implement Policy Action 1.1 of the City Oakley Housing Element 2023-2031 (Ken Strelo, Community Development Director)

Councilmember Meadows stated he would recuse himself.

Community Development Director Ken Strelo presented the report.

Councilmember Fuller and Councilmember Williams asked questions; Mr. Strelo responded.

Mayor Shaw opened the Public Hearing.

There were no Public Comments, so she closed the Public Hearing.

Comments were provided by Councilmember Fuller, Mayor Shaw, Councilmember Williams, and Vice Mayor Henderson.

Mayor Shaw asked a question; Mr. Strelo responded.

It was moved by Councilmember Williams and seconded by Vice Mayor Henderson to adopt the Resolution. Ayes: Fuller, Henderson, Shaw, Williams; Noes: None; Recusal: Meadows (4-0-1)

It was moved by Councilmember Williams and seconded by Vice Mayor Henderson to Introduce the Ordinance Ayes: Fuller, Henderson, Shaw, Williams; Noes: None; Recusal: Meadows (4-0-1)

6. REGULAR CALENDAR

6.1 Strategic Plan 27+ Update (Joshua McMurray, City Manager)

City Manager Joshua McMurray presented the report.

Councilmember Williams asked a question; City Manager Joshua McMurray responded.

It was moved by Councilmember Williams and seconded by Councilmember Meadows to accept the Strategic Plan update. Motion was unanimous and so ordered. (5-0)

6.2 Adopt a Resolution Adopting the City of Oakley Comprehensive Emergency Management Plan and Rescinding Resolution No. 126-05 (Danielle Navarro, Assistant City Manager)

Assistant City Manager Danielle Navarro presented the report.

Ms. Navarro introduced Christopher Godley with Aegis Emergency Management.

Mr. Godley provided an overview of the Comprehensive Emergency Management Plan.

Questions were provided by Councilmember Fuller, Councilmember Williams, and Mayor Shaw; Mr. Godley and Assistant Manager Danielle Navarro responded.

Vice Mayor Henderson, Councilmember Meadows, Mayor Shaw, and Councilmember Fuller provided comments.

It was moved by Councilmember Williams and seconded by Vice Mayor Henderson to adopt the City of Oakley Comprehensive Emergency Management Plan and rescind Resolution No. 126-05. Motion was unanimous and so ordered. (5-0)

6.3 Introduction and Waiver of First Reading of an Ordinance of the City Council of Oakley Amending Section 2.1.003 of the Oakley Municipal Code Concerning the Appointment of the Mayor and Vice Mayor (Derek Cole, City Attorney)

City Attorney Derek Cole presented the report.

Mayor Shaw, Councilmember Williams, Councilmember Meadows, and Vice Mayor Henderson provided comments, and all stated their preference for option two with an amendment to change the longevity of the Councilmember from one year to 345 days.

It was moved by Vice Mayor Henderson and seconded by Councilmember Williams to introduce the ordinance as amended. Ayes: Henderson, Meadows, Shaw, Williams; Noes: None; Abstentions: Fuller (4-0-1)

6.4 Consider the Adoption of a Censure by the City Council of Councilmember Fuller (Shannon Shaw, Mayor)

City Attorney Derek Cole presented his supplemental report.

Mayor Shannon Shaw presented the Staff Report.

Councilmember Fuller provided his rebuttal.

Public Comments were provided by Michael Dupray, Conan Moats, Donna Chaddock, Michael Tays, Oleksii Chuiko and Marilyn Tiernan.

Public Comments were received by Steven Will, Brian Sanchez, Cyndee Heer and several individuals who did not state their names.

Councilmember Fuller stated he did not have any further comments.

Comments were provided by Councilmember Williams, Vice Mayor Henderson, Councilmember Meadows, and Mayor Shaw.

It was moved by Councilmember Meadows and seconded by Councilmember Williams to adopt the resolution. Ayes: Henderson, Meadows, Shaw, Williams; Noes: Fuller (4-1)

Mayor Shaw called for a short break.

Mayor Shaw announced the Closed Session would be continued to a date uncertain. The Mayor then asked Council for consensus on forgoing reports in order to adjourn the meeting.

7. REPORTS

7.1 CITY MANAGER

(a) City Manager
(b) Business License Update
(c) City Council Follow-up: "Blue Sky" Contract for Animal Evacuation Services (Danielle Navarro, Assistant City Manager)

7.2 OAKLEY CITY COUNCIL/OAKLEY CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE OAKLEY REDEVELOPMENT AGENCY
(a) Reports from Council Liaisons to Regional Committees, Commissions and Boards AND Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency
(b) Requests for Future Agendas

8. WORK SESSIONS

9. CLOSED SESSION

9.1 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Pursuant to Government Code Section 54956.9(d)(1)

Schaefers v. BNSF Railway Company (and City of Oakley), Contra Costa Superior Court, Case No. C22-01552

McCallister v. Moeckel (and City of Oakley), Contra Costa Superior Court, Case No. C23-00834

Adler v. City of Oakley Police Officers, US District Court, N. D. Cal. Case No. 4:24-cv-03939-HSG

County of Contra Costa, et al. (and City of Oakley) v. Monsanto Co., et al., Civ. No. C22-02818

Cendejas v. City of Oakley. Contra Costa Sup. Ct. Case No. C24-02585

10. ADJOURN

After confirming the Council's consensus to waive reports, the meeting was adjourned at 9:49 p.m.

Respectfully submitted

Kim Snodgrass

MINUTES OF THE SPECIAL MEETING OF THE OAKLEY CITY COUNCIL HELD OCTOBER 21, 2025

1. CALL TO ORDER AND ROLL CALL

Mayor Shannon Shaw called the meeting to order at 5:00 p.m. Vice Mayor Hugh Henderson and Councilmembers George Fuller, Aaron Meadows and Anissa Williams were also present.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Shaw led the Pledge of Allegiance to the Flag.

3. PUBLIC COMMENTS

None

4. CLOSED SESSION

4.1 CONFERENCE WITH LABOR NEGOTIATORS
Agency designated representatives: Mayor Shaw and Vice Mayor Henderson
Unrepresented employee: City Manager

Mayor Shaw announced the Closed Session item and mentioned the meeting will adjourn after the Closed Session.

5. ADJOURN

There being no further business, the meeting was adjourned at 5:55 p.m.

Respectfully submitted.

Kim Snodgrass
City Clerk

MEMORANDUM

OAKLEY
CALIFORNIA

Date: October 22, 2025
To: Mayor and City Councilmembers
From: Derek P. Cole, City Attorney
CC: Joshua McMurray, City Manager
Subject: Closed Session Report-Out Memo

For Consideration at the City Council Meeting of October 28, 2025

Background and Analysis

The City Council considered the following closed session item during its special meeting held October 21, 2025:

Conference with Labor Negotiators

Agency designated representatives: Mayor Shaw and Vice Mayor Henderson
Unrepresented employee: City Manager

The City Council received an update from and provided direction to its negotiators. More specifically, the Council authorized the presentation of a Fifth Amendment to the City Manager's Employment Agreement for consideration in open session at the October 28, 2025 regular City Council meeting.

The City Council also authorized the payment to the City Manager for any personal legal expenses he has incurred or will incur, up to $25,000, for any independent legal advice to or representation of his interests to the City Council related to the recent workplace investigation and the implementation of and consideration of measures in response to the findings of that investigation. In authorizing this expense, the City Council recognized that the City Attorney's duties to the City as a municipal organization may limit his ability to address or advise the City Manager regarding any personal interests the City Manager may have or wish to assert in the matter. The City Council also recognized that the payment of such expenses serves a public interest in that it is intended preserve the Council and City Manager's relationship and promote the long-term retention of the City Manager as a City employee.

Fiscal Impact

The Council's authorization to pay for the City Manager's legal expenses could create a fiscal impact to the City of up to $25,000, which could be an obligation of the City General Fund, unless any portion of the authorized amount is covered by the City's employment risk manager under the applicable memorandum of coverage.

Recommendation

Receive and file this report.

Attachments

None.

ORDINANCE NO. 14-25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING REZONING (RZ 2025-004), RESULTING IN COMPLETING IMPLEMENTATION OF POLICY ACTION 1.1 (REZONE ADEQUATE SITES TO MEET RHNA NEED) OF THE HOUSING ELEMENT, THROUGH THE AMENDMENT OF OAKLEY MUNICIPAL CODE SECTION 9.1.406 (MULTIPLE FAMILY RESIDENTIAL DISTRICTS), REZONING SEVEN PARCELS FROM M-9 AND M-12 DISTRICT TO M-30 DISTRICT, REZONING ONE PARCEL FROM P-1 (PLANNED UNIT DEVELOPMENT) DISTRICT TO C (GENERAL COMMERCIAL) DISTRICT, AND APPLYING THE AHO (AFFODABLE HOUSING OVERLAY) DISTRICT TO NINE PARCELS, AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

WHEREAS, this is a City-initiated application requesting approval of a General Plan Amendment (GPA 2025-004) and Rezoning (RZ 2025-004) application to implement Policy Action 1.1 of the City of Oakley Housing Element 2023-2031 (Housing Element). The proposed project consists of the following requests:

- Approval of amendments to the Oakley General Plan Land Use Element creating a new Land Use Designation (Residential Multiple Family (RMF)) essential for Rezoning of sites to meet the Regional Housing Needs Allocation (RHNA) of the Housing Element.

- Approval of amendments to the General Plan Land Use Designation on seven residentially designated parcels from Residential High (RH) and Residential Medium (RM) to Residential Multiple Family (RMF) (APNs 033-012-007, 033-012-008, 033-012-009, 033-012-012, 033-180-007, 033-180-015, 035-282-054).

- Approval of an amendment to the General Plan Land Use Designation on a portion of one parcel from Residential High (RH) to Commercial (CO) (APN 053-071-046).

- Approval of a Zoning Text Amendment to amend Section 9.1.406 (Multiple Family Residential Districts) of the Oakley Municipal Code by adding text related to the proposed M-30 (Multiple Family Residential) District.

- Approval of a Rezone to seven parcels from M-9 and M-12 (Multiple Family Residential) District to M-30 District (APNs 033-012-007, 033-012-008, 033-012-009, 033-012-012, 033-180-007, 033-180-015, 035-282-054).

- Approval of a Rezone to one parcel from P-1 (Planned Unit Development) District to C (General Commercial) District (APN 053-071-046).

- Approval of a Rezone to nine commercially designated and zoned parcels through application of the AHO (Affordable Housing Overlay) District over their underlying zoning districts (APNs 035-172-004, 035-173-008, 035-182-015, 035-281-007, 035-282-058, 035-282-062, 053-071-041, 053-071-042, 053-071-046).

The General Plan Amendment and Rezoning serve to further the City's compliance with its adopted Housing Element and applicable fair housing regulations ("Project"); and

WHEREAS, on September 2, 2025, the Planning Commission held a duly noticed public hearing to consider the proposed General Plan Amendment (GPA 2025-004) and Rezone (RZ 2025-004), received the staff report and staff presentation, received comments from the public and interested parties, and deliberated on the project. At the conclusion of its deliberations, the Planning Commission held a vote and adopted Planning Commission Resolution No. 11-25 recommending the City Council approve the project, as revised by the Planning Commission during its deliberations; and

WHEREAS, on or before October 3, 2025, the Notice of Public Hearing for the Project was duly noticed in the East Bay Times, a newspaper of general distribution; was posted at Oakley City Hall located at 3231 Main Street, outside the gym at Delta Vista Middle School located at 4901 Frank Hengel Way, and outside the library at Freedom High School located at 1050 Neroly Road; and was mailed out to outside agencies, to parties requesting such notice, and to all owners of property within 500 feet of the boundaries of all of the parcels subject to the requested actions; and

WHEREAS, on October 14, 2025, the City Council held a duly noticed public hearing to consider the proposed General Plan Amendment (GPA 2025-004) and Rezone (RZ 2025-004), received the staff report and staff presentation, received comments from the public and interested parties, and discussed the matter; and

WHEREAS, if any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City; and

WHEREAS, all legal prerequisites to the adoption of the Ordinance have occurred.

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

SECTION 1. The recitals above are true and correct and are hereby adopted as findings as if fully set forth herein.

SECTION 2. Additional Findings.

A. On May 9, 2023 the City Council adopted the 6th Cycle Housing Element of the General Plan for the period of 2023-2031 in compliance with State Housing Element law.

B. On May 24, 2023 HCD certified the City of Oakley's 6th Cycle Housing Element for the period of 2023-2031 in compliance with State Housing Element law.

C. The Objective of Policy Action 1.1 of the Housing Element aims to rezone adequate sites to meet the City's lower-income RHNA need and to facilitate the development of more housing choices for lower-income households.

Adopting the proposed Rezoning would implement Policy Action 1.1 of the City of Oakley Housing Element.

D. The City Council finds the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to SB 131 SEC. 6. Section 21080.085 does not apply to actions that implement the schedule of actions contained in an approved housing element pursuant to subdivision (c) of Section 65583 of the Government Code. That section provides that CEQA does not apply to an action that implements the schedule of actions in an approved Housing Element pursuant to Government Code §65583(c). The proposed General Plan Amendment and Rezone would implement Housing Element Policy Action 1.1 of the City's 2023 – 2031 Housing Element, and none of the statutory exclusions apply (the actions do not allow distribution centers or oil and gas infrastructure, and any natural and protected lands as defined in PRC §21067.5 are excluded from the actions). Accordingly, no further environmental review is required for the actions, and subsequent development under the affected parcels will undergo CEQA review, as applicable.

SECTION 3. Approval of a Zoning Text Amendment to create a new zoning district titled M-30 (Multiple Family Residential) District by amending Section 9.1.406 of the Oakley Municipal Code. Section 9.1.406 of the Oakley Municipal Code titled, "Multiple Family Residential Districts (M-9; M-12; M-17)" is hereby adopted in its entirety, as follows:

"9.1.406 Multiple Family Residential Districts (M-9; M-12; M-17; M-30)

a. **Purpose and Intent.** The purpose of the Multiple Family Residential District is to allow a designated area for multiple family residential district development designed to provide as much compatibility as possible with nearby single-family residential zoning.

b. **Permitted Uses.** Uses permitted in the M-9, M-12, M-17, and M-30 districts shall be as follows:

1. A detached single-family dwelling on each lot and the accessory structures normally auxiliary to it shall be permitted only in the M-9, M-12, and M-17 zones;

2. Accessory dwelling unit per Section 9.1.1102;

3. Duplex;

4. Multiple-family buildings, but not including motels or hotels;

5. Motor court and greenway cluster housing (small lot detached housing with garages accessed off a motor court or alley);

6. Home-based businesses, per Section 9.1.1120;

7. Residential care facilities serving six or fewer persons;

8. Supportive housing;

9. Transitional housing;

10. In the M-30 zone, residential developments that include at least 20 percent lower-income affordable housing shall be a use permitted by-right, as defined in Government Code Section 65583.2(i).

c. **Uses Requiring a Conditional Use Permit.** In the M-9, M-12, M-17, and M-30 districts, the following uses are permitted on the issuance of a conditional use permit:

1. Hospitals, eleemosynary and philanthropic institutions, convalescent homes, and boarding homes;

2. Assembly uses;

3. Community buildings, clubs and activities of a quasi-public, social, fraternal, or recreational character, such as golf, tennis, and swimming clubs; veterans and fraternal organizations not organized for monetary profit;

4. Day care centers;

5. Public, parochial, and private schools, including nursery schools;

6. Publicly owned buildings and structures, except as provided in Chapters 1, 2, and 9;

7. Commercial radio and television receiving and transmitting facilities but not including broadcasting studios or business offices;

8. Residential care facilities serving seven or more persons;

9. Emergency shelters consistent with Section 65008 of the Government Code.

d. Uses Requiring a Temporary Use Permit.

None.

e. Lot Requirements.

1. Area, Depth, and Width. No building or other structure permitted in the M-9, M-12, M-17, and M-30 districts shall be erected or placed on a lot containing less than the following land area:

Minimum Lot Requirements	Detached Single Family Dwelling	Duplex	Multiple Family Building
Lot Area (in square feet)	4,000	8,000	10,000
Lot Width (in feet)	N/A	N/A	N/A
Lot Depth (in feet)	N/A	N/A	N/A

2. Coverage and unit density. No building or structure permitted in the multiple family districts shall cover more than the lot area percentages listed in the following table.

	M-9	M-12	M-17	M-30
Maximum Coverage of Lot Area Allowed	40 %	40 %	40 %	50 %
Minimum Unit Density	N/A	N/A	N/A	20 per gross acre
Maximum Unit Density	9 per gross acre	12 per gross acre	16.7 per gross acre	30 per gross acre

f. Yard Requirements.

Minimum Yard Requirements (in feet)	Detached Single Family Dwelling	Duplex	Multiple Family Project Site (M-9; M-12; M-17; M-30)	Multiple Family Individual Unit
Front Yard	15	20	25	10
Rear Yard	15	20	20	10

Aggregate Width of Side Yard	10	20	20	N/A

i) Accessory uses in rear yards. An accessory building or accessory use may occupy not more than thirty percent (30%) of a required rear yard;

ii) Rear yard abutting on a side yard. In all multiple family residential districts, there shall be a rear yard of not less than five feet (5') wherever the rear yard of a lot or parcel of land abuts on a side yard; and

iii) Exception. Development pursuant to any multiple family residential district site plan approved prior to adopting this Ordinance, shall be governed by the yard requirements applicable when the site plan was approved and shall not be subject to the requirements of this subsection.

g. Building Height.

Building Height Requirements (in feet)	Multiple Family Residential (M-9; M-12; M-17; M-30)
Maximum Building Height	No building permitted in this district shall exceed thirty-six feet (36') in height, or three stories.
Special Height Requirements and Exceptions	See Section 9.1.1126

h. Other Regulations.

i) All new development shall be consistent with the City of Oakley Multifamily Objective Design Standards (pending 2025).

ii) Open area requirements. Twenty-five percent (25%) of the area described by the development plan submitted pursuant to subsection 4-A-3.7C shall not be occupied by buildings, structures, or pavement, but shall be landscaped. Twenty-five percent (25%) (open area) shall be planted and maintained with growing plants.

iii) Building relationship requirements. Each building or structure shall be located at least ten feet (10') from other buildings or structures, except that garages and covered walkways between buildings or structures may be permitted within this ten-foot (10') distance. A covered walkway shall not be more than ten feet (10') wide and no more than fifty percent (50%) of the sides of the structures shall be enclosed with any material other than that necessary for roof supports.

iv) Refuse and recycling. An area adequate in size and appropriately screened shall be permitted for refuse and recycling containers."

SECTION 4. Approval of a Rezone to seven parcels from M-9 and M-12 (Multiple Family Residential) District to M-30 District (APNs 033-012-007, 033-012-008, 033-012-009, 033-012-012, 033-180-007, 033-180-015, 035-282-054), as depicted in Exhibit "A" of this ordinance.

SECTION 5. Approval of a Rezone to one parcel from P-1 (Planned Unit Development) District to C (General Commercial) District (APN 053-071-046), as depicted in Exhibit "B" of this ordinance.

SECTION 6. Approval of a Rezone to nine commercially designated and zoned parcels through application of the AHO (Affordable Housing Overlay) District over their underlying zoning districts (APNs 035-172-004, 035-173-008, 035-182-015, 035-281-007, 035-282-058, 035-282-062, 053-071-041, 053-071-042, 053-071-046), as depicted in Exhibit "C" of this ordinance.

SECTION 7. California Environmental Quality Act (CEQA).

The proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to SB 131 SEC. 6. Section 21080.085 does not apply to actions that implement the schedule of actions contained in an approved housing element pursuant to subdivision (c) of Section 65583 of the Government Code. That section provides that CEQA does not apply to an action that implements the schedule of actions in an approved Housing Element pursuant to Government Code §65583(c). The proposed General Plan Amendment and Rezone would implement Housing Element Policy Action 1.1 of the City's 2023 – 2031 Housing Element, and none of the statutory exclusions apply (the actions do not allow distribution centers or oil and gas infrastructure, and any natural and protected lands as defined in PRC §21067.5 are excluded from the actions). Accordingly, no further environmental review is required for the actions, and subsequent development under the affected parcels will undergo CEQA review, as applicable.

SECTION 8. Effective Date and Posting.

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

PASSED AND ADOPTED by the City Council of the City of Oakley on this 28th day of 2025 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

_____
Shannon Shaw, Mayor

ATTEST:

_____ _____
Kim Snodgrass, City Clerk Date

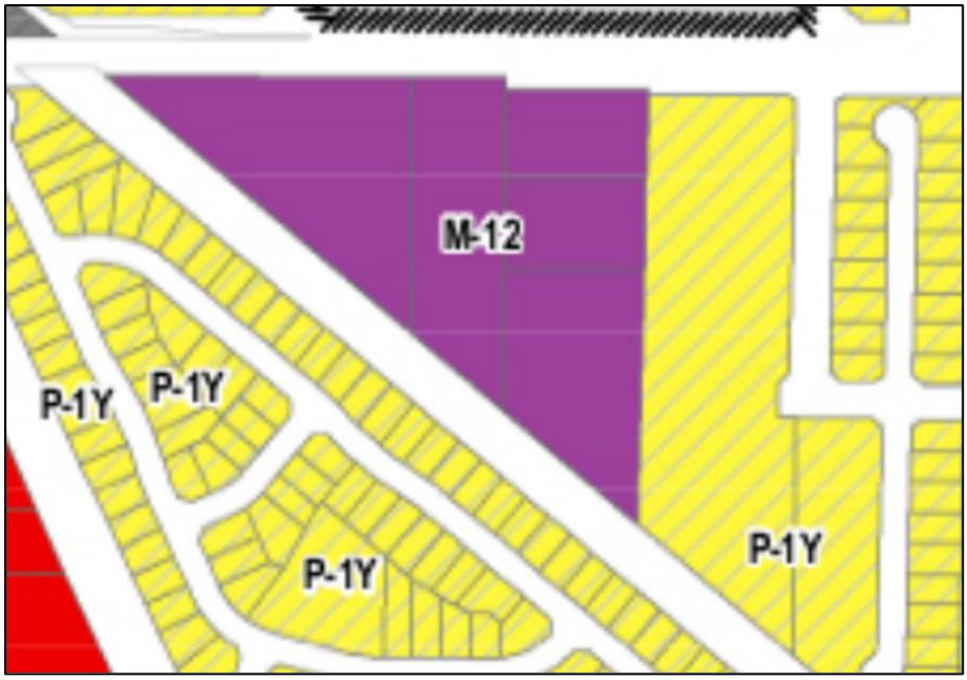
I HEREBY CERTIFY that in accordance with Government Code Section 40806, this ordinance is a true and correct copy of a city ordinance. It has been published or posted pursuant to law.

_____
Kim Snodgrass, CMC
City Clerk

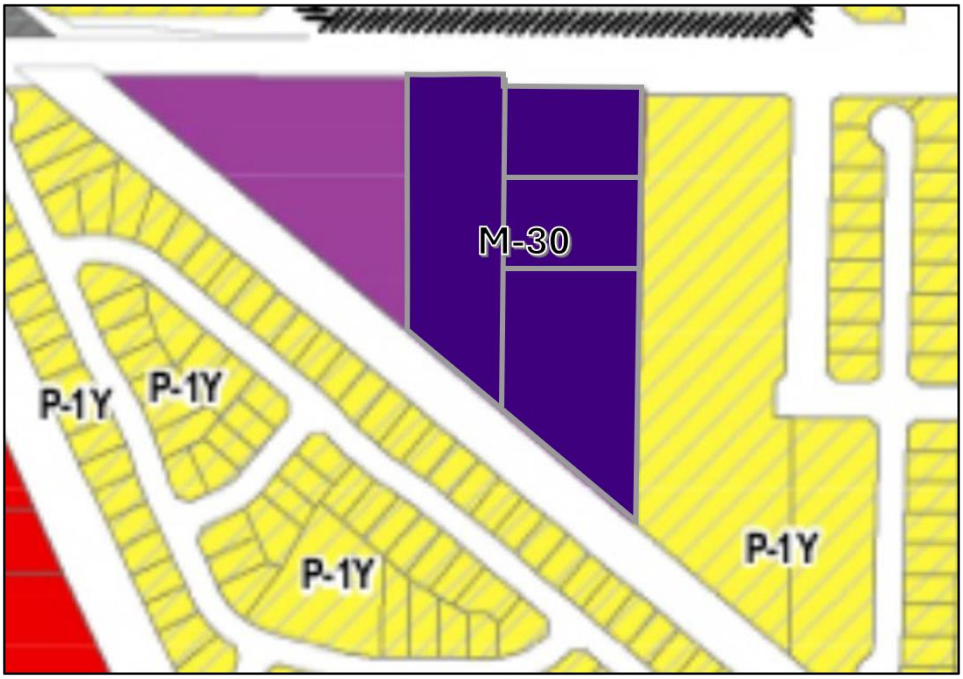
EXHIBIT A

M-9 District and M-12 District to M-30 District – (RZ 2025-004)

Sites 1-4: Existing Zoning District: M-12 – APNs: 033-012-007, 033-012-008, 033-012-009, 033-012-012



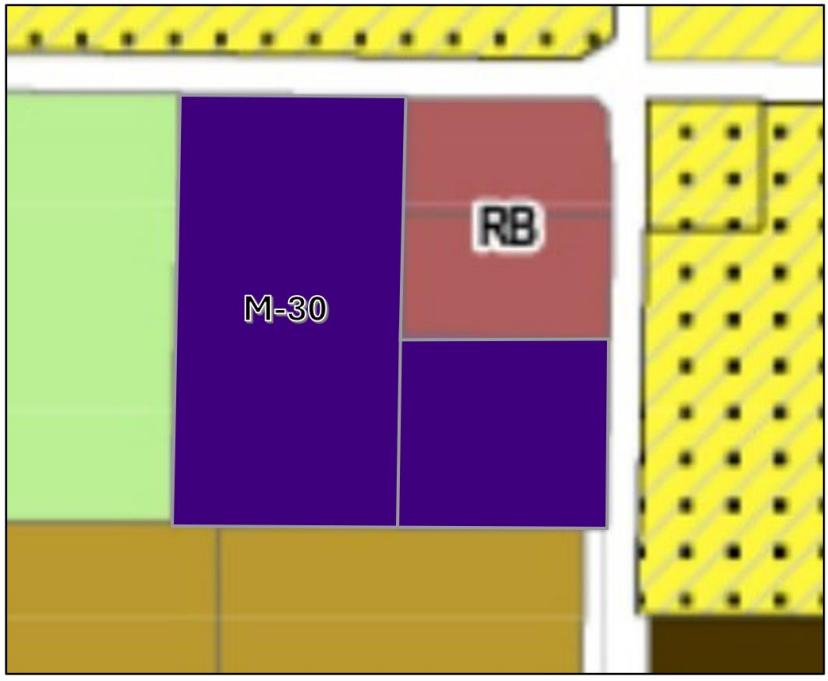
Site 1-4: Proposed Zoning District: M-30 – APNs: 033-012-007, 033-012-008, 033-012-009, 033-012-012



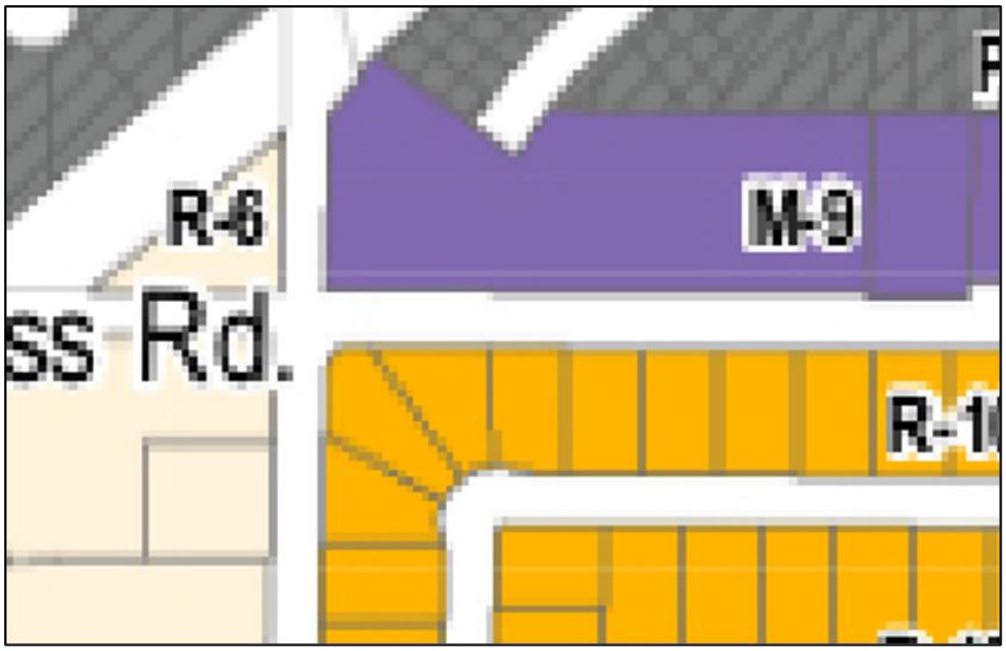
Site 5 and 14: Existing Zoning District: M-9 – APNs: 033-180-007, 033-180-015



Site 5 and 14: Proposed Zoning District: M-30 – APNs: 033-180-007, 033-180-015



Site 15: Existing Zoning District: M-9 – APN: 035-282-054



Site 15: Proposed Zoning District: M-30 – APN: 035-282-054

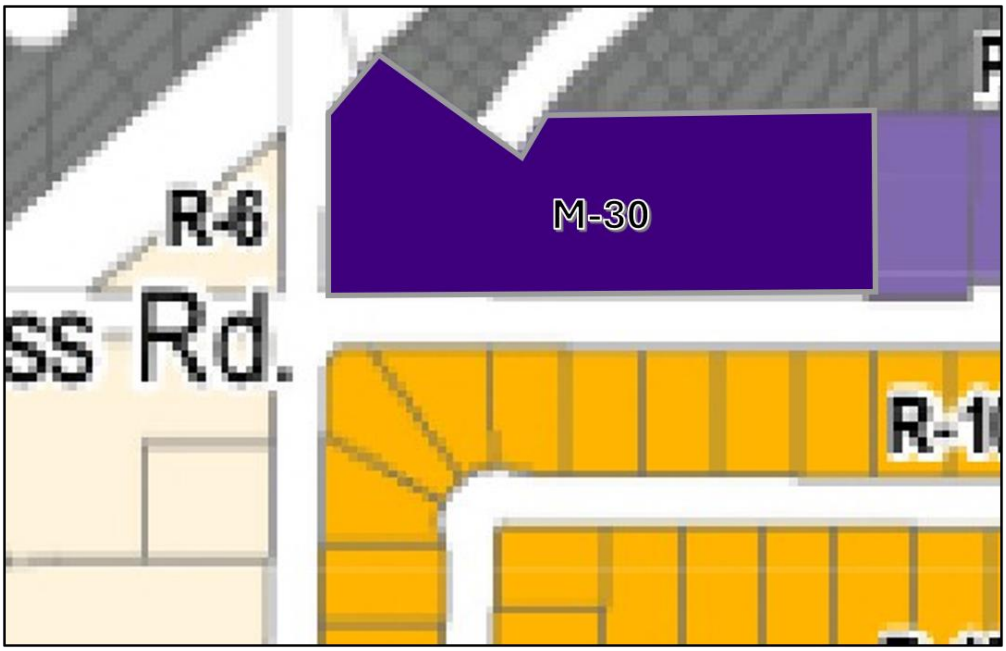
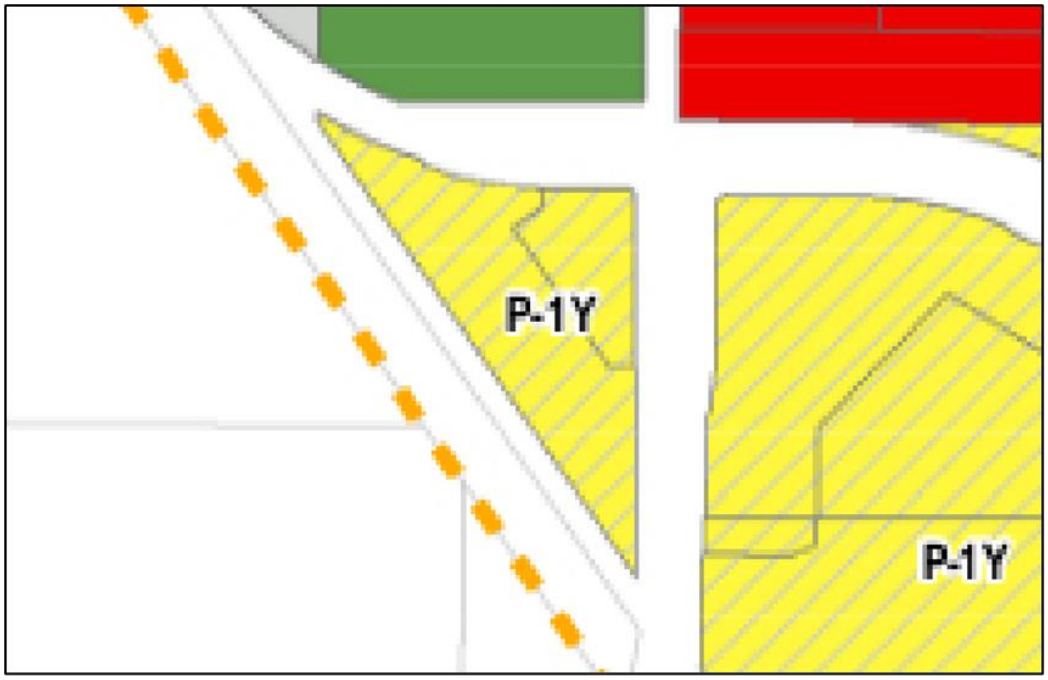


EXHIBIT B

P-1 District to C District – (RZ 2025-004)

Site 11: Existing Zoning District: Planned Unit Development (P-1) – APN: 053-071-046



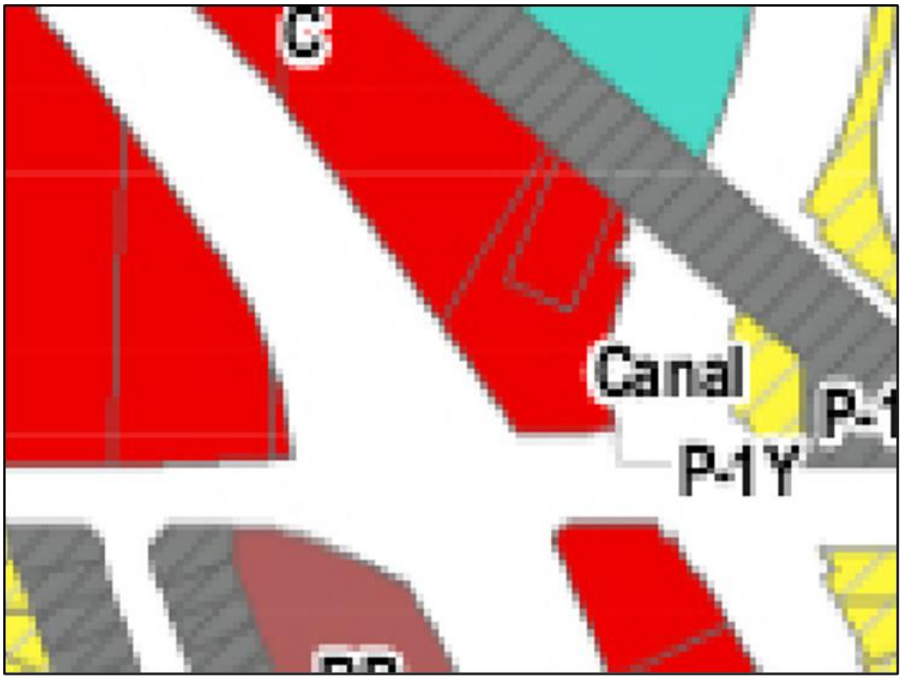
Site 11: Proposed Zoning District: General Commercial (C) – APN: 053-071-046



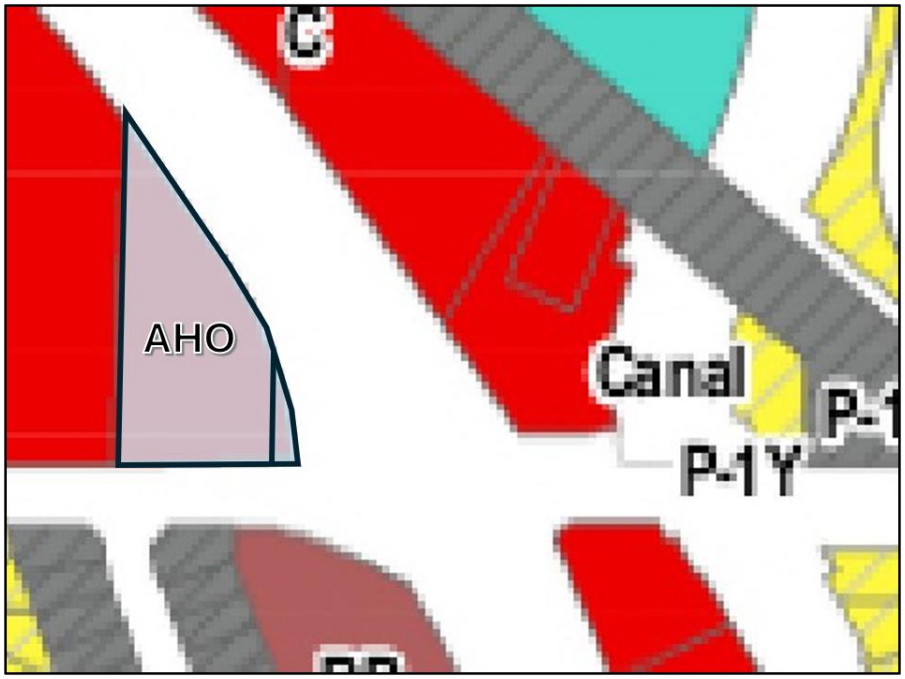
EXHIBIT C

Add AHO (Affordable Housing Overlay) District - (RZ 2025-004)

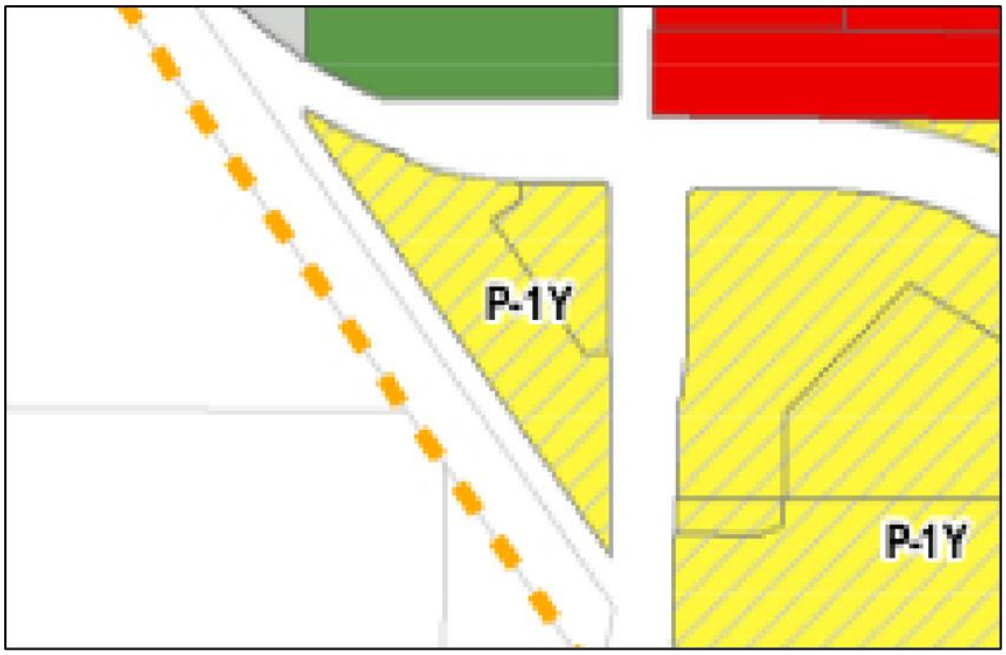
Site 6 and 7: Existing Base Zoning District – APNs: 035-282-058, 035-282-062



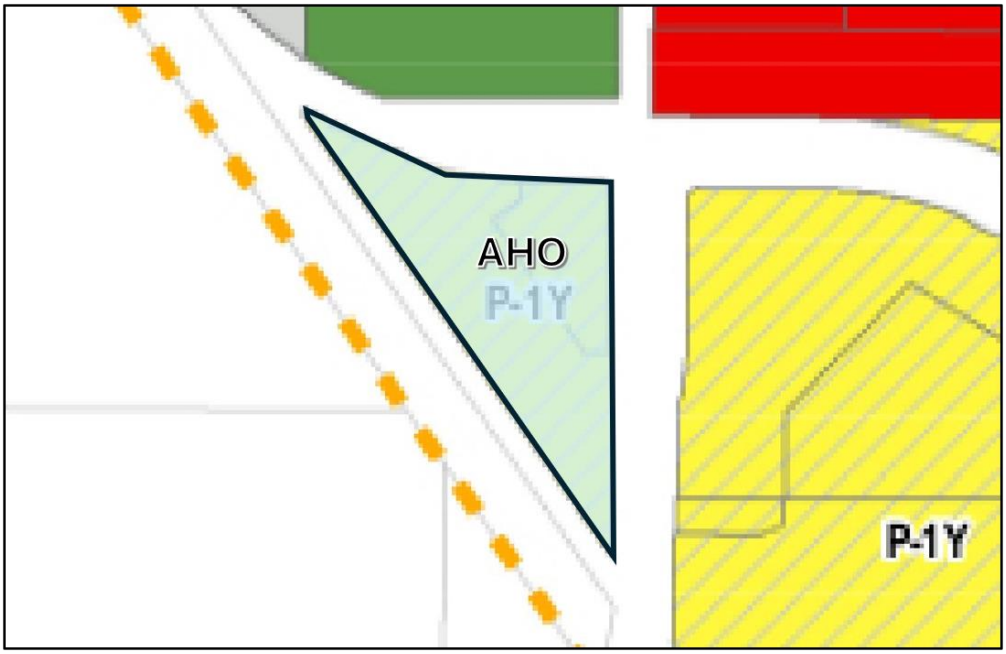
Sites 6 and 7: Proposed Affordable Housing Overlay (AHO) – APNs: 035-282-058, 035-282-062



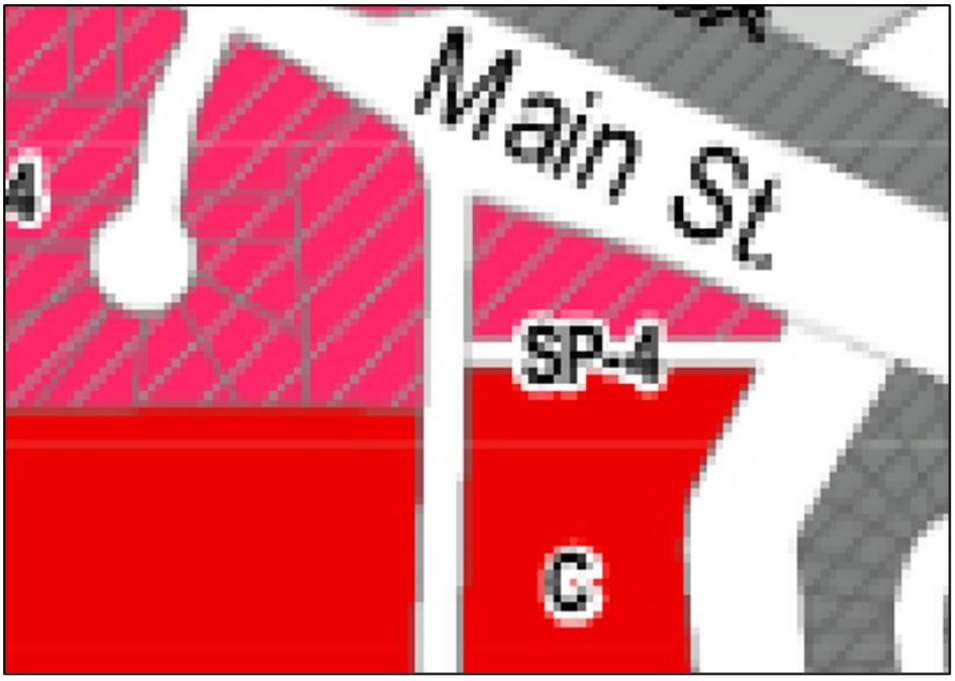
Site 11: Existing Base Zoning District – APN: 053-071-046



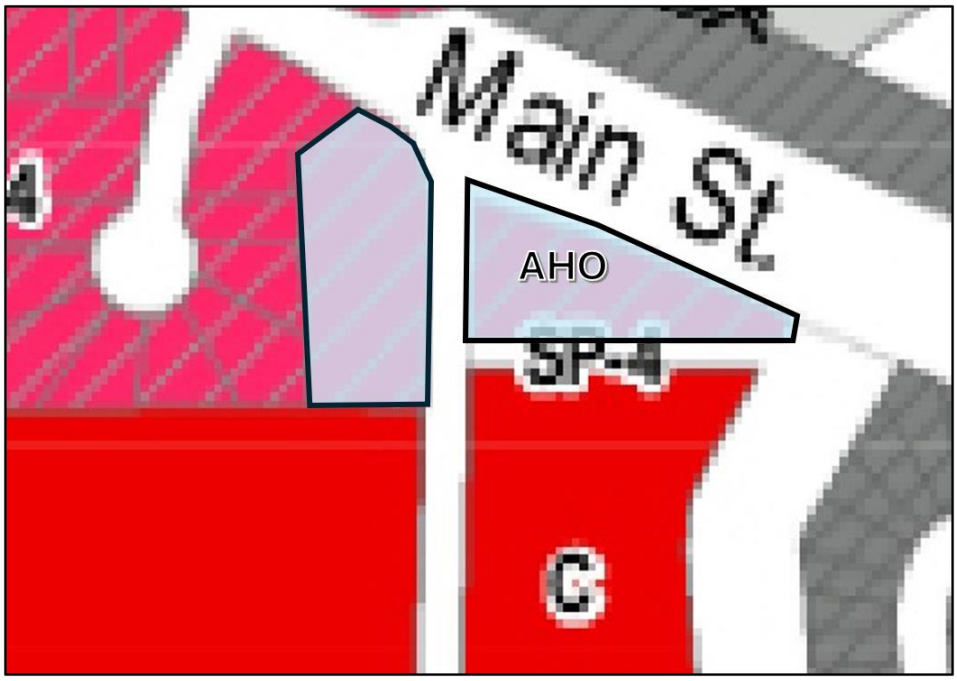
Site 11: Proposed Affordable Housing Overlay (AHO) – APN: 053-071-046



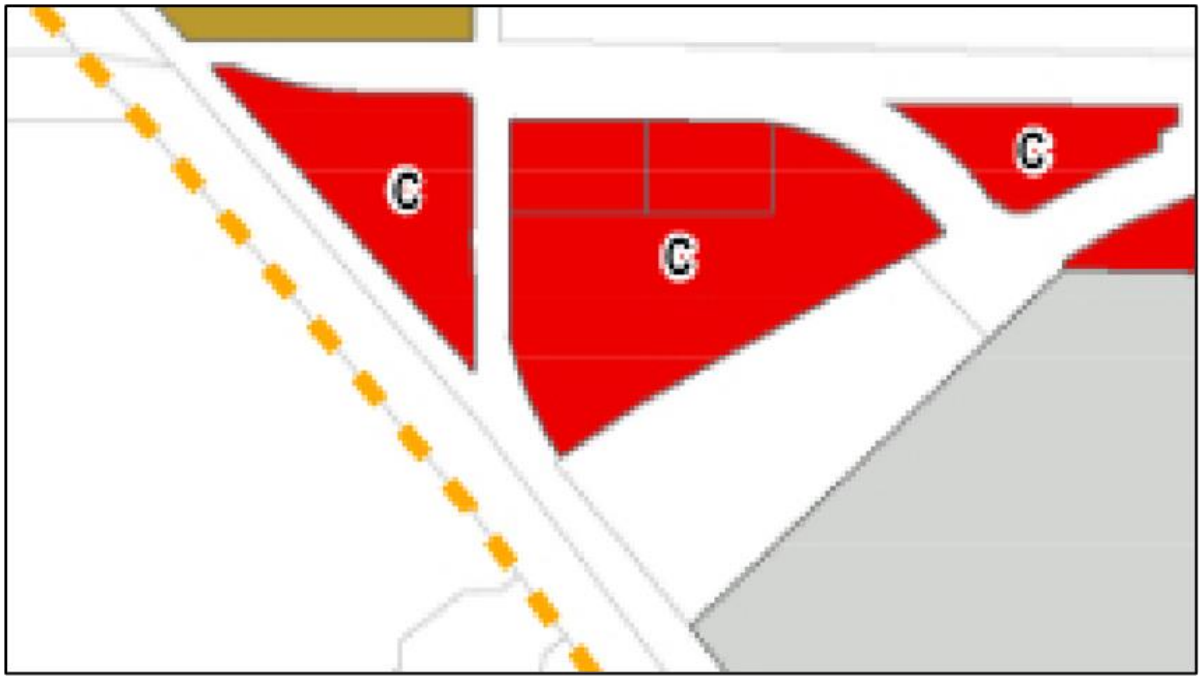
Site 12 and 13: Existing Base Zoning District – APNs: 035-182-015, 035-281-007



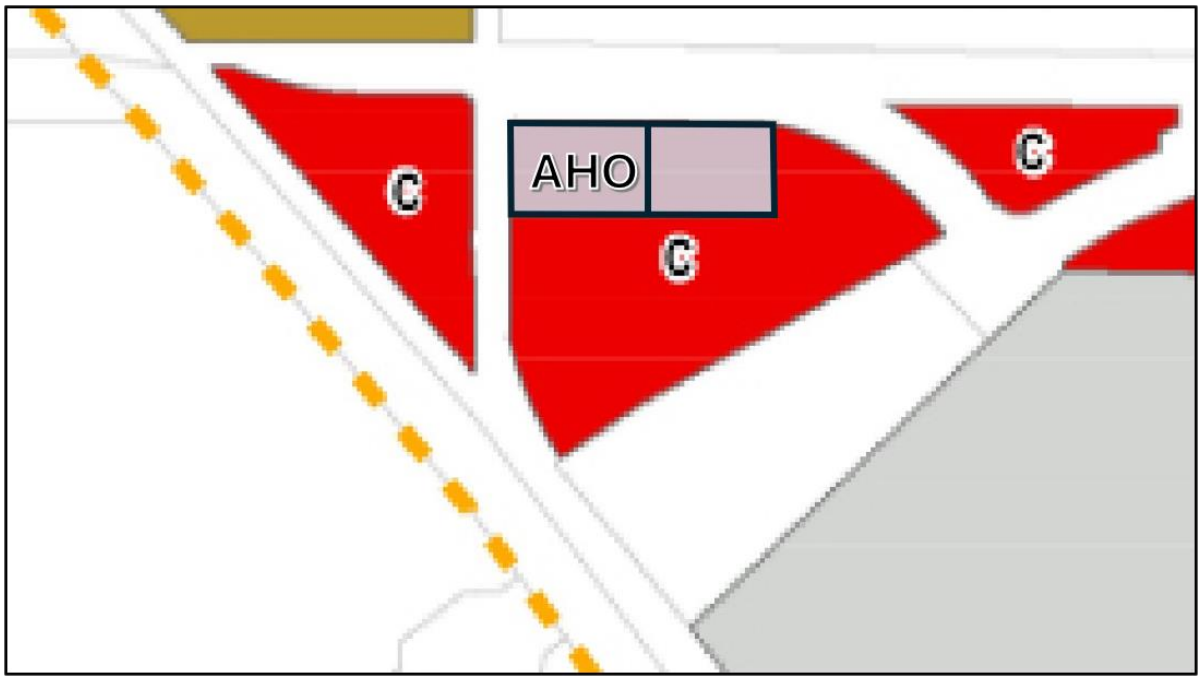
Sites 12 and 13: Proposed Affordable Housing Overlay (AHO) – APNs: 035-182-015, 035-281-007



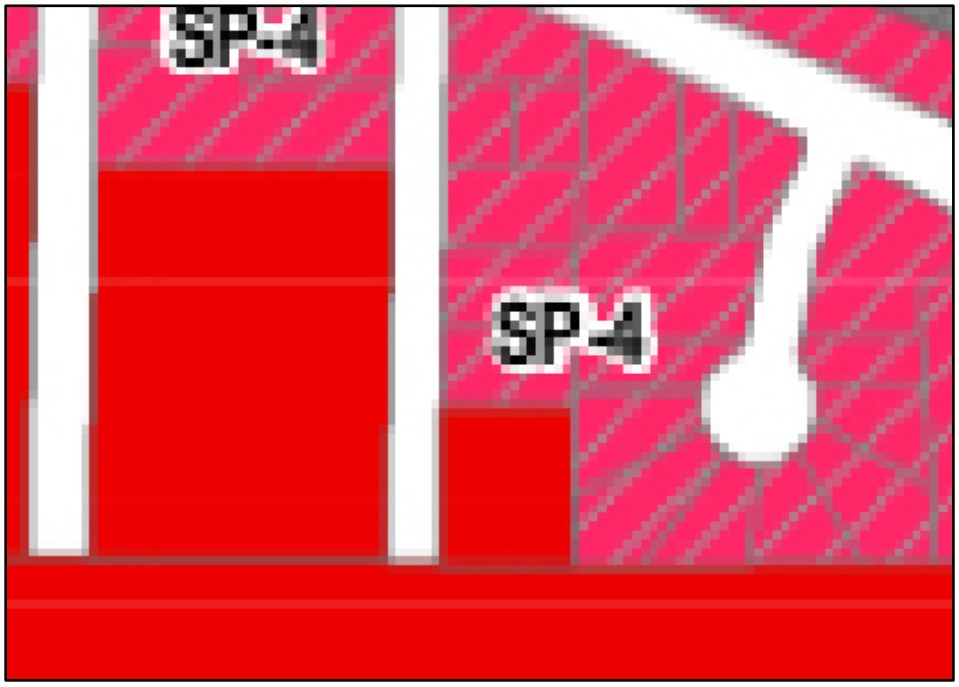
Sites 16 and 17: Existing Base Zoning District – APNs: 053-071-041, 053-071-042



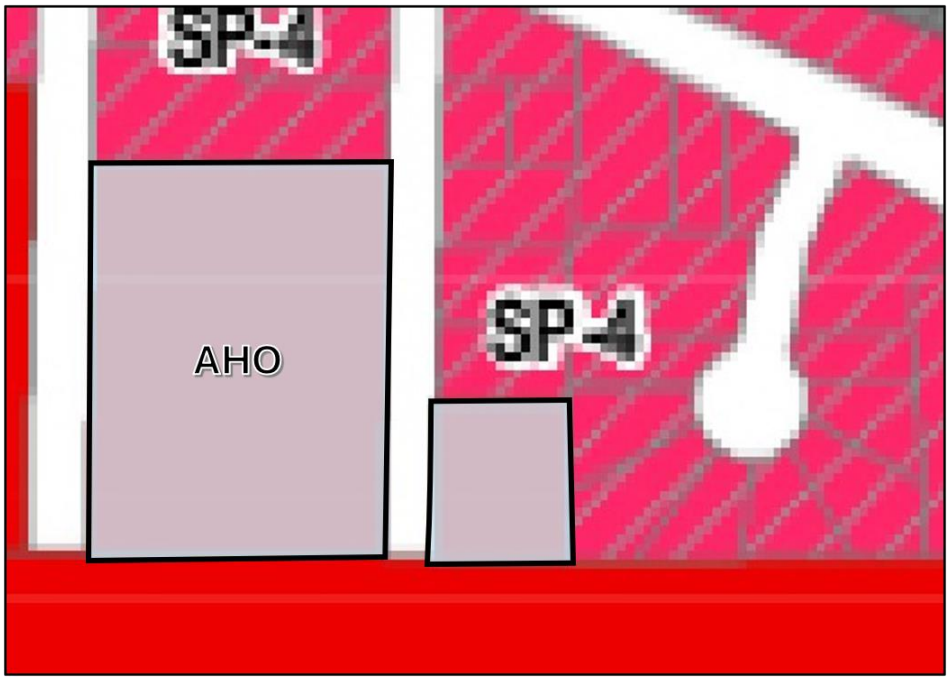
Sites 16 and 17: Proposed Affordable Housing Overlay (AHO) – APNs: 053-071-041, 053-071-042



Sites 18 and 19: Existing Base Zoning District – APNs: 035-172-004, 035-173-008



Sites 18 and 19: Proposed Affordable Housing Overlay (AHO) – APNs: 035-172-004, 035-173-008



ORDINANCE NO. 15-25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY REPEALING SECTION 2.1.003 AND AMENDING AND REENACTING SECTION 2.1.005 OF THE OAKLEY MUNICIPAL CODE CONCERNING THE SELECTION OF MAYOR AND VICE MAYOR

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

SECTION 1. Upon the effective date of this Ordinance, Oakley Municipal Code 2.1.003 shall be repealed.

SECTION 2. Upon the effective date of this Ordinance, Oakley Municipal Code 2.1.005 shall be amended and reenacted to read as follows:

2.1.005 Appointment of Mayor and Vice Mayor

a. Each year during the month of December, the City Council shall appoint one of its members as Mayor. The member selected to be Mayor shall be the member who is serving as Vice Mayor, unless the Vice Mayor is unavailable to be appointed as Mayor due to failure to be re-elected, insufficient time to dedicate to the office, or other reasons as provided in this section.

b. Each year during the month of December, the City Council shall appoint one of its members as Vice Mayor. The person selected as Vice Mayor shall have been a member of the Council for at least 345 days prior to the appointment as Vice Mayor.

c. Neither the Mayor nor the Vice Mayor serves a term of office, but rather serves in those capacities at the pleasure of the majority of the City Council.

d. It is the intent of this section to establish a rotation process so that each Council member shall have the opportunity to become either Vice Mayor or Mayor, or both.

e. The City Clerk shall establish and keep a "rotation schedule" regarding the City Council members as follows:

1) The member with the most continuous time of service on the Council who has not previously served as Vice Mayor and is not selected Mayor will be selected as Vice Mayor. The remaining members of the City Council at the time of this appointment shall be placed in the rotation schedule in reverse order of their previous services as Mayor.

2) When the Mayor completes his/her service as Mayor, he or she shall revert to the bottom of the rotation schedule.

3) Subject to compliance with paragraph 5) of this paragraph, when a member is first elected or appointed to the City Council, he or she shall be placed in the rotation schedule at the position of the former member that preceded him or her in office.

4) If a member voluntarily declines appointment as either Mayor or Vice Mayor, or is excluded from serving in either position by vote of the City Council under paragraph (f), he or she shall rotate to the bottom of the rotation schedule.

5) No member shall serve as Mayor or Vice Mayor unless he or she has served at least 345 days as a member of the City Council. If a member would be designated to serve as Vice Mayor under the rotation schedule before completing 345 days of service, he or she shall be moved back one place in the rotation schedule and the next highest member who has completed 345 days of service shall be considered for appointment as Vice Mayor under paragraph (a).

6) If at the time of appointment of Mayor or Vice Mayor, no member of the City Council meets the eligibility requirement provided in subparagraph 5) of this paragraph, the Council may select any member of the City Council to serve as Mayor or Vice Mayor under paragraph (a).

f. The City Council may decline to appoint a member to serve as Mayor or as Vice Mayor if a majority of the City Council determines that the person has experienced or exhibited any of the following:

1) A violation of law or City policy, or has been or is being investigated for a violation of law or of policy;
2) Intemperate, rude or disparaging remarks or conduct toward the public, staff or City Council;
3) Lack of leadership or communications skills;
4) Excessive absenteeism as a Council member;
5) Any other conduct that would be considered to be unprofessional or unbecoming of the position of Mayor or Vice Mayor;
6) Determination that the person does not have the available time to assume the additional duties of Mayor or Vice Mayor.

g. This section was reenacted and amended during a calendar year in which the Mayor and Vice Mayor were selected based on the numbers of their councilmember districts. To ensure a transition from a district-based to rankings-based selection system, it is the intention of the City Council that the Vice Mayor who served during calendar year 2025 shall, as provided in paragraph (a), serve as the Mayor for calendar year 2026.

SECTION 3. CEQA.

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

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. PUBLICATION.

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

PASSED AND ADOPTED by the City Council of the City of Oakley this 28th day of October 2025 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

_____
Shannon Shaw, Mayor

ATTEST:

_____ _____
Kim Snodgrass, City Clerk Date

DATE: October 28, 2025

TO: Joshua McMurray, City Manager

FROM: Kim Snodgrass, City Clerk

Approved and Forwarded to the City Council

SUBJECT: Adopt a Resolution Appointing Andrea Everage to the Contra Costa Transportation Authority Citizens Advisory Committee for a Four-Year Term (October 29, 2025 through October 28, 2029)

Background and Analysis

The Contra Costa Transportation Authority (CCTA) maintains a standing Citizens Advisory Committee (CAC) to provide citizen perspective, participation and involvement in the CCTA's $3 billion voter-approved Transportation Expenditure Plan and Growth Management Program. The CAC is comprised of 23 members: 20 are appointed by each of the 20 local jurisdictions within Contra Costa (the cities, towns, and the County); three "at-large" members are nominated by community-based stakeholder organizations within Contra Costa and subsequently appointed to the CAC by CCTA.

The Advisory Council meets monthly on the fourth Wednesday of each month at the CCTA Walnut Creek office located at 2999 Oak Road, Suite 100. CAC members are appointed to serve for a four-year term without compensation. Members will, however, receive reimbursement for travel expenses to and from the CAC meetings.

In March 2025, staff began advertising for applications to fill a vacancy using press releases, the City's website, and social media. One application was received and is attached for the Council's consideration.

Consistency with the Oakley Strategic Plan 27+

The proposed action is consistent with The City's Community and Collaborative Partnerships Goal.

Fiscal Impact

None.

Staff Recommendation

Staff recommends the City Council adopt a resolution appointing Andrea Everage to the Contra Costa Transportation Authority Citizens Advisory Committee for a four-year term, effective October 29, 2025, and concluding on October 28, 2029.

Attachments

1. Application
2. Proposed Resolution

CONTRA COSTA
transportation
authority

RECEIVED
SEP 30 2025
CITY OF OAKLEY

Citizens Advisory Committee Application

The Contra Costa Transportation Authority (CCTA) maintains a standing Citizens Advisory Committee (CAC) to provide citizen perspective, participation and involvement in the CCTA's $3 billion voter-approved Transportation Expenditure Plan and Growth Management Program. The CAC is comprised of 23 members: 20 are appointed by each of the 20 local jurisdictions within Contra Costa (the cities, towns, and the County); three "at-large" members are nominated by community-based stakeholder organizations within Contra Costa, and subsequently appointed to the CAC by CCTA.

To become a member of the CAC, you must reside within the local jurisdiction making the appointment, and your Council or Board must take formal action to confirm your membership on the Committee. At-large members should be residents of Contra Costa.

Meetings are held on the fourth Wednesday of the month at 6:00 p.m. at the CCTA Walnut Creek office located at 2999 Oak Road, Suite 100. CAC members are appointed to serve for a four-year term without compensation. Members will, however, receive reimbursement for travel expenses to and from the CAC meetings.

For further information regarding transportation projects and programs in Contra Costa, please visit the CCTA website at www.ccta.net.

This application is for (check one): Local Jurisdiction ☑ At-large member ☐

Name of Appointing Agency/Organization: City of Oakley

Name Andrea Everage

Address [redacted]
Street City Zip Code

Phone [redacted]

E-mail [redacted] Other

How many years have you lived in Contra Costa County? 11

Are you registered to vote in Contra Costa County? ☑ Yes ☐ No

Education Masters degree

Briefly describe your interest in serving on the Citizens Advisory Committee, citing any relevant volunteer or work experience.

Serving on the Citizen's Transportation Advisory Committee is an opportunity to make a meaningful impact in my community. Transportation directly affects quality of life—whether it's commuting, safety, accessibility, or sustainability—and I want to contribute to shaping policies and projects that benefit residents. By serving, I can bring a thoughtful perspective, listen to diverse viewpoints, and help ensure that decisions reflect the needs of all community members.

I also bring a strong history of volunteerism and leadership through my involvement with the Association of Legal Administrators, its local chapters, and local chapters of the Society of Human Resource Management. These experiences have strengthened my ability to collaborate, build consensus, and advocate for practical, forward-thinking solutions.

For me, serving on this committee is both a way to give back and to help ensure that transportation decisions are inclusive, effective, and aligned with the long-term needs of the community.

List and briefly describe any participation in volunteer, community or professional organizations that are relevant to your candidacy for the Citizens Advisory Committee.

As indicated above, I am a member of several professional associations (Association of Legal Administrators [1999]; Society for Human Resource Management [2011]), and have been serving at the local or association level almost since joining. I believe in giving back! I also volunteer at the local food bank (Alameda and CCC/Solano), and for Coastal Cleanup.

What is your particular interest in transportation?

Transportation initiatives are important to me because it is, for many, their primary means of locomotion. It is how I choose to get to work ~ from Oakley to Oakland ~ and even for recreation going into San Francisco. I am loathe to drive my car into the city due to safety concerns.

☒ I acknowledge that I will be required to submit a California Fair Political Practices Commission (FPPC) Form 700 Statement of Economic Interests within 30 days of assuming office, annually on April 1st and upon leaving office.

☒ I acknowledge that I will be required to obtain and submit Ethics Certification within 6 months of assuming office and every 2 years thereafter (while in office)

☒ I acknowledge that I will be required to obtain and submit Sexual Harassment Prevention and Policy Certification within 6 months of assuming office and every 2 years thereafter (while in office)

I have sufficient time to devote to this responsibility and will attend the required meetings if appointed to the Citizens Advisory Committee.

Applicant's Signature [redacted] Date 09/26/2025

RESOLUTION NO. XX-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPOINTING ANDREA EVERAGE TO THE CONTRA COSTA TRANSPORTATION AUTHORITY CITIZENS ADVISORY COMMITTEE FOR A FOUR-YEAR TERM (OCTOBER 29, 2025 THROUGH OCTOBER 28, 2029)

BE IT RESOLVED by the City Council of the City of Oakley that Andrea Everage is hereby appointed to the Contra Costa Transportation Authority Citizens Advisory Committee for a four-year term (October 29, 2025 through October 28, 2029).

PASSED AND ADOPTED by the City Council of the City of Oakley this 28th day of October 2025 by the following vote:

AYES:
NOES:
ABSTENTION:
ABSENT:

APPROVED:

_____
Shannon Shaw, Mayor

ATTEST:

_____
Kim Snodgrass, City Clerk

_____
Date

Approved and Forwarded to the City Council

DATE: October 28, 2025

TO: Joshua McMurray, City Manager

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

SUBJECT: Adopting a Resolution Accepting the Subdivision Improvements Associated with Subdivision 8734 Stonewood Unit 2A Located on Grapevine Lane east of O'Hara Avenue

Background and Analysis

On October 13th, 1992, the Contra Costa County Board of Supervisors adopted Subdivision 7758 conditions of approval which conditionally approved the tentative map for Subdivision 7758, a 26-unit subdivision located within the City of Oakley. A portion of Subdivision 7758 was previously subdivided, so the Subdivision is also referred to as Subdivision 8734.

A final map was approved by the County in 1997 separating the existing house, also referred to as Lot 1 of Subdivision 7758 from the rest of the subdivision, but no other final maps have been approved. A settlement agreement between the City and West Coast Home Builders has extended the life of the tentative map, and the approval of the Subdivision 8836 tentative map (Resolution 82-06) modified the lot layout for the west side of Subdivision 7758.

The second and final phase of subdivision 7758, now referred to as Subdivision 8734, resulted in a 26-lot single family subdivision. The final map for Subdivision 8734 created a 9.29 acre +/- remainder parcel on the west side of the project that was further subdivided as Subdivision 8836.

On May 14, 2007, the City of Oakley City Council adopted the resolutions approving the Subdivision Improvement Agreement (Resolution 57-07), Subdivision Annexation and Assessment Deferral Authorization (Resolution 58-07), and Final Map (Resolution 59-07) for Subdivision 8734. The developer has proceeded with construction of the public infrastructure per the Subdivision Improvement Agreement.

The City of Oakley Public Works and Engineering staff have inspected the Subdivision Improvements and have determined that the Developer has since completed all of the required improvements for Grapevine Lane, Grapevine Court, and Eagle Nest Drive. At this time, the Developer has requested that the City accept the improvements for maintenance. The Public Works and Engineering staff has completed a final inspection of all public improvements and has found them to be in substantial compliance with the approved improvement plans.

Consistency with the Oakley Strategic Plan 27+

This item is consistent with the Strategic Plan 27+ Community Health and Safety goals under Community Health and Safety Goal to build safe streets and healthy neighborhoods.

Fiscal Impact

Upon acceptance of the improvements, the City will be obligated to maintain the public infrastructure along Grapevine Lane and Eagle Nest Drive.

Staff Recommendation

Staff recommend that the City Council adopt the Resolution accepting the subdivision improvements associated with Stonewood 2A Subdivision and for the City to begin the maintenance of the public infrastructure for this subdivision.

Attachments

Attachment 1. Vicinity Map
Attachment 2. Resolution



OAKLEY
CALIFORNIA

Vicinity Map
Subdivision 8734
Stonewood 2A

RESOLUTION NO. XX-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY ACCEPTING THE SUBDIVISION IMPROVEMENTS ASSOCIATED WITH SUBDIVISION 8734 STONEWOOD UNIT 2A LOCATED ON GRAPEVINE LANE EAST OF O'HARA AVENUE

WHEREAS, on October 13th, 1992, the Contra Costa County Board of Supervisors adopted Subdivision 7758 conditions of approval which conditionally approved the tentative map for Subdivision 7758, a 26-unit subdivision located within the City of Oakley. A portion of Subdivision 7758 was previously subdivided, so the Subdivision is also referred to as Subdivision 8734; and

WHEREAS, on May 14, 2007, the City of Oakley City Council adopted the resolutions approving the Subdivision Improvement Agreement (Resolution 57-07), Subdivision Annexation and Assessment Deferral Authorization (Resolution 58-07), and Final Map (Resolution 59-07) for Subdivision 8734. The developer proceeded with construction of the public infrastructure per the Subdivision Improvement Agreement; and

WHEREAS, the City of Oakley Public Works and Engineering staff have inspected the Subdivision Improvements and have determined that the Developer has since completed all of the required improvements for Grapevine Lane and Eagle Nest Drive. At this time, the Developer has requested that the City accept the improvements for maintenance. The Public Works and Engineering staff has completed a final inspection of all public improvements and has found them to be in substantial compliance with the approved improvement plans; and

WHEREAS, staff recommend that the City Council adopt the Resolution accepting the subdivision improvements associated with Stonewood Unit 2A Subdivision, begin the one-year warranty period, and for the City to begin the maintenance of the public infrastructure for this subdivision;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, by the City Council of the City of Oakley as follows:

a) Accept the dedication for Eagle Nest Drive, Grapevine Court, and Grapevine Lane for public use as recorded in Stonewood Unit 2A Subdivision (8734) in Map Book 504, Page 20, and

b) The roadway improvements for Eagle Nest Drive, Grapevine Court, and Grapevine Lane are accepted and begin the maintenance by the City, and

c) In accordance with the City Clerk's Statement on the Subdivision Final Map, this portion of the map related to these roads, avenues, drives, or easements and right of way dedications shown on the map as dedicated to public use are accepted.

PASSED AND ADOPTED by the City Council of the City of Oakley this 28th day of October 2025 by the following vote.

AYES:
NOES:
ABSTENTION:
ABSENT:

APPROVED:

_____
Shannon Shaw, Mayor

ATTEST:

_____
Kim Snodgrass, City Clerk

_____
Date

DATE: October 28, 2025

Approved and Forwarded to the City Council

TO: Joshua McMurray, City Manager

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

SUBJECT: Adopt a Resolution Approving the Agreement with Oakley Regency, LLC for "Agreement of Property Owner for Provision of Landscaping in the Public Right of Way" pursuant to Conditions of Approval in Planning Commission Resolution No. 16-24 for Oakley Shops at Laurel Fields and Authorizing the City Manager to Execute the Agreement

Background and Analysis

On July 2, 2024, the Planning Commission adopted Resolution 16-24 approving the Oakley Shops at Laurel Fields Project Design Review (DR 02-24) with Conditions of Approval and Conditional Use Permit (CUP 01-24), Variance (VA 01-24), and Tentative Parcel Map (TPM 01-24) for the property located at 998 Laurel Road (APN 035-220-036 & 035-220-037). Parcel 1 (APN 035-220-036) includes a Safeway grocery store as an anchor with five additional retail buildings. Parcel 2 (APN 035-220-037) includes a gas station with a convenience store.

Condition 77 of the Conditions of Approval requires the owner to enter into an agreement with the City to maintain landscaping within the project right-of-way fronting the project at the property owner's expense to a standard acceptable and agreed upon by the City.

Oakley Regency, LLC is the owner of Parcel 1 and will be responsible for the frontage landscape maintenance of both Parcel 1 and 2 within the public right of way per the Covenants, Conditions, & Restrictions for this shopping center.

Consistency with the Oakley Strategic Plan 27+

This item is consistent with the Strategic Plan 27+ Community and Economic Development Goals.

Fiscal Impact

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

Staff Recommendation

Staff recommends that the City Council adopt the resolution approving the "Agreement of Property Owner for Provision of Landscaping in the Public Right of Way" for DR 02-24

Oakley Shops at Laurel Fields Project and authorizing the City Manager to sign the agreement on behalf of the City.

Attachments

1) Resolution
2) "Agreement for Property Owner for Provision of Landscaping in the Public Right of Way" pursuant to Conditions of Approval in Planning Commission Resolution No. 16-24 for Oakley Shops at Laurel Fields and Authorizing the City Manager to Execute the Agreement

RESOLUTION NO. XX-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY, CALIFORNIA, APPROVING THE AGREEMENT WITH OAKLEY REGENCY, LLC (APN 035-220-037 & 035-220-036) FOR "AGREEMENT OF PROPERTY OWNER FOR PROVISION OF LANDSCAPING IN THE PUBLIC RIGHT OF WAY PURSUANT TO CONDITIONS OF APPROVAL" FOR OAKLEY SHOPS AT LAUREL FIELDS AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, on July 2, 2024, the Planning Commission adopted Resolution 16-24 approving the Oakley Shops at Laurel Fields Project Design Review (DR 02-24) with Conditions of Approval and Conditional Use Permit (CUP 01-24), Variance (VA 01-24), and Tentative Parcel Map (TPM 01-24) for the property located at 998 Laurel Road (APN 035-220-037 & 035-220-036); and

WHEREAS, Condition of Approval No. 77 sets the requirement for the property owners to execute this agreement to maintain the right of way landscaping adjacent to the site at the owner's expense; and

WHEREAS, Oakley Regency, LLC is the owner of Parcel 1 and will be responsible for the frontage landscape maintenance of both Parcel 1 and 2 within the public right of way per the Covenants, Conditions, & Restrictions for this shopping center; and

WHEREAS, execution of this agreement will satisfy the requirements of Condition of Approval No. 77; and

BE IT RESOLVED, by the City Council of the City of Oakley that the "Agreement of Property Owner for Provision of Landscaping in the Public Right of Way Pursuant to Conditions of Approval" for the Oakley Shops at Laurel Fields Project in the form attached hereto as Exhibit A is hereby approved and authorize the City Manager to execute the agreement.

PASSED AND ADOPTED by the City Council of the City of Oakley on this 28th day of October 2025 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

_____
Shannon Shaw, Mayor

ATTEST:

_____ _____
Kim Snodgrass, City Clerk Date

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL
TO:
City of Oakley
3231 Main Street
Oakley, CA 9461
Record without fee subject to
Government Code 6103

APN 035-220-036 and 035-220-037 Space above this line for Recorder's Use

AGREEMENT OF PROPERTY OWNER FOR PROVISION OF LANDSCAPING IN THE PUBLIC RIGHT OF WAY PURSUANT TO CONDITIONS OF APPROVAL IN PLANNING COMMISSION RESOLUTION NO. 16-24 FOR OAKLEY SHOPS AT LAUREL FIELDS

THIS AGREEMENT OF PROPERTY OWNER FOR PROVISION OF LANDSCAPING IN THE PUBLIC RIGHT OF WAY (this "Landscaping Agreement") is dated as of October 28, 2025 and evidences the agreement by and between (i) OAKLEY REGENCY, LLC, a Delaware limited liability company (the "Property Owner"), and (ii) the CITY OF OAKLEY, a municipal corporation and general law city of the State of California (the "City") (collectively "Parties").

WHEREAS, that certain real property in the City of Oakley, County of Contra Costa, State of California, Assessor's Parcel Numbers 035-220-036 and 035-220-037, described in the project improvement plans and more particularly described on Exhibit A attached hereto and made a part hereof (the "Project");

WHEREAS, City adopted Resolution No. 116-24, approving MS 24-976, a Parcel Map to create two (2) lots for the Project, subject to the Conditions of Approval described therein as Exhibit A;

WHEREAS, the Conditions of Approval requires Property Owner to maintain the landscaped area located in the public right of way and described in Exhibit B, attached hereto and made a part hereof (the "Property"), (i) the City-owned land along the project frontage of Laurel Road and O'Hara Avenue ("Landscape Area");

WHEREAS, this Landscaping Agreement does not affect Property Owner's landscaping obligations related to the Project and is entered into solely to address the Property Owner's obligations with respect to the Landscape Area, as contemplated and required by the Condition of Approval.

NOW, THEREFORE, IN CONSIDERATION OF (A) CITY'S APPROVAL OF PLANNING COMMISSION RESOLUTION NO. 16-24 AND (B) THE MUTUAL COVENANTS SET FORTH HEREIN, PARTIES HEREBY AGREE AS FOLLOWS:

Section 1. Obligations of Property Owner.

1.1 This Landscaping Agreement is entered into by and between the Parties pursuant to Condition of Approval No. 77 of Planning Commission Resolution 16-24 of those certain land use entitlements, and other applicable law, to enshrine Property Owner's obligation to provide private maintenance of certain landscaping within agreed upon areas of the public right of way. Exhibit B as attached hereto and incorporated herein depicts the Property and clearly illustrates the particular areas of the public right of way that are the subject of this Landscaping Agreement to be maintained by the Property Owner (the "Landscaping Area(s)").

1.2 Property Owner shall comply with the requirements of this Landscaping Agreement, including the landscape maintenance requirements described in Section 2. Upon a default by the Property Owner of any material obligation incurred pursuant to this Landscaping Agreement or termination of this Landscaping Agreement by the City, the Property Owner shall be obligated to reimburse City for costs reasonably incurred by the City for the default of the Property Owner as to the Property Owner Maintenance Areas. Such reimbursement to the City shall be in an amount to fully reimburse the City for all costs reasonably incurred by the City resulting from the default by the Property Owner including the costs of the annual landscape maintenance and servicing of the Landscaped Area(s) and administration and collection of reimbursement during the City fiscal year in which the default occurs and in each subsequent City fiscal year. Such costs shall be considered a debt to the City and shall constitute a lien or, in the alternative, a special assessment against the Property. City shall provide Property Owner reasonable written documentation evidence of any such reimbursement required hereunder,.

Section 2. Landscape Maintenance.

The Property Owner shall be required to perform landscape maintenance and servicing within the Landscaping Areas. As used herein, the words "maintenance and servicing" mean and refer to the furnishing of commercially reasonable services and materials for the ordinary and usual maintenance, operation of the landscaping including providing for the growth, health, cultivation, irrigation, trimming, spraying, fertilizing or treating for disease or injury, the removal of trimmings, rubbish, debris and other solid waste and the cleaning, sandblasting and painting of walls and other improvements to remove or cover graffiti and costs reasonably incidental thereto. Property Owner's obligations are limited to maintenance of the Landscape Area(s) as depicted on Exhibit B and do not include any duty to construct new public improvements beyond those required by the applicable conditions of approval.

Section 3. Default by Property Owner; Termination.

The City shall have the right to terminate this Landscaping Agreement in the event the Property Owner shall have failed to perform the maintenance or the furnishing of services described in Section 2 above within the Landscaped Area(s) or any portion thereof following at least thirty (30) days' prior written notice from the City Engineer to the Property Owner ordering the Property

Owner to perform the maintenance or furnishing of the services described in such notice as required by this Landscaping Agreement Upon the expiration of such 30-day notice and cure period (as may be extended as set forth above), in the event the Property Owner has not cured the default, the City Engineer shall have the right at any time thereafter, but prior to Property Owner's cure of such default, to terminate this Landscaping Agreement effective upon the receipt of notice of termination by the Property Owner (as provided in Section 5(b) herein). The City Engineer shall also have the right to terminate this Landscaping Agreement in the event the Property Owner shall have failed to perform the maintenance or furnishing of the services described in Section 2 within the Landscaped Area(s) or any portion thereof which results in hazardous safety situation threatening injury to persons or material damage to property in the good faith, professional opinion of the City Engineer, following at least 48 hours prior written notice to the Property Owner to cure said hazardous safety situation, and the Property Owner has failed to so cure (or to have commenced such cure with diligent efforts to cure) upon the expiration of such 48-hour notice and cure period. Any termination of this Landscaping Agreement may be appealed by the Property Owner to the City Manager, who shall be presented with the facts and circumstances of any alleged default together with any recommendations for the termination of this Landscaping Agreement. Upon the termination of this Landscaping Agreement by the City Engineer, the City shall thereupon undertake the regular periodic landscape maintenance and seek collection of the annual landscape maintenance amount against the Property in the same manner described above in Section 1.2. Notwithstanding the foregoing, this Landscaping Agreement shall automatically terminate, without further action, (a) upon formal vacation, abandonment, or removal from public use of all Landscape Area(s) by City; (b) if City permanently replaces the Landscape Area(s) with facilities to be maintained by City or another public entity; or (c) upon City's written determination that ongoing private maintenance of the Landscape Area(s) is no longer required by the applicable conditions of approval. Upon request, City shall provide a written confirmation of termination suitable for recordation.

Section 4. Property Owner's Continuing Responsibilities Where Work Commenced or Permit Obtained.

Notwithstanding any other provision of this Landscaping Agreement, no transfer or conveyance of the property or any portion thereof shall in any way relieve Property Owner of or otherwise affect Property Owner's responsibilities for installation or maintenance of landscaping which may have arisen under the ordinances or regulations of City referred to in this Landscaping Agreement, or other federal, state or City laws, on account of Property Owner having obtained a permit which creates such obligations or having commenced grading, construction or other land disturbance work.

Section 5. Notices and Communications Between the Parties.

5.1 Any and all notices, demands or communications submitted by either party to another party pursuant to or as required by this Landscaping Agreement shall be proper if in writing and dispatched by messenger for immediate personal delivery, or by registered or certified United States mail, postage prepaid, return receipt requested, or by personal delivery and in each case, addressed to the principal office of the Parties, as applicable, as designated below.

To City:
Public Works Director
3231 Main Street
Oakley, CA 94561

To Property Owner:

Oakley Regency, LLC
c/o Regency Centers
One Independent Drive
Suite 114
Jacksonville,
Florida 32202-5019
Attention: Legal Department

With a copy to:
Oakley Regency, LLC
c/o Regency Centers
1777 Botelho Drive
Suite 200
Walnut Creek, California 94596
Attention: Property Management

5.2 Such written notices, demands and communications may be sent in the same manner to such other addresses as either party may from time to time designate as provided in this Section. Any such notice, demand or communication shall be deemed to be received by the addressee, regardless of whether or when any return receipt is received by the sender on the date set forth on such return receipt, on the day that it is dispatched by messenger for immediate personal delivery, the date sent by fax and confirmed by First Class United States Mail or two (2) calendar days after it is placed in the United States Mail or personal delivery as heretofore provided.

5.3 Either party may change its address for notice by giving written notice of such change to the other party not less than ten (10) days prior to the effective date of such address change. If a party has not provided an address for notice, any other party may deliver notice to such party at the address shown as the address for the owner of the property in question in the county tax records.

Section 6. Acceptance of Assessment Lien.

The Property Owner for itself and its successors and assigns hereby acknowledges and consents to the collection of any special assessments as may hereafter be assessed by the City under either Section 1(b) or Section 3, at the same time and in the same manner as County of Contra Costa general property taxes are collected against real property and all the laws providing for the collection and enforcement of County of Contra Costa property taxes shall apply to the collection and enforcement of any such assessments. Nothing shall prevent the City from accelerating the foreclosure of any assessment lien and independently pursuing judicial remedies for the

enforcement of any assessment lien in the manner as may be available to the City pursuant to the Municipal Code or other applicable California law.

Section 7. Term of Agreement.

This Landscaping Agreement shall remain in full force and effect unless terminated pursuant to the provisions of this Landscaping Agreement.

Section 8. City Confirmation.

On request from time-to-time of the Property Owner, the City Engineer shall confirm in writing, addressed as requested by the Property Owner, the existence of this Landscaping Agreement and the existence or non-existence of any defaults hereunder then known to the City Engineer.

Section 9. Non-discrimination.

Property Owner shall not engage in, nor permit its employees, independent contractors, or agents to engage in, discrimination in employment of persons because of their race, religion, color, national origin, ancestry, age, physical handicap, medical condition, marital status, sexual gender or sexual orientation, except as permitted pursuant to Section 12940 of the Government Code. Violation of this provision may result in the imposition of penalties referred to in Labor Code, Section 1735.

Section 10. Entire Agreement, Amendment and Termination.

This Landscaping Agreement constitutes the entire agreement between the Parties with respect to any matter referenced herein and supersedes any and all other prior writings and oral negotiations. The terms of this Landscaping Agreement shall prevail over any inconsistent provision in any other contract document appurtenant hereto, including exhibits to this Landscaping Agreement. This Landscaping Agreement may be amended or terminated only by written agreement, signed by the Parties in interest at the time of such amendment or termination, except as also provided in Section 3, regarding termination.

Section 11. Attorneys' Fees.

In the event that litigation is brought by any party in connection with this Landscaping Agreement, the prevailing party shall be entitled to recover from the opposing party all costs and expenses, including reasonable attorneys' fees, reasonably incurred by the prevailing party in the exercise of any of its rights or remedies hereunder or the enforcement of any of the terms, conditions, or provisions hereof. The portion of the reasonable costs, salary and expenses of the City Attorney and members of his or her office reasonably allocable to the time spent in connection with that action, shall be considered as "attorneys' fees" for the purposes of this Landscaping Agreement.

Section 12. Governing Law.

This Landscaping Agreement shall be governed by and construed under the laws of the State of California without giving effect to that body of laws pertaining to conflict of laws. In the event of any legal action to enforce or interpret this Landscaping Agreement, the Parties hereto agree that

the sole and exclusive venue shall be a court of competent jurisdiction located in Contra Costa County, California. All references in this Landscaping Agreement to laws shall be understood to include such laws as they may be subsequently amended or recodified, unless otherwise specifically provided.

Section 13. Indemnification and Hold Harmless.

Property Owner shall protect, defend, indemnify and hold harmless City and its elected and appointed officials, officers, and employees from any and all claims, liabilities, expenses, including reasonable attorneys' fees, damage to property or injuries to or death of any person or persons or damages of any nature including, but not limited to, all civil claims or workers' compensation claims, to the extent arising out of the negligent acts, errors or omissions of Property Owner, its employees, agents or subcontractors in the performance of this Landscaping Agreement.

Section 14. No Third Party Beneficiary Rights.

This Landscaping Agreement is entered into for the sole benefit of City and Property Owner and no other parties are intended to be direct or incidental beneficiaries of this Landscaping Agreement and no third party shall have any right in, under or to this Landscaping Agreement.

Section 15. Headings.

Paragraphs and subparagraph headings contained in this Landscaping Agreement are included solely for convenience and are not intended to modify, explain or to be a full or accurate description of the content thereof and shall not in any way affect the meaning or interpretation of this Landscaping Agreement.

Section 16. Construction.

The Parties have participated jointly in the negotiation and drafting of this Landscaping Agreement. In the event an ambiguity or question of intent or interpretation arises with respect to this Landscaping Agreement, this Landscaping Agreement shall be construed as if drafted jointly by the Parties and in accordance with its fair meaning. There shall be no presumption or burden of proof favoring or disfavoring any party by virtue of the authorship of any of the provisions of this Landscaping Agreement.

Section 17. Waiver.

The delay or failure of either party at any time to require performance or compliance by the other of party of its obligations or agreements shall in no way be deemed a waiver of the right to require such performance or compliance. Waiver of any provision of this Landscaping Agreement shall only be effective if the Parties agree to such waiver in writing, signed by an authorized representative of the party against whom enforcement of a waiver is sought. The waiver of any right or remedy with respect to any occurrence or event shall not be deemed a waiver of any right or remedy with respect to any other occurrence or event; nor shall any waiver constitute a continuing waiver.

Section 18. Severability.

Every provision of this Landscaping Agreement is and shall be construed to be a separate and independent covenant. Without limiting the generality of the foregoing, if any provision of this Landscaping Agreement is found to be invalid or unenforceable for any reason, then the remainder of this Landscaping Agreement shall not be affected and shall be enforced to the extent permitted by law and the Parties shall negotiate in good faith for such amendments to this Landscaping Agreement as may be necessary to achieve its intent, notwithstanding such invalidity or unenforceability.

Section 19. Counterparts.

This Landscaping Agreement may be executed in one or more counterparts, each of which shall be deemed an original. All counterparts shall be construed together and shall constitute one agreement.

Section 20. Corporate Authority.

The persons executing this Landscaping Agreement on behalf of the Parties hereto warrant that they are duly authorized to execute this Landscaping Agreement on behalf of said Parties and that by doing so, the Parties hereto are formally bound to the provisions of this Landscaping Agreement.

Section 21. Covenant running with the Land.

It is understood and agreed that the terms, covenants and conditions herein contained shall constitute covenants running with the land and shall be binding upon the heirs, executors, administrators, successors and assigns of Property Owner and shall be deemed to be for the benefit of all persons owning any interest in the Property. In the event of the sale or other transfer of Property Owner's interest in the Project, Property Owner shall transfer and assign to such purchaser or transferee the obligations of Property Owner under this Landscaping Agreement whereupon Property Owner shall be deemed released from all liability and obligations hereunder arising out of any act, occurrence or omission relating to the Property and/or this Landscaping Agreement occurring after the consummation of such sale or transfer. It is the intent of the Parties hereto that this Landscaping Agreement shall be recorded and shall be binding upon all persons purchasing or otherwise acquiring all or any lot, unit or other portion of the Project, whose respective successive owners and assigns shall thereby be deemed to have consented to and become bound by all the provisions hereof.

Section 22. Recording.

The City Clerk shall cause a copy of this Landscaping Agreement to be recorded with the Office of the County Recorder of Contra Costa County, California, within ten days following the execution of this Landscaping Agreement.

Section 23. Consent.

[Lender] on behalf of itself and certain other lenders (collectively, the "Lenders"), will consent to this Landscaping Agreement and the rights created hereunder and will subordinate all liens and security interests against the Property securing any and all indebtedness owed to Lenders, to this Landscaping Agreement and to all rights created hereunder as evidenced by the Consent and Subordination attached hereto.

[Signatures Follow On Next Page]

The Parties have executed this Landscaping Agreement as of the Effective Date.

CITY OF OAKLEY

_____
Joshua McMurray, City Manager

ATTEST:

_____
Kim Snodgrass, City Clerk

APPROVED AS TO FORM:

_____
Derek P. Cole, City Attorney

PROPERTY OWNER

OAKLEY REGENCY, LLC
a Delaware limited liability company

By: Regency Centers, L.P.,
a Delaware limited partnership
Its: Sole Member and Manager

By: Regency Centers Corporation,
a Florida corporation
Its: General Partner

By: _____
Name: _____
Title: _____

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_____, before me, _____, Notary Public, personally appeared _____, 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

[Acknowledgement]

[Exhibit A]

[CONDITIONS OF APPROVAL]

PLANNING COMMISSION
RESOLUTION NO. 16-24

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OAKLEY MAKING FINDINGS AND ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING THE PROJECT KNOWN AS "OAKLEY SHOPS AT LAUREL FIELDS TENTATIVE PARCEL MAP, CONDITIONAL USE PERMIT, VARIANCE, AND DESIGN REVIEW (TPM 01-24, CUP 01-24, VA 01-24, DR 02-24)" LOCATED AT 998 LAUREL ROAD (APN: 035-220-028)

FINDINGS

WHEREAS, on March 7, 2024, Regency Center, LP ("Applicant") filed an application requesting approval of: 1) a Tentative Parcel Map (TPM 01-24) to subdivide 8.77 acres into two parcels (Parcel 1 = 7.72 acres and Parcel 2 = 1.05 acres). Parcel 1 is proposed to include a Safeway grocery store as an anchor with five additional retail buildings. Parcel 2 is located on the southwest corner of the site and is proposed for a gas station with C-store; 2) a Conditional Use Permit (CUP 01-24) for the operation of three Drive-Through Restaurants and Services all located on Parcel 1, and the operation of the Gasoline Service Station on Parcel 2; 3) a Variance (VA 01-24) for an additional 5-feet in allowable height on the grocery store entry tower; and 4) a Design Review for development of the 81,728 square foot shopping center, including site development, building architecture, colors and materials, walls/fencing, landscaping, ingress/egress, and internal parking and circulation ("Project"). The project site is located at 998 Laurel Road and is zoned RB (Retail Business) District; APN 035-220-028.; and

WHEREAS, on April 4, 2024, the project application was deemed complete per Government Code section 65920 et. seq; and

WHEREAS, the project site is designated Commercial (CO) on the Oakley 2020 General Plan Land Use Map, and zoned RB (Retail Business) District; and

WHEREAS, pursuant to the requirements of the California Environmental Quality Act ("CEQA"), the City prepared an Initial Study/Mitigated Negative Declaration ("IS/MND"). The Notice of Intent ("NOI") to Adopt an MND and IS was circulated for public review and comment from June 10, 2024, to July 1, 2024. It was filed with the County Clerk and Governor's Office of Planning and Research ("OPR"), emailed or mailed out to over 60 public agencies and parties requesting such notice, and posted in the same manner as a Notice of Public hearing, which is at locations throughout the City and at the project site; and

WHEREAS, on or before June 21, 2024, the Notice of Public Hearing for the Project was duly noticed in the Contra Costa Times, a newspaper of general distribution, was posted at the Project site, at Oakley City Hall located at 3231 Main Street, outside the gym at Delta Vista Middle School located at 4901 Frank Hengel Way, and outside the library at Freedom High School located at 1050 Neroly Road, was posted to the City's website, and

was mailed out to all owners of property within a 500-foot radius of the project's boundaries, to parties requesting such notice, and to outside agencies; and

WHEREAS, on July 2, 2024, the Planning Commission held a duly noticed public hearing on the project at which it received a report from City Staff, oral and written testimony from the public, and deliberated on the project. At the conclusion of its deliberations, the Planning Commission held a vote and adopted a resolution adopting the Mitigated Negative Declaration and approving the project, as conditioned and revised by the Planning Commission during its deliberations; and

WHEREAS, if any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City; and

WHEREAS, these Findings are based on the City's General Plan, the City's Zoning Ordinance (Oakley Municipal Code ["OMC"] chapter 9.1), the Oakley Commercial and Industrial Design Guidelines, the project plans, and the applicable information submitted to the Planning Commission at its July 2, 2024 meeting, both written and oral, including oral information provided by the Applicant, as reflected in the minutes of such meetings, together with the documents contained in the file for the Project (hereafter the "Record").

A. The Project's Initial Study and Mitigated Negative Declaration ("IS/MND") was prepared in accordance with CEQA Guidelines and is to be adopted by the Planning Commission in conjunction with the project's Tentative Parcel Map (TPM 01-24), Conditional Use Permit (CUP 01-24), Variance (VA 01-24), and Design Review (DR 02-24) approvals.

B. Development of the project is subject to all adopted mitigation measures as included in the project's Mitigation Monitoring Program ("MMP"), attached as Exhibit A to this Resolution, unless modified pursuant to the CEQA Guidelines and adopted by the Planning Commission.

C. The Planning Commission has reviewed and considered the IS/MND and MMP together with all comments received during the public review process, as well as the written responses prepared to such comments, the staff report, testimony by Staff and the public, and all other materials and evidence submitted to the City relating to the Project. The Planning Commission hereby finds, on the basis of the whole record before it, that:

    1. The IS/MND and MMP have been prepared and completed in accordance with the requirements of CEQA and the CEQA Guidelines;

    2. There is no substantial evidence that the Project will have a significant effect on the environment;

3. The evidence in the record constitutes substantial evidence to support the actions taken and the findings made in this Resolution, that the facts stated in this Resolution are supported by substantial evidence in the record, including testimony received at the public hearing, the staff presentations, the staff report and all materials in the project files. There is no substantial evidence, nor are there other facts, that negate the findings made in this Resolution;

4. The information, analyses, findings and conclusions set forth in the IS/MND and MMP reflect the City's independent judgment and analysis.

D. Regarding the application requesting approval of a Tentative Parcel Map (TPM 01-24), the Planning Commission finds that:

1. The proposed TPM meets lot and yard requirements established in OMC section 9.1.504, part (e) Lot Requirements for the RB District in that each parcel exceeds the minimum 3,500 square feet lot area and 35-foot lot width requirements, and the floor area ratio and lot coverage of the project are well below the maximums of 1.0 and 40%, respectively.

2. The site is physically suitable for the project in that it is accessible, not physically constrained, and it is also able to accommodate the proposed use and intensity of development in a manner consistent with the underlying land use designation. The commercial shopping center is not expected to result in any serious public health problems.

E. Regarding the application requesting approval of a Conditional Use Permit to operate three "Drive-through Restaurant and Services" uses (including two drive-through restaurants and one drive-through pharmacy) and one "Gasoline Service Station" use (CUP 01-24), the Planning Commission finds that:

1. That the site for the proposed use is adequate in size and shape to accommodate the use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this title to adapt the use with land and uses in the neighborhood, in that the proposed site is adequate, as required, in that is able to accommodate all of the proposed buildings and associated parking, landscaping, setbacks, and other features as required by the RB District and applicable Oakley Commercial and Industrial Design Guidelines;

2. That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use, in that the site is located at the northeast intersection of Laurel Road and O'Hara Avenue, which is a fully signalized 4-way intersection where Laurel Road is designated as a the principal major

arterial in the Oakley General Plan. O'Hara Avenue is designated as a major arterial south of the intersection and a collector north of the intersection. Both roads are designed so at their ultimate right of way they can carry adequate flows of multi-modal traffic to serve the site with the locations and types of ingress/egress proposed;

3. The proposed use will be arranged, designed, constructed, operated and maintained so as to be compatible with the intended character of the area and shall not change the essential character of the area from that intended by the General Plan and the applicable zoning ordinances, in that This site was previously approved for a Safeway shopping center in the early 2000's and that entitlement expired many years ago. Since that time, new ordinances have been adopted that serve to ensure certain commercial uses are designed and operated in ways to make them more compatible with surrounding areas. This application has been analyzed for consistency with the RB District and applicable Oakley Commercial and Industrial Guidelines, and it also includes a Design Review application which includes a separate set of standards for review and focuses more on the physical development. As proposed, most of the applicable standards have been satisfied. As pointed out in the CEQA Initial Study, there is a need for the drive-through lanes along Laurel Road and O'Hara Avenue to have screen walls pursuant to OMC section 9.1.1236 part c.7.

   In addition to the specific requirement above, the Conditional Use Permit conditions of approval include requirements to comply with the Performance Standards and Operational Standards found in OMC section 9.1.1236 Drive-Through Restaurants and section 9.1.1240 Gas Stations that have not already been analyzed either due to the need for additional specific user information or being tied to operation and not design. Implementation of these conditions of approval along with other requirements of the Mitigation Monitoring Program in the CEQA analysis, the drive-through restaurants and gas station will be consistent with this finding;

4. That the proposed use provides for the continued growth and orderly development of the community and is consistent with the various elements and objectives of the General Plan, in that the project will meet this finding in that a multi-use shopping center with a grocery store anchor for this site has been a potential for this site since incorporation. This project has included review and analysis for consistency with applicable zoning regulations, General Plan consistency, and environmental compliance, and as conditioned, will satisfy all of the applicable elements of review; and

5. That the proposed use, including any conditions attached thereto, will be established in compliance with the applicable provisions of the California Environmental Quality Act, in that the project was subject to a CEQA Initial Study. A Notice of Intent to Adopt a Mitigated Negative Declaration was

legally filed with the Contra Costa County Clerk and Governor's Office of Planning and Research, mailed to outside agencies and parties requesting such notice, and was posted to the City's website and physically on and off site. The proposed Mitigation Monitoring Program is included as an exhibit to the Proposed Resolution for approval of the project.

F. Regarding the application requesting approval of a Variance (VA 01-24) to exceed the maximum allowable height of the RB District, the Planning Commission finds that:

1. Approval of the requested variance would not constitute a grant of special privilege inconsistent with other properties in the vicinity and the RB District, in that the application for a variance may be filed by any other similar commercial development;

2. The special circumstances applicable to this subject property are that the development is located on an 8.77 acres site and includes several buildings and trees along the street frontages, as well as solar carports in front of the main grocery store frontage. The grocery store is located at the rear of this site, and the variance request is not for the main building height, rather for an 80-foot-wide roof feature that will highlight the main entry to the store that will include mostly a window storefront design. The request is for an additional 5-feet height allowance where the remainder of the building will be under the maximum allowable height of 35 feet. The height variance will not apply to any portion of the main building adjacent to the residential to the north nor any of the other buildings along the street frontages; and

3. The requested variance substantially meets the intent and purpose of the RB District in that it only applies to a single architectural element of the main anchor for the site and not to the majority of the building parapet. While it is not an element specifically listed under the OMC's height exception allowance, such as chimneys, cupolas, or steeples, it is similar in that regard. The Oakley Commercial and Industrial Guidelines states that large anchor stores should be visible and directly accessible from the public street. The additional height will make the anchor stand out and allow identifying signage and the main entry to be more visible from the adjacent streets. The Guidelines also state that tower elements used as architectural landmarks are encouraged and should positively relate to the building while not exceeding twice the building height. This variance request would result in compliance with applicable Design Guidelines.

G. Regarding the application requesting Design Review approval to develop an approximately 8.77 acres site with an 81,278 square foot shopping center (DR 02-24), the Planning Commission finds that:

1. The buildings in the shopping center are sited a manner consistent with Oakley's adopted Guidelines in that several buildings are along the street frontage and the anchor with the largest mass and tallest facade is in the rear. Setbacks allow for adequate landscaping between the buildings and adjacent sidewalks or parking areas in the interior. Entries are a mix of signalized, not signalized and right in/right out and all includes tamped asphalt which is also found on pedestrian paths of travel that cross the parking area within the interior of the site. Trash enclosures are located throughout the site in areas accessible from the buildings they serve. The loading area for the Safeway is located on the eastern side of the building where it is screened by an extended wall from the building and additionally screened by the 8-foot-high CMU wall along the north and east property lines adjacent to the building. All rooftop mechanical equipment is screened by either a parapet wall, or in the case of one building, architectural screening;

2. The architectural character and design of the proposed buildings meets several of the design guidelines. Stucco is a preferred material pursuant to the Oakley Commercial and Industrial Guidelines and much of the project includes a plaster (stucco-like) exterior while being combined with brick veneer, metal storefronts, and on some buildings, horizontal and vertical panels. The project also would not include the use of excessively reflective or glare-producing materials. The color and material schemes for the buildings consist of grey/brown earth tones with several accent colors, including a slightly more vibrant, yet still desaturated, green hue for some parts of the pad buildings. Roofs are accentuated with entry features on the interior and architectural raised elements along the street frontages. Trash enclosures will be architecturally designed to match the buildings colors and exterior plaster material, as well as include landscaping along the exterior in several instances. The loading areas for the Safeway is tucked away from other building entries and really only noticeable to vehicles entering the site from the eastern most Laurel Road driveway;

3. Landscaping is planned throughout the site, including along both street frontages, within the parking areas, along the exterior block walls and fences, and adjacent to trash enclosures. An 8-foot-high CMU block wall will be constructed along the northern property line and a portion of the eastern property line adjacent to the Safeway building. A condition of approval requires this wall to be decorative. The five vehicular driveways will all include decorative stamped asphalt to act as entry features. This same decorative stamped asphalt is found in several areas where pedestrian paths of travel cross the parking and drive aisles. The main corner includes a wider pedestrian entry that will provide access to the gas station convenience store via a pedestrian pathway to the storefront that faces to the interior of the project. Lighting will be included throughout the site, but details have not yet been decided upon. Detailed lighting designs

have not yet been prepared; however, lighting included for the proposed project would be subject to the Oakley Commercial and Industrial Design Guidelines and is conditioned to be included in building permits and be subject to Staff final review and approval; and

4. The proposed project is located at the intersection of Laurel Road and O'Hara Avenue, which is already fully constructed. The project will complete the remaining frontage improvements along O'Hara Avenue and Laurel Road resulting in right of way that meets the City's Complete Streets design and providing for adequate multi-modal travel to and from the site.

H. The Project complies with Measure J Growth Management requirements.

BE IT FURTHER RESOLVED THAT, on the basis of the IS/MND, the above Findings and the Record, the Planning Commission adopts the Mitigated Negative Declaration, including the MMP, and approves the Applicant's request for approval of the project titled, "Oakley Shops at Laurel Fields Tentative Parcel Map, Conditional Use Permit, Variance, and Design Review (TPM 01-24, CUP 01-24, VA 01-24, DR 02-24)," subject to the following Conditions of Approval:

Conditions of Approval

Applicant shall comply with the requirements of the Oakley Municipal Code. Any exceptions must be stipulated in these Conditions of Approval. Conditions of Approval are based on the plans date stamped received by the Planning Division on May 20, 2024, as well as additional information acquired since that time and made a part of the project file.

THE FOLLOWING CONDITIONS OF APPROVAL SHALL BE SATISFIED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT UNLESS OTHERWISE NOTED (BOLD CONDITIONS ADDED OR AMENDED AT PUBLIC HEARING):

Planning Division Conditions

General:

1. This project is approved, as shown on the plans, date stamped by the Planning Department on May 20, 2024, and as conditioned herein.

2. This approval shall be effectuated within a period of one (1) year from the effective date of this resolution by pulling a building or grading permit and if not effectuated shall expire on July 2, 2025. Prior to said expiration date, the applicant may apply for an extension of time pursuant to the provisions of the Zoning Code.

3. All construction drawings and plot plans submitted for plan check shall be in substantial compliance with the plans presented to and approved by the Planning Commission on July 2, 2024, and as conditioned herein.

4. All conditions of approval shall be satisfied by the owner/developer. All costs associated with compliance with the conditions shall be at the owner/developer's expense.

5. Noise generating construction activities, including such things as power generators, shall be limited to the hours of 7:30 a.m. to 5:30 p.m. Monday through Friday, and shall be prohibited on City, State and Federal Holidays. The restrictions on allowed working days and times may be modified on prior written approval by the Community Development Director.

6. Should archaeological materials be uncovered during grading, trenching or other on- site excavation(s), earthwork within 30 yards of these materials shall be stopped until a professional archaeologist who is certified by the Society of Professional Archaeology (SOPA) has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s), if deemed necessary.

7. All mitigation measures addressed in the environmental document for the project (SCH# 2024020908 shall be complied with and addressed as outlined in the Mitigation Monitoring Program approved for this project (incorporated as Exhibit A), per the review and approval of the Community Development Director or other assigned monitoring party.

8. The Applicant shall indemnify, defend, and hold harmless the City of Oakley, the City Approving Authorities, and the officers, agents, and employees of the City from any and all claims, damages and liability (including, but not limited to, damages, attorney fees, expenses of litigation, costs of court).

Site Plan:

9. All parking stall striping shall be double striped.

10. Parking stalls and drive aisles shall comply with the regulations found in OMC section 9.1.1402 "Off-Street Parking," subject to review and approval by the Community Development Director.

11. A final lighting and photometric plan shall be submitted with the building permit plans. The minimum requirement shall be one foot of candlelight within public parking areas and pedestrian pathways.

12. Details for onsite light poles shall be included in the building permit plans submittal and shall include spec sheets showing maximum height of the poles.

Bases shall be textured and painted to complement the building architecture. Light poles shall be a maximum height 25 feet and shall provide glare shields where adjacent to existing residences per the review and approval of the Community Development Director.

13. Trash enclosures shall match Oakley Disposal and City standards and shall provide adequate space to accommodate both trash and recycling. Also, trash enclosures shall be constructed with a roof to match the building design and materials, have metal gates, and when appropriate be surrounded by screening landscaping and/or climbing vines on three sides per the review and approval of the Community Development Director.

14. Storage shall be contained inside the respective building. Storage containers are not allowed and pallets, boxes, cardboard etc. shall not be stored outside.

15. The retaining wall and CMU wall to be installed along the northern property line of the property and a portion of the eastern property line of the property shall be decorative in design and color. Smooth-surfaced, concrete-colored CMU is not permitted.

16. The applicant shall incorporate the "cheese rock", a remnant concrete block that has been located on the site for several years, into the project landscaping, subject to review and approval of the Community Development Director.

Architectural Details:

17. Roof-mounted equipment shall be architecturally screened from view.

18. All exterior light fixtures shall be of quality design and materials, and parking lot lights shall match existing parking lot lights in the shopping center to the maximum extent possible. Specs for the exterior fixtures, including building lights, shall accompany the construction drawings for building permits, and be subject to review and approval of the Community Development Director.

Drive-Throughs and Gasoline Service Station:

19. Decorative screen walls shall be installed between the drive-through aisles and the adjacent landscape areas for the drive-through uses adjacent to Laurel Road and O'Hara Avenue. The screen walls shall be approximately three-feet high, designed of materials to complement the adjacent building architecture, and shall not restrict site visibility for vehicles or pedestrians. Final approval of the walls is subject to review and approval of the Community Development Director.

20. Prior to issuance of an individual building's certificate of occupancy, all applicable performance and operation standards found in OMC sections

9.1.1236 and 9.1.1240 that have not yet been proposed and analyzed either due to need for specific use information or the requirement being tied to operation and not design, shall be implemented, subject to review and approval of the Community Development Director.

Landscaping:

21. A landscaping and irrigation plan for all front yard, right-of-way, parks, open space, and trail landscaping shall conform to the Oakley Water Efficient Landscape Ordinance ("WELO"), and the Guidelines for Implementation of the City of Oakley Water Efficient Landscape Ordinance and shall be installed prior to final occupancy. The plan shall be prepared by a licensed landscape architect and shall be certified to be in compliance with the City's Water Conservation Ordinance by including the following signed statement on the cover sheet or same sheet as the WELO calculations in a visible text box: "These plans are certified to conform to the Oakley Water Efficiency Landscape Ordinance."

22. California native drought tolerant plants shall be used as much as possible. All trees shall be a mix of 15-gallon and 24-inch box; all shrubs shall be a minimum five-gallon size, except as otherwise noted.

23. All landscaped areas not covered by shrubs or groundcover shall be covered with bark or acceptable alternative as reviewed and approved by the Community Development Director. On slopes greater than 3 to 1, the Applicant shall use an alternative to bark per the review and approval of the Community Development Director. Areas covered with bark shall use a weed barrier.

24. The Applicant shall maintain all private landscaping until occupancy.

Signage:

25. Signage has not been proposed as a part of this application. Prior to the installation of any commercial signage, signs must either be individually submitted and reviewed for compliance with the Sign Ordinance or a Master Sign Program shall be submitted for review and approval by the City Council. Signs that comply with a Master Sign Program are still subject to Planning review and building permits.

Waste Management Plan:

26. The Applicant shall submit a Waste Management Plan that complies with the City of Oakley Construction and Demolition Debris Recycling Ordinance.

Building Division Conditions

27. The Applicant shall provide proof of compliance with CalGreen Code related to the total number and type of electric vehicle ("EV") charging stations for the entire shopping center. The proposed project is subject to the nonresidential standards set forth in Section 5.106.5.3 of the CALGreen Code. Pursuant to Section 5.106.5.3, the proposed project would include 73 EV parking and charging spaces. Compliance with the CalGreen Code requirement would be sufficient to comply with the Tier 2 CALGreen standards, as required by the Bay Area Air Quality Management District ("BAAQMD"). The Applicant may exercise options to meet the relative criterion of BAAQMD's greenhouse gas emissions ("GHG") thresholds of significance. For example, the use of higher-level EV chargers may result in a lower criterion for the total number of EV spaces required to meet CALGreen standards. Modifications to the EV parking and charging spaces may be approved by the Community Development Director provided that compliance with the CalGreen Code requirements are maintained.

28. Plans shall meet the currently adopted Uniform Codes as well as the newest T-24 Energy requirements from the State of California Energy Commission. To confirm the most recently adopted codes please contact the Building Division at (925) 625-7005.

29. Prior to requesting a Certificate of Occupancy from the Building Division, all Conditions of Approval required for occupancy must be completed. When the Public Works Division and the Planning Division place Conditions of Approval on the project, those divisions will sign off on the project prior to the request for a Building division final inspection. Similarly, if the Health Department and/or Fire Department reviewed and approved the original plans, those departments must sign off on the project prior to the request for a final inspection by the Building Division.

PUBLIC WORKS AND ENGINEERING CONDITIONS OF APPROVAL

THE FOLLOWING SHALL BE SATISFIED PRIOR TO THE APPROVAL OF AN ENCROACHMENT AND/OR GRADING PERMIT:

30. GENERAL. All public improvements shall be made according to the latest adopted City Standard Drawings and Specifications. All work shall conform to the applicable City ordinances. The adjacent public right-of-way shall be kept clear of all job-related dirt and debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless a special permit is issued. The developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the City performing the required maintenance at the developer's expense. All conditions of approval shall be

satisfied by the owner(s)/developer(s). All costs associated with compliance with the conditions shall be at the owner(s)/developer(s)'s expense.

31. ENCROACHMENT PERMIT. All work in the public right-of-way, including any blockage or partial closure of sidewalks will require an Encroachment Permit. Special provisions such as limitations on work hours, protective enclosures, or other means to facilitate public access in a safe manner may be required.

32. GRADING PERMIT. All earthwork must comply with the City's Grading Ordinance. A Grading Permit must be issued by the public works department prior to site disturbance.

33. PUBLIC WORKS INSPECTIONS. The developer or their representative shall notify the Engineering Inspector at least forty-eight (48) hours before starting any work pertaining to on-site drainage facilities, grading or paving, and all improvements in approved plans. Failure to do so will result in rejection of work that was completed without inspection.

34. PRECONSTRUCTION MEETING. Prior to issuance of any permit or the commencement of any site work, the general contractor shall:

    a. Along with the project applicant, attend a pre-construction meeting with the City Engineer to discuss the project conditions of approval, working hours, site maintenance and other construction matters.
    b. Acknowledge in writing that they have read and understand the project conditions of approval and will make certain that all project sub-contractors have read and understand them prior to commencing work and that a copy of the project conditions of approval will be posted on site at all times during construction.

35. CONSTRUCTION STREET PARKING. No vehicle having a manufacturer's rated gross vehicle weight exceeding ten thousand (10,000) pounds shall be allowed to park on the portion of a street which abuts property in a residential zone without prior approval from the City Engineer.

36. EROSION CONTROL. Interim and final erosion control plans shall be prepared and submitted to the Public Works Department. A Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the State SMARTS system for projects disturbing more than one acre and obtain a WDID number. A maximum of two weeks is allowed between clearing of an area and stabilizing/building on an area if grading is allowed during the rainy season. Interim erosion control measures, to be carried out during construction and before installation of the final landscaping shall be included. Interim erosion control method shall include, but are not limited to: silt fences, fiber

rolls (with locations and details), erosion control blankets, City standard seeding specification, filter berms, check dams, retention basins, etc. Provide erosion control measures as needed to protect downstream water quality during winter months. The grading, drainage, erosion control plans and SWPPP shall comply with applicable measures contained in the City of Oakley's NPDES Permit.

37. DUST CONTROL. Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible. Further, water trucks shall be present and in use at the construction site. All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the City, or a minimum of three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites to ensure proper control of blowing dust for the duration of the project. Watering on public streets shall not occur. Streets will be cleaned by street sweepers or by hand as often as deemed necessary by the City Engineer, or at least once a day. Watering associated with on-site construction activity shall take place between the hours of 8 a.m. and 5 p.m. and shall include at least one late-afternoon watering to minimize the effects of blowing dust. All public streets soiled or littered due to this construction activity shall be cleaned and swept daily during the workweek to the satisfaction of the City. Demolition or earthwork activities shall be halted when wind speeds (instantaneous gusts) exceed 25 MPH. All trucks hauling soil, sand, or other loose debris shall be covered.

38. FIRE CONTROL. The project developer shall keep the site free of fire hazards from the start of construction until final inspection. The plan must adhere to the satisfaction of the Contra Costa Fire District.

39. SILT AND MUD IN PUBLIC RIGHT-OF-WAY. It is the responsibility of contractor and homeowner to make sure that all dirt tracked into the public right-of-way is cleaned up daily. Mud, silt, concrete, and other construction debris SHALL NOT be washed into the City's storm drains. Construction entrances must be in place per the Erosion Control Plan.

40. TRAFFIC CONTROL PLAN. The project sponsor will be required to work with the Public Works Department to develop a traffic control plan per the current California MUTCD. This plan will include, but not be limited to, the following measures:

    a. Construction activities shall be strategically timed and coordinated to minimize traffic disruption for schools, residents, businesses, and special events. The schools located on the haul route shall be contacted to help with the coordination of the trucking operation to minimize traffic disruption.

b. Flag persons shall be placed at locations necessary to control one-way traffic flow, if required. All flag persons shall have the capability of communicating with each other to coordinate the operation.

c. Prior to construction, advance notification of all affected residents and emergency services shall be made regarding one-way operation, specifying dates and hours of operation and lane closures on main arterial and collector streets, and will be permitted only between the hours of 8:30AM to 2:30PM on M, T, TH & F. 8:30AM to 12:00PM on W.

d. The traffic control plan shall be reviewed for compliance with the project's Haul Route, approved by the City of Oakley.

e. A full road closure will require a detour plan and a road closure permit issued by the Public Works Department.

41. CONSTRUCTION MANAGEMENT PLAN. The Applicant shall submit a construction management plan that shall incorporate at a minimum the Earth Movement Plan, Traffic Control Plan, Project Schedule, site security fencing, employee parking, construction staging area, construction trailer, and proposed outhouse locations. The public street shall not be used for any construction-related activities, including parking for workers and storage of vehicles.

42. RESTORATION OF PUBLIC IMPROVEMENTS. The developer shall repair or replace all existing improvements not designated for removal that are damaged or removed because of developer's operations. Improvements such as, but not limited to: curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, etc. shall be repaired and replaced to a condition equal to or better than the original condition. Existing improvement to be repaired or replaced shall be at the direction of the Public Works & Engineering Inspector and shall comply with all Title 24 Disabled Access provisions. Developer shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.

43. SIDEWALK REPAIR. The developer shall repair and replace to existing City standards any sidewalk damaged now or during construction of this project. Sidewalk repair shall match existing color, texture, and design, and shall be constructed per City Standard Details. The limits of sidewalk repair will be determined by the Public Works Inspector during the construction phase of the project.

44. CURB AND GUTTER. The developer shall repair and replace to existing City standards any curb and gutter damaged now or during construction of this project. New curb and gutter shall be constructed per City Standard Details. The limits of curb and gutter repair will be determined by the Public Works Inspector during the construction phase of the project.

45. CONSTRUCTION NOISE. Between the hours of 7:30 a.m. to 5:30 p.m., weekdays and 9:00 a.m. to 5:30 p.m. weekends and holidays, construction, alteration, or repair activities shall be allowed. No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet. If the device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet from the device as possible. The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA. Pickup and delivery of materials and equipment is restricted to the hours listed above unless prior written approval is obtained by the Public Works Department.

46. GOOD HOUSEKEEPING. Good housekeeping practices shall be observed at all times during the course of construction. Superintendence of construction shall be diligently performed by a person or persons authorized to do so at all times during working hours. The storing of goods and/or materials on the sidewalk and/or the street will not be allowed unless a special permit is issued by the Engineering Division. The adjacent public right-of-way shall be kept clear of all job-related dirt and debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless a special permit is issued. The developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the City performing the required maintenance at the developer's expense.

47. SITE SUPERVISION. The General Contractor shall provide qualified supervision on the job site at all times during construction.

48. TREE REMOVAL. Copies of all necessary tree removal permits shall be provided prior to issuance of a grading permit.

49. EASEMENTS. Owner/Applicant/Developer shall provide copy of recorded Grant of Easements and/or land acquisitions and duly executed rights of entry for all permanent and temporary construction of improvements required for the project and shall fully comply with their requirements.

THE FOLLOWING SHALL BE SATISFIED PRIOR TO THE APPROVAL OF THE GRADING PLAN:

50. EXISTING WELLS. All abandoned or inactive wells on the subject site shall be destroyed in accordance with the required abandonment wells standards by the agencies responsible for the wells. Provide documentation that any gas wells located onsite have been abandoned per regulations.

51. GEOLOGY AND SOIL MITIGATION MEASURES. A geotechnical investigation shall be conducted for the project to determine the surface and sub-surface conditions at the site and to determine the potential for surface fault rupture on the site. The geotechnical study shall provide recommendations for site grading as well as the design of foundations, retaining walls, concrete slab-on-grade construction, excavation, drainage, on-site utility trenching and pavement sections. The soils report shall include specific criteria and standards governing site grading, drainage, pavement design, retaining wall design, and erosion control. All recommendations of the investigation shall be incorporated into project plans. One copy of the geologic report shall be submitted with the grading permit and public improvement application. Prior to issuance of any permit, the applicant's soils engineer shall review the final grading and drainage plans to ensure that designs for foundations, retaining walls, site grading, and site drainage are in accordance with their recommendations. The applicant's soils engineer's approval shall then be conveyed to the City either by letter or by signing the plans.

52. GRADING.

a. Grade any slopes with a vertical height of four (4) feet or more at a slope of 3H to 1V. Retaining walls that may be installed to reduce the slope must be masonry and comply with the City's building code.

b. Retaining wall or other suitable option acceptable by the City Engineer is required where the grade differential between property or adjacent lots are greater than 6". Retaining walls are required to be identified on the grading plans and shall have a note stating a separate building permit is required for retaining wall greater than four (4) feet in height, measured from the bottom of footing to top of wall.

c. At least one week prior to commencement of grading, the applicant shall post at the site and mail to the owners of property within 300 feet of the exterior boundary of the project site notice that construction work will commence. The notice shall include a list of contact persons with their name, title, phone number and area of responsibility. The person responsible for maintaining the list shall be included. The list shall always be kept current and shall consist of persons with authority to indicate and implement corrective action in their area of responsibility. The names of the individual responsible for noise and litter control shall be expressly identified in the notice. The notice shall be reissued with each phase of major grading activity. A copy of the notice shall be concurrently transmitted to the City Engineer. The notice shall be accompanied by a list of the names and addresses of the property owners noticed, and a map identifying the area noticed.

d. Submit a Haul Route Plan to the City Engineer for review and approval prior to importing or exporting any material from the site. The plan shall include the location of the borrow or fill area, the proposed haul routes, the estimated number and frequency of trips, and the proposed schedule of

hauling. Based on this plan, the City Engineer shall determine whether pavement condition surveys must be conducted along the proposed haul routes to determine what impacts the trucking activities may have. The project proponents shall be responsible for repairing to their pre-construction condition any roads along the utilized routes.

e. Prior to commencement of any site work that will result in a land disturbance of one acre or more, the applicant shall provide evidence to the City Engineer that the requirements for obtaining a State General Construction Permit have been met. Such evidence may be a copy of the Notice of Intent Letter sent by the State Water Resources Control Board. The WDID Number shall be shown on the grading plan prior to approval by the City Engineer.

f. The burying of any construction debris is prohibited on construction sites.

53. NPDES – NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM. Comply with all rules, regulations and procedures of the NPDES for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board, the Regional Water Quality Control Board (Central Valley – Region IV), including the Stormwater C.3 requirements as detailed in the Guidebook available at www.cccleanwater.org

Compliance shall include developing long-term best management practices (BMP's) for the reduction or elimination of storm water pollutants. The project design shall incorporate, wherever feasible, the following long-term BMPs in accordance with the Contra Costa Clean Water Program for the site's storm water drainage.

- Offer pavers for household driveways and/or walkways as an option to buyers.
- Minimize the amount of directly connected impervious surface area.
- Delineate all storm drains with "No Dumping, Drains to the Delta" permanent metal markers per City Standards.
- Construct concrete driveway weakened plane joints at angles to assist in directing run-off to landscaped/pervious areas prior to entering the street curb and gutter.
- Distribute public information items regarding the Clean Water Program to buyers.
- Other alternatives as approved by the City Engineer.
- Prepare an Operations and Maintenance Manual for the project's storm water control measures.

THE FOLLOWING SHALL BE SATISFIED PRIOR TO THE APPROVAL OF THE IMPROVEMENT PLAN:

54. ROADWAY IMPROVEMENTS. The following improvements shall be installed by the developer as shown on the Tentative Map. Plans for those improvements shall be prepared by a California registered civil engineer, reviewed, and approved by the City, to the satisfaction of the City Engineer.

a. The applicant shall coordinate with the project design engineer to implement the recommendations contained in the "Summary of Findings", Section 10 of project's Transportation Impact Assessment prepared by Fehr and Peers dated May 2024.

b. Slurry coat to be applied to Laurel Road and O'Hara Avenue after utility connections are completed where directly impacted by new construction, to the satisfaction of the City Engineer.

55. DRAINAGE IMPROVEMENTS.

a. Collect and convey all stormwater entering and /or originating on this property, without diversion and within an adequate storm drainage facility, to an adequate natural watercourse having definable bed and banks, or to an existing adequate public storm drainage facility that conveys the storm waters to an adequate natural watercourse.

b. Submit a final hydrology and hydraulic report including 10-year and 100-year frequency event calculations for the proposed drainage system and stormwater basins to the City Engineer for review and approval. The report shall include an analysis to the point of discharge into the Laurel detention basin to confirm adequate capacity exists to convey post construction flows. The report must include a narrative that describes the project's proposed overland release for storm water runoff. In the event of a failure of the project's storm drain system, the overland release path shall convey storm water runoff to a public street right-of-way or drainage channel. In the event of an overland release condition, ponding water depth shall not exceed 12". All structure finished floor elevations shall be designed to be a minimum of 12 inches above the 100-year storm elevation or at the overland release elevation.

c. Design and construct all storm drainage facilities in compliance with the Municipal Code and City design standards.

d. Prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.

e. Dedicate a public drainage easement over the drainage system that conveys storm water run-off from public streets.

f. On-site parking areas and driveways shall not surface drain across public sidewalk or driveway aprons.

g. Design for the retaining wall and other facilities within or adjacent to the City of Oakley's Storm Drain Easement, which contains a 66" storm drainpipe,

will be subject to further review and approval by the City Engineer prior to approval of the retaining wall building permit.

56. SIGHT DISTANCE EXHIBIT. For the project driveways' ingress and egress, provide an exhibit that will analyze the sight distance required for the appropriate speed limit identified with this project as required by the City Engineer.

57. DESIGN CHANGES. The Applicant's registered Engineer shall notify the City Engineer, in writing, at least 72 hours in advance of all differences between the proposed work and the design indicated on the plans. Any proposed changes shall be subject to the approval of the City before altered work is started. A plan revision must be submitted for approval by the City Engineer.

58. JOINT TRENCH PLANS. The applicant shall submit Joint Trench Composite Plans to the City for review prior to approval of improvement plans or recordation of the parcel map. The developer shall provide joint trench composite plans for the underground electrical, gas, telephone, cable television and communication conduits and cables including the size, location and details of all trenches, locations of building utility service stubs and meters and placements or arrangements of junction structures as a part of the improvement Plan submittals for the project. The composite drawings and/or utility improvement plans shall be signed by a licensed civil engineer. The joint trench plans shall include street and/or site lighting and associated photometrics. A letter shall be provided by PG&E stating that public streetlight billing will be per Rule LS2A, and that private lights shall be metered with billing to the owner. Pole numbers, assigned by PG&E, shall be clearly delineated on the plans.

59. UTILITIES & UNDERGROUNDING.

a. Underground all new and existing utility distribution facilities per City of Oakley code section Title 6 Chapter 8 Underground Utility Districts.
b. All utility boxes shall be installed underground, and all wires and cables must be installed in conduits. Compliance with this condition shall be at the discretion of the City Engineer.
c. Above ground utility boxes shall be camouflaged per the review and approval of the City Engineer.
d. A written approval from Diablo Water District and Iron House Sanitary District must be provided that all underground utility improvements have passed all testing requirements prior to commencement of paving a street.

60. STREETLIGHTS. Install streetlights along all public streets as required by the City Engineer. The City Engineer shall determine the final number and location of the lights, and the lights shall be on an LS2-A rate service. Streetlights shall

be spun aluminum "cobra head" style as required by the City of Oakley Standard Plans.

61. LANDSCAPE IMPROVEMENTS.

a. Prepare landscape plans for landscape improvements within the public right of way. Landscape plans shall be prepared by a licensed landscape architect.

b. Install public right-of-way landscaping along the project's frontages as required by the City Engineer and Community Development Director.

c. Design landscape improvements with irrigation and water connections to be connected to the site private landscape improvements. Frontage landscaping to be maintained by each frontage property owner or a common property management company for the entire commercial plaza.

d. Prior to the issuance of certificate of occupancy, an inspection will be performed to verify the health and location of the street trees. Trees in poor health or those without adequate clearance from utilities will require replacement or relocation.

e. Landscaping at street corners must adhere to sight distance requirements.

62. FENCING. Any proposed fencing and walls shall be located on private property and maintained by the property owner(s) and/or HOA. The design and placement of walls, fences, and sign features near intersections and driveways shall allow stopping site distance per Caltrans standards and comply with the City's corner sight distance requirements.

63. GATE: Any proposed private gates are to be set be minimum 20' from all public and private streets, roads, alleys.

64. SOUNDWALL. Soundwalls shall be installed within private property and not within public right of way.

65. MAINTENANCE EXHIBIT. Submit a maintenance exhibit showing the responsible maintenance entity of proposed subdivision improvements. Exhibit must clearly show which areas are to be maintained by the City of Oakley and areas to be maintained by the property owner(s) and/or HOA.

THE FOLLOWING PUBLIC WORKS AND ENGINEERING CONDITIONS OF APPROVAL SHALL BE SATISFIED PRIOR TO THE APPROVAL OF THE PARCEL MAP:

66. BONDS. The applicant shall supply suitable securities for all improvements that are a part of the development in a form acceptable to the City in the amount of 100% (performance), 50% (labor and material) prior to issuance of any permit.

67. PARCEL MAP. Submit a Parcel Map prepared by a Licensed Land Surveyor. The parcel map shall be recorded, and the Subdivision Agreement must be executed prior to Parcel Map approval. Insurance shall be provided per the terms of the Subdivision Agreement.

68. DEDICATIONS. The following shall be dedicated on the parcel map:

    a. Dedicate the required right-of-way along the project frontage as shown in the typical sections of the Tentative Map.
    b. Public Utility Easement (PUE): 5' PUE beyond public right of way as required.
    c. Ingress-egress, storm drainage easements, emergency access easements as required.

    Any necessary rights of way, rights of entry, permits and/or easements for the construction of off-site, temporary or permanent, public and private road, utility and drainage improvements shall be furnished to the City. Prior to the issuance of the first building permit, the applicant must provide the necessary documentation that any existing easements no longer necessary have been quitclaimed.

69. PRIVATE EASEMENTS. Agreements detailing rights, limitations, and responsibilities of involved parties shall accompany each private easement. The easements and associated agreements shall be recorded simultaneously with the parcel map.

70. UTILITY SETBACKS. Building foundations shall be set back from utility lines a sufficient distance to allow excavation of the utility without undermining the house foundation. The City Engineer shall determine the appropriate setback based on the depth of the utility, input from the project soils engineer, and the type of foundation.

71. DRAINAGE FEES. Applicant shall comply with the drainage fee requirements for the designated Drainage Area as adopted by the County Board of Supervisors. The applicant shall pay the fee in effect at the time of parcel map approval or issuance of the building permit. Certain improvements required by the Conditions of Approval for this development or the Code may be eligible for credit or reimbursement against the drainage area fee. The developer should contact the City Engineer to determine the extent of any credit or reimbursement for which they might be eligible. Any credit or reimbursements shall be determined prior to filing the parcel map or as approved by the Flood Control District

72. ANNEXATIONS

a. The applicant shall establish a funding mechanism to cover the ongoing financial impact their project has on fire protection services provided in the City. All costs associated with meeting this condition of approval shall be paid for by the applicant. Compliance with this requirement shall be to the satisfaction of the City Engineer and shall be completed prior to parcel map approval or issuance of the building permit.

b. The applicant shall establish a funding mechanism to cover the ongoing financial impact their project has on police services provided in the City. All costs associated with meeting this condition of approval shall be paid for by the applicant. Compliance with this requirement shall be to the satisfaction of the City Engineer and shall be completed prior to parcel map approval or issuance of the building permit.

c. The applicant shall establish a funding mechanism to cover the ongoing financial impact their project has on maintenance and operation services associated with public landscaping, parks, streetlighting, and stormwater facilities. All costs associated with meeting this condition of approval shall be paid for by the applicant. Compliance with this requirement shall be to the satisfaction of the City Engineer and shall be completed prior to parcel map approval or issuance of the building permit.

THE FOLLOWING SHALL BE SATISFIED PRIOR TO THE ISSUANCE OF THE BUILDING PERMIT(S):

73. PAD CERTIFICATION. A letter from a licensed land surveyor stating that the building pad was constructed in accordance with the approved plans shall be provided prior to the issuance of the building permit.

74. SOILS ENGINEER CONSTRUCTION OBSERVATION. During construction, all excavations and grading shall be inspected by the applicant's soils engineer prior to placement of concrete and/or backfill so they can verify that the actual conditions are as anticipated in the design-level geotechnical report and recommend appropriate changes in the recommendations contained in the report, if necessary. The results of the construction observation and testing should be documented in an "as-built" letter/report prepared by the applicants' soils engineer and submitted to the City before any building permit is granted.

75. AGREEMENT FOR STORMWATER BEST MANAGEMENT PRACTICES INSPECTION AND MAINTENANCE OBLIGATIONS. The property owner/HOA shall enter into an agreement with the City for maintenance of the stormwater filtration devices required to be installed on this project. The agreement will specify that certain routine maintenance shall be performed by the property owner/HOA and will specify device maintenance reporting requirements. The agreement will also specify routine inspection requirements, permits and payment of fees. The agreement shall be recorded prior to release of any occupancy permits.

76. ACCESS AGREEMENTS. Develop for the City's review and approval and enter into a private joint access agreement that allows the adjacent parcels within the project to utilize common drive aisles.

77. LANDSCAPE AGREEMENT. Enter into an agreement with the City that requires the right of way landscaping adjacent to the site to be maintained as part of the on-site landscaping at the property owner's expense to a standard acceptable and agreed upon by the City.

78. AS-BUILT PLANS. After completion of the construction of all work, the original plans shall have all changes (change orders and field changes) clearly marked. The "as-built" plans shall again be signed and "wet-stamped" by the civil engineer who prepared the plans, attesting to the changes. The original "as-built" plans shall be reviewed and approved by the Engineering Inspector. A Mylar and AutoCAD disk of the approved "as-built" plans shall be provided to the City before acceptance of improvements.

79. IMPACT FEES. Comply with the requirements of the development impact fees listed below, in addition to those noticed by the City Council in Resolution 85-00 and 08-03. The applicant shall pay the fees in the amounts in effect at the time each building permit is issued.

    a. Traffic Impact Fee (authorized by Ordinance No. 14-00, adopted by Resolution 49-03, update Resolution No 91-21);
    b. Regional Transportation Development Impact Mitigation Fee or any future alternative regional fee adopted by the City (authorized by Ordinance No. 14-00, adopted by Resolution No. 73-05);
    c. Park Land Dedication In-Lieu Fee (adopted by Ordinance No. 03-03, updated Resolution No. 48-17);
    d. Park Impact Fee (authorized by Ordinance No. 05-00, adopted by Resolution No. 19-03, updated Resolution No. 48-17);
    e. Public Facilities Fee (authorized by Ordinance No. 05-00, adopted by Resolution No. 18-03);
    f. Fire Facilities Impact Fee (adopted by Resolution No. 24-21);
    g. General Plan Fee (adopted by Resolution No. 53-03);
    h. East Contra Costa County Habitat Conservation Plan Fee (adopted by Ordinance 6-23).

The applicant should contact the City Engineer prior to constructing any public improvements to determine if any of the required improvements are eligible for credits or reimbursements against the applicable traffic benefit fees or from future developments.

Advisory Notes

The following Advisory Notes are provided to the Applicant as a courtesy but are not a part of the conditions of approval. Advisory Notes are provided for the purpose of informing the Applicant of additional ordinance requirements that must be met in order to proceed with development.

A. The Applicant/owner should be aware of the expiration dates and renewing requirements prior to requesting building or grading permits.
B. The project will require a grading permit pursuant to the Ordinance Code.
C. Applicant shall comply with the requirements of Ironhouse Sanitary District.
D. The Applicant shall comply with the requirements of the Diablo Water District.
E. Comply with the requirements of the East Contra Costa Fire Protection District.
F. The applicant shall comply with the requirements of Contra Costa Environmental Health if subject to applicable permits.
G. Comply with the requirements of the Building Inspection Division. Building permits are required prior to the construction of most structures.
H. This project may be subject to the requirements of the Department of Fish and Game. It is the Applicant's responsibility to notify the Department of Fish and Game, P.O. Box 47, Yountville, California 94599, of any proposed construction within this development that may affect any fish and wildlife resources, per the Fish and Game Code.
I. This project may be subject to the requirements of the Army Corps of Engineers. It is the Applicant's responsibility to notify the appropriate district of the Corps of Engineers to determine if a permit is required, and if it can be obtained.
J. The Applicant shall obtain an encroachment permit for construction within existing City rights of way.

PASSED AND ADOPTED by the Planning Commission of the City of Oakley this 2nd day of July 2024 by the following vote:

AYES: Krieg, Price, Verduzco
NOES:
ABSTENTIONS:
ABSENT: Chuiko, Ramirez

APPROVED:

Diego Verduzco, Vice Chair

ATTEST:

Libby Vreonis, City Clerk

7/15/24
Date

EXHIBIT A

Oakley Shops and Laurel Fields Mitigation Monitoring Program

– June 2024

The California Environmental Quality Act (CEQA) and CEQA Guidelines require Lead Agencies to adopt a program for monitoring the mitigation measures required to avoid significant environmental impacts of a project. The Mitigation Monitoring Program ensures that mitigation measures imposed by the City are completed at the appropriate time in the development process.

The mitigation measures identified in the Oakley Shops at Laurel Fields Initial Study/Mitigated Negative Declaration are listed below along with the party responsible for implementation of the mitigation measure, the party responsible for monitoring implementation of the mitigation measure, the milestones for implementation and monitoring, and a sign off that the mitigation measure has been implemented.

MITIGATION MONITORING PROGRAM Oakley Shops at Laurel Fields					
Impact Number	**Impact**	**Mitigation Measure**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
Cultural Resources					
V (a,b,c).	Would the project cause a substantial adverse change in the significance of a unique historical resource or archaeological resource pursuant to Section 15064.5, or disturb any human remains, including those interred outside of dedicated cemeteries?	V-1. *If buried archaeological, paleontological, and/or cultural resources are encountered during site grading or other site work, all such work shall be halted immediately within 100 feet of the discovery and the developer shall immediately notify the City of Oakley Planning Division of the discovery. In such case, the developer shall be required, at their own expense, to retain the services of a qualified archaeologist for the purpose of recording, protecting, or curating the discovery, as appropriate. The archaeologist shall be required to submit to the City of Oakley Planning Division for review and approval a report of the findings and method of curation or protection of the resources. Further grading or site work within the area of discovery would not be allowed until the preceding work has occurred.* *The foregoing requirements shall be noted on the project improvement plans and disclosed to any subcontractors by the general contractor or job superintendent during pre-construction meetings, subject to review and approval by the City of Oakley Planning Division.*	City of Oakley Planning Division Qualified Archaeologist	During site grading or other site work.	
		V-2. *Pursuant to State Health and Safety Code §7050.5 (c) State Public Resources Code §5097.98, if human bone or bone of unknown origin is found during construction, all work shall stop within 100 feet of the find and the Contra Costa County Coroner shall be contacted immediately. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission, who shall notify the person believed to be the most likely descendant. The most likely descendant shall*	City of Oakley Planning Division Contra Costa County Coroner Native American Heritage	During construction.	

MITIGATION MONITORING PROGRAM Oakley Shops at Laurel Fields					
Impact Number	**Impact**	**Mitigation Measure**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
		work with the contractor to develop a program for re-interment of the human remains and any associated artifacts. Additional work is not to take place within 100 feet of the find until the identified appropriate actions have been implemented. *The foregoing requirements shall be noted on the project improvement plans and disclosed to any subcontractors by the general contractor or job superintendent during pre-construction meetings, subject to review and approval of compliance by the City of Oakley Planning Division.*	Commission		
		Geology and Soils			
VII (aiii,c).	Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction? Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	VII-1. *Prior to approval of any grading permits, the project Civil Engineer shall show on the project plans that the project design adheres to all engineering recommendations provided in the site-specific Geotechnical Engineering Report prepared for the proposed project by Intertek PSI. Proof of compliance with all recommendations specified in the Geotechnical Engineering Report shall be subject to review and approval by the City Engineer.* *The project plans shall include, but not be limited to, engineering recommendations related to site preparation and grading, excavations, underground storage tank excavation, utility trench backfill, foundations, floor slabs, retaining walls, pavement areas, and project review and construction monitoring.*	City Engineer	Prior to approval of any grading permits.	
VII (f).	Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	VII-1. *Implement Mitigation Measures V-1 and V-2.*	See Mitigation Measures V-1 and V-2.	See Mitigation Measures V-1 and V-2.	

MITIGATION MONITORING PROGRAM Oakley Shops at Laurel Fields					
Impact Number	**Impact**	**Mitigation Measure**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
Greenhouse Gas Emissions					
VIII (a,b).	Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses?	*VIII-1. Consistent with the BAAQMD's thresholds of significance, prior to issuance of building permits for the proposed project, the project applicant shall demonstrate via project design and/or notation included on project design that natural gas infrastructure shall be prohibited. Natural gas infrastructure may be allowed if the applicant implements alternative methods that reduce the project's greenhouse gas emissions in an equally effective or superior manner as would exist without natural gas emission infrastructure.* *Conformance with the foregoing requirement shall be confirmed through review and approval of building permit plans by the City of Oakley Planning Division.*	City of Oakley Planning Division	Prior to the issuance of building permits.	
Hazards and Hazardous Materials					
IX (b).	Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	*IX-1. Prior to initiation of construction activities on the proposed project site, the project applicant shall complete an analysis of on-site soils to determine whether substantial concentrations of organochloride pesticides, arsenic, or other soil contaminants are present above the applicable direct exposure Environmental Screening Levels (ESLs) set by the Regional Water Quality Control Board, the residential screening levels set by the Department of Toxic Substances Control's Human Health Risk Assessment Note 3, and/or the U.S. Environmental Protection Agency's Regional Screening Levels for Region 9. If contaminants are not detected above applicable ESLs/RSLs, then further mitigation is not required. If contaminants are detected above the applicable ESLs/RSLs, then the soils shall be remediated by off-hauling to a licensed landfill facility. Such remediation activities shall be*	City of Oakley Planning Division Contra Costa County Environmental Health Division	Prior to initiation of construction activities.	

MITIGATION MONITORING PROGRAM Oakley Shops at Laurel Fields					
Impact Number	**Impact**	**Mitigation Measure**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
		performed by a licensed hazardous waste contractor (Class A) and contractor personnel that have completed 40-hour OSHA hazardous training. Impacted soils shall be managed in accordance with the recommendations of applicable federal, State, and local standards, to the satisfaction of the City of Oakley and the Contra Costa County Environmental Health Division. The results of soil sampling and analysis, as well as verification of proper remediation and disposal, shall be submitted to the City of Oakley Planning Division for review and approval.			
IX (f).	Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	*IX-2. Prior to issuance of demolition or grading permits, the project applicant shall prepare and submit a Construction Traffic Control Plan to the City for review and approval. The Construction Traffic Control Plan shall include, but not be limited to, the following items, to the satisfaction of the City Engineer:* • *Truck drivers shall be notified of and required to use the most direct route between the site and SR 4, as determined by the City Engineering Department;* • *All site ingress and egress shall occur only at the main driveways to the project site and construction activities may require installation of temporary (or ultimate) traffic signals as determined by the City Engineer;* • *Specifically-designated travel routes for large vehicles shall be monitored and controlled by flaggers for large construction vehicle ingress and egress;*	City of Oakley Planning Division City Engineer	Prior to the issuance of demolition or grading permits.	

MITIGATION MONITORING PROGRAM Oakley Shops at Laurel Fields					
Impact Number	**Impact**	**Mitigation Measure**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
		• *Warning signs indicating frequent truck entry and exit shall be posted on O'Hara Avenue and Laurel Road;* • *Any debris and mud on nearby streets caused by trucks shall be monitored daily and may require instituting a street cleaning program;* • *Construction employee parking shall be provided on the project site to eliminate conflicts with nearby areas. Construction of the project shall be staggered so that employee parking demand is met primarily by using on-site parking; and* • *If importation and exportation of material becomes a traffic nuisance, the City Engineer shall limit the hours the activities can take place.*			
Noise					
XIII (a).	Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	XIII-1. *Prior to approval of grading permits, the following criteria shall be established and noted on graded plans, subject to review and approval by the City of Oakley Planning Division.* • *Construction activities shall be limited to between the daytime hours of 7:30 AM to 7:00 PM Monday through Friday, and 9:00 AM to 7:00 PM on Saturdays, Sundays, and holidays.* • *All construction equipment powered by internal combustion engines shall be properly muffled and maintained.* • *Quiet construction equipment, particularly air compressors, shall be selected whenever possible.* • *All stationary noise-generating construction equipment such as*	City of Oakley Planning Division	Prior to the approval of grading permits.	

MITIGATION MONITORING PROGRAM Oakley Shops at Laurel Fields					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		generators or air compressors shall be located as far as is practical from existing residences. In addition, the project contractor shall place such stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site. • *Unnecessary idling of internal combustion engines shall be prohibited.* • *The construction contractor shall, to the maximum extent practical, locate on-site equipment staging areas to maximize the distance between construction-related noise sources and noise-sensitive.*			
		XIII-2. *Throughout the duration of construction, the proposed backup generators shall utilize sound-attenuating enclosures to reduce noise levels to less than 69 dBA at a distance of 23 feet. Proof of compliance with this measure shall be submitted to the City of Oakley Public Works and Engineering Department for review and approval.*	City of Oakley Public Works and Engineering Department	Throughout the duration of construction.	
		XIII-3. *Prior to Improvement Plan approval, the Improvement Plans for the proposed project shall indicate that development of the proposed project includes construction of an eight-foot-tall barrier along the northeastern boundary of the project site, as shown in Figure 12 and Figure 13 of the IS/MND prepared for the proposed project. The barrier height shall be relative to the commercial building pads or the nearby residences, whichever is greater. The noise barrier wall shall be constructed of masonry units and the total height of the barrier may be achieved through use of masonry wall and/or earthen berm. Inclusion of the foregoing requirements on the Improvement*	City of Oakley Planning Division	Prior to Improvement Plan approval.	

MITIGATION MONITORING PROGRAM Oakley Shops at Laurel Fields					
Impact Number	**Impact**	**Mitigation Measure**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
		Plans for the proposed project shall be subject to review and approval by the City of Oakley Planning Division.			
XIII (b).	Would the project result in the generation of excessive groundborne vibration or groundborne noise levels?	XIII-4. *Throughout the duration of construction, any compaction required within 26 feet from the adjacent residential structures to the north, east, and west shall be accomplished by using static drum rollers, which use weight instead of vibrations to achieve soil compaction. As an alternative to this requirement, preconstruction crack documentation and construction vibration monitoring could be conducted to ensure that construction vibrations do not cause damage to any adjacent structures.* *While the nearest sensitive receptor is located approximately 20 feet from the property line of the project site, the use of bulldozers, loaded trucks, auger/drill rigs, and vibratory hammers shall occur at distances of 15 feet or greater from adjacent residential structures. Proof of compliance with this measure shall be submitted to the City of Oakley Public Works and Engineering Department for review and approval.*	City of Oakley Public Works and Engineering Department	Throughout the duration of construction.	
Transportation					
XVII (a).	Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	XVII-1. *Prior to Improvement Plan approval, the Improvement Plans for the proposed project shall indicate that development of the proposed project includes installation of a combination of screening devices and/or fencing between the drive-thru lanes serving Pads 1 and 4 and the adjacent sidewalks along O'Hara Avenue and Laurel Road. The screening devices and/or fencing may be achieved through use of a combination of berms, hedges, landscape materials, and solid walls. Inclusion of the foregoing requirements on the Improvement Plans for the proposed project*	City of Oakley Planning Division	Prior to Improvement Plan approval.	

MITIGATION MONITORING PROGRAM Oakley Shops at Laurel Fields					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		shall be subject to review and approval by the City of Oakley Planning Division.			
		XVII-2. *Prior to Improvement Plan approval, the Improvement Plans for the proposed project shall indicate that development of the proposed project includes enhancements to the three crosswalks which cross the drive-thru lanes downstream of the pick-up windows at the two drive-thru restaurants on Pads 1 and 4 and the drive-thru pharmacy. The crosswalks shall be enhanced with a signage, and an automatic or pedestrian operated warning light for vehicles at the locations shown in Figure 14 of the IS/MND prepared for the proposed project. Inclusion of the foregoing requirements on the Improvement Plans for the proposed project shall be subject to review and approval by the City of Oakley Planning Division.*	City of Oakley Planning Division	Prior to Improvement Plan approval.	
XVII (c).	Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment), or result in inadequate emergency access?	XVII-3. *Implement Mitigation Measure IX-2.*	See Mitigation Measure IX-2.	See Mitigation Measure IX-2.	
		XVII-4. *Prior to final design approval, the final site plan for the project shall be analyzed by the City Engineer to ensure that adequate sight distance is maintained at all driveways. Objects (e.g., landscaping, monument signs, etc.) greater than three feet in height shall not be allowed within the sight distance triangles at driveway intersections. The City Engineer shall review available speed survey information from the City and adjust required sight distance if necessary. All site plans shall be reviewed and approved by the City of Oakley Public Works and Engineering Department, and the City of Oakley Planning Division prior to final design approval.*	City Engineer City of Oakley Public Works and Engineering Department City of Oakley Planning Division	Prior to final design approval.	

MITIGATION MONITORING PROGRAM Oakley Shops at Laurel Fields					
Impact Number	**Impact**	**Mitigation Measure**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
Tribal Cultural Resources					
XVIII (a,b).	Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred places, or object with cultural value to a California Native American Tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020. 1(k); or a resource determined by the lead agency, in its desecration and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	*XVIII-1. Implement Mitigation Measures V-1 and V-2.*	See Mitigation Measures V-1 and V-2.	See Mitigation Measures V-1 and V-2.	

[Exhibit B]

[PARCEL MAP AND LANDSCAPING AREA DEPICTION]



OAKLEY
CALIFORNIA

Vicinity Map
MS 24-976
Safeway

STAFF REPORT

OAKLEY
CALIFORNIA

DATE: October 28, 2025

TO: Joshua McMurray, City Manager

FROM: Jeri Tejeda, Administrative Services Director

Approved and Forwarded to the City Council

SUBJECT: Adopt Resolutions Required by CalPERS Confirming the City's Election to Pay the Required Member Contribution

Background and Analysis

California Government Code Section 202691 allows for a contracting agency to pay all or part of a member's normal contributions to the Public Employees' Retirement System (CalPERS) on behalf of the employee. This is commonly known as the Employer Paid Member Contribution or EPMC.

The resolutions presented tonight are a requirement of CalPERS. In November 2008 a similar resolution was approved by council for the Classic Miscellaneous Tier 1 CalPERS member contributions for seven of the eight percent contributions.

In June 2010, a Classic Miscellaneous Tier 2 CalPERS member was added and at the same time council changed the employer paid member contribution to six of the eight percent for classic miscellaneous tier 1 members and five of the seven percent of classic miscellaneous tier 2 members. The required CalPERS resolution was not completed at that time.

In June 2013 an additional change was approve by the council, electing to pay all of the member contributions of eight percent and seven percent dependent on the tier of membership. Similar to the previous change, this change did not include the proper resolution in order to comply with CalPERS requirements.

The resolutions do not provide any additional compensation or benefits, but rather provide the proper documentation required by CalPERS to process the EPMC accurately and memorialize what has been occurring since June 2010.

Consistency with the Oakley Strategic Plan 27+

The approval of this resolution is consistent with the SP 27+ Finance and Fiscal Responsibility Goal as well as the Sustainable Organization Goal as ensuring we have the proper documentation in place is essential.

Fiscal Impact

There is no fiscal impact associated with this item.

Staff Recommendation

Staff recommends adopting the resolutions required by CalPERS confirming the City's election to pay the required member contributions.

Attachments

1. Resolution – EPMC Classic Misc Tier 1, June 28, 2010 through June 20, 2013
2. Resolution – EPMC Classic Misc Tier 2, June 28, 2010 through June 20, 2013
3. Resolution – EPMC Classic Misc Tier 1, June 21, 2013
4. Resolution – EPMC Classic Misc Tier 2, June 21, 2013

RESOLUTION NO. XX-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY FOR EMPLOYER PAID MEMBER CONTRIBUTIONS FOR CALPERS CLASSIC MISCELLANEOUS TIER 1 MEMBERS

WHEREAS, the City Council of the City of Oakley has the authority to implement Government Code Section 20691; and

WHEREAS, the City Council of the City of Oakley has a written compensation policy which specifically provides for the normal member contributions to be paid by the employer; and

WHEREAS, one of the steps in the procedures to implement Section 20691 is the adoption by the City Council of the City of Oakley of a Resolution to commence said Employer Paid Member Contributions (EPMC):

- **This benefit shall apply to all employees of the Classic Miscellaneous Tier 1 membership category**
- **This benefit shall consist of paying 6% of the normal 8% member contributions as EPMC.**
- **The effective date of this Resolution shall be 06/28/2010 through 06/20/2013.**

BE IT RESOLVED by the City Council of the City of Oakley, elects to pay EPMC, as set forth above.

PASSED AND ADOPTED by the City Council of the City of Oakley this 28th day of October 2025 by the following vote.

AYES:
NOES:
ABSTENTION:
ABSENT:

APPROVED:

_____
Shannon Shaw, Mayor

ATTEST:

_____
Kim Snodgrass, City Clerk

_____
Date

RESOLUTION NO. XX-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY FOR EMPLOYER PAID MEMBER CONTRIBUTIONS FOR CALPERS CLASSIC MISCELLANEOUS TIER 2 MEMBERS

WHEREAS, the City Council of the City of Oakley has the authority to implement Government Code Section 20691; and

WHEREAS, the City Council of the City of Oakley has a written compensation policy which specifically provides for the normal member contributions to be paid by the employer; and

WHEREAS, one of the steps in the procedures to implement Section 20691 is the adoption by the City Council of the City of Oakley of a Resolution to commence said Employer Paid Member Contributions (EPMC):

- **This benefit shall apply to all employees of the Classic Miscellaneous Tier 2 membership category**
- **This benefit shall consist of paying 5% of the normal 7% member contributions as EPMC.**
- **The effective date of this Resolution shall be 06/28/2010 through 06/20/2013**

BE IT RESOLVED by the City Council of the City of Oakley, elects to pay EPMC, as set forth above.

PASSED AND ADOPTED by the City Council of the City of Oakley this 28th day of October 2025 by the following vote.

AYES:
NOES:
ABSTENTION:
ABSENT:

APPROVED:

_____
Shannon Shaw, Mayor

ATTEST:

_____
Kim Snodgrass, City Clerk

_____
Date

RESOLUTION NO. XX-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY FOR EMPLOYER PAID MEMBER CONTRIBUTIONS FOR CALPERS CLASSIC MISCELLANEOUS TIER 1 MEMBERS

WHEREAS, the City Council of the City of Oakley has the authority to implement Government Code Section 20691; and

WHEREAS, the City Council of the City of Oakley has a written compensation policy which specifically provides for the normal member contributions to be paid by the employer; and

WHEREAS, one of the steps in the procedures to implement Section 20691 is the adoption by the City Council of the City of Oakley of a Resolution to commence said Employer Paid Member Contributions (EPMC):

- **This benefit shall apply to all employees of the Classic Miscellaneous Tier 1 membership category.**
- **This benefit shall consist of paying 8% of the normal 8% member contributions as EPMC.**
- **The effective date of this Resolution shall be June 21, 2013.**

BE IT RESOLVED by the City Council of the City of Oakley, elects to pay EPMC, as set forth above.

PASSED AND ADOPTED by the City Council of the City of Oakley this 28th day of October 2025 by the following vote.

AYES:
NOES:
ABSTENTION:
ABSENT:

APPROVED:

_____
Shannon Shaw, Mayor

ATTEST:

_____
Kim Snodgrass, City Clerk

_____
Date

RESOLUTION NO. XX-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY FOR EMPLOYER PAID MEMBER CONTRIBUTIONS FOR CALPERS CLASSIC MISCELLANEOUS TIER 2 MEMBERS

WHEREAS, the City Council of the City of Oakley has the authority to implement Government Code Section 20691; and

WHEREAS, the City Council of the City of Oakley has a written compensation policy which specifically provides for the normal member contributions to be paid by the employer; and

WHEREAS, one of the steps in the procedures to implement Section 20691 is the adoption by the City Council of the City of Oakley of a Resolution to commence said Employer Paid Member Contributions (EPMC):

- **This benefit shall apply to all employees of the Classic Miscellaneous Tier 2 membership category.**
- **This benefit shall consist of paying 7% of the normal 7% member contributions as EPMC.**
- **The effective date of this Resolution shall be June 21, 2013.**

BE IT RESOLVED by the City Council of the City of Oakley, elects to pay EPMC, as set forth above.

PASSED AND ADOPTED by the City Council of the City of Oakley this 28th day of October 2025 by the following vote.

AYES:
NOES:
ABSTENTION:
ABSENT:

APPROVED:

_____
Shannon Shaw, Mayor

ATTEST:

_____
Kim Snodgrass, City Clerk

_____
Date

OAKLEY
CALIFORNIA

DATE: October 28, 2025

TO: Joshua McMurray, City Manager

FROM: Jeri Tejeda, Administrative Services Director

Approved and Forwarded to the City Council

SUBJECT: Adopt a Resolution Amending the Master Fee Schedule to Add Studio 55 Annual Membership Fees and a Home-Based Business Transfer Fee

Background and Analysis

On August 12, 2025 a work session was held to discuss Studio 55 membership fees and residency requirements. During this work session, staff sought direction on an annual membership fee for those 55 and older, resident versus non-resident fees as well as pro-rating mid-year memberships.

Staff has prepared the amendment to the Master Fee Schedule based on direction provided at the August 12, 2025 work session. The recommendation would be to charge an annual membership fee of $25 for Oakley residents 55 and older and $35 for non-Oakley residents 55 and older. It is also recommended that this fee be pro-rated by quarters for anyone joining mid-year. The pro-ration would be as follows:

Month of Membership	Resident Fee	Non-Resident Fee
January - March	$25.00	$35.00
April - June	$18.75	$26.25
July – September	$12.50	$17.50
October – December	$6.25	$8.75

It is important to mention that the Café Costa program for those 60 and older requires that meals be offered at no cost. Anyone wanting to participate in the Café Costa program and are 60 or older, can do so without a membership to Studio 55. Those choosing not to pay for membership will not be able to participate in any programming, activities or seasonal celebrations as they are specifically for Studio 55 members.

Also included on the amended fee schedule are some clean up items to the planning fees moving Habitat Conservation Fees to the Planning Section. Staff are also recommending adding a Home-Based Business Transfer of Permit or Location Fee. This fee does not currently exist, and any transfer is charged the full cost of a new

permit per the current fee schedule. Adding the $10 transfer fee will bring the Home-Based Business Permit in line with Business Licenses and the transfer fee for a business license.

State law requires that changes to the City's fees be presented to the City Council at a public hearing; and that there be two publications of the meeting notice, so that advance notice is provided to any party that requests to be notified of any proposed fee adjustments, and that the full package of the proposal is made available to the public no less than 10 days prior to the Hearing. In addition, approved changes to City fees may take effect no less than 60 days after approval.

Staff has met the publishing and noticing requirements for the proposed changes herein, and Staff is recommending that any changes approved pursuant to this item become effective on January 1, 2026, which is more than 61 days from the date of this meeting.

Consistency with the Oakley Strategic Plan 27+

The approval of this resolution is consistent with the SP 27+ Finance and Fiscal Responsibility Goal to leverage the City's financial resources for the long-term benefit of our residents and businesses.

Fiscal Impact

The fiscal impact of the recommended action is not expected to be significant. The membership fee collected will offset the costs of programming and staffing for the recreation division.

Staff Recommendation

After the public hearing adopt a Resolution amending the Master Fee Schedule to add Studio 55 annual membership fees and a home-based business transfer fee.

1. Resolution
2. Master Fee Schedule

RESOLUTION NO. XX-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY ADOPTING THE AMENDMENT TO THE MASTER FEE SCHEDULE TO STUDIO 55 ANNUAL MEMBERSHIP FEES AND A HOME-BASED BUSINESS TRANSFER FEE

WHEREAS, in May 2025 the City of Oakley opened Studio 55 to provide aging services and programming to those 55 and older; and

WHEREAS, during the transition period, Council waived any membership fees for the calendar year 2025; and

WHEREAS, on August 12, 2025 a work session was held to discuss membership fees and residency requirements for Studio 55; and

WHEREAS, the City Council provided direction to staff to charge an annual membership fee for Studio 55 for those 55 and older, include an additional fee for non-residents and to pro-rate any mid-year memberships; and

WHEREAS, the recommended fees are in line with surrounding cities; and

WHEREAS, Home-Based Business Permits did not have a transfer fee on the current Master Fee Schedule; and

WHEREAS, to keep consistent with business licenses, staff is recommending adding a transfer of permit or location fee for all home-based businesses; and

WHEREAS, the consolidation of all City fees on a single master schedule will assist the public, as well as City staff in readily locating fees and continuing governmental transparency; and

WHEREAS, public comment has been received on the compilation of existing fees into a Master Fee Schedule (Exhibit “A”) and proposed fee modifications contained within the Master Fee Schedule;

BE IT RESOLVED by the City Council of the City of Oakley that the amendment to the master fee schedule is approved as follows:

Add – Annual Membership Fee of $25 for Oakley residents aged 55 and older

Add – Annual Membership Fee of $35 for non-Oakley residents aged 55 and older

Pro-Rate membership fees by quarters

Add – Home-Based Business Transfer of Permit or Location Fee of $10

The amended Master Fee Schedule will be effective January 1, 2026

PASSED AND ADOPTED by the City Council of the City of Oakley this 28th day of October 2025 by the following vote.

AYES:
NOES:
ABSTENTION:
ABSENT:

APPROVED:

_____
Shannon Shaw, Mayor

ATTEST:

_____ _____
Kim Snodgrass, City Clerk Date

Master Fee Schedule

OAKLEY
CALIFORNIA

Effective January 1, 2026

GENERAL ADMINISTRATIVE SERVICES	FIXED FEE	TIME & MATERIAL DEPOSIT	ADDITIONAL FEE OR DEPOSIT COMMENT
Administrative Hearing			Time and Materials Charge
Administrative Penalty Citation	$100.00		For 1st citation in 1 year; $200 and $500 for subsequent citations in 1 year
Business License Annual Fee	$100.00		$100 plus $10 per full time equivalent employee (pro-rated by quarter for new licenses)
Business License Transfer of License or Location	$10.00		
Business License Lost License/Duplicate License	$10.00		
CASP Annual Fee*	$4.00		*This is a third party fee defined in SB 1186
Copy of Meeting on Flash Drive, CD, or DVD			Varies, fee is cost of recording media only
Copy or Printing Fee-Copier or Printer	$0.25 per page		For Public Hearing notices, See Planning Fees
Copy or Printing Fee-Plotter	$0.75 per page		
EV Vehicle Charging Fee	$.30/kwh		
Filing Fee for Notice of Intent to Circulate an Initiative Petition		$200.00	Deposit is refunded to the filer if, within one year of the date of filing the notice of intent, the elections official certifies the sufficiency of the petition.
General Plan Copy			Time and Materials Charge
Passport Photos	$15.00		
Passport Execution Fee	$35.00		This fee is set by the Department of State
Promotional Items			Cost + 10%
Recreation Class Cancellation Fee	$12.00		All refunds and transfers requested five (5) or more days prior to the start of a class/program will incur a processing fee. Requests made less than five (5) days prior to the start of a class/program will not be refunded.
Recreation Contract Class Instructor Administrative Fee	30% /20%		30% when an Oakley facility is used and 20% for all others.
Recreation After School Program	$215 per month		Holidays will be accounted for by reducing the fee by $10 per holiday
Recreation Cleaning Rate	$95 per hour	Time & Material	Will use the per hour rate when a City employee is able to complete the additional cleaning and will charge time and material if a third party is needed
Recreation Summer Camp Program	$125 per week/Resident $200 per week/Non-Resident		Must show proof of Oakley residency. Holidays will be accounted for by reducing the price $25 per day for residents and $40 per day for non-residents.
Recreation Summer Camp Extended Hours	$50 per week/Resident $100 per week/Non-Resident		Must show proof of Oakley residency. Holidays will be accounted for by reducing the price $10 per day for residents and $20 per day for non-residents.
Research & Information Services		Based on Staff Estimate	Time and Materials Charge
Return Check Fee	$35/$25		$25 for 1st, $35 for Subsequent
Subpoena Services	$24 per hour plus $.10 per page		
Subpoena Witness Fees		$275.00	Per Day plus current IRS rate per mile of travel
Zoning/Subdivision Map			Time and Materials Charge

SPECIAL PERMITS & LICENSES	FIXED FEE	TIME & MATERIAL DEPOSIT	ADDITIONAL FEE OR DEPOSIT COMMENT
Adult Business Permits		$1,704.00	Time and Materials Charge
Massage Parlor Permits		$1,196.00	Time and Materials Charge
Masseuse Permits	$364.00		Ability to charge are subject to limits by State Law.
Bingo Licenses			
New	$50.00		
Renewal	$10.00		
Public Dance Licenses	$406.00		
Sound Amplification Permit	$406.00		
Taxicab Owner Permit	$316.00		
Taxicab Driver Permit	$316.00		
Tobacco License	$454.18		Per License (Resolution 03-19)

PLANNING DIVISION SERVICES	FIXED FEE	TIME & MATERIAL DEPOSIT	ADDITIONAL FEE OR DEPOSIT COMMENT
APPEALS:			
Applicant appeal		$1,500.00	Time and Materials Charge
Neighbor/Non-Applicant Appeal	$109.00		
CONDITIONAL USE PERMITS:			
Planning Commission/City Council Review		$3,500.00	Time and Materials Charge
Zoning Administrator Review	$649.00		
DEVELOPMENT AGREEMENTS:			
Preliminary Review ("Merit" Review for Applicant)	$500.00		
Completion of Review		$3,000.00	Time and Materials Charge
Construction and Debris Plan Fees (Solid Waste Diversion)	$41.00		
Residential Density Bonus Review		$1,400.00	Time and Materials Charge
DEVELOPMENT PLANS/DESIGN REVIEWS:			
ZoningAdministrator Review – Minor (Building Additions, Re-Facades, and Re-Paints)	$162.00		
ZoningAdministrator Review – Major (All Others)	$1,215.00		
Planning Commission/City Council Review - Minor (ZA referrals, significant painting/facades)		$2,400.00	Time and Materials Charge
Planning Commission/City Council Review - Major (Tent. Map- Homes, New Commercial/Industrial Construction)		$4,000.00	Time and Materials Charge
GENERAL PLAN AMENDMENTS			
Preliminary Review ("Merit" Review for Applicant)		$2,000.00	Time and Materials Charge
Formal General Plan Amendment		$10,000.00	Time and Materials Charge
PERMIT EXTENSIONS:			
Administrative	$162.00		
Public hearing		$1,000.00	Time and Materials Charge
REZONINGS:			
Rezoning/Zoning Text Amendment		$6,500.00	Time and Materials Charge
SIGN PERMITS:			
Administrative Approval	$81.00		
City Council Approval		$1,500.00	Time and Materials Charge
SPECIFIC PLANS:			
Preliminary Review ("Merit" Review for Applicant)		$2,000.00	Time and Materials Charge
Specific Plan Submittal or Amendment to Existing Specific Plan		$10,000.00	Time and Materials Charge
SUBDIVISIONS:			
Tentative Map for 5 or More Lots (MajorSubdivision)		$12,000.00	Plus $100 per lot/unit over 50
Tentative Parcel Map for Less than 5 Lots(Minor Subdivision)		$5,500.00	Time and Materials Charge
Reversion to Acreage		$1,900.00	Time and Materials Charge
Condo/Conversion tentative map		$7,000.00	Plus $100 per lot/unit
TREES:			
Application to Destroy, Cut Down or Remove Protected Tree	$450.00		Per tree; only charged if not part of a project
Appeal of Decision to Destroy, Cut Down or Remove Protected Tree	$140.00		Per tree
Damage to Protected Tree (Penalty)	Per OMC		
VARIANCES:			
Planning Commission/City Council Review		$2,900.00	Time and Materials Charge
Zoning Administrator Review	$649.00		
OTHER FEES:			
Zoning Verification Letter	$274.31		
Additional HCP Application Review Fee (for applicable projects)		$700.00	Time and Materials Charge
Firearm Sales License and Renewals	$219.00		
~~Home Occupation Permit~~ Home-Based Business Permit	$109.00		
Home -Based Business Permit-Transfer of Permit or Location	$10.00		
Short Term Rental Permit	$129.00		
Vendor Permit and Renewal	$129.00		
Habitat Conservation Plan-Permanent Impacts (HCP/NCCP)			~~HCP/NCCP Fee Calculator https://www.cocohcp.org/DocumentCenter/View/1493/Permanent-Impacts_Fee-Calculator_2023_PSE~~ Project Specific - Consult with the Planning Division

Habitat Conservation Plan-Temporary Impacts (HCP/NCCP)			~~HCP/NCCP Fee Calculator https://www.cocohcp.org/DocumentCenter/View/1495/Temporary-Impacts_Fee-Calculator_2023_PSE~~ Project Specific - Consult with the Planning Division
Public Hearing Notices	$0.25/ per page plus current postage		
Temporary Use Permit			$100 application fee + $500 deposit

PUBLIC WORKS SERVICES	FIXED FEE	TIME & MATERIAL DEPOSIT	ADDITIONAL FEE OR DEPOSIT COMMENT
ENCROACHMENT PERMIT REVIEW & INSPECTIONS:			
SMALL ENCROACHMENT PERMIT CATEGORY			All fees include inspection and current USA fee
General Encroachment Permit (Curb, Sidewalk, Driveway)	$370.00		
Tree Removal	$215.00		
Debris Box/Storage Container	$215.00		
Site Access Permit	$215.00		
LARGE ENCROACHMENT PERMIT CATEGORY			
Large Permit <= $10,000	$1,480.00		
Large Permit > $10,000		Based on Estimate + Bond (see plan check and inspection rates below)	Time and Materials Charge
OTHER ENCROACHMENT			
Utility Company or District Project	$445.00		
Work Done Without Permits	$1,000.00		Plus double inspection and permit fees
No Inspection Notification for Permitted Work	$1,000.00		Plus inspection fees
MAP CHECKING:			
Final Map		$6,500.00	Time and Materials Charge Plus $60 per lot
Parcel Map		$3,000.00	Time and Materials Charge Plus $60 per lot
Base Map Revision	$60.00		Per Lot
Certificate of Correction Review		$1,500.00	Time and Materials Charge
Amended Map Revision		$1,500.00	Time and Materials Charge Plus $60 per lot
MISCELLANEOUS ROAD PERMIT APPLICATIONS:			
House Move Review	$613.00		
House Move Inspection	$230.00		
Extra Legal Load	$16.00		$16 set by State; or $100/yr + $100 security deposit
Road Closure Permit, Ext / Mod (Major Construction Projects)	$3,135.00		
PUBLIC IMPROVEMENT PLAN REVIEW:			
Plan Review			
$10,000 - 25,000		$500.00	Plus 8% of improvements
$25,001 - $50,000		$6,000.00	Plus 6% of improvements
$50,001 or more		$7,500.00	Plus 2% of improvements over $50,000
Landscaping Plan Review (Parks Department)		$2,000.00	Plus 2% of improvements
Commercial Site Plan Review		$7,500.00	Plus 2% of improvements
C.3 Compliance Review		$4,200.00	Time and Materials Charge
Bridges or Major Structures		$15,000.00	Plus 6% of improvements
ROAD VACATIONS:			
Map Exists		$2,302.00	Time and Materials Charge
No Map Exists		$2,302.00	Time and Materials Charge
ROAD MISCELLANEOUS:			
Road Name Change-Public Road	$1,790.00		Plus $265 for 1 intersection & $64 each additional intersection
Address Change/Private Road Name Change	$1,790.00		
SUBDIVISION MONUMENT CHECKING:			
1 - 2 Monuments	$575.00		
3 - 5 Monuments	$690.00		
6 - 9 Monuments	$800.00		
10 or more new monuments	$915.00		Plus $66 per monument over 10
Error Resolution / Discussion		$1,850.00	Time and Materials Charge
TEMPORARY ROAD CLOSURES/CONSTRUCTION/SPECIAL EVENTS:			
Not For Profit Applicant	$60.00		
For Profit Applicant	$799.00		

PUBLIC WORKS SERVICES	FIXED FEE	TIME & MATERIAL DEPOSIT	ADDITIONAL FEE OR DEPOSIT COMMENT
RELATED REVIEW:			
Drainage Review (no improvement plans)		$2,400.00	Time and Materials Charge
Condition of Approval Annexation Service Fee			
CFD No. 2015-2 Annexation Fees - Residential	$5,250-$6,500		Based on number of parcels at build out
CFD No. 2015-2 Annexation Fees - Commericial or Multi-Family	$5,250-$6,250		Based on acres
P-6 Annexation Fees - Residential	$2,750.00		Based on number of parcels at build out
P-6 Annexation Fees - Commericial or Multi-Family	$2,750.00		Based on acres
Condition of Approval Compliance Check (no improvement plans)		$2,000.00	Time and Materials Charge
Certificate of Compliance		$2,475.00	Time and Materials Charge
Lot line adjustment		$3,900.00	Time and Materials Charge
PUBLIC IMPROVEMENT INSPECTION:			
$10,000 - $50,000		$2,000.00	Time and Materials Charge Plus 6.5% of improvements
$50,001 - 100,000		$6,000.00	Time and Materials Charge Plus 6.5% of improvements
$100,001 or more		$15,000.00	Time and Materials Charge Plus 4.5% of improvements over $100,000
Commercial Site Plan Inspection		$6,500.00	Time and Materials Charge Plus 8% of improvements
Bridges or Major Structures		$14,000.00	Time and Materials Charge Plus 7% of improvements
Landscaping (Parks Department)		$3,500.00	Time and Materials Charge Plus 8% of improvements
FLOODPLAIN MANAGEMENT PROGRAM:			
Flood Zone Determination - Office Review	$80.00		Per lot, $402 max for adjacent lots
Flood Zone Determination - Field Visit Review	$432.00		Plus $67/lot, $734 max for adjacent lots
Floodplain Management Compliance	$48.00		Per Parcel
Floodplain Permit Application		$2,000.00	Time and Materials Charge
Floodplain Base Map Revision	$56.00		Per Lot
Floodplain Map Amendments		$2,000.00	Time and Materials Charge
GRADING:			
Plan review:			
$100,000 or less		$3,000.00	Time and Materials Charge Plus 3% of improvement value
$100,001 or more		$4,000.00	Time and Materials Charge Plus 1% of amount over $100,000
Inspection:			
$100,000 or less		$5,000.00	Plus 5% of improvement value
$100,001 or more		$6,000.00	Time and Materials Charge Plus 4% of amount over $100,000
Stock Pile Permit		$3,000.00	Time and Materials Charge

POLICE SERVICES	FIXED FEE	TIME & MATERIAL DEPOSIT	ADDITIONAL FEE OR DEPOSIT COMMENT
Abandoned Vehicle			No Charge
ABC Permit Letter	$50.00		
Accident Report - Property Damage Only	$12.00		
Accident Report - Injury (1-20/20+ / Extensive)	$12.00		
Photos to CD or flash drive	$25.00		
Booking Fee	$564.00		* This fee is charged by CCC, Sheriff
Citation Sign-Off	$0.00		No Charge
Clearance Letter:			
Fee for Resident	$15.00		
Fee for Non-Resident	$42.00		
Crime Reports	$12.00		* no charge for victims of a crime
DUI Emergency Response Cost Recovery			Actual cost for staff, equipment, lab work.
False Alarm Response (more than 2 in 30 days)	$100.00		After 2 alarms in 30 days
Gun Storage Services pursuant to Court Order:			
Administrative Processing Fee Per Incident	$12.00		
Storage Fee (per month or any fraction thereof) per Gun	$5.00		
Parking Fines			
CVC 21113(a), 21211(b), 21458(a)(1), 21458(a)(2), 22500.1, 22500(a), 22500(b), 22500(c), 22500(d), 22500(e), 22500(f), 22500(g), 22500(h), 22500(k), 22502(a), 22502(e), 22505(b), 22514, 22515(a), 4464	$45.00		
CVC 22500(i)	$260.00		
CVC 22500(l), 22507.8(a), 22507.8(b), 22507.8(c), 22511.56(b), 22522, 4461	$285.00		
CVC 22509, 22651.5, 24002(a), 4462(b), 5200(a), 5201, 5201(c) 5204, 9853.2, 9853.4(a) CO 46-4.004	$35.00		
CVC 2500(j), 4000(a)(1), 9850	$50.00		
CVC 22523(a), 22523(b)	$108.00		
CVC 38010(a), 38020	$75.00		
CO 46-4.003	$60.00		
CO 46-8.004	$40.00		
Parties and Nuisances – Subsequent Calls for Service			Hourly Charge; $415 minimum
Rotational Tow Application Fees	$350.00		
Special Event Permit –No ABC Liquor License Letter Required	$411.00		
Special Event – Non-Profit Organization (with or without ABC letter)			
Second Hand Dealer License/Pawns	$165.00		Plus Current DOJ Fees
Solicitor/Peddler Permits	$245.00		
Subpoena Duces Tecum (Per EC 1563)	$24 per hour plus $.10 per page		Per EC 1563
Production of Documents Only	$15.00		
Appearance Request (officer/records)	$275.00		
Vehicle Abatement	$492.00		
Vehicle Repossession Fee	$20.00		*per state law can only charge $15 plus a $5 admin fee
Stored Vehicle Release – Recovered Stolen Vehicle			No Charge
Stored Vehicle Release	$100		
Carry Concealed Weapon Permit - Standard 2 Year	$500.00		Plus Applicable DOJ Fees paid with application (currenlty $93). City fee paid half at application and half at issuance
Carry Concealed Weapon Permit - Judicial 3 Year	$500.00		Plus Applicable DOJ Fees paid with application (currenlty $115). City fee paid half at application and half at issuance
Carry Concealed Weapon Permit - Custodial 4 Year	$500.00		Plus Applicable DOJ Fees paid with application (currenlty $137). City fee paid half at application and half at issuance
Carry Concealed Weapon Permit - Reserve 4 Year	$500.00		Plus Applicable DOJ Fees paid with application (currenlty $137). City fee paid half at application and half at issuance
Renewal Carry Concealed Weapon Permit - Standard 2 Year	$238.00		Plus Applicable DOJ Fees paid with application (currenlty $52).
Renewal Carry Concealed Weapon Permit - Judicial 3 Year	$238.00		Plus Applicable DOJ Fees paid with application (currenlty $74).
Renewal Carry Concealed Weapon Permit - Custodial 4 Year	$238.00		Plus Applicable DOJ Fees paid with application (currenlty $96).
Renewal Carry Concealed Weapon Permit - Reserve 4 Year	$238.00		Plus Applicable DOJ Fees paid with application (currenlty $96).
Duplicate/Modify Carry Concealed Weapon Permit	$15.00		Plus any applicable DOJ Fees if necessary

SCHEDULE OF CONSTRUCTION PERMIT FEES

BUILDING FEES

TOTAL VALUATION	FEE
$1.00 to $2,000.00	$69.25
$2,001.00 to $25,000.00	$69.25 for the first $2,000.00 plus $14.00 for each additional $1,000.00 or fraction thereof, to and including $25,000.000
$25,001.00 to $50,000.00	$391.25 for the first $25,000.00 plus $10.10 for each additional $1,000.00 or fraction thereof, to and including $50,000.00
$50,001.00 to $100,000.00	$643.75 for the first $50,000.00 plus $7.00 for each additional $1,000.00 or fraction thereof, to and including $100,000.00
$100,000.00 to $500,000.00	$993.75 for the first $100,000.00 plus $5.60 for each additional $1,000.00 or fraction thereof, to and including $500,000.00
$500,001.00 to $1,000,000.00	$3,233.75 for the first $500,000.00 plus $4.75 for each additional $1,000.00 or fraction thereof, to and including $1,000,000.00
$1,000,001.00 and UP	$5,608.75 for the first $1,000,000.00 plus $3.65 for each additional $1,000.00 or fraction thereof

OTHER INSPECTION FEES	FIXED FEE	TIME & MATERIAL DEPOSIT	ADDITIONAL FEE OR DEPOSIT COMMENT
Inspections Outside of Normal Business Hours	$69.25		Per Hour (Minimum of 2 Hours)
RE-Inspection Fees Assessed Under Provisions of Section 305.8	$69.25		Per Hour
Inspections for Which no Fee is Specifically Indicated	$69.25		Per Hour
Additional Plan Review Required by Changes, Additions & Revisions to Plans	$78.50		Per Hour
For Use Outside Consultants for Plan Checking & Inspections or Both			Time and Materials Charge
Energy Compliance Fees			25% of the Building Fee Applicable to all Structures with Heaters or any Conditioned Space
Access Compliance Fees			25% of the Building Fee Applicable on all Buildings Except Residential Use Buildings with Fewer Than four (4) Dwelling Units
Landscape Improvement Inspection Single Family	$150.00		Per Lot if not certified by a qualifed inspector

BUILDING VALUATION DATA SUPPLEMENT			ADDITIONAL FEE OR DEPOSIT COMMENT
The work listed in this supplement shall be valued based on the gross square footage of the work, or where noted, as a lump sum. Where actual costs are higher, those costs shall be used for the valuation.			
Residential Addition			$ 94.80 Sq. Ft.
Residential Remodel (to existing floor area)			By Value
Residential Use Conversion from Garage			By Value
Sun room with 60% glazing, cabanas, other similar structures if conditioned space and Integrated with main Structure			$18.65 Sq. Ft.
Patio Cover			$16.79 Per Sq Ft.
Deck			$13.56 Sq.Ft.
Deck - With Cover			By Value
Retaining Wall			By Value
Freestanding Fence			By Value
Portable Doughboy Pools or Portable Spa (Electrical & Plumbing if Applicable)			By Value
Remodel or Tenant Improvement Work in Commercial Buildings			By Value
Re-Roofing-Single Family or Duplex	$264.25		Includes Applicable City Fees
Commercial Building Re-Roof			By Value
Pre Fabricated Home on Permanent Foundation (Use minimum Electrical, Mechanical, and Plumbing Inspection Fees)			By Value
Moved Building			By Value
Solar	$303.95		Includes Applicable City Fees
Water Heater	$55.97		Includes Applicable City Fees
HVAC			By Value- Building fee reduced by 50% -energy effiecient permit
Windows			By Value- Building fee reduced by 50% -energy effiecient permit

ELECTRICAL INSPECTION FEES			ADDITIONAL FEE OR DEPOSIT COMMENT
New Dwelling			15% of the Building Permit Fee
Addition or Alteration to Dwelling Unit			20% of the Building Permit Fee, $69.25 minimum
New Commercial Building			25% of the Building Permit Fee, $69.25 minimum
Shell Building			25% of the Building Permit Fee, $69.25 minimum
Commercial Alterations & Tenant Improvements			20% of the Building Permit Fee, $69.25 minimum
Electrical Permit			$69.25 minimum. See * note.
*An electrical permit is required for all electrical work regulated by the Electrical Code. Fees for work not included in items 1-5 above shall be calculated using Building Fees and based on the contract amount of the electrical work. Where such electrical work is performed in conjunction with a building permit, the fee may be added to that permit, and a separate electrical permit is required.			
MECHANICAL INSPECTION FEES			**ADDITIONAL FEE OR DEPOSIT COMMENT**
New Dwelling			10% of the Building Permit Fee
Addition or Alteration to Dwelling Unit			15% of the Building Permit Fee, $69.25 minimum
New Commercial Building			15% of the Building Permit Fee, $69.25 minimum
Shell Building			15% of the Building Permit Fee, $69.25 minimum
Commercial Alterations & Tenant Improvements			10% of the Building Permit Fee, $69.25 minimum
Mechanical Permit			$69 25 minimum. See * note below
*A mechanical permit is required for all mechanical work regulated by the Mechanical Code. Fees for work not included in Items 1-5 above shall be calculated using Building Fees and based on the contract amount of the mechanical work. Where such mechanical work is performed in conjunction a building permit, the fee may be added to that permit, and a separate mechanical permit is not required.			
PLUMBING INSPECTION FEES			**ADDITIONAL FEE OR DEPOSIT COMMENT**
New Dwelling			15% of the Building Permit Fee
Addition or Alteration to Dwelling Unit			20% of the Building Permit Fee, $69.25 minimum
New Commercial Building			20% of the Building Permit Fee, $69.25 minimum
Shell Building			20% of the Building Permit Fee, $69.25 minimum
Commercial Alterations & Tenant Improvements			15% of the Building Permit Fee, $69.25 minimum
Plumbing Permit			$69 25 minimum. See * note below
* A plumbing permit is required for all plumbing work regulated by the Plumbing Code. Fees for work not included in Items 1-5 above shall be calculated using Building Fees and based on the contract amount of the plumbing work. Where such plumbing work is performed in conjunction a building permit, the fee may be added to that permit, and a separate plumbing permit is not required.			
MISCELLANEOUS FEES	**FIXED FEE**		**ADDITIONAL FEE OR DEPOSIT COMMENT**
Re inspections (When return trips to the site by an inspector are necessary)	$69.25		Per Hour
Owner-requested inspection of an existing building	$69.25/$207.75		Per Hour with a 1 Hour Minimum. If Overtime is required the rate shall be $207.75 per hour with a 1 Hour Minimum
Inspection for Change of Occupancy	$80.00		Per Hour with a 1 Hour Minimum
Investigation of work without permit. When a Stop Work Notice is issued for work being performed without permits or performed beyond the scope of existing permits, a special investigation and inspection shall be made before permits may be issued for such work.			An investigation fee shall be charged equal to two times the amount of all permits fees required by this ordinance, with a minimum of $125.00. The fee is additive to the permit fees. This provision shall not apply to emergency work when it can be proven to the satisfaction of Building Official that such work was urgently necessary, that it was not practical to obtain a permit before the work was commenced, and that a permit was applied for as soon as practical.

PERMIT PROCESSING AND ISSUANCE PROGRAM	FIXED FEE		ADDITIONAL FEE OR DEPOSIT COMMENT
Plan Review-Applicable when plans are required beyond a plot or site plan.			65% of Building Permit Fee
Applicable when review for compliance can be determined through a plot or site plan, or references to a master plan previously reviewed and approved by the department.			25% of Building Permit Fee. (Subsequent houses also). $78.50 per hour minimum.
Additional Processing Applicable when additional plan review is required due to: 1) incomplete or unacceptable follow-through by applicant on deficiencies found in the initial plan review; 2) significant revisions submitted after plan review is well underway; or 3) revisions submitted during construction to reflect field changes.	$78.50		Per Hour
Plan Scanning:			
Scanning of File	$10.00		per file
Large Format Scanning	$25.00		per file
CONSTRUCTION INSPECTION PROGRAM			**ADDITIONAL FEE OR DEPOSIT COMMENT**
Building Permit			The Building Permit fee shall be as set forth in the Fee Schedule (Table No. 1-A)
Energy Compliance			25% of Building Permit or processing fees. Applicable on all structures with heated or air conditioned space.
Accessibility			25% of Building Permit or processing fees. Applicable on all building permits except residential use buildings with fewer than 4 dwelling units.
State of California Earthquake Assessment Fee			Residential: .13 per each $1,000 building Valuation Commercial: .28 per each $1,000 building Valuation
~~Habitat Conservation Plan-Permanent Impacts (HCP/NCCP)~~			~~HCP/NCCP Fee Calculator https://www.cocohcp.org/DocumentCenter/View/1493/Permanent-Impacts_Fee-Calculator_2023_PSE~~
~~Habitat Conservation Plan-Temporary Impacts (HCP/NCCP)~~			~~HCP/NCCP Fee Calculator https://www.cocohcp.org/DocumentCenter/View/1495/Temporary-Impacts_Fee-Calculator_2023_PSE~~
ADMINISTRATION AND OVERHEAD COSTS - ACTUAL COSTS			

City of Oakley administrative and overhead costs are equal to 27% of all Construction Permit Fees. The City's administrative and overhead costs shall be included in the total amount charged for all Building Inspection Department services in a manner prescribed by the Building Inspection Department.

Actual costs include the City's administrative and overhead costs.

Section 2: VALUATION

The determination of value or valuation under any provisions of the City Building Code shall be made by the Building Official. The total valuation to be used with the Fee Schedule shall be determined using the Building Valuation Data contained in the Building Standards magazine, published by the International Conference of Building Officials, Whittier, California. The data in the March-April issue of each year shall be used for the ensuing fiscal year. Work not listed in the Building Valuation Data shall be valued per the Building Valuation Data Supplement.

The valuation to be used in computing Construction Permit Fees shall be the total valuation of all construction work for which the permit is issued, as well as all finish work, painting, roofing, mechanical, electrical, plumbing, beating, air conditioning, elevators, fire extinguishing systems, and any other permanently installed equipment.

For industrial facilities, the value of process equipment and heavy machinery supported by the structure or by its own foundation shall be included. Contractor overhead and profit shall be included.

The valuation of grading, retaining walls, paving and other site work, and any demolition work, shall be included unless such work was included in other permits issued by the Building Inspection Department.

The valuation data is used to establish consistent criteria for calculating permit fees, and the calculated total valuation does not necessarily reflect actual costs. The County Assessor does not rely on these costs, but performs independent assessments of the permitted work.

CODE ENFORCEMENT	FIXED FEE		ADDITIONAL FEE OR DEPOSIT COMMENT
Annual Rental Registration & Inspection fee	$108.00		Fee for property not inhabited by tenants or vacant and not listed for rent on January 1st of each calendar year will be prorated on a monthly basis
Re-Inspection Fee	$112.00		
Non Compliance for Failure to Register & Pay Fee/Code Enforcement Violations:			
First Citation	$100.00		
Second Citation	$200.00		
Third Citation	$500.00		
Administrative Penalty Citation for Building and Safety Codes			
First Citation	$130.00		
Second Violation of the Same Ordinance Within One Year	$700.00		
Each Additional Violation of the Same Year Within One Year of First	$1,300.00		
Rental Property Owners failing to register and pay the annual fee by January 31st of the calendar year or within 30 days of renting the property will be issued an Administrative Citation. Administrative Citations are in addition to the Rental Registration and Inspection Fee and any other citations issued for Building and/or Code Enforcement violations.			

PARKS & RECREATION

User Groups:

Group 1: Oakley Resident, Oakley Based Businesses and Oakley Based Non Profits
Group 2: Non-Resident and Non-Oakley Based Non Profits
Group 3: Community Partner
Group 4: Private Business, Group or Organizations

PICNIC AREA AND SPORTS FIELDS

FACILITIES	GROUP 1	GROUP 2	GROUP 3	GROUP 4
Sports Area	$11 per hour	$26 per hour	As Outlined in Individual Agreement	$60 per hour
Creekside and Nunn Wilson Park Group Picnic Areas (up to 100 people)	$100 per day	$125 per day	As Outlined in Individual Agreement	$200 per day
Crockett and Summer Lake Park Group Picnic Areas (under 50 people)	$75 per day	$100 per day	As Outlined in Individual Agreement	$150 per day
A $150 damage deposit is due at the time of application to reserve any park or sports area.				

CIVIC CENTER PARK STAGE & AMPITHEATER

Temporary Use Permit				$100 application fee + $500 deposit
Special Event/Road Closure Permit (if required)				$50 application fee*
Park Rental Fee				$250 per day
*Additional fees may apply based on the nature of your event				

STUDIO 55

Membership for Oakley Residents*	$25 Annually		For residents 55 and up (Will be pro-rated by quarter if application is mid year)
Membership for Non- Oakley Residents*	$35 Annually		For non-residents 55 and up (Will be pro-rated by quarter if application is mid year)
* It is imporatant to note those 60 years or older who only want to participate in the Café Costa Food service program, will be allowed to do so without a membership. All other programming does require an annual membership.			

RECREATION CENTER FEES

FACILITIES	GROUP 1	GROUP 2	GROUP 3	GROUP 4
Oakley Recreation Building Studio 1 Only available for parties with 50 or less people-	$55 per hour	$75 per hour	As Outlined in Individual Agreement	$100 per hour
Recreation Center Great Room Add on Kitchen to full room rental or side A for $100	M-Th $158 per hour F-Su $236 per hour	M-TH $184 per hour F-Su $263 per hour	As Outlined in Individual Agreement	M-TH $236 per hour F-Su $315 per hour
Recreation Center Side A or Side B Add on Kitchen to full room rental or side A for $100	M-Th $79 per hour F-Su $121 per hour	M-TH $105 per hour F-Su $142 per hour	As Outlined in Individual Agreement	M-TH $131 per hour F-Su $158 per hour
Kitchen Available Monday - Friday	$47 per hour	$53 per hour	As Outlined in Individual Agreement	$53 per hour

Recreation Center Deposit $250, insurance required on all rentals. *Large events and events serving alcohol will require $500 deposit and security as approved by the Chief of Police

MT. DIABLO RESOURCE RECOVERY /SANITATION AND REFUSE FEES

RESIDENTIAL CUSTOMERS 07/01/2025-06/30/2026	MONTHLY FEE		
32 Gallon Trash Service	$49.64		
64 Gallon Trash Service	$69.42		
96 Gallon Trash Service	$78.76		
32 Gallon Senior-Low Income Trash Service	$42.14		
Additional Recycling Container	$15.59		
Additional Green Waste Container	$15.59		
RESIDENTIAL CUSTOMERS 07/01/2025 - 06/30/2026	**MONTHLY FEE**		
32 Gallon Trash Service	$52.67		
64 Gallon Trash Service	$73.66		
96 Gallon Trash Service	$83.58		
32 Gallon Senior-Low Income Trash Service	$44.71		
Additional Recycling Container	$16.54		
Additional Green Waste Container	$16.54		

MISCELLANEOUS FEES AND CHARGES

RESIDENTIAL CUSTOMERS	FEE	COMMERCIAL CUSTOMERS	FEE
Account reinstatement Fee	$20.00	Account reinstatement Fee	$75.00
Go-Back Service Fee	$35.00	Go-Back Service Fee	$75.00
Same Day Service Fee	$55.00	Same Day Service Fee	
		Cart Service (per cart)	$40.00
		Bin Service (per bin)	$115.00
Admin Fee (Payment w/live Rep)	$2.00	Admin Fee (Payment w/live Rep)	$2.00
Overloaded/Contaminated Container		Overloaded/Contaminated Container	
1) First offense - Phone call	-	1) First offense - Phone call	-
2) Second offense - Phone call and warning letter	-	2) Second offense - Phone call and warning letter	-
3) Third offense - Letter and fee	$50.00	3) Third offense - Letter and fee	-
		a) Cart Fee	$75.00
		b) Bin Fee	$150.00

OAKLEY
CALIFORNIA

DATE: October 28, 2025
TO: Hon. Mayor and Members of the City Council
FROM: Derek Cole, City Attorney
SUBJECT: Fifth Amendment to Employment Agreement Between the City of Oakley and Joshua McMurray

Approved and Forwarded to the City Council

Background and Analysis

The City and City Manager Joshua McMurray entered into an Employment Agreement effective November 10, 2021. (Mr. McMurray had served as Interim City Manager since May 2021.) The Employment Agreement has been amended four times. The First Amendment increased the City Manager's salary. The Second Amendment provided for automatic, two-year extensions of the Agreement on July 1 of each year, unless the City Council elects not to provide for renewal by June 1. A Third Amendment to the Employment Agreement increased the City Manager's salary and allowed for an additional three months of severance, allocated one month at a time upon a favorable annual evaluation, beginning in 2024. The fourth amendment increased the City Manager's salary to its current amount, $311,772.

The proposed fifth amendment would make the following changes to the City Manager's employment agreement:

- An "election window" period would be created—starting six months before and extending six months after the certification of an election (which usually occurs in early December)—in which the City Council could not terminate the City Manager without cause. During this window period, only for-cause terminations would be permitted.

- A Council supermajority, four-fifths vote would be required for *any* termination for cause and for any without-cause termination outside the "election window" period.

- The City Manager would, immediately upon approval of the amended, be entitled to 18 months of severance if his agreement were terminated on a without-cause basis. Presently, the City Manager has 11 months of severance and would be entitled to receive an additional month (for a capped total of 12 months) on July 1, 2026. Thus, upon approval of the proposed amendment, he would be credited with 7 more months of severance than he currently has a right to receive.

- The term of the City Manager's agreement would become indefinite. His agreement would be in effect until he chooses to terminate it (such as by

retirement, resignation, or taking another job) or until the Council terminates the agreement with or without-cause. (The agreement would always be deemed to have at least 19 months of time remaining to ensure technical compliance with a California statute governing the payment of severance in government employment agreements.)

Consistency with the Oakley Strategic Plan 27+

The proposed action is consistent with the Sustainable Organization Goal.

Fiscal Impact

There is no *immediate* fiscal impact associated with the approval of the proposed amendment. But the amendment would increase the amount of severance the City Manager would receive for a without-cause termination. Presently, the City Manager is entitled to 11 months of severance; upon approval of the amendment, he would receive the right to an additional 7 months of severance.

Staff Recommendation

The City Council may adopt the Resolution Approving the Fifth Amendment to the Employment Agreement Between the City of Oakley and Joshua McMurray.

Attachments

1. Resolution Approving Fifth Amendment to Employment Agreement
2. Fifth Amendment to Employment Agreement

RESOLUTION NO. XX-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY AUTHORIZING THE EXECUTION OF THE FIFTH AMENDMENT TO THE CITY MANAGER'S EMPLOYMENT AGREEMENT

WHEREAS, the City entered into an Employment Agreement with the City Manager effective November 10, 2021, which has been amended four times.

WHEREAS, the City and City Manager desire to enter into a Fifth Amendment to the City Manager's Employment Agreement to amend the provisions concerning for- and not-for cause terminations, the amount of severance to be provided, and the term of the agreement.

WHEREAS, before approving the proposed amendment, the City Council received an oral report regarding the fiscal impact of the proposed amendments to the Employment Agreement per Government Code § 54953(c)(3).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oakley authorizes the Mayor to execute the Fifth Amendment to the Employment Agreement Between the City of Oakley and Joshua McMurray, in the form as attached as Attachment A to this Resolution.

PASSED AND ADOPTED by the City Council of the City of Oakley this 28th day of October 2025 by the following vote:

AYES:
NOES:
ABSTENTION:
ABSENT:

APPROVED:

_____
Shannon Shaw, Mayor

ATTEST:

_____
Kim Snodgress, City Clerk

_____
Date

FIFTH AMENDMENT TO EMPLOYMENT AGREEMENT
BETWEEN THE CITY OF OAKLEY AND JOSHUA McMURRAY

This Fifth Amendment ("Fifth Amendment") to the Employment Agreement between the City of Oakley and Joshua McMurray ("Manager"), dated November 10, 2021 ("Employment Agreement"), is entered into and effective on October 29, 2025 ("Effective Date of Amendment"). The Employment Agreement, including its previous amendments, shall be amended as set forth below. All other terms of the Employment Agreement and its previous amendments not amended shall remain the same as stated. (Changes to existing the Employment Agreement including previous amendments are shown in underlined and strikethrough text.)

1. **Section 4** of the Employment Agreement (as previously amended in the Second Amendment to the Employment Agreement) is replaced in its entirety and amended to read as follows:

"This Agreement shall remain in effect until Manager resigns or retires or until the City terminates the Agreement for Cause or without Cause as provided in Section 6 of this Agreement."

2. **Section 6.A** to the Employment Agreement (as previously amended in the Third Amendment to the Employment Agreement) is amended to read as follows:

"A. **Effective on the Effective Date of Amendment**, if City terminates this Agreement (thereby terminating Manager's employment) without Cause, as determined by a four-fifths (4/5) affirmative votes of ~~a majority of t~~he members of the City Council at a Regular Meeting of the City Council, except when prohibited as provided in Paragraph G of this Section, and if Manager signs, delivers to the City Council, and does not revoke, a General Release Agreement ("Release Agreement"), City shall pay Manager a lump sum benefit equal to ~~nine (9)~~eighteen (18) months of Manager's then Base Salary; and, subject to any restrictions of the City's Medical benefit provider(s) shall provide health (medical, dental, and vision) benefits continuing under the health benefit plans in which Manager and any dependents are then enrolled for ~~nine (9)~~eighteen (18**)** months or until the Manager finds other employment, whichever comes first (the cash payment and continuing benefits, collectively "Severance"). For purposes of Government Code section 53260, the indefinite term of this Agreement, as provided in Section 4 of this Agreement, shall be construed to mean that at the time of any termination without Cause under this Paragraph, Manager shall be deemed at the time of the termination to have no fewer than nineteen (19) months of unexpired term remaining in this Agreement." ~~On July 1, 2025, and on any July 1 thereafter, Manager shall receive one (1) additional month of Severance following a positive annual evaluation in accordance with Section 7.B until the total of twelve (12) months of Severance has been reached, from which time Manager's Severance shall be capped at twelve (12) months.~~

~~Notwithstanding the foregoing, and in accordance with Government Code section 53260, if the remaining term of Manager's Agreement is less than six (6)~~

~~months, the maximum Severance that Manager may receive shall be an amount equal to Manager's monthly salary multiplied by the number of months left on the unexpired term of the Agreement~~."

3. **Section 6.B** to the Employment Agreement is added to read as follows:

"If City terminates this Agreement (thereby terminating Manager's employment) with Cause, as determined by a four-fifths (4/5) ~~the affirmative~~ votes ~~of a majority of~~ the members of the City Council at a Regular Meeting of the City Council, Manager shall not be entitled to any additional compensation or payment, including Severance, but shall be entitled only to accrued Base Salary and vacation pay, and any other accrued and unused benefit allowances according to their terms ("Accrued Salary and Benefits").

As used in this Agreement, Cause shall mean any of the following:

1. Conviction of, or plea of guilty or nolo contendre to, any crime or offense (other than minor traffic violations or similar offenses) which is likely to have a material adverse impact on the City or on the Manager's reputation;

2. Proven failure of the Manager to observe or perform any duties and obligations, if that failure continues for a period of thirty (30) business days from the date of receipt of notice from the City Council specifying the acts or omissions deemed to amount to that failure;

3. Conviction of any crime involving an 'abuse of office or position,' as that term is defined in Government Code Section 53243.4 (see Section 6. C., (below));

4. Repeated failure to carry out a directive or directives of the City Council made by the City Council as a body at a Brown Act compliant meeting; and

5. Any grossly negligent action or inaction by Manager that materially and adversely: (a) impedes or disrupts the operations of City or its organizational units; (b) is detrimental to employees or public safety; or (c) violates City's properly-established rules or procedures."

4. **Section 6.G** to the Employment Agreement is added to read as follows:

"1. Notwithstanding any other provision of this Agreement, the City shall not terminate Manager's employment without Cause at any time within one hundred eighty (180) days before or after the certification of any municipal election at which one or more members of the City Council are elected or recalled.

2. For purposes of this Section, "certification" means the City Clerk's (or county elections official's) canvass certification or formal City Council acceptance of the canvass, whichever occurs later.

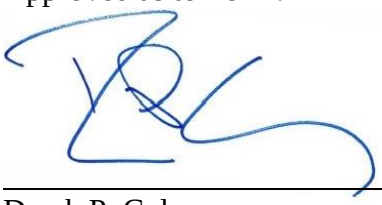
3. This Paragraph is intended to promote continuity of municipal operations and to provide any newly constituted City Council a reasonable period to objectively assess the Manager's performance before exercising without-cause removal authority. To this end, this provision is consistent with the authority granted to the City Council in Section 2.2.120 of the Oakley Municipal Code. Nothing herein limits the City Council's authority to evaluate performance or to take action for Cause as provided in this Agreement."

So agreed.

Joshua McMurray
City Manager

Shannon Shaw
Mayor

Approved as to Form:



Derek P. Cole
City Attorney

September 2025 New In-Town Business Licenses

Business Name	Primary Contact Email Address	Full Primary Address	Active Licenses
DNA CARDS AND COLLECTIBLES		642 BELFONTE ST OAKLEY CA 94561	HOME BASED BUSINESS
DREAMSCAPE LIVING INC		534 AVANTI WAY OAKLEY CA 94561	HOME BASED BUSINESS
EAST COUNTY PERFORMING ARTS CENTER	NINAEPKOCH@GMAIL.COM	3350 MAIN ST STE 100 OAKLEY CA 94561	BUSINESS LICENSE
ECOFRESH CLEANERS	AMOSCHIVARO@GMAIL.COM	1220 POPLAR DR OAKLEY CA 94561	HOME BASED BUSINESS
EI PROPERTY SOLUTIONS LLC		5011 TEAKWOOD DR OAKLEY CA 94561-1624	HOME BASED BUSINESS
FULL CAPACITY CPR	FULLCAPACITY@GMAIL.COM	2567 TALARIA DR OAKLEY CA 94561	HOME BASED BUSINESS
HP PEREZ GROUP INC	HPEREZ13@YAHOO.COM	11 GRAPEVINE CT OAKLEY CA 94561	HOME BASED BUSINESS
MS. CHRISTINA'S ACADEMY	MSCHRISTINASACADEMY@GMAIL.COM	2487 TALARIA DR OAKLEY CA 94561	HOME BASED BUSINESS
NICKELSON DEVELOPMENT LLC		27 KORBEL CT OAKLEY CA 94561-3037	HOME BASED BUSINESS
OASIS FAMILY FARMHOUSE		5685 MAIN ST OAKLEY CA 94561	HOME BASED BUSINESS
PRECISION BRAKE & FRONT AUTOMOTIVE REPAIR	CONTRACOSTAMOBILEREPAIR@GMAIL.COM	5780 MAIN ST OAKLEY CA 94561-3886	HOME BASED BUSINESS
RIVERAS BRILLIANT CLEANING	PERITARIVERA@AOL.COM	701 DOMAINE CT OAKLEY CA 94561-3046	HOME BASED BUSINESS
SWEET CALI POP LLC	INFO@SWEETCALIPOP.COM	435 SHANNON WAY OAKLEY CA 94561	HOME BASED BUSINESS
TRILLIUM BEHAVIORAL HEALTH		2055 TRUMAN LN OAKLEY CA 94561-3908	HOME BASED BUSINESS
14			

MEMORANDUM

OAKLEY
CALIFORNIA

DATE: October 14, 2025
TO: Joshua McMurray, City Manager
FROM: Danielle Navarro, Assistant City Manager
SUBJECT: Council Follow-up: "Blue-Sky" Contract for Animal Evacuation Services

Approved and Forwarded to the City Council

At the July 8, 2025 City Council meeting, Councilmember Williams requested a Work Session regarding the City entering into a "blue-sky" contract for livestock evacuation services in the event of an emergency. Mayor Shaw seconded the follow-up request.

Councilmembers Williams described a "blue-sky" contract as a standing (or on-call) contract where no payment is made unless services are used. In this case, Councilmember Williams asked for information on the City establishing such a contract for the evacuation of livestock owned by Oakley residents in the event of an emergency requiring evacuation.

Staff contacted the Contra Costa County Office of Emergency Services (OES) to determine whether the County has any such contracts in place. OES referred staff to Contra Costa County Animal Services with which the City contracts for animal services such as animal adoptions, foster programs, licensing, noisy, missing or deceased animals, and vaccinations and spay/neuter clinics. Animal Services has been unsuccessful in executing a Memorandum of Understanding with animal evacuation organizations and stresses that evacuations and preparedness are the responsibility of the owner for both large and small animals. Lieutenant Weissman manages the Contra Costa County Animal Response Team (CCART), a volunteer group that sets up temporary animal shelters in disasters and is trained in the care of horses and other species. She confirmed that if an owner is unable to evacuate their animal in a disaster, Animal Services will respond to assist. In the event of a disaster, they may evacuate livestock or may determine the safest course of action for the animal(s) and owners would be to shelter in place.

Lieutenant Weissman provided the name of one organization in the area that provides livestock evacuation services. City staff has not found any other local organizations providing these services.

Tri Delta Transit meeting:
SB 63 is heading to the governor's desk; authorizes voters to consider a 14 year tax increase. Contra Costa County would see a 1/2 cent increase. There are accountability measures built in: an independent oversight committee, financial efficiency requirements, maintenance maintained, an ad hoc committee may be established for agency accountability
Service change update: preliminary results for the first 6 weeks - there has been steady growth in ridership; we reduced service on fixed route, but still grew. 11.7 % increase in fixed route, 10.6% increase in tri my ride. Increased efficiency throughout the system, moving more passengers per hour

Transportation meeting - Liberty Union superintendent, Oakley Union Superintendent, representatives from Tri Delta Transit, very positively received.

Cal cities East bay division meeting- our very own mayor was re-appointed to the East Bay division board.
Economic outlook: likely headed for a recession, and won't have the past bailouts that we have had from the federal government.
Mayors Conference: County Recorder update on special election, 140 polling places throughout Contra Costa.
For Oakley, we go to our normal polling place (although throughout contra costa county, there were many polling places not available, so 48,000 people were displaced to new polling places)
Climate Adaptation Bay Conservation and Development Commission: for the Bay Area, local governments are required to develop subregional shoreline plans by Jan 1 2034; contra costa county is required to participate in this planning, but Oakley is not required to do this, and Pittsburg is the closest city to us at risk for Sea Level rise by 2050. There is no mandate to have this be multi hazard, strictly Sea Level Rise. Oakley is governed by the Delta Stewardship Council.
(November 5-7, concord Meet The Consultants by Team California)

Cal Cities Annual Conference in Long Beach
Sessions: Santa Ana library, innovations and lessons learned to make libraries a thriving part of the community (even have outdoor, fully accessible libraries); grant and economic development playbook (a follow up to TIFs tax incremental financing, which Harumi and I have done work sessions on as well); power of public transportation in transforming communities - safe streets and accessible transportation benefits everyone, not only people who rely on public transit. Incorporating multi modal services and planning cities around that makes the journey safer and more pleasant for all; Branding your city: streamlining processes and telling that story - in just six years, development has added $23 million in ongoing tax revenue for city services. Also doubled their amount of specific plans in order to streamline and better enable growth in certain areas (leading to mixed use projects and senior housing)

Brief meeting with California Civic Leadership Institute to speak about water initiatives and also Climate policies in this funding gap.
Closing session - New board of directors sworn in , including Contra Costa's own Gabe Quinto, El Cerrito Mayor Pro Temp
Erin Brockovich closing speaker: every big idea starts with one person willing to take on something that they are passionate about.
Community Healthbook (on her website) to report environmental concerns

Attended the 10th annual Oakley out of the darkness walk, thank you so much to the city for opening restrooms and allowing the use of the civic center park